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THE NATIONAL ARCHIVES

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OF THE UNITED STATES

VOLUME 20 • NUMBER 64

Washington, Friday, April 1, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, subparagraphs (5), (6), (7), (8), (9), (10), and (11) of § 6.310 (d) are revoked, and subparagraphs (12) and (13) are added to § 6.310 (d) as set out below.

§ 6.310 *Department of the Interior.*

• • •

(d) *Bureau of Mines.* • • •

(12) One Deputy Director.

(13) One Assistant Director (Helium Activities).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-2696; Filed, Mar. 31, 1955; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 468—MOHAIR

SUBPART—1955 PAYMENT PROGRAM FOR MOHAIR

This bulletin states the requirements with respect to the 1955 payment program for mohair (hair of the Angora goat, § 468.40), formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Commodity Stabilization Service (hereinafter referred to as CSS).

Sec.
468.21 Administration.
468.22 Support level and payments.
468.23 Eligibility for payments.
468.24 Marketing within the 1955 marketing year.
468.25 Sales in good faith.
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468.29 Preparation of application.
468.30 Signature of applicant.
468.31 Payment.
468.32 Deductions for promotion.
468.33 Appeals.
468.34 Indians residing on reservations.
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468.36 Set-off.
468.37 Assignments.
468.38 Instructions and interpretations.
468.39 Records and inspection thereof.
468.40 Definitions.
468.41 Forms.

AUTHORITY: §§ 468.21 to 468.41 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702-709, 68 Stat. 910-912; 15 U. S. C. 714c, 7 U. S. C. 1781-1787, 1446.

§ 468.21 *Administration.* The program will be carried out by CSS under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the Agricultural Stabilization and Conservation (hereinafter referred to as ASC) State and County Offices. ASC State and county offices do not have authority to modify any of the provisions of this subpart or any of the amendments or supplements thereto. Neither are they authorized to waive any such provisions unless the power to waive is expressly included in the pertinent provision.

§ 468.22 *Support level and payments.* For the 1955 marketing year (beginning April 1, 1955, and ending March 31, 1956, both dates inclusive, § 468.40), the price level which has been determined to meet the requirements of the National Wool Act of 1954 is 70 cents per pound of mohair, grease basis. This price is approximately 91 percent of the parity price as of September 15, 1954. Announcement of this price was made by the Department of Agriculture on October 12, 1954, in accordance with section 703 of the National Wool Act of 1954, which states that the Secretary shall, to the extent practicable, announce the support price levels for mohair sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year. For the 1955 marketing year, price support on mohair will be furnished by means of payments to the producer on the mohair he markets.

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FEDERAL REGISTER

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(For use during 1955)

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Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 18 ($0.50); Titles 30–31 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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§ 468.23 *Eligibility for payments.* Before payments under this program can be approved pursuant to any application for payment covering any lot or lots of mohair, the following general requirements must be satisfied:

(a) Except as provided in §§ 468.34 and 468.35, the applicant must be the producer (as defined in § 468.40) of the mohair.

(b) The mohair must have been shorn in the continental United States, its territories, or possessions on or after January 1, 1955, and must have been marketed within the 1955 marketing year.

(c) The mohair as well as the goats (defined in § 468.40) from which it was shorn, must have been owned by the producer at the time of shearing, and the goats must have been owned by him for not less than 30 days at any time prior to the application for payment (§ 468.28).

(d) Beneficial interest in the mohair must always have been in the producer

from the time the mohair was shorn up to the time of its sale. A producer has beneficial interest in mohair (1) when he owns it without any other person being entitled to the mohair or its proceeds and without his having authorized any other person to sell or otherwise dispose of the mohair, or (2) when the producer has authorized another person to sell or otherwise dispose of the mohair, even transferring legal title to such other person, but the producer continues to be entitled to the proceeds from such sale or other disposal of the mohair. If the producer has such beneficial interest, the fact that the mohair may be mortgaged or subject to another lien does not change his position as having a beneficial interest.

§ 468.24 *Marketing within the 1955 marketing year.* (a) The National Wool Act of 1954 provides that price support under that Act shall be limited to wool and mohair marketed during the period beginning April 1, 1955, and ending March 31, 1959. Since this program covers only the 1955 marketing year, payments under this program will be limited to mohair marketed during the period beginning April 1, 1955, and ending March 31, 1956.

(b) Marketing shall be deemed to have taken place in the 1955 marketing year if, pursuant to a sale or a contract to sell, the following three events occurred in that year: (1) Title passed to the buyer; (2) the mohair was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (such as price per pound, weight, grade) needed to determine the total purchase price payable by the buyer became available. Such a factor is considered available when it is known to the applicant's marketing agency if he markets through a marketing agency or it is known to the applicant if he markets directly.

(c) Delivery of mohair on consignment to a marketing agency (defined in § 468.40) to be sold for the producer's account does not constitute a marketing. This is so even though the consignee may guarantee the producer a minimum sales price or may give him an advance against the prospective sales price or may do both. Mohair delivered on consignment shall not be deemed marketed by the producer until it has been marketed by the marketing agency. When a producer transfers title to his mohair to a marketing agency and provides that such agency shall market the mohair and that the producer shall be entitled to the proceeds of such marketing, the producer shall be deemed to have consigned the mohair.

§ 468.25 *Sales in good faith.* Payments provided for under this program shall be made on the basis of sales executed in good faith, and no payment shall be made on that part of any sale which has been cancelled or on the basis of sales at prices increased in bad faith for the purpose of obtaining higher payments under this program. Examples of sales in bad faith are those wherein the purchaser obtains back a rebate or any benefit in form of money, property, or otherwise. Application for payment on the basis of a sale in bad faith may also subject the parties involved to civil and criminal liability.

§ 468.26 *Rate of payment.* Upon expiration of the 1955 marketing year and after the Department of Agriculture has determined the national average price for mohair received by producers in that marketing year, the Department will announce the rate of the payment under this program. The rate of payment will be the percentage of the national average price received by producers required to bring such national average price up to the announced support price. For example, if the reported national average price received by producers for mohair sold during the 1955 marketing year should be 66 cents, the difference between that figure and the support price of 70 cents previously announced (§ 468.22) would be 4 cents, and this figure would constitute approximately 6 percent of the national average price of 66 cents. In such a case, the rate of payment would be 6 percent of the net sales proceeds received by each producer.

§ 468.27 *Computation of payment.* (a) In order to determine the amount of the payment due to a producer on the mohair he marketed during the 1955 marketing year, the percentage computed pursuant to § 468.26 will be applied to the net proceeds received by him and adjusted so as to express the net proceeds receieved at his farm, ranch, or local shipping point (defined in § 468.40). The determination of such net proceeds shall be made by deducting from the gross proceeds from the sale of the mohair all marketing expenses, such as for transportation from the local shipping point; handling charges (including commissions); charges for grading or scouring; or storage charges. For example, if the producer marketed his clip of 500 pounds at 65 cents per pound, he received $325 as gross proceeds and, if the marketing deductions totaled $25, his net proceeds of sale (after marking deductions) amounted to $300. For the purpose of this program, the producer is expected to deliver his mohair packed in bags to his local shipping point. Consequently, charges made for furnishing bags or transporting mohair to the producer's local shipping point shall not be considered marketing charges. Neither are other charges, not directly related to marketing of the mohair, such as interest on advances or dues owing an association, to be considered marketing charges.

§ 468.28 *Application for payment—*(a) *Filing.* The application for payment shall be filed by the producer entitled thereto with the ASC county office serving the area where the headquarters of the applicant's farm or ranch is located. Applications by producers located in the territories or possessions shall be filed with the Washington State ASC office, Spokane, Washington. The application shall be filed as soon as possible after the marketing of the mohair and must be filed not later than 30 days after the end of the 1955 marketing year, that is, not later than April 30, 1956. The ASC county committee may waive this 30-day limitation on applications filed before July 31, 1956 if delayed filing is due to causes beyond the control of the applicant or other good causes.

(b) *Form.* The application for payment shall be made on CCC Mohair Form 50, "Application for Payment—Mohair." Copies of this form will be available in the ASC county offices. The application will be filed in the original only. It shall be supported by the original sales document (defined in § 468.40) for the mohair sold. If the applicant does not wish the original sales documents to remain with the ASC county office, he may submit photostats or similarly reproduced or carbon copies of the original documents. However, he must show the original documents to the ASC county office where the statements on the copies will be confirmed by comparison with the originals. The original sales documents will be appropriately stamped or marked to indicate that they had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain them in accordance with § 468.39. If the original sales document has been lost or destroyed, the applicant may submit a copy certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated like an original for the purposes mentioned in this paragraph (b).

(c) *Contents of sales documents.* The sales documents attached to each application for a payment must contain a complete accounting for the mohair covered by the document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting the requirements of this paragraph. Except as provided in §§ 468.34 and 468.35, sales documents must cover mohair sold by the applicant and must be prepared by the purchaser or the applicant's marketing agency. Each sales document, except those covering an outright sale at the producer's farm, ranch, or local shipping point mentioned in paragraph (d) of this section, must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale. In case the producer's shipment to a marketing agency is sold in parts within the 1955 marketing year, the date within that marketing year when final settlement is made for the mohair that was sold within that marketing year may be shown on the sales document as the date of sale.

(3) Net weight of mohair sold. If the mohair was sold as scoured mohair, the original grease weight must be shown as well as the scoured weight.

(4) The gross sales proceeds.

(5) Marketing deductions, if any, see § 468.27 (a). They should be itemized, but where mohair of more than one producer is commingled and the marketing agency prorates the charges on a weight basis, the deductions may be shown on the sales document as a composite figure for all marketing charges with an explanation of what charges were included in that figure. If a sales document indicates charges without specifying their nature they will be considered marketing

charges and will thus diminish the net proceeds on which the payment is computed.

(6) Net proceeds after marketing deductions.

(7) Non-marketing deductions, such as those for bags, interest, or association dues.

(8) Amount paid to the seller.

(9) Name and address of the purchaser and signature of purchaser or his agent. In the case of mohair sold on consignment the account of sale signed by the applicant's marketing agency will be acceptable.

(10) A sales document issued by a marketing agency shall contain a statement that the mohair was marketed during the 1955 marketing year as required by the regulations issued pursuant to the National Wool Act of 1954.

(d) *Sales at farm, ranch, or local shipping point.* Each sales document, covering an outright sale at the producer's farm, ranch, or local shipping point, attached to an application for payment shall be prepared by the purchaser and must contain at least the following information: Name and address of seller, date of sale, net weight of mohair sold, the net amount received by the producer for the mohair, any applicable nonmarketing deductions, such as association dues or interest on advances, and the signature of the purchaser or his agent.

§ 468.29 *Preparation of application.* (a) The "Application for Payment—Mohair," CCC Mohair Form 50, consists of two parts. Part I is designed to give the ASC county office general information about the mohair production of the applicant and contains his certification as to facts relating to the production and ownership of the mohair marketed. Part II contains details about the marketing of the mohair which is the basis for the application and contains another certification which covers those details. If the applicant paid any marketing charges (§ 468.28 (c) (5)) not shown on the sales document, such as for scouring, grading, or freight from the applicant's local shipping point, such charges should be added to the marketing charges shown on the sales document in arriving at the net proceeds.

(b) The applicant may, in his discretion, fill out both parts and sign both certifications. He may, however, fill out only Part I, sign the certification included therein, forward the application to his marketing agency, and request it to fill out Part II, to sign the certification included in this part, and to file the application with the required attachments on behalf of the applicant in the appropriate ASC county office in accordance with § 468.28 (a). If the applicant chooses this method of submitting his application, he will be responsible for the correctness of the information furnished by the marketing agency as well as for compliance by it with the requirements as to time and manner of filing the application.

§ 468.30 *Signature of applicant.* No payment will be made unless an application for payment is signed. The ASC county office will determine with respect to each person who signs an application for payment, or other document on the basis of which payment is made, in a representative or fiduciary capacity as agent, attorney in fact, officer, executor, etc., whether he was properly authorized to sign in such capacity.

§ 468.31 *Payment.* After the ASC county office has reviewed the application and documents attached thereto and approved it for payment in whole or in part and after the appropriate rate of payment has been announced by the Department of Agriculture, the ASC county office will make payment by sight draft to the order of the applicant. Payment of $3.00 or less to an applicant will not be made. If the ASC county office determines that for any reason the application for payment should be rejected in whole or in part, including the reason that it was not filed within the 30-day period in accordance with § 468.28 (a), the ASC county office shall mail a notice to the applicant that his application has been rejected for a specified reason and shall retain a copy of such notice.

§ 468.32 *Deductions for promotion.* If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, the rate of such deductions will be announced and deductions will be made by the ASC county office.

§ 468.33 *Appeals*—(a) *To ASC State Committee.* Within 15 days from the date of mailing of the notice that the application has been rejected in whole or in part (see § 468.31), the applicant may appeal in writing, to the ASC State committee, stating the number of pounds of mohair marketed, the net proceeds involved in the application, and such pertinent facts as he may deem proper, and indicating in what respect the action of the ASC county office was erroneous. If the appeal is from the failure of the ASC county office to waive the 30-day limitation, the applicant shall also state the reason for his delay in filing the application.

(b) *To Washington office.* If the ASC State committee sustains the decision of the ASC county office, it shall mail a notice to the applicant that his appeal has been denied and shall retain a copy of the notice. Within 15 days from the date of mailing of such notice, the applicant may appeal in writing to the Director, Livestock and Dairy Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. On this appeal, a determination by the Director as to a question of fact shall be deemed final and conclusive, unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence.

§ 468.34 *Indians residing on reservations.* An Indian residing on an Indian reservation may file an application for payment, or the Superintendent of the Indian Field Service of the reservation where the Indian resides may file the application for him, in the ASC county office serving the county in which such Superintendent maintains his office, irrespective of the county in which the Indian resides. If the Superintendent wishes to file the application, he shall prepare it, attach to it the necessary documents, submit it for signature by the producer, and file the application with the ASC county office. In the case of Indians who are incompetent, the Superintendent may secure the information necessary for the preparation of the application for payment, sign it and file it in the ASC county office. When signing, he should indicate his capacity, for instance, Martin S. Cooper, Superintendent, Quapaw Agency, Guardian ex-officio of Pocahontas, incompetent Indian.

§ 468.35 *Death, incompetency, or other disability of the applicant.* (a) Except as provided in § 468.34, in case of death, incompetency, or disappearance of a producer entitled to payment, application for any payment hereunder may be made by any person who would be entitled to such producer's payment under the regulations contained in ACP-122, as amended, 7 CFR Part 1108, "Payments of Amounts Due Persons who Have Died, Disappeared, or Have Been Declared Incompetent," except as follows: References in § 1108.1 of those regulations to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and to statutes authorizing parity payments, shall be deemed to refer to payments authorized pursuant to the National Wool Act of 1954. The reference in the last sentence of § 1108.2 of those regulations to the Agricultural Conservation Program Service shall be deemed to refer to Commodity Credit Corporation. The number and heading of Standard Form 1055 in the last sentence of § 1108.7 shall be deemed to read, "Standard Form No. 1055—Revised, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor."

(b) In cases of infancy, bankruptcy, dissolution, or other disability, payments will be made to a representative only in accordance with specific instructions issued by CCC.

§ 468.36 *Set-off.* (a) If the applicant for payment is indebted to CCC or any other agency within the United States Department of Agriculture on any accrued obligation, or is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, the ASC county office will set off such indebtedness against the payment due to the applicant. Such set-off shall not deprive the applicant of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(b) If the payment due to the applicant has been assigned by him, the ASC county office will approve the assignment subject to setting off such debts as exist at the time of the approval by the ASC county office.

§ 468.37 *Assignments.* The producer may assign all payments which may be determined to be due him under this program for the 1955 marketing year by filing with the ASC county office the original and two copies of CCC Wool Form 49, "Assignment of Payment under National Wool Act of 1954," duly executed by both parties. Such assignment shall be null and void unless it is freely made and (a) is executed in the presence of at least two attesting witnesses, neither of whom shall be an employee or agent of, or by consanguinity or marriage related to, the assignee, or (b) is acknowledged by the producer before a notary public, a member of the ASC county committee, the ASC county office manager, or a designated employee of the ASC county office. This assignment may only be given as security for cash advanced or to be advanced by a financing agency (defined in § 468.40) or a marketing agency on goats or mohair. The producer shall not execute more than one assignment covering payments due him under this program for payments on mohair. CCC will make payment pursuant to an accepted assignment unless the ASC county office was furnished evidence of a mutual cancellation of the assignment by both parties thereto.

§ 468.38 *Instructions and interpretations.* CCC shall have the right to clarify any provision of this subpart by the issuance of instructions or interpretations.

§ 468.39 *Records and inspection thereof.* The applicant and his marketing agency shall maintain books, records, and accounts showing the marketing of mohair on which an application for payment is based, until April 1, 1959, and CCC shall at all times during regular business hours have access to the premises of the applicant or his marketing agency to inspect, examine, and make copies of their books, records, accounts, and other written data.

§ 468.40 *Definitions.* As used in this subpart, the terms enumerated in this section have the following meaning.

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of goats or mohair.

(b) "Goat" means an Angora goat and the term also includes a kid of an Angora goat.

(c) "Local shipping point" means the point to which the producer normally brings his mohair for delivery, either to a carrier for further transportation, or to his marketing agency or a purchaser in case either of them has designated that point as a collection point.

(d) "Marketing agency" means a person or firm that sells a producer's mohair for his account.

(e) "1955 marketing year" means the period beginning April 1, 1955, and ending March 31, 1956, both dates inclusive.

(f) "Mohair" means the hair of the Angora goat and also includes the hair of a kid of the Angora goat.

(g) "Producer" of mohair under this program means a producer of goats who shears his animals. A producer may be an individual, partnership, association, business trust, corporation, or any organized group of persons which is not incorporated, and includes a State and any subdivision thereof.

(h) "Sales document" means the account of sale, bill of sale, invoice, and any other documents evidencing the sales transaction.

§ 468.41 *Forms.* CCC Mohair Form 50, "Application for Payment—Mohair"; CCC Wool Form 49, "Assignment of Payment under National Wool Act of 1954," and other forms issued by the United States Department of Agriculture for use in connection with this program may be obtained from ASC county offices. These forms may be reproduced, provided they retain the same language, format, and size, except that the printer's identification must not be reproduced.

NOTE: The record-keeping and reporting requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 30th day of March 1955.

[SEAL] TRUE D. MORSE,
Under Secretary of Agriculture and President of Commodity Credit Corporation.

[F. R. Doc. 55-2756; Filed, Mar. 30, 1955; 3:21 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

[Docket No. AO-171-A13]

PART 975—MILK IN THE CLEVELAND, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this amendatory order effective on April 1, 1955. Such action is necessary in the public interest in order to reflect current marketing conditions and to facilitate the orderly marketing of milk produced for the Cleveland, Ohio, marketing area. Accordingly, any further delay in the effective date of this order will seriously threaten the orderly marketing of milk in the marketing area. The provisions of this amendatory order are well known to handlers and producers, the public hearing having been convened on November 30, 1954, and lasting through December 9, 1954, and a decision containing the terms and provisions of the order having been issued on March 23 and 25, 1955. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended), of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved

or favored by at least two-thirds of the producers, who participated in a referendum on the question of its approval and who, during the determined representative period (January 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 975.62 by adding a paragraph (c) as follows:

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section the price of skim milk and butterfat in Class II during the month of April 1955 shall be the same, respectively, as the price of skim milk and butterfat in Class III computed pursuant to § 975.63 (c) for such month.

2. Amend § 975.63 by adding a further proviso as follows: *"Provided further,* That the foregoing proviso shall not apply to milk received during April 1955."

3. Amend § 975.63 by adding a paragraph (c) as follows:

(c) If, during the month of April 1955, the average (computed to the nearest tenth of a cent) of the basic (or field) prices per hundredweight reported to the market administrator or to the Department of Agriculture to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the plants of the Defiance Milk Products Company at Defiance, Ohio; Pet Milk Company at Coldwater, and Delta, Ohio, Angola and Garrett, Indiana, and Hudson, Michigan; Nestles Milk Products Company (uninspected milk price) at Marysville, Ohio; Fisher Dairy and Cheese Company at Wapakoneta, Ohio; Swift and Company at Lima, Ohio; and Kraft-Phenix Cheese Corp. at Kendallville, Ind., is less than the price per hundredweight of milk of 3.5 percent butterfat content computed on the basis of the butterfat and skim values determined pursuant to paragraphs (a) and (b) of this section (exclusive of the first proviso in paragraph (a)) the price for April 1955 per hundredweight of butterfat computed pursuant to paragraph (a) of this section shall be reduced by an amount obtained by multiplying such difference by 14.28571 and the price for April 1955 per hundredweight of skim milk computed pursuant to paragraph (b) of this section shall be reduced by an amount obtained by multiplying such difference by 0.51813.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 29th day of March 1955, to be effective on and after the 1st day of April 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-2711; Filed, Mar. 31, 1955; 8:51 a. m.]

[Docket No. AO-184-A 11]

PART 978—MILK IN THE NASHVILLE, TENNESSEE, MARKETING AREA

ORDER, AS AMENDED

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AUTHORITY: § 978.0 to 978.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 978.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed tentative marketing agreement and order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order, as amended, effective not later than April 1, 1955. Any delay beyond that date in the effective date of this order, as amended, will impair the proper operation of the order and will seriously threaten the orderly marketing of milk in the Nashville, Tennessee, marketing area. The provisions of the said order are well known to handlers—the recommended decision having been published in the FEDERAL REGISTER on March 1, 1955 (20 F. R. 1243) and the final decision having been published in the FEDERAL REGISTER on March 30, 1955. Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order, as amended, effective April 1, 1955. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended) of more than 50 percent of the milk covered by this order, as amended, which is marketed within the Nashville, Tennessee, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least three-fourths of the producers who, during the determined representative period January, 1955, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the following terms of this order, as amended, to read as follows:

DEFINITIONS

§ 978.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 978.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 978.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress, or by Executive order, to perform the price reporting functions of the United States Department of Agriculture.

§ 978.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 978.5 *Nashville, Tennessee, marketing area.* "Nashville, Tennessee, marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of Davidson County, Tennessee, including but not limited to the cities of Nashville and Belle Meade.

§ 978.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

§ 978.7 *Producer-handler.* "Producer-handler" means any person who produces Grade A milk under a dairy farm inspection permit issued by any duly constituted health authority, and who processes milk from his own production, all or a portion of which is distributed within the marketing area as Class I milk, but who receives no milk from producers.

§ 978.8 *Fluid milk plant.* "Fluid milk plant" means all the premises, buildings and facilities of any milk receiving, processing or packaging plant from which plant:

(a) Any fluid milk product is disposed of during the month on routes (including routes operated by vendors, and sales through plant stores) to retail or wholesale outlets (except fluid milk plants) in the marketing area;

(b) Grade A milk or skim milk is shipped during the month for any of the months of January through August to a plant (except any portion thereof from which no fluid milk product may be disposed of under a Grade A label) specified under paragraph (a) of this section, or;

(c) Grade A milk or skim milk equal to more than 70,000 pounds is shipped during the month for any of the months of September and December to plants (except any portions of such plants from which no fluid milk product may be disposed of under a Grade A label) specified under paragraph (a) of this section.

§ 978.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or packaging plant other than a fluid milk plant described in § 978.8.

§ 978.10 *Handler.* "Handler" means (a) any person in his capacity as the operator of one or more fluid milk plants, or (b) any cooperative association of producers with respect to producer milk diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such association.

§ 978.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a fluid milk plant: *Provided,* That if such milk is diverted for his account by a handler from a fluid milk plant to any other milk plant any day during the months of March through August, or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a fluid milk plant at the location of the plant from which it was diverted.

§ 978.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the plant directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the conditions set forth in § 978.11.

§ 978.13 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix and aerated cream).

§ 978.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from other fluid milk plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those from a plant's own production), which are reprocessed or converted to another product in the fluid milk plant during the month.

§ 978.15 *Base milk.* "Base milk" means milk received at fluid milk plants from a producer during any of the months of March through August which is not in excess of such producer's daily average base computed pursuant to § 978.60 multiplied by the number of days in such month.

§ 978.16 *Excess milk.* "Excess milk" means milk received at fluid milk plants from a producer during any of the months of March through August which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 978.60.

MARKET ADMINISTRATOR

§ 978.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 978.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 978.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed

by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 978.85, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 978.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 978.30 and 978.31, or (2) payments pursuant to §§ 978.80, 978.83 and 978.85;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following: (1) The 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month; and (2) the 5th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; and (3) the 10th day after the end of each month, the uniform price(s) for each handler, computed pursuant to § 978.71 or § 978.72, and the producer butterfat differential for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 978.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month each handler, except a producer-handler, shall report for each of his fluid milk plants for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other fluid milk plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section.

§ 978.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) Each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 6th day after the end of each month for each producer from whom milk was received (i) his name and address, (ii) the total pounds and butterfat content of milk received from such producer during the month, (iii) for the months of March through August his total pounds of base milk and excess milk separately, and (iv) the amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered;

(2) On or before the 21st day of each month, the name and address of each producer from whom milk was received during the first 15 days of such month; and the pounds of milk so received during said period from such producer; and

(3) On or before the first day in any month during which other source milk is received in the form of fluid milk products his intention to receive such milk, and on or before the last day such milk is received his intention to discontinue such receipts.

§ 978.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator, or his representative, such records and facilities as will enable the market administrator to, (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample and test for butterfat content all milk and milk products handled; (c) verify deductions authorized by producers and the disbursement of moneys so deducted; and (d) make such examinations of operations, equipment, and facilities as the market administrator deems necessary.

§ 978.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if within such 3-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation, or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 978.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for fluid milk plants pursuant to § 978.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 978.41 through 978.45.

§ 978.41 *Classes of utilization.* Subject to the conditions set forth in §§ 978.42 through 978.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat; (1) disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat; (1) used to produce any products other than fluid milk products; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of and used for livestock feed; and (4) in shrinkage not to exceed 3 percent respectively of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 978.11) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than 3 percent of such amounts it shall be assigned pro rata respectively to the skim milk and butterfat contained in such producer milk and other source milk.

§ 978.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified Class II milk.

§ 978.43 *Transfers.* (a) Skim milk and butterfat transferred to the fluid milk plant of another handler (except a producer-handler) in the form of fluid milk products shall be classified Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 978.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the amount thereof remaining in Class II milk in the fluid milk plant(s) of the transferee for such month after the subtraction of other source milk pursuant to § 978.45, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk.

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk.

(c) Skim milk and butterfat transferred or diverted in bulk form as milk, skim milk or cream to a nonfluid milk plant located less than 100 miles from the State Capitol at Nashville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be classified Class I milk unless, (1) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 978.30 for the month within which such transaction occurred, (2) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonfluid milk plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use the pounds transferred in excess of such actual use shall be classified Class I milk.

(d) Skim milk and butterfat transferred in bulk form as cream to a nonfluid milk plant located 100 miles or more from the State Capitol in Nashville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 978.30, (2) such cream is disposed of and used as other than Grade A under a Grade A certification or label, (3) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only," (4) the handler gives the market administrator sufficient notice to allow him to verify or inspect such shipment, and (5) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification.

§ 978.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the reports of each handler submitted pursuant to § 978.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk in the fluid milk plant(s) of such handler.

§ 978.45 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 978.44, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk classified pursuant to § 978.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided,* That if the pounds of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the excess shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the excess shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk transferred from the fluid milk plants of other handlers in the form of fluid milk products according to the classification thereof as determined pursuant to § 978.43 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 978.50 *Basic formula price.* The basic formula price shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraphs (a), (b), (c) or (d) of this section, rounded to the nearest whole cent.

(a) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month:

Location and Present Operator

Borden Company, Mount Pleasant, Mich.
Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Belleville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 978.82 by 5.

(b) The price per hundredweight obtained by adding any plus amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiplying by 4.0 the average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, and add 20 percent thereof;

(2) From the weighted average of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5 cents and multiply by 7.5.

(c) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month;

Location and Present Operator

Cudahy Packing Company, Lafayette, Tenn.
Carnation Company, Murfreesboro, Tenn.
Kraft Foods Company, Gallatin, Tenn.
Kraft Foods Company, Pulaski, Tenn.
Borden Company, Fayetteville, Tenn.
Borden Company, Lewisburg, Tenn.
Lakeshire-Marty Cheese Company, Carthage, Tenn.
Sumner County Cooperative Creamery, Gallatin, Tenn.
Swift & Company, Lawrenceburg, Tenn.
Wilson & Company, Murfreesboro, Tenn.

(d) The price per hundredweight computed as follows:

(1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month;

(2) Add 2.4 times the average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

§ 978.51 *Class prices.* Subject to the provisions of §§ 978.52 and 978.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula

price for the preceding month, plus $1.40 during the months of September through February, and plus $1.10 during all other months, plus or minus a supply-demand adjustment calculated for each month after December 1955 as follows:

(1) Divide the total hundredweight of producer milk of all fluid milk plants for the twelve-month period ending with the beginning of the preceding month, by the net hundredweight of Class I milk disposed of from all fluid milk plants during the same period and multiply by 100. The resulting figure rounded to the nearest whole percentage shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130 subtract from, or for each percentage by which it is less than 125 add to, the Class I price, 1 cent.

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to § 978.50 (c) plus 15 cents during the months of February through August, and plus 25 cents during all other months: *Provided,* That in no case shall such price exceed the basic formula price.

§ 978.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 978.51 shall be increased or decreased, respectively, for each one-tenth percent variation in butterfat content at the appropriate rate determined as follows:

(a) *Class I price.* Multiply by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to the nearest one-tenth cent.

(b) *Class II price.* Multiply by 0.115 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, and round to the nearest one-tenth cent.

§ 978.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located outside the marketing area and 50 miles or more from the State Capitol, Nashville, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to another fluid milk plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 978.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the fluid milk plant where such milk is received from producers:

Distance from the State Capitol, Nashville, Tenn. (miles):	*Rate per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for purpose of calculating such location differential, fluid milk products which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 978.45 (a) (1), (2) and (3), and the comparable steps in § 978.45 (b) for such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

DETERMINATION OF BASE

§ 978.60 *Computation of daily average base for each producer.* Subject to the rules set forth in § 978.61, the daily average base for each producer shall be an amount calculated by dividing the total pounds of producer milk received from such producer at all fluid milk plants during the months of September through February immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of February, inclusive, or by 120, whichever is more.

§ 978.61 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 978.60 to each person for whose account producer milk was delivered to fluid milk plants during the months of September through February.

(b) An entire base or any portion thereof shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator, and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base or any portion thereof shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs.

§ 978.62 *Announcement of established bases.* On or before March 25, of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily average base established by such producer.

DETERMINATION OF UNIFORM PRICES

§ 978.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the total pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 978.45 (a) (6) and (b) by the applicable class price; and (d) add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat in Class II milk after making the calculations for such handler pursuant to § 978.45 (a) (4) and (b) for the preceding month, or by the hundredweight of milk subtracted from Class I milk pursuant to § 978.45 (a) (3) and (b) for the current month, whichever is less.

§ 978.71 *Computation of uniform prices for handlers.* For each of the months of September through February the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed for such handler pursuant to § 978.70 the sum of the location differential deductions to be made pursuant to § 978.82 (b);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of his producer milk;

(c) Add the amount remaining in the reserve fund for such handler; and

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler; and

(e) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. marketing area.

§ 978.72 *Computation of the uniform prices for base milk and for excess milk for handlers.* For each of the months of March through August, the market administrator shall compute uniform prices for base milk and for excess milk received by each handler as follows:

(a) Add to the amount computed for such handler pursuant to § 978.70 the sum of the location differential deductions to be made pursuant to § 978.82 (b);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of his producer milk;

(c) Add the amount remaining in the reserve fund for such handler;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk received by such handler from producers by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (d) of this section from the total value obtained pursuant to paragraph (c) of this section: *Provided,* That if such resulting value is greater than an amount computed by multiplying the pounds of such base milk by the Class I price, such excess value shall be added to the value computed pursuant to paragraph (d) of this section;

(f) Divide the value obtained pursuant to paragraph (e) of this section by the hundredweight of base milk for such handler;

(g) Subtract not less than 4 cents, nor more than 5 cents. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for base milk of 4.0 percent butterfat content, f. o. b. marketing area; and

(h) Divide the value obtained pursuant to paragraph (d) of this section by the hundredweight of excess milk in the producer milk of such handler. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for excess milk of 4.0 percent butterfat content, f. o. b. marketing area.

§ 978.73 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount of his producer milk allocated to each class;

(b) The calculation of such handler's net obligation pursuant to § 978.70;

(c) The uniform price(s) computed for such handler pursuant to §§ 978.71 and 978.72 and the producer butterfat differential computed pursuant to § 978.82 (a); and

(d) The amounts to be paid by such handler pursuant to §§ 978.80, 978.85 and 978.87.

PAYMENTS

§ 978.80 *Payments to market administrator.* (a) On or before the 25th day of each month each handler shall pay to the market administrator for deposit into the reserve fund for such handler a sum of money calculated by multiplying the hundredweight of producer milk received by him during the first 15 days of such month by the Class II price for the preceding month.

(b) On or before the 12th day after the end of each month each handler shall pay to the market administrator for deposit into the handler's reserve fund an amount of money equal to such handler's net obligation for such month as determined pursuant to § 978.70 less payments made pursuant to paragraph (a) of this section for such month and less proper deductions authorized in writing by producers from whom such handler received milk.

§ 978.81 *Payments to producers.* (a) On or before the last day of each month the market administrator shall make payment to each producer for milk received from such producer during the first 15 days of such month by handlers from whom the appropriate payments have been received pursuant to § 978.80 (a) at not less than the Class II price per hundredweight for the preceding month.

(b) On or before the 15th day after the end of each month the market administrator shall make payment to each producer for milk received from such producer during the month by handlers from whom the appropriate payments have been received pursuant to § 978.80 (b) for each of the months of September through February, at not less than the uniform price for such handler computed pursuant to § 978.71, or for each of the months of March through August, for base milk and excess milk received from such producer at not less than the uniform price(s) of such handler for base milk and excess milk, respectively, computed pursuant to § 978.72, subject to the following adjustments: (1) Butterfat and location differentials pursuant to § 978.82, (2) less payments made pursuant to paragraph (a) of this section, (3) less marketing service deductions pursuant to § 978.86, (4) less proper deductions authorized in writing by the producer, and (5) adjusted for any error in calculating payment to such individual producer for past months: *Provided,* That if the market administrator has not received full payment from any handler for such month pursuant to § 978.80, he shall reduce uniformly per hundredweight his payments due such handler's producers for milk received by such handler by a total amount not in excess of the amount due from such handler: *Provided further,* That the market administrator shall make such balance of payment to such producers on or before the next date for making payments pursuant to this paragraph following that on which such balance of payment is received from such handler.

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall pay, on or before the second day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, a total amount equal to but not less than the sum of the individual payments otherwise payable to such producers pursuant to this section.

§ 978.82 *Butterfat and location differentials to producers.* (a) The applicable uniform prices to be paid each producer pursuant to § 978.81 (b) shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month in which the milk was received by 0.12 and adjusting to the the nearest even one-tenth of a cent.

(b) In making payment to producers pursuant to § 978.81 (b), the applicable uniform prices to be paid for producer milk received at a fluid milk plant located 50 miles or more from the State Capitol, Nashville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the fluid milk plant where such milk was received at the following rate:

Distance from the State Capitol, Nashville, Tenn. (miles):	*Rate per hundredweight (cents)*
50 but not more than 60	10.0
For each additional 10 miles or fraction thereof an additional	1.5

§ 978.83 *Statement to producers.* In making payments required by § 978.81 (b) the market administrator shall furnish each producer or cooperative association with a supporting statement in such form that it may retained by the producer or cooperative association which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer including for the months of March through August, the pounds of base milk and excess milk;

(c) The minimum rate or rates at which payment to the producer or cooperative association is required under the provisions of §§ 978.81 and 978.82;

(d) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 978.86 together with a description of the respective deductions; and

(e) The net amount of payment to the producer or cooperative association.

§ 978.84 *Reserve funds.* The market administrator shall maintain for each handler a reserve fund into which he shall deposit the appropriate payments made by such handler pursuant to §§ 978.80 and 978.87, and out of which he shall make the appropriate payments required for such handler pursuant to §§ 978.81 and 978.87.

§ 978.85 *Expense of administration.* As his pro rata share of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the month, of (a) producer milk (including such handler's own production), and (b) other source milk allocated to Class I milk pursuant to § 978.45.

§ 978.86 *Marketing services* (a) Except as set forth in paragraph (b) of this section, the market administrator in making payments to producers pursuant to § 978.81, shall deduct an amount not exceeding 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk received by handler(s) from producers during the month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers who are members of a cooperative association which the Secretary determines is performing the services specified in paragraph (a) of this section for its members,

the market administrator shall, in lieu of the deductions provided in paragraph (a) of this section, make such deductions as are authorized by such producers, and on or before the 15th day after the end of each month, pay the money so deducted to such cooperative association.

§ 978.87 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors, resulting in money due the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 978.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before March 1, 1950, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligations, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 978.90 *Producer-handlers.* Sections 978.40 through 978.45, 978.50 through 978.53, 978.60 through 978.62, 978.70 through 978.73, and 978.80 through 978.87 shall not apply to a producer-handler.

§ 978.91 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be treated as a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 978.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 978.8 (a) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except fluid milk plants) in the Nashville marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 978.8 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a fluid milk plant pursuant to § 978.8 (c) for each of the preceding months of September through December.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 978.100 *Effective time.* The provisions of this part or any amendments to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 978.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 978.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator, shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 978.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator, or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 978.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 978.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 29th day of March 1955, to be effective on and after April 1, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-2708; Filed, Mar. 31, 1955; 8:51 a. m.]

Subchapter B—Prohibitions of Imported Commodities

[Potato Reg. 1, Amdt. 3]

PART 1066—IRISH POTATOES

POTATO REGULATION NO. 1; CHANGE OF EFFECTIVE DATE OF AMENDMENT

On March 21, 1955, Amendment 2 to Potato Regulation No. 1, Part 1066 (20 F. R. 175, 484, 1761), was issued to become effective at 12:01 a. m., March 28, 1955. Pursuant to the authority vested in me under section 8e of the Agricultural Adjustment Act of 1933, as amended and as recnacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 907, 1047), said amended order is hereby amended by changing the effective date from "12:01 a. m. March 28, 1955" to "12:01 a. m. April 6, 1955."

Findings. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (a) the requirements established by said amendment have imposed hardships upon persons affected by the regulation which are unreasonable under the circumstances; (b) compliance with this amendment to the potato import regulation will not require any special preparation by the persons affected which cannot be completed by the amended effective date; (c) this amendment relieves restrictions on imports of potatoes; and (d) the postponement, as provided herein, of the effective date of Amendment 2 of Potato Regulation No. 1 is necessary to effectuate the purposes of said section 8e.

(Sec. 401 (e) 68 Stat. 907; U. S. C. 608e)

Done at Washington, D. C., this 28th day of March 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-2706; Filed, Mar. 31, 1955; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 1-3]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

AIRWORTHINESS CERTIFICATES FOR IMPORT AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of March 1955.

At the present time the United States has in effect bilateral agreements with eight foreign countries which provide for the reciprocal recognition of certificates of airworthiness for imported aircraft. Most of these agreements provide for the issuance of United States airworthiness certificates for aircraft imported from any of these countries, provided that the competent authority of the exporting country issues a certificate of airworthiness for the aircraft.

Although the United States has benefited substantially by these agreements, in that aircraft of United States manufacture have been readily accepted by foreign countries parties to such agreements as virtually meeting their airworthiness standards, this country has not been called upon, to any substantial degree, until relatively recently to reciprocate by issuing airworthiness certificates to aircraft of foreign manufacture. A resurgence of civil aircraft design and manufacture since World War II, particularly in Europe, has resulted in requests to the United States Government for the certification or approval of foreign manufactured aircraft and related products.

As a policy of the United States, the import of foreign manufactured aircraft and related products meeting United States levels of airworthiness has been encouraged as part of the expansion of two-way trade with friendly nations. This policy required compliance with the provisions of the applicable airworthiness parts of the Civil Air Regulations or with such other standards as would provide an equivalent level of airworthiness, regardless of the terms of the pertinent bilateral agreement.

The certification of aircraft under the bilateral agreements has caused administrative difficulties because these agreements provide only for the issuance of airworthiness certificates and not type certificates, whereas the Civil Aeronautics Act specifically requires a type certificate as a prerequisite for the issuance of an airworthiness certificate for aircraft.

Formerly the Civil Air Regulations made no provision for the issuance of certificates or approvals for foreign manufactured aircraft and related products in accordance with bilateral agreements. In order that these agreements can be carried out by the United States Government consistent with the Civil Aeronautics Act of 1938 and in a uniform manner with respect to all foreign manufactured aircraft and related products, certain provisions had to be incorporated into the Civil Air Regulations. Further there was a need for provisions for the issuance of approvals for all foreign manufactured materials, parts, and appliances.

New Part 10 of the Civil Air Regulations establishes rules for the issuance of type certificates for foreign aircraft and related products under the terms of reciprocal agreements with foreign countries. In addition, rules for approval of related products (engines, propellers, etc.) which are manufactured in a foreign country with which the United States is party to a reciprocal agreement, and rules for approval of materials, parts, and appliances, which are manufactured in a foreign country are included in new Part 10. At the same time amendments were necessary to the present rules for aircraft airworthiness certification contained in Part 1 of the Civil Air Regulations.

New Part 10 and amendments to Part 1 permit the Administrator of Civil Aeronautics to issue certificates and approvals upon certification of a foreign government with which the United States has a reciprocal agreement that the aircraft, product, etc., meets the standards prescribed in the Civil Air Regulations for aircraft, products, etc., built in the United States or other standards which give the same level of airworthiness. The Administrator is also authorized to approve materials, parts, and appliances manufactured in a foreign country under the same standards. Aircraft, related products, etc., which become so certificated or approved are required by Part 10 to be designated as "import" and clearly labeled as such. Part 10 permits the Administrator of Civil Aeronautics to require any technical data respecting the foreign manufactured aircraft, related product, etc., which he might find necessary to carry out his responsibilities.

By the adoption of new Part 10 it is not intended that this part contain administrative requirements for import aircraft and related products which wholly replace the administrative requirements in Part 1. The latter are intended to be applicable except as they may be inconsistent with corresponding provisions of Part 10. For example, the requirements for identification markings, special flight permits, etc., contained in Part 1 are equally applicable to import aircraft. Also, the requirements for production certification and for changes in type design are also applicable, except that their application to any specific aircraft or related product depends upon the extent of technical data made available to the Administrator.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. Since this amendment is one relieving restriction with regard to administrative requirements of the Civil Air Regulations, and imposes no additional burden on any person, it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 1 of the Civil Air Regulations as follows, effective March 28, 1955:

1. By amending § 1.66 by adding the following sentence at the end thereof: "This provision shall also apply to import aircraft certificated in accordance with Part 10 of this chapter and § 1.67 (c)."

2. By amending § 1.67 by deleting from the introductory sentence the words "paragraphs (a) and (b)" and inserting in lieu thereof the words "paragraphs (a) through (c)", and, also by adding a new paragraph (c) to read as follows:

§ 1.67 *Airworthiness certificate; requirements for issuance.* • • •

(c) *Import aircraft.* An applicant for the original issuance of an airworthiness certificate for an import aircraft type certificated in accordance with Part 10 of this chapter shall be issued such certificate when the government of the country where the aircraft was manufactured certifies, or the Administrator finds, that the aircraft conforms to the type design and is in a condition for safe operation.

3. By amending § 1.68 by adding the following sentence at the end thereof: "This section shall also apply to import aircraft certificated in accordance with Part 10 of this chapter and § 1.69."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 1102, 52 Stat. 1007, 1009, 1026, as amended; 49 U. S. C. 551, 553, 672)

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
Acting Secretary.

[F. R. Doc. 55-2705; Filed, Mar. 31, 1955; 8:50 a. m.]

PART 10—CERTIFICATION AND APPROVAL OF IMPORT AIRCRAFT AND RELATED PRODUCTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of March 1955.

At the present time the United States has in effect bilateral agreements with eight foreign countries which provide for the reciprocal recognition of certificates of airworthiness for imported aircraft. Most of these agreements provide for the issuance of United States airworthiness certificates for aircraft imported from any of these countries, provided that the competent authority of the exporting country issues a certificate of airworthiness for the aircraft.

Although the United States has benefited substantially by these agreements, in that aircraft of United States manufacture have been readily accepted by foreign countries parties to such agreements as virtually meeting their airworthiness standards, this country has not been called upon, to any substantial degree, until relatively recently to reciprocate by issuing airworthiness certificates to aircraft of foreign manufacture. A resurgence of civil aircraft design and manufacture since World War II, particularly in Europe, has resulted in requests to the United States Government for the certification or approval of foreign manufactured aircraft and related products.

The certification of aircraft under the bilateral agreements has caused administrative difficulties because these agreements provide only for the issuance of airworthiness certificates and not type certificates, whereas the Civil Aeronautics Act specifically requires a type certificate as a prerequisite for the issuance of an airworthiness certificate for aircraft.

Formerly the Civil Air Regulations made no provision for the issuance of certificates or approvals for foreign manufactured aircraft and related products in accordance with bilateral agreements. In order that these agreements can be carried out by the United States Government consistent with the Civil Aeronautics Act of 1938 and in a uniform manner with respect to all foreign manufactured aircraft and related products, certain provisions had to be incorporated into the Civil Air Regulations. Further there was a need for provisions for the issuance of approvals for all foreign manufactured materials, parts, and appliances.

New Part 10 of the Civil Air Regulations establishes rules for the issuance of type certificates for foreign aircraft and related products under the terms of reciprocal agreements with foreign countries. In addition, rules for approval of related products (engines, propellers, etc.) which are manufactured in a foreign country with which the United States is party to a reciprocal agreement, and rules for approval of materials, parts, and appliances, which are manufactured in a foreign country, are included in new Part 10. At the same time amendments were necessary to the present rules for aircraft airworthiness certification contained in Part 1 of the Civil Air Regulations.

New Part 10 and amendments to Part 1 permit the Administrator of Civil Aeronautics to issue certificates and approvals upon certification of a foreign government with which the United States has a reciprocal agreement that the aircraft, product, etc., meets the standards prescribed in the Civil Air Regulations for aircraft, products, etc., built in the United States or other standards which give the same level of airworthiness. The Administrator is also authorized to approve materials, parts, and appliances manufactured in a foreign country under the same standards. Aircraft, related products, etc., which become so certificated or approved are required by Part 10 to be designated as "import" and clearly labeled as such. Part 10 permits the Administrator of Civil Aeronautics to require any technical data respecting the foreign manufactured aircraft, related product, etc., which he might find necessary to carry out his responsibilities.

By the adoption of new Part 10 it is not intended that this part contain administrative requirements for import aircraft and related products which wholly replace the administrative requirements in Part 1. The latter are intended to be applicable except as they may be inconsistent with corresponding provisions of Part 10. For example, the requirements for identification markings, special flight permits, etc., contained in Part 1 are equally applicable to import aircraft. Also, the requirements for production certification and for changes in type design are also applicable, except that their application to any specific aircraft or related product depends upon the extent of technical data made available to the Administrator.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. Since this rule is one relieving restriction with regard to administrative requirements of the Civil Air Regulations, and imposes no additional burden on any person, it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates a new Part 10 of the Civil Air Regulations to read as follows, effective March 28, 1955:

APPLICABILITY AND DEFINITIONS

Sec.
10.0 Applicability of this part.
10.1 Definitions.

TYPE CERTIFICATES

10.10 Eligibility.
10.11 Requirements for issuance.

AIRWORTHINESS CERTIFICATES AND OTHER APPROVALS

10.20 Airworthiness certificates.
10.21 Approval of materials, parts, and appliances.

APPLICABLE REQUIREMENTS

10.30 Designation.
10.31 Data required.

AUTHORITY: §§ 10.1 to 10.31 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 1102, 52 Stat. 1007, 1009, 1026, as amended; 49 U. S. C. 551, 553, 672.

APPLICABILITY AND DEFINITIONS

§ 10.0 *Applicability of this part.* This part establishes administrative requirements for the issuance of type and airworthiness certificates for aircraft, and of type certificates and approvals for related products, when such aircraft or product is manufactured in a foreign country with which the United States has concluded an agreement concerning the acceptance thereof for the purpose of export and import. In addition, this part establishes administrative requirements for the issuance of approvals for materials, parts, and appliances other than those sold in conjunction with a type certificated aircraft or related product when such material, part, or appliance is manufactured in a foreign country.

§ 10.1 *Definitions.* As used in this part, terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(b) *Design*—(1) *Aircraft.* An aircraft means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

(2) *Aircraft engine.* An aircraft engine means an engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.

(3) *Appliances.* Appliances means instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication

equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not a part or parts of aircraft, aircraft engines, or propellers.

(4) *Product.* The term product, as used in this part, means:

(i) An aircraft,

(ii) An aircraft engine,

(iii) A propeller, or

(iv) Any appliance specified in the Civil Air Regulations as eligible for a type certificate.

(5) *Propeller.* A propeller includes all parts, appurtenances, and accessories thereof.

TYPE CERTIFICATES

§ 10.10 *Eligibility.* A product which is manufactured in a foreign country with which the United States has concluded an agreement concerning the acceptance thereof for the purpose of export and import, is eligible for the issuance of a type certificate under this part. The application for a type certificate for a specified product shall be made upon a form and in a manner prescribed by the Administrator.

§ 10.11 *Requirements for issuance.* A type certificate for a product shall be issued to an applicant when the government of the country in which the product was manufactured certifies that the product has been examined, tested, and found to comply with either paragraph (a) or paragraph (b) of this section.

(a) The airworthiness requirements prescribed in the Civil Air Regulations applicable to the product involved.[1]

(b) The applicable airworthiness requirements of the government of the country in which it was manufactured together with such other requirements as may be prescribed by the Administrator to provide a level of safety equivalent to the requirements prescribed in paragraph (a) of this section.

AIRWORTHINESS CERTIFICATES AND OTHER APPROVALS

§ 10.20 *Airworthiness certificates.* The requirements for the original issuance of airworthiness certificates for aircraft shall be in accordance with § 1.67 (c) of this chapter.

§ 10.21 *Approval of materials, parts, and appliances.* (a) Materials, parts, and appliances manufactured in a foreign country shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the Civil Air Regulations. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for an aircraft, or by any other form of approval by the Administrator.

(b) Any material, part, or appliance shall be deemed to have met the requirements for approval when the government of the country of manufacture certifies that the material, part, or appliance meets the pertinent specifications adopted by the Administrator, unless the Administrator finds, on the basis of data submitted in accordance with § 10.31, that the material, part, or appliance is otherwise inconsistent with the intent of the pertinent Civil Air Regulations.

APPLICABLE REQUIREMENTS

§ 10.30 *Designation.* All aircraft, products, materials, parts, and appliances certificated or approved in accordance with this part shall be designated as "import" and clearly labeled as such.

§ 10.31 *Data required.* Such technical data respecting the aircraft, product, material, part, or appliance, for which certification or approval is sought, shall be submitted as the Administrator finds necessary.

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
Acting Secretary.

[F. R. Doc. 55-2704; Filed, Mar. 31, 1955; 8:50 a. m.]

[1] Separate airworthiness requirements are effective for various categories of aircraft, for aircraft engines, and for propellers in different parts of the Civil Air Regulations. When any one part is applicable all provisions therein including the administrative provisions are applicable.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6010]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PERMANENT STAINLESS STEEL, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.25 *Competitors and their products:* Competitors' products; § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* Subpart—*Disparaging competitors and their products*—Competitors' products: § 3.1000 *Performance;* § 3.1010 *Qualities or properties;* § 3.1025 *Safety.* Subpart—*Misrepresenting oneself and goods*—Goods: § 3.1575 *Comparative data or merits;* § 3.1710 *Qualities or properties.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2063 *Scientific or other relevant facts.* In connection with the offering for sale, sale, or distribution in commerce, of cooking utensils made of stainless steel, or any other products of substantially similar composition, design, construction, or purpose, representing, directly or by implication: (1) That the consumption of food cooked or kept in aluminum utensils will cause cancer, or is in any way detrimental or hazardous to the health of the users; (2) that the preparation of food in aluminum utensils causes the formation of poisons; (3) that cooking food in utensils in which water is used, or by any method or process other than in respondents' utensils, will, by reason of the heat or otherwise, result in appreciable damage or destruction to minerals; (4) that the use of respondents' cooking utensils will promote or insure health, or is any more conducive to health than the use of any other recognized cooking utensils; (5) that the use of respondents' said products will be of any benefit in the prevention of gallstones or stomach troubles, or in building up a good digestive system; (6) that the sulphur, phosphorus, chlorine, fluorine, iodine, or any other mineral elements contained in food intended for human consumption, are destroyed, damaged, or injured by the heat resulting from cooking methods other than respondents'; (7) that silicon is essential for proper human nutrition; (8) that sodium or chlorine has any specific effect on the complexion or the skin; iodine, calcium, or phosphorus on the heart; chlorine or sodium on the joints; phosphorus on the nails; fluorine on the bones; potassium or chlorine on shapeliness; magnesium, sulphur, sodium, or iron on the digestion; phosphorus, iodine, or manganese on the nerves; magnesium or phosphorus on the blood; or sodium on the ligaments; and (9) (a) that sulphur purifies or tones the human system, or intensifies feeling or emotions; (b) that phosphorus nourishes the brain cells, has any effect on the power of thought, or on the growth of the hair; (c) that calcium has any effect on vitality or endurance, heals wounds, or counteracts acids; (d) that magnesium has any effect on the nerves, refreshes the human system, or prevents, or, as contained in human food, will relieve constipation; (e) that potassium is a liver activator, makes tissues elastic or muscles supple, creates grace or beauty or has any influence on one's disposition; (f) that chlorine cleanses, freshens, purifies, disinfects, or expels waste matter from the human system; (g) that fluorine strengthens, cements, hardens, or builds the resistance of the lungs, tendons, or veins; (h) that sodium in human food aids digestion, counteracts acidosis, halts fermentation, purifies blood, or dissolves congestion; (i) that iodine normalizes glands or cell action, or will eject or counteract poisons; (j) that silicon has any effect upon the hearing, the eyes, the teeth, the nails, the hair, or any other organ or function of the body, or tones the human system; (k) that manganese increases resistance, strengthens, or coordinates thought or action, or has any effect on the memory; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Permanent Stainless Steel, Inc. (Houston, Tex.) et al., Docket 6010, February 14, 1955.]

In the Matter of Permanent Stainless Steel, Inc., a Corporation, and Pressed Steel Car Company, Inc. (Now Known as U. S. Industries, Inc.), a Corporation

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged the two respondents with making false representations and disparag-

ing statements relative to aluminum cooking ware, in connection with the sale and distribution of stainless steel cooking utensils, in violation of the Federal Trade Commission Act; respondents' answers; the reception of evidence in support of and in opposition to the allegations of the complaint; and a stipulation as to the facts which was entered into by and between counsel for respondents and counsel supporting the complaint.

Under the terms of said stipulation, all the factual issues in controversy were resolved except that pertaining to the responsibility of respondent Pressed Steel Car Company, Inc. (now known as U. S. Industries, Inc.), for the false representations and disparaging statements made orally by the salesmen employed by respondent Permanent Stainless Steel, Inc., in connection with the sale of stainless steel cooking utensils, in which connection the evidence concerning said issue, consisting of certain specified exhibits and the testimony of certain specified witnesses, was adopted by reference in the stipulation, and the initial responsibility for the factual interpretation thereof entrusted to the hearing examiner.

Thereafter said hearing examiner made his initial decision[1] comprising certain findings as to the facts—the exclusive basis for which was the foresaid stipulation, including the aforesaid evidence; his conclusions[1]—similarly based—that the methods, acts, and practices of respondents, as theretofore found, were all to the prejudice and injury of the public and of respondents' competitors, and constituted unfair and deceptive acts and practices and unfair methods of competition in commerce within the intent and meaning of the Federal Trade Commission Act; that accordingly the proceeding was in the public interest; and that respondent should be required to cease and desist from such practices; and order to cease and desist.

Thereafter, following the appeal from said initial decision by respondent Pressed Steel Car Company, Inc., now known as U. S. Industries, Inc., the matter was disposed of by "Decision of the Commission and Order to File Report of Compliance", Docket 6010, February 14, 1955, which, for the reasons stated in the accompanying opinion, denied said appeal, but held that the Commission's decision should take cognizance of certain subsequent changes in appellant's corporate structure and name, etc., as follows:

This matter came on to be heard by the Commission upon the appeal filed by the respondent Pressed Steel Car Company, Inc., now known as U. S. Industries, Inc., from the initial decision of the hearing examiner.

Having considered the record herein, the Commission, for reasons stated in its accompanying opinion, has determined that the exceptions interposed under the appeal are without merit and should be denied.

The Commission is of the further view that its decision here should take cognizance of certain changes in the appellant's corporate structure and name which have occurred since this proceeding was instituted, and that it should modify the order to cease and desist to the end that such order contain reference to appellant under its present name of U. S. Industries, Inc.

It is ordered, That the appeal of respondent U. S. Industries, Inc., formerly known as Pressed Steel Car Company, Inc., be, and the same hereby is denied.

It is further ordered, That the preamble of the order to cease and desist contained in the initial decision be, and it hereby is, modified by striking the words "Pressed Steel Car Company, Inc., a corporation," and substituting in lieu thereof the words "U. S. Industries, Inc., a corporation, formerly known as Pressed Steel Car Company, Inc."

It is further ordered, That the initial decision, as modified herein be, and it hereby is, adopted as a part of the decision of the Commission.

It is further ordered, That the respondents Permanent Stainless Steel, Inc., and U. S. Industries, Inc., formerly known as Pressed Steel Car Company, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The cease and desist order in said initial decision, modified as thus ordered so as to refer to appellant under its present name of U. S. Industries, Inc., is as follows:

It is ordered, That the respondents, Permanent Stainless Steel, Inc., a corporation, and Pressed Steel Car Company, Inc., a corporation, and their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of cooking utensils made of stainless steel, or any other products of substantially similar composition, design, construction or purpose, do forthwith cease and desist from representing, directly or by implication:

1. That the consumption of food cooked or kept in aluminum utensils will cause cancer, or is in any way detrimental or hazardous to the health of the users.

2. That the preparation of food in aluminum utensils causes the formation of poisons.

3. That cooking food in utensils in which water is used, or by any method or process other than in respondents' utensils, will, by reason of the heat or otherwise, result in appreciable damage or destruction to minerals.

4. That the use of respondents' cooking utensils will promote or insure health, or is any more conducive to health than the use of any other recognized cooking utensils.

5. That the use of respondents' said products will be of any benefit in the prevention of gall stones or stomach troubles, or in building up a good digestive system.

6. That the sulphur, phosphorus, chlorine, fluorine, iodine, or any other mineral elements contained in food intended for human consumption, are destroyed, damaged or injured by the heat resulting from cooking methods other than respondents'.

7. That silicon is essential for proper human nutrition.

8. That sodium or chlorine has any specific effect on the complexion or the skin; iodine, calcium or phosphorus on the heart; chlorine or sodium on the joints; phosphorus on the nails; fluorine on the bones; potassium or chlorine on shapeliness; magnesium, sulphur, sodium or iron on the digestion; phosphorus, iodine or manganese on the nerves; magnesium or phosphorus on the blood; or sodium on the ligaments.

9. (a) That sulphur purifies or tones the human system, or intensifies feeling or emotions.

(b) That phosphorus nourishes the brain cells, has any effect on the power of thought, or on the growth of the hair.

(c) That calcium has any effect on vitality or endurance, heals wounds, or counteracts acids.

(d) That magnesium has any effect on the nerves, refreshes the human system, or prevents, or, as contained in human food, will relieve constipation.

(e) That potassium is a liver activator, makes tissues elastic or muscles supple, creates grace or beauty or has any influence on one's disposition.

(f) That chlorine cleanses, freshens, purifies, disinfects, or expels waste matter from the human system.

(g) That fluorine strengthens, cements, hardens or builds the resistance of the lungs, tendons or veins.

(h) That sodium in human food aids digestion, counteracts acidosis, halts fermentation, purifies blood or dissolves congestion.

(i) That iodine normalizes glands or cell action, or will eject or counteract poisons.

(j) That silicon has any effect upon the hearing, the eyes, the teeth, the nails, the hair, or any other organ or function of the body, or tones the human system.

(k) That manganese increases resistance, strengthens or coordinates thought or action, or has any effect on the memory.

Issued: February 14, 1955.

By the Commission.[2]

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-2669; Filed, Mar. 31, 1955; 8:45 a. m.]

[1] Filed as part of the original document.

[2] Opinion of the Commission filed as part of the original.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

MISCELLANEOUS AMENDMENTS

In the matter of amending the definitions and standards of identity for muenster cheese, munster cheese; monterey cheese; pasteurized process cheese food; pasteurized process cheese food with fruits, vegetables, or meats; pasteurized process cheese spread; pasteurized cheese spreads; pasteurized process cheese spread with fruits, vegetables, or meats; pasteurized cheese spread with fruits, vegetables, or meats; cold-pack cheese food; and cold-pack cheese food with fruits, vegetables, or meats:

On November 27, 1954, a notice of proposed rule making was published in the FEDERAL REGISTER (19 F. R. 7695) setting forth proposals to amend the definitions and standards of identity for the foods named above. The notice allowed 30 days for interested persons to submit in writing their views regarding these proposals. Upon consideration of the views presented and other relevant information, it is concluded that honesty and fair dealing in the interest of consumers will be promoted by ordering that the proposed amendments to the definition and standard of identity for muenster cheese, munster cheese (21 CFR, 1953 Supp., 19.550) not be made, and that the proposed amendments to the definitions and standards of identity for monterey cheese, pasteurized process cheese food, pasteurized process cheese spread, and cold-pack cheese food (21 CFR, 1953 Supp, 19.550, 19.580, 19.765, 19.775, 19.787) be made as hereinafter set forth.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, as amended 68 Stat. 54, 55; 21 U. S. C. 341 and Supp.), the following order is made:

1. *It is ordered*, That § 19.550 *Muenster cheese, munster cheese; identity* be not amended.

2. *It is ordered*, That § 19.580 *Monterey cheese; identity* be amended in the following respects:

a. In paragraph (a), delete the second sentence reading, "Monterey cheese is made in sizes not exceeding 12 pounds in weight."

b. In paragraph (b), change the fifth and sixth sentences to read: "The curd is drained and placed in a muslin or sheeting cloth, formed into a ball, and pressed; or the curd is placed in a cheese hoop and pressed. Later, the cloth bandage is removed, and the cheese may be covered with paraffin or dipped in vegetable oil, and may have rice flour sprinkled on the surface."

3. *It is ordered*, That paragraph (d) of § 19.765 *Pasteurized process cheese food; identity; label statement of optional ingredients* be amended by adding "skim-milk cheese for manufacturing" to the list of optional dairy ingredients. The paragraph then reads as follows:

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, albumin from cheese whey, and skim-milk cheese for manufacturing.

4. *It is ordered*, That paragraph (d) of § 19.775 *Pasteurized process cheese spread; identity; label statement of optional ingredients* be amended by adding "skim-milk cheese for manufacturing" to the list of optional dairy ingredients. The paragraph then reads as follows:

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, albumin from cheese whey, and skim-milk cheese for manufacturing.

5. *It is ordered*, That paragraph (d) of § 19.787 *Cold-pack cheese food; identity; label statement of optional ingredients* be amended by adding "skim-milk cheese for manufacturing" to the list of optional dairy ingredients. The paragraph then reads as follows:

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these or any of the foregoing from which part of the water has been removed, skim-milk cheese for manufacturing, and albumin from cheese whey. All optional dairy ingredients used in cold-pack cheese food are pasteurized or made from products which have been pasteurized.

Amendments 3, 4, and 5, above ordered, have the effect of amending, by reference, the definitions and standards of identity for pasteurized process cheese food with fruits, vegetables, or meats; pasteurized cheese spread; pasteurized process cheese spread with fruits, vegetables, or meats; pasteurized cheese spread with fruits, vegetables, or meats; and cold-pack cheese food with fruits, vegetables, or meats, by permitting skim-milk cheese for manufacturing as an optional dairy ingredient. (See 21 CFR, 1953 Supp., 19.770, 19.776, 19.780, 19.781, 19.788.)

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the sixtieth day after publication in the FEDERAL REGISTER, except as to any of its provisions that may be stayed by the filing of objections thereto and request for a public hearing. Notice of such filing, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended 68 Stat. 54, 55; 21 U. S. C. and Sup. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended 68 Stat. 54, 55; 21 U. S. C. and Sup. 341)

Dated: March 28, 1955.

[SEAL] ROSWELL B. PERKINS, *Acting Secretary.*

[F. R. Doc. 55-2670; Filed, Mar. 31, 1955; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

BURIAL EXPENSES

Subparagraphs (5) and (6) are added to § 536.51 (f), and in § 536.52 the headings of paragraphs (d) and (e) are revised as follows:

§ 536.51 *Categories of eligibles.* • • •

(f) The following civilian employees paid from appropriated funds of the Army and/or the Department of the Army:

• • • • • •

(5) An employee who is a United States citizen whose home is a territory or possession of the United States and who—

(i) While traveling on official business within the Territory of his domicile, dies away from his home and away from his station.

(ii) Dies while traveling on official business outside the Territory of his domicile.

(iii) Dies while on assignment to a post outside the Territory of his domicile, or while performing authorized travel to or from such assignment.

(6) An employee who is a foreign national and who dies while on assignment to a post outside the country of his domicile or while en route to or from such assignment, provided the employee would be entitled to travel to his home at Army expense upon termination of his employment.

• • • • • •

§ 536.52 *Authorized expenses.* • • •

(d) *For civilian employees described in § 536.51 (f) (1) and (5) (i).* • • •

(e) *For civilian employees described in § 536.51 (f) (2), (5) (ii) and (iii), and (6).* • • •

[C2, SR 600-570-1, Mar. 17, 1955] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 55-2689; Filed, Mar. 31, 1955; 8:47 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1472—CONDUCT OF RENEGOTIATION

PLACE FOR FILING

Section 1472.5 (d) *Place for filing* is amended by deleting the name and ad-

dress of the Boston Regional Renegotiation Board.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: March 29, 1955.

FRANK L. ROBERTS,
Chairman.

[F. R. Doc. 55-2700; Filed, Mar. 31, 1955; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

MISCELLANEOUS AMENDMENTS

1. Section 13.210 is revised to read as follows:

§ 13.210 *Bond of custodian.* The Chief Attorney, or the Deputy Administrator, Department of Veterans Benefits, or his designee, may require the person to be recognized as legal custodian of a beneficiary or as custodian-in-fact under the provisions of section 21 (3), World War Veterans Act, 1924, as amended (38 U. S. C. 450 (3)), and § 13.205 (a) to furnish a corporate surety bond before payments are made to such person on behalf of the claimant. Said bond shall run to the Administrator of Veterans Affairs for the use and benefit of ---------- When the
(Name of ward)
benefits to be paid equal the maximum amounts set forth in § 13.205, such bond will be required, unless the proposed legal custodian agrees to invest the surplus funds in the manner and with the safeguards set forth in § 13.321 (b) (6). (See § 13.312.)

2. Section 13.312 is revised to read as follows:

§ 13.312 *Legal custodian may be required to furnish bond.* In any case, the Chief Attorney, or Deputy Administrator, Department of Veterans Benefits, or his designee, may require that a legal custodian furnish a corporate surety bond in an amount sufficient to protect the estate of the beneficiary. Bond will not be required of legal custodians for the amount of the United States savings bonds on deposit in a Federal Reserve bank and which may be withdrawn only with the written approval of the Chief Attorney or the amount of United States savings bonds registered in the form set forth in § 13.321 (b) (6), or the amount authorized as provided in that section to be invested in savings accounts in banks, building and loan associations, or Federal savings and loan associations, with an agreement same will be withdrawn only with written approval of the Chief Attorney. (See § 13.210.)

3. In § 13.321, paragraph (b) (6) is amended to read as follows:

§ 13.321 *Investments, inspection of assets.* * * *

(b) * * *

(6) The Chief Attorney will instruct legal custodians to invest all funds received from the Veterans' Administration not needed for the current or contemplated support of the beneficiary. Preferred investments are United States savings bonds, which in order to avoid necessity for a corporate surety bond should be registered only in this form:

----------, a minor, under legal
(Ward's name)
custodianship by designation of the Veterans' Administration. ----------
(Ward's address)

The amount of the investments in United States savings bonds which are so registered will be excluded in determining the penal sum of a corporate surety bond otherwise required by §§ 13.210 and 13.312. The Chief Attorney will not object to investment of surplus funds by a legal custodian in interest or dividend paying accounts in banks, shares or deposits in building and loan associations or Federal savings and loan associations, provided the accounts, shares or deposits are insured by the corporations and under the laws cited in paragraph (d) (1) of this section, or comparable insurance protection authorized by State law. In such cases, when a corporate surety bond would otherwise be required by §§ 13.210 and 13.312, the legal custodian may be authorized, in lieu of furnishing such bond, to make arrangements with the bank, building and loan association, or Federal savings and loan association, whereby the funds so invested may be withdrawn only with the written approval of the Chief Attorney. A copy of the agreement made by the legal custodian with the bank, building and loan association, or Federal savings and loan association will be filed in the records of the particular case in the Chief Attorney's office.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply 43 Stat. 613, as amended; 38 U. S. C. 450)

This regulation is effective April 1, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-2713; Filed, Mar. 31, 1955; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1105]

ALASKA

RESERVING LANDS FOR USE OF ALASKA ROAD COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Alaska Road Commission:

Beginning at a point on the east bank of Porcupine Creek in approximate latitude 62°43'30" N., longitude 143°52'30" W., from which a point on the center line of Glenn Highway S. 70° 05' W., 116 feet from the west end of Porcupine Creek bridge, bears S. 19° 55' E., approximately 490 feet, thence N. 70°05' E., 430 feet parallel to highway, N. 19°55' W., 520 feet, S. 70°05' W., 416 feet to east bank of Porcupine Creek, Southerly along east bank Porcupine Creek to point of beginning.

The tract described contains approximately 5 acres.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 23, 1955.

[F. R. Doc. 55-2671; Filed, Mar. 31, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

[Docket No. AO 29-A9]

MILK IN DUBUQUE, IOWA, MARKETING AREA

NOTICE OF HEARING AND PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Federal Building, Dubuque, Iowa, beginning at 10:00 a. m., c. s. t., April 21, 1955.

Subject and issue involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Dubuque, Iowa, milk marketing area and to the provisions specified in the proposals listed below or some appropriate modifications thereof.

Amendments to the order (No. 12), as amended, were proposed as follows:

Proposed by the Beatrice Foods Company:

1. Amend § 912.1 (c) "Dubuque, Iowa, marketing area," so as to include the city of East Dubuque, Illinois, in the marketing area.

2. Delete § 912.1 (h) and insert in lieu thereof as § 912.1 (h), the following:

(h) "Producer" means any approved dairy farmer, other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association. "Producer" does not mean any approved dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this order pursuant to § 912.6 (b)'.

3. Add a new paragraph to § 912.1 as follows:

(m) "Approved dairy farmer" means any person who holds a currently valid permit issued by the Health Department of the City of Dubuque, Iowa, for the production of milk to be disposed of as Grade A milk and which is received at a plant disposing of Class I milk in the marketing area.

4. Add a new paragraph to § 912.1 as follows:

(n) "Approved plant" means any plant, approved by the health authorities of the City of Dubuque, Iowa, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area, at which milk is received from approved dairy farmers.

5. Add a new paragraph to § 912.1 as follows:

(o) "Pool plant" means any approved plant other than that of a producer-handler:

(1) During any of the months of March, April, May, or June within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes, plant stores, or through vendors in the marketing area an amount equal to 20 percent or more of such plant's total receipts from approved dairy farmers;

(2) During any of the other months within which such plant disposes of as Class I milk an amount equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes, plant stores, or through vendors in the marketing area an amount equal to 25 percent or more of such plant's total receipts from approved dairy farmers; and

(3) For the purpose of this definition, the following shall apply:

(i) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(ii) Milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

6. Delete § 912.4 (a) and (b) and insert in lieu thereof the following:

§ 912.4 *Classification.* (a) "All skim milk and butterfat" received within the delivery period by a handler which is required to be reported pursuant to § 912.3 (a) shall be classified by the market administrator pursuant to the provisions of this section.

(b) "Classes of utilization" are subject to the conditions set forth in paragraphs (d) and (e) of this section. The classes of utilization shall be:

(1) Class I milk shall be all skim milk and butterfat (i) disposed of as fluid milk in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk containing in excess of 6 percent butterfat, (ii) used to produce concentrated milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (iii) all other skim milk and butterfat not specifically accounted for as Class II milk; and

(2) Class II milk shall be all skim milk and butterfat (i) used to produce butter, cheese (including skim milk and butterfat used to produce cottage cheese), plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, aerated cream, eggnog, casein or margarine, (ii) used for starter churning, wholesale baking and candy making, (iii) disposed of as livestock feed, (iv) in skim milk dumped after prior notification to and opportunity for verification by the market administrator, (v) in shrinkage up to 2 percent of producer receipts, (vi) in shrinkage of other source milk, and (vii) in inventory variation.

7. Amend § 912.4 (g) to provide that in any delivery period that producer receipts are not equal to 115 percent of Class I utilization, priority in the allocation to Class I utilization shall be given to other source milk to the extent and in the amount equal to the difference between actual producer receipts and 115 percent of Class I utilization.

8. Amend § 912.5 by deleting all of the present paragraph (a) and inserting in lieu thereof, the following:

§ 912.5 *Minimum prices*—(a) *Class prices.* Subject to the provisions of paragraphs (b) and (c) of this section, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from an approved dairy farmer during the delivery period shall be as follows:

(1) *Class I milk.* The price established per hundredweight of Class I Grade A milk under Order No. 91, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area.

(2) *Class II milk.* The price established per hundredweight of Class II milk shall be the average of the prices reported to have been paid or to be paid for ungraded milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator or the United States Department of Agriculture:

Present Operator and Location

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Ky.
United Milk Products Co., Argo Pay, Ill.

9. Delete § 912.5 (b) (3).

10. Delete § 912.6 (b) (2).

11. Amend § 912.6 by adding the following paragraph:

(c) *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a month, shall in lieu of the payments required pursuant to § 912.7 through § 912.8, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computations of either subparagraph (1) or (2) of this paragraph, whichever is less.

(1) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes or in plant stores as Class I milk during the month multiplied by the difference between the price for Class I milk pursuant to § 912.5 (a) (1) (adjusted for butterfat content and value pursuant to § 912.5 (b) (1)) and the price for Class II milk pursuant to the requested amended § 912.5 (a) (2) (adjusted for butterfat content and value pursuant to § 912.5 (b) (2)).

(2) Any plus amount resulting from the following computation: From an amount equal to the net pool obligation which would be computed pursuant to § 912.7 (a) for such handler for such month if such handler operated a pool plant, deduct the gross payments made by such handler to approved dairy farmers for milk received during such month.

12. Amend other sections of the order necessary to conform to a two-class qualified pool plant type of order.

13. The necessary sections of the order shall be opened for the purpose of receiving evidence to examine the advisability of an individual handler pool.

Proposed by Dean Milk Company:

14. Delete § 912.6 (b) (2).

Proposed by Dubuque Cooperative Dairy Marketing Association:

15. Delete § 912.5 (a) (1) and substitute therefor the following:

(1) *Class I milk.* The price established per hundredweight of Class I milk under Order No. 44, as amended, regulating the handling of milk in the Quad Cities marketing area.

16. Delete § 912.5 (a) (3) and substitute therefor the following:

(3) *Class III milk.* The price for Class II milk, less 10 cents.

Copies of this notice of hearing may be procured from the Market Adminis-

trator, 335 Federal Building, 16th Street and 2d Avenue, Rock Island, Illinois, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 29, 1955, at Washington, D. C.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55-2707; Filed, Mar. 31, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 55-10]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authority cited with each item of equipment: *It is ordered*, That:

(a) All the approvals listed in this document which extend approvals previously published in the FEDERAL REGISTER, except approvals under Specification Subpart 160.008 covered in paragraph (b) below, are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner cancelled or suspended by proper authority; and,

(b) All the approvals for non-standard buoyant cushions under Specification Subpart 160.008 listed in this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect until October 1, 1955, from their respective dates as indicated at the end of each approval, unless sooner cancelled or suspended by proper authority; and,

(c) All the approvals for standard kapok buoyant cushions under Specification Subpart 160.007 and for non-standard buoyant cushions under Specification Subpart 160.008 listed in this document (which are not covered by paragraph (b) above) are prescribed and shall be in effect until October 1, 1955, from the date of publication of this document in the FEDERAL REGISTER, unless sooner cancelled or suspended by proper authority; and,

(d) All the other approvals listed in this document (which are not covered by paragraphs (a) to (c), inclusive, above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 2, 3, 5, AND 6

Approval No. 160.002/48/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Crotty Corporation, Quincy, Mich.

Approval No. 160.002/49/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Crotty Corporation, Quincy, Mich.

Approval No. 160.002/50/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.002/51/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co., Box 613, Des Moines, Iowa.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, sec. 3, 54 Stat. 346, and P. L. 569, 83d Cong.; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.002)

LIFE PRESERVERS, CORK, ADULT AND CHILD (JACKET TYPE) MODELS 32 AND 36

Approval No. 160.003/9/0, Model 32, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C.

Approval No. 160.003/10/0, Model 36, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C.

Approval No. 160.003/11/0, Model 32, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Crotty Corporation, Quincy, Mich.

Approval No. 160.003/12/0, Model 36, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Crotty Corporation, Quincy, Mich.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended; sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR 1952 Supp.; 46 CFR 160.003)

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/155/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, The Dennison Co., 16 Johnson Street, Newark, N. J.

Approval No. 160.007/161/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by the Crotty Corporation, Quincy, Mich., for Harry Miller Co., 244 Atlantic Avenue at Central Wharf, Boston 10, Mass.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.008/422/0, 15" x 15" x 2" rectangular buoyant cushion 20 oz. kapok, dwg. No. 21, dated November 10, 1949, manufactured by Melman, Inc., 1901 Northwest Miami Court, Miami 36, Fla. (Extension of the approval published in FEDERAL REGISTER January 12, 1950 effective January 12, 1955.)

Approval No. 160.008/425/0, 16" x 20" x 2" rectangular buoyant cushion 28½ oz. kapok, dwg. Nos. A-184, dated December 14, 1949, and C-56, dated December 14, 1949, revised January 12, 1950, manufactured by The American Pad & Textile Co., Greenfield, Ohio. Extension of the approval published in FEDERAL REGISTER February 8, 1950 effective February 8, 1955.)

Approval No. 160.008/426/0, 18" x 21" x 2" rectangular buoyant cushion, 33¾ oz. kapok, dwg. Nos. A-185, dated December 14, 1949, and C-57, dated December 14, 1949, revised January 12, 1950, manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Extension of the approval published in FEDERAL REGISTER February 8, 1950 effective February 8, 1955.)

Approval No. 160.008/526/0, 16" x 17" x 2" rectangular buoyant cushion, 32 oz. kapok, dwg. dated November 18, 1954, manufactured by Mercury Boat Company, 2711 Tulare Avenue, Burbank, Calif.

Approval No. 160.008/629/0, 13" x 18" x 2" rectangular buoyant cushion, 22 oz. kapok, dwg. dated January 18, 1955, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.008/630/0, 15" x 37½" x 2" rectangular buoyant cushion, 50 oz. kapok, dwg. dated January 19, 1955, manufactured by Noble Products Company, Box 327, Caldwell, Ohio.

Approval No. 160.008/633/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, The Holiday Line, Inc. dwg, revised February 8, 1954, manufactured by Associated Plastics, Inc., 312 East Twelfth Street, Los Anegeles 15, Calif.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.008)

WINCHES, LIFEBOAT

Approval No. 160.015/26/2, Type B172 lifeboat winch, approval is limited to mechanical components and for a maximum working load of 18,000 pounds pull at the drums (9,000 pounds per fall), identified by general arrangement dwg. No. 2114 dated December 1, 1941, and revised December 4, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.015/26/1 published in FEDERAL REGISTER March 18, 1953.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, and secs. 1 and 2, 49 Stat. 1544, as amended; P. L. 569, 83d Cong.; 46 U. S. C. 391a, 404, 481, 489, 396, 367; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.015)

LADDERS, EMBARKATION-DEBARKATION

Approval No. 160.017/8/0, Viking Type B-3, embarkation-debarkation ladder, wire rope suspension, wood ears, dwg. No. 561-S1604-31, revised November 14, 1949, manufactured by Viking Marine Co., 2614 Western Avenue, Seattle 1, Wash. (Extension of the approval published in FEDERAL REGISTER January 12, 1950, effective January 12, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended; P. L. 569, 83d Cong.; 46 U. S. C. 391a, 404, 481, 489, 396, 367; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.017)

SIGNALS, DISTRESS, HAND RED FLARE

Approval No. 160.021/4/1, Jackson's Superior, hand red flare distress signal, 500 candlepower, 2 minutes burning time, dwg. No. 506 revised September 29, 1954, and bill of material dated September 29, 1954, manufactured by Samuel Jackson's Sons, Inc., Bristol, Pa. (Reinstates and supersedes Approval No. 160.021/4/0 terminated in FEDERAL REGISTER June 25, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 391a, 404, 481, 489, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.033)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/46/0, Rottmer type, Size 0.1-C, releasing gear, approved for maximum working load of 13,120 pounds per set (6,560 pounds per hook), identified by assembly and calculations dwg. No. R-133 dated April 4, 1952, and revised April 21, 1953, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn, 14, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, and P. L. 569, 83d Cong.; 46 U. S. C. 391a, 404, 481, 489, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.033)

HAND-PROPELLING GEAR, LIFEBOAT

Approval No. 160.034/12/0, Type B Size 1, hand-propelling gear identified by arrangement dwg. No. G-1502 dated January 1954 and revised November 26, 1954, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and P. L. 569, 83d Cong.; 46 U. S. C. 391a, 404, 481, 489, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.034).

LIFEBOATS

Approval No. 160.035/38/2, 24.0' x 7.75' x 3.33' steel, motor-propelled lifeboat without radio cabin (Class B), 35-person capacity, identified by construction and arrangement dwg. No. 3558 dated June 30, 1954, and revised November 1, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/38/1 published in FEDERAL REGISTER August 7, 1953.)

Approval No. 160.035/229/0, 28.0' x 9.0' x 3.96' steel, oar-propelled lifeboat, 59-person capacity, identified by construction and arrangement dwg. No. 28-1B dated July 7, 1948 and revised December 3, 1954, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/325/0, 30.67' x 10.17' x 4.25' aluminum, hand-propelled lifeboat, 78-person capacity, identified by construction and arrangement dwg. No. 3546 dated April 22, 1954, revised November 1, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/326/0, 28.0' x 9.0' x 3.96' steel, motor-propelled lifeboat without radio cabin (Class B), 59-person capacity, identified by construction and arrangement dwg. No. 28-1D dated July 20, 1954, and revised December 3, 1954, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/331/0, 24.0' x 8.0' x 3.25' steel, hand-propelled T-bar keel lifeboat, 43-person capacity, identified by general arrangement dwg. No. G-2443H dated November 1954, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD MODELS AK, CKM, CKS, AF, CFM, AND CFS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/14/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C.

Approval No. 160.047/15/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C.

Approval No. 160.047/16/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., Box 3277, Station A, Greenville, S. C.

Approval No. 160.047/18/0, odel AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Stearns Manufacturing Co., West Division Street at Thirtieth, St. Cloud, Minn.

Approval No. 160.047/19/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Stearns Manufacturing Co., West Division Street at Thirtieth, St. Cloud, Minn.

Approval No. 160.047/20/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Stearns Manufacturing Co., West Division Street at Thirtieth, St. Cloud, Minn.

Approval No. 160.047/21/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio.

Approval No. 160.047/22/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.047)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/1/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4 (c) (1) (i), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.048/2/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4 (c) (1) (i), manufactured by Stearns Manufacturing Co., West Division Street at Thirtieth, St. Cloud, Minn.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.048)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/1/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U. S. C. G. Specification Subpart 160.049, sizes to be as per Table 160.049-4 (c) (1), manufactured by Stearns Manu-

facturing Co., West Division Street at Thirtieth, St. Cloud, Minn.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.049)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/11/1, Sound powered telephone station, selective ringing, common talking, 11 stations maximum, bulkhead mounting, waterproof, with separately mounted 6" or 8" hand generator bell, dwg. No. 11, Alt. 3, dated November 1949, Type A, Model WT–1, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y. (Extension of the approval published in FEDERAL REGISTER February 8, 1950, effective February 8, 1955.)

(R. S. 4405, 4417a, 4418, 4426, 4491, 49 Stat. 1544, and 54 Stat. 346, as amended; P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 391a, 392, 404, 489, 1333, 46 CFR 113.30–25 (a))

BOILERS, HEATING

Approval No. 162.003/79/1, Model "Arcoliner" cast iron sectional steam or hot water heating boiler, dwg. No. 100, dated January 14, 1955, maximum pressure 15 p. s. i., approval limited to bare boiler, manufactured by American Radiator & Standard Sanitary Corp., P. O. Box 1226, Pittsburgh 30, Pa. (Reinstates and supersedes approval terminated in the FEDERAL REGISTER, January 18, 1955.)

Approval No. 162.003/80/1, Model "Severn" cast iron sectional steam or hot water heating boiler, dwg. No. 200, dated January 14, 1955, maximum pressure 15 p. s. i., approval limited to bare boiler, manufactured by American Radiator & Standard Sanitary Corp., P. O. Box 1226, Pittsburgh 30, Pa. (Reinstates and supersedes approval terminated in the FEDERAL REGISTER, January 18, 1955.)

Approval No. 162.003/81/1, Model "Oakmont" cast iron sectional steam or hot water heating boiler, dwg. No. 300, dated January 14, 1955, maximum pressure 15 p. s. i., approval limited to bare boiler, manufactured by American Radiator & Standard Sanitary Corp., P. O. Box 1226, Pittsburgh 30, Pa. (Reinstates and supersedes approval terminated in the FEDERAL REGISTER, January 18, 1955.)

Approval No. 162.003/82/1, Model "Exbrook" cast iron sectional steam or hot water heating boiler, dwg. No. 400, dated January 14, 1955, maximum pressure 15 p. s. i., approval limited to bare boiler, manufactured by American Radiator & Standard Sanitary Corp., P. O. Box 1226, Pittsburgh 30, Pa. (Reinstates and supersedes approval terminated in the FEDERAL REGISTER, January 18, 1955.)

Approval No. 162.003/83/1, Model "Redflash" cast iron sectional steam or hot water heating boiler, dwg. No. 500, dated January 14, 1955, and dwg. No. 600, dated January 14, 1955, maximum pressure 15 p. s. i., approval limited to bare boiler, manufactured by American Radiator & Standard Sanitary Corp., P. O. Box 1226, Pittsburgh 30, Pa. (Reinstates and supersedes approval terminated in the FEDERAL REGISTER, January 18, 1955.)

Approval No. 162.003/84/1, Model "Water Tube" cast iron sectional steam or hot water heating boiler, dwg. No. 700, dated January 14, 1955, maximum pressure 15 p. s. i., approval limited to bare boiler, manufactured by American Radiator & Standard Sanitary Corp., P. O. Box 1226, Pittsburgh 30, Pa. (Reinstates and supersedes approval terminated in the FEDERAL REGISTER, January 18, 1955.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, as amended, secs. 1, and 2, 49 Stat. 1544, and sec. 3, 54 Stat. 346, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, VAPORIZING LIQUID TYPE

Approval No. 162.004/21/3, General Quick Aid Fire Guard Model 85HD (Symbol GE or GEN), 1-quart carbon tetrachloride vaporizing-liquid pump type hand portable fire extinguisher, assembly dwg. No. BT–185–XK, Rev. C dated December 8, 1952, name plate dwg. No. T–185–1G, Rev. A dated August 30, 1954 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Supersedes Approval No. 162.004/21/2 published in FEDERAL REGISTER March 25, 1954.)

Approval No. 162.004/22/3, General Quick Aid Fire Guard Model 95HD (Symbol GE or GEN), 1½-quart carbon tetrachloride vaporizing-liquid pump type hand portable fire extinguisher, assembly dwg. No. BT–195–XK, Rev. D dated December 8, 1952, name plate dwg. No. T–195–1G, Rev. A dated August 30, 1954 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Supersedes Approval No. 162.004/22/2 published in FEDERAL REGISTER March 25, 1954.)

Approval No. 162.004/23/4, General Quick Aid Fire Guard Model 85HD (Symbol GEP), 1-quart carbon tetrachloride vaporizing-liquid pump type hand portable fire extinguisher, assembly dwg. No. BT–185–XK, Rev. C dated December 8, 1952, name plate dwg. No. T–185–1G, Rev. A dated August 30, 1954 (Coast Guard clasification: Type B, Size I; and Type C, Size I), manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif. (Supersedes Approval No. 162.004/23/3 published in FEDERAL REGISTER March 25, 1954.)

Approval No. 162.004/54/2, General Quick Aid Fire Guard Model 95HD (Symbol GEP), 1½-quart carbon tetrachloride vaporizing-liquid pump type hand portable fire extinguisher, assembly dwg. No. BT–195–XK, Rev. D dated December 8, 1952, name plate dwg. No. T–195–1G, Rev. A dated August 30, 1954 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif. (Supersedes Approval No. 162.004/54/1 published in FEDERAL REGISTER March 25, 1954.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, as amended, 49 Stat. 1544, and 54 Stat. 165, 166, 346, 1028, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL FOAM TYPE

Approval No. 162.006/32/0, Fyr-Fyter Model No. 18–26, 2½-gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 18–26, Rev. A dated March 29, 1954, instruction plate dwg. No. 4924 dated November 12, 1951 (Coast Guard classification: Type A, Size II; and Type B, size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.006/33/0, Buffalo Better-Built Model No. 18–27, 2½-gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 18–27, Rev. A dated March 29, 1954, instruction plate dwg. No. 4840 dated November 14, 1951 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

Approval No. 162.006/37/0, Fyr-Fyter Model No. 18–12, 2½-gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 18–12, Rev. A dated March 29, 1954, instruction plate dwg. No. 5254 dated December 30, 1952 (Coast Guard classification: Type A, Size II; and Type B, Size II), manufactured by The Fyr-Fyter Co., Dayton 1, Ohio.

Approval No. 162.006/38/0, Buffalo Better-Built Model No. 18–14, 2½-gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. 18–14, Rev. A dated March 29, 1954, instruction plate dwg. No. 4760 dated August 15, 1951 (Coast Guard classification: Type A, Size II; and Type B, Size II) manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, as amended, 49 Stat. 1544, 54 Stat. 165, 166, 346 and 1028, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 404, 463a, 472, 489, 490, 526g, 526p, 1333; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

VALVES, SAFETY (STEAM HEATING BOILERS)

Approval No. 162.012/20/0, Model ODP safety valve for steam heating boilers and unfired steam generators, dwg. No. B–2264–S, dated April 31, 1950, approved for a maximum pressure of 30 p. s. i. in the following sizes and relieving capacities:

Size (inches):	*Capacity (pound per hour) at 30 p. s. i.*
¾	230
1	343
1¼	673
1½	954
2	1,230

Manufactured by J. E. Lonergan Company, Second and Race Streets, Philadelphia 6, Pa.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and P. L. 569, 83d Cong.; 46 U. S. C. 367, 391a, 392, 404, 411, 489, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.012)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/75/0, Model 1 Truscale boiler water level indicator, remote reading, fitted with high and low water level alarms, dwg. Nos. T–46, dated March 11, 1953, and T–60, rev. A dated January 18, 1955, 900 p. s. i. maximum pressure, manufactured by Jerguson Gage & Valve Company, 87 Fellsway, Somerville 45, Mass.

Approval No. 162.025/76/0, Model 2 Truscale boiler water level indicator, remote reading, fitted with high and low water level alarms, dwg. Nos. T–45, rev. B, dated February 10, 1954, and T–60, rev. A dated January 18, 1955, 900 p. s. i. maximum pressure, manufactured by Jerguson Gage & Valve Co., 87 Fellsway, Somerville 45, Mass.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, and 54 Stat. 346, as amended, and P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 46 CFR Part 52)

DECK COVERINGS

Approval No. 164.006/44/0, "Schundler's Coralux Underlayment," perlite aggregate oxychloride cement deck covering identical to that described in National Bureau of Standards Test Report No. TG10210–1946: FP3307 dated December 28, 1954, approved for use without other insulating material as meeting Class A–60 requirements in a 1-inch thickness, manufactured by F. E. Schundler & Co., 504 Railroad Street, Joliet, Ill.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 2, 54 Stat. 1028, as amended, and P. L. 569, 83d Cong.; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a; 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 164.006)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/23/0, "No. 75 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1656:FP2855 (Test No. 122822) dated December 13, 1949, approved in a density of 0.75 pound per cubic foot, manufactured by Gustin-Bacon Manufacturing Co., Kansas City 5, Mo. (Extension of the approval published in FEDERAL REGISTER February 8, 1950, effective February 8, 1955.)

Approval No. 164.009/24/0, "No. 150 Ultralite MC Insulation," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1656:FP2855 (Test No. 122822) dated December 13, 1949, approved in a density of 1.48 pounds per cubic foot, manufactured by Gustin-Bacon Manufacturing Co., Kansas City 5, Mo. (Extension of the approval published in FEDERAL REGISTER February 8, 1950, effective February 8, 1955.)

Approval No. 164.009/26/0, "J–M 32 lb. Commercial Grade Asbestos Paper," asbestos paper type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1660:FP2861, dated December 21, 1949, approved in a weight of 32 pounds per 100 square feet, manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, N. Y. (Extension of the approval published in FEDERAL REGISTER February 8, 1950, effective February 8, 1955.)

Approval No. 164.009/32/0, "Thermoflex Felt RF 400", mineral wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1944:FP3305 dated December 13, 1954, approved in a 4 pound per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, N. Y.

Approval No. 164.009/33/0, "Linabestos," asbestos-cement board type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1945:FP3306, dated December 20, 1954, manufactured by Keasbey & Mattison Co., Ambler, Pa.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 2, 54 Stat. 1028, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 164.009)

FIRE EXTINGUISHING SYSTEM, PORTABLE

Portable foam fire extinguishing system for cargo tanks of tank vessels, 2½-inch Rockwood Eductor, Model 200, assembly dwg. No. SC–2131, Rev. G dated June 3, 1954, and at least nine cans (45 gallons) of Rockwood Regular 6% Foam Liquid, for supplying foam solution to a 2½-inch Rockwood Fog Foam Nozzle, Type FFF–101 (NB), assembly dwg. No. S–3461 dated January 16, 1952, to be used with or without either the 2½-inch FFF–101 Stream Shaper Model "N", assembly dwg. No. SA–2145 revised November 23, 1953, or the 2½-inch FFF–101 Fog Foam Screen Assembly Model "R", assembly dwg. No. SA–1918, Rev. B dated May 13, 1954, the water supply line to be fitted with a suitable self-cleaning strainer, approved for a superficial liquid area not exceeding 1,200 square feet; multiple units may be used to protect greater areas in the ratio of one unit for each 1,200 square feet or fraction thereof to be protected; manufactured by Rockwood Sprinkler Co., 38 Harlow Street, Worcester 5, Mass.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, and 49 Stat. 1544, 54 Stat. 375, 346, 1028, as amended, and P. L. 569, 83d Cong.; 46 U. S. C. 367, 391a, 404, 463a, 472, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 34.15)

Dated: March 28, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55–2693; Filed, Mar. 31, 1955; 8:48 a. m.]

[CGFR 55–11]

TERMINATIONS OF APPROVALS OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.007/89/0, standard kapok buoyant cushions, U. S. C. G. Specification Subpart 160.007, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio, for Montgomery Ward & Co., Inc., Chicago, Ill. (Approved FEDERAL REGISTER January 12, 1950. Termination of approval effective January 12, 1955.)

Termination of Approval No. 160.007/90/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Keystone Athletic Products, Inc., Burgettstown, Pa. (Approved FEDERAL REGISTER January 12, 1950. Termination of approval effective January 12, 1955.)

Termination of Approval No. 160.007/91/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Burlington Mills, Inc., Burlington, Wis., for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn. (Approved FEDERAL REGISTER February 8, 1950. Termination of approval effective February 8, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Termination of Approval No. 160.008/424/0, 13" x 19" x 2" rectangular buoyant cushion, 22 oz. kapok, Burlington Mills, Inc., dwg. No. 25, dated July 27, 1946, manufactured by Burlington Mills, Inc., Burlington, Wis., for Gamble-Skogmo, Inc., 15 North Eighth Street, Minneapolis 3, Minn. (Approved FED-

ERAL REGISTER February 8, 1950. Termination of approval effective February 8, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.008)

LIFEBOATS

Termination of Approval No. 160.035/233/0, 12' x 4.42' x 1.92' aluminum oar-propelled lifeboat, 6-person capacity, identified by construction and arrangement dwg. No. 3240 dated September 14, 1948, and revised October 26, 1948, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER January 12, 1950. Termination of approval effective January 12, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, P. L. 569, 83d Cong., 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

BOILERS, HEATING

Termination of Approval Nos. 162.003/88/0 through 162.003/108/0, Model FLT, Sizes 1 through 21, vertical fire tube heating boilers, welded steel plate construction, 30 pounds per square inch maximum pressure, dwg. No. 84957-A, dated November 9, 1949, manufactured by Erie City Iron Works, Erie, Pa. (Approved FEDERAL REGISTER January 12, 1950. Termination of approval effective January 12, 1955.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, and sec. 3, 54 Stat. 346, as amended, P. L. 569, 83d Cong., 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND CARBON-DIOXIDE TYPE

Termination of Approval No. 162.005/20/0, Model 15 AK Lever Type CD General Quick Aid Sno Fog Fire Guard, 15-lb. carbon-dioxide type hand portable fire extinguisher, parts list dwg. No. AC-215, dated July 22, 1947, assembly dwg No. EC-215-X, dated August 4, 1944, Revision No. 3, dated May 1, 1946, and name plate dwg. No. CC-215-1, dated February 14, 1947, revised June 27, 1947, manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich. (Approved FEDERAL REGISTER February 8, 1950. Termination of approval effective February 8, 1955.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, as amended, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 490, 526g, 526p, 1333; 46 CFR 25.30, 34.25, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Termination of Approval No. 162.007/27/0, General Quick Aid Fire Guard Model SA-303 Soda Acid, 2½-gallon hand portable fire extinguisher, parts list dwg. No. AS-303 dated June 30, 1947, assembly dwg. No. BS-303-X, dated July 2, 1947, and name plate dwg. No. PS-303-14Q, dated May 7, 1947, revision B, dated September 18, 1947, manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif. (Approved FEDERAL REGISTER February 8, 1950. Termination of approval effective February 8, 1955.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333; 46 CFR 25.30, 34.25-1, 76.50, 95.50)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Termination of Approval No. 162.015/8/2, Model No. C175-11, backfire flame arrester for carburetors, identified by assembly dwg. No. C175-11, dated April 13, 1946, and revised November 4, 1949, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER February 8, 1950. Termination of approval effective February 8, 1955.)

Termination of Approval No. 162.015/9/2, Model No. C175-11A, backfire flame arrester for carburetors, identified by assembly dwg. No. C175-11A, dated May 9, 1946, and revised November 4, 1949, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit, Mich. (Approved FEDERAL REGISTER February 8, 1950. Termination of approval effective February 8, 1955.)

Termination of Approval No. 162.015/11/1, Model No. B175-18, backfire flame arrester for carburetors, identified by Assembly dwg. No. B175-18, dated July 24, 1946, and revised July 25, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER February 8, 1950. Termination of approval effective February 8, 1955.)

Termination of Approval No. 162.015/25/0, Model No. B175-20, backfire flame arrester for carburetors, identified by Assembly dwg. No. B175-20, dated May 9, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER February 8, 1950. Termination of approval effective February 8, 1955.)

Termination of Approval No. 162.015/26/0, Model No. B175-21, backfire flame arrester for carburetors, identified by Assembly dwg. No. B175-21 dated May 9, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER February 8, 1950. Termination of approval effective February 8, 1955.)

Termination of Approval No. 162.015/27/0, Model No. B175-19, backfire flame arrester for curburetors, identified by Assembly dwg. No. B175-19, dated July 24, 1946, and revised July 25, 1946, manufactured by Zenith Carburetor Division, Bendix Aviation Corp., 696 Hart Avenue, Detroit 14, Mich. (Approved FEDERAL REGISTER February 8, 1950. Termination of approval effective February 8, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 10 and 17, 54 Stat. 165, 166, as amended; 46 U. S. C. 526i, 526p; 46 CFR 162.015)

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Termination of Approval No. 162.025/38/0, Model A, Jerguson "Truelevel" gauge, remote reading boiler water level indicator, dwg. Nos. R-16-C, Alt. 1, revised January 4, 1950, and R-18-C, Alt. 1, revised January 4, 1950, approved for a maximum steam pressure of 900 p. s. i., manufactured by Jerguson Gage & Valve Co., 87 Fellsway, Somerville 45, Mass. (Approved FEDERAL REGISTER March 25, 1950.)

Termination of Approval No. 162.025/39/0, Model B, Jerguson "Truelevel" gauge, remote reading boiler water level indicator, dwg. Nos. R-13-C, dated January 27, 1950, and R-14-C, Alt. 1, revised January 25, 1950, approved for a maximum steam pressure of 900 p. s. i., manufactured by Jerguson Gage & Valve Co., 87 Fellsway, Somerville 45, Mass. (Approved FEDERAL REGISTER March 25, 1950.)

Termination of Approval No. 162.025/40/0, Model M, Jerguson "Truscale" gauge, remote reading boiler water level indicator, fitted with high and low water alarms, dwg. Nos. T-01-C, dated January 31, 1950; T-09-C, Alt. 1, revised February 6, 1950; GD-500, dated January 26, 1950; GD-501, dated January 27, 1950; and GD-502, Alt. 1 revised February 16, 1950, approved for a maximum steam pressure of 900 p. s. i., manufactured by Jerguson Gage & Valve Co., 87 Fellsway, Somerville 45, Mass. (Approved FEDERAL REGISTER March 25, 1950.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, and 54 Stat. 346, as amended, and P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333; 46 CFR Part 52)

Dated: March 28, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55-2694; Filed, Mar. 31, 1955; 8:48 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Gen. Order 85]

SOLICITOR OF LABOR

PERFORMANCE OF CERTAIN FUNCTIONS OF SECRETARY IN EVENT OF VACANCY IN OFFICE OF ADMINISTRATOR OF WAGE AND HOUR AND PUBLIC CONTRACTS DIVISIONS

By virtue of and pursuant to the authority vested in me by the act of March 4, 1913 (5 U. S. C. 611), section 4 of the act of June 30, 1936, as amended (41 U. S. C. 38), the act of June 25, 1938, as amended (29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (64 Stat. 1263, 5 U. S. C. 611, note), and R. S. 161 (5 U. S. C. 22):

It is hereby ordered, That in the event of a vacancy occurring in the office of Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor, the Solicitor of Labor, until such time as the vacancy shall be filled by a duly appointed and qualified successor to the office, shall have authority to perform, in addition to the functions which he would otherwise perform, the following functions of the Secretary of Labor:

1. All functions under the Walsh-Healey Public Contracts Act, as amended, which such Administrator is authorized to perform by virtue of the provisions of General Order No. 25 and pursuant to the provisions of Reorganization Plan No. 6 of 1950;

2. All functions under the Fair Labor Standards Act of 1938, as amended, which such Administrator is authorized to perform by virtue of the provisions of General Order No. 45A and pursuant to the provisions of Reorganization Plan No. 6 of 1950.

The Solicitor of Labor in such event shall have authority to perform any of these functions in the same manner and to the same extent as the Administrator is authorized to do under the provisions of General Order No. 25 or General Order No. 45A, and shall have authority, on behalf of the Secretary, to sign documents and correspondence in the course of his performance of any such function in his own name and title in the following form:

James P. Mitchell
Secretary of Labor

By [s] Stuart Rothman
Solicitor of Labor

It is further ordered, That all orders, regulations, interpretations, delegations, subdelegations, or agreements issued, made, or entered into under any authority conferred by either act referred to in this order shall remain in effect as orders, regulations, interpretations, delegations, subdelegations, or agreements of the Secretary of Labor during any period in which the Solicitor of Labor performs functions of the Secretary as provided herein, except to the extent that amendments, modifications, or rescissions thereof may be made by the Secretary or under authority conferred by him as provided in General Order No. 25 or General Order No. 45A.

This order shall become effective immediately as an amendment to General Order No. 25 and to General Order No. 45A, and shall supersede all prior orders, instructions, regulations or memoranda of the Secretary of Labor to the extent that they are inconsistent herewith.

Signed and effective March 26, 1955, Washington, D. C.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 55-2672; Filed, Mar. 31, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7077]

WONG AVIATION LTD.

NOTICE OF HEARING

In the matter of the application of Wong Aviation Limited for a foreign air carrier permit to perform operations of a casual, occasional or infrequent nature, in common carriage, from Toronto, Canada to points in the States of Michigan, Pennsylvania, Ohio and New York.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on April 18, 1955, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., March 29, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-2703; Filed, Mar. 31, 1955; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3123]

NATURAL GAS PIPELINE COMPANY OF AMERICA

ORDER DENYING MOTION TO DISMISS AND PROVIDING FOR RECONVENING OF HEARING

Pursuant to the provisions of the order issued March 18, 1955, the Presiding Examiner certified to the Commission the motion to dismiss made by Illinois Commerce Commission (Illinois Commission) on December 9, 1954, during course of hearing and joined in by City of Chicago, Illinois (Chicago), including the record upon which such motion was based.

By the motion to dismiss it appears that Illinois Commission and Chicago raise the question whether or not in view of the decision in Phillips Petroleum Company v. Wisconsin, et al., 347 U. S. 672, fair field price provides a reasonable and proper basis for determining the proper cost to be reflected as an expense item in the cost of service of Natural Gas Pipeline Company of America (Natural) for the gas which it produces.

A proper and reasonable allowance in the cost of service of Natural for gas which it produces cannot be determined in advance of a complete and full record upon this issue. The hearing in this proceeding is currently in recess pending further order of the Commission. At such time as the hearing is reconvened all parties will have an opportunity to present all pertinent and relevant evidence upon the issue thus presented.

The Commission finds: Good cause exists for denying the motion to dismiss made by Illinois Commission.

The Commission orders:

(A) The motion to dismiss this proceeding made on December 9, 1954, by Illinois Commerce Commission be and it is hereby denied.

(B) The hearing in this proceeding shall be reconvened at a time and place to be fixed by further notice from the Secretary of the Commission.

Adopted: March 23, 1955.

Issued: March 24, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2675; Filed, Mar. 31, 1955; 8:46 a. m.]

[Docket No. G-3598]

KANSAS NATURAL GAS, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 28, 1955.

Take notice that Kansas Natural Gas, Inc. (Applicant), a Kansas corporation, with a principal office in Hays, Kansas, filed on September 29, 1954, an application for a certificate of public convenience and necessity and a supplement thereto on November 29, 1954 pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Hugoton Gas Field, Morton, Finney, Kearney, Stanton, Haskell, Stevens and Grant Counties, Kansas, which is sold in interstate commerce to Kansas Colorado Utilities Company, Kansas-Nebraska Natural Gas Company, Inc., and Cities Service Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 15, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-2673; Filed, Mar. 31, 1955; 8:45 a. m.]

[Docket No. G-4371]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 28, 1955.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation whose address is El Paso, Texas filed application on November 1, 1954 which was supplemented on November 26, 1954, and February 26, 1955, for a

certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell and deliver natural gas to Arizona Public Service Company (Public Service) at Applicants existing Avondale Meter Station for resale by Public Service in and adjacent to the towns of Wickenburg, El Mirage, Surprise, and Youngtown, and in the Dysart School Community, all in Maricopa County, Arizona. These towns and communities are located along the route of a proposed pipeline to be constructed by Public Service at an estimated cost of $490,000. Applicant will finance 72.33 percent of the construction cost of this line from funds on hand as a contribution to Public Service in aid of construction.

Applicant has requested omission of the intermediate decision procedure and that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 22, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 15, 1955.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-2674; Filed Mar. 31, 1955; 8:45 a. m.]

[Docket No. G-4372]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 28, 1955.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation whose address is El Paso, Texas, filed on November 1, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to operate four constructed taps, together with metering facilities, for the sale of natural gas to General Utiliites, Inc., for resale along Applicant's pipelines in the vicinity of the taps. The pipeline taps are designated Cliff-Layton, Lee Station, U. S. Indian Service at Bylas, and Moody Station, and are located in Graham County, Arizona.

Applicant has requested omission of the intermediate decision procedure and that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 25, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 15, 1955.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-2697; Filed, Mar. 31, 1955; 8:49 a. m.]

[Docket Nos. G-6503, G-6624, G-6821, G-6823, G-6824, G-7407, G-7771, G-7772]

CONTINENTAL OIL CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS, FIXING DATE OF HEARING, AND SPECIFYING PROCEDURE

In the matters of Continental Oil Company, Docket No. G-6503; Knox Oil Company, Docket No. G-6821; Wyopark Oil Company, Docket No. G-6823; Oxford Oil Company, Docket No. G-6824; Fred M. Manning, Docket No. G-7771; Estate of E. E. Brown, Docket No. G-7772; Fred Goodstein, d/b/a Trigood Oil Company, Docket Nos. G-6624 and G-7407.

By orders heretofore issued in the above-entitled proceedings, the Commission, pursuant to authority contained in sections 4 and 15 of the Natural Gas Act, ordered that hearings be held concerning the lawfulness of increased rates and charges contained in proposed changes in rate schedules for sales of natural gas to Montana-Dakota Utilities Company subject to the jurisdiction of the Commission. These orders provided that, pending the hearing and decision thereon, the proposed rate schedules involved, and the increased rates and charges therein proposed, be suspended and the use thereof deferred until March 1, 1955, and for such further time as they are made effective in the manner prescribed by the Natural Gas Act.

The orders and rate schedules involved are as follows:

Docket No.	Date order adopted	Rate schedules involved
G-6503	Dec. 22, 1954	Continental Oil Co., supplement No. 1 to FPC gas rate schedule No. 2; and supplement No. 1 to supplement No. 1 to FPC gas rate schedule No. 2.
G-6821	Jan. 5, 1955	Knox Oil Co., supplement No. 1 to FPC gas rate schedule No. 1; and supplement No. 1 to supplement No. 1 to FPC gas rate schedule No. 1.
G-6823	....do.....	Wyopark Oil Co., supplement No. 1 to FPC gas rate schedule No. 1; and supplement No. 1 to supplement No. 1 to FPC gas rate schedule No. 1.
G-6824	....do.....	Oxford Oil Co., supplement No. 1 to FPC gas rate schedule No. 1; and supplement No. 1 to supplement No. 1 to FPC gas rate schedule No. 1.
G-7771	Jan. 19, 1955	Fred M. Manning, supplement No. 1 to FPC gas rate schedule No. 1; and supplement No. 1 to supplement No. 1 to FPC gas rate schedule No. 1.
G-7772	....do.....	Estate of E. E. Brown, supplement No. 1 to FPC gas rate schedule No. 1; and supplement No. 1 to supplement No. 1 to FPC gas rate schedule No. 1.
G-6624	Dec. 29, 1954	Fred Goodstein, d/b/a Trigood Oil Co., supplement No. 1 to FPC gas rate schedule No. 1.
G-7407	Jan. 13, 1955	Fred Goodstein, d/b/a Trigood Oil Co., supplement No. 1 to FPC gas rate schedule No. 3; and supplement No. 1 to supplement No. 1 to FPC gas rate schedule No. 3.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the natural Gas Act, and good cause exists, to consolidate the above-entitled proceedings for the purposes of hearing and to prescribe the procedure to be followed at the hearing as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), the proceedings in the above-entitled docket Nos. G-6503, G-6821, G-6823, G-6824, G-7771, G-7772, G-6624, and G-7407 be and the same are hereby consolidated for the purposes of hearing; and, further, such hearing be held commencing on May 10, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the above-entitled proceedings.

(B) At the hearing, Continental Oil Company, Knox Oil Company, Wyopark Oil Company, Oxford Oil Company, Fred M. Manning, Estate of E. E. Brown, and Fred Goodstein, d/b/a Trigood Oil Company (hereinafter referred to as "Applicant") shall first present and complete their cases-in-chief before cross-examination is undertaken. Upon completion of the presentation of Applicants, the other parties to the proceedings, including Commission Staff Counsel, may proceed with preliminary cross-examination respecting the matters and issues involved in the proceedings. Upon request of any party to the proceedings, including Commission Staff Counsel, the hearing shall be recessed by the Presiding Examiner for such time or times as the Examiner may find appropriate and reasonable to permit proper preparation for full cross-examination. Following the presentation by Applicants, and cross-examination as provided above, opportunity shall then be afforded to the other parties to present testimony and evidence. Any such testimony and evidence shall then be subject to cross-examination. Following such cross-examination, opportunity shall be afforded Commission Staff Counsel (after recess, if requested) to present evidence. Such testimony and evidence as the Staff offers shall then be subject to cross-examination, after which an opportunity shall be afforded Applicants to offer rebuttal evidence.

(C) Upon completion of the proceedings as provided for in paragraph (B), the Presiding Examiner shall fix the dates for the filing of briefs, if not waived by the parties, including Commission Staff Counsel.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: March 23, 1955.

Issued: March 24, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2676; Filed, Mar. 31, 1955; 8:46 a. m.]

[Docket No. G-6863]

GULF INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 28, 1955.

Take notice that Gulf Interstate Gas Company (Applicant), a Delaware corporation whose address is P. O. Box 1916, Houston, Texas, filed on January 10, 1955, an application for a certificate of public convenience and necessity, as supplemented on February 28, 1955 and March 16, 1955, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to operate facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate an experimental compressor station near Stanton, Kentucky. The compressor station will be constructed at the site of what will be its Compressor Station No. 1 and will be operated as a "satellite", being controlled exclusively by personnel at Applicant's Station No. 2 eighty miles distant at Clementsville, Kentucky. The experimental station will be a centrifugal instead of a reciprocal station. Applicant proposes to operate the station on an experimental basis for 15 months to determine the economics and feasibility of the non-attended operation. It is represented that the presently existing operations will not be changed in any manner and that the experimental station will not be used to increase the capacity of Applicant's facilities or the daily or annual volumes of gas to be transported.

The estimated total cost of the facilities is $730,000 to be financed from current funds available to the Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 20, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-2698; Filed, Mar. 31, 1955; 8:49 a. m.]

[Project No. 135]

PORTLAND GENERAL ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

MARCH 28, 1955.

Public notice is hereby given that Portland General Electric Company, of Portland, Oregon, has filed application under the Federal Power Act, (16 U. S. C. 791a–825r) for amendment of the license for water-power Project No. 135 located on the Clackamas River in Clackamas County, Oregon, to change the design of the proposed Timothy Meadows Dam from a rock-fill impervious core structure to a straight earth-fill dam; to install a 25-kilowatt generating unit at the dam for the purpose of providing electrical energy for supervisory control and telemetering equipment at the dam; and to extend to December 31, 1955, the time for completion of said dam and for the filing of certain maps. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is May 2, 1955. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-2699; Filed, Mar. 31, 1955; 8:49 a. m.]

THE RENEGOTIATION BOARD

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

The Statement of Organization published in the issue of February 13, 1952 (F. R. Doc. 52-1774; 17 F. R. 1400), as heretofore amended, is hereby further amended, effective at the close of business March 15, 1955, as follows:

1. In section 3 (b), the words "maintains five" are deleted from the first sentence and the words "maintains four" are inserted in lieu thereof.

2. Paragraph (b) (1), setting forth the name and address of The Boston Regional Renegotiation Board, is deleted in its entirety and subparagraphs (2), (3), (4) and (5) are changed to read subparagraphs (1), (2), (3) and (4), respectively.

Dated: March 29, 1955.

FRANK L. ROBERTS,
Chairman.

[F. R. Doc. 55-2701; Filed, Mar. 31, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3348]

WEST TEXAS UTILITIES CO.

ORDER REGARDING ISSUANCE AND SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

MARCH 28, 1955.

West Texas Utilities Company ("West Texas"), an electric utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the provisions of sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder with respect to the following proposed transaction:

West Texas proposes to issue and sell $7,500,000 principal amount of first mortgage bonds, Series D, __ percent, to be dated April 1, 1955, and to mature April 1, 1985. Said bonds will be issued under and secured by an Indenture of Mortgage dated August 1, 1943, to Harris Trust and Savings Bank and Harold Eckhart, as Trustees, as amended by existing Indentures supplemental thereto, and by a proposed supplemental Indenture to be dated April 1, 1955, between West Texas and Harris Trust and Savings Bank and W. H. Milsted (successor to Harold Eckhart). The price to be paid to the company for the bonds (which, exclusive of accrued interest thereon, shall be not less than 100 percent nor more than 102.75 percent of the principal amount of the bonds) and the interest rate (which shall be a multiple of ⅛ of 1 percent will be determined by competitive bidding pursuant to Rule U-50.

The net proceeds (exclusive of accrued interest) to be received by West Texas from the issuance and sale of the $7,500,000 principal amount of its Series D bonds will be applied by the company, to the extent of $5,500,000, to the prepayment of bank loans, and the balance thereof will be used by West Texas to pay a part of the cost of its 1955 and 1956 construction programs which it estimates will amount to approximately $11,400,000 in the aggregate.

No State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transaction.

The fees and expenses incurred and to be incurred and paid in connection with the proposed transaction are estimated as follows:

S. E. C. filing fee	$780
Federal issue stamp tax	8,250
Printing and engraving	10,100
Recording fees	1,200
Trustee's fee: Harris Trust and Savings Bank	4,250
Accountant's fee: Arthur Andersen & Co	1,500
Service company fee: Middle West Service Co.	[1] 3,500
Counsel fees:	
Stevenson, Dendtler, Bailey & McCabe	[1] 6,000
Wagstaff, Harwell, Alvis & Pope	[1] 500
Reimbursement of underwriters for "Blue Sky" expense	2,500
Miscellaneous expense	1,420
Total	40,000

[1] Portion of annual retainer allocated by West Texas as applicable to the issuance and sale of the bonds.

The fee of Isham, Lincoln & Beale, independent counsel for the underwriters, estimated at $4,500, and related expenses of $250, will be paid by the successful bidder or bidders.

West Texas has requested that there be no waiting period between the issuance of the Commission's order herein and the effective date thereof.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied; that the fees and expenses are not unreasonable; that the declaration, as amended, should be permitted to become effective forthwith.

It is ordered, pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-2692; Filed, Mar. 31, 1955; 8:47 a. m.]

[File No. 70-3354]

MISSOURI EDISON CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF BANK LOAN NOTES

MARCH 28, 1955.

Notice is hereby given that Missouri Edison Company ("Missouri Edison"), a public-utility subsidiary of Union Electric Company of Missouri, a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"). Declarant has designated sections 6 (a) and 7 of the act and Rules U-50 (a) (2) and (a) (4) promulgated thereunder as applicable to said filing.

All interested persons are referred to said declaration which is on file in the offices of the Commission for a statement of the transaction proposed therein, which is summarized as follows:

Missouri Edison proposes to borrow from The Boatmen's National Bank of St. Louis amounts aggregating up to $600,000 and to evidence said borrowings by the issuance of promissory notes maturing nine months from the dates of the borrowings and bearing interest at the rate of three percent per annum.

Missouri Edison states it will use the sums to be borrowed, together with cash available in its treasury, to finance its necessary and urgent construction program.

Missouri Edison represents that the funds necessary to repay the borrowings to be made, to retire a demand note in the principal amount of $138,000 issued and delivered to The Boatmen's National Bank of St. Louis on February 15, 1955, and to provide additional funds for construction purposes will be obtained from the issuance and sale of additional first mortgage bonds or other securities later in 1955.

Missouri Edison states that no State commission and no Federal regulatory agency, other than this Commission, has any jurisdiction over the proposed transaction.

Notice is further given that any interested person may, at any time prior to April 11, 1955, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said declaration which he proposes to controvert, or he may request to be notified if the Commission should order a hearing thereon. Any such request should bear the caption of this Notice and should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as it may hereafter be amended, may be granted pursuant to Rule U-23 of the rules and regulations promulgated under the act, or the transaction proposed therein may be exempted as provided by Rules U-20 (a) and U-100.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-2691; Filed, Mar. 31, 1955; 8:47 a. m.]

[File No. 812-906]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND PAUL VALVE CORP.

NOTICE OF FILING REQUESTING ORDER EXEMPTING CERTAIN TRANSACTIONS BETWEEN AFFILIATES

MARCH 28, 1955.

Notice is hereby given that American Research and Development Corporation ("Research"), a registered, closed-end non-diversified investment company, and its affiliated company, Paul Valve Corporation ("Paul"), have filed a joint application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") seeking an order exempting certain transactions contained in section 17 (a) from the prohibitions of the act.

Paul, a New Jersey corporation organized in 1947, is engaged in the sale of valves for use in pulp mills, chemical process plants, product pipe lines and other industrial applications.

The application states that Paul has presently outstanding, 122,917 shares of common stock, par value 10 cents per share, of which 96,884 shares are subject to a voting trust agreement; 2,199 shares of $100 per value non-cumulative preferred stock; $24,656.47 of sinking fund notes due 1957; and an aggregate of $195,395.28 of 5 percent debentures due 1960. The common stock normally has sole voting power; the preferred stock does not have voting rights until the debentures have been paid in full and default has been made in the payment of four consecutive quarterly dividends.

Of the 122,917 shares of common stock outstanding, 91,901 shares were issued and sold at par as part of package sales in connection with the sales of the preferred stock and debentures. Paul's outstanding securities are held by 77 persons.

Research holds 26,040 shares or 21.18 percent of the common stock outstanding, of which 16,800 shares are subject to the voting trust agreement. One of the three voting trustees is a nominee of Research. In addition, $62,000 of the debentures are also held by Research.

Pursuant to the proposed plan of reorganization all of the presently outstanding securities of Paul will be exchanged for new 10¢ par value common stock on the following terms:

1. Notes and debentures of the corporation amounting to $218,872.65 plus accrued interest thereon, together with 83,105 shares of common stock purchased therewith in a "package," will be exchanged for 80,000 shares (80 percent) of the new common stock to be issued on the basis of the unpaid principal of the notes and debentures (approximately 36.55 shares of new common stock for each $100 in notes and debentures).

2. The 2,199 outstanding shares of the preferred stock of the corporation with a total par value of $219,900 together with the 8,796 shares of common stock purchased therewith in a "package," will be exchanged for 10,000 shares (10 percent) of the new common stock to be issued (approximately 4.55 shares of new common stock for each share of preferred stock).

3. Common stock purchased without an accompanying purchase of other securities of the corporation, in general purchased by the management, the inventor and those rendering services, totalling 31,000 shares, will be exchanged for 10,000 shares (10 percent) of the new common stock to be issued (approximately 0.32 share of new common stock for each share of old common stock. The directors' 16 qualifying shares will not participate in the plan of reorganization.

Under the proposed plan Research will receive a total of 22,661 shares of new common stock or 22.6 percent of the shares to be outstanding. It is stated, however, that it is contemplated that stockholders will approve an option to the President of Paul to purchase 10,000 shares of new common stock over a five-year period. If such option is exercised, Research's interest in Paul would be reduced to 20.5 percent.

It is represented that the plan will be consummated only upon receiving the written consents of all holders of the debt securities, two-thirds of the preferred stockholders and two-thirds of the common stockholders.

Applicants assert that the plan of reorganization has been proposed as a means of improving the credit position of Paul. A balance sheet of Paul as of October 31, 1954, shows a cumulative earnings deficit of $428,858 and a capital deficit of $197,002 as of that date.

The directors of Paul are of the opinion that despite these deficits the patents pending are of substantial value to a sound going concern and for that reason considers it necessary, desirable and fair both to recognize the management's past contribution and to assure its continued interest in the future of the enterprise.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security, with certain exemptions, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from section 17 (a) of the act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

Research and Paul are affiliated persons of each other, as defined in the act, hence the transactions between them pursuant to the proposed plan of reorganization are prohibited under section 17 (a) unless the Commission grants the application pursuant to section 17 (b) of the act.

Notice is further given that any interested person may, not later than April 11, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-2600; Filed, Mar. 31, 1955; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 119]

CORKBOARD

POSTPONEMENT OF PUBLIC HEARING

The Tariff Commission ordered that the public hearing in the investigation instituted under section 336 of the Tariff Act of 1930 with respect to corkboard, heretofore scheduled for April 5, 1955 (20 F. R. 630), be postponed to 10 a. m., June 1, 1955.

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing in this investigation should file a request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., at least three days in advance of the date of the hearing.

Issued: March 29, 1955.

By order of the United States Tariff Commission the 28th day of March 1955.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 55-2715; Filed, Mar. 31, 1955; 8:51 a. m.]

[List No. D-70]

PHOTOGRAPHIC SHUTTERS

APPLICATION FOR INVESTIGATION DENIED AND DISMISSED

MARCH 29, 1955.

On February 14, 1955, the Commission received an application from the Wollensak Optical Company, Rochester, N. Y., for an investigation under section 336 of the Tariff Act of 1930 with respect to photographic shutters classifiable under paragraph 1551 of the Tariff Act of 1930. The application requested an increase in the duty. After preliminary inquiry, the Commission, on March 29, 1955, denied and dismissed the application.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 55-2716; Filed, Mar. 31, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[MC-C-1520]

MULTIPLE PICK-UPS AND DELIVERIES; NEW ENGLAND

ORDER DIRECTING PENDING INVESTIGATION TO BE BROADENED

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 21st day of March A. D. 1955.

Upon consideration of the pending investigation into the rules, regulations, and practices affecting rates and charges insofar as they authorize or permit consignment to one or more than one consignee of single shipments of all property except household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, livestock, automobiles, dangerous explosives, and commodities of unusual size or value, by motor common carriers, in interstate and foreign commerce, between points within an area embracing all of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and between points within that territory, on the one hand, and, on the other, points within the State of New Jersey in Hudson, Passaic, and Somerset Counties and points within the State of New York in Albany, Schenectady, and Orange Counties; and of a petition requesting that the investigation be broadened; and good cause appearing therefor:

It is ordered, That the pending investigation be, and it is hereby, broadened to include the reasonableness and lawfulness otherwise of the rules, regulations and practices affecting rates and charges so far as they authorize or permit single shipments to be picked up at more than one location when such shipments of the property described, and between the points referred to in the preceding paragraph of this order, move in interstate or foreign commerce, with a view to the making of such findings and orders in the premises as the facts

and circumstances shall appear to warrant.

It is further ordered, That all common carriers of property by motor vehicle subject to the Interstate Commerce Act, operating between the points and participating in the transportation referred to in this order be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register, Washington, D. C.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2686; Filed, Mar. 31, 1955; 8:46 a. m.]

[4th Sec. Application 30406]

SULPHURIC ACID FROM EAST ST. LOUIS, ILL., TO SPRINGFIELD, MO.

APPLICATION FOR RELIEF

MARCH 29, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for and on behalf of the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee).

Commodities involved: Sulphuric acid, in tank-car loads.

From: East St. Louis, Ill.

To: Springfield, Mo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3991, sup. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2678; Filed, Mar. 31, 1955; 8:46 a. m.]

[4th Sec. Application 30407]

PETROLEUM AND PRODUCTS FROM IOWA, KANSAS, MISSOURI, AND NEBRASKA TO NEBRASKA

APPLICATION FOR RELIEF

MARCH 29, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff I. C. C. A-4084.

Commodities involved: Petroleum and its products, carloads.

From: Specified points in Iowa, Kansas, Missouri, and Nebraska.

To: Specified points in Nebraska.

Grounds for relief: Rail competition, circuity, and competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2679; Filed, Mar. 31, 1955; 8:46 a. m.]

[4th Sec. Application 30408]

HAY AND RELATED ARTICLES TO AND FROM THE SOUTHWEST

APPLICATION FOR RELIEF

MARCH 29, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. 4147, supp. 1.

Commodities involved: Hay and related articles, in carloads.

Between: Specified points in Arkansas, on the one hand, and points in Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional origins and destinations.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2680; Filed, Mar. 31, 1955; 8:46 a. m.]

[4th Sec. Application 30409]

FERRO MANGANESE FROM WOODSTOCK, TENN., TO HOUSTON, TEX.

APPLICATION FOR RELIEF

MARCH 29, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. 4145, supp. 43.

Commodities involved: Ferro-manganese, ferro-silicon, silico-manganese and zirconium-ferro-silicon, in straight or mixed carloads.

From: Woodstock, Tenn.

To: Houston, Tex.

Grounds for relief: Circuitous routes, and additional origin.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2681; Filed, Mar. 31, 1955; 8:46 a. m.]

[4th Sec. Application 30410]

APPLES AND SEEDS FROM PACIFIC COAST TO ALABAMA

APPLICATION FOR RELIEF

MARCH 29, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to tariffs listed below.

Commodities involved: Fresh apples and seeds, in carloads.

From: Pacific coast territory.

To: Specified points in Alabama.

Grounds for relief: Circuitous routes, to maintain grouping, and additional routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. 1558, supp. 40; W. J. Prueter, Agent, I. C. C. 1562, supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2682; Filed, Mar. 31, 1955; 8:46 a. m.]

[4th Sec. Application 30411]

GLASSWARE WITHIN ILLINOIS TERRITORY

APPLICATION FOR RELIEF

MARCH 29, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. 839.

Commodities involved: Glassware, noibn., carloads.

Between: Points in Illinois territory.

Grounds for relief: Circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2683; Filed, Mar. 31, 1955; 8:46 a. m.]

[4th Sec. Application 30412]

COAL FROM PENNSYLVANIA TO YOUNGSTOWN, OHIO, GROUP

APPLICATION FOR RELIEF

MARCH 29, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Baltimore and Ohio Railroad Company for itself.

Commodities involved: Coal, bituminous and cannel, and briquettes, carloads.

From: Mines in Pennsylvania in the Reynoldsville region.

To: Youngstown, Ohio, and other specified points in Ohio.

Grounds for relief: Circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: Baltimore and Ohio Railroad tariff I. C. C. 3013, supp. 75.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2684; Filed, Mar. 31, 1955; 8:46 a. m.]

[4th Sec. Application 30413]

VARIOUS COMMODITIES, FROM, TO, AND BETWEEN POINTS IN WESTERN TRUNKLINE TERRITORY

APPLICATION FOR RELIEF

MARCH 29, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed in application, pursuant to fourth-section order No. 17220.

Commodities involved: Alcohols and various other commodities, as described in application, in carloads.

Territory: From, to, and between specified points in western trunkline territory.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2625; Filed, Mar. 31, 1955; 8:46 a. m.]

FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; SOUTH DAKOTA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

SOUTH DAKOTA

County:	Average value
Aurora	$25,000
Beadle	25,000
Bennett	23,000
Bon Homme	26,000
Brookings	25,000
Brown	25,000
Brule	25,000
Buffalo	25,000
Butte	23,000
Campbell	25,000
Charles Mix	26,000
Clark	25,000
Clay	30,000
Codington	25,000
Corson	23,000
Custer	23,000
Davison	26,000
Day	25,000
Deuel	25,000
Dewey	23,000
Douglas	26,000
Edmunds	25,000
Fall River	23,000
Faulk	25,000
Grant	25,000
Gregory	23,000
Haakon	23,000
Hamlin	25,000
Hand	25,000
Hanson	26,000
Harding	23,000
Hughes	25,000
Hutchinson	26,000
Hyde	25,000
Jackson	23,000
Jerauld	25,000
Jones	23,000
Kingsbury	25,000

SOUTH DAKOTA—Continued

County:	Average value
Lake	$30,000
Lawrence	23,000
Lincoln	30,000
Lyman	23,000
McCook	30,000
McPherson	25,000
Marshall	25,000
Meade	23,000
Mellette	23,000
Miner	26,000
Minnehaha	30,000
Moody	30,000
Pennington	23,000
Perkins	23,000
Potter	25,000
Roberts	25,000
Sanborn	26,000
Shannon	23,000
Spink	25,000
Stanley	23,000
Sully	25,000
Todd	23,000
Tripp	23,000
Turner	30,000
Union	30,000
Walworth	25,000
Washabaugh	23,000
Yankton	30,000
Ziebach	23,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3, (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated this 29th day of March 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-2772; Filed, Apr. 1, 1955; 8:54 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Corn Bulletin A]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP CORN PRICE SUPPORT PROGRAM

COMPLIANCE WITH ACREAGE ALLOTMENT REQUIREMENTS

Sec.
421.1126 Administration.
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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 19 ($0.40)
Title 25 ($0.50)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 18 ($0.50); Titles 30–31 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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421.1129 Compliance requirements; producers.
421.1130 Compliance requirements; corn.
421.1131 Effect of unknowingly exceeding farm acreage allotment; method of determination.
421.1132 Appeals.

AUTHORITY: §§ 421.1126 to 421.1132 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 401, 408, 63 Stat. 1054, 68 Stat. 904; 15 U. S. C. 714c, 7 U. S. C. 1421, 1428, 7 U. S. C. 1374.

§ 421.1126 *Administration.* The program will be carried out under the general supervision and direction of the President, Commodity Credit Corporation, by the Commodity Stabilization Service (hereinafter referred to as CSS) through State and County Agricultural Stabilization and Conservation Committees (hereinafter referred to as State and county committees).

§ 421.1127 *Applicability of §§ 421.1126 through 421.1132.* Sections 421.1126 through 421.1132 state the eligibility requirements applicable to producers and corn under the 1955 corn price support program with respect to compliance with farm acreage allotments for corn, and are in addition to other regulations to be issued by the Commodity Credit Corporation governing eligibility for price support.

§ 421.1128 *Definitions.* As used in this subpart and in all instructions, forms and documents in connection herewith, the words and phrases defined in this section shall have the meaning herein assigned to them unless the context or subject matter otherwise requires.

(a) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work-stock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(b) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof.

(c) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm and has an interest in crops produced on the farm.

(d) "Producer" means any person having an interest in the corn crop as landlord, tenant, sharecropper, or farm owner.

(e) "Corn acreage" means the number of acres of land on which field corn, including sweet corn produced for feed or silage, is planted alone or interplanted with other crops. Acreage planted to field corn, as described in the first sentence of this paragraph, in excess of the farm acreage allotment will not be deemed to be corn acreage if, on or before a date established by the county committee and approved by the State committee, the product of such excess acreage (1) is plowed or disced under, or (2) is totally destroyed by causes beyond the control of the operator, unless the operator indicates in writing to the county committee, or an authorized representative thereof, that such destroyed acreage should be classified as corn acreage. The aforementioned date to be established by the county committee shall be not later than the date that corn normally starts to tassle in the county or areas within the county. Unless all producers on a farm have indicated in writing to the county committee that they do not desire price support, the county committee shall mail to the operator on whose farm excess corn acreage has been determined written notice of such final date at least 15 days in advance thereof, together with a notice of the measured acreage. The State ASC Committee shall notify the Director of the Grain Division of the dates established for the county or areas within a county for adjusting corn acreage to the farm acreage allotment.

(f) "Farm acreage allotment" means that corn acreage allotment established for the farm under 7 CFR Part 721—Corn, Subpart—Farm Acreage Allotments for 1955 Crop, as published in the FEDERAL REGISTER under date of November 16, 1954 (19 F. R. 7374).

(g) "Commercial corn-producing area" means the area designated by the Secretary of Agriculture pursuant to section 301 (b) (4) of the Agricultural Adjustment Act of 1938, as amended, and includes all counties in which the average production of corn (excluding corn used for silage) during the 10 calendar years, 1945–54, after adjustment for abnormal weather conditions, is 450 bushels or more per farm and 4 bushels or more for each acre of farm land in the county, and also any county bordering on such commercial corn-producing area which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farm land in 1955, or in which there is a minor civil division which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farm land in 1955. The designation of the commercial corn-producing area for 1955 appears in 7 CFR 721.611 (o) (19 F. R. 7374).

§ 421.1129 *Compliance requirements; producers*—(a) *Commercial corn-producing area.* (1) A producer shall not be eligible for price support on corn produced in 1955 on a farm in the commercial corn-producing area unless the county committee determines that the 1955 crop corn acreage on such farm is not in excess of the farm acreage allotment: *Provided,* That if a producer has an interest in the 1955 corn crop produced on more than one farm in the commercial corn-producing area of the State, he shall not be entitled to price support on any corn unless the total of the corn acreage of all such farms in the State does not exceed the total of the farm acreage allotments established for such farms, as determined by the county committee to which application for price support is made: *Provided further,* That a producer shall not be entitled to price support on any corn if the State committee of the State in

which application for price support is made determines that the total of the corn acreage of all farms wherever located in the commercial corn-producing area in which he has an interest exceeds the total of the farm acreage allotments established for such farms.

(2) A producer shall not be eligible for price support on corn produced on a farm for which a farm acreage allotment has not been established.

(b) *Outside commercial corn-producing area.* Compliance with farm acreage allotments will not be a factor in determining the eligibility for price support of producers outside the commercial corn-producing area.

§ 421.1130 *Compliance requirements; corn*—(a) *Commercial corn-producing area.* Corn produced in the commercial corn producing area shall not be eligible for price support unless it is produced by a producer eligible for price support on a farm on which the county committee determines that the 1955 crop corn acreage is not in excess of the farm acreage allotment. Corn produced on a farm for which a farm acreage allotment is not established shall not be eligible for price support.

(b) *Outside commercial corn-producing area.* Compliance with farm acreage allotments will not be a factor in determining the eligibility for price support of corn produced outside the commercial corn-producing area.

§ 421.1131 *Effect of unknowingly exceeding farm acreage allotment; method of determination.* The corn acreage on a farm shall not be deemed to be in excess of the farm acreage allotment unless the operator knowingly exceeded such allotment. If the farm acreage allotment is, in fact, exceeded, such allotment shall be considered as having been knowingly exceeded unless it is determined by the county committee on the basis of evidence submitted to it that the farm acreage allotment was unknowingly exceeded. The operator of a farm will only be considered to have unknowingly exceeded the farm acreage allotment if through no fault of his (a) the corn acreage(s) was not measured or he was not notified of the measured acreage(s) in time to dispose of the excess acreage in the manner specified in § 421.1128 (e) on or before the date established pursuant to such section, or (b) he received an erroneous notice of his measured acreage and acted in good faith on the basis of such notice, and was not notified of the corrected acreage in time to dispose of the excess acreage in the manner specified in § 421.1128 (e) on or before the date established pursuant to such section, and, with respect to both paragraphs (a) and (b) of this section, the operator made a reasonable effort by measuring or otherwise to comply with the farm acreage allotment.

§ 421.1132 *Appeals.* Any producer who is dissatisfied with any determination of the county committee respecting his compliance or eligibility, may, within 15 days after notification to him of such determination by the county committee, appeal to the State committee in writing. Such appeal should contain all the facts constituting the basis of his claim that the county committee determination is improper.

Done at Washington, D. C., this 30th day of March 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-2771; Filed, Apr. 1, 1955; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 54]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.354 *Navel Orange Regulation 54*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 31, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 3, 1955, and ending at 12:01 a. m., P. s. t., April 10, 1955, is hereby fixed as follows:

(i) District 1: 92,400 boxes;
(ii) District 2: 369,600 boxes;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 1, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-2805; Filed, Apr. 1, 1955; 11:21 a. m.]

[Orange Reg. 276]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.732 *Orange Regulation 276*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time

when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 4, 1955. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 4, 1955; the recommendation and supporting information for continued regulation subsequent to April 3, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 29; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 4, 1955, and ending at 12:01 a. m., e. s. t., April 18, 1955, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 274 (§ 933.728; 20 F. R. 1359).

Dated: March 30, 1955.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-2768; Filed, Apr. 1, 1955; 8:53 a. m.]

[Grapefruit Reg. 221]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.733 *Grapefruit Regulation 221*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 7 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 4, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 4, 1955; the recommendation and supporting information for continued regulation subsequent to April 3, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 29; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 4, 1955, and ending at 12:01 a. m., e. s. t., April 18, 1955, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any white seedless grapefruit, grown in "Regulation Area I," which do not grade at least U. S. No. 2;

(iv) Any white seedless grapefruit, grown in "Regulation Area II," which do not grade at least U. S. No. 2 Russet;

(v) Any pink seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(vi) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(ix) Any white seedless grapefruit, grown in "Regulation Area I," that grade U. S. No. 2 Bright, or U. S. No. 2, which are of a size larger than a size that will pack 54 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

Dated: March 30, 1955.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-2767; Filed, Apr. 1, 1955; 8:53 a. m.]

[Lemon Reg. 583]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.690 *Lemon Regulation 583*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 30, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 3, 1955, and ending at 12:01 a. m., P. s. t., April 10, 1955, is hereby fixed as follows:

(i) District 1: 7 carloads;

(ii) District 2: 318 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 31, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-2790; Filed, Apr. 1, 1955; 8:54 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1955-P. R., Supp. 1]

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1955

INITIAL ESTABLISHMENT OF IMPROVED PERMANENT PASTURE; INITIAL IMPROVEMENT OF ESTABLISHED PERMANENT PASTURES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 Agricultural Conservation Program; Puerto Rico, approved December 23, 1954 (19 F. R. 9259), is amended as follows:

1. Section 1102.552 (f) is amended by changing the period after the word "Orocovis" in the first sentence to a comma and adding the following: "and also to farms located within the municipalities of Vega Alta, Vega Baja, Manati, Barceloneta, Arecibo, Hatillo, Camuy, Quebradillas, and Isabela."

2. Section 1102.553 (c) is amended by changing the period after the word "Orocovis" in the first sentence to a comma and adding the following: "and also to farms located within the municipalities of Vega Alta, Vega Baja, Manati, Barceloneta, Arecibo, Hatillo, Camuy, Quebradillas, and Isabela."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 68 Stat. 304; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 22d day of March 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-2769; Filed, Apr. 1, 1955; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 40—IDENTIFICATION SERVICE FOR MEAT AND OTHER PRODUCT

FEES AND CHARGES

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624), and section 520 of the Revised Statutes (5 U. S. C. 511), the Meat Inspection Regulations (9 CFR Chapter I, Subchapter A) as amended, are amended as follows:

Section 40.7 (c) is amended to read as follows:

(c) *Fees and charges.* The fees to be charged and collected for service under the regulations in this part shall be at a uniform hourly rate fixed by the Chief, Meat Inspection Branch, to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

Finding. The cost of furnishing the identification service must be covered by fees collected from those receiving the service. It is imperative that the billing rate be adjusted without delay whenever it is found necessary to adequately finance the cost. It is found therefore that the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Congress, 60 Stat. 237) are impractical and contrary to the public interest with respect to this regulation.

(Sec. 204, 60 Stat. 1089; 7 U. S. C. 1624. Interprets or applies R. S. 520, sec. 203; 5 U. S. C. 511, 7 U. S. C. 1622)

Done at Washington, D. C., this 29th day of March 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] M. R. CLARKSON,
Acting Administrator.

[F. R. Doc. 55-2770; Filed, Apr. 1, 1955; 8:54 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS SECURITIES ACT OF 1933

SECURITIES EXEMPTED; AMOUNT; CORRECTION

In Part 230 (F. R. Doc. 54-8641) appearing at page 7129 of the November 3, 1954 issue, the amendatory language in paragraph 1 should read as follows:

"1. Section 230.216 (a) is amended to read as follows:"

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 25, 1955.

[F. R. Doc. 55-2725; Filed, Apr. 1, 1955; 8:47 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

SECURITIES EXEMPTED FROM REGISTRATION

On February 21, 1955 the Commission published a proposal to amend paragraphs (a) and (d) of its § 240.12a-5 (Rule X-12A-5) and to adopt a form for notices given by securities exchanges under the rule. All interested persons were invited to comment thereon. The Commission has considered the comments and suggestions received and has adopted the amendment in the form set out below. Form 26 (17 CFR 249.226) has also been adopted, in the form proposed except that only one copy need be manually signed.

Section 240.12a-5 provides a conditional temporary exemption from registration for certain classes of securities, comprising, generally, securities which the holders of other securities already admitted to trading on an exchange have become entitled to acquire, by operation of law or otherwise, in substitution for, or in addition to, the original security, as in the case of mergers, consolidations, reorganization plans, exchange offers, etc. The rule also provides a conditional temporary exemption from registration for trading in such securities on a when-issued basis before they are issued.

The amendments to paragraph (a) of the rule specifically provide a temporary conditional exemption for transactions on a when-issued basis in additional amounts of a class of security already admitted to trading, as in the case of securities to be issued as a stock dividend or to effect a stock split. This paragraph is also recast and clarified in other respects.

The amendments to paragraph (d) and the adoption of Form 26 provide a simplified procedure for use by exchanges in reporting the admission of securities to trading under the rule.

Paragraphs (b), (c) and (e) of the rule are unchanged.

Statutory basis. The Securities and Exchange Commission has taken the action described in this release pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 12, and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its function under the act.

Text of amendments. Paragraphs (a) and (d) of § 240.12a-5 are amended to read as follows:

§ 240.12a-5 *Temporary exemption of substituted or additional securities.* (a) (1) Subject to the conditions of subparagraph (2) of this paragraph, whenever the holders of a security admitted to trading on a national securities exchange (hereinafter called the original security) obtain the right, by operation of law or otherwise, to acquire all or any part of a class of another or substitute security of the same or another issuer, or an additional amount of the original security, then:

(i) All or any part of the class of such other or substituted security shall be temporarily exempted from the operation of section 12 (a) to the extent necessary to render lawful transactions therein on an issued or "when-issued" basis on any national securities exchange on which the original, the other or the substituted security is lawfully admitted to trading; and

(ii) The additional amount of the original security shall be temporarily exempted from the operation of section 12 (a) to the extent necessary to render lawful transactions therein on a "when-issued" basis on any national securities exchange on which the original security is lawfully admitted to trading.

(2) The exemptions provided by subparagraph (1) of this paragraph shall be available only if the following conditions are met:

(i) A registration statement is in effect under the Securities Act of 1933 to the extent required as to the security which is the subject of such exemption, or the terms of any applicable exemption from registration under such act have been complied with, if required;

(ii) Any stockholder approval necessary to the issuance of the security which is the subject of the exemption, has been obtained; and

(iii) All other necessary official action, other than the filing or recording of charter amendments or other documents with the appropriate State authorities, has been taken to authorize and assure the issuance of the security which is the subject of such exemption.

* * * * * *

(d) The Exchange shall file with the Commission a notification on Form 26 [1] promptly after taking action to admit any security to trading under this section: *Provided, however,* That no notification need be filed under this section concerning the admission or proposed admission to trading of additional amounts of a class of security admitted to trading on such exchange.

Since the amendments of § 240.12a-5 (Rule X-12A-5) and the adoption of Form 26 are intended to simplify and clarify requirements and procedures under the Securities Exchange Act of 1934, they have been declared effective immediately, March 24, 1955, except that any exchange which so desires may give notices to the Commission in the manner provided in paragraph (d) of § 240.12a-5 (Rule X-12A-5) as previously in effect, in lieu of using Form 26, until April 1, 1955.

[1] Copy of Form 26 filed as part of F. R. Doc. 55-1731, 20 F. R. 1254.

(Sec. 23, 48 Stat. 901, as amended, 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 24, 1955.

[F. R. Doc. 55-2726; Filed, Apr. 1, 1955; 8:47 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

SUBPART C—FORMS FOR APPLICATION FOR REGISTRATION OF SECURITIES ON NATIONAL SECURITIES EXCHANGES AND SIMILAR MATTERS

MISCELLANEOUS AMENDMENTS

The headnote for Subpart C is amended to read as set forth above and § 249.226 is added as follows:

§ 249.226 *Form 26, for notification of the admission to trading of a substituted or additional class of security under Rule X-12A-5.*

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 24, 1955.

[F. R. Doc. 55-2727; Filed, Apr. 1, 1955; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter D—Procurement, Property, Patents, and Contracts

PART 744—POLICIES AND PROCEDURES FOR THE PROTECTION OF PROPRIETARY RIGHTS IN TECHNICAL INFORMATION PROPOSED FOR RELEASE TO FOREIGN GOVERNMENTS

Sec.
744.1 Purpose.
744.2 Interchange agreements.
744.3 Proprietary information.
744.4 Navy policy.
744.5 Release procedures.
744.6 Problems and reports.
744.7 Action.

AUTHORITY: §§ 744.1 to 744.7 issued under R. S. 1547; 34 U. S. C. 591. Interpret or apply 68 Stat. 832; 22 U. S. C. 1811.

§ 744.1 *Purpose.* This part prescribes Department of the Navy policies and procedures for the protection of proprietary rights in technical information proposed for release to foreign governments and informs Department of the Navy activities and personnel of certain agreements between the United States and foreign governments for the interchange of patent rights and technical information from which these policies and procedures are in part derived.

§ 744.2 *Interchange agreements.* In order to facilitate the interchange for defense purposes of patent rights and technical information of a proprietary

nature, the United States has entered into certain interchange agreements with the United Kingdom and Italy and is negotiating similar agreements with other foreign countries. These agreements, among other things, are intended to facilitate the interchange of technical information of a proprietary nature by:

(a) Recognizing the rights of owners in such technical information disclosed by the United States Government to foreign governments;

(b) Assuring owners that foreign governments will treat such technical information as disclosed in confidence and that their rights will not be prejudiced; and

(c) Recognizing the right of owners to receive compensation if damage to the owners results from an unauthorized disclosure or use of such information.

§ 744.3 *Proprietary information.* Proprietary information whether disclosed in equipment, technical reports, drawings, blueprints, or however presented may include patentable or copyrightable subject matter or may include subject matter which is not patentable but is in the exclusive possession of the owner and those in privity with him and is subject to protection as property under recognized legal principles. If damage to the owner results from the unauthorized disclosure of the information by reason of acts of the United States or its officers or employees, the United States Government may be liable.

§ 744.4 *Navy policy.* In order to provide for the recognition and protection of proprietary rights contained in technical information, however presented, and to minimize any liability for the unauthorized disclosure of proprietary information, technical information known or claimed to be proprietary normally will be released to foreign governments through commercial channels. Where, however, the use of commercial channels might impair the defense program or violate security requirements the use of government channels is authorized for the release of the information.

§ 744.5 *Release procedures.* Where the use of government channels is required for the release of technical information to foreign governments, the following procedures will be observed in order to provide for the recognition and protection of any proprietary rights and to minimize any liability for the unauthorized disclosure or use of proprietary information.

(a) *Unclassified information.* In the case of unclassified technical information private sources supplying the information will be notified by publication of this part in the FEDERAL REGISTER that present and future acquisitions by the Navy are subject to release to foreign governments without any further action on the part of the Department of the Navy except where the technical information is known or claimed to be proprietary.

(b) *Classified information.* In the case of classified technical information private sources supplying the information shall be notified by a separate communication prior to each proposed release to foreign governments and written permission for the release obtained if proprietary rights in the information are claimed. The communication should also include the conditions of release and offer such assistance in filing foreign patent applications as may be appropriate.

(c) *Release without consent.* Where consent cannot be obtained to the proposed release of classified or unclassified technical information known or claimed to be proprietary, the information may be released to foreign governments if authorized by paragraph (d) of this section without the consent of the owner provided the owner is given:

(1) Notice of the disclosure;

(2) Identity of the recipient unless prevented by security regulations; and

(3) Notice that recipient has been informed, if practicable, that the disclosed information is or may be privately owned and contains or may contain proprietary rights or commercial reservations and is only usable for indicated purposes.

(d) *Authorization for release without consent of the owner.* (1) Military equipment, including the information essential for its operation, maintenance, and repair, known or claimed to be proprietary and for which consent for release cannot be obtained may be furnished to foreign governments in accordance with the provisions of paragraph (c) of this section without further legal authorization, provided such release is made pursuant to the grant aid provisions of the Mutual Security Act of 1954 (22 U. S. C. 1811 et seq) and provided further, there is no acceptable substitute equipment or information for which consent for release is obtainable or which is not proprietary.

(2) Military equipment, including the information essential for its operation, maintenance, and repair, and any other technical information, known or claimed to be proprietary and for which consent for release cannot be obtained and which is considered for release to a foreign government for purposes other than that set forth in subparagraph (1) of this paragraph shall not be released in accordance with the provisions of paragraph (c) of this section unless the chief of the bureau or office having primary interest therein, determines that the benefits accruing to the United States from the release clearly warrants the assumption of the financial liability that may be incurred. Authority for determining such benefits shall not be delegated below an assistant or deputy chief of a bureau or office.

§ 744.6 *Problems and reports.* All patent problems and problems involving proprietary information arising in connection with the release of technical information to foreign governments should be referred to appropriate Navy patent personnel. However, all releases of technical information to foreign governments where consent of the owner could not be obtained and all claims for compensation for the unauthorized disclosure or use of technical information will be reported to the Chief of Naval Research for such action as may be appropriate.

§ 744.7 *Action.* The Chief of Naval Operations, the Commandant of the Marine Corps and the chiefs of bureaus and offices, Navy Department, are requested to review existing directives, instructions and regulations governing the release of technical information to foreign governments, and where necessary effect appropriate changes to insure that they conform with the policy and procedures stated in this part.

Dated: March 28, 1955.

By direction of the Secretary of the Navy.

IRA H. NUNN,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

[F. R. Doc. 55-2724; Filed, Apr. 1, 1955; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 54-32]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

PAY, ALLOWANCES, AND COMPENSATION

By virtue of the authority contained in the act of July 9, 1952 (66 Stat. 481) and the act of October 12, 1949, as amended (63 Stat. 764), the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

1. Section 8.7106, is hereby amended to read as follows:

§ 8.7106 *Travel and transportation allowances.* (a) Officers and enlisted personnel of the Reserve while serving on active duty or active duty for training, with pay, shall be entitled to receive travel, transportation, and other allowances as are prescribed in Joint Travel Regulations.

(b) Officers and enlisted personnel of the Reserve while serving on active duty or active duty for training, without pay, shall be entitled to transportation in kind, or to a monetary allowance in lieu thereof, for travel to and from such duty, and shall be entitled to subsistence en route or reimbursement in lieu thereof as prescribed in the Joint Travel Regulations.

2. Section 8.7107 *Travel allowances, enlisted men* is deleted in its entirety.

3. Section 8.7111 is hereby amended to read as follows:

§ 8.7111 *Quarters allowances.* (a) Officers and enlisted personnel of the Reserve while serving on active duty or active duty for training, with pay, shall be entitled to receive Government quarters or basic allowance for quarters as are prescribed for members of the uniformed services in the act of October 12, 1949, as amended.

(b) Officers and enlisted men of the Reserve while serving on active duty or active duty for training, without pay, shall be entitled to receive quarters in kind or an allowance commuted at the rate prescribed in the act of October 12, 1949, as amended, for members of the uniformed services without dependents.

4. A new § 8.7117 is hereby added as follows:

§ 8.7117 *Duty without pay and allowances.* Notwithstanding the provisions of §§ 8.7106, 8.7110, and 8.7111, officers and enlisted personnel of the Reserve may, at their own request, perform active duty or active duty for training, without pay and allowances.

(Sec. 501, 63 Stat. 825, as amended, sec. 251, 66 Stat. 495; 37 U. S. C. 301, 50 U. S. C. 1002)

Approved: February 7, 1955.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

Concurred in: March 10, 1955.

C. S. THOMAS,
Secretary of the Navy.

[F. R. Doc. 55-2695; Filed, Mar. 31, 1955; 3:35 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 644, Amdt.]

ALASKA

WITHDRAWING CERTAIN LAND AS ADMINISTRATIVE SITE FOR ALASKA ROAD COMMISSION; AMENDMENT

MARCH 29, 1955.

The description of lands withdrawn for use of the Alaska Road Commission by Public Land Order No. 644 of May 9, 1950, appearing in 15 F. R. 2877 of the issue of May 13, 1950, is hereby amended to read as follows:

SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Sec. 33, lots 181 and 202.

The area described contains 6.70 acres.

W. G. GUERNSEY,
Acting Director.

[F. R. Doc. 55-2721; Filed, Apr. 1, 1955; 8:46 a. m.]

[Public Land Order 1107]

UTAH

REVOKING EXECUTIVE ORDER NO. 3743 OF SEPTEMBER 30, 1922

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 3743 of September 30, 1922, temporarily withdrawing the following-described public land in Utah for examination is hereby revoked:

SALT LAKE MERIDIAN

T. 42 S., R. 5 W.,
Sec. 7.

The area described contains 674.36 acres.

The land is grazing land in Kane County, Utah. The topography is rolling and the soil is of a sandy type. Vegetation consists of sage brush and juniper. The land lies at an elevation of 5,600 feet and the average annual precipitation amounts to approximately ten inches.

No application for the restored land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not otherwise become effective to change the status of the restored land until 10:00 a. m. on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, may be filed on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same land; otherwise, priority of filing shall govern.

Inquiries regarding the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

ORME LEWIS,
Acting Secretary of the Interior.

MARCH 29, 1955.

[F. R. Doc. 55-2757; Filed, Apr. 1, 1955; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter II—Alaska Game Commission, Department of the Interior

PART 161—GUIDES

PART 164—FUR MANAGEMENT AREAS

QUALIFICATIONS FOR GUIDE LICENSES AND ISSUANCE THEREOF; KOYUKUK FUR MANAGEMENT AREA

Basis and purpose. 1. To provide for more exacting qualifications for eligibility for a guide license, and a better means to evaluate such qualifications, also a basis on which to revoke or withhold such licenses from those whose conduct would adversely reflect on the Commission.

2. To redescribe the Koyukuk Fur Management Area so as to include the headwaters of the Kanuti River which area is trapped by the residents of the nearby village of Alatna, in common with adjacent part of the Koyukuk Fur Management Area as formerly described.

1. Section 161.2 is amended to read as follows:

§ 161.2 *Qualifications for guide licenses and issuance thereof.* (a) Only resident citizens over 21 years of age, of good moral character and who have not evidenced a lack of personal or business integrity related to matters of guiding non-resident hunters, and have resided in the Territory for the 5 years immediately preceding application for registration and a guide license, and who are in sound physical condition and have had practical field experience in the handling of firearms, hunting, judging trophies, first aid, field preparation of trophies, and photography, and who are familiar with the terrain and transportation problems involved in the district for which application for such license is made, and who have further successfully passed oral and written examination prepared by the Commission will be registered and licensed to act as guides for nonresidents and aliens taking big game animals for any purpose, or going afield to photograph large brown or grizzly bears.

(b) The Alaska Game Commission will establish guide districts and maintain a register of such persons as are duly qualified and licensed to act as guides in such districts.

(c) Applications for such registration and guide license shall be made to an enforcement agent employed in the guide district in which the applicant resides, on a form issued by the Commission and shall state applicant's citizenship and resident status, age, physical characteristics, permanent address, and district or districts in which he desires to operate, together with full information relative to his qualifications to act as guide, and shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths.

(d) Upon receipt of such application by the enforcement agent, he shall conduct such written and oral examinations and make such investigations as the Commission shall require to determine the qualifications of the applicant to act as a guide.

(e) The enforcement agent who conducts such examination shall promptly file his report thereof with the executive officer of the Commission, together with his recommendations thereon, which report and recommendation shall be attached to the application and considered and determined at a regular or special meeting of the Commission.

(f) The executive officer of the Commission may, after investigation and satisfying himself of an applicant's qualifications, issue a guide license to him

upon payment of the required fee, authorizing him to act as a guide under the terms of the license, subject to approval of the Commission at its next meeting.

(g) A registered guide license must bear the signature of the executive officer of the Commission. Each license shall expire on June 30 next succeeding its issuance, and shall not be transferable.

(h) Each licensed guide shall submit to the Commission, immediately upon completion of a hunting or photographing trip, a separate report on each hunter containing the name and address of the nonresident or alien hunter for whom he or any of his resident assistants acted as guide, period covered by his or his assistant's services, number and species of animals taken, wounded and not secured, numbers and locations of each species of big game animal observed on the trip, and such other information as the Commission may require.

(i) Guide licenses may be revoked or denied for a period of not more than five years at the discretion of the Commission for violation or noncompliance with any provision of § 161.1 and this section.

2. Section 164.1 is amended to read as follows:

§ 164.1 *Koyukuk Fur Management Area.* (a) There is hereby set aside an area that hereafter, and for the purpose of this section, shall be known as the Koyukuk Fur Management Area, more particularly described as follows: That portion of the drainage into the Koyukuk River which lies between the mouth of Dalby Slough and a point 10 statute airline miles upstream from Alatna.

(b) The seasons and limits on fur animals as prescribed in the annual regulations of the Secretary of the Interior under the Alaska Game Law shall be effective on the Koyukuk Fur Management Area. In that part of the area located within Fur District 6 the seasons and limits as prescribed by the Secretary, and then in effect, and for that district shall be applicable. In the remainder of the aforesaid area those seasons and limits as established for Fur District 7 shall prevail.

(c) No fur animals may be taken except by the methods, means, and numbers provided in the general regulations of the Secretary of the Interior:

(1) No person shall take any fur animal within the Koyukuk Fur Management Area without first having resided within the boundaries of this area continuously for not less than one year; and

(2) Except as to native Indians, Eskimos, and residents under 16 years of age, be in possession of a current resident license to take fur animals in the Territory of Alaska at large.

(Sec. 10, 43 Stat. 744, as amended; 48 U. S. C. 199)

These amendments shall become effective July 1, 1955.

In testimony whereof, we have set our hands and have caused the official seal of the said Commission to be affixed in the City of Juneau, Alaska, this 15th day of February 1955.

EARL N. OHMER,
Chairman and Commissioner,
First Judicial Division.
HARRY O. BROWN,
Commissioner,
Second Judicial Division.
ANDREW A. SIMONS,
Commissioner,
Third Judicial Division.
FORBES L. BAKER,
Commissioner,
Fourth Judicial Division.
CLARENCE J. RHODE,
Executive Officer.

[F. R. Doc. 55-2718; Filed, Apr. 1, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1004]

[Docket No. AO-271]

HANDLING OF MILK IN CENTRAL ARIZONA MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the YMCA Building, 315 North First Avenue, Phoenix, Arizona, beginning at 10:00 a. m., m. s. t., April 19, 1955.

Subjects and issues involved in the hearing. The hearing is for the purpose of receiving evidence as to the economic and marketing conditions relating to the handling of milk for the Central Arizona marketing area and to the issuance of a marketing agreement and order to regulate the handling of milk in such marketing area. The proposed marketing agreement and order provisions set forth below have not received the approval of the Secretary of Agriculture. At the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any appropriate modifications thereof.

The hearing on the proposed marketing agreement and order proposals is to determine whether (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce, (2) the issuance of one or more marketing agreements or orders regulating the handling of milk in the proposed area is justified, and (3) the provisions specified in the proposals or some other provisions (including the possible adoption of provisions for the payment to all producers and associations of producers delivering milk to the same handler of uniform prices for all milk delivered by them, commonly known as "individual-handler pools") appropriate to the terms of the Agricultural Marketing Agreement Act, as amended, will best tend to effectuate the declared policy of such act.

For the purpose of this hearing the definition for the proposed Central Arizona marketing area shall be all the territory within the counties of Maricopa, Pima, Pinal, Yuma, and Graham, all in the State or Arizona. Various parties submitted proposals to define the marketing area to include the entire State of Arizona. Preliminary investigation, including examination of available information relative to the supply of milk and the distribution of milk throughout the State establishes a fair presumption, at least, that the marketing area for milk produced for sale in the principal fluid milk markets in Arizona may be limited for all practical purposes to the five counties named above.

The intent of the act would best be effectuated by limiting consideration at this time to a marketing agreement and order in which the marketing area is defined as not greater than all the territory within the five counties of Maricopa, Pima, Pinal, Yuma and Graham. However, if evidence adduced at the hearing indicates that it would not be feasible to promulgate an order(s) for this more limited area, or that additional territory should properly be included under any proposed order(s), the hearing will be reopened for the purpose of giving further consideration to appropriate extensions of the marketing area as proposed herein.

Proposal No. 1: The following marketing agreement and order has been proposed by the Arizona Dairymen's League:

DEFINITIONS

SECTION 1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

SEC. 2. *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

SEC. 3. *Central Arizona Milk Marketing Area.* "Central Arizona Milk Marketing Area" means all territory included within the counties of Maricopa, Pima, Pinal, Yuma and Graham, all in the State of Arizona.

SEC. 4. *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

SEC. 5. *Producer.* "Producer" means any person other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority and whose milk is received at an approved plant or is diverted from an approved plant by the handler who operates such approved plant, or by a cooperative association, to a plant which is not an approved plant for the account of such handler or cooperative association. "Producer" does not mean any dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this order.

SEC. 6. *Approved plant.* "Approved plant" means any milk plant:

(a) Approved or recognized by any health authority having jurisdiction within the marketing area for the receipt or processing of Grade A milk and from which Class I milk is disposed of on route(s) in the marketing area;

(b) Supplying to any agency of the United States Government located within the marketing area Class I milk products;

(c) Approved by any health authority having jurisdiction in the marketing area which serves as a receiving station by receiving, weighing, and commingling producer milk and from which such milk is normally transferred to a plant specified in paragraph (a) of this section; and

(d) For the purpose of this definition, milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate an approved plant shall be deemed to have been received by such cooperative association at an approved plant.

SEC. 7. *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant.

SEC. 8. *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk to its members.

SEC. 9. *Producer-handler.* "Producer-handler" means any producer who operates an approved plant, but who receives no milk from other producers.

SEC. 10. *Market administrator.* "Market administrator" means the person designated pursuant to section 20 as the agency for the administration of this part.

SEC. 11. *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received at an approved plant either directly from such producer or from other handlers.

SEC. 12. *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

SEC. 13. *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to section 41 (a) other than a delivery to any milk processing plant.

SEC. 14. *Base milk.* "Base milk" means producer milk received by handlers from a producer during the months of December through June which is not in excess of such producer's daily base determined pursuant to section 90, multiplied by the number of days during the month for which milk was received from such producer.

SEC. 15. *Excess milk.* "Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the months of December through June of each year.

MARKET ADMINISTRATOR

SEC. 20. *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

SEC. 21. *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

SEC. 22. *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by section 87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under section 86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to section 30 through section 32, or

(2) Made payments pursuant to section 80 through section 87;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk computed pursuant to section 51 (a) and the Class I butterfat differential pursuant to section 52 (a) both for the current month; and the minimum price for Class II milk computed pursuant to section 51 (b) and the Class II butterfat differential pursuant to section 52 (b), both for the previous month, and

(2) On or before the 12th day of each month the uniform price computed pursuant to section 71 or section 72 and the butterfat differential computed pursuant to section 81, both for the previous month;

(j) Prepare and disseminate such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 12th day of each month, report to each cooperative association which so requests, the percentage utilization of milk received from producers in each class by each handler who in the previous month received milk from members of such cooperative association.

REPORTS, RECORDS AND FACILITIES

SEC. 30. *Periodic reports.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in receipts of milk, and milk products from other handlers;

(c) The quantities of skim milk or skim milk equivalent on a direct ratio

and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat the receipt of which is required to be reported to this section;

(e) The pounds of skim milk and butterfat contained in all milk, skim milk and cream and other Class I products on hand at the beginning and at the end of the months; and

(f) Such other information with respect to the receipts and use of milk as the market administrator may request, including the separate statement of skim milk and butterfat disposed of as Class I milk on routes outside the marketing area.

SEC. 31. *Payroll reports.* On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for such month which shall show for each producer:

(a) His total deliveries of base milk and total deliveries of milk in excess of base milk, and the number of days for which milk was received from each producer;

(b) The average butterfat content of his milk; and

(c) The amount of such handler's payments to such producer and cooperative association with the prices, deductions and charges involved.

SEC. 32. *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require; and

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

SEC. 33. *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the regular hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

SEC. 34. *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three (3) years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notified the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, until further written notice from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

SEC. 40. *Skim milk and butterfat to be classified.* All skim or skim equivalent and butterfat received within the month by a handler which is required to be reported pursuant to section 30 shall be classified by the market administrator pursuant to the provisions contained in section 41 through section 46.

SEC. 41. *Classes of utilization.* Subject to conditions set forth in section 43 and section 44 classes of utilization shall be:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II milk; and

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in frozen cream placed in storage; (4) in skim milk dumped, after prior notification to and opportunity for verification by the market administrator; (5) in shrinkage up to two (2) percent of receipts from producers; (6) in shrinkage of other source milk; and (7) in inventory at the end of the month in the forms specified in paragraph (a) (1) and (2) of this section.

SEC. 42. *Shrinkage.* The market administrator shall prorate shrinkage of skim milk and butterfat classified in Class II milk between the receipts of skim milk and butterfat, respectively, in milk from producers and from other sources. For the purpose of prorating shrinkage of skim milk and butterfat, skim milk and butterfat in milk diverted directly from producers' farms to another handler shall be included as a receipt of the handler to whom such milk and butterfat was diverted, and excluded from receipts of the diverting handler.

SEC. 43. *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise; and

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to section 41 (b) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to section 46 (a) (3) or the corresponding step of section 46 (b).

SEC. 44. *Transfers.* Skim milk and butterfat transferred or diverted from an approved plant shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month in which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively, and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants;

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located more than 200 miles from the approved plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternative utilization as the market administrator may make;

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant distributing fluid milk or cream and located less than 200 miles from the approved plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case, the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant, and

(e) As Class II milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant, located not more than 200 miles from the approved plant, and which does not distribute fluid milk or cream, except that where such unapproved plant is operated by a person who is also a handler or an affiliate of a handler, (1) the market administrator shall be permitted to audit the records of receipts and utilization at such unapproved plant, and (2) to the extent that skim milk or butterfat so transferred or diverted to such unapproved plant shall be classified as if moved directly from the approved plant to such other milk plant.

SEC. 45. *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I and Class II milk for such handler.

SEC. 46. *Allocation of skim milk and butterfat classified.* After making the computation pursuant to section 45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to section 41 (b) (5),

(2) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in receipts of other source milk,

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in inventory, at the beginning of the month in the form of milk, skim milk, cream (except frozen) or any product specified in section 41 (a).

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of skim milk according to its classification as determined pursuant to section 44 (a),

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk pursuant to subparagraph (1) of this paragraph, and

(6) (a) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

SEC. 50. *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight for Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., West Bend, Wis.
White House Milk Co., Manitowoc, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month subtract 3 cents, add 20 percent thereof and multiply by 4.0, and

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

SEC. 51. *Class prices.* Subject to the provisions of Section 52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $3.05 for all months of the year, provided that for all producer milk received at an approved plant located in Pima County, the sum of thirty-six (36) cents per hundredweight shall be added to this price; and

(b) *Class II milk.* The price per hundredweight shall be the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.8 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.8 and multiplied by 4:

Present Operator and Location

Danish Creamery Association, Fresno, Calif.
King County Creamery Association, Lemmore, Calif.
Dairyman's Cooperative Creamery, Tulare, Calif.
Milk Producers Association of Central California, Modesto, Calif.
Los Vanos Dairymen's Association, Los Vanos, Calif.
East-West Dairymen's Association, Newman, Calif.

SEC. 52. *Handler butterfat differential.* If the average butterfat test of Class I milk or Class II milk as calculated pursuant to section 46 is more or less than 4 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below 4 percent, a butterfat differential computed by multiplying the simple average as computed by the market administrator of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(a) *Class I milk.* Multiply such price for the preceding month by 1.35; and

(b) *Class II milk.* Multiply such price for the current month by 1.25.

SEC. 53. *Use of equivalent price.* If for any reason, a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

SEC. 60. *Producer-handlers.* Sections 40 through 46, 50 through 52, 70, 71, 72 and 80 through 88 shall not apply.

DETERMINATION OF UNIFORM PRICE

SEC. 70. *Net pool obligations of handlers operating approved plants.* The net pool obligation for milk received during each month by each handler from producers at approved plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class by the applicable respective prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to section 46 (a) (6) by the applicable respective class prices;

(c) Add a reclassification charge computed at a rate equal to the difference between the Class I and Class II prices for the current month for skim milk and butterfat in inventory which is subtracted from Class I pursuant to section 46 (a) (3) and the corresponding step of section 46 (b), which is not in excess of the skim milk and butterfat, respec-

tively, remaining in Class II milk in the previous month pursuant to section 46 (a) (4) and the corresponding step of section 46 (b); and

(d) Add a reclassification charge computed at a rate equal to the difference between the Class I and Class II prices for the current month for other source milk disposed of as Class I milk during the month or reclassified pursuant to section 43 (b).

SEC. 71. *Computation of uniform prices for base milk and excess milk.* For each of the months of December through June of each year, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the values computed pursuant to section 70 for all handlers who made the reports prescribed in section 30 and who made the payments pursuant to section 80 and section 83 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4 percent or add if such average butterfat content is less than 4 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4 percent by the butterfat differential computed pursuant to section 81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price of Class II milk of 4 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price of Class I milk of 4 percent butterfat content and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4 percent butterfat content received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust to any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations: *Provided*, That if during any month the total amount of base milk on the market is in excess of the amount of Class I sales during that month, the established base of each producer for that month shall be reduced pro rata to equal the volume of the Class I sales during that month; and

(h) Subtract not less than four (4¢) cents nor more than five (5¢) cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4 percent butterfat content received from producers.

SEC. 72. *Computation of uniform price.* For each of the months of July through November of each year, the market administrator shall compute the uniform price per hundredweight for milk of 4 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to section 70 for all handlers who made the reports prescribed in section 30 and who made the payments pursuant to section 80 and section 83 for the preceding month;

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to section 85;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4 percent, or add if such average butterfat content is less than 4 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4 percent by the butterfat differential computed pursuant to section 81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in this computation; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 4 percent butterfat content received from producers.

PAYMENTS

SEC. 80. *Time and method of payment.* Each handler operating an approved plant shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform prices computed pursuant to section 71 or section 72 adjusted by the butterfat differential computed pursuant to section 81, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date, such handler has not received full payment pursuant to section 84, he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator;

(b) On or before the 27th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of such month, at the approximate value of such milk;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative, each handler shall (i) pay to the cooperative association on or before the 13th and 27th day of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section, respectively, an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer, (ii) submit to the cooperative association on or before the 10th day of each month written information which shows for each member-producer (*a*) the total pounds of milk received during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (*c*) the number of days on which such milk was received, (*d*) the amount of base and excess milk received and (*e*) the amounts withheld by the handler in payment for supplies sold, and (iii) submit to the cooperative association on or before the 25th day of each month written information which shows for each such member-producer the total pounds of milk received during the first 15 days, of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association, and

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion, through audit of the records of the cooperative association, pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

SEC. 81. *Producer butterfat differential.* In making payments pursuant to section 80 (a), there shall be added to or subtracted from the uniform prices per hundredweight for each one-tenth of one percent that the average butterfat content is above or below 4 percent an amount computed by multiplying by 1.30 the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the month and rounded to the nearest one-tenth cent.

SEC. 82. *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to section 83 and section 85, and out of which he shall make all payments to handlers pursuant to section 84 and section 85: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handler, pursuant to section 80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

SEC. 83. *Payments to the producer-settlement fund.* On or before the 13th day after the end of each month, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to section 80.

SEC. 84. *Payments out of the producer-settlement fund.* (a) On or before the 12th day after the end of each month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to section 80 is greater than the net pool obligation of such handler: *Provided*, That the market administrator may withhold payments to handlers out of the producer-settlement fund to the extent that such handler is in default on payments to the market administrator under sections 83, 86 and 87; and

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

SEC. 85. *Adjustment of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to section 83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within five (5) days of such billing, make payment to the market administrator of the amount so billed. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of any amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure; and

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation, payment to such producer was in an amount more than was required to be paid pursuant to section 80, no handler shall be deemed to be in violation of section 80, if he reduces his payment to such producer next following discovery of such error by not more than such overpayment.

SEC. 86. *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler shall deduct five (5¢) cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to section 80 (a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such monies shall be used by the market administrator to verify weights, samples and tests of milk received from and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services; and

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to section 80 (a) as are authorized by such producers, and on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members. Such payment shall be accompanied by a statement showing for each producer for which such deduction is made the amount of such deduction, the total delivery of milk, and unless otherwise previously provided, the butterfat test.

SEC. 87. *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler with respect to all milk received from producers including a handler's own production and with respect to all receipts of other source milk classified as Class I, shall pay to the market administrator, on or before the 15th day after the end of each month, an amount not exceeding five (5¢) cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary.

SEC. 88. *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period, the market administrator notifies the handler in writing that such money is due and payable.

Service of such notice shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled, and

(3) If the obligation is payable to one or more producers or to the association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative; and

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

BASE RATING

SEC. 90. *Determination of daily base.* (a) Effective December 1, 1955, through June 30, 1956, and the same months of each succeeding year, the daily average base of each producer who regularly delivered milk to a handler for ninety (90) days or more during the preceding August 1 through November 30 shall be computed by the market administrator by dividing the total pounds of milk received by a handler from such producer during such months by the number of days within the period for which such producer made deliveries of milk in such months, or ninety (90), whichever is greater; and

(b) The daily average bases of producers belonging to a cooperative association as defined in section 8 and which requested payment from the handler pursuant to section 80 (c) shall be added together for the purpose of computing the total amount of base and excess milk for which each handler shall pay such cooperative association.

SEC. 91. *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period; and

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice. Person, as used in this paragraph, shall include a cooperative producers association as defined in section 8.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

SEC. 100. *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to section 101.

SEC. 101. *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

SEC. 102. *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue, notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate; and

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

SEC. 103. *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

SEC. 110. *Separability of provisions.* If any provision of this subpart or its application to any person or circumstance is held invalid, the application of such provisions and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

SEC. 111. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 29, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-2734; Filed, Apr. 1, 1955; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 6, 7, 8, 10, 11, 16]

[Docket No. 11253; FCC-362]

FREQUENCY ALLOCATIONS; CERTAIN PUBLIC RADIO-COMMUNICATION SERVICES; MARITIME SERVICES; PUBLIC SAFETY AND INDUSTRIAL RADIO SERVICES

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Parts 2, 6, 11, and 16 of the Commission's rules to reduce separations between assignable frequencies in the 25–50 Mc and 152–162 Mc bands.

Amendment of Parts 2, 6, 7, 8, 10, 11 and 16 of the Commission's rules to reflect conditions concerning international interference in the band 25–50 Mc.

Amendment of Part 6, 10, 11 and 16 of the Commission's rules to provide for the establishment of narrow band technical standards.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of March 1955:

The Commission having under consideration the comments filed in the above entitled proceedings by the National Committee for Utilities Radio requesting a 60-day extension of time from March 28, 1955, in which to file comments directed to the Commission's Notice of Proposed Rule Making in this docket;

It appearing that good and sufficient reasons have been advanced by the National Committee for Utilities Radio in its request for an extension of time in which to file comments, and that the public interest would be served by a grant of that request;

It is ordered, That the time for filing comments in the above entitled proceedings is hereby extended from March 28, 1955, to May 27, 1955.

Released: March 25, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2758; Filed, Apr. 1, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-144]

RATE SCHEDULES AND TARIFFS

NOTICE OF PROPOSED RULE MAKING

MARCH 23, 1955.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On December 17, 1954, the Commission issued its Order No. 174–B prescribing regulations governing the filing of rate schedules and applications for certificates of public convenience and necessity by producers and gatherers of natural gas which are also natural gas companies.

3. The Commission had been urged to limit the applicability of the Natural Gas Act to those operators selling natural gas in interstate commerce after processing and gathering when they were acting for other working interests which were not operators. Accordingly, the following paragraph was added to § 154.91 under which an operator is permitted to file in those situations where the purposes of the statute as to certificate requirements and rate-fixing may be made effective, without calling for separate filings by those having working interests but who are not operators, although such other interests are permitted to file if they care to do so:

(b) The filings with regard to all sales required under § 154.92, § 154.94 and § 157.23 may be made by (1) an operator of one or more wells under co-ownership, (2) an operator where a group of producers are unitized for production and sale, or (3) an operator of a plant processing natural gas and located in the producing area of the gas which it processes and the payments by such operator to the producers represent a percentage of the proceeds of the sale thereof by the operator. Where filings are made by an operator under this paragraph, the parties to the operating arrangement, and those producers who sell to the processing plant described in clause (3) herein, need not file hereunder. When a filing is made by an operator under clauses (1) or (2) herein, he shall submit therewith (i) a list of all persons having working interests involved in the sale of natural gas covered by his filing, (ii) a list of the parties to the operating arrangement, and (iii) a statement of their percentage of their interests. When a filing is made under clause (3) herein, the operator shall file a list of the producers from whom the natural gas is purchased, showing the percentage received by each from the sales. The operator filing hereunder shall submit every twelve months thereafter a statement showing any changes in the several respects since the list was previously submitted.

4. The permissive filing feature of this paragraph, under which an operator may elect either to file for nonoperating working interests as well as for its own opeartions, or to limit its filing only to its own operations, has led to some uncertainty and to misinterpretation of the purpose of this rule, especially in those instances where the operator and the nonoperating working interests are not in agreement, or where the nonoperating working interests do not have a contract to sell natural gas to an interstate pipeline company.

5. It may be in the public interest and may more effectively carry out the purposes of the Natural Gas Act to require operators to file under the circumstances outlined in the above paragraph (b) and to include in each such application all of the natural gas of nonoperating working interests which may be covered by and included within the contracts of the operator for each particular transaction involved.

6. This rule is proposed to be issued pursuant to the authority granted to the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 4, 7, and 16 thereof (52 Stat. 830, 56 Stat. 83; 15 U. S. C. 717c, 717f, and 717o).

7. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than 30 days from the date of the publication of this notice by the FEDERAL REGISTER, data, views and comments in writing concerning the proposed amendments. The Commission will consider these written submittals before acting upon the proposed amendments. An original and nine copies should be filed of any such submittals.

[SEAL] LEON M. FUQUAY,
Secretary.

Part 154—Rate Schedules and Tariffs of Subchapter E, Regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, is amended by changing paragraph (b) of § 154.91 to read as follows:

§ 154.91 *Applicability.* * * *

(b) The filings with regard to all sales required under §§ 154.92, 154.94 and 157.23 of this chapter shall be made by (1) an operator of one or more wells under co-ownership, (2) an operator where a group of producers are unitized for production and sale, and (3) an operator of a plant processing natural gas and located in the producing area of the gas which it processes and the payments by such operator to the producers represent a percentage of the proceeds of the sale thereof by the operator. Where filings are made by an operator under this paragraph, the parties to the operating arrangement, and those producers who sell to the processing plant described in subparagraph (3) of this paragraph shall not file hereunder. When a filing is made by an operator under subparagraph (1) or (2) of this paragraph, he shall submit therewith (i) a list of all persons having working interests involved in the sale of natural gas covered by his filing, (ii) a list of the parties to the operating arrangement, and (iii) a statement of the percentage of their interests. When a filing is made under subparagraph (3) of this paragraph, the operator shall file a list of the producers from whom the natural gas is purchased, showing the percentage received by each from the sales. The operator filing hereunder shall submit every 12 months thereafter a statement showing any changes in the several respects since the list was previously submitted.

[F. R. Doc. 55-2753; Filed, Apr. 1, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Anadarko Area Office Redelegatiton Order No. 1]

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

REDELEGATIONS OF AUTHORITY

PART 1—GENERAL

Sec.
1.1 [1] Appeals.
1.2 Limitations.

PART 2—AUTHORITY OF SUPERINTENDENTS, AREA FIELD REPRESENTATIVES, AND SCHOOL SUPERINTENDENTS

FUNCTIONS RELATING TO LANDS AND MINERALS

2.11 Tax exemption certificates.
2.12 Leases and permits.
2.16 Mineral leases and permits.
2.18 Release of mortgages.

FUNCTIONS RELATING TO CREDIT MATTERS

2.120 Loan agreements and modifications.

FUNCTIONS RELATING TO MEDICAL, HOSPITAL, AND NURSING SERVICES

2.252 Quarantine of Indians.
2.253 Commitment of insane Indians.

PART 1—GENERAL

SECTION 1.1 *Appeals.* Any action taken by any Superintendent or other officer pursuant to Part 2 of this order shall be subject to the right of appeal. An appeal may be taken from the decision of such Superintendent or other officer to the Area Director, Anadarko Area Office. An appeal must be filed in writing with such Superintendent or other officer and shall be promptly transmitted by him with the record in the case to the Area Director, Anadarko Area Office. Any action taken by the Area Director pursuant to this Order shall be subject to the right of appeal to the Commissioner of Indian Affairs, pursuant to section 1 (a) of Order 551, as amended, of the Bureau of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1 (a) of Order 2508, as amended, of the Secretary of the Interior.

SEC. 1.2 *Limitations.* Delegations of authority made by this Order are not to be construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs.

PART 2—AUTHORITY OF SUPERINTENDENTS, AREA FIELD REPRESENTATIVES, AND SCHOOL SUPERINTENDENTS

Subject to the provisions of Part 1, Superintendents, Area Field Representatives, and School Superintendents may exercise the authority of the Area Director as indicated in this part.

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 2.11 *Tax exemption certificates.* The issuance of tax exemption certificates covering lands designated as tax exempt under the provisions of the acts of June 20, 1936 (49 Stat. 1542), as amended by the act of May 19, 1937 (25 U. S. C., 1946 ed., sec. 412a).

SEC. 2.12 *Leases and permits.* The approval of leases and permits of tribal and individually owned trust or restricted lands for farming, farm pasture, or business purposes, pursuant to the provisions of 25 CFR Part 171. This authority does not extend to the waiver of requirements for advertising of leases or permits or to the waiver of acreage limitations on farm and farm pasture lands.

SEC. 2.16 *Mineral leases and permits.* (a) The approval of coal, sand, gravel, pumice, gypsum, and building stone leases and permits of tribal and trust or restricted individually owned lands.

(b) The authority delegated in this section does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes,

(2) Approval of instruments providing for the payments of overriding royalty,

(3) Assignments of separate horizons or strata of the subsurface.

SEC. 2.18 *Release of mortgages.* The approval of releases of mortgages given as security for loans made from the

[1] In Parts 1 and 2, the section numbers appearing to the right of the decimal correspond to the section numbers used in Order No. 551, as amended, of the Bureau of Indian Affairs.

restricted funds of individual Indians, upon proof of payment of the loan.

FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 2.120 *Loan agreements and modifications.*

(b) The approval of applications of individuals for loans (subject to availability of funds) where the total indebtedness of the applicant to the lender will not exceed $1,500.

FUNCTIONS RELATING TO MEDICAL, HOSPITAL, AND NURSING SERVICES

SEC. 2.252 *Quarantine of Indians.* The quarantine of Indians refusing to submit to remedial treatment of contagious or infectious diseases, pursuant to the provisions of 25 CFR Part 84.

SEC. 2.253 *Commitment of insane Indians.* The commitment of insane Indians to State hospitals or institutions pursuant to the provisions of 25 CFR Part 86.

WILL J. PITNER,
Area Director.

Approved: March 29, 1955.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 55-2719; Filed, Apr. 1, 1955; 8:45 a. m.]

[Bureau Order 566, Amdt. 1]

REDELEGATION OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATING CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

MARCH 29, 1955.

Order No. 566 (19 F. R. 3971) is amended and revised to read as follows:

SECTION 1. *Redelegation of authority and designation of contracting officers.* The authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in Order 2783 (20 F. R. 425) to negotiate, without advertising, in accordance with Title III of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C. 251 et seq.) under section 302 (c) (4) of that act, contracts for services of engineering and architectural firms and Order 2509, as amended, pertaining to construction, supply and service contracts, irrespective of the amounts involved, is redelegated to each of the following officials: The Assistant Commissioner, Administration; the Area Directors; and the Chief, Branch of Buildings and Utilities. Each of those officials is also designated as and is authorized to perform the duties of Contracting Officer.

SEC. 2. *Authorized representative of Contracting Officers.* The Chief, Branch of Buildings and Utilities, with respect to negotiated contracts for services of engineering and architectural firms and construction, supply and service contracts entered into by the Assistant Commissioner, Administration, and the Assistant Chiefs, Branch of Buildings and Utilities and the Chiefs of the Architectural, Contract, Civil-Sanitary Engineering, Electrical Engineering, and Mechanical Engineering Sections of such Branch with respect to such contracts entered into by the Assistant Commissioner, Administration, or the Chief, Branch of Buildings and Utilities, are severally designated as the authorized representatives of the Contracting Officer as such term is used in such contracts, and are severally authorized to perform the duties of the Contracting Officer except with respect to those functions relating:

(a) To the termination of a contract;

(b) To disputes concerning questions of fact which are not disposed of by agreement.

SEC. 3. *Appeals.* An appeal from findings of fact or a decision of a contracting officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington 25, D. C., and shall be mailed to or filed with the contracting officer, within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decision are deemed erroneous. Immediately upon receipt of the notice of appeal, the contracting officer shall inform the Board by air mail that the appeal has been received. (Regulations governing appeals are published in 19 F. R. 9389).

SEC. 4. *Authority of Area Director to redelegate.* An Area Director may redelegate the authority delegated to him by section 3 of this order. Each redelegation shall be published in the FEDERAL REGISTER.

GLENN L. EMMONS,
Commissioner.

MARCH 29, 1955.

[F. R. Doc. 55-2720; Filed, Apr. 1, 1955; 8:45 a. m.]

Bureau of Land Management

IDAHO

RESTORATION ORDER (AREA II) UNDER FEDERAL POWER ACT

Pursuant to a determination of May 24, 1950, of the Federal Power Commission, Docket No. DA-397-Idaho, and in accordance with Order No. 541, section 1.5 (d) and 2.0 (a) of the Director of the Bureau of Land Management, approved April 21, 1954, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawal, the following described lands, so far as they are withdrawn or reserved for power purposes by Power Site Reserve No. 120, are hereby opened to entry, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the stipulation that if and when the lands are required wholly or in part for purposes of power development, any structure, machinery, or improvements placed thereon which interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States or its permittees or licensees, and subject to the stipulation that there is reserved to the United States, its successors or assigns, the prior right to use any and all portions of the land:

BOISE MERIDIAN, IDAHO

T. 8 S., R. 30 E.,
Sec. 12, Lot 2, SE¼NW¼.

The areas described total 67.50 acres.

The lands are mainly suitable for public recreation purposes. It is unlikely that they will be classified for any other disposition, but any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Effective on the date of publication of this order in the FEDERAL REGISTER, the public lands affected by this order shall be subject to application by the State of Idaho for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act, as amended (16 U. S. C. 1946 ed., Supp., V 818).

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 91st day after the date of publication. At that time, the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file application for these lands may be obtained on request from the Manager, Land Office, Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

MARCH 18, 1955.

[F. R. Doc. 55-2722; Filed, Apr. 1, 1955; 8:46 a. m.]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

The State of Idaho has certified that the hereinafter-described lands patented to the State under the provisions of section 4 of the act of August 18, 1894 (28 Stat. 422; 43 U. S. C. Sec. 641), as amended, commonly known as the Carey Act, have not been reclaimed as required by the Carey Act and that water is not available for the irrigation of these tracts. The State of Idaho, therefore, has reconveyed the lands to the United States:

BOISE MERIDIAN, IDAHO

T. 11 S., R. 36 E.,
Sec. 1, SW¼NE¼, NW¼SE¼, NE¼SW¼;
Sec. 12, NE¼SE¼.
T. 11 S., R. 37 E.,
Sec. 19, NE¼NE¼, E½SE¼, NW¼SE¼;
Sec. 20, W½NW¼.

The areas described total 400 acres.

The lands described are situated in Idaho Grazing District No. 2, and are located northwest of Downey, Idaho, at an elevation of about 4,800 feet. The topography is generally level, but the lands occupy benches of different levels separated by broken steep slopes. The soils are mainly loams to clay loams with considerable gravel and rock content. Vegetative cover is primarily grass with considerable gravel and rock content.

Although some of the land is of arable character, the local annual precipitation is normally too low for successful crop production by dry-farming methods. Apparently, there is no known water supply for the irrigation of these lands. The lands are isolated from other public lands, and are best suited for disposal under the public sale law.

No application for these lands will be allowed under the homestead, desert-land, small-tract, or any other non-mineral public land law, unless the lands have already been classified or shall be so classified upon consideration of an application.

Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time, the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. of the 35th day after the date of this order shall be treated as though simultaneously filed at that time. All other applications under the public-land laws filed on or before 10:00 a. m. of the 126th day after the date of this order shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

MARCH 17, 1955.

[F. R. Doc. 55-2723; Filed, Apr. 1, 1955; 8:46 a. m.]

Office of the Secretary

OUTER CONTINENTAL SHELF

GEOLOGICAL AND GEOPHYSICAL EXPLORATIONS

Pursuant to the notice issued by the Secretary of the Interior on September 17, 1953, concerning geological and geophysical explorations in the outer Continental Shelf (18 F. R. 5667), the Department of the Interior has entered into a cooperative agreement with the State Lands Commission and the Department of Fish and Game, State of California.

Dated: March 31, 1955.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55-2799; Filed, Apr. 1, 1955; 11:18 a. m.]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order 76-55]

DESIGNATION OF ORGANIZATIONS IN CONNECTION WITH FEDERAL EMPLOYEE SECURITY PROGRAM

The following named organizations to which notices of proposed designation within the purview of Executive Order No. 10450 of April 27, 1953, were sent in accordance with the rules of procedure promulgated April 29, 1953 (18 F. R. 2619; 28 CFR 41.1-41.11), have failed to file proper notice of contest and are therefore hereby designated pursuant to the said Executive Order No. 10450:

Congress of the Unemployed.
League for Common Sense.
National Committee to Win Amnesty for Smith Act Victims.
People's Rights Party.
Provisional Committee on Latin American Affairs.
Puerto Rican Comite Pro Libertades Civiles, also known as Comite Pro Derechos Civiles.
Queensbridge Tenants League.
Syracuse Women for Peace.
United Defense Council of Southern California.

HERBERT BROWNELL, JR.,
Attorney General.

MARCH 24, 1955.

[F. R. Doc. 55-2778; Filed, Mar. 31, 1955; 4:18 p. m.]

[Order 77-55]

DESIGNATION OF ORGANIZATIONS IN CONNECTION WITH FEDERAL EMPLOYEE SECURITY PROGRAM

Notice of proposed designation under Executive Order No. 10450 of April 27, 1953, was forwarded by registered mail to each of the organizations listed below and was returned unclaimed. Therefore, in accordance with § 41.1 (b) of the rules of procedure with respect to notice, hearing, and designation of organizations in connection with the Federal employee security program (18 F. R. 2619; 28 CFR 41.1-41.11), notice was given in the FEDERAL REGISTER of February 8, 1955 (20 F. R. 816-817), that failure to file a notice of contest within thirty days from February 8, 1955, would be deemed as acquiescence in such proposed designation. The said organizations have failed to file such notice of contest and therefore are hereby designated pursuant to the said Executive Order No. 10450:

Benjamin Davis Freedom Committee.
Civil Liberties Sponsoring Committee of Pittsburgh.
Committee to Abolish Discrimination in Maryland, also known as Congress Against Discrimination, Maryland Congress Against Discrimination, and Provisional Committee to Abolish Discrimination in the State of Maryland.
Committee to Defend the Rights and Freedom of Pittsburgh's Political Prisoners.
East Bay Peace Committee.
Guardian Club.
Independent Party, also known as Independent People's Party (Seattle, Wash.).
Johnson-Forest Group, also known as Johnsonites.
Michigan Council for Peace.
Peoples Programs (Seattle, Wash.).
Pittsburgh Arts Club.
Trade Unionists for Peace, also known as Trade Union Committee for Peace.

HERBERT BROWNELL, JR.,
Attorney General.

MARCH 24, 1955.

[F. R. Doc. 55-2779; Filed, Mar. 31, 1955; 4:18 p. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

KESCO G. M. B. H. ET AL.

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

In the matter of Kesco G. m. b. H., Hans Kessler, Sr., Hans Kessler, Jr., Mainlust Strasse #8, Frankfurt, West Germany, respondents.

In accordance with the provisions of § 382.11 (b) of the Export Control Regulations (Title 15, Chapter III, Subchapter C, Code of Federal Regulations) the Director, Export Control Investigation Staff of the Bureau of Foreign Commerce, United States Department of Commerce, submitted an application, dated March 21, 1955, requesting that an order temporarily denying all United States export privileges be issued against Kesco G. m. b. H., a corporation, and Hans Kessler, Sr. and Hans Kessler, Jr., individually and as officials of the corporation (hereinafter referred to as the Respondents) alleging that there is reasonable cause to believe that the Respondents have violated the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, that such violations may continue unless the Respondents' export privileges are temporarily curtailed, that an investigation in this country and abroad is now pending into their activities relating to United States exports, and that such curtailment is reasonable and necessary to protect the public interest pending the completion of the investigation or of administrative compliance proceedings to be instituted against them.

The matter was thereupon assigned by the Director, Office of Export Supply, to Compliance Commissioner Paul M. Greene to receive and consider the evidence relating to the alleged violations and to make a report and recommendation thereon. The aforesaid evidence was informally presented to the Compliance Commissioner at an ex-parte hearing held by him in Washington, D. C., on March 23, 1955 at which the Director, Export Control Investigation Staff and the Office of the General Counsel

appeared by representatives, and the Compliance Commissioner thereafter submitted his report and recommendation.

The Director, Office of Export Supply has examined the evidence considered by the Compliance Commissioner and the Commissioner's report and recommendation, from which he has concluded that such evidence gives reasonable cause to believe that the Respondents made false representations to the Bureau of Foreign Commerce with respect to the ultimate destination and end-use on four (4) ultimate consignee statements signed and submitted by the Respondents to support United States license applications to export borax products valued in excess of $178,000.00 to West Germany and that they thereafter diverted and transshipped 500 metric tons of boric acid and 100 metric tons of borax to Hong Kong and 300 metric tons of borax to Gdynia, Poland, having a total value in excess of $115,000.00, in knowing contravention of the authority of the export licenses and of the ultimate-destination representations previously made. In addition, the evidence shows that the Respondents were uncooperative with and made misleading statements to United States Foreign Service officials in West Germany in connection with a proposed exportation from the United States of 500 tons of boric acid valued at $62,300.00, as a result of which the license application filed in behalf of the Respondents was denied. It discloses further that the Respondents instructed their United States supplier to omit from the shipping documents relating to the shipments of borax and boric acid as aforesaid, and particularly from the bills of lading, the destination control notice required by the export control regulations. The evidence shows also that the Respondents have admitted making the diversions and transshipments to Hong Kong and Poland as aforesaid and that there are strong indications that such transshipments, with the knowledge of the Respondents, were destined for ultimate delivery in prohibited China.

The evidence considered shows further that in addition to having appeared as parties to applications for United States export licenses the Respondents may be parties to further exportations of commodities from the United States pursuant to validated and general license.

The Director, Office of Export Supply has concluded therefore that there is probable cause to believe that the Respondents have violated the Export Control Act of 1949, as amended, and the regulations issued thereunder, and may continue to violate the same to the detriment of the United States security and economy unless they are estopped from participating further in United States exportations of commodities pending the ultimate disposition of formal charges.

The Director, Office of Export Supply has concluded further that the temporary denial of Respondents' United States export privileges is reasonable and necessary to protect the public interest, is justified by the evidence considered, is in accord with Bureau of Foreign Commerce policy, and that the Compliance Commissioner's recommendation, as appears below, is fair and reasonable and should be adopted.

Now, to achieve effective enforcement of the export control law and regulations: *It is hereby ordered:*

(1) All outstanding validated export licenses held by or issued in the names of the Respondents, or any of them, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) The Respondents, and each of them, their successors or assigns, directors, officers, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondents' and such other persons' and firms' participation (a) as a party or as a representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall apply not only to the named Respondents, but also to any person, firm, corporation, or business organization with which they, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(4) This order shall take effect on the date appearing below and shall remain in effect until the administrative compliance proceedings now under preparation by the Bureau of Foreign Commerce against said Respondents, or any of them, shall be ultimately determined and disposed of, except insofar as this order may be hereafter extended, amended, or modified in accordance with the provisions of the export control regulations.

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) herein above have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served upon the named Respondents by registered mail.

(7) In accordance with the provisions of § 382.11 (c) of the export control regulations, the Respondents, or any of them, may move at any time prior to the entry of a final order of suspension to vacate or modify this temporary suspension order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D. C. at the earliest possible date.

Dated: March 29, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-2788; Filed, Apr. 1, 1955; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH DAKOTA

DESIGNATION OF ADDITIONAL AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it is determined that in Perkins County in the State of South Dakota, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies or other responsible sources.

Pursuant to the authority as set forth above, such loans will not be made in Perkins County in the State of South Dakota after June 30, 1955, except to borrowers who previously received such assistance.

Also, for the purpose of making emergency loans pursuant to Public Law 727, 83d Congress, it is determined that in Perkins County in the State of South Dakota there is a need for agricultural credit which cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular programs, or under Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, or other responsible sources.

Pursuant to the authority as set forth above, such loans will not be made in Perkins County in the State of South Dakota after June 30, 1955.

Done at Washington, D. C., this 29th day of March 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-2735; Filed, Apr. 1, 1955; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8445]

CITIZENS GAS CO.

NOTICE OF APPLICATION

MARCH 29, 1955.

Take notice that Citizens Gas Company (Applicant), an Illinois corporation, address Tuscola, Illinois filed on February 7, 1955, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Trunkline Gas Company (Trunkline) to extend and improve its transportation facilities, to establish physical connection of its transportation facilities with the facilities of Applicant's proposed natural gas distribution system in the City of Arcola, Illinois, and its environs, and to sell sufficient natural gas to Applicant to meet the fifth year natural gas requirements of Arcola and its environs.

Applicant proposes to interconnect its facilities with those of Trunkline by means of 17,200 feet of 4-inch pipe extending due west of Arcola. The annual natural gas requirements of Arcola are estimated to be 26,763 Mcf for the first year of operation and 76,383 Mcf for the fifth year. Its first year peak day requirement is estimated at 248 Mcf and its fifth year estimated peak day requirement is 719 Mcf.

Estimated cost of the facilities Applicant proposes to construct is $198,204. Applicant proposes to finance the project by a $100,000 issue of 4 percent first mortgage bonds and $100,000 of 5 percent convertible debentures.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of April 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2754; Filed, Apr. 1, 1955; 8:51 a. m.]

[Docket No. G-2583]

SOUTHERN PRODUCTION CO., INC.

NOTICE FIXING DATE OF HEARING

MARCH 29, 1955.

Southern Production Company, Inc. (Applicant), a Delaware corporation with its principal office in Fort Worth, Texas, filed an application on August 27, 1954, and supplements thereto on September 20, 1954, and October 18, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the Applicant to sell natural gas (24 sales) to Southern Natural Gas Company, United Gas Pipe Line Company, Tennessee Gas Transmission Company, Arkansas Fuel Oil Corporation, Magnolia Petroleum, Texas Gas Transmission Corporation, Kansas-Nebraska Natural Gas Company, Gaylord Container Corporation, Consolidated Gas Utilities Company, Barnhart Hydrocarbon Corporation, Lone Star Gas Company, Arkansas Louisiana Gas Company, Phillips Petroleum Company, Texas Eastern Transmission Corporation, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission, and open for public inspection. Notice of the filing of the application was published in the FEDERAL REGISTER September 21, 1954 (19 F. R. 6071).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 14, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2755; Filed, Apr. 1, 1955; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10968-10970; FCC 55M-294]

GREAT LAKES TELEVISION, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Great Lakes Television, Inc., Buffalo, New York, Docket No. 10968, File No. BPCT-1812; Leon Wyszatycki, d/b as Greater Erie Broadcasting Company, Buffalo, New York, Docket No. 10969, File No. BPCT-1827; WKBW-TV, Inc., Buffalo, New York, Docket No. 10970, File No. BPCT-1841; for construction permits for new television stations.

The Hearing Examiner having under consideration an oral request made jointly by the three applicants and accepted without objection by the Broadcast Bureau for a continuance of the date for further hearing in this proceeding;

It appearing that an informal conference was held by all the parties and the Hearing Examiner on March 24, 1955, at which time the scheduling of the remaining portions of this hearing was discussed and agreed upon; and

It further appearing that, owing to the illness of attorney for one of the parties, additional preparation time was required by that party;

It is ordered, This 28th day of March 1955, that the further hearing now scheduled for March 30 is continued to April 14, 1955, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2759; Filed, Apr. 1, 1955; 8:52 a. m.]

[Docket Nos. 11055, 11056; FCC 55M-290]

AIRCALL, INC., AND TELEPHONE ANSWERING SERVICE

ORDER CONTINUING HEARING

In re applications of Aircall, Inc., Detroit, Michigan, Docket No. 11055, File No. 744-C2-P-54; John W. Bennett, d/b as Telephone Answering Service, Flint, Michigan, Docket No. 11056, File No. 276-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration the above-entitled proceeding:

It is ordered, This 28th day of March 1955, on the Hearing Examiner's own motion, that the hearing now scheduled for April 5, 1955, is continued until April 26, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2760; Filed, Apr. 1, 1955; 8:52 a. m.]

[Docket No. 11127; FCC 55M-286]

THERMOPOLIS BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Thermopolis Broadcasting Company, Inc., Thermopolis, Wyoming, for construction permit for new standard broadcast station; Docket No. 11127, File No. BP-9294.

Pursuant to agreement reached at a pre-hearing conference held March 25, 1955: *It is ordered,* This 25th day of March 1955, that the hearing herein now scheduled for March 31, 1955, is continued and rescheduled to commence at 10:00 o'clock a. m., Friday, April 15, 1955, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2761; Filed, Apr. 1, 1955; 8:52 a. m.]

[Docket No. 11144; FCC 55M—287]

SHORE BROADCASTING CO.

NOTICE OF CHANGE OF HEARING DATE

In re application of The Shore Broadcasting Company, Cambridge, Maryland, for construction permit; Docket No. 11144, File No. BP-9239.

Notice is hereby given that, pursuant to agreement by counsel, the date for the hearing in the above-entitled proceeding, now scheduled for Tuesday, April 12, 1955, is changed to 10:00 a. m., on Wednesday, April 13, 1955, in the offices of this Commission, Washington, D. C.

Dated this 25th day of March 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2762; Filed, Apr. 1, 1955; 8:52 a. m.]

[Docket No. 11270; FCC 55M-298]

OHIO BELL TELEPHONE CO.

ORDER CONTINUING HEARING

In the matter of Ohio Bell Telephone Company, Toledo, Ohio, application for construction permit for new VHF Public Class III-B coast station; Docket No. 11270, File No. 5745-F1-P-H.

The Hearing Examiner having under consideration the motion filed March 22, 1955, by Lorain County Radio Corporation, respondent herein, requesting that the hearing in this proceeding now scheduled for April 6, 1955, be postponed until a date later to be fixed by the Hearing Examiner, for the reason that a request to enlarge the issues is pending before the Commission which request is unlikely to be acted on by the Commission before the date for the hearing presently scheduled and for the further reason that counsel for Lorain County Radio Corporation and the executive principals thereof have commitments conflicting with the hearing date now scheduled; and

It appearing that no opposition to the motion has been filed and that Commission counsel are agreeable to a grant of the motion;

It is ordered, This 29th day of March 1955, that the motion is granted; and that the date of the hearing is postponed to a date later to be scheduled by the Hearing Examiner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2763; Filed, Apr. 1, 1955; 8:52 a. m.]

[Docket No. 11304]

J. E. JUMONVILLE

ORDER TO SHOW CAUSE

In the matter of J. E. Jumonville, Plaquemine, Louisiana, order to show cause why the license for radiotelephone station WE-3373 should not be revoked; Docket No. 11304.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WE-3373 licensed to J. E. Jumonville, Plaquemine, Louisiana, aboard the vessel Quarter Boat Four.

It appearing that notices of violation of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated September 1, 1954, specifying failure to identify by call letters (August 20, 1954, 1456 GMT) in violation of § 8.364 (a) of the rules (47 CFR 8.364 (a)).

(b) Notice dated October 7, 1954, specifying failure to respond to the above Official Notice of Violation, in violation of § 8.601 (a) of the rules.

It further appearing that, despite further notices calling attention to the foregoing notices of violation, no satisfactory explanation of the alleged violations has been received from the licensee:

It is ordered, This 24th day of March 1955, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said J. E. Jumonville, Plaquemine, Louisiana, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 17th day of May 1955.

It is further ordered, That the Secretary send a copy of this Order to the licensee by Registered Mail—Return Receipt Requested.

Released: March 25, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2764; Filed, Apr. 1, 1955; 8:53 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-128]

CITY SPECIALTY STORES, INC.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MARCH 29, 1955.

In the matter of City Specialty Stores, Inc., 4½ Percent Convertible Preferred Stock, $50 Par Value, File No. 1-128.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the American Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

City Stores Company has come to own over 86 percent of the 42,982 outstanding preferred shares of the applicant and public holders of record numbered only 122 on the last record date (October 29, 1954).

Practically all of the recent transactions in this issue on the American Stock Exchange have been purchases by City Stores Company or by City Specialty Stores, Inc. Only one transaction has been reported on this Exchange in 1955 to date, viz: 150 shares bought by the applicant for its sinking fund.

The rules of the American Stock Exchange with respect to delisting have been complied with, and this Exchange will not appear before the Commission in opposition to this application.

The applicant will continue to file reports with the Commission pursuant to section 15 (d) of the Securities Exchange Act of 1934.

Upon receipt of a request, on or before April 15, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-2730; Filed, Apr. 1, 1955; 8:48 a. m.]

[File No. 7—1671]

BELL AIRCRAFT CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Bell Aircraft Corporation, Common Stock, $1 Par Value; File No. 7-1671.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of March 1955.

The Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of Bell Aircraft Corporation, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to April 15, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-2728; Filed, Apr. 1, 1955; 8:47 a. m.]

[File No. 1-128]

CITY SPECIALTY STORES, INC.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MARCH 29, 1955.

In the matter of City Specialty Stores, Inc., Common Stock, $1 Par Value; File No. 1-128.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the American Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

City Stores Company has come to own over 98 percent of the 810,104 outstanding common shares of the applicant and public holders of record numbered only 96 at last record date (October 29, 1954).

Practically all of the recent transactions in this issue on the American Stock Exchange have been purchases by City Stores Company. There have been no transactions reported on this Exchange in 1955 to date.

The rules of the American Stock Exchange with respect to delisting have been complied with, and this Exchange will not appear before the Commission in opposition to this application.

The applicant will continue to file reports with the Commission pursuant to section 15 (d) of the Securities Exchange Act of 1934.

Upon receipt of a request, on or before April 15, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-2731; Filed, Apr. 1, 1955; 8:48 a. m.]

[File No. 70-3349]

APPALACHIAN ELECTRIC POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

ORDER REGARDING SALE OF UTILITY ASSETS

MARCH 29, 1955.

American Gas and Electric Company, a registered holding company, and Appalachian Electric Power Company ("Appalachian"), its public-utility subsidiary company, having filed with this Commission a declaration, as amended, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 promulgated thereunder regarding a proposed transaction which is summarized as follows:

Appalachian proposes to sell to Pocahontas Fuel Company, Inc., a non-affiliated company, certain lines, transformers and conversion equipment, virtually all of which are located on property belonging to the purchaser or its affiliated companies in Virginia and West Virginia and which are used exclusively for the delivery of electric energy by Appalachian to said purchaser. The purchase price for the facilities being sold is to be $1,108,136, which represents the depreciated book cost of such facilities (original cost of $1,335,827, less calculated depreciation to December 31, 1954, of $227,691). Said purchase price is payable, without interest, in monthly installments over a period of not to exceed eight and one-half years.

The State Corporation Commission of Virginia and the Public Service Commission of West Virginia have approved the proposed transaction.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied; and the Commission deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration, as amended, should be permitted to become effective forthwith, except that the Commission deems it inappropriate to approve or disapprove the accounting treatment applicable to the proposed transaction as set forth in the declaration.

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24: *Provided however*, That nothing herein contained shall be deemed to constitute approval or disapproval of the accounting treatment applicable to the proposed transaction as set forth in the declaration herein, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-2729; Filed, Apr. 1, 1955; 8:47 a. m.]

[File No. 811-635]

LEXINGTON FUNDS, INC.

ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

MARCH 29, 1955.

Lexington Funds, Inc., a Delaware corporation, having filed a Notification of Registration on Form N-8A on March 22, 1954, and having received extensions from time to time for the filing of its Registration Statement on Form N-8B-1; and

Lexington Funds, Inc., having, on March 4, 1955, filed a request that it be permitted to withdraw its Notification of Registration, or that other appropriate action be taken to terminate its registration and its status as a registered investment company, and such company having represented that it has not made any public offering of securities, that it has issued no shares of stock, that it has returned all funds received on account of prospective subscriptions, and that it has not engaged in business as an investment company; and

It appearing appropriate to the Commission that an order be entered finding and declaring that Lexington Funds, Inc., has ceased to be an investment company, and it appearing that, in view of the request by such company and the fact that such company has no securities outstanding, no purpose would be served by issuing a notice prior to the entry of such order, and that such order may properly be issued forthwith;

It is hereby ordered, And the Commission finds and declares that Lexington Funds, Inc., has ceased to be an investment company, and the registration of such company under the Investment Company Act of 1940 shall no longer be in effect, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-2732; Filed, Apr. 1, 1955; 8:48 a. m.]

[File No. 812-922]

NIAGARA SHARE CORP. AND SCHOELLKOPF, HUTTON & POMEROY, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

MARCH 29, 1955.

Notice is hereby given that Niagara Share Corporation ("Niagara"), a registered closed-end, non-diversified investment company, and Schoellkopf, Hutton & Pomeroy, Inc. (S. H. & P.), a company engaged in the business of investment banking and a registered broker-dealer, have filed an application pursuant to sections 10 (f) and 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of sections 10 (f) and 17 (a) the proposed purchase by Niagara of not exceeding 5,000 shares of the common stock, $5 par value, of Corning Glass Works, and the sale by S. H. & P. of 1,500 such shares to Niagara.

The application states that of the outstanding securities of S. H. & P., Niagara owns all the preferred stock, consisting of 145,000 shares, and 14,479 shares of common stock (out of a total of 277,771 shares outstanding). Such preferred and common shares each have one vote per share, and accordingly Niagara owns 37.7 percent of the outstanding voting securities of S. H. & P., so that Niagara and S. H. & P. are affiliated persons of each other by definition under section 2 (a) (3) of the act. The two corporations have a common secretary and two common directors, one of whom is President of Niagara and Vice President of S. H. & P.

S. H. & P. expects to be one of the principal underwriters in a group which is underwriting a secondary offering of 464,700 shares of common stock of Corning Glass Works. The total number of shares of Corning Glass Works which S. H. & P. expects to underwrite is 3,000, and the application states that it had planned to distribute those shares to others before it knew of Niagara's desire to purchase such stock. Niagara proposes to acquire 1500 shares from S. H. & P. and the remaining 3500 shares from other underwriters. The 5000 shares proposed to be purchased by Niagara represents approximately 1.1 percent of the total amount of stock of Corning Glass Works now being offered; on the basis of current market quotations, such 5000 shares represent approximately 0.75 percent of the total assets of Niagara.

The public offering will be made at an offering price based on the most recent market quotations of the Corning Glass Works Common Stock on the New York Stock Exchange, and the purchases by Niagara are proposed to be made at the public offering price. S. H. & P. will receive no greater spread on such shares than on shares sold to other persons.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director or member of an advisory board is an affiliated person, unless the Commission by order upon application grants an exemption therefrom. Section 17 (a) (1) of the act prohibits, among other things, an affiliated person of a registered investment company, or an affiliated person of such a person, from selling any security to such registered company, subject to certain exceptions not here material, unless the Commission, upon application pursuant to section 17 (b), grants an exemption from the provisions of section 17 (a). Since Niagara and S. H. & P. are affiliated persons of each other, and since certain directors and officers of Niagara are also affiliated persons of S. H. & P., a member of the underwriting group for such stock, the proposed transaction is subject to the provisions of sections 10 (f) and 17 (a).

The application represents that the proposed purchase by Niagara is consistent with its stated investment policies.

Notice is further given that any interested person may, not later than April 12, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-2733; Filed, Apr. 1, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30414]

CREOSOTE OIL AND DISTILLATE FROM OFFICIAL TERRITORY TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Creosote oil and creosote oil distillate, in tank-car loads.

From: Points in official territory.

To: Points in southern territory.

Grounds for relief: Circuitous routes, market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. A-1008, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-2736; Filed, Apr. 1, 1955; 8:49 a. m.]

[4th Sec. Application 30415]

SUGAR FROM SAVANNAH AND PORT WENTWORTH, GA., TO BENNETTSVILLE, S. C.

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Atlantic Coast Line Railroad Company for itself and on behalf of the Savannah & Atlanta Railway Company, parties to schedule listed below.

Commodities involved: Sugar, carloads.

From: Savannah and Port Wentworth, Ga.

To: Bennettsville, S. C.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: W. P. Emerson, Jr., I. C. C. 380, supp. 250.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-2737; Filed, Apr. 1, 1955; 8:49 a. m.]

[4th Sec. Application 30416]

MOTOR-RAIL RATES BETWEEN CHICAGO, ILL., AND ST. PAUL, MINN.

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for the Chicago Great Western Railway Company, and Motor carriers parties to tariff listed below.

Commodities involved: Highway trailers, loaded and empty, on flat cars.

Between: Chicago, Ill., and St. Paul, Minn.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, substituted freight service tariff, MF-I. C. C. No. 223, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-2738; Filed, Apr. 1, 1955; 8:49 a. m.]

[4th Sec. Application 30417]

MALT LIQUORS AND EMPTY CONTAINERS FROM PEORIA, ILL., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. 820, supp. 4.

Commodities involved: Malt liquors and empty returned beverage containers, carloads.

From: Peoria, Ill.

To: Points in southern territory.

Grounds for relief: Circuitous routes and additional routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-2739; Filed, Apr. 1, 1955; 8:49 a. m.]

[4th Sec. Application 30418]

FENCE POSTS FROM LOUISIANA TO WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fence posts, wooden, carloads.

From: Specified points in Louisiana.

To: Specified points in Colorado, Iowa, Kansas, Missouri and Nebraska.

Grounds for relief: Circuitous routes, market competition, and additional origins.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-2740; Filed, Apr. 1, 1955; 8:49 a. m.]

[4th Sec. Application No. 30419]

FENCE POSTS FROM LOUISIANA TO IOWA AND MISSOURI

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. 3954, as listed below.

Commodities involved: Fence posts, wooden, carloads.

From: Specified points in Louisiana.

To: Specified points in Iowa and Missouri.

Grounds for relief: Circuitous routes, market competition, and additional origins.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 3954, supp. 76.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2741; Filed, Apr. 1, 1955; 8:49 a. m.]

[4th Sec. Application 30420]

HOMINY FEED FROM KANSAS AND NEBRASKA TO KANSAS AND MISSOURI

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to tariffs listed below.

Commodities involved: Hominy feed, portions of corn kernels, carloads.

From: Specified points in Kansas and Nebraska.

To: Specified points in Kansas and Missouri.

Grounds for relief: Circuitous routes, and additional commodity.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. A-3992, supp. 13; F. C. Kratzmeir, Agent, I. C. C. 3938, supp. 36; Missouri Pacific Railroad, I. C. C. A-10238, supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2742; Filed, Apr. 1, 1955; 8:49 a. m.]

[4th Sec. Application 30421]

GRAIN AND PRODUCTS FROM KANSAS AND NEBRASKA TO KANSAS AND MISSOURI

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, for carriers parties to schedule listed below.

Commodities involved: Grain, grain products, and seeds, carloads.

From: Specified points in Kansas and Nebraska.

To: Specified points in Kansas and Missouri.

Grounds for relief: Circuitous routes, and additional routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. A-3992, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2743; Filed, Apr. 1, 1955; 8:49 a. m.]

[4th Sec. Application 30422]

FRESH MEATS FROM DENVER, COLO., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provisions of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Fresh meats, and packing house products, carloads.

From Denver, Colo.

To: Points in southern territory.

Grounds for relief: Circuitous routes, market competition, and rates constructed on the basis of a short line distance formula.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. A-3911, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2744; Filed, Apr. 1, 1955; 8:49 a. m.]

[4th Sec. Application 30423]

CEMENT FROM ROBERTA, ALA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cement, and related articles, carloads.

From: Roberta, Ala.

To: Specified points in official territory.

Grounds for relief: Circuitous routes, market competition, and rates constructed on the basis of a short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1173, supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2745; Filed, Apr. 1, 1955; 8:49 a. m.]

[4th Sec. Application 30424]

SULPHURIC ACID FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO LE MOYNE, ALA.

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Le Moyne, Ala.

Grounds for relief: Competition with water carriers, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1357, supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2746; Filed, Apr. 1, 1955; 8:50 a. m.]

[4th Sec. Application 30425]

ETHYLENE GLYCOL BETWEEN PORT NECHES, TEXAS CITY, AND VELASCO, TEX., ON ONE HAND, AND GRAINGERS, N. C., ON THE OTHER

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Ethylene glycol.

Between: Port Neches, Texas City and Velasco, Tex., on one hand, and Graingers, N. C., on the other.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4094, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2747; Filed, Apr. 1, 1955; 8:50 a. m.]

[4th Sec. Application 30426]

PIG IRON FROM ROCKWOOD, TENN., TO CHICAGO AND JOLIET, ILL.; PROPORTIONAL RATES

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Pig iron, carloads.

From: Rockwood, Tenn.

To: Chicago and Joliet, Ill., applicable on traffic destined to Milwaukee and West Allis, Wis.

Grounds for relief: Circuitous routes, and competition with truck-water-rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1420, supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2748; Filed, Apr. 1, 1955; 8:50 a. m.]

[4th Sec. Application 30429]

TRACTORS AND PARTS FROM ILLINOIS TO LOUISIANA

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to tariff schedule listed below.

Commodities involved: Tractors, tractor engines and tractor parts, carloads.

From: Chicago, Ill., other specified points in Illinois and Hammond, Ind.

To: Baton Rouge, Gonzales, Gramercy, Reserve, Good Hope and New Orleans, La.

Grounds for relief: Circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. 776, supplement 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2751; Filed, Apr. 1, 1955; 8:50 a. m.]

[4th Sec. Application 30430]

ANIMAL OR POULTRY FEED FROM JEFFERSON, WIS., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to tariff schedule listed below.

Commodities involved: Animal or poultry feed, carloads.

From: Jefferson, Wis.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. 784, supplement 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they in-

tend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2752; Filed, Apr. 1, 1955; 8:50 a. m.]

[4th Sec. Application 30427]

CALCIUM CHLORIDE TO AND FROM CENTRAL TERRITORY, ILLINOIS AND WISCONSIN AND POINTS ON C. N. S. & M. RY.

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariffs as supplemented listed below.

Commodities involved: Calcium chloride, other than liquid, carloads, also calcium chloride liquor, in tank-car loads.

Between: Points in central territory, on the one hand, and points in Illinois and Wisconsin, on the Chicago, North Shore and Milwaukee Railway Company, on the other.

Grounds for relief: Circuitous routes, and to apply rates constructed on the basis of the short line distance formula, additional origins and destinations.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 3779, supp. No. 148; I. C. C. No. 2445, supp. No. 324; I. C. C. No. 2446, supp. No. 342; I. C. C. No. 2447, supp. No. 332; I. C. C. No. 2448, supp. No. 321; I. C. C. No. 3685, supp. No. 156; I. C. C. No. 3355, supp. No. 212; I. C. C. No. 2451, supp. No. 336; I. C. C. No. 3425, supp. No. 195; I. C. C. No. 3098, supp. No. 226.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2749; Filed, Apr. 1, 1955; 8:50 a. m.]

[4th Sec. Application 30428]

SODA AND SODA PRODUCTS TO AND FROM CENTRAL TERRITORY AND POINTS ON C. N. S. & M. RY.

APPLICATION FOR RELIEF

MARCH 30, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariffs as supplemented, listed below.

Commodities involved: Soda and soda products, carloads, also modified soda ash and caustic soda, carloads.

Between: Points in central territory, on one hand, and points on the Chicago, North Shore and Milwaukee Railway Company, in Illinois and Wisconsin, on the other.

Grounds for relief: Circuitous routes, to apply rates constructed on the basis of the short line distance formula, and additional origins and destinations.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 3779, supp. No. 148; I. C. C. No. 2445, supp. No. 324; I. C. C. No. 2446, supp. No. 342; I. C. C. No. 2447, supp. No. 332; I. C. C. No. 2448, supp. No. 321; I. C. C. No. 3685, supp. No. 156; I. C. C. No. 3355, supp. No. 212; I. C. C. No. 2451, supp. No. 336; I. C. C. No. 3425, supp. No. 195; I. C. C. No. 3098, supp. No. 226.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2750; Filed, Apr. 1, 1955; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 20 NUMBER 66

Washington, Tuesday, April 5, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3088

PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS April 14, 1955, will be observed in each of the twenty-one Republics of the Western Hemisphere as Pan American Day, celebrating the sixty-fifth anniversary of the founding of the Pan American Union, which is the permanent organ and General Secretariat of the Organization of American States; and

WHEREAS the observances commemorating that occasion will take place throughout the week of April 10 to April 16, 1955; and

WHEREAS the bonds of friendship uniting the Governments and peoples of the United States and those of the other American Republics in their social, cultural, political, and economic relationships continue to be strengthened through their mutually constructive efforts within the framework of the Organization of American States; and

WHEREAS during the past year the Republics of this Hemisphere have again demonstrated their mutual and steadfast determination to withstand aggression from any source, to preserve the peace of the Americas, and to use effectively the machinery for pacific settlement provided in the treaties binding them together in the inter-American system:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Thursday, April 14, 1955, as Pan American Day, and the period from April 10 to April 16, 1955, as Pan American Week; and I urge that the people of this nation on that day and during that week give particular expression to their fraternal feelings toward the peoples of the other American Republics and to their devotion to the maintenance of the principles which we share with them.

I also invite the Governors of the States, Territories, and possessions of the United States and the Governor of the Commonwealth of Puerto Rico to issue similar proclamations; and I call upon all our citizens and all interested organizations to unite in appropriate observance of Pan American Day and Pan American Week, in testimony of the solidarity which characterizes the relationship between the peoples of the United States and those of the other American Republics.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of March in the year of our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 55-2833; Filed, Apr. 4, 1955; 12:06 p. m.]

PROCLAMATION 3089

EXCLUDING CERTAIN LANDS FROM THE GLACIER BAY NATIONAL MONUMENT AND ADDING A PORTION THEREOF TO THE TONGASS NATIONAL FOREST—ALASKA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain lands comprising a portion of the hereinafter-described Gustavus Area of the Glacier Bay National Monument in Alaska, established by Proclamation No. 1733 of February 26, 1925 (43 Stat. 1988), and enlarged by Proclamation No. 2330 of April 18, 1939 (53 Stat. 2534), are now being used as an airfield for national-defense purposes and are no longer suitable for national-monument purposes; and

WHEREAS the other lands within the Gustavus Area, including several homesteads which were patented prior to the enlargement of the monument by the proclamation of April 18, 1939, are suitable for a limited type of agricultural use and are no longer necessary for the proper care and management of the objects of scientific interest on the lands within the monument; and

(Continued on next page)

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THE PRESIDENT

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 9 ($0.65)
Title 20 ($0.75)
Title 24 ($0.75)
Titles 40–42 ($0.50)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 18 ($0.50); Title 19 ($0.40); Title 25 ($0.50); Titles 30–31 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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WHEREAS the lands comprising the hereinafter-described Excursion Inlet Area of the monument were erroneously excluded from the Tongass National Forest and included in the monument by the proclamation of April 18, 1939, and such lands are suitable for national-forest purposes; and

WHEREAS it appears that it would be in the public interest to exclude the said lands comprising the Gustavus Area and the Excursion Inlet Area from the Glacier Bay National Monument, and to restore the lands within the Excursion Inlet Area to the Tongass National Forest:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (16 U. S. C. 431), section 24 of the act of March 3, 1891, 26 Stat. 1103 (16 U. S. C. 471), and section 1 of the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 473), do proclaim (1) that all of the following-described lands in the Territory of Alaska are hereby excluded from the Glacier Bay National Monument and (2) that, subject to all valid existing rights, those lands designated and described as the Excursion Inlet Area are hereby added to and made a part of the Tongass National Forest and shall be subject to all laws, rules, and regulations applicable to that forest:

GUSTAVUS AREA

COPPER RIVER MERIDIAN

T. 40 S., R. 58 E.,
secs. 1 to 3 and 9 to 12, inclusive;
fractional secs. 13 and 14;
secs. 15 and 16;
fractional secs. 21 to 23, inclusive.
T. 40 S., R. 59 E.,
fractional sec. 3;
secs. 4 to 8, inclusive;
fractional secs. 9, 10, and 16 to 18, inclusive.

Also, a parcel of unsurveyed land described as follows: Beginning at the northwest corner of sec. 1, T. 40 S., R. 58 E., C. R. M.; thence

North 7,920 feet;
East 2,640 feet;
South 45° 00′ East to the northeast corner of sec. 6, T. 40 S., R. 59 E., C. R. M.;
West, along the northern boundary of sec. 6, T. 40 S., R. 59 E., and sec. 1, T. 40 S., R. 58 E., C. R. M., to the point of beginning.

Also, all water and islands lying directly south and offshore between the above-described lands and the center of Icy Passage.

The areas described, including both public and nonpublic lands, aggregate approximately 14,741 acres of land and 4,193 acres of water.

EXCURSION INLET AREA

A tract of unsurveyed land described as follows: Beginning at a point on the center line of the principal channel of Excursion Inlet from which Corner No. 1 M. C. of United States Survey No. 666 bears due east; thence

Northerly along the center of the principal channel of Excursion Inlet to a point in approximate latitude 58°30′ N., longitude 135°30′ W.;
East to the east shore of Excursion Inlet;
Northeasterly, southeasterly, and easterly, along a subsidiary divide between two streams flowing into Excursion Inlet, to the divide between the waters of Excursion Inlet and Lynn Canal in approximate latitude 58°29′30″ N., longitude 135°20′ W.;
Southerly along said divide to a point in approximate latitude 58°27′ N., longitude 135°18′ W.;
Westerly along a subsidiary divide between two streams flowing into Excursion Inlet to the east shore of said Inlet;
West to the center of the principal channel of Excursion Inlet;
Northerly along the center of the principal channel of Excursion Inlet to the point of beginning.

The area described, including both public and nonpublic lands, aggregates approximately 10,184 acres.

The lands in the above-described Gustavus Area shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public land laws until further order of an authorized officer of the Department of the Interior.

The said Proclamation No. 2330 of April 18, 1939, is amended accordingly.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of March in the year of our Lord nineteen hundred and fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55–2834; Filed, Apr. 4, 1955; 12:06 p. m.]

RULES AND REGULATIONS

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

INDIANA HARBOR CANAL, IND.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.676 governing the operation of drawbridges across Indiana Harbor Canal and the Lake George Branch of Indiana Harbor Canal to and including the Indianapolis Boulevard Bridge, is hereby prescribed as follows:

§ 203.676 *Indiana Harbor Canal, Ind.; drawbridges.* (a) The owners of or agencies controlling drawbridges across Indiana Harbor Canal and the Lake George Branch of Indiana Harbor Canal to and including the Indianapolis Boulevard bridge, shall provide the appliances and the personnel necessary for the prompt, safe, and efficient operation of the draws for the passage of vessels.

(b) The draw shall be opened promptly when the signal hereinafter prescribed for the opening of the draw is received from an approaching vessel or other watercraft which cannot pass under the closed draw, excepting when an approaching train is so close to a drawbridge that it cannot be stopped safely before reaching the bridge.

(c) Trains and vehicles shall not be stopped on a drawbridge or within a bridge block interlocking system, nor shall any person or persons assemble, walk, stand, or otherwise interfere with the operation of the draw or be permitted to do so, so as to prevent or delay a required opening, nor shall water craft be navigated so as to hinder or delay the operation of or passage of other vessels through the draw, but all passage over or through a drawbridge shall be prompt in order to prevent delay to either land or water traffic.

(d) Signals:

(1) *Call signals for opening of draw*—(i) *Sound signals.* One long blast, one short blast, and one long blast of a whistle, horn or siren, sounded within reasonable hearing distance of the bridge, repeated if necessary, and in time to give due notice to the draw tender.

(ii) *Visual signals.* A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw. This signal to be used in conjunction with sound signals when conditions are such that sound signals may not be heard and at other times if considered desirable.

(2) *Acknowledging signals*—(i) *Sound signals*—(*a*) *When draw can be opened immediately.* One long blast and one short blast of a whistle, horn, or siren.

(*b*) *When draw cannot be opened immediately or when it is open and must be closed immediately.* Five short blasts of a whistle, horn, or siren, repeated at regular intervals until similarly acknowledged by the vessel, or until the vessel has been brought to a stop. Thereafter, as soon as the draw can be opened, the draw tender shall sound a signal of one long blast and one short blast of a whistle, horn, or siren.

NOTE: The term "long blast" means a distinct blast of a whistle, horn, or siren of approximately five seconds' duration, and the term "short blast" means a distinct blast of a whistle, horn, or siren of approximately two seconds' duration.

(ii) *Visual signals.* The systems of visual signals hereinafter described to be used in each individual case will be subject to the approval of the Division Engineer in charge of the locality. They will be used in conjunction with sound signals when conditions are such that sound signals alone are insufficient. When the flashing red and green lights are in use and an operating failure occurs, the flag and lantern signals shall be used during the emergency.

(*a*) *When the draw can be opened immediately.* (1) A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the vessel, or

(2) Two green lights, flashed alternately, arranged in a vertical plane approximately 48 inches between centers.

(*b*) *When the draw cannot be opened immediately, or when it is open and must be closed immediately.* (1) A red flag by day or a red light by night, swung in vertical circles at arm's length in full sight of the vessel, and repeated until acknowledged by a like signal from the vessel. Thereafter, as soon as the draw can be opened the draw tender shall so indicate with a white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the vessel, or

(2) Two red lights, flashed alternately, arranged in a horizontal plane approximately 48 inches between centers. Thereafter, as soon as the draw can be opened the draw tender shall so indicate by flashing two green lights.

(e) No vessel shall attempt to navigate the draw of a bridge when audible or visual signals indicate the bridge cannot be opened or if the draw is open it must be closed immediately.

(f) When vessels are approaching a bridge from the same direction, each vessel shall give the call signal for the opening of the draw, and such vessels shall be navigated in accordance with the applicable pilot rules.

(g) Special rules for the Elgin, Joliet and Eastern Railway Company bridge, Baltimore and Ohio Railroad Company bridge, New York Central Railroad Company bridges (2), and Indiana Harbor Belt Railroad Company bridge:

(1) An amber light shall be located on the lakeward and landward bridges, and readily visible to approaching vessels, and shall be synchronized with a sound signal system so as to light as each signal blast is sounded.

(2) Upon receipt of call signal for opening of the draws, all bridges which do not have a train in the signal block shall be raised immediately.

[Regs., March 17, 1955, 823.01 (Indiana Harbor Canal, Ind.)—ENGWO] (28 Stat. 362; 33 U. S. C. 499

[SEAL]

JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–2785; Filed, Apr. 4, 1955; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. Section 21.400 is revised to read as follows:

§ 21.400 *Manager, regional office, authorized to approve institutions.* The Manager of a regional office is authorized, with the exception of correspondence courses, to approve public or private educational institutions in his territory to provide courses of training under provisions of Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), subject to the following conditions:

(a) *Inspection and accreditation.* The chief, vocational rehabilitation and edu-

cation division, will certify in writing to the Manager on the basis of adequate investigation that the institution is clearly qualified as to space, equipment, instructional material, and personnel to give the course or courses, and that the institution has agreed to cooperate fully with the Veterans' Administration by reporting trainees' attendance, performance, and progress in training.

(1) Adequate investigation will include a personal investigation of the educational institution by a qualified staff member of the education and training activity. Where the educational institution is recommended favorably by the education and training activity for approval under Part VII, the training facilities activity will prepare a contract for Part VII training or amend an existing Part VIII contract to include provisions for Part VII training.

(2) If an educational institution is accredited by one of the following recognized national or regional educational accrediting associations, such accreditation may be accepted, if desired, in lieu of a personal inspection:

Accrediting Association of Bible Institutes and Bible Colleges (Collegiate Division).
American Association of Colleges for Teacher Education.
American Association of Collegiate Schools of Business.
American Association of Theological Schools.
American Bar Association.
American Council on Education for Journalism.
American Council on Pharmaceutical Education.
American Osteopathic Association.
American Public Health Association.
Board of Education for Librarianship of the American Library Association.
Commission on Accreditation of the Council on Social Work Education.
Committee on Professional Training of the American Chemical Society.
Council on Dental Education, American Dental Association.
Council on Education and Professional Guidance of the American Optometric Association.
Council on Education of the American Veterinary Medical Association.
Council on Education of the National Association of Chiropodists.
Council on Medical Education and Hospitals, American Medical Association.
Engineers Council for Professional Development.
Middle States Association of Colleges and Secondary Schools.
National Architectural Accrediting Board.
National Association of Schools of Music.
National Nursing Accrediting Service.
New England Association of Colleges and Secondary Schools.
New York Board of Regents (For Higher Institutions Within New York State).
North Central Association of Colleges and Secondary Schools.
Northwest Association of Secondary and Higher Schools.
Society of American Foresters.
Southern Association of Colleges and Secondary Schools.
Western College Association.

(b) *Use of schools for Part VII training, when the institution has not been approved for use under Part VIII.* If it is desired to place a disabled veteran in a school, the name of which is not on the list of institutions approved by the State approving agency for education and training for Part VIII, the Manager will request a statement from the State approving agency indicating whether it has refused to approve the school. If the school has not been disapproved under Part VIII, the Manager may proceed to approve it. If the State approving agency has refused to approve or has disapproved a school for cause for use for Part VIII trainees the Manager shall not thereafter approve such institution for Part VII trainees unless he determines that it is in the best interests of veterans and the government for such approval to be granted or continued. Authority to approve an institution for use for Part VII trainees will not constitute approval for its use under Part VIII.

2. In § 21.418, paragraphs (a) (2), (b) (2), (c) (1), (2) (i) (*d*), (3) (iii), (iv), (v) and the introductory portion of paragraph (d) are amended and former paragraph (d) (2) (ii) and (3) is deleted and former paragraph (d) (4) is redesignated (d) (3) so that the amended and redesignated material reads as follows:

§ 21.418 *Approval and disapproval of educational institutions and business or industrial establishments by State approving agency or Administrator.* • • •

(a) • • •

(2) The appropriate State approving agency, or agencies, will transmit direct to the Assistant Deputy Administrator, Vocational Rehabilitation and Education, Washington 25, D. C., the name and address of each educational institution within the State which has been approved to offer correspondence courses under Part VIII and will indicate the specific course or courses for which the institution has been approved to offer training through correspondence. Likewise, the appropriate State approving agency, or agencies, will furnish the Assistant Deputy Administrator, Vocational Rehabilitation and Education, Washington 25, D. C., the names and addresses of any educational institutions offering correspondence courses, approval of which has been withdrawn.

(b) • • •

(2) In requesting the Administrator's approval of establishments to provide training on the job to veterans under Part VIII, as amended, the Manager shall submit to the Assistant Deputy Administrator, Vocational Rehabilitation and Education, the following information and material:

(i) A copy of the application of the establishment to the State approving agency prepared in accordance with the provision of paragraph 11 (b) 1 of Part VIII.

(ii) A statement from the State approving agency as to the basis for determining that the establishment was not to be approved and was not qualified and equipped to furnish training under Part VIII, together with a copy of the survey report upon which the State approving agency's determination was based.

(iii) A summary prepared by the regional office which will clearly set forth the justification for the request to the Veterans' Administration, the recommendation of the regional office, and the basis for such recommendation.

(c) *Limitations on the use of educational institutions under Public Law 610, 81st Congress*—(1) *General.* Under the provisions of section 1, Public Law 610, 81st Congress, the Administrator shall disapprove a course in any institution which has been in operation for a period of less than 1 year immediately prior to the date of enrollment in such course unless such enrollment was prior to August 24, 1949, but this shall not require or permit the disapproval of (i) any course in a public school or other tax-supported school, (ii) any course in an institution which has been in operation for a period of more than 1 year which does not completely depart from the whole character of the instruction previously given by such institution, or (iii) any course in an institution which has been in operation for a period of more than 1 year, by reason of a change in the location of such institution from one point to another within the same general locality: *Provided,* That upon the certification of any State approving agency that a new or existing institution is essential to meet the requirements of veterans in such State, the Administrator, in his discretion, may approve such an institution notwithstanding the provisions of this section.

(2) • • •

(i) • • •

(*d*) A course in an institution which has been in operation for a period of more than 1 year, which course although not having been in operation for a period of 1 year, does not depart completely from the whole character of the instruction previously given by the institution. (A course will be considered not to depart from the whole character of instruction previously given by the institution when it is intended to provide training in the same general occupational field as courses previously furnished by the institution for a period of more than 1 year and involves the same or related instructional processes, facilities, and equipment. For example, a course in television servicing does not depart from the whole character of instruction in radio servicing, whereas a course in carpentry does depart from the whole character of instruction provided in a course of automobile mechanics.), or

• • • • • •

(3) • • •

(iii) Under the provisions of subdivisions (i) and (ii) of this subparagraph, the Administrator, in his discretion, may concur in the State approving agency's certification that a new course in a new or existing institution is essential to meet the requirements of veterans in a particular State. This authority is not delegated to the Managers of field stations. Upon receipt of a certification of essentiality, in duplicate, with supporting information as stipulated in subdivision (ii) of this subparagraph, from the State approving agency, the regional office will review the material submitted and will forward the original copy of same to the Assistant Deputy Administrator, Vocational Rehabilitation and Education, together with the recommendation of the regional office for favorable or unfavorable action by the Administrator and the reasons therefor. It will be the responsibility of the regional office to check such material for completeness prior to submitting it to central office in the manner prescribed in this subdivision.

• • • • • •

(iv) Upon action by the Administrator, the regional office will be promptly notified of such action and, if favorable, the effective date thereof, and the chief, training facilities activity, regional office, will promptly advise the appropriate State approving agency of such action. It will be the responsibility of that State approving agency to notify the school of such action.

(v) Upon receipt by the regional office of notification that the Administrator has concurred in the State's certification of essentiality that a school or course is essential to meet the requirements of veterans in that State, the training facilities activity, regional offices will provide the educational benefits activity of that regional office with a notification of such action, and, where the action is one of concurrence in the State's certification of essentiality, such notification will include information concerning the course(s) to be provided by the school and the effective date of such action.

(d) *Disapproval by State approving agency.* Where the State approving agency determines that an educational institution, or a course of instruction in an educational institution or an establishment, in which veterans are enrolled under Part VIII is disapproved, and therefore, is removed from the approved list by the State approving agency, appropriate notice, in duplicate, will be provided to the Manager of the regional office concerned. Upon receiving such a notice, the training facilities activity of the regional office will request a statement from the State approving agency, through the Veterans' Administration liaison representative, as to the reason or reasons for such action, if not already provided.

• • • • • •

(2) • • •

(ii) [Deleted.]

(3) In the event that on institution or establishment which has been disapproved for Part VIII by the State approving agency is also approved for training under Part VII and, despite the action of the State approving agency, the Manager is of the opinion that it would be advisable to continue the approval of the institution or establishment for Part VII training he is authorized to continue such approval when he finds that the best interests of the veterans enrolled therein and the best interests of the Government will be served by such continued approval, and the cause for disapproval by the State approving agency for Part VIII training is not such as to bring into question the value of the training offered by such institution or establishment.

• • • • • •

3. In § 21.419, that portion of paragraph (b) preceding subparagraphs (1) and (2) is amended to read as follows:

§ 21.419 *Relation to State approving agency.* • • •

(b) Full information concerning the inadequacies of any Part VIII institution or establishment approved by the State approving agency which has been called to the attention of the regional office will be immediately transmitted to the training facilities activity for routing to the State approving agency, through the Veterans' Administration liaison representative, for investigation. Upon investigation at the institution or establishment by a qualified representative of the State approving agency, the State approving agency will be requested to submit a report thereof, to the Manager of the regional office.

• • • • • •

4. Section 21.433 is revised to read as follows:

§ 21.433 *Payment to institutions.* The Manager of a Veterans' Administration regional office is authorized to pay to the approved institution for each eligible veteran enrolled therein for a full-time or part-time course of education or training the proper charge for tuition and incidental fees or other allowable expense and for such books, supplies, and equipment issued to the trainee as are generally required for the successful pursuit and completion of the course by other students in the institution for the period covered by the properly certified voucher or invoice, subject to the provisions of §§ 21.442 through 21.449 and 21.539 for Part VII trainees, and §§ 21.467 through 21.479, 21.484, 21.485, 21.493 through 21.495, 21.503 through 21.511, 21.517 through 21.520, 21.530, 21.532, 21.539, 21.540, 21.548, 21.549, and 21.557 through 21.559, for Part VIII trainees.

5. In § 21.443, paragraph (a) is amended to read as follows:

§ 21.443 *Basis of payments for residence courses*—(a) *Tuition and fees.* Contracts covering courses of vocational rehabilitation for Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainees shall provide for payments on one of the following bases, whichever is applicable under the regulations in this part:

(1) *"Customary cost of tuition."* Where an institution has a "customary cost of tuition" as defined by § 21.467 (a) (1), payment will be made for Part VII trainees on the same basis as the "customary cost of tuition" authorized for payment for Part VIII trainees or on the same basis as the institution charges similarly circumstanced non-veteran students or Public Law 550 veterans. Where an institution is being paid a "customary cost of tuition," (frozen rate(s)) established in accordance with the provisions of § 21.467 (b) (1) or § 21.530 (a) (5) (iv) or a fixed fair and reasonable charge under § 21.495 (b) (2) (i) or § 21.570 (b) (4) (i), and the Manager desires to utilize the institution for the enrollment of veterans under Part VII, and the institution requests payment on behalf of enrollees under Part VII on the same basis as the institution charges similarly circumstanced non-veteran students or Public Law 550 veterans, the Veterans' Administration may not enter into a supplement to the contract then in effect to provide payment on such basis but in any contract negotiated for periods subsequent to expiration of such existing contracts may provide for payment for Part VII trainees on the same basis as charged by the institution to similarly circumstanced non-veteran students or Public Law 550 veterans. Nothing in this paragraph will be construed as authorizing payments in excess of the "frozen" or "fixed" charges for Part VIII trainees, except as otherwise provided in Veterans' Administration regulations.

(2) *Fair and reasonable compensation.* Where the institution has no "customary cost of tuition" as defined in § 21.467 (a) (1) but requests payment of tuition for Part VII trainees on the basis of a claimed customary charge, payment will be made for Part VII trainees on the same basis as authorized for payment for Part VIII trainees under the provisions of § 21.530 where a fair and reasonable determination is required for Part VIII trainees.

(3) *Optional fees.* Optional fees for services not required to be paid by all students may be paid for Part VII trainees if the services covered by such fees are considered by the Manager to be necessary for the vocational rehabilitation of the trainee. (Such optional fees are not authorized for Part VIII trainees.)

(4) *Special services.* The full agreed cost of any special services or courses furnished at the request of the Veterans' Administration may be paid.

• • • • • •

6. Immediately following § 21.443, the cross reference regarding "correspondence courses" is changed as follows:

CROSS REFERENCE: Rates for correspondence courses. (See §§ 21.625 through 21.627.)

7. Section 21.446 *Adjustment of tuition payments to nonprofit educational institutions (see limitations in § 21.479)* is revoked.

8. In § 21.467, subparagraphs (1) and (3) of paragraph (b) are amended to read as follows:

§ 21.467 *Customary cost of tuition.* • • •

(b) *Frozen tuition rates.* (1) In the absence of a customary cost of tuition as defined in paragraph (a) (1) of this section and except for contracts and payments for courses of less than 30 weeks, correspondence courses, institutional on-farm training courses, and adjusted tuition payments to nonprofit institutions pursuant to paragraph 5, Part VIII, Veterans Regulation 1 (a), as amended, the provisions of section 2, Public Law 610, 81st Congress, freeze as the "customary cost of tuition" the tuition rate established in the most recent contract where one or more contracts under Public Law 16, Public Law 346, or any other agreement in writing, on the

basis of which tuition payments have been made from the Treasury of the United States, have been entered into in two successive years for the same courses.

* * * * *

(3) In any case where contracts have been entered into prior to July 13, 1950, for two successive years, as set forth in subparagraphs (1) and (2) of this paragraph, the tuition rate payable from July 13, 1950, on is the rate of the latest contract, even though that contract may have been in 1948 and may not have been on a negotiated or cost data rate basis, except that if the frozen rate was established under Public Law 266, 81st Congress, the frozen rate will be payable from the date of such establishment under Public Law 266, 81st Congress. The effective date of the frozen rate established by contract for new schools or new courses after July 13, 1950, will be the date as of which such rate is frozen under the law and this section.

* * * * *

9. Section 21.468 is revised to read as follows:

§ 21.468 *Definition of noprofit institutions.* An educational or training institution offering courses of education and training under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), for the purpose of applying the governing statutes and applicable regulation of the Veterans' Administration respecting the payment of tuition and other charges, will be regarded, by virtue of section 3, Public Law 610, 81st Congress, as a nonprofit institution if it is exempt from taxation under section 501, Internal Revenue Code of 1954 (Public Law 591, 83d Congress). Educational institutions which are instrumentalities of a State or a political subdivision thereof, such as State universities and public schools, do not come within the provisions of section 501, Internal Revenue Code of 1954 but are considered by the Internal Revenue Service and the Veterans' Administration as nonprofit institutions by virtue of the nature of such instrumentalities. The same rule will be applied administratively as to Part VII, Veterans Regulation 1 (a), as amended (Public Law 16, 78th Congress).

10. Section 21.469a is revised to read as follows:

§ 21.469a *Tuition charges payable for a revised, improved, or new related course.* Where an institution having a customary cost of tuition (whether established by the definition or by the "frozen" rate provision of sec. 2, Public Law 610, 81st Congress) for an existing course subsequent to July 13, 1950, revises or improves the existing course (or establishes a new related course) of substantially the same length and character, the revised or related course will be subject to the same customary cost of tuition rate. If the revised or improved course is not of approximately the same length as the former course or if the new related course is not of approximately the same length as the existing course to which the new one is related, a new fair and reasonable rate must be established pursuant to existing regulations.

11. In § 21.469b, subparagraphs (1) and (3) of paragraph (a) are amended to read as follows:

§ 21.469b *Interim payments.* (a) * * *

(1) During the negotiations for a contract where it is mutually agreed between the Veterans' Administration and the institution that contract negotiations under §§ 21.530 and 21.613 through 21.619 should continue but cannot be concluded within 30 days subsequent to the expiration of the previous contract.

* * * * *

(3) During the pendency of any appeal which the institution may make to the Veterans' Education Appeals Board, the pendency of an appeal to the Veterans' Education Appeals Board for courses of more than 30 weeks or the making of interim payments does not preclude the negotiation of a contract based upon an agreed rate. When contract negotiations are finally concluded, the contract rate will be effective as of the day following the termination of the previous contract or the first day of the period involved, if no previous signed contract existed.

* * * * *

12. In § 21.471, paragraph (b) (2) is amended to read as follows:

§ 21.471 *Payments of tuition and fees to nonprofit educational institutions for courses of 30 weeks or more.* * * *

(b) *Bases of tuition payments.* * * *

(2) Adjusted tuition as provided in § 21.479: *Provided,* That an institution desiring payment of adjusted tuition will apply in accordance with § 21.478 by letter to the Manager of the Veterans' Administration regional office having jurisdiction over the territory in which the institution is located.

* * * * *

13. The following sections are revoked:

§ 21.473 *Tuition on the basis of $15 a month, $45 a quarter, or $60 a semester.* [Revoked.]

§ 21.474 *Adjusted tuition on the basis of the nonresident tuition.* [Revoked.]

§ 21.475 *Adjusted tuition on basis of estimated cost of teaching personnel and supplies for instruction.* [Revoked.]

§ 21.477 *Veterans' Administration consideration of request made by educational institution which has no customary fees but has an over-all customary tuition charge (see limitations in § 21.479).* [Revoked.]

14. In § 21.478, paragraphs (c), (d), (e), (f), (g) and (h) are deleted.

§ 21.478 *Request for adjusted tuition (see limitations in § 21.479).* * * *

(c) through (h). [Deleted.]

15. In § 21.479, paragraphs (b) and (c) are amended to read as follows:

§ 21.479 *Limitations on payment of adjusted compensation to nonprofit educational institutions.* * * *

(b) Beginning with the school year 1953–54, no adjusted tuition will be paid for disabled veterans enrolled in such institutions under Part VII, Veterans Regulation 1 (a), as amended (including veterans under Public Law 894, 81st Congress, as amended). This provision does not prohibit payment for any special services, as authorized elsewhere under Veterans' Administration regulations, where such special services are required, by reason of the veteran's disability, to accomplish rehabilitation.

(c) Beginning with the school year 1953–54 an educational institution which is eligible for adjusted tuition payments for Part VIII veterans and which applies for adjusted tuition payments for the school year 1953–54 and after, will be paid at the rates applicable to the school year 1952–53, and the 1953 summer session, and will not be required nor permitted to receive any other adjusted rate. It is administratively determined that such rate does not exceed the estimated cost of teaching personnel and supplies for instruction.

16. In § 21.494, paragraph (a) is amended to read as follows:

§ 21.494 *Basis for payment to all institutions.* * * *

(a) Difference in method of determining fair and reasonable compensation when such determination is necessary. (See § 21.530.)

* * * * *

17. In § 21.495, paragraph (b) (2) is amended to read as follows:

§ 21.495 *Amount payable by the Veterans' Administration under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), for a course of less than 30 weeks.* * * *

(b) * * *

(2) *Fair and reasonable charge.* Payment on a fair and reasonable basis under either subdivision (i) or (ii) of this subparagraph will be in lieu of all charges for tuition and fees where an educational institution (not including educational institutions of higher learning) does not have a customary cost of tuition under § 21.467 (a) (1).

(i) The Veterans' Administration will pay a fixed fair and reasonable charge as follows: Except for courses provided by nonprofit institutions of higher learning, institutional on-farm training courses, and correspondence courses, in any case wherein a school has entered into one or more contracts for a period or periods in excess of 12 calendar months (see example in § 21.467 (b) (2)) for a course or courses of education or training of less than 30 weeks, the rate of the last contract shall, without further justification, be paid as a fair and reasonable rate for such course or courses. However, the above shall not preclude an educational institution from requesting a fair and reasonable rate under § 21.530 which will be negotiated and allowed by the Veterans' Administration. Each such request by an educational institution will be submitted to the regional office with cost data provided on VA Form 7–1968 for profit institutions and VA Form 7–1969 for nonprofit institutions prepared in accordance with Veterans' Administration regulations. In any case wherein the Manager believes that the last contract rate for tuition, books, or supplies was obtained as a result of fraud or misrepresentation or was in conflict with the governing regulation, the Manager will carefully reexamine such rate, and if the contract is determined to have been invalid, the Manager will take appropriate action including negotiation of a contract on a proper and legal basis.

(ii) The Veterans' Administration will determine and pay fair and reasonable charges (except for institutions of higher learning) where a customary charge does not exist under § 21.467 (a) (1) or a fixed fair and reasonable charge does not exist under paragraph (b) (2) (i) of this section. In such cases the Veterans' Administration will negotiate with the school and determine a fair and reasonable charge under the provisions of § 21.530 and make a contract as required under § 21.570.

* * * * *

18. Section 21.516 *Review of charges* is revoked.

19. The centerhead immediately preceding § 21.530 is amended to read as follows: "Method of Determining Fair and Reasonable Compensation".

20. In § 21.530, paragraphs (a) (2) (iii), (vii), (5) (iii) (*a*), (*b*), (iv), (v), (vi), (b) (2) (vii), (viii) (*a*) (c), (4), and (d) are amended to read as follows:

§ 21.530 *Determination of fair and reasonable compensation*—(a) *Nonprofit institutions.* The provisions of this paragraph are applicable to nonprofit institutions, as defined in § 21.468, where a fair and reasonable rate determination is required, under the provisions of §§ 21.443, 21.471, and 21.495.

* * * * *

(2) *Statement of cost data required.* * * *

(iii) *Depreciation on buildings and equipment.* Nonprofit institutions which are not tax-supported may be allowed depreciation at a rate not in excess of 4 percent on the original cost of the buildings used for instruction. If the nonprofit institution does not depreciate equipment for income tax purposes, up to 10 percent per year on the original cost of the equipment necessary for instruction may be accepted in lieu of Internal Revenue Service rates. Depreciation will be allowed on such items as classroom chairs, desks, lathes, large tools, testing machines, and similar equipment used for instructional purposes. Where the items of capital equipment individually are of small value, it is preferable that such items be grouped together, though this will apply only to those items of a similar nature and items valued individually at $50 or less. For example, 300 miscellaneous classroom chairs whose value varies from $5 to $10 each need not be itemized showing individual values, but the total value of all such chairs would be shown as a 1-line item; thus, if the actual total value of such chairs were $2,000, it would be shown as 300 classroom chairs, value—$2,000. Depreciation on equipment used for administrative purposes shall be listed in the schedule of administrative expenses and will not be listed in the items for instructional equipment. (Item 3—schedule C or optional equivalent schedule.) Notwithstanding the foregoing, where substantial sums are involved in the listing of any item or groups of items and it appears that further information is desirable, the Veterans' Administration may require such additional data which is considered necessary for the determination of reasonable depreciation allowances.

* * * * *

(vii) *Allowance for administration and supervision.* An allowance to cover the cost of supervisory, administrative, and clerical personnel, and the cost of consumable office supplies and other expenses required for administrative and supervisory offices may be made, including, where applicable, the related expenses of the State agency responsible for conducting the course. An amount not in excess of 5 percent of the cost of items in subdivisions (i), (ii), (v), and (vi) of this subparagraph (items 1, 2, 5 and 6 on VA Form 7–1969) may be included to cover those costs without detailed justification, and in such event, Schedule G will reflect the appropriate calculation without supporting details. However, if the institution requests more than 5 percent allowance for administration and supervision, the educational institution will provide complete details in Schedule G. The chief, training facilities activity, is authorized to include in the fair and reasonable cost such amount in excess of 5 percent as the manager determines justified as reasonable and necessary for the conduct of a satisfactory program. (Item 7—Schedule G or optional equivalent schedule.)

* * * * *

(5) *Establishment of customary cost of tuition under section 2, Public Law 610, 81st Congress, and adjustment for surplus or deficit.* * * *

(iii) *Where surplus or deficit exists school may elect to continue regulatory formula.* (*a*) If a surplus or deficit still exists at the end of any contract or adjustment period which occurs on or after the end of the 24 months' period, the rates in all succeeding contracts may be adjusted to absorb the surplus or return the deficit by continued application of the formula set forth in this paragraph or the institution may elect lump sum settlement of surplus or deficit as provided in (*b*) of this subdivision. Where the school elects to continue the regulatory formula, the contract will contain a clause for adjusting the tuition rates from time to time as desired by either party as follows:

ARTICLE 1 (f). *Revision of rates.*

(1) The rates of payment in article 1 (c) may be revised from time to time as provided in this article 1 (f).

(2) Within 30 days after the expiration of four or more calendar months, the contractor will advise the Veterans' Administration, in writing, if the contractor desires any revision of the existing rates of compensation. If the Veterans' Administration desires any revision of the existing rates, written notice to that effect will be given to the contractor within 30 days after the expiration of four or more months. At such time as the contractor or the Veterans' Administration desires a revision of rates, the contractor will furnish the Veterans' Administration statements of the actual cost of operation on VA Form 7–1969 for the period beginning with the effective date of the current contract rate and ending with the last day of the most recent month immediately preceding the date of the request for revision. The contractor will permit such inspections of its books and records as the Veterans' Administration may request.

(3) The Veterans' Administration and the contractor will mutually agree upon the revised rate or rates to be effective as of the beginning of the month in which notice as set forth in (2) above was given and any revised rate or rates shall be embodied in a supplemental agreement to this contract and shall continue in effect until the termination of the contract or until subsequently revised in accordance with the provisions of this article.

Where a change in contract rates is desired by either party, the Veterans' Administration and the contractor will negotiate and mutually agree upon the revised rate or rates. Upon agreement between the contractor and the Veterans' Administration as above specified, the contract will be supplemented to amend the tuition rates. At the termination of contractual relationships under this paragraph, where contracts have been continued under the regulatory formula, a final adjustment will be made, both where money is due the Government and where it is due the school.

(*b*) At the end of any contract or contract adjustment period a surplus or deficit which resulted from the payment of the agreed fair and reasonable rate of compensation may be settled on a lump-sum basis, provided that appropriate adjustment has been or is made for surpluses or deficits for all previous periods, including surplus which may have been on hand on March 1, 1949. The institution will submit to the regional office on VA Form 7–1969 a certified statement of actual costs and actual hours of instruction for which the institution is entitled to be paid for the period of the most recent contract. Allowable costs will include only those provided in the cost formula in this paragraph. Each such VA Form 7–1969 will include a statement on schedule K, part 2, of the surplus or deficit for the entire period between the effective date of the first contract under this paragraph and the termination date of the most recent contract plus any surplus determined as of March 1, 1949. These cost data will also be used for the determination of a new fair and reasonable rate to be included in the next contract. In no case will compensation for a deficit be made in an amount which when added to the fair and reasonable tuition and other charges for fees, books, and supplies result in the payment of a rate in excess of either the rate of $500 for a full-time course for an ordinary school year ($14.70 per week) or the claimed customary charges of the institution.

* * * * *

(iv) *Establishment of customary cost of tuition upon lump-sum adjustment of surplus or deficit.* If a surplus or deficit exists, the institution may elect at the expiration of the contract period which

occurs on or after 24 months or the expiration of any subsequent contract to make or receive a lump-sum adjustment of surplus or deficit and accept as a customary rate the rate established by the actual allowable cost of the prior contract, and no further adjustments will be required or made. In each case where an institution has a contract which serves as the basis for establishing a customary cost of tuition, the institution will prepare on VA Form 7–1969 a certified statement of actual costs and actual hours of instruction for which the institution is entitled to be paid for the period of such most recent contract. Allowable costs will include only those provided in the cost formula in this paragraph. Each such VA Form 7–1969 will include a statement on schedule K, part 2, of the surplus or deficit for the entire period, between the effective date of the first contract under this paragraph and the termination date of the contract which completed the 24-month period and which established the customary cost of tuition as provided in this subparagraph plus any surplus determined as of March 1, 1949. In each case where a surplus or deficit is determined, the most recent contract will be supplemented (VA Form 7–1972). For payment of surplus by the institution to the Veterans' Administration, the standard clause provided in subdivision (iii) (*b*) (*1*) of this subparagraph will be used. For payment of a deficit to the educational institution by the Veterans' Administration, the standard clause provided in subdivision (iii) (*b*) (2) of this subparagraph will be used. Where the school elects to repay an existing surplus through a lump-sum repayment to the Veterans' Administration as in this subdivision and elects to establish a customary cost of tuition (frozen rate), the chief of the training facilities activity will secure from a responsible official of the institution a statement in writing as to the manner in which the lump-sum repayment will be made and will advise the finance officer accordingly in writing. Where payments of tuition rates under previous contracts have resulted in a deficit to the contractor and the school elects to be paid such deficit in a lump sum and elects to establish a customary cost of tuition (frozen rate), the Veterans' Administration will reimburse the school by lump-sum settlement, as in this subdivision: *Provided however,* That in no case will compensation for a deficit be made in an amount which when added to the fair and reasonable tuition and other charges for fees, books, supplies, and equipment results in the payment of a rate in excess of either the rate of $500 for a full-time course for an ordinary school year ($14.70 per week) or the claimed customary charges of the institution. The Veterans' Administration will make payment of the approved amount of the deficit upon the submission of a voucher for such lump-sum in accordance with Veterans' Administration regulations, but itemization of charges for individual veterans will not be necessary.

(v) *Approval required for final surplus or deficit adjustments.* Each case of a final adjustment for surplus, or deficit or supplement to contract (VA Form 7–1972) and each determination of a lump-sum settlement of surplus or deficit as provided in subdivision (iii) (*a*), (*b*), and (iv) of this subparagraph will require the approval of the Deputy Administrator for Veterans Benefits prior to distribution by the regional office.

(vi) *No allowance for liabilities under section 7, Public Law 610, 81st Congress.* In the computation of any tuition rate on a fair and reasonable basis, as in subparagraphs (4) and (5) of this paragraph, or the settlement of surplus or deficit as in this subdivision, no allowance will be made for the expense of liabilities imposed upon the school for overpayments of veterans subsistence pursuant to the provisions of section 7, Public Law 610, 81st Congress. The chief, training facilities activity, will request the finance officer to provide information relative to any such liabilities imposed on a nonprofit school.

* * * * *

(b) *Other than nonprofit institutions.* * * *

(2) *Statement of cost data required.* * * *

(vii) *Administrative expenses.* Actual administrative expenses which are considered by the Manager reasonable and necessary in the operation of the school and are properly allocable to the courses under review. Such expenses may include salaries of administrative and clerical personnel representing reasonable compensation for services actually performed and the cost of such items as postage, telephone and telegraph, travel, interest, legal and accounting fees for actual services (not retainers), stationery and office supplies, and such other similar expenses as are reasonable and necessary for the operation of the school: *Provided,* That in no case will there be included in the fair and reasonable cost determination a base salary in excess of the rate of $10,000 per annum for an individual who has a proprietary or bonus interest in the institution. The administrative cost must be itemized, and the salary items must be supported by a statement showing for each person, the name, title, annual salary, percentage of time devoted to administration, and the amount of salary allocated to the cost of the courses under review. Supporting details of item 7 will be provided in Schedule G or an optional equivalent schedule.

(viii) *Advertising expense.* Advertising expense calculated in accordance with the procedure set forth in (*a*) and (*b*) of this subdivision and not to exceed the limitations prescribed herein. Supporting details of item 8 will be provided in schedule H of VA Form 7–1968 or an optional equivalent schedule.

(*a*) *Determination of amount allowable for advertising expense.* Well-established profit institutions may be permitted to include actual advertising expenses for the period covered by the cost data in determining fair and reasonable costs where the percentage of actual advertising expense in relation to gross income from resident instruction for the period covered by the cost data does not exceed the average percentage of gross income expended by the institution for advertising over the 5-year period immediately preceding June 22, 1944, as evidenced by a certified statement of the institution as to advertising expenses and gross income from resident instruction for the periods covered, and where the percentage of advertising expense in relation to gross revenue from tuition does not exceed the average percentage of advertising costs for other comparable well-established schools in the area. Where the institution has not been established for a period of 5 years prior to June 22, 1944, and therefore does not have a fair standard of experience with relation to advertising costs prior to the enactment of Public Law 346, the institution may be permitted to include advertising expense actually incurred during the period covered by the cost review in an amount not to exceed the average percent of gross income from resident instruction which other well-established comparable schools in the area have expended for advertising for the 5-year period immediately prior to June 22, 1944. If there are no other comparable schools in the area and if the institution does not have a 5-year experience prior to June 22, 1944, the schools may be authorized to include actual advertising costs at a rate shown by their experience, but not in an amount to exceed 8 percent of the total gross income from resident instruction for the period covered by the cost review unless determined by the Manager as reasonable and necessary in the operation of the school. Where there are no other comparable well-established schools in the area and the actual advertising experience of the institution exceeds 8 percent of gross income from resident instruction, more than 8 percent may not be included in the fair and reasonable cost determination unless approval is granted by the Manager for the inclusion of advertising costs in excess of 8 percent. In no event will a newly established school, without actual cost experience for advertising expense, be permitted to include in a fair and reasonable cost statement, advertising expense in excess of 8 percent of gross income from tuition for resident instruction.

* * * * *

(c) *VA Form 7–1969 and VA Form 7–1968.* * * *

(4) *Number of copies and distribution.* VA Form 7–1969 or VA Form 7–1968 will be prepared in triplicate by the educational institution. Upon completion of negotiations and the establishment of an agreed contract rate, distribution will be made as follows: The original to the regional office concerned, duplicate to the educational institution, and triplicate to the Deputy Administrator for Veterans Benefits.

(d) *When the chief, training facilities activity, has completed his analysis of the cost data.* When the chief, training facilities activity, has completed his analysis of the cost data, he will determine on the basis of the total number of all students trained and cost of the items listed in this section, after reflecting

known changes in costs, whether the customary charges of the educational or training institution are fair and reasonable. In making this determination, the chief, training facilities activity, will give consideration to the fact that it is not fair and reasonable for the Veterans' Administration to pay a charge based on the full cost of operating an educational institution under abnormal situations, such as periods when enrollments in the institution are far below the normal capacity and expectancy of the institution, or where operating costs are greatly in excess of normal operating costs for other comparable institutions in the same general locality. Contracts, when required, will be negotiated to provide payment not to exceed the amounts determined by the chief, training facilities activity, to be fair and reasonable as provided in this section. In any case where the Manager believes that the last contract rate for tuition, books, or supplies was obtained as a result of fraud, misrepresentation, or was in conflict with governing regulations, the Manager will request the chief, training facilities activity, to carefully reexamine such rate, and, if the contract is determined to have been invalid, the Manager will take appropriate action including the negotiation of a contract on a proper and legal basis under the direction of the chief, training facilities activity.

* * * * *

21. Section 21.531 *Adjustment of tuition on the basis of the cost of teaching personnel and supplies for instruction* is revoked.

22. In paragraph (b) of § 21.532, that portion of subparagraph (1) preceding subdivision (i) is amended to read as follows:

§ 21.532 *Basis of payment for consumable instructional supplies under Parts VII and VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* * * *

(b) *Definitions*—(1) *Consumable instructional supplies.* Those supplies which are required for instruction in the classroom, shop (school), and laboratory of the educational institution (see § 21.530 (a) (2), (ii), § 21.530 (b) (2), and § 21.614 (a) (4) (iii)), which are consumed, destroyed, or expended by either the student, the instructor, or both, in the process of use, and which have to be replaced at frequent intervals without adding to the value of the institution's physical property, are defined as consumable in structional supplies. Examples are chalk, nails, sandpaper, paint, and consumable teaching aids. For the purpose of payment by the Veterans' Administration, the term "consumable instructional supplies" may include virtually any items consumed, destroyed, expended, or ruined, in the process of teaching students to perform essential job operations, processes, and skills required in the course of study as recognized by regularly established institutions. Expenses for "Consumable instructional supplies" are operating expenditures as distinguished from capital expenditures for equipment such as lathes, drill presses, etc. Items properly classified as consumable instructional supplies may be grouped under one of the following three classifications:

* * * * *

23. In § 21.539, paragraph (f) is amended, former paragraph (h) is deleted, and former paragraphs (i) through (o) are redesignated (h) through (n), so that the amended and redesignated material reads as follows:

§ 21.539 *Books, supplies, and equipment, including tools, for Part VII or Part VIII trainees; furnished by an educational institution.* * * *

(f) *Billing for "supplies".* Charges for "supplies" furnished by an institution to trainees may be billed immediately after such articles are issued or may be included in the billing for tuition and incidental fees.

* * * * *

(h) *Compensation for handling and issuing "supplies" for Part VII and Part VIII trainees.* (1) Educational and training institutions furnishing to trainees "supplies" which are customarily required to be owned personally by other students pursuing the same or similar courses, may be compensated for such services on the basis of 10 percent of the customary charge for the "supplies" furnished except as provided in subparagraph (10) of this paragraph.

(2) The provision for a 10-percent handling charge applies when the institutions do not customarily furnish such items for all students but which either permit or require all students to purchase "supplies" from any available source of supply.

(3) The provision for a 10-percent handling charge applies also when the institution provides through the operation of an institutional supply store or bookstore for furnishing such "supplies"; or the institutions may arrange with bookstores or agencies not connected with or operated by the institution to furnish "supplies" as authorized by it. In such cases, the institution is entitled to the 10-percent handling charge, provided the billing to the Veterans' Administration for such "supplies" is done by the institution.

(4) Where it is customary in a survey subject to permit all students to obtain the aggregate of books for the subject (referred to as a rental set) on a rental basis and the ownership or permanent possession by the student of such books is not required for the satisfactory completion of the subject, trainees should be granted the rental sets on the same basis as they are rented to other students and the rental instead of purchase price charged to the Veterans' Administration. The 10-percent handling charge applies in such case. Note that this provision is limited to rental sets. (For cases where the institution provides other books by rental, see subparagraph (5) of this paragraph.)

(5) Where the institution customarily furnishes "supplies", or any of these items, for all students enrolled either on a rental charge, or fee basis and either includes the charge for such items in the tuition or collects an additional amount therefor from each student, the provision for a 10-percent handling charge does not apply.

(6) The 10-percent handling charge is not applicable to Government-owned books such as those procured from the Library of Congress since there is a separate provision for compensating the institution for the issuance and handling of these books.

(7) The 10-percent compensation paid to institutions is considered an administrative expense of the Veterans' Administration and not a charge against the period of eligibility of an individual veteran. In those cases where a veteran elects to have his eligibility charged in order to have the Veterans' Administration pay the cost of a course of education in excess of the rate of $500 per year, the 10-percent compensation for handling costs paid to the institution will not be included in the cost of the course. Therefore, it will not be necessary on public vouchers for "supplies" to show the allocation of the 10-percent charge to the materials issued to each individual veteran.

(8) Where the 10-percent handling charge is applicable, it may be shown as one item following the total charges for "supplies" on Standard Form 1034 and need not be entered in the individual supporting schedules.

(9) Where contracts are required for either Part VII or Part VIII, and the institution or establishment is entitled to and requests the 10-percent compensation for furnishing "supplies" to veterans, the contract must provide for such compensation.

(10) It is considered that compensation in the amount of 10 percent of the customary charge is a reasonable reimbursement to colleges, universities, and other schools providing academic courses where there is a small percentage of expensive equipment required to be furnished to veterans. However, in the case of trade and professional schools and, in some instances, professional courses in academic schools where items of equipment costing in excess of $50 are required and issued, the maximum allowance of 10-percent compensation on the customary charge for such expensive equipment may result in compensation in excess of a reasonable allowance for the costs incurred by the institution in procuring, issuing, and billing for such equipment. In view of these facts, Managers will review the handling charges being paid to institutions where expensive items of equipment are required to be issued to veteran-trainees under Parts VII and VIII, Veterans Regulation 1 (a), as amended. However, the institution should not be required to submit detailed billings on books, supplies, and equipment for the purpose of accomplishing this review. If it is considered by the Manager that the allowance of 10 percent is resulting in payment by the Veterans' Administration of more than a reasonable amount of compensation for the costs incurred by the institutions, the Manager may authorize the payment of such lesser sums as may be agreed upon with the institution, based on the customary charges of the items furnished, which will result in reasonable compensation to the institutions for services rendered. In those cases where

the rate of compensation is agreed upon between the institution and the Veterans' Administration at a figure less than 10 percent, such adjusted rate will be for prospective application and will not be applied for services rendered prior to the date of the agreement. Where contracts are otherwise required, the agreed rate will be inserted in such contracts when they are negotiated, but existing contracts need not be changed with respect to the percent compensation prior to the termination date of such contracts unless the institution will voluntarily agree to a reduction and amendment to the contract. Where contracts are not otherwise required for payments and a rate of compensation less than 10 percent is agreed upon between the institution and the Veterans' Administration, the finance officer will be furnished with a written memorandum from the vocational rehabilitation and education division setting forth the agreed rate of compensation and the effective date thereof.

(i) *Procurement by institution.* Institutions will normally furnish, issue, or release the required supplies to the trainee through such channels as it designates.

(j) *Limitations on amount for on-the-job training establishments.* Establishments providing on-the-job training may furnish the required articles by purchase in accord with current Veterans' Administration regulations.

(k) *Release of "supplies" to trainees.* "Supplies" will not be marked to indicate ownership by the United States and will be deemed released to the trainee at the time they are furnished.

(l) *"Supplies" previously issued to trainee by the institution at Veterans' Administration expense may be returned by the trainee.*

(1) As a result of failure to complete or a change of course.

(2) Voluntarily because he has no further need for them.

(m) *Limitations on procurement of tools, supplies, and equipment and payment therefor.* (1) Under the provisions of paragraph 5, Part VIII, Veterans Regulation 1 (a), as amended, the Administrator may pay for books, supplies, equipment, and other necessary expenses as are generally required for the successful pursuit and completion of the course by other students in the institution. Paragraph (e) (1) of this section provides that the institution will assure itself that the Veterans' Administration is not billed for "supplies" at an unreasonable price and paragraph (e) (6) of this section provides that if the institution furnishes items of "supplies" specifically purchased for trainees only (i. e., not handled through a book or supply store for all students), such items will be billed at cost to the institution. Under paragraph (e) (1) and (6) of this section the Veterans' Administration will pay for "supplies" at prices regularly and customarily charged to other students where there are substantial numbers of students other than those pursuing courses under the provisions of Part VII and Part VIII, Veterans Regulation 1 (a), as amended, and where there is a well-established policy of the institution with respect to the requirement for the student to furnish personally the "supplies".

(2) In all other cases of institutions or courses established subsequent to June 22, 1944, where the enrollment in the institution or courses involved consists solely or primarily of veterans pursuing courses under the provisions of Part VII and Part VIII, as amended, the Veterans' Administration will pay for "supplies" at a price not in excess of the lowest wholesale price at which the "supplies" may be purchased in a competitive market. This policy is for application in the case of all "supplies," including those for which separate reimbursement is made to the institution and those which are included in the over-all tuition or fee charge.

(i) Except as provided in subparagraph (1) of this paragraph, effective June 22, 1950, the Veterans' Administration will not agree prospectively to pay for tools, supplies, and equipment, unless such items are provided at the rate established by the lowest of at least three bids or quotations from reputable and reliable established dealers or distributors. Therefore, prior to the negotiation or renewal of any contract and prior to the approval of payment bases for tools, supplies, and equipment for educational institutions receiving payment without a contract, each educational institution affected under this subparagraph will be required to submit or make available to the Veterans' Administration such data and information as will clearly indicate to the satisfaction of the Veterans' Administration that the agreed amount to be paid by the Veterans' Administration for items necessary for veteran training under Part VII and Part VIII is no greater than the lowest price at which such items can be procured in a competitive market. When possible, at least three bids or quotations will be solicited from prime sources of supply. Competition between a manufacturer and his distributors or jobbers or a bid or quotation by a firm debarred by the Veterans' Administration from bidding on Veterans' Administration requirements or affiliates of such firm will not be considered as complying with the intent of this subdivision. Acceptable bids or quotations will show prices for items delivered at the school (i. e., f. o. b. the school) and also will show all trade discounts. Where tools, supplies and equipment are purchased by the Veterans' Administration for veterans who are training on the job, which are the same or comparable to those required by the school to be furnished for veterans, the Veterans' Administration regional office will inform the educational institution that one of the bids or quotations must be from such a Veterans' Administration designated supply source. After the Veterans' Administration has determined that the items have been or will be procured at a reasonable price, the source of supply is not a matter of concern for the Veterans' Administration, except that the cost of supplies procured from a debarred bidder and issued to a veteran in training will not be paid for by the Veterans' Administration unless the price charged by such firm or affiliate for articles of equal quality is lower than any of the bids submitted by qualified bidders.

(ii) Under existing contracts with institutions affected under this subparagraph, the Veterans' Administration will not pay a marked-up price to the institution (whether or not within retail or list price), where the supplies have been procured from or through a dummy corporation or other affiliate of the institution, but will pay for such supplies at an amount not in excess of the cost thereof to such dummy corporation or affiliate.

(iii) In addition to the above limitations in this paragraph respecting the payment for tools, supplies, and equipment, it is emphasized that only the amounts and kind of tools, supplies, and equipment which normally are required by well-established schools offering the same or similar instruction and which are essential to the training process will be provided for training of veterans under Part VII and Part VIII, as amended. Under the provisions of Part VIII, as amended, the Veterans' Administration has no authority to furnish personally to a veteran enrolled in institutional training any tools, supplies, and equipment which have been customarily maintained by well-established educational institutions and issued to students from a central tool room or tool crib as needed during classroom periods; or which are maintained at central points in a classroom or laboratory on tool boards, benches, racks, stands, or in cabinets, where they can be used as needed by individual students without materially delaying or retarding the progress of other students; or which are maintained for the use of instructors to demonstrate processes to groups of students or to check, test, or gage periodically the results of student work. Such tools, supplies, and equipment shall be considered capital equipment to be furnished by the institution as distinguished from those tools, supplies, and equipment each student is customarily required and expected to own and which he needs to have in his possession at all times in his tool kit or on his desk or bench at each class period in order to progress satisfactorily in training without disrupting the work of other students.

(n) *Reexamination of charges.* In any case where the Manager believes that the last contract rate for tuition, books, or supplies was obtained as a result of fraud, misrepresentation, or was in conflict with the governing regulation, the Manager will carefully reexamine such rate, and, if the contract is determined to have been invalid, the Manager will take appropriate action including the negotiation of a contract on a proper and legal basis.

24. In § 21.541, paragraphs (d) (1) and (e) are amended to read as follows:

§ 21.541 Disposal of returned books, supplies, and equipment furnished through educational institutions to Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainees. * * *

(d) *Recovery and sales to institutions.* (1) Where the institution does not agree to reissue recovered supplies as provided in paragraph (c) of this section, but does desire to recover and to purchase supplies turned in by veterans enrolled in the institution, the regional office is authorized to negotiate for the sale of such supplies as provided in this paragraph. Sale prices of supplies shall not be less than the current or usual market prices for used supplies of the same type and similar condition but generally not less than 50 percent of the original wholesale cost (actual or estimated). Contracts or supplements to contracts are not required, but the purchase of supplies by the institution may not be effected until the proposed schedule of prices are approved by the Manager on one of the following bases:

* * * * *

(e) *Other disposition.* Wherever disposition of returned trainee supplies cannot be accomplished under the provisions of paragraphs (c) and (d) of this section, the Veterans' Administration will arrange for disposition in accordance with Veterans' Administration vocational rehabilitation and education procedures.

25. In § 21.548, paragraph (a) is amended to read as follows:

§ 21.548 Payments for cooperative course. (a) Payments to the institution will be only for that portion of training or instruction given by the institution. The basis for charge will be determined in the light of the applicable portion of §§ 21.467 through 21.479, 21.484, 21.485, 21.493 through 21.495, and 21.503 through 21.511.

* * * * *

26. In § 21.549, paragraph (b) is amended to read as follows:

§ 21.549 Payments for related training. * * *

(b) Tuition charges will be determined in accord with applicable portions of §§ 21.467 through 21.479, 21.484, 21.485, 21.493 through 21.495, and 21.503 through 21.511.

* * * * *

27. Section 21.557 is revised to read as follows:

§ 21.557 Payments in lieu of tuition and fees. Hospitals approved by the appropriate State agency for training in connection with residencies for qualified physician veterans enrolled under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), (or Part VII), may be paid as follows: For courses of more than 30 weeks (residency training usually covers 52 weeks) in accord with the bases set forth in §§ 21.467 through 21.479 or 21.484 and 21.485.

28. Section 21.568 is revised to read as follows:

§ 21.568 Agreement for free instruction. Certain public schools make no charges of any kind for instruction, services, or supplies. When it is desired to enter Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainees into such institutions, an agreement will be made in duplicate. The original will be retained in the training facilities activity of the regional office and the copy will be returned to the institution. If any charges whatsoever are to be made, such as for student body fee or for books or supplies, VA Form 7–1903 will be executed.

29. In § 21.569, paragraph (a) is amended to read as follows:

§ 21.569 Authority to make contracts. (a) The Manager, Assistant Manager, and chief, vocational rehabilitation and education division, in a regional office are authorized, with the exception of correspondence courses, to enter into contracts in accordance with existing laws, regulations, and policies with public or private educational or training institutions (other than for training on the job) in the territory of that regional office for the purpose of providing courses of education and training for veterans enrolled under the provisions of Public Laws 16 and 346, 78th Congress, as amended. In addition, the authority to sign contracts as in this paragraph may be delegated by the Manager to the chief, training facilities activity, in those regional offices where the chief, vocational rehabilitation and education division, recommends such action to the Manager.

* * * * *

30. In § 21.570, paragraphs (a), (b) (1), (2), (3) and (d) are amended to read as follows:

§ 21.570 Determination when contract or statement of charges is required. (a) Except as provided in paragraph (b) (4) (i) of this section, contracts under Public Law 16, 78th Congress, are required before payment can be made to educational institutions or other than educational institutions for the rehabilitation of eligible veterans.

(b) * * *

(1) With institutions providing institutional on-farm courses see §§ 21.613 through 21.619.

(2) With institutions offering courses of instruction by correspondence, see §§ 21.625 through 21.627.

(3) With nonprofit institutions which elect and are permitted to receive payments of other than customary tuition on the credit-hour rate (§ 21.479). In such cases, contracts will be made effective with the beginning of the first term, semester, or quarter subsequent to the date the institution submits a formal request for payment of adjusted tuition on the basis of § 21.479, provided such request is approved by the Veterans' Administration.

* * * * *

(d) In all cases where a contract on VA Form 7–1903 is not required as in paragraph (c) of this section, the training facilities activity will notify the finance officer, in writing, of the charges for the courses to be offered, including the rate of tuition, reference to the appropriate Veterans' Administration regulation under which such charge or charges are authorized, separate charges, if any, for books, supplies and equipment, school calendar, schedule of classes and hours of training, refund policy, and such other provisions as are required to determine proper payment for the training of veterans. Where it is acceptable to the institution, such information as described in this paragraph will be obtained from the institution on VA Form 7–1957 or an optional equivalent schedule which will provide appropriate details in a similar manner. Where the institution has no customary cost of tuition under § 21.467 and the institution refuses to make a contract as in paragraph (b) (4) (i) of this section, the institution shall be advised, in writing (no form letter prescribed or authorized), by the training facilities activity as to the charges for courses to be offered and all other pertinent data as described in this paragraph, for the purpose of providing the basis upon which the Veterans' Administration will pay. The information for payments under paragraph (b) (4) (i) of this section will be obtained from data in previous contracts, statements of charges, letters, or through further requests from the institution, if necessary, and prior to payment will require the approval by the training facilities activity in the regional office.

* * * * *

31. Section 21.572 is revised to read as follows:

§ 21.572 Renewals or supplements to contracts. Renewals of contracts in lieu of making new contracts may be accomplished by the completion of renewal agreements when no change is made in existing contractual provisions. Supplements to contracts may be negotiated when necessary to extend the period of a contract and to provide for changes in the school calendar or in the schedule of instructional hours, or other matters required by existing Veterans' Administration regulations. Except where a customary cost of tuition has been established under the provisions of § 21.467 (b), or where continued payment of a fair and reasonable tuition is authorized by § 21.495 (b) (2) (i), a contract originally negotiated on the basis of fair and reasonable compensation will not be renewed until the submission of proper cost data required and unless such data justifies a continuation of the terms of the existing contract. (See § 21.530.) If the examination of the cost of operation in accordance with Veterans' Administration requirements indicates that the tuition rate or other provisions are to be changed, a supplement to the old contract or a new contract must be negotiated.

32. In § 21.573, paragraph (a) is amended and paragraphs (c) and (d) are deleted:

§ 21.573 Negotiation—(a) Preliminary negotiations. In all cases in which it is ascertained that a contract will be required, the institution will be notified that payments for veterans may be made only under contracts negotiated in accordance with the provisions of applicable Veterans' Administration regulations and instructions, and negotiations will be initiated with all those institutions desiring to enroll veterans under Public Laws 16 and 346, 78th Congress, as amended. In any case in which a contract is required under Veterans' Admin-

istration regulations for the education and training of veterans under the provisions of Public Laws 16 and 346, as amended, no payment will be made to an institution until a contract between the Veterans' Administration and the institution has been completed except as otherwise provided in Veterans' Administration regulations.

* * * * *

(c) [Deleted.]
(d) [Deleted.]

33. Section 21.574 *VA Form 7–1903* is revoked.

34. Section 21.575 is revised to read as follows:

§ 21.575 *Deviation from contract terms.* (a) All charges, services, and other terms shall be stated in the contract, and no deviation will be made therefrom during the period covered by the contract except as authorized.

(b) Except as authorized in Veterans' Administration regulations, contracts may not be accepted in which the printed provisions of the contract form are in any manner amended, modified, or abrogated, unless authorized in advance by central office.

(c) Courses or services and charges therefor, not included in the original contract, may be provided for by the negotiation of a supplement to the contract.

35. Section 21.576 *Period covered by contracts* is revoked.

36. Section 21.578 is revised to read as follows:

§ 21.578 *Contracts signed under mutual mistake of fact.* Any contract signed under a mutual mistake of fact consisting in action of a Veterans' Administration contracting officer and an official of any school signing a purported contract subsequent to July 13, 1950, providing for other than an established customary cost of tuition, when in fact at the time the contract was signed the school had a customary cost under existing Veterans' Administration regulations or directives presently provided in § 21.467 (b), will upon request of the school, be reported to the Deputy Administrator for Veterans Benefits, with full statement of facts, for consideration of cancellation of the contract. If canceled, the frozen rate will be payable retroactively and prospectively in lieu of the contract rate, but payment of such contract rate should be made in the interim pending notification as to cancellation, such payment to be without prejudice to the rights of either the school or the Government.

37. In § 21.606, that portion of paragraph (b) preceding subparagraph (1) is amended to read as follows:

§ 21.606 *Contracts required.* * * *

(b) If a contract proposal for flight courses does not conform to the provision listed in paragraph (a) (1) of this section, but the Manager, nevertheless, considers that the proposal should be accepted, the proposal may be approved if supported by adequate facts and statements to substantiate the proposed charges as fair and reasonable as provided for in § 21.530. Each statement to be submitted must be certified by an official of the school or institution and must include the following:

* * * * *

38. Section 21.607 *Preparation of contracts* is revoked.

39. The following sections are revoked:

§ 21.609 *Payment under contracts.* [Revoked.]

§ 21.611 *Execution and revision of contracts.* [Revoked.]

40. In § 21.612, paragraph (c) (2) is amended to read as follows:

§ 21.612 *Payment for flight training in nonprofit institutions.* * * *

(c) *Payment for required flight courses.* * * *

(2) If the nonprofit institution has elected and is permitted to charge the Veterans' Administration on the basis of other than customary tuition charges (§ 21.479), the total payment to the institution for the other than customary tuition will be limited to an amount which together with the customary charges for fees (including flight training), books, supplies, equipment, and other necessary expenses will not exceed the rate of $500 for a full-time course for an ordinary school year. (See §§ 21.470 (b) (2) and 21.517.) If the total customary charges for fees (including flight training), books, supplies, equipment, and other necessary expenses, but exclusive of tuition charges, exceed the rate of $500 for a full-time course for an ordinary school year, the veteran may elect to have the amount of such excess customary charges, exclusive of tuition, paid by the Veterans' Administration and his entitlement charged for the excess or he may elect to pay the excess personally.

* * * * *

41. In § 21.613, paragraph (b) is amended and paragraph (c) is deleted.

§ 21.613 *Payments for institutional on-farm training.* * * *

(b) *Basis for payment.* Contracts will be prepared on VA Form 7–1903 and will provide for payment for institutional on-farm training at a fixed monthly rate per student to include the cost of instruction in the classroom, individual instruction on the farm, and supervision, which has been determined to be fair and reasonable by the regional office in accordance with the formula and criteria set forth in § 21.614.

(c) [Deleted.]

42. In § 21.614, subdivisions (v) and (vi) of paragraph (a) (4) are amended to read as follows:

§ 21.614 *Determination of fair and reasonable compensation for institutional on-farm training*—(a) *Certified financial statement required.* * * *

(4) * * *

(v) *Building operation and maintenance, depreciation, and rent.* Cost of the pro rata portion of depreciation on instructional equipment, heat, light, power, water, janitor service, building maintenance, rent of non-publicly owned facilities, and insurance for classroom and laboratory space which may be allocated to these courses on the basis of the time the classrooms are used for these courses in relation to the full-time use of such classrooms and laboratories. A sum not in excess of $1.25 per student per month is acceptable as a fair and reasonable charge for this item without detailed calculation. There must be a clear showing on the part of the institution, where more than $1.25 per student-month is requested for a class of less than 12, that all reasonable efforts have been made to schedule such classroom instruction in an economical manner to prevent any excessive expense involved in the operation of the school plant, or a portion thereof.

(vi) *Allowance for administration and supervision.* An allowance to cover the cost of supervisory, administrative, and clerical personnel and the cost of consumable office supplies and other expenses for administrative and supervisory offices including related expenses of the State agency responsible for conducting these courses. The salary, or any part thereof, of a regular employee of the local, county, or State school system will not be allowed as a part of the fair and reasonable cost except where the duties of such employee on behalf of the institutional on-farm program are clearly and definitely defined and measured and are performed at times other than during their regular hours of employment for duties other than those pertaining to institutional on-farm program. An amount not in excess of 5 percent of the cost of items in subdivisions (i) through (v) of this subparagraph may be included to cover these costs without detailed justification. However, if the institution requests more than a 5 percent allowance for administration and supervision, the chief, training facilities activity, is authorized to include in the fair and reasonable cost, such amount in excess of 5 percent as may be justified as reasonable and necessary to conduct a satisfactory program. Any request for an amount in excess of 5 percent for administration and supervision must be supported by a detailed schedule of the cost of the items included. Where a request is made for an amount in excess of 5 percent for administration of a class of less than 12, there should be a clear showing on the part of the institution that consideration has been given to the reduced number of trainees and the amount claimed is reasonable and necessary for the operation of the program.

* * * * *

43. In § 21.616, the unnumbered paragraph appearing at the end of paragraph (b) and that portion of paragraph (c) (1) preceding subdivision (i) are amended and a new paragraph (e) is added as follows:

§ 21.616 *Review and adjustment of contract rates.* * * *

(b) *Revision of rates.* * * *

Where a change in contract rates is desired by either party, the Veterans' Administration and the contractor will negotiate and mutually agree upon the revised rate or rates. Upon agreement between the contractor and the Veterans' Administration as in this paragraph, the contract will be supplemented to amend the tuition rates.

(c) *Lump-sum adjustment of surplus or deficit upon completion of a contract or adjustment period or at the termination of contractual relationships.* (1) At the end of any contract or adjustment period a surplus or deficit which resulted from the payment of the agreed fair and reasonable rate of compensation may be settled on a lump-sum basis, provided that appropriate adjustments have been or are made for surpluses or deficits for all previous periods, including surplus which may have been on hand on September 1, 1947. The institution will submit to the regional office on VA Form 7–1969 a certified statement of actual costs and actual months of instruction for which the institution was entitled to be paid for the period of the most recent contract. Allowable costs will include only those provided in the cost formula in §§ 21.613 through 21.619. Each such VA Form 7–1969 will include a statement on schedule K, part 2, of the surplus or deficit for the entire period between the effective date of the first contract for on-farm training under Public Law 377, 80th Congress, and the termination date of the most recent contract plus any surplus determined as of September 1, 1947. These cost data will also be used for the determination of a new fair and reasonable tuition rate to be included in the next contract. In no case will compensation for a deficit be made in an amount which when added to the fair and reasonable tuition and other charges for fees, books, supplies and equipment result in the payment of a rate in excess of either the rate of $500 for a 12-month period ($41.66 per month), or the claimed customary charges of the institution, for contracts entered into subsequent to February 21, 1952. (See § 21.619.) At the termination of contractual relationships under §§ 21.613 through 21.619 a final adjustment will be made, both where money is due the Government and where it is due the school.

* * * * *

(e) *Approval required for final surplus or deficit adjustments.* Each case of final adjustments for surplus or deficit or supplement to contract (VA Form 7–1972) for a lump-sum settlement of surplus or deficit as provided in paragraph (c) of this section will be submitted to the Deputy Administrator for Veterans Benefits, for approval prior to distribution by the regional office.

44. In § 21.625, paragraph (i) is amended to read as follows:

§ 21.625 *Contract negotiations for correspondence courses.* * * *

(i) *Changes in courses.* Changes in courses made by the institution with which a contract has been negotiated during the life of the contract will become effective and a part of the contract only upon negotiation of a supplement to the existing contract. Minor changes in courses or course material not affecting the length of the course or number of lessons and not lowering the educational value of the courses or the quality of the course materials, such as revision of text, the substitution of a newer lesson for an older one, or the substitution of equipment of equal or greater value, are permitted without notice. Such minor changes and revisions shall be placed on file with the Assistant Deputy Administrator, Vocational Rehabilitation and Education, Washington 25, D. C., at the time of the change or revision, in all cases in which the original course material was submitted to the Veterans' Administration for review.

45. In § 21.626, paragraph (c) is amended to read as follows:

§ 21.626 *General provisions of correspondence contracts.* * * *

(c) *Records and reports.* The contractor will maintain records of progress of veterans in training under this contract and will make available such records and furnish such reports to the Veterans' Administration at such intervals as may be mutually determined and as may be necessary and required by the Veterans' Administration to administer the training of the veteran as required by the law. The contractor shall preserve all records and books of account pertaining to the contracts: *Provided, however,* That if the contractor, at any time after 3 years next following the date upon which the final payment under the contract becomes due, desires to dispose of said records and books of account, the contractor shall so notify the Assistant Deputy Administrator, Vocational Rehabilitation and Education, Washington 25, D. C., who shall in writing either authorize destruction of the records or notify the contractor to maintain such records for a further length of time as may be deemed necessary by the Veterans' Administration.

* * * * *

46. In § 21.627, paragraphs (a) and (j) (4) are amended and paragraphs (m), (n), and (o) are deleted:

§ 21.627 *Charges and payments for correspondence courses*—(a) *Contracts required.* Payments will be made to approved institutions for correspondence courses in accordance with the rates established in the contracts approved by the office of the Assistant Deputy Administrator, Vocational Rehabilitation and Education. No payment will be made by the Veterans' Administration for correspondence instruction in the absence of such a contract.

* * * * *

(j) *Charges not permitted.* * * *

(4) The 10 percent compensation described in § 21.539 (h) allowed resident educational and training institutions for handling the issuance of books, supplies, and equipment is not applicable to correspondence courses, and such compensation may not be paid in connection with correspondence courses in addition to the charges for such items set forth in the contract.

* * * * *

(m) [Deleted.]
(n) [Deleted.]
(o) [Deleted.]

47. Section 21.628 *Refunds* is revoked.

48. In § 21.638, paragraph (b) is amended to read as follows:

§ 21.638 *Termination of contracts under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* * * *

(b) Where the regional office considers that fraud has been committed against the Government, or that the contractor is not furnishing the courses of instruction as required by the terms of the contract and the contractor has refused to correct the condition, or that the best interests of the Government or trainees will be served by a partial or total termination, the full particulars pertaining to the desired termination will be forwarded, together with the recommendations of the regional office to the Deputy Administrator for Veterans Benefits for the authority to terminate the contract.

49. In § 21.655, that portion of paragraph (b) preceding subparagraph (1) and paragraph (b) (6) are amended to read as follows:

§ 21.655 *General.* * * *

(b) The period for which payment of charges may be made will be the period of the veteran's actual enrollment in the institution under Public Laws 16 or 346, 78th Congress, as amended, and will be subject to the following:

* * * * *

(6) Expiration of entitlement.

50. In § 21.656, the headnotes of subdivisions (i) and (ii) of paragraph (d) (2) are amended to read as follows:

§ 21.656 *Time of payment to institutions for residence courses for Parts VII and VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainees and basis for determining amount payable.* * * *

(d) *Provisions for payment to certain nonprofit institutions after expiration of refund period.* * * *

(2) * * *

(i) *Customary charges or other than customary charges* (§§ 21.472 and 21.479). * * *

(ii) *Section 21.479; estimated cost of teaching personnel and supplies for instruction.* * * *

* * * * *

51. The following sections are revoked:

§ 21.666 *Vouchers or invoices for amounts due the institution.* [Revoked.]

§ 21.667 *Data on voucher, invoice, or supporting schedule.* [Revoked.]

52. In § 21.668, paragraph (a) is amended and paragraphs (b) and (c) are deleted:

§ 21.668 *Exclusion of Federal admission taxes from payments to educational institutions for education and training under Public Laws 16 and 346, 78th Congress, as amended*—(a) *Payments to institutions to exclude Federal admission taxes.* Section 3 of the act of August 12, 1935, Public Law 262, 74th Congress, provides in part that "* * * payments made to or on account of a beneficiary under any of the laws relating to veterans

shall be exempt from taxation • • •" section 1500, title VI, Public Law 346, as amended, provides that, except as otherwise stated, the provisions of Public Law 262 shall be applicable. In view of these provisions of Public Law 262 and Public Law 346, as amended, payments made to institutions for education and training under Public Laws 16 and 346, as amended, are subject to the provisions of section 3 of Public Law 262. Therefore, the tax imposed by section 4231 (1) of the Internal Revenue Code of 1954 (Public Law 591, 83d Congress), does not apply to payments made by the Veterans' Administration covering admission charges to athletic and other events on behalf of veterans attending schools and colleges under the provisions of Public Laws 16 and 346, as amended. No admission taxes will be included in bills submitted by educational institutions to the Veterans' Administration where such bills cover the customary charges required to be paid by all students and where the payment of such charges entitles the student (veteran) to admission to athletic and other events. Such admission taxes ordinarily would be included in the required fee designated by the institution as "student activity fee" or in a required customary charge which includes, among other things, the privilege of the students to attend athletic and other events for which admission normally would be charged.

(b) [Deleted.]

(c) [Deleted.]

53. Section 21.669 *Certification by institution* is revoked.

54. Section 21.670 is revised to read as follows:

§ 21.670 *Irregular items.* In those cases where a voucher contains an irregular item, the allowability of which is questionable in the light of existing Veterans' Administration regulations and policies, the finance division will submit the voucher to the chief, training facilities activity, for a determination as to the allowability of the item in question and, if appropriate, an interpretation or amplification of current applicable Veterans' Administration regulations and policies.

55. Section 21.671 *Vouchers for a Part VII or Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainee who transfers from the jurisdiction of one regional office to the jurisdiction of another regional office* is revoked.

56. In § 21.680, paragraph (a) is amended to read as follows:

§ 21.680 *Authorization for payment or recovery of payment based upon decisions of the Veterans' Education Appeals Board or a court order.* (a) Upon issuance of a final decision of the Veterans' Education Appeals Board with respect to an appeal made by an educational institution to the Board, the Deputy Administrator for Veterans Benefits, will issue instructions by letter to the regional office concerned as to the actions to be taken. Accordingly, payment or recovery of payment based upon any such decision will be withheld, pending receipt of instructions from the Deputy Administrator for Veterans Benefits. Present or past contracts will not be amended or supplemented to accord with such decisions. Authority for greater or lesser payments will be the decision itself. In any case wherein the central office directs that action be taken based upon a Board decision, two copies of such decision will be provided by memorandum from the chief, vocational rehabilitation and education division, to the finance officer. If because of such decision money is due the institution, payments will be made in accordance with Veterans' Administration regulations upon the submission of appropriate vouchers by the educational institution. If by virtue of such decision money is due the Government, appropriate action to effect recovery will be taken by the regional office.

• • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697–697d, 607f, g, 971 ch. 12 note)

This regulation is effective April 5, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55–2714; Filed, Apr. 4, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO–272]

MILK IN NORTH CENTRAL IOWA MARKETING AREA

PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of the public hearing to be held in the Federal Court Room, Post Office Building, Waterloo, Iowa, beginning at 10:00 a. m., c. s. t., on April 25, 1955.

Subjects and issues involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the North Central Iowa marketing area.

The hearing on the proposed marketing agreement and order proposal therefore is to determine whether (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce or directly burdens, or obstructs, or affects interstate or foreign commerce, (2) the issuance of the marketing agreement and order regulating the handling of milk in the proposed marketing area is justified, and (3) the provisions specified in the proposal or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Marketing agreement and order regulating the handling of milk in the North Central Iowa Marketing Area proposed by: Cedar Valley Cooperative Milk Association, Inc., Waterloo, Iowa; Marshall County Milk Dealers Cooperative, Marshalltown, Iowa; North Iowa Cooperative Milk Marketing Association, Mason City, Iowa; Charles City Milk Producers' Association, Charles City, Iowa:

DEFINITIONS

SECTION 1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed., 601 et seq.).

SEC. 2. *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

SEC. 3. *North Central Iowa Marketing Area.* "North Central Iowa Marketing Area", hereinafter called the "marketing area", means all the territory within Boone, Bremer, Blackhawk, Cerro Gordo, Floyd, Marshall, Story, and Webster Counties and within the corporate limits of the cities of Clarion, Eagle Grove, Hampton, Humboldt, New Hampton, Osage, Tama, Toledo, Traer, and Webster City, all in the State of Iowa.

SEC. 4. *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

SEC. 5. *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at a fluid milk plant; *Provided,* That such milk is produced under a dairy farm permit or rating issued by a municipal or state health authority for the production of milk to be disposed of for consumption as Grade A milk. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to a non-fluid milk plant by a handler and milk so diverted shall be deemed to have been received at a fluid milk plant by the handler who caused it to be diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this order pursuant to section 56.

SEC. 6. *Handler.* "Handler" means:

(a) Any person, other than a producer-handler, in his capacity as the operator of a fluid milk plant(s); and

(b) Any cooperative association with respect to milk of producers diverted by it from a fluid milk plant to a non-fluid milk plant for the account of such cooperative association.

SEC. 7. *Fluid milk plant.* "Fluid milk plant" means (a) any plant from which Grade A milk is disposed of as Class I milk on retail or wholesale routes (including plant stores) in the marketing area, or (b) any plant from which skim milk or butterfat is transferred or diverted as Class I milk to a plant described in paragraph (a) of this section; *Provided,* That any such transferring plant shall not be included in this definition if such transfers or diversions are made only during the months of August, September and October.

SEC. 8. *Non-fluid milk plant.* "Non-fluid milk plant" means any milk processing plant other than a fluid milk plant.

SEC. 9. *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or associations of producers; *Provided,* That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

SEC. 10. *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines (a) has its entire activities under the control of its members, and (b) has and is exercising full authority in the sale of milk of its members.

SEC. 11. *Producer milk.* "Producer milk" means any skim milk or butterfat contained in milk received at a fluid milk plant directly from the farms of producers.

SEC. 12. *Other source milk.* "Other source milk" means any skim milk or butterfat received at a fluid milk plant, other than that contained in producer milk.

SEC. 13. *Butter price.* "Butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the delivery period.

SEC. 14. *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

MARKET ADMINISTRATOR

SEC. 20. *Designation.* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

SEC. 21. *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

SEC. 22. *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by section 71 the cost of his bond, his own compensation and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this order, and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary, publicly disclose to handlers and producers the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant to section 30 or (2) made payments pursuant to section 65;

(e) Promptly verify the information contained in reports submitted by handlers;

(f) Publicly announce by such means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 3d day after the end of each delivery period (i) the minimum price for Class I milk computed pursuant to section 51 (a) and the butterfat differential computed pursuant to section 52 (a), both for the current delivery period; and (ii) the minimum price for Class II milk computed pursuant to section 51 (b) and the butterfat differential computed pursuant to section 52 (b), both for the preceding delivery period.

(2) On or before the 9th day after the end of each delivery period, the uniform price computed pursuant to section 61, and the butterfat differential computed pursuant to section 66, both for the preceding delivery period.

(g) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

SEC. 30. *Delivery period report of receipts and utilization.* (a) On or before the 7th day after the end of each delivery period, each handler, who purchases or receives milk from producers or associations of producers shall report to the market administrator in the detail and on forms prescribed by the market administrator the following information with respect to all milk received from producers, all milk, skim milk, cream and milk products received from producer-handlers and other handlers, and all other source milk (except non-fluid milk products disposed of in the form in which received without further processing or packaging by the handler) received at his fluid milk plants during the delivery period;

(1) The quantities of skim milk and butterfat contained in such receipts and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

SEC. 31. *Reports of payments to producers.* On or before the 17th day after the end of each delivery period, each handler who operates a fluid milk plant shall submit to the market administrator his producer payroll for the delivery period which shall show for each producer:

(a) The total pounds of milk received and the average butterfat content thereof;

(b) The price, amount, and date of payment made pursuant to section 65; and

(c) The nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

SEC. 32. *Producer-handler reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

SEC. 33. *Records and facilities.* Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other persons upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization of all producer milk and other source milk;

(b) The weights and tests for butterfat and other contents of all milk, skim milk, cream and milk products handled;

(c) Payments to producers or cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each delivery period.

SEC. 34. *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three year period the market administrator notifies the handler in writing that the retention of such records or of specified books and records is necessary in connection with proceedings under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

SEC. 40. *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream and milk products received during the delivery period by a handler and required to be reported pursuant to section 30 (a) shall be classified by the market administrator pursuant to sections 41 to 46, inclusive.

SEC. 41. *Classes of utilization.* Subject to the conditions set forth in sections 43, 44, and 46, the classes of utilization shall be as follows:

(a) *Class I milk* shall be all skim milk and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, yogurt, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts) and eggnog, (2) used in the production of concentrated milk not sterilized, for fluid consumption, and (3) not specifically accounted for as Class II milk.

(b) *Class II milk* shall be all skim milk and butterfat (1) used to produce a milk product not specified in paragraph (a) of this section, (2) in shrinkage up to 2 percent of receipts from producers and cooperative associations, and (3) in shrinkage of other source milk.

SEC. 42. *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in (1) producer milk, and (2) other source milk.

SEC. 43. *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in section 41, the burden rests upon the handler who received such skim milk or butterfat from producers or cooperative associations to prove to the market administrator that such skim milk or butterfat should not be classified as Class I; and

(b) Any skim milk or butterfat which has been classified by the market administrator shall be reclassified if verification discloses that the original classification was incorrect.

SEC. 44. *Transfers.* (a) Skim milk and butterfat when transferred or diverted by a handler which is not a cooperative association from a fluid milk plant to another fluid milk plant shall be Class I if transferred or diverted in the form of milk, skim milk or cream: *Provided,* That if the operators of both plants report that such skim milk and butterfat was used in Class II, such skim milk and butterfat may be assigned to Class II up to the amount thereof remaining in such class in the plant of the receiving handler after the subtraction of other source milk pursuant to section 46: *Provided further,* That, if other source milk has been received at either or both plants, the milk so transferred shall be classified at both plants so as to return the higher class utilization to producer milk;

(b) Skim milk and butterfat when transferred or diverted by a handler to a producer-handler shall be Class I if transferred or diverted in the form of milk, skim milk or cream; and

(c) Skim milk and butterfat when transferred or diverted from a fluid milk plant to a non-fluid milk plant shall be Class I if transferred in the form of milk, skim milk, or cream unless the transferring handler reports that such skim milk or butterfat was used in Class II: *Provided,* That, if the buyer refuses to permit the market administrator to audit his books and records, such milk, skim milk or cream shall be classified as Class I: *Provided further,* That, if upon audit of the buyer's records it is found that the use of skim milk and butterfat in the buyer's plant in Class II is less than the amount stated to have been so used, any amount in excess of such Class II use shall be classified as Class I;

(d) Skim milk and butterfat received by a handler as other source milk shall be classified in the lowest class in which such handler has use; and

(e) Skim milk and butterfat of a handler's own production shall be ratably apportioned over such handler's total utilization of producer milk.

SEC. 45. *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

SEC. 46. *Allocation of skim milk and butterfat classified.* After computing, pursuant to section 45, the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers in the following manner.

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage of producer milk;

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided,* That, if the pounds of skim milk in such other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from Class I;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other fluid milk plants in accordance with its classification as determined pursuant to section 44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in milk of the handler's own production; and

(6) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II. Any amount in excess of that in Class II shall be subtracted from Class I. The amounts so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

SEC. 50. *Basic price to be used in computing the Class I price.* The basic price to be used in computing the minimum price per hundredweight of Class I milk for each delivery period shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices reported to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture;

Companies and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed pursuant to section 51 (b) for the preceding delivery period for Class II milk containing 3.5 percent butterfat plus 15 cents.

SEC. 51. *Class prices.* Each handler shall pay at the time and in the manner set forth in section 65 not less than the prices set forth in this section for skim milk and butterfat in milk received from producers during the delivery period at such handler's fluid milk plant.

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.5 percent butterfat shall be the basic price computed pursuant to section 50 plus $1.40; and

(b) *Class II milk.* The price per hundredweight of Class II milk containing 3.5 percent butterfat shall be computed by adding together the sums computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Multiply the butter price by 1.25, subtract 8 cents, and multiply by 3.5; and

(2) Add to 17 cents, 3 cents for each full one-half cent that the price of non-fat dry milk solids is above 7 cents per pound. The price per pound of non-fat dry milk solids to be used shall be the simple average of the carlot prices for non-fat dry milk solids both spray and roller process, delivered at Chicago as reported by the Department of Agriculture during the delivery period. In the event the Department does not publish carlot prices for non-fat dry milk solids for human consumption delivered at Chicago, there shall be used the weighted average of carlot prices per pound for non-fat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

SEC. 52. *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to section 46 is more or less than 3.5 percent, there shall be added to the respective class prices computed pursuant to section 51 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that the average butterfat content of such milk is below 3.5 percent an amount equal to the applicable butterfat differential computed as follows:

(a) *Class I milk.* Add 3.1 cents to the value computed pursuant to paragraph (b) of this section for the preceding delivery period; and

(b) *Class II milk.* From the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period, subtract 6½ cents, multiply by 0.12, and adjust to the nearest tenth cent.

SEC. 53. *Emergency price provisions.* Whenever the provisions of this order require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specified price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the prices specified.

APPLICATION OF PROVISIONS

SEC. 55. *Producer-handlers.* Sections 40 to 46, 50 to 53, 60 to 62, and 65 to 68 shall not apply to a producer-handler.

SEC. 56. *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another marketing agreement or order issued pursuant to this act, the provisions of this order shall not apply except as follows:

(a) The handler shall with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator; and

(b) If the price which such handler is required to pay under the Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this order is less than the price provided by this order, such handler shall pay to the market administrator for pro rata credit to the account of each producer (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICE

SEC. 60. *Computation of the value of milk received from producers.* The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class computed pursuant to section 46 by the applicable class prices and adding together the resulting amounts and adding any amounts computed pursuant to paragraph 1 of this paragraph.

(1) If the handler had overage of either skim milk or butterfat there shall be added to the above value an amount computed by multiplying the pounds of overage by the applicable class price.

SEC. 61. *Computation of uniform price for each handler.* For each delivery period the market administrator shall compute the uniform price per hundredweight of milk received by each handler from producers as follows:

From the sum computed for each handler pursuant to section 60;

(a) Subtract during each of the delivery periods of April, May and June, an amount equal to 6 percent of the Class I price;

(b) Subtract, if the average butterfat content of the milk included in these computations is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to section 66 and multiplying the result by the total hundredweight of producer milk included in these computations; and

(c) Divide the resulting sum by the total hundredweight of producer milk received by the handler. The result shall be known as the "uniform price" for milk per hundredweight for each handler for milk of 3.5 percent butterfat content received from producers.

SEC. 62. *Notification of handlers.* On or before the 9th day of each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to sections 46 and 60;

(b) The uniform price of the handler computed pursuant to section 61;

(c) The total amounts to be paid by each handler pursuant to section 65; and

(d) The amount to be paid by such handler pursuant to section 71.

PAYMENTS

SEC. 65. *Time and method of payment.* Each handler shall make payment for milk received during the delivery period as follows:

(a) *Final payment.* On or before the 12th day after the end of the delivery period:

(1) To each producer for milk which was not caused to be delivered by a cooperative association at not less than the uniform price computed in accordance with section 61, subject to the butterfat differential computed pursuant to section 66, and less the amount of the payment made to such producers pursuant to paragraph (b) (1) of this section; and

(2) To a cooperative association for milk which is caused to be delivered to such handler by such cooperative association, an amount equal to not less than the sum of the individual payments otherwise payable to producers for which the cooperative association is authorized to collect payments, less the amount of the payment made pursuant to paragraph (b) (2) of this section;

(b) *Mid-delivery period payment.* On or before the 27th day of each delivery period:

(1) To each producer for milk which was not caused to be delivered by a cooperative association an amount computed by multiplying the hundredweight of milk delivered during the first 15 days of the delivery period by the uniform price announced by the market administrator for such handler for the immediately preceding delivery period;

(a) To a cooperative association for milk which was caused to be delivered to such handler by such cooperative association an amount computed by multiplying the hundredweight of milk caused to be so delivered during the first 15 days of the delivery period by the uniform price announced by the market administrator

for such handler for the immediately preceding delivery period.

SEC. 66. *Butterfat differential to producers.* If any handler has received from any producer during the delivery period, milk having an average butterfat content other than 3.5 percent, such handler, in making the payment pursuant to section 65 (a) (1) shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, not less than, or shall subtract for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent not more than, an amount computed as follows: Add 20 percent to the butter price, divide the resulting sum by 10 and adjust to the nearest cent.

SEC. 67. *Adjustment of errors in payment to producers.* Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by section 65 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

SEC. 68. *Payments to the market administrator.* On or before the 10th day after the end of each delivery period each handler, who operates a fluid milk plant shall pay to the market administrator the amount, if any, computed pursuant to section 61 (a). The market administrator shall establish and maintain a separate fund into which he shall deposit all payments made by handlers pursuant to section 61, and out of which he shall make all payments pursuant to section 69.

SEC. 69. *Payments by the market administrator.* (a) On or before the 12th day after the delivery periods of August, September, and October the market administrator shall pay to each producer from whom milk was received by a handler during such delivery period an amount computed as follows: Divide one-third of the total amount held pursuant to section 61 (a) by the total hundredweight of milk received from producers by handlers during the delivery period involved (August, September, and October, as above) and multiply the resulting rate (computed to the nearest full cent per hundredweight) by the milk received from each producer during such delivery period; and

(b) On or before the 10th day after the end of the delivery periods of August, September, and October the market administrator shall pay to a cooperative association for milk it caused to be delivered to a handler from producers and for which such cooperative collects payments, an amount equal to the sum of the individual payments otherwise payable to such producers under (a) of this paragraph.

SEC. 70. *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section each handler, in making payment to producers (other than himself) pursuant to section 65 (a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights, samples and tests of milk received from producers and to provide producers with market information; and

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deduction specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 12th day after the end of such delivery period pay such deductions to the cooperative association rendering such services.

SEC. 71. *Expense of administration.* As his pro rata share of the expense of administration of this order, each handler who operates an approved plant shall pay to the market administrator, on or before the 14th day after the end of the delivery period, 4 cents per hundredweight or such amount not exceeding 4 cents per hundreweight as the Secretary may prescribe with respect to all receipts within the delivery period of milk from producers and cooperative associations including the handler's own production.

SEC. 72. *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producer(s) or associations of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses with respect to any obligation under this order to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order, shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

SEC. 80. *Effective time.* The provisions of this order or any amendment to this order shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to section 72.

SEC. 81. *Suspension or termination.* The Secretary may suspend or terminate this order or any provision of this order whenever he finds this order or any provision of this order, obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

SEC. 82. *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations under this order the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

SEC. 83. *Liquidation.* Upon the suspension or termination of the provisions of this order, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all asignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

SEC. 90. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

SEC. 91. *Separability of provisions.* If any provision of this order or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this order to other persons or circumstances shall not be affected thereby.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 31, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-2791; Filed, Apr. 4, 1955; 8:49 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A13]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, regulating the handling of milk in the Cleveland, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Cleveland, Ohio, during November 30–December 9, 1954, pursuant to notice thereof which was issued on November 9, 1954 (19 F. R. 7352).

The material issues of record were concerned with the following:

1. Extending the marketing area to include all of Lorain, Lake, Geauga, and Ashtabula Counties, in addition to Cuyahoga County, Willoughby township in Lake County, and those portions of Medina County which presently comprise the marketing area;

2. Modifying the producer definition so as not to include a new shipper whose milk is diverted to a nonpool plant during April, May, June or July;

3. Adopting a form of fall quota plan to encourage a more uniform seasonality of production;

4. Modifying the pool plant standards and the provisions relating to unpriced milk;

5. Reassigning the responsibility for making or receiving payments on reclassified milk to the handler who ultimately utilizes the milk, rather than leaving it chargeable to the handler who originally received the milk from producers;

6. Changing the conditions under which other source milk may be prorated with producer milk to the several classes of utilization;

7. Announcing class prices in terms of a hundredweight of milk containing 3.5 percent butterfat, with appropriate butterfat differentials, instead of per hundredweight of butterfat and per hundredweight of skim milk;

8. Changing the Class I price provisions;

9. Changing the classification and pricing of milk now in Class II and Class III;

10. Modifying the rates of location adjustments to handlers;

11. Modifying the rates of the location adjustments to producers and applying them only to eligible milk;

12. Reducing the producer butterfat differentials; and

13. Revising the application of the Cleveland order with respect to milk subject to other Federal orders.

1. *Marketing area.* The sales territory served by the handlers regulated under the Cleveland order has expanded considerably since the order first became effective in September 1946. One reason for this expansion has been the fact that the consumers themselves have moved to suburban communities and that the greatest increases in population have also occurred in the suburban areas. The expansion in sales territory has also been facilitated by changes in milk distribution which have occurred both in Cleveland and throughout most areas in the United States. The significant changes in distribution include the more wide-scale use of the paper bottle which can be transported more cheaply than glass and which eliminates bottle returns, the increasing proportion of milk sold through stores rather than delivered to homes; the longer distances which it is feasible to serve by wholesale routes as compared with retail routes; and other improvements in transportation and communications which have added to the area over which milk can be economically distributed.

The increased sales by the regulated handlers have been made with milk paid for at the Class prices specified in the order. Apparently the efficiencies in bottling and distribution which the regulated handlers have been able to achieve have largely offset any advantages which the unregulated handlers may have had in the procurement of milk. In recent years, however, the volumes of milk sold by regulated handlers outside of the defined marketing area have become sufficiently large to make it feasible for them to establish separate plants to serve the unregulated sales territories. The principal advantage gained at an unregulated plant is the ability to buy milk from farmers at a blend price, and to sell virtually all of the milk so purchased for Class I purposes by obtaining supplemental milk when needed from the Cleveland pool. In fact, a handler operating both regulated and unregulated plants can probably exploit those advantages more completely at his unregulated plant than an independent unregulated handler, since the independent does not own a source of supplemental milk. The largest handler in the Cleveland market has established two unregulated bottling plants; one located east of Cleveland and one to the southwest. Other handlers are in a position to take similar action, and testified that they were giving it serious consideration.

Such action critically impairs the effectiveness of regulation. The multiple-plant operators are encouraged to develop and maintain a sufficient supply of producer milk at their regulated plant to supply not only their Class I sales from the regulated plant, but also to supply supplemental milk for the unregulated plants. The result is that the blend price to producers under the order is lowered by the extra quantity of surplus milk which must be carried for the unregulated plants, the Class I price must be maintained at a correspondingly higher level in order to keep the blend up to the point where it will attract a full supply of milk, and consumers in the marketing area must absorb the higher Class I price.

An alternative means of meeting the competitive problem would be to establish a somewhat lower Class I price on milk sold outside of the defined marketing area. This would allow the regulated handlers to be competitive with unregulated handlers in the cost of milk sold outside the area. However, consumers in the marketing area would again be bearing an additional cost in the form of a higher Class I price. In the circumstances, it is clearly more equitable to expand the marketing area than to adopt a price differential on the out-of-area sales.

The dairy farmers supplying milk to unregulated plants gain substantial indirect benefits from the Cleveland order. They are usually able to obtain the same blend price as is paid by the regulated handlers. In fact, at the time of the hearing most of the farmers shipping to plants located in one of the counties proposed to be incorporated in the Cleve-

land marketing area were receiving a temporary premium over the blend prices announced under the order. However, it must be recognized that the Cleveland blend price has already been reduced by the withdrawal of plants with high Class I utilization from the market and would be further reduced if other handlers also established unregulated plants.

The territory to be included in the expanded marketing area should be determined primarily by conditions of competition in the distribution of milk. The expansion should be limited to those localities which can be shown to constitute a part of the Cleveland marketing area through population movements and characteristics, the distribution of milk by regulated handlers, and a reasonable similarity in quality and sanitation requirements.

In Lorain County the added territory should include the townships of Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Carlisle, Eaton, Columbia, and Grafton. These townships comprise the northeastern portion of Lorain County, but exclude the western tier of townships and the southern portion of the county.

The portion of Lorain County to be added to the marketing area will include the sizeable cities of Lorain and Elyria, and an essentially suburban area adjacent to them. The area is served by three handlers from regulated plants in Cleveland, from an unregulated plant operated by a Cleveland handler (as previously mentioned), from a plant at Mansfield which is regulated under the Lima order, and from a number of local dairies, most of which are located in Elyria or Lorain.

In southwestern Lorain County the 10 townships of Henrietta, Russia, Camden, Pittsfield, La Grange, Brighton, Wellington, Penfield, Rochester, and Huntington should not be included. These townships are served almost exclusively by local dealers whose distribution, in turn, does not extend into the northeastern half of the county. Brownhelm township, at the northwest corner of the county, should also be excluded. The major portion of the milk distributed in the township is from dairies located at Sandusky and Vermilion. These dairies do not distribute milk east of Brownhelm, so the eastern boundary of the township appears to constitute a practical boundary between the Cleveland market and marketing areas to the west.

To the east of Cleveland the expansion of the marketing area should be limited to Mentor and Kirtland Townships and the City of Painesville in Lake County and the city of Ashtabula in Ashtabula County.

The total population of Lake County increased by 25,959 between 1940 and 1950. In Willoughby Township, already part of the marketing area, and in the other localities to be included the increase was 20,397 or 78 percent of the total increase. To some extent the Cleveland handlers have followed established clientele out into these rapidly growing places, and have solicited new business in the process. Three regulated handlers have substantial business in Kirtland and Mentor Townships and in Painesville. These localities are also served by the handler who operates a comparatively large unregulated plant in Ashtabula.

The City of Ashtabula, with a 1950 population of 23,696, is the largest center in Ashtabula County, and accounts for nearly one-third of the total population of the county. One of the presently regulated Cleveland handlers has a large wholesale distribution in the city. Also, the handler whose presently unregulated plant is located there has wholesale and retail business, and does the largest volume of any dealer serving the city. On the basis of the present and historical extent of distribution by Cleveland regulated handlers the city is clearly a part of the marketing area.

Geauga County should not be included in the marketing area. It is essentially a rural county, with a total 1950 population of 26,646. Although handlers presently regulated under the Cleveland order serve a major portion of the consumers in the county, it appears that their competitors would also be regulated by reason of distribution in those portions of Lake and Ashtabula Counties which are to be included in the marketing area. Moreover, the absence of a grade A ordinance in Geauga County raises the possibility that milk of lower sanitation requirements than those required elsewhere in the marketing area could be sold. The minimum prices specified in the order would not be applicable to the production of such milk.

In summary: To the present Cleveland marketing area of Cuyahoga County; Willoughby Township, Lake County; and Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette, and Montville in Medina County; there will be added Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Carlisle, Eaton, Columbia and Grafton Townships in Lorain County; Mentor and Kirtland Townships, and Painesville City in Lake County; and the City of Ashtabula in Ashtabula County.

2. *Definition of producer.* Only one substantive change was proposed in the definition of a producer. This proposal would modify the provision for a handler to divert milk to a nonpool plant during the months of April, May, and June of each year. At present, such diversion is allowed and the shippers maintain their status as producers, payable under the order by the operator of the pool plant for whose account the milk was diverted.

The diversion privilege is designed to reduce the expense of transporting seasonally excess milk to manufacturing plants. Instead of hauling the milk from the farms to the pool plant and re-transporting it to a manufacturing plant, it can be hauled directly to the manufacturing plant by the farm pick-up haulers.

The proposal would interfere with this process to the extent that one new shipper in a hauler's load would prevent the entire load from being diverted as producer milk. Moreover, the proposal is not sufficiently broad to achieve its announced objective of preventing handlers from bringing into the Cleveland pool shippers whose milk was temporarily surplus in some other market. If such practices should constitute a serious problem in the Cleveland market, a proposal should be considered which would completely disqualify shippers primarily associated with other markets, rather than one imposing a restriction on the diversion privilege.

It is concluded that the proposed limitation on the diversion to nonpool plants should not be adopted.

3. *Seasonality of production.* A quota plan should be adopted as the principal means of encouraging a more uniform production of milk during the year. The essence of the plan is that each producer establishes his eligible milk quota during the low production months. Then, in the following flush season he is paid a blend consisting mainly of the Class I price for his eligible milk and approximately the Class II price for any milk which is in excess of his eligible quota.

The seasonality problem arises from the fact that the consumption of Class I milk is comparatively constant while production is commonly greatest in the spring months when pastures become available and other natural factors are favorable. Fluid milk markets must develop a large enough supply of milk to meet Class I sales in the months of lowest output and then must dispose of the excess supply in the spring. Minimizing the excess production will reduce the amount of plant facilities, needed on a short-time basis, the extra transportation costs, the overtime payments to workers and similar inefficient practices necessary to cope with seasonal surpluses.

Under the present order the primary incentive to level production is a wide seasonal variation in the Class I price differential. This is at a minimum of $1.00 per hundredweight in the three flush months, $1.45 in three intermediate months and $1.90 in the six months when production should be encouraged. There has been some improvement in the seasonality of production since the present schedule of differentials became effective in November 1952. Average production per producer per day in May 1952 was 55.0 percent over the average in November 1951; in May 1953 it was 50.2 percent over November 1952; and in May 1954 it was further reduced to 44.4 percent over November 1953. However, fall production in the United States as a whole has been higher in the last three years than formerly, and it is not possible to determine the extent to which the Cleveland improvement is just part of the general pattern. In any event the flush season supply in Cleveland continues to be excessive.

The producer proponents of the eligible milk quota plan maintained that it will be a more effective means of levelling production. The chief advantage was held to be the fact that each producer sets his own fall quota. In the following flush period he recieves an eligible milk price which is determined solely by the quota milk, without being reduced by excess milk. Any excess milk he produces will be paid for at a manufacturing price and the quantity of his excess is subject, within the limits of natural causes, to his own efforts.

Data prepared by the market administrator at the request of producers disclose a wide range in the seasonality of production of individual producers. These data compared average deliveries per day in May 1954 with deliveries in the previous November. Approximately 24 percent made May deliveries 50 percent or more in excess of November; another 23 percent were between 35 and 50 percent over; 40 percent were between level production and a 35 percent excess; and 13 percent actually delivered more milk in November than in May. The first group contribute far too much spring milk in proportion to their fall season production, while the latter group specializes in producing at the season when milk is most needed and should be rewarded accordingly.

Terminology to be adopted in the quota plan includes definitions of "eligible milk" and "ineligible milk", and involves the assignment of producer milk receipts as either "eligible milk" or "ineligible milk". The three fall months, October through December, would make up a quota-forming period. These three low-production months of the year, are the period during which production drops closest to minimum market requirements for fluid milk. The quantity of milk which a producer furnished to a pool plant during the months of October through December would determine the quota which such producer would be allowed as "eligible milk" during the following April through June, the high production months.

A producer's daily quota would be calculated on the basis of his total milk deliveries made regularly to pool plants during the low production period divided by the number of days on which deliveries were made, but in no event less than 30. Also a producer must have made regular shipments from the date of his first shipment inthe October–December period. This is accomplished by dividing the total pounds of milk delivered during the 3-month quota-forming period by the number of days from the date of first delivery to the end of the 3-month period. These provisions are designed to permit only regular producers to earn eligible quotas and to prevent any evasions based on short-time deliveries.

Producers proposed that the period of payment on eligible and ineligible milk be the eight-month period of February through September. However, a review of the month-to-month variation in producer receipts indicates that the months of April through June are the months of greatest excess. In a market where a quota plan is being introduced for the first time it is highly desirable that its period of application be as limited as possible without destroying the desired effectiveness of the plan. Applying the quota-operating period to the three months when production in relation to fluid sales is most excessive, will offer substantial monetary reward to those producers who level their annual production to meet more nearly the needs of the market. During the remaining months of July through March all producers on the market would receive the market "blend" or uniform price.

No means of earning an eligible milk quota is allowed for a shipper who either fails to ship for the 30-day minimum period during October–December or for producers who join the market subsequent to December. They will receive the ineligible milk price for their deliveries during April, May and June, and the uniform price in all other months. The original proposal for an 8-month plan would have provided an opportunity for a new shipper to earn an eligible quota but an established shipper who either failed to make any quota or made a poor one through circumstances beyond his own control would not have such opportunity. In view of the short operating period adopted herein and the fact that new producers are not commonly signed on until after June, it appears preferable to allow quotas to be formed only in the three fall months.

Under the circumstances which have prevailed in recent years, the ineligible, or over-quota, milk would be paid for at the Class II price. However, it is provided that if the ineligible milk exceeds the Class II and Class III sales, the excess would be valued at Class I and raise the ineligible price to that extent. The Class II price is used because it is more generally representative of manufacturing milk values than the Class III price which is confined to the butterfat used to produce butter. The eligible milk price would be computed by dividing the remaining pool funds by the volume of eligible milk. In recent years it would be somewhat less than the Class I price because the fall deliveries of producer milk have been in excess of the Class I sales.

Operation of the eligible-ineligible plan for paying producers requires certain rules in connection with the establishment and transfer of quotas to provide reasonable administrative workability of the plan. However, to accomplish this purpose and yet preserve the effectiveness of the plan, transfers of quotas should be limited to situations in which producers may die, or enter into military service, or wherein joint production arrangements are dissolved. Since the quota plan herein proposed is to be effective in determining producer payments in only three months of the year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and transfer of quotas to meet unusual situations do not appear necessary. To provide for the possible delivery of producer milk on an every-other-day schedule, both the quota-forming and quota-operating provisions convert such deliveries to a daily average basis.

4. *Pool plants.* There are two major categories of plants handling milk for fluid use in the marketing area. One is the "distributing" or "city" plant, at which milk is bottled and from which milk is distributed on routes in the area. The second category is composed of "supply" or "country" plants to which milk is delivered from the farms, cooled, and shipped to distributing plants for bottling.

(a) *Distributing plants.* A distributing plant should be designated as a pool plant if any fluid milk, skim milk, buttermilk, flavored milk, or flavored milk drinks, is sold from such plant on routes which extend into the marketing area, provided that 50 percent or more of the total receipts at such plant from producers and from supply plants of milk approved for fluid use is distributed on routes either inside or outside the marketing area. An exemption should be provided for plants located outside the marketing area and distributing less than 300 points per day of the specified milk items on routes wholly or partially within the marketing area.

The present definition of distributing plants designates as pool plants all those physically located within the marketing area. Distributing plants located outside the area are not pool plants unless 10 percent or more of the total route sales are on routes operated wholly or partially within the marketing area. A major objective of the 10 percent feature is to measure whether or not a plant is sufficiently associated with the Cleveland market to participate in the equalization pool.

Producers called attention to one potentially serious defect of the provision in this regard. They pointed out that a country supply plant, or an unregulated plant primarily engaged in milk manufacturing, could become a pool plant by bottling only token quantities of milk in such plant, and distributing 10 percent or more of such token quantity to an outlet in a marketing area. To meet this situation, they proposed that the 10 percent of in-area sales be computed against total receipts of milk at a plant instead of on total route sales from such a plant.

Moreover, from evidence presented at the hearing it is apparent that there are several handlers distributing milk in portions of the enlarged marketing area whose route sales in such area are less than 10 percent of their total route sales. These are regular, year-'round sales on established routes and the plants are primarily engaged in milk distribution.

The definition of a distributing pool plant should continue to limit the designation to plants primarily engaged in the distribution of fluid milk. However, it appears that in lieu of the 10 percent of in-area sales provision this purpose can be better accomplished by requiring that the total distribution of milk from the plant on routes operated either inside or outside the marketing area must amount to at least 50 percent of the receipt of milk from producers and from country plants. Any plant which does not qualify on this basis should be deemed primarily a country supply plant and its status in the pool should be judged by the standards applied to such plants. No distinction need be made in this definition as to whether the distributing plant is physically located inside or outside the marketing area. The territory where the milk is distributed should be the controlling factor.

The land boundary of the revised marketing area extends over a large territory and some milk plants (probably involving only those located outside the

marketing area) may dispose of relatively small quantities of milk on routes extending into the area. If the amount of such milk is not large, its sale has little or no effect on the marketing of milk in the area. Application of order pricing and payment provisions of these distributors would entail considerable effort and expense and would not contribute to orderly marketing in the area. Handlers operating bottling plants disposing of not more than an average of 300 points of milk per day in the area in any month should be exempt for that month from all except the reporting and auditing provisions of the order. Limitation of the exemption to a plant from which is disposed such a small quantity (less than one economical route), and which transfers no milk to other handlers, would furnish adequate protection from unfair competition to fully regulated handlers, and guard against any threat to orderly milk marketing in the area.

(b) *Supply plants.* Under the terms of the present order there are two sets of standards relating to the pool status of country supply plants. One set described the conditions under which a country plant which had not previously been associated with the market may obtain pool plant status. The second set describes conditions which must be met for maintaining pool plant status. A new country plant may qualify as a pool plant only if it has furnished to city distributing plants 50 percent or more of its total dairy farm supply of milk during six consecutive fall months. Once it has become qualified it remains a pool plant until the operator specifically requests disqualification under specified conditions, or until the plant fails to meet the performance standards necessary for qualification. These require that at least 50 percent of the dairy farm supply be furnished to city distributing plants in any three of the four months of October through January, and 10 percent of the supply during each of the other months except April, May, June, and July.

Handlers proposed that a pool plant not be disqualified so long as the average quantity of milk furnished to city distributing pool plants during the six-month period, July through December, was equal to 25 percent or more of the dairy farm receipts of eligible quota milk at the country plant during the same months. They contended that it is impossible to specify in advance the months during which maximum shipments must be made to city plants. It had been their experience that city plants might call on virtually all of the country plants' supply during a given month and have relatively little need for milk a month or two later.

The data contained in Table 15 of Exhibit 5, introduced at the hearing by the market administrator, corroborate the handlers' contention. These data show the quantities of milk transferred to city plants and the percentage which the transfers were of total receipts from country plants from January 1949 through October 1954. In the fall and winter of 1949–50, October through January were the four months of greatest shipment. In 1950–51 most shipments were made in November through February. In each of the succeeding years, 1951 through 1953, the four fall months of September through December were the months of largest shipment, also the percentages of transfers varied considerably from month to month but were substantially smaller in 1952 and 1953 than in 1951 or previous years. The shipping experience of individual country plants would, of course, be substantially more variable than the marketwide averages.

It is difficult to establish an objective measure of a country supply plant's contribution to the market which will be valid under all possible conditions. However, it does appear that an average percentage of shipments over a period of months will more realistically measure such contribution than the present requirement that specific quantities be shipped in each of the specified months. It is concluded that in order to maintain year-'round status as a pool plant, a country supply plant should furnish to city pool plants 30 percent or more of its dairy farm supply during the six-month period, August through January. These are the six months when historical data indicate that maximum shipments have been made to city plants. In three of the five short seasons for which the data are available, 1949–50 through 1953–54 these were the months of maximum shipments. They are also the months when the maximum Class I price differential applies. There appears to be no present reason to expect that months of maximum shipment will be materially changed by the eligible allotment program. If the program should make a substantial change in the city plant requirements for country station milk, the period can be reconsidered.

It is difficult to determine from the data of record how nearly comparable a 30 percent average for a six-month period is to present provisions of 50 percent in three of the four specified months, and 10 percent in the five other months, because the new system gives the plant credit for any shipments which may be in excess of the minimum during any particular month. It is intended that the requirements should be somewhat easier to meet than those in the present order because of the discontinuance of Sunday retail distribution. City plants require large quantities of milk on Thursday and Friday, and much smaller quantities than formerly on Saturday and Sunday. Thus, even in a month of active demand a country plant will be unable to ship its full supply of milk and will probably have to manufacture substantial quantities of weekend receipts.

Corresponding changes should be made in the provisions under which a new country plant may originally attain pool status. Under the present provisions a new plant does not acquire status until it has furnished milk for a six-month period. During these months the dairy farmers who supply the milk are not considered "producers" under the terms of the order, the plants are not included in the equalization pool, the milk is not classified or priced under the order, and the milk is "other source" to the city plant handler and is so allocated. The lack of producer status would also prevent the dairy farmers from earning an eligible allotment. These deficiencies can be remedied without any substantial change in the measure of a supply plant's contribution to and identification with the market by having such a plant qualify as a pool plant in the first month that its shipments to city plants were 30 percent or more of its dairy farm supply. This could occur in any month of the year, but a new country plant would, of course, be most likely to start shipments during the normally short period. It would maintain its status in each succeeding month that the 30 percent average was maintained, and would become a pool plant for the entire following year if its total shipments during the August through January period were equal to 30 percent of its dairy farm receipts for the six-month period.

(c) *Provisions relating to "other source" milk.* Under the terms of the attached amendments to the Cleveland order, the scope of regulation has been increased and the categories of "other source" milk have been correspondingly reduced. The amendments provide that any plant primarily engaged in fluid milk distribution and having a significant volume of sales in the area will be fully subject to the order. The present order, on the other hand, provides that distributing plants physically located outside the defined marketing area not be fully regulated unless 10 percent of their total sales are in the marketing area and that the in-area sales be considered as "other source" milk until they constitute the minimum percentage.

With respect to milk from supply plants, the major change accomplished by the amendments is that new plants which ship the requisite percentage of milk to city distributing plants will be fully regulated and pooled on a month-to-month basis. Under present provisions their milk is "other source" until they have completed six months of shipments.

The provisions for determining the classification of producer milk at plants receiving milk both from producers and from other sources were not reviewed at the hearing. The order provides that other source milk be allocated to the lowest classes of use in such plants. This gives producer milk a priority on the highest available utilization. Any supplemental milk which a Cleveland regulated handler may purchase in bulk or bottled form from any other Federally regulated market is also considered as other source milk under the Cleveland order and is allocated to the lowest available utilization to determine the classification of any producer milk in the handler's plant. This point is covered in more detail in topic 13 hereof.

The Cleveland order provides for a marketwide pool. Under this pooling plan, handlers whose proportion of utilization in Class I is greater than the market as a whole make payments into an equalization fund and those handlers whose proportion of utilization in Class I is less than the average for the market receive payments out of the equalization fund. This method of payments into and out of the equalization fund is the essential mechanism for providing uniformity of payments to farmers irrespective of the handler to whom they deliver their milk and provision for equalized payments to farmers is necessary to the maintenance of stable and orderly marketing conditions in the Cleveland area.

Because handlers with less than the market average proportion of milk in Class I may draw payments out of the producer-settlement, or equalization fund, there is an advantage to any plant operator who has less than the marketwide average proportion of milk in Class I to place himself under regulation in order to obtain these payments and, thereby, make it possible for him to pay the uniform price established under the order to his producers. The smaller the plant operator's proportion in Class I, the greater is the advantage of regulation to him. Under these circumstances, plants which are engaged primarily in the manufacture of milk into dairy products rather than as suppliers of Class I milk to the marketing area, will attempt to place their plants under regulation for the sole purpose of obtaining payments out of the equalization fund. The result of this, however, will be to reduce the returns to those farmers whose milk actually constitutes the regular source of supply of Class I milk for the marketing area.

It is necessary for the reasons stated, therefore, that that milk which in fact constitutes the regular and normal sources of supply for the marketing area be distinguished from other milk which might enter the marketing area. The pool plant definitions of the order, described under (a) and (b) above, are designed to identify the regular and normal sources of supply for the Cleveland marketing area. Any plant, no matter where located, may bring itself under regulation by performing in the manner required, and any plant may relieve itself of regulation when it no longer operates in a way that brings it within the scope of the order. Under the circumstances, the decision as to whether a plant will be fully regulated under the order or will not be subject to regulation is determined by the decision of the plant operator himself.

Any milk sold in the marketing area must, of course, conform to the sanitary requirements imposed by the local health authorities. However, handlers may meet these requirements without becoming regular and dependable sources of supply for the market since their milk may have been obtained as a supplemental supply during temporary periods of emergency or their sales may be an extremely small portion of a primary distribution in some other area. Clearly, it is not possible to identify the regular and normal supply for the Cleveland area solely on the basis of sanitation requirements.

Neither is the shipment of milk to the marketing area for Class I utilization a practical basis for identifying the milk which should be fully regulated under the order. If any small, incidental, or accidental shipment of milk into the marketing area were to bring all of the milk at the plant from whence such shipment was made under total regulation, great hardship could be caused to the operator of such plant and to the farmers delivering milk to such an operator. Small quantities of milk are, in fact, disposed of in the regulated marketing area as Class I from plants which are not normal or regular sources of supply for the marketing area, particularly in the Fall season, when supplies are seasonally lowest. Moreover, the operators of the plants from which such shipments arise may not wish to bring their plants under total regulation. There are many situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk to the marketing area and with respect to which it is neither necessary nor desirable in terms of effective regulation to bring the operators of such plants fully under the regulation. For instance, a plant which is associated with a market outside of the Cleveland area may find it advantageous to ship milk to a plant regulated by the order in order to have such milk converted into manufactured dairy products. It is quite possible, however, through misunderstanding, or from errors of estimating the utilization of milk, for milk which was intended for utilization in Class II or Class III products to be assigned a Class I classification. If through such accident or misunderstanding a plant were placed completely under regulation, considerable hardship, unnecessary to effective regulation, might result. For this reason, it is not practical nor desirable to place a plant totally under regulation merely because a small quantity of milk shipped by it to the market finds its way into a Class I utilization.

Since neither the health regulations nor the possibility that some milk from a plant may be used for Class I purposes in the marketing area provides an adequate measure of a plant's regular status in the market, the pool plant provisions are based on regular performance as previously described. The regular supplies are fully priced under the order and participate in the equalization pool.

The irregular supplies of "other source" milk which may be sold in the market are not priced under the order. The conditions under which unpriced milk has been or would be drawn upon to supply Class I sales in the area have been reviewed. If any handler were able to obtain a price advantage on such milk, he would be in a favorable competitive position relative to the handler's buying producer milk at Class I prices. To prevent such an advantage the attached amendment provides that a payment shall be made into the producer-settlement fund on all other source milk classified as Class I at a rate equal to the difference between the Class I and the Class II price. Payments at this rate are necessary to maintain the integrity of the pricing and pooling provisions of the order. The only exception to these payments is that they are not assessed at times when total supplies of producer milk in the market are not adequate to cover Class I needs and a reasonable reserve. This exception is described in detail in a subsequent paragraph.

It appears from the record that essentially all of the other source milk utilized for Class I purposes in the marketing area has been of Grade A quality and, therefore, similar in quality to that regularly disposed of in the marketing area for Class I. It was produced as part of a supply intended primarily to meet the demand for milk for fluid consumption (or the equivalent of Class I milk uses under the order) in some area other than the area specified to be regulated by this order but it was not used for such purposes in the area for which it was produced. It was, instead, milk which became surplus to the needs for milk for fluid disposition in the area for which it was produced. If the plant operator had not found a sale for such milk within the Cleveland marketing area, it would have been necessary for him to convert the milk into a manufactured product. The most likely surplus disposition of this other source milk would have been to plants engaged in processing milk into such manufactured dairy products as butter, cheese, ice cream, or nonfat dry milk solids.

Its value, therefore, to the plant operator was a surplus milk value. The Class II price for milk under the attached amendments is based on the value of milk when it is converted into butter and nonfat dry milk solids or the prices paid for milk at a group of local dairy products manufacturing plants, and this is the price which regulated handlers are required to pay for milk when they convert it into manufactured products. A further allowance is made on Class III butterfat converted into butter or contained in allowable shrinkage under certain conditions, but does not have general applicability. The Class II price, therefore, represents an accurate and fair representation of the value to the receiving plant operator of surplus milk which is disposed of as other source milk for Class I purposes in the marketing area.

If unregulated plant operators were allowed to dispose of surplus milk for Class I purposes in the regulated marketing area without some compensating, or neutralizing provision in the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area at whatever time such milk might be available. The plan of Congress, as contemplated under the Agricultural Marketing Agreement Act of 1937, of returning minimum uniform prices to the producers for the regulated marketing area, would be defeated. Moreover, inefficiencies in the marketing of milk would be encouraged, for the regulated market would obtain its Class I milk not from the regular and normal sources of supply for the market but from other sources of supply generated solely as a result of the occasional price advantage created for unregulated milk by the regulation itself. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk therefore is

an essential and necessary provision of this order. Since the value for Class I milk in a regulated market is established at the level of the Class I price provided for in the order and since the true value of other source milk when disposed of in the marketing area is the Class II value, a payment computed as the difference between the Class I price and the Class II price will remove the advantage which other source milk would have when disposed of for Class I purposes in the marketing area.

A possible alternative method of determining the rate of the compensatory payments was explored at the hearing. Such rate would be equal to the difference between the Class I price and the price actually paid by a handler for other source milk of Grade A quality. Under the circumstances which prevail in the Cleveland marketing area, a handler normally would come into possession of this type of other source milk by purchasing it from an unregulated milk plant. The milk which such a handler receives under these circumstances is at a different stage in the marketing process than is the milk which would be priced under an order. Order prices apply to milk as received at the first plant from individual farmers. The price paid by a handler for other source milk applies to milk which has already been received at the first plant, weighed, tested, cooled and placed in a transportation conveyance. Obviously, the handler generally will pay more for other source milk under this condition than he would for milk received directly from farmers, for the plant operator who first receives the milk from farmers must necessarily obtain a markup if he is to be recompensed for the services which he has performed on the milk. In some situations, the purchase of other source milk might be made from a plant operated by the same company as the regulated plant. Thus, the transaction would be primarily a matter of bookkeeping within the same company and it would be advantageous to the company if the price for the milk were to be stated as the Class I price. For by this means, all compensatory payments into the equalization fund would be avoided. Even between plants controlled by different companies, the advantage of showing that the price at which the milk was exchanged was at least as high as the Class I prices would give great impetus to the effectuation of paper transactions showing a price at least equal to the Class I price while undisclosed payments were made in order to avoid the imposition of the compensatory payments into the equalization fund. Under these circumstances, it is impractical from an administrative standpoint to provide for a payment the actual amount of which is within the control of parties to the transaction. It is essential instead that the payment be computed on an objective basis and that it be equal for all handlers for similar transactions. The proposed method of computing the payments conforms with these requirements but this alternative method fails to do so.

Another possible rate of payment would be based on the difference between the price paid by the first receiver to farmers and the Class I price. However, from evidence presented at the hearing it is clear that this method would also be impractical under the circumstances prevailing in the Cleveland market. The primary reason is that some plants purchase some or all of their milk from other plants rather than directly from dairy farmers. Also the payment plans which are used by unregulated operators include such varying practices as paying uniform prices on a straight utilization basis, paying on a base and excess plan, paying irregular and non-uniform premiums, absorbing transportation charges, and paying on a variety of butterfat and location differentials. This wide variety of payment plans would render impossible an accurate ascertainment of the actual prices paid to farmers by the first receiver. But what is equally as important, as shown above, is that the price actually paid to farmers does not determine the true value of other source milk disposed of in the marketing area. The true value for such milk, irrespective of the price paid for it to farmers, is the manufacturing value because other source milk disposed of in a marketing area is in fact the surplus of milk produced primarily for sale in an area outside of the regulated marketing area. Hence, although other suggestions for computing the rate of the compensatory charge have administrative and other difficulties inherent in them, in the final analysis even if they were administratively feasible, they would not be fully effective in removing the advantage which attaches to other source milk when it is used as Class I milk in the regulated marketing area. Only the difference between the Class I price and the Class II prices accurately reflects this advantage and consequently only this rate will be fully effective in dealing with the problem of integrating other source milk (when used as Class I) into the regulatory plan.

Compensatory payments should not apply to purchases of supplemental milk at times when the market as a whole is short of producer milk. This effect is achieved under the present order by allowing a city plant to purchase up to half of its milk from unregulated sources without making compensatory payments. As previously mentioned, this provision is related to the present order provisions for the qualification of new supply plants, but the exemption from compensatory payments is not confined to purchases of milk from plants which are in process of qualifying. Since the attached amendments would give a new supply plant immediate pool status on a month-to-month basis, the compensatory payments have been made to apply to all other source milk used in Class I at a pool plant, unless the market is short of producer milk.

At times in the past when the Cleveland market has been short of producer milk, supplies of quality milk from other sources have also been limited and more costly than the minimum Class I prices established under the order. The Cleveland market is so large in relation to the other fluid milk markets in northern Ohio and Indiana, and its milkshed so widespread as to make it probable that other source milk would also be expensive during any future situation of short supply.

The Cleveland market should be considered short whenever producer receipts are less than 110 percent of the gross Class I utilization at pool plants. This is below the percentage adopted as "standard" in the supply-demand adjustment, and the market can be considered definitely short of milk at this monthly average percentage because of daily and weekly variations in sales and receipts during the month. The percentage standard is based on marketwide data. No handler can obtain other source milk without an equalizing payment merely by buying short from his own producers. He must either take on sufficient supplies for his own use or depend upon other handlers who have supplies in excess of their own Class I needs.

No compensatory payments are required under the Cleveland order on milk classified and priced under another Federal order. The close relationships between the Cleveland, Akron, and Stark County, Lima, Toledo, Fort Wayne, and Detroit markets have already been described. Since the Class I prices in the competing markets are so closely aligned with those under the Cleveland order, there is no prospect of handlers in any one of the several markets achieving a competitive advantage over any significant period of time.

All funds collected from other source milk should be added to the producer-settlement fund. Since the compensation payments apply only when there are adequate supplies of producer milk in the market, the payments will compensate producers for the loss of income represented by the Class I sales of other source milk.

The regulated handler should be obligated to make the compensatory payments. There will be no difference in actual price paid for milk whether the payment is made by the regulated handler or by the operator of the unregulated plant from which the other source milk is obtained. However, the regulated handler makes the actual distribution of milk and reports its utilization to the market administrator, therefore from an administrative viewpoint he is the logical one to make the payment.

5. *Responsibility and reclassifications.* Handlers proposed that accountability for the classification of milk be shifted to the ultimate user of the milk instead of being left with the handler who first received the milk from producers.

The handler who had encountered the most difficulty with the present provision operates a country supply plant and sells milk to a number of distributing plant operators. It is apparent that whether the operator of a country plant remained responsible for audit adjustments and other reclassification or whether this responsibility was shifted to the city plant, the two parties would have to agree between themselves on the incidence of such adjustments. Also, it was testified that the amounts involved had been

greatly reduced since the market administrator developed a procedure for reconciling the original utilization reports of the country plant and the several city plants. In view of these considerations and the general administrative desirability of keeping the responsibility applicable to the operator of the plant of first receipt, especially in case of transfers to nonpool plants, it is concluded that the proposal should not be adopted.

6. *Allocation of milk.* The provision for prorating other source milk with producer milk in the allocation of producer milk to the several classes of utilization should be deleted.

The order now provides that other source milk may be allocated on a pro rata basis by each handler to the extent that producer receipts are less than 110 percent of Class I sales at his plant. On the other hand, whenever producer receipts are in excess of 110 percent of the handler's Class I utilization, any purchases of other source milk by the handler must be allocated to the lowest class of utilization, thereby assigning producer milk to the higher classes of utilization.

The amended provisions for qualifying new country supply plants as pool plants on a month-to-month basis will greatly reduce the applicability of the prorating provision. Under the present order the milk from a newly qualifying country plant remains other source until after the 6-month shipping period is completed. Under the prorate provision, any distributing plant which was short of producer milk could purchase the other source milk from the new plant during the months of October through January without having its producer milk allocated to the higher classes. The amended pool plant definitions would designate the country plant milk as producer milk in each month that the minimum percentage requirements were met.

The prorate provision conflicts with the principle that producer milk should be allocated to the highest classes of use because it is the milk which is regularly available for fluid consumption in the marketing area. It permits an individual handler to purchase other source milk and leave proportionate quantities of producer milk in Class II or Class III at a time when there may be abundant supplies of producer milk elsewhere in the market.

It was testified that the Cleveland handlers have been so well supplied with producer milk in recent years that the prorate provision has been virtually inoperative. It appears, therefore, that the deletion of the provision is particularly appropriate at this time since it will not necessitate any major adjustments in the procurement plans of handlers.

7. *Method of stating class prices.* The order should be revised to provide that Class prices for milk be stated in terms of a hundredweight of milk containing 3.5 percent butterfat, with a differential for each one-tenth of a percent that the actual butterfat test varies from 3.5 percent.

The butterfat and skim milk utilized in each class is accounted for separately under most of the Federal orders, including all the orders in Ohio. The price per hundredweight of milk must, of course, be allocated to the skim milk and butterfat components. In most orders throughout the United States this is accomplished by specifying a basic butterfat test and a butterfat differential, which is the amount to be added or subtracted from the announced price for each one-tenth of one percent variation in butterfat content. Under the present Cleveland order the 3.5 percent price is only an intermediate computation; official class prices are then computed and announced separately per hundredweight of butterfat and per hundredweight of skim milk. There is no substantive difference between the two means of computing and announcing class prices. However, the butterfat differential method is more simply stated, focuses attention on the 3.5 price, and is used in the majority of orders which utilize a butterfat and skim milk accounting system.

8. *Class I prices.* The three major changes in the Class I price provisions are that (a) the stated Class I differentials should be changed to $1.35 per hundredweight during the six flush months of February through July and to $1.80 during the short production months of August through January; (b) the seasonal pattern of the standard utilization percentages in the supply-demand adjustment should be modified to reflect recent and prospective changes, retaining, however, the present standard of 117 percent in November and the present schedule of price changes; and (c) the Class I butterfat differential should be set at 30 percent over the market price of butter, with the 45-cent per hundredweight discount on cream eliminated.

(a) *Stated differentials.* Under the present order, seasonal changes in the level of the stated Class I price differentials are relied upon to provide the principal economic incentive for producers to furnish uniform quantities of milk to the market at all seasons of the year. The differential is at a low of $1.00 per hundredweight over basic formula prices in the flush months of April, May, and June; at an intermediate level of $1.45 during February, March, and July; and a peak of $1.90 during the short production season of August through January.

The eligible allotment plan was proposed as a more directly effective means of encouraging level production. It depends upon a maximum difference between the eligible and ineligible prices during the spring flush months to encourage producers to earn as large an eligible allotment as possible in the previous fall and to minimize the production of ineligible excess milk in the spring. Any seasonality in the Class I differential reduces the flush season difference between the eligible and ineligible prices. However, producers proposed that less complete reliance be placed upon the quota plan at its inception. They proposed that a 45-cent seasonal variation be retained. In view of the importance of educational efforts to the success of the plan and the subjective nature of seasonal incentives in general, it is concluded that a 45-cent variation should be adopted. The high price of $1.80 will be effective in the same months, August through January, as the maximum price under the present order, and the $1.35 will prevail in the remaining six months of February through July.

The stated Class I differentials of $1.35 and $1.80, for 6 months each, average virtually the same as at present, $1.57½ as compared with the present $1.56¼. Producers had proposed that the average of the Class I differentials be increased to $1.63¾ and that the supply-demand adjustment, which has reduced the price in most months, be eliminated. However, it is apparent that the present schedule of Class I differentials and the supply-demand factor have been high enough to attract an adequate supply for the needs of the market. A supply equal to 117 percent of Class I sales is considered normal in the month of lowest production; in 1953 the lowest supply in October, was 125.4 percent of sales and in October 1954 the low was 132.5 percent. Developments which may tend to reduce milk supplies include the announcement by the Cleveland health authorities of a requirement that milk be delivered to the plant at such a low temperature that mechanical coolers on the farm would become a virtual necessity. These are not only costly, but also the use of electric power as is required by such cooling equipment is contrary to the religious beliefs of many producers in the area. The Brucellosis eradication program recently undertaken by State authorities may also significantly affect herds in the area. However, if these or other future developments prove that the stated Class I differentials are inadequate to assure a full supply of milk, the supply-demand adjustment will provide automatic price increases for such time as may be required to arrange for review of the entire Class I price structure at a public hearing.

Another gauge of the level of Class I prices is provided by a comparison with prices in the markets with which Cleveland handlers compete for supplies or in the distribution of milk. The Class I prices which have been in effect in Cleveland since the inception of the supply-demand provision (August, 1953) appear to have been in appropriate adjustment with those in competing markets. Official notice is taken of Class I price data showing that during the 17-month period, August 1953 through December 1954 Cleveland prices compared with those in competing markets as follows:

Competitive market		Cleveland market	
Market	Class I price	Class I[1] price	Competitive point
Cincinnati, Ohio[2]	$4.53	$4.40	East Liberty, Ohio.
Columbus, Ohio	4.38	4.40	Do.
Dayton-Springfield, Ohio	4.46	4.40	Do.
Detroit, Mich.[3]	4.22	4.32	Coldwater, Mich.
Lima, Ohio	4.44	4.38	Lima, Ohio.
Stark County, Ohio	4.67	4.66	At Cleveland.
Toledo, Ohio	4.44	4.44	Bowling Green, Ohio.

[1] City plant price less location adjustments at the indicated competitive points.
[2] At plants over 45 miles from Cincinnati.
[3] At Litchfield, Mich., the closest Detroit plant to Coldwater, Mich.

It will be seen that Class I prices under the Cleveland order have been very closely in line with those in other Ohio markets and Detroit during the 17-month period. Moreover, during 1954 the Class I prices under the Lima order were related directly to the Cleveland price less location differential, and those in the Stark County were adjusted to stay as closely as possible to 5 cents less than the Cleveland Class I price.

The year 1955 will be a period of transition between the seasonal price plan and the quota plan. Beginning in October 1955, producers will be establishing their eligible milk allotment quotas for use during the period April–June 1956. Their plans for breeding, feeding, purchases of cows, and the like will necessarily precede October by many months. Conceivably the changes in the seasonal pattern of the Class I differential could be postponed until April 1, 1956 on the basis that that is the first date when the eligible allotment plan will be reflected in payments to producers. However, producers strongly recommended that the change in seasonality be made effective as promptly as possible. In view of the fact that advance preparations for the plan are already in progress and that the annual average level of the Class I differential is not significantly affected, it is concluded that the changes should be made effective immediately upon the effective date of the amendments contained herein.

(b) *Supply-demand adjustment.* The supply-demand adjustment provisions of the present order should be retained, but a substantial modification should be made in its seasonal effects.

The adjustment was not reviewed in as much detail as at the hearing of June 17, 1953 nor was evidence presented which alters the conclusions contained in the final decision issued by the Acting Secretary on July 27, 1953 (18 F. R. 4473). Producers and those handlers who submitted proposed amendments to the Class I price provisions, specifically omitted any supply-demand adjustment. Their principal basis for this omission was a belief that the amounts subtracted from the stated Class I differential over the 15-month history of the present adjustment had resulted in unduly low prices. The preceding analysis of the general level of the Class I prices which have prevailed do not support this conclusion.

However, it is apparent that the seasonal pattern of the present adjustment has not coincided with recent or prospective conditions in the market. From March 1, 1952, when the latest country supply plants became qualified, to date, the seasonality of the utilization percentages has been remarkable uniform and substantially different from the standard percentages incorporated in the order. (In this period supplies have also averaged approximately 13 percentage points above the standard in relation to Class I sales but this is a matter of the production level rather than of seasonal pattern.) In two of the three years October supplies were actually lower than in November, whereas the present standard reflects substantially higher supplies. September supplies have also been lower in relation to sales than is reflected in the standard. On the other hand flush season supplies during 1952–54 have been in almost the same proportion to November supplies as in the order standard.

The average utilization percentages for the three-year period March 1952 through February 1955 (official notice is taken of these data for the last 4 months of the period) ranged from 128.9 percent for October and 129.9 for November to a high of 190.6 for May. Reduced to a November average of 117.0, the present normal for the month of lowest production, the three-year average for May would be correspondingly reduced to 171.7 percent. In anticipation that the eligible quota plan will reduce the flush season excess, it appears that the revised normal utilization percentages should be further reduced to a maximum of 165.0 percent in May.

The revised normal percentages and the new standard utilization percentages, based on the normal percentages for the first and second preceding months, would be as follows:

Month	3-year percentage, adjusted [1]	Normal percentage [2]	Standard utilization percentage [3]
January	130.0	130.0	120
February	133.8	133.8	127
March	143.8	143.8	132
April	150.2	150.2	139
May	171.7	165.0	147
June	162.2	158.0	158
July	140.2	140.2	162
August	133.0	133.0	149
September	123.2	123.2	137
October	116.1	117.0	128
November	117.0	117.0	120
December	123.9	123.9	117

[1] Averages for the period March 1952–February 1955, adjusted to November 117.0.
[2] Percentages for May, June, and October adjusted to reflect anticipated changes in seasonality.
[3] Average of normal percentages for the first and second preceding months, rounded to nearest whole number.

The change in seasonality of the standard utilization percentages should be the only modification in the supply-demand adjustment. The level of the adjustment should continue to be set at 117 for the month of November, the first and second preceding months should continue to measure oversupply or undersupply, and the schedule of price changes should remain as at present. The adjustments which would have prevailed during 1954 under the amended schedule of standard utilization percentages would have been –25 cents in all months except September and October 1954, when it would have been –19 cents.

(c) *Butterfat differential.* Serious consideration was given at the hearing to possible revision of the relative values of butterfat and skim milk in Class I, with special attention being given to fluid cream. Under the present order, cream is classified as Class I but the price per hundred pounds of 3.5 milk utilized to produce cream is 45 cents less than the price for other Class I uses. In both categories of use 70 percent of the Class I price is assigned as the value of the 3.5 pounds of butterfat and 30 percent as the value of the 96.5 pounds of skim milk. Since the price of Class I milk varies seasonally, the value of the butterfat used in fluid cream also varies. During the 12 months preceding the hearing (November 1953 through October 1954) the price per pound of butterfat in fluid cream ranged from a low of 1.13 times the price of 92-score butter at Chicago in May and June to a high of 1.52 times the price of butter in September and October. The 12-month average was 1.33.

There is a considerable volume of "open market" cream sold through brokers in the Cleveland market area. It was testified that such cream has been available at prices which are below the fluid cream price under the order by as much as $5.00 per 10-gallon can of 40-percent cream. Handlers contended that most users of bulk cream obtained their supplies from brokers rather than from regular handlers. Apparently cream from some plants, not subject to the order may also be of suitable quality for distribution as bottled cream. Such evidence as was presented at the hearing on the prices charged by cream brokers indicates that such prices are maintained at a reasonably consistent relation to the butter market. Although there was conflicting evidence on the exact level of brokerage cream prices, it appears that the value of 1.3 times the butter price will be appropriate. This is somewhat lower than the average order value during the past 12 months and is the same value as specified in the Toledo, Lima, Canton, and Akron orders.

Handlers also indicated that the fundamental problem underlying their proposal for a lower classification on skim milk and butterfat disposed of to bakeries, candy shops, and soup kitchens involved the high valuation of butterfat in fluid cream. It is concluded that the adoption of a Class I butterfat differential at 30 percent over the price of butter for all months of the year will make order prices competitive with brokerage cream and thereby permit handlers to supply those outlets on a fully competitive basis.

During the past 12 months the value of butterfat in Class I items other than fluid cream has ranged from a low of 1.23 times the market price of butter in June 1954 to a high of 1.67 in September and October. In Cleveland, as well as in most markets in the United States, sales of fluid cream and high-test milk have been declining, while sales of skim milk, buttermilk, flavored drinks and other low-testing products have been increasing. This change in consumer habits should be recognized by reducing the value of Class I butterfat and correspondingly increasing the value of the skim milk component. This reapportioning of the values of butterfat and skim milk components is in keeping with continuing reports that butterfat values have been at such high levels as to have had a considerable effect on the downward trend of cream and butter consumption during recent years.

It is concluded that the butterfat differential on all Class I uses should be established at 0.13 times the market price of butter and that the full Class I price should be applied to fluid cream as well as to the other products.

(9) *Class II and Class III.* The changes made in Class II and Class III may be summarized as follows:

a. The new Class II milk includes all manufacturing uses except butterfat used to produce butter or contained in allowable shrinkage. It is a combination of the present Class II (ice cream and cottage cheese) with the present regular Class III items.

b. The new Class II price will be the higher of the present Class III butter-powder formula price or a local plant price, with the exception that during April, May, and June, 1955, the local plant price will prevail. The butterfat and skim milk contained in Class II milk will have the same proportionate values as in the previous Class III.

c. Butterfat in the present "butter-shrink" subcategory of Class III will constitute a separate Class III.

d. The new Class III price will continue to be 5 cents per pound of butterfat below the value of butterfat in the new Class II, if the local plant price is as much as 17.5 cents per hundredweight below the Class II butter-powder value. If the local plant price is less than 17.5 cents below the Class II butter-powder value, the 5-cent discount will be correspondingly reduced, and if the local plant price is the effective Class II price, the price of butterfat in Class III will be the same as in Class II.

Under the present order the two major uses of Class II milk are ice cream and cottage cheese. The other manufactured dairy products are included in Class III, except that butterfat manufactured into butter or contained in allowable shrinkage of producer milk is included in a special subcategory of Class III and priced at a discount below the regular Class III price. The prices of butterfat used in Class II and Class III (except butter and shrinkage) have been the same since November of 1952. However, the price of skim milk in Class II is based upon market quotations for spray process nonfat dry milk solids at Chicago, whereas the value of Class III skim milk is based upon the value of roller process nonfat dry milk solids, f. o. b. manufacturing plants, resulting in values about 25 cents per hundredweight lower than the price of Class II skim milk.

Milk utilized in the manufacture of cottage cheese and ice cream should be classified and priced in the same classification as uses presently included in Class III. Since the Class II and Class III butterfat values are already the same, this change would put all surplus uses of milk in a single price class with the exception of butterfat utilized in the manufacture of butter or included in shrinkage. Accordingly, the present Class II would be expanded to include the present Class III items. Since butterfat utilized in the manufacture of butter and contained in shrinkage is separately priced, it should also be separately classified. Such utilization constitutes the new Class III in the attached order.

The present provisions for higher classification and prices on skim milk utilized in ice cream than in other manufacturing uses have led to several inequities. Condensed skim milk has been an important outlet for nonfat solids in the Cleveland market. This product is used primarily in the manufacture of ice cream. If it is sold to the operator of an unregulated ice cream plant, either within or outside the marketing area, it is priced at Class III. However, if the condensed skim is utilized in the manufacture of ice cream within a regulated plant, it is reclassified as Class II. It was contended at the hearing that this leaves handlers who manufacture ice cream in their own facilities at a substantial price disadvantage in the manufacture and sale of ice cream. It is concluded, therefore, that the classification and pricing of skim milk utilized for the manufacture of ice cream should be the same as that utilized in such other ice cream ingredients as plain or sweetened condensed skim milk and nonfat dry milk solids.

The largest quantities of skim milk presently classified as Class II have been utilized in the manufacture of cottage cheese. It was testified at the hearing that cottage cheese curd is available from unregulated sources and from other Federal order markets at less than Cleveland order prices. Non-handlers have been able to specialize in the cottage cheese business and have succeeded in taking from regulated handlers virtually all sales of bulk cottage cheese to meat markets, delicatessens and similar outlets for bulk cottage cheese in the marketing area. Regulated handlers are not able to compete for this business by using producer skim milk because of the higher price, nor are they able to meet competition by purchasing curd from other sources if they have producer milk in lower classes which would be moved into Class II through the allocation provisions.

The butterfat portion of the Class III butter-powder formula has been established at 20 percent over the price of 92-score butter at Chicago. As previously explained the skim milk value has been based upon the price of roller process powder at manufacturing plants in the Chicago area. However, the large volumes of milk which have had to be disposed of in many outlets during the flush seasons of 1953 and 1954 have necessitated lower prices during April, May, and June of each of the two years. During these periods the Class III price was reduced to approximately the level of the prices paid for milk at local manufacturing plants.

It appears that Class III prices resulting from the order have not been unduly high and should not be reduced. All of the milk delivered by the producers in excess of fluid needs has been marketed for manufacturing purposes. One of the cooperative associations in the market maintains milk manufacturing facilities. Its membership currently comprises nearly 10 percent of the total number of producers supplying the market. In addition to manufacturing all of the excess milk delivered by its own producers, this cooperative has manufactured milk diverted by other handlers. The manager of this cooperative testified that it has handled such milk without loss and that it has paid order prices for milk purchased from other handlers, except in rare cases involving small quantities, irregular supplies or similar conditions. During 1953 and 1954 the Class III butter-powder prices have been substantially above those paid by local plants. The local plant prices have, in fact, been considered as "distress milk" prices and have been utilized in the order only during the months of April, May, and June when burdensome quantities of milk had to be utilized for manufacture. At any time when prices paid by the local plants may be above the butter-powder formula, as a result of stronger demands for milk to manufacture into evaported milk, cheese, or other products, it is appropriate that such prices be used as the Class II price. It is concluded, therefore, that the new Class II price should be the higher of (1) the old Class III butter-powder formula or (2) an average of the prices paid at a representative group of plants, except that in the months of April, May and June 1955, the local plant prices should be used.

Present indications are that the quantities of milk which must be converted into manufactured dairy products in April, May, and June of 1955 and the problems involved in obtaining favorable prices for such milk will be similar to those that prevailed during the corresponding months of 1953 and 1954.

Production per producer and total receipts from producers have continued to increase more rapidly than Class I sales. Receipts in the market are considered normal when they equal 117 percent of Class I use during November, the month of shortest supply, and to 171 percent in the flush month of May. However, during November 1952, the receipts to sales ratio was 9 points above normal and in the following May was 22 points over. In November 1953 it was 12 points above normal and in the following May 20 points over. In November 1954, the ratio was 17 points above normal, indicating the possibility that the oversupply in the coming flush months may be more burdensome than during the flush periods of 1953 and 1954. In such event, handlers' own facilities will again be unable to accommodate all the milk which is not sold in fluid form, and large quantities may need to be shipped to non-handler manufacturing plants.

A similar price problem is also in prospect. During most months of 1953 and 1954 the prices paid by manufacturing plants were substantially lower than usual in relation to butter and powder prices. As a consequence, handlers who had to dispose of milk to manufacturing plants commonly received lower prices than those resulting from the Class III butter-powder formula. Sizeable transportation charges were also incurred on some of the milk so disposed of. Even those handlers who process those dairy products included in the new Class II in their own plants had to pay more for it than the prices paid for milk at the directly competitive nonhandler plants. To the extent that local plant prices are not as far below butter-powder values in April, May, and June 1955 as in the corresponding months of 1953 and 1954, the reduction in the new Class II price will be correspondingly less.

There should not be any special price for milk in the new Class II for the flush seasons following 1955. It is anticipated that the new plan for achieving a more level seasonal pattern of production will have become effective to an extent which should substantially reduce the quantities of excess milk to be disposed in April, May and June of 1956 and succeeding years.

The local plant price to be used as an alternative Class II formula should be the average of the prices paid for 3.5 milk at all of the local plants listed under the Lima, Toledo and Fort Wayne orders. These plants are all located within the Cleveland milkshed. Their prices are representative of the prices paid for manufacturing milk in the area, are used for such purpose under those other orders, and are readily available to the respective market administrators. The present operators and locations of the plants are as follows:

Defiance Milk Products Co., Defiance, Ohio.
Fisher Dairy & Cheese Co., Wapakoneta, Ohio.
Kraft-Phenix Cheese Corp., Kendallville, Ind.
Nestles Milk Products Co., Marysville, Ohio.
Pet Milk Co., Angola, Ind.
Pet Milk Co., Coldwater, Ohio.
Pet Milk Co., Delta, Ohio.
Pet Milk Co., Garrett, Ind.
Pet Milk Co., Hudson, Mich.
Swift & Co., Lima, Ohio.

The butterfat differential paid by handlers for milk utilized in the new Class II should be equal to 0.119 times the price of 92-score butter at Chicago. This will result in the same relative values of butterfat and skim milk as prevailed under the former Class III price. There was no evidence presented at the hearing which would indicate that any change was desirable in these relative values of butterfat and skim milk.

Reducing the classification and price of the skim milk components of ice cream and cottage cheese will, inevitably, reduce the money received by producers for these products whenever the price of the new combined Class II is based upon butter-powder values. However, to the extent that the price adjustment on ice cream and cottage cheese stimulates greater use of producer milk in these products, correspondingly smaller quantities will be used in the manufacture of butter at the Class III price or diverted to manufacturing plants during April, May, and June. Also, the returns from these and all other Class II and Class III uses of milk would be substantially increased during periods like 1951 and 1952 when local plant prices were in excess of butter-powder values.

The new Class III consisting of butterfat utilized in the manufacture of butter or contained in the allowable shrinkage of producer milk, should continue to be priced at 5 cents per pound of fat below the value of butterfat in the new Class II except that the 5-cent discount should apply only when local plant prices are below the Class II butter-powder formula by 17.5 cents or more. (The figure of 17.5 cents is equal to the value of 3.5 pounds of fat at 5 cents per pound.) Whenever the local plant price is below the new Class II butter-powder formula by less than 17.5 cents per hundredweight of 3.5 milk, the discount on Class III butterfat should be correspondingly reduced. There would be no discount when the local plant price was equal to or above the Class II butter-powder formula price.

The discount of 5 cents per pound of butterfat has been allowed under the order to cover the cost of converting the butterfat into butter. The cooperative association which operates a milk manufacturing plant under the order produced large quantities of butter over the past two years. Based upon their experience it appears that 5 cents allowance has been appropriate. However, the value of milk used in the manufacture of butter and by-products should not at any time be less than the local plant price. The local plant prices represent the minimum value at which handlers should be able to convert producer milk in the manufactured products and the value at which competitive products, such as ice cream, cheese, butter, and condensed and dry milks are available. During the past two years, in particular, butter and powder have represented comparatively favorable outlets for milk for manufacture since butter, nonfat dry milk solids and American cheese have been the products purchased by the government in order to make the support program effective. Butterfat content in allowable shrinkage should continue to be valued at the lowest class price.

10. *Location adjustments to handlers.* The location adjustments to handlers on milk used for Class I purposes should be increased to reflect increased costs of transportation. The new rates should start with 20 cents at plants located 60 to 74 miles from City Hall in Cleveland, and be increased by 2 cents for each additional 14 miles.

These compare with present rates of 15 cents at plants located in the 60 to 75 mile-zone, 18 cents at 75 to 90 miles, and 2 cents per 15 miles thereafter. These rates apply both to Class I and Class II.

Handlers testified that the present rates are not equal to the amounts charged by contract haulers for transporting milk in bulk from the supply plants to the marketing area. A few supply plant operators maintain their own trucks and tanks, but the majority depend upon contract haulers. The higher wages paid to drivers, increased costs of equipment, and the axle mile tax in Ohio represent additional costs since the hearing of May 1952, when the differentials were last reviewed.

Milk hauling costs can be considered in two steps. One is the minimum cost of providing the equipment and driver, loading, and cleaning. The other is the cost per mile of transporting the milk additional distances. The most direct testimony on the short-haul minimum was presented by the operator of a supply plant in the 60–75 mile zone. He testified that he had a 20-cent rate with a contract hauler, on the basis of regular daily shipments. The second benchmark for which specific hauling cost data were available involved a plant in the 195 to 210-mile zone. The contract haul charge from this plant is 40 cents, as compared with an allowed rate of 34 cents under the present schedule.

It appears that the rates at intervening locations can most appropriately be set at a constant rate per zone since they are primarily a function of the added distance. Accordingly, and in view of the administrative desirability of keeping the rate in terms of whole cents, the mileage zones for each 2-cent change in rate need to be set at 14 miles beginning at plants located more than 60 miles from City Hall. The same rate structure of 2 cents per 14 miles should be extended to distances beyond the 200 to 214-mile zone. The only cost which is avoided at these distances by plants located in Indiana and Michigan is the Ohio axle mile tax, and this amounts to only seven one-hundredths of a cent per hundredweight per 14 miles.

The handler location adjustment should continue to apply to all Class I disposition from a plant whether the milk is sold within the Cleveland marketing area, locally, or to distant points. Also, since all the manufacturing uses except butter and shrinkage have been combined into the new Class II items, the location adjustment to handlers should be confined to Class I. The location adjustment should apply to any plants which may be located within the expanded marketing area, but more than 60 miles from the Cleveland City Hall by road distance.

Under the present order, the location adjustment to handlers applies to the actual weight of all Class I and Class II products moved to the marketing area. The value of the pooled milk is, therefore, reduced to the extent that handlers physically move milk to marketing area plants for other than Class I requirements. Producers should not bear the transportation expense on such movements of milk. Rather, they should bear the cost of transporting on only that milk which is actually used for Class I purposes. A method is provided for determining the order in which milk from various sources should be allocated to Class I for the purpose of computing the location adjustment. The method gives first priority to milk received directly from producers at the plant which has Class I utilization and then assigns receipts from supply plants in the order of their nearness to the Public Square in Cleveland.

11. *Location adjustments to producers.* The minimum uniform prices to producers delivering milk to plants located more than 60 miles from the Cleveland City Hall should be reduced by the same rate of location adjustments as apply to Class I sales by handlers. This follows the principle that whenever the producers' milk is actually used for Class I purposes, it is worth the market area price less the cost of transporting it to the market. The only modification to this principle is that during April through June, when the eligible allotment plan is operative, the producer location adjustment should be applied only on the eligible milk.

Under the present order the rates of location adjustment to producers and handlers are the same except that an adjustment of 13 cents is provided to

producers delivering to plants in the 30 to 60-mile zone. This adjustment is no longer effective. Handlers receiving milk at plants located in this zone testified that they are commonly obliged to pay premiums equal to or in excess of the 13-cent location adjustment. Further, there are no producer location adjustments at the plants regulated under the Akron and Stark County orders which are directly competitive in the 30 to 60-mile zone. These orders have become effective since November 1952 when the location adjustments in the Cleveland order were last reviewed and modified. It is concluded that handlers operating plants in the 30 to 60-mile zone should be obligated to pay producers the city zone price.

Producers proposed that the location adjustment apply only on eligible milk, in those months when the allotment plan is operative. They maintained that the minimum value of ineligible milk is the manufacturing value which does not vary with distance from the market. The attached order does not provide location adjustments to handlers on Class II or Class III milk. It is concluded that the producer location adjustment should apply only to the eligible milk during the operating months of the eligible quota plan.

12. *Butterfat differential to producers.* The butterfat differential used in paying producers for milk testing above or below 3.5 percent butterfat should continue to be based on the weighted average values of butterfat and skim milk in Classes I, II, and III. This follows the same principle as the payment of a uniform price to all producers. Each producer shares equally in the total value of the handlers' utilization in each class at the basic test of 3.5 percent butterfat. It is equally appropriate that each producer should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent.

A weighted average will give butterfat a somewhat higher value and skim milk a correspondingly lower value than those proposed by producers. However, it will be lower than the present differential in most months because the Class I butterfat differential has been changed from a percentage factor to a fixed relation to the Chicago butter price.

13. *Milk from other Federal order markets.* The order now provides that milk disposed of as Class I in the Cleveland marketing area from a plant which the Secretary determines to be subject to the pricing and payment provisions of another Federal order are not subject to the pricing and payment provisions of the Cleveland order. Although such sales have been negligible in the past, the Akron marketing area is so close to Cleveland that Akron handlers might increase their Class I sales on routes in Cleveland to such an extent that they would become subject to the Cleveland order, except for the fact that they are already regulated under the Akron order.

A more common example of other Federal milk going into the Cleveland market is represented by the purchase of such milk by Cleveland handlers operating Cleveland pool plants. At any time when the Cleveland market is short of producer milk the handler might be expected to draw upon other Federal markets as well as unregulated sources for a supplemental supply of milk. The order provides that any supplemental or other source milk (whether from the regulated or unregulated sources) shall be allocated to the lowest utilization at the pool plant. However, no compensatory payments are levied on such quantities of other Federal order milk as may be allocated as Class I in the Cleveland pool plant.

Handlers proposed that supplemental milk received at a pool plant from other Federal markets should be allocated under both orders to any class of use agreed upon between the two handlers, in much the same fashion as the transfers between Cleveland handlers. It is apparent, however, that this proposal could lead to serious disruption in the pool. For example, any firm which had plants both under the Cleveland and Lima orders could maintain a 100 percent Class I utilization in the Lima market, which has an individual-handler pool, by the expedient of transferring to its Cleveland plant, as Class I, any flush season surplus of milk which might otherwise be classified as Class II in Lima. Similarly, even between markets with marketwide pools, a handler with a plant in each market could influence the comparative blend prices. So long as the various Federal markets maintain their separate identities and separate pooling arrangements, it is highly desirable that the producers who regularly supply milk to any given plant have a prior claim on that plant's Class I utilization.

It is concluded that there should be no change in the provisions for allocation to the lowest utilization supplemental milk received at a Cleveland pool plant from other Federal markets. Plants regulated under other Federal orders should continue to be permitted to sell milk in the Cleveland market without becoming subject to any of the pricing or payment provisions in the Cleveland order. (Such a plant is, of course, automatically exempt from any allocation in the Cleveland order since no Cleveland producer milk is received at the plant).

Also, for determining which of the two Federal orders should govern a given plant more general provisions should be made than the present provisions for a determination of each case by the Secretary. Under most foreseeable circumstances a plant serving more than one marketing area should be regulated in the market in which the major portion of Class I sales are made. A specific determination by the Secretary can be reserved for cases in which this standard is not appropriate.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order as amended. The following order as amended, is recommended as the appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order:

DEFINITIONS

§ 975.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 975.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 975.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 975.4 *Market administrator.* "Market administrator" means the agency described in § 975.20.

§ 975.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 975.6 *Cleveland, Ohio, marketing area.* "Cleveland, Ohio, marketing area" hereinafter called the "marketing area," means all territory, including but not being limited to all municipal corporations within Cuyahoga County, and within the following cities and townships of the respective, named counties: town-

ships of Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Carlisle, Eaton, Columbia, and Grafton in Lorain County; Willoughby, Mentor and Kirtland townships and the city of Painesville in Lake County; the city of Ashtabula in Ashtabula County; and the townships of Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette, and Montville in Medina County; all in the State of Ohio.

§ 975.7 *Handler.* "Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which milk skim milk, flavored milk, or flavored milk drinks are disposed of on a route(s) in the marketing area, or (c) a cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a milk plant.

§ 975.8 *Producer.* "Producer" means any person with respect to milk produced by him having the approval of the health authority of any community in the marketing area for consumption as fluid milk in such community which milk is moved directly from his farm to:

(a) A pool plant;

(b) A nonpool plant within April, May, June, or July for the account of a cooperative association or of a handler operating a pool plant. Milk so diverted shall be deemed to have been received by the handler for whose account it was diverted; or

(c) A pool plant for the account of another pool plant by diversion from the latter pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted.

§ 975.9 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 975.10 *Nonhandler.* "Nonhandler" means any person not a handler who operates a nonpool plant.

§ 975.11 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk but receives no milk from dairy farmers; and

(b) Operates a route extending into the marketing area.

§ 975.12 *Pool plant.* "Pool plant" means a plant designated pursuant to § 975.30.

§ 975.13 *Nonpool plant.* "Nonpool plant" means any milk manufacturing or processing plant not a pool plant.

§ 975.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received at any pool plant other than from producers.

§ 975.15 *Route.* "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including any eating place where such items are disposed of for consumption on or off the premises, other than a pool plant(s) or nonpool plant(s).

§ 975.16 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this part is in effect.

§ 975.17 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of April through June which is not in excess of such producer's daily average quota computed pursuant to § 975.65 multiplied by the number of days in such delivery period on which such producer delivered milk to such handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant, the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 975.65.

§ 975.18 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of April through June which is in excess of eligible milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily average quota can be computed pursuant to § 975.65.

MARKET ADMINISTRATOR

§ 975.20 *Designation.* The agency for the administration of this pact shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 975.21 *Powers.* The market administrator shall have the following powers with respect to this pact:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 975.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of funds provided by § 975.86;

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 975.87, necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 975.40, or (2) payments pursuant to §§ 975.80, 975.84, 975.86, 975.87, or § 975.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, supply on or before the 25th day after the end of each delivery period to each cooperative association not a handler with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 6th day after the end of such delivery period the minimum prices for Class I, Class II, and Class III milk computed pursuant to §§ 975.61, 975.62, and 975.63, respectively.

(2) On or before the 14th day after the end of such delivery period the uniform price computed pursuant to § 975.73, and for April, May, and June the price for eligible milk and the price for ineligible milk, computed pursuant to §§ 975.74 and 975.75, respectively, and the butterfat differential computed pursuant to § 975.82;

(k) On or before April 1 of each year provide written notice to: (1) Each producer who made deliveries of milk during the previous October through December as to his daily average quota computed pursuant to § 975.65, (2) each cooperative association as to the daily average quota of each member of such association, and (3) each handler as to the daily average quota of each producer from whom such handler received milk; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

POOL PLANT

§ 975.30 *Designation.* A pool plant shall be any plant meeting the conditions of paragraph (a) or (b) of this section, except a bottling plant operated by a producer-handler, or the plant of a handler exempted in § 975.90:

(a) Any plant at which milk is bottled and from which milk, skim milk, buttermilk, flavored milk, or flavored milk drinks is distributed in fluid form during the month on routes operated wholly or partially within the marketing area: *Provided,* That the total quantity distributed during the month on all routes operated inside or outside the marketing area is equal to 50 percent or more of the receipts from producers or from other plants of milk approved by the appropriate health authority for fluid use; or

(b) Any plant which, having the approval of the appropriate health authority in the marketing area, has during the month furnished to a pool plant(s) described in paragraph (a) of this section an amount of milk equal to 30 percent of its dairy farm supply of milk: *Provided,* That such plant shall continue to be designated as a pool plant for such consecutive succeeding months as the 30 percent average is maintained: *And provided further,* That if during the period of August through January such plant has furnished to a pool plant(s) described in paragraph (a) of this section 30 percent of its total dairy farm supply during such period such plant shall, upon written application to the market administrator on or before January 31 of any year, be designated as a pool plant through January 31 of the following year.

All pool plants operated by a handler may be considered as one plant for the purpose of meeting the percentage requirements of this paragraph if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested.

§ 975.31 *Replacement.* A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to it previously had been producers at the pool plant so replaced.

§ 975.32 *Discontinuance.* A plant shall be discontinued as a pool plant upon prior written request made by the plant operator; such discontinuance to be effective at the beginning of the first delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in § 975.30 (a).

REPORTS, RECORDS, AND FACILITIES

§ 975.40 *Reports of receipts and utilization.* On or before the 8th day after the end of each delivery period, each handler, except a produce-handler, shall report to the market administrator with respect to, (a) all milk received from producers, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk (except any nonfluid milk product disposed of in the same form as received) received at a pool plant:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts and their sources and for the delivery periods of April through June, the aggregate quantities of eligible milk;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 975.41 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 25th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator his producer payroll for the delivery period, which shall show:

(1) For the delivery periods of July through March, the pounds of milk, and the percentage of butterfat contained therein, received fom each producer; and for the delivery periods of April through June, the pounds of eligible milk and the pounds of ineligible milk, and the percentage of butterfat contained therein, received from each producer;

(2) The amount and date of payment to each producer (or to a cooperative association not a handler which is authorized to collect payment for the milk of such producer); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 975.42 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to § 975.40 or § 975.41 (a);

(b) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period;

(c) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(d) Payments to producers and to cooperative associations.

§ 975.43 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 975.50 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant from any source or diverted pursuant to § 975.8 (b) or (c) shall be classified pursuant to §§ 975.51 through 975.54.

§ 975.51 *Classes of utilization.* Subject to the conditions set forth in §§ 975.53 and 975.54, skim milk and butterfat described in § 975.50 shall be classified by the market administrator on the basis of the following classes of utilization:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of for fluid consumption as milk, skim milk, buttermilk (except for livestock feed), flavored milk or flavored milk drinks, sweet or sour cream, or eggnog, (2) or used to produce concentrated milk disposed of for fluid consumption, or (3) not accounted for as Class II or Class III utilization.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any milk product not specified in Class I milk or Class III milk; (2) disposed of for livestock feed or dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (3) in shrinkage of the skim milk in producer milk up to 2 percent of receipts from producers or in shrinkage of other source milk.

(c) Class III shall be all butterfat used to produce butter or contained in shrinkage of the butterfat in producer milk up to 2 percent of receipts from producers.

§ 975.52 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the diverting handler's pool plant shall be included in the receipts at the pool plant to which

such milk was diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the diverting handler's pool plant for such purpose.

§ 975.53 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified as follows:

(a) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to the pool plant of another handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided*, That if either or both pool plants have received other source milk, such transfers shall be classified by the market administrator at both plants so as to return the highest-valued class utilization to milk of producers: *Provided further*, That if transfers are made from a pool plant to more than one other pool plant any other source milk involved in such transfers shall be prorated by the market administrator among the transferee pool plants on the basis of the percentage which the other source milk transferred bears to the total quantity of transfers made pursuant to this subparagraph from the transferor plant.

(b) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

(c) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to a nonpool plant located less than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator, unless (1) other utilization is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 8th day after the end of the delivery period within which such transfer was made, (2) the receiver maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available to the market administrator for audit, and (3) such receiving plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided*, That if such nonpool plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lower-priced available class of utilization as if the classes of utilization set forth in § 975.51 were applicable to such nonpool plants; or

(d) As Class I milk if transferred as bulk milk to (1) a manufacturer of soup, candy or bakery products for use in such manufacturing operations, or (2) any retail establishment which disposes of milk in fluid form.

§ 975.54 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that classified pursuant to § 975.53 (b)) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 975.55 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 975.56 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in the specified class the pounds of butterfat shrinkage in producer milk allowed in classes other than Class I pursuant to § 975.51;

(b) Subtract from the pounds of butterfat remaining in each class in series beginning with the lowest priced utilization the pounds of butterfat received in other source milk;

(c) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to § 975.53; and

(d) Add to the remaining pounds of butterfat in the specified class the pounds subtracted pursuant to paragraph (a) of this section; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

§ 975.57 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 975.56.

MINIMUM PRICES

§ 975.60 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I milk price for each delivery period, pursuant to § 975.61, shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location

Borden Co., Mt. Pleastant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the delivery period as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 975.61 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant for milk received from producers or from a pool plant of a cooperative association, during the delivery period which is classified as Class I milk, shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the period indicated:

Delivery period:	*Amount*
February through July	$1.35
All others	1.80

and add or subtract a "supply-demand adjustment" computed as follows:

(i) Divide the total quantity of milk received from producers during the first and second months preceding the delivery period by the gross quantity of milk utilized as Class I in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(ii) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subdivision (i) of this subparagraph, the "standard utilization percentage" shown below:

Month for which the price is being computed:	*Standard utilization percentage*
January	120
February	127
March	132
April	139
May	147
June	158
July	162
August	149
September	137
October	128
November	120
December	117

(iii) Determine the amount of the suply-demand adjustment from the following schedule:

Deviation percentage:	*Amount of supply-demand adjustment (cents)*
+13 or over	−25
+10 or +11	−19
+7 or +8	−13
+4 or +5	−7
+2 to −2	0
−4 or −5	+7
−7 or −8	+13
−10 or −11	+19
−13 or below	+25

When the deviation percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

§ 975.62 *Class II Milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section: *Provided*, That during April, May, and June 1955 only the price computed pursuant to paragraph (b) of this section shall apply;

(a) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply the average price of butter as described in § 975.60 (b) (1) by 1.2 and then 3.5;

(2) From the simple average, as computed by the market administrator of the weekly wholesale carlot prices per pound (using the midpoint of any price range as one price) of roller process nonfat dry milk solids in barrels for human consumption, at Chicago, as reported and issued within the month by the Department of Agriculture deduct 5.5 cents and multiply the result by 8.2.

(b) The average of the prices per hundred weight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Present Operator and Location

Defiance Milk Products Co., Defiance, Ohio.
Fisher Dairy & Cheese Co., Wapakoneta, Ohio.
Kraft-Phenix Cheese Corp., Kendallville, Ind.
Nestles Milk Products Co., Marysville, Ohio.
Pet Milk Co., Angola, Ind.
Pet Milk Co., Coldwater, Mich.
Pet Milk Co., Delta, Ohio.
Pet Milk Co., Garrett, Ind.
Pet Milk Co., Hudson, Mich.
Swift & Co., Lima, Ohio.

§ 975.63 *Class III milk prices.* For any month that the amount per hundredweight determined pursuant to § 975.62 (b) is below the amount determined under § 975.62 (a), the minimum price per pound of butterfat in Class III shall be equal to the value per pound of butterfat in Class II less an amount computed by multiplying the difference per hundredweight by 0.2857, but in no event to exceed 5 cents per pound of butterfat. For any month when the average price pursuant to § 975.62 (b) is equal to or above the amount determined under § 975.62 (a) the Class III price shall be the same as the Class II price.

§ 975.64 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 975.61 and 975.62 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.19, and divide the result by 10.

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 975.65 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 975.66, the market administrator shall determine quotas for producers as follows: During each of the delivery periods of April through June, inclusive, of each year beginning with 1956, the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of first delivery to the end of such 3-month period.

§ 975.66 *Quota rules.* (a) An eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered during the quota-forming period;

(b) Quotas may be transferred during the period April through June only by notifying the market administrator in writing before the last day of any month that such quota is to be transferred to the person named in such notice as follows:

(1) In the event of death, retirement, or entry into military service of a producer the entire quota may be transferred to a member(s) of such producer's immediate family who carries on the dairy operation.

(2) If a quota is held jointly, and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided, in accordance with such notice, between the former joint holders if they continue dairy operations.

DETERMINATION OF UNIFORM PRICE

§ 975.70 *Computation of value of producer milk.* Subject to the location adjustment provided by § 975.71, the value of producer milk received or diverted during each delivery period for each handler operating a pool plant and for each cooperative association with respect to milk for which it is a handler pursuant to § 975.7 (c) shall be a sum of money computed by the market administrator by multiplying by the applicable class prices, determined pursuant to §§ 975.61, 975.62 and 975.63 adjusted pursuant to § 975.64, the total combined hundredweight of skim milk and butterfat received from producers and allocated to each class pursuant to §§ 975.56 and 975.57, and adding together the resulting amounts: *Provided*, That if such handler, after subtracting all receipts of skim milk and butterfat, respectively, other than in milk received from producers has a utilization of skim milk or butterfat greater than has been accounted for in milk received from producers, there shall be added a further amount computed by multiplying any such excess utilization classified pursuant to § 975.56 (d) and the corresponding step of § 975.57 by the applicable prices.

§ 975.71 *Location adjustments to handlers.* In computing the value of such quantities of milk as are received from producers at a pool plant and classified as Class I milk, there shall be deducted the amount of 20 cents per hundredweight if the pool plant is located more than 60 miles but not more than 74 miles from the Public Square in Cleveland, Ohio, by the shortest highway distance as determined by the market administrator, and 2 cents additional for each additional 14 miles or fraction thereof: *Provided*, That for the purpose of determining the respective quantities of Class I milk subject to the location adjustment, each pool handler's utilization of Class I milk during the month shall be allocated first to receipts of milk from producers' farms at pool plants as defined in § 975.30 (a) and then to the receipts of producer milk at pool plants as defined in § 975.30 (b) in the order of their nearness to the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

§ 975.72 *Obligation to the producer-settlement fund for other source milk.* During any delivery period in which the total receipts from all producers is more than 110 percent of the total Class I utilization at all pool plants, any handler who receives other source milk during the delivery period which is allocated to Class I pursuant to § 975.56 or § 975.57 shall pay to the producer-settlement fund an amount equal to the value of such milk at the Class I price less the value of such milk at the Class II price.

§ 975.73 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content, f. o. b. the marketing area, received from producers by:

(a) Combining into one total the values computed under § 975.70 for all handlers who reported pursuant to § 975.40 for such delivery period, except those in default in payments required pursuant to § 975.84 for the preceding delivery period;

(b) Adding an amount representing the monies received in payment of obligations computed under § 975.72;

(c) Adding the aggregate of the values of all allowable location adjustments computed at the maximum rates for the appropriate zones set forth in § 975.81;

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 975.82 multiplied by 10;

(f) Dividing by the hundredweight of milk received from producers represented by the values included in paragraph (a) of this section; and

(g) Subtracting not less than 4 cents nor more than 5 cents.

§ 975.74 *Computation of ineligible milk price.* For each of the delivery periods of April through June the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Computing the total value on a 3.5 percent butterfat basis of ineligible milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II and Class III milk included in these computations by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II and Class III milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjusting to the nearest cent.

§ 975.75 *Computation of eligible milk price.* For each of the delivery periods of April through June the market administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content f. o. b. the marketing area, received from producers by:

(a) Subtracting the value of ineligible milk obtained in § 975.74 (a) from the aggregate value of milk computed pursuant to § 975.73 (a) through (c) and adjusting by any amount involved in adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

§ 975.76 *Notification.* On or before the 14th day after each delivery period the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 975.40 of:

(a) The classification pursuant to §§ 975.56 and 975.57 of skim milk and butterfat contained in producer milk received by such handler during the delivery period and the value of such milk computed pursuant to § 975.70;

(b) The uniform prices for the delivery period computed pursuant to §§ 975.73, 975.74, and 975.75; and

(c) The amount due such handler pursuant to § 975.85 and the amount to be paid by such handler pursuant to §§ 975.84, 975.86, and 975.87.

PAYMENTS

§ 975.80 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 20th day after the end of each delivery period, each handler shall pay each producer for milk received from him within such delivery period, not less than an amount of money computed by multiplying the total pounds of such milk by the uniform price(s) pursuant to § 975.73 or to §§ 975.74 and 975.75, less the location adjustment pursuant to § 975.81 and adjusted by the butterfat differential pursuant to § 975.82: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 975.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 19th day after the end of each delivery period, each handler shall pay a cooperative association not a handler, with respect to milk of producers for which it has received written authorization to collect payment, a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each delivery period, each handler shall pay a cooperative association which is a handler, with respect to milk received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for milk in each class, subject to the applicable location adjustment provided by § 975.71 and the butterfat differential provided by § 975.64, by the hundredweight of milk in each class pursuant to §§ 975.56 and 975.57.

§ 975.81 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct 20 cents per hundredweight with respect to all milk received from producers during the months of July through March and with respect to eligible milk received from producers at a plant located more than 60 miles but not more than 74 miles from the Public Square in Cleveland, Ohio, by the shortest highway distance as determined by the market administrator, and 2 cents additional for each additional 14 miles or fraction thereof.

§ 975.82 *Butterfat differential.* In making payments pursuant to paragraphs (a) and (b) of § 975.80 there shall be added to or subtracted from, the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Determine an equivalent butterfat differential for Class III milk by subtracting from the price per pound of butterfat in Class III the value per pound of skim milk in Class II, dividing the result by 10, and rounding the result to the nearest tenth of a cent.

(b) Compute the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 975.64 and paragraph (a) of this section weighted by the pounds of butterfat in producer milk in Classes I, II, and III, respectively, and round the result to the nearest tenth of a cent.

§ 975.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund," into which he shall deposit all payments made pursuant to § 975.84 and out of which he shall make all payments pursuant to § 975.85.

§ 975.84 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler (a) whose value of producer milk is required to be computed pursuant to § 975.70, shall pay to the market administrator any amount by which such value for such delivery period is greater than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80 and (b) whose obligation is required to be computed pursuant to § 975.72, shall pay to the market administrator such obligation for such delivery period.

§ 975.85 *Payments out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which such handler's value pursuant to § 975.70 is less than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80 less any unpaid obligations of such handler to the market administrator pursuant to §§ 975.84, 975.86, 975.87, or 975.88: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 975.86 *Expense of administration.* As his pro rata share of the expense incurred pursuant to paragraph (d) of § 975.22, each handler shall pay the market administrator on or before the 16th day after the end of each delivery period, three cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of such delivery period, with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production) and of all other source milk allocated to Class I pursuant to § 975.56 (b) and the corresponding portion of § 975.57: *Provided,* That such payment shall not be made with respect to any milk subject to a payment required under the provision for expense of administration of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area.

§ 975.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section each handler in making payments to producers pursuant to paragraphs (a) and (b) of § 975.80, with respect to all milk received from each producer (except milk of such handler's own production) at a plant, not operated by a cooperative association of which such producer is a member, shall deduct four cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each delivery period; and, on or before the 16th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant, not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from payments required pursuant to paragraphs (a) and (b) of § 975.80 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each delivery period to the cooperative association rendering such services of which such producers are members.

§ 975.88 *Adjustment of accounts*—(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 975.84, 975.85, 975.86, 975.87 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 975.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8e (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers; the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the months during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 975.90 *Application of provisions*—(a) *Milk subject to other Federal orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Cleveland marketing area shall be exempted for such delivery period from all provisions of this part except §§ 975.41, 975.42, and 975.43 unless the Secretary determines that such plant is more appropriately regulated under this part.

(b) *Handler exemption.* A handler who operates a plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of during the month on a route(s) operated wholly or partly within the marketing area.

(c) *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association which is not a handler and which is authorized to collect payment for such milk.

§ 975.91 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 975.92 *Suspension or termination.* The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision of this part.

§ 975.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the

final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 975.94 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 975.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 975.96 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 31st day of March 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-2766; Filed, Apr. 4, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 64608]

NEW MEXICO

REVOCATION OF DEPARTMENTAL ORDER OF MAY 20, 1907, RESERVING LANDS FOR THE USE OF THE FOREST SERVICE AS AN ADMINISTRATIVE SITE

MARCH 29, 1955.

Upon request of the Department of Agriculture and pursuant to Departmental Order No. 2583 of August 16, 1950, section 2.22 (a), as amended, it is ordered as follows:

The order of the Secretary of the Interior of May 20, 1907, reserving the following-described lands for use of the Forest Service, Department of Agriculture, as a ranger station (now Negrite Addition Administrative Site), is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 S., R. 17 W.,
Sec. 36, S½, unsurveyed.

The area described contains 320 acres.

The land is a part of the Gila National Forest, having been reserved for such use by Executive Order No. 5765 of December 24, 1931, and shall become subject to the public-land laws relating to national forest lands at 10:00 a. m. on the 35th day from the date of this order.

W. G. GUERNSEY,
Acting Director.

[F. R. Doc. 55-2773; Filed, Apr. 4, 1955; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 50, AMDT. 1 AND NOTICE OF OPENING

MARCH 29, 1955.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby amend Small Tract Classification Order No. 50, dated January 18, 1952, to read as follows:

FAIRBANKS AREA; CHENA RIVER UNIT NO. 1

FOR LEASE AND SALE; FOR RESIDENCE SITES

Fairbanks Meridian

T. 1 S., R. 2 E.,
Section 9:
Lots 12-29, incl.,
Lots 33, 34, 39-43, incl.

Comprising 25 tracts aggregating 106.29 areas.

2. The classification of the above-described lands as amended by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately ten miles due east of Fairbanks, Alaska, and lie along the south bank of the Chena River. The area is reached by use of the Richardson Highway, Badger Road, Peede Road, Nordale-Tonseth Road, and is located at the end of the Freeman Road. The area is situated on the Chena River floodplain and is generally level. Vegetative cover consists of mixed stands of spruce and birch on the well-drained lands and black-spruce, scrub birch, and willow on the imperfectly drained lands. Climate is that of the extreme continental type characterized by long and cold winters with short days and short and rather warm summers with very long days. The average annual rainfall at Fairbanks is 11.82 inches with approximately two-thirds of the annual precipitation falling during the growing season. Utilities and public services available to the area include the public roads previously mentioned and an electric distribution system operated by the Golden Valley Electric Asociation, an REA Cooperative. The area is within the Fairbanks Independent School District and bus service is available for the transportation of children to and from school. Stores, churches, and other public services are available in Fairbanks.

4. The individual tracts vary in size from 2.50 to 5.10 acres. The supplemental plat of survey showing the location of each tract can be secured for $1.00 from the Area Cadastral Engineering Office, Bureau of Land Management, Juneau, Alaska. Brochures which describe the area and contain sketch maps of the platting of the small tracts can be obtained free of charge from the Manager, Fairbanks Land Office, Fairbanks, Alaska. The appraised values of the tracts vary from $125 to $425 per tract as shown below. Rights-of-way, 50 feet in width, for road purposes will be reserved as shown below.

CHENA RIVER AREA NO. 1 (FAIRBANKS AREA)

APPRAISAL SCHEDULE

Official description [1]	Acreage	Advance rental (2 years)	Easements (50 feet)	Appraised value
Fairbanks Meridian, T. 1 S., R. 2 E., Sec. 9:				
Lot 12 and 13	4.48	$35.00	None	$325.00
14 and 15	4.35	35.00	E	325.00
16	3.55	30.00	S & W	300.00
17	4.38	35.00	N & E	325.00
18	3.37	30.00	E	300.00
19	4.89	35.00	S & W	325.00
20	4.99	35.00	S & E	350.00
21	5.00	25.00	W	250.00
22	5.00	25.00	N & E	250.00
23	5.00	25.00	E	250.00
24	5.00	25.00	W	250.00
25	5.00	30.00	None	300.00
26	5.00	25.00	W	250.00
27	5.00	25.00	E	250.00
W½ 28	2.50	25.00	S [2]	250.00
E½ 28	2.50	25.00	S & E [2]	250.00
N½ 29	2.50	25.00	S & W [2]	250.00
S½ 29	2.50	25.00	N & W [2]	250.00
33	4.64	45.00	N [2]	425.00
34	4.93	35.00	W	350.00
39	4.88	35.00	W	350.00
40	2.50	15.00	S & W	125.00
41	4.88	35.00	S	360.00
42	4.35	35.00	S	350.00
43	5.10	35.00	S	350.00

[1] From Supplemental Plat of Survey—Official Lot.
[2] Subject to 50-foot easement for existing public highway. (Freeman Road.)

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899). Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet at least the following minimum standards. The home must be insulated and be suitable for year-around occupancy, be on a permanent foundation, contain at least 192 square feet of floor space (outside measure), and contain a minimum of one door and one window. The home must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Beginning at 10:00 a. m. on April 13, 1955, the lands will be open to filing of drawing-entry cards (Form 4-775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4-775) are available upon request from the Manager, Fairbanks Land Office, Fairbanks, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above named official prior to 10:00 a. m. on May 4, 1955. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4-776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on August 1, 1955, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4-776.

During the 21 day period extending between 10:00 a. m. on July 12, 1955 and August 2, 1955, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on August 2, 1955 to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution.

The filing of the lease form, Form 4-776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease and rounded to the nearest five dollars. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to January 18, 1952, will be granted the preference right provided for by 43 CFR 257.5 (a).

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-2774; Filed, Apr. 4, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

BANK LINE, LTD., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 6180-C, between The Bank Line, Ltd.; Prince Line, Limited; Ellerman & Bucknall Steamship Co., Ltd.; et al., provides for the cancellation of Agreement No. 6180, as amended, which covers the rationalization of sailings in the trade from United States Atlantic Coast ports to the Philippine Islands, China (including Manchuria), Hong Kong, and Darien (Manchukuo).

(2) Agreement No. 8019 between two freight forwarders, Lep International, Inc. of New York and R. G. Hobelmann & Company, a Baltimore concern, under which the latter company will perform forwarding and other work for Lep International, Inc., at Baltimore.

(3) Agreement No. 8021 between two freight forwarders, S. A. Innocente Mangili Adriatica Incorporated of New York and R. G. Hobelmann & Company, a Baltimore concern, under which the latter company will perform forwarding and other work for the former, at Baltimore.

(4) Agreement No. 8022 between two freight forwarders, Lep Transport Incorporated of New York and R. G. Hobelmann & Company, a Baltimore concern, under which the latter company will perform forwarding and other work for Lep Transport, at Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 31, 1955.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 55-2793; Filed, Apr. 4, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

UTAH

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF ADDITIONAL COUNTIES CONTAINED IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.), the President determined on October 19, 1954 that a major disaster occasioned by drought existed in the State of Utah.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties in the State of Utah were, on October 19, 1954 (19 F. R. 7119), as amended (19 F. R. 8635; 20 F. R. 992), determined to be the areas affected by the major disaster by drought.

Pursuant to the aforesaid delegations, the Delineations and Certifications of Counties in the Drought Area in the State of Utah, as above described, are herewith amended by adding Rich County on March 7, 1955, to the major disaster area occasioned by drought.

Done at Washington, D. C. this 30th day of March 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-2777; Filed, Apr. 4, 1955; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Reg. SR-380A]

REEVE ALEUTIAN AIRWAYS, INC.

SPECIAL CIVIL AIR REGULATION; PILOT FLIGHT TIME LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of March 1955.

Reeve Aleutian Airways, Inc. (RAA), has filed a request for the extension of the authority granted by Special Civil Air Regulation SR-380 which authorizes RAA to deviate from the flight time limitations of paragraph (a) of § 41.54 of the Civil Air Regulations over its route between Anchorage and Adak, Alaska. Special Regulation SR-330,

which expires April 1, 1955, presently contains such authorization. RAA has been operating in accordance with this special regulation since June 1951 and has informed the Board that it is well suited to its operations. The factors which caused the Board to adopt the regulation initially are unchanged, and the CAA concurs in this extension.

The Board recognizes that operating conditions in Alaska differ in certain material respects from those in the continental United States. Accordingly, this regulation allows a certain amount of flexibility from the pilot flight time limitations of Part 41 with certain safeguards to insure a high degree of safety.

This regulation waives the requirements of § 41.54 (a) to permit RAA to schedule 2 pilots accompanied by a certificated A & E mechanic to fly, without a rest period, not more than 8 hours and 30 minutes between Anchorage and Adak during any 24 consecutive hours. If a pilot is scheduled to fly in excess of 8 hours and 30 minutes during any 24 consecutive hours, he must be given an intervening rest period at or before the termination of 8 hours and 30 minutes of such flight duty. This rest period must comply with the requirements of § 41.54 (a) and, where a pilot has flown in excess of 8 hours and 30 minutes, with the requirements of § 41.54 (b).

It is further provided that a certificated A & E mechanic, to be eligible for flight duty in these operations, must meet certain knowledge and skill requirements appropriate to the aircraft flown. The Administrator must examine each such applicant with respect to (1) his knowledge of aircraft performance, aircraft engine operation, and their limitations, mathematical computations of engine and fuel consumption, including an understanding of basic meteorology as it affects engine operations, and mathematical computations pertaining to aircraft loading and center of gravity, and (2) his skill in recognizing and remedying the malfunctioning of aircraft, aircraft engines, propellers, and appliances, and performing emergency duties and procedures relating to aircraft engines, propellers, and appliances.

Records indicate that 97 percent of the flights conducted by RAA have been completed within the scheduled 8 hours and 30 minutes permitted by SR–380. Also, the A & E mechanic has been found to aid the pilots materially, thus helping to reduce the possibility of pilot fatigue. In addition, no information has been received by the Board that the authority granted to RAA by SR–380 and its precedessors has in any way adversely affected the safety of its operations.

It is the Board's opinion that the operating experience acquired by RAA under these special regulations since April 1951 indicates that satisfactory safety standards have been, and can continue to be, maintained by RAA. Therefore, by this regulation the extension of pilot flight time obviates the necessity for intermediate overnight stops at which military facilities are limited and, in many respects, unsuitable to the needs of civilian passengers and crew members.

The temporary certificate of public convenience and necessity that RAA had been operating under expired April 8, 1953. However, timely application for renewal was made by RAA and the latter has been operating pursuant to section 9 (b) of the Administrative Procedure Act pending a final determination of the application by the Board. Therefore, although the regulation is being extended for a period of 3 years, it will terminate upon the expiration of RAA's economic operating authority should it not be renewed.

Interested persons have been afforded an opportunity to participate in the making of this regulation which was published as a notice of proposed rule making, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective March 31, 1955:

1. Notwithstanding the provisions of paragraph (a) of § 41.54 of the Civil Air Regulations, Reeve Aleutian Airways, Inc. (RAA), is authorized to schedule a pilot for flight duty between Anchorage and Adak, Alaska, 8 hours and 30 minutes or less during any 24 consecutive hours, without a rest period during such 8 hours and 30 minutes. If a pilot is scheduled for such flight duty in excess of 8 hours and 30 minutes during any 24 consecutive hours, he shall be given an intervening rest period at or before the termination of 8 hours and 30 minutes of his scheduled flight duty. This rest period must comply with the requirements of § 41.54 (a) and, where a pilot has flown in excess of 8 hours and 30 minutes, with the requirements of § 41.54 (b). On these flights the crew shall consist of 2 pilots and a certificated A & E mechanic approved by the Administrator for this duty.

2. The Administrator shall examine each certificated A & E mechanic applying for this duty in respect to his special knowledge and skill appropriate to the aircraft used by RAA in operations over this route before certifying to his competency. The results of this examination shall be a permanent part of RAA's company records.

(a) The knowledge requirements for each applicant shall include the following subjects: aircraft performance, aircraft engine operation, and their limitations; mathematical computations of aircraft engine operation and fuel consumption, together with basic meteorology as it affects aircraft engine operations; and mathematical computations pertaining to aircraft loading and center of gravity.

(b) The skill requirements for each applicant shall include the following abilities: Recognition and repair of malfunctioning aircraft, aircraft engines, propellers, and appliances; and performance of emergency duties and procedures in respect of aircraft engines, propellers and appliances.

3. This regulation shall supersede Special Civil Air Regulation SR–380 and shall terminate on April 1, 1958, or upon the termination of the economic operating authority of Reeve Aleutian Airways, Inc., whichever shall first occur, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425). Interpret or apply secs. 601, 602, 604, 52 Stat. 1007, 1008, 1010, as amended; 49 U. S. C. 551, 552, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55–2792; Filed, Apr. 4, 1955; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6611]

DEPARTMENT OF INTERIOR, BONNEVILLE POWER ADMINISTRATION

NOTICE OF APPLICATION

MARCH 29, 1955.

Take notice that on March 18, 1955, the Secretary of the Interior submitted the following contracts for confirmation and approval by the Federal Power Commission in accordance with the provisions of the Bonneville Act, 50 Stat. 731:

Name of customer	*Contract No.*
Aluminum Company of America	14–03–001–11324
Electro Metallurgical Co	14–03–001–11325
Kaiser Aluminum & Chemical Corp	14–03–001–11326
Pacific Carbide & Alloys Co	14–03–001–11327
Pacific Northwest Alloys Co	14–03–001–11376
Pennsylvania Salt Manufacturing Co. of Washington	14–03–001–11328
Reynolds Metals Co	14–03–001–11329

These contracts provide for utilization by the named industrial organizations, which each have primary contracts providing for the purchase of firm and interruptible power from the Bonneville Power Administration (BPA), of special releases of water storage from the Hungry Horse Project reservoir.

Each of the contracts stipulate that "provisional energy" made available by such releases of storage from Hungry Horse reservoir will be delivered in lieu of interruptible power which may have been requested by the customer under his primary contract, but which BPA is unable to deliver. They further provide that payment for such "provisional energy" will be made on the basis of application of the rate schedules in effect in the primary contract to the total deliveries by BPA (including firm, interruptible and provisional power), less amounts determined by application of the rate schedules to the firm and interruptible power only, as made available in the customers' primary contract.

The amounts of "provisional energy", as may be made available by BPA upon request of the customer, are required to be delivered in accordance with scheduling arrangements made through BPA's power dispatcher. Provisional sales and special deposit accounts are provided in the contracts for purposes of recording and accounting for the replacement and settlement of energy and cost of power transactions under the contracts.

BPA states that these storage releases can be made without jeopardizing the power supply necessary to fulfill its existing contractual obligations.

The application is on file with the Commission and available for public inspection.

Any person desiring to make representation with respect to the foregoing should submit the same on or before the 2d of May 1955, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–2783; Filed, Apr. 4, 1955; 8:48 a. m.]

[Docket No. G–8230]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

MARCH 30, 1955.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation whose address is 1525 Fairfield Avenue, Shreveport, Louisiana, filed on January 27, 1955, an application for a certificate of public convenience and necessity, as supplemented on March 2, 1955, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Authorization is requested for the following facilities:

1. *Baxterville-Hattiesburg Project.* Construct 33.8 miles of 16" pipeline, including 0.2 mile of 12" for a by-pass line across Leaf River, and appurtenant facilities beginning near Milepost 41.4 on the 24" pipeline between McComb and Baxterville at the Baxterville Dehydration Plant Site in Section 9, Township 1 North, Range 16 West, Lamar County, Mississippi, and extending in a Northeasterly direction to end near Milepost 8.0 on the 8" lateral pipeline near Hattiesburg in Section 31, Township 5 North, Range 12 West, Forrest County, Mississippi.

2. *Mobile-Pensacola Project.* (a) Construct 9.0 miles of 20" loop line and appurtenant facilities beginning at United Gas Pipe Line Company's Whistler Junction located Northwest of Mobile in Section 26, Township 3 South, Range 2 West, and extending in a Northeasterly direction parallel with the existing 16" pipeline to the 16" x 14" swage on the existing line located near Milepost 8.8 in Section 1, Township 3 South, Range 1 West, Mobile County, Alabama.

(b) Construct 8.7 miles of 20" loop line and appurtenant facilities through Mobile Swamp, including major single line stream crossings of the Mobile and Tensaw Rivers, Sara and Canot Bayous and Briar Creek, beginning at the 16" x 14" swage near Milepost 8.8 in Section 1, Township 3 South, Range 1 West, Mobile County, Alabama, and extending in an Easterly direction parallel to the existing 14" line to end at a connection with the existing 16" and 12" loop lines near Milepost 17.4 in Section 8, Township 2 South, Range 2 East, Baldwin County, Alabama.

(c) Construct 3.2 miles of 20" loop line and appurtenant facilities beginning at the end of the existing 16" and 12" loop lines near Milepost 56.3 in Section 30, Township 1 North, Range 31 West, and extending in a Southeasterly direction parallel to the existing 12" line to end at the Gulf Power Company tap near Milepost 59.5 in Section 2, Township 1 South, Range 31 West, all in Escambia County, Florida.

3. *Escambia Bay Chemical Corporation (formerly Gulf Chemical Company) project.* Construct 8.3 miles of 16" pipeline and appurtenant facilities beginning near Milepost 7.2 on the 12" lateral to Chemstrand in Section 30, Township 1 North, Range 30 West, Escambia County, Florida, and extending in a generally Easterly direction across the Escambia River and swamp to end at the site of the proposed Escambia Bay Chemical Corporation (formerly Gulf Chemical Company) Plant in Section 31, Township 1 North, Range 29 West, Santa Rosa County, Florida.

4. *Morton Compressor Station Project.* Construct 330 horsepower automatic type compressor station and appurtenant facilities near Milepost 27 on the 6" line between Jackson and Philadelphia near Morton in Section 26, Township 6 North, Range 6 East, Scott County, Mississippi.

5. *Jackson Storage Project.* As initial operation to test the efficiency and adaptability of the Jackson, Mississippi, Gas Field for storage purposes to drill approximately 13 wells and to construct approximately 2.9 miles of 16" pipeline, 3.29 miles of 12" pipeline, 0.46 mile of 8" pipeline, 0.65 mile of 6" pipeline, a dehydration plant, and to make minor adjustments on a 2,000 hp. unit in Applicant's existing Jackson No. 2 Compressor Station.

The purpose of the proposed facilities is to supply increased requirements of Applicant's customers in the Jackson District, including an increase in the maximum daily quantity of 50,000 Mcf to be delivered to Southern Natural Gas Company at Kosciusko, Mississippi. Additionally, the Escambia Bay Project would supply a new customer, Escambia Bay Chemical Corporation.

The estimated total cost of the facilities for which authorization is requested is $8,339,481 to be financed out of current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 15, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–2784; Filed, Apr. 4, 1955; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN TELEVISION STATION LIST

The list of Canadian Television Station assignments set forth below is recapitulative and contains details supplied by the Department of Transport of the Dominion of Canada, pursuant to section B of the Canadian-USA Television Agreement (TIAS 2594). This list reflects all additions, changes and deletions reported on or before March 15, 1955, and supersedes previous lists issued by the Commission.

Further additions, changes and deletions as reported to the Commission by the Canadian Department of Transport, will be issued from time to time in the form of serially numbered Change Lists, and published in the FEDERAL REGISTER. A limited number of copies of this list and subsequent Change Lists will be available at the Commission's Washington, D. C., offices, upon request.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

CANADIAN TELEVISION ASSIGNMENTS

(Listed by channel) (Recapitulative to March 15, 1955)

(CHANNEL 2 (54–60 Mc)

Call sign	Licensee	Location	Effective radiated power (kw)	Directivity	Antenna: Height above ground	Antenna: Height above mean sea level	Antenna: Height above average terrain
					Feet	*Feet*	*Feet*
CHCT-TV	Calgary TV Ltd	Calgary, Alberta 51–04–24 N., 114–15–34 W.	100 V 50 A	Om	633	4,808	1,024
CBUT	Canadian Broadcasting Corp.	Vancouver, British Columbia. 49–21–12 N., 122–57–18 W.	102 V 55.2 A	D. A	190	2,965	2,400
(NEW)	Moncton Broadcasting, Ltd.	Moncton, New Brunswick. 45–50–56 N., 64–48–44 W.	5.0 V 3.0 A	Om	326	1,656	1,014
CJON-TV	Newfoundland Broadcasting Co., Ltd.	St. John's Newfoundland 47–33–39 N., 52–43–24 W.	1.06 V 0.634 A	Om	176	451	383
CFPA-TV	Ralph H. Parker, Ltd.	Port Arthur, Ontario 48–26–30 N., 89–14–03 W.	5.1 V 2.55 A	Om	225	1,025	174
CBFT	Canadian Broadcasting Corp.	Montreal, Quebec 45–30–20 N., 73–35–32 W.	15.7 V 8.28 A	Om	259	1,003	912
CKCK-TV	Transcanada Communications, Ltd.	Regina, Saskatchewan 50–28–46 N., 113–34–16 W.	20.0 V 10.8 A	Om	289	2,279	326
		CHANNEL 3 (60–66 Mc)					
CFRN-TV	Sunwapta Broadcasting Co., Ltd.	Edmonton, Alberta 53–32–40 N., 113–38–50 W.	27.4 V 13.7 A	Om	464	2,714	480
CBHT	Canadian Broadcasting Corp.	Halifax, Nova Scotia 44–39–07 N., 63–39–31 W.	56.5 V 33.8 A	D. A	446	896	746
CJBR-TV	Lower St. Lawrence Radio, Inc.	Rimouski, Quebec 48–19–40 N., 68–50–09 W.	34.0 V 19.4 A	D. A	74	1,213	952
(NEW)	Ralph Snelgrove Television, Ltd.	Barrie, Ontario 44–21–05 N., 79–41–55 W.	14.0 V 7.0 A	Om	200	1,200	309

CANADIAN TELEVISION ASSIGNMENTS—Continued

(Listed by channel) (Recapitulative to March 15, 1955)—Continued

CHANNEL 4 (66-72 Mc)

Call sign	Licensee	Location	Effective radiated power (kw)	Directivity	Antenna		
					Height above ground	Height above mean sea level	Height above average terrain
					Feet	*Feet*	*Feet*
CBWT	Canadian Broadcasting Corp.	Winnipeg, Manitoba 49-53-25 N., 97-09-20 W.	56.2 V 33.7 A	Om	203	964	242
CHSJ-TV	New Brunswick Broadcasting Co., Ltd.	St. John, New Brunswick 45-28-40 N., 66-13-55 W.	27.8 V 13.9 A	Om	40	1,500	1,200
CJCB-TV	Cape Breton Broadcasters, Ltd.	Sydney, Nova Scotia 46-07-19 N., 60-10-26 W.	100 V 60 A	D. A	223	448	322
CBOT-TV	Canadian Broadcasting Corp.	Ottawa, Ontario 45-23-50 N., 75-45-10 W.	50.1 V 26.7 A	D. A	406	607	321
CFCM-TV	Television de Quebec, Ltd.	Quebec, Quebec 46-47-04 N., 71-15-54 W.	1.27 V 0.635 A	Om	420	685	473

CHANNEL 5 (76-82 Mc)

CKSO-TV	CKSO Radio Corp.	Sudbury, Ontario 46-29-37 N., 81-00-32 W.	1.74 V 0.87 A	Om	262	1,224	276

CHANNEL 6 (82-86 Mc)

CBMT-TV	Canadian Broadcasting Corp.	Montreal, Quebec 45-30-20 N., 73-35-32 W.	43.8 V 26.2 A	Om	167	911	820

CHANNEL 7 (174-180 Mc)

NEW	La Tribune, Ltd	Sherbrooke, Quebec 45-18-43 N., 72-14-32 W.	17.3 V 8.8 A	D. A	72	2,796	1,848

CHANNEL 8 (180-186 Mc)

CFQC-TV	A. A. Murphy & Sons, Ltd.	Saskatoon, Saskatchewan 52-11-30 N., 106-23-01 W.	100.0 V 60.0 A	D. A	625	2,585	866

CHANNEL 9 (186-192 Mc)

CBLT	Canadian Broadcasting Corp.	Toronto, Ontario 43-39-43 N., 79-22-42 W.	25.65 V 12.72 A	Om	481	825	382
CKLW-TV	Western Ontario Broadcasting Co., Ltd.	Windsor, Ontario 42-18-59 N., 83-02-58 W.	178 V 107 A	D. A	626	1,226	631

CHANNEL 10 (192-198 Mc)

CFPL-TV	London Free Press Printing Co., Ltd.	London, Ontario 42-57-15 N., 81-15-58 W.	117 V 59.6 A	Om	544	1,434	576

CHANNEL 11 (198-204 Mc)

CHCH-TV	Niagara TV Ltd	Hamilton, Onario 43-12-27 N., 79-46-05 W.	16.9 V	D. A	536	1,146	622
CKWS-TV	The Frontenac Broadcasting Co., Ltd.	Kingston, Ontario 44-19-26 N., 76-49-07 W.	101 V 60.6 A	D. A	377	907	469

CHANNEL 12 (204-210 Mc)

None.

CHANNEL 13 (210-216 Mc)

CKCO-TV	Central Ontario TV, Ltd.	Kitchener, Ontario 43-24-15 N., 80-38-05 W.	16.0 V 8.45 A	D. A	210	1,645	501

[F. R. Doc. 55-2765; Filed, Apr. 4, 1955; 8:45 a. m.]

RUBBER PRODUCING FACILITIES DISPOSAL COMMISSION

INVITATIONS FOR PROPOSALS FOR PURCHASE OF A PLANT AND TANK CARS

Pursuant to the Rubber Producing Facilities Disposal Act of 1953 (67 Stat. 408) (Act), and Public Law 19, 84th Congress, First Session, approved March 31, 1955, the Rubber Producing Facilities Disposal Commission announces that it will receive written proposals for the purchase of the GR-S synthetic rubber producing facility at Baytown, Texas, and for the purchase or lease of any or all of certain pressure tank cars, all as more fully described below.

Contracts between the Commission and various parties for the sale of 24 of the Government-owned rubber producing facilities and the lease of a 25th have recently become fully effective. The Baytown facility and the tank cars will, therefore, when sold, become part of a recently established private synthetic rubber industry.

A detailed descriptive brochure relating to the Baytown facility and pertinent information relating to the tank cars may be obtained upon application to the Secretary of the Commission.

The Rubber Producing Facilities Disposal Act of 1953, and Public Law 19, 84th Congress, First Session, prescribe in detail, as well as generally, procedural and substantive standards pursuant to which the disposal of the Baytown facility and the tank cars is to be effected. To facilitate compliance with these standards the Disposal Commission has prepared Instructions for the Submission of Proposals which set forth the requirements of the Commission with respect to such proposals; copies thereof will be available upon application to the Secretary of the Commission.

Subject to the foregoing, the following additional information concerning the program of sale is announced:

GR-S Plant, Baytown, Texas. This facility, designated Plancor 877, produces GR-S type synthetic rubber from butadiene and styrene. It has an annual capacity of 44,000 long tons and is presently operated for the Government by The General Tire & Rubber Company.

The Commission will receive proposals for the purchase of this facility. Such proposals shall be in writing and may be submitted at any time through April 29, 1955, at the office of the Commission, 811 Vermont Avenue NW., Washington 25, D. C.

As a condition to sale, the Commission is required to be satisfied that the prospective purchaser actually intends to operate the facility for the purpose of manufacturing synthetic rubber. The purchaser must also agree to comply with the terms of a "National Security Clause" having terms, conditions, restrictions and reservations which will assure the prompt availability of the facility, or a facility of equivalent capacity, for the production of synthetic rubber for a period of ten years from the date the facility is transferred to the purchaser.

Proposals for purchase shall provide for the payment of not less than 25 percent of the purchase price in cash; the unpaid balance may be financed by a first lien purchase money mortgage maturing in not more than 10 years and providing for periodic amortization (amortization in equal annual instalments is not required). The interest rate upon the balance of the purchase price represented by the mortgage shall be 4 percent per annum.

Proposals for purchase shall be accompanied by a deposit of cash or United States Government bonds of face amount equal to 2½ percent of the gross amount proposed to be paid but not exceeding $250,000. Except in the case of a purchaser, deposits shall be refunded without interest. In the case of a purchaser, deposits made hereunder shall be applied without interest to the purchase price.

In the previous sales of the 24 other rubber producing facilities, the Commission used standard forms of contract applicable to cash and mortgage transactions. The same forms of contract will be used for the sale of the Baytown facility. Copies of the contract forms, which incorporate the full text of the National Security Clause, are available upon request from the Secretary of the Commission.

During a period of not to exceed 60 days following the termination of the period for the receipt of proposals, the Commission will negotiate for the sale of the Baytown facility with those who have submitted proposals. Such negotiations will be conducted with due regard to the several purposes of the act, that the disposal of the facility best foster the development of a free competitive synthetic rubber industry, afford small business enterprises and other users the opportunity to obtain a fair share of the end product of the facility and at fair prices, be consistent with national security and realize full fair value for the facility, taking into consideration the policy set forth in section 2 of the act.

Tank cars. Offered for sale or lease are 447 pressure tank cars (ICC Classification—ICC-104AW). Proposals for the purchase or lease of any or all of these tank cars shall be in writing and may be submitted to the Commission at any time through April 29, 1955. Public Law 19 authorizes the Commission to lease or sell the tank cars on such terms as the Commission deems advisable in the public interest. With the exception of the specific terms set out below, final decision on the terms of lease or sale, including lease rental and price terms of sale (whether all cash or cash down payment plus a mortgage) will be made by the Commission after the expiration of the period for the submission of proposals and announced to all prospective purchasers and lessees who file timely proposals. As an aid to the exercise of its statutory right to set the terms of lease or sale, the Commission requests prospective purchasers or lessees to state and discuss in their proposals the terms of lease or sale they desire.

Proposals for purchase shall be accompanied by a deposit of cash or United States Government bonds of face amount equal to 2½ percent of the gross amount proposed to be paid but not exceeding $250,000. Except in the case of a purchaser, deposits shall be refunded without interest. In the case of a purchaser, deposits made hereunder shall be applied without interest to the purchase price.

Upon the receipt of proposals for any or all of the tank cars, the Commission will enter into negotiations looking toward their sale or lease.

Leases shall be for a period of not less than one year.

Each lease or contract of sale shall contain, among other provisions, a "National Security Clause" having terms, conditions, restrictions and reservations which will assure the prompt availability of the tank cars for use in the transportation of raw materials or components of synthetic rubber for a period of time to be announced in the Instructions for the Submission of Proposals. Each lease shall contain provisions for the recapture of the leased tank cars and the termination of the lease if the President determines that the national interest so requires.

For further information and details, apply to Ferris B. Thomas, Secretary.

RUBBER PRODUCING FACILITIES DISPOSAL COMMISSION,
FERRIS B. THOMAS,
Secretary,
Rubber Producing Facilities Disposal Commission.

APRIL 4, 1955.

[F. R. Doc. 55-2789; Filed, Apr. 4, 1955; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 6]

PEANUTS

NOTICE OF SUPPLEMENTAL INVESTIGATION AND PUBLIC HEARING

Notice is hereby given that the United States Tariff Commission, on March 31, 1955, instituted an investigation under the provisions of section 22 (d) of the Agricultural Adjustment Act, as amended, supplemental to its investigation No. 6 under section 22 of the said act, to determine whether the deficit in the domestic supply of peanuts is such as to require an increase in the quantity of peanuts, shelled, unshelled, blanched, salted, prepared, or preserved which may be permitted to be entered, or withdrawn from warehouse, for consumption during the quota year ending June 30, 1955, and during the quota year beginning July 1, 1955, to meet essential requirements of domestic peanut users, and, if so, what additional quantity or quantities of peanuts may be permitted to be so entered or withdrawn without materially interfering with or rendering ineffective the peanut program of the Department of Agriculture.

Under Presidential proclamation of June 8, 1953 (No. 3019; 67 Stat. C46), issued after investigation by the Tariff Commission pursuant to section 22 of the Agricultural Adjustment Act, imports of peanuts which may be entered, or withdrawn from warehouse, for consumption in any year beginning July 1, are limited to 1,709,000 pounds. After a supplemental investigation by the Tariff Commission, the President, by proclamation dated March 9, 1955 (20 F. R. 1549), modified the import restrictions under section 22 by permitting the entry of an additional 51 million pounds of certain peanuts during the remainder of the quota year ending June 30, 1955, subject to an import fee, in addition to the regular duty, of 2 cents per pound. In a letter to the Chairman of the Tariff Commission dated March 31, 1955, the Secretary of Agriculture indicated that the additional quantity of peanuts permitted entry over the basic quota during the remainder of the current quota year is not sufficient to enable the trade to import enough peanuts to meet requirements until supplies become available from the 1955 crop, and stated that information now available discloses that: (1) Less peanuts will be available for commercial edible use from the 1954 crop than was previously estimated; (2) consumption is somewhat higher than was anticipated earlier; (3) except for the larger sizes of the Virginia type peanuts shellers now find that they cannot supply enough peanuts to meet the needs of their customers; (4) the business risk arising from the fact that the present quota may be filled before peanuts purchased abroad reach this country discourages needed imports; (5) the latest peanut stocks report shows that the quantity of peanuts now on hand is less than the quantity needed to meet consumption requirements until supplies become available from the 1955 crop.

After careful consideration of the letter from the Secretary of Agriculture and of other factors, the Commission ordered this supplemental investigation and, at the same time, ordered a public hearing to be held in connection with such supplemental investigation, beginning at 10 a. m., e. s. t., on April 19, 1955, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., at least three days in advance of the date set for the hearing.

Issued: April 1, 1955.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-2814; Filed, Apr. 1, 1955; 1:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION

DENVER AND RIO GRANDE WESTERN RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of March 1955.

The Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Escrow Certificates for Common Stock, of Denver and Rio Grande Western Railroad Company, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received

prior to April 15, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-2775; Filed, Apr. 4, 1955; 8:46 a. m.]

[File No. 70-3331]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

ORDER AUTHORIZING APPLICATION-DECLARATION REGARDING INTRASYSTEM TRANSACTIONS INVOLVING SALE OF GAS ASSETS BY ONE SUBSIDIARY TO ANOTHER SUBSIDIARY AND ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT

MARCH 30, 1955.

In the matter of New England Electric System, The Mystic Power Company, The Pequot Gas Company; File No. 70-3331.

New England Electric System ("NEES"), a registered holding company, and two of its public-utility subsidiaries, The Mystic Power Company ("Mystic") and The Pequot Gas Company ("Pequot") have filed with this Commission on January 3, 1955 a joint application-declaration and an amendment thereto pursuant to sections 6 (b), 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-42 (b), U-43 and U-44 promulgated thereunder regarding the following proposed transactions:

NEES is solely a holding company. It owns all of the outstanding common stock of Mystic and upon consummation of the proposed transactions will own all the outstanding common stock of Pequot, which was recently formed for the purpose of acquiring the gas business and gas assets of Mystic. The latter proposes to sell such assets, which consist principally of a gas distribution system in Pawcatuck, Connecticut, to Pequot for a cash consideration amounting to the depreciated book value of the assets, including conditional gas appliance sales contracts, unbilled revenues and unamortized costs of conversion to natural gas, on the effective date of the sale. As of October 31, 1954, such purchase price is estimated to be $155,660. Pequot proposes (a) to issue and sell 15,000 shares of $10 par value common stock at par to NEES and (b) to borrow not in excess of $29,000 from the Hartford National Bank and Trust Company, such indebtedness to be evidenced by an unsecured promissory note. The note will mature in six months from its issue date and will bear interest at the prime rate of interest at the time of issuance plus ¼ of 1 percent. It is stated in the application-declaration that the present prime rate is 3 percent and that the proposed amount of note indebtedness will be substantially equal to the unamortized balance of Mystic's cost of conversion to the use of natural gas. Pequot also requests authority, should it be necessary when such note matures, to issue a new note, with similar terms, in an amount substantially equal to the then unamortized conversion costs, the proceeds thereof, together with treasury funds, to be used to pay the maturing note.

Mystic will use the proceeds derived from the proposed sale to pay (a) its note indebtedness incurred to pay construction costs and outstanding on October 31, 1954, in the amount of $75,000 and (b) accounts payable for construction costs; any balance will be added to Mystic's general funds.

Applicants-Declarants represent that the separation of Mystic's gas and electric properties is not detrimental to the carrying out of the provisions of Section 11 of the Act and that such separation will facilitate carrying out the eventual disposition of the gas properties in NEES' system.

The application-declaration states that no commissions are to be paid in connection with the proposed transactions. Fees and expenses are estimated not to exceed $4,250 including $3,500 representing incidental services performed at the actual cost thereof by New England Power Service Company, an affiliated service company. The Connecticut Public Utilities Commission by order dated, March 21, 1955, has approved Mystic's sale of its assets and business and Pequot's purchase thereof and issuance of securities.

Applicants-Declarants request that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of said application-declaration in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-2776; Filed, Apr. 4, 1955; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 43]

ALABAMA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about March 21, 1955, because of the disastrous effects of floods, damage resulted to residences and business property located in certain areas in the State of Alabama; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by either of the Offices below indicated from persons or firms whose property situated in the flooded areas of the Tombigbee River and its tributaries suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Peachtree Seventh Building, Room 263, 50 Seventh Street Northeast, Atlanta 5, Ga.

Small Business Administration Branch Office, Old Post Office Building, Room 404, Dexter Avenue and Lawrence Street, Montgomery, Ala.

2. A special field office will be established in Amory, Mississippi, to receive and process such applications.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1955.

Dated: March 29, 1955.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 55-2786; Filed, Apr. 4, 1955; 8:48 a. m.]

[Declaration of Disaster Area 42]

MISSISSIPPI

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about March 21, 1955, because of the disastrous effects of floods, damage resulted to residences and business property located in certain areas in the State of Mississippi; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the Office below indicated from persons or firms whose property situated in the flooded areas of the Tombigbee River and its tributaries suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Peachtree Seventh Building, Room 263, 50 Seventh Street NE., Atlanta, 5, Ga.

2. A special field office will be established in Amory, Mississippi, to receive and process applications.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1955.

Dated: March 29, 1955.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 55-2767; Filed, Apr. 4, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30431]

ASPHALT AND ROAD OIL FROM ILLINOIS AND MISSOURI TO TENNESSEE

APPLICATION FOR RELIEF

MARCH 31, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff schedule listed below.

Commodities involved: Asphalt (asphaltum), and petroleum road oil, carloads.

From: Wood River, Roxana, Hartford, South Wood River, East St. Louis, Robinson and Lawrenceville, Ill., and St. Louis, Mo.

To: Union City and Martin, Tenn.

Grounds for relief: Circuitous routes, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. 726, supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-2780; Filed, Apr. 4, 1955; 8:47 a. m.]

[4th Sec. Application 30432]

GRAIN FROM NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA TO CHARLESTON, S. C.

APPLICATION FOR RELIEF

MARCH 31, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariff schedule listed below.

Commodities involved: Grain and grain products, carloads.

From: Specified points in North Carolina, South Carolina, and Georgia.

To: Charleston, S. C., for export.

Grounds for relief: Circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1325, supp. 79.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-2781; Filed, Apr. 4, 1955; 8:47 a. m.]

[4th Sec. Application 30433]

SAND FROM RIVERTON, IND., TO DECATUR, ILL.

APPLICATION FOR RELIEF

MARCH 31, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to tariff schedule listed below.

Commodities involved: Sand, carloads.

From: Riverton, Ind.

To: Decatur, Ill.

Grounds for relief: Competition with motor carriers (from wayside pits).

Schedules filed containing proposed rates: Illinois Central Railroad, I. C. C. A-11687, supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-2782; Filed, Apr. 4, 1955; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 67

Washington, Wednesday, April 6, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[FHA Instruction 445.1]

PART 381—PRODUCTION EMERGENCY AND PROPERTY DAMAGE LOANS

LOANS TO PAID-UP BORROWERS

Production Emergency loans will no longer be made to paid-up borrowers unless the area is redesignated as a disaster area because of a new disaster. Accordingly: Paragraph (b) of § 381.4, Title 6, Code of Federal Regulations (16 F. R. 3970) is hereby revoked.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2 (a), 63 Stat. 44; 12 U. S. C. 1148a—2 (a))

Dated this 31st day of March 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-2822; Filed, Apr. 5, 1955; 8:50 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP GRAIN SORGHUMS RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1954-crop grain sorghums. The 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967, 1595 and 6901), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1954, supplemented by Supplement 1, Grain Sorghums (19 F. R. 2117, 2203, 2561, 3467, 4555, 7536 and 9172), containing the specific requirements for the 1954-crop grain sorghums price support program, is hereby further supplemented as follows:

Sec.
421.536 Applicable sections of 1954 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Grain Sorghums.
421.537 Availability.
421.538 Eligible producer.
421.539 Eligible grain sorghums.
421.540 Approved storage.
421.541 Approved forms.
421.542 Quantity eligible for resealing.
421.543 Additional service charges.
421.544 Transfer of producer's equity.
421.545 Storage and track-loading payments.
421.546 Maturity and satisfaction.
421.547 Support rates.
421.548 CSS Commodity offices.

AUTHORITY: §§ 421.536 to 421.548 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1447.

§ 421.536 *Applicable sections of 1954 C. C. C. Grain Price Support Bulletin 1 and Supplement 1, Grain Sorghums.* The following sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplement 1, Grain Sorghums, as amended, published in 19 F. R. 967, 1595, 2117, 2203, 2561, 3467, 4555, 6901, 7536, and 9172, shall be applicable to the 1954 Grain Sorghums Reseal Loan Program: § 421.401 *Administration;* § 421.405 *Approved lending agencies;* § 421.408 *Liens;* § 421.410 *Set-offs;* § 421.411 *Interest rate;* § 421.413 *Safeguarding the commodity;* § 421.414 *Insurance on farm-storage loans;* § 421.415 *Loss or damage to the commodity;* § 421.416 *Personal liability of the producer;* § 421.417 *Release of the commodity under loan;* § 421.419 *Foreclosure;* § 421.420 *Purchase of notes;* § 421.530 *Determination of quantity.* Other sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplement 1, Grain Sorghums, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.537 *Availability*—(a) *Area and scope.* The reseal program will be available in areas in the following States where ASC State committees determine that there may be a shortage of storage space and that grain sorghums can be safely stored on the farm for the period of the reseal loan: Arizona, California,

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Title 9 ($0.65)

Title 20 ($0.75)

Title 24 ($0.75)

Titles 40–42 ($0.50)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 18 ($0.50); Title 19 ($0.40); Title 25 ($0.50); Titles 30–31 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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Payment in cash, credit to the producer's account or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the grain sorghums are in existence and in good condition. If the grain sorghums were not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which aproved his loan or purchase agreement. Disbursements of loans completed on grain sorghums covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.538 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the grain sorghum in 1954 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement covering grain sorghums of the 1954 crop.

§ 421.539 *Eligible grain sorghums*—(a) *Requirements of eligibility.* The grain sorghums (1) must meet the requirements set forth in § 421.528 (a), (b), (c), and (d) of 1954 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Grain Sorghums but must contain not in excess of 12 percent moisture; (2) must be under price support loan or purchase agreement; and (3) must be of a quality which meets sanitation requirements of the Federal Food and Drug Administration in effect at the time the loan is extended or made. Information concerning such requirements may be obtained at the ASC county office.

(b) *Inspection.* If a producer makes application to extend his farm-storage loan, or to obtain a farm-storage loan on grain sorghums covered by a purchase agreement, the commodity loan inspector shall inspect the grain sorghums and storage structure, obtain a sample if the grain sorghums and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

(c) *Determination of quality.* Quality determinations shall be made as set forth in § 421.531: *Provided,* That determinations with respect to the sanitation requirements specified in § 421.539 (a) shall be made in accordance with instructions issued by CCC. Such instructions will be available for examination at the ASC county office.

§ 421.540 *Approved storage.* Grain sorghums covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.406 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending May 31, 1956, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to May 31, 1956.

§ 421.541 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of Producer's Note and Supplemental Loan Agreement, Commodity Loan Form A, secured by a Commodity Chattel Mortgage on Commodity Loan Form AA, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.542 *Quantity eligible for reseal-ing.* (a) The quantity of grain sorghums eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of grain sorghums specified in the purchase agreement, minus any quantity of the grain sorghums under such purchase agreement (1) which has been previously placed under a loan or (2) on which he exercises his option to sell to CCC.

§ 421.543 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on grain sorghums covered by a purchase agreement, the producer shall pay an additional service charge of 1 cent per 100 pounds on the quantity placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 421.544 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the grain sorghums mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the grain sorghums must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the grain sorghums from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.545 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) Storage payment for full reseal period: A storage payment for the full reseal period will be made to the producer on the quantity involved if he (i) redeems grain sorghums from the loan on or after March 31, 1956, (ii) delivers grain sorghums to CCC on or after March 31, 1956, or (iii) delivers grain sorghums to CCC prior to March 31, 1956, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the commodity was not damaged or otherwise impaired due to negligence on the part of the producer. Such storage payment will be computed at the rate of 26 cents per 100 pounds in the States of Arizona, California, and South Dakota; 27 cents per 100 pounds in the States of Colorado, Iowa, Kansas, Missouri, and Nebraska; and 28 cents per 100 pounds in the States of New Mexico, Oklahoma, and Texas.

(2) Prorated storage payment: A storage payment determined by prorating such yearly rate according to the length of time the quantity of grain sorghums involved was in store after May 31, 1955, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of grain sorghums redeemed from the loan prior to March 31, 1956, and (iii) in the case of grain sorghums delivered by CCC prior to March 31, 1956, pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC: *Provided, however,* That no storage payment will be made with respect to grain sorghums so delivered to CCC which are damaged or otherwise impaired due to negligence on the part of the producer. The prorated storage payment will be computed at the rate of 0.00085 per 100 pounds a day (but not to exceed 26 cents per 100 pounds) in the States of Arizona, California, and South Dakota; 0.00089 per 100 pounds a day (but not to exceed 27 cents per 100 pounds) in the States of Colorado, Iowa, Kansas, Missouri and Nebraska; 0.00092 per 100 pounds a day (but not to exceed 28 cents per 100 pounds) in the States of New Mexico, Oklahoma and Texas. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the grain sorghums have been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 6 cents per 100 pounds will be made to the producer on grain sorghums delivered to CCC, in accordance with instructions of the county committee, on track, at a country point.

§ 421.546 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than March 31, 1956. The producer must pay off his loan, plus interest, on or before maturity or deliver the

Colorado, Iowa, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, and Texas. This program provides, under certain circumstances, for the extension of 1954-crop farm-storage loans and the making of farm-storage loans on 1954-crop grain sorghums covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee.

(2) In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(3) The producer who signed a purchase agreement on farm-stored grain sorghums is required, under the 1954 Grain Sorghums Price Support Program, to notify the county committee not later than March 31, 1955, if he intends to sell the grain sorghums to CCC. If the producer has notified the county committee on or before March 31, 1955, of his intention to sell the grain sorghums to CCC, or to participate in this program, he may obtain a farm-storage loan on the grain sorghums. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions or, before May 31, 1955, if the producer has not requested or received delivery instructions. The loan documents must be presented for disbursement within 15 days after execution. Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC.

mortgaged grain sorghums in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity eligible for delivery. Delivery of grain sorghums will be accepted only from bin(s) in which the grain sorghums under reseal loan are stored. The provisions of § 421.418 (a), (c), and (e) (2) and (3) and of § 421.535 (a) (1) shall be applicable thereto: *Provided*, That, if upon delivery, the grain sorghums are of a quality which do not meet the sanitation requirements (§ 421.539 (a) (3)) in effect at the time the loan was extended or at the time the loan was made on grain sorghums covered by a purchase agreement, the grain sorghums shall be sold to the highest bidder for feed, or for industrial uses other than food and beverages, and the basic settlement value, per 100 pounds, shall be the same as the sales price.

§ 421.547 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan, and the support rate for grain sorghums covered by a purchase agreement placed under a farm-storage loan shall be the support rate established for the grain sorghums in § 421.533 (c) (1) and (2): *Provided*, That, the basic support rate shall be for 100 pounds of grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better and containing not in excess of 12 percent moisture.

(b) Any discounts established for variation in quality as shown in § 421.533 (d) shall apply, except that discounts contained therein for grain sorghums which grade No. 3 or No. 4 and contain not in excess of 13 percent moisture shall apply to grain sorghums which grade No. 3 or No. 4 and contain not in excess of 12 percent moisture.

§ 421.548 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Tex., 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Mo., 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minn., 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 4th day of April 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-2858; Filed, Apr. 5, 1955; 11:05 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (i) (1) is added to § 6.112 as set out below.

§ 6.112 *Department of Commerce.*

* * *

(i) *Bureau of Public Roads.* (1) Temporary, intermittent, or seasonal employment in the field service of the Bureau of Public Roads at grades not higher than GS-5 for subprofessional engineering aide work on highway surveys and construction projects, for not to exceed 180 working days a year, whenever in the opinion of the Commission appointment through competitive examination is impracticable.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-2815; Filed, Apr. 5, 1955; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. No. 577, Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—BLACK STEM RUST

ADMINISTRATIVE INSTRUCTIONS DESIGNATING RUST-RESISTANT SPECIES AND VARIETIES OF BARBERRY, MAHOBERBERIS, AND MAHONIA PLANTS

Pursuant to the authority conferred upon him by § 301.38-5 of the regulations (7 CFR, 1953 Supp., 301.38-5) supplemental to the Black Stem Rust Quarantine (Notice of Quarantine No. 38, 7 CFR, 1953 Supp., 301.38) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), the Chief of the Plant Pest Control Branch hereby amends the administrative instructions in 7 CFR, 1953 Supp., 301.38-5a to read as follows:

§ 301.38-5a *Administrative instructions designating rust-resistant barberry, mahoberberis, and mahonia plants.* (a) The Chief of the Branch, upon the basis of evidence satisfactory to him, has determined that the following species and horticultural varieties of barberry, mahoberberis, and mahonia are resistant to black stem rust, and such species and varieties are hereby designated as rust-resistant:

Scientific name:
Berberis arido-calida.
B. beaniana.
B. buxifolia.
B. buxifolia nana.
B. calliantha.
B. candidula.
B. chenaulti.
B. circumserrata.
B. concinna.
B. darwini.
B. formosana.
B. franchetiana.
B. gagnepaini.
B. gilgiana.
B. horvathi.
B. hybrido-gagnepaini.
B. insignis.
B. julianae.
B. koreana.
B. lempergiana.
B. lepidifolia.
B. linearifolia.
B. linearifolia var. Orange King.
B. lologensis.
B. mentorensis.
B. pallens.
B. potanini.
B. Renton.
B. replicata.
B. sanguinea.
B. sargentiana.
B. stenophylla.
B. stenophylla diversifolia.
B. stenophylla gracilis.
B. stenophylla irwini.
B. stenophylla nana compacta.
B. telomaica artisepala.
B. thunbergi.
B. thunbergi atropurpurea.
B. thunbergi atropurpurea nana.
B. thunbergi erecta.
B. thunbergi "globe".
B. thunbergi "golden".
B. thunbergi maximowiczi.
B. thunbergi minor.
B. thunbergi pluriflora.
B. thunbergi "thornless".
B. thunbergi "variegata".
B. thunbergi xanthocarpa.
B. triacanthophora.
B. verruculosa.
B. virgatorum.
B. xanthoxylon.
Mahoberberis miethkeana.
Mahonia aquifolium.
M. bealei.
M. compacta.
M. dictyota.
M. fortunei.
M. lomarifolia
M. nervosa.
M. pinnata.
M. repens.

(b) Plants of the species and varieties in paragraph (a) of this section may be moved interstate in compliance with the regulations in this subpart.

(c) Under the regulations in this subpart, seeds and fruit of the species and varieties in paragraph (a) of this section, if produced in any of the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, may be moved between such States only under permit or, wherever produced, may be moved from the States named to points outside thereof, and between States other than those named, without restriction.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These instructions shall become effective on April 6, 1955, when they shall supersede B. E. P. Q. 577, revised, effective April 25, 1953 (7 CFR, 1953 Supp., 301.38-5a).

The purpose of this amendment is to add to the list of rust-resistant species and horticultural varieties of barberry, mahoberberis, and mahonia plants the following five additional species and varieties: Berberis lempergiana Ahrendt, B. lepidifolia Ahrendt, B. stenophylla gracilis Hort., B. thunbergi xanthocarpa Hort., and Mahonia lomarifolia Takeda. The designation of such rust-resistant species and varieties in effect constitutes a relaxation of the restrictions of the regulations and depends upon facts within the knowledge of the Plant Pest Control Branch. It has been determined that there is no unwarranted pest risk involved in the permitted movement of such species and varieties. The determination having been made that these species and varieties are rust-resistant, authorization for their movement in accordance with the regulations should be accomplished promptly. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure concerning these instructions are impracticable, unnecessary, and contrary to the public interest, and since the instructions relieve restrictions, they may be made effective less than thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 1st day of April 1955.

[SEAL] W. L. POPHAM,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 55-2821; Filed, Apr. 5, 1955; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 929—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

ORDER REGULATING HANDLING

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929.0 Findings and determinations.

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AUTHORITY: §§ 929.0 to 929.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 929.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed order regulating the handling of milk in the Eastern South Dakota marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to all receipts within the month of (i) producer milk, including such handler's own production, (ii) other source milk at an approved plant which is classified as Class I milk, and (iii) Class I milk disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from an approved plant.

(b) *Additional findings.* Since this order will constitute the original imposition of a regulatory program of this nature for the market and since it is necessary that handlers maintain records and reports to the market administrator their receipts and utilization of milk, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the provisions relating to prices and payments to producers in order that handlers may have opportunity to make necessary adjustments in their accounting and other operational procedures to conform with all provisions of the order. It is hereby found and determined, in view of the aforesaid facts and circumstances that good cause exists for making §§ 929.1 through 929.16, 929.20 through 929.22 (g), 929.30 through 929.33, 929.40 through 929.46, 929.60, 929.61, and 929.90 through 929.101 effective on April 16, 1955; and §§ 929.22 (h) (i) and (j), 929.50 through 929.53, 929.70 and 929.71, and 929.80 through 929.84 effective on May 1, 1955; and that it would be contrary to the public interest to delay such effective dates to dates later than those specified.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order, which is marketed within the Eastern South Dakota marketing area) refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Eastern South Dakota marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practicable means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Eastern South Dakota marketing area; and

(3) The issuance of this order is approved or favored by at least three-fourths of the producers who, during the determined representative period (January 1955) were engaged in the production of milk for sale in the Eastern South Dakota marketing area.

Order relative to handling. It is therefore ordered, that on an after the effective date hereof the handling of milk in the Eastern South Dakota marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 929.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 929.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 929.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 929.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 929.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 929.6 *Eastern South Dakota Marketing Area.* "Eastern South Dakota marketing area," hereinafter called the "marketing area," means all the territory within the corporate limits of the cities of Aberdeen, Huron, Redfield, and Watertown, all in the State of South Dakota.

§ 929.7 *Pool plant.* "Pool plant" means (a) any plant from which a volume of Class I milk equal to more than an average of 750 pounds per day or not less than 5 percent of the approved milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other pool plants located in the marketing area, (b) any plant which during the months of February through July ships Grade A milk or skim milk to a plant qualified pursuant to paragraph (a) of this section, or (c) any plant which during the months of August through January receives milk from farmers holding dairy farm permits or ratings issued by a health authority having jurisdiction in the marketing area, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section: *Provided,* That if a portion of a plant is operated separately and no approved milk is received in such portion of the plant, it shall not be considered as part of a pool plant pursuant to this section.

§ 929.8 *Approved plant.* "Approved plant" means a pool plant or any plant from which Class I milk is delivered (including delivery by a vendor or sale from a plant store) during the month to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 929.9 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 929.10 *Handler.* "Handler" means any person in his capacity as the operator of an approved plant.

§ 929.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority which milk is (a) received at a pool plant or (b) diverted by the operator of a pool plant for his account to a nonpool plant: (1) Any day during the months of March through July, and (2) on not more than 15 days during any of the months of August through February: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

§ 929.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 929.11.

§ 929.13 *Approved milk.* "Approved milk" means any skim milk or butterfat contained in producer milk or in milk, skim milk or cream which is received from a pool plant, except the plant of a producer-handler, and which is approved by the appropriate health authority for distribution as Class I milk in the marketing area.

§ 929.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 929.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area received from pool plants or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 929.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 929.15 *Producer-handler.* "Producer-handler" means any person who produces milk and who operates an approved plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers.

§ 929.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 929.20 *Designation.* The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 929.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 929.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 929.83 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this order, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 929.30 and 929.31 or payments pursuant to §§ 929.80 through 929.83;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce and notify each handler in writing on or before: (1) the 5th day of each month the Class I milk price pursuant to § 929.51 (a) and the Class I butterfat differential pursuant to § 929.52 (a), both for the current month; and the Class II milk price pursuant to § 929.51 (b) and the Class II butterfat differential pursuant to § 929.52 (b) both for the preceding month; and (2) the 8th day after the end of each month, the uniform price pursuant to § 929.71 and the butterfat differentials to be paid pursuant to § 929.81.

REPORTS, RECORDS AND FACILITIES

§ 929.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 929.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of products designated as Class I milk pursuant to § 929.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 929.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) his name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days on which milk was received from such producer, if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his pool plant(s), his intention to receive such product and on or before the last day such product is received, his intention to discontinue receipt of such milk; and

(3) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 929.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 929.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 929.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at pool plants which is required to be reported pursuant to § 929.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 929.41 through 929.46.

§ 929.41 *Classes of utilization.* Subject to the conditions set forth in §§ 929.43 and 929.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen cream) and any mixture in fluid form of skim milk and cream (except ice cream, ice cream mixes, and sterilized products in hermetically sealed containers); and not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) contained in inventory of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; and (3) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 929.11) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (4) in shrinkage in other source milk.

§ 929.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 929.43 *Transfers.* Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of products designated as Class I milk in § 929.41 (a) (1) to a pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 929.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 929.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 929.41 (a).

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonpool plant located in the marketing area or not more than 100 miles by the shortest highway distance as determined by the market administrator from the nearest point in the marketing area unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the 6th day after the end of the month within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all

skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

(d) As Class I milk if transferred in bulk form as cream to a nonpool plant unless:

(1) Such cream is transferred without Grade A certification of any health authority;

(2) The handler claims Class II in his report submitted to the market administrator pursuant to § 929.30 on or before the 6th day after the end of the month within which such transaction occurred;

(3) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator, for the purpose of verification; and

(4) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 929.44 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in § 929.41 the burden rests upon the handler who receives such skim milk or butterfat from producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 929.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plants of each handler and shall compute the pounds of butterfat and skim milk in each class for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 929.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 929.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 929.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk pursuant to § 929.41 (a) (1) on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from the pool plants of other handlers in the form of products designated as Class I milk in § 929.41 (a) (1), according to its classification as determined pursuant to § 929.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 929.50 *Basic formula price.* The higher of the prices computed pursuant to paragraphs (a) or (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic of field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed pursuant to § 929.51 (b).

§ 929.51 *Class prices.* Subject to the provisions of § 929.52 the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40.

(b) *Class II milk price.* The Class II milk price shall be the price obtained by adding the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph and rounding to the nearest cent.

(1) Multiply the Chicago butter price by 1.25, subtract 8 cents, and multiply by 3.5.

(2) For each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound multiply by 3 cents and add 17 cents thereto. The price per pound of nonfat dry milk solids to be used shall be the simple average of carlot prices for nonfat dry milk solids for human consumption, both spray and roller process, delivered at Chicago as reported by the Department during the month. In the event the Department does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, there shall be used the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

§ 929.52 *Butterfat differentials to handlers.* If the weighted average butterfat content of the milk received from producers classified, respectively, in Class I milk or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed pursuant to § 929.51 for each one-tenth of 1 percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential computed as follows:

(a) *Class I milk.* Add 2.8 cents to the butterfat differential computed pursuant to paragraph (b) of this section for the preceding month.

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.125, subtract 0.8 cent, and round to the nearest one-tenth cent.

§ 929.53 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 929.60 *Producer-handlers.* Sections 929.40 through 929.46, 929.50 through 929.52, 929.70, 929.71, 929.80 through 929.84, and 929.90 through 929.93 shall not apply to a producer-handler.

§ 929.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 929.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 929.7 (a) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants) in the Eastern South Dakota marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 929.7 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant has qualified as a pool plant pursuant to § 929.7 (c) for each month during the preceding August through January period.

DETERMINATION OF UNIFORM PRICE

§ 929.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his pool plant(s) during each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; and (e) add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 929.46 (a) (3) and (b), whichever is less.

§ 929.71 *Computation of uniform prices for handlers.* For each month the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 3.5 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(b) Add if a deduction was made, or subtract if an addition was made, in computing the uniform price for such handler to the nearest cent for the preceding month the amount of such adjustment; and

(c) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The quotient, adjusted to the nearest cent, shall be known as the uniform price for such handler for milk of 3.5 percent butterfat content.

PAYMENTS

§ 929.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer for milk received during the month as follows:

(1) On or before the 27th day of each month to each such producer who did not discontinue shipping milk to such handler before the 25th day of the month an amount equal to not less than the uniform price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this subparagraph; and

(2) On or before the 12th day of the following month, an amount equal to not less than the uniform price adjusted by the butterfat differential to producers multiplied by the hundredweight of milk received from such producer during the month, subject to the following adjustments: (i) less payments made such producer pursuant to subparagraph (1) of this paragraph, (ii) plus or minus adjustments for errors made in previous payments made to such producer, and (iii) less proper deductions authorized in writing by such producer.

(b) In the case of a cooperative association which is authorized to receive payment for the milk of its members and which has so requested any handler in writing, such handler shall make payment to the cooperative association for milk received during the month from the producer members of such association as follows:

(1) On or before the 25th day of the month an amount equal to not less than the uniform price for the preceding month multiplied by the hundredweight of milk received during the first 15 days of the month from producer members who did not discontinue delivering milk to such handler before the 25th day of the month, less proper deductions authorized in writing by such cooperative association to be made from payments due pursuant to this subparagraph; and

(2) On or before the 10th day of the following month, an amount equal to not less than the uniform prices adjusted by the butterfat differential to producers multiplied by the hundredweight of milk received from such producer members during the month, subject to the following adjustments: (i) less payments made such cooperative association pursuant to subparagraph (1) of this paragraph, (ii) plus or minus adjustments for errors made in previous payments to such cooperative association, and (iii) less proper deductions authorized in writing by such cooperative association.

(c) In making the payments to producers pursuant to this section, each handler shall furnish each producer from whom he has received milk with a supporting statement in such form that it may be retained by the producer, which shall show for each month:

(1) The month and identity of the handler and of the producer;

(2) The daily and total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to the order;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 929.81 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 929.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of such handler allocated to Class I and Class II milk pursuant to § 929.46 (b) by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 929.82 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products disclose errors resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 929.83 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at an approved plant which is classified as Class I milk, and (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plants) located in the marketing area from an unapproved plant.

§ 929.84 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless

within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 929.90 *Effective time.* The provisions of this part or any amendment to this order shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 929.91.

§ 929.91 *Suspension or termination.* The Secretary may suspend or terminate any or all of the provisions of this order whenever he finds that they obstruct or do not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 929.92 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this order, the final accrual or ascertainment of which require further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 929.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this order, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 929.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 929.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 1st day of April 1955.

Sections 929.1 through 929.16, 929.20 through 929.22 (g), 929.30 through 929.33, 929.40 through 929.46, 929.60 and 929.61, and 929.90 through 929.101 shall be effective on and after the 16th day of April 1955 and §§ 929.22 (h) (i) and (j), 929.50 through 929.53, 929.70 and 929.71, and 929.80 through 929.84 shall be effective on and after May 1, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-2820; Filed, Apr. 5, 1955; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6204]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

COLUMBIAN BRONZE CORP. ET AL.

Subpart—*Combining or conspiring:* § 3.430 *To enhance, maintain or unify prices.* In connection with the offering for sale and distribution in commerce, of marine propellers, and on the part of respondent corporation, Columbian Bronze Corporation, and respondent Michigan Wheel Company, also trading as The Federal Propellers, and on the part of their respective officers, etc., and any subsidiary or affiliate, entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, or arrangement between themselves or by and between either or both of them and others not parties, to: (1) Fix or maintain the prices, bids, discounts, or other terms or conditions upon which their respective propellers are sold or distributed; (2) fix or maintain charges for or in connection with the boring of their respective propellers; (3) exchange or otherwise supply competitors or potential competitors with price information, including discounts and other terms of sale of said products and boring charges, in advance of the announcement of prices, discounts, and other terms of sale or boring charges; prohibited, subject to the proviso, that it is understood that the order prohibits exchanging of price information, including discounts and other terms of sale of said products and boring charges, only when done in advance of the public announcement of such information; except that such proviso shall not be deemed to authorize the exchanging of such information at other times if done pursuant to a planned common course of action, agreement, understanding, or arrangement to do the things prohibited in "(1)" and "(2)" above.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Columbian Bronze Corporation (Freeport, L. I., N. Y.) et al., Docket 6204, February 24, 1955.]

In the Matter of Columbian Bronze Corporation, a Corporation, and Michigan Wheel Company, a Corporation, Also Trading as The Federal Propellers

This proceeding was heard by John Lewis, hearing examiner, which charged respondents with the use of unfair methods of competition and unfair acts and practices in commerce, in violation of the provisions of the Federal Trade Commission Act; respondents' answers; and a stipulation, which was thereafter signed by the parties, provided for the entry of a consent order disposing of all the issues in the proceeding, and was submitted to said hearing examiner, theretofore duly designated by the Commission, for his consideration in accordance with Rule V of the Commission's rules of practice.

Pursuant to the aforesaid stipulation, respondents admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations, and said stipulation further provided that the answer theretofore filed by respondents was to be withdrawn and that the parties expressly waived a hearing before said hearing examiner or the Commission, and all further and other procedure to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

Respondents also agreed that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a full hearing, and specifically waived any and all right, power, or privilege to challenge or contest the validity of said order, and further stipulated and agreed that the complaint in the matter might be used in construing the terms of the order provided for in said stipulation, and that the signing of said stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Thereafter, the matter having come on for final consideration by said hearing examiner on the complaint and Stipulation for Consent Order, said examiner made his initial decision in which he set forth the aforesaid matters, that the answer previously filed by respondents was thereby deemed withdrawn, his conclusion that the aforesaid stipulation provided for an appropriate disposition of the proceeding and his acceptance thereof, which was ordered filed as part of the record in the matter, and in which he made certain findings for jurisdictional purposes and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on February 24, 1955.

Said order is as follows:

It is ordered, That the respondents, Columbian Bronze Corporation, a corporation, and Michigan Wheel Company, a corporation, also trading as The Federal Propellers, their respective officers, agents and employees, and any subsidiary or affiliate, in connection with the offering for sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their said products, namely, marine propellers, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common course of action, agreement, understanding or arrangement between themselves or by and between either or both of them and others not parties hereto, to do or perform the following acts or things, namely:

(1) Fixing or maintaining the prices, bids, discounts or other terms or conditions upon which their respective propellers are sold or distributed.

(2) Fixing or maintaining charges for or in connection with the boring of their respective propellers.

(3) Exchanging or otherwise supplying competitors or potential competitors with price information, including discounts and other terms of sale of said products and boring charges, in advance of the announcement of prices, discounts and other terms of sale or boring charges.

Provided, It is understood that this order prohibits exchanging of price information, including discounts and other terms of sale of said products and boring charges, only when done in advance of the public announcement of such information; except that this proviso shall not be deemed to authorize the exchanging of such information at other times if done pursuant to a planned common course of action, agreement, understanding or arrangement to do the things prohibited in subparagraphs (1) and (2) hereof.

By "Decision of the Commission and Order to File Report of Compliance," Docket 6204, February 24, 1955, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 24, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-2801; Filed, Apr. 5, 1955; 8:47 a. m.]

[Docket 6265]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JOSEPH BAUM

Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition;* § 3.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 3.1225 *History;* § 3.1260 *Nature;* § 3.1265 *Old, secondhand, reclaimed or reconstructed product as new;* § 3.1325 *Source or origin:* Maker or seller, etc.: *Fur Products Labeling Act;* Place: *Foreign, in general.* Subpart—*Misrepresenting oneself and goods*—Goods: § 3.1590 *Composition;* § 3.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 3.1650 *History of product;* § 3.1685 *Nature;* § 3.1695 *Old, secondhand, reclaimed or reconstructed as new;* § 3.1745 *Source or origin:* Maker or seller, etc.; place: *Foreign, in general.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition:* Fur Products Labeling Act; § 3.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 3.1854 *History of product:* Fur Products Labeling Act; § 3.1870 *Nature:* Fur Products Labeling Act; § 3.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 3.1900 *Source or origin:* Fur Products Labeling Act; *Maker or seller, etc.; Place.* Subpart—*Using misleading name*—Goods: § 3.2280 *Composition;* § 3.2295 *History;* § 3.2315 *Nature.* In connection with the introduction or manufacture for introduction into commerce, or the sale or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacturing for sale, sale, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act: (A) Misbranding fur products by: (1) Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured; (2) failing to affix labels to fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of used fur, when such is a fact; (c) that the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact; (d) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact; (e) the name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce; (f) the name of the country of origin of any imported furs used in the fur product; (3) mingling non-required information with required information on labels attached to fur products in violation of Rule 29 of the rules and regulations; (4) failing to show, on labels attached to fur products, the item number of such fur products, as required by Rule 40 of the rules and regulations; (B) falsely or deceptively invoicing fur products by: (1) Failing to furnish invoices to purchasers of fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and

regulations; (b) that the fur product contains or is composed of used fur, when such is the fact; (c) that the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact; (d) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact; (e) the name and address of the person issuing such invoice; (f) the name of the country of origin of any imported furs contained in a fur product; (2) using on invoices the name or names of any animal or animals other than the name or names provided for in paragraph (B) (1) (a) above, or furnishing invoices which contain any form of misrepresentation or deception, directly or by implication, with respect to such fur product; and (3) failing to show the item number or mark of each fur product on the invoice pertaining to such product, as required by Rule 40 of the rules and regulations; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 175; 15 U. S. C. 45, 69f) [Cease and desist order, Joseph Baum, New York, N. Y., Docket 6265, February 22, 1955.]

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission, which charged respondent with violating the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act by falsely and deceptively labeling and invoicing fur trimmings, scarves, stoles, and other fur products which respondent manufactured, sold, and distributed in commerce; and upon a Stipulation for Consent Order, which was entered into by respondent with counsel supporting the complaint, prior to the filing of an answer and prior to the date set in the complaint for initial hearing, and which was approved by the Director and Assistant Director of the Commission's Bureau of Litigation and transmitted to the hearing examiner.

Said stipulation provided, among other things, that respondent admitted all the jurisdictional allegations set forth in the complaint and that the record in the matter might be taken as if findings of jurisdictional facts had been made in accordance with such allegations; that the stipulation, together with the complaint, should constitute the entire record in the matter; that the complaint might be used in construing the order agreed upon, which might be altered, modified, or set aside in the manner provided by the statute for orders of the Commission; and that the signing of the stipulation was for settlement purposes only and did not constitute an admission by respondent that he had violated the law as alleged in the complaint.

It was also set forth that the order provided for in the stipulation and included in the initial decision should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, and all parties waived the filing of answer, hearings before a hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner and the Commission to which respondent might be entitled under the Federal Trade Commission Act or the rules of the Commission, including any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with the stipulation.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matter, noted that the order agreed upon conformed to that contained in the "Notice" accompanying the complaint, and disposed of all the issues raised therein, accordingly accepted said Stipulation for Consent Order, and found the proceeding to be in the public interest, and issued order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's Rules of Practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on February 22, 1955.

Said order is as follows:

It is ordered, That respondent Joseph Baum, an individual, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacturing for sale, sale, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

3. Mingling non-required information with required information on labels attached to fur products in violation of Rule 29 of the rules and regulations.

4. Failing to show, on labels attached to fur products, the item number of such fur products, as required by Rule 40 of the rules and regulations.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product.

2. Using on invoices the name or names of any animal or animals other than the name or names provided for in paragraph B (1) (a) above, or furnishing invoices which contain any form of misrepresentation or deception, directly or by implication, with respect to such fur product.

3. Failing to show the item number or mark of each fur product on the invoice pertaining to such product, as required by Rule 40 of the rules and regulations.

By "Decision of the Commission and Order to File Report of Compliance," Docket 6265, February 21, 1955, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That respondent Joseph Baum, an individual, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: February 21, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-2800; Filed, Apr. 5, 1955; 8:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Foreign Operations Administration

PART 202—OCEAN SHIPMENTS OF SUPPLIES BY VOLUNTARY NONPROFIT RELIEF AGENCIES

MISCELLANEOUS AMENDMENTS

JANUARY 28, 1955.

Pursuant to authority contained in sections 409 and 521 of the Mutual Security Act of 1954 (P. L. 665, 83d Congress) (22 U. S. C. 1781, 1929), and Executive Order No. 10575 of November 6, 1954; 22 CFR 202 is hereby amended to read as follows:

§ 202.1 *Definition of terms.* * * *

(c) "Supplies" shall include relief and rehabilitation supplies shipped in support of programs registered with the Committee as well as administrative supplies and equipment shipped in support of such programs. In no case shall such supplies include items for the personal use of representatives of the registered agency.

§ 202.2 *Scope of the regulations in this part.* This part provides the rules under which the Director, in order to further the efficient use of United States voluntary contributions for relief in the nations or areas listed below, may pay ocean freight charges from United States ports to initial foreign ports of entry of such nations or areas on supplies, as well as administrative supplies and equipment, donated to, or purchased by, United States voluntary nonprofit relief agencies registered with the Committee, for distribution or use in Afghanistan, Austria, Bolivia, Egypt, France, Formosa, the Federal Republic of Germany, Greece, Hong Kong, India, Iran, Italy, Jordan, Korea, Pakistan, Peru, Trieste, Yugoslavia, Vietnam, and when the Director determines it necessary and expedient, in any country elegible for economic or technical assistance under the Mutual Security Act of 1954, as amended (68 Stat. 832, 22 U. S. C. 1751 et seq.).

§ 202.5 *Refund by agencies.* Any agency reimbursed under this part will refund promptly to the Director upon demand the entire amount, or any lesser amount specified, of ocean freight charges reimbursed, and to the recipient country upon demand the entire amount, or any lesser amount specified, of inland transportation costs reimbursed, (1) whenever the Director determines that the reimbursements were improper as being in violation of any of the provisions of the Mutual Security Act of 1954 (P. L. 665, 83rd Congress), any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of the Foreign Operations Administration, and (2) unless such agency files, within sixty days after reimbursement has been made, a certificate stating that all supplies for which such reimbursement was made were admitted by the country of ultimate destination free of all customs duties, other duties, tolls and taxes.

(Sec. 521, 68 Stat. 855; 22 U. S. C. 1929. E. O. 10575, 19 F. R. 7249. Interpret or apply sec. 409, 68 Stat. 845; 22 U. S. C. 1789)

HAROLD E. STASSEN, *Director, Foreign Operations Administration.*

[F. R. Doc. 55-2802; Filed, Apr. 5, 1955; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 194—LIQUOR DEALERS

On December 31, 1954, a notice of proposed rulemaking with respect to regulations designated as Part 194 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (19 F. R. 9404). The purposes of the proposal were to adopt Regulations 20, 1953 edition (26 CFR (1939) Part 194) and to amend such adopted regulations (a) to implement the regulatory provisions of the Internal Revenue Code of 1954, (b) to implement a number of administrative decisions, and (c) to delete certain administrative instructions which are to be incorporated in internal management documents. After consideration of all relevant matter presented by interested parties, regarding the regulations proposed, the regulations so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. The preamble is amended as follows:

(A) Paragraph 1 is revised.

(B) A new paragraph 3 is added.

PAR. 2. Subpart B is revised as follows:

(A) Section 194.6 is amended by striking out the phrase "of internal revenue" at the end of the section.

(B) Sections 194.8 through 194.13 are renumbered as §§ 194.9 through 194.14, respectively.

(C) A new § 194.8 is added.

(D) Section 194.14 is renumbered as § 194.16.

(E) A new § 194.15 is added.

PAR. 3. Subpart D is amended by changing the second sentence of § 194.67 to read, "For example, different areas in a hotel such as banquet rooms, meeting rooms, guest rooms, etc., operated by the proprietor, collectively constitute a single place of business."

PAR. 4. Subpart H is amended by adding at the end of the last sentence of § 194.252 the phrase "or for other disposition in accordance with the provisions of Part 175 of this title."

[SEAL] T. COLEMAN ANDREWS, *Commissioner of Internal Revenue.*

Approved: March 31, 1955.

H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

Preamble: 1. The regulations in this part shall supersede Regulations 20, 1953 Edition (26 CFR (1939) Part 194; 18 F. R. 8749).

2. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

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Authority: §§ 194.1 to 194.261 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 194.1 *Wholesale and retail dealers in liquors.* This part, relating to liquor dealers, contains the requirements relative to special taxes and other requirements as to wholesale and retail dealers in distilled spirits, wines, and beer. The provisions of this part cover special taxes incurred through the sale of liquors, changes in location, proprietorship, or control of premises subject to special tax; refunds and redemption of special tax stamps; packaging of alcohol for industrial purposes; use of bottle strip stamps; the maintenance of records; and the posting of signs by liquor dealers.

§ 194.2 *Territorial extent.* The provisions of this part shall be applicable to the several States of the United States, the Territories of Alaska and Hawaii, and the District of Columbia.

§ 194.3 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including applications, notices, reports, returns and records. Information called for shall be furnished in accordance with the instructions printed on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 194.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 194.6 *Assistant Regional Commissioner.* "Assistant regional commissioner" shall mean an assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, a regional commissioner.

§ 194.7 *Beer.* "Beer" shall mean beer, ale, porter, stout, and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

(68A Stat. 612; 26 U. S. C. 5052)

§ 194.8 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 194.9 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 194.10 *District Director.* "District director" shall mean a district director of internal revenue.

§ 194.11 *Fiscal year.* "Fiscal year" shall mean the period from July 1 of each calendar year to and including June 30 of the following calendar year.

§ 194.12 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 194.13 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 194.14 *Person.* "Person" shall include a natural person, corporation, partnership, trust or estate, joint-stock company, association or other unincorporated organization or group, fiduciary, a State, city, county, municipality, or other political subdivision.

§ 194.15 *Regional commissioner.* "Regional commissioner" shall mean the regional commissioner of internal revenue in each of the internal revenue regions.

§ 194.16 *U. S. C.* "U. S. C." shall mean the United States Code.

SUBPART C—SPECIAL TAXES

§ 194.20 *Basis of tax.* Special taxes are imposed upon the engaging in or carrying on the business or occupation of selling or offering for sale alcoholic liquors fit for use as a beverage. No person shall be engaged in or carry on any business or occupation hereinafter mentioned unless he has paid special tax therefor in the manner provided in this part.

(68A Stat. 624; 26 U. S. C. 5142)

§ 194.21 *Agents and auctioneers.* A person who sells merely as the agent or employee of another is not subject to special tax. Auctioneers selling on behalf of others are within this category.

§ 194.22 *Selling or offering for sale.* Whether the activities of any person constitute selling or offering for sale is to be determined by the facts in each case, but any course of selling, though to a restricted class of persons or without a view to profit, is within the meaning of the statute.

§ 194.23 *Single sale.* A single sale, unattended by circumstances showing the one making the sale to be engaged in business, does not create special tax liability.

§ 194.24 *Brokers or agents.* A broker or agent may solicit orders for liquors in the name of a customer or principal, receive a commission for his services and make collections for his customer or principal without incurring liability to special tax. A retail dealer in liquors, or a retail dealer in beer, receiving and transmitting to a wholesale dealer orders for liquors or beer, as the case may be, in wholesale quantities does not incur liability to special tax as a wholesale dealer if he merely transmits the orders and the liquors or beer, as the case may be, are billed, charged, and shipped to the customers by the wholesaler. No special tax liability is incurred even though the retail dealer receives a commission on such sales or guarantees the payment of the accounts.

(68A Stat. 618, 621; 26 U. S. C. 5112, 5122)

§ 194.25 *Classification of alcoholic liquors.* There are three general classifications of alcoholic liquors for purposes of special tax: (a) distilled spirits, (b) wines, and (c) beer. Distilled spirits include alcohol, whisky, brandy, gin, rum, vodka, cordials, liqueurs, cocktails, etc. Wines include still wines, champagne, sparkling and carbonated wines, vermouth, etc. Beer includes such products as beer, ale, stout, porter, sake, etc.

(68A Stat. 597, 609, 612; 26 U. S. C. 5002, 5041, 5052)

§ 194.26 *Retail dealers in liquors; persons liable.* Every person who sells, or offers for sale, foreign or domestic distilled spirits or wines, otherwise than as provided in this part, in less quantities than 5 wine gallons to the same person at the same time is a retail dealer in liquors and shall pay the special tax imposed.

(68A Stat. 621; 26 U. S. C. 5122)

§ 194.27 *Lawful sales by retail dealer in liquors.* A person who pays special tax as a retail dealer in liquors may sell either distilled spirits, wines, or beer, or any two or all three of them. He may sell all three classes of liquors to the same person at the same time: *Provided*, That the quantity of each class is less than 5 wine gallons. For example, he may sell 4 gallons of distilled spirits, 4 gallons of wine, and 4 gallons of beer in one transaction. He may not sell either distilled spirits, wines, or beer in quantities of 5 wine gallons or more to the same person at the same time without incurring liability to special tax as a wholesale dealer in liquors, or a wholesale dealer in beer, as the case may be.

(68A Stat. 618, 621; 26 U. S. C. 5112, 5122)

§ 194.28 *Wholesale sales by retail dealer in liquors.* Where a retail dealer in liquors accepts an order for 5 wine gallons or more of distilled spirits or wines, a transaction has been made in a wholesale quantity, notwithstanding the order is filled and delivery is made in parcels of less than 5 wine gallons and on different dates. Except as provided in § 194.180, liability to special tax as a wholesale liquor dealer is incurred where two or more orders for 5 wine gallons or more are accepted under such conditions during a fiscal year, or where circumstances surrounding acceptance of a single order show the person is engaged in business as a wholesale liquor dealer. Similarly, liability to special tax as a wholesale dealer in beer is incurred by a retail dealer in liquors when he accepts orders for 5 wine gallons or more of beer, except as provided in § 194.181.

(68A Stat. 618; 26 U. S. C. 5111, 5112)

§ 194.29 *Wholesale dealers in liquors; persons liable.* Every person who sells, or offers for sale, foreign or domestic distilled spirits or wines in quantities of 5 wine gallons or more to the same person at the same time is a wholesale dealer in liquors and shall pay the special tax imposed.

(68A Stat. 618; 26 U. S. C. 5112)

§ 194.30 *Retail sales by wholesale dealers in liquors.* A wholesale dealer in liquors who sells or offers for sale distilled spirits, wines, or beer in quantities of less than 5 wine gallons to the same

person at the same time must pay special tax as a retail dealer in liquors or a retail dealer in beer, as the case may be.

(68A Stat. 620; 26 U. S. C. 5121)

§ 194.31 *Retail dealers in beer; persons liable.* Every person who sells, or offers for sale, beer in less quantities than 5 gallons to the same person at the same time, and who does not sell or offer for sale distilled spirits or wines, shall be regarded as a retail dealer in beer and shall pay the special tax imposed.

(68A Stat. 621; 26 U. S. C. 5122)

§ 194.32 *Wholesale sales by retail dealers in beer.* A retail dealer in beer who sells, or offers for sale, beer in quantities of 5 gallons or more to the same person at the same time subjects himself to special tax as a wholesale dealer in beer.

(68A Stat. 618; 26 U. S. C. 5111)

§ 194.33 *Retail dealer in beer selling other classes of alcoholic liquors.* When a retail dealer in beer sells, or offers for sale, other classes of alcoholic liquors in quantities of less than 5 wine gallons to the same person at the same time, he must pay special tax as retail dealer in liquors.

(68A Stat. 621; 26 U. S. C. 5122)

§ 194.34 *Wholesale dealers in beer; persons liable.* Every person who sells, or offers for sale, beer in quantities of 5 gallons or more to the same person at the same time, and who does not sell or offer for sale distilled spirits or wines at wholesale, shall be regarded as a wholesale dealer in beer and shall pay the special tax imposed.

(68A Stat. 618; 26 U. S. C. 5112)

§ 194.35 *Retail sales by wholesale dealers in beer.* A wholesale dealer in beer may not sell or offer for sale such liquors in quantities of less than 5 gallons to the same person at the same time without incurring liability to special tax as a retail dealer in beer.

(68A Stat. 620; 26 U. S. C. 5121)

§ 194.36 *Wholesale dealer in beer selling other classes of alcoholic liquors.* A wholesale dealer in beer may not sell, or offer for sale, distilled spirits or wines without incurring liability to special tax as a retail or wholesale dealer in liquors, depending upon the quantity sold to the same person at the same time.

(68A Stat. 618; 26 U. S. C. 5111)

§ 194.37 *Sales to members by clubs or similar organization.* A club or similar organization furnishing liquors to its members under conditions constituting sale is required to pay special tax.

(68A Stat. 618, 621; 26 U. S. C. 5111, 5121)

§ 194.38 *Club or similar organization accepting orders from members.* A club or similar organization which sells liquors to its members by accepting orders therefor, furnishing the liquors so ordered and collecting the price thereof, is required to pay special tax.

(68A Stat. 618, 621; 26 U. S. C. 5111, 5121)

§ 194.39 *Bar conducted by club or similar organization at outings.* A club or similar organization conducting a bar for the sale of liquors, on the occasion of an outing, picnic, or other entertainment, must pay special tax. The special tax stamp held by the proprietor of the premises where the bar is located will not relieve the club or similar organization from special tax liability.

(68A Stat. 620; 26 U. S. C. 5121

§ 194.40 *Purchases by club or similar organization for members.* Special tax is not incurred when a club or similar organization collects money in advance from its members for the purchase of liquors for their consumption, or advances such money upon an agreement with the members for reimbursement. However, special tax is incurred if the club or similar organization purchases liquors without prior agreement with the members and subsequently recoups.

(68A Stat. 621; 26 U. S. C. 5122)

§ 194.41 *Restaurants serving liquors with meals.* Proprietors of restaurants and other persons who serve liquors with meals to customers, though no separate or specific charge for the liquors is made, are required to pay special tax.

(68A Stat. 621; 26 U. S. C. 5122)

§ 194.42 *Hospitals.* Hospitals and similar institutions furnishing liquors to patients are not required to pay special tax, provided no specific or additional charge is made for the liquors so furnished.

(68A Stat. 621; 26 U. S. C. 5122)

§ 194.43 *States, counties, and municipalities.* A State, county, city, municipality, or other political subdivision engaged in the business of selling, or offering for sale, liquors is not exempt from the payment of special tax.

(68A Stat. 620; 26 U. S. C. 5121)

§ 194.44 *Sales in violation of State law.* Persons who engage in the sale, or offering for sale, of liquors in violation of State laws, are required to pay special tax. The special tax stamp is not a license or permit, and does not protect such persons from prosecution under the State laws.

(68A Stat. 626; 26 U. S. C. 5148)

§ 194.45 *Sales of denatured alcohol or articles.* Any person who sells denatured alcohol, denatured rum, or any substance or preparation made with or containing denatured alcohol or denatured rum, for use, or for sale for use, for beverage purposes, or who sells any of such products under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes, shall pay special tax.

(68A Stat. 595; 26 U. S. C. 5001)

§ 194.46 *Sales by agencies and instrumentalities of the United States.* Unless specifically exempted by law, any agency or instrumentality of the United States, including post exchanges, ship's stores, ship's service stores, and commissaries established and conducted under the regulations of the Department of Defense, engaging in the business of selling, or offering for sale, alcoholic liquors, must pay special tax for the carrying on of such business. Any canteen, club, mess or similar organization operated under regulations of the Department of Defense, whether or not located on the premises of the Department of Defense, selling, or offering for sale, liquors, is liable to special tax for any period during which the organization carries on the business.

(68A Stat. 624; 26 U. S. C. 5144)

§ 194.47 *Warehouse receipts covering spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every person who sells, or offers for sale, warehouse receipts for distilled spirits held in registered or fruit distilleries or stored in internal revenue bonded warehouses, customs bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold, or offered for sale, and must file return and pay occupational tax as provided in §§ 194.103 and 194.104, unless exempted by the provisions of §§ 194.189–194.194 and 194.197.

(68A Stat. 618; 26 U. S. C. 5111)

§ 194.48 *Single sale of warehouse receipts by an investor.* A single sale involving one or more warehouse receipts by an investor, as distinguished from one who is engaged in the business of selling warehouse receipts, does not subject the vendor to special tax.

(68A Stat. 618; 26 U. S. C. 5111)

Limited Special Tax

§ 194.49 *Sales of wines and beer at fairs, picnics and similar entertainments.* Each person desiring to sell beer or wine, or both, at retail to members, guests, or patrons of bona fide fairs, reunions, picnics, carnivals, or similar outings, and each fraternal, civic, church, labor, charitable, benevolent, or ex-service men's organizations desiring to sell beer or wine, or both, on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, may obtain from the district director for each calendar month for which any such sales are to be made (a) a retail dealer in beer limited special tax stamp, if beer only is to be sold, or (b) a retail dealer in liquors limited special tax stamp, if wine only, or wine and beer only, are to be sold. Application on Form 11, and payment of the special tax of $2.20 shall be made to the district director before any such sales are made.

(68A Stat. 620; 26 U. S. C. 5121)

§ 194.50 *Persons who may not procure limited special tax stamps.* No person or organization otherwise engaged in business as a wholesale or retail dealer in liquors, or as a wholesale or retail dealer in beer, will be permitted to procure a limited special tax stamp as a retail dealer in liquors or as a retail dealer in beer.

(68A Stat. 620; 26 U. S. C. 5121)

§ 194.51 *Change of location.* A person holding a limited ($2.20) special tax stamp as a retail dealer in liquors or as a retail dealer in beer may, during the calendar month for which the stamp is issued, remove his business to a location other than that stated on the stamp and continue such business for the remainder of the calendar month without paying additional special tax, provided the removal is registered with the district director, as provided in §§ 194.150–194.152.

(68A Stat. 624; 26 U. S. C. 5144)

Subpart D—Places Subject to Special Tax

§ 194.60 *Each place of business taxable.* Except as provided in §§ 194.182 and 194.183, liability to special tax is incurred at each and every place of business where distilled spirits, wines, or beer are sold or offered for sale: *Provided,* That, by place of business is meant the entire office, plant or area of the business in any one location under the same proprietorship, and passageways, streets, highways, rail crossings, waterways, or partitions dividing the premises shall not be deemed sufficient separation to require additional special tax, if the various divisions of the premises are otherwise contiguous.

(68A Stat. 624; 26 U. S. C. 5144)

§ 194.61 *Place of sale.* The place at which ownership of liquors is transferred, actually or constructively, is the place of sale.

(68A Stat. 624; 26 U. S. C. 5144)

§ 194.62 *Place of offering for sale.* Liquors are offered for sale (a) at the place where they are kept for sale and where a sale may be effected, or (b) at any place where sales are consummated. Liquors are not offered for sale by sending abroad an agent to take orders, or by establishing an office elsewhere for the mere purpose of taking orders, provided in each case the orders received by the agent are transmitted to the principal for acceptance at the place where the principal holds a special tax stamp.

(68A Stat. 624; 26 U. S. C. 5144)

§ 194.63 *Place of storage.* Special tax is not required to be paid for warehouses and similar places which are used by dealers merely for the storage of liquors and which are not places where orders for liquors are accepted. Where orders for liquors are received and duly accepted at a place where a special tax stamp is held, the subsequent actual delivery of the liquors from a place of storage does not require the payment of special tax at such place of storage. A dealer holding a special tax stamp at a given place, who permits actual delivery of liquors from a warehouse at another place, without prior constructive delivery by the acceptance of an order therefor at the place covered by the special tax stamp, is liable for special tax at the place of delivery.

(68A Stat. 624; 26 U. S. C. 5144)

§ 194.64 *Caterers.* Where the contract of a caterer for the furnishing of a dinner, including liquors, is made at his place of business where he holds a special tax stamp, no liability to special tax is incurred by the serving of the liquors at a different location.

(68A Stat. 624; 26 U. S. C. 5144)

§ 194.65 *Peddling.* Except as set forth in §§ 194.182 and 194.183, internal revenue laws do not contemplate the peddling of distilled spirits, wines, or beer, nor permit the issuance of any special tax stamp to cover peddling activities. Persons peddling liquors and not meeting the exemption in §§ 194.182 and 194.183, are subject to special tax at each place where sales are consummated.

(68A Stat. 624; 26 U. S. C. 5144)

Sales at Two or More Locations on the Same Premises

§ 194.66 *General.* Where liquors are sold by a proprietor at two or more locations within his place of business, only one special tax stamp is required. Where the proprietor of premises, other than those described in § 194.68, lets to another person or persons the privilege of selling liquors at two or more locations within his place of business, whether such privilege is exercised separately or simultaneously with the proprietor or another concessionaire, each such person shall be required to pay but one special tax.

§ 194.67 *Hotels.* The proprietor of a hotel who conducts the sale of liquors throughout the hotel premises is required to pay but one special tax. For example, different areas in a hotel such as banquet rooms, meeting rooms, guest rooms, etc., operated by the proprietor, collectively constitute a single place of business. Where any concessionaire conducts the sale of liquors at two or more locations in a hotel, such location shall be regarded as a single place of business, and he shall be required to pay but one special tax.

§ 194.68 *Ball park, race track, etc.; sales throughout the premises.* The proprietor of a ball park, race track, stadium, pavilion, or other similar enclosure constituting one premises, who engages in the business of selling liquors throughout such enclosure, including sales from baskets or containers by his employees in his behalf, is required to pay but one special tax for such enclosure. Each concessionaire having the same privilege throughout the enclosure, whether such privilege is exercised separately or simultaneously with the proprietor or another concessionaire, or concessionaires, is likewise required to pay but one special tax for such enclosure.

(68A Stat. 624; 26 U. S. C. 5144)

Subpart E—Each Business Taxable

§ 194.80 *Different businesses of same ownership and location.* Where more than one taxable business is conducted by the same person at the same place, special tax for each business must be paid at the rates severally prescribed.

(68A Stat. 624; 26 U. S. C. 5144)

§ 194.81 *Retail and wholesale dealer in liquors at same location.* A person who engages in or carries on the businesses of a retail and wholesale dealer in liquors (different businesses under the law) at the same place is subject to special tax for each business.

(68A Stat. 624; 26 U. S. C. 5144)

§ 194.82 *Retail and wholesale beer dealer at same location.* A person who engages in or carries on the business of a retail and wholesale beer dealer (different businesses under the law) at the same place is subject to special tax for each business.

(68A Stat. 624; 26 U. S. C. 5144)

§ 194.83 *Retail dealer in beer and retail dealer in liquors at same location.* A person who begins business as a retail dealer in beer and procures the requisite special tax stamp as such, and thereafter during the same or a subsequent month begins business as a retail dealer in liquors (a different business under the law) must pay special tax and procure a special tax stamp as a retail dealer in liquors.

(68A Stat. 621; 26 U. S. C. 5122)

§ 194.84 *Mixing cocktails.* A retail dealer in liquors who mixes cocktails or compounds any alcoholic liquors in advance of sale, except for the purpose of filling, for immediate consumption on the premises, orders received at the bar or in the expectation of the immediate receipt of such orders, incurs liability to special tax as a rectifier.

(68A Stat. 624; 26 U. S. C. 5144)

Subpart F—Partnerships

§ 194.90 *Liability of partners.* Any number of persons carrying on one business in partnership at any one place during any fiscal year shall be required to pay but one special tax for such business.

(68A Stat. 624; 26 U. S. C. 5144)

§ 194.91 *Preparation of special tax stamp.* In issuing a special tax stamp to a partnership, the district director shall show thereon the name of each and every partner, followed by the firm or trade name, if any. The issuance by the district director of a special tax stamp in a firm or trade name only is not authorized.

(68A Stat. 846; 26 U. S. C. 7011)

§ 194.92 *Addition of partners or incorporation of partnership.* Where a number of persons who have paid special tax as partners admit one or more new members to the firm or form a corporation (a separate legal entity) to take over the business, the new firm or corporation so formed shall pay special tax computed from the first day of the month in which it commenced business.

(68A Stat. 618, 620; 26 U. S. C. 5111, 5121)

§ 194.93 *Formation of a partnership by two dealers.* Where two persons, each holding a special tax stamp for a business carried on by himself, form a partnership, the firm must pay special tax to cover the business conducted by the partnership.

(68A Stat. 618, 620; 26 U. S. C. 5111, 5121)

§ 194.94 *Withdrawal of one or more partners.* When a member, or members,

withdraw from the partnership the remaining partner, or partners, may, without incurring additional special tax liability, carry on the same business at the same address for the balance of the taxable period for which special tax was paid, provided the partner, or partners, remaining file with the district director from whom the special tax stamp was purchased, within 30 days after the date he or they begin to carry on the business, a return on Form 11, showing the basis of succession. If the notice of succession is not filed with the district director within 30 days from the date the remaining partner, or partners, begin to carry on the business, he or they will become liable to additional special tax computed from the 1st day of the calendar month in which he or they began to carry on the business to and including June 30 following. (See §§ 194.168–194.171.)

(68A Stat. 846; 26 U. S. C. 7011)

SUBPART G—PAYMENT OF SPECIAL TAX

§ 194.100 *Special tax rates.* Special taxes are imposed upon liquor dealers at the following annual (fiscal year) rates:

Retail dealers in liquors	$50.00
Wholesale dealers in liquors	200.00
Retail dealers in beer	22.00
Wholesale dealers in beer	100.00

(68A Stat. 618, 620; 26 U. S. C. 5111, 5121)

§ 194.101 *Date special tax is due.* All special taxes become due on the 1st day of July of each year, or on the 1st day of the month in which a taxable business or occupation is commenced.

(68A Stat. 624; 26 U. S. C. 5142)

§ 194.102 *Computation of special tax.* In the case of a person engaged in business during the month of July, the liability shall be reckoned for the entire fiscal year beginning July 1 and ending June 30 following. Where business is commenced subsequent to July, the liability shall be reckoned proportionately from the 1st day of the month in which business is commenced to June 30 following. For example, a person commencing business in August is liable to special tax for 11 months, or eleven-twelfths of the annual tax. If business is discontinued before the end of the fiscal year, the amount of tax is not thereby reduced.

(68A Stat. 624; 26 U. S. C. 5142)

§ 194.103 *Filing of return and payment of special tax.* Persons liable to special tax shall render their returns on Form 11, with remittances to the district director of the district in which the business is carried on, at such time within the calendar month in which the special tax liability commenced as shall enable the district director to receive such return and remittance not later than the last day of the month: *Provided*, That where the United States postmark stamped on the cover shows that the return was deposited in the mail in the United States within the time prescribed for filing, or within any extension of such time, in an envelope or other appropriate wrapper which was properly addressed, with postage prepaid, the return must be considered as timely filed. In the event the last day for filing falls on a Saturday, Sunday, or legal holiday, a postmark showing the next succeeding day which is not a Saturday, Sunday, or legal holiday, must be considered as evidence of timely filing.

(68A Stat. 624; 26 U. S. C. 5143)

§ 194.104 *Method of payment.* Payment for special tax stamps may be made in cash, or by check or money order. If a check or money order so tendered is not honored when presented for payment, the person who tendered such check or money order shall remain liable for the payment of the special tax, and for all penalties and additions, to the same extent as if the check or money order had not been tendered. In addition, unless the person who tendered the check or money order can show that such check or money order was issued in good faith, and with reasonable cause to believe that it would be duly paid, there shall be paid as penalty an amount equal to 1 percent of the amount of the check or money order, except that if the amount of the check or money order is less than $500, the penalty shall be $5, or the amount of the check or money order, whichever is lesser.

(68A Stat. 777, 826; 26 U. S. C. 6311, 6657)

SPECIAL TAX RETURN, FORM 11

§ 194.105 *Data required.* Special tax returns shall be made on Form 11, which may be procured from the district director of internal revenue of the district in which the business is located, and shall disclose, in the space provided, the following:

(a) The true name of the taxpayer, which may be followed by the words "trading as" and any trade name under which the business may be conducted.

(b) In the case of a partnership, the true names of each and every person comprising the partnership.

(c) The exact location of the place of business, as by name and number of building or street and, where these do not exist, by some particularization in addition to the post office address.

(d) The kind of liquor business carried on.

(68A Stat. 846; 26 U. S. C. 7011)

§ 194.106 *Execution of Form 11.* The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by an officer thereof. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or, in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. Returns signed by persons as agents will not be accepted unless they file with the district director a power of attorney, authorizing them so to act. Form 11 must be verified by a written declaration that the return has been executed under the penalties of perjury.

(68A Stat. 748, 749; 26 U. S. C. 6061, 6065)

§ 194.107 *Extensions of time for filing returns.* The district director may grant such reasonable extension of time for the filing of Form 11 as he deems proper. Application for extension of time for filing the return must be made in writing and addressed to the district director of the district in which the business is located and must contain a full recital of the causes of delay. Except in the case of taxpayers who are abroad, no such extension shall be for more than 6 months.

(68A Stat. 624, 751; 26 U. S. C. 5143, 6081)

§ 194.108 *Penalty for failure to file return.* Any person liable to special tax who, without reasonable cause, fails to file a return on Form 11 within the calendar month in which special tax liability commenced shall be subject to a delinquency penalty computed on the amount of special tax due. The penalty shall be 5 percent if the failure is not for more than 1 month, and an additional 5 percent for each additional month or fraction thereof during which the delinquency continues, but not to exceed 25 percent in the aggregate.

(68A Stat. 821; 26 U. S. C. 6651)

DELINQUENT RETURNS

§ 194.109 *Reasonable causes for delinquency.* The penalty set forth in § 194.108 will be asserted and collected in every case in which a special tax return is not filed within the calendar month in which the tax liability commenced, unless an extension of time is granted under § 194.107 or a reasonable cause for delinquency is clearly established by the taxpayer. The following, when clearly established, may be accepted by district directors and assistant regional commissioners as reasonable causes:

(a) Where return was filed within the legal period but in the wrong internal revenue district, or in the wrong office in the proper district.

(b) Where the delay or failure to file was due to erroneous information given the taxpayer by an internal revenue officer or employee.

(c) Where the delay was caused by death or serious illness of the taxpayer or by serious illness in his immediate family.

(d) Where the delay was caused by unavoidable absence of the taxpayer.

(e) Where delinquency was caused by the destruction by fire or other casualty of the taxpayer's place of business or business records.

(f) Where the taxpayer, prior to the time for filing return, made timely application to the district director's office for proper blanks and these were not furnished him in sufficient time to permit the executed return to be filed on or before its due date.

(g) Where the taxpayer proves that he personally visited the office of the district director or other collection officer before the expiration of the time within which to file return for the purpose of securing information or aid properly to make out his return, and through no fault of his own was unable to see the representatives of the Service.

(68A Stat. 895, 896; 26 U. S. C. 7502, 7503)

§ 194.110 *Other alleged causes.* Where other grounds are alleged as reasonable causes for delinquency in filing a return on Form 11, a statement in explanation thereof shall be filed by the taxpayer with the district director with the Form 11, except as provided in § 194.111. The reasonableness of other alleged causes will be determined by the district director on the facts submitted. The policy generally to be followed is that a cause for delinquency which appeals to a man of ordinary prudence and intelligence as a reasonable cause for delay in filing the return and which clearly negatives a willful intent to disobey the taxing statutes, or gross negligence, will be accepted as reasonable. Mere ignorance of the law will not be considered a reasonable cause.

(68A Stat. 821; 26 U. S. C. 6651)

§ 194.111 *Delinquency discovered by officer working under direction of assistant regional commissioner.* Where the delinquency is discovered by an internal revenue officer working under the direction of the assistant regional commissioner, and the return on Form 11 is filed by or with such officer, a statement in explanation of the delinquency shall be attached to the Form 11 and transmitted to the assistant regional commissioner, who will determine the reasonableness of other alleged causes on the facts submitted.

(68A Stat. 821; 26 U. S. C. 6651)

§ 194.112 *Causes not considered reasonable.* Where grounds other than those listed in § 194.109 are alleged as reasonable causes, but it is determined by the assistant regional commissioner or district director, as the case might be, that the cause is not one to be considered as reasonable within the provisions of §§ 194.110 and 194.111 the penalty shall be asserted, entered on the district director's excise tax list, and collected.

(68A Stat. 821; 26 U. S. C. 6651)

SUBPART H—SPECIAL TAX STAMPS

§ 194.120 *Issuance of stamps.* Upon receipt of a return properly executed on Form 11, together with a remittance in the proper amount, the district director will issue an appropriately designated stamp to the taxpayer. District directors and collection officers shall not issue special tax stamps before the tax is fully paid.

(68A Stat. 625; 26 U. S. C. 5145)

§ 194.121 *Receipt in lieu of stamp prohibited.* District directors and collection officers are prohibited from issuing a receipt in lieu of a stamp. A receipt may be furnished only pending the issuance of a stamp, or where the tax liability relates to a prior fiscal year.

(68A Stat. 778; 26 U. S. C. 6314)

§ 194.122 *Stamps covering business in violation of State law.* District directors are without authority to refuse to issue a special tax stamp to a liquor dealer engaged in business in violation of State law. The stamp is not a Federal permit or license, but is merely a receipt for the tax. The stamp affords the holder no protection against prosecution for violation of State law.

(68A Stat. 626; 26 U. S. C. 5148)

§ 194.123 *Stamps not transferable.* A special tax stamp may not be sold or transferred to another dealer.

STAMPS FOR PASSENGER TRAINS, AIRCRAFT, AND VESSELS

§ 194.124 *General.* Special tax stamps may be issued to persons carrying on the business of retail dealers in liquors or retail dealers in beer upon passenger trains or upon aircraft, steamboats, or other vessels engaged in the business of carrying passengers. The regular retail liquor dealer and retail beer dealer stamps shall be issued in such cases.

(68A Stat. 621; 26 U. S. C. 5123)

§ 194.125 *Transfer of special tax stamps.* Special tax stamps issued for the retailing of liquors on passenger carrying aircraft, trains and vessels are to be made in general terms "In the United States." The taxpayer may transfer such stamps from one passenger carrier to another on which he does business without registering the transfer with a district director.

(68A Stat. 621; 26 U. S. C. 5123)

§ 194.126 *Sales on passenger carriers.* The provision of § 194.68 is equally applicable to passenger trains and to aircraft, steamboats or other vessels engaged in the business of carrying passengers.

(68A Stat. 621, 624; 26 U. S. C. 5123, 5144)

§ 194.127 *Carriers not engaged in passenger service.* A special tax stamp may not be issued for the retailing of liquor on any railroad train, aircraft, or boat that is not engaged in the business of carrying passengers.

(68A Stat. 621; 26 U. S. C. 5123)

STAMPS FOR RETAIL DEALERS "AT LARGE"

§ 194.128 *General.* A retail liquor dealer or retail dealer in beer whose business is such as to require him to travel from place to place in different States of the United States, such as those who sell at carnivals or circuses, may procure a special tax stamp "At Large" covering his activities throughout the United States with the payment of but one special tax as a retail dealer in liquors or as a retail dealer in beer, as the case may be.

(68A Stat. 621; 26 U. S. C. 5123)

§ 194.129 *Form 11 to show nature of business.* A retail liquor dealer or retail dealer in beer who desires a special tax stamp "At Large" will so note on Form 11 filed with the district director to whom the special tax is paid, and will state thereon the nature of his business. Before issuing a special tax stamp "At Large," the district director will satisfy himself that the applicant is entitled to obtain a stamp so designated.

(68A Stat. 621; 26 U. S. C. 5123)

§ 194.130 *Business in more than one State.* A special tax stamp "At Large" may not be issued to a dealer whose business does not require him to travel from place to place in more than one State.

(68A Stat. 621; 26 U. S. C. 5123)

STAMPS FOR DEALERS IN WINES ONLY, OR WINES AND BEER ONLY

§ 194.131 *General.* Retail and wholesale dealers in liquors who sell or offer for sale wines only, or wines and beer only, may obtain stamps as retail or wholesale dealers in liquors, as the case may be, under the following designations upon application and payment of special tax at the annual (fiscal year) rates indicated:

Retail dealer in wines	$50.00
Retail dealer in wines and beer	50.00
Wholesale dealer in wines	200.00
Wholesale dealer in wines and beer	200.00

(68A Stat. 618, 621; 26 U. S. C. 5112, 5122)

§ 194.132 *Stamps as receipts for special taxes.* Special tax stamps as dealers in wines only, or dealers in wine and beer only, are receipts for the special taxes imposed upon retail and wholesale liquor dealers, and the holders of such stamps are subject to all provisions of internal revenue laws and regulations relating to such dealers, except as provided in §§ 194.210–194.232, inclusive.

(68A Stat. 618, 621; 26 U. S. C. 5112, 5122)

§ 194.133 *Sales of distilled spirits by dealers in wines or wines and beer.* A qualified retail dealer in wines, or in wines and beer, may also sell distilled spirits in less quantities than 5 wine gallons without payment of additional special tax. A qualified wholesale dealer in wines, or in wines and beer, may also sell distilled spirits in quantities of 5 wine gallons or more without payment of additional special tax.

(68A Stat. 618, 621; 26 U. S. C. 5112, 5122)

§ 194.134 *Stamps not exchangeable.* The holders of special tax stamps as dealers in wines only, or dealers in wine and beer only, may not exchange them for the regular retail and wholesale liquor dealer stamps. In the absence of specific demand or application for such stamps, district directors shall issue the regular stamps to persons paying special tax as retail or wholesale dealers in liquors.

(68A Stat. 618, 621; 26 U. S. C. 5112, 5122)

MEDICINAL SPIRITS STAMPS

§ 194.135 *Stamps for drug stores and pharmacies selling through licensed pharmacists.* Proprietors of drug stores and pharmacies making sales of distilled spirits through duly licensed pharmacists, may procure stamps designated "Medicinal Spirits Stamp Tax" upon application and payment of special tax at the $50 annual rate. The holders of such stamps are subject to all provisions of internal revenue laws relating to retail liquor dealers. District directors shall, in the absence of specific demand or application for such stamps, issue the regular retail liquor dealer special tax stamp.

(68A Stat. 621; 26 U. S. C. 5122)

STAMP TO BE POSTED

§ 194.136 *General.* A special-tax payer shall conspicuously display his special tax stamp in his place of business. A person holding a special tax stamp as a retail dealer in liquors or a retail dealer in beer "At Large" must place and keep the stamp conspicuously posted at the place where he is conducting such business.

(68A Stat. 831; 26 U. S. C. 6806)

MISSING STAMPS

§ 194.137 *Lost or destroyed.* If a special tax stamp has been lost or destroyed, the taxpayer should immediately notify the district director of internal revenue. A "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will be issued to the taxpayer who submits an affidavit showing to the satisfaction of the district director that the stamp was lost or destroyed. The certificate must be posted in place of the stamp, otherwise, liability for failure to post the stamp will be incurred.

§ 194.138 *Seizure by State authorities.* Where a stamp designated "Retail Dealer in Liquors" is seized by State authorities because it does not conform to the dealer's local license or permit (wine, or wine and beer), the district director will, upon request, issue a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" to show that the dealer has paid special tax as a "Retail Dealer in Wine" or "Retail Dealer in Wines and Beer," as the case may require. However, where a special tax stamp has been seized by State authorities because the dealer has operated in violation of local law, a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will not be issued by the district director.

CORRECTION OF ERRORS ON SPECIAL TAX STAMPS

§ 194.139 *Errors disclosed by taxpayers.* On receipt of a special tax stamp, the taxpayer will examine it to insure that the name and address are correctly stated. If an error has been made, the stamp should be returned to the district director, with a statement showing the nature of the error and the proper name or address. The district director, on receipt of such stamp and statement, will compare the data with that on Form 11, and if an error on the part of the district director has been made, will make the necessary correction and return the stamp to the taxpayer. If the Form 11 agrees with the data on the stamp, the district director will require the taxpayer to file a new Form 11, designated "Amended Return," disclosing the proper name and address, and, on receipt of the amended Form 11, will make the proper correction on the stamp, and return it to the taxpayer.

§ 194.140 *Errors discovered on inspection.* When an internal revenue officer ascertains that an error appears on the special tax stamp as to the name, ownership, address, etc., he will require the taxpayer to prepare a new Form 11, designated "Amended Return," showing the proper name, address, or other correction. Where a special tax stamp is issued in the name of an individual and the business is owned and conducted by a partnership from the beginning of the period of liability covered by the stamp, the names and addresses of all partners will be shown on the amended Form 11. The body of the amended Form 11 must show the reasons for requesting the correction of the special tax stamp. The officer should also obtain the special tax stamp from the taxpayer, giving him a receipt therefor on Form 1670 (which receipt shall be kept on the dealer's premises), and forward the amended Form 11, the special tax stamp, the duplicate copy of the Form 1670, and the inspection report to the assistant regional commissioner. Upon receipt of the amended Form 11, the special tax stamp, etc., the assistant regional commissioner will examine the amended Form 11 to determine whether correction of the stamp is in order and all necessary data appear on the amended Form 11. If the assistant regional commissioner is satisfied that the papers are in order, he will write or stamp the word "approved" followed by his signature, in any available space on the face of the amended Form 11 and on the inspection report and forward the amended form with the special tax stamp to the proper district director. Upon receipt of these documents, the district director will make the proper correction on the special tax stamp and return the special tax stamp to the taxpayer.

STAMPS FOR IMPROPER PERIODS

§ 194.141 *General.* Where a dealer has paid special tax and received a stamp for a certain period, whereas he actually incurred liability to special tax for one or more months prior to such period, the procedure outlined in §§ 194.142–194.144 will govern.

§ 194.142 *Liability within current fiscal year.* When the period of the liability not covered by the special tax stamp is within the current fiscal year, a remittance should be secured from the taxpayer covering the full period of the liability to June 30 following, plus the delinquency penalty described in § 194.108, computed on the difference between the net amount of tax actually due and the net amount of tax previously paid. When the remittance is received in the district director's office, an appropriate stamp for the full period of the liability should be issued. The taxpayer should be advised of his privilege of filing a claim on Form 843 for redemption of the stamp covering the shorter period.

(68A Stat. 821; 26 U. S. C. 6651)

§ 194.143 *Liability within a past fiscal year.* When the period of the liability not covered by the special tax stamp is within a past fiscal year, the additional amount due for such period, plus the delinquency penalty described in § 194.108, computed on the basis of the additional amount due, should be collected and listed for assessment by the district director on his current excise tax list. When the remittance covering such liability is received by a collection officer, a serially-numbered receipt on Form 809 should be issued to the taxpayer in order that he may have evidence of taxpayment for such additional period.

(68A Stat. 821; 26 U. S. C. 6651)

§ 194.144 *Amended return required.* In each instance the taxpayer will file a new return on Form 11, designated "Amended Return," showing the proper period of liability.

RECORD 10

§ 194.145 *Public list of taxpayers.* The district director shall maintain and keep conspicuously in his office on Record 10, for public inspection, a list of all persons who have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid. The names on this list shall be the true names and not the fictitious ones under which persons may elect to do business.

(68A Stat. 756; 26 U. S. C. 6107)

§ 194.146 *Use of Record 10.* All persons shall be entitled to inspect Record 10 in the district director's office at reasonable and proper times, and are not prohibited from copying the names and addresses of special-tax payers, but no person shall use the record to the extent of interfering with the district director's use thereof, or unduly to the exclusion of other persons.

(68A Stat. 756; 26 U. S. C. 6107)

§ 194.147 *Furnishing copy of Record 10.* Upon application of any prosecuting officer of any State, county, or municipality, the district director shall furnish a certified copy of Record 10, or such portions thereof as may be requested, for which a fee of $1 for each hundred words or fraction thereof in the copy or copies so requested shall be charged.

(68A Stat. 756; 26 U. S. C. 6107)

SUBPART I—CHANGE OF LOCATION

§ 194.150 *Amended return, Form 11.* A special-tax payer who, during the taxable period for which special tax was paid, removes his business to a place other than that specified in his original return on Form 11, and stated on his special tax stamp, must register the change with the district director from whom the special tax stamp was purchased, within 30 days after he begins to sell or offer for sale liquors at the new location, by executing a new return on Form 11, designated as "Amended Return," setting forth the time when and the place to which such removal was made, and shall surrender the special tax stamp to the district director for endorsement of the change in location.

(68A Stat. 624, 846; 26 U. S. C. 5144, 7011)

§ 194.151 *Removal within same internal revenue district.* When a special-tax payer removes his business to another address within the same internal revenue district, the district director will note the change on the face of the special tax stamp, stating clearly thereon the new location where said business is to be carried on, and will return the special tax stamp to the taxpayer.

(68A Stat. 624, 846; 26 U. S. C. 5144, 7011)

§ 194.152 *Removal to another internal revenue district.* When a taxpayer removes his business to a location within an internal revenue district other than that in which the special tax stamp was issued, the district director who issued the special tax stamp will transmit the stamp to the district director in charge of the district to which the taxpayer removed. The district director of that district will make entry on his Record 10, as in the case of a new registrant, and note the taxpayer's new address and the district director's name, title, and district, and the date on the special tax stamp, which will be returned to the taxpayer.

(68A Stat. 624, 846; 26 U. S. C. 5144, 7011)

§ 194.153 *Failure to register change of address within 30 days.* A person who removes his place of business and fails to register such removal with the district director, within 30 days after he begins to sell or offer for sale liquors at the new location, will be liable to special tax at the new location computed from the 1st day of the calendar month in which he began business at the new location.

(68A Stat. 624, 846; 26 U. S. C. 5144, 7011)

§ 194.154 *Certificate in lieu of lost or destroyed special tax stamp.* The provisions of this part shall apply to certificates issued to taxpayers in lieu of special tax stamps lost or destroyed in accordance with §§ 194.137 and 194.138.

SUBPART J—CHANGE IN PROPRIETORSHIP OR CONTROL

§ 194.160 *Sale of business.* A special tax stamp is a receipt for tax, personal to the one to whom issued, and is not transferable from one dealer to another. Where there occurs a change in the proprietorship of a business for which special tax has been paid, a new special tax liability is incurred, except as provided in §§ 194.168–194.169.

(68A Stat. 618, 620; 26 U. S. C. 5111, 5121)

§ 194.161 *Incorporation of business.* Where an individual or a firm engaged in business requiring payment of special tax forms a corporation to take over and conduct the business, the corporation (a separate legal entity) must pay special tax and procure a stamp in its own name.

(68A Stat. 618, 620; 26 U. S. C. 5111, 5121)

§ 194.162 *New corporation.* Where a new corporation is formed to take over and conduct the business of one or more corporations which have paid special tax, the new corporation must pay special tax and procure a stamp in its own name.

(68A Stat. 618, 620; 26 U. S. C. 5111, 5121)

§ 194.163 *Stockholder continuing business of corporation.* A special tax stamp held by a corporation as a liquor dealer cannot cover the same business carried on by one or more of its stockholders after dissolution of the corporation.

(68A Stat. 618, 620; 26 U. S. C. 5111, 5121)

§ 194.164 *Change in trade name or style of business.* The payment of but one special tax is required from the person who carries on the same business at the same place during the same special tax period. A person who pays the requisite special tax upon his business does not incur liability to additional special tax by reason of a mere change in the trade name or style under which such business is conducted, nor by reason of a change in management which involves no change in the proprietorship of the business.

(68A Stat. 618, 620; 26 U. S. C. 5111, 5121)

§ 194.165 *Change of name or increase in capital stock of a corporation.* Additional special tax is not required by reason of a change of name or increase in the capital stock of a corporation if the laws of the State of incorporation provide for such changes without the creation of a new corporation.

§ 194.166 *Change in ownership of capital stock.* No additional special tax is required by reason of the sale or transfer of all or a controlling interest in the capital stock of a corporation.

§ 194.167 *Change in membership of unincorporated club.* Additional special tax is not required of an unincorporated club by reason of changes in membership, where such changes do not result in the dissolution thereof and the formation of a new club.

§ 194.168 *Change of control; right of succession.* Certain persons other than the special taxpayer may, without incurring additional special tax liability, carry on the same business at the same address for the remainder of the taxable period for which the special tax was paid. To secure such right, the person or persons continuing the business must file with the district director from whom the special tax stamp was purchased, within 30 days after the date on which the successor begins to carry on the business, a return on Form 11, showing the basis of the succession.

(68A Stat. 619, 624, 846; 26 U. S. C. 5113, 5144, 7011)

§ 194.169 *Persons having right of succession.* Under the conditions indicated above, the persons having such right of succession are as follows:

Death—The widowed spouse or child, or executor, administrator, or other legal representative of the taxpayer.

Husband and wife—A husband or wife succeeding to the business of his or her spouse (living).

Insolvency—A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

Withdrawal from firm—The partner or partners remaining after death or withdrawal of a member.

(68A Stat. 619, 624, 846; 26 U. S. C. 5113, 5144, 7011)

§ 194.170 *Failure to register right of succession within 30 days.* A person succeeding, as provided in § 194.169, to a business for which special tax has been paid, and who fails to register such succession with the district director, within 30 days from the date he begins to carry on the business, will become liable to additional special tax computed from the 1st day of the calendar month in which he began to carry on such business.

(68A Stat. 624, 846; 26 U. S. C. 5144, 7011)

§ 194.171 *Certificate in lieu of lost or destroyed special tax stamp.* The provisions of this part apply to certificates issued to taxpayers in lieu of special tax stamps lost or destroyed in accordance with §§ 194.137 and 194.138.

SUBPART K—EXCEPTIONS AND EXEMPTIONS

§ 194.180 *Sales of liquors for immediate consumption on premises.* A retail dealer in liquors will not be required to pay special tax as wholesale dealer in liquors solely by reason of making sales of liquors in quantities of 5 wine gallons or more to the same person at the same time if such sales are made for immediate consumption of the liquors on the premises where sold.

(68A Stat. 618; 26 U. S. C. 5111)

§ 194.181 *Sales of beer for immediate consumption on premises.* A retail dealer in beer will not be required to pay special tax as wholesale dealer in beer solely by reason of making sales of beer in quantities of five gallons or more to the same person at the same time if such sales are made for immediate consumption of the liquors on the premises where sold.

(68A Stat. 618; 26 U. S. C. 5111)

§ 194.182 *Dealers consummating sales of beer at premises of other dealers.* A retail or wholesale dealer in liquors, or a retail or wholesale dealer in beer, who has paid the requisite special tax imposed upon his business, may, without incurring liability for additional special tax, consummate sales of beer to other retail or wholesale dealers in liquors or beer, at the purchaser's place of business.

(68A Stat. 621; 26 U. S. C. 5123)

§ 194.183 *Deliveries of beer from place of storage not covered by special tax stamp.* Deliveries of beer may be made by a retail or wholesale dealer in beer from a place of storage, not covered by his special tax stamp, without incurring liability to special tax at such place, provided orders therefor are not accepted at such place of storage.

(68A Stat. 624; 26 U. S. C. 5144)

§ 194.184 *Distillers selling in original packages.* No distiller who has given the required bond and who sells only distilled spirits of his own production at the place of manufacture, or at the place of storage in bond, in the original packages on which the tax has been determined, shall be required to pay the special tax as wholesale liquor dealer on account of such sales.

(68A Stat. 619; 26 U. S. C. 5113)

§ 194.185 *Distillers selling in other than original packages.* The expression "in the original packages on which the tax has been determined" excludes from the exemption provided in § 194.184 sales of distilled spirits in any packages other than the original packages covered by the filling gauge reported under section 5193, I. R. C. The sale of distilled spirits in bottles or other containers by distillers necessitates the payment of special tax.

(68A Stat. 619; 26 U. S. C. 5113)

§ 194.186 *Brewers selling in their own barrels or kegs.* A brewer is not required to pay special tax as dealer in beer by reason of selling in barrels or kegs, whether at the place of manufacture or elsewhere, beer manufactured by him, or purchased and procured by him pursuant to Part 245 of this chapter from another brewer in his own barrels or kegs.

(68A Stat. 619, 621; 26 U. S. C. 5113, 5123)

§ 194.187 *Agent of a brewer.* Any person holding himself out as an agent of a brewer in selling beer packaged in barrels or kegs will become liable to special tax unless it is shown that the beer is the property of the brewer and is sold by him for and on account of the brewer, and not on his own account.

(68A Stat. 619; 26 U. S. C. 5113)

§ 194.188 *Brewers selling in containers other than their own barrels or kegs.* A brewer is required to pay special tax as a dealer in beer if he sells beer packaged in bottles or cans, or in containers other than his own barrels or kegs.

(68A Stat. 619; 26 U. S. C. 5113)

§ 194.189 *Sales by executor, administrator, or other fiduciary.* No special tax shall accrue on a sale of distilled spirits, wines, or beer made by a person who is not otherwise a dealer in liquors, where such liquors have been received by him as executor, administrator, or other fiduciary, if such liquors are sold by such person in one parcel only, or at public auction in parcels of not less than 20 wine gallons.

(68A Stat. 619; 26 U. S. C. 5113)

§ 194.190 *Sales of liquors received as security for or in payment of a debt.* A person, not otherwise a dealer in liquors, who receives a stock of distilled spirits, wines, or beer as security for or in payment of a debt, may sell such liquors in one parcel only, or at public auction in parcels of not less than 20 wine gallons, without paying special tax.

(68A Stat. 619; 26 U. S. C. 5113)

§ 194.191 *Sales of liquors levied on by public officer under order of any court or magistrate.* No special tax shall accrue on a sale of distilled spirits, wines, or beer by a person who is not otherwise a dealer in liquors, where such liquors have been levied on by any officer under order of any court or magistrate, and are sold in one parcel only, or at public auction in parcels of not less than 20 wine gallons.

(68A Stat. 619; 26 U. S. C. 5113)

§ 194.192 *Sales of liquors by retiring partner or by representative of a deceased partner.* No special tax as retail or wholesale dealer shall accrue on a sale made by a retiring partner or the representative of a deceased partner to the incoming, remaining, or surviving partner or partners of a firm.

(68A Stat. 619; 26 U. S. C. 5113)

§ 194.193 *Sales of entire stock by retail liquor dealer in liquidation.* A retail dealer in liquors may, without incurring special tax as a wholesale dealer in liquors, sell out his entire stock of alcoholic liquors in one parcel or in a number of parcels composing his entire stock, which parcels may contain distilled spirits, wines, or beer, or a combination of any or all such liquors.

(68A Stat. 621; 26 U. S. C. 5123)

§ 194.194 *Sales of entire stock by retail beer dealer in liquidation.* A retail dealer in beer may sell out his stock of beer in one parcel or in parcels embracing not less than his entire stock of beer without incurring special tax as a wholesale dealer in beer.

(68A Stat. 621; 26 U. S. C. 5123)

§ 194.195 *Sales by qualified winemakers.* A winemaker who has qualified as such under internal revenue laws and regulations, and who sells wines of his own production where the same are made, or at his general business office, is not required to pay special tax as a retail or wholesale dealer in liquors: *Provided,* That a winemaker shall not have more than one place of business that shall be exempt from special tax.

(68A Stat. 619; 26 U. S. C. 5113)

§ 194.196 *Sales by apothecaries and druggists.* Apothecaries and druggists who use wines or spirituous liquors for compounding medicines and in making tinctures which are unfit for use for beverage purposes are not liable to special tax as liquor dealers by reason of the sale of such compounds or tinctures.

(68A Stat. 607; 26 U. S. C. 5025)

§ 194.197 *Sales by proprietors of industrial alcohol plants or warehouses.* A proprietor of an industrial alcohol plant or a bonded warehouse established under the provisions of sections 5301 or 5302, I. R. C., may sell, or offer for sale, alcohol stored in such plant or warehouse without payment of special tax as a retail or wholesale liquor dealer.

(68A Stat. 657; 26 U. S. C. 5306)

SUBPART L—REFUND AND REDEMPTION OF SPECIAL TAXES

§ 194.200 *Claims.* Claims for abatement or refund of special taxes and delinquency penalties erroneously or illegally assesed or collected, and claims for the redemption of special tax stamps shall be filed on Form 843, in duplicate, with the district director. The claim must set forth in detail and state each ground upon which it is made, and facts sufficient to apprise the assistant regional commissioner of the exact basis thereof. If the claim is for redemption of a special tax stamp, such stamp shall be attached to and made a part of the claim.

(68A Stat. 791, 830; 26 U. S. C. 6402, 6805)

§ 194.201 *Time limit on filing of claim.* No claim for the refund of a special tax or penalty or for the redemption of a special tax stamp shall be allowed unless presented within 3 years next after the payment of such tax or penalty or the purchase of such stamp, except that where special tax has been paid prior to January 1, 1955, claim for refund or redemption may be allowed if such claim is filed within 4 years from the date of such payment.

(68A Stat. 830; 26 U. S. C. 6805)

§ 194.202 *Discontinuance of business.* A special-tax payer who for any reason discontinues business is not entitled to any refund for the unexpired portion of the fiscal year for which the special tax stamp was issued.

(68A Stat. 624; 26 U. S. C. 5142)

§ 194.203 *Dealer in beer who sells distilled spirits or wines.* A person who pays a special tax as a dealer in beer and who at the time is liable as a dealer in liquors on account of sales of distilled spirits or wines in addition to beer, and thereafter pays the requisite special tax as a dealer in liquors for the same taxable period, may file a claim for redemption of the special tax stamp issued to him as a dealer in beer.

(68A Stat. 830; 26 U. S. C. 6805)

§ 194.204 *Dealer in liquors who actually sells only beer.* A person who pays special tax as a dealer in liquors but who actually sells or offers for sale beer only, and later during the same or a subsequent month pays the special tax as a dealer in beer, may redeem the special tax stamp issued to him as a dealer in liquors.

(68A Stat. 830; 26 U. S. C. 6805)

SUBPART M—MAINTENANCE OF RECORDS AND POSTING OF SIGNS

WHOLESALE LIQUOR DEALER RECORDS

§ 194.210 *General requirements, Record 52.* Except as provided in § 194.214, every wholesale dealer in liquors who sells distilled spirits shall keep Record 52, and render monthly transcripts, Forms 52A and 52B, and Form 338, of the physical receipt and disposition of distilled spirits by him. Daily entries shall be made on Record 52 of all distilled spirits received and disposed of, as indicated by the headings of the columns and lines of the form and the instructions printed thereon or issued in respect thereto, as required by the provisions of this part, before the close of the business day next succeeding the day on which the transactions occur. Where the wholesale dealer defers the making of the entries to the next business day, as authorized herein, he shall keep a separate record such as invoices, of the removals of distilled spirits, showing the removal data required to be entered on Record 52, and appropriate memoranda of other transactions required to be entered on such record, for the purpose of making the entries correctly.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.211 *Warehouse receipts, Form 52F.* Except as provided in § 194.214, every wholesale dealer in liquors who sells, or offers for sale, distilled spirits by warehouse receipts, shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts, on Form 52F. There need not be reported on Form 52F transactions in warehouse receipts not involving the purchase or sale of distilled spirits, such as the receipt from a warehouseman of warehouse receipts covering the deposit or bottling of the spirits in his warehouse or the surrender of warehouse receipts for the bottling of the spirits in bond or their transfer in bond to another warehouse. Entries on Form 52F shall be made as indicated by the headings of the columns and lines of the form and the instructions printed thereon or issued in respect thereto, and as required by the provisions of this part. The provisions of § 194.210 with respect to the time of making entries, and of § 194.233 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The monthly transcript on Form 52F shall be forwarded to the assistant regional commissioner on or before the 10th day of the succeeding month.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.212 *Dealer selling distilled spirits at retail only.* A dealer who sells wines or beer, or both, in wholesale quantities, and who sells distilled spirits in retail quantities, is not required to keep Record 52 or to file monthly transcripts, Forms 52A and 52B, and report, Form 338.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.213 *Dealers not selling distilled spirits.* Wholesale liquor dealers who sell wines and beer only, and wholesale beer dealers are not required to keep Record 52 or to file monthly transcripts, Forms 52A and 52B, and report, Form 338.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.214 *Proprietors.* The proprietor of an industrial alcohol plant or industrial alcohol bonded warehouse shall keep records in his capacity as a wholesale dealer in liquors in accordance with Part 182 of this chapter. The proprietor of a registered distillery shall keep records in his capacity as a wholesale dealer in liquors in accordance with Part 220 of this chapter. The proprietor of a fruit distillery shall keep records in his capacity as a wholesale dealer in liquors in accordance with Part 221 of this chapter. The proprietor of an internal revenue bonded warehouse shall keep records in his capacity as a wholesale dealer in liquors in accordance with Part 225 of this chapter. The proprietor of a tax-paid bottling house shall keep records in his capacity as a wholesale dealer in liquors in accordance with Part 230 of this chapter. The proprietor of a rectifying plant shall keep records in his capacity as a wholesale dealer in liquors in accordance with Part 235 of this chapter. An importer shall keep records in his capacity as a wholesale dealer in liquors in accordance with Part 251 of this chapter. Any person bringing distilled spirits into the United States from Puerto Rico or the Virgin Islands shall keep records in his capacity as a wholesale dealer in liquors in accordance with Part 250 of this chapter.

(68A Stat. 619, 637, 652; 26 U. S. C. 5114, 5197, 5282)

§ 194.215 *Entries on Record 52.* Where more than one shipment of distilled spirits is received from the same consignor during any month, there will be entered on Record 52 for the first shipment received, the name and address of such consignor, followed by the registry number (preceded by appropriate identifying symbols) and the State of the consignor's plant or warehouse (for example, IRBW–4–Ky.) or, in the case of shipments received from wholesale liquor dealers or importers, the permit number of the consignor (for example, 3–I–1234). For the remaining shipments received from such consignor during the month, there may be entered in the column designated "Name" such registry number or permit number, as the case may be, and the name and address of the consignor may be omitted. Likewise, where more than one shipment of distilled spirits is sent to the same consignee during any month, there will be entered on Record 52 for the first shipment made the name and address of such consignee followed by the registry number or permit number of the consignee. For the remaining shipments made to such consignee during the month, there may be entered in the column designated "Name" such registry number or permit number, as the case may be, and the name and address of the consignee may be omitted. Where the consignor or consignee is a retail dealer in liquors, the name and address must be entered on Record 52 for each shipment received or sent.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.216 *Entry of miscellaneous items.* Wholesale liquor dealers may enter on Record 52 as one item the total quantity of different kinds of spirits made up from broken cases sold to the same person on the same day, provided such total quantity is not in excess of 10 gallons. The entry of such items shall be stated as "Miscellaneous" or "Misc." and shall show the date, the name and address of the person to whom sold, and the quantity. The total quantity of such miscellaneous spirits so disposed of during the month shall be reported in the monthly summary, Form 338, as "Miscellaneous": *Provided,* That the wholesale liquor dealer determines by actual inventory the quantity of each kind of spirits remaining on hand at the end of the month.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.217 *Separate record of name of distiller, rectifier, or bottler.* The name of the person by whom the distilled spirits were distilled, rectified or bottled, need not be entered on Record 52 provided the proprietor keeps at his place of business a separate record of such information, available for inspection by internal revenue officers. The registry number or permit number must be entered in column 5 and the State or country in column 6.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.218 *Separate record of serial numbers of cases.* Serial numbers of cases of distilled spirits received, or disposed of, need not be entered on Record 52, and the serial numbers of packages and cases purchased or sold by warehouse receipts need not be entered on Form 52 F, provided that the wholesale dealer in liquors keeps at his place of business a separate record, showing such serial numbers, with necessary identifying data, including the date of the physical receipt or disposition of distilled spirits and the name and address of the person from whom received or to whom sent, and the date of purchase or sale of warehouse receipts and the name and address of the purchaser or seller, as the case may be, and provided further, that the keeping of such record is approved by the assistant regional commissioner.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.219 *Form of separate records.* The separate records prescribed by §§ 194.217 and 194.218 may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of 2 years and in such manner that the required information may be readily ascertained therefrom, and, during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by internal revenue officers. If a record in book form is kept, entries shall be made on such separate record before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized herein, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The dealer shall note on Record 52, and on Form 52 F, in the column for reporting serial numbers, "Serial numbers shown on commercial record per authority, dated ----------"

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.220 *Place where Record 52 shall be kept; general.* Except as provided in § 194.221, the wholesale dealer in liquors shall keep Record 52 at the place where liability is incurred, if spirits are received and sent out from such premises.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.221 *Exception.* If the place where liability is incurred is not the same premises where the spirits are received and sent out, the wholesale liquor dealer shall keep his Record 52 at the latter place and render transcripts from such place on Forms 52A and 52B and summary report on Form 338: *Provided,* That, if approved by the assistant regional commissioner, a wholesale liquor dealer may keep his Record 52 at the place of business covered by the special tax stamp and render transcripts on Forms 52A and 52B and summary report on Form 338 from such place. If, however, the place of business covered by the special tax stamp is not in the same region as the place where the spirits are received and sent out, Record 52 must be kept at the latter place and transcripts on Forms 52A and 52B and summary report on Form 338 rendered to the assistant regional commissioner of that region.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.222 *Place where Form 52F shall be kept.* Every wholesale dealer in liquors shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale.

§ 194.223 *Requirements when wholesale liquor dealer maintains a retail department.* A wholesale liquor dealer who sells distilled spirits at wholesale and at the same premises sells distilled spirits at retail in his capacity as a retail dealer in liquors, and who maintains a separate retail department, shall keep Record 52 at his wholesale department of all distilled spirits there received and disposed of. Distilled spirits transferred from the wholesale department to the retail department shall be reported on Record 52, part 2, as "Transferred to Retail Department." Where it is necessary in the filling of a wholesale order to take liquor out of the retail department, the quantity removed from the retail department must be shown on Record 52, part 1, as "Transferred from Retail Department," and the entire sale shown in Record 52, part 2, as a disposal. The retail department need not be maintained in a separate room or be partitioned off from the wholesale department, but the retail department must in fact be separate from the wholesale department. Where a wholesale liquor dealer sells at both wholesale and retail, and does not maintain a separate retail department, all distilled spirits received and disposed of shall be entered on Record 52.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.224 *Records to be kept by States.* The provisions of §§ 194.210–194.223, 194.225 and 194.228–194.233, shall not apply to States and Commonwealths and liquor stores operated by such entities that maintain and make available for inspection by internal revenue officers such records as will enable such officers to trace readily all distilled spirits received and disposed of by them: *Provided,* That such States and Commonwealths, and the liquor stores operated by them, shall, on request of the assistant regional commissioner, furnish such transcripts, summaries, and copies of their records as he shall require.

(68A Stat. 619; 26 U. S. C. 5114)

RETAIL LIQUOR DEALERS

§ 194.225 *Requirements where wholesale department is kept.* A liquor dealer engaged in the business of selling primarily at retail, who at the same premises also makes occasional sales of distilled spirits in quantities of 5 wine gallons or more in his capacity as a wholesale liquor dealer, need not enter in Record 52 all distilled spirits received at the premises as required by § 194.223. As used in this subpart, the term "selling primarily at retail" shall mean that sales at retail must normally represent at least 90 percent of the volume of distilled spirits sold during a month. Where a liquor dealer is engaged in such business, all distilled spirits at the premises may be considered as having been received in the retail department. When a sale of 5 wine gallons or more is made, the distilled spirits involved in the transaction must be shown in Record 52 as received from the retail department and as disposed of. Entries will be made in the various columns of the record pursuant to the provisions of §§ 194.210–194.214 and 194.216. The provisions of §§ 194.215, 194.217–194.219, 194.228, 194.231 and 194.232, relative to separate records, the daily filing of transcripts of Record 52 and certain additional requirements, are not applicable to such liquor dealers. The wholesale department need not be maintained in a separate room or be partitioned off from the retail department, but sales at wholesale must be made in a part of the premises designated as the wholesale department.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.226 *Requirements for dealers in distilled spirits.* Each retail dealer in liquors shall provide, at his own expense, and keep in his place of business a record in book form, or shall keep all invoices or bills for distilled spirits, wines, or beer received, showing the quantity thereof, from whom and the date received. Such records, bills, or invoices shall be kept for two years after the date of the transactions to which they relate and shall be open to inspection during business hours of the dealer by internal revenue officers upon identification and request.

(68A Stat. 622; 26 U. S. C. 5124)

§ 194.227 *Requirements for dealers in beer.* Retail dealers in beer are not required to keep records of beer received.

REPORTS

§ 194.228 *Time of filing.* Except as otherwise provided in this subpart, a wholesale liquor dealer shall file, daily, transcripts of Record 52 on Forms 52A and 52B with the assistant regional commissioner by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided,* That in any case in which the assistant regional commissioner shall direct, the transcripts shall be so filed with the supervisor in charge instead of with the assistant regional commissioner. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338:

I hereby certify that these transcripts, consisting of ------ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the assistant regional commissioner shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Record 52 in accordance with the provisions of § 194.210. Summary report on Form 338 shall be filed with the assistant regional commissioner on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Record 52 shall be preserved for a period of 2 years and, during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by any internal revenue officer.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.229 *No transactions during month.* If there were no receipts and disposals of distilled spirits by a wholesale liquor dealer during a month, it will not be necessary to prepare Forms 52A and 52B. However, a summary on Form 338 must be prepared and forwarded to the assistant regional commissioner, showing the quantity on hand the first day of the month and the quantity on hand the last day of the month and marked "No transactions during month." Wholesale liquor dealers maintaining records in the simplified manner prescribed by § 194.225 should show in the summary on Form 338 that no distilled spirits were on hand the first day and the last day of the month.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.230 *Discontinuance of business.* When a wholesale liquor dealer discontinues business as such, he shall render monthly reports, Forms 52A and 52B and the summary report on Form 338, covering transactions for the month in which business is discontinued, and mark such reports "Final." Record 52 shall be preserved by the dealer for a period of 2 years.

(68A Stat. 619; 26 U. S. C. 5114)

REPORT OF THIRD PARTY TRANSACTIONS

§ 194.231 *Additional requirements.* The wholesale liquor dealer shall report on Record 52, part 2, and on transcript, Form 52B, the name and address of each consignee, in the column now designated "Name." In the column now designated "Address," there will be reported the name and address of the person, firm, or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The heading of both columns will be amended accordingly.

(68A Stat. 619; 26 U. S. C. 5114)

§ 194.232 *Shipment or delivery to third party.* Where a wholesale liquor dealer ships or delivers distilled spirits to a consignee on the order of another wholesale liquor dealer detailed records of the transactions shall be kept on Record 52 by (1) the wholesale liquor dealer making the shipment or delivery, (2) the wholesale liquor dealer giving the order, and (3) the consignee if he is a wholesale liquor dealer. For example, assuming that wholesale dealer (A) ships or delivers the distilled spirits to consignee (C) on the order of wholesale dealer (B), entries will be made in Record 52 by the parties involved as follows:

(a) Wholesale dealer (A) will show in his Record 52 the name and address of wholesale dealer (B), who ordered the distilled spirits, as well as the name and address of consignee (C), the person to whom the distilled spirits are actually shipped or delivered;

(b) Wholesale dealer (B) will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (A), giving both the name and address of (A), and will at the same time make an entry showing that the distilled spirits were shipped or delivered by (A) to consignee (C), giving the name and address of (C); and

(c) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (B) and received by him from wholesale dealer (A), giving name and address of both. Transcripts of Record 52 on Forms 52A and 52B, required to be filed with the assistant regional commissioner, will similarly show the details of such transactions.

(68A Stat. 619; 26 U. S. C. 5114)

PROCUREMENT OF FORMS

§ 194.233 *Forms to be provided by users at own expense.* Record 52, Forms 52A, 52B, and 338 will be provided by users at their own expense, but must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division: *Provided,* That, with the approval of the Director, Alcohol and Tobacco Tax Division, they may be modified to adapt their use to tabulating or other mechanical equipment: *Provided further,* That where the form is printed in book form, including looseleaf books, the instructions may be printed on the cover or the fly leaf of the book instead of on the individual form.

(68A Stat. 619; 26 U. S. C. 5114)

POSTING OF SIGNS

§ 194.234 *By wholesalers.* Every person engaged in business as wholesale dealer in liquors shall place and keep conspicuously on the outside of his place of business a sign exhibiting in plain, durable and legible letters, not less than 3 inches in height and of a proper and proportionate width, the name or firm of the dealer, with the words "Wholesale Liquor Dealer." In the case of a wholesale liquor dealer who procures and posts a special tax stamp designated "Wholesale Dealer in Wines" or "Wholesale Dealer in Wines and Beer," the requirements of this section will be met by the posting of a sign of the character and dimensions prescribed herein, but with words conforming to the designation of the special tax stamp.

(68A Stat. 620; 26 U. S. C. 5116)

§ 194.235 *By retailers.* Internal revenue laws do not require the posting of signs by retail dealers in liquors, retail dealers in beer, or wholesale dealers in beer.

SUBPART N—STRIP STAMPS

§ 194.240 *Strip stamps required on all bottles.* Except as provided in subpart P, all distilled spirits, whether domestic or imported, in the possession of wholesale dealers in liquors or retail dealers in liquors must be in bottles or similar containers of a capacity of 1 gallon or less and must bear either a green or red strip stamp affixed in such manner as to be broken when the container is opened.

(68A Stat. 602; 26 U. S. C. 5008)

§ 194.241 *Breaking of strip stamp on opening bottle.* The strip stamp affixed to containers of distilled spirits shall be broken on the opening of the container. A portion of the strip stamp must be left attached to the container while any part of the contents remain therein.

(68A Stat. 602; 26 U. S. C. 5008)

§ 194.242 *Mutilated or missing red strip stamps.* Unopened bottles containing distilled spirits required to be stamped under section 5008 (b), I. R. C., from which the red strip stamps are missing, or any unopened bottle on which the red strip stamp is mutilated to the extent that the contents of the bottle are accessible without breaking the stamp, or on which the red strip stamp is so mutilated that the genuineness thereof cannot be determined, may be restamped pursuant to §§ 194.243–194.246.

(68A Stat. 602, 603; 26 U. S. C. 5008, 5010)

§ 194.243 *Replacement of mutilated or missing red strip stamps found by dealer.* The bottle should be set aside by the dealer and application for the necessary stamps submitted with Form 428, in duplicate, to the assistant regional commissioner. Copies of Form 428 may be obtained from the assistant regional commissioner. The application must contain or be verified by a written declaration that it has been executed under the penalties of perjury. Such application shall be signed by the dealer or his authorized agent and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this application has been examined by me and to the best of my knowledge and belief is true and correct." In every case the application shall state the cause of mutilation or absence of the stamps and submit evidence that the spirits are eligible for stamping under the provisions of section 5008 (b), I. R. C. Such evidence may consist of the invoices covering the purchase of the spirits, in addition to other available documents. The assistant regional commissioner will approve the requisition, Form 428, if he is satisfied from the evidence submitted that the mutilation or absence of the stamps has been satisfactorily explained. The district director will furnish the stamps to the assistant regional commissioner, who will deliver the stamps to the applicant, either by mail or by a representative of his office, together with instructions in regard to affixing them to the containers.

(68A Stat. 602, 603; 26 U. S. C. 5008, 5010)

§ 194.244 *Mutilated or missing red strip stamps found by internal revenue officer.* When an internal revenue officer discovers an unopened bottle containing distilled spirits, to which no red strip stamp is affixed, or on which the red strip stamp is mutilated to the extent that the contents of the bottle are accessible without breaking the stamp, or on which the red strip stamp is so mutilated that the genuineness thereof cannot be determined, the officer will direct that the bottle be set aside. If the officer is satisfied that the spirits in the bottle have been lawfully stamped, and the original contents of the bottle have not been replaced or increased by the addition of any substance, he shall secure an affidavit from the proper person setting forth the reason for the absence or mutilation of the stamp, accompanied by documentary evidence, if any, in support thereof. The officer shall assist the person in executing an application on Form 428 in order to procure a red strip stamp to be affixed to the bottle, pursuant to the procedure outlined in § 194.243. When the internal revenue officer has good reason to believe that the distilled spirits have not been lawfully stamped, or that the original contents of the bottle have been replaced or increased by the addition of a substance, he will seize the spirits for forfeiture.

(68A Stat. 602, 691, 692; 26 U. S. C. 5008, 5640, 5643)

§ 194.245 *Replacement not required.* It will not be necessary to require the replacement of strip stamps where an immaterial portion of the stamp is missing, or where the strip stamp has dropped off a bottle and may be reaffixed thereto by the dealer.

§ 194.246 *Strip stamp missing; open bottle.* In the case of an opened bottle of distilled spirits from which all portions of the strip stamp have been removed, there will be no necessity to require the restamping of the bottle if the internal revenue officer is satisfied the bottle contains all or a part of its original tax-paid contents only.

SUBPART O—MISCELLANEOUS

§ 194.250 *Purchase or sale of used containers.* The purchase or sale of used liquor bottles, and other authorized marked containers bearing the penalty clause, "Federal Law Forbids Sale or Reuse of This Bottle," and other indicia is prohibited.

(68A Stat. 639; 26 U. S. C. 5214)

§ 194.251 *Reuse or refilling containers.* No liquor bottle or other authorized container shall be reused for the packaging of distilled spirits, nor shall the original contents, or any portion of such original contents, remaining in a liquor bottle or other authorized container, be increased by the addition of any substance.

(68A Stat. 639; 26 U. S. C. 5214)

§ 194.252 *Possession of used containers.* The possession of used liquor bottles or other authorized marked containers by any person other than the person who empties the contents thereof is prohibited. This shall not prevent the dealer upon whose premises such bottles or containers may lawfully be emptied from assembling the containers in reasonable quantities upon such premises for the purpose of destruction or for other disposition in accordance with the provisions of Part 175 of this title.

(68A Stat. 639; 26 U. S. C. 5214)

§ 194.253 *Destruction of marks and brands on wine containers.* A dealer who empties any cask, barrel, keg, or similar container holding wine shall scrape or obliterate all marks or brands affixed to such containers immediately upon emptying.

§ 194.254 *Wine bottling.* Every person desiring to bottle, package, or repackage taxpaid wines at premises other

than a rectifying plant or taxpaid distilled spirits bottling house shall, before carrying on such operations, make application to, and receive permission from, the assistant regional commissioner, as required under Part 231 of this title. The decanting of wine by caterers or other retail dealers for table or room service, or for banquets, etc., shall not be considered as "bottling", if the decanters are not furnished for the purpose of carrying wine away from the area where served.

(68A Stat. 663; 26 U. S. C. 5352)

SUBPART P—PACKAGING ALCOHOL FOR INDUSTRIAL PURPOSES

§ 194.260 *Requirements and procedure.* Wholesale dealers in liquors may package alcohol for industrial purposes in containers in excess of 1 wine gallon and less than 5 wine gallons and shall be governed by those provisions of Part 230 of this chapter which pertain to the filing of notice on Form 27 E, the procurement, overprinting as to denomination, attachment, and accounting of strip stamps, and the maintenance of Form 52 D. Form 27 E, properly modified, and requisitions on Form 428 for strip stamps will be submitted to and approved by the assistant regional commissioner. The strip stamps will be transmitted directly by the district director to the wholesale dealer in liquors. The wholesale dealer in liquors shall keep records and render monthly reports on Form 182 showing strip stamps received, used, mutilated, and on hand. Bottling operations will be carried on without supervision of a storekeeper-gauger. Form 52 D, properly modified, will be used for accounting for alcohol received, dumped, and packaged. Preparation of Forms 230 will not be required.

(68A Stat. 602, 639; 26 U. S. C. 5008, 5214)

§ 194.261 *Labeling.* The wholesale dealer in liquors packaging alcohol for industrial purposes will affix to such package a label bearing the word "Alcohol," and in conspicuous type the words "For Industrial Use," and showing the proof, the capacity of the container, and his name and address. The wholesaler may incorporate in the label other appropriate statements: *Provided,* That such statements shall not obscure or contradict the data required hereby to be shown on such labels.

(68A Stat. 639; 26 U. S. C. 5214)

[F. R. Doc. 55–2808; Filed, Apr. 5, 1955; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1108]

NORTH DAKOTA

WITHDRAWING PUBLIC LANDS FOR USE OF FOREST SERVICE IN CONNECTION WITH SOIL EROSION CONTROL AND OTHER LAND UTILIZATION ACTIVITIES

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847) as amended by the act of August 24, 1912, c. 369 (37 Stat. 497; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in North Dakota are hereby temporarily withdrawn from settlement, location, sale, or entry and reserved for use and development by the Forest Service, Department of Agriculture, for soil erosion control and other land utilization activities in connection with Land Utilization Project ND–LU–24.

FIFTH PRINCIPAL MERIDIAN

T. 152 N., R. 97 W.,
Sec. 4, NW¼SW¼;
Sec. 30, NW¼NE¼.

The areas described aggregate 80 acres.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 31, 1955.

[F. R. Doc. 55–2796; Filed, Apr. 5, 1955; 8:45 a. m.]

[Public Land Order 1109]

UTAH

WITHDRAWING PUBLIC LANDS FOR PROTECTION OF WATER SUPPLY FOR SALT LAKE CITY

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for the protection of the water supply for Salt Lake City, Utah:

SALT LAKE MERIDIAN

T. 2 S., R. 3 E.,
Sec. 10, NE¼.

The area described contains 160 acres.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 31, 1955.

[F. R. Doc. 55–2797; Filed, Apr. 5, 1955; 8:46 a. m.]

[Public Land Order 1110]

MONTANA

RESERVING PUBLIC LANDS FOR USE BY FOREST SERVICE IN CONNECTION WITH BOULDER ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Montana are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use by the Forest Service, Department of Agriculture, in connection with the Boulder Administrative Site:

PRINCIPAL MERIDIAN

T. 6 N., R. 4 W.,
Sec. 29, lots 10, 15, 16, 17, 19, 20, 21 and 22.

The areas described aggregate 124.55 acres.

This order shall take precedence over but not otherwise affect the Departmental order of November 3, 1936, establishing Montana Grazing District No. 5.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 31, 1955.

[F. R. Doc. 55–2798; Filed, Apr. 5, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 173]

RETURNS OF SUBSTANCES OR ARTICLES

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Adminstrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

PART 173—RETURNS OF SUBSTANCES OR ARTICLES

Preamble. 1. The regulations in this part are a revision and consolidation of Regulations 17 and 92 (26 CFR (1939) Parts 173, 174). The regulations shall, effective 31 days after publication in the FEDERAL REGISTER, supersede Regulations 17 and 92, 1951 Editions.

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced prior to the effective date of these regulations. All formal written demands issued under prior statutory authority or regulations prior to the effective date of these regulations and outstanding shall remain in force.

Subpart A—Scope of Regulations

Sec.
173.1 Returns of substances or articles of the character used in manufacture or recovery of distilled spirits.
173.2 Forms prescribed.

Subpart B—Definitions

Sec.
173.5 Meaning of terms.
173.6 Article.
173.7 Assistant regional commissioner.
173.8 Demand letter.
173.9 Dispose.
173.10 Distilled spirits.
173.11 Person.
173.12 Plurals.
173.13 Render.
173.14 Substance.
173.15 Tax.
173.16 United States.
173.17 U. S. C.

Subpart C—Requirement of Returns

173.20 Returns required.
173.21 Rendition of returns.

Subpart D—Records to be Maintained

173.25 Records required.

Subpart E—Tax and Penalties

173.30 Tax.
173.31 Penalties.

AUTHORITY: §§ 173.1 to 173.31 issued under 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply 68A Stat. 596, 639, 657, 685, 700, 895; 26 U. S. C. 5001 (a) (6), 5213 (a), 5305, 5609, 5686, 7502.

SUBPART A—SCOPE OF REGULATIONS

§ 173.1 *Returns of substances or articles of the character used in the manufacture or recovery of distilled spirits.* This part relates to the returns and records of dispositions of substances or articles of the character used in the manufacture or recovery of distilled spirits.

§ 173.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including demand letters, reports, and returns. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 173.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 173.6 *Article.* "Article" shall mean denatured alcohol, denatured rum, or any product or preparation which contains more than 25 percent by volume of denatured alcohol or denatured rum.

§ 173.7 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the Regional Commissioner of Internal Revenue.

§ 173.8 *Demand letter.* The "demand letter" is the formal requirement of the assistant regional commissioner that a person disposing of any substance or article shall render a correct return.

§ 173.9 *Dispose.* "Dispose" and all forms of the word shall mean and include, but not by way of limitation, consign, sell, transfer, deliver, destroy, or lose, and all forms of those words.

§ 173.10 *Distilled spirits.* "Distilled spirits" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, produced or recovered from any source or material.

§ 173.11 *Person.* The term "person" shall mean and include an individual, trust, estate, partnership, association, company, or corporation.

§ 173.12 *Plurals.* Words in the singular shall include the plural.

§ 173.13 *Render.* "Render" shall mean to deliver the completed return to the office indicated in the demand letter, not later than the date required by the demand letter, or to mail such completed return, in an envelope properly addressed and stamped, in sufficient time for such envelope to be postmarked by the Post Office Department not later than the date required by the demand letter. The time and date of the United States postmark shall constitute the time and date of delivery of the return to the designated office.

§ 173.14 *Substance.* The term "substance" shall mean and include, but not by way of limitation, any of the following: Any grade or type of sugar, sirup, or molasses derived from sugar cane, sugar beets, corn, sorghum, or any other source; starch; potatoes; grain, or corn meal, corn chops, cracked corn, rye chops, middlings, shorts, bran, or any other grain derivative; malt; malt sugar, or malt sirup; oak chips, charred or not charred; charred kegs or barrels; yeast; cider; honey; fruits; grapes; berries; fruit, grape or berry juices or concentrates; wine; caramel; burnt sugar; gin flavor; Chinese bean cake or Chinese wine cake; urea; ammonium phosphate, ammonium carbonate, ammonium sulphate, or any other yeast food; ethyl acetate or any other ethyl ester; any other material of the character used in the manufacture of distilled spirits, or any chemical or other material suitable for promoting or accelerating fermentation; any chemical or material of the character used for the production of distilled spirits by chemical reaction; or any combination of such materials or chemicals.

§ 173.15 *United States.* "United States" shall mean the States, the Territories of Alaska and Hawaii, and the District of Columbia.

§ 173.16 *U. S. C.* "U. S. C." shall mean the United States Code.

SUBPART C—REQUIREMENT OF RETURNS

§ 173.20 *Returns required.* Every person in the United States who disposes of any substance or article, as defined in §§ 173.14 or 173.6, shall, when required by a demand letter issued by the assistant regional commissioner, and until notified to the contrary in writing by such officer, for the purpose of enabling the determination in accordance with law as to whether all taxes due with respect to any distilled spirits produced or recovered from such substances or articles have been paid, render in writing on Form 169, for the periods specified in the demand letter, correct returns showing (a) the date of each disposition of such substances or articles, and in such quantities, as may be specified by the assistant regional commissioner in the demand letter; (b) the quantity and kind of each substance or article disposed of; (c) the name and complete address of each purchaser, consignee, and other person actually receiving such substances or articles, and of any other person for, by, or through whom the substances or articles were ordered or disposed of; (d) the date and method of shipment or delivery; and (e) if delivered or shipped by truck or other conveyance, the State or city registration number of such truck or conveyance, and the name and complete address of the operator of such truck or conveyance as shown by his operator's license, giving the number of such operator's license and the date of its issuance. Where shipment is made by a common carrier, such as a railroad, trucking company, steamboat line, etc., the information required by (e) of this section need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment, full name and address of first carrier, and railroad car number or name of ship.

§ 173.21 *Rendition of returns.* The return, Form 169, shall be rendered to the officer or employee of the Internal Revenue Service designated in the demand letter. The return shall be prepared and rendered in accordance with the instructions contained in such demand letter.

SUBPART D—RECORDS TO BE MAINTAINED

§ 173.25 *Records required.* Every person in the United States who disposes of any substance or article, as defined in §§ 173.14 or 173.6, and who has been required to render returns, shall maintain at his place of business such books, records, documents, papers, invoices, bills of lading, etc., relating to or connected with any such disposition, as will enable such person to make the required return. Such books, records, documents, papers, invoices, bills of lading, etc., shall be maintained for a period of three years and shall be kept readily available for, and open to, inspection by any Internal Revenue Officer during the hours of business of such person.

SUBPART E—TAX AND PENALTIES

§ 173.30 *Tax.* Any person who produces, withdraws, sells, disposes of, or uses, denatured alcohol, denatured rum, or articles, as defined in § 173.6, in violation of law shall be required to pay the tax on such denatured alcohol, denatured rum, or articles, as provided by section 5001 (a) (6), Internal Revenue Code of 1954.

§ 173.31 *Penalties.* Any person who willfully violates any provision of section 5213 (a) of the Internal Revenue Code of 1954 or of these regulations with respect to substances, as defined in § 173.14, shall, upon conviction, be fined or imprisoned as provided by section 5609 of the Internal Revenue Code of 1954. Any person who willfully violates any provision of section 5305 of the Internal Revenue Code of 1954 or of these regulations, with respect to articles, as defined in § 173.6, shall, upon conviction, be fined or imprisoned as provided in section 5686 of the Internal Revenue Code of 1954.

[F. R. Doc. 55–2807; Filed, Apr. 5, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 29, 1955.

An application, serial number Wash. 01935, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws of the United States of the lands described below was filed on February 10, 1955, by the Department of Agriculture, Forest Service.

The purposes of the proposed withdrawal: To protest and provide for administrative sites, recreation areas, camp sites and reservoir sites.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at Room 209, Federal Building, Spokane, Washington. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON—WILLAMETTE MERIDIAN

COLVILLE NATIONAL FOREST

Flagstaff Lookout Administrative Site

T. 39 N., R. 39 E.,
Sec. 5: SE¼NE¼.

Sullivan Mountain Lookout Administrative Site

T. 39 N., R. 44 E.,
Sec. 16: NE¼SW¼.

Sullivan Lake Reservoir Site

T. 39 N., R. 43 E.,
Sec. 25: NE¼NE¼.
T. 39 N., R. 44 E.,
Sec. 30: E½NW¼, NE¼SW¼, Lots 3 and 4.

Pierre Lake Recreational Area

T. 39 N., R. 37 E.,
Sec. 5: Lot 6.

Boundary Lake Recreational Area

T. 40 N., R. 43 E.,
Sec. 1: Lot 1.
T. 40 N., R. 44 E.,
Sec. 6: Lot 4.

Crescent Lake Recreational Area

T. 40 N., R. 43 E.,
Sec. 12: Lots 1, 2, 3, 4.

Lime Creek Recreational Area

T. 40 N., R. 43 E.,
Sec. 14: Lot 7, SE¼SE¼.

Lake Leo Recreational Area

T. 36 N., R. 42 E.,
Sec. 3: Lots 5, 7, SE¼SW¼.

Pend Oreille River Recreational Area

T. 37 N., R. 43 E.,
Sec. 33: Lots 1, 4, 5, 8.

Lost Creek Recreational Area

T. 36 N., R. 43 E.,
Sec. 15: Lots 5, 8;
Sec. 22: Lot 1.

Ruby Recreational Area

T. 35 N., R. 44 E.,
Sec. 19: Lots 1, 2, 6, 7.

Frater Lake Recreational Area

T. 36 N., R. 42 E.,
Sec. 2: Lots 1, 2.
T. 37 N., R. 42 E.,
Sec. 34: S½SE¼.

KANIKSU NATIONAL FOREST

Huff Lake Camp and Picnic Site

T. 37 N., R. 45 E.,
Sec. 2: Lot 1.

Pettit Lake Camp Site

T. 36 N., R. 45 E.,
Sec. 10: NE¼.

Stagger Inn Camp and Picnic Site

T. 38 N., R. 45 E.,
Sec. 26: NE¼.

The proposed withdrawal of the above described lands will be made subject to power site withdrawals, Classifications Numbers 384 and 408, so much of said lands described as follows:

T. 40 N., R. 43 E.,
Sec. 14: Lot 7 and SE¼SE¼ (Lot 6).
T. 37 N., R. 43 E.,
Sec. 33: Lots 4, 5, and 8.
T. 36 N., R. 43 E.,
Sec. 15: Lots 5 and 8;
Sec. 22: Lot 1.
T. 35 N., R. 44 E.,
Sec. 19: Lots 1, 2, 6 and 7.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 55-2794; Filed, Apr. 5, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-8688, G-8689]

LA GLORIA OIL AND GAS CO. ET AL.

ORDER GRANTING APPLICATIONS FOR REHEARING

In the matter of La Gloria Oil and Gas Company, Irene Sheerin, et al., Wiltex Corporation, C. C. Small and Binford Arney, Trustees, Docket No. G-8688; Continental Oil Company, Docket No. G-8689.

La Gloria Oil and Gas Company, Irene Sheerin, et al., Wiltex Corporation, and C. C. Small and Binford Arney, Trustees on March 8, 1955 and Continental Oil Company on March 9, 1955, filed applications for rehearing of the Commission's order issued February 14, 1955, rejecting applicants' proposed notices of termination of rate schedules. As herein specified, Continental Oil Company submitted for filing with the Commission a letter of termination dated September 10, 1954, and each of the other applicants herein submitted for filing notices of proposed termination in addition to letters of termination dated September 10, 1954, whereby each applicant proposes to terminate its respective sale to Texas Illinois Natural Gas Pipeline Company of natural gas produced in the La Gloria Area field, Jim Wells and Brooks Counties, Texas.

In the applications for rehearing it is alleged, among other matters, that the Commission by its order of February 14, 1955, has wrongfully prejudged without notice and without hearing, one of the issues presented by the Commission's order to show cause issued January 10, 1955, In the Matter of Argo Oil Corporation, et al., Docket Nos. G-6810, et al., to which each of the applicants herein is a party. Applicants contend that the Commission's rejection of their respective filings concerning the proposed termination of service to Texas Illinois on the basis of their failure to first obtain authorization for the proposed abandonment of service pursuant to section 7 (b) of the Natural Gas Act, is a prejudgment that they are natural-gas companies within the meaning of the act, and therefore subject to the jurisdiction of the Commission.

Upon consideration of the applications for rehearing filed by the parties herein, it appears desirable and in the public interest that the Commission hold a public hearing on the matters and issues presented by these applications for rehearing.

The Commission further finds:

(1) A hearing should be granted La Gloria Oil and Gas Company, Irene Sheerin, et al., Wiltex Corporation, C. C. Small and Binford Arney, Trustees, and Continental Oil Company respecting the matters involved and the issues presented by their applications.

(2) It is appropriate and good cause exists to consolidate the application for rehearing filed by La Gloria Oil and Gas Company, Irene Sheerin, et al., Wiltex Corporation, and C. C. Small and Binford Arney, Trustees, in Docket No. G-8688 with the application for rehearing filed by Continental Oil Company in Docket No. G-8689 for purposes of hearing.

The Commission orders:

(A) A public hearing be held, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 15, 16 and 19 (a) of the Natural Gas Act, and the Commission's rules of practice and procedure, commencing on May 9, 1955, at 10:00 a. m., (e. d. s. t.), in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the applications for rehearing herein.

(B) The application for rehearing in Docket No. G-8688 be and the same hereby is consolidated with the application for rehearing in Docket No. G-8689 for purpose of hearing.

Adopted: March 30, 1955.

Issued: March 31, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2806; Filed, Apr. 5, 1955; 8:48 a. m.]

NATIONAL LABOR RELATIONS BOARD

REVOCATION OF ASSIGNMENT OF RESPONSIBILITIES TO THE ASSOCIATE GENERAL COUNSELS OF THE DIVISION OF OPERATIONS AND DIVISION OF LAW, RESPECTIVELY

Pursuant to the provisions of section 3 (a) of the Administrative Procedures Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and currently publishes in the FEDERAL REGISTER notification that:

Assignment of Responsibilities to the Associate General Counsels of the Division of Operations and Division of Law, Respectively, effective December 21, 1954 (19 F. R. 8830, December 23, 1954) was revoked effective at close of business March 31, 1955.

Dated: Washington, D. C., April 1, 1955.

By direction of the Board.

FRANK M. KLEILER,
Executive Secretary.

[F. R. Doc. 55-2855; Filed, Apr. 5, 1955; 8:51 a. m.]

AUTHORITY AND ASSIGNED RESPONSIBILITIES OF GENERAL COUNSEL OF NATIONAL LABOR RELATIONS BOARD

Pursuant to the provisions of section 3 (a) of the Administrative Procedures Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and currently publishes in the FEDERAL REGISTER the following board memorandum describing the authority and assigned responsibilities of the general counsel of the National Labor Relations Board (effective April 1, 1955).

Dated: Washington, D. C., April 1, 1955.

By direction of the Board.

FRANK M. KLEILER,
Executive Secretary.

BOARD MEMORANDUM DESCRIBING THE AUTHORITY AND ASSIGNED RESPONSIBILITIES OF THE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD (EFFECTIVE APRIL 1, 1955)

The statutory authority and responsibility of the General Counsel of the Board are defined in section 3 (d) of the National Labor Relations Act as follows: "There shall be a General Counsel of the Board who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel of the Board shall exercise general supervision over all attorneys employed by the Board (other than trial examiners and legal assistants to Board members) and over the officers and employees in the regional offices. He shall have final authority, on behalf of the Board, in respect of the investigation of charges and issuance of complaints under section 10, and in respect of the prosecution of such complaints before the Board, and shall have such other duties as the Board may prescribe or as may be provided by law."

This memorandum is intended to describe the statutory authority and to set forth the prescribed duties and authority of the General Counsel of the Board, effective April 1, 1955:

I. *Case handling*—A. *Complaint cases.* The General Counsel of the Board has full and final authority and responsibility, on behalf of the Board, to accept and investigate charges filed, to enter into and approve informal settlement of charges, to dismiss charges, to determine matters concerning consolidation and severance of cases before complaint issues, to issue complaints and notices of hearing, to appear before Trial Examiners in hearings on complaints and prosecute as provided in the Board's rules and regulations, and to initiate and prosecute injunction proceedings as provided for in section 10 (1) of the act. After issuance of Intermediate Report by the Trial Examiner, the General Counsel may file exceptions and briefs and appear before the Board in oral argument, subject to the Board's rules and regulations.

B. *Court litigation.* The General Counsel of the Board is authorized and has responsibility, on behalf of the Board, to seek and effect compliance with the Board's orders and make such compliance reports to the Board as it may from time to time require.

On behalf of the Board, the General Counsel of the Board will, in full accordance with the directions of the Board, petition for enforcement and resist petitions for review of Board Orders as provided in section 10 (e) and (f) of the act, initiate and prosecute injunction proceedings as provided in section 10 (j), seek temporary restraining orders as provided in section 10 (e) and (f), and take appeals either by writ of error or on petition for certiorari to the Supreme Court: *Provided, however,* That the General Counsel will initiate and conduct injunction proceedings under section 10 (j) or under section 10 (e) and (f) of the act and contempt proceedings pertaining to the enforcement of or compliance with any order of the Board only upon approval of the Board, and will initiate and conduct appeals to the Supreme Court by writ of error or on petition for certiorari when authorized by the Board.

C. *Representation and other election cases.* The General Counsel of the Board is authorized and has responsibility, on behalf of the Board, to receive and process, in accordance with the decisions of the Board and with such instructions and rules and regulations as may be issued by the Board from time to time, all petitions filed pursuant to section 9 of the National Labor Relations Act as amended. He is also authorized and has responsibility to conduct secret ballots pursuant to section 209 (b) of the Labor Management Relations Act of 1947, whenever the Board is required to do so by law; and to enter into consent election agreements in accordance with section 9 (c) (4) of the act.

The authority and responsibility of the General Counsel of the Board in representation cases shall extend, in accordance with the rules and regulations of the Board, to all phases of the investigation through the conclusion of the hearing provided for in section 9 (c) and section 9 (e) (if a hearing should be necessary to resolve disputed issues), but all matters involving decisional action after such hearing are reserved by the Board to itself.

In the event a direction of election should issue by the Board, the authority and responsibility of the General Counsel, as herein prescribed, shall attach to the conduct of the ordered election, the initial determination of the validity of challenges and objections to the conduct of the election and other similar matters; except that if appeals shall be taken from the General Counsel's action on the validity of challenges and objections, such appeals will be directed to and decided by the Board in accordance with such procedural requirements as it shall prescribe. If challenged ballots would not affect the election results and if no objections are filed within five days after the conduct of a Board-directed election under the provisions of section 9 (c) of the act, the General Counsel is authorized and has responsibility, on behalf of the Board, to certify to the parties the results of the election in accordance with regulations prescribed by the Board.

Appeals from the refusal of the General Counsel of the Board to issue a notice of hearing on any petition, or from the dismissal by the General Counsel of any petition, will be directed to and decided by the Board, in accordance with such procedural requirements as it may prescribe.

In processing election petitions filed pursuant to section 9 (e) of the act, the General Counsel of the Board is authorized and has responsibility, on behalf of the Board, to conduct an appropriate investigation as to the authenticity of the 30 percent showing referred to and, upon making his determination to proceed, to conduct a secret ballot. If there are no challenges or objections which require a hearing by the Board, he shall certify the results thereof as provided for in such section, with appropriate copies lodged in the Washington files of the Board.

D. *Jurisdictional dispute cases.* The General Counsel of the Board is authorized and has responsibility, on behalf of the Board, to perform all functions necessary to the accomplishment of the provisions of section 10 (k) of the act, but in connection therewith the Board will, at the request of the General Counsel, assign to him for the purpose of conducting the hearing provided for therein, one of its staff Trial Examiners. This authority and responsibility and the assignment of the Trial Examiner to the General Counsel shall terminate with the close of the hearing. Thereafter the Board will assume full jurisdiction over the matter for the purpose of deciding the issues in such hearing on the record made and subsequent hearings or related proceedings and will also rule upon any appeals.

II. *Internal regulations.* Procedural and operational regulations for the conduct of the internal business of the Board within the area that is under the supervision and direction of the General Counsel of the Board may be prepared and promulgated by the General Counsel.

III. *State agreements.* When authorized by the Board, the General Counsel may initiate and conduct discussions and negotiations, on behalf of the Board, with appropriate authorities of any of the States or Territories looking to the consummation of agreements affecting any of the States or Territories as contemplated in section 10 (a) of the act: *Provided, however,* That in no event shall the Board be committed in any respect with regard to such discussions or negotiations or the entry into of any such agreement unless and until the Board and the General Counsel have joined with the appropriate authorities of the State or Territory affected in the execution of such agreement.

IV. *Liaison with other governmental agencies.* The General Counsel of the Board is authorized and has responsibility, on be-

half of the Board, to maintain appropriate and adequate liaison and arrangements with the office of the Secretary of Labor, with reference to the reports required to be filed pursuant to section 9 (f) and (g) of the act and availability to the Board and the General Counsel of the contents thereof.

The General Counsel of the Board is authorized and has responsibility, on behalf of the Board, to maintain appropriate and adequate liaison with the Federal Mediation and Conciliation Service and any other appropriate Governmental Agency with respect to functions which may be performed in connection with the provisions of section 209 (b) of the act. Any action taken pursuant to the authority and responsibility prescribed in this paragraph shall be promptly reported to the Board.

V. *Anti-communist affidavits.* The General Counsel of the Board is authorized and has responsibility, on behalf of the Board, to receive the affidavits required under section 9 (h) of the act, to maintain an appropriate and adequate file thereof, and to make available to the public, on such terms as he may prescribe, appropriate information concerning such affidavits, but not to make such files open to unsupervised inspection.

VI. *Miscellaneous litigation involving board and/or officials.* The General Counsel of the Board is authorized and has responsibility, on behalf of the Board, to appear in any court to represent the Board or any of its Members or agents, unless directed otherwise by the Board.

VII. *Personnel.* In order better to ensure the effective exercise of the duties and responsibilities described above, the General Counsel of the Board, subject to applicable laws and the rules and regulations of the Civil Service Commission, is authorized and has responsibility, on behalf of the Board, to select, appoint, retain, transfer, promote, demote, discipline, discharge, and take any other necessary and appropriate personnel action with regard to, all personnel engaged in the field offices and in the Washington office (other than Trial Examiners, Legal Assistants to Board Members, the personnel in the Information Division, the personnel in the Division of Administration, the Solicitor of the Board and personnel in his office, the Executive Secretary of the Board and personnel in his office, including the Docket, Order and Issuance Section, and secretarial, stenographic and clerical employees assigned exclusively to the work of trial examiners and the Board Members); provided, however, that no appointment, transfer, demotion or discharge of any Regional Director or Officer in Charge shall become effective except upon the approval of the Board.

In connection with and in order to effectuate the exercise of the powers herein delegated (but not with respect to those powers herein reserved to the Board), the General Counsel is authorized, using the services of the Division of Administration, to execute such necessary requests, certifications, and other related documents, on behalf of the Board, as may be needed from time to time to meet the requirements of the Civil Service Commission, the Bureau of the Budget, or any other governmental agency. The Board will at all times provide such of the "housekeeping" functions performed by the Division of Administration as are requested by the General Counsel for the conduct of his administrative business, so as to meet the stated requirements of the General Counsel within his statutory and prescribed functions.

The establishment, transfer or elimination of any Regional or Sub-Regional Office shall require the approval of the Board.

VIII. To the extent that the above-described duties, powers and authority rest by statute with the Board, the foregoing statement constitutes a prescription and assignment of such duties, powers and authority, whether or not so specified.

GUY FARMER,
Chairman.
ABE MURDOCK,
Member.
IVAR H. PETERSON,
Member.
PHILIP RAY RODGERS,
Member.
NATIONAL LABOR RELATIONS BOARD.

APRIL 1, 1955.

[F. R. Doc. 55-2856; Filed, Apr. 5, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3352]

CONSOLIDATED NATURAL GAS CO. AND EAST OHIO GAS CO.

ORDER WITH RESPECT TO PROPOSED ACQUISITION BY SUBSIDIARY OF ASSETS OF NON-AFFILIATE, ASSUMPTION OF LIABILITIES BY SUBSIDIARY, ISSUANCE AND SALE OF COMMON STOCK BY PARENT AND SUBSIDIARY, AND ACQUISITION OF COMMON STOCK OF SUBSIDIARY BY PARENT

MARCH 31, 1955.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly owned public-utility subsidiary, the East Ohio Gas Company ("East Ohio"), have filed a joint application-declaration and an amendment thereto with this Commission pursuant to sections 6 (b), 7, 9 (a), 10, and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder regarding the following proposed transactions:

Under the provisions of an Agreement and Plan of Reorganization dated February 25, 1955 among Consolidated, East Ohio and the Lake County Gas Company ("Lake County"), a non-affiliate, all of the assets of Lake County are to be acquired by East Ohio in consideration for shares of capital stock of Consolidated and the assumption by East Ohio of the liabilities of Lake County. The agreed value of such shares of Consolidated stock and the liabilities of Lake County as at December 31, 1954 aggregated $1,266,988. East Ohio will issue additional shares of its capital stock to Consolidated. Upon the acquisition of the stock of Consolidated, Lake County will distribute the same to its shareholders and liquidate and dissolve.

Under said Agreement and Plan of Reorganization, Consolidated proposes to issue to Lake County 20,631 shares of capital stock. In arriving at this number of shares the parties to the Agreement agreed on a per-share value of $34.5591 for the capital stock of Consolidated, the aggregate value of such shares being $712,988. The assumed value of the shares of Consolidated is stated to be equal to the average price of such stock on the New York Stock Exchange for the month of January 1955. If the closing of the proposed purchase does not occur until after April 15, 1955, the number of shares of Consolidated stock to be issued will be increased to 20,855.

East Ohio will assume Lake County's liabilities on the date of closing which at December 31, 1954, consisted of $13,000 of net current liabilities and outstanding First Mortgage 5 percent Notes, in the principal amount of $541,000, which notes are secured by a real estate and chattel mortgage dated April 1, 1953, as supplemented and amended. East Ohio states that it expects to pay the First Mortgage 5 percent Notes promptly after consummation of the proposed transactions. In addition, East Ohio will issue to Consolidated 7,129 shares of the former's $100 par value common stock aggregating $712,900 but if the closing does not occur until after April 15, 1955, then East Ohio will issue 7,207 shares having an aggregate value of $720,700.

The Public Utilities Commission of Ohio has approved the proposed transactions by East Ohio and Lake County including the accounting therefor. According to the filing no other State Commission or Federal Commission other than this Commission has jurisdiction over the proposed transactions.

It is represented that the only fees, commissions and expenses to be incurred in connection with the proposed transactions will be the issue taxes on the stock to be issued by Consolidated and East Ohio which are estimated at $227 and $784, respectively, and a counsel fee to be paid by East Ohio not to exceed $1,000.

Applicants-declarants request that this Commission's order become effective upon issuance.

Due notice of filing of said application-declaration having been given pursuant to the provisions of Rule U-23 promulgated under the act, and no hearing having been requested of, or ordered by, the Commission; the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied; and that said application-declaration as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-2804; Filed, Apr. 5, 1955; 8:47 a. m.]

[File No. 70-3346]

ARKANSAS POWER & LIGHT CO.

SUPPLEMENTAL ORDER PURSUANT TO RULE U-50 REGARDING SALE OF 93,500 SHARES OF PREFERRED STOCK

MARCH 31, 1955.

The Commission by order dated March 23, 1955 (Holding Company Act Release No. 12829), having granted and permitted to become effective the application-declaration of Arkansas Power & Light Company ("Arkansas"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, with respect to, among other things, the issuance by Arkansas of $18,000,000 principal amount of First Mortgage Bonds, 3⅜ percent Series due 1985, and 93,500 shares of a new series of Preferred Stock, $100 par value, and the offer to exchange such new shares of Preferred Stock for its presently outstanding shares of $7 Preferred Stock and $6 Preferred Stock, subject to the condition, among others, that the exchange and sale of the new series of Preferred Stock should not be consummated until the dividend rate and results of competitive bidding should have been filed with this Commission and a further order should have been issued in the light of the record so completed, which order might contain such further terms and conditions as might then be deemed appropriate, and also subject to a reservation of jurisdiction over the payment of all fees and expenses in connection with the proposed transactions; and

An amendment having been filed stating that Arkansas has fixed the dividend rate at 4.72 percent, and setting forth the action taken by Arkansas to comply with the requirements of Rule U-50, and stating that pursuant to the invitation for competitive bids for the undertaking to form and manage a group of security dealers to solicit exchanges of the $7 and the $6 Preferred Stock and to purchase any unexchanged shares of the new series of Preferred Stock, the following bids have been received:

Name of representative(s):	*Aggregate compensation*
Equitable Securities Corp. and Union Securities Corp	$36,465.00
White, Weld & Co	43,851.50
Blyth & Co., Inc., and Smith, Barney & Co	55,071.50
Lehman Bros	60,000.00

Said amendment to the application-declaration also setting forth that Arkansas has accepted the bid of Equitable Securities Corporation and Union Securities Corporation, resulting in a gross underwriting spread of 39 cents per share applicable to the new series of Preferred Stock; and

The Commission having examined said amendment and having considered the record herein and finding no reason for the imposition of additional terms and conditions with respect to the dividend rate or to the results of competitive bidding for said new series of Preferred Stock; and

It further appearing that the estimated fees and expenses (exclusive of underwriters' compensation and fees payable to soliciting dealers) in connection with the sale of the Bonds and Preferred Stock are as follows:

Federal stamp taxes:		
Bonds	$19,800	
Preferred stock	10,285	
		$30,085
Filing fees, Securities and Exchange Commission:		
Bonds	1,849.50	
Preferred stock	1,028.50	
		2,878
Mortgage recording fees		$2,500
Fees of trustee		10,000
Fees of exchange agents		10,000
Fees of transfer agent and registrar		3,000
Fees of bond redemption agent		5,000
Auditors' fees (Haskins & Sells)		4,000
Printing, including Form S-9, prospectuses, etc		22,000
Printing and engraving securities		6,500
Charges of Ebasco Services, Inc		7,500
Miscellaneous expenses:		
Reid & Priest		200
Haskins & Sells		400
Ebasco Services, Inc		475
Other (including Blue Sky)		8,762
Fees of Company's counsel:		
Reid & Priest		15,000
House, Moses & Holmes		7,500
		135,800

It further appearing that the fee of White & Case, counsel for the successful bidders, is estimated at $13,000, and their expenses, at $200, of which amounts $7,000 for fees and $100 for expenses will be paid by the successful bidders for the Bonds and $6,000 for fees and $100 for expenses will be paid by the successful bidders for the Preferred Stock; and

The Commission finding that such fees and expenses as set forth above, if they do not exceed the estimates, are not unreasonable and that the jurisdiction with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to the dividend rate, the results of competitive bidding, and the fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-2803; Filed, Apr. 5, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 54]

MOTOR CARRIER APPLICATIONS

APRIL 1, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 665 Sub 47, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a corporation, 1505 Maiden Lane, Joplin, Mo. For authority to operate as a *common carrier,* over an alternate or connecting route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Fredonia, Kans., and Girard, Kans., over Kansas Highway 47 from junction Kansas Highway 96 at Fredonia to junction Kansas Highway 57 approximately four (4) miles south of Erie, Kans., thence over Kansas Highway 57 to Girard, and return over the same route, serving no intermediate points, for operating convenience only, in connection with (1) regular route operations between (a) Wichita, Kans., and Fredonia, Kans., and (b) Fredonia, Kans., and Parsons, Kan., and (2) alternate operating convenience route operations between (a) junction U. S. Highway 69 and Kansas Highway 7 at or near Godfrey, Kans., and junction Kansas Highways 7 and 96 near Columbus, Kans., and (b) junction Kansas Highways 96 and 47 north of New Albany, Kans., and junction Kansas Highways 96 and 47 at or near Fredonia, Kans. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

No. MC 1124 Sub 122, HERRIN TRANSPORTATION COMPANY, A Corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier,* over a regular route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, baled cotton, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Dallas, Tex., and Fort Worth, Tex., over Texas Highway 183, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between Dallas and Fort Worth, Tex., over Texas High-

way 80, which is a portion of carrier's regular route operations between Galveston and Fort Worth, Tex. Applicant is authorized to conduct operations in Arkansas, Louisiana, Tennessee and Texas.

No. MC 1124 Sub 123, HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over a regular route transporting: *General commodities*, except those of unusual value, Class A and B explosives, baled cotton, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Galveston, Tex., and Houston, Tex., over U. S. Highway 75, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Galveston and Houston, Tex., over Texas Highway 3, which is a portion of its regular route operations between Galveston and Fort Worth, Tex. Applicant is authorized to conduct operations in Arkansas, Louisiana, Tennessee and Texas.

No. MC 1392 Sub 3, JOHN M. KOCAK, doing business as KOCAK TRUCKING COMPANY, R. D. #1, Pierce Creek Road, Binghamton, N. Y. Applicant's attorney: Carl R. Gitlitz, 603–606 O'Neil Building, Binghamton, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products*, and *meat by-products* and *articles distributed by meat-packing houses*, as defined by the Commission, from Binghamton, N. Y. to Conklin, Corbettsville, Deposit, Endicott, Harpursville, Killawog, Kirkwood, Lisle, Norwich, Sanitaria Springs, Union Center, Vestal, Vestal Center, West Windsor, Windsor and Whitney Point, N. Y.

No. MC 2130 Sub 46, COUCH MOTOR LINES, INC., 1401 Abbie St., Shreveport, La. Applicant's attorney: Robert L. Garrett, Commercial Building, Shreveport, La. For authority to operate as a *common carrier*, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the R. G. LeTourneau, Inc. plant located approximately six miles south of Vicksburg, Miss. on U. S. Highway 61, as an off-route point, in connection with regular route operations between Jackson, Miss., and Shreveport, La., over U. S. Highway 80, and (2) *general commodities*, including *commodities in bulk*, and those requiring *special equipment*, but excluding commodities of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and those injurious or contaminating to other lading, serving the R. G. LeTourneau, Inc. plant located approximately six miles south of Vicksburg, Miss. on U. S. Highway 61, as an intermediate point, in connection with alternate operating convenience route operations between Natchez, Miss., and Vicksburg, Miss., over U. S. Highway 61. Applicant is authorized to conduct operations in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee.

No. MC 2229 Sub 64, RED BALL MOTOR FREIGHT, INC., P. O. Box 3148, 1210 South Lamar St., Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Bldg., Fort Worth, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, and *commodities in bulk*, but excluding those of unusual value, household goods as defined by the Commission, and commodities in bulk, (1) between Hemphill, Tex., and Wiergate, Tex., over Texas Highway 87, serving all intermediate points, and (2) between Bleakwood, Tex., and Beaumont, Tex., from Bleakwood over Texas Highway 87 to junction Texas Highway 235, thence over Texas Highway 235 to junction U. S. Highway 90, thence over U. S. Highway 90 to Beaumont, and return over the same route, serving all intermediate points, except Deweyville, Tex., and except those between Deweyville and Beaumont, Tex., on Texas Highway 235 and U. S. Highway 90. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 9952 Sub 8, HESS MOTOR EXPRESS, INC., 419 Second Street, N. W., Pipestone, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, and *commodities in bulk*, but excluding those of unusual value, household goods as defined by the Commission, and those requiring special equipment, between St. Paul, Minn., and Tracy, Minn., over U. S. Highway 212 from St. Paul through Glencoe, Minn., to junction Minnesota Highway 22 west of Glencoe, thence over Minnesota Highway 22 to Gaylord, Minn., thence over Minnesota Highway 19 to Winthrop, Minn., thence over Minnesota Highway 15 to New Ulm, Minn., thence over U. S. Highway 14 to Tracy, and return over the same route, serving all intermediate and off-route points located in the Minneapolis-St. Paul Commercial Zone, as defined by the Commission, and the off-route point of Scotchlite, Minn. Although the applicant herein is presently authorized to operate over the above described route in the transportation of Class A and B explosives, and general commodities, with certain exceptions, as described in Certificate issued in Docket No. MC 9952, serving certain specified intermediate and off-route points restricted as set forth in the above-referred to Certificate, an application is pending in Docket No. MC–F–5901 wherein the applicant herein is seeking permission to transfer certain presently outstanding authority, as described in said pending application, to Murphy Motor Freight Lines, Inc. This application therefore is in effect a request to resecure authority so that carrier may perform overhead closed door operations over a certain portion of the above proposed route, as described in the instant application, and otherwise to retain in the applicant any and all authority to operate over said route which the applicant herein now holds and does not propose to transfer to Murphy Motor Freight Lines, Inc. Applicant is authorized to conduct regular route operations in Iowa, Minnesota, and South Dakota, and irregular route operations in Illinois, Iowa, Minnesota, North Dakota, and South Dakota.

NOTE: In view of circumstances as stated above the instant application is directly related to the application in No. MC–F–5901 which was published on page 732 under Section 5 applications in issue of February 2, 1955.

No. MC 10761 Sub 52, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman, Detroit 9, Mich. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Saginaw, Mich., and junction Michigan Highways 78 and 13, over Michigan Highway 13, serving no intermediate points, and serving the junction of Michigan Highways 78 and 13 solely for joinder purposes only, as an alternate or connecting route, in connection with the carrier's regular route operations (1) between Detroit and Bay City, Mich., via Saginaw; (2) between Bay City, Mich., and Cincinnati, Ohio, via Saginaw, Mich; and (3) between Flint and Battle Creek, Mich. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin.

No. MC 20793 Sub 16, WAGNER TRUCKING CO., INC., Jobstown, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from points in Lancaster County, Pa., to points in Connecticut, New Jersey, and New York, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application, on return movement. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

No. MC 23976 Sub 6, BEND-PORTLAND TRUCK SERVICE, INC., 1321 S. E. Water Avenue, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, serving Vancouver, Wash., as an off-route point in connection with carrier's regular route operations between (1) Portland, Oreg., and Burns, Oreg., and (2) Portland, Oreg., and junction Oregon Highway 58 and U. S. Highway 97. Applicant is authorized to conduct operations in Oregon.

No. MC 25643 Sub 31, EVERTS' COMMERCIAL TRANSPORT, INC., 920 18th Place West, Eugene, Oreg. Applicant's attorney: Earle V. White, 1401 N. W. 19th Avenue, Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid glue*, in bulk, in tank vehicles, from points in King and Pierce Counties, Wash., to points in Oregon east of the Cascade Mountains. Applicant is authorized to conduct operations in Washington, California and Oregon.

No. MC 30887 Sub 59, SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore 1, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, (1) from Akron, Ohio, to the United States-Canada International Boundary Line near Buffalo, N. Y., and (2) from Akron, Ohio, Louisville, Ky., Fall River, Mass., and North Bergen, N. J., to the United States-Canada International Boundary Line at or near Alexandria Bay, N. Y. NOTE: Carrier states the traffic involved will move to destinations in the Province of Ontario through the gateway near Buffalo and Alexandria Bay, N. Y., respectively. Applicant is authorized to conduct operations in Connecticut, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia and Wisconsin.

No. MC 35484 SUB 29, VIKING FREIGHT COMPANY, a corporation, 614 South Sixth Street, St. Louis, Mo. Applicant's attorney: Harry B. LaTourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *commodities of unusual value*, and *commodities in bulk* (except loose bulk commodities), but excluding Class A and B explosives, livestock, household goods as defined by the Commission, loose bulk commodities, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) Between the junction of U. S. Highway 45 and Illinois Highway 169, and the junction of Illinois Highways 169 and 37, over Illinois Highway 169, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with the carrier's regular route operations (a) between Chicago and Cairo, Ill. (via junction Illinois Highways 169 and 37), and (b) between St. Louis, Mo., and Jackson, Tenn. (via junction U. S. Highway 45 and Illinois Highway 169); (2) between the junction of Illinois Highways 13 and City Route 13, and Centralia, Ill., from junction Highways 13 and City Route 13, over Illinois Highway City Route 13 (St. Clair County, Ill.) to junction unnumbered highway (St. Clair County, Ill.), thence over unnumbered highway to junction Illinois Highway 161, and thence over Illinois Highway 161 to Centralia, Ill., and return over the same route, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with the carrier's regular route operations (a) between Chicago and Cairo, Ill. (via Centralia), (b) between junction Illinois Highways 37 and 161 and Centralia, Ill., and (c) between St. Louis, Mo., and Jackson, Tenn. (via junction Illinois Highways 13 and City 13); (3) between St. Louis, Mo., and junction U. S. Highway 460 and Illinois Highway 15 (east of Plumhill, Ill.), from St. Louis, Mo., over the carrier's authorized regular routes across the Mississippi River to junction U. S. Highway 460 in East St. Louis, Ill., and thence over U. S. Highway 460 to junction Illinois Highway 15, and return over the same route, serving no intermediate points, but serving the junction of Illinois Highway 13 and U. S. Highway 460 (north of Belleville, Ill.) and the junction of Illinois Highway 13 and U. S. Highway 460 (south of Freeburg, Ill.) for joinder purposes only, as an alternate or connecting route, for operating convenience only, in connection with the carrier's regular route operations (a) between Mt. Vernon, Ill., and St. Louis, Mo. (via junction Illinois Highway 15 and U. S. Highway 460), (b) between St. Louis, Mo., and Oklahoma City, Okla., (c) between St. Louis, Mo., and Cairo, Ill., (d) between St. Louis, Mo., and Memphis, Tenn., (e) between St. Louis, Mo., and Chicago, Ill., (f) between St. Louis, Mo., and Dayton, Ohio, (g) between St. Louis, Mo., and Jackson, Tenn., and (h) between Mt. Vernon, Ill., and St. Louis, Mo.; (4) between the junction of U. S. Highway 51 and Illinois Highway 3, and the junction of Illinois Highways 3 and 146, over Illinois Highway 3, serving no intermediate points, as an alternate or connecting route for operating convenience and joinder purposes only, in connection with the carrier's regular route operations (a) between Cairo, Ill. and the junction of U. S. Highways 60 and 61, (b) between St. Louis, Mo., and Cairo, Ill., (c) between Chicago and Cairo, Ill., (via the junction of U. S. Highway 51 and Illinois Highway 3), and (d) between St. Louis, Mo., and Memphis, Tenn. (via junction of Illinois Highways 3 and 146); (5) between the junction of U. S. Highway 40 and Illinois Highway 159, and the junction of Illinois Highway 159 and U. S. Highway 66, over Illinois Highway 159, serving no intermediate points, as an alternate or connecting route for operating convenience and joinder purposes only, in connection with the carrier's regular route operations (a) between St. Louis, Mo., and Chicago, Ill. (via the junction of U. S. Highway 66 and Illinois Highway 159), and (b) between St. Louis, Mo., and Dayton, Ohio (via the junction of U. S. Highway 40 and Illinois Highway 159); (6) between the junction of U. S. Highway 40 and Illinois Highway 111 and the junction of Illinois Highway 111 and U. S. Highway 66, over Illinois Highway 111, serving no intermediate points, as an alternate or connecting route for operating convenience and joinder purposes only, in connection with the carrier's regular route operations (a) between St. Louis, Mo., and Chicago, Ill. (via junction of U. S. Highway 66 and Illinois Highway 111), and (b) between St. Louis, Mo., and Dayton, Ohio (via the junction of U. S. Highway 40 and Illinois Highway 111); and (7) between the junction of U. S. Highway 54 and Illinois Highway 50, and Chicago, Ill., over Illinois Highway 50, serving no intermediate points, as an alternate or connecting route, for operating convenience and joinder purposes only, in connection with the carrier's regular route operations (a) between Chicago and Cairo, Ill., (b) between St. Louis, Mo., and Chicago, Ill., and (c) between Chicago and Flora, Ill. (via the junction of U. S. Highway 54 and Illinois Highway 50). Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, Ohio, Oklahoma, Tennessee, and Texas.

No. MC 42487 Sub 294, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby Street, Portland, Oreg. Applicant's attorney: W. S. Pilling, P. O. Box 3618, Portland 8, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *commodities of unusual value, Class A and B explosives, household goods* as defined by the Commission, *commodities in bulk* (except liquid petroleum products, in tank trucks), and *commodities requiring special equipment*, between Forsyth, Mont., and junction Montana Highway 6 and unnumbered highway north of Lavina, Mont., over Montana Highway 6, serving no intermediate points, and serving junction Montana Highway 6 and unnumbered highway north of Lavina for purposes of joinder only, as an alternate route for operating convenience only, in connection with carrier's regular route operations (1) between Seattle, Wash., and St. Paul, Minn., and (2) between Billings, Mont., and Townsend, Mont. Applicant is authorized to conduct operations in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming.

No. MC 43038 Sub 394, COMMERCIAL CARRIERS, INC., 3399 E. McNichols, Detroit, Mich. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *buses*, in initial movements, in truckaway service, from Detroit, Mich., to points in Oregon and Washington. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin and the District of Columbia.

NO. MC 43038 SUB 395, COMMERCIAL CARRIERS, INC., 3399 E. McNichols Rd., Detroit, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks*, and *buses*, in initial movements, in truckaway service, from Detroit, Mich. to points in California. Applicant is authorized to conduct oper-

ations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Washington, West Virginia, Wisconsin, and the District of Columbia.

No. MC 46054 Sub 69, BROWN EXPRESS, a corporation, 434 South Main Avenue, San Antonio, Tex. Applicant's attorney: Herbert L. Smith, Perry-Brooks Building, Austin 1, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except commodities of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Waco, Tex., and Houston, Tex., from Waco over Texas Highway 6 to junction U. S. Highway 290, and thence over U. S. Highway 290 to Houston, and return over the same route, serving no intermediate points, as an alternate or connecting route, in connection with the carrier's regular route operations (1) between Fort Worth and Houston, Tex., (2) between Temple and Waco, Tex., (3) between Dallas and Austin, Tex. (via Waco, Tex.), (4) between Houston and Robstown, Tex., and (5) between Houston and Austin, Tex. Applicant is authorized to conduct operations in Texas.

No. MC 46054 Sub 70, BROWN EXPRESS, a corporation, 434 South Main Avenue, San Antonio, Tex. Applicant's attorney: Herbert L. Smith, Perry-Brooks Building, Austin 1, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except commodities of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between George West, Tex., and Freer, Tex., over Texas Highway 202, serving no intermediate points, as an alternate or connecting route, in connection with the carrier's regular route operations (1) between San Antonio, and Pharr, Tex. (via George West, Tex.), (2) between Alice and Freer, Tex., (3) between San Antonio and Beeville, Tex. (via George West, Tex.), (4) between Jourdanton and Freer, Tex., and (5) between Freer and Laredo, Tex. Applicant is authorized to conduct operations in Texas.

No. MC 52465 Sub 12, WESTERN EXPRESS, A CORPORATION, 2300 Ninth Avenue North, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 527–529 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Billings, Mont., and Harlowton, Mont., from Billings over unnumbered Montana Highway via Acton and Broadview to junction of unnumbered Montana Highway and Montana Highway 6 near Lavina, thence over Montana Highway 6 to Harlowton, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Montana.

No. MC 66562 Sub 1226, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd St., New York 17, N. Y. Applicant's attorney: J. H. Mooers, (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, from Pikeville, Ky., to Jenkins, Ky., and return to Pikeville, Ky., over U. S. Highway 23 from Pikeville to junction Kentucky Highway 80, thence over Kentucky Highway 80 to junction Kentucky Highway 7, thence over Kentucky Highway 7 to Wayland, Ky., thence over Kentucky Highway 7 to junction Kentucky Highway 1086, thence over Kentucky Highway 1086 to junction Kentucky Highway 122, thence over Kentucky, Highway 122 to junction Kentucky Highway 306, thence over Kentucky Highway 306 to Wheelwright, Ky., thence return over Kentucky Highway 306 to junction Kentucky Highway 122, thence over Kentucky Highway 122 to junction Kentucky Highway 466 to Weeksbury, Ky., thence return over Kentucky Highway 466 to junction Kentucky Highway 122, thence over Kentucky Highway 122 to junction U. S. Highway 23, thence over U. S. Highway 23 to Jenkins, and return over U. S. Highway 23 to junction Kentucky Highway 122, and thence over above-described route and also over U. S. Highway 23 to Pikeville, serving the intermediate points of Martin, Lackey, Wayland, Wheelwright, Weeksbury, and Jenkins, Ky. Applicant is authorized to conduct operations in all 48 States and the District of Columbia.

NO. MC 68618 SUB 20, LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A, B, and C explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment other than refrigeration, (a) between Portland, Oreg. and Hubbard, 99W to junction of U. S. Highway 99W and Oregon Highway 57, thence over Oreg., from Portland over U. S. Highway Oregon Highway 57 to junction of Oregon Highway 57 and Oregon Highway 51, thence over Oregon Highway 51 to junction of Oregon Highway 51 and U. S. Highway 99E, thence over U. S. Highway 99E to Hubbard, and return over the same route, serving all intermediate points; (b) between the north junction of Salem, Oregon By-Pass and U. S. Highway 99E and the south junction of Salem By-Pass and U. S. Highway 99E via Salem By-Pass, and return over the same route, serving no intermediate points, as an alternate route in connection with carrier's regular-route operations between Seattle, Wash. and Los Angeles, Calif.; (c) between north junction of unnumbered highway and U. S. Highway 99E, over unnumbered highway via Jefferson, Oreg., to junction of said unnumbered highway and U. S. Highway 99E, serving the intermediate point of Jefferson, Oreg.; (d) between Eugene, Oreg. and Goshen, Oreg., from Eugene over U. S. Highway 126 to junction U. S. Highway 126 and Oregon Highway 225, thence over Oregon Highway 225 to junction Oregon Highway 225 and U. S. Highway 99 at or near Goshen, and return over the same route, serving all intermediate points; (e) between Anlauf, Oreg. and Rice Hill, Oreg., from Anlauf, over Oregon Highway 45 to Rice Hill via Drain, Oreg., and return over the same route, serving all intermediate points; (f) between Oakland, Oreg. and Shady Point, Oreg., from Oakland over Oregon Highway 234 to Shady Point and return over the same route, serving all intermediate points.

NOTE: By routes (c), (d), (e) and (f) as set out above, applicant is seeking to amend its present authority because of relocation of portions of U. S. Highway 99E. Applicant is authorized to conduct operations in California, Oregon and Washington.

No. MC 97738 Sub 2, CHARLES COWAN, doing business as PIERRE TRUCK LINE, 310 S. Roberts, Pierre, S. Dak. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Pierre, S. Dak., and Gettysburg, S. Dak., from Pierre over U. S. Highway 83 to junction U. S. Highway 212, thence over U. S. Highway 212 to Gettysburg, and return over the same route, serving the intermediate points of Onida, Agar, and Gorman, S. Dak.

No. MC 104819 Sub 87, C. E. McBRIDE, doing business as COLONIAL FAST FREIGHT LINES, 1201 1st Ave. N., P. O. Box 2169, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, 531–34 Frank Nelson Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Landover, Baltimore, and Whiteford, Md., Seabrook and Bridgeton, N. J., and Wilmington, Del., to points in Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin.

No. MC 104819 Sub 88, C. E. McBRIDE, doing business as COLONIAL FAST FREIGHT LINES, 1201–1st Ave. N., P. O. Box 2169, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, 531–34 Frank Nelson Building, Birmingham, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, as defined by the Commission in Ex Parte No. MC–45, and *frozen meats*, from Union City, Humboldt and Jackson, Tenn., to points in South Carolina and Georgia. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin.

No. MC 106398 Sub 28, NATIONAL TRAILER CONVOY, INC., Box 8096, Dawson Station, 1916 North Sheridan Road, Tulsa, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers, cabin trailers, bungalow trailers, and trailers containing special equipment*, designed to be drawn by passenger automobiles in initial movements, in truck-away service, from Salt Lake City, Utah, to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 107107 Sub 67, ALTERMAN TRANSPORT LINES, INC., 1091 N. W. 22d St., Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting *Meats, meat products, and meat by-products; dairy products, frozen foods, fresh fruits and processed fruits; vegetables, fish, seafood, and nuts; condiments, spices, bakery supplies, bakery materials, and bakery products; candy; confectionery; salad dressing; cocoa; coffee; pie filler; mince meat; cereals; olives, flavoring compounds, including syrups, and extracts; edible oils and cooking oils; macaroni; spaghetti;* and *rice*, from New York, N. Y., and points in Nassau, Suffolk, Rockland, and Westchester Counties, N. Y., and those in Bergen, Passaic, Union Essex, Middlesex, Somerset, and Morris Counties, N. J., to points in Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, and the District of Columbia.

No. MC 108001 Sub 8, (amended) Published in Federal Register Issue of March 2, 1955 on Page 1304. OHIO TRI-COUNTY TRUCKING CO., 1915 Alexis Road, Toledo, Ohio. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crushed limestone, sand* and *pebbles*, from points in Steuben County, Ind., to points in Williams, Defiance, Fulton, and Henry Counties, Ohio. Applicant is authorized to conduct operations in Michigan, and Ohio.

No. MC 108340 Sub 6, HANEY TRUCK LINE, an Oregon corporation, 2219 Cedar Street, Forest Grove, Oreg. Applicant's attorney: John M. Hickson, Yeon Bldg., Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Glue, adhesives, and resins*, between points in Washington and Tillamook Counties, Oreg., and points in Washington, (2) *Machines and machinery and parts incidental thereto*, between points in Washington and Tillamook Counties, Oreg., and points in Washington, (3) *Canned goods*, from points in Washington to points in Washington County, Oreg., and (4) *Roofing and roofing materials*, between points in Washington County, Oreg., and points in Washington. Applicant is authorized to conduct operations in Washington, Oregon, and Idaho.

No. MC 111812 Sub 20, MIDWEST COAST TRANSPORT, INC., P. O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods* from points in Washington and Oregon to points in South Dakota.

No. MC 113353 Sub 1, MINNIE R. FAIR, doing business as FAIR PIANO MOVERS, 432 Baden Street, Toledo, Ohio. Applicant's attorney: Lowell Mason, 507 Gardner Building, Toledo 4, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Electrical appliances*, such as refrigerators, ranges or washers, from Grinnell Bros. place of business, Toledo, Ohio to points in Monroe, Lenawee, Hillsdale and Washtenaw Counties, Mich., and *trade-in merchandise* on return.

No. MC 113464 Sub 5 (Amended), HARVEY WAKEFIELD, doing business as WAKEFIELD TRUCKING SERVICE, Box 171, Upton, Wyo. Applicant's attorney: Vincent A. Ross, 221–222 Majestic Building, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, or in sacks, from Rapid City, S. Dak., to points in Crook, Weston, Campbell, Johnson and Sheridan Counties, Wyo., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application, on return movement.

No. MC 113464 Sub 6 (Amended), HARVEY WAKEFIELD, doing business as WAKEFIELD TRUCKING SERVICE, Box 171, Upton, Wyo. Applicant's attorney: Vincent A. Ross, 221–222 Majestic Building, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Soda ash*, in bulk, in dump trucks, and in sacks, and other containers, from Westvaco, Wyo., to points in Lawrence, Pennington, Custer, Fall River and Butte Counties, S. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application, on return movement.

No. MC 113464 Sub 7 (Amended), Published in the March 23, 1955 issue of the FEDERAL REGISTER, page 1754. HARVEY WAKEFIELD, doing business as WAKEFIELD TRUCKING SERVICE, Box 171, Upton, Wyo. Applicant's attorney: Vincent A. Ross, 221–222 Majestic Building, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore*, in bulk, in dump trucks, between points in Crook, Campbell and Weston Counties, Wyo., Lawrence, Pennington, Custer, Fall River, and Butte Counties, S. Dak. Applicant is authorized to conduct operations in South Dakota and Wyoming.

No. MC 114743 Sub 1, EUGENE MENARD and THERESA MENARD, doing business as MENARD CARTAGE, 757 McKay Avenue, Windsor, Ontario, Canada. Applicant's attorney: L. F. Richardson, 1214 Michigan National Tower, Lansing, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products* (such as liquid fuels), in bulk, in tank trucks and tank trailers, from points in the Detroit, Mich. Commercial Zone as defined by the Commission, to the United States-Canada boundary line at Detroit, Mich.

No. MC 114393 Sub 1, JOHN PERVIN, doing business as GRAIN TRANSIT CO., 1819 Third Avenue SE., Rochester, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Manufactured fertilizer*, from Winona, Minn., to points in North Dakota in and east of McIntosh, Logan, Kidder, Wells, Pierce and Rolette Counties, and those in South Dakota in and east and southeast of Charles Mix, Brule, Jerauld, Beadle, Spink, and Brown Counties.

No. MC 115218, ALLEN D. GIBSON, 1915 Main Street, Eldorado, Ill. Applicant's attorney: Scerial Thompson, The Harrisburg National Bank Bldg., Harrisburg, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Animal feeds and poultry feeds, fertilizer, and other soil improvement materials*, from points in Kentucky, Tennessee, and Missouri to points in Illinois on and south of U. S. Highway 50.

No. MC 115230, Amended, LOUIS WARD AND CARL WARD, doing business as WARD BROTHERS, Little Suamico, Wis. Applicant's attorney: Eugene E. Behling, Oconto Falls, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Milwaukee and Green Bay, Wis., to Iron Mountain and Escanaba, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement.

No. MC 115238, WILSON'S TRANSPORT (NORTHERN) LIMITED, Henrietta Street, Toronto, Ontario, Canada. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between the port of entry on the International Boundary line between the United States and Canada, at or near Sault Ste. Marie, Mich., and Sault Ste. Marie, Mich., over the ferry across St.

Mary's River, thence over city streets to Sault Ste. Marie, and return over the same route, serving no intermediate points.

No. MC 115242, DONALD MOORE, 127 Mondell Court, Prairie du Chien, Wis. Applicant's attorney: John T. Porter, 707–708 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, (1) from Dubuque, Iowa, and Muscoda and Prairie du Chien, Wis., to points in the Chicago, Ill., Commercial Zone as defined by the Commission, and (2) from Dubuque, Iowa, to points in Wisconsin.

No. MC 115247, WESTERN MOTOR CARRIERS, INC., 907 Yeon Building, Portland 4, Oreg. Applicant's attorney: John M. Hickson, Yeon Building, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Shingles and shakes*, between points in Oregon and Washington west of the Cascade Summit, on the one hand, and, on the other, points in California.

No. MC 115248, MITCHEL TOBLER, Hayden Lake, Idaho. Applicant's attorney: George W. Shoemaker, 400–401 Simons Building, Spokane, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats and Accessories therefor*, (1) between Manistee, Mich., and points in Nevada, California, Oregon, Washington, Idaho, and Montana, and (2) between points in Nevada, California, Oregon, Washington, Idaho, and Montana.

No. MC 115250, GEORGE R. MATSON AND GLADYS E. MATSON, A partnership, doing business as LUMBER TRUCKING COMPANY, 95 Main St., Brookville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Logs, lumber and lumber mill products*, from Brookville, Pa., and points within 100 miles thereof, on the one hand, and, on the other, points in Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Virginia, and West Virginia.

No. MC 115258, H. C. DENSON, P. O. Box 754, Snyder, Tex. Applicant's attorney: Howard C. Davison, New Cotton Exchange Bldg., 1005½ Thirteenth Street, Lubbock, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude petroleum*, in bulk, in tank vehicles, between points in Fisher, Scurry, Garza and Dawson Counties, Tex.

CORRECTIONS

No. MC 30012 Sub 58, GEORGE H. BLEWETT, LEONARD HARPER AND MARION L. MARTIN, doing business as T. S. C. MOTOR FREIGHT LINES.

The statement in the notice published in the FEDERAL REGISTER January 5, 1955 at page 148 that this proceeding is directly related to the Section 5 application No. MC–F–5854, published in the FEDERAL REGISTER December 15, 1954, page 8598, is incorrect.

APPLICATIONS OF MOTOR CARRIER OF PASSENGERS

No. MC 114340 Sub 7, THOMAS PARRAN, JR., doing business as SUBURBAN TRANSIT CO., 11339 Elkin Street, Wheaton, Md. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between the junction of Maryland Highway 193 and Colesville Road, and the junction of Maryland Highways 513 and 410, from the junction of Maryland Highway 193 and Colesville Road, over Maryland Highway 193 to junction Maryland Highway 320, thence over Maryland Highway 320 to junction Maryland Highway 513 and thence over Maryland Highway 513 to junction Maryland Highway 410, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland and the District of Columbia.

No. MC 115224, R. H. DISKERUD, doing business as HARD HAT BUS LINE, Route 2, Box 204, The Dalles, Oreg. For authority to operate as a *common carrier* over a regular route, transporting: *Passengers*, between The Dalles, Oreg., and The Dalles Damsite, Wash., from The Dalles over U. S. Highway 30 to the Wasco County Bridge, approximately two miles east of The Dalles, thence across the Wasco County Bridge and over one-half (½) mile on Junction County Road off Washington Highway 830 to The Dalles Damsite, and return over the same route, serving no intermediate points.

No. MC 115229, SEATON PUBLISHING CO., a corporation, 908 West 2nd Street, Hastings, Nebr. Applicant's attorney: F. R. Irons, Tribune Bldg., Hastings, Nebr. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *newspapers* and *express* in the same vehicle with passengers (restricted to a fifty (50) pound limit on baggage and express), between Hastings, Nebr., and Smith Center, Kans., from Hastings over U. S. Highway 281 through Blue Hill., Nebr., to Red Cloud, Nebr., thence over Nebraska Highway 3 to Guide Rock, Nebr., thence over Nebraska Highway 78 to the Nebraska-Kansas State line, thence over Kansas Highway 28 through Burr Oak, Kans., to junction U. S. Highway 36, thence east over U. S. Highway 36 to Mankato, Kans., thence west over U. S. Highway 36 to junction unnumbered highway, thence over unnumbered highway to Esbon, Kans., thence return over unnumbered highway to junction U. S. Highway 36, thence over U. S. Highway 36 to junction U. S. Highway 281, thence over U. S. Highway 281 to Lebanon, Kans., thence return over U. S. Highway 281 to junction U. S. Highway 36, thence over U. S. Highway 36 to Smith Center, and return over U. S. Highway 36 to junction U. S. Highway 281, thence over U. S. Highway 281 through Red Cloud and Blue Hill, Nebr., to Hastings, serving all intermediate points.

APPLICATIONS UNDER SECTIONS 5 AND 210 (a) (b)

No. MC–F–5946. Authority sought for control by C. E. McBRIDE, 1201 First Avenue, North, Birmingham, Ala., of the operating rights and property of COLONIAL & PACIFIC FRIGIDWAYS, INC., 1201 First Avenue, North, Birmingham, Ala. Applicants' attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Operating rights sought to be controlled: *Meats, meat products and meat byproducts*, as a *common carrier*, over irregular routes, from East St. Louis, Ill., Estherville, Fort Dodge, and Storm Lake, Iowa, and Madison, Wis., to Los Angeles, Sacramento, San Diego, San Francisco, and Stockton, Calif., and Seattle, Wash. Applicant is authorized to operate in Alabama, Florida, Mississippi, Georgia, Massachusetts, New York, Maryland, Connecticut, Indiana, Wisconsin, Louisiana, Rhode Island, North Carolina, New Jersey, Virginia, Tennessee, Maine, Oklahoma, South Carolina, Delaware, Michigan, Illinois, Kentucky, West Virginia, Pennsylvania, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5947. Authority sought for control and merger by EASTERN FREIGHT WAYS, INC., Moonachie Ave., Carlstadt, N. J., of the operating rights and property of NIAGARA MOTOR FREIGHT CORP. (CALEB CANDEE BROWN, JR. TRUSTEE), 4004 New Court Ave., Syracuse, N. Y., and for acquisition by LOUIS KLETTER, JACK TEICHER and GEORGE KLETTER, Carlstadt, N. J., of control of the operating rights and property through the transaction. Applicants' attorneys: LaRoe, Winn & Moerman, Investment Bldg., Washington, D. C. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions, not including household goods, as a *common carrier*, over regular routes, between numerous points in New York, including routes between Buffalo and Rochester, N. Y., between Rochester and Waterloo, N. Y., between Syracuse and Fulton, N. Y., between Rome and Utica, N. Y., and between Schenectady and Troy, N. Y., serving all intermediate points; *general commodities*, with certain exceptions, including household goods, over regular routes, including routes between Waterbury, Conn., and Albany, N. Y., between Pittsfield, Mass., and North Adams, Mass., between LaFayette and Albany, N. Y., between Syracuse and Marcellus, N. Y., between LaFayette and Binghamton, N. Y., between Rome and Antwerp, between Cato and Weedsport, N. Y., between Rochester and Niagara Falls, N. Y., between Jamestown and Schenectady, N. Y., between Batavia and Dansville, N. Y., between Albany and Glens Falls, N. Y., and between Albany, and New York City, serving certain intermediate and off-route points; *commodities requiring refrigerated service*, and *general commodities*, including household goods, with certain exceptions, between Philadelphia, Pa., and Binghamton, N. Y., serving certain intermediate and off-route points, between Baltimore, Md., and Scranton, Pa., serving no intermediate points; *general commodities*, with certain exceptions, including household goods, over irregular routes, from, to, and between numerous points in New York. Eastern Freight Ways, Inc., is authorized to operate in New Jersey, New York, Vermont and Pennsylvania. Application has been filed for temporary authority under section 210a (b).

CORRECTION

The notice of filing of MC–F–5940, appearing on page 1601 of March 16, 1955 issue of the FEDERAL REGISTER should be corrected to show that Buch Express, Inc., in lieu of Zeno Bros., Trucking Co., Inc., is authorized to operate in Pennsylvania, Maryland, New York, New Jersey, Virginia, Delaware and the District of Columbia.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2813; Filed, Apr. 5, 1955; 8:48 a. m.]

[4th Sec. Application 30435]

STEEL ROOFING OR SHEATHING BETWEEN IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

APRIL 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to his tariff schedule listed below.

Commodities involved: Roofing or sheathing, steel, asbestos and asphalt coated, carloads.

Between: Points in trunk-line, central and New England territories, and between points in the latter territories, on the one hand, and certain points in Illinois territory, on the other.

Grounds for relief: Circuitous routes, rates constructed on the basis of the short line distance formula, and competitive with asbestos roofing or sheathing.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. 4607, supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2810; Filed, Apr. 5, 1955; 8:48 a. m.]

[4th Sec. Application 30434]

CHLORINE GAS FROM LOUISIANA, ARKANSAS AND KANSAS TO DALLAS AND HERTY, TEX.

APPLICATION FOR RELIEF

APRIL 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to the tariff schedules listed below.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Baton Rouge, Lake Charles, and West Lake Charles, La., Baldwin, Ark., and Wichita, Kans.

To: Dallas and Herty, Tex.

Grounds for relief: Circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4040, supp. 137; F. C. Kratzmeir, Agent, I. C. C. 4090, supp. 83.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2809; Filed, Apr. 5, 1955; 8:48 a. m.]

[4th Sec. Application 30436]

PETROLEUM PRODUCTS FROM WILLISTON, N. DAK. TO POINTS IN NORTH DAKOTA, SOUTH DAKOTA, MINNESOTA AND WISCONSIN

APPLICATION FOR RELIEF

APRIL 1, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Great Northern Railway Company, for itself.

Commodities involved: Gasoline including blended gasoline, distillate, fuel oil, naphtha and refined oil, in tank-car loads.

From: Williston, N. Dak.

To: Specified points in North Dakota, South Dakota, Minnesota and Wisconsin.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: Great Northern Railway I. C. C. A–8163, supp. 101.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2811; Filed, Apr. 5, 1955; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WALTER T. MERKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Walter T. Merker, Nuernberg, Germany, Claim No. 59534; Vesting Order No. 16069; $482.53 in the Treasury of the United States.

Executed at Washington, D. C., on March 31, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55–2816; Filed, Apr. 5, 1955; 8:49 a. m.]

ANDRE HUET

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement there-

of, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Andre Huet, Paris, France, Claim No. 15280; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,122,422; 2,146,297; 2,177,887; 2,216,111 and 2,243,906.

Executed at Washington, D. C., on March 31, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-2818; Filed, Apr. 5, 1955; 8:49 a. m.]

N. V. EXPLOITATIE MAATSCHAPPIJ VOOR CHEMISCHE UITVINDINGEN "E. C. U."

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

N. V. Exploitatie Maatschappij voor Chemische Uitvindingen "E. C. U.", Wassenaar, Holland, Claim No. 42753; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent No. 2,243,050.

Executed at Washington, D. C., on March 31, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-2819; Filed, Apr. 5, 1955; 8:49 a. m.]

RENE JEAN MOREUIL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rene Jean Moreuil, 7 Rond Point Mirabeau, Paris XV, France, Claim No. 61548; Vesting Order No. 18053; $920.60 in the Treasury of the United States.

Executed at Washington, D. C., on March 31, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-2817; Filed, Apr. 5, 1955; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 68

Washington, Thursday, April 7, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

CIVIL SERVICE COMMISSION

Effective upon publication in the FEDERAL REGISTER, paragraph (c) of § 6.145 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-2852; Filed, Apr. 6, 1955; 8:50 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.253]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following April 9, 1955, paragraph (a) is amended by the deletion of the following posts:

Bois Dehors, Haiti.
Dakar, French West Africa.
Rum Jungle, Australia.

2. Effective as of the beginning of the first pay period following April 9, 1955, paragraph (b) is amended by the deletion of the following post:

Aden, Aden.

3. Effective as of the beginning of the first pay period following April 9, 1955, paragraph (c) is amended by the deletion of the following post:

Los Mochis, Mexico.

4. Effective as of the beginning of the first pay period following April 9, 1955, paragraph (d) is amended by the deletion of the following post:

Guaymas, Mexico.

5. Effective as of the beginning of the first pay period following April 9, 1955, paragraph (a) is amended by the addition of the following post:

Artibonite Valley (including Bois Dehors), Haiti.

6. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (b) is amended by the addition of the following posts:

Boudenib, Morocco.
Guercif, Morocco.
Tiznit, Morocco.

7. Effective as of the beginning of the first pay period following March 12, 1955, paragraph (b) is amended by the addition of the following posts:

Irbid, Jordan.
Karak, Jordan.

8. Effective as of the beginning of the first pay period following April 9, 1955, paragraph (c) is amended by the addition of the following posts:

Aden, Aden.
Dakar, French West Africa.
Santiago, Panama.

9. Effective as of the beginning of the first pay period following December 4, 1954, paragraph (d) is amended by the addition of the following post:

Croix Chapeau, France.

(Sec. 102, Part I, E. O. 10,000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary
For Administration.

MARCH 31, 1955.

[F. R. Doc. 55-2853; Filed, Apr. 6, 1955; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURE

APPENDIX—SECOND APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT; FISCAL YEAR 1955

The funds available for purposes of the National School Lunch Act (60 Stat. 230, 66 Stat. 591) for food assistance for

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 9 ($0.65)
Title 20 ($0.75)
Title 24 ($0.75)
Titles 40–42 ($0.50)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 18 ($0.50); Title 19 ($0.40); Title 25 ($0.50); Titles 30–31 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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the fiscal year ending June 30, 1955, are reapportioned as follows in order to effect a further apportionment of supplemental funds pursuant to section 4 of the act:

State	Total	State Agency	Withheld for private schools
Alabama	$2,431,762	$2,371,810	$59,952
Alaska	32,386	32,386	----
Arizona	427,858	407,064	20,794
Arkansas	1,529,116	1,499,382	29,734
California	3,188,392	3,188,392	----
Colorado	562,657	516,139	46,518
Connecticut	584,301	584,301	----
Delaware	84,121	78,308	5,813
District of Columbia	181,763	181,763	----
Florida	1,450,895	1,385,913	64,982
Georgia	2,347,873	2,347,873	----
Hawaii	227,438	182,190	45,248
Idaho	311,157	301,864	9,293
Illinois	2,616,209	2,616,209	----
Indiana	1,568,151	1,568,151	----
Iowa	1,099,724	981,057	118,667
Kansas	729,998	729,998	----
Kentucky	1,947,138	1,947,138	----
Louisiana	1,697,143	1,697,143	----
Maine	441,488	362,454	79,034
Maryland	854,199	740,208	113,991
Massachusetts	1,564,357	1,564,357	----
Michigan	2,361,367	2,028,192	333,175
Minnesota	1,332,176	1,130,194	201,982
Mississippi	2,184,293	2,184,293	----
Missouri	1,533,597	1,533,597	----
Montana	242,288	217,763	24,525
Nebraska	546,349	483,723	62,626
Nevada	48,371	46,227	2,144
New Hampshire	215,379	215,379	----
New Jersey	1,446,039	1,156,140	289,899
New Mexico	442,926	442,926	----
New York	4,063,157	4,063,157	----
North Carolina	3,118,370	3,118,370	----
North Dakota	370,802	336,388	34,414
Ohio	2,698,613	2,317,162	381,451
Oklahoma	1,228,129	1,228,129	----
Oregon	582,670	582,670	----
Pennsylvania	3,808,251	3,095,421	712,830
Rhode Island	277,666	277,666	----
South Carolina	1,658,810	1,642,754	16,056
South Dakota	360,486	328,953	31,533
Tennessee	2,134,548	2,084,630	49,819
Texas	3,864,455	3,864,455	----
Utah	398,238	393,073	5,165
Vermont	190,087	190,087	----
Virginia	1,813,505	1,756,845	56,660
Washington	843,271	789,282	53,989
West Virginia	1,253,968	1,224,570	29,398
Wisconsin	1,375,046	1,064,536	310,510
Wyoming	129,812	129,812	----
Total	66,400,795	62,310,494	3,190,301

(60 Stat. 230, 66 Stat. 591; 42 U. S. C. 1751–1760)

Dated: April 4, 1955.

ORIS V. WELLS,
Administrator.

[F. R. Doc. 55–2857; Filed, Apr. 6, 1955; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 137]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ILS, radar, or timed approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport, initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name; elevation; facility class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9
CANCELED EFFECTIVE MARCH 8, 1955, LOW FREQUENCY RANGE DECOMMISSIONED.								
MIRAMAR, CALIF. Miramar NAAS, 477. Procedure No. 1. Amendment No. 3 dated July 11, 1952.								
STOCKTON, CALIF. Stockton Airport, 28'. BMR/Z–DTV SCK. Procedure No. 1. Amendment No. 4. Effective: May 7, 1955. Supersedes Amendment No. 3 dated November 21, 1953. Major changes: New format. Delete transition from Altamont Intersection presently authorized by published MEA; add transition from MOD VOR; revise alternate minimums in line with current policy.	Modesto VOR	293—20.0	2,000	E side S course: 147° outbound. 327° inbound. 1,500' within 10 miles.	800	285—3.2	2 engines or less: T–dn 300–1; C–dn 600–1; A–dn 800–2. More than 2 engines: T–dn 900–3; C–dn 900–1½; A–dn 800–2.	Within 3.2 miles, climb to 2,000' on N course within 25 miles. CAUTION: 340' mean sea level radio mast 1.5 miles N of airport. NOTE: ADF procedure not authorized.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DENVER, COLO. Stapleton Airfield, 5,331′. MHW–AUR. Procedure No. 2. Amendment No. 5. Effective: May 7, 1955. Supersedes amendment No. 4 dated May 15, 1954. Major changes: New format; minor changes to missed approach for consistency; deletes Watkins FM; minor changes to distances and bearings; deletes shuttle.	DEN VOR	198—12.6	7,000	E side S course: 164° outbound. 344° inbound. 7,000′ within 10 miles. Not authorized beyond 10 miles.#	%6,200	344—3.6	2 engines or less			Within 3.6 miles, climb to 6,300′ on course of 348° from DEN LFR within 20 miles. Alternate missed approach; when directed by ATC climb to 6,600′ on E course DEN LFR within 25 miles. *Descent below 8,900′ not authorized until 3 miles N of Franktown FM due to 6,715′ terrain 6 miles NW of Franktown. #Procedure turn must be accomplished within 10 miles on account of high terrain to S. %Do not descend below 5,825′ mean sea level until 1.5 miles N Aurora Radiobeacon on account of 5,525′ mean sea level tower at Lowry Field. CAUTION: 5,918′ mean sea level tower 4.7 miles ESE of airport. Deviation from standard criteria authorized in items 2 and 5.
	DEN LFR	164—7.3	7,000				T–dn	300–1	300–1	
	Franktown FM* (northbound only).	332—22.0	7,000				C–dn	400–1	500–1	
							S–dn 35	400–1	400–1	
	Aurora FM (final)	332—2.7	6,200				A–dn	800–2	800–2	
							More than 2 engines			
							T–dn		200–½	
							C–dn		500–1½	
							S–dn 35		400–1	
							A–dn		800–2	

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BUTTE, MONT. Butte, 5,554′. BVOR–BTM. Procedure No. 1. Amendment No. 1. Effective: May 7, 1955. Supersedes original dated April 15, 1954. Major changes: New format; add transition from Whitehall LFR; delete transition from BTM LFR; minor course and distance corrections; remove deviation note.	Whitehall LFR	276—30.0	10,000	E side of course:* 343° outbound. 163° inbound. 9,000′ within 10 miles. Not authorized beyond 10 miles.	7,900	095—13.2	2 engines or less			Within 1.5 miles climb to 10,000′ on course 93° within 12 miles. *Procedure turn E side for more favorable terrain. CAUTION: High terrain 8,300′ mean sea level 2 miles E of Butte Airport. NOTE: Sliding scale not authorized for landing.
							T–d	1, 500–1	1, 500–1	
							T–n	1, 500–2	1, 500–2	
							C–d	2, 300–1	2, 300–1½	
							C–n	2, 300–2	2, 300–2	
							A–d	2, 300–1½	2, 300–1½	
							A–n	2, 300–2	2, 300–2	
							More than 2 engines			
							T–d		1, 500–1	
							T–n		1, 500–2	
							C–d		2, 300–1½	
							C–n		2, 300–2	
							A–d		2, 300–1½	
							A–n		2, 300–2	

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BUTTE, MONT. Butte, 5,554′. Whitehall–BVOR. HAI and Homestake FM. Procedure No. 2. Amendment No. 1. Effective: May 7, 1955. Supersedes original dated July 12, 1954. Major changes: Place procedure on new format; add sliding scale note; remove inappropriate deviation note.	Whitehall VOR	273—12.0	9,500	No procedure turn final approach course 273°.	Homestake FM 9,500	273—4.0	2 engines or less			Within 4 miles of Homestake FM, climb westbound to 10,000′ on 273° course from Whitehall VOR within 15 miles of Homestake FM, or, climb westbound to 10,000′ on 273° course to Butte VOR. CAUTION: 8,212′ terrain located 2 miles E of Butte Airport. NOTE: Sliding scale not authorized for landing.
							T–d	1, 500–1	1, 500–1	
							T–n	1, 500–2	1, 500–2	
							C–d	3, 000–1	3, 000–1	
							C–n	3, 000–2	3, 000–2	
							A–dn	3, 000–2	3, 000–2	
							More than 2 engines			
							T–d		1, 500–1	
							T–n		1, 500–2	
							C–d		3, 000–1½	
							C–n		3, 000–2	
							A–dn		3, 000–2	
ELKO, NEV. Municipal, 5,136′. VORW–EKO. Procedure No. 1. Original. Effective: May 7, 1955.	Carlin FM	058—19.0	9,000	W side of course:* 149° outbound. 329° inbound. 8,500′ within 10 miles. Not authorized beyond 10 miles.	7,500	329—4.4	All aircraft			Within 4.4 miles, turn left and climb to 8,500′ on course of 149° within 15 miles of EKO VOR. *Procedure turn right for more favorable terrain. Elko VOR monitored category 3.
	Deeth FM	219—31.0	10,000				T–dn	1, 800–2	1, 800–2	
	Elko LFR	155—5.0	8,500				C–dn	1, 800–2	1, 800–2	
							A–dn	BCOB 1, 800–2	BCOB 1, 800–2	

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
DETROIT, MICH. Detroit-Wayne Major, 639′. ILS Back Course. Procedure No. 2. Amendment No.: Original. Effective date: May 7, 1955. Supersedes No.: None. Major changes: None.	Detroit LFR	(*) or (**)	046—7.5	2,700	W side of NE course: 032° outbound. 212° inbound. 2,700′ within 10 miles.	No glide path 2,300′ over Intersection (*) or Intersection (**) 6.0.	No outer marker	No middle marker	2 engines or less			Within 6 miles, climb to 2,000′ on SW course ILS to LOM, or when directed by ATC: (1) Make right turn, climb to 2,000′ proceed to FRD radiobeacon. (2) Make left turn, climb to 2,300′, proceed to Flat Rock Intersection. *Intersection NE course ILS and SVM VOR 118–R. **Intersection NE course ILS and 270° bearing to FRD radiobeacon. Procedure not authorized unless aircraft equipped to receive ILS and VOR or ILS and ADF bearings simultaneously; unless radar positions are obtainable at the above fixes.
	RML LOM	(*) or (**)	032—12.0	2,700					T–dn		300–1	
	SVM VOR	(*) or (**)	118—17.0	2,700					C–dn		500–1	
	FRD Radiobeacon	(*) or (**)	084—8.5	2,700					S–dn 21–R		500–1	
	Intersection NE course ILS and NW course QG LFR.	(*) or (**)	212—18.0	2,700					A–dn ILS		600–2	
									ADF		800–2	
									More than 2 engines			
									T–dn		200–½	
									C–dn		500–1½	
									S–dn 21–R		500–1	
									A–dn ILS		600–2	
									ADF		800–2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
LOUISVILLE, KY. Standiford Field, 497'. ILS SDF. LOM SD. Combination ILS-ADF. Procedure No. 1. Amendment No. 12. Effective date: May 7, 1955. Supersedes Amendment 11, dated April 30, 1954. Major changes: Transitions added.	Louisville LFR	LOM	214—12	2,100	W side of S course: 190° outbound. 010° inbound. 2,100' within 7 miles. Not authorized beyond 7 miles to avoid Godman danger area.	ILS 2,100 ADF 1,600 over LOM	2,080—6.2	690—0.7	2 engines or less			6.2 miles after passing LOM (ADF) make a left climbing turn to 2,100' as soon as practical. Proceed out W course Louisville LFR, or (when directed by ATC), make climbing right turn as soon as practical and proceed to Louisville LFR. CAUTION: Obstruction 1,060' 4 miles N of Standiford Field. *400-¾ required with glide slope inoperative.
	Louisville VOR	LOM	262—10	2,100					T-dn	300-1	300-1	
	Eastwood FM	LOM	237—19	2,100					C-dn	500-1	500-1	
	Shepherdsville FM	LOM	311—11	2,100					S-dn 01 *ILS	200-½	200-½	
	Vally Intersection: Intersection W course Louisville LFR and 147° course to LOM.	LOM	147—11	2,100					ADF	500-1	500-1	
									A-dn ILS	600-2	600-2	
	Bardstown Intersection	LOM	323—25	2,100					ADF	800-2	800-2	
	Bourbon Intersection	LOM	335—16	2,100					More than 2 engines			
									T-dn		200-½	
									C-dn		500-1½	
									S-dn 01 *ILS		200-½	
									ADF		500-1	
									A-dn ILS		600-2	
									ADF		800-2	
PHILADELPHIA, PA. International, 10'. ILS PHL. Procedure No. 2, using back course ILS and surveillance radar. Effective date: May 7, 1955. Amendment No.: Original.	Mt. Holly Intersection	NE course ILS.	237°—12	1,800	Not authorized. Inbound course 265°.	No glide path or markers. Descend to 1,300' after intercepting localizer course. Descend to landing minimums after passing 5-mile fix as determined by surveillance radar.			2 engines or less			Climb to 1,800' on SW course ILS within 10 miles of LOM. Alternate missed approach (when directed by ATC), make a climbing left turn and proceed to Elmer Intersection at 1,500'. CAUTION: 253' crane on localizer course 2.5 miles E of airport.
									T-dn	300-1	300-1	
									C-dn	500-1	500-1	
									S-dn 27	500-1	500-1	
									A-dn	800-2	800-2	
									More than 2 engines			
									T-dn		200-½	
									C-dn		500-1½	
									S-dn 27		500-1	
									A-dn		800-2	
TETERBORO, N. J. Teterboro, 7'. ILS-TEB. Procedure No. 1. Amendment No. 5. Effective date: May 7, 1955. Supersedes Amendment No. 4 dated April 8, 1953. Major changes: Revises transitions and straight-in landing minimums.	Chatham MHW	ILS SW course	095—12	2,000	W side SW course: 239° outbound. 059° inbound. 1,800' within 10 miles of OM.	1,400	1,360—4.7	230—0.6	2 engines or less			Climb to 1,000' on a heading of 059° turn left climb to 2,000' on ADF course to Paterson MHW. *700-1½ required with any component of the ILS inoperative.
	Newark LOM	ILS SW course	348—7	1,800					T-dn	300-1	300-1	
	Paterson MHW	ILS OM	186—10	2,000					C-dn	1,000-1	1,000-1½	
	Caldwell VOR	ILS OM	114—13	2,000					*S-6 dn	500-1	500-1	
									A-dn	1,000-2	1,000-2	
									More than 2 engines			
									T-dn		300-1	
									C-dn		1,000-1½	
									*S-6 dn		500-1	
									A-dn		1,000-2	

5. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Precision approach (PAR): 75 m. p. h. or less	Ceiling and visibility minimums: Precision approach (PAR): More than 75 m. p. h.	Ceiling and visibility minimums: Surveillance approach (ASR): 75 m. p. h. or less	Ceiling and visibility minimums: Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
PHILADELPHIA, PA. International, 10'. Procedure No. 1. Amendment No.: Original. Effective date: May 7, 1955.	2,300' N quadrant of Philadelphia LFR within 20 miles. 1,800' within 10 miles.	17, 35, 9, 27	2 engines or less					Climb to 2,500' or higher altitude when requested by ATC. Proceed to Mt. Holly Intersection. Alternate missed approach procedures (when requested by ATC). 1. Climb to 1,500' and proceed to LOM or 2. Climb to 1,500' and proceed to Elmer Intersection.
	2,000' NW quadrant within 20 miles. 1,500' within 10 miles.		T-dn			300-1	300-1	
	1,500' SW and SE quadrants within 20 miles.		C-dn			500-1	500-1	
			S-dn			500-1	500-1	
			A-dn			800-3	800-2	
			More than 2 engines					
			T-dn				200-½	
			C-dn				500-1½	
			S-dn				500-1	
			A-dn				800-2	
		4-22	2 engines or less					
			T-dn			300-1	300-1	
			C-dn			600-1	600-1	
			S-dn			600-1	600-1	
			A-dn			800-2	800-2	
			More than 2 engines					
			T-dn				200-½	
			C-dn				600-1½	
			S-dn				600-1	
			A-dn				800-2	
WASHINGTON, D. C. National, 16'. Procedure No. 1. Amendment No. 6. Effective date: May 7, 1955. Supersedes amendment No. 5 dated June 20, 1954. Major change: New format.	1,500' in E, W, and S quadrants and 1,800' in N quadrant of Washington LFR within 25 miles.	All	2 engines or less					Make a climbing left turn as soon as practical and climb to 1,800' or a higher altitude when requested by ATC on NW course of Washington LFR to Herndon Intersection. CAUTION: Circling minimums do not provide standard clearance over monument 1.3 miles N of airport. *300-1 required on Runways 9 and 27. AIR CARRIER NOTES: Sections 26B and 28 of Operations Specifications not applicable to Runways 9 and 27.
	2,500' in all quadrants within 40 miles exclusive of danger and prohibited areas.	All	T-dn	300-1	300-1			
		36	C-dn	600-1	600-1			
		All	S-dn	200-½	200-½			
			A-dn	600-2	600-2			
			More than 2 engines					
		All	T-dn		*200-½			
		All	C-dn		600-1½			
		36	S-dn		200-½			
		All	A-dn		600-2			

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-2702; Filed, Apr. 6, 1955; 8:55 a. m].

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 24]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars:

a. Paragraphs (b) *Containing radium,* (c) *Nonferrous metal alloys,* (e) *Nickel alloy and nickel-bearing cobalt scrap,* (g) *Refined copper, copper scrap and copper-base alloy scrap* are redesignated respectively as paragraphs (a), (b), (c), and (d).

b. Paragraph (d), as redesignated, is amended in the following particulars:

The title of the paragraph is amended to read: *"Refined copper, copper scrap, copper-base alloy scrap and copper-base alloy ingots and other crude forms."*

Subparagraph (1) *General* is amended to read as follows:

(1) *General.* License applications to export refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes but excluding copperweld rods), Schedule B No. 641200 (hereinafter referred to as refined copper); copper scrap (new and old), Schedule B No. 641300; copper-base alloy scrap (new and old), Schedule B No. 644000; and copper-base alloy ingots and other crude forms, Schedule B No. 644100, will be considered for approval in accordance with the procedures described below.

Subparagraph (2) *Refined copper, Schedule B No. 641200* remains unchanged.

Subparagraph (3) *Copper scrap and copper-base alloy scrap* is amended to read as follows:

(3) *Copper scrap, copper-base alloy scrap and copper-base alloy ingots and other crude forms.* (i) License applications to export copper scrap (new and old), Schedule B No. 641300, copper-base alloy scrap (new and old), Schedule B No. 644000 and copper-base alloy ingots and other crude forms, Schedule B No. 644100, shall identify the foreign consumer by use of one of the applicable statements shown in subparagraph (d) (2) (iii) above and shall include the applicable certification of availability for export shown in subparagraph (d) (2) (ii) above. In addition, in order that the Bureau of Foreign Commerce may provide an equitable basis for distributing available export quotas for these materials applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of these commodities on Form IT– or FC–821 in accordance with the procedure set forth in § 373.4. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number and broken down by countries of destination and shall cover the quantity in Schedule B units of exports from the United States made during the fourth calendar quarter of 1953 and the calendar year 1954, where the total for such exports to all countries for each Schedule B number was $5,000 or over for the five quarters. In preparing Form IT–or FC–821 the heading above items (c) and and (d) shall be changed to read "4th quarter 1953" and the heading above items (e) and (f) shall read "calendar year 1954."

(ii) In order that license applications for the exportation of copper-base alloy ingots and other crude forms, Schedule B No. 644100 may be considered against the available export quotas established for the period ending June 30, 1955, Form IT– or FC–821 must be submitted to the Bureau of Foreign Commerce not later than April 22, 1955.

SECOND QUARTER OF 1955 [1]

Dept. of Commerce Schedule B No.	Commodity	Submission dates, second quarter, 1955
641300	Copper scrap (new and old)	Before June 1, 1955
644000	Copper-base alloy scrap (new and old)	
644100	Copper-base alloy ingots and other crude forms	
619159	Selenium powder	Mar. 1–15, 1955
622098	Ferroselenium	
664998	Selenium metal, except selenium-bearing scrap materials	
829810	Selenium-containing rubber compounding agents not of coal tar origin: accelerators.	
839750	Selenium salts of organic compounds	
839900	Selenium salts and compounds, including selenium dioxide	
842900	Selenium-containing pigments	

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c)). Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (d)).

(iii) License applications covering copper-base alloy scrap (new and old), Schedule B No. 644000, shall include the copper content of the scrap.

Subparagraphs (4) *Validity period* and (5) *Amendments to export licenses* remain unchanged.

A new subparagraph (6) is added to read as follows:

(6) *Time for submission of applications.* Applications for licenses to export copper scrap (new and old), Schedule B No. 641300, copper-base alloy scrap (new and old), Schedule B No. 644000 and copper-base alloy ingots and other crude forms, Schedule B No. 644100, shall be submitted in accordance with the time schedules set forth in § 373.71.

2. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

3. Section 380.2 *Amendments or alterations of licenses,* paragraph (f) *Where to file* is amended in the following particulars:

Subdivision (iv) of subparagraph (3) *Amendment requests on which field offices may not take action* is amended to read as follows:

(iv) Requests for amendments or extensions of licenses for refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes) (Schedule B No. 641200), copper scrap (new and old) (Schedule B No. 641300), copper-base alloy scrap (new and old) (Schedule B No. 644000), and copper-base alloy ingots and other crude forms (Schedule B No. 644100).

4. The title of § 380.5 *Amendments to licenses issued for the exportation of refined copper, copper scrap and copper-base alloy scrap* is amended to read as follows: *"Amendments to licenses issued for the exportation of refined copper, copper scrap, copper-base alloy scrap and copper-base alloy ingots and other crude forms."*

This amendment shall become effective as of April 6, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55–2888; Filed, Apr. 6, 1955; 8:54 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1955 Dept. Circular 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING APRIL 1, 1955

APRIL 1, 1955.

§ 129.18 *Calendar year, 1955.* * * *

(b) *Quarter beginning April 1, 1955.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units, are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning April 1, 1955, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.

Country	Monetary unit	Value in terms of U. S. money	Remarks
Colombia	Peso	$0.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 29, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By monetary law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Uruguay	Peso	.6583	Present gold content of 0.585018 gram fine established by law of Jan 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL]

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55–2854; Filed, Apr. 6, 1955; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 55–371]

[Rules Amdts. 1–71, 12–9]

PART 1—PRACTICE AND PROCEDURE

PART 12—AMATEUR RADIO SERVICE

In the matter of amendments of Part 1, rules relating to applications and proceedings, and Part 12, rules governing amateur radio service, to require application for renewal of station license in the Radio Amateur Civil Emergency Service on FCC Form 481–1; Rules Amdts. 1–71 and 12–9.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of March 1955;

The Commission having under consideration the application form for renewal of station license in the Radio Amateur Civil Emergency Service (RACES); and

It appearing, that it is desirable that each renewal of station license in the RACES should receive the approval of the Radio Officer in charge of the civil defense communications network of which the station is a part; and

It further appearing, that the proper filing of an application for such renewal on FCC Form 481–1 will provide such approval by the Radio Officer; and

It further appearing, because the proposed change concerns a matter of agency procedure, no notice of proposed rule making is required by section 4 (a) of the Administrative Procedure Act;

It is ordered, Under the authority contained in sections 4 (i) and 308 (b) of the Communications Act of 1934, as amended, that effective May 9, 1955, § 1.320 of Part 1 of the Commission's rules relating to applications and proceedings and § 12.223 of Part 12 of the Commission's rules governing amateur radio service are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 308, 48 Stat. 1085; 47 U. S. C. 308)

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Section 1.320 (c) of Part 1, Practice and Procedure, is amended by adding the following subparagraph:

(7) FCC Form 481–1, "Application for Authority to Operate a Station in the Radio Amateur Civil Emergency Service." To be used for all applications for renewal of authorizations of radio amateur civil emergency stations.

B. Section 12.223 of Part 12, Amateur Radio Service, is amended to read as follows:

§ 12.223 *Filing of application.* Each application for a station authorization or for renewal thereof shall be submitted on FCC Form 481–1, signed under oath or affirmation by the applicant and countersigned by the appropriate civil defense radio officer, who shall certify to the following:

(a) That the applicant has satisfied all requirements (both local and federal) for participation in the civil defense organization and is actually enrolled as a member of the local organization which serves the area where the station will operate.

(b) That the amateur station licensed in the name of the applicant has been approved for and, when authorized by the Commission, will actually constitute a unit of a civil defense communications network in accordance with an approved civil defense communications plan or amendment thereof.

NOTE: For information purposes only, not a part of the rules. Until such time as a revised Form 481–1 becomes available, applicants shall use the present form by entering the word "Renewal" at line 3 of Form 481–1.

[F. R. Doc. 55–2836; Filed, Apr. 6, 1955; 8:48 a. m.]

PROPOSED RULE MAKING

ATOMIC ENERGY COMMISSION

[10 CFR Part 80]

GENERAL RULES OF PROCEDURE ON APPLICATIONS FOR DETERMINATION OF REASONABLE ROYALTY FEE, JUST COMPENSATION, OR GRANT OF AWARD FOR PATENTS, INVENTIONS OR DISCOVERIES

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Atomic Energy Act of 1954 (P. L. 703, 83d Congress; 68 Stat. 947 ff) and to section 4 (a) of the Administrative Procedures Act of 1946 (P. L. 404, 79th Congress) and in accordance with § 80.5 of Title 10, Chapter I, Part 80, Code of Federal Regulations, entitled "General Rules of Procedure on Applications for Determination of Reasonable Royalty Fee, Just Compensation or Grant of Award for Patents, Inventions or Discoveries", promulgated on June 18, 1948 and published in Volume 13, No. 91, Pages 2487 et seq. of the FEDERAL REGISTER for May 8, 1948, as amended February 1, 1953 (18 F. R. 619) proposed changes in the general rules are set forth hereunder.

A. Section 80.1 is to be revised to read as follows:

§ 80.1 *Scope of part.* The regulations in this part provide the rules of procedure to be followed by any person making application to the Atomic Energy Commission for the determination of a reasonable royalty fee, just compensation, or the grant of an award,

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 24]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars:

a. Paragraphs (b) *Containing radium,* (c) *Nonferrous metal alloys,* (e) *Nickel alloy and nickel-bearing cobalt scrap,* (g) *Refined copper, copper scrap and copper-base alloy scrap* are redesignated respectively as paragraphs (a), (b), (c), and (d).

b. Paragraph (d), as redesignated, is amended in the following particulars:

The title of the paragraph is amended to read: *"Refined copper, copper scrap, copper-base alloy scrap and copper-base alloy ingots and other crude forms."*

Subparagraph (1) *General* is amended to read as follows:

(1) *General.* License applications to export refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes but excluding copperweld rods), Schedule B No. 641200 (hereinafter referred to as refined copper); copper scrap (new and old), Schedule B No. 641300; copper-base alloy scrap (new and old), Schedule B No. 644000; and copper-base alloy ingots and other crude forms, Schedule B No. 644100, will be considered for approval in accordance with the procedures described below.

Subparagraph (2) *Refined copper, Schedule B No. 641200* remains unchanged.

Subparagraph (3) *Copper scrap and copper-base alloy scrap* is amended to read as follows:

(3) *Copper scrap, copper-base alloy scrap and copper-base alloy ingots and other crude forms.* (i) License applications to export copper scrap (new and old), Schedule B No. 641300, copper-base alloy scrap (new and old), Schedule B No. 644000 and copper-base alloy ingots and other crude forms, Schedule B No. 644100, shall identify the foreign consumer by use of one of the applicable statements shown in subparagraph (d) (2) (iii) above and shall include the applicable certification of availability for export shown in subparagraph (d) (2) (ii) above. In addition, in order that the Bureau of Foreign Commerce may provide an equitable basis for distributing available export quotas for these materials applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of these commodities on Form IT– or FC–821 in accordance with the procedure set forth in § 373.4. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number and broken down by countries of destination and shall cover the quantity in Schedule B units of exports from the United States made during the fourth calendar quarter of 1953 and the calendar year 1954, where the total for such exports to all countries for each Schedule B number was $5,000 or over for the five quarters. In preparing Form IT–or FC–821 the heading above items (c) and and (d) shall be changed to read "4th quarter 1953" and the heading above items (e) and (f) shall read "calendar year 1954."

(ii) In order that license applications for the exportation of copper-base alloy ingots and other crude forms, Schedule B No. 644100 may be considered against the available export quotas established for the period ending June 30, 1955, Form IT– or FC–821 must be submitted to the Bureau of Foreign Commerce not later than April 22, 1955.

(iii) License applications covering copper-base alloy scrap (new and old), Schedule B No. 644000, shall include the copper content of the scrap.

Subparagraphs (4) *Validity period* and (5) *Amendments to export licenses* remain unchanged.

A new subparagraph (6) is added to read as follows:

(6) *Time for submission of applications.* Applications for licenses to export copper scrap (new and old), Schedule B No. 641300, copper-base alloy scrap (new and old), Schedule B No. 644000 and copper-base alloy ingots and other crude forms, Schedule B No. 644100, shall be submitted in accordance with the time schedules set forth in § 373.71.

2. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

SECOND QUARTER OF 1955 [1]

Dept. of Commerce Schedule B No.	Commodity	Submission dates, second quarter, 1955
641300	Copper scrap (new and old)	Before June 1, 1955
644000	Copper-base alloy scrap (new and old)	
644100	Copper-base alloy ingots and other crude forms	
619159	Selenium powder	Mar. 1–15, 1955
622098	Ferroselenium	
664998	Selenium metal, except selenium-bearing scrap materials	
829810	Selenium-containing rubber compounding agents not of coal tar origin: accelerators.	
839750	Selenium salts of organic compounds	
839900	Selenium salts and compounds, including selenium dioxide	
842900	Selenium-containing pigments	

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c)). Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (d)).

3. Section 380.2 *Amendments or alterations of licenses,* paragraph (f) *Where to file* is amended in the following particulars:

Subdivision (iv) of subparagraph (3) *Amendment requests on which field offices may not take action* is amended to read as follows:

(iv) Requests for amendments or extensions of licenses for refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes) (Schedule B No. 641200), copper scrap (new and old) (Schedule B No. 641300), copper-base alloy scrap (new and old) (Schedule B No. 644000), and copper-base alloy ingots and other crude forms (Schedule B No. 644100).

4. The title of § 380.5 *Amendments to licenses issued for the exportation of refined copper, copper scrap and copper-base alloy scrap* is amended to read as follows: *"Amendments to licenses issued for the exportation of refined copper, copper scrap, copper-base alloy scrap and copper-base alloy ingots and other crude forms."*

This amendment shall become effective as of April 6, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55–2888; Filed, Apr. 6, 1955; 8:54 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1955 Dept. Circular 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING APRIL 1, 1955

APRIL 1, 1955.

§ 129.18 *Calendar year, 1955.* * * *

(b) *Quarter beginning April 1, 1955.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units, are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning April 1, 1955, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted.

Country	Monetary unit	Value in terms of U. S. money	Remarks
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Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By monetary law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 293 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Uruguay	Peso	.6583	Present gold content of 0.585018 gram fine established by law of Jan 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL]

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55–2854; Filed, Apr. 6, 1955; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 55–371]

[Rules Amdts. 1–71, 12–9]

PART 1—PRACTICE AND PROCEDURE

PART 12—AMATEUR RADIO SERVICE

In the matter of amendments of Part 1, rules relating to applications and proceedings, and Part 12, rules governing amateur radio service, to require application for renewal of station license in the Radio Amateur Civil Emergency Service on FCC Form 481–1; Rules Amdts. 1–71 and 12–9.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of March 1955;

The Commission having under consideration the application form for renewal of station license in the Radio Amateur Civil Emergency Service (RACES); and

It appearing, that it is desirable that each renewal of station license in the RACES should receive the approval of the Radio Officer in charge of the civil defense communications network of which the station is a part; and

It further appearing, that the proper filing of an application for such renewal on FCC Form 481–1 will provide such approval by the Radio Officer; and

It further appearing, because the proposed change concerns a matter of agency procedure, no notice of proposed rule making is required by section 4 (a) of the Administrative Procedure Act;

It is ordered, Under the authority contained in sections 4 (i) and 308 (b) of the Communications Act of 1934, as amended, that effective May 9, 1955, § 1.320 of Part 1 of the Commission's rules relating to applications and proceedings and § 12.223 of Part 12 of the Commission's rules governing amateur radio service are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 308, 48 Stat. 1085; 47 U. S. C. 308)

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Section 1.320 (c) of Part 1, Practice and Procedure, is amended by adding the following subparagraph:

(7) FCC Form 481–1, "Application for Authority to Operate a Station in the Radio Amateur Civil Emergency Service." To be used for all applications for renewal of authorizations of radio amateur civil emergency stations.

B. Section 12.223 of Part 12, Amateur Radio Service, is amended to read as follows:

§ 12.223 *Filing of application.* Each application for a station authorization or for renewal thereof shall be submitted on FCC Form 481–1, signed under oath or affirmation by the applicant and countersigned by the appropriate civil defense radio officer, who shall certify to the following:

(a) That the applicant has satisfied all requirements (both local and federal) for participation in the civil defense organization and is actually enrolled as a member of the local organization which serves the area where the station will operate.

(b) That the amateur station licensed in the name of the applicant has been approved for and, when authorized by the Commission, will actually constitute a unit of a civil defense communications network in accordance with an approved civil defense communications plan or amendment thereof.

NOTE: For information purposes only, not a part of the rules. Until such time as a revised Form 481–1 becomes available, applicants shall use the present form by entering the word "Renewal" at line 3 of Form 481–1.

[F. R. Doc. 55–2836; Filed, Apr. 6, 1955; 8:48 a. m.]

PROPOSED RULE MAKING

ATOMIC ENERGY COMMISSION

[10 CFR Part 80]

GENERAL RULES OF PROCEDURE ON APPLICATIONS FOR DETERMINATION OF REASONABLE ROYALTY FEE, JUST COMPENSATION, OR GRANT OF AWARD FOR PATENTS, INVENTIONS OR DISCOVERIES

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Atomic Energy Act of 1954 (P. L. 703, 83d Congress; 68 Stat. 947 ff) and to section 4 (a) of the Administrative Procedures Act of 1946 (P. L. 404, 79th Congress) and in accordance with § 80.5 of Title 10, Chapter I, Part 80, Code of Federal Regulations, entitled "General Rules of Procedure on Applications for Determination of Reasonable Royalty Fee, Just Compensation or Grant of Award for Patents, Inventions or Discoveries", promulgated on June 18, 1948 and published in Volume 13, No. 91, Pages 2487 et seq. of the FEDERAL REGISTER for May 8, 1948, as amended February 1, 1953 (18 F. R. 619) proposed changes in the general rules are set forth hereunder.

A. Section 80.1 is to be revised to read as follows:

§ 80.1 *Scope of part.* The regulations in this part provide the rules of procedure to be followed by any person making application to the Atomic Energy Commission for the determination of a reasonable royalty fee, just compensation, or the grant of an award,

and for the consideration of such applications pursuant to section 157 of chapter 13 of the Atomic Energy Act of 1954 (68 Stat. 947; 42 U. S. C. 2187) and section 173 of chapter 15 of the Atomic Energy Act of 1954 (68 Stat. 953; 42 U. S. C. 2223).

B. Paragraph (b) of § 80.2 is to be revised to read as follows:

(b) "Board" shall mean the Patent Compensation Board designated by the Commission pursuant to subsection (a) of section 157 of chapter 13 of the act.

C. Section 80.4 is to be revised to read as follows:

§ 80.4 *Security.* In any proceeding under the regulations in this part, the Commission may issue any general or specific order, directive, or further regulation which it determines to be appropriate pursuant to chapter 12 of the act to assure the common defense and security.

D. Section 80.10 (a), (b) and (c) is to be revised to read as follows:

§ 80.10 *Applicants.* (a) Any person claiming just compensation for any patent revoked in whole or in part by paragraphs (a) and (b) of section 151 of the act may file an application for just compensation.

(b) Any owner of a patent licensed under section 158 or subsections 153 (b) or 153 (e) or any patent licensee thereunder may file an application for the determination of a reasonable royalty fee.

(c) Any person making any invention or discovery useful in the production or utilization of special nuclear material or atomic energy, who is not entitled to compensation or royalty therefor under this act, and who has complied with the provisions of section 151 (c) thereof, may file an application for an award.

E. There is to be added to § 80.10 a new paragraph designated as (d) reading as follows:

(d) Any owner of a patent application that contains restricted data not belonging to the United States which the Commission has communicated to any foreign nation may make application for just compensation pursuant to section 173.

F. Section 80.11 (c) (3) is to be revised to read as follows:

(3) *Form and content.* In the case of an invention or discovery as to which a report has been filed with the Commission pursuant to subsection (c) of section 151 of chapter 13 of the act, a copy of such report.

G. There is to be added to § 80.11 (c) a new subparagraph designated as (9) reading as follows:

(9) In the case of an application for just compensation pursuant to section 173 the ownership of the invention that is the subject matter of the patent application at the time of the communication shall be set forth as well as the restricted data contained in said application specifically identified.

H. Section 80.21 is to be revised to read as follows:

§ 80.21 *Recommendation for acquisition by purchase.* At any time following the filing of an application and prior to final determination, the applicant may be requested in writing to meet with one or more members of the Commission staff to discuss the possibility of acquisition by purchase of the invention or discovery or patent or patent application, as the case may be. The time prescribed in § 80.22 for the filing of the response shall be extended by a time equivalent to any period in which negotiations are being conducted (beginning with the initial communication to the applicant and ending either with acceptance or rejection of a proposal or with a written communication by the applicant stating that negotiations are to be terminated).

I. There is to be added a new section designated as § 80.32 reading as follows:

§ 80.32 *Interrogatories by the Board.* The Board in its discretion may submit to either party interrogatories for the purpose of eliciting and placing upon the record any facts which the Board considers relevant to the consideration and disposition of the application, and may require answers to these interrogatories to be made under oath. The interrogatories and answers thereto shall become part of the record.

J. There is to be added to § 80.50 a new paragraph designated as (c) reading as follows:

(c) In the event that the application and any response filed by the Office of the General Counsel, and any answers to interrogatories which may be submitted to the applicant by the Board under § 80.32 disclose that the application does not present a basis for the payment of just compensation, the determination of a reasonable royalty fee, or the grant of an award, the Board may prepare and serve upon the parties its proposed findings and proposed determination with a statement of the reasons or basis therefor, with a notice that the proposed findings and proposed determination will be entered unless the applicant or Office of the General Counsel, within thirty (30) days after receipt of the notice, requests a hearing upon the application. If a hearing is requested under this section, the hearing prescribed in § 80.40 shall be ordered by the Board. If no hearing is requested in response to the notice of the proposal to enter the proposed findings and proposed determination, the order of the Board shall be entered.

Interested persons are hereby given an opportunity to submit their views or other relevant information with respect to the proposed changes in the Rules in writing to the Atomic Energy Commission, Washington 25, D. C., Attention: Chief, Patent Branch, Office of the General Counsel, within thirty (30) days from the date of publication of this Notice of Intention in the daily issue of the FEDERAL REGISTER.

Dated at Washington, D. C., this 30th day of March 1955.

K. D. NICHOLS,
General Manager.

[F. R. Doc. 55-2823; Filed, Apr. 6, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 11329; FCC 55-402]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 11329.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Jackson, Tenn.	284	281
Memphis, Tenn.	282	

3. The purpose of the proposed amendment is to provide a Class B channel in Jackson, Tennessee, thereby facilitating consideration of a pending application from station WTJS-FM to change its channel assignment to eliminate television interference in the Jackson area from its present operations.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before April 29, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 30, 1955.

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2844; Filed, Apr. 6, 1955; 8:49 a. m.]

[47 CFR Parts 2, 3]

[Docket No. 11286; FCC 55-401]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of March 1955;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, that notice of proposed rule making (FCC 55-225) setting forth the above amendment was issued by the Commission on February 17, 1955 and was duly published in the FEDERAL REGISTER (20 F. R. 1156), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before March 18, 1955; and

It further appearing, that no comments were received either favoring or opposing the adoption of the proposed reallocation;

It further appearing, that the immediate adoption of the proposed reallocation would facilitate consideration of a pending application requesting a Class B assignment in Norton, Virginia;

It further appearing, that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the two following cities:

General area	Channels	
	Delete	Add
Norton, Va.		299
Bluefield, W. Va.	298	

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2843; Filed, Apr. 6, 1955; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11331; FCC 55-404]

TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of the Commission's rules and regulations governing television broadcast stations to permit the operation of co-channel amplifying transmitters in conjunction with the main transmitter; Docket No. 11331.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has been concerned with how it can best insure the fullest development of the television industry's potentialities in line with the needs and desires of the American public and the abilities and ingenuity of the American broadcasters. The Commission has noted in this connection that there are substantial obstacles presently hindering the bringing of a first television service to many small communities as well as the expanding of multiple, competing services in larger economic and population centers. One of the major obstacles is the failure of UHF stations, thus far, to become fully integrated with established VHF stations into an economically sound, nation-wide television service. The Commission noted in its recent Preliminary Report on the UHF matter to the Senate Committee on Interstate and Foreign Commerce that the Commission has taken, and is contemplating, a number of specific actions calculated to enhance the potentialities for television's growth within the existing allocation system. The Commission expressed its view that the only practicable course of action lies in doing what is possible to promote the present allocation plan utilizing both VHF and UHF channels.

3. It has become apparent that, as compared with VHF, the signals from UHF transmitters have less tendency to fill in areas which are not in direct line of sight with the transmitting antenna. Consequently, there are areas which, although lying within the area that would normally be served by a UHF station, are effectively "shadowed" by intervening terrain and are thereby deprived of service. One means of providing UHF television coverage in such shadow areas may be the use of amplifying transmitters operating on the same channel as the main transmitter and dependent upon the main transmitter for the generation of carrier frequencies and modulation.[1] The Commission's rules and regulations do not presently authorize the operation of amplifying transmitters. The purpose of this proceeding is to determine whether such operation would present a feasible means for increasing the effective coverage of UHF stations by filling in shadow areas within the stations' service area; and whether the Commission should amend its Rules to authorize such operation.

4. For the purpose of this Notice, the term "amplifying transmitter" will denote a small transmitter operating on the same channel as the main transmitter and dependent on the main transmitter for the generation of carrier frequencies and modulation. The amplifying transmitters would have different operating requirements from the main transmitter and would be tailored to serve a particular restricted area. The term "station" encompasses both the main transmitter and one or more amplifying transmitters.

5. During recent years, a number of experimental operations have been conducted for the purpose of obtaining data with respect to the technical operation of amplifying transmitters operating in conjunction with the main UHF transmitter of a television station, and the results of these tests have been made available to the Commission. Radio Corporation of America has conducted such experiments utilizing UHF Station WJTV on Channel 25 at Jackson, Mississippi, as the main station. This station was purported to be having trouble covering the entire city of Vicksburg, Mississippi, located some 35 miles from Jackson and shielded by a ridge of hills. RCA concludes on the basis of its experimentation that there are no major difficulties involved in the operation of amplifying transmitters as a means of providing better coverage in weak signal areas. Adler Communications Laboratories, Inc. has experimented successfully with a UHF amplifying transmitter in the city of Waterbury, Connecticut, and Sylvania Electric Products, Inc. has conducted successful tests with UHF amplifying transmitters in Emporium, Pennsylvania. WSM, Inc. has contributed extensively to the general knowledge on the subject as a result of similar experimentation on the VHF frequencies.[2]

6. The Radio - Electronics - Television Manufacturers Association (RETMA) has established a Committee to study this general problem and has submitted an Interim Report to the Commission. The RETMA Report states that it is the Committee's opinion that improved and extended coverage can be achieved by means of amplifying transmitters without causing objectionable interference to either the normal service rendered by the main station, or to the service area of other co-channel or adjacent-channel stations authorized in accordance with the Table of Assignments set out in § 3.606 of the rules.

7. The Commission is of the view that the institution of rule-making proceedings looking toward the authorization of amplifying transmitters operating in conjunction with the main transmitter of a UHF television station is now warranted. The Commission desires that all interested parties submit comments to the Commission with respect to this problem in order that it may have the

[1] The term "booster station" has sometimes been employed to designate such operation.

[2] WSM, Inc., filed a petition on November 5, 1953, requesting that rule-making proceedings be instituted looking toward the amendment of the Commission's rules to provide for the operation of amplifying transmitters.

benefit of such views prior to taking further action in this matter.

8. The Commission desires that the comments submitted in the proceeding present information and data with respect to the following aspects of amplifying transmitter operation:

(a) Complete technical data with respect to amplifying transmitters and associated equipment and operation, including full information as to the complexity and dependability of amplifiers, antennas, etc.

(b) Data with respect to the extent, if any, of the degradation caused by operation of amplifying transmitters on color or monochrome signals and what changes, additions or deletions would be required in the Commission's rules to establish minimum separations (1) between the amplifying transmitters and the main transmitters; (2) between amplifying transmitters of the same main station; (3) between amplifying transmitters of different main stations, both co-channel and adjacent channel; and (4) between amplifying transmitters of one station and the transmitters of a station not having amplifying transmitters.

(c) Data relating to the cost of equipment for such operation, including installation and maintenance.

(d) Information with respect to the technical specifications required to assure that only the authorized television channel would be amplified by the amplifying transmitters.

(e) Information as to the technical specifications required to assure linear rebroadcast of the signal and to protect against the radiation of spurious signals resulting from internal cross modulation or self oscillation.

(f) Information with respect to plans and proposals of interested persons who intend to engage in such operation.

(g) What hours of operation should be required of amplifying transmitters?

(h) Whether amplifying transmitters should be permitted to operate unattended; and if so, under what conditions?

(i) What is the maximum distance from the main transmiter that amplifying transmitters should be permitted?

(j) What minimum power and antenna height requirements should be established for amplifying transmitter operation?

(k) What requirements should be provided for station identification of amplifying transmitters?

(l) Whether amplifying transmitters should be required to maintain a minimum field strength over a specific area?

(m) Whether amplifying transmitters should be required, or permitted, to employ vertical polarization?

(n) Whether (1) the number of amplifying transmitters should be limited in any particular area; (2) the number of amplifying transmitters operating in conjunction with a particular main station should be limited; and (3) whether and by what manner the rules governing multiple ownership of television broadcast stations should apply to the operation of such amplifying transmitters?

(o) Whether any technical standards prescribed by the rules should be amended for such operation, and how the standards should be so amended?

8. Authority for the issuance of the instant Notice is contained in sections 4 (i), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), (p) and (r) and 307 (b) of the Communications Act of 1934, as amended.

9. Any interested person who is of the view that the proposal herein should not be adopted may file with the Commission on or before May 20, 1955, written data, views, or arguments setting forth his comments. Comments in support of the proposal may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 20 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established. The Commission will consider all such additional comments submitted before taking further action in this matter, and if any comments appear to warrant the holding of a hearing, oral argument, or demonstration, notice of the time and place of such hearing, oral argument or demonstration will be given.

10. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: March 30, 1955.

Released: March 31, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2848; Filed, Apr. 6, 1955; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11333; FCC 55-406]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration the request of two UHF broadcasters in Peoria, Illinois, for rule making to remove the intermixture of commercial VHF and UHF assignments from Peoria. Four television channels are assigned to Peoria—VHF Channel 8 and UHF Channels 19, 37 and 43—with Channel 37 reserved for noncommercial educational use. West Central Broadcasting Company operates UHF Station WEEK-TV on Channel 43 and Hilltop Broadcasting Company operates UHF Station WTVH-TV on Channel 19. No applications have been filed for Channel 37, the educational frequency. Two applications have been filed for the sole VHF channel in Peoria, Channel 8, by WIRL Television Company and WMBD, Inc.; and these mutually exclusive applications are involved in a comparative hearing. The record in the Channel 8 proceeding has been closed, and an Initial Decision was issued on November 15, 1954.

3. On September 21, 1954, West Central Broadcasting Company (WEEK-TV) and Hilltop Broadcasting Company (WTVH-TV) filed a joint petition requesting rule making to amend the Table of Assignments by reserving VHF Channel 8 in Peoria for noncommercial educational use in place of UHF Channel 37; or, in the alternative, by deleting Channel 8 from Peoria and substituting Channel 31, 78 or 82, Channel 8 being shifted to some other community. Oppositions to the above petition were filed by WIRL Television Company and WMBD, Inc., the two applicants for Channel 8. On November 4, 1954, the Commission issued a Memorandum Opinion and Order (FCC 54-1386) denying the petitioner's request for rule making.

4. On December 3, 1954, West Central Broadcasting Company and Hilltop Broadcasting Company filed a Petition for Reconsideration requesting that the Commission set saide its action denying their request and urging that rule making proceedings be instituted to achieve deintermixture in Peoria. Oppositions to the Petition for Reconsideration have been filed by WMBD, Inc., and WIRL Television Company.[1]

5. Upon reconsideration of our prior action, we have concluded that the public interest, convenience and necessity would be served by the institution of a rule making proceeding in this matter in order that we may afford all interested parties the opportunity of presenting their views to the Commission and that the Commission may have the benefit of such views prior to taking further action. We have therefore decided to institute a rule making proceeding in this matter inviting all interested parties to submit their comments on petitioners' proposal.

6. The Commission desires that the comments filed in this proceeding direct their attention and submit data, among other things, to the following matters:

(a) The Grade A and Grade B contours of the stations presently operating in Peoria, as well as the proposed Grade A and Grade B contours of the VHF applicants for Channel 8.

(b) The estimated number of families in Peoria and the surrounding area residing within the service ranges of both operating and potential television stations in Peoria. The information should specify the estimated number of families residing within the Grade A and Grade B contours of the stations and the estimated number of families beyond the Grade B contours capable of receiving a satisfactory signal. (The basis for indicating service beyond the Grade B contour should be specified.)

(c) The estimated total number of television receivers in Peoria and the surrounding area, including the percentage of sets capable of receiving UHF transmissions. This information should specify the number of sets within the Grade A and Grade B contours of the stations, and the number of sets beyond the Grade B contour that receive satisfactory transmissions from Peoria.

(d) Insofar as data may be available, the estimated percentage of time that set owners within the Grade B and Grade A service area of Peoria stations view VHF and UHF stations located outside Peoria, and the quality of the signal received. Information should also be submitted indicating the number and signal quality of any outside VHF or UHF services that may be expected to be received in Peoria and the surrounding area in accordance with the present assignment table.

(e) Data indicating whether, and to what extent, any areas and populations surrounding Peoria would lose potential commercial television service in the event Channel 8 is reserved for education in Peoria or is deleted from that community. Information should also be submitted indicating what other services are received in such areas, and to what extent other services may be expected to be received under the present assignment table.

(f) Information indicating whether Channel 8 can be used in another community in accordance with the Commission's rules and regulations if it is deleted from Peoria.

(g) Information with respect to television network relations in Peoria, including complete information as to present and proposed network affiliations; the extent of network programs currently received in Peoria on a regular basis; the terms of existing network contracts, including cancellation provisions; the prospects of UHF stations for continued network affiliation after authorization of a VHF station; prospective network affiliations in the event three commercial UHF and no commercial VHF stations are authorized in Peoria; the availability of program material and advertiser support for UHF stations in Peoria in the absence of network programs; and information indicating the impact on future sales of UHF-equipped receivers and UHF conversions in the event the UHF stations curtail transmission of network programs.

7. Authority for the issuance of this Notice is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. All interested parties desiring to submit their comments with respect to petitioners' proposal, both in support and in opposition, may file with the Commission on or before May 2, 1955, written statements or briefs setting forth their comments. Comments or briefs in reply to such original comments that are filed should be filed with the Commission within 10 days from the last day for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. In accordance with § 1.764 of the rules, an original and 14 copies of all statements, briefs or comments should be submitted.

9. The Commission believes that subsequent to the filing of written comments in this proceeding, an oral argument before the Commission en banc would assist the Commission in reaching its final determination. Accordingly, the Commission will specify in a subsequent notice the time and place for such oral argument and the particular matters to which the oral argument will be directed.

Adopted: March 30, 1955.

Released: March 31, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2846; Filed, Apr. 6, 1955; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11334; FCC 55-407]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration the request of two UHF broadcasters in the Evansville, Indiana area for rule making to remove intermixture of VHF and UHF assignments. Four television channels are assigned to Evansville—VHF Channel 7 and UHF Channels 50, 56 and 62—with Channel 56 reserved for non-commercial educational use. Premier Television, Inc., operates Station WFIE on Channel 62 in Evansville, and Ohio Valley Television Co. operates UHF Station WEHT on Channel 50 in Henderson, Kentucky, a community within 15 miles of Evansville. No applications have been filed for Channel 56, the educational assignment. Three applications have been filed for the sole VHF channel in Evansville, Channel 7, by Evansville Television, Inc., On The Air, Inc., and WFBM, Inc.; and these mutually exclusive applications are involved in a comparative hearing. The record in the Channel 7 proceeding was closed on March 23, 1954 and an Initial Decision was issued on October 6, 1954.

3. On October 20, 1954, Premier Television, Inc. (WFIE) and Ohio Valley Television Co. (WEHT) filed a joint petition requesting rule making to amend the table of assignments by shifting the educational reservation in Evansville from UHF Channel 56 to VHF Channel 7. Oppositions to the above petition were filed by the three applicants for VHF Channel 7—Evansville Television, Inc., On The Air, Inc., and WFBM, Inc. On January 11, 1955, the Commission issued a Memorandum Opinion and Order (FCC 55-7) denying the petitioners' request for rule making.

4. On February 4, 1955, Premier Television, Inc., and Ohio Valley Television Co. filed a Petition for Rehearing and Further Request for Rule Making requesting the Commission to rescind its prior action denying their request and urging that rule-making proceedings be instituted. In their Petition for Rehearing petitioners, in addition to requesting that the educational reservation in Evansville be shifted from UHF Channel 56 to VHF Channel 7, also request that VHF Channel 9 be deleted from Hatfield, Indiana. Two applicants, Owensboro On The Air, Inc., and Owensboro Publishing Company have filed applications for Channel 9 in Hatfield; and these mutually exclusive applications are involved in a comparative hearing. The record in the Channel 9 proceeding in Hatfield was closed on January 7, 1955. Petitioners suggest that Channel 14, presently assigned to Owensboro, Kentucky, is available for assignment to the successful applicant in the Channel 9 proceeding in Hatfield. Petitioners state that they seek this additional modification in the table of assignments in order to de-intermix the Evansville-Hatfield-Henderson-Owensboro area. Oppositions to petitioners' Petition for Rehearing and Further Request for Rule Making have been filed by the VHF applicants in the Channel 7 proceeding in Hatfield—Evansville Television, Inc., Consolidated Television and Radio Broadcasters, Inc. (formerly WFBM, Inc.), On The Air, Inc., Owensboro Publishing Company and Owensboro On The Air, Inc.

5. Upon reconsideration of our prior action, we have concluded that the public interest, convenience and necessity would be served by the institution of a rule-making proceeding in order that we may afford all interested parties the opportunity of presenting their views to the Commission and that the Commission may have the benefit of such views prior to taking further action. We have therefore decided to institute a rule-making proceeding in this matter inviting all interested parties to submit their comments on petitioners' proposal.

6. The Commission desires that the comments filed in this proceeding direct their attention and submit data, among other things, to the following matters:

(a) The Grade A and Grade B contours of the stations presently operating in Evansville,[2] as well as the proposed Grade A and Grade B contours of the VHF applicants for Channel 7 in Evansville and Channel 9 in Hatfield.

(b) The estimated number of families in Evansville and the surrounding area residing within the service ranges of both operating and potential stations in Evansville and Hatfield. The information should specify the estimated number of families residing within the Grade A and Grade B contours of the stations and the estimated number of families beyond the Grade B contours but capable of receiving a satisfactory signal. (The basis for indicating service beyond the Grade B contour should be specified.)

(c) The estimated total number of television receivers in Evansville and Hatfield and their surrounding areas, in-

[1] Various additional pleadings have been filed by the parties to this proceeding. In light of our action herein instituting rule making proceedings we do not think it is necessary to discuss these pleadings.

[1] Dissenting statement of Commissioner Hennock filed as part of original document.

[2] Information with respect to Henderson, Kentucky, where Station WEHT is operating on Channel 50, should also be included in connection with all of these matters.

cluding the percentage of sets capable of receiving UHF transmissions. This information should specify the number of sets within the Grade A and Grade B contours of the stations, and the number of sets beyond the Grade B contour that receive satisfactory transmissions from Evansville.

(d) In so far as data may be available, the estimated percentage of time that set owners within the Grade A and Grade B service areas of Evansville stations view VHF or UHF stations located outside Evansville, and the quality of the signal received. This data should also indicate the same information with respect to set owners in Hatfield. Information should also be submitted indicating the number and signal quality of any outside VHF or UHF services that may be expected to be received in Evansville and Hatfield and the surrounding areas in accordance with the present assignment table.

(e) Data indicating whether, and to what extent, any areas and populations surrounding Evansville and Hatfield would lose potential commercial television service in the event Channel 7 in Evansville is reserved for education and Channel 9 in Hatfield is deleted from that community. Information should also be submitted indicating what other services are received in such areas, and to what extent other services may be expected to be received under the present assignment table.

(f) Information indicating whether Channel 9 in Hatfield and Channel 7 in Evansville can be used in other communities in accordance with the Commission's rules and regulations if they are deleted from these communities.

(g) Information with respect to television network relations in Evansville and Hatfield, including complete information as to present and proposed network affiliations; the extent of network programs currently received in these communities on a regular basis; the terms of existing network contracts, including cancellation provisions; the prospects of UHF stations for continued network affiliation after authorization of a VHF station; prospective network affiliations in the event no commercial VHF stations are authorized in Evansville and Hatfield; the availability of program material and advertiser support for UHF stations in these communities in the absence of network programs; and information indicating the impact on future sales of UHF-equipped receivers and UHF conversions in the event the UHF stations curtail transmission of network programs.

7. Authority for the issuance of this notice is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. All interested parties desiring to submit their comments with respect to petitioners' proposal, both in support and in opposition, may file with the Commission on or before May 2, 1955, written statements or briefs setting forth their comments. Comments or briefs in reply to such original comments as may be filed should be submitted to the Commission within 10 days from the last day for filing original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. In accordance with § 1.764 of the rules, an original and 14 copies of all statements, briefs or comments should be submitted.

9. The Commission believes that subsequent to the filing of written comments in this proceeding, an oral argument before the Commission en banc would assist the Commission in reaching its final determination. Accordingly, the Commission will specify in a subsequent Notice the time and place for such oral argument and the particular matters to which the oral argument will be directed.

Adopted: March 30, 1955.

Released: March 31, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-2845; Filed, Apr. 6, 1955; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11335; FCC 55-408]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received proposals for rule making in the above-entitled matter.

2. The Commission has before it for consideration the request of a UHF broadcaster in Madison, Wisconsin, for rule making to remove the intermixture of commercial VHF and UHF assignments from Madison. Four television channels are assigned to Madison—VHF Channel 3 and UHF Channels 21, 27 and 33—with Channel 21 reserved for noncommercial educational use. Monona Broadcasting Company operates UHF television station WKOW-TV on Channel 27; Station WMTV operates on Channel 33; and non-commercial educational station WHA-TV operates on Channel 21. Two applications have been filed for the sole VHF channel in Madison, Channel 3, by Radio Wisconsin Incorporated and Badger Television Company; and these mutually exclusive applications are involved in a comparative hearing. The record in the Channel 3 proceeding was closed on December 22, 1953, and an Initial Decision was issued on August 3, 1954.

3. On August 30, 1954, Monona Broadcasting Company filed a petition requesting rule making to amend the Table of Assignments by shifting the educational reservation in Madison from UHF Channel 21 to VHF Channel 3 in order to achieve de-intermixture. Monona requested that educational station WHA-TV be directed to show cause why it should not shift its operation from Channel 21 to Channel 3. Oppositions to the above petition were filed by the two applicants for VHF Channel 3, Radio Wisconsin Incorporated and Badger Television Company, Inc. On November 1, 1954, the Commission issued a memorandum Opinion and Order (FCC 54-1355) denying petitioner's request for rule making.

4. On February 16, 1955, Monona Broadcasting Company filed a petition resubmitting its request for rule making to achieve de-intermixture in Madison. Oppositions to Monona's new petition have been filed by both Radio Wisconsin and Badger.

5. On March 30, 1955, Winnebago Television Corporation, permittee of UHF Station WTVO operating on Channel 39 in Rockford, Illinois, filed a petition requesting rule making to amend the Table of Assignments so as to assign Channel 3 to Beloit, Wisconsin, by deleting this assignment from Madison, Wisconsin, in order to achieve de-intermixture of VHF and UHF assignments in the Rockford-Beloit and Madison areas as follows:

City	Channel No.	
	Delete	Add
Madison, Wis.	3	39
Beloit, Wis.		3
Rockford, Ill.	39	
Fond du Lac, Wis.	54	68

Petitioner further requests that the Commission order it to show cause why its outstanding authorization for Station WTVO should not be modified to specify operation on Channel 3 at Beloit instead of on Channel 39 at Rockford. Petitioner further suggests that the Rockford area may be de-intermixed by making it an all-UHF area by removing Channel 13 from Rockford, as follows:

City	Channel No.	
	Delete	Add
Rockford, Ill.	13	51
Aurora or Elgin, Ill.		13

6. Since the Winnebago petition would delete Channel 3 from Madison, it conflicts with the foregoing request of Monona Broadcasting Company. It should therefore be considered in this proceeding.

7. Upon reconsideration of our prior action on the basis of the new petition submitted by Monona Broadcasting Company and the Oppositions thereto and the petition of Winnebago Television Corporation, we have concluded that the public interest, convenience and necessity would be served by the institution of rule making in order that we may afford all interested parties the opportunity of presenting their views to the Commission and that the Commission may have the benefit of such views prior to taking further action. We have therefore decided to institute a rule making proceeding in this matter inviting all interested parties to submit their comments on petitioners' proposals.

8. The Commission desires that the comments filed in this proceeding direct their attention and submit data, among other things, to the following matters:

(a) The Grade A and Grade B contours of the stations presently operating in Madison as well as the proposed Grade A and Grade B contours of the VHF applicants for Channel 3.

(b) The estimated number of families in Madison and the surrounding area residing within the service ranges of both operating and potential television stations in Madison. The information should specify the estimated number of families residing within the Grade A and Grade B contours of the stations and the estimated number of families beyond the Grade B contours but capable of receiving a satisfactory signal. (The basis for indicating service beyond the Grade B contour should be specified.)

(c) The estimated total number of television receivers in Madison and the surrounding area, including the percentage of sets capable of receiving UHF transmissions. This information should specify the number of sets within the Grade A and Grade B contours of the stations, and the number of sets beyond the Grade B contour that receive satisfactory transmissions from Madison.

(d) Insofar as data may be available, the estimated percentage of time that set owners within the Grade A and Grade B service area of Madison stations view VHF or UHF stations located outside Madison, and the quality of the signal received. Information should also be submitted indicating the number and signal quality of any outside VHF or UHF services that may be expected to be received in Madison and the surrounding area in accordance with the present Assignment Table.

(e) Data indicating whether, and to what extent, any areas and populations surrounding Madison would lose potential commercial television service in the event Channel 3 is reserved for education in Madison or is deleted from that community. Information should also be submitted indicating what other services are received in such areas, and to what extent other services may be expected to be received under the present assignment table.

(f) Information indicating whether Channel 3 can be used in another community in accordance with the Commission's rules and regulations if it is deleted from Madison.

(g) Information with respect to television network relations in Madison including complete information as to present and proposed network affiliations; the extent of network programs currently received in Madison on a regular basis; the terms of existing network contracts, including cancellation provisions; the prospects of UHF stations for continued network affiliations after authorization of a VHF station; prospective network affiliations in the event three commercial UHF and no commercial VHF stations are authorized in Madison; the availability of program material and advertiser support for UHF stations in Madison in the absence of network programs; and information indicating the impact on future sales of UHF-equipped receivers and UHF conversions in the event the UHF stations curtail transmission of network programs.

(h) Similar data and information with respect to the foregoing matters should also be submitted in light of the proposal of Winnebago Television Corporation to shift Channel 3 from Madison to Beloit or to shift Channel 13 from Rockford to Aurora or Elgin.

8. Authority for the issuance of this Notice is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

9. As noted above, the request of Monona Broadcasting Company would shift the existing authorization of educational Station WHA-TV now operating on Channel 21 in Madison to VHF Channel 3. Accordingly, Station WHA-TV is ordered to show cause in this proceeding why its outstanding authorization should not be modified to specify operation on Channel 3 in place of Channel 21. The Reply to the Order to Show Cause should be filed in this proceeding by the same date for the submission of written comments herein. Winnebago Television Corporation is also ordered to show cause in this proceeding why its outstanding authorization for Station WTVO should not be modified to specify operation on Channel 3 in Beloit, Wisconsin, in place of Channel 39 at Rockford, Illinois.

10. All interested parties desiring to submit their comments with respect to petitioners' proposals, both in support and in opposition, may file with the Commission on or before May 2, 1955, written statements or briefs setting forth their comments. Comments or briefs in reply to such original comments as may be filed should be submitted to the Commission within 10 days from the last day for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. In accordance with Section 1.764 of the Rules, an original and 14 copies of all statements, briefs or comments should be submitted.

11. The Commission believes that subsequent to the filing of written comments in this proceeding, an oral argument before the Commission en banc would assist the Commission in reaching its final determination. Accordingly, the Commission will specify in a subsequent Notice the time and place for such oral argument and the particular matters to which the oral argument will be directed.

Adopted: March 30, 1955.

Released: March 31, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-2849; Filed, Apr. 6, 1955; 8:50 a. m.]

[1] Dissenting statement of Commissioner Hennock filed as part of original document.

[47 CFR Part 3]

[Docket No. 11336; FCC 55-409]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received proposals for rule making in the above-entitled matter.

2. The Commission has before it for consideration the request of four UHF broadcasters in the Connecticut River Valley for rule making to remove the intermixture of commercial VHF and UHF assignments from Hartford, Connecticut. Three television channels are assigned to Hartford—VHF Channel 3 and UHF Channels 18 and 24, with Channel 24 reserved for noncommercial educational use. General-Times Television Corporation operates UHF Station WGTH-TV on Channel 18, and a construction permit for an educational station (WEDH) on Channel 24 has been issued to the Connecticut State Board of Education. Two applications have been filed for the sole VHF channel in Hartford, Connecticut, Channel 3, by the Travelers Broadcasting Service Corporation and Hartford Telecasting Company, Inc.; and these mutually exclusive applications are involved in a comparative hearing. The record in this proceeding was closed on June 4, 1954, and an Initial Decision is being awaited.

3. On October 7, 1954, permittees of four UHF television stations situated in the Connecticut River Valley—General-Times Television Corporation (WGTH-TV), Hartford; New Britain Broadcasting Company (WHNB-TV), New Britain, Connecticut; Hampden-Hampshire Corporation (WHYN-TV), Springfield, Massachusetts; and Springfield Television Broadcasting Corporation (WWLP), Springfield, Massachusetts—filed a joint petition requesting rule making to amend the Table of Assignments by shifting the educational reservation in Hartford from UHF Channel 24 to VHF Channel 3, in order to achieve a deintermixture of commercial VHF and UHF channels in that area. Petitioners requested that the Connecticut State Board of Education, which holds a permit to construct an educational station on Channel 24 in Hartford, be directed to show cause why its authorization for Station WEDH should not be modified to specify operation on VHF Channel 3. Oppositions to the above petition were filed by the two competing applicants for VHF Channel 3 in Hartford, Hartford Telecasting Company, Inc., and the Travelers Broadcasting Service Corporation. On December 7, 1954, the Commission issued a Memorandum Opinion and Order (FCC 54-1506) denying petitioners' request for rule making.

4. On January 5, 1955, the petitioners filed a Petition for Reconsideration requesting that the Commission set aside its action denying their request and urging that a rule making proceeding be instituted to achieve deintermixture in the Connecticut River Valley. Oppositions to the above Petition for Reconsideration have been filed by Hartford Telecasting Company, Inc., and the Travelers Broadcasting Service Corporation.

[1] Dissenting statement of Commissioner Hennock filed as part of original document.

5. On March 18, 1955, Channel 16 of Rhode Island, Inc., permittee of UHF Station WNET on Channel 16 in Providence, Rhode Island, filed a conflicting petition requesting the Commission to amend the Table of Assignments by shifting VHF Channel 3 from Hartford to Westerly, Rhode Island; and requesting, further, that it be directed to show cause why its authorization should not be modified to specify operation on Channel 3 in Westerly in place of Channel 16 in Providence. Petitioner urges that its proposal would affect a deintermixture of VHF and UHF assignments in the Connecticut River Valley area. On March 28, 1955, the Travelers Broadcasting Service Corporation filed an Opposition to this petition. Since petitioner's proposal conflicts with the request to shift the educational reservation in Hartford from UHF Channel 24 to VHF Channel 3, it should be considered in this proceeding.

6. Four channels are presently assigned to Providence—VHF Channels 10 and 12 and UHF Channels 16 and 22—with Channel 22 reserved for non-commercial educational use. Station WJAR–TV (The Outlet Company) is operating on VHF Channel 10 and petitioner's station, WNET, operates on Channel 16. Cherry & Webb Broadcasting Company holds an STA to operate on Channel 12. An application for Channel 22, the educational frequency, is pending. There are no assignments presently made to Westerly, a community of 12,380 persons located in the Southwest portion of Rhode Island.

7. Channel 16 of Rhode Island suggests four alternative methods for accomplishing its proposal, as follows:

PLAN I [1]

City	Add	Delete
Westerly, R. I.	3	
Hartford, Conn.	47	3
New Brunswick, N. J.	41	47
Trenton, N. J.	29	41
Philadelphia, Pa.	70	29
Hammonton, N. J.	64	70
Bridgeton, N. J.	78	64

PLAN II

Westerly, R. I.	3	
Hartford, Conn.	76	3
Northampton, Mass.	82	36
Amherst, Mass.	42	82
Norwich, Conn.	47	67
New Brunswick, N. J.	41	47
Trenton, N. J.	47	41

PLAN III

Westerly, R. I.	3	
Hartford, Conn.	76	3
Northampton, Mass.	82	36
Amherst, Mass.	64	82
Pittsfield, Mass.	74	64
Bennington, Vt.	61	74

PLAN IV

Westerly, R. I.	3	
Hartford, Conn.	59	3
New Haven, Conn.	75	59
Patchogue, N. Y.	54	75

[1] Plan I is defective, in part, in that Channel 64 cannot be assigned to Hammonton, N. J., with Channel 78 assigned to Bridgeton, N. J., in view of the requirements that assignments which are separated by 14 channels must have a minimum spacing of 60 miles (sound image).

8. It is noted that pursuant to Plan IV advanced by petitioner, Channel 75 would be assigned to New Haven, Connecticut, in place of Channel 59. Connecticut Radio Foundation, Inc., presently holds an authorization for Station WELI–TV on this frequency. The station has not yet been constructed. Petitioner requests that the Commission direct WELI–TV to Show Cause why its authorization should not be modified to specify operation on Channel 75 in place of Channel 59.

9. Upon reconsideration of our prior action, we have concluded that the public interest, convenience and necessity would be served by the institution of a rule making proceeding in order that all interested parties may be afforded the opportunity of presenting their views to the Commission and that the Commission may have the benefit of such views prior to taking further action. We have, therefore, decided to institute a rule making proceeding in this matter inviting all interested parties to submit their comments on the proposals advanced by the four UHF broadcasters in the Connecticut River Valley and by Channel 16 of Rhode Island, Inc. with respect to Channel 3 in Hartford.

10. The Commission desires that the comments filed in this proceeding direct their attention to and submit data on, among other things, the following matters:

(a) The Grade A and Grade B contours of the stations presently operating in the Connecticut River Valley, as well as the proposed Grade A and Grade B contours of the VHF applicants for Channel 3 in Hartford. The Grade A and Grade B contours of a VHF station operating at Westerly, Rhode Island, should also be indicated.

(b) The estimated number of families in Hartford and the surrounding area residing within the service ranges of both operating and potential television stations in Hartford. This information should specify the estimated number of families residing within the Grade A and Grade B contours of the station and the estimated number of families beyond the Grade B contour capable of receiving a satisfactory signal. (The basis for indicating service beyond the Grade B contour should be specified.)

(c) The estimated total number of television receivers in Hartford and the Connecticut River Valley; including the percentage of sets capable of receiving UHF transmissions. This information should specify the number of sets within the Grade A and Grade B contours of the stations, and the number of sets beyond the Grade B contours that receive satisfactory transmissions from Hartford.

(d) Insofar as data may be available, the estimated percentage of time that set owners within the Grade A and Grade B service areas of stations in the Connecticut River Valley view VHF and UHF stations located in other areas, and the quality of the signal received. Information should also be submitted indicating the number and signal quality of any outside VHF or UHF services that may be expected to be received in the Connecticut River Valley in accordance with the present assignment table.

(e) Data indicating whether, and to what extent, any areas and populations in the Connecticut River Valley would lose potential commercial television service in the event that Channel 3 is reserved for education in Hartford, is shifted to Westerly, Rhode Island, or is otherwise deleted from Hartford. Information should also be submitted indicating what other services are received in such areas, and to what extent other services may be expected to be received under the present assignment table.

(f) Information indicating whether Channel 3 can be used in Westerly, Rhode Island, or any other community in accordance with the Commission's rules and regulations if deleted from Hartford.

(g) Information with respect to television network relations in the Connecticut River Valley, including complete information as to present and proposed network affiliations; the extent of network programs currently received in the Connecticut River Valley on a regular basis; the terms of existing network contracts, including cancellation provisions; the prospects of UHF stations for continued network affiliation after authorization of a VHF station in Hartford; prospective network affiliations in the event no commercial VHF stations are authorized in Hartford; the availability of program material and advertiser support for UHF stations in the Connecticut River Valley in the absence of network programs; and information indicating the impact on future sales of UHF-equipped receivers and UHF conversions in the event the UHF stations curtail transmission of network programs.

11. Authority for the issuance of this Notice is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

12. The Connecticut State Board of Education presently holds an authorization to operate educational station WEDH on Channel 24 in Hartford. One of the proposals herein would shift the operation of this station to VHF Channel 3. Accordingly, the Connecticut State Board of Education is directed to show cause in this proceeding why its outstanding authorization for Station WEDH should not be modified to specify operation on Channel 3 in place of Channel 24. The proposal of Channel 16 of Rhode Island, Inc., contemplates Station WNET on Channel 16 in Providence shifting its operation to VHF Channel 3 in Westerly, Rhode Island. Accordingly, Channel 16 of Rhode Island is directed to show cause why its outstanding authorization for WNET should not be modified to specify operation on Channel 3 in Westerly in place of Channel 16 in Providence. Finally, one of the alternative methods for achieving the assignment of Channel 3 in Westerly advanced by Channel 16 of Rhode Island is the substitution of Channel 75 for Channel 59 in New Haven, Connecticut. Since Connecticut Radio Foundation, Inc. holds a permit for Station WELI–TV on Channel 59 in New Haven, it is also directed to show cause in this proceeding why its outstanding authorization should not be modified to specify operation on Channel 75 in lieu of Channel 59. Replies to the aforesaid orders to show cause should be filed by the same date for the submission of written comments in this proceeding.

13. All interested parties desiring to submit their comments with respect to petitioners' proposals, both in support or in opposition, may file with the Commission on or before May 2, 1955, written statements or briefs setting forth their comments. Comments or briefs in reply to such original comments as may be filed should be submitted to the Commission within 10 days from the last day for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. In accordance with § 1.764 of the rules, an original and 14 copies of all statements, briefs or comments should be submitted.

14. The Commission believes that subsequent to the filing of written comments in this proceeding, an oral argument before the Commission en banc would assist the Commission in reaching its final determination. Accordingly, the Commission will specify in a subsequent notice the time and place for such oral argument, and will specify the particular matters to which the oral argument will be directed.

Adopted: March 30, 1955.

Released: March 31, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55–2847; Filed, Apr. 6, 1955; 8:50 a. m.]

[1] Dissenting statement of Commissioner Hennock filed as part of original document.

[47 CFR Part 4]

[Docket No. 11164; FCC 55–389]

TELEVISION AUXILIARY BROADCAST STATIONS

FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 4 of the Commission's rules and regulations governing Television Auxiliary Broadcast Stations; Docket No. 11164.

1. On September 16, 1954, the Commission issued its Notice of Proposed Rule Making in the above-entitled proceeding. The Notice of September 16 recited that the Commission had received a petition filed by North Dakota Broadcasting Company, Inc., requesting amendment of §§ 4.631 and 4.632 of the Commission's rules so as to give the Commission discretion to grant applications for private television intercity relay stations notwithstanding the fact that common carrier facilities may be available. The petition stated that the cost of common carrier facilities was in many cases prohibitive to broadcasters, and that because of this fact large areas may be deprived of network television service. The Commission's Notice cited its awareness of the problems of certain television stations located in relatively small communities at a distance from existing program service points where, under existing tariffs, the common carrier mileage charges for connection of such stations with the networks may not be commensurate with the economic prospects of the stations for profitable operation.

2. In response to the Commission's Notice, a number of comments were filed. In general the comments of broadcasters cited the economic hardships of the stations and the high cost to them resulting from the tariff rates of the telephone companies for television program transmission services. The comments indicated a desire on the part of many stations to accomplish an interconnection with other stations by receiving their signals off the air at a favorable point and relaying such signals the remaining distance for broadcasting by a second station. This off-the-air pickup is, according to the comments, in use by a majority of the broadcasters who are today authorized to operate private relay systems under the present rules.

3. American Telephone and Telegraph Company, on December 15, 1954, filed a reply to the comments of the radio broadcasters. In its reply, A. T. & T., among other things suggested that, if the off-the-air pickup method of service was acceptable to the broadcasters and the public viewers, this type of service could be provided by common carriers at charges substantially less than the present charges for direct network connection. In further development of this suggestion, A. T. & T. addressed a letter to the Commission, dated February 24, 1955, which reads, in part, as follows:

> Where the stations in the smaller and more remote areas desire a lower cost means of obtaining network programs, the Telephone Company will furnish an arrangement, whereby programs of a network station are picked up off-the-air and relayed over a common carrier channel to the remote station using lower grade facilities than employed in the nationwide network. Considerable savings can be realized by this means through the elimination of the facilities spanning the distance between the television broadcast station and pickup point, coupled with the elimination of the monitoring, supervision and some equipment features which are necessary to protect the quality and continuity of service on the regular network facilities on which the programs of many television stations depend.
>
> The cases for which these channels may be found advantageous will vary widely as regards distances, terrain and other characteristics which affect the physical facilities required. Pending experience with actual cases, it is desirable therefore to determine the charge for each channel reflecting the particular conditions involved. The specific charge for each channel will be published as a tariff rate and will be filed with the Commission as service is required.
>
> Taking into account the savings due to the off-the-air feature and the further economies mentioned above, it is estimated that the charges in cases involving distances of about 100 to 125 miles between the two television stations probably will average about half of those which would apply for direct connections to the network. In individual cases the differences may vary substantially from this average—in general they tend to be larger for shorter distances. Such charges should go a long way toward making it economically practicable for the stations in the more remote areas to obtain network programs.
>
> Discussions are being undertaken with a number of the broadcasting stations who have previously indicated an interest in this service, which is described in more detail in the attached memorandum.

The detailed description of the proposed service referred to in the quoted portion of A. T. & T.'s letter is set forth below.

4. In the light of the new proposal by A. T. & T., the Commission feels it desirable to obtain further comment from interested parties, in order to determine to what extent the proposed new service will alleviate the problems of the broadcasters referred to in previous comments. Any interested party may file with the Commission on or before April 29, 1955, a written statement or brief setting forth his views on the matters at issue herein. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments and briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 30, 1955.

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

Off-the-air channels. This memorandum describes the off-the-air channels to be furnished by the Telephone Company with the objective of extending network television service at lower cost to those more remote areas which, under present conditions, cannot justify the cost of direct network connections.

The off-the-air arrangement involves the pickup of broadcast signals (video and audio) at a receiver and the transmission of these signals to the customer at a distant location. The more important features of this arrangement are outlined below:

It is contemplated that the types of construction will be selected with a view to permitting lower charges and it is not intended to provide channels of the quality or reliability of directly connected facilities.

The channels are expected to be satisfactory for "receiving only" side legs or end links. They will not be provided for use as an intermediate link between interexchange channels of the Telephone Company.

The provision of all facilities, including the receiving equipment at the pickup point, will be the responsibility of the Telephone Company; except that the provision of all station equipment and station wiring, other than that necessary for the suitable termination of the channel facilities on the customer's premises, will be the responsibility of the customer.

No central office operation, monitoring or supervision will be provided.

Emergency power arrangements will be more limited than those furnished with regular interconnected facilities.

The design of the physical facilities, e. g., the type of equipment, the spacing between relay towers, and the location of the pickup point, will be determined by the Telephone Company, reflecting to the fullest extent practicable the customer's views in each case.

Channels for both monochrome and color services will be available.

The channels will be furnished for the full time use of the customer, subject to release for maintenance.

The channels will be provided for a minimum initial period of three years. A termination charge will apply when the use of the channels is discontinued before the end of the initial period.

Reasonable diligence will be exercised by the Company in restoring service in the event of interruptions of failures, with the customer recognizing the probability of greater delays than experienced with the normal directly connected facilities. No credit will be allowed for interruptions of less than two hours.

The customer will be responsible for making all arrangements with stations, networks or other parties for the necessary authorizations for the off-the-air pickup and use for rebroadcast of television program material, and the Telephone Company shall be indemnified and saved harmless by the customer from any liability arising out of failure to make such arrangements.

A review of the television stations now on the air but not connected with the nationwide network, of the construction permits already granted for stations not yet on the air, and of applications for new stations pending before the Commission, indicates a wide variation in the conditions under which the channels might be provided. Among these are the distance of the customer's location from the television station whose signals are desired to be picked up, the distance from such station to the point at which the receiver may be located for the pickup of satisfactory signals, the type of terrain, access to sites, reliability of local power supply, etc.

Engineering design considerations which are affected by these conditions are the spacing between radio relay stations, the height of the radio relay towers, the size and type of antenna system, the type of radio relay equipment (e. g., power output, modulation and demodulation arrangements, etc.), construction of access roads, type of emergency power plant, etc. Sufficient experience with this type of construction in the more remote areas is not available to permit the evaluation of these varied factors. The practical procedure pending such experience is to determine the charge for each channel, reflecting the particular conditions involved. The specific charge for each channel will be published as a tariff rate and filed with the Commission as service is required.

The channels will provide opportunities for the television stations located in the more remote areas to obtain network service at a lower cost than would be involved with direct connections to the networks. A large portion of this difference arises from the use of the off-the-air pickup feature, that is, the elimination of line facilities for a considerable portion of the distance between existing network facilities and the customer's location, and the balance from the omission of the central office operation, monitoring and supervision required for network facilities and of some of the equipment and features which are necessary to protect the continuity of service on the regular network facilities on which service to a large number of television stations depends. These lower charges, therefore, will be at the cost of less stable and less reliable pictures and the limitations on programming inherent to the off-the-air feature.

[F. R. Doc. 55–2850; Filed, Apr. 6, 1955; 8:50 a. m.]

[47 CFR Part 64]

[Docket No. 11315; FCC 55–370]

CHARGES FOR U. S. GOVERNMENT TELEGRAPH COMMUNICATIONS

TERM

In the matter of Charges for United States Government Telegraph Communications, amendment of Part 64 of the Commission's rules and regulations (Miscellaneous Rules Relating to Common Carriers); Docket No. 11315.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 64.310 *Term* of Subpart C (United States Government Foreign and Overseas Telegraph Communications), of Part 64 of the Commission's rules and regulations, to read as follows:

§ 64.310 *Term.* The provisions of this subpart shall continue in effect through June 30, 1956, unless changed by order of the Commission.

Reason for change: It is necessary under the applicable cable landing licenses that the Commission act annually, and the Section in its present form provides that the provisions of Subpart C shall continue in effect through June 30, 1955.

3. No changes are now being proposed in the other provisions of Subpart C.

4. The proposed amendment is issued under authority of sections 4 (i) and 601 (b) of the Communications Act of 1934, as amended, and pursuant to the provisions of the pefmits or licenses granted by the President of the United States, giving the Postmaster General authority to fix rates and charges for United States Government telegraph communications transmitted by any carrier or carriers subject to the terms of such permits or licenses, which authority was transferred to the Commission by section 601 (b) of the Communications Act.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 29, 1955, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: March 30, 1955.

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–2851; Filed, Apr. 6, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 6]

ORGANIZATION AND FUNCTIONS

MISCELLANEOUS AMENDMENTS

In accordance with the public information requirements of the Administrative Procedure Act, the description of the Organization and Functions of the Civil Aeronautics Administration (published on April 10, 1954, in 19 F. R. 2098, as amended on August 17, 1954, in 19 F. R. 5633) is further amended by redefining the duties and responsibilities of the principal officers of the Office of the Administrator of Civil Aeronautics; establishing a Budget and Finance Office; abolishing the Budget Office and the Organization and Methods Office; reassigning security functions from the Office of General Services to the Office of the Assistant Administrator for Administration; reassigning accounting functions from the Office of General Services to the Budget and Finance Office; changing the Office of General Services to the General Services Office; and abolishing the Planning Staff Division, Office of Federal Airways.

1. Section 11 (b) is amended to read:

(b) The Civil Aeronautics Administration shall consist of the following organizational units:

(1) Office of the Administrator, which includes the:

Immediate Office of the Administrator.
Office of the Assistant Administrator for Administration.
Office of the Assistant Administrator for Operations.
Office of the Assistant Administrator for Planning, Research and Development.
Office of the Executive Assistant.

(2) Staff and Program Offices, including:

General Counsel's Office.
Aviation Information Office.
Budget and Finance Office.
Personnel Office.
General Services Office.
Office of Airports.
Office of Aviation Safety.
Office of Federal Airways.

(3) Major Field Organizations, including:

Regional Offices.
Washington National Airport.
Aeronautical Center.
Technical Development and Evaluation Center.

2. Section 14 is amended to read:

SEC. 14. *Functions of the Office of the Administrator.* (a) The functions of the Office of the Administrator are as follows:

(1) Plans or approves, and promulgates the basic programs, policies, and public rules to accomplish the functions and objectives of the Civil Aeronautics Administration;

(2) Prescribes the organization structure and the assignment of responsibilities within the Administration;

(3) Directs, coordinates, and controls the execution of the Administration's programs in accordance with the directives of the Congress, the President, and the Secretary of Commerce; and

(4) Maintains liaison with other agencies of the Government, the Congress, State aviation officials, the aviation industry, and the flying public.

(b) The duties and responsibilities of the principal officers of the Office of the Administrator are as follows:

(1) The Administrator in conformity with the policies and directives of the Secretary of Commerce and other legal requirements determines the policies of the Civil Aeronautics Administration; directs the development of and controls the execution of its programs; promulgates General Orders, policy statements, rules, and such other instructions as he deems necessary for the effective administration of the CAA.

(2) The Assistant Administrator for Administration discharges the functions of the Office of the Administrator in the area of general administration with particular reference to the managerial processes involved in personnel administration, fiscal management, organization planning, and the administration of general services throughout the organization; exercises direction and control over the administration of the Personnel Office, the Budget and Finance Office, the General Services Office, and the Aeronautical Center; directs and controls the activities of the Executive Controls Officer, the Security Officer, and the Administrative Coordination Officer.

(3) The Assistant Administrator for Operations discharges the functions of the Office of the Administrator in the area of technical operations with particular reference to the agency's federal airways, airports, and aviation safety programs, and their administration within and outside of the continental United States; exercises direction and control over the administration of the Office of Federal Airways, Office of Aviation Safety, Office of Airports, and the Washington National Airport.

(4) The Assistant Administrator for Planning, Research, and Development discharges the functions of the Office of the Administrator in the area of research and development and technical program planning, domestic and international; exercises direction and control over the administration of the Technical Development and Evaluation Center; monitors the agency's long-range planning activities, conducts top-level liaison with external planning organizations such as the Air Coordinating Committee, Air Navigation Development Board, Radio Technical Commission for Aeronautics, and other technical organizations, conducts planning activities not exclusively or clearly the responsibility of any one program office, and renders special staff assistance to the Administrator upon request; directs, coordinates, and controls the activities of a staff of specialists assigned to assist him in discharging the above responsibilities.

(5) The Executive Assistant assists the Administrator in matters that require his personal attention; and represents the Administrator in negotiations and contacts with members of Congress, other government agencies, and the aviation industry on problems in which the Administrator is personally concerned.

3. Section 15 (c) is amended to read:

(c) The Budget and Finance Office provides staff assistance to the Office of the Administrator in the development, application, and execution of fiscal and budgetary policies and procedures; preparation of regular and supplemental budget estimates, and presentation and justification thereof; allocation of funds for authorized activities controlled by definitive fiscal work programs; development, establishment, and maintenance of a system of accounts throughout the agency; the execution of CAA's financial responsibility under the Federal-aid Airport Act; and performs related fiscal and budgetary activities, including the preparation of financial reports, and the provision to Washington offices of accounting, payroll, individual earnings, leave, retirement, and bond purchase services. The Budget and Finance Office has a Budget Estimates Division, Accounting Division, and Fiscal Management Division.

4. Section 15 (d), which relates to the Organization and Methods Office, is rescinded.

5. Sections 15 (e) through 15 (i) are renumbered 15 (d) through 15 (h) respectively.

6. Section 15 (f), renumbered 15 (e), is amended to read:

(e) The General Services Office provides staff assistance to the Office of the Administrator in the discharge of its responsibilities for procurement, property management, defense production and mobilization, the control and utilization of Civil Aeronautics Administration aircraft, procurement and distribution of printed and reproduced material, and mail and telegraphic activities, machine tabulation and similar activities; in connection therewith, formulates policies and programs, establishes standards, and prepares instructions for both Washington and field offices, and performs general service functions for the Washington office. The General Services Office has a Supply Division, an Aircraft Control Division, and a Special Services Division.

7. Section 15 (i), renumbered as 15 (h), is amended by striking out "Planning Staff Division".

This amendment shall become effective March 27, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55–2835; Filed, Apr. 6, 1955; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Alabama Textile Products Corp., Panama City, Fla., effective 4–1–55 to 3–31–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress shirts).

Alabama Textile Products Corp., Brantley, Ala., effective 4–1–55 to 3–31–56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work shirts).

The Andala Co., Andalusia, Ala., effective 4–1–55 to 3–31–56; 10 percent of the total number of factory production workers for

normal labor turnover purposes (work shirts and pants).

Andalusia Textile Products Corp., Andalusia, Ala., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers in the production of men's shirts and pants, for normal labor turnover purposes (dress and sport shirts and work pants).

Andalusia Textile Products Corp., Andalusia, Ala., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes, in the production of ladies' dresses and blouses (ladies' dresses and blouses).

Barbizon of Utah, Inc., 150 West 12th North, Provo, Utah, effective 4-10-55 to 4-9-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie).

Blue Bell, Inc., Tishomingo County, Tishomingo, Miss., effective 3-30-55 to 3-29-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Burlington Manufacturing Co., Concordia, Mo., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (pants, shirts, and jackets).

Carolina Underwear Co., Inc., Forsyth Division, Forsyth Street, Thomasville, N. C., effective 4-1-55 to 9-30-55; 30 learners for plant expansion purposes (ladies', misses' and children's panties).

Carthage Corp., Carthage, Miss., effective 3-29-55 to 3-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' dungarees).

The Chaffee Manufacturing Co., Inc., Chaffee, Mo., effective 4-3-55 to 4-2-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Danville Manufacturing Co., Inc., 328 Ferry Street, Danville, Pa., effective 3-24-55 to 3-23-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' pajamas and gowns).

El-Jay Dress Manufacturing, Inc., Main Street, Childs, Pa., effective 3-25-55 to 3-24-56; 6 learners for normal labor turnover purposes (ladies' dresses).

Enterprise Manufacturing Co., Enterprise, Ala., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress shirts).

Fayette Manufacturing Co., Fayette, Ala., effective 3-27-55 to 9-26-55; 25 learners for plant expansion purposes (crawlers and pedal pushers).

Glendale Manufacturing Corp., Biltmore Station, Asheville, N. C., effective 3-21-55 to 9-20-55; 25 learners for plant expansion purposes (ladies' rayon, nylon and cotton slips, night gowns and pajamas).

Greenway Manufacturing Co., Waynesburg, Pa., effective 4-4-55 to 4-3-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' and infants' cotton polo shirts).

Greenwood Underwear Co., Inc., Greenwood, S. C., effective 3-28-55 to 7-25-55; 10 percent of the total number of factory production workers for normal labor turnover purposes with learner occupations, learning periods and learner wage rates as follows: sewing machine operating, final press, hand sewing, and finishing operations involving hand sewing each 320 hours; final inspection of assembled garments, machine operating (except cutting) other than sewing machine operating, and pressing other than final pressing, each 160 hours; all at 70 cents per hour (woven undershorts, sport shirts and ladies' blouses) (replacement certificate).

The Hercules Trouser Co., Hillsboro, Ohio, effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants).

The Hercules Trouser Co., Manchester, Ohio, effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants).

The Hercules Trouser Co., Jackson, Ohio, effective 4-10-55 to 4-9-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants).

The Hercules Trouser Co., Wellston, Ohio, effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants).

Kahn Manufacturing Co., Inc., 150 West Royal Street, Mobile, Ala., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

Katz Underwear Co., Honesdale, Pa., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and misses' nightgowns, pajamas and slips).

Logan Manufacturing Co., North Main Street, Russellville, Ky., effective 4-4-55 to 4-3-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

McNeer Dillon Co., Statesville, N. C., effective 3-23-55 to 3-22-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Mode O'Day Corp., Plant No. 3, 59 South First West, Logan, Utah; effective 4-7-55 to 4-6-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's cotton house and street dresses).

Mode O'Day Corp., 401 West 23d Street, Fremont, Nebr., effective 4-7-55 to 4-6-56; 10 learners for normal labor turnover purposes (ladies' cotton and rayon wash dresses).

Mode O'Day Corp., 403 South Main Street, Ottawa, Kans., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' dresses).

Pleasant Hill Garment Co., Pleasant Hill, Ill., effective 3-25-55 to 3-24-56; 10 learners for normal labor turnover purposes (boys' and girls' sportwear).

Primo Pants Co., Versailles, Mo., effective 4-5-55 to 4-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants).

Regal Shirt Corp., 208 South Third Street, Catawissa, Pa., effective 3-23-55 to 3-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Regal Shirt Corp., Second and Pine Street, Catawissa, Pa., effective 3-23-55 to 3-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Regal Shirt Corp., 125 West Centre Street, Millersburg, Pa., effective 3-23-55 to 3-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Reliance Manufacturing Co., "Keystone" Factory, Tyrone, Pa., effective 3-27-55 to 3-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport and flannel shirts; cotton work shirts).

Saf-T-Pak, Inc., 1715 11th Avenue, Altoona, Pa., effective 3-25-55 to 3-24-56; 10 learners for normal labor turnover purposes (hunting and fishing coats, pants and vests).

Sancar Corp., 28 West Rock Street, Harrisonburg, Va., effective 3-28-55 to 3-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

The Solomon Co., Leeds, Ala., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress trousers and jackets).

H. B. Spoont Co., 12-18 East Coal Street, Shenandoah, Pa., effective 3-24-55 to 9-23-55; 10 learners for plant expansion purposes (ladies' blouses, shorts, pedal pushers).

Tempest Shirt Manufacturing Co., Inc., 481 Cherry Street., Jesup, Ga., effective 3-23-55 to 3-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts).

Troy Textiles, Inc., Troy, Ala., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes, in the production of ladies' shorts (ladies' walking shorts).

Troy Textiles, Inc., Troy, Ala., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes, in the production of men's shirts (men's sport shirts).

United Pants Co., Inc., 222-228 Beade Street, Plymouth, Pa., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (pants).

United Pants Co., Inc., Shoemaker Street, Swoyerville, Pa., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (pants and jackets).

Vidalia Garment Co., Ltd., Vidalia, Ga., effective 4-11-55 to 4-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

The Warner Bros. Co., Thomasville, Ga., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (corsets and brassieres).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Burlington Manufacturing Co., Inc., 130 South Street, Waymart, Pa., effective 3-24-55 to 3-23-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knitted polo shirts).

Louis Gallet Knitting Mills, Inc., 120 Delaware Avenue, Uniontown, Pa., effective 5-1-55 to 4-30-56; 5 percent of the total number of production workers, for normal labor turnover purposes (sweaters and cardigans).

Holeproof Hosiery Co., Luxite Division, Cullman, Ala., effective 4-4-55 to 4-3-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's underwear and sleepwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

Mercer Shoe Co., Ballinger, Tex., effective 3-21-55 to 9-20-55; 25 learners for plant expansion purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended January 29, 1955, 20 F. R. 645).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Dee Originals, Ltd., Ponce-Peneulas Road, Ponce, P. R., effective 3-14-55 to 9-13-55; 10 learners. Learner occupations, learning periods and learner wage rates are as follows: sewing machine operators, slip stitchers, hand rollers, cutters, and pressers each 160 hours at 35 cents an hour; 160 hours at 42 cents an hour; and 160 hours at 48 cents an hour (men's ties).

Neckwear Corporation of Puerto Rico, Trujillo Alto Road, Rio Piedras, P. R., effective 3-14-55 to 9-13-55; 10 learners. Learner occupations, learning periods and learner wage rates are as follows: sewing machine operators, cutters, pressers, finishers, and hand painters each 160 hours at 35 cents an hour; 160 hours at 42 cents an hour; and 160 hours at 48 cents an hour; turners, 160 hours at 42 cents an hour (neckwear).

Stadium Manufacturing Co., of Puerto Rico, Inc., Villalba, P. R., effective 3-23-55 to 9-22-55; 20 learners in the occupation of sewing machine operating; 240 hours at 35 cents an hour and 240 hours at 40 cents an hour (men's pajamas).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 30th day of March 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-2825; Filed, Apr. 6, 1955; 8:46 a. m.]

POST OFFICE DEPARTMENT

ESTABLISHMENT OF REGIONAL HEADQUARTERS AT ATLANTA, GA., FOR GEORGIA, FLORIDA, SOUTH CAROLINA, NORTH CAROLINA, PUERTO RICO, AND THE VIRGIN ISLANDS

The following supersedes the notice relating to this subject published in the March 26, 1955, issue of the FEDERAL REGISTER, at pages 1853, 1854:

The following is the text of Order No. 55840 of the Postmaster General, dated March 2, 1955:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes will become effective on March 7, 1955:

1. On the effective date there will be established a regional headquarters at Atlanta, Georgia under a Regional Director who will exercise the powers, duties, functions and jurisdiction delegated by Order No. 55809 dated January 3, 1955, and Order No. 55810 dated January 3, 1955 (20 F. R. 276). Pending appointment of a Regional Director the postal affairs affecting the Bureau of Operations and Bureau of Personnel in the region shall be under the direction of the Regional Operations Manager who will be responsible to the Assistant Postmaster General, Bureau of Post Office Operations. The Regional Operations Manager will be subject to all policy affecting regional operations prescribed by the Department in Washington. There will also be a Regional Controller in the regional office who will be responsible to the Assistant Postmaster General and Controller, Bureau of Finance. The Regional Personnel Manager will be administratively responsible to the Regional Operations Manager so far as Bureau of Operations activities are concerned, and functionally to the Assistant Postmaster General, Personnel. Functions such as those listed below which were formerly discharged by various headquarters, bureaus and offices in Washington will now be discharged by the regional staff.

A. Personnel functions, including such items as recruitment, selection and placement of personnel; training activities; labor relations; safety and health programs; classification of positions; awards and efficiency rating systems; review and disposition of disciplinary actions; and liaison with the Civil Service Commission in the region.

B. Service functions, including recommendations to the Department for the establishment or discontinuance of post offices, classified stations and branches; approval of requests for allowances of funds; maintenance of high standards of service in all post offices; and effective control of costs.

C. Industrial engineering functions, including administration of cost reduction programs; improvement in work methods; endorsement of requests for capital expenditures; maintenance of work standards; layout of facilities; provision of work simplification methods and training; and development of systems and procedures, other than accounting and fiscal procedures.

D. Controller functions, including the direction of accounting, budget and cost analysis activities.

E. Public information functions, including encouragement of public cooperation and participation in improving postal methods; and maintaining good relations with Federal, State and municipal officials.

2. Pending the appointment of a Regional Director, this order does not affect the bureaus and offices of the Department other than:

A. Bureau of Operations;
B. Bureau of Personnel;
C. Bureau of Finance (and Controller).

All other bureaus and offices, however, are expected to coordinate and cooperate with this new regional organization.

3. The region will be divided into eight districts. All postmasters in each district will report directly to their district manager.

4. Previous orders or instructions concerning the routing of communications from postmasters to the above-mentioned bureaus in Washington are hereby superseded. All communications, with respect to the functions set forth in this order will be directed to the appropriate district manager, with the exceptions of monthly and quarterly accounts, which will continue to be routed as at present.

5. District headquarters cities, and the jurisdiction of each district, are as follows:

DISTRICT NO. 1—ATLANTA, GA.

Georgia counties: Banks, Barrow, Bartow, Butts, Carroll, Catoosa, Chattooga, Cherokee, Clarke, Clayton, Cobb, Columbia, Coweta, Dade, Dawson, De Kalb, Douglas, Elbert, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Gordon, Greene, Gwinnett, Habersham, Hall, Hancock, Haralson, Hart, Heard, Henry, Jackson, Jasper, Lincoln, Lumpkin, McDuffie, Madison, Morgan, Murray, Newton, Oconee, Oglethorpe, Paulding, Pickens, Polk, Putnam, Rabun, Richmond, Rockdale, Spalding, Stephens, Taliaferro, Towns, Union, Walker, Walton, Warren, White, Whitfield, and Wilkes.

DISTRICT NO. 2—CHARLOTTE, N. C.

North Carolina counties: Alexander, Alleghany, Ansen, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Montgomery, Polk, Richmond, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin, and Yancey.

DISTRICT NO. 3—RALEIGH, N. C.

North Carolina counties: Alamance, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Robeson, Rockingham, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson.

DISTRICT NO. 4—COLUMBIA, S. C.

All counties in South Carolina.

DISTRICT NO. 5—COLUMBUS, GA.

Georgia counties: Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Charlton, Chatham, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Glascock, Glynn, Grady, Harris, Houston, Irwin, Jeff Davis, Jefferson, Jenkins, Johnson, Jones, Lamar, Lanier, Laurens, Lee, Liberty, Long, Lowndes, McIntosh, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Montgomery, Muscogee, Peach, Pierce, Pike, Pulaski, Quitman, Randolph, Schley, Screven, Seminole, Stewart, Sumter, Talbot, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Troup, Turner, Twiggs, Upson, Ware, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkinson, and Worth.

DISTRICT NO. 6—JACKSONVILLE, FLA.

Florida counties: Alachua, Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lafayette, Lake, Leon, Levy, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Pasco, Putnam, Saint Johns, Santa Rosa, Seminole, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla, Walton, and Washington.

DISTRICT No. 7—MIAMI, FLA.

Florida counties: Brevard, Broward, Charlotte, Collier, Dade, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Saint Lucie, and Sarasota.

DISTRICT No. 8—SAN JUAN, P. R.

All of Puerto Rico and the Virgin Islands.

6. District Managers will be designated in a separate announcement. They will act for and be responsible to the Regional Operations Manager on post office matters within their Districts. Each District Manager will be responsible for functions delegated to him by the Regional Operations Manager, including such things as: making major operating decisions within his District; recommending action on all supervisory appointments; recommending action on requests for funds; advising Regional Operations Manager on District matters and conditions; carrying out regional policies in the District; interpreting departmental and regional policies and recommending changes; coordinating with other bureaus and government agencies in the District; taking necessary actions on complaints; directing the control of expenditures in the District; and maintaining essential records.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55–2826; Filed, Apr. 6, 1955; 8:46 a. m.]

REGIONAL REAL ESTATE MANAGERS

REDELEGATION OF AUTHORITY WITH RESPECT TO LEASES

The following is the text of various orders of the Assistant Postmaster General, Bureau of Facilities, relative to the above subject:

[Order 53]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Ben A. Brock, Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 a year, or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Arizona, Colorado, New Mexico, Utah, and Wyoming.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 26 dated October 1, 1954 (19 F. R. 8042).

[Order 54]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Arthur C. Chandler, Regional Real Estate Manager, Bureau of Facilities, to take final action in my name, with respect to the procurement of space for postal purposes as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000, or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Idaho, Montana, Oregon, Washington and the Territory of Alaska.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 28, dated October 1, 1954 (19 F. R. 8042).

[Order 56]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Frank A. Gilbert, Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Illinois (except Henry, Rock Island and Whiteside Counties), Michigan, Wisconsin, and Lake County in the State of Illinois.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 27, dated October 1, 1954 (19 F. R. 8042).

[Order 55]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Harold L. Duncan, Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Kansas, Nebraska, Oklahoma, and the City of Kansas City in the State of Missouri.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 31, dated October 1, 1954 (19 F. R. 8042).

[Order 58]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Robert W. Jones, Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Arkansas, Iowa, Missouri (except the City of Kansas City) and Henry, Rock Island and Whiteside Counties in the State of Illinois.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 30, dated October 1, 1954 (19 F. R. 8042).

[Order 57]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Thomas G. Jay, Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 32, dated October 1, 1954 (19 F. R. 8042).

[Order 59]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to John W. Meinhart, Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Indiana (except Lake County), Kentucky and Ohio.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 33, dated October 1, 1954 (19 F. R. 8042).

[Order 60]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Arthur J. Parsons, Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the

lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Pennsylvania, New Jersey (except Hudson and Bergen Counties) and Newcastle County in the State of Delaware.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 34, dated October 1, 1954 (19 F. R. 8042).

[Order 61]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Lloyd A. Sifford, Jr., Regional Real Estate Manager, Bureau of Facilities, to take final action in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Florida, Georgia, North Carolina and South Carolina and Puerto Rico and the Virgin Islands.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 35, dated October 1, 1954 (19 F. R. 8042).

[Order 62]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to John K. Witherspoon, Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease, covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Alabama, Mississippi, and Tennessee.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 36, dated October 1, 1954 (19 F. R. 8042).

[Order 63]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Harold J. Cooke, Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of California and Nevada, the Territory of Hawaii, Samoa, Guam, Canton Island, Caroline Islands, Mariana Islands, Marshall Islands and Wake Island.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 37, dated October 1, 1954 (19 F. R. 8042).

[Order 64]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Arba P. DeWitt, Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

tered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Louisiana and Texas.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 38, dated October 1, 1954 (19 F. R. 8042).

[Order 65]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to James M. Murphy, Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order:

in the States of Minnesota, North Dakota and South Dakota.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 39, dated October 1, 1954 (19 F. R. 8042).

[Order 66]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to Henry A. Kresse, Acting Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the State of New York, and Hudson and Bergen Counties in the State of New Jersey.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 25, dated October 1, 1954 (19 F. R. 8042).

[Order 67]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to H. Brooks Perring, Acting Regional Real Estate Manager, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the District of Columbia and the States of Maryland, Virginia and West Virginia and Kent and Sussex Counties in the State of Delaware.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 29, dated October 1, 1954 (19 F. R. 8042).

[Order 68]

Dated: March 23, 1955.

Pursuant to authority of Order No. 55734, dated September 21, 1954, (19 F. R. 6169), authority is hereby delegated to Charles H. Carle, Chief, Post Office Quarters Section, Division of Real Estate, Bureau of Facilities, to take final action, in my name, with respect to the procurement of space for postal purposes, as follows:

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $3,000 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for five years or less and where the annual rental specified in the lease covered by the proposal is $3,000 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $3,000 or less; or

6. To execute contracts or agreements for garage or parking space for periods of not in excess of one year where the annual rental is $3,000 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

throughout the United States and its Possessions, including Guam.

This order shall be effective April 1, 1955.

This supersedes and cancels Order No. 42, dated November 5, 1954 (19 F. R. 8042).

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369).

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-2889; Filed, Apr. 6, 1955; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 524

MARCH 30, 1955.

By virtue of the authority contained in the Act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to Delegation of Authority contained in section 1.5 (c) Part 1 of Order No. 541 of April 21, 1954, it is ordered as follows:

Beginning at 10:00 a. m. on the 21st day after the date of this order the 80-rod shorespace reserves created under the act of May 14, 1890 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat., 1028; 48 U. S. C. 371), as they exist now or as they may hereafter be created by the initiation of claims under the public land laws are hereby revoked insofar as applicable to the following described lands. Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), the following lands are hereby restored to entry under the public land laws:

ANCHORAGE LAND DISTRICT

A tract of land located at Portage, Alaska, and situated on the Turnagain Arm of Cook Inlet more particularly described as being that parcel of land bounded on the east by a portion of the west boundary of Tract No. 2 as reserved by Public Land Order No. 835 dated May 23, 1952, bounded on the north and on the south by the north and south branches of Portage Creek, respectively, and on the west by Turnagain Arm. This parcel contains approximately 110 acres and is entirely included in the homestead application of Robert A. Moore, Anchorage 025857 and the headquarters site application of B. J. Goodland, Anchorage 027165.

A tract of land located in the Boulder Point area approximately 25 miles north of Kenai, Alaska, and situated on the shore of a lake locally known as "Daniels Lake", more particularly described as follows:

SEWARD MERIDIAN

T. 8 N., R. 11 W.,
Sec. 21: Lot 3;
Sec. 28: E½NE¼ (Unsurveyed);
Sec. 27: SW¼NW¼ (Unsurveyed).

Aggregating approximately 147.00 acres.
(Application under the homestead act by Grant A. Ingham, Anchorage 028255.)

FAIRBANKS LAND DISTRICT

A tract of land located in the Fairbanks area and situated on the Tanana River more particularly described as follows:

FAIRBANKS MERIDIAN

T. 7 S., R. 5 E.,
Sec. 10: Lots 12, 15, 19, and 20.

Aggregating 88.27 acres.
(Homestead settlement claim of Ralph E. Wilder, Fairbanks 09505.)

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-2824; Filed, Apr. 6, 1955; 8:45 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 1, 1955.

An application, serial number W-01619, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws of the United States, of the lands described below was filed on October 12, 1954, by The Department of Agriculture, Forest Service, Missoula, Montana. The purposes of the proposed withdrawal: To provide for and protect administrative sites, public service sites, recreation sites.

For a period of 30 days from the date of the Interior, at Room 209, Federal having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at Room 209, Federal Building, Spokane, Washington. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON—WILLAMETTE MERIDIAN

COLVILLE NATIONAL FOREST

Mill Creek Administrative Site

T. 36 N., R. 41 E.,
Sec. 20, SE¼NW¼, NE¼SW¼, N½SE¼.

Total area, 160 acres.

Spirit Administrative Site

T. 38 N., R. 41 E.,
Sec. 9, NE¼NW¼.

Total area, 40 acres.

Orient Administrative Site

T. 39 N., R. 36 E.,
Sec. 10, NE¼SE¼, S½SE¼;
Sec. 15, NW¼NE¼, S½NE¼, E½NW¼.

Total area, 320 acres.

Quartz Mountain Lookout Administrative Site

T. 35 N., R. 33 E.,
Sec. 3, Lot 4.
T. 36 N., R. 33 E.,
Sec. 34, SW¼SW¼.

Total area, 75.80 acres.

Bodie Lookout Administrative Site

T. 38 N., R. 32 E.,
Sec. 6, N½ Lot 3, Lot 4.

Total area, 62.17 acres.

Jack Knife Lookout Administrative Site

T. 37 N., R. 36 E.,
Sec. 8, NE¼.

Total area, 160 acres.

First Thought Lookout Administrative Site

T. 39 N., R. 37 E.,
Sec. 7, NE¼SW¼.

Total area, 40 acres.

Churchill Lookout Administrative Site

T. 40 N., R. 38 E.,
Sec. 18, Lots 2, 3, SE¼NW¼, NE¼SW¼.

Total area, 164.16 acres.

Dominion Lookout Administrative Site

T. 36 N., R. 40 E.,
Sec. 34, NE¼.

Total area, 160 acres.

Roger Lookout Administrative Site

T. 37 N., R. 40 E.,
Sec. 3, Lots 9, 10, 15, 16.

Total area, 160 acres.

Huckelberry Lookout Administrative Site

T. 38 N., R. 42 E.,
Sec. 29, NW¼SW¼;
Sec. 30, NE¼SE¼.

Total area, 80 acres.

Chewelah Lookout Administrative Site

T. 32 N., R. 41 E.,
Sec. 12, SE¼.

Total area, 160 acres.

Marble Lookout Administrative Site

Unsurveyed T. 39 N., R. 35 E.,
What will be, when surveyed:
Sec. 4, E½SW¼, W½SE¼.

Total area, 160 acres.

White Lookout Administrative Site

Unsurveyed T. 35 N., R. 35 E.,
What will be, when surveyed:
Sec. 20, SW¼SW¼.

Total area, 40 acres.

Copper Butte Lookout Administrative Site

T. 37 N., R. 34 E.,
What will be when surveyed:
Sec. 14, E½SE¼.

Total area, 80 acres.

Swan Lake Recreation Area

T. 35 N., R. 32 E.,
Sec. 20, Lots 1, 2, 3, NW¼SE¼;
Sec. 29, Lots 1, 2.

Total area, 219.60 acres.

Ferry Lake Recreation Area

T. 35 N., R. 32 E.,
Sec. 21, Lots 1, 2, 3, 4.

Total area, 125.75 acres.

Long Lake-Fish Lake Recreation Area

T. 35 N., R. 32 E.,
Sec. 28, Lots 1, 2, 3, S½NE¼;
Sec. 33, Lots 1, 2.

Total area, 584.20 acres.

Lake Ellen Recreation Area

T. 35 N., R. 36 E.,
Sec. 26, Lots 1, 2, 3, 4;
Sec. 27, Lots 1, 2;
Sec. 34, Lot 1;
Sec. 35, NW¼NW¼NW¼.

Total area, 288.55 acres.

Pierre Lake Recreation Area

T. 39 N., R. 37 E.,
Sec. 5, Lots 5, 7, 8, 9, 10.

Total area, 134.90 acres.

Lake Thomas Lake Gillette Recreation Area

T. 36 N., R. 42 E.,
Sec. 17, Lot 5, SE¼NE¼;
Sec. 20, Lot 1, SE¼NW¼.

Total area, 161.70 acres.

Little Twin Lakes Recreation Area

T. 35 N., R. 41 E.,
Sec. 4, Lot 3.
T. 36 N., R. 41 E.,
Sec. 33, Lots 3, 4, NE¼SW¼.

Total area, 121.17 acres.

Summit Lake Recreation Area

T. 40 N., R. 37 E.,
Sec. 17, SE¼SE¼;
Sec. 20, NE¼NE¼;
Sec. 21, NW¼NW¼.

Total area, 120 acres.

Elbow Lake Recreation Area

T. 40 N., R. 38 E.,
Sec. 21, E½SW¼, W½SE¼.

Total area, 160 acres.

Empire Lake Recreation Area

T. 38 N., R. 32 E.,
Sec. 12, W½NE¼, NW¼SE¼.

Total area, 120 acres.

Renner Lake Recreation Area

T. 38 N., R. 36 E.,
Sec. 24, W½NE¼, E½NW¼.

Total area, 160 acres.

Davis Lake Recreation Area

T. 37 N., R. 36 E.,
Sec. 3, Lot 3.
T. 38 N., R. 36 E.,
Sec. 34, SE¼SW¼.

Total area, 81.76 acres.

Pepoon Lake Recreation Area

T. 39 N., R. 39 E.,
Sec. 6, W½SE¼.

Total area, 80 acres.

Trout Lake Recreation Area

T. 36 N., R. 36 E.,
What will be, when surveyed, the following:
Sec. 11, E½SE¼;
Sec. 12, SW¼SW¼;
Sec. 13, SW¼NW¼;
Sec. 14, NE¼NE¼.

Total area, 200 acres.

Ten Mile Campground

T. 35 N., R. 32 E.,
Sec. 24, S½NE¼, N½SE¼.
T. 35 N., R. 33 E.,
Sec. 19, Lot 3.

Total area, 197.19 acres.

Deer Creek Summit Campground

Unsurveyed T. 39 N., R. 35 E.,
What will be when surveyed:
Sec. 20, S½NE¼, N½SE¼.

Total area, 160 acres.

Chewelah Ski Area

T. 32 N., R. 41 E.,
Sec. 2, W½SW¼;
Sec. 3, Lots 1, 2, 3, S½NE¼, SE¼NW¼, SE¼;
Sec. 10, N½NE¼;
Sec. 11, NW¼NW¼NW¼.

Total area, 545.78 acres.

Sherman Creek (Federal Highway No. 20) Roadside Zone

A strip of land 500 feet on each side of the center line of Federal Highway No. 20 through the following legal subdivisions:

T. 36 N., R. 34 E.,
Sec. 15, SW¼;
Sec. 16, S½;
Sec. 21, NE¼;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 26, N½N½;
Sec. 27, NE¼.
Unsurveyed T. 36 N., R. 35 E.,
What will be when surveyed:
Sec. 8, SE¼;
Sec. 9, SW¼SW¼;
Sec. 13, SW¼SW¼;
Sec. 14, All;
Sec. 15, All;
Sec. 16, N½;
Sec. 17, All;
Sec. 18, S½SE¼;
Sec. 19, All;
Sec. 20, N½;
Sec. 23, NE¼NE¼;
Sec. 24, All.
T. 36 N., R. 36 E.,
Sec. 19, S½S½;
Sec. 25, S½;
Sec. 28, SW¼;
Sec. 29, All;
Sec. 30, N½;
Sec. 33, NW¼NW¼, S½S½NE¼;
Sec. 34, NW¼NE¼, S½NE¼, NW¼;
Sec. 35, N½;
Sec. 36, NW¼.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 55-2795; Filed, Apr. 6, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11268; FCC 55M-296]

WISCONSIN TELEPHONE CO.

ORDER CONTINUING HEARING

In the matter of Wisconsin Telephone Company, Milwaukee, Wisconsin, application for construction permit for new VHF Public Class III–B coast station; Docket No. 11268, File No. 5300–F1–P–H.

The Hearing Examiner having under consideration the motion filed March 22, 1955, by Lorain County Radio Corporation, respondent herein, requesting that the hearing in this proceeding now scheduled for April 4, 1955, be postponed until a date later to be fixed by the Hearing Examiner, for the reason that a request to enlarge the issues is pending before the Commission which request is unlikely to be acted on by the Commission before the date for the hearing presently scheduled and for the further reason that counsel for Lorain County Radio Corporation and the executive principals thereof have commitments conflicting with the hearing date now scheduled; and

It appearing that no opposition to the motion has been filed and that Commission counsel are agreeable to a grant of the motion;

It is ordered, This 29th day of March 1955, that the motion is granted; and that the date of the hearing is postponed to a date later to be scheduled by the Hearing Examiner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2837; Filed, Apr. 6, 1955; 8:48 a. m.]

[Docket No. 11269; FCC 55M-297]

OHIO BELL TELEPHONE CO.

ORDER CONTINUING HEARING

In the matter of Ohio Bell Telephone Company, Cleveland, Ohio, application for construction permit for new VHF Public Class III–B coast station; Docket No. 11269, File No. 5301–F1–P–H.

The Hearing Examiner having under consideration the motion filed March 22, 1955, by Lorain County Radio Corporation, respondent herein, requesting that the hearing in this proceeding now scheduled for April 5, 1955, be postponed until a date later to be fixed by the Hearing Examiner, for the reason that a request to enlarge the issues is pending before the Commission which request is unlikely to be acted on by the Commission before the date for the hearing presently scheduled and for the further reason that counsel for Lorain County Radio Corporation and the executive principals thereof have commitments conflicting with the hearing date now scheduled; and

It appearing that no opposition to the motion has been filed and that Commission counsel are agreeable to a grant of the motion;

It is ordered, This 29th day of March 1955, that the motion is granted; and that the date of the hearing is postponed to a date later to be scheduled by the Hearing Examiner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2838; Filed, Apr. 6, 1955; 8:48 a. m.]

[Docket No. 11314; FCC 55-364]

SPARTAN RADIOCASTING CO. (WSPA-TV)

ORDERS DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of The Spartan Radiocasting Company (WSPA–TV), Spartanburg, South Carolina, for modification of construction permit; Docket No. 11314, File No. BMPCT–2042.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 30th day of March 1955;

The Commission having under consideration (a) the above-entitled application filed on April 6, 1954 and granted without hearing on April 30, 1954; (b) a protest against said grant filed on May 6, 1954, pursuant to section 309 (c) of the

Communications Act of 1934, as amended, by Greenville Television Company (Greenville), permittee of television station WGVL, Channel 23, Greenville, South Carolina; (c) a protest against said grant filed on June 1, 1954, pursuant to said section 309 (c) by Wilton E. Hall (Hall), permittee of television station WAIM-TV, Channel 40, Anderson, South Carolina; (d) the Commission's Memorandum Opinions and Orders released June 3, 1954 (FCC 54-692) and July 2, 1954 (FCC 54-804) denying said protests on the ground that the protesting parties had not alleged facts showing them to be parties in interest; and (e) the decision issued on March 24, 1955, by the United States Court of Appeals for the District of Columbia Circuit in Greenville Television Company v. Federal Communications Commission (No. 12284) and Wilton E. Hall v. Federal Communications Commission (No. 12356); and

It appearing that the United States Court of Appeals for the District of Columbia Circuit reversed the Commission's decisions and remanded the cases to the Commission for hearing; and

It further appearing that Hall's proposed issues "(a)", "(c)" and "(d)" are similar in substance to Greenville's issues "7", "1" and "8", respectively, and that said issues have been merged in the issues set forth below:

It is ordered, That effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission after hearing; and the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(1) To determine whether a grant of the application of Spartan Radiocasting Company would contravene the requirements of § 3.607 of the Commission's rules (47 CFR 3.607), the principles of a fair, efficient and equitable distribution of television broadcast facilities specified in section 307 (b) of the act, and the principles upon which the assignment of television broadcast channels has been made by the Commission.

(2) To determine whether a grant of such application would result in a monopoly of television service, or would impair the ability of authorized existing or prospective UHF stations in the Spartanburg, Greenville and Anderson areas to compete effectively with the station proposed by Spartan in said application or to deprive the public of the service of such stations.

(3) To determine whether Spartan misrepresented the temporary nature of, or concealed material facts with respect to, the operation proposed in its request for special temporary authorization granted by the Commission on January 27, 1954 and whether in the light of the facts adduced, Spartan possesses the requisite qualifications to be a permittee or licensee of a television broadcast station.

(4) To determine whether the changed proposal of transmitter and antenna location had occurred as a result of Spartan's independent choice or was dictated in large measure by other organizations or institutions.

(5) To determine whether the changed transmitter and antenna location was proposed, in large part, for the purpose of obtaining a Columbia Broadcasting System affiliation.

(6) To determine whether the use of Channel 7 as proposed meets the needs of communities and areas within the Spartanburg trade area.

(7) To determine whether the proposed economic injury to Greenville UHF stations, if any, and the loss of reception service to portions of Spartanburg's trade area, if any, is outweighed by the need for the service proposed by Spartan.

(8) To determine whether the proposed operation will be located in practical effect at Greenville, South Carolina.

(9) To determine whether, in the light of the facts adduced upon the foregoing issues, public interest, convenience or necessity would be served by a grant of said application.[1]

The burden of proof as to each of the above issues shall be on the protestants.

It is further ordered, That the protestants herein and the Chief of the Broadcast Bureau are hereby made parties to the proceedings herein and that

(1) The hearing on the above issues commence at 10:00 a. m. on April 25, 1955, before an Examiner to be specified by the Commission; and

(2) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(3) The appearances by the parties intending to participate in the above hearing shall be filed not later than April 11, 1955.

It is further ordered, That this Order is subject to stay, withdrawal or other appropriate action in the event that the United States Court of Appeals for the District of Columbia Circuit does not issue its mandate in the above cases in the usual course.

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2839; Filed, Apr. 6, 1955; 8:48 a. m.]

[Docket Nos. 11317—11319; FCC 55-379]

ROALD W. DIDRIKSEN ET AL.

ORDER DESIGNATING MATTERS FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of Roald W. Didriksen, 221 Stillings Avenue, San Francisco, California, Docket No. 11317; Carlton R. Schwarz, 127 DuBoise Street, San Rafael, California, Docket No. 11318; Anthony Severdia, 239 Longford Street, South San Francisco, California, Docket No. 11319; suspension of radiotelephone first class operator licenses.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of March 1955;

The Commission having under consideration the suspension of the radiotelephone first class operator licenses issued to Roald W. Didriksen, Carlton R. Schwarz and Anthony Severdia; and

It appearing that acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, each of the above-named parties filed with the Commission within the time provided therefor an application requesting a hearing on the Commission's orders released February 18, 1955, suspending for a period of 90 days their radiotelephone first class operator licenses; and

It further appearing that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said licensees are entitled to a hearing in the matter, and that, upon the filing of a timely written application therefor, the Commission's orders of suspension are held in abeyance until the conclusion of the proceedings in the said matters.

It is ordered, That the matter of the suspensions of the radiotelephone first class operator licenses of Roald W. Didriksen, Carlton R. Schwarz and Anthony Severdia are hereby designated for a consolidated hearing in San Francisco, California at 10:00 a. m., on the 3d day of May 1955 before hearing examiner J. D. Bond upon the following issues:

1. To determine whether Roald W. Didrikson, Carlton R. Schwarz and Anthony Severdia, on December 14, 1954, willfully damaged or permited radio apparatus or installations at KPIX to be damaged within the meaning of section 303 (m) (1) (C) of the Communications Act of 1934, as amended.

2. To determine whether Roald W. Didriksen, Carlton R. Schwarz and Anthony Severdia, on December 14, 1954, willfully or maliciously interfered with radio communications of station KPIX in violation of § 13.69 of the Commission's rules (47 CFR 13.69).

3. In the light of the evidence adduced in the preceding issues to determine whether the terms of the original orders of suspension should be made final, rescinded or modified.

It is further ordered, That a copy of this order be transmitted by Registered Mail, Return Receipt Requested, to Roald W. Didriksen, Carlton R. Schwarz and Anthony Severdia, and that each of said parties notify the Commission in writing within 15 days after receipt of this order that they will appear in person or by counsel at said hearing.

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2840; Filed, Apr. 6, 1955; 8:48 a. m.]

[Docket Nos. 11320, 11321; FCC 55-380]

HOWARD A. CHAMBERLIN AND FRED P. MULLER

ORDER DESIGNATING MATTERS FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of Howard A. Chamberlin, 182 Warren Road, Burlingame, California, Docket No. 11320; Fred P. Muller, 779 19th Avenue, San Francisco, California, Docket No. 11321; suspension of radiotelephone first class operator licenses.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of March 1955:

The Commission having under consideration the suspension of the radiotelephone first class operator licenses issued to Howard A. Chamberlin and Fred P. Muller; and

It appearing that acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, each of the above-named parties filed with the Commission within the time provided therefor an application requesting a hearing on the Commission's orders released February 18, 1955, suspending for a period of 60 days their radiotelephone first class operator licenses; and

It further appearing that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said licensees are entitled to a hearing in the matter, and that, upon the filing of a timely written application therefor, the Commission's orders of suspension are held in abeyance until the conclusion of the proceedings in the said matters.

It is ordered, That the matter of the suspensions of the radiotelephone first class operator licenses of Howard A. Chamberlin and Fred P. Muller are hereby designated for a consolidated hearing in San Francisco, California at 10:00 a. m., on the 6th day of May 1955 before hearing examiner J. D. Bond upon the following issues:

1. To determine whether Howard A. Chamberlin and Fred P. Muller on October 5, 1954, willfully or maliciously interfered with radio communications of station KEAR in violation of § 13.69 of the Commission's rules (47 CFR 13.69).

2. In the light of the evidence adduced in the preceding issue to determine whether the terms of the original orders of suspension should be made final, rescinded or modified.

It is further ordered, That a copy of this order be transmitted by Registered Mail, Return Receipt Requested to Howard A. Chamberlin and Fred P. Muller, and that each of said parties notify the Commission in writing within 15 days after the receipt of this order that they will appear in person or by counsel at said hearing.

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2841; Filed, Apr. 6, 1955; 8:48 a. m.]

[Docket No. 11322; FCC 55-393]

GRANITE STATE BROADCASTING CO., INC. (WDNH)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Granite State Broadcasting Company, Inc. (WDNH), Dover, New Hampshire, for construction permit; Docket No. 11322, File No. BP-9417.

1. The Commission has before it separate protests filed on February 28, 1955, by the Strafford Broadcasting Corporation, licensee of Station WWNH, Rochester, New Hampshire (930 kc, 5 kw, Day); and Vic Diehm Associates, Inc., licensee of Station WVDA, Boston, Massachusetts (1260 kc, 5 kw, DA-N, Unl.), pursuant to section 309 (c) of the Communications Act of 1934, as amended, protesting the Commission's action of January 27, 1955 (released January 28, 1955), granting without hearing the above-entitled application of Granite State Broadcasting Company, Inc. (hereinafter referred to as Granite State) for a construction permit for a new standard broadcast station (WDNH) to operate on 1270 kilocycles with a power of 5 kilowatts, directional antenna, unlimited time, at Dover, New Hampshire; and oppositions to the said protests filed by WDNH on March 11, 1955, and a reply to the WDNH opposition filed by WVDA on March 18, 1955.

2. The protestant WVDA claims standing as a party in interest under section 309 (c) of the Communications Act of 1934, as amended, because of the interference that Station WVDA would receive from the operation in question. With its protest, WVDA submitted an engineering affidavit to show that WDNH, the station authorized in the Commission's action in question would cause objectionable interference to the present operation of WVDA. The engineering affidavit included field strength measurements on the WVDA signal along several radials to establish the fact that the 0.5 mv/m contours of Stations WVDA and WDNH would overlap in a small area along the seacoast at a distance of over 50 miles from the WVDA site. It is computed by WVDA that the overlap would cause an interference area to WVDA of 112 square miles within which 7,964 persons reside. This population loss, according to the protestant, represents 0.31 percent of the population served by protestant's station. Thus, WVDA has established itself as a party in interest within the meaning of section 309 (c).

3. WVDA has specified the following issues on which it asks for an opportunity to present evidence:

1. To determine the areas and populations which may be expected to gain or lose service from the operation of the proposed station and the availability of other services to such areas.

2. To determine whether the operation of the proposed station would involve objectionable interference with the operation of Station WVDA licensed to Vic Diehm Associates, Inc., Boston, Massachusetts, and, if so, the nature and extent thereof, and the areas and populations affected thereby.

3. To determine, on a comparative basis, whether or not the proposed operation would best serve the public interest, convenience and necessity of the areas involved in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the proposed program service, background and experience and management proposals of Granite State and the existing service being rendered by Vic Diehm Associates, Inc. (Station WVDA, Boston, Massachusetts).

4. To determine the stock ownership and management interests of the officers, directors, and stockholders of Granite State Broadcasting Company, Inc. in other businesses as well as in other broadcasting stations, and whether such interests result in a concentration of control contrary to or inconsistent with the public interest and/or the Commission's Multiple Ownership Rules.

4. Issues 1 and 2 as specified by protestant WVDA pertain to the coverage and interference areas of the proposed WDNH operation in question. As set forth in paragraph 2 above, the engineering showing submitted by WVDA establishes the fact that the proposed WDNH operation will cause interference to WVDA. Consequently WVDA has specified facts, matters and things relied upon so as to warrant the designation of the Granite State application for hearing upon the issues of coverage and interference.

5. With respect to Issue 3, we believe it necessary, in view of Issues 1 and 2, that evidence also be taken on the program service of Station WVDA in the interference area. See Democrat Printing Co. v. Federal Communications Commission, 91 U. S. App. D. C. 72, 202 F. 2d 298. However, the other matters on which the protestant seeks to have evi-

[1] It should be noted that this order does not constitute a determination that all of the above issues are relevant to the question of whether the application should be granted. The issues relating to economic injury to the protesting parties have been included in the interests of expedition, inasmuch as evidence must in any event be taken on other relevant issues supported by facts, matters and things relied upon. However, the question of the relevance of economic injury is one which we have designated for preliminary oral argument in other proceedings (see In re American Southern Broadcasters, 11 Pike & Fischer, RR1054), and it remains open for decision in this case. So too, the opportunity to offer evidence with respect to areas to be served is not a determination that such evidence will be sufficiently reliable to form the basis for any findings of fact based upon a proper record. Inclusion of all of the above issues, therefore, is specifically not intended in this case (where expedition is of considerable importance) to foreclose a later determination with respect to their relevance.

dence taken, i. e., the comparative backgrounds, experience and management proposals of itself and Granite State, are not properly in issue and are unsupported by any facts, matters or things relating to them. They will be deleted from the issue.

6. With respect to Issue 4, WVDA states that "It is known that the officers, directors, and stockholders of Granite State Broadcasting Company, Inc. have other broadcast interests as well as other business interests (Granite State Network, Inc.; Grandview, Inc.; WTSL, Inc.; Mt. Washington TV, Inc.; Collins Radio Inc.; and Rust Industrial Company)." WVDA concludes that these interests should be considered in any determination as to whether a grant of the application in issue would serve the public interest. The matter of concentration of control of interests of stockholders of Granite State Broadcasting Company, Inc., treated more completely in the WWNH protest, will be considered in conjunction with the WWNH protest.

7. In support of its protest WWNH contends that it will suffer economic injury as a result of the Commission's action. WWNH states that although its licensed location is Rochester, New Hampshire, it has also identified itself with the Dover area by programming its station in the interest of Dover (Dover is approximately 10 miles south of Rochester) with such broadcasts as Thanksgiving Day Dover High School football games, grand openings of new businesses in Dover, a local Talent Folk Song Festival, programs from the University of New Hampshire at Durham (a part of the Dover area), remote broadcasts of the University's Christmas Concert, adult education courses, interviews, news broadcasts of items of interest to the Dover-Durham area, broadcasts of the Durham High School basketball games. WWNH further states that in January 1954 it serviced 18 accounts in Dover and 12 additional accounts in Somersworth, Somersworth Falls, Durham and Berwick, towns comprising the Dover area; that these accounts and their attendant revenues accounted for 47.82 per cent of the total WWNH revenue and 53 per cent of the total local revenue of WWNH; that in December 1954 WWNH serviced 28 accounts in Dover and 14 accounts in the neighboring towns in the Dover area with an attendant revenue accounting for 41.21 per cent of the total revenue of WWNH and approximately 46 per cent of the total local revenue of WWNH; and that for the twelve-month period from January to December 1954, comparable accounts numbers and revenue figures existed within the above-stated limits. WWNH concludes that the establishment of a station in Dover would seriously reduce WWNH's revenue therefrom.

8. Granite State contends that WWNH is not a party in interest since it is in Rochester and "• • • the Commission has not previously indulged in the assumption that economic injury will result to a protestant in a community other than that where the station being protested is to be constructed," Granite State asserts that WWNH's showing that it receives revenue from Dover doesn't substantiate a claim that this would be lost because of the proposed station at Dover.

9. In light of WWNH's showing set forth in Paragraph 7 above and the fact that the protestant is licensee of Station WWNH, Rochester, New Hampshire; that the protestant derives operating revenue from the Dover area; that the grant herein protested establishes the first standard broadcast station in Dover in direct competition with WWNH; and that the protestant has alleged that it has been and will continue to be financially injured by the grant complained of, it is the Commission's opinion that WWNH is a "party in interest" within the meaning of section 309 (c) of the Communications Act.

10. WWNH has specified the following issues on which it asks for an opportunity to present evidence:

1. To determine whether, in the light of the multiplicity of service rendered New Hampshire by Granite State at the present time and the service proposed in the Dover area by the station applied for by Granite State, and in the light of the common ownership of such stations, a grant of said application would be consistent with section 3.35 (b) of the Commission's rules (47 CFR 3.35).

2. To determine whether, in the light of the ownership by Granite State Network, it would be in the public interest to further strengthen its hold on the New Hampshire market by adding an additional powerful radio station to the Granite State controlling group.

3. To determine whether the Granite State group, through its multiple ownership of radio stations, have engaged in any practices such as establishing exclusive programming policies for Associated Grocers in order that illegal rebates otherwise prohibited by the Robinson-Patman Act might be effectuated.

4. To determine whether Granite State's policy of multiple station joint rates with substantial discounts as more stations are added is in the public interest; whether this policy will be established in the proposed operation at Dover; and, whether such policy covering four broadcast stations in the small New Hampshire market unreasonably restrains competition by precluding the single station licensee from access to the regional and national market.

5. To determine, in the light of the evidence adduced upon the foregoing issues, whether the public interest, convenience or necessity would be served by a grant of the application of Granite State for a station at Dover, and whether the parties in interest in said company are qualified to receive a grant of the application.

11. The WWNH protest alleges that William J. Barkley is President, Director and 35.3 percent stockholder; William F. Rust is Vice-President, Treasurer, Director and 49.9 percent stockholder; and Ralph Gottlieb is Director, General Manager and 14.8 percent stockholder of Granite State. Granite State is also the licensee of Station WKBR (1240 kc, 250 w, Unl.) and WKBR-FM, Manchester, New Hampshire; and is 3 percent stockholder of Mt. Washington TV, Inc., licensee of television Station WNTW, Poland Spring, Maine, Channel 8. Also, William J. Barkley is President, Director and 32.94 percent stockholder; William F. Rust is Treasurer, Director and 46.53 percent stockholder of Grandview, Inc., licensee of Station WTSV (1230 kc, 250 w, Unl.) and WTSV-FM, Claremont, New Hampshire. William J. Barkley is President, Director and 35.3 percent stockholder; William F. Rust is Vice-President, Director and 49.4 percent stockholder; and Ralph Gottlieb is Director, General Manager and 15.3 percent stockholder of WTSL, Inc., licensee of WTSL, Hanover, New Hampshire (1400 kc, 250 w, Unl.). Granite State Network, Inc., a wholly owned subsidiary of Granite State, is a regional network serving the aforementioned stations.

12. It is further alleged that Capitol Broadcasting Corporation, Inc., of which H. Scott Killgore is the 100 percent stockholder, was an applicant for the same facilities specified in the application in issue. Mr. Killgore's application, File No. BP-9333, was withdrawn on January 14, 1955, in accordance with an agreement whereby, after a grant to Granite State, a new corporation would be formed, to which the construction permit would be assigned. Under this agreement, H. Scott Killgore would receive an option to buy 25 percent of the stock of the corporation to be formed. H. Scott Killgore is applicant for a new standard broadcast station at Plymouth, Massachusetts (File No. BP-8940, 990 kc, 1 kw, Day) and 100 percent stockholder of Tele Broadcasters, Inc., licensee of Station WKXL (1450 kc, 250 w, Unl.), Concord, New Hampshire. Central Broadcasting Corporation, a wholly owned subsidiary of Tele Broadcasters, Inc., is licensee of Station WARE (1250 kc, 1 kw, Day), Ware, Massachusetts.[1]

13. With respect to Issues 1, 2 and 4 as specified by WWNH and Issue 4 as specified by WVDA, it is contended that stockholders in Granite State have so concentrated their interests in standard broadcast stations within the state of New Hampshire that their grant of an additional station in New Hampshire is in contravention of the provisions of § 3.35 of the Commission's rules. WVDA also contends that said stockholders' interests in other businesses such as Collins Radio, Inc., manufacturers of radio broadcast equipment, Rust Industrial Company and Granite State Network, Inc., further tighten their alleged concentration of control of standard broadcast interests. WWNH alleges that "The debilitating and adverse economic effect upon WWNH which will be caused by the entry of Granite State into the Dover market will be substantially aggravated by virtue of the multiple ownership and cross-connections in various other radio broadcast stations in the State of New Hampshire, which will further preclude its access to the necessary advertising revenues for the operation of its station (WWNH)." WWNH states that New Hampshire consists of

[1] Some of the matters set forth in paragraphs 11 and 12 are taken from the Commission's records.

ten counties with a total population of 533,242 persons according to the 1950 Bureau of Census. WWNH alleges that Granite State dominates and intends to further dominate New Hampshire through control by ownership, cross-ownerships or net work ownership of the radio media in seven of the ten counties in New Hampshire, which seven counties reportedly contain over 80 percent of the total population of the entire state. WWNH further contends that these seven counties account for 85 percent of the estimated effective buying income in New Hampshire; 85 percent of the state's retail sales; 83 percent of the state's total payroll.

14. It is contended by WWNH that "the combine of stations by Granite State uses its joint leverage to produce revenue and deny access to the advertisers to other radio station competitors. For example, an advertiser can purchase time on WTSV, Claremont, and obtain WKBR, Manchester, as well, and the combination of two stations results in a substantial discount to the advertiser. If the advertiser wants WTSV, Claremont, and WKBR, Manchester, he can add Brattleboro and obtain a third station and further increase his discount privileges. Should the advertiser want WTSV, Claremont; WKBR, Manchester, and WTSL, Lebanon (Hanover), the advertiser's discount is further increased. In the event Granite State adds a fourth wholly owned station at Dover, the discount arrangements might well result in discounts that would give the advertiser one station free if he bought the remaining three, • • • such extreme economic leverage in such a small state area cannot be regarded in the public interest."

15. In its reply Granite State asserts that "• • • the State of New Hampshire has a total of twelve AM stations, of which seven (including that of the protestant) operate with power in excess of 1 kilowatt. The only stations licensed to Granite State or its principals are 250 watt stations whose coverage is, of course, materially restricted by this lower power. • • • that a 250 watt station at best covers the community to which it has been assigned. • • • that residents of New Hampshire receive a multiplicity of radio broadcast signals from the stations located in the nearby states of Massachusetts, Vermont, Maine, and, of course, the signals of the clear channel stations from New York and other large eastern cities." Granite State further states that buying of time on two stations owned by Granite State at a discount "• • • is hardly evidence that advertisers are denied access to other radio stations in New Hampshire." Granite State contends that common ownership of four standard broadcast stations is not uncommon and is not contrary to the provisions of § 3.35 or the public interest. We find, upon the basis of the foregoing, that the protestants have specified with particularity facts, matters and things which warrant a hearing on the issues raised. However, the Commission is not adopting, within the meaning of section 309 (c), Issues 1, 2 and 4 as specified by WWNH and Issue 4 as specified in WVDA, and therefore the burden of proof will rest with WWNH and WVDA.

16. With respect to Issue 3, WWNH alleges, upon information and belief that Granite State Network, Inc. engages in practices that constitute violations of the Robinson-Patman Act. WWNH states that Granite State Network is the only operating and effective regional network in New Hampshire; that this network is a wholly owned subsidiary of Granite State, which owns between 4 and 5 percent of Mt. Washington TV, Inc., licensee of WMTW, Poland Spring, Maine, on VHF Channel 8; that the predominant feature on the Granite State Network is the Connie Stackpole show; that all commercial time on this program is made available to Associated Grocers; that the "advertising allowance made to Associated Grocers was in effect not a true advertising allowance"; that the "exclusive availability of the program puts Associated Grocers in a preferred position"; that "comparable advertising allowances are not made to grocers in competition with Associated Grocers"; that "any other radio station in the State of New Hampshire not affiliated with the network cannot obtain any advertising business from the Associated Grocers combination". From this recitation it is not clear to the Commission what the alleged violations of the Robinson-Patman Act are or how the matter complained of is material to WWNH's request for reconsideration of the grant of the construction permit for WDNH. Therefore, this issue is one which we would ordinarily set for oral argument. Hyman Rosenblum et al, 11 Pike & Fischer, RR 826. However, in view of the fact that an evidentiary hearing is necessary on the other issues involved, this issue will also be set for evidentiary hearing.

17. Granite State, in its replies to the WVDA and WWNH protests, states that if its application is designated for hearing, the proceeding should be in the form of an oral argument before the Commission as on demurred instead of an evidentiary hearing. While such a procedure is feasible in certain cases, and the Commission in the past has ordered oral arguments in cases involving the Commission's multiple ownership rules, the data and material submitted and the questions and issues raised here are such as to require an evidentiary hearing in this case. This is not a case where, as in Ohio Valley Broadcasting Corp., 10 Pike & Fischer, RR 500, the nature of the factual allegations permits us to treat them as on demurrer. We believe that an evidentiary hearing on the present allegations is appropriate.

18. In view of the foregoing: *It is ordered*, That the subject protests of WVDA and WWNH are granted, and that pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission with respect to the hearing described below, and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C. on the following issues: [2]

1. To determine the areas and populations which will be served by the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with the operation of Station WVDA, Boston, Massachusetts, and, if so, the nature and extent thereof, and the areas and populations affected thereby.

3. To determine the proposed program service of the proposed station and the program service being rendered to the interference area by Station WVDA.

4. To determine whether a grant of the above-entitled application would be in contravention of the provisions of § 3.35 of the Commission's rules in light of the ownership interests in and the operating practices employed at other broadcast stations and a regional network by parties to the above-entitled applicant corporation and H. Scott Killgore.

5. To determine whether in the operation of the Granite State Network, Inc., the above-entitled applicant corporation or parties thereto have engaged in any practices prohibited by the Robinson-Patman Act.

6. To determine whether in light of the evidence adduced pursuant to the foregoing issues the Granite State Broadcasting Company, Inc. is qualified to be the licensee of a broadcast station and whether a grant of the above-entitled application would serve the public interest, convenience and necessity.

The burden of proof as to Issues 1 and 2 is placed on Granite State Broadcasting Company, Inc. The burden of proof on Issue 3 is placed jointly on Granite State Broadcasting Company, Inc., and Vic Diehm Associates, Inc. The burden of proof on Issue 4 is placed jointly on Vic Diehm Associates, Inc. and the Strafford Broadcasting Corporation. The burden of proof on Issue 5 is placed on Strafford Broadcasting Corporation.

19. *It is further ordered*, That Vic Diehm Associates, Inc.; Strafford Broadcasting Corporation; and the Chief of the Broadcast Bureau are made parties to the proceeding herein and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on April 27, 1955, before an Examiner to be specified by the Commission; and

(b) The parties to the proceeding shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above

[2] The issues specified by WVDA and WWNH have been consolidated and edited for the purposes of simplicity and clarity.

hearing shall be filed not later than April 18, 1955.

Adopted: March 30, 1955.

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2842; Filed, Apr. 6, 1955; 8:49 a. m.]

SMALL BUSINESS ADMINISTRATION

[D. P. A. Request No. 37—DPAV-30]

WITHDRAWAL OF REQUEST TO FLORIDA WOOD CO-OPERATIVE TO OPERATE AS SMALL BUSINESS ENTERPRISE PRODUCTION POOL, AND WITHDRAWAL OF REQUESTS TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Florida Wood Co-operative, published on April 16, 1952, in 17 F. R. 3391; the requests to the companies therein listed to participate in the operations of such pool; and the request, dated June 17, 1952, to Leifert Construction Company, Inc., also to participate in the operations of such pool, are hereby withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to Florida Wood Co-operative, and the participating companies, is likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to this withdrawal.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, October 16, 1953, 18 F. R. 6583)

Dated: April 1, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-2827; Filed, Apr. 6, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30437]

SOYBEAN OIL FROM SPRINGFIELD AND TAYLORVILLE, ILL., TO CANADA

APPLICATION FOR RELIEF

APRIL 4, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to tariff schedules listed below.

Commodities involved: Soybean oil, carloads.

From: Springfield and Taylorville, Ill.

To: Hamilton, Toronto, Ont., and Montreal, Que.

Grounds for relief: Circuitous routes, and rates constructed on the basis of the short line distance formula, and additional origins.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4460, supp. No. 58; W. J. Prueter, Agent, I. C. C. No. A-3723, supp. No. 116; B & O RR, I. C. C. No. 24271, supp. No. 3; I. C. RR, I. C. C. No. A-11764, supp. No. 1; WAB. RR, I. C. C. No. 7673, supp. No. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-2828; Filed, Apr. 6, 1955; 8:47 a. m.]

[4th Sec. Application 30438]

RICE AND PRODUCTS FROM ARKANSAS, LOUISIANA AND TEXAS TO POINTS IN NORTH CAROLINA

APPLICATION FOR RELIEF

APRIL 4, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff schedule listed below.

Commodities involved: Clean rice, rice bran, meal and polish, carloads.

From: Specified points in Arkansas, Louisiana, and Texas.

To: Farmville, Greenville, Kinston, and Washington, N. C., and points in North Carolina intermediate thereto and grouped with the named points.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4120, supplement 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-2829; Filed, Apr. 6, 1955; 8:47 a. m.]

[4th Sec. Application 30439]

SYNTHETIC RUBBER FROM LOUISIANA AND TEXAS TO WAUKEGAN, ILL.

APPLICATION FOR RELIEF

APRIL 4, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff schedules listed below.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, carloads.

From: Baytown, Borger, Houston, Port Neches, Tex., and Lake Charles and West Lake Charles, La.

To: Waukegan, Ill.

Grounds for relief: Circuitous routes, rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4087, supplement 65; F. C. Kratzmeir, Agent, I. C. C. 4139, supplement 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-2830; Filed, Apr. 6, 1955; 8:47 a. m.]

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TITLE 1—GENERAL PROVISIONS

Appendix A—Guide to Record Retention Requirements

EDITORIAL NOTE: The following editorial finding aid, designated Appendix A, is hereby added to Title 1 of the Code of Federal Regulations.

Introduction. The following list was compiled as a guide to generally applicable provisions of Federal laws and regulations relating to the retention of records by the public. The list is derived from the laws contained in the United States Code as amended by the laws enacted in 1954, and from the regulations contained in the Code of Federal Regulations as amended in the daily issues of the FEDERAL REGISTER through December 31, 1954. It represents an effort to show (1) what published requirements there are on the keeping of non-Federal records, (2) what records must be kept and who must keep them, and (3) how long they must be kept.

The list does not have the effect of law, regulation, or ruling. It is merely a guide to requirements that appear to be in effect at the end of 1954.

Coverage. The list is confined to generally applicable published requirements on record retention. Not included are requirements applying to named individuals and corporations such as professional or patriotic associations, port or bridge authorities. Also not included are requirements as to the furnishing of reports to Government agencies, the filing of tax returns, the submission of supporting evidence with applications or claims, and similar materials. Likewise the provisions of individual Government contracts may require the keeping of records, but no attempt has been made to include all such provisions.

In many laws and regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies, or to keep working papers necessary to the preparation of a report. Such implied requirements are not included.

The list also does not contain requirements as to the keeping of papers furnished by the Government, such as passports, licenses, permits, and similar documents, unless they are closely related to other records which must be kept. It does not include requirements as to the display of posters, notices, or other signs in factories, hotels, or other places of business.

Arrangement. The list is arranged alphabetically by the names of the Departments or major agencies imposing or having a special interest in the requirements, and thereunder by the bureau or office immediately concerned with the requirements. Individual items are numbered to simplify indexing, but they are not alphabetically arranged.

Four supplements to the list contain generalized information about certain requirements under the Defense Production Act of 1950 and the Emergency Price Control Act of 1942; a detailed listing of National Production Authority orders and regulations that were still in effect on October 20, 1954; a detailed listing of requirements of the Petroleum Administration for Defense, some of which are still in effect; and detailed information on requirements imposed by the Civil Aeronautics Board relative to the availability of credentials for inspection.

An index to the list follows the last supplement.

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CFR SUPPLEMENTS
(For use during 1955)

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Title 9 ($0.65)
Title 20 ($0.75)
Title 24 ($0.75)
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Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 18 ($0.50); Title 19 ($0.40); Title 25 ($0.50); Titles 30–31 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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DEPARTMENT OF AGRICULTURE

Agricultural Conservation Program Service

1. *Persons eligible for agricultural conservation payments.* To keep receipts or invoices of purchases, transportation, and analysis of materials; and records of seed collections and production, labor and equipment expenses, or other services performed or expenditures made as evidence of costs in carrying out conservation practices, including any pH determinations issued by the Extension Service or any other qualified agency.

Retention period: Until presented to the farm inspector at time of inspection. 7 CFR 1102.311–1105.328 containing numerous references to record requirements.

2. *Producers of gum naval stores from turpentine trees.* To keep records of faces by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: Until presented to the local inspector (area forester). 7 CFR 1106.402, 1106.502

Agricultural Marketing Service

I. MARKETING ORDER PROGRAM FOR FRUITS AND VEGETABLES UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

A. INDIVIDUAL HANDLERS OF VARIOUS COMMODITIES UNDER MARKETING ORDERS

1. *Raisin handlers.* To keep records as prescribed by the Raisin Administrative Committee, of raisins acquired, stored and disposed.

Retention period: Not specified. 7 CFR 989.75, 989.76

2. *Handlers of raisins produced from raisin variety grapes grown in California.* To keep complete, accurate, and current records showing quantity and varieties of raisins handled, to whom sold, and other details of activities.

Retention period: 2 years from date of transaction. 7 CFR 989.175 (19 F. R. 3445)

3. *Prune handlers.* To keep records of prunes received, held, and disposed as prescribed by the Prune Administrative Committee.

Retention period: Not specified. 7 CFR 993.76

4. *Pecan handlers and subsidiaries and affiliates thereof.* To keep books and records showing the details of the respective persons handling unshelled pecans.

Retention period: 2 years after date of transaction. 7 CFR 994.6

5. *Filbert handlers.* To keep records of all filberts held or disposed.

Retention period: Not specified. 7 CFR 997.83

6. *Almond handlers.* To keep copies of receipts they have issued for almonds received for their own accounts.

Retention period: Not specified. 7 CFR 909.80

7. *Walnut handlers.* To keep storage records of walnuts held or disposed of with respect to Control Board certificates.

Retention period: Not specified. 7 CFR 984.6

B. VALENCIA AND NAVEL ORANGE GROWERS AND HANDLERS UNDER MARKETING ORDERS 22 AND 14

8. *Growers and handlers of Valencia and navel oranges under Marketing Orders 22 and 14.* To maintain copies of exemption certificates.

Retention period: Not specified. 7 CFR 914.120, 922.120

9. *Handlers—by-product manufacturers, or charitable institutions, handling Valencia oranges under Marketing Order 22.* To maintain a file of orange diversion reports.

Retention period: Not specified. 7 CFR 922.131

C. SHIPPERS HANDLING EXEMPTED FRUITS AND VEGETABLES

10. *Shippers handling fruits and vegetables covered by exemption certificates under marketing order programs.* To keep records of such shipments.

Retention period: Not specified. 7 CFR 936.141, 939.125

(Certificate (record) returned after shipment of commodities (grapes and potatoes) 7 CFR 951.122, 981.101)

II. DIVERSION, AND EXPORT SUBSIDY PROGRAMS COVERING FRUITS AND HONEY UNDER SECTION 32, PUBLIC LAW 320, 74TH CONGRESS, AS AMENDED

11. *Orange exporters (fiscal 1953).* To maintain records of purchases, sales, and deliveries of products exported or to be exported.

Retention period: At least 2 years after effective date of subpart (September 30, 1955). 6 CFR 517.381

12. *Grapefruit exporters (fiscal 1953).* To maintain records of purchases, sales, and deliveries of products exported or to be exported.

Retention period: At least 2 years after effective date of subpart (September 30, 1955). 6 CFR 517.396

13. *Orange and grapefruit exporters (fiscal 1954).* To keep adequate records showing purchases, sales, and deliveries of products exported or to be exported.

Retention period: 2 years after effective date of program. 6 CFR 517.426

14. *Raisin exporters (fiscal 1953).* To maintain records of purchases, sales, and deliveries of raisins exported or to be exported.

Retention period: Until September 30, 1955. 6 CFR 518.405

15. *Raisin exporters (fiscal 1953).* To keep adequate records showing purchases, sales and deliveries of raisins exported or to be exported.

Retention period: Until at least September 30, 1956. 6 CFR 518.426

16. *Honey exporters.* To maintain records of quantities, sales, prices, and deliveries of exported honey.

Retention period: Until at least March 31, 1955. 6 CFR 524.261

17. *Honey diversion program applicants and other diverters (fiscal 1953).* To maintain records of transactions, including quantities, sales, prices, dates of delivery, and dates of completion of diversion.

Retention period: At least until March 31, 1955. 6 CFR 524.284

18. *Honey diversion payments program applicants and other diverters (fiscal 1954).* To keep accurate records with respect to honey diverted and sold for diversion, showing quantities, sales prices, date of delivery, and dates of completion of diversion.

Retention period: Until at least March 31, 1956. 6 CFR 524.333

19. *Exporters of dried apricots under the dried apricot export payment program.* To keep adequate records showing purchases, sales, and deliveries of dried apricots exported or to be exported.

Retention period: For 1954–55 crop, to be kept until August 31, 1956. 6 CFR 518.446 (19 F. R. 2531–2532)

20. *Participants in honey diversion program.* To keep accurate records of honey diverted and sold for diversion; with respect to sales, to show quantities, sales prices, dates of delivery, and dates of completion of the diversion, and other records.

Retention period: For 1954–55 program, to be kept until March 31, 1957. 6 CFR 524.353 (19 F. R. 1813)

21. *Exporters of honey under the honey export program.* To keep records showing purchases, sales, and deliveries of honey exported, or to be exported, and other documents relating to any transaction in connection with the honey export program.

Retention period: For the 1954 marketing season, to be kept until March 31, 1957. 6 CFR 524.381 (19 F. R. 4494)

III. PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (FRUITS AND VEGETABLES)

22. *Commission merchants, dealers and brokers.* To keep accounts, records, memoranda, and documents listed in § 46.19, which disclose all business transactions, including ownership, as prescribed under the Perishable Agricultural Commodities Act, 1930.

Retention period: 2 years. 7 CFR 46.15, 46.16, 46.19

IV. AGRICULTURAL COMMODITY DISTRIBUTION PROGRAMS

23. *Cooperating State agencies and private institutions.* The Agricultural Marketing Service, in carrying out the National School Lunch Program and programs for the distribution of various agricultural commodities in accordance with the below listed acts, considers all pertinent records of cooperating State agencies and private institutions as nonfederal, subject however to administrative review by AMS and to fiscal audit by AMS or GAO auditors.

Retention periods: School Lunch Program—not less than 3 years (P. L. 396, 79th Cong., June 14, 1946); Section 416 Distribution—not less than 2 years (Agricultural Act of 1949, as amended); Section 32 Distribution—not less than 2 years (P. L. 320, 74th Cong., as amended)

V. PACKERS AND STOCKYARDS ACT, 1921

Regulations pertaining to interstate and foreign commerce in livestock and poultry as follows:

24. *Stockyard owners, market agencies and licensees under Packers and Stockyards Act regulations.* To keep open for public inspection (and post in the case of licensees) duplicate copies of all schedules of rates and charges and rules or regulations and amendments or supplements thereto.

Retention period: Not specified. 9 CFR 201.22 (19 F. R. 4526)

25. *Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.* To keep

available for inspection by owners or consignors or purchasers copies of bills covering charges paid for or on behalf of the owner or consignor which were deducted from the gross proceed of the sale or added to the purchase price thereof when accounting for the sale or purchase.

Retention period: Not specified. 9 CFR 201.45

26. *Stockyard owners, registrants and licensees.* To keep (in addition to other necessary records) daily accurate record of livestock received, shipped and disposed of as specified in section cited.

Retention period: Not specified. 9 CFR 201.46

27. *Stockyard owners, registrants and licensees.* To keep books, records, documents, or papers which contain, explain or modify transactions in his business under the Packers and Stockyards Act.

Retention period: Above-mentioned records cannot be destroyed or disposed of without the consent in writing of the Assistant Administrator for Regulatory and Market Service Matters, P. M. A., Department of Agriculture. 9 CFR 201.50

28. *Authorized State livestock associations and agencies.* To keep adequate detailed records of collection of fees, disbursement, inspections as specified in the section cited.

Retention period: Not specified. 9 CFR 201.83

29. *Applicants for meat grading service.* To keep official certificates.

Retention period: Kept on file until other disposition is ordered by the Administrator. 7 CFR 53.21

30. *Sellers of live poultry under Packers and Stockyards Act regulations.* To keep copy of ticket prepared by seller at time of sale showing the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon.

Retention period: Not specified. 9 CFR 201.48 (19 F. R. 4529)

31. *Weighers of livestock or live poultry (stockyard owners, market agencies, or licensees) for purposes of purchase or sale under Packers and Stockyards Act Regulations.* To keep copy of scale ticket of weighing showing for both livestock and live poultry, name of agency performing the service, date of weighing, number of the scale or other information identifying the scale, name of seller, name of buyer, name of consigner, or understandable abbreviations of such names; in case of livestock, also, the number of head, kind, and actual weight, the amount of dockage and name or initials of person weighing it; and, in case of live poultry, also, number of coops weighed, the gross, tare, and net weights, and the name or initials of person operating scale at time of weighing.

Retention period: Not specified. 9 CFR 201.49 (19 F. R. 4529)

32. *Weighers of livestock or live poultry (stockyard owners, market agencies, or licensees) for purposes of purchase and sale under Packers and Stockyards Act regulations.* To keep one copy of form report of tests and inspections of scales and shall cause one copy to be kept by the agency conducting the test and inspection of the scales (a third copy to the District Supervisor of the Service).

Retention period: Not specified. 9 CFR 201.74 (19 F. R. 4531)

33. *Authorized State agencies and livestock associations under Packers and Stockyards Act regulations.* To keep adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of inspected livestock; and currently maintain records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate and with reference to which the authorization has been granted.

Retention period: Not specified. 9 CFR 201.89 (19 F. R. 4533)

VI. WAREHOUSE ACT OF 1916, AS AMENDED

Regulations pertaining to warehousing agricultural products as follows:

34. *Licensed cotton warehousemen.* To keep records of cotton sampling, including the written request.

Retention period: Not specified. 7 CFR 101.49

35. *Licensed grain warehousemen.* To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from their warehouses.

Retention period: Not specified. 7 CFR 102.30

36. *Licensed warehousemen.* To keep inquiries received in writing advising of interest in deteriorating commodities and seeds stored in warehouse.

Retention period: Not specified. 7 CFR 107.51, 108.42, 109.49, 110.46, 111.52, 112.43, 113.47, 114.45

37. *Licensed warehousemen.* To keep copies of their current rules and schedules of warehouse charges.

Retention period: Not specified. 7 CFR 101.29, 102.35, 103.29, 104.31, 105.30, 106.31, 108.30, 110.30, 111.34, 112.30, 113.30, 114.30

38. *Licensed warehousemen.* To keep accounts and stock records of commodities received for and delivered from storage.

Retention period: Not specified. 7 CFR 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 109.40, 110.34, 111.41, 112.34, 113.36, 114.34.

39. *Licensed warehousemen.* To keep an exact copy of each report required to be submitted by warehousemen.

Retention period: As may be prescribed by the Administrator. 7 CFR 101.36, 102.38, 103.41, 104.29, 105.35, 106.39, 107.42, 108.35, 109.42, 110.36, 111.44, 112.36, 113.38, 114.36

40. *Licensed warehousemen.* To keep records, books, and papers pertaining to licensed warehouses, including receipt books and copies of receipts issued and canceled.

Retention period: Not specified. 7 CFR 101.37, 102.39, 103.43, 104.33, 105.37, 106.41, 107.43, 108.37, 109.43, 110.38, 111.45, 112.38, 113.40

41. *Licensed warehousemen.* To keep either copies of or the original weight and inspection or grade certificates covering the lots of commodities stored.

Retention period: Permanent. 7 CFR 101.47, 102.29, 103.24, 105.46

VII. REGULATIONS FOR THE MARKETING ORDER PROGRAM FOR DAIRY PRODUCTS UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

42. *Milk handlers.* To keep detailed accounts and summary records of their operations and facilities with respect to (a) the receipts and utilization of all receipts of producer milk and other source milk; (b) the weights and tests for butter fat and other content of all milk, skim milk, cream and milk products handled; (c) payments to producers and cooperative associations; and (d) the pounds of skim milk and butter fat contained in or represented by all milk, skim milk, cream and milk products.

Retention period: Shall be retained for a period of 3 years to begin at the end of the calendar month to which such books and receipts pertain except when ordered to be held for a longer period by the Marketing Administrator. 7 CFR Parts 903–999 containing numerous references to record requirements.

43. *Operators of milk transferee plants.* To keep books and records showing the utilization of all skim milk and butterfat received in any form at such plants.

Retention period: Not specified. 7 CFR 903.43, 924.43

44. *Operators of nonfluid milk plants.* To keep books and records showing the utilization of milk and milk products (skim milk and butterfat) received at such plants.

Retention period: Not specified. 7 CFR 907.45, 942.43, 978.43, 988.43

45. *Operators of unapproved milk plants.* To keep books and records showing the receipts and utilization of all skim milk and butterfat at such plants.

Retention period: Not specified. 7 CFR 928.44, 943.44, 949.44, 991.44

46. *Nonhandlers of milk manufacturing or processing plants.* To keep books and records showing utilization of all skim milk and butterfat at their plants.

Retention period: Not specified. 7 CFR 930.42, 944.44

47. *Receivers and operators of nonpool milk plants.* To keep books and records showing utilization of all skim milk and butterfat at their plants.

Retention period: Not specified. 7 CFR 932.44, 963.44, 967.44, 973.43, 975.53, 977.43, 985.43

48. *Buyers (purchasers).* To keep books and records showing utilization of all skim milk and butterfat at their plants.

Retention period: Not specified. 7 CFR 921.44, 931.44, 972.34

VIII. FEDERAL SEED ACT

Regulations pertaining to handlers, shippers and procurers of seeds subject to the Federal Seed Act as follows:

49. *Persons handling agricultural seeds subject to the Federal Seed Act regulations.* To keep complete records of each lot of agricultural seed handled.

Retention period: 3 years. 7 CFR 201.4

50. *Country shippers of agricultural seeds subject to the Federal Seed Act regulations.* To keep copies of declarations they have issued and records showing names and addresses of growers of country shippers from whom seeds were purchased, quantity and date of delivery.

Retention period: Not specified. 7 CFR 201.5

51. *Procurers of seeds from growers subject to the Federal Seed Act regulations.* To obtain and keep the grower's declaration.

Retention period: Not specified. 7 CFR 201.7

IX. REGULATIONS PERTAINING TO THE ADMINISTRATION OF THE COTTON ACTS

52. *Cotton quotation committees.* To keep records of spot markets cotton sales.

Retention period: Not specified. 7 CFR 27.98

53. *Licensed classifiers, inspectors, graders, and weighers.* To keep copies of certificates issued by them.

Retention period: 1 year. 7 CFR 28.83, 101.61, 102.69, 104.57, 105.59, 106.66, 107.68, 108.59, 109.64, 110.61, 111.70, 112.59, 113.65, 114.64

54. *Licensed cotton classifiers.* To keep records of bale classifications, provided that cotton is actually owned, received, or handled by the person for whom such service is performed.

Retention period: At least 1 year. 7 CFR 28.84

55. *Licensed samplers, classifiers, weighers, graders, and inspectors.* To keep books, papers, records, and accounts relating to the performance of their duties available for inspection or examination by the Department or their representatives.

Retention period: Not specified. 7 CFR 28.84, 28.108, 101.62, 105.60, 106.67, 107.69, 61.35

56. *Licensed cottonseed chemists.* To keep records of the analysis of each individual sample of cottonseed graded as well as books, papers, records, and accounts relating to the performance of their duties under the Department of Agriculture Appropriation Act and the regulations made under the act by the Secretary of Agriculture.

Retention period: Not specified. 7 CFR 61.15

X. NAVAL STORES ACT OF 1923, AS AMENDED

57. *Accredited turpentine and rosin processors for naval stores.* To keep such records as may be necessary to submit correct reports.

Retention period: Not specified. 7 CFR 160.50

XI. TOBACCO MARKETING ORDER UNDER AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

58. *Handlers of shade-grown cigarleaf tobacco and subsidiaries and affiliates thereof.* To keep books and records showing the details of the respective persons handling tobacco.

Retention period: Not specified. 7 CFR 983.60, 983.130

Agricultural Research Service

1. *Alaskan fur farmers.* To keep books and records for inspection by the Alaska Game Commission.

Retention period: Not specified. 9 CFR 160.3

2. *Aircraft operators affected by the Japanese beetle quarantine and the regulations thereunder.* To make suitable records of required treatments for disinsectization in the aircraft log, weight and balance manifest, or cargo manifest, as evidence of compliance with instructions.

Retention period: Not specified. 7 CFR 301.48 (19 F. R. 4579)

Bureau of Animal Industry

3. *Licensed manufacturers (domestic and foreign), distributors, and importers of biological products.* To keep detailed records of the results of tests for purity and potency and of the methods of preservation of each batch of biological products; and of the sale, shipment, or other disposition of the products.

Retention period: Permanent. 9 CFR 116.1

4. *Licensees preparing anti-hog-cholera serum and hog-cholera virus.* To keep records as specified in the sections cited.

Retention period: Permanent. 9 CFR 116.2, 116.3

Commodity Exchange Authority

1. *Futures commission merchants investing customers' money on the security negotiable warehouse receipts.* To deposit such obligations, securities and warehouse receipts in safekeeping with a bank, trust company or clearing organization and keep an executed copy of agreement with bank, trust company, or clearing organization as specified in the section cited.

Retention period: 5 years after termination of agreement. 17 CFR 1.31[1]

2. *Futures commission merchants depositing customers' monies in a bank or trust company.* Must secure a written waiver agreement from such bank or trust company and keep as a permanent record an executed copy of this agreement.

Retention period: 5 years from date of closing of such bank account. 17 CFR 1.31.[1]

[1] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined. 17 CFR 1.31

3. *Futures commission merchants.* To keep the following records re obligations and investment securities, date investments made, name of person from whom obligations bought, amount of money paid, description of obligations, date disposition made and amount received therefor, name of person to whom sold; and the following records re warehouse receipts, date loan made, name of person to whom funds loaned, amount loaned, description of warehouse receipts, date on which loan repaid.

Retention period: 5 years after investment liquidated or loan paid. 17 CFR 1.31[1]

4. *Futures commission merchants.* To keep a permanent record of the daily computation of money, securities and property which must be segregated for customers.

Retention period: 5 years. 17 CFR 1.31[1]

5. *Futures commission merchants.* To keep record showing position of each customer in each future of each commodity on each contract market as of last business day of each calendar month.

Retention period: 5 years. 17 CFR 1.31[1]

6. *Futures commission merchants.* To keep a "point balance" record of all open trades or contracts of customers as of last day of business of each calendar month.

Retention period: 5 years. 17 CFR 1.31[1]

7. *Futures commission merchants.* To keep statement to show as of close of last business day of fiscal year and semiannually thereafter, net profit or loss from combined open trades, credit or debit balance of commodity margin account of each customer, whether or not customer has open trades or contracts, description of all securities and property in segregated account received from each customer to margin, guarantee or secure trades or contracts.

Retention period: 5 years. 17 CFR 1.31[1]

8. *Futures commission merchants and members of contract market.* To keep full and complete record of all futures and cash transactions including all orders, trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations, statements of purchase and sale, together with all other data and memoranda and records of any sort pertaining to cash and future transactions.

Retention period: 5 years. 17 CFR 1.31[1]

9. *Futures commission merchants.* To keep record showing for each futures account name, address and principal occupation of person for whom account is carried and names of persons guaranteeing account or exercising trading control over account.

Retention period: 5 years from date account closed. 17 CFR 1.31[1]

10. *Futures commission merchants.* To keep record of all securities and property (other than money) received from

customers to margin, guarantee or secure trades and contracts including description of securities, name and address of customer, date received and returned or otherwise disposed of.

Retention period: 5 years from date of return of property. 17 CFR 1.31[1]

11. *Contract markets shall require warehouse operators whose receipts are deliverable in satisfaction of futures contracts.* To keep records showing stocks traded for future delivery on contract market, in store by kind, class, and grade including lots and parcels stored specially or separately.

Retention period: 5 years. 17 CFR 1.31[1]

12. *Persons having or controlling open contracts in futures in excess of amounts specified.* To keep books and records showing details of such contracts and related transactions, names and addresses of all futures commission merchants, and board of trade members with whom contracts held, all persons having a participating financial interest, name and address of partners, stockholders controlling 20 percent or more of capital stock of corporation, persons participating in management or having financial or beneficial interest in trading operations of associations or trusts.

Retention period: 5 years. 17 CFR 1.31[1]

13. *Futures commission merchants.* To keep an exact copy of each application for registration (Form 1–R), financial statement (Form 1–RF), and supplemental statement (Form 3–R), filed with the CEA.

Retention period: 5 years. 17 CFR 1.31[1]

14. *Floor brokers.* To keep an exact copy of each application (Form 2–R) and supplemental statement (Form 3–R) filed with the CEA.

Retention period: 5 years. 17 CFR 1.31[1]

Commodity Stabilization Service

I. Marketing Quotas for Cotton, Wheat, Tobacco, and Peanuts

1. *Ginners of 1954 crop of upland cotton.* To keep for each bale of cotton or lot less than a bale ginned by him records showing (1) date of ginning; (2) name of operator of farm on which cotton produced; (3) name of producer of cotton; (4) county and State in which farm located; (5) gin bale number or mark; (6) serial number of the gin ticket or receipt; (7) gross weight of each bale and net weight of each lot of lint cotton less than a bale; and (8) kind and bagging and ties used on each bale.

Retention period: Until December 31, 1956. 7 CFR 722.576 (19 F. R. 3131)

2. *Buyers and transferees of 1954 crop of upland cotton.* To keep for each bale of cotton or lot less than a bale purchased from a producer records showing (1) name and address of the producer; (2) date purchased; (3) original gin bale number or equivalent; (4) number of pounds of lint cotton in each bale and lot; (5) amount of penalties to be collected, if any; and (6) serial number of the marketing card or certificate or brief description of the loan document by which the cotton was identified when marketed.

Retention period: Until December 31, 1956. 7 CFR 722.577 (19 F. R. 3131–3132)

3. *Warehousemen, processors, common carriers and other persons handling the 1954 crop of upland cotton.* To keep records concerning such cotton so that the accuracy of any reports that may be required can be checked.

Retention period: Not specified. 7 CFR 722.579 (19 F. R. 3132)

4. *Producers of 1954 crop of upland cotton marketed to persons not within the United States.* To keep copy of certificate showing name and address of buyer or transferee.

Retention period: Not specified. 7 CFR 722.580 (19 F. R. 3133)

5. *Ginners of 1954 crop of extra long staple cotton.* To keep for each bale or lot less than a bale records showing (1) date of ginning; (2) name of the operator of the farm on which produced; (3) name of the producer; (4) county and State in which produced; (5) gin bale number or mark; (6) serial number of the gin ticket or receipt; (7) gross weight of each bale and net weight of each lot less than a bale; (8) kind of bagging and ties used.

Retention period: Until December 31, 1956. 7 CFR 722.1176 (19 F. R. 3141)

6. *Buyers and transferees of 1954 crop of extra long staple cotton.* To keep for each bale or lot less than a bale records showing (1) name and address of producer from whom purchased; (2) date purchased; (3) original gin bale number or other information showing origin and weight of cotton; (4) number of pounds in each bale and lot purchased; (5) penalties to be collected, if any.

Retention period: Until December 31, 1956. 7 CFR 722.1177 (19 F. R. 3141)

7. *Buyers and transferees of 1954 crop of extra long staple cotton not identified by marketing cards, marketing certificates, or loan documents.* To keep copy of report showing (1) name and address of the producer from whom purchased; (2) date purchased; (3) original gin bale number or other information showing original source of the cotton; (4) net weight of each bale or lot less than a bale; (5) amount of penalty collected, if any.

Retention period: Not specified. 7 CFR 722.1177 (19 F. R. 3141)

8. *Buyers and transferees of 1954 crop of extra long staple cotton identified by marketing certificates.* To keep copy of report of transaction (Form MQ 91–Cotton (ELS)).

Retention period: Not specified. 7 CFR 722.1177 (19 F. R. 3141)

9. *Warehousemen, processors, common carriers and other persons handling the 1954 crop of extra long staple cotton.* To keep records concerning such cotton so that the accuracy of any reports that may be required can be checked.

Retention period: Not specified. 7 CFR 722.1179 (19 F. R. 3142)

10. *Producers of 1954 crop of extra long staple cotton marketed to persons not within the United States.* To keep copy of certificate showing name and address of buyer or transferee.

Retention period: Not specified. 7 CFR 722.1180 (19 F. R. 3142)

11. *Buyers, truckers and persons sorting, stemming, packing, or otherwise processing tobacco, cigar-filler, and cigar-filler and binder tobacco, 1953.* To keep records regarding transactions as specified in §§ 723.451–723.457.

Retention period: Until September 30, 1956, for the 1953–54 marketing year, or longer if written request is made by the Director, Tobacco Division, Commodity Stabilization Service. 7 CFR 723.451–723.457

12. *Producers and producer-manufacturers of cigar-filler tobacco and cigar-filler and binder tobacco under marketing quota regulations.* To keep copies of specified reports on disposition of tobacco.

Retention period: For the 1954–55 year, to be kept until September 30, 1957. 7 CFR 723.550, 723.558 (19 F. R. 4130–4131)

13. *Buyers of cigar-filler tobacco and cigar-filler and binder tobacco under marketing quota regulations.* To keep such records as will enable him to furnish the State Agricultural Stabilization and Conservation office specified information with respect to each sale of tobacco made by producer to buyer, and to furnish the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm; also to record other specified information and maintain records of sale and disposition of tobacco; and to keep copies of required reports.

Retention period: For the 1954–55 year, to be kept until September 30, 1957. 7 CFR 723.551–723.552, 723.558 (19 F. R. 4131)

14. *Persons engaged to any extent in the business of sorting, stemming, packing or otherwise processing for producers of cigar-filler tobacco and cigar-filler and binder tobacco under marketing quota regulations.* To keep such records as will enable him to furnish the Director, Tobacco Division, Commodity Stabilization Service a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, (4) the name and address of the person to whom it was delivered, (5) the purpose for which the tobacco was received, (6) the amount of advance made by him on the tobacco, and (7) the disposition of the tobacco; and (8) copies of required reports.

Retention period: For 1954–55 year, to be kept until September 30, 1957. 7 CFR 723.554, 723.558 (19 F. R. 4131)

[1] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined. 17 CFR 1.31

15. *Truckers of cigar-filler tobacco and cigar-filler and binder tobacco under marketing quota regulations.* To keep such records as will enable him to furnish the State Agricultural Stabilization and Conservation Office a report with respect to each lot of tobacco received by him showing (1) the name and address of the farm operator, (2) the date of receipt of the tobacco, (3) the number of pounds received, and (4) the name and address of the person to whom it was delivered; and (5) copies of required reports.

Retention period: For the 1954–55 year, to be kept until September 30, 1957. 7 CFR 723.554, 723.558 (19 F. R. 4131)

16. *Producers, warehousemen, dealers, truckers, and persons redrying, prizing or stemming burley and flue-cured tobacco.* To keep records regarding transactions as specified in §§ 725.450–725.458.

Retention period: Until June 30, 1956, for the 1953–54 marketing year in the case of flue-cured tobacco and until September 30, 1956, for the 1953–54 marketing year in the case of burley tobacco. Director of the Tobacco Division of the Commodity Stabilization Service may request in writing that records be retained for longer periods. 7 CFR 725.450–725.458

17. *Warehousemen handling 1954 crop of burley and flue-cured tobacco.* To keep records that will permit furnishing detailed reports of all transactions (specific information set forth in the Federal Register).

Retention period: Until June 30, 1957 in the case of flue-cured tobacco and until September 30, 1957 in the case of burley tobacco. 7 CFR 725.551, 725.558 (19 F. R. 3147–3149)

18. *Dealers handling 1954 crop of burley and flue-cured tobacco.* To keep records that will permit furnishing detailed reports of all transactions (specific information set forth in the Federal Register).

Retention period: Until June 30, 1957 in the case of flue-cured tobacco and until September 30, 1957 in the case of burley tobacco. 7 CFR 725.552, 725.558 (19 F. R. 3148–3149)

19. *Truckers and persons redrying, prizing or stemming 1954 crop of burley and flue-cured tobacco.* To keep records that will permit furnishing a report showing (1) name and address of the producer; (2) the date of receipt of the tobacco; (3) the number of pounds received; and (4) name and address of person to whom delivered. In addition persons redrying, prizing or stemming tobacco for producers to keep records showing (1) purpose for which tobacco received; (2) amount of advance made by him on the tobacco; and (3) the disposition of the tobacco.

Retention period: Until June 30, 1957, in the case of flue-cured tobacco and until September 30, 1957, in the case of burley tobacco. 7 CFR 725.554, 725.558 (19 F. R. 3149)

20. *Producers, warehousemen, dealers, truckers and persons redrying, prizing, or stemming fire-cured, dark air-cured, and Virginia sun-cured tobacco.* To keep records regarding transactions as specified in §§ 726.450–726.458.

Retention period: Until September 30, 1956, for the 1953–54 marketing year, or longer if Director, Tobacco Division, Commodity Stabilization Service, requests further retention in writing. 7 CFR 726.450–726.457

21. *Warehousemen handling fire-cured, dark air-cured, and Virginia sun-cured tobacco under marketing quota regulations.* To keep complete and detailed records containing specified information on (1) each warehouse sale; (2) all purchases and resales in separate accounts; (3) approximate amounts of tobacco obtained from the grading of tobacco from each farm; (4) resales for dealers by individual lots; and copies of required reports.

Retention period: For the 1954–55 year, to be kept until September 30, 1957. 7 CFR 726.551, 726.558 (19 F. R. 4057–4058)

22. *Dealers handling fire-cured, dark air-cured, and Virginia sun-cured tobacco under marketing quota regulations.* To keep complete and detailed records showing all purchases and resales of tobacco made by or for the dealer, and resales of tobacco bought from crops produced prior to 1954, and copies of required reports.

Retention period: For the 1954–55 year, to be kept until September 30, 1957. 7 CFR 726.552, 726.558 (19 F. R. 4057–4058)

23. *Truckers and persons redrying, prizing, or stemming fire-cured, dark air-cured, and Virginia sun-cured tobacco under marketing quota regulations.* To keep complete and detailed records containing specified information concerning each lot of tobacco received, and copies of required reports.

Retention period: Until September 30, 1957, for the 1954–55 year. 7 CFR 726.554, 726.558 (19 F. R. 4058)

24. *Producers, warehousemen, dealers, truckers and persons redrying, prizing or stemming Maryland tobacco.* To keep records regarding transactions as specified in §§ 727.450–727.458.

Retention period: Until September 30, 1956, for the 1953–54 marketing year. Director of the Tobacco Division of the Commodity Stabilization Service, may make written request for records to be retained for a longer period. 7 CFR 727.450–727.458

25. *Wheat producers, warehousemen, elevator operators, feeders, processors and buyers.* To keep records of wheat transactions (as specified in the regulation).

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends and indefinite. 7 CFR 728.486 et seq.

26. *Peanut buyers.* To keep such records as will enable him to furnish the State Agricultural Stabilization and Conservation Office the following information with respect to each lot of peanuts marketed to or through him by a producer: Serial number of producer's marketing card, name of producer and either name of operator of the farm or the farm serial number, date of marketing, number of pounds marketed, amount of penalty due and the amount of any deduction for penalty from the amount paid the producer (this record may be kept by maintaining copies of sales memoranda); also, to keep records of all resales of farmers stock peanuts, showing name of each person to whom resale was made.

Retention period: For the 1954–55 season, to be kept until July 31, 1957. 7 CFR 562 (19 F. R. 2511)

27. *Peanut buyers.* To keep record of each purchase of farmers stock peanuts on a sales memorandum.

Retention period: For the 1954–55 season, to be kept until July 31, 1957. 7 CFR 729.562 (19 F. R. 2511)

28. *Peanut shellers purchasing or retaining shelled peanuts.* To keep record of such purchases or acquisitions.

Retention period: For the 1954–55 season, to be kept until July 31, 1957. 7 CFR 729.562 (19 F. R. 2511)

29. *Peanut shellers not purchasing or retaining shelled peanuts.* To keep records of the shelling of each lot of peanuts (form prescribed).

Retention period: For the 1954–55 season, to be kept until July 31, 1957. 7 CFR 729.563 (19 F. R. 2511)

II. Import Quotas and Fair Wage Rates Under the Sugar Act

30. *Importers (individuals, partnerships, corporations, associations, or bonded importers of sugar for reexport).* To keep records of transactions in sugar or liquid sugar.

Retention period: 2 years from the date of the exportation of sugar covered by such bond. 7 CFR 818.5

31. *Persons importing, using, or marketing sugar for alcohol or livestock feed.* To keep records of transactions in or uses of such sugar or liquid sugar or any other necessary records.

Retention period: Not less than 2 years from the date of entry or marketing of such sugar or liquid sugar, or from the date of acquisition of such sugar or liquid sugar by the user. 7 CFR 819.3

32. *Employers of Virgin Island apprentice operators of mechanical loaders and tractors in the sugar industry.* To keep a copy of the certificate of learner or apprentice issued by the St. Croix Municipal Wage Commissioner.

Retention period: Not specified. 7 CFR 868.6 (19 F. R. 642)

33. *Employers of Virgin Island handicapped workers in the sugar industry.* To keep a copy of the certificate of individual worker impairment issued by the St. Croix Municipal Council Wage Commissioner.

Retention period: Not specified. 7 CFR 868.6 (19 F. R. 642)

Commodity Stabilization Service and Commodity Credit Corporation

34. *Organizations receiving food commodities under section 416 of Agricultural Act of 1949.* To maintain such records, and furnish such reports and documentation as are prescribed by PMA (CCC).

Retention period: Not specified. 6 CFR 401.103

35. *Borrowers under milk and butterfat price support program from the Commodity Credit Corporation.* To keep complete and accurate records and accounts showing all details incident to acquisition and disposition of inventories of all types of milk solids products for which loans made.

Retention period: 3 years after March 31, 1955, or 2 years after date of audit by CCC. 6 CFR 430.175

36. *Cottonseed crushers participating in the 1954 Cottonseed Price Support program.* To keep complete and detailed records as specified with respect to all purchases of cottonseed and other specified transactions.

Retention period: At least 2 years from the last date any of the products tendered by the crusher have been delivered. 6 CFR 443.1044 (19 F. R. 4124)

37. *Handlers participating in the 1954 Wool Price Support program.* To keep authorization from pool manager to represent him and pool manager's assurance to comply with all requirements of the program.

Retention period: Not specified. 6 CFR 472.521

38. *Pool managers and member-associations participating in the 1954 Wool Price Support program.* To keep agreements or other documents showing membership and authorization to handler.

Retention period: Not specified. 6 CFR 472.522

39. *Wheat and wheat-flour exporters participating in the Commodity Credit Corporation subsidy program and under the International Wheat Agreement.* To keep accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with this program.

Retention period: 2 years after date of export. 6 CFR 481.570

Farmers Home Administration

1. *Borrowers for direct and insured Farm Ownership Loans.*[3] To maintain such records and accounts as required.

Retention period: Not specified. 6 CFR 316.2. See also §§ 302.2, 307.1, and 302.23.

2. *Farm ownership borrowers.*[3] Shall check Form FHA–195 "Farm Family Record Book" with County Supervisor.

Retention period: Not specified. 6 CFR 337.1

3. *Group services*[3] *(a means by which two or more farmers may provide themselves with such services, equipment, and facilities which they could not otherwise obtain individually on an economically sound basis) financed in whole or part by FHA.* To maintain such records as are necessary to provide information on which to determine results of operation and to aid in future planning.

Retention period: Not specified. 6 CFR 344.6

4. *Group services*[3] *(a water facility owned jointly by two or more individuals).* To keep a record of business transactions to provide information from which results of operations may be determined and future plans may be made.

Retention period: Not specified. 6 CFR 355.5

5. *Renters of Farm Ownership Farms.*[3] To be encouraged to keep records of farming operations.

Retention period: Not specified. 6 CFR 372.6

Federal Crop Insurance Corporation

1. *Insured under Federal Crop Insurance Corporation.* To keep records of the harvesting, storage, shipment, sale or other disposition of all (1) flax, (2) corn, (3) tobacco, and (4) barley produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest.

Retention period: 2 years after the time of loss. 7 CFR (1) 415.10–17, (2) 416.10–27, (3) 417.8–19, (4) 424.6 (19 F. R. 9318)

2. *Insured under Federal Crop Insurance Corporation.* To keep records of the harvesting, storage, shipment, sale, or other disposition of all citrus produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest.

Retention period: 2 years after the time of loss. 7 CFR 422.28–19 (19 F. R. 472)

3. *Insured under Federal Crop Insurance Corporation.* To keep records of the harvesting, storage, shipment, sale, or other disposition, of all insured crops (multiple crop insurance) produced on each insurance unit covered by the contract, and on any uninsured acreage in the county in which he has an interest.

Retention period: 1 year after the time of loss. 7 CFR 420.33–20

4. *Insured under Federal Crop Insurance Corporation.* To keep records of the harvesting, storage, shipment, sale, or other disposition, of all (1) wheat, (2) cotton, (3) beans, produced on each insurance unit covered by the contract, and on any uninsured acreage in the county in which he has an interest.

Retention period: 2 years after the time of loss. 7 CFR (1) 418.210–26, (2) 419.13–25, (3) 421.32–24

Forest Service

1. *Pilots.* To keep records and reports of flights within airspace reservations for reasons of safety or conducting rescue operations.

Retention period: Not specified. 36 CFR 251.28

Office of the Secretary

1. *Persons importing commodities (dairy products listed in § 6.32, supplement 1).* To keep records, books, and other writings of importations and of the transactions relating to the procurement and disposition of such commodities.

Retention period: Not less than 2 years subsequent to the date of the importation. 7 CFR 6.27

ATOMIC ENERGY COMMISSION

1. *Persons conducting research and development activities in atomic fields.* To keep records of activities as to fissionable materials for inspection, etc.

Retention period: Not specified. 42 U. S. C. 1810 (c)

2. *Contractors having negotiated contracts with Atomic Energy Commission and their subcontractors.* To keep directly pertinent books, documents, papers, and records.

Retention period: Not specified. The General Accounting Office shall, until the expiration of 3 years after final payment, have access to and the right to examine the above-mentioned records. P. L. 703, Ch. 14, Sec. 166. 83d Cong. 2d sess. All 68 Stat. 919. (For detailed instructions on retention and disposal of contractor's records see AEC Manual, Ch. 0230.)

3. *Cost-type contractors.* To keep justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Retention period: Not specified. 10 CFR 5.509. (For detailed instructions and retention periods see AEC Manual, Ch. 0230.)

4. *Persons possessing or using radioisotopes.* To keep accurate and complete records showing the receipt, use, storage, delivery, and disposal of radioisotopes, and the safety measures used to protect health.

Retention period: Permanent. 10 CFR 30.50

5. *Supervisors of persons possessing or using radioisotopes.* To keep reports of overexposure to radioisotopes, including observed effect on persons so overexposed, described in detail.

Retention period: Not specified. 10 CFR 30.51

6. *Applicants for bonus payments.* To keep records concerning production and deliveries of uranium ores for which application for bonus payments is made.

Retention period: Not specified. 10 CFR 60.6

CIVIL AERONAUTICS BOARD

1. *Aircraft and related products manufacturers.* To maintain complete company inspection forms and records which present a historical compilation of all events during the course of manufacture.

Retention period: At least 1 year subsequent to the date of sale and delivery of the product involved. 14 CFR 1.34

2. *Aircraft and related products manufacturers.* To maintain complete records of all purchases and disposition of such purchases.

Retention period: At least 2 years. 14 CFR 1.32

[3] FHA requires that the records be maintained on a current basis as applicable for the current year. They are to be retained until summarized and reflected in the agency's official records. After that they are no longer required.

3. *Aircraft and related products manufacturers.* To maintain records of all incoming inspections, which include information concerning source, source inspection, receiving inspection, quantity (both accepted and rejected), vendor's affidavits, or reports indicating conformity with recognized aircraft standards and disposition of materials handled.

Retention period: At least 2 years. 14 CFR 1.32

4. *Airframe, powerplant, propeller, or appliance owners or registered owners.* To maintain repair, rebuilding, or alteration records giving description of work performed, completion date of work done, name of individual, etc., doing work and signature of person authorized to approve work done.

Retention period: Permanent. 14 CFR 18.20–18.23

5. *Certified airline transport pilots.* To keep an accurate record of flying time in bound logbooks.

Retention period: Not specified. 14 CFR 21.44

6. *Certified lighter-than-air pilots and persons receiving flight instructions.* To maintain certified record of flying time in bound logbooks.

Retention period: Not specified. 14 CFR 22.32

7. *Certified parachute riggers.* To keep bound record of all packing, inspection, maintenance, repair and alteration operations performed or supervised on parachutes other than those in military service.

Retention period: At least 2 years after the date of the last entry therein. 14 CFR 25.84

8. *Aircraft dispatcher course operators.* To maintain an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 27.7

9. *Flight radio operator course operators.* To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 33.31

10. *Flight navigator course operators.* To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 34.6

11. *Flight engineer course operators.* To keep an accurate record of each student, including a chronological log of all instructions, attendance, subjects covered, credits granted, examinations and examination grades.

Retention period: Not specified. 14 CFR 35.6

12. *Air carriers.* To maintain records pertaining to any flight which was interrupted because of weather conditions and failed to land at point to which flight was originally cleared.

Retention period: Not less than 1 year from the date of flight. 14 CFR 41.133

13. *Air carriers.* To keep full information on maintenance and inspection work performed on the aircraft.

Retention period: Not specified. 14 CFR 42.31

14. *Air carriers.* To record all mechanical irregularities in operation of aircraft, including the aircraft identification, irregularity experienced, the corrective action taken as a result, and identification of the person making such corrections.

Retention period: Not specified. 14 CFR 42.32

15. *Air carriers.* To keep at principal operations base records with respect to all aircraft, aircraft engines, propellers, and, where practicable, appliances used in air transportation.

Retention period: 2 years. 14 CFR 42.91

16. *Air carriers.* To maintain at its principal operations base or at such other location used by the air carrier as the Administrator may designate, current records of every airman utilized as a member of a flight crew.

Retention period: 1 year. 14 CFR 42.92

17. *Air carriers.* To retain copy of report to Administrator regarding emergency flights necessitating the transportation of persons or medical supplies for the protection of life or property.

Retention period: 1 year. 14 CFR 42.93

18. *Air carriers.* To retain copy of pilot's emergency deviation report to the local Aviation Safety Agent.

Retention period: At least 1 year. 14 CFR 42.94

19. *Air carriers.* To retain a copy of the flight manifest for large aircraft and passenger-carrying aircraft operating under instrument flight rules conditions.

Retention period: At least 1 year after completion of the flight. 14 CFR 42.95

20. *Air carrier operators.* To maintain weight and balance data.

Retention period: Weight manifests at least 30 days. 14 CFR 42.32

21. *Air carrier operators.* To keep a continuous record for each aircraft, listing all changes affecting the weight, c. g. location, and equipment included, in order that a computed weight and c. g. location may be established at any time.

Retention period: Not specified. 14 CFR 42.32

22. *Registered owners of certificated aircraft.* To maintain aircraft and engine records, including flight time of aircraft and each engine, reports of inspections, minor repairs, and minor alterations of the aircraft structure, engines, and propellers.

Retention period: Not specified. 14 CFR 43.23

23. *Airman agency flight or ground schools.* To keep accurate individual record of each student, which shall include a chronological log of all instructions, attendance, subjects covered, examinations, and examination grades.

Retention period: 1 year. 14 CFR 50.28

24. *Repair stations.* To maintain current records of personnel who are directly in charge of maintenance, repair, inspection or alteration, including information concerning the qualifications of each such individual as is necessary to show compliance with the experience qualifications of 14 CFR Ch. I, Subch. A.

Retention period. Not specified. 14 CFR 52.24

25. *Certificated repair stations.* To maintain records of all work performed.

Retention period: At least 2 years. 14 CFR 52.46

26. *Foreign repair stations.* To keep maintenance record of all work performed on U. S. registered aircraft, including major repairs and alterations.

Retention period: Not specified. 14 CFR 52.61

27. *Certificated mechanic schools.* To maintain a current record of each student enrolled, showing attendance, courses, examinations, and grades.

Retention period: At least 2 years from date of termination of enrollment. 14 CFR 53.56

28. *Holders of parachute loft certificates.* To maintain records regarding work performed.

Retention period: At least 2 years. 14 CFR 54.15

29. *Air carriers.* To maintain records of all passes issued and related correspondence or memos.

Retention period: Not specified. 14 CFR 223.5, 249.6

30. *Large irregular carriers, and noncertificated cargo carriers.* To keep accounts, records, and memoranda necessary for statistical and flight reports.

Retention period: Data for statistical reports—3 years; data for flight reports—1 year. 14 CFR 242.2

31. *Air carriers.* Preservation of accounts, records, and memoranda.

Retention periods: Listed in detail throughout the part. 14 CFR Part 249.

32. *Certificated repair stations or airframe, powerplant, propeller, or appliance manufacturers.* To maintain a duplicate copy of the customer's work order, when accepted in lieu of the Major Repair and Alteration Form (ACA–337) and when an official maintenance release is furnished owner for retention as a part of the permanent record required under 14 CFR 18.20.

Retention period: At least 2 years. 14 CFR 18.22

33. *Air carriers.* To maintain a set of operations specifications and all amendments thereto applicable to the individual's duties and responsibilities, as a separate and complete document, pertinent excerpts from or references thereto to be inserted in the manual issued by the air carrier.

Retention period: Not specified. 14 CFR 40.20

34. *Air carriers.* To prepare and keep current a manual for the use and guid-

ance of flight and ground operations personnel.

Retention period: Not specified. 14 CFR 40.50, 41.120, 42.60

35. *Air carriers.* To maintain a complete, current and continuous record of the weight and center of gravity of each aircraft, reflecting all alterations and changes affecting either weight or balance of aircraft.

Retention period: Not specified. 14 CFR 40.51

36. *Air carriers.* To keep as a part of the individual's record the instructor, supervisor, or check airmen's certificate of proficiency for particular training or flight check of each crew member and dispatcher, furnished under air carrier training and pilot check programs.

Retention period: Not specified. 14 CFR 40.280, 40.289, 40.300, 40.302, 42.44, 249.6

37. *Air carriers.* To maintain current records of every crew member and aircraft dispatcher, showing compliance with the appropriate requirements of Subchapter A—Civil Air Regulations and disposition of disqualified flight crew members or aircraft dispatchers.

Retention period: At least 3 months. 14 CFR 40.501

38. *Air carriers.* To maintain records and submit reports in accordance with the requirements of 14 CFR, 1953 Supp., 40.501–40.511, specifically crew member and dispatcher records, a list of airplanes in current operation and airplanes operated under interchange agreements, a dispatch release form, a load manifest and flight plan, and maintenance records, including the airplane's maintenance log and a maintenance release, copies of prepared maintenance releases to be given to the pilot in command.

Retention period: In accordance with provisions of 14 CFR 249.4 unless otherwise specified in §§ 40.501–40.511. 14 CFR 40.500–40.511

39. *Certificated mechanic schools.* To maintain a progress chart or individual progress record for each student, showing the practical projects or laboratory work completed or to be completed, and properly authenticated transcripts of grades of students transferring from other accredited schools, as current student records required under 14 CFR 53.56.

Retention period: At least 2 years from date of termination of enrollment. 14 CFR 53.56

40. *Irregular air carriers and noncertificated cargo carriers.* To keep all accounts, records, and memoranda of movement of traffic as well as receipt and expenditure of money necessary to meet the reporting requirements of 14 CFR Part 242.

Retention period: 3 years for records relating to statistical reports; 1 year for records relating to flight reports. 14 CFR 242.2

41. *Air carriers and foreign air carriers.* To keep permanently at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep file of current tariffs at all places tickets are sold or property received for transportation.

Retention period: Not specified. 14 CFR 221.170, 221.171, 249.6 (19 F. R. 3174)

42. *Holders of permits to operate foreign aircraft in the United States.* To keep true copies of all manifests, air waybills, invoices, and other traffic documents covering flights and records documenting each flight.

Retention period: Not specified. 14 CFR 190.50 (19 F. R. 1173)

43. *Pilots, owners, or operators of small fixed-wing aircraft involved in accidents.* To keep aircraft wreckage and records thereof.

Retention period: Until released by authorized representative of the Civil Aeronautics Administration. 14 CFR 62.15, 62.18 (19 F. R. 894)

44. *Operators of aircraft (other than small fixed-wing) involved in accidents.* To keep aircraft wreckage and records thereof.

Retention period: Until released by authorized representative of the Civil Aeronautics Board. 14 CFR 62.40, 62.41 (19 F. R. 894)

45. *Airplane flight test applicants under the Civil Air Regulations, transport category.* To keep a log of all flight tests and accurate and complete records of the inspections made and of all defects, difficulties, and unusual characteristics and sources of crew error discovered during the tests, and of the recommendations made and action taken.

Retention period: Not specified. 14 CFR 4.16–3 (19 F. R. 4448)

46. *Aircraft pilots under Civil Air Regulations.* To keep a record in a bound log book of flight time used to substantiate recent experience or qualification for certificates or ratings, with specified information as required.

Retention period: Not specified. 14 CFR 43.43 (19 F. R. 6371)

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

1. *Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by Defense Materials System Regulations 1 and 2.* To keep accurate and complete records of receipts and deliveries (including records of allotments received and made) in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DMS Reg. 1—Basic Rules of the Defense Materials System; and DMS Reg. 2—Construction under the Defense Materials System, as applicable.

Retention period: For at least 2 years. 32A CFR Ch. VI, DMS Reg. 1, Sec. 25 (a) and (b); DMS Reg. 2, Sec. 21 (a) and (b)

2. *Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA Order M–107.* To keep accurate and complete records of receipts and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Order M–107—Titanium Mill Products.

Retention period: For at least 2 years. 32A CFR Ch. VI, BDSA Order M–107, Sec. 7 (a)

3. *Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA (formerly NPA) Regulations 2 and BDSA (formerly NPA) Orders M–1A, M–5A, M–11A, M–17, M–41, and M–43A.* To keep accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Reg. 2—Basic Rules of the Priorities System; BDSA Order M–1A—Iron and Steel; BDSA Order M–5A—Aluminum; BDSA Order M–11A—Copper and Copper-Base Alloys; BDSA Order M–17—Components or Parts; BDSA Order M–41—Metalworking Machines—Delivery; BDSA Order M–43A—Construction Machinery: Distribution, as applicable to such transaction.

Retention period: For at least 3 years. 32A CFR Ch. VI, Reg. 2, Sec. 24 (a); Order M–1A, Sec. 19 (a); Order M–5A, Sec. 15 (a); Order M–11A, Sec. 14 (a); Order M–17, Sec. 8 (a); Order M–41, Sec. 13 (a); Order M–43A, Sec. 9 (a)

4. *Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transactions covered by BDSA (formerly NPA) Regulation 6—Transfer of Quotas and Ratings; Transfer of a Business as a Going Concern.* To keep accurate and complete records in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of that regulation.

Retention period: For at least 3 years. 32A CFR Ch. VI, Reg. 6, Sec. 8 (a).

Office of Business Economics

1. *Persons within United States with direct investments in foreign countries.* To keep one copy of required report on Form A, B, or C.

Retention period: Not specified. 15 CFR 805.8

Civil Aeronautics Administration

1. *Manufacturers of aircraft.* To keep records at factory for all aircraft certificated under the delegation option procedures, current records containing the following: (1) A technical data file for each type aircraft, (2) a complete inspection record for each airplane produced, (3) a record of all major repairs and alterations performed.

Retention period: Not specified. 14 CFR 410.32, 410.33, 410.39

2. *Contractors for construction of public airports.* To keep payroll records during the course of the work for all laborers and mechanics as specified in the section cited.

Retention period: 3 years. 14 CFR 550.7

3. *Sponsors for the construction of public airports.* To keep records of all affidavits and copies of payroll furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 550.7

4. *Sponsors of the construction of public airports.* To retain in its files documentary evidence such as invoices, cost estimates and payrolls supporting each item for project cost. Also evidence of all payments for items of project costs including vouchers, canceled checks or warrants and receipts for cash payments.

Retention period: Not specified. 14 CFR 550.8

5. *Sponsors of public airports.* To keep records after the completion of the project and during the term of these covenants, a current system of airport accounts and records, sufficient to provide annual statements of income and expenses. Also all airport records affecting the airport, including deeds, leases, operations, and use agreements, regulations and other instruments.

Retention period: Term of covenant. 14 CFR 550.11

6. *Petitioners for reimbursement for cost of rehabilitation or repair to public airports.* To secure and retain in their files documentary evidence of costs and payments therefor such as invoices, cost estimates, payrolls, vouchers, canceled checks or warrants, and receipts.

Retention period: Not specified. 14 CFR 560.16

7. *Airport traffic control tower personnel.* To keep records of all visibility observations made from control tower, times of observation; each time observational duties are transferred from Weather Bureau to control tower or returned, or transferred from one observer to another in the control tower, the time, initials of the observer involved shall be recorded.

Retention period: Not specified. 14 CFR 617.30

8. *Airport traffic control tower personnel.* To keep file of permanent records of tower transmission. Control tower radio transmissions shall be maintained where permanent-type recorders are furnished for this purpose.

Retention period: Records may be disposed of only as prescribed by the operating agency. 14 CFR 617.30

Bureau of Foreign Commerce

1. *Applicants for export licenses.* To keep documents constituting evidence of an order and of facts relating to the purchase transaction as specified in section cited.

Retention period: 3 years from date of receipt of the application by the Bureau as shown on Form IT–116 15 CFR 372.4

2. *Applicants for export licenses.* To keep the originals of any copies of documents submitted in support of applications.

Retention period: 3 years from date of receipt of the license application by the Department (as shown on Form IT–116). 15 CFR 372.9

3. *Applicants for a time limit license.* To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 3 years from the date of receipt of the application (as shown on IT–116). 15 CFR 377.3

4. *Applicants for foreign distribution licenses.* To keep records of orders relating to reexportations.

Retention period: 3 years from date of reexportation. 15 CFR 378.4

5. *Export licensees or their forwarding agents.* To keep documents for inspection and copying and other information bearing upon particular exportation, relationship with participants, including invoices, orders, letters of credit, inspection reports, packing lists, shipping documents, instructions, correspondence, and other relevant information or documents, as may be required by the collector of customs or postmaster.

Retention period: Not specified. 15 CFR 379.1

6. *Transferees of export licenses.* To keep records of all documents evidencing the order covered by these licenses.

Retention period: 3 years from date of certification. 15 CFR 380.1

7. *Persons participating in the British Token Import Plan.* To keep documents constituting evidence of an "accepted order" submitted in support of an application for Token Quota Vouchers.

Retention period: 3 years from the date of receipt by the Department of the application for Token Quota Vouchers covering accepted orders. 15 CFR 361.4

8. *Persons participating in the British Token Import Plan.* To keep documents constituting evidence of an "accepted order" submitted in support of an application for Token Quota Balances.

Retention period: 3 years from the date of receipt by the Department of the application for Token Quota Balances covering accepted orders. 15 CFR 361.7

Foreign Trade Zones Board

9. *Grantees of foreign trade zones.* To keep books, records, and accounts in the form and manner prescribed in "Uniform System of Accounts, Records and Reports, approved February 6, 1939."

Retention period: Not specified. 15 CFR 400.1002

10. *Grantees of foreign trade zones.* To keep books, records, and accounts as prescribed in the "Uniform System of Accounts, Records and Reports."

Retention period: Not specified. 15 CFR 400.1002, 400.1004

Maritime Administration

1. *Operators of operating-differential subsidized vessels.* To keep copy of Form 11, Summary report on voyage repairs.

Retention period: To be held available for examination when audit is made. 46 CFR 271.10

2. *Operating-differential subsidy contractors, and such affiliates, domestic agents, subsidiaries, or holding companies connected with, or directly or indirectly controlling or controlled by, such contractors.* To keep its books, records, and accounts, as the Maritime Administration shall require, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines.

Retention period: Not specified. 46 CFR 282.00, 282.01, 292.3

3. *Operating-differential subsidy contractors.* To keep records supporting entries to notes and accounts receivable from officers and employees and subsidiary accounts.

Retention period: Not specified. 46 CFR 282.364

4. *Contractors and subcontractors.* To keep accounts, books, documents, memoranda, minutes and records of every kind involving cost of performing a contract or subcontract subject to inspection and audit by the Administration.

Retention period: Not specified. 46 CFR 285.5

5. *Contractors and subcontractors.* To keep books and records in such manner that a proper determination of profit can be made therefrom.

Retention period: Not specified. 46 CFR 285.35

6. *Operators of operating-differential subsidy agreements and depositories.* To keep certified copies of resolutions authorizing the establishment of special and construction reserve funds involved.

Retention period: Not specified. 46 CFR 286.1, 287.6

7. *Taxpayers establishing construction reserve funds.* To keep such records as the Commissioner of Internal Revenue or the Maritime Administration may require.

Retention period: Not specified. 46 CFR 287.24

8. *Operators of operating-differential subsidy agreements.* To keep all working papers (irrespective of by whom prepared) in support of the various statements comprising annual and final accountings.

Retention period: Not specified. 46 CFR 292.8

9. *Citizen applicants to purchase or charter a war-built vessel.* To keep books, records, and accounts available for examination as deemed necessary by the Maritime Commission to verify financial statements submitted.

Retention period: Not specified. 46 CFR 299.8

10. *Purchasers of war-built vessels.* To keep books, records and accounts available for examination and audit as may be required by the Maritime Administration.

Retention period: Not specified. 46 CFR 299.21

11. *Charterers of war-built vessels.* To keep books, records and accounts relating to the vessel in such form as the Maritime Administration may prescribe available for examination and audit.

Retention period: Not specified. 46 CFR 299.31

12. *Charterers of war-built vessels.* To keep books, records and accounts relating to the management, operations, conduct of the business of and maintenance of the vessels covered by the agree-

ment in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the owner: *Provided*, That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Administration will not require the duplication of books, records and accounts required to be kept in some other form by the Interstate Commerce Commission.

Retention period: Not specified. 46 CFR 299.37–2, 299.82

13. *State marine academies.* To keep records pertaining to academies, officers, instructors, crew cadets, training ships and shore bases, and daily logs of absences, with or without leave, hospitalizations, disenrollments and other analogous data.

Retention period: Not specified. 46 CFR 310.3

14. *Charterers of war-built vessels under Philippine Rehabilitation Act of 1946.* To keep books and accounts relating to the vessels as the Maritime Administration may prescribe.

Retention period: Not specified. 46 CFR 311.21

15. *General agents (shipping companies) or their subcontractors and berth agents.* To keep books, records, documents and accounts (which shall be the property of the U. S.), relating to the activities, maintenance and business of vessels covered by or involving transactions related to Service Agreements as prescribed in AGE–1—General Agents, Agents and Berth Agents.

Retention period: Not specified. 32A CFR Ch. XVIII, AGE–1, Sec. 2 (b) Article 3 (g) (1), Article 14—General Agents Service Agreement; Article 3 (e) (1), Article 14—Berth Agents Service Agreement.

16. *Agents entering into service agreements.* To keep separate sets of books of accounts to record the various transactions in connection with procedural rules for financial transactions under agency agreements.

Retention period: Not specified. 32A CFR Ch. XVIII, FIS Sec. 1

17. *Agents entering into service agreements.* To keep the originals of all documents, at his principal office, including authorizations, for facilities, services and supplies and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the procedural rules for financial transactions under agency agreements.

Retention period: Not specified. 32A CFR Ch. XVIII, FIS–1 Sec. 9 and 12

18. *General agents.* To prepare monthly invoices for compensation earned during preceding month under the applicable provisions of NSA Order No. 47 (AGE–4) and record in agency account books.

Retention period: Not specified. 32A CFR Ch. XVIII, FIS–2, Sec. 3 (a) (1), Sec. 5

19. *General agents.* To keep originals of statements or credit memoranda for return premiums for all vessels insured with Underwriters pursuant to INS–1–Maritime Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements.

Retention period: Not specified. 32A CFR Ch. XVIII, INS–1, Sec. 7 (b)

20. *General agents.* To keep records to account, if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

Retention period: Not specified. 32 CFR Ch. XVIII, OPR–1, Sec. 2 (e)

21. *Masters.* To keep records and logs disclosing receipts for the quantities of slop chest items delivered aboard ship.

Retention period: Not specified. 32A CFR Ch. XVIII, OPR–1 Sec. 3 (d) and (e)

22. *General agents.* To store blueprints, instruction books, navigation books, ship's plans and ship's correspondence in welded room when ship decommissioned.

Retention period: Not specified. 32A CFR Ch. XVIII, OPR–4, Sec. 3 (dd); 32A CFR Ch. XVIII, OPR–6, Sec. 3 (dd)

23. *General agents.* To keep a copy of each Job Order, Supplemental Job Order or Worksmalrep Contracts for the maintenance and repair of vessels when work awarded by General Agents.

Retention period: Not specified. 32A CFR Ch. XVIII, SRM–1, Sec. 3 (a) (1)

24. *General agents.* To keep records and supporting documents pertaining to repairs and equipment purchased for repairs to ships so that reports may be made to the Maritime Administration.

Retention period: Not specified. 32A CFR Ch. XVIII, SRM–2, Sec. 4, SRM–3, Sec. 3 (d), SRM–4, Sec. 2, SRM–5, Sec. 3 (a) and Sec 19

25. *Underwriting agents under war risk cargo insurance program.* To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Not specified. 46 CFR 308.548 (19 F. R. 4423–4424)

26. *Those assured under war risk cargo insurance program.* To keep records in such form and manner that all information available to the assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator.

Retention period: Not specified. 46 CFR 308.517 (19 F. R. 4413)

27. *Operators of vessels newly constructed under Federal Maritime Board ship construction contracts, containing guarantee clauses.* To keep records, including log extracts of all deficiencies, defects, weaknesses, etc., found in the ship while in the operator's custody and operation, and, if possible, the causes thereof; and maintain 12 complete sets of records of the items deemed to be the builder's responsibility, including the initial report of the deficiency, specifications, itemized costs, and completion certificates for all such work awarded during the guarantee period, and, if possible, the cause of the deficiencies and all related correspondence for use at the time of the Final Guarantee Survey.

Retention period: Not specified. 46 CFR 274.4 (19 F. R. 4360)

28. *Underwriting agent war risk insurance program for hull, P & I and second seamen.* To keep a full and complete record of all applications, binders and policies, and also record all premiums, charges or deposits required by the terms of the binders of policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Secretary of Commerce.

Retention period: Not specified. 46 CFR 308.7 (17 F. R. 8295–8307)

29. *Builders of vessels insured under war risk builder's risk program.* To maintain records from which there may be determined the cost of material then destined for inclusion as a part of the vessel at risk at the shipyard of the builder plus the cost of labor, other direct charges, overhead and profit of not exceeding 10 percent.

Retention period: Not specified. 46 CFR 308.402 (18 F. R. 1211–1215)

30. *Charterers of war-built vessels.* To keep cost records or other sound accounting evidence for purpose of supporting claims, if any, for post-redelivery overhead expenses.

Retention period: Not specified. 46 CFR 299.37–4

Bureau of Public Roads

1. *State highway departments or their agents.* To keep accounts, records, and all supporting documents pertaining to the cost of construction, inspection, tests, and maintenance of Federal-aid highway projects.

Retention period: Not specified. 23 CFR 1.20

Under Secretary of Commerce for Transportation

1. *Ship and aircraft owners, masters, officers, employees and agents participating in transportation.* To retain records of shipments in sufficient detail to permit an audit to determine if the provisions of orders T–1 (Shipping restrictions; Sub Group A, Hong Kong and Macoa), T–2 (Shipping restrictions; Communist China), have been carried out. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in microfilm or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR Ch. VII, T–1; Sec. 4; T–2, Sec. 5

COMMITTEE ON PURCHASE OF BLIND-MADE PRODUCTS

1. *Agencies for the blind (employing blind to extent of 75 percent of personnel in direct labor) selling to Government agencies and participating in the program of the Committee on Purchase of Blind-Made Products.* To keep accounting system records from which can be drawn annually a financial report and operating statement accurately reflecting operations.

Retention period: Not specified. 41 CFR 301.6

2. *Agencies for the blind (employing blind to extent of 75 percent of personnel in direct labor) selling to Government agencies and participating in the program of the Committee on Purchase of Blind-Made Products.* To keep eye record cards containing information establishing that employees are blind (as defined in 41 CFR 301.1).

Retention period: Not specified. 41 CFR 301.6

DEPARTMENT OF DEFENSE

1. *Contractors with negotiated fixed price supply contracts and purchase orders in excess of $1,000.* A standard "Examination of Records" clause is provided. Must agree to retain and make available to the Comptroller General of the United States or his duly authorized representatives any directly pertinent books, documents, papers, and records involving transactions related to the contract. Must further agree to insert a similar clause in each subcontract under this type of prime contract.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.104–15. ASPR 7–104.15.

2. *Contractors with cost reimbursement type supply contracts.* A standard "Records" clause is provided. Must agree to maintain books, records, documents and other evidence pertaining to the expenses for which reimbursement is claimed under the contract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States. Must insert a similar requirement in each cost, cost-plus-a-fixed-fee, time-and-material, or labor-hour subcontract under his cost reimbursement type prime contract.

Retention period: 6 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203–7. ASPR 7–203.7

3. *Subcontractors with contracts or purchase orders in excess of $1,000 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed price supply contracts and purchase orders in excess of $1,000.* Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after fixed payment under the subcontract. 32 CFR 7.104–15. ASPR 7–104.15

4. *Subcontractors with contracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost reimbursement type prime contracts.* Must agree to maintain books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed under the subcontract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States.

Retention period: 6 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203–7. ASPR 7–203.7

5. *Subcontractors whose contracts are other than cost, cost-plus-fixed-fee, time-and-material, or labor-hour contracts under cost reimbursement type prime contracts.* Must agree to retain and make available to the Comptroller General of the United States or his duly authorized representatives any directly pertinent books, documents, papers and records involving transactions related to the contract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.203–7. ASPR 7–203.7

6. *Contractors with fixed price contracts in excess of $1,000 for supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or non-profit institutions when no profit is contemplated.* Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government without direct charge to the Government all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 6 years after final settlement. 32 CFR 8.701. ASPR 8–701

7. *Contractors with cost-type contracts for supplies and experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or non-profit institutions.* Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government without direct charge to the Government all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 6 years after final settlement. 32 CFR 8.702. ASPR 8–702

8. *Contractors with fixed price construction contracts amounting to more than $1,000 (or $5,000 in certain cases).* Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government, without direct charge to the Government, all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 6 years after final settlement. 32 CFR 8.703. ASPR 8–703

9. *Subcontractors with fixed price subcontracts.* The standard Termination Clause suggested for use in fixed price subcontracts contains the provision that the subcontractor agrees to preserve and make available to the Government, without direct charge to the Government, all his books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 6 years after final settlement. 32 CFR 8.706. ASPR 8–706

10. *Contractors with construction contracts in excess of $2,000 (for work in continental United States, Alaska, and Hawaii).* To keep payroll records showing name and address of each employee, classification, rate of pay, daily and weekly number of hours worked, deductions from pay and actual pay received.

Retention period: 3 years after contract work completed. 32 CFR 12.403–1. ASPR 12–403.1 (4)

11. *Contractors with Army, Navy, Air Force.* To keep control records for Government property, whether furnished to or acquired by a contractor for the account of the Government, to be designated and used as official contract records by the Government, whenever possible. Records and procedures shall be reviewed and approved by the Contract Administrator; status of records should be readily ascertained; consolidated property records may be maintained. Property records shall show a unit price, determined by the Government, and property amount number for each item. Records include those of material, special tooling, plant equipment, real property, and scrap. (Specific information given in Code.)

Retention period: Not specified. 32 CFR Parts 30, Appendix B, 301 and 304. 32 CFR Parts 30, Appendix C, 207 and 210. (Various regulations of the Army, Navy, and Air Force repeat these requirements as they relate to particular types of contracts.)

12. *Banks holding in special accounts advance payments to contractors under*

the terms of the Armed Services Procurement Act of 1947. To keep books and records, memoranda, checks, correspondence or documents pertaining to the account.

Retention period: 6 years after closing of the account. 32 CFR 82.60

13. *Contractors receiving advance payments secured by lien on supplies and property covered by contract.* To keep adequate accounting control over such property on its books and records.

Retention period: Not specified (implication is that records need not be kept after lien is satisfied). 32 CFR 82.60

14. *Contractors with access to classified security information.* To keep a record of corporation directors who are United States citizens and who will not have access to classified materials (all other directors to be cleared).

Retention period: Not specified. 32 CFR 72.8

15. *Contractors with the Department of Defense (and elements thereof).* To keep a current record of employees who have been cleared for access to classified information, including the degree and date of clearance and whether cleared by a specific military department or the contractor.

Retention period: Not specified. 32 CFR 66.20 (19 F. R. 2209)

16. *Contractors with the Department of Defense (and elements thereof) handling graphic arts involving classified information.* To keep a record of the numbers and disposition of proofs (proofs themselves to be retained until product is delivered, then returned to the contracting officer).

Retention period: Not specified. 32 CFR 66.36 (19 F. R. 2211)

17. *Contractors with the Department of Defense (and elements thereof) handling graphic arts involving classified information.* Production control records may be combined with receipt system.

Retention period: If so combined, 1 year. 32 CFR 66.34 (19 F. R. 2211)

Department of the Army

18. *Contractors within the continental United States and its territories.* To keep weekly payroll records (in accordance with Copeland Act).

Retention period: 3 years from date of completion of the contract. 32 CFR 601.503

19. *Manufacturers for export.* To keep sales records together with evidence of exportation.

Retention period: 4 years from last day of the month following sale. 32 CFR 600.202

20. *Owners of private interstate toll bridges.* To keep records relating to construction, financing, and promotion of such bridge.

Retention period: At least 3 years after completion of bridge. 33 U. S. C. 528

21. *States or municipalities or other political subdivisions or public agencies thereof taking over or acquiring or constructing an interstate toll bridge.* To keep an accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating same, and of the daily tolls collected.

Retention period: Not specified. 33 U. S. C. 529

22. *Reclamation Board, State of California, as operating agency for the Big Dry Creek Reservoir and Diversion, Fresno County Stream Group.* To keep a continuous record of Big Dry Creek Reservoir stage, including specified inflow, release, diversion, flow, and such other operational data as shall be deemed necessary by the operating agency or as shall be requested by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality.

Retention period: Not specified. 33 CFR 208.83 (19 F. R. 4154)

Department of the Navy

23. *Contractors with cost-type contract.* Must keep on file and make available for inspection and audit, books, records, and other documents which evidence costs and expenditures applicable to performance of the contract.

Retention period: Not specified. 32 CFR 741.9

Department of the Air Force

24. *Vendors (persons or firms with whom time and material or labor-hour contracts are placed).* To maintain detailed, complete, and accurate accounting records on a job order basis, individual daily job time cards preferably signed by the workers performing the services and in all cases by evidence of actual payment, and paid invoices or storeroom requisitions on material charges.

Retention period: At least 3 years. 32 CFR 1002.403

25. *Employers subject to the Fair Labor Standards Act of 1938, amended.* To make and preserve records of persons employed by him, and of wages, hours, and other conditions and practices of employment maintained by him.

Retention period: Not specified. 32 CFR 1011.702

26. *Contractors with Government property in their possession.* To keep adequate property control records in accordance with the provisions of the Manual for Control of Government Property in Possession of Contractors (see 32 CFR Part 30).

Retention period: Not specified. 32 CFR 1012.810

27. *Contractors with time and material contracts.* Contract to include termination clause providing that contractor preserve all books, records, documents and other evidence bearing on costs and expenses of the contractor under the contract and relating to work terminated.

Retention period: 6 years after final settlement. 32 CFR 1007.707

28. *Contractors with fixed-price contracts for nonpersonal services.* Contract to include termination clause providing that contractor preserve all books, records, documents and other evidence bearing on costs and expenses of the contractor under the contract and relating to the work terminated.

Retention period: 6 years after final settlement. 32 CFR 1007.704

29. *Contractors with cost-reimbursement contracts.* Contract to include clause providing that books, papers and other accounting records relating to work under contract be kept.

Retention period: 3 years after completion or cessation or work under contract, providing disposal is approved by the contracting officer. 32 CFR 1006.1102

30. *Contractors with facilities contracts (contracts under which the Government furnishes to the contractor facilities) and subcontractors thereof.* Contract to include clause providing the contractor will keep records and books of account showing the cost to it of all items of labor, materials, equipment, supplies, services and other expenditures of any nature for which reimbursement is to be made under the contract.

Retention period: 5 years after final termination settlement, providing disposal is approved by the contracting officer. 32 CFR 1006.902

31. *Contractors with time and materials contracts.* Contract to include termination clause providing that contractor preserve all books, records, documents and other evidence bearing on costs and expenses of the contractor under the contract and relating to the work terminated.

Retention period: 6 years after final settlement. 32 CFR 1006.502

32. *Contractors with time and materials contracts.* Contract to include provision that contractor keep detailed, complete and accurate accounting records on a job-order basis.

Retention period: 6 years after completion of contract. 32 CFR 1006.502

33. *Contractors with fixed price service contracts.* Contract to include termination clause providing that contractor preserve all books, records, documents and other evidence bearing on costs and expenses of the contractor under the contract and relating to the work terminated.

Retention period: 6 years after final settlement. 32 CFR 1006.402

34. *Contractors with cost-plus-a-fixed-fee contract and subcontractors thereof.* Contract to include provision that contractor preserve books, records, documents and other evidence bearing on costs and expenses under the contract.

Retention period: 5 years after final payment. 32 CFR 1006.202

35. *Contractors with the Department of the Air Force.* To keep adequate property control records relating to Government property in contractors' possession.

Retention period: Not specified. 32 CFR 1012.906 (19 F. R. 1274)

FEDERAL COMMUNICATIONS COMMISSION

1. *Licensees of standard and FM broadcast (radio) stations.* To keep at each transmitter records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions of instruments and procedures, signed by the engineers making measurements.

Retention period: Not specified. 47 CFR 3.47, 3.254

2. *Licensees of standard, FM, and international radio and television broadcast stations.* To keep records of time and results of auxiliary transmitter tests.

Retention period: Not specified. 47 CFR 3.63, 3.255, 3.555, 3.638, 3.757

3. *Licensees or permittees of standard, FM, and international radio and television broadcast stations.* To keep program and operating logs, including rough logs and transcribed portions thereof, with required entries as codified in §§ 3.181, 3.281, 3.581, 3.663, and 3.781.

Retention period: 2 years: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensees or permittees have been notified, shall be retained until they are specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensees or permittees have been notified shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for filing of such suits upon such claims. 47 CFR 3.181, 3.182, 3.186, 3.281, 3.286, 3.581, 3.582, 3.586, 3.663, 3.664, 3.781, 3.782, 3.786

4. *Licensees of standard and FM radio, and television broadcast stations.* To keep complete records of all requests for broadcast time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and change, if any, if requests granted.

Retention period: Not specified. 47 CFR 3.190, 3.290, 3.590, 3.657

5. *Television and FM broadcast stations.* To keep at transmitter locations accurate circuit diagrams and lists of required spare tubes, as furnished by manufacturers of the transmitters.

Retention period: Not specified. 47 CFR 3.687

6. *Licensees of experimental and auxiliary broadcast services including experimental and experimental facsimile broadcast stations, developmental broadcast stations, remote pickup broadcast stations, broadcast STL or FM intercity relay stations and television auxiliary broadcast stations.* To keep adequate records of operation including logs.

Retention period: Not specified. 47 CFR 4.181, 4.281, 4.381, 4.481, 4.581, 4.681

7. *Licensees of experimental stations.* To keep adequate station records of operation; of service or maintenance duties which may affect proper station operation; and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year. 47 CFR 5.163, 5.165

8. *Licensees of public radiocommunication stations (other than maritime mobile).* To keep station logs.

Retention period: 1 year: *Provided, however,* That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them: *Provided, further,* That logs incident to or involved in any claim or complaint of which the licensee has been notified shall be retained by the licensee until such claim or complaint has been fully satisfied or until same has been barred by statute limiting the time for filing of suits upon such claims. 47 CFR 6.47

9. *Licensees of public radiocommunication stations (other than maritime mobile).* To keep records as follows: by all stations — transmitting measurements data, and service or maintenance records which may affect proper station operation; base stations and auxiliary test stations—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty, and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year: *Provided,* That (a) records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) records incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims. 47 CFR 6.507, 6.511

10. *Licensees of radio stations on land in the maritime services including public and limited coast stations, marine utility stations, marine fixed stations, marine receiver-test stations and stations operated in the land mobile service for maritime purposes using radiotelegraphy or radiotelephony:* to keep accurate logs.

Retention period: 1 year from date of entry and for such additional periods as required as follows: (1) Station logs involving communications incident to a distress or disaster shall be retained for a period of 3 years from date of entry; (2) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (3) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 7.115, 7.214, 7.314, 7.370, 7.458, 7.477, 7.536

11. *Licensees of radio stations on shipboard in the maritime services including Public and Limited ship stations and marine utility ship stations including such stations in Alaska—radiotelegraph stations operating on any frequency and radiotelephone stations operating on a frequency of 30 Mc or below.* To keep accurate logs.

Retention period: 1 year from date of entry and such additional periods as required as follows: (1) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry; (2) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (3) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for the filing of suits upon such claims. 47 CFR 8.115, 8.184, 8.330, 8.368, 8.405

12. *Stations licensed in the aviation services.* All stations except aeronautical utility mobile stations and aircraft stations other than those which may be required by law to maintain logs—to keep adequate records of operation; and stations whose antenna structure is required to be illuminated—a record of illumination; Aeronautical Public Service Stations—to keep a file of all record communications handled and all ground stations so licensed to keep a record of radiotelephone contracts either in the form of telephone traffic tickets or as a separate list.

Retention period: The logs in the aviation services may be destroyed after a period of 30 days except: (a) That logs involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) That logs incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 9.151, 9.152, 9.153, 9.513

13. *Air carrier aircrafts.* To keep adequate records to permit ready identification of individual aircraft in lieu of

radio station call letter, the official aircraft registration number, or company flight identification.

Retention period: Not specified. 47 CFR 9.191

14. *Licensees of public safety, industrial and land transportation radio services stations.* To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name of person or persons responsible for the foregoing; base and fixed stations—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty; for base stations in the Industrial and Land Transportation radio services—identification of other base stations or fixed stations with which they communicate, and date, time, and nature of such communication; for stations in the special emergency service—record of the nature and time of each communication; and stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 10.161, 10.163, 11.160, 16.160

15. *Nonprofit corporations or associations organized to operate industrial radio stations in the power, petroleum, forest product, motion picture, and relay press radio services.* To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: Not specified. 47 CFR 11.251, 11.301, 11.351, 11.401, 11.451

16. *Licensees of industrial radio stations and land transportation (base) radio stations sharing costs and facilities with other licensees in the same service.* To keep a copy of cooperative agreements and contracts as well as records which reflect the non-profit, cost-sharing nature of that sharing.

Retention period: Not specified. 47 CFR 11.6, 16.3

17. *Licensees of amateur radio stations.* To keep an accurate log of station operation.

Retention period: 1 year following the last date of entry: *Provided*, That those portions of any log covering operation of a station in connection with any actual condition jeopardizing the public safety or affecting the National Defense shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 12.136, 12.137, 12.244

18. *Radio officers of amateur civil emergency services.* To keep records of abbreviated call signs or other distinctive signals of station identification.

Retention period: Not specified. 47 CFR 12.245

19. *Licensees of radio stations in Alaska (other than amateur and broadcast).* To keep a copy of each message transmitted concerning sickness, death, weather, ice conditions or other matters relating to safety of life and property.

Retention period: 1 year. 47 CFR 14.3

20. *Employees of railroads who operate radio stations in the railroad radio service.* To keep suitable records of each employee who has been examined with respect to the applicable Railroad Radio General and Operating Rules.

Retention period: Not specified. 47 CFR 16.354

21. *Licensees of radio stations which have antenna structures requiring illumination.* To keep station records of inspections required.

Retention period: Not specified. 47 CFR 17.38

22. *Licensees of citizens radio service stations.* Stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: Not specified. 47 CFR 19.65

23. *Disaster communications service radio stations.* To keep an accurate log of all operations in the 1750–1800 kc band.

Retention period: 1 year, except that those portions of any disaster station log covering operation of such station in connection with any actual disaster shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 20.26

24. *Telephone carriers.* To keep accounts, records, memoranda, documents, microfilm, correspondence, and related indexes prepared by or on behalf of the carrier as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

Retention period: Records are to be preserved in accordance with the period of time designated in the list of records codified. 47 CFR 45.8

25. *Wire-telegraph, ocean-cable and radiotelegraph carriers.* To keep accounts, records, memoranda, documents, microfilm, correspondence, and related indexes prepared by or on behalf of the carrier as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

Retention period: Records are to be preserved in accordance with the period of time designated in the list of records codified in 47 CFR 46.9

FEDERAL DEPOSIT INSURANCE CORPORATION

1. *State banks (and each branch, if any) applying for deposit insurance.* To keep Form 84—Application for Federal Deposit Insurance by an existing non-insured State bank (other than mutual savings).

Retention period: Permanent. 12 CFR 304.3

2. *Mutual savings banks (and each branch, if any) applying for deposit insurance.* To keep Form 84–M—Application for Federal Deposit Insurance by an existing non-insured mutual savings bank.

Retention period: Permanent. 12 CFR 304.3

3. *State banks.* To keep Forms 85, 85a, and 85b—Applications to establish or move main offices or branches.

Retention period: Permanent. 12 CFR 304.3

4. *Banks.* To keep Form 102—Application. (For consent of the Corporation with respect to any application requiring such consent and for which no specific form is prescribed by this section or otherwise.)

Retention period: Not specified. 12 CFR 304.3

5. *Insured banks.* To keep such records as will readily permit verification of the correctness of particular deductions claimed.

Retention period: An insured bank is required to retain the records necessary to support the assessment base and to permit verification of all figures therein for the year 1945 and subsequent years until a field audit of the assessment records of the insured bank has been made by the Corporation and any required adjustment of the assessment under such audit has been made. FDIC instructions concerning the preparation of certified statements and the maintenance of assessment records effective March 30, 1954. 12 U. S. C. 1817 (a)

6. *Insured banks (except newly insured banks, submitting their first Certified Statements).* To keep Form 545—Certified Statement (shows deposit liabilities, less authorized deductions, for the 2 base days in each semiannual period).

Retention period: Same as for entry 5. 12 CFR 304.3

7. *Insured banks.* To keep Form 555—Tabulation of assessment base and supporting papers.

Retention period: Same as for entry 5. 12 CFR 304.3

8. *Insured banks.* To keep Form 645—First certified statement.

Retention period: Same as for entry 5. 12 CFR 304.3

9. *Insured banks.* To keep Form 845—Final certified statement—for use by an insured bank whose deposits are assumed by another insured bank.

Retention period: Same as for entry 5. 12 CFR 304.3

10. *Insured banks.* To keep Form 845A—Final certified statement—for use of an insured bank whose deposit liabilities are assumed by another insured operating bank. (To be used when the assuming bank executes the certified statement for the bank whose deposits were assumed.)

Retention period: Same as for entry 5. 12 CFR 304.3

11. *Insured banks (Federal Deposit Insurance Corporation).* As a condition to the right to make any deduction or exclusion in determining its assessment base, to keep such records as will readily permit verification of the correctness thereof.

Retention period: Same as for entry 5. 12 CFR 327.1 (19 F. R. 1663)

FEDERAL POWER COMMISSION

1. *Natural gas companies with annual gas operating revenues between $25,000 and $250,000 (Class C and D companies).* To keep copy of annual report required by Commission (FPC Form No. 2–A). (See Sec. 10 (a) Natural Gas Act.)

Retention period: Not specified. 18 CFR 260.2

2. *Natural gas companies.* To keep all books and records supporting entries to its accounts. (See Sec. 8 (a) Natural Gas Act.)

Retention period: Until destruction is permitted by rules and regulations of the Commission. Until rules and regulations have been issued, each company may continue its existing practice with respect to retention or destruction of records. 18 CFR 201.02–2. Uniform System of Accounts Prescribed for Natural Gas Companies. See General Instruction 2. Records

3. *Public utilities and licensees.* Preservation of records. (See Sec. 301 (a) Federal Power Act.)

Retention periods: Listed in detail in Regulations to Govern the Preservation of Records of Public Utilities and Licensees, G. P. O., Washington, 1951. Also in 18 CFR 125.1 and 125.2 (Revised)

4. *Public utilities and licensees with annual electric operating revenues between $100,000 and $250,000 (Class C companies).* To keep copy of annual report required by Commission (FPC Form 1–A).

Retention period: Not specified. 18 CFR 141.2

5. *Public utilities and licensees with annual electric operating revenues between $25,000 and $100,000 (Class D companies).* To keep copy of annual report required by Commission (FPC Form 1–B).

Retention period: Not specified. 18 CFR 141.3

6. *Natural-gas companies ("Independent Producers") under Natural Gas Act regulations.* To make copies of rate schedules (required to be filed with the Commission) available to any party for inspection at the company's main offices during regular business hours.

Retention period: Not specified. 18 CFR 154.102 (19 F. R. 4536)

FEDERAL TRADE COMMISSION

1. *Wool products manufacturers.* To keep records showing the fiber content (as required by these sections) of all wool products made by them.

Retention period: At least 3 years. 15 U. S. C. 68d

2. *Wool products manufacturers.* To keep records showing fiber content as specified in the section cited.

Retention period: At least 3 years. 16 CFR 300.31

3. *Fur products manufacturers and dealers who substitute a label in fur articles.* To keep such records as will show the information set forth on the label that they removed and the name or names of the person or persons from whom such fur product was received.

Retention period: At least 3 years. 15 U. S. C. Sup. 69a and 69f

4. *Fur products manufacturers and dealers.* To maintain records as specified in the section cited.

Retention period: At least 3 years. 16 CFR 301.41

5. *Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of guaranties received by them.* To keep the guaranty received and identification of the fabrics or fabrics guarantied.

Retention period: 3 years after guaranty furnished. 16 CFR 320.8 (19 F. R. 3186)

6. *Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of class tests.* To keep records showing (1) identification of the class test; (2) fiber composition, construction, and finish type of the fabrics; (3) a swatch of each class of fabrics guarantied.

Retention period: 3 years after test. 16 CFR 302.8 (19 F. R. 3186)

7. *Persons guarantying as to flammable quality of fabrics in wearing apparel who have made tests thereof.* To keep records showing (1) style or range number, fiber composition, construction, and finish type of each fabric used in the article of wearing apparel, including a swatch of the fabric tested; (2) stock or formula number, color, thickness and general description of each film used in the article and a sample of the film; (3) results of actual tests.

Retention period: 3 years after test. 16 CFR 302.8 (19 F. R. 3186)

GENERAL ACCOUNTING OFFICE

1. *Contractors with Federal Government.* To keep records relating to contracted project.

Retention period: 3 years after final payment. 41 U. S. C. Supp. 153, 254

2. *Atomic Energy Commission contractors with negotiated contracts and subcontractors thereof (except foreign governments, agencies thereof, and contractors supplying source material with foreign producers).* Contract to include clause requiring retention of any directly pertinent books, documents, papers and records related to the contract or subcontract, for inspection by the Comptroller General or his representatives.

Retention period: 3 years after final payment. Independent Offices Appropriation Act, 1955 (and same act for prior years); Public Law 428, 83d Cong. Ch. 359, 2d sess.

3. *Contractor using bill of lading as shipper.* To keep bill of lading, memorandum copy, certified by initial carrier's agent.

Retention period: Not specified. 4 CFR 8.6

GENERAL SERVICES ADMINISTRATION

1. *Contractors.* Contracts and amendments to contracts made under authority of regulations under the First War Powers Act of 1941, as amended, shall include the following contract provision: The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract, and agrees to include similar provisions in all his related subcontracts.

Retention period: 3 years after final payment under the contract. 50 U. S. C. App. 611

2. *Contractors.* Contract clause required by Public Law 245, 82d Congress, to be included in each contract negotiated by any executive agency pursuant to a delegation of authority from the Administrator under Title III of the Federal Property and Administrative Services Act of 1949, as amended: The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract, and agrees to include similar provisions in all his related subcontracts.

Retention period: 3 years after final payment under the contract. 41 U. S. C. 254 (c)

3. *War contractors and subcontractors, World War II, having contract of $25,000 or more or having termination inventory worth $5,000 or more.* To keep records essential to determining performance under the contract and to justifying the settlement thereof (excluded from this provision are contractor records title to which is transferred to a Federal agency and war contractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act of 1943).

Retention period: (1) Five years after such disposition of termination inventory by such war contractor or Government agency, or (2) five years after the final payment or settlement of such war contractor, or (3) December 31, 1951, whichever applicable period is longer: *Provided, however*, That where the termination inventory has been disposed of, or final payment or settlement of the war contract has been made on or after December 31, 1950, the above five-year period is reduced to three years. 18 U. S. C. 443; and 32 CFR 2011.2–4

4. *Persons dealing with manganese and tungsten ore.* To keep records of receipts, deliveries, inventories, and uses in sufficient detail to permit inspection and audit by representatives of the Defense Materials Procurement Agency to determine that the provisions of the orders have been met. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in microfilm or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR XIV, MO 2, Sec. 5, and MO 6, Sec. 5

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

1. *State boards for vocational education.* To keep records of the accounts

of Federal funds and State and local funds used for matching under the Federal Vocational Education Acts.

Retention period: Not specified. 45 CFR 102.13

2. *State boards for vocational education or their agents.* To keep copies of all arrangements and agreements of any kind, relating to the operation of Federally aided programs of vocational education or the use of Federal vocational funds.

Retention period: Not specified. 45 CFR 102.13

3. *State boards for vocational education.* To keep full statements of each instructor's qualifications, when paid by Federal funds under Federal Vocational Education Acts.

Retention period: Not specified. 45 CFR 102.206

4. *State boards for vocational education.* To keep records as evidence that the training of vocational students has been adequately supervised, when Federal funds expended under Federal Vocational Education Acts.

Retention period: Not specified. 45 CFR 102.206

Food and Drug Administration

1. *New drug distributors and importers for investigational use.* To keep statement by expert that drug will be used with proper facilities by or under him for investigation and complete records of shipments and deliveries.

Retention period: 3 years after introduction of shipment or delivery into interstate commerce or 3 years after the disposition by such importer of the lot of such drug to which such statement and records relate. 21 CFR 1.114

2. *Coal-tar color distributors or manufacturers to whom certificates have been issued by the Food and Drug Administration.* To keep complete records of disposal of all coal-tar color from the batch covered by each certificate.

Retention period: At least 1 year after disposal of all such color. 21 CFR 135.12

3. *Insulin distributors to whom certifications have been issued by the Food and Drug Administration.* To keep records of shipments and deliveries.

Retention period: 3 years after disposal of all the batch covered by a certificate. 21 CFR 144.8

4. *Antibiotic and antibiotic-containing drug distributors to whom certifications have been issued by the Food and Drug Administration.* To keep complete records of shipments and deliveries.

Retention period: Not less than 3 years. 21 CFR 146.5, 146.18–23

5. *Packers of processed shrimp and canned oysters operating under the seafood inspection service.* To keep shipping records covering shipments from each lot of inspected seafood.

Retention period: At least 1 year after date of shipment. 21 CFR Subpart A, 155.9 and Subpart B, 155.24

6. *Persons introducing shipment or delivery of unlabeled food into interstate commerce and operators of establishments processing, labeling, and repacking.* To keep food shipped interstate unlabeled for processing, labeling, or repacking at establishment not operated by same person where originally processed or packed. Such person and such operator to keep written agreement containing such specifications as will insure that such food will not be adulterated or misbranded upon completion of such processing, labeling or repacking.

Retention period: Until all such shipment or delivery has been removed from such establishment. 21 CFR 1.13

7. *Persons introducing shipment or delivery of unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, and repacking.* To keep drugs and devices shipped interstate unlabeled for processing, labeling, or repacking at establishment not operated by same person where originally processed or packed. Such person and such operator to keep written agreement containing such specifications as will insure that such drug or device will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: Until all such shipment or delivery has been removed from such establishment. 21 CFR 1.107

8. *Persons introducing shipment or delivery of unlabeled cosmetics into interstate commerce and operators of establishments processing, labeling, and repacking.* To keep cosmetics shipped interstate unlabeled for processing, labeling, or repacking at establishment not operated by same person where originally processed or packed. Such person and such operator to keep a written agreement containing such specifications as will insure that such cosmetic will not be adulterated or misbranded upon completion of such processing, labeling or repacking.

Retention period: Until all such shipment or delivery has been removed from such establishment. 21 CFR 1.204

9. *Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States.* To keep all thermograph charts.

Retention period: For 1 year unless within that period examined and released by authorized agent of Secretary. 21 CFR 185.17

Public Health Service

1. *State health authorities or cooperating agencies.*[3] To maintain records of authorized personnel training for State and local health work under Federal grants provided for general health purposes by the Federal Public Health Service Act, for purpose of audit for compliance with Public Health Service standards, and have accessible the available records, documents, and information pertinent to the audit of activities and programs described in State plans, and establish and maintain a system of personnel administration on a merit basis for personnel employed in programs, in compliance with the merit-system standards and adequate personnel records as described in 42 CFR Part 51, Appendix B.

Retention period: Not specified. 42 CFR 51.11, 51.12, 51.15

2. *State and local public health agencies and cooperating agencies.*[3] To establish and maintain efficient methods for conducting fiscal affairs in the administration of grants for general health purposes obtained under the Federal Public Health Service Act, maintaining a separate and distinct fund account for each Public Health Service grant.

Retention period: Not specified. 42 CFR 51.13

3. *State agencies administering Federal hospital construction project grants.* To establish and maintain a system of personnel administration on a merit system basis for personnel in the administration of State plans for grants for survey, planning, and construction of hospitals under the Federal Public Health Service Act, as outlined in regulations and in substantial compliance with the merit system policies of the Public Health Service as described in 42 CFR Part 53, Appendix B; to make the approved State plans available for examination to all interested persons or organizations; and, to be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects, in separate accounts showing the funds allotted, encumbered, and unencumbered balances, establishing and maintaining separate records of account and fiscal control for all Federal funds received for applicants (including States) for hospital construction project grants and for State, local, or other funds used for matching purposes.

Retention period: Not specified. 42 CFR 53.73, 53.76, 53.79

4. *Applicants receiving Federal funds for hospital construction projects.* To be required by the State agencies to establish and maintain adequate accounting and fiscal records reflecting the receipt and expenditure of funds allotted and paid for construction projects under the Federal Public Health Service Act.

Retention period: Not specified. 42 CFR 53.79

5. *Applicants receiving Federal water pollution control grants.*[3] To maintain and make available for purpose of audit accurate records of all expenditures incurred in carrying out the purposes of grants for investigation, research, survey, and study of water pollution caused by industrial waste and for water pollution control planning projects made under the Federal Water Pollution Control Act.

Retention period: Not specified. 42 CFR 55.5 (e), 55.24

6. *Institutions receiving Federal grants for training in heart disease.* To make available for audit or other reasonable inspection the fiscal and other records of the institution relating to the training for which a grant is awarded under 42 CFR Part 64.

Retention period: Not specified. 42 CFR 64.4 See also Sec. VIII Reports of the PHS Research Grant Programs Statement of Policy for recipients of PHS grants.

7. *Representatives of licensed foreign establishments distributing biologic products or trivalent organic arsenicals into any State or possession of the United States.* To keep such records of distribution as are required of domestic licensed establishments.

Retention period: As provided in 42 CFR 73.36. 42 CFR 73.21

8. *Licensed domestic manufacturing establishments of biologic products or trivalent organic arsenicals.* To keep records of production and distribution, with dates of the various steps in the manufacture, testing, disposition, and distribution of each lot, complete records of recall from distribution of any product not in compliance with acceptable standards, records of sterilization, including date, duration and temperature of each sterilization, animal necropsy records, and records clearly indicating the degree of responsibility for establishments participating in manufacture.

Retention period: For production records, an interval of 6 months to 5 years after the expiration date sufficient to permit the return of any clinical report of unfavorable reactions; for distribution records, until each lot ceases to be the property of the manufacturer; for others, not specified. 42 CFR 73.36

Children's Bureau, Social Security Administration

1. *State or local public agencies administering approved State plans for maternal and child health and crippled children's services.*[4] To retain the record of authorizations for purchase of services for individuals under State plans, as part of the individual's case record.

Retention period: Not specified. 42 CFR 200.11

2. *State agencies administering approved State plans for maternal and child health and crippled children's services.*[4] To maintain schedules of rates of payment for medical care, appliances, and convalescent and foster home care, such accounts and supporting documents as will permit the determination of the status of Federal grants at any time, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the respective Federal authorizations, a complete equipment inventory and adequate property controls, and all records pertaining to the program for emergency maternity and infant care services necessary to meet the requirements of section 503 (a), subsections 2, 3, 4, and 6 of the Social Security Act, as provided in § 202.4 (b).

Retention period: For emergency and infant care services program records, until notification of final adjustment of payments and accounts; for others, not specified. 42 CFR 200.13, 200.16, 200.23, 202.9

Bureau of Federal Credit Unions, Social Security Administration

1. *Treasurers (general managers) of Federal Credit Unions.*[5] To provide and maintain full and complete records of all the assets and liabilities of the credit unions.

Retention period: Not specified. 45 CFR 301.3 Article VIII, Sec. 5

2. *Clerks of Federal Credit Unions.*[5] To prepare and maintain full and correct records of all meetings of the members and of the boards of directors.

Retention period: Not specified. 45 CFR 301.3 Article VIII, Sec. 7

3. *Secretaries of Federal Credit Union Committees.*[5] To prepare and maintain full and correct records of all actions taken by the credit committees.

Retention period: Not specified. 45 CFR 301.3 Article IX, Sec. 3

4. *Secretaries of supervisory Federal Credit Union Committees.*[5] To keep and maintain full and correct records of all actions taken by the supervisory committees.

Retention period: Not specified. 45 CFR 301.3 Article X, Sec. 2

5. *Federal Credit Unions.* To keep all applications for loans and the reports of the credit committees.

Retention period: Permanent. 45 CFR 301.3 Article XII, Sec. 7

6. *Federal Credit Unions.* To keep copies of its organization papers, its by-laws, and any amendments thereto.

Retention period: Not specified. 45 CFR 301.3 Article XIX, Sec. 6.

7. *Treasurers of Federal Credit Unions.* To keep copies of the Supervision Fee Certificates.

Retention period: Permanent. 45 CFR 301.6

8. *Federal Credit Unions.*[5] To keep accounting records as prescribed in 45 CFR 301.14.

Retention period: Not specified. 45 CFR 301.14

9. *Federal Credit Unions voluntarily liquidated.* To keep settled passbooks of members along with the books and records of the credit unions.

Retention period: Not specified. 45 CFR 310.9

10. *Federal Credit Unions liquidated.* All records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed shall be retained by a custodian appointed by the board of directors of said Federal credit union.

Retention period: 5 years following the date of cancellation of the charter. 45 CFR 310.13

Bureau of Old-Age and Survivors Insurance, Social Security Administration

1. *State and local government employees under special coverage agreements.* Advised (not mandatory) to keep permanent, accurate records of identification, service dates, payments made, withholdings and collections, and adjustments or settlements, as specified in 20 CFR 404.1256 and in statements furnished employees by the State, in a form suitable for retention.

Retention period: Permanent. 20 CFR 404.1230, 404.1256

2. *State and local government employees under special coverage agreements.* To retain the receipt of the Social Security Administration acknowledging employee's application for account number.

Retention period: Not specified. 20 CFR 404.1243

3. *States under agreement for special coverage of State or local government employees.* To retain or cause to be retained employee's executed copy of his application for account number (Form SS–5), or statement in lieu thereof.

Retention period: Until employee shows his account number card or receipt for application, as provided in this section. 20 CFR 404.1243

4. *States under agreement for special coverage of State and local government employees.* To keep or cause to be kept (by political subdivision thereof) accurate records of all remuneration paid employees in coverage groups, containing data relating to employee identification, payments made, withholdings and collections, and details of adjustment or settlement, necessary explanations, a complete and detailed record respecting

[3] All records supporting claims for Federal grants, or relating to the accountability of the State or other grantee agency for expenditures of Federal grants—and, where required, of matching funds—must be kept intact until the completion of the fiscal audit and/or such other reviews as are regularly conducted by the Federal agencies, or for three years, whichever is later. The records involved in any claims or expenditures which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies. The Department of Health, Education, and Welfare does not require that records be maintained beyond this period unless, under special circumstances, the grantee agency is specifically advised that certain record materials should be retained until specific questions are settled. It is recognized that a State or locality, by law or regulation, may make additional requirements. (PHS–CB Health Grants Manual—Part 17–1.8C)

[4] Part 17–1.8C of the PHS–CB Health Grants Manual requires that: All records supporting claims for Federal grants, or relating to the accountability of the State or other grantee agency for expenditures of Federal grants—and, where required, of matching funds—must be kept intact until the completion of the fiscal audit and/or such other reviews as are regularly conducted by the Federal agencies, or for 3 years, whichever is later. The records involved in any claims or expenditures which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies. The Department of Health, Education, and Welfare does not require that records be maintained beyond this period unless, under special circumstances, the grantee agency is specifically advised that certain record materials should be retained until specific questions are settled. It is recognized that a State or locality, by law or regulation, may make additional requirements.

[5] Retention period specified on pp. 109–111 of the Accounting Manual for Federal Credit Unions (October 1954).

any contribution or interest against which a refund or credit is claimed, and, as a part of these records, copies of returns, reports, schedules, and statements required to be kept under these regulations or by instructions applicable to any form prescribed thereunder.

Retention period: For records relating to claims, at least 4 years after claim is filed; for others, at least 4 years after due date or date of payment of related contribution, whichever is later. 20 CFR 404.1254, 404.1256

Bureau of Public Assistance, Social Security Administration

1. *State and local public assistance agencies.* To keep records of individual recipients of public assistance payments in which there is Federal financial participation; also financial and statistical records and the supporting documents on the basis of which Federal funds for public assistance and administration are received and expended, and on the basis of which required reports are prepared.

Retention period: All records relating to the State's accountability for expenditures made pursuant to titles I, IV, X, and XIV of the Social Security Act must be kept intact for a sufficient period of time to permit examination by the Social Security Administration through the fiscal audit, the administrative review, and the personnel review, or for 3 years, whichever is later. The records involved in any claims or expenditures which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared.

The retention period described above is made known to all State public assistance agencies administering approved State plans under the public assistance titles of the Social Security Act, through the Bureau's formal release system—the Handbook of Public Assistance Administration, V–3411.11. 45 CFR 201.5 and 201.6 do not specify retention period.

Office of Vocational Rehabilitation

1. *State vocational rehabilitation agencies.* To keep a record for each case recording vocational rehabilitation data.

Retention period: Not specified. 45 CFR 401.10

2. *State vocational rehabilitation boards.* To keep fiscal accounts and schedules supporting the status of Federal-State funds for vocational rehabilitation, and releases and procedures.

Retention period: Not specified. 45 CFR 401.27

3. *State vocational rehabilitation agencies.* To keep records to justify the rates of payments made to training facilities, for physical restoration services and medical examinations, for hospitalization fees, and for prosthetic devices.

Retention period: Not specified. 45 CFR 401.31, 401.32, 401.33, 401.34

4. *State vocational rehabilitation agencies.* To keep accounts and supporting documents pertaining to Federal funds granted for the Business Enterprises Program for the Blind and as indicated in the Accounts Guide for each individual operating location.

Retention period: Not specified. 45 CFR 402.20

5. *State vocational rehabilitation agencies.* To keep complete inventories of all vending stands, other equipment, stock, materials and supplies acquired for or used in the program.

Retention period: Not specified. 45 CFR 402.21

6. *State agencies for vocational rehabilitation and the Business Enterprises Program for the Blind.* To keep records of all fiscal transactions.

Retention period: Not specified. 45 CFR 404.10

7. *State vocational rehabilitation agencies.* To keep intact all records supporting claims for Federal grants, or relating to the accountability of the State for expenditures of Federal grants and of matching funds.

Retention periods: Until completion of the fiscal audit and/or such other reviews as are regularly conducted, or for 3 years, whichever is later. The records involved in any claims or expenditures which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared. The records need not be retained beyond this period unless, under special circumstances, the agency is specifically advised that certain records should be retained until specific questions are settled. Vocational Rehabilitation Manual, Ch. 9, Sec. 3, "Disposal of Records."

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

1. *Applicants for assistance under the programs administered by the Community Facilities Service (preparation by public agencies of plans for public works).* To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 44 CFR 702.13

2. *Applicants for exceptions from residential credit restrictions.* To keep the eligibility statements (HHFA–FHA Form No. 3352) submitted by eligible defense workers renting dwelling units in accordance with CR–3—Relaxation of Residential Credit Controls; Regulations Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas.

Retention period: Not specified. 32A CFR Ch. XVII, CR 3, Sec. 11

3. *Applicants for exceptions from residential credit restrictions.* To keep the eligibility statements (HHFA–FHA Form No. 3352) submitted by eligible defense workers who bought dwellings erected for sale in accordance with CR 3—Relaxation of Residential Credit Controls; Regulations Governing Processing and Approval of Exceptions and Terms for Critical Defense Housing Areas.

Retention period: 6 months after date of sale. 32A CFR Ch. XVII, CR 3, Sec. 16

Federal Housing Administration

4. *Mortgagors of new or rehabilitated multifamily housing insured under sections 207, 213, 220, 221, 803, 903, and 908 of the National Housing Act.* To keep such records as are prescribed by the Federal Housing Commissioner at the time certification to keep such records is made and to keep them in such form as to permit a speedy and effective audit.

Retention period: Not specified. Sec. 814, Housing Act of 1954

5. *Lending agencies for multifamily rental housing under sections 207, 213, 220, 221, 608, 609, 611, 803, and 908 of the National Housing Act.* Upon assignment of the mortgage to the Federal Housing Commissioner, when entitled to receive the benefits of the insurance will deliver to the Commissioner, in addition to other items specified, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. Secs. 207, 213, 220, 221, 608, 609, 611, 803, and 908, National Housing Act of 1934

6. *Investors in connection with yield insurance, title VII, National Housing Act.* The Commissioner is authorized to prescribe rules and regulations relating to maintenance by the investor of books, records and accounts with respect to the project and the examination of such books, records and accounts by representatives of the Commissioner.

Retention period: Not specified. Sec. 712, National Housing Act of 1934

7. *Lending agencies.* To keep dealer files in connection with dealer approval, investigation and control which shall contain the dealer application, the approval by the insured together with supporting information and a record of the insured's experience with the loans originated by such dealer.

Retention period: Not specified. 24 CFR 200.25, 201.8

8. *Lending agencies.* To keep complete credit and collection file pertaining to each eligible property improvement loan transaction, which will accompany any claim for loss made by the insured, and to include the borrower's application for a Title I Loan, the original note, completion certificate(s) and other exhibits furnished to the lending institution by the borrower. Where proceeds of the loan are not disbursed directly to borrower without dealer intervention in any manner, file will include borrower's written authorization to disburse to other than the borrower, signed copy of contract or sales agreement describing type and extent of improvements to be made and the material to be used, also record of written notice to borrower of credit application approval. Proper evidence shall be in the file of permissible additional charges assessed against the borrower for additional expenses such as recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums in connection with Title I property improvement loans where security is taken in the nature of a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien or other security device taken for the purpose of securing the payment of eligible loans. Evidence of late charge billing must be in the file if claim is made under the Contract of Insurance. With respect to Class 3 property improvement loans under Title I of the National Housing Act, the property description, plans and specifications shall remain a permanent part of the loan file in connection with certification to the Commissioner by the insured that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties.

Retention period: Not specified. 24 CFR 200.1, 200.3, 201.3–5, 201.8, 201.11, 202.6–8, 233.5, 242.5, 243.9, 282.8, 286.5, 286.6, 289.9, 293.1, 293.8, 297.1, 297.8

9. *Investors insured under yield insurance provisions under section 609 of the National Housing Act.* Shall establish and maintain such books, records and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the conditions and operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

Retention period: Not specified. 24 CFR 291.6

10. *Manufacturers in connection with house manufacturing loans under section 609 of the National Housing Act.* The books, records, contracts, documents, papers, etc., used in connection with and pertaining to the manufacture of the houses shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times; and shall furnish, at the request of the Commissioner, his employees or attorneys, specific answers to questions upon which information is desired from time to time relative to the income, assets, liabilities, contracts, operations, including all papers and documents relating to the cost of manufacturing of such houses.

Retention period: Not specified. 24 CFR 285.5

11. *Lending agencies with respect to multifamily housing insured under sections 207, 213, 220, 221, 803, and 908 of the National Housing Act.* Records filed by the mortgagor with respect to occupancy reports when prescribed by the Commissioner, notices of any dividend or other distribution to mortgagor stockholders and semi-annual financial statements after distribution of any semi-annual dividends, annual CPA reports, copies of minutes of stockholder's and director's meetings certified to by the Secretary of the Corporation (mortgagor).

Retention period: Not specified. 24 CFR 232.19, 241.30, 292.1, 296.1, 263.1, 268.1

12. *Lending agencies with respect to multifamily rental housing insured under sections 207, 213, 220, 221, 608, 609, 611, 803, and 908 of the National Housing Act.* When eligible to receive the benefits of the mortgage insurance, and where it is elected to assign the mortgage to the FHA Commissioner, along with other requirements, there will be assigned and delivered to the Commissioner, all records, documents, books, papers, and accounts relating to the mortgage (or loan, Sec. 609) transaction.

Retention period: Not specified. 24 CFR 233.8, 242.5, 293.1, 297.1, 233.5, 282.8, 286.5, 286.6, 289.9, 243.9, 293.8, 297.8, 264.1, 269.1

13. *Mortgagors of multifamily housing under sections 207, 213, 220, 221, 803, 903, and 908 of the National Housing Act.* To keep books and accounts in accordance with requirements of the FHA Commissioner and in such form as will permit a speedy and effective audit and maintain for such periods of time as may be prescribed by the Commissioner; contracts, records, documents, and papers shall be subject to inspection and examination by the FHA Commissioner and his duly authorized agent at all reasonable times.

Retention period: Not specified. 24 CFR 232.19, 241.30, 292.1, 294.31, 296.1, 241.18, 296.24, 263.1, 268.1

14. *Mortgagors of multifamily rental housing under sections 207, 213, 220, 221, 803, 903, and 908 of the National Housing Act.* Where neither mortgagor nor its associates has any interest in the builder, financial or otherwise, and in connection with cost certification procedure, records shall be kept of all costs of any construction or other cost items not representing work under the general contract; where the mortgagor and/or its associates have an interest in the builder, contractor or any subcontractor, the mortgagor shall keep such records and in turn require the builders to keep similar records. Requirements also apply to rehabilitation projects.

Retention period: Not specified. 24 CFR 232.26, 241.35, 241.37, 292.1, 294.37, 296.1, 292.44, 296.36, 263.1, 268.1

15. *Mortgagors of multifamily rental housing under sections 608, 610 and 803, except Federal, State, and municipal mortgagors when requirements are waived under section 803 of the National Housing Act.* Shall keep full and complete records of all corporate meetings of directors, stockholders, and finance committee, if any, and of the elections and resignations of its officers; and, whether an individual or corporate mortgagor, shall keep orderly and accurate books of account and shall also keep copies of written contracts or other instruments which affect it or any of its property which shall be subject to inspection and examination by the Commissioner or his duly authorized agents at all reasonable times.

Retention period: Not specified. 24 CFR 280.30, 283.29, 292.33, 292.35

Home Loan Bank Board

16. *Federal savings and loan associations.* To keep at home office and branch offices complete records of all business transactions, and to keep at agencies an original record of all business transacted at such agencies.

Retention period: Not specified. 24 CFR 145.13, 145.14, 145.15, 145.19, 145.20

17. *Savings-building and loan associations insured by the Federal Savings and Loan Insurance Corporation.* Signed appraisals of real estate loans located more than fifty miles from institution's principal office to be kept by insured institution.

Retention period: Not specified. 24 CFR 163.10

DEPARTMENT OF THE INTERIOR

Alaska Game Commission

1. *Persons selling or otherwise disposing of designated poisons.* To keep a record in a special book, showing name and address of persons purchasing or otherwise procuring said poisons, and the kind and amount thereof, as required by Section 8 of the Alaska Game Law.

Retention period: Not specified. 50 CFR 162.1

2. *Persons selling strychnine or other poison designated by the Commission.* To keep a record showing name and address of purchaser, kind and amount sold.

Retention period: Not specified. 48 U. S. C. 197

Defense Electric Power Administration

1. *Power producers (electric utility and non-utility power producers affected by Order EO 4).* To keep complete records concerning deliveries of electric energy to consumers in the Pacific Northwest.

Retention period: 2 years. 32A CFR XI, DEPA Order EO 4, Sec. 6—Revoked April 30, 1953, 18 F. R. 2517

Fish and Wildlife Service

1. *Persons exercising privileges under permits granted under Migratory Bird Treaty Act regulations.* To keep records and make reports as specified in the permits issued by the Fish and Wildlife Service for the importation, taking, sale, purchase, or other acquisition, and posession of live migratory birds and their eggs for propagating purposes; for the importation, taking, sale, purchase, or other acquisition, and possession of migratory birds and their eggs, nests or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests, parts and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests.

Retention period: Not specified (but records kept to permit making of report not later than January 10 of each year). 50 CFR 6.8 and permit forms presently in use.

2. *Persons exercising privileges under permits to kill, frighten, or herd migratory birds injuring crops.* To keep an accurate record of all migratory birds killed and submit a report stating the species and number of migratory birds killed by the permittee.

Retention period: Not specified. 50 CFR 6.9

3. *California State Agricultural Commissioner authorized to kill or to have killed certain birds economically injurious.* To keep a record of the persons authorized by him to kill such birds and of the number of birds killed by each person so authorized, as well as by himself, and to make a report thereof.

Retention period: Not specified (but records kept to permit a report to be made not later than January 1 of each year). 50 CFR 6.52

4. *State fish and game departments conducting wildlife restoration projects with Federal aid.* To keep or direct the keeping of separate project records of cost of lands acquired, improvements, construction, overhead and maintenance done by or on behalf of the State.

Retention period: Not specified. 50 CFR 41.50

5. *Alaska fur dealers, mission stores and cooperative stores operated exclusively by and for native Indians and Eskimos.* To keep records showing the number of each kind of furs purchased or procured, from whom purchased and to whom sold, date of purchase or sale, name and license number of trapper.

Retention period: Not specified. 50 CFR 46.57

6. *Hunters and trappers in Alaska.* To keep records showing the kind and number of each species of animal or bird taken in Alaska.

Retention period: Not specified (but records kept to permit submission of report not later than July 31 of each year, except that hunters taking big-game animals in certain areas must report such taking within 10 days). 50 CFR 56.58 (19 F. R. 2633)

7. *Persons conducting fishing operations in Alaska.* To furnish daily reports of fish taken in waters where a rack or weir is maintained by the Fish and Wildlife Service for the purpose of counting salmon ascending to the spawning grounds.

Retention period: Not specified (but note that a report must be made of each day's catch of fish). 50 CFR 102.4

8. *Buyers or processors of fish or shellfish operating in Alaska.* To (a) file notice of intention to operate, listing extent, nature, and location of operation; (b) report individual receipts of fish and allied data; (c) maintain statistical records on receipts and production; and (d) submit report of operations at the close of the season on statistical forms disclosing information concerning operation, production, personnel, wages, and equipment used.

Retention period: Not specified. 50 CFR 102.7

9. *Otter trawl operators in Alaska.* To maintain a running log of fishing operations and furnish not later than December 15 of each year complete statistics of operations.

Retention period: Not specified. 50 CFR 102.30

10. *Fishermen operating in Bristol Bay Area, Alaska.* To report daily the number of boats and salmon catches by species and gear.

Retention period: Not specified. 50 CFR 104.8

11. *Fishermen operating in the Cook Inlet Area, Alaska.* To report all unprocessed salmon caught in the Cook Inlet area before transporting such salmon out of the area.

Retention period: Not specified (but note that reporting requirement relates to day-to-day operations or operations limited in time). 50 CFR 109.2

Geological Survey

1. *Coal-mine lessees (federally owned lands).* To keep records of all coal mined, sold, or otherwise disposed of. Records of correct daily weights or biweekly measurements shall be posted if the miners are paid by weight or measurement.

Retention period: Not specified. 30 CFR 211.15

2. *Oil and gas lessees (federally owned and restricted Indian lands).* To keep accurate and complete records of the drilling, redrilling, deepening, repairing, plugging, or abandoning of oil wells and of all other well operations, and of all alterations to casing.

Retention period: Not specified. 30 CFR 221.23

3. *Mineral lessees, potash, sodium, and other minerals (federally owned lands).* To keep books of a correct account of all ore mined, put through the mill, of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, prices received, and percentage of mineral products recovered or lost.

Retention period: Not specified. 30 CFR 231.26

4. *Oil and gas and sulphur lessees (outer Continental Shelf).* To keep well records and production records, and information obtained in the course of well operations.

Retention period: Not specified. 30 CFR 250.37

Bureau of Indian Affairs

1. *Voters, Annette Islands Reserve, Alaska.* May be required to present receipts for taxes, fines or fee for permit to occupy land as evidence of entitlement to vote.

Retention period: Not specified. 25 CFR 1.4

2. *Secretary of Annette Islands Reserve, Alaska.* To keep a record of the labor on public works performed by each person without remuneration, showing the dates, number of hours and character of the service rendered by each person.

Retention period: Not specified. 25 CFR 1.13

3. *Secretary of Annette Islands Reserve, Alaska.* To keep the minutes of all proceedings of the council and to be custodian of all official documents of the Annette Islands Reserve.

Retention period: Not specified. 25 CFR 1.29

4. *Secretary of executive committee, Annette Islands Reserve, Alaska.* To keep record of the proceedings of the Executive Committee.

Retention period: Not specified. 25 CFR 1.34, 1.46

5. *Treasurer, Annette Islands Reserve, Alaska.* To keep in a book a correct account of all moneys received and paid out by him. Book shall at all times be open to inspection of mayor, the secretary, the auditing committee and the representative of the U. S. Bureau of Indian Affairs.

Retention period: Not specified. 25 CFR 1.40

6. *Elected public health committee, Annette Islands Reserve, Alaska.* To assist the Secretary in collecting and preserving the vital statistics.

Retention period: Not specified. 25 CFR 1.50

7. *Secretary, Annette Islands Reserve, Alaska.* To preserve in the official records duplicates of permits to occupy lots within the town of Metlakahtla or to occupy tracts of land within Annette Islands Reserve.

Retention period: Not specified. 25 CFR 1.59, 1.60

8. *Alaskan Indian Chartered Corporation, unincorporated tribes and bands, and credit and cooperative associations from the United States.* To keep separate records and accounts of their credit activities and of their cattle loans.

Retention period: Not specified. 25 CFR 21.7, 21.10

9. *Chippewa Indian Marketing Association.* To keep records.

Retention period: During time the Association is indebted to the "Chippewa in Minnesota Fund." 25 CFR 27.18

10. *Secretary, Klamath Tribal Loan Board.* To keep a complete record of all meetings of the board.

Retention period: Not specified. 25 CFR 28.3

11. *Klamath Tribal Loan Board.* To keep records and accounts regarding the status of loans.

Retention period: Not specified. 25 CFR 28.9

12. *Local officials on Indian reservations.* To keep current a register of names of all users of the range, number and each kind of stock being grazed, the carrying capacity of each grazing unit, periods when grazing should be permitted, and the fees paid.

Retention period: Not specified. 25 CFR 71.8

13. *Courts of Indian offenses.* To keep a record of all proceedings of the courts.

Retention period: Not specified. 25 CFR 161.11

14. *Lessees of restricted allotted Indian lands for mining.* To keep a full and correct accounting of all operations and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

Retention period: Not specified. 25 CFR 189.25

15. *Lessees of lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.* To keep a full and correct account of all operations; and their books and records, showing the manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

Retention period: Not specified. 25 CFR 192.25

16. *Lessees of lands in Crow Indian Reservation, Montana, for mining.* To keep books of account showing amount of ore shipped or oil or other mineral substance sold or treated, and showing amount of money received from sale of ores, oil, etc.

Retention period: Not specified. 25 CFR 195.18

17. *Lessees of lands under Quapaw Agency for lead and zinc mining.* To keep books in which shall be a correct account of all ore and rock mined on the tract, of all ore put through the mill, etc.

Retention period: Not specified. 25 CFR 201.24

18. *Lessees of lands in Osage Reservation, Oklahoma, for mining, except oil and gas.* To keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes, showing the formations; and books and records showing manner of operations and persons interested.

Retention period: Not specified. 25 CFR 204.13, 204.21

19. *Oil and gas pipeline operators with rights-of-way over Indian lands.* To keep books and records of oil produced or run from the lands.

Retention period: Not specified. 25 CFR 256.25

20. *Builders of roads on Indian lands.* To keep accurate cost account records of all funds expended on road and bridge projects. (Forms and instructions issued by Commissioner of Indian Affairs.)

Retention period: Not specified. 25 CFR 261.21

21. *Traders of Navajo, Zuni, and Hopi Reservations.* To keep accurate records of business activities. Receipts issued by the trader for Indian products must be recorded in the traders' books.

Retention period: Not specified. 25 CFR 277.7, 277.17

22. *Red Lake Fisheries Association.* To keep books and records showing all receipts and disbursements, names and addresses of all persons from whom fish are purchased and to whom fish are sold, and all other transactions.

Retention period: Not specified. 25 CFR 291.13

23. *Indian corporations and tribes.* To keep separate records and accounts of their cattle loans in connection with the revolving cattle pool.

Retention period: Not specified. 25 CFR 23.9

International Fisheries Commission

1. *Masters or operators of vessels holding Pacific halibut fisheries license or permit.* To keep an accurate log of all fishing operations, including the date, locality, amount of gear used, and amount of halibut taken daily in each locality.

Retention period: Not specified. 50 CFR 301.7

2. *Halibut dealers.* To keep records of each purchase or receipt of halibut, showing date, locality, name of vessel, firm or corporation purchased or received from and amount in pounds according to trade categories of the halibut and other species landed therewith.

Retention period: Not specified. 50 CFR 301.8

International Whaling Commission

1. *Factory whaling ships and land stations.* To enter immediately in a permanent record the information reported by radio on whales taken by whale catchers, as prescribed in 50 CFR 351.13 (c), and other data, as prescribed in paragraph (c), when it becomes available.

Retention period: Permanent. 50 CFR 351.13

Bureau of Land Management

1. *Permittees filming motion pictures on any area under the jurisdiction of the Department of the Interior.* To furnish upon request for administrative use a print of the film footage taken pursuant to the permission granted.

Retention period: Not specified. 43 CFR 5.5

2. *Mining recorders of notices.* To keep records of notice of location defining the tunnel claim, to which must be attached the sworn statement or declaration of the owners, claimants or projectors of such tunnel, setting forth the facts in the case; stating the amount expended by themselves and their predecessors; the extent of the work performed and their intention to prosecute work with reasonable diligence for the development of a vein or lode, or for the discovery of mines, or both.

Retention period: Not specified—to be kept in the recorder's files for future reference. 43 CFR 185.23

Bureau of Mines

NOTE (supplied by Bureau of Mines):

Federal Coal Mine Safety Act, Section 105 (55 Stat. 177, as amended by 66 Stat. 692, 30 U. S. C. 455)

FEDERAL COAL MINE SAFETY ACT

TITLE I

Every owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine the products of which regularly enter commerce or the operations of which substantially affect commerce shall furnish to the Secretary of the Interior, acting through the United States Bureau of Mines, or to any duly authorized representative of such Bureau, upon request, complete and correct information to the best of his knowledge concerning any or all accidents involving bodily injury or loss of life which occurred in such mine during the six-month period immediately preceding the date on which the request is made. Whoever willfully violates this section shall be fined not more than $500. Retention period: six months immediately preceding date of request.

Federal Coal Mine Safety Act, Sec. 209 (d) (8) (9) (55 Stat. 177, as amended by 66 Stat. 692, 30 U. S. C. 479 (d) (8) (9)

(8) In nongassy mines, an examination as prescribed in paragraph (7) shall be made at least once in each calendar day during which coal is produced. Such examination shall be made within four hours immediately preceding the beginning of the first coal-producing shift on such day.

(9) The underground working places in all mines shall be examined for hazards by certified persons designated by the mine operator to do so, at least once during each coal-producing shift, or oftener if necessary for safety. In a gassy mine, such examinations shall include tests with a permissible flame safety lamp for methane, and oxygen deficiency. In all underground face workings in a gassy mine where electrically driven equipment is operated, examinations for methane shall be made with a permissible flame safety lamp by a person trained in the use of such lamp before such equipment is taken into or operated in face regions, and frequent examinations for methane shall be made during such operations. Retention period: not specified.

1. *Applicants receiving Bureau of Mines approval of mechanical equipment for mines.* To keep exact duplicates of the drawings and specifications retained by the Bureau.

Retention period: Not specified. 30 CFR 32.6, 32.8, 33.7, 33.8

2. *Explosives licensees under the Federal Explosives Act.* To keep a full, detailed and tabulated record of all transactions in or operations involving explosives or ingredients as specified in the sections cited.

Retention period: Not specified. 32 CFR 1301.16, 1301.19, 1301.20, 1301.23

National Park Service

1. *Concessioners.* To keep records of their employees, payrolls, and other records with respect to compliance with State labor standards (laws).

Retention period: 3 years. 36 CFR 28.7, 28.9

Oil and Gas Division (Connally Act Administration)

1. *Petroleum producers in designated areas (in all of Louisiana and certain counties in Texas and New Mexico).* To keep records of inventories, production, consumption, and deliveries, and gauge tickets, run tickets, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

2. *Petroleum and petroleum products purchasers, refiners, storers, shippers, consignors, casinghead gasoline plants, persons dealing in; brokers, buyers and sellers.* To keep records of inventories, receipts, consumption, deliveries, and operations, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

3. *Petroleum and petroleum products reclamation plants.* To keep records of inventories, receipts, reclamation, and operations, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

4. *Petroleum and petroleum products pipelines.* To keep records of inventories, receipts, locations, diversions, and shipping, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

5. *Petroleum and petroleum products transporting agencies.* To keep records of shipments, diversions, and shipping, and other records.

Retention period: After not less than 3 years the Federal Petroleum Board may, upon written request of the person, grant permission to dispose of the records. 30 CFR 302.6

INTERSTATE COMMERCE COMMISSION

1. *Steam railroad companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.12

2. *Electric railway companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.31

3. *Sleeping car companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.50

4. *Express companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.70

5. *Pipe line companies.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.90

6. *Motor carriers other than class 1 (class 1 carriers have average gross revenues of $100,000 or more).* To keep general and auxiliary ledgers, journals, cash books, and journal entries; property records showing costs and dates acquired, including certificates or abstracts of title and records pertaining to depreciation, retirements, and replacements of property; capital stock records, minutes of directors, stockholders, and other corporate meetings.

Retention period: Permanently. 49 CFR 203.1

7. *Motor carriers other than class 1.* To keep drivers' logs.

Retention period: 1 year. 49 CFR 203.1

8. *Motor carriers other than class 1.* To keep all records other than those noted in the two preceding entries.

Retention period: Not less than 3 years. 49 CFR 203.1

9. *Brokers for motor carriers.* To keep same records for same periods as motor carriers other than class 1, insofar as applicable.

Retention periods: Various. 49 CFR 203.100

10. *Motor carriers, class 1.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 203.311

11. *Water carriers.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 325.12

12. *Freight forwarders.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 450.11

13. *Car lines and protective service.* To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.100

DEPARTMENT OF JUSTICE

1. *Foreign agents.* To keep books and records of political activities.

Retention period: 3 years following termination of activity as agent. 22 U. S. C. 615

2. *Foreign agents required to register under 22 U. S. C. 611 et seq.* To keep all books and records relating to any activities which necessitate registration, including correspondence, memoranda, and other written communications, with or on behalf of foreign principals, cryptographic paraphernalia, names and addresses of those designated to receive "political propaganda," financial records, etc.

Retention period: 3 years after notifying Department that activities requiring registration are terminated. 28 CFR 5.500

3. *Organizations registered under Subversive Activities Control Act of 1950.* To keep bookkeeping and other financial records relating to registrants' activities, including income and disbursements, as well as books and records disclosing members, officers, and employees of registrant.

Retention period: Not specified. 28 CFR 11.204

4. *Manufacturers of and dealers in gambling devices.* To keep monthly record of sales and deliveries of gambling devices, showing the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier, and including duplicate bills and invoices, in order that monthly report may be made to the Attorney General.

Retention period: Not specified. 15 U. S. C. 1173

DEPARTMENT OF LABOR

Bureau of Employees' Compensation

1. *Employers subject to the provisions of the Longshoremen's and Harbor Workers' Compensation Act.* To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 31.22

2. *Employers in the District of Columbia subject to the Longshoremen's and Harbor Workers' Compensation Act.* To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 41.22

3. *Physicians and hospitals treating Federal employees covered by the Employees' Compensation Act of 1916, as amended.* To keep records of all injury cases treated by them sufficient to supply the Bureau of Employees' Compensation with a history of the employee's accident, the exact description, nature, location and extent of injury, the degree of disability arising therefrom, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of disability arising from the injury.

Retention period: Not specified. 20 CFR 2.10

Office of the Secretary

1. *Maritime employers.* To keep a record of any injury to an employee.

Retention period: Not specified. 33 U. S. C. 929

2. *Contractors or subcontractors engaged in construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from a Federal agency.* To keep weekly payroll records setting out name, occupation and hourly wage rate of each employee, hours worked during payroll period, full weekly wages earned, and deductions made from such weekly wages, and actual weekly wages paid him.

Retention period: 3 years from date of completion of contract. 29 CFR 3.4. (See also 29 CFR 5.5 for same effect.)

3. *Employers subject to child-labor provisions of the Fair Labor Standards Act.* To keep certificates of age for employed minors under 18 years of age.

Retention period: Until termination of employment of minor. 29 CFR 4.3

4. *State agencies having agreements with Secretary of Labor or Administrator of Wage and Hour Division, Labor Department for utilization of their services in making investigations and inspections.* To keep accounting records and supporting data pertaining to expenditures for investigations and inspections under Fair Labor Standards Act, and Public Contracts Act.

Retention period: Not specified. 29 CFR 4.86. (See also 29 CFR 515.6 for same.)

5. *Employers subject to minimum age standards of child labor provisions of Fair Labor Standards Act.* To keep age certificate (a statement of a minor's age issued under regulations of Secretary of Labor) showing minor to be above minimum age requirements for employment as a protection from an unwitting violation of minimum age standards.

Retention period: Not specified. 29 CFR 4.121

6. *Employers subject to labor standards provisions applicable to contracts covering federally financed and assisted constructions (See 29 CFR 5.1).* To keep payroll records for all laborers and mechanics working in the construction or development of certain projects (stipulation to be inserted in appropriate contracts by interested Federal agency).

Retention period: 3 years after termination of contract. 29 CFR 5.5. (See also 29 CFR 3.4 for same effect.)

Division of Public Contracts

7. *Contractors subject to Public Contracts Act (contracts with U. S. agencies or District of Columbia).* To keep certificate of age of employee issued by Secretary of Labor under Fair Labor Standards Act as protection against employment of underage minors.

Retention period: During period of employment of such minors. 41 CFR 201.105

8. *Contractors subject to Public Contracts Act (contracts with U. S. agencies or District of Columbia).* To keep employment records, including name, address, sex, occupation, date of birth of each employee under 19 years of age, certificate of age (if minor), wage and hour records.

Retention period: 4 years from date of last entry. 41 CFR 201.501

9. *Contractors subject to Public Contracts Act (contracts with U. S. agencies or District of Columbia).* To keep records of injury frequency rates of employees.

Retention period: 4 years after date of entry. 41 CFR 201.502

Wage and Hour Division

10. *State agencies having agreements with Secretary of Labor, or Administrator of Wage and Hour Division, for utilization of their services in making investigations and inspections under Fair Labor Standards Act and Public Contracts Act.* To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 515.6. (See 29 CFR 4.86 for same.)

11. *Employers subject to Fair Labor Standards Act.* To keep employment records relating to wages, hours, conditions of employment, etc.

Retention period: 3 years for payrolls and certificates, union agreements, and notices; and two years for basic employment and earnings records, wage rate tables, work time schedules, order, shipping and billing records (customers' bills, etc.), records of deductions from or additions to pay. 29 CFR 516.5, 516.6

12. *Employers subject to Fair Labor Standards Act employing apprentices in skilled trade at wages lower than minimum wage applicable.* To keep records relating to wages, hours, conditions of employment, etc., as well as designation of apprentices on the payroll, and, when applicable, the apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed shall be retained.

Retention period: 3 years from termination of apprenticeship. 29 CFR 521.8

13. *Joint apprenticeship committees holding certificates issued by Administrator.* To keep records of apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed by an employer; the cumulative amount of work experience gained by the apprentice, and a list of employers to whom apprentice was assigned and period of time worked for each employer.

Retention period: 3 years from date of termination of apprenticeship. 29 CFR 521.8

14. *Employers subject to Fair Labor Standards Act employing learners under special learners certificates.* To keep payroll records of learners; statements obtained from learners employed under special learners certificates of experience acquired in the industry in the five years prior to employment as a learner (in addition to requirements of 29 CFR Part 516).

Retention period: Not specified. 29 CFR 522.7

15. *Employers subject to Fair Labor Standards Act employing learners under special learners certificates.* To keep posting of special certificate authorizing employment of learners or cancellation thereof (when applicable).

Retention period: Not specified. 29 CFR 522.11

16. *Independent telephone industry exchanges authorized to employ learners.* To keep payroll records of learners and occupation in which each learner is employed.

Retention period: Not specified. 29 CFR 522.91

17. *Employers subject to Fair Labor Standards Act.* To keep a copy of special certificates authorizing employment of workers whose earning capacity is impaired by physical or mental deficiencies at wages lower than the minimum wages applicable under Fair Labor Standards Act with employment record.

Retention period: 3 years. 29 CFR 524.9 (retention: 516.14)

18. *Sheltered workshops (as defined in 29 CFR 525.1).* To keep records of the nature of each client's handicap, and records required under applicable provisions of 29 CFR Part 516.

Retention period: Not specified. 29 CFR 525.10

19. *Employers of homeworkers in the needlework and fabricated textile products industry in Puerto Rico.* To keep records including name and address of firms outside Puerto Rico from whom goods upon which work to be done are received; name and address of subcontractors, if any, to whom each lot delivered or delivery to homeworkers, and Labor Department permit number; dates goods delivered to and received from subcontractor, with description of goods and rate of commission; name, address, age (if under 19) of homeworker; style number, description, amount of goods delivered, rates, etc.; date homeworker paid.

Retention period: 3 years. 29 CFR 545.7, 545.8

20. *Homeworkers in the needlework and fabricated textile products industry in Puerto Rico.* To keep handbook furnished to employers by Wage and Hour Division, in which employer enters dates on which goods delivered to and received from (or purchased from) homeworker; style number; description, amount of goods, rates, etc.; date homeworker paid; signature of person acting for employer.

Retention period: 2 years subsequent to date of last entry. 29 CFR 545.7, 545.8

21. *Employer and employees (homeworkers) in the needlework and fabricated textile products industry in Puerto Rico.* To keep record of overtime (over 40 hours 1 week) including hours worked on each lot of work, total hours worked each week; wages paid at regular piece rates; extra amount paid for overtime; this in addition to other records required by 29 CFR 545.7.

Retention period: Employer, 3 years; employee, 2 years. 29 CFR 545.7, 545.8

22. *Employers of persons engaged in the vegetable, fruit, and fruit juice canning industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 698.2

23. *Employers of persons engaged in the straw hat and vegetable packing industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 702.3

24. *Employers of persons engaged in the bay oil, bay rum and aromatic alcohol industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 670.2

25. *Employers of persons engaged in the quilt and pillow industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 699.3

26. *Employers of persons engaged in commerce or in production of goods for commerce in the women's apparel industry.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 605.3

27. *Homeworkers and employers in the women's apparel industry.* To maintain one copy each of certificate authorizing employment of industrial homeworkers in the women's apparel industry.

Retention period: Not specified. 29 CFR 605.107

28. *Employers of industrial homeworkers in the women's apparel industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 605.108

29. *Employers in commerce or in the production of goods for commerce in the jewelry manufacturing industry.* To

keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 607.4

30. *Homeworkers and employers in the jewelry manufacturing industry.* To keep a copy of certificate authorizing the employment of industrial homeworkers in the jewelry manufacturing industry.

Retention period: Not specified. 29 CFR 607.107

31. *Employers of industrial homeworkers in the jewelry manufacturing industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 607.108

32. *Employers of industrial homeworkers engaged in making handfashioned jewelry of the Navajo, Pueblo, and Hopi Indian reservations.* To keep records including name, address, and age of homeworker, description of work performed, amount and date of cash payments, and schedule of piece rates paid.

Retention period: Not specified. 29 CFR 607.112

33. *Employers engaged in commerce or in the production of goods for commerce in the knitted outerwear industry.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 617.4

34. *Homeworkers and employers in the knitted outerwear industry.* To keep copy of certificate authorizing employment of industrial homeworkers in the knitted outerwear industry with employment record.

Retention period: Not specified. 29 CFR 617.107

35. *Employers of industrial homeworkers in the knitted outerwear industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 617.108

36. *Employers of persons engaged in commerce or in the production of goods for commerce in the gloves and mittens industry.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 621.4

37. *Homeworkers and employers in the gloves and mittens industry.* To keep the certificate authorizing employment of industrial homeworkers in the gloves and mittens industry.

Retention period: Not specified. 29 CFR 621.107

38. *Employers of industrial homeworkers in the gloves and mittens industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 621.108

39. *Employers of persons in commerce or in the production of goods for commerce in the button and buckle manufacturing industry.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 625.4

40. *Homeworkers and employers in the button and buckle industry.* To keep the certificate authorizing the employment of industrial homeworkers.

Retention period: Not specified. 29 CFR 625.107

41. *Employers of industrial homeworkers in the button and buckle manufacturing industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 625.108

42. *Employers of persons in commerce or in the production of goods for commerce in the handkerchief manufacturing industry.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 628.4

43. *Homeworkers and employers in the handkerchief manufacturing industry.* To keep certificate authorizing employment of industrial homeworkers in the handkerchief manufacturing industry.

Retention period: Not specified. 29 CFR 628.107

44. *Employers of industrial homeworkers in the handkerchief manufacturing industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 628.108

45. *Employers of persons in commerce or in the production of goods for commerce in the embroideries industry.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 633.4

46. *Homeworkers and employers in the embroideries industry.* To keep copy of certificate authorizing employment of industrial homeworkers in the embroideries industry.

Retention period: Not specified. 29 CFR 633.107

47. *Employers of industrial homeworkers in the embroideries industry.* To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 633.108

48. *Employers of persons in commerce or in the production of goods for commerce in the handicraft art novelty industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR Parts 702, 699, and 709

49. *Employers of persons engaged in commerce or in the production of goods for commerce in the needlework industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 655.3

50. *Employers of persons engaged in the hairnet industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 656.3

51. *Employers of persons engaged in the leaf tobacco industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 657.3

52. *Employers of persons engaged in the rum and industrial alcohol industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 706.2

53. *Employers of persons engaged in the shipping industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 660.3

54. *Employers of persons engaged in the banking, insurance and finance industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 661.2

55. *Employers of persons engaged in the cement industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 662.2

56. *Employers of persons engaged in the manufactured coconut industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 673.2

57. *Employers of persons engaged in the paper box manufacturing industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 677.2

58. *Employers of persons engaged in designated industries in the Virgin Islands (liquor, shipping, property water carrier, wholesaling, communications, electric power, meat packing, bay oil, bay rum, other manufacturing and others except banking).* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 669.3

59. *Employers of persons engaged in chemical, petroleum, and related products industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 670.2

60. *Employers of persons engaged in communications, utilities, and miscellaneous transportation industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 671.2

61. *Employers of persons engaged in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 672.2

62. *Employers of persons engaged in the foods, beverages, and related products industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 673.2

63. *Employers of persons engaged in the leather, textile, straw, and related products industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 674.3

64. *Employers of persons engaged in the lumber and wood products industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 675.2

65. *Employers of persons engaged in the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 676.3

66. *Employers of persons engaged in the paper, paper products, printing, publishing, and related industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 677.2

67. *Employers of persons engaged in the stone, clay, glass, and related products industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 678.2

68. *Employers of persons engaged in the woven and knitted fabric glove division and leather glove division of the needlework industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 680.3

69. *Employers of homeworkers in Puerto Rico (other than needlework industries).* To keep records pertaining to employment of such homeworkers.

Retention period: 2 years. 29 CFR 681.7, 681.8

70. *Employers of homeworkers in industries in Puerto Rico (other than needlework industries).* To keep handbook furnished to employers by Wage and Hour Division to record dates upon which goods in each lot were delivered; style number, if any; description of, and amount of goods in each lot; operations to be performed thereon; piece rate to be paid, and net amount paid for operations performed upon such goods, etc.

Retention period: 2 years. 29 CFR 681.7, 681.8

71. *Employers of persons engaged in the leather and skin products division of the leather, textile, rubber, straw, and related products industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 704.2

72. *Employers of persons engaged in the wholesaling, warehousing, and other distribution industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 683.3

73. *Employers of persons engaged in the hooked rug industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 684.2

74. *Employers of persons engaged in the foundry, machine shop and fabricated metal products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 701.3

75. *Employers of persons engaged in the shoe manufacturing and allied industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 686.3

76. *Employers of persons engaged in the hosiery industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 687.3

77. *Employers of persons engaged in the artificial flower industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 688.3

78. *Employers of persons engaged in the sugar manufacturing industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 689.3

79. *Employers of persons engaged in the small leather goods and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 704.2

80. *Employers of persons engaged in the pearl button industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 709.2

81. *Employers of persons engaged in the railroad, railway express, and property motor transport industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 692.2

82. *Employers of persons engaged in the cigar and cigarette industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 693.3

83. *Employers of persons engaged in industries in the Virgin Islands.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 694.3

84. *Employers of homeworkers in industries in the Virgin Islands.* To keep records pertaining to such homeworkers.

Retention period: 3 years. 29 CFR 695.6, 695.7

85. *Employers of homeworkers in industries in the Virgin Islands.* To keep handbook records containing dates upon which goods in each lot were delivered and collected; style number, description, and amount of goods in each lot, operations to be performed, and piece rate to be paid; net amount actually paid for operations performed; date paid and signature of person acting in behalf of employer.

Retention period: 2 years subsequent to last entry. 29 CFR 695.6, 695.7

86. *Employers of persons engaged in the bakery products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 696.3

87. *Employers of persons engaged in the button, buckle, and jewelry industry in Puerto Rico.* To keep wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 709.2

88. *Employers of persons engaged in the vegetable, fruit, and nut packing and processing industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 698.3

89. *Employers of persons engaged in the textile and textile products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 699.3

90. *Employers of persons engaged in the clay and clay products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 700.2

91. *Employers of persons engaged in the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 701.3

92. *Employers of persons engaged in the handicraft products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 702.3

93. *Employers of persons engaged in the men's and boys' clothing and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 703.3

94. *Employers of persons engaged in the leather, leather goods, and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 704.2

95. *Employers of persons engaged in the decorations and party favors industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 705.3

96. *Employers of persons engaged in the alcoholic beverage and industrial alcohol industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 706.2

97. *Employers of persons engaged in the jewel cutting and polishing industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 707.2

98. *Employers of persons engaged in the rubber, straw, hair and related products industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 708.2

99. *Employers of persons engaged in the button, buckle, and jewelry industry in Puerto Rico.* To keep notices of wage orders as prescribed by Wage and Hour Division.

Retention period: Not specified. 29 CFR 709.2

100. *Employers making retroactive payment of wages to employees or industrial homeworkers under supervision of the Administrator.* To record and preserve, as an entry on payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment; and preserve a copy of the report of each such payment on the receipt form authorized by the Wage and Hour Division.

Retention period: Not specified. 29 CFR 516.2, 516.21 (19 F. R. 6498)

OFFICE OF DEFENSE MOBILIZATION

Defense Rental Areas Division

1. *Local advisory boards.* To keep minutes of all meetings of the board concerned with questions of control, decontrol, or general rent adjustments.

Retention period: Not specified. 32A CFR Ch. XXI, LABPR–1, Sec. 17

2. *Local advisory boards.* To receive and file petitions, briefs, and supporting documents, petitioning local advisory boards to hold public hearings and statements in support of or in opposition to the petitions.

Retention period: Not specified. 32A CFR Ch. XXI, LABPR–1, Secs. 19, 22, 23

3. *Landlords.* To keep stamped copy of registration statement of controlled housing accommodations rented or offered for rent.

Retention period: Not specified. 32A CFR Ch. XXI, RR1, Sec. 211 (a); RR1, Sec. 213

4. *Governmental agencies operating rental housing facilities.* To post rent schedules setting forth the maximum rents for all such rental housing units.

Retention period: Not specified. 32A CFR Ch. XXI, RR1, Sec. 213

5. *Persons who rent or offer for rent or act as brokers or agents for rental of any controlled housing accommodations.* To make and keep records and other documents as the Director of Rent Stabilization or Area Rent Director may require from time to time.

Retention period: Not specified. 32A CFR Ch. XXI, RR1, Sec. 227; RR2, Sec. 227; RR3, Sec. 126; RR4, Sec. 227

6. *Landlords of controlled rooms rented or offered for rent.* To post in each room a card or sign plainly stating the maximum rent or rents for all terms of occupancy and all numbers of occupants.

Retention period: Not specified. 32A CFR Ch. XXI, RR2, Sec. 213; RR3, Sec. 114; RR4, Sec. 212

7. *Landlords of rooms in rooming houses, hotels, motor courts, and other establishments.* To keep all existing records showing or relating to rents for rooms in rooming houses, hotels, motor courts and other establishments that are rented or offered for rent as subject to Rent Regulations 2 and 3.

Retention period: Not specified. 32A CFR Ch. XXI, RR2, Sec. 214 (a) and (b); RR3, Sec. 116; RR3, Sec. 117; RR4, Sec. 214 (a) and (b)

PANAMA CANAL

1. *Masters of vessels transferring hazardous liquid cargoes in Canal Zone ports.* To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."

Retention period: Discard at expiration of voyage. 35 CFR 4.121

2. *Masters of vessels at foreign ports destined for Canal Zone ports.* To keep sanitary logs, or other official records of health measures taken.

Retention period: Retention not required by Canal authorities beyond expiration of voyage. 35 CFR 24.43, 24.51

3. *Masters of vessels at sea, destined for Canal Zone ports.* To keep sanitary log or other official record of sanitary conditions and corrective measures taken.

Retention period: Retention not required by Canal authorities beyond expiration of voyage. 35 CFR 24.52, 24.54

4. *Vessels transiting or partially transiting Panama Canal.* To keep tonnage certificate, a full set of plans, and a copy of the measurements which were made at the time of issue of its national tonnage certificate.

Retention period: Until vessel is decommissioned. 35 CFR 27.3

5. *Vessels undergoing sanitary inspection at Canal Zone ports.* To keep certificates covering deratization or exemption from deratization.

Retention period: 6 months, plus an additional month if vessel proceeds to its home port. 35 CFR 24.89

POST OFFICE DEPARTMENT

1. *Air mail carriers.* To keep such records and transmit such reports as may be necessary for the Postmaster General to make prompt and proper accounting for transportation of mail on air routes and services connected therewith.

Retention period: Not specified. 39 CFR 96.8, 96.26

2. *Air mail carriers.* To keep a duplicate copy of the record of a one-way trip (Form 2702), as a full report of each trip designated by the Post Office Department, whether or not mail is carried, showing all stops, mail received and dispatched, and irregularities in mail handling; to receive copies of receipts for mail delivered to air mail fields (Form 2715–d) or, where no air mail field is located, copies of receipted lists of ordinary and registered pouches delivered (Form 2753) and copies of statements of services performed (Forms 2703–A and 2703–B), monthly trip detail sheets (Form 2720), pound-mile computation sheets, and other such statements submitted by carriers for accounting purposes and returned after departmental audit.

Retention period: Not specified. 39 CFR 96.27, 96.32, 96.38, 96.40

3. *Apartment-house managers.* To maintain a record of key numbers furnished by manufacturers and jobbers relating the key numbers to mail receptacle numbers or, in case of keyless locks, to be instructed to keep a record of the combinations so that new tenants may be advised and, where there are 25 or more receptacles, to maintain a complete alphabetical directory of all persons receiving mail and a separate directory for each of the apartment house units having 25 or more receptacles.

Retention period: Not specified. 39 CFR 97.1 (19 F. R. 7821)

4. *Patrons of the insured mail service.* To retain receipt issued for each insured parcel mailed, for submission with application for payment of insurance or in filing inquiry relative thereto (or, in lieu of receipt, the wrapper bearing names and addresses of sender and addressee and endorsement of insurance).

Retention period: Not specified. 39 CFR 52.3, 54.2, 122.5 (19 F. R. 7811, 7814)

5. *Persons mailing ordinary parcels to specified Spanish-speaking countries.* To receive a receipt (Form 2932 or firm mailing sheet equivalent) entitling sender to indemnity in case of loss of parcels mailed to countries specified in 39 CFR 111.6 (a), refusal of which means forfeiture of right of indemnity for loss.

Retention period: Not specified. 39 CFR 111.6 (19 F. R. 7836–7837)

6. *Postage meter licensees.* To keep a Meter Record Book (Form 3602–A), showing daily register readings of metered mail.

Retention period: At least 1 year from date of final entry. 39 CFR 33.3, 33.7 (19 F. R. 7796–7797)

7. *Railway mail carriers.* To keep on file at headquarters of division superintendents a record of all mail pouches due to be received and dispatched by company employees, including copies of employee reports on irregularities in the receipt and dispatch of pouches.

Retention period: At least 1 year following date of mail handled. 39 CFR 92.31

8. *Railway mail carriers handling excess mail.* To receive from transfer clerks or other postal representatives on trains in which the space authorized for mail service is inadequate to accommodate mail offered for dispatch, notices of excess mail handled, showing the volume of mail involved and requesting assignment of additional space.

Retention period: Not specified. 39 CFR 92.59

RAILROAD RETIREMENT BOARD

1. *States (employment agencies).* To make records available to Railroad Retirement Board.

Retention period: Not specified. 42 U. S. C. 503 (c) (1)

2. *Employers subject to contributions under the Railroad Unemployment Insurance Act for any calendar quarter.* To keep such permanent records as are necessary to establish the total amount of compensation paid to employees, during each such quarter for services performed after June 30, 1939.

Retention period: At least 4 years. 20 CFR 345.24

SECURITIES AND EXCHANGE COMMISSION

1. *Exchange members, brokers, and dealers.* To keep books and records relating to their business including blotters, ledgers, and other records of orders, purchases, sales, and accounts as specified in the sections cited.

Retention periods: 6 years and 3 years as specified in the section cited. 17 CFR 240.17

2. *Exchange members, brokers, and dealers.* To keep all partnership articles, articles of incorporation, charters, minute books, and stock certificate books.

Retention period: Life of business and its successors. 17 CFR 240.17

3. *National securities exchanges.* To keep copies of statements and exhibits filed with Commission, and all information regarding securities registered.

Retention period: Material in respect to listed securities filed pursuant to sections 12, 13, 14, and 16 of Securities Exchange Act of 1934 may be destroyed after five years in accordance with plans submitted to and approved by SEC pursuant to its Rule X-17A–6. 17 CFR 240.24

4. *Mutual service companies and subsidiary service companies associated with registered public utility holding companies.* To keep uniform books of account and other records to show fully the facts pertaining to all entries and supported in sufficient detail to permit ready identification and analysis. These records include not only accounting records in a limited technical sense, but all other records such as minute books, stock books, reports, memoranda, contracts, invoices, maps, correspondence, other papers and documents which support entries to accounts and are necessary or useful in analyzing accounts or developing facts concerning any transaction.

Retention period: Permanent, except as otherwise authorized by the Securities and Exchange Commission. 17 CFR 256.01–8

5. *Registered public utility holding companies.* To keep uniform books of account to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These records include not only accounting records in a limited technical sense, but all records such as minute books, stock books, reports, memoranda, contracts, correspondence, other papers and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention period: Dispose only upon consent and approval of Commission. 17 CFR 257.0–3

6. *Registered investment companies including every registered investment company and every underwriter, broker, dealer or investment adviser which is a majority-owned subsidiary of such a company.* To keep such records, books, and other documents as constitute the record forming the basis for financial statements required to be filed pursuant to section 30 of the Investment Company Act of 1940, and of the auditor's certificate relating thereto. These records include general and auxiliary ledgers (or other records reflecting asset liability, reserve, capital, income and expense accounts), all general and special journals (or other records forming the basis for entries in such ledgers) and all minute books, vouchers, memoranda, correspondence, and other documents.

Retention period: For vouchers, memoranda, correspondence, etc.—6 years. For other records—permanent, except as otherwise approved by the Securities and Exchange Commission. 17 CFR 270.31

7. *Persons having transactions with registered investment companies.* To keep books and documents necessary or appropriate to record transactions with company.

Retention period: 6 years, except as otherwise approved by the Securities and Exchange Commission. 17 CFR 270.31

DEPARTMENT OF STATE

1. *Alien applicants for nonimmigrant visas.* To keep originals of all important documents and letters supporting claim for nonimmigrant status, presented to consular officer in duplicate, except police and medical certificates.

Retention period: For examination by immigration officials at port of entry. 22 CFR 41.10

2. *Exporters and importers of arms, ammunition, and implements of war.* To keep special and distinct permanent records in which shall be recorded the amounts and estimated values of the arms, ammunition, and implements of war manufactured by them for export and similar records of all arms, ammunition, and implements of war imported or exported by them; also information as to consignors of arms imported and port of origin of each shipment; also consignees and destination of each shipment exported.

Retention period: 6 years unless a longer period is prescribed in individual cases in connection with pending litigation. 22 CFR 75.16 (19 F. R. 7406)

DEPARTMENT OF THE TREASURY

Bureau of Accounts

1. *Active general depositaries.* To retain copies of the daily transcripts of the Treasurer's account, describing the checks charged to the account of the Treasurer of the United States, in order to secure coverage of accompanying checks under the Government Losses in Shipment Act, and the quadruplicate copies of certificates of deposit.

Retention period: Not specified. 31 CFR 202.21, 205.3

2. *Depositaries for withheld taxes.* To retain the second copy of each depositary receipt for withheld taxes (Form No. 450, formerly 410), as record of payment by employers, and an adequate record of all deposits received from employers under the Federal Insurance Contributions Act, income taxes withheld on wages under section 1622 of the Internal Revenue Code, employer and employee taxes under the Railroad Retirement Act, and certain Federal excise taxes, for identification of deposits in case of loss of depositary receipts.

Retention period: Not specified. 31 CFR 212.6, 213.5

3. *General depositaries.* To retain one copy of the certificate of deposit, distributed in accordance with instructions printed thereon.

Retention period. Not specified. 31 CFR 202.6

4. *Authorized depositaries for bonds, notes, or other obligations issued or guaranteed by the United States as security in lieu of surety or sureties on penal bonds.* To retain duplicate copy of receipt for deposit of bonds, notes, or other obligations as security for penal bonds.

Retention period: Not specified. 31 CFR 225.8

5. *Depositors of money paid in offer in compromise on claims in favor of United States under 31 U. S. C. 194.* To keep duplicate copy of certificate of deposit (Form 209, formerly 6599).

Retention period: Not specified. 31 CFR 240.3

6. *Consignees of shipments under Government Losses in Shipment Act.* To

make a matter of record all findings of consignee on inspection of shipment, subject to the call or inspection of the Secretary of the Treasury or other duly authorized Government officer.

Retention period: Not specified. 31 CFR 261.5

7. *Public and private agencies holding refugee relief loans.* To maintain adequate books and records relating to the funds borrowed from the Secretary of the Treasury under the Refugee Relief Act of 1953 and resettlement loans made therefrom.

Retention period: During life of the loan. 31 CFR 290.5

Comptroller of the Currency

1. *National banks acting as insurance agents and as brokers or agents for loans on real estate.* To keep records available for inspection by Examiners as specified in 12 CFR Part 2, including authorization statements and certificates, copies of agent-bank's reports, adequate records of insurance transactions and loans, with separate entries and accounts, and records as may be required by insurance companies.

Retention period: Not specified. 12 CFR 2.2, 2.4

2. *National banks exercising trust powers.* To keep a separate set of books and records showing in proper detail all permissible fiduciary transactions engaged in under Regulations and State and local law.

Retention period: Not specified. 12 CFR 4.1, 4.3 (12 U. S. C. 248 (k))

3. *National banking associations.* To retain list of names and residences of all shareholders, current list to be kept in main office of the bank.

Retention period: Not specified. 12 CFR 4.1 (12 U. S. C. 62)

Bureau of Customs

1. *Licensed customhouse brokers.* To maintain correctly and in orderly itemized manner, and keep current, records of account reflecting all their financial transactions as customhouse brokers, including a copy of each entry made, copies of all correspondence and other papers relating to customs business, and, except for limitations provided under 31 CFR 11.8 (b) (3), a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 5 years after preparation or receipt. 31 CFR 11.8

2. *Manufacturers, processors, or dealers entering or withdrawing wool or hair under bond or receiving wool or hair by transfer under bond.* To keep records showing (1) in case of entry or withdrawal, the quantity, entered clean content, identity and description of such wool or hair; (2) in case of receipt by transfer quantity, description and date of transfer certificate of wool or hair and name and address of transferor.

Retention period: Not specified. 19 CFR 10.93

3. *Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair.* To keep records showing (1) date or inclusive dates of processing of each lot; (2) quantity, identity and description of wool or hair not previously processed put into process; (3) quantity and description of all intermediate products, stocks in process and wastes not described put into process; (4) quantity and description of final products and quantity by weight of wool or hair content; (5) quantity of wastes remaining on hand; (6) inventory of wool and hair on hand at close of each abstract period or at completion of lot; (7) quantities and description of any yarns spun.

Retention period: Not specified. 19 CFR 10.94

4. *Processors, dealers or manufacturers.* To keep records showing quantity, description and wool or hair content of all articles delivered from their premises pursuant to transfer under bond, purchase, consignment, or otherwise; date of delivery; name and address of person to whom delivered; exact designation; price paid or agreed upon.

Retention period: Not specified. 19 CFR 10.95

5. *Importers of bauxite, calcined, to be used in the manufacture of firebrick or other refractories.*[*] To keep records to support blanket certificates issued to show sales of such bauxite during a specific period to a specified manufacturer showing quantity and description of the bauxite and identifying such bauxite with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.102

6. *Importers of limestone to be used in the manufacture of fertilizer.*[*] To keep records to support blanket certificates issued to show sales of such limestone during a specific period to a specified manufacturer showing quantity and description of the limestone and identifying such limestone with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.101

7. *Importers of rapeseed oil to be used in the manufacture of rubber substitutes or lubricating oil.*[*] To keep records to support blanket certificates issued to show sales of such rapeseed oil during a specific period to a specified manufacturer showing quantity and description of the rapeseed oil and identifying such rapeseed oil with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.100

8. *Importers of Patna rice to be used in the manufacture of canned soups.*[*] To keep records to support blanket certificates issued to show sales of such Patna rice during a specific period to a specified manufacturer showing quantity and description of the Patna rice and identifying such Patna rice with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.88

9. *Importers of leather to be used in the manufacture of footballs, basketballs, soccer balls, or medicine balls.*[*] To keep records to support blanket certificates issued to show sales of such leather during a specific period to a specified manufacturer showing quantity and description of the leather and identifying such leather with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.87

10. *Importers of hides and skins of the India water buffalo to be used in the manufacture of rawhide articles.*[*] To keep records to support blanket certificates issued to show sales of such hides and skins during a specific period to a specified manufacturer showing quantity and description of the hides and skins and identifying such hides and skins with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.86

11. *Importers of leather to be used in the manufacture of harness or saddlery.*[*] To keep records to support blanket certificates issued to show sales of such leather during a specific period to a specified manufacturer showing quantity and description of the leather and identifying such leather with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.85

12. *Importers of leather sold to be used in the manufacture of footwear.*[*] To keep records to support blanket certificates issued to show sales of such leather during a specific period to a specified manufacturer showing quantity and description of the leather and identifying such leather with the import entry.

Retention period: Not specified; probably not less than 3 years. 19 CFR 10.84

13. *Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930.*[*] To keep such records of their operations as will enable them to file an annual statement, not later than 60 days after the termination of their fiscal year, showing the quantities of ore and crude metal on hand at the beginning of the period and the dutiable contents thereof; the quantities of ore and crude metal received during the period and the dutiable contents thereof; the quantities of ore and crude metal to be accounted for and the dutiable contents thereof; the quantities of ore and crude metal on hand at the end of the period and the dutiable contents thereof; the quantities of ore and crude metal worked during the period and the dutiable contents thereof; and the wastage incurred during the period.

Retention period: Not specified. 19 CFR 19.19

14. *Manufacturers or producers of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States with the use of domestic tax-paid alcohol and intended for exportation with benefit of drawback under section 313 (d), Tariff Act of 1930, as amended.*[*] To keep records similar to those required of manufacturers or producers in the case of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313 (a), Tariff Act of 1930.

Retention period: Not specified. (Statements of manufacturers or producers on which their drawback rates are predicated contain a provision agreeing to keep such records for a period of 3 years after payment of the drawback claim.) 22 CFR 22.23, 22.24

15. *Manufacturers or producers of articles manufactured or produced in the United States with the use, in certain cases, of substituted merchandise in lieu of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313 (b), Tariff Act of 1930, as amended.*[*] To keep records showing (1) the quantity, identity, kind, and quality of the duty-paid sugar, metal, ore containing metal, flaxseed or linseed, or flaxseed or linseed oil, or of the articles manufactured or produced under drawback regulations with the use of such merchandise (hereinafter referred to as designated merchandise) designated as the basis for the allowance of drawback on the exported articles; (2) that such designated merchandise was used by the manufacturer or producer of the exported articles within 3 years after the date on which it was received by such manufacturer or producer; (3) that the exported articles were manufactured or produced with the use of sugar, metal, ore containing metal, flaxseed or linseed, or flaxseed or linseed oil, or domestic products of any of the foregoing, as the case may be, of the same kind and quality as the designated merchandise; (4) that the exported articles were manufactured or produced within 3 years after the date on which the designated merchandise was received by the manufacturer or producer of the exported articles; (5) that duty-free or domestic merchandise of the same kind and quality as the designated merchandise was used by the manufacturer or producer of the exported articles within 3 years after the date on which the designated merchandise was received by such manufacturer or producer; and (6) the quantity of sugar, metal, ore containing metal, flaxseed or linseed, or flaxseed or linseed oil, or domestic products of any of the foregoing, of the same kind and quality as the designated merchandise, used in the manufacture or production of the exported articles.

Retention period: Not specified. (Statements of manufacturers or producers on which their drawback rates are predicated contain a provision agreeing to keep such records for a period of 3 years after payment of the drawback claim.) 22 CFR 22.5, 22.6

16. *Manufacturers or producers of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313 (a), Tariff Act of 1930.*[*] To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and identity of the imported merchandise used, the quantity of finished product obtained, and, if valuable waste is incurred in manufacture and claim is made for an allowance for such waste, the value of the imported merchandise used in manufacture and the quantity and value of the waste incurred, and, in cases where two or more products are obtained, the relative values thereof at the time of separation.

Retention period: Not specified. (Statements of manufacturers or producers on which their drawback rates are predicated contain a provision agreeing to keep such records for a period of 3 years after payment of the drawback claim.) 22 CFR 22.4, 22.6

Foreign Assets Control and Office of International Finance

1. *Persons engaged in transactions subject to foreign assets control regulations.* To keep a full record of each transaction subject to the provisions of 31 CFR Ch. V, whether effected pursuant to license or not, and to furnish under oath at any time as may be required complete information relative to the transaction, including the production of any books of account, contracts, letters or other papers connected therewith, either before or after such transaction is completed.

Retention period: Shall be available for examination at least 2 years after date of transaction. 31 CFR 500.601, 500.602, 500.804

2. *Persons engaged in foreign exchange transactions, transfers of credit, and export of coin or currency.* To keep a full record of each such transaction referred to in 31 CFR 127.9 and 127.10, without regard to whether such transaction is effected pursuant to license or otherwise and may be required by the Secretary of the Treasury and/or the Attorney General by means of regulations, rulings, instructions, or otherwise to keep a full record of complete information relative to any transaction referred to in section 5 (b) of the act of October 6, 1917, as amended, or relative to any property in which a foreign country or national thereof has an interest.

Retention period: At least 1 year after date of transaction, for records of transactions referred to in §§ 127.9 and 127.10; not specified for records which may be required. 31 CFR 127.12

Internal Revenue Service

NOTE: The following items refer to requirements issued under the Internal Revenue Code of 1939. Regulations issued under the Internal Revenue Code of 1954 are not included. Changes in the requirements resulting from the Internal Revenue Code of 1954 will be included in a later issue of this list. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. It points out also that taxpayers subject to income tax are bound by the retention requirement given in entry 311 regardless of other requirements which for other purposes allow shorter retention periods.

1. *Physicians, dentists, veterinary surgeons or other practitioners dispensing or distributing narcotic drugs.* To keep records showing amount dispensed or distributed, date, name and address of patient to whom dispensed or distributed.

Retention period: 2 years. Public Law 729, 83d Cong., 2d sess.

2. *Dealers selling, dispensing, or distributing narcotic drugs in pursuance of written prescription.* To keep prescription.

Retention period: 2 years. Public Law 729, 83d Cong., 2d sess.

3. *Contractors engaged in construction of aircraft for the Army.* To keep books, records, and original evidences of costs sufficient to enable all contracting parties to make a true report of its true profits and excess profits.

Retention period: As long as the contents thereof may become material in the administration of the Act (Excess Profits on Army Aircraft Act of April 3, 1939 and others). 26 CFR 16.13

4. *Persons making contracts with the Secretary of the Navy.* To keep books, records, and original evidences of costs sufficient to enable contracting parties to make a true report of its true profits and excess profits.

Retention period: So long as the contents thereof may become material in the administration of the Act (Excess Profits on Navy Contracts Act, April 3, 1939). 26 CFR 17.14

5. *Persons whose income is derived from production, purchase, or sale of merchandise.* To keep inventories.

Retention period: Not specified. 26 CFR 39.22

6. *Taxpayers.* To keep records of factors entering into computation of depreciable property.

Retention period: Not specified. 26 CFR 39.23

7. *Taxpayers claiming and making deductions for depletion and depreciation of mineral property.* To keep accurate accounts in which shall be recorded the cost of the mineral deposit and of the plant and equipment.

Retention period: Not specified. 26 CFR 39.23

8. *Taxpayers claiming or expecting to claim a deduction for depletion or depreciation of timber property.* To keep accurate ledger accounts in which shall be recorded the cost, or other basis, of the property, and the plants improvements, and equipment, together with subsequent allowable capital additions to each account and all of the other adjustments provided for.

Retention period: Not specified. 26 CFR 39.23

9. *Employers claiming deductions from gross income.* To keep records substantiating all data and information with respect to the claim. (Specific records listed.)

[*] These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

Retention period: Must be kept at all times available for inspection. 26 CFR 39.23

10. *Taxpayers receiving exempt income or holding property or engaging in activities producing exempt income.* To keep records showing the amount of each class of exempt income and the amount of items or parts of items allocated to each class, and supporting documents.

Retention period: Not specified. 26 CFR 39.24

11. *Corporations claiming allowance for dividends.* To keep records necessary to establish that dividends with respect to which allowance on income tax payments is claimed were actually paid during the taxable year, and to support the information required to be filed with the income tax return of the corporation.

Retention period: Permanent. 26 CFR 39.27

12. *Taxpayers.* To keep such accounting records as will enable him to make a return of his true income.

Retention period: Not specified. 26 CFR 39.41

13. *Organizations exempt from tax but required to file an annual return.* To keep permanent books of accounts, or records, including inventories, as are sufficient to establish the amount of the gross income, and deductions, credits, and other matters required to be shown in any return under Chapter I of the Internal Revenue Code of 1939.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 39.54

14. *Taxpayers who participate in a tax-free exchange.* To keep records showing the cost or other basis in the taxpayer's hands of the transferred property, and of the amount of stocks or securities and other property or money received, in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received in the exchange.

Retention period: Permanent. 26 CFR 39.112

15. *Corporations receiving distributions in complete liquidation.* To keep information on distributions in complete liquidation—a complete statement of all facts pertinent to the non-recognition of gain or loss, including adoption of plans of liquidation.

Retention period: Permanent. 26 CFR 39.112

16. *Qualified electing shareholders receiving distributions in complete liquidation of a domestic corporation.* To keep records in substantial form including facts pertinent to the recognition and treatment of gain upon shares of stock owned at time of adoption of plan of liquidation.

Retention period: Permanent. 26 CFR 39.112

17. *Taxpayers who participate in a tax-free exchange in connection with corporate reorganization.* To keep records in substantial form showing cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received in the exchange.

Retention period: Permanent. 26 CFR 39.112

18. *Taxpayers who participate in a tax-free exchange in connection with a corporate reorganization.* To keep records in substantial form showing cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: Permanent. 26 CFR 39.112

19. *Taxpayers who participate in an exchange in connection with reorganization of insolvent corporation.* To keep records in substantial form showing cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: Permanent. 26 CFR 39.112

20. *Persons making or receiving gifts of property transmitted after December 31, 1920.* To preserve record of facts (concerning property transmitted by gift after December 31, 1920) necessary to determine the cost and, if pertinent, its fair market value as of March 1, 1913.

Retention period: Not specified. 26 CFR 39.113

21. *Taxpayers.* To keep all other information (records) necessary for the verification and computation of income derived from and taxes paid to foreign countries and possessions of the United States.

Retention period: Not specified. 26 CFR 39.131

22. *Regulated investment companies.* To keep permanent records (for the purpose of determining whether a corporation claiming to be a regulated investment company is a personal holding company) showing information relative to the actual owners of its stock contained in the written statements required by Bureau of Internal Revenue regulations to be demanded from the shareholders.

Retention period: As long as contents may become material in the administration of any internal revenue law. 26 CFR 39.362

23. *Taxpayers who participate in an exchange or distribution made in obedience to an order of the SEC.* To keep records in substantial form showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received, in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received on the exchange or distribution.

Retention period: Permanent. 26 CFR 39.371

24. *Executors of estates.* To keep such complete and detailed records of the affairs of an estate as will enable the Commissioner to determine accurately the amount of the tax liability.

Retention period: Not specified. 26 CFR 81.103

25. *Persons required to collect taxes on admissions or subject to tax on excess charges.* To keep an accurate daily record of admissions of all classes, including free or complimentary tickets or admissions and reduced rate admissions (information to be given specified and form recommended).

Retention period: At least 4 years from the date the tax becomes due. 26 CFR 101.32

26. *Social, athletic, or sporting clubs or organizations, unless expressly exempted from tax on dues or free from that tax because neither the initiation fees of any class of members nor the annual dues or membership fees of active residents annual members exceed $10.* To keep up-to-date record showing names and addresses of members, amounts paid as dues, membership fees, or assessments, the tax, and dates paid, to the club or others as a prerequisite to membership; daily record showing number of life members from whom a life membership tax collected that day, total amount so collected, and under the head of each other class of membership number of members of that class paying on that day dues, membership fees, or initiation fees, the total amount so paid by members of that class, and total amount of tax collected on such payments.

Retention period: At least 4 years from the date tax became due. 26 CFR 101.38

27. *Social, athletic, or sporting clubs or organizations, unless expressly exempted from tax on dues or free from that tax because neither the initiation fees of any class of members nor the annual dues or membership fees of active residents annual members exceed $10.* To keep duplicate of tax return form 729.

Retention period: At least 4 years from date tax became due. 26 CFR 101.39

28. *Persons who make contracts of sale of cotton for future delivery, and persons who act in the capacity of a clearing house or clearing association for such transactions.* To keep records of contracts of sale of cotton for future delivery.

Retention period: Not less than 2 years. 26 CFR 110.8, 110.11

29. *Parties to transfers of an interest in silver bullion.* To keep accurate and complete record of every transfer of interest in silver bullion, and also the memorandum delivered to transferee.

Retention period: At least 4 years from the date the tax becomes due. 26 CFR 112.101

30. *Bond and stockbrokers, dealers, correspondent brokers, floor brokers, etc.* To keep records of sales and transfers of stocks and bonds (including date of transaction, names of all parties involved, number, names, description, value, etc. of securities and other related information).

Retention period: Permanent. 26 CFR 113.38, 113.68

31. *Persons, solicitors, or brokers accepting, placing, or soliciting foreign insurance policy or other instrument.* To keep record of each policy or other instrument subject to the tax imposed by Section 1804, as amended by the Revenue Act of 1941, taxing foreign insurance policies (53 Stat., part 1, as amended, Internal Revenue Code).

Retention period: Not specified. 26 CFR 113.109

32. *Parties to transactions involving tax stamp.* To keep instruments, memoranda, books, or other documents to which documentary stamps have been affixed and canceled in payment of stamp taxes; all certificates of exemption executed in lieu of the payment of stamp taxes; sales and transfers of capital stock; sales and transfers of bonds, foreign insurance policies.

Retention period: At least 4 years from time of related transaction. 26 CFR 113.150

33. *Persons required to collect tax on safe deposit boxes.* To keep accurate records and accounts of all transactions subject to tax on safe deposit boxes and evidence of the right to exemption on any such transaction in respect of which tax is not collected.

Retention period: 4 years from date tax is due. 26 CFR 130.71

34. *Carriers of petroleum.* To keep accurate records and accounts with respect to transportation of crude petroleum and liquid products thereof by pipeline.

Retention period: 4 years from date tax is due. 26 CFR 130.71

35. *Carriers of persons.* To keep records and accounts to show with respect to each ticket sold for transportation of persons and seating or sleeping accommodations furnished in connection with such transportation, the amount of tax collected or evidence of right to exemption.

Retention period: 4 years from date tax is due. 26 CFR 130.71

36. *Persons required to collect taxes on transmission of information.* To keep records and accounts of all services and facilities for transmission of information by telephone, telegraph, cable or radio, any leased wire or talking circuit special service or wire and equipment service, local telephone services.

Retention period: 4 years from date tax is due. 26 CFR 130.71

37. *Persons receiving taxable payments for (a) use of safe deposit box, (b) transmission by telephone, telegraph, cable, or radio of dispatches, messages, or conversations; (c) leased wire or talking circuit special service, or wire and equipment services, etc., (d) local telephone service, etc., (e) transportation of persons by rail, motor vehicle, water, or air, or (f) seating or sleeping accommodations furnished in connection with the transportation of persons.* To keep duplicate tax returns made on Form 727.

Retention period: 4 years from date tax is due. 26 CFR 130.71

38. *Persons who operate or control a group of warehouses solely for the storage of leaf tobacco.* To keep a consolidated record, at the warehouse or establishment having direction or control of such places, instead of registering each warehouse.

Retention period: Not specified. 26 CFR 140.20

39. *Dealers in leaf tobacco.* To keep Record 59, showing an account of all tobacco received and shipped or delivered.

Retention period: 2 years. 26 CFR 140.25

40. *Manufacturers of tobacco or snuff.* To keep record book Form 74 of operations in manufacture of tobacco or snuff.

Retention period: Not specified. 26 CFR 140.41

41. *Manufacturers of cigars and cigarettes.* To keep record book Form 73 of operations in connection with manufacture of cigars and cigarettes.

Retention period: Not specified. 26 CFR 140.70

42. *Persons who held stamped small cigarettes for sale on November 1, 1951.* To keep a copy of any return or separate inventory, and in addition, to keep at each separate premises for which inventory is filed, complete and accurate records showing the details of the inventory, and how and by whom the inventory was taken.

Retention period: At least 4 years from November 1, 1951. 26 CFR 140.209

43. *Manufacturers of tobacco, snuff, cigars, cigarettes and cigarette papers or tubes.* To keep one copy each of the requisition, Form 7996 and the notice of shipment 7997, at the factory from which the tax-free shipment is made to the Federal requisitioner.

Retention period: Not specified. 26 CFR 140.213, 140.216

44. *Manufacturers of cigarette papers and tubes.* To keep the copy of the bond, Form 7999, together with copies of any affidavits, Form 33 or any other documents returned to him with the approval of the Assistant Regional Commissioner in connection with tax-free shipments to be made.

Retention period: Not specified. 26 CFR 140.215

45. *Manufacturers of tobacco products, or cigarette papers and tubes.* To keep one copy of the certificate, Form 7998, at the factory from which the shipment was removed, as the certification by the Federal Officer responsible for receiving the shipment of tax-free tobacco products, or cigarette papers and tubes.

Retention period: Not specified. 26 CFR 140.221

46. *Shippers or other persons who pay transportation charges.* To keep triplicate copy of Export Exemption Certificate, Form 1363 with shipping papers, for the transportation of property outside of the United States, and requiring an exemption certificate.

Retention period: Not specified. 26 CFR 143.33

47. *Carriers receiving Export Exemption Certificate, Form 1363.* To keep the duplicate copy with the paid transportation document, for the transportation of property outside of the United States, and requiring an exemption certificate.

Retention period: Not specified. 26 CFR 143.33

48. *Persons required to collect taxes.* To keep record of tax collected or evidence of exemption on any amount paid for transportation of property and duplicate copy of return (Form 77).

Retention period: 4 years from date tax is due. 26 CFR 143.51, 143.52

49. *Manufacturers of smoking opium.* To keep records (conforming to Form 271) of transactions in smoking opium.

Retention period: Not specified. 26 CFR 150.10

50. *Persons making application for registry or reregistry in any class other than I and II, involving use of narcotic drugs.* To keep a duplicate copy of the inventory of all narcotic drugs and preparations, on the reverse side of Form 678.

Retention period: 2 years. 26 CFR 151.10

51. *Manufacturers or producers of narcotics.* To keep a record of identification numbers placed on packages of one ounce or more. Wholesale dealers also required to keep records of identification number of each such package transferred by him.

Retention period: Permanent. 26 CFR 151.59

52. *Persons registered to receive narcotics.* To keep order forms for purchase of narcotic drugs.

Retention period: 2 years. 26 CFR 151.70

53. *Vendees and vendors of narcotics.* To keep duplicate order forms. Any order form which is improperly executed or mutilated so as to make it unusable, shall not be destroyed, but all copies shall be kept with other duplicates. If an original unfilled order has been lost, the duplicate copy of the second order and the affidavit shall be filed with the duplicate of the order first executed.

Retention period: At least 2 years. 26 CFR 151.88, 151.89

54. *Manufacturers of taxable narcotics.* To keep original sales orders, delivery slips, or other papers sufficient to fully evidence and explain dispositions of narcotics not reported in detail on Form 810b.

Retention period: Not specified. 26 CFR 151.116

55. *Persons responsible for withdrawal of opium.* To keep stock record card (to be attached to the container) showing partial withdrawals of opium from individual containers.

Retention period: Not specified. 26 CFR 151.129

56. *Persons responsible for withdrawal of coca leaves.* To keep stock record

card (to be attached to container) showing partial withdrawal of coca leaves from individual containers.

Retention period: Not specified. 26 CFR 151.139

57. *Wholesale dealers of taxable narcotics.* To keep original sale orders, delivery slips, or other papers or records sufficient to fully evidence and explain the sales of narcotics not reported in detail on Form 811b.

Retention period: Not specified. 26 CFR 151.151

58. *Manufacturers, producers and compounders.* To keep duplicate copy of monthly returns (accounting for all narcotic stock on hand, receipts, dispositions, manufacture and packaging during the month).

Retention period: 2 years. 26 CFR 151.163

59. *Manufacturers, importing opium.* To keep duplicate copy of quarterly return accounting for such importation and manufacturing operations performed.

Retention period: 2 years. 26 CFR 151.163

60. *Manufacturers, importing medicinal coca leaves.* To keep duplicate copy of quarterly return accounting for such importation and all manufacturing operations performed.

Retention period: 2 years. 26 CFR 151.163

61. *Manufacturers importing special coca leaves.* To keep copy of duplicate quarterly returns accounting for all transactions involving such leaves or narcotic substances derived therefrom.

Retention period: 2 years. 26 CFR 151.163

62. *Wholesalers.* To keep duplicate copy of monthly returns accounting for all transactions involving taxable narcotics.

Retention period: 2 years. 26 CFR 151.163

63. *Dealers who fill prescriptions.* To keep prescriptions for narcotic drugs.

Retention period: Not less than 2 years. 26 CFR 151.174

64. *Manufacturers, producers, compounders, vendors of narcotic preparations.* To keep record (on specified form) of sales, exchanges, gifts, or other dispositions of exempt narcotic preparations to registrants and to consumers.

Retention period: Not specified. 26 CFR 151.185

65. *Persons or institutions registered as medical practitioners.* To keep practitioners daily record of kind and quantity of narcotics dispensed or administered.

Retention period: Not specified. 26 CFR 151.177, 151.178, 151.179

66. *Laboratories.* To keep record (on specified form) of receipts, disposals, and stocks on hand of narcotic drugs and preparations.

Retention period: Not specified. 26 CFR 151.186

67. *Transferees of narcotics produced by registrants in class VI.* To keep a record of such drugs used and disposed with additional data, in the case of pharmacological tests accounting for quantities dispensed to humans and animals; and a copy of the report to the registrant in class VI of the results of the tests made, if such report includes data from which a complete accounting of the narcotic drug used and disposed of can be ascertained, may be kept on file, as the special required record.

Retention period: Not less than 2 years. 26 CFR 151.187

68. *Transferors of narcotics produced by registrants in class VI.* To keep the written approval of the Commissioner of Narcotics, with the official order form or with the order and exempt certificate denoting the transfer of an appropriate quantity of narcotic drugs so produced to another qualified registrant or exempt official for chemical or pharmacological tests.

Retention period: Not less than 2 years from the date of the last transaction shown therein. 26 CFR 151.187

69. *Persons having title to lost narcotics.* To keep a copy of statement of the loss of narcotics through breakage of the container or other accident, otherwise than in transit; or when lost by theft a copy of the statement including a list of the narcotics stolen, lost or destroyed and documentary evidence that the local authorities were notified. To be filed with other narcotic records.

Retention period: Not specified. 26 CFR 151.194

70. *Retail dealers (druggist), hospitals, medical practitioners and laboratories.* To keep duplicate copy of inventory for all excess or undesired narcotics shipped to the narcotic district supervisor.

Retention period: 2 years. 26 CFR 151.196

71. *Persons making application for registry as dealers in marihuana (with exceptions).* To keep inventory (on Form 713) of all marihuana and preparations on hand.

Retention period: 2 years. 26 CFR 152.8

72. *Transferors and transferees of marihuana.* To keep marihuana order forms.

Retention period: 2 years. 26 CFR 152.49

73. *Persons or institutions registered as medical practitioners.* To keep reports of amount and kind of marihuana used daily, patient involved, etc.

Retention period: 2 years. 26 CFR 152.54

74. *Dealers (druggist) filling prescriptions.* To keep the prescription on file.

Retention period: 2 years. 26 CFR 152.64

75. *Transferees and transferors of the plant Cannabis sativa L.* To keep records covering receipt and disposition of such plant.

Retention period: Not specified. 26 CFR 152.68

76. *Persons registered to obtain marihuana for laboratory use and processing by millers.* To keep record (Form 961a) of receipt, disposal, and stock on hand of all marihuana.

Retention period: 2 years. 26 CFR 152.77

77. *Taxpayers under the Marihuana Tax Act of 1937.* To keep all order forms, duplicate forms, prescription records, returns, and inventories required to be kept on file.

Retention period: Not less than 2 years. 26 CFR 152.78

78. *Transferor of marihuana.* To keep record of transfer or other disposition of marihuana to persons in Puerto Rico or the Virgin Islands in same manner as within the continental United States.

Retention period: Not specified. 26 CFR 152.90

79. *Importers, manufacturers, compounders, producers, dealers (wholesale and retail), medical practitioners, hospitals and laboratories.* To keep records of all marihuana lost or destroyed.

Retention period: 2 years. 26 CFR 152.97

80. *Operators of distilleries.* To keep records pertaining to distilled spirits produced or redistilled at registered distilleries and fruit distilleries, and distilled spirits transferred in bond to, or removed for an authorized purpose from, registered distilleries and fruit distilleries under 26 CFR Part 171, Subpart G, are to be maintained in accordance with 26 CFR Part 171, Subpart G, and applicable provisions of 26 CFR Parts 183 and 184.

Retention period: Not specified. 26 CFR 171.237

81. *Operators of industrial alcohol plants, and industrial alcohol bonded warehouses (as defined in 26 CFR 171.182, 171.183).* To keep records pertaining to distilled spirits redistilled at industrial alcohol plants, and distilled spirits transferred in bond to, or removed for an authorized purpose from, industrial alcohol plants and industrial alcohol bonded warehouses (under 26 CFR Part 171, Subpart G, to be maintained in accordance with 26 CFR Part 171, Subpart G, and applicable provisions of 26 CFR Part 182).

Retention period: Not specified. 26 CFR 171.256

82. *Proprietors of distilleries.* To keep records pertaining to reporting and accounting for distilled spirits of 160 degrees or more of proof withdrawn free of tax from distilleries and internal revenue bonded warehouses for denaturation.

Retention period: Not specified. 26 CFR 171.264

83. *Proprietors of distilleries engaged in national emergency transfers of distilled spirits (under 26 CFR Part 171, Subpart G).* To keep such records as the Commissioner may deem necessary to meet the requirements of the national defense.

Retention period: Not specified, but regulations and operations under them cease to be effective 5 years from date of enactment of sec. 3183 I. R. C. 26 CFR 171.279

84. *Persons or organizations holding, on November 1, 1951, distilled spirits, wines, and malt liquors intended for sale upon which internal revenue tax has been paid.* To keep copies of inventories, reports, and records relating to inventories of distilled spirits, wines, and malt liquors as required by 26 CFR 171.300.

Retention period: Not specified. 26 CFR 171.302, 171.310

85. *Persons disposing of yeast foods or fermentable materials.* To keep all records pertaining to disposition of yeast foods or fermentable materials, etc., used in the manufacture of distilled spirits or chemicals promoting fermentation so that such records will enable rendering of returns regarding stocks and withdrawals.

Retention period: Not specified. 26 CFR 173.20

86. *Persons consigning, selling, or otherwise disposing of denatured alcohol, denatured rum, ethyl acetate, etc.* To keep all records pertaining to consignment, sale, or other disposition of denatured alcohol, denatured rum, ethyl acetate, and any liquid substance or preparation which contains more than 25 percent by volume of denatured alcohol or denatured rum.

Retention period: Not specified. 26 CFR 174.20

87. *Importers and bottlers of distilled spirits.* To keep commercial records covering receipt, disposition, and stocks of all liquor bottled (described in 26 CFR 175.63).

Retention period: Not specified. 26 CFR 175.63

88. *Manufacturer-consignor of liquor bottles and consignees.* To keep records relating to orders for liquor containers, shipping records, and records of receipt of liquor containers.

Retention period: 3 years. 26 CFR 175.73

89. *Manufacturers of liquor containers, bottlers and importers of distilled spirits.* To keep records relating to manufacture, shipment, delivery, purchase, use or sale of all liquor containers as may be required by the Commissioner from time to time.

Retention period: Not specified. 26 CFR 175.78

90. *Winemakers and proprietors of bonded storerooms bottling wine from a bottling tank (bottling distilled spirits or wines for exportation with benefit of drawback).* To keep bottling tank copy of Form 230, "Description and Gauge of Spirits or Wines for Bottling Without Rectification."

Retention period: Permanent. 26 CFR 176.17

91. *Rectifiers, bottlers or packers of spirits or wines especially for export.* To keep copy of Form 122 "Rectifier's Application to Dump Spirits, Wines, or other Liquors, and Return of Gauge."

Retention period: Not specified. 26 CFR 176.19

92. *Operators of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep records showing kind, quantities, and alcoholic content of wine received and shipped, including dates of receipt and shipment, and names and addresses of persons to whom shipped, and the quantities, kind, and alcoholic content of wine shipped to each.

Retention period: 3 years, or, if required by the Commissioner, up to 6 years. 26 CFR 178.13 (retention: 178.396)

93. *Operators of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep certificates of public weighmasters, or shipper's certificates, or railroad weight certificates, when used in lieu of weighing materials, showing gross weight, tare, and net weight of materials used in manufacture of wine.

Retention period: 3 years; or, if required by Commissioner, up to 6 years. 26 CFR 178.33 (retention: 178.396)

94. *Operators of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep copy of report of changes in equipment (to be attached to Form 698).

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.87 (retention: 178.396)

95. *Operators of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep copy of application to establish a bonded winery under Federal Alcohol Administration Act, with certificate of approval of district supervisor, Alcohol Tax Unit, endorsed thereon, and copies of related qualifying documents.

Retention period: Not specified. 26 CFR 178.113

96. *Operators of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep records of kinds and quantities of chemicals and other materials received for use in cellar treatment of wine, dates of receipt, names and addresses of persons from whom purchased, and invoices covering purchases.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.127 (retention: 178.396)

97. *Proprietors of bonded wineries or bonded storerooms.* To keep one duplicate copy each of Forms 701, 702, 702–A, 702–B and 702–C reporting all wine produced, received, stored or disposed of at winery or storeroom and all materials received and used for the manufacture of wine.

Retention period: Permanent. 26 CFR 178.367, 178.379, 178.381, 178.382, 178.384, 178.387, 178.390 and 178.393

98. *Operators of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep copy of monthly records (on Form 702) of all still wine produced, received, and disposed of at winery or storeroom.

Retention period: Permanent. 26 CFR 178.379 (retention: 178.393)

99. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses, when acid is added to correct a natural deficiency of acid in fruit or berries or juice thereof used to make wine.* To keep records showing date of use, kind and quantity of acid used, and kinds and quantities of wine in which used; whether the wines were ameliorated with water or a sugar and water solution; and the acid content of the wines before and after the addition of the acid.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.138 (retention: 178.396)

100. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses, when neutralizing agents are used to reduce excessive acidity in wine (as authorized in 26 CFR 178.139).* To keep records showing date of use, kind and quantity of neutralizing agent used, and kinds and quantities of wine in which used; and acid content of wine before and after use of neutralizing agent.

Retention period: 3 years, or, if required by the Commissioner, up to 6 years. 26 CFR 178.139 (retention: 178.396)

101. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses, when both the grape juice and the resulting wine are ameliorated with a sugar-water solution.* To keep a record (on Form 702) that the juice was ameliorated, and (on Form 701) that the resulting wine is to be further ameliorated.

Retention period: Permanent. 26 CFR 178.144 (retention: 178.393)

102. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses, when both the juice of fruits and berries and the resulting wine are ameliorated with a sugar-water solution.* To keep a record (on Form 702) that the juice was ameliorated, and (on Form 701) that the resulting wine is to be further ameliorated.

Retention period: Permanent. 26 CFR 178.145 (retention: 178.393)

103. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep copy of certificate of origin of every lot of concentrate received for use in producing standard wine, showing name and address of manufacturer, quantity and degree Balling of the concentrate, kind of fruit from which the concentrate was made, and the degree Balling of the juice before concentration (to be attached to copy of Form 701).

Retention period: Permanent. 26 CFR 178.154 (retention: 178.393)

104. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep copy of statement, on Form 698—Supplemental, giving formula and process of formula wines, as required by 26 CFR 178.156, intended for manufacture.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.158 (retention: 178.396)

105. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep Form 546–A, showing formula and process by which wine is being made, and the class or type of wine when wines (other than vermouth and other aperitif and effervescent wines) are being made pursuant to an approved

formula and process. Record to be attached to tank in which wines are fermented until they are transferred for storage or shipment at which time information required by 26 CFR 178.160 (c) will be added thereto.

Retention period: Permanent. 26 CFR 178.160

106. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep production record (on Form 701) of all formula wines (other than vermouth or other aperitif and effervescent wine) produced; kind and quantity of materials and ingredients used in making the wine; number of formula and process under which the wine was made; and class or type of wine; when applicable, the receipt of materials used for manufacturing such wine shall also be shown.

Retention period: Permanent. 26 CFR 178.161 (retention: 178.393)

107. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep record of amelioration or sweetening of must or wine (Forms 701 and 702).

Retention period: Permanent. 26 CFR 178.167 (retention: 178.393)

108. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep record of wines baked (specifies information to be included as set forth in code).

Retention period: 3 years. 26 CFR 178.171

109. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep record of receipt and disposition of Spanish type blending sherry wine at receiving premises when transfer in bond has been approved.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.174 (retention: 178.396)

110. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep copy of approved statement of formula and process for production of Spanish type blending sherry wines for sale only to rectifiers for use in whiskey blending.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.174 (retention: 178.396)

111. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep record of receipt and use of heavy bodied blending wines at receiving premises when transfer in bond has been approved.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.175 (retention: 178.396)

112. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep copy of approved statement of formula and process for production of heavy bodied wines for use in blending with other wines (required under 26 CFR 178.175).

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.175 (retention: 178.396)

113. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep copy of approved statement of formula and process for production of vermouth or other aperitif wine (26 CFR 178.182).

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.185 (retention: 178.396)

114. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep copy of Form 703 (quantity, etc. of wines received on bond).

Retention period: Permanent record. 26 CFR 178.253

115. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep records (required by 26 CFR 178.341 in which is set forth details of the information required) of all wines returned to bonded premises for clarification.

Retention period: 3 to 6 years. 26 CFR 178.341 (retention: 178.396)

116. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep stamp record (on Form 702) of all wine stamps received or used at winery or storeroom, and other information (required by 26 CFR 178.380).

Retention period: Permanent. 26 CFR 178.380 (retention: 178.393)

117. *Proprietors of bonded wineries, bonded storerooms, or bonded field warehouses.* To keep record copies of Forms 186, 427–B, 605, 700–A, 711, 711–A, 1415, 1533, and 1534.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.395, 178.396.

118. *Winemakers.* To keep record of blending or other cellar treatment of purchased wines on which exemption from special (occupational) taxes is claimed.

Retention period: 3 years, or, if Commissioner requires, up to 6 years. 26 CFR 178.129 (retention: 178.396)

119. *Winemakers desiring to produce Spanish type blending sherry wines for sale only to rectifiers for use in whiskey blending.* To keep records showing date of manufacture of Spanish type blending sherry wine, quantity manufactured, solid content thereof, fortification number, date of shipment, quantity shipped, solid content thereof, and name and address of consignee.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.174 (retention: 178.396)

120. *Winemakers desiring to produce heavy bodied wines for use in blending, etc.* To keep records showing date of manufacture of heavy bodied blending wines, quantity manufactured, solid content thereof, fortification number, date of use in blending, and solid content thereof; and shipment records, when applicable.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.175 (retention: 178.396)

121. *Winemakers.* To keep copy of approved statement of processes intended for manufacture of champagne, sparkling wine, or artificially carbonated wine (on Form 698—Supplemental).

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.194 (retention: 178.396)

122. *Winemakers.* To keep copy of statement of winemaker desiring to blend formula wines with other wines showing kinds and quantities of wines to be blended, and other information required by 26 CFR 178.210 (a).

Retention periods: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.210 (retention: 178.396)

123. *Winemakers.* To keep record of blending of wine purchased by one winemaker from another where the blending changes the character of the wine and is for the sole purpose of perfecting the wine according to commercial standards.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.213 (retention: 178.396)

124. *Bottlers and packers of wines.* To keep certificates of label approval or certificates of exemption from label approval.

Retention period: Not specified. 26 CFR 178.233

125. *Winemakers.* To keep copy of application of winemaker for use of tannin or citric acid in cellar treatment of wines.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.205 (retention: 178.396)

126. *Winemakers authorized to use tannin or citric acid in cellar treatment of wines.* To keep records pertaining to use of tannin or citric acid in the cellar treatment of wines (as set forth in 26 CFR 178.205 (d), information specified).

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.205 (retention: 178.396)

127. *Producers of wine for use of their own family (as defined in 26 CFR 178.195).* To keep copy of Form 1541 (annual registration for production of wine for family use) on which production data is posted.

Retention period: Not specified. 26 CFR 178.198

128. *Applicants desiring to withdraw wine for use on vessels or aircraft.* To keep copy of application to withdraw wine from a bonded winery or storeroom for use on vessels or aircraft (Form 711–B).

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.306 (retention: 178.396)

129. *Proprietors of bonded wineries or storerooms.* To keep original or copy of proper governmental order for wine removal from bonded wineries or bonded storerooms free of tax for use of the United States.

Retention period: 3 years, or, if required by the Commissioner, up to 6 years. 26 CFR 178.313 (retention: 178.396)

130. *Proprietors of vinegar plants shipping wine or vinegar converted from wine to his plant (in which case they must conform to requirements relating to wine operations).* To keep records comparable to those regarding wine shipments (required by 26 CFR Part 178).

Retention period: Not specified. 26 CFR 178.322, 178.323

131. *Proprietors of vinegar plants shipping wine free of tax for use in making vinegar.* To keep records of wine received and used for manufacture of vinegar from wine shipped free of tax, and related data (required by 26 CFR 178.327, in which is set forth details of the information required).

Retention periods: 3 to 6 years. 26 CFR 178.327 (retention: 178.396)

132. *Proprietors of vinegar plants shipping soured wine to his plant.* To keep records of wine received and used as required by 26 CFR 178.327 and 178.328, when soured wine is shipped to a vinegar plant.

Retention period: 3 to 6 years. 26 CFR 178.334 (retention: 178.396)

133. *Winemakers manufacturing vermouth or other aperitif wines.* To keep separate record showing names and addresses of all persons from whom materials for use in manufacture of vermouth are received, date of receipt, and kind and quantity received from each.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 178.383, 178.396

134. *Proprietors of bonded wineries or storerooms (affected by 26 CFR 178.381), or storerooms manufacturing or storing champagne, sparkling wines or artificially carbonated wines.* To keep copy of Form 702–A containing monthly record of all champagne, sparkling wine, and artificially carbonated wine produced, received, and disposed of.

Retention period: Permanent. 26 CFR 178.381, 178.393

135. *Proprietors of bonded wineries or storerooms (affected by 26 CFR 178.382) manufacturing or storing vermouth or other aperitif wine.* To keep copy of Form 702–B, containing monthly record of all vermouth or other aperitif wine produced, received, or disposed of at winery or storeroom.

Retention period: Permanent. 26 CFR 178.382, 178.393

136. *Proprietors of bonded wineries or storerooms.* To keep copy of inventory record (on Form 702–C) showing detailed record of each inventory taken on all wines on storage on June 30th and December 31st of each year, and at any other time an inventory is taken.

Retention period: Permanent. 26 CFR 178.384, 178.393

137. *Proprietors of bonded wineries or storerooms.* To keep copy of report of removals of wine from winery or storeroom (on Forms 702, 702–A, or 702–B).

Retention period: Permanent. 26 CFR 178.385, 178.393

138. *Proprietors of bonded wineries or storerooms.* To keep separate records showing tax-paid removals of wine from wineries or storerooms.

Retention period: 3 to 6 years. 26 CFR 178.386, 178.396

139. *Proprietors of bonded wineries.* To keep copy of monthly record (on Form 701) of all materials received and used in the manufacture of wine.

Retention period: Permanent. 26 CFR 178.387, 178.393

140. *Winemakers.* To keep separate record of materials (other than ameliorating or sweetening materials) used in the manufacture of wine, together with date of receipt, and kind and quantity received, and names and addresses of all persons furnishing same.

Retention period: 3 to 6 years. 26 CFR 178.388, 178.389 and 178.396

141. *Proprietors of wineries.* To keep one copy of Form 261, Winemakers' Brandy and Sweeting Agents Report.

Retention period: Permanent. 26 CFR 178.502

142. *Purchasers of red strip stamps for bottled liquors coming into the United States from Puerto Rico.* To keep record of red strip stamps purchased and used for bottled liquors coming into the United States from Puerto Rico, and copy of monthly report showing stamps purchased and used during the month (on Form 96).

Retention period: 4 years. 26 CFR 180.164 to 180.166

143. *Persons, except tourists, bringing distilled spirits into United States from Puerto Rico.* To keep records of distilled spirits brought into United States from Puerto Rico (on Form 52 and Record 52) and purchases and sales thereof.

Retention period: 4 years. 26 CFR 180.167 to 180.177

144. *Persons, except tourists, bringing distilled spirits into United States from Puerto Rico.* To keep separate records of serial numbers of cases of distilled spirits disposed of (when such records are not entered on Form 52E or Record 52).

Retention period: 4 years. 26 CFR 180.172

145. *Purchasers of red strip stamps for bottled liquors coming into United States from Virgin Islands.* To keep record of red strip stamps purchased and used for bottled liquors coming into the United States from the Virgin Islands, and copy of monthly report showing stamps purchased and used during the month (Form 96).

Retention period: 4 years. 26 CFR 180.279 to 180.281

146. *Persons, except tourists, bringing distilled spirits into United States from Virgin Islands.* To keep records of distilled spirits brought into the United States from Virgin Islands or stored (on Forms 52E, 52F or Record 52) and of sales and purchases (Form 52F).

Retention period: 4 years. 26 CFR 180.283 to 180.293

147. *Persons, except tourists, bringing distilled spirits into United States from Virgin Islands.* To keep separate records of serial numbers of cases of distilled spirits disposed of (when such records are not entered on Form 52E or Record 52).

Retention period: 4 years. 26 CFR 180.288

148. *Manufacturer or vendor of still.* To keep copy of affidavit covering sale of still when sold to a person intending to use still for purposes other than for distilling (as defined in 26 CFR 181.39) to show purchaser's name, address, purpose for which still bought, etc.

Retention period: Not specified. 26 CFR 181.43

149. *Persons having possession, custody, or control of stills or distilling apparatus.* To keep approved copy of Form 26, covering registration of still.

Retention period: Not specified. 26 CFR 181.52

150. *Proprietors or permittees operating industrial alcohol plants, bonded warehouses or denaturing plants (under 26 CFR Part 182).* To keep all forms of records and reports necessary to carry into effect the law and the regulations in this part (Industrial Alcohol) and all requirements and instructions contained in such forms, required by 26 CFR Part 182.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 182.324

151. *Persons authorized by Commissioner to conduct experimental operations in connection with production of alcohol.* To keep such records as prescribed by Commissioner.

Retention period: Not specified. 26 CFR 182.328

152. *Proprietors of industrial alcohol plants.* To keep commercial record of all materials received on industrial alcohol plant premises intended for use in production of alcohol.

Retention period: Not specified, but relates to requirements of 26 CFR 182.324, which specify 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 182.335, 182.324

153. *Proprietors of industrial alcohol plants.* To keep separate record (on Forms 1442 and 1686), where materials are used primarily for the production of substances other than alcohol, and such materials produce a small amount of ethyl alcohol as a by-product, for each process or fermentation showing the materials used and the resulting production of ethyl alcohol and chemicals therefrom.

Retention period: Not specified, but relates to requirements of 26 CFR 182.324, which specify 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 182.341, 182.324

154. *Proprietors of industrial alcohol plants.* To keep materials slips showing date, name, number, and location of industrial alcohol plant, kind and quantity of materials received and used, and the serial numbers of the fermenters filled, together with such other information as may be required.

Retention period: 1 year. 26 CFR 182.343

155. *Proprietors of industrial alcohol plants.* To keep a daily record of industrial alcohol plant operations on Form 1442, Proprietor's Report of Operations at Industrial Alcohol Plant.

Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 182.456, 182.324

156. *Proprietors of industrial alcohol bonded warehouses.* To keep one copy of each Form 1440 covering the deposit or withdrawal of alcohol in or from the warehouse.
Retention period: Permanent. 26 CFR 182.643

157. *Proprietors of every bonded warehouse.* To keep copies of monthly Form 1443–A, Report of Uncoopered Alcohol, and Form 1443–B, Report of Alcohol in Packages.
Retention period: Permanent. 26 CFR 182.647

158. *Proprietors of industrial alcohol bonded warehouses who maintain tax-paid storerooms in connection with such warehouses.* To keep Form 52–E, "Monthly Record and Report of Importer or Proprietor of Tax-Paid Premises", and Record 52, "Wholesale Liquor Dealer's Record".
Retention period: 4 years. 26 CFR 182.648

159. *Persons holding permits to use tax free alcohol.* To keep copy of Form 1451, "Report of Tax-Free Alcohol".
Retention period: Not specified. 26 CFR 182.669

160. *Denaturers and denaturers' agents.* To keep records of embossed symbols and serial numbers of all packages to be filled by denaturers' agents with completely denatured alcohol; records of receipt and disposition of completely denatured alcohol.
Retention period: 3 years. 26 CFR 182.727

161. *Proprietors of denaturing plants.* To keep copy of Forms 1466 and 1467, daily reports of all alcohol and denaturants used and denatured alcohol produced.
Retention period: Permanent. 26 CFR 182.781 to 182.784

162. *Proprietors of every denaturing plant.* To keep monthly records on Forms 129 and 1468–A, B, C, D, E, and F, showing all alcohol and denaturants used for denaturation and removed (either before or after denaturation) during the month.
Retention period: Permanent. 26 CFR 182.787

163. *Proprietors of denaturing plants.* To keep copies of Forms 1440 and 1520 covering alcohol and distillates received at denaturing plant; Forms 1453–A, 1467, and 1473 covering withdrawals.
Retention period: Permanent. 26 CFR 182.788

164. *Dealers and manufacturers of completely denatured alcohol receiving, storing, selling or using as much as 12 drums or barrels in a calendar month.* To keep records of receipt, storage, and disposition of completely denatured alcohol.
Retention period: 3 years. 26 CFR 182.796

165. *Dealers and manufacturers of proprietary anti-freeze solutions.* To keep records of production, receipt, and disposition of proprietary anti-freeze solutions.
Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 182.805, 182.324

166. *Bonded dealers and users of specially denatured alcohol.* To keep copy of Form 1473, covering receipts of denatured alcohol in tank cars.
Retention period: Permanent. 26 CFR 182.811, 182.835

167. *Bonded dealers holding permits to deal in specially denatured alcohol.* To keep Form 1478, covering his transactions for each month.
Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 182.822, 182.324

168. *Ethyl acetate producers and users who receive ethyl acetate in tank cars, tank trucks or tank wagons.* To keep records showing receipt and use of such ethyl acetate, records showing date and quantity of ethyl acetate received and sold, and name and address of person from whom received or to whom shipped.
Retention period: 3 years, or, if required by Commissioner, up to 6 years. 26 CFR 182.844, 182.324

169. *Actual producers and vendee producers of solvent and lacquer thinners (users receiving same in railroad tank cars, tank wagons, or tank trucks must maintain complete records of receipt and actual use thereof).* To keep complete records of sales and receipts of proprietary solvent and lacquer thinners, when sold from one producer to another.
Retention period: 3 years, or, if required by commissioner, up to 6 years. 26 CFR 182.848, 182.324

170. *Manufacturers holding permits to use specially denatured alcohol or to recover completely denatured alcohol or articles for reuse.* To keep a copy of reports on Form 1482, covering transactions for each month.
Retention period: 3 years, or, if required by commissioner, up to 6 years. 26 CFR 182.874

171. *Carriers holding a basic permit to transport tax-free or specially denatured alcohol, or undenatured ethyl alcohol in tank trucks.* To keep record (in book form) showing name and address of consignor and consignee of alcohol received for transportation; kind and quantity of alcohol contained in each package or other container, and date of shipment.
Retention period: Not specified. 26 CFR 182.912

172. *Distillers.* To keep records covering operations under new name when there is a change in individual, firm, or corporate name.
Retention period: Not specified. 26 CFR 183.226, 183.648

173. *Distillers.* To keep a commercial record of all materials received, weighed, and measured on the distillery premises intended for use in the production of distilled spirits.
Retention period: Not specified. 26 CFR 183.357

174. *Distillers (and storekeeper-gaugers).* To keep material slips showing the name, number, and location of the distillery, on which he will enter the date, kind and quantity of materials received and used and the serial numbers of the fermenters filled, etc. (to be prepared in duplicate).
Retention period: At least 1 year. 26 CFR 183.363

175. *Distillers (and storekeeper-gaugers).* Each to keep Form 1598, report of taxable samples.
Retention period: Not specified. 26 CFR 183.473

176. *Distillers.* To keep record of all removal of distilled spirits from distillery.
Retention period: Permanent. 26 CFR 183.586, 183.701

177. *Distillers.* To keep copy of approved registry of stills on Form 26.
Retention period: Not specified. 26 CFR 183.640

178. *Distillery succeeding proprietors.* To keep a record of all materials, including those in process received from his predecessor on Form 1442 if the distillery is to be operated as an industrial plant or on Form 15 if the distillery is to be operated as a fruit distillery.
Retention period: Permanent. 26 CFR 183.663, 184.775, 182.461

179. *Distillers (storekeeper-gaugers).* The latter to keep record on Form 1686 and the former on Form 1598 of all materials and all unfinished spirits outside the cistern room received by distiller from predecessor.
Retention period: Permanent. 26 CFR 183.673, 183.701

180. *Distillers.* To keep daily and monthly records of distillery operation (Form 1598).
Retention period: Permanent. 26 CFR 183.700, 183.701

181. *Proprietors of distilleries.* To keep a daily record on Form 1598 of all bulk distilled spirits shipped from distillery.
Retention period: Not specified. 26 CFR 183.703

182. *Proprietors of distilleries.* To keep a record of all spirits, bottled and bulk, received and disposed of at tax-paid premises. (Form 52E, bulk spirits and 52, bottled spirits.)
Retention period: 4 years. 26 CFR 183.704, 183.709

183. *Proprietors of registered distilleries.* To keep a record of all purchases and sales of warehouse receipts (Form 52F).
Retention period: Not specified. 26 CFR 183.705

184. *Proprietors of distilleries.* To keep a separate record of serial numbers of cases of distilled spirits.
Retention period: 4 years. 26 CFR 183.708

185. *Distillers (storekeeper-gauger).* To keep one copy each of Form 1615 reporting taxable samples of brandy withdrawn.
Retention period: Not specified. 26 CFR 184.525

186. *Distillers.* To keep approved copy of Form 26 registering any still or distilling apparatus that is set up in his possession or custody.
Retention period: Not specified. 26 CFR 184.710

187. *Distillers of brandy.* To keep a record of distillers operations (Form 15).
Retention period: Permanent. 26 CFR 184.775

188. *Proprietors of fruit distilleries.* To keep records of sales at tax-paid premises (Form 52–E).
Retention period: Not specified. 26 CFR 184.779

189. *Proprietors of fruit distilleries.* To keep records of warehouse receipts (Form 52–F).
Retention period: Not specified. 26 CFR 184.780

190. *Proprietors of fruit distilleries.* To keep a separate record of serial numbers of cases.
Retention period: 4 years. 26 CFR 184.783

191. *Fruit distillers.* To keep monthly record (on Form 1493) of dealcoholized wine produced.
Retention period: Permanent. 26 CFR, 184.842

192. *Warehousemen (and storekeeper-gaugers).* To keep copies of Form 1615 reporting taxable samples of brandy or fruit spirits withdrawn.
Retention period: Not specified. 26 CFR 185.547

193. *Proprietors of bonded warehouses.* To keep bottled in bond stamps returned to proprietor for filing a claim for exchange or redemption.
Retention period: Not specified. 26 CFR 185.973

194. *Proprietors of warehouses.* To keep record of all bulk and bottled in bond distilled spirits removed from warehouse (Form 52C).
Retention period: 4 years. 26 CFR 185.1040, 185.1046

195. *Proprietors of internal revenue bonded warehouses.* To keep record of sales at tax-paid premises (Form 52E).
Retention period: 4 years. 26 CFR 185.1041, 185.1046

196. *Warehousemen.* To keep record of warehouse receipts (Form 52F).
Retention period: Not specified. 26 CFR 185.1042

197. *Proprietors of internal revenue bonded warehouses.* To keep a separate record showing serial numbers of cases of distilled spirits disposed, with necessary identifying data.
Retention period: 4 years. 26 CFR 185.1045

198. *Warehouse proprietors.* To keep monthly summary report on Form 388 (where Record 52 is kept), Record 52, and Forms 52 C and E.
Retention period: 4 years for Record 52 and Forms 52 C and E, not specified for Form 388. 26 CFR 185.1046, 185.1048

199. *Proprietors of internal revenue bonded warehouses.* To keep record of transactions at off-premises export storage room.
Retention period: 4 years. 26 CFR 185.1050, 185.1046

200. *Distillery denatured bonded warehouse proprietors.* To keep record of all denaturants received and used at bonded warehouse, or removed therefrom, of all samples of denaturants, and of chemists' reports of analyses of samples.
Retention period: Permanent. 26 CFR 187.315

201. *Proprietors of tax-paid bottling houses.* To keep Forms 703–A, 1440 and 1520 after spirits received in tank car or by a pipe line are run into a storage tank.
Retention period: Not specified. 26 CFR 189.170

202. *Proprietors of tax-paid bottling houses.* To keep copy of Forms 230 and 237 documenting the completion of bottling of spirits and proper payment of tax.
Retention period: Permanent. 26 CFR 189.208

203. *Proprietors of tax-paid bottling houses.* To keep record on Form 52–D of all spirits received, dumped for bottling, bottled, and disposed of at bottling house.
Retention period: 4 years. 26 CFR 189.295, 189.301

204. *Proprietors of tax-paid bottling houses.* To keep record of warehouse receipts.
Retention period: Not specified. 26 CFR 189.297

205. *Proprietors of tax-paid bottling houses.* To keep a separate record of serial number of cases.
Retention period: 4 years. 26 CFR 189.300

206. *Proprietors of tax-paid bottling houses.* To keep Forms 92, 230, 237, 703–A, 1440, and 1520 for all spirits received, dumped for bottling, bottled and disposed of at bottling house.
Retention period: 4 years. 26 CFR 189.304

207. *Rectifiers (and storekeeper-gaugers).* Each to keep approved copy (Form 27–B Supplemental) of the formula and process by which spirits are to be rectified.
Retention period: Not specified. 26 CFR 190.365

208. *Proprietors of rectifying plants.* To keep (Forms 1440 or 1520) gauge reports for spirits run directly from a tank car in a bottling tank without rectification.
Retention period: Not specified. 26 CFR 190.411

209. *Rectifiers and proprietors of rectifying plants.* To keep (Forms 703–A, 1440 or 1520) gauge reports for spirits received by pipe line and run into a storage tank.
Retention period: Not specified. 26 CFR 190.412

210. *Rectifiers.* To keep copy of Form 122 reporting the spirits that have been placed into processing tanks or receptacles.
Retention period: Not specified. 26 CFR 190.437

211. *Rectifiers.* To keep a copy of Form 122 with a copy of the application for blending straight whiskies and pure fruit brandies.
Retention period: Not specified. 26 CFR 190.484

212. *Rectifiers.* To keep copy of Form 702–A for sparkling wine to be manufactured by secondary fermentation within the bottle.
Retention period: Not specified. 26 CFR 190.510

213. *Rectifiers.* To keep copy of Form 237 covering taxable spirits, or wines in packages, taxable spirits transferred by pipe line to contiguous tax-paid bottling house or rectifying plant and taxable special products.
Retention period: 4 years. 26 CFR 190.582, 190.583, 190.588, 190.590, 190.841

214. *Rectifiers.* To keep copy of Form 230 for the bottling of unrectified spirits and wines.
Retention period: Permanent. 26 CFR 190.694, 190.703

215. *Rectifiers.* To keep record on Form 45 of all rectified spirits and wine stamps for bottling tanks received and used at rectifying plant.
Retention period: 4 years. 26 CFR 190.722, 190.839

216. *Rectifiers.* To keep monthly record for all distilled spirits, wines, and other liquors received, dumped for rectification, packaged or bottled after rectification, bottled without rectification, and disposed of.
Retention period: 4 years. 26 CFR 190.825, 190.839

217. *Rectifiers.* To keep record (Form 52) of all bottled distilled spirits produced (rectified and unrectified) received and disposed where contiguous and noncontiguous wholesale liquor dealer room is maintained.
Retention period: 4 years. 26 CFR 190.826, 190.827, 190.839, 190.841

218. *Proprietors of rectifying plants.* To keep records of all purchases and sales of warehouse receipts.
Retention period: 4 years. 26 CFR 190.828, 190.833, 190.834

219. *Proprietors of rectifying plants.* To keep in place of Forms 45 and 52 a separate record of serial numbers of cases.
Retention period: 4 years. 26 CFR 190.831, 190.839

220. *Rectifiers.* To keep Forms 92, 122, 230, 237, 703–A, 1440 and 1520 on all distilled spirits, wine and other liquors received or disposed.
Retention period: 4 years. 26 CFR 190.841

221. *Outgoing rectifiers (proprietors).* To keep approved copy of Form 237 for partially rectified products in packages that have been tax-paid and removed to the finished products room, and such products in tanks have been tax-paid and transferred to successor.
Retention period: Not specified. 26 CFR 190.920

222. *Outgoing rectifiers (proprietors).* To keep copy of Form 230 for bottling of unrectified products by successor.

Retention period: Not specified. 26 CFR 190.924

223. *Importers of distilled spirits.* To keep records of red strip stamps.
Retention period: Not specified. 26 CFR 191.135, 191.136, 191.137, 191.138

224. *Importers.* To keep record of all distilled spirits, both bulk and bottled, imported and disposed of.
Retention period: 4 years. 26 CFR 191.139, 191.140, 191.143, 191.144, 191.145

225. *Importers who maintain wholesale liquor dealer premises.* To keep record of all bottled distilled spirits received and disposed of.
Retention period: 4 years. 26 CFR 191.142

226. *Brewers.* To keep copy of Form 7, for tax-paid stamps on fermented liquors.
Retention period: Not specified. 26 CFR 192.269

227. *Brewers.* To keep copy of Forms 138 and 139 documenting the cancellation of taxpaid stamps on bottled beer removed from brewery bottling house.
Retention period: Permanent. 26 CFR 192.282

228. *Brewers.* To keep records showing quantity of yeast and malt syrup removed from brewery.
Retention period: Not specified. 26 CFR 192.290, 192.291

229. *Brewers.* To keep copy of record of the receipt, recasing or relabeling and removal of the returned tax-paid bottle pursuant to brewer's application.
Retention period: Permanent. 26 CFR 192.335

230. *Brewers.* To keep a daily record of tax-paid beer returned to brewery.
Retention period: 4 years. 26 CFR 192.338

231. *Brewers.* To keep copy of Form 1689, an application for exportation, free of tax, of fermented malt liquor.
Retention period: Not specified. 26 CFR 192.350

232. *Brewers.* To keep records and reader reports on Form 66 of materials used at breweries in the production of cereal beverages.
Retention period: Not specified. 26 CFR 192.422

233. *Brewers.* To keep record showing quantity of each kind of material received on brewery premises, quantity used in production of fermented liquor, quantity of fermented liquor removed from premises.
Retention period: Permanent. 26 CFR 192.440

234. *Brewers.* To keep worksheets used in establishing actual inventories of bulk and bottled beer.
Retention period: Not specified. 26 CFR 192.442

235. *Brewers.* To keep copy of Form 139 for all beer daily transferred from the brewery to the brewery bottling house.
Retention period: 4 years. 26 CFR 192.441

236. *Brewers.* To keep daily record of each brew.
Retention period: 4 years. 26 CFR 192.445

237. *Brewers.* To keep daily summary record of removals of bottled beer and cereal beverage.
Retention period: 4 years. 26 CFR 192.446

238. *Brewers.* To keep daily sales record of fermented malt liquor.
Retention period: 4 years. 26 CFR 192.452

239. *Rectifiers and wholesale liquor dealers.* To keep daily records of distilled spirits received and disposed if he sells, or offers for sale, distilled spirits in the quantities of five wine-gallons or more to the same person at the same time.
Retention period: 4 years. 26 CFR 194.0–4 (26 U. S. C. 2857)

240. *Retail liquor dealers.* To keep a record in book form, or keep all invoices of, and bills for, all distilled spirits, wines, and fermented malt liquors received.
Retention period: For 2 years after the time of the transactions to which they relate. 26 CFR 194.0–13

241. *Wholesale liquor dealers.* To keep Record 52 of the physical receipt and disposition of distilled spirits and separate records, such as invoices for the removal of distilled spirits.
Retention period: 4 years. 26 CFR 194.210, 194.228, 194.230, 194.232

242. *Wholesale liquor dealers.* To keep a separate record of all purchases and sales of warehouse receipts.
Retention period: Not specified. 26 CFR 194.211

243. *Proprietors of industrial alcohol plants, registered distilleries, fruit distilleries, internal revenue bonded warehouses, tax-paid bottling houses, rectifying plants and importers and any persons bringing distilled spirits into the United States from Puerto Rico or the Virgin Islands in their capacity as wholesale dealers in liquors.* To keep records as wholesale dealers as prescribed by Regulations 3 (Part 182), Regulations 4 (Part 183), Regulations 5 (Part 184), Regulations 10 (Part 185), Regulations 11 (Part 189), Regulations 15 (Part 190), Regulations 21 (Part 191) and Regulations 24 (Part 180) of Subchapter C of Title 26.
Retention period: As noted in regulations noted above. 26 CFR 194.214

244. *Wholesale liquor dealers.* May keep in place of Forms 52 and 52F separate records of the name of distiller, rectifier or bottler of distilled spirits and number of cases of the physical receipt or disposition of distilled spirits.
Retention period: 4 years. 26 CFR 194.217, 194.218, 194.219

245. *Retail liquor dealers.* To keep a record in book form, or keep all invoices or bills for distilled spirits, wines or malt liquors received.
Retention period: For 2 years after date of the transaction to which they relate. 26 CFR 194.226

246. *Proprietors of vinegar factories.* To keep record of vinegar production (Form 1623).
Retention period: Permanent. 26 CFR 195.190, 195.192

247. *Proprietors of vinegar stills.* To keep an approved copy of Form 26, Registry of Still.
Retention period: Not specified. 26 CFR 195.210

248. *Manufacturers intending to file drawback claims.* To keep a copy of distilled beverages formula (Form 1678).
Retention period: Not specified. 26 CFR 197.95

249. *Manufacturers intending to claim a drawback on distilled spirits used in manufacture or production of nonbeverage products.* To keep a permanent record showing quantity, proof, kind of distilled spirits received, date received, etc. (Information specified.)
Retention period: Not less than 3 years. 26 CFR 197.130, 197.131, 197.132

250. *Proprietors of concentrate plants.* To keep an approved copy of registry of still (Form 26).
Retention period: Not specified. 26 CFR 198.181

251. *Proprietors of concentrate plants.* To keep commercial records with respect to volatile fruit flavor concentrates.
Retention period: Not less than 4 years. 26 CFR 198.200, 198.201, 198.202

252. *Proprietors of concentrate plants.* To keep one copy, in bound form, of Form 1695, monthly summary report of fruit flavor concentrate plant.
Retention period: Permanent. 26 CFR 198.205

253. *Proprietors of industrial alcohol plants or warehouses.* To file copies of Forms 1440 and 1701, regarding withdrawals of alcohol.
Retention period: Not specified. 26 CFR 199.44

254. *Denaturers or bonded dealers.* To keep application for removal of alcohol from plant or warehouse for transportation to and deposit in a foreign-trade zone for exportation (Form 1701).
Retention period: Not specified. 26 CFR 199.60

255. *Proprietors of rum plants or warehouses.* To keep application for removal of rum from plant or warehouse for transportation to and deposit in a foreign-trade zone for exportation (Form 1701).
Retention period: Not specified. 26 CFR 199.70

256. *Brewers.* To keep copy of report of removal (Form 1701) of fermented liquor for deposit in and subsequent exportation from a foreign trade zone.
Retention period: Not specified. 199.180

257. *Manufacturers of matches.* To keep daily record (Form 662) showing total of each material used each day and the total number of matches produced, and the number of stamped packages and original packages in which packed; also total number of stamped packages and original packages, together with total number of matches disposed of each day.
Retention period: Not specified. 26 CFR 300.20

258. *Manufacturers of matches.* To keep record of names of customers to whom matches are consigned, and the quantities so sold, to be furnished upon request of any revenue officer.
Retention period: Not specified. 26 CFR 300.23

259. *Manufacturers of filled cheese.* To keep daily record of number of pounds of each material used by him in the manufacture of filled cheese, and the number of pounds of each such kind of material used for purposes other than the manufacture of filled cheese; number of taxable pounds of filled cheese produced; number of taxable pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and the address to which sent; number of taxable pounds of filled cheese returned to the factory, name of person by whom returned, date of receipt, and address from which returned; number of taxable pounds of filled cheese reworked, dumped, or destroyed; total values of filled cheese stamps purchased and used.
Retention period: 4 years. 26 CFR 301.22

260. *Wholesale dealers in filled cheese.* To keep daily record of pounds in each consignment of filled cheese received by him, name and address of consignor and date of receipt; number of pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment, and address to which sent.
Retention period: 4 years. 26 CFR 301.32

261. *Persons responsible for return and payment of the tax on sale of pistols and revolvers.* To keep records and memoranda as will clearly show the amounts of the sales of pistols and revolvers for each month.
Retention period: 4 years from date tax becomes due. 26 CFR 302.12

262. *Processors of oils.* To keep records and accounts with respect to processing of oils, with an inventory as of the time the act became effective, of all raw materials, crude or virgin oils, imported oils, oils in state of processing, and oils completely processed.
Retention period: 4 years from date tax became due. 26 CFR 306.8

263. *Taxpayer processors of oils.* To keep complete and detailed record of each overpayment of processing taxes on oils.
Retention period: 4 years from date a claim for refund or a claim for credit has been filed. 26 CFR 306.19

264. *Manufacturers of oleomargarine.* To keep separate records of colored and uncolored oleomargarine, showing materials or ingredients used, number of pounds produced and distributed, and total value of tax stamps purchased and used.
Retention period: 4 years. 26 CFR 310.24

265. *Wholesale dealers in oleomargarine.* To keep separate records of colored and uncolored oleomargarine, showing number of pounds in each consignment, name and address of consignor and date of receipt, number of pounds in each lot disposed of, name of consignee, address to which delivered, and date of shipment.
Retention period: At least 4 years. 26 CFR 310.42

266. *Wholesale dealers in adulterated butter.* To keep records with respect to adulterated butter. (Requirements same as in 26 CFR 310.42.)
Retention period: At least 4 years. 26 CFR 310.115

267. *Wholesale dealers in process or renovated butter.* To keep records with respect to process or renovated butter. (Requirements same as in 26 CFR 310.42.)
Retention period: At least 4 years. 26 CFR 310.127

268. *Persons who, on and after September 1, 1937, manufacture manufactured sugar.* To keep accurate records of manufacturing of sugar including sufficient information to enable the Commissioner to determine the amount of tax due.
Retention period: 4 years from date tax is filed. 26 CFR 312.504

269. *Persons required to file a return and pay a tax on gasoline, lubricating oil, and matches.* To keep accurate records with respect to sale or use of gasoline, lubricating oil, and matches, including duplicate returns (required to be filed under § 314.60, Form 726) and accounts with respect to such sale and use.
Retention period: At least 4 years from the date the tax became due, or in case of tax-free, 4 years from the last day of the month immediately following that in which the sale occurs. 26 CFR 314.62

270. *Persons liable for gasoline floor stocks tax.* To prepare and retain a duplicate copy of the inventory of gasoline floor stocks at each location other than the taxpayer's principal place of business, maintained at such location, and a consolidated inventory of all gasoline floor stocks, maintained at the taxpayer's principal place of business, as a part of the records required by 26 CFR 314.73, 314.74.
Retention period: 4 years from date tax comes due. 26 CFR 314.74

271. *Taxpayers (on gasoline floor stocks).* To keep records showing payment of floor stocks tax on gasoline, together with the consolidated and separate inventories and other relevant papers and material.
Retention period: 4 years from date tax is due. 26 CFR 314.74

272. *Licensed manufacturers of firearms.* To keep complete and adequate records of all firearms and ammunition disposed of in the course of his business, whether manufactured by himself or acquired from other manufacturers or dealers.
Retention period: Not less than 6 years from the date of the transactions to which the records relate. 26 CFR 315.70

273. *Licensed dealers in firearms.* To keep complete and adequate records of all firearms (not including parts of firearms but including firearms in an unassembled condition) acquired or disposed of in the course of business.
Retention period: Not less than 6 years from the date of the transactions to which the records relate. 26 CFR 315.70

274. *Manufacturers of articles subject to excise tax (tires and inner tubes; toilet preparations; automobiles, tires, inner tubes, auto radios, accessories, and parts; radio receiving sets, phonograph records, musical instruments; mechanical refrigerators and air conditioners; firearms, shells, cartridges; sporting goods; luggage; electric, gas, and oil appliances; photographic apparatus; business and store machines; electric light bulbs, and tubes; electrical energy).* To keep sales record together with records of exportation of articles subject to excise tax on sales by the manufacturer (cars, radios, sporting goods, luggage, toilet goods, etc.).
Retention period: 4 years from the last day of the month following the sale. 26 CFR 316.26

275. *Manufacturers of communication receiving sets and component parts exempted from tax on sales made for exclusive use of the United States.* To have in possession a copy of the prime contract, subcontract, or Government purchase order under which the sale is made or in the absence of such contract or purchase order to retain in possession a properly executed exemption certificate, and proper records of invoices, orders, etc., relative to tax-free sales.
Retention period: At least 4 years from the last day of the month following the month in which the sale was made. 26 CFR 316.61, 316.202

276. *Manufacturers of musical instruments exempt from tax on sales made to religious or nonprofit educational institutions.* To keep in possession an exemption certificate properly executed by purchaser and proper records of invoices, orders, etc., relative to tax-free sales.
Retention period: At least 4 years from the last day of the month following the month in which the sale was made. 26 CFR 316.63

277. *Manufacturers, producers, or importers of refrigerator components exempt from tax on sales.* To maintain wholesaler's statement that component is purchased for resale to manufacturer of complete refrigerators, refrigerating or cooling apparatus, or quick-freeze units, a properly executed exemption certificate or statement of wholesaler that he maintains such a certificate, and orders, invoices and other records supporting individual transactions.
Retention period: Not less than 4 years from date on which tax-free sale is made. 26 CFR 316.72

Retention period: Not specified. 26 CFR 190.924

223. *Importers of distilled spirits.* To keep records of red strip stamps.
Retention period: Not specified. 26 CFR 191.135, 191.136, 191.137, 191.138

224. *Importers.* To keep record of all distilled spirits, both bulk and bottled, imported and disposed of.
Retention period: 4 years. 26 CFR 191.139, 191.140, 191.143, 191.144, 191.145

225. *Importers who maintain wholesale liquor dealer premises.* To keep record of all bottled distilled spirits received and disposed of.
Retention period: 4 years. 26 CFR 191.142

226. *Brewers.* To keep copy of Form 7, for tax-paid stamps on fermented liquors.
Retention period: Not specified. 26 CFR 192.269

227. *Brewers.* To keep copy of Forms 138 and 139 documenting the cancellation of taxpaid stamps on bottled beer removed from brewery bottling house.
Retention period: Permanent. 26 CFR 192.282

228. *Brewers.* To keep records showing quantity of yeast and malt syrup removed from brewery.
Retention period: Not specified. 26 CFR 192.290, 192.291

229. *Brewers.* To keep copy of record of the receipt, recasing or relabeling and removal of the returned tax-paid bottle pursuant to brewer's application.
Retention period: Permanent. 26 CFR 192.335

230. *Brewers.* To keep a daily record of tax-paid beer returned to brewery.
Retention period: 4 years. 26 CFR 192.338

231. *Brewers.* To keep copy of Form 1689, an application for exportation, free of tax, of fermented malt liquor.
Retention period: Not specified. 26 CFR 192.350

232. *Brewers.* To keep records and reader reports on Form 66 of materials used at breweries in the production of cereal beverages.
Retention period: Not specified. 26 CFR 192.422

233. *Brewers.* To keep record showing quantity of each kind of material received on brewery premises, quantity used in production of fermented liquor, quantity of fermented liquor removed from premises.
Retention period: Permanent. 26 CFR 192.440

234. *Brewers.* To keep worksheets used in establishing actual inventories of bulk and bottled beer.
Retention period: Not specified. 26 CFR 192.442

235. *Brewers.* To keep copy of Form 139 for all beer daily transferred from the brewery to the brewery bottling house.
Retention period: 4 years. 26 CFR 192.441

236. *Brewers.* To keep daily record of each brew.
Retention period: 4 years. 26 CFR 192.445

237. *Brewers.* To keep daily summary record of removals of bottled beer and cereal beverage.
Retention period: 4 years. 26 CFR 192.446

238. *Brewers.* To keep daily sales record of fermented malt liquor.
Retention period: 4 years. 26 CFR 192.452

239. *Rectifiers and wholesale liquor dealers.* To keep daily records of distilled spirits received and disposed if he sells, or offers for sale, distilled spirits in the quantities of five wine-gallons or more to the same person at the same time.
Retention period: 4 years. 26 CFR 194.0–4 (26 U. S. C. 2857)

240. *Retail liquor dealers.* To keep a record in book form, or keep all invoices of, and bills for, all distilled spirits, wines, and fermented malt liquors received.
Retention period: For 2 years after the time of the transactions to which they relate. 26 CFR 194.0–13

241. *Wholesale liquor dealers.* To keep Record 52 of the physical receipt and disposition of distilled spirits and separate records, such as invoices for the removal of distilled spirits.
Retention period: 4 years. 26 CFR 194.210, 194.228, 194.230, 194.232

242. *Wholesale liquor dealers.* To keep a separate record of all purchases and sales of warehouse receipts.
Retention period: Not specified. 26 CFR 194.211

243. *Proprietors of industrial alcohol plants, registered distilleries, fruit distilleries, internal revenue bonded warehouses, tax-paid bottling houses, rectifying plants and importers and any persons bringing distilled spirits into the United States from Puerto Rico or the Virgin Islands in their capacity as wholesale dealers in liquors.* To keep records as wholesale dealers as prescribed by Regulations 3 (Part 182), Regulations 4 (Part 183), Regulations 5 (Part 184), Regulations 10 (Part 185), Regulations 11 (Part 189), Regulations 15 (Part 190), Regulations 21 (Part 191) and Regulations 24 (Part 180) of Subchapter C of Title 26.
Retention period: As noted in regulations noted above. 26 CFR 194.214

244. *Wholesale liquor dealers.* May keep in place of Forms 52 and 52F separate records of the name of distiller, rectifier or bottler of distilled spirits and number of cases of the physical receipt or disposition of distilled spirits.
Retention period: 4 years. 26 CFR 194.217, 194.218, 194.219

245. *Retail liquor dealers.* To keep a record in book form, or keep all invoices or bills for distilled spirits, wines or malt liquors received.
Retention period: For 2 years after date of the transaction to which they relate. 26 CFR 194.226

246. *Proprietors of vinegar factories.* To keep record of vinegar production (Form 1623).
Retention period: Permanent. 26 CFR 195.190, 195.192

247. *Proprietors of vinegar stills.* To keep an approved copy of Form 26, Registry of Still.
Retention period: Not specified. 26 CFR 195.210

248. *Manufacturers intending to file drawback claims.* To keep a copy of distilled beverages formula (Form 1678).
Retention period: Not specified. 26 CFR 197.95

249. *Manufacturers intending to claim a drawback on distilled spirits used in manufacture or production of nonbeverage products.* To keep a permanent record showing quantity, proof, kind of distilled spirits received, date received, etc. (Information specified.)
Retention period: Not less than 3 years. 26 CFR 197.130, 197.131, 197.132

250. *Proprietors of concentrate plants.* To keep an approved copy of registry of still (Form 26).
Retention period: Not specified. 26 CFR 198.181

251. *Proprietors of concentrate plants.* To keep commercial records with respect to volatile fruit flavor concentrates.
Retention period: Not less than 4 years. 26 CFR 198.200, 198.201, 198.202

252. *Proprietors of concentrate plants.* To keep one copy, in bound form, of Form 1695, monthly summary report of fruit flavor concentrate plant.
Retention period: Permanent. 26 CFR 198.205

253. *Proprietors of industrial alcohol plants or warehouses.* To file copies of Forms 1440 and 1701, regarding withdrawals of alcohol.
Retention period: Not specified. 26 CFR 199.44

254. *Denaturers or bonded dealers.* To keep application for removal of alcohol from plant or warehouse for transportation to and deposit in a foreign-trade zone for exportation (Form 1701).
Retention period: Not specified. 26 CFR 199.60

255. *Proprietors of rum plants or warehouses.* To keep application for removal of rum from plant or warehouse for transportation to and deposit in a foreign-trade zone for exportation (Form 1701).
Retention period: Not specified. 26 CFR 199.70

256. *Brewers.* To keep copy of report of removal (Form 1701) of fermented liquor for deposit in and subsequent exportation from a foreign trade zone.
Retention period: Not specified. 199.-180

257. *Manufacturers of matches.* To keep daily record (Form 662) showing total of each material used each day and the total number of matches produced, and the number of stamped packages and original packages in which packed; also total number of stamped packages and original packages, together with total number of matches disposed of each day.
Retention period: Not specified. 26 CFR 300.20

258. *Manufacturers of matches.* To keep record of names of customers to whom matches are consigned, and the quantities so sold, to be furnished upon request of any revenue officer.
Retention period: Not specified. 26 CFR 300.23

259. *Manufacturers of filled cheese.* To keep daily record of number of pounds of each material used by him in the manufacture of filled cheese, and the number of pounds of each such kind of material used for purposes other than the manufacture of filled cheese; number of taxable pounds of filled cheese produced; number of taxable pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and the address to which sent; number of taxable pounds of filled cheese returned to the factory, name of person by whom returned, date of receipt, and address from which returned; number of taxable pounds of filled cheese reworked, dumped, or destroyed; total values of filled cheese stamps purchased and used.
Retention period: 4 years. 26 CFR 301.22

260. *Wholesale dealers in filled cheese.* To keep daily record of pounds in each consignment of filled cheese received by him, name and address of consignor and date of receipt; number of pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment, and address to which sent.
Retention period: 4 years. 26 CFR 301.32

261. *Persons responsible for return and payment of the tax on sale of pistols and revolvers.* To keep records and memoranda as will clearly show the amounts of the sales of pistols and revolvers for each month.
Retention period: 4 years from date tax becomes due. 26 CFR 302.12

262. *Processors of oils.* To keep records and accounts with respect to processing of oils, with an inventory as of the time the act became effective, of all raw materials, crude or virgin oils, imported oils, oils in state of processing, and oils completely processed.
Retention period: 4 years from date tax became due. 26 CFR 306.8

263. *Taxpayer processors of oils.* To keep complete and detailed record of each overpayment of processing taxes on oils.
Retention period: 4 years from date a claim for refund or a claim for credit has been filed. 26 CFR 306.19

264. *Manufacturers of oleomargarine.* To keep separate records of colored and uncolored oleomargarine, showing materials or ingredients used, number of pounds produced and distributed, and total value of tax stamps purchased and used.

Retention period: 4 years. 26 CFR 310.24

265. *Wholesale dealers in oleomargarine.* To keep separate records of colored and uncolored oleomargarine, showing number of pounds in each consignment, name and address of consignor and date of receipt, number of pounds in each lot disposed of, name of consignee, address to which delivered, and date of shipment.
Retention period: At least 4 years. 26 CFR 310.42

266. *Wholesale dealers in adulterated butter.* To keep records with respect to adulterated butter. (Requirements same as in 26 CFR 310.42.)
Retention period: At least 4 years. 26 CFR 310.115

267. *Wholesale dealers in process or renovated butter.* To keep records with respect to process or renovated butter. (Requirements same as in 26 CFR 310.42.)
Retention period: At least 4 years. 26 CFR 310.127

268. *Persons who, on and after September 1, 1937, manufacture manufactured sugar.* To keep accurate records of manufacturing of sugar including sufficient information to enable the Commissioner to determine the amount of tax due.
Retention period: 4 years from date tax is filed. 26 CFR 312.504

269. *Persons required to file a return and pay a tax on gasoline, lubricating oil, and matches.* To keep accurate records with respect to sale or use of gasoline, lubricating oil, and matches, including duplicate returns (required to be filed under § 314.60, Form 726) and accounts with respect to such sale and use.
Retention period: At least 4 years from the date the tax became due, or in case of tax-free, 4 years from the last day of the month immediately following that in which the sale occurs. 26 CFR 314.62

270. *Persons liable for gasoline floor stocks tax.* To prepare and retain a duplicate copy of the inventory of gasoline floor stocks at each location other than the taxpayer's principal place of business, maintained at such location, and a consolidated inventory of all gasoline floor stocks, maintained at the taxpayer's principal place of business, as a part of the records required by 26 CFR 314.73, 314.74.
Retention period: 4 years from date tax comes due. 26 CFR 314.74

271. *Taxpayers (on gasoline floor stocks).* To keep records showing payment of floor stocks tax on gasoline, together with the consolidated and separate inventories and other relevant papers and material.
Retention period: 4 years from date tax is due. 26 CFR 314.74

272. *Licensed manufacturers of firearms.* To keep complete and adequate records of all firearms and ammunition disposed of in the course of his business, whether manufactured by himself or acquired from other manufacturers or dealers.
Retention period: Not less than 6 years from the date of the transactions to which the records relate. 26 CFR 315.70

273. *Licensed dealers in firearms.* To keep complete and adequate records of all firearms (not including parts of firearms but including firearms in an unassembled condition) acquired or disposed of in the course of business.
Retention period: Not less than 6 years from the date of the transactions to which the records relate. 26 CFR 315.70

274. *Manufacturers of articles subject to excise tax (tires and inner tubes; toilet preparations; automobiles, tires, inner tubes, auto radios, accessories, and parts; radio receiving sets, phonograph records, musical instruments; mechanical refrigerators and air conditioners; firearms, shells, cartridges; sporting goods; luggage; electric, gas, and oil appliances; photographic apparatus; business and store machines; electric light bulbs, and tubes; electrical energy).* To keep sales record together with records of exportation of articles subject to excise tax on sales by the manufacturer (cars, radios, sporting goods, luggage, toilet goods, etc.).
Retention period: 4 years from the last day of the month following the sale. 26 CFR 316.26

275. *Manufacturers of communication receiving sets and component parts exempted from tax on sales made for exclusive use of the United States.* To have in possession a copy of the prime contract, subcontract, or Government purchase order under which the sale is made or in the absence of such contract or purchase order to retain in possession a properly executed exemption certificate, and proper records of invoices, orders, etc., relative to tax-free sales.
Retention period: At least 4 years from the last day of the month following the month in which the sale was made. 26 CFR 316.61, 316.202

276. *Manufacturers of musical instruments exempt from tax on sales made to religious or nonprofit educational institutions.* To keep in possession an exemption certificate properly executed by purchaser and proper records of invoices, orders, etc., relative to tax-free sales.
Retention period: At least 4 years from the last day of the month following the month in which the sale was made. 26 CFR 316.63

277. *Manufacturers, producers, or importers of refrigerator components exempt from tax on sales.* To maintain wholesaler's statement that component is purchased for resale to manufacturer of complete refrigerators, refrigerating or cooling apparatus, or quick-freeze units, a properly executed exemption certificate or statement of wholesaler that he maintains such a certificate, and orders, invoices and other records supporting individual transactions.
Retention period: Not less than 4 years from date on which tax-free sale is made. 26 CFR 316.72

278. *Manufacturers, producers, or importers of firearms and ammunition claiming exemption from or credit or refund on tax on sales made to military departments of the United States.* To be prepared to produce evidence establishing right to exemption or credit or refund on prior payment, such as clearly identified orders or contracts or statements signed by authorized officials.

Retention period: Details specified in 26 CFR 316.202. 26 CFR 316.81, 316.204

279. *Persons required to file a return and pay tax on the sale or use of an article.* To keep accurate records, including duplicate returns (prescribed by § 316.200) and accounts of all transactions (Form 728).

Retention period: 4 years from the date the tax became due, or in the case of tax-free sales, at least 4 years from the last day of the month following the month in which the sale was made. 26 CFR 316.202

280. *Manufacturers of firearms paying special tax and registered under sections 3260 (a) (1) and 3261 (a), Internal Revenue Code.* To keep a record of the manufacture, receipt, transfer, or other disposition of firearms and a duplicate copy of each return made on transactions in firearms as required under 26 CFR 319.115–319.116.

Retention period: 4 years from date of disposition of firearm or, in case of duplicate copies of returns, 4 years. 26 CFR 319.115–116

281. *Applicants for exemption from firearms transfer tax.* To retain a duplicate copy of the application for exemption, giving a description of the firearm, names and addresses of transferor and transferee, date of transfer, basis of exemption, and any other evidence the Commissioner may require.

Retention period: Not specified. 26 CFR 319.91

282. *Manufacturers, importers, or dealers in firearms (including pawnbrokers).* To keep records showing (a) the manufacture, receipt, transfer or other disposition of all firearms taxable under the Internal Revenue Code, (b) date of such manufacture, receipt, transfer or disposition, (c) the number, model, and trade name or other mark identifying each firearm, (d) the name and address of the person to whom any firearm is transferred, or otherwise conveyed.

Retention period: At least 4 years from date of disposition of the firearm. 26 CFR 319.115

283. *Manufacturers, importers, and dealers of firearms (including pawnbrokers) making returns on the manufacture, receipt, transfer, or other disposition of firearms.* To keep duplicate copy of the return, whether of individual transaction or a daily summary of transactions.

Retention period: 4 years. 26 CFR 319.116

284. *Persons required to file a return and pay tax on sale at retail of an article (jewelry—pearls: precious, semiprecious, and imitations; metal: precious, imitations; watches and clocks; flatware or hollow ware: gold, gold-plated, silver, sterling and silver-plated; opera glasses, lorgnettes; marine glasses; and furs; toilet preparations; luggage).* To keep accurate records, including duplicate copy (Form 728A) of each return (as prescribed by § 320.70) and accounts of all transactions involving sales of articles at retail.

Retention period: For a period of at least 4 years from the date the tax became due or in the case of tax free sales. At least 4 years from the last day of the month following the month in which the sale was made. 26 CFR 320.72

285. *Applicants for exemption from excise tax on sale of diesel fuel.* To be prepared to produce evidence establishing right of exemption, such as clearly identified orders or contracts or, in the absence of these, a statement signed by an authorized official, and adequate record of sale for export and documentary evidence of actual export, proof of export being found in a copy of the export bill of lading, a certificate of the carrier's agent, a certificate of landing of foreign customs officer, or a statement of receipt by foreign consignee.

Retention period: 4 years from last day of month following month of sale. 26 CFR 324.30, 324.31, 324.32, 324.33, 324.42

286. *Persons required to file a return and pay tax on the sale or use of diesel fuel.* To keep accurate records and accounts of all taxable transactions, including evidence of sales on which no tax is due, of sufficient information to determine whether correct amount of tax has been paid and a complete and detailed record of each overpayment of tax.

Retention period: At least 4 years from date tax comes due or, in case of tax-free sales, 4 years from last day of month following the month of sale or, for record of tax overpayment, 4 years from date of credit taken or refund claimed. 26 CFR 324.42, 324.45

287. *Persons required to pay the excise tax on wagering.* To keep records showing clearly each day's operation with respect to wagers and copy of monthly report (Form 730).

Retention period: At least 4 years from date the tax became due. 26 CFR 325.32

288. *Taxpayers seeking credit or refund on excise tax payments made on wagers laid off by taxpayer.* To keep a complete and detailed record of each laid-off wager for which a claim for credit or refund is filed, including a copy of the supporting certificate as provided by 26 CFR 325.34 (d).

Retention period: At least 4 years from date of credit taken or refund claimed. 26 CFR 325.34

289. *Taxpayers seeking credit or refund on overpayment of excise tax on wagering.* To keep a complete and detailed record of each overpayment.

Retention period: At least 4 years from date of credit taken or refund claimed. 26 CFR 325.35

290. *Persons engaged in receiving wagers for or on behalf of other persons.* To keep a daily record of the gross amount of wagers received, amount retained as commission or other compensation, the amount turned over to person for whom wagers were received, and the name and address of such person.

Retention period: At least 4 years from date wager was received. 26 CFR 325.51

291. *Employers liable for Federal Insurance Contributions Act taxes.* To keep records of all remuneration (whether in cash or in a medium other than cash) paid to employees after December 31, 1939, for services performed after December 31, 1936. (Under Federal Insurance Contributions Act.)

Retention period: At least 4 years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is later. 26 CFR 402.609

292. *Employers liable to Federal Insurance Contributions Act taxes.* To keep copies of returns, schedules statements (required by 26 CFR Part 402), or instructions applicable to any form prescribed by 26 CFR Part 402.

Retention period: At least 4 years after the date the tax to which they relate is due, or the date the tax is paid, whichever is later. 26 CFR 402.609

293. *Persons claiming refund, credit, or abatement of Federal Insurance Contributions Act tax, penalty or interest.* To keep complete records with respect to tax, penalty, or interest.

Retention period: At least 4 years after the date the claim is filed. 26 CFR 402.609

294. *Employers subject to tax under the Federal Unemployment Tax Act.* To keep permanent records necessary to establish total amount of remuneration paid to employees, the amount of such remuneration which constitutes wages subject to the tax, the amount of contributions paid by employer into each State unemployment fund, information required to be shown on the prescribed return, and extent to which the employer is liable for tax.

Retention period: 4 years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is later. 26 CFR 403.511

295. *Persons who employ individuals, but who consider that they are not employers.* To keep records to establish that a person is not an employer subject to tax. (Under Federal Unemployment Tax Act.)

Retention period: 4 years after the due date of the tax for the calendar year to which they relate. 26 CFR 403.511

296. *Persons claiming under the Federal Unemployment Tax Act refund, credit, or abatement of any tax, penalty, or interest.* To keep records with respect to tax, penalty, or interest.

Retention period: 4 years after date the claim is filed. 26 CFR 403.511

297. *Employers paying remuneration for services performed outside the United States, not subject to withholding for income tax payments.* To retain duplicate copies of the statements of employees claiming benefit of sections 116 (a) (1) and 116 (a) (2) of the Internal Revenue Code.

Retention period: Not specified. 26 CFR 406.226

298. *Employers making returns on employee tax on wages paid on or after January 1, 1951, under the Federal Insurance Contributions Act.* To retain a copy of employee's application for account number executed on Form SS–5, or employee's statement in lieu thereof, for use in preparing additional copies when required for attachment to any subsequent return and when not returned to employee under provisions of 26 CFR 408.504 (a) (5).

Retention period: Not specified. 26 CFR 408.504

299. *Persons liable to payment or collection of any tax imposed by provisions of subchapter D, chapter 9 of the Internal Revenue Code.* To keep such records of payment or collection of income tax at source on wages as the Commissioner, with the approval of the Secretary, may prescribe, as provided by sections 2709 and 3603 of the Internal Revenue Code.

Retention period: Details specified by 26 CFR 406.607. 26 CFR 406.600

300. *Employers making returns under Federal Insurance Contributions Act.* To keep a copy of any return, schedule, statement, or other document required by the regulations in this Part or by instructions applicable to any form prescribed thereunder, including a copy of any letter reporting an omission or error in a previous return and any employee receipt or statement acquired in adjustment of overcollection or settlement of overpayment of employee tax, as a part of the records required by 26 CFR 408.609 (a).

Retention period: At least 4 years after date tax comes due or date of payment, whichever is later. 26 CFR 408.605, 408.609, 408.702, 408.801

301. *Employees for whom income tax deductions are made on wages paid after January 1, 1954.* It is advisable (not mandatory) to keep permanent, accurate records showing name and address of employer, dates of service, employee information kept by employer under provisions of 26 CFR 406.607 (a), and the receipts furnished in accordance with 26 CFR 406.501. (Employees claiming refund, credit, or abatement required to keep related records under provision of 26 CFR 406.607 (d).)

Retention period: Permanent. 26 CFR 406.607

302. *Persons (including employees) claiming refund, credit, or abatement of income tax on wages paid on or after January 1, 1954, or penalty, or interest therein.* To keep a complete and detailed record with respect to such tax, penalty, or interest.

Retention period: At least 4 years after date claim is filed. 26 CFR 406.607

303. *Employers required to deduct and withhold income tax on wages paid on or after January 1, 1954.* To keep accurate records of all remuneration paid to employees, showing name and address of employee, character and dates of service, total amount and date of remuneration payment and period of service amount of payment constituting wages subject to withholding, amount of tax withheld from each payment, and withholding exemption certificates, withholding agreements, and copies of statements regarding residence outside the United States, accurate records of the details of each adjustment or settlement made pursuant to 26 CFR 406.701, and copies of any return, schedule, statement, or other document required to be kept by the regulations in 26 CFR Part 406 or by instructions applicable to any form prescribed thereunder.

Retention period: At least 4 years from date tax comes due or date of payment, whichever is later. 26 CFR 406.607

304. *Employers liable for Federal Insurance Contributions Act tax.* To keep records of all remuneration paid to employees after December 31, 1950, for services performed after December 31, 1936.

Retention period: At least 4 years after date the tax to which they relate becomes due or the date the tax is paid, whichever is later. 26 CFR 408.609

305. *Persons (including employees) claiming refund, credit, or abatement of Federal Insurance Contributions Act tax, penalty, or interest.* To keep complete records with respect to tax, penalty, or interest.

Retention period: At least 4 years after the date the claim is filed. 26 CFR 408.609

306. *Employers liable under Railroad Retirement Tax Act.* To keep records of all remuneration other than tips paid to employees after December 31, 1948, for services rendered after December 31, 1936.

Retention period: At least 4 years after the date the tax to which they relate became due or the date the tax was paid, whichever is later. 26 CFR 411.608

307. *Employees liable under provisions of the Railroad Retirement Tax Act.* While not mandatory, it is advisable to keep permanent, accurate records of remuneration received after December 31, 1948, for services performed after December 31, 1936, showing name and address of each employer, dates of service, and payments and withholdings.

Retention period: Permanent. 26 CFR 411.608

308. *Persons liable for employee representative's tax under Railroad Retirement Tax Act.* To keep records of all remuneration paid for services rendered as employee representative.

Retention period: At least 4 years after the date the tax to which they relate became due or the date the tax is paid, whichever is later. 26 CFR 411.608

309. *Persons claiming Railroad Retirement Tax Act refund, credit, or abatement.* To keep records with respect to tax, penalty, or interest.

Retention period: Period of at least 4 years after the claim is filed. 26 CFR 411.608

310. *Manufacturers of oleomargarine, filled cheese, playing cards, tobacco, snuff, cigars, and cigarettes.* To keep record of withdrawal of product from factory free of tax for use of United States.

Retention period: Not specified. 26 CFR 450.6

311. *Taxpayers subject to income tax except persons whose gross income consists solely of salary, wages, or similar compensation for personal services rendered, or whose gross income arises solely from growing and selling products of the soil.* To keep permanent books of accounts, or records, including inventories, as are sufficient to establish the amount of the gross income, and deductions, credits, and other matters required to be shown in any return under Chapter I of the Internal Revenue Code of 1939.

Retention period: So long as the contents thereof may become material to the administration of any internal revenue law. 26 CFR 39.54–1

Bureau of the Mint

1. *Persons delivering silver under 31 CFR Part 80 and persons owning or operating a smelter or refinery at which silver to be delivered is mixed with secondary or foreign silver, or both.* To keep accurate records of all acquisitions, by mining or otherwise, and of all dispositions of silver mined subsequent to July 1, 1939, and July 1, 1946, including, among other things, record of the dates of mining, acquisition, and disposition.

Retention period: At least 1 year after last delivery. 31 CFR 80.10, 80.12

2. *Licensed importers of gold-bearing materials for reexport of gold refined therefrom.* To cause to be kept at the plant of first treatment an exact record of percentages and weights as specified, for each importation, an attested copy of such record to be filed with the assay office at New York or the Mint at San Francisco, whichever is designated.

Retention period: 1 year after date of disposition. 31 CFR 54.32

3. *Persons licensed to acquire, hold, process and dispose of gold under 31 CFR 54.25 (a), 54.18, and 54.21.* To keep full and accurate records of all operations and transactions respecting gold, including the name, address, and Treasury gold license number of each person from whom it is acquired or to whom it is delivered (or, when no Treasury gold license is held, the section of regulations in this part pursuant to which the gold was held or acquired by such person), the amount, date, description and purchase or sales price of each acquisition and delivery, any other papers and records required to be kept by a Treasury Department gold license, and cost and expenses in computations of total domestic value of articles of fabricated or semi-processed gold as defined in 31 CFR 54.4.

Retention period: Until end of the third calendar year (or fiscal year, if accounts are so maintained). 31 CFR 54.26

Bureau of Narcotics

1. *Importers of crude opium or coca leaves.* To keep quintuplicate copy of permit to import.

Retention period: 2 years. 21 CFR 202.10

2. *Exporters of narcotic drugs.* To keep triplicate copy of export permit.

Retention period: 2 years. 21 CFR 202.21

3. *Exporters of narcotic drugs.* To keep a record of any serial numbers that might appear on packages of narcotic drugs in quantities of one ounce or more in such manner as will identify the foreign consignee.

Retention period: Not specified. 21 CFR 202.27

4. *Importers of special coca leaves.* To keep duplicate copy of quarterly return accounting for all transactions involving such leaves or substances derived therefrom containing narcotic drugs.

Retention period: Not specified. 21 CFR 202.46

5. *Producers of opium poppies.* To keep duplicate copy of annual return accounting for all transfers and dispositions of opium poppies and fully accounting for all opium poppies produced or otherwise obtained.

Retention period: Not specified. 21 CFR 203.14

6. *Manufacturers of opium or opium products from opium poppies.* To keep duplicate copy of quarterly return accounting for all such manufacturing operations.

Retention period: Not specified. 21 CFR 203.15

Bureau of the Public Debt

1. *Series E, F, G, H, J, and K United States Savings Bond owners.* Should keep a description of each bond, apart from the bonds, giving the series, denomination, serial number, and name of coowner or beneficiary, if any, in order to supply a full description of bonds lost, stolen, or destroyed.

Retention period: Not specified. 31 CFR 318.9, 316.17, 332.13, 333.14

2. *Qualified banking institutions issuing United States Savings Bonds, Series E.* To open and maintain or continue for account of the Federal Reserve Bank, a separate deposit account for proceeds of bond sales and render reports in accordance with instructions.

Retention period: Not specified. 31 CFR 317.4 and note to this part.

3. *Banks receiving bearer securities for restrictive endorsement.* To retain the original and triplicate copies of lists of securities presented to the Federal Reserve Bank or Treasurer of the United States and photographic reproductions of the endorsed securities, when made by the banks for their own protection, the original copy of the list and prints of any photographic reproductions made to be used to support an application for relief on account of loss, theft, or destruction of endorsed securities, as provided in § 328.7.

Retention period: Until the transaction is completed by receipt of payment or receipt of the securities issued in exchange. 31 CFR 328.5

4. *Qualified paying agents, United States Savings Bonds.* To maintain such records as are necessary to establish the receipt of owners' instructions respecting payment or exchange of bonds and disposition of proceeds and compliance with the instructions.

Retention period: Not specified. 31 CFR 330.5

United States Coast Guard

1. *Manufacturers of equipment used on vessels and approved by the Coast Guard.* To keep drawings, plans, blueprints, specifications, production models, qualification tests, X-ray or radiographic prints and films, etc., associated with or related to equipment or appliances or materials when required by vessel inspection laws and regulations administered by the Coast Guard.

Retention period: 6 months after termination of approval. 46 CFR 2.90–1

2. *Masters of tank vessels or vessels towing tank barges transporting inflammable or combustible cargo.* To keep on board a bill of lading manifest or shipping document giving name of consignee and the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled.

Retention period: During period of transportation or storage. 46 CFR 35.01–10

3. *Master or senior deck officer in charge of transfer of inflammable and combustible cargo.* To keep on board copy of Declaration of Inspection Prior to Bulk Cargo Transfer.

Retention period: During period of transportation or storage. 46 CFR 35.35–30

4. *Owners, agents, masters, or other persons in charge of vessel involved in marine casualties.* To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of draft, aids to mariners, radiograms sent and received, the radio log, and crew and passenger lists.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 35.15–1, 78.07–15, 97.07–15, 136.05–15, 167.65–65

5. *Masters of vessels storing explosives for a period exceeding 24 hours (other than barges and magazine vessels).* To keep records of temperature readings.

Retention period: During period of transportation or storage. 46 CFR 146.02–12

6. *Owners of vessels.* To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers, and records as required to be prepared, unless persons or corporations charter or engage or contract for the use of these vessels under such terms and conditions that they have full and exclusive control of the management and operation of such vessels.

Retention period: At least 1 year. 46 CFR 146.02–22

7. *Persons or corporations chartering or engaging or contracting for the use of vessels under such terms and conditions that they have full and exclusive control of the management and operation thereof.* To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers and records as required to be prepared.

Retention period: At least 1 year. 46 CFR 146.02–22

8. *Vessel operators.* To keep copies of delivery receipts covering domestic deliveries and exportation of explosives or other dangerous articles or substances, and combustible liquids.

Retention period: Until transaction is completed. 46 CFR 146.05–12, 146.05–13

9. *Vehicle operators carrying explosives.* Shipping papers required covering transportation of dangerous goods in highway vehicles on board common carriers.

Retention period: Until transaction is completed. 46 CFR 146.08–4

10. *Owners, charterers, agents, or masters of vessels.* To keep memoranda describing the shipments of explosives or other dangerous articles or substances, and combustible liquids being transported, conveyed or stored on board vessels.

Retention period: Until transaction is completed. 46 CFR 146.05–12

11. *Masters of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.* To keep on board dangerous cargo manifests or lists.

Retention period: During the period of transportation or storage. 46 CFR 146.06–12

12. *Owners, charterers or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.* To keep ashore copies of dangerous cargo manifests or lists.

Retention period: At least 1 year. 46 CFR 146.06–18

13. *Vessel owners, charterers, or agents.* To keep ashore copies of cargo stowage plans or lists.

Retention period: At least 1 year. 46 CFR 146.06–19

14. *Vessel operators.* To keep shipping papers of railroad vehicles loaded with dangerous substances and transported on board vessels.

Retention period: At least 1 year. 46 CFR 146.07–8

15. *Owners, agents, masters and other persons in charge of nautical school ships involved in marine casualties.* To keep voyage records of nautical school ships that are maintained, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of drafts, aid to mariners, radiograms sent and received, radio logs, and lists of persons aboard.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 167.65–65, 136.05–15

16. *Undocumented vessels.* To have available the certificates of award of number.

Retention period: For period of operation of vessel by the owner. 46 CFR 172.10–15

17. *Coast Guard contractors and subcontractors.* To keep books, documents,

papers and records directly pertinent to contract or subcontract transactions for examination by the Comptroller General of the United States or his representatives.

Retention period: 3 years after final payment. 33 CFR 118.03–5 (19 F. R. 613).

VETERANS' ADMINISTRATION

1. *Institutions furnishing educational or training courses to veterans.* To keep certification by the instructor, dean, or president of the institution of the itemized list of supplies required by each student; a standard list by subjects of the supplies required for each quarter, semester or year; a file for each student showing the items authorized for issuance to him, evidence of such issuance consisting of his signature as indicating receipt, and the prices charged; and receipts taken by the institution for books, supplies, and equipment furnished the veteran covering the purchase, issuance or reissuance of books, supplies, and equipment.

Retention period: 3 fiscal years following the actual date of submission of covering vouchers to the Veterans' Administration (unless further retention is requested by the Administration); may keep the records in microfilm form. 38 CFR 21.539

2. *Institutions furnishing correspondence courses to veterans.* To keep records of progress of veterans and all records and books of account pertaining to the contract.

Retention period: 3 years after final payment, provided written authorization for disposal of the records is obtained from the Veterans' Administration. 38 CFR 21.626

3. *Institutions furnishing educational or training courses to veterans.* To keep records of progress and attendance of veterans; adequate financial records to support the claims for payment for veteran training, including financial records required to substantiate tuition rates based upon cost data (including payroll ledgers, canceled checks, disbursement vouchers, invoices, general ledgers, journals, ledgers for cash receipts, and cash disbursements, inventory records, records of accounts payable, and accounts receivable).

Retention period: 3 fiscal years following the actual date of submission of covering vouchers to the Veterans' Administration (unless further retention is requested by the Administration). 38 CFR 21.672

4. *Institutions furnishing educational or training courses to Korean veterans (under Public Law 550, 82d Cong.).* To keep records and accounts which are evidence of tuition and fees charged and received, records of previous education or training of veterans enrolled under the law at the time of admission as students and records of advance credit, if any, granted at the time of admission, and records of the veteran's grades and progress.

Retention period: Not specified. 38 CFR 21.2306

5. *Institutions furnishing institutional on-farm training to Korean veterans (approved under Sec. 252 of Public Law 550, 82d Cong.).* To keep, in addition to the records noted in § 21.2306 (b), records of the individual and organized group instruction furnished.

Retention period: Not specified. 38 CFR 21.2306

6. *Non-accredited institutions furnishing educational or training courses to Korean veterans (approved under Sec. 254 of Public Law 550, 82d Cong.)* To keep, in addition to the records noted in § 21.2306 (b), records of leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory conduct or attendance, and records of refunds of tuition, fees, and other charges made to a veteran who fails to enter the course or withdraws or is discontinued prior to completion of the course.

Retention period: Not specified. 38 CFR 21.2306

7. *Holders of loans guaranteed or insured by the Veterans' Administration.* To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Not specified. 38 CFR 36.4330

8. *Holders of loans insured by the Veterans' Administration.* To keep an insurance account showing the amounts credited as available for the payment of losses on insured loans made or purchased by the holder and the amounts debited on account of transfers of insured loans, purchases by the Veterans' Administration under § 36.4318, or payment of losses.

Retention period: Until effective date of closing of insurance account by the Veterans' Administration. 38 CFR 36.4370

9. *State unemployment agencies.* To keep files containing all correspondence and other papers relating to individual veterans' claims for readjustment allowance, including a separate record for each veteran whose application is allowed.

Retention period: Not specified. 38 CFR 36.5001

10. *Self-employed veterans applying for readjustment allowance.* To keep such records as are necessary for a determination of his net earnings; such records shall reflect income received and expenses paid.

Retention period: Not specified. 38 CFR 36.5001

11. *Institutions furnishing apprentice or other training-on-the-job courses to veterans (under Veterans' Readjustment Assistance Act of 1952).* To keep adequate records to show progress made by each eligible veteran toward his job objective, including accomplishments and failures.

Retention period: Not specified. 38 CFR 21.2201

12. *Institutions furnishing accredited courses to veterans (under Veterans' Readjustment Assistance Act of 1952).* To keep adequate records showing the progress of each eligible veteran, including a written record of previous education and training of the veteran.

Retention period: Not specified. 38 CFR 21.2203

13. *Institutions furnishing non-accredited courses to veterans (under Veterans' Readjustment Assistance Act of 1952).* To keep adequate records showing attendance and progress or grades.

Retention period: Not specified. 38 CFR 21.2204

Supplement I—Requirements Under the Defense Production Act of 1950, Executive Order 10160 of September 9, 1950, the Emergency Price Control Act of 1942, and the Second War Powers Act of 1942

Excluded from detailed listing in this compilation are the many requirements contained in regulations issued by the Office of Price Stabilization under the provisions of the Defense Production Act of 1950. Broadly considered these requirements fell into 2 groups:

1. Requirements that those selling goods or services covered by price controls retain for 2 years records of sales. The longest that any of these records need be kept is to April 30, 1955.

2. Requirements that certain records relating to determining prices and other records not relating to individual sales transactions be retained until 2 years after expiration of Title IV of the Defense Production Act.

Persons dealing in goods or services the prices of which were controlled by the OPS should consult the appropriate regulations (Title 32A, CFR) to determine applicability of these requirements to their records. (See also GOR 44, OPS, 18 F. R. 1477.)

Executive Order 10160 of September 9, 1950, requires that every individual, corporation, partnership, association, or other organized group which sold or delivered goods or services, or offered them for sale or delivery, in the course of trade or business during the period from May 24 to June 24, 1950, inclusive, shall preserve all records relating to prices received or asked for such goods or services and the labor, material, acquisition, and other costs incurred in connection with such goods or services (with certain exceptions). The Defense Production Act (sec. 705 (a)) empowers the President to require that these records be kept until 2 years after the expiration of the Act.

Requirements contained in World War II price control regulations have expired, except insofar as the records may be pertinent to unsettled claims or litigation. (See 11 F. R. 12568, 18 F. R. 33 and 8698.)

The Second War Powers Act of March 27, 1942 (56 Stat. 185) provided that contractors with defense contracts placed after September 8, 1939 could be required to produce any books or records deemed relevant for audit and inspection by any agency or officer designated by the President or the Chairman of the War Production Board. The effectiveness of this Act was continued by the Act of June 30, 1953 (67 Stat. 120), for the duration of the national emergency proclaimed December 16, 1950, and for 6 months thereafter.

Order No.	Title	Section No.	Effective date of revocation
M-96	Spinning Grades of Chrysotile Asbestos Fibre	8 (a)	May 12, 1953
M-97	Lighting Fixtures: Limitation on Use of Copper	6 (a)	July 18, 1952
M-98	Used Cans for Copper Production	6 (a)	Mar. 20, 1953
M-99	Cryolite	10 (c)	Mar. 20, 1953
M-101	Certain Used and Imported Metalworking Machines: Reporting of Inventory	6 (a)	July 1, 1953
M-102	Crushing Bort, Diamond Powder or Dust, and Unrefined Diamond Dieing Material	6 (a)	May 12, 1953
M-103	Diamond Grinding Wheels	8 (a)	Sept. 29, 1953
M-104	Metalworking Machines—Finishes	6 (a)	July 31, 1953

B. The following NPA orders contained provisions which require that each person participating in any transaction covered by the particular order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of that particular order have been met.

Order No.	Title	Section No.	Effective date of revocation
M-31	Chlorine	13 (a)	Nov. 18, 1952
M-32	Chemicals: Limitation for DO Rated Orders	10	Feb. 23, 1953
M-41A	Metalworking Machines: Limitation on Use	7 (a)	Nov. 17, 1952
M-45	Allocation of Chemicals and Allied Products	27	Feb. 6, 1953
M-47A	Use of Copper and Aluminum in Certain Consumer Durable Goods and Related Products	5 (a)	July 1, 1953
M-63	Softwood Plywood	10 (a)	Dec. 5, 1952
M-64	Used Rails, Used Axles, and Used Cast-Iron Car Wheels	8	Mar. 30, 1953

C. The following NPA orders and regulations contain special provisions for retention of records. The order or regulation itself should be consulted in each instance.

Order No.	Title	Section No.	Effective date of revocation	Retention period (years)
CMP: Reg. 1	Basic Rules of the Controlled Materials Plan	23 (a) and (b)	July 1, 1953	3
Reg. 2	Inventories of Controlled Materials	10	May 1, 1953	3
Reg. 5	Maintenance, Repair, and Operating Supplies, Installation, and Minor Capital Additions Under the Controlled Materials Plan	14 (a)	July 1, 1953	3
Reg. 6	Construction	32 (a) and (b)	do	3
M-47B	Use of Controlled Materials in Certain Consumer Durable Goods	7 (a)	do	3
M-78	Maintenance, Repair, Operating Supplies, and Capital Additions for Mining Industry	18 (a)	May 28, 1953	3
M-79	Maintenance, Repair, and Operating Supplies for Export	14 (a)	July 1, 1953	3
M-80: Sched. 1	Iron and Steel—Alloying Material and Alloy Products—Nickel	8	Nov. 1, 1953	3
Sched. A	Iron and Steel—Alloying Material and Alloy Products—Nickel-Bearing Stainless Steel, High Nickel Alloy, Nickel Silver, and Permanent Magnets Containing Nickel	5	do	3
M-85	Emergency Radio Communications Network and Associated Activities	10 (a)	July 1, 1953	3
M-87	Maintenance, Repair, and Operating Supplies, and Minor Capital Additions for the Solid Fuels Industries	17 (a)	May 25, 1953	3
M-100	Residential Construction	15 (a) and (b)	Oct. 3, 1952	3
M-105	Maintenance, Repair, Operating Supplies, Capital Additions, and Replacements for Iron and Steel Producers	13 (a)	July 1, 1953	3

Supplement II—Former National Production Authority Orders and Regulations Under Which an Obligation to Preserve Records Was in Effect on October 20, 1954

A. The following NPA orders and regulations contained provisions which require that each person participating in any transaction covered by the particular order or regulation shall make and preserve for at least 3 years thereafter accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with that order or regulation as the case may be.

Order No.	Title	Section No.	Effective date of revocation
NPA: Reg. 1	Inventory Control	17 (a)	May 1, 1953
CMP: Reg. 4	Deliveries of Controlled Materials by Distributors	6 (a)	July 1, 1953
Reg. 7	Repair Parts and Materials for Repairmen Under the Controlled Materials Plan	9 (a)	May 25, 1953
M-1	Iron and Steel	15 (a)	July 1, 1953
M-1-2	Rubber	9 (c)	May 8, 1953
M-5	Aluminum	19 (a)	July 1, 1953
M-6A	Steel Distributors	11 (a)	Do.
M-8	Tin	12 (a)	Feb. 6, 1953
M-9	Zinc	6 (b) (1)	Do.
M-11	Copper and Copper-Base Alloys	11 (a)	Feb. 27, 1953
M-18	Distribution of Copper Raw Materials	9 (a)	July 1, 1953
M-19	Cadmium	10 (a)	June 4, 1953
M-20	Iron and Steel Scrap	8 (a)	May 15, 1952
M-22	Distribution and Use of Aluminum Scrap	10 (a)	April 15, 1953
M-24	Tin Plate and Terneplate	10 (a)	Mar. 2, 1953
M-25	Cans	11 (a)	Feb. 6, 1953
M-26	Packaging Closures	8 (a)	Do.
M-27	Collapsible Tubes	7 (a)	Do.
M-36	Government Orders for Paper	11 (a)	Do.
M-38	Lead	4 (f)	Jan. 1, 1953
M-43	Construction Machinery: Distribution	11 (a)	May 15, 1952
M-46	Priorities Assistance for the Petroleum and Gas Industries in the United States and Canada	18 (a)	July 1, 1953
M-46A	Priority Assistance for Foreign Petroleum Operations	10 (a)	Do.
M-46B	Construction Limitations for the Petroleum and Gas Industries of the United States	12 (a)	Do.
M-48	Electric Utilities	5 (a)	May 15, 1952
M-50	Platinum	4 (a)	July 1, 1953
M-54	Vegetable Tanning Material	6 (a)	May 1, 1953
M-57	Horsehides, Horsehide Parts, Goatskins, Cabrettas, Sheepskins, Sheepskin Parts, Shearlings, Kangaroo Skins, and Deerskins	6 (a)	Sept. 12, 1952
M-67	Aluminum Foil, Converted	10 (a)	Feb. 26, 1952
M-69	Sulfur	9 (a)	July 14, 1952
M-70	Marine Maintenance, Repair, and Operating Supplies, and Minor Capital Additions	14 (a)	Nov. 5, 1952
M-71	Prorities Assistance to Technical and Scientific Laboratories	13 (a)	July 1, 1953
M-72	Chemical Wood Pulp	10 (a)	Do.
M-73	Maintenance, Repair, Installation, and Operating Supplies, and Minor Capital Additions for Rail Transportation Systems	10 (a)	Apr. 8, 1952
M-75	Steel Shipping Drums	10 (a)	July 1, 1953
M-77	Communications	10 (c)	Apr. 29, 1952
M-78	Iron and Steel-Alloying Materials and Alloy Products	9 (a)	July 1, 1953
M-80	Distribution of Copper Wire Mill Products to Distributors	21 (b)	Nov. 1, 1953
M-82	Distribution of Controlled Materials to Retailers	8 (a)	Apr. 6, 1953
M-83	Mechanical, Hydraulic, Air, and Electrically Operated Jacks	5 (a)	May 26, 1953
M-84	Aluminum for Destructive Uses	7 (a)	Oct. 30, 1952
M-86	Distribution of Copper Wire Mill Products to Distributors	11 (a)	July 1, 1953
M-88	Aluminum Distributors	15 (a)	May 26, 1952
M-90	Distribution of Controlled Materials to Retailers	13 (a)	July 1, 1953
M-91	Conservation	6	Do.
M-92	Selenium	12 (b)	Mar. 26, 1953
M-93	Automobile Wreckers	7 (a)	Feb. 25, 1953
M-94	Starting, Lighting, and Ignition Electric Storage Batteries	7 (a)	July 2, 1952
M-95	Sulfuric Acid	8 (a)	Feb. 28, 1952
M-99	Railroad Transportation Equipment	6 (a)	July 1, 1953

Supplement III—Former Requirements of the Petroleum Administration for Defense

No.	Title	Retention period	Date of expiration
PAD Reg. 1	Issuance of Directives	No retention period	May 30, 1954
PAD Ord. 1	Automotive Tetraethyl Lead Fluid	2 years	Sept. 30, 1952
PAD Ord. 2	Limitation on the Use of Natural Gas	do	Mar. 1, 1953
PAD Ord. 3	Aviation Quality Blending Agents and Feed Stocks	do	Dec. 1, 1953
PAD Ord. 4	Aviation Gasoline Specifications	do	Oct. 1, 1953
PAD Ord. 5	Limitation on Inventories of Certain Petroleum Products	do	May 23, 1952
PAD Ord. 6	Limitation on Aviation Gasoline	do	June 3, 1952
PAD Instruction 1	Requests for Assistance in Obtaining Delivery of Heating Oil to the East Coast	do	May 27, 1952
PAD Instruction 2	Establishment of Committees and Supply Directors	No specific retention period	Dec. 12, 1952
NPA Ord. M-46	Priorities Assistance for the Petroleum and Gas Industries in the U. S. and Canada	3 years	July 1, 1953
NPA Ord. M-46A	Priority Assistance for Foreign Petroleum Operations	2 years	Do.
NPA Ord. M-46B	Construction Limitations for the Petroleum and Gas Industries	No retention period	Do.
	Defense Production Act of 1950, as amended (see sec. 705)	2 years after effect of act	
	Voluntary Agreement Relating to the Supply of Petroleum to Friendly Foreign Nations (June 25, 1951)		
	Replaced by Voluntary Agreement Relating to Foreign Petroleum Supply (May 13, 1953, and amended Apr. 15, 1954)	No specific retention dates. Minutes and notes of meetings to be kept by the Government representative and retained by the Administrator (was Assistant Deputy Administrator, Foreign Petroleum Operations, PAD, but is now Secretary of the Interior or Assistant Secretary, Mineral Resources, Department of the Interior)	
	Voluntary Agreement Relating to the Supply of Heating Oil to the East Coast	See PAD Instruction No. 1, which was the order setting out the procedures for obtaining assistance in securing heating oil on the East Coast	

Supplement IV—Civil Aeronautics Requirements on Availability of Credentials for Inspection in 14 CFR

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Mechanics	24.9		24.10.
Repairman	24.103		24.104.
Parachute Rigger	25.9		25.86.
Control Tower Operator	26.29	26.30	26.37.
Dispatcher	27.11		27.23.
Radio Operator	33.41	33.42	33.46.
Navigator	34.14	34.15	34.20.
Engineer	35.15	35.16	35.21.
Ground Instructor	51.3		51.6.
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Production Certificate	1.45		
Airworthiness Certificate	1.65		
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Repair Station	52.9		
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Parachute Loft	54.10		
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INDEX

Explanation. The index is a guide to the persons, groups, or products covered by the subject titles in the list. It does not purport to bring together under a given entry a complete analysis of all requirements relating to a given business or product. Thus a requirement affecting corporations in liquidation will be found under "corporation" because the word appears in the subject title in the list. There are many other requirements, however, affecting corporations which must be sought under "taxes", "manufacturers", "employers", "contractors", name of product, or other subject. In the same way general categories of persons to whom requirements may apply (such as manufacturers or importers) have been included only if they are particularly necessary in identifying the applicability of the requirements.

The following key to abbreviations should be used to distinguish the items for each Governmental unit. References are to agency and item number, not to FEDERAL REGISTER page.

ACPS..... Agricultural Conservation Program Service.
AD..... Agriculture Department, Office of the Secretary.
AEC..... Atomic Energy Commission.
AGC..... Alaska Game Commission.
AMS..... Agricultural Marketing Service.
ARS..... Agricultural Research Service.
BA..... Bureau of Accounts.
BC..... Bureau of Customs.
BDSA..... Business and Defense Services Administration.
BEC..... Bureau of Employees' Compensation.
BFC..... Bureau of Foreign Commerce.
BFCU..... Bureau of Federal Credit Unions.
BIA..... Bureau of Indian Affairs.
BLM..... Bureau of Land Management.
BMines..... Bureau of Mines.
BMint..... Bureau of the Mint.
BN..... Bureau of Narcotics.
BPA..... Bureau of Public Assistance.
BPD..... Bureau of the Public Debt.
BPR..... Bureau of Public Roads.
CAA..... Civil Aeronautics Administration.
CAB..... Civil Aeronautics Board.
CB..... Children's Bureau.
C of C..... Comptroller of the Currency.
CD..... Under Secretary of Commerce for Transportation.
CEA..... Commodity Exchange Authority.
CG..... Coast Guard.
CPBMP..... Committee on Purchase of Blind-Made Products.
CSS..... Commodity Stabilization Service.
DD..... Defense Department.
DEPA..... Defense Electric Power Administration.
FAC..... Foreign Assets Control and Office of International Finance.
FCC..... Federal Communications Commission.
FCIC..... Federal Crop Insurance Corporation.
FDA..... Food and Drug Administration.
FDIC..... Federal Deposit Insurance Corporation.
FHA..... Farmers Home Administration.
FPC..... Federal Power Commission.
FS..... Forest Service.
FTC..... Federal Trade Commission.
FWS..... Fish and Wildlife Service.
GAO..... General Accounting Office.
GS..... Geological Survey.
GSA..... General Services Administration.
HHFA..... Housing and Home Finance Agency.
ICC..... Interstate Commerce Commission.
IFC..... International Fisheries Commission.
IR..... Internal Revenue Service.
IWC..... International Whaling Commission.
JD..... Justice Department.
LD..... Labor Department, Office of the Secretary.
MA..... Maritime Administration.
NPS..... National Park Service.
OASI..... Bureau of Old-Age and Survivors Insurance.
OBE..... Office of Business Economics.
ODM..... Office of Defense Mobilization.
OE..... Office of Education.
OGD..... Oil and Gas Division.
OVR..... Office of Vocational Rehabilitation.
PC..... Panama Canal.
PHS..... Public Health Service.
POD..... Post Office Department.
RRB..... Railroad Retirement Board.
SD..... State Department.
SEC..... Securities and Exchange Commission.
VA..... Veterans' Administration.
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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (m) (1) of § 6.112 is revoked and paragraph (n) (1) is added as set out below.

§ 6.112 *Department of Commerce.* * * *

(n) *Office of the Assistant Secretary for International Affairs.* (1) Ten positions at GS–13 and above in specialized fields relating to international trade or commerce in the Bureau of Foreign Commerce or in other units under the jurisdiction of the Assistant Secretary for International Affairs. Incumbents shall be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed two years for any individual appointee.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–2872; Filed, Apr. 7, 1955; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (22) is added to § 6.302 as set out below.

§ 6.302 *Department of State*—(a) *Office of the Secretary.* * * *

(22) One Private Secretary to the Chairman, International Joint Commission—United States and Canada.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases and Other Operations

[1955 Honey Bulletin 1]

PART 434—HONEY

SUBPART—1955 HONEY PRICE SUPPORT PROGRAM

This bulletin contains the regulations applicable to the 1955 Honey Price Support Program whereby the Secretary of Agriculture makes price support for extracted honey available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as CCC and CSS respectively).

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434.602 Availability of price support.
434.603 Eligible honey.
434.604 Ineligible honey.
434.605 Disbursement of loans.
434.606 Approved lending agencies.
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434.619 Loss or damage to honey.
434.620 Personal liability of the producer for the honey.
434.621 Release of the honey under loan.
434.622 Liquidation of loans and delivery under purchase agreements.
434.623 Purchase of notes.
434.624 Charges not to be assumed by CCC.
434.625 Support rates.
434.626 CSS commodity offices.

AUTHORITY: §§ 434.601 to 434.626, issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply Sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. 714c, 7 U. S. C. 1446, 1421.

§ 434.601 *Administration.* This subpart will be administered by the Sugar Division, CSS, under the general direction and supervision of the Executive Vice-President, CCC. In the field the program will be carried out by State and County Agricultural Stabilization and Conservation offices (hereinafter called State and county offices) under the supervision of State and County Agricultural Stabilization and Conservation Committees (hereinafter called State and county committees) and by CSS commodity offices. Producers interested in participating in the program should contact their county offices, through which the price support documents will be distributed. All documents will be completed and approved by the county offices, which will retain copies thereof. State and county committees and offices and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart, or any amendments or supplements to this subpart.

§ 434.602 *Availability of price support*—(a) *Method of support.* Price support on extracted honey will be made available to producers through loans on such honey stored in approved farm storage, and through purchase agreements.

(b) *Area.* Farm-storage loans and purchase agreements will be available wherever eligible honey is produced in the continental United States.

(c) *Where to apply.* Application for price support should be made at the county office of the county in which the producer's place of operation is located or, if producer has more than one place of operation, at the county office of the county in which the honey is stored.

(d) *When to apply.* Loans and purchase agreements will be available from April 1, 1955 through December 31, 1955, in Florida, Georgia, South Carolina, Alabama, Mississippi, Louisiana, Texas, New Mexico, Arizona, and California. In all other States, loans and purchase agreements will be available from July 1, 1955 through December 31, 1955. Applicable documents must be signed by the producer and delivered to the county office not later than December 31, 1955.

(e) *Eligible producer.* (1) An eligible producer shall be any person, including a partnership, association or corporation, who, in 1955, extracts honey produced by bees owned by him.

(2) A cooperative marketing association of producers shall be eligible for a loan or purchase agreement on eligible honey received from and produced by members of the association: *Provided*, That (i) the producer members are bound by contract to deliver their eligible honey to the association free from all liens and encumbrances; (ii) the proceeds of the eligible honey marketed by the association are shared proportionately among the producers-members according to the grade and quantity of such honey each delivers to the association; (iii) the association has authority to obtain a loan on the security of the honey and to give a lien thereon as well as authority to sell such honey. Only honey received from producers under such conditions may be delivered to CCC under a loan or purchase agreement. All determinations with respect to whether or not a given organization is a cooperative marketing association of producers pursuant to this section shall be made by or under the direction of the State Committee.

§ 434.603 *Eligible honey.* Any honey other than that described in § 434.604 which meets the following requirements is eligible for price support.

(a) The honey must be of the 1955 crop, produced and extracted in continental United States by an eligible producer.

(b) The honey shall be packed in containers of a capacity of not less than 5 gallons nor greater than 70 gallons, and of a style used in normal commercial practice in the honey industry. Five-gallon containers shall be filled with 60 pounds net of honey. Larger containers shall be filled to their rated capacities.

(1) The 5-gallon containers shall be new, clean, sound, uncased and free from appreciable dents and rust. The handle of each container shall be firm and strong enough to permit carrying the filled can. The can closures shall be complete, including the cap liner prescribed for the particular style of can. The threads on both the cap and the can opening shall not be damaged in any way that will prevent a tight seal. Cans which are punctured, or which have been punctured and resealed by soldering, will not be acceptable.

(2) Steel drums shall be new drums, or used drums which have been reconditioned both inside and outside. Steel drums must be clean, and treated to prevent rusting. The drums must be fitted with gaskets which will provide a tight seal when closed.

(3) Other commercial containers, such as wooden barrels or kegs, which are new or which have been reconditioned, are acceptable if sound, clean and leakproof. Such containers must be closed with bungs or other appropriate leakproof closures.

(c) The beneficial interest in the honey must be in the producer tendering the honey for a loan, or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom, before the honey was extracted, he succeeded as owner of the bees producing the honey. In the case of a cooperative marketing association these stipulations as to beneficial interest shall apply to each producer delivering to the association.

(d) The honey must be equal to or better than Grade C of the United States Standards for Grades of Extracted Honey, effective April 16, 1951: *Provided, however*, That in areas in which the State Committee determines that existing conditions make fermentation of high moisture honey probable during the period of storage, the maximum moisture content allowable may be reduced by such committee from 20 percent to 18.6 percent for any or all floral sources.

(e) Honey offered for a farm-storage loan must have been stored, in containers specified in paragraph (b) of this section, for at least 15 days prior to drawing the inspection samples. The containers shall be stacked upright in a manner which will prevent damage to the containers in the stacks, and so arranged that the containers in the stacks are easily accessible for inspection.

§ 434.604 *Ineligible honey.* Athel, Avocado, Bitterweed, Broomweed, Carrot, Chinquapin, Dog Fennel, Desert Hollyhock, Eucalyptus, Gumweed, Mescal, Onion, Prickly Pear, Prune, Queen's Delight, Snowbrush (Ceanothus), Snow-on-the-Mountain, Tarweed, and similar objectionably-flavored honeys or objectionably-flavored blends of honey as determined by the Director, Sugar Division, CSS, will not be eligible for price support regardless of whether they meet other eligibility requirements.

§ 434.605 *Disbursement of loans.* Disbursement of loans will be made to producers by county officers by means of sight drafts drawn on CCC or by approved lending agencies under agreement with CCC. No disbursement shall be made later than 15 days after the final date of the availability of loans, unless recommended by the State committee and approved by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft, shall constitute disbursement. The producer shall not present the loan documents for disbursement of funds unless the honey is in existence, in approved storage, and in good condition. If the commodity was not in existence, in approved storage, or in good condition at the time the producer received the disbursement, the proceeds shall be promptly refunded by the producer.

§ 434.606 *Approved lending agencies.* An approved lending agency shall be any bank, corporation, partnership, individual or legal entity with which CCC has entered into a lending agency agreement (CCC Form 322 or other form prescribed by CCC).

§ 434.607 *Approved storage.* Loans will be made only on honey in approved storage. Purchase agreements may be executed without regard to whether the honey is in approved storage.

(a) *Farm storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses) which are determined by the county office to be so located and of such substantial and permanent construction as to afford safe storage of the honey. In carrying out its responsibility the county office should consider the extent to which the storage structures for honey are clean, dry, weatherproof and can be locked. Where such structure is used to house honey other than that which is covered by a single price support loan, a suitable partition should be used to preserve the identity of the honey covered by each price support loan and segregate it from any other honey in the storage structure.

(b) *Cooperative storage.* Approved storage for cooperative marketing associations shall meet the requirements stated in paragraph (a) of this section. Preservation will not be required of the identity of each producer's honey in the lot covered by the mortgage.

§ 434.608 *Applicable forms.* The approved forms consist of the loan and purchase agreement forms and such other forms and documents as are specified in this subpart which, together with the provisions of this subpart, govern the rights and responsibilities of the producer. Note and supplemental loan agreements, chattel mortgages, and purchase agreements, must be dated, signed by the producer, and delivered to the county office on or before the final date of availability of loans or purchase agreements. Note and supplemental loan agreements, and chattel mortgages, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an Administrator, executor or trustee will be acceptable only where legally valid.

(a) *Farm-storage loans.* Approved forms shall consist of Commodity Loan Form A, Producer's Note and Supplemental Loan Agreement, secured by Commodity Loan Form AA, Commodity Chattel Mortgage, and such other forms and documents as may be required by CCC. These forms shall also be used for honey stored by cooperative marketing associations of producers in warehouses under their control.

(b) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement (Commodity Purchase Form 1) and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county office, and such other forms and documents as may be required by CCC.

§ 434.609 *Liens.* If there are any liens or encumbrances on honey placed under loan or delivered under purchase agreement, waivers acceptable to the county committee must be obtained.

§ 434.610 *Service charges.* Producers shall pay the following service charges on the quantity of honey placed under loan or specified in the purchase agreement. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a loan.

(a) Rates:

Method of price support	Rate (per 100 pounds net)	Minimum charge
	Cents	
Farm-storage loan	5	$3.00
Purchase agreement	2½	1.50

(b) State committees are authorized to require prepayment of $3.00 of the service charge on a farm-storage loan.

(c) No refund of service charges will be made.

§ 434.611 *Determination of quantity.* (a) Determination of quantity of honey in connection with applications for farm-storage loans, shall be computed on the basis of 55 pounds for each 5 gallon can and 11 pounds for each gallon of rated capacity for containers larger than 5 gallon.

(b) Determination of quantity, at time of delivery to CCC, of honey under loan or purchase agreement shall be made by or under the direction of the State committee. The quantity determination of honey delivered in 5-gallon cans shall be based upon the number of 5-gallon cans times the average per can net weight of honey rounded to the next lowest whole pound, or 60 pounds per can net weight of honey, whichever is lower. The weight determination of honey delivered in larger containers shall be based upon the actual net weight of honey.

§ 434.612 *Determination of grade and color.* (a) Determination of grade and color in connection with applications for farm-storage loans shall be made on the basis of samples drawn by the county office and transmitted prepaid to an office of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service. Samples shall be provided by the producer at no cost to CCC. The cost of inspection shall be collected for the account of the Processed Products Standardization and Inspection Branch by the county office from the producer at the time samples are drawn.

(b) Determination of grade and color, at time of delivery to CCC, of honey under loan or purchase agreement, including the drawing of the samples, shall be by representatives of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS. Samples shall be provided by the producer at no cost to CCC. The cost of such sampling, and of grade, and color determination at time of delivery, shall be paid by CCC.

(c) Table honey should be so segregated according to color that the color for the lot as a whole is within the tolerances for color variations as outlined in the United States Standards for Grades of Extracted Honey, effective April 16, 1951. If a lot of honey is not segregated so that it can be certified in accordance with the foregoing, the loan, settlement for the loan, or purchase under purchase agreement, shall be made on the basis of the darkest color shown on the inspection certificate.

(d) Table honey should be so segregated from nontable honey that it can be certified for loan, settlement under loan, or purchase under purchase agreement, in accordance with the categories outlined in § 434.625. If a lot of honey is not segregated so that it can be given a single classification as either table or nontable honey, the loan, settlement for the loan, or purchase under purchase agreement, shall be made on the basis of nontable honey.

(e) In the case of blends of table and nontable honeys, the loan, settlement under loan, or purchase under purchase agreement, shall be made on the basis of nontable honey. If any blends of honey contain ineligible honey, the lot as a whole is ineligible.

§ 434.613 *Maturity of loans.* Loans mature on demand, but not later than March 31, 1956, in all States.

§ 434.614 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or payable or prepayable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support purchase or loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or legal action.

§ 434.615 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that where there is a default in satisfaction of the loan the amount of the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 434.616 *Transfer of producer's interest*—(a) *Farm-storage loans.* The producer shall not transfer either his remaining interest in, or his right to redeem, honey mortgaged as security for a farm-storage loan. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the honey, must obtain written prior approval of the county office on Commodity Loan Form 12 to remove the honey from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the county office.

(b) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 434.617 *Safeguarding the honey.* The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep the honey in good condition, until the loan is liquidated.

§ 434.618 *Insurance.* CCC will not require the producer to insure the honey placed under loan; however, if the producer insures such honey and indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the honey involved in the loss.

§ 434.619 *Loss or damage to honey.* If the honey is going out of condition, or is in danger of going out of condition, the producer shall notify the county office. The producer is responsible for any loss in quantity or quality of the honey placed under farm-storage loan, except that, subject to the provisions of § 434.618, physical loss or damage occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer, resulting solely from external causes other than insect infestation, vermin, rodents, or wild animals, will be assumed by CCC to the extent of the settlement value of the quantity of the honey lost, stolen, or destroyed, or to the extent of the damage as determined by CCC, provided the producer has given the county office immediate notice, confirmed in writing, of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer shall be assumed by CCC. Where disbursement of funds is made by sight draft or check, the date of the draft or check shall constitute the date of disbursement of the funds.

§ 434.620 *Personal liability of the producer for the honey.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the honey by him, may render the producer subject to criminal prosecution under Federal law and will render him personally liable for the amount of the loan (including interest), and for any resulting expense incurred by any holder of the note.

§ 434.621 *Release of the honey under loan.* A producer may at any time obtain release of the honey remaining under loan by paying to the holder of the note and supplemental loan agreement, the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county office shall arrange for the release of the chattel mortgage. Partial release of the honey prior to maturity may be arranged with the county office after making payment to the holder of the note for the quantity of the honey released, plus charges and accrued interest. However, in the event the quantity of the honey contained in the storage structure and covered by the chattel mortgage is greater than the quantity with respect to which the amount was computed, application may be made to the county office for release of all or part of such excess without payment on the loan.

§ 434.622 *Liquidation of loans and delivery under purchase agreements*—(a) *Farm-storage loans.* The producer is required to pay off his loan on or before maturity, or to deliver the honey in accordance with instructions of the county office. Delivery points for farm-storage loans shall be limited to those recommended by the State committee and approved by the Director, Sugar Division, CSS. If the producer desires to deliver the honey, he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his honey at any time prior to delivery to CCC or removal by CCC. In the event the farm is sold or there is a change of tenancy, the honey under a farm-storage loan may be delivered before the maturity date of the loan, upon prior approval by the county office, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the Executive Vice President of CCC. Settlement will be made at the applicable support rate in effect at the approved point of delivery subject to the provisions of the producer's note and supplemental loan agreement and this subpart, on the basis of the quantity, floral source, color and grade at the time of delivery as determined in accordance with §§ 434.611 (b) and 434.612 (b), (c), (d) and (e). If farm-stored honey is delivered to CCC prior to March 31, 1956, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced at the rate of 1/20 of a cent per pound per month or fraction thereof, from the date delivery is accomplished, or from the final date for delivery shown in the delivery instructions issued by the county office, whichever is earlier, to and including March 31, 1956. Settlement value for honey delivered which does not meet the eligibility requirements with respect to grade shall be determined at the support rate for the honey placed under loan less the estimated cost, as determined by CCC, for conditioning such honey to conform to the grade of honey described in the loan documents. The settlement value for honey delivered which does not meet eligibility requirements because of floral source, or which cannot be conditioned to meet grade requirements, shall be the actual market value of such honey, if any, as determined by CCC. The producer shall pay CCC for any deficiency in quantity, floral source, grade or color. Any payment due the producer on settlement may be made by sight draft drawn on CCC by the county office.

(b) *Handling small amounts on settlement.* If the settlement value of the honey delivered under a farm-storage loan exceeds the amount due on the loan (excluding interest) by more than $3.00, such amount will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less such amount will be paid only upon his request. If the settlement value of the honey is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest, shall be paid to CCC, or may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. To avoid administrative costs of handling small accounts a deficiency of $3.00 or less, including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

(c) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase Form 1) shall not be obligated to sell any quantity of the honey to CCC. However, the quantity stated in the purchase agreement will be the maximum quantity he may sell to CCC. If the producer who signs a purchase agreement wishes to sell the commodity to CCC, he shall have a 30-day period prior to the loan maturity date during which he must notify the county office of his intention to sell. Deliveries shall not be accepted before March 31, 1956, or such earlier date as prescribed by the Executive Vice President, CCC. The producer may be required to retain the honey for a period of 60 days after the loan maturity date, without any cost to CCC. Delivery under purchase agreements shall be made in accordance with instructions issued by the county office. Delivery points for purchase agreements shall be limited to those recommended by the State committee and approved by the Director, Sugar Division, CSS. Honey delivered under a purchase agreement must meet the requirements for eligible honey as set forth in §§ 434.603 and 434.612 (e). Payment for eligible honey delivered to CCC under purchase agreements shall be at the applicable support rate in effect at the approved delivery point, on the basis of the quantity, floral source, color and grade at the time of delivery as determined in accordance with §§ 434.611 (b) and 434.612 (b), (c), (d), and (e). Such payment will be made to the producer by sight draft drawn on CCC by the county office.

§ 434.623 *Purchase of notes.* County offices will purchase notes evidencing loans from approved lending agencies in accordance with the lending agency agreement. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500, or such other form as CCC may prescribe, for all payments received on producers' notes held by them, and are required to remit to CCC a part of the interest collected, computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the ASC county office where the loan documents were approved.

§ 434.624 *Charges not to be assumed by CCC.* CCC will not pay or assume any insurance, or storage charges, inspection charges to determine eligibility for a loan, or any handling or processing charges necessary to make the honey meet the eligibility requirements.

§ 434.625 *Support rates.* Loans will be made, and honey delivered under purchase agreements will be purchased, at the support rates set forth below:

For States of Montana, Wyoming, Colorado, New Mexico and States west thereof:

	Rate (cents per pound)
1. White and lighter table honey	10.1
2. Extra Light Amber table honey	9.6
3. Nontable and other table honey	8.1

For all States east of Montana, Wyoming, Colorado and New Mexico:

	Rate (cents per pound)
1. White and lighter table honey	11.0
2. Extra Light Amber table honey	10.5
3. Nontable and other table honey	9.0

Loans will be made at the applicable support rate established for the State in which the honey is stored.

(a) "Table honey" means honey having the predominant flavor of not more than two floral sources, and preferably one, which can be readily marketed for table use in all parts of the country. Such honey includes those with the predominant flavors of Alfalfa, Brazil Brush, Catsclaw, Clover, Cotton, Fireweed, Gallberry, Huajillo, Lima Bean, Mesquite, Orange, Raspberry, Sage, Sourwood, Star Thistle, Sweetclover, Tupelo, Vetch, Western Wild Buckwheat, and similar predominantly mild-flavored honeys, or predominantly mild-flavored blends of honey, as determined by the Director, Sugar Division, CSS.

(b) "Nontable honey" means honey having a predominant flavor of limited national acceptability for table use but considered to be suitable for table use in most areas in which it is produced. Such honeys include those with the predominant flavors of Aster, Buckwheat (except Western Wild Buckwheat), Goldenrod, Heartsease (Smartweed), Horsemint, Mangrove-Palmetto, Manzanita, Mint, Partridge Pea, Rattan Vine, Salt Cedar (Tamarix gallica), Spanish Needle, Ti-ti, Toyon (Christmas Berry), Tulip-Poplar, and similarly-flavored honeys, or blends of such honeys, as determined by the Director, Sugar Division, CSS.

§ 434.626 *CSS commodity offices:* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia.

Kansas City 6, Missouri, Federal Office Building, 911 Walnut Street; Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, Eastern Building, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 4th day of April 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
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TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supplement 25]

PART 4b—AIRPLANE AIRWORTHINESS: TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

Since Civil Aeronautics Manual 4b appeared in 19 F. R. 4446–4468, on July 20, 1954, certain revisions and additions have been found necessary. This supplement contains these revisions and additions: minor revisions have been made to policies on methods for determining brake capacity for downwind takeoffs and landings (§§ 4b.133, 4b.122). New policies have been added relative to minimum quantity of anti-detonant fluid required for approval of systems on airplanes being certificated, as well as the amount required for approval of airline operating practices (§§ 4b.10, 4b.420, 4b.718), the use of automatic reset circuit breakers as circuit protective devices (§ 4b.624), and the standards and methods for showing compliance with Civil Air Regulations requirements with regard to approved materials and strength properties, certain phases of control systems and components, and external doors (§§ 4b.300, 4b.301, 4b.306, 4b.329, 4b.356). This supplement also establishes the policies of the Administrator for determining the accelerate-stop distance and landing distance for airplanes incorporating a reverse thrust propeller installation (§§ 4b.10, 4b.16, 4b.115, 4b.122, 4b.123, 4b.170, 4b.171, 4b.173, 4b.182, 4b.351, 4b.402, 4b.450, 4b.730, 4b.740).

Part 4b is amended as follows:

1. A new § 4b.10–1 is added as follows:

§ 4b.10–1 *Approval of reverse thrust propellers (CAA policies which apply to § 4b.10).* A reverse thrust propeller is a design feature which is not fully covered in the Civil Air Regulations. When an airplane incorporates a reverse thrust propeller installation, it will be approved in accordance with the policies set forth in § 4b.402–1, provided it has no feature or characteristic which renders its use unsafe in transport category airplanes.

2. A new § 4b.10–3 is added as follows:

§ 4b.10–3 *Minimum quantity of anti-detonant fluid required (CAA policies which apply to § 4b.10).* The use of anti-detonant fluid in limited quantities as a supplemental fluid for take-off power operations is a feature not specifically covered in the Civil Air Regulations. A system incorporating anti-detonant fluid will be acceptable under the provisions of § 4b.10 as providing a satisfactory level of safety from the standpoint of the quantity of fluid available if it complies with the policies contained in §§ 4b.420–1 and 4b.718–1.

3. A new § 4b.16–4 is added as follows:

§ 4b.16–4 *Flight tests (CAA policies which apply to § 4b.16).* The policies outlined in § 4b.402–1 (c) and (l) (3) will apply.

4. Section 4b.113–1 (c) is amended as follows:

§ 4b.113–1 *Downwind takeoff (CAA policies which apply to § 4b.113).* Downwind takeoff data • • •.

(c) *Brakes.* At present it is believed that for calculated accelerate-stop distances based on actual airplane deceleration tests, the existing brake capacity requirements are sufficient to cover accelerate-stops in downwind velocities of 10 m. p. h. measured at 50-foot height. However, in wind velocities above 10 m. p. h. and in unusual cases or special types of operation additional tests or substantiation of the adequacy of the brakes may be necessary, and a revision to the braking system may be required.

5. A new § 4b.115–3 is added as follows:

§ 4b.115–3 *Reverse thrust used in accelerate-stop distance (CAA policies which apply to § 4b.115).* The policies outlined in § 4b.402–1 (k) will apply.

6. Section 4b.122–1 (c) is amended as follows:

§ 4b.122–1 *Downwind landings (CAA policies which apply to § 4b.122).* • • •

(c) *Brakes.* At present it is believed that for calculated landing distance based on actual airplane deceleration tests, the existing brake capacity requirements are sufficient to cover landings in downwind velocities of 10 m. p. h. measured at 50 feet. However, in wind velocities above 10 m. p. h. and in unusual cases or special types of operation, additional tests or substantiation of the adequacy of the brakes may be necessary and a revision to the braking system may be required. In determining the landing distances under paragraph (a) of this section, normal braking as outlined in § 4b.123 "Landplanes" should not be exceeded.

7. A new § 4b.122–3 is added as follows:

§ 4b.122–3 *Reverse thrust used in determination of landing distance (CAA policies which apply to § 4b.122).* The policies outlined in § 4b.402–1 (1) will apply.

8. A new § 4b.123–3 is added as follows:

§ 4b.123–3 *Reverse thrust used in landing distance—landplanes (CAA policies which apply to § 4b.123 (c)).* The policies outlined in § 4b.402–1 (1) will apply.

9. A new § 4b.170–2 is added as follows:

§ 4b.170–2 *Longitudinal stability and control with reverse thrust (CAA policies which apply to § 4b.170).* The policies outlined in § 4b.402–1 (a), (d), and (e) will apply.

10. A new § 4b.171–2 is added as follows:

§ 4b.171–2 *Directional stability and control with reverse thrust (CAA policies which apply to § 4b.171).* The policies outlined in § 4b.402–1 (a), (d), and (e) will apply.

11. A new § 4b.173–2 is added as follows:

§ 4b.173–2 *Ground handling characteristics with reverse thrust (CAA policies which apply to § 4b.173).* The policies outlined in § 4b.402–1 (a) and (d) will apply.

12. A new § 4b.182–2 is added as follows:

§ 4b.182–2 *Control and stability on the water with reverse thrust (CAA policies which apply to § 4b.182).* The policies outlined in §§ 4b.402–1 (a), (d), (f), and (h) will apply.

13. A new § 4b.300–1 is added as follows:

§ 4b.300–1 *Turnbuckle safetying (CAA policies which apply to § 4b.300).* The procedure outlined in § 4b.329–2 should be followed in safetying turnbuckles.

14. A new § 4b.301–1 is added as follows:

§ 4b.301–1 *Acceptability of materials (CAA policies which apply to § 4b.301).* (a) Materials conforming to established industry or military specifications or to Technical Standard Orders issued by the Administrator are acceptable for use on transport category airplanes. Where new or improved materials are used or where the materials are not covered by specifications sufficient information and data should be submitted to the Administrator to enable him to assess the suitability of the material. In all cases it is the responsibility of the applicant to demonstrate the adequacy of the materials employed.

15. A new § 4b.306–1 is added as follows:

§ 4b.306–1 *Material strength properties (CAA policies, which apply to § 4b.306 (c)).* (a) In the case of structures where the applied loads are eventually distributed through a single member within an assembly, the failure of which would result in the loss of the structural integrity of the component involved, the guaranteed minimum design mechanical properties ("A" values) listed in ANC–5[9a] should be used for design.

(b) Redundant structures wherein failure of individual elements would result in the applied load being safely distributed to other load carrying members, may be designed on the basis of the "90 percent probability" ("B" values).

(c) When strength testing is employed to establish design allowables, such as in the case of sheet-stiffener compression tests, the test results should be reduced through use of a materials correction factor to values which would be met by material having the design allowable material properties for the part under consideration. The ANC–5 Bulletin outlines methods of accomplishing this reduction but these are by no means considered as the only methods available.

(d) Use of design values greater than the guaranteed minimums is permissible in applications where only guaranteed minimum values are normally permitted provided that the higher values are substantiated by "premium selection" of the material. These increased design allowables will be acceptable providing that a specimen or specimens of each individual item are tested prior to its use, to assure that the strength properties of the particular item will equal or exceed the properties to be used in design. Such quality control should also be exercised for the manufacture of spare parts.

16. New §§ 4b.329–1 through 4b.329–6 are added as follows:

§ 4b.329–1 *Installation of turnbuckles (CAA policies which apply to § 4b.329 (a)).* Fork ends of turnbuckles should not be attached directly to control surface horns or to bellcrank arms unless a positive means (such as the use of shackles, links, universal joints, spacer bushings, ball bearings, etc.) is used to prevent binding of turnbuckles relative to the horns or bellcrank arms or unless it can be shown that turnbuckles have adequate strength assuming one end fixed to the horn or arm and the design cable loads pulling off the other end at 5° to the turnbuckle axis. There should be no interference between the horns or bellcrank arms and the fork ends of turnbuckles throughout the range of motion of the control surfaces.

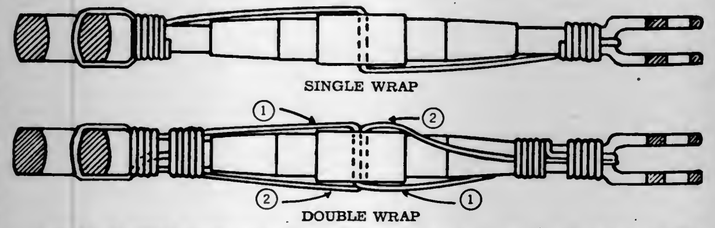
§ 4b.329–2 *Safetying of turnbuckles (CAA policies which apply to § 4b.329).* Section 4b.300 requires in part that there be no design features or details which experience has shown to be hazardous or unreliable. Experience has shown that the reliability of turnbuckles should be insured by safetying with wire as shown in figure 5. After safetying the turnbuckle, no more than three threads should be exposed on either side of the turnbuckle barrel and the ends of each safety wire should be securely fastened by at least four wraps. A turnbuckle safetying guide is given in table 1.

TABLE 1—TURNBUCKLE SAFETYING GUIDE

Cable size (inch)	Minimum breaking strength (pounds) MIL–C–1511, steel (carbon) flexible, preformed 7 x 7	MIL–C–1511, steel (carbon) flexible, preformed 7 x 19	MIL–C–5424, steel (corrosion-resisting) flexible, preformed 7 x 7	MIL–C–5424, steel (corrosion-resisting) flexible, preformed 7 x 19	Type of wrap	Diameter of safety wire (inch)	Material (annealed condition)
3/16	480	--------	480	--------	Single	0.040	Copper, brass, galvanized or tinned steel, soft iron, or monel.
3/32	920	--------	920	--------	do	.040	Do.
1/8	--------	2,000	--------	1,760	do	.040	Stainless steel.
1/8	--------	2,000	--------	1,760	Double	.040	Copper, brass, galvanized or tinned steel, soft iron, or monel.
5/32 and greater	--------	2,800	--------	2,400	do	.040	Galvanized or tinned steel, soft iron, stainless steel, or monel.
5/32 and greater	--------	2,800	--------	2,400	do	.051	Copper, brass.

NOTES

1. The swaged and unswaged turnbuckle assemblies are covered by AN standard drawings.
2. Certain of the AN standard swaged terminal parts specify a safety wire hole size of 0.047 inch. This hole may be reamed sufficiently to accommodate the 0.040 and 0.051 diameter wires.
3. The double wrap procedure given in Navy Specification PO–42A, Amendment No. 1, or the safetying procedure described by Air Force-Navy Aeronautical Design Standard AND 10482, may be used in lieu of the method shown in figure 5.



1. Wire 1 is passed through the turnbuckle hole as shown, the two wire ends are passed through the right and left hand ends of the turnbuckle and are then bent back along the barrel of the turnbuckle.
2. Wire 2 is installed and wrapped (these wraps are next to the ends of the turnbuckle).
3. The two loose ends of wire 1 are then wrapped.

FIGURE 5.

[9a] The ANC–5 Bulletin "Strength of Metal Aircraft Elements" specifies "A" and "B" values for allowable design properties. The "A" values are those which the material producer has indicated to be the minimum he expects for the given material. The only values considered guaranteed values are the tensile ultimate and tensile yield "A" values which have been published by the material producer for the grain direction accepted for commercial guarantees. The "B" values represent design properties which the materials producers have indicated will be met or exceeded by 90 percent of the material supplied by them. More detailed information on the derivation of related design mechanical properties can be obtained by referring to § 3.111 "Design Mechanical Properties" of the ANC–5 Bulletin.

§ 4b.329–3 *Approval of control system components (CAA policies which apply to § 4b.329 (a)).* The Administrator does not issue specific approvals as such for cables, cable fittings, turnbuckles, splices, pulleys, etc., for general use on aircraft. Approval is limited to its use as part of a specific airplane design. Conformance with established industry or military specifications or adequate substantiation of the manufacturer's own design, are the procedures utilized in complying with the "approved type" requirement.

§ 4b.329–4 *Cable terminals (CAA policies which apply to § 4b.329 (a)).* The selection of cable terminal locations and their proximities should minimize the possibility of interferences with structure, fairleads, other terminals, etc., and the possibility of pairing wrong cables during maintenance or overhaul.

§ 4b.329–5 *Bellcrank and idler installation (CAA policies which apply to § 4b.329 (b)).* The design of such items as bellcrank arms, tab drums, idlers, etc., should minimize the possibility of inadvertent installation in the reversed direction, or, as an alternative, to preclude the possibility of jamming or interference that might result from such reversed installation.

§ 4b.329–6 *Ball and roller bearings (CAA policies which apply to § 4b.329 (b) (3)).* The "approved ratings" of ball and roller bearings referred to are the ratings established in ANC–5, "Strength of Metal Aircraft Elements".

17. A new § 4b.351–2 is added as follows:

§ 4b.351–2 *Vision with reverse thrust (CAA policies which apply to § 4b.351).* The policies outlined in § 4b.402–1 (g) and (h) will apply.

18. New §§ 4b.356–1 through 4b.356–6 are added as follows:

§ 4b.356–1 *External doors (CAA policies which apply to § 4b.356).* The provisions of § 4b.356 should be applied to all cabin and crew compartment external doors usable for entrance or egress. It is not restricted to the main cabin door. Cargo and service doors not suitable for emergency egress need only comply with § 4b.356 (e) and safeguarding against opening in flight as a result of mechanical failure.

§ 4b.356–2 *Auxiliary latching devices (CAA policies which apply to § 4b.356 (b)).* (a) The use of auxiliary latching devices is permitted. Such devices would include dual locking handles, other types of locking and safetying devices, and two position handles, and where one operation such as pushing or pulling on the handle unlocks the latching mechanism and the second operation of turning the handle unlatches the door for opening. Auxiliary safetying devices should be used only as an additional safety factor and should not be used as a means of correcting an inadequate design of the primary locking or latching means. The advantages to be gained from the installation of auxiliary or dual safety devices (safety chains and dual handle main locking means) should be weighed against the need to easily and rapidly open the door in case of emergencies so that the overall level of safety is as high as practicable.

(b) All locking or safety means, including safety chains and latches of any kind, should be so positioned and designed that their presence, location and means of operation are obvious to one not familiar with door designs.

(1) The means of fastening safety devices should be sufficiently simple to make removal easy.

(2) Any emergency release mechanism installed to release the safety device should operate with a simple motion and upon the application of relatively small forces.

(3) All locking devices should be readily operable from both inside and outside of the airplane and be appropriately marked both inside and outside.

(c) Auxiliary safety devices meeting the standards of (b) may be fastened in place during the entire flight. It will not be necessary to have such devices unlatched during takeoff and landing. Auxiliary safety devices such as safety chains or bars that do not meet the standards of paragraph (b) of this section may be used provided operating instructions are installed at or near the device and a placard is installed requiring the removal of such devices prior to takeoff and landing.

§ 4b.356–3 *Power operated external doors (CAA policies which apply to § 4b.356 (b)).* Power operated doors should be so designed that the door can be opened by manual means even when power is inactivated. The loss of power should not cause the door to become unlatched.[10a]

§ 4b.356–4 *Means for safeguarding against inadvertent opening in flight (CAA policies which apply to § 4b.356 (b)).* Auxiliary latching devices may be used to reduce the probability of inadvertent opening in flight provided they meet the standards and conditions covered in § 4b.356–2.

(a) It is acceptable to create a limited access zone in front of the door to eliminate the possibility of a passenger using the door handle as a steadying means and thereby inadvertently opening the door. Although providing a restricted zone by means of a barrier may appear to conflict with the requirements of § 4b.362 (g) for an unobstructed passageway to Type I and II emergency exits, it is considered that it would contribute sufficiently to the overall safety of the aircraft occupants to be permitted. This device may be a rope, chain, rigid bar or gate. Such installations should be waist high to provide the maximum benefits for an adult and the end fastenings should be simple to make removal easy. It is not considered acceptable to install full-length auxiliary doors, but waist-high rigid gates would be acceptable provided they open toward the door and will not block the opening of the cabin door in any way. The locking means should be one which could be easily overridden such as a spring-loaded ball type latch.

(b) Flexible gates such as those made from webbing are not acceptable on the basis that persons may become entangled during an emergency egress. The use of a barrier to prevent persons from inadvertently opening the door in flight does not eliminate the need for a safety means to provide for possible malfunctioning of the primary locking mechanism; however, the auxiliary safetying means of § 4b.356–2 may eliminate the need for a restricted zone.

§ 4b.356–5 *Direct visual inspection (CAA policies which apply to § 4b.356 (e)).* The means of complying with § 4b.356 (e) will depend upon the type of door and locking mechanism used. It should be determined in all cases that means are provided to ascertain that an unsatisfactory condition does not exist after closing the door. In some instances a central window for viewing the position of the mechanism may be sufficient while other cases may require one or more windows in the door frame to permit inspection of the bayonet location relative to that portion of the lock in the door frame. The need for and/or the number and location of inspection openings or windows will depend on the type of door and locking mechanism used.

§ 4b.356–6 *Visual indicating system (CAA policies which apply to § 4b.356 (e)).*[10b] (a) The visual indicating system may consist of an indicator for each individual door, or a system connecting all doors in series. If the latter system is used, it need not necessarily show which door is not fully locked.

(b) It is not necessary that more than one crew member be able to ascertain by a visual signal that all external doors, normally used by the crew in supplying the airplane, or in loading and unloading passengers and cargo, are fully closed and locked. The visual signal should be located so that it may easily be seen by the appropriate crew member from his station.

19. A new § 402–1 is added as follows:

§ 4b.402–1 *Reverse thrust propeller installations (CAA policies which apply to § 4b.402).* The Administrator may approve reverse thrust propeller installations which comply with the following:

(a) Exceptional pilot skill should not be required in taxying or any condition in which reverse thrust is to be used.

(b) Necessary operating procedures, operating limitations and placards should be established.

(c) The airplane control characteristics should be satisfactory with regard

[10a] Since emergency landings, such as in the wheels-up condition, may reasonably result in the severance of electrical wires or rupture of hydraulic and pneumatic lines, the power which may be needed for operation of the doors or exits may be lost. Similarly, it is conceivable that under emergency conditions, the electrical power source may be purposely interrupted to reduce the possibility of fire.

[10b] The objective herein is to be able to ascertain by visual means that the door and/or locking means is sufficiently engaged to eliminate hazards emanating from an improperly closed door. Outward opening doors present a different problem from inward opening doors.

to control forces encountered, and buffeting should not be likely to cause structural damage.

(d) The directional control should be adequate using normal piloting skill.

(e) It should be determined that no dangerous condition is encountered in the event of sudden failure of one engine in any likely operating condition.

(f) The operating procedures and airplane configuration should be such as to provide reasonable safeguards against serious structural damage to parts of the airplane due to the reverse airflow.

(g) It should be determined that the pilot's vision is not dangerously obscured under normal operating conditions on dusty or wet runways and where light snow is on the runway.

(h) It should be determined that the pilot's vision is not dangerously obscured by spray due to reverse airflow under normal water operating conditions with seaplanes.

(i) The procedure and mechanisms for reversing should provide a reverse idle setting such that without requiring exceptional piloting skill at least the following conditions are met:

(1) Sufficient power is maintained to keep the engine running at an adequate speed to prevent engine stalling during and after the propeller reversing operation.

(2) The propeller does not overspeed during and after the propeller reversing operation.

(3) This idle setting does not exceed 25 percent of the maximum continuous rating.

(j) The engine cooling characteristics should be satisfactory in any likely operating condition.

(k) The use of reverse thrust will be permitted, in combination with the brakes installed, in establishing the accelerate-stop distance, if it is shown that such use provides a level of safety equivalent to that when wheel brakes alone are used, taking into consideration pilot skill required and the likelihood of attaining the necessary performance under conditions of simulated engine failure. Either of the following conditions and limitations should be used:

(1) Symmetrical reverse thrust on (n–2) engines with power not to exceed the maximum continuous rating, where n is equal to the number of engines.

(2) Asymmetrical reverse thrust on (n–1) engines in reverse idle setting. This operation should be permitted only where it can be shown that with use of this asymmetrical reverse thrust the airplane can be satisfactorily controlled on a wet runway.

(l) On four engine aircraft the use of reverse thrust will be permitted in combination with the brakes installed in establishing the landing distance if it is shown that such use provides a level of safety equivalent to that when wheel brakes alone are used taking into consideration pilot skill required and the likelihood of attaining the necessary performance under conditions of simulated engine failure. Determination of landing distance should be conducted in accordance with §§ 4b.122 and 4b.123 with the following additional provisions:

(1) A steady gliding approach should be made on an ILS flight path corresponding to the average value of 2½ degrees, except that this prescribed approach will not be required if the application of reverse thrust credit is limited to operations on dry and ice free runways under VFR conditions.

(2) The two most critical symmetrical engines may be placed in the reverse idle position not sooner than four seconds after the aircraft is firmly on the ground.

(3) An accelerated service test should be conducted in accordance with § 4b.16 (b) to establish reliability of the installation which should include not less than 25 landings, covering a range of power settings during the approach and a range of altitudes for which approval is desired.

20. A new § 4b.420–1 is added as follows:

§ 4b.420–1 *Minimum quantity of anti-detonant fluid required (CAA policies which apply to § 4b.420 (e)).* (a) *Airplanes equipped with a common tank for two engines.* The usable capacity of the tank should be sufficient for operation of the engines served by that tank for a duration equal to that determined by Case A, B, or C, whichever is applicable and results in the greater value (see table 2). The capacity should be based on the flow rate approved during engine type certification.

TABLE 2—ANTI-DETONANT TANK CAPACITY

(Total for tank equals sum of totals for both engines served by tank)

	Case A		Case B		Case C	
	Engine No. 1	Engine No. 2	Engine No. 1	Engine No. 2	Engine No. 1	Engine No. 2
Takeoff	X [1]	X	X	X	X	X
Approach [2]			X		X	X
Landing [3]	X/2 [4]	X/2 [4]				
Reserve	X/2 [4]	X/2 [4]	X		X	X

[1] Whenever "X" appears in the table, it denotes a duration equal to the maximum time for which the use of wet takeoff power is used for determination of the takeoff flight path of the airplane. However, in no case should the value of either "X" or "X/2" be considered to be less than one minute.

[2] Applies as indicated by "X" only if wet takeoff power is used to demonstrate compliance with the approach climb requirement of § 4b.120 (d).

[3] Applies as indicated by "X" only if wet takeoff power is used to demonstrate compliance with the landing climb requirement of § 4b.119 (b).

[4] "X/2" is specified for the reserve in the all-engine operating case rather than "X" because this type of operation, is considered less critical than operation with one engine inoperative and the reserve need not therefore be as large.

21. A new § 4b.450–1 is added as follows:

§ 4b.450–1 *Cooling with reverse thrust (CAA policies which apply to § 4b.450).* The policies outlined in § 4b.402–1 (j) will apply.

22. Section 4b.612–1 (a) is amended by inserting the word "calibrated" as the third word in the first sentence so that the sentence reads as follows: "(a) Unless a calibrated referenced airspeed system is provided, the airplane's system should be calibrated throughout as wide a range as necessary to cover the intended flight tests."

The last sentence reading, "The airspeed indicating system should be calibrated in accordance with the following methods:" is deleted.

23. A new § 4b.624–1 is added as follows:

§ 4b.624–1 *Automatic reset circuit breaker (CAA policies which apply to § 4b.624).* Automatic reset circuit breakers (which automatically reset themselves periodically) should not be applied as circuit protective devices.[11]

[11] Circuit protective devices are normally installed to limt the hazardous consequences of overloaded or faulted circuits. These devices are resettable (circuit breakers) or replaceable (fuses) to permit the crew to restore service when nuisance trips occur or when the abnormal circuit condition can be corrected in flight. If the abnormal circuit condition can *not* be corrected in flight, the decision to restore power to the circuit involves a careful analysis of the flight situation. It is necessary to weigh the essentiality of the circuit for continued safe flight against the hazards of resetting on a possibly faulted circuit. Such evaluation is properly an aircraft crew function which can not be performed by automatic reset circuit breakers. To assure crew supervision over the reset operation, circuit protective devices should be of such design that a manual operation is required to restore service after tripping.

They may be used as integral protectors for electrical equipment (e. g., thermal cut-outs) provided that circuit protection is also installed to protect the cable to the equipment.

24. A new § 4b.718–1 is added as follows:

§ 4b.718–1 *Power plant limitations governing minimum quantity of anti-detonant fluid required for takeoff (CAA policies which apply to § 4b.718).* The Airplane Flight Manual should include a limitation indicating that the minimum quantity of anti-detonant fluid required is that determined from § 4b.420–1 (a) or (b). If the performance characteristics of the airplane are such that wet power is required for takeoff but may or may not be required for landing, depending upon airport location or characteristics, the Airplane Flight Manual may include information covering minimum allowable quantities under both conditions.

25. A new § 4b.730–1 is added as follows:

§ 4b.730–1 *Reverse thrust placards (CAA policies which apply to § 4b.730).* The policies outlined in § 4b.402–1 (b) will apply.

26. A new § 4b.740–2 is added as follows:

§ 4b.740–2 *Reverse thrust operating limitations and procedures (CAA policies which apply to § 4b.740).* The policies outlined in § 4b.402–1 (b) will apply.

These policies shall become effective April 30, 1955.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–2861; Filed, Apr. 7, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 1–72; FCC 55–387]

PART 1—PRACTICE AND PROCEDURE

LIMITATION ON LENGTH OF PLEADINGS IN ADJUDICATORY PROCEEDINGS; EXCEPTIONS; ORAL ARGUMENTS

In the matter of amendment of Part I of the Commission's rules and regulations by providing for the time allotted for oral arguments before the Commission en banc, and for limitations of lengths of briefs in support of exceptions and pleadings on interlocutory matters.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of March 1955;

The Commission having under consideration the amendment of Part I of the Commission's rules and regulations with respect to the time allotted for oral arguments before the Commission en banc in adjudicatory cases and limitations of length of briefs in support of exceptions, and pleadings on appeals from interlocutory rulings; and

It appearing that the amendments ordered herein would be in the interest of orderly administrative procedure; and

It further appearing that the amendments ordered herein are procedural in nature and therefore compliance with the public rule making procedure required by sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It is ordered, That pursuant to sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended, and section 3 (a) of the Administrative Procedure Act, that Part 1 of the Commission's rules is hereby amended, effective immediately, as set forth below.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Immediately after § 1.750 a new section is added reading as follows:

§ 1.751 *Limitation on length of pleadings in adjudicatory proceedings.* No pleading filed with the Commission or Motions Commissioner by any party to any adjudicatory proceeding which has been designated for hearing which relates to an appeal from an interlocutory ruling of an examiner, or the Motions Commissioner, or to matters covered by section 0.222 of the rules, or to petitions for reconsideration and grant without hearing of applications previously designated for hearing, will be accepted for filing if the pleadings exceed 15 double spaced typewritten pages: *Provided*, That parties may, in a separate pleading, request permission to file pleadings on matters covered by this section of more than 15 pages, which permission will be granted upon good cause shown. Such requests must be filed in the case of the petition for reconsideration and grant without hearing within ten days of the mailing of the notice of designation for hearing by the Commission, and in all other matters covered by this section, within two days of the ruling in question. The two-day requirement of § 1.750 shall be operative only after disposal of the request for permission to file a pleading exceeding the limit here specified.

2. Section 1.854 (a) is amended to read as follows:

(a) Each exception to an initial decision or to any part of the record or proceeding in any case, including rules upon motions or objections, shall point out with particularity alleged errors in the decision or ruling and shall contain specific references to the page or pages of the transcript of hearing, exhibit or order on which the exception is based. Any objection not saved by exception, filed pursuant to this section, is waived. The exceptions should be concise and they will not be accepted if they contain argumentative matters or discussions of law. Excerpts of testimony, as may be desired, must not be contained in the exceptions but they may be set forth in an appendix to a brief or memorandum of law filed in accordance with paragraph (c) of this section.

3. Section 1.854 (c) of the Commission's rules and regulations is amended to read as follows:

(c) Exceptions or supporting statements may be accompanied by a separate brief or memorandum of law in support thereof, and may contain a request for oral argument before the Commission. Except by special permission such brief or memorandum of law will not be accepted if they exceed 50 double spaced typewritten pages in length. After the filing of exceptions to a decision, any other party or the Bureau Counsel, or the General Counsel of the Commission, as the case may be, may file a reply brief for which the same limitation in length applies and a request for oral argument, (1) within 10 days after expiration of the time for filing exceptions, or (2) within 10 days after all parties have filed exceptions whichever period expires earliest. A request by an exceptor for oral argument shall be made within the time allowed for filing exceptions except, if such request has not been so made and a reply brief is filed, an exceptor may request such argument within five days after the filing of the reply brief. If no request for oral argument is filed within the time allowed herein, the parties will be deemed to have waived the right to oral argument.

4. Section 1.854 (d) of the Commission's rules and regulations is amended to read as follows:

(d) Within 10 days after any party or the Bureau Counsel or the General Counsel, as the case may be, has filed a request for oral argument, notice of intention to appear and participate therein shall be filed by the other parties and the Bureau Counsel or General Counsel. If the Commission on its initiative designates an initial decision for oral argument, all parties who wish to participate, including the Bureau Counsel or the General Counsel shall, within 5 days thereafter, file written notice of intention to appear and participate in oral argument. Failure to file the written notice shall constitute a waiver of the right to participate in oral argument. The notice of hearing will contain the allotment of time for oral argument before the Commission for each party. The Commission will grant, in its discretion, upon good cause shown, an extension of such time upon petition by a party, which petition must be filed within 5 days after issuance of said notice of hearing.

[F. R. Doc. 55–2862; Filed, Apr. 7, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

APPLE BUTTER

U. S. STANDARDS FOR GRADES [1]

Notice is hereby given that the U. S. Department of Agriculture is considering the revision of United States Standards for Grades of Apple Butter pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq.; 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 90 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

IDENTITY AND GRADES

Sec.
52.2801 Identity.
52.2802 Grades of apple butter.

FILL OF CONTAINER

52.2803 Recommended fill of container.

FACTORS OF QUALITY

52.2804 Ascertaining the grade.
52.2805 Ascertaining the rating for the factors which are scored.
52.2806 Color.
52.2807 Consistency.
52.2808 Finish.
52.2809 Defects.
52.2810 Flavor.

LOT CERTIFICATION TOLERANCES

52.2811 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2812 Score sheet for apple butter.

AUTHORITY: §§ 52.2801 to 52.2812 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

IDENTITY, AND GRADES

§ 52.2801 *Identity.* Apple butter is a fruit butter prepared from clean, sound, wholesome, mature apples, (either fresh, frozen, canned and/or dried) and other ingredients as defined in the amended Standards of Identity for Fruit Butter (17 F. R. 2596) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2802 *Grades of apple butter.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of apple butter that possesses a good color; that possesses a good consistency; that possesses a good finish; that is practically free from defects; that possesses a good flavor, and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of apple butter that possesses a fairly good color; that possesses a fairly good consistency; that possesses a fairly good finish; that is fairly free from defects; that possesses a fairly good flavor, and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of apple butter that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.2803 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of apple butter be filled as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.2804 *Ascertaining the grade.* (a) The grade of apple butter is ascertained by considering the factors of quality which are scored. The relative importance of each such factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Consistency	20
Finish	20
Defects	20
Flavor	20
Total score	100

§ 52.2805 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.2806 *Color*—(a) *(A) classification.* Apple butter that possesses a good color may be given a score of 17 to 20 points. "Good color" means a practically uniform bright color characteristic of properly prepared and properly processed apple butter. Such color may range from a fairly light reddish brown to a dark reddish brown.

(b) *(C) classification.* If the apple butter possesses a fairly good color a score of 14 to 16 points may be given. Apple butter that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a fairly uniform, fairly bright color characteristic of apple butter. Such color may be lacking in red, may be dark brown or have a slight greenish cast but is neither excessively dark nor excessively pale or off colored.

(c) *(SStd.) classification.* Apple butter that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2807 *Consistency*—(a) *General.* The factor of consistency refers to the viscosity of the product and to the degree of separation of free liquor.

(b) *(A) classification.* Apple butter that possesses a good consistency may be given a score of 17 to 20 points. "Good consistency" means that the apple butter after stirring and emptying from the container to a dry flat surface forms a moderately mounded mass and that at the end of two minutes there is practically no separation of free liquor.

(c) *(C) classification.* Apple butter that possesses a fairly good consistency may be given a score of 14 to 16 points. Apple butter that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency" means that the apple butter after stirring may possess a thick consistency so that it does not pour readily from the container or after emptying from the container to a dry flat surface may form only a slightly mounded mass and at the end of two minutes there is no more than a slight separation of free liquor.

(d) *(SStd.) classification.* Apple butter that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2808 *Finish*—(a) *General.* The factor of finish refers to the size and texture of the apple particles.

(b) *(A) classification.* Apple butter that possesses a good finish may be given a score of 17 to 20 points. "Good finish" means that the apple particles are evenly divided; that the product is fine grained and smooth.

(c) *(C) classification.* If the apple butter possesses only a fairly good finish a score of 14 to 16 points may be given. Apple butter that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly good finish" means that the apple particles are evenly divided; that the product may be slightly coarse; but the apple particles are neither hard nor excessively grainy.

(d) *(SStd.) classification.* Apple butter that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2809 *Defects.* The factor of defects refers to the degree of freedom from such defects as black specks, dark scale-like particles, particles of carpel tissue, peel, stem, seed-coat, and blossom-end material. This factor is evaluated by observing a layer of the product on a smooth white surface. Such a layer is prepared by drawing a scraper with a clearance of 3/32 inch high by 7 inches long rapidly through the product in two horizontal planes so as to form an approximate square.

(a) *(A) classification.* Apple butter that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that any defects present do not more than slightly affect the appearance or edibility of the product.

(b) *(C) classification.* If the apple butter is fairly free from defects a score of 14 to 16 points may be given. Apple butter that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any defects present may be noticeable but are not so large, so numerous, or of such contrasting color as to seriously affect the appearance or edibility of the product.

(c) *(SStd.) classification.* Apple butter that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2810 *Flavor.* The score for the factor of flavor of apple butter is ascertained by considering the flavor and aroma of the apple butter with particular consideration being given to the prominence and excellence of the flavor of the apple ingredient.

(a) *(A) classification.* Apple butter that possesses a good flavor may be given a score of 17 to 20 points. "Good flavor" means a good and distinct flavor and aroma characteristic of properly prepared and properly processed apple butter prepared from good quality ingredients.

(b) *(C) classification.* If the apple butter possesses a fairly good flavor a score of 14 to 16 points may be given. Apple butter that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a characteristic apple butter flavor and odor that may be excessively sweet or excessively tart, may be excessively spiced or lacking in proper spicing, or may be excessively carmelized but is not seriously objectionable for any reason.

(c) *(SStd.) classification.* Apple butter that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.2811 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of apple butter, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2812 *Score sheet for apple butter.*

Size and kind of container ----
Label ----
Container mark or identification ----
Net weight (ounces) ----
Soluble solids (% by refractometer) ----

Factors	Score points	
Color	20	(A) 17–20 (C) [1] 14–16 (SStd.) [1] 0–13
Consistency	20	(A) 17–20 (C) [1] 14–16 (SStd.) [1] 0–13
Finish	20	(A) 17–20 (C) [1] 14–61 (SStd.) 0–13
Defects	20	(A) 17–20 (C) [1] 14–16 (SStd.) [1] 0–13
Flavor	20	(A) 17–20 (C) [1] 14–16 (SStd.) [1] 0–13
Total score	100	

Grade ----

[1] Indicates limitating rule.

Dated: April 5, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55–2898; Filed, Apr. 7, 1955; 8:52 a. m.]

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

ATOMIC ENERGY COMMISSION

[10 CFR Part 81]

STANDARD SPECIFICATIONS FOR THE GRANTING OF PATENT LICENSES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Chief, Patent Branch, within 30 days after publication of this notice in the FEDERAL REGISTER.

GENERAL PROVISIONS

Sec.
81.1 Purpose.
81.2 Definitions.
81.3 Communications.

COMMISSION-OWNED PATENTS

81.10 Contents of application.
81.11 Basis for issuance.
81.12 Conditions and limitations of the license.

PATENTS DECLARED BY THE COMMISSION TO BE AFFECTED WITH THE PUBLIC INTEREST

81.20 Contents of application.
81.21 Basis for issuance.
81.22 Conditions of the license authority.

AUTHORITY: §§ 81.1 to 81.22 issued under section 156 of the Atomic Energy Act of 1954, 68 Stat. 947, 42 U. S. C. 2186.

GENERAL PROVISIONS

§ 81.1 *Purpose.* The regulations in this part establish the standard specifications for the issuance of licenses on patents owned by the Commission and patents declared by the Commission to be affected with the public interest pursuant to section 153 of the act.

§ 81.2 *Definitions.* As used in this part:

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(b) "Commission" means the Atomic Energy Commission or its duly authorized representatives.

§ 81.3 *Communications.* All communications concerning the regulations in this part, including applications for licenses, should be addressed to the United States Atomic Energy Commission, 1901 Constitution Avenue, N. W., Washington 25, D. C. Attention: Chief, Patent Branch.

COMMISSION-OWNED PATENTS

§ 81.10 *Contents of application.* Each application shall contain the name, citizenship, and address of the applicant and the State of incorporation if applicant is a corporation.

§ 81.11 *Basis for issuances.* The Commission will issue the license upon receipt of an application containing the required contents.

§ 81.12 *Conditions and limitations of the license.* Each license shall contain and be subject to the following conditions and limitations:

(a) The license shall be non-exclusive, revocable, and royalty-free;

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred;

(c) The license shall not constitute a license or authorization under any provision of the act other than section 156 of the act.

(d) The Commission makes no representation or warranty that the exercise

of the license will not result in infringement of any other patent, nor does the Commission assume any liability resulting from the exercise of the license.

(e) The licensee shall be subject to, and the licensee shall observe all applicable rules, regulations and orders of the Commission.

PATENTS DECLARED TO BE AFFECTED WITH THE PUBLIC INTEREST

§ 81.20 *Contents of application.* Each application shall contain the following information:

(a) The name, citizenship, and address of the applicant;

(b) The State of incorporation, if the applicant is a corporation;

(c) The activities to which applicant proposes to apply the license;

(d) Efforts made by applicant to obtain a patent license from the owner of the patent;

(e) Terms, if any, on which the owner of the patent proposed to grant applicant a patent license.

§ 81.21 *Basis for issuance.* The Commission will issue a patent license for patents declared by the Commission to be affected with the public interest pursuant to section 153 of the act upon a showing that:

(a) The activities to which the patent license are proposed to be applied by the applicant are of primary importance to the conduct of an activity by such applicant authorized under the act.

(b) The applicant cannot otherwise obtain a patent license from the owner of the patent on terms which are reasonable for the intended use to be made of the patent by the applicant.

§ 81.22 *Conditions of the license.* Each license shall contain and be subject to the following conditions:

(a) The license shall be non-exclusive and revocable;

(b) Neither the license nor any right under the license shall be assigned or otherwise transferred;

(c) The licensee shall pay a reasonable royalty fee. Such royalty fee may be agreed upon between the owner and such patent licensee, or in the absence of such agreement shall be determined for each patent license by the Commission pursuant to section 157 of the act;

(d) The licensee shall be subject to and the licensee shall observe all applicable rules, regulations, and orders of the Commission.

Dated at Washington, D. C., this 4th day of April 1955.

K. D. NICHOLS,
General Manager.

[F. R. Doc. 55–2859; Filed, Apr. 7, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11330; FCC 55–403]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on February 11, 1955, by the State of Louisiana, acting through its duly authorized State Superintendent of Education, Shelby M. Jackson, and now made part of this docket, requesting an amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations, so as to reserve Channel 13 at Monroe, Louisiana, presently available for commercial use, for non-commercial educational use.

3. In support of the requested amendment, petitioner urges that there is a need for the reservation of Channel 13 at Monroe for non-commercial educational use to serve the educational needs of a large area and population and the many educational institutions in the area; that no applications have been filed for the commercial use of Channel 13 at Monroe and there appears little likelihood of any demand being made for the commercial use of Channel 13 at Monroe in the future; that the Legislature of Louisiana has empowered the State Board of Education, the Louisiana State University, and the State Department of Education to build, operate and maintain educational television facilities and has appropriated $150,000 for such purposes; and that, in the event the proposed amendment is adopted, petitioner will file an application for a construction permit for a non-commercial educational station on Channel 13.

4. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that all interested parties may submit their views to the Commission, and the Commission may be apprised of such views prior to taking final action.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before April 29, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: March 30, 1955.

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–2890; Filed, Apr. 7, 1955; 8:51 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8258, 8753; FCC 55–415]

TEXAS STAR BROADCASTING CO. AND KTRH BROADCASTING CO. (KTRH)

ORDER AMENDING ISSUES

In re applications of Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP–5820; KTRH Broadcasting Company (KTRH), Houston, Texas, Docket No. 8753, File No. BP–6525; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1955;

The Commission having under consideration a petition filed on December 31, 1954 by Chief, Broadcast Bureau, to modify issues and add a party to the above-entitled proceeding, in which Texas Star Broadcasting Company is seeking a construction permit to establish a new standard broadcast station in Dallas, Texas, and KTRH Broadcasting Company is seeking a construction permit to modify its daytime directional antenna;

It appearing that the Broadcast Bureau states in said petition that an amendment to the proposal of KTRH Broadcasting Company, accepted by the Hearing Examiner on September 13, 1954, results in a change of the daytime directional antenna pattern; that the amendment affects the proposed coverage; that the evidence in the record with respect to coverage is based on former Fig. 3 of the Standards (ground conductivity map) and the "decibel" method of computing signal attenuation over propagation paths traversing more than one ground conductivity, both of which have been superseded by amendments to the Standards; and that, for proper comparison of the two proposals, new engineering showings of coverage under both proposals should be made, taking cognizance of the changes in the Rules and Standards as well as the 1950 Census figures;

It further appearing that the Broadcast Bureau further states that the amended proposal of KTRH Broadcasting Company involves adjacent channel daytime interference with the operation of Station WARB, Covington, Louisiana, and fails to protect Station CMAB, Pinar Del Rio, Cuba, in accordance with the provisions of § 3.28 (b) of the rules; and

It further appearing that another amendment filed by KTRH Broadcasting Company, on January 31, 1955, and accepted by the Hearing Examiner, on February 8, 1955, resolves the questions of interference here raised between KTRH and WARB and CMAB; and

It further appearing that the request contained in the Broadcast Bureau petition for new engineering showings of coverage under the proposals of the Texas Star Broadcasting Company and KTRH Broadcasting Company are desirable and appropriate for comparative coverage purposes;

It is ordered, That the petition of the Chief, Broadcast Bureau, is granted insofar as engineering showings are required to be made under the current rules and standards and that the petition in all other respects is dismissed as moot; and

It is further ordered, That the issues in the above-entitled proceeding are amended to read as follows:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine the extent of objectionable interference which the proposed operation of Texas Star Broadcasting Company will cause to Station KSEO, Durant, Oklahoma, the areas and populations in the interference area, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program service rendered by Station KSEO to the area in which KSEO would receive objectionable interference from the proposed operation of Texas Star Broadcasting Company.

4. To determine whether the installation and operation of the station proposed by Texas Star Broadcasting Company would be in compliance with the Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations relating to "blanket area" interference and, if not, whether the public interest warrants a departure from such standards.

5. To determine if the operation proposed in the above-entitled application of KTRH Broadcasting Company would involve radiations in excess of those permitted In re Proposed Agreement between United States and Canada respecting Assignment of Class II Standard Broadcast Stations to clear channels (Docket No. 10453).

6. To determine whether Texas Star Broadcasting Company's qualifications to operate its proposed station are affected and, if so, in what manner, by changed circumstances with reference to the ability of Mr. Hofheinz to devote as much time to the proposed operation as was contemplated at the time of the original hearing.

7. To determine to what extent, if any; changes in broadcast authorizations for the service areas involved existing at the time of the original decision herein have occurred.

8. To determine, on the basis of the additional evidence to be adduced under the above issues, and the hearing record heretofore made in these proceedings, which, if either, of the above-entitled applications should be granted.

Released: April 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–2891; Filed, Apr. 7, 1955; 8:51 a. m.]

[Docket Nos. 8258, 8753; FCC 55M–306]

TEXAS STAR BROADCASTING CO. AND KTRH BROADCASTING CO. (KTRH)

ORDER CONTINUING PREHEARING CONFERENCE

In re applications of Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP–5820; KTRH Broadcasting Company (KTRH) Houston, Texas, Docket No. 8753, File No. BP–6525; for construction permits.

The Hearing Examiner having under consideration a joint petition filed on March 31, 1955, on behalf of Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company and KTRH Broadcasting Company, Applicants, and Democrat Printing Company, (KSEO), Intervenor, in the above-entitled proceeding, requesting that the prehearing conference now scheduled to be held on April 4, 1955, be postponed until April 15, 1955; and

It appearing that counsel for the Chief of the Broadcast Bureau, the only other party to the said proceeding, has consented to a grant of the above petition and to a waiver of § 1.745 of the Commission's rules relating to the timely filing of motions; and

It further appearing that sufficient good cause has been alleged to warrant a grant of the relief requested herein;

It is ordered, This 1st day of April 1955, that the said petition be, and it is hereby, granted, and that the prehearing conference in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on April 15, 1955, in the offices of this Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–2892; Filed, Apr. 7, 1955; 8:51 a. m.]

[Docket No. 8716; FCC 55–414]

GREENWICH BROADCASTING CORP.

ORDER AMENDING ISSUES

In re application of Greenwich Broadcasting Corporation, Greenwich, Connecticut, Docket No. 8716, File No. BP–6315; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1955;

The Commission having under consideration a petition of Chief, Broadcast Bureau, filed on December 10, 1954, to modify issue and add party to the above-entitled proceeding in which the applicant is seeking a construction permit to establish a new standard broadcast station in Greenwich, Connecticut, and to operate on frequency of 1490 kilocycles with 250 watts power and unlimited hours;

It appearing that the said petition of the Broadcast Bureau states that the operation of a standard broadcast station proposed by the Greenwich Broadcasting Corporation would cause objectionable interference to Station WDLC, Port Jervis, New York;

It further appearing that no opposition to the instant petition has been received by the Commission;

It is ordered, That the petition of the Chief, Broadcast Bureau, is granted and that Port Jervis Broadcasting Company, Port Jervis, New York, licensee of Station WDLC, is made a party to the above-entitled proceeding; and

It is further ordered, That, in view of the considerations set forth above, the issues specified under paragraph 10 of our Memorandum Opinion and Order in the above-entitled proceeding dated November 24, 1954, together with the ordering clause set forth in paragraph 11 of said Memorandum Opinion and Order are modified [1] to read as follows:

1. To determine whether the proposed operation of the Greenwich Broadcasting Corporation would involve objectionable interference with Station WHOM, New York, N. Y., WNLC, New London, Conn., WDLC, Port Jervis, N. Y., or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

2. To determine the areas and populations which may be expected to gain

[1] The modification only affects Issues No. 1 and 5 and the ordering clause set forth under paragraph 11; Issues 2, 3, 4, 6 and 7 are merely restated for the sake of unity.

primary service from the operation of the proposed station by Greenwich Broadcasting Corporation and the other primary services available from existing stations to those areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the service proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

4. To determine the type and character of program service proposed to be rendered by the applicant and whether it would meet the requirements of the populations and areas proposed to be served.

5. To determine the type and character of program services rendered by Stations WHOM, WNLC, and WDLC and whether these services meet the requirements of the populations and areas proposed to lose such service, if any.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine, in the light of the evidence adduced under the foregoing issues, whether the public interest, convenience, or necessity would be served by a grant of the subject application.

It is further ordered, That the burden of proceeding with the introduction of evidence under Issue 4 is placed upon Greenwich Broadcasting Corporation, and that the burden of proceeding with the introduction of evidence under Issue 5 is placed upon the licensee of WHOM and WDLC and, in view of WNLC's failure to appear and participate, upon Greenwich Broadcasting Corporation only insofar as such evidence may be appropriate to the latter's affirmative case.

It is further ordered, That, after the conclusion of the hearing, the Hearing Examiner shall issue an Initial Decision.

Released: April 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2893; Filed, Apr. 7, 1955; 8:51 a. m.]

[Docket No. 11147; FCC 55-417]

BROADCAST GROUP, INC.

ORDER AMENDING ISSUES

In re application of Broadcast Group, Inc., St. Joseph, Missouri, Docket No. 11147, File No. BP-9264; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 31st day of March 1955;

The Commission having before it for consideration a (1) conditional petition to enlarge issues, filed December 29, 1954, by Broadcast Group, Inc., (2) joint response to said petition, filed January 18, 1955, by University of Kansas (KFKU), Lawrence, Kansas, and WREN Broadcasting Company (WREN), Topeka, Kansas; (3) comments on conditional petition and response thereto, filed January 20, 1955, by Chief, Broadcast Bureau; (4) reply to Broadcast Bureau's response filed January 24, 1955, by KFKU and WREN; and (5) answer to reply of KFKU and WREN and response of Broadcast Bureau, filed January 25, 1955, by Broadcast Group, Inc.;

It appearing that petitioner, an applicant for a new standard broadcast station at St. Joseph, Missouri, to be operated on 1270 kc with power of 1 kw, daytime only, requests the Commission to enlarge the issues in this proceeding to include issues with respect to (a) the type and character of program service proposed and its suitability to the populations and areas which would gain service from the proposed operation and (b) the type and character of program service rendered by Station WREN for the proposed interference area, providing it is the Commission's policy to require the introduction of programming evidence where any amount of interference is caused to an existing station; and

It further appearing that Station KFKU, Lawrence, Kansas, shares time and transmitting facilities with Station WREN, Topeka, Kansas, on 1250 kc, and that the proposed operation of Broadcast Group, Inc., would cause WREN and KFKU to lose 0.95 percent of the population and 0.34 percent of the area within its normally protected contour; and

It further appearing that WREN and KFKU, although agreeing that programming issues should be included in this proceeding, urge the Commission to include issues as to (a) the type and character of program service proposed and its suitability to the populations and areas which would gain service from the proposed operation, (b) the type and character of program service rendered by Stations KFKU and WREN in the proposed interference area, and (c) the type and character of program service rendered to the interference area, and to the area which would gain service from the proposed station, by other stations serving substantial portions of said areas; and

It further appearing that a determination of the comparative merits of the existing station and the proposed station in the area of interference is required by § 3.24 of our rules and by the mandate of the court in Democrat Printing Company v. F. C. C., 202 F. 2d 298;

It is ordered, That the issues in this proceeding be enlarged by the addition of the following issues:

1. To determine the type and character of program service proposed to be rendered by the applicant and whether it would meet the requirements of the populations and areas proposed to be served.

2. To determine the type and character of program services rendered by Stations KFKU and WREN and whether these services meet the requirements of the populations and areas proposed to lose such service, if any.

It is further ordered, That the burden of proceeding with the introduction of evidence under Issue 2 is placed upon stations KFKU and WREN.

Released: April 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2894; Filed, Apr. 7, 1955; 8:51 a. m.]

[Docket No. 11270; FCC 55M-298]

OHIO BELL TELEPHONE CO.

ORDER CONTINUING HEARING

In the matter of Ohio Bell Telephone Company, Toledo, Ohio, Docket No. 11270, File No. 5745-F1-P-H; application for construction permit for new VHF Public Class III-B coast station.

The Hearing Examiner having under consideration the motion filed March 22, 1955, by Lorain County Radio Corporation, respondent herein, requesting that the hearing in this proceeding now scheduled for April 6, 1955, be postponed until a date later to be fixed by the Hearing Examiner, for the reason that a request to enlarge the issues is pending before the Commission which request is unlikely to be acted on by the Commission before the date for the hearing presently scheduled and for the further reason that counsel for Lorain County Radio Corporation and the executive principals thereof have commitments conflicting with the hearing date now scheduled; and

It appearing that no opposition to the motion has been filed and that Commission counsel are agreeable to a grant of the motion;

It is ordered, This 29th day of March 1955, that the motion is granted; and that the date of the hearing is postponed to a date later to be scheduled by the Hearing Examiner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2895; Filed, Apr. 7, 1955; 8:52 a. m.]

[Docket No. 11316; FCC 55-372]

WALKER BUILDERS, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Walker Builders, Inc., 6339 Indianapolis Blvd., Hammond, Indiana, Docket No. 11316; for an authorization for a new Citizens Radio Station.

1. The Commission has before it (1) a petition filed December 6, 1954 by South Shore Broadcasting Corporation and South Shore Radio Telephone, Inc., who jointly petition, pursuant to section 405 of the Communications Act of 1934, as amended, for reconsideration of the Commission's action of November 5, 1954 granting the above-captioned application; and (2) certain correspondence relative to this petition.

2. Petitioners in their joint petition allege that South Shore Broadcasting Corporation is the licensee of Stations WJOB and WJOB-FM and South Shore Radio Telephone, Inc. is the licensee of Station KSB591 (a common carrier station rendering a two-way mobile dispatch service), located in Hammond, Indiana; that their antennas are mounted on a joint tower located at 6435 Indianapolis Boulevard, Hammond, Indiana; that after Walker Builders, Inc., was granted authority to operate a Citizens Radio station, it constructed a steel tower approximately 400 feet from the petitioners' antenna tower; and that since the construction of the Walker tower, the patterns of the petitioners' stations have been subject to distortion and there has been an increase in the antenna current as a result of this new construction. For these reasons petitioners request that the Commission vacate its grant to Walker Builders, Inc. and designate its application for hearing upon the issue relating to the effect of the Walker tower upon petitioners' operations.

3. By letter dated December 30, 1954, Walker Builders, Inc., without denying the alleged effect of its tower on the petitioners' operations, stated that it had constructed its radio station in compliance with all the state and federal laws and the rules and regulations of the Commission and requested that the joint petition be dismissed. In the meantime, an inspection of petitioners' stations by a Commission engineer revealed that the antenna current of the standard broadcast station WJOB increased from 2.79 to 2.95 amperes immediately after Walker Builders, Inc., erected its tower. This, in turn, indicated a reduction in antenna resistance from 32.4 to approximately 27.7 ohms. The operations of WJOB-FM and KSB-591 did not appear to have been affected by the contruction of the Walker tower.

4. On January 18, 1955, a letter was sent to both Walker and petitioners suggesting that they may wish to cooperate in an effort to resolve among themselves the issues raised by the joint petition. The parties subsequently informed the Commission that they were unable to reach a mutually satisfactory solution. Walker, in its letter, confirmed, however, that "it was determined, as nearly as practicable, that coincident with the erection of (its) antenna tower, the WJOB antenna current increased from 2.79 to 2.95 amperes."

5. In view of the foregoing, we find that WJOB has shown that it has been aggrieved, or its interests adversely affected by the grant of a license to Walker and sufficient reasons have been made to appear to justify reconsideration of that grant under section 405 of the act. No such findings, however, can be made with respect to WJOB-FM and KSB-591.

6. *Accordingly, it is ordered,* This 30th day of March 1955, that the joint petition here under consideration is granted insofar as it requests relief on behalf of WJOB and is dened insofar as it requests relief on behalf of WJOB-FM and KSB-591; and

It is further ordered, That effective immediately the grant of the above-captioned application made November 5, 1954 is vacated and the application is designated for hearing to be held at 10:00 a. m. on the 26th day of May 1955, in Washington, D. C., upon the following issues:

1. To determine the effect of the applicant's proposed antenna tower on the operation of Station WJOB; and

2. To determine whether in the light of the evidence adduced in this hearing, the public interest, convenience and necessity would be served by a grant of the above-captioned application.

It is further ordered, That the petitioner South Shore Broadcasting Corporation and the Chief of the Safety and Special Radio Services Bureau are hereby made parties to this proceeding.

Released: April 4, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2896; Filed, Apr. 7, 1955; 8:52 a. m.]

[Docket Nos. 11323-11328; FCC 55-399]

B. J. PARRISH ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of B. J. Parrish, Pine Bluff, Arkansas, Docket No. 11323, File No. BP-8698; Universal Broadcasting Corporation (KOTN), Brinkley, Arkansas, Docket No. 11324, File No. BP-8705; Southern Empire Broadcasting Company, Inc., Pine Bluff, Arkansas, Docket No. 11325, File No. BP-8726; James S. Rivers tr/as The Southeastern Broadcasting System, Macon, Georgia, Docket No. 11326, File No. BP-8747; James A. Noe (KNOE) Monroe, Louisiana, Docket No. 11327, File No. BP-9161; Radio Columbus, Inc. (WDAK) Columbus, Georgia, Docket No. 11328, File No. BP-9260; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of March 1955;

The Commission having under consideration the above-entitled applications for construction permits to operate standard broadcast stations on 540 kilocycles and move Station KOTN from Pine Bluff to Brinkley, Arkansas, contingent on a grant of the B. J. Parrish application for a new standard broadcast station on 540 kilocycles in Pine Bluff;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except with respect to a question of multiple ownership raised in the application of Radio Columbus, Inc., as set out below; but that operation of the stations as proposed would involve progressively-interlinked objectionable and mutually destructive interference; that the simultaneous operation of the proposals of James A. Noe, Radio Columbus, Inc., B. J. Parrish and Southern Empire Broadcasting Co., Inc., or any combination thereof, would not afford adequate nighttime protection to Cuban Station CMDQ, Camaguey, Cuba (formerly located at Victoria De Las Tunas, Cuba) and to a Mexican station operating on 540 kilocycles at San Luis Potosi, Mexico; and would receive nighttime interference from said Mexican station; that the proposed operation of Station KOTN would cause interference to Station WCLD, Cleveland, Mississippi (1490 kc, 250w, Unl.); that the proposal of the Southern Empire Broadcasting Co., Inc., may not afford adequate nighttime protection to Station CBK, Watrous, Saskatchewan, Canada; that the operation proposed by Southern Empire Broadcasting Co., Inc., and B. J. Parrish may not comply with § 3.28 (c) of the Commission's rules because of interference from Canadian Station CBK and a Mexican station operating on 540 kilocycles at San Luis Potosi, Mexico; and that a grant of the application of Radio Columbus, Inc. may be in contravention of the provisions of § 3.35 of the Commission's rules on multiple ownership with regard to Station WJHO, Opelika, Alabama; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated December 17, 1953 and July 23, 1954 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that each of the subject applicants filed a timely reply; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WDAK, KNOE and KOTN and the areas and populations which will be served by the proposals of Southern Empire Broadcasting Company, Inc.; B. J. Parrish and James S. Rivers, tr/as Southeastern Broadcasting System, and the availability of other primary service to such areas and populations.

2. To determine whether the simultaneous operation of the subject proposals of KNOE, WDAK, B. J. Parrish and Southern Empire Broadcasting Company, Inc., or any combination thereof, would afford adequate nighttime protection to Station CMDQ, Camaguey, Cuba.

3. To determine whether the subject proposals of KNOE, WDAK, B. J. Parrish and Southern Empire Broadcasting Company, Inc., would cause interference to or receive interference from a Mexican station operating on 540 kilocycles at

San Luis Potosi, Mexico, and if so, the nature and extent of such interference.

4. To determine whether the subject proposal of Southern Empire Broadcasting Company, Inc., would afford adequate nighttime protection to Station CBK, Watrous, Saskatchewan, Canada.

5. To determine whether the subject proposal of Station KOTN would involve objectionable interference with Station WCLD, Cleveland, Mississippi, and, if so, the nature and extent of such interference.

6. To determine, in addition to the interference questions raised in Issues 2, 3, 4 and 5, the nature and extent of the interference, if any, that each of the operations proposed in the above-entitled applications would cause to and receive from each other and all other existing standard broadcast stations, domestic and foreign, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether a grant of the application of Radio Columbus, Inc. would be in contravention of the provisions of § 3.35 of the Commission's rules on duopoly with regard to Station WJHO, Opelika, Alabama.

8. To determine whether the subject proposals of B. J. Parrish and Southern Empire Broadcasting Company, Inc. are in compliance with the provisions of § 3.28 (c) of the Commission's rules with particular reference to providing the recommended minimum of interference-free service within the proposed stations' normally protected contours.

9. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which, if any, of the operations proposed in the above-entitled applications would provide the most fair, efficient and equitable distribution of radio service.

10. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

a. The background and experience of each of the above-named applicants to own and operate the proposed stations.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

c. The programming service proposed in each of the above-mentioned applications.

It is further ordered, That the Voice of Delta, licensee of Station WCLD, Cleveland, Mississippi, is made a party to the proceeding;

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2897; Filed, Apr. 7, 1955; 8:52 a. m.]

[Docket No. 10883; FCC 55M-305]

NEWPORT BROADCASTING CO. (KNBY)

ORDER CONTINUING PREHEARING CONFERENCE

In the matter of Newport Broadcasting Co. (KNBY) Newport, Arkansas, Docket No. 10883, File No. BP-9081; for construction permit.

The Hearing Examiner having under consideration a petition filed on March 31, 1955, by the Morehouse Broadcasting Company, licensee of Station KTRY, Bastrop, Louisiana, a party respondent in the above-entitled proceeding, requesting that the pre-hearing conference presently scheduled for April 1, 1955, be continued to April 12, 1955, at 9:00 a. m.;

It appearing that counsel for the applicant, Newport Broadcasting Company, joins in the instant petition for continuance; and that counsel for the Broadcast Bureau has informally agreed to a waiver of the so-called four-day rule and to a grant of the petition;

It is ordered, This 31st day of March 1955, that the petition be and it is hereby granted; and the prehearing conference in the above-entitled proceeding be and it is hereby continued to April 12, 1955, at 9 o'clock a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2863; Filed, Apr. 7, 1955; 8:46 a. m.]

[Docket No. 11147; FCC 55M-307]

BROADCAST GROUP, INC.

ORDER CONTINUING HEARING

In re application of Broadcast Group, Inc., St. Joseph, Missouri, Docket No. 11147, File No. BP-9264; for construction permit.

It appearing that the Hearing Examiner on February 23, 1955, continued the hearing in the above-entitled matter without date until after the Commission shall have passed upon a pending petition to enlarge issues; and

It appearing that on March 31, 1955, the Commission granted said petition and enlarged the issues in the above-entitled proceeding so as to add issues with respect to programming and that it is now appropriate to schedule a date for the further hearing;

Therefore, it is ordered, This 1st day of April 1955, that the further hearing in the above-entitled matter is scheduled for 10:00 a. m., Monday, April 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2864; Filed, Apr. 7, 1955; 8:46 a. m.]

[Docket Nos. 11337—11356; FCC 55-421]

R. E. DARWOOD ET AL.

ORDER DESIGNATING MATTERS FOR HEARING

In the matter of cease and desist orders to be directed against, R. E. Darwood, Star Route, Quincy, Wash., Docket No. 11337; A. M. Floyd, Box 693, Quincy, Wash., Docket No. 11338; Jake Groot, Box 702, Quincy, Wash., Docket No. 11339; James Huffman, Box 37, Quincy, Wash., Docket No. 11340; Gordon G. Kliewer, Box 964, Quincy, Wash., Docket No. 11341; C. F. Koenig, Box 805, Quincy, Wash., Docket No. 11342; Edward Myers, Box 1017, Quincy, Wash., Docket No. 11343; Marvin Musgrove, Box 913, Quincy, Wash., Docket No. 11344; Ernest Schorzman, Box 875, Quincy, Wash., Docket No. 11345; Leonard W. Schorzman, Box 1005, Quincy, Wash., Docket No. 11346; Fred Schulz, Box 474, Quincy, Wash., Docket No. 11347; Herman Schulz, Box 951, Quincy, Wash., Docket No. 11348; R. H. Simmons, Box 944, Quincy, Wash., Docket No. 11349; W. H. Turnbull, Box 507, Quincy, Wash., Docket No. 11350; A. C. Watson, Box 825, Quincy, Wash., Docket No. 11351; Clarence Weber, Star Route, Quincy, Wash., Docket No. 11352; Harold Weber, Box 406, Quincy, Wash., Docket No. 11353; W. R. Cordell, Star Route, Quincy, Wash., Docket No. 11354; Paul Mancke, Box 923, Quincy, Wash., Docket No. 11354; Paul Mancke, Box 926, Quincy, Wash., Docket No. 11356.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of March 1955;

The Commission having under consideration the issuance of orders directed to R. E. Darwood, A. M. Floyd, Jake Groot, James Huffman, Gordon G. Kliewer, C. F. Koenig, Edward Myers, Marvin Musgrove, Ernest Schorzman, Leonard W. Schorzman, Fred Schulz, Herman Schulz, R. H. Simmons, W. H. Turnbull, A. C. Watson, Clarence Weber, Harold Weber, W. R. Cordell, Paul Mancke, J. E. Burns to cease and desist from violating sections 301, 318 and 325 (a) of the Communications Act of 1934, as amended;

It appearing that such persons are operating or participating in operating television broadcast stations on channels 2, 4 and 6 at Quincy, Washington, without having been granted a license by this Commission to operate such stations, as required by section 301 of the Communications Act of 1934, as amended; and

It further appearing that the actual operation of said television broadcast stations is in violation of section 318 of

the Communications Act of 1934, as amended, not being carried on by a person holding an appropriate operator's license issued by this Commission; and

It further appearing that said television broadcast stations are rebroadcasting in violation of section 325 (a) of the Communications Act of 1934, as amended, the programs or parts thereof originated by television broadcast stations KREM-TV operating on channel 2 at Spokane, Wash., KXLY-TV operating on channel 4 at Spokane, Wash., and KHQ-TV operating on channel 6 at Spokane, Wash., without the express authority of these stations to do so; and

It further appearing that the above-named persons have been notified in writing by the Commission that they were operating in an unlawful manner and accorded opportunity to comply with lawful requirements, but have failed to do so;

It is ordered, That pursuant to section 312 (c) of the Communications Act of 1934, as amended, R. E. Darwood, A. M. Floyd, Jake Groot, James Huffman, Gordon G. Kliewer, C. F. Koenig, Edward Myers, Marvin Musgrove, Ernest Schorzman, Leonard W. Schorzman, Fred Schulz, Herman Schulz, R. H. Simmons, W. H. Turnbull, A. C. Watson, Clarence Weber, Harold Weber, W. R. Cordell, Paul Mancke and J. E. Burns, be and they are hereby directed to show cause why orders should not be issued commanding them individually or as part of any group immediately to cease and desist:

(a) From operating or participating in the operation of said television broadcast stations without having first obtained a license from this Commission;

(b) From carrying on the operation of said stations without a person holding an appropriate operator's license from this Commission; and

(c) From rebroadcasting or participating in rebroadcasting the programs or parts thereof of television broadcast stations KREM-TV, channel 2, KXLY-TV, channel 4, KHQ-TV, channel 6, or any other television station without having first obtained from the originating station express authority to do so;

It is further ordered, That a hearing in this matter will be held before Hearing Examiner J. D. Bond at a place to be specified later in Seattle, Washington at 10 a. m., May 9, 1955, in order to determine whether said cease and desist orders should be issued, and that each of the persons listed above is herewith called upon to appear at this hearing and proffer evidence upon matters specified herein; and

It is further ordered, That each of the persons listed above is directed on or before the 5th day of May, 1955, to inform the Commission in writing in triplicate whether he will appear at the hearing specified above, or whether he waives his rights to a hearing, in which event the above-proposed cease and desist order will forthwith be issued against him. Failure to respond by the 5th day of May, 1955, or failure to appear at the hearing will be deemed a waiver of a right to a hearing by the person or persons who fail to respond by the 5th day of May 1955, or to appear at the hearing; and

It is further ordered, That the Secretary of the Commission send a copy of this order by registered mail, return receipt requested to each of the persons listed above.

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2865; Filed, Apr. 7, 1955; 8:46 a. m.]

[Docket No. 11332; FCC 55-405]

C. J. COMMUNITY SERVICES, INC.

ORDER DESIGNATING MATTER FOR HEARING

In the matter of cease and desist order to be directed against C. J. Community Services, Inc., Bridgeport, Washington, Docket No. 11332.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of March 1955;

The Commission having under consideration the issuance of an order directed to C. J. Community Services, Inc., Bridgeport, Washington, to cease and desist from violating sections 301, 318 and 325 (a) of the Communications Act of 1934, as amended;

It appearing that C. J. Community Services, Inc., is operating television broadcast stations on channels 4 and 6 at Bridgeport, Washington, without having been granted a license by this Commission to operate such stations, as required by section 301 of the Communications Act of 1934, as amended; and

It further appearing that the actual operation of said television broadcast stations is in violation of section 318 of the Communications Act of 1934, as amended, not being carried on by a person holding an appropriate operator's license issued by this Commission; and

It further appearing that said television broadcast stations are rebroadcasting, in violation of section 325 (a) of the Communications Act of 1934, as amended, the programs or parts thereof originated by television broadcast stations KXLY-TV operating on channel 4 at Spokane, Washington and KHQ-TV operating on channel 6 at Spokane, Washington without the express authority of these stations to do so; and

It further appearing that C. J. Community Services, Inc., has been notified in writing by the Commission that it was operating in an unlawful manner and accorded opportunity to comply with lawful requirements, but has failed to do so:

It is ordered, That pursuant to section 312 (c) of the Communications Act of 1934, as amended, C. J. Community Services, Inc., be and is hereby directed to show cause why an order should not be issued commanding said C. J. Community Services, Inc. and all and each of its officers or agents immediately to cease and desist:

(a) From operating said television broadcast stations without having first obtained a license from this Commission;

(b) From carrying on the operation of said stations without a person holding an appropriate operator's license from this Commission;

(c) From rebroadcasting the programs or parts thereof of television broadcast station KXLY-TV, channel 4, KHQ-TV, channel 6 or any other television station without having first obtained from the originating station express authority to do so;

It is further ordered, That a hearing in this matter will be held before Hearing Examiner J. D. Bond at a place to be specified later in Seattle, Washington at 10 a. m., May 16, 1955 in order to determine whether said cease and desist order should be issued, and that C. J. Community Services, Inc., is herewith called upon to appear at this hearing and proffer evidence upon matters specified herein; and

It is further ordered, That C. J. Community Services, Inc., is directed on or before the 5th day of May, 1955, to inform the Commission in writing in triplicate whether it will appear at the hearing specified above, or whether it waives its right to a hearing, in which event the above proposed cease and desist order will forthwith be issued. Failure to respond by the 5th day of May 1955, or failure to appear at the hearing will be deemed a waiver of a right to a hearing; and

It is further ordered, That the Secretary of the Commission send a copy of this order by registered mail, return receipt requested, to said C. J. Community Services, Inc.

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2866; Filed, Apr. 7, 1955; 8:47 a. m.]

[Docket No. 11357; FCC 55-422]

H. J. MILLER

ORDER DESIGNATING MATTER FOR HEARING

In the matter of cease and desist order to be directed against H. J. Miller, Box A, Nespelem, Washington, Docket No. 11357.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of March 1955;

The Commission having under consideration the issuance of an order directed to H. J. Miller, Box A, Nespelem, Wash., to cease and desist from violating sections 301, 318 and 325 (a) of the Communications Act of 1934, as amended;

It appearing that H. J. Miller, Nespelem, Wash., is operating or participating in operating a television broadcast station on channel 4 in Nespelem, Wash., without having been granted a license by this Commission to operate such station, as required by section 301 of the Communications Act of 1934, as amended; and

It further appearing that the actual operation of said television broadcast station is in violation of section 318 of the Communications Act of 1934, as amended, not being carried on by a person holding an appropriate operator's license issued by this Commission; and

It further appearing that said television broadcast station is rebroadcasting, in violation of section 325 (a) of the Communications Act of 1934, as amended, the programs or parts thereof originated by television broadcast station KXLY-TV operating on channel 4 at Spokane, Washington without the express authority of this station to do so; and

It further appearing that H. J. Miller has been notified in writing by the Commission that he was operating in an unlawful manner and accorded opportunity to comply with lawful requirements, but has failed to do so:

It is ordered, That pursuant to section 312 (c) of the Communications Act of 1934, as amended, H. J. Miller, be and is hereby directed to show cause why an order should not be issued commanding him immediately to cease and desist:

(a) From operating said television broadcast station without having first obtained a license from this Commission;

(b) From carrying on the operation of said station without a person holding an appropriate operator's license from this Commission; and

(c) From rebroadcasting the programs or parts thereof of television broadcast station KXLY-TV, channel 4, or any other television station without having first obtained from the originating station express authority to do so;

It is further ordered, That a hearing in this matter will be held before Hearing Examiner J. D. Bond at a place to be specified later in Seattle, Washington at 10 a. m., May 12, 1955 in order to determine whether said cease and desist order should be issued, and that H. J. Miller is herewith called upon to appear at this hearing and proffer evidence upon matters specified herein; and

It is further ordered, That H. J. Miller is directed on or before the 5th day of May, 1955, to inform the Commission in writing in triplicate whether he will appear at the hearing specified above, or whether he waives his rights to a hearing, in which event the above-proposed cease and desist order will forthwith be issued. Failure to respond by the 5th day of May 1955, or failure to appear at the hearing will be deemed a waiver of a right to a hearing; and

It is further ordered, That the Secretary of the Commission send a copy of this order by registered mail, return receipt requested, to H. J. Miller.

Released: April 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-2867; Filed, Apr. 7, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA

DESIGNATION OF AREAS FOR EMERGENCY LOANS

For the purpose of making emergency loans pursuant to Public Law 727, 83d Congress, it is determined that in the following named counties in the State of Minnesota there is a need for agricultural credit which cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular programs, or under Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, or other responsible sources.

Pursuant to the authority as set forth above, such loans will not be made in the following named counties in the State of Minnesota after June 30, 1955.

STATE OF MINNESOTA

Becker, Clay, Mahnomen, Norman, Polk, Pope, Traverse, Wilkin.

Done at Washington, D. C., this 4th day of April 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-2871; Filed, Apr. 7, 1955; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2882]

FRANK J. GAHAN ET AL

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 31, 1955.

Take notice that Frank J. Gahan, individually and as representative of Ralph G. Moore, Salvatore Arena, Edward A. Kamerer, J. Edward Hines, and Duverney Matlack (E. Brooke Matlack Inc.), (Applicant), with a principal office in Philadelphia, Pennsylvania, filed on September 20, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the McKim District, Pleasants County, West Virginia, which is sold in interstate commerce to Hope Natural Gas Company, (contract dated July 6, 1950; price 20 cents per Mcf; estimated daily deliveries 13 Mcf) for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 31, 1955 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2879; Filed, Apr. 7, 1955; 8:50 a. m.]

[Docket No. G-6500]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 1, 1955.

Take notice that Atlantic Seaboard Corporation (Applicant), a Delaware corporation with its principal place of business at Charleston, West Virginia, filed an application on November 30, 1954, as amended on March 14, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities consisting of approximately 83.9 miles of 26-inch pipeline looping its existing 26-inch line in sections at various points in West Virginia, Virginia, and Maryland. Applicant also proposes and seeks authorization for 2000 additional horsepower at its existing Cleveland Compressor Station in Upshur County, West Virginia, making a total of 8600 horsepower facilities at that station.

Applicant states that its existing system is approximately 70,500 Mcf per day deficient in capacity to meet its estimated peak-day requirements during the 1955-56 winter, assuming each customer takes its estimated maximum day demand on the same day. Applicant's principal source of gas supply is purchased from United Fuel Gas Company through the pooled supply of the Columbia Gas System, Inc.

The total overall estimated cost of facilities proposed herein by Applicant is $9,281,500, and will be financed by the sale of securities to its parent, the Columbia Gas System, Inc.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 22, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 19, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2878; Filed, Apr. 7, 1955; 8:50 a. m.]

[Docket No. G-6501]

MICHIGAN GAS STORAGE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 4, 1955.

Take notice that Michigan Gas Storage Company (Applicant), a Michigan corporation whose address is Jackson, Michigan, filed on December 28, 1954, and supplemented on February 4 and February 23, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant seeks authority to construct and operate 36 miles of 16-inch pipe line running from Mt. Pleasant Junction to Zilwaukee Junction, Michigan; an additional 3,300 HP at Freedom Compressor Station; and necessary regulating facilities at Zilwaukee Junction. The cost of the proposed facilities is estimated to be approximately $2,572,000, which Applicant proposes to finance by the sale of $2,500,000 principal amount First Mortgage Bonds, with the balance from treasury funds. The facilities are proposed to be used to withdraw additional storage gas in the winter season for delivery to Applicant's sole customer, Consumers Power Company, and to enable Applicant to receive additional supplies of gas from Panhandle Eastern Pipe Line Company as such increased supply becomes available. The additional compression is necessary to bring the facilities at Freedom Compressor Station to an adequate status.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 27, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 18, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2877; Filed, Apr. 7, 1955; 8:49 a. m.]

[Docket No. G-8695]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Phillips Petroleum Company (Applicant) on March 2, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Feb. 28, 1955.	Mississippi River Fuel Corp.	Supplement No. 3 to Applicant's FPC gas rate schedule No. 22.	Apr. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until September 3, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: March 30, 1955.

Issued: April 1, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2874; Filed, Apr. 7, 1955; 8:49 a. m.]

[Docket No. G-8696]

CONTINENTAL OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Continental Oil Company (Applicant) on March 7, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Mar. 4, 1955.	Mississippi River Fuel Corp.	Supplement No. 8 to Applicant's FPC gas rate schedule No. 107.	Apr. 7, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

[1] Commissioner Digby dissenting.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until September 3, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: March 30, 1955.

Issued: April 1, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-2875; Filed, Apr. 7, 1955; 8:49 a. m.]

[Docket No. G-8697]

STANOLIND OIL AND GAS CO. (OPERATOR) ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Stanolind Oil and Gas Company (Operator), et al.[2] (Applicant) on March 2, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of change, dated Feb. 28, 1955.	Mississippi River Fuel Corp.	Supplement No. 10 to Applicant's FPC gas rate schedule No. 31.	Apr. 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until September 3, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: March 30, 1955.

Issued: April 1, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-2876; Filed, Apr. 7, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

POTOMAC EDISON CO. ET AL.

ORDER GRANTING AND PERMITTING EFFECTIVENESS TO JOINT APPLICATION-DECLARATION REGARDING ISSUANCE BY WHOLLY-OWNED SUBSIDIARIES OF COMMON STOCK TO PARENT HOLDING COMPANY FOR CASH

APRIL 4, 1955.

In the matter of The Potomac Edison Company, Northern Virginia Power Company, Potomac Light and Power Company, South Penn Power Company; File No. 70-3347.

The Potomac Edison Company ("Potomac Edison"), a registered holding company and a subsidiary of The West Penn Electric Company ("West Penn"), also a registered holding company, and three wholly-owned subsidiaries of Potomac Edison, namely, Northern Virginia Power Company ("Northern Virginia"), Potomac Light and Power Company ("Potomac Light"), and South Penn Power Company ("South Penn") have made a joint filing with this Commission pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-44 promulgated thereunder regarding certain proposed transactions, as follows:

Northern Virginia, Potomac Light, and South Penn (hereinafter sometimes collectively referred to as "Subsidiaries") propose to issue and sell additional shares of their authorized and unissued capital stocks, and Potomac Edison proposes to acquire such shares in each case, for a cash consideration equal to the aggregate par or stated value thereof as follows:

Subsidiary and title of issue	Presently outstanding	Proposed to be issued	Cash consideration
Northern Virginia: Common Stock, par value $100 per share	*Shares* 144,500	*Shares* 2,000	$200,000
Potomac Light: Common Stock, par value $100 per share	105,000	4,000	400,000
South Penn: Capital Stock, no par, stated value $5 per share	557,200	97,000	485,000

Potomac Edison now owns all of the outstanding capital stock of these Subsidiaries and all these shares of stock are pledged under the Indenture of Potomac Edison securing its First Mortgage and Collateral Trust Bonds. The new shares, proposed for issuance by the Subsidiaries and to be sold to Potomac Edison, are to be issued from time to time prior to December 31, 1955, as funds are needed by the Subsidiaries, and are to be pledged under Potomac Edison's Indenture. Each of the Subsidiaries proposes to use the proceeds from the sale of its stock for the construction of property additions.

Potomac Edison represents that it has in its treasury funds in excess of the aggregate purchase price of the shares of capital stocks of the Subsidiaries proposed to be acquired, and, accordingly, no financing is required by Potomac Edison in connection with the acquisition of these shares.

Orders, pursuant to applications therefore, have been issued by the State Corporation Commission of Virginia, in respect of the issuance and acquisition of the stock of Northern Virginia; by the Pennsylvania Public Utility Commission in respect of the issuance of the stock by South Penn; and by the Public Service Commission of Maryland and the Public Service Commission of West Virginia, in respect of the acquisition of the stocks of the Subsidiaries by Potomac Edison.

Applicants-declarants have estimated fees and expenses as follows:

Federal stamp tax	$1,388
Miscellaneous state stock taxes	1,242
Legal fees:	
James McSherry (Maryland counsel)	100
Edwin Strite (Pennsylvania counsel)	100
Clarence E. Martin, Jr. (West Virginia counsel)	200
Miscellaneous	$195
Total	3,225

It is requested by applicants-declarants that the Commission's order become effective forthwith upon issuance.

Due notice of the filing of said joint application-declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the joint application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 of the applicable provisions of the act that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-2869; Filed, Apr. 7, 1955; 8:47 a. m.]

[File No. 813-3]

EXECUTIVES INVESTMENT TRUSTS

ORDER MODIFYING ORDER GRANTING EXEMPTIONS

APRIL 4, 1955.

By order dated December 2, 1943 (Investment Company Act Release No. 584) the Commission, pursuant to section 6 (b) of the Investment Company Act of 1940 ("act"), exempted Executive Investment Trusts ("Executives"), a registered open-end investment company, from certain provisions of the act including:

Section 8 (b) to the extent that the filing with the Commission of the required number of copies of the answers to Items 35-47, inclusive, of Form N-8B-1 will be deemed to satisfy the requirements of that section; section 30 (a) to the extent that the annual filing with the Commission pursuant to Rule N-30A-1 of the required number of copies of the answers to Items 35-47, inclusive, of Form N-30A-1 will be deemed to satisfy the requirements of that section.

Items 35-47 of Form N-8B-1 were identical with Items 35-47 of Form N-30A-1. Effective June 15, 1954, Form N-30A-1 was revised which substantially eliminated Items 35-47 contained in old Form N-30A-1. Executives requests a ruling as to the proper procedure to be followed in order to comply with section 30 (a) of the act as required by said order of the Commission.

It appearing that it would be consistent with the protection of investors to modify the previous order of the Commission described above to the extent that changes in respect of the answers to Items 35-47 of Form N-8B-1 previously filed, shall be reported to the Commission:

It is hereby ordered, That the order heretofore entered on December 2, 1943, with respect to Executives Investment Trusts be modified so as to delete therefrom the following: "Section 30 (a) to the extent that the annual filing with the Commission pursuant to Rule N-30A-1 of the required number of copies of the answers to Items 35 to 47 inclusive of Form N-30A-1 will be deemed to satisfy the requirements of that section."

And to insert in lieu thereof: "Section 30 (a), except that any changes which occur with respect to the information contained in its answers to Items 35-47, inclusive, of Form N-8B-1 shall be reported to the Commission."

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-2868; Filed, Apr. 7, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30440]

MALT LIQUORS FROM THE EAST TO SOUTHERN BORDER TERRITORY

APPLICATION FOR RELIEF

APRIL 4, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-726.

Commodities involved: Malt Liquors, carloads.

From: Points in New England and trunk-line territories and Buffalo-Pittsburgh zone.

To: Border points in Kentucky, North Carolina, Tennessee, and Virginia.

Grounds for relief: Circuitous routes, to maintain grouping, and rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-2832; Filed, Apr. 6, 1955; 8:47 a. m.]

[4th Sec. Application 30441]

COTTONSEED PRODUCTS FROM ALABAMA POINTS TO FLORIDA

APPLICATION FOR RELIEF

APRIL 4, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff schedule listed below.

Commodities involved: Cottonseed, peanut, and soybean oil cake and oil cake meal, carloads.

From: Birmingham, Montgomery, Opelika, and Tuskegee, Ala.

To: Specified points in Florida.

Grounds for relief: Circuitous routes, competition with motor carriers, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1411, supplement 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-2832; Filed, Apr. 6, 1955; 8:47 a. m.]

[4th Sec. Application 30442]

PETROLEUM OIL AND GREASE FROM OMAHA, NEBR., TO IOWA AND MINNESOTA

APPLICATION FOR RELIEF

APRIL 5, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum lubricating oil and grease, carloads.

From: Omaha, Nebr.

To: Specified points in Iowa and Minnesota.

Grounds for relief: Circuitous routes, market competition, and additional origin.

Schedules filed containing proposed rates: C&NW, I. C. C. No. 11257, supp. No. 29; CB&Q, I. C. C. No. 20404, supp.

[1] Commissioner Digby dissenting.

[2] Applicant, as operator, filed notice of change for all non-operators which have not filed on their own behalf.

No. 6; CGW, I. C. C. No. 5615, supp. No. 10; CMStP&P, I. C. C. No. B–7817, supp. No. 1; CRI&P, I. C. C. No. C–13497, supp. No. 3; IC, I. C. C. No. A–11681, supp. No. 26; M&StL, I. C. C. No. 17, supp. No. 39; Wab, I. C. C. No. 7757, supp. No. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2880; Filed, Apr. 7, 1955; 8:50 a. m.]

[4th Sec. Application 30444]

SUPERPHOSPHATE FROM ATLAS, MO., TO IOWA

APPLICATION FOR RELIEF

APRIL 5, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff listed below.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated or defluorinated, carloads.

From: Atlas, Mo.

To: Des Moines, Perry, and Woodbine, Iowa.

Grounds for relief: Circuitous routes, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4112, supplement 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2882; Filed, Apr. 7, 1955; 8:50 a. m.]

[4th Sec. Application 30445]

CEMENT FROM MIFFLIN JCT., PA., TO NEW ENGLAND TERRITORY

APPLICATION FOR RELIEF

APRIL 5, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Cement, common, hydraulic, masonry, mortar, natural or portland, carloads.

From: Mifflin Jct., Pa.

To: Destinations in New England territory.

Grounds for relief: Circuitous routes, and rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: Pittsburgh & West Virginia Railway, I. C. C. 550.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2883; Filed, Apr. 7, 1955; 8:50 a. m.]

[4th Sec. Application 30446]

WOOL TOPS FROM MAYNARD, MASS., TO THE SOUTH

APPLICATION FOR RELIEF

APRIL 5, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. R. Goldrich and C. W. Boin, Agents, for carriers parties to schedule listed below.

Commodities involved: Wool tops, carload.

From: Maynard, Mass.

To: Points in southern territory.

Grounds for relief: Circuitous routes, and additional origin.

Schedules filed containing proposed rates: C. R. Goldrich, Agent, I. C. C. 610, supplement 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2884; Filed, Apr. 7, 1955; 8:50 a. m.]

[4th Sec. Application 30447]

ARTIFICIAL TIRES FROM HOLYOKE, MASS., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 5, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. R. Goldrich, and C. W. Boin, Agents, for carriers parties to schedule listed below.

Commodities involved: Tires, artificial, guayule, natural, neoprene or synthetic rubber, pneumatic and parts, carloads.

From: Holyoke, Mass.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes, and additional origin.

Schedules filed containing proposed rates: C. R. Goldrich, Agent, I. C. C. 610, supplement 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of

the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2885; Filed, Apr. 7, 1955; 8:50 a. m.]

[4th Sec. Application 30443]

CLAY FROM WYOMING AND BELLE FOURCHE, S. DAK., TO MONTANA AND NORTH DAKOTA

APPLICATION FOR RELIEF

APRIL 5, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff schedules listed below.

Commodities involved: Clay, crude or ground, noibn, carloads.

From: Specified points in Wyoming and Belle Fourche, S. Dak.

To: Points in eastern Montana and western North Dakota.

Grounds for relief: Circuitous routes, to maintain grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. A–4089; W. J. Prueter, Agent, I. C. C. 1560, supplement 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2881; Filed, Apr. 7, 1955; 8:50 a. m.]

[4th Sec. Application 30449]

SODA ASH FROM MICHIGAN, NEW YORK AND OHIO TO CHARLESTON, S. C.

APPLICATION FOR RELIEF

APRIL 5, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for cariers parties to tariff schedules listed below.

Commodities involved: Soda ash (other than modified soda ash), carloads.

From: Specified points in Michigan, New York, and Ohio.

To: Charleston, S. C.

Grounds for relief: Circuitous routes, and market competition.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. 4510, supplement 67; C. W. Boin, Agent, I. C. C. A–968, supplement 70.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2887; Filed, Apr. 7, 1955; 8:50 a. m.]

[4th Sec. Application 30448]

HOT TOP COMPOUND FROM LEETONIA, OHIO, TO HOUSTON AND LONE STAR, TEX.

APPLICATION FOR RELIEF

APRIL 5, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to tariff schedules listed below.

Commodities involved: Hot top compounds, carload.

From: Leetonia, Ohio.

To: Houston and Lone Star, Texas.

Grounds for relief: Circuitous routes, market competition, rates constructed on the basis of the short line distance formula, and additional origin and destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4090, supp. 84; F. C. Kratzmeir, Agent, I. C. C. 4115, supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2886; Filed, Apr. 7, 1955; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 70

Washington, Saturday, April 9, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3090

UNITED NATIONS DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States of America was one of the nations instrumental in establishing the United Nations in an effort to save succeeding generations from the scourge of war; and

WHEREAS it is the consistent policy of the Government of the United States to encourage and support the work of the United Nations in that effort; and

WHEREAS the United Nations has entered on its tenth year of unremitting labor toward realizing the hopes of mankind for an ordered world based on the supremacy of reason and justice; and

WHEREAS the General Assembly of the United Nations has resolved that October 24, the anniversary of the coming into force of the United Nations Charter, should be dedicated each year to making known the aims and accomplishments of the United Nations, and has called on the Governments of all Member States especially to commemorate the tenth anniversary of the establishment of the United Nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby urge the citizens of this Nation to observe Monday, October 24, 1955, as United Nations Day by means of community programs that will demonstrate their faith in, and support of, the United Nations and that will create a better public understanding of its problems and of its aims and achievements.

I also call upon the officials of the Federal, State, and local Governments, the United States Committee for the United Nations, representatives of civic, educational, and religious organizations, and agencies of the press, radio, television, and motion pictures, as well as all citizens, to cooperate in appropriate observance throughout our country of this tenth anniversary of the United Nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 5th day of April in the year of our Lord nineteen hundred and fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-2999; Filed, Apr. 7, 1955; 1:26 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 2]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEES

COUNTY COMMITTEEMEN, COMMUNITY COMMITTEEMEN, DELEGATES, AND MEMBERS OF COMMUNITY ELECTION BOARDS

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, the regulations in this subpart published in the FEDERAL REGISTER of June 19, 1954 (19 F. R. 3637) as amended by Amendment 1 published in the FEDERAL REGISTER of September 1, 1954 (19 F. R. 5571) are hereby further amended effective April 1, 1955, as follows:

1. Section 7.15 (f) is deleted.

2. Paragraphs (g), (h), and (i) of § 7.15 are redesignated (f), (g), and (h), respectively.

(Sec. 4, 49 Stat. 164, as amended; 16 U. S. C. 590d. Interprets or applies 49 Stat. 1149, as amended; 16 U. S. C. 590b)

Done at Washington, D. C., this 31st day of March 1955. Witness my hand

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 9 ($0.65)
Title 20 ($0.75)
Title 24 ($0.75)
Titles 40–42 ($0.50)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 18 ($0.50); Title 19 ($0.40); Title 25 ($0.50); Titles 30–31 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 55-2932; Filed, Apr. 8, 1955; 8:52 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

MISCELLANEOUS AMENDMENTS

Proclamation of redetermined national marketing quota for Burley tobacco for the 1955–56 marketing year and apportionment of the quota among the several States; and rescission of the earlier national marketing quota for Burley tobacco for the 1955–56 marketing year announced on November 26, 1954, and State and farm Burley tobacco acreage allotments and marketing quotas previously determined pursuant to such quota; and Amendment 2 to the Burley and flue-cured tobacco marketing quota regulations for the 1955–56 marketing year.

§ 725.604 *Basis and purpose.* (a) Sections 725.604 to 725.606 and 725.629 are issued (1) to announce the redetermined reserve supply level and the total supply of Burley tobacco for the marketing year beginning October 1, 1954, and to establish the redetermined amount of the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1955; (2) to apportion the redetermined national marketing quota among the several States; (3) to rescind the earlier national marketing quota for Burley tobacco for the 1955–56 marketing year announced on November 26, 1954, and the State and farm acreage allotments and marketing quotas determined pursuant thereto; and (4) to amend the Burley and flue-cured tobacco marketing quota regulations, as amended, for the 1955–56 marketing year (19 F. R. 3549, 19 F. R. 7151) by providing for redetermination of Burley tobacco farm acreage allotments for the 1955–56 marketing year through application of a factor of 0.75 to the 1955 preliminary farm acreage allotments but with certain minimum provisions. The findings and determinations contained in §§ 725.604 to 725.606 have been made on the basis of the latest available statistics of the Federal Government. The amendment contained in § 725.629 is necessitated by the provisions of Public Law 21, 84th Congress.

(b) Since Burley tobacco growers have already seeded plant beds and are now purchasing fertilizer and other supplies and equipment and are preparing land for transplanting, it is imperative that they be notified as soon as possible of the acreage allotments redetermined for their farms. Further, Public Law 21, 84th Congress, requires the holding of a referendum of Burley tobacco producers within 20 days after issuance of the proclamation of the redetermined national marketing quota for Burley tobacco for the 1955–56 marketing year to determine whether such producers favor marketing quotas. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the proclamation of the redetermined quota, apportionment of the redetermined quota, and the amendment to the regulations contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 725.605 *Findings and determinations with respect to redetermined national marketing quota for Burley tobacco for the marketing year beginning October 1, 1955*[1]—(a) *Reserve supply level.* The reserve supply level for Burley tobacco is 1,606,000,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 535,000,000 pounds and a normal year's exports of 36,000,000 pounds.

(b) *Total supply.* The total supply of Burley tobacco for the marketing year beginning October 1, 1954 is 1,863,000,000 pounds consisting of carryover of 1,198,000,000 pounds and estimated 1954 production of 665,000,000 pounds.

(c) *Carryover.* The estimated carryover of Burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1955, is 1,328,000,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1954, of 535,000,000 pounds from the total supply of such tobacco.

(d) *Redetermined national marketing quota.* The amount of Burley tobacco which will make available during the marketing year beginning October 1, 1955, a supply of Burley tobacco equal to the reserve supply level of such tobacco is 278,000,000 pounds and a redetermined national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 278,000,000 pounds would result in undue restriction of marketings during the 1955–56 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the redetermined national marketing quota for Burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year is 334,000,000 pounds.

(e) *Apportionment of the redetermined quota.* The redetermined national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Alabama	24
Arkansas	42
Georgia	61
Illinois	4
Indiana	6,307
Kansas	83
Kentucky	165,730
Missouri	2,681
North Carolina	7,705
Ohio	8,153

[1] Rounded to the nearest million pounds.

State—Continued	Acreage allotment
Oklahoma	4
Pennsylvania	2
South Carolina	4
Tennessee	50,341
Texas	1
Virginia	8,608
West Virginia	2,210
Reserve [1]	1,266

[1] Acreage reserved for establishing allotments for farms upon which no Burley tobacco has been grown during the past five years.

§ 725.606 *Recission of the earlier national marketing quota for Burley tobacco for the 1955–56 marketing year announced on November 26, 1954, and the State and farm acreage allotments and marketing quotas determined pursuant thereto.* The national marketing quota announced on November 26, 1954 for the 1955-56 marketing year and the State and farm marketing quotas and acreage allotments determined pursuant thereto are hereby rescinded.

§ 725.629 *Redetermination of 1955 Burley tobacco farm acreage allotments.* (a) Notwithstanding the provisions of §§ 725.611 to 725.628, inclusive, the redetermined 1955 Burley tobacco acreage allotment for a farm shall be 75 percent of the 1955 preliminary acreage allotment which has been or will be determined for such farm under § 725.616 (except as required in case of violation of the regulations as described under § 725.619), plus any increase under § 725.618: *Provided*, That (1) a 1955 Burley tobacco farm acreage allotment of 0.7 acre or more which has been or will be determined under § 725.617 (including any adjustment under § 725.618) shall be redetermined at not less than 0.60 acre; (2) a 1955 Burley tobacco farm acreage allotment of 0.6 acre which has been or will be determined under § 725.617 (including any adjustment under § 725.618) shall be redetermined at not less than 0.50 acre; and (3) a 1955 Burley tobacco farm acreage allotment of 0.5 acre or less which has been or will be determined under § 725.617 (including any adjustment under § 725.618) shall not be reduced under this section.

(b) All Burley tobacco farm acreage allotments redetermined under this section will be in acres and hundredths of acres, and the rule of fractions will be to round upward fractions of more than five-thousandths and round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00, and 0.0051 would be 0.01).

(c) In case of a divided farm, the allotment redetermined under this section for the original farm will be divided so that each of the tracts comprising the original farm will be assigned the same percentage of the redetermined allotment for the original farm that it received or would have received of the 1955 allotment pursuant to § 725.621: *Provided*, That the redetermined allotment for any tract will not be more than one-tenth acre less than the allotment which has been or would be determined for such tract under § 725.621 if determined at six-tenths or seven-tenths of an acre under § 725.621: *Provided further*, That, if determined under § 725.621 at five-tenths of an acre or less, the redetermined allotment will not be less than determined under § 725.621.

(d) In case of a combined farm, the allotment as determined under this section will be the smaller of (1) the sum of the allotments redetermined under this section for the tracts involved or (2) the allotment that would be redetermined under this section for the combined farm as constituted in 1955: *Provided*, That if the allotment for the combined farm determined under § 725.621 was six-tenths or seven-tenths of an acre the allotment determined for the combined farm under this section will not be more than one-tenth acre less than the allotment determined under § 725.621; and shall not be less than the allotment determined for the combined farm under § 725.621 if determined under § 725.621 at five-tenths acre or less.

(e) Notwithstanding the provisions of § 725.618, any adjustment made or to be made will be accomplished by adding the amount of adjustment to 75 percent of the preliminary allotment determined under § 725.616.

(f) If a 1955 Burley farm tobacco acreage allotment was or would be reduced under § 725.619 within the period specified by the State Committee pursuant to § 725.619, the 1955 allotment for the farm redetermined under this section will be reduced by the same percentage that was or would be determined under § 725.619.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 69 Stat. 23; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 8th day of April 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-3016; Filed, Apr. 8, 1955; 10:17 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 54, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 914.354 (Navel Orange Regulation 54; 20 F. R. 2078) are hereby amended to read as follows:

(ii) District 2: 392,700 boxes.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 6, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-2931; Filed, Apr. 8, 1955; 8:52 a. m.]

[Navel Orange Reg. 55]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.355 *Navel Orange Regulation 55*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges grown in Arizona or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 7, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 10, 1955, and ending at 12:01 a. m., P. s. t., April 17, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 415,800 boxes;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 8, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3039; Filed, Apr. 8, 1955; 11:42 a. m.]

[Lemon Reg. 584]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.691 *Lemon Regulation 584*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 6, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 10, 1955, and ending at 12:01 a. m., P. s. t., April 17, 1955, is hereby fixed as follows:

(i) District 1: 4 carloads;
(ii) District 2: 321 carloads;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 7, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3014; Filed, Apr. 8, 1955; 9:23 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 108]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.18, the Oak Hill, Florida, area (R–68 formerly D–68), amended on July 3, 1954 in 19 F. R. 4061, is further amended by changing the "Using Agency" column to read: "Commander Fleet Air, Jacksonville, Florida".

2. In § 608.18, the Jacksonville, Florida, area (R–161 formerly D–161), amended on July 7, 1953, in 18 F. R. 3929, is further amended by changing the "Using Agency" column to read: "Commander Fleet Air, Jacksonville, Florida".

3. In § 608.18, the Boswick, Florida, area (R–166 formerly D–166), amended July 7, 1954 in 19 F. R. 4061, is further amended by changing the "Using Agency" column to read: "Commander Fleet Air, Jacksonville, Florida".

4. In § 608.18, the Keystone, Florida, area (R–180 formerly D–180), amended on July 3, 1954 in 19 F. R. 4061, is further amended by changing the "Using Agency" column to read: "Commander Fleet Air, Jacksonville, Florida".

5. In § 608.18, the Lake George, Florida, area (R–176 formerly D–176), amended on February 8, 1952 in 17 F. R. 1207, is further amended by changing the "Using Agency" column to read: "Commander Fleet Air, Jacksonville, Florida".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 18, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-2926; Filed, Apr. 8, 1955; 8:51 a. m.]

[Amdt. 110]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.31, the Grand Marais, Minnesota, area (R–187 formerly D–187) amended on February 26, 1955 in 20 F. R. 1209, is further amended by changing the "Description by Geographical Coordinates" column to read: "From latitude 47°06', longitude 90°39'; to latitude 47°21', longitude 90°58'; to latitude 47°47', longitude 90°12'; to latitude 47°31, longitude 89°53'; to point of beginning."

2. In § 608.20, the Pocatello, Idaho, area (R–255 formerly D–255), amended on August 1, 1950 in 15 F. R. 4914, is rescinded.

3. In § 608.33, the Fort Leonard Wood, Missouri, area (R–199 formerly D–199), published on July 16, 1949 in 14 F. R. 4292, is amended by changing the "Using Agency" column to read: "Commanding General, Fort Leonard Wood, Missouri."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 17, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–2928; Filed, Apr. 8, 1955 8:51 a. m.]

[Amdt. 109]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.39, the Albuquerque, New Mexico, area (R–313 formerly D–313), published on June 23, 1949, in 14 F. R. 3395, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 34°55'15", longitude 106°54'45"; thence to latitude 34°45'00", longitude 106°50'-00"; thence to latitude 34°45'00" longitude 107°15'00"; thence to latitude 34°52'00", longitude 107°15'00"; thence to latitude 34°55'30", longitude 107°05'-00"; thence to point of beginning".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 22, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–2927; Filed, Apr. 8, 1955; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5952]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ADVERTISING SPECIALTY NATIONAL ASSOCIATION ET AL.

Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—*Coercing and intimidating:* § 3.370 *Suppliers and sellers:* To Adopt and Enforce Resale Price Program, Contracts, or Agreements. Subpart—*Combining or conspiring:* § 3.425 *To enforce or bring about resale price maintenance:* § 3.430 *To enhance, maintain or unify prices.* 1. In or in connection with the offering for sale, sale and distribution of advertising specialties in commerce, and on the part of jobber respondent Rowan Printing Company, and four other jobber respondents, and on the part of each of the jobber members of respondent Advertising Specialty National Association, as named in the 1952 membership roster, and their respective officers, etc., entering into, continuing, cooperating in or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between or among any two or more of said jobber respondents or between or among any one or more of said jobber respondents and other jobbers not parties hereto, to (a) demand that a manufacturer of said products establish or maintain resale list prices for any of its said products; (b) threaten to boycott a manufacturer of said products which does not establish or maintain resale list prices for any of its said products; (c) report price cutting of a manufacturer's list prices established as a result of demands or threats of a group of jobbers; and (d) eliminate, lessen, or suppress price competition between or with jobbers of any manufacturer's said products; and, 2., in aforesaid connection, and on the part of twenty named respondent manufacturers supplying jobbers, and on the part of each of the manufacturers selling to jobbers, named in the 1952 membership roster of respondent association, and their respective officers, etc., individually or collectively, participating in, cooperating with, assisting in, or carrying out any planned common course of action, understanding, agreement, combination or conspiracy of jobbers, prohibited by part "1" of the orders; and, 3., individually or collectively, participating in, cooperating with, or assisting in the carrying out of any planned common course of action, understanding, agreement, combination or conspiracy of jobbers prohibited by parts "1" and "2" of the order, on the part of respondent Advertising Specialty National Association, and on the part of respondent Russell M. Searle (its secretary, and active participant in the acts and practices found to be illegal); and on the part of four other named individual respondents (who, as the case might be, were officers of a jobber respondent, or of respondent manufacturers supplying jobbers, and were, during all or part of the time when said acts and practices occurred, a director and chairman of the Executive Committee of respondent association, a director and member of said Executive Committee, director of said association, or member of said Committee); and on the part of the directors, officers, and representatives of respondent association; prohibited, subject to the proviso, however, as respects the prohibition contained in part "2" above, that nothing therein shall be interpreted as prohibiting a manufacturer from establishing and maintaining resale prices on its products in any manner exempted from the prohibitions of the Federal Trade Commission Act by the McGuire Act.

(Sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Advertising Specialty National Association (Washington, D. C.) et al., Docket 5952, March 4, 1955]

In the matter of Advertising Specialty National Association, an incorporated trade association; its directors, officers and members; the members of its executive committee; The H. L. Moore Company, Inc., a corporation; The George F. Cram Company, Inc., a corporation; Western Plastic & Specialty Co., Inc., a corporation; Kromex Sales Co., a corporation; Messenger Corporation, a corporation; Scripto, Inc., a corporation; Sanders Manufacturing Company, a corporation; Shaw-Barton, Inc., a corporation; Novelty Advertising Company, a corporation; The Elliott Calendar Company, a corporation; The Guy S. Meek Calendar Co., a corporation; The J. F. Meek Company, a corporation; The Beach Leather Company, a corporation; Francis & Lusky Company, Inc., a corporation; Kingston Pencil Corporation, a corporation; The Kemper-Thomas Company, a corporation; The Chaney Manufacturing Company, a corporation; The Ohio Thermometer Company, a corporation; Rowan Printing Company, a corporation; The Geo. H. Jung Co., a corporation; Kurtz Bros., a corporation; Harry K. Voelp, Inc., a corporation; Terre Haute Advertising Company, Inc., a corporation; Daniel L. Townes, an individual, doing business as Shelbyville Pencil and Novelty Company; Paul C. Johnson and Esther G. Johnson, individually, and as copartners, trading as J. E. Johnson Printing Company; Bernet B. Lewis, an individual, doing business as Advertising Specialty Company; Robert D. Phelps and John M. Phelps, individually and as copartners, trading as Phelps Manufacturing Company; Sidney S. Zentner, an individual, doing business as S. S. Zentner & Company; Perry L. Engel and Ray Thompkins, individually, and as copartners, trading as The Coshocton Novelty Company; Margaret B. Rosen, an individual, doing business as M. B. Rosen and Son Company; W. Wells Woodward, an individual, doing business as W. Wells Woodward Company; Harry C. Lisle, an individual, doing business as H. C. Lisle Company; individually, as above members, respectively, and as representatives of all of the members of respondent Advertising Specialty National Association; Russell M. Searle, R. J. Bernard, C. A. Peck, H. E. Kranhold, H. K. Atkins, H. R. LeRoy, George E. Wood, J. W. Shaw, C. N. Montanye, F. P. Spikins, and J. L. Turner, individually and as representatives of all of the members of respondent Advertising Specialty National Association and their agents.

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which charged respondent trade association of manufacturers and jobbers of advertising specialties, its members, and certain individuals who had been active in its affairs, with combining and agreeing to restrain competition in the sale of their products, using the association as an instrumentality for the accomplishment of said purpose, through requiring respondent manufacturers to establish and maintain consumer list prices on the products they sell to jobbers and requiring the jobbers to resell their products to the consumers at the resale prices so fixed by the manufacturers, and through various other specific practices; upon respondents' answers denying the charges; and upon hearings during which testimony and documents were presented in support of and in opposition to the allegations of the complaint.

Thereafter, following the initial decision of said hearing examiner, in which he concluded, upon consideration of the case on the merits, that the record did not establish the existence of any illegal agreement or combination in restraint of trade, and the appeal from his initial decision dismissing the complaint, the matter was disposed of by "Decision of the Commission", March 4, 1955, which, for reasons set forth in its accompanying opinion, granted the appeal as to the issue of concert of action between respondent jobbers and the respondent manufacturers who supplied them to suppress price cutting through resale price maintenance; set forth its findings as to the aforesaid matter; denied the appeal in all other respects; and, in accordance with its said decision, issued its order, including order to cease and desist as to the respondents there named, and order of dismissal as to certain other respondents found not involved, and three respondent manufacturers who sold directly only and who did not, as found, participate in the joint action concerned.

Said order in said decision, which set forth that the Commission had fully considered the entire record in the matter, including the transcript of the hearings (which showed that all members of respondent association were represented by counsel), and the briefs of the parties and oral argument of counsel; that the Commission found that the proceeding was in the interest of the public and made its said decision and the accompanying opinion,[1] its findings as to the facts and conclusion;[1] and set forth, following its finding that the acts, practices, and methods of respondents as there found were all to the prejudice of the public, and had a substantial and dangerous tendency and capacity to hinder, lessen, restrict, and restrain competition in commerce in the sale of advertising specialties, its conclusion that said acts, practices, and methods constituted unfair acts and practices in commerce within the intent and meaning of section 5 of the Federal Trade Commission Act; is as follows:

1. *It is ordered,* Therefore, that the jobber respondents Rowan Printing Company, Geo. H. Jung Co., Harry K. Voelp, Inc., Terre Haute Advertising Company, Inc., Novelty Advertising Company, and each of the jobber members of the respondent Advertising Specialty National Association, as named in the 1952 Membership Roster, and their respective officers, representatives, agents, and employees, in or in connection with the offering for sale, sale and distribution of advertising specialties in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between or among any two or more of said jobber respondents or between or among any one or more of said jobber respondents and other jobbers not parties hereto, to do or perform any of the following acts or practices:

(a) Demanding that a manufacturer of said products establish or maintain resale list prices for any of its said products.

(b) Threatening to boycott a manufacturer of said products which does not establish or maintain resale list prices for any of its said products.

(c) Reporting price cutting of a manufacturer's list prices established as a result of demands or threats of a group of jobbers.

(d) Eliminating, lessening or suppressing price competition between or with jobbers of any manufacturer's said products.

2. *It is further ordered,* That the respondent manufacturers supplying jobbers, H. L. Moore Company, Inc., George F. Cram Company, Inc., Western Plastic & Specialty Co., Inc., Kromex Industries, Inc., Paul C. Johnson and Esther G. Johnson, individually and as copartners trading as J. E. Johnson Printing Company, Bernet B. Lewis, individually, and trading as Advertising Specialty Company, Robert D. Phelps and John M. Phelps, individually and as copartners trading as Phelps Manufacturing Company, Messenger Corporation, Sanders Manufacturing Company, The Elliott Calendar Company, Perry L. Engel and Ray Thompkins, individually and as copartners trading as Coshocton Novelty Company, The Guy S. Meek Calendar Co., The J. F. Meek Company, Beach Leather Co., Inc., Francis & Lusky Company, Inc., Kingston Pencil Corporation, Daniel L. Townes, individually, and trading as Shelbyville Pencil and Novelty Company, The Chaney Manufacturing Company, Ohio Thermometer Company and Kurtz Bros., and each of the manufacturers selling to jobbers, who are named in the 1952 Membership Roster of the Advertising Specialty National Association, and their respective officers, representatives, agents, and employees, in or in connection with the offering for sale, sale or distribution of advertising specialties in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from individually or collectively:

Participating in, cooperating with, assisting in, or carrying out any planned common course of action, understanding agreement, combination or conspiracy of jobbers, prohibited by paragraph 1 of this order.

Provided, however, That nothing herein shall be interpreted as prohibiting a manufacturer from establishing and maintaining resale prices on its products in any manner exempted from the prohibitions of the Federal Trade Commission Act by the McGuire Act.

3. *It is further ordered,* That the respondent Advertising Specialty National Association and respondents Russell M. Searle, C. A. Peck, H. K. Atkins, H. R. LeRoy, and F. P. Spikins and the directors, officers and representatives of said respondent Association do forthwith cease and desist from, individually or collectively, participating in, cooperating with, or assisting in the carrying out of any planned common course of action, understanding, agreement, combination or conspiracy of jobbers prohibited by paragraphs 1 or 2 of this order.

4. *It is further ordered,* That the complaint be, and it hereby is, dismissed as to respondents Margaret B. Rosen, W. Wells Woodward, Harry C. Lisle, Sidney S. Zentner, Scripto, Inc., Shaw-Barton, Inc., The Kemper-Thomas Company, R. J. Bernard, H. E. Kranhold, George E. Wood, J. S. Shaw, J. L. Turner, C. N. Montanye and all of the direct selling manufacturer members of the respondent Association who do not sell to jobbers.

5. *It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.[2]

Issued: March 4, 1955.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–2925; Filed, Apr. 8, 1955; 8:51 a. m.]

[1] Filed as part of the original document.

[2] Commissioner Gwynne not participating as he did not hear oral argument and Commissioner Secrest not participating as oral argument was heard in this matter prior to his appointment to the Commission. Special concurring opinion by Mr. Mason is filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

DECLARATION OF QUANTITY OF CONTENTS ON LABELS FOR CANNED OYSTERS

By authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a)) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of interpretation is issued:

§ 3.38 *Declaration of quantity of contents on labels for canned oysters.* (a) For many years packers of canned oysters in the Gulf area of the United States have labeled their output with a declaration of the drained weight of oysters in the containers. Packers in other areas have marketed canned oysters with a declaration of the total weight of the contents of the container. Investigation reveals that under present-day practice consumers generally do not discard the liquid packing medium, but use it as a part of the food. Section 403 (e) (2) of the Federal Food, Drug, and Cosmetic Act and the regulations thereunder require food in package form to bear an accurate label statement of the quantity of food in the container.

(b) It is concluded that compliance with the label declaration of quantity of contents requirement will be met by an accurate declaration of the total weight of the contents of the can. The requirements of § 36.6 of this chapter, establishing a standard of fill of container for canned oysters and specifying the statement of substandard fill for those canned oysters failing to meet that standard remain unaffected by this interpretation.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 403, 52 Stat. 1047; 21 U. S. C. 343)

Dated: April 4, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-2911; Filed, Apr. 8, 1955; 8:48 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

FEES

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701; 68 Stat. 511, 52 Stat. 1055; 21 U. S. C. 348, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals (21 CFR Part 120; 20 F. R. 759) are amended by adding at the end of § 120.33 (d) the following new sentence: "However, such deposit is not required when, in connection with the change sought under this paragraph, a petition or request is filed for the establishment of new tolerances to take the place of those sought to be amended or repealed and a deposit is made as required by paragraph (a) or (b) of this section."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it would be against public interest to delay providing for this amendment and since it conditionally relaxes existing requirements.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. Sup. 348)

Dated: April 4, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-2912; Filed, Apr. 8, 1955; 8:48 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

SUPPLEMENTAL INDUSTRY LEARNER REGULATIONS

Pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214), the Administrator has heretofore issued revised General Learner Regulations contained in 29 CFR 522.1 to 522.12.

In issuing the revised General Learner Regulations, as published in the FEDERAL REGISTER on January 29, 1955 (20 F. R. 645) and made effective February 28, 1955, it was also intended that the existing supplemental industry learner regulations for the apparel, knitted wear, glove, hosiery, shoe, cigar and independent telephone industries would be amended to include only the appropriate provisions specifically relating to each industry. These editorial changes will renumber and simplify the supplemental industry learner regulations, will coordinate them with the recently revised General Learner Regulations, and will provide the public with a better understanding of the regulations applicable to the employment of learners. The supplemental industry learner regulations, as revised and renumbered below, are hereby substituted for the following: Regulations, Part 522, §§ 522.40 to 522.46 (Hosiery Industry); §§ 522.68 to 222.79 (Knitted Wear Industry); §§ 522.82 to 522.93 (Independent Telephone Industry); §§ 522.160 to 522.168 (Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry); §§ 522.201 to 522.211 (Cigar Industry); §§ 522.220 to 522.231 (Glove Industry); and §§ 522.250 to 522.260 (Shoe Manufacturing Industry).

In view of the fact that these amendments of the supplemental industry learner regulations make no substantive changes, notice and public procedure, as provided in section 4 of the Administrative Procedure Act, are unnecessary and contrary to the public interest. These amendments shall become effective on April 19, 1955.

APPAREL INDUSTRY

Sec.
522.20 Applicability of general learner regulations.
522.21 Applicability of §§ 522.20 to 522.24.
522.22 Number or proportion of learners.
522.23 Learner occupations and learning periods.
522.24 Subminimum rates.

KNITTED WEAR INDUSTRY

522.30 Applicability of general learner regulations.
522.31 Applicability of §§ 522.30 to 522.35.
522.32 Number or proportion of learners.
522.33 Learner occupations.
522.34 Learning periods.
522.35 Subminimum rates.

HOSIERY INDUSTRY

522.40 Applicability of general learner regulations.
522.41 Applicability of §§ 522.40 to 522.43.
522.42 Number or proportion of learners.
522.43 Learner occupations, learning periods and subminimum rates.

SHOE MANUFACTURING INDUSTRY

522.50 Applicability of general learner regulations.
522.51 Applicability of §§ 522.50 to 522.55.
522.52 Number or proportion of learners.
522.53 Learner occupations.
522.54 Learning period.
522.55 Subminimum rates.

GLOVE INDUSTRY

522.60 Applicability of general learner regulations.
522.61 Applicability of §§ 522.60 to 522.65.
522.62 Number of proportion of learners.
522.63 Learner occupations.
522.64 Learning period.
522.65 Subminimum rates.

INDEPENDENT TELEPHONE INDUSTRY

522.70 Applicability of general learner regulations.
522.71 Applicability of §§ 522.70 to 522.74.
522.72 Number or proportion of learners.
522.73 Learning period.
522.74 Subminimum rates.

CIGAR INDUSTRY

522.80 Applicability of general learner regulations.
522.81 Applicability of §§ 522.80 to 522.85.
522.82 Number or proportion of learners.
522.83 Learner occupations.
522.84 Learning period.
522.85 Subminimum rates.

AUTHORITY: §§ 522.20 to 522.85 issued under sec. 14, 52 Stat. 1068; 29 U. S. C. 214.

APPAREL INDUSTRY

§ 522.20 *Applicability of general learner regulations.* The employment of learners pursuant to the provisions of §§ 522.20 through 522.24 shall be subject to all provisions of the general regulations governing the employment of learners (§§ 522.1 through 522.12), except to the extent to which any provision of such general regulations is inconsistent with any provisions of §§ 522.20 through 522.24.

§ 522.21 *Applicability of §§ 522.20 to 522.24.* For purposes of §§ 522.20 to 522.24, the apparel industry consists of the following six divisions:

(a) Women's apparel, defined as follows: The production of women's, misses' and juniors' dresses; washable service garments; blouses from woven or purchased knit fabric; women's, misses', children's and infants' underwear, nightwear and negligees from woven fabrics; corsets and other body supporting garments from any material; infants' and children's outerwear; and other garments similar to the foregoing.

(b) Single pants, shirts and allied garments, defined as follows: The production of men's and boys' single pants, washable service garments, work shirts, overalls, overall jackets and coveralls from any material; dress and sport shirts from woven fabric or purchased knit fabric; and collars and sleeping wear from woven fabric.

(c) Sportswear and other odd outerwear, defined as follows: The manufacture of men's, women's and children's sportswear and other odd outerwear, including windbreakers, lumberjackets, mackinaws and mackinaw coats, melton jackets, blanket-lined and similar coats, leatherette coats and jackets, hunting coats and vests, riding clothing, ski-suits and snow-suits (except children's ski-suits and snow-suits), and similar garments from any woven materials or from purchased knitted materials.

(d) Rainwear, defined as follows: The manufacture of waterproofed garments and raincoats from oiled cloth or other materials, whether vulcanized, rubberized, cravenetted, or otherwise processed.

(e) Robes, defined as follows: The manufacture of robes from any woven material or from purchased knitted materials, including, without limitation, men's, women's and children's bath, lounging and beach robes and dressing gowns.

(f) Leather and sheep-lined clothing, defined as follows: The manufacture of leather, leather-trimmed and sheep-lined garments for men, women or children.

§ 522.22 *Number or proportion of learners.* (a) The number of learners which any employer may be authorized to employ by any special certificate issued to meet normal labor turnover needs shall not exceed on any one workday ten percent of the total number of productive factory workers in the plant: *Provided,* That, in plants employing less than 100 workers, a maximum of ten learners may be authorized.

(b) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need.

§ 522.23 *Learner occupations and learning periods.* (a) Sewing machine operating, final pressing, hand-sewing, finishing operations involving hand-sewing, maximum learning period of 480 hours for any of these occupations; all other pressing and all other machine operating (except cutting), a maximum learning period of 160 hours; but not more than a 320 hour learning period in such occupations where a maximum of 480 hours is authorized, if, within the previous two years, the worker has had 160 hours or more of experience in another of these occupations in any division of the industry.

(b) Final inspection of assembled garments—maximum learning period of 160 hours.

(c) If, within the previous two years, a worker has been employed in any division of the apparel industry, or in the manufacturing of men's and boys' underwear from any woven fabric in establishments in the knitted wear industry, in an authorized learner occupation for less than the maximum learning period authorized for that occupation, the number of hours of previous employment should be deducted from the applicable learning period.

§ 522.24 *Subminimum rates.* (a) A learner employed in occupations for which a 480-hour learning period is authorized, shall be paid:

(1) Not less than 70 cents per hour for the first 320 hours and not less than 72½ cents per hour for the next 160 hours, if employed in the women's apparel division of the apparel industry as defined in § 522.21 (a).

(2) Not less than 63 cents per hour for the first 320 hours, and not less than 70 cents per hour for the next 160 hours, if employed in any of the other divisions of the Apparel Industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

(3) An experienced worker in any one of the occupations shown in § 522.23 (a) for which a 480-hour learning period is authorized, who is being retrained in any other occupation shown in that paragraph, having such a 480-hour maximum period, shall be paid at wage rates not less than 70 cents per hour for the first 160 hours and not less than 72½ cents per hour for the next 160 hours, if employed in the women's apparel division of the apparel industry, as defined in § 522.21 (a); and at wage rates not less than 63 cents per hour for the first 160 hours and not less than 70 cents per hour for the next 160 hours, if employed in any of the other divisions of the apparel industry, as defined in § 522.21 (b), (c), (d), (e), and (f).

(b) A learner employed in the occupation of final inspection of assembled garments, shall be paid not less than 70 cents per hour during the 160-hour authorized learning period.

(c) A learner employed in any occupation for which a 160-hour learning period is authorized in § 522.23 (a) shall be paid not less than 70 cents per hour if employed in the women's apparel division, as defined in § 522.21 (a), and not less than 63 cents per hour if employed in any of the divisions of the apparel industry, as defined in § 522.21 (b), (c), (d), (e) and (f).

(d) The earnings of learners employed on a piece rate basis shall be based on those piece rates if in excess of the authorized subminimum rates, in accordance with § 522.6 (j).

(e) No experienced worker shall be employed under the terms of a special learner certificate, except as provided in paragraph (a) (3) of this section.

KNITTED WEAR INDUSTRY

§ 522.30 *Applicability of general learner regulations.* The employment of learners pursuant to the provisions of §§ 522.30 through 522.35 shall be subject to all provisions of the general regulations governing the employment of learners (§§ 522.1 through 522.12), except to the extent to which any provision of such general regulations is inconsistent with any provision of §§ 522.30 through 522.35.

§ 522.31 *Applicability of §§ 522.30 to 522.35.* For the purposes of §§ 522.30 to 522.35 the knitted wear industry is defined as follows:

(a) The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk.

(b) The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

(1) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(2) Fleece-lined garments; excluding, however, all fleece-lined garments made from purchased knitted fabric, except fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(3) Knitted towels or cloths.

(c) Knitted shirts of cotton or any other fiber or any mixture of fibers which have been manufactured in the same establishment as that where the knitting process is performed.

(d) The manufacturing of men's and boys' underwear from any woven fabric.

(e) The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections, or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; and the manufacture of bathing suits from any purchased fabric: *Provided,* That the manufacturing, dyeing or other finishing of gloves, mittens, and hosiery shall not be included.

§ 522.32 *Number or proportion of learners.* (a) The number of learners which any employer may be authorized to employ by any special certificate issued to meet normal labor turnover needs shall not exceed on any one workday five percent of the total number of productive factory workers in the plant: *Provided,* That, in plants employing less than 100 workers, a maximum of 5 learners may be authorized.

(b) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need.

§ 522.33 *Learner occupations.* Learners may be employed only in the occupations of machine knitter, machine stitcher, presser, winder, dyeing machine operator, brush machine operator, and

dryer operator, except that in exceptional cases the employment of learners at a subminimum wage may be authorized in other occupations upon a showing by any individual employer making application for a special certificate that a denial would result in a curtailment of opportunities for employment.

§ 522.34 *Learning periods.* (a) No worker shall be employed as a learner under the certificate after 480 hours' experience in the occupation of machine knitter, or 320 hours in the occupations of machine stitcher or presser, or 240 hours in the occupations of winder, dyeing machine operator, brush machine operator, or dryer operator.

(b) If a worker who is being trained in any authorized learner occupation has been employed in that same occupation in the knitted wear industry within the previous two years, the hours of such previous employment shall be deducted from the authorized learning period.

(c) If a worker is employed in the manufacture of men's and boys' underwear from any woven fabric in the occupations of machine stitcher or presser, all hours of employment within the previous two years as a machine stitcher or presser in the apparel industry shall be deducted from the authorized learning period in the event such worker is subsequently employed in the same occupation.

§ 522.35 *Subminimum rates.* (a) The subminimum rate which may be authorized in special certificates issued in the knitted wear industry shall be not less than 70 cents per hour.

(b) The earnings of learners employed on a piece rate basis shall be based on those piece rates if in excess of the authorized subminimum rates, in accordance with § 522.6 (j).

HOSIERY INDUSTRY

§ 522.40 *Applicability of general learner regulations.* The employment of learners pursuant to the provisions of §§ 522.40 through 522.43 shall be subject to all provisions of the general regulations governing the employment of learners (§§ 522.1 through 522.12), except to the extent to which any provision of such general regulations is inconsistent with any provision of §§ 522.40 through 522.43.

§ 522.41 *Applicability of §§ 522.40 to 522.43.* For purposes of §§ 522.40 to 522.43, the "hosiery industry" is defined as follows: The manufacture or processing of hosiery including, among other processes, the knitting, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

§ 522.42 *Number or proportion of learners.* (a) The number of learners which any employer may be authorized to employ by any special certificate issued to meet normal labor turnover needs shall not exceed on any one workday five percent of the total number of productive factory workers in the plant; provided that, in plants employing less than 100 workers, a maximum of 5 learners may be authorized.

(b) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need.

§ 522.43 *Learner occupations, learning periods and subminimum rates.* (a) A person who has had no previous experience in any of the following occupations in the hosiery industry may be employed as a learner in any one of the following occupations for the number of hours and at the subminimum rates set forth below:

Learner occupations	Learning periods (hours)	Subminimum rates
(1) *Seamless branch:*		
Knitting, transfer top only.	960	67½ cents first 480 hours, 72½ cents remaining 480 hours.
Looping.		
Pairing, women's nylon only.		
Mending,[1] women's nylon only.		
Topping.	480	67½ cents per hour.
Boarding.		
Folding, women's nylon and rayon.		
Welting.		
Mending, other than women's nylon.		
Pairing, other than women's nylon.		
Knitting, except transfer top.		
Seaming.	240	67½ cents per hour.
Examining and inspecting.		
Folding, other than women's nylon and rayon.		
(2) Full-fashioned branch:		
Pairing.	960	70 cents first 480 hours, 72½ cents remaining 480 hours.
Mending [1]		
Seaming.		
Folding.	480	70 cents per hour.
Boarding.		
Examining and inspecting.	240	

[1] For purposes of §§ 522.40 to 522.43, this occupation is defined as the process of hand-mending hosiery, either in the greige or finished condition, excluding snagging or scratching performed as a full-time and continuous process, and excluding the operation of various types of mending machines, such as Vitos, Vanitas, Stelos or Marvel, except where the operation of such machines is incidental to the hand-mending operation and the use of such machinery is an adjunct to the hand-mending process.

(b) The earnings of learners employed on a piece rate basis shall be based on those piece rates if in excess of the authorized subminimum rates, in accordance with § 522.6 (j).

(c) A person who has had previous experience or training in the hosiery industry at any time in any authorized learner occupation for less than the authorized learning period may be employed as a learner in the same occupation at the applicable subminimum rates until the number of hours authorized for that occupation are completed.

(d) A worker who has had full training in any authorized learner occupation may be transferred to any other learner occupation for a period not to exceed one-half of the learning period authorized for that occupation at not less than 72½ cents an hour. A worker who has had partial training in any authorized learner occupation may be transferred to any other learner occupation for either: (1) A period not to exceed one-half of the learning period authorized for that occupation, at not less than 72½ cents an hour; or (2) the balance of the number of hours permitted as a learning period for the occupation to which he or she is being transferred, at the applicable subminimum rates set forth in paragraph (a) of this section: *Provided, however,* That (i) no worker may be employed as a learner at learner rates in more than two authorized occupations; (ii) no worker who has completed the authorized learning period in the occupation of pairing may be employed as a learner at learner rates in the occupations of folding or inspecting; and (iii) no worker who has completed the authorized learning period may be employed as a learner at learner rates when transferring from the seamless branch of the hosiery industry to the full-fashioned or from the full-fashioned branch to the seamless, if the worker is employed in the same occupation as that in which he or she has been previously employed.

SHOE MANUFACTURING INDUSTRY

§ 522.50 *Applicability of general learner regulations.* The employment of learners pursuant to the provisions of §§ 522.50 through 522.55 shall be subject to all provisions of the general regulations governing the employment of learners (§§ 522.1 through 522.12), except to the extent to which any provision of such general regulations is inconsistent with any provision of §§ 522.50 through 522.55.

§ 522.51 *Applicability of §§ 522.50 to 522.55.* For the purpose of §§ 522.50 to 522.55, the shoe manufacturing industry is defined as follows:

(a) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper.

(b) The manufacture or partial manufacture of the following types of footwear, subject to the limitations of paragraph (a) of this section but without prejudice to the generality of that paragraph:

Athletic shoes.
Boots.
Boot tops.
Burial shoes.
Custom-made boots or shoes.
Moccasins.
Puttees, except spiral puttees.
Sandals.
Shoes completely rebuilt in a shoe factory.
Slippers.

(c) The manufacture from leather or from any shoe-upper material of all cut stock and findings for footwear, including bows, ornaments, and trimmings.

(d) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape:

Cutsoles.
Midsoles.
Insoles.
Taps.
Lifts.
Rands.
Toplifts.
Bases.
Shanks.
Boxtoes.
Counters.
Stays.
Stripping.
Sock linings.
Heel pads.

(e) The manufacture of heels from any material except molded rubber, but not including the manufacture of wood-heel blocks.

(f) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(g) The manufacture of pasted shoe stock.

(h) The manufacture of boot and shoe patterns.

Provided, That: The manufacture of cut stock and findings is included within this definition only when performed principally for their own use by companies engaged in the production of shoes.

§ 522.52 *Number or proportion of learners.* (a) The number of learners which any employer may be authorized to employ by any special certificate issued to meet normal labor turnover needs shall not exceed on any one workday ten percent of the total number of productive factory workers in the plant; provided that, in plants employing less than 100 workers, a maximum of 10 learners may be authorized.

(b) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need.

§ 522.53 *Learner occupations.* Special certificates may be issued authorizing the employment of learners at subminimum wage rates in the shoe manufacturing industry in any productive factory occupation, but not in (a) maintenance, warehousing, custodial, supervisory, clerical or office occupations or other non-productive factory occupations, such as elevator operator, truck driver and the like; nor in (b) the following occupations:

(1) Edge setting.
Edge trimming.
Goodyear and McKay stitching.
Lasting, including side lasting by hand, but excluding slip lasting.
Sole attaching, cement process.
Top stitching.
Treeing.
Upper leather cutting, hand or machine (except lining or trim).
Vamping.
Wood heel fitting, hand
Niggerhead machine operator.
(2) Bagger, insoles or outsoles.
Catcher, outsoles.
Channel lipwetter.
Floorboy.
Floorgirl.
Insole presser.
Rack changer.
Rack shover or pusher.
Sock lining getter.

§ 522.54 *Learning period.* (a) The maximum learning period which may be authorized in special certificates issued in the shoe manufacturing industry is 480 hours.

(b) If a worker who is being trained in any occupation or operation has been employed in the industry in productive factory work within the previous 5 years, the total number of hours of such employment shall be deducted from the maximum learning period.

§ 522.55 *Subminimum rates.* (a) The subminimum rates which may be authorized in special certificates issued in the shoe manufacturing industry shall be not less than 68½ cents per hour for the first 240 hours and not less than 72½ cents per hour for the second 240 hours.

(b) The earnings of learners employed on a piece rate basis shall be based on those piece rates if in excess of the authorized subminimum rates, in accordance with § 522.6 (j).

GLOVE INDUSTRY

§ 522.60 *Applicability of general learner regulations.* The employment of learners pursuant to the provisions of §§ 522.60 through 522.65 shall be subject to all provisions of the general regulations governing the employment of learners (§§ 522.1 through 522.12) except to the extent to which any provision of such general regulations is inconsistent with any provision of §§ 522.60 through 522.65.

§ 522.61 *Applicability of §§ 522.60 to 522.65.* For purposes of §§ 522.60 to 522.65, the glove industry consists of the following four branches:

(a) *Leather glove branch.* This branch includes the manufacture of dress, semi-dress, and work gloves made entirely from leather.

(b) *Woven or knit fabric glove branch.* This branch includes the manufacture of dress or semi-dress gloves from woven or knit fabrics, or combinations of such fabrics with leather.

(c) *Knitted glove branch.* This branch includes the manufacture by machine knitting of gloves and mittens from all types of yarn.

(d) *Work glove branch.* This branch includes the manufacture of work gloves from any type of fabric or combination of fabric and leather.

§ 522.62 *Number or proportion of learners.* (a) The number of learners which any employer may be authorized to employ by any special certificate issued to meet normal labor turnover needs shall not exceed on any one work day ten percent of the total number of workers employed in the occupations designated in § 522.63: *Provided,* That as many as ten learners may be authorized in any plant.

(b) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need.

§ 522.63 *Learner occupations.* Special certificates may be issued authorizing the employment of learners at subminimum wage rates in the glove industry in the occupations of hand and machine stitching in the leather glove branch of the industry; in the occupation of machine stitching in the woven or knit fabric and work glove branches of the industry; and in the occupations of finger knitting and finger closing in the knitted glove branch of the industry.

§ 522.64 *Learning period.* (a) The maximum learning period which may be authorized in special certificates issued in the glove industry is 480 hours.

(b) If a worker who is being trained in machine stitching on woven or knit fabric gloves has been employed in machine stitching on leather gloves, or if a worker who is being trained in machine stitching on work gloves has been employed in machine stitching on any type of leather, woven or knit fabric gloves, within the previous three years, the total hours of such employment shall be deducted from the maximum learner period.

§ 522.65 *Subminimum rates.* (a) The subminimum rates which may be authorized in special certificates issued in the glove industry shall be not less than 65 cents an hour for the first 320 hours and not less than 70 cents for the remaining 160 hours in the leather glove, woven or knit fabric glove and knitted glove branches of this industry, and not less than 63 cents an hour for the first 320 hours and not less than 68 cents an hour for the remaining 160 hours in the work glove branch of this industry.

(b) The earnings of learners employed on a piece rate basis shall be based on those piece rates if in excess of the authorized subminimum rates, in accordance with § 522.6 (j).

INDEPENDENT TELEPHONE INDUSTRY

§ 522.70 *Applicability of general learner regulations.* The employment of learners pursuant to the provisions of §§ 522.70 through 522.74 shall be subject to all provisions of the general regulations governing the employment of learners (§§ 522.1 through 522.12), except to the extent to which any provision of such general regulations is inconsistent with any provision of §§ 522.70 through 522.74.

§ 522.71 *Applicability of §§ 522.70 to 522.74.* (a) For purposes of §§ 522.70 to 522.74, the independent telephone industry is defined as follows: The Independent Telephone Industry includes only those companies which are engaged in the commercial operation of telephone exchanges and which are not owned or controlled by the American Telephone and Telegraph Company (Bell System) or its subsidiaries.

(b) Special certificates authorizing the employment at subminimum wage rates of learners in the occupation of switchboard operator in the independent telephone industry may be issued to exchanges of less than 2000 stations to the extent necessary to prevent curtailment of opportunities for employment, and to exchanges of 2000 or more stations when unusual circumstances are shown to exist which the Administrator or his authorized representative find would curtail opportunities for employment.

§ 522.72 *Number or proportion of learners.* (a) Special certificates issued to meet normal labor turnover may authorize not more than:

(1) One learner in exchanges employing up to 8 operators; or

(2) Two learners in exchanges employing 9–18 operators; or

(3) Three learners in exchanges employing 19–30 operators; or

(4) Four learners in exchanges employing 31–44 operators.

(5) In exchanges employing 45 or more operators, learners in addition to 4 may be employed at less than the minimum rate in the ratio of one learner for each additional 15 operators employed in the exchange.

(b) Special certificates issued to meet abnormal labor turnover may provide:

(1) In the case of exchanges employing up to 8 operators, two learners may be employed at any one time within any 6-month period, provided that a total of no more than two learners are employed within any such period and that each learner is employed for not more than 480 hours.

(2) In the case of exchanges employing 9 to 18 operators, four learners may be employed at any one time within any 6-month period, provided that a total of no more than four learners are employed within any such period, and that each learner is employed for not more than 480 hours.

(c) Special certificates issued to new or expanding exchanges may authorize the employment of the number of learners required to meet the employer's actual need in such exchanges.

§ 522.73 *Learning period.* The maximum learning period which may be provided for any learner under a special certificate issued in this industry shall not extend beyond the first 480 hours of employment in training for and in switchboard operating.

§ 522.74 *Subminimum rates.* (a) The subminimum hourly rates to be provided in a special certificate for learners shall be not less than 67½ cents per hour for the first 320 hours, and not less than 72½ cents for the remaining 160 hours of the learning period.

(b) The earnings of learners employed on a piece rate basis shall be based on those piece rates if in excess of the authorized subminimum rates, in accordance with § 522.6 (j).

CIGAR INDUSTRY

§ 522.80 *Applicability of general learner regulations.* The employment of learners pursuant to the provisions of §§ 522.80 through 522.85 shall be subject to all provisions of the general regulations governing the employment of learners (§§ 522.1 through 522.12), except to the extent to which any provision of such general regulations is inconsistent with any provision of §§ 522.80 through 522.85.

§ 522.81 *Applicability of §§ 522.80 to 522.85.* For purposes of §§ 522.80 to 522.85 the cigar industry consists of the cigar manufacturing branch and the leaf processing branch of the cigar industry, which are defined as follows:

(a) (1) "The cigar manufacturing branch of the cigar industry" means the manufacture of cigars from any types of tobacco.

(2) The term "cigar" covers all types of cigars, including cheroots, stogies, and little cigars.

(3) The manufacture of cigars from non-cigar types of leaf tobacco and the scrap tobacco therefrom includes the preliminary processing of such tobacco which is performed in the manufacturing plant as an integral part of the manufacturing operation; and

(b) (1) "The leaf processing branch of the cigar industry" means the preparation or marketing (including wholesaling) of cigar types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of cigars and other tobacco products.

(2) The term "preparation" as used herein includes all operations involved in making cigar leaf tobacco and scrap tobacco therefrom suitable for use in the manufacture of cigars, whether performed by employees of warehousemen, manufacturers, leaf dealers, or others. It includes, but not by way of limitation, the operations of grading, sorting, packing, sweating, fermenting, stemming, and conditioning. It does not include, however, such preliminary processing of cigar types of tobacco or scrap tobacco therefrom as is performed in a manufacturing plant as an integral part of the manufacturing operations attending the production of tobacco products other than cigars, nor does it include operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

§ 522.82 *Number or proportion of learners.* (a) Special certificates may be issued to meet normal labor turnover needs authorizing the employment of learners in any authorized learner occupation, not to exceed on any one work day more than ten percent of the total number of workers engaged in that occupation.

(b) Special certificates may be issued to new or expanding plants authorizing the employment of learners in authorized occupations to the extent of need.

§ 522.83 *Learner occupations.* Special certificates may be issued authorizing the employment of learners in the cigar industry in the occupations of cigar machine operating; cigar packing; hand bunch making; hand rolling; making Italian stogies; hand stripping; and machine stripping.

§ 522.84 *Learning periods.* (a) The maximum learning period which may be authorized in special certificates issued in the cigar industry for cigar machine operating is 320 hours; for hand rolling, 960 hours; for hand bunch making, 960 hours; for making Italian stogies, 640 hours; for hand stripping, 160 hours; for machine stripping, 160 hours; for packing cigars retailing for more than six cents, 320 hours; and for packing cigars retailing for six cents or less, 160 hours: *Provided, however,* That a worker experienced in the packing of cigars retailing for six cents or less may be trained as a learner in packing cigars retailing for more than six cents for not more than 160 hours, and that a worker with 160 hours or more of experience in the packing of cigars retailing for more than six cents may not be retrained at subminimum wage rates for any period in packing cigars retailing for six cents or less.

(b) If a worker who is being trained in any machine occupation has been employed in that same occupation within the previous two years, the hours of such employment shall be deducted from the maximum learning period. If a worker who is being trained in any hand occupation has been employed in that same occupation within the previous five years, the hours of such employment shall be deducted from the maximum learning period for that occupation.

§ 522.85 *Subminimum rates.* (a) The subminimum rates which may be authorized in special certificates issued in the cigar industry shall be not less than 65 cents per hour in the occupations of cigar machine operating and cigar packing; not less than 65 cents per hour for the first 480 hours and 70 cents per hour for the second 480 hours in the occupations of hand rolling and hand bunch making; not less than 65 cents per hour for the first 320 hours and 70 cents per hour for the second 320 hours in the occupation of making Italian stogies; and not less than 65 cents per hour in the occupations of hand stripping and machine stripping.

(b) The earnings of learners employed on a piece rate basis shall be based on those piece rates if in excess of the authorized subminimum rates, in accordance with § 522.6 (j).

Signed at Washington, D. C., this 4th day of April 1955.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 55-2907; Filed, Apr. 8, 1955; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PORT OF CHARLESTON, S. C.; WILMINGTON RIVER, GA.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.173 (a) is hereby amended by revoking subdivisions (vi), (vii), (viii), (ix) and (x) of subparagraph (1), prescribing areas of prohibited anchorage, and by revoking subparagraph (4), prescribing a quarantine anchorage, as follows:

§ 202.173 *Port of Charleston, S. C.*—(a) *The anchorage grounds.* * * *

(1) *Areas of prohibited anchorage.* * * *

(vi), (vii), (viii), (ix), and (x) inclusive. [Revoked.]

* * * * * *

(4) *Restricted anchorage (quarantine).* [Revoked.]

* * * * * *

2. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.178 prescribing anchorage grounds in Wilmington River and in Turners Creek, Georgia, is hereby amended, rescinding the anchorage grounds in Turners Creek and the regulations pertaining thereto, as follows:

§ 202.178 *Wilmington River, Ga.*—(a) *The anchorage grounds.* An area in the Wilmington River in the vicinity of Thunderbolt Harbor to the westward of a line from the southeasterly corner of the outer end of the wharf of the Shrine Club, bearing 183° true, 480 feet, to a point marked with a buoy; thence 204°30' true, 2,280 feet, to the Maggioni Packing Plant.

NOTE: Temporary floats or buoys for marking anchors or moorings in place will be allowed in this area. Fixed mooring piles or stakes are prohibited.

(b) *The regulations.* (1) Except in cases of great emergency, no vessel shall anchor in Wilmington River between the State Highway bridge at Thunderbolt, and 4,000 feet to the southward, except in the anchorage area hereby defined and established: *Provided, however,* That vessels may moor to any lawfully constructed wharf.

(2) Anchors must not be placed outside the anchorage area, nor shall any vessel be so anchored that any portion of the hull or rigging shall at any time extend outside the boundary of the anchorage area.

(3) Any vessel anchoring under circumstances of great emergency outside of the anchorage area should be placed near the edge of the channel and in such position as not to interfere with the free navigation of the channel nor obstruct the approach to any pier nor impede the movement of any boat, and shall move away immediately after the emergency ceases or upon notification by the District Engineer, Corps of Engineers, Savannah, Georgia, charged with the enforcement of the regulations in this section.

(4) A vessel, upon being notified to move into the anchorage limits or to shift its position on anchorage grounds, must get underway at once and must change position as directed, with reasonable promptness.

(5) Whenever the maritime or navigation interest of the United States so require, the District Engineer is hereby empowered to shift the position of any vessel anchored within the anchorage area and of any vessel which is so moored or anchored as to impede or obstruct vessel movements in any channel.

(6) Nothing in this section shall be construed as relieving the owner of or person in charge of any vessel from the penalties of the law for obstructing navigation or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

[Regs., March 15, 1955, 800.212 (Charleston Harbor, S. C.) (Turners Creek, Ga.)—ENGWO] (38 Stat. 1053; 33 U. S. C. 471)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-2899; Filed, Apr. 8, 1955; 8:45 a. m.]

PART 205—DUMPING GROUNDS REGULATIONS

HAWAIIAN ISLANDS, MIDWAY AND WAKE ISLANDS

Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 Stat. 1147; 33 U. S. C. 419), § 205.70 prescribing dumping grounds in Honolulu Harbor is hereby amended to include dumping grounds in Hilo Harbor, Kahului Harbor, Kaunakakai Harbor, Kolo Harbor, Nawiliwili Harbor and Port Allen Harbor in the Hawaiian Islands, and Midway and Wake Harbors, as follows:

§ 205.70 *Hawaiian Islands, Midway Island and Wake Island*—(a) *Dumping grounds*—(1) *Hilo Harbor, Hawaii, T. H.* A triangular area formed by the intersection of a true north line from station 59+30 on Hilo Harbor breakwater, and a line running westerly from Paukaa Point at latitude 19°45'57", and a line bearing 64° 30' true from the stack on Wainaku Mill at Alealea Point.

(2) *Honolulu Harbor, Oahu, T. H.* The seaward sector prescribed by the intersection of a line from Aloha Tower through Fort Armstrong flagstaff and the Kewalo Basin entrance range line extended. The dumping grounds north of an east-west line through Diamond Head Light shall be used for nighttime dumping and the grounds south of the line for daytime dumping.

(3) *Kahului Harbor, Maui, T. H.* A circular area having a radius of 1,500 feet, with its center at latitude 20°55'54", longitude 156°27'05".

(4) *Kaunakakai Harbor, Molokai, T. H.* A circular area having a radius of 350 feet, with its center at latitude 21°04'27.5", longitude 157°02'16".

(5) *Kolo Harbor, Molokai, T. H.* A circular area having a radius of 350 feet, with its center at latitude 21°04'57.5", longitude 157°11'50".

(6) *Nawiliwili Harbor, Kauai, T. H.* A circular area having a radius of 1,500 feet, with its center at latitude 21°56'08", longitude 159°20'33".

(7) *Port Allen Harbor, Kauai, T. H.* A circular area having a radius of 175 feet, with its center at latitude 21°53'40.5", longitude 159°35'27.5".

(8) *Wake Harbor, Wake Island.* A circular area having a radius of 1,500 feet, with its center at latitude 19°17'16.5", longitude 166°36'14".

(9) *Midway Harbor, Midway Island.* A circular area having a radius of 1,500 feet, with its center at latitude 28°10'36", longitude 177°22'18".

(b) *The regulations.* (1) No dumping shall be done in waters outside the dumping grounds prescribed in this section, unless specifically authorized by a Department of the Army permit.

(2) The dumping grounds may be used only for the dumping of suitable nonfloatable materials, not easily transported by the currents, from dredging and other operations, such as submarine excavations, ballast and other suitable materials from vessels and waste materials of suitable character from neighboring land excavations.

(3) All dumping except in Honolulu Harbor, shall be done in the daytime. In Honolulu Harbor, all dumping during the daytime shall be done in the day dumping area, and during the nighttime in the night dumping area. All dumping shall be subject to the supervision of the District Engineer, or his representative, who may suspend the privilege at any time, if, in his opinion, the interests of navigation so require. No dumping shall be performed without the prior approval of the District Engineer, or his representative, and at least twenty-four hours' advance notice shall be given to the District Engineer, or his representative, prior to commencement of any dumping.

(4) Dumping of other than dredged material shall be done only under the supervision of the District Engineer or his representative, and the cost of inspection shall be borne by the party responsible for the dumping.

(5) Inspectors and others, while engaged in this service, will be afforded satisfactory transportation to and from the dumping grounds, and will be provided protection from the weather.

(6) In all the above cases the District Engineer will require, if in his judgment it becomes necessary, buoys or a stake boat to be maintained by the United States at the expense of the responsible party.

(7) The regulations in this section shall not be construed as authorizing, without the usual Department of the Army written permit, any dredging in or connecting with the navigable waters.

(8) Maps of the dumping grounds are available for inspection in the office of the Honolulu Area Engineer, Room 117, Headquarters Building, Fort Armstrong, Honolulu, T. H.

[Regs., March 25, 1955, 800.213-ENGWO] (33 Stat. 1147; 33 U. S. C. 419)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-2900; Filed, Apr. 8, 1955; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

CRATER LAKE NATIONAL PARK; SPEED

Section 20.2 *Crater Lake National Park* is amended by the addition of paragraph (c), reading as follows:

(c) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42 (b) of this chapter are as follows:

(1) Basic speed rule:

(i) No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway, the hazard at intersections and any other conditions then existing.

(ii) No person shall drive at a speed which is greater than will permit the driver to exercise proper control of the vehicle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and with the duty of drivers and other persons using the highways to exercise due care.

(2) 15 miles per hour:

(i) In all campgrounds, parking areas, and places of public assemblage.

(ii) Upon that portion of any highway which passes through or borders upon a scene of emergency, such as forest fires, auto accidents or similar emergency.

(iii) In any business or residence area.

(3) 20 miles per hour:

(i) Upon approaching within 50 feet and in traversing an intersection of highways where the driver's view in either direction along any intersecting highway within a distance of 200 feet is obstructed, except that when traveling upon a through highway or at traffic-controlled intersection, the district speed applies.

(ii) When approaching, or upon a curve or any other part of a highway, in the event the driver's view is obstructed within a distance of 100 feet along the highway in the direction in which such driver is proceeding.

(iii) When approaching or traversing a section of highway posted as "Construction" or "Men Working" or similarly, unless a lesser speed limit is posted.

(4) 35 miles per hour:

(i) That portion of Annie Springs to Rim Highway lying between Park Headquarters and North Junction.

(5) 45 miles per hour on all other paved, public roads in the Park.

(6) Special speed limits:

(i) Whenever the Superintendent, Crater Lake National Park, determines that a temporary condition or situation exists upon or adjacent to a road, which requires a reduced speed limit, the Superintendent may designate a lesser speed limit, which shall be effective when appropriate signs giving notice thereof are erected upon such road.

(7) Any speed in excess of the speeds designated in subparagraphs (2), (3), (4), (5) and (6) of this paragraph shall be prima facie evidence of violation of subparagraph (1) of this subparagraph.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 18th day of March 1955.

[SEAL] THOS. J. WILLIAMS,
Superintendent,
Crater Lake National Park.

[F. R. Doc. 55-2903; Filed, Apr. 8, 1955; 8:46 a. m.]

PART 20—SPECIAL REGULATIONS

DEVILS TOWER NATIONAL MONUMENT; SPEED

1. Paragraph (a) *Speed,* of § 20.52 *Devils Tower National Monument,* shall read as follows:

(a) *Speed.* The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 35 miles per hour, except where different speed limits are indicated.

(39 Stat. 535, as amended; 16, U. S. C. 3)

Issued this 7th day of February 1955.

[SEAL] RAYMOND W. MCINTYRE,
Superintendent,
Devils Tower National Monument.

[F. R. Doc. 55-2904; Filed, Apr. 8, 1955; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1111]

CALIFORNIA

AMENDING PUBLIC LAND ORDER NO. 283 OF MAY 31, 1945, WHICH WITHDREW CERTAIN LANDS IN CALIFORNIA FOR USE OF THE NAVY FOR AVIATION PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 283 of May 31, 1945 withdrawing public lands for the use of the Navy Department for aviation purposes is hereby amended by deleting therefrom the following paragraph:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior and any other Department or agency of the Federal Government, according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 5, 1955.

[F. R. Doc. 55-2901; Filed, Apr. 8, 1955; 8:45 a. m.]

[Public Land Order 1112]

OREGON

RESERVING PUBLIC LANDS FOR USE BY THE FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within certain national forests as hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved as administrative sites:

WILLAMETTE MERIDIAN

OCHOCO NATIONAL FOREST

Ochoco Ranger Station Administrative Site

T. 13 S., R. 19 E.,
Sec. 34, E½E½NE¼NE¼;
Sec. 35, W½NW¼NW¼, SE¼NW¼NW¼, W½NE¼SW¼, E½SW¼SW¼, W½SE¼SW¼, W½E½SE¼SW¼.

The areas described aggregate 110 acres.

WHITMAN NATIONAL FOREST

Lily White Administrative Site

T. 7 S., R. 44 E.,
Sec. 7, lot 4, SE¼SW¼;
Sec. 18, lot 1, NE¼NW¼.

The areas described aggregate 171.16 acres.

This order shall take precedence over, but not otherwise affect, the existing reservation of the lands for national forest purposes.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 5, 1955.

[F. R. Doc. 55-2902; Filed, Apr. 8, 1955; 8:46 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

PART 403—VENDING STAND PROGRAM FOR THE BLIND ON FEDERAL AND OTHER PROPERTY

Pursuant to authority conferred by the Randolph-Sheppard Vending Stand Act, as amended by section 4 of Public Law 565, 83d Congress, 68 Stat. 663, 20 U. S. C., Part 403 is revised by these regulations. These regulations supersede the regulations previously appearing in Part 403, subject to the transition provisions of § 403.17.

The revised Part 403 is as follows:

Sec.
403.1 Terms.
403.2 Application for designation as licensing agency; general.
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403.15 Revocation of designation as licensing agency; procedures.
403.16 Revocation of designation as licensing agency; effect.
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AUTHORITY: §§ 403.1 to 403.17 issued under sec. 2, 49 Stat. 1559, as amended by 68 Stat. 663; 20 U. S. C., 107a.

§ 403.1 *Terms.* Unless otherwise indicated in this part, the terms below are defined as follows:

(a) "Act" means the Randolph-Sheppard Vending Stand Act (Public Law 732, 74th Congress, 49 Stat. 1559, as amended by section 4 of Public Law 565, 83d Congress, 68 Stat. 663; 20 U. S. C. 107, chapter 6A).

(b) "Secretary" means the Secretary of Health, Education, and Welfare.

(c) "Director" means the Director of the Office of Vocational Rehabilitation in the Department of Health, Education, and Welfare.

(d) "Licensing agency" means the State agency designated by the Director pursuant to the act and this part, to issue licenses to blind persons for the operation of vending stands on Federal and other property.

(e) "Commission for the Blind" means a State agency which provides services exclusively for the blind and other visually handicapped individuals.

(f) "Program" means all the activities of the licensing agency, pursuant to the act and this part, related to vending stands on Federal and other property.

(g) "Federal property" means any building, land, or other real property, owned, leased, or occupied by any department or agency of the United States or any instrumentality wholly owned by the United States, or by any department or agency of the District of Columbia or any Territory or possession of the United States.

(h) "Other property" means property which is not Federal property and on which vending stands are established or operated by the use of any funds derived in whole or in part, directly or indirectly, from the operation of vending stands on any Federal property.

(i) "License" means a written instrument issued by the licensing agency to a blind person, pursuant to the act and this part, authorizing such person to operate a vending stand on Federal or other property.

(j) "Operator" means a blind person licensed to operate a vending stand on Federal or other property under the act.

(k) "Permit" means the official authorization given a licensing agency by a department or agency in control of the maintenance, operation, and protection of Federal property, or person in control of other property, whereby the licensing agency is authorized to establish a vending stand.

(l) "Vocational Rehabilitation Act" means that act as amended by Public Law 565, 83d Congress, 68 Stat. 652; 29 U. S. C., chapter 4.

(m) "Vocational rehabilitation services" means those services necessary to render a blind person fit to engage in remunerative employment.

(n) "State Vocational Rehabilitation Agency" means that agency in the State providing vocational rehabilitation services to the blind as the sole State agency under a State plan approved pursuant to the provisions of the Vocational Rehabilitation Act.

(o) "Vending stand" means:

(1) Such shelters, counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment as are necessary for the vending of such articles as may be approved by the licensing agency and the Federal department or agency having control of the maintenance, operation, and protection of Federal property or person in the control of other property; and

(2) Manual or coin-operated vending machines or similar devices for vending such articles.

(p) "Blind person" means a person having not more than 10 per centum visual acuity in the better eye with correction. This means a person who has

(1) Not more than 20/200 central visual acuity in the better eye after correction; or

(2) An equally disabling loss of the visual field—i. e., a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees. Such blindness shall be certified by a duly licensed ophthalmologist.

(q) "State" means a State, Territory, or possession, or the District of Columbia.

§ 403.2 *Application for designation as licensing agency; general.* (a) Applications for designation as licensing agency may be submitted by a State Commission for the Blind or, in any State where there is no such Commission, by some other public agency of that State. Effective August 3, 1958, in any State having an approved plan for vocational rehabilitation pursuant to the Vocational Rehabilitation Act, only the sole agency designated pursuant to section 5 (a) (1) of such act with respect to vocational rehabilitation of the blind may be the State licensing agency.

(b) The application shall:

(1) Be submitted in writing to the Director;

(2) Be approved by the chief executive of the State; and

(3) Be transmitted over the signature of the executive officer of the State agency making application.

§ 403.3 *Application for designation as licensing agency; contents.* The application shall indicate:

(a) The licensing agency's legal authority to perform the functions necessary for the administration of the program, including its authority to issue regulations to govern the program which would have the force and effect of law within the State, and that such regulations will be issued in accordance with the provisions of State law.

(b) The licensing agency's organization for carrying out the program, including, where the licensing agency and the State vocational rehabilitation agency are the same, the methods of coordinating the two programs.

(c) The broad policies and standards to be employed in the selection of suitable locations for vending stands.

(d) The policies to be followed in making suitable vending stand equipment and adequate initial stocks of merchandise available and the sources of funds to be used therefor.

(e) The sources of funds for the management of the program and the amounts of funds, if any, to be set aside from the proceeds of the operation of vending stands.

(f) The policies and standards governing the relationship of the licensing agency to the operators, including their selection, duties, supervision, transfer, and financial participation.

(g) The methods to be followed in providing suitable training to blind persons selected for licensing under the program.

(h) The arrangements made or contemplated, if any, for the utilization of the services of any agency or organization; the agreements therefor and the services to be provided; the procedures for the supervision and control of the services provided by such agency or organization and methods used in evaluating services received, the basis for remuneration, and the fiscal controls and accounting procedures.

(i) The arrangements made or contemplated, if any, for the vesting in accordance with the laws of the State, of the right, title to, and interest in vending stand equipment or stock (including vending machines) used in the program in a nominee of the licensing agency to hold such right, title to, and interest for program purposes.

(j) That the designated State licensing agency will:

(1) Cooperate with the Director in carrying out the purpose of the act;

(2) Take effective action, including the termination of licenses, to carry out full responsibility for the management and operation of each vending stand in its program, in accordance with its established rules and regulations, this part, and the terms and conditions governing the permit;

(3) Submit promptly to the Director a description of any changes in the legal authority of the licensing agency, its rules and regulations, and any other matters which form a part of the application;

(4) If it intends to set aside, or cause to be set aside, funds from the proceeds of the operation of vending stands, obtain a prior determination by the Director that the funds to be set aside do not exceed a reasonable amount;

(5) Furnish each operator a copy of its rules and regulations and a description of the arrangements for providing services, and take adequate steps to assure that each operator understands the provisions of such documents and the provisions of the permit and any agreements under which he operates, as evidenced by his signed statement; and

(6) Make such reports in such form and containing such information as the Director may from time to time require and comply with such provisions as the Director may from time to time find necessary to assure the correctness and verification of such reports.

§ 403.4 *Rules and regulations of licensing agency; general.* (a) The State agency shall submit with its application rules and regulations which it has issued or proposes to promulgate immediately upon approval of its application. In the event proposed rules and regulations are submitted, the licensing agency shall within a reasonable time after the approval of its application, submit a copy of the promulgated regulations. Such rules and regulations shall contain adequate provisions to enable the licensing agency to carry out its responsibilities under the act and this part, and to assure the conduct of the program and the operation of each vending stand in accordance with the act, this part, and the regulations and conditions of the departments and agencies in control

of the maintenance, operation, and protection of Federal property, including the conditions contained in the permits, as well as all applicable State laws, local ordinances and regulations.

(b) Such rules and regulations and amendments thereto shall be filed or published in accordance with State law.

(c) Such rules and regulations shall include provisions adequate to insure that the right, title to, and interest in each vending stand used in the program and the stock will be vested in accordance with the laws of the State in only the following:

(1) The licensing agency;

(2) Its nominee, subject to the conditions specified in § 403.9 (b); and

(3) The operator.

The decision whether title may be vested in the operator rests with each State.

§ 403.5 *Rules and regulations; ownership by operators.* If a State decides that title may be vested in the operator, the rules and regulations shall specify:

(a) That a written agreement shall be entered into with each operator who is to have such ownership, such agreement containing in full the terms and conditions governing such ownership in accordance with criteria in the State agency's regulations, any applicable Federal regulations and the terms and conditions of the permit.

(b) Reasonable criteria to govern the determination as to the circumstances under which title may so be vested. Such criteria shall contain reasonable provisions to enable an operator to purchase vending stand equipment. No individual may be denied the opportunity to become an operator because of his unwillingness or inability to purchase the vending stand equipment or the initial stock.

(c) Whether the operator-owner or licensing agency shall be required to maintain the vending stand in good repair and in an attractive condition and replace worn-out or obsolete equipment; and if the former, provide that upon his failure to do so, the licensing agency may make or cause to be made, the necessary maintenance, replacement or repairs and make equitable arrangements for reimbursement.

(d) That where the operator owns such equipment and is required to maintain the vending stand in good repair and in an attractive condition and replace worn-out or obsolete equipment or agrees to purchase additional new equipment, service charges for such purposes shall be equitably reduced, and the method for determining such amount.

(e) That the State licensing agency shall retain a first option to repurchase such equipment, and in the event the operator dies, or for any other reason ceases to be a licensee or transfers to another vending stand, ownership of such equipment shall become vested in the licensing agency subject to an obligation on its part to pay to such operator or his estate, the fair value therein as determined in accordance with its regulations.

(f) That the operator, his personal representative or next of kin shall be entitled to an opportunity for a fair hearing with respect to the determination of the amount to be paid by the licensing agency for an operator's ownership in the equipment.

(g) The method to be used in determining the fair value of the operator's ownership in the equipment.

§ 403.6 *Rules and regulations; issuance and conditions of licenses.* The rules and regulations of the licensing agency shall further provide:

(a) Objective criteria for licensing qualified applicants, including a provision for giving preference to blind persons who are in need of employment and have resided for at least one year in the State in which the stand is to be located. Such criteria shall also include provisions to assure that licenses will be issued only to persons who are determind by the licensing agency to be:

(1) Blind;

(2) Citizens of the United States;

(3) At least 21 years of age; and

(4) Certified by the State vocational rehabilitation agency as qualified to operate a vending stand.

(b) For the issuance of licenses for an indefinite period but subject to termination if, after affording the operator an opportunity for a fair hearing, the licensing agency finds that the vending stand is not being operated in accordance with its rules and regulations, the terms and conditions of the permit, or the agreement with the operator.

(c) For the assignment to the operator of the income from vending machines within reasonable proximity to and in direct competition with the vending stand. (If a vending machine vends articles of a type authorized by the permit and is so located that it attracts customers who would otherwise patronize the vending stand, such machine shall be considered to be in reasonable proximity to and in direct competition with the stand.)

(d) The policies to govern the duties, supervision, transfer and financial participation of the operators.

§ 403.7 *Rules and regulations; hearings.* The rules and regulations shall specify the procedure whereby the licensing agency affords an opportunity for a fair hearing to each operator (or to his personal representative or next of kin in cases described in § 403.5 (f)) dissatisfied with any action arising from the operation or administration of the vending stand program.

§ 403.8 *Rules and regulations; set aside of funds.* The rules and regulations of the licensing agency shall specify the extent to which funds are to be set aside or caused to be set aside from the proceeds of the operation of the vending stands and that in no case will the amounts to be set aside exceed a reasonable amount as determined by the Director. Funds may be set aside only for the purposes of:

(a) Maintenance and replacement of equipment;

(b) The purchase of new equipment;

(c) Management services;

(d) Assuring a fair minimum of return to operators of vending stands; and the rules and regulations of the licensing agency shall set out the method of determining the charge for each of the above listed purposes. Such method will be designed to prevent, so far as is practicable, a greater charge for any purpose than is reasonably required for that purpose. The rules and regulations shall further provide that adequate records will be maintained to support the reasonableness of the charges for each of the purposes listed in this section.

§ 403.9 *Use of servicing arrangement.* (a) The licensing agency may enter into an agreement whereby another agency or organization undertakes to furnish services. Such agreement shall be in writing and contain provisions which:

(1) Clearly insure the retention by the licensing agency of full responsibility for the management and operation of all phases of the program;

(2) Specify the type and extent of the services to be provided under such agreement;

(3) Provide that no charges will be collected from operators except as specified in such agreement;

(4) Specify that such other agency or organization may not be allowed to exercise any function with respect to funds for the purchase of new equipment or for assuring a fair minimum of return to operators, except to collect and hold solely for disposition in accordance with the order of the licensing agency any charges authorized for those purposes by the licensing agency; and

(5) Specify that only the licensing agency shall have control with respect to selection, placement, financial participation and termination of the operators and the preservation, utilization and disposition of program assets.

(b) If the licensing agency permits any agency or organization other than an operator to hold any right, title to, or interest in vending stands or stock, the arrangement shall be one permitted by State law and shall specify in writing that all such right, title to, or interest is held as the nominee of the licensing agency for program purposes and subject to the paramount right of the licensing agency to direct and control the use, transfer, and disposition of such vending stands or stock.

§ 403.10 *Agreements with state vocational rehabilitation agencies.* In the event that the licensing agency is not also the State vocational rehabilitation agency, the licensing agency shall enter into a cooperative agreement with the State vocational rehabilitation agency with respect to providing vocational rehabilitation services to blind persons who are in need of such services.

§ 403.11 *Approval of application for designation as licensing agency.* When the Director determines that the application and rules and regulations (or proposed rules and regulations) indicate a plan of program operations which will stimulate and enlarge the economic opportunities for the blind and meet the other requirements of the act and of this part, he shall approve the application and shall designate the applying agency as the State licensing agency.

§ 403.12 *Permit for establishment of vending stands.* Prior to the establishment of each vending stand, the designated State licensing agency shall submit and have approved, in accordance with regulations of the department or agency in control of the maintenance, operation, and protection of the Federal property, (or procedures of the person in control of other property) an application for a permit setting forth the exact location, the amount of space to be occupied, the type of shelter and/or equipment, the types of items of merchandise to be offered for sale at each vending stand, including the number, location, and types of vending machines and other terms and conditions desired to be included in the permit.

§ 403.13 *Maintenance and repair of vending stands.* The licensing agency shall maintain (or cause to be maintained) all vending stands in good repair and in an attractive condition and shall replace or cause to be replaced worn-out and obsolete equipment as required to insure the continued successful operation of the stand.

§ 403.14 *Revocation of designation as licensing agency.* The Secretary shall revoke the designation of any licensing agency if he finds, after affording such agency an opportunity for a hearing, as hereinafter provided, that, in the administration of the program, there is a failure on the part of such agency to comply substantially with the provisions of the act or of this part.

§ 403.15 *Revocation of designation as licensing agency; procedures.* (a) If the Director has reason to believe that, in the administration of the program, there is a failure on the part of any licensing agency to comply substantially with the act and this part, he shall so inform such agency in writing, setting forth, in detail, the areas in which there is such failure and giving it a reasonable opportunity to comply.

(b) If, after the lapse of a reasonable time, the Director is of the opinion that such failure to comply still continues and that the licensing agency is not taking the necessary steps to comply, he shall offer to such agency, by reasonable notice in writing thereto and to the chief executive of the State, an opportunity for a hearing before the Secretary (or person designated by the Secretary) to determine whether there is a failure on the part of such agency to comply substantially with the provisions of the act and of this part.

(c) If it is thereupon determined that there is a failure on the part of such agency to comply substantially with the act and this part, appropriate written notice shall be given to such agency and to the chief executive of the State revoking said agency's designation as licensing agency effective 90 days from the date of such notice.

(d) If, before the expiration of such 90 days, the Secretary (or person designated by him) determines that the licensing agency is taking the necessary steps to comply, he may postpone the effective date of such revocation for such time as he deems necessary for the best interest of the program.

(e) If, prior to the effective date of such revocation, the Secretary (or person designated by him) finds that there is no longer a failure on the part of the licensing agency to comply substantially with the provisions of the act and of this part, he shall so notify the agency and the chief executive of the State, in which event the revocation of the designation shall not become effective.

§ 403.16 *Revocation of designation as licensing agency; effect.* (a) Effective upon the receipt of the notice of revocation of a State agency's designation as licensing agency, in accordance with § 403.15 (c), the licensing agency's authority to issue licenses to blind persons for the operation of vending stands on Federal and other property under the act and this part shall be suspended, except upon special authorization by the Director.

(b) After the effective date of the revocation of a State agency's designation as licensing agency, such agency shall have no authority to issue licenses to blind persons for the operation of vending stands under the act and this part.

(c) If, at the expiration of 60 days from the effective date of a revocation of a State agency's designation as licensing agency, no other agency in the State is designated, pursuant to the provisions of the act and this part, as licensing agency, all licenses issued by the agency whose designation has been revoked shall terminate.

§ 403.17 *Transition provisions.* Although the amendments to the act made by the Vocational Rehabilitation Amendments of 1954 (Public Law 565, 83d Congress; 68 Stat. 663; 20 U. S. C. 107, chapter 6A) were effective as of July 1, 1954, the following provisions are made for transition.

(a) All approvals as State licensing agency in effect immediately prior to July 1, 1954, continue in effect until whichever of the following occurs first:

(1) The designation is revoked under the act and this part as they existed immediately prior to July 1, 1954; or

(2) The application is superseded by an application approved under section 3 of the act and this part; or

(3) July 1, 1955.

Dated: April 6, 1955.

[SEAL] ROSWELL B. PERKINS,
Acting Secretary.

[F. R. Doc. 55-2934; Filed, Apr. 8, 1955; 8:54 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 108—KODIAK AREA

KING CRABS

Basis and purpose. On the basis of sampling of the commercial king crab trawl catches in the Kodiak area, it has been determined that excessive numbers of female and soft-shell male crabs are being caught by trawls.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 108.32 is amended in text to read as follows:

Fishing for, or taking king crabs, except by pots, is prohibited throughout the Kodiak area from April 11 to May 25, 1955, both dates inclusive.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Dated: April 7, 1955.

ARNIE J. SUOMELA,
Acting Director.

[F. R. Doc. 55-3000; Filed, Apr. 1, 1955; 1:54 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

[Docket No. AO-166-A19]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed

amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Cincinnati, Ohio, on January 11, 12, and 13, 1955, pursuant to notice thereof issued January 7, 1955 (20 F. R. 179).

The material issues of record relate to:

(1) Adoption of a "withholding" and "pay-back" method of distributing among producers the proceeds from the sale of their milk to handlers.

(2) Reclassification of certain milk products now included in Class II, Class III, and Class IV milk.

(3) Revision of the formulas for pricing Class III milk and Class IV milk.

(4) Modification of the Class I and Class II price differentials (over the basic formula price) to eliminate seasonal price changes; and revision of the automatic supply-demand "adjustor" (affecting Class I and Class II price levels).

(5) Revision of the location adjustments applicable at pool plants supplying milk to distributing plants (fluid milk plants) which service the marketing area.

(6) Modification of butterfat differentials to handlers as a corollary to changes in class prices.

(7) Adoption of definitions of "dairy farmer" and "producer-handler."

(8) Revision of the butterfat differential to producers for administrative purposes.

(9) The emergency nature of marketing conditions.

Revisions of the price formulas for Class III and Class IV milk on a temporary basis (for the month of March 1955 only) were adopted in a decision issued on February 17, 1955, by the Assistant Secretary of Agriculture. Such revised formulas became effective on March 1, 1955. It was determined also in such decision that all other issues, including any consideration of Class III and Class IV milk pricing on a longer-term basis, should be submitted to interested parties for exceptions prior to final consideration and issuance. Such opportunity for exceptions is provided by this decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The returns to producers should be seasonally adjusted to provide additional price incentive for increased production of milk in the fall and winter months and a lower level of production in the spring and summer months.

Producer organizations proposed that the uniform price per hundredweight to producers be decreased by deducting 20 cents in April, 35 cents in May and June, and 30 cents in July. The monies accruing from such deductions from the price would be held in reserve for payment to producers during the months from September through January next following. One-eighth of the amount held in reserve would be returned to producers by addition to the uniform price for each of the months of September and January and one-fourth of such reserve would be added to the uniform price for each of the months of October, November, and December. As a corollary change the seasonal variations in the Class I price differential which occur twice a year, in April and August, would be eliminated and a single price differential for such class would be effective throughout the year.

The purpose of the provision is to widen the seasonal variation in uniform prices to producers between the period of seasonally highest production and the months of lowest seasonal production, thus to encourage a seasonal shift in milk deliveries to accommodate the need for a relatively even market supply of milk throughout the year. The record indicates that, typically, an average of 1.46 million pounds of milk were received daily from regular producers in May 1954 but that by November such receipts had dropped to 1.09 million pounds per day. Although the seasonal variation in the supply of producer milk has narrowed considerably during recent years, the variation is still sufficient to cause serious problems in the disposition of the seasonal reserve supply during the spring and summer. Any reduction in the seasonal level of supplies during such months is desirable because it will reduce the problem of disposing of milk which is excess to the needs of the market for inspected milk. The wider seasonal variation in returns should provide further encouragement to producers for increasing their production when returns are high and to reduce production when returns are low.

In certain of the larger markets with which Cincinnati competes for supplies, systems highly similar to that adopted for Cincinnati are used for adjusting uniform prices to producers on seasonal basis. The wider seasonal variation to be effected by the plan herein adopted should result in an improved seasonal relationship throughout the year between producer prices in Cincinnati and such competing markets.

It is concluded that the amount per hundredweight of producer milk to be retained should be 30 cents in April, 35 cents in May and June, and 20 cents in July. The total amount so retained should be divided so as to return to producers one-fourth of the total amount in each of the months of August through November. These rates of withholding and disbursement do not correspond precisely with the rates suggested by proponents. However, an analysis of the supply data indicates that a greater stimulus to the desired production pattern may be effected by making the rate of deduction somewhat higher for the period just prior to the peak of the flush season and by starting payments from the reserve fund to producers somewhat in advance of the months of lowest production. It may be noted, for example, that payments for April milk are received by producers at approximately the time of the production peak. Thus, it would appear that a given rate of deduction on April milk would be more effective in discouraging high production in the spring than a similar rate applied to July milk. Also, producers do not receive payment for September milk until more than half of the month of October has passed, i. e., immediately prior to the date of lowest seasonal production. It would appear that greater stimulation to shift the seasonal production pattern of supply will be afforded by revising the rates of deduction suggested for April and July by proponents and by a somewhat earlier disposition of the fund. Under such a plan payments out of the fund should begin with respect to August deliveries for which payment is made on the 20th day of September.

(2) The classification provisions of the order should be revised.

Eight proposals, as summarized below, were presented involving the classification of various products of milk.

Producer groups proposed, in essence, that milk, skim milk, and cream disposed of as plain, or sweetened, condensed and evaporated milk, animal feed, spray process and roller process nonfat dry milk solids, milk and skim milk dumped and spilled, and inventory variations other than Class III, be reclassified to Class IV from Class III milk.

One handler proposed that (1) all milk used to produce cheddar cheese, ice cream, ice cream mix, frozen cream, and frozen desserts, be reclassified from Class III to Class IV milk.

Certain other handlers proposed that (1) all milk, skim milk, and cream disposed of as cultured sour cream be reclassified from Class II to Class III milk, and (2) all milk, skim milk, and cream disposed of as plain, or sweetened, condensed and evaporated milk, and as spray and roller process nonfat milk solids be classified as Class IV instead of Class III milk.

The Dairy Division, Agricultural Marketing Service, proposed that, in view of the above proposals by producers and handlers, the entire classification structure of the market be reviewed.

Class I milk should include all milk and butterfat disposed of (1) in fluid form as milk, skim milk, flavored milk, milk drink and buttermilk; (2) used to produce concentrated milk (except evaporated milk and condensed milk; (3) in the form of fluid sweet or cultured sour cream, whipped cream, whipped cream substitutes, eggnog, and any product containing more than 6.0 percent butterfat not specified in Class II or Class III milk; and (4) butterfat shrinkage from producers' milk in excess of 2.5 percent of such receipts. This classification differs from that currently in the order in that buttermilk and items specified in (3) above have been added to Class I.

Testimony introduced into the record states that health regulations require the use of Grade A milk for those products added to Class I when such products are sold within the city of Cincinnati. In addition, these products are sold on a year-round basis and compete for the supply of inspected milk with other items which require milk of similar quality and have been included in Class I milk in the past. In view of the above these products should be included in Class I to return to the producers a price commensurate with their use value and in order that they will carry their proportionate share of the costs of inducing an adequate supply of Grade A milk for all

purposes for which this type of milk is required.

Although some opposition to the reclassification of cream to Class I milk was expressed at the hearing, it may be noted that such reclassification will increase handlers' costs only 45 cents per hundredweight of 40 percent cream, or $0.00241 per half-pint, since the price applicable to the butterfat component (through the butterfat differential) which represents the major factor in the cost of such product to handlers already is identical to that applicable to Class I milk.

This conclusion disposes also of the proposal that milk used for "cultured sour cream" be reclassified from the present Class II to present Class III milk. Attention is called to the decision of the Assistant Secretary dated June 9, 1954 which states, "Local health regulations require that sour cream be made from milk produced and handled in full compliance with these regulations—the same quality of milk as is required for cream for fluid consumption. The only available source of milk of this quality has been from producers as defined in the Cincinnati order, except in times of milk shortages when health authorities have permitted limited amounts of other milk to be used for short periods of time for this and other fluid uses. Thus, the market requirements for milk for sour cream are regularly supplied with producer milk. This use of milk should carry its share of the burden of maintaining producer milk supplies at a level sufficient to meet market requirements." Evidence presented at the hearing on January 11, 12, and 13, 1955 was essentially the same as the evidence presented at the hearing in 1954 upon which the decision of June 9, 1954, was based. The proponent handler, who is the primary processor of cultured sour cream in the market, stated that he would buy only milk of high quality for this use regardless of applicable health requirements. Although proponent indicated instances of competition with cultured sour cream originating in other markets, the testimony on this point is vague. It is concluded therefore that the record does not support the inclusion of cultured sour cream in a class lower than sweet cream.

Similar reasoning may be applied to the classification of eggnog, whipped cream, and whipped cream substitutes; therefore, these products should also be included in Class I milk.

Class II milk as revised should include all skim milk and butterfat used to produce (1) ice cream, ice cream mix, and frozen desserts; (2) cottage cheese; and (3) inventories of fluid product items. This classification differs from that currently in the order in that skim milk and butterfat used for eggnog have been reclassified from the present Class III to Class I milk as stated above, and in that milk used for condensed milk (or skim milk), frozen cream, evaporated milk, cheese (other than cottage cheese), nonfat dry milk solids, margarine, animal feed, and dumped and spilled milk have been reclassified from the present Class III to the new Class III milk.

Class II milk, as adopted, is made up of milk products that have common characteristics from the points of view of use and competitive conditions. These items, as well as Class I products, require year-round supply of inspected milk for a substantial portion of the market and are therefore different from items included in the lower-priced Class III milk. All are of a perishable nature but may be stored considerably longer than the items which make up Class I milk. The use of Grade A inspected milk is required for those products of Class II milk sold within the city limits of Cincinnati. Testimony introduced into the record indicated, however, that within the periphery of the city limits of Cincinnati, there are three municipalities, Norwood, Elmwood Place, and St. Bernard, which have separate corporate identities. Health regulations for the city of Cincinnati do not apply in these three municipalities; nor do these health regulations apply to the sales territory adjacent to Cincinnati and within the defined marketing area which is regularly covered by handlers manufacturing ice cream whose plants are located in Cincinnati.

Handlers who make ice cream or cottage cheese and who use Grade A inspected milk compete on sales made within the city limits only with other handlers who likewise purchase inspected milk for this use. With respect to such business all handlers are on a similar competitive basis in the purchase of their supplies. It is recognized, however, that such handlers have competition in other parts of the marketing area and in adjacent areas from manufacturers who are not required to use Grade A milk. Evidence introduced into the record indicated that as to ice cream this competition comes from ice cream manufacturers located in Dayton and Columbus, Ohio, and Louisville, Kentucky, among others. Official notice is taken of the fact that the 1950 population of Cincinnati was about 504,000 while that of Hamilton County (the order marketing area) for the same date was about 724,000. In addition, the ice cream sales distribution area of handlers extends considerably beyond Hamilton County. This indicates that a considerable portion of the ice cream sales by Cincinnati handlers are in areas where there is definite competition from unregulated ice cream manufacturers. One manufacturer testified, for example, that 40 percent of his sales were in the city of Cincinnati and that 60 percent were in surrounding territory.

Because of this competition from manufacturers who may use uninspected milk for their products, it would be unrealistic to include ice cream and other Class II products in the same price classifications as milk utilized for Class I purposes, even though the use of Grade A inspected milk is required for such product within Cincinnati. To do so would place Cincinnati manufacturers in an unfavorable competitive position in a large part of their sales territory and would result in the loss of a considerable market for producers' milk.

Because of the concentrated nature of cottage cheese as compared with milk supplied for fluid use, outlying plants that are qualified, from a health standpoint, to supply milk to the city of Cincinnati can ship cottage cheese into the market at a considerable saving over the cost of shipping whole milk which would otherwise be required for the processing of these products. The classification and pricing of cottage cheese should not be such as to increase the price appreciably above the level at which it could be, and sometimes is, obtained elsewhere in processed form since to do so would place undue burden upon the marketing of producer milk with possible disruptive effect upon the market.

At the same time, the products covered by Class II milk should be placed in a higher price classification than those products in Class III. Handlers require a regular supply of inspected milk for such products on a year-round basis even though a portion of the product must be disposed of in open competition with similar products made in other nearby areas. It may be noted further that cream and other milk ingredients of ice cream which would be suitable for Cincinnati handlers can be obtained from outside inspected sources only at a price considerably above the price level of manufacturing milk. There would appear to be no reason why milk from regular producers for the Cincinnati market used for this purpose should be classified strictly on a manufacturing basis.

Inventories are placed in Class II milk but should be limited to stocks on hand of bulk milk, skim milk, and cream and bottled milk and other fluid items in Class I milk. Processed products in Class I (such as cultured sour cream) and those in Class II and Class III milk should not be included in inventory since the milk used to produce such products will have been accounted for in the proper class.

Because inventories of fluid items are to be accounted for in Class II, it is necessary to provide a method for handling producer milk in inventory which is utilized in the current month for Class I purposes, but which the handler accounted for in Class II at the end of the preceding month. An additional factor to be considered is that handlers frequently use other source milk in their operations. Producer milk from inventory should have prior claim on Class I milk over current receipts of other source milk. This should be accomplished by considering the opening inventory of a month as a receipt in the same month and subtracting such receipt (under allocation procedure), in series, starting with Class II milk, following the subtraction of other source milk. To the extent that the opening inventory is allocated to Class I and there was an equivalent amount of producer milk classified in Class II in the previous month (after allocating other source milk) a reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month. This will result in equity of cost of milk among handlers and returns to producers irrespective of whether or not such producer milk is from the opening inventory or is a cur-

rent receipt. This change will greatly simplify the accounting procedures for handling inventory without increasing costs to handlers. The proposed system should be easier to administer and should reduce the reporting requirements on handlers.

Class III milk should include all milk and butterfat (1) used to produce plain, or sweetened, condensed milk or evaporated milk in bulk or in hermetically sealed cans, nonfat dry milk solids, and margarine; (2) used to produce cheese (not including cottage cheese), frozen cream, and butter; (3) specifically accounted for as dumped and spilled; (4) in milk, skim milk, and cream disposed of in bulk during March through August for commercial food processing; and (5) in butterfat shrinkage up to 2.5 percent of total receipts of butterfat in producer milk and shrinkage of butterfat in other source milk. Such classification differs from that currently in the order in that all such products, except butter, have been reclassified into the lowest price class of the market.

This classification structure puts into Class III all products which are essentially outlets for extra reserve supplies of milk. Within the Cincinnati milkshed milk is used for all such products at some time during the flush season. For the most part these products do not represent normal requirements of the market and do not require a supply of inspected milk. Also, there are no health regulations governing the type of milk to be used for the products of Class III milk while the milk used for products in the other classes must be Grade A inspected to the extent already described. Further, products such as butter, nonfat dry milk solids, and cheese are manufactured and sold on a nationwide basis wherever produced, and are priced on the basis of central markets. Consequently, if milk is to be utilized for these products during the season when the local milk supply is in excess of normal market needs, the pricing classification must be in line with that of manufacturing milk in other areas. It is appropriate, therefore, that such products be grouped into a separate price classification.

The inclusion of bulk condensed milk (or skim milk) and frozen cream in this class should encourage handlers to convert producer milk into these products for later use in ice cream, ice cream mix, and frozen desserts which are included in Class II milk. However, if, in a later month such Class III milk products, regardless of source, are allocated to Class II milk a "reclassification" charge should be applied to insure equity of cost among handlers for Class II milk. Such a charge is provided in the order.

(3) The price formulas for Class II and Class III milk as defined above should be revised.

Producer groups proposed that Class IV milk (as presently defined) be priced the same as present Class III milk for the months of September through February and be priced at a lower level for the months of March through August. A handler proposed a dual pricing structure for milk used to produce ice cream and related products, i. e., milk so used would be priced at one level if sold within the city of Cincinnati and at a different level if disposed of outside the city. An alternative proposal by the same proponent would price all milk used to produce ice cream at the price level of milk sold by dairy farmers to local condenseries. It was further proposed that milk used to produce Cheddar cheese be priced at the latter level. Another handler proposed that such Class III milk be priced at the higher of a butter-nonfat dry milk solids formula price or the local condensery price, and that present Class IV milk be priced at the lower of such butter-nonfat dry solids formula price or the local condensery price.

One proponent of a lower price for milk used as ice cream contended that handlers are placed at a competitive disadvantage in the sale of ice cream outside Cincinnati on the basis that they are forced to pay a higher price than their competitors who use ungraded milk for this purpose. It was further contended that because of proponent's present unfavorable competitive position in purchasing milk, ice cream sales have been lost and returns to Cincinnati producers thereby have been reduced. Testimony offered in opposition to the proposal contended that any lowering of the price of milk used to manufacture ice cream would reduce the uniform price and consequently would create added pressure on Class I prices.

Revised Class II milk, as in the case of Class I milk, represents year-round usage of producer milk. However, ice cream and cottage cheese, the principal products of Class II milk, while requiring Grade A milk for manufacture and sale within the city of Cincinnati, need not be made from such quality of milk to be sold in other parts of the marketing area and is found in competition with similar products made from ungraded milk when sold in the segment of the marketing area which lies outside the city.

Because of these factors milk used for ice cream and cottage cheese should be priced independently from the other classes of milk. Under current competitive sales conditions milk used for such products should be priced lower than milk used for Class I products; on the other hand, since they require a year-round supply of inspected milk in a major portion of the marketing area, they should be regarded as a regular rather than a distress use of milk and therefore should be priced somewhat above the prevailing price for milk for manufacturing purposes.

The suggestion that the price for milk for ice cream should be the same as the average of prices paid by local condenseries does not take recognition of the fact that, because of the city health regulations, Cincinnati handlers, must use inspected milk for ice cream sold within the city. It might well be argued that if milk used to produce ice cream for sales within the city of Cincinnati alone was to be considered, the price should be the same as that for Class I milk.

It may be noted also that proponents on inquiry agreed that the price paid to Cincinnati producers for milk used in ice cream, even when disposed of outside the city, should not be less than the cost of obtaining the required ingredients from other sources. The price formula for 3.5 percent milk adopted in this decision when adjusted by the class butterfat differential to the appropriate test is believed to be one which will result in an average cost to handlers for mix used in ice cream that is reasonably related to the prices which would be necessary to purchase the ingredients used therein if obtained from alternative sources. Such cost also will be in reasonable alignment with the respective costs of ice cream mix (at appropriate butterfat test) as computed under the provisions of other nearby Federal orders.

During the flush months of 1954 the total volume of milk going to Class II and Class III uses was, seasonally, the largest in the history of the market. Testimony introduced into the record showed that early in the flush season of 1954, substantial quantities of milk were turned back to cooperatives to be disposed of at any price the cooperatives might be able to obtain through disposal to unregulated plants. Recognition was taken of the fact that the prices then prevailing in the order were at a level that would not permit excess milk to move to normal outlets. In March 1954, the order was revised on a seasonal basis to provide a price for excess milk closely in line with the prevailing price of manufacturing milk. Production during recent months has continued at a relatively high level, indicating that volume of producer milk to be disposed of as excess milk during the flush season this year will be approximately as great as the volume so utilized in the same months of 1954. Although the pricing structure is designed to encourage a more even production pattern, a wide variation in production has been characteristic of the market.

In the interest of orderly marketing, it is concluded that the pricing structure for milk which must be used for the revised category of Class III milk should be so established as to enable such milk to move into manufacturing uses when seasonal excesses of supply exist. This may be accomplished by pricing such milk at the average price paid by local condenseries during the flush production season. It is concluded further that while the latter price should prevail during the flush season, a somewhat higher price (same as Class II price) should prevail during the remainder of the year. This price plan will promote the orderly marketing of excess milk during the flush season but also will encourage handlers to direct producer milk into higher-valued classifications during the short production season when such milk is needed for the various fluid uses, as indicated by the apparent continuing need for supplemental supplies from outside sources in such months. For the same reason the proposal to establish on a year-round basis the local condensery price as the producer price for milk used to produce Cheddar cheese should not be adopted. It is noted that proponents of the latter proposal indicated that the price problem encountered relates primarily to the flush production season.

Attention is called to the fact that basic formula price provision (§ 965.50 (a)) of the order has been changed to reduce the list of "midwest condenseries" contained therein from eighteen to thirteen plants by taking official notice of the fact that the five plants which have been eliminated from the list are no longer in operation.

(4) The Class I price provisions of the order, including the automatic supply-demand adjustor, should be revised.

Producer groups proposed that Class I milk be priced at a differential of $1.30 above the basic formula price on a year-round basis. Under the present order provisions Class I milk is priced at $1.05 above the basic formula during April through July, and $1.35 above the basic formula during August through March.

The Dairy Division, Agricultural Marketing Service, proposed that, in view of the various proposals for reclassification and pricing submitted by interested parties, the whole pricing structure should be reviewed.

The proposal for a uniform year-round Class I differential should be adopted. It does not appear that a seasonal variation of Class I prices will be necessary following adoption of the fall incentive payment plan as discussed elsewhere in this decision. The present system of seasonal pricing was adopted for the purpose of emphasizing the need for less milk in the flush production season of April, May, June, and July and of additional production during those months of the year when production is seasonally low. With the adoption of the fall incentive plan the seasonal variation in payments to producers should be appreciably greater than that provided by the present plan of seasonal variation in Class I prices.

Considerable evidence was introduced into the record on the subject of whether or not the proposed $1.30 Class I differential would constitute a net increase or decrease in the Class I price when compared to the annual weighted average of the seasonal differentials ($1.05 and $1.35) now in effect. It is concluded the proposed differential in conjunction with other changes as described below will result in a Class I price level substantially unchanged on an annual average basis. Such level of Class I differential should be adequate to bring forth a sufficient supply of milk.

The supply-demand adjustment should be revised on a seasonal basis. In the present order three schedules of adjustment rates are provided: one for the months of January, February, March, August, and September; a second schedule for April, May, June, and July; a third for October, November, and December. Under this system considerable variation in Class I prices has resulted, e. g., during 1954 the supply-demand adjustment varied from a plus $0.26 to a minus $0.26, or a total difference of $0.52 per hundredweight of milk. Part, although not all, of this difference was caused by the varying rates provided in the order.

It has been stated that a constant year-round Class I price differential has been adopted to eliminate variations in the Class I price from a seasonal standpoint in view of the alternative fall incentive payment plan discussed herein. Similar reasoning might be applied in connection with supply-demand adjustments since it is planned to accomplish appropriate seasonal variations in uniform prices to producers by the "take out" and "pay back," or fall incentive payment plan.

The supply-demand adjustments are designed to result in automatic changes in Class I prices as market supplies of producer milk change in relation to the quantity of Class I milk sold. In order to provide consistency in the data used to compute the base percentages and to simplify the computations, the disposition of items covered by § 965.41 (a) (1) and (3) is used as the measure of demand. To determine changes in the "supply-demand ratio" from a norm, the percentage of such sales to supplies in a recent two-month period is compared with a "base utilization percentage." Since plus or minus adjustments may reflect variations from seasonally established relationships of supply to demand in the base percentages, the supply-demand adjustment for a given month will be proper only so long as supply conditions and demand conditions continue in the pattern established as "normal." However, "normal" is a relative term and what may be considered appropriate as base percentages at one time may not be considered so at some later date. If either the supply pattern or the demand pattern shift from that established as normal, the supply-demand adjustments will cease to function properly from a seasonal standpoint. The fact that the supply-demand adjustment may result in unusual pluses or minuses to the price for any given month or season does not mean, necessarily, that normal relationships have changed. Such changes from the standard pattern may result from unusual conditions, such as a very late spring or extraordinary pasture for the particular season. However, when it is evident that there is a consistent change in the pattern, it may be assumed that new supply-demand relationships (on a seasonal basis) have developed and that the prior base percentages which had been considered normal no longer will give satisfactory results.

Such a situation appears to have developed in the Cincinnati market. As a result of an increased rate of production in the winter months and a relatively smaller increase in the spring and summer months (the flush season), seasonal variations in production have decreased rapidly during the past four years. This may be simply illustrated in the table below:

PRODUCER RECEIPTS: PERCENT OF VARIATION FROM ANNUAL AVERAGE (BASED UPON DAILY RECEIPTS)

		1951	1952	1953	1954
May, June, July, December	Above average by	Percent 29	Percent 22	Percent 20	Percent 12
January, February	Below average by	18	15	12	8

The shifting seasonal production pattern may be shown also by the relationship of production in the month of lowest supply to the month of highest supply. During the past four years this relationship (percentage-wise) has been: 1951, 52 percent; 1952, 61 percent; 1953, 64 percent; 1954, 67 percent.

During this same four-year period Class I usage has increased substantially but at a lesser rate than producer receipts; also, Class I usage has not shifted to a significant degree on a seasonal basis. As a result of the seasonal shift in production and the relatively stable seasonal pattern of Class I usage, supply-demand relationships have changed considerably during the four-year period. On an annual basis the producer receipts—Class I usage ratio has dropped from 66 percent in 1951 to 60 percent in 1954. A somewhat different result may be shown for various seasons of the year: for the months of December, January and February, the ratio has declined from 80 percent to 69 percent; for the three flush production months of May, June, and July the ratio has remained fairly stable, declining only from 51 percent to 50 percent; and for the two months of shortest production, October and November, the ratio has declined from 79 percent to 73 percent.

Thus, the evidence in the record indicates that supply-demand relationships have changed and that the base supply-demand percentages should be revised. Moreover, without modification of such percentages it appears from operation of the formula over the past two years that plus or minus adjustments resulting from the provision could work in a manner contrary to the fall incentive payment plan. If this were to occur consistently, as the result an unrealistic seasonal pattern of base percentages, the effectiveness of the fall incentive plan would be greatly reduced. The revised schedule of percentages have been designed to prevent this occurrence.

As in the case of the present order a limitation of 50 cents per hundredweight has been placed on the amount of the supply-demand adjustment. It is concluded that further review in hearing would be appropriate if the adjustment for any month were to exceed this amount.

(5) The provision for a location differential to handlers should be modified; the rate of such location differential should not be changed.

The present order provides for a location differential which is credited to handlers with respect to each hundredweight of producer milk (a) received and utilized at a pool plant located more than 45 miles from the City Hall in Cincinnati as any item of Class I and Class II milk or in the production of cottage cheese, ice cream or frozen desserts, or (b) which is moved from such a pool plant in the form of any product designated as Class I and Class II milk or as condensed skim milk, ice cream mix, or frozen cream to a fluid milk plant less than 45 miles from Cincinnati and utilized as any item of Class I and Class II milk or in the production of cottage cheese, ice cream or frozen desserts. In the case of such

movements to fluid milk plants less than 45 miles from Cincinnati, the differential allowed is limited to that portion of product moved and so utilized which is in excess of the total producer receipts at such transferee-plant. Under the present provision the credit is allowed the handler who transfers the milk.

The proposal would allow the credit to the transferee-handler under certain conditions. Proponents offered two reasons in support of the proposal. They contend that it would simplify the application of location differential credits when more than one outlying pool plant moves milk to the same fluid milk plant. In such instances a decision must be made as to the amount of credit to be allowed each of the pool plants that supply the milk. Also, it is believed by proponents that by allowing the transferee-handler the credit as proposed a somewhat lower cost of milk to such handler will result and such handler will be in a better position to reflect the lower cost in his resale prices, thus encouraging additional Class I utilization to the advantage of producers. It was alleged that the prices agreed upon between handlers in connection with interhandler transfers of milk have not been materially reduced during the several months the 15 cents per hundredweight location credit has been allowable.

It is concluded that the revised method of applying the location differential will tend to simplify accounting procedure and may encourage a greater reflection of the allowable credit in the prices of finished Class I products. For these reasons the proposal should be adopted.

A handler proposed a change in the rate of location adjustment from 15 cents to 25 cents per hundredweight. As in the case of the present location adjustment the revised rate would be credited to the handler with respect to Class I milk and Class II milk, as revised in this decision, at pool plants more than 45 miles from Cincinnati, or shipped in such forms from pool plants so located to fluid milk plants within a 45-mile radius of Cincinnati which serve the marketing area. However, the proposal provides that, when used as an adjustment to the uniform price to producers at such country pool plant the revised rate would be applied only on the quantity of milk physically moved from such plant to fluid milk plants within the 45-mile radius from Cincinnati, and the resulting monies would be divided by the hundredweight of producer milk receipts of the country pool plant. This would result generally in a deduction from the uniform price of substantially less than 25 cents per hundredweight at the country pool plant and in some months a zero adjustment would be applicable.

Proponent contended that the proposed change in the order would be justified on two bases: (1) The suggested 25-cent deduction represents the actual cost of transporting milk from the country pool plants into Cincinnati and, therefore, producers should pay the full cost of having their milk delivered to the place of ultimate use; and (2) producers should pay the transportation costs only on that milk which actually moves into Cincinnati; consequently, no deduction from the uniform price should be made on any milk which is received and used at the location of the country pool plant.

In the decision of the Assistant Secretary of Agriculture dated July 1, 1954, it was concluded that a location differential should be adopted to reflect prices to producers based upon the relative costs of moving milk from farms to various segments of the milkshed to the marketing area. It was indicated by the record which preceded such decision that the cost of hauling incurred by producers in making their milk available to the market through a country pool plant was approximately 15 cents per hundredweight higher than in the case of milk direct-shipped from farms to city plants. Obviously, milk to be used in Cincinnati is worth somewhat less if delivered to a location at a substantial distance from the city than if delivered directly to Cincinnati. Although proponent contended that it costs 25 cents per hundredweight to transport milk in tanks from existing country pool plants to Cincinnati and that producers should pay for the cost of such movement computed at this rate, there is no evidence in the present record to refute the relative costs of moving milk from farms to city plants as compared with delivery from farms to country pool plants as shown by the prior record. It would not be reasonable to compensate the handler for moving milk to the city plant from his country plant at a rate greater than that which would be incurred by the producer if the latter were to shift his point of delivery to a city outlet instead of a country pool plant.

Proponent contends also that in computing the uniform price per hundredweight to the producer at the outlying pool plant the actual cost incurred by the handler in moving milk from such country pool plant to the city should be deducted. Thus, the rate of deduction per hundredweight of producer milk at a given country plant would vary from month to month (sometimes being zero) and also would vary from one plant to another during the same month. As previously stated, the purpose of the location differential is to reflect the location disadvantage of distant producers as compared with nearby producers based upon the relative costs of moving their milk to market. Whatever location disadvantage exists is rather constant, changing only as there may be a change in the relative costs of hauling service for milk. The location disadvantage is not related in any way to the respective amounts of milk which may be shipped from country plants to city plants. It is concluded, therefore, that the proposed changes in the rate and application of location adjustments should not be adopted.

A handler stated that when, during the flush production season of the year, milk received at the handler's plant is in excess of requirements, such milk frequently must be shipped to outlying manufacturing plants for processing and that under the present provisions of the order, there is no way that he may recover the costs of transporting such excess milk. As a solution to this problem it was proposed that the order be amended to allow a $0.20 per hundredweight reduction in the price of milk which is received at a handler's plant and then transported to any manufacturing plant at a distance of 60 to 100 miles from Cincinnati for processing.

If this proposal were to be adopted, it seems probable that the optimum utilization of milk for the market as a whole would be discouraged; also that uneconomic movements of milk might be encouraged, with the result that producers would pay not only the cost of transporting milk into the market from the farm but also pay the cost of the hauling of excess milk out of the market. A more logical solution to this problem would be to amend the order so as to permit proprietary handlers as well as cooperatives, under certain limitations, to divert milk in excess of city plant requirements to manufacturing outlets while such milk is still in the country. This has been done by amending the "producer" definition in § 965.8.

(6) The butterfat differentials applied in adjusting the Class II and Class III prices should be revised.

For milk used to produce certain products the butterfat differential is as important to the ultimate cost of the milk to the handler as the level of the class price established on the basis of a butterfat content of 3.5 percent. This has been referred to above in connection with the reclassification of fluid cream.

In order to achieve a uniform price for each pound of butterfat in ice cream use, it is concluded that the Class II butterfat differential should be determined in direct relationship to the value placed on butterfat in such class under the Class II price formula for milk testing 3.5 percent.

Class III milk as established by this decision includes the principal uses to which seasonal reserves of milk may be put. The butterfat in milk so used is in excess of market needs during the flush production months and should be priced accordingly during the months of March through August. Therefore, the differential now contained in the order is continued in such months. During the months of September through February, the differential is made the same as that for Class II butterfat except for milk used to produce butter. In the case of milk used for the latter product the current butterfat differential is continued. Although the market is normally short of serum solids in the fall and winter months there is frequently an excess of butterfat because of the relatively high test of producers' milk at that time of year. This should permit the orderly marketing of any excess quantities of butterfat in all months.

(7) A definition of "producer-handler" should be included in the order; a corollary definition of "dairy farmer" should also be adopted.

It has been necessary to define the term "handler" essentially for the purpose of identifying those persons on whom obligations and requirements are, or may be, imposed by the order, including the obligation to pay the minimum prices established. The order has provided, however, that persons referred to therein as "producer-handlers" shall be exempt from all the regulatory provisions of the order, except that requiring the filing of reports as requested by the market administrator.

The producer-handler maintains control of his milk until ultimate disposition and in this respect his situation, from a minimum price standpoint, is substantially different from the regular producer whose milk is marketed through a handler. In exempting producer-handlers when the order was first initiated it was determined that full regulation of such persons would add to the administrative burden without assisting in a substantial measure to the operation of a program designed to bring orderly marketing conditions to producers generally.

The producer-handler would be permitted a competitive advantage over other handlers in the purchase of milk from farm sources for sale in the marketing area if the order were to allow him to buy freely from farms other than one operated as his personal enterprise and to continue his exemption from the order. It should not be possible, of course, for such a person to purchase milk from farms operated by other persons at their individual risks, unless such person is fully regulated in the same manner as other handlers. Such purchases made by the producer-handler, even if made under arrangements where either the cows or the farm are leased by him, while other handlers are fully regulated as to their prices and payments to producers, would tend to defeat the classified plan of pricing which is basic to the entire marketing plan provided by the regulation.

Recent complaints concerning the exempt status of persons claiming to operate as producer-handlers have been filed with the market administrator. Since the present order contains no definition or description of the type of operation meant by the term, it is administratively difficult to determine precisely whether a person is actually a producer-handler who operates within the limitations outlined, i. e., the present order does not provide the market administrator a standard against which he can compare the type of operation carried on by any person who claims producer-handler status.

For this reason a definition of producer-handler should be adopted. The definition included provides that if the producer-handler is to be exempt he must both operate in his capacity as a handler and maintain all his farm supply of milk as a matter of personal enterprise and at his own risk. Since producer-handlers frequently change their method of operation, it is necessary to continue the requirement that they file reports as requested by the market administrator in order that the basis for exemption as a handler in individual cases may be reviewed and affirmed from time to time and to provide complete market data concerning the supply and sales of milk.

In view of the fact that the alternative sources of information available to the market administrator concerning the actual extent of the farm operation carried on by any particular producer-handler, it is necessary to provide also that the burden of proof for information on which exemption may be granted or continued, as the case may be, should rest upon the person claiming producer-handler status rather than upon the market administrator.

A definition of "dairy farmer" will assist to clarify the application of the definition of producer-handler.

(8) The provision for a butterfat differential to producers should be modified for simplification.

It was proposed by producers that the computation of the butterfat differential used to adjust the uniform price be modified for the purpose of simplifying payments to individual producers for milk.

The order currently provides for the uniform price to be computed on the basis of the even cent for milk testing 3.5 percent in butterfat. It is provided also that a butterfat differential be paid to the individual producer as an adjustment to the uniform price when the milk delivered by such producer varies above or below 3.5 percent in butterfat. Under current order provisions this differential is rounded to the nearest tenth of a cent but since the individual producer's milk is tested to the nearest half point, the payment rate to the individual producer becomes a four decimal number whenever the last digit of the butterfat differential is an odd number.

If the butterfat differential were rounded to the nearest even (0, 2, 4, 6, 8) one-tenth cent, the rate of payment to the individual producer would be a three decimal number. Since there are more than 5,000 individual producers for whom payment checks must be written each month, a substantial reduction in the amount of work involved in computing producer payments could be effected by adopting the proposed method of rounding fractions.

The amount of money payable to producers through the butterfat differential is derived from the total pool value of milk. Therefore, the adoption of such a provision would not change the total cost of milk to handlers. Although for any given month some producers might be paid a small fraction of a cent more and others a small fraction of a cent less per hundredweight of milk, monthly adjustments of the differential by such means could be expected to offset each other over a period of time, and thus on an annual basis it is likely that the individual producer would experience little, if any, net change in his returns as the result of the simpler computation.

It is concluded that the computation of the butterfat differential to producers should be modified to the extent described.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producer organizations and certain handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

DEFINITION

§ 965.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 965.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

§ 965.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, buttermilk, flavored milk drinks, or cream in fluid form to a wholesale or

retail stop(s) other than to a milk processing plant(s).

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk all or a portion of which is disposed of on a route(s) operated wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means any milk plant, other than a fluid milk plant operated by a producer-handler, which is:

(a) A fluid milk plant as described in § 965.6 located in the marketing area;

(b) A fluid milk plant located outside the marketing area and disposing of not less than 10 percent of its entire route disposition of Class I milk on a route(s) operated wholly or partially within the marketing area; or

(c) A plant, receiving milk from dairy farms, which the market administrator determines has moved to a plant(s) described under paragraph (a) or (b) of this section an amount of milk or skim milk in fluid form equal to not less than one percent of the total Class I utilization of plants described in paragraphs (a) and (b) of this section during the second month preceding such movement as specified in the following schedule:

Months milk is moved:	*Months plant is pool plant*
One of the months of October and November.	November.
Two of the months of October, November, and December.	December.
Three of the months of October, November, December, and January.	January through October.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 *Producer.* "Producer" means any person operating a dairy farm who produces milk under a dairy farm permit issued by an appropriate health authority which is received at a "pool plant" described in § 965.7, or is caused to be diverted by a handler for his account from a pool plant to a nonpool plant during any of the months of March through August, inclusive, and milk so diverted shall be deemed to have been received by the transferor-handler at the pool plant from which it was diverted, except that the application of §§ 965.53 and 965.73 (c) to any such diverted milk shall be made on the basis of the location (whether more or less than 45 miles from the City Hall in Cincinnati) of the nonpool plant where received, subject to the following conditions:

(a) Milk which is physically received from a farm at a fluid milk plant(s) located less than 45 miles from the City Hall in Cincinnati on 60 percent or more of the days of its delivery during the next preceding period September through December, inclusive, shall be priced during the period of diversion as if received at such fluid milk plant(s); and

(b) Milk which does not qualify for diversion pursuant to paragraph (a) of this section, but which was physically received from a farm at a fluid milk plant(s) located less than 45 miles from the City Hall in Cincinnati on 60 percent or more of the days of its delivery from the date of first delivery of such milk through the last day of February next preceding shall be priced during the period of diversion as if received at such fluid milk plant(s): *Provided further,* That any producer whose milk has been approved as "Grade A milk" by an appropriate health authority for any month, or portion thereof, shall be a "Grade A producer" for such month, and any producer whose milk has not been so approved shall be a "Grade B producer."

§ 965.9 *Handler.* "Handler" means (a) any person who operates (1) a pool plant; or (2) a nonpool plant and either directly or indirectly disposes of Class I or Class II milk on a route(s) extending into the marketing area; or (b) any cooperative association with respect to the milk of any producer(s) whose milk has been received previously at a pool plant described in § 965.7 which milk has been caused to be diverted by the cooperative association under the conditions set forth in § 965.8 to a nonpool plant, if payment therefor has been collected by such association; and such milk shall be deemed to have been received from producers by such cooperative association.

§ 965.10 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 965.8.

§ 965.11 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 965.12 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a fluid milk plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 965.13 *Other source milk.* "Other source milk" means all milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to §§ 965.41 (a) (1) and (2), except (1) such products received from other fluid milk plants, or (2) producer milk; and

(b) Products other than those referred to in §§ 965.41 (a) (1) and (2) from any source (including those derived from producer milk) which are reprocessed or converted to another product during the month.

MARKET ADMINISTRATOR

§ 965.20 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 965.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this part;

(b) Report to the Secretary complaints of violations of the provisions of this part;

(c) Make rules and regulations to effectuate the terms and provisions of this part; and

(d) Recommend to the Secretary amendments to this part.

§ 965.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the fund provided by § 965.74, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times; and

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.64, and the producer butterfat differential.

REPORTS, RECORDS, AND FACILITIES

§ 965.30 *Reports of handlers to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 10th day after the end of each month, each handler who receives milk from producers shall report with respect to all milk, skim milk, cream and other milk products handled by him during the month as follows:

(1) The total quantities at each plant from producers, from his own production, and from other handlers;

(2) The total quantities of other source milk together with the butterfat content;

(3) The quantities of skim milk and butterfat contained in inventories of items designated as Class I and Class II milk pursuant to § 965.41 (a) (1) and (b) (1) on hand at the beginning and end of the month;

(4) The utilization during the month of all milk and milk products referred to subparagraphs (1), (2), and (3) of this paragraph;

(5) The name and address of each new producer; and

(6) His producer payroll, which shall show for each producer the total receipts of milk with the average butterfat test thereof, the amount of the advance payment to such producer made pursuant to § 965.70 and the deductions and charges made by the handler.

(b) Each handler who receives no milk from producers shall make reports to the market administrator at such times and in such manner as the market administrator may request.

§ 965.31 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to § 965.30, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.32 *Reports of market administrators to cooperative associations.* On or before the 13th day after the end of each month, the market administrator shall report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b), to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 965.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 *Basis of classification.* Milk and milk products received by each handler, including milk produced by him, which are required to be reported pursuant to § 965.30 (a) shall be classified by the market administrator in the classes set forth in § 965.41, subject to the provisions of §§ 965.42 through 965.46.

§ 965.41 *Classes of utilization.* The classes of utilization shall be as follows:

(a) Class I milk shall be all milk and butterfat (1) disposed of (except as provided in paragraph (c) (2) and (3) of this section) in fluid form as milk, skim milk, buttermilk, flavored milk, and milk drink, (2) disposed of in the form of fluid sweet or cultured sour cream, whipped cream, whipped cream substitutes, any product in fluid form containing 8 percent or more of butterfat not specified in Class II milk or Class III milk, and eggnog; (3) used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption; and (4) in shrinkage of butterfat from receipts of producer milk which is in excess of 2.5 percent of such receipts.

(b) Class II milk shall be all milk and butterfat (1) used to produce ice cream, ice cream mix, frozen desserts, and cottage cheese; and (2) in inventories of all items named in § 965.41 (a) (1) and (2).

(c) Class III milk shall be all milk and butterfat (1) used to produce butter, frozen cream, spray and roller process nonfat dry milk solids, all cheese (other than cottage cheese), and evaporated and condensed milk (or skim milk) either in bulk or in hermetically sealed cans; (2) specifically accounted for as dumped, spilled or disposed of for animal feed; (3) disposed of in bulk during the months of March through August, inclusive, as milk, skim milk, or cream to any commercial food processing establishment where food products are prepared only for consumption off the premises; (4) in shrinkage computed pursuant to § 965.44 (b) (1) up to 2.5 percent of butterfat from receipts of producer milk; and (5) in shrinkage of other source milk computed pursuant to § 965.44 (b) (3).

§ 965.42 *Responsibility of handlers.* In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all milk and milk products received by him and to prove to the market administrator that such milk, or milk products, should not be classified as Class I milk.

§ 965.43 *Transfers.* (a) Milk, skim milk, and cream transferred in fluid form from a pool plant to the pool plant of another handler shall be Class I milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 10th day after the end of the month within which such transfer was made: *Provided,* That if either or both plants received milk other than producer milk, the milk, skim milk, or cream so transferred shall be classified at both plants so as to allocate the highest possible utilization to producer milk: *Provided further,* That milk may be transferred in farm delivery containers from one pool plant to another under the conditions of this paragraph if both such plants are fluid milk plants pursuant to § 965.7 (a) or (b).

(b) Except as provided in paragraph (c) of this section, milk, skim milk and cream transferred or diverted in fluid form in bulk from a pool plant to a plant other than a pool plant shall be classified as Class I milk: *Provided,* That if the operator of such pool plant, or the diverting handler, as the case may be, on or before the 10th day after the end of the month, furnishes to the market administrator a statement which is signed by all parties to the transaction, that such milk, skim milk, or cream was used in a lower class, such milk, skim milk, or cream shall be classified accordingly, subject to verification by the market administrator: *And provided further,* That if the preceding proviso applies, the market administrator, shall assign milk, skim milk, or cream so transferred or diverted to (1) the highest-valued use classification (as described in § 965.41) in the plant of the receiver if the transfer or diversion is to a plant located in Campbell County or Kenton County, Kentucky, from which a route(s) as defined in § 965.5 is operated, and (2) the uses covered by Class

III milk to the extent available prior to the assignment of any such quantity moved in sequence to Class II milk and Class I milk if the movement is to any other plant which is not a pool plant.

(c) Milk, skim milk, and cream transferred or diverted in fluid form from a pool plant to the fluid milk plant of a producer-handler shall be classified as Class I milk.

§ 965.44 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of butterfat for each handler; and

(b) Prorate the resulting amounts among the receipts of butterfat in (1) producer milk, (2) milk received from other pool plants, and (3) other source milk.

§ 965.45 *Computation of milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 965.46 *Allocation of milk and butterfat classified.* The pounds of milk and butterfat remaining in each class after making the following computations shall be the pounds of milk and butterfat, respectively, in such class allocated to producer milk:

(a) The pounds of milk in Class III milk shall be decreased by any excess of utilization of all classes over total receipts and shall be increased by any excess of total receipts over total utilization of all classes;

(b) Subtract from the pounds of butterfat in Class III milk the pounds of producer butterfat in plant shrinkage which is not in excess of 2.5 percent of all butterfat received from producers and from all other sources except a pool plant(s);

(c) Subtract from the remaining pounds of milk and butterfat, respectively, in series beginning with the lowest-priced use available, the pounds of milk and butterfat, respectively, received as other source milk;

(d) Subtract from the remaining pounds of milk and butterfat, respectively, in each class, the pounds of milk and butterfat, respectively, received from other pool plants as transferred pursuant to § 965.43;

(e) Subtract from the remaining pounds of milk and butterfat in series from Class II milk and Class I milk, the pounds of milk and butterfat in inventory at the beginning of the month in the form of items named in § 965.41 (a) (1) and (2);

(f) Add to Class III butterfat the pounds of butterfat subtracted pursuant to paragraph (b) of this section; and

(g) If the pounds of butterfat remaining in all classes exceed the pounds of butterfat received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced class.

MINIMUM PRICES

§ 965.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

Company and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 3.5 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the month for which payment is to be made, and add 20 percent thereof;

(2) From the simple average, as computed by the market administrator, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

§ 965.51 *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 965.72, not less than the following prices per hundredweight, on the basis of milk of 3.5 percent butterfat content, for the respective quantities of milk in each class computed pursuant to § 965.46.

(a) The price for Class I milk shall be the basic formula price plus $1.30, plus or minus "a supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total gross volume of that portion of Class I milk set forth in § 965.41 (a) (1) and (3) (adjusted to eliminate duplications due to interhandler transfers) in the second and third months preceding by the total receipts of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum base percentage listed below increase the Class I price by 3 cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum base percentage listed below decrease the Class I price by 3 cents: *Provided,* That the Class I differential adjusted pursuant to this subparagraph for the month of June shall not be higher than such adjusted differential for the immediately preceding month of May; and that the Class I differential so adjusted for the month of January shall not be less than the adjusted differential for the immediately preceding month of December.

Month for which price is being computed	Base utilization percentages	
	Minimum	*Maximum*
January	71	73
February	75	77
March	69	71
April	63	65
May	60	62
June	57	59
July	51	53
August	46	48
September	46	48
October	48	50
November	53	55
December	64	66

(b) The price for Class II milk shall be the sum of the plus adjustments computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Multiply by 1.22 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the month for which payment is to be made, and then multiply such result by 3.5; and

(2) From the simple average, as computed by the market administrator, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray process for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5, cents and multiply the result by 8.2.

(c) The price for Class III milk during each of the months of March through August shall be the price computed pursuant to subparagraph (1) of this paragraph; and the price for Class III milk during each of the months of September through February, respectively, shall be the same as the Class II price:

(1) The simple average, as computed by the market administrator of the basic (or field) prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M and R Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Co., Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc. (Osgood Milk Co.), Osgood, Ind.
Carnation Milk Co., Maysville, Ky.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent there shall be added to, or subtracted from, as the case may be, the price for such class, for each point (one-tenth of one percent) that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I milk, add one cent per point to the butterfat differential computed below in this section for Class II milk. For Class II milk multiply the average price per hundred pounds of 92-score butter as described in § 965.51 (b) (1) by 1.22, subtract therefrom the amount per hundredweight computed pursuant to § 965.51 (b) (2), and divide the result by 1000. For Class III milk subtract $5.00 from the average price per hundred pounds of 92-score butter as described in § 965.50 (b) (1), multiply by 1.2, subtract therefrom the amount per hundredweight computed pursuant to § 965.50 (b) (2), and divide the result by 1,000: *Provided,* That for each of the months of September through February, inclusive, the butterfat differential for Class III milk other than that used to produce butter shall be the same as the butterfat differential for Class II milk for such month and the butterfat differential for milk used to produce butter shall be the amount computed for such month pursuant to the formula for Class III milk immediately preceding this proviso.

§ 965.53 *Location differentials to handlers.* In computing the value of each handler's milk pursuant to § 965.60 a location differential of 15 cents per hundredweight shall be credited to the handler with respect to each hundredweight of producer milk (a) received and utilized at a pool plant located more than 45 miles by shortest hard-surfaced highway distance, as determined by the market administrator, from the City Hall in Cincinnati, Ohio, as any item of Class I milk or in the production of ice cream, frozen desserts, and cottage cheese, or (b) moved from such a pool plant in the form of any product designated as Class I milk or as condensed skim milk, ice cream mix, or frozen cream to a fluid milk plant less than 45 miles from the City Hall in Cincinnati, Ohio, and utilized as any item of Class I milk or in the production of ice cream, frozen desserts, and cottage cheese: *Provided,* That in the case of transfers made under paragraph (b) of this section the location differential credit (1) shall apply to the actual weight of product moved, which total quantity shall not exceed the difference between the sum of milk represented by Class I milk utilization and milk used to produce ice cream, frozen desserts, and cottage cheese at the transferee's plant and the total quantity of producer milk receipts at the latter plant, and (2) shall be allowed to the transferee-handler if such credit does not exceed the obligation of the latter handler to the producer-settlement fund for the month.

§ 965.60 *Computation of value of milk for each handler.* For each month the value of milk received at a pool plant(s) by each handler, and of milk diverted by a cooperative association under the conditions of § 965.9 (b), shall be a sum of money computed by the market administrator by multiplying the hundredweight of such milk received and classified in each class by the applicable class price, subject to the butterfat differential for such class provided in § 965.52 and the location differential credits, if any, applicable pursuant to § 965.53, and adjusting such total by the monies resulting from the following computations:

(a) Add: The hundredweight of butterfat subtracted pursuant to § 965.46 (g) multiplied by the price for the applicable class adjusted by the butterfat differential for such class;

(b) Add: The pounds, if any, that the milk or butterfat in inventory subtracted from Class I milk, pursuant to § 965.46 (e), is not in excess of the pounds of producer milk classified as Class II milk for the preceding month multiplied by the difference between the current price of Class I milk and the Class II price for the preceding month, each adjusted by the appropriate butterfat differential, and

(c) Add: The hundredweight of milk and butterfat subtracted from Class I milk and Class II milk pursuant to § 965.46 (c) (but not including any such milk and butterfat received from a plant regulated under a marketing agreement or order issued pursuant to the act for another fluid milk marketing area) multiplied by the difference between the price for the class from which subtracted, adjusted by the butterfat differential for such class (based on the butterfat tests of the milk subtracted), and the price computed pursuant to § 965.50 (b) adjusted to the same test by the butterfat differential (§ 965.52) for Class III milk (other than butter): *Provided,* That for any month when the aggregate utilization of Class I milk for all handlers at pool plants is 90 percent or more of the quantity of producer milk received by such handlers, the payments described pursuant to this paragraph and § 965.61 shall not be required.

§ 965.61 *Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.* For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying each hundredweight of milk disposed of as Class I milk (less the hundredweight of any Class I milk purchased by such handler during the month from a pool plant) by such handler on routes operated within the marketing area, by the difference between the price of the class of disposition computed pursuant to §§ 965.51, 965.52, and 965.53, and the price computed pursuant to § 965.50 (b) adjusted by the Class III butterfat differential (§ 965.52). On or before the 13th day after the end of each month, the market administrator shall notify each such handler of the amount so computed for him, subject to adjustment pursuant to § 965.62, and on or before the 17th day after the end of each month each such handler shall make payment to the market administrator.

§ 965.62 *Correction of errors.* If, in the verification of reports submitted by a handler, the market administrator discovers errors in such reports which result in payment due the producer-settlement fund or the handler for any previous month, there shall be added or subtracted as the case may be, the amount necessary to correct such errors.

§ 965.63 *Notification to handler of the value of his milk.* On or before the 13th day after the end of each month, the market administrator shall notify each handler of the value of milk computed for him in accordance with § 965.60 and of any adjustments pursuant to § 965.62.

§ 965.64 *Computation of uniform prices for Grade A producers and Grade B producers*—(a) *Computation of uniform price for Grade A producers.* For each month, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade A producers as follows:

(1) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(2) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed under subparagraph (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by the butterfat differential computed pursuant to § 965.76 times 10;

(3) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received form producers during such month by the following amounts, respectively: 30 cents in April; 35 cents in May and June; and 20 cents in July;

(4) Add for each of the months of August, September, October, and November an amount computed by dividing the total amount of the obligated balance in the producer-settlement fund pursuant to § 965.71 (b) on July 1 immediately preceding by 4;

(5) Add the sum of the values of the location differentials allowable pursuant to § 965.73 (c);

(6) Add the unobligated balance in the producer-settlement fund;

(7) Add an amount computed by multiplying the total hundredweight of milk received from Grade B producers by $0.40;

(8) Divide by the total hundredweight of milk of all producers represented in the sum computed pursuant to subparagraph (1) of this paragraph; and

(9) Subtract from the figure obtained in subparagraph (8) of this paragraph not less than 4 cents or more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade A producers.

(b) *Computation of uniform price for Grade B producers.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade B producers as follows: From the uniform price computed pursuant to paragraph (a) (7) of this section subtract 40 cents. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade B producers.

PAYMENT FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay, with respect to all milk received during the month, $1.00 per hundredweight of milk to each producer: *Provided,* That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 965.61 and 965.72 shall be deposited in this fund, and all payments made to handlers pursuant to § 965.73 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 965.64 (a) (3) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 965.64 (a) (4); and

(c) The difference between the amount added pursuant to § 965.64 (a) (6) and the amount resulting from the subtraction pursuant to § 965.64 (a) (9) shall be deposited in, or withdrawn from, this fund, as the case may be, to effectuate § 965.64 (a) (6) and (9).

§ 965.72 *Payments to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator the amount of money which represents the value of milk for such month of which he is notified pursuant to § 965.63 less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll: *Provided,* That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70), will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) For each month the market administrator shall compute, subject to the provisions of paragraph (c) of this section, the payment due each producer for milk received during such month from such producer by a handler who made the payments for such month pursuant to § 965.72, by multiplying the hundredweight of such milk by the uniform price computed to § 965.64 adjusted to the butterfat test of such milk by adding or subtracting, respectively, for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, a butterfat differential as computed pursuant to § 965.76, and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments. On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section.

(c) In computing the payment due each producer pursuant to paragraph (a) of this section, the following differential for location is applicable: A deduction of 15 cents per hundredweight shall be made with respect to milk received from such producer at a pool plant located more than 45 miles, by shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall in Cincinnati, Ohio.

§ 965.74 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, 2 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to all milk received from producers and produced by him during the month: *Provided,* That any cooperative association which has handled milk during the month under the conditions set forth in § 965.9, shall pay such pro rata share of expense of administration on only that quantity of milk so handled.

§ 965.75 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding 6 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.76 *Butterfat differential to producers.* In making payments for milk pursuant to § 965.73 (a) there shall be added to, or subtracted from the uniform price per hundredweight, for each one-tenth of 1 percent of butterfat content in such milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of butterfat in each class derived from producer milk, as computed pursuant to § 965.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 965.52; and

(c) Add into one total the value obtained in paragraph (b) of this section, rounding off the result to the nearest one-tenth cent.

§ 965.77 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 965.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 *Suspension or termination.* Any or all provisions of this subpart, or amendments to this subpart, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue in such capacity until removed by the Secretary; account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 965.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 965.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

§ 965.92 *Producer handler.* Sections 965.40 to 965.77 inclusive, shall not apply to a producer-handler.

Issued at Washington, D. C., this 7th day of April 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-2946; Filed, Apr. 8, 1955; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72–74, 77, 78]

[Notice 19; Docket 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

APRIL 1, 1955.

The Commission is in receipt of applications for early amendment of the above entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code and Part II of the Interstate Commerce Act.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix, hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] HAROLD D. MCCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 7 -78 OF THIS CHAPTER

Amend § 72.5, commodity list (15 F. R. 8264, 8266, 8267, 8271, 8272, Dec. 2, 1950) (19 F. R. 6267, Sept. 29, 1954) (49 CFR 1950 Rev., 1954 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Automobiles, motorcycles, tractors or other self-propelled vehicles, engines or other mechanical apparatus, with charged electric storage batteries, wet.	See § 73.250.			
Batteries, electric storage, wet, with automobiles, auto parts, engines or other mechanical apparatus.	Cor. L.	73.250, 73.260	White	No limit.
Detonating fuzes, class A	Expl. A	No exemption, 73.69		Not accepted.
Detonating fuzes, class A, radioactive	Expl. A	No exemption, 73.69		Do.
Fuzes, detonating, class A	Expl. A	No exemption, 73.69		Do.
Fuzes, detonating, class A, radioactive	Expl. A	No exemption, 73.69		Do.
Thorium metal, powdered	F. S.	73.226	Yellow	25 pounds.
Add				
Detonating fuzes, class C	Expl. C	No exemption, 73.113		150 pounds.
Fuzes, detonating, class C	Expl. C	No exemption, 73.113		Do.
*Resin solution	F. L.	73.118, 73.119	Red	55 gallons.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Add paragraph (f) to § 73.22 (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.22, 1950 Rev.) to read as follows:

§ 73.22 *Specification containers prescribed.* • • •

(f) Where the regulations require spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) metal drums, spec. 37D, 37E, 37F, 37G, and 37H metal drums manufactured prior to effective date of change may be continued in use for commodities and gross weights for which they were previously authorized until further order of the Commission.

2. Amend § 73.31 (g), Notes 1 and 2 (20 F. R. 949, Feb. 15, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.31) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* • • •

(g) • • •

NOTE 1: Periodic retests of metal tanks, safety valves, and heater systems of tank cars, except as provided in Note 2, except those in chlorine service, and except tanks made to specification 106A500, 106A500X, 106A800, 106A800X, or 107A (§§ 78.275, 78.276, or § 78.277 of this chapter) now required to be made as prescribed in paragraph (g) of this section, may be waived because of the present emergency and until September 30, 1955, or until further order of the Commission.

NOTE 2: Periodic retests of metal tanks, safety valves, and heater systems of specification 103A, 103A–W, 103C, 103C–W, and 103C–AL (§§ 78.236, 78.281, 78.268, or § 78.283 of this chapter) tank cars, now required to be made as prescribed in paragraph (g) of this section, may be made at 5-year intervals up to 10 years of service, thereafter at 3-year intervals up to 22 years of service, and annually after 22 years of service until September 30, 1955, or until further order of the Commission.

• • • • •

3. Amend introductory text of paragraph (k) in § 73.34 (19 F. R. 1276, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.34) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* • • •

(k) The tests prescribed by paragraph (j) of this section must be in accordance with the following table and exceptions thereto.

• • • • •

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Add paragraph (r) to § 73.51 (15 F. R. 8285, Dec. 2, 1950) (49 CFR 73.51, 1950 Rev.) to read as follows:

§ 73.51 *Forbidden explosives.* • • •

(r) Loaded firearms.

2. Amend § 73.53 (g) (2) (19 F. R. 6267, Sept. 29, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.53) to read as follows:

§ 73.53 *Definition of class A explosives.* • • •

(g) • • •

(2) Detonating fuzes, class A, are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. They may also contain a small amount of radioactive component. Those that are so made and packed that they will not cause functioning of other fuzes, explosives, or explosive devices in the same or adjacent containers are classed as class C explosives.

• • • • •

3. Amend § 73.59 (a) (15 F. R. 8287, Dec. 2, 1950) (49 CFR 73.59, 1950 Rev.) to read as follows:

§ 73.59 *Chemical ammunition, explosive.* (a) When chemical elements of chemical ammunition are shipped assembled with their ignition elements, bursting charges, detonating fuzes, or explosive components, they must be shipped in conformity with the regulations prescribed for explosive articles, class A, see § 73.56, or explosive articles, class B, see § 73.88. For shipment of these articles not containing ignition elements, bursting charges, detonating fuzes, or other explosive components, see §§ 73.330, 73.350, and 73.383.

• • • • •

4. Amend entire § 73.69 (17 F. R. 9836, Nov. 1, 1952) (19 F. R. 6267, Sept. 29, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.69) to read as follows:

§ 73.69 *Detonating fuzes, class A, with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges.* (a) Detonating fuzes, class A with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges, when shipped not assembled in projectiles, bombs, etc., must be packed and well secured in strong, tight wooden boxes.

NOTE 1: Radiation on the surface of any detonating fuze, class A, having a radioactive component shall not exceed 100 milliroentgens per hour and the radiation at the surface of the outside shipping container shall not exceed 200 milliroentgens per hour.

(b) The gross weight of one outside package containing detonating fuzes, class A, must not exceed 190 pounds. Boosters, bursters and supplementary charges, without detonators, when shipped separately, must not exceed a gross weight of 300 pounds.

(c) Each outside package must be plainly marked "Detonating Fuzes Class A—Handle Carefully—Do Not Store or Load With Any High Explosives", or "Detonating Fuzes Class A, Radioactive—Handle Carefully—Do Not Store or Load With Any High Explosives", or "Boosters (Explosive)—Handle Carefully", or "Bursters (Explosive)—Handle Carefully", or "Supplementary Charges (Explosive)—Handle Carefully", as the case may be.

(d) Detonating fuzes, class A, boosters, bursters, or supplementary charges must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

5. Amend § 83.91 (a) (3) and (g) (1) (18 F. R. 5271, Sept. 1, 1953) (19 F. R. 8525, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.91) to read as follows:

§ 73.91 *Special fireworks.* (a) • • •

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds except as provided in subparagraph (5) of this paragraph. Not permitted for illuminating projectiles, toy torpedoes, aeroplane flares, and fireworks shells.

• • • • •

(g) • • •

(1) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or § 78.190 of this chapter) wooden boxes, or spec. 12B (§ 78.205 of this chapter) fiberboard boxes which must be constructed to comply with § 78.205–30 of this chapter. Not more than 20 one-quarter gross cartons totalling not more than 5 gross of toy torpedoes are authorized per fiberboard box. Gross weight of fiberboard box must not exceed 35 pounds. Gross weight of wooden box must not exceed 65 pounds.

• • • • •

6. Add paragraph (a) (3) to § 73.109 (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.109, 1950 Rev.) to read as follows:

§ 73.109 *Toy caps.* (a) • • •

(3) Toy caps, in addition to containers specified in subparagraphs (1) and (2) of this paragraph, may be transported in the package in which they are imported, provided the package consists of a wooden box, metal-lined, in good condition, and weighing not over 100 pounds gross. Inside packages must be as defined in § 73.100 (p).

• • • • •

7. Add § 73.113 (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.113, 1950 Rev.) to read as follows:

§ 73.113 *Detonating fuzes, class C.* (a) Detonating fuzes, class C, are used in the military service to detonate high explosive bursting charges of projectiles, mines, bombs, torpedoes and grenades. They contain a detonator and a quantity of a high explosive. Detonating fuzes, class C, must be made and packed so that they will not cause functioning of other fuzes, explosives or explosive devices if one of the fuzes detonates in a shipping container or in adjacent containers.

(b) Detonating fuzes, class C, must be packed and well secured in strong tight outside wooden boxes. The gross weight of the outside wooden box containing detonating fuzes, class C, must not exceed 190 pounds.

(c) Each outside package must be plainly marked "Detonating Fuzes, Class C—Handle Carefully".

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.118 (a) and (b) (16 F. R. 11777, Nov. 21, 1951) (15 F. R. 8298, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.118) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* (a) Flammable liquids, except those enumerated in paragraph (c) of this section, in inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, highway or water except when for transportation by carrier by water, name of contents must be marked on outside container.

(b) Flammable liquids, except those enumerated in paragraph (c) of this section, in inside containers having a capacity not over 1 pint or 16 ounces by weight each, packed in strong outside containers, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except when for transportation by carrier by water, name of contents must be marked on outside container.

• • • • •

2. In § 73.119, amend paragraph (k) (3) and add paragraph (k) (4) (15 F. R. 8300, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* • • •

(k) • • •

(3) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons with welded side seams.

(4) Spec. 42F (§ 78.110 of this chapter). Aluminum barrels or drums.

• • • • •

3. Amend § 73.120 (a) and (c) (19 F. R. 6267, 6268, Sept. 29, 1954) (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.120) to read as follows:

§ 73.120 *Automobiles, motorcycles, tractors, or other self-propelled vehicles.* (a) Automobiles, motorcycles, tractors, or other self-propelled vehicles, equipped with gasoline or other fuel tanks, provided such tanks are securely closed, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be shown. When offered for transportation by carriers by rail freight or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks must have been drained and securely closed.

• • • • •

(c) *Truck bodies or trailers on flat cars.* Truck bodies or trailers with automatic heating or refrigerating equipment of the flammable liquid type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are exempt from Parts 71–78 and 197 of this chapter when used in this service.

4. Amend § 73.127 (a) (2) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.127, 1950 Rev.) to read as follows:

§ 73.127 *Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, Wet.* (a) • • •

(2) Spec. 6A, 6B, or 6C; or 37A or 37B (single-trip containers not over 5 gallons capacity) (§§ 78.97, 78.98, 78.99, 78.131, or § 78.132 of this chapter). Metal barrels or drums.

• • • • •

5. In § 73.128 amend paragraphs (a) (2), and (c); cancel paragraph (a) (3) (15 F. R. 8301, 8302, Dec. 2, 1950) (49 CFR 73.128, 1950 Rev.) to read as follows:

§ 73.128 *Paints and related materials.* (a) • • •

(2) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity with welded side seams, irrespective of flash point or viscosity. Because of the present emergency and until further order of the Commission, spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) metal drums of 8½ gallons capacity, with welded side seams and made of 24 gauge metal, are authorized provided flash point of material shipped is above 20° F.

(3) [Canceled.]

• • • • •

(c) Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, in glass or earthenware containers of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, highway or water except, when for transportation by carrier by water, name of contents must be marked on outside container. (See § 73.118 (b) for rail express exemptions.)

7. Amend § 73.130 (a) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.130, 1950 Rev.) to read as follows:

§ 73.130 *Refrigerating machines.* (a) Refrigerating machines assembled for shipment and containing not over 15 pounds of a flammable liquid for their operation are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be shown on the unit.

8. Amend § 73.135 (a) (2) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.135, 1950 Rev.) to read as follows:

§ 73.135 *Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl tricholorosilane.* (a) • • •

(2) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal drums (single-trip) with glass inside containers not over 1 gallon capacity each securely

closed and cushioned with incombustible absorbent material.

* * * * *

9. Amend § 73.136 (a) (2) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.136, 1950 Rev.) to read as follows:

§ 73.136 *Trichlorosilane.* (a) * * *
(2) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal drums (single-trip) with glass inside containers not over 1 quart capacity each securely closed and cushioned with incombustible absorbent material.

* * * * *

10. Add paragraph (a) (8) to § 73.141 (16 F. R. 11777, Nov. 21, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.141) to read as follows:

§ 73.141 *Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.* (a) * * *
(8) Spec. MC 330 (§ 78.336 of this chapter). Tank motor vehicle with minimum design working pressure of 250 pounds per square inch.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend § 73.153 (a) and (b) (15 F. R. 8303, Dec. 2, 1950) (19 F. R. 3260, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.153) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* (a) Flammable solids, and oxidizing materials, except those as enumerated in paragraph (c) of this section, in inside containers not over 1 pound net weight each, in outside containers not exceeding 25 pounds net weight each, are exempt from Parts 71–78 and 197 of this chapter, unless otherwise provided, when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be marked on outside container. (See paragraph (c) of this section for articles not exempted, § 73.183 for exemptions for nitrates and paragraph (b) of this section for exemption for organic peroxides.)

(b) Liquid or solid organic peroxides, (see § 73.244 (a)), except acetyl benzoyl peroxide, solid, and benzoyl peroxide in strong outside containers having not over 1 pint or 1 pound net weight of the material in any one such package, having inside containers securely packed and cushioned with incombustible cushioning, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be marked on outside container.

* * * * *

2. Amend § 73.154 (a) (2) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.154, 1950 Rev.) to read as follows:

§ 73.154 *Flammable solids and oxidizing materials not specifically provided for.* (a) * * *
(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or 78.132 of this chapter). Metal drums (single-trip).

* * * * *

3. Amend § 73.156 (a) (4) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.156, 1950 Rev.) to read as follows:

§ 73.156 *Barium peroxide and calcium peroxide.* (a) * * *
(4) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

* * * * *

4. Amend § 73.159 (c) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.159, 1950 Rev.) to read as follows:

§ 73.159 *Burnt cotton.* * * *
(c) When burnt cotton is picked and baled the separated cotton is not classed as a dangerous article and is not subject to Parts 71–78 and 197 of this chapter.

5. Amend § 73.160 (a) (3) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.160, 1950 Rev.) to read as follows:

§ 73.160 *Calcium chlorite and sodium chlorite.* (a) * * *
(3) Spec. 17E, 17H, 37A, or 37B (§§78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

6. In § 73.162 amend the introductory text of paragraph (a) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.162, 1950 Rev.) to read as follows:

§ 73.162 *Charcoal.* (a) Charcoal as described in this paragraph is exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, highway or water except, when for transportation by carrier by water, name of contents must be marked on outside container.

* * * * *

7. Amend § 73.163 (a) (2) and (7) (15 F. R. 8305, Dec. 2, 1950) (19 F. R. 1277, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.163) to read as follows:

§ 73.163 *Chlorate of soda, chlorate of potash, and other chlorates.* (a) * * *
(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

NOTE 1: Spec. 37A and 37B. Metal drums for export service, marked for an authorized gross weight of 160 pounds, must be at least 24 gauge metal throughout.

* * * * *

(7) Chlorate of soda is authorized for shipment in steel tank cars, or in tight sift-proof covered hopper cars. Cars must be thoroughly cleaned before loading.

8. Amend § 73.164 (a) (2) (15 F. R. 8305, Dec. 2, 1950) (49 CFR 73.164, 1950 Rev.) to read as follows:

§ 73.164 *Chromic acid.* (a) * * *
(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

* * * * *

9. Amend § 73.166 (a) (2) (15 F. R. 8305, Dec. 2, 1950) (49 CFR 73.166, 1950 Rev.) to read as follows:

§ 73.166 *Cobalt resinate, precipitated, calcium resinate, and calcium resinate fused.* (a) * * *
(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

* * * * *

10. Amend § 73.175 (a) (3) (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.175, 1950 Rev.) to read as follows:

§ 73.175 *Lacquer base, or lacquer chips, dry.* (a) * * *
(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

* * * * *

11. Amend § 73.176 (g) (16 F. R. 9375, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.176) to read as follows:

§ 73.176 *Matches.* * * *
(g) Matches, strike-on-box, book and card, must be packed in outside fiberboard or wooden boxes. They may be packed in the same outside container with nonflammable articles when compactly packed in tightly closed inside containers or securely wrapped so as to prevent accidental ignition. When so packed, they are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water each outside container shall be marked "Book Matches", "Strike-on-Box Matches" or "Card Matches," as the case may be.

12. Amend § 73.178 (a) (5) (15 F. R. 8307, Dec. 2, 1950) (49 CFR 73.178, 1950 Rev.) to read as follows:

§ 73.178 *Motion-picture film, old and worn out (not scrap).* (a) * * *
(5) Spec. 6A, 6B, 6C, or 6J; also 37A or 37B (single-trip containers) (§§ 78.97, 78.98, 78.99, 78.100, 78.131, or § 78.132 of this chapter). Metal barrels or drums.

* * * * *

13. Amend § 73.180 (b) (15 F. R. 8307, Dec. 2, 1950) (49 CFR 73.180, 1950 Rev.) to read as follows:

§ 73.180 *Motion-picture film, and X-ray film, unexposed.* * * *
(b) Motion-picture film and X-ray film, unexposed (nitrocellulose base), when offered for transportation by rail freight and highway, are exempt from Parts 71–78 and 197 of this chapter except that name of contents must be marked on outside container.

14. In § 73.181 amend the introductory text of paragraph (a) (15 F. R. 8307, Dec. 2, 1950) (49 CFR 73.181, 1950 Rev.) to read as follows:

§ 73.181 *Motion-picture film; exemptions.* (a) Motion-picture film as follows is exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be marked on outside container.

* * * * *

15. Amend § 73.182 (a) (1), introductory paragraph of (b) and (b) (4) (19 F. R. 8526, Dec. 14, 1954) (49 CFR 1950 Rev. 1954 Supp., 73.182) to read as follows:

§ 73.182 *Nitrates.* (a) * * *
(1) Wooden or fiberboard boxes with glass, metal, or other strong inside containers; in metal or fiber drums; in kegs or barrels; or in strong metal cans. When so packed they are exempt from Parts 71–78 and 197 of this chapter except that each package must be marked with name of contents when offered for transportation by rail or highway. Ammonium nitrate-carbonate mixtures and ammonium nitrate mixed fertilizers so packed are exempt from labeling requirements when for transportation by water carriers.

(b) Aluminum nitrate, ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate-carbonate mixture, ammonium nitrate-phosphate, ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating, ammonium nitrate mixed fertilizer,[1] barium nitrate, calcium nitrate, guanidine nitrate, nitrate of soda and potash, potassium nitrate, sodium nitrate, and strontium nitrate.

* * * * *

(4) In bags not exceeding 200 pounds net weight, moisture-proof, made tight against sifting, and of strength not less than bags made of 8-ounce burlap. Ammonium nitrate—carbonate mixtures, calcium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 77.823 of this chapter. Rail shipments must be in clean closed cars which shall be free of loose boards, cracks, holes, or exposed decayed spots; interior of cars must be swept clean and be free of any projections capable of injuring bags; doors of cars must have tight closures; journals and boxes must be in good condition; and ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating, or guanidine nitrate must not be shipped in all-metal cars (see also § 74.541 (a) (1) of this chapter). Highway shipments must be in closed or open type motor vehicles which must be swept clean and be free of any projections capable of injuring bags; and when shipped in open type motor vehicles the lading shall be suitably covered (see also § 77.823 (a) (4) and (5) of this chapter). Water shipments are also subject to Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant, United States Coast Guard (46 CFR Part 146).

16. Amend § 73.184 (a) (4) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.184, 1950 Rev.) to read as follows:

§ 73.184 *Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.* (a) * * *
(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity. Welded side seams required.

* * * * *

17. Amend § 73.187 (a) (3) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.187, 1950 Rev.) to read as follows:

§ 73.187 *Peroxide of sodium.* (a) * * *
(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or 78.132 of this chapter). Metal drums (single-trip).

18. Amend § 73.188 (a) (3) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.188, 1950 Rev.) to read as follows:

§ 73.188 *Prosphoric anhydride.* (a) * * *
(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

* * * * *

19. Amend § 73.189 (a) (2) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.189, 1950 Rev.) to read as follows:

§ 73.189 *Phosphorus, amorphous, red.* (a) * * *
(2) Spec. 6A or 6B; also 37A or 37B (single-trip containers) (§§ 78.97, 78.98, 78.131, or § 78.132 of this chapter), for gross weight not over 160 pounds. Metal barrels or drums.

20. Amend § 73.191 (a) (2) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.191, 1950 Rev.) to read as follows:

§ 73.191 *Phosphorus pentachloride.* (a) * * *
(2) Spec. 6A, 6B, or 6C; also 37A or 37B (single-trip containers) (§§ 78.97, 78.98, 78.99, 78.131, or § 78.132 of this chapter). "Black iron" metal barrels or drums.

* * * * *

21. Amend § 73.194 (a) (2) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.194, 1950 Rev.) to read as follows:

§ 73.194 *Potassium permanganate.* (a) * * *
(2) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal barrels or drums (single-trip).

22. Amend § 73.195 (a) (2) (20 F. R. 950, Feb. 15, 1955) (49 CFR 73.195, 1950 Rev.) to read as follows:

§ 73.195 *Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion-picture film scrap, or pieces of exposed or unexposed film.* (a) * * *
(2) Spec. 6A, 6B, 6C, or 6J; also 17H, 37A, or 37B (single-trip containers) (§§ 78.97, 78.98, 78.99, 78.100, 78.118, 78.131, or § 78.132 of this chapter), Metal barrels or drums.

* * * * *

23. In § 73.197 amend introductory text of paragraph (a) and amend paragraph (b) (15 F. R. 8309, Dec. 2, 1950 Rev.) to read as follows:

§ 73.197 *Pyroxylin plastics, in sheets, rolls, rods, or tubes.* (a) Pyroxylin plastics, in sheets, rolls, rods, or tubes containing nitrocellulose is not subject to Parts 71–78 and 197 of this chapter when offered for transportation by carriers by rail freight or highway but when offered for transportation by carriers by rail express or water must be packed in specification containers as follows and must bear the yellow label:

* * * * *

(b) Pyroxylin plastics in manufactured articles or articles made therefrom are not subject to Parts 71–78 and 197 of this chapter.

24. Amend § 73.198 (a) (3) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.198, 1950 Rev.) to read as follows:

§ 73.198 *Sodium hydride.* (a) * * *
(3) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) with welded side seams and hermetically sealed closure or closure made fast by positive pressure of the lid against a rubber gasket with edge of the lid crimped over the lip of the drum and a protective metal ring fastened around the crimped edge, packed in strong outside wooden boxes.

25. In § 73.201 amend the introductory text of paragraph (b) (19 F. R. 1278, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.201) to read as follows:

§ 73.201 *Rubber scrap, rubber buffings, reclaimed rubber, or regenerated rubber.*
(b) Rubber scrap, reclaimed rubber, or regenerated rubber are not subject to Parts 71–78 and 197 of this chapter if shipped in the following forms:

* * * * *

26. Amend § 73.204 (a) (4) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.204, 1950 Rev.) to read as follows:

§ 73.204 *Sodium hydrosulfite.* (a) * * *
(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip). These containers are not authorized for transportation by carriers by water.

* * * * *

27. Amend § 73.206 (a) (3) and (4), (b) (1), and (c) (2) (15 F. R. 8310, Dec. 2, 1950) (19 F. R. 6268, Sept. 29, 1954) (17 F. R. 1561, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.206) to read as follows:

§ 73.206 *Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.* (a) * * *
(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Authorized only for sodium which must be fused solid in the container.
(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not exceeding 6 gallons capacity each, with welded side seams and hermetically sealed closure or closure made fast by positive pressure of the lid against a rubber gasket with edge of the lid crimped over the lip of the drum and a protective metal ring fastened around the crimped edge, cushioned on all sides with incombustible packing material, packed in strong outside wooden

boxes (see § 73.25). Not more than four inside metal drums shall be packed in one outside wooden box.

* * * * *

(b) * * *

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes with inside metal drums, spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) single-trip, having welded side seams, net weight not over 30 pounds, or with inside glass containers, each enclosed in a tin container.

* * * * *

(c) * * *

(2) Spec. 17C, 17H, 37A, or 37B (§§ 78.115, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip) authorized for cylindrical blocks at least 2 inches in diameter and not less than 6 inches in length, or rectangular blocks not less than 6 inches in length and not less than 2 inches in any other dimension. Net weight not over 300 pounds for spec. 17C (§ 78.115 of this chapter) drums; not over 30 pounds for spec. 17H, 37A, or 37B (§ 78.118, § 78.131, or § 78.132 of this chapter) drums.

* * * * *

28. Amend § 73.207 paragraphs (b), (3), (c), (d), and (e) (15 F. R. 8311, Dec. 2, 1950) (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.207) to read as follows:

§ 73.207 *Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.* * * *

(b) * * *

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

* * * * *

(c) Sulfide of potassium, crystalized, is not subject to Parts 71–78 and 197 of this chapter.

(d) Sodium sulfide when shipped fused in one solid mass in a metal barrel or drum and sodium sulfide, crystalized, are not subject to Parts 71–78 and 197 of this chapter.

(e) Sodium sulfide containing 35 percent or more combined water by weight, fused or concentrated but not ground (may be chipped, flaked, or broken), when packed in steel barrels or drums that are equipped with moisture-tight closures, is not subject to Parts 71–78 and 197 of this chapter.

29. Amend § 73.208 (b) (2) (16 F. R. 9375, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.208) to read as follows:

§ 73.208 *Titanium metal powder, wet or dry.* * * *

(b) * * *

(2) Spec. 17H or 37A (§ 78.118 or § 78.132 of this chapter). Metal barrels or drums (single-trip) with inside metal drum of not less than 20-gauge metal and with closure secured by positive means. The inside container shall be completely surrounded by not less than 1 inch of incombustible cushioning material.

30. Amend § 73.212 (a) (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.212, 1950 Rev.) to read as follows:

§ 73.212 *Trinitrobenzene and trinitrotoluene, wet.* (a) Trinitrobenzene and trinitrotoluene, wet with not less than 10 percent water, in quantity not exceeding 16 ounces in one outside package, may be shipped as drugs, medicines, or chemicals, when in glass bottles securely stoppered, each bottle inclosed in a strong fiber carton properly cushioned in the outside shipping case and are not subject to any other requirement of Parts 71–78 and 197 of this chapter.

31. Amend § 73.215 (a) (4) (18 F. R. 6778, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.215) to read as follows:

§ 73.215 *Zirconium or hafnium metal powder or sponge, dry.* (a) * * *

(4) Spec. 17H, 37A, or 37B (§ 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip) not exceeding 30 gallons capacity. Authorized only for zirconium or hafnium metal sponge (not powder).

* * * * *

32. Amend § 73.217 (a) (2) and (b) (15 F. R. 8311, Dec. 2, 1950) (19 F. R. 1278, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.217) to read as follows:

§ 73.217 *Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.* (a) * * *

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

(b) Strong outside wooden or fiberboard packages containing inside containers of glass or metal not over five pounds capacity each, except that metal inside containers not over seven and one-half pounds capacity each are authorized for material in tablet form only, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express or highway. When for transportation by water, strong wooden or fiberboard packages containing inside containers of metal not over five pounds capacity each are exempt from specification packaging only.

33. Amend § 73.220 (c) (19 F. R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.220) to read as follows:

§ 73.220 *Magnesium scrap (borings, clippings, shavings, sheets, or turnings).* * * *

(c) Magnesium scrap consisting of clippings or scrap sheets in closed metal drums, wooden barrels, or wooden boxes is exempt from Parts 71–78 and 197 of this chapter.

34. Amend § 73.223 (b) (16 F. R. 5325, June 6, 1951) (49 CFR 1950 Rev., 1954 Supp. 73.223) to read as follows:

§ 73.223 *Peracetic acid.* * * *

(b) Peracetic acid solutions not exceeding 40 percent strength packed in strong wooden for fiberboard boxes, with not more than one inside glass container not exceeding 1 pint or 1 pound capacity, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat, and with such cushioning material in sufficient quantity to completely absorb the contents of the bottle, are exempt from Parts 71–78 and 197 of this chapter except name of contents must be marked on outside container.

35. Add paragraph (a) (3) to § 73.224 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.224, 1950 Rev.) to read as follows:

§ 73.224 *Cumene hydroperoxide, dicumyl peroxide, and tertiary butylisopropyl benzene hydroperoxide.* (a) * * *

(3) Spec. 103A or 103A–W (§ 78.266 or § 78.281 of this chapter). Tank cars. Authorized for 75 percent or less cumene hydroperoxide in nonvolatile solution.

36. Amend § 73.225 (a) (3) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.225, 1950 Rev.) to read as follows:

§ 73.225 *Phosphorus sesquisulfide.* (a) * * *

(3) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip). Gross weight not over 425 pounds.

37. Amend § 73.226 (b) (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.226) to read as follows:

§ 73.226 *Thorium metal, powdered.* * * *

(b) Thorium metal powder packed in tightly and securely closed metal cans, cushioned with incombustible material in strong outside wooden or fiberboard boxes, and not exceeding 4 ounces net weight in one outside shipping container, is exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except when offered for transportation by carrier by water, name of contents must be marked on outside container.

38. Amend § 73.228 (a) (2) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.228, 1950 Rev.) to read as follows:

§ 73.228 *Zinc ammonium nitrite.* (a) * * *

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Gross weight not over 300 pounds.

39. Amend § 73.229 (c) and (d) (20 F. R. 951, Feb. 15, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.229) to read as follows:

§ 73.229 *Chlorate and borate mixtures or chlorate and magnesium chloride mixtures.* * * *

(c) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing no other hazardous additives and containing less than 50 percent chlorate packed in strong tight metal or fiber drums or in wooden boxes with tight inside metal containers are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight or highway.

(d) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing 25 percent or less chlorate and no other hazardous additives are not subject to the regulations in Parts 71–78 and 197 of this chapter.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.242 (b) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.242, 1950 Rev.) to read as follows:

§ 73.242 *Bottles containing acid or other corrosive liquids.* * * *

(b) When bottles containing acid or other corrosive liquids are cushioned by incombustible absorbent material and securely packed in tightly closed metal containers, except hydrofluoric acid which must be packed in a container other than a metal container, they may be packed with other articles. This exception does not apply to nitric acid exceeding 40 percent concentration, perchloric acid, hydrogen peroxide exceeding 52 percent strength by weight, nitrohydrochloric acid, or nitrohydrochloric acid diluted, which must not be packed in the same outside container with any other article under any circumstances.

2. Amend § 73.244 (a) and (b) (19 F. R. 1279, Mar. 6, 1954) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.244) to read as follows:

§ 73.244 *Exemptions for acids and other corrosive liquids.* (a) Acids and other corrosive liquids, except those enumerated in paragraph (c) of this section, in inside bottles having a capacity not over 1 pound or 16 ounces by volume each inclosed in a metal can in the outside container are exempt from Parts 71–78 and 197 of this chapter, unless otherwise provided, when offered for transportation by rail freight, highway or water except when for transportation by carrier by water, name of contents must be marked on outside container.

(b) Other exemptions from Parts 71–78 and 197 of this chapter for rail freight, rail express, highway or water, except marking name of contents on outside container when for transportation by water, are shown with the packing requirements for the article.

* * * * *

3. Amend § 73.245 (a) (12) (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.245) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) * * *

(12) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading, and having threaded closures or other equally efficient type closure, not over 1 gallon capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

* * * * *

4. Cancel paragraph (a) (14) to § 73.247 (19 F. R. 3260, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.247).

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) * * *

(14) [Canceled.]

5. Amend § 73.249 (c) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.249, 1950 Rev.) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids.* * * *

(c) Inside containers of not more than 8-fluid ounces capacity each, resistant to lading, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except when for transportation by carrier by water, name of contents must be marked on outside container.

6. In § 73.250 amend the introductory text of paragraph (a); add paragraph (b) (18 F. R. 803, Feb. 7, 1953) (15 F. R. 8315, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.250) to read as follows:

§ 73.250 *Automobiles and other self-propelled vehicles, engines or other mechanical apparatus.* (a) Automobiles and other self-propelled vehicles equipped with electric storage batteries, wet, or with electric storage batteries, wet, removed from vehicles; and electric storage batteries, wet when included in carload or truckload shipments of automobile parts or assembled material are exempt from Parts 71–78 and 197 of this chapter as follows: (See also § 73.257 (b).)

* * * * *

(b) Engines or mechanical apparatus of such size or weight as to require securement to skids to facilitate handling may have electric storage batteries, wet, necessary for the operation thereof, either securely fastened in the holder provided on the equipment and protected, including battery terminals, in such manner as to prevent damage thereto or short circuits, or completely boxed in containers of sound lumber and with filling holes upright, securely fastened to the skids upon which the engine or mechanical apparatus is mounted to prevent accidental tipping or looseness in transportation. Electric storage batteries, wet, as described herein are exempt from specification packaging.

7. In § 73.257 amend paragraph (a) (6), and introductory text of paragraph (b) (19 F. R. 6268, Sept. 29, 1954) (19 F. R. 3260, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.257) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) * * *

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant plastic having threaded closures or an inside sealed bag placed in a closed fiber carton inside of a sealed bag or in closed fiber tubes, minimum thickness of polyethylene or other plastic material shall be not less than 0.003 inch for any film sheet; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401 (c) shall not be required. Inside containers of any type shall not exceed 2 quarts capacity each. Inside containers shall be packed to prevent movement within the box. Dry storage batteries or battery charger devices may be packed in the same outside box when adequately separated from inside containers of electrolyte acid, but not more than 4 inside containers of electrolyte acid may be so packed under this provision; gross weight of completed package shall not exceed 65 pounds.

* * * * *

(b) Shipments of electrolyte (acid) or corrosive battery fluid with vehicles offered for transportation by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government are exempt from Parts 71–78 and 197 of this chapter when packed as follows:

* * * * *

8. In § 73.260 amend the introductory text of paragraphs (a) and (d) (15 F. R. 8315, 8316, Dec. 2, 1950) (49 CFR 73.260, 1950 Rev.) to read as follows:

§ 73.260 *Electric storage batteries, wet.* (a) Electric storage batteries, containing electrolyte acid or alkaline corrosive battery fluid, must be completely protected so that short circuits will be prevented; they must not be packed with other articles except as provided in §§ 73.250 and 73.258, portable searchlights properly cushioned, battery parts, or hydrometers, securely packed in a separate container.

* * * * *

(d) Electric storage batteries, containing electrolyte or corrosive battery fluid, of the nonspillable type, protected against short circuits and completely and securely boxed are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except when for transportation by carrier by water, name of contents must be marked on container.

* * * * *

9. In § 73.261 amend the introductory text of paragraph (b) (15 F. R. 8316, Dec. 2, 1950) (49 CFR 73.261, 1950 Rev.) to read as follows:

§ 73.261 *Fire-extinguisher charges.* * * *

(b) Fire-extinguisher charges as described in subparagraphs (1) to (3) of this paragraph are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except when for transportation by carrier by water, name of contents must be marked on outside container.

* * * * *

10. Amend § 73.263 (a) (14) and (b) (2) (18 F. R. 6779, Oct. 27, 1953) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.263) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, and sodium chlorite solution.* (a) * * *

(14) Spec. 17H, 37A, or 37B (§ 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip) not over 5

gallons capacity each. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15 percent hydrochloric (muriatic) acid. Drums must be lined throughout with a pliable plastic material impervious to the solution. Spec. 37A and 37B (§ 78.131 or § 78.132 of this chapter) metal drums must be at least 24 gauge steel.

• • • • • •

(b) • • •

(2) Inside containers of not more than 8-fluid ounces capacity each, resistant to lading, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be marked on outside container.

• • • • • •

11. Amend § 73.264 (a) (8) (17 F. R. 1562, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73,264) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) • • •

(8) Spec. 103A, 103A–W, 104A, 104A–W, 105A300, 105A400, 105A500, 105A600, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or ARA–IV–A1 (§§ 78.266, 78.281, 78.270, 78.285, 78.271, 78.272, 78.273, 78.274, 78.286, 78.287, 78.288, 78.289). Unlined metal tank cars which have been subjected to adequate passivity or neutralization process. (See Note 1 to subparagraph (7) of this paragraph.) Authorized only for acid of 60 to 80 percent strength. If tanks are washed out with water they must be resubjected to passivity before reshipment.

• • • • • •

12. Amend § 73.266 (e) (18 F. R. 5272, Sept. 1, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.266) to read as follows:

§ 73.266 *Hydrogen peroxide solution in water.* • • •

(e) Hydrogen peroxide solution in water not exceeding 52 percent hydrogen peroxide by weight is not subject to Parts 71–78 and 197 of this chapter when shipped in tank cars, tank motor vehicles, or portable tanks in carload or truckload quantities only.

• • • • • •

13. Amend § 73.268 (a) (15 F. R. 8319, Dec. 2, 1950) (49 CFR 73.268, 1950 Rev.) to read as follows:

§ 73.268 *Nitric acid.* (a) Nitric acid exceeding 40 percent concentration in any quantity must not be packed with any other article.

• • • • • •

14. Amend § 73.272 (b) (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.272, 1950 Rev.) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(b) Sulfuric acid solutions of not over 25 percent concentrations, in inside containers of not more than 8 ounces capacity each, resistant to the lading, packed in strong outside containers and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in event of breakage, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except when for carrier by water, name of contents must be marked on outside container.

• • • • • •

15. Amend § 73.277 (d) and (e) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.277, 1950 Rev.) to read as follows:

§ 73.277 *Hypochlorite solutions.* • • •

(d) Glass or earthenware container of not more than 4-fluid ounces capacity each, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be marked on outside container.

(e) Shipments by tank motor vehicle are exempt from Parts 71–78 and 197 of this chapter.

16. Amend § 73.279 (b) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.279, 1950 Rev.) to read as follows:

§ 73.279 *Anisoyl chloride.* • • •

(b) Inside containers of not more than 8-fluid ounces capacity each, resistant to lading, packed in strong outside containers, and cushioned with absorbent material in sufficient quantity to completely absorb liquid contents in the event of breakage, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except when for carrier by water, name of contents must be marked on outside container.

• • • • • •

19. Cancel paragraph (a) (10) to § 73.289 (19 F. R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.289).

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(10) [Canceled.]

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.301 redesignate paragraph (b) (1) as Note 1, and add Note 2 to paragraph (b); amend paragraph (c) (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.301, 1950 Rev.) to read as follows:

§ 73.301 *General requirements.* • • •

(b) • • •

NOTE 1: The lower limits of combustibility of the more commonly used liquefied petroleum gasses are: Propane, 2.15 percent; Butane, 1.55 percent. These figures represent volumetric percentages of gas-air mixtures in each case.

NOTE 2: The use of 1.0 pound of ethyl mercaptan, 1.0 pound of thiophene, or 1.4 pounds of amyl mercaptan per 10,000 gallons of liquefied petroleum gas shall be considered sufficient to meet the requirements of § 73.301 (b). (This note does not exclude the use of any other odorant in sufficient quantity to meet the requirements of § 73.301 (b).)

(c) *Foreign cylinders.* Except as authorized by § 73.9, a charged container of foreign manufacture must not be offered for transportation in domestic traffic unless it has been made in accordance with the applicable ICC specification and unless the tests required by such specification were made in this country and proper report rendered.

• • • • • •

2. In § 73.302 amend the introductory text of paragraph (a) (18 F. R. 3136, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.302) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) Compressed gases, except poisonous gases as defined by § 73.326 (a), when in accordance with either subparagraphs (1), (2), (3), (4), (5), or (6), of this paragraph, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be marked on the container.

• • • • • •

3. Amend entire § 73.303 (19 F. R. 6268, 6269, Sept. 29, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.303) to read as follows:

§ 73.303 *Truck bodies or trailers on flat cars; automobiles, motorcycles, tractors, or other self-propelled vehicles.* (a) Truck bodies or trailers with automatic heating or refrigerating equipment of the gas burning type may be shipped with fuel tanks filled and equipment operating or inoperative, when used for the transportation of other freight and loaded on flat cars as part of a joint rail-highway movement, provided the equipment and fuel supply are of a type approved by the Bureau of Explosives. The heating or refrigerating units are exempt from Parts 71–78 and 197 of this chapter when used in this service.

(b) Automobiles, motorcycles, tractors, or other self-propelled vehicles, equipped with liquefied petroleum gas or other fuel tanks, provided such tanks are securely closed, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except when for transportation by carrier by water, name of contents must be shown. When offered for transportation by carriers by rail freight or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks must have been emptied and securely closed.

4. In § 73.310 amend the introductory text of paragraph (a) (15 F. R. 8327, Dec. 2, 1950) (49 CFR 73.310, 1950 Rev.) to read as follows:

§ 73.310 *Fire extinguishers and component parts thereof.* (a) Fire extinguishers and component parts thereof containing nonliquefied gas for the purpose of expelling fire extinguishing contents, when shipped under the following conditions are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be marked on outside container.

• • • • • •

5. In § 73.313 amend the introductory text of paragraph (a), and the introductory text of paragraph (b) (15 F. R. 8327, 8328, Dec. 2, 1950) (20 F. R. 951, 952, Feb. 15, 1955) (49 CFR 73.313, 1950 Rev.) to read as follows:

§ 73.313 *Refrigerating machines and hydraulic accumulators.* (a) Refrigerating machines of the self-contained type containing not over 50 pounds of gas in each pressure vessel and containing not more than two charged pressure vessels, refrigerating machines of the remote-control type consisting of separate units shipped separately and each containing not over 25 pounds weight of gas, or other similar apparatus assembled for shipment containing not over 15 pounds weight of gas or liquid for their operation, when shipped under the following conditions are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be shown.

• • • • • •

(b) Hydraulic accumulators and component parts thereof containing nonliquefied gas for the purpose of operation when shipped under the following conditions are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except when for transportation by carrier by water, name of contents must be marked on outside container.

• • • • • •

6. In § 73.314 (a), table, amend the entry "Methyl mercaptan" (19 F. R. 8528, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
Methyl mercaptan.	*Percent* 80	ICC–106A500, 106A500X, Note 13; ICC–105A300, 105A300W.

• • • • • •

7. In § 73.315 amend the introductory text of paragraph (i) (15 F. R. 8331, Dec. 2, 1950) (49 CFR 73.315, 1950 Rev.) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* • • •

(i) Each tank shall be provided with one or more safety relief devices approved as to type, location, and quantity by the Bureau of Explosives. Such devices, unless otherwise specified, shall be safety relief valves of the spring-loaded type and they shall be arranged to discharge upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container.

• • • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. In § 73.345 amend the introductory text of paragraph (a) (19 F. R. 1280, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.345) to read as follows:

§ 73.345 *Exemptions for poisonous liquids, class B.* (a) Poisonous liquids, class B, as defined in § 73.343, except those as enumerated in paragraph (b) of this section, or as provided for in § 73.359 (c), in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except when for transportation by carrier by water, name of contents must be marked on outside container.

• • • • • •

2. Amend § 73.346 (a) (3) and (4) (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.346, 1950 Rev.) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) • • •

(3) Spec. 37B (§ 78.132 of this chapter). Metal drums (single-trip containers), welded side seams, openings not over 2.3 inches in diameter, capacity not over 10 gallons.

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip containers), with welded side seams, not over 5 gallons; authorized for pastes only.

• • • • • •

3. Amend § 73.352 (a) (2) (15 F. R. 8335, Dec. 2, 1950) (49 CFR 73.352, 1950 Rev.) to read as follows:

§ 73.352 *Liquid sodium or potassium cyanide.* (a) • • •

(2) Spec. 17E or 37B (§ 78.116 or § 78.132 of this chapter). Metal drums (single-trip), with welded side seams, with openings not exceeding 2.3 inches in diameter.

• • • • • •

4. Amend § 73.354 paragraph (a) (5) (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.354, 1950 Rev.) to read as follows:

§ 73.354 *Motor fuel antiknock compound or tetraethyl lead.* (a) • • •

(5) MC 300, MC 301, MC 302, MC 303, or MC 330 (§§ 78.321, 78.322, 78.323, 78.324, or § 78.336 of this chapter). Tank motor vehicles.

• • • • • •

5. Amend § 73.358 paragraph (a) (6) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.358) to read as follows:

§ 73.358 *Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.* (a) • • •

(6) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

• • • • • •

6. Amend § 73.359 (a) (7), (b) (6), and (c) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.359) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) • • •

(7) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

• • • • • •

(b) • • •

(6) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

• • • • • •

(c) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 25 percent hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate by weight, in inside metal containers not over 8-fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage are exempt from Parts 71–78 and 197 of this chapter.

7. Add paragraph (a) (4) to § 73.360 (17 F. R. 7283, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.360) to read as follows:

§ 73.360 *Perchloro - methyl - mercaptan.* (a) • • •

(4) Spec. 5K or 5M (§ 78.88 or § 78.90 of this chapter). Nickel or monel barrels or drums.

8. In § 73.364 amend the introductory text of paragraph (a) (19 F. R. 1280, 1281, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.364) to read as follows:

§ 73.364 *Exemptions for poisonous solids, class B.* (a) Poisonous solids, class B, except beryllium metal powder; cyanides, other than as specified in § 73.370 (b) and (d); hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, other than as specified in § 73.377 (e); in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from Parts 71–78 and 197 of this chapter when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be marked on outside container.

* * * * *

9. In § 73.365 amend paragraph (a) (2); cancel Note 1 to paragraph (a) (2), and cancel paragraph (a) (3) (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.365, 1950 Rev.) to read as follows:

§ 73.365 *Poisonous solids not specifically provided for.* (a) * * *

(2) Spec. 17H, 37A, or 37B (§§ 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Gross weight not over 375 pounds, except for materials fused solid in the drum a gross weight of 880 pounds is authorized in drums constructed of a least 18 gauge steel regardless of gross weight marking embossed in the container.

NOTE 1: [Canceled.]

(3) [Canceled.]

* * * * *

10. Cancel paragraph (a) (3) to § 73.366 (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.366, 1950 Rev.) to read as follows:

§ 73.366 *Arsenic (arsenic trioxide) or arsenic acid (solid).* (a) * * *

(3) [Canceled.]

* * * * *

11. In § 73.369 amend (a) (9) and (11); cancel paragraph (a) (10) (15 F. R. 8337, Dec. 2, 1950) (49 CFR 73.369, 1950 Rev.) to read as follows:

§ 73.369 *Carbolic acid (phenol), not liquid.* (a) * * *

(9) Spec. 17E or 17H (§ 78.116 or § 78.118 of this chapter). Metal drums (single-trip).

(10) [Canceled.]

(11) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip).

* * * * *

12. In § 73.370 amend paragraph (a) (5), introductory text of paragraph (b), (c) (1), and the introductory text of paragraph (d); cancel paragraph (a) (7) (15 F. R. 8337, Dec. 2, 1950) (18 F. R. 804, Feb. 7, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.370) to read as follows:

§ 73.370 *Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.* (a) * * *

(5) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip containers) with welded side seams; all seams and closures to be watertight and must be hermetically sealed when used for calcium cyanide.

* * * * *

(7) [Canceled.]

(b) *Cyanides, except cyanide of calcium and mixtures thereof; exemptions.* Cyanides, except cyanide of calcium and mixtures thereof (see paragraph (d) of this section), when packed and described as follows are exempt from Parts 71–78 and 197 of this chapter except outside container must be marked with name of contents.

* * * * *

(c) * * *

(1) As prescribed in paragraphs (a) (2), (3), (4), (5), (6), (8), (9), (10), or (11) of this section.

* * * * *

(d) *Cyanide of calcium and mixtures thereof; exemptions.* Cyanide of calcium and mixtures thereof when packed and described as follows are exempt from Parts 71–78 and 197 of this chapter except outside container must be marked with name of contents.

* * * * *

13. Amend § 73.377 (a) (4) and (e) (16 F. R. 11780, Nov. 21, 1951) (18 F. R. 5273, Sept. 1, 1953) (49 CFR Rev., 1954 Supp., 73.377) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* (a) * * *

(4) Spec. 17C, 17H, or 37A (§ 78.115, § 78.118, or § 78.131 of this chapter). Metal drums (single-trip). Spec. 37A metal drums authorized for not over 100 pounds net weight.

* * * * *

(e) Dry mixtures containing not more than 2 percent by weight of hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, are exempt from Parts 71–78 and 197 of this chapter.

14. Amend § 73.378 (a) (2) (16 F. R. 11780, Nov. 21, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.378) to read as follows:

§ 73.378 *Beryllium metal powder.* (a) * * *

(2) Spec. 17H, 37A, or 37B (§ 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

* * * * *

15. Amend § 73.385 (a) (2) (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.385, 1950 Rev.) to read as follows:

§ 73.385 *Tear gas grenades, tear gas candles, or similar devices.* (a) * * *

(2) Spec. 37A (§ 78.131 of this chapter). Metal drum (single-trip). Functioning elements must be packed in separate compartment. Not more than 24 grenades and 24 functioning devices shall be packed in one outside container and the gross weight of the container must not exceed 75 pounds.

* * * * *

16. In § 73.392 amend the introductory text of paragraph (a), and entire paragraph (b) (15 F. R. 8339, Dec. 2, 1950) (20 F. R. 952, Feb. 15, 1955) (49 CFR 73.392, 1950 Rev.) to read as follows:

§ 73.392 *Exemptions for radioactive materials.* (a) Radioactive materials are exempt from Parts 71–78 and 197 of this chapter provided they fulfill all of the following conditions:

* * * * *

(b) Manufactured articles other than liquids, such as instrument or clock dials or electronic tubes and apparatus, of which radioactive materials are a component part, and luminous compounds, when securely packed in strong outside containers are exempt from Parts 71–78 and 197 of this chapter provided the gamma radiation at any surface of the package is less than 10 milliroentgens in 24 hours.

(1) Switchboard or similar apparatus containing electronic tubes, of which radioactive materials are a component part, are exempt from Parts 71–78 and 197 of this chapter when shipped in carload or truckload lots or when transported by private motor carrier provided the gamma radiation at any readily accessible surface of the units when prepared for shipment does not exceed 50 milliroentgens in 24 hours.

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. In § 74.526 amend paragraph (n) (1); add paragraph (n) (3); amend entire paragraph (o) (20 F. R. 953, Feb. 15, 1955) (49 CFR 74.526, 1950 Rev.) to read as follows:

§ 74.526 *Loading packages of explosives in cars, selection, preparation, inspection, and certification.* * * *

(n) * * *

(1) Portable metal containers must be of such design and so braced that there will be no evidence of failure of the container or the bracing when subjected to impact of at least 8 miles per hour. Efficiency shall be determined by actual test, using dummy loads equal in weight and general character to material to be shipped.

* * * * *

(3) Lading shall be so loaded, blocked, and braced within the container that it will not change position under impact of at least 8 miles per hour.

(o) Explosives, class A, may be loaded and transported in tight, closed truck bodies or trailers on flat cars provided all of the following requirements are fulfilled:

(1) Truck body or trailer must meet the requirements of Part 77 of this chapter, applicable to shipments of explosives by motor vehicle.

(2) Truck body or trailer shall be so loaded and braced on the car that it will not change position or show evidence of failure or impending failure of the bracing or blocking under impact of at least 8 miles per hour. Efficiency shall be determined by actual test, using dummy loads equal in weight and general character to material to be shipped.

(3) Lading shall be so loaded, blocked, and braced within the truck body or trailer that it will not change position under impact of at least 8 miles per hour.

(4) Cars or truck bodies or trailers on cars must be placarded with the "Explosives" placards as prescribed in § 74.550 and properly executed car certificates as required by § 74.525.

2. Cancel paragraph (c) in § 74.527 (18 F. R. 3137, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 74.527):

§ 74.527 *Forbidden mixed loading and storage.* * * *

(c) [Canceled.]

3. Amend § 74.528 (a) (15 F. R. 8347, Dec. 2, 1950) (49 CFR 74.528, 1950 Rev.) to read as follows:

§ 74.528 *Protect explosives from injury.* (a) In a car containing explosives, the explosives and all other freight must be so loaded, and if necessary so braced and stayed, as to prevent injury to packages of explosives during transit. When practicable, explosives should be loaded so as to avoid transfer at stations.

4. Amend § 74.532 (h) (3) (15 F. R. 8348, Dec. 2, 1950) (49 CFR 74.532, 1950 Rev.) to read as follows:

§ 74.532 *Loading other dangerous articles.* * * *

(h) * * *

(3) Electric storage batteries (wet) for shipment must be completely protected so that short circuits will be prevented and must not be loaded or stored with explosives.

* * * * *

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 74.538 amend item "g" and item "7" vertical and horizontal columns in paragraph (a) chart (19 F. R. 6269, Sept. 29, 1954) (15 F. R. 8350, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 74.538) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

"g" Detonating fuzes, class A, with or without radioactive components.											
"7" Time, combination or detonating fuzes, class C.											

PART 77—SHIPMENT: MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. In § 77.848 amend item "g" and item "7" vertical and horizontal columns in paragraph (a) chart (19 F. R. 6270, Sept. 29, 1954) (15 F. R. 8368, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 77.848) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

"g" Detonating fuzes, class A, with or without radio active components.											
"7" Time, combination on detonating fuzes, class C.											

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Amend § 78.115–7 (a) (15 F. R. 8448, Dec. 2, 1950) (49 CFR 78.115–7, 1950 Rev.) to read as follows:

§ 78.115 *Specification 17C; steel drums.*

§ 78.115–7 *Convex heads.* (a) Convex (crowned) heads, not extending beyond level of chime, required for drums of 25 gallons capacity or over; minimum convexity of 3/8 inch required.

2. Cancel entire § 78.125 (15 F. R. 8451, Dec. 2, 1950) (18 F. R. 806, Feb. 7, 1953) (17 F. R. 7287, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.125)

3. Cancel entire § 78.126 (15 F. R. 8451, 8452, Dec. 2, 1950) (17 F. R. 4297, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.126)

4. Cancel entire § 78.127 (15 F. R. 8452, Dec. 2, 1950) (18 F. R. 806, Feb. 7, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.127)

5. Cancel entire § 78.128 (15 F. R. 8452, 8453, Dec. 2, 1950) (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.128)

6. Cancel entire § 78.129 (15 F. R. 8453, 8454, Dec. 2, 1950) (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.129)

7. Add § 78.131 (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.131, 1950 Rev.) to read as follows:

§ 78.131 *Specification 37A; steel drums.* Single-trip container. Removable head required.

§ 78.131–1 *Compliance.* (a) Required in all details.

§ 78.131–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.131–9 (a) (2). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 3 percent or rated (marked) capacity plus 2 percent plus 1 quart whichever is the greater.

§ 78.131–3 *Composition.* (a) Sheets for body and heads to be hot-rolled or cold-rolled, low carbon, open-hearth or electric steel of standard commercial quality.

§ 78.131–4 *Weight of sheets.* (a) Average draft weight for any gauge not less than as follows:

Gauge, U. S. standard (No.)	Standard weight per square foot	Authorized tolerances
	Pounds	*Percent*
12	4.375	5
13	3.750	5
14	3.125	5
15	2.8125	5
16	2.500	5
18	2.000	3½
19	1.750	3½
20	1.500	3½
22	1.250	3½
24	1.000	2½
26	.750	2½

§ 78.131–5 *Seams.* (a) Side seams must be welded.

§ 78.131–6 *Capacities, weights, type, and gauges.* (a) Capacities, weights, type, and gauges must be as follows:

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Minimum thickness in the black (gauge, U. S. standard) [1]		Minimum ring gauge bolted type [2]
			Body sheet [3]	Head sheet	
5	60	Straight side	26	26	Lug or plain ring seal.
5	80	do	24	24	
10	160	do	24	24	
55	150	do	26	26	18, plain.
55	275	do	24	24	18, plain.
55	350	do	24	24	16, 2" overlap.
55	450	do	22	22	16, 2" overlap.

[1] All gauges specified are minimum. Heavier (but not lighter) gauges may be specified if shipper so desires.
[2] Equally efficient closing devices may be authorized by the Bureau of Explosives upon demonstration of their ability to withstand tests prescribed in § 78.131–11.
[3] Containers of 16 gallons capacity and over must have 2 swedged or corrugated rolling hoops of sufficient height to clear the closing device when the drum is rolled.

§ 78.131–7 *Closures.* (a) Closures of the type specified in the above table adequate to prevent leakage; gaskets required, discs required when necessary, all closures to be of the full-removable head type. Curl at top of shell for all drums 30 gallons capacity and larger must have a minimum diameter of 7/16 inch, and so made as to form a circular section with the under portion substantially in contact with the vertical shell. The removable head must have a minimum depth of 3/4 inch and the cover bib must be large enough to extend to the horizontal center line of the top curl when the drum is sealed with the gasket in place. Drums of less than 30 gallons capacity may be made with an outside curl diameter of 3/8 inch minimum and a head depth of 3/4 inch minimum; except that for drums less than 16 gallons capacity the outside curl diameter may be 9/32 inch and the cover depth may be 3/8 inch minimum.

(b) The closing ring must be so constructed that the bottom leg will extend

well inside the vertical center line of the shell curl but must not touch the shell (recommended clearance is 1/16 inch minimum, 3/32 inch maximum) when sealed for usage. The top leg of the locking ring must have sufficient length to extend well inside the vertical center line of the curl on the shell. Closing rings must have a 2 inch overlap at joint when gross weight of drum exceeds 275 pounds. Overlap is not required for drums of 275 pounds or less gross weight. The clearance between ends of rings without overlap should be a minimum of 1/8 inch and a maximum of 1/2 inch.

§ 78.131–8 *Defective containers.* (a) Defective containers to be repaired by method used in constructing container. Soldering not authorized.

§ 78.131–9 *Marking.* (a) Marking on each container by embossing on bottom head with raised marks as follows:

(1) ICC–37A * * *. Stars to be replaced by the authorized gross weight, or less, at which the container was type tested (for example, ICC–37A150). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 24–55–54). When gauge of metal in body differs from that in either head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 22/24–55–54 for a container having 22 gauge body, 22 gauge bottom head and 24 gauge top head).

(3) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(4) The letters STC; located just above or below the ICC mark to indicate "single trip container".

§ 78.131–10 *Size of markings.* (a) Size of markings, not less than 1/2 inch high for all containers.

§ 78.131–11 *Type test.* (a) Samples, taken at random and closed as for use, shall withstand prescribed test without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type test is as follows:

(b) Test by dropping on top chime, filled with dry finely powdered material to the gross weight at which container is marked, from height of 4 feet onto solid concrete so as to strike diagonally on the chime and so positioned when equipped with bolted ring type closure that crush pattern will terminate at closure joint. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test. A disc constructed of crepe paper or other suitable material may be used in addition to regular gasket over top of container before applying head for test purposes.

8. Add § 78.132 (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.132, 1950 Rev.) to read as follows:

§ 78.132 *Specification 37B; steel drums.* Single-trip container. Removable head not authorized.

§ 78.132–1 *Compliance.* (a) Required in all details.

§ 78.132–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.132–9 (a) (2). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 3 percent or rated (marked) capacity plus 2 percent plus 1 quart whichever is the greater.

§ 78.132–3 *Composition.* (a) Sheets for body and heads to be hot-rolled or cold-rolled, low carbon, open hearth, or electric steel of standard commercial quality.

§ 78.132–4 *Weight of sheets.* (a) Average draft weight for any gauge not less than as follows:

Gauge, U. S. standard (No.)	Standard weight per square foot	Authorized tolerances
	Pounds	*Percent*
12	4.375	5
13	3.750	5
14	3.125	5
15	2.8125	5
16	2.500	5
18	2.000	3½
19	1.750	3½
20	1.500	3½
22	1.250	3½
24	1.000	2½
26	.750	2½
28	.625	2½

§ 78.132–5 *Seams.* (a) Side seams may be welded, Gordon lock, or other equally efficient construction.

§ 78.132–6 *Capacities, weights, type and gauges.* (a) Capacities, weights, type and gauges must be as follows:

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Minimum thickness in the black (gauge, U. S. standard)	
			Body sheet [1]	Head sheet
5	60	Straight side	28	28
55	275	do	26	26
55	450	do	24	24
55	650	do	22	[2] 22

[1] Containers of 16 gallons capacity and over must have small or series corrugations rolled into the shell or 2 swedged or corrugated rolling hoops.
[2] 24-gauge top head and cover authorized.

§ 78.132–7 *Closures.* (a) Closures shall be of any type that will withstand prescribed drop tests without leakage, see § 78.132–11. Openings shall not exceed 9 inches in diameter in containers of 16-gallon capacity and larger nor 6½ inches in diameter in containers less than 16-gallon capacity. Larger openings may be authorized upon demonstration and proof of satisfactory closure test to the Bureau of Explosives. Gaskets required when necessary.

§ 78.132–8 *Defective containers.* (a) To be repaired by method used in constructing container except that Gordon lock, or other similarly constructed seam must be welded. Soldering not authorized.

§ 78.132–9 *Marking.* (a) Marking on each container by embossing with raised characters on head as follows:

(1) ICC–37B * * *. Stars to be replaced by the authorized gross weight, or less at which container was type tested (for example, ICC–37B450, etc.). This marking shall be understood to certify that the container complies with all specification requirements.

(2) Gauge of metal in thinnest part (except closure cover), rated capacity in gallons, and year of manufacture (for example, 24–55–54). When gauge of metal in body differs from that in either head, both must be indicated with slanting line between and with gauge body indicated first (for example, 22/24–55–54 for the container having 22-gauge body, 22-gauge bottom head and 24-gauge top head).

(3) Name or symbol (letters) of makers: This must be recorded with the Bureau of Explosives.

(4) The letters STC; located just above or below the ICC mark to indicate "single trip container."

§ 78.132–10 *Size of markings.* (a) Size of markings (minimum), not less than 1/2 inch high for all containers.

§ 78.132–11 *Type test.* (a) Samples, taken at random and closed as for use, shall withstand prescribed test without leakage. Test to be made of each type and size by each company starting production and to be repeated every four months. Sample last tested to be retained until further tests are made. The type test is as follows:

(b) Test by dropping on top chime, filled with dry finely powdered material to the gross weight at which container is marked, from a height of 4 feet onto solid concrete so as to strike diagonally on the chime and so positioned as to strike, in the case of offset openings, at the point on the chime nearest the opening. Closing devices and other parts projecting beyond chimes must also be capable of withstanding this test.

SUBPART I—SPECIFICATIONS FOR TANK CARS

In § 78.275 paragraph ICC–15 (b) cancel only the complete table titled "Record of Tensile Tests of Material in Tanks" (15 F. R. 8500, Dec. 2, 1950) (49 CFR 78.275, 1950 Rev.)

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. Amend the heading of § 78.323; amend § 78.323–11 (a) (20 F. R. 958, Feb. 15, 1955) (49 CFR 1950 Rev., 1953 Supp., 78.323) to read as follows:

§ 78.323 *Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B178–54T).* To be mounted on and to form part of tank motor vehicles for transportation of flammable liquids, and poisonous liquids, class B.

§ 78.323–11 *Material.* (a) All sheets for such cargo tanks shall be of aluminum alloy, known as ASTM B178–54T and have the following minimum requirements:

Yield strength ..... 26,000 lb. per sq. in.
Ultimate strength ..... 34,000 lb. per sq. in.
Elongation, 2-inch sample ..... 12 percent.

NOTE: Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gauge length (ASIM E8–36).

2. Amend § 78.331–8 (a), (b), and introductory text of paragraph (c) (18 F. R. 6783, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.331–8) to read as follows:

§ 78.331 *Specification MC 311; cargo tanks.*

§ 78.331–8 *Design requirements*—(a) *For pressure unloading.* Cargo tanks built under this specification that are unloaded by pressure must be built of welded construction in accordance with the A. S. M. E. Code for Unfired Pressure Vessels, 1949, 1950, 1951, or 1952 editions—no revisions, provided that the requirements of other parts of this section shall apply in any event.

(b) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be designed, constructed, tested and retested as a separate tank. In addition, the whole tank shall be tested and retested by application of prescribed test pressure to all compartments simultaneously.

(c) *Heads, bulkheads and baffles.* Tanks built under this specification, whether unloaded by pressure or not, shall have heads, bulkheads and baffles of no lesser thicknesses than those in the following tables, subject to the further requirements of § 78.331–9 (d) and (e) and further provided that baffles are not required in any tank or compartment of 90-inches or lesser length and that each compartment and each tank not divided into compartments shall, when its length exceeds 90 inches, be provided with baffles so located that the greatest distance between points of attachment of adjacent heads, bulkheads and baffles to the tank shell does not exceed 60 inches:

* * * * *

APPENDIX

Section, Paragraph, and Reason for Amendment

72.5, (a) commodity list, provides additions and amendments to keep commodity list on a current basis.

73.22, (f), to allow temporary use of type 37 drums in addition to new designs.

73.31, (g) Notes 1 and 2, to extend the expiration date of periodic retests that are presently waived for certain tank cars.

73.34, (k), clarification.

73.51, (r), forbids shipment of loaded firearms.

73.53, (g) (2), to provide for the transportation of a new type detonating fuze.

73.59, (a), to provide for chemical ammunition which is a class B explosive.

73.69, entire section, to provide for a new type of detonating fuze.

73.91, (a) (3), to provide spec. 12B fiberboard box for the shipment of certain fireworks bombs.

73.91, (g) (1), to allow for variance in weight of cushioning material.

73.109, (a) (3), to provide for the transportation of imported toy caps in containers equivalent to prescribed specifications.

73.113, entire section, to provide shipping requirements for a new type detonating fuze.

73.118, (a) and (b), to exempt certain shipments of flammable liquids from the regulations.

73.119, (k) (3), to authorize use of 2 new type drums.

73.119, (k) (4), to provide spec. 42F for the transportation of viscous flammable liquids.

73.120, (a), to exempt certain shipments of automobiles, motorcycles, tractors, or other self-propelled vehicles equipped with gasoline or other fuel tanks, from the regulations.

73.120, (c), to exempt the heating and refrigerating units of the flammable liquid type on truck bodies or trailers loaded on flat cars from the regulations.

73.127, (a) (2), same as § 73.119 (k) (3).

73.128, (a) (2) and (3), same as § 73.119 (k) (3).

73.128, (c), to exempt certain shipments of paints and related materials from the regulations.

73.129, (a) (2), same as § 73.119 (k) (3).

73.129, (b), to exempt certain shipments of polishes from the regulations.

73.130, (a), to exempt certain shipments of refrigerating machines containing not over 15 pounds of a flammable liquid from the regulations.

73.135, (a) (2), to provide an improved metal drum specification which supersedes presently authorized drums of the spec. 37 series.

73.136, (a) (2), same as § 73.135 (a) (2).

73.141, (a) (8), to provide spec. MC 330 tank motor vehicle for the transportation of certain mercaptans.

73.153, (a) and (b), to exempt certain shipments of flammable solids and oxidizing materials from the regulations.

73.154, (a) (2), same as § 73.119 (k) (3).

73.156, (a) (4), same as § 73.119 (k) (3).

73.159, (c), to exempt certain shipments of burnt cotton from the regulations.

73.160, (a) (3), same as § 73.119 (k) (3).

73.162, (a), to exempt certain shipments of charcoal from the regulations.

73.163, (a) (2), same as § 73.119 (k) (3).

73.163, (a) (7), to provide for the transportation of chlorate of soda in additional types of steel tank cars.

73.164, (a) (2), same as § 73.119 (k) (3).

73.166, (a) (2), same as § 73.119 (k) (3).

73.175, (a) (3), same as § 73.119 (k) (3).

73.176, (g), to exempt certain shipments of matches from the regulations.

73.178, (a) (5), same as § 73.119 (k) (3).

73.180, (b), to exempt certain shipments of motion-picture film and X-ray film, unexposed, from the regulations.

73.181, (a), to exempt certain shipments of motion-picture film from the regulations.

73.182, (a) (1), to exempt certain shipments of nitrates from the regulations.

73.182, (b), to provide shipping requirements for strontium nitrate.

73.182, (b) (4), to provide certain exemptions from the regulations for various nitrates.

73.184, (a) (4), same as § 73.119 (k) (3).

73.187, (a) (3), same as § 73.119 (k) (3).

73.188, (a) (3), same as § 73.119 (k) (3).

73.189, (a) (2), same as § 73.119 (k) (3).

73.191, (a) (2), same as § 73.119 (k) (3).

73.194, (a) (2), same as § 73.119 (k) (3).

73.195, (a) (2), same as § 73.119 (k) (3).

73.197, (a) and (b), to exempt certain shipments of pyroxylin plastics in sheets, rolls, rods or tubes from the regulations.

73.198, (a) (3), same as § 73.119 (k) (3).

73.201, (b), to exempt certain shipments of rubber scrap, rubber buffings, reclaimed rubber or regenerated rubber from the regulations.

73.204, (a) (4), same as § 73.119 (k) (3).

73.206, (a) (3), (4) (b) (1), and (c) (2), same as § 73.119 (k) (3).

73.207, (b) (3), same as § 73.119 (k) (3).

73.207, (c), (d), and (e), to exempt certain shipments of sodium sulfide from the regulations.

73.208, (b) (2), same as § 73.119 (k) (3).

73.212, (a), to exempt certain shipments of trinitrobenzine and trinitrotoluene, wet from the regulations.

73.215, (a) (4), same as § 73.119 (k) (3).

73.217, (a) (2), same as § 73.119 (k) (3).

73.217, (b), to exempt certain shipments of calcium hypochloride compounds, dry, and lithium hypochloride compounds, dry from the regulations.

73.220, (c), to exempt certain shipments of magnesium scrap from the regulations.

73.223, (b), to exempt certain shipments of peracetic acid from the regulations.

73.224, (a) (3), to provide for the transportation in tank cars of 75 percent or less cumene hydroperoxide in nonvolatile solution.

73.225, (a) (3), same as § 73.119 (k) (3).

73.226, (b), to exempt certain shipments of thorium metal, powdered from the regulations.

73.228, (a) (2), same as § 73.119 (k) (3).

73.229, (c) and (d), to exempt certain shipments of chlorate and borate mixtures or chlorate and magnesium chloride mixtures from the regulations.

73.242, (b), to provide for mixed packing of limited strength of nitric acid solution.

73.244, (a) and (b), to exempt certain shipments of acids and other corrosive liquids from the regulations.

73.245, (a) (12), to provide for larger inside containers with suitable type closure for the transportation of certain acids or other corrosive liquids not specifically provided for.

73.247, (a) (14), the suitability of specs. 1F or 1G polyethylene carboys for benzoyl chloride and benzyl chloride is questionable.

73.249, (c), to exempt certain shipments of alkaline corrosive liquids from the regulations.

73.250, (a), to exempt certain shipments of automobiles and other self-propelled vehicles or other mechanical apparatus with electric storage batteries, wet, from the regulations.

73.250, (b), to provide for the transportation of engines or mechanical apparatus with electric storage batteries, wet, on skids.

73.257, (a) (6), to provide for the use of additional inside packages and to increase the size of inside packages from 1 qt. to 2 qts.

73.257, (b), to exempt certain shipments of electrolyte (acid) or corrosive battery fluid with vehicles from the regulations.

73.260, (a), to clarify the mixed packing requirement of this paragraph.

73.260, (d), to exempt certain shipments of electric storage batteries from the regulations.

73.261, (b), to exempt certain shipments of fire-extinguisher charges from the regulations.

73.263, (a) (14), same as § 73.119 (k) (3).

73.263, (b) (2), to exempt certain shipments of hydrochloric acid not over 20 percent strength from the regulations.

73.264, (a) (8), to properly reference all tank cars authorized for hydrofluoric acid and to make consistent the wording pertaining to the neutralization process required for each tank car.

73.266, (e), to exempt certain shipments of hydrogen peroxide solution in water from the regulations.

73.268, (a), to provide for mixed packaging of limited strengths of nitric acid solution.

73.272, (b), to exempt certain shipments of sulfuric acid solution of not over 25 percent concentration from the regulations.

73.277, (d) and (e), to exempt certain shipments of hypochlorite solutions from the regulations.

73.279, (b), to exempt certain shipments of anisoyl chloride from the regulations.

73.280, (a) (2), same as § 73.119 (k) (3).

73.286, (b), to exempt certain shipments of chemical kits from the regulations.

73.289, (a) (10), to delete extraneous material inasmuch as this container is provided for in § 73.245 (a) (12).

73.301, (b) Note 1 and Note 2, for clarification and to indicate the specific amounts of the more common odorants necessary to meet requirements of § 73.301 (b).

73.301, (c), to authorize the shipment in domestic traffic of charged containers of foreign manufacture under certain provisions.

73.302, (a), to exempt certain shipments of compressed gases from the regulations.

73.303, (a), to exempt the heating and refrigerating units on truck bodies or trailers loaded on flat cars from the regulations.

73.303, (b), to exempt automobiles, motorcycles, tractors or other self-propelled vehicles equipped with liquefied petroleum gas or other fuel tanks from certain requirements of the regulations.

73.310, (a), to exempt certain shipments of fire extinguishers and component parts thereof from the regulations.

73.313, (a) and (b), to exempt certain shipments of refrigerating machines and hydraulic accumulators from the regulations.

73.314, (a) table, to provide spec. 105A300 and 105A300 tank cars for the transportation of methyl mercaptan.

73.315, (l), to authorize approval of safety relief devices as to type, quantity and location on cargo tanks and portable tank containers.

73.345, (a), to exempt certain shipments of poisonous liquids, class B, from the regulations.

73.346, (a) (3), and (4), same as § 73.119 (k) (3).

73.352, (a) (2), same as § 73.135 (a) (2).

73.354, (a) (5), to provide spec. MC 330 tank motor vehicle for the transportation of motor fuel antiknock compound or tetraethyl lead.

73.358, (a) (8), same as § 73.135 (a) (2).

73.359, (a) (7), (b) (6), same as § 73.135 (a) (2).

73.359, (c), to exempt certain shipments of poisonous liquids from the regulations.

73.360, (a) (4), to provide spec. 5K or 5M barrels or drums for the transportation of perchloro-methyl-mercaptan.

73.364, (a), to exempt certain shipments of poisonous solids, class B, from the regulations.

73.365, (a) (2), same as § 73.119 (k) (3).

73.365, Note 1 to (a) (2), and (a) (3), this provision now covered in paragraph (a) (2) of same section.

73.366, (a) (3), this provision now covered in § 73.365.

73.369, (a) (9) and (10), spec. 37D and 37G has been superseded by drums now provided for in paragraph (a) (11) of this section.

73.369, (a) (11), same as § 73.119 (k) (3).

73.370, (a) (5), same as § 73.119 (k) (3).

73.370, (a) (7), this provision now covered in paragraph (a) (5) of this section.

73.370, (b), to exempt certain shipments of cyanides from the regulations.

73.370, (c) (1), to omit reference to paragraph (a) (7) which is canceled.

73.370, (d), to exempt certain shipments of cyanide of calcium and mixtures thereof from the regulations.

73.377, (a) (4), same as § 73.135 (a) (2).

73.377, (e), to exempt certain shipments of poisons, class B, from the regulations.

73.378, (a) (2), same as § 73.119 (k) (3).

73.385, (a) (2), same as § 73.135 (a) (2).

73.392, (a), (b), and (b) (1), to exempt certain shipments of radioactive materials from the regulations.

74.526, (n) (1), (3), and (o), to provide impact test for shipments in portable containers or motor vehicles and their installation on cars.

74.527, (c), explosives, class A, are now authorized for shipment in truck bodies or trailers loaded on flat cars.

74.528, (a), to clarify loading requirements for explosives and all other freight.

74.532, (h) (3), clarification.

74.538, (a) chart, to provide loading restrictions for a relatively new type of detonating fuze.

77.848, (a) chart, same as § 74.538 (a).

78.115–7, (a), tests prove that 3/8" minimum convexity of heads is adequate for spec. 17C drum to withstand test requirements.

78.125, entire section, spec. 37D superseded by specs. 37A and 37B steel drums.

78.126, entire section, spec. 37E superseded by specs. 37A and 37B steel drums.

78.127, entire section, spec. 37F superseded by specs. 37A and 37B steel drums.

78.128, entire section, spec. 37G superseded by specs. 37A and 37B steel drums.

78.129, entire section, spec. 37H superseded by specs. 37A and 37B steel drums.

78.131, entire section, to provide spec. 37A, steel drum which consolidates the better features of specs. 37D, 37E, 37F, 37G, and 37H drums.

78.132, entire section, to provide spec. 37B, steel drum which consolidates the better features of specs. 37D, 37E, 37F, 37G, and 37H drums.

78.275, ICC–15 (b) table, to cancel a requirement that is no longer essential.

78.323, heading, to provide for an aluminum alloy (ASTM B178–54T) which recognizes alloys of all manufacturers.

78.323–11, (a), same as § 78.323 heading.

78.331–8, (a), (b), and (c), to clarify certain design and retest requirements for spec. MC 311 cargo tank.

[F. R. Doc. 55–2812; Filed, Apr. 4, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

BURLEY TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has, pursuant to Public Law 21, 84th Congress, redetermined the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1955. A referendum of farmers who were engaged in the production of the 1954 crop of Burley tobacco will be held pursuant to the provisions of that law and applicable regulations, to determine whether such farmers are in favor of or opposed to such redetermined quota. The national marketing quota for Burley tobacco determined on November 26, 1954, for the 1955–56 marketing year and the State and farm marketing quotas and acreage allotments heretofore established pursuant thereto are of no effect.

Registration. The operator on each farm on which Burley tobacco was produced in 1954 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons who were engaged in the production of the 1954 crop of Burley tobacco are eligible to vote in the referendum. Any person who shared in the proceeds of the 1954 crop of Burley tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as having been engaged in the production of such crop of tobacco in 1954.

2. If several members of the same family participated in the production of the 1954 crop of Burley tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who had an independent bona fide status as operator, share tenant, or share cropper, and were entitled as such to share in the proceeds of the 1954 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of Burley tobacco in 1954.

(b) Any person who does not reside in or who will not be present in the county in which he was engaged in the production of Burley tobacco in 1954 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he was engaged in the production of tobacco in 1954 not later than the closing hour on the date of the referendum.

4. There shall be no voting by mail (except as provided in par. 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1954 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as having been engaged in the production of tobacco in 1954 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field in 1954 shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1954.

7. In the event two or more persons were engaged in producing tobacco in 1954 not as members of a partnership but at tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Time and place for balloting. The Burley tobacco marketing quota referendum wil be held on April 28, 1955. The place of voting and the hours which the polls wil be open for voting in each community will be announced by the ASC County Committee.

Done at Washington, D. C., this 8th day of April 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–3017; Filed, Apr. 8, 1955; 10:17 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA–304]

INVESTIGATION OF ACCIDENT OFF COAST OF OREGON

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 1032V, which occurred off the coast of Oregon, March 26, 1955.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, April 19, 1955, at 9:30 a. m., local time, in the Olympic Hotel, Seattle, Washington.

Dated at Washington, D. C., April 5, 1955.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 55–2933; Filed, Apr. 8, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6612]

SOUTHERN UTAH POWER CO.

NOTICE OF APPLICATION

APRIL 4, 1955.

Take notice that on March 31, 1955, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Southern Utah Power Company, a corporation organized under the laws of the State of Utah and doing business in the States of Utah and Arizona, with its principal business office at Cedar City, Utah, seeking an order authorizing the issuance and private sale of 2,000 shares of 5 percent Preferred Stock, par value $100.00 per share, to The Lincoln National Life Insurance Company, Fort Wayne, Indiana. The 2,000 shares are to be sold at par plus accrued dividends from March 15, 1955, to the date of payment and delivery of the stock. The proceeds to be obtained will be used to repay an unsecured promissory note of the Applicant; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 22d day of April 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–2908; Filed, Apr. 8, 1955; 8:47 a. m.]

[Docket Nos. G–2962, G–3155, G–3667, G–3668, G–3777, G–3778, G–3781, G–3831, G–3889, G–4052, G–4082, G–4224, G–4225, G–4271, G–4286, G–4287]

JOHN E. HUGHES ET AL.

NOTICE OF FINDINGS AND ORDERS

APRIL 4, 1955.

In the matters of John E. Hughes, Docket No. G–2962; I. Earl Nutter, Docket No. G–3155; E. J. Hudson, et al., Docket Nos. G–3667, G–3668; Moran and Company, Docket No. G–3777; M. J. Moran, Docket No. G–3778; Moran and Company, Docket No. G–3781; M. J. Moran, Docket No. G–3831; Clear Fork Gas Company, Docket No. G–3889; Clark Sample, Docket No. G–4052; Delta Drilling Company, Docket No. G–4082; The Ohio Fuel Supply Company, Docket No. G–4224; R. E. Crawford, Docket No. G–4225; Monterey Oil Company, Docket Nos. G–4271, G–4286, G–4287.

Notice is hereby given that on March 21, 1955, the Federal Power Commission issued its findings and orders adopted March 16, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–2909; Filed, Apr. 8, 1955; 8:47 a. m.]

[Docket Nos. G–4346, G–4407, G–4560, G–4655, G–4928, G–4939, G–5383—G–5386, G–5759, G–6162, G–6816]

CECIL G. LALICKER ET AL.

NOTICE OF FINDINGS AND ORDERS

APRIL 4, 1955.

In the matters of Cecil G. Lalicker, et al., Docket No. G–4346; H. L. Hawkins, H. L. Hawkins, Jr., and Frank S. Kelly, Jr., Docket No. G–4407; Columbian Fuel Corporation, Docket No. G–4560; Thomas Crowley, Docket No. G–4655; Charles J. Kelly, Docket No. G–4928; Curtis Culpepper, et al., Docket No. G–4939; Holly Nester, Agent, Docket No. G–5383; Roland J. Godfrey, et al., Docket No. G–5384; Ayers Oil & Gas Company, Docket No. G–5385; Sawyer & Fitzgerald, Docket No. G–5386; Grover Lowe and W. A. Wills, Docket No. G–5759; The Superior Oil Company, Docket No. G–6162; R. D. Nester Oil and Gas Company, Docket No. G–6816.

Notice is hereby given that on March 21, 1955, the Federal Power Commission issued its findings and orders adopted March 16, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–2910; Filed, Apr. 8, 1955; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Colo. 010589, for the withdrawal from location and entry, under the General Mining Laws, subject to existing valid claims, of the lands described below was filed March 25, 1955, by the Department of Agriculture, U. S. Forest Service.

The applicant desires the land for use as public campgrounds.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN ISABEL NATIONAL FOREST

North Fork Lake Campground

T. 50 N., R. 8 E.
Sec. 4: S½N½SW¼NW¼ and S½SW¼ NW¼ and N½NW¼SW¼ and SW¼ NW¼SW¼—60 acres.
Sec. 5: NE¼SE¼ and N½N½SE¼SE¼—50 acres.

Total area 110 acres.

SIXTH PRINCIPAL MERIDIAN, COLORADO

ARAPAHO NATIONAL FOREST

Blue River Campground

T. 4 S., R. 78 W.,
Sec. 4: Lots 4, 5, 12, 13, 14, 20;
Sec. 9: Lot 14.

Total area 219.92 acres.

MAX CAPLAN,
State Supervisor.

MARCH 31, 1955.

[F. R. Doc. 55–2929; Filed, Apr. 8, 1955; 8:52 a. m.]

Bureau of Reclamation

[District Manager's Order 1]

HEAD OF EKLUTNA PROJECT OFFICE

REDELEGATION OF AUTHORITY

SECTION 1. *Authority.* The head of the Eklutna Project Office is authorized to perform the functions and exercise the authority under the Eklutna Project Act of July 31, 1950 (64 Stat. 382; 48 U. S. C. 312 et seq.), as amended, which were delegated to the District Manager, Alaska District, by Commissioner's Order No. 34 (19 F. R. 6555).

DARYL L. ROBERTS,
Acting District Manager.

[F. R. Doc. 55-2906; Filed, Apr. 8, 1955; 8:46 a. m.]

[No. 10]

KENDRICK IRRIGATION PROJECT, WYOMING

NOTICE OF TEMPORARY WATER SERVICE

MARCH 1, 1955.

1. Water rental: Irrigation water will be furnished, when available, upon a rental basis under approved applications for temporary water service during the irrigation season of 1955 (May 1 to September 30, inclusive), where the progress of construction will permit, to the irrigable lands in the first unit of the Casper-Alcova Irrigation District.

2. Charges and terms of payment: The minimum water rental charge shall be $2.75 for all irrigable acres of land on each 40-acre parcel designated to be irrigated during the year 1955. The minimum payment will entitle the applicant to 2 acre-feet of water per irrigable acre. Additional water, not to exceed one acre-foot per irrigable acre, if available, will be furnished during the irrigation season at the rate of $1.75 per acre-foot. All charges shall be payable in advance of the delivery of water and no part thereof shall be refunded.

3. Water will be delivered and measured by Government forces at the nearest available measuring device to the individual farm.

4. No water will be delivered to isolated tracts where such service would result in excessive canal losses or excessive costs, nor to lands classified as nonirrigable.

5. Water will be delivered only to lands, the owners of which have executed and delivered recordable contracts as required by articles 38 and 39 of the contract of August 3, 1935, between the United States and the Casper-Alcova Irrigation District.

6. Individual applications for water and the payments required by this notice will be received at the office of the District Manager, Bureau of Reclamation, Reclamation Center, Casper, Wyoming. The United States reserves the right to reject any applications.

R. J. WALTER, Jr.,
Regional Director, Region 7.

[F. R. Doc. 55-2905; Filed, Apr. 8, 1955; 8:46 a. m.]

Office of the Secretary

OAHE DAM AND RESERVOIR PROJECT, SOUTH DAKOTA

RATIFICATION AND APPROVAL OF ACT FOR ACQUISITION OF LANDS

Pursuant to the authority vested in me, I, Douglas McKay, Secretary of the Interior, do hereby proclaim that the agreement between the United States of America and the Indians of the Cheyenne River Sioux Reservation contained in the act of September 3, 1954 (68 Stat. 1191), has been ratified and approved in writing by three-quarters of the adult members of the Indians of the Cheyenne River Reservation in South Dakota, as shown by the tribal rolls of said reservation, and that the date of this proclamation is the effective date of the act.

In witness whereof, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed this 6th day of April 1955.

[SEAL] DOUGLAS McKAY,
Secretary of the Interior.

[F. R. Doc. 55-3037; Filed, Apr. 8, 1955; 11:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1552]

SAN MIGUEL URANIUM MINES, INC.

ORDER VACATING ORDER OF TEMPORARY DENIAL

APRIL 4, 1955.

San Miguel Uranium Mines, Inc., of the Mineral Building, Grand Junction, Colorado, filed on January 6, 1955, with the Commission a Notification on Form 1-A relating to a proposed public offering of 2,000,000 shares of its common stock, one cent par value, at 15 cents per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on February 7, 1955 ordered, pursuant to Rule 223 (a) of the general rules and regulations under said act, that the conditional exemption under Regulation A be temporarily denied on the ground that the aggregate offering price of said securities would exceed the limitation of $300,000 as prescribed by Rule 217 (a) under the circumstances described in said order; and gave notice that, upon receipt of a written request, the matter would be set down for hearing within twenty days after receipt of such request at a place to be designated by the Commission, for the purpose of determining whether said temporary order of denial should be vacated.

It appears that San Miguel Uranium Mines, Inc. and Tellier & Co., the proposed underwriter under said Notification, have neither offered nor sold any securities under said Notification or distributed any offering circular or other literature in connection therewith; that San Miguel Uranium Mines, Inc. has abandoned all plans for any public offering of its securities either pursuant to said Regulation A or to the registration provisions of said act; and that Tellier & Co. has terminated the underwriting agreement with San Miguel Uranium Mines, Inc. and has severed any and all relationships or affiliations with San Miguel Uranium Mines, Inc. except as creditor in the sum of $25,000, demand for which has duly been made. San Miguel Uranium Mines, Inc. has requested that said temporary order of denial be vacated upon the understanding that "such vacating of the order would not, per se, establish the right of San Miguel Uranium Mines, Inc. to an exemption under Regulation A."

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors and that the basis for said temporary order of denial, as aforesaid, no longer exists:

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of denial be, and it hereby is, vacated provided that the Commission reserves jurisdiction to reinstate at any time said temporary order of denial if the Commission finds that such action is necessary or appropriate in the public interest or for the protection of investors:

It is further ordered, That this order shall be served upon San Miguel Uranium Mines, Inc., and Tellier & Co. personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-2924; Filed, Apr. 8, 1955; 8:50 a. m.]

[File No. 70-3357]

CENTRAL COAL CO.

NOTICE OF FILING REGARDING RECLASSIFICATION OF COMMON STOCK AND PAYMENT OF CASH DIVIDENDS FROM TIME TO TIME OUT OF CAPITAL SURPLUS ARISING FROM SUCH RECLASSIFICATION

APRIL 5, 1955.

Notice is hereby given that Central Coal Company ("Central Coal"), an indirect subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, has made a filing with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). The filing designates section 6 (a) of the act and Rule U-46 (a) as being applicable to the transactions proposed therein which are summarized as follows:

Central Coal is a coal mining company. In June 1953 it temporarily closed its mine and is presently on a standby basis as a reserve source of coal for its two parents, Appalachian Electric Power Company ("Appalachian") and Ohio Power Company ("Ohio Power"). The latter two companies are operating electric company subsidiaries of American Gas and each owns 50 percent of the common stock of Central Coal, the only outstanding securities of Central Coal.

Central Coal proposes, by charter amendment, to reduce the par value of its 57,500 shares of Common Stock from $100 per share to $1 per share, a total reduction of $5,692,500, and to transfer the total amount of $5,692,500 to Capital Surplus. Thereafter, from time to time, as Central Coal accumulates excess cash, it proposes to distribute this cash to Appalachian and Ohio Power as partial liquidating dividends and to charge the amounts of these dividends to Capital Surplus.

The filing states that prior to or in connection with the first dividend payment Central Coal will pay and charge to Earned Surplus a dividend equal to the balance of said Earned Surplus, which at December 31, 1954, amounted to $4,051.07.

It is estimated in the filing that fees and expenses, including legal fees of West Virginia counsel estimated at $100, will not exceed $250.

It is represented in the filing that no State commission and no Federal commission (other than the Securities and Exchange Commission) has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 25, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-2923; Filed, Apr. 8, 1955; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATIVE OFFICER, REGION V (FT. WORTH)

REDELEGATION OF AUTHORITY TO EXECUTE LEGENDS ON BONDS, NOTES AND OTHER OBLIGATIONS

The Regional Administrative Officer, Region V, Fort Worth, Texas, Housing and Home Finance Agency, is hereby authorized within such region to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U. S. C., 1952 ed. and Sup. I 1450-1460), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note or other obligation and its payment therefor on the date specified in the particular legend.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); Reorg. Order 1, 19 F. R. 9303-5 (Dec. 29, 1954); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c; Delegation of Authority, 20 F. R. 556 (Jan. 25, 1955))

Effective as of the 1st day of April 1955.

W. H. SINDT,
Acting Regional Administrator, Region V.

[F. R. Doc. 55-2930; Filed, Apr. 8, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30450]

CRUSHED STONE FROM TAZEWELL, VA., TO SOUTH CHARLESTON, W. VA.

APPLICATION FOR RELIEF

APRIL 6, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for The Norfolk and Western Railway Company and Chesapeake and Ohio Railway Company.

Commodities involved: Crushed stone, carloads.

From: Tazewell, Va.

To: South Charleston, W. Va.

Grounds for relief: Circuitous routes, rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: R. B. LeGrande, Agent, I. C. C. 253, supplement 135.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-2913; Filed, Apr. 8, 1955; 8:49 a. m.]

[4th Sec. Application 30451]

COMMODITIES FROM, TO, AND BETWEEN POINTS IN THE SOUTH

APPLICATION FOR RELIEF

APRIL 6, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariff schedules listed in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Aluminum billets etc., barium carbonate, drugs or medicines, furniture and caustic soda, carloads.

Territory: From, to and between various points in southern territory.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-2914; Filed, Apr. 8, 1955; 8:49 a. m.]

[4th Sec. Application 30452]

PETROLEUM PRODUCTS FROM DULUTH, MINN., AND SUPERIOR, WIS., TO SPECIFIED POINTS IN MINNESOTA, NORTH DAKOTA AND SOUTH DAKOTA

APPLICATION FOR RELIEF

APRIL 6, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provisions of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, for

itself and on behalf of the Midland Continental Railroad.

Commodities involved: Gasoline and other specified petroleum products, in tank-car loads.

From: Duluth, Minn., and Superior, Wis.

To: Specified points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Circuitous routes, market competition, rates constructed on the basis of a short line distance formula, and additional origins and routes.

Schedules filed containing proposed rates: Chicago, Milwaukee, St. Paul and Pacific Railway, I. C. C. B–7817, supplement 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2915; Filed, Apr. 8, 1955; 8:49 a. m.]

[4th Sec. Application 30453]

PHOSPHATIC FEED SUPPLEMENTS FROM NEW YORK, N. Y., AND PHILADELPHIA, PA., TO IOWA, KANSAS, AND NEBRASKA

APPLICATION FOR RELIEF

APRIL 6, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Phosphate and superphosphate (defluorinated), phosphate di-calcium (U. S. P. or feed grade), and bone meal, carloads.

From New York, N. Y., and Philadelphia, Pa.

To: Ames and Centerville, Iowa, Atchison, Kans., and Valentine, Nebr.

Grounds for relief: Circuitous routes, rates constructed on the basis of a short line distance formula, and additional destinations.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. 4565, supplement 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2916; Filed, Apr. 8, 1955; 8:49 a. m.]

[4th Sec. Application 30454]

IRON OR STEEL CANS FROM OMAHA, NEBR. TO SIOUX CITY, IOWA

APPLICATION FOR RELIEF

APRIL 6, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Preuter, Agent, for the Illinois Central Railroad Company.

Commodities involved: Sheet iron or steel cans, carloads.

From: Omaha, Nebr.

To: Sioux City, Iowa.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. A–4003, supplement 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2917; Filed, Apr. 8, 1955; 8:49 a. m.]

[4th Sec. Application 30455]

BRAKE SHOE PARTS AND MATS FROM ILLINOIS AND INDIANA TO TEXAS PORTS

APPLICATION FOR RELIEF

APRIL 6, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to tariff schedules listed below.

Commodities involved: Iron and steel brake shoe parts and mats, carloads.

From: Points in Illinois and Indiana.

To: Texas Ports.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional analogous commodities.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4115, supplement 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2918; Filed, Apr. 8, 1955; 8:49 a. m.]

[4th Sec. Application 30456]

PIPE FROM HOUSTON, LONE STAR, AND ORANGE, TEX., TO ARKANSAS, LOUISIANA, KANSAS, MISSOURI, AND OKLAHOMA

APPLICATION FOR RELIEF

APRIL 6, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Pipe or tubing, steel or wrought iron, carloads.

From: Houston, Lone Star and Orange, Tex.

To: Points in Arkansas, Louisiana (west of the Mississippi River), and specified points in Kansas, Missouri and Oklahoma.

Grounds for relief: Circuitous routes, and rates constructed on the basis of a short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4116, supplement 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2919; Filed, April 8, 1955; 8:49 a. m.]

[4th Sec. Application 30457]

LIQUEFIED CHLORINE GAS FROM BATON ROUGE, LA., AND MEMPHIS, TENN., TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

APRIL 6, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: St. Louis-San Francisco Railway Company, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. 417 and Agent C. A. Spaninger's tariff I. C. C. 1351, pursuant to fourth-section order No. 16101.

Commodities involved: Liquefied chlorine gas, in tank cars.

From: Baton Rouge, La., and Memphis, Tenn.

To: Cincinnati, Ohio.

Grounds for relief: Circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2920; Filed, Apr. 8, 1955; 8:49 a. m.]

[4th Sec. Application 30458]

COMMODITIES FROM AND TO POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

APRIL 6, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to tariffs named in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Sugar cane wax, ammunition boxes, aluminum billets, blooms etc., sodium phosphate, lithopone and zinc oxide, carloads.

Territory: From or to specified points in southwestern territory to or from points in official and western trunk line territories.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2921; Filed, Apr. 8, 1955; 8:49 a. m.]

[4th Sec. Application 30459]

LIME FROM ROBERTA, ALA., TO COLUMBUS, GA.

APPLICATION FOR RELIEF

APRIL 6, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Southern Railway Company for itself.

Commodities involved: Lime, common, hydrated, quick or slack, in carloads.

From: Roberta, Ala.

To: Columbus, Ga.

Grounds for relief: Circuitous routes, and additional route.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1345, supplement 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–2922; Filed, Apr. 8, 1955; 8:49 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP BARLEY RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1954-crop barley. The 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967, 1595, and 6901), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1954 supplemented by Supplement 1, Barley (19 F. R. 1571, 2337, 3123, 4373, and 6361), containing the specific requirements for the 1954-crop barley price support program, is hereby further supplemented as follows:

Sec.

421.461 Applicable sections of 1954 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Barley.
421.462 Availability.
421.463 Eligible producer.
421.464 Eligible barley.
421.465 Approved storage.
421.466 Approved forms.
421.467 Quantity eligible for resealing.
421.468 Additional service charges.
421.469 Transfer of producer's equity.
421.470 Storage and track-loading payments.
421.471 Maturity and satisfaction.
421.472 Support rates.
421.473 CSS commodity offices.

AUTHORITY: §§ 421.461 to 421.473 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1447.

§ 421.461 *Applicable sections of 1954 C. C. C. Grain Price Support Bulletin 1 and Supplement 1, Barley.* The following sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplement 1, Barley, as amended, published in 19 F. R. 967, 1571, 1595, 2337, 3123, 4373, 6361 and 6901, shall be applicable to the 1954 Barley Reseal Loan Program: § 421.401 *Administration;* § 421.405 *Approved lending agencies;* § 421.408 *Liens;* § 421.410 *Set-offs;* § 421.411 *Interest Rate;* § 421.413 *Safeguarding the commodity;* § 421.414 *Insurance on farm-storage loans;* § 421.415 *Loss or damage to the commodity;* § 421.416 *Personal liability of the producer;* § 421.417 *Release of the commodity under loan;* § 421.419 *Foreclosure;* § 421.420 *Purchase of notes;* § 421.455 *Determination of quantity.* Other sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplement 1, Barley, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.462 *Availability*—(a) *Area and scope.* The reseal program will be available in areas in the following States where ASC State Committees determine that there may be a shortage of storage space and that barley can be safely stored on farms for the period of the reseal loan: Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming. This program provides, under certain circumstances, for the extension of 1954-crop farm-storage loans and the making of farm-storage loans on 1954-crop barley covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee.

(2) In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(3) The producer who signed a purchase agreement on farm-stored barley is required, under the 1954 Barley Price Support Program to notify the county committee not later than April 30, 1955, in the case of barley stored in any of the States listed in § 421.462 (a) if he

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 9 ($0.65)
Title 20 ($0.75)
Title 24 ($0.75)
Titles 40–42 ($0.50)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 18 ($0.50); Title 19 ($0.40); Title 25 ($0.50); Titles 30–31 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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intends to sell the barley to CCC. If the producer has notified the county committee, on or before April 30, 1955, of his intention to sell the barley to CCC or to participate in this program, he may obtain a farm-storage loan on the barley. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before June 30, 1955, if the producer has not requested or received delivery instructions. The loan documents must be presented for disbursement within 15 days after execution. Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the commodity is in existence and in good condition. If the commodity was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on barley covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.463 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the barley in 1954 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement covering barley of the 1954 crop.

§ 421.464 *Eligible barley*—(a) *Requirements of eligibility.* The barley (1) must meet the requirements set forth in § 421.453 (a), (b), and (c), as amended, and must not grade Tough, Weevily, Blighted, Bleached, Ergoty or Smutty; (2) must be under price support loan or purchase agreement; and (3) must be of a quality which meets sanitation requirements of the Federal Food and Drug Administration in effect at the time the loan is extended or made. Information concerning such requirements may be obtained at the ASC county office.

(b) *Inspection*—(1) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the barley and the farm-storage structure in which the barley is stored. If recommended by either the commodity loan inspector or the producer, a sample of the barley shall be taken and submitted for grade analysis.

(2) *Barley covered by purchase agreement.* If a producer makes application for a farm-storage loan on barley covered by a purchase agreement, the commodity loan inspector shall inspect the barley and storage structure, obtain a sample if the barley and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

(c) *Determination of quality.* Quality determinations shall be made as set forth in § 421.456: *Provided*, That determinations with respect to the sanitation requirements specified in paragraph (a) of this section shall be made in accordance with instructions issued by CCC. Such instructions will be available for examination at the ASC county office.

§ 421.465 *Approved storage.* Barley covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.406 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending May 31, 1956, in the States of Arizona and California, and ending June 30, 1956, in all other States in which the program is available, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to May 31, 1956, or June 30, 1956, whichever is applicable.

§ 421.466 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of a Producer's Note and Supplemental Loan Agreement, Commodity Loan Form A, secured by a Commodity Chattel Mortgage on Commodity Loan Form AA, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(b) Where required by State Law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.467 *Quantity eligible for reseal.* (a) The quantity of barley eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of barley specified in the purchase agreement, minus any quantity of the barley under such purchase agreement (1) which has been previously placed under a loan or (2) on which he exercises his option to sell to CCC.

§ 421.468 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on barley covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 421.469 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the barley mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the barley must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the barley from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.470 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment computed at the rate of 14 cents per bushel in the States of Arizona and California and at the rate of 15 cents per bushel in all other States will be made to the producer on the quantity involved if he (i) redeems barley from the loan on or after March 31, 1956, in the States of Arizona and California or, on or after April 30, 1956, in all other States, (ii) delivers the barley to CCC on or after March 31, 1956, in the States of Arizona and California or, on or after April 30, 1956, in all other States, or (iii) delivers the barley to CCC prior to March 31, 1956, in

the States of Arizona and California or, prior to April 30, 1956, in all other States, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the commodity was not damaged or otherwise impaired due to negligence on the part of the producer.

(2) *Prorated storage payment.* (i) A prorated storage payment computed at the rate of 0.00051 per bushel a day (but not to exceed 14 cents per bushel) in the States of Arizona and California and at the rate of 0.00049 per bushel a day (but not to exceed 15 cents per bushel), in all other States, according to the length of time the quantity of barley involved was in store after June 30, 1955, will be made to the producer (*a*) in the case of loss assumed by CCC under the provisions of the loan program, (*b*) in the case of barley redeemed from the loan prior to March 31, 1956, in the States of Arizona and California or, prior to April 30, 1956, in all other States and (c) in the case of barley delivered to CCC prior to March 31, 1956, in the States of Arizona and California or, prior to April 30, 1956, in all other States, pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC: *Provided, however,* That no storage payment will be made where the delivered barley is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the barley has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on barley delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.471 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than March 31, 1956, in the States of Arizona and California and not later than April 30, 1956, in all other States in which the program is available. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged barley in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity eligible for delivery. Delivery of barley will be accepted only from bin(s) in which the barley under reseal loan is stored. The provisions of § 421.418 (a), (c), and (e) (2) and (3), and of § 421.460 (a) (1) shall be applicable thereto: *Provided,* That, if upon delivery, the barley is of a quality which does not meet sanitation requirements (§ 421.464 (a) (3)) in effect at the time the loan was extended or at the time the loan was made on barley covered by a purchase agreement, the barley shall be sold to the highest bidder for feed, or for industrial uses other than food and beverages, and the basic settlement value, per bushel, shall be the same as the sales price.

§ 421.472 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for barley covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the barley in § 421.458 (c).

(b) Any discounts established for variation in quality as shown in § 421.458 (d) shall apply.

§ 421.473 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 6th day of April 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-2949; Filed, Apr. 11, 1955; 8:47 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP OATS RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1954-crop oats. The 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967, 1595 and 6901), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1954, supplemented by Supplement 1, Oats (19 F. R. 1631, 2337, 2961 and 4375), containing the specific requirements for the 1954-crop oats price support program, is hereby further supplemented as follows:

Sec.
421.561 Applicable sections of 1954 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Oats.
421.562 Availability.
421.563 Eligible producer.
421.564 Eligible oats.
421.565 Approved storage.
421.566 Approved forms.
421.567 Quantity eligible for resealing.
421.568 Additional service charges.
421.569 Transfer of producer's equity.
421.570 Storage and track-loading payments.
421.571 Maturity and satisfaction.
421.572 Support rates.
421.573 CSS commodity offices.

AUTHORITY: §§ 421.561 to 421.573 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1447.

§ 421.561 *Applicable sections of 1954 C. C. C. Grain Price Support Bulletin 1 and Supplement 1, Oats.* The following sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplement 1, Oats, as amended published in 19 F. R. 967, 1595, 1631, 2337, 2961, 4375, and 6901, shall be applicable to the 1954 Oats Reseal Loan Program: § 421.401 *Administration;* § 421.405 *Approved lending agencies;* § 421.408 *Liens;* § 421.410 *Set-offs;* § 421.411 *Interest rate;* § 421.413 *Safeguarding the commodity;* § 421.414 *Insurance on farm-storage loans;* § 421.415 *Loss or damage to the commodity;* § 421.416 *Personal liability of the producer;* § 421.417 *Release of the commodity under loan;* § 421.419 *Foreclosure;* § 421.420 *Purchase of notes;* § 421.555 *Determination of quantity.* Other sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplement 1, Oats, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.562 *Availability*—(a) *Area and scope.* The reseal program will be available in the following States where ASC State committees determine that there may be a shortage of storage space and that oats can be safely stored on farms for the period of the reseal loan: Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming. This program provides, under certain circumstances, for the extension of 1954-crop farm-storage loans and the making of farm-storage loans on 1954-crop oats covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee.

(2) In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(3) (i) The producer who signed a purchase agreement on farm-stored oats is required under the 1954 Oats Price Support Program to notify the county committee not later than April 30, 1955, in the case of oats stored in any of the States listed in paragraph (a) of this section if he intends to sell the oats to CCC. If the producer has notified the county committee on or before April 30, 1955, of his intention to sell the oats to CCC or to participate in this program, he may obtain a farm-storage loan on the oats. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before June 30, 1955, if the producer has not requested or received delivery instructions. The loan documents must be presented for disbursement within 15 days after execution.

(ii) Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the oats are in existence and in good condition. If the oats were not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on oats covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.563 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the oats in 1954 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement covering oats of the 1954 crop.

§ 421.564 *Eligible oats*—(a) *Requirements of eligibility.* The oats (1) must meet the requirements set forth in § 421.553 (a), (b) and (c), and must not grade Tough, Weevily, Smutty, Ergoty, Garlicky, Bleached or Thin, or otherwise be of low quality; (2) must be under price support loan or purchase agreement; and (3) must be of a quality which meets sanitation requirements of the Federal Food and Drug Administration in effect at the time the loan is extended or made. Information concerning such requirements may be obtained at the ASC county office.

(b) *Inspection*—(1) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the oats and the farm-storage structure in which the oats are stored. If recommended by either the commodity loan inspector or the producer, a sample of the oats shall be taken and submitted for grade analysis.

(2) *Oats covered by purchase agreement.* If a producer makes application for a farm-storage loan on oats covered by a purchase agreement, the commodity loan inspector shall inspect the oats and storage structure, obtain a sample if the oats and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

(c) *Determination of quality.* Quality determinations shall be made as set forth in § 421.556, *Provided,* That determinations with respect to sanitation requirements specified in paragraph (a) of this section shall be made in accordance with instructions issued by CCC. Such instructions will be available for examination at the ASC county office.

§ 421.565 *Approved storage.* Oats covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.406 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending June 30, 1956, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1956.

§ 421.566 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of a Producer's Note and Supplemental Loan Agreement, Commodity Loan Form A, secured by a Commodity Chattel Mortgage on Commodity Loan Form AA, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.567 *Quantity eligible for resealing.* (a) The quantity of oats eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and the chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of oats specified in the purchase agreement, minus any quantity of the oats under such purchase agreement (1) which has been previously placed under a loan or (2) on which he exercises his option to sell to CCC.

§ 421.568 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on oats covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 421.569 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the oats mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the oats must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the oats from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.570 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) Storage payment for full reseal period: A storage payment computed at the rate of 11 cents per bushel will be made to the producer on the quantity involved if he (i) redeems oats from the loan on or after April 30, 1956, (ii) delivers the oats to CCC on or after April 30, 1956, or (iii) delivers the oats to CCC prior to April 30, 1956, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the commodity was not damaged, or otherwise impaired due to negligence on the part of the producer.

(2) Prorated storage payment: A prorated storage payment computed at the rate of 0.00036 per bushel a day (but not to exceed 11 cents per bushel) according to the length of time the quantity of oats involved was in store after June 30, 1955, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of oats redeemed from the loan prior to April 30, 1956, and (iii) in the case of oats delivered to CCC pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC, prior to April 30, 1956: *Provided, however,* That no storage payment will be made where the delivered oats are damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan or where the oats have been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on oats delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.571 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than April 30, 1956. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged oats in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade

and/or quality for the total quantity eligible for delivery. Delivery of oats will be accepted only from bin(s) in which the oats under reseal loan are stored. The provisions of § 421.418 (a), (c), and (e) (2) and (3), and of § 421.560 (a) (1) shall be applicable thereto: *Provided*, That, if upon delivery, the oats are of a quality which do not meet sanitation requirements (§ 421.564 (a) (3)) in effect at the time the loan was extended or at the time the loan was made on oats covered by a purchase agreement, the oats shall be sold to the highest bidder for feed, or for industrial uses other than food and beverages, and the basic settlement value, per bushel, shall be the same as the sales price.

§ 421.572 *Support rates.* The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for oats covered by a purchase agreement placed under a farm-storage loan shall be the support rate established for the oats in § 421.558.

§ 421.573 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 6th day of April 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-2950; Filed, Apr. 11, 1955; 8:47 a. m.]

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP RYE RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1954-crop rye. The 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967, 1595 and 6901), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1954, supplemented by Supplements 1 and 2, Rye (19 F. R. 1810, 3124, 4178, 4399, 5079, 5593, 5594, 7103, and 20 F. R. 911 and 1551) containing the specific requirements for the 1954-crop rye price support program, is hereby further supplemented as follows:

Sec.
421.611 Applicable sections of 1954 C. C. C. Grain Price Support Bulletin 1, and Supplements 1 and 2, Rye.
421.612 Availability.
421.613 Eligible producer.
421.614 Eligible rye.
421.615 Approved storage.
421.616 Approved forms.
421.617 Quantity eligible for reseali[illegible].
421.618 Additional service charges.
421.619 Transfer of producer's equit[illegible].
421.620 Storage and track-loading payments.
421.621 Maturity and satisfaction.
421.622 Support rates.
421.623 CSS commodity offices.

AUTHORITY: §§ 421.611 to 421.623 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1447.

§ 421.611 *Applicable sections of 1954 C. C. C. Grain Price Support Bulletin 1, and Supplements 1 and 2, Rye.* The following sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1 and 2, Rye, as amended, published in 19 F. R. 967, 1595, 1810, 3124, 4178, 4399, 5079, 5593, 5594, 6901 and 7103, and 20 F. R. 911 and 1551, shall be applicable to the 1954 Rye Reseal Loan Program: § 421.401 *Administration;* § 421.405 *Approved lending agencies;* § 421.408 *Liens;* § 421.410 *Set-offs;* § 421.411 *Interest rate;* § 421.413 *Safeguarding the commodity;* § 421.414 *Insurance on farm-storage loans;* § 421.415 *Loss or damage to the commodity;* § 421.416 Personal liability of the *producer;* § 421.417 *Release of the commodity under loan;* § 421.419 *Foreclosure;* § 421.420 *Purchase of notes;* § 421.605 *Determination of quantity.* Other sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1 and 2, Rye, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.612 *Availability*—(a) *Area and scope.* The reseal program will be available in areas in the following States where ASC State committees determine that there may be a shortage of storage space and that rye can be safely stored on farms for the period of the reseal loan: California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Washington, Wisconsin and Wyoming. This program provides, under certain circumstances, for the extension of 1954-crop farm-storage loans and the making of farm-storage loans on 1954-crop rye covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee.

(2) In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(3) The producer who signed a purchase agreement on farm-stored rye is required, under the 1954 Rye Price Support Program, to notify the county committee not later than April 30, 1955, in the case of rye stored in any of the States listed in paragraph (a) of this section, if he intends to sell the rye to CCC. If the producer has notified the county committee, on or before April 30, 1955, of his intention to sell the rye to CCC or to participate in this program, he may obtain a farm-storage loan on the rye. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or before June 30, 1955, if the producer has not requested or received delivery instructions. The loan documents must be presented for disbursement within 15 days after execution. Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the rye is in existence and in good condition. If the rye was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on rye covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.613 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the rye in 1954 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement covering rye of the 1954 crop.

§ 421.614 *Eligible rye*—(a) *Requirements of eligibility.* The rye (1) must meet the requirements set forth in § 421.603 (a), (b), and (c) and must not grade Tough, Light Smutty, Smutty, Light Garlicky, Garlicky, Weevily, nor contain in excess of 1 percent ergot; (2) must be under price support loan or purchase agreement; and (3) must be of a quality which meets sanitation requirements of the Federal Food and Drug Administration in effect at the time the loan is extended or made. Information concerning such requirements may be obtained at the ASC county office.

(b) *Inspection*—(1) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall,

with the producer, reinspect the rye and the farm-storage structure in which the rye is stored. If recommended by either the commodity loan inspector or the producer, a sample of the rye shall be taken and submitted for grade analysis.

(2) *Rye covered by purchase agreement.* If a producer makes application for a farm-storage loan on rye covered by a purchase agreement, the commodity loan inspector shall inspect the rye and storage structure, obtain a sample if the rye and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

(c) *Determination of quality.* Quality determinations shall be made as set forth in § 421.606: *Provided*, That determinations with respect to the sanitation requirements specified in paragraph (a) of this section shall be made in accordance with instructions issued by CCC. Such instructions will be available for examination at the ASC county office.

§ 421.615 *Approved storage.* Rye covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.406 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending June 30, 1956, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1956.

§ 421.616 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of a Producer's Note and Supplemental Loan Agreement, Commodity Loan Form A, secured by a Commodity Chattel Mortgage on Commodity Loan Form AA, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor, or trustee will be acceptable only where legally valid.

(b) Where required by State Law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.617 *Quantity eligible for reseal ing.* (a) The quantity of rye eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of rye specified in the purchase agreement, minus any quantity of the rye under such purchase agreement (1) which has been previously placed under a loan or (2) on which he exercises his option to sell to CCC.

§ 421.618 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on rye covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 421.619 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the rye mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the rye must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the rye from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.620 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) Storage payment for full reseal period: A storage payment for the full reseal period will be made to the producer on the quantity involved if he (i) redeems rye from the loan on or after April 30, 1956, (ii) delivers the rye to CCC on or after April 30, 1956, or (iii) delivers the rye to CCC prior to April 30, 1956, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the commodity was not damaged, or otherwise impaired due to negligence on the part of the producer. Such storage payment will be computed at the rate of 14 cents per bushel in the States of California, Idaho, Oregon, and Washington; 15 cents per bushel in the States of Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and 16 cents per bushel in the States of Indiana, Michigan, New Mexico, New York, Ohio, Oklahoma, and Texas.

(2) Prorated storage payment: A storage payment determined by prorating such yearly rate according to the length of time the quantity of rye involved was in store after June 30, 1955, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of rye redeemed from the loan prior to April 30, 1956, and (iii) in the case of rye delivered to CCC pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC, prior to April 30, 1956: *Provided, however*, That no storage payments will be made where the delivered rye is damaged or otherwise impaired due to negligence on the part of the producer. The prorated storage payment will be computed at the rate of 0.00046 per bushel a day (but not to exceed 14 cents per bushel) in the States of California, Idaho, Oregon and Washington; 0.00049 per bushel a day (but not to exceed 15 cents per bushel) in the States of Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and 0.00053 per bushel a day (but not to exceed 16 cents per bushel) in the States of Indiana, Michigan, New Mexico, New York, Ohio, Oklahoma, and Texas. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan or where the rye has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on rye delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.621 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than April 30, 1956. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged rye in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity eligible for delivery. Delivery of rye will be accepted only from bin(s) in which the rye under reseal loan is stored. The provisions of § 421.418 (a), (c), and (e) (2) and (3), and of § 421.610 (a) (1) shall be applicable thereto: *Provided*, That, if upon delivery, the rye is of a quality which does not meet sanitation requirements (§ 421.614 (a) (3)) in effect at the time the loan was extended or at the time the loan was made on rye covered by a purchase agreement, the rye shall be sold to the highest bidder for feed, or for industrial uses other than food and beverages, and the basic settlement value, per bushel, shall be the same as the sales price.

§ 421.622 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for rye covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the rye in § 421.608 (d) (2).

(b) Any discounts established for variation in quality as shown in § 421.608 (d) (3) shall apply.

§ 421.623 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 6th day of April 1955.

[SEAL] EARLE M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-2951; Filed, Apr. 11, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 29]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.329 *Valencia Orange Regulation 29*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 7, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 10, 1955, and ending at 12:01 a. m., P. s. t., April 17, 1955, is hereby fixed as follows:

(i) District 1: 16,827 boxes;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 8, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3040; Filed, Apr. 11, 1955; 8:56 a. m.]

[Docket No. AC-184-A 11]

PART 978—MILK IN THE NASHVILLE, TENNESSEE, MARKETING AREA

CORRECTION TO ORDER AS AMENDED

In F. R. Docket 55-2708 which appeared in the FEDERAL REGISTER April 1, 1955 (20 F. R. 2048) the following correction is made:

In § 978.8 (c) delete "September and December," and substitute "September through December."

Issued at Washington, D. C., this 6th day of April 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-2945; Filed, Apr. 11, 1955; 8:46 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 49]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart, Part 76, Title 9, Code of Federal Regulations (19 F. R. 8772, 20 F. R. 176, 437, 799, 1071, 1337, 1719), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraph (6), of paragraph (a), relating to California, is deleted.

2. Subparagraph (19), of paragraph (a), relating to California, is amended to read:

(19) NE. ¼ Sec. 22, T. 6 S., R. 1 W., MDBM; SE. ¼ of T. 5 S., R. 1 W., MDBM; and NE. ¼ Sec. 14, T. 6 S., R. 1 W., MDBM, in Santa Clara County.

3. Subparagraphs (9) and (12), of paragraph (d), relating to New Jersey, are amended to read:

(9) All of Gloucester County except the following:

(i) That part of Deptford Township lying south and east of Little Timber Creek, west of the Westville-Almonesson Road, and north of a line perpendicular to the Westville-Almonesson Road, said line beginning at a point on the Westville-Almonesson Road 300 feet north of the New Jersey Turnpike right-of-way, running in a westerly direction and ending at Little Timber Creek, owned by Joseph Riddle, R. D. 1, Westville, New Jersey;

(ii) That part of Deptford Township included within a boundary beginning at a point 1,775 feet south of Delsea Drive on Tanyard Road, extending easterly 596 feet, thence southerly 1,203 feet, thence westerly 630 feet to Tanyard Road, thence northerly 1,132 feet following Tanyard Road to point of origin, owned by William Lafferty and Sons, Sewell, New Jersey;

(iii) That part of Deptford Township lying north of the New Jersey Turnpike, west of Delsea Drive, south of Joseph Street, and east of a line beginning at a point on Joseph Street, 1,250 feet west of Delsea Drive, and running parallel with Delsea Drive to the New Jersey Turnpike, owned by S. Miserendino & Sons, Westville, New Jersey; and

(iv) That part of Deptford Township bounded by a line beginning at a point on Delsea Drive 190 feet north of Taras Avenue, running easterly 587 feet, thence northerly 392 feet, thence westerly 619 feet to Delsea Drive, thence southerly on Delsea Drive 200 feet to point of origin, owned by William Lafferty, operated by Thomas Wren.

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(12) All of Monmouth County except the following:

(i) That part of Marlboro Township lying north of Spring Valley Road, west of Jamesburg Road, south of Red Barn Road, and east of Ticetown Road;

(ii) That part of Howell Township lying south of the Manasquan River, east of County Route No. 547, and north of County Route No. 549;

(iii) That part of Ocean Township bounded by a line beginning at a point on Brown Road 750 feet from Asbury Avenue, running northeast 1,895 feet, thence northwest 1,500 feet, thence southwest 1,940 feet to Brown Road, and southeast on Brown Road 2,100 feet to point of origin, owned by T. H. Kaplan; and

(iv) That part of New Shrewsbury Boro north of Asbury Avenue, east of Shafto Road, south of West Park Avenue, and west of Green Grove Road, owned by Bert Charlins.

4. Subdivision (iii), of subparagraph (6), of paragraph (c), relating to Massachusetts, is amended to read:

(iii) That part of the Town of Franklin included within a boundary beginning at a point on Lincoln Street approximately 620 yards southerly from the junction of Elm and Lincoln Streets, thence westerly for a distance of approximately 200 feet, thence southerly for a distance of approximately 300 feet, thence easterly for a distance of approximately 150 feet to Lincoln Street, thence northerly along Lincoln Street to point of beginning, consisting of about two acres, owned and occupied by Walter Griffin; and that part of the Town of Franklin lying south and west of Daniels Street, north of Brook Street, and east of Lincoln Street.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes the following area in California within the areas quarantined because of vesicular exanthema:

NE. ¼ Sec. 14, T. 6 S., R. 1 W., MDBM, in Santa Clara County.

Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will apply to this area.

The amendment also excludes certain areas in California, Massachusetts, and New Jersey, from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, and relieves certain restrictions presently imposed. It must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 117, 120, 123, 125)

Done at Washington, D. C., this 6th day of April 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-2947; Filed, Apr. 11, 1955; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-127]

PART 26—FABRICATORS OF STRUCTURAL STEEL

RESCISSION OF PART

Whereas on July 22, 1931, the Commission promulgated trade practice rules for Fabricators of Structural Steel, which were codified in the Code of Federal Regulations (16 CFR Part 26); and

Whereas it appears that said rules for this industry do not in some respects accurately reflect existing requirements of law, and members of this industry generally are not interested in having such rules revised; and

Whereas under the circumstances proceedings for revision of the rules for this industry do not appear to be warranted:

It is ordered, That the said rules be and the same are hereby rescinded.

Issued: April 7, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-3015; Filed, Apr. 11, 1955; 8:55 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53773]

PART 14—APPRAISEMENT

DEFINITION OF "FAIR VALUE"

In order to clarify, simplify, and make more effective and uniform the administration of the Antidumping Act, 1921, as amended, § 14.7 of the customs regulations is amended to read as follows:

§ 14.7 *Fair value*—(a) *Definition.*[*] For the purposes of section 201 (a) of the Antidumping Act, 1921, as amended (19 U. S. C. 160 (a)), the fair value of imported merchandise shall be determined as follows:

(1) *Fair value based on price in country of exportation; the usual test.* Merchandise imported into the United States will ordinarily be considered to have been sold at less than fair value if the purchase price, or exporter's sales price (as defined in sections 203 and 204 respectively of the Antidumping Act, 1921, as amended (19 U. S. C. 162, 163)) as the case may be, is less than the price (after adjustment, as provided for in section 205 of the Antidumping Act, 1921, as amended (19 U. S. C. 164)) at which such or similar merchandise is sold by the foreign producer for consumption in the country of exportation on or about the date of purchase or agreement to purchase of the merchandise imported into the United States or, in the case of merchandise imported on consignment, the date of exportation thereof.

(2) *Fair value based on sales in country of exportation and in other countries, not including United States.* If, however, it is demonstrated that during a representative period the quantity of such or similar merchandise sold by the foreign producer for consumption in the country of exportation is so small, in relation to the quantity sold by such producer for exportation otherwise than to the United States, as to be an inadequate basis for comparison, then merchandise imported into the United States will ordinarily be deemed to have been sold at less than fair value if the purchase price or the exporter's sales price (as defined in sections 203 and 204, respectively, of the Antidumping Act, 1921, as amended (19 U. S. C. 162, 163)), as the case may be, is less than the price (after adjustment, as provided for in section 205 of the Antidumping Act, 1921, as amended (19 U. S. C. 164)) at which such or similar merchandise is sold by the foreign producer otherwise than for exportation to the United States (i. e., for consumption in the country of exportation and for exportation otherwise than to the United States) on or about the date of purchase or agreement to purchase of the merchandise imported into the United States or, in the case of merchandise imported on consignment, the date of exportation thereof. Sales "otherwise than for exportation to the United States" shall not include consignments to the United States to be sold after arrival in the United States.

(3) *Determination based on sales by other foreign producers.* If the Secretary of the Treasury determines that sales in the country of exportation, or to countries other than the United States, are not sufficient to form an adequate basis for comparison, he may use sales by other foreign producers of such or similar merchandise in the country of exportation or to countries other than the United States, or the cost of production (as defined in section 206 (19 U. S. C. 165)) of such or similar merchandise, as the basis for determining the foreign market value.

(4) *Fictitious sales.* Sales which the Secretary of the Treasury determines to be fictitious, or not made in the ordinary course of trade, may be disregarded in determining foreign market value.

(5) *Constructed value.* If the Secretary of the Treasury determines that neither sales of such or similar merchandise in the country of exportation nor sales to countries other than the United States afford a proper basis for determining foreign market value, he may use the constructed value (as defined in section 206 (19 U. S. C. 165)) of the imported merchandise as the basis for determining foreign market value.

(6) *Adjustments.* Due allowance shall be made for any difference between the circumstances of sale in the two markets compared, or between the circumstances of sale in the market compared and the circumstances of sale in the United States, which is established to affect price comparability, including differences in packing, differences in quantities sold, differences in terms of sale, differences in taxes, and differences in selling expenses incurred by or for the account of the producer or exporter, as the case may be, in the two markets compared, or in the market compared and the United States, which are wholly or partly due to the fact that the sales compared were made at different levels of trade. Due allowance shall be made for any amount included in the price of such or similar merchandise for any costs, charges, or expenses which are not included in the price of the imported merchandise and which are incident to bringing the merchandise from the shipping point of exportation to the place of delivery in the United States, and for any amount included in the price of such or similar merchandise for any costs, charges, or expenses which are not included in the purchase price or exporter's sales price of the imported merchandise and which are incident to bringing the merchandise from the shipping point of exportation to the place of delivery in the country of exportation

tary deems the available information as to the prices of the foreign producer insufficient or inadequate, he may determine fair value under subparagraph (1) or (2) of this paragraph on the basis of prices of other foreign producers or sellers in the same country for similar merchandise.

(4) *Fair value based on cost of production.* If the information available is deemed by the Secretary insufficient or inadequate for a determination under subparagraph (1), (2), or (3) of this paragraph, he will determine fair value on the basis of the cost of production as defined in section 206 of the Antidumping Act, 1921, as amended (19 U. S. C. 165).

(b) *Calculation of fair value.* In calculating fair value under section 201 (a) Antidumping Act, 1921, as amended, (19 U. S. C. 160 (a)), the following criteria shall be applicable:

(1) *Quantities and circumstances of sale.* In comparing the purchase price or exporter's sales price, as the case may be, with the sales on which a determination of fair value is to be based, a reasonable allowance may be made for any differences in quantities and circumstances of sale.

mation as to sales made for consumption in the country of exportation or otherwise than for exportation to the United States over a significant period of time immediately preceding the date of purchase or agreement to purchase, or exportation.

EXAMPLES FOR PURPOSES OF ILLUSTRATION

A few examples of what would and what would not be considered sales at less than fair value are given below. With the exception of Examples 4 and 5, it is assumed that individual sales are in the same average quantities and with the exception of Examples 6 and 7, that they are also made under the same circumstances.

It must be understood that these examples of necessity oversimplify for purposes of illustration. Each actual case of alleged sales at less than fair value must be considered in the light of all relevant facts, and it may be seldom that cases will be presented for consideration which are as free of complications as are the cases cited in these examples.

(2) *Offering price.* The foreign producer's offering price may be considered in the absence of sales.

(3) *Sales agency.* If the foreign producer sells through a sales agency or other organization related to such producer in any of the respects described in section 207 of the Antidumping Act, 1921, as amended (19 U. S. C. 166), the prices at which the producer's merchandise is sold by such sales agency or other organization may be used in determining whether there have been sales at less than fair value.

(4) *Fictitious sales.* In the determination of fair value, no pretended sale or offer for sale, and no sale or offer for sale intended to establish a fictitious market, shall be taken into account.

(5) *Sales at varying prices.* Where the prices in the sales which are being examined for a determination of fair value vary (after adjustment as provided for in section 205 of the Antidumping Act, 1921, as amended, (19 U. S. C. 164) and after allowances contemplated by paragraph (b) (1) above), determination of fair value will take into account the prices of a preponderance of the merchandise thus sold, weighted averages of the prices of the merchandise thus sold, or any other available criteria that the Secretary may deem reasonable.

(6) *Quantities involved and differences in price.* Merchandise will not be deemed to have been sold at less than fair value unless the quantity involved in the sale or sales to the United States, or the difference between the purchase price or exporter's sales price, as the case may be, and the fair value, is more than insignificant.

(R. S. 161, 251, sec. 624; 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

Notices of the proposed amendment of the regulations to define fair value were published in the Federal Register on June 22, 1954, and November 4, 1954 (19 F. R. 3795, 7157). After full consideration of data and views submitted, the above regulations have been adopted. These regulations will become effective thirty days after the date of publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: April 8, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3054; Filed, Apr. 8, 1955; 5:08 p. m.]

Sales for consumption in country of exportation	Sales for exportation otherwise than to the United States	Sales to the United States
75,000 units at $1.00	25,000 units at $0.91	15,000 units at $0.90.

The quantity of sales of this product in the country of exportation, amounting to 75,000 units, is sufficiently large in relation to the total of 100,000 units sold otherwise than for exportation to the United States to constitute an adequate basis for comparison with sales to the United States. (See paragraph (a) (1) and (2) of this section.) The price for sale to the United States is less than the price in the country of exportation. The foreign producer is therefore selling in the United States at less than fair value. This will be so even if the home market sales involve a restriction for which allowance need not be made because of circumstances of sale (such a restriction might be the typical limitation of right of resale to a specified area) and the third country sales are freely offered, so that the foreign market value under section 205 of the Antidumping Act, 1921, as amended (19 U. S. C. 164) is $0.91.

Example 2. A foreign producer has made the following sales of a particular product:

Sales for consumption in country of exportation	Sales for exportation otherwise than to the United States	Sales to the United States
25,000 units at $0.95	75,000 units at $0.90	15,000 units at $0.90.

The foreign producer can show that the quantity of sales of this product in the country of exportation, amounting to 25,000 units, is so small in relation to the total of 100,000 units sold otherwise than for exportation to the United States, as to be an inadequate basis for comparison with sales to the United States. Determination of fair value will therefore be based on the selling price otherwise than for exportation to the United States, pursuant to paragraph (a) (2) of this section. In the absence of special circumstances it would appear that the sales for exportation to the United States were not below fair value, whether determined on the basis of variation below a preponderance of other sales, or a weighted average of such sales, or otherwise. This may be so even if the home market sales are freely offered and therefore represent the foreign market value, and the third country sales are restricted, provided that the restriction is one (such as the typical limitation of right of resale to a specified area) for which allowance need not be made because of the circumstances of the sale.

Example 3. A foreign producer has sold his merchandise for consumption in the country of exportation at or about the date of the sale or exportation to the United States at the following prices:

2,000 tons at $32.00 ton.
900 tons at $32.50 ton.
2,000 tons at $33.00 ton.
1,000 tons at $33.10 ton.

Sales to the United States have been made by this supplier in the same average quantities at a uniform price of $32.90 per ton during the period. The difference in price between the producer's home market sales or any average thereof and his sales to the United States is so slight that it will not be regarded as more than insignificant unless such factors as small margin of profit and the sensitive condition of the market justify a contrary conclusion.

Example 4. A foreign producer makes all of his sales, other than those to the United States, for consumption in the country of exportation. The majority of the merchandise thus sold by him is sold at list prices, net. However, a discount of 5 percent is granted on sales of more than 500 tons. Sales to the United States are at list prices less 10 percent and have been in quantities of 10,000 tons or more. There have been no other sales by this producer in such quantities. Since the discount appears to be a reasonable one in view of the difference in quantities, the sales will not be considered to have been made at less than fair value in the absence of evidence that the price differential was not due to the differences in quantities.

The same result could obtain if the pricing pattern showed a differential because of quantity even though there were no list prices, or the list prices did not specify quantity discounts. This is shown in Example 5.

The tentative conclusions set forth below cannot, therefore, be considered as decisions which are binding upon the Secretary of the Treasury. They are in particular subject to the qualification that there may be other factors present, not here stated, or not sufficiently emphasized for the purposes of an actual case, which would lead to different or opposite results.

As is the case in respect of other laws administered in whole or in part by him, the Commissioner of Customs stands ready to answer specific inquiries arising under the Antidumping Act, 1921, as amended, which relate to contemplated transactions, to the best of his ability, notably those involving questions as to whether paragraph (a) (1) or (2) of this section applies, and questions as to the method of computation which may be used in connection with paragraph (b) (5) of this section.

Example 1. A foreign producer has made the following sales of a particular product over a representative period:

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE-(OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE OR TETRACYCLINE AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389); sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1953 Supp., Part 141c; 19 F. R. 1141) and certification of antibiotic and antibiotic-containing drugs (21 CFR, 1953 Supp., Parts 146c, 146d; 19 F. R. 673, 1141, 3623, 7557; 20 F. R. 1643) are amended as indicated below.

1. The section headnote and paragraph (a) of § 141c.211 are amended to read as follows:

§ 141c.211 *Chlortetracycline surgical powder (chlortetracycline hydrochloride surgical powder); tetracycline hydrochloride surgical powder*—(a) *Potency.* If it is chlortetracycline proceed as directed in § 141c.201 (a), and if it is tetracycline hydrochloride proceed as directed in § 141c.218 (a).

2. Section 141c.212 *Chlortetracycline suppositories* is amended as follows:

a. The section headnote is changed to read: § 141c.212 *Chlortetracycline suppositories (chlortetracycline hydrochloride suppositories); tetracycline hydrochloride suppositories".*

b. Paragraph (a) *Potency* is amended by inserting the following clause at the beginning of the first sentence: "If they are tetracycline hydrochloride suppositories, proceed as directed in § 141c.218 (a); and if they are chlortetracycline suppositories, proceed * * *" and by changing the word "chlortetracycline" in the last sentence of the paragraph to read "chlortetracycline or tetracycline hydrochloride".

3. Section 146c.211 *Chlortetracycline surgical powder* * * * is amended in the following respects:

a. The section headnote and paragraph (a) are changed to read:

§ 146c.211 *Chlortetracycline surgical powder (chlortetracycline hydrochloride surgical powder); tetracycline hydrochloride surgical powder*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline surgical powder and tetracycline hydrochloride surgical powder are crystalline chlortetracycline or crystalline tetracycline hydrochloride, with or without suitable and harmless diluents, preservatives, and lubricants. The content of chlortetracycline or tetracycline hydrochloride is not less than 50 milligrams per gram of powder. It is sterile. Its moisture content is not more than 2 percent. The chlortetracycline used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (4) and (5). The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (4) and (5). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (c) *Labeling* is amended by deleting the word "chlortetracycline" from the introduction to the paragraph and by changing the word "chlortetracycline" in subparagraph (1) (ii) to read "chlortetracycline or tetracycline hydrochloride".

c. In paragraph (d) *Request for certification; samples,* subparagraph (1) is amended by deleting the words "of chlortetracycline surgical powder" and by changing the word "chlortetracycline" to read "chlortetracycline or teracycline hydrochloride" in the two remaining places at which it occurs.

d. Paragraph (d) (2) (ii) is changed to read as follows:

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; potency, sterility, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline hydrochloride.

e. Paragraph (d) (3) (ii) is amended by changing the word "chlortetracycline" to read "chlortetracycline or tetracycline hydrochloride".

f. Paragraph (e) *Fees* is amended by deleting the words "of chlortetracycline surgical powder" from the introduction to the paragraph.

4. Section 146c.212 *Chlortetracycline suppositories* * * * is amended in the following respects:

a. The section headnote and paragraph (a) are changed to read:

§ 146c.212 *Chlortetracycline suppositories (chlortetracycline hydrochloride suppositories); tetracycline hydrochloride suppositories*—(a) *Standards of identity, strength, quality, and purity.* Chlortetracycline suppositories and tetracycline hydrochloride suppositories are suppositories composed of crystalline chlortetracycline or tetracycline hydrochloride in a suitable and harmless base, with or without one or more suitable and harmless preservatives. The potency of each suppository is not less than 100 milligrams, except if it is intended for rectal use its potency is not less than 50 milligrams. Its moisture content is not more than 1 percent. The chlortetracycline used conforms to the requirements of § 146c.201 (a), except § 146c.201 (a) (1), (2), (4), and (5), but its potency is not less than 750 micrograms per milligram. The tetracycline hydrochloride used conforms to the requirements of § 146c.218 (a), except § 146c.218 (a) (2), (4), and (5). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. In paragraph (c) *Labeling,* subparagraph (1) (ii) is amended by changing the word "chlortetracycline"

Example 5. A foreign producer has the following record of sales at or about the date of sale or exportation to the United States:

Sales for consumption in country of exportation	Quantity for each sale	Sales to United States	Quantity for each sale
200,000 pounds at $0.85 100,000 pounds at $0.80	Units of 100 pounds. Units of 1,000 pounds	100,000 pounds at $0.80	Units of 1,000 pounds.

Although the preponderance of sales during the period (200,000 lbs) were at a price of $0.85 as opposed to the United States price of $0.80, the lower United States price is justified on the ground that the home price pattern shows that to be the prevailing price for units of 1,000 lbs, which were the units involved in the United States sales. On the other hand, if the record of sales were to show 100,000 lbs sold for consumption in the country of exportation in units of 1,000 lbs at $0.85 instead of $0.80, the sales to the United States would be deemed to have been made at less than fair value.

Example 6. A foreign producer sells for consumption in the country of exportation at $12 a unit, regardless of quantities and regardless of whether the sales are to wholesalers or retailers. He sells to retail purchasers in the United States at $12 a unit and wholesale purchasers in the United States at $10 a unit, in each case regardless of quantities.

The circumstances in this case indicate that the foreign producer will be deemed to have been selling to wholesalers in the United States at less than fair value. Should, however, his record of sales for consumption in the country of exportation show that he sells, regardless of quantities, at $10 a unit to wholesalers and at $12 a unit to retailers, then, making allowances for the circumstances of sale, the sales in the United States will not be deemed to be sales at less than fair value.

Example 7. A foreign producer sells for consumption in the country of exportation at $105 a unit, delivered anywhere within the country of exportation. He has no f. o. b. factory price for home consumption. He sells to the United States f. o. b. factory for $100 a unit. Evidence indicates that it costs the producer on the average $0.50 a unit to deliver on home consumption sales.

Giving due consideration to the circumstances of sale, the sales to United States purchasers at $100 a unit will be deemed to be sales at less than fair value. Should the delivery cost on home consumption sales average $5 a unit instead of $0.50, the sales to the United States purchasers at $100 a unit will not be deemed to be sales at less than fair value.

to read "chlortetracycline or tetracycline hydrochloride".

c. In paragraph (d) *Request for certification; samples,* subparagraph (1) is amended by deleting the words "of chlortetracycline suppositories" and by changing the word "chlortetracycline" to read "chlortetracycline or tetracycline hydrochloride", in the two remaining places at which it occurs.

d. Paragraph (d) (2) (ii) is changed to read as follows:

(ii) The chlortetracycline or tetracycline hydrochloride used in making the batch; potency, toxicity, moisture, pH, crystallinity, and extinction coefficient if it is tetracycline hydrochloride.

e. Paragraph (d) (3) (ii) is amended by changing the word "chlortetracycline" to read "chlortetracycline or tetracycline hydrochloride".

5. In § 146d.303 *Chloramphenicol ointment* * * *, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the words "48 months" to read "60 months".

6. In § 146d.304 *Chloramphenicol ophthalmic,* subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the words "36 months" to read "60 months".

7. In § 146d.305 *Chloramphenicol palmitate,* subparagraph (3) of paragraph (c) *Labeling* is amended by changing the words "36 months" to read "48 months".

8. In § 146d.306 *Chloramphenicol palmitate oral suspension,* subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the words "36 months" to read "48 months".

9. In § 146d.309 *Chloramphenicol-streptomycin capsules* * * *, paragraph (a) (4) is amended by changing the words "18 months" to read "24 months".

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: April 4, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-2988; Filed, Apr. 11, 1955; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

On December 2, 1954, a notice of proposed rule making with respect to regulations designated as Part 195 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (19 F. R. 7974). The purposes of the proposal were to adopt Regulations 19, 1953 edition (26 CFR (1939) Part 195, 18 F. R. 8478), Production of Vinegar by the Vaporizing Process, and to amend such adopted regulations (a) to implement the provisions of the Internal Revenue Code of 1954, (b) to implement administrative decisions, and (c) to delete certain administrative instructions which are to be incorporated in internal management documents. No data, views, or arguments relating thereto having been received during the period of 15 days from the date of publication of said notice, the regulations so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. The preamble is amended as follows:

(A) The first paragraph is revised.

(B) A new third paragraph is added.

Par. 2. Subpart A is amended as follows:

(A) By revising the second sentence of § 195.1 to read: "The regulations cover requirements governing the location; construction; equipment; qualification; changes in premises, equipment, and proprietorship; action by assistant regional commissioner; plant operations; and records and reports of operations at vinegar plants."

(B) By deleting § 195.2 and renumbering § 195.3 as § 195.2.

Par. 3. Subpart B is amended as follows:

(A) By inserting a new § 195.12 immediately following § 195.11.

(B) By inserting a new § 195.26 immediately following § 195.24.

(C) By renumbering §§ 195.12 to 195.24, inclusive, as §§ 195.13 through 195.25, respectively; and renumbering §§ 195.25 and 195.26 as §§ 195.27 and 195.28, respectively.

Par. 4. Subpart F is amended as follows:

(A) By revising the last sentence of § 195.58.

(B) By striking the first three sentences of § 195.61 and inserting in lieu thereof a new sentence.

(C) By revising § 195.64 by striking the words: "an unlimited quantity of alcohol", and inserting in lieu thereof the words: "vapors into distilled spirits of over 30 degrees proof".

(D) By revising the list in § 195.68 by striking the word "slop", and inserting in lieu thereof the word "stillage".

Par. 5. Subpart H is amended as follows:

(A) By revising the fifth sentence of § 195.97 by striking the word "openings" and inserting in lieu thereof the words "exterior doors".

(B) By revising § 195.99 by striking the words "and pipelines" in the first sentence; and inserting between the first and second sentence, a new sentence to read: "Pipelines may also be shown, if desired."

(C) By revising § 195.100.

(D) By revising the headnote of § 195.101 to read *"Pipelines in colors."*

(E) By deleting §§ 195.102 and 195.103.

(F) By revising and renumbering § 195.104 as §195.102.

(G) By revising and renumbering § 195.105 as § 195.103.

Par. 6. Subpart I is amended in § 195.132 by striking the word "triplicate" in the first and second sentences an inserting in lieu thereof, in each instance, the word "duplicate".

Par. 7. Subpart J is amended as follows:

(A) By inserting, immediately following the last sentence of § 195.142, a new sentence.

(B) By revising § 195.145 by striking, at the end of the first sentence, the words: "and one copy to the Director, Alcohol and Tobacco Tax Division."

Par. 8. Subpart K is amended as follows:

(A) By striking from § 195.156 the last sentence reading: "Under no circumstances will the low wines be used as a condensing medium."

(B) By revising § 195.157.

(C) By revising § 195.162 by striking the words "under oath" in the second sentence; and by inserting, between the second and third sentence, a new sentence.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: April 6, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

Preamble. 1. The regulations in this part shall supersede Regulations 19, 1953 edition (26 CFR (1939) Part 195; 18 F. R. 8478).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

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AUTHORITY: §§ 195.1 to 195.262 issued under 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to the text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 195.1 *Production of vinegar by the vaporizing process.* The regulations in this part relate to the production of vinegar by the vaporizing process. The regulations cover requirements governing the location; construction; equipment; qualification; changes in premises, equipment, and proprietorship; action by assistant regional commissioner; plant operations; and records and reports of operations at vinegar plants.

§ 195.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 195.10 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 195.11 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the regional commissioner of internal revenue.

§ 195.12 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 195.13 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division", shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 195.14 *Distilled spirits.* "Distilled spirits" shall mean that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, and includes low wines produced by the vaporizing process in the manufacture of vinegar.

§ 195.15 *Distilling materials.* "Distilling materials" shall mean the fermented mash of grain, molasses, or other materials produced for distillation.

§ 195.16 *District director.* "District director" shall mean the district director of internal revenue.

§ 195.17 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 195.18 *Grain gallon.* "Grain gallon" shall mean a gallon of vinegar of 100 grain strength.

§ 195.19 *Grain strength.* "Grain strength" is a measure of the acetic acid content of vinegar, expressed as 10 times the grams of acetic acid per 100 ml.

§ 195.20 *Including.* The term "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 195.21 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, a trust, estate, association, partnership, company or corporation.

§ 195.22 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 195.23 *Person, Proprietor, vinegar maker.* "Person," "proprietor," or "vinegar maker," shall include natural persons, trusts, estates, associations, partnerships, companies and corporations.

§195.24 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 195.25 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

§ 195.26 *Regional commissioner.* "Regional commissioner" shall mean the regional commissioner of internal revenue in each of the internal revenue regions.

§ 195.27 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 195.28 *Vinegar factory.* "Vinegar factory" shall mean a vinegar factory using the vaporizing process in the manufacture of vinegar, established or operated under this part, and as described in the notice, Form 27–F.

SUBPART C—LOCATION AND USE

§ 195.35 *Restrictions.* Vinegar factories producing vinegar by the vaporizing process may not be located on board of any vessel or boat, or on any premises where beer or wines are manufactured or produced, or sugars or sirups are refined, or where any liquors of any description are stored or retailed, or where any other business is carried on: *Provided,* That the assistant regional commissioner may, upon application to him in each case, authorize the proprietor to use the equipment of his vinegar factory for the production of vinegar from cider, or from sour wine or vinegar stock removed from bonded wine cellars under the provisions of Part 240 of this title, or by the use of specially denatured alcohol, where such alternate production of vinegar is kept separate from the production of vinegar by the vaporizing process and such production will not unduly increase administrative supervision. If the vinegar factory is in the same building in which is located a taxpaid bottling house, there must be no means of communication within the building between the vinegar factory and such premises, other than through established common passageways.

(68A Stat. 627, 640; 26 U. S. C. 5171, 5216)

§ 195.36 *Use of premises.* Except as may be permitted pursuant to § 195.35, the premises of a vinegar factory using the vaporizing process shall be used exclusively for the manufacture of vinegar by the use of an alcoholic vapor separated from a fermented mash on such premises. The production at vinegar factories of low wines exceeding 30 degrees in proof will not be permitted.

SUBPART D—CONSTRUCTION

§ 195.40 *Buildings or rooms.* The vinegar factory must be so constructed and equipped as to be suitable for the production of vinegar by the use of the vaporizing process, and must be completely separated from contiguous buildings or rooms, which are not used in conjunction with the vinegar factory, by solid, unbroken, partitions or floors of substantial construction. Such partitions shall extend from the ground to the roof, or from the floor to the ceiling if a room is used: *Provided,* That necessary openings for the passage of approved water, steam, fuel, or similar lines may be permitted in the walls or partitions.

§ 195.41 *Means of ingress or egress.* Except as provided in § 195.40, the doors and other openings must lead into the yard connected with the vinegar factory or a public street: *Provided,* That where a room or floor is used, the door may open into an elevator shaft, or a common passageway partitioned off from other businesses, leading either directly or through another elevator shaft or similar passageway to the street or yard. Where the door of the vinegar factory opens into a common passageway, as provided above, the partitions forming the common passageway shall be substantially constructed of solid materials or expanded metal or woven wire of not less than 9 gauge nor more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, but doors may be permitted therein. Common passageways must be used exclusively as means of communication.

§ 195.42 *Doors, windows, and other openings.* The doors, windows, or other openings in the room or building comprising the distilling department must be so arranged and constructed that they may be securely fastened. No door, window, or other opening will be permitted in the walls or floors leading into another room or building which is not a part of the vinegar factory.

§ 195.43 *Distilling department.* A room or rooms must be provided in which will be located the stills and low wine tanks. Such room or rooms shall be known as the distilling department and shall be used exclusively for the production and storage of low wines. A sign must be posted over the door to the distilling department bearing the words "Distilling Department," and if more than one room is used, such rooms shall be given alphabetical designations, as "A," "B," "C," etc.

SUBPART E—SIGN

§ 195.50 *Posting of sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the vinegar factory or over the front entrance thereto, where it can be plainly seen, a sign exhibiting, in plain and legible letters, not less than 3 inches in height and of a proper and proportionate width, the name of the proprietor and the words "Vinegar Factory No. ——," followed by the registry number assigned by the assistant regional commissioner.

SUBPART F—EQUIPMENT

§ 195.55 *Fermenting material storage tanks.* Each fermenting material storage tank shall have plainly and legibly painted thereon, or on a sign attached thereto, the words "Fermenting Material Storage Tank," followed by its serial number and capacity in gallons.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.56 *Mash tubs and fermenters.* Mash tubs and fermenters shall be located in the distilling department or in a separate room or building and must be so placed as to be accessible to examination by internal revenue officers. Each such mash tub or fermenter must have painted thereon, or on a sign attached thereto, its designated use, as "Mash Tub" or "Fermenter," followed by its serial number and capacity in gallons.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.57 *Mash tub coils.* A closed coil cannot be maintained in a mash tub on the premises of a vinegar factory using the vaporizing process except under the following conditions: If a coil is employed for the conveyance of water for the purpose of cooling the mash, the upper portion of the coil must be open, with flanges projecting upward, so as to prevent overflow making the upper ring of the coil, in effect, an open trough; or the coil within the tub may be closed on

condition that the pipe is left open for a distance of several feet immediately after it leaves the tub and is properly protected by flanges so as to form, in effect, an open trough several feet in length.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.58 *Stills.* The stills must have a clear space of not less than 1 foot around them. Every still must be numbered, commencing with number 1, and shall have painted thereon, or on a sign attached thereto, the word "Still," followed by its serial number and spirit-producing capacity in proof gallons in 24 hours, computed in accordance with the rules set forth in subpart T. Where the still is insulated or the manufacturer's serial number is otherwise obscured, such number will likewise be painted on the covering of the still. No reflux line, gooseneck, pipe, conductor, or contrivance of any description whatever whereby vapor might in any manner be conveyed away and converted into distilled spirits (other than low wines for the manufacture of vinegar), shall be used or employed or be fastened to or connected with any vaporizing apparatus used for the manufacture of vinegar.

(68A Stat. 640, 680; 26 U. S. C. 5216, 5552)

§ 195.59 *Pipes for conveying vapor.* The alcoholic vapor which the vinegar maker is authorized to separate from the mash shall be conducted to the liquid receiving it by the shortest and most direct line practicable. The pipes used for this purpose must be constructed of metal, or other material affording necessary protection, and exposed to view throughout their entire lengths and must not be surrounded with water.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.60 *Presence of worm forbidden.* The law specifically provides that no worm shall be permitted on or near premises used for the manufacture of vinegar by the vaporizing process.

(68A Stat. 640; 26 U. S. C. 5216)

§ 195.61 *Spray tanks or condensers.* The spray tanks or condensers must be so constructed that the alcoholic vapors cannot be condensed without being conveyed into, or mingled with, the water or other liquid used in making vinegar. The spray tank or condenser shall be so constructed that the water or other liquid used in the manufacture of vinegar is sprayed through the top of the tank to condense the alcoholic vapors, or a constant level of water or such liquid must be maintained in the tank or condenser at all times so that the end of the vapor pipe will be completely immersed therein. The vapors must not be condensed before or without infusion into such water or other liquid.

(68A Stat. 640, 680; 26 U. S. C. 5216, 5552)

§ 195.62 *Closed condensers.* Closed or covered condensers may be used only where the alcoholic vapor is condensed simply by being introduced into the water or other liquid used in the production of vinegar without the use of artificial means for cooling the liquid. The condensers in such cases must be provided with a manhole which will permit ready examination of the whole interior of the condensing vessel.

(68A Stat. 640, 680; 26 U. S. C. 5216, 5552)

§ 195.63 *Artificial means of condensing vapors.* Where artificial means are employed for condensing alcoholic vapor at vinegar factories, the condensing vessels shall be open and uncovered and the condensing apparatus shall be simple in construction.

(68A Stat. 640, 680; 26 U. S. C. 5216, 5552)

§ 195.64 *Contrivance for cooling liquid.* No contrivance may be used for cooling the liquid which receives the vapors to such a degree that a small or limited quantity of water or liquid would be enabled to receive and condense vapors into distilled spirits of over 30 degrees proof.

(68A Stat. 640, 680; 26 U. S. C. 5216, 5552)

§ 195.65 *Low wine receiving tanks.* The proprietor must provide one or more low wine receiving tanks which shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. The tanks must be so constructed as to permit examination of every part thereof, and so arranged as to leave an open space of not less than 3 feet between the top and the roof or floor above. All openings in tanks and other distilling apparatus and equipment, which are not absolutely necessary, and which can be permanently closed without interference with operations, shall be closed by brazing, welding, or otherwise securely fastening and sealing. Each such tank shall have painted thereon, or on a sign attached thereto, the words "Low Wine Receiving Tank," followed by its serial number and capacity in gallons. The pipelines connecting the tanks with stills or other apparatus must be constructed in accordance with § 195.67. The receiving tanks must be located in the distilling department.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.66 *Low wine storage tanks.* If it is desired to store low wines prior to the use thereof in the manufacture of vinegar, storage tanks for such purpose must be provided in the distilling department. Each such tank shall be constructed and equipped as provided in § 195.65 for receiving tanks, and shall have painted thereon, or on a sign attached thereto, the words "Low Wine Storage Tank," followed by its serial number and capacity in gallons.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.67 *Pipelines.* The distilling system must be closed (except as otherwise provided in this part), commencing with the first still where entry into the system would constitute a jeopardy to the revenue, and continuing with securely closed pipes to the low wine receiving tanks in which the product is deposited. All such pipelines must be of a fixed and permanent character, constructed of metal, or other material affording necessary protection, and so arranged as to be exposed to view throughout their entire lengths. All valves, unions, flanges, and other detachable connections in the pipelines of the distilling system between the point where the closed system begins and the receiving tanks, and from the receiving tanks to storage tanks (if provided), must be so secured by brazing, welding, fastening, and sealing as to effectually prevent disconnection and access to the low wines.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.68 *Colors for pipelines.* The pipelines connected with the stills and low wine tanks used for conveying the following substances shall be kept painted in the colors indicated:

Black	Low wines.
Blue	Vapor.
Red	Mash, beer, or other distilling material.
Brown	Spent beer or stillage.
White	Water.
Aluminum	Steam.

These colors are intended for such pipelines only, and are prescribed for the purpose of distinguishing such pipelines from each other and from all other pipelines on the premises which are painted but for which colors are not prescribed. The painting of one of the pipelines indicated above in a color other than prescribed for it, or the painting in one of the prescribed colors, or a color similar thereto, of a pipeline for which a color is not prescribed is prohibited. Pipelines for which colors are not prescribed may be painted in other colors or in sections of not more than 3 feet in contrasting colors.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.69 *Vinegar factories heretofore established.* Vinegar factories heretofore established may continue to operate if the equipment and method used for condensing the alcoholic vapors from the stills conform to that prescribed in this part, and the other construction and equipment afford adequate security and protection to the revenue. The assistant regional commissioner may at any time require the proprietor to make changes in construction and equipment conforming to the provisions of this part, if deemed necessary to safeguard the revenue or to permit more economical and efficient supervision and control by internal revenue officers. All vinegar factories hereafter established, and changes in existing vinegar factories, must be in conformity with this part.

(68A Stat. 640, 680; 26 U. S. C. 5216, 5552)

SUBPART G—QUALIFYING DOCUMENTS

§ 195.75 *Notice, Form 27–F.* Every person desiring to establish a vinegar factory shall file notice on Form 27–F, in triplicate, with the assistant regional commissioner of the region in which the premises are located, for approval of the premises. Except as provided in § 195.80, in the case of amended or supplemental notices, all the information required by this part, and by the instructions on the form or issued in respect thereto, shall be furnished. Notice on Form 27–F shall be verified by a written declaration that it is made under the penalties of perjury. Notices on Form 27–F must be numbered serially, commencing with 1 and continuing in numerical sequence for all

notices thereafter filed, whether amended or supplemental.

(68A Stat. 749; 26 U. S. C. 6065)

§ 195.76 *Description of premises.* The notice, Form 27–F, shall contain a complete description of the building constituting the vinegar factory, including the height, width, and length, the materials of which constructed, and the number of stories.

§ 195.77 *Description of distilling department.* All rooms comprising the distilling department of the vinegar factory shall be described on Form 27–F. The description shall include the designated name of each room which shall be according to its use, such as, still room, fermenting room, etc., and the dimensions thereof. If more than one room is used for the same purpose, the same shall include an alphabetical designation to distinguish them, as "Still Room A," "Still Room B," etc.

§ 195.78 *Description of apparatus and equipment.* There must be described on Form 27–F in the space provided therefor the number of fermenting material storage tanks (if any), mash tubs, fermenters, stills, spray tanks, condensers, low wine receiving tanks, and low wine storage tanks which shall be listed separately as to serial number and capacity in gallons. All other regular and permanent equipment must be described on Form 27–F.

§ 195.79 *Capacity.* The kind of fermenting materials to be used, the maximum quantity of low wines, in proof gallons, that can be produced in 24 hours, and the proof at which the low wines will be produced, must be stated on Form 27–F.

§ 195.80 *Amended and supplemental notices.* Amended and supplemental notices on Form 27–F may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated in the amended or supplemental notice by reference to the respective notice previously filed. Such incorporation by reference shall be made by entering for each such item in the space provided therefor the statement, "No change since filing Form 27–F, Serial No. ----------" (the number being inserted), and the date of such form.

§ 195.81 *Corporate documents.* There must be submitted with, and made a part of, the original or initial notice on Form 27–F, given by a corporation to engage in the business of manufacturing vinegar by the vaporizing process, properly certified copies, in triplicate, of the following documents:

(a) Extracts of the minutes of meetings of the board of directors authorizing certain officers or other persons to sign for the corporation.

(b) List of the names and addresses of the officers and directors.

§ 195.82 *Articles of partnership or association.* In the case of a partnership or association, a certified copy, in triplicate, of the articles of partnership or association, if any, and, where the business is to be conducted under a firm or trade name, a trade name certificate or statement in lieu thereof, in accordance with § 195.112, shall be submitted with and constitute a part of the notice, Form 27–F.

§ 195.83 *Power of attorney, Form 1534.* If the notice or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members for a partnership or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 195.81, such notice or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney will be executed on Form 1534, in triplicate, and submitted to the assistant regional commissioner.

§ 195.84 *Execution of power of attorney.* Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a partnership or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the partnership or association must be executed by all of the members constituting the partnership or association. However, if one or more members less than the whole number constituting the partnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, if any, to be true copies.

§ 195.85 *Duration of power of attorney.* Powers of attorney authorizing the execution of documents on behalf of a person engaged in, or intending to engage in, the business of a vinegar maker shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the assistant regional commissioner, unless terminated by operation of law.

§ 195.86 *Registry of stills, Form 26.* Any still or distilling apparatus set up and intended to be used for the distillation of distilled spirits in the manufacture of vinegar by the vaporizing process must be registered with the assistant regional commissioner for the region in which the still is located, on Form 26, immediately it is set up, in accordance with the instructions on the form. Such registration shall be verified by a written declaration that it is made under the penalties of perjury.

(68A Stat. 628, 749; 26 U. S. C. 5174, 6065)

§ 195.87 *Plat and plans.* Every person intending to engage in the business of manufacturing vinegar by the use of the vaporizing process must submit to the assistant regional commissioner with his notice, Form 27–F, an accurate plat of the vinegar factory premises and accurate plans of the distilling apparatus and equipment, in triplicate, conforming to the requirements of subpart H.

§ 195.88 *Additional information.* The assistant regional commissioner may at any time, in his discretion, require the proprietor to furnish such additional information as he may deem necessary.

SUBPART H—PLATS AND PLANS

§ 195.95 *Plat and plans required.* Every person intending to engage in the business of manufacturing vinegar by the use of the vaporizing process must, as provided in § 195.87, file an accurate plat of the vinegar factory premises, and accurate plans of the distilling apparatus and equipment, in triplicate, with the assistant regional commissioner.

§ 195.96 *Preparation.* Each sheet of the plat and plan shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. Each sheet of the original plat and plans shall be numbered, the first being designated number 1 and the other sheets numbered in consecutive order. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "Ditto Process" or by blue or brown line lithoprint, if such reproductions are clear and distinct.

§ 195.97 *Depiction of premises.* Plats must show the outer boundaries of the vinegar factory premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and must contain an accurate depiction of the building or buildings comprising the premises. The depiction of the premises should agree with the description in the notice, Form 27–F. If two or more buildings are to be used, they must be shown in their relative positions and the designated name or use of each indicated. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A". All first floor exterior doors of each building on the premises will be shown on the plat. If the vinegar factory consists of a room or a floor of a building, an outline of the building, the precise location and dimensions of the room or floor, and the means of ingress from and egress to a public street or yard shall be shown.

§ 195.98 *Contiguous premises.* The plat must show the relative location of any distillery, internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse or denaturing plant, rectifying plant, or taxpaid bottling house, or other premises on which beer or wines are manufactured or produced, stored, used, or sold, contiguous to the vinegar factory premises, and all pipelines and other connections, if any, between them, and the distance they are from each other. The outlines of such contiguous premises and the vinegar factory premises must be shown in contrasting colors.

§ 195.99 *Floor plan of distilling department.* A floor plan of the distilling department shall be submitted, showing the location of all apparatus and equipment therein. Pipelines may also be shown, if desired. The serial number and capacity of each still and tank shall be indicated on the plan.

§ 195.100 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering: (a) distilling material system, (b) distilling and condensing systems, and (c) low wine receiving and storage tank system. Such diagrams or plans shall clearly depict all equipment in its operating sequence, and elevation by floors with all connecting pipelines, valves, measuring devices, etc. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All of the flow diagrams as a unit must show the flow of the distilling material, vapor, low wines, etc., through pipelines connected with the stills and low wine tanks. All major equipment, fermenters, stills, etc., must be identified on the diagrams as to serial number and use. The elevational flow diagrams must be properly identified and so drawn that all fixed pipelines (except approved public or private utility service lines which have no connection with the distilling equipment or any apparatus or pipeline connected therewith, and which need not be shown) may be readily traced from beginning to end: *Provided,* That pipelines leading to and from other buildings on the same or contiguous premises may be designated as to point of origin or termination. The direction of the flow of spirits through the pipelines must be indicated on the diagram by arrows. Other types of plans that clearly depict the information required herein may be submitted in compliance with this section.

§ 195.101 *Pipelines in colors.* The fixed pipelines connected with the stills and low wine tanks must be shown on the plans in the colors in which they are required to be painted, as specified in § 195.68.

§ 195.102 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right-hand corner of each sheet, signed by the proprietor, the draftsman, and the assistant regional commissioner, substantially in the following form:

(Name of proprietor—Reg. No.)

(Address)

Approved: ----------
(Date)

(Assistant Regional Commissioner)

Accuracy certified by:

(Name and title—for the proprietor)

(Draftsman)

Date ----------, 19--.
Sheet No. ----------.

§ 195.103 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans will be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence.

§ 195.105 *Supplemental, superseding, and additional plats and plans.* The sheets of superseding plats or plans shall bear the same numbers as the sheets superseded. The sheets of supplemental plats or plans shall bear the same numbers as the sheets supplemented, and will be further identified by letter designations, as "1–A," "5–B," etc. Additional sheets of plans, filed to cover extensions of the vinegar factory premises, will be given the next number in sequence to the last sheet of the plan on file. Additional sheets of plats, filed to cover extensions of the vinegar factory premises, will be given the same number as the last sheet of the plat on file, further identified by an additional number, as 1–1, 2–1, etc.

SUBPART I—REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT

§ 195.110 *General requirement.* Notice in writing must be given, in the form prescribed in this subpart, to the assistant regional commissioner in case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of the vinegar factory.

CHANGE IN INDIVIDUAL, FIRM, OR CORPORATE NAME

§ 195.111 *Amended notice, Form 27–F.* Where there is a change in the individual, firm, or corporate name, the proprietor must submit to the assistant regional commissioner an amended notice on Form 27–F, in triplicate, covering the new name, which notice must be approved before operations may be commenced under the new name.

§ 195.112 *Trade name certificate; amended articles of incorporation.* The proprietor shall file with the assistant regional commissioner certified copies of trade names and amended articles of incorporation which are required by State laws. If no such documents are required the proprietor will furnish a statement to that effect.

§ 195.113 *Sign.* Where there is a change in the individual, firm, or corporate name, the proprietor must change the vinegar factory sign to conform to the provisions of § 195.50.

§ 195.114 *Records.* Where there is a change in the individual, firm, or corporate name, the proprietor must keep records and submit reports covering operations under the new name as provided in subpart L.

CHANGE IN PROPRIETORSHIP, SUSPENSION

§ 195.115 *General.* Where there is to be a change in the proprietorship of the vinegar factory, the outgoing proprietor must, preparatory to transfer of the business to the successor, comply with the requirements of §§ 195.116 through 195.119.

§ 195.116 *Notice, Form 27–F.* If the outgoing proprietor is to discontinue permanently the business of manufacturing vinegar by the vaporizing process, he must file with the assistant regional commissioner Form 27–F, in triplicate, stating thereon the purpose to be "Discontinuance of business," and giving the date of the discontinuance.

§ 195.117 *Registry of stills.* Where there is to be a change in proprietorship, the outgoing proprietor must register the stills on Form 26, in triplicate, in accordance with § 195.195.

§ 195.118 *Notice of suspension.* Where there is to be a change in proprietorship, the outgoing proprietor must file with the assistant regional commissioner a written notice, in triplicate, in accordance with subpart M of this part.

§ 195.119 *Records.* Where there is to be a change in proprietorship, the outgoing proprietor must make appropriate entries in the vinegar factory records and submit reports in accordance with the provisions of subpart O of this part.

CHANGE IN PROPRIETORSHIP, QUALIFICATION OF SUCCESSOR

§ 195.120 *General* Where there is a change in proprietorship, and the successor intends to continue the operation of the premises as a vinegar factory, he must comply with the requirements of §§ 195.121 through 195.125.

§ 195.121 *Nonfiduciary successor.* If the change in proprietorship is brought about by any means, except by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must qualify in the same manner as the proprietor of a new vinegar factory, except that he may adopt the plat and plans of his predecessor as provided in § 195.123.

§ 195.122 *Fiduciary.* If the successor is an administrator, executor, receiver, trustee, assignee, or other fiduciary, and intends to produce low wines, or to possess or dispose of low wines on hand in the vinegar factory, he must comply with the provisions of subpart G to the extent that such provisions are applicable, except that in lieu of filing a new plat and plans, the fiduciary may adopt the plat and plans of such predecessor in accordance with § 195.123. The fiduciary must also furnish certified copies, in triplicate, of the order of the court or other pertinent documents showing his qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the court order, or the date specified therein, for him to assume control.

§ 195.123 *Adoption of plat and plans.* The plat and plans of the vinegar factory may be adopted by a successor where they correctly describe and depict the premises and the buildings, apparatus, and equipment thereon, to be taken over by the successor. The adoption by a successor of the plat and plans of his predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the address and number of the vinegar factory, a description of the vinegar factory premises, the number of each sheet comprising each plat and plan covered by such certificate, and a statement that the vinegar factory premises, and the buildings, apparatus, and equipment thereon, are correctly described and depicted on such plat and plans.

§ 195.124 *Sign.* The successor, if other than a fiduciary temporarily operating the vinegar factory, must change the vinegar factory sign to conform to the requirements of § 195.50.

§ 195.125 *Materials and low wines.* If distilling materials and low wines are received by transfer from the predecessor, the successor must comply with the requirements of subpart O of this part.

OTHER CHANGES IN PROPRIETORSHIP OR CONTROL

§ 195.126 *Changes in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, except as provided in § 195.127, the death, bankruptcy or adjudicated insolvency of one or more of the partners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship of the vinegar factory occurs, the successor must qualify in the same manner as a new proprietor of a vinegar factory, except that the successor may adopt the plat and plans of the predecessor as provided in § 195.123.

§ 195.127 *Exception occasioned by State laws.* Where, under the laws of the particular State, the partnership is not terminated on the death or insolvency of a partner, but continues until the liquidation of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to operate the vinegar factory for such purpose under the prior qualification of the partnership: *Provided,* That notice of such action is filed with the assistant regional commissioner. If such surviving partner acquires the business upon completion of the settlement of the partnership, he must qualify in his own name from the date of acquisition. The same rule shall apply where there is more than one surviving partner.

§ 195.128 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of the capital stock of a corporation operating a vinegar factory does not constitute a change in the proprietorship of the vinegar factory. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is a change in the officers or directors, the proprietor must give notice thereof, in triplicate, to the assistant regional commissioner. Mere changes in stockholders of corporations not constituting a change in control need not be so reported.

§ 195.129 *Reincorporation.* Where a corporation operating a vinegar factory is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as a new proprietor of the vinegar factory, except that the new corporation may adopt the plat and plans of the predecessor as provided in § 195.123.

CHANGES IN LOCATION, PREMISES, AND EQUIPMENT

§ 195.130 *Change in location.* Where there is a change in the location of the vinegar factory, the proprietor must comply with all applicable provisions of subparts C–H.

§ 195.131 *Changes in premises.* Where the vinegar factory premises are to be extended or curtailed, the proprietor must file with the assistant regional commissioner an amended notice, Form 27–F, and an amended plat of the premises as extended or curtailed. If the plans are affected by the extension or curtailment, they must also be amended.

§ 195.132 *Changes in equipment.* Where changes are to be made in the apparatus and equipment of the distilling department, the proprietor shall first secure approval thereof by the assistant regional commissioner pursuant to application, in duplicate, setting forth specifically the proposed changes: *Provided,* That emergency repairs may be made without prior approval of the assistant regional commissioner. Where such emergency repairs are made, the proprietor shall file immediately a report thereof, in duplicate, with the assistant regional commissioner. Upon completion of changes in equipment, the proprietor must file an amended notice and amended plans, except that in the case of minor changes, such as general repairs, changes in pipe lines, or the addition or removal of a tank, an amended notice and amended plans need not be filed immediately: *Provided further,* That the assistant regional commissioner may, at any time, in his discretion, require the filing of an amended notice and amended plans covering such minor changes. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, the proprietor must include such changes in the next amended notice and plans filed by him.

SUBPART J—ACTION BY ASSISTANT REGIONAL COMMISSIONER

ORIGINAL ESTABLISHMENT

§ 195.140 *Authority to approve.* Assistant regional commissioners are authorized to approve all notices and other qualifying documents required by this part.

§ 195.141 *Registry numbers.* Vinegar factories will be assigned registry numbers in the order of their establishment. A separate series of numbers, commencing with 1, will be used for each State. Registry numbers heretofore assigned will be retained and new vinegar factories will be assigned new numbers in sequence. Registry numbers previously assigned to discontinued vinegar factories will not be assigned to other vinegar factories. In the case of a successor taking over the vinegar factory, or where there is a change in location of the vinegar factory within the same State, the same registry number may be retained.

§ 195.142 *Approval of qualifying documents.* If the assistant regional commissioner finds, upon examination of the inspection report and the qualifying documents, that the person seeking to qualify as proprietor of the vinegar factory has complied in all respects with the requirements of the law and this part, he will assign a registry number to the vinegar factory, in accordance with § 195.141, note his approval on all copies of the notice, plat and plans, and will forward one copy of the notice, plat, plans, and other qualifying documents to the proprietor. The proprietor shall file his copies of the approved qualifying documents on the premises, available for inspection by internal revenue officers.

§ 195.143 *Disapproval of qualifying documents.* If the assistant regional commissioner finds that the applicant has not complied in all respects with the requirements of the law and this part, or that the situation of the vinegar factory is such as would enable the proprietor to defraud the United States, he will note his disapproval of the notice, Form 27–F, and return to the applicant one copy of the notice and all copies of other qualifying documents, with advice as to the reasons for disapproval.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 195.144 *Procedure applicable.* The provisions of this part respecting the action required of assistant regional commissioners in connection with the original establishment of vinegar factories will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name of the proprietor, or where there is a change in the proprietorship, location, premises, construction, apparatus and equipment, of the vinegar factory, or where operations are permanently discontinued.

§ 195.145 *Applications and reports covering changes.* Where an application covering changes in the distilling apparatus or equipment, or in the construction or use of a room or building is authorized by the assistant regional commissioner, he will, after completion of the change, retain one copy of the application and forward one copy to the proprietor. Similar disposition will be made of reports received from the proprietor covering emergency repairs of distilling apparatus and equipment.

SUBPART K—PLANT OPERATION

GENERAL

§ 195.150 *Compliance with requirements of law and this part.* Under no circumstances will a person conduct any operations in connection with the production of low wines to be used in the manufacture of vinegar until compliance with all the requirements of law and this part, and the required notice, Form 27–F, and supporting documents have been approved in accordance with the provisions of this part.

§ 195.151 *Inspection of premises and records.* All persons manufacturing vinegar by use of the vaporizing process shall permit any internal revenue officer to inspect at any reasonable hour the premises, equipment, stocks and records, as required by law and this part.

COMMENCEMENT OF OPERATIONS

§ 195.152 *Fermenting and distilling materials.* Low wines may be produced at a vinegar factory using the vaporizing process under the provisions of this part from any kind of raw materials suitable for the production of low wines. Fermenting and distilling materials must be weighed or, in the case of liquids, weighed or measured, when brought upon the premises, and when used. The receipt and use of the materials will be recorded by the proprietor on Form 1623.

§ 195.153 *Removal of fermenting material from premises.* If fermenting material is stored on the premises, and it is desired to remove the same, or any portion thereof, from the premises for any purpose whatsoever, the proprietor will enter on Form 1623 the kind and quantity to be removed, and the reasons therefor.

MASHING AND FERMENTING

§ 195.154 *Production of mash.* Proprietors at vinegar factories may, under the provisions of law, produce on such premises fermented mash or fermented liquors to be used for the manufacture of vinegar exclusively. The proprietor may mash molasses, grain, or other fermentable material, in any quantity, proportion, or strength that he may desire.

§ 195.155 *Quantity of mash and beer determined.* The proprietor will determine the number of gallons of mash in each fermenter at the time of filling, and the quantity of beer in each fermenter after fermentation is complete, and will enter the same on Form 1623.

DISTILLATION

§ 195.156 *Production of low wines.* All processes of distillation shall be conducted in the distilling department of the vinegar factory. The alcoholic vapor separated from the mash produced must be condensed by introducing the vapor into the water or other liquid used in making vinegar. The vapor must not be condensed before or without infusion into such water or other liquid.

(68A Stat. 640; 26 U. S. C. 5216)

§ 195.157 *Conversion of vapor into distilled spirits forbidden.* No gooseneck, pipe, reflux line, conductor, or contrivance of any description whatever, whereby vapor might in any manner be conveyed away and converted into distilled spirits (other than low wines for the manufacture of vinegar), shall be used or employed, or be fastened to, or connected, with, any vaporizing apparatus used for the manufacture of vinegar. The alcoholic vapor shall not be conducted in any manner, or by any contrivance, into a receptacle where it could be condensed by itself or with a small or limited quantity of water and so become distilled spirits exceeding 30 degrees in proof.

(68A Stat. 640; 26 U. S. C. 5216)

§ 195.158 *Test of condensing material.* The water or other liquid used as the recipient of the alcoholic vapor should be frequently tested to see that the proof of the liquid is not raised above 30 degrees.

§ 195.159 *Deposit of low wines in receiving tanks.* All low wines produced shall be promptly conveyed to the receiving tanks. The receiving tanks must be so arranged that each day's production may be ascertained, and the amount shall be recorded daily on Form 1623, as indicated by the headings of the columns and the instructions printed on the form. Where the production of more than one day is run into the same tank the operation must be so conducted that the production of a full day or more may be measured. The quantity noted as the production of a particular date must be the quantity actually produced on that date.

§ 195.160 *Gauge prior to removal.* The low wines may be transferred by pipeline from the receiving tanks to low wine storage tanks, or direct to the vinegar factory proper for use in the manufacture of vinegar: *Provided,* That the quantity thus removed or used is first accurately ascertained, and recorded on Form 1623.

LOSSES

§ 195.161 *In receiving or storage tanks.* The quantity of low wines lost in receiving or storage tanks must be determined and reported monthly. The extent of the losses for each month shall be established by comparison of the quantity shown by inventory with the amount carried in the receiving or storage tank accounts as remaining therein at the end of the month. The actual quantity in the tanks must be ascertained.

§ 195.162 *Allowance for loss.* Where the loss of low wines during any calendar month does not exceed 1 percent of the aggregate quantity of low wines on hand the 1st of the month and produced during the month, application for the allowance of such loss will not be required to be filed by the proprietor, provided there are no circumstances indicating that the low wines lost, or any part thereof, were unlawfully used or were unlawfully removed. Where such loss exceeds 1 percent, application for remission of tax on the total losses during the month shall be filed by the proprietor with the assistant regional commissioner. Such application shall be signed by the proprietor or his authorized agent and immediately above the signature there shall appear the following statement: "I declare under the penalties of perjury that this application has been examined by me and to the best of my knowledge and belief is a true and correct application." Such allowance of 1 percent shall apply to the losses for each month, which must be determined separately.

§ 195.163 *Losses not cumulative.* The allowance of 1 percent during any one month on account of losses of low wines in receiving and storage tanks shall not be cumulative.

§ 195.164 *Time for filing application.* Application for allowance on account of losses must be made within 10 days after the end of the month during which the losses occurred for which allowance is requested. Each application for allowance of losses must set out all the material facts relating to the loss, and must state particularly the nature and cause thereof; i. e., whether by leakage, evaporation, theft, casualty, or other unavoidable cause, as well as the extent of the loss. The application must be accompanied by affidavits of persons having personal knowledge of the facts.

§ 195.165 *Tax must be paid on illegally diverted low wines.* The internal revenue tax must be paid on all low wines diverted to illegal uses on the premises of the vinegar factory and on all low wines removed therefrom contrary to law or this part.

REMOVAL AND TESTING OF VINEGAR

§ 195.166 *Removal.* No person shall remove, or cause to be removed, from any vinegar factory any vinegar or other fluid or material containing a greater proportion than 2 percent of proof spirits.

(68A Stat. 640; 26 U. S. C. 5216)

§ 195.167 *Test of vinegar.* The vinegar removed from vinegar factories should be tested from time to time to ascertain if it contains any greater proportion of proof spirits than is permitted by law.

SUBPART L—PROPRIETOR'S RECORDS AND REPORTS

§ 195.175 *General.* The proprietor of every vinegar factory shall keep monthly records and render reports on Form 1623 as provided in § 195.178. Entries shall be made as indicated by the headings of the various columns and lines of the form, and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The entries shall be made before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. At the close of the month, but in no case later than the fifth day of the succeeding month, the proprietor shall prepare and forward an original of Form 1623 to the assistant regional commissioner.

§ 195.176 *Execution.* Form 1623 must be verified by a written declaration that it is made under the penalties of perjury. Where the reports are signed by an agent, proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed, in triplicate, with the assistant regional commissioner.

(68A Stat. 749; 26 U. S. C. 6065)

§ 195.177 *Permanent record.* One copy of Form 1623 will be retained by the proprietor as a permanent record, in bound form, and such bound record shall be kept on the premises available for inspection by internal revenue officers at all reasonable hours.

§ 195.178 *Monthly report, Form 1623.* The kind and quantity of materials received, and fermented or mashed, each day will be entered separately on the Form 1623, and the saccharine content of molasses mashed must be entered when the same is available. The quantity of low wines produced, and the quantity used in the manufacture of vinegar daily, will be entered on the Form 1623. The quantity of vinegar produced, and the quantity removed from the vinegar factory, must also be reported daily. The summaries of the form will be completed at the end of the month, and the losses and other information as required by the headings and lines of the summaries will be correctly indicated on the form.

SUBPART M—SUSPENSION AND RESUMPTION OF OPERATIONS

§ 195.185 *Suspension.* Any proprietor of a vinegar factory desiring to suspend operations in connection with the production and use of low wines for an indefinite period, or for a definite period exceeding 15 days, shall give notice to such effect, in triplicate, to the assistant regional commissioner, stating when he will suspend operations. The giving of such notice will not be required where operations are temporarily suspended. The proprietor will fix in the notice the time when all fermented distilling material will be distilled and all low wines will be used.

§ 195.186 *Registry of stills, Form 26.* When operations are suspended, the stills used for the production of low wines must be registered on Form 26, in triplicate, in accordance with the provisions of § 195.195.

(68A Stat. 628; 26 U. S. C. 5174)

§ 195.187 *Resumption.* No proprietor of a vinegar factory may carry on the business of distilling low wines after the time stated in his notice of suspension until he shall have given another notice, in triplicate, to the assistant regional commissioner, stating the time when he will resume work. The stills must be registered in conformity with § 195.195.

SUBPART N—REGISTRY OF STILLS

§ 195.195 *Registry on Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up and intended to be used for the distillation of distilled spirits in the manufacture of vinegar by the vaporizing process, must register the same on Form 26, in triplicate, with the assistant regional commissioner for the region in which it is located. The temporary suspension of a vinegar plant does not necessitate reregistration of the stills. The operation of a vinegar plant by alternating proprietors, where no permanent change in ownership occurs, does not require reregistration of the stills by the proprietors. When there is a change in location or use, or a bona fide change in ownership of a still, the still must be registered to reflect the change. The assistant regional commissioner will, upon approval of the form, return one copy to the proprietor who will retain his copy on the premises available for inspection by internal revenue officers.

(68A Stat. 628; 26 U. S. C. 5174)

SUBPART O—CHANGE OF PERSONS INTERESTED IN BUSINESS

§ 195.200 *Completion of operations required.* When a succession, or actual change, in the person or persons operating the vinegar factory shall take place, other than a change brought about by operation of law, as by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the business of producing and using low wines must be completely finished by the person or persons who have been carrying on the business, and the operations suspended before the business shall be undertaken or begun by the successor, unless by agreement of the predecessor and the successor it shall be arranged to transfer from the former to the latter at midnight on a certain day all low wines and all materials to be used in the manufacture of low wines in the vinegar factory at that hour; and provided that in either case the notice and other qualifying documents of the successor prescribed by this part have been approved, to take effect on the day next succeeding that at the close of which the transfer is made. Such documents should, therefore, be submitted to the assistant regional commissioner in sufficient time to permit such approval for the date desired. The successor shall not commence operations until all documents required for his qualification have been approved by the assistant regional commissioner.

§ 195.201 *Requirements as to predecessor.* In accordance with the provisions of subpart P the predecessor must file Form 27–F, notice of suspension, and Form 26, registering the stills in his name, in accordance with § 195.195, and there shall be stated the name of the successor in proprietorship in accordance with the instructions printed on the forms.

(68A Stat. 628; 26 U. S. C. 5174)

§ 195.202 *Reports and records.* The predecessor shall enter on his record, Form 1623, all fermenting or distilling materials, materials in process and low wines, transferred to his successor, who shall in turn enter such items on his record, Form 1623, as received from his predecessor. The predecessor will make appropriate notation on all forms and records required to be kept by him showing the change in proprietorship of the vinegar factory and the date thereof.

§ 195.203 *Succession by fiduciary.* Where a change in proprietorship is brought about by operation of law, the administrator, executor, receiver, trustee, assignee, or other fiduciary, may not commence or complete operations until the required qualifying documents have been filed and approved. In the case of such change, the fiduciary will make appropriate notation on Form 1623 of his succession, and the date thereof.

SUBPART P—DISCONTINUANCE OF BUSINESS

§ 195.210 *Discontinuance.* Upon permanent discontinuance of business, and prior to the filing of Form 27–F, Form 26, and notice of suspension, as prescribed in §§ 195.185 and 195.186, all distilling materials, low wines, and vinegar must have been disposed of. All fermenting and distilling materials, low wines, and vinegar must be accounted for on Form 1623, which must be submitted to the assistant regional commissioner, in triplicate, and be marked "Final report, permanent discontinuance of business."

§ 195.211 *Notice, Form 27–F.* When all distilling materials, low wines, and vinegar have been lawfully disposed of, the proprietor shall file Form 27–F, in triplicate, with the assistant regional commissioner, stating the purpose of the filing thereof to be "Permanent discontinuance of business."

§ 195.212 *Registry of stills, Form 26.* All distilling apparatus must be registered on Form 26 with an explanatory note that the proprietor is permanently discontinuing business. Some essential portion of the distilling apparatus shall be removed to a safe place of storage pending the final dismantling and disposition of the apparatus.

(68A Stat. 628; 26 U. S. C. 5174)

SUBPART Q—GENERAL PROVISIONS RELATING TO VINEGAR FACTORIES

§ 195.220 *Production of mash, wort, or wash.* No mash, wort, or wash fit for distillation or for the production of spirits or alcohol shall be made or fermented in any building or on any premises other than a distillery or industrial alcohol plant duly authorized according to law, except for the manufacture of fermented liquors or for the manufacture of vinegar.

(68A Stat. 628; 26 U. S. C. 5174)

§ 195.221 *Sale or removal of mash, wort, or wash; distillation.* No mash, wort, or wash made and fermented in any distillery, industrial alcohol plant, or vinegar factory shall be sold or removed therefrom before being distilled; and no person other than an authorized distiller or proprietor of an industrial alcohol plant shall by distillation or by any other process separate the alcoholic spirits from any fermented mash, wort, or wash, except for the manufacture of vinegar.

(68A Stat. 628; 26 U. S. C. 5174)

§ 195.222 *Inspection of records and premises.* All records and reports kept and filed under the provisions of this part and all liquid or property to which such records or reports relate shall be subject to inspection at any reasonable hour by any internal revenue officer.

§ 195.223 *Samples may be taken by officers.* Internal revenue officers may take samples of low wines and vinegar, or of products manufactured with vinegar, whether at the place of manufacture or on trucks or other conveyances leaving the place of manufacture.

EXCEPTIONS TO REQUIREMENTS

§ 195.224 *Exceptions to construction and equipment requirements.* The Director, Alcohol and Tobacco Tax Division, may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford as much or more security and protection to the revenue as is intended by the specifications prescribed in this part and where such variations will not be contrary to any provision of law. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, prior approval must be obtained in accordance with the provisions of § 195.226.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.225 *Exceptions to methods of operation.* The Director, Alcohol and Tobacco Tax Division, may, in case of emergency, approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operations other than those provided for by this part, prior approval must be obtained in accordance with the provisions of § 195.226.

(68A Stat. 680; 26 U. S. C. 5552)

§ 195.226 *Application.* A proprietor who proposes to employ methods of operations or construction or to install equipment, other than as provided in this part, shall submit a letterhead application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the need therefor. Where variations in construction and equipment cannot be adequately described in the application, drawings or photographs shall also be submitted. The assistant regional commissioner will make such inquiries as are necessary to determine the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

(68A Stat. 680; 26 U. S. C. 5552)

SUBPART R—INSPECTION OF VINEGAR FACTORIES

§ 195.235 *Entry of vinegar factory or premises used in connection therewith.* Under the law, any internal revenue officer may at all times, as well by night as by day, enter any vinegar factory or building or place used for the business of distilling or used in connection therewith for storage or other purposes, and, if not admitted upon demand, having declared his name and office, he may break open any doors or windows or break through any of the walls of such premises necessary to be broken to enable him to enter.

(68A Stat. 636, 640; 26 U. S. C. 5196, 5216)

§ 195.236 *Authority to break up grounds or walls.* Under the law, any internal revenue officer, and any persons acting in his aid, may break up the ground on any part of the vinegar factory or premises of a vinegar maker, or any wall or partition thereof or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil, and upon finding any pipe or conveyance leading from or to the vinegar factory premises, to break up any ground, house, wall, or other place through or into which such pipe or conveyance leads, and to break or cut away such pipe or other conveyance.

(68A Stat. 636, 640; 26 U. S. C. 5196, 5216)

§ 195.237 *Proprietors to furnish assistance.* Under the law, on demand of any internal revenue officer, every vinegar maker shall furnish convenient ladders to enable the officer to examine any vessel or utensil in his vinegar factory, and shall furnish all assistance, lights, tools, or other things necessary for inspecting the premises and apparatus, and shall open all doors, boxes, packages, and all casks, barrels, tanks, and other vessels.

(68A Stat. 636, 640; 26 U. S. C. 5196, 5216)

SUBPART S—LOSSES

§ 195.245 *Investigation by assistant regional commissioners.* Where large losses of low wines are reported by the proprietors of vinegar factories, the assistant regional commissioner will immediately make such investigation and require such evidence to be submitted as he may deem necessary, and will allow or disallow the loss in accordance with existing law and regulations.

§ 195.246 *Examination of reports of proprietors.* Upon receipt of a report rendered by a proprietor of a vinegar factory for the month the assistant regional commissioner will examine such report to determine whether the proprietor has accounted for all the low wines produced by him during the month. If the assistant regional commissioner finds that the proprietor apparently has not accounted for all the low wines produced by him, he shall make such investigation as he may deem necessary and determine, from all the evidence he can obtain, the quantity of low wines actually produced by the proprietor.

§ 195.247 *Use of materials not reported.* If the assistant regional commissioner should find that the proprietor has received on his premises materials which have not been accounted for, or has used materials which have not been reported as used, and has produced low wines which have not been reported, the quantity of low wines produced and not reported should be determined from all the evidence that can be obtained, including evidence of the normal actual yield of low wines from such materials at the particular vinegar factory.

§ 195.248 *Determining low wines produced.* If it is determined that all materials received have been accounted for and all materials used have been reported, but that the proprietor has not accounted for all the low wines produced, the quantity actually produced should be determined from all the evidence that can be obtained. The evidence that low wines have been produced from materials reported used and that have not been accounted for by the proprietor should be direct and positive. The fraudulent removal of low wines will not be assumed from the mere fact that the quantity of low wines reported is not equal to the number of gallons which the materials reported used will ordinarily produce.

§ 195.249 *Notice to proprietor.* If it is determined that the proprietor has not accounted for all the low wines produced by him, the assistant regional commissioner will, unless the interests of the Government require an immediate assessment, notify the proprietor of the proposed assessment and afford him an opportunity to submit within 30 days, or such further time as the assistant regional commissioner may consider reasonable, evidence showing why the proposed assessment should not be made.

§ 195.250 *Nature of evidence.* The evidence submitted by the proprietor should be in the form of affidavits and certified documents.

§ 195.251 *Consideration of response.* If the proprietor responds to the notice and submits evidence bearing on the merits of the proposed assessment, the assistant regional commissioner will give due consideration thereto and make such further investigation as he may deem advisable. If, after consideration of all the facts, the assistant regional commissioner finds that the tax is due, an assessment will be made in accordance with prescribed procedure.

§ 195.252 *Evidence of loss.* Where the proprietor claims, pursuant to notice of proposed assessment, that the low wines produced and not accounted for were actually lost, without any fraud or collusion on his part, and were not illegally used or removed from the premises, he will submit evidence in support thereof.

§ 195.253 *Proprietor's failure to respond.* If the proprietor fails to respond to the notice of proposed assessment within the time specified, an assessment will be made for the amount found due in accordance with the prescribed procedure.

§ 195.254 *Examination of evidence.* When such evidence of loss is received by the assistant regional commissioner, he will carefully examine the same to see that all the required information has been furnished, and will cause such investigation to be made, or require such additional evidence to be submitted, as

he may deem necessary. Upon completion of his investigation, if any, the assistant regional commissioner will allow or disallow the loss in accordance with existing law and regulations.

SUBPART T—RULES FOR COMPUTING CAPACITY OF STILLS

§ 195.260 *Pot or kettle stills.* The estimated maximum quantity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the proprietor's notice, will be computed as follows for pot or kettle stills:

The working capacity of pot or kettle stills will be determined by multiplying 80 percent of the cubic capacity of the still by the maximum number of boilings that can be made in 24 hours and then multiplying this result by the percent of alcohol by volume contained in the highest yielding material to be used in distillation. This result will represent the quantity of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a pot still having a cubic capacity of 2,000 gallons is used, and such still can be charged three times in eight hours, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the spirit-producing capacity of the still will be computed as follows: $2{,}000\times0.8\times9\times0.08\times2=2{,}304$ proof gallons. (The quantity that can be distilled in 24 hours.)

§ 195.261 *Charge chamber stills.* The estimated maximum quantity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the proprietor's notice, will be computed as follows for charge chamber stills:

Where a charge chamber still is used, the estimated maximum quantity of distilled spirits in proof gallons capable of being produced will be determined by multiplying 80 percent of the cubic capacity of the top or charge chamber of the still by the number of times the same can be filled and emptied in 24 hours. This result will represent the total number of gallons of distilling material that can be distilled in 24 hours, which quantity will be multiplied by the percent of alcohol by volume contained in the highest yielding material to be used. The result of such computation will represent the number of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a charge still is used having a charge chamber of a cubic capacity of 600 gallons which can be charged three times in one hour, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the spirit-producing capacity will be computed as follows: $600\times0.8\times3\times24\times0.08\times2=5{,}529.6$ proof gallons. (The quantity that can be distilled in 24 hours.)

§ 195.262 *Continuous stills.* The estimated maximum quantity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the proprietor's notice, will be computed as follows for continuous stills:

If continuous stills are used, the maximum spirit-producing capacity in proof gallons of such stills will be computed on the area of the column in square feet. The first step will be to determine the inside diameter of the still at its base and the diameter will then be divided by 2 to ascertain the radius. The diameter may be determined (1) by accurately measuring the inside width of the still with a rod or tape, or (2) by measuring the outside circumference of the still and dividing the same by 3.1416 and deducting from the quotient twice the thickness of the sides of the still. The radius (in feet) will be squared and then multiplied by 3.1416 (Pi) to ascertain the area of the column in square feet. The area in square feet will be multiplied by the factor, 40 (the number of gallons of 100 proof spirits that can be distilled in one hour per square foot of plate area), and the result will represent the total number of gallons of 100 proof spirits that can be distilled in one hour. This quantity will be multiplied by 24 to determine the number of gallons of 100 proof spirits that can be distilled in one day. For example, if a continuous still having a diameter of 4 feet is used, the spirit-producing capacity will be computed as follows: $2\times2\times3.1416\times40\times24=12{,}063.74$ proof gallons. (The quantity that can be produced in 24 hours.)

[F. R. Doc. 55-2997; Filed, Apr. 11, 1955; 8:52 a. m.]

PART 216—DENATURATION OF RUM

On December 29, 1954, a notice of proposed rulemaking with respect to regulations designated as Part 216 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (19 F. R. 9281). The purposes of the proposal were to adopt Regulations 16, 1950 edition (26 CFR (1939) Part 187; 15 F. R. 5009), as amended, and to amend such adopted regulations (a) to permit the proprietor to remove denatured rum without supervision of a storekeeper-gauger, (b) to permit the shipment of denatured rum in tank trucks, (c) to prescribe procedure for the preparation and distribution of Form 597, (d) to provide for the preparation of Form 575 by the proprietor, (e) to provide for verification of reports and documents under penalties of perjury, (f) to delete the adjective "specially" in the description of denatured rum, (g) to delete the reference to formula number, (h) to substitute the words "Director, Alcohol and Tobacco Tax Division" for the word "Commissioner," (i) to change the size of samples, permitted without filing of Form 1512, from 8 ounces to 32 ounces, (j) to permit evidence of exportation other than landing in a foreign port, (k) to provide for the preparation of an additional copy of Form 1453-A, (l) to transfer instructions from regulations to internal management documents, and (m) to eliminate Record 129. No data, views, or arguments pertaining thereto having been received within the period of 15 days from the date of publication of said notice, the regulations so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. The preamble is amended as follows:

(A) Paragraph 1 is amended to read:

1. The regulations in this part shall supersede Regulations 16, 1950 edition (26 CFR (1939) part 187).

(B) A new paragraph 3 is added after paragraph 2.

PAR. 2. Subpart B is amended as follows:

(A) By adding new § 216.12.

(B) By renumbering §§ 216.12–216.21 as §§ 216.13–216.22.

(C) By adding new § 216.23.

(D) By renumbering §§ 216.22–216.26 as 216.24–216.28.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: April 6, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

Preamble: 1. The regulations in this part shall supersede Regulations 16, 1950 edition (26 CFR (1939) Part 187).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceedings had or commenced, before the effective date of these regulations.

3. These regulations shall be effective on the first day of the first month which begins not less than thirty days following the date of publication in the Federal Register.

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216.35 On distillery premises.

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216.95 Procedure.

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216.100 Procedure applicable.

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216.115 Denaturing warehouse bonds.
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Subpart M—Transfer of Rum to Warehouse

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216.136 Application, Form 573.
216.137 Sufficiency of bond.
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216.142 Disposition of Forms 573 and 1520.

Subpart N—Formula for Denaturation of Rum

216.155 Formula.

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216.350 General.
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216.352 Seal locks.

AUTHORITY: §§ 216.1 to 216.352 issued under sec. 7805, 68A Stat. 917. Interpret or apply sec. 5331, 68A Stat. 661; 26 U. S. C. 5331. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 216.1 *Denaturation and withdrawal.* This part relates to the denaturation of rum and its withdrawal from the distillery denaturing bonded warehouse. The part covers the location, construction and equipment of the distillery denaturing bonded warehouse; action by the Assistant Regional Commissioner, Alcohol and Tobacco Tax, in connection with the establishment and operation of the warehouse; the control, custody, and supervision of the warehouse; transfer of rum to the warehouse; the denaturation of rum; the disposition of denatured rum; and the use, exportation, shipment, losses, records and reports, of rum and denatured rum.

§ 216.2 *Sale and use.* The sale of denatured rum by dealers, and the use thereof by manufacturers, shall be in accordance with Part 182 of this title.

§ 216.3 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 216.10 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 216.11 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax Division, who is responsible to, and functions under the direction and

supervision of, the regional commissioner of internal revenue.

§ 216.12 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 216.13 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division," shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 216.14 *Distillery denaturing bonded warehouse.* "Distillery denaturing bonded warehouse" or "denaturing bonded warehouse" shall mean a bonded warehouse established or operated under the provisions of this part on the premises of a registered distillery for the denaturation of rum of not less than 150 degrees of proof produced at such distillery.

§ 216.15 *Distillery premises.* "Distillery premises" shall mean the lot or tract of land described in the distiller's notice, Form 27–A, on which the distillery is located.

§ 216.16 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 216.17 *Including.* The word "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 216.18 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 216.19 *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company, or corporation.

§ 216.20 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 216.21 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

§ 216.22 *Proprietor.* "Proprietor" shall mean the operator of a distillery denaturing bonded warehouse, unless otherwise indicated.

§ 216.23 *Regional commissioner.* "Regional commissioner" shall mean the regional commissioner of internal revenue in each of the internal revenue regions.

§ 216.24 *Rum.* "Rum" shall mean any alcoholic distillate from the fermented juice of sugarcane, sugarcane sirup, sugarcane molasses, or other sugarcane byproducts distilled at less than 190 degrees of proof in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to rum, and withdrawn at not less than 150 degrees of proof.

§ 216.25 *Tank car.* "Tank car" shall mean a railroad tank car conforming to the requirements of this part.

§ 216.26 *Tank truck.* "Tank truck" shall mean a motor driven tank truck, including tank truck trailer, conforming to this part, having a capacity of not less than 1,000 gallons.

§ 216.27 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 216.28 *Words in the plural.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, partnerships, and corporations.

SUBPART C—LOCATION

§ 216.35 *On distillery premises.* Distillery denaturing bonded warehouses for the denaturation of rum of not less than 150 degrees of proof may be established by the proprietor of a registered distillery only and such warehouse must be located on the distillery premises.

SUBPART D—CONSTRUCTION

§ 216.40 *Buildings.* The buildings or rooms constituting the distillery denaturing bonded warehouse must be securely constructed of brick, stone, wood, concrete, or other substantial material and must be completely separated from contiguous buildings or rooms by solid, unbroken walls or partitions of substantial construction extending from the ground or floor to the roof or ceiling: *Provided,* That necessary openings may be permitted in such walls or partitions for the passage of approved steam, water, electric, sewer, or similar lines, and for the passage of approved pipelines for the conveyance of rum to the denaturing bonded warehouse. The foundations, floors, walls, and roofs and the doors, windows, and other openings shall be constructed, and such doors, windows, and other openings shall be protected and secured, in accordance with the requirements, insofar as applicable, of Part 225 of this title, relating to internal revenue bonded warehouses; and the means of ingress to and egress from the denaturing bonded warehouse shall conform to the requirements of such part.

§ 216.41 *Denaturing material storeroom.* The proprietor must provide within the denaturing bonded warehouse a denaturing material storeroom for use solely for the storage of denaturing materials, except that this requirement shall not apply where permanently fixed metal tanks of such size that they cannot be readily removed and so constructed that they can be securely locked with a Government lock, are installed within the denaturing bonded warehouse for the storage of the denaturing materials. The proprietor shall place over the entrance door of the room a sign bearing, in plain and legible letters, the words "Denaturing Material Storeroom." If more than one such storeroom is provided, each shall be given an alphabetical designation, which shall appear on the sign. If denaturants are stored in original packages or other portable receptacles, a denaturing material storeroom must be provided. The walls of the denaturing material storeroom must be securely constructed of substantial materials and extend from the floor to the ceiling. The entrance door of such storeroom must open into the denaturing bonded warehouse, and be so equipped that it may be securely locked with a Government lock. All other doors of such storeroom must be locked on the inside of the room with Government locks.

§ 216.42 *Rum storeroom.* Where rum is received in barrels, drums, or similar containers, the proprietor must provide within the denaturing bonded warehouse a rum storeroom for use solely for the storage of rum, unless all rum received in such containers is immediately transferred into rum storage or mixing tanks provided in accordance with § 216.63. The rum storeroom must be constructed in accordance with the requirements of § 216.40. The entrance door of such storeroom must be so equipped that it may be securely locked on the outside of the room with a Government lock. The proprietor shall place over the entrance door of the room a sign bearing, in plain and legible letters, the words "Rum Storeroom." If more than one such storeroom is provided, each shall be given an alphabetical designation, which shall appear on the sign.

§ 216.43 *Denatured rum storeroom.* Where denatured rum is retained on the premises in barrels, drums, cans, or similar containers, the proprietor must provide on the denaturing bonded warehouse premises a separate room (or building) for use solely for the storage of denatured rum. The denatured rum storeroom must be constructed in accordance with § 216.40. The entrance door of such storeroom must be so equipped that it may se securely locked on the outside of the room. The proprietor shall place over the entrance door of the denatured rum storeroom a sign bearing, in plain and legible letters, the words "Denatured Rum Storeroom." If more than one such storeroom is provided, each shall be given an alphabetical designation, which shall appear on the sign.

§ 216.44 *Empty container storeroom.* If empty barrels or other containers are to be stored in the denaturing bonded warehouse, a separate room must be provided for such purpose. Such room shall not have any means of interior communication with any other part of the denaturing bonded warehouse. This room may be used for general cooperage purposes.

§ 216.45 *Government cabinet.* There shall be provided in the denaturing bonded warehouse a metal cabinet of adequate strength and size, suitably equipped for locking with a Government seal lock, for use in safeguarding the keys of Government locks, seals records, and other Government property: *Provided,* That where a cabinet of sufficient size conforming to these specifications is installed in the Government office for the distillery or internal revenue bonded warehouse, and such office is so located that the cabinet therein will be readily accessible to internal revenue officers assigned to the denaturing bonded warehouse, a separate cabinet in the denaturing bonded warehouse will not be required. Each Government cabinet shall

be subject to approval by the assistant regional commissioner.

SUBPART E—SIGN

§ 216.55 *Posting of sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the denaturing bonded warehouse where it can be plainly seen, a sign exhibiting in plain and legible letters, not less than 3 inches in height, and of a proper and proportionate width, the name of the proprietor and the words "Distillery Denaturing Bonded Warehouse," followed by the registered number of the warehouse. If the warehouse consists of two or more buildings, the required sign will be placed over the entrance of each building, and there shall also be shown on such sign the alphabetical designation of the building.

SUBPART F—EQUIPMENT

§ 216.60 *Scales.* The proprietor of the denaturing bonded warehouse must provide suitable and accurate scales for weighing rum gauged in packages and denatured rum drawn into packages. The beams or dials of such scales must indicate weight in half-pound graduations.

§ 216.61 *Weighing tanks.* Where rum received in packages, or by pipeline is transferred into storage or mixing tanks, the proprietor must provide in the denaturing bonded warehouse one or more suitable weighing tanks, constructed and marked in accordance with the provisions of Part 220 of this title, to weigh such rum upon its receipt: *Provided,* That where rum received by pipeline is weighed in the distillery or internal revenue bonded warehouse prior to transfer, it need not be weighed again in the distillery denaturing bonded warehouse prior to deposit in storage or mixing tanks.

§ 216.62 *Test weights.* The proprietor shall provide a set of test weights conforming to the requirements of Part 220 of this title, unless he has provided such test weights at the distillery or at an internal revenue bonded warehouse on the same or contiguous premises or at a rectifying plant or taxpaid bottling house on contiguous premises. Such test weights shall be under the control and in the custody of the storekeeper-gauger in charge, who shall keep them under Government lock when not in use.

§ 216.63 *Tanks.* Rum storage tanks, denaturing material storage tanks, mixing tanks, denatured rum tanks, and other similar tanks shall be constructed and secured in conformity with the provisions of Part 220 of this title, except that Government locks will not be required on denatured rum storage tanks. Each tank shall have plainly and legibly painted thereon its designated use, such as "Rum Storage Tank," "Denaturing Material Storage Tank," etc., followed by its serial number and capacity in gallons.

§ 216.64 *Pipelines.* Pipelines for the conveyance of rum to and from storage, weighing, or gauge tanks; rum and denaturants to mixing tanks; and denatured rum from mixing tanks and to and from denatured rum storage tanks; shall be of a fixed and permanent character, constructed, secured, and exposed to view throughout their entire lengths, in conformity with the requirements, insofar as applicable, of Part 225 of this title, relating to internal revenue bonded warehouses. Pipelines for the conveyance of other substances shall not be permanently connected with such tanks.

§ 216.65 *Colors for pipelines.* The pipelines in the denaturing bonded warehouse used for conveying the following substances shall be kept painted in the colors indicated:

Black	Rum.
Dark Green	Denatured rum.
Light green	Denaturants.
White	Water.
Aluminum	Steam.
Orange	Air.

These colors are intended for such pipelines only, and are prescribed for the purpose of distinguishing such pipelines from each other and from all other pipelines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipeline for which a color is not prescribed, is prohibited. Pipelines for which colors are not prescribed may be painted in sections of contrasting colors.

§ 216.66 *General.* The applicable provisions of Part 225 of this title, concerning details of construction and equipment, and the construction and equipment of existing warehouses, shall apply to distillery denaturing bonded warehouses.

SUBPART G—QUALIFYING DOCUMENTS

§ 216.75 *Application, Form 571.* Every person engaged in the business of operating a registered distillery or intending to engage therein, who desires to establish a distillery denaturing bonded warehouse on the distillery premises, shall file application therefor on Form 571, in triplicate, with the assistant regional commissioner. Except as provided in § 216.79, in the case of amended and supplemental applications, all of the information indicated by the headings of the various columns and lines on the form, and the instructions printed thereon, or issued in respect thereto and as required by this part, shall be furnished. Applications on Form 571 must be signed in accordance with the instructions printed on the form. Each application must be verified by a written declaration that it is made under the penalties of perjury. Such applications must be numbered serially, commencing with number 1 and continuing in regular sequence for all applications thereafter filed, whether amended or supplemental.

(68A Stat. 749; 26 U. S. C. 6065)

§ 216.76 *Description of warehouse.* The application shall contain a complete description of the buildings or rooms constituting the warehouse, in accordance with the requirements, insofar as applicable, of Part 220 of this title.

§ 216.77 *Description of tanks.* Rum storage tanks, weighing tanks, denaturing material storage tanks, mixing tanks, and denatured rum tanks shall be described in the application, Form 571, the designation, serial number, and capacity in gallons of each being shown.

§ 216.78 *Capacity.* The estimated maximum quantity, in proof gallons, of rum to be received in the denaturing bonded warehouse during a period of 30 days shall be stated in the application.

§ 216.79 *Amended and supplemental applications.* The provisions of Part 220 of this title, regarding the filing of amended and supplemental applications, shall apply to Form 571.

§ 216.80 *Corporate documents.* Where the applicant is a corporation there must be submitted with and made a part of the application, Form 571, certified copies, in triplicate, of the supporting documents described in Part 220 of this title, unless such documents were filed with and made a part of the distiller's notice, Form 27–A, in which event a statement, in triplicate, to that effect may be submitted in lieu of a separate set of such documents.

§ 216.81 *Articles of partnership or association.* Where the applicant is a partnership or association there must be submitted with and made a part of the application, Form 571, certified copies, in triplicate, of the articles of partnership or association, if any, unless certified copies of such articles were filed with and made a part of the distiller's notice, Form 27–A, in which event a statement, in triplicate, to that effect may be submitted in lieu of a separate set of such articles.

§ 216.82 *Power of attorney.* The provisions of Part 220 of this title concerning powers of attorney, shall apply to proprietors of distillery denaturing bonded warehouses: *Provided,* That where a power of attorney has been filed in connection with the distiller's notice, Form 27–A, and supporting documents, and the terms of such power of attorney are broad enough to cover the execution of documents required for the denaturing bonded warehouse, a statement, in triplicate, regarding such filing of the power of attorney may be submitted with the denaturing bonded warehouse application, Form 571, and supporting documents, in lieu of additional copies of the power of attorney.

§ 216.83 *Bond, Form 572.* Every person desiring the establishment of a distillery denaturing bonded warehouse on his distillery premises shall, upon filing his application, Form 571, execute bond on Form 572, in triplicate, with corporate surety or supported by collateral security, and file the same with the assistant regional commissioner. Bonds on Form 572, and consents of surety to changes in the terms thereof, shall conform to the requirements of Part 225 of this title, the provisions of which are hereby extended, insofar as applicable, to bonds and consents of surety required of proprietors of distillery denaturing bonded warehouses.

§ 216.84 *Penal sum.* The penal sum of the distiller's denaturing warehouse bond, Form 572, shall be not less than the amount of internal revenue tax at the rate prescribed by law on the maximum quantity of rum that will be withdrawn and transferred to the denaturing bonded warehouse for denaturation during any calendar month, plus the quantity, either undenatured or denatured, which may remain on hand at the beginning of the month, but in no case shall the penal sum of the bond be less than $5,000 or more than $100,000.

§ 216.85 *Plat and plans.* Every person desiring the establishment of a distillery denaturing bonded warehouse on his distillery premises must submit to the assistant regional commissioner with his application, Form 571, accurate copies of the plat of the distillery premises and accurate plans of the denaturing bonded warehouse buildings, apparatus, and equipment, in triplicate. The plat and plans shall conform to the requirements of Part 225 of this title, the provisions of which are hereby extended, insofar as applicable, to plats and plans required of proprietors of distillery denaturing bonded warehouses.

§ 216.86 *Additional information.* The assistant regional commissioner may at any time, in his discretion, require the proprietor to furnish such additional information as he may deem necessary.

SUBPART H—REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES, AND EQUIPMENT AND IN THE TITLE TO THE PREMISES

§ 216.95 *Procedure.* The procedure prescribed in Part 220 of this title, governing changes in name, proprietorship, control, location, premises, and equipment, and in the title to the distillery premises, or the encumbrance thereof, is hereby extended, insofar as applicable, to distillery denaturing bonded warehouses.

SUBPART I—ACTION BY ASSISTANT REGIONAL COMMISSIONER

§ 216.100 *Procedure applicable.* The provisions of Part 220 of this title, respecting action by the assistant regional commissioner in connection with the establishment, and changes subsequent to establishment, of distilleries are hereby extended, insofar as applicable, to distillery denaturing bonded warehouses.

SUBPART J—ACTION BY DIRECTOR, ALCOHOL AND TOBACCO TAX DIVISION

§ 216.110 *Procedure applicable.* The provisions of Part 220 of this title, respecting action by the Director, Alcohol and Tobacco Tax Division, in connection with the establishment, and changes subsequent to establishment, of distilleries are hereby extended, insofar as applicable, to distillery denaturing bonded warehouses.

SUBPART K—TERMINATION OF BONDS

§ 216.115 *Denaturing warehouse bonds.* Distillers' denaturing warehouse bonds, Form 572, may be terminated as to liability for rum transferred to the denaturing bonded warehouse after a specified, future date pursuant to application by the surety; for transactions subsequent to the effective date of an approved superseding bond; or for future transactions upon discontinuance of business by the principal after denaturation of all rum withdrawn or possessed under the bond and the lawful removal of all denatured rum from the warehouse.

§ 216.116 *Procedure.* The termination of such bonds and the release of collateral deposited in support thereof shall be in accordance with the conditions specified in section 216.115 and with the applicable procedure prescribed by Part 225 of this title for the termination of bonds and the release of collateral deposited to support the same: *Provided,* That the assistant regional commissioner's inquiry shall determine whether all rum withdrawn or possessed and all denatured rum manufactured or possessed, while the bond was in effect, have been duly accounted for; and the release of collateral need not be deferred for a period of 6 months from the date of determination that there is no outstanding liability against the bond.

SUBPART L—CONTROL, CUSTODY, AND SUPERVISION

§ 216.125 *Control of warehouse.* Every distillery denaturing bonded warehouse shall be under the control of the assistant regional commissioner of the region in which such warehouse is located.

§ 216.126 *Custody of warehouse.* Each distillery denaturing bonded warehouse shall be in the joint custody of the storekeeper-gauger and of the proprietor, and shall at no time be unlocked or opened or remain open when rum or denatured rum is present therein, except in the presence of the storekeeper-gauger. The keys to all Government locks shall remain at all times in the custody of the storekeeper-gauger or of the assistant regional commissioner or other officer designated by him. The storekeeper-gauger having custody of such keys will not permit any other person, except the assistant regional commissioner or other authorized officer, to secure possession of them.

§ 216.127 *Admittance of proprietor.* The proprietor shall upon request at reasonable times have admittance, in the presence of the storekeeper-gauger, to the warehouse. The warehouse shall not be opened on Sunday or at night, except in cases of emergency, and then only with the approval of the assistant regional commissioner: *Provided,* That where the rum is in imminent danger of loss by fire, flood, or other casualty, and it is impracticable to first obtain authorization from the assistant regional commissioner for the opening of the warehouse, the storekeeper-gauger may open the warehouse or authorize the proprietor, or city or State fire and police officials to remove the seals and locks and open the warehouse for the purpose of preventing loss of the rum, but a report thereof must be made immediately, by telephone or telegraph where possible, to the assistant regional commissioner: *And provided further,* That where the rum is in imminent danger of loss by fire, and it is impracticable to first communicate with the assistant regional commissioner or the storekeeper-gauger, city and State fire officers or the proprietor may remove the seals and locks and open the warehouse for the purpose of preventing loss of the rum, but a similar report thereof must be made immediately to the assistant regional commissioner.

§ 216.128 *Storekeeper-gauger to supervise operations.* The distillery denaturing bonded warehouse will be operated under the supervision of the storekeeper-gauger assigned to the distillery or the internal revenue bonded warehouse: *Provided,* That where operations at the distillery or the internal revenue bonded warehouse are such that the officer or officers assigned thereto cannot adequately supervise the operations at the denaturing bonded warehouse, the assistant regional commissioner will assign one or more officers to the denaturing bonded warehouse in order that the required supervision may be maintained.

§ 216.129 *Examination of warehouse.* The storekeeper-gauger charged with the duty of supervising the operations of the denaturing bonded warehouse will, prior to commencement of operations, examine the warehouse and its equipment and will determine that the doors, windows, and other openings are properly protected and equipped for locking; that the inlets, outlets, and other necessary openings of rum storage tanks, weighing tanks, mixing tanks, denaturing material tanks, and denatured rum tanks, and valves in pipelines, are properly equipped for locking; that the Government cabinet is so equipped that the door thereto may be securely locked with a Goverment seal lock; and that all tanks, pipelines, pipeline connections, and other equipment conform to the requirements of this part. The storekeeper-gauger will apply Government locks and seals wherever the same are required.

SUBPART M—TRANSFER OF RUM TO WAREHOUSE

§ 216.135 *Methods of transfer.* Rum of not less than 150 degrees of proof may be transferred for denaturation to a distillery denaturing bonded warehouse located on the distillery premises:

(a) By pipeline direct from the distillery receiving cisterns through weighing tanks to storage or mixing tanks in the denaturing bonded warehouse;

(b) By pipeline from the distillery receiving cisterns through weighing tanks to storage tanks in an internal revenue bonded warehouse on the distillery premises and from such warehouse storage tanks through weighing tanks to storage or mixing tanks in the denaturing bonded warehouse; or

(c) In original packages, from an internal revenue bonded warehouse on the distillery premises, if such rum was produced at the distillery on the same premises.

(68A Stat. 634; 26 U. S. C. 5194)

§ 216.136 *Application, Form 573.* When the proprietor desires to transfer rum of not less than 150 degrees of proof to the denaturing bonded warehouse for denaturation, he will file application therefor with the storekeeper-gauger in charge on Form 573, in triplicate. Where the rum is to be transferred by pipeline, the applicant shall specify on Form 573 the maximum number of tax gallons to be so transferred.

§ 216.137 *Sufficiency of bond.* Where the bond covering operation of a denaturing bonded warehouse is given in less than the maximum penal sum of $100,000, the assistant regional commissioner will inform the storekeeper-gauger in charge of the penal sum of the bond, and the storekeeper-gauger will see that the quantity of rum transferred to the denaturing bonded warehouse is within the limits of the bond.

§ 216.138 *Report of gauge, Form 1520; packages.* If the rum described in the application, Form 573, is in packages, Form 1520 will be prepared by the proprietor, pursuant to Part 225 of this title. The storekeeper-gauger will verify by reference to his records, the entries in the headings thereof and the details of the entry gauge transcribed thereto. A careful gauge will be made of all packages, except that rum in original packages may be transferred to the denaturing bonded warehouse on the original gauge, if such transfer is made within 30 days of the date of the original entry for deposit. The storekeeper-gauger will enter on Form 1520 the weights and proofs found on gauge and will return the form to the proprietor for completion. Upon completion, the Form 1520 will be returned to the storekeeper-gauger for verification and signature. Where packages of rum are transferred to the denaturing bonded warehouse on the original gauge, the proprietor will copy the details of such gauge on Form 1520. When rum for denaturation is transferred in packages, a careful inspection of such packages will be made prior to transfer, and where evidence of tampering or unusual loss is found, the provisions of Part 225 of this title, relative to losses of distilled spirits in bond will be followed.

§ 216.139 *Report of gauge, Form 1520; pipeline transfers.* Where the rum described in the application, Form 573, is to be transferred from distillery receiving cisterns or warehouse storage tanks, it will be run into a weighing or gauging tank and carefully gauged. Where no weighing or gauging tank is provided in the distillery or internal revenue bonded warehouse, the rum may be gauged in a weighing tank in the denaturing bonded warehouse, in which case the rum shall be run directly from the receiving cistern or storage tank to a weighing tank in the denaturing bonded warehouse. The storekeeper-gauger will prepare Form 1520, in triplicate, and enter the details of the gauge thereon.

(68A Stat. 634; 26 U. S. C. 5194)

§ 216.140 *Transfer of rum.* Upon completion of the gauge and Form 1520, the storekeeper-gauger will permit the rum to be transferred to the denaturing bonded warehouse. If the rum is in packages the proprietor will, under the supervision of the storekeeper-gauger and before removal of the rum to the denaturing bonded warehouse, stencil upon the head of each package, in letters and figures large enough to be easily read, the words, "For Denaturation," followed by the date of removal to the denaturing bonded warehouse.

§ 216.141 *Supervision of transfer.* The transfer of rum from the distillery or internal revenue bonded warehouse to the denaturing bonded warehouse will be made under the supervision of the storekeeper-gauger. Where rum is so transferred by pipeline, the storekeeper-gauger supervising the deposit of the rum in a storage, weighing, or mixing tank in the denaturing bonded warehouse will see that the outlet and all other openings of such tank, except the inlet, are closed and locked and that the valves in the pipeline are so adjusted by the proprietor as to control the flow of rum into the tank before the outlet of the distillery receiving cistern or weighing tank, or the warehouse storage or gauging tank from which the rum is to be transferred is unlocked. When the rum has been deposited in the tank in the denaturing bonded warehouse the inlet of such tank and the outlets of the pipeline and the distillery receiving cistern or weighing tank, or warehouse storage or gauging tank will be immediately closed by the proprietor and locked by the storekeeper-gauger. The valves on the pipelines, and the openings of tanks containing rum, shall be kept closed and locked at all times, except when required to be open for the transfer of rum or for other necessary purposes. Whenever rum is to be transferred into or out of tanks the storekeeper-gauger will open and close the locks, but it shall be the duty of the proprietor to manipulate the stopcocks or valves controlling the flow of the rum. The storekeeper-gauger will not permit the transfer of rum from the distillery cistern room or the internal revenue bonded warehouse to the denaturing bonded warehouse by pipeline unless the use of such pipeline has been approved in accordance with this part.

§ 216.142 *Disposition of Forms 573 and 1520.* Upon the transfer of the rum, the storekeeper-gauger will execute his certificate of gauge and transfer on each copy of Form 573, retain one copy of Form 573, with Form 1520 attached, deliver one copy of each to the proprietor and forward one copy of each to the assistant regional commissioner.

SUBPART N—FORMULA FOR DENATURATION OF RUM

§ 216.155 *Formula.* The following formula is prescribed for the denaturation of rum:

(a) To every 100 gallons of rum of not less than 150 degrees of proof add 1 gallon of the following solution: 5 gallons of an aqueous solution containing 40 percent nicotine; 3.6 ounces of methylene blue; water to make 100 gallons.

(b) The denaturing solution must conform to the following analytical requirements:

(1) *Determination of nicotine.* It must contain not less than 1.88 percent of nicotine when tested by the following process: 20 c. c. of the solution are measured into a 500 c. c. Kjeldahl flask provided with a suitable bulb tube, 10 c. c. of N/10 alkali added, the liquid made up to 50 c. c., and distilled in a current of steam until the distillate is no longer alkaline (about 500 c. c.). The distillate is then titrated with N/10 H_2SO_4, using rosolic acid or methyl red as an indicator. Not less than 25.2 c. c. should be required for the neutralization.

(2) *To determine the intensity of color.* Of the denaturing solutions, 1 c. c. is diluted with 100 c. c. of water and 50 c. c. of this solution are compared in a 50 c. c. Nessler tube with 50 c. c. of a solution containing 5 grams of $CuSO_4$, $5H_2O$, C. P., in 100 c. c. of water.

(3) *Caution.* It has been found that the above modified denaturing material when kept in closely stoppered containers loses its color, but when agitated in the presence of air the color returns. Therefore, officers should see that this material is thoroughly agitated in the presence of air, before being added to the rum to be denatured. If the officer is in doubt, a standard color sample will be sent on request.

SUBPART O—DENATURING MATERIALS

§ 216.160 *Storage of denaturants.* Authorized denaturants may be brought on the denaturing bonded warehouse premises in any desired quantity if ample storage facilities have been provided, but the same must be immediately placed in the denaturing material storeroom or the denaturing material tanks. Denaturants which are used in small quantities may be stored in the original packages, in the denaturing material storeroom. All other denaturants must be deposited in the appropriate tanks or other approved receptacles. Each tank or other receptacle in which denaturants are stored, either within or without the denaturing material storeroom, must have plainly marked thereon the kind of denaturant contained therein.

§ 216.161 *Taking samples of denaturants.* Except as provided in § 216.169, the storekeeper-gauger in charge will take a 1-pint sample from each package or tank or other approved receptacle of mingled denaturants received or prepared, and will forward the same to the chemist authorized by the Director, Alcohol and Tobacco Tax Division to analyze such denaturants. Where a lot comprising a number of packages of the mingled denaturants is received or prepared, samples of equal quantities shall be taken from each package and mingled, and the 1-pint sample to be forwarded to the authorized chemist taken from such mixture. The sample to be submitted to the authorized chemist shall be taken from the denaturing solution of 100 gallons specified in the prescribed formula.

§ 216.162 *Container to be sealed.* After taking the sample the storekeeper-gauger will securely close and seal the tank or package from which it was obtained, and no part of the contents of

such tank or package may be used until the sample has been officially tested and approved, and report on Form 1472 of such test is received by the storekeeper-gauger in charge of the plant.

§ 216.163 *Packaging samples of denaturants.* Samples of denaturants to be submitted by the storekeeper-gauger to the authorized chemist for analysis must be placed in heavy glass bottles or other suitable containers to be provided by the proprietor of the denaturing bonded warehouse, and such bottles or containers must be securely closed and a label (Form 1469) affixed thereto showing the name of the substance, serial number of the denaturing material tank or a description of the container from which the sample was taken, date it was taken, and the name of the officer forwarding it to the chemist. All samples of denaturants submitted for analysis must be sealed with wax by use of the seal furnished for such purpose or by a paper seal signed by the storekeeper-gauger. The authorized chemist shall not examine samples of denaturants brought to him unless they bear the seal of the internal revenue officer.

§ 216.164 *Shipment of samples to authorized chemists.* The samples of denaturants, after being securely packed and sealed, shall be sent to the most convenient authorized chemist for examination and report. Assistant regional commissioners will furnish proprietors of denaturing bonded warehouses and storekeeper-gaugers with the names and addresses of authorized chemists. All expenses in connection with the forwarding and testing of samples must be borne by the proprietor. A report of each sample submitted by the storekeeper-gauger for analysis shall be prepared by him on Form 1472, in triplicate, and forwarded to the authorized chemist.

§ 216.165 *Report of analysis by the chemist.* Upon completion of the analysis of the denaturants, the authorized chemist shall make a report of his analysis on the Form 1472, in triplicate, received from the storekeeper-gauger, note his approval or disapproval of the samples thereon, and sign the same. One copy of the Form 1472 shall be returned to the storekeeper-gauger in charge of the denaturing bonded warehouse, one copy shall be forwarded to the assistant regional commissioner of the region in which the warehouse is located, and the remaining copy shall be transmitted to the Director, Alcohol and Tobacco Tax Division.

§ 216.166 *Retention of samples.* The authorized chemist must retain all samples of rum denaturants for a period of 30 days so that they will be available for reference.

§ 216.167 *Approval of denaturants.* If the sample is approved the contents of the tank or package from which the same was taken shall, upon receipt of the chemist's report, become an approved denaturant and the storekeeper-gauger shall at once remove the seals from such tank or package and permit the denaturant to be used.

§ 216.168 *Treatment of disapproved denaturant.* Where a sample of denaturant does not conform to the prescribed specifications, the storekeeper-gauger shall, upon receipt of the chemist's report of disapproval permit the proprietor, if he so desires, to treat or manipulate the proposed denaturant so as to render it suitable for use. Where the denaturant is so treated or manipulated, another sample must be submitted for approval. If the proprietor does not desire to further treat the denaturant, the storekeeper-gauger shall require him immediately to remove the denaturant from the premises.

§ 216.169 *Supplying denaturant to other proprietors.* Proprietors of distillery denaturing bonded warehouses will be permitted to supply approved denaturant, i. e., denaturing solution which has been tested and approved by the authorized chemist, to proprietors of other distillery denaturing bonded warehouses: *Provided,* That such denaturant is furnished in containers properly marked and sealed, with a certificate attached by the storekeeper-gauger in charge at the denaturing bonded warehouse making shipment or delivery of the denaturant. Such denaturant need not be further analyzed at the receiving denaturing bonded warehouse.

SUBPART P—DENATURATION OF RUM

§ 216.180 *General.* Only rum of not less than 150 degrees of proof may be denatured and the denaturation thereof must be done at a distillery denaturing bonded warehouse and in strict conformity with the prescribed formula. No rum may be denatured except in the immediate presence of the storekeeper-gauger assigned to supervise the operation of the denaturing bonded warehouse.

§ 216.181 *Notice, Form 576.* Whenever the proprietor of a denaturing bonded warehouse desires to manufacture denatured rum, he shall give notice to the storekeeper-gauger in charge on Form 576, in triplicate, furnishing all the information indicated by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto and as required by this part.

§ 216.182 *Denaturation.* Upon receipt of Form 576, properly executed, the storekeeper-gauger will see that the exact quantity of rum and the proper quantity of approved denaturants are conveyed directly to the mixing tank and that the same are thoroughly agitated and mixed therein before being drawn off for shipment or storage. He will remove the Government lock from the outlet valve of the mixing tank as soon as denaturation is completed.

§ 216.183 *Measuring rum and denaturant.* All denaturant before being used must be carefully measured or weighed by the proprietor under the supervision of the storekeeper-gauger in previously tested receptacles or by scales provided by the proprietor; and all rum to be used, unless dumped from packages gauged within the preceding 30 days or received by pipeline and run directly into mixing tanks, must be carefully proofed and measured or weighed by the proprietor under the supervision of the storekeeper-gauger. The proprietor will provide accurate hydrometers and thermometers for his own use in determining the proof of the rum, and will not use the Government-owned instruments.

§ 216.184 *Responsibility of proprietor.* The proprietor will be held strictly accountable for any errors in the quantities of denaturants added. It is important that his determinations shall be absolutely correct. He must know that the measuring or weighing devices used by him are accurate.

§ 216.185 *Responsibility of storekeeper-gauger.* The storekeeper-gauger in charge must frequently apply, or cause to be applied, such tests to the measuring or weighing devices as will satisfy him that they are accurate. The accuracy of scales used for weighing packages will be determined by means of the test weights provided in accordance with § 216.62. Weighing tank scales shall be tested and their accuracy determined in accordance with the procedure prescribed in Part 220 of this title. If the storekeeper-gauger finds the measures or scales to be inaccurate he shall refuse to permit their use.

SUBPART Q—TRANSFER OF DENATURED RUM TO STORAGE OR SHIPPING CONTAINERS

§ 216.195 *Kinds of containers.* Unless temporarily retained in the mixing tank, denatured rum must, when the manufacture thereof is completed, be transferred to properly equipped denatured rum tanks and stored therein, or drawn into packages or other portable containers for immediate shipment or storage in the denatured rum storeroom, or transferred to tank cars or tank trucks for immediate shipment.

§ 216.196 *Details of gauge, Form 577.* The proprietor may when he so desires draw denatured rum from mixing tanks or denatured rum tanks into packages or other portable containers, or into weighing tanks for transfer into tank cars or tank trucks, for immediate shipment. The exact contents of each package, tank car, or tank truck filled will be determined by the proprietor and the details of the gauge recorded by him on Form 577. The proprietor shall file Forms 577 in chronological order in bound form as a permanent record available for inspection by internal revenue officers at any reasonable time.

SUBPART R—MARKING CONTAINERS OF DENATURED RUM

MARKING PACKAGES

§ 216.200 *Serial number.* All packages containing denatured rum filled at a distillery denaturing bonded warehouse shall be numbered serially beginning with number 1 for the first package filled: *Provided,* That the series in current use at existing denaturing bonded warehouses will be continued. Where there is a change in the individual or corporate name, or in the trade name or style, or in the proprietorship of the business, the series in use at the time of such change will be continued.

(68A Stat. 639; 26 U. S. C. 5212)

§ 216.201 *Other required marks.* In addition to the serial number, there shall be placed upon the Government head of each package of denatured rum the name of the proprietor, registered number and location (city or town and State) of the denaturing bonded warehouse, the words, "Denatured Rum," apparent proof, contents in wine gallons, and the date filled. Such marks and brands shall be plainly and durably marked or stenciled upon the package in a color contrasting with that of the surface upon which placed. The words "Denatured Rum" shall be placed upon the package in conspicuous letters of not less than 1 inch in height, each letter being of the same size and color: *Provided,* That in the case of packages containing less than 5 wine gallons the words "Denatured Rum" may be in letters of less than 1 inch in height, but must be as prominently displayed as is consistent with the size of the package. The required marks shall be placed upon the package by the proprietor.

§ 216.202 *Additional marks.* There may be shown upon the Government heads of packages of denatured rum, in letters no more conspicuous or larger than those used in placing the required marks thereon, the brand name and a statement indicating the character of the product, but such additional marks shall not be so placed upon the Government head of the package as to unduly detract from the required marks thereon.

MARKING TANK CARS AND TANK TRUCKS

§ 216.203 *Manner of marking.* Each tank car or tank truck used for shipping denatured rum must have legibly marked or painted thereon its number, capacity in wine gallons, and the name or symbol of the owner. Tank cars and tank trucks into which denatured rum is transferred for shipment must also be constructed and labeled in accordance with Subpart V of this part.

SUBPART S—FURNISHING SAMPLES OF DENATURED RUM

§ 216.210 *To whom samples may be furnished.* The proprietor of a distillery denaturing bonded warehouse may furnish samples of denatured rum to prospective applicants for permits to use denatured rum, who need not necessarily be then engaged in business; to applicants for permits to use denatured rum; and to holders of such permits, for experimental purposes and for use in preparing samples of products for submission to the Director, Alcohol and Tobacco Tax Division, for analysis. Preparations made with samples of denatured rum may not be sold, unless Form 1479–A, giving the quantitative formula, and a sample of the preparation are submitted to and approved by the Director, Alcohol and Tobacco Tax Division, and permit on Form 1481 to use denatured rum in the manufacture of such preparation is procured from the assistant regional commissioner.

§ 216.211 *Application, Form 1512.* Application for the withdrawal of samples of denatured rum shall be made to the assistant regional commissioner on Form 1512, and proprietors of denaturing bonded warehouses may furnish samples of denatured rum only pursuant to Form 1512, duly approved by the assistant regional commissioner, except that where the quantity involved in any case does not exceed one quart application to or approval by the assistant regional commissioner will not be required, but the commercial records of the vendor must show each such transaction.

§ 216.212 *Quantity limitations.* Assistant regional commissioners will not approve the withdrawal of samples of denatured rum in quantities in excess of 5 gallons, except that in extraordinary cases where the necessity for the withdrawal of larger quantities has been clearly demonstrated, assistant regional commissioners may authorize withdrawals in excess of 5 gallons, but not in excess of the quantity shown to be necessary.

§ 216.213 *Labeling and sealing samples.* All samples of denatured rum furnished by the proprietor of a denaturing bonded warehouse shall be sealed, and labeled to show the name and address of the proprietor, the words, "Denatured Rum", and, where furnished pursuant to Form 1512, the serial number of such form.

§ 216.214 *Record of samples.* All samples of denatured rum furnished by the proprietor pursuant to permits on Form 1512 shall be entered by him on Form 575 in the same manner as other shipments of such denatured rum. The proprietor will enter the serial number of the permit, Form 1512, in the appropriate column on Form 575, and, where Form 1512 bears the serial number of the applicant's basic permit in addition to its own serial number, the proprietor will enter the serial numbers of both permits on Form 575. Where 1 quart samples or less are furnished, entry thereof will be made on the proprietor's commercial records, as provided in § 216.211.

SUBPART T—DISPOSITION OF DENATURED RUM

§ 216.225 *To permittees.* Except as otherwise provided in this part, the proprietor of a distillery denaturing bonded warehouse or a dealer in denatured rum may sell or dispose of denatured rum only to the person to whom a permit has been issued, in accordance with Part 182 of this title authorizing the procurement thereof. Denatured rum may not be shipped on permits authorizing the procurement of specially denatured alcohol.

§ 216.226 *Permit authority for shipment.* The proprietor of a denaturing bonded warehouse or a dealer in denatured rum may ship or deliver denatured rum to qualified permittees in accordance with this part and Part 182 of this title.

§ 216.227 *Withdrawal permits, Form 1477 or Form 1485.* When permits on Form 1477 or Form 1485, authorizing the procurement of denatured rum by bonded dealers or users, respectively, are issued by the assistant regional commissioner pursuant to application therefor, the assistant regional commissioner will forward the permit by mail to the permittee. When a dealer or user desires to procure denatured rum, he will forward the withdrawal permit to the proprietor or dealer named therein from whom he desires to procure the denatured rum. Upon shipment, the proprietor or dealer will enter the shipment on the withdrawal permit and return it to the permittee, unless the proprietor or dealer has been authorized by the permittee to retain the permit for the purpose of making future shipments. No denatured rum may be shipped by a vendor named in the withdrawal permit until such permit is in his possession, and denatured rum may not be furnished in excess of the quantity set forth in the withdrawal permit.

§ 216.228 *Cancellation of withdrawal permit.* The person upon whose application, a permit on Form 1477 or Form 1485 has been issued, may at any time file request for the cancellation of such permit and the issuance of a new permit naming a new vendor or vendors. The assistant regional commissioner shall, upon receipt of such request, notify the proprietor of the denaturing bonded warehouse holding the permit to be superseded that the same has been canceled and that no more shipments or deliveries may be made to the vendee under such permit. The proprietor shall immediately forward the canceled permit to the assistant regional commissioner. Upon expiration of a withdrawal permit, it shall be returned to the assistant regional commissioner for cancellation. Where the withdrawal permit is in the possession of a vendor on the date of expiration, such vendor shall return it to the permittee for surrender to the assistant regional commissioner. Should a basic permit, Form 1476 (held by a dealer in denatured rum to whom withdrawal permit, Form 1477, was issued), or a basic permit, Form 1481 (held by a person to whom withdrawal permit, Form 1485, was issued), be terminated, surrendered, or revoked, each proprietor or dealer named as vendor in withdrawal permits, Forms 1477 or 1485, shall, upon notice from the assistant regional commissioner, make no further shipments thereunder, and if such withdrawal permit is in his possession, he shall return it to the assistant regional commissioner for cancellation.

SUBPART U—EXPORTATION OF DENATURED RUM

§ 216.240 *Application, Form 1545.* Where the proprietor of a denaturing bonded warehouse desires to export denatured rum, he shall file application on Form 1545, in triplicate, with the assistant regional commissioner for a permit to export the same. The application, properly modified to cover the exportation of denatured rum by the proprietor of a denaturing bonded warehouse, must contain all of the information indicated by the lines on the form and the instructions printed thereon or issued in respect thereto and as required by this part. Form 1545 must be verified by a written

declaration that the application is made under the penalties of perjury.

(68A Stat. 749; 26 U. S. C. 6065)

§ 216.241 *Consent of surety, Form 1533.* (a) Before an application for a permit to export denatured rum may be approved, the proprietor must file with the assistant regional commissioner consent of surety, Form 1533, in triplicate, extending the terms of his denaturing warehouse bond, Form 572, to cover the exportation of such rum. The extension of the terms of the bond, if intended to cover the exportation of denatured rum from time to time, shall be in the following form:

The obligors hereby agree to extend the terms of said bond to cover all liability that may be incurred for and on account of all denatured rum hereafter withdrawn by the principal for exportation, for which satisfactory evidence of exportation, or of loss on land or at sea, without fault or negligence on the part of the principal or his agents, is not furnished as provided by law or regulations now or hereafter in force.

(b) The consent of surety may, if desired, be limited to cover the exportation of a specific lot of denatured rum, instead of being furnished in a continuing form, as provided in this section.

§ 216.242 *Permit to export.* If the application is properly prepared and the required consent of surety has been filed, and the bond, if given in less than the maximum penal sum, is sufficient to cover the tax on the denatured rum to be exported, plus the tax on the quantity of rum, either denatured or undenatured, on hand or unaccounted for, and if there is nothing to indicate that such rum will be used for any unlawful purpose, and proper evidence of exportation has been filed for previous shipments, as required by this subpart, the assistant regional commissioner will approve the application, which thereupon becomes a permit. The assistant regional commissioner will then forward all copies of Form 1545 to the proprietor of the warehouse.

§ 216.243 *Consignment to collector of customs.* Upon receipt of the approved application and permit, Form 1545, and the marking of the packages as provided in this section and Subpart R of this part, the applicant may withdraw the denatured rum specified on the form and consign the same to the collector of customs at the port of export for exportation under his supervision. The applicant shall procure two copies of the bill of lading covering the shipment and immediately forward one copy of Form 1545 with a copy of the bill of lading attached to the collector of customs and one copy of such form and bill of lading to the assistant regional commissioner. He will retain the remaining copy of Form 1545 and file it in chronological order in bound form as a permanent record available for inspection by internal revenue officers. The proprietor shall plainly and legibly stencil on the Government head of each package of denatured rum, before the same is removed for exportation, the words "For Export" in addition to the marks required by Subpart R of this part. Upon removal of the denatured rum from the warehouse the proprietor shall record the quantity removed on Form 575. The foreign country to which the denatured rum is shipped, the number of the car, and the route, or the name of the vessel by which, and the port through which, the denatured rum is to be exported, will be entered on Form 575, in addition to the other required data.

§ 216.244 *Export entry; certificate of exportation, etc.* When the denatured rum arrives at the port of export, the exporter or his agent shall file immediately with the collector of customs an export entry and two copies of the export bill of lading; and when the vessel, railroad car, motor truck, or other conveyance on which the denatured rum is laden for exportation has cleared the port of export, the collector of customs shall execute the certificate of exportation on the copy of Form 1545 sent to him, and return the same with one copy of the bill of lading to the assistant regional commissioner.

§ 216.245 *Evidence of exportation.* Exportation may be evidenced by (a) a copy of the export bill of lading issued by the exporting carrier, (b) a certificate by the agent or representative of the export carrier showing actual exportation of the denatured rum, or (c) a certificate of landing whenever the assistant regional commissioner shall have reason to believe that the shipment is not a bona fide exportation. Where a certificate of landing is required the proprietor shall, within thirty days after the date of shipment of such denatured rum where the exportation is made to Canada or Mexico, and within ninety days after the date of shipment where exportation is made to any other foreign country or possession, secure and forward to the assistant regional commissioner a certificate showing that the shipment was duly landed at the foreign port. The landing certificate shall be executed by a customs officer of the foreign country or possession to which the denatured rum is exported, unless it is shown that such country or possession has no customs administration, in which event the certificate shall be signed by the consignee or by the vessel's agent at the place of landing and sworn to before a notary public or other officer authorized to administer oaths, and having an official seal. Failure by the proprietor to produce within the specified time satisfactory evidence of the landing of the shipment of denatured rum at a foreign port, or of loss of the same on land or at sea after shipment, as provided in § 216.246, shall be sufficient grounds for refusal by the assistant regional commissioner to issue to the proprietor any further permits to export denatured rum, pending the filing of the required evidence of clearing and foreign landing, or of loss on land or at sea, of shipments previously made, or the assessment of tax for the enforcement of liability against the bond.

§ 216.246 *Proof of loss after clearance.* When the proprietor is required to furnish proof of landing at a foreign port but is unable to do so in consequence of loss on land or at sea after shipment, he shall file with the assistant regional commissioner issuing the permit, Form 1545, a statement setting forth fully the cause and extent of the loss and all the pertinent facts and circumstances surrounding the same. Such statement must be accompanied by affidavits from two or more creditable and disinterested persons as to the loss. If the denatured rum was insured, the proprietor shall also file certificates by officers of the insurance company, or board of underwriters, that the insurance has been paid and that, to the best of their knowledge and belief, the denatured rum was destroyed on land or at sea after shipment. When obtainable, affidavits must be furnished by the master and mate of the vessel, conductor in charge of the railroad car, or operator of the motor truck or other conveyance, as the case may be, detailing the cause and extent of the loss and all pertinent facts and circumstances surrounding the same. Such proofs shall be furnished the assistant regional commissioner within the time provided in § 216.245 for furnishing proof of foreign landing, or within such further time as the assistant regional commissioner may deem reasonable.

§ 216.247 *Losses in transit to port of export.* Allowance for losses of denatured rum in transit from the denaturing bonded warehouse to the port of export will be made in accordance with Subpart W of this part.

§ 216.248 *Shipment to American Territories and possessions.* This subpart and the forms prescribed by it, shall be applicable to the shipment of denatured rum to Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Panama Canal Zone. The shipment of denatured rum to or from Hawaii and Alaska shall be in accordance with the provisions of this part governing shipments entirely within the continental limits of the United States.

SUBPART V—SHIPMENT AND DELIVERY OF DENATURED RUM

§ 216.260 *Packages.* Deliveries of denatured rum may be made in packages of any desired size to persons authorized to receive the same. The packages must be marked in accordance with Subpart R of this part.

§ 216.261 *Tank cars.* Deliveries of denatured rum may be made in railroad tank cars to persons authorized to receive the same: *Provided,* That deliveries may be made in tank cars only where the premises of the consignor and consignee are equipped with suitable railroad siding facilities. Railroad tank cars must be marked as provided in § 216.203, and must be so constructed that all openings which would afford access to the contents may be closed and securely fastened and sealed. The tank car will be so closed and sealed by the proprietor immediately after it has been filled. The tank car will be sealed with railroad or other appropriate seals furnished by the proprietor.

§ 216.262 *Tank trucks.* Deliveries of denatured rum may also be made in tank trucks to persons authorized to receive

the same. Every tank truck used to transport denatured rum must conform to the following requirements: The tank shall be securely and permanently attached to the frame or chassis of the truck or trailer and shall be securely constructed. Interior bulkheads or stiffeners must have proper drainage cutouts. Manhole covers, outlet valves, vents or pressure relief valves, and all other openings shall be equipped for sealing so as to prevent unauthorized access to the contents of the tank. Outlets of each compartment must be so arranged that delivery of any compartment will not afford access to the contents of any other compartment. There shall be but one consignor per compartment and not less than the entire contents of any one compartment shall be delivered to any one consignee. Calibrated charts, prepared or certified by competent and recognized authorities or engineers, showing the capacity of each compartment in wine gallons for each inch of depth shall be carried in each truck. Each tank truck shall also be equipped with a route board, at least 10 by 12 inches, constructed of substantial material and permanently attached thereto by roundheaded or carriage bolts, nutted and riveted, battered or welded. Provision will also be made for protection, against the weather, of the permit, if any, and the label by the use of celluloid or equally substantial material. The prescribed label and, if transportation is by other than the vendor or vendee, a copy of the basic permit under which transportation is authorized must be attached to such route board. Tanks shall be so constructed that they will completely drain the contents of each compartment, even when the ground is not perfectly level. Suitable ladders and cat walks, permanently attached, must be provided in order to permit ready examination of manholes and other openings. Provision shall be made for the proper grounding of tank trucks when filling or emptying. Tank trucks must be marked as provided in § 216.203. Prior to filling, the proprietor shall determine whether the tank truck is authorized to be used by comparing the serial number and the capacity of the tank as marked thereon, with the copy of the basic permit, except where transportation is by the vendor or vendee, and he will inspect all openings to the tank truck to determine whether they may be effectively sealed. If the tank does not meet such requirements, its use for the transportation of denatured rum will not be permitted. After filling, the proprietor shall seal the tank truck in such a manner as will secure all openings affording access to the contents of the tank with appropriate seals which he shall furnish.

§ 216.263 *Label for tank car or tank truck.* The proprietor of the denaturing bonded warehouse shall affix to each tank car or tank truck of denatured rum a label showing the name of the proprietor, registered number and location (city or town and State) of the denaturing bonded warehouse, the name and location of the consignee, the quantity in wine gallons, the words, "Denatured Rum," and the date withdrawn for shipment. The label will be in substantially the following form:

Shipped By
JOHN DOE RUM COMPANY
Denaturing Bonded Warehouse No. 1
New York, N. Y.
To
RICHARD ROE TOBACCO COMPANY
Baltimore, Md.
8,500 Gals. Denatured Rum
Withdrawn January 5, 1955

The label shall be securely affixed to the route board of the tank car or tank truck and shall be obliterated when the car or truck is emptied.

§ 216.264 *Deliveries by proprietor.* The proprietor of a denaturing bonded warehouse shall make deliveries of denatured rum from his premises only in vehicles operated or controlled by him, or by a railroad or steamship company, or express company operating on a railroad or steamship line, or by a trucking company holding permit to transport specially denatured or tax-free alcohol. Where the denatured rum is delivered in vehicles operated or controlled by the proprietor, delivery must be made within 24 hours and the proprietor shall be responsible on his bond for the delivery of the denatured rum to the premises of the consignee. Where shipments of denatured rum are made by railroad, steamship or express company, or by a trucking company holding permit to transport specially denatured or tax-free alcohol, as provided in this section, the proprietor shall be responsible on his bond for delivery of the denatured rum to such carrier.

§ 216.265 *Report of shipment, Form 597.* Whenever denatured rum is shipped from the premises of a distillery denaturing bonded warehouse, the proprietor shall, at the time shipment is made, prepare a report thereof on Form 597. Where the warehouse and the consignee are located in the same region, the proprietor will prepare Form 597 in quadruplicate. The proprietor will date the form and furnish all the information indicated by the headings of the various columns and lines. Where shipments are made in tank cars, tank trucks or consist of barrels or drums in carload lots, the name of the carrier and the number of the car or tank truck together with the routing (in the case of railroad tank cars or box cars) shall be entered on the form. The consignor shall not change the routing without giving prompt notice of such action to the assistant regional commissioner. In addition, in the case of tank trucks the State license number, the driver's full name and the driver's permit number and State issuing the same shall be recorded on all copies of Form 597. Where the consignee is located in another region, the proprietor will prepare an additional copy of Form 597.

§ 216.266 *Disposition of Form 597.* Upon shipment of the denatured rum the proprietor shall send one copy of Form 597 to the assistant regional commissioner of his region, and two copies to the consignee, except in the case of tank truck shipments, when he shall mail one copy to the consignee and enclose a copy in a sealed envelope addressed to the consignee and give the same to the driver of the truck for delivery to the consignee. Where the consignee is located in another region, a copy of Form 597 will be mailed to the assistant regional commissioner of such region. He will file the remaining copy in a bound file in chronological order by months as a permanent record available for inspection by internal revenue officers. Upon receipt of the denatured rum by a manufacturer or bonded dealer, Form 597 will be disposed of in accordance with the provisions of Part 182 of this title for the disposition of Form 1473.

§ 216.267 *Investigation by assistant regional commissioner.* Where report of receipt of the denatured rum shipped is not received in due course, or where any material or unexplained difference exists between the quantity shipped and the quantity received, or where there is reasonable ground to suspect that the denatured rum has been or will be used for purposes other than those authorized by law and regulations, the assistant regional commissioner shall cause an investigation to be made.

§ 216.268 *Memorandum of receipt, Form 1453–A.* Proprietors of denaturing bonded warehouses will, when shipping denatured rum to the United States or any governmental agency thereof, prepare Form 1453–A, properly modified, in quadruplicate. Where shipment is made in a tank truck the data required by § 216.265 to be entered on Form 597 will be entered on Form 1453–A for such transaction. The proprietor shall mail two copies of Form 1453–A to the consignee, except in the case of tank truck shipments when he shall enclose one copy in a sealed envelope addressed to the Government officer to whom the denatured rum is consigned and give the same to the driver of the tank truck for delivery to such officer. He will forward one copy of Form 1453–A to the assistant regional commissioner of the region in which the consignor's premises are located. He will file the remaining copy in a separate file in chronological order and in bound form as a permanent record available for inspection by internal revenue officers at any reasonable time. Upon receipt of the denatured rum, the receiving Government officer will execute the certificate of receipt on Forms 1453–A, after noting thereon any loss or deficiency in the shipment, and will forward one copy to the assistant regional commissioner specified at the bottom of the form and retain the other copy for his records.

§ 216.269 *Deliveries by bonded dealer.* A dealer in denatured rum shall make deliveries in accordance with the applicable provisions of this subpart.

SUBPART W—LOSSES

LOSSES IN DENATURATION

§ 216.280 *Determined monthly.* Losses occurring by evaporation or other unavoidable causes in the process of denaturation at a distillery denaturing bonded warehouse must be determined and reported monthly. The extent of

the losses for each month shall be established by comparison of the quantity in proof gallons of rum used for denaturation with the quantity in proof gallons of denatured rum produced.

§ 216.281 *Losses allowable without claim.* Where the loss occurring in the process of denaturation during any calendar month does not exceed 1 percent of the quantity of rum used for denaturation during the month, claim for allowance of such loss will not be required, provided there are no circumstances indicating that the rum, or any part thereof, was used for purposes other than denaturation, or was unlawfully removed from the denaturing bonded warehouse. The allowance of 1 percent on account of losses in the process of denaturation will not be cumulative. Losses for each month must be determined separately.

§ 216.282 *Losses requiring claim.* Where the loss occurring in the process of denaturation is in excess of 1 percent, calculated in accordance with § 216.281, claim for allowance of the total losses during the month will be filed by the proprietor with the assistant regional commissioner, in accordance with § 216.291.

§ 216.283 *Illegal diversion or removal.* The distilled spirits tax must be paid on all rum diverted to illegal uses on the premises of the denaturing bonded warehouse or in the course of transfer thereto, and on all rum removed from the denaturing bonded warehouse contrary to law, whether or not the total losses, including the rum diverted or unlawfully removed, exceed 1 percent of the aggregate quantity used for denaturation.

(68A Stat. 595; 26 U. S. C. 5001)

LOSSES OF RUM BY THEFT, UNAUTHORIZED VOLUNTARY DESTRUCTION, OR CASUALTY

§ 216.284 *Procedure applicable.* The procedure prescribed in Part 225 of this title, relating to losses of rum by theft, unauthorized voluntary destruction, or casualty, shall apply to such losses in a distillery denaturing bonded warehouse.

LOSSES OF DENATURED RUM AT DENATURING BONDED WAREHOUSE

§ 216.285 *Determined monthly.* The quantity of denatured rum lost at a denaturing bonded warehouse must be determined and reported monthly. The extent of the losses for each month shall be established by comparison of the quantity shown by actual inventory with the quantity carried in the proprietor's report, Form 575, as remaining in storage at the end of the month. For the purpose of such comparison the gauge at the time of the filling of packages of denatured rum may be taken. The actual quantity in tanks must be ascertained.

§ 216.286 *Losses allowable without claim.* Where the loss of denatured rum does not exceed 1 percent of the aggregate quantity of denatured rum shipped from the denaturing bonded warehouse during any calendar month, claim for allowance of such loss will not be required, provided there are no circumstances indicating that the denatured rum, or any part thereof, was diverted to illegal use. The allowance of 1 percent on account of losses of denatured rum at a denaturing bonded warehouse will not be cumulative. Losses for each month must be determined separately by inventory of denatured rum on hand at the end of the month.

§ 216.287 *Losses requiring claim.* Where the loss of denatured rum exceeds 1 percent of the quantity shipped from the denaturing bonded warehouse during the month, claim for allowance of the total losses during the month will be filed by the proprietor with the assistant regional commissioner in accordance with § 216.291.

§ 216.288 *Illegal diversion or removal.* The distilled spirits tax must be paid on all denatured rum diverted to illegal uses, and on all such rum removed from the denaturing bonded warehouse contrary to law, whether or not the total losses of denatured rum at the denaturing bonded warehouse, including denatured rum diverted or unlawfully removed, exceed 1 percent of the aggregate quantity shipped from the denaturing bonded warehouse. No person shall sell denatured rum for use, or for sale for use, for beverage purposes; nor shall any person sell any denatured rum under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes.

(68A Stat. 595; 26 U. S. C. 5001)

LOSSES OF DENATURED RUM IN TRANSIT FOR EXPORT OR IN THE COURSE OF DELIVERY IN TRUCKS OWNED OR CONTROLLED BY PROPRIETOR

§ 216.289 *Losses allowable without claim.* Where the loss of denatured rum from any package, tank car, or tank truck in transit from the denaturing bonded warehouse for export, or in the course of delivery in trucks owned or controlled by the proprietor, does not exceed 1 percent of the quantity contained therein at the time of shipment, claim for allowance of such loss while in transit will not be required, provided there are no circumstances indicating that the denatured rum, or any part thereof, was diverted to illegal use.

§ 216.290 *Losses requiring claim.* Where the loss of denatured rum from any package, tank car, or tank truck in transit from the denaturing bonded warehouse for export or in the course of delivery in trucks owned or controlled by the proprietor exceeds 1 percent of the quantity contained therein at the time of shipment, claim for allowance of the total quantity lost shall be filed with the assistant regional commissioner by the proprietor of the denaturing bonded warehouse. The claim will be prepared and filed in accordance with § 216.291. Claims covering losses in transit of denatured rum shipped to manufacturers and dealers by railroad or steamship companies, or by express companies operating on railroad or steamship lines, or by trucking companies holding permit to transport specially denatured or tax-free alcohol, will be filed by such manufacturers and dealers in accordance with Part 182 of this title.

CLAIM FOR ALLOWANCE OF LOSSES

§ 216.291 *Form of claims.* No special forms have been provided for use by claimants in presenting claims for allowance of losses in the process of denaturation, or losses of denatured rum at a denaturing bonded warehouse or in transit for export or in the course of delivery in trucks owned or controlled by the proprietor. Such claims may be made on letter size paper (original only). Each claim shall be signed by the proprietor or his authorized agent and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this claim has been examined by me and to the best of my knowledge and belief is a true and correct claim." The claimant must furnish the following information:

(a) The name of the proprietor and the registered number and location of the denaturing bonded warehouse;

(b) The serial numbers of the packages or other containers from which the denatured rum was lost;

(c) The quantity of denatured rum lost from each package or other container, and the total quantity of denatured rum covered by the claim;

(d) The date of the loss, or, if such date is not known, the date on which the loss was discovered, and the cause and nature thereof, together with all of the facts surrounding the loss;

(e) In the case of losses in the process of denaturation, (1) the quantity in proof gallons of rum used for denaturation during the month; (2) the quantity in proof gallons of denatured rum produced during the month; (3) whether the loss occurred as the result of any negligence, connivance, collusion, or fraud on the part of the proprietor or any of his agents; and (4) whether the proprietor is indemnified or recompensed in any manner for the loss. If the proprietor is indemnified or recompensed for the loss, the amount and nature of such indemnity or recompense must be shown;

(f) In the case of losses of denatured rum at a denaturing bonded warehouse, (1) the quantity shown by actual inventory to be on hand at the end of the month; (2) the quantity carried in the warehouse records as remaining on hand at the end of the month; (3) whether the loss occurred as the result of any negligence, connivance, collusion, or fraud on the part of the proprietor or any of his agents; and (4) whether the proprietor is indemnified or recompensed in any manner for the loss. If the proprietor is indemnified or recompensed for the loss, the amount and nature of such indemnity or recompense must be shown;

(g) In the case of losses of denatured rum in transit for export or in the course of delivery in trucks owned or controlled by the proprietor, (1) whether the loss occurred as a result of any negligence, collusion, or fraud on the part of the proprietor or any of his agents, and (2) whether he is indemnified or recompensed in any manner for the loss. If the proprietor is indemnified or recompensed for the loss, the amount and nature of such indemnity or recompense must be shown.

§ 216.292 *Supporting statements.* Claims for losses must be supported by affidavits of persons having personal knowledge of the loss.

§ 216.293 *Filing of claims.* The claims must be filed with the assistant regional commissioner of the region in which the denaturing bonded warehouse is located. Claims for allowance of losses of denatured rum while in transit should be filed promptly.

§ 216.294 *Report of losses.* Losses of rum in process of denaturation or denatured rum by theft, accidental fire, or other casualty must be reported to the assistant regional commissioner by the proprietor of the denaturing bonded warehouse immediately after the losses are discovered. Where such losses are ascertained while an officer is on duty, the officer will immediately make a full report of the loss to the assistant regional commissioner.

§ 216.295 *Investigation.* Where large losses from theft, casualty, or other cause are reported, the assistant regional commissioner will immediately make such investigation and require such evidence to be submitted as he may deem necessary.

§ 216.296 *Examination of claim.* When a claim for allowance of loss is received by the assistant regional commissioner, he will carefully examine same to see that all required information has been furnished and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of the investigation, if any, the assistant regional commissioner will allow or disallow the claim in accordance with existing law and regulations.

§ 216.297 *Records.* The proprietor will enter all losses occurring at the denaturing bonded warehouse in his monthly record and report, Form 575.

§ 216.298 *Failure to file claim.* Where loss had been sustained in such a quantity as to require the filing of a claim, and claim for allowance of the loss is not made as provided in §§ 216.291 to 216.293, an assessment will be made in accordance with prescribed procedure.

SUBPART X—PROPRIETOR'S RECORDS AND REPORTS

§ 216.315 *General.* The proprietor of every distillery denaturing bonded warehouse shall prepare the daily reports and shall keep the monthly record prescribed in this part. All the information called for in each form, as indicated by the headings of the various columns and lines of the form and the instructions printed thereon or issued in respect thereto and as required by this part will be given. Forms 573, 575, and 576 must be signed in the same manner as the application, Form 571, except that in the case of a corporation the affixing of the corporate seal will not be required. Where the reports are signed by an agent proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed on Form 1534, in duplicate, with the assistant regional commissioner who will, after entering the date of receipt and his signature on both copies, retain the original and return the copy to the principal. The proprietor shall file Forms 573, 575, 576, 577, 597, and 1453–A in separate files in chronological order and in bound form as a permanent record available for inspection by internal revenue officers at any reasonable time.

(68A Stat. 681; 26 U. S. C. 5555)

§ 216.316 *Form 575.* The proprietor of the distillery denaturing bonded warehouse shall keep a monthly record on Form 575, in duplicate, of all rum received and used for denaturation, all denaturant used, and all denatured rum produced, and withdrawn for shipment. Daily entries shall be made on Form 575 as indicated by the headings of the various columns and lines on the form, and the instructions printed thereon or issued in respect thereto, and as required by this part, before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized by this section, appropriate memoranda shall be kept for the purpose of making the entries correctly. A monthly summary of rum received and used, denaturant received or compounded and used, and denatured rum produced and disposed of, will be made on such form at the end of the month. Each report on Form 575 must be verified by a written declaration that it is made under the penalties of perjury.

(68A Stat. 681, 749; 26 U. S. C. 5555, 6065)

§ 216.317 *Disposition of Form 575.* The proprietor will deliver both copies of Form 575 to the storekeeper-gauger on or before the 10th day of the month next succeeding that for which the form is rendered. The storekeeper-gauger will date both copies of the last page of the form at the time of receipt. The storekeeper-gauger will examine the form to ascertain that the quantities of rum, denaturant and denatured rum on hand on the last of the month are correctly reported. He will then initial both copies of the last page of the report, return the copy of the form to the proprietor, and forward the original of the form to the assistant regional commissioner for audit and retention.

SUBPART Y—RETURN OF DENATURED RUM

§ 216.325 *Entry on Form 575.* Where denatured rum is for any reason returned to the denaturing bonded warehouse by a bonded dealer or manufacturer or by the carrier, as provided in Part 182 of this title, the proprietor will make a memorandum entry of the same in red ink on Form 575, but will not include the quantity thereof in the totals of the rum receipts recorded on the form. The total quantity of denatured rum returned during the month will, however, be entered on line 5 of the summary of denatured rum on the form, and when such denatured rum is again shipped entry thereof will be made in the same manner as other shipments.

SUBPART Z—OPERATION UNDER A NEW INDIVIDUAL OR CORPORATE NAME, OR UNDER DIFFERENT TRADE NAMES OR STYLES

§ 216.330 *Qualification required.* Whenever the proprietor of a denaturing bonded warehouse desires to change the individual or corporate name, or to operate under a trade name or style not previously approved, he must comply with § 216.95 and secure approval of such change in the manner prescribed in §§ 216.100 and 216.110, prior to the commencement of operations. Thereafter, whenever he desires to again operate under such approved trade name or style he must comply with § 216.95 and secure approval of the change in the manner prescribed in § 216.100, prior to commencement of operations thereunder.

§ 216.331 *Records.* Separate records on Form 575 will not be required for operations under a new individual or corporate name, or under each trade name or style, but the proprietor must note on each record the individual or corporate name or the trade names or styles under which operations were conducted during the month, and the dates of operation under each.

SUBPART AA—CHANGE OF PROPRIETORSHIP

§ 216.340 *Completion of operations required.* When a succession or actual change in the proprietorship of a distillery denaturing bonded warehouse takes place other than a change brought about by operation of law, as by the appointment of an administrator, executor, assignee, receiver, trustee, or other fiduciary, the business of denaturing rum must be completely finished by the person or persons who have been carrying on the business, and all denatured rum removed from the premises before the business shall be undertaken or begun by the succeeding proprietor, unless by agreement between the outgoing proprietor and the successor it shall be arranged to transfer from the former to the latter at the time the transfer of proprietorship becomes effective, all rum and denatured rum then on hand: *Provided*, That in each case the application and other qualifying documents of the successor, prescribed by Subpart H of this part, have been approved by the assistant regional commissioner to take effect on the day next succeeding that at the close of which the transfer is made. Where a change of proprietorship has been brought about by operation of law, the administrator, executor, receiver, trustee, or other fiduciary may not commence or continue operations until the required qualifying documents have been filed and approved.

§ 216.341 *Records and reports.* Where there is a change in the proprietorship otherwise than by operation of law, the outgoing proprietor shall enter on his Form 575 all rum, denaturant, and denatured rum transferred to his successor, who shall in turn enter such items on his Form 575 as received from his predecessor. Where an administrator, executor, assignee, receiver, trustee, or other fiduciary succeeds to the business and qualifies to operate the same, he

shall make proper notation on Form 575 of his succession.

(68A Stat. 681; 26 U. S. C. 5555)

SUBPART BB—LOCKS AND SEALS

§ 216.350 *General.* The provisions of Part 220 of this title, relative to locks and seals, are hereby extended, insofar as applicable, to denaturing bonded warehouses.

§ 216.351 *Where locks are required.* Government locks are required on the doors of the denaturing bonded warehouse and the denaturing material storeroom therein; on the door of the Government cabinet; on all manheads, inlets, outlets, and other openings of rum storage tanks, weighing tanks, and denaturing material storage tanks; on the valves in pipelines used for the conveyance of rum; and on such other parts of the premises or equipment as are required by this part or deemed necessary by the assistant regional commissioner.

§ 216.352 *Seal locks.* Seal locks will be used on the entrance doors of the denaturing bonded warehouse and the denaturing material storeroom; on denaturing material tanks, if not located in the denaturing material storeroom; on the door of the Government cabinet; and on such other places where the use of seal locks is required by this part or deemed necessary by the assistant regional commissioner.

[F. R. Doc. 55-2998; Filed, Apr. 11, 1955; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MUSTERING OUT PAYMENTS

In § 536.75, paragraphs (b) (1) and (2) (vii) and (l) are revised to read as follows:

§ 536.75 *Mustering-out payments.* • • •

(b) *Members engaged in active service on or after June 27, 1950*—(1) *To whom payable.* Except as provided in subparagraph (2) of this paragraph, each member of the Armed Forces who shall have been engaged in active service on or after June 27, 1950, and prior to February 1, 1955, and who is discharged or relieved from active service under honorable conditions, shall be eligible to receive mustering-out payment under the Veterans' Readjustment Assistance Act of 1952.

(2) *To whom not payable.* • • •

(vii) Any commissioned officer unless he is discharged or relieved from active duty before February 1, 1958.

• • • • •

(l) *Claims—Veterans' Readjustment Assistance Act of 1952.* All claims for mustering-out payments of members who have performed active duty on or after June 27, 1950 and who were discharged prior to July 16, 1952, will be paid by the Settlements Division, Finance Center, U. S. Army, Indianapolis 49, Indiana, provided the application was submitted not later than July 16, 1954. The postmark date on the envelop will be considered the effective date of the application, 1200 midnight, July 16, 1954 being the last hour acceptable.

[AR 35-1340, 22 March 1955] (Sec. 5 (b), 58 Stat. 10, Sec. 505 (b), 66 Stat. 690; 38 U. S. C. 691e, 1015)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-3001; Filed, Apr. 11, 1955; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

GENERAL REGULATIONS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.1 is hereby prescribed to govern the operation of drawbridges for certain periods determined to be in the interests of public safety by the proper civil defense authorities during a major disaster or civil defense emergency, as follows:

§ 203.1 *General.* Drawbridges across navigable waters of the United States will not be opened to navigation for certain periods determined to be in the interests of public safety by the proper civil defense authorities during a major disaster or civil defense emergency indicated by the military condition of warning: Yellow (i. e., attack by enemy aircraft, probable) or Red (i. e., attack by enemy aircraft, imminent) notwithstanding any general or special regulations heretofore or hereafter prescribed for the operation of any such drawbridge or drawbridges.

[Regs., 23 March 1955, 823.01—ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-3002; Filed, Apr. 11, 1955; 8:53 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.9 of Part 3, the headnote and paragraphs (a) and (b) are amended to read as follows:

§ 3.9 *Revision of decisions.* (a) No rating board or other agency of original jurisdiction will reverse or amend, except upon new and material evidence, a decision rendered by the same or any other rating board, adjudicative agency or by an appellate authority, except where such reversal or amendment is clearly warranted by a change in law or by a specific change in interpretation thereof specifically provided for in a Veterans' Administration issue: *Provided,* That a rating board or other adjudicative agency may reverse or amend a decision by the same or any other rating board or adjudicative agency where such reversal or amendment is obviously warranted by a clear and unmistakable error shown by the evidence in file at the time the prior decision was rendered. A rating or other adjudicative decision which constitutes a reversal of a prior decision on the grounds of clear and unmistakable error has the same effect as if the corrected decision had been made on the date of the reversed decision. (See also § 3.201.) Where the severance of service-connection is considered warranted on the facts of record, see paragraph (d) of this section.

(b) Whenever a rating board or other adjudicative agency may be of the opinion that a revision or an amendment of a previous decision is warranted on the facts of record in the case at the time the decision in question was rendered, a difference of opinion being involved rather than a finding of clear and unmistakable error, the complete file will be forwarded, accompanied by a complete and comprehensive statement of the facts in the case and a detailed explanation of the matters supporting the conclusion that a revision or amendment of the prior decision is in order, to the Deputy Administrator for Veterans Benefits. A rating or other adjudicative decision will not be effected in any such case pending the return of the claims folder following central office consideration. The commencing date of benefits in such cases if otherwise payable will be the date of the action by the central office authority authorizing a favorable decision based on a difference of opinion. The foregoing is applicable regardless of whether there is a pending claim in file. Where the initial rating for death compensation or pension purposes is favorable, the commencing date of death benefits will be determined without regard to the fact that the death rating may reverse, on a difference of opinion, an unfavorable rating for disability purposes, entered by a rating agency other than the Board of Veterans Appeals, which was in effect at the date of the veteran's death.

• • • • •

2. In § 3.201, the headnote and paragraphs (c), (d), and (e) are amended to read as follows:

§ 3.201 *New and material evidence presented after prior disallowance.* • • •

(c) For the purpose of this section a formal application will not be required, but where informative data comprehended in the questions enumerated in the appropriate application form are considered essential to further adjudicative action in the claim, the informative data will be required and must be submitted within 1 year from the date of request.

(d) Awards pursuant to claims comprehended under paragraphs (a), (b), and (c) of this section will be governed by the provisions of the Veterans Regulation No. 2 series, (38 U. S. C. ch. 12), effective laws and, as to disability compensation, § 3.212 relating to the effective dates of awards based upon original claims.

(e) Decisions of adjudicating agencies of original jurisdiction do not become final until the expiration of the time within which an appeal may be filed, or, if an appeal is timely filed, the disallowance does not become final prior to the appellate decision. Evidence received prior to the expiration of the appeal period or prior to the appellate decision will be considered by the adjudicating agency of original jurisdiction and will be considered as having been filed in connection with the claim which was pending at the beginning of the appeal period.

• • • • •

3. Sections 3.330 and 3.333 are revised to read as follows:

§ 3.330 *Finality of decisions.* A decision of an agency of original jurisdiction which is unappealed within 1 year from the date of notice of the disallowance shall be final. Where an appeal is timely filed, the disallowance, if affirmed, does not become final until the date of the appellate decision. (Vet. Reg. 2 (a), as amended; 38 U. S. C. ch. 12)

§ 3.333 *Submission of additional evidence within the appeal period or prior to appellate decision.* Additional material and pertinent evidence submitted within the appeal period or, if an appeal has been timely filed, submitted prior to an appellate decision will be considered by the agency of original jurisdiction and will be considered as having been filed in connection with the claim which was pending at the beginning of the appeal period. The submission of additional evidence will not extend the period in which an appeal may be taken. The appeal period in any event begins to run as of the date of notice of the initial decision. (Vet. Reg. 2 (a), as amended; 38 U. S. C. ch. 12)

4. In § 4.0 of Part 4, a new paragraph (a) (3) is added as follows:

§ 4.0 *Application for death benefits*—(a) *General.* • • •

(3) When the claim of a widow is disallowed, including disallowance for failure to furnish evidence, and evidence adequate to establish entitlement of a child or children who were included in the widow's claim is furnished within 1 year from the date of request (requested either prior or subsequent to the disallowance of the widow's claim), the award for the child or children will be made as if the disallowed claim had been filed solely on their behalf; otherwise, payments may not be made for the child or children for any period prior to the date of receipt of a new claim (formal or informal).

• • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective April 12, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-3013; Filed, Apr. 11, 1955; 8:55 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1113]

ALASKA

RESERVING CERTAIN LANDS FOR USE OF THE DEPARTMENT OF THE ARMY AS A DOCK AND WAREHOUSE SITE; PARTIALLY REVOKING EXECUTIVE ORDER NO. 1919½ OF APRIL 21, 1914, AS AMENDED, AND PUBLIC LAND ORDER NO. 396 OF AUGUST 19, 1947, AND REVOKING PUBLIC LAND ORDER NO. 668 OF AUGUST 29, 1950

By virtue of the authority vested in the President by the act of March 12, 1914 (38 Stat. 305, 307; 48 U. S. C. 304) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described tract of land at Whittier, Alaska, a portion of which lies below the line of ordinary high tide on Passage Canal, is hereby reserved for the use of the Department of the Army as a dock and warehouse site:

Beginning at a point which bears S. 88° 39' W., 200 feet from the most southerly corner of Parcel No. 7 of Public Land Order No. 587 as withdrawn on 23 May 1949; thence N. 88° 39' E., 200 feet to said most southerly corner of Parcel No. 7; thence N. 34° 21' W., 77.20 feet to the most westerly corner of Parcel No. 7; thence N. 55° 39' E., along the northwest line of Parcel No. 7 a distance of 1,746.18 feet to a point on said northwest line which is S. 55° 39' W., 25.95 feet from the most northerly corner of Parcel No. 7. Thence S. 70° 09' W., 1,846.96 feet to a point; thence N. 60° 51' W., 300 feet to a point; thence S. 56° 09' W., 525 feet more or less to a point on the south line of the West Camp access road; thence in a southeasterly direction along the south line of said access road 885 feet more or less to the point of beginning.

The tract described contains approximately 15.93 acres.

Executive Order No. 1919½ of April 21, 1914, as amended by Public Land Order No. 219 of March 28, 1944, reserving lands for townsite purposes, and Public Land Order No. 396 of August 19, 1947, modifying Executive Order No. 1919½ to reserve portions of the withdrawn lands for use of the Alaska Railroad, are hereby revoked so far as they affect any of the above-described lands. Public Land Order No. 668 of August 29, 1950 reserving portions of the lands above-described for use of the Alaska Railroad is hereby revoked.

APRIL 5, 1955.

[SEAL] ORME LEWIS,
Assistant Secretary of the Interior.

[F. R. Doc. 55-2935; Filed, Apr. 11, 1955; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter E—Load Lines

[CGFR 55-15]

PART 43—FOREIGN OR COASTWISE VOYAGE

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

FEES FOR ASSIGNMENT OF LOAD LINES

A notice regarding proposed changes in the navigation and vessel inspection rules and regulations was published in the FEDERAL REGISTER dated February 18, 1955 (20 F. R. 1055 to 1057), as Items I to IX, inclusive, on the Agenda to be considered by the Merchant Marine Council, and a public hearing was held on March 22, 1955, at Washington, D. C. This document is the first of a series of documents covering the rules and regulations considered at this public hearing.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated.

The amendments to 46 CFR 43.40–5 and 45.20–75 revised the fees charged for (a) the assignment and renewal of load line certificates; (b) load line inspections; and (c) surveys. The fees prescribed may be charged by the assigning authorities approved by the Commandant, U. S. Coast Guard, to assist in the administration of the Load Line Act of March 2, 1929, as amended, and the Coastwise Load Line Act of 1935, as amended (46 U. S. C. 85–88l). This is the first increase in the scale of fees since 1936 and is in line with present day economic conditions. This document contains the amendments based on Item VIII of the Agenda considered by the Merchant Marine Council. No objections or comments were received from the public on this item.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER:

1. Section 43.40–5, including Table 43.40–5 (a), is amended to read as follows:

§ 43.40–5 *Fees, travel expense*—(a) *Scale of fees.* (1) Subject to the conditions as set forth in this paragraph, fees payable by owners will be charged for assignment of load line (including load line and condition survey, verification of markings and issuance of load line certificates) in accordance with Table 43.40–5 (a).

TABLE 43.40-5 (a)—FEES FOR ASSIGNMENT OF LOAD LINE

Size of vessel	Classed vessel [1]	Unclassed vessels
Under 200 gross tons	$30.00	$100.00
200 and under 400 gross tons	30.00	125.00
400 and under 700 gross tons	35.00	155.00
700 and under 1,000 gross tons	40.00	190.00
1,000 and under 1,500 gross tons	40.00	230.00
1,500 and under 2,500 gross tons	50.00	270.00
2,500 and under 3,500 gross tons	60.00	310.00
3,500 and under 5,000 gross tons	70.00	350.00
5,000 and under 6,500 gross tons	85.00	390.00
6,500 and under 8,000 gross tons	100.00	430.00
8,000 and under 10,000 gross tons	110.00	470.00
10,000 and under 12,000 gross tons	120.00	510.00
12,000 and under 15,000 gross tons	130.00	550.00
15,000 gross tons and above	140.00	590.00

[1] Classed vessel means vessel in class with the assigning authority.

(2) In the case of unclassed vessels newly built, where an extensive review of construction plans and attendance during construction by the Surveyors of the assigning authority may be required, in the case of existing unclassed vessels where necessary plans are not available, and in cases where alterations or repairs are made, which would require more than a normal attendance by the Surveyors, additional fees proportional to the amount of work involved may be charged.

(3) The provisions of this paragraph may be applied to either classed or unclassed vessels in cases where, due to alterations or changes in service, a new freeboard may be required.

(b) *Fees for renewal of load line certificates.* (1) For unclassed vessels the fees for condition survey and renewal of load line certificates shall be 50 percent of the scale in paragraph (a) of this section. In cases where alterations or repairs are made which would require more than a normal attendance by the Surveyors, additional fees, proportional to the amount of work involved may be charged.

(2) For classed vessels where the survey is carried out in conjunction with a survey required for maintenance of class and for which a fee is chargeable, no charge will be made for the survey, but an amount not exceeding $25 for the issuance of the new load line certificate may be charged.

(c) *Fees for annual load line inspection.* The fee for annual load line inspection shall be $25 for vessels not exceeding 2,000 gross tons, and $35 for vessels of more than 2,000 gross tons. Where alterations or repairs are made, which would require more than a normal attendance by the Surveyors, additional fees proportional to the work involved may be charged. In the case of a classed vessel no charge will be made for this inspection if carried out at the same time as a survey to the hull that is required for maintenance of class and for which a fee is chargeable.

(d) *Traveling expenses.* For all traveling expenses incurred in connection with the surveys described in this section there will be an additional charge.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

2. Section 45.20–75 is amended to read as follows:

§ 45.20–75 *Fees.* Fees payable by owners will be charged for the assignment of load line, renewal of load line certificates, and annual load line inspection, in accordance with the regulations set forth in § 43.40–5 of this subchapter.

(Sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 88a)

Dated: April 5, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55–2996; Filed, Apr. 11, 1955; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11261; FCC 55–433]

[Rules Amdt. 3–39]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 11261.

1. The Commission has before it for consideration its Notice of Proposed Rule Making and Order to Show Cause issued in this proceeding on January 27, 1955 (FCC 55–89) and published in the FEDERAL REGISTER on February 1, 1955 (20 F. R. 690). The Notice of Proposed Rule Making advised that WKNY–TV Corporation, permittee of television station WKNY–TV on Channel 66 in Kingston, New York, had filed a petition requesting that the Commission order it to show cause why its authorization should not be modified to specify operation on Channel 21 at Poughkeepsie, New York, in lieu of Channel 66 at Kingston, New York. Since petitioner proposed to employ Channel 21 with its present site, it suggested that this change could be accomplished by making the following alternative changes in the Table of Assignments contained in § 3.606 of the Commission's rules and regulations:

City	Channel No.	
	Delete	Add
Proposal A:		
Hanover, N. H.	*21+	*27+
Concord, N. H.	27+	75+, 76, 78, 83+
Proposal B:		
Hanover, N. H.	*21+	*43
Laconia, N. H.	43	21+

2. Comments were filed by WKNY–TV Corporation and the Trustees of Dartmouth College, Hanover, New Hampshire. Petitioner also filed a Reply to the Order to Show Cause, stating that it has no objection to the modification of its authorization to specify operation on Channel 21 at Poughkeepsie in place of Channel 66 at Kingston.

3. In support of its requested amendments, petitioner notes that it is presently operating Station WKNY–TV on Channel 66 at a site located between Kingston and Poughkeepsie, New York. Petitioner states that due to certain technical difficulties, the station has been unable to operate with full power and that as a result of this and other equipment problems it has not been able to cover its contemplated service area with the necessary signal strength. Petitioner submits that the proposed amendment would conform to the Commission's Rules; that it would permit use of the present satisfactory transmitter site; that there are no applications on file with the Commission for the use of Channel 21 at Poughkeepsie or Channel 21 at Hanover, New Hampshire; and that its proposal is consistent with previous Commission actions which have recognized that in light of present equipment problems, television service can be rendered more expeditiously on lower UHF channels in communities where interested parties are ready to proceed with such service.

4. In its comments, Dartmouth College states that it has been interested in educational television for a number of years and in the establishment of its own station, when feasible, and that it desires that the UHF assignment reserved for non-commercial educational use at Hanover be kept as low in the band as possible. It states, however, that it interposes no objection to the adoption of the foregoing Proposal A, which would substitute Channel 27 for Channel 21 in Hanover, but that it strongly objects to Proposal B, which would substitute Channel 43 for Channel 21 in Hanover.

5. The Commission adheres to its view that, for assignment purposes, no distinctions should be made among the various UHF channels. However, because of the equipment problems currently connected with the use of the higher UHF channels, more effective utilization of available assignments can be made and more expeditious service can be rendered on the lower UHF channels at this time. We have, therefore, in a number of cases substituted a lower UHF channel for the higher UHF channel when the community to which the higher UHF channel was assigned has been ready to proceed with television and the community with the lower UHF channel was not, in order to expedite television service to the public. In the instant case, the communities of Hanover and Concord are apparently not ready to proceed immediately with the establishment of UHF television stations on the lower UHF channels assigned to them. It is expected that the equipment problems connected with operation on higher UHF channels will be eliminated by the time such communities are ready to proceed with television. We are of the view that substitution of the assignments to these communities as proposed would serve the public interest since it would expedite the establishment of a satisfactory television service in the Poughkeepsie and Kingston area and provide for a more effective utilization of available facilities.

6. Authority for the adoption of the amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b), and 316 of the Communications Act of 1934, as amended. Since the amendments affect an existing authorization, the Commission is of the view that the public interest, convenience and necessity would be served by making the amendments effective immediately.

7. In view of the foregoing: *It is ordered*, That, effective immediately, the outstanding authorization of Station WKNY–TV is modified to specify operation on Channel 21 in Poughkeepsie, New York, instead of Channel 66 in Kingston, New York, and an appropriate authorization will be issued to WKNY–TV Corporation. Data with respect to the operation of WKNY–TV on Channel 21 in Poughkeepsie should be submitted to the Commission.

8. *It is further ordered*, That, effective immediately, the Table of Assignments contained in § 3.606, rules governing television broadcast stations, is amended, in so far as the cities named are concerned, as follows:

City:	Channel No.
Hanover, N. H.	*27+
Concord, N. H.	75+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: April 6, 1955.

Released: April 7, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–3003; Filed, Apr. 11, 1955; 8:53 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11252; FCC 55–432]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 11252.

1. The Commission has under consideration its Notice of Proposed Rule Making (FCC 55–31) issued in this proceeding on January 14, 1955, proposing to assign Channel 14 to San Antonio, Texas, by substituting Channel 30 for Channel 14 in Seguin, Texas. The Notice in this proceeding was issued pursuant to a petition filed by KCOR, Inc., permittee of Television Station KCOR-TV, authorized to operate on Channel 41 in San Antonio.

2. Comments in support of the proposed amendment have been filed by KCOR, Inc., and the San Antonio Chamber of Commerce. Oppositions have been filed by the Seguin and Guadalupe County Chamber of Commerce, Radio Station KWED, the Seguin Industrial and Development Foundation, Inc., and Walter E. Nolte.

3. Six channels, in all, are presently assigned to San Antonio: VHF Channels 4, 5, 9, and 12—with Channel 9 reserved for education—and UHF Channels 35 and 41. Stations are operating on VHF Channels 4 and 5 and two applications for Channel 12 are in hearing status. An application for the educational channel is pending. Stations have been authorized on both of the UHF channels, but the construction of the stations has not yet been completed. One channel, Channel 14, is assigned to Seguin; and no applications have been filed for this frequency. San Antonio has a population of about 408,000 persons. Seguin is a small community located about 35 miles from San Antonio and has a population somewhat under 10,000 persons.

4. In support of its request for a low UHF channel, KCOR urges that it proposes to operate a Spanish-language station in light of the large Spanish-speaking population in San Antonio and its environs. It is explained that many of the people for whom the station's programs will be directed reside in low-cost, public hearing projects where outdoor antennas would not be permitted; and it is therefore urged that it would be more advantageous to employ a lower UHF channel. KCOR notes that in a number of previous cases the Commission has authorized changes in UHF assignments on the principle that communities ready to proceed with television should be permitted to utilize low UHF channels if they can be made available from communities not yet ready to proceed.

5. The Opponents to the KCOR proposal concede that no application is presently pending for Channel 14 in Seguin but urge that this frequency should nevertheless be retained in that community. It is submitted that Channel 14 has been assigned for use in Seguin without any specified time limit, and that the channel should be retained there until the Commission has afforded notice of any time limit within which the channel must be utilized.

6. The Commission is aware of certain temporary difficulties involved in UHF equipment for the higher UHF channels. The Commission has, therefore, in a number of cases made changes in the Assignment Table to replace a higher UHF channel with a lower UHF channel where the lower channel could be obtained from a community not yet ready to proceed with television, in order to make it available to a community where a station was either operating or under construction. The Commission took such action with the expectation that when the community to which the higher channel was assigned became ready to proceed with the establishment of a station, satisfactory equipment for the higher channels would be available. It should be kept in mind that these changes in frequency authorized by the Commission were not based on any recognition of differences among the UHF channels for assignment purposes, but merely reflected the Commission's efforts to alleviate temporary equipment problems in order to bring more effective television service to the public.

7. In the instant case, Oppositions to the KCOR proposal for shifting Channel 14 from Seguin to San Antonio to replace Channel 41 have been filed by a number of organizations in Seguin, including an Opposition by Radio Station KWED operating in Seguin. An interest in the establishment of a station in Seguin is thus indicated. It is not at all clear, on the basis of the record in this proceeding, that Seguin will not be ready to proceed with television in the foreseeable future. We believe that our policy of switching UHF channels should be limited to those cases where it is quite clear from the record that no use of the low UHF channel will be made in the community from which it is to be deleted in the foreseeable future.

8. In our view, moreover, KCOR has not established on the record in this proceeding that operation on Channel 41 in San Antonio at this time will be unsatisfactory. While KCOR contends that operation with Channel 41 will be difficult if indoor antennas are to be utilized, it concedes that the same may be true with respect to Channel 14. Channel 41 is located in the relatively lower part of the UHF band, and we do not believe that operation on Channel 41 in San Antonio will present insurmountable obstacles from an equipment standpoint. Thus, we are not persuaded by petitioner's showing in this proceeding that Channel 41 cannot be employed in San Antonio to provide an efficient and satisfactory television service. Accordingly, we have concluded that the public interest, convenience, and necessity would not be served by shifting Channel 14 from Seguin to San Antonio in place of Channel 41.

9. In view of the foregoing: *It is ordered*, That the petition of KCOR, Inc., is denied and that this proceeding is hereby terminated.

Adopted: April 6, 1955.

Released: April 7, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–3004; Filed, Apr. 11, 1955; 8:53 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 11359; FCC 55-423]

STATIONS ON LAND AND SHIPBOARD IN THE MARITIME SERVICES

REPLACEMENT OF ONE FREQUENCY AND DELETION OF CONDITION ATTACHED TO ANOTHER FREQUENCY

In the matter of amendment of Parts 7 and 8 of the rules to delete the frequency 2572 kc for ship use at Mobile, Alabama and to make the frequency 2430 kc available as a replacement therefor; amendment of Part 7 to delete at San Francisco-Eureka, California the noninterference condition attached to the coast frequency 2450 kc with respect to the police service in New York; Docket No. 11359.

1. On February 10, 1954, the Commission adopted a Report and Order in Docket No. 10444 finalizing a plan of frequency assignment for all areas which would be used as the basis for carrying out the Maritime Mobile radiotelephone portions of the Geneva Agreement (1951) in the frequency band 2000–2850 kc. However, the effective dates of deletion of certain existing frequencies and availability of new frequencies were to be made the subject of later proceedings.

2. In the Mobile, Alabama area, the frequency 2572 kc is used for shipshore transmitting and receiving. In accordance with the frequency assignment plan with respect to the Mobile area, it is now feasible to delete the frequency 2572 kc as a ship frequency and to replace it by making the ship frequency 2430 kc available for assignment on a full-time basis. Police assignments on 2430 kc at Bloomfield, New Jersey and Bergen County, New Jersey have heretofore blocked the availability of this frequency at Mobile. These police operations are being deleted. A police assignment on 2430 kc also remains in Kern County, California. The separation between Kern County, and Mobile, Alabama is such that little or no harmful interference is expected during the period prior to the transfer to VHF by the Kern County police. The frequency 2572 kc will continue to be the available coast station frequency at Mobile. In effect, the present simplex operation on 2572 kc in the Mobile area will be replaced by duplex operation using the frequency pair 2572 kc (coast)—2430 kc (ship). In order to permit adequate advance planning by those concerned, the date for the change-over would be 90 days following the date of adoption by the Commission of the Order finalizing this proposed rule making.

3. In the San Francisco-Eureka, California area, the coast frequency 2450 kc is available for assignment on condition that harmful interference is not caused to the police radio service in Kansas, Wisconsin, or New York. It is proposed to delete New York from the condition since there is no longer a police assignment on 2450 kc at New York.

4. The proposed amendments are issued under the authority contained in sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before May 9, 1955, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing original comments. The Commission will consider all comments and briefs presented before taking final action in this matter.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: April 6, 1955.

Released: April 7, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3005; Filed, Apr. 11, 1955; 8:54 a. m.]

NOTICES

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3360]

LESTER MARTIN

NOTICE OF APPLICATION WITH RESPECT TO ACQUISITION OF COMMON STOCK OF EXEMPT HOLDING COMPANY

APRIL 6, 1955.

Notice is hereby given that Lester Martin, 350 Fifth Avenue, New York City, has filed with this Commission an application pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the acquisition of shares of the common stock of Eastern Gas and Fuel Associates ("Eastern"), an exempt holding company which owns all of the common stock of Boston Consolidated Gas Company, a public-utility company.

Applicant states that he now owns directly or indirectly 137,000 common shares of Eastern, or slightly more than 5 percent of the 2,580,868 common shares of Eastern presently outstanding. He asks that the Commission approve his recent acquisition on the open market of 8,000 of such shares for an aggregate consideration of $84,119.65, and his proposed acquisition on the open market at the market price of 45,000 additional shares. He states that said stock is being acquired for investment and not as part of a specific program involving Eastern or its said subsidiary.

Applicant further states that the only expenses incurred or to be incurred in connection with said acquisitions are the regular commissions as prescribed by the rules of the stock exchange.

Notice is further given that any interested person may, not later than April 20, 1955 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as it may deem proper under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-2944; Filed, Apr. 11, 1955; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11137; FCC 55M-314]

CLEARFIELD BROADCASTERS, INC. (WAKU)

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed against Clearfield Broadcasters, Inc. (WAKU) Latrobe, Pennsylvania, Docket No. 11137.

The Hearing Examiner having under consideration a petition filed April 1, 1955, by Clearfield Broadcasters, Inc., requesting that the hearing in the above-entitled proceeding be continued for 30 days beyond April 11, 1955; and

It appearing that following the issuance by the Commission of its order of March 10, 1955, released March 11, 1955, the only matter to be resolved in the hearing is the compliance by the licensee of the provisions of § 3.165 (b) (4) and (c) of the Commission's rules and regulations; and

It appearing that the licensee has obtained the services of a licensed first class fulltime operator who will report for duty on April 4, 1955, that a petition to vacate and dismiss the above-entitled proceeding will be filed which will be supported by affidavits showing compliance with Commission rules; and

It appearing that the Chief, Broadcast Bureau, Federal Communications Commission has no objection to granting the request to continue the hearing, and no objection to the immediate consideration of the pleading; and that good cause has been shown for granting of the petition to continue the hearing date;

It is ordered, This the 5th day of April 1955, that the petition to continue the hearing date be and the same is hereby granted and the hearing in the above-entitled proceeding is continued from April 11, 1955, to May 11, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3006; Filed, Apr. 11, 1955; 8:54 a. m.]

[Docket No. 11227; FCC 55M-319]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM (WNYC)

ORDER CONTINUING HEARING

In re application of City of New York Municipal Broadcasting System (WNYC) New York, New York, Docket No. 11227, File No. BSSA-266; for special service authorization to operate additional hours from 6:00 a. m., e. s. t., to sunrise New York City and from sunset Minneapolis, Minnesota to 10:00 p. m., e. s. t.

The Hearing Examiner having under consideration a joint petition filed on April 4, 1955, by City of New York Municipal Broadcasting System (WNYC) and Midwest Radio-Television, Inc. (WCCO), requesting that the hearing in the above-entitled proceeding presently scheduled for April 18, 1955, be continued until May 23, 1955;

It appearing that additional time is required by petitioners to prepare necessary exhibits for the hearing;

It further appearing, that counsel for the Broadcast Bureau has informally agreed to a waiver of the so-called four-day rule and has no objection to a grant of the petition;

It is ordered, This 6th day of April 1955, that the joint petition be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to May 23, 1955, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3007; Filed, Apr. 11, 1955; 8:54 a. m.]

[Docket No. 11303; FCC 55M-317]

JOHN A. BARNETT (KSWS-TV)

NOTICE OF HEARING

In re application of John A. Barnett (KSWS-TV) Roswell, New Mexico, Docket No. 11303, File No. BPCT-1886; for construction permit (modifying existing television facilities).

Notice is hereby given that the hearing in the above-entitled proceeding, which was previously scheduled to be held at 10:00 a. m., on Monday, April 11, 1955, in the offices of this Commission, is hereby postponed until Thursday, April 14, 1955, at 10:00 a. m., in the offices of this Commission, Washington, D. C.

Dated: this 5th day of April 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3008; Filed, Apr. 11, 1955; 8:54 a. m.]

[Change List 2]

CUBAN BROADCAST STATIONS

LIST OF NOTIFICATIONS, CHANGES AND DELETIONS

FEBRUARY 28, 1955.

Notification of Cuban Radio Stations, and of changes, modification and deletions of existing stations, in accordance with Part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
		890 kilocycles				
CMBK	Habana, Habana (vide: 1150 kc)	0.25	ND	U	II	Cancel.
CMCQ	Habana, Habana (previously 1150 kc)	0.25	ND	U	II	Immediately.
		1150 kilocycles				
CMCQ	Habana, Habana (vide: 890 kc)	0.25	ND	U	IV	Cancel.
CMBK	Habana, Habana (previously 890 kc)	0.25	ND	U	IV	Immediately.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3010; Filed, Apr. 11, 1955; 8:54 a. m.]

[Change List 177]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

MARCH 7, 1955.

Notification under the provision of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, Proposed Changes, and Corrections in Assignments of Mexican Broadcast Stations modifying the Appendix Containing Assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Antenna	Schedule	Class	Probable date of change or commencement of operation
		610 kilocycles				
XEUF	Uruapan, Michoacan (increase power)	5 kw D/1 kw N	ND	U	III-A	June 7, 1955
		800 kilocycles				
XEKA	Ciudad Juarez, Chihuahua (change in call letters from XELO).	150 kw		U	I-A	Mar. 7, 1955
		920 kilocycles				
XEOK	Monterrey, Nuevo Leon (increase daytime power).	1 kw D/250 w N		U	IV	June 7, 1955
		940 kilocycles				
XEWV	Mexicali, Baja California (change in call letters from XEBF and increase power).	1 kw		D	II	June 7, 1955
		1340 kilocycles				
XECR	Morelia, Michoacan (change hours of operation).	250 w D/100 w N	ND	U	IV	Mar. 7, 1955
		1360 kilocycles				
XESA	Culiacan, Sinaloa (increase daytime power).	1 kw D/500 w N		U	III-B	June 7, 1955
		1370 kilocycles				
XEHG	Mexicali, Baja California (New)	500 w	ND	D	III-B	Sept. 7, 1955
		1410 kilocycles				
XEWM	Villahermosa, Tabasco (now in operation).	5 kw D/500 w N		U	III-D	Mar. 7, 1955

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3011; Filed, Apr. 11, 1955; 8:54 a. m.]

[Docket No. 11358]

MID-TOWN TOWING SERVICE, INC.

ORDER TO SHOW CAUSE WHY LICENSE FOR AUTOMOBILE EMERGENCY RADIO STATION KED 954 SHOULD NOT BE REVOKED

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Automobile Emergency Radio Station, call sign KED 954, licensed to Mid-Town Towing Service, Inc., 747 Sheridan Avenue, Bronx 51, New York;

It appearing that notices of violations of the Commission's rules in the operation of said radio station were given the licensee as follows:

(a) Notice dated June 30, 1954, specifying among other things, that said licensee had violated, as of June 29, 1954, the following Commission rules:

(1) Non-compliance with § 16.160 (c) by having no record of the names of persons responsible for the operation of the transmitting equipment each day, together with the period of their duty;

(2) Non-compliance with § 16.160 (a), (b) by having no results of required transmitter measurements in the station records;

(3) Non-compliance with §16.156 (a) by not having transmitter identification cards (FCC Form 452–C) affixed as required;

(4) Non-compliance with terms of license by having an antenna over 75 feet which is more than height specified in license;

(b) Notice dated July 21, 1954 calling attention again to the violations listed in the Notice of June 30, 1954, and adding the further violation of § 16.159 for having failed to answer the Notice of June 30, 1954;

It further appearing that on October 19, 1954 the Commission sent a final warning letter concerning the above noted violations to the licensee by registered mail, return receipt requested, which was received by licensee on October 21, 1954, requested a response within 10 days of receipt, and has not, to this date, been answered by licensee:

It is ordered, This 5th day of April 1955, pursuant to section 312 (a) (3) and (4) and (c) of the Communications Act of 1934, as amended, that the said Mid-Town Towing Service, Inc., show cause why the aforesaid license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 6th day of June 1955; and

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Mid-Town Towing Service, Inc., 747 Sheridan Avenue, Bronx 51, New York.

Released: April 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 55–3009; Filed, Apr. 11, 1955; 8:54 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the Order to Show Cause, a licensee shall within thirty (30) days from the date of the receipt of a Show Cause Order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an Order of Revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the Order to Show Cause. Failure to respond to a Show Cause Order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the Order to Show Cause.

CIVIL AERONAUTICS BOARD

[Docket No. 6743]

MIDET AVIATION CORP., INC.; CERTIFICATE RENEWAL CASE

NOTICE OF FURTHER POSTPONEMENT OF HEARING

In the matter of the application of Midet Aviation Corporation, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, and such other sections thereof as may be applicable for renewal of its certificate of public convenience and necessity designated Route 110.

Notice is hereby given that hearing in the above-entitled proceeding previously assigned to be held on April 8, 1955, is hereby postponed until April 22, 1955, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Curtis C. Henderson, Hearing Examiner.

Dated at Washington, D. C., April 6, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–3012; Filed, Apr. 11, 1955; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–7112, G–7356, G–8229]

EL PASO NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 5, 1955.

In the matters of El Paso Natural Gas Company, Docket No. G–7112; G. Stratton, Jr., et al., Docket No. G–7356; Claud E. Aikman, Docket No. G–8229.

Take notice that El Paso Natural Gas Company of El Paso, Texas (El Paso), filed application on January 17, 1955, which was supplemented on January 31, 1955; G. Stratton, Jr., et al. of Waco, Texas (Stratton) filed application on December 27, 1954; and Claud E. Aikman of San Angelo, Texas (Aikman) filed application on December 31, 1954, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing them to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

El Paso proposes to construct and operate a 330-horsepower portable type compressor unit, 9.5 miles of 6⅝-inch pipeline, and 2.5 miles of 4½-inch pipeline, together with necessary metering facilities, in Crockett County, Texas extending from the Noelke N. E. Queen Field to a point of connection with El Paso's existing interstate pipeline system.

Stratton and Aikman propose to sell natural gas to El Paso in the total amount of about 5,000 Mcf per day at an initial price of 8½ cents per Mcf. This gas is produced in the Noelke N. E. Queen Field in Crockett County, Texas. It will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 29, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §§ 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–2937; Filed, Apr. 11, 1955; 8:45 a. m.]

[Docket No. G–8305]

AMERICAN GAS PRODUCTION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 5, 1955.

Take notice that American Gas Production Company (Applicant), a West Virginia corporation, whose address is Cities Service Building, Bartlesville, Oklahoma, filed, on December 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Hugoton Field, Finney County, Kansas, at 11 cents per Mcf (950 btu) to Colorado Interstate Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 28, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–2938; Filed, Apr. 11, 1955; 8:45 a. m.]

[Docket No. G–8381]

WILLIAM E. SNEE ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 5, 1955.

Take notice that William E. Snee, et al., Applicant, individuals whose address is 208 Union Trust Building, Uniontown, Pennsylvania filed on January 20, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Accident Pool, Garrett County, Maryland, to Cumberland & Allegheny Gas Company at 27½ cents per Mcf for transportation in interstate commerce for resale. The rate of delivery will be 15,000 Mcf per day during period October 1st to March 30th if available.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 28, 1955, at 9:35 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–2939; Filed, Apr. 11, 1955; 8:45 a. m.]

[Docket No. G–8382]

WILLIAM GRAHAM OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 5, 1955.

Take notice that William Graham Oil Company (Applicant), a partnership, whose address is Wichita, Kansas, filed on January 20, 1955 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to Colorado Interstate Gas Company (Colorado Interstate) at an initial rate of 12 cents per Mcf. This gas will be produced in the Hugoton Field in Haskell County, Kansas. It will be commingled with other gas and resold at markets in other states served by Colorado Interstate's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 2, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 25, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–2940; Filed, Apr. 11, 1955; 8:45 a. m.]

[Docket No. G–8387]

P. O. BURGY DRILLING AND PRODUCING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 9, 1955.

Take notice that P. O. Burgy Drilling Company, Applicant, a West Virginia organization whose address is Cornwallis, West Virginia filed on January 24, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Grant District, Ritchie County, West Virginia to Hope Natural Gas Company at 20 cents per Mcf for transportation in interstate commerce for resale. The rate of delivery will be 100 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 28, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by

such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2941; Filed, Apr. 11, 1955; 8:45 a. m.]

[Docket No. G-8408]

ASSOCIATED OIL & GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 5, 1955.

Take notice that Associated Oil & Gas Company (Applicant), a Delaware corporation, whose address is 808 Rusk Avenue, Houston, Texas, filed on January 26, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Alfred and Almond Fields, Jim Wells County, Texas, to Trunkline Gas Company at 12.5452 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 28, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2942; Filed, Apr. 11, 1955; 8:45 a. m.]

[Docket No. G-8517]

KENNETH MURCHISON

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 5, 1955.

Take notice that Kenneth Murchison (Applicant), an individual, whose address is Dallas, Texas, filed on February 25, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) at an initial rate of 11 cents per Mcf. This gas will be produced in the Greater Blanco Field in San Juan County, New Mexico. It will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 2, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 25, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2943; Filed, Apr. 11, 1955; 8:45 a. m.]

[Docket No. G-8715]

HARPER-TURNER OIL CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Harper-Turner Oil Company, et al.[1] notified the Commission on November 26, 1954, of a rate increase to be effective on September 1, 1954. Such notice did not comply with the Commission's regulations governing the filing of proposed rate increase, and did not provide any basis upon which any consideration could be given to such increase. Thereafter, pursuant to a request for further information, Applicant filed on March 7, 1955, sufficient further data to constitute a proper rate filing. The proposed increased rates and charges, are contained in the following designated filing.

Description	Purchaser	Rate schedule designation
Notice of change, dated Mar. 2, 1955.	Cities Service Gas. Co.	Supplement No. 9 to FPC gas rate schedule No. 1.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 26, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: March 30, 1955.

Issued: April 5, 1955.

By the Commission.[2]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-2936; Filed, Apr. 11, 1955; 8:45 a. m.]

[1] Filed also on behalf of F. E. Harper and Roy J. Turner.

[2] Commissioner Digby dissenting.

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30460]

MOTOR-RAIL RATES BETWEEN VARIOUS POINTS; PENNSYLVANIA RAILROAD CO.

APPLICATION FOR RELIEF

APRIL 7, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Eastern Central Motor Carriers Association for The Pennsylvania Railroad Company and Liberty Motor Freight Lines, Incorporated.

Involving: Class and Commodity rates.

Between: Philadelphia, Pa., and Kearny, N. J., on the one hand, on traffic moving by motor carriers from or to points beyond, and Chicago, Ill., on the other, on traffic moving by motor carriers from or to points beyond.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Eastern Central Motor Carriers Association tariff I. C. C. No. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-2989; Filed, Apr. 11, 1955; 8:51 a. m.]

[4th Sec. Application 30461]

MOTOR-RAIL RATES BETWEEN VARIOUS POINTS—PENNSYLVANIA RAILROAD CO.

APPLICATION FOR RELIEF

APRIL 7, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Eastern Central Motor Carriers Association for The Pennsylvania Railroad Company and motor carriers parties to schedule listed below.

Involving: Class and commodity rates.

Between: Philadelphia, Pa., and Kearny, N. J., on the one hand, on traffic moving by motor carriers from or to points beyond, and East St. Louis, Ill., on the other, on traffic moving by motor carriers from or to points beyond.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Eastern Central Motor Carriers Association tariff I. C. C. No. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-2990; Filed, Apr. 11, 1955; 8:51 a. m.]

[4th Sec. Application 30462]

COAL FROM MANCHESTER AND MARIGOLD, ALA., TO CHATTAHOOCHEE, FLA.

APPLICATION FOR RELIEF

APRIL 7, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to St. Louis-San Francisco Railway Company's tariff I. C. C. No. A-580.

Commodities involved: Coal, carloads.

From: Manchester and Marigold, Ala.

To: Chattahoochee, Fla.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: St. Louis-San Francisco Railway tariff I. C. C. No. A-580, supp. 7; Southern Railway tariff I. C. C. No. A-11166, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-2991; Filed, Apr. 11, 1955; 8:51 a. m.]

[4th Sec. Application 30463]

COAL FROM MIDDLE GROVE, ILL., TO WATERLOO AND CEDAR FALLS, IOWA

APPLICATION FOR RELIEF

APRIL 7, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to tariff schedule listed below.

Commodities involved: Bituminous fine coal, carloads.

From Middle Grove, Ill. (Fulton County, Ill. Group).

To: Waterloo and Cedar Falls, Iowa.

Grounds for relief: Circuitous route.

Schedules filed containing proposed rates: C. & N. W. Ry. I. C. C. No. 11208, supplement 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-2992; Filed, Apr. 11, 1955; 8:51 a. m.]

[4th Sec. Application 30464]

SALT FROM DETROIT, MICH., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

APRIL 7, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for the Grand Trunk Western Railroad Company.

Commodities involved: Salt, common (sodium chloride), carloads.

From: Detroit, Mich.

To: Chicago, Ill., and points in the Chicago Switching District.

Grounds for relief: Competition with rail carriers, and circuity.

Schedules filed containing proposed rates: Agent Hinsch's tariff I. C. C. No. 4195, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2993; Filed, Apr. 11, 1955; 8:51 a. m.]

[4th Sec. Application 30465]

SOYBEAN CAKE AND MEAL BETWEEN POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

APRIL 7, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3972.

Commodities involved: Soybean cake and meal, carloads.

From: Points in Arkansas and Missouri.

To: Points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas (on traffic accorded transit privileges at Quincy, Ill.).

Grounds for relief: Competition with rail carriers, and circuity.

Schedules filed containing proposed rates: Agent Kratzmeir's tariff I. C. C. No. 3972, supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2994; Filed, Apr. 11, 1955; 8:51 a. m.]

[No. MC-C-1520]

MULTIPLE PICK-UPS AND DELIVERIES; NEW ENGLAND

NOTICE OF INVESTIGATION

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 21st day of March A. D. 1955.

Upon consideration of the pending investigation into the rules, regulations, and practices affecting rates and charges insofar as they authorize or permit consignment to one or more than one consignee of single shipments of all property except household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M. C. C. 467, livestock, automobiles, dangerous explosives, and commodities of unusual size or value, by motor common carriers, in interstate and foreign commerce, between points within an area embracing all of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and between points within that territory, on the one hand, and, on the other, points within the State of New Jersey in Bergen, Essex, Union, Middlesex, Hudson, Passaic, and Somerset Counties and points within the State of New York in Bronx, Dutchess, Kings, Columbia, Nassau, New York, Putnam, Queens, Rensselaer, Richmond, Suffolk, Westchester, Albany, Schenectady, and Orange Counties; and of a petition requesting that the investigation be broadened; and good cause appearing therefor:

It is ordered, That the pending investigation be, and it is hereby, broadened to include the reasonableness and lawfulness otherwise of the rules, regulations and practices affecting rates and charges so far as they authorize or permit single shipments to be picked up at more than one location when such shipments of the property described, and between the points referred to in the preceding paragraph of this order, move in interstate or foreign commerce, with a view to the making of such findings and orders in the premises as the facts and circumstances shall appear to warrant.

It is further ordered, That all common carriers of property by motor vehicle subject to the Interstate Commerce Act, operating between the points and participating in the transportation referred to in this order be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register, Washington, D. C.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-2995; Filed, Apr. 11, 1955; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

APRIL 1955 DOMESTIC AND EXPORT SALES LISTS

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), and subject to the conditions stated therein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

APRIL 1955 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales prices
Dairy products:	
Cheddar cheese,[1] cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only), 337,000,000 pounds.	F. a. s. U. S. port of export, or "in store" [2] at location of stocks at f. a. s. price less export freight rate to agreed port of export.
Nonfat dry milk solids [1] (in carloads only), spray, 74,000,000 pounds; roller, 10,000,000 pounds, (includes 1,000,000 bags of spray in 100-pound bags.	U. S. Grade : 25.5 cents per pound basis port of export. U. S. Grade B: 24.5 cents per pound basis port of export.
Salted creamery butter [1] (in carloads only), 234,000,000 pounds.	Spray process: 11.75 cents per pound basis port of export. Roller process: 10 cents per pound basis port of export. (These prices will be reduced 0.85 cent per pound when product is available in 50-pound and 100-pound bags.)
Dry whey,[1] 39,000,000 pounds	U. S. Grade A: Not less than 41 cents per pound basis port of export. U. S. Grade B: Not less than 39 cents per pound basis port of export. Competitive bid basis in accordance with Announcement LD-7. Offers to be considered each Monday until sold or program is terminated. Any of the above commodities are available through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C.
Dry whey product,[1] 1,000,000 pounds.	Written bid basis in accordance with Announcement LD-12. Available Cincinnati CSS Commodity Office.
Condensed whey,[1] in barrels and drums, 4,000,000 pounds.	Written bid basis in accordance with Announcement LD-12. Available Cincinnati CSS Commodity Office.
	Written bid basis in accordance with Announcement LD-12. Available Cincinnati CSS Commodity Office.

See footnotes at end of table.

APRIL 1955 DOMESTIC SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales prices
Salted creamery butter [1] (in carloads only), 234,000,000 pounds.	U. S. Grade A and higher: 61.25 cents per pound for New York, New Jersey Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 60.5 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at location of stocks.[2] Available Cincinnati and Portland CSS Comodity Offices.
Cheddar cheese,[1] cheddars, flats, twins and rindless blocks, standard moisture basis in carloads only, 337,000,000 pounds.	U. S. Grade A and higher: 36¼ cents per pound for New York, New Jersey Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States 35¼ cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. All prices are subject to usual adjustment for moisture content. Prices apply "in store" at location of stocks.[2] Available Cincinnati and Portland CSS Commodity Offices.
Dry whey,[1] 39,000,000 pounds	6.75 cents per pound "in store" at locations of stocks.[2]
Dry whey product,[1] 1,000,000 pounds.	7.5 cents per pound "in store" at locations of stocks.[2]
Condensed whey,[1] in barrels and drums, 4,000,000 pounds.	7.33 cents per pound of milk solids "in store" at location of stocks.[1]
Cottonseed oil,[1] crude (as available)	Above products available through the Cincinnati CSS Commodity Office. Market price but not less than 15 cents per pound prime Valley basis f. o. b. tankcars or tankwagons at producers' mills, subject to premiums or discounts comparable to those in Bulletin 3 of the 1954 Crop Cottonseed Price Support Program. Price will not be reduced during period ending Aug. 31, 1955. Available New Orleans CSS Commodity Office.
Cottonseed oil,[1] refined, 200,000,000 pounds.	Market price but not less than the minimum crude price with appropriate adjustment for refining loss and costs, packaging, and tank-car equipment at point of storage locations. Price will not be reduced during period ending Aug. 31, 1955. Available New Orleans, CSS Commodity Office and Oils and Peanut Division, CSS, USDA, Washington 25, D. C.
Tung oil (limited quantities as announced).	Competitive bid basis as may be announced by the Cincinnati CSS Commodity Office. Current announcement, subject to change, offers 14 cars (approximately 840,000 pounds) per week. Announced offerings will be subject to the terms and conditions of CT-OP-5. Available Cincinnati CSS Commodity Office.
Olive oil, edible, 4,621 drums	Competitive bid basis as announced by the Portland CSS Commodity Office. Announced offerings are subject to the terms and conditions of FO-OP-5. Available Portland CSS Commodity Office.
Linseed oil, raw,[1] 51,000,000 pounds	Market price on date of sale, but not less than equivalent of the 1954 price support for flaxseed. No change in pricing policy during the period ending July 31, 1955. Available Cincinnati CSS Commodity Office.
Wool, shorn and pulled grease (including some scoured), 109,000,000 pounds.	Prices as determined by the Boston CSS Commodity Office reflecting not less than 70 percent of the parity equivalent for shorn wool in the grease as determined by the commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area. This policy will remain in effect through May 31, 1955. Sales will be made ex-warehouse where stored. Available Boston CSS Commodity Office.
Pinto beans [1] (1953 crop), as available.	$7.00 per 100 pounds, for U. S. No. 1, f. o. b. points of production, Southern Idaho rate area. For other areas adjust by 1953 support price differentials. For other grades, adjust by market differentials. Amount of paid-in freight to be added as applicable. Available Portland CSS Commodity Office.
Gum resin (in galvanized metal drums averaging 517 pounds net), 660,000 drums.	Offer and acceptance basis, "as is" in the stated quantities and in the designated storage yards, subject to the prices, terms and conditions of Announcement TH-21 and Supplements thereto which will be issued from time to time but not more often than weekly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine, bulk in tanks, 54,000 barrels, (50 gallons each).	Offer and acceptance basis "as is" in the stated quantities and in the designated storage yards, subject to the prices, terms and conditions of Announcement TH-21 and Supplements thereto which will be issued from time to time but not more often than weekly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Corn, bulk,[1] 50,000,000 bushels	Commercial corn-producing area: The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price, 1954 loan rate basis point of production for class, grade, and quality plus: (1) 28 cents per bushel if received by truck, or (2) 24 cents per bushel if received by rail or barge; Chicago, No. 3 yellow, $2.05; Minneapolis, No. 3 yellow, $1.96; Kansas City, No. 3 yellow, $2.03. For other classes, grades and quality, market differentials will apply. Available Chicago, Kansas City, and Minneapolis CSS Commodity Offices. Non-commercial corn-producing area: The market price basis in store,[2] but not less than the domestic minimum price plus: (1) 28 cents per bushel if received by truck, or (2) 24 cents per bushel if received by rail or barge.

APRIL 1955 EXPORT PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Export sales prices
Corn, bulk [1]	Price as determined by CCC,[2] Available Kansas City, Chicago, and Minneapolis CSS Commodity Offices.
Rye [1]	Price as determined by CCC.[2] Offerings may also be made on a written competitive bid basis as announced from time to time by the Minneapolis CSS Commodity Office.
Oats [1]	Price as determined by CCC.[2] Offerings may also be made on a written competitive bid basis as announced from time to time by the Minneapolis, Chicago, or Dallas CSS Commodity Office.
Grain sorghums, bulk [1]	Price as determined by CCC.[2] Offerings may also be made on a written competitive bid basis as announced from time to time by the Dallas or Portland CSS Commodity Office.
Wheat, bulk [1]	Sales made for export pursuant to announcement GR 201 and 202 at prices announced by the Dallas, Chicago, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Sales also made under GR 212 at market price at time of sale at point of delivery. Sales may be made for export of wheat as flour. Sales under Title I, P. L. 480 may be made on terms and conditions of GR 201. Available Dallas, Chicago, Minneapolis, and Portland CSS Commodity Offices.
Barley [1]	Price is determined by CCC,[2] Offerings may also be made on a written competitive bid basis as announced from time to time by the Minneapolis, Chicago, Dallas, or Portland CSS Commodity Office.
Pinto beans [1] (1953 crop) bagged, as available.	$7.25 per 100 pounds U. S. No. 1 grade, basis f. a. s. port or delivered border, as follows: West Coast ports (CCC's option) and Mexico border points; Nogales and West; available Portland CSS Commodity Office. CCC will not consider offers until after the second working day following the issuance of this announcement. U. S. No. 2 grade, 25 cents discount.
Cotton, 1,8,000,000 bales	Sales of cotton will be made only against sales made under the provisions of the Agricultural Trade Development and Assistance Act (P. L. 480), as announced and amended by the New Orleans CSS Commodity Office, Jan. 25, 1955 (CCC Announcement NO-C-4) at prices not less than the higher of (1) the domestic market price as determined by CCC, or (2) 105 percent of the current support price plus reasonable carrying charges. Offerings to be made each Thursday. Catalog showing quantities, qualities, and locations and other pertinent information, may be procured from the New Orleans CSS Commodity Office. Available New Orleans CSS Commodity Office.
Flaxseed, bulk; 12,663 bushels	Price as determined by CCC.[2] Offerings may also be made on a written competitive bid basis as announced by the New Orleans CSS Commodity Office.
Cottonseed oil, crude [1] (as available)	Announced offerings are subject to the terms and conditions of NO-CS-9. Sales under Title I, P. L. 480, may be made on terms and conditions of NO-CS-11. Available New Orleans CSS Commodity Office.
Cottonseed oil, refined [1] (limited quantities as announced).	Competitive bid basis as announced by the New Orleans CSS Commodity Office. In addition, domestic processors may submit bids at any time when the oil purchased from CCC is not sufficient to fill their needs for export. Announced offerings are subject to the terms and conditions of NO-CS-9. Sales under Title I, P. L. 480, may be made on terms and conditions of NO-CS-11. Available New Orleans CSS Commodity Office.
Linseed oil, raw [1] (limited quantities as announced).	Competitive bid basis as announced by the Cincinnati CSS Commodity Office. Announced offerings are subject to the terms and conditions of CT-OP-4. Sales under Title I, P. L. 480, may be made on terms and conditions of CT-OP-6. Available Cincinnati CSS Commodity Office.

[1] These same lots also are available from the domestic list announced today. Where no quantity is specified, quantity available is indefinite.

[2] "In store" means at the processor's plant or warehouse but with any prepaid storage and outhauling charges for the benefit of the buyer.

[3] Sales under Title I, P. L. 480, may be made on terms and conditions of C. R. 301.

APRIL 1955 DOMESTIC SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales prices
Nonfat dry milk solids [1] (in carloads only), spray, 74,000,000 pounds; roller, 10,000,000 pounds (includes 1,000,000 pounds of spray in 100-pound bags). For animal and poultry feed	Spray process, U. S. Extra Grade, 17 cents per pound. Roller process, U. S. Extra Grade, 15.25 cents per pound. (These prices will be reduced 0.85 cent per pound when product is available in 50-pound and 100-pound bags.) Prices apply "in store" at location of stocks.[2] Available in Dakota, South Dakota, Nebraska, 11½ cents per pound delivered in Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Michigan. 12½ cents per pound delivered in all other States and in the District of Columbia. Sales to be made under Announcement LD-14 and Supplements. Available through Cincinnati and Portland CSS Commodity Offices.

See footnotes at end of table.

APRIL 1955 DOMESTIC SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales prices
Wheat [1]	The market price basis in store,[2] but not less than the domestic minimum price. Minimum price, 1954 loan rate for class, grade, quality, and location, plus: (1) 40 cents per bushel if received by truck, or (2) 34 cents per bushel if received by rail or barge. Examples of minimum price per bushel (ex rail or barge): Kansas City, No. 1, H. W., $2.88; Minneapolis, No. 1, D. N. S., $2.91; Chicago, No. 1, R. W., $2.88. Available Dallas, Kansas City, Chicago, Minneapolis, and Portland CSS Commodity Offices. Wheat not suitable for storage may be sold for feed at the market price. Small quantities may be available at Dallas, and Chicago CSS Commodity Offices.
(For feed only) Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	
Barley, bulk [1]	The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price, 1954 applicable loan rate for class, grade, quality and location, plus: (1) 31 cents per bushel if received by truck, or (2) 26 cents per bushel if received by rail or barge. Example of minimum price per bushel (ex rail or barge): Minneapolis No. 2 barley, $1.60. Available Minneapolis, Chicago, Dallas, and Portland CSS Commodity Offices. Market price for feed, basis in store. Available Chicago and Dallas CSS Commodity Offices.
(For feed only) Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Mississippi, Louisiana, Maine, New Jersey, New York, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.	
Rye, bulk [1] (Unrestricted use)	The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price, 1954 applicable loan rate for class, grade, quality and location, plus: (1) 34 cents per bushel if received by truck, or (2) 28 cents per bushel if received by rail or barge. Example of minimum price per bushel (ex rail or barge): Minneapolis No. 2 or better, $1.62. Market price for feed only, basis in store. Available Minneapolis, Kansas City, Chicago, Portland, and Dallas CSS Commodity offices.
(For feed only)	
Oats, bulk [1]	The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price, 1954 loan rate basis point of production for class, grade, and quality plus: (1) 22 cents per bushel if received by truck, or (2) 19 cents per bushel if received by rail or barge. Examples of minimum price per bushel (ex rail or barge): Chicago, No. 3 oats or better, $1.07; Minneapolis No. 3 oats or better, $1.02. Market price for feed, basis in store. Available Chicago and Dallas CSS Commodity Offices.
(For feed only), Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Maine, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	
Grain sorghums, bulk,[1] 3,000,000 hundredweight.	The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price, 1954 applicable loan rate for class, grade, quality, and location plus: (1) 62 cents per hundredweight if received by truck, or (2) 51 cents per hundredweight if received by rail or barge. Example of minimum price per hundredweight (ex rail or barge): Kansas City No. 2 or better, $3.26. Available Dallas and Kansas City CSS Commodity Offices.
Flaxseed, bulk [1] (for crushing only)	On LCL lots, market price on date of sale, basis in-store. On all other storable lots market price but not less than the 1954 support price. No sales will be made at a lower price during the period ending July 31, 1955. Available Minneapolis and Chicago CSS Commodity Offices.
Hay and pasture seeds (bagged)	All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the Commodity offices for qualities above or below basic specifications. On all seeds except ladino: Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Ladino clover seed, (certified), 100,000 hundredweight.	$55 per 100 pounds. Available Portland CSS Commodity Office.
Birdsfoot trefoil seed, 1,043 hundredweight.	$70 per 100 pounds. Available Portland CSS Commodity Office.
Alfalfa seed northern, 47,200 hundredweight.	$35 per 100 pounds. Available Portland CSS Commodity Office.[4]
Alfalfa seed (certified), Ladak, 2,500 hundredweight; Grimm, 200 hundredweight; Buffalo, 21,000 hundredweight.	$40 per 100 pounds. Ladak available at Portland and Kansas City; Grimm and Buffalo at Portland CSS Commodity Offices.[4]
Tall fescue seed (common), 36,000 hundredweight.	$20 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago CSS Commodity Offices.[4]
Tall fescue seed (certified), 86,000 hundredweight.	$22 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago CSS Commodity Offices.[4]
Winter cover crop seeds (bagged)	All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Prices are for basic specification.
Crimson clover seed, 2,300 hundredweight.	$18 per 100 pounds. Available Portland CSS Commodity Office.
Hairy vetch seed, 260,000 hundredweight.	1953 county support rate, ranging from $11.65 to $12.40 plus $1 per 100 pounds. Available Portland and Chicago CSS Commodity Offices.

[1] These same lots also are available at export sales prices announced today. Where no quantity is specified, quantity available is indefinite.

[2] "In store" means at the processor's plant or warehouse but with any prepaid storage and outbandling charges for the benefit of the buyer.

[3] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made for delivery in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangement with warehousemen for storage documents.

[4] Prices for basic specifications will not be reduced during the period ending June 30, 1955.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: April 6, 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President
Commodity Credit Corporation.

[F. D. Doc. 55-2948; Filed, April 11, 1955; 8:46 a. m.]

Rural Electrification Administration

[Administrative Order 4890]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 1955.

Inasmuch as (1) O & A Electric Cooperative has transferred certain of its properties and assets to Tri-County Electric Cooperative, and Tri-County Electric Cooperative has assumed in part the indebtedness to United States of America, of O & A Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Tri-County Electric Cooperative has transferred certain of its properties and assets to O & A Electric Cooperative, and O & A Electric Cooperative has assumed in part the indebtedness to United States of America, or Tri-County Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1285, dated May 26, 1947, by changing the project designation appearing therein as "Michigan 26Z Ingham" in the amount of $290,000 to read "Michigan 26Z Ingham" in the amount of $287,842.52 and "Michigan 40TP2 Allegan (Michigan 26Z Ingham)" in the amount of $2,157.48; and

(b) Administrative Order No. 927, dated June 30, 1945, as amended by Administrative Order No. 2854, dated June 28, 1950, by changing the project designation appearing therein as "Michigan 5-46040D1 Allegan" in the amount of $124,043.66 to read "Michigan 5-46040D1 Allegan" in the amount of $118,536.61 and "Michigan 26TP2 Ingham (Michigan 5-46040D1 Allegan)" in the amount of $5,507.05.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2952; Filed, Apr. 11, 1955; 8:47 a. m.]

[Administrative Order 4891]

ILLINOIS

LOAN ANNOUNCEMENT

MARCH 2, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 40 T Macoupin	$400,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2953; Filed, Apr. 11, 1955; 8:47 a. m.]

[Administrative Order 4892]

GEORGIA

LOAN ANNOUNCEMENT

MARCH 3, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 90N Candler	$365,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2954; Filed, Apr. 11, 1955; 8:47 a. m.]

[Administrative Order 4893]

KENTUCKY

LOAN ANNOUNCEMENT

MARCH 3, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 55W Henderson-Union	$500,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2955; Filed, Apr. 11, 1955; 8:47 a. m.]

[Administrative Order 4894]

MISSOURI

LOAN ANNOUNCEMENT

MARCH 3, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 48 "P" Newton	$555,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2956; Filed, Apr. 11, 1955; 8:47 a. m.]

[Administrative Order 4895]

ALLOCATION OF FUNDS FOR LOANS

MARCH 3, 1955.

Inasmuch as Continental Divide Electric Cooperative, Inc. has transferred certain of its properties and assets to the Socorro Electric Cooperative, Inc., and the Socorro Electric Cooperative, Inc. has assumed in part the indebtedness of Continental Divide Electric Cooperative, Inc. to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1378, dated November 13, 1947, by changing the project designation appearing therein as "New Mexico 22A McKinley" in the amount of $280,000 to read "New Mexico 22A McKinley" in the amount of $205,068.95 and "New Mexico 20TP2 Socorro (New Mexico 22A McKinley)" in the amount of $74,931.05.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2957; Filed, Apr. 11, 1955; 8:47 a. m.]

[Administrative Order 4896]

ALLOCATION OF FUNDS FOR LOANS

MARCH 3, 1955.

Inasmuch as (1) Western Minnesota Power Cooperative has transferred its electric system to Agra-Lite Cooperative, and Agra-Lite Cooperative has assumed all of the indebtedness of Western Minnesota Power Cooperative to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Western Minnesota Power Cooperative with the consent of United States of America, has assigned to Agra-Lite Cooperative, and Agra-Lite Cooperative has accepted the assignment of certain rights and obligations of Western Minnesota Power Cooperative arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 631, dated October 15, 1941, by changing the project designation appearing therein as "Minnesota 2098G1 Pope" in the amount of $1,500,000 to read "Minnesota 79TP1 Big Stone (Minnesota 2098G1 Pope)" in the amount of $1,051,409.48 and "Minnesota 79TA1 Big Stone (Minnesota 2098G1 Pope)" in the amount of $448,590.52.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2958; Filed, Apr. 11, 1955; 8:48 a. m.]

[Administrative Order 4897]

MINNESOTA

LOAN ANNOUNCEMENT

MARCH 9, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 10R Carlton	$40,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2959; Filed, Apr. 11, 1955; 8:48 a. m.]

[Administrative Order 4898]

KANSAS

LOAN ANNOUNCEMENT

MARCH 9, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 41 G Wilson	$75,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2960; Filed, Apr. 11, 1955; 8:48 a. m.]

[Administrative Order 4899]

WISCONSIN

LOAN ANNOUNCEMENT

MARCH 9, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 41 N Vernon	$470,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2961; Filed, Apr. 11, 1955; 8:48 a. m.]

[Administrative Order 4900]

VIRGINIA

LOAN ANNOUNCEMENT

MARCH 10, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 27AC Nottoway	$755,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2962; Filed, Apr. 11, 1955; 8:48 a. m.]

[Administrative Order 4901]

COLORADO

LOAN ANNOUNCEMENT

MARCH 11, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Colorado 14 T Alamosa	$465,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2963; Filed, Apr. 11, 1955; 8:48 a. m.]

[Administrative Order 4902]

PENNSYLVANIA

LOAN ANNOUNCEMENT

MARCH 11, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Pennsylvania 4W Crawford	$575,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2964; Filed, Apr. 11, 1955; 8:48 a. m.]

[Administrative Order 4903]

IOWA

LOAN ANNOUNCEMENT

MARCH 14, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 38V Pocahontas	$140,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2965; Filed, Apr. 11, 1955; 8:48 a. m.]

[Administrative Order 4904]

ALLOCATION OF FUNDS FOR LOANS

MARCH 14, 1955.

I hereby amend:

(a) Administrative Order No. 3056, dated December 7, 1950, by rescinding the loan of $8,000 therein made for "Indiana 104B Orleans."

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2966; Filed, Apr. 11, 1955; 8:48 a. m.]

[Administrative Order 4905]

KANSAS

LOAN ANNOUNCEMENT

MARCH 17, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 38 M Chautauqua	$240,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-2967; Filed, Apr. 11, 1955; 8:49 a. m.]

[Administrative Order 4906]

MISSISSIPPI

LOAN ANNOUNCEMENT

MARCH 17, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 31S Washington	$485,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-2968; Filed, Apr. 11, 1955; 8:49 a. m.]

[Administrative Order 4907]

MISSOURI

LOAN ANNOUNCEMENT

MARCH 17, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 40 V Pettis	$750,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-2969; Filed, Apr. 11, 1955; 8:49 a. m.]

[Administrative Order 4908]

WISCONSIN

LOAN ANNOUNCEMENT

MARCH 17, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wisconsin 58 S Price	$35,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-2970; Filed, Apr. 11, 1955; 8:49 a. m.]

[Administrative Order 4909]

ALLOCATION OF FUNDS FOR LOANS

MARCH 23, 1955.

I hereby amend:

(a) Administrative Order No. 2228, dated July 12, 1949, by reducing the loan of $330,000 therein made for "Georgia 20P Troup" by $458.81 so that the reduced loan shall be $329,541.19.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2971; Filed, Apr. 11, 1955; 8:49 a. m.]

[Administrative Order 4910]

GEORGIA

LOAN ANNOUNCEMENT

MARCH 24, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 67Y Bacon	$1,915,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2972; Filed, Apr. 11, 1955; 8:49 a. m.]

[Administrative Order 4911]

TEXAS

LOAN ANNOUNCEMENT

MARCH 24, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 101R Parker	$615,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2973; Filed, Apr. 11, 1955; 8:49 a. m.]

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1934

FEDERAL REGISTER

VOLUME 20 NUMBER 72

Washington, Wednesday, April 13, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTION IN FORCE

COMPILATION OF RETENTION REGISTERS

Section 20.4 (d) (1) is amended to read as follows:

§ 20.4 *Order of selection.* • • •

(d) *Retention register*—(1) *Compilation.* When two or more competing employees are in a competitive level which is to be affected by a reduction in force, the retention records of such employees shall be brought up to date and a retention register shall be compiled. All employees in positions in the particular competitive level, whether in duty, leave, or furlough status, excluding only those absent in the military service with reemployment rights, shall be entered on the register in the order of tenure groups and subgroups, and according to retention credits in any subgroup when there are two or more. One (1) retention credit shall be given for each full year of Federal Government service, and four (4) retention credits shall be given for an "Outstanding" performance rating. Two (2) retention credits shall be given for a rating representing a level of performance between "Satisfactory" and "Outstanding" where the agency's performance rating plan provides for a fourth performance rating level. If there are any temporary employees assigned to positions in the competitive level, their names and the expiration dates of their appointments shall be entered below the space provided for employees in retention groups on the register. Likewise, if there are any employees serving in positions in the competitive level under any kind of appointments, with current performance ratings of "Unsatisfactory," their names shall be entered on the register below the names of temporary appointees.

Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-3038; Filed, Apr. 12, 1955; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1954 Dept. Circ. 300, Revised]

PART 306—GENERAL REGULATIONS WITH RESPECT TO UNITED STATES SECURITIES

APRIL 1, 1955.

Pursuant to the following Revised Statutes and Statutes at Large, as amended, and corresponding sections of the United States Code, 1952 edition:

R. S. 161 (5 U. S. C. 22).
R. S. 3706 (31 U. S. C. 739).
40 Stat. 288, 290 and 1309 (31 U. S. C. 752, 752a, 754 and 753).
48 Stat. 343 (31 U. S. C. 754a).
50 Stat. 481 (31 U. S. C. 738a).

Department Circular No. 300, dated July 31, 1923, as amended and supplemented (31 CFR Part 306), and Department Circular No. 666, dated July 21, 1941 (31 CFR Part 307), are hereby revised, consolidated and reissued, effective April 30, 1955, as Department Circular No. 300, Revised, to read as follows:

Subpart A—General Information

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306.0 Applicability of part.
306.1 Official agencies.
306.2 Definitions.
306.3 Distinctive features of registered and bearer securities.
306.4 Transportation charges and risks in the shipment of securities.

Subpart B—Registration

306.10 General.
306.11 Forms of registration for transferable bonds.
306.12 Forms of registration for nontransferable securities.
306.13 Errors in registration.

Subpart C—Transfers, Exchanges and Reissues

306.15 General.
306.16 Transfers of registered securities.
306.17 Denominational exchanges of registered securities.
306.18 Registered exchanges (exchanges of registered bonds for coupon bonds).
306.19 Reissue of nontransferable securities.
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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 9 ($0.65)
Title 20 ($0.75)
Title 24 ($0.75)
Titles 40–42 ($0.50)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 18 ($0.50); Title 19 ($0.40); Title 25 ($0.50); Titles 30–31 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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AUTHORITY: §§ 306.0 to 306.125 issued under R. S. 161, 3706, 40 Stat. 288, 290, 1309, 48 Stat. 343, 50 Stat. 481; 5 U. S. C. 22, 31 U. S. C. 739, 752, 752a, 754, 753, 754a, 738a.

SUBPART A—GENERAL INFORMATION

§ 306.0 *Applicability of part.* The regulations in this part, except as otherwise specifically provided in this part, apply to all United States transferable securities heretofore or hereafter issued by the Secretary of the Treasury as evidence of the public debt of the United States, including (but not limited to) Treasury bonds, Treasury notes, Treasury certificates of indebtedness, Treasury bills, Postal Savings bonds and Panama Canal bonds.[1] When other public debt securities are issued on an optional exchange basis to owners of any outstanding United States transferable securities, the provisions of the regulations in this part applicable to the exchange may be supplemented or modified by instructions issued in connection with the new offering. The Regulations in this part also apply to United States nontransferable securities, other than United States Savings Bonds, to the extent specified in the offering circulars or special regulations governing such securities. Their application to outstanding nontransferable securities is expressly set forth in, or indicated by the context of, each subpart or section.

§ 306.1 *Official agencies.* Securities subject to the regulations in this part are issued from time to time, pursuant to public offerings by the Secretary of the Treasury, through the Federal Reserve Banks, fiscal agents of the United States, and the Treasurer of the United States, usually for subscription during a specified period. Banking institutions generally will handle subscriptions for customs, but only the Federal Reserve Banks and Branches and the Treasury Department are authorized to act as official agencies, and subscriptions may be made direct to these official agencies.

[1] The bonds and other securities issued by certain agencies of the United States, the former government of Puerto Rico, and the former governments of the Philippine Islands for which the United States Treasury Department acts as transfer agency are subject to the regulations in this part, so far as applicable, under special arrangements with the issuing authorities. Information as to their application to any particular transaction in any designated agency or insular securities will be furnished by the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., upon request.

The Secretary of the Treasury, through the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., conducts transactions in securities after issue and answers inquiries concerning such transactions. However, the public will generally find it advantageous to make inquiries of, or submit securities to, the Federal Reserve Banks and Branches, which are official agencies for the receipt of securities for transactions after issue, and may be authorized to complete such transactions. The Federal Reserve Banks and Branches are located in the cities indicated by their names, as follows:

Federal Reserve Bank of Boston.
Federal Reserve Bank of New York: Buffalo Branch.
Federal Reserve Bank of Philadelphia.
Federal Reserve Bank of Cleveland:
Cincinnati Branch.
Pittsburgh Branch.
Federal Reserve Bank of Richmond:
Baltimore Branch.
Charlotte Branch.
Federal Reserve Bank of St. Louis:
Little Rock Branch.
Louisville Branch.
Memphis Branch.
Federal Reserve Bank of Minneapolis:
Helena (Mont.) Branch.
Federal Reserve Bank of Kansas City:
Denver Branch.
Oklahoma City Branch.
Omaha Branch.
Federal Reserve Bank of Atlanta:
Birmingham Branch.
Jacksonville Branch.
Nashville Branch.
New Orleans Branch.
Federal Reserve Bank of Chicago:
Detroit Branch.
Federal Reserve Bank of Dallas:
El Paso Branch.
Houston Branch.
San Antonio Branch.
Federal Reserve Bank of San Francisco:
Los Angeles Branch.
Portland (Oreg.) Branch.
Salt Lake City Branch.
Seattle Branch.

§ 306.2 *Definitions.* Certain words and terms, as used in the regulations in this part are defined as follows:

(a) "Treasury bonds" and "Treasury notes", or simply "bonds" and "notes", unless otherwise indicated by the context, refer only to transferable bonds or notes. Transferable Treasury notes are currently issued only in bearer form, but the provisions of the regulations in this part with respect to transferable registered Treasury bonds will apply equally to transferable registered Treasury notes, if any should be issued.

(b) "Transferable" applies only to securities which are transferable by delivery, or by assignment and delivery, as distinguished from those which by their terms are not so transferable or are transferable only by operation of law, such as United States Savings Bonds, to which these regulations do not apply, and Treasury Savings Notes, to which the regulations in this part apply only in part.

(c) "Registered securities" are those which are payable on their face to certain persons whose names and addresses are recorded by the issuing agency. For other features of registered securities see § 306.3 (a).

(d) "Bearer securities" are those which are payable on their face to "bearer" and the ownership of which is not recorded by the Department. Title to such securities may pass by delivery without endorsement and without notice to the Department. "Coupon securities" are bearer securities which are issued with interest coupons attached. For other features of coupon or bearer securities see § 306.3 (b).

(e) "Payment" and "redemption", as applied to securities, unless otherwise indicated by the context, are used interchangeably to refer to payment at maturity or payment before maturity pursuant to a call for redemption in accordance with the terms of the securities.

(f) The words "face maturity" refer to the date of payment specified in the text of the securities, as distinguished, in the case of securities with a callable feature, from the date on which they may become redeemable at the option of the obligor pursuant to a call.

(g) "Redemption-exchange" refers to any authorized redemption of securities for the purpose of applying the proceeds in payment for other securities offered in exchange.

(h) A "proper court" is one which has jurisdiction over the parties and subject matter.

(i) The words "assigned in blank" refer to assignments of bonds by or on behalf of the owner, but without the space provided for the name of the assignee being filled in. The words "bonds so assigned as to become, in effect, payable to bearer," refer to bonds assigned in blank or to "bearer" or those on which the assignment form or forms have been signed by or on behalf of the owner, and the words "The Secretary of the Treasury for exchange for coupon bonds" (or substantially similar words), have been inserted in the space provided for the name of the assignee, without inserting also the name of the person to whom the coupon bonds are to be delivered.

§ 306.3 *Distinctive features of registered and bearer securities*—(a) *Registered securities.* Transferable registered bonds are payable, according to their terms, only to the designated payees or "registered assigns" (including assignees or successors in title), and are transferable by delivery pursuant to assignments duly executed by them or their duly authorized representatives. Nontransferable securities, which are issued only in registered form, are payable according to their terms to the registered owners or recognized successors in title, but are not transferable by assignment or otherwise, except to the extent and in the manner provided in the offering circulars or applicable regulations. The interest due on registered bonds to which these regulations apply, in whole or in part, including nontransferable Treasury bonds, Investment Series A–1965 and B–1975–80, is paid by checks drawn on the Treasurer of the United States to the order of the owners of record. Bearer bonds may be exchanged for registered bonds and holders may wish to take advantage of this privilege for their own protection, particularly where adequate facilities for safekeeping are not available. Treasury Savings Notes are nontransferable and are registered at time of issuance by recordation in the names of the owners by the issuing agency, which may be the Office of the Treasurer of the United States, the Bureau of the Public Debt or a Federal Reserve Bank or Branch. The interest on such notes is paid only with the principal, when presented for payment, in cash or in payment of Federal estate, income or gift taxes. Relief may be granted on account of the loss, theft or destruction of transferable or nontransferable registered securities upon compliance with the applicable provisions of Subpart L of this part.

(b) *Bearer securities.* Bearer securities include bonds, notes, certificates of indebtedness and Treasury bills. The interest on bearer bonds (usually referred to in these regulations as coupon bonds) is ordinarily payable by means of attached coupons, which may be detached and cashed as they mature. The interest on some issues of notes and certificates of indebtedness is payable in the same manner; the interest on other issues is payable with the principal at maturity, and no coupons are attached. The interest on Treasury bills, which are sold on a discount basis and are payable at par at maturity, is represented by the difference between the purchase price and the par value, and no coupons are attached. Relief may be granted on account of the loss, theft or destruction of bearer securities upon compliance with the applicable provisions of Subpart L of this part; but in case of loss or theft relief may be granted only if the securities were lost or stolen under such circumstances, and have been missing for such a period of time after they have matured or become redeemable pursuant to a call for redemption, as would indicate that they (1) have been destroyed or become irretrievably lost, (2) are not held by any person as his own property, and (3) will never become the basis of a valid claim against the United States.

§ 306.4 *Transportation charges and risks in the shipment of securities.* (a) The following rules will govern the transportation to, from and between the Treasury Department and the Federal Reserve Banks and Branches of securities issued on or presented for authorized transactions:

(1) The securities may be presented or received by the owners or their agents in person.

(2) Securities issued on original issue, unless delivered in person, will be delivered by registered mail or by other means at the risk and expense of the United States.

(3) The United States will assume the risk and expense of any transportation of securities which may be necessary between Federal Reserve Banks and Branches and the Treasury.

(4) Owners of securities to be submitted for any transaction after original issue, if they do not present their securities in person, must forward them at their risk and expense, and for their protection they should ordinarily forward them by registered mail, covered by insurance, or by express prepaid; however, owners may deem it unnecessary to insure registered securities which have not been so assigned as to become, in effect, payable to bearer.

(5) Unless delivered in person, bearer securities issued on transactions other than original issue will be delivered by registered mail, covered by insurance, at the owner's risk and expense, and registered securities issued on such transactions will be delivered by registered mail at the risk of, but without expense to, the registered owner, except that in either case the securities will be delivered by express collect or by other means if written instructions to such effect are duly received by the official agency to which the original securities were presented.

(b) Holders of securities should consult with their banks and trust companies regarding transportation arrangements between the latter and the Federal Reserve Banks.

SUBPART B—REGISTRATION

§ 306.10 *General.* Except as otherwise specifically provided in the regulations in this part, the registration used must express the actual ownership of the security, and may not include any restriction on the authority of the owner to dispose of it in any manner. The Treasury Department reserves the right to treat the registration as conclusive of ownership. In order to avoid difficulty in assigning securities or collecting interest thereon, it is very important that requests for registration be clear, accurate and complete, that the registration requested conform substantially with one of the forms set forth in this subpart, and that the registration of all securities owned by the same person, organization or fiduciary estate be uniform. The post office address, which is required for delivery of interest checks, must include, where appropriate, the street and number, postal zone, rural route or any other local feature. Individual owners must be designated by the names by which they are ordinarily known or under which they do business, preferably including at least one full given name. The name of an individual may be preceded by any applicable title, such as "Dr." or "Rev." or followed by "M. D.", "D. D." or other similar designation. "Sr." or "Jr." must be used when applicable. The name of a woman must be preceded by "Miss" or "Mrs.", unless some other applicable title or designation is used. A married woman's own given name, not that of her husband, must be used, for example, "Mrs. Mary A. Jones", NOT "Mrs. Frank B. Jones". The authorizations and restrictions set forth in this subpart with respect to forms of registration apply to all registered securities issued after the effective date of these regulations, whether on original issue, transfer or coupon exchange.

§ 306.11 *Forms of registration for transferable bonds.* (a) The forms of registration described below are authorized for transferable bonds (subject to the general provisions of § 306.10):

(1) *Natural persons in their own right.* A bond may be registered in the name of a natural person or persons who are not under any legal disability, in their own right, substantially as follows:

(i) *One person.* In the name of one individual, for example:

John A. Doe
Mrs. Mary C. Doe
Miss Mary Ann Doe

If an individual is the sole proprietor of a business conducted under a trade name, his name may be followed by reference to the trade name, for example, "John Doe, doing business as Doe's Home Appliance Store".

(ii) *Two or more persons with right of survivorship.* In the names of two or more individuals in such manner as to provide for the right of survivorship, for example:

John A. Doe or Mrs. Mary C. Doe or the survivor.

John A. Doe and Mrs. Mary C. Doe or the the survivor.

John A. Doe or Mrs. Mary C. Doe or Miss Mary Ann Doe or the survivors or survivor.

(iii) *Two or more persons without right of survivorship.* In the names of two or more individuals in such manner as to preclude the right of survivorship, for example:

John A. Doe and William B. Doe as tenants in common.

John A. Doe or Robert B. Doe without right of survivorship.

For information as to assignments of bonds and endorsements of interest checks under the examples given, see §§ 306.56 and 306.37 (d), respectively. Treasury bonds will not be registered in the name of one person payable on death to another, and can not be registered in the names of two or more persons in their own right in any form whereby assignments by less than all the persons named in the registration (or all the survivors) may be recognized before maturity or earlier redemption date, pursuant to a call.[3]

(2) *Natural guardians of minors.* A bond may be registered in the name of a natural guardian of a minor for whose estate no legal guardian or similar representative has been appointed by a proper court or is otherwise legally qualified. Either parent with whom the minor resides or, if he does not reside with either parent, the person who furnishes his chief support, will be recognized as his natural guardian for the purposes of this paragraph, for example:

John Jones as natural guardian of Henry Jones, a minor.

The person recognized as natural guardian will be considered as a fiduciary. Registration in the name of a minor himself (as distinguished from registration in the name of a legal or natural guardian) as owner or coowner is not authorized, except to the extent provided in § 306.57 (a) (3).

(3) *Incompetents not under guardianship.* Registration in the name of an incompetent for whose estate no legal guardian has been appointed is not authorized, except to the extent provided in §§ 306.37 (e) and 306.58 (c) (2).

(4) *Executors, administrators, guardians and similar fiduciaries or representatives.* A bond may be registered in the names of the executors, administrators, guardians, conservators or similar fiduciaries or representatives of a single estate who have been appointed by a proper court or are otherwise legally qualified. The names of all the fiduciaries or representatives, in the form shown in their letters of appointment, must be included in the registration and must be followed by an adequate identifying reference to the estate, for example:

John Smith, executor of the will (or administrator of the estate) of Henry J. Smith, deceased.

William C. Jones, guardian (or conservator, etc.) of the estate of James D. Brown, a minor (or, an incompetent).

(5) *Private trust estates.* A bond may be registered in the name of the trustee or trustees of a duly constituted private trust estate, followed by the word "trustee" or "trustees", as the case may be, and by adequate identifying reference to the authority governing the trust. The names of all the trustees, in the form used in the trust instrument, must be included in the registration, except as follows:

(i) If there are several trustees constituting a board, their names should be omitted and the words "Board of Trustees" should be substituted for the word "Trustees".

(ii) If there are several trustees who are empowered to act as a unit, but are not designated as a board of trustees, their names should be omitted, but the word "trustees" should be retained.

(iii) If there are four or more trustees who do not constitute a board or otherwise act as a unit, only one should be named, followed by the words "et al." or "and others".

(iv) If the trustee or trustees are appointed or elected for a limited period, his or their names may be omitted.

The following examples illustrate the proper forms of registration in typical cases:

(An individual and a corporation as trustees under the will of a decedent): "John Jones and ____ Trust Company, Albany, N. Y., trustees under the will of Sarah Jones, deceased."

(Two individuals as trustees under an agreement with a third individual): "John Doe and Richard Doe, trustees under agreement dated 2/9/50 with Henry Jones."

(Several trustees designated as a board): "Board of Trustees of the ____ Company Retirement Fund under collective bargaining agreement dated 6/30/50."

(Several trustees acting as a unit but not designated as a board): "Trustees of Victory Post No. 1, American Legion. Department of Massachusetts, under Section 10 of its bylaws."

(Several trustees elected or appointed for a limited period of time): "Trustees of the Welfare Fund of ____ Company under agreement with its employees, dated 6/10/50."

(6) *States, public officers, corporations or bodies as trustees.* A bond may be registered in the title of a public officer or in the name of a state or county, a public corporation or public body acting as trustee under express authority of law, followed by appropriate reference to the statute creating the trust, for example:

State Sinking Fund Commission, trustee of State Highway Certificates of Indebtedness Sinking Fund, under Section ____, Code of South Carolina.

Insurance Commissioner of the State of Pennsylvania, trustee for the benefit of the policyholders of the ____ Insurance Co., under Section ____, Penna. Statutes.

(7) *Private organizations (corporations, unincorporated associations, partnerships and nominees).* A bond may be registered in the name of any private corporation, unincorporated association or partnership. The full legal name of the organization, as set forth in its charter, articles of incorporations, constitution, partnership agreement or other authority from which its powers are derived, as the case may be, must be included in the registration, and may be followed, if desired, by a parenthetical reference to a particular book account or fund other than a trust fund, in accordance with the rules and examples given below:

(i) *A corporation.* The name of a business, fraternal, religious or other private corporation must be followed by the words "a corporation", unless the fact of incorporation is shown in the name, for example:

Smith Manufacturing Company, a corporation.

The Standard Manufacturing Corporation.

Jones and Brown, Inc.

(ii) *An unincorporated association.* The name of a lodge, club, labor union, veterans' organization, religious society or similar self-governing organization which is not incorporated (whether or not it is chartered by or affiliated with a parent organization which is incorporated) must be followed by the words "an unincorporated association", for example:

American Legion Post No. __, Department of the District of Columbia, an unincorporated association.

[3] Warning: Difference between Treasury bonds registered in the names of two or more persons and United States Savings Bonds in Coownership Form. Treasury bonds in the names of two or more persons are for many practical purposes decidedly different from United States Savings Bonds in coownership form. Owners of Treasury bonds may obtain cash for them before maturity or a call for redemption by the Secretary of the Treasury before maturity only by selling them. A sale involves an outright transfer of ownership, which may legally be made only upon assignment by or on behalf of all owners. These regulations, therefore, require such assignment. United States Savings Bonds, unlike Treasury bonds, are not transferable securities and are redeemable before maturity at the option of the owners virtually on demand to the Treasury Department. Redemption does not involve a transfer of ownership and, therefore, the Secretary of the Treasury has authority to provide, and has provided, for the redemption of savings bonds in coownership form upon the request of either of the coowners.

Local Union No. 100, Brotherhood of Locomotive Engineers, an unincorporated association.

Bonds should not be registered in the name of an unincorporated association if the legal title to its property in general, or the legal title to the particular association funds with which the bonds are to be purchased, is held by trustees. In any such case the bonds should be registered in the title of the trustees in accordance with subparagraph (4) of this paragraph. The term "unincorporated association" should not be used to describe a trust fund, a partnership or a business conducted under a trade name.

(iii) *A partnership.* The name of a business partnership must be followed by the words "a partnership", for example:

Smith & Brown, a partnership.

Acme Novelty Company, a partnership.

The term "partnership" should not be used to describe a business owned by one person, even though it is conducted under a trade name. Bonds purchased by the owner of such a business should be registered in his name in accordance with subparagraph (1) (i) of this paragraph.

(8) *States, public corporations and bodies, and public officers.* A bond purchased with funds owned by any state or county, public corporation (including a city, town, or school district), or public body established by law (including a board, commission, administration, authority, or agency) in its own right may be registered in its name or in the title, without the name, of the officer having official custody of such funds, for example:

State of Maine.

Town of Rye, New York.

Maryland State Highway Commission.

Treasurer, City of Springfield, Ill.

(See subparagraph (6) of this paragraph for the proper registration of bonds held in trust.)

§ 306.12 *Forms of registration for nontransferable securities.* The forms of registration set forth in § 306.11 are authorized upon authorized reissue of 2¾ percent Treasury Bonds, Investment Series B–1975–80. Those forms of registration are also authorized upon original issue or authorized reissue of Treasury Savings Notes, except that registration may not be made in the names of two or more persons as joint owners or coowners, or in the name of a trustee where the notes would be held as security for the performance of a duty or obligation, or in the name of a public officer, whether or not named as trustee, where the notes would in effect be held as security.

§ 306.13 *Errors in registration.* In no case should any erasure, alteration or correction be made in the inscription on the registered security. If an error has been made in the inscription, instructions regarding the procedure for correction of the error will be furnished by the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., or a Federal Reserve Bank. Full particulars in regard to the error should be set out in the request for instructions.

SUBPART C—TRANSFERS, EXCHANGES AND REISSUES

§ 306.15 *General.* Transferable registered bonds are eligible for transfer, denominational exchange and exchange for coupon bonds, except that Panama Canal and Postal Savings bonds are eligible for transfer and denominational exchange only. Treasury Bonds, Investment Series B–1975–80, and Treasury Savings Notes are eligible for transfer by way of authorized reissue and denominational exchange, except that Treasury Savings Notes may be exchanged only from higher to lower denominations. Treasury Bonds, Investment Series B–1975–80, are eligible for exchange for the current series of 1½ percent five year Treasury Notes. Coupon bonds and other bearer securities, other than Postal Savings and Panama Canal bonds, are eligible for denominational exchange, except that Treasury bills may be exchanged only from higher to lower denominations. Coupon bonds of any loan or issue are eligible for exchange for registered bonds. The securities submitted for any transaction must be persented and surrendered to a Federal Reserve Bank or Branch or the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C. If the securities presented are in order for the transaction requested, they will be canceled and retired and new securities in an equal face amount in authorized denominations will be issued and delivered. Except as otherwise specifically provided, the new securities will be of the same loan and issue as those presented. Specific instructions for the issuance and delivery of the new securities, signed by the owner or his authorized representative, must accompany the securities presented. Securities presented for any transaction described in this section, except denominational exchange, must be received by the agency authorized to complete the transaction not less than one full month before the date on which the securities mature or become redeemable pursuant to a call for redemption before maturity, and any security so presented which is received too late to comply with this provision will be accepted for payment only or redemption-exchange if new securities are offered.

§ 306.16 *Transfers of registered securities.* Registered bonds which are eligible for transfer from one person to another and presented for that purpose must be properly assigned in accordance with subpart F of this part, except that no assignment will be required for transfer to a succeeding fiduciary or other legal successor, including a distributee of a decedent's estate or a trust estate, or a corporation with which another corporation has merged or consolidated, but satisfactory proof of successorship will be required. Assignments for transfer should be made to the transferee. Assignments in blank will also be accepted, but should be used with caution; see § 306.42. Specific signed instructions for the issuance and delivery of the new bonds must accompany the bonds presented. (Form PD 1644 may be used.) The new bonds will bear interest from the interest payment date next preceding the date of presentation, except as provided in § 306.37 (b).

§ 306.17 *Denominational exchanges of registered securities.* No assignment or endorsement will be required for the authorized exchange of registered Treasury Bonds or Treasury Savings Notes for like securities in the same names in other authorized denominations, as no change of ownership is involved. Specific signed instructions for the issuance and delivery of the new bonds or notes must accompany the securities presented. (Form PD 1827 may be used.)

§ 306.18 *Registered exchanges (exchanges of registered bonds for coupon bonds).* Registered bonds eligible for exchange for coupon bonds and presented for that purpose must be properly assigned in accordance with Subpart F. Assignments for registered exchange should be made to "The Secretary of the Treasury for exchange for coupon bond(s) to be delivered to _____", inserting the name and address of the person to whom delivery of the coupon bond(s) is to be made. Assignments in blank or for exchange for coupon bond(s), or to "The Secretary of the Treasury for exchange for coupon bond(s)", will also be accepted, but should be used with caution; see § 306.42. Specific signed instructions for the issuance and delivery of the coupon bonds must accompany the bonds presented, unless included in the assignment. (Form PD 1642 may be used.) The coupon bonds issued upon exchange will have all matured coupons detached and all unmatured coupons attached. For the effect of the closing of the transfer books, see § 306.37 (b).

§ 306.19 *Reissue of nontransferable securities.* Nontransferable securities governed by these regulations may be reissued only in the names of (1) successors in title, including, but not limited to, succeeding organizations, persons entitled upon the dissolution of an organization, and succeeding trustees or persons entitled upon termination of a trust, or (2) persons entitled upon the death of the owner as legal representatives or distributees of the estate, except that Treasury Savings Notes and Treasury Bonds, Investment Series B–1975–80, may also be reissued as provided below. Treasury Bonds, Investment Series A–1965, may be reissued only as provided in Department Circular No. 815.

(a) Treasury Savings Notes inscribed in the name of a married man may be reissued in the name of his wife and notes inscribed in the name of a married woman may be reissued in the name of her husband; and notes inscribed in the name of a parent corporation (defined as a corporation owning more than 50 percent of the stock, with voting power, of another corporation) may be reissued in the name of a subsidiary, and notes inscribed in the name of a subsidiary may be reissued in the name of the parent corporation as so defined. Notes presented for reissue must be accompanied by a request for reissue on Form PD 2483 properly certified in accordance with the instructions thereon.

(b) Treasury Bonds, Investment Series B–1975–80 may be reissued in the names of state supervisory authorities in pursuance of any pledge required of the owner under state law, or upon termination of the pledge in the names of the pledgors or their successors. Bonds presented for reissue must be properly assigned for that purpose in accordance with Subpart F of this part and must be accompanied by specific signed instructions for the issuance and delivery of the new bonds.

§ 306.20 *Exchange of Treasury Bonds, Investment Series B—1975–80.* Bonds of this series presented for exchange for 1½ percent five year Treasury notes must be properly assigned in accordance with Subpart F to "The Secretary of the Treasury for exchange for the current series of EA or EO Treasury notes to be delivered to _____", and, for the protection of the owner, the name and address of the person to whom the notes are to be delivered should be inserted. (If the bonds are owned by an organization as fiduciary or in its own right, see § 306.76 or § 306.80, for evidence required to support assignments for exchange for notes.) The notes will bear the April 1 or October 1 date next preceding the date the bonds are received by the Bureau of the Public Debt or a Federal Reserve Bank or Branch, properly assigned and accompanied by all required evidence. If the bonds when received are not properly assigned or are not supported by all required evidence, the notes when issued will bear the April 1 or October 1 date next preceding the date on which the proper assignment or evidence is received by the agency to which the bonds were presented. Interest accrued at the rate of 2¾ percent on the bonds surrendered, from the next preceding interest payment date to the date of exchange, will be credited, and interest at the rate of 1½ percent on the notes for the same period will be charged, to the owner, and the difference will be paid to the owner following the exchange.

§ 306.21 *Coupon exchanges (exchanges of coupon bonds for registered bonds).* Coupon bonds presented for exchange for registered bonds should have all matured coupons detached. All unmatured coupons should be attached, except that if presented when the transfer books are closed (in which case the exchange will be effected on or after the date on which the books are reopened), the next maturing coupons should be detached and held for collection in ordinary course when due, as provided in § 306.37 (b). If any coupons which should be attached are missing, the bonds must be accompanied by a remittance in an amount equal to the face amount of the missing coupons. Specific signed instructions for the exchange must accompany the bonds presented. (Form PD 1642 may be used.) The new registered bonds will bear interest from the interest payment date next preceding the date on which the exchange is made.

§ 306.22 *Denominational exchanges of coupon securities.* Coupon securities presented for denominational exchange should have all matured coupons detached. All unmatured coupons should be attached, except that unmatured coupons which would mature before the exchange could be completed (allowing for time in transit) should also be detached. If any coupons which should be attached are missing, the securities must be accompanied by a remittance in an amount equal to the face amount of the missing coupons. Specific signed instructions for the exchange must accompany the bonds presented. (Form PD 1827 may be used.) The new coupon securities will have all unmatured coupons attached and all matured coupons detached.

SUBPART D—REDEMPTION OR PAYMENT

§ 306.25 *General.* Bonds, notes, certificates of indebtedness and Treasury bills, whether in registered or bearer form, are payable in due course at maturity unless they may be and are called for redemption before maturity, in which case they will be payable on the redemption date fixed in the call. The Secretary of the Treasury may provide for the exchange of maturing or called securities for new securities. Instructions with respect to the presentation and surrender of the securities, the assignment or request for payment of registered securities, the adjustment of interest, if necessary, and other details of the transaction will be set forth in the circular authorizing the exchange. Bonds, which, according to their terms, are acceptable for redemption at par and application of the proceeds in payment of Federal estate taxes will be accepted for that purpose upon compliance with the provisions of § 306.28.[3] Registered bonds to be submitted for redemption should be presented and surrendered to a Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C. Except as otherwise provided in § 306.28, bearer securities should be presented and surrendered to a Federal Reserve Bank or Branch or the Treasurer of the United States, Washington 25, D. C. If a bearer security, or a registered security assigned to bearer or so assigned as to become, in effect, payable to bearer, is presented and surrendered for redemption after it has become overdue, the Secretary of the Treasury may require satisfactory proof of ownership. A security shall be considered overdue within the meaning of the foregoing provision after the lapse of the following periods of time from its face maturity date:

(a) One year in the case of bonds.

[3] Treasury Savings Notes to be presented in payment of Federal income, estate or gift taxes should be forwarded to the District Director of Internal Revenue or deposited with a Federal Reserve Bank or Branch and a receipt obtained therefor which should be forwarded to the District Director in lieu of the notes.

(b) Six months in the case of Treasury notes and certificates of indebtedness.

(c) Three months in the case of Treasury bills.

§ 306.26 *Redemption of registered bonds at maturity or upon prior call.* Registered bonds of any loan and issue which have become due and payable, whether at maturity or pursuant to call for redemption before maturity, are payable in due course upon presentation and surrender, properly assigned in accordance with Subpart F of this part. Assignments for this purpose should be made to "The Secretary of the Treasury for redemption", unless the assignor desires that payment be made to some other person, in which case assignments should be made to "The Secretary of the Treasury for redemption for the account of _____", inserting the name and address of the person to whom payment is to be made. Assignments in blank or other assignments having similar effect will be accepted, but should be used with caution, see § 306.42. Specific instructions for the issuance and delivery of the redemption check, signed by the owner or his authorized representative, must accompany the bonds, unless included in the assignment. (Form PD 1705 may be used.) Payment will be made by check drawn on the Treasurer of the United States to the order of the person entitled and mailed in accordance with the instructions received. Interest payable on the maturity date, or call redemption date unless otherwise provided in the notice of call, will be paid with the principal to the person entitled in accordance with the assignments on the bonds surrendered.

§ 306.27 *Redemption of bearer securities at maturity or upon prior call.* All interest coupons due and payable on or before the date of maturity or date fixed in the call for redemption before maturity, as the case may be, should be detached from coupon securities presented for redemption and should be collected separately in regular course. All coupons bearing dates subsequent to a date fixed in a call for redemption should be left attached to the securities, as, if any such coupons are missing the full face amount thereof will be deducted from the payment to be made upon redemption unless evidence satisfactory to the Treasury Department is submitted, establishing that they have been destroyed. Any amounts so deducted will be held in the Treasury to provide for adjustments or refunds in the event that the missing coupons should be subsequently presented or their destruction is later satisfactorily established. In the absence of other instructions payment of bearer securities will be made by check drawn to the order of the person presenting and surrendering the securities and mailed to him at his address, as given in the advice which should accompany the securities. (Form PD 1704 may be used for the advice.) A Federal Reserve Bank, upon appropriate request, may make payment to a member bank from which bearer securities are received by crediting the amount in the member bank's account.

§ 306.28 *Optional redemption of Treasury Bonds at par (before maturity or call redemption date) and application of proceeds in payment of Federal estate taxes*—(a) *General.* Treasury bonds of certain issues are redeemable at par and accrued interest upon the death of the owner, at the option of the representatives of, or the persons entitled to, his estate, for the purpose of having the proceeds applied in payment of the Federal estate taxes on the decedent's estate, in accordance with the terms of the offering circulars cited on the face of the bonds.[4] All bonds to be redeemed for this purpose must be presented and surrendered to a Federal Reserve Bank or Branch or the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C. They must be accompanied by Form PD 1782, fully completed and duly executed by the representatives of or persons entitled to the estate, and by proof of their appointment or entitlement. Proof of appointment or entitlement should comply with the provisions of Subpart H of this part. Registered bonds must be properly assigned in accordance with Subpart F to "The Secretary of the Treasury for redemption, the proceeds to be paid to the District Director of Internal Revenue at _____ for credit on Federal estate taxes due from the estate of _____, deceased." Redemption will be made at par plus accrued interest from the last preceding interest payment date to the date of redemption, except that if registered bonds are received by a Federal Reserve Bank or Branch or the Bureau of the Public Debt within one month preceding an interest payment date for redemption before that date a deduction will be made for interest from the date of redemption to the interest payment date, and a check for the full six months' interest will be paid in due course. The proceeds of redemption will be deposited to the credit of the District Director of Internal Revenue designated in Form PD 1782, the representatives of the estate will be notified of the deposit, and the District Director will in due course forward a formal receipt for the payment.

(b) *Conditions.* The bonds presented for redemption under this section must have (1) been owned by the decedent at the time of his death and (2) thereupon constituted part of his estate, as determined by the following rules (which are established for the purposes of this section) in the case of partnership, coownership and trust holdings:

(i) *Partnership holdings.* Bonds held at the time of the decedent's death by a partnership in which he had an interest will be deemed to have met the above conditions to the extent of the fractional share of the bonds so held proportionate to his interest in the assets of the partnership.

(ii) *Coownership holdings.* Bonds held by the decedent at the time of his death in coownership with another person or persons will be deemed to have met the above conditions to the extent to which they actually became the property of the decedent's estate. They will also be deemed to have met those conditions in an amount not to exceed the amount of the Federal estate tax which the surviving coowner or coowners as such are required to pay.

(iii) *Trust holdings.* Bonds held in trust at the time of the decedent's death will be deemed to have met the above conditions in an amount not to exceed: the amount of the Federal estate tax which the trustee as such is required to pay under the terms of the trust instrument or otherwise; or, if the trust actually terminated in favor of the decedent's estate, the amount of such tax due from the estate.

(c) *Restriction on amount redeemable; transactions after death of owner.* The face amount of the bond or bonds which may be accepted for redemption at par, plus any accrued interest thereon, may not exceed the amount of the tax due. The entire proceeds of redemption of bonds at par, including any accrued interest, must be applied in payment of the federal estate tax, but if the bond or bonds available are in excess of the amount needed in payment of the tax and are not in the lowest authorized denominations, they may be exchanged for bonds of lower denominations in accordance with § 306.17 or § 306.22, as applicable, in order that the maximum amount may be selected for redemption at par. In addition to such denominational exchange, other transactions in bonds owned by the decedent and constituting part of his estate which may be conducted after the death of the owner without affecting the eligibility of the bonds for redemption at par, if no change of ownership is involved, include (1) exchange of registered bonds for coupon bonds, (2) transfer to the names of the representatives of his estate, and (3) exchange of coupon bonds for bonds registered in the names of the representatives of the estate, but all such transactions must be explained on Form PD 1782 or in a supplemental statement.

[4] A current list of eligible issues may be obtained from any Federal Reserve Bank or Branch or the Bureau of the Public Debt.

SUBPART E—INTEREST

§ 306.35 *Computation of interest*—(a) *Treasury bonds, notes and certificates of indebtedness.* The interest on Treasury bonds, Treasury notes and Treasury certificates of indebtedness accrues and is payable on a quarterly, semiannual or annual basis. Quarterly semiannual or annual interest periods of exactly three, six, or twelve months, as the case may be, are used as the basis for computing the amount of the interest accruals. The offering circular and the text of the securities will state on which of these bases the interest accruals on a specific issue are to be computed. If the period of accrual is an exact three, six or twelve months, the interest accrual is an exact one-quarter, one-half, or one full year's interest, without regard to the number of days in the period. If the period of accrual is less than an exact three, six, or twelve months, the accrued interest is computed by determing the daily rate of accrual on the basis of the exact number of days in the full interest period, and multiplying the daily rate by the exact number of days in the fractional period for which interest has actually accrued. A full interest period does not include the day as of which the securities were issued or the day on which the last preceding interest became due, as the case may be, but does include the day on which the next succeeding interest payment is due. A fractional part of an interest period likewise does not include the day as of which the securities were issued or the day on which the last preceding interest payment became due, but does include the day as of which the transaction terminating the accrual of interest is effected. The 29th of February in a leap year is included whenever it falls within either a full interest period or a fractional part thereof. The Appendix to this part contains a complete explanation as to the method of computing the interest on Treasury bonds, notes and certificates of indebtedness in any given situation, as well as tables for convenience in making such computations. The Appendix also outlines the method of computing the discount rate on Treasury bills.

(b) *Treasury savings notes.* Interest accrues on Treasury savings notes each month and is paid with the principal upon redemption. The amount of each monthly accrual from the date of issue to maturity is specified in the offering circular and is printed on the reverse of each note. If redemption prior to maturity is made on an interest accrual date, interest will be paid through that date; otherwise, interest will be paid to and including the interest accrual date next preceding the redemption date. If the purchase price of notes is received and deposited on any day after the issue date, interest on such deferred payment is collectible from the purchaser for the actual number of days from but not including the issue date to and including the date the payment is received and deposited. The amount of interest collectible for each day payment is deferred is determined by dividing the amount of the initial monthly interest accrual by the number of days in the initial monthly accrual period, which may be 28, 29, 30, or 31.

§ 306.36 *Termination of interest.* Securities will cease to bear interest on the date of their maturity unless they have been called for redemption prior to maturity in accordance with their terms, in which case they will cease to bear interest on the date fixed for redemption in the call.

§ 306.37 *Interest on registered bonds*—(a) *Method of payment.* Except as otherwise provided in this part, the interest on registered Treasury bonds is payable by checks drawn on the Treasurer of the United States to the order of the respective registered owners. Interest checks are prepared by the Department in advance of the interest payment date and are ordinarily mailed in time to reach the addressee on that date. Upon receipt of notice of the death or incompetency of a registered owner, the removal, resignation or death of a fiduciary or trustee, or a change in name or status of a partnership, corporation (whether as owner, fiduciary or beneficiary) or unincorporated association, delivery of outstanding interest checks on all outstanding bonds will be withheld pending receipt and approval of proper evidence showing who is entitled to receive the interest checks. To facilitate the delivery and endorsement of checks, reissue of the bonds in the names of successors in title is strongly urged. In case of a major error in the inscription of the bonds, delivery of interest checks likewise will be withheld pending reissue of the bonds in the correct registration. (See § 306.13.) The final installment of interest will be paid with the principal and in the same manner, at maturity or upon call, unless otherwise provided in the notice of call.

(b) *Closing of transfer books.* The transfer books of the Treasury Department are closed for one full month preceding interest payment dates for the purpose of preparing interest checks. If the date set for the closing of the transfer books falls on Saturday, Sunday, or a legal holiday, the books will be closed at the close of business on the last business day preceding that date. Interest on outstanding registered bonds is paid on the interest payment date to the owners of record on the closing dates. Transactions in registered bonds of the loans involved, other than denominational exchanges (see § 306.17), may not be effected during the closed period except that exchanges of 2¾ percent Treasury Bonds, Investment Series B–1975–80, for the current series of EA or EO 1½ percent 5-year Treasury Notes, as provided in § 306.20, or optional redemption of bonds at par as provided in § 306.28, may be made at any time. If registered bonds forwarded for transfer or for exchange for coupon bonds or coupon bonds forwarded for exchange for registered bonds are actually received by the Bureau of the Public Debt after the day fixed for closing the books, the transfer or exchange thereof will not be made until the first business day following the date on which interest falls due, when the books are reopened for all purposes.

(c) *Change of address.* Notice of a change of address for the mailing of interest checks may be given on Form PD 345, or, if that form is not available, by letter, to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C. In addition to the new address, the notice must contain sufficient information to identify the account, including the old address, the serial number and denomination of each bond, the title of the loan or loans (for example, 2½ percent Treasury Bonds of 1967–72, dated October 20, 1941), and the name of the owner as inscribed on each bond. The notice must be signed by the registered owner or his recognized representative. In the case of bonds registered in a trade name under which an individual does business, the notice must be signed by him in substantially the following form: "Doe's Home Appliance Store, by (signed) John Doe, sole owner." Notices on behalf of partnerships must be signed by general partners, in substantially the following form: "Smith & Brown, a partnership by (signed) Charles J. Smith, a general partner." Notices on behalf of corporations, unincorporated associations and corporate fiduciaries must be signed by authorized officers, in substantially the following forms: "Smith Manufacturing Company, a corporation, by (signed) Charles J. Smith, vice president"; "Local Union No. 100, Brotherhood of Locomotive Engineers, by (signed) James W. Henderson, treasurer"; and "Citizens Trust Company of _____, trustee under the will of Richard Coleman, by (signed) Albert H. Stone, trust officer". Notices by legal representatives of the estates of deceased, incompetent or minor owners, or by attorneys in fact, must be supported by proof of their appointment, except in the case of legal representatives of such estates who are named in the registration. (See §§ 306.65, 306.58 (b), 306.57 (d), and 306.59 respectively.) A registered owner may direct that interest checks be sent in care of an attorney in fact, at the latter's address, without submitting the power of attorney to the Department. Notices by testamentary trustees with respect to bonds registered in the names of decedents must be supported by proof of the distribution of the bonds to them in the settlement of the decedents' estates. (See Subpart H of this part.) If there are two or more individual coowners, legal representatives, attorneys in fact or fiduciaries, a notice signed by one will be accepted unless another gives conflicting instructions. Notice should be given as promptly as possible in order to allow sufficient time for the account to be identified and the address changed before the next interest checks are prepared. If notice is not received at least six weeks before the interest payment dates, no assurance can be given that the checks will be mailed to the new address.

(d) *Endorsement of interest checks in general.* Interest checks may be collected upon the endorsement of the payee or his authorized representative, in accordance with the regulations governing the endorsement and payment of Government warrants and checks, which are contained in Department Circular No. 21, Revised, as amended. In the case of checks drawn to the order of two or more persons, if "or" is used between the names, provision is made for endorsement by any one payee. If "and" is used, endorsement must be by or on behalf of all while all are living. Provision is also made for the acceptance of an endorsement by an attorney in fact for the payee, upon the guarantee of the presenting bank, without requiring that a copy of the power of attorney be submitted to the Department. See § 306.69 for special provisions applicable to small amounts of interest checks belonging to the estates of decedents.

(e) *Endorsement of interest checks by voluntary guardians of incompetents.* Any checks drawn to the order of an incompetent (as defined in § 306.58 (a)) for whose estate no legal guardian or similar legal representative has been or is to be appointed, in payment of interest on bonds registered in the name of the incompetent, without reference to a voluntary guardian, should be returned to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., with a full explanation of the circumstances. If the total face amount of United States bonds registered in the name of the incompetent on which interest is paid currently does not exceed $5,000, the relative responsible for the incompetent's care and support, or some other proper person, may apply on Form PD 1461 for authorization to collect the interest. To facilitate the collection of future interest checks, the applicant may also request the reissue of the bonds in the name of the incompetent, followed by that of the voluntary guardian, in the form "A, an incompetent under voluntary guardianship of B".

(f) *Endorsement of interest checks by natural guardians of minors.* Any check in payment of interest on bonds registered before the effective date of these regulations in the name of a minor, alone or as coowner, who is not of sufficient age and competency to understand the act of endorsing and giving receipt may be endorsed by either parent with whom the minor resides, or, if the minor does not reside with either parents, by the person who furnishes his chief support. The parent or other person should present with the check a written statement (1) giving the minor's age, (2) setting out the fact that the payee resides with the parent or receives his chief support from the person endorsing in his behalf, and (3) that the proceeds of the check will be used for the minor's benefit, as provided in 31 CFR, 1938 Ed., 201.7 (c) (section 7 (c) of Department Circular No. 21, Revised, as amended).

(g) *Nonreceipt, loss, theft or destruction of interest checks.* If an interest check is not received within a reasonable period after an interest-payment date, or if a check is lost, stolen or destroyed after receipt, the fact of nonreceipt, loss, theft or destruction should be reported to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C. This notification should include a description by loan, issue, serial number, denomination, and inscription of the securities upon which the interest check was due. If the check is subsequently received or recovered, advice to that effect should be sent to the Treasurer of the United States, Washington 25, D. C. Substitutes for lost interest checks may be obtained upon compliance with the Treasury Department regulations, as set forth in Part 204 of this title (Department Circular No. 327, Revised).

§ 306.38 *Interest on bearer securities.* Interest on coupon securities is payable upon presentation and surrender of the interest coupons as they mature.[5] Interest on Treasury bills and any other bearer securities which may be issued on a discount basis is represented by the difference between the issue price and the maturity value. Interest on other bearer securities is payable with the principal at maturity, in accordance with the terms of the securities. Interest coupons are payable at the Office of the Treasurer of the United States at

[5] For information concerning any relief possible on account of the loss, theft, destruction, mutilation or defacement of detached interest coupons, see § 306.115.

Washington or at any Federal Reserve Bank or Branch. Banking institutions will usually cash interest coupons without charge as an accommodation to their customers.

SUBPART F—ASSIGNMENTS OF REGISTERED BONDS; GENERAL

§ 306.40 *Execution of assignments.* The assignment of a registered bond must be executed by the owner or his authorized representative in the presence of an officer authorized to witness the assignment. (See § 306.43.) The assignor must establish his identity to the satisfaction of the witnessing officer. An assignment by mark (X) must be witnessed not only by a witnessing officer but also by at least one other person, who should add an endorsement substantially as follows: "Witness to the above signature by mark," followed by his signature and address. All assignments must be correctly dated and all signatures must be in ink or indelible pencil.

§ 306.41 *Assignment forms.* Unless otherwise directed by the Treasury Department or a Federal Reserve Bank, all assignments must be made on the backs of the bonds. Where all the assignment forms on the back of a bond have been used or spoiled and further assignment is to be made, a similar form, including the witnessing officer's certificate, may be written, typed or stamped in any convenient space on the back of the bond. If there is not sufficient space for an additional form, in any particular case, instructions may be obtained from the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., or any Federal Reserve Bank or Branch.

§ 306.42 *Form of assignment.* Assignments of registered bonds may be made to a specified transferee, to the Secretary of the Treasury for exchange for coupon bonds, to the Secretary of the Treasury for redemption or for exchange for other securities offered at maturity or upon call, or in blank, as provided in subparts C and D of this part. Assignments to "The Secretary of the Treasury", "The Secretary of the Treasury for transfer", or "The Secretary of the Treasury for exchange" will not be accepted, unless supplemented by specific instructions signed by the assignor. Assignments in blank or to the Secretary of the Treasury for exchange for coupon bonds which do not restrict delivery of the coupon bonds to a designated person destroy the protection of registration and should be avoided unless it is desired to make the registered bonds, in effect, payable to bearer, whereby title thereto may pass by delivery without further assignment.

§ 306.43 *Officers authorized to witness assignments*—(a) *Officers authorized generally.* The following officers are authorized to witness assignments:

(1) Certain designated officers of the United States Treasury at Washington, D. C.

(2) Judges and clerks of United States courts.

(3) United States attorneys, collectors of customs, and regional commissioners and district directors of internal revenue.

(4) Officers of Federal Reserve Banks and their Branches. (See § 306.1 for locations.)

(5) Officers of Federal Land Banks, Federal Intermediate Credit Banks, Production Credit Corporations, and Banks for Cooperatives, all located in Springfield (Mass.), Baltimore, Columbia (S. C.), Louisville, New Orleans, St. Louis, St. Paul, Omaha, Wichita, Houston, Berkeley and Spokane, and the Central Bank for Cooperatives, Washington, D. C.

(6) Officers of Federal Home Loan Banks, located in Boston, New York, Pittsburgh, Greensboro (N. C.), Cincinnati, Indianapolis, Chicago, Des Moines, Little Rock, Topeka, and San Francisco.

(7) Officers of banks and trust companies chartered by or incorporated under the laws of the United States or those of any State, Commonwealth or Territory of the United States who have been authorized generally to bind their respective institutions by their acts, and other officers of such corporations who may be specially authorized by their respective institutions to witness such assignments.

If an assignment is witnessed, under the corporate seal of an institution designated in subparagraph (7) of this paragraph, by the chairman of the board, the president, the assistant to the president, any vice-president or assistant vice-president, the cashier or any assistant cashier, the secretary or any assistant secretary, the treasurer or any assistant treasurer, any trust or assistant trust officer, or the manager or any assistant manager of a branch office, it will be presumed that he was acting within the scope of his authority. If any officer so authorized is not one of those designated in the preceding sentence or does not have access to the seal of the corporation, his signature and authority must be certified to the Treasury Department, under corporate seal, by the cashier, secretary or other officer having access to the corporate records, and will be recognized until notice is received that his authority has terminated. Form PD 835–B may be used. The term "officers" will not be construed as including employees bearing such titles as "designated employee", "teller", "accountant" or "bookkeeper".

(b) *Officers having limited authority.* The following officers are authorized to witness assignments to the extent set forth in connection with each class of officers:

(1) Postmasters, acting postmasters, assistant postmasters, and inspectors-in-charge at any post office, and general superintendents of finance, assistant general superintendents of finance, superintendents of postal finance, and superintendents of money orders at offices designated to receive Postal Savings deposits but only for assignments of Postal Savings Bonds for any authorized transaction and assignments of securities of any class for redemption for the account of the assignor or for redemption-exchange for securities to be registered in his name.

(2) Notaries public and justices of the peace in the United States, its territories, or the Commonwealth of Puerto Rico for assignments of securities of any class for redemption for the account of the assignor or for redemption-exchange for securities to be registered in his name.

(3) Commissioned officers and warrant officers of the Armed Forces of the United States for assignments of bonds of any class for any authorized transaction, but only with respect to assignments executed by (i) Armed Forces personnel and civilian field employees, and (ii) members of the families of such personnel or civilian employees.

(4) Officers of Federal Savings and Loan Associations or other organizations which are members of the Federal Home Loan Bank System who have been authorized generally to bind their respective organizations by their acts, under the corporate seal, for assignments by the organizations or any of their regular customers of bonds of any class for any authorized transaction.

If an assignment is witnessed, under the corporate seal of an organization designated in subparagraph (4) of this paragraph, by the chairman of the board, the president, any vice-president, the secretary or any assistant secretary or the treasurer, it will be presumed he was acting within the scope of his authority.

(c) *Authorized officers in foreign countries.* The following officers are authorized to witness assignments in foreign countries:

(1) United States diplomatic or consular representatives

(2) Managers, assistant managers and other officers of foreign branches of banks or trust companies chartered by or incorporated under the laws of the United States

(3) Notaries public and other officers authorized to administer oaths; the official position and authority of any such officer must be certified by a United States diplomatic or consular representative under the seal of his office.

(d) *Special provisions for witnessing assignments.* The Commissioner of the Public Debt, the Chief of the Division of Loans and Currency, or any Federal Reserve Bank is authorized to make special provisions for any case in which none of the officers authorized to witness certain assignments is readily accessible.

§ 306.44 *Duties of witnessing officers and responsibility for their acts.* The assignor must appear before the witnessing officer, satisfactorily establish his identity, execute the assignment, and acknowledge it to be his free act and deed. The officer must complete the certification provided, by inserting the date, his signature, and his official title and address, and must impress or imprint the proper seal or stamp, if any. An officer of a corporation must use the corporate seal except as provided in § 306.43 (a) (7). A clerk or judge of court must use the seal of the court. The signature of any post office official, other than a postmaster, must be in the following form "John Doe, Postmaster, by Richard Roe, Superintendent of Money Orders". Any post office official must use the official stamp of his office. Any other witnessing officer must use his official seal or stamp, if any, but, if he has neither, his official position and a specimen of his signature must be certified by some other authorized officer under official seal or stamp or otherwise proved to the satisfaction of the Treasury Department. No officer of the United States, except a clerk of a United States court, is authorized to charge a fee for witnessing an assignment of a United States bond, and banking institutions generally impose no charge for the service. The witnessing officer, and, if he is an officer of a corporation, the corporation will be held responsible for any loss which the United States may suffer as the result of his fault or negligence.

§ 306.45 *Assignments executed before interested persons.* Neither the assignor, the assignee, nor any other person having an interest in a bond may act as witnessing officer or as witness to an assignment by mark. For example, the officer of a bank who assigns in the bank's name may not witness the assignment. However, a bank officer may witness an assignment to the bank, or an assignment executed by another officer in its behalf.

§ 306.46 *Assignments by assignees and other new owners.* The regulations governing assignments by or in behalf of registered owners, so far as applicable, shall govern any assignments by their assignees or legal successors.

§ 306.47 *Alterations and erasures.* No alteration or erasure should be made in any part of an assignment. If any such alteration or erasure has been made, an explanation satisfactory to the Treasury Department, usually in the form of an affidavit by the person responsible, will be required.

§ 306.48 *Voidance of assignments.* If an assignment to or for the account of another person has not been and is not to be completed by delivery of the security, the assignment may be voided by obtaining a disclaimer of interest from that person. Unless otherwise directed by the Treasury Department or a Federal Reserve Bank the disclaimer must be written, typed or stamped on the back of the bond, in substantially the following form:

The undersigned as assignee of this bond hereby disclaims any interest therein.

(Signature)

Personally appeared before me the abovenamed ----------, whose identity is known or proved to me, and signed the above disclaimer of interest, acknowledging the same to be his free act and deed.

[SEAL] ----------
(Signature of witnessing officer)

(Official designation)

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(City) (State) (Date)

In the absence of a disclaimer, affidavits should be submitted explaining why a disclaimer could not be obtained, setting forth all other material facts and circumstances relating to the transaction, and stating specifically that the bond was not delivered to the person named as assignee and that he acquired no right, title or interest in the bond. If an assignment to or for the account of another person was not properly witnessed or is otherwise imperfect, but has been completed by delivery, it cannot be considered void and must not be altered or erased. A new assignment must be executed in favor of the same assignee, unless the assignment can otherwise be perfected as directed by a Federal Reserve Bank or the Treasury Department.

§ 306.49 *Discrepancies in names*—(a) *Inscription and assignment or supporting evidence.* Where there is a slight discrepancy between the name of the registered owner as inscribed on the bond and as shown in the assignment or supporting evidence, the Department may require that it be explained by an affidavit by another person familiar with the facts, preferably one having no direct financial interest in the bond. (Fiduciaries may use Form PD 385 for this purpose and other persons may use it as a guide in preparing their affidavits.)

(b) *Signature and supporting evidence.* Where a slight discrepancy exists between the signature of any person acting in a representative or fiduciary capacity as it appears in the assignment and his name as it appears in the certificate of appointment or other evidence of authority, the Department may require that it be explained by an affidavit by another person familiar with the facts, preferably one having no direct financial interest in the security.

(c) *Bonds variously inscribed.* Where the variations in the name of the registered owner, as inscribed on bonds of the same or different issues, are such that both may properly represent the same person, for example, "J. T. Smith" and "John T. Smith", no proof of identity will be required if the assignments are signed exactly as the bonds are inscribed and are duly certified by the same witnessing officer.

§ 306.50 *Nontransferable securities.* The provisions of this subpart, with the exception of those of §§ 306.42 and 306.48, shall apply to 2¾ percent Treasury Bonds, Investment Series B–1975–80, and Treasury Savings Notes: *Provided,* That § 306.46 shall apply with respect to assignments of the bonds or requests for payment or reissue of the notes only in the case of legal successors. In applying these provisions to Treasury Savings Notes appropriate substitutions in terms should be made as follows: "Note(s)" or "Treasury Savings Note(s)" for "bond(s)" or "registered bond(s)"; "request(s) for payment or reissue" for "assignment(s)"; "requestor(s)" for "assignor(s)"; "certify" for "witness"; and "certifying officer" for "witnessing officer".

SUBPART G—ASSIGNMENTS BY OR IN BEHALF OF INDIVIDUALS

§ 306.55 *Signature, minor errors, and change of name.* The registered owner's signature to an assignment should be in the form in which his or her name has been inscribed on the face of the bond, unless the name as so inscribed was incorrect or has been changed since the bond was issued. In case of a minor error in inscription (not sufficient to raise any doubt in the mind of the witnessing officer in regard to the identity of the owner), the signature to the assignment should be in the following form, for example, "John Smythe, erroneously inscribed John Smith". In case of a more serious error in inscription, the procedure prescribed in § 306.13 should be followed. In case of a change in name, the signature to the assignment should show both names and the manner in which the change was made, for example, "Mrs. Mary Brown, before marriage Miss Mary Jones", or "John Young, formerly John Jung (changed by court order)". In all cases involving change of name satisfactory proof of the change will be required, except that no proof of change of name by marriage will be required if an authorized officer duly witnesses the assignment, thereby certifying that he is satisfied the assignor is the registered owner.

§ 306.56 *Assignments of bonds registered in the names of two or more persons*—(a) *For transfer or exchange*[*] The transfer or exchange of bonds registered in the names of two or more persons may be made during the lives of all the coowners only upon assignments by all of them or in their behalf by authorized representatives. Upon proof of the death of one of the coowners, the Treasury Department will accept an assignment by or in behalf of the survivor or survivors, unless the registration includes words which preclude the right of survivorship, or the words "or either of them", in which case, in addition to an assignment by or in behalf of the survivor or survivors, an assignment in behalf of the decedent's estate will be required.

(b) *For redemption or redemption-exchange (registration in alternative).* Bonds registered in the names of two or more persons in the alternative, as for example, "John Smith or Mrs. Mary Smith," or "John Smith or Mrs. Mary Smith or the survivor", may be assigned by one coowner, at maturity or upon call, for redemption or redemption-exchange (as defined in § 306.2 (g)), for his own account or otherwise, whether or not the other coowner or coowners are deceased and, if so, whether or not the Treasury has received notice of their deaths. This provision also applies to bonds registered in the form "John Smith and Mrs. Mary Smith or either of them".

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[*] It should be kept in mind that, unlike United States Savings Bonds, which are virtually redeemable on demand, transferable securities are redeemable only at maturity or upon prior call by the Secretary for redemption. Before maturity or call for redemption a transferable bond may be "cashed" by sale, either through a bank or broker or direct to a purchaser. In either case the bond must be assigned in accordance with these regulations.

(c) *For redemption or redemption-exchange (joint registration).* Bonds registered in the names of two or more persons jointly (as distinguished from bonds registered in their names in the alternative), as, for example, "John Smith and Mrs. Mary Smith", "John Smith and Mrs. Mary Smith or the survivor", or "John Smith and Mrs. Mary Smith as tenants in common", may be assigned by one coowner during the lives of all only (1) for redemption at maturity or upon call, (and then only for redemption for the account of all coowners) or (2) for exchange for new bonds to be registered in their names in the same registration if new registered bonds are offered in exchange for the maturing or called bonds. Upon proof of the death of one coowner the survivor or survivors may assign bonds so registered for redemption or for redemption-exchange for any account, except that, if the words, "as tenants in common" or other words having the same effect appear in the registration, assignment in behalf of the decedent's estate will also be required.

§ 306.57 *Minors*—(a) *Assignments by natural guardians of bonds registered in the names of minors.* Bonds erroneously registered after the effective date of these regulations in the name of a minor (whether alone or followed by the name of a natural guardian) for whose estate no legal guardian or similar representative has been appointed by a proper court or is otherwise legally qualified will be reissued in the name of a natural guardian of the minor (see § 306.11 (2)), upon the request of the purchaser or other person responsible for the error. If the requirements to support such reissue are met, but other disposition is desired, actual reissue will be unnecessary and the bonds may be assigned by the natural guardian in accordance with the provisions of paragraph (b) of this section. Bonds so registered in the name of a minor before the effective date of these regulations may be assigned by a natural guardian of the minor only for the purposes and under the conditions described below:

(1) For exchange or redemption, if the total face amount of the Treasury bonds so registered does not exceed $1,000, and if satisfactory proof is furnished that the proceeds of the bonds are necessary and will be used for the support or education of the minor.

(2) For redemption, if the total face amount of called or matured Treasury bonds so registered does not exceed $500 and the minor registered owner is not of sufficient age and competency to sign his name to the assignments and understand the nature of the transaction.

(3) For redemption for reinvestment in other transferable bonds to be registered in the minor's name, if the total face amount of bonds so registered exceeds $500 or if such amount does not exceed $500 but the minor is not of sufficient age and competency to sign his name and understand the nature of the transaction.

For cases arising under subparagraphs (1), (2), or (3) of this paragraph, Form PD 2481 should be used.

(b) *Assignments by natural guardians of bonds registered in their names.* Bonds registered after the effective date of these regulations in the name of a natural guardian of a minor may be assigned by the designated natural guardian for any authorized transaction except one for the apparent benefit of the natural guardian. The signature to the assignment should be written as the bonds are inscribed, for example, "John Jones as natural guardian of Henry Jones, a minor". If the natural guardian in whose name the bonds are registered is deceased or is no longer qualified to act as natural guardian, the bonds may be assigned by the person then acting as natural guardian. The assignment by the new natural guardian must be supported by proof of the death or disqualification of the former natural guardian and by satisfactory proof of his own status as natural guardian. Proof of such status may be established through the use of Form PD 2481. No assignment by a natural guardian will be accepted after receipt of notice of the minor's attainment of majority or removal of his disability of minority, the disqualification of the natural guardian to act as such, the appointment of a legal guardian by a proper court, or the death of the minor.

(c) *Assignments by minors.* Bonds registered, before the effective date of these regulations, in the name of a minor for whose estate no guardian or similar representative has been appointed by a proper court or is otherwise legally qualified, may be assigned by the minor at maturity or call for redemption or redemption-exchange for new bonds to be registered in his name, if the total face amount of matured or called bonds so registered does not exceed $500, and if the minor, in the opinion of the witnessing officer, is of sufficient age and competency to sign his name to the assignments and understand the nature of the transaction. Payment will be made by check drawn to the order of the minor.

(d) *Assignments by legal guardians.* Bonds registered in the name of a minor (whether alone or with a natural guardian) for whose estate a legal guardian or similar representative has been appointed by a proper court or is otherwise legally qualified may be assigned by the representative for any authorized transaction. The assignment must be supported by a court certificate or a certified copy of the letters of appointment issued by the court making the appointment, under its seal, except that an assignment by the representative for his own apparent benefit must be supported by the evidence required in § 306.80. The certificate or certification must be dated not more than one year before the date of the assignment and must contain a statement that the appointment is in full force unless (1) it shows that the appointment was made not more than one year before the date of the assignment, or (2) the representative or a co-representative is a corporation. All co-representatives must join in any assignment, except as provided in § 306.79. An assignment by the representative will not be accepted after receipt of notice of the termination of the guardianship, except for transfer to the former ward.

§ 306.58 *Incompetents*—(a) *Definition.* For the purposes of this section an incompetent is defined as a person under any legal disability except minority.

(b) *Assignments by legal guardians.* Bonds registered in the name of an incompetent for whose estate a legal guardian or similar representative has been appointed by a proper court or is otherwise legally qualified may be assigned by the representative for any authorized transaction. The assignment must be supported by a court certificate or a certified copy of the letters of appointment issued by the court making the appointment, under its seal, except that an assignment by the representative for his own apparent benefit must be supported by the evidence required in § 306.80. The certificate or certification must be dated not more than one year before the date of the assignment and must contain a statement that the appointment is in full force, unless (1) it shows that the appointment was made not more than one year before the date of the assignment, or (2) the representative or a co-representative is a corporation. All co-representatives must join in any assignment, except as provided in § 306.79. An assignment by the representative will not be accepted after receipt of notice of termination of the guardianship, except for transfer to the former ward.

(c) *Assignments by voluntary guardians.* Bonds registered in the name of an incompetent for whose estate no legal guardian or similar representative has been appointed by a proper court or is otherwise legally qualified may be assigned by the relative responsible for his care and support or some other proper person as voluntary guardian:

(1) For exchange or redemption if the total face amount of United States bonds so registered does not exceed $1,000 and the proceeds of the bonds are necessary and will be used for the care or support of the incompetent or for the support of his legal dependents; or

(2) For redemption if the bonds are matured or have been called and the proceeds are to be reinvested in other securities to be registered in the incompetent's name followed by that of his voluntary guardian in the form "A, an incompetent under voluntary guardianship of B" and if after completion of the transaction, the total face amount of United States bonds registered in the name of the incompetent on which interest is paid currently would not exceed $5,000.

An application on Form PD 1461 by the person seeking authority to act as voluntary guardian will be required.

§ 306.59 *Attorneys in fact.* Assignments by attorneys in fact for individual owners or coowners will be recognized if supported by adequate powers of attorney. The use of Form PD 1001 or 1002 is suggested but any form sufficient in substance may be used. Every power must be executed in the presence of an officer authorized to witness assignments of the bonds for the desired transactions. A power may be either general or specific, depending on whether the owner desires to authorize execution of assignments of all his bonds assignable under these regulations or to limit the authority to bonds of designated issues or to certain designated bonds. The original power must be filed with the Treasury Department, except that a photocopy certified by an officer of a Federal Reserve Bank or Branch, or by an officer of a bank or trust company under its corporate seal, will be accepted, if the seal on the original power is legible on the copy or is copied by the certifying officer. An assignment by a substituted attorney in fact must be supported by an appropriate power of substitution, which must be supported in turn by an appropriate authorizing power of attorney. The use of Form PD 1005, 1006, 1007, or 1008 (the particular form depending on whether the power is to be general or specific and whether an individual or a corporation is to be named as attorney in fact) is suggested but any form sufficient in substance may be used. An assignment by an attorney in fact or a substituted attorney in fact for the apparent benefit of either will be accepted only if expressly authorized in both the power of attorney and power of substitution. A power of attorney or of substitution will be recognized until, but not after (unless the power is coupled with an interest) the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., receives proof of revocation or proof of the grantor's death or incompetency, except that a pending transaction will be temporarily suspended on receipt of a request from the grantor of the power, by wire or otherwise, and except further that the Secretary of the Treasury may require evidence in any case that a power is still in full force at the time the Department is requested to act under it. If there are two or more joint attorneys in fact or substitutes all must unite in the assignment unless the power authorizes less than all to act or the bond has matured or been called, in which case less than all may assign for redemption for the account of the bond owner or for redemption and application of the proceeds in payment for new bonds offered in exchange to be registered in the name of the owner.

§ 306.60 *Nontransferable securities.* The provisions of this subpart, except those of §§ 306.56 (a), 306.57 (a) (1), and 306.58 (c) relating to transfers, shall apply to 2¾ percent Treasury Bonds, Investment Series B–1975–80: *Provided*, That the term "exchange" as used in §§ 306.56 (a), 306.57 (a) (1), and 306.58 (c) (1) shall be deemed to refer to the exchange of these bonds for the current series of 1½ percent 5 year Treasury notes. The provisions of this subpart with respect to assignments of bonds, except those of § 306.56 and those of §§ 306.57 (a) (1) and 306.58 (c) (1) relating to transfers or exchanges shall apply to requests for payment or reissue of Treasury Savings Notes: *Provided*, That the term "redemption" as used therein shall refer to redemption at or before maturity: *And provided further*, That the term "redemption" as used in §§ 306.57 (a) (2) and 306.58 (c) (2) shall refer to redemption at maturity.

SUBPART H—ASSIGNMENTS IN BEHALF OF ESTATES OF DECEASED REGISTERED OWNERS

§ 306.65 *In course of administration.* A bond belonging to the estate of a decedent which is being administered in a proper court by an executor or general administrator will be accepted for any authorized transaction upon assignment by the qualified representative of the estate. (For temporary or special administrators see § 306.66.) Unless the bond is registered in the name and title of the representative, the assignment must be supported by a court certificate of his appointment or a certified copy of the letters of appointment, issued by the court making the appointment, under its seal, except that an assignment by a representative for his own apparent benefit must be supported by the evidence required in § 306.80. The certificate or certification, if required, must be dated not more than six months before the date of the assignment and must contain a statement that the appointment is in full force, unless (1) it shows that the appointment was made not more than one year before the date of the assignment, or (2) the representative or a co-representative is a corporation. The proper form of signature to an assignment is, for example "John A. Jones, administrator of the estate (or, executor of the will) of Henry W. Jones, deceased". All co-representatives must unite in any assignment except as provided in § 306.79. A bond registered in the name of an executor or administrator may be reissued in the name of his successor, upon the request of the designated representative or his successor, supported by proof of successorship, without assignment.

§ 306.66 *Temporary and special administrators*—The Treasury Department will recognize assignments by temporary or special administrators for any authorized transaction within the scope of their authority under state law or the orders of the court by which they were appointed. If the amount of bonds presented for any transaction does not exceed $250, the Department will presume that it is within the proper scope, and the assignments need be supported only by evidence of the same nature as that required in support of assignments by a general administrator, as set forth in § 306.65. If the amount of bonds presented exceeds $250:

(a) Assignments by a temporary administrator for redemption for his account in his representative capacity, or for redemption and application of the proceeds in payment for new securities to be registered in his name in his representative capacity, must be supported by a certificate of court under its seal showing that the appointment was in full force within 30 days preceding the date of receipt of the bonds or the certificate, whichever is later, except that, if a corporation is the temporary administrator or co-administrator, any acceptable court evidence of appointment may be supplemented by a statement by the corporation on its letterhead showing that the appointment was in force within the specified period:

(b) Assignments by a temporary administrator for transfer or exchange (including assignments for redemption for the account of the temporary administrator individually or that of any other person in any capacity) must be supported by a duly certified copy of a special order of court authorizing such action;

(c) Assignments by a special administrator must be supported by a duly certified copy of a special order of court authorizing such action, unless it appears from his letters of appointment or the statutes under which the appointment was made that such action comes within the scope of his authority, in which case it must appear from evidence under the seal of the court, or from such evidence and a supplemental statement by a corporate administrator on its letterhead, that the appointment was in full force within six months preceding the date of receipt of the securities or the evidence, whichever is later.

§ 306.67 *After settlement through court proceedings.* Bonds belonging to the estate of a decedent which has been settled in a proper court will be accepted for any authorized transaction upon assignments by the person or persons entitled, as determined by the court. If one person is the sole legatee, or if specific bonds are distributed to any one person, the bonds may be reissued in the name of such person upon instructions from him without assignment. The assignments or instructions for reissue should be supported by a copy, certified under court seal, of the decree of distribution, the representative's final account as approved by the court, or similar court records.

§ 306.68 *Without administration.* When it appears that no legal representative of the estate to which bonds belong has been or is to be appointed, the bonds may be disposed of in any authorized manner pursuant to an agreement and assignment by all persons entitled to share in the bonds under the laws of the State of the decedent's domicile. (Use Form PD 1646.) All debts of the decedent and his estate must be paid or provided for and the interests of any minors or incompetents in the estate must be adequately protected to the satisfaction of the Secretary of the Treasury.

§ 306.69 *Special provisions applicable to small amounts of securities, interest checks or redemption checks.* The right to, or the authority to dispose of, a small amount of public debt securities and checks issued in payment thereof or in payment of interest thereon, belonging to the estate of a decedent, may be established through the use of certain short forms, according to the aggregate amount of securities and checks (excluding checks representing interest on the securities) involved in the case, as indicated by the following table:

Amount	Circumstances	Form	To be executed by—
$25	Estate being administered	PD 2488	Executor or administrator.
$25	No administration	PD 2216	Heir or legatee who paid burial expenses.
$100	Estate being administered	PD 2488	Executor or administrator.
$250	Estate settled	PD 2488A	Former executor or administrator, attorney or other qualified person.

§ 306.70 *Nontransferable securities.* The provisions of this subpart except those of § 306.66 (2) relating to transfer shall apply to 2¾ percent Treasury Bonds Investment Series B–1975–80: *Provided*, That the term "exchange" shall be deemed to refer to the exchange of these bonds for the current series of 1½ percent 5-year Treasury notes. The provisions of this subpart with respect to assignments of bonds shall apply to requests for payment or reissue of Treasury Savings Notes: *Provided*, That the term "redemption", as used in § 306.66 (1), shall be deemed to refer to redemption of Treasury Savings Notes at maturity, and that the requirements of § 306.66 (2) shall apply to requests for redemption of Treasury Savings Notes before maturity.

SUBPART I—ASSIGNMENTS BY OR IN BEHALF OF FIDUCIARIES AND LEGAL REPRESENTATIVES

§ 306.75 *Individual trustees.* Bonds registered in the names and titles of individual trustees, as, for example, "Mrs. Mary Smith, trustee under the will of John Smith, deceased", or "Henry J. Williams, Edward C. Carter and Charles Jones, trustees under agreement dated October 12, 1954, with Frank H. Woods", will be accepted for any authorized transaction upon assignment by the designated trustees without further proof of their appointment and qualification, except that an assignment by a trustee for his own apparant benefit will be accepted only as provided in § 306.80. If one of the designated trustees has died or resigned, or is no longer qualified to act as trustee, and a successor has been appointed, the bonds must be assigned by the surviving or remaining trustee or trustees and the successor trustee, and proof of the death, resignation, removal or disqualification of the former trustee and of the appointment and qualification of the successor trustee must be furnished. If the appointment of a successor is not required under the terms of the trust instrument or otherwise and is not contemplated, assignments by the surviving or remaining trustee or trustees must be supported by (a) proof of the death, resignation, removal or disqualification of the former trustee, and (b) satisfactory proof that the surviving or remaining trustee or trustees are fully qualified to administer the trust, which may be in the form of a certificate by them showing that the appointment of a successor has not been applied for, is not contemplated and is not necessary under the terms of the trust instrument or otherwise. Proof of successorship, but no assignment, will be required in support of a request for reissue to substitute the name of a succeeding trustee for that of a former trustee. Assignments of bonds registered in the titles, without the names of the trustees, as, for example, "Trustees of the George E. White Memorial Scholarship Fund under deed of trust dated November 11, 1940, executed by John W. White", must be supported by satisfactory proof that the assignors are the qualified and acting trustees of the designated trust estate, unless the trustees are empowered to act as a unit in which case the provisions of § 306.76 shall apply. Form PD 2446 may be used to furnish proof of incumbency of trustees. Assignments by trustees of bonds not registered or assigned in such manner as to show that they belong to the trust estate for which the assignors are acting must be supported by satisfactory evidence that the trust estate is entitled to the bonds under the regulations in this part, in addition to any other required evidence. All co-trustees must unite in any assignment except as provided in § 306.79.

§ 306.76 *Boards of trustees and trustees acting as a unit.* If the trustees of any organization or trust estate, public or private, constitute a board, committee or other body which is empowered to act as a unit, bonds registered in its name may be assigned for any authorized transaction by any member, officer or other person authorized to act in its behalf. Except as otherwise provided in this section, the assignments must be supported by a copy of a resolution of the board or other body, certified under its seal, or, if none, sworn to by an officer having access to its records. (Form PD 2495 may be used.) If the resolution is authenticated by the officer who assigns the bonds, another officer must join in the authentication. If the assigning officer is designated in the resolution by title only, his incumbency must be certified by another officer of the board or other body under its seal, or, if none, sworn to by him. (Form PD 2446 may be used.) No evidence will be required in support of an assignment by an officer for redemption for the account of the designated board, committee or other body, or for redemption and application of the proceeds in payment for new bonds offered in exchange to be registered in the same name. If the trustees of any organization or trust estate are empowered to act as a unit, although not designated as a board, committee or other body, bonds registered in their names as such trustees or in their title as such trustees, without their names, may be assigned by any trustee authorized by the group to act in its behalf. The assignments must be supported by a sworn copy of a resolution passed by the group in accordance with the terms of the trust instrument, and proof of the authority of the trustees to act as a unit may be required, except that an assignment by one of the trustees named on the bonds or by one for whom appropriate proof of incumbency is furnished, for redemption for the account of the trustees (by check drawn substantially as the bonds are inscribed) or for redemption and application of the proceeds in payment for new bonds offered in exchange to be registered in the same name, need not be supported by any other evidence. As an alternative, in any case described in this section, assignments by all the trustees, supported by proof of their incumbency, if not named on the bonds, will be accepted.

§ 306.77 *Individual guardians.* Bonds registered in the names and titles of individual legal guardians or similar representatives of the estates of minors or incompetents, may be assigned by the designated representatives for any authorized transaction without further proof of their appointment and qualification, except that an assignment by any such representative for his own apparent benefit will be accepted only as provided in § 306.80. Assignments of bonds registered (a) in the titles, without the names, of the representatives, (b) in the names and titles of representatives who are no longer qualified to act, or (c) in the names of minors or incompetents must be supported by a certificate of appointment for the representatives, or a certified copy of their letters of appointment executed or certified by the clerk of the court making the appointment, under its seal. The certificate or certification must be dated not more than one year before the date of the assignment, and must show that the appointment is in full force, unless (1) the certificate or certification shows that the appointment was made not more than one year before the date of the assignment or (2) the representative or a co-representative is a corporation. A bond registered in the name of a guardian or similar representative may be reissued in the name of his successor, upon the request of the designated representative or his successor, supported by proof of successorship, without assignment. All joint guardians must unite in any assignment, except as provided in § 306.79.

§ 306.78 *Corporate representatives and fiduciaries.* An assignment in behalf of a corporation acting alone or with individuals as executor, general administrator, guardian or similar representative, trustee or attorney in fact, must be supported by the evidence, if any, required in support of assignments by corresponding individual representatives or fiduciaries, except that the evidence of appointment as executor, administrator or guardian, if required, need not contain a statement that the appointment is in full force nor be dated within any particular period of time preceding the date of the assignment. Satisfactory evidence of the authority of the officer who executes the assignment in behalf of the corporation will be required, unless the assignment is (a) for redemption for the account of, or for redemption and application of the proceeds in payment for new bonds offered in exchange to be registered in the name of, the executors, administrators, guardians, trustees or grantors, as the case may be, or (b) for redemption at par before maturity, in accordance with § 306.28. The evidence of the officer's authority, if required, must be in substantially the same form as that required in support of an assignment of a bond registered in the name of the corporation in its own right, as set forth in § 306.85, except that the evidence must refer to bonds held in a representative or fiduciary capacity and that reference should be made to Forms PD 1011 and PD 1012 rather than Forms PD 1009 and PD 1010, respectively.

§ 306.79 *Joint representatives or fiduciaries.* If there are two or more joint executors, administrators, guardians or similar representatives, or trustees of an estate, all must unite in the assignment of any bonds belonging to the estate, unless

(a) An express statute, a decree of court, or the instrument under which they are acting provides otherwise; or

(b) The bonds have matured or been called, in which case one or more of the representatives or fiduciaries may assign for redemption for the account of, or for redemption and application of the proceeds in payment for new bonds offered in exchange to be registered in the names of, all acting executors, administrators, guardians or similar representatives, or trustees. For assignments by joint attorneys in fact, see § 306.59.

§ 306.80 *Assignments by representatives or fiduciaries for their own benefit.* Unless there are two or more representatives or fiduciaries acting and all unite in the assignment, an assignment by an executor, administrator, guardian or similar representative, trustee, or other representative or fiduciary for his own apparent benefit, including an assignment for transfer to himself individually or an assignment for redemption for his individual account, must be supported by one of the following documents, in addition to any other evidence required under the regulations in this part:

(a) A duly certified copy of an order of a proper court, clearly authorizing the assignment.

(b) In the case of a fiduciary who is not acting under the supervision of a court, a duly certified copy of the governing instrument and any other evidence which may be necessary to show that he is entitled to the bond in his own right.

(c) The consent of all persons having any interest in the bonds, provided they can be identified and are not under any legal disability.

(d) In the case of an executor, administrator or trustee, a duly certified statement on Form PD 2480 or in substantially the same form, satisfactorily establishing that he is entitled to the bond or the proceeds thereof in his own right.

§ 306.81 *Attorneys in fact for fiduciaries.* Assignments by attorneys in fact for legal representatives or fiduciaries must be supported by adequate powers of attorney in addition to any evidence necessary to support assignments by the representatives or fiduciaries. Forms PD 1002 or PD 1004 may be used, depending on whether the representative or fiduciary is an individual or a corporation. Powers in other forms may be accepted, but all powers must be executed in the presence of an officer authorized to witness assignments of the bonds. Powers must specifically designate the bonds to be assigned. The original must be filed with the Department, except that a photocopy certified by an officer of a Federal Reserve Bank or Branch, or by an officer of a bank or trust company under the corporate seal, will be accepted, if the seal on the original power is legible on the copy or is copied by the certifying officer. An assignment by a substituted attorney in fact must be supported by an appropriate power of substitution, which must be supported in turn by an appropriate power of attorney, and by proof of the representative's or fiduciary's authority, if necessary. Form PD 1006 or PD 1008, whichever is appropriate, may be used for the appointment of a substitute. An assignment by an attorney in fact or a substituted attorney in fact for his own apparent benefit will be accepted only if expressly authorized in the power of attorney or power of substitution respectively. An assignment by a substituted attorney in fact for the apparent benefit of the attorney in fact will be accepted only if expressly authorized in both the power of attorney and the power of substitution. A power of attorney or a power of substitution will be recognized until, but not after, the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., receives proof of revocation, unless the power is coupled with an interest, except that a pending transaction will be temporarily suspended on receipt of a request from the grantor of the power, by wire or otherwise, and except further that the Secretary of the Treasury may require evidence in any case that a power is still in full force at the time the Department is requested to act under it.

§ 306.82 *Nontransferable securities.* The provisions of this subpart with respect to assignments are applicable to assignments of 2¾ percent Treasury Bonds, Investment Series B–1975–80, and to requests for payment or reissue of Treasury Savings Notes, except those of §306.78 requiring evidence of authority of the assigning officers to support assignment for an authorized transfer, and as applied to Treasury Savings Notes relate to requests for redemption before maturity as well as at maturity.

SUBPART J—ASSIGNMENTS IN BEHALF OF PUBLIC OR PRIVATE ORGANIZATIONS

§ 306.85. *Private corporations and unincorporated associations.* Bonds registered in the name of a private corporation or unincorporated association in its own right (not a partnership or a business owned by one individual, whether or not operated under a trade name, or an activity conducted by a trustee or trustees) may be assigned in its behalf, for any authorized transaction by any duly authorized officer or officers. Satisfactory evidence that the assigning officers were duly authorized to assign and sell or otherwise dispose of the bonds will be accepted in support of an assignment for any purpose, except that if the assignment is for their own apparent benefit the evidence must expressly authorize such disposition. No evidence will be required in support of assignments for redemption for the account of the corporation or association or for redemption and application of the proceeds in payment for new bonds offered in exchange to be registered in the name of the corporation or association. The evidence, if required, should ordinarily be in the form of a resolution of the governing body (usually, for a corporation, the board of directors, or for an unincorporated association, the members or a board of trustees). A resolution adopted by an executive committee or other body which is not obviously the governing body must be supplemented by a duly certified copy of the charter, constitution or by laws, or an extract therefrom, showing the authority of the body to act for the organization. In any case the resolution may relate to any or all registered bonds owned by the organization, to bonds of any particular loan or issue, or to a particular bond or bonds. A copy of a resolution conferring general authority may be furnished on Form PD 1009, and one conferring limited authority may be furnished on Form PD 1010, or may be in any substantially similar form. In any case the copy must be certified or sworn to in accordance with the instructions on the applicable form. If the officer or officers derive their authority direct from the charter, constitution or bylaws, a copy or a pertinent extract therefrom, certified under the seal of the organization, or, if it has no seal, sworn to by another officer who has access to its records, will be required in lieu of a resolution. If the resolution or other supporting document shows only the title of the authorized officer, without his name, it must be supplemented by a certificate of incumbency certified under the seal of the organization, or, if it has no seal, sworn to by another officer who has access to its records. (Form PD 1014 may be used.) The signature to the assignment must be in the following form, for example:

The Model Manufacturing Co., a corporation (or, an unincorporated association),
By (signed) John W. Henderson, Treasurer.

The officer in charge of the records and seal of a corporation may properly add the word "attest", followed by his signature and title and an impression of the seal, to the left of the corporate signature, when the organization's requirements so provide, but such endorsement is not required, and will not be accepted in lieu of an authorized witnessing officer's certificate.

§ 306.86 *Merger, consolidation, conversion, reincorporation, and change of name of private organizations.* If a private corporation is succeeded by another corporation by merger, consolidation, conversion or reincorporation (which do not include a general assignment of assets without legal successorship), its bonds may be assigned for any authorized transaction in behalf of the successor by an authorized officer in accordance with the provisions of the preceding section, or may be reissued in the name of the successor without assignment upon such successor's request and sub-

mission of satisfactory evidence of successorship. The evidence must be in the form of a certificate, under seal, by the public official, board or commission authorized by law to approve the action, or, if none, by direct proof of compliance with statutory or other legal requirements, usually in the form of certified copies of resolutions by governing bodies and by stockholders or members, and proof of filing as required by law. The certification of a resolution must show that due notice of the meeting was given, that a quorum was present, and that the resolution was adopted by the necessary majority, and must be signed, under the seal of the corporation, by an officer having access to its records, or, if it has no seal, must be sworn to by such officer. The signature to any necessary assignment must be in the following form, for example:

The Twin Cities Printing Corporation, successor to the St. Paul Printing Company, a corporation.
By (signed) Carl Johansen, President.

Similar evidence of the mere change of name of a corporation will be required to support a request in its behalf for reissue in its new name without assignment or an assignment in its behalf for any authorized transaction. The signature to an assignment after change of name should be in the following form, for example:

The National Bank and Trust Company of ----------, formerly the National Bank of ----------,
By (signed) Theodore R. Stevenson, Vice President.

If an unincorporated association changes its name, or is succeeded by another organization, similar evidence, so far as applicable, will be required in support of a request for reissue in the new name or in the name of the successor, an assignment in behalf of the association under its new name, or an assignment by the successor. If the association (such as a local lodge or chapter) exists by reason of a charter issued by another organization, a certificate by the officer in charge of the records of the latter organization, under its seal, to the effect that the subordinate association has reorganized or changed its name in accordance with the constitution and bylaws of the parent organization, will be accepted in lieu of direct evidence of such action.

§ 306.87 *Attorney in fact for a corporation or unincorporated association.* Bonds registered in the name of a corporation or an unincorporated association may be assigned in its behalf for any authorized transaction by a duly authorized person as attorney in fact. Such assignments must be supported by one of the following documents certified under the seal of the organization, or, if it has no seal, sworn to by another officer who has access to its records:

(a) A copy of a resolution of its governing body authorizing an officer of the organization to appoint an attorney in fact to assign and sell or otherwise dispose of the bonds, as provided in § 306.85, and of a general or specific power of attorney by the officer so authorized, executed in the presence of an officer authorized to witness assignments of the bonds for the desired transactions, for which purpose Form PD 1003 or PD 1004 may be used;

(b) A copy of a resolution of its governing body directly appointing an attorney in fact for this purpose; or

(c) A copy of the charter, constitution or bylaws, or a pertinent extract therefrom, showing the authority of an officer to appoint an attorney in fact, and of a general or specific power of attorney by the officer so authorized, executed as provided in paragraph (a) of this section.

In any case the power may not be broader than the authorizing resolution or other authority and a general power in behalf of a public corporation will be recognized only if authorized by statute. If the power or resolution authorizes the attorney in fact to appoint a substitute attorney in fact, an assignment by the substitute must be further supported by a power of substitution by the attorney in fact, executed in the manner prescribed for the execution of the power of attorney. (Forms PD 1005, PD 1006, PD 1007 or PD 1008, whichever is appropriate, may be used for this purpose.) If the resolution or other supporting document shows only the title of the authorized officer, without his name, it must be supplemented by a certificate of incumbency certified under the seal of the organization, or, if it has no seal, sworn to by another officer who has access to its records. (Form PD 1014 may be used.)

§ 306.88 *Political entities and public corporations.* Bonds registered in the name of a State, county, or other political entity, or in the name of an incorporated city, town, village, school district or other public corporation or body, may be assigned for any authorized transaction by a duly authorized officer or officers in accordance with the provisions of § 306.85 so far as applicable, except as otherwise provided herein. If evidence of authority derived from a municipal ordinance, a charter of a public corporation, or special act of a state legislature is required, a copy of the pertinent provision must be certified to the Department by the proper public officer under official seal. If evidence of authority derived from a state constitution or from a public law is required, the pertinent provision must be cited. If a certificate of incumbency is required, it must be executed by the proper public officer under official seal.

§ 306.89 *Public officers.* Bonds registered in the title of a public officer who is the official custodian of public funds, for example, "Treasurer, State of North Carolina," may be assigned by the designated officer. No evidence will be required in support of an assignment for redemption for the officer's official account or for redemption and application of the proceeds in payment for new bonds offered in exchange to be registered in his official title or in the name of the political entity or public corporation for which he is acting. Any other assignment must be supported by satisfactory evidence that the assignor is the incumbent of the designated office, except that an assignment for his individual benefit will not be recognized. The evidence must be in the form of a certificate of incumbency executed by the proper public officer under official seal.

§ 306.90 *Partnerships.* An assignment of a bond registered in the name of a partnership must be executed by a general partner in the form, for example:

Smith and Jones, a partnership,
By (signed) John Jones, a partner.

An assignment for the benefit of one of the partners individually must be executed by another partner. Upon the death of a partner and the resulting dissolution of the partnership, assignment by all the surviving partners and by the persons entitled to assign in behalf of the decedent's estate will be required, unless the laws of the particular jurisdiction authorize the surviving partners to assign without regard to the decedent's estate. Upon voluntary dissolution of a partnership, an assignment by a liquidating partner, as such, must be supported by a duly executed agreement among the partners appointing the liquidating partner.

§ 306.91 *Nontransferable securities.* The provisions of this subpart shall apply to Treasury Bonds, Investment Series B–1975–80, and to requests for payment or reissue of Treasury Savings Notes, except those of § 306.85 requiring evidence of authority of the assigning officers to support assignment for an authorized transfer, and as applied to Treasury Savings Notes, relate to requests for payment before maturity as well as at maturity.

SUBPART K—CONFLICTING CLAIMS

§ 306.95 *Responsibility of Treasury Department—(a) General.* The Treasury Department assumes no responsibility for the protection of the interest of any person in securities not in his possession, and neither the Department nor any of its agencies will accept notice of any claim or of pending judicial proceeding by any such person, except as specifically provided in the regulations in this part. (See Subpart L of this part for information in regard to the conditions under which caveats may be entered against transactions in securities of certain classes and relief granted on account of the loss, theft or destruction thereof.) These limitations are based on the fact that the ready marketability of the securities depends in part upon the promptness and freedom with which transactions therein may be effected.

(b) *Bearer securities.* Bearer securities comprise more than 90 percent of the outstanding marketable Government obligations, and transactions therein are concentrated in the twelve Federal Reserve Banks and their Branches, and the Treasury Department. The volume of these transactions is so great that the necessity of consulting lists of bearer securities against which caveats (stoppages) may be requested as the result of loss, theft or destruction before maturity would cause extensive delays in completing such transactions. Moreover, under generally recognized principles of law, good title to unmatured bearer securities will pass by delivery to a purchaser in good faith and for value. Therefore, the entry of caveats against transactions in these securities, upon receipt of reports of loss, theft or destruction, would be wholly without practical benefit.[1] As purchasers of bearer securities which have been lost or stolen after face maturity would not acquire good title thereto as against the true owners, reports of losses or thefts occurring after face maturity will be recorded and efforts will be made to detect any such securities upon receipt by the Department or a Federal Reserve Bank, with a view to giving the owner an opportunity to establish his right to them. However, such efforts may be unsuccessful, on account of circumstances over which the Department has no control, in which case the Department's responsibility will be limited to notifying the person who reported the loss or theft of the source from which the securities were received, in so far as the information is available.

(c) *Registered securities.* Both assignment and delivery are necessary to pass good title to marketable securities in registered form. Therefore, the Department will afford registered owners appropriate protection against loss through forged assignments, and so far as possible, against loss through assignments affected by fraud. (See §§ 306.98 and 306.99.) Very little protection can be given owners who lose possession of their bonds after assigning them in blank or for exchange for coupon bonds without restrictions on the delivery of the coupon bonds, as bonds so assigned are, in effect, payable to bearer.

(d) *Interest coupons.* Interest coupons are payable to bearer, therefore, the Department can assume no responsibility whatever with respect to detached coupons which have been lost, stolen or destroyed, and will not enter any caveats (stoppages) against payment thereof or undertake to determine whether any particular coupons have been paid.

§ 306.96 *Circumstances under which the ownership of securities payable to bearer may be questioned.* A bearer security or a registered security so assigned as to become, in effect, payable to bearer which has been reported lost or stolen may be detected by the Treasury Department upon presentation for payment or other transaction only as

[1] On April 27, 1867, the Secretary of the Treasury issued the following statement:
"In consequence of the increasing trouble, wholly without practical benefit, arising from notices which are constantly received at the Department respecting the loss of coupon bonds, which are payable to bearer, and of Treasury notes issued and remaining in blank at the time of loss, it becomes necessary to give this public notice, that the Government can not protect, and will not undertake to protect, the owners of such bonds and notes against the consequences of their own fault or misfortune.
"Hereafter all bonds, notes, and coupons, payable to bearer, and Treasury notes issued and remaining in blank, will be paid to the party presenting them in pursuance of the regulations of the Department, in the course of regular business; and no attention will be paid to caveats which may be filed for the purpose of preventing such payment."

the result of (a) the entry of a caveat, in the case of a security reported lost or stolen after maturity, as provided in § 306.108, (b) the requirement of proof of ownership, in the case of a mutilated security or one which is presented for payment more than a reasonable length of time after maturity, as provided in § 306.25, or (c) presentation by a person claiming to be a finder. If the security is so detected, the Department will call upon the presenter and the person who reported the loss or theft to substantiate their respective claims. If the evidence submitted by either claimant establishes conclusively that he is the owner of the security, payment will be made to him, except that the Department, before making payment, may require a bond of indemnity or other security to protect the United States from any liability to any other person. If payment may not be made under these conditions, the Department will hold the security until the case is settled by agreement or as the result of judicial proceedings in accordance with § 306.97.

§ 306.97 *Judicial proceedings.* The Treasury Department will recognize any valid judicial proceedings in a proper court affecting the ownership of or interest in registered securities upon presentation of the securities to the Department bearing appropriate assignments and accompanied by satisfactory proof of the proceedings. If the bonds are registered in the names of two or more persons, the extent of their respective interests in the bonds must be determined by the court in proceedings to which they are parties or must otherwise be validly established. The following evidence will be required in the types of cases designated:

(a) *Judicial transfers.* An assignment by a transferee through judicial proceedings, as in the case of a divorce decree awarding to one party to the proceedings a bond registered in the name of the other, or any case in which a bond registered in the name of one person is found to be the property of another person, must be supported by a copy of the final judgment or decree and of the record of any necessary supplemental proceedings, duly certified by the clerk of the court under its seal, and, if the judgment or decree was entered more than six months prior to the assignment, by a certificate, under court seal, by the clerk, dated within six months of the assignment, showing that the judgment or decree is in full force. The signature to the assignment should be in the following form:

---------- by ----------,
(Registered owner)
person entitled through judicial proceedings.

(c) *Sales under court orders.* An assignment by a sheriff, marshal or other court officer for the purpose of carrying out a sale ordered by the court to satisfy or apply on a money judgment must be supported by copies of the court order (writ of execution) and the officer's return thereon, in addition to copies of the judgment and the record of supplemental proceedings, all certified by the clerk of the court under its seal. In the case of a security which has matured or become redeemable pursuant to a call for redemption, in lieu of sale in the usual manner, the officer to whom the order is directed may assign the security to the Secretary of the Treasury for redemption and receive payment thereof in his official capacity. The signature to the asignment should be in the following form:

----------,
(Signature and official title)
an officer of the ---------- Court of
----------,
(County and State)
in the matter of ----------

(c) *Bankruptcy proceedings.* An assignment by a trustee in bankruptcy must be supported by the referee's certificate of the trustee's election and qualification, and the incumbency and signature of the referee must be certified by the clerk of the court under its seal. The signature to the assignment should be in the following form:

----------, Trustee in Bankruptcy of the estate of ----------,

(d) *Receivers.* An assignment of a registered bond by a receiver of the property of the owner, or by a similar officer, must be supported by a copy of an order of court certified by the clerk of the court under its seal, authorizing the assignment and sale or transfer of the bond, except that, in the case of a statutory officer, the assignment must be supported by proof of compliance with the statutory requirements. The signature to the assignment should be in the following form:

----------, by ----------,
(Registered owner)
Receiver (or other official title), under order of the ---------- Court of
----------, in the matter
(County and State)
of ----------,

The Department will also recognize a determination by a proper court with respect to the ownership or right to possession of securities in either registered or bearer form which may be held by the Department subject to such determination. The evidence required will be similar to that prescribed in paragraph (a) of this section.

§ 306.98 *Assignments affected by fraud.* If a registered bond has been transferred, exchanged or redeemed in reliance upon an apparently valid assignment, and a claim that the assignment was obtained by fraud is subsequently received, the Treasury Department can grant no relief. If a claim of this kind is received before the bond is transferred, exchanged or redeemed, the Department will call upon the registered owner to substantiate his claim, and if he does so the Department will enter a caveat (stoppage) against the bond. When a bond against which a caveat has been so entered is received, the Department will call upon the presenter to explain the circumstances under which he acquired the bond. If it appears from all the evidence submitted that the presenter acquired the bond in good faith, for value, without notice or knowledge of the alleged fraud, the Department will then give the registered

owner a reasonable period of time in which to institute judicial proceedings against the presenter to establish his right to the bond in accordance with § 306.97; if he fails to institute appropriate proceedings within the prescribed period of time or is not successful, the Department will recognize the assignment. If it does not appear that the presenter acquired the bond in good faith, for value, without notice or knowledge of the alleged fraud, the Department will take the position of a stakeholder with respect to the bond until the case is settled by a disclaimer of interest by one of the parties, by an agreement between them, or by judicial proceedings between them in accordance with § 306.97. In any case in which the transfer, exchange or redemption of a bond is withheld pending the receipt of evidence requested or the outcome of judicial proceedings, or while the Department is acting as a stakeholder with respect to the bond, any interest to which the presenter might be entitled will be withheld, and when the case is settled any interest so withheld will be paid to the person found to be entitled to the bond, unless otherwise determined by agreement of the parties or by the court.

§ 306.99 *Forged assignments.* No title can be acquired through a forged assignment of a registered bond, even by a purchaser in good faith, for value, without notice or knowledge of the forgery. An assignment of a registered bond against which a caveat (stoppage) has been entered in accordance with § 306.108 will not be accepted unless it is determined that the assignment is genuine. If the assignment is found to be a forgery, the Treasury Department will grant appropriate relief to the true owner. If an assignment has been honored before the receipt of notice of the loss or theft of the bond, and it is found upon investigation that the assignment is a forgery, the Department will grant appropriate relief to the true owner and proceed against those responsible for the loss resulting from the first transaction, including (a) the person committing the forgery, (b) the witnessing officer or the corporation of which he is an officer (see § 306.44), and (c) the person presenting the bond to the Department or a Federal Reserve Bank for transfer, exchange or payment, who thereby gives an implied warranty of title to the United States.

§ 306.100 *Nontransferable securities.* The provisions of this subpart, with the exception of those of §§ 306.95, 306.96 and 306.98, shall apply to Treasury Bonds, Investment Series B–1975–80: *Provided*, That the reference in § 306.97 (2) to assignment by a sheriff, marshall or other court officer, a trustee in bankruptcy or a receiver or similar officer, other than for redemption, shall be deemed to refer to assignment of the bonds for exchange for 1½ percent 5-year Treasury Notes of EA or EO series, and that the reference in § 306.99 relating to transfer of title and to an implied warranty of a presenter is not applicable. The provisions of this subpart, with the exception of those of §§ 306.95, 306.96, and 306.98, shall apply to Treasury Savings Notes, provided, that reference to assignment in § 306.97 as used in (a) shall be deemed to refer to a request for payment or reissue, and as used in (b), (c), and (d) shall be deemed to refer to a request for payment only, and that the reference in § 306.99 relating to transfer of title and to an implied warranty of title by the presenter is not applicable.

SUBPART L—RELIEF ON ACCOUNT OF LOSS, THEFT, DESTRUCTION, MUTILATION OR DEFACEMENT

§ 306.105 *Statutory authority and requirements.* Section 8 of the Act of July 8, 1937 (50 Stat. 481), as amended (31 U. S. C. 738a), provides for relief, under certain conditions, on account of the loss, theft, destruction, mutilation or defacement of United States interest-bearing securities. The statute defines interest-bearing securities as direct obligations of the United States issued pursuant to law for valuable consideration which by their terms bear interest or are issued on a discount basis, but includes Excess Profits Tax Refund bonds which bear no interest. To obtain relief the securities must be identified by description and number, and the pertinent facts must be clearly proved to the satisfaction of the Secretary of the Treasury. Except in certain specified types of cases or under certain specified circumstances, the law requires a bond of indemnity in such form and amount and with such surety, sureties, or security as the Secretary shall require. For detailed information concerning bonds of indemnity see § 306.113. If relief is authorized on account of a security which has not matured or become redeemable pursuant to a call, a substitute security bearing the same issue date, marked "Duplicate" and showing the serial number of the original security, will be issued; if relief is authorized on account of a security which has matured or become redeemable pursuant to a call, payment will be made.

§ 306.106 *Securities to which this subpart applies.* This subpart applies to all securities for which relief may be given under authority of the statute cited in § 306.105 (except United States Savings Bonds, which are governed by separate regulations) or under the authority of any government or any organization of the United States for which the Treasury Department acts as transfer agency.

§ 306.107 *Reports of disappearance or recovery.* The loss, theft or destruction of a security should be reported to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C., as promptly as possible, except that if Treasury Savings Notes are involved the report should be sent to the issuing agency. The report must include the following information or as much thereof as possible: (a) the identification of the security by the complete title of the loan including the interest rate, date of issue and series, and by the serial number and denomination, and, in the case of registered securities, the exact form of inscription and a full description of any assignment, endorsement or other writing thereon; (b) the name and present address of the owner, and his address at the time the securities were issued, and, if the report is made by any other person, the capacity in which he represents the owner; and (c) a brief statement of the circumstances under which the security disappeared. Upon receipt of the report an appropriate form for use in applying for relief will be furnished. The receipt of a report of loss, theft or destruction of a registered security on which interest is payable periodically will not affect the payment of the interest. If any report of loss, theft or destruction is found to have been made in error, or if any security reported as lost or stolen is recovered before relief has been authorized, the Bureau of the Public Debt should be notified to that effect, with references to the description of the security and the date of the original report. If any security for which relief has been granted is recovered, it must be surrendered as the property of the United States to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C.

§ 306.108 *Caveats (stoppages).* Upon receipt of a report of the loss, theft or possible destruction of a registered security, a caveat (stoppage) will be entered to suspend any transaction therein not specifically authorized by the owner, except in the case of a transferable security which (a) had been assigned to bearer or so assigned as to become, in effect, payable to bearer (as explained in § 306.42), and (b) had been lost, stolen or possibly destroyed before its face maturity. In the case of a bearer security or a registered transferable security which had been assigned to bearer or so assigned as to become, in effect, payable to bearer, a caveat will be entered only in the event it satisfactorily appears that the loss, theft or possible destruction occurred after the face maturity of the security (see § 306.95). However, if Department records show that the security has already been presented and honored, the owner or his authorized representative will be advised to that effect and furnished such information as may be available regarding the source of receipt. If, after the receipt of an application for relief on account of the loss, theft or possible destruction of a bearer security, or a registered security assigned to bearer or so assigned as to become, in effect, payable to bearer, it is determined that the security has been presented and honored, the applicant will be similarly informed.

§ 306.109 *Destruction or partial destruction of bearer securities.* An application for relief on account of the partial or total destruction of a bearer security should be made on Form PD 1022. Any portion or portions not destroyed must be submitted to the Treasury Department in support of the application; if in a charred or fragile condition, they should be packed in cotton to prevent further damage in transit. When a substitute is issued to replace a coupon security which has not matured or become redeemable pursuant to a call for redemption, it will be of the same loan and date of issue and have attached coupons corresponding with those shown to have been attached to the security at the time it was destroyed or partially destroyed, except that any coupons which have matured will be paid by check. When relief is granted on account of a security which has become redeemable pursuant to a call, the redemption check will not include payment for any coupons dated after the redemption date.

§ 306.110 *Loss or theft (including possible destruction) of bearer securities or registered securities so assigned as to become, in effect, payable to bearer.* Relief may be granted on account of the loss or theft of a bearer security, or of a registered security assigned to bearer or so assigned as to become, in effect, payable to bearer, if it was lost or stolen under such circumstances, and has been missing for such period of time after it matured or became redeemable pursuant to a call for redemption, as in the judgment of the Secretary of the Treasury would indicate that the security (a) has been destroyed or has become irretrievably lost, (b) is not held by any person as his own property, and (c) will never become the basis of a valid claim against the United States. The application for relief should be made on Form PD 1022 in the case of bearer securities and on Form PD 1025 in the case of registered securities. If relief is granted the redemption check will not include payment for any interest coupons claimed to have been attached to the security.

§ 306.111 *Loss or theft of registered securities not so assigned as to become, in effect, payable to bearer.* An application for relief on account of the loss or theft of a registered security not assigned to bearer or not so assigned as to become, in effect, payable to bearer should be made on Form PD 1025. If the security was lost or stolen after it had been assigned and delivered by the registered owner to a transferee, the application must be executed by the transferee and must be supported by an assignment by the registered owner. The Treasury Department will supply an appropriate form for this purpose. The fact that a security alleged to have been lost or stolen is in the possession of a known person who refuses to surrender it will be considered as evidence that the security is held by such person as his own property. In the case of lost or stolen Treasury Savings Notes, which are not assignable, application for relief should be made on Form PD 2382. Relief will not be granted in any case before the expiration of six months from the date of loss or theft.

§ 306.112 *Destruction or partial destruction of registered securities.* An application for relief on account of the destruction of a registered security, whether or not assigned in any manner, should be made on Form PD 1025. If the security was destroyed after it had been assigned and delivered by the registered owner to a transferee, the application must be executed by the transferee and must be supported by an assignment by the registered owner. The Treasury Department will supply an appropriate form for this purpose. In case of partial destruction the portion or portions not destroyed must be submitted to the Department in support of the application; if in a charred or fragile condition they should be carefully packed in cotton to prevent further damage in transit. In the case of destroyed Treasury Savings Notes, which are not assignable, application for relief should be made on Form PD 2382.

§ 306.113 *Bonds of indemnity*—(a) *When required.* A satisfactory bond of indemnity in an amount sufficient to cover any loss which the United States may incur as the result of granting relief will be required before relief may be granted, except as specifically provided in this section. Upon approval of the application for relief, subject to the submission of a bond of indemnity, the Treasury Department will supply an appropriate form for this purpose. A bond of indemnity executed on any other form will not be accepted. In the case of bearer securities or registered securities assigned to bearer or so assigned as to become, in effect, payable to bearer, the destruction of which has not been proved, and for which relief may be granted under the provisions of § 306.110, a bond of indemnity with a corporate surety qualified under the provisions of the Act of July 30, 1947, chapter 390, section 1 (61 Stat. 646; 6 U. S. C. 6–13) will be required. A bond of indemnity with either a corporate surety so qualified or two satisfactory individual sureties will be required in the case of securities for which relief may be granted under the provisions of § 306.109, § 306.111 or § 306.112, unless in the case of unassigned registered securities or destroyed bearer securities the Secretary of the Treasury is satisfied that the interests of the United States may otherwise be adequately protected.

(b) *When not required.* A bond of indemnity will not be required in any of the following classes of cases, unless the Secretary of the Treasury deems it essential to the public interest in any particular case:

(1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation or defacement, as the case may be, occurred without fault of the owner and while the security was in the custody or the control of the United States (not including the Postal Service when acting solely in its capacity as the public carrier of the mails), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act;

(2) If substantially the entire security is presented and surrendered by the owner and the Secretary of the Treasury is satisfied as to the identity of the security presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States;

(3) If the lost, stolen, destroyed, mutilated or defaced security is one which by the provisions of law or by the terms of its issue is transferable only by operation of law;

(4) If the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve Bank.

§ 306.114 *Mutilated or defaced securities.* If a mutilated or defaced security is presented to the Treasury Department for any authorized transaction and the Secretary of the Treasury is satisfied as to the ownership and identity of the security and that any missing portions are not sufficient to form the basis of a valid claim against the United States, its value to the owner will not be considered as impaired, and it will be honored accordingly. Mutilated or defaced securities should be forwarded to the Bureau of the Public Debt, Division of Loans and Currency, Washington 25, D. C. No allowance will be made for missing interest coupons. If the security has been mutilated or defaced to the extent that its value to the owner must be considered impaired, relief may be possible under § 306.109 or § 306.112.

§ 306.115 *Loss, theft, destruction, mutilation or defacement of detached interest coupons.* There is no authority of law for relief on account of the loss, theft or destruction of detached interest coupons. Paid interest coupons are not assorted or recorded by the serial numbers of the bonds to which they relate. Accordingly, the Treasury Department can not enter any stoppages against payment of lost, stolen or destroyed detached coupons, and can not undertake to advise the owner whether any such coupons have been paid. In cases where interest coupons have been partially destroyed, mutilated or defaced, but the remaining portions can be fully identified by loan, interest, due date and amount, and the missing fragments could not by any possibility form the basis of a valid claim against the United States, relief may be granted upon the surrender of the remaining portions of the coupons to the Treasurer of the United States, Washington 25, D. C., accompanied by satisfactory proof as to the ownership of the coupons.

§ 306.116 *Loss, theft or destruction of restrictively endorsed bearer securities.* Relief on account of the loss, theft or destruction of bearer securities which have been restrictively endorsed by banks strictly in accordance with the provisions of the regulations in Part 328 of this chapter (Department Circular No. 853 [*]) will be given pursuant to an application therefor on Form PD 2211. Banks, as therein defined, are authorized to place restrictive endorsements on the face of bearer securities owned by themselves or their customers but only in connection with the presentation thereof to a Federal Reserve Bank or the Treasury

[*] These regulations have no application whatever to registered securities.

Department for payment at maturity or pursuant to a call for redemption or for exchange pursuant to an optional exchange offering. A bond of indemnity will be required as a condition of relief on account of the loss, theft, or destruction of the securities, but surety thereon will ordinarily be dispensed with if the bond is executed by the presenting bank.

§ 306.117 *Nontransferables.* The provisions of this subpart, with the exception of those §§ 306.109, 306.110, 306.115, and 306.116, shall apply to Treasury Bonds, Investment Series, and to Treasury Savings Notes: *Provided*, That the references in §§ 306.111 and 306.112 relating to transfer and delivery are not applicable and the references to assignment as applied to 2½ percent Treasury Bonds, Investment Series A–1965, and to Treasury Savings Notes shall be deemed to refer to a request for payment or authorized reissue: *And provided further*, That § 306.113 (b) (3) does not apply to Treasury Bonds, Investment Series B.

SUBPART M—MISCELLANEOUS PROVISIONS

§ 306.120 *Additional requirements.* In any case arising under these regulations the Secretary of the Treasury may require such proof, additional proof, or bond of indemnity with satisfactory surety, as may in his judgment be necessary for the protection of the interests of the United States.

§ 306.121 *Waiver of regulations.* The Secretary of the Treasury reserves the right, in his discretion, to waive or modify any provision or provisions of the regulations in this part in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardship, if such action would not be inconsistent with law, would not impair any existing rights, and if he is satisfied that such action would not subject the United States to any substantial expense or liability.

§ 306.122 *Forms.* The forms mentioned in the regulations in this part are those currently provided for the purposes specified. The references to certain forms shall be construed to apply to any forms which may hereafter be provided for the same purposes.

§ 306.123 *Acceptance of securities of United States as security for public purposes.* Regulations prescribed pursuant to law governing the acceptance of designated classes of securities of the United States by public officers of the United States for certain purposes are set forth in other Treasury Department Circulars, as follows:

(a) As security for special deposits of public moneys, in Part 203 of this chapter (Circular No. 92 (revised)).

(b) As security for deposits of public moneys in general depositaries and limited to depositaries, in Part 202 of this chapter (Circular No. 176, as amended).

(c) In lieu of surety or sureties on penal bonds required by the laws of the United States, in Part 225 of this chapter (Circular No. 154 (revised)).

§ 306.124 *Repeal of previous circulars subject to existing rights.* Treasury Department Circular No. 300, dated July 31, 1923, as amended and supplemented, and Department Circular No. 666, dated July 21, 1941, (Part 307 of this chapter) are hereby repealed and superseded, except that nothing contained in the regulations in this part shall be construed to limit or restrict any existing rights which holders of securities heretofore issued may have acquired under the circulars offering such securities for sale or under the regulations in force at the time of acquisition.

§ 306.125 *Supplements, amendments or revisions.* The Secretary of the Treasury may at any time, or from time to time prescribe additional supplemental, amendatory or revised rules and regulations with respect to United States securities.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this amendment which does not affect existing rights (see § 306.124) and comes within Sec. 4 (2) of the Administrative Procedure Act, 60 Stat. 238; 5 U. S. C. 1003 (2).

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

APPENDIX—COMPUTATION OF INTEREST ON TREASURY BONDS, TREASURY NOTES, AND TREASURY CERTIFICATES OF INDEBTEDNESS, AND COMPUTATION OF DISCOUNT ON TREASURY BILLS

TREASURY BONDS, TREASURY NOTES, AND TREASURY CERTIFICATES OF INDEBTEDNESS

Computation of Interest on an Annual Basis

1 day's interest is 1/365 or 1/366 of 1 year's interest

Computation of interest will be made on an annual basis in all cases where interest is payable in one amount for the full term of the security, unless such term is an exact quarter-year (3 months) or an exact half-year (6 months), when it is provided that interest shall be computed on a quarterly or semiannual basis, respectively.

If the term of the securities is exactly one year, the interest is computed for the full period at the specified rate, regardless of the number of days in such period.

If the term of the securities is less than one full year, the annual interest period for purposes of computation is considered to be the full year from but not including the date of issue to and including the anniversary of such date.

If the term of the securities is more than one full year, computation is made on the basis of one full annual interest period, ending with the maturity date, and a fractional part of the preceding full annual interest period.

The computation of interest for any fractional part of an annual interest period is made on the basis of 365 actual days in any such period, or 366 days if February 29 falls within such annual period.

Computation of Interest on a Semiannual Basis

1 day's interest is 1/181, 1/182, 1/183 or 1/184 of ½ year's interest

Computation of interest will be made on a semiannual basis in all cases where interest is payable for one or more full half-year (six months) periods, or for one or more full half-year periods and a fractional part of a half-year period. A semiannual interest period is an exact half-year or six months, for computation purposes, and may comprise 181, 182, 183, or 184 actual days.

An exact half-year's interest at the specified rate is computed for each full period of exactly six months, irrespective of the actual number of days in the half-year.

If the initial interest covers a fractional part of a half-year, computation is made on the basis of the actual number of days in the half-year (exactly six months) ending on the day such initial interest becomes due. If the initial interest covers a period in excess of six months, computation is made on the basis of one full half-year period, ending with the interest due date, and a fractional part of the preceding full half-year period.

Interest for any fractional part of a full half-year period is computed on the basis of the exact number of days in the full period, including February 29 whenever it falls within such a period.

The number of days in any half-year period is shown in the following table:

For the half-year		Number of days	
Beginning from the 1st or 15th day of—	Ending on the 1st or 15th day of—	Regular year	Leap year
January	July	181	182
February	August	181	182
March	September	184	184
April	October	183	183
May	November	184	184
June	December	183	183
July	January	184	184
August	February	184	184
September	March	181	182
October	April	182	183
November	May	181	182
December	June	182	183
1 year (any 2 consecutive half-years).		365	366

Computation of Interest on a Quarterly Basis

1 day's interest is 1/89, 1/90, 1/91, or 1/92 of ¼ year's interest

Computation of interest will be made on a quarterly basis in all cases where interest is payable for one or more full quarter-year periods, or for one or more full quarter-year periods and a fractional part of a quarter-year period.

A quarter-year interest period is an exact quarter-year of three months, and may comprise 89, 90, 91, or 92 days. An exact quarter-year's interest is computed for each full quarter-year period irrespective of the actual number of days in the quarter-year. For a fractional part of any quarter-year computation is on the basis of the actual number of days in such quarter-year (February 29 being included if it falls within any such quarter-year). If the initial interest covers a fractional part of a quarter-year (preceding a full quarter-year period), computation is on the basis of the actual number of days in the quarter-year (exactly three months) ending on the day such initial interest becomes due; if the final interest covers a fractional part of a quarter-year, (following a full quarter-year period) computation is on the basis of the actual number of days in the quarter-year beginning on the day such final interest begins to accrue and ending exactly three months thereafter. The number of days in any quarter-year period is shown in the following table:

For the half-year		Number of days	
Beginning from the 1st or 15th day of—	Ending on the 1st or 15th day of—	Regular year	Leap year
January	April	90	91
February	May	89	90
March	June	92	92
April	July	91	91
May	August	92	92
June	September	92	92
July	October	92	92
August	November	92	92
September	December	91	91
October	January	92	92
November	February	92	92
December	March	90	91
1 year (any 4 consecutive quarters).		365	366

Use of Interest Tables

In the appended tables decimals are set forth for use in computing interest for fractional parts of interest periods. The decimals cover interest on $1,000 for one day in each possible quarterly (table I), semiannual (table II), and annual (table III) interest period, at all rates of interest, in steps of 1/8 percent, from 1/8 to 6 percent. The amount of interest accruing on any date (for a fractional part of an interest period) on $1,000 face amount of any issue of Treasury bonds, Treasury notes, or Treasury certificates of indebtedness may be ascertained in the following way:

(1) The date of issue, the dates for the payment of interest, the basis (quarterly, semiannually or annual) upon which interest is computed, and the rate of interest (percent per annum) may be determined from the text of the security, or from the official circular governing the issue.

(2) Determine the interest period of which the fraction is a part, and calculate the number of days in the full period to determine the proper column to be used in selecting the decimal for one day's interest.

(3) Calculate the actual number of days in the fractional period from but not including the date of issue or the day on which the last preceding interest payment was made, to and including the day on which the next succeeding interest payment is due or the day as of which the transaction which terminates the accrual of additional interest is effected.

(4) Multiply the appropriate decimal (one day's interest on $1,000) by the number of days in the fractional part of the interest period. The appropriate decimal will be found in the appended table for interest payable quarterly, semiannually, or annually, as the case may be, opposite the rate borne by the security, and in the column showing the full interest period of which the fractional period is a part. (For interest on any other amount, multiply the amount of interest on $1,000 by the other amount expressed as a decimal of $1,000.)

TREASURY BILLS

The methods of computing discount rates on U. S. Treasury Bills are given below:

Computation will be made on an annual basis in all cases. The annual period for bank discount is a year of 360 days, and all computations of such discount for a fractional part of a year will be made on that basis. The annual period for true discount is one full year from but not including the date of issue to and including the anniversary of such date. Computation of true discount for a fractional part of a year will be made on the basis of 365 days in the year, or 366 days if February 29 falls within the year.

Bank Discount

The bank discount rate on a Treasury bill may be ascertained by (1) subtracting the sale price of the bill from its face value to obtain the amount of discount; (2) dividing the amount of discount by the number of days the bill is to run to obtain the amount of discount per day; (3) multiplying the amount of discount per day by 360 (the number of days in a commercial year of 12 months of 30 days each) to obtain the amount of discount per year; and (4) dividing the amount of discount per year by the face value of the bill to obtain the bank discount rate.

For example:

91-day bill, dated April 1, 1954, due July 1, 1954.

Principal amount, maturity value	$100.00
Price at issue, amount received	99.50
Amount of discount	.50

$0.50÷91×360÷$100=1.978 percent.

True Discount

The true discount rate on a Treasury bill may be ascertained by (1 and 2) obtaining the amount of discount per day by following the first two steps described under "Bank Discount"; (3) multiplying the amount of discount per day by the actual number of days in the year from date of issue (365 ordinarily, but 366 if February 29th of a leap year falls within the year from date of issue) to obtain the amount of discount per year; and (4) dividing the amount of discount per year by the sale price of the bill to obtain the true discount rate.

For example:

91-day bill, dated April 1, 1954, due July 1, 1954.

Principal amount, maturity value	$100.00
Price at issue, amount received	99.50
Amount of discount	.50

$0.50÷91×365÷$99.50=2.016 percent.

[F. R. Doc. 55–3046; Filed, Apr. 12, 1955; 8:56 a. m.]

PART 307—PAYMENT OR REDEMPTION OF BONDS AND OTHER TRANSFERABLE PUBLIC DEBT SECURITIES OF THE UNITED STATES AT MATURITY, OR BEFORE MATURITY PURSUANT TO A CALL FOR REDEMPTION IN ACCORDANCE WITH THEIR TERMS

EDITORIAL NOTE: For revision and consolidation of Part 307 of Title 31 into Part 306 of this title, see Federal Register Document 55–3046, *supra*.

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—General Regulations

[FHA Instruction 410.2]

PART 301—APPLICATIONS

SUBPART B—VETERANS' PREFERENCE

Part 301, Chapter III, Title 6, Code of Federal Regulations, is amended by the addition of a new Subpart B entitled "Veterans' Preference" to read as follows:

Sec.
301.21 General.
301.22 Persons entitled to veterans' preference.

AUTHORITY: §§ 301.21 and 301.22 issued under sec. 41 (1), 60 Stat. 1066, sec. 6 (3), 50 Stat. 870; 7 U. S. C. 1015 (1), 16 U. S. C. 590w (3). Interpret or apply sec. 1 (b) (2), 60 Stat. 1073; 7 U. S. C. 1001 (b) (2).

§ 301.21 *General.* This subpart defines the types of individuals who are entitled to veterans' preference in connection with making Farm Ownership, Soil and Water Conservation, and Production and Subsistence loans.

§ 301.22 *Persons entitled to veterans' preference.* Veteran's preference will be extended to any person who applies for a Farm Ownership, Soil and Water Conservation, or Production and Subsistence loan, provided the applicant has been discharged or released from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable, and served in any such forces during the period April 6, 1917, through March 31, 1921, or the period December 7, 1941, through January 31, 1955.

Dated this 7th day of April 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55—3053; Filed, Apr. 12, 1955; 8:50 a. m.]

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 465.12]

PART 373—FARM HOUSING LOANS

SUBPART B—SALE OF FARM BY BORROWER

GENERAL TERMS AND CONDITIONS OF TRANSFERS; TITLE EVIDENCE

In order to clarify the type of title evidence used in transferring Farm Housing loans, § 373.25 (d), Title 6, Code of Federal Regulations (19 F. R. 6850), is hereby amended to read as follows:

§ 373.25 *General terms and conditions of transfers.* * * *

(d) *Title evidence.* Title to the farm will be examined for the period subsequent to the date of closing the Farm Housing loan, and any liens against the property that have attached without the consent of the Farmers Home Administration subsequent to recording of the Farm Housing mortgage will be removed prior to consummation of the transfer unless upon the advice of the representative of the Office of the General Counsel satisfactory arrangements are made with respect to the disposition of the claim. At the election of the transferee, title evidence may be either (1) an opinion of title complying with the requirements of § 352.1 (d) (3) of this chapter except length of period covered or (2) an abstract of title showing, for the period required, all matters affecting the title, including those listed in § 352.1 (d) (3) of this chapter or (3) a policy of mortgagee's title insurance acceptable to the State Director and the representative of the Office of the General Counsel.

(Sec. 510 (g), 63 Stat. 438; 42 U. S. C. 1480 (g). Interprets or applies § 510 (c), 63 Stat. 437; 42 U. S. C. 1480 (c))

Issued this 8th day of April 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55–3052; Filed, Apr. 12, 1955; 8:50 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954—CROP GRAIN SORGHUMS RESEAL LOAN PROGRAM

Correction

If F. R. Document 55–2858, appearing in the issue for Wednesday, April 6, 1955, at page 2147, make the following change: In § 421.545 (a) (2), line 12, the word "by" should read "to".

TITLE 7—AGRICULTURE

Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURE

APPENDIX—SECOND APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT; FISCAL YEAR 1955

Correction

In F. R. Document 55–2857, appearing in the issue for Thursday, April 7, 1955, at page 2185, make the following changes in the table:

1. In column 4, opposite the entry for Tennessee, the figure "49,819" should read "49,918".

2. In column 3, the total "62,310,494" should read "63,210,494".

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP–1955, Supp. 5]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1955

EMERGENCY WIND EROSION CONTROL MEASURES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and Public Law 875, 81st Congress, the 1955 National Agricultural Conservation Program, approved July 1, 1954 (19 F. R. 4138), as amended August 3, 1954 (19 F. R. 4953), September 15, 1954 (19 F. R. 6059), October 25, 1954 (19 F. R. 6910), and March 1, 1955 (20 F. R. 1336), is further amended as follows:

A new § 1101.697 is added as follows:

§ 1101.697 *Practice F–4: Emergency wind erosion control measures.* (a) This practice is applicable only in counties designated by the Secretary as subject to damage by excessive wind erosion during 1955. Emergency conservation practices may be approved by the Administrator, ACPS, upon recommendation by the State and county committees and designated representatives of the Soil Conservation Service and Forest Service at both the State and county levels. Eligible measures shall be specified in the wording of the practice as approved for use in the county.

(b) The cost-share computed for any person for this practice shall not be increased in accordance with § 1101.630, and shall not be included with the cost-shares computed for such person for other practices in applying the maximum Federal cost-share limitation in § 1101.631. The total of all Federal cost-shares for this practice to any person with respect to farms and ranches in any one county shall not exceed the sum of $1,500, except that, with the written prior approval of the State committee, a higher maximum may be approved in individual cases upon justification by the farmer or rancher on the basis of exceptional need and his inability to otherwise carry out the work. The provisions of § 1101.643 shall not apply to cost-shares earned by the performance of this practice.

(c) Costs for this practice will be shared only if the practice is started after a date specified by the State committee, which shall not be earlier than January 1, 1955, and only if cost-sharing is requested by the farm or ranch operator before a date specified by the State committee, or before the date on which performance of the practice is started, whichever is the later. With the approval of the county committee, costs of performing this practice may be shared with farmers or ranchers who carry out eligible measures on their lands or, with the permission of the owners or operators of adjacent or nearby lands, on such adjacent or nearby lands.

(d) In cases where the farmer or rancher states in writing that he is unable to perform the practice to the needed extent unless a rate of cost-sharing in excess of 50 percent of the average cost of performing the practice is approved, the county committee, with the approval of the State committee, may approve a higher rate not in excess of the total cost of performing the practice.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 64 Stat. 1109, 66 Stat. 64; 16 U. S. C. 590g–590q, 42 U. S. C. 1855)

Done at Washington, D. C., this 7th day of April 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–3041; Filed, Apr. 12, 1955; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 67 (LRP 1)]

LRP 1—SEAMEN'S CLAIMS; ADMINISTRATIVE ACTION AND LITIGATION

Sec.
1. What this order does.
2. Statutory provisions.
3. Claims required to be submitted for administrative action prior to suit.
4. Form and contents of claim.
5. Filing of claim.
6. Notice of allowance or disallowance.
7. Presumed disallowance.
8. Court action.

AUTHORITY: Sections 1 to 8 issued under 49 Stat. 1985–87, as amended, sec. 1, 57 Stat. 45, as amended, 65 Stat. 59; 46 U. S. C. 1111–1114, 50 U. S. C. App. 1291, 46 U. S. C. 1241a.

SECTION 1. *What this order does.* With respect to officers and members of crews (hereafter in this order referred to as "seamen") employed on vessels as employees of the United States through the Office of National Shipping Authority, Maritime Administration, or successor Office, this order prescribes rules and regulations pertaining to (a) the filing of claims designated in section 3 of this order and (b) the administrative allowance or disallowance, actual and presumed) of such claims, in whole or in part.

SEC. 2. *Statutory provisions.* (a) In connection with the Vessel Operations Revolving Fund created for the purpose of carrying out the vessel operating functions of the Secretary of Commerce, the Third Supplemental Appropriation Act, 1951 (Public Law 45, 82d Congress; 65 Stat. 59; 46 U. S. C. 1241a) provides in part:

> That the provisions of sections 1 (a), 1 (c), 3 (c), and 4 of Public Law 17, Seventy-eighth Congress (57 Stat. 45), as amended, shall be applicable in connection with such operations and to seamen employed through general agents as employees of the United States, who may be employed in accordance with customary commercial practices in the maritime industry, notwithstanding the provisions of any law applicable in terms to the employment of persons by the United States.

(b) Section 1 (a) of Public Law 17, 78th Congress (57 Stat. 45; 50 U. S. C. App. 1291 (a)), as amended, provides:

> That (a) officers and members of crews (hereinafter referred to as "seamen") employed on United States or foreign flag vessels as employees of the United States through the War Shipping Administration shall, with respect to (1) laws administered by the Public Health Service and the Social Security Act as amended by subsection (b) (2) and (3) of this section; (2) death, injuries, illness, maintenance and cure, loss of effects, detention, or repatriation, or claims arising therefrom not covered by the foregoing clause (1); and (3) collection of wages and bonuses and making of allotments, have all of the rights, benefits, exemptions, privileges, and liabilities, under law applicable to citizens of the United States employed as seamen on privately owned and operated American vessels. * * *. Claims arising under clause (1) hereof shall be enforced in the same manner as such claims would be enforced if the seamen were employed on a privately owned and operated American vessel. Any claim referred to in clause (2) or (3) hereof shall, if administratively disallowed in whole or in part, be enforced pursuant to the provisions of the Suits in Admiralty Act, notwithstanding the vessel on which the seaman is employed is not a merchant vessel within the meaning of such Act. * * *. When used in this subsection the term "administratively disallowed" means a denial of a written claim in accordance with rules or regulations prescribed by the Administrator, War Shipping Administration. When used in this subsection the terms "War Shipping Administration" and "Administrator, War Shipping Administration" shall be deemed to include the United States Maritime Commission with respect to the period beginning October 1, 1941, and ending February 11, 1942, and the term "seaman" shall be deemed to include any seaman employed as an employee of the United States through the War Shipping Administration on vessels made available to or subchartered to other agencies or departments of the United States.

(c) The functions of the War Shipping Administrator and War Shipping Administration were transferred for liquidation purposes by Title II of Public Law 492, 79th Congress (60 Stat. 501) to the United States Maritime Commission and, on August 20, 1949, by Reorganization Plan No. 6 of 1949 (63 Stat. 1069) to the Chairman of said Commission; certain of the functions of the United States Maritime Commission and of its Chairman were transferred on May 24, 1950, by Part II of Reorganization Plan No. 21 of 1950 (64 Stat. 1273, 1276; 46 U. S. C. 1111-1114) to the Secretary of Commerce, and thereafter redelegated by the Secretary of Commerce to the Maritime Administrator (Department Order No. 117 (Amended), Manual of Orders, Department of Commerce); vessel operating functions have been redelegated by the Maritime Administrator to the Director, Office of National Shipping Authority, Maritime Administration (Administrator's Order No. 11 (Amended), Manual of Orders, Federal Maritime Board/Maritime Administration).

SEC. 3. *Claims required to be submitted for administrative action prior to suit.* All claims specified in subsections (2) and (3) of section 1 (a) of Public Law 17, 78th Congress, quoted in section 2 (b) of this order, must be submitted for administrative consideration, as provided in sections 4 and 5 of this order, prior to institution of court action thereon.

SEC. 4. *Form and contents of claim.* The claim need not follow any particular form, but it shall be in writing, shall be designated as a claim, shall show that the object sought is the administrative allowance of the claim, shall comply with the requirements of this order, and shall be filed as provided in section 5 of this order. Court actions filed against General Agents contrary to the provisions of section 5 of the Suits in Admiralty Act, as amended by Public Law 877, 81st Congress, (64 Stat. 1112; 46 U. S. C. 745) will not constitute a compliance with the requirements of this order. The claim shall contain facts sufficient to constitute a basis for the examination, consideration, and administrative allowance or disallowance of such claim and shall include, with respect to the seaman involved, the name of the vessel on which he was serving at the time the claim arose, the seaman's name, his certificate or identification number, his mail address and legal residence if different, date and place of birth, and the year, month, day and hour when and the particular locality where the cause of the claim occurred, together with the facts and circumstances leading up to and surrounding the event out of which such claim arose. This order does not require that the claim be sworn to by the claimant; however, it is subject to Title 18, United States Code, sections 287, 1001 (62 Stat. 698, 749) and other penal laws which pertain to making any false, fictitious or fraudulent claims, statements or entries, or to falsifying, concealing or covering up a material fact in any matter within the jurisdiction of any Department or Agency of the United States. If injury, illness, or death is involved, the claimant shall attach copies of all pertinent clinical records and reports when the claim is filed; in the event that any of such records or reports are not then available to the claimant for attaching, he shall authorize the Maritime Administration in writing to obtain such information, clinical records and reports from the hospitals or physicians who examined or treated the seaman in connection with the injury, illness or death. Said authorization shall include the names and addresses of the hospitals and physicians concerned.

SEC. 5. *Filing of claims.* (a) Claims may be filed by or on behalf of season or their surviving dependents, beneficiaries or legal representatives. Claims shall be filed either by personal delivery or by registered mail.

(b) Every claim (except claims which shall be filed with the Chief, Division of Insurance, Maritime Administration, as provided in paragraph (c) of this section) shall be filed with the General Agent of the vessel with respect to which such claim arose, or with the Director, Office of National Shipping Authority, Maritime Administration, Department of Commerce, Washington, D. C.

(c) A claim based upon any insurance policy issued by the Maritime Administration (except claims for loss of or damage to personal effects if the seaman is alive, bonuses, detention and repatriation benefits) shall be filed with the Chief, Division of Insurance, Maritime Administration, Department of Commerce, Washington, D. C.

SEC. 6. *Notice of allowance or disallowance.* The General Agent, the Director, Office of National Shipping Authority, or the Chief, Division of Insurance, Maritime Administration, as the case may be, shall give prompt notice in writing of the allowance or disallowance of each claim, in whole or in part, by mail to the last known address of, or by personal delivery to, the claimant or his legal representative. In the case of administrative disallowance, in whole or in part, such notice shall contain a brief statement of the reason for such disallowance.

SEC. 7. *Presumed disallowance.* If written notice of allowance or disallowance of a claim is not given in accordance with section 6 of this order within sixty days following the date of the receipt of such claim by the proper office as designated in section 5 of this order, such claim shall be presumed to have been "administratively disallowed" as provided in section 1 (a) of Public Law 17, 78th Congress, quoted in section 2 (b) of this order.

SEC. 8. *Court action.* No seaman or his surviving dependents or his beneficiaries or his legal representatives, having a claim specified in subsections (2) and (3) of section 1 (a) of Public Law 17, 78th Congress, quoted in section 2 (b) of this order, shall institute a court action for the enforcement of such claim unless such claim shall have been prepared and filed in accordance with sections 4 and 5 of this order and shall have been administratively disallowed in accordance with section 6 or section 7 of this order.

This order shall be effective upon date of publication in the FEDERAL REGISTER.

Because this order contains rules and regulations which should be made effective at the earliest date to implement the cited statutory provisions, it is hereby found, upon good cause, that notice and public procedure thereon and postponement of the effective date thereof until 30 days after its publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) are impracticable and contrary to the public interest.

Approved: April 7, 1955.

[SEAL] C. H. MCGUIRE,
Director,
Office of National Shipping Authority.

[F. R. Doc. 55–3051; Filed, Apr. 12, 1955; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 25 [1]]

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED UNITED STATES IMPORTS)

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE

MISCELLANEOUS AMENDMENTS

1. Section 368.1 *Import certificate and delivery verification on selected imports into the United States,* paragraph (b) *Import certificates covering imports into United States* is amended in the following particulars:

a. The title of paragraph (b) is amended to read: *"United States Import Certificate".*

b. A new subparagraph (2) is added to read as follows:

(2) *Shipments to destinations other than the United States.* If at the time of submission of Form IT– or FC–826 a United States purchaser is not certain

[1] This amendment was published in the new issue of the Comprehensive Export Schedule, dated March 31, 1955, and in Current Export Bulletin No. 747, dated March 31, 1955.

that he will import the commodities covered into the United States, as stated in the "U. S. Importers Representation and Undertaking" item of the form, that item shall be stricken out and the following representation and undertaking shall be entered in the commodity description column of the form or on an attachment thereto:

(i) The undersigned hereby represents either that:

(*a*) He has undertaken to import, under a United States Consumption Entry or United States Warehouse Entry, into the United States of America from _____ the commodities
(Country of exportation)
described above; or

(*b*) He has not undertaken to import under a United States Consumption Entry or United States Warehouse Entry into the United States of America the commodities described above, and he will not give, sell, or deliver the commodities to any person, except in accordance with export control regulations of the United States Government.

(ii) The undersigned also undertakes to notify the United States Department of Commerce immediately of any changes of fact or intention set forth herein; and if a Delivery Verification is required by the country of exportation, the undersigned undertakes to obtain such Delivery Verification and make disposition of it in accordance with such requirement.

c. Subparagraphs (2) *Where to file*, (3) *Validity period*, (4) *"Cross Reference Card" (Form IT– or FC–827)*, (5) *Statements and representations*, (6) *Lost or destroyed Import Certificates* are renumbered respectively subparagraphs (3), (4), (5), (6) and (7).

d. A new subparagraph (8) is added to read as follows:

(8) *Approval of shipments to destinations other than the United States.* (i) Where a United States purchaser intends to ship commodities covered by a United States Import Certificate to an ultimate destination other than the United States, approval by the Bureau of Foreign Commerce of the release of the commodities to the ultimate consignee is required before the commodities covered are delivered and before title to or possession of the commodities is transferred.[2]

(ii) In such cases, a letter requesting approval of the release of the shipment shall be submitted to the Bureau of Foreign Commerce. The letter shall show the United States Import Certificate number, the date issued, the location of the issuing office, and the names, addresses, and identity of all parties to the complete transaction, as well as the quantity, the dollar value, and the description of the commodity. The letter shall be accompanied by an Import Certificate, an ultimate consignee statement, or other documentation as required by the export regulations for the country of ultimate destination, as provided for license applications in §§ 373.2, 373.65, 373.66, 373.67, 373.69, and 373.70 of this subchapter.

(iii) If approval of the transaction is granted by the Bureau of Foreign Commerce, a validated letter of approval will be sent to the United States purchaser for retention in his records. Where a Delivery Verification is required, the validated letter from the Bureau of Foreign Commerce will so indicate.

2. Section 370.8 *Reexportation under license previously granted* is deleted from Part 370 and transferred to § 379.2 (g) (see paragraph 5 below).

3. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery*, paragraph (a) *Scope* is amended in the following particulars: A footnote symbol is added following the title of subparagraph (1) *General* and a footnote relating thereto is added to read as follows:

[2] In certain exceptional instances, an Import Certificate may be required for transactions not involving an exportation from the United States under a validated license. (See § 368.1 (b) (8) of this subchapter.)

4. Section 373.5. *Commodities for which supply assistance is requested* is deleted.

5. Part 379, Export Clearance, is amended to read as follows:

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Sec.
379.1 General export clearance requirements.
379.2 Presentation and use of validated license.
379.3 Presentation of shipper's export declaration.
379.4 Authentication of declarations.
379.5 Use of authenticated declaration.
379.6 Use of license symbols or numbers on declaration or parcel.
379.7 General authority of Collectors of Customs and Postmasters in clearing shipments.
379.8 Types of actions which may be taken by Collectors.
379.9 Port of exit; shipments leaving United States before final exportation from United States port.
379.10 Destination control.
379.11 Return or unloading of cargo at direction of Department of Commerce.
379.12 Other applicable laws and regulations.

AUTHORITY: §§ 379.1 to 379.12 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 379.1 *General export clearance requirements*—(a) *Exportations by Water or Air Carrier.*[1] No person shall place on a pier or dock or other place of loading for the purpose of exporting by water or air, load or carry onto an exporting carrier, or present to the Collector of Customs for inspection and clearance for exportation, any commodity or technical data until:

(1) *Shipments requiring a validated license.* A validated license therefor has been presented to the Collector, and a related duly executed Shipper's Export Declaration, covering such commodity or technical data, has been presented to, and authenticated by, the Collector.

(2) *Shipments under a general license.* A duly executed Declaration, consistent with the provisions of an applicable general license, has been presented to, and authenticated by, the Collector. Where the filing of a Declaration is not required, an oral declaration describing the commodity or technical data about to be exported and the applicable general license shall be made to the Collector at the port of exit.

(b) *Exportations by mail*—(1) *Shipments requiring a validated license*—(i) *General requirements.* No person shall export any commodity or any technical data by means of mail, including surface and air parcel post, until (*a*) a validated license therefor has been presented to the Postmaster at the place of mailing, together with a related duly executed Declaration covering the commodity or technical data to be so mailed, whether or not required by the regulations of the Bureau of the Census, and until (*b*) the sender (exporter) has entered the complete validated license number on the address side of the wrapper on the package.

(ii) *Partial shipments.* (*a*) Where more than one shipment is to be made against a validated license, the sender (exporter) shall file the license with a Collector (instead of surrendering the license to the Postmaster) and present to such Collector for authentication a copy of the Declaration covering each shipment. The authenticated Declaration, in addition to the Declaration required under subsection (i) of this subparagraph, shall be surrendered to the Postmaster at the time of mailing.

(*b*) A shipment by mail against a license on file with a Collector may be exported on or before the license expiration date indicated by the Collector on the authenticated Declaration. Where the mail shipment is not made within this period and the validity period of the export license has been extended by amendment in accordance with the provisions of § 380.2 of this subchapter the exporter shall prepare and present to the Collector for authentication a new copy of the Declaration, clearly marked "Amended", together with the previously authenticated Declaration. The previously authenticated Declaration will be retained by the Collector and the amended Declaration, if authenticated, will be returned to the exporter for presentation to the Postmaster.

(2) *Shipments under a general license*—(i) *General requirements.* Where no validated license is required, the sender (exporter) shall present to the Postmaster at the place of mailing a duly executed Declaration, when required by subdivision (ii) of this subparagraph, containing the symbol of the appropriate general license under which the commodity or technical data may be exported, and shall place such symbol on the address side of the wrapper, followed by the words "Export License Not Required". The general license symbol and the legend will constitute a certification by the sender to the Postmaster and to the Bureau of Foreign Commerce that a validated license is not required for the shipment.

(ii) *Commercial mail shipments.* A Declaration shall be presented for commercial mail shipments being made under a general license from one business concern to another business concern, if the value of the shipment is $25 or more.[2]

NOTE 1. *Post Office Regulations.* All exportations via mail should also conform to the applicable Post Office Department regulations as to size, weight, permissible contents, etc. Such exportations are subject to inspection by the Post Office Department and the Bureau of Customs.

2. *Gift parcels.* If the sender is shipping a gift parcel under the provisions of the general license for gift parcels, he must place the word "Gift" on the customs declaration tag as well as the words "Gift—Export License Not Required" on the address side of the wrapper. In this instance, the word "Gift" is the general license symbol. (See § 371.23 of this subchapter.)

3. *Weekly shipments.* Only one shipment per calendar week of a commodity classified in a single entry on the Positive List may be made by parcel post or mail under General License *GLV* by one exporter to one importer. (See § 371.19 (b) (1) of this subchapter.)

4. *Partial shipments.* The procedures for obtaining separate or additional licenses when making partial shipments by mail are set forth in § 372.5 (h) of this subchapter.

(c) *When exporting by means other than by water, air, or mail.* No person shall export any commodity or technical data by means other than by water, air, or mail, until (1) a validated license, where required by the provisions of the Export Regulations, has been presented to the Collector at the port of exit from the United States and until (2) a duly executed Declaration covering the commodity or technical data has been presented prior to inspection together with the related license to, and authenticated by, the Collector. Where no validated license is required, a duly executed Declaration consistent with the provisions of an applicable general license shall be presented for authentication, prior to inspection, to the Collector at the port of exit. Where the filing of a Shipper's Export Declaration is not required, an oral declaration, including a description of the commodity or technical data to be exported and the applicable general license, shall be made to the Collector at the port of exit.

§ 379.2 *Presentation and use of validated license*[3]—(a) *Licenses valid for shipment from any port.* A license may be used for exportation from the United States from any port of exit subject to the jurisdiction of the United States, unless the Bureau of Foreign Commerce shall otherwise provide.

(b) *Signature on licenses.* The export license document, Form IT– or FC–628, presented to the Collector or Postmaster, must bear on the reverse side thereof the following signatures:

(1) *Licensee.* At the top left, on the line reading "Signature of licensee", the signature of the licensee, by himself, or for him by a duly authorized officer, employee, or agent.

(2) *Person presenting license.* At the top right, on the line reading "Signature of person presenting license", the signature of the licensee or of an officer or employee of either the licensee or the forwarding agent who is authorized to sign and swear to the Declaration accompanying such license. This signature may be affixed either in the presence of the Collector or outside the customhouse.

(c) *Filing of license at time of first shipment.* All validated licenses (except Project Licenses and Project Technical Data Licenses) must be presented to and filed with the Collector before any commodity or technical data is loaded, presented for loading, deposited on a dock or other place of loading, or carried onto an exporting carrier; except that in the case of shipments to be made by mail, the validated license shall be presented to the Postmaster or to the Collector when the Declaration covering the first shipment is presented for exportation under that license.

(d) *Subsequent shipments from port where license filed.* If only a partial shipment is made thereunder, the validated export license will be appropriately endorsed and held by the Collector until complete shipment is made or until the license expires. On any subsequent shipments under that license from the same port, duly executed Declarations shall be presented for authentication, as provided in this part.

(e) *Simultaneous or subsequent shipments from other ports*—(1) *Transmittal of approval.* If part of the licensed shipment is to be made from another port, the licensee shall request the Collector holding the license to transmit to the Collector at the intended port of exit approval for the intended shipment. Upon granting the approval, the Collector holding the license will endorse the license to record the facts as to the intended shipment. On any shipment made pursuant to such approval, duly executed Declarations shall be presented to the Collector at the port from which the shipment is to be made, as provided in this part. In case full or partial shipment is not made from the intended port (in accordance with the approval), the licensee or his agent may initiate action for the modification or deletion of the Collector's endorsement of the intended shipment. Such action may be initiated in the following manner:

(i) *License in possession of Collector.* If the license is still in the possession of the Collector (whether or not the license would have been completed by the intended shipment), the licensee or his agent shall request the Collector to whom the approval was sent to notify the Collector holding the license to make an amendment of his previous endorsement of the intended shipment.

(ii) *License returned by Collector to the Bureau of Foreign Commerce.* If the license has been returned by the Collector to the Bureau of Foreign Commerce, an application for a new license may be submitted to the Bureau of Foreign Commerce covering the quantity not shipped, together with a letter explaining the facts and identifying the Collector to whom the approval was sent.

(2) *Transmittal of license.* As an alternative to the notification procedure set forth above, the Collector holding the license is authorized to transmit the license by mail to the Collector at another intended port of exit, upon written request by the licensee stating that the license will no longer be used at the port at which the license is deposited.

(3) *Exceptions.* The procedure set forth above in this paragraph shall not be applicable to licenses which specify that shipment is authorized for clearance at a particular port of exit.

(f) *Shipments against expiring license*—(1) *Commodities or technical data ready for loading or laden.* Commodities or technical data which are (i) laden aboard the exporting carrier or (ii) ready for lading and located on a pier for the purpose of lading prior to midnight of the expiration date of a license, and not for the purpose of storage, may depart with the vessel even though the vessel does not clear until after the expiration date of the license. Furthermore, where the vessel is expected to be available at the pier for loading in advance of the expiration of the license, but exceptional and unforeseen circumstances delay it, the commodities or technical data may be exported without an extension of the validity period of the license, if in the judgment of the Collector undue hardship would otherwise result.

(2) *Commodities or technical data in transit to port of exit.* Commodities or technical data in transit to the port of exit prior to midnight of the date of expiration of the validated license covering the shipment may be cleared for export, at the discretion of the Collector, within 5 days following the expiration date of

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[1] The attention of United States purchasers is directed to the Transaction Control Regulations of the U. S. Treasury Department (31 CFR 505.01 to 505.60). These regulations prohibit persons within the United States from purchasing or selling, or arranging the purchase or sale, without a Treasury Department license, of any merchandise in any foreign country when the transaction involves a shipment from any foreign country to any Iron Curtain destination, of merchandise included in the Positive List (Part 399 of this subchapter) followed by the letter "A", or of a type prohibited by any of the several regulations referred to in § 370.4 of this subchapter.

The attention of purchasers is also directed to the Foreign Assets Control Regulations of the U. S. Treasury Department (31 CFR 500.101 to 500.808). These regulations prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transactions with Communist China, North Korea, or nationals thereof, or in any unlicensed transactions involving property in which Communist China, North Korea, or nationals thereof have, or have had, any interest, direct or indirect, since December 17, 1950. The Foreign Assets Control Regulations also prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transaction with respect to merchandise outside the United States if such merchandise is of Communist Chinese or North Korean origin, or is Chinese type merchandise specified in the regulations.

[1] Except as provided by § 379.2 (e).

[2] This rule is also contained in the regulations issued by the Bureau of Census.

[3] Provisions relating to the export clearance of technical data under a validated license are set forth in § 385.4 (g) of this subchapter.

the license if the shipment qualifies under subparagraph (1) of this paragraph. The Collector may require the exporter to submit a Bill of Lading or other evidence that the shipment was in transit to the port of exit prior to the expiration date of the license and was delayed in transit.

(3) *Other shipments.* Licensed shipments not coming within one of the foregoing provisions may not be exported except by extension of the validity period of the license by the Bureau of Foreign Commerce.

(g) *Reexportation under license previously granted*—(1) *Shipments returned to the United States.* Shipments which are returned to the United States because of failure or inability of the exporting carrier to deliver the shipment at its intended destination may be reexported to the consignee and destination to which the shipment was originally made without the procurement of a new license: *Provided*, That satisfactory evidence of the validity of the original exportation is submitted to a Collector.

(2) *Evidence required.* Such evidence may consist of a copy of the original Declaration or the exporting carrier's outward manifest, or such other evidence as the Collector may require. If the commodities or technical data are reexported to other than the original consignee, they must be treated as new exportations and are subject to current regulations of the Bureau of Foreign Commerce regarding the specific commodity or technical data.

(h) *Weight and volume tolerance*—(1) *10 percent tolerance.* For all commodities requiring an export license, unless otherwise specified in such license, a 10 percent tolerance by weight or volume over the amount specified in the license is allowed, except as listed below in this section:

Commodities	*Tolerance*
Raw cotton except linters (Schedule B Nos. 300005 through 300312) (pounds or bales).	2 percent.
Sulfur, crude (containing 85 percent or more sulfur), crushed, ground, refined, sublimed, and flowers (Schedule B Nos. 571410 and 571500).	1 percent.
Medicinal and pharmaceutical preparations with processing codes DRUG and ACID, other than radium salts and compounds, Schedule B No. 829940 (Schedule B Nos. 811100 through 818000).	1 percent.

(2) *Unit of quantity covered.* (i) This tolerance is allowed only when the unit of quantity called for on the license is in the following weight or volume terms:

Avoirdupois ounce.	M (1,000) board feet.
Bale.	Milligram.
Barrel.	Oxford Unit.
Bushel.	Pound.
Content pound.	Proof gallon.
Cubic foot.	Short ton (2,000 pounds).
Gallon.	Square foot.
Gram.	Square yard.
Hundredweight (100 pounds).	Troy ounce.
Linear foot.	U. S. P. unit.
Linear yard.	
Long ton (2,240 pounds).	

(ii) The weight and tolerance provisions of this section shall not apply to the following units of quantity:

Carat.	Pencil gross.
Cell.	Piece.
Dozen.	Ream.
Gross.	Roll.
Number.	Round.
Pack.	Set.
Pair.	Square.

(3) *Maximum tolerance allowed.* (i) In all cases, the tolerance shall be allowed on the basis of the actual quantity stated in the license; and in no case shall the tolerance exceed 10 percent of such quantity.

(ii) For example:

(*a*) If the quantity shown on the license is "100,000 pounds," not more than 110,000 pounds may be exported.

(*b*) If the quantity shown on the license is "100,000 pounds 10 percent more or less," not more than 110,000 pounds may be exported.

(*c*) If the quantity shown on the license is "approximately 100,000 pounds," not more than 110,000 pounds may be exported.

(iii) Where an amount equivalent to the quantity stated on the license has been shipped, no further shipment may be made under the license.

(4) *Commodities licensed in both container and weight or volume units.* (i) Where commodities are licensed in terms of both standard-size container units and weight or volume units, the tolerance is allowed on the total weight or volume licensed; provided that the number of standard-size container units shall not be increased over the number thereof stated in the license.

(ii) For example: If the license authorized the shipment of 10,000 pounds of a commodity in twenty 500-pound drums, that license may be used to clear an exportation of not more than 11,000 pounds in not more than twenty such drums.

(5) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity have been made, the 10 percent tolerance is allowed only on the unshipped balance, except that in the case of shipments of iron and steel products (processing code STEE), and tinplate (processing code TNPL), the tolerance of 10 percent, and in the case of raw cotton, except linters, the tolerance of 2 percent, is allowed on the basis of the actual quantity stated in the license. Where an amount equivalent to the quantity stated on the license has been shipped, no further shipment may be made under the license.

NOTE 1. *Tolerance.* When there is a discrepancy in weight or volume within the tolerance allowance between the amount shown on the license and the amount actually shipped, the amount actually shipped shall be noted on the license by the Collector of Customs at the final port of exit before the license is returned to the Bureau of Foreign Commerce.

2. *BLT shipments.* When shipments are cleared against a BLT license, the applicable tolerance may be applied to the quantity approved for export to each single consignee; provided, however, that the total amount shipped against the license does not exceed the total amount approved for export plus 10 percent. In other words, the tolerance provisions may be applied on the amount approved for each consignee in the same manner and to the same extent as if he were the only consignee named in an individual license.

§ 379.3 *Presentation of shipper's export declaration*—(a) *Definition of shipper's export declaration.* "Shipper's Export Declaration" means Shipper's Export Declaration, Commerce Form 7525–V or Shipper's Export Declaration for In-transit Goods, Commerce Form 7513. The Declaration for in-transit goods should be used for all commodities:

(1) Shipped in transit through the United States.

(2) Transshipped in ports of the United States for foreign countries.

(3) Exported from General Order Warehouse.

(4) Exported from foreign trade zones (unless the Collector of Customs specifically permits the use of Commerce Form 7525–V).

(b) *When required.* Declarations shall be presented to the Collector at the port of exit, or to the Postmaster at the post office from which the shipment is mailed, in the number of copies specified in paragraph (c) of this section.

(c) *Number of copies to be presented*—(1) *Where exporting by means other than mail.* Three copies of the Declaration shall be required by the Collector at the port of exit, except in cases of shipments to Canada and shipments between the United States and its territories and possessions [4] for which only two copies are required, except as provided in subparagraph (3) of this paragraph.

(2) *When mailing*—(i) *General.* In the case of shipment by mail, one copy of the Declaration shall be presented to the Postmaster at the place of mailing [4] when: (*a*) The shipment is under a validated license, or (*b*) the shipment is of a commercial nature and its value is $25 and over.

(ii) *Partial shipment against a validated license on file.* In addition, as provided in § 379.1 (b) (1) (ii), when making a partial mail shipment against a license on file with a Collector, the sender (exporter) must present to the Postmaster a copy of the Declaration authenticated by the Collector with whom the license is filed.

(3) *Additional copies of Declaration.* The Bureau of Foreign Commerce, the Collector, or the Postmaster may require, for the purpose of export control, the presentation of additional copies of the Declaration. In all cases where a Declaration is required by the Export Regulations or the "Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States," an additional copy of the Declaration shall be presented for exportations of the commodities listed below.[5] The additional copy shall bear the following notation in the upper right corner; "COMM–8".

[4] Shipments between the United States and Alaska or Hawaii do not require Declarations.

[5] This regulation includes shipments under a validated license, under a general license, and shipments to Canada.

Schedule B No.	Commodity
601010–601099	Iron and steel scrap.
630050	Aluminum scrap (new and old).
641200	Refined copper in cathodes, billets, ingots, wire bars and other crude forms, except copperweld rods.
641300	Copper scrap (new and old).
642200	Copper pipes and tubes.
642300	Copper plates, sheets, and strips, including nickel-plated.
642400	Copper rods and bars, n. e. c.
642510	Copper wire and cable, bare.
644000	Copper-base alloy scrap (new and old).
644100	Copper-base alloy ingots and other crude forms.
644900	Copper-base alloy bars, rods, and other shapes, extruded, rolled and drawn.
645000	Copper-base alloy plates, sheets, and strips.
645300	Copper-base alloy pipes and tubes (including pipe coils).
645710	Copper-base alloy wire and cable, bare.
654502	Nickel metal and nickel alloy metals in ingots, bars, rods, and other crude forms, and scrap.
664526	Cobalt-bearing scrap metal containing 5 percent or more cobalt by weight.
709810–709885	Insulated wire and cable.

NOTE: For exports from the United States to foreign countries made in transit via Canada, the exporter shall present for authentication an additional copy of the Declaration in such cases.

(d) *Separate declarations required where shipment is partly under general license and partly under validated license*—(1) *General.* Commodities or technical data to be exported under the authority of a general license shall not be combined on the same Declaration with commodities or technical data to be exported under a validated license. Separate Declarations must be presented: one to cover the commodities or technical data under general license, the other to cover commodities or technical data under validated license.

(2) *Exceptions.* In the case of a shipment consisting of commodities and the containers therefor, where either of the commodities only or the containers only require a validated license, both the commodities and the containers shall be entered on the same Declaration.

(e) *Special requirements*—(1) *Special requirements stated on the license.* Where a particular validated license bears on the face thereof a requirement that specified documents or information (additional to that furnished at the time of application) be furnished, the licensee shall, at the time of or prior to presenting the Declaration to the Collector, write on or attach to all copies of the Declaration such specified information or documents, unless otherwise indicated on the license.

(2) *Manner of submission of additional information and documents; additional copy of Declaration.* (i) The information required by subparagraph (1) of this paragraph shall be set out in columns (9) to (15) on all copies of the Declaration—one copy in addition to, and conforming to, the number of copies otherwise required—to be filed with the Collector for authentication. Unless otherwise specified on the face of the license, the documents required shall be attached to the additional copy of the Declaration and need be submitted in one copy only. The documents may be either original or certified copies.

(ii) All statements and documents submitted in accordance with the requirements of a license will be deemed to constitute representations of material facts within the purview of the regulations prohibiting the making of false representations to the Bureau of Foreign Commerce in any export control matter (§ 381.5 (b) of this subchapter).

(iii) The Collector will refuse to authenticate a Declaration in any case where the exporter fails to comply with the special requirements of a validated export license or does not possess the information or documents requested, unless, prior to presentation of the Declaration, the exporter has informed the Bureau of Foreign Commerce of the specific reason for his inability to comply and, for good cause shown, the Bureau of Foreign Commerce has in writing waived the requirement. The licensee will attach to and file with the license any letter of waiver in order to effect clearance of the shipment through Customs.

§ 379.4 *Authentication of declarations*—(a) *Authentication requirement.* All copies of Declarations which are required to be presented to Collectors must be authenticated by the Collector at the port of exit (see § 379.3 (b)). No Collector shall authenticate a Declaration unless he is satisfied, after comparing it with the applicable validated export license or general license, as the case may be, and with such other relevant information as he may have, that (1) exportation of the commodity or commodities described in such Declaration is authorized under such license; (2) that the statements in such Declaration are identical in all respects with the contents of the validated export license, or the terms, provisions, and conditions of the general license; (3) that the statements in such Declaration are set forth in such manner as to permit all Collectors or other authorized officials or persons to whom the Declaration may thereafter be exhibited or delivered in connection with the exportation to determine whether the said exportation complies with the contents of the validated export license, or the terms, provisions, and conditions of the general license; and (4) that the shipment is or will be available for inspection and has not been loaded on an exporting carrier.

(b) *Information required for authentication.* No Declaration shall be authenticated by a Collector unless there are set forth in such Declaration, and in all copies thereof required to be presented to the Collector:

(1) The name and address of the exporter, who shall be the licensee named in a validated export lisense or entitled to export under a general license. On a Declaration covering exportations under a validated license, the answer to Item 3 shall correspond to the corporation partnership, or individual named as the applicant-licensee (exporter) on Form IT– or FC–419.

(2) The name and address of the forwarding agent, if any, duly authorized by the exporter.

(3) The name and address of any intermediate consignee, whether or not named on the license application or on the validated license.

(4) All of the other data required to be shown on the Declaration form.

NOTE: 1. *Optional ports of unlading.* In a case where, prior to the departure of the exporting carrier, an exporter does not know which of several countries is the country of ultimate destination of a commodity being exported under General License GRO or GO, the exporter may name on the Declaration and Bill of Lading as ultimate destination optional ports of unlading, even when more than one foreign country is involved. As soon as the exporter ascertains the actual country of ultimate destination, Correction Form FT–7403 should be filed with the Collector at the port of exit where the original Shipper's was filed, specifying the actual port of unlading, the actual country of ultimate destination, and the name and address of the buyer to whom delivery is made. If the exportation is consigned to more than one country of ultimate destination, Correction Form FT–7403 should indicate the amount (quantity and value) consigned to each country of ultimate destination.

When an exportation under any general license is shipped in transit through a country other than the country of ultimate destination, the exporter may designate optional ports of unlading in one or more countries, together with the name and address of the intermediate consignee in each of the countries designated. Optional ports of unlading, in all cases, must be located in a country to which the commodity may be shipped directly from the United States under the same or another applicable general license.

In the case of exportations made under a validated license, optional ports of unlading in the country of ultimate destination only may be designated on the Declaration and Bill of Lading, unless the export license designates intermediate consignees in one or more countries other than the country of ultimate destination. In the latter case, the optional ports of unlading must be designated as optional in-transit points on the Declaration and Bill of Lading in accordance with the validated license. Amendment of the validated license is required if an intermediate consignee in any of the designated countries is not named on the export license, as provided in § 380.2 (c) of this subchapter.

On any exportation, as soon as the exporter ascertains at which port the commodities are to be unloaded, whether located in the country of ultimate destination or in a country of transit, Correction Form FT–7403 should be filed with the Collector at the port of exit where the original Declaration was filed, specifying the actual port of unlading and the name and address of the intermediate consignee, if any, to whom delivery is made. An intermediate consignee must be specified if the port of unlading is located in a country other than the country of ultimate destination. If the exportation is unloaded at more than one port, Correction Form FT–7403 should indicate the amount (quantity and value) unloaded at each port, and the name and address of each intermediate consignee employed in the transaction.

In all of the above instances, the Bureau of Customs, in accordance with Customs clearance regulations (19 CFR 4.60 (a) of Customs Regulations of 1943), requires that the carrier must have other cargo on board to be discharged at one of the optional ports

named in each country and such carrier must be cleared accordingly.

In no event does the aforementioned procedure apply to any shipment destined directly or indirectly to Hong Kong, Macao, or Subgroup A destinations. This interpretation does not change or modify the provision of § 384.5 of this subchapter relating to the exportation of fresh fruit, fresh vegetables, and cut flowers to Hong Kong or Macao, nor does it change or modify the provisions of the Note following § 384.5 of this subchapter relating to shipments manifested for Singapore or other ports outside Hong Kong, Macao, or Subgroup A destinations, proceeding through Hong Kong only for the purpose of exchanging Bills of Lading.

2. *Shipments to redistribution points under General License* GRO. Where a shipment is made to a free zone or other redistribution point pursuant to the provisions of General License GRO, the redistribution point and the specific certification provided in § 371.8 (c) of this subchapter shall be shown on the Declaration and related Bill of Lading.

3. *Applicant-licensee (exporter).* On a Declaration (Commerce Form 7525–V) covering exportations under a validated license, the answer to item 3 shall correspond to the corporation, partnership, or individual named as the applicant-licensee (exporter) on Form IT- or FC-419. However, the answer to item 3 of Form 7525–V may correspond to the name of the foreign principal shown on Form IT- or FC-419 if the corporation, partnership, or individual that is in fact the exporter is not subject to the jurisdiction of the United States. In the absence of such identity, the export license does not cover the proposed exportation.

(c) *Commodity descriptions*—(1) *Basket commodity descriptions.* (i) As used in this paragraph, "basket classification" means those Schedule B commodity classifications in the 1952 edition of Schedule B, as amended, which call for the shipper to "specify by name," "specify by type," etc., the items included in the shipment under those commodity numbers. A detailed description shall be set forth on the applicable Declaration for commodities falling within the Department of Commerce Schedule B commodity basket classifications, in addition to all other data required to be shown on such Declaration.

(ii) In those cases where there are a substantial number of items included in a single export shipment under one basket classification, exporters may set forth the detailed descriptions of only five of the items which represent the greatest proportion of the total dollar value under this single Schedule B basket classification. Separate dollar value, net quantity, and shipping weight information for individual items reported under one Schedule B basket classification are not required on the Declaration.

(2) *Distinguishing characteristics or specifications.* When shipment of a commodity is being made under a general license as a non-Positive List commodity and there is an entry on the Positive List for the same type of commodity and under the same Schedule B number, but with different specifications, capacities or other characteristics, the description of the commodity on the Declaration shall contain the distinguishing specification, capacity, or other characteristic, such as: rated horsepower, pressure, kilowatts, operating voltage, kilovolt amperes, etc. Such description shall be complete in all respects, including the exact specifications and/or composition of the commodity; for example: one resistance welder, single phase type, Schedule B No. 701032. If it is impractical to give the exact specifications and/or composition of the commodity, Collectors, at their discretion, may authorize exporters, in lieu thereof, to place the following certification on the Declaration:

This commodity does not come within the restricted specifications, characteristics and/or composition shown for this Schedule B number on page ---- dated -------- of the Positive List.

(d) *Additional information required for in-transit goods.* The following additional information shall be set forth on the Shipper's Export Declaration for In-transit Goods (Commerce Form 7513):

(1) The name and address of the intermediate consignee in a foreign destination, if any, must be shown below the description of the commodities across columns 1–6;

(2) Underneath the name and address of the intermediate consignee, also within columns 1–6, one of the following statements must be made, whichever is appropriate:

(i) For in-transit shipments of foreign merchandise (for definition of "foreign origin," see § 371.9 (a) of this subchapter):

The merchandise described herein is of foreign origin.

(ii) For in-transit shipments of domestic (United States) merchandise:

The merchandise described herein is of the growth, production, or manufacture of the United States.

(iii) For in-transit shipments of commodities of United States origin excepted under § 371.9 (a) (2) of this subchapter:

The merchandise described herein is of the growth, production, or manufacture of the United States, but comes within the exception granted by § 371.9 (a) (2) of this subchapter.

(3) The commodities to be exported shall be described in terms of Schedule B, including the appropriate Schedule B number, as well as in terms of Schedule S. The Schedule B number shall be entered in column 4 immediately underneath the Schedule S number.

NOTE: All shipments of merchandise for which the Shipper's Export Declaration for In-transit Goods is required (Commerce Form 7513) must be shown in terms of Schedule S as well as in terms of Schedule B. Schedule S numbers, by commodity groupings, are contained in Schedule S, Statistical Classification of Domestic and Foreign Merchandise Exported from the United States, obtainable without charge from the Bureau of the Census, Department of Commerce, Washington 25, D. C.

(e) *Statement regarding ultimate destination.* No Declaration shall be authenticated by a Collector unless the statement regarding ultimate destination, whenever required, has been entered on all copies of the Declaration as provided in § 379.10 (c).

(f) *Forwarding agent*—(1) *Definition of "forwarding agent."* For the purpose of this part, a "forwarding agent" shall be a person authorized by a named exporter to perform for the exporter actual services which facilitate exportation of the commodities described in the Declaration, such as preparing the Declaration, attending to clearance of the shipment by submission of documents to the Collector or export control officers, securing cargo space, or delivering the commodities to the exporting carrier, obtaining Bills of Lading in connection with the exportation, and attending to the formalities of consular invoices, certificates of origin, and other like documents; but such "forwarding agent" need not be a person regularly engaged in the freight forwarding business.

(2) *Forwarding agent as true agent.* Unless the exporter shall otherwise state in writing in the power of attorney set forth in the Declaration, or in a general power of attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee, filed with the Collector, the forwarding agent named by the exporter in said power of attorney or other written form shall be deemed to be the true agent of the exporter for export control and customs purposes.

(g) *Signature on Declaration.* (1) The signature of the person making the declaration set forth on the Declaration form and taking the oath shown on said form (where oath is required) shall be that of the exporter or the forwarding agent named in the Declaration, or a duly authorized officer or employee of either. The signature of such person, whether or not under oath and whether or not that of the exporter or his duly authorized officer or employee, shall constitute a representation by the exporter that all statements made and all information set forth in such Declaration are true and correct. In addition, if the signature is that of the forwarding agent, or his duly authorized officer or employee, such signature shall constitute a like representation by the forwarding agent.

(2) Additional copies of the Declaration or copies of the continuation sheet form for such Declaration may be used where more space is required to prepare fully a Declaration. In all such cases, the Declaration need be signed and the oath taken (where required) on only one Declaration form. The additional copies or sheets must be numbered in sequence and securely attached to the executed Declaration form; and the following legend must be inserted between columns (9) and (15) of the executed Declaration form:

This Declaration consists of this sheet and ---- continuation sheets.

No portion of any form attached as a continuation sheet shall be torn off or removed.

(h) *Statements on declaration.* In all cases where a Declaration is presented to a Collector or Postmaster, the exporter shall be deemed thereby to represent (1) that all statements made and information set forth in the Declaration have been furnished by him or on his behalf for the purpose of effecting an exportation under the Export Regulations; (2) that the exportation of the commodity or commodities described in such Declaration is authorized under the general or validated export license therein identified; (3) that the statements contained in such Declaration are identical in all respects with the contents of the validated export license or the terms, provisions and conditions of the applicable general license; and (4) that all of the other terms, provisions, and conditions of the Export Regulations applicable to the exportation have been met.

(i) *Who may submit Declaration for authentication.* No person shall submit to the Collector for authentication any Declaration unless such person is the licensee or his carrier, the duly authorized forwarding agent of the licensee, or a duly authorized officer or employee of either.

(j) *Rejection of Declarations.* Collectors shall reject all Declarations which do not comply with the foregoing provisions of this part.

(k) *Procedures for presentation of declaration for authentication.* (1) Any Collector may, with the prior approval of the Bureau of Foreign Commerce, institute and maintain any procedure for the presentation for authentication of Declarations, which shall provide in each case for the proper identification, and recording of the identity of the individuals who sign such Declaration and who appear before the Collector for such purpose.

(2) Collectors are specifically authorized to institute and maintain the following procedure for identification of persons submitting or presenting Declarations to the Collector:

(i) *Identification cards.* An exporter (licensee) effecting exportations without the services of a forwarding agent shall make application for and obtain from the appropriate Collector an Identification Card, as herein described, for each of his officers or employees who submit or present Declarations or licenses. Where a forwarding agent is employed by an exporter, the forwarding agent shall similarly apply for and obtain an Identification Card for each of his officers or employees who submit or present Declarations or licenses on behalf of an exporter. In addition, carriers, not otherwise acting as forwarding agents, who may, as provided in paragraph (i) of this section, deliver executed Declarations without specific authorization therefor, shall similarly apply for and obtain such Identification Cards. Applicants for Identification Cards shall be responsible for all Declarations executed and submitted in their names to Collectors through use of the Identification Card. Such Identification Card may be used only in the Customs district for which issued, by the person to whom issued, and is not transferable. Application must be made on Customs Form 3139, "Application for Identification Card of Authorized Forwarding Agent or Exporter", and the Identification Card to be issued shall be Customs Form 3141, "Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof." (See Supplements S–6 and S–7 for facsimiles of these forms.)

(ii) *Waiver of identification card requirement.* In the case of exporters not regularly engaged in making exportations, Collectors may waive the Identification Card requirement where they are otherwise satisfied that the person submitting or presenting the Declaration is in fact the exporter (licensee) or is acting for and on behalf of such exporter.

(iii) *Identification cards and power-of-attorney forms.* Wherever the Identification Card procedure is instituted and maintained, it shall supersede any existing requirement of the Collector for filing a form of power-of-attorney executed by an exporter or forwarding agent, as the case may be, authorizing his officers or employees to sign, swear to, or submit Declarations.

(l) *Changes, alterations, and amendments of Declaration prior to authentication.* Collectors shall not, except in case of hardship or emergency, authenticate any Declaration showing evidence of change, alteration, or amendment, but shall require a clean copy. Where demonstrated cases of hardship or emergency exist in which Collectors find it desirable to make an exception, Collectors may approve on the face of the Declaration specific changes, alterations, or amendments. The duly authorized forwarding agent or carrier for an exporter may insert or correct in Declarations presented by him required items of information peculiarly within his own knowledge, such as the designation of the actual exporting carrier, the actual date of exportation, or the actual Schedule B number to which the commodity described in the Declaration unambiguously refers; but nothing herein shall relieve such forwarding agent or carrier from liability for any misrepresentation of facts so inserted or corrected. The forwarding agent or carrier making such insertion or correction must specifically identify the same in writing on the face of the Declaration.

NOTE: For changes, alterations, amendments of Declaration after authentication, see § 379.5 (b).

§ 379.5 *Use of authenticated declaration*—(a) *Authenticated Declaration as export control document.* When duly authenticated by the Collector at the port of exit, a Declaration shall be deemed to be a document, issued pursuant to the Export Regulations, evidencing the existence of a validated export license or permission for an exportation under an applicable general license. Such document may be used only by the exporter or his duly authorized forwarding agent for the purpose of clearing for exportation or otherwise facilitating or effecting the exportation of a commodity or commodities requiring a validated or general export license under the Export Regulations issued pursuant to the Export Control Law.

(b) *Changes, alterations, amendments of authenticated declarations.* No Declaration, used or intended to be used in connection with the exporation of any commodity or commodities requiring a validated or general export license, which shall have been authenticated by any Collector shall, at any time after such authentication, be changed, altered, or amended in any respect by any person without prior written authorization therefor set forth on such authenticated Declaration by the said Collector. However, where for any reason an exporting carrier designated in an authenticated Declaration cannot receive the shipment on board, the name and date of departure of another exporting carrier may be substituted by the steamship company, steamship agent, airline, railroad, motor vehicle company, or other person issuing Bills of Lading or similar documents of carriage for the carrier originally named, if due and timely notice of such change is given to the Collector prior to loading of the shipment onto the substitute carrier and such change is specifically identified in writing on the face of the Declaration by said steamship company, steamship agent, airline, railroad, motor vehicle company, or other person. No change, alteration or amendment may be authorized in any authenticated Declaration which would have the effect of authorizing shipment after the validity period of the applicable validated or general export license has expired or which would otherwise vary the terms, provisions, and conditions of such license.

NOTE: For changes of Declaration prior to authentication, see § 379.4 (l).

(c) *Declarations showing unauthorized changes.* No person to whom any authenticated Declaration showing evidence of change, alteration, or amendment shall be exhibited for the purpose of facilitating any exportation, without the production of written authorization therefor by the Collector, shall take any action toward such facilitation, but shall promptly report the facts to the nearest Collector and shall, where such authenticated Declaration is in his or its possession, surrender same to such Collector.

(d) *Correction of Authenticated Declarations.* Without prior approval of the Collector, any item of information contained on an authenticated Declaration previously filed with the Collector can be corrected either by use of Form FT–7403, Correction Form, or directly on the authenticated Declaration in accordance with the procedure described below.

(1) Corrections shall be made directly on the authenticated Declaration where:

(i) The shipment does not require submission of four copies of the Declaration, and

(ii) The Bureau of the Census copy of the Declaration is still in the possession of the Collector.

(2) In all other instances corrections shall be made by use of Correction Form, Form FT–7403. Form FT–7403 shall be submitted in triplicate where the shipment is made under a validated license requiring the submission of four copies of the Declaration; or in duplicate where the shipment does not require the submission of four copies of the Declaration. The Correction Form, Form FT–7403, shall be executed by the exporter or his duly authorized agent and submitted to the Collector with whom the authenticated Declaration was filed.

(e) *Return of unused copies of authenticated Declaration.* All copies of authenticated Declarations not used by an exporter for the purposes for which they are authenticated shall be returned to the Collector making the authentication.

(f) *Limitation of effective period of Declaration.* No Declaration shall be authenticated, and no authenticated Declaration shall be used, for the purpose of clearing for exportation, or otherwise facilitating or effecting, the exportation of a commodity or commodities requiring a validated or general export license after the expiration of the validity period of the applicable validated license or after the termination of the effective period of the applicable general license, except as provided in § 372.11 (d) of this subchapter and § 379.2 (f).

NOTE. The validity period of an export license includes any extension provided by any saving clause or regulation.

EXPLANATORY STATEMENT

1. *Responsibility of licensee and agent.* Under the Export Regulations, the exporter to whom a license is issued or who undertakes to export under a general license is legally responsible for the proper use of that license and for the due performance of all its terms and provisions. This responsibility continues even when he acts through a freight forwarder or other forwarding agent. Experience in the administration of export controls indicates, however, that it is often difficult to establish that relationship as a matter of record and fix responsibility when violations occur. The provisions of this part and the Bureau of Foreign Commerce form, "Power of Attorney—Designation of Forwarding Agent" (see Supplement S–8 for facsimile of form), are designed to remedy that situation.

2. *Power-of-attorney forms; purpose and use; alternatives.* The form which is prepared for this purpose is not mandatory but only suggested. Power-of-attorney terminology is used to accord with common business practice in establishing agency relationships, and by way of interpretation considerable flexibility is permitted. Nevertheless, there are situations where firms have found compliance with some of the required formalities in the execution of a general power of attorney, such as corporate seal, special resolutions of the board of directors, etc., to be unduly onerous.

Accordingly, the Export Regulations, as set forth above, permit, alternatively to the power-of-attorney form, the use of any written form of designation, provided it is subscribed and sworn to before a notary public or other person authorized to administer oaths, by a duly authorized officer or employee of the licensed exporter. Such designation must, of course, clearly indicate that the firm or person named is authorized to represent the licensed exporter for export control and customs purposes. The extent of the authority in this designation, as in the power-of-attorney, may be restricted, however, with respect to time, country, commodity, specific license, or other matter. It is also intended to permit the use of such documents to designate one or more employees, or other persons, such as an export manager or agent, to, in turn, appoint as many freight forwarders or other forwarding agents as may be required.

3. *Carriers.* In addition, specific reference to carriers has been made in those parts of the Export Regulations dealing with the submission of the Declaration in order to make clear the carriers, not otherwise acting as forwarding agents, may deliver executed Declarations without specific authorization therefor. The privilege of making certain specified insertions or corrections in the Declaration prior to authentication is also extended to such carriers.

4. *Summary of Interpretations.*—(a) *Applicability of Part 379:*

1. Q. Do the provisions of the Export Regulations with respect to presentation of additional copies of Declarations, and with respect to the procedure for authentication of Declarations, filing of powers-of-attorney or other forms of designations of forwarding agent, and use of authenticated Declarations, apply to Canada?

A. No, unless the particular exportation from the United States is destined for a third country, for which a validated license is required, and the shipment is via Canada.

2. Q. Do the foregoing provisions of the Export Regulations apply to general license shipments?

A. Yes. General license shipments have always been subject to Customs scrutiny and are covered by the Export Regulations, along with shipments under validated license, in order to curb possible abuse of the general license privileges.

3. Q. Are the Export Regulations contained in this part applicable to exportations regulated by United States governmental agencies other than the Bureau of Foreign Commerce, such as the Atomic Energy Commission and the Department of State?

A. No.

4. Q. What is the effect of making the Declaration an "export control document?"

A. A Declaration has always been an official document of the United States Government so that, for example, the penalties relating to making false statements on Government documents were always applicable to the use of that document. The only effect of the additional Export Regulations in this respect has been to bring Declarations under the export control laws as well as under the laws of the United States relating to Government documents generally, and Declarations in particular.

(b) *Powers-of-attorney or other forms of designation of forwarding agent:*

5. Q. Is the use of a power-of-attorney form mandatory?

A. As now provided in § 379.4 (f) (2), it is only an optional form.

6. Q. May the exporter designate more than one forwarding agent?

A. Yes. It is not intended that the power-of-attorney or other authorization designating a forwarding agent should constitute such agent the sole and exclusive forwarding agent of the exporter for all exportations. Exporters may execute powers-of-attorney or other authorization for any and all of the forwarding agents whom they employ.

7. Q. Where a forwarding agent is suggested by the foreign buyer in a transaction (rather than by the seller in the United States), must the seller designate such forwarding agent as his agent for export control and customs purposes?

A. Exporters have in some such cases expressed reluctance in designating such forwarders as their agents, because they do not regularly deal with them, or because they may not wish thereby to disturb contractual relations with their own forwarders. It is assumed that the underlying problem here is the exporter's unwillingness to give any general authorization to such agent. It is therefore suggested that the form of designation on the Declaration be used which would limit the authority granted to the particular transaction involved. It should also be noted that in some such cases the solution to the problem may lie in having the agent for the foreign buyer apply for the license. (See § 372.4 (a) of this subchapter.)

8. Q. Must an exporter use the Bureau of Foreign Commerce form of power-of-attorney designating a forwarding agent, or may he give such authority by other and more limited powers-of-attorney?

A. The language of the Bureau of Foreign Commerce form of power-of-attorney is not mandatory. It is specifically provided that it may be made more restrictive by the exporter; likewise, an exporter may restrict the power-of-attorney set forth in the Declaration. Of course, no limitation may be made which would relieve the exporter from responsibility for carrying out the exportation authorized by the license which he holds.

9. Q. May the exporter vary the language of the acknowledgment set forth in the Bureau of Foreign Commerce forms of power-of-attorney?

A. Yes. The forms were drafted to permit use by exporters who are individuals, partnerships, corporations, associations, or quasi-governmental bodies. The acknowledgement forms may be modified to fit the legal status of the exporter.

10. Q. May exporters authorize forwarding agents to sign and swear to Declarations and to present them to Collectors for authentication by executing the designation appearing on the face of the Declarations?

A. Yes. The exporter may execute the designation appearing on the Declaration, which is applicable only to the transaction referred to in the Declaration. The power-of-attorney or other written authorization may be used where the same forwarding agent handles numerous shipments and it is impracticable to execute a specific designation on the Declaration for each transaction.

(c) *Who should execute:*

11. Q. Who is deemed to be "duly authorized officer or employee" for the purpose of signing and swearing to Declarations?

A. There is and can be no fixed rule in this respect. In general, such corporate officers as the president, vice president, treasurer, and secretary of a corporation, any partner of a partnership, and any responsible head of any other form of private or quasi-governmental organization will be deemed to have the requisite authority. Assistant officers will in general, be accorded a like assumption. Such employees as export managers who, by their official titles, are apparently vested with power to deal with exportations will also be deemed to have authority to execute the designation appearing on the face of a Declaration and to sign and swear to such Declarations.

(d) *Proof of authority:*

12. Q. Under what circumstances must Customs be furnished with supporting evidence of authority of persons executing powers-of-attorney or other authorizations?

A. Customs may in any case require proof of the authority of any such person signing a power-of-attorney or other authorization. In general, however, Customs will require such proof only when there is some reason to doubt the authority of the person involved.

(e) *Miscellaneous:*

13. Q. Must a forwarding agent have an office at the port of exportation or otherwise be known to the Collector at such port?

A. No. A forwarding agent need not have an office at every port of exportation. If a forwarding agent signs and swears to a Declaration which is intended for clearance of an exportation through a port where he has no office, he should furnish to the Collector at such port his power-of-attorney or other authorization from the exporter. He should also furnish to the person who will arrange physically to present the Declaration to the Collector, an authorization in writing for that purpose.

14. Q. May a forwarding agent who does not have an office at the port of exportation redelegate to another forwarding agent his authority to sign and swear to Declarations and to present Declarations for authentication at such port?

A. Yes; provided that the power-of-attorney or other authorization from the exporter permits such redelegation or there is presented to the Collector written evidence of consent of the exporter to such redelegation.

15. Q. If a forwarding agent has a power-of-attorney or other authorization filed with a Collector in one port, must he file additional original documents with Collectors in other ports through which he may effect exportations?

A. No. It is only necessary to file the original documents in one port. Photostatic copies thereof, certified by the Collector of such port, may be transmitted by the forwarding agent to other ports where needed unless the authorization is otherwise specifically limited by the exporter.

16. Q. How should forwarding agents and exporters handle such matters as changes of weights, measurements, quantities, etc., which must frequently be made on Declarations after authentication?

A. In general, the Export Regulations permit certain types of amendments and insertions to be made in Declarations before and after authentication, as set forth in §§ 379.4 and 379.5. A forwarding agent, however, designated on the Declaration or by separate document, may make such changes, unless specifically precluded from doing so by the exporter in his designation. Collectors are empowered to permit such amendments upon written authorization therefor by the Collectors set forth on such authenticated Declaration. Collectors will exercise discretion to allow amendments of this character. Where the amendments have the effect of converting a Declaration into one for a substantially different shipment, however, a new Declaration will have to be prepared. Unless otherwise limited by the exporter, the power-of-attorney or other authorization given to a forwarding agent is deemed also to authorize him to prepare substitute Declarations reflecting such changes.

§ 379.6 *Use of license symbols or numbers on Declaration or parcel.*—(a) *Certification by the Exporter.* The use by any exporter of a general license symbol, a validated license number, or other designation, on a Declaration or parcel when such marking is required by the provisions of the Export Regulations, for the purpose of clearing an exportation under any general license or validated license, shall constitute a certification by the exporter that the terms, provisions, and conditions of the license have been met.

(b) *Use of validated license number.* The Collector will not authenticate a Declaration for a licensed exportation where an incomplete export license number is shown thereon; exporters must therefore use the complete validated license number when entering the required information in column (10) of the Declaration (Form 7525–V).

NOTE: 1. *License number.* When the number of an export license, Form IT– or FC–628, is correctly entered on the Declaration in column (10), the one entry of the complete number satisfies the requirements for inserting the "export license number" and the "issuance date" of the license. As explained in § 372.11 of this subchapter, the digits immediately following the initial letter, although an inseparable part of the license number, conjointly indicate the issuance (or validation) date of the license, while the last five digits signify the validating sequence. (Examples of complete numbers for Form IT– or FC–628, Export License: A5–2–1–02341; B5–131–33031; C5–212–64451.)

2. *Project licenses.* The license number of a Project License (see Part 374) issued on Form IT– or FC–419 is the number appearing in the upper right corner of the document. The date of issuance appears in the lower right corner, in the space marked "For Official Use Only".

3. *Expiration date.* A separate entry is necessary to show the expiration date of the license on the Declaration form.

§ 379.7 *General authority of Collectors of Customs and Postmasters in clearing shipments.*—(a) *Definitions.* "Collectors" means Collectors of Customs and other customs officials. "Postmasters" means Postmasters and other post office officials.

(b) *Scope of authority of Collectors and Postmasters.* Collectors and Postmasters are authorized and directed to take appropriate action to assure observance of the provisions of the Export Regulations, and of general and validated licenses issued thereunder, including but not limited to inspection of commodities and technical data being or about to be exported.

(c) *Waiver of presentation of license.* A Collector of Customs or Postmaster, upon specific authorization by the Bureau of Foreign Commerce, may waive the presentation of a license.

§ 379.8 *Types of actions which may be taken by Collectors.* The following types of actions, among others, are authorized to be taken by Collectors:

(a) *Examination of commodities.*—(1) *Purpose of examination.* All commodities and technical data declared for export are subject to examination by customs officials for the purpose of verifying the commodity or technical data specified in the Declaration, and the value and quantity thereof, as well as to assure observance of the other provisions of the Export Regulations. The examination may be made in connection with commodities or technical data exported under a general license as well as a validated export license. It also may be made in connection with exportations to Canada. This examination is not limited to, but may take the form of, commodity identification, technical appraisal (analysis), or both.

(2) *Place of examination.* Examination of exportations shall be made at the place of lading or where the customs officials are stationed for that purpose.

(3) *Technical identification.* In those cases where, in the judgment of the Collector, the commodity or technical data cannot be properly identified, a sample may be taken for more detailed examination by customs appraisers or for chemical or other laboratory analysis. The shipment will not be delayed after sampling for completion of the analysis.

(4) *Sampling for technical identification.*—(i) *Obtaining samples.* When sampling is required, the sample will be obtained by the customs official in accordance with the provisions for sampling imported merchandise. The size of the sample taken shall be the minimum representative amount necessary for identification or analysis and will depend on such factors as the physical condition of the material (whether solid, liquid, or gas), and the size and shape of the container.

(ii) *Notification of sampling to exporter and consignee.* The exporter (or his agent) and ultimate consignee shall be notified in each case where a sample is extracted for purposes of identification or analysis. Notification will be on Form IT– or FC–915, Notice of Retained Samples (see Supplement S–17 for facsimile of form). This form shall be prepared by the customs official, showing the name of the port of exit, the date of sampling, Declaration number, license number (if any), mark and case numbers, amount of sample taken, manufacturer's number, and a description of the commodity. The form shall be prepared in triplicate. The original shall be placed in the opened package, box, crate, or other container; the duplicate shall be sent to the exporter or his agent; and the triplicate shall be retained by the Collector.

(iii) *Disposal of samples.* Samples withdrawn for analysis will be disposed of in accordance with the procedure followed by Collectors for disposing of samples of imported commodities.

(b) *Inspection of documents.* The Collector is authorized to require the owners and operators of exporting carriers or their agents, as well as the exporters or their agents, to produce for inspection or copying, invoices, orders, letters of credit, inspection requests, packing lists, shipping documents and instructions, correspondence, as well as any other relevant documents, and furnish other information bearing upon a particular exportation or commodity or technical data intended for export or removal from the United States and the identity and relationships of all participants therein.

(c) *Prohibiting lading.* The Collector is authorized to prevent the lading of commodities or technical data about to be laden on an exporting carrier whenever he has reasonable cause to believe such commodities or technical data are being exported or removed from the United States contrary to the provisions of the Export Regulations.

(d) *Inspection of exporting carrier.* The Collector is authorized to inspect and search any exporting carrier which is about to clear for a foreign destination at any time to determine whether commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the provisions of the Export Regulations.

(e) *Seizure.* The Collector is authorized, under Title 22 of the U. S. Code, section 401, et seq., to seize and detain any commodities or technical data whenever an attempt is made to export said commodities or technical data in violation of the Export Regulations or whenever he knows or has probable cause to believe that commodities or technical data are intended to be, or are being, or have been exported in violation of the Export Regulations. Seized commodities or technical data are subject to forfeiture.

(f) *Preventing departure of carrier.* The Collector is authorized, under Title 22 of the U. S. Code, section 401, et seq., to seize and detain, either before or after clearance, any vessel or vehicle or air carrier about to depart from a port or place in the United States for a foreign

port or place either directly or via another port in the United States which has been or is being used in exporting or attempting to export any commodity or technical data intended to be, or being, or having been previously exported in violation of the provisions of the Export Regulations.

(g) *Ordering the unlading.* The Collector is authorized to unlade or cause to be unladen from any exporting carrier that is about to depart for a foreign destination commodities or technical data that have been laden thereon, whenever the Collector has reasonable cause to believe such commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the provisions of the Export Regulations.

(h) *Questioning of individuals.* The Collector is authorized to question the owners and operators of exporting carriers and their agents, as well as the exporters and their agents, concerning particular shipments of commodities or technical data exported or intended to be exported.

(i) *Ordering the return of commodities.* The Collector is authorized to order the owners and operators of exporting carriers and their agents to return commodities or technical data exported on such exporting carriers and make them available for inspection by the Collector when no adequate opportunity is afforded the Collectors to examine the commodities prior to lading and when departure of the carrier takes place prior to authentication of the Declaration.

§ 379.9 *Port of exit: Shipments leaving United States before final exportation from United States port*—(a) *Shipments leaving United States before final exportation from United States port.* Commodities which leave the United States at one port, cross adjacent foreign territory, and reenter the United States at another port before final exportation to a foreign country will be treated as an export at the last port of exit from the United States.

(b) *Licenses valid for shipment from any port.* A license may be used for exportation from any port of exit from the United States subject to the jurisdiction of the United States unless the Bureau of Foreign Commerce shall otherwise provide.

(c) *Simultaneous shipments from different ports.* Simultaneous shipments from different ports of exit may be cleared for export under a single license by the Collector having possession of the license, through arrangements with the Collector at the other port or ports of exit, as provided by the Bureau of Foreign Commerce.

§ 379.10 *Destination control* — (a) *Scope and definitions.* (1) The provisions of this section apply to all shipments of cargo made under validated licenses and all shipments of Positive List commodities made under either validated or general licenses.

(2) The provisions of this section shall not apply with respect to shipments of cargo effected under General License GO to ports of ultimate destination in Country Group O, except where such shipments are to be forwarded, transshipped, or reexported through or via an R country (see § 371.3 of this subchapter).

(3) As used in this section, "Bill of Lading" means the contract of carriage and receipt for commodities issued by the carrier.

(b) *Country of ultimate destination.* (1) No carrier by water, land, or air, nor any other person on behalf of any carrier, shall issue a bill of lading which provides for delivery of cargo subject to the provisions of this section at any foreign port except a port located in the country of (i) the ultimate consignee, or (ii) the intermediate consignee, named in the authenticated Declaration.

(2) No carrier shall deliver such cargo at any other country at the request or option of either the shipper, consignor, exporter, purchaser, or ultimate consignee, or their agents, or any other person having custody or control of the shipment, without prior written authorization from the Bureau of Foreign Commerce to the carrier or its agent.

(3) No shipper, consignor, exporter, purchaser or ultimate consignee, or their agents, or any other person, shall, without prior written authorization from the Bureau of Foreign Commerce to the carrier or its agent: (i) divert any cargo to any country of ultimate destination other than that named in the authenticated Declaration or in the Bill of Lading described in paragraph (c) of this section; (ii) request or demand that any carrier or its agent divert such cargo from the country of ultimate destination named in any of such documents. In addition, no agent of any carrier shall instruct or authorize the master of the vessel to divert any such cargo to any other country of ultimate destination without such prior written authorization from the Bureau of Foreign Commerce.

(4) No carrier of such cargo shall issue a Bill of Lading providing for delivery to the ultimate consignee named in the authenticated Declaration at optional ports where one of such optional ports is in a country not named as the ultimate country of destination in the license or Declaration, unless written authorization has been granted by the Bureau of Foreign Commerce. However, where the authenticated Declaration provides for delivery of cargo consisting of commodities subject to this section to optional intermediate consignees located in ports in different countries, the carrier may issue a Bill of Lading providing for delivery at such optional ports.

(c) *Statement regarding ultimate destination on Declaration, Bill of Lading, and Commercial Invoice.* (1) (i) No shipment of cargo subject to the provisions of this section may be made unless the licensee or his forwarding agent shall place the following statement (filling in the blank space with the name of the country of ultimate destination set forth in the Declaration) on all copies of the Declaration presented to the Collector at the port of exit for authentication:

These commodities licensed by U. S. for ultimate destination (name of country). Diversion contrary to U. S. law prohibited.

(ii) If the validated export license authorizes distribution or resale of the named commodities in a country or countries other than the named country of ultimate destination, the following statement (in lieu of the preceding statement) shall be set forth on all copies of the Declaration:

These commodities licensed by U. S. for ultimate destination (name of country) and for distribution or resale in (name of other approved countries as shown on validated license). Diversion contrary to U. S. law prohibited.

(2) No carrier by water, land, or air shall issue, and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure a Bill of Lading covering an exportation of a commodity with respect to which a Declaration has been authenticated by a Collector containing the applicable statement set forth in subparagraph (1) of this paragraph, unless all copies of such Bill of Lading, including all non-negotiable and office copies, shall contain the same statement.

(3) No licensee, shipper, or consignor, exporter, or agent thereof, or any other person, shall prepare or issue any commercial invoice with respect to any shipment of commodities subject to the provisions of this section, unless such invoice or invoices, and all copies thereof, shall contain on the face thereof the applicable statement set forth in subparagraph (1) of this paragraph.

(4) No carrier shall release custody of a shipment of commodities covered by the provisions of this Section to any party (including agents, on-carriers, foreign customs officials, or any other person) without surrender by that party to the carrier, of a copy of the Bill of Lading bearing on its face the applicable destination control statement set forth in subparagraph (1) of this paragraph; unless simultaneously with release of the commodities the carrier delivers to such party a written copy of the destination control statement covering the shipment as contained on the copy of the Bill of Lading in the carrier's possession. The written statement shall identify the shipment by Bill of Lading number, name of carrier, voyage number, date and port of arrival. The carrier shall secure and retain either a signed receipted copy of such written statement or other equivalent written evidence of such statement.

(d) *Notice and prohibition against diversion.* (1) Whenever a commercial invoice shall be issued containing the destination control statement prescribed in paragraph (c) (1) of this section, the shipper or other person issuing such invoice shall promptly send copies thereof to (i) the ultimate consignee and the purchaser named in the authenticated Declaration; (ii) the intermediate consignee; and (iii) any other persons named in the invoice who are located in a foreign country. Nothing herein contained shall be construed to limit the persons or classes of persons to whom such invoices and Bills of Lading are usually and customarily sent in the course of export trade. The shipper or other person issuing the commercial invoice may either omit all reference to price or sales commission from the copy of the invoice sent to any of the above-named persons, provided such invoice otherwise adequately identifies the shipment; or, in lieu of a copy of the commercial invoice, may send a copy of the Bill of Lading containing the destination control statement prescribed in paragraph (c) (1) of this section.

(2) No person, including the ultimate consignee or intermediate consignee and any on-forwarding carrier, shall, after notification of the prohibition against diversion prescribed in paragraph (c) (1) of this section whether by such invoice or Bill of Lading or by any other means, divert or cause to be diverted any of the commodities described in such Bill of Lading to any country of ultimate destination other than that named in such notification.

(e) *Proof of notice.* In any administrative compliance proceeding brought by the Bureau of Foreign Commerce, evidence of the sending of such invoice or Bill of Lading, or other form of notification of the prohibition against diversion to any person, shall constitute prima facie proof of his receipt thereof and of notification that the commodities have been licensed for a particular country of ultimate destination and may not be lawfully diverted to any other country. In addition, proof of the sending of such notice to the intermediate consignee shall be deemed notification of such prohibition to the ultimate consignee and purchaser.

(f) *Unloading of cargo at a port in other than intermediate or ultimate country of destination.* Nothing contained in the Export Regulations shall be deemed to prohibit a carrier from unloading cargo at a port in other than the intermediate or ultimate country of destination shown on the authenticated Declaration where, by reason of an act of God, perils of the sea, damage to the carrier, strikes, war, political disturbances, insurrection, or other causes beyond the control of the carrier set forth as standard provisions of the carrier's Bill of Lading, it is not feasible to deliver the cargo at the licensed port of destination. Whenever, because of the existence of any of the said causes, cargo is unloaded at a port in any other country:

(1) The carrier shall promptly, and within 10 days from the date of unloading such cargo, report the facts with respect thereto to the nearest American consul and to the agent of the carrier located in the United States. Within 10 days after the receipt of such notice by the agent of the carrier in the United States, such agent shall transmit a copy of the report to the Bureau of Foreign Commerce. This report shall consist of a copy of the manifest of such diverted cargo, together with a statement of the place of unloading and the name and address of the person in whose custody the commodities were delivered.

(2) The exporter of such commodities shall, upon notice from the Bureau of Foreign Commerce of such diversion, promptly, and within 10 days, notify the Bureau of Foreign Commerce of the proposed disposition of the commodities.

(3) No person, including the exporter, the licensee, any consignee, or the carrier and any agent or person acting on its behalf, shall take any steps to effect delivery or entry of the commodities into the commerce of the country where unloaded without prior approval of the Bureau of Foreign Commerce. The carrier shall take steps to assure that such commodities are placed in custody under bond or other guaranty not to enter the commerce of such country or any country other than the countries of the ultimate and intermediate consignees shown on the authenticated Declaration without such prior approval.

(g) *Indication of Shipper's Export Declaration number on ship's manifest.* The carrier or its agent shall, on all copies of that manifest which is filed with the United States Collector of Customs, indicate, thereon, with respect to each shipment, the applicable Shipper's Export Declaration number assigned to each such shipment by the Collector.

INTERPRETATIONS

1. Q. Who other than the shipper is authorized to insert the ultimate destination cntrol statement on the Shipper's Export Declaration, the Bill of Lading and the commercial invoice, as provided by § 379.10 (c) (1)?

A. The forwarding agent is deemed to have authority to insert the ultimate destination control statement required by § 379.10 (c) (1) on the Bill of Lading, Declaration, and commercial invoices, unless the forwarding agent's authorization prohibits him from so doing. If the carrier prepares the Bill of Lading, the carrier must insert the statement on that document based upon information communicated to the carrier by the exporter or his authorized forwarding agent, i. e., an authenticated Declaration or a validated license, or a property executed Declaration given to the carrier for submission to Collectors for authentication containing the statement.

2. Q. If shippers or their agents located in inland cities forward to carriers at ports of exit Declarations, Bills of Lading, and commercial invoices without having inserted the ultimate destination control statement, is it necessary for the carrier to return the documents to the shipper or his agent?

A. If a Declaration presented to the carrier does not contain the ultimate destination control statement, the carrier cannot add such statement to the Declaration unless specifically authorized by the exporter, nor can the carrier issue a Bill of Lading containing the statement until the exporter or his authorized forwarding agent has placed the statement on the Declaration and the Declaration has been authenticated by the Collector. The carrier may not insert the statement on any Declaration or commercial invoice accompanying the shipment, unless authorized by designation as provided in the case of forwarding agents.

3. Q. Is the Collector responsible for checking as to the ultimate destination control statement on the Bill of Lading and on invoices, as well as on the Declaration?

A. Collectors have the responsibility for checking as to the ultimate destination control statement on all Declarations submitted for authentication, and should ascertain that the inscription has been placed on any Bills of Lading or invoices which they receive in the regular course of business or which otherwise come to their attention. In other cases, Collectors may, whenever they deem it appropriate to assure compliance with the Export Regulations, check the Bill of Lading or commercial invoices as to the ultimate destination control statement or other matters.

4. Q. Do the destination control provisions apply to Positive List commodities exported under such General Licenses as GLV, Baggage and Tools of Trade?

A. The provisions of § 370.10 apply to GLV shipments and in general to all other shipments of Positive List commodities under any general license for which a Declaration is required. General Licenses Baggage and Tools of Trade do not require Declarations, except when moving under a Bill of Lading. Shipments under General License GO require an ultimate destination control statement only in cases where the shipment is to be forwarded, transferred, or reexported through or via a Group R country.

5. Q. Does this regulation apply to in-transit shipments?

A. The ultimate destination control statement is not required for shipments made under General License GIT, but is required for in-transit shipments of commodities excepted from GIT (§ 371.9 (c) of this subchapter), and for commodities moving in transit to Hong Kong, Macao and Subgroup A destinations.

6. Q. Does § 379.10 (g) apply only to a ship's manifest?

A. Section 379.10 (g) applies only to customs outward foreign manifest.

(h) *Conformity of export control documents.* (1) As used in this paragraph, "licensed exporter" means the person named as "exporter," and "licensed ultimate consignee" means the person named as ultimate consignee, in an authenticated Shipper's Export Declaration covering a validated license shipment or a general license shipment of Positive List commodities.

(2) The following rule of conformity of export control documents shall apply to all shipments which are subject to the provisions of this section:

(i) In the case of shipments under a validated license or a general license, the validated export license (if any), the authenticated Declaration, and outbound Bill of Lading covering the same export shipment must be consistent with one another.

(ii) The Bill of Lading is not consistent if it contains words or a statement indicating that the shipment is in transit to a different country of ultimate destination from the country of ultimate destination named in the authenticated Declaration, such as consigning the shipment to the ultimate destination with a qualifying phrase indicating the shipment is "in transit" at that destination, or consigning the shipment to a free zone or free port when it is known or there is reasonable cause to believe that the shipment is not for consumption in the country in which the ultimate consignee is located.

(iii) The Bill of Lading is not consistent if it names as shipper any person other than the licensed exporter or his duly authorized forwarding agent. Where shipments from more than one exporter are consolidated on a single Bill of Lading, the shipper named on the Bill of Lading must also appear as the authorized forwarding agent for each licensed exporter on each Declaration.

(iv) In the case of negotiable Bills of Lading (i. e., "order" Bills of Lading) the Bill of Lading is deemed consistent only if:

(a) The name and address of the licensed ultimate consignee are shown in the body of the Bill of Lading under the caption "licensed ultimate consignee and notify party" or in the case of the air waybill under the caption "also notify." Where shipments to more than one licensed ultimate consignee are consolidated on one Bill of Lading and the names of all licensed ultimate consignees are not shown in the body of the Bill of Lading, the name of the intermediate consignee (customs broker or consolidator's agent in the foreign country) who will receive and distribute the goods to the licensed ultimate consignees must appear on the Bill of Lading, the export license, and the Declaration. Where the name of the intermediate consignee in such a consolidated shipment differs from that shown on the validated license, or does not appear on the license, an amendment of the license is necessary even though the intermediate consignee is in the same country as the ultimate consignees;

(b) The consignee or order party named in the Bill of Lading is named in the authenticated Declaration; and

(c) The Bill of Lading provides for delivery of the shipment (cargo) at a port located in the country of either the ultimate consignee or intermediate consignee named in the authenticated Declaration.

NOTE: As indicated in subparagraph (2) (iv) of this paragraph, the Bill of Lading may consign the commodities covered thereby to the order of the shipper, to the order of an intermediate consignee (whether bank, foreign freight forwarder or other intermediary), or to the order of purchaser (if not the same as the licensed ultimate consignee).

An "order" Bill of Lading issued in the above form constitutes a representation on the part of such shipper that the commodities covered by the validated or general license, authenticated Declaration, and Bill of Lading are ultimately destined to such ultimate consignee, that the document has not been used for the purpose of evading the terms and conditions of the validated or general license, and that pursuant to the contract of carriage, the commodities will be delivered at a port located in the country of the ultimate consignee or of the intermediate consignee named in the authenticated Declaration.

(v) On Bills of Lading the commodities may be described in terms of the freight tariff classification or other type of classification, but may not be inconsistent with the description shown in the authenticated Declaration and validated export license (if any).

(vi) No carrier shall issue, and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure, a Bill of Lading which is contrary to the provisions of this paragraph, and Collectors are authorized to require any document or to use any other appropriate methods to insure compliance with these provisions.

(vii) If the carrier's outward foreign manifest which is filed with the U. S. Collector contains names of shippers or consignees, these names must not be inconsistent with the names shown on the Bill of Lading (or authenticated Declarations).

§ 379.11 *Return or unloading of cargo at direction of Department of Commerce*—(a) *Exporting carriers.* (1) As used in this section, the term "exporting carrier" includes connecting or onforwarding carriers, as well as the owner, charterer, agent, master, and any other person in charge of the vessel, aircraft, or other kind of carrier, whether such persons are located in the United States or in a foreign country.

(2) The Bureau of Foreign Commerce or any United States Collector of Customs, where there are reasonable grounds for believing that a violation of the Export Regulations has occurred or will occur with respect to a particular exportation from the United States, may order any exporting carrier carrying such shipment, or which is otherwise in possession or control thereof, to return or unload the shipment. Such exporting carrier shall as ordered either (i) return such shipment to the United States or cause it to be so returned, or (ii) unload such shipment at a port of call and take steps to assure that such shipment is placed in custody under bond or other guaranty not to enter the commerce of any foreign country without prior approval of the Bureau of Foreign Commerce. For the purpose of this section, the furnishing of a copy of the order to any person included within the definition of exporting carrier shall be sufficient notice of the order to the exporting carrier.

(3) The provisions of § 379.10 (f), relating to reporting, notification to the Bureau of Foreign Commerce, and the prohibition against unauthorized delivery or entry of the commodity into a foreign country, shall apply also to commodities directed to be unloaded at a port of call, as provided in this section.

(b) *Notification.* Upon discovery by an owner, agent, or other person included within the term "exporting carrier," as defined in paragraph (a) of this section, that a violation of the Export Regulations has occurred or will occur with respect to a shipment on board, or otherwise in the possession or control of the carrier, such person shall immediately notify the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., and the person in actual possession or control of the shipment.

NOTE: 1. *Customs regulations.* This section in no wise relieves exporting carriers of their responsibilities under regulations of the Bureau of Customs (particularly under U. S. Code, title 46, sections 91 and 92).

2. *Commodities returned to United States.* Commodities returned to the United States pursuant to this section are required by customs regulations to be removed from the dock or pier where deposited within 48 hours, or the commodities will be placed in storage with charges leviable against the commodities.

§ 379.12 *Other applicable laws and regulations.* Nothing contained in this part shall relieve any person from complying with the applicable provisions of any other law of the United States or rules and regulations issued thereunder, including those governing Declarations and manifests.

6. Section 382.51 *Table of compliance orders currently in effect denying export privileges,* paragraph (b) *Table of compliance orders* is amended in the following particulars: The following entry is added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Mandatare Treuhand, A. G. Vaduz, Liechtenstein.	4-21-54	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.

7. Part 398, Priority Ratings and Supply Assistance, is amended in the following particulars:

a. The title of the part is amended to read "Priority Ratings".

b. Section 398.2 *Supply assistance for foreign direct defense uses* is deleted.

This amendment shall become effective as of March 31, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director, Bureau of Foreign Commerce.

[F. R. Doc. 55-3043; Filed, Apr. 12, 1955; 8:48 a. m.]

[7th Gen. Rev. of Export Regs., Amdt. 26]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended by the addition of a new paragraph (e) to read as follows:

(e) *Aluminum scrap (new and old) and aluminum remelt ingots*—(1) *General.* License applications to export aluminum scrap (new and old), Schedule B No. 630050 and aluminum remelt ingots, Schedule B No. 630070, will be considered by the Bureau of Foreign Commerce for approval in accordance with the procedure described herein.

(2) *Statement of Past Participation in Exports, Form IT– or FC–821.* (i) Applicants are required to submit to the Bureau of Foreign Commerce for the commodities set forth above a Statement of Past Participation in Exports on Form IT– or FC–821 in accordance with the procedure set forth in § 373.4. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number, broken down by countries of destination, and shall cover the quantity in Schedule B units of exports from the United States made during the second, third and fourth calendar quarters of 1954 and the first calendar quarter of 1955, where the total for such exports to all countries for each Schedule B number was $2,000 or over for the four quarters. In preparing Form IT– or FC–821 the heading above items (c) and (d) shall be changed to read "2nd, 3rd, 4th quarters, 1954" and the heading above items (e) and (f) shall read "1st quarter, 1955".

(ii) In order to participate in the second quarter 1955 export quota established for traditional exporters of these aluminum materials, Form IT– or FC–821 must be submitted to the Bureau of Foreign Commerce not later than April 26, 1955.

(3) *Validity period.* Licenses to export the aluminum materials covered by this paragraph will be issued for a validity period ending on the last day of the third month following the month during which the license is validated; e. g., a license issued on April 18, 1955, would expire July 31, 1955.

(4) *Amendments to export licenses.* No amendments requesting an extension of the validity period of the license will be granted for export licenses issued under this procedure. Where an amendment request involves an action other than an extension of the validity period, it shall be submitted directly to the Bureau of Foreign Commerce.

(5) *Time for submission of applications.* Applications for licenses to export aluminum scrap (new and old), Schedule B No. 630050 and aluminum remelt ingots, Schedule B No. 630070, shall be submitted in accordance with the time schedules set forth in § 373.71.

(6) *Utilization of export quota.* (i) A licensee who determines that the full amount of the quantity of the aluminum materials shown on the export license will not be used during the validity period for which it was issued should promptly submit a request for amendment on Form IT– or FC–763 to reduce the quantity of the aluminum materials licensed to the amount actually intended for export. The amendment procedure set forth in § 380.2 (g) of this subchapter shall be followed in requesting quantity reductions on outstanding licenses.

(ii) Any quantities recovered as a result of this procedure will be considered for licensing in the same quarter in which it was recovered. The return of any unused quantities by an exporter will in no way affect the exporter's entitlement under the historical licensing procedure in future quarters.

2. Section 373.71 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding thereto the following entries and related submission dates for the Second Quarter, 1955:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, second quarter, 1955
630050 630070	Aluminum scrap..... Aluminum remelt ingots.	Before June 7, 1955.

3. Section 379.3 *Presentation of shipper's export declaration,* paragraph (c) *Number of copies to be presented* is amended in the following particulars: Subparagraph (3) *Additional copies of declaration* of paragraph (c) is amended by adding thereto the following entry:

Schedule B No.: *Commodity*
630070..... Aluminum remelt ingots.

4. Section 380.2 *Amendments or alterations of licenses,* paragraph (f) *Where to file* is amended in the following particulars: Subparagraph (3) *Amendment requests on which field offices may not take action* of paragraph (f) is amended by adding thereto a new subdivision (vi) to read as follows:

(vi) Requests for amendments or extensions of licenses for aluminum scrap, Schedule B No. 630050, and aluminum remelt ingots, Schedule B No. 630070.

This amendment shall become effective as of April 12, 1955.

(Sec. 3, 63 Stat. 7; as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director, Bureau of Foreign Commerce.

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[7th Gen. Rev. of Export Regs., Amdt. P. L. 15 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

1. Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
384985	Nylon cloth specially manufactured for the production of parachutes.[4] [19]	Sq. yd...	TEXT 18	100	RO
	Refined oils:				
	Lubricating oils, except hydraulic (report hydraulic oils of petroleum origin in 505900; hydraulic oils, except of petroleum origin in 829984):				
	Industrial, except cutting oils (report cutting oils in 504095):				
503300	Red and pale oils (including all red or pale lubricating oil other than those intended for use in internal combustion engines), except white mineral oil, medicinal grade (report oils intended for use in internal combustion engines in 503910 and 504030).[20]	Bbl.....	PETR 3	25	RO
664565	Quicksilver or mercury [6]	Lb.....	NONF	None	RO
746010	Equipment designed for removing surplus stock from workpieces as follows: (a) by electrical discharge from a shaped electrode; (b) by applying ultrasonic vibrations; or (c) by electrolytic means in combination with abrasive action.[22]	.....	TOOL	100	RO
	Other industrial chemicals:				
839900	Magnesium oxide, precipitated, purity 97 percent or higher (report magnesium oxide other than precipitated in 572270). (11)[18]	.....	SALT	50	RO

[4] The letter "A" is added in the column headed "Commodity Lists", indicating that the commodity is subject to the IC/DV procedure (see § 373.2), effective May 16, 1955.

[6] The letter "C" is added in the column headed "Commodity Lists", indicating that the commodity may no longer be exported under the provisions of General License GIT (see § 371.9 (c)), effective Apr. 30, 1955.

[18] The destination control is changed from It to RO, effective Apr. 7, 1955.

[19] The commodity description is revised without substantive change.

[20] The commodity coverage has been decreased.

[22] The commodity coverage is increased, effective Apr. 7, 1955.

This part of the amendment shall become effective as of March 31, 1955, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in this part of the amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., April 7, 1955, may be exported under the previous general license provisions up to and including April 30, 1955. Any such shipment not laden aboard the exporting carrier on or before April 30, 1955, requires a validated license for export.

[1] Part 1 of this amendment was published in the new Comprehensive Export Schedule, dated March 31, 1955, and in Current Export Bulletin No. 747, dated March 31, 1955; Part 2 was published in the new Comprehensive Export Schedule, dated March 31, 1955.

2. Section 399.2 *Appendix B—Commodity interpretations* is amended in the following particulars:

a. Interpretation 4: Machinery and Parts, is amended to read as follows:

INTERPRETATION 4: CLASSIFICATION OF "PARTS" OF MACHINERY, EQUIPMENT, OR OTHER ITEMS

(1) *Where an assembled machine or unit of equipment is being exported.* Where one or more assembled machines or units of equipment are being exported, the individual component parts which are physically incorporated into the machine or equipment do not require a separate validated export license. The validated license or the general license under which the complete machine or unit of equipment is exported will also cover its component parts: *Provided,* That no special provisions or interpretations obtain (for example, as in the case of certain tools containing diamonds); that the parts are normal and usual components of the machine or equipment being exported; or that the physical incorporation is not used as a device to evade the requirement for a validated export license.

(2) *Where parts are exported as spares, replacements, for resale, or for stock.* Where parts are exported as spares, replacements, for resale, or for stock, a validated export license is required if the particular part is on the Positive List to the intended destination.

(3) *Classification instructions.* Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, issued by the Bureau of the Census, sets forth detailed instructions for the classification of "parts" for machinery, equipment, or other items. These instructions may be found on pages xxiv and xxv in the "Introduction to Schedule B", paragraphs 11 through 22, under the following sub-headings: "Definition of parts", "Rules for the classification of parts", "Exception to the rules for the classification of parts", and "Definition of the terms specially fabricated and general-purpose".

(4) *Mixed shipments.* It has been determined that mixed shipments of replacement parts classifiable under a Schedule B number for "specially fabricated parts" for a machine often erroneously include replacement parts for which individual classifications are provided in Schedule B. The method for determining when this practice is permissible is set forth in the aforementioned instructions, paragraph c.20, under the heading "Exception to the rules for the classification of parts".

b. Interpretation 10: Classification of "Parts" of Machinery, Equipment or Other Items, is transferred to paragraphs (3) and (4) of Interpretation 4, as amended (see paragraph a. *supra*).

c. Interpretations 11: Parts and Accessories Exported as Scrap, 12: Variable Speed Transmissions, 13: Arms, Ammunition, and Implements of War, 14: Receiving-type Tubes (Schedule B No. 707803) are renumbered respectively Interpretations 10, 11, 12, and 13.

This part of the amendment shall become effective as of March 31, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-3044; Filed, Apr. 12, 1955; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1114]

ALASKA

RESERVING PUBLIC LANDS FOR DEPARTMENT OF THE ARMY FOR USE IN CONNECTION WITH ALASKA COMMUNICATIONS SYSTEM REPEATER SITE; MODIFYING PUBLIC LAND ORDER NO. 975 OF JUNE 18, 1954

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska, which is a portion of the lands withdrawn for townsite purposes by Public Land Order No. 975 of June 18, 1954, is hereby withdrawn from sale or disposal and reserved for use of the Department of the Army in connection with an Alaska Communications System Repeater Site: *Provided,* That so far as practicable any buildings or other structures to be placed upon the lands shall be so situated that if lots had been surveyed, as in adjoining Block 7E, the placing of such buildings would conform to such survey:

U. S. SURVEY 2931

TOK TOWNSITE

Two tracts of land situated within Tok Townsite, U. S. Survey 2931, Alaska, more particularly described as follows:

Tract 1. Commencing at the northwest corner of Lot 8, Block 3E, Tok Townsite; thence, N. 09° 02' E. 80 feet across First Avenue East to the true point of beginning; thence, continuing N. 09° 02' E. 300 feet; thence, S. 80° 58' E. along the south line of Second Avenue East 200 feet; thence, S. 09° 02' W. along the west line of East First Street 300 feet; thence, N. 80° 58' W. along the north line of First Avenue East 200 feet to the true point of beginning, containing approximately 1.38 acres.

Tract 2. Commencing at the northwest corner of Lot 13, Block 4E, Tok townsite; thence, N. 09° 02' E. 80 feet across First Avenue east to the true point of beginning; thence continuing N. 09° 02' E. 300 feet; thence, S. 80° 58' E. along the south line of Second Avenue East 400 feet; thence, S. 09° 02' W. along the west line of East Second Street 300 feet; thence, N. 80° 58' W. along the north line of First Avenue East 400 feet to the true point of beginning, containing approximateiy 2.75 acres.

Public Land Order No. 975 of June 18, 1954 is hereby modified to the extent necessary to permit the use of the land by the Department of the Army.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 7, 1955.

[F. R. Doc. 55-3023; Filed, Apr. 12, 1955; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 7 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, Serial No. Utah 010062, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed July 3, 1953, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: Administrative sites, public service sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description within the Cache and Manti-LaSal National Forests.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Box 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

CACHE NATIONAL FOREST

Willow Springs Administrative Site

T. 14 N., R. 4 E.,
Sec. 16: S½NE¼SE¼, N½SE¼SE¼.
40 acres.

Blake Administrative Site

T. 8 N., R. 4 E.,
Sec. 6: S½ Lot 4, Lot 5, W½NW¼SE¼, SW¼SW¼NE¼.
58.99 acres.

Log Cabin Administrative Site

T. 13 N., R. 4 E.,
Sec. 34: SW¼SE¼.
T. 12 N., R. 4 E.,
Sec. 3: Lots 2, 7.
93.20 acres.

Tony Grove Extension Administrative Site

Unsurveyed T. 13 N., R. 3 E.,
Sec. 11: E½NE¼;
Sec. 12: W½NW¼.
160 acres.

Garden City Administrative Site

T. 14 N., R. 5 E.,
Sec. 19: SE¼SE¼;
Sec. 30: NE¼NE¼.
80 acres.

Monte Cristo Administrative Site

T. 8 N., R. 4 E.,
Sec. 3: Lots 3, 4, NE¼SW¼NW¼, NW¼SE¼NW¼;
Sec. 4: Lots 1, 2.
209.97 acres.

Blacksmith Fork Administrative Site

T. 11 N., R. 2 E.,
Sec. 25: SW¼.
160 acres.

Elk Valley Administrative Site

T. 12 N., R. 4 E.,
Sec. 33: SE¼.
160 acres.

Curtis Creek Administrative Site

T.10 N., R. 4 E.
Sec. 1: SE¼, SW¼NE¼.
200 acres.

Beus Administrative Site

T. 5 N., R. 1 W.,
Sec. 11: S½SW¼.
80 acres.

Friendship Recreation Area

T. 11 N., R. 2 E.,
Sec. 25: NE¼SE¼.
40 acres.

Idlewild Picnic Area

T. 6 N., R. 1 E.,
Sec. 16: SW¼NE¼SW¼.
10 acres.

Magpie Picnic Area

T. 6 N., R. 2 E.,
Sec. 12: Lot 3.
38.77 acres.

Monte Cristo Recreation Area

T. 8 N., R. 4 E.,
Sec. 4: W½SE¼NE¼, SW¼NE¼, NW¼NE¼SE¼, NE¼NW¼SE¼.
80 acres.

Spring Picnic Area

T. 11 N., R. 3 E.,
Sec. 30: S½ Lot 5.
20 acres.

Logan Canyon Recreation Area

T. 12 N., R. 2 E.,
Sections 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33.
T. 12 N., R. 3 E.,
Sections 4, 5, 6, 7, 8, 17, 18, 19.
13,163.02 acres.

Woodruff-Huntsville (Utah No. 39) Highway Roadside Zone

A strip of land 100 feet on each side of the center line of Woodruff-Huntsville, Utah Highway No. 39, through the following legal subdivisions:

T. 8 N., R. 4 E.,
Sec. 4: S½NE¼SE¼, W½SW¼SE¼, E½E½SW¼;
Sec. 9: E½W½;
Sec. 16: NW¼SW¼, S½NW¼, NE¼NW¼;
Sec. 17: SE¼SW¼, S½SE¼, NE¼SE¼;
Sec. 19: N½SE¼, Lots 3, 4;
Sec. 20: SW¼, E½NW¼;
Sec. 29: E½NW¼;
Sec. 30: Lots 1, 2.
T. 9 N., R. 4 E.,
Sec. 11: SE¼SW¼, NW¼NE¼;
Sec. 15: NE¼SE¼, SE¼NE¼.
T. 10 N., R. 4 E.,
Sec. 1: SE¼NE¼, Lots 3, 4;
Sec. 12: SW¼SE¼, E½SW¼, SE¼NW¼, W½NE¼, NE¼NE¼;
Sec. 13: SW¼SE¼, SE¼SW¼, NE¼NW¼, NW¼NE¼;
Sec. 24: E½SW¼, NW¼SW¼, S½NW¼, NE¼NW¼, NW¼NE¼;
Sec. 25: W½W½;
Sec. 35: SE¼SE¼.
T. 10 N., R. 5 E.,
Sec. 6: Lot 11.
T. 11 N., R. 4 E.,
Sec. 1: S½SE¼, SE¼SW¼;
Sec. 25: W½SE¼, NE¼SE¼, SE¼NE¼.
T. 11 N., R. 5 E.,
Sec. 7: SW¼SE¼, E½SW¼, Lots 2, 3;
Sec. 17: SE¼SW¼;
Sec. 18: NW¼NE¼;
Sec. 19: W½SW¼, N½SE¼, SE¼NE¼;
Sec. 20: S½NW¼, NE¼NW¼;
Sec. 30: W½NW¼.

Franklin Basin, Forest Development Road, Roadside Zone

A strip of land 100 feet on each side of the center line of Franklin Basin road through the following legal subdivisions:

T. 14 N., R. 3 E.,
Sec. 23: SE¼SE¼;
Sec. 25: NW¼;
Sec. 26: E½NE¼.
Unsurveyed T. 15 N., R. 3 E.,
Sec. 34: W½.

St. Charles-Green Canyon, Forest Development Road, Roadside Zone

A strip of land 100 feet on each side of the center line of St. Charles-Green Canyon road through the following legal subdivisions:

T. 14 N., R. 4 E.,
Sec. 5: S½SW¼, NE¼SW¼, SE¼NW¼, Lot 3;
Sec. 7: E½SE¼;
Sec. 8: NW¼SW¼, W½NW¼.
Unsurveyed T. 15 N., R. 4 E.,
Sec. 32: W½.

Cowley Canyon, Forest Development Road, Roadside Zone

A strip of land 100 feet on each side of the center line of Cowley Canyon Road through the following legal subdivisions:

T. 12 N., R. 3 E.,
Sec. 20: E½E½;
Sec. 21: SW¼SW¼;
Sec. 28: W½W½;
Sec. 29: SE¼SE¼;
Sec. 32: E½E½.
T. 11 N., R. 3 E.,
Sec. 16: W½NW¼, NW¼SW¼;
Sec. 17: NE¼SE¼, SE¼SW¼;
Sec. 20: E½W½.

Logan-Garden City (U. S. No. 89) Highway Roadside Zone

A strip of land 300 feet on each side of the center line of Logan-Garden City Highway No. 89 through the following legal subdivisions:

T. 13 N., R. 3 E., unsurveyed,
Sec. 1: W½W½, NE¼NW¼;
Sec. 12: W½SW¼;
Sec. 13: NW¼NW¼;
Sec. 14: SE¼SW¼, W½SE¼, NE¼SE¼, E½NE¼;
Sec. 22: E½SE¼, SE¼NE¼;
Sec. 23: W½NW¼, NE¼NW¼;
Sec. 27: E½SW¼, NW¼SE¼, S½NE¼, NE¼NE¼;
Sec. 33: SE¼SE¼;
Sec. 34: S½SW¼, NE¼SW¼, NW¼.
T. 14 N., R. 3 E.,
Sec. 25: E½NW¼;
Sec. 36: SE¼NW¼.
T. 14 N., R. 4 E.,
Sec. 16: SW¼NW¼, E½SW¼, S½SE¼;
Sec. 18: E½SW¼, SE¼NW¼, W½NE¼, NE¼NE¼;
Sec. 19: Lots 1, 2;
Sec. 22: W½W½, SE¼SW¼;
Sec. 25: W½SW¼, NE¼SW¼, N½SE¼;
Sec. 26: SE¼SW¼, SE¼SE¼;
Sec. 27: E½NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 34: NE¼NE¼;
Sec. 35: N½N½, S½NE¼.

Left Fork, Blacksmith Fork, Forest Development Road, Roadside Zone

A strip of land 100 feet on each side of the center line of Left Fork Blacksmith Fork Road through the following legal subdivisions:

T. 11 N., R. 2 E.,
Sec. 25: SE¼NE¼;
Sec. 26: SE¼SW¼, W½SE¼, NE¼SE¼;
Sec. 34: SW¼SE¼, E½SE¼, SE¼NE¼;
Sec. 35: W½NW¼, NE¼NW¼.
T. 11 N., R. 3 E.,
Sec. 21: NW¼SW¼, S½NW¼, W½NE¼, NE¼NE¼;
Sec. 20: SE¼SW¼;
Sec. 22: W½NW¼, SE¼NW¼, S½NE¼;
Sec. 23: S½N½;
Sec. 24: SW¼NW¼, N½SW¼, N½SE¼, SE¼NE¼;
Sec. 29: SW¼NW¼, E½NW¼;
Sec. 30: Lot 4, N¼ Lot 5, Lots 6, 7, NW¼SE¼, S½NE¼.
T. 11 N., R. 4 E.,
Sec. 4: E½SW¼, NW¼SE¼, S½NE¼, NE¼NE¼;
Sec. 9: N½NW¼;
Sec. 8: W½SE¼, S½NE¼, NE¼NE¼;
Sec. 17: E½SW¼, E½NW¼, NW¼NE¼;
Sec. 19: Lot 2, SE¼NE¼;
Sec. 20: W½NW¼, NE¼NW¼.
T. 12 N., R. 4 E.,
Sec. 3: E½SE¼, Lots 9, 10;
Sec. 10: E½NE¼;
Sec. 11: W½SW¼, SW¼NW¼;
Sec. 15: W½W½;
Sec. 23: W½W½;
Sec. 26: W½W½;
Sec. 27: SE¼SE¼;
Sec. 34: E½SW¼, NW¼SE¼, W½NE¼, NE¼NE¼.
T. 13 N., R. 4 E.,
Sec. 3: E½SE¼, Lots 2, 7, 8, 9;
Sec. 10: W½SE¼, S½NE¼, NE¼NE¼;
Sec. 15: N½NW¼, NW¼NE¼;
Sec. 21: NE¼SE¼, E½NE¼;
Sec. 22: W½SW¼;
Sec. 27: W½W½;
Sec. 34: E½SW¼, S½NW¼, NW¼NW¼.
T. 14 N., R. 4 E.,
Sec. 27: W½SW¼;
Sec. 34: W½W½.

Blacksmith Fork, Utah State Road, Roadside Zone

A strip of land 200 feet on each side of the center line of Blacksmith Fork Road through the following legal subdivisions:

T. 10 N., R. 2 E.,
Sec. 1: SW¼SE¼;
Sec. 4: S½SW¼, N½SE¼;
Sec. 8: N½N½.
T. 10 N., R. 3 E.,
Sec. 8: SE¼SW¼, SW¼SE¼;
Sec. 17: NW¼NE¼.

Willard Basin, Forest Development Road, Roadside Zone

A strip of land 200 feet on each side of the center line of Willard Basin Road through the following legal subdivisions:

T. 8 N., R. 1 W.,
Sec. 20: SE¼SE¼.

MANTI-LASAL NATIONAL FOREST

Ollerton Administrative Site

T. 11 S., R. 5 E.,
Sec. 26: N½NW¼, N½S½NW¼.
120 acres.

Lake Administrative Site

T. 14 S., R. 6 E.,
Sec. 28: NE¼NW¼, N½SE¼NW¼, W½NW¼NE¼, NW¼SW¼NE¼.
90 acres.

Stuart Administrative Site

T. 15 S., R. 7 E.,
Sec. 8: E½E½SE¼;
Sec. 9: NW¼SW¼, W½NE¼SW¼, NE¼NE¼SW¼, SE¼SE¼NW¼, SW¼NE¼, NW¼SE¼NE¼, S½NE¼NE¼.
190 acres.

Park Administrative Site

T. 18 S., R. 6 E.,
Sec. 5: S½ of Lot 5, S½ of Lot 6, SE¼NW¼, NE¼SW¼.
120 acres.

Pinchot Administrative Site

T. 19 S., R. 3 E.,
Sec. 32: E½W½SW¼, E½SW¼, N½SE¼, N½S½SE¼.
240 acres.

Mt. Baldy Administrative Site

T. 19 S., R. 4 E.,
Sec. 19: E½SE¼;
Sec. 20: W½SE¼.
160 acres.

Stevens Creek Administrative Site

T. 19½ S., R. 5 E.,
Sec. 36: S½S½NW¼, NW¼SW¼, N½NE¼SW¼.
120 acres.

Pack Creek Administrative Site

T. 27 S., R. 23 E.,
Sec. 24: SE¼SW¼, SW¼SE¼;
Sec. 25: N½NE¼NW¼, N½NW¼NE¼.
120 acres.

Gooseberry Administrative Site

T. 34 S., R. 20 E.,
Unsurveyed Sec. 18: NW¼.
160 acres.

Indian Creek Administrative Site

Unsurveyed T. 34 S., R. 22 E.,
Sec. 9: S½NW¼, N½SW¼.
160 acres.

Grayson Administrative Site

T. 35 S., R. 23 E.,
Sec. 8: S½S½NW¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½SE¼SW¼, SE¼SE¼SW¼;
Sec. 17: NE¼NW¼, W½NW¼NE¼, E½SE¼NW¼, NW¼SW¼NE¼.
160 acres.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55–3018; Filed, Apr. 12, 1955; 8:45 a. m.]

[No. 8 (A–2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, Serial No. Utah 010084, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed July 7, 1953, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: Administrative sites, public service sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description within the Ashley and Dixie National Forests.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Box 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

UINTA SPECIAL MERIDIAN, UTAH

ASHLEY NATIONAL FOREST

Yellowstone Administrative Site

T. 2 N., R. 4 W.,
Sec. 28: NE¼NE¼;
Sec. 21: S½SE¼SE¼.
60 acres.

Paradise Park Administrative Site

T. 3 N., R. 1 E.,
Sec. 17: NW¼NW¼, Lot 1.
66.81 acres.

Ankar Administrative Site

T. 2 N., R. 3 W.,
Sec. 16: SE¼SE¼, E½SW¼SE¼;
Sec. 21: NE¼NE¼, E½NW¼NE¼.
120 acres.

Moon Lake Administrative Site

T. 2 N., R. 5 W.,
Sec. 19: NE¼NW¼, Lot 1.
72.04 acres.
T. 2 N., R. 6 W.,
Sec. 13: SE¼SE¼NW¼, NE¼NE¼SW¼, NW¼NW¼SE¼, SW¼SW¼NE¼.
40 acres.

SALT LAKE MERIDIAN, UTAH

ASHLEY NATIONAL FOREST

Green River Administrative Site

T. 2 N., R. 22 E.,
Sec. 30: Lot 4.
38.43 acres.

Trout Creek Administrative Site

T. 1 S., R. 20 E.,
Sec. 3: W½SW¼SW¼;
Sec. 4: E½SW¼SE¼, SE¼SE¼;
Sec. 9: N½NE¼NE¼;
Sec. 10: NW¼NW¼NW¼.
110 acres.

Summit Springs Administrative Site

T. 2 N., R. 19 E.,
Sec. 26: N½SE¼.
80 acres.

Colton Administrative Site

T. 2 S., R. 21 E.,
Sec. 2: SE¼SE¼, NE¼SE¼.
80 acres.

Lewis Allen Administrative Site

T. 2 N., R. 21 E.,
Unsurveyed Sec. 33: NE¼NE¼, E½E½NW¼NE¼, E½E½N½SW¼NE¼, N½SE¼NE¼.
75 acres.

Thornburgh Administrative Site

T. 2 N., R. 17 E., unsurveyed section,
Sec. 15: SE¼SE¼NE¼, NE¼NE¼SE¼;
Sec: 14: SW¼SW¼NW¼, NW¼NW¼SW¼.
40 acres.

Ute Lookout Tower

T. 2 N., R. 19 E.,
Sec. 33: NW¼NE¼NW¼.
10 acres.

DIXIE NATIONAL FOREST

Wild Cat Administrative Site Add. #1

Unsurveyed T. 31 S., R. 5 E.,
Sec. 14: W½NW¼SW¼, NW¼SW¼SW¼;
Sec. 15: N½SE¼, N½SE¼SE¼.
130 acres.

Jones Corral Administrative Site

T. 31 S., R. 3 W.,
Sec. 35: NE¼SW¼.
40 acres.

Lake Philo Administrative Site

Unsurveyed T. 32 S., R. 1 E.,
Sec. 12: S½NE¼, S½N½NE¼.
120 acres.

Cow Puncher Administrative Site

Unsurveyed T. 32 S., R. 2 E.,
Sec. 35: E½NE¼NW¼, W½NW¼NE¼, E½SE¼NW¼, W½SW¼NE¼, E½NE¼SW¼, W½NE¼SE¼.
120 acres.

Bear Valley Administrative Site

T. 33 S., R. 7 W.,
Sec. 13: SW¼SW¼.
40 acres.

Cottonwood Administrative Site

T. 33 S., R. 3 W.,
Unsurveyed Sec. 9: NW¼SW¼, S½SW¼.
120 acres.

The Green Administrative Site

Unsurveyed T. 34 S., R. 1 W.,
Sec. 25: N½NE¼SE¼, W½SE¼NE¼, SW¼NE¼, S½NW¼NE¼, SE¼NE¼NW¼.
110 acres.

Sweetwater Administrative Site

T. 34 S., R. 1 W.,
Sec. 28: N½SW¼NW¼, S½NW¼NW¼;
Sec. 29: SE¼NE¼NE¼, NE¼SE¼NE¼.
60 acres.

The Widtsoe Administrative Site

T. 34 S., R. 2 W.,
Sec. 23: Lots 7 and 10;
Sec. 26: N½NE¼.
130.88 acres.

Hunt Creek Administrative Site

Unsurveyed T. 34 S., R. 4 W.,
Sec. 23: SW¼NW¼SE¼.
10 acres.

Burro Flat Administrative Site

T. 35 S., R. 2 W.,
Unsurveyed Sec. 36: NW¼SE¼NE¼.
10 acres.

Panguitch Lake Administrative Site

T. 36 S., R. 7 W.,
Sec. 4: NW¼SW¼;
Sec. 5: NE¼SE¼, E½SW¼SE¼.
100 acres.

Upper Valley Administrative Site

T. 36 S., R. 1 E.,
Sec. 6: S½ Lot 6, Lot 7.

Unsurveyed T. 36 S., R. 1 W.,
Sec. 1: N½SE¼SE¼, S½NE¼NE¼.
91.92 acres.

Lowder Administrative Site

T. 36 S., R. 8 W.,
Sec. 19: NE¼.
160 acres.

Podunk Administrative Site

T. 38 S., R. 4½ W.,
Sec. 23: SE¼SW¼NE¼, SW¼SE¼NE¼.
20 acres.

Harris Flat Administrative Site

T. 38 S., R. 7 W.,
Sec. 24: E½SE¼;
Sec. 25: NE¼NE¼.
120 acres.

Timber Mountain Administrative Site

T. 38 S., R. 14 W.,
Unsurveyed Sec. 14: NE¼SE¼.
40 acres.

Spring Branch Administrative Site

T. 39 S., R. 15 W.,
Sec. 24: N½NW¼SW¼;
Unsurveyed Sec. 23: N½NE¼SE¼.
40 acres.

Brouse Area Administrative Site

T. 39 S., R. 13 W.,
Sec. 19: SW¼NE¼, Lots 6 and 7.
120 acres.

Danish Ranch Administrative Site

T. 40 S., R. 14 W.,
Sec. 28: SE¼NW¼SE¼, E½SW¼SE¼, SW¼NE¼SE¼, W½SE¼SE¼.
60 acres.

Cottonwood Administrative Site

T. 41 S., R. 15 W.,
Sec. 9: W½SW¼NE¼, E½SE¼NW¼.
40 acres.

Blind Lake Recreational Area

Unsurveyed T. 30 S., R. 4 E.,
Sec. 26: W½NW¼, W½E½NW¼, N½NW¼SW¼, NW¼NE¼SW¼.
150 acres.

Antimony Canyon Recreation Area

T. 31 S., R. 1 W.,
Sec. 21: Lot 1;
Sec. 22: Lot 4.
65.17 acres.

Oak Creek Recreation Area

Unsurveyed T. 31 S., R. 5 E.,
Sec. 27: NW¼NE¼, W½NE¼NE¼, N½SW¼NE¼, NW¼SE¼NE¼.
90 acres.

Blue Spruce Recreation Area

Unsurveyed T. 32 S., R. 2 E.,
Sec. 35: E½SE¼SW¼, W½SW¼SE¼.
40 acres.

Posey Lake Recreation Area

Unsurveyed T. 33 S., R. 2 E.,
Sec. 17: W½SE¼, E½SW¼;
Sec. 20: NE¼NW¼.
200 acres.

Vermillion Castle Recreation Area

T. 35 S., R. 8 W.,
Sec. 6: Lot 3, 4, N½Lot 11, N½ Lot 12.
105.77 acres.

Red Canyon Recreation Area

T. 35 S., R. 4½ W.,
Unsurveyed Sec. 21: SE¼SE¼SW¼, S½SW¼SE¼, SW¼SE¼SE¼;
Unsurveyed Sec. 28: NE¼NE¼NW¼, NW¼NE¼, NE¼NE¼.
110 acres.

Pine Lake Recreation Area

Unsurveyed T. 35 S., R. 1 W.,
Sec. 24: E½NW¼SE¼, NE¼SE¼, N½N½SE¼SE¼.

Unsurveyed T. 35 S., R. 2 W.,
Sec. 19: W½W½NW¼SW¼.
80 acres.

Brian Head Recreation Area

T. 36 S., R. 9 W.,
Sec. 12: W½SW¼.
80 acres.

Panguitch Lake Recreation Area

T. 36 S., R. 7 W.,
Sec. 5: W½SW¼SE¼, E½SE¼SW¼;
Sec. 8: NE¼NW¼, E½NW¼NW¼, NW¼NE¼, SW¼NW¼.
180 acres.

Cedar Canyon Recreation Area

T. 37 S., R. 9 W.,
Sec. 17: N½SW¼, N½S½SW¼, NW¼SE¼, N½SW¼SE¼;
Sec. 18: NE¼SE¼, N½SE¼SE¼.
240 acres.

Tropic Reservoir Recreation Area

T. 37 S., R. 4 W.,
Sec. 5: S½N½SW¼, S½SW¼;
Sec. 6: E½SE¼SE¼;
Sec. 7: NE¼NE¼, E½SE¼NE¼, E½E½SE¼;
Sec. 8: W½NW¼, NE¼NW¼, W½SE¼NW¼, W½SW¼, W½E½SW¼;
Sec. 17: NW¼NW¼, W½NE¼NW¼;
Sec. 18: E½NE¼NE¼.
580 acres.

Navajo Lake Caverns

T. 38 S., R. 9 W.,
Sec. 13: NE¼, E½NE¼NW¼, E½SE¼NW¼.
200 acres.

Aspen Mirror Lake Recreation Area

T. 38 S., R. 7 W.,
Sec. 7: SW¼NE¼, S½SE¼NW¼, NE¼SW¼, Lot 3.
139.98 acres.

Duck Creek Spring Recreation Area

T. 38 S., R. 7 W.,
Sec. 7: Lot 4;
Sec. 18: N½ Lot 1.
T. 38 S., R. 8 W.,
Sec. 13: Lot 1, NW¼NE¼, N½NW¼.
215.20 acres.

Navajo Lake Recreation Area

T. 38 S., R. 8 W.,
Sec. 7; Sec. 8, Sec. 9: W½.
T. 38 S., R. 9 W.,
Sec. 1: SW¼;
Sec. 2: SE¼;
Sec. 11: E½;
Sec. 12.
2,211.79 acres.

Strawberry Point Recreation Area

T. 39 S., R. 8 W.,
Sec. 11: NW¼NW¼SE¼, W½SW¼NE¼, SE¼NW¼, N½NE¼SW¼.
90 acres.

Pine Valley Recreation Area

Unsurveyed T. 39 S., R. 14 W.,
Sec. 19: SW¼, S½SE¼, S½N½SE¼;
Sec. 30: N½NE¼.
T. 39 S., R. 15 W.,
Sec. 24: NE¼SE¼, NE¼NW¼SE¼, SE¼SW¼NE¼.
420 acres.

Oak Grove Recreation Area

T. 40 S., R. 14 W.,
Sec. 7: NE¼SE¼;
Sec. 8: NW¼SW¼.
80 acres.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55–3019; Filed, Apr. 12, 1955; 8:45 a. m.]

[No. 9 (A–2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, Serial No. Utah 010063, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed July 3, 1953, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: Administrative sites, public service sites, recreational areas, or for other public purposes as set forth specifically with regard to each area or description within the Fishlake National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Box 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

FISHLAKE NATIONAL FOREST

Mountain Ranch Administrative Site

T. 22 S., R. 3 E.,
Sec. 15: Lots 1, 2, 3, 4, W½.
480.26 acres.

Meadow Gulch Administrative Site

T. 23 S., R. 3 E.,
Sec. 14: SE¼SE¼;
Sec. 23: NE¼NE¼.
80 acres.

Clear Creek Administrative Site

T. 24 S., R. 4 E.,
Sec. 31: Lots 1, 2, 3, 4, 5, 6.
202.37 acres.

Seven Mile Flat Administrative Site

T. 25 S., R. 2 E.,
Sec. 11: SE¼NW¼, E½SW¼NW¼, E½NW¼SW¼, NE¼SW¼.
120 acres.

Fishlake Administrative Site

T. 25 S., R. 2 E.,
Sec. 33: SE¼.
160 acres.

Dry Creek Administrative Site

T. 27 S., R. 2½ W.,
Sec. 25: S½S½SE¼SE¼;
Sec. 36: NE¼NE¼.
50 acres.

Elkhorn Administrative Site

T. 27 S., R. 4 E.,
Sec. 15: SE¼NE¼, W½NE¼, E½NW¼, NW¼SE¼.
240 acres.

Forshea Mountain Administrative Site

T. 29 S., R. 2½ W.,
Sec. 13: NW¼NW¼, N½N½SW¼NW¼.
50 acres.

Musinia Administrative Site

T. 21 S., R. 3 E.,
Sec. 4: SW¼SW¼.
40 acres.

Mt. Terrel Administrative Site

T. 24 S., R. 2 E.,
Sec. 22: W½SE¼NW¼, E½E½SW¼NW¼.
30 acres.

Radford Administrative Site

T. 17 S., R. 3 W.,
Sec. 8: E½NW¼, W½NE¼.
160 acres.

Maple Grove Administrative Site

T. 20 S., R. 2 W.,
Sec. 32: SE¼SE¼.
Unsurveyed T. 21 S., R. 2½ W.,
Sec. 1: W½NW¼.
120 acres.

Solitude Administrative Site

T. 22 S., R. 3 W.,
Sec. 23: N½NW¼.
80 acres.

Shingle Creek Administrative Site

T. 25 S., R. 5 W.,
Sec. 33: W½SE¼SE¼, E½SW¼SE¼.
T. 26 S., R. 5 W.,
Sec. 9: Lots 2 and 3.
110.15 acres.

Big Flat Administrative Site

T. 29 S., R. 4 W.,
Sec. 18: Lots 1 and 2.
73 acres.

South Creek Administrative Site

T. 30 S., R. 5 W.,
Sec. 29: NW¼NW¼NW¼;
Sec. 30: NE¼NE¼NE¼.
20 acres.

Indian Creek Administrative Site

T. 27 S., R. 6 W.,
Sec. 34: N½NE¼NW¼, NE¼NW¼NW¼.
30 acres.

Lisonbee Spring Administrative Site

T. 21 S., R. 4 E.,
Sec. 34: SW¼NW¼.
40 acres.

Christensen Spring Administrative Site

T. 25 S., R. 1 W.,
Sec. 18: SW¼SW¼ Lot 1, NW¼NW¼ Lot 2.
T. 25 S., R. 2 W.,
Sec. 13: SE¼SE¼NE¼NE¼, NE¼NE¼ SE¼NE¼.
9.90 acres.

Pahvant Administrative Site

T. 25 S., R. 5 W.,
Sec. 2: S½SE¼SW¼, W½SW¼SW¼SE¼;
Sec. 11: NE¼NW¼.
65 acres.

Deer Creek Administrative Site

T. 27 S., R. 4 W.,
Sec. 18: Lot 1.
35.62 acres.

Oak Creek Administrative Site

T. 17 S., R. 4 W.,
Sec. 11: SE¼SW¼, SW¼,SE¼.
80 acres.

Pioneer Administrative Site

T. 21 S., R. 3 W.,
Unsurveyed Sec. 1: W½SE¼;
Unsurveyed Sec. 12: NW¼NE¼.
120 acres.

Rockwood Administrative Site

T. 24 S., R. 4½ W.,
Sec. 34: SE¼NE¼.
40 acres.

Soldier Fork Administrative Site

T. 22 S., R. 1 E.,
Sec. 4: NW¼SW¼.
40 acres.

Gooseberry Recreation Area

T. 23 S., R. 2 E.,
Sec. 16: Lots 5, 6, 7, W½SE¼, SE¼SE¼;
Sec. 21: NE¼NE¼;
Sec. 22: NW¼NW¼.
320 acres.

Timid Spring Recreation Area

T. 29 S., R. 4 W.
Sec. 7: Lot 3.
36.47 acres.

Monroe Canyon Picnic Area

T. 25 S., R. 3 W.,
Sec. 25: W½SW¼SW¼;
Sec. 26: E½SE¼SE¼;
Sec. 36: NW¼NW¼NW¼.
50 acres.

Fishlake Recreation Area

T. 26 S., R. 1 E.,
Sec. 24: W½NE¼, SE¼, E½SW¼;
Sec. 25: All.
T. 26 S., R. 2 E.,
Sec. 3: Lots 2, 3, 4, 5, 6, 7, 8, 9, 10;
Sec. 4: Lots 1, 2, 5, 6, SW¼NE¼, W½SE¼, SE¼SE¼, E½SW¼, SW¼SW¼;
Sec. 8: Lots 1, 2, 3, S½NE¼, NW¼SE¼, E½SW¼, SW¼SW¼;
Sec. 9: All;
Sec. 10: Lots 1, 2, 3, 4, 5, 7;
Sec. 15: Lots 1, 2;
Sec. 16: Lots 1, 2, 3, 4, NE¼SE¼;
Sec. 17: All;
Sec. 18: All;
Sec. 19: All;
Sec. 20: Lots 1, 2, 3, 4, 5;
Sec. 21: Lots 1, 2, SE¼NW¼;
Sec. 29: SW¼NW¼, Lots 1, 2;
Sec. 30: Lots 1, 2, 3, 4, 5, 6, S½SE¼, NE¼SE¼.
3995.68 acres.

Kent's Lake Recreation Area

T. 29 S., R. 5 W.,
Sec. 31: Lot 16, SW¼SE¼.
T. 30 S., R. 5 W.,
Sec. 6: Lots 4, 5, 10 and 11.
171.92 acres.

Ponderosa Picnic Area

T. 29 S., R. 6 W.,
Sec. 26: SE¼SW¼NW¼, SW¼SE¼NW¼, NE¼NW¼SW¼, NW¼NE¼SW¼.
40 acres.

Maple Hollow Recreation Area

T. 20 S., R. 3 W.,
Sec. 22: E½SW¼NE¼.
20 acres.

Oak Creek Recreation Area

T. 17 S., R. 4 W.,
Sec. 10: N½SE¼, NE¼SE¼SE¼;
Sec. 11: S½N½SW¼, N½SW¼SW¼, S½NW¼SE¼, NE¼SE¼, NW¼SE¼SE¼;
Sec. 12: NW¼SW¼, W½NE¼SW¼.
280 acres.

Copley's Recreation Area

T. 22 S., R. 3 W.,
Sec. 6: N½ Lot 2.
20.20 acres.

Shingle Mill Recreation Area

T. 22 S., R. 3 W.,
Sec. 5: NE¼NE¼SW¼.
10 acres.

Buckskin Charley Recreation Area

T. 22 S., R. 3 W.,
Sec. 5: SW¼SE¼;
Sec. 8: NE¼NW¼NE¼, NW¼NE¼NE¼.
60 acres.

Meadow Creek Recreation Area

T. 22 S., R. 4 W.,
Sec. 20: E½E½NE¼SW¼, NW¼SE¼.
50 acres.

Fish Creek Recreation Area

T. 25 S., R. 5 W.,
Sec. 36: NE¼SW¼.
40 acres.

Beaver Canyon Recreation Area

T. 29 S., R. 6 W.,
Sec. 28: NW¼NW¼.
40 acres.

City Creek Recreation Area

T. 29 S., R. 4 W.,
Sec. 33: SW¼NW¼.
40 acres.

Mamoots Recreation Area

T. 26 S., R. 3 E.,
Sec. 9: E½SW¼SW¼, SE¼NW¼SW¼.
30 acres.

Johnson Reservoir Recreation Area

T. 25 S., R. 2 E.,
Sec. 26: N½SE¼.
80 acres.

Seven Mile Recreation Area

T. 25 S., R. 2 E.,
Sec. 24: S½NW¼, NE¼NW¼.
120 acres.

Sunglow Recreation Area

T. 28 S., R. 4 E.,
Sec. 30: Lots 4, 5, NE¼SW¼.
111.68 acres.

Salina-Emery (Utah No. 10) Highway Roadside Zone

A strip of land 200 feet on each side of the center line of Utah Highway No. 10 through the following legal subdivisions:

T. 21 S., R. 1 E.,
Sec. 33: Lots 11, 12, S½SE¼;
Sec. 34: Lots 4, 5.
T. 22 S., R. 1 E.,
Sec. 1: SW¼SE¼.
Sec. 3: Lot 3, SE¼NE¼, SW¼NE¼, SE¼NW¼.
T. 22 S., R. 2 E.,
Sec. 7: Lot 1, NE¼NW¼, N½NE¼;
Sec. 8: NE¼SE¼, SE¼NE¼, SW¼NE¼, SW¼SE¼, SE¼NW¼, SW¼NW¼, NW¼NW¼;
Sec. 9: SW¼SE¼, Lots 9, 11, 12;
Sec. 12: SE¼SW¼, SW¼SW¼;
Sec. 13: Lots 2, 3, SW¼NE¼, NW¼NE¼, NE¼NW¼, SW¼NW¼, NW¼NW¼;
Sec. 14: SE¼NE¼, SW¼NE¼, NW¼SE¼, SE¼NW¼, SW¼NW¼;
Sec. 15: SE¼NE¼, NW¼NE¼, NE¼NW¼, NW¼NW¼;
Sec. 16: NE¼NE¼, NW¼NE¼.
T. 22 S., R. 3 E.,
Sec. 18: SW¼SE¼, SE¼SW¼, NE¼SW¼, Lot 3;
Sec. 19: NE¼NE¼;
Sec. 20: SE¼NE¼, SW¼NE¼, SE¼NW¼, SW¼NW¼;
Sec. 21: Lot 2, SW¼NW¼;
Sec. 22: Lot 3;
Sec. 27: SE¼SE¼, NE¼SE¼, SE¼NE¼;
Sec. 35: SW¼SE¼, NW¼SE¼, SE¼NW¼, SW¼NW¼, NW¼NW¼.
T. 23 S., R. 3 E.,
Sec. 13: SW¼SE¼, SE¼SW¼, NW¼SW¼, SW¼NW¼;
Sec. 14: SE¼NE¼, NE¼NE¼, NW¼NE¼.
T. 23 S., R. 4 E.,
Sec. 19: SW¼SE¼, NW¼SE¼, SE¼NW¼, Lots 1, 2;

Sec. 28: SE¼SW¼, SW¼SW¼, NW¼SW¼;
Sec. 29: Lot 3, NW¼SE¼, SW¼NE¼, SE¼NW¼, NW¼NW¼;
Sec. 30: NE¼NE¼;
Sec. 33: NE¼SE¼, NW¼SE¼, SW¼NE¼, SE¼NW¼, N½NW¼;
Sec. 34: SW¼SE¼, SE¼SW¼, W½SW¼.
T. 24 S., R. 4 E.,
Sec. 1: Lot 3;
Sec. 2: HES No. 180, Lots 2, 3, 4, 5;
Sec. 3: Lot 1, 2.

Fishlake (Utah No. 25) Highway Roadside Zone

A strip of land 300 feet on each side of the center line of Utah Highway No. 25 through the following legal subdivisions:

T. 26 S., R. 1 E.,
Sec. 26: S½S½, NE¼SE¼;
Sec. 27: S½S½;
Sec. 24: SE¼ NE¼;
Sec. 35: NW¼NW¼.
T. 26 S., R. 2 E.,
Sec. 8: SE¼SW¼, SW¼SE¼, NW¼SE¼;
Sec. 17: SW¼NW¼, NW¼NW¼, NE¼NW¼;
Sec. 18: SE¼SW¼, SW¼SE¼, NW¼SE¼, NE¼SE¼, SE¼NE¼;
Sec. 19: NW¼SW¼, SE¼NW¼, SW¼NW¼, NW¼NW¼, NE¼NW¼.

Sevier-Cove Fort (Utah No. 13) Highway Roadside Zone

A strip of land 200 feet on each side of the center line of Utah Highway No. 13 through the following legal subdivisions:

T. 25 S., R. 5 W.,
Sec. 28: SW¼SW¼, SE¼SW¼, SW¼SE¼;
Sec. 29: NW¼SW¼, SE¼SW¼, SW¼SE¼, SE¼SE¼;
Sec. 30: Lot 2, SE¼NW¼, SW¼NE¼, SE¼NE¼, NW¼SE¼, NE¼SE¼;
Sec. 33: N½NE¼, SE¼NE¼;
Sec. 34: SW¼NW¼, S½NE¼;
Sec. 35: SW¼NW¼, SE¼NW¼, N½NE¼;
Sec. 36: N½N½.
T. 25 S., R. 6 W.,
Unsurveyed Sec. 27: SW¼SW¼, NE¼SW¼, SE¼SW¼, SW¼SE¼;
Sec. 28: NE¼SW¼, NW¼SE¼, SW¼SE¼, SE¼SE¼;
Sec. 29: Lot 3, NW¼SE¼.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-3020; Filed, Apr. 12, 1955; 8:45 a. m.]

[No. 10 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, Serial No. Utah 014447, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, was filed February 14, 1955, by the Atomic Energy Commission.

The purpose of the proposed withdrawal: To carry out the objectives of the Atomic Energy Act of 1954 (Public Law 703, 83d Congress). The Commission proposes to use these lands in connection with the processing and beneficiation of uranium-bearing ores.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Box 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are

SALT LAKE MERIDIAN, UTAH

AREA I

The lands involved in this area aggregate approximately 1,600 acres and are described as follows:

Beginning at a point 2 miles north and 3 miles west from the SE corner, section 24, T. 34 S., R. 14 E., S. L. B. and M., thence 2½ miles north, thence 1½ miles west, thence ½ mile south; thence ½ mile east; thence 1½ miles south, thence ½ mile east; thence ½ mile south, thence ½ mile east to the point of beginning, in an unsurveyed area which, if surveyed, would be approximately described as follows:

T. 34 S., R. 14 E.,
Sec. 4: All;
Sec. 9: N½ and SE¼.
T. 33 S., R. 14 E.,
Sec. 33: S½;
Sec. 32: SE¼.

AREA II

The lands involved in this area aggregate approximately 1,600 acres and are described as follows:

Beginning at a point 5 miles north and 2 miles west from the SE corner, section 24, T. 34 S., R. 14 E., S. L. B. and M.; thence north 7,000 feet, more or less, to the South bank of the Colorado River; thence southwestward along the South and East banks of the said Colorado River to the point of intersection of the East bank of the Colorado River and the line drawn due west from the point of beginning; thence due east approximately 13,300 feet to the point of beginning, in an unsurveyed area which, if surveyed, would be approximately described as follows:

T. 33 S., R. 14 E.,
Sec. 27: All;
Sec. 28: That part lying south and east from the South and East banks of the Colorado River;
Sec. 29: That part lying east of the East bank of the Colorado River;
Sec. 21: That part of the SE¼ lying south of the South bank of the Colorado River;
Sec. 22: That part of the S½ lying south of the South bank of the Colorado River.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-3021; Filed, Apr. 12, 1955; 8:45 a. m.]

[No. 11 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, Serial No. Utah 011437, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed February 18, 1954, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: For use by the Intermountain Forest and Range Experiment Station as an experimental range, all described lands being located within the Desert Experimental Range.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Box 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

INTERMOUNTAIN FOREST AND RANGE EXPERIMENT STATION

Desert Experimental Range

T. 24 S., R. 17 W.,
Sections 1, 3, 4, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, and 35.
T. 24 S., R. 18 W.,
Section 25.
T. 25 S., R. 17 W.,
Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, and 35.
T. 25 S., R. 18 W.,
Sections 1, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 28, 33, 34 and 35.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-3022; Filed, Apr. 12, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 37]

THEODORE E. KAZANTZIS

ORDER TERMINATING DENIAL ORDER

In the matter of Theodore E. Kazantzis, also known as Theodore E. Kazan, 8-10 Bridge Street, New York, New York, Respondent.

The Respondent, Theodore E. Kazantzis, also known as Theodore E. Kazan, having heretofore by order dated October 14, 1948, published October 20, 1948, 13 F. R. 6126, been suspended from and denied all export privileges for the duration of export controls, and having filed an application with the Bureau of Foreign Commerce on March 4, 1955, amended March 18, 1955, for restoration of the export privileges denied by said order, and an investigation having been made into respondent's business activi-

ties during the period from the issuance of the order until the present time and it appearing therefrom that the respondent has not during such period knowingly violated any provision of the Export Control Act or any regulations thereunder or of the terms and conditions of the denial order, and it appearing further that there is reasonable cause to believe that the respondent will comply with and adhere to the export control law and regulations in the future:

It is hereby ordered, That the order dated October 14, 1948, 13 F. R. 6126, as it applies to respondent be and the same is hereby terminated.

Dated: April 7, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-3050; Filed, Apr. 12, 1955; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F. R. 3326).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers engaged in the production of men's sport and dress shirts, for normal labor turnover purposes (dress and sport shirts).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers engaged in the production of ladies' tailored blouses, for normal labor turnover purposes (tailored blouses).

Blue Bell, Inc., Oneonta, Ala., effective 4-15-55 to 10-14-55; 65 learners for plant expansion purposes (denim overalls).

Blue Bell, Inc., Lenoir, N. C., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's dungarees).

Cluett, Peabody & Co., Inc., Lewiston, Pa., effective 4-15-55 to 4-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Dickson-Jenkins Manufacturing Co., 202 St. Louis Avenue, Fort Worth, Tex., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (pants, shirts, jackets, and shorts).

Hickory Flat Manufacturing Co., Hickory Flat, Miss., effective 4-10-55 to 4-9-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

I. B. S. Manufacturing Co., New Albany, Miss., effective 4-10-55 to 4-9-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Irwin Manufacturing Co., New Albany, Miss., effective 4-10-55 to 4-9-56; 10 percent of the total number of factory production workers, for normal labor turnover purposes (sport shirts).

Karen Sportswear, R. D. No. 2, Shickshinny, Pa., effective 4-1-55 to 3-31-56; 5 learners for normal labor turnover purposes (women's dresses).

J. A. Lamy Manufacturing Co., 108 West Pacific, Sedalia, Mo., effective 4-10-55 to 4-9-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dungarees).

Lee Manufacturing Co., Inc., 247 South Main Street, Pittston, Pa., effective 4-7-55 to 4-6-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's dresses).

A. Lore, Inc., 53 Pike Street, Port Jervis, N. Y., effective 4-1-55 to 3-31-56; 5 learners for normal labor turnover purposes (children's underwear and slips).

Loungeray, Inc., Canal Street, Hollidaysburg, Pa., effective 4-1-55 to 3-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' negligees and robes).

The More Manufacturing Co., Marissa, Ill., effective 4-1-55 to 3-31-56; 5 learners for normal labor turnover purposes (women's lounging apparel).

Nettleton Garment Co., Inc., Nettleton, Miss., effective 4-4-55 to 10-3-55; 20 learners for plant expansion purposes (men's and boys' cotton work pants).

Palestine Garment Co., 404 West Oak Street, Palestine, Tex., effective 4-4-55 to 10-3-55; 20 learners for plant expansion purposes (boys' blue jeans).

Pittston Apparel Co., East and Tompkins Streets, Pittston, Pa., effective 3-31-55 to 3-30-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres and girdles).

Rice-Stix, Inc., Factory No. 26, Thayer, Mo., effective 3-30-55 to 3-29-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's dresses).

Triple A Trouser Manufacturing Co., Inc.; 1431 Capouse Avenue, Scranton, Pa., effective 3-28-55 to 3-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers).

Troutman Shirt Co., Inc., Mooresville, N. C., effective 4-1-55 to 9-30-55; 10 learners for plant expansion purposes (work pants).

The Turner Manufacturing Co., West Cedar Street, Goodlettsville, Tenn., effective 3-30-55 to 3-29-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's dresses).

Vernon Manufacturing Co., Inc., Vernon, Tex., effective 4-10-55 to 4-9-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton trousers).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Eskay Manufacturing Co., 205 West Sixth Street, W. Wyoming, Pa., effective 4-1-55 to 3-31-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (swimsuits).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended January 29, 1955, 20 F. R. 645).

Palm Beach Co., Bourne Avenue, Somerset, Ky., effective 4-19-55 to 4-18-56; 7 percent of the total number of factory production workers for normal labor turnover purposes; machine operators (except cutting) hand sewers; pressers; each at 480 hours, at least 65 cents an hour for the first 240 hours and at least 70 cents an hour for the remaining 240 hours (men's palm beach coats).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Atlantic Sportswear, Inc., Sabana Llana, Rio Piedras, P. R., effective 3-21-55 to 9-20-55; 50 learners, sewing machine operators, 160 hours at 35 cents an hour, 160 hours at 42 cents an hour, 160 hours at 48 cents an hour; leather cutters, 160 hours at 35 cents an hour, 160 hours at 42 cents an hour, 160 hours at 48 cents an hour (manufacture of cloth and leather jackets).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 5th day of April 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-3047; Filed, Apr. 12, 1955; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6604]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

APRIL 6, 1955.

Notice is hereby given that on March 17, 1955, the Federal Power Commission issued its order adopted March 16, 1955, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3025; Filed, Apr. 12, 1955; 8:46 a. m.]

[Docket Nos. G-2216, G-2442, G-2504, G-3888, G-2477, G-2685, G-3988]

MONTANA-DAKOTA UTILITIES CO. ET AL.

NOTICE OF ORDER AFFIRMING DECISION

APRIL 6, 1955.

In the matters of Montana-Dakota Utilities Co., Docket Nos. G-2216, G-2442, G-2504, G-3888; Mondakota Gas Company and Industrial Gas Co., Inc., Docket No. G-2477; Montana-Dakota Utilities Company, complainant v. Industrial Gas Co., Inc., Mondakota Gas Company, Fallon County Gathering System, Inc., Eastern Clay Products, Inc., Frank H. Becker, Charles W. Swift, C. George Swallow, and J. R. Tedrick, defendants, Docket No. G-2685; Mondakota Gas Company, Docket No. G-3988.

Notice is hereby given that on March 17, 1955, the Federal Power Commission issued its order adopted March 16, 1955, affirming decision of the Presiding Examiner in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3030; Filed, Apr. 12, 1955; 8:46 a. m.]

[Docket Nos. G-4278, G-4313]

PANHANDLE EASTERN PIPE LINE CO. AND KANSAS-COLORADO UTILITIES, INC.

NOTICE OF FINDINGS AND ORDERS

APRIL 6, 1955.

In the matters of Panhandle Eastern Pipe Line Company, Docket No. G-4278; Kansas-Colorado Utilities, Inc., Docket No. G-4313.

Notice is hereby given that on March 18, 1955, the Federal Power Commission issued its findings and orders adopted March 16, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3031; Filed, Apr. 12, 1955; 8:46 a. m.]

[Docket No. G-4334]

MORRIS RAUCH ET AL.

NOTICE OF ORDER MAKING EFFECTIVE PROPOSED RATE CHARGES UPON FILING OF UNDERTAKING TO ASSURE REFUND OF EXCESS CHARGES

APRIL 6, 1955.

Notice is hereby given that on March 16, 1955, the Federal Power Commission issued its order adopted March 16, 1955, making effective proposed rate charges upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3032; Filed, Apr. 12, 1955; 8:46 a. m.]

[Docket Nos. G-6861, G-6866, G-7358]

DOME GAS CO., INC., ET AL.

NOTICE OF DECLARATIONS OF EXEMPTIONS FROM PROVISIONS OF NATURAL GAS

APRIL 6, 1955.

In the matters of Dome Gas Company, Inc., Docket No. G-6861; Producers Gas Company, Docket No. G-6866; Acme Natural Gas Company, Docket No. G-7358.

Notice is hereby given that on March 18, 1955, the Federal Power Commission issued its declarations of exemptions from the provisions of the Natural Gas Act adopted March 16, 1955, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3033; Filed, Apr. 12, 1955; 8:46 a. m.]

[Docket Nos. G-6622, G-8510]

CROW DRILLING CO.

ORDER MODIFYING ORDER SUSPENDING PROPOSED CHANGES IN RATES AND DENYING PETITION FOR RECONSIDERATION AND VACATION OF SUSPENSION ORDER

By orders issued herein, the Commission, among other things, suspended and deferred the use of certain filings made by Crow Drilling Company (Crow), proposing changes in effective rate schedules for sales of gas subject to the jurisdiction of the Commission. As provided in said orders, the period of suspension and deferred use would terminate on June 1, 1955, subject to further order of the Commission.

On March 24, 1955, Crow filed a petition for reconsideration and vacation of the aforementioned orders.

The Commission, upon further consideration of said orders and the petition for reconsideration, finds:

(1) It is reasonable and in the public interest that the prior orders issued herein should be modified to provide for a shortening of the suspension period as hereinafter provided.

(2) The said petition for reconsideration and vacation other than respects a shortening of the suspension period sets forth no new facts and no principles of law which either were not fully considered by the Commission when it adopted said orders, or which having been now considered warrant any change in, or modification of such orders, other than herein specifically provided.

The Commission orders:

(A) Paragraph (A) of the orders issued herein on January 3, 1955 and February 24, 1955, be and it is hereby amended to read as follows:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedules and supplements be and they are each hereby suspended and the use thereof deferred until April 6, 1955, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Except as herein specifically modified, said orders shall remain and continue in full force and effect, and the petition for reconsideration and vacation of said orders be and it is in all other respects denied.

Adopted: March 30, 1955.

Issued: April 6, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3035; Filed, Apr. 12, 1955; 8:47 a. m.]

[Docket No. G-8288]

SUN OIL CO.

NOTICE OF ORDER MAKING EFFECTIVE PROPOSED RATE CHANGES UPON FILING OF UNDERTAKING TO ASSURE REFUND OF RECESS CHARGES

APRIL 6, 1955.

Notice is hereby given that on March 17, 1955, the Federal Power Commission issued its order adopted March 16, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3026; Filed, Apr. 12, 1955; 8:46 a. m.]

[Docket No. G-8516]

GULF REFINING CO.

ORDER MODIFYING ORDER SUSPENDING PROPOSED CHANGES IN RATES AND DENYING PETITION FOR RECONSIDERATION AND VACATION OF SUSPENSION ORDER

By order issued February 25, 1955, the Commission, among other things, suspended and deferred the use of certain filings made by Gulf Refining Company (Gulf) on January 26, 1955, proposing changes in effective rate schedules for sales of gas subject to the jurisdiction of the Commission. As provided in said order, the period of suspension and deferred use would terminate on July 26, 1955, subject to further order of the Commission.

On March 16, 1955, Gulf filed a petition for reconsideration and vacation of the aforementioned order.

The Commission, upon further consideration of said order and petition for reconsideration, finds:

(1) It is reasonable and in the public interest that the order issued February 25, 1955, should be modified to provide

for a shortening of the suspension period as hereinafter provided.

(2) The said petition for reconsideration and vacation other than respects a shortening of the suspension period sets forth no new facts and no principles of law which either were not fully considered by the Commission when it adopted said order, or which having now been considered warrant any change in, or modification of, such order, other than herein specifically provided.

The Commission orders:

(A) Paragraph (A) of the order issued herein on February 25, 1955, be and it is hereby amended to read as follows:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedules and supplements be and they are each hereby suspended and the use thereof deferred until April 6, 1955, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Except as herein specifically modified, said order shall remain and continue in full force and effect, and the petition for reconsideration and vacation of said order be and it is in all other respects denied.

Adopted: March 30, 1955.

Issued: April 6, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3036; Filed, Apr. 12, 1955; 8:47 a. m.]

[Docket Nos. IT-6015, IT-6022]

PUDGET SOUND POWER & LIGHT CO.

NOTICE OF ORDER DENYING APPLICATION FOR SUPPLEMENTAL AUTHORITY TO MAINTAIN AND USE ADDITIONAL INTERCONNECTION FOR EMERGENCY PURPOSE

APRIL 6, 1955.

Notice is hereby given that on March 18, 1955, the Federal Power Commission issued its order adopted March 16, 1955, denying application for supplemental authority to maintain and use additional interconnection for emergency purpose in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3034; Filed, Apr. 12, 1955; 8:47 a. m.]

[Project No. 553]

CITY OF SEATTLE, WASHINGTON

NOTICE OF ORDER APPROVING INSTALLATION OF FOURTH GENERATING UNIT

APRIL 6, 1955.

Notice is hereby given that on March 21, 1955, the Federal Power Commission issued its order adopted March 16, 1955, approving installation of fourth generating unit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R., Doc. 55-3027; Filed, Apr. 12, 1955; 8:46 a. m.]

[Project No. 1771]

OTIS MORRIS

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

APRIL 6, 1955.

Notice is hereby given that on March 22, 1955, the Federal Power Commission issued its order adopted March 16, 1955, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3028; Filed, Apr. 12, 1955; 8:46 a. m.]

[Project No. 2169]

TAPOCO, INC., AND CAROLINA ALUMINUM CO.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

APRIL 6, 1955.

Notice is hereby given that on March 17, 1955, the Federal Power Commission issued its order adopted March 16, 1955, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3029; Filed, Apr. 12, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 55]

MOTOR CARRIER APPLICATIONS

APRIL 8, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 2989 Sub 21, (Amended), DAYS TRANSFER, INC., 730 East Beardsley Avenue, Elkhart, Ind. Applicant's attorney: Warren C. Moberly, 1511-14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *Materials, supplies, equipment, machinery and parts to be used in and incidental to the construction of the Indiana Toll Road*, not including Class A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, or those injurious or contaminating to other lading, serving construction sites of the Indiana Toll Road, located in that part of Indiana on and west of Indiana Highway 5 from the Indiana-Michigan State line to junction with U. S. Highway 20, thence on and north of U. S. Highway 20 from said junction to junction U. S. Highway 20 with Quince Road in St. Joseph County, Ind., and thence on and east of Quince Road, from said junction to the Indiana-Michigan State line, as off-route points, in connection with the carrier's regular route operations (1) between South Bend, Ind., and Fort Wayne, Ind., (2) between junction U. S. Highways 6 and 33 near Ligonier, Ind., and the Indiana-Ohio State line, (3) between South Bend, Ind., and Chicago, Ill., (4) between Elkhart, Ind., and Ypsilanti, Mich., (5) between Fort Wayne, Ind., and Auburn, Ind., and (6) between Detroit, Mich., and Ann Arbor, Mich. Applicant is authorized to conduct operations in Indiana, Illinois and Michigan.

No. MC 9115 Sub 44, OREGON-NEVADA-CALIFORNIA FAST FREIGHT, INC., 675 Brannan Street, San Francisco, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A, B, and C explosives, (including commodities of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (a) between Portland, Oreg., and Hubbard, Oreg., from Portland over U. S. Highway 99W to junction of U. S. Highway 99W and Oregon Highway 57, thence over Oregon Highway 57 to junction of Oregon Highway 57 and Oregon Highway 51, thence over Oregon Highway 51 to junction of Oregon Highway 51 and U. S. Highway 99E, thence over U. S. Highway 99E to Hubbard and return over the same route, serving all intermediate points; (b) between the north junction of Salem, Oreg. By-Pass and U. S. Highway 99E and the south junction of Salem By-Pass with U. S. Highway 99E, via Salem By-Pass and return over the same route, serving no intermediate points, as an alternate route in connection with carrier's regular-route operations between Medford, Oreg., and Portland, Oreg.; (c) between north junction of unnumbered highway and U. S. Highway 99E, over unnumbered highway via Jefferson, Oreg., to junction said unnumbered highway and U. S. Highway 99E, serving the intermediate point of Jefferson, Oreg., and return over the same route; (d) between Eugene, Oreg., and Goshen, Oreg., from Eugene over U. S. Highway 126 to junction Oregon Highway 225, thence over Oregon Highway 225 to junction Oregon Highway 225 and U. S. Highway 99 at or near Goshen, and return over the same route, serving all intermediate points; (e) between Anlauf, Oreg., and Rice Hill, Oreg., from Anlauf, over Oregon Highway 45 to Rice Hill, via Drain, Oreg., and return over the same route, serving all intermediate points; (f) between Oakland, Oreg., and Shady Point, Oreg., from Oakland over Oregon Highway 234 to Shady Point, and return over the same route, serving all intermediate points.

NOTE: By routes (c), (d), (e) and (f) as set out above, applicant is seeking to amend its present authority because of relocation of portions of U. S. Highway 99E. Applicant is authorized to conduct operations in California, Nevada, and Oregon.

No. MC 10928 Sub 25, SOUTHERN-PLAZA EXPRESS, INC., 1209 Washington Avenue, St. Louis, Mo. Applicant's attorney: Charles F. Riddle, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, but not including commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the off-route point of Perrin Air Force Base, near Sherman, Tex., in connection with authorized regular route operations to and from Sherman, Tex., over U. S. Highway 75. Applicant performs the regular route operations by virtue of lease of operating authority granted English Freight Company, A Corporation, in Certificate No. MC 30165, dated November 17, 1952, which lease expires February 18, 1956, unless applicant exercises its option to purchase said operating authority.

No. MC 19564 Sub 49, L. C. JONES TRUCKING COMPANY, a corporation, 4300 S. E. 29th Street, P. O. Box 4368, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipelines; and such commodities as require special handling, special rigging, or special equipment because of size, weight, or shape, except the stringing and picking up of pipe in connection with main or trunk pipeline, (1) between points in Colorado, Utah, and Arizona, (2) between points in Wyoming, and Nebraska, and (3) between points in Colorado and Wyoming, on the one hand, and, on the other, points in Montana. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Kansas, Louisiana, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, West Virginia, and Wyoming.

No. MC 26519 Sub 43, WHEELER TRANSPORTATION COMPANY, A Corporation, 635 Racine Street, Menasha, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Milwaukee, Wis., and junction U. S. Highways 16 and 51 south of Portage, Wis., over U. S. Highway 16, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between (a) Minneapolis, Minn., and Fond du Lac, Wis., and (b) Madison, Wis., and Stevens Point, Wis., and (2) between junction U. S. Highway 41 and Wisconsin Highway 76 near Appleton, Wis., and Wittenberg, Wis., from junction U. S. Highway 41 and Wisconsin Highway 76 near Appleton, over Wisconsin Highway 76 to junction U. S. Highway 45 near Bear Creek, Wis., thence over U. S. Highway 45 to Wittenberg, and return over the same route, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between Eau Claire, Wis., and Neenah, Wis. *United States mail* only, serving Eland, Wis., as an off-route point in connection with carrier's regular route operations between Chippewa Falls, Wis., and Green Bay, Wis., over Wisconsin Highway 29, which is a portion of carrier's regular route operations between Eau Claire, Wis., and Neenah, Wis. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

No. MC 28813 Sub 17, MOTOR EXPRESS, INC. OF INDIANA, 701 Illinois Building, Indianapolis 4, Ind. Applicant's attorney: Charles H. Ayres, 1602 Union Commerce Building, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Elkhart, Ind. and Toledo, Ohio, (a) from Elkhart over U. S. Highway 20 to Toledo; and (b) from junction of Alternate U. S. Highway 20 and U. S. Highway 20 north of Montpelier, Ohio, to Maumee, Ohio, over Alternate U. S. Highway 20, and return over the same routes, serving no intermediate points but serving said junction of Alternate U. S. Highway 20 and U. S. Highway 20 for purpose of joinder only, as alternate or connecting routes in connection with carrier's authorized regular-route operations between Toledo, Ohio and Fort Wayne, Ind.; and between Indianapolis and Elkhart, Ind.; (2) between Elkhart, Ind. and Fort Wayne, Ind., from Elkhart over U. S. Highway 33 to Fort Wayne and return over the same route, serving no intermediate points but serving the junction of U. S. Highway 33 and U. S. Highway 6 for purpose of joinder only, as an alternate or connecting route in connection with carrier's authorized regular-route operations between Toledo, Ohio and Fort Wayne, Ind.; and between Indianapolis and Elkhart, Ind.; (3) between Kokomo, Ind. and the junction of U. S. Highway 35 and U. S. Highway 6, from Kokomo over U. S. Highway 35 to junction U. S. Highway 35 and U. S. Highway 6, and return over the same route, serving no intermediate points but serving the junction of U. S. Highway 35 and U. S. Highway 30 for purpose of joinder only, as an alternate or connecting route in connection with carrier's authorized regular-route operations between Anderson, Ind. and junction U. S. Highway 31 and Indiana Highway 28; and between Highland, Ind. and the Indiana-Ohio State line; and (4) between Napoleon, Ohio and the Indiana-Ohio State Line, from Napoleon over U. S. Highway 6 to the Indiana-Ohio State Line, and return over the same route, serving no intermediate points, as an alternate or connecting route in connection with carrier's authorized regular-route operations between Toledo, Ohio and Fort Wayne, Ind.; and between Highland, Ind. and the Indiana-Ohio State line. Carrier is authorized to conduct operations in Illinois, Indiana, and Ohio.

No. MC 29988 Sub 57, DENVER-CHICAGO TRUCKING COMPANY, INC., 2501 Blake Street, Denver 5, Colo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Compressed gas*, in cylinders, when moving on shipper-owned or United States Government-owned trailers, and *shipper-owned and United States Gov-*

ernment-owned trailers with empty gas cylinders mounted thereon, from, to, and between all points presently authorized to be served in the performance of regular, alternate, and irregular route operations in and through Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Kansas, Massachusetts, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania Rhode Island, Utah, Washington, and Wyoming.

No. MC 33641 Sub 22, INTERSTATE MOTOR LINES, INC., 235 West 3d South, Salt Lake City 1, Utah. For authority to operate as a common carrier, over regular routes, transporting: *General commodities, including Class A, B and C explosives,* but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Elko, Nev., and South San Francisco, Calif., from Elko over U. S. Highway 40 to San Francisco, Calif., thence over U. S. Highway By-pass 101 to South San Francisco, and return over the same route, serving all intermediate points in California, and the off-route points of Crockett, Martinez, Richmond, Alameda, San Leandro, Moffett Field, Port Chicago, Manteca, Stockton, Nimbus, Benicia, Nitro, Giant, and Sierra Ordnance Depot, Herling, Calif. RESTRICTION: The service authorized shall be limited to shipments moving between Elko, Nev., and points east thereof, on the one hand, and, on the other, points in California. The carrier is presently authorized in Certificate No. MC 33641, dated May 14, 1954, to transport the above commodities, except Class A and B explosives, between Elko, Nev., and South San Francisco, Calif., over the route specified above, serving all intermediate points in California, and off-route points of Crockett, Martinez, Richmond, Alameda, and San Leandro, Calif. RESTRICTION: The service above authorized shall be limited to shipments moving between points east of Elko, on the one hand, and, points in California, on the other. If and when the authority applied for in this application is granted, all duplication with present authority in Certificate No. MC 33641 will be cancelled. *General commodities, including Class A, B and C explosives,* but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Ely, Nev., and South San Francisco, Calif., from Ely over U. S. Highway 50 to Fallon, Nev., thence over U. S. Highway 95 to junction U. S. Highway 40, thence over U. S. Highway 40 to San Francisco, thence over U. S. Highway By-pass 101 to South San Francisco, and return over the same route, serving all intermediate points in California, the intermediate points of Eureka, Nev., and Naval Auxiliary Air Station, Fallon, Nev., and the off-route point of Naval Ordnance Depot, Hawthorne, Nev. Applicant is authorized to conduct operations in California, Colorado, Illinois, Iowa, Nebraska, Nevada, Utah and Wyoming.

No. MC 36436 Sub 27, HOWARD MOLAND, CLARENCE MOLAND, LOTHARD MOLAND, AND H. T. MOLAND, doing business as MOLAND BROS. TRUCKING COMPANY, 2502 West Huron, Duluth, Minn. For authority to operate as a *common carrier,* over irregular routes, transporting: *Petroleum products,* in bulk, in tank trucks, from Superior, Wis., to that part of Minnesota on and east of U. S. Highway 71 from the United States-Canada International Boundary line at International Falls, Minn., to junction U. S. Highway 10 at Wadena, Minn., on and north of U. S. Highway 10 from Wadena, Minn., to junction U. S. Highway 210, and on and north of U. S. Highway 210 through Carlton, Minn., to the Minnesota-Wisconsin State line. Applicant is authorized to conduct operations in Illinois, Minnesota and Wisconsin.

No. MC 39106, HARVEY TRANSFER COMPANY, a corporation, P. O. Box 209, Franklin, Ohio. Applicant's attorney: Richard H. Brandon, 810 Hartman Building, Columbus 15, Ohio. AMENDMENT TO PETITION FOR AMENDMENT AND REISSUANCE OF PERMIT NO. MC 39106, dated January 31, 1942, published on Page 430, issue of January 19, 1955, to further include *Roofing, roofing materials, paper felt,* and *materials and supplies* used in the installation of roofing and paper felt, from Franklin, Ohio to points in Indiana and Kentucky, in addition to *Paper roofing* as sought in the petition as originally filed, under date of January 4, 1955, as additional commodities to those presently authorized in said Permit, namely: *Paper, paper products, fibre boxes,* and *materials* and *equipment,* used or useful in the manufacture thereof, over regular routes, between Dayton, Ohio and Newport, Ky., and over irregular routes, between Middletown, Lockland, Franklin and Excello, Ohio, on the one hand, and, on the other, points in Ohio, Indiana and Kentucky.

No. MC 52465 Sub 13, WESTERN EXPRESS, a corporation, 2300 9th Avenue North, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 527–529 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier,* over a regular route, transporting: *General commodities,* except commodities of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Great Falls, Mont., and Missoula, Mont., from Great Falls, over U. S. Highway 89, via Vaughn, to junction Montana Highway 20, thence over Montana Highway 20 to junction U. S. Highway 10, and thence over U. S. Highway 10 to Missoula, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operation in Montana.

No. MC 62896 Sub B, CHARLES W. POOLE & BRERETON POOLE, doing business as POOLE'S DRAYAGE CO., 1619 Eckington Place, N. E., Washington, D. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Meats, meat products,* and *meat by-products,* between Washington, D. C., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Georgia, and Florida.

NO. MC 63290 Sub 2, WILLIAM O. MATTOX, doing business as MATTOX CHEMICAL TRANSPORT, 418 Grove Street, Newark, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Molasses,* in bulk, in tank vehicles, between Carteret, Paulsboro and Guttenberg, N. J., on the one hand, and, on the other, points in New Jersey. NOTE: Applicant states that this application is submitted in order to determine whether operations presently being performed, in bulk, in tank vehicles, is subject to Part II of the Interstate Commerce Act, as being performed in interstate commerce by motor vehicle, and applicant submits to the Interstate Commerce Commission for determination whether operations performed wholly within the State of New Jersey are in part of all performed in interstate commerce.

NO. MC 65628 Sub 1, UNITED PETROLEUM CARRIERS, INC., 501 Riverside Avenue, Lyndhurst, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, 6, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, between points in New Jersey. Applicant is authorized to conduct operations in New Jersey, and New York.

No. MC 71096 Sub 25, THE NORWALK TRUCK LINE COMPANY, A Corporation, 36 Woodlawn Avenue, Norwalk, Ohio. Applicant's attorney: J. O. Ford (same address as applicant). For authority to operate as a *common carrier,* over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Lodi, Ohio, and junction U. S. Highways 224 and 30 at Van Wert, Ohio, over U. S. Highway 224, serving no intermediate points, and serving no additional points not otherwise served, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Mansfield and Ceylon Junction, Ohio, (b) Akron, Ohio, and Coldwater, Mich., (c) Toledo and Findlay, Ohio, (d) Belmore and Ottawa and Pandora, Ohio, (e) Pandora and Ottawa, Ohio, and (f) Miller City and Ottawa, Ohio, (2) between Ottawa, Ohio, and junction Ohio Highway 15 and U. S. Highway 127, over Ohio Highway 15, serving no intermediate points, and serving no additional points not otherwise served, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Defiance, and Toledo, Ohio, (b) Belmore and Ottawa and Pandora, Ohio, (c) Pandora and Ottawa, Ohio, and (d) Miller City and Ottawa, Ohio, (3) between Fremont, Ohio, and junction Ohio Highway 12 and U. S. Highway 30N near Gomer, Ohio, over Ohio Highway 12, serving no intermediate points, and serving no additional points not otherwise served, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Cleveland, Ohio, and Chicago, Ill., (b) Akron, Ohio, and Flint, Mich., (c) Akron, Ohio, and Coldwater, Mich., (d) Toledo and Findlay, Ohio, and (e) Belmore and Pandora, Ohio, and (4) between Shelby, Ohio, and junction Ohio Highway 61 and U. S. Highway 30N at Crestlane, Ohio, over Ohio Highway 61, serving no intermediate points, and serving no additional points not otherwise served, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Mansfield and Ceylon Junction, Ohio, and (b) Akron, Ohio, and Coldwater, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, and Pennsylvania.

No. MC 72997 Sub 12, LIBERTY TRUCKING COMPANY, a corporation, 1401 West Fulton Street, Chicago 7, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier,* transporting: *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Cottage Grove, Wis., as an off-route point in connection with carrier's regular route operations to and from Madison, Wis., over U. S. Highways 12, 14, and 51. Applicant is authorized to conduct operations in Illinois, Indiana, and Wisconsin.

No. MC 75830 Sub 3, INTER-CITY TRANSPORT & MOTOR COMPANY, a Corporation, Liggette Avenue, P. O. Box 88, Buckhannon, W. Va. Applicant's attorney: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Such commodities as are dealt in by chain retail and mail order department stores,* and in connection therewith, *equipment, materials,* and *supplies* used in the conduct of such businesses, between McKeesport, Pa., and Louisville, Ky. RESTRICTION: The transportation service authorized must be conducted under special and individual contracts or agreements with persons (as defined in section 203 (a) of the Interstate Commerce Act) who operate chain retail and mail order department stores, the business of which is the sale of general commodities. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia.

NO. MC 76032 Sub 91, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's attorney: Paul M. Hupp, 738 Majestic Building, Denver 2, Colo. For authority to operate as a *common carrier,* over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration), heavy machinery, fresh fish, coal, ore, sand, gravel, and those injurious or contaminating to other lading, between Kansas City, Mo., and Dalhart, Tex., and Abbott, N. Mex., from Kansas City over U. S. Highway 50 to junction U. S. Highway 50S, thence over U. S. Highway 50S to junction U. S. Highway 183, thence over U. S. Highway 183 to junction U. S. Highway 54, thence over U. S. Highway 54 to Dalhart, Tex., also from junction U. S. Highways 54 and 64 over U. S. Highway 64 to junction New Mexico Highway 58, thence over New Mexico Highway 58 to junction New Mexico Highway 39 at Abbott, N. Mex., and return over the same route, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with applicant's authorized regular route operations (1) between Denver, Colo., and Albuquerque, N. Mex., and (2) between Chicago, Ill., and Denver, Colo. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, New Mexico, Nevada and Texas.

No. MC 83539 Sub 19, C & H TRANSPORTATION CO., INC., 2135 Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier,* over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing; storage, transmission, and distribution of natural gas and petroleum and their products and by-products, not including the stringing or picking up of pipe in connection with pipe lines, and *machinery, materials, equipment* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines and such commodities as require special equipment, handling or rigging because of size, or weight, and parts thereof, except the stringing or picking up of pipe in connection with the construction or dismantling of main or trunk pipe lines, between points in Arkansas, on the one hand, and, on the other, points in Shelby, Tipton and Fayette Counties, Tenn.

NOTE: Applicant states it proposes to conduct the operations between the described Tennessee Territory on the one hand, and all points in applicant's presently authorized area of operations, on the other hand, using the State of Arkansas as a Gateway. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin.

NO. MC 87689 Sub 3, INTER-CITY TRUCK LINES, LIMITED, 123 Duchess Street, Toronto, Ontario, Canada. Applicant's representative: Floyd B. Piper, Traffic Consultant, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier,* over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between the International Boundary between the United States and Canada at or near Sault Ste. Marie, Mich., and Detroit, Mich., from the International Boundary between the United States and Canada via ferry to Sault Ste. Marie, thence over city streets to U. S. Highway 2, thence over U. S. Highway 2 to bridge over the Straits of Mackinaw, thence over such bridge to Mackinaw City, (also from junction U. S. Highway 2 and Michigan Highway 122 over Michigan Highway 122 to St. Ignace, thence over State Ferry to Mackinaw City), thence over U. S. Highway 31 to junction with U. S. Highway 131, thence over U. S. Highway 131 to junction U. S. Highway 16, thence over U. S. Highway 16 to Detroit, (also over the above-described routes to Mackinaw City, thence over U. S. Highway 27 to junction U. S. Highway 10, thence over U. S. Highway 10 to Detroit, and return over the same routes, serving all intermediate points; (2) between the International Boundary between the United States and Canada at or near Sault Ste. Marie, Mich., and Port Huron, Mich., from the International Boundary at or near Sault Ste. Marie, over the above-described routes to Mackinaw City, Mich., thence over U. S. Highway 27 to junction Michigan Highway 76, thence over Michigan Highway 76 to junction U. S. Highway 23, thence over U. S. Highway 23 to junction Michigan Highway 21, thence over Michigan Highway 21 to Port Huron, and return over the same routes, serving all intermediate points; (3) between Midland, Mich., and Bay City, Mich., over Michigan Highway 20, serving all intermediate points; (4) between Grand Rapids, Mich., and Detroit, Mich., from Grand Rapids over U. S. Highway 131 to junction U. S. Highway 12, thence over U. S. Highway 12 to Detroit, and return over the same route, serving all intermediate points; (5) between junction of U. S. Highway 12 and Michigan Highway 17 at or near Ann Arbor, Mich., and Detroit, Mich., from junction of U. S. Highway 12 and Michigan Highway 17, at or near Ann Arbor, over Michigan Highway 17 to junction U. S. Highway 112, thence over U. S. Highway 112 to Detroit, and return over the same route, serving all intermediate points. RESTRICTION: Applied for authority to be restricted to traffic originating at or destined to points in Canada transported through the port of entry at Sault Ste. Marie, Mich. Applicant is authorized to conduct operations in Michigan and New York.

No. MC 98833 Sub. 1, THE EASTERN OHIO FREIGHT LINES, INC., 704

Andrews Avenue, Youngstown, Ohio, Applicant's representative: G. H. Dilla, 3030 Euclid Avenue, Cleveland 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, including *commodities of unusual value, Class A and B explosives, household goods* as defined by the Commission, *commodities in bulk*, and *commodities requiring special equipment*, between Youngstown, Ohio, and points in Ohio.

NOTE: This application is filed to convert the carrier's second proviso operations filed in Docket No. MC 98833 to a certificate issued by this Commission.

No. MC 101126 Sub 28, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Ave., Cincinnati, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Vegetable oil shortening*, in bulk, in tank vehicles, from St. Bernard, Ohio, to Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Arkansas, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

No. MC 102567 Sub 40 (Amended), published January 19, 1955, page 432, EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La. Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Calcasieu Parish, La., to Benton, Camden, Carlisle, Conway, Clarksville, Dermott, DeWitt, Dumas, El Dorado, Fordyce, Fort Smith, Gurdon, Hamburg, Junction City, Lake Village, Little Rock, North Little Rock, Malvern, Norman, Monticello, Morrilton, Paris, Pine Bluff, Russellville, Searcy, Sheridan, Smackover, Star City, Stuttgart, and Warren, Ark. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, and Texas.

No. MC 103066 Sub 9, VAN STONE, doing business as STONE TRUCKING CO., 1516 West 49th Street, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and *machinery, equipment, materials* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof except in connection with main or trunk pipelines, between points in Oklahoma, on the one hand, and, on the other, Ports of Entry in Montana and North Dakota on the International Boundary between the United States and Canada. RESTRICTION: Applied-for authority to be restricted to shipments originating at or destined to points in Canada.

NOTE: Ports of Entry in applicant's presently authorized territory are not adequately staffed with brokers and facilities to permit orderly crossings of the boundary and applicant seeks this change of authority to permit more expedited crossings and to effect operating economies. Applicant is authorized to conduct operations in Arkansas, Illinois, Kansas, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota and Texas.

No. MC 103880 Sub 139, PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Michigan City, Ind., to points in Berrien County, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin.

No. MC 103880 Sub 140, PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid resins*, including *synthetic and phenolic resins*, in bulk, in tank vehicles, from Kankakee, Ill., and points within five (5) miles thereof, to those ports of entry which are located in Michigan at or near Port Huron, and Detroit on or near those portions of the United States Canadian International Boundary line situated between Michigan and Canada at or close to Port Huron, Mich., and Detroit, Mich.

No. MC 103993 Sub 49, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes transporting: *Trailer undercarriages*, in initial movements, by truck-away service, more particularly described as "Haulette" trailers, from Fayette, Ohio, to all points in the United States, and *damaged shipments* of the above-described commodity on return.

NOTE: The Haulette is a two or four wheel trailer of welded construction designed for the transportation of tractors, construction equipment and related items. Applicant is authorized to conduct operations throughout the United States.

No. MC 106373 Sub 17, THE SERVICE TRANSPORT CO., A Corporation, 11910 Harvard Avenue, Cleveland, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plaster, plasterboard, wallboard, lime products* and *gypsum products*, from Wheatland, N. Y., located on New York Highway 383, 18 miles southwest of Rochester, 4 miles east of Caledonia and 6 miles west of Scottsville, to points in Ohio and those in Pennsylvania on and west of U. S. Highway 219, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Applicant is authorized to conduct operations in New York, Ohio and Pennsylvania.

No. MC 106603 Sub 39, DIRECT TRANSIT LINES, INC., 200 Colrain Street, S. W., Grand Rapids 8, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt, empty containers, and spoiled salt*, (1) between Port Huron and ports of entry on the International Boundary line between the United States and Canada at Port Huron, Mich., on the one hand, and, on the other, points in Michigan and Ohio, and (2) between Detroit, Mich., and port of entry on the International Boundary line between the United States and Canada at or near Detroit, Mich., on the one hand, and, on the other, points in Michigan, Ohio, Indiana and Illinois. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Missouri, Ohio and Wisconsin.

No. MC 107403 Sub 200. E. BROOKE MATLACK, INC., 33d & Arch Sts., Philadelphia 4, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Resin*, in bulk, in tank vehicles, from Newark, Ohio, to points in Kansas, Kentucky, Massachusetts, Missouri, New York, Rhode Island, Virginia, and West Virginia. Applicant is authorized to conduct operations in New Jersey, North Carolina, Virginia, Pennsylvania, South Carolina, Georgia, Ohio, Indiana, Alabama, Missouri, Tennessee, Minnesota and Wisconsin.

No. MC 108586 Sub 35, STEFFKE FREIGHT CO., a corporation, 204 S. Bellis St., P. O. Box 748, Wausau, Wis. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, between Chicago and Rockford, Ill., and the U. S. Air Force Base at Sands, Mich., (1) from Chicago over U. S. Highway 41 to Marquette, Mich., thence south over unnumbered Michigan highway to the U. S. Air Force Base at Sands, Mich., (also from junction U. S. Highway 41 and unnumbered Michigan Highway, southeast of Marquette, west over unnumbered Michigan highway to the U. S. Air Force Base at Sands) and (2) from Rockford over U. S. Highway 51 to junction Wisconsin Highway 26 at Janesville, Wis., thence over Wisconsin Highway 26 to junction U. S. Highway 41, near Oshkosh, Wis., thence over the above-described routes to the U. S. Air Force Base at Sands, Mich., and return over the same routes, serving no intermediate points. Applicant is authorized to conduct operations in Illinois and Wisconsin.

No. MC 108859 Sub 20, CLAIRMONT TRANSFER COMPANY, a corporation, 1803 7th Ave., North, Escanaba, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except liquids in bulk, livestock, Class A and B explosives, inflammables, and articles of unusual value, or size, serving the off-route point of the U. S. Air Force Installation adjacent to K. I. Sawyer Air Port, and the K. I. Sawyer Air Port located approximately five miles south of Sands, Mich., in connection with applicant's regular-route operation between Marquette, Mich., and junction Michigan Highway 35 and County Trunk Highway 553. Applicant is authorized to conduct operations in Michigan, Illinois, Wisconsin, and Indiana.

No. MC 109497 Sub 4, A. F. COMER, doing business as A. F. COMER TRANSPORT SERVICE, P. O. Box 711, Highway 95, Rocky Mount, N. C. Applicant's attorney: James E. Wilson, Continental Building, 14th at K Northwest, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank trucks, from Norfolk, Sewalls Point, South Norfolk, Portsmouth, and Craney Island, Va., to points in Virginia. Applicant is authorized to conduct operations in North Carolina and Virginia.

No. MC 109497 Sub 5, A. F. COMER, doing business as A. F. COMER TRANSPORT SERVICE, P. O. Box 711, Highway 95, Rocky Mount, N. C. Applicant's attorney: James E. Wilson, Continental Building, 14th at K Northwest, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank trucks, from Wilmington, Washington, Williamston, Morehead City, Beaufort, River Terminal, Thrift, Friendship, and Salisbury, N. C., to points in New Hanover, Cumberland, Sampson, Guilford, Carteret, Beaufort, Lenoir, Greene, Pitt, Wilson, Edgecombe, Nash, Halifax, Northampton and Hertford Counties, N. C. Applicant is authorized to conduct operations in North Carolina and Virginia.

No. MC 110190 Sub 22, PENN-DIXIE LINES, INC., 2000 South George Street, P. O. Box 42, York, Pa. Applicant's attorney: Robert R. Hendon, 310 Investment Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pure fresh or natural fruit juices*, including citrus fruit juices, not frozen, in paraffin-coated cardboard cartons, requiring refrigeration, from points in Florida to points in the District of Columbia, Maryland, Pennsylvania, Delaware, New Jersey, and New York, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

No. MC 110513 Sub 1, UNION TRANSPORTATION COMPANY, a corporation, Ceredo, W. Va. Applicant's attorney: Charles T. Dodrill, 1410 West Virginia Building, Huntington, W. Va. For authority to operate as a *contract carrier*, over irregular routes, transporting *Corrugated steel pipe*, coated and uncoated, (1) from Newport, Ky., to Ceredo and Belle, W. Va.; and (2) from Ceredo and Belle, W. Va., to points in Ohio, Kentucky, Virginia, and West Virginia, and *returned shipments of corrugated steel pipe*, on return movement.

No. MC 110765 Sub 1, JAMES HOLDER, doing business as HOLDER MOVING AND STORAGE, 212 East Willow Street, Carbondale, Ill. Applicant's attorney: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: Household goods as defined by the Commission, between points in Jackson County, Ill., on the one hand, and, on the other, points in Wisconsin, Missouri, Tennessee, Iowa, Kentucky, Indiana, Michigan, Arkansas, Texas, and Ohio.

No. MC 111039 Sub 8, TABER TANK LINES, INC., 1208 First Ave., N. W., P. O. Box 1823, Great Falls, Mont. Applicant's attorney: Howard C. Burton, Strain Building, Great Falls, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, including, but not limited to, *asphalt, motor oil*, and *residual fuel oil*, in bulk, in tank vehicles, from Great Falls, Mont. and points within five miles of Great Falls, to points in North Dakota on and west of U. S. Highway 83, excepting Williston and Watford City, N. Dak. Applicant is authorized to conduct operations in Idaho, Montana, North Dakota and Washington.

No. MC 111072 Sub 13, ALICE K. LUSHA AND JAMES H. LUSHA, doing business as LUSHA TRUCKING COMPANY, 849 Main Avenue, West De Pere, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Two Rivers, Sheboygan, and the Town of Blooming Grove, Dane County, Wis., to points in the Upper Peninsula of Michigan. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan and Wisconsin.

No. MC 111397 Sub 13, (Amended), WADE E. DAVIS, doing business as DAVIS TRANSPORT, 2812 Kentucky Avenue, Post Office Box 539, Paducah, Ky. Applicant's representative: C. W. Craig, Manufacturers & Wholesalers Association, Citizens Bank & Trust Co. Building, Paducah, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products* (including asphalt and heavy oils), in bulk, in tank vehicles, from Kuttawa, Ky., and points within ten (10) miles thereof, to points in Tennessee on and west of U. S. Highway 231, points in Kentucky on and west of U. S. Highway 31-E, points in Indiana on and south of U. S. Highway 150, points in Illinois on and south of U. S. Highway 50, and points in Missouri on and east of U. S. Highway 67, Applicant is authorized to conduct operations in Kentucky, Missouri and Tennessee.

No. MC 111812 Sub 21, MIDWEST COAST TRANSPORT, INC., P. O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen fruit pies* and *frozen meat pies*, from Webster City, Iowa, to points in Washington and Oregon.

No. MC 112391 Sub 10, HADLEY AUTO TRANSPORT, a corporation, 21732 South Santa Fe, Long Beach, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New motor vehicles*, in initial and secondary movements, in truckaway service, from points in Los Angeles County, Calif., to points in Colorado. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

No. MC 112713 Sub 57, YELLOW TRANSIT FREIGHT LINES, INC., 18 East 17th Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding livestock, household goods as defined by the Commission, and commodities in bulk, between Lawton, Okla., and junction Oklahoma Highway 7 and U. S. Highway 81 near Marlow, Okla., over Oklahoma Highway 7, and return over the same route, serving no intermediate points, and serving the termini for joinder purposes only, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between Oklahoma City and Lawton, Okla., (which is a portion of carrier's regular route operations between Oklahoma City, Okla., and Bowie, Tex.), and between Enid, Okla., and San Antonio, Tex. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, Oklahoma and Texas.

No. MC 112713 Sub 58, YELLOW TRANSIT FREIGHT LINES, INC., 18 East 17th Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding livestock, household goods as defined by the Commission, and commodities in bulk, between junction Texas Highway 79 and U. S. Highway 287 near Wichita Falls, Tex., and Waurika, Okla., from junction Texas Highway 79 and U. S. Highway 287 over Texas Highway 79 to the Texas-Oklahoma State Line, thence over Oklahoma Highway 79 to junction U. S. Highway 70, thence over U. S. Highway 70 to Waurika, Okla., and return over the same route, serving no intermediate points, and serving the termini for joinder purposes only, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between Oklahoma City, Okla., and Wichita Falls, Tex. (which is a portion of carrier's regular route operations between Oklahoma City, Okla., and Bowie, Tex.), and between Enid, Okla., and San Antonio, Tex. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, Oklahoma and Texas.

No. MC 113537 Sub 1, EDWARD DOMANICO AND GEORGE DOMANICO, doing business as D. & H. TRUCKING CO., 1517 Gates Avenue, Brooklyn 27, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *contract carrier*, over irregular routes,

transporting: *Glass and plastic bottles and jars*, from Bronx, N. Y., to Passaic, N. J., and *returned, damaged or defective shipments of glass and plastic bottles and jars on return.* Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 115148, (Amended) Published on Page 847 of issue of February 9, 1955, O. D. DIMSDALE, North Washington Street, Rutherfordton, N. C. Applicant's attorney: J. Nat Hamrick, Rutherfordton, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Rutherford County, Polk County and McDowell County, N. C., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Florida, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia.

No. MC 115211, CHARLES E. HOWELL, doing business as HOWELL COAL COMPANY, 315 North Centre Street, Cumberland, Md. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sand, coal, stone, fire clay*, and *such bulk commodities* as are usually transported in dump trucks, between points in Morgan, Preston, Grant, Mineral, Hampshire, and Berkeley Counties, W. Va., Allegany, and Garrett Counties, Md., and Fayette, Somerset and Bedford Counties, Pa.

No. MC 115212, HENRY M. HOSTETLER, Box 472, Jamesburg, New Jersey. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ladies' ready to wear apparel* and *children's ready to wear apparel*, in drop frame vehicles equipped with racks, and *such supplies* and *equipment* as are necessary to the administration and operation of retail wearing apparel stores, including, but not restricted to *plastic hangers, stationery, wrapping supplies, adding machines*, and *vacuum cleaners*, between New York, N. Y., and points in Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return movements.

No. MC 115222, PETER J. MEZANKO, doing business as TRUCKING SERVICE, 32 Nicholson Street, Wilkes-Barre, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, and *new and used furniture*, between Wilkes-Barre, Pa., on the one hand, and, on the other, points in New Jersey, New York, Connecticut, Maryland, Virginia, Delaware, and the District of Columbia; and *footwear* (such as men's, women's, and children's shoes, slippers, rubber boots, socks and stockings) between Wilkes-Barre, Pa., and Port Jervis, N. Y.

No. MC 115223, J. W. JACKS, doing business as ARKANSAS-FLORIDA FREIGHT LINES, Route No. 1, Box 400, Brinkley, Ark. Applicant's attorney: Ed. E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clean rice; rice bran; rice polish; brewers' rice*, namely, milled rice which contains not more than 25 per cent of whole kernels and contains more than 15 per cent of broken kernels which will pass readily through a No. 5½ sieve perforated with round holes five and one-half sixty fourths inch in diameter; *rice flour;* and *rice screenings;* in bags, barrels or boxes, and *rice products*, consisting of a mixture of rice bran, rice polish and ground rice hulls; and *rice products*, consisting of a mixture of weed seeds, crushed rice and cracked rice; in sacks or in bags, from points in Arkansas, Craighead, and Lonoke Counties, Ark., to points in Florida.

No. MC 115225, NORBERT NEUHEISEL, doing business as NEUHEISEL LIME WORKS, 1339 Menominee Street, Eau Claire, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, 1 South Pinckney Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, in bulk, from Winona, Minn., to points in that part of Wisconsin bounded by a line beginning at the Wisconsin-Michigan State line and extending along U. S. Highway 45 to junction U. S. Highway 151, thence along U. S. Highway 151 to the Wisconsin-Iowa State line, thence along the Wisconsin-Iowa State line to the Wisconsin-Minnesota State line, thence along the Wisconsin-Minnesota State line to Superior, Wis., thence along the Wisconsin State line to the Wisconsin-Michigan State line, thence along the Wisconsin-Michigan State line to point of beginning, including points on the indicated portions of the highways specified.

No. MC 115227 Sub 1, L. L. SHERMAN, Merrillan, Wis. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, moving in express service, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Merrillan, Wis., and Neillsville, Wis., from Merrillan over Wisconsin Highway 95 to junction Wisconsin Highway 73, and thence over Wisconsin Highway 73 to Neillsville, Wis., and return over the same route, serving no intermediate points. RESTRICTION: The motor carrier service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, the rail service of the Chicago, St. Paul, Minneapolis & Omaha Railway Co., hereinafter called the railroad. Said carrier shall not serve any point not a station on the rail line of the railroad. Shipments transported by said carrier shall be limited to less than carload shipments which move under express bills of lading covering, in addition to the motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail. All contractual arrangements between said carrier and the railroad shall be reported to this Commission and shall be subject to revision, if and as the Commission may find it to be necessary in order that they shall be fair and equitable to the parties. Such further specific conditions as the Commission may find it necessary in the future to impose in order to restrict said carrier's operations by motor vehicle to service that is auxiliary to or supplemental of rail service.

No. MC 115234, DONALD L. EVERETT, Route 1, Le Sueur, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, from New Richmond, Wis., to points in Le Sueur County, Minn., and Henderson, Minn.

No. MC 115241, (Amended) published March 30, 1955, Page 2007, CLAUDE MACK, North, S. C. For authority to operate as a contract carrier, over irregular routes, transporting: *Insecticides*, from Aberdeen, N. C., and North, S. C., to points in North Carolina, South Carolina, and Georgia, and *materials* used in the manufacture of insecticides and *empty spray containers* used in transporting the insecticides on return.

No. MC 115254, HARRY C. GOBLE, doing business as RAPID TRANSFER & STORAGE CO., 907 N. W. Irving St., Portland, Oreg. Applicant's attorney: William P. Ellis, 1102 Equitable Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Portland, Oreg., and Vancouver, Wash., from Portland over U. S. Highway 99 to Vancouver, and return over the same route. RESTRICTION; The service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of rail service of the Northern Pacific Railway Company or the Great Northern Railway Company and which receives a prior or subsequent movement by rail.

No. MC 115264, GORDON WETTER, P. O. Box 182, Delano, Minn. Applicant's representative: A. R. Fowler, Agent, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, from New Richmond, Wis., to points in Wright and Meeker Counties, Minn.

No. MC 115268, G. LEWIS CLEMMER AND CARR P. COFFMAN, doing business as DAYTON TRANSPORT COMPANY, P. O. Box 35, Dayton, Va. Applicant's attorney: R. Roy Rush, Boxley Building, Roanoke, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, such as gasoline, kerosene, fuel oil, solvent and asphalt, from points in Chesterfield, Prince George, Henrico and Charles City Counties, Va., to points in Pendleton County, W. Va.

APPLICATIONS OF MOTOR CARRIER OF PASSENGERS

No. MC 2866 Sub 12, EDWARDS MOTOR TRANSIT COMPANY, A corporation, 56 East Third Street, Williamsport, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, (1) between Milton, Pa. and Hazleton, Pa., from Milton over Pennsylvania Highway 642 to junction Pennsylvania Highway 54, thence over Pennsylvania Highway 54 to Danville, Pa., thence over U. S. Highway 11 to junction Pennsylvania Highway 93 east of Berwick, Pa., thence over Pennsylvania Highway 93 to junction Pennsylvania Highway 29, thence over Pennsylvania Highway 29 to Hazleton, and return over the same route, serving all intermediate points; (2) between junction U. S. Highway 309 and Pennsylvania Highway 145 at or near Lehigh Gap, Pa., and Philadelphia, Pa., from junction U. S. Highway 309 and Pennsylvania Highway 145, thence over Pennsylvania Highway 145 to Allentown, Pa., thence over U. S. Highway 309 to Quakertown, Pa., thence over Pennsylvania Highway 313 to junction U. S. Highway 611, thence over U. S. Highway 611 to Philadelphia, and return over the same route, serving all intermediate points. RESTRICTION: No passengers shall be transported over the above route who are moving: (1) Between Allentown or Quakertown, and intermediate points, on the one hand, and, on the other, points beyond Philadelphia, passing through the Philadelphia gateway; (2) between points in the area bounded by Shamokin, Shenandoah, Hometown, Tamaqua, intersection of Pennsylvania Highways 29 and 443, Pottsville and Frackville, on the one hand, and, on the other, Camden and points in New Jersey within 25 miles of Camden. Applicant is authorized to conduct operations in New York, Ohio, New Jersey and Pennsylvania.

No. MC 28348 Sub 1, CITIZEN AUTO STAGE COMPANY, a corporation, 424 Grand Avenue, Nogales, Ariz. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Nogales, Ariz., and Tucson, Ariz., over U. S. Highway 89, serving all intermediate points. Applicant is authorized to conduct operations in Arizona under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

No. MC 46879 Sub 3, WALTERS TRANSIT CORP., 35–10 43rd Street, Long Island City 1, N. Y. Applicant's attorney: Robert E. Goldstein, 1407 Broadway, New York 18, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, mail* and *newspapers*, in the same vehicle with passengers, (1) between Pawling, N. Y., and Green Haven, N. Y., from Pawling, over New York Highway 55 to Poughquag, and thence over New York Highway 216 to Green Haven, N. Y., and return over the same route, serving all intermediate points; and (2) between Poughquag, N. Y., and the junction of an unnumbered highway and New York Highway 22, near Wingdale, N. Y., over said unnumbered highway, serving all intermediate points. Applicant is authorized to conduct operations in Connecticut and New York.

No. MC 66810 Sub 11, PEORIA-ROCKFORD BUS COMPANY, a corporation, 1034 Seminary Street, Rockford, Ill. Applicant's attorney: John T. Porter, 707–708 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Rockford, Ill., and Beloit, Wis., over Illinois Highway 2, serving no intermediate points. RESTRICTION: Applied-for authority to be restricted to such traffic, moving over applicant's already certificated routes, as originates at or is destined to Rockford, Ill., and points south and west thereof, on the one hand, and, on the other, to or from points north and east of Milton, Wis.

NOTE: The carrier is authorized in Certificate No. MC 66810 Sub 10, dated June 7, 1954, to operate between Rockford, Ill., and Beloit, Wis., as a connecting route for operating convenience only, serving no intermediate points, with service restricted to traffic moving between Rockford, Ill., and points south and west thereof, on the one hand, and, on the other, West Allis and Milwaukee, Wis., over Illinois Highway 2. The carrier seeks to substitute the authority described in this application in lieu of the operating rights granted in Certificate No. MC 66810 Sub 10 and the carrier states it will request revocation of Certificate No. MC 66810 Sub 10, if and when the authority applied for in this application is granted. The carrier further states that, conditioned upon the grant of the authority applied for in this application, it will request the Commission to revoke that part of Certificate No. MC 66810 (BMC 9) dated September 3, 1943, which specified operations between Rockford, Ill., and Milwaukee, Wis. Applicant is authorized to conduct operations in Illinois and Wisconsin.

No. MC 114646 Sub 2, (Amended) SOL'S LAKEWOOD LINE, INC., 131 Norfolk Street, New York, N. Y. Applicant's attorney: Sol Paseltiner, 20 South Broadway, Yonkers 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in non-scheduled door-to-door service, limited to the transportation of not more than six (6) passengers in any one vehicle, not including the driver thereof, and not including children under ten (10) years of age who do not occupy a separate seat or seats, during the season extending from the first day of September to the thirty-first day of October, both inclusive, of each year, between New York, N. Y., and Lakewood, N. J. Applicant is authorized under Certificate No. MC 114646 dated July 15, 1954, to conduct the above-described transportation during the season extending from the first day of November to the thirtieth day of April, both inclusive, of each year, and by this application seeks to extend the operating period so that it may render service for the months of September and October of each year. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 115262, RED LION BUS COMPANY, a corporation, R. D. No. 2, Felton, Pa. Applicant's attorney: Samuel S. Laucks, Jr., 139 East Market Street, York, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, from points in the Boroughs of Red Lion, Windsor, Yoe, Dallastown, and Felton, York County, Pa., and the Townships of Chanceford, Lower Chanceford, Windsor, Lower Windsor and York, York County, Pa., to points in New York, New Jersey, Delaware, Ohio, Maryland, Virginia, West Virginia and the District of Columbia, and return.

No. MC 115263, G. A. COX, doing business as MIDWAY BUS LINE, Post Office Box 340, Frankfort, Ky. For authority to operate as a *common carrier*, over a regular route transporting: *Passengers and their baggage*, and *mail, express* and *newspapers*, in the same vehicle with passengers, between Frankfort, Ky., and Lexington, Ky., over U. S. Highway 421, serving all intermediate points.

APPLICATIONS UNDER SECTION 5 AND 210 (a) (b)

No. MC–F–5948. Authority sought for purchase by CAPITOL GREYHOUND LINES, Fifth and Sycamore Sts., Cincinnati, Ohio, and ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Bldg., Charleston, W. Va., of a portion of the operating rights of WEST VIRGINIA TRANSPORTATION COMPANY, Terminal Bldg., Clarksburg, W. Va., and for acquisition by THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago, Ill., of control of said operating rights through the purchase. Applicants' attorney: John R. Tureny, 2001 Massachusetts Ave., N. W., Washington 6, D. C. Operating rights sought to be transferred: Passengers, as a *common carrier*, over regular routes, between Clarksburg and Parkersburg, W. Va., between Morgantown and Charleston, W. Va., and between Wheeling and Parkersburg, W. Va., serving all intermediate points. Capitol Greyhound Lines is authorized to operate in Missouri, Virginia, Illinois, Ohio, Kentucky, West Virginia, Massachusetts, Pennsylvania, Maryland, Indiana, and the District of Columbia. Atlantic Greyhound Corporation is authorized to operate in Ohio, West Virginia, Virginia, Pennsylvania, South Carolina, North Carolina, Tennessee, Georgia, Florida, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F–5949. Authority sought for purchase by PHIL VOGELMEIER, JR., doing business as NEWARK CARTAGE CO., 507 Hudson Ave, Newark, Ohio, of a portion of the operating rights of THE PHIL VOGELMEIER COMPANY, 39 South Buena Vista, Newark, Ohio. Applicants' attorney: Noel F. George, 44 East Broad St., Columbus, Ohio. Oper-

ating rights sought to be transferred: *Such merchandise* as is dealt in by retail stores, over irregular routes, from Newark, Ohio to points in Indiana (under contracts with persons who operate chain retail stores, the business of which is the sale of general merchandise other than foodstuffs); *such merchandise* as is dealt in by retail stores, from Newark, Ohio to points in West Virginia and Kentucky (under contracts with persons who operate chain retail stores, the principal business of which is the distribution and sale of automobile equipment, supplies, and accessories). Vendee holds no authority from the Interstate Commerce Commission, but is a stockholder of The Phil Vogelmeier Company, which will continue to operate as a common carrier in Ohio, Kentucky, Pennsylvania, Indiana, and West Virginia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5950. Authority sought purchase by TRANSCON LINES, 1206 South Maple Ave., Los Angeles, Calif., of the operating rights of SAVAGE TRANSPORTATION CO., INC., 1400 Seventh St., San Francisco, Calif., and for acquisition by SCRIBNER BIRLENBACH, Los Angeles, Calif., of control of the operating rights through the purchase. Applicants' attorneys: Lee Reeder or Wentworth E. Griddin, 1012 Baltimore Ave., Kansas City, Missouri, and Edward M. Berol, 100 Bush St., San Francisco, California. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, between San Francisco and Berkeley, Calif., on the one hand, and, on the other, Los Angeles, Calif. Vendee is authorized to operate in Missouri, Illinois, Kansas, Indiana, Oklahoma, New Mexico, California, Arizona, and Texas. Application has not been filed for temporary authority under section 210a (b). Notice of the filing of related section 207 applications will be published in a later issue of the FEDERAL REGISTER.

No. MC-F-5951. Authority sought for control by CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby St., Portland, Oreg., of the operating rights and property of FOSTER FREIGHT LINES, INC., 1240 South Holt Road, Indianapolis, Ind., and for acquisition by E. W. A. PEAKE and WANDA PEAKE, Palm Springs, Calif., and PEERLESS, INC., Portland, Oreg., of control of the operating rights and property through the transaction. Applicant's attorney: Donald A. Schafer, 803 Public Service Bldg., Portland 4, Oreg. Operating rights sought to be controlled: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, including routes between Indianapolis, Ind., and Chicago, Ill., between Indianapolis, Ind., and St. Louis, Mo., between Chicago, Ill., and Cincinnati, Ohio, between Chicago, Ill., and Louisville, Ky., between Liberty, Ind., and Richmond, Ind., and between Anderson, Ind., and Muncie, Ind., serving certain intermediate and off-route points; *general commodities*, with certain exceptions, not including household goods, between Indianapolis, Ind., and Cincinnati, Ohio, serving certain intermediate and off-route points: *metal shelving* and *fixtures*, between Indianapolis, Ind., and Aurora, Ill.; *wallpaper*, between Indianapolis, Ind., and Joliet, Ill., serving certain intermediate and off-route points; *roofing materials*, from Joliet, Ill., to Cincinnati, Ohio, and Louisville, Ky., serving the intermediate point of Indianapolis, Ind.; *batteries* and *battery parts*, from Chicago Heights, Ill., to Cincinnati, Ohio, and Louisville, Ky., serving the intermediate point of Indianapolis, Ind.; *general commodities*, with certain exceptions, including household goods, over irregular routes, between points on a described portion of carrier's authorized routes, on the one hand, and, on the other, points in Cincinnati, Ohio, and between points in Indianapolis, Ind.; *general commodities*, with certain exceptions noted above, from Chicago, Ill., to points in Darke, Miami, Clark, and Summit Counties, Ohio. Applicant is authorized to operate in Oregon, Washington, Idaho, Nevada, Minnesota, North Dakota, Montana, Utah, California, Wisconsin, Illinois and Iowa. Application has been filed for temporary authority under section 210a (b).

No. MC-F-5952. Authority sought for purchase by RICHARDS FREIGHT LINES, INC., 231 Cliff St., Scranton, Pa., of a portion of the operating rights of JET MOTOR LINES, INC. (WILLIAM FALCONER, RECEIVER), Beaver Falls, Pa., and for acquisition by JOHN RICHARDS, Scranton, Pa., of control of said operating rights through the purchase. Applicant's attorney: Dale C. Dillon, 944 Washington Bldg., Washington 5, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Syracuse, N. Y., and Pittsburgh, Pa., serving all intermediate points and certain off-route points. Vendee is authorized to operate in Pennsylvania, New York, and New Jersey. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-3045; Filed, Apr. 12, 1955; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 41]

FERROCERIUM AND OTHER CERIUM ALLOYS

NOTICE OF INVESTIGATION AND PUBLIC HEARING

Investigation instituted. Upon application of the Kent Metal and Chemical Corporation, Edgewater, New Jersey, and New Process Metals, Inc., Newark, New Jersey, received March 29, 1955, the United States Tariff Commission, on the 7th day of April 1955, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether ferrocerium and all other cerium alloys, provided for in paragraph 302 (q) of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Hearing ordered. A public hearing in this investigation was ordered by the Tariff Commission to begin at 10 a. m., e. d. s. t., on May 17, 1955, in the Hearing Room of the Tariff Commission, 8th and E Streets, NW., Washington, D. C., at which hearing all interested parties will be given opportunity to be present, to produce evidence, and to be heard.

Requests to appear at hearing. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of the hearing.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted and the above hearing was ordered by the Tariff Commission on the 7th day of April 1955.

Issued: April 8, 1955.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 55-3048; Filed, Apr. 12, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 4912]

WISCONSIN

LOAN ANNOUNCEMENT

MARCH 24, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 60P Waushara	$25,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-2974; Filed, Apr. 11, 1955; 8:49 a. m.]

[Administrative Order 4913]

MISSISSIPPI

LOAN ANNOUNCEMENT

MARCH 24, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 23W Copiah	$970,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-2975; Filed, Apr. 11, 1955; 8:50 a. m.]

[Administrative Order 4914]

TEXAS

LOAN ANNOUNCEMENT

MARCH 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 60S Lynn	$380,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 55-2976; Filed, Apr. 11, 1955; 8:50 a. m.]

[Administrative Order 4915]

TEXAS

LOAN ANNOUNCEMENT

MARCH 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 38P Hill	$175,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 55-2977; Filed, Apr. 11, 1955; 8:50 a. m.]

[Administrative Order 4916]

MINNESOTA

LOAN ANNOUNCEMENT

MARCH 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 101E Clearwater	$50,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 55-2978; Filed, Apr. 11, 1955; 8:50 a. m.]

[Administrative Order 4917]

TENNESSEE

LOAN ANNOUNCEMENT

MARCH 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 51L Johnson	$535,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 55-2979; Filed, Apr. 11, 1955; 8:50 a. m.]

[Administrative Order 4918]

KANSAS

LOAN ANNOUNCEMENT

MARCH 29, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 32 X Reno	$115,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 55-2980; Filed, Apr. 11, 1955; 8:50 a. m.]

[Administrative Order 4919]

GEORGIA

LOAN ANNOUNCEMENT

MARCH 31, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 37W Douglas	$495,000

[SEAL] ARCHER NELSEN, *Administrator.*

[F. R. Doc. 55-2981; Filed, Apr. 11, 1955; 8:50 a. m.]

[Administrative Order 4920]

NEW MEXICO

LOAN ANNOUNCEMENT

MARCH 31, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 4 "AB" Eddy	$247,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-2982; Filed, Apr. 11, 1955; 8:50 a. m.]

[Administrative Order 4921]

TEXAS

LOAN ANNOUNCEMENT

MARCH 31, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 89 V Houston	$180,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-2983; Filed, Apr. 11, 1955; 8:50 a. m.]

[Administrative Order 4922]

ALLOCATION OF FUNDS FOR LOANS

MARCH 31, 1955.

I hereby amend:

(a) Administrative Order No. 1739, dated December 28, 1948, by reducing the loan of $1,320,000 therein made for "Arizona 17D Graham" by $98,354.07 so that the reduced loan shall be $1,221,645.93.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-2984; Filed, Apr. 11, 1955; 8:50 a. m.]

[Administrative Order 4923]

MISSOURI

LOAN ANNOUNCEMENT

MARCH 31, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 45R Osage	$310,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-2985; Filed, Apr. 11, 1955; 8:50 a. m.]

[Administrative Order 4924]

INDIANA

LOAN ANNOUNCEMENT

MARCH 31, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of

the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 32K Hancock	$375,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2986; Filed, Apr. 11, 1955; 8:50 a. m.]

NOTICES

[Administrative Order 4925]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

MARCH 31, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 40H Perkins	$50,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-2987; Filed, Apr. 11, 1955; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 73

Washington, Thursday, April 14, 1955

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

REVISION OF OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR SOYBEANS

On January 8, 1955, there was published in the FEDERAL REGISTER (20 F. R. 196) a notice of a proposal to revise the official grain standards of the United States for Soybeans (7 CFR 26.601 et seq.) promulgated under the authority of the United States Grain Standards Act, as amended (39 Stat. 482; 54 Stat. 765; 7 U. S. C. 71 et seq).

Public hearings on the proposal were held at Toledo, Ohio; Chicago, Illinois; Des Moines, Iowa; Memphis, Tennessee; and Decatur, Illinois. The public was also afforded an opportunity to submit written data, views, or arguments on the proposal.

Consideration has been given to information obtained at the hearings, to information received in writing, and to other information available in the United States Department of Agriculture regarding the proposed revision. Based upon this information the official grain standards of the United States for soybeans (7 CFR 26.601 et seq.) are hereby revised to read as follows:

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR SOYBEANS [1]

Sec.

26.601 Terms defined.
26.602 Principles governing application of standards.
26.603 Grades, grade requirements, and grade designations.

AUTHORITY: §§ 26.601 to 26.603 issued under sec. 8, 39 Stat. 485; 7 U. S. C. 84. Interpret or apply sec. 2, 39 Stat. 482, as amended; 7 U. S. C. 74.

§ 26.601 *Terms defined.* For the purposes of the official Grain Standards of the United States for soybeans:

(a) *Soybeans.* Soybeans shall be any grain which consists of 50 percent or more of whole or broken soybeans which will not pass readily through an 8/64 sieve and not more than 10 percent of other grains for which standards have been established under the United States Grain Standards Act.

(b) *Classes.* Soybeans shall be divided into the following five classes: Yellow soybeans, green soybeans, brown soybeans, black soybeans, and mixed soybeans.

(c) *Yellow soybeans.* Yellow soybeans shall be any soybeans which have yellow or green seed coats, and which in cross section are yellow or have a yellow tinge, and may include not more than 10 percent of soybeans of other classes.

(d) *Green soybeans.* Green soybeans shall be any soybeans which have green seed coats, and which in cross section are green, and may include not more than 10 percent of soybeans of other classes.

(e) *Brown soybeans.* Brown soybeans shall be any soybeans with brown seed coats, and may include not more than 10 percent of soybeans of other classes.

(f) *Black soybeans.* Black soybeans shall be any soybeans with black seed coats, and may include not more than 10 percent of soybeans of other classes.

(g) *Mixed soybeans.* Mixed soybeans shall be any mixture of soybeans which does not meet the requirements of the classes yellow soybeans, green soybeans, brown soybeans, or black soybeans. Bicolored soybeans shall be classified as mixed soybeans.

(h) *Grades.* Grades shall be the numerical grades, sample grade, and special grades provided for in § 26.603.

(i) *Bicolored soybeans.* Bicolored soybeans shall be any soybeans with seed coats of two colors, one of which is black or brown.

(j) *Splits.* Splits shall be pieces of soybeans that are not damaged.

(k) *Damaged kernels.* Damaged kernels shall be soybeans and pieces of soybeans which are heat-damaged, sprouted, frosted, badly ground-damaged, badly weather-damaged, moldy, diseased, or otherwise materially damaged.

(l) *Heat-damaged kernels.* Heat-damaged kernels shall be soybeans and pieces of soybeans which are materially discolored and damaged by heat.

(Continued on p. 2449)

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

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(m) *Foreign material.* Foreign material shall be all matter, including soybeans and pieces of soybeans, which will pass readily through an 8/64 sieve and all matter other than soybeans remaining on such sieve after sieving.

(n) *Stones.* Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(o) *8/64 sieve.* An 8/64 sieve shall be a metal sieve 0.032 inch thick perforated with round holes 0.125 (8/64) inch in diameter with approximately 4,736 perforations per square foot.

§ 26.602 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of soybeans:

(a) *Basis of determination.* Each determination of class, splits, damaged kernels, and heat-damaged kernels, and of black, brown, and/or bicolored soybeans in Yellow or Green Soybeans, shall be upon the basis of the grain when free from foreign material. All other determinations shall be upon the basis of the grain as a whole.

(b) *Percentages.* All percentages shall be upon the basis of weight. The percentage of splits shall be expressed in terms of whole percents. All other percentages shall be expressed in terms of whole and tenths percents.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method prescribed by the United States Department of Agriculture, as described in Service and Regulatory Announcement No. 147, issued by the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

(d) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the United States Department of Agriculture, as described in Circular No. 921 issued June 1953, or as determined by any method which gives equivalent results.

§ 26.603 *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for soybeans (see also paragraph (c) of this section).*

Grade	Minimum test weight per bushel	Maximum limits of—					
		Moisture	Splits	Damaged kernels		Foreign material	Brown, black, and/or bicolored soybeans in yellow or green soybeans
				Total	Heat damaged		
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1	56	13.0	10	2.0	0.2	1.0	1.0
2	54	14.0	20	3.0	0.5	2.0	2.0
3 [1]	52	16.0	30	5.0	1.0	3.0	5.0
4 [2]	49	18.0	40	8.0	3.0	5.0	10.0

Sample grade: Sample grade shall be soybeans which do not meet the requirements for any of the grades from No. 1 to No. 4, inclusive; or which are musty, sour, or heating; or which have any commercially objectionable foreign odor; or which contain stones; or which are otherwise of distinctly low quality.

[1] Soybeans which are purple mottled or stained shall be graded not higher than No. 3.
[2] Soybeans which are materially weathered shall be graded not higher than No. 4.

(b) *Grade designation.* The grade designation for soybeans shall include in the order named the number of the grade or the words "Sample grade," as the case may be; the name of the class; and the name of each applicable special grade. In the case of mixed soybeans, the grade designation shall also include, following the name of the class, the approximate percentages of yellow, green, brown, black, and bicolored soybeans in the mixture.

(c) *Special grades, special grade requirements and special grade designations for soybeans*—(1) *Garlicky soybeans*—(i) *Requirements.* Garlicky soybeans shall be soybeans which contain 5 or more garlic bulblets in 1,000 grams.

(ii) *Grade designation.* Garlicky soybeans shall be graded and designated according to the grade requirements of the standards applicable to such soybeans if they were not garlicky and there shall be added to and made a part of the grade designation the word "garlicky."

(2) *Weevily soybeans*—(i) *Requirements.* Weevily soybeans shall be soybeans which are infested with live weevils or other live insects injurious to stored grain.

(ii) *Grade designation.* Weevily soybeans shall be graded and designated according to the grade requirements of the standards applicable to such soybeans if they were not weevily, and there shall be added to and made a part of the grade designation the word "weevily."

The foregoing standards shall become effective September 1, 1955.

Done at Washington, D. C., this 8th day of April 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–3077; Filed, Apr. 13, 1955; 8:49 a. m.]

PART 52—PROCESSED FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN STRAWBERRIES [1]

MISCELLANEOUS AMENDMENTS

In F. R. Doc. 55–2135 appearing on page 1582 of the issue (20 F. R. 1580) for Wednesday, March 16, 1955, the following corrections are hereby made:

(1) In the second sentence of § 52.1989 (c), (*B*) *classification,* insert the word "not" before the phrase "be graded above U. S. Grade B or U. S. Choice."

(2) In the second sentence of § 52.1989 (c), (*B*) *classification,* insert the words "regardless of the total score for the product" before the phrase "(this is a limiting rule)."

The indicated changes are designed to correct obvious errors in the second sentence of paragraph (c) of said § 52.1989, and to reverse the meaning of the said sentence as it now exists. Under the present language frozen strawberries which fall into the (B) classification would have to be graded above U. S. Grade B. The amendments would require, as is obviously necessary to be done, that such strawberries not be graded above U. S. Grade B in any event. Such errors in the standards were inadvertent, and the changes are necessary to be made in order to enable those standards to be applied properly. Such amendments should be effective at the same time as such standards, i. e., April 16, 1955. These changes will be to the benefit of all interested parties and no additional notice thereof is necessary. Therefore, it would be impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, or postpone the effective date of these amendments later than as indicated above.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

These amendments shall become effective on April 16, 1955.

Dated: April 8, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-3076; Filed, Apr. 13, 1955; 8:49 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—WHITE-FRINGED BEETLE

EXTENSION OF REGULATED AREAS

Pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and section 3 of the Insect Pest Act (7 U. S. C. 143), § 301.72–2 of the regulations supplemental to notice of quarantine No. 72 relating to the white-fringed beetle (7 CFR, 1953 Supp., 301.72–2, as amended; 19 F. R. 506), is hereby amended to read as follows:

§ 301.72–2 *Regulated areas.* The following counties, parishes, cities, and towns, or parts thereof, as described, are designated by the Administrator of the Agricultural Research Service as regulated areas:

ALABAMA

Baldwin County. S½ T. 3 S., Rs. 3 and 4 E.; SE¼ T. 3 S., R. 2 E.; Tps. 4 and 5 S., Rs. 3 and 4 E.; E½ Tps. 4 and 5 S., R. 2 E.; Tps. 6 and 7 S., R. 4 E.; E⅓ T. 7 S., R. 3 E.; E⅓ and secs. 3, 4, 5, 6, 7, 8, 9, and 10, T. 6 S., R. 3 E.; secs. 1, 2, 3, 10, 11, and 12, T. 6 S., R. 2 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; secs. 6 and 7, T. 8 S., R. 4 E.; S⅔ T. 7 S., R. 5 E.; and T. 7 S., R. 6 E.

Clarke County. N⅓ T. 8 N., R. 3 E., and S⅓ T. 9 N., R. 3 E., including all of the town of Grove Hill; and all that area lying within the corporate limits of the town of Jackson.

Coffee County. That part of the county lying south of the south line of T. 5 N.; and T. 5 N., R. 21 E.

Conecuh County. T. 5 N., Rs. 9, 10, 11, 12, 13, and 14 E.; T. 6 N., Rs. 10, 11, 12, and 13 E.; and those parts of T. 4 N., R. 7 E., T. 5 N., Rs. 7 and 8 E., T. 6 N., Rs. 8 and 9 E., Tps. 7 and 8 N., R. 9 E., and Tps. 7, 8, and 9 N., R. 10 E., lying in Conecuh County.

Covington County. All of Covington County.

Crenshaw County. Secs. 27, 28, 29, 30, 31, 32, 33, and 34, T. 9 N., R. 18 E., and secs. 3, 4, 5, and 6, T. 8 N., R. 18 E., including all of the town of Luverne.

Dallas County. Tps. 13, 14, 15, 16, and 17 N., Rs. 10 and 11 E.; the N½ of T. 15 N., Rs. 6, 7, 8, and 9 E.; T. 16 N., Rs. 7, 8, and 9 E.

Escambia County. Tps. 1, 2, and 3 N., Rs. 6, 7, and 8 E.; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and all area south thereof to the Alabama State line.

Geneva County. That part of the county lying west of the east line of R. 22 E.

Houston County. W⅔ T. 3 N., R. 27 E., except secs. 3, 4, 5, and 6; W⅔ T. 2 N., R. 27 E., except secs. 31, 32, 33, and 34; N⅝ T. 2 N., R. 26 E.; and the S⅔ T. 3 N., R. 26 E.

Jefferson County. Secs. 17, 18, 19, and 20, T. 18 S., R. 3 W., and that area included within the corporate limits of the city of Birmingham.

Lowndes County. All of T. 14 N., R. 12 E.

Marengo County. Secs. 28, 29, 30, 31, 32, and 33, T. 16 N., R. 3 E.; and secs. 4, 5, 6, 7, 8, and 9, T. 15 N., R. 3 E.

Mobile County. All of that area south of township line which separates T. 1 S. from T. 2 S.; T. 1 S., Rs. 1 W. and 1 E.; and T 1 and 2 N., Rs. 1 W. and 1 E.

Monroe County. All of Monroe County.

Montgomery County. Tps. 16 and 17 N., Rs. 17, 18, and 19 E.; and that part of T. 18 N., R. 18 E., lying in Montgomery County.

Wilcox County. N½ T. 10 N., Rs. 6, 7, 8, 9, 10, and 11 E.; T. 11 N., Rs. 8, 9, 10, and 11 E.; T. 12 N., Rs. 9 and 10 E.; that part of T. 12 N., R. 8 E., lying south of the Alabama River; and those portions of T. 13 N., Rs. 8 and 9 E., lying east of the Alabama River and south of Pine Barren Creek.

FLORIDA

Escambia County. All of Escambia County.

Holmes County. S⅔ T. 6 N., R. 15 W., except secs. 18, 19, 30, and 31; NE¼ and secs. 22, 23, and 24, T. 5 N., R. 15 W., including all of the town of Smyrna; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 5 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 14 W.; and E½ of Tps. 4, 5, 6, and 7 N., R. 18 W.

Jackson County. T. 4 N., Rs. 8 and 9 W., and that part of T. 4 N., R. 10 W., lying east of the Chipola River; T. 5 N., R. 8 W.; S½ T. 5 N., R. 9 W.; and S½ T. 5 N., R. 10 W., east of the Chipola River.

Okaloosa County. That part of the county lying north of the south line of T. 2 N.

Santa Rosa County. All of Santa Rosa County.

Walton County. That part of the county lying north of the south line of T. 3 N.

GEORGIA

Baldwin County. That area included within the corporate limits of the city of Milledgeville, and an area one mile wide beginning at the north corporate limits of Milledgeville extending northerly along U. S. Highway 441 with said highway as a center line for a distance of one mile.

Ben Hill County. That area included within a circle having a 2-mile radius and center at the Ben Hill County Courthouse in Fitzgerald, including all of the city of Fitzgerald.

Berrien County. That area included within the corporate limits of the city of Nashville.

Bibb County. That area included within the Georgia Militia Districts of East Macon, Godfrey, Vineville, Hazzard, and Howard; and that portion of the Georgia Militia District of Rutland lying east of a line beginning at the point where U. S. Highway No. 41 crosses the north boundary of said militia district (Tobesofkee Creek) and running southward along said highway to its junction with Hartley Bridge Road and thence southwestward along said road to the west boundary line of said militia district.

Bleckley County. That area included within the corporate limits of the city of Cochran; and that portion of the Georgia Militia District of Manning included within a boundary beginning at the intersection of Georgia State Highway 112 and the Bleckley-Twiggs County line, thence northeast along said county line to the intersection of the Bleckley, Twiggs, Wilkinson, and Laurens County lines, thence southeast for a distance of 1 mile along the Bleckley-Laurens County line, and thence northwest to the point of beginning.

Bulloch County. That area included within a circle having a 2-mile radius and center at the Bulloch County Courthouse in Statesboro, including all of the city of Statesboro; and that area included within a circle having a 1-mile radius and center at the Georgia and Florida Railroad depot in Portal, including all of the town of Portal.

Burke County. That area, comprising parts of Georgia Militia Districts numbers 60 and 62, bounded on the east by Fitz Branch, on the south by a line beginning at the intersection of Georgia State Highway 56 and the Hephzibah Road and extending due east to its intersection with Fitz Branch, on the west by Hephzibah Road, and on the north by Brier Creek, including all of the city of Waynesboro.

Candler County. That area included within a circle having a 1¼-mile radius and center at the intersection in Metter of Georgia State Highways 23 and 46, including all of the city of Metter.

Coffee County. That area included within the corporate limits of the city of Douglas; an area 2 miles wide beginning at the north corporate limits of the city of Douglas and extending northward along U. S. Highway No. 441 with said highway as a centerline to and bounded on the north by Seventeen Mile Creek; that area included within a circle having a 2-mile radius and center at the Atlanta, Birmingham and Coast Railroad depot in Ambrose, including all of the town of Ambrose; and an area 3 miles wide beginning at a line projected due east and due west from a point on the Georgia and Florida Railroad 1 mile northwest of the railroad depot in Broxton, and extending northwesterly with said railroad as a centerline to and bounded on the north by Georgia State Highway 107.

Crawford County. That area included within a circle having a 1½-mile radius and center at the intersection in Roberta of U. S. Highway No. 80 and Georgia State Highway 7, including all of the city of Roberta and the town of Knoxville.

Crisp County. That area included with the corporate limits of the city of Cordele.

Dodge County. That area included within land lots numbers 6, 7, 8, 9, 10, 11, 12, 13, 18, 19, 20, 21, 22, 23, 24, 25, 36, 37, 38, 39, 40, 41, and 42 in the Fifteenth Land District, and land lots numbers 278, 279, 280, 281, 282, 289, 290, 291, 292, 293, 294, 295, 306, 307, 308, 309, 310, 311, and 312 in the Sixteenth Land District, including all of the city of Eastman.

Emanuel County. That area included within a circle having a 1½-mile radius and center at the Union Grove Methodist Church in Georgia Militia District No. 49.

Fulton County. That area included within the corporate limits of the city of East Point.

Greene County. That area included within the corporate limits of the city of Greensboro.

Houston County. That area included within the lower Fifth Georgia Militia District, including all of the city of Warner Robins and all of Robins Air Force Base; an area 2 miles wide beginning north of Perry and bounded on the north by Mossy Creek and extending southward along U. S. Highway No. 41 with said highway as a center line to and bounded on the south by Georgia State Highway 26, including all of the city of Perry; and an area 2 miles wide beginning north of Clinchfield and bounded on the north by Big Indian Creek and extending southwesterly along the Southern Railway with said railway as a center line to and bounded on the south by Burnham Branch southwest of Grovania, including all of the communities of Clinchfield and Grovania.

Irwin County. That area included within a circle having a ½-mile radius and center at the intersection in Irwinville of Georgia State Highway 32 and the Jefferson Davis Memorial State Park Road; that area included within a circle having a 2-mile radius and center at the Irwin County Courthouse at Ocilla, including all of the city of Ocilla; an area 1 mile wide bounded on the south and east by the Irwin-Coffee County line and extending northwesterly along the Atlanta, Birmingham and Coast Railroad with said railroad as a center line for a distance of 1¼ miles beyond the Atlanta, Birmingham and Coast Railroad depot in Wray; and an area 2 miles wide beginning at the Atlanta, Birmingham and Coast Railroad in Georgia Militia District No. 1661 and extending southeasterly along Georgia State Highway 32 with said highway as a center line to the east boundary of said militia district.

Jasper County. That area included within Georgia Militia Districts numbers 262, 289, and 295; and that portion of Georgia Militia Districts numbers 288 and 291 lying south of Whiteoak and Murder Creeks.

Jefferson County. That area included within the corporate limits of the city of Louisville; and that area included within a circle having a 1-mile radius and center at the Central of Georgia Railway depot in Bartow, including all of the town of Bartow.

Johnson County. That area included within the corporate limits of the city of Wrightsville; and an area 1 mile wide beginning at the west corporate limits of Wrightsville and extending southwesterly along Georgia State Highway 15 with said highway as a center line to the Ohoopee River.

Laurens County. Those portions of the Georgia Militia Districts of Dublin, Dudley, and Harvard included within an area 2 miles wide beginning at the west corporate limits of Dublin and extending northwesterly along the Macon, Dublin and Savannah Railroad with said railroad as a center line to the Laurens-Wilkinson and Laurens-Bleckley County lines, including all of the towns of Dudley and Montrose and that portion of Allentown lying in Laurens County; that area included within the corporate limits of the city of Dublin; an area 2 miles wide beginning at the north corporate limits of Dublin and extending northward along Georgia State Highway 29 with said highway as a center line for a distance of 3 miles; and that portion of the Georgia Militia District of Smith lying north of the Macon, Dublin and Savannah Railroad and east of Shaddock Creek.

Macon County. That area lying east of Flint River including the cities of Marshallville and Montezuma; and that area included within the corporate limits of Oglethorpe.

Monroe County. That area included within the corporate limits of the city of Forsyth.

Montgomery County. That area bounded on the east by the Montgomery-Toombs County line, on the south by Rocky Creek, on the west by Georgia State Highway 29, and on the north by Swift Creek; and those areas included within the corporate limits of the city of Mount Vernon and the town of Alley.

Newton County. That area included within a circle having a 1-mile radius and center at the Porterdale High School, including all of the town of Porterdale.

Peach County. That area included within the Georgia Militia District of Fort Valley, including all of the city of Fort Valley; and that area included within the corporate limits of the town of Byron.

Putnam County. That area included within the Georgia Militia District of Ashbank.

Richmond County. That portion of the Georgia Militia District of Forest Hills bounded on the south by Raes Creek and Lake Olmsted and on the west by the Berkman Road and a line extended due north from the point of intersection of the Berkman and Washington Roads.

Screven County. That area included within a circle having a 2-mile radius and center at the Screven County Courthouse in Sylvania, including all of the city of Sylvania.

Sumter County. That area included within the corporate limits of the city of Americus; and an area 1 mile wide beginning at the east corporate limits of Americus and extending along U. S. Highway No. 280 with said highway as a center line to Mill Creek.

Taylor County. That area included in the Georgia Militia District of Reynolds, including all of the town of Reynolds; and that area included within a circle having a 2½-mile radius and center at Taylor County Courthouse in Butler, including all of the town of Butler.

Toombs County. That area bounded on the east by the east boundaries of the Georgia Militia Districts of Vidalia and Center, on the south by Rocky Creek, on the west by the Toombs-Montgomery County line, and on the north by Swift Creek, including all of the city of Vidalia.

Treutlen County. That area included within the corporate limits of the city of Soperton; and an area 1 mile wide beginning at the south corporate limits of Soperton and extending southeasterly along Georgia State Highway 29 with said highway as a center line to the Treutlen-Montgomery County line.

Turner County. That area bounded on the east by a line parallel to and ½ mile east of the Sycamore town limits, on the south by a line parallel to and ½ mile south of the Sycamore town limits, on the west by a line parallel to and ½ mile west of the Sycamore town limits, on the north by a line parallel to and ½ mile north of the Sycamore town limits, and the projections of such lines to their intersections, including all of the town of Sycamore; and that part of the Georgia Militia District of Clements included within a circle having a ¾-mile radius and center at the Bethel School.

Twiggs County. That portion of the Georgia Militia District of Higgsville bounded on the east by the Twiggs-Wilkinson County line, on the south by the Twiggs-Bleckley County line, on the north by a line parallel to and 3½ miles north of the Twiggs-Bleckley County line, on the west by a line parallel to and 1 mile west of the Twiggs-Wilkinson County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Twiggs County.

Washington County. That area included within a circle having a 5-mile radius and center at the Washington County Courthouse in Sandersville, including all of the city of Sandersville and the city of Tennille.

Wheeler County. That area included within land lots numbers 40, 41, 42, 43, 48, 49, 50, 51, 70, 71, 72, 73, 78, 79, 80, 81, 100, 101, 102, and 103, in the Eleventh Land District, including all of the town of Alamo.

Wilkinson County. That portion of the Georgia Militia District of Turkey Creek bounded on the west by the Wilkinson-Twiggs County line, on the south by the Wilkinson-Laurens County line, on the east by a line parallel to and 1¾ miles east of the Wilkinson-Twiggs County line, on the north by a line parallel to and 3½ miles north of the Wilkinson-Laurens County line, and the projections of such lines to their intersections, including all of those portions of the towns of Allentown and Danville lying in Wilkinson County.

LOUISIANA

East Baton Rouge Parish. T. 7 S., Rs. 1 and 2 E.

Iberia Parish. Secs. 24, 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E.; and secs. 46, 55, 56, 57, 58, 59, and 60, T. 13 S., R. 6 E.

Jefferson Parish. That part lying north of the township line between Tps. 14 and 15 S.

Orleans Parish. All of Orleans Parish, including the city of New Orleans.

Plaquemines Parish. That part lying north of the township lines between Tps. 15 and 16 S.

Saint Bernard Parish. All of Saint Bernard Parish.

Saint Tammany Parish. Secs. 38, 39, and 40, T. 7 S., R. 11 E.; secs. 40 and 41, T. 8 S., R. 11 E.; and that area lying south of the north line of T. 10 N.

Tangipahoa Parish. Secs. 26, 27, 28, 33, 34, and 35, T. 5 S., R. 7 E.; secs. 2, 3, 4, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26, 35, and 36, T. 6 S., R. 7 E.; secs. 19, 30, and 31, T. 6 S., R. 8 E., including all of the town of Hammond; secs. 32, 33, and 50, T. 3 S., R. 7 E.; and secs. 4, 5, 8, 9, 10, 50, and 54, T. 4 S., R. 7 E., including all of the town of Amite.

Washington Parish. All of Tps. 1, 2, 3, and 4 S., R. 14 E.; E⅔ Tps. 3 and 4 S., R. 13 E.; E½ Tps. 1 and 2 S., R. 13 E.; secs. 23, 24, 25, 34, 36, 44, 45, 46, 47, 48, 51, 52, 53, and 54, T. 2 S., R. 10 E.; secs. 3, 10, 14, 15, 39, 40, 41, 42, 43, 46, 48, 49, 50, and 51, T. 3 S., R. 10 E.; secs. 19, 20, 29, 30, 31, 32, 38, and 39, T. 2 S., R. 11 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 37, 38, 39, 40, 41, 43, 49, and 50, T. 3 S., R. 11 E.

MISSISSIPPI

Attala County. Secs. 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T. 14 N., R. 7 E.; secs. 19, 30, and 31, T. 14 N., R. 8 E.; sec. 6, T. 13 N., R. 8 E.; secs. 1 and 2, T. 13 N., R. 7 E.

Clarke County. Secs. 4, 5, 6, 7, 8, and 9, T. 2 N., R. 14 E.; secs. 4, 5, 8, and 9, T. 4 N., R. 15 E.; secs. 6, 7, and 18, T. 2 N., R. 16 E.; sec. 31, T. 3 N., R. 16 E.; secs. 34, 35, and 36, T. 3 N., R. 15 E.; secs. 1, 2, 3, 10, 11, 12, 13, 14, and 15, T. 2 N., R. 15 E.; W½ T. 1 N., R. 14 E.; and W½ T. 10 N., R. 9 W.

Covington County. All of Covington County.

Forrest County. All of Forrest County.

George County. Secs. 27, 28, 29, 32, 33, 34, 35, and 36, T. 1 S, R. 6 W., including all of the town of Lucedale; N½ T. 2 S., R. 6 W., except secs. 6, 7, and 18; secs. 5, 6, 7, 8, 17, and 18, T. 2 S., R. 5 W.; and that part of secs. 31 and 32, T. 1 S., R. 5 W., lying south of Mississippi State Highway 15.

Greene County. Secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33 T. 2 N., R. 8 W.

Hancock County. All of Hancock County.

Harrison County. All of Harrison County.

Hinds County. Secs. 2, 3, 4, 9, 10, and 11, T. 7 N., R. 1 W.; E⅝ T. 6 N., R. 3 W.; and W⅓ T. 6 N., R. 2 W.

Jackson County. All of Jackson County.

Jasper County. T. 3 N., R. 10 E.; W⅔ T. 2 N., R. 10 E.; secs. 3, 4, 5, 6, 32, 33, and 34, T. 1 N., R. 10 E.; secs. 1, 2, and 3, T. 10 N., R. 13 W.; T. 1 N., R. 13 E.; that portion of T. 10 N., R. 9 W., and the E⅔ T. 10 N., R. 10 W., lying in Jasper County.

Jefferson Davis County. All of Jefferson Davis County.

Jones County. All of Jones County.

Lamar County. All of Lamar County.

Lauderdale County. Secs. 1, 12, 13, 14, 22, 23, 24, 26, 27, 34, and 35, T. 6 N., R. 15 E.; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 6 N., R. 16 E.; sec. 31, T. 7 N., R. 16 E.; and sec. 36, T. 7 N., R. 15 E., including all of the town of Meridian.

Lawrence County. That part lying east of Pearl River.

Leake County. Secs. 31 and 32, T. 11 N., R. 8 E.; secs. 34, 35, and 36, T. 11 N., R. 7 E.; W⅓ T. 10 N., R. 8 E.; and E½ T. 10 N., R. 7 E.

Marion County. That area included within a boundary beginning where the north line of sec. 36, T. 4 N., R. 19 W., intersects Pearl River, thence downstream along Pearl River to a point where Pearl River intersects the north line of Sec. 18, T. 3 N., R. 18 W., thence east along said section line to the SE. corner sec. 11, T. 3 N., R. 18 W., thence north to the NE. corner sec. 35, T. 4 N., R. 18 W., and thence west along said section line to the point of beginning

Pearl River County. All of Pearl River County.

Perry County. S⅔ T. 3 N., Rs. 9, 10, and 11 W.; T. 2 N., R. 9 W.; secs. 5 and 6, T. 4 N.,

R. 9 W.; secs. 1 and 2, T. 4 N., R. 10 W.; secs. 25, 26, 35, and 36, T. 5, N., R. 10 W.; secs. 29, 30, 31, and 32, T. 5 N., R. 9 W.

Rankin County. T. 3 N., Rs. 2 and 3 E.; T. 4 N., Rs. 1 and 2 E.; Tps. 5 and 6 N., Rs. 1 and 2 E.

Simpson County. Tps. 9 and 10 N., Rs. 17, 18, and 19 W.; T. 1 N., Rs. 4, 5, and 6 E.; T. 2 N., Rs. 3, 4, and 5 E.

Stone County. All of Stone County.

Warren County. All that area lying within the corporate limits of the city of Vicksburg, and that area included within a boundary beginning at a point where Halls Ferry Road intersects the corporate limits of the city of Vicksburg, thence southeast along said road to the point of its intersection with the range line between Rs. 3 and 4 E., thence south along the range line to the SE. corner sec. 42, T. 15 N., R. 3 E., thence west along the section line to the Mississippi River, thence north along the east bank of the Mississippi River to said corporate limits, and thence along the south corporate limits to the point of beginning.

Wayne County. Secs. 19, 20, 29, 30, 31, and 32, T. 7 N., R. 5 W.; secs. 24, 25, and 36, T. 7 N., R. 6 W.; secs. 6, 7, and 18, T. 8 N., R. 6 W.; secs. 1, 2, 11, 12, 13, and 14, T. 8 N., R. 7 W.

NORTH CAROLINA

Anson County. An area 2 miles wide beginning at the Anson-Union County line and extending easterly along the Seaboard Air Line Railroad with said railroad as a center line to a due north-south line projected through the point of intersection of said railroad with the east corporate limits of Polkton, including all of the towns of Peachland and Polkton.

Brunswick County. All of Eagles Island.

Cumberland County. That area included within a circle having a 4½-mile radius and center at the Atlantic Coast Line Railroad depot in Hope Mills, including all of the town of Hope Mills and all of the communities of Cumberland and Roslin.

Duplin County. That area included within the corporate limits of the town of Warsaw; and an area 2 miles wide beginning at a line projected northeast and southwest along and beyond the north corporate limits of Warsaw and extending northwesterly along U. S. Highway No. 117 with said highway as a center line for a distance of 3 miles.

Edgecombe County. That portion of the city of Rocky Mount lying in Edgecombe County.

Harnett County. An area 4 miles wide bounded on the north by the Harnett-Wake County line and extending along U. S. Highway No. 15–A with said highway as a center line for a distance of 5 miles.

Jones County. An area 2 miles wide beginning at a line projected due east and due west at the Atlantic Coast Line siding at Ravenswood, approximately 1½ miles south of the Atlantic Coast Line Railroad depot in Pollicksville, and extending southerly with said railroad as a center line for a distance of 3 miles.

Nash County. That portion of the city of Rocky Mount lying in Nash County.

New Hanover County. That area included within the corporate limits of the city of Wilmington; all of Cape Fear Township; all that part of Harnett Township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and all that part of Masonboro Township lying north of the Sunset Park-Winter Park Road.

Onslow County. That area 3½ miles wide extending along U. S. Highway 17 with said highway as a center line from Southwest Creek on the south to Starky Creek on the north, including all of the city of Jacksonville; and all of that portion of Onslow County included within the boundaries of the Camp Lejeune Marine Base.

Pender County. All of that portion of Pender County lying west of a line parallel to and 8 miles west of the Pender-Onslow County line.

Union County. An area 2 miles wide beginning at a line projected due north and due south from a point where the west corporate limits of Marshville intersect the Seaboard Air Line Railroad and extending easterly with said railroad as a center line to the Union-Anson County line, including all of the town of Marshville.

Wake County. An area 4 miles wide bounded on the east by a line projected due north and due south for 2 miles on each side of the point of intersection of U. S. Highway No. 15–A and the Norfolk Southern Railway, approximately 1½ miles east of the Norfolk Southern Railway depot in Fuquay Springs, and extending westerly and southwesterly along U. S. Highway No. 15–A with said highway as a center line to the Wake-Harnett County line, including all of the town of Fuquay Springs.

Wayne County. All of Goldsboro Township, including all of the city of Goldsboro; an area 2 miles wide beginning at the west boundary of Goldsboro Township and extending northwesterly along U. S. Highway No. 70 with said highway as a center line to the Wayne-Johnston County line; an area 2 miles wide beginning at the north boundary of Goldsboro Township and extending northerly along the Atlantic Coast Line Railroad with said railroad as a center line to the Wayne-Wilson County line, including all of the towns of Pikeville and Fremont; and an area bounded on the north by the Atlantic and East Carolina Railway, on the west by Stony Creek, on the south by the Neuse River, and on the east by a line beginning at the junction of U. S. Highway No. 70 and North Carolina State Highway 111 and extended due north and due south to its intersections with the north and south boundaries, including all of Seymour Johnson Field.

SOUTH CAROLINA

Beaufort County. That area bounded on the east by Wimbee Creek and Bull River, on the south by Whale Branch and the Coosaw River, on the west by Haulover Creek, and on the north by an imaginary line parallel to and one-half mile north of the Seaboard Air Line Railroad between Wimbee and Haulover Creeks.

Fairfield County. That area included within a circle having a 2-mile radius and center at the intersection of South Carolina State Highways 22 and 227, approximately 5½ miles northwest of the city of Winnsboro.

TENNESSEE

Hamilton County. That area included within a circle having a ½-mile radius and center at the office of the Shell Oil Corporation bulk plant located on Jersey Pike Road.

Hardeman County. That area included within a circle having a 3-mile radius and center at the courthouse in Bolivar.

Shelby County. All that area included within a boundary beginning at the confluence of the Loosahatchie River with the Mississippi River, thence upstream along the Loosahatchie River to a point where it is crossed by the Benjestown Road, thence south along this road to Carrolton Road, thence due east to Hindman Ferry Road, thence south along this road to Wolf River, thence upstream along Wolf River to the point where it is crossed by the Nashville, Chattanooga and St. Louis Railway, thence west along said railway to its intersection with White Station Road, thence south along White Station Road to its intersection with U. S. Highway 72, thence west along U. S. Highway 72 to the point where it is intersected by Mount Moriah Road, thence south and east along Mount Moriah Road to the point where it intersects Nonconnah Creek, thence downstream along Nonconnah Creek to the point where it intersects the Airways Road, thence south along the Airways Road to the point where it intersects the Capleville Whitehaven Road, thence west along the Capleville Whitehaven Road to the intersection with the Weaver Road, thence north along the Weaver Road to the point where it is intersected by the Mitchell Road, thence west and north along the Mitchell Road and the Negro Shelby Forest to the Tennessee Chute, thence north along the Tennessee Chute and the Mississippi River to the point of beginning; that area included within a circle having a 1-mile radius and center at the intersection of the Memphis-Arlington and Pea Point Roads; and that area included within a circle having a 2-mile radius and center at the junction of the Macon Road with the Germantown Road, excluding that part of such area lying in the Shelby County Penal Farm.

Tipton County. That area within the corporate limits of the town of Mason.

This amendment makes additions to the regulated areas in Baldwin, Conecuh, Mobile, and Wilcox Counties, Alabama; Jackson County, Florida; Baldwin and Dodge Counties, Georgia; Tangipahoa and Washington Parishes, Louisiana; Clarke, Jasper, and Leake Counties, Mississippi; and Shelby County, Tennessee. Portions of Marengo County, Alabama, and Hardeman County, Tennessee, are included in the regulated area for the first time.

It is necessary to take immediate action with respect to the newly regulated areas in order to control the movement therefrom of articles that might spread the white-fringed beetle. Accordingly, pursuant to section 4 (a) and (c) of the Administrative Procedure Act (5 U. S. C. 1003 (a), (c)), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for the issuance of this amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 3, 33 Stat. 1270, secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 143, 161, 162)

This amendment shall be effective April 14, 1955, and shall supersede the amendment extending regulated areas, effective February 1, 1954 (19 F. R. 506).

Done at Washington, D. C., this 8th day of April 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55–3078; Filed, Apr. 13, 1955; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 138]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Note: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (*if any*) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of course; distance from course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums			
					Condition	Type aircraft		If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
						75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	8	9	10	11
BEAUMONT, TEX. Jefferson-Chambers, 19 ft. SBARLZ-DTV-LFR-UI. Procedure No. 1. Amendment No. 6. Effective: May 14, 1955. Supersedes Amendment 5, May 16, 1954. Major changes: Increase procedure turn altitude. Add caution note.	Beaumont VOR	024—8.0	1,200	W side N course: 340° outbound. 160° inbound. 1,600' within 10 miles.	2 engines or less T–dn C–dn S–dn 16 A–dn	300–1 500–1 400–1 800–2	300–1 500–1 400–1 800–2	Within 3.6 miles climb to 1,400' on south course within 25 miles. CAUTION: 628' mean sea level radio antenna 5 miles E of final approach course.
					More than 2 engines T–dn C–dn S–dn 16 A–dn	200–½ 600–1½ 400–1 800–2		
FRESNO, CALIF. Fresno-Chandler, 277. SBRAZ-DTV. Procedure No. 2. Amendment No. 5. Effective: May 14, 1955. Supersedes Amendment No. 4 dated June 14, 1954. Major changes: Raises procedure turn altitude to meet obstruction clearance criteria; raises initial approach altitude from Bowles Intersection to coincide with procedure turn altitude.	Bowles Intersection (intersection of 012° bearing to FNO LOM and SE course FNO LFR).	316—11.0	1,900	S side of W course: 271° outbound. 091° inbound. 1,900' within 10 miles.	2 engines or less T–dn C–dn A–dn	300–1 800–2 NA NA		Within 0 mile, climb to 1,500' on SE course within 20 miles.
LITTLE ROCK, ARK. Adams, 257. SBRAZ-DTV-LIT. Procedure No. 11. Amendment No. 10. Effective: May 14, 1955. Supersedes Amendment 10, November 1, 1952. Major changes: Raise altitude on final. Raise straight-in ceiling minima. Lower night visibilities.	Little Rock VOR	314—0.6	1,300	E side SE course: 133° outbound. 313° inbound. 1,500' within 10 miles.	2 engines or less T–dn C–dn S–dn 32	300–1 600–1 500–1		Within 3.8 miles turn left, climb to 3,000' on NW course via NOR LOM. Minimum Air Carrier NOR less than 300–1 authorized for take-off on runways 13, 33, 36.
	Keo FM (final)	313—11.0	1,000		More than 2 engines T–dn C–dn S–dn 32	200–½ 600–1½ 500–1		
					All aircraft A–dn	800–2		

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
MEMPHIS, TENN. Municipal, 269'. SBRAZ-DTV MEM. Procedure No. 1. Amendment 9. Effective: May 14, 1955. Supersedes Amendment 8, dated June 13, 1954. Major changes: Adds radar vectoring authority. Revise column 7. Simplify air carrier note.	Nesbitt FM (final)	359—9.0	1,000	E side S course: 179° outbound. 359° inbound. 1,500' within 10 miles.	1,000	Runway 3 358—2.1	2 engines or less: T-dn	300-1	300-1	Within 2.1 miles climb to 2,000' on NE course (060°) within 25 miles. NOTE: 670 f. p. m. descent required at 120 miles per hour. AIR CARRIER NOTE: Take-offs at less than 200-½ not authorized on runway 14-32.
	Memphis VOR	254—5.0	1,500				C-dn	500-1	500-1	
						Runway 35 008—2.2	S-dn 3/35	400-1	400-1	
	Radar transition within 25 N miles.	----------	2,300				A-dn	800-2	800-2	
							More than 2 engines: T-dn	----------	200-½	
	When radar provides 3 N miles separation from TV towers located 8.5 miles NNE of airport.	----------	1,700				C-dn	----------	500-1½	
							S-dn 3/35	----------	400-1	
							A-dn	----------	800-2	
	Sector S of ILS localizer within 15 N miles.	----------	1,500							
NASHVILLE, TENN. Berry Field, 606'. SBRAZ-DTV-BNA. Procedure No. 1. Amendment 7. Effective: May 14, 1955. Supersedes Amendment 6 dated May 19, 1954. Major changes: Deletes procedure turn beyond 10 miles.	Lebanon Intersection	246—17.0	2,000	N side NE course: 066° outbound. 246° inbound. 1,700 within 10 miles.	1,200	249—2.5	2 engines or less: T-dn	300-1	300-1	Within 2.5 miles climb to 2,500' on SW course (246°) within 25 miles. AIR CARRIER NOTE: Take-off with less than 200-½ not authorized Runway 15.
	Mt. Juliet FM (final)	246—10.0	1,200				C-dn	400-1	500-1	
	Walter Hill FM	309—20.0	1,900				S-dn 23	400-1	400-1	
	Nashville VOR	339—4.5	1,700				A-dn	800-2	800-2	
							More than 2 engines: T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 23	----------	400-1	
							A-dn	----------	800-2	

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LITTLE ROCK, ARK. Adams, 257'. BVOR-LIT. Procedure No. 1. Amendment No. 2. Effective: May 14, 1955. Supersedes Amendment No. 1, Nov. 1, 1952. Major changes: Raise altitude on final. Raise straight-in ceiling minima. Lower night visibilities.	Little Rock LFR	134—0.6	1,300	E side of course: 134° outbound. 314° inbound. 1,500' within 10 miles.	1,000	314—4.4	2 engines or less: T-dn	300-1	300-1	Within 4.4 miles turn left climb to 3,000' on radial 295° within 25 miles. AIR CARRIER NOTE: Not less than 300-1 authorized for takeoff on runways 18, 33, 36.
	Keo FM (final)	314—10.0	1,000				C-dn	500-1	600-1	
							S-dn 32	500-1	500-1	
							More than 2 engines: T-dn	----------	200-½	
							C-dn	----------	600-1½	
							S-dn 32	----------	500-1	
							All aircraft: A-dn	800-1	800-2	

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
MEMPHIS, TENN. Municipal, 269'. BVOR—MEM. Procedure No. 1. Amendment 7. Effective: May 14, 1955. Supersedes Amendment 6, dated June 13, 1954. Major changes: Adds radar vectoring authority. Simplify note.	Memphis LFR	074—5.0	1,500	N side of course: 107° outbound. 287° inbound. 1,500' within 10 miles.	1,000	287—3.5	2 engines or less: T-dn	300-1	300-1	Within 3.5 miles climb to 1,700' on radial 287° within 25 miles. AIR CARRIER NOTE: Takeoff at less than 200-½ not authorized on Runway 14-32.
	Radar transition within 25 N miles.	----------	2,300				C-dn	500-1	500-1	
							S-dn 27	400-1	400-1	
	When radar provides 3 N miles separation from TV towers located 8.5 miles NNE of airport.	----------	1,700				A-dn	800-2	800-2	
							More than 2 engines: T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 27	----------	400-1	
							A-dn	----------	800-2	
	Sector S of ILS localizer withing 15 N miles.	----------	1,500							

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
MEMPHIS, TENN. Municipal, 269'. ILS-IMEM. LOM-ME. Combination ILS and ADF Procedure No. 1. Amendment 2. Effective: May 14, 1955. Supersedes Amendment 1 dated December 25, 1954. Major changes: Adds radar vectoring authority. Simplify note.	Memphis LFR	LOM	202—5.5	1,500	S side W course: 266° outbound. 086° inbound. 1,700' within 10 miles.	ILS 1,700	1,640—4.9	540—0.7	2 engines or less: T-dn	300-1	300-1	Climb to 1,500' on E course of MEM ILS or 4.9 miles after passing LOM (ADF) climb to 1,500' on course of 086° within 25 miles. NOTES: 400-¾ required when G/S not utilized; 470' mean sea level tower located 1 mile E of LOM. AIR CARRIER NOTE: Takeoff at less than 200-½ not authorized on Runway 14-32.
	Cuba FM	LOM	192—18.0	2,000		ADF 1,200 over LOM			C-dn	500-1	500-1	
	Oakville Intersection	OM	266—10.0	1,500					S-9-dn ILS	200-½	200-½	
	Bruins MHW	LOM	048—22.0	1,700					ADF	400-1	400-1	
	Memphis VOR	OM	273—10.0	1,500					More than 2 engines: T-dn	----------	200-½	
	Radar transition within 25 N miles.	----------	----------	2,300					C-dn	----------	500-1½	
	When radar provides 3 N. miles separation from TV towers located 8.5 miles NNE of airport.	----------	----------	1,700					S-9-dn ILS	----------	200-½	
									ADF	----------	400-1	
	Sector S of ILS localizer within 15 N. miles.	----------	----------	1,500					All aircraft: A-dn ILS	600-2		
									ADF	800-2		

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
MEMPHIS, TENN. Municipal, 269'. ILS-IMEM. Procedure No. 2. Amendment 1. Effective: May 14, 1955. Supersedes Amendment Original, June 13, 1954. Major changes: Adds radar vectoring authority to transition. Simplify note.	Memphis LFR	Oakville Intersection.	060—5.0	1,500	S side E course: 086° outbound. 266° inbound. 1,500' within 10 miles.	Oakville Intersection 1,000	No glide slope. Oakville Intersection 3.2		2 engines or less: T-dn	300-1	300-1
	Memphis VOR	Oakville Intersection.	349—1.0	1,500					C-dn	500-1	500-1
	Fisherville FM	Oakville Intersection.	240—16.0	1,500					S-dn	500-1	500-1
	Radar transition within 25 N. miles.			2,300					A-dn	800-2	800-2
	When radar provides 3 N. miles separation from TV towers located 8.5 miles NNE of airport.			1,700					More than 2 engines: T-dn		200-½
	Sector S of ILS localizer within 15 N. miles.			1,500					C-dn		500-1½
									S-dn		500-1
									A-dn		800-2
NASHVILLE, TENN. Berry Field, 606'. ILS-IBNA. LOM-BN. Combination ILS and ADF. Procedure No. 1. Amendment 7. Effective: May 14, 1955. Supersedes Amendment 6, dated May 19, 1954. Major changes: Delete procedure turn beyond 10 miles.	Nashville LFR	LOM	213—8.0	1,900	E side S course: 195° outbound. 015° inbound. 2,500' within 10 miles.	ILS 2,500. ADF 2,000 over LOM	2,000—5.6	840—0.8	2 engines or less: T-dn	300-1	300-1
	Nashville VOR	OM	247—7.0	2,000					C-dn	400-1	500-1
	Walter Hill FM	LOM	284—20.0	2,000					S-dn 2 L ILS	200-½	200-½
	Fairview FM	LOM	078—23.0	2,500					ADF	400-1	400-1
	Knob Intersection	LOM	195—11.0	1,900					More than 2 engines: T-dn		200-½
									C-dn		500-1½
									S-dn 2 L ILS		200-½
									ADF		400-1
									All aircraft: A-dn ILS	600-2	
									ADF	800-2	
NASHVILLE, TENN. Berry Field, 606'. ILS-IBNA. Procedure No. 2. Amendment No. 2. Effective: May 14, 1955. Supersedes Amendment M-1, May 19, 1954. Major changes: Raise altitude over Knob Intersection.	Bowling Green LFR	Knob Intersection.	195—54	2,300	E side N course: 015° outbound. 195° inbound. 2,000' within 10 miles.	Over Knob Intersection 1,800	No glide slope. Knob Intersection 4.2		2 engines or less: T-dn	300-1	300-1
	Nashville LFR	Knob Intersection.	336—4.0	1,900					C-dn	400-1	500-1
	Nashville VOR	Knob Intersection.	338—9.0	1,900					S-dn 20 R	400-1	400-1
									A-dn	800-2	800-2
									More than 2 engines: T-dn		200-1½
									C-dn		500-1½
									S-dn 20 R		400-1
									A-dn		800-2

Within 3.2 miles climb to 1,700' on W course ILS within 25 miles.
AIR CARRIER NOTE: Takeoff at less than 200-½ not authorized on Runway 14-32.

Climb to 2,000' on N course ILS or 5.6 miles after passing LOM (ADF) climb to 2,000' on course of 015° within 25 miles. 400-¾ required when glide slope not utilized.
AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized Runway 15.

Within 4.5 miles climb to 2,500' on S course ILS within 25 miles.
NOTE: Radio tower 865' mean sea level located ½ mile S of Knob Intersection.
AIR CARRIER NOTE: Takeoff with less than 200-½ not authorized Runway 15.

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
SPOKANE, WASH. Geiger Field, 2,372'. ILS-IGEG. Procedure No. 1. Amendment No. 9. Effective: May 14, 1955. Supersedes Amendment No. 8 dated Apr. 2, 1955. Major changes: Make note on straight-in approach applicable to transition from Pine City "H".	GEG-VOR	LOM	045—0.6	4,000	S side of SW course: 203° outbound. 023° inbound. 4,000' within 10 miles. Not authorized beyond 10 miles.	3,560	3,560—4.4	2,595—0.6	2 engines or less: T-dn	200-½	200-½
	GEG-LFR	LOM	248—8.0	4,000					C-d	500-1	500-1
	Rockford FM	LOM	252—23.0	4,700					C-n	600-1	600-1
	Pine City FM/H	LOM	341—22.0	4,100					S-dn	200-½	200-½
	Harrington FM to Intersection SW course ILS and 096° bearing to Pine City "H".	SW course ILS	096—18.0	4,000					Runway 2 A-dn	600-2	600-2
	Pine City "H" to Intersection SW course ILS and 150° bearing to Pine City "H".	SW course ILS	330—19.0	*4,100					More than 2 engines: T-dn		200-½
	Intersection SW course ILS and 096° bearing to Pine City "H" (final).	LOM	023—21.0	*4,000					C-d		500-1½
	Rodna Intersection	LOM	004—19.0	4,000					C-n		600-1½
									S-dn		200-½
									Runway 2 A-dn		600-2
TULSA, OKLA. Municipal, 674'. ILS-ITUL. LOM-TU. Procedure No. 1. Amendment 3. Combination ILS-ADF. Effective: May 14, 1955. Supersedes Amendment 2, dated December 10, 1954. Major changes: Raise ADF altitude over LOM.	Intersection SE course LFR and 070° bearing from LOM.	LOM	250—12.0	2,100	E side S course: 174° outbound. 354° inbound. 2,400' within 10 miles. Beyond 10 miles not authorized.	ILS 2,400. ADF 1,900 over LOM	2,350—6.1	880—0.7	2 engines or less: T-dn	300-1	300-1
	TUL VOR	OM	165—13.0	2,200					C-dn	400-1	500-1
	TUL LFR	LOM	182—8.0	2,200					S-35R-dn %ILS	*300-¾	*300-¾
	Red Fork FM	LOM	073—9.0	2,400					ADF	400-1	400-1
	Skiatook FM	LOM	140—23.0	2,400					More than 2 engines: T-dn	(#)	200-½
	Verdigris River FM	LOM	209—16.0	2,200					C-dn		500-1½
									S-35R-dn %ILS		*300-¾
									ADF		400-1
									All aircraft: A-dn ILS	600-2	
									ADF	800-2	

Climb to 4,500' to intercept and climb on N course of GEG, LFR within 25 miles, all turns on W side. Alternate missed approach when directed by ATC; execute climbing left turn to intercept and climb to 4,500' on 360° outbound course from GEG VOR within 25 miles, all turns on W side; or execute climbing left turn, climb to 4,000' on W course of LFR within 25 miles, all turns on S side; or execute climbing left turn to intercept and climb to 4,500' on 300° outbound course from GEG VOR within 25 miles, all turns on W side; or execute climbing left turn, climb to 4,000' proceeding direct to LOM, hold on E side of SW ILS course within 15 miles at 4,000'.
*After interception of glide slope inbound on localizer course, descent to cross the outer marker on final approach at 3,560' is authorized.

Climb to 1,900' on N course ILS within 25 miles 6.1 miles after passing LOM (ADF) climb to 1,900' on course of 354° within 25 miles.
CAUTION: 1,100' tower 2.3 miles NW of LOM.
NOTES: *400-¾ required when G/S not utilized. #300-1 required on runways 3L, 21R, 17R, 35L.
AIR CARRIER NOTES: % 200-1½ authorized in accordance with C. A. M. 40.406-2 (c) (6) (i), note 7.

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If GCA instructions are provided at the request of the pilot, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approach altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final landing, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Runway No.	Condition	Ceiling and visibility minimums: Precision approach (PAR) 75 m. p. h. or less	Precision approach (PAR) More than 75 m. p. h.	Surveillance approach (ASR) 75 m. p. h. or less	Surveillance approach (ASR) More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds, (b) directed by ground controller, (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
1	2	3		4	5	6	7	8
ATLANTA, GA. Atlanta, 1,024'. Procedure No. 1, Amendment No. 5. Effective: Decommissioning of facilities, April 1, 1955. Supersedes Amendment 4, dated March 30, 1951.	PROCEDURE CANCELED APRIL 1, 1955.							
DALLAS, TEX. Love Field, 487'. Procedure No. 1, Amendment No. 2. Effective: May 14, 1955. Supersedes Amendment 1, dated September 3, 1954. Major changes: Conversion to nautical miles. Correct field elevation. Standardize notes.	2,000' within 5 to 20 N. miles radius. Radar control made prior to 5 N. miles at 1,000' vertical separation from radio towers 1,108' mean sea level 20 N. miles N, 2,349' mean sea level 16 N. miles SSW, 1,230' mean sea level 10 N. miles WNW of airport.	All	T-dn	2 engines or less: 300–1	More than 2 engines: 200–½	All runways: Proceed to DALVOR or DALLFR climbing to 2,000' Maintain at least 1,400' mean sea level until within 2.5 N. miles of runway.	
		13–18–36 #31	C-dn	400–1	500–1¼			
		13–18–36 #31	S-dn	400–1	500–1			
		#31	S-dn	500–1	600–1			
		All	A-dn	800–2	800–2			
		All	T-dn	2 engines: 200–½	More than 2 engines: 200–½	CAUTION: 695 mean sea level tank 1.4 miles SE Runway 31.		
		13–18–36 #31	C-dn	500–1¼	500–1¼	AIR CARRIER NOTES: Takeoff runway 13 not authorized with ceilings less than 200'. Reduction in landing minima not authorized on cargo or ferry flights.		
		13–18–36 #31	S-dn	500–1	500–1			
		#31	S-dn	600–1	600–1			
		All	A-dn	800–2	800–2			

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-2860; Filed, Apr. 13, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

PART 79—PLUMBING AND HEATING INDUSTRY

CROSS REFERENCE: For supersedure of the trade practice rules for this industry contained in Part 79, see Part 227 of this subchapter, *infra*.

[File No. 21-460]

PART 227—WHOLESALE PLUMBING AND HEATING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of April 14, 1955.

Statement by the Commission. Trade practice rules for the Wholesale Plumbing and Heating Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. The rules supersede trade practice rules for the Plumbing and Heating Industry as promulgated by the Commission on August 17, 1932.

The industry for which these rules are established is engaged in the wholesale distribution and sale of industry products to dealers and distributors for resale and to other purchasers, such as, but not limited to, plumbing, heating, sheet-metal, and piping contractors, commercial and industrial users, governmental bodies, and institutions purchasing for business uses. The "industry products" include plumbing heating equipment and supplies and such air-conditioning equipment and supplies as are marketed for permanent installation.

The rules are directed to the prevention and elimination of various practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings under which the rules have been established were instituted upon application from members of the industry. A general industry conference was held under Commission auspices in Chicago, Illinois, on February 19, 1954, at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Chicago, Illinois, on November 29, 1954, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth. No Group II rules have been included for the reason that the Group II rules recommended by the industry are of a type presently the subject of general study by the Commission. If, after completion of such study, it is determined that provisions of this type may be included as Group II rules for industries, an opportunity will then be afforded to the members of this industry to have such rules included.

The "good faith" explanatory note to subsection (e), Section I, of rule 9 of the proposed rules for this industry, released by the Commission on November 5, 1954, for hearing, has not been included since it involves questions which are at issue in pending formal cases now before the Commission. When such questions have been resolved, opportunity will be afforded to have included in the rules a note on the subject.

The rules as approved become operative thirty (30) days after date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

General statement. The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
227.0 Definitions.
227.1 Misrepresentation and deception in general.
227.2 Misrepresentation as to character of business.
227.3 Deception as to nature of sales transactions.
227.4 Misrepresenting products as conforming to standard.
227.5 Substitution of products.
227.6 False invoicing, billing, etc.
227.7 Inducing breach of contract.
227.8 Commercial bribery.
227.9 Prohibited discrimination.
227.10 Prohibited forms of trade restraints (unlawful price fixing, etc.).
227.11 Prohibited sales below cost.

AUTHORITY: §§ 227.0 to 227.11, inclusive, issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 227.0 *Definitions.* (a) Members of the industry are the persons, firms, corporations (including manufacturers' sales branches and sales offices), and other organizations engaged in the wholesale distribution and sale of industry products to dealers and distributors for resale, or to other purchasers such as, but not limited to, plumbing, heating, sheet-metal, and piping contractors, commercial and industrial users, governmental bodies, and institutions purchasing for business uses.

(b) The term "industry products" includes plumbing and heating equipment and supplies; also, such air-conditioning equipment and supplies as are marketed for permanent installation.

§ 227.1 *Misrepresentation and deception in general.* It is an unfair trade practice, in connection with the distribution, sale, or offering for sale of industry products, to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, or to fail to disclose any material fact, when such representation or failure to disclose has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the type, quality, grade, substance, size, weight, capacity, quantity, manufacture, or distribution of any product of the industry, or in any other material respect. [Rule 1]

§ 227.2 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry, in the course of or in connection with the distribution of industry products, to misrepresent, directly or indirectly, by means of advertising, letterheads, telephone listings, oral statements, or otherwise, the character, extent, or type of his business. [Rule 2]

§ 227.3 *Deception as to nature of sales transactions.* When an industry member sells industry products at both wholesale and at retail in the same establishment, it is an unfair trade practice for such industry member to sell any such products under circumstances having the capacity and tendency or effect of causing purchasers to be believe that they are buying at wholesale prices when such is not the case. [Rule 3]

§ 227.4 *Misrepresenting products as conforming to standard.* In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact.

NOTE: Illustrative of the type of misrepresentation inhibited by this section is the practice of an industry member advertising or otherwise claiming that a product has been approved by a governmental authority or private agency, such as the Underwriters' Laboratories or the American Gas Association (AGA), with respect to meeting certain specifications or standards when in fact the product has not been so approved.

[Rule 4]

§ 227.5 *Substitution of products.* It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such a substitution has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 5]

§ 227.6 *False invoicing, billing, etc.* It is an unfair trade practice for a member of the industry to engage in false invoicing which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, competitors, or the consuming public, and which may result from any of the following practices:

(a) Withholding from, altering, or inserting in, invoices, billings, or sales slips any statements or information by reason of which omission, alteration, or insertion a false record is made, wholly or in part, of the transactions represented on the face of the invoices, billings, or sales slips; or

(b) Delivering products in a number less or more than called for on the delivery record or invoice (so-called "short count" or "long count").

NOTE: Illustrative of the type of practice inhibited by this section is the deliberate failure to disclose on an invoice or billing the correct quantity delivered. A further illustration of false invoicing is the omission on the invoice or billing of information to the effect that the products of the industry covered thereby are seconds or defective, when such is the fact. Further illustrative of a practice intended to be covered by this section is the furnishing by the wholesaler of a marked-up invoice to a plumbing contractor doing cost-plus work.

[Rule 6]

§ 227.7 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or inter-

fering with or obstructing the performance of any such contractual duties or services, under any circumstances having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 7]

§ 227.8 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors, or to effect other advantage in favor of the industry member making such gift or offer with respect to the sale of industry products to such employers or principals.

NOTE: Among the practices inhibited by this section is the giving of a thing of value by an industry member to the purchasing agent of an industrial account, without the knowledge of the latter's employer or principal, in order to obtain in advance a schedule of the account's monthly requirements of industry products which is not likewise furnished to competing industry members.

[Rule 8]

§ 227.9 *Prohibited discrimination*[1]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however*:

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in paragraph (a) of this section shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor (see paragraphs (d) and (e) of this section).

NOTE: In complaint proceedings, justification of price differentials under subparagraphs (2), (4) and (5) of this paragraph is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

Example No. I. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant such discount to other customers under like conditions.

Example No. II. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

Example No. III. An industry member makes a sale of industry products to a purchaser under an arrangement whereby the products are shipped by the industry member's supplier directly to such purchaser and charges a lower price than that charged other purchasers under similar circumstances, or a price which, when compared with the price charged purchasers on sales made out of the stock of the industry member, constitutes a discount greater than can be justified by the difference in costs resulting from the differing quantities or method of sale or delivery.

Example No. IV. An industry member sells to some customers industry products at prices of drop shipments when in fact such transactions are out-of-stock sales which are made to other customers at higher prices, even though the quantities involved are large enough to be delivered on a direct shipment basis. (As here used an "out-of-stock" sale is one from the industry member's stock on hand and a "drop shipment" sale is one in which the industry member arranges to have the goods shipped by the industry member's supplier directly to the industry member's customer.)

Example No. V. Terms of 2/10th prox. are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take a 5 percent instead of a 2 percent discount when making payment to the industry member within the time prescribed.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(f) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: The foregoing paragraph (f) of this section is a re-statement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under paragraph (a) (2), (4), or (5) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in which the goods were sold and delivered to him by the seller, were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

[Rule 9]

§ 227.10 *Prohibited forms of trade restraints (unlawful price fixing, etc.)*[2] It is an unfair practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 10]

§ 227.11 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of seasonal goods near the conclusion of the season; (2) of perishable goods in respect to which deterioration is imminent; (3) of obsolescent goods; (4) made under judicial process; or (5) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 11]

Issued: April 11, 1955.

Promulgated by the Federal Trade Commission April 14, 1955.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-3090; Filed, Apr. 13, 1955; 8:51 a. m.]

[1] As used in § 227.9, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

[2] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.254]

PART 75—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

EXPORTATION OF TECHNICAL DATA

The regulations governing the international traffic in arms, ammunition, and implements of war issued on November 25, 1953 and amended on November 17, 1954 are further amended as follows:

Sections 75.47 to 75.50 inclusive of this part are superseded by the issuance of the following regulations.

EXPORTATION OF TECHNICAL DATA RELATING TO ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Definition and Interpretation

Sec.
75.101 Definition.

License Requirements

75.110 Exportation of technical data.
75.111 Shipment by or to the United States Government.
75.112 Importation of technical data.
75.113 Canadian shipments.

Special Exemptions

Sec.
75.120 Unclassified technical data relating to sales bulletins, operational manuals, etc.
75.121 Unclassified technical data on civil aircraft equipment.
75.122 Unclassified technical data on small arms and ammunition.
75.123 Technical data imported from abroad.
75.124 Contracts with other Government agencies.
75.125 Special licensing agreements.

Statements and Certifications

75.140 Specific requirements relating to technical data exemptions.

Mailing and Shipping Procedures

75.160 Procedures for mailing or shipping technical data.

AUTHORITY: §§ 75.101 to 75.160 issued under sec. 414, 68 Stat. 848; 22 U. S. C. Sup. 1934; Proc. 3038, 18 F. R. 7505, 3 CFR, 1953 Supp.

EXPORTATION OF TECHNICAL DATA RELATING TO ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Defintion and Interpretation

§ 75.101 *Definition.* The term "technical data", as used in this part, means unclassified[1] technological information relating to the articles defined as arms, ammunition, and implements of war. As used in this part, the term "technical data" specifically refers to any professional, scientific or technical information, including any model, design, photographic negative, document or other articles or material containing a plan or specification or technical information of any kind which can be used or adapted for use in connection with any process or operation in the production, manufacture, repair or conversion of these articles.

License Requirements

§ 75.110 *Exportation of technical data.* (a) A license issued by the Secretary of State is required in all cases for the export of unclassified technical data to any of the destinations referred to in § 75.140 (f).

(b) A license is also required for the export of such data to all other destinations except when otherwise exempted by §§ 75.101 to 75.160 or when it is in published form and is (1) sold at newsstands or bookstores; (2) available by subscription or purchase to any individual without restriction; (3) granted second class mailing privilege by the United States Government; or (4) freely available at public libraries. These exceptions do not apply to Armed Services publications.

§ 75.111 *Shipment by or to the United States Government.* The exportation of arms, ammunition, and implements of war, including technical data relating thereto, by the United States Government or any agency thereof is not subject to the provisions of section 414 of the Mutual Security Act of 1954 and, therefore, an export license is not required. (See § 75.60)

§ 75.112 *Importation of technical data.* No license is required for technical data imports.

§ 75.113 *Canadian shipments.* Collectors of customs or postal authorities may permit unclassified technical data to be exported to Canada without the presentation of a license or release certificate.

Special Exemptions

§ 75.120 *Unclassified technical data relating to sales bulletins, operational manuals, etc.* Collectors of customs or postal authorities may permit the exportation without a license, to any destination other than those listed in § 75.140 (f) of unclassified technical data in the form of sales bulletins, operational, maintenance and sales promotion manuals which relate to equipment previously approved for export.

§ 75.121 *Unclassified technical data on civil aircraft equipment.* Collectors of customs or postal authorities may permit the exportation without a license (subject to the provisions of § 75.140) of unclassified technical data relating to all civil aircraft including components and parts therefor, except unclassified technical data containing advanced designs, processes and manufacturing techniques.

§ 75.122 *Unclassified technical data on small arms and ammunition.* Collectors of customs or postal authorities may permit exportation without a license (subject to the provisions of § 75.140) of unclassified technical data relating to small arms and machine guns not in excess of caliber .50 and ammunition for such weapons except unclassified technical data containing advanced designs, processes and manufacturing techniques.

§ 75.123 *Technical data imported from abroad.* Collectors of customs or postal auhorities are authorized to permit exportation without a license of unclassified technical data which has been imported from abroad and is being returned to the country of origin.

§ 75.124 *Contracts with other Government agencies.* Collectors of customs or postal authorities may permit the exportation of unclassified technical data without a license when such shipment is directly in furtherance of a contract with an agency of the United States Government or a contract between an agency of the United States Government and a foreign manufacturer or other foreign entity provided the contract specifically calls for transmission of relevant technical data.

§ 75.125 *Special licensing agreements.* (a) Collectors of customs or postal authorities may permit exportation without a license of unclassified technical data being exported directly in furtherance of a licensing agreement covering specific items which has been submitted to the Department of State for review and to which the Department of State has, in writing, expressed no objection unless a new design, process or manufacturing technique is involved.

(b) Collectors of customs and postal authorities may permit the exportation without a license of unclassified technical data being exported directly in furtherance of a licensing agreement covering specific items effective prior to February 1, 1954 whether or not previously submitted to the Department of State unless a new design, process or manufacturing technique is involved.

Statements and Certifications

§ 75.140 *Specific requirements relating to technical data exemptions.* The specific requirements relating to technical data exemptions in this section should be referred to in accordance with the procedure set forth in § 75.160.

(a) Under the exemption provided by § 75.120 the exporter must certify that the technical data being exported without a license does not contain advanced designs, processes and manufacturing techniques and that the type of equipment to which the technical data relates has previously been exported.

(b) Under the exemptions provided by §§ 75.121 and 75.122 the exporter must certify that the technical data being exported without a license does not contain advanced designs, processes and manufacturing techniques.

(c) Under the exemption provided by § 75.123 the exporter must certify that the technical data being exported without a license was imported from abroad and is being returned to the country of origin.

(d) Under the exemption provided by § 75.124 the exporter must certify that the technical data being exported without a license is being shipped directly in furtherance of a contract with an agency of the United States Government or a contract between an agency of the United States Government and a foreign manufacturer.

(e) Under the exemption provided by § 75.125 the exporter must certify that the technical data being exported without a license is being shipped directly in furtherance of a licensing agreement to which the Department of State has, in writing, expressed no objection and which does not pertain to a more recent design, process or manufacturing technique. If the shipment being exported without a license relates to a licensing agreement antedating February 1, 1954, the exporter must certify that the shipment does not pertain to a more recent design, process or manufacturing technique.

(f) The provisions of §§ 75.110, 75.120, 75.121, 75.122, 75.123, 75.124 and 75.125 do not apply to any exports intended for the Soviet Union, Soviet bloc countries, Communist China, North Korea, and that part of Viet-Nam which lies north of approximately the 17th parallel and any of the territories of free Viet-Nam or Cambodia or Laos which are under de facto control of the Communists.

[1] When classified technical data is involved, except for releases of classified military information made directly to a foreign government by the Department of Defense or one of its agencies, special clearance from the Department of State is required in each case. Full details should be submitted to the Department by letter, accompanied by any additional documents that might assist in the consideration of the proposal. All documents should be submitted in quadruplicate.

Mailing and Shipping Procedures

§ 75.160 *Procedures for mailing or shipping technical data.* (a) If a license is required in connection with the mailing or shipping of technical data, such a license must be presented to the customs or post office at the time of mailing or shipping.

(b) If the exemptive provisions apply, the exporter may comply with the special requirements as to certification by plainly marking the package or envelope "22 CFR 75.140 complied with". This would mean that he certifies that one of the exemptions referred to in § 75.140 applies and that he has complied with the conditions set forth therein.

For the Secretary of State:

SCOTT MCLEOD,
Administrator, Bureau of Security and Consular Affairs.

APRIL 11, 1955.

[F. R. Doc. 55-3101; Filed, Apr. 13, 1955; 8:53 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

MISCELLANEOUS AMENDMENTS

1. In § 36.4501, paragraph (a) is amended to read as follows:

§ 36.4501. *Definitions.* * * *

(a) "Act" means Public Law 346, 78th Congress (58 Stat. 284), cited as the "Servicemen's Readjustment Act of 1944," as amended by Public Law 268, 79th Congress (59 Stat. 626), and other subsequent enactments (38 U. S. C. 694, et seq.).

* * * * *

2. In § 36.4504, paragraph (d) is deleted and former paragraph (e) is redesignated paragraph (d), so that the redesignated material reads as follows:

§ 36.4504 *Loan closing expenses.* * * *

(d) With respect to construction loans, the veteran will deposit with Veterans' Administration, or in an escrow satisfactory to Veterans' Administration, 10 percent of the estimated cost of construction or such alternative sum, in cash or its equivalent, as Veterans' Administration may determine to be necessary in order to afford adequate assurance that sufficient funds will be available, from the proceeds of the loan or from other sources, to assure completion of the construction in accordance with the plans and specifications upon which Veterans' Administration based its loan commitment.

3. Section 36.4520 is revised to read as follows:

§ 36.4520 *Delegation of authority.* (a) Except as hereinafter provided each employee of the Veterans' Administration heretofore or hereafter appointed to, or otherwise lawfully filling, any position designated in paragraph (b) of this section is hereby delegated authority, within the limitations and conditions prescribed by law, to exercise the powers and functions of the Administrator with respect to the making of loans and the rights and liabilities arising therefrom, including but not limited to the collection or compromise of amounts due, in money or other property, the extension, rearrangement, or sale of loans, the management and disposition of secured or unsecured notes and other property. In connection with direct loans made and held by the Veterans' Administration such designated employees may take any action which they are authorized to consent to or approve in respect to guaranteed or insured loans under the regulations prescribed therefor by the Administrator. Incidental to the exercise and performance of the powers and functions hereby delegated, each such employee is authorized to execute and deliver (with or without acknowledgement) for, and on behalf of, the Administrator evidence of guaranty and such certificates, forms, conveyances, and other instruments as may be appropriate in connection with the acquisition, ownership, management, sale, transfer, assignment, encumbrance, rental, or other disposition of real or personal property or of any right, title, or interest therein, including, but not limited to, contracts of sale, installment contracts, deeds, leases, bills of sale, assignments, and releases; and to approve disbursements to be made for any purpose authorized by title III of the act.

(b) Designated positions:

Deputy Administrator for Veterans Benefits.
Manager, Regional Office.
Manager, Veterans Benefits Office, Washington, D. C.
Loan Guaranty Officer.
Assistant Loan Guaranty Officer.

(c) Nothing in this section shall be construed to authorize any such employee to exercise the authority vested in the Administrator under section 504 (a) or section 508 (b) of the act or to sue or enter appearance for and on behalf of the Administrator or confess judgment against him in any court without his prior authorization.

4. A new § 36.4525 is added as follows:

§ 36.4525 *Requirement of a construction warranty.* Any commitment to make a direct loan and any approval of a direct loan application issued or made on or after May 2, 1955, shall, if the purpose of the loan is to finance the construction of a dwelling or farmhouse or to finance the purchase of a newly constructed dwelling, be subject to the express condition that the builder, seller, or the real party in interest in the transaction shall deliver to the veteran constructing or purchasing such dwelling with the aid of a direct loan a warranty, in the form prescribed by the Administrator, that the property has been completed in substantial conformity with the plans and specifications upon which the Administrator based his valuation of the property, including any modifications thereof, or changes or variations therein, approved in writing by the Administrator, and no direct loan shall be disbursed in full unless a copy of such warranty duly receipted by the purchaser is submitted to the Veterans' Administration.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective April 14, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-3099; Filed, Apr. 13, 1955; 8:53 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

BLUE RIDGE PARKWAY

1. Paragraph (a) *Speed,* of § 20.34 *Blue Ridge Parkway,* is amended to read as follows:

(a) *Speed.* Except where lower speeds are indicated by signs or markers, speed of automobiles and other vehicles, except ambulances and cars on official emergency trips, shall not exceed 45 miles per hour.

2. Section 20.34 (e) *Reporting of accidents by wrecker operators and others* is hereby created to read as follows:

(e) *Reporting of accidents by wrecker operators and others.* Before any person shall attempt to remove any vehicle involved in an accident within the Parkway, he shall take reasonable steps to ascertain whether any of the persons involved in the accident have reported it to the appropriate Parkway authority and if he does not ascertain that a report of the accident has been made, he shall report the accident to the nearest Parkway authority.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 24th day of March 1955.

[SEAL] SAM P. WEEMS,
Superintendent,
Blue Ridge Parkway.

[F. R. Doc. 55-3091; Filed, Apr. 13, 1955; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. P. L. 16]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

POLIOMYELITIS VACCINE (SALK VACCINE)

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodity is added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity Group	GLV dollar-value limits	Validated license required
812200	Biological products, all forms: Poliomyelitis vaccine (Salk vaccine)[1] [2]		DRUG	None	RO

[1] This commodity is subject to DL restrictions (see § 374.2), and is excepted from the Time Limit licensing procedure (see Part 377).
[2] This commodity may not be exported under general license GLV (see § 371.10 (c)).

This amendment shall become effective as of April 13, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-3124; Filed, Apr. 13, 1955; 8:55 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1115]

WYOMING

PARTIALLY REVOKING EXECUTIVE ORDER OF DECEMBER 5, 1913, CREATING PUBLIC WATER RESERVE NO. 12, WYOMING NO. 3, AND EXECUTIVE ORDER OF APRIL 17, 1926, CREATING PUBLIC WATER RESERVE NO. 107

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of December 5, 1913, creating Public Water Reserve No. 12, Wyoming No. 3, is hereby revoked so far as it affects the following-described land:

SIXTH PRINCIPAL MERIDIAN

T. 39 N., R. 68 W.,
Sec. 22, SE¼SW¼.
T. 39 N., R. 70 W.,
Sec. 20, SW¼SE¼, E½SE¼;
Sec. 21, W½SW¼, SE¼SW¼.
T. 39 N., R. 73 W.,
Sec. 4, SW¼NW¼;
Sec. 5, SE¼NE¼;
Sec. 6, Lots 3 and 4.
T. 40 N., R. 68 W.,
Sec. 12, SE¼SW¼;
Sec. 14, NE¼SE¼; SW¼SE¼;
Sec. 15, S½SE¼.
T. 40 N., R. 69 W.,
Sec. 5, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, SW¼SW¼.
T. 40 N., R. 72 W.,
Sec. 33, N½N½;
Sec. 34, N½SW¼.
T. 40 N., R. 73 W.,
Sec. 2, SE¼NE¼;
Sec. 28, NW¼NE¼.
Sec. 29, S½NW¼;
Sec. 31, Lot 4, SE¼SW¼.
T. 41 N., R. 67 W.,
Sec. 22, N½SW¼;
Sec. 28, SE¼NE¼;
Sec. 30, Lot 4, SE¼SW¼;
Sec. 31, Lots 1, 2, E½W½, W½SE¼.
T. 41 N., R. 70 W.,
Sec. 15, NE¼;
Sec. 20, SE¼NW¼, NE¼SW¼;
Sec. 31, Lot 4;
Sec. 34, N½SW¼.
T. 41 N., R. 71 W.,
Sec. 35, E½NE¼.
T. 41 N., R. 72 W.,
Sec. 3, SW¼SW¼;
Sec. 27, E½NE¼, NW¼SE¼;
Sec. 34, NW¼NW¼.
T. 41 N., R. 73 W.,
Sec. 32, SW¼SW¼.
T. 42 N., R. 67 W.,
Sec. 4, Lots 2 and 4.
T. 42 N., R. 68 W.,
Sec. 1, Lots 3, 4, S½NW¼, SW¼NE¼;
Sec. 2, Lot 1, SE¼NE¼.
T. 42 N., R. 69 W.,
Sec. 7, NE¼SW¼;
Sec. 14, S½SE¼;
Sec. 19, NW¼SE¼;
Sec. 26, NE¼NW¼, SW¼NW¼, NW¼SW¼.
T. 43 N., R. 67 W.,
Sec. 28, NW¼NW¼, SE¼NW¼;
Sec. 29, NE¼NE¼;
Sec. 33, SW¼, SW¼SE¼.
T. 43 N., R. 68 W.,
Sec. 3, Lots 3 and 4;
Sec. 4, Lots 1, 2, 3, 4, SW¼NE¼;
Sec. 11, NE¼NW¼, W½NE¼;
Sec. 13, NW¼, SW¼NE¼, N½SE¼, SE¼SE¼;
Sec. 14, NE¼NE¼.
T. 43 N., R. 69 W.,
Sec. 10, SE¼SE¼;
Sec. 15, NE¼NE¼;
Sec. 27, SW¼SE¼, S½SW¼;
Sec. 28, SE¼SE¼;
Sec. 33, NE¼NE¼;
Sec. 34, N½NW¼.
T. 44 N., R. 67 W.,
Sec. 6, SW¼SE¼.
T. 44 N., R. 68 W.,
Sec. 31, Lot 2, SE¼NW¼, S½NE¼;
Sec. 32, S½SE¼;
Sec. 33, SW¼SW¼.
T. 44 N., R. 69 W.,
Sec. 19, Lot 2, SE¼NW¼, S½NE¼;
Sec. 20, SE¼;
Sec. 26, S½SW¼;
Sec. 27, SE¼SE¼, S½NW¼;
Sec. 28, S½NE¼;
Sec. 35, NE¼NW¼, NW¼NE¼, S½NE¼.
T. 44 N., R. 70 W.,
Sec. 22, SW¼NW¼, NW¼SW¼.
T. 55 N., R. 69 W.,
Sec. 28, SW¼SE¼;
Sec. 33, N½NE¼.

The areas described aggregate 5,747.47 acres.

2. The Executive order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Interpretations No. 101 of June 22, 1929, and No. 160 of April 8, 1932, is hereby revoked so far as it affects the following-described land:

SIXTH PRINCIPAL MERIDIAN

T. 38 N., R. 68 W.,
Sec. 22, SE¼SE¼;
Sec. 23, SW¼SW¼;
Sec. 25, NW¼NE¼, W½NW¼;
Sec. 26, SE¼NE¼, W½NW¼, NW¼SW¼;
Sec. 27, NE¼NE¼, S½NE¼, N½SE¼.

The areas described aggregate 560 acres.

3. The following lands described in paragraph 1 of this order have been patented:

SIXTH PRINCIPAL MERIDIAN

T. 40 N., R. 72 W.,
Sec. 33, N½NW¼.
T. 43 N., R. 68 W.,
Sec. 4, Lots 1 and 2, and SW¼NE¼.

The areas described aggregate 200 acres.

4. Effective on the date of this order, the remaining public lands shall become subject to the provisions of Executive Order No. 7616 of May 13, 1937, withdrawing certain lands for use and development by the Department of Agriculture in connection with the Northeastern Wyoming Project, WY-LU-21, and shall be further subject to use, development and disposition by the Secretary of Agriculture in accordance with the provisions of Executive Order No. 7908 of June 9, 1938, as amended by Executive Order No. 8531 of August 31, 1940.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 8, 1955.

[F. R. Doc. 55-3056; Filed, Apr. 13, 1955; 8:45 a. m.]

[Public Land Order 1116]

ALASKA

REVOKING EXECUTIVE ORDER NO. 965 OF NOVEMBER 4, 1908 AND DEPARTMENTAL ORDER OF OCTOBER 31, 1904; PARTIALLY REVOKING EXECUTIVE ORDERS OF FEBRUARY 20, 1897, MAY 4, 1907, NO. 1194 OF APRIL 26, 1910, NO. 5289 OF MARCH 4, 1930 AND DEPARTMENTAL ORDER OF AUGUST 21, 1897

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, Ch. 421 (36 Stat. 847; 43 U. S. C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 965 of November 4, 1908, reserving the following-described lands in Alaska for educational purposes is hereby revoked:

(a) Susitna:
Beginning at corner No. 1, which is a stake set in the ground; thence in a northerly direction 136 feet to corner No. 2, a post set two feet in the ground; thence 220 feet in an easterly direction to corner No. 3, a post set two feet in the ground; thence 120 feet in a southerly direction to corner No. 4, a post set three feet in the ground; thence 250 feet in a westerly direction to corner No. 1, the place of beginning, containing sixty-six one hundredths of an acre, more or less.
(b) Tyonek:
Beginning at corner No. 1, a post set two feet in the ground, the same being the southeast corner of the Russian Church Mission site; thence in an easterly direction 300 feet to corner No. 2, a post set two feet in the ground; thence in a northerly direction 300 feet to corner No. 3, a post set in swampy ground; thence in a westerly direction 300 feet to corner No. 4, a stake set on the eastern boundary of the Russian Church Mission site; thence in a southerly direction 300 feet to corner No. 1, the place of beginning, containing two acres, more or less.

The lands at Tyonek are withdrawn by Executive Order No. 2141 of February 27, 1915 "for use of the United States Bureau of Education".

2. The Executive order of February 20, 1897, reserving certain public lands in Alaska for school purposes, is hereby revoked so far as it affects the following-described lands:

Chilcat:
Beginning at a stone marked corner No. 5, being said corner No. 5 of survey No. 3 of the Hugh Murray Trading and Manufacturing site, on meander line Chilcat Inlet, being corner No. 1 of school lot, thence N. 35 degrees 4 minutes W. 3.16 chains along the meander line of Chilcat Inlet to corner No. 2, thence N. 54 degrees 56 minutes E. 3.16 chains to corner No. 3; thence S. 36 degrees 04 minutes E. 3.16 chains to corner No. 4; thence S. 54 degrees 56 minutes W. 3.16 chains to place of beginning. Magnetic Variation 30 degrees E.

The tract described contains 1.10 acres.

3. The Executive order of May 4, 1907, reserving certain public lands in Alaska pending survey and segregation for educational purposes, is hereby revoked so far as it affects the lands in the following-described areas:

(a) Icy Cape:
Between Cape Lisburne and Point Barrow, near latitude 70°, longitude 162°.

The lands are included in the withdrawal made by Executive Order No. 3797-A of February 27, 1923, for oil and gas only.

(b) Sinuk:
At the mouth of Sinuk river, 6 miles southeast of Cape Rodney, near latitude 64°30', longitude 166°.
(c) Igloo:
On Kuzitrin River, latitude 65°10', longitude 165°04'.
(d) Ikogmute:
Near the southernmost bend of the Yukon River, latitude 62°, longitude 161°.
(e) Koserefsky:
Latitude 62°10', longitude 160°.
(f) Iliamna:
On Lake Iliamna between Cook Inlet and Bristol Bay near latitude 59°, longitude 155°.
(g) Shakan:
Kosciusko Island, Alexander Archipelago, near latitude 56°, longitude 133°, identified by U. S. Survey No. 924 containing 1.21 acres.

The order reserved not to exceed 40 acres at each place.

4. Executive Order No. 1194 of April 26, 1910, reserving certain lands in Alaska "for use of the Bureau of Education, Department of the Interior", for the purpose of the education of the natives, is hereby revoked so far as it affects the following-described lands:

Rampart:
1. Commencing at a post marked No. 1, thence in easterly direction 700 feet to post No. 2; thence in southerly direction 205 feet to post No. 3; thence in westerly direction 700 feet to post No. 4; thence in northerly direction 205 feet to initial point, or post No. 1, identified by U. S. Survey No. 2242.
2. That certain lot of ground situated in the townsite of Rampart, in the Third Division, of Territory of Alaska, known and surveyed as lot No. 6, Block L. 2, according to the original plat of the said townsite of Rampart.

The tracts described contain approximately 3.19 acres.

Iliamna:
Beginning at Cor. No. 1 on the north bank of the Iliamna river; thence in a northerly direction 36 ft. to Cor. No. 2, a post set in the ground; thence 120 ft. in an easterly direction to Cor. No. 3, a stake set in the ground; thence in a northerly direction 240 ft. to Cor. No. 4, a stake set in the ground; thence 240 ft. in a westerly direction to Cor. No. 5, a stake set in the ground; thence 345 ft. in a southerly direction to Cor. No. 6, a stake set in the ground; thence 240 ft. in an easterly direction to Cor. No. 1, the place of beginning.

The tract described contains 2.00 acres.

Ugashik:
Beginning at Cor. No. 1, a stake set in the ground; thence in a northerly direction 700 ft. to Cor. No. 2; thence in a westerly direction 900 ft. to Cor. No. 3; thence in a southerly direction 700 ft. to Cor. No. 4; thence in an easterly direction 900 ft. to Cor. No. 1, the place of beginning.

The tract described contains 14.46 acres.

5. Executive Order No. 5289 of March 4, 1930, reserving certain tracts of land in Alaska, pending survey and segregation, "for use of the Office of Education", is hereby revoked so far as it affects the following-described lands:

(a) Hamilton:
Near latitude 62°45', longitude 164°0', and identified by U. S. Survey 2025, containing 0.89 acre.
(b) Kulukak:
Near latitude 58°50', longitude 159°45', the area not to exceed 40 acres.
(c) Kashega:
Near latitude 53°25', longitude 167°0', and identified by the U. S. Survey No. 2031, containing 2.10 acres.
(d) Tundra:
Near latitude 60°50', longitude 162°30', and identified by U. S. Survey No. 2052, containing 4.22 acres.
(e) Umnak:
Near latitude 53°25', longitude 168°10', the area not to exceed 40 acres.

6. The order of the Secretary of the Interior of August 21, 1897, reserving certain tracts of land in Alaska for school purposes, is hereby revoked as far as it affects the following-described lands:

Killianoo:
Beginning at a point from which corner No. 34 of Survey No. 5 bears south 80° 00' east 2.14 chains, and running thence south 62° 00' west 100 feet; thence north 45° 35' W. 419.4 feet; thence north 62° 00' east 226.7 feet; thence south 28° 00' east 400 feet to place of beginning.

The tract described contains 1.5 acres.

7. The order of the Acting Secretary of the Interior of October 31, 1904, reserving the following lands in Alaska for school purposes, is hereby revoked:

Tee Harbor:
One acre and fourteen hundredths (1.14) of an acre of land, situate at Stephen's Cove, (locally known as Tee Harbor), about 15 miles northwest of Juneau, Alaska.

No application for the lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m. on the 35th day after the date of this order the unappropriated, unreserved, unsurveyed public lands affected by this order shall, subject to valid existing rights and the provisions of existing withdrawals, be opened to settlement under the homestead laws, or, if nonmineral in character, under the Alaska Home Site Act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461) or the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, and to those forms of appropriation only by qualified veterans of World War II and the Korean conflict for whose services recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations.

At 10:00 a. m. on the 35th day after the date of this order the surveyed public lands released by this order shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the surveyed public lands affected by this order shall be subject only to (1) application under the homestead laws or the Alaska Home Site Act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461), or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously

at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 of Title 43 of the Code of Federal Regulations, and applications under the said Alaska Home Site Act of May 26, 1934, and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in §§ 64.6 to 64.10 inclusive, and Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Fairbanks, Alaska.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 8, 1955.

[F. R. Doc. 55-3057; Filed, Apr. 13, 1955; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 182—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

ACCOUNTING PERIOD

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of April A. D. 1955.

The matter of accounting regulations for motor carriers being under consideration pursuant to provisions of section 204 (a) of the Interstate Commerce Act, as amended (49 Stat. 546, 54 Stat. 921, 49 U. S. C. 304), and the following modification of the Uniform System of Accounts for Class I Motor Carriers of Property, Issue of 1952, being deemed necessary for proper administration of Part II of the act:

It is ordered, that:

(1) Section 182.01-3 *Accounting period,* shall be modified by deleting from paragraph (a) thereof the second sentence and substituting the following for it: "A trial balance of the general ledger accounts shall be prepared at the close of each month."

(2) This order shall be effective June 1, 1955.

(49 Stat. 546, as amended; 49 U. S. C. 304)

Since the above modification as ordered has no effect but to cancel the requirement that trial balances so prepared shall be retained as a permanent record, the rule making provisions of section 4 of the Administrative Procedure Act are found not to apply to this order.

It is further ordered, that a copy of this order shall be served on each Class I common or contract motor carrier of property subject to Part II of the act and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3089; Filed, Apr. 13, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Minneapolis Area Office Redelegation Order 1]

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

REDELEGATIONS OF AUTHORITY

PART 1—GENERAL

Sec.
1.1[1] Appeals.
1.2 Limitations.

PART 2—AUTHORITY OF SUPERINTENDENTS AND OFFICER IN CHARGE OF AREA FIELD OFFICE

FUNCTIONS RELATING TO LANDS AND MINERALS

2.12 Leases and permits.
2.16 Mineral leases and permits.

FUNCTIONS RELATING TO TRADING WITH INDIANS

2.170 Traders' licenses.

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

2.230 Timber sales and advertisement.

FUNCTIONS RELATING TO MEDICAL, HOSPITAL, AND NURSING SERVICES

2.252 Quarantine of Indians.
2.253 Commitment of insane Indians.

[1] NOTE: In Parts 1 and 2, the section numbers appearing to the right of the decimal correspond to the section numbers used in Order No. 551, as amended, of the Bureau of Indian Affairs.

PART 1—GENERAL

SECTION 1.1 *Appeals.* Any action taken by any Superintendent or other officer pursuant to Part 2 of this order shall be subject to the right of appeal. An appeal may be taken from the decision of such Superintendent or other officer to the Area Director, Minneapolis Area Office. An appeal must be filed in writing with such Superintendent or other officer and shall be promptly transmitted by him with the record in the case to the Area Director, Minneapolis Area Office. Any action taken by the Area Director pursuant to this order shall be subject to the right of appeal to the Commissioner of Indian Affairs, pursuant to section 1 (a) of Order 551, as amended, of the Bureau of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1 (a) of Order 2508, as amended, of the Secretary of the Interior.

SEC. 1.2 *Limitations.* Delegations of authority made by this order are not to be construed as depriving the Area Director of the authority conferred upon him by the Commissioner of Indian Affairs.

PART 2—AUTHORITY OF SUPERINTENDENTS AND OFFICER IN CHARGE OF AREA FIELD OFFICE

Subject to the provisions of Part 1, the Superintendents and Officer in charge of Area Field Office may exercise the authority of the Area Director with respect to the following:

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 2.12 *Leases and permits.* The approval of leases and permits of tribal and individually owned trust or restricted lands for farming, farm pasture, or business purposes, pursuant to the provisions of 25 CFR Part 171. This authority does not extend to the waiver of requirements for advertising of leases or permits or to the waiver of acreage limitations on farm and farm pasture lands.

SEC. 2.16 *Mineral leases and permits.* (a) The approval of coal, sand, gravel, pumice, and building stone leases and permits of tribal and trust or restricted individually owned lands.

(b) The authority delegated in this section does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes,

(2) Approval of instruments providing for the payments of overriding royalty,

(3) Assignments of separate horizons or strata of the subsurface.

FUNCTIONS RELATING TO TRADING WITH INDIANS

SEC. 2.170 *Traders' licenses.* The issuance of licenses to traders with the Indian tribes and the removal and revocation of licenses pursuant to 25 CFR Part 276.

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 2.230 *Timber sales and advertisement.* The issuance of advertisements offering timber for sale and the approval of timber sale contracts on approved forms involving an estimated stumpage value not exceeding $500, pursuant to provisions of 25 CFR 61.20; provided that such contract shall not be made for a longer term than two years.

FUNCTIONS RELATING TO MEDICAL, HOSPITAL, AND NURSING SERVICES

SEC. 2.252 *Quarantine of Indians.* The quarantine of Indians refusing to submit to remedial treatment of contagious or infectious diseases, pursuant to the provisions of 25 CFR Part 84.

SEC. 2.253 *Commitment of insane Indians.* The commitment of insane Indians to State hospitals or institutions, pursuant to the provisions of 25 CFR Part 86.

E. MORGAN PRYSE,
Area Director.

Approved: April 8, 1955.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 55-3055; Filed, Apr. 13, 1955; 8:45 a. m.]

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 6, 1955.

An application, serial number Anchorage 023173, for the withdrawal from all forms of appropriation under the public land laws, including mining and the mineral leasing laws of the lands described below was filed on December 11, 1952, by Department of the Air Force. The purposes of the proposed withdrawal: Site for recreational facilities.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

LAKE LOUISE RECREATIONAL SITE

Beginning at a point, monument "Station Louise" (USED), latitude 62°17'59" N., longitude 146°36'02" W., thence proceeding on a bearing of N. 71°30'00" E., a distance of 2,340 feet approximately, to a point where such bearing intersects the southwest shore of Lake Louise, and such point hereinafter to be known as the point of beginning: Thence from the point of beginning proceeds due west a distance of 450 feet to a point to be known as the southwest corner; thence from the southwest corner proceeds due north a distance of 600 feet to a point to be known as the northwest corner; thence from the northwest corner proceeds due east 550 feet to the west shore of Lake Louise, and such point to be known as the northeast corner; thence from the northeast corner meandering generally south along the high water mark of Lake Louise to the point of beginning, containing approximately 6.96 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-3058; Filed, Apr. 13, 1955; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 6, 1955.

An application, serial number Fairbanks 08595, for the withdrawal from all forms of appropriation under the public land laws, including mining and the mineral leasing laws of the lands described below was filed on November 13, 1950, by Alaska Road Commission. The purposes of the proposed withdrawal: Permanent highway construction and maintenance camp.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

CANTWELL AREA

U. S. Survey No. 3229, Alaska, Lot 10.
Aggregating approximately 59.03 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-3059; Filed, Apr. 13, 1955; 8:46 a. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Army, Corps of Engineers, has filed an application, Serial No. Montana 014950, for the withdrawal of the lands described below, from all forms of appropriation. The applicant desires the land for use in connection with the Glasgow Air Force Base.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

T. 31 N., R. 40 E.,
Sec. 35: E½NE¼.

Total area 80 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 55-3060; Filed, Apr. 13, 1955; 8:46 a. m.]

National Park Service

[Yosemite National Park Order 1]

ASSISTANT SUPERINTENDENT, ADMINISTRATIVE OFFICER AND PURCHASING AGENT

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

MARCH 23, 1955.

SECTION 1. *Assistant Superintendent and Administrative Officer.* The Assistant Superintendent and Administrative Officer may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent and Administrative Officer in behalf of any coordinated area.

SEC. 2. *Purchasing Agent.* The Purchasing Agent may execute and approve contracts not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Purchasing Agent in behalf of any coordinated area.

SEC. 3. *Appeals.* Any party aggrieved by any action or decision of the Assistant Superintendent, Administrative Officer, or Purchasing Agent shall have a right of appeal to the Superintendent of the area. Any such appeal shall be in writing and shall be submitted to the Superintendent within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the

Assistant Superintendent, Administrative Officer or Purchasing Agent.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region Four Order No. 2 (19 F. R. 8824))

[SEAL] JOHN C. PRESTON,
Superintendent,
Yosemite National Park.

[F. R. Doc. 55-3092; Filed, Apr. 13, 1955; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

Jobs for the Homebound Project, Department of Home Care, Montefore Hospital, Steuben Avenue, near Gun Hill Road, New York 67, N. Y., at a rate of not less than 40 cents per hour. Certificate is effective March 23, 1955, and expires February 29, 1956.

Occupational Center of Essex County, Inc., 491 Valley Street, Maplewood, N. J., at a rate of not less than 10 cents per hour. Certificate is effective April 1, 1955, and expires March 31, 1956.

Syracuse Association of Workers for the Blind, Inc., 425 James Street, Syracuse, N. Y., at a rate of not less than 30 cents per hour. Certificate is effective March 1, 1955, and expires February 29, 1956.

Volunteers of America, 1720 Eutaw Place, Baltimore 17, Md., at a rate of not less than 35 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective March 9, 1955, and expires February 28, 1956.

Pennsylvania Working Home for Blind Men, Thirty-sixth and Lancaster Avenue, Philadelphia, Pa., at a rate of not less than 15 cents per hour for a training period of 200 hours and 45 cents thereafter in the Mop Department; 40 cents thereafter in the rug, mat, and broom departments. Certificate is effective April 1, 1955, and expires March 31, 1956.

Alabama Goodwill Industries, Inc., 1715 Avenue F, Ensley, Birmingham 8, Ala., at a rate of not less than 40 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective February 11, 1955, and expires January 31, 1956.

Workshop for the Blind and Disabled, Inc., 4244 South Third Avenue, Birmingham, Ala., at a rate of not less than 50 cents per hour in the nut and bolt department; at a rate of not less than 40 cents per hour in the chair caning department. Certificate is effective March 1, 1955, and expires May 31, 1955.

Michigan Employment Institution for the Blind, 924 Houghton Street, Saginaw, Mich., at a rate of not less than 15 cents per hour for a training period of 160 hours and 20 cents thereafter. Certificate is effective March 1, 1955, and expires February 29, 1956.

Volunteers of America, 1432 First Street, Detroit 26, Mich., at a rate of not less than 20 cents per hour for a training period of 40 hours and 50 cents thereafter. Certificate is effective March 1, 1955, and expires June 30, 1955.

Volunteers of America, 8-16 South St. Clair Street, Toledo 4, Ohio, at a rate of not less than 10 cents per hour for a training period of 40 hours and 30 cents thereafter. Certificate is effective March 1, 1955, and expires June 30, 1955.

Dorcas Industries, Lutheran Welfare League, 106 South Gift Street, Columbus, Ohio, at a rate of not less than 40 cents per hour for a training period of 80 hours and 50 cents thereafter. Certificate is effective February 28, 1955, and expires June 30, 1955.

United Cerebral Palsy of Greater St. Paul, 229 East Indiana, St. Paul, Minn., at a rate of not less than 20 cents per hour for a training period of 240 hours and 30 cents thereafter. Certificate is effective February 8, 1955, and expires July 31, 1955.

Evansville Association for the Blind, 500 North Second Avenue, Evansville, Ind., at a rate of not less than 45 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective April 1, 1955, and expires March 31, 1956.

United Cerebral Palsy of Greater Minneapolis, Inc., 100 West Franklin Avenue, Minneapolis 3, Minn., at a rate of not less than 20 cents per hour for a training period of 240 hours and 30 cents thereafter. Certificate is effective March 1, 1955, and expires February 29, 1956.

Goodwill Industries of Denver, Inc., 1130 Thirty-first Street, Denver Colo., at a rate of not less than 35 cents per hour for a training period of 160 hours and 45 cents thereafter. Certificate is effective March 1, 1955, and expires February 29, 1956.

Lighthouse for the Blind of New Orleans, 820 Magazine Street, New Orleans 12, La., at a rate of not less than 50 cents per hour for a training period of 160 hours and 60 cents thereafter in the broom and mop department; at a rate of not less than 30 cents per hour for a training period of 160 hours and 50 cents thereafter in the sewing department; at a rate of not less than 20 cents per hour for a training period of 160 hours and 30 cents thereafter in the crafts department. Certificate is effective April 1, 1955, and expires March 31, 1956.

Dallas County Association for the blind, 4306 Capitol Avenue, Dallas 4, Tex., at a rate of not less than 25 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective March 1, 1955, and expires February 28, 1956.

St. Vincent DePaul Society of Los Angeles, Inc., 717 South Burlington Avenue, Los Angeles 57, Calif., at a rate of not less than 50 cents per hour for a training period of 160 hours and 75 cents thereafter. Certificate is effective February 16, 1955, and expires February 15, 1956.

Goodwill Industries of San Joaquin Valley, 730 East Market Street, Stockton 2, Calif., at a rate of not less than 60 cents cents per hour for a training period of 160 hours and 75 cents thereafter. Certificate is effective April 16, 1955, and expires April 15, 1956.

United Cerebral Palsy Association of Los Angeles County, 5201 Beverly Boulevard, Los Angeles 4, Calif., at a rate of not less than 25 cents per hour. Certificate is effective April 1, 1955, and expires March 31, 1956.

Crippled Children's Society of Los Angeles County, 325 West Adams Boulevard, Los Angeles 7, Calif., at a rate of not less than 5 cents per hour for a training period of 160 hours and 15 cents thereafter. Certificate is effective April 1, 1955, and expires March 31, 1956.

Chattanooga Goodwill Industries, Inc., 1429 Market Street, Chattanooga, Tenn., at a rate of not less than 45 cents per hour in the textile repair division; at a rate of not less than 55 cents per hour in the furniture repair division; at a rate of not less than 50 cents per hour in the sales division. Certificate is effective April 1, 1955, and expires March 31, 1956.

Goodwill Industries of Kanawha County, Inc., 502 Kanawha Boulevard, East Charleston, W. Va., at a rate of not less than 50 cents per hour for a training period of 1,000 hours and 62½ cents per hour thereafter. Certificate is effective April 1, 1955, and expires March 31, 1956.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 1st day of April 1955.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 55-3061; Filed, Apr. 13, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4775]

NORTHWEST AIRLINES, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Northwest Airlines, Inc., to eliminate Kalispell, Montana, from the certificate for route No. 3 or to authorize temporary suspension.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 11, 1955, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 8, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-3098; Filed, Apr. 13, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3598]

KANSAS NATURAL GAS, INC.

NOTICE OF POSTPONEMENT OF HEARING

APRIL 8, 1955.

Notice is hereby given that the hearing in the above-designated matter now scheduled for April 15, 1955, is hereby postponed to 9:30 a. m., e. d. s. t., June 3, 1955 in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3062; Filed, Apr. 13, 1955; 8:47 a. m.]

[Docket No. G-4421]

HASSIE HUNT TRUST

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1955.

Take notice that Hassie Hunt Trust, (Applicant), a trust with a principal place of business at 700 Mercantile Bank Building, Dallas, Texas, filed on October 14, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces and sells natural gas for transportation in interstate commerce for resale as indicated below:

Location of Field and Purchaser

Northeast Lisbon, Claiborne Parish, La.; Texas Eastern Transmission Corporation.

Southwest Speaks Field, Lavaca County, Tex.; Texas Eastern Transmission Corporation.

Lisbon, Claiborne Parish, La.; Texas Eastern Transmission Corporation.

Sugar Creek, Claiborne Parish, La.; Arkansas Louisiana Gas Company.

Sligo, Bossier Parish, La.; Arkansas Louisiana Gas Company.

Simsboro, Lincoln Parish, La.; Arkansas Louisiana Gas Company.

Sligo, Bossier Parish, La.; Texas Gas Transmission Corporation.

Maxie, Acadia Parish, La.; Louisiana Natural Gas Company.

Units and Leases Located in Karnes and Goliad Counties, Tex.; United Gas Pipeline Company.

Lisbon, Claiborne Parish, La.; United Gas Pipeline Company.

Cotton Valley, Webster Parish, La.; United Gas Pipeline Company.

Magnet Area, Wharton County, Tex.; Tennessee Gas Transmission Company.

Outside Island Field, Vermillion Parish, La.; Transcontinental Gas Pipeline Corporation.

Cotton Valley, Webster Parish, La.; Louisiana Nevada Transit Company.

Gwinville Gas Field, Jefferson Davis County, Miss.; Southern Natural Gas Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 2, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 22, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3064; Filed, Apr. 13, 1955; 8:47 a. m.]

[Docket No. G-7324]

EDWIN L. COX

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1955.

Take notice that Edwin L. Cox (Applicant), an individual whose address is 1217 Magnolia Building, Dallas, Texas, filed on December 1, 1954, in its own behalf as operator, and in behalf of Skelly Oil Company as co-owner and non-operator, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Jarvis Unit, Hugoton Field, Texas County, Oklahoma, to Northern Natural Gas Company at 10 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 4, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3065; Filed, Apr. 13, 1955; 8:47 a. m.]

[Docket No. G-8320]

CURRIE B. DAVIS

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1955.

Take notice that Currie B. Davis (Applicant), an individual whose address is 711 Main Suite 418, Houston, Texas, filed on December 31, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant

to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Colettoville Field, Victoria County, Texas, to Trunkline Gas Company at 8 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 4, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3067; Filed, Apr. 13, 1955; 8:48 a. m.]

[Docket No. G-8339]

F. J. DANGLADE AND J. C. CLOWER

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1955.

Take notice that F. J. Danglade and J. C. Clower (hereinafter called Applicant), individuals whose address is Lovington, New Mexico, filed on January 11, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) at an initial rate of 9½ cents per Mcf. This gas will be produced from the Eumont Pool in Lea County, New Mexico. It will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 5, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3066; Filed, Apr. 13, 1955; 8:47 a. m.]

[Docket No. G-8343]

DALPORT OIL CORP. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1955.

Take notice that Dalport Oil Corporation, et al. (Applicant), a Delaware corporation whose address is Dallas, Texas, filed on January 14, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell 550 Mcf of natural gas per day to El Paso Natural Gas Company (El Paso) at an initial rate of 9½ cents per Mcf. This gas will be produced from the Eumont Field in Lea County, New Mexico. It will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 6, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3068; Filed, Apr. 13, 1955; 8:48 a. m.]

[Docket No. G-8378]

NORTHERN PUMP CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1955.

Take notice that Northern Pump Company et al., Applicant, a Minnesota corporation whose address is Columbia Heights Post Office, Minneapolis 21, Minnesota, filed on January 17, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Hugoton Field, Seward County, Kansas, to Northern Natural Gas Company at 11 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 6, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3069; Filed, Apr. 13, 1955; 8:48 a. m.]

[Docket No. G-8385]

FEDERAL ROYALTY CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1955.

Take notice that the Federal Royalty Company (Applicant), an Arizona corporation whose address is 1521 Esperson Building, Houston, Texas, filed an application on January 24, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Prasifka Field, Wharton County, Texas, to Tennessee Gas Transmission Company, at 13.69479 cents per Mcf, for transportation in interstate commerce for resale. The rate of delivery will be 1,000 Mcf for each 10,000,000 Mcf recoverable gas. Estimated reserves 4,665,600 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 6, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3071; Filed, Apr. 13, 1955; 8:48 a. m.]

[Docket No. G-8460]

DELTA DRILLING CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1955.

Take notice that Delta Drilling Company, et al. (Applicant), a Texas corporation whose address is Tyler, Texas, filed on February 8, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) at an initial rate of 10 cents per Mcf. This gas will be produced from the San Juan Basin in San Juan County, New Mexico. It will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 6, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3070; Filed, Apr. 13, 1955; 8:48 a. m.]

[Docket No. G-8484]

MIDSTATES OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1955.

Take notice that Midstates Oil Corporation (Applicant), a Delaware corporation whose address is Seventh Floor, Midstates Building, Tulsa 3, Oklahoma, filed an application on February 15, 1955, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the McCranie No. 1 Well, Ivan Field, Bossier Parish, Louisiana, to Arkansas Louisiana Gas Company at 10.321 cents per Mcf for transportation in interstate commerce for resale. The rate of delivery will be 2,500 Mcf per month.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 6, 1955, at 9:35 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3072; Filed, Apr. 13, 1955; 8:48 a. m.]

[Docket No. G-8509]

CRYSTAL OIL REFINING CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1955.

Take notice that Crystal Oil Refining Corporation (Applicant), a Maryland corporation whose address is 508 Commercial National Bank Building, Shreveport, Louisiana, filed on February 23, 1955, an application for a certificate of

public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Ivan Field, Bossier Parish, Louisiana, to Arkansas Louisiana Gas Company at 11.321 cents per Mcf including gathering tax, for transportation in interstate commerce for resale. The rate of delivery will be a minimum per well or unit of 1,000 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 4, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3073; Filed, Apr. 13, 1955; 8:48 a. m.]

[Docket No. G-8538]

J. P. GIBBINS

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 8, 1955.

Take notice that J. P. Gibbins (Applicant), an individual whose address is Midland, Texas, filed on March 3, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) at an initial price of 5½ cents per Mcf. This gas will be produced from the Dollarhide Queen Field in Lea County, New Mexico. It will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 5, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3074; Filed, Apr. 13, 1955; 8:49 a. m.]

[Docket No. G-8728]

CITIES SERVICE GAS PRODUCING CO.

ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

Cities Service Gas Producing Company, a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, is engaged in the production of natural gas in the Pampa (West Panhandle) field in Texas and the Texas County (Guymon-Hugoton) field in Oklahoma and in the sale thereof in interstate commerce for resale for ultimate public consumption for domestic, commercial, industrial, and other uses, and, therefore, is a natural-gas company within the meaning of the Natural Gas Act, as heretofore found by the Commission by order issued November 30, 1954, at Docket No. G-2737.

On the basis of data available to the Commission, it appears that the rates, charges, services, and classifications for or in connection with the sale of natural gas by Cities Service Gas Producing Company, subject to the jurisdiction of the Commission, and rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper, in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission on its own motion into and concerning all rates, charges, or classifications demanded, observed, charged, or collected by Cities Service Gas Producing Company for or in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of Cities Service Gas Producing Company be and it hereby is instituted for the purpose of enabling the Commission (1) to determine with respect to said Cities Service Gas Producing Company whether in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential; and (2) if the Commission, after hearing has been had, shall find that any such rates, charges, classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on May 16, 1955, at 10:00 a. m., e. d. s. t. in a Hearing Room of the Commission at 441 G Street NW., Washington 25, D. C., concerning the matters specified in paragraph (A) above.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: April 6, 1955.

Issued: April 8, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3063; Filed, Apr. 13, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3351]

AMERICAN NATURAL GAS CO.

ORDER REGARDING AMENDMENT OF CERTIFICATE OF INCORPORATION CHANGING SHARES OF NO PAR VALUE COMMON STOCK TO SHARES OF PAR VALUE

APRIL 8, 1955.

American Natural Gas Company ("American"), a registered holding company, having filed a declaration with this Commission pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions, which are summarized as follows:

(a) American proposes to amend its charter to change each of its 5,000,000 authorized shares of common stock without nominal or par value, whether issued or unissued, into a share of common stock of the par value of $25.

(b) As an incident to the change from no par value stock to par value stock, American proposes that the capital represented by its 3,684,276 presently outstanding shares be reduced from $92,932,142 to $92,106,900 and that American's "other paid in capital" account be increased from $2,010,065 to $2,835,307.

(c) American further proposes to amend its certificate of incorporation to reflect the elimination of the no par value common stock.

The foregoing transactions will be voted on at an annual and special meeting of stockholders to be held on April 27, 1955, and the adoption of such proposals requires the favorable vote of two-thirds in interest of each class of stockholders, Preferred and Common, present or represented and voting thereon at the meeting.

Fees and expenses are estimated at $6,500, including legal fees of $4,500.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under said act and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that said declaration should be permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and subject to the additional condition that the proposed transactions shall not be consummated unless and until the same shall have been approved by the requisite vote of stockholders:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the additional condition that the proposed transactions shall not be consummated unless and until the same shall have been approved by the requisite vote of stockholders.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3075; Filed, Apr. 13, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30466]

FERTILIZER COMPOUNDS FROM ARKANSAS, LOUISIANA, OKLAHOMA, AND TEXAS TO EICHORN, ILL., GROUP

APPLICATION FOR RELIEF

APRIL 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to tariff schedule listed below.

Commodities involved: Fertilizer compounds, carloads.

From: Specified points in Arkansas, Louisiana, Oklahoma and Texas.

To: Points in Illinois grouped with and taking Eichorn, Ill., rates.

Grounds for relief: Carrier competition and circuity, grouping and rates constructed on basis of short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4112, supplement 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3079; Filed, Apr. 13, 1955; 8:50 a. m.]

[4th Sec. Application 30467]

CAUSTIC SODA FROM WICHITA, KANS., TO EVADALE, TEX.

APPLICATION FOR RELIEF

APRIL 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to tariff schedule listed below.

Commodities involved: Caustic soda, liquids, tank-car loads.

From: Wichita, Kans.

To: Evadale, Tex.

Grounds for relief: Carrier and market competition, circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4090, supplement 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3080; Filed, Apr. 13, 1955; 8:50 a. m.]

[4th Sec. Application 30472]

PETROLEUM AND PRODUCTS FROM SAN DIEGO, CALIF., GROUP TO WESTMORLAND, CALIF.

APPLICATION FOR RELIEF

APRIL 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. P. Haynes, Agent, for carriers parties to his tariff I. C. C. 1570.

Commodities involved: Petroleum and petroleum products, in tank-car loads.

From: Points in the San Diego, Calif., group (Group 23).

To: Westmorland, Calif.

Grounds for relief: Intrastate and carrier competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3085; Filed, Apr. 13, 1955; 8:50 a. m.]

[4th Sec. Application 30468]

SCRAP OR WASTE PAPER FROM CALHOUN, TENN., TO KALAMAZOO, MICH., AND FRANKLIN, OHIO

APPLICATION FOR RELIEF

APRIL 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul

provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariff schedule listed below.

Commodities involved: Scrap or waste paper, carloads.

From: Calhoun, Tenn.

To: Kalamazoo, Mich., and Franklin, Ohio.

Grounds for relief: Carrier competition and circuitous routes. Rates constructed on short line distance formula, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1377, supplement 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-3081; Filed, Apr. 13, 1955; 8:50 a. m.]

[4th Sec. Application 30469]

LIQUEFIED PETROLEUM GAS FROM CERTAIN STATES TO HAGERSTOWN AND HANCOCK, MD.

APPLICATION FOR RELIEF

APRIL 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to tariff schedule listed below.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Specified points in Kansas, Louisiana, Missouri, Oklahoma and Texas.

To: Hagerstown and Hancock, Md.

Grounds for relief: Carrier competition and circuity, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. 4118, supplement 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-3082; Filed, Apr. 13, 1955; 8:50 a. m.]

[4th Sec. Application 30470]

CEMENT FROM DIXON, LA SALLE AND OGLESBY, ILL., TO OAK GLEN, ILL., AND POINTS IN INDIANA

APPLICATION FOR RELIEF

APRIL 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Agent, for carriers parties to tariff schedule listed below.

Commodities involved: Cement, common, hydraulic, masonry, mortar, natural or portland, carloads.

From: Dixon, La Salle, and Oglesby, Ill.

To: Oak Glen, Ill., and specified points in Indiana.

Grounds for relief: Rail carrier and motor truck competition, and circuitous routes.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4225, supplement 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-3083; Filed, Apr. 13, 1955; 8:50 a. m.]

[4th Sec. Application 30471]

MERCHANDISE, IN MIXED CARLOADS FROM EASTERN CITIES TO FLORIDA, ALABAMA, AND TENNESSEE

APPLICATION FOR RELIEF

APRIL 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties tariff listed below.

Commodities involved: Various, in mixed carloads.

From: Boston, Mass., New York, N. Y., Philadelphia, Pa., and Baltimore, Md.

To: Lakeland, Fla., Mobile, Ala., and Knoxville, Tenn.

Grounds for relief: Circuitous routes and competition with motor carriers, and additional route from New York to Knoxville.

Schedules filed containing proposed rates: Agent Boin's tariff I. C. C. A-1030, supplement 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-3084; Filed, Apr. 13, 1955; 8:50 a. m.]

[4th Sec. Application 30473]

ASPHALT FROM CHARLESTON, S. C., TO RIVER TERMINAL, N. C.

APPLICATION FOR RELIEF

APRIL 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariff schedule listed below.

Commodities involved: Asphalt (asphaltum), natural, by-product or petroleum, solid, other than paint, stain or varnish, in tank-car loads.

From: Charleston, S. C.

To: River Terminal, N. C.

Grounds for relief: Barge competition on Inland Canal and circuity.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. 424, supplement 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-3086; Filed, Apr. 13, 1955; 8:51 a. m.]

[4th Sec. Application 30474]

FERTILIZER SOLUTION FROM LAWRENCE AND MILITARY, KANS., TO ILLINOIS TERRITORY

APPLICATION FOR RELIEF

APRIL 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff listed below.

Commodities involved: Fertilizer ammoniating solution, and nitrogen fertilizer solutions, in tank-car loads.

From: Lawrence and Military, Kans.

To: Points in Illinois territory.

Grounds for relief: Carrier competition and circuitous routes. Rates constructed on basis of a short-line distance formula, and grouping.

Schedules filed containing proposed rates: Agent Prueter's I. C. C. No. A-4090.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-3087; Filed, Apr. 13, 1955; 8:51 a. m.]

[4th Sec. Application 30475]

SUPERPHOSPHATE FROM ILLINOIS, MISSOURI, AND NEBRASKA TO CEDAR RAPIDS, IOWA

APPLICATION FOR RELIEF

APRIL 11, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff listed below.

Commodities involved: Superphosphate (acid phosphate).

From: Chicago Heights, East St. Louis, Joliet, and Streastor, Ill., St. Louis, Mo., Omaha and South Omaha, Nebr.

To: Cedar Rapids, Iowa.

Grounds for relief: Carrier competition and circuity, rates constructed on a short-line distance formula, and additional destination.

Schedules filed containing proposed rates: Agent Prueter's I. C. C. No. A-4090.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-3088; Filed, Apr. 13, 1955; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HYACINTHE CAGNINACCI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Hyacinthe Cagninacci, Beausoleil (A. M.), France, Claim No. 40436, Vesting Order No. 3177; $374.94 cash in the Treasury of the United States.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hyacinthe Cagninacci by virtue of an agreement dated June 26, 1928 by and between Societe Francaise de Filetage Indesserrable D. D. G. and Dardelet Threadlock Corporation (including all modifications of and supplements to such agreement, including but without limitation, seven memoranda dated October 23, 1928 from Dardelet Threadlock Corporation to Societe Francaise de Filetage Indesserrable D. D. G. and accepted by the latter company, and two supplemental agreements executed by Dardelet Threadlock Corporation and Societe Francaise de Filetage Indesserrable D. D. G. dated December 6, 1935 and October 3, 1939, respectively) which agreement, as modified and supplemented, relates, among other things, to certain United States Letters Patent, including Patent No. 1,657,244, to the extent that such interests and rights were owned by Hyacinthe Cagninacci immediately prior to vesting by Vesting Order No. 3177 (9 F. R. 2709, March 10, 1944).

Executed at Washington, D. C., on April 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-3093; Filed, Apr. 13, 1955; 8:52 a. m.]

CHARLOTTE M. E. STADELMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Charlotte M. E. Stadelmann, Frankfurt-on-Main, Annastrasse 5, Germany, Claim No. 63659, Vesting Order No. 4830; $12,769.64 in the Treasury of the United States.

Executed at Washington, D. C., on April 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-3094; Filed, Apr. 13, 1955; 8:52 a. m.]

SOCIETE DES FABRICATIONS UNICUM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for

past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe des Fabrications Unicum, Paris, France, Claim No. 41218, Vesting Order No. 666; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,132,801.

Executed at Washington, D. C., on April 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3095; Filed, Apr. 13, 1955; 8:52 a. m.]

DR. HEDWIG MOOSBRUGGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Hedwig Moosbrugger nee Intichar, Graz, Austria, Claim No. 62923, Vesting Order No. 832, $300 in the Treasury of the United States.

All right, title, interest, and claim of any kind or character whatsoever of Hede Intichar in and to the trust created under the will of Arthur M. Eisig, deceased, presently being administered by the Chemical Bank and Trust Company, New York, New York.

Executed at Washington, D. C., on April 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3096; Filed, Apr. 13, 1955; 8:52 a. m.]

IDA SWETLOWITZ ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY; AMENDMENT

A Notice of Intention to Return Vested Property was published in this matter on January 15, 1955, whereby this Office indicated its intention to return two-thirds of the property vested pursuant to Vesting Order No. 4127 to the claimants hereinafter set forth. It now appears that the claimants are entitled to a return of all the property vested pursuant to Vesting Order No. 4127. Furthermore, since the publishing of the Notice on January 15, 1955, the property vested pursuant to Vesting Order No. 4127 has been liquidated and now consists only of cash in the Treasury of the United States. Accordingly, that notice is amended to read as follows:

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ida Swetlowitz, Executrix of the Estate of Bessie Greenberg, Dec'd. New York, New York, and Louis Moldawsky, Detroit, Michigan, Claim No. 4206; Isaac Moldavi, Haifa, Israel; Claim No. 3986, Vesting Order No. 4127; to each claimant one-third (⅓) of the following property: $4,701.65 in the Treasury of the United States.

Executed at Washington, D. C., on April 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3097; Filed, Apr. 13, 1955; 8:53 a. m.]

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 20 NUMBER 74

Washington, Friday, April 15, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (6) is added to § 6.142 as set out below.

§ 6.142 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* * * *

(6) Until December 31, 1955, six Regional Administrators.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-3125; Filed, Apr. 14, 1955; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (14) is added to § 6.312 as set out below.

§ 6.312 *Department of Commerce.* * * *

(e) *Business and Defense Services Administration.* * * *

(14) Chairman, Industry Evaluation Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-3109; Filed, Apr. 14, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Amdt. 2]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS UNDER REGULATIONS SUPPLEMENTARY TO KHAPRA BEETLE QUARANTINE

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2, 20 F. R. 1012) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), administrative instructions issued as 7 CFR 301.76-2a (20 F. R. 1237), effective March 1, 1955, as amended effective March 29, 1955 (20 F. R. 1878), are hereby further amended in the following respects:

a. The designation as regulated areas of the following warehouses, mills, and other premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

CALIFORNIA

Angiola Elevator and Warehouse Co., Alpaugh.

Central Union High School Warehouse, 1001 Brighton Street, El Centro.

Continental Warehouse Co., 600 L Street, Imperial.

Ray Harwell Ranch, Sandal Canal, Brawley.

Clifford Hatfield, 616 North H Street, Imperial.

O. H. Kruse Grain & Milling Co., 1459 North Tyler Avenue, El Monte.

Newman Seed Co., East Main Street, El Centro.

W. Upshaw, P. O. Box 523, ¾ mile west of north city limits, Imperial.

Wheatley Bros. Ranch, Imperial.

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FEDERAL REGISTER

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(For use during 1955)

The following Supplements are now available:

Title 9 ($0.65)
Title 20 ($0.75)
Title 24 ($0.75)
Titles 40–42 ($0.50)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 18 ($0.50); Title 19 ($0.40); Title 25 ($0.50); Titles 30–31 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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b. The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

CALIFORNIA

Rosie Diffenboeker Ranch, County Road No. 68, ½ mile west of Highway 111, Callpatria.

C. B. Dunlap Ranch, on north side of Huffmaster Road, ½ mile south of Sites.

Pete Gardner Ranch, ½ mile south of Cemetery Road on west side of unnamed road, ½ mile east of Evergreen Cemetery, 2 miles east of Courthouse, El Centro.

J. D. Heiskell & Company, Inc., 116 West Cedar Street, Tulare.

Clarence Keel Ranch, Highway 111, 4 miles north of Calipatria.

Henry Munger Feed Lot, 299 Main Street, El Centro.

A. C. Musser Ranch, on north side of Myers Road, ½ mile west of Highway 99W, Williams.

Niland Food Market (Store), west side of 200 block, east side of Highway 111, Niland.

Rudinick Trust Seed Lot, 1½ miles west of Oak Street, on Panama Lane, Bakersfield.

Alice Sinclair Ranch, Vail Canal No. 3, Gate 309, 5½ miles west, thence ½ mile north of Calipatria, on northwest corner of intersection of West I and County Road 66, Calipatria.

Wildlife Refuge Unit No. 1, at northeast corner of intersection of West I and County Road 60, Brawley.

Wildlife Refuge Unit No. 2, on east side of West I, ¼ mile north of County Road 74, Brawley.

c. The item appearing in the list, contained in such instructions, as "D. S. Baldwin & Son Ranch, Route 3, Box 758, Bakersfield, California" is changed to read: B. S. Baldwin & Son Ranch, Route 2, Box 758, Bakersfield, California.

d. The items appearing in the list, contained in such instructions, as "A. E. Garr Ranch, on west side of Ninth Street, ½ block south of I Street, Williams, California" and as "Abe Carr Ranch, West side of Ninth Street, ½ block south of I Street, Williams, California" are deleted and the following is substituted therefor: "Abe Garr Ranch, on west side of Ninth Street, ½ block south of I Street, Williams, California."

e. The item appearing in the list, contained in such instructions, as "Desert Seed Company, Commercial and RR., El Centro, California" is changed to read: "Dessert Seed Company, Commercial and RR., El Centro, California."

This amendment shall be effective April 15, 1955.

This amendment revokes the designation as regulated areas of a number of warehouses, mills, and other premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of warehouses, mills, and other premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations. It further corrects certain designations of presently regulated areas.

This amendment supplements khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of certain regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 12th day of April 1955.

[SEAL] E. D. BURGESS,
Acting Chief,
Plant Pest Control Branch.

[F. R. Doc. 55–3128; Filed, Apr. 14, 1955; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6254]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SPADA DISTRIBUTING CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 3.820 *Direct buyers.* In connection with the purchase of food products in commerce, receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products or other commodities made for its own account, or where the respondent is the agent, representative, or other intermediary acting for, or in behalf of, or subject to the direct or indirect control of any buyer; prohibited.

(Sec. 2 (c), 49 Stat. 1527; 15 U. S. C. 13 (c))

[Cease and desist order, Spada Distributing Comany, Inc., Portland, Oreg., Docket 6254, March 11, 1955]

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, which charged respondent with receiving and accepting, directly or indirectly, commissions, brokerage fees or other compensation, allowances or discounts in lieu thereof from sellers in connection with the purchase in commerce of food products for its own account, in violation of subsection (c) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, and upon a Stipulation for Consent Order disposing of all the issues involved in the proceeding, submitted to the hearing examiner pursuant to agreement entered into by respondent through its president with counsel supporting the complaint.

By the terms of said stipulation, respondent admitted all the jurisdictional allegations set forth in the complaint, and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith, and all parties requested that the answer of respondent, theretofore filed, be withdrawn, and expressly waived the filing of answer, a hearing before a hearing examiner of the Commission, the making of findings as to the facts or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission and all further and other procedure before the hearing examiner and the Commission to which respondent might be entitled under the Clayton Act, as amended, or the rules of practice of the Commission.

It was further agreed by respondent that the order contained in the stipulation should have the same force and effect as if made after full hearing, presentation of evidence and findings and conclusions thereon, respondent specifically waiving any and all right, power, or privilege to challenge or contest the validity of such order, and that said Stipulation for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based, and it was further set forth that the complaint in the matter might be used in construing the terms of the order, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and that the signing of said Stipulation for Consent Order was for settlement purposes only, and did not constitute an admission by respondent of any violation of law alleged in the complaint.

Thereafter, said hearing examiner made his initial decision in which he set forth the aforesaid matters and his conclusion, in view of the facts above indicated and the further fact that the order embodied in the aforesaid stipulation was identical with the order accompanying the complaint, that such order would safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said stipulation, and, accordingly, in consonance with the terms thereof, granted the request for withdrawal of respondent's answer, accepted the Stipulation for Consent Order submitted in the matter, found that the proceeding was in the public interest, and issued order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on March 11, 1955.

Said order is as follows:

It is ordered, That respondent Spada Distributing Company, Inc., a corporation, its officers, and its respective representatives, agents, or employees, directly or indirectly, or through any corporate or other device, in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or

discount in lieu thereof, upon or in connection with any purchase of food products or other commodities made for its own account, or where the respondent is the agent, representative, or other intermediary acting for, or in behalf of, or subject to the direct or indirect control of any buyer.

By "Decision of the Commission and Order to File Report of Compliance," Docket 6254, March 11, 1955, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That respondent Spada Distributing Company, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 11, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. D. Doc. 55-3127; Filed, Apr. 14, 1955; 8:51 a. m.]

[Docket 6274]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NORTHERN BROKERAGE CO. ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 3.800 *Buyers' agents;* § 3.820 *Direct buyers.* In connection with the purchase of food products in commerce, and on the part of respondent, Northern Brokerage Co., its officers, respondent George M. Krischel, individually and as an officer of Northern Brokerage Co. and Northern Produce Exchange Co., and their respective representatives, etc., directly or indirectly, or through any corporate or other device in aforesaid connection, receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for the account of Northern Produce Exchange Co., where George M. Krischel or any other officer of the Northern Brokerage Co. are officers of or have a substantial stock ownership in or control of Northern Produce Exchange Co., either directly or through family ownership of the stock, or where either of the respondents, Northern Brokerage Co. or George M. Krischel, or both, are the agents, representatives or other intermediaries, or where it or he is acting for or in behalf of, or where it or he is subject to the direct or indirect control of Northern Produce Exchange Co., or any other buyer; and, in the aforesaid connection, and on the part of respondent Northern Produce Exchange Co., its officers, respondent George M. Krischel, while an officer of or major stockholder in said corporation, and their respective representatives, directly or through any corporate or other device, in said connection, receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for their account or the account of any of them; prohibited.

(Sec. 2 (c), 49 Stat. 1527; 15 U. S. C. 13 (c)) [Cease and desist order, Northern Brokerage Co. et al., Rockford, Ill., Docket 6274, March 10, 1955.]

In the Matter of Northern Brokerage Co., a Corporation, Northern Produce Exchange Co., a Corporation, and George M. Krischel, Individually and as President of Northern Brokerage Co. and Vice President of Northern Produce Exchange Co.

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, which charged respondents with violating and having violated the provisions of subsection (c) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, and upon respondents' answer, which admitted all the material allegations of fact set forth in said complaint, and which, as such an answer, under the provisions of Rule VIII (a) of the Commission's rules of practice, constituted a waiver of respondents' rights to a hearing as to the facts alleged in the complaint and of all other intervening procedure.

Thereafter, the hearing examiner, pursuant to the provisions of the aforesaid rule which also provides that when such an answer is filed, said examiner shall make findings as to the facts and conclusions based upon such complaint and answer, and issue an order disposing of the proceeding, made his initial decision in which, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, he made certain findings as to the facts and conclusions drawn therefrom, and, in consonance therewith, issued order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on March 10, 1955.

Said order is as follows:

It is ordered, That the Respondent, Northern Brokerage Co., a corporation, its officers and the individual Respondent, George M. Krischel, individually and as an officer of Northern Brokerage Co. and Northern Produce Exchange Co., and their respective representatives, agents, and employees, directly or indirectly, or through any corporate or other device in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon any purchase of food products by or for the account of Northern Produce Exchange Co., where George M. Krischel or any other officer of the Northern Brokerage Company are officers of or have a substantial stock ownership in or control of Northern Produce Exchange Co., either directly or through family ownership of the stock, or where either of the Respondents, Northern Brokerage Co. or George M. Krischel, or both, are the agents, representatives or other intermediaries, or where it or he is acting for or in behalf of, or where it or he is subject to the direct or indirect control of Northern Produce Exchange Co., or any other buyer.

It is further ordered, That the Respondent Northern Produce Exchange Co., a corporation, its officers and the individual Respondent, George M. Krischel, while an officer of or major stockholder in said corporation, and their respective representatives, agents or employees, directly or through any corporate or other device, in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu therof, upon any purchase of food products by or for their account or the account of any of them.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6274, March 10, 1955, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That respondents Northern Brokerage Co., a corporation, Northern Produce Exchange Co., a corporation, and George M. Krischel, individually and as President of Northern Brokerage Co. and Vice President of Northern Produce Exchange Co., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 10, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-3110; Filed, Apr. 14, 1955; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 15—CEREAL FLOURS AND RELATED PRODUCTS: DEFINITIONS AND STANDARDS OF IDENTITY

IDENTITY STANDARDS FOR ENRICHED FARINA

In the matter of amending the definition and standard of identity for enriched farina:

On January 26, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 565) setting forth a proposal to amend the definition and standard of identity for enriched farina (21 CFR 15.140) and allowing 30 days for interested persons to submit their views regarding the proposal. Upon consideration of the views presented and other relevant information, it is concluded that honesty and fair dealing in the interest of consumers will be promoted by amending the standard as proposed.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, as amended by 68 Stat. 54, 55; 21 U. S. C. 341) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), paragraph (a) (1) of § 15.140 *Enriched farina; identity; label statement of optional ingredients* is amended to read as follows:

(1) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacinamide, and not less than 13.0 milligrams of iron (Fe).

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall become effective on the sixtieth day after its publication in the FEDERAL REGISTER, except as to any of its provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended 68 Stat. 54; 21 U. S. C. 341)

Dated: April 11, 1955.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 55-3121; Filed, Apr. 14, 1955; 8:50 a. m.]

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1953 Supp., Part 141e; 19 F. R. 1141) and certification of antibiotic and antibiotic-containing drugs (21 CFR, 1953 Supp., Parts 146c, 146e; 19 F. R. 673, 1141, 1541, 2014, 4405, 7229; 20 F. R. 1377) are amended as indicated below.

1. Section 141e.402 is amended by changing the section headnote and paragraph (a) to read as follows:

§ 141e.402 *Bacitracin ointment; zinc bacitracin ointment*—(a) *Potency.* Proceed as directed in § 141e.401 (a), except § 141e.401 (a) (3), and in lieu of the directions in § 141e.401 (a) (1) (iii), prepare the sample as directed in § 141a.8 (a) of this chapter. Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

2. Section 141e.411 is amended by changing the section headnote and paragraph (a) (1) to read as follows:

§ 141e.411 *Bacitracin-neomycin ointment; zinc bacitracin-neomycin ointment*—(a) *Potency*—(1) *Bacitracin or zinc bacitracin content.* Proceed as directed in § 141e.402 (a). Its content of bacitracin or zinc bacitracin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

3. Section 146c.205 (c) (1) (iii) is changed to read as follows:

§ 146c.205 *Chlortetracycline powder.*

* * *

(c) *Labeling.* * * *

(1) * * *

(iii) The statement "Expiration date ---------," the blank being filled in with the date that is 48 months after the month during which the batch was certified if it is chlortetracycline hydrochloride powder, or with the date that is 24 months after the month during which the batch was certified if it is tetracycline hydrochloride powder or tetracycline powder or if it contains one or more vitamin substances: *Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

4. Section 146e.402 is amended in the following respects:

a. The section headnote and paragraph (a) are changed to read as follows:

§ 146e.402 *Bacitracin ointment; zinc bacitracin ointment*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin ointment and zinc bacitracin ointment are composed of bacitracin or zinc bacitracin in a suitable and harmless ointment base, or they are a powder composed of bacitracin or zinc bacitracin and one or more suitable and harmless diluents, dispersing agents, and preservatives which, upon the addition of the quantity of water recommended in its labeling, produces an ointment. It may contain a suitable local anesthetic, cortisone, hydrocortisone, or a suitable ester of cortisone or hydrocortisone, one or more suitable sulfonamides, and, if it is intended solely for veterinary use and is conspicuously so labeled, one or more suitable antifungal agents or rotenone. Its potency is not less than 500 units per gram. Its moisture content is not more than 1 percent, except if it is a powder its moisture content is not more than 5 percent. The zinc bacitracin used conforms to the requirements of § 146e.418 (a). The bacitracin used conforms to the requirements of § 146e.401 (a), except § 146e.401 (a) (1), (2) and (4), but its potency is not less than 30 units per milligram. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (b) *Packaging* is amended by changing the word "bacitracin" in the first sentence to read "bacitracin or zinc bacitracin".

c. Paragraph (c) *Labeling* is amended by deleting the words "of bacitracin ointment" from the introductory sentence.

d. Paragraph (c) (1) (iii) is amended by changing the word "bacitracin" to read "bacitracin or zinc bacitracin".

e. Paragraph (c) (1) (iv) is amended by changing the colon after the word "certified" to a comma and inserting the following new clause: "except if it is zinc bacitracin ointment the blank is filled in with the date that is 24 months after the month during which the batch was certified: * * *".

f. Paragraph (c) (3) is amended to read as follows:

(3) On the label or labeling, if it contains, in addition to bacitracin or zinc bacitracin, one or more other active ingredients specified in paragraph (a) of

this section, after the name "bacitracin ointment" or "zinc bacitracin ointment," wherever such name appears, the words "with ---------," in juxtaposition with such name, the blank being filled in with the common or usual name of each such other ingredient used.

g. In paragraph (d) *Request for certification; samples,* subparagraph (1) is amended by deleting the words "of bacitracin ointment" and changing the words "bacitracin used" to read "bacitracin or zinc bacitracin used".

h. Paragraph (d) (2) (ii) is changed to read as follows:

(ii) The bacitracin or zinc bacitracin used in making the batch; potency, toxicity, moisture, pH, and zinc content, if it is zinc bacitracin.

i. Paragraph (d) (3) is amended by renumbering subdivision (iii) as (iv) and inserting the following new subdivision (iii) between subdivision (ii) and renumbered subdivision (iv):

(iii) The zinc bacitracin used in making the batch; 5 packages, each containing approximately equal portions of not less than 1.0 gram, packaged in accordance with the requirements of § 146e.418 (b).

j. Paragraph (d) (4) is amended by changing "(3) (ii)" to read "(3) (ii) or (iii)".

k. Paragraph (e) *Fees* is amended by deleting the words "of bacitracin ointment" from the introduction to the paragraph and by changing the words "and (iii)" in subparagraph (1) to read "(iii), and (iv)".

5. Section 146e.411 is amended in the following respects:

a. The section headnote and the introduction to paragraph (a) are revised to read as follows:

§ 146e.411 *Bacitracin-neomycin ointment; zinc bacitracin-neomycin ointment.* (a) Bacitracin-neomycin ointment and zinc bacitracin-neomycin ointment conform to all requirements and are subject to all procedures prescribed by § 146e.402 for bacitracin ointment and zinc bacitracin ointment, except paragraph (f) of that section, and except that:

b. Paragraph (a) (3) is amended by changing the word "bacitracin" to read "bacitracin or zinc bacitracin".

c. Paragraph (a) (4) is amended to read as follows:

(4) In addition to complying with the requirements of § 146e.402 (d), a person requesting certification of a batch shall submit with his request a statement showing the number of units of bacitracin or zinc bacitracin and the number of milligrams of neomycin in each gram of ointment, the batch mark, and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of not less than 6 packages of the ointment and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: April 7, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-3111; Filed, Apr. 14, 1955; 8:47 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART E—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

MOTOR-VEHICLE DRIVER AND HELPER

On February 2, 1955, notice was published in the FEDERAL REGISTER (20 F. R. 703) that, for purposes of clarification, the Secretary of Labor proposed to amend § 4.52 (b) (3) of the regulations (29 CFR Part 4, Subpart E). Interested persons were invited to submit their views in support of or in opposition to the proposed amendment within thirty days from the date of publication in the FEDERAL REGISTER. This period has now expired and no comments have been received.

Further study of the proposed amendment indicates that the reference contained therein to an individual who "* * * infrequently rides a passenger type motor vehicle * * *" must be clarified in this final order.

Now, therefore, pursuant to the authority vested in me by section 3 (l) of the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613) and in accordance with the procedure Governing Determinations of Hazardous Occupations (29 CFR Part 4, Subpart D (Note § 4.45)), I, James P. Mitchell, Secretary of Labor, hereby amend § 4.52 (b) (3) of the regulations (29 CFR Part 4, Subpart E) to read as follows:

§ 4.52 *Motor-vehicle driver and helper (Order 2).* * * *

(b) *Definitions.* * * *

(3) The term "helper" shall mean any individual, other than a driver, whose work includes riding on a motor vehicle for the purpose of assisting in transporting or delivering goods, but shall not apply to an individual riding in a passenger-type motor vehicle.

(Sec. 3, 52 Stat. 1060, as amended; 29 U. S. C. 203)

This amendment shall become effective on May 16, 1955.

Signed at Washington, D. C., this 8th day of April 1955.

JAMES P. MITCHELL,
Secretary.

[F. R. Doc. 55-3103; Filed, Apr. 14, 1955; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

ENLISTED MEN

1. In § 1101.14, subparagraphs (9) and (10) of paragraph (b) are revised, subparagraph (11) of paragraph (b) is revised, paragraph (b–1) is added, and paragraph (c) (3) is revised, as follows:

§ 1101.14 *Qualifications for enlistment.* * * *

(b) *Persons not authorized to be enlisted.* * * *

(9) [Revoked.]

(10) [Revoked.]

(11) A person who is a member of: (i) The Army, Navy, Air Force, U. S. Marine Corps, U. S. Coast Guard, Coast and Geodetic Survey; (ii) Any reserve component of the Armed Forces, Navy ROTC, and Advanced AF ROTC, unless release from such membership from the appropriate authority is presented.

* * * * * *

(b–1) *Individuals drawing disability compensation from the United States Government.* (1) Applicants for enlistment who are drawing disability compensation from the United States Government are eligible for enlistment in the National Guard provided they are otherwise qualified and provided further that they waive, in advance for the fiscal year, that portion of their disability compensation pay for the days for which they receive Federal pay for services as members of the federally recognized National Guard.

(2) Each applicant will be advised that it is his personal responsibility to preclude dual payment to him of compensation from the Veterans' Administration and Federal pay for his services in the National Guard for the same period of time, including armory drills, field training and other inactive or active duty for training.

(c) *Persons whose enlistment requires waivers or special authority prior to enlistment.* * * *

(3) *Dependency and hardship.* (i) A person who was previously discharged from one of the Armed Forces of the United States for hardship or dependency may not be accepted for enlistment (or reenlistment) unless it has been determined by investigation that the reasons for which discharged no longer exist. An affidavit giving reasons for discharge, how they have been overcome, and that he will be available and not request discharge on account of dependency or hardship in the event of an emergency, will be obtained from the applicant.

(ii) Any other person with 4 or more dependents may not be accepted for enlistment (or reenlistment) unless it has been determined by investigation that applicant will be available and will not request discharge on account of dependency or hardship in the event of an emergency and an affidavit to this effect is obtained from the applicant.

(iii) Affidavits mentioned in subdivisions (i) and (ii) of this subparagraph will be obtained prior to administering the oath and a copy thereof will be securely attached to each copy of the enlistment record.

* * * * * *

2. In § 1101.15, paragraph (c) (2) is revised as follows:

§ 1101.15 *Enlistments.* * * *

(c) *Enlistment and administration of oath.* * * *

(2) Any officer of the National Guard so authorized by the laws of the State may administer the State and Federal oaths. Oaths of enlistment may not be administered by warrant officers. Federal inspectors also may administer oaths under the provisions of National Guard Regulations.

* * * * * *

[C1, NGR 25–1, Feb. 18, 1955] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-3122; Filed, Apr. 14, 1955; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6 (INS–1, 4th Revision)]

INS–1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Effective as of March 31, 1955, midnight, e. s. t., NSA Order No. 6 (INS–1, Third Revision), published in the FEDERAL REGISTER issue of June 18, 1954 (19 F. R. 3625) is hereby revised to read as follows:

Sec.
1. What this order does.
2. Insurer.
3. Assured.
4. Vessels insured and terms of insurance.
5. Assumption of risk by owner and attachment and cancellation dates of commercial insurance.
6. Issuance of policies or certificates by Underwriter.
7. Insurance premiums.
8. Reports of accidents and occurrences.
9. Settlement of claims.
10. Litigation and employment of counsel.
11. Report of claims.
12. Application and interpretation of this order.

AUTHORITY: Sections 1 to 12 issued under sec. 204, 49 Stat. 1987, as amended: 46 U. S. C. 1114.

SECTION 1. *What this order does.* Effective as of March 31, 1955, midnight, e. s. t., this order prescribes instructions with respect to the placing of commercial marine protection and indemnity (referred to in this order as "P & I") insurance and the handling of claims of a P & I insurance nature, required to be followed by General Agents and Berth Agents under General Agency Agreements and Berth Agency Agreements respectively, with the United States of America, acting by and through the Director, Office of National Shipping Authority, Maritime Administration, Department of Commerce (referred to in this order as the "Owner").

SEC. 2. *Insurer.* National Automobile and Casualty Co. of Los Angeles, California (referred to in this order as the "Underwriter"), acting by and through Maritime Agencies, Inc., 2 Pine Street, San Francisco 11, California (referred to in this order as the "Underwriting Agent"), entered into an insuring agreement with the Owner covering the period from March 31, 1955, midnight, e. s. t., to March 31, 1956, midnight, e. s. t.

SEC. 3. *Assured.* The assureds are (a) the United States of America, acting by and through the Director, Office of National Shipping Authority, Maritime Administration, Department of Commerce, and (b) its General Agents and Berth Agents, and Sub-Agents acting on behalf of either.

SEC. 4. *Vessels insured and terms of insurance.* The Underwriter has agreed to provide P & I insurance with respect to General Agency vessels operated in the employment of the Military Sea Transportation Service (referred to in this order as "MSTS"), for a period of one year from midnight, e. s. t., March 31, 1955, at an annual rate of $1.72 per gross registered ton on a daily pro rata basis, attaching as provided in section 5 (a), (b), (c), (d), and (e) of this order and terminating as of midnight, e. s. t., March 31, 1956, or in accordance with section 5 (c), (f), (g), (h), or (i) of this order, subject however to a subsequent premium adjustment in accordance with the Underwriters Mutual Participating Plan; which provides that the ultimate premium cost for the year may be increased or decreased depending upon the Underwriters "Incurred Loss and/or Expense Costs", limited however to a maximum of 125 percent and a minimum of 75 percent of the Standard Premium. This insurance covers the vessels' liability of a P & I insurance nature except for any loss, damage or expense in respect to cargo, including baggage and personal effects of passengers, if any, or cargo's proportion of general average or special charges, or in any other way relating to cargo which is to be carried, is being carried, or has been carried on board such vessels. The limit of liability in any claim shall be $250,000 for each accident or occurrence per vessel, with a deduction of $500 for each accident or occurrence resulting in personal injury, illness, or death, and $250 for each accident or occurrence of other types except "putting in" and burial expenses. Claims for "putting in" and burial expenses are not subject to any deduction. The Underwriter has agreed to accept liability not to exceed $200 for burial expenses.

SEC. 5. *Assumption of risk by Owner and attachment and cancellation dates of commercial insurance*—(a) *Vessels allocated and delivered to General Agents at fleet site under General Agency Agreement, 3–19–51.* When vessels are allocated and delivered to General Agents at fleet site, the Owner will assume the risks of a P & I insurance nature from the date and hour of the vessel's delivery to the General Agent to the date and hour of their departure from the last repair yard prior to the commencement of operations under the agreement. As of that time, the P & I risks shall be commercially insured with the Underwriter, and the General Agents shall arrange with the Underwriting Agent to have the insurance attached as of the date and hour of the vessel's departure from the repair yard.

(b) *Vessels delivered from bareboat charter and allocated for operation under General Agency Agreement 3–19–51.* When vessels are delivered from bareboat charter and delivered to General Agents for operation under General Agency Agreement 3–19–51, the P & I insurance risks shall be commercially insured with the Underwriter and the General Agents shall arrange with the Underwriting Agent to have P & I insurance attached as of the date and hour of the vessel's delivery under the Agreement.

(c) *Vessels transferred from one General Agent to another under General Agency Agreement 3–19–51.* When a vessel is withdrawn from operation under one General Agent and allocated to another for operation, the respective General Agents shall, unless advised to the contrary, arrange with the Underwriting Agent for the termination and reattachment of P & I insurance as of the respective dates and hours of redelivery and delivery of the vessel from and to the respective General Agents.

(d) *New vessels allocated and delivered under General Agency Agreement 3–19–51.* When new vessels are allocated and delivered to General Agents directly from the builder's yard, the General Agents shall, unless advised to the contrary, arrange for commercial P & I insurance with the Underwriter and request the Underwriting Agent to have the insurance attach as of the date and hour of the vessel's delivery under the Agreement.

(e) *Vessels presently in operation under General Agency Agreement 3–19–51.* In respect to the vessels in operation on the effective date of the new P & I insurance contract, the General Agents shall

immediately declare such vessels to the Underwriting Agent and/or Underwriter, and the insurance shall attach on each such vessel in accordance with the new P & I insurance contract as of midnight, e. s. t., March 31, 1955.

(f) *Vessels designated for lay-up.* General Agents shall terminate the commercial P & I insurance on these vessels as of midnight, e. s. t., of the day the crew signs off Articles and the Owner will assume all risks of a P & I insurance nature occurring subsequent to that time.

(g) *Vessels designated for Fleet Custody Status.* General Agents shall terminate the commercial P & I insurance on these vessels as of the date and hour of their delivery to the reserve fleet.

(h) *Vessels in reduced operational status and subsequently designated for fleet custody status.* General Agents shall terminate the commercial P & I insurance on these vessels as of the date and hour of their delivery to the reserve fleet.

(i) *Vessels in reduced operational status and subsequently designated for stripping and lay up.* General Agents shall terminate the commercial P & I insurance on these vessels as of midnight, e. s. t., of the date they receive notice to the effect that the vessels are designated for stripping and lay up.

(j) *Notice of attachment and termination of insurance.* General Agents shall promptly notify the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., of the date and hour of the attachment or of the termination of P & I insurance after either is effected in accordance with paragraphs (a), (b), (c), (d), (e), and (f), (g), (h), or (i) of this section.

SEC. 6. *Issuance of policies or certificates by Underwriter.* The Underwriting Agent, upon receipt of applications from General Agents, will arrange for execution and delivery of the Underwriter's policy and/or certificates to such General Agents with respect to each vessel named in such applications. The Underwriting Agent will also obtain and furnish such copies of policies and/or certificates as may be required by the Owner and the General Agents. The original of all policies and/or certificates shall be promptly forwarded by each General Agent to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Department of Commerce, Washington 25, D. C. Upon cancellation of this insurance, the Underwriter will issue an endorsement with respect to such cancellation, showing the cancellation date and amount of return premium.

SEC. 7. *Insurance premiums*—(a) *Payment of premiums.* Premiums for P & I insurance provided under the policies shall be paid by each General Agent quarterly, in advance, for the period from the date of attachment of such insurance to March 31, 1956, midnight, e. s. t. Broker's discount, if any, shall be allowed, but in no event to exceed 5 percent of the annual premiums.

(b) *Return premiums.* Each General Agent shall be responsible for collection or obtaining credit for return premiums provided for in the current policy for all vessels insured with the Underwriter pursuant to this order. Such return premiums shall be computed in accordance with the provisions of such policy. Statements or credit memoranda shall be obtained in duplicate from the Underwriter; the originals thereof shall be filed in the General Agent's office and shall be subject to inspection by the Owner's auditors. The duplicate copies thereof shall be forwarded to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Department of Commerce, Washington 25, D. C.

SEC. 8. *Reports of accidents and occurrences*—(a) *Reports to Underwriter.* All accidents and occurrences of a P & I insurance nature, arising subsequent to the attachment of P & I insurance (as provided in section 5 of this order) shall be promptly reported by General Agents to the Underwriter and/or the Underwriting Agent, together with all available information. The General Agents shall also obtain the names of the Underwriter's outport representatives from the Underwriting Agent and supply such information to the Master of each vessel so that he may report to and/or obtain from these representatives such information and assistance as may be required under the circumstances.

(b) *Reports to Owner.* All accidents and occurrences of a P & I insurance nature, arising prior to the attachment and subsequent to the termination of this insurance (as provided in section 5 of this order), shall be reported to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C.

SEC. 9. *Settlement of claims*—(a) *On risks insured under commercial marine protection and indemnity policies.* General Agents of vessels described in this order are hereby authorized to settle without prior approval, all claims of a P & I insurance nature where the settlement amounts do not exceed the applicable deductions set forth in the P & I policy. When the proposed settlement amounts of such claims exceed the applicable deductions, General Agents shall obtain the Underwriter's approval of the proposed settlements and, immediately after payment in full, or, of any portion thereof over the applicable deductions, make formal claim for reimbursement from the Underwriter. All claims which do not exceed the deductions in the policy are chargeable to vessel expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim, the General Agent shall advise the claimant that such settlement is not to be construed as an admission of liability by or on behalf of the Owner, or its General Agents and Berth Agents or their Sub-Agents, but that the settlement is a compromise of a disputed claim. General Agents shall be expected to apply sound judgment and follow standard practices of steamship operators in the settlement or other disposition of P & I claims and shall avail themselves of the advice and assistance of the Underwriter, and may also consult with the appropriate District Counsel of the Maritime Administration, and the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C. Berth Agents shall furnish reports and render all necessary assistance to the General Agents in handling P & I insurance claims. A claim shall be settled only when the amount of the settlement is reasonable under the circumstances, is adequately supported, and is in the best interests of the United States.

(b) *On risks assumed by the Owner.* General Agents are hereby authorized to settle claims of a P & I insurance nature, arising under conditions where the risk is assumed by the Maritime Administration (as set forth in section 5 of this order) without prior approval, provided the proposed settlement amount of each claim does not exceed $1,000. If the proposed settlement amount of any such claim exceeds $1,000 the General Agent shall, prior to payment, obtain the approval of the proposed settlement from the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C. The amounts and costs of these settlements are chargeable to vessel operating expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim hereunder, General Agents shall be governed by the procedure and instructions set forth in paragraph (a) of this section insofar as applicable.

(c) *Claims declined by Underwriters.* Any claim of a P & I insurance nature, whether arising prior or subsequent to March 31, 1955, which has been declined by this Underwriter, or by any other Underwriters under prior insuring agreements, shall be forwarded to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., for review and further instruction.

SEC. 10. *Litigation and employment of counsel.* As to any suit arising out of the activities of a General Agent in the course of his official duties, wherein the General Agent is named a party or one of the parties respondent or defendant, and whether or not the risk is covered by P & I insurance, such General Agent shall immediately, by air mail, forward copies of the pleadings and all other related legal documents to the General Counsel, Maritime Administration, Department of Commerce, Washington 25, D. C., and to the Attorney General, Admiralty and Shipping Section, Department of Justice, Washington 25, D. C. No General Agent, Berth Agent, or Sub-Agent, shall incur any legal expenses in connection with any claim covered by P & I insurance unless approved in advance by the Underwriter, or in connection with any other claim unless approved in advance by the General Counsel, Maritime Administration, except in an emergency where time will not permit such approval to be obtained.

In addition to the foregoing, in the case of any attachment or seizure of a vessel, whether or not the risk is covered by P & I insurance, the General Agent shall immediately, by telegram, radio, or cable, notify the nearest Maritime Administration representative or the General Counsel, Maritime Administration, Washington 25, D. C.

SEC. 11. *Report of claims.* (a) All General Agents shall submit to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., quarterly reports of all claims, listed separately under the following categories, showing:

(1) *Insured claims, paid or closed.* (i) Amount of claim,
(ii) Amount paid, if any,
(iii) Amount of deductible, and
(iv) Amount, if any, collected from Underwriter.

(2) *Insured claims pending.* (i) Amount of claim,
(ii) Amount, if any, paid to date,
(iii) Amount of deductible, and
(iv) Amount, if any, collected from Underwriter.

(3) *Claims paid or closed under risks assumed by Owner.* (i) Amount claimed and,
(ii) Amount paid, if any.

(4) *Claims pending under risks assumed by Owner.* (i) Amount claimed, and
(ii) Amount paid, if any.

(b) The lists shall also contain, with respect to each claim, the name of the vessel(s) involved; date and nature of occurrence; name of claimant(s); whether or not in litigation; status of claim; and amount of loss or damage estimated as probable future cost.

(c) The first of such reports shall cover the quarterly period ending June 30, 1955, and shall be submitted as soon as possible after said date. Subsequent reports shall be made promptly after the conclusion of each quarterly period thereafter. A claim previously reported as closed shall not be reported on subsequent statements unless it is reopened. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SEC. 12. *Application and interpretation of this order.* General Agents shall communicate directly with the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., regarding all questions of application, interpretation, or intent of this order.

Notice and public procedure are not necessary prerequisites to the promulgation of this revised order. This revised order makes no substantial change in the prior rules and it is in the public interest that the effective date shall be March 31, 1955; accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Approved: March 31, 1955.

C. H. MCGUIRE,
Director,
Office of National Shipping Authority.

[F. R. Doc. 55-3130; Filed, Apr. 14, 1955; 8:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

ALLOWABLE FEES AND CHARGES

In the schedule of permissible fees and charges appearing in paragraph (d) of § 36.4312, paragraphs C and D of Part I are amended to read as follows:

§ 36.4312 *Allowable fees and charges.*

* * *

(d) * * *

PART I—LOANS FOR THE PURCHASE, CONSTRUCTION, REPAIR, ALTERATION, OR IMPROVEMENT OF RESIDENTIAL PROPERTY (SEC. 501)

* * * * * * *

C. In cases where a lender makes advances to a veteran during the progress of construction, alteration, improvement, or repair, either under a commitment (VA Form 4-1866) of the Veterans' Administration to issue a guaranty certificate or insurance credit upon completion, or where the lender would be entitled to guaranty or insurance on such advances when reported under automatic procedure, the lender may make a charge against the veteran of not exceeding 2 percent of the amount of the loan for its services in supervising the making of advances and the progress of construction notwithstanding that the "holdback" or final advance is not actually paid out until after the construction, alteration, improvement or repair is fully completed: *Provided,* That the major portion (51 percent or more) of the loan proceeds is paid out during the actual progress of the constructiton, alteration, improvement or repair. Such charge may be in addition to the 1 percent charge allowed under paragraph B above.

D. In construction, alteration, improvement or repair loans including supplemental loans made pursuant to § 36.4355, where no charge is permissible under the provisions of paragraph C above, the lender may charge and the veteran may pay a flat sum not exceeding 1 percent of the amount of the loan. Such charge may be in addition to 1 percent allowed under paragraph B above.

* * * * * * *

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective April 15, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-3100; Filed, Apr. 14, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF ALDRIN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (sec. 408 (d) (1); 68 Stat. 512; 21 U. S. C. 348 (d) (1)), the following notice is issued:

A petition has been filed by Shell Chemical Corporation, 50 West Fiftieth Street, New York, New York, proposing establishment of a tolerance for aldrin of 1 part per million on each of the following:

Apples, pears, and quinces.
Avocados and papayas.
Berries of the bramble type.
Blueberries.
Cherries.
Citrus fruits (including grapefruit, lemons, oranges, and tangerines).
Cranberries.
Currants.
Dates.
Figs.
Gooseberries.
Grapes.
Guavas.
Peaches, nectarines, apricots, and mangoes.
Pineapples.
Plums and prunes.
Strawberries.
Artichokes.
Asparagus.
Beans (including black-eyed peas and soybeans).
Beets (garden variety), turnips and rutabagas (including tops).
Beets, sugar (including tops).
Broccoli, Brussels sprouts, kohlrabi.
Cabbage and
Carrots, horseradish, parsnips, and radishes (including tops).
Celery.
Collards, kale, mustard greens, spinach, and Swiss chard.
Corn, grain (including sweet, field, and popcorn).
Corn fodder or forage.
Cucumbers and summer squash.
Eggplant, peppers, and pimentos.
Endive (escarole), lettuce, and salsify.
Melons (including cantaloupes, muskmelons, watermelons), pumpkins, winter squash.
Okra.
Onions (including leeks, shallots, and garlic).
Parsley and watercress.
Peanuts.
Peas and cowpeas (including forage).
Tomatoes.
Grains (including oats, rye, barley, wheat, and rice).
Buckwheat.
Grain forage.
Nuts (including pecans, almonds, hazelnuts, walnuts, hickory nuts).

Legumes for forage (including clovers, alfalfa, soybean hay, peanut hay, and lespedeza).
Grass crops (pasture and range grass, timothy, grass hay).
Mint, spearmint, and peppermint.
Sorghums.
Sorghum forage.

Analytical methods for determining residues of aldrin referred to in the petition are:

Microbioassay of Insecticides with Special Reference to Aldrin and Dieldrin: Sun and Sun, Jour. Econ. Ent. 45, 26 (Feb. 1952).
Chemical Determination of Aldrin in Crop Materials: O'Donnell et al., Agri. and Food Chem. 2, 573 (May 26, 1954).

Dated: April 11, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-3119; Filed, Apr. 14, 1955; 8:49 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF DIELDRIN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (sec. 408 (d) (1)); 68 Stat. 512; 21 U. S. C. 348 (d) (1)), the following notice is issued:

A petition has been filed by Shell Chemical Corporation, 50 West Fiftieth Street, New York, New York, proposing that the tolerances for dieldrin on apples, pears, and quinces; peaches, nectarines, and apricots; cherries; and onions be amended by increasing the tolerances from 0.1 part per million to 1 part per million.

The petition also proposes that tolerances for dieldrin be established at 1 part per million on the following raw agricultural commodities:

Avocados and papayas.
Berries of the bramble type.
Blueberries.
Citrus fruits (including grapefruit, lemons, oranges, and tangerines).
Cranberries.
Currants.
Dates.
Figs.
Gooseberries.
Grapes.
Guavas.
Mangoes.
Pineapples.
Plums and prunes.
Strawberries.
Artichokes.
Asparagus.
Beans (including black-eyed peas and soybeans).
Beets (garden variety), turnips, and rutabagas (including tops).
Beets, sugar (including tops).
Broccoli, brussels sprouts, kohlrabi.
Cabbage and cauliflower.
Carrots, horseradish, parsnips, and radishes (including tops).
Celery.
Collards, kale, mustard greens, spinach, and Swiss chard.
Corn, grain (including sweet, field, and popcorn).
Corn fodder or forage.
Cucumbers and summer squash.
Eggplant, peppers, and pimentos.
Endive (escarole), lettuce, salsify.
Melons (including cantaloupes, muskmelons, watermelons), pumpkins, and winter squash.
Okra.
Parsley and watercress.
Peanuts.
Peas and cowpeas (including forage).
Potatoes and sweetpotatoes.
Tomatoes.
Grains (including oats, rye, barley, wheat, rice).
Buckwheat.
Grain forage.
Nuts (including pecans, almonds, hazelnuts, walnuts, hickory nuts).
Legumes for forage (including clovers, alfalfa, soybean hay, peanut hay, lespedeza).
Grass crops (pasture and range grass, timothy, grass hay).
Mint, spearmint, and peppermint.
Sorghum.
Sorghum forage.

An analytical method for determining residues of dieldrin, referred to in the petition, is referenced: Sun and Sun—Microbioassay of Insecticides, with Special Reference to Aldrin and Dieldrin, Jour. Econ. Ent., 45, 26 (Feb. 1952).

Another method, designated in the petition as "Reduction-Phenyl Azide-Photometric Method for Dieldrin," is described in general terms as follows:

The specific determination of dieldrin is accomplished through the conversion of dieldrin to an aldrin-like compound, which is determined by the aldrin-phenyl azide procedure. This technique, known as the reduction-phenyl azide-photometric method, consists of the following essential steps: Dieldrin is heated with a mixture of acetic and hydrobromic acids which opens the epoxide ring to form a bromo-acetoxy derivative. Further heating in the presence of zinc dust reduces the bromo-acetoxy compound resulting in a partially dechlorinated aldrin-like compound having an olefinic bond in the unchlorinated bicycloheptene ring. The dieldrin reduction product is extracted into a hydrocarbon phase and is determined by the phenyl azide-photometric method as used for the determination of aldrin (O'Donnell et al.—Chemical Determination of Aldrin in Crop Materials, Agri. and Food Chem., 2, 573 (May 26, 1954)).

The method, based on the foregoing reactions and in combination with the recommended cleanup procedures, is subject to less than 0.03 part per million interference as apparent dieldrin from the presence in the crop or tissues of 10 parts per million of aldrin, DDT, endrin, heptachlor, gamma isomer of benzene hexachloride, methoxychlor, or parathion; 3 parts per million of chlordane; or 1 part per million of toxaphene.

The precision of the method is ± 0.02 part per million from the mean of the duplicated analyses. The mean of triplicate results should not differ from the true value by more than ± 0.03 part per million.

Dated: April 11, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-3120; Filed, Apr. 14, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

BALTIMORE LIVESTOCK AUCTION MARKET, INC.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Baltimore Livestock Auction Market, Inc., West Friendship, Maryland, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 11th day of April 1955.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 55-3112; Filed, Apr. 14, 1955; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing, within 30 days after publication of this notice in the FEDERAL REGISTER.

Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "Control of Facilities for the Production of Fissionable Material" is hereby amended to read as follows:

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

GENERAL PROVISIONS

Sec.
50.1 Basis and purpose.
50.2 Definitions.
50.3 Interpretations.

REQUIREMENT OF LICENSE, EXCEPTIONS

50.10 License required.
50.11 Exceptions and exemptions from license.

CLASSIFICATION AND DESCRIPTION OF LICENSES

50.20 Two classes of licenses.
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APPLICATIONS FOR LICENSES, FORM, CONTENTS, INELIGIBILITY OF CERTAIN APPLICANTS

50.30 Applications for licenses, oath or affirmation.
50.31 Combining applications.
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50.35 Extended time for providing technical information.
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50.37 Agreement limiting access to restricted data.
50.38 Ineligibility of certain applicants.
50.39 Applications open for public inspection.

STANDARDS FOR LICENSES AND CONSTRUCTION PERMITS

50.40 Common standards.
50.41 Additional standards for Class 104 licenses.
50.42 Additional standards for Class 103 licenses.
50.43 Additional standards and provisions affecting Class 103 licenses for commercial power.
50.44 Standards for licenses authorizing export only.
50.45 Standards for construction permits.

ISSUANCE, LIMITATIONS, AND CONDITIONS OF LICENSES AND CONSTRUCTION PERMITS

50.50 Issuance of licenses and construction permits.
50.51 Duration of license, renewal.
50.52 Combining licenses.
50.53 Jurisdictional limitations.
50.54 Conditions of licenses.
50.55 Conditions of construction permits.
50.56 Conversion of construction permit to license.

INSPECTIONS, RECORDS, REPORTS

50.70 Inspections.
50.71 Maintenance of records, making of reports.

CREDITORS' RIGHTS

50.80 Creditor regulations.

AMENDMENT OF LICENSE OR CONSTRUCTION PERMIT AT REQUEST OF HOLDER

50.90 Application for amendment of license or construction permit.
50.91 Issuance of amendment.

REVOCATION, SUSPENSION, MODIFICATION, AMENDMENTS OF LICENSES AND CONSTRUCTION PERMITS, EMERGENCY OPERATIONS BY THE COMMISSION

50.100 Revocation, suspension, modification, amendment of licenses and construction permits for cause.
50.101 Notice and opportunity for compliance prior to proceedings.
50.102 Retaking possession of special nuclear material.
50.103 Emergency action by the Commission.
50.104 Commission operation after revocation.
50.105 Suspension and operation in war or national emergency.

REGULATIONS RELATING TO ACTIVITIES OF LICENSEES

50.110 Issuance or modification of regulations dealing with the activities of licensees.

ENFORCEMENT

50.120 Violations.

AUTHORITY: §§ 50.1 to 50.120 issued under sec. 103, 68 Stat. 936, sec. 104, 68 Stat. 937, sec. 161, 68 Stat. 948, sec. 182, 68 Stat. 953, sec. 183, 68 Stat. 954; 42 U. S. C. 2133, 2134, 2201, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958, 42 U. S. C. 2273, sec. 50.54 (i) issued under sec. 1611, 68 Stat. 949, 42 U. S. C. 2201, and §§ 50.70 to 50.71 issued under sec. 161p., 68 Stat. 950, 42 U. S. C. 2201.

GENERAL PROVISIONS

§ 50.1 *Basis and purpose.* The regulations in this part are promulgated by the Atomic Energy Commission pursuant to the Atomic Energy Act of 1954 (68 Stat. 919), to provide for the licensing of production and utilization facilities.

§ 50.2 *Definitions.* As used in this part:

(a) "Production facility" means:

(1) Any nuclear reactor designed or used primarily for the formation of plutonium or U–233, or

(2) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only, or

(3) Any facility designed or used for the chemical, physical, or metallurgical processing or fabricating or alloying of special nuclear material, except laboratory scale facilities designed or used for experimental or analytical purposes only.

(b) "Utilization facility" means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U–233.

NOTE: Pursuant to sections 11p. and 11v., respectively, of the act, the Commission may from time to time add to, or otherwise alter, the foregoing definitions of production and utilization facility. It may also include as a facility an important component part especially designed for a facility, but has not at this time included any component parts in the definitions.

(c) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto.

(d) "Agreement for cooperation" means any agreement with another nation or regional defense organization, authorized or permitted by sections 54, 57, 64, 82, 103, 104, or 144 of the act, and made pursuant to section 123 of the act.

(e) "Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

(f) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(g) "By-product material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(h) "Commission" means the Atomic Energy Commission or any representative of the Commission authorized to act in its behalf.

(i) "Common defense and security" means the common defense and security of the United States.

(j) "Defense information" means any information in any category determined by any Government agency authorized to classify information, as being information respecting, relating to, or affecting the national defense.

(k) "Design" means (1) specifications, plans, drawings, blueprints, and other items of like nature; (2) the information contained therein; or (3) the research and development data pertinent to the information contained therein.

(l) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

(m) "Nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(n) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

(o) "Produce", when used in relation to special nuclear material, means (1) to manufacture, make, produce, or refine special nuclear material; (2) to separate special nuclear material from other substances in which such material may be contained; or (3) to make or to produce new special nuclear material.

(p) "Research and development" means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(q) "Restricted Data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the act.

(r) "Source material" means source material as defined in section 11s. of the act and in the regulations contained in Part 40 of this chapter.

(s) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51

of the act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(t) "United States", when used in a geographical sense, includes all Territories and possessions of the United States, and the Canal Zone.

§ 50.3 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Manager, the General Counsel, or the Director of the Division of Licensing will be recognized to be binding upon the Commission.

REQUIREMENT OF LICENSE, EXCEPTIONS

§ 50.10 *License required.* Except as provided in § 50.11, no person within the United States shall transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export any production or utilization facility except as authorized by a license issued by the Commission.

§ 50.11 *Exceptions and exemptions from license.* Nothing in this part shall be deemed to require a license for:

(a) The manufacture, production, or acquisition by the Department of Defense of any utilization facility authorized pursuant to section 91 of the act, or the use of such facility by the Department of Defense or by a person under contract with and for the account of the Department of Defense;

(b) The processing, fabricating, or refining of special nuclear material, or the separation of special nuclear material, or the separation of special nuclear material from other substances, under contract with and for the account of the Commission;

(c) The construction or operation of production or utilization facilities under contract with and for the account of the Commission; or

(d) The transportation or possession of any production or utilization facility by a common or contract carrier or warehouseman in the regular course of carriage for another or storage incident thereto.

CLASSIFICATION AND DESCRIPTION OF LICENSES

§ 50.20 *Two classes of licenses.* Licenses will be issued to named persons applying to the Commission therefor, and will be either Class 104 or Class 103.

§ 50.21 *Class 104 licenses.* A Class 104 license will be issued, to an applicant who qualifies, to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation:

(a) A utilization facility for use in medical therapy; or

(b) A production or utilization facility involved in the conduct of research and development activities leading to the demonstration of the practical value of the facility for industrial or commercial purposes; or

(c) A production or utilization facility, which is useful in the conduct of research and development activities of the types specified in section 31 of the act, and which is not a facility of the type specified in paragraph (b) of this section.

§ 50.22 *Class 103 licenses.* A Class 103 license will be issued, to an applicant who qualifies, to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export under the terms of an agreement for cooperation, a production or utilization facility which is of a type found in writing by the Commission, to have been sufficiently developed to be of practical value for industrial or commercial purposes.

§ 50.23 *Construction permits.* A construction permit will be issued preliminarily to the issuance of a license, for the construction or modification of a production or utilization facility, and will be converted upon due completion and Commission action into a license of the appropriate class.

APPLICATIONS FOR LICENSES, FORM, CONTENTS, INELIGIBILITY OF CERTAIN APPLICANTS

§ 50.30 *Applications for licenses, oath or affirmation.* Each application for a license, including whenever appropriate a construction permit, should be filed in triplicate with the Commission at 1901 Constitution Avenue, Washington 25, D. C., Attention: Division of Licensing. Each application shall be signed by the applicant or duly authorized officer thereof under oath or affirmation.

§ 50.31 *Combining applications.* An applicant may combine in one his several applications for different kinds of licenses under the regulations in this chapter.

§ 50.32 *Elimination of repetition.* In his application, the applicant may incorporate by reference, with adequate citation thereto, pertinent information already on file with the Commission or contained in another application filed simultaneously by him.

§ 50.33 *Contents of applications; general information.* Each application shall state:

(a) The full name, address, age (if an individual), and citizenship of the applicant. If the applicant is a corporation or other entity, it shall indicate the State where it was incorporated or organized, the location of the principal office, the names, addresses, and citizenship of its principal officers, and shall furnish information known to the applicant concerning the control or ownership, if any, exercised over applicant by any alien, foreign corporation, or foreign government.

(b) The class of license applied for, the applicant's technical and financial qualifications therefor, the use to which the facility will be put, the period of time for which the license is sought, and a list of other licenses, except operator's licenses, issued or applied for in connection with the proposed facility.

(c) If the applicant proposes to construct or modify a production or utilization facility, the earliest and latest dates for completion of the construction or modification.

(d) If the proposed activity is the generation and distribution of electric energy under a Class 103 license, a list of the names and addresses of such regulatory agencies as may have jurisdiction over the rates and services of the proposed activity, and of those municipalities, private utilities, public bodies, and cooperatives, which are within transmission distance and which are authorized to engage in the distribution of electric energy within the area.

(e) Additional information, which the applicant may consider pertinent or the Commission may request. If the application contains Restricted Data or other defense information it shall be prepared in such manner that all Restricted Data and other defense information are separated from the unclassified information.

§ 50.34 *Contents of applications; technical information.* To the extent appropriate for the type license, each application shall state the following technical information:

(a) A description of the chemical, physical, metallurgical, or nuclear process to be performed, and a statement of the kind and quantity of any radioactive effluent expected to result from the process. The description of the process should be sufficiently detailed to permit evaluation of the radioactive hazards involved. The magnitude of the proposed operation should be indicated in terms of the amount and radioactivity of source, special nuclear, or by-product material to be handled per unit of time, and thermal power to be generated if any.

(b) A description of the facility. The description should be based on the design criteria for the facility as a whole and for those major component parts which are essential to the safe operation of the facility, and should be presented in sufficient detail to allow an evaluation of the adequacy of the various means proposed to minimize the probability of danger from radioactivity to persons both on and offsite. The description should also cover any activities, other than those subject to license, proposed to be carried on in the building which will house the facility and on the balance of the site.

(c) A description of the site on which the facility is to be located. This should include a map of the area showing the location of the site and indicating the use to which the surrounding land is put, i. e., industrial, commercial, agricultural, residential; and a scale plot plan of the site showing the proposed location of the facility.

(d) A description of proposed procedures for: routine and non-routine operations, start-up and shut-down, maintenance, storage, training of employees, minimizing operational mishaps (such as locked controls, check-lists, and close supervision), investigating unusual or unexpected incidents; and a description of such other details as may be useful in evaluating the existence and effectiveness of safeguards against the radioactive hazards in the operation of the facility.

(e) A description of plans or proposals in the event that acts or accidents occur which would create radioactive hazards. The description should relate the various operational procedures, the protective devices, and the pertinent features of the site, to such happenings as operational mistakes, equipment or instrument failure or malfunction, fire, electric power failure, flood, earthquake, storm, strike, and riot.

(f) Meteorological, hydrological, geological, and seismological data necessary for evaluating the measures proposed for protecting the public against possible radioactive hazards.

(g) An evaluation of the proposed measures and devices to prevent acts or accidents which would create radioactive hazards or to protect against the consequences should such acts or accidents occur.

§ 50.35 *Extended time for providing technical information.* Where, because of the nature of a proposed project, an applicant is not in a position to supply initially all of the technical information otherwise required to complete the application, he shall indicate the reason, the items or kinds of information omitted, and the approximate times when such data will be produced. If the Commission is satisfied that it has sufficient information to deal provisionally with the application and reasonable assurance that the omitted information will be supplied, it may process the application on a provisional basis without the omitted information subject to its later production.

§ 50.36 *Designation of technical specifications.* The Commission will indicate, by notice to the applicant, which of the items of technical information will be deemed to be technical specifications that become part of the license or construction permit if issued. In giving such notice the Commission will afford the applicant reasonable opportunity to amend or revise the technical information supplied before proceeding further to process the application.

§ 50.37 *Agreement limiting access to restricted data.* As part of his application and in any event prior to the receipt of Restricted Data or the issuance of a license or construction permit, the applicant shall agree in writing that he will not permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security. The agreement of the applicant in this regard shall be deemed part of the license or construction permit, whether so stated therein or not.

§ 50.38 *Ineligibility of certain applicants.* Any person who is a citizen, national, or agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to believe is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government, shall be ineligible to apply for and obtain a license except a license authorizing export only pursuant to an agreement for cooperation.

§ 50.39 *Applications open for public inspection.* All applications for licenses filed with the Commission will be available for public inspection. The classified portion of any application will be made available for inspection in accordance with existing procedures and requirements for the protection of Restricted Data and other defense information.

STANDARDS FOR LICENSES AND CONSTRUCTION PERMITS

§ 50.40 *Common standards.* In determining that a license will be issued to an applicant, the Commission will be guided by the following considerations:

(a) The processes to be performed, the operating procedures, the facility and equipment, the protective devices, the location or place of use of the facility, and other technical specifications, or the proposals in regard to any of the foregoing, collectively provide reasonable assurance that the health and safety of the public will not be endangered.

(b) The applicant is qualified by reason of his reliability, technical competence, and financial responsibility, where these are factors.

(c) The issuance of a license to the applicant will not, in the opinion of the Commission, be inimical to the common defense and security or to the health and safety of the public.

§ 50.41 *Additional standards for Class 104 licenses.* In determining that a Class 104 license will be issued to an applicant, the Commission will, in addition to applying the standards set forth in § 50.40, be guided by the following considerations:

(a) The Commission will permit the widest amount of effective medical therapy possible with the amount of special nuclear material available for such purposes.

(b) The Commission will permit the conduct of widespread and diverse research and development.

(c) Where there are applicants desirous of engaging in the conduct of research and development activities leading to the demonstration of the practical value of production or utilization facilities for industrial or commercial purposes, the Commission will give priority to activities which, in the opinion of the Commission, will lead to major advances of atomic energy for industrial or commercial purposes.

NOTE. The Commission has determined, in accordance with section 104b of the Atomic Energy Act of 1954, that the regulations and terms of license applicable to a production or utilization facility in the conduct of research and development activities leading to the demonstration of practical value of such facility for industrial or commercial purposes are compatible with the regulations and terms of license which will apply in the event that a Class 103 license were later to be issued for the facility.

§ 50.42 *Additional standards for Class 103 licenses.* In determining that a Class 103 license will be issued to an applicant, the Commission will, in addition to applying the standards set forth in § 50.40, be guided by the following considerations:

(a) The proposed activities will serve a useful purpose proportionate to the quantities of special nuclear material or source material to be utilized.

(b) Due account will be taken of the advice provided by the Attorney General, pursuant to subsection 105c of the act. For this purpose, before issuing the license, the Commission will notify the Attorney General of the proposed license, and the terms and conditions thereof, and request the advice of the Attorney General as to whether or not the proposed license would tend to create or maintain a situation inconsistent with the antitrust laws, as specified in subsection 105a of the act: *Provided*, That this requirement will not apply with respect to the types of Class 103 licenses which the Commission, with the approval of the Attorney General, may determine would not significantly affect the applicant's activities under the antitrust laws. Upon receipt of the Attorney General's advice, the Commission will cause such advice to be published in the FEDERAL REGISTER.

§ 50.43 *Additional standards and provisions affecting Class 103 licenses for commercial power.* In addition to applying the standards set forth in §§ 50.40 and 50.42, in the case of a Class 103 license for a facility for the generation of commercial power:

(a) The Commission will give notice in writng of each application to such regulatory agency as may have jurisdiction over the rates and services of the proposed activity, and to municipalities, private utilities, public bodies, and cooperatives which are within transmission distance and which are authorized to engage in distribution of electric energy; and the Commission will publish notice of the application once each week for four consecutive weeks in the FEDERAL REGISTER. No license will be issued by the Commission prior to the giving of such notices and until four weeks after the last publication in the FEDERAL REGISTER.

(b) If there are conflicting applications for a limited opportunity for such license, the Commission will give preferred consideration in the following order: first, to applications submitted by public or cooperative bodies for facilities to be located in high cost power areas in the United States; second, to applications submitted by others for facilities to be located in such areas; third, to applications submitted by public or cooperative bodies for facilities to be located in other than high cost power areas; and, fourth, to all other applicants.

(c) The licensee who transmits electric energy in interstate commerce, or sells it at wholesale in interstate com-

merce, shall be subject to the regulatory provisions of the Federal Power Act.

(d) Nothing herein shall preclude any government agency, now or hereafter authorized by law to engage in the production, marketing, or distribution of electric energy, if otherwise qualified, from obtaining a license for the construction and operation of a utilization facility for the primary purpose of producing electric energy for disposition for ultimate public consumption.

§ 50.44 *Standards for licenses authorizing export only.* Where a license is sought solely to authorize the export of production or utilization facilities, the Commission will determine whether the issuance of the license to the applicant for the facility involved is within the scope of and consistent with the terms of an agreement for cooperation with the nation to which the facility is to be exported.

§ 50.45 *Standards for construction permits.* An applicant for a license who proposes to construct or modify a production or utilization facility will be initially granted a construction permit, if the application is in conformity with and acceptable under the criteria of §§ 50.30 through 50.38 and the standards of §§ 50.40 through 50.43.

ISSUANCE, LIMITATIONS, AND CONDITIONS OF LICENSES AND CONSTRUCTION PERMITS

§ 50.50 *Issuance of licenses and construction permits.* Upon determination that an application for a license meets the standards and requirements of the act and regulations, and that notifications, if any, to other agencies or bodies have been duly made, the Commission will issue a license, or if appropriate a construction permit, in such form and containing such conditions and limitations including technical specifications, as it deems appropriate and necessary.

§ 50.51 *Duration of license, renewal.* Each license will be issued for a fixed period of time to be specified in the license, not to exceed the estimated useful life of the facility where its operation is involved, but in no case to exceed 40 years from the date of issuance. Licenses may be renewed by the Commission upon the expiration of the period.

§ 50.52 *Combining licenses.* The Commission may combine in a single license the activities of an applicant would otherwise be licensed severally.

§ 50.53 *Jurisdictional limitations.* No license under this part shall be deemed to have been issued for activities which are not under or within the jurisdiction of the United States except insofar as the export of production or utilization facilities is authorized.

NOTE: The Commission may authorize persons to engage in certain atomic energy activities abroad pursuant to an agreement for cooperation with a foreign nation or upon a determination that such activity will not be inimical to the interest of the United States, as provided in section 57a (3) of the act.

§ 50.54 *Conditions of licenses.* Whether stated therein or not, the following shall be deemed conditions in every license issued:

(a) Title to all special nuclear material utilized or produced by facilities pursuant to the license shall at all times be in the United States.

(b) No right to the special nuclear material shall be conferred by the license except as may be defined by the license.

(c) Neither the license, nor any right thereunder, nor any right to utilize or produce special nuclear material shall be transferred, assigned, or disposed of in any manner, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the act, and give its consent in writing.

(d) The license shall be subject to suspension and to the rights of recapture of the material or control of the facility reserved to the Commission under section 108 of the act in a state of war or national emergency declared by Congress.

(e) The license shall be subject to revocation, suspension, modification, or amendment for cause as provided in the act and regulations, in accordance with the procedure provided by the act and regulations.

(f) The licensee will, at any time before expiration of the license, upon request of the Commission submit written statements, signed under oath or affirmation, to enable the Commission to determine whether or not the license should be modified or revoked.

(g) The issuance or existence of the license shall not be deemed to waive, or relieve the licensee from compliance with, the antitrust laws, as specified in subsection 105a of the act. In the event that the licensee should be found by a court of competent jurisdiction to have violated any provision of such antitrust laws in the conduct of the licensed activity, the Commission may suspend or revoke the license or take such other action with respect to it as shall be deemed necessary.

(h) The license shall be subject to the provisions of the act now or hereafter in effect and to all valid rules, regulations, and orders of the Commission. The terms and conditions of the license shall be subject to amendment, revision, or modification, by reason of amendments of the act or by reason of rules, regulations, and orders issued in accordance with the terms of the act.

(i) The licensee shall not permit the manipulation of the controls of any production or utilization facility by anyone who is not a licensed operator as provided in Part 55 of this chapter.

§ 50.55 *Conditions of construction permits.* Each construction permit shall be subject to the following terms and conditions:

(a) The permit shall state the earliest and latest dates for completion of the construction or modification. If the construction or modification is completed before the earliest date specified, the holder of the permit shall promptly notify the Commission for the purpose of accelerating final inspection and any scheduled delivery of materials from the Commission.

(b) If the proposed construction or modification of the facility is not completed by the latest completion date, the permit shall expire and all rights thereunder shall be forfeited: *Provided, however,* That upon good cause shown the Commission will extend the completion date. The Commission will recognize, among other things, fire, flood, explosion, strike, sabotage, domestic violence, enemy action, an act of the elements, and other acts beyond the control of the permit holder, as a basis for extending the completion date.

(c) Except as modified by this section, the construction permit shall be subject to the same conditions to which a license is subject.

(d) At or about the time of completion of the construction or modification of the facility, the applicant will file any additional information needed to bring the original application for license up to date.

§ 50.56 *Conversion of construction permit to license.* Upon completion of the construction or modification, in compliance with the terms and conditions of the construction permit, the Commission will, in the absence of good cause shown to the contrary issue a license of the class for which the construction permit was issued.

INSPECTIONS, RECORDS, REPORTS

§ 50.70 *Inspections.* Each licensee and each holder of a construction permit shall permit inspection, by duly authorized representatives of the Commission, of his records, premises, activities, and of licensed materials in possession or use, related to the license or construction permit as may be necessary to effectuate the purposes of the act, including section 105 of the act.

§ 50.71 *Maintenance of records, making of reports.* Each licensee and each holder of a construction permit shall maintain such records and make such reports, in connection with the licensed activity, as may be required by the conditions of the license or permit or by the rules, regulations, and orders of the Commission in effectuating the purposes of the act, including section 105 of the act.

CREDITORS' RIGHTS

§ 50.80 *Creditor regulations.* For the purposes provided in section 184 of the act, the Commission consents, without individual application, to the creation of any mortgage, pledge, or other lien on any production or utilization facility which is subject to a license, owned or thereafter acquired by the licensee, or upon any leasehold or other interest in such property: *Provided,* That the rights of a creditor so secured may be exercised only in compliance with and subject to the same requirements and restrictions as would apply to the licensee, by virtue of the license, the act, and the regulations thereunder. In obtaining or retaining mere possession, without use or other disposition, of the facility, the creditor shall not be required to procure a license.

AMENDMENT OF LICENSE OR CONSTRUCTION PERMIT AT REQUEST OF HOLDER

§ 50.90 *Application for amendment of license or construction permit.* Whenever a holder of a license or construction permit desires to alter or amend the license or permit, application for an amendment shall be filed with the Commission, fully describing the changes desired, and following as far as applicable the form prescribed for original applications.

§ 50.91 *Issuance of amendment.* In determining whether an amendment to a license or construction permit will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of initial licenses or construction permits, to the extent applicable and appropriate.

REVOCATION, SUSPENSION, MODIFICATION, AMENDMENT OF LICENSES AND CONSTRUCTION PERMITS, EMERGENCY OPERATIONS BY THE COMMISSION

§ 50.100 *Revocation, suspension, modification, amendment of licenses and construction permits for cause.* A license or construction permit may be revoked, suspended, modified, or amended, in whole or in part, for any material false statement in the application for license or in the supplemental or other statement of fact required of the applicant; or because of conditions revealed by the application for license or statement of fact or any report, record, inspection, or other means, which would warrant the Commission to refuse to grant a license on an original application; or for failure to construct or operate a facility in accordance with the terms of the construction permit or license: *Provided,* That failure to make timely completion of the proposed construction or modification of a facility under a construction permit shall be governed by the provisions of § 50.55 (b); or for violation of, or failure to observe, any of the terms and provisions of the act, regulations, license, permit, or lawful order of the Commission.

§ 50.101 *Notice and opportunity for compliance prior to proceedings.* In cases where the conditions or conduct warranting revocation, suspension, modification, or amendment of the license or permit under § 50.100 may be susceptible of correction or of being brought into full compliance by action of the licensee or permit holder, the Commission will, by notice, prior to the institution of any proceeding for revocation, suspension, modification, or amendment of the license or permit, afford the licensee or permit holder a reasonable opportunity to demonstrate or achieve compliance with the requirements: *Provided, however,* That where the failure to be in compliance is wilful or where, in the opinion of the Commission, the common defense and security or the health or safety of the public requires, such notice and opportunity for compliance may be omitted.

§ 50.102 *Retaking possession of special nuclear material.* Upon revocation of a license, the Commission may immediately retake possession of all special nuclear material held by the licensee.

§ 50.103 *Emergency action by the Commission.* In cases found by the Commission to be of extreme importance to the national defense and security, or to the health and safety of the public, the Commission may, without prior notice or hearing,

(a) Temporarily suspend a license or operation thereunder forthwith for a period not to exceed 60 days, or

(b) Recapture any special nuclear material held by the licensee, or

(c) Enter upon and operate the licensed facility, subject to payment thereafter of just compensation for the use of the facility: *Provided,* That within 10 days from the commencement of such temporary suspension or action, the Commission shall initiate proceedings for the revocation, suspension, modification, or amendment of the license or shall rescind the temporary suspension or action.

§ 50.104 *Commission operation after revocation.* Whenever the Commission finds that the public convenience and necessity, or the production program of the Commission, requires continued operation of a production or utilization facility, the license for which has been revoked, the Commission may, after consultation with the appropriate federal or state regulatory agency having jurisdiction, order that possession be taken of such facility and that it be operated for a period of time as, in the judgment of the Commission, the public convenience and necessity or the production program of the Commission may require, or until a license for operation of the facility shall become effective. Just compensation shall be paid for the use of the facility.

§ 50.105 *Suspension and operation in war or national emergency.* (a) Whenever Congress declares that a state of war or national emergency exists, the Commission, if it finds it necessary to the common defense and security, may,

(1) Suspend any license it has issued.

(2) Order the recapture of special nuclear material distributed.

(3) Order the operation of any licensed facility.

(4) Order entry into any plant or facility in order to recapture special nuclear material or to operate the facility.

(b) Just compensation shall be paid for any damages caused by recapture of special nuclear material or by operation of any facility, pursuant to this section.

REGULATIONS RELATING TO ACTIVITIES OF LICENSEES

§ 50.110 *Issuance or modification of regulations dealing with the activities of licensees.* The Commission may, upon its own motion or upon the request of any person whose interest may be affected, rescind or amend the regulations in this part, or issue, rescind, or amend such rules and regulations as may be necessary to carry out the purposes of the act, including rules and regulations of general or particular applicability to licensees.

ENFORCEMENT

§ 50.120 *Violations.* An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who wilfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

Dated at Washington, D. C., this 12th day of April 1955.

K. D. NICHOLS,
General Manager.

[F. R. Doc. 55-3114; Filed, Apr. 14, 1955; 8:48 a. m.]

[10 CFR Part 70]

SPECIAL NUCLEAR MATERIAL

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing, within 30 days after publication of this notice in the FEDERAL REGISTER.

Title 10, Chapter I, Part 70, Code of Federal Regulations, entitled "Definition of Fissionable Material" is hereby amended to read as follows:

PART 70—SPECIAL NUCLEAR MATERIAL REGULATIONS

GENERAL PROVISIONS

Sec.
70.1 Purpose.
70.2 Scope.
70.3 License requirements.
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EXEMPTIONS

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70.31 Issuance of licenses.
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70.36 Inalienability of licenses.
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ACQUISITION, USE, AND TRANSFER OF SPECIAL NUCLEAR MATERIAL

70.41 Authorized use of special nuclear material.
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Sec.
70.51 Records.
70.52 Reports of accidental criticality or loss of special nuclear material.
70.53 Inspections.
70.54 Tests.

MODIFICATION AND REVOCATION OF LICENSES

70.61 Modification and revocation of licenses.

ENFORCEMENT

70.71 Violations.

AUTHORITY: §§ 70.1 to 70.71 issued under sec. 51, 68 Stat. 929, sec. 53, 68 Stat. 930, sec. 161, 68 Stat. 948, sec. 182, 68 Stat. 953, sec. 183, 68 Stat. 954; 42 U. S. C. 2071, 2073, 2201, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958, 42 U. S. C. 2273, §§ 70.32 (a) (6) and 70.41 (a) issued under sec. 161b., 68 Stat. 948, 42 U. S. C. 2201, and §§ 70.51 and 70.52 issued under sec. 161p., 68 Stat. 950, 42 U. S. C. 2201.

GENERAL PROVISIONS

§ 70.1 *Purpose.* (a) The regulations in this part establish procedures and criteria for the issuance of licenses to receive, possess, use and transfer special nuclear material and for the distribution by the Commission of special nuclear material to licensees; and establish and provide for the terms and conditions upon which the Commission will issue such licenses and distribute special nuclear material.

(b) The regulations contained in this part are issued pursuant to the Atomic Energy Act of 1954 (68 Stat. 919).

§ 70.2 *Scope.* Except as provided in §§ 70.11 to 70.13, inclusive, the regulations in this part apply to all persons in the United States.

§ 70.3 *License requirements.* No person subject to the regulations in this part shall receive, possess, use or transfer special nuclear material except as authorized in a license issued by the Commission pursuant to these regulations.

§ 70.4 *Definitions.* As used in this part,

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(b) "Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation;

(c) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device;

(d) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(e) "Common defense and security" means the common defense and security of the United States;

(f) "Defense information" means any information in any category determined by any Government agency authorized to classify information as being information respecting, relating to, or affecting the national defense;

(g) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(h) "License", except where otherwise specified, means a license issued pursuant to the regulations in this part;

(i) "Person" means (1) any individual, corporation, partnership, firm association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

(j) "Produce", when used in relation to special nuclear material, means (1) to manufacture, make, produce, or refine special nuclear material; (2) to separate special nuclear material from other substances in which such material may be contained; or (3) to make or to produce new special nuclear material;

(k) "Research and development" means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes;

(l) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the act;

(m) "Source material" means source material as defined in section 11 s. of the act and in the regulations contained in Part 40 of this chapter;

(n) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing but does not include source material;

(o) "United States", when used in a geographical sense, includes all Territories and possessions of the United States, and the Canal Zone.

§ 70.5 *Communications.* All communications concerning the regulations in this part should be addressed to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Division of Licensing.

§ 70.6 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Manager, the General Counsel, or the Director, Division of Licensing will be recognized to be binding upon the Commission.

EXEMPTIONS

§ 70.11 *Persons Using Special Nuclear Material under contract with and for the account of the Commission.* The regulations in this part do not apply to any person to the extent that such person receives, possesses, uses or transfers special nuclear material under, and in accordance with, a contract with and for the account of the Commission. In any such case, such person's obligations with respect to the special nuclear material are governed by the applicable contract between such person and the Commission.

§ 70.12 *Carriers.* Common and contract carriers, warehousemen and the United States Post Office Department are exempt from the regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto.

§ 70.13 *Department of Defense.* The regulations in this part do not apply to the Department of Defense to the extent that the Department receives, possesses and uses special nuclear material in accordance with the direction of the President pursuant to section 91 of the act.

§ 70.14 *Specific exemptions.* The Commission may, upon application of any interested party, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

LICENSE APPLICATIONS

§ 70.21 *Filing.* (a) Applications for licenses should be filed in triplicate with the United States Atomic Energy Commission, Washington 25, D. C., Attention: Division of Licensing.

(b) An application for license filed pursuant to the regulations in this part will be considered also as an application for licenses authorizing other activities for which licenses are required by the act, provided the application specifies the additional activities for which licenses are requested and complies with regulations of the Commission as to applications for such licenses.

(c) Any application which contains Restricted Data or other defense information shall be prepared in such manner that all Restricted Data and other defense information are separated from the unclassified information.

(d) All applications for licenses filed with the Commission will be available for public inspection. The classified portion of any application will be made available for inspection in accordance with existing procedures and requirements for the protection of Restricted Data and other defense information.

§ 70.22 *Contents of applications.* (a) Each application shall contain the following information:

(1) (i) The full name, address, age (if an individual), and citizenship of the applicant and the names and addresses of three personal references. If the applicant is a corporation or other entity, it shall indicate the State where it was incorporated or organized, the location of the principal office, the names, addresses, and citizenship of its principal officers, and shall include information known to the applicant concerning the control or ownership, if any, exercised over the applicant by any alien, foreign corporation, or foreign government.

(ii) Each application shall contain complete and accurate disclosure with respect to the real party or parties in interest.

(2) The activity for which the special nuclear material is required, or in which special nuclear material will be produced, the place at which the activity is to be performed and the general plan for carrying out the activity;

(3) The period of time for which the license is requested;

(4) The financial qualifications of the applicant to undertake and carry out the proposed use of special nuclear material;

(5) The name, amount, and specifications (including the chemical and physical form and, where applicable, isotopic content) of the special nuclear material the applicant proposes to use or produce;

(6) If the applicant desires special nuclear material for use in the operation of a nuclear reactor licensed by the Commission pursuant to section 103 or 104 of the act:

(i) The estimated date on which the applicant desires to receive the first shipment of special nuclear material and an estimated schedule, by years, for subsequent receipts;

(ii) A schedule, by years, showing the estimated production, consumption and operating losses of special nuclear material, and

(iii) An estimated schedule, by years, for the transfer of special nuclear material to the Commission or to other licensees.

Supporting data for such estimates shall be included.

(7) The technical qualifications, including training and experience, of the applicant and members of his staff to possess and use the special nuclear material in such manner as to protect health and minimize danger to life or property.

(8) A description of equipment and facilities which will be used by the applicant to protect health and minimize danger to life or property (such as handling devices, working areas, shields, measuring and monitoring instruments, devices for the disposal of radioactive effluent and wastes, storage facilities, etc.).

(9) Proposed procedures to protect health and minimize danger to life or property, including procedures to avoid accidental conditions of criticality and procedures for personnel monitoring and waste disposal.

(b) The Commission may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be modified or revoked. All applications and statements shall be signed by the applicant or licensee or a corporate officer thereof under oath or affirmation.

(c) Each application and statement shall contain complete and accurate disclosure as to all matters and things required to be disclosed.

§ 70.23 *Requirements for the approval of applications.* A license application will be approved if the Commission determines that:

(a) The special nuclear material is to be used for the conduct of research or development activities of a type specified in section 31 of the act [1] or in activities licensed by the Commission pursuant to section 103 or 104 of the act; and

(b) The applicant is a reliable person and is qualified by reason of training and experience to use the material in such manner as to protect health and minimize danger to life or property; and

(c) The applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life or property; and

(d) The applicant's proposed procedures to protect health and to minimize danger to life or property are adequate; and

(e) The applicant appears to be financially able to undertake and carry out the proposed use of special nuclear material for a reasonable period of time; and

(f) The special nuclear material can be made available to the applicant substantially in accordance with the estimated schedule, if any, in the application. In the event that applications for special nuclear material exceed the amount available for distribution, the Commission will give preference to those activities which are most likely, in the opinion of the Commission, to contribute to basic research, to the development of peacetime uses of atomic energy, or to the economic and military strength of the Nation. In the event that applications for special nuclear material for use in activities licensed by the Commission pursuant to section 104 b of the act, exceed the amount of special nuclear material available for such use, the Commission will give preference to such of said applications as will, in the opinion of the Commission, lead to major advances in the application of atomic energy for industrial or commercial purposes.

LICENSES

§ 70.31 *Issuance of licenses.* (a) Upon a determination that an application meets the requirements of the act, and of the regulations of the Commission, the Commission will issue a license in such form and containing such conditions and limitations as it deems appropriate or necessary to effectuate the purposes of the act.

(b) (1) In licenses for special nuclear material issued to persons holding licenses under section 103 or 104 of the act for the operation of nuclear reactors, the Commission will include appropriate provisions establishing the availability to the licensee, as needed of the quantity of special nuclear material required for operation of the facility during the period of the license, and will include an estimated schedule for a reasonable period of time of special nuclear material transfers to the licensee and of special nuclear material returns to the Commission.

(2) Special nuclear material transferred to a licensee to be fabricated or processed for use by another licensee will be charged to the quantity allocated in the latter's license.

(c) Any license issued to a person for use of special nuclear material in activities in which special nuclear material will be produced shall (subject to the provisions of § 70.41 (b)) be deemed to authorize such person to possess, use, and transfer the special nuclear material produced in the course of such authorized activities.

(d) No license will be issued (1) to any person for a use which is not under the jurisdiction of the United States; or (2) to any person if the Commission finds that the distribution of special nuclear material to such person would be inimical to the common defense and security.[2]

§ 70.32 *Conditions of licenses.* (a) Each license shall expire (except as provided in § 70.33 (b), at the time specified in the license and shall contain and be subject to the following conditions:

(1) Title to all special nuclear material shall at all times be in the United States;

(2) No right to the special nuclear material shall be conferred by the license except as defined by the license;

(3) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the act;

(4) All special nuclear material shall be subject to the right of recapture or control reserved by section 108 and to all other provisions of the act;

[1] The types of research and development activities specified in section 31 are those relating to:

(1) Nuclear processes;

(2) The theory and production of atomic energy, including processes, materials, and devices related to such production;

(3) Utilization of special nuclear material and radioactive material for medical, biological, agricultural, health or military purposes;

(4) Utilization of special nuclear material, atomic energy, and radioactive material and processes entailed in the utilization or production of atomic energy or such material for all other purposes, including industrial uses, the generation of usable energy, and the demonstration of the practical value of utilization or production facilities for industrial or commercial purposes; and

(5) The protection of health and the promotion of safety during research and production activities.

[2] The Commission may authorize persons to engage in certain atomic energy activities abroad pursuant to an agreement for cooperation with a foreign nation or upon a determination that such activity will not be inimical to the interest of the United States, as provided in section 57 (a) (3) of the act.

(5) No special nuclear material may be used in any utilization or production facility except in accordance with the provisions of the act;

(6) The licensee shall not use the special nuclear material to construct an atomic weapon or any component of an atomic weapon;

(7) The licensee will hold the United States and the Commission harmless from any damages resulting from the use or possession of special nuclear material by the licensee;

(8) The license shall be subject to, and the licensee shall observe, all applicable rules, regulations and orders of the Commission.

(b) The Commission may incorporate in any license such additional conditions and requirements with respect to the licensee's receipt, possession, use and transfer of special nuclear material as it deems appropriate or necessary in order to:

(1) Promote the common defense and security;

(2) Protect health or to minimize danger to life or property;

(3) Protect Restricted Data;

(4) Guard against the loss or diversion of special nuclear material.

(5) Require such reports and the keeping of such records, and to provide for such inspections, of activities under the license as may be necessary or appropriate to effectuate the purposes of the act and regulations thereunder.

§ 70.33 *Renewal of licenses.* (a) Applications for renewal of a license should be filed in accordance with §§ 70.21 and 70.22. Information contained in previous applications, statements or reports filed with the Commission under the license may be incorporated by reference: *Provided*, That such references are clear and specific.

(b) In any case in which a licensee, not less than thirty (30) days prior to expiration of his existing license, has filed an application in proper form for renewal of a license, such existing license shall not expire until the application for a renewal has been finally determined by the Commission.

§ 70.34 *Amendment of licenses.* Applications for amendment of a license shall be filed in accordance with § 70.21 (a) and shall specify the respects in which the licensee desires his license to be amended and the grounds for such amendment.

§ 70.35 *Commission action on applications to renew or amend.* In considering an application by a licensee to renew or amend his license, the Commission will apply the criteria set forth in § 70.23.

§ 70.36 *Inalienability of licenses.* No license granted under the regulations in this part and no right to possess or utilize special nuclear material granted by any license issued pursuant to the regulations in this part shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the Commission shall after securing full information, find that the transfer is in acocrdance with the provisions of the act, and shall give its consent in writing.

§ 70.37 *Disclaimer of warranties.* Neither the Government nor the Commission makes any warranty or other representation that special nuclear material (a) will not result in injury or damage when used for purposes approved by the Commission, (b) will accomplish the results for which it is requested and approved by the Commission, or (c) is safe for any other use.

ACQUISITION, USE AND TRANSFER OF SPECIAL NUCLEAR MATERIAL

§ 70.41 *Authorized use of special nuclear material.* (a) Each licensee shall confine his possession and use of special nuclear material to the locations and purposes authorized in his license.

(b) The possession, use and transfer of any special nuclear material produced by a licensee, in connection with or as a result of use of special nuclear material received under his license, shall be subject to the provisions of the license and the regulations in this part.

(c) Nothing contained in the regulations in this part or in any license issued pursuant to the regulations in this part shall authorize or be deemed to authorize (1) the distribution of any special nuclear material to any person for a use which is not under the jurisdiction of the United States or (2) the export from or import into the United States of any special nuclear material.

§ 70.42 *Transfer of special nuclear material.* (a) No licensee shall transfer special nuclear material except as authorized pursuant to this section.

(b) Any licensee may transfer special nuclear material:

(1) To the Commission;

(2) To a licensee whose license authorizes him to receive such special nuclear material;

(3) As otherwise authorized by the Commission in writing.

§ 70.43 *Licensee's responsibility for special nuclear material.* (a) Any licensee who receives special nuclear material from the Commission shall be responsible and shall reimburse the Commission for any loss, consumption or contamination of, or damage to, such special nuclear material occurring from the time of delivery of such material to the licensee or to a carrier for delivery to the licensee and until such material has been returned to the Commission by delivery at the laboratory, plant or office designated for the return of the material in his license or other written instruction from the Commission.

(b) The transfer of special nuclear material by a licensee to another licensee shall not relieve the transferor of responsibility to the Commission for loss, consumption or contamination of, or damage to, such special nuclear material unless, upon receiving an agreement signed by the transferee assuming such responsibility, the Commission shall give its consent in writing. The Commission will not unreasonably withhold its consent. Such arrangements may be made with the Commission in advance for a series of anticipated transfers.

RECORDS, REPORTS AND INSPECTIONS

§ 70.51 *Records.* Each licensee shall keep records showing the receipt, inventory and transfer of special nuclear material.

§ 70.52 *Reports of accidental criticality or loss of special nuclear material.* Each licensee shall promptly report to the Commission any case of accidental criticality and any loss, other than normal operating loss, of special nuclear material.

§ 70.53 *Inspections.* (a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect special nuclear material and the premises and facilities wherein special nuclear material is used, produced, or stored.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by the licensee pertaining to his receipt, possession, use, or transfer of special nuclear material.

§ 70.54 *Tests.* Each licensee shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part, including tests of (a) special nuclear material, (b) facilities wherein special nuclear material is utilized, produced or stored, (c) radiation detection and monitoring instruments, and (d) other equipment and devices used in connection with the production, utilization or storage of special nuclear material.

MODIFICATION AND REVOCATION OF LICENSES

§ 70.61 *Modification and revocation of licenses.* (a) The terms and conditions of all licenses shall be subject to amendment, revision, or modification by reason of amendments to the Atomic Energy Act of 1954, or by reason of rules, regulations or orders issued in accordance with the act or any amendments thereto;

(b) Any license may be revoked, suspended or modified for any material false statement in the application or any statement of fact required under section 182 of the act or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for failure to construct or operate a facility in accordance with the terms of the construction permit or license, the technical specifications in the application, or for violation of, or failure to observe any of the terms and conditions of the act, or of any regulation of the Commission.

(c) Upon revocation, suspension or modification of a license, the Commission may immediately retake possession of all special nuclear material held by the licensee. In cases found by the Commission to be of extreme importance to the national defense or security, or to the health and safety of the public, the Commission may recapture any special nuclear material held by the licensee prior to any of the procedures provided under the Administrative Procedure Act.

(d) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.

ENFORCEMENT

§ 70.71 *Violations.* An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

Dated at Washington, D. C., this 12th day of April 1955.

K. D. NICHOLS,
General Manager.

[F. R. Doc. 55-3116; Filed, Apr. 14, 1955; 8:49 a. m.]

[10 CFR Part 95]

SAFEGUARDING OF RESTRICTED DATA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing, within 30 days after publication of this notice in the FEDERAL REGISTER.

PART 95—SAFEGUARDING OF RESTRICTED DATA

GENERAL PROVISIONS

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AUTHORITY: §§ 95.1 to 95.40 issued under sec. 1611 and p, 68 Stat. 948, 42 U. S. C. 2201.

GENERAL PROVISIONS

§ 95.1 *Purpose.* This part establishes requirements for the safeguarding of Secret and Confidential Restricted Data. It does not apply to Top Secret Restricted Data. Top Secret Restricted Data shall be safeguarded in accordance with specific instructions from the Commission.

§ 95.2 *Scope.* This part applies to all persons within or under the jurisdiction of the United States.

§ 95.3 *Definitions.* As used in this part,

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(b) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(c) "Document" means any piece of recorded information regardless of its physical form or characteristics;

(d) "L clearance" means a clearance for access to Confidential Restricted Data;

(e) "Licensee" means any person who is the holder of a license issued by the Commission pursuant to the act;

(f) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent or agency of the foregoing;

(g) "Q clearance" means a clearance for access to Secret as well as Confidential Restricted Data;

(h) "Restricted Data" means all data concerning (1) design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the act;

(i) "Security area" means a physically defined space, access to which is subject to security restrictions and control;

(j) "United States", when used in a geographical sense, includes all Territories and possessions of the United States, and the Canal Zone.

§ 95.4 *Communications.* All communications concerning the regulations in this part should be addressed to the U. S. Atomic Energy Commission, Washington 25, D. C., Attention: Division of Licensing.

§ 95.5 *Submission of procedures by licensee.* No licensee shall receive or possess Restricted Data until he shall have submitted to the Commission a written statement of his procedures for the safeguarding of Restricted Data and for the security education of his employees and the Commission shall have determined and informed the licensee that his procedures for the safeguarding of Restricted Data constitute compliance with this part and that his procedures for the security education of his employees are designed to assure that all his employees who will have access to Restricted Data are informed about and understand this part.

§ 95.6 *Exemption for Department of Defense.* This section does not apply to the Department of Defense or its agencies, or to Contractors of the Department of Defense with respect to restricted data in their possession as such Contractors.

§ 95.7 *Specific waivers.* The Commission may, upon application of any interested party, grant such waivers from the requirements of this part as it determines are authorized by law and will not constitute an undue risk to the common defense and security.

§ 95.8 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Manager, the General Counsel, or the Director of the Division of Licensing will be recognized to be binding upon the Commission.

PHYSICAL SECURITY

§ 95.21 *Protection of Restricted Data in storage.*—(a) *Secret.* Secret documents and material, while not in use, shall be stored in a manner at least as secure as one of the following:

(1) In a locked vault, safe, or safe-type steel file cabinet secured by a steel lock bar and a 3-position dial-type, changeable combination padlock, with the vault, safe, or cabinet located in a place either subject to periodic patrol by protective personnel or under such automatic alarm protection as the Commission may approve.

(2) In a locked steel file cabinet when protective personnel are posted on the premises in which the cabinet is located or when the cabinet is located in a place under such automatic alarm protection as the Commission may approve.

(b) *Confidential.* Confidential documents and material, while not in use, shall as a minimum requirement be stored in a steel file cabinet, secured by a steel lock bar and a 3-position dial-type combination padlock from which the manufacturer's identification number has been obliterated.

(c) *Changes of combination.* Combination on locks of safekeeping equipment shall be changed whenever such equipment is placed in use after procurement from the manufacturer or other source, whenever a person knowing the combination leaves the employ of the person in control of such equipment, or whenever the combination has been subjected to compromise, and in any event at least once each year. Records of combinations shall be classified no lower

than the highest classification of the documents and material authorized for storage in the safekeeping equipment concerned.

§ 95.22 *Protection while in use.* While in use, documents and material containing Restricted Data shall be under the direct control of an appropriately cleared person and shall be capable of being removed from sight immediately.

§ 95.23 *Establishment of security areas.* When, because of their nature or size, it is impracticable to safeguard documents and material containing restricted data in accordance with the provisions of §§ 95.21 and 95.22, a security area to protect such documents and material shall be established. Regulations applicable to security areas are set forth in §§ 95.25 through 95.27.

§ 95.24 *Special kinds of classified material.* When the restricted data contained in material is not ascertainable by observation or examination at the place where the material is located and when the material is not readily removable because of size, weight, radioactivity, or the like, then it shall not be necessary to safeguard such material in the manner provided by §§ 95.21 through 95.23 but such protection commensurate with the difficulty of removing the material, as the Commission may approve, shall be provided.

§ 95.25 *Security area controls.* The following controls shall apply to security areas.

(a) Security areas shall be separated from adjacent areas by a physical barrier designed to prevent entrance to such areas and access to the restricted data within the area.

(b) During working hours admittance shall be controlled by a person posted at each unlocked entrance.

(c) During non-working hours admittance shall be controlled by protective personnel on patrol, with protective personnel posted at unlocked entrances, or by such automatic alarm systems as the Commission may approve.

§ 95.26 *Protective personnel.* Whenever protective personnel are required by § 95.25 or when specifically required by the Commission, such protective personnel shall,

(a) Possess an "L" clearance if the Restricted Data being protected is classified Confidential or "Q" clearance if the Restricted Data being protected is classified Secret.

(b) Be armed with side-arms of not less than .38 caliber.

§ 95.27 *Identification.* Each person authorized to enter a security area shall be issued a distinctive badge or pass where the number of employees assigned to the area exceeds thirty.

CONTROL OF INFORMATION

§ 95.31 *Access to Restricted Data.* No person possessing Restricted Data shall permit any individual to have access to Confidential Restricted Data unless such individual has an "L" or "Q" clearance or permit any individual to have access to Secret Restricted Data unless such individual has a "Q" clearance. Any person possessing Restricted Data may permit any individual with an "L" or "Q" clearance to have access to Confidential Restricted Data pertaining to civilian applications of atomic energy. Any person possessing Restricted Data may permit any appropriately cleared individual in his organization to have access to such other Restricted Data as such individual requires in the performance of his duties. Except as provided above, no person possessing Restricted Data shall permit any individual to have access to Restricted Data without prior authorization from the Commission.

§ 95.32 *Classification and preparation of documents*—(a) *Classification.* Restricted Data which may be originated by any person authorized to have access to Restricted Data shall be classified in accordance with guides furnished by the Commission.

(b) *Classification consistent with content.* Each document containing Restricted Data shall be classified Secret or Confidential according to its own content.

(c) *Classification marking.* Unless otherwise authorized below, the assigned classification of a document shall be conspicuously marked or stamped at the top and bottom of each page and on the front cover, if any, and the document shall bear the following additional marking on the first page and on the front cover:

RESTRICTED DATA

This document contains restricted data as defined in the Atomic Energy Act of 1954. Its transmittal or the disclosure of its contents in any manner to an unauthorized person is prohibited.

(d) *Documentation.* All Secret documents shall bear on the first page a properly completed documentation stamp such as the following:

This document consists of ------ pages. Copy No. ------ of ------ Series ------.

The series designation shall be a capital letter beginning with the letter "A" designating the original set of copies prepared. Each subsequent set of copies of the same documents shall be identified by the succeeding letter of the alphabet.

(e) *Letter of transmittal.* A letter transmitting Restricted Data shall be marked with a classification at least as high as its highest classified enclosure. When the contents of the letter of transmittal warrant lower classification or require no classification, a stamp or marking such as the following shall be used on the letter:

When separated from enclosures handle this document as -------.

(f) *Permanently fastened documents.* Classified books or pamphlets the pages of which are permanently and securely fastened together shall be conspicuously marked or stamped with the assigned classification at the top and bottom on the outside front cover, on the title page, on the front page and on the inside and outside of the back cover.

(g) *Physically connected documents.* The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. It shall bear only one over-all classification, although pages, paragraphs, sections, or components thereof may bear different classifications. Each document separated from the file or group shall be handled in accordance with its individual classification.

(h) *Attachment of security markings.* Documents which do not lend themselves to marking or stamping will have securely affixed or attached a tag, sticker, or similar device bearing the appropriate security markings.

§ 95.33 *External transmission of documents and material*—(a) *Restriction.* Documents and material containing Restricted Data shall be transmitted only to individuals (1) who are appropriately cleared, and (2) who possess facilities for its physical security consistent with this part. Any person transmitting such documents and material shall be deemed to have fulfilled his obligations under this subparagraph by securing a written certification from the prospective recipient that such recipient possesses facilities for its physical security consistent with this part.

(b) *Preparation of documents.* Documents containing Restricted Data shall be prepared for transmission outside an individual installation in accordance with the following:

(1) They shall be enclosed in two sealed opaque envelopes or wrappers for transmission.

(2) The inner envelope or wrapper shall be addressed in the ordinary manner and sealed with tape, the appropriate classification shall be placed on both sides of the envelope and the additional marking referred to in § 95.32 (c) shall be placed on the face of the envelope.

(3) The outer envelope or wrapper shall be addressed in the ordinary manner and shall not contain any indication that the document enclosed therein contains Restricted Data.

(4) A receipt accompanying the document, which identifies the document, the date of transfer, the recipient and the person transferring the document shall be prepared by the sender and shall be signed by the recipient and returned to the sender whenever the custody of a Secret Document is transferred.

(c) *Preparation of material.* Material containing Restricted Data shall be prepared for shipment outside an individual installation in accordance with the following:

(1) The material shall be so packaged that the classified characteristics will not be revealed.

(2) A receipt accompanying the material which identifies the material, the date of shipment, the recipient, and the person transferring the material shall be prepared by the sender and the recipient shall sign such receipt whenever the custody of Secret material is transferred.

(d) *Methods of transportation.* (1) Secret documents and material may be transported only by one of the following methods:

(i) By registered mail,

(ii) By commercial protective signature service, or

(iii) By individuals possessing appropriate AEC security clearance who have been given written authority by their employers.

(2) Confidential documents and material shall be transported by one of the methods set forth in subparagraph (1) of this paragraph except that:

(i) Confidential material may be shipped in sealed carload or truckload lots where the bill of lading requires the carrier to check the seals enroute to and at destination, or in planeload lots where the bill of lading requires the carrier to maintain continuous surveillance of the cargo until delivery to the consignee;

(ii) Confidential material of less than carload, truckload, or planeload lots may be shipped by regular commercial carrier when the container and its contents weigh more than 500 pounds and such container is locked or sealed.

(e) *Transmission by cyptographic means.* Cryptographic systems shall not be used for the transmission of Restricted Data unless approved by the Commission.

(f) *Transmission within the United States only.* Documents or material containing Restricted Data shall not be transmitted outside the United States without prior authorization of the Commission.

§ 95.34 *Accountability for Secret Documents.* Any person possessing documents containing Secret Restricted Data shall establish a document accountability procedure and shall maintain records to show the disposition of all such documents which have been in his possession at any time.

§ 95.35 *Authority to reproduce.* Nothing in this part shall be deemed to prohibit any person possessing documents containing Restricted Data from reproducing any Confidential documents, or any Secret documents originated by him. He shall not reproduce any other documents containing Secret Restricted Data without prior authorization from the Commission.

§ 95.36 *Changes in classification.* No person shall authorize the downgrading to a lower classification or the declassification of a document containing Restricted Data. Requests for downgrading or declassification shall be submitted to the Commission. If the Commission approves a change of classification or declassification, the previous classification marking shall be cancelled and the following statement, properly completed, shall be placed on the first page of the document:

Classification cancelled (or changed to) ---------- by authority of ----------
(Insert appropriate classification)
(Persons authorizing change in classification)

by ----------
(Signature of person making change and date thereof)

Any person making a change in classification or receiving notice of such a change shall forward notice of the change in classification to holders of all copies as shown on his records.

§ 95.37 *Destruction of documents containing Restricted Data.* Documents containing Restricted Data shall be destroyed only by shredding and burning, pulping or by any other method that assures complete destruction of the information. If the document contains Secret Restricted Data, the person destroying the document shall make a permanent record of the subject, title, or report number of the document, its date of preparation, its series designation and report number, and the date of destruction. This record shall be signed by the person authorizing the destruction of the document and shall be maintained in the office of the last custodian.

§ 95.38 *Reports.* Any contractor or licensee shall report immediately to the Commission all losses of documents or material containing Restricted Data.

§ 95.39 *Inspection.* The Commission shall have the right to make such inspections of the premises and activities of any person possessing Restricted Data in connection with any activity authorized pursuant to the act as the Commission deems necessary to assure compliance with the provisions of this part.

§ 95.40 *Violations.* An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

Dated at Washington, D. C., this 12th day of April 1955.

K. D. NICHOLS,
General Manager.

[F. R. Doc. 55-3115; Filed, Apr. 14, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

MARY CLAIRE DE LA M. HANSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mary Claire de la M. Hansen, 1 Eckehardtstrasse, Mettmann, Rhineland, Germany; Claim No. 36024; $16,730.99 in the Treasury of the United States.

All right, title, interest and claim of any kind or character of Marie de la N. Hansen in and to the trust estate created under the will of Delima B. Woodward, deceased, Pennsylvania Company for Banking and Trusts, trustee, as vested by Vesting Order No. 3244 (9 F. R. 2760; March 11, 1944).

Executed at Washington, D. C., on March 22, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3126; Filed, Apr. 14, 1955; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

AGRICULTURAL CONSERVATION PROGRAM SERVICE

TRANSFER OF CERTAIN FUNCTIONS WITH RESPECT TO EMERGENCY WIND EROSION CONTROL MEASURES

Pursuant to the authority contained in Reorganization Plan No. 2 of 1953, section 600 of the Secretary's order of December 24, 1953 (18 F. R. 74), is further amended so as to transfer to the Agricultural Conservation Program Service the function and responsibility of administering a program of emergency wind erosion control measures pursuant to Public Law 875, 81st Congress, and the allocation of funds thereunder from the President on April 7, 1955, such program to consist of cost-sharing as provided for in § 1101.697 (Practice F-4) of the 1955 National Agricultural Conservation Program Bulletin, and to read as follows:

SEC. 600. *Assignment of functions.*

* * *

b. A program of emergency wind erosion control measures pursuant to Public Law 875, 81st Congress, and the allocation of funds thereunder to the Secretary by the President on April 7, 1955, such program to consist of cost-sharing as provided for in § 1101.697 (Practice F-4) (7 CFR 1101.697) of the 1955 National Agricultural Conservation Program Bulletin.

Done at Washington, D. C., this 11th day of April 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3113; Filed, Apr. 14, 1955; 8:48 a. m.]

MISSISSIPPI

DESIGNATION OF ADDITIONAL AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it is determined that in the following named additional counties in the State of Mississippi a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSISSIPPI

Forrest.	Lamar.
George.	Marion.
Greene.	Pearl River.
Hancock.	Perry.
Harrison.	Stone.
Jackson.	Walthall.
Jones.	Wayne.

Pursuant to the authority as set forth above, such loans will not be made in the above-named counties in the State of Mississippi after December 31, 1955, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 12th day of April 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–3129; Filed, Apr. 14, 1955; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

TOKYO SHOKO K. K. ET AL.

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

In the matter of Tokyo Shoko K. K., Tadami Maru, No. 9 Kyobashi 2-Chome, Chuo-Ku, Tokyo, Japan, and Yonesaburo Takeno, No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan, as officials thereof; Fojisawa Shoko K. K., Yonesaburo Takeno, an official thereof, No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan; Chunichi Seiyaku K. K., Toshio Kato, Motohisa Kato, officials thereof, No. 14 Daikancho, Tate, Higashiku, Nagoyashi, Japan; Levee and Company, S. K. Lai, I. K. Lai, owners thereof, 50 Queen's Road Central, Hong Kong; Levee and Company, S. K. Lai, I. K. Lai, owners thereof, Room 604, Fukoku Bldg, Uchisaiwai-Cho 2-Chome, Chiyoda-Ku, Tokyo, Japan; Respondents.

In accordance with the provisions of § 382.11 (b) of the Export Control Regulations (Title 15, Chapter III, Subchapter C, Code of Federal Regulations) the Director, Export Control Investigation Staff of the Bureau of Foreign Commerce, United States Department of Commerce, on March 24, 1955, submitted an application for an order temporarily denying all United States export privileges to the above-named companies and individuals (herein referred to as the Respondents) alleging therein that there is reasonable cause to believe that the Respondents have violated the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, that such violations are serious and wilful and may continue unless the Respondents' export privileges are temporarily curtailed, that an investigation in this country and abroad is now pending into their activities relating to United States exports, and that such curtailment is reasonable and necessary to protect the public interest pending the completion of administrative compliance proceedings which are to be instituted against the Respondents when the current investigation is completed.

The Acting Director, Office of Export Supply, Bureau of Foreign Commerce, thereafter designated Compliance Commissioner Paul M. Greene to receive and consider the evidence compiled by the Investigation Staff relating to the alleged violations and to make a report and recommendation thereon and such evidence was informally presented to the Compliance Commissioner at an exparte hearing held by him in Washington, D. C., on March 28, 1955, at which the Director, Export Control Investigation Staff and the Office of the General Counsel appeared by representatives, and the Compliance Commissioner thereafter submitted his report and recommendation.

The Director, Office of Export Supply, has reviewed the evidence considered by the Compliance Commissioner and the Commissioner's report and recommendation and has concluded that such evidence furnishes reasonable cause to believe that the Respondents were uncooperative with and made false and misleading statements to United States Foreign Service officials in Japan in connection with an investigation into the ultimate disposition of two (2) shipments of borax and boric acid valued at approximately $20,000.00 which had been exported from the United States in 1954, and sought to conceal and did conceal the final destination of the borax and boric acid which are suspected as having been diverted and transshipped to Red China contrary to United States export control law; that at least one (1) of such shipments, if not both, contained on the related shipping documents the required notice prohibiting the unauthorized diversion of the commodity from the licensed destination, Japan; that one of the Respondents, Chunichi Seiyaku K. K., reportedly has been a bankrupt since early in 1954 and its business operations have been suspended since that time despite which it made written representations to the Bureau of Foreign Commerce on two occasions in November 1954 that it was the consignee for United States origin borates; that with respect to another proposed exportation from the United States of 500 tons of borates valued at $35,045.00 Respondents Tokyo Shoko K. K. and Fujisawa Shoko K. K., reportedly interrelated firms, collaborated in obtaining an order therefor from Chunichi Seiyaku K. K. in November 1954 although knowing or having reason to know that Chunichi Seiyaku K. K. was not then in business and was a bankrupt and that Tokyo Shoko K. K. made representations to the Bureau of Foreign Commerce, with the assistance of Chunichi Seiyaku K. K., to induce the issuance of an export license and to facilitate the exportation of the borate to Tokyo Shoko K. K. as the purported ultimate consignee and user in Japan; and that such proposed exportation was not permitted by the Bureau of Foreign Commerce upon learning of the bankrupt status of Chunichi Seiyaku K. K. and of the wilfully evasive and misleading oral statements of the other companies to the transaction concerning the true ultimate disposition of the borates as made to Foreign Service officials.

The evidence shows also that in addition to having appeared as parties to applications for United States export licenses the Respondents may be parties to further exportations of commodities from the United States pursuant to validated and general license.

The Director, Office of Export Supply, has concluded therefrom that there is probable cause to believe that the Respondents have violated the Export Control Act of 1949, as amended, and the regulations issued thereunder, and may continue to violate the same to the detriment of the United States security and economy unless they are prohibited from participating further in United States exportations of commodities pending the ultimate disposition of administrative compliance proceedings.

The Director, Office of Export Supply, has concluded therefore that the temporary denial of Respondents' United States export privileges is reasonable and necessary to protect the public interest, is justified by the evidence considered, is in accord with Bureau of Foreign Commerce policy, and that the Compliance Commissioner's recommendation that a temporary denial order be issued against the Respondents is fair and reasonable and should be adopted.

Now, to achieve effective enforcement of the export control law and regulations: *It is hereby ordered:*

(1) All outstanding validated export licenses held by or issued in the names of the Respondents, or any of them, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

(2) The Respondents, and each of them, their successors or assigns, directors, officers, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondents' and such other persons' and firms' participation (a) as a party or as a representative of a party to any validated export license applications; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall apply not only to the named Respondents, but also to any person, firm, corporation, or business organization with which they, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(4) This order shall take effect on the date appearing below and shall remain in effect until the administrative compliance proceedings now under preparation by the Bureau of Foreign Commerce against said Respondents, or any of them, shall be ultimately determined and disposed of, except insofar as this order may be hereafter extended, amended, or modified in accordance with the provisions of the export control regulations.

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) herein above have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served upon the named respondents by registered mail.

(7) In accordance with the provisions of Section 382.11 (c) of the export control regulations, the Respondents, or any of them, may move at any time prior to the entry of a final order of suspension to vacate or modify this temporary suspension order by filing an appropriate motion therefor with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner in Washington, D. C., at the earliest possible date.

Dated: April 11, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55–3123; Filed, Apr. 14, 1955; 8:50 a. m.]

Federal Maritime Board

PACIFIC WESTBOUND CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 57–53, between the member lines of the Pacific Westbound Conference, modifies the appendix to the basic agreement of that conference (No. 57) to provide that the district having the rate-making initiative on a commodity may not change the terms and conditions in connection with such rates without general conference approval.

(2) Agreement No. 57–54 between the member lines of the Pacific Westbound Conference, modifies the appendix to the basic agreement of that conference (No. 57) to provide for the basing of the rates to the differential ports of Takao and Keelung, Formosa, upon the Japan base port rate rather than the Hong Kong rate.

(3) Agreement No. 5700–3 between the member lines of the New York Freight Bureau (Hong Kong), modifies the basic agreement of that Conference (No. 5700) to provide that the term of each new chairman elected from the conference membership shall be for a period of six months instead of twelve months as presently provided.

(4) Agreement No. 8029 between Nippon Yusen Kaisha (N. Y. K. Line) and Waterman Steamship Corporation, covers the transportation of cargo under through bills of lading from the Far East to Puerto Rico, with transshipment at designated Pacific Coast ports of the United States.

(5) Agreement No. 8032 between Nippon Yusen Kaisha (N. Y. K. Line) and Pope & Talbot, Inc., and Pacific Argentine Brazil Line, Inc., covers the transportation of cargo under through bills of lading from the Far East to Puerto Rico, with transshipment at designated Pacific Coast ports of the United States.

(6) Agreement No. 8080–1, between the member lines of the Atlantic and Gulf-Indonesia Conference, modifies the basic agreement of that conference (No. 8080) by changing the quorum and voting provisions thereof.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 12, 1955.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 55–3131; Filed, Apr. 14, 1955; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[Administrative Order 3]

CHIEF, HELIUM OPERATIONS

REDELEGATION OF AUTHORITY TO EXECUTE CONTRACTS FOR THE SALE OF HELIUM

MARCH 29, 1955.

In accordance with the provisions of Administrative Order No. 709 of March 8, 1955 (20 F. R. 1589), authority delegated to the Assistant Director for Helium Activity to execute contracts for the sale of helium is redelegated to the Chief, Helium Operations, subject to the exceptions and provisions contained in the above cited order.

C. W. SEIBEL,
Assistant Director for Helium Activity.

[F. R. Doc. 55–3102; Filed, Apr. 14, 1955; 8:45 a. m.]

Office of the Secretary

SHIVWITS, KANOSH, KOOSHAREM AND INDIAN PEAKS BANDS OF THE PAIUTE INDIAN TRIBE

NOTICE OF PROPOSED MEMBERSHIP ROLLS

APRIL 7, 1955.

Pursuant to section 3 of the act of September 1, 1954 (68 Stat. 1099), there are listed below the proposed rolls of the Shivwits, Kanosh, Koosharem and Indian Peaks Bands of the Paiute Indian Tribe who were living on September 1, 1954.

Appeals contesting the inclusion or omission of the name of any person on or from any of such rolls may be filed within 60 days from the date of the publication of this notice. Such appeals shall be filed in accordance with the regulations of the Department of the Interior appearing in 25 CFR Part 55 (20 F. R. 336, January 14, 1955).

ORME LEWIS,
Assistant Secretary of the Interior.

CERTIFICATE

JANUARY 25, 1955.

This is to certify that pursuant to section 3, Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099) the Shivwits Band of Paiute Indians has prepared and does herewith submit to the Secretary of the Interior a proposed roll of the members of the band living on the date of enactment of Public Law 762. This is to further certify to the best of our knowledge and belief that the proposed roll of the group submitted herewith listed on 9 pages containing 130 names constitutes the roll and contains the names of the members living on September 1, 1954, the date of enactment of Public Law 762.

Dated: January 25, 1955.

THE SHIVWITS BAND OF PAIUTE INDIANS,
By JAMES YELLOWJACKET,
Chairman.

Attest: STEWART SNOW,
Secretary.

Subscribed and sworn to before me this 25th day of January 1955.

HARRY W. GILMORE,
Superintendent.

PROPOSED ROLL—SHIVWITS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH, SEPT. 1, 1954

Roll No. Present	Roll No. Last	Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
1	1	Asket, Rex	M	70	1884	F	Head	Santa Clara, Utah	None	None.
2	2	Asket, Nora	F	58	1896	F	Wife	do	None	Wife of 1.
3	3	Asket, Lester	M	20	Aug. 2, 1934	F	Son	do	None	Son of 1 and 2.
4	5	Bow (Nappy Loyd), Callie	F	41	July 15, 1913	F	Head	Longandale, Nev	None	None.
5	6	Bushhead, Seth	M	58	1896	F	Head	Santa Clara, Utah	None	None.
6	7	Bushhead, Edrick	M	40	1914	F	Son	do	None	None.
7	8	Bushhead, Warren	M	31	Nov. 7, 1923	F	Son	do	None	Son of 5.
8	9	Bushhead, Phillip Joe	M	13	Jan. 18, 1940	F	Son	do	None	Son of 5.
9	10	Bushhead, Smith	M	25	Nov. 18, 1929	F	Son	do	None	Son of 5.
10	------	Bushhead, Halwina	F	9	Apr. 6, 1944	F	Daughter	do	None	Daughter of 6.
11	11	Bushhead, Willard	M	30	1924	F	Head	do	None	None.
12	12	Bushhead Gilbert	M	29	Nov. 5, 1925	F	Head	do	None	None.
13	13	Ben (Tillahash), Wetona	F	24	Feb. 20, 1929	F	Head	do	None	None.
14	14	Ben, Tony M	M	5	Apr. 24, 1948	15/16	Son	do	None	None.
15	15	Ben, Claudia Marie	F	4	June 18, 1949	15/16	Daughter	do	None	Daughter of 13.
16	16	Blancard (Meyers), Adeline	F	27	Mar. 13, 1926	F	Head	do	None	None.
17	17	Blancard, Bert	M	3	Nov. 1951	1/2	Son	do	None	Son of 16.
18	19	Charles, Peterson	M	33	July 4, 1921	F	Head	do	None	None.
19	20	Charles, Kenneth	M	37	Oct. 21, 1917	F	Head	Richfield, Utah	None	None.
20	21	Charles, Ardene	M	10	May 20, 1943	F	Son	do	None	Daughter of 19.
21	22	Charles, Cheryl Ann	F	6	Sept. 24, 1948	F	Daughter	do	None	Daughter of 19.
22	23	Charles, Melvera	F	3	June 16, 1950	F	Daughter	do	None	Daughter of 19.
23	------	Charles, Patrick K	M	------	Mar. 17, 1954	F	Son	do	None	Son of 19.
24	24	Fisher (Snow), Louise	F	43	1911	F	Head	Moapa, Nev	None	None.
25	25	Flatcherhat (Snow), Larrce	F	20	Oct. 16, 1934	F	Head	Santa Clara, Utah	None	None.
26	27	Flatcherhat, Gaylean	F	2	Nov. 3, 1952	F	Daughter	do	None	Daughter of 25.
27	28	Rogers, Will	M	28	May 4, 1925	F	Head	do	None	None.
28	------	Rogers, Dwella	F	20	Aug. 7, 1933	F	Wife	do	None	Wife of 27.
29	------	Rogers, Glan	M	1	Oct. 2, 1953	F	Son	do	None	Son of 27 and 28.
30	30	Rogers, Ranford	M	2	Feb. 5, 1952	F	Son	do	None	Son of 27 and 28.
31	31	Rogers, Archie	M	39	1915	F	Head	Land, Nev	None	None.
32	33	Rogers, Temelia	F	4	Mar. 11, 1939	F	Daughter	do	None	Daughter of 31.
33	34	Rogers, Milton	M	14	Sept. 4, 1940	F	Son	do	None	Son of 31.
34	35	Rogers, Lamina	F	11	April 6, 1942	F	Daughter	do	None	Daughter of 31.
35	36	Rogers, Wymer	M	9	Jan. 18, 1944	F	Son	do	None	Son of 31.
36	37	Rogers, Jonny	M	82	1872	F	Head	Santa Clara, Utah	None	None.
37	38	Rogers (Mokeac), Sue	F	62	1892	F	Wife	do	None	Wife of 36.
38	39	Bullets (Crissy), Ramona	F	31	1923	F	Head	do	None	None.
39	------	Bullets (Foster), Danny	M	1	Oct. 2, 1953	F	Son	do	None	Son of 38.
40	40	Pikywit (George), Mildred	F	29	Sept. 16, 1934	F	Head	Meadow, Utah	None	None.
41	41	Grayman, Charley	M	48	1906	F	Head	Santa Clara, Utah	None	None.
42	42	Grayman (Bushhead), Esther.	F	37	Sept. 15, 1917	F	Wife	do	None	Wife of 41.
43	43	Grayman, Waleah	F	14	Apr. 26, 1940	F	Daughter	do	None	Daughter of 41 and 42.
44	44	Grayman, Helena	F	13	Sept. 8, 1941	F	Daughter	do	None	Daughter of 41 and 42.
45	45	Grayman, Patsy	F	7	Aug. 16, 1947	F	Daughter	do	None	Daughter of 41 and 42.
46	46	Grayman, Norman	M	5	June 16, 1949	F	Son	do	None	Son of 41 and 42.
47	48	Grayman, Judith	F	11	July 23, 1943	F	Daughter	do	None	Daughter of 41 and 42.
48	49	Grayman, Farman	M	9	May 1945	F	Son	do	None	Son of 41 and 42.
49	50	Grejeda (Pinkie), Rose	F	64	1890	F	Head	Caliente, Nev	None	None.
50	51	Renn, Edith	F	29	Sept. 28, 1925	F	Daughter	do	None	Daughter of 49.
51	52	Grejeda, Lola	F	23	Dec. 25, 1930	F	Daughter	do	None	Daughter of 49.
52	53	Grejeda, Albert	M	21	Apr. 20, 1933	F	Son	do	None	Son of 49.
53	54	John (Snow), Ada	F	45	1909	F	Head	Santa Clara, Utah	None	None.
54	55	John, Wendel	M	26	Dec. 22, 1927	F	Son	do	None	Son of 53.
55	56	John, Cecilia	F	15	May 22, 1939	F	Daughter	do	None	Daughter of 53.
56	57	John, Clemont	M	10	Oct. 24, 1944	F	Son	do	None	Son of 53.
57	58	John, Clarence	M	7	Apr. 30, 1947	F	Son	do	None	Son of 53.
58	59	John, Delwin	M	19	Feb. 26, 1935	F	Son	do	None	Son of 53.
59	60	John, Lucius	F	17	Jan. 30, 1937	F	Daughter	do	None	Daughter of 53.
60	61	John, Melvin	M	28	July 8, 1926	F	Head	do	None	None.
61	62	John, Leona	F	7	July 7, 1947	F	Daughter	do	None	Daughter of 60.
62	63	John, Cliff	M	1	Dec. 10, 1952	F	Son	do	None	Son of 60.
63	64	Levi (Tillahasb), Flora	F	34	Jan. 10, 1920	F	Head	do	None	None.
64	65	McFee, George	M	50	1904	F	Head	do	None	None.
65	66	McFee (Snow), Marie	F	41	1913	F	Wife	do	None	Wife of 64.
66	67	McFee, Wesley	M	20	Sept. 18, 1934	F	Son	do	None	Son of 64 and 65.
67	68	McFee, Laurene	F	16	July 13, 1938	F	Daughter	do	None	Daughter of 64 and 65.
68	69	McFee, Betty	F	5	Jan. 7, 1949	F	Daughter	do	None	Daughter of 64 and 65.
69	70	McFee, Clinton	M	14	July 14, 1940	F	Son	do	None	Son of 64 and 65.
70	71	McFee, Jenny	F	10	Jan. 27, 1944	F	Daughter	do	None	Daughter of 64 and 65.
71	72	McFee, Evelina	F	7	July 25, 1947	F	Daughter	do	None	Daughter of 64 and 65.
72	73	Marble, Bertha	F	54	1900	F	Head	do	None	None.
73	74	Marble, Dorothy	F	27	Sept. 21, 1927	F	Daughter	do	None	Daughter of 72.
74	75	Marble, Alvin	M	7	May 5, 1947	F	Son	do	None	Son of 73.
75	76	Wall (Marble), Evelyn	F	23	Apr. 29, 1951	F	Head	do	None	None.
76	77	Wall, Gwendolyn	F	7	July, 20 1947	F	Daughter	do	None	Daughter of 75.
77	------	Wall, Marie	F	2	Aug. 20, 1952	F	Daughter	do	None	Daughter of 75.
78	78	Tom (Myers), Arlene	F	29	Mar. 11, 1925	F	Head	Moccasin, Ariz	None	None.
79	79	Timican (Myers), Clara	F	27	July 19, 1927	F	Head	Grantsville, Utah	None	None.
80	80	Mose (Jake), Serena	F	47	1907	F	Head	Santa Clara, Utah	None	None.
81	81	Mokeac, Marvin	M	16	Mar. 24, 1938	F	Son	do	None	Son of 80.
82	82	Myers (Nappy), Flora	F	42	1912	F	Head	do	None	None.
83	83	Myers, Effie	F	22	June 24, 1932	F	Daughter	do	None	Daughter of 82.
84	84	Myers, Ferrell	M	20	Feb. 17, 1934	F	Son	do	None	Son of 82.
85	85	Myers, Buddy	M	19	June 13, 1935	F	Son	do	None	Son of 82.
86	87	Myers, Dora	F	18	Oct. 15, 1936	F	Daughter	do	None	Daughter of 82.
87	88	Kay, Amy; Pinkie, Agnes M	F	34	Mar. 15, 1920	F	Head	do	None	None.
88	90	Rice, Edward	M	45	1909	F	Head	do	None	None.
89	91	Rice, Sterling	M	13	Nov. 26, 1940	F	Son	do	None	Son of 88.
90	92	Smoke, Lyman	M	30	Feb. 23, 1924	F	Head	do	None	None.
91	93	Smoke, Sam	M	67	1887	F	Head	do	None	None.
92	94	John (Smoke), Nevada	F	28	Sept. 28, 1926	F	Head	do	None	None.
93	96	Joh, Saundra	F	1	Jan. 14, 1953	F	Daughter	do	None	Daughter of 92.
94	97	Snow, Ida	F	75	1879	F	Head	do	None	None.
95	98	Jake (Snow, McFee), Yerta	F	38	Mar. 7, 1916	F	Head	Cedar City, Utah	None	None.
96	------	Jake (Rice), Marlyn	F	17	June 22, 1937	F	Head	do	None	None.
97	100	Snow, Lee	M	42	1912	F	Head	Santa Clara, Utah	None	None.
98	102	Snow, Leon Mitchell	M	18	Mar. 4, 1936	F	Son	do	None	Son of 97.
99	103	Snow, Arnold	M	16	Feb. 26 1938	F	Son	do	None	Son of 97.
100	104	Snow, Alvin	F	11	Dec. 19, 1942	F	Daughter	do	None	Daughter of 97.
101	105	McFee, Roland	M	35	Mar. 22, 1919	F	Head	do	None	None.
102	106	Snow, Stewart	M	49	1905	F	Head	do	None	None.
103	107	Snow (Bushhead), Mary	F	39	1915	F	Wife	do	None	Wife of 102.
104	108	Snow, Crawford	M	11	Aug 10, 1943	F	Son	do	None	Son of 102.
105	109	Snow. Domitta	F	8	May 4, 1946	F	Daughter	do	Noue	Daughter of 102 and 103.

PROPOSED ROLL—SHIVWITS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH, SEPT. 1, 1954—Continued

Roll No. Present	Roll No. Last	Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
106	110	Snow, Beverley	F	16	Oct. 8, 1938	F	Daughter	Santa Clara, Utah	None	Daughter of 102 and 103.
107	111	Snow, Aldean	F	12	May 26, 1942	F	Daughter	do	None	Daughter of 102 and 103.
108	112	Snow, Frank Mart	M	2	Feb. 10, 1952	F	Son	do	None	Son of 102 and 103.
109	------	Snow, Kim	M	------	Apr. 19, 1954	F	Son	do	None	Son of 102 and 103.
110	113	Tillahas, Tony	M	68	1886	F	Head	do	None	None.
111	114	Tillahash (Simon), Bessie	F	64	Oct. 15, 1889	F	Wife	do	None	Wife of 110.
112	115	Tillahash, Clyde	M	27	June 24, 1927	F	Son	do	None	Son of 110 and 111.
113	116	Tillahash, Larna	F	17	Sept. 23, 1937	F	Daughter	do	None	Daughter of 110 and 111.
114	117	John (Tillahash), Lilly	F	29	Apr. 20, 1925	F	Head	do	None	None.
115	118	Tillahash, Arthur	M	23	Apr. 18, 1931	F	Head	do	None	None.
116	------	Tillahash, Darrell	M	------	Feb. 18, 1954	F	Son	do	None	Son of 115.
117	121	Wall (Tillahash), Eunice	F	19	Feb. 23, 1935	F	Head	do	None	None.
118	------	Wall, Karby	M	3	July 23, 1951	F	Son	do	None	Son of 117.
119	------	Wall, Marrall	M	2	July 31, 1952	F	Son	do	None	Son of 117.
120	------	Wall, Mitzie	F	1	Dec. 15, 1953	F	Daughter	do	None	Daughter of 117.
121	------	Yellow Jacket, James	M	56	1898	F	Head	do	None	None.
122	------	George, Walter	M	52	1902	F	Head	do	None	None.
123	------	Mokeac, Rex	M	70	1884	F	Head	do	None	None.
124	------	Parashant, Katherine	F	72	1882	F	Head	Cedar City, Utah	None	None.
125	------	Parashant, May	F	26	Oct. 10, 1927	F	Daughter	do	None	Daughter of 124.
126	89	Rice, Albert	M	40	1914	F	Head	Moapa, Nev	None	None.
127	------	Charles, Ida Mae	F	4	Aug. 23, 1950	F	Daughter	Santa Clara, Utah	None	Daughter of 18.
128	------	John Joseph Wendell	M	------	Aug. 15, 1954	F	Son	do	None	Son of 54.
129	------	Pete, Josephine	F	54	Aug. 11, 1900	F	Head	Cedar City, Utah	None	None.
130	------	Benson, Ruth	F	29	Feb. 13, 1925	F	Head	do	None	None.

CERTIFICATE

JANUARY 24, 1955.

This is to certify that pursuant to section 3, Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099) The Kanosh Band of Paiute Indians has prepared and does herewith submit to the Secretary of the Interior a proposed roll of the members of the band living on the date of enactment of Public Law 762. This is to further certify to the best of our knowledge and belief that the proposed roll of the group submitted herewith listed on 3 pages containing 42 names constitutes the roll and contains the names of the members living on September 1, 1954, the date of enactment of Public Law 762.

Dated: January 24, 1955.

THE KANOSH BAND OF PAIUTE INDIANS,
By WEISS LEVI, *Chairman.*

Attest: LONNIE KOUCHAMP, *Secretary-Treasurer.*

Subscribed and sworn to before me this 24th day of January 1955.

HARRY W. GILMORE, *Superintendent.*

PROPOSED ROLL—KANOSH BAND OF PAIUTE INDIANS OF THE STATE OF UTAH, SEPT. 1, 1954

Roll No. Present	Roll No. Last	Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
1	5	Brooks (Sobrequin), Joan	F	28	1926	F	Head	Tuba City, Ariz	None	None.
2	6	Provo (Sobrequin), Margene	F	26	Mar. 5, 1928	F	Head	Kanosh, Utah	None	None.
3	7	Huneup, Isaac	M	106	1848	F	Head	do	None	None.
4	9	Levi, Wesley	M	66	1888	F	Head	do	P. D. Al. 783591	None.
5	10	Kominsky (Levi), Rena	F	56	1898	F	Head	do	None	None.
6	11	Levi, Johnson	M	45	1909	F	Head	do	783588	None.
7	12	Levi, Cecil Glenn	M	11	Jan. 29, 1943	F	Son	do	None	Son of 6.
8	13	Levi, Wayne	M	10	Dec. 18, 1944	F	Son	do	None	Son of 6.
9	14	Levi, Blanche	F	8	Oct. 9, 1946	F	Daughter	do	None	Daughter of 6.
10	15	Levi, Patricia A	F	6	July 19, 1948	F	Daughter	do	None	Daughter of 6.
11	16	Levi, Amy Thelma	F	4	Aug. 19, 1950	F	Daughter	do	None	Daughter of 6.
12	17	Levi, Andy Arron	M	3	Dec. 31, 1951	F	Son	do	None	Son of 6.
13	18	Levi, Fred	M	49	1905	F	Head	Santa Clara, Utah	P. D. Al. 783590	None.
14	19	Levi, Leonard	M	17	Oct. 9, 1937	F	Son	do	None	Son of 13.
15	20	Levi, Sherman	M	13	Sept. 21, 1941	F	Son	do	None	Son of 13.
16	21	Kouchomp, Lonnie	M	62	1892	F	Head	Kanosh, Utah	None	None.
17	23	Pikyavit, McKay	M	24	Aug. 12, 1930	F	Head	Meadow, Utah	None	None.
18	24	Pikyavit, Duane	M	3	Oct. 16, 1951	F	Son	do	None	Son of 17.
19	25	Chelester, Orvilla	F	32	Oct. 10, 1922	F	Head	Richfield, Utah	None	None.
20	26	Timicum, Shirley	F	18	Oct. 14, 1936	F	Daughter	do	None	Daughter of 19.
21	27	Woodie (Levi), Ida	F	68	------	F	Head	Koosharem, Utah	None	None.
22	28	Pikyavit, Joseph	M	62	1892	F	Head	Meadow, Utah	None	None.
23	29	Pikyavit, Emily	F	41	1913	F	Wife	do	None	Wife of 22.
24	30	Pikyavit, Earl	M	21	Mar. 17, 1933	F	Son	do	None	Son of 22 and 23.
25	31	Pikyavit, Louise	F	17	Feb. 11, 1937	F	Daughter	do	None	Daughter of 22 and 23.
26	32	Pikyavit, Ralph	M	15	May 1, 1939	F	Son	do	None	Son of 22 and 23.
27	33	Pikyavit, Phil	M	12	Oct. 13, 1942	F	Son	do	None	Son of 22 and 23.
28	34	Pikyavit, Madeline	F	11	Dec. 31, 1943	F	Daughter	do	None	Daughter of 22 and 23.
29	35	Pikyavit, Frank	M	7	Aug. 23, 1947	F	Son	do	None	Son of 22 and 23.
30	36	Pikyavit, Vida Jane	F	4	July 27, 1950	F	Daughter	do	None	Daughter of 22 and 23.
31	37	Pikyavit, Florine	F	3	Jan. 19, 1951	F	Daughter	do	None	Daughter of 22 and 23.
32	39	Pikyavit, Francis	M	15	Dec. 1, 1939	F	Son	Kanosh, Utah	None	Lilly Pikyavit Geshute, mother of 32, 33, 34, 35, and 36.
33	40	Pikyavit, Eldon	M	11	Nov. 16, 1943	F	Son	do	None	(See above.)
34	41	Pikyavit, Ted, Jr	M	2	Dec. 2, 1952	F	Son	do	None	(See above.)
35	43	Pikyavit, Geraldine	F	10	Aug. 25, 1944	F	Daughter	do	None	(See above.)
36	44	Pikyavit, Darlene	F	8	May 23, 1946	F	Daughter	do	None	(See above.)
37	------	Annikey, Annie	F	73	1871	F	Head	do	None	None.
38	------	Levi, Lena	F	2	Apr. 12, 1952	F	Daughter	do	None	Daughter of 6.
39	------	Wicketts, Mary Ann	F	66	1888	F	Head	do	78359	None.
40	------	Chelester, Steve	M	5	Dec. 29, 1949	F	Son	Richfield, Utah	None	Son of 19.
41	------	Kouchomp, Dorothy Dick	F	63	Oct. 8, 1891	F	Wife	Kanosh, Utah	None	Wife of 16.
42	None	Pikyavit, Divina	F	9 mos.	Nov. 28, 1953	F	Daughter	do	None	Daughter of 17.

NOTICES

CERTIFICATE

JANUARY 27, 1955.

This is to certify that pursuant to section 3, Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099) the Koosharem Band of Paiute Indians has prepared and does herewith submit to the Secretary of the Interior a proposed roll of the members of the band living on the date of enactment of Public Law 762. This is to further certify to the best of our knowledge and belief that the proposed roll of the group submitted herewith listed on 3 pages containing 34 names constitutes the roll and contains the names of the members living on September 1, 1954, the date of enactment of Public Law 762.

Dated: January 27, 1955.

THE KOOSHAREM BAND OF PAIUTE INDIANS,
By JIM TIMICAN, *Spokesman.*

Attest: FRANK WOODY, *Secretary.*

Subscribed and sworn to before me this 27th day of January 1955.

HARRY W. GILMORE, *Superintendent.*

PROPOSED ROLL—KOOSHAREM BAND OF PAIUTE INDIANS OF THE STATE OF UTAH, SEPT. 1, 1954

Roll No. Present	Roll No. Last	Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
1	------	Anmisky (Mix), Tommy	M	60	1894	F	Head	Richfield, Utah	None	None.
2	------	Arrowgarp, Dell	M	35	1919	F	Head	---do---	None	None.
3	------	Timican, Emma	F	68	1886	F	Head	---do---	None	None.
4	------	Charles (Timican), Vera	F	27	Mar. 25, 1927	F	Head	---do---	None	None.
5	------	Kanosh, Deere	M	43	Oct. 20, 1911	F	Head	---do---	None	None.
6	------	Kanosh, Dorris D	F	16	Dec. 23, 1937	F	Daughter	---do---	None	None.
7	------	Kanosh, Jennie	F	11	Mar. 27, 1943	F	Daughter	---do---	None	Daughter of 5.
8	------	Kanosh, Clarice G	F	9	Aug. 3, 1945	F	Daughter	---do---	None	Daughter of 5.
9	------	Kanosh, Collene	F	5	Mar. 2, 1949	F	Daughter	---do---	None	Daughter of 5.
10	------	Kanosh, Florence	F	65	1889	F	Head	---do---	None	Daughter of 5.
11	------	Kanosh, Edward	M	36	July 7, 1918	F	Son	---do---	None	None.
12	------	Kanosh, Lyman	M	42	Sept. 20, 1912	F	Head	---do---	None	Son of 10.
13	------	Kanosh, Linda	F	5	June 29, 1949	F	Daughter	---do---	None	None.
14	------	Kanosh, Larry B	M	2	Oct. 7, 1952	F	Son	---do---	None	Daughter of 12.
15	------	Kanosh, Lorraine	F	------	May 29, 1954	F	Daughter	---do---	None	Son of 12.
16	------	Timican, Minnie	F	70	1884	F	Head	---do---	None	Daughter of 12.
17	------	Timican, Roy	M	35	Aug. 15, 1919	F	Son	---do---	None	None.
18	------	Timican, Rhoda Lee	F	32	Oct. 10, 1921	F	Daughter	---do---	None	Son of 16.
19	------	Timican, Henry	M	26	June 8, 1928	F	Son	---do---	None	Daughter of 16.
20	------	Timican, Genevieve	F	23	July 4, 1931	F	Daughter	---do---	None	Son of 16.
21	------	Timican, Douglas	M	31	Sept. 8, 1923	F	Head	---do---	None	Daughter of 16.
22	------	Timican, Jane	F	5	Oct. 17, 1948	F	Daughter	---do---	None	None.
23	------	Timican, Jim	M	59	1895	F	Head	---do---	None	Daughter of 21.
24	------	Timican, Annie	F	52	1902	F	Head	---do---	None	None.
25	------	Timican, Young	M	44	Sept. 9, 1910	F	Head	Richfield, Utah (Koosharem, Utah).	None	None.
26	------	Woodie, Frank	M	52	Sept. 4, 1902	F	Head	Richfield, Utah	None	None.
27	------	Yazzie (Timican), Julia	F	27	Apr. 24, 1927	F	Head	---do---	None	None.
28	------	Yazzie, Betty	F	8	Oct. 26, 1946	F	Daughter	---do---	None	Daughter of 27.
29	------	Yazzie, Joelee	F	6	Mar. 27, 1948	F	Daughter	---do---	None	Daughter of 27.
30	------	Yazzie, Bobby	M	2	Apr. 16, 1952	F	Son	---do---	None	Son of 27.
31	------	Yazzie, Fredena	F	1	Nov. 23, 1953	F	Daughter	---do---	None	Daughter of 27.
32	------	Lehi (Timican), Helen	F	34	Oct. 12, 1920	F	Head	---do---	None	None.
33	------	Lehi, Joyce	F	2	June 24, 1952	F	Daughter	---do---	None	Daughter of 32.
34	------	Lehi, Joy	F	2	June 24, 1952	F	Daughter	---do---	None	Daughter of 32.

CERTIFICATE

JANUARY 25, 1955.

This is to certify that pursuant to section 3, Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099) the Indian Peaks Band of Paiute Indians has prepared and does herewith submit to the Secretary of the Interior a proposed roll of the members of the band living on the date of enactment of Public Law 762. This is to further certify to the best of our knowledge and belief that the proposed roll of the group submitted herewith listed on 2 pages containing 26 names constitutes the roll and contains the names of the members living on September 1, 1954, the date of enactment of Public Law 762.

Dated: January 25, 1955.

THE INDIAN PEAKS BAND OF PAIUTE INDIANS,
By CLIFFORD JAKE, *Spokesman.*

Attest: GENEVA ANDERSON, *Secretary.*

Subscribed and sworn to before me this 25th day of January 1955.

HARRY W. GILMORE, *Superintendent.*

PROPOSED ROLL—INDIAN PEAKS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH, SEPT. 1, 1954

Roll No. Present	Roll No. Last	Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
1	1	Anderson (Jake), Geneva	F	29	Aug. 7, 1925	F	Head	Cedar City, Utah	None	None.
2	2	Anderson, Curtis	M	6	May 1, 1948	F	Son	---do---	None	Son of 1.
3	3	Anderson, Geneal	F	3	Jan. 7, 1951	F	Daughter	---do---	None	Daughter of 1.
4	------	Anderson, Jeanette	F	1	June 1, 1953	F	Daughter	---do---	None	Daughter of 1.
5	4	Jake, Carl	M	59	1895	F	Head	---do---	None	None.
6	5	Jake, Minnie	F	56	1898	F	Wife	---do---	None	Wife of 5.
7	6	Jake, Manell	M	6	Jan. 28, 1948	F	Son	---do---	None	Son of 5 and 6.
8	7	Jake, Ernestine	F	10	Feb. 25, 1944	F	Daughter	---do---	None	Daughter of 5 and 6.
9	8	Jake, Wilford	M	13	June 3, 1941	F	Son	---do---	None	Son of 5 and 6.
10	------	Jake, Shirley	F	17	1937	F	Daughter	---do---	None	Daughter of 5 and 6.
11	9	Jake, Clifford	M	35	1919	F	Head	---do---	None	None.
12	10	Jake, Darlena	F	10	June 22, 1944	F	Daughter	---do---	None	Daughter of 11.
13	11	Jake, Bryant	M	8	Apr. 7, 1946	F	Son	---do---	None	Son of 11.
14	12	Jake, Althea R	F	5	Mar. 15, 1949	F	Daughter	---do---	None	Daughter of 11.
15	13	Jake, John	M	22	July 7, 1932	F	Head	---do---	None	None.
16	------	Jake, John Jr	M	1	May 7, 1954	F	Son	---do---	None	Son of 15.

PROPOSED ROLL—INDIAN PEAKS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH, SEPT. 1, 1954—Continued

Roll No. Present	Roll No. Last	Name	Sex	Age	Date of birth	Degree of blood	Family relationship	Residence	Allotment No.	Remarks
17	19	Kanosh (Jake), Edwina	F	33	1921	F	Head	Richfield, Utah	None	None.
18	------	Kanosh, Wilbert	M	6	Jan. 11, 1948	F	Son	---do---	None	Son of 17.
19	------	Kanosh, Milo Dee	M	3	Jan. 11, 1951	F	Son	---do---	None	Son of 17.
20	------	Kanosh, Don Boyden	M	2	Apr. 17, 1952	F	Son	---do---	None	Son of 17.
21	------	Kanosh, Karn Anne	F	1	Sept. 23, 1953	F	Daughter	---do---	None	Daughter of 17.
22	------	Kanoeh, Kennard K	M	14	Feb. 28, 1940	F	Son	---do---	None	Son of 17.
23	14	Solls, Marie Ramona	F	23	Sept. 26, 1930	1/2	Head	Cedar City, Utah	None	None.
24	15	Swallow, George M	M	74	1880	F	Head	Owyhee, Nev	None	None.
25	16	Tom, Roy	M	56	1898	F	Head	Moccasin, Ariz	None	None.
26	17	Wichetts, Eddie	M	62	1892	F	Head	Kanosh, Utah	None	None.

[F. R. Doc. 55-3024; Filed, Apr. 14, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10767-10769; FCC 55M-330]

TELEPHONE ANSWERING SERVICE ET AL.

ORDER CONTINUING HEARING

In re applications of Mrs. Pearl Forester, d/b as Telephone Answering Service, Dallas, Texas, Docket No. 10767, File No. 180-C2-P-53; Radio Paging, Dallas, Texas, Docket No. 10768, File No. 363-C2-P-53; George A. Smith, Jr., Dallas, Texas, Docket No. 10769, File No. 607-C2-P-53; for construction permit for oneway signaling base station in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration a petition, filed by George A. Smith, Jr., on April 7, 1955, requesting that the date of hearing now scheduled for April 11, 1955 be continued to April 28, 1955, for the reason that the parties are attempting to arrive at a stipulation of facts to make it unnecessary to produce witnesses; and

It appearing that additional time is needed to work out a stipulation and that the other parties are agreeable to an immediate grant of the petition;

It is ordered, This 8th day of April 1955, that the petition is granted; and that the hearing is continued and rescheduled to commence at 10:00 a. m., Thursday, April 28, 1955, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3104; Filed, Apr. 14, 1955; 8:46 a. m.]

[Docket No. 11332; FCC 55-438]

C. J. COMMUNITY SERVICES, INC.

ORDER CHANGING PLACE OF HEARING

In the matter of Cease and Desist Order to be directed against C. J. Community Services, Inc., Bridgeport, Washington; Docket No. 11332.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of April 1955;

The Commission having under consideration the hearing in the above-entitled matter now scheduled to be held in Seattle, Washington, on the 16th day of May 1955; and

It appearing that the convenience of the parties will be served by holding the hearings in Wenatchee, Washington;

It is ordered, That the hearing in the above-entitled matter be held at a place to be specified later in Wenatchee, Washington, at 10:00 a. m., on the 16th day of May 1955.

Released: April 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3105; Filed, Apr. 14, 1955; 8:46 a. m.]

[Docket Nos. 11337—11356; FCC 55-439]

R. E. DARWOOD ET AL.

ORDER CHANGING PLACE OF HEARING

In the matter of Cease and Desist Orders to be directed against R. E. Darwood, Star Route, Quincy, Wash., Docket No. 11337; A. M. Floyd, Box 693, Quincy, Wash., Docket No. 11338; Jake Groot, Box 702, Quincy, Wash., Docket No. 11339; James Huffman, Box 37, Quincy, Wash., Docket No. 11340; Gordon G. Kliewer, Box 694, Quincy, Wash., Docket No. 11341; C. F. Koenig, Box 805, Quincy, Wash., Docket No. 11342; Edward Myers, Box 1017, Quincy, Wash., Docket No. 11343; Marvin Musgrove, Box 913, Quincy, Wash., Docket No. 11344; Ernest Schorzman, Box 875, Quincy, Wash., Docket No. 11345; Leonard W. Schorzman, Box 1005, Quincy, Wash., Docket No. 11346; Fred Schulz, Box 474, Quincy, Wash., Docket No. 11347; Herman Schulz, Box 951, Quincy, Wash., Docket No. 11348; R. H. Simmons, Box 944, Quincy, Wash., Docket No. 11349; W. H. Turnbull, Box 507, Quincy, Wash., Docket No. 11350; A. C. Watson, Box 825, Quincy, Wash., Docket No. 11351; Clarence Weber, Star Route, Quincy, Wash., Docket No. 11352; Harold Weber, Box 406, Quincy, Wash., Docket No. 11353; W. R. Cordell, Star Route, Quincy, Wash., Docket No. 11354; Paul Mancke, Box 923, Quincy, Wash., Docket No. 11355; J. E. Burns, Box 926, Quincy, Wash., Docket No. 11356.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of April 1955;

The Commission having under consideration the hearing in the above-entitled matter now scheduled to be held in Seattle, Washington, on the 9th day of May 1955; and

It appearing that the convenience of the parties will be served by holding the hearings in Wenatchee, Washington;

It is ordered, That the hearing in the above-entitled matter be held at a place to be specified later in Wenatchee, Washington, at 10:00 a. m., on the 9th day of May 1955.

Released: April 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3106; Filed, Apr. 14, 1955; 8:46 a. m.]

[Docket No. 11357; FCC 55-440]

H. J. MILLER

ORDER CHANGING PLACE OF HEARING

In the matter of Cease and Desist Order to be directed against H. J. Miller, Box A, Nespelem, Washington; Docket No. 11357.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of April 1955;

The Commission having under consideration the hearing in the above-entitled matter now scheduled to be held in Seattle, Washington, on the 12th day of May 1955; and

It appearing that the convenience of the parties will be served by holding the hearings in Wenatchee, Washington;

It is ordered, That the hearing in the above-entitled matter be held at a place to be specified later in Wenatchee, Washington, at 10:00 a. m., on the 12th day of May 1955.

Released: April 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3107; Filed, Apr. 14, 1955; 8:46 a. m.]

[Docket No. 11360; FCC 55-431]

MOUNTAIN STATE BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Mountain State Broadcasting Co., Inc., Morgantown,

West Virginia, for construction permit; Docket No. 11360, File No. BP-9471.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of April 1955;

The Commission having under consideration the above-entitled application of Mountain State Broadcasting Co., Inc., for a construction permit for a new standard broadcast station to operate on 1470 kilocycles with a power of 1 kilowatt, daytime only, at Morgantown, West Virginia;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may not comply with the Standards of Good Engineering Practice, particularly with reference to overlap of the 2 mv/m contour of the subject proposal with the 25 mv/m contour of Station WVVW, Fairmont, West Virginia; and may cause interference within the 0.5 mv/m normally protected daytime contour of Station WVVW; and

It further appearing that pursuant to sectiton 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated October 22, 1954 of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a reply on March 11, 1955 and requested that its application be designated for hearing; and

It further appearing that on October 27, 1954 the Fairmont Broadcasting Company, licensee of Station WVVW, filed a request that the subject application be designated for hearing; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which will be served by the operation of the subject proposed station; and the availability of other primary service to such areas and populations.

2. To determine whether the installation and operation of the subject proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to whether its 2 mv/m contour would overlap the 25 mv/m contour of Station WVVW, Fairmont, West Virginia.

3. To determine whether operation of the subject proposed station would involve interference with Station WVVW, Fairmont, West Virginia, or with any other existing standard broadcast station, and, if so, the nature and extent of such interference.

4. To determine, whether in light of the evidence adduced pursuant to the foregoing issue, the operation of the station proposed by the subject applicant would serve the public interest, convenience and necessity.

It is further ordered, That the Fairmont Broadcasting Company, licensee of Station WVVW, Fairmont, West Virginia, is made a party to the proceeding.

Released: April 8, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3108; Filed, Apr. 14, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30476]

PHOSPHATE ROCK FROM FLORIDA TO NEW MEXICO AND TEXAS

APPLICATION FOR RELIEF

APRIL 12, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Atlantic Coast Line Railroad Company tariff I. C. C. B-3232 and Seaboard Air Line Railroad Company tariff I. C. C. A-8153.

Commodities involved: Phosphate rock, ground or not ground, slush and floats, and soft phosphate, not acidulated nor ammoniated, carloads.

From: Bartow, Fla., and other points in Florida named in the aforesaid tariffs.

To: Specified points in New Mexico and Texas described in the application.

Grounds for relief: Circuitous routes, and additional routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-3117; Filed, Apr. 14, 1955; 8:49 a. m.]

[4th Sec. Application 30477]

PHOSPHATE ROCK FROM FLORIDA TO BATON ROUGE, LA., AND VIRGINIA

APPLICATION FOR RELIEF

APRIL 12, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Atlantic Coast Line Railroad Company tariff I. C. C. B-3232, and Seaboard Air Line Railroad Company tariff I. C. C. A-8153.

Commodities involved: Phosphate rock, ground or not ground, slush and floats, and soft phosphate, not acidulated nor ammoniated, carloads.

From: Bartow, Fla., and other points in Florida.

To: Baton Rouge, La., Bells Lane, Va., and seven other points in Virginia named in the application.

Grounds for relief: Carrier competition and circuity. Rates constructed on short-line distance formula, and additional routes to Baton Rouge.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-3118; Filed, Apr. 14, 1955; 8:49 a. m.]

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FEDERAL REGISTER

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VOLUME 20 1934 NUMBER 75

Washington, Saturday, April 16, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; TEXAS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

TEXAS

County:	Average value
Anderson	$25,000
Angelina	25,000
Aransas	25,000
Armstrong	25,000
Atascosa	25,000
Austin	20,000
Bailey	25,000
Bandera	25,000
Bastrop	15,000
Bee	25,000
Bell	20,000
Bexar	30,000
Blanco	18,000
Borden	32,000
Bosque	23,000
Brazoria	22,000
Brewster	40,000
Briscoe	35,000
Brooks	25,000
Brown	25,000
Burleson	20,000
Burnet	25,000
Caldwell	25,000
Callahan	18,000
Camp	20,000
Carson	32,000
Castro	35,000
Chambers	25,000
Cherokee	25,000
Childress	20,000
Cochran	35,000
Coke	25,000
Collin	25,000
Collingsworth	20,000
Colorado	20,000
Comal	25,000
Comanche	18,000
Cooke	24,000
Coryell	20,000

TEXAS—Continued

County:	Average value
Cottle	$20,000
Crockett	40,000
Dawson	36,000
Deaf Smith	32,000
Denton	18,000
De Witt	20,000
Dimmit	25,000
Donley	20,000
Duval	18,000
Eastland	18,000
Ellis	30,000
El Paso	40,000
Erath	20,000
Falls	22,000
Fisher	22,000
Floyd	32,000
Fort Bend	24,000
Franklin	25,000
Gaines	30,000
Galveston	24,000
Garza	25,000
Gillespie	20,000
Goliad	20,000
Gray	25,000
Gregg	20,000
Guadalupe	25,000
Hale	35,000
Hamilton	20,000
Hanaford	35,000
Harris	24,000
Harrison	22,000
Haskell	20,000
Hays	20,000
Hemphill	20,000
Henderson	25,000
Hockley	25,000
Hood	20,000
Hopkins	18,000
Houston	25,000
Hudspeth	40,000
Hunt	25,000
Hutchinson	35,000
Irion	40,000
Jasper	20,000
Jeff Davis	40,000
Jim Hogg	20,000
Jones	26,000
Karnes	25,000
Kendall	25,000
Kerr	30,000
Kimble	20,000
King	25,000
Lamar	25,000
Lamb	35,000
Lampasas	24,000
Lee	15,000
Limestone	15,000
Lipscomb	32,000
Llano	20,000
Loving	25,000
Lubbock	25,000
Lynn	36,000
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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 9 ($0.65)
Title 20 ($0.75)
Title 24 ($0.75)
Titles 40–42 ($0.50)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 18 ($0.50); Title 19 ($0.40); Title 25 ($0.50); Titles 30–31 ($1.25); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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County:	Average value
Matagorda	$22,000
Maverick	25,000
Medina	25,000
Menard	20,000
Milan	20,000
Mills	25,000
Mitchell	22,000
Montague	22,000

TEXAS—Continued

County:	Average value
Montgomery	$20,000
Moore	32,000
Morris	20,000
Motley	20,000
Nacogdoches	22,000
Navarro	20,000
Newton	20,000
Nolan	25,000
Nueces	40,000
Ochiltree	35,000
Oldham	32,000
Palo Pinto	20,000
Panola	20,000
Parker	20,000
Pecos	30,000
Polk	22,000
Potter	32,000
Presidio	40,000
Randall	30,000
Reagan	40,000
Real	30,000
Reeves	40,000
Roberts	35,000
Rockwall	25,000
Sabine	25,000
San Augustine	25,000
San Jacinto	20,000
San Patricio	40,000
Scurry	25,000
Shackelford	25,000
Shelby	25,000
Smith	20,000
Somervell	20,000
Starr	25,000
Sterling	30,000
Stonewall	20,000
Sutton	30,000
Swisher	35,000
Tarrant	30,000
Taylor	22,000
Terry	25,000
Titus	25,000
Travis	18,000
Trinity	22,000
Tyler	25,000
Upshur	18,000
Uvalde	30,000
Val Verde	40,000
Van Zandt	20,000
Victoria	25,000
Walker	20,000
Waller	18,000
Washington	20,000
Wheeler	20,000
Williamson	25,000
Wilson	25,000
Wood	16,000
Yoakum	25,000
Zapata	25,000
Zavala	25,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated this 12th day of April 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-3143; Filed, Apr. 15, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 56]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.356 *Navel Orange Regulation 56*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 14, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 17, 1955, and ending at 12:01 a. m., P. s. t., April 24, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 415,800 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 15, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3216; Filed, Apr. 15, 1955; 11:32 a. m.]

[Valencia Orange Reg. 30]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.330 *Valencia Orange Regulation 30*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 12, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers

of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 17, 1955, and ending at 12:01 a. m., P. s. t., April 24, 1955, is hereby fixed as follows:

(i) District 1: 62,522 boxes;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 14, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3165; Filed, Apr. 15, 1955; 8:54 a. m.]

[Valencia Orange Reg. 31]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.331 *Valencia Orange Regulation 31*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 12, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Effective at 12:01 a. m., P. s. t., April 17, 1955, the provisions of Valencia Orange Regulation 28 (§ 922.328; 20 F. R. 1845) shall not be applicable to Valencia oranges grown in District 1.

(2) During the period beginning at 12:01 a. m., P. s. t., April 17, 1955, and ending at 12:01 a. m., P. s. t., February 4, 1956, no handler shall handle any Valencia oranges grown in District 1 or in District 2 which are smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum diameter shall be permitted in any type of container: *Provided,* That in addition to such tolerance, each handler may, during each calendar week of the aforesaid period, handle a quantity of such oranges which are smaller than 2.31 inches in diameter but not smaller than 2.20 inches in diameter, except that a tolerance of 5 percent, by count, of oranges smaller than 2.20 inches in diameter shall be permitted in any container of oranges which are smaller than 2.31 inches in diameter, if such quantity does not exceed 5 percent of the total quantity of Valencia oranges handled by such handler during such week.

(3) As used in this section, "handled," "handler," "boxes," "District 1," and "District 2," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 14, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3164; Filed, Apr. 15, 1955; 8:54 a. m.]

[Orange Reg. 277]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.734 *Orange Regulation 277*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 18, 1955. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 18, 1955; the recommendation and supporting information for continued regulation subsequent to April 17, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 18, 1955, and ending at 12:01 a. m., e. s. t., May 2, 1955, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 274 (§ 933.728; 20 F. R. 1359).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 13, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3162; Filed, Apr. 15, 1955; 8:53 a. m.]

[Grapefruit Reg. 222]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.735 *Grapefruit Regulation 222*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 7 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 18, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 18, 1955; the recommendation and supporting information for continued regulation subsequent to April 17, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 18, 1955, and ending at 12:01 a. m., e. s. t., May 2, 1955, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any white seedless grapefruit, grown in "Regulation Area I," which do not grade at least U. S. No. 2;

(iv) Any white seedless grapefruit, grown in "Regulation Area II," which do not grade at least U. S. No. 2 Russet;

(v) Any pink seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(vi) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any white seedless grapefruit, grown in "Regulation Area I," that grade U. S. No. 2 Bright, or U. S. No. 2, which are of a size larger than a size that will pack 54 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 13, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3160; Filed, Apr. 15, 1955; 8:52 a. m.]

[Lemon Reg. 585]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.692 *Lemon Regulation 585*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 13, 1955, such

meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 17, 1955, and ending at 12:01 a. m., P. s. t., April 24, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 375 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 14, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3199; Filed, Apr. 15, 1955; 8:50 a. m.]

[Grapefruit Reg. 102]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA, AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.363 *Grapefruit Regulation 102*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 17, 1955. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 17, 1954, and will so continue until April 17, 1955; the recommendation and supporting information for continued regulation subsequent to April 16, 1955, was promptly submitted to the Department after an open meeting of the Administrative Committee on April 7; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., April 17, 1955, and ending at 12:01 a. m., P. s. t., May 8, 1955, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit grade at least U. S. No. 2: *Provided,* That (*a*) not to exceed a total of 20 percent, by count, of the grapefruit in any lot may fail to meet the requirements of the U. S. No. 2 grade, but such total of 20 percent may not include more than 15 percent, by count, of grapefruit failing to meet the requirements of the U. S. No. 2 grade because of serious damage by dryness or mushy condition nor more than 10 percent, by count, of grapefruit failing to meet the requirements of the U. S. No. 2 grade because of serious damage by defects other than dryness or mushy condition; and (*b*) no individual container of such grapefruit may contain more than 20 percent, by count, of grapefruit which are seriously damaged by dryness or mushy condition; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3$^{6}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3$^{6}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than 3$^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{13}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3$^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{10}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," "serious damage," and "dryness or mushy condition" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 13, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3161; Filed, Apr. 15, 1955; 8:52 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

CONSENT TO SERVICE OF PROCESS TO BE FURNISHED BY NON-RESIDENT INVESTMENT GENERAL PARTNERS OR MANAGING AGENTS OF INVESTMENT ADVISERS; CORRECTION

In F. R. Document 54-5350 published at 19 F. R. 4300, July 14, 1954, in paragraph headed "Statutory Basis", column 3, second sentence (commencing on line 11 of that paragraph) should read as follows: "* * * The Commission hereby designates this rule to be § 230.173 (Rule 173) under the Securities Act of 1933, § 240.0-7 (Rule X-7) under the Securities Exchange Act of 1934, § 260.0-10 (Rule T-0-10) under the Trust Indenture Act of 1939, § 270.07 (Rule N-7) under the Investment Company Act of 1940, * * *."

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 12, 1955.

[F. R. Doc. 55-3141; Filed, Apr. 15, 1955; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

ENLISTED MEN ABSENT WITHOUT LEAVE, DESERTERS AND ESCAPED MILITARY PRISONERS

Sections 536.30 and 536.40 are revised to read as follows:

§ 536.30 *Apprehension*—(a) *Military personnel.* Military personnel authorized by Manual for Courts-Martial, 1951, paragraph 19 (16 F. R. 1310), may apprehend absentees and deserters.

(b) *Civil personnel.* Any civil officer described in Uniform Code of Military Justice, Article 8, and private citizens when authorized by a military officer may apprehend an absentee or deserter from the Army and deliver him into the custody of the Armed Forces. See Manual for Courts-Martial, 1951, paragraph 23.

(c) *Absentees and deserters to be apprehended.* Except as indicated in paragraph (d) of this section, all absentees and deserters will be apprehended including those who deserted during the periods December 7, 1941, to July 24, 1947, and June 25, 1950, to July 27, 1953, all dates inclusive.

(d) *Classes of absentees not to be apprehended or returned to military control.* Individuals who deserted from the Regular Army during the Spanish American War, those who deserted the Army during World War I, and peacetime absentees or deserters in whose cases trial is barred by the Uniform Code of Military Justice, Article 43, will not be apprehended or returned to military control.

(e) *Cooperation of State and local police authorities.* (1) Continental army and Military District of Washington commanders will take steps to secure the active cooperation of all State and local police authorities and of such other officials and organizations, except the Bureau of Investigation, the Selective Service System, or any of the branches thereof, as they deem useful to insure that wanted absentees and deserters are returned to military control. Agencies should be informed that action will not be taken to apprehend absentees and deserters unless the agency concerned is in receipt of DD Form 553, or has received notice from military officials or Federal law enforcement officials that the person is absent without leave and his return to military control is desired.

(2) All commanding officers will assure prompt, complete, and accurate replies to all inquiries received from civil law enforcement agents or agencies regarding absentees or deserters.

§ 536.40 *Property and personal effects.* (a) When an individual absents himself without leave, the personal effects will be disposed of in accordance with Public Law 39, 81st Congress (63 Stat. 44; 5 U. S. C. 150e-i)

(b) Money left by an absentee will be deposited with a disbursing officer. The original receipt will be retained in the files of the organization making the deposit and copy thereof forwarded to The Adjutant General, with the records, if the individual is dropped from the rolls of the organization.

[AR 630-10, 31 March 1955] (R. S. 161; 5 U. S. C. 22)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 55-3132; Filed, Apr. 15, 1955; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

SURETY BOND COVERAGE FOR FEDERAL CREDIT UNIONS

Notice having been published in the FEDERAL REGISTER on February 22, 1955 (20 F. R. 1102), that the Director of the Bureau of Federal Credit Unions, with the approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare, proposed to prescribe a certain regulation concerning surety bond coverage for Federal credit unions, and that prior to the official adoption of the proposed regulation consideration would be given to any data, views, or arguments pertaining thereto submitted to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington 25, D. C., within a period of 30 days from the date of publication of the notice in the FEDERAL REGISTER, and the regulation proposed to be adopted having been set forth in the FEDERAL REGISTER on page 1102 (20 F. R. 1102), and the 30-day period having elapsed and due consideration having been given to written views submitted, now, therefore, the regulation set forth below is hereby adopted and promulgated effectively April 30, 1955.

Part 301, as amended (45 CFR 301.1 et seq.), is further amended by adding a new § 301.20, as follows:

§ 301.20 *Surety bond coverage for Federal credit unions.* (a) The board of directors of each Federal credit union shall, at least semi-annually, carefully review the bond coverage in force in order to ascertain its adequacy in relation to the exposure and to the minimum requirements fixed from time to time by the Director of the Bureau of Federal Credit Unions.

(b) All surety bonds must provide for faithful-performance-of-duty coverage for any officer or employee while performing any of the duties of the treasurer as prescribed in the Federal Credit Union Act, the Federal credit union's by-laws, or rules and regulations of the Bureau of Federal Credit Unions.

(c) No form of surety bond shall be used except as is approved by the Director of the Bureau of Federal Credit Unions. Credit Union Blanket Bond, Standard Form No. 23 of the Surety Association of America (Revised to May 1950), plus Faithful Performance Rider (for use with this form to Broaden Insuring Clause (A), Revised to May, 1950) shall be considered as the minimum coverage required and is hereby approved. Credit Union Blanket Bond—BFCU Optional Form No. 576 plus Faithful Performance of Duty Rider—Form BFCU 576F is also approved. No other bond form may be used unless specifically approved in writing by the Director of the Bureau of Federal Credit Unions. No form of surety bond is approved for use by a Federal credit union having its main office outside of the continental United States unless by the terms of the bond or by an appropriate rider attached thereto the provisions of the bond are made applicable within the jurisdiction in which the main office of such Federal credit union is located.

(d) All sureties writing Federal credit union bonds must hold a certificate of authority from the Secretary of the Treasury under the act of Congress approved July 30, 1947 (6 U. S. C., secs. 6-13) as an acceptable surety on Federal bonds in the State or jurisdiction concerned.

(e) The schedule of coverage set forth in paragraph (f) of this section shall not be deemed to cover change funds exceeding $1,000. In cases where the change fund (either temporary or permanent) exceeds $1,000, additional coverage to the full extent of the change fund shall be required.

(f) The following schedule shall be deemed as the minimum requirements only:

Assets:	*Minimum coverage*
$0,000 to $5,000	$1,000
$5,001 to $10,000	2,000
$10,001 to $20,000	4,000
$20,001 to $30,000	6,000
$30,001 to $40,000	8,000
$40,001 to $50,000	10,000
$50,001 to $75,000	15,000
$75,001 to $100,000	20,000
$100,001 to $150,00	30,000
$150,001 to $200,000	40,000
$200,001 to $300,000	50,000
$300,001 to $400,000	60,000
$400,001 to $500,000	70,000
$500,001 to $750,000	85,000
$750,001 to $1,000,000	100,000
Over $1,000,000	(1)

(1) $100,000 plus $50,000 for each additional million or fraction thereof of assets.

It shall be the duty of the board of directors of each Federal credit union to pro-

vide proper protection to meet any circumstance by obtaining adequate bond (and insurance) coverage in excess of the above minimum schedule.

(g) The Director of the Bureau of Federal Credit Unions may require additional coverage for any Federal credit union when, in his opinion, the surety bonds in force are insufficient to provide adequate surety coverage and it shall be the duty of the board of directors of the Federal credit union to obtain such additional coverage within thirty days after the date of written notice.

(h) As to surety bonds now in force, each Federal credit union shall conform to this regulation both as to form and amount of its bond coverage by not later than the next annual anniversary date following April 30, 1955.

(Sec. 16, 48 Stat. 1221, as amended at sec. 3, 68 Stat. 792; 12 U. S. C. 1766)

Dated: April 4, 1955.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved:

C. I. SCHOTTLAND,
Commissioner of Social Security.

Approved: April 11, 1955.

ROSWELL B. PERKINS,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 55-3142; Filed, Apr. 15, 1955; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco and Other Excise Taxes

PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

Correction

In F. R. Doc. 55-2997, appearing at page 2356 of the issue for Tuesday, April 12, 1955, the following change should be made: Section 195.105, appearing on page 2361, should be deleted in its entirety.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 67 (LRP 1)]

LRP 1—SEAMEN'S CLAIMS; ADMINISTRATIVE ACTION AND LITIGATION

Correction

In Federal Register Document 55-3051, appearing at page 2414 of the issue for Wednesday, April 13, 1955, the following changes should be made:

1. In section 1, the twelfth line should read "allowance or disallowance (actual and ".

2. In the second line of section 5 (a) the word "season" should read "seamen".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[CAM 60, Supp. 19]

PART 60—AIR TRAFFIC RULES

CAA RULES, POLICIES, AND INTERPRETATIONS

This supplement contains a complete compilation of all current CAA rules, policies, and interpretations implementing Part 60 of the Civil Air Regulations. The following revisions and additions have been made in CAA rules, policies, and interpretations: CAA policies concerning the authorization of deviations from air traffic rules for special flight operations (§ 60.1) have been revised to be more definitive than those previously published. The general procedures relative to the issuance of certificates of waiver have been consolidated; the conditions for issuance of certificates of waiver for air shows, meets, and races, revised; and conditions for issuance of such certificate for agricultural and industrial operations, defined. New policies have been adopted to cover (1) reporting of emergency situation (§ 60.2); (2) the issuance of waivers for acrobatic flight within a civil airway (§ 60.16); (3) application of policies concerning industrial and agricultural operations conducted before sunrise and after sunset (§ 60.23); (4) procedures for obtaining permission to operate under lower ceiling and visibility minimums than those prescribed in Part 609 of the Regulations of the Administrator (§ 60.46). A new interpretation has been added which defines "appropriate authority" for obtaining permission to operate an aircraft within a prohibited or restricted area (§ 60.13).

Policies previously listed in the Flight Information Manual and now included in the Civil Aeronautics Manual cover (1) emergency descent procedures (§ 60.21); (2) issuance of air traffic clearance within control zones (§§ 60.30 and 60.31); (3) filing of VFR flight plans (§ 60.33); and two-way radio failure procedures (§ 60.49).

Editorial revisions have been made in consolidating information on radio communications procedures (§ 60.47) and odd and even altitudes on airways (§ 60.32). Sections 60.18-1 through 60.18-7 cover CAA rules regarding right-turn indicators, light signals, and traffic patterns, as published in 14 CFR 1952, and have merely been renumbered leaving § 60.18-1 as a vacant number; no substantive changes have been made. Compliance with the notice, procedures, and effective date provisions of § 3, (a) (3) of the Administrative Procedure Act is unnecessary and not required.

No change has been made to rules in §§ 60.17-1, 60.23-1, and 60.46-1, as published in 14 CFR 1952. Rules regarding air traffic clearances required of scheduled air carriers as stated in §§ 60.21-1 and 60.43-1 and published in 14 CFR 1952 have been rescinded.

The following new or revised policies and interpretations are adopted:

GENERAL

§ 60.1-1 *Conditions for issuance of a certificate of waiver (CAA policies which apply to § 60.1 (b)).*—(a) *General.* (1) A Certificate of Waiver or Authorization, Form ACA-663, will be issued to authorize noncompliance with any section of this part for a special flight operation when the operation can be conducted under the terms and conditions of a certificate which will provide a reasonable degree of safety to other air traffic and to persons and property on the ground. Deviations from the following sections of this part for special flight operations are considered routine and generally require the approval of only the local Aviation Safety Agent:

(i) Section 60.16 *Acrobatic flight.*

(ii) Section 60.17 *Minimum safe altitudes.*

(iii) Section 60.18 *Operation on and in the vicinity of an airport.*

(iv) Section 60.23 *Aircraft lights.*

(2) Deviations from other sections of this part are normally not considered routine and may require consideration and approval of authority higher than the local Aviation Safety Agent. The application for deviations should be submitted sufficiently in advance of the contemplated operation to allow time for the approval procedure to be completed. Normally, ten days is sufficient advance time to complete the approval procedure for issuance of a certificate of waiver, but requests for deviation from sections not listed above may require a longer period of time.

(b) *Application for waiver.* An applicant for a Certificate of Waiver or Authorization for any special flight operation should comply with the following procedure:

(1) Obtain three copies of an Application for Certificate of Waiver, Form ACA-400 from the local Aviation Safety District Office.

(2) Fill out copies of the application, as follows:

(i) Type or print in ink.

(ii) Give complete information on all applicable items 1 through 13.

(iii) In item 1, fill in complete name and name of company, if operations has a company name, e. g., John B. Jones d/b/a Jones Dusting Service.

(iv) List, under item 3, all sections of this part for which a waiver is requested.

(v) Sign all copies of the completed application on the reverse side in the space provided for the applicant's signature.

(3) Submit all copies of the application to the local Aviation Safety Agent.

(4) Arrange with the local Aviation Safety Agent for inspection of aircraft, aircraft records, personnel, etc., as appropriate for the operation involved.

(c) *Authorization.* The certificate will authorize noncompliance with only those sections of the Air Traffic Rules listed on the certificate. It will not relieve the holder from compliance with any State, or local law or ordinance which may apply to the operation, or from obtaining prior permission from owners over whose property the operation may be conducted.

(d) *Duration.* The certificate will contain an expiration date to allow ample time for completion of the operation, not to exceed one year. It may be surrendered by the holder or cancelled by the Administrator at any time for noncompliance with provisions of the Certificate of Waiver or Authorization, for operation in a careless or reckless manner, or at any time a need no longer exists for the certificate.

(e) *Special provisions.* (1) The certificate will contain such special provisions or conditions as the approving agent may deem necessary in the interest of safety or appropriate to good operating practices.

(2) In addition, specific instructions or precautions will be required where they are deemed necessary to insure safety during the use of special equipment, or are necessary for the particular areas or types of operation involved.

(f) *Operation outside the United States.* A Certificate of Waiver or Authorization is valid only within the continental limits of the United States, its territories, and possessions. It is the responsibility of the holder to obtain prior clearance from the foreign country for operation within that country.

§ 60.1-2 *Certificate of Waiver or Authorization for agricultural and industrial operations (CAA policies which apply to § 60.1 (b)).* A Certificate of Waiver or Authorization may be issued to operators or individuals engaging in agricultural and industrial operations when such operations involve noncompliance with provisions of this part. Application for a Certificate of Waiver or Authorization is made in accordance with § 60.1-1 (b). A Certificate of Waiver or Authorization issued for an agricultural or industrial operation is subject to provisions appropriate to the type of operation. A Certificate of Waiver or Authorization involving pest control, operations before sunrise and after sunset, photographic flights, hunting of predatory animals, or private pilot spraying and dusting operations, may be issued in accordance with the following:

(a) *Pest control.* Issuance of a Certificate of Waiver or Authorization for pest control operations requiring low flight over cities, towns, settlement, and congested areas is premised primarily on the following:

(1) There is no question as to the airworthiness of the aircraft. Certificated aircraft whose operating limitations state that the aircraft is not eligible for a waiver under § 8.31, cannot be used.

(2) A thorough visual inspection of the aircraft, engine, and insecticide apparatus is conducted prior to each day's operation.

(3) A planned course of action is followed with emphasis on available areas for emergency landing.

(4) Pilots used must hold a valid commercial rating, type and/or class ratings appropriate to the aircraft used, and have had at least 100 hours' experience in dusting or spraying.

(5) Application is accompanied by a letter from the mayor, chief of police, or other proper municipal authority, requesting that a waiver be granted.

(b) *Operations before sunrise and after sunset.* The early morning and late evening hours are recognized as being favorable times for conducting certain aerial spraying and dusting activities. The limited useful load of most sprayers and dusters is such that the extra weight imposed by a lighting system may be unwarranted. Issuance of a Certificate of Waiver or Authorization to conduct dusting and spraying operations before official sunrise and after sunset are premised on:

(1) All flights being restricted to the early morning and late evening periods when a prominent unlighted object can be seen for a distance of three miles.

(2) All flights being restricted to local areas where the dusting or spraying is to be performed.

(3) Landings and takeoffs not being made at uncontrolled airports without prior consent of the airport manager.

(4) No flights being conducted when other types of operations which require position lights are in progress.

(5) Clearance from air traffic control being obtained before taking off and landing at controlled airports.

(c) *Photographic flights.* A Certificate of Waiver or Authorization to permit aerial photography at low altitudes over cities, towns, settlements, and congested residential areas is issued only when the operation is in the public interest, and the applicant can show that:

(1) The photographic operation cannot be satisfactorily accomplished by the use of a telescopic lens, flying over rivers, harbors, wasteland, or other such areas adjacent to the objective.

(2) There is no question of the airworthiness of the aircraft and no restrictions on the aircraft which does not allow operation in prohibited areas.

(3) A thorough visual inspection of the aircraft and engine is to be conducted prior to each day's operation.

(4) A planned course of action is to be followed with emphasis on available areas for an emergency landing.

(5) A capable and experienced pilot holding at least a commercial rating is to be utilized.

(d) *Hunting of predatory animals.* A Certificate of Waiver or Authorization to permit hunting of predatory animals is issued only when the operation is in the public interest and is to be conducted by competent and experienced pilots.

(e) *Private pilot privileges.* A Certificate of Waiver or Authorization to permit dusting and spraying by a private pilot is issued when:

(1) The purpose is to spray or dust property owned or leased by the private pilot.

(2) The private pilot submits a written statement from the owner of the property other than his own, which contains a description of the area to be treated and a statement that the pilot or other persons are to receive no remuneration or compensation for the private pilot's services.

§ 60.1-3 *Certificate of waiver for an air show, meet, race, etc. (CAA policies which apply to § 60.1 (b)).* (a) Certificate of Waiver or Authorization is issued only when the air show, meet, race, or other aeronautical demonstration can be conducted in a manner which will not subject spectators and other non-participating persons or property in the air or on the ground to aircraft hazards. The certificate is issued to the person or persons directly in charge of the conduct of the show and who are responsible for compliance with all applicable portions of the waiver.

(b) All acrobatics as well as other potentially hazardous acts are to be conducted at a distance of not less than 500 feet from the grandstand or spectators. Such acts may be required to be performed at greater distances when the experience of the pilot, the terrain, location, or type of act require a greater distance for reasons of safety. Applicants for a specific act may be required to demonstrate the act, or maneuvers, to the satisfaction of the agent issuing the certificate, so that a proper determination of the safe distance from the grandstand or spectators can be made.

(c) Where a demonstration is required, it will conform as closely as possible to the act which will be performed at the air show. Demonstration of normal flying acts which do not constitute a potential hazard are not usually required.

(d) The demonstration of an act may be waived when a performer has been actively engaged in performing at air shows during the previous year and can present evidence of previous authorization. This may be a copy of the most recent certificate of waiver issued by the CAA which indicates the names of the performers and the minimum distances authorized, or it may be a letter from an agent who authorized the most recent performance of the act.

(e) Acrobatic flights are expected to be under direct control provided by the holder of the certificate of waiver. The method of communication should insure that the pilot can be informed of any hazardous situation which may occur during the flight, or informed that the air show or his act has been stopped.

(f) The Certificate of Waiver or Authorization may contain any or all of the following provisions:

(1) All acts shall be approved in writing by the local agent before they may be performed.

(2) Participants in a specific act shall, if required by the local agent, demonstrate competency to perform the act prior to approval.

(3) First-aid and fire-fighting equipment shall be immediately available at the location of the demonstration.

(4) Provisions shall be made for control of spectators.

(5) The applicant shall establish a central operations point from which activities will be directed, and he or his representatives shall be immediately aavilable at this point during activities.

(6) The applicant shall provide means to advise all participants that an activity has been halted.

(7) An activity shall be halted when unauthorized persons enter the opera-

tions area, or for any other reason in the interest of safety.

(8) No aircraft will be flown closer than (specified distance) horizontally to spectators.

(9) Acrobatics or inverted flight will not be demonstrated lower than (specified altitude).

(10) No object will be dropped from an aircraft if the object will land within (specified distance) from spectators.

(11) A closed field signal, readily seen from an altitude of 3,000 feet (large white "X"), shall be displayed on the landing area when the activities are in progress.

(12) A physical barrier shall be provided to confine spectators to designated areas.

(13) A deadline readily visible to the participants shall be provided to insure that aircraft will maintain the approved horizontal distance from the spectators.

(14) The holder shall notify the nearest CAA Airway Communications Station of the date, time, place, nature, and duration of the operations and request that an appropriate Notice to Airmen be disseminated.

(15) The course and pylons for races shall be located and spaced to provide protection to persons and property on the ground.

(16) The holder shall, prior to beginning activities, submit to the approving agent a written statement, signed by all participants that they have read and understand the conditions of the certificate of waiver.

(17) All participants shall be briefed on special field rules, and the manner and order of events before beginning activities.

(18) Clearance for all participating pilots and aircraft shall be obtained from the approving agent before beginning activities.

(19) All aircraft and special equipment shall be inspected prior to each day's operation.

(20) Any other special provisions which the approving agent may deem necessary in the interest of safety.

§ 60.2–1 *Emergency situation, report required within 48 hours (CAA policies which apply to § 60.2).* When a pilot has been involved in a situation for which a report must be submitted within 48 hours to the nearest regional office of the Administrator, he should describe the incident in detail and forward the report to the regional office having jurisdiction over the area in which the incident occurred.

GENERAL FLIGHT RULES (GFR)

§ 60.13–1 *Appropriate authority (CAA interpretations which apply to § 60.13).* (a) Appropriate authority, to issue permission for aircraft operation within a prohibited or restricted area, will mean the "Using Agency" as shown on the prohibited or restricted area charts.

(b) Application for permission to operate aircraft within an airspace reservation or prohibited area will be made to the "Using Agency." If an area is listed for which a "Using Agency" is not shown, application can be made to the local Aviation Safety District Office.

(c) Application for permission to operate within the Washington, D. C., airspace reservation will be made to the Civil Aeronautics Administration, General Safety Division, Washington 25, D. C.

(d) Six prohibited or restricted area charts[1] cover the continental United States in approximately equal portions, and are designated as follows:

(1) Prohibited or restricted (danger) area chart (N. W.)

(2) Prohibited or restricted (danger) area chart (N. Central)

(3) Prohibited or restricted (danger) area chart (N. E.)

(4) Prohibited or restricted (danger) area chart (S. E.)

(5) Prohibited or restricted (danger) area chart (S. Central)

(6) Prohibited or restricted (danger) area chart (S. W.)

§ 60.16–1 *Issuance of a waiver or authorization (CAA policies which apply to § 60.16).* (a) No Certificate of Waiver or Authorization will be issued for acrobatic flights over congested areas, cities, towns, settlements, or open air assembly of persons.

(b) (1) A waiver may be issued for acrobatic flight within a civil airway premised on a satisfactory showing by the applicant that the flight or flights will be conducted at such altitudes, locations, and times as not to be a hazard to other traffic using the airway.

(2) A waiver may be issued for acrobatic flight within a control zone only after concurrence of the appropriate traffic control authority, and on a showing by the applicant that the flight or flights will be conducted at such altitudes, locations, and times as not to be a hazard to other known traffic. Any waiver issued for such flight will stipulate ceiling and visibility minimums to insure safety to air traffic.

(c) A Certificate of Waiver or Authorization for acrobatic flight under 1,500 feet altitude will be restricted to air meets, air shows, and related activities.

(d) The policies and procedures of § 60.1–1 apply to an application for a Certificate of Waiver or Authorization.

§ 60.17–1 *Minimum en route instrument altitudes (CAA rules which apply to § 60.17 (d)).* Minimum en route instrument altitudes prescribed by the Administrator are published in Part 610 of Regulations of the Administrator. (Published in 16 F. R. 7351, July 27, 1951, effective upon publication.)

§ 60.18–1 [Reserved.]

§ 60.18–2 *Right-turn indicators (CAA rules which apply to § 60.18 (a)).* (a) Daytime operations. The L-shaped marker described in this paragraph is approved as a standard visual marker which indicates that turns are to be made to the right.[2] The marker shall be prepared in such size and color, and located in such area, that when displayed between sunrise and sunset it will be readily visible to pilots using the airport. The marker shall be placed in such position that the short member of the L will show the direction of the traffic in the air, the long member of the L will point out the landing strip to be used, and the entire L will indicate the course of the turn to be executed by pilots using the landing strip.

(b) *Night-time operation.* A flashing amber light shall mean that a clockwise flow of traffic around the airport is required unless otherwise authorized by the control tower operator.

§ 60.18–3 *Light signals (CAA rules which apply to § 60.18 (e)).* Light signals used for the control of air traffic shall be of the color and shall mean the following:

Color and type of signal	On the ground	In flight
Steady green	Cleared for take-off.	Cleared to land.
Flashing green	Cleared to taxi.	Return for landing (to be followed by steady green at proper time).
Steady red	Stop.	Give way to other aircraft and continue circling.
Flashing red	Taxi clear of landing area (runway) in use.	Airport unsafe—do not land.
Flashing white	Return to starting point on airport.	
Alternating red and green.	General warning signal—exercise extreme caution.	

§ 60.18–4 *Traffic patterns for LaGuardia, New York International, and Newark Airports (CAA rules which apply to § 60.18 (d)).* Operators of aircraft taking off from or landing at LaGuardia Airport, New York; New York International (Idlewild) Airport, New York; or Newark Airport, N. J., shall adhere to the following traffic patterns and altitudes made a part thereof, unless otherwise authorized or directed by air traffic control:

(a) All aircraft shall be operated to follow a standard left-hand rectangular traffic pattern which, for each runway, is contained within a 5-mile radius of the center of the airport.

(b) Landing aircraft shall be operated so as to join the traffic pattern at or above an altitude of 1,200 feet mean sea level, weather permitting.

§ 60.18–5 *Traffic patterns for Anchorage Airport and Lake Hood-Lake Spenard Landing Area (CAA rules which apply to § 60.18 (d)).* Aircraft taking off from or landing at the Anchorage Airport or the Lake Hood-Lake Spenard Landing Area, shall adhere to the following traffic patterns and the altitudes made a part thereof, unless otherwise authorized by Air Traffic Control. The subject traffic patterns shall be contained within the air space described by a 5-mile horizontal radius of the Anchorage Airport and extending vertically to 2,000 feet mean sea level.

(a) *Anchorage Airport*—(1) *General.* (i) Traffic patterns at the Anchorage Airport shall be rectangular and, for each runway, the traffic pattern shall lie to the side of the runway opposite Lake Hood and Lake Spenard.

(ii) Light and heavy aircraft shall follow their respective patterns as indicated by the diagrams set forth below. The differentiation between light and heavy aircraft shall be:

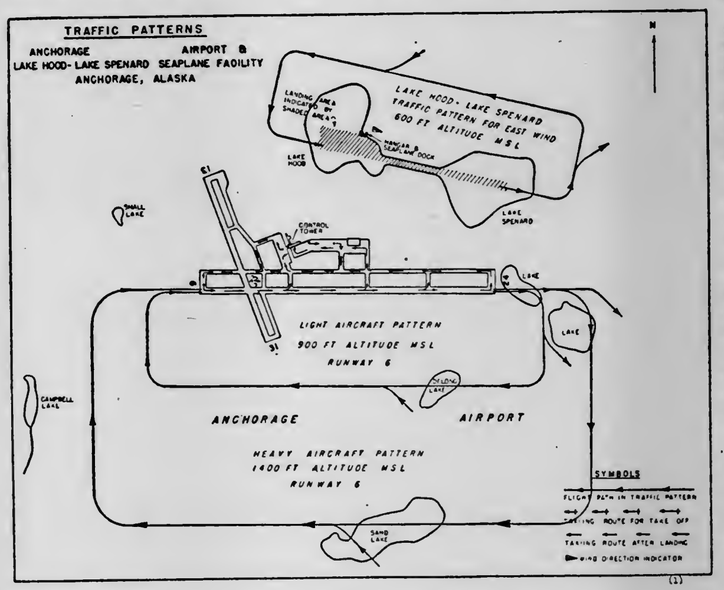
(a) *Light aircraft.* Aircraft which normally use a final approach true air speed of 100 m. p. h. or less.

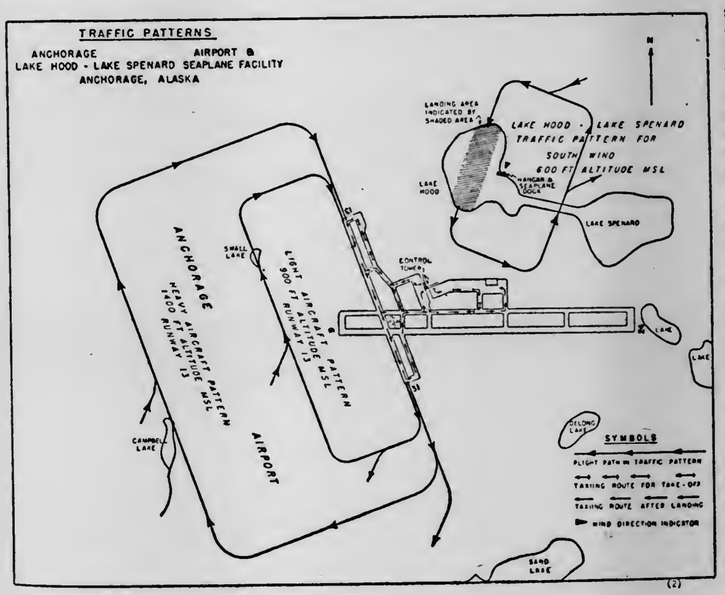
(b) *Heavy aircraft.* Aircraft which normally use a final approach true air speed greater than 100 m. p. h.

(2) *Takeoff*—(i) *Aircraft remaining in the traffic pattern*—(a) *Runway 6 and 13.* Aircraft remaining in the traffic pattern shall execute a turn of 90° to the right at or before reaching an altitude of 500 feet mean sea level, and follow the rectangular patterns for runways 6 and 13 respectively.

[1] Published by the Coast and Geodetic Survey, Washington 25, D. C. and are for sale for 5 cents each.

[2] The L-shaped marker is applied to the Segmented Circle Airport Marker System in Technical Standard Order TSO–N5, available free of charge from Aviation Information Office, CAA, Washington 25, D. C.





(b) *Runway 24 and 31.* Aircraft remaining in the traffic pattern shall execute a turn of 90° to the left at or before reaching an altitude of 500 feet mean sea level and follow the rectangular patterns for runways 24 and 31 respectively.

(ii) *Departing aircraft*—(a) *Runway 6 and 13*—(1) *Light aircraft.* Execute a turn of 90° to the right at or before reaching 500 feet mean sea level, and at the approximate midpoint of the initial cross-wind leg, execute a turn of 45° to the left.

(2) *Heavy aircraft.* Execute a turn of 45° to the right from the takeoff leg at or before reaching an altitude of 500 feet mean sea level.

(b) *Runway 24 and 31*—(1) *Light aircraft.* Execute a turn of 90° to the left at or before reaching 500 feet mean sea level, and at the approximate midpoint of the initial cross-wind leg, execute a turn of 45° to the right.

(2) *Heavy aircraft.* Execute a turn of 45° to the left from the takeoff leg at or before reaching an altitude of 500 feet mean sea level.

(3) *Traffic pattern entry*—(i) *Light aircraft.* Enter the traffic pattern at an altitude of 900 feet mean sea level and at an angle of 45° to the approximate midpoint of the down-wind leg.

(ii) *Heavy aircraft.* Enter the traffic pattern at an altitude of 1,400 feet mean sea level and at an angle of 45° to the approximate midpoint of the down-wind leg.

(4) *Landing*—(i) *Light aircraft.* Aircraft shall be operated so as to enter the final approach at a distance of at least 1,000 feet from the approach end of the runway.

(ii) *Heavy aircraft.* Aircraft shall be operated so as to enter the final approach at a distance of at least 1,500 feet from the approach end of the runway.

(b) *Lake Hood-Lake Spenard Landing Area*—(1) *Landing area*—(i) *East or west wind.* The landing area shall be defined by the projection of the shore lines of the canal through Lake Spenard and a projection of the south shore line of the canal through Lake Hood and a parallel projection from Sea Airmotive Hangar extending to the west shore line of Lake Hood as shown by the diagrams set forth below.

(ii) *North or south wind.* The landing area shall be defined as the area extending 500 feet west of a line connecting the most northern and most southern points of the Lake Hood shore line as shown by the diagrams set forth below.

(2) *Traffic control.* (i) Traffic control instructions issued by the Anchorage Tower to aircraft landing at or taking-off from the Lake Hood-Lake Spenard Landing Area will be issued only with respect to existing traffic at the Anchorage Airport. Separation of surface traffic, therefore, will be the responsibility of the aircraft operator.

(ii) In the absence of an air traffic control facility at Lake Hood or Lake Spenard, aircraft shall be operated so as to conform to the taxiing routes as shown by the diagrams set forth below.

(3) *Traffic patterns*—(i) *East or west takeoff or landing.* The traffic pattern shall lie to the side of the Lake

Hood-Lake Spenard canal opposite the Anchorage Airport.

(ii) *North or south takeoff or landing.* The traffic pattern shall lie to the side of the east side of Lake Hood.

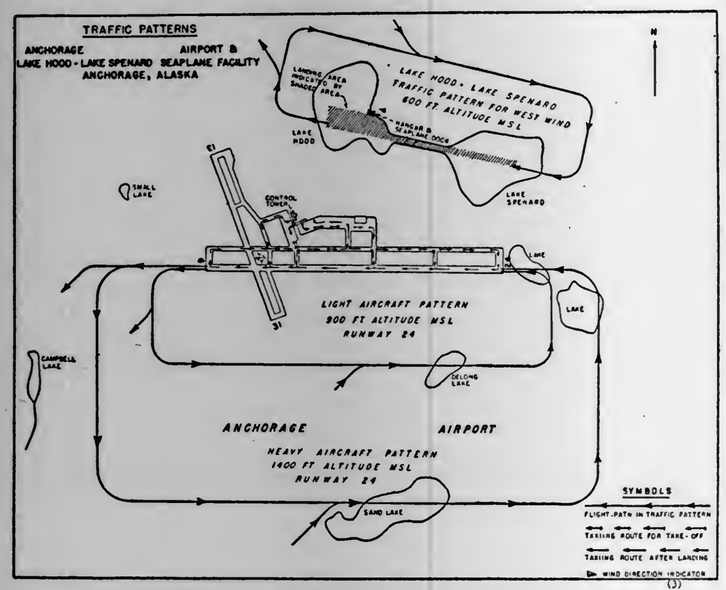
(4) *Limitations.* (i) Only aircraft equipped with fully functioning two-way radio will be authorized to make a south takeoff from Lake Hood or to enter the traffic pattern for a north landing on Lake Hood.

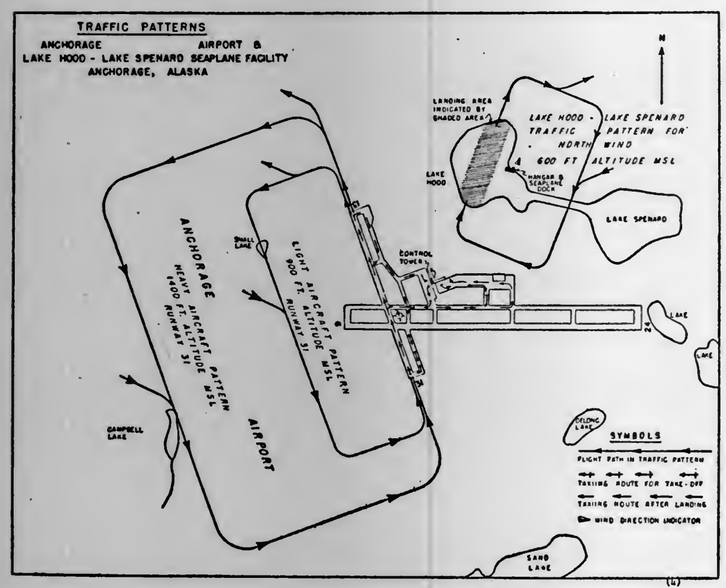
(ii) No aircraft shall make a takeoff to the south from Lake Hood or enter traffic for a landing to the north at Lake Hood without having received a traffic clearance by radio from the Anchorage tower.

(iii) No aircraft shall enter the landing area in use while taxiing "on the step."

(5) *Takeoff.* (i) A pilot shall not begin a takeoff run until he has determined that the landing area and the final approach are clear of traffic.

(ii) Aircraft remaining in the traffic pattern:





(a) *East or south takeoff.* Execute a turn of 90° to the left at or before reaching an altitude of 500 feet mean sea level, and follow the rectangular pattern for an east or south wind respectively.

(b) *West or north takeoff.* Execute a turn of 90° to the right at or before reaching an altitude of 500 feet mean sea level and follow the rectangular pattern for a west or north wind respectively.

(iii) *Departing aircraft—(a) East takeoff.* Execute a turn of 90° to the left at or before reaching an altitude of 500 feet mean sea level, and at the approximate midpoint of the initial crosswind leg, execute a turn of 45° to the right.

(b) *South takeoff.* Execute a turn of 180° to the left at or before reaching an altitude of 500 feet mean sea level, and at the approximate midpoint of the downwind leg, execute a turn of 45° to the right.

(c) *West or north takeoff.* Execute a turn of 90° to the right at or before reaching an altitude of 500 feet mean sea level, and at the approximate midpoint of the initial crosswind leg, execute a turn of 45° to the left.

(6) *Landing—(i) Traffic pattern entry.* Enter the traffic pattern at an altitude of 600 feet mean sea level and at an angle of 45° to the approximate midpoint of the downwind leg.

(7) *Taxiing route for takeoff—(i) Taxiing for a west takeoff from Lake Spenard.* All aircraft maneuvering from parking areas in Lake Hood for a west takeoff from Lake Spenard shall follow a counter-clockwise flow of taxiing traffic in Lake Hood until the pilot has determined that the canal, landing approach, and landing area is clear of traffic, then proceed through the canal in an expeditious manner. All taxiing in Lake Spenard shall be confined to the area south of a projection of the north shore line of the canal.

(ii) *Taxiing for an east takeoff from Lake Hood.* Aircraft maneuvering from parking areas for an east takeoff from Lake Hood through the canal, shall follow a counter-clockwise flow of taxiing traffic in Lake Hood until the pilot has determined that the canal is clear of all taxiing traffic.

(iii) *Taxiing for a south takeoff from Lake Hood.* Aircraft maneuvering from parking areas for a south takeoff from Lake Hood shall follow a counter-clockwise flow of taxiing traffic in Lake Hood to a takeoff position near the north shore of Lake Hood.

(iv) *Taxiing for a north takeoff from Lake Hood.* Aircraft maneuvering from parking areas for a north takeoff from Lake Hood shall follow a clockwise flow of taxiing traffic in Lake Hood to a takeoff position near the south shore of Lake Hood.

(8) *Taxiing route following landing—(i) Taxiing route after landing to the south on Lake Hood.* At the completion of the landing run, the aircraft shall be operated so as to join a counter-clockwise flow of traffic to the aircraft parking area.

(ii) *Taxiing route after landing to the north on Lake Hood.* At the completion of the landing run, the aircraft shall be operated so as to join a clockwise flow of traffic to the aircraft parking area.

(iii) *Taxiing after landing to the east on Lake Hood.* (a) If the landing run is completed prior to entering the canal, the aircraft may be taxied direct to the aircraft parking area.

(b) If the landing run continues into the canal, proceed through the canal in an expeditious manner, following a counter-clockwise flow of traffic in Lake Spenard until it has been determined that the landing approach and the canal are clear of traffic, then proceed expeditiously through the canal to the aircraft parking area.

(iv) *Taxiing after landing to the west on Lake Spenard or Canal.* At the completion of the landing run, proceed expeditiously through the canal and direct to the aircraft parking area.

§ 60.18–6 *Traffic patterns for Fairbanks Airport and Chena River Landing Area (CAA rules which apply to § 60.18 (d)).* Aircraft taking off from or landing at the Fairbanks Airport or the Chena River Landing Area shall adhere to the following traffic patterns and altitudes made a part thereof, unless otherwise authorized by Air Traffic Control. The subject traffic patterns shall be contained within the air space described by a 3-mile horizontal radius of the Fairbanks Airport and extending vertically to 2,500 feet mean sea level.

(a) *Fairbanks International Airport—(1) General.* (i) Traffic patterns at the Fairbanks Airport shall be rectangular, extending east of the CAA road and for each runway the traffic pattern shall be to the east side of the runway.

(ii) Light and heavy aircraft shall follow their respective patterns as indicated by the diagrams set forth below. The differentiation between light and heavy aircraft shall be:

(a) *Light aircraft.* Aircraft which normally use a final approach true air speed of 100 m. p. h. or less.

(b) *Heavy aircraft.* Aircraft which normally use a final approach true air speed greater than 100 m. p. h.

(2) *Takeoff—(i) Aircraft remaining in the traffic pattern—(a) Runway 1—(1) Light aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the right at an altitude of at least 800 feet mean sea level, climbing to a traffic altitude of 1,100 feet mean sea level following the rectangular pattern for runway 1.

(2) *Heavy aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the right at an altitude of at least 800 feet mean sea level climbing to a traffic altitude of 1,600 feet mean sea level following the rectangular pattern for runway 1.

(b) *Runway 19—(1) Light aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the left at an altitude of at least 800 feet mean sea level climbing to a traffic altitude of 1,100 feet mean sea level following the rectangular pattern for runway 19.

(2) *Heavy aircraft.* Aircraft remaining in the traffic pattern shall execute a 90° turn to the left at an altitude of at least 800 feet mean sea level climbing to a traffic altitude of 1,600 feet mean sea level following the rectangular pattern for runway 19.

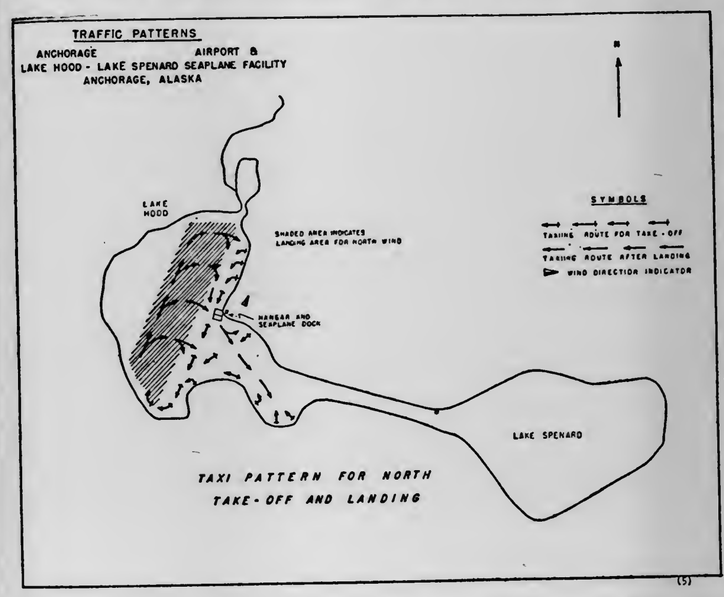
(ii) *Departing aircraft—(a) Runway 1—(1) Light aircraft.* Aircraft shall execute a 90° turn to the right at an altitude of at least 800 feet mean sea level, and at the approximate midpoint of the initial cross wind leg execute a turn of 45° to the left.

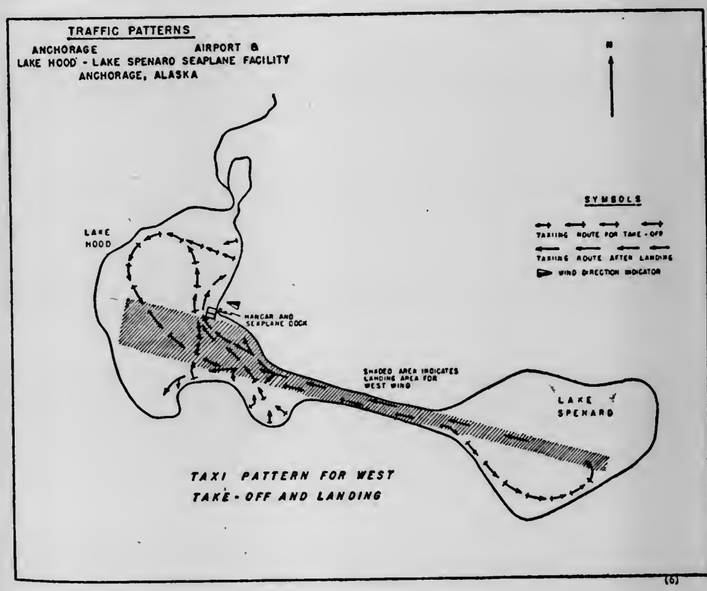
(2) *Heavy aircraft.* Aircraft shall execute a 45° turn to the right from the takeoff leg at an altitude of at least 800 feet mean sea level.

(b) *Runway 19—(1) Light aircraft.* Aircraft shall execute a 90° turn to the left at an altitude of at least 800 feet mean sea level, and at the approximate midpoint of the initial cross wind leg execute a turn of 45° to the right.

(2) *Heavy aircraft.* Aircraft shall execute a 45° turn to the left from the takeoff leg at an altitude of at least 800 feet mean sea level.

(3) *Traffic pattern entry.* (i) Light aircraft shall enter the traffic pattern





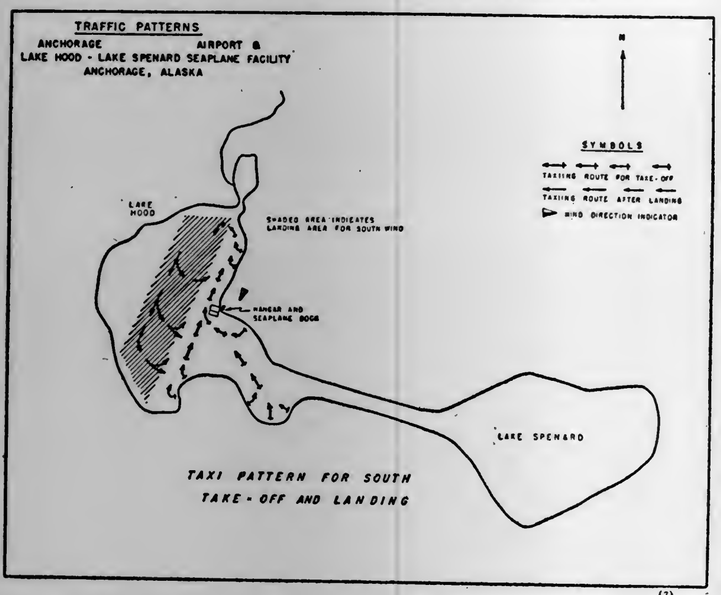
at an altitude of 1,100 feet mean sea level and at an angle of 45° to the approximate midpoint of the downwind leg.

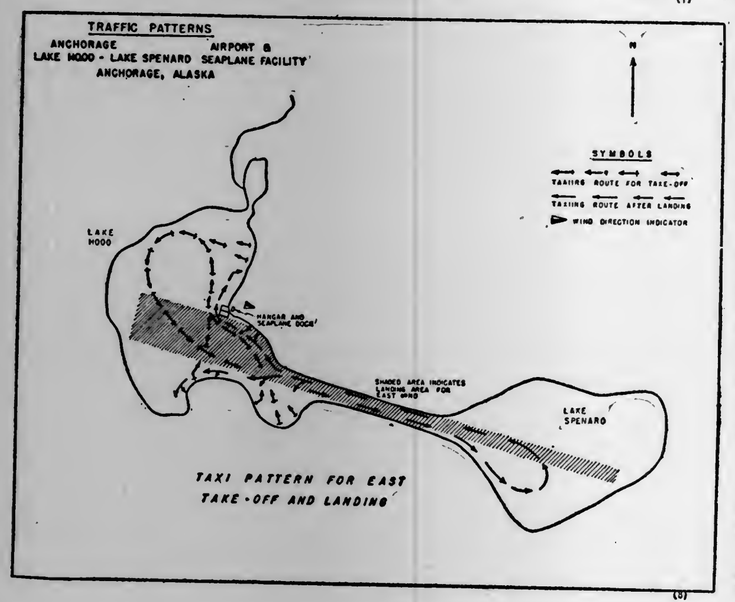
(*ii*) Heavy aircraft shall enter the traffic pattern at an altitude of 1,600 feet mean sea level and at an angle of 45° to the approximate midpoint of the downwind leg.

(*4*) *Landing.* (*i*) Light aircraft shall be operated so as to enter the final approach at a distance of at least 100 feet from the approach end of the runway.

(*ii*) Heavy aircraft shall be operated so as to enter the final approach at a distance of at least 1,500 feet from the approach end of the runway.

(b) *Chena River Landing Area*—(1) *Landing area.* The landing area shall be defined as those portions of the Chena River upstream and downstream from a place on the river commonly known and identified as Pike's Landing, and extending downstream to the pumping station and upstream to the first right turn from Pike's Landing.





(2) *Traffic control.* (i) Aircraft operating in the traffic patterns defined in this chapter will not normally be controlled by the Fairbanks Control Tower.

(ii) Any traffic control instructions issued by the Fairbanks Tower to aircraft landing at or taking off from the defined landing area on the Chena River will be issued only with respect to existing traffic at the Fairbanks Airport. Separation of surface traffic, therefore, will be the responsibility of the aircraft operator.

(3) *Traffic patterns.* (i) Traffic patterns for the defined landing area on the Chena River shall be circular, shall lie to the west side of the river, and shall not extend east of the defined landing area on the Chena River as illustrated on the diagram set forth below.

(ii) Landing or takeoff upstream (north or east) shall be to the left.

(iii) Landing or takeoff downstream (south or west) shall be to the right.

(4) *Departure from traffic pattern.* Aircraft shall depart from the traffic pattern on a westerly heading.

(5) *Entrance to traffic pattern.* Aircraft shall enter the traffic pattern on an easterly heading at an altitude of 900 feet mean sea level.

§ 60.18–7 *Traffic patterns for Washington National Airport (CAA rules which apply to § 60.18 (d)).* Operators of aircraft taking off from or landing at Washington National Airport under VFR shall adhere to the following traffic patterns and altitudes made a part thereof unless otherwise authorized or directed by Air Traffic Control:

(a) Traffic shall remain west of the Potomac River while in the vicinity of Washington, D. C.

(b) Flights over residential areas shall be at altitudes above 1,200 feet whenever practicable.

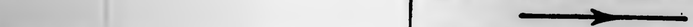
(c) Safe distances shall be maintained from all buildings and from all other aircraft.

(d) The minimum traffic pattern altitude shall be 1,200 feet MSL.

(e) A standard left-hand traffic pattern shall be used when winds are from northerly directions, and a standard right-hand traffic pattern shall be used when winds are from southerly directions.

(f) The Northwest Passage or the Riverdale Lane, indicated in the following traffic patterns, may be used by traffic to and from the northeast.

(g) The applicable airport traffic pattern drawn and otherwise provided in paragraphs (h) through (o) of this section shall be used. On the drawings



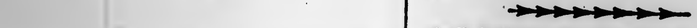
shall indicate the traffic pattern,



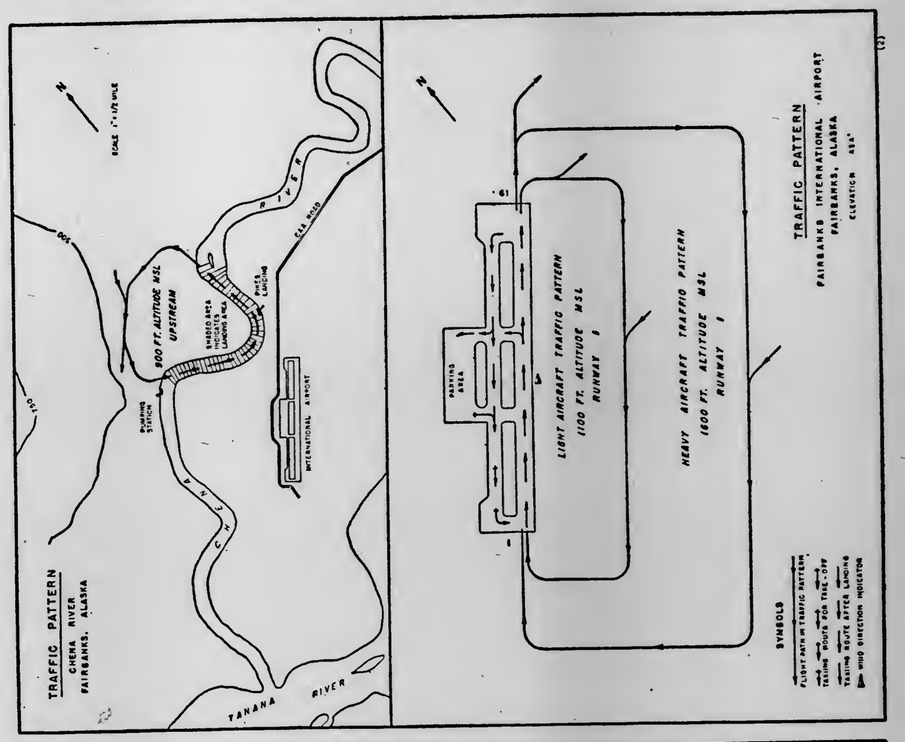
shall indicate the traffic pattern entry,

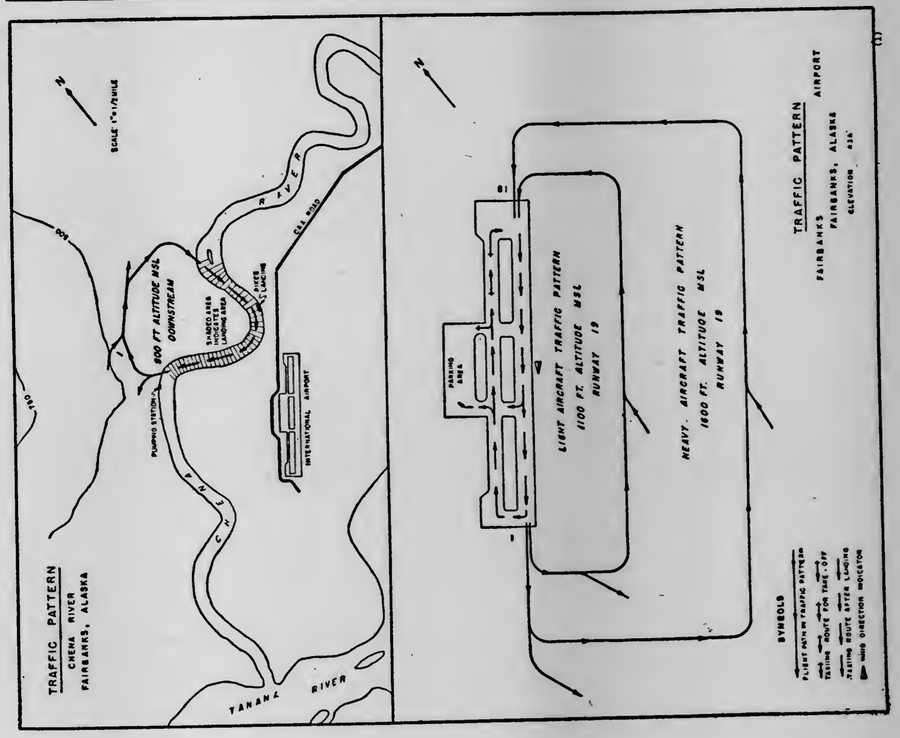


shall indicate the traffic pattern departure, and

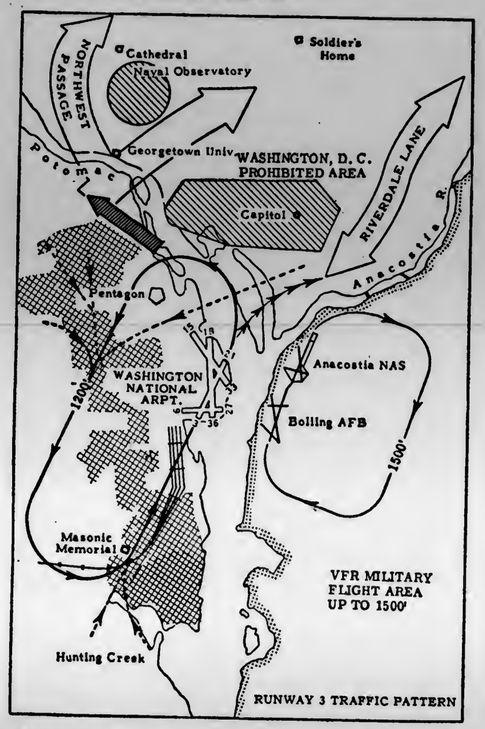


shall indicate the traffic pattern with Washington tower approval.



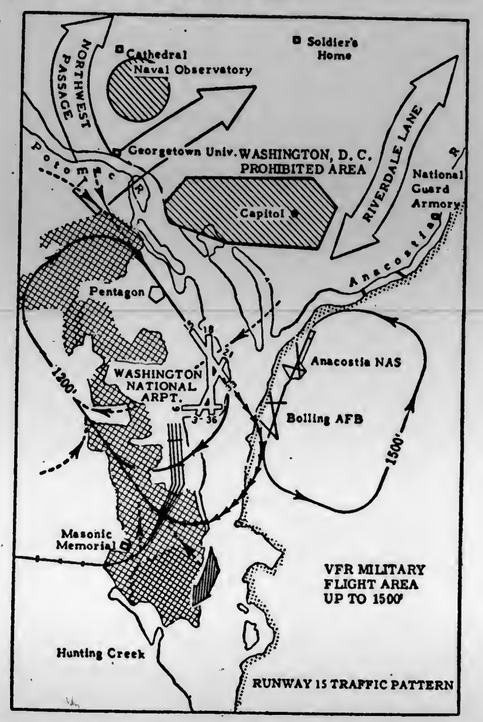


(h) The traffic pattern for runway 3 shall be:



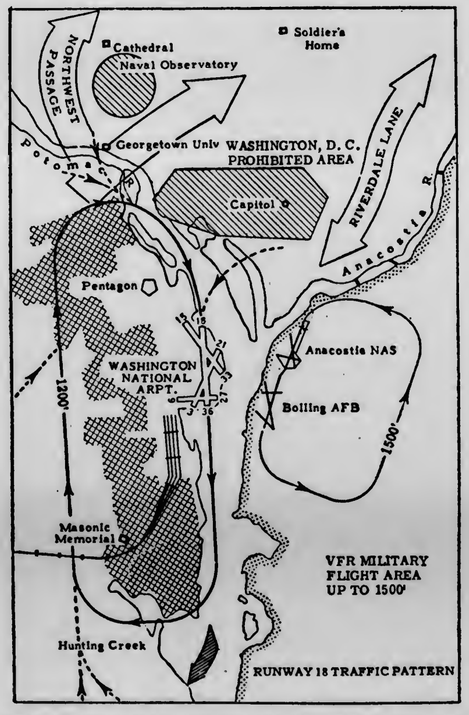
(1) An aircraft landing shall maintain at least 1,200 feet as long as practicable.
(2) An aircraft making a straight-in approach, when authorized by the Washington tower, shall maintain at least 1,200 feet until it intercepts the railroad near the Masonic Temple.
(3) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River. With the approval of the Washington tower, a northeastbound aircraft may make a right turn after taking off.
(i) The traffic pattern for runway 9 shall be specified by the Washington tower.

(j) The traffic pattern for runway 15 shall be:



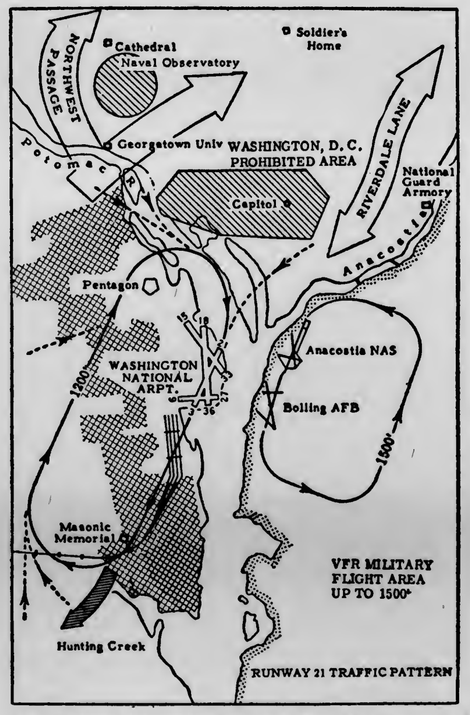
(1) An aircraft landing shall maintain at least 1,200 feet until it turns on its base leg clear of the Pentagon.
(2) An aircraft making a straight-in approach, when authorized by the Washington tower, shall maintain 1,200 feet as long as practicable.
(3) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River.

(k) The traffic pattern for runway 18 shall be:



(1) An aircraft landing shall maintain at least 1,200 feet until it turns on its base leg. It shall follow the pattern clear of the Pentagon.
(2) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River.

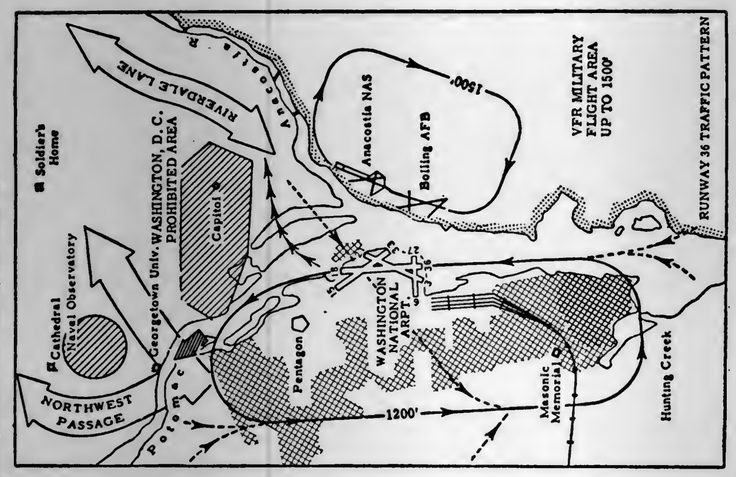
(l) The traffic pattern for runway 21 shall be:



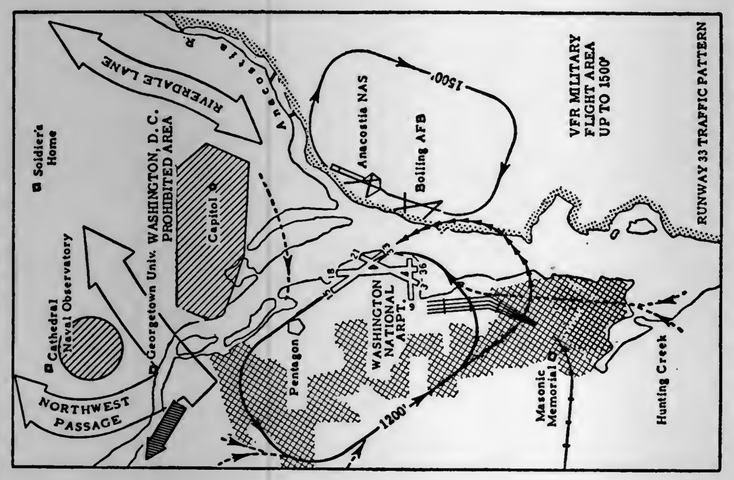
(1) An aircraft landing shall maintain at least 1,200 feet until it turns on its base leg.
(2) An aircraft making a straight-in approach, when authorized by the Washington tower, shall maintain at least 1,200 feet until it has passed the National Guard Armory.
(3) An aircraft taking off shall climb to at least 1,200 feet straight ahead.
(m) The traffic pattern for runway 27 shall be specified by the Washington tower.

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(n) The traffic pattern for runway 36 shall be:



(o) The traffic pattern for runway 33 shall be:



(1) An aircraft landing shall maintain at least 1,200 feet until it is over the Potomac River on its final approach.
(2) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River.

(1) An aircraft landing shall maintain at least 1,200 feet over the Potomac River. It shall avoid flight over the Pentagon if practicable.

§ 60.21–1 *Air traffic clearance*[3] (*CAA policies which apply to § 60.21*). (a) When an air traffic clearance has been obtained under either VFR or IFR rules, the pilot in command may not deviate from the provisions thereof unless an amended clearance is obtained or an emergency exists. Pilots desiring to make a change in altitude, route, or destination should request the change from an appropriate communications facility and receive Air Traffic Control approval prior to making the change.

(b) In case emergency authority is used to deviate from provisions of an air traffic clearance, the pilot in command should notify Air Traffic Control as soon as possible and obtain an amended clearance.

(c) In an emergency situation which results in no deviation from the rules prescribed in part 60, but which requires Air Traffic Control to give priority to an aircraft, the pilot of such aircraft should make a report within 48 hours of such emergency to the nearest regional office of the Administrator.

(d) An amendment to the initial clearance may be issued to a flight at any time Air Traffic Control deems such action necessary to avoid possible conflict between en route, landing, or departing aircraft.

(e) A flight is always cleared to a specific point or location (radio or visual reporting point), defined as a clearance limit. When two-way radio failure is experienced and the pilot proceeds according to the latest traffic clearance, he is expected to observe the following, unless other instructions to the contrary are received:

(1) If the pilot has received and acknowledged a clearance to the destination airport or the radio facility serving that point, he should continue flight at the altitude(s) last assigned by Air Traffic Control, or the minimum instrument altitude,[4] whichever is the higher, to the radio facility servicing the destination airport.

(2) If the pilot has received and acknowledged a clearance to a point other than the destination airport or the radio facility serving the destination airport, he should continue flight at the altitude(s) last assigned by Air Traffic Control or the minimum instrument altitude, whichever is the higher, to the radio facility serving the destination airport.

(3) If holding instructions have been received, the pilot should comply with these instructions until such time as it will be necessary to continue flight so as to arrive at the radio facility serving the destination airport at the expected approach time last received and acknowledged, maintaining the last assigned altitude or the minimum instrument altitude, whichever is the higher.

(4) If holding instructions have been received, but no expected approach time has been received, the pilot should comply with these instructions until the time Air Traffic Control has specified that further clearance may be expected. He should then continue, maintaining the last assigned altitude or the minimum instrument altitude, whichever is the higher.

§ 60.21–2 *Emergency descent* (*CAA policies which apply to § 60.21*). (a) Upon receipt of advice that an aircraft in flight within a control area or control zone has encountered an emergency which may affect other air traffic, Air Traffic Control will act to give the aircraft encountering the emergency priority over any other aircraft involved. Should it become necessary for an aircraft holding to make an emergency descent for a landing through other traffic, the pilot of that aircraft should so advise Air Traffic Control through appropriate communications facilities.

(b) Upon receipt of advice that an aircraft is making an emergency descent through traffic assigned altitudes over the airport, Air Traffic Control will immediately broadcast, or cause to be broadcast, on radio range frequency the following:

Emergency to All Concerned ----------
Emergency Landing at ------ Airport
All Aircraft Below ------ Thousand Feet
Within ------ Miles of ------ Radio Range/Omni
Leave ------ Courses Radials Immediately

(c) Upon receipt of such a broadcast, pilots of aircraft affected should clear specified areas in accordance with the emergency instructions. Air Traffic Control will issue further directions through appropriate communications facilities immediately following the emergency broadcast. When terrain or other factors make it impractical for an aircraft to maintain the last assigned altitude, Air Traffic Control will issue specific directions to the aircraft.

§ 60.23–1 *Aircraft lights in Alaska* (*CAA rules which apply to § 60.23*). In Alaska the lights required by this section shall be displayed when any unlighted aircraft or other unlighted prominent objects cannot readily be seen beyond a distance of 3 miles, or when the sun is more than 6° below the horizon.[5]

§ 60.23–2 *Operations before sunrise and after sunset* (*CAA policies which apply to § 60.23*). It is the policy of the Administrator to issue a certificate of Waiver or Authorization for operation before sunrise and after sunset without lights only for agricultural or industrial operations, in accordance with § 60.1–2 (b).

VISUAL FLIGHT RULES (VFR)

§ 60.30–1 *Authorization by Air Traffic Control* (*CAA policies which apply to § 60.30*). Authorization by Air Traffic Control to enter or depart control zones under VFR when the ceiling is less than 1,000 feet, and to fly closer to clouds than 500 feet vertically below, 1,000 feet vertically above, and 2,000 feet horizontally within a control zone will be issued in the form of an air traffic clearance. This clearance may be obtained by contacting the Airway Communications Station or airport control tower in the control zone concerned. An appropriate clearance for such flight should conform closely to the following example:

ATC clears (aircraft ident.) out of/to enter control zone (number of) miles (direction) of (airport) cruise not above (altitude) while in control zone.

§ 60.31–1 *Air traffic clearance for takeoff or landing* (*CAA policies which apply to § 60.31*). A VFR takeoff or landing may be made at an airport within a control zone when the flight or ground visibility is less than 3 miles only if an air traffic clearance has been received. A takeoff or departure clearance will normally contain specific instructions as to the direction of takeoff, turn after takeoff, track and altitude to be maintained, and any other necessary maneuver.

[3] An air traffic clearance is an authorization by Air Traffic Control for an aircraft to proceed under specified traffic conditions within a control zone or control area. It is issued for the purpose of preventing collision between aircraft known to Air Traffic Control and does not constitute authority to violate any provision of the CAR. A traffic clearance issued by a center and relayed through a communications facility is prefixed by "ATC clears." Other Air Traffic Control messages originated by a center for relay to a pilot will be prefixed by "ATC advised," or "ATC requests," as appropriate. Traffic clearances are issued to flights through ground-air radio communication facilities, such as radio range stations, airport traffic control towers, and air carrier and military communications stations, or on direct communications channels.

An air traffic clearance provides separation from other aircraft only during that portion of a flight conducted in weather conditions less than VFR minimums. It is the direct responsibility of the pilot to avoid other aircraft when flying in VFR conditions even with a traffic clearance. The initial traffic clearance issued to an aircraft prior to departure will normally authorize flight to the point of first intended landing, with instructions to maintain the altitude at which the aircraft enters the next control area. The pilot should request any desired altitude changes en route.

Air Traffic Control normally attempts to issue a traffic clearance specifying the altitude and route proposed in the flight plan. However, due to traffic conditions, it is frequently necessary that Air Traffic Control specify an altitude or route different from that requested by the pilot. It is important that pilots pay particular attention to the air traffic clearance and not assume that the route and altitude are the same as requested in the flight plan. It is suggested that pilots make a written record of clearances at the time they are received, and verify the clearance with Air Traffic Control if any doubt exists.

[4] The minimum instrument altitude referred to is the minimum established for that portion of the route over which the operation is conducted, regardless of the direction of flight. If deviation from the altitude assigned by Air Traffic Control is necessary in order to comply with a higher minimum instrument altitude, any subsequent descent required in order to comply with a lower minimum instrument altitude should not be made below the altitude last assigned by Air Traffic Control.

[5] The duration of civil twilight is the interval in the evening from sunset until the time when the center of the sun is 6° below the horizon; or the corresponding interval in the morning between sunrise and the time at which the sun was still 6° below the horizon. "Tables of Sunrise, Sunset, and Twilight," United States Naval Observatory, 1946, p. 9.

§ 60.32–1 *Odd or even altitudes on airways (CAA rules which apply to § 60.32 (a)).* (a) When an aircraft is operated in level crusing flight at 3,000 feet or more above the surface, within the boundaries of a civil airway, it shall be flown at the following altitudes:

(1) RED or GREEN airway—Eastbound, ODD thousand-foot altitudes (3,000; 5,000; etc.)—Westbound, EVEN thousand-foot altitudes (4,000; 6,000; etc.).

(2) AMBER or BLUE airway—Northbound, ODD thousand-foot altitudes (3,000; 5,000; etc.)—Southbound, EVEN thousand-foot altitudes (4,000; 6,000; etc.).

(3) EVEN numbered VOR airway—Eastbound, ODD thousand-foot altitudes (3,000; 5,000; etc.)—Westbound, EVEN thousand-foot altitudes (4,000; 6,000; etc.)

(4) ODD numbered VOR airway—Northbound, ODD thousand-foot altitudes (3,000; 5,000; etc.)—Southbound, EVEN thousand-foot altitudes (4,000; 6,000; etc.).

(5) Exceptions to the rules stated in subparagraphs (1) through (4) of this paragraph are:

(i) Where a color airway coincides with a VOR airway, the color airway shall take preference, and the ODD or EVEN altitude rule for the appropriate color airway shall apply.

(ii) Where no color airway is involved and an EVEN and ODD VOR airway coincide, the EVEN numbered VOR airway shall take preference, and the ODD or EVEN altitude rule for the EVEN numbered VOR airway shall apply.

(b) The odd or even altitude rule applicable to an airway is determined by the direction of the airway between its two terminal points, without regard to the direction of any segment or portion of the airway. Example: A green airway has one terminal point in California and the other in New York, but in Ohio a portion between fixes runs due north and south. In this case, the odd or even altitude rule for a flight eastbound or westbound applies to the entire flight along the airway.

(c) "Odd or even" altitude indicators for the airways are shown on Radio Facility Charts. Additional information regarding odd and even flight altitudes on civil airways appears in the Flight Information Manual.

§ 60.33–1 *VFR flight plans (CAA policies which apply to § 60.33).* (a) VFR flight plans may be filed in person or by telephone or radio with any Airway Communications Station or control tower operator.

(b) Good operating practices in connection with planning a flight, filing flight plan, flying the flight plan, carrying out radio communications procedures for all purposes can be found in the CAA Technical Manual No. 102, "Pilots' Radio Handbook." [6]

[6] For sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. The price of the manual is 55 cents.

INSTRUMENT FLIGHT RULES (IFR) [7]

§ 60.46–1 *Standard instrument approach procedures (CAA rules which apply to § 60.46).* Standard instrument approach procedures prescribed by the Administrator are published in part 609 of this title.

§ 60.46–2 *Instrument approach ceiling and visibility minimums (CAA policies which apply to § 60.46).* Authorization for lower instrument approach ceiling and visibility minimums than those prescribed by the Administrator in Part 609 of this title may be issued for approaches at those airports where the minimums have not been revised in accordance with the new policy.[8] The issuance of an authorization is subject to the following conditions:

(a) *Application.* (1) Application will be made on Form ACA–400, Application for Certificate of Waiver. The application, in triplicate, will be submitted to any local Aviation Safety District Office.

(2) Arrange with Aviation Safety District Office for inspection of the aircraft equipment and instrument competency flight test for each pilot in command who will operate the aircraft under the lower ceiling and visibility minimums.

(b) *Issuance requirements.* The authorization for lower minimums may be issued to the owner of the aircraft, the operator, individual pilot, or pilots employed by the owner or operator, upon compliance with the following:

(1) *Aircraft.* Aircraft must be equipped with approved type radio equipment appropriate for the types of approaches requested.

(2) *Pilots.* Each pilot in command will be properly certificated, hold a currently valid instrument rating, and demonstrate to an agent his competency to execute safely the approach procedures for each type of approach to the minimums requested. This flight test will be conducted by an agent and will include pertinent items of the standard instrument rating test on the systems to be used.

[7] For information concerning instrument flight operations, see the following:

(1) The Flight Information Manual which may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. at 50 cents.

(2) ANC Procedures for the Control of Air Traffic, available from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.; the price including supplementary revision service is $1.

(3) Instrument Approach and Landing Charts which may be purchased from the Coast and Geodetic Survey, Department of Commerce, Washington 25, D. C., at 5 cents each.

[8] In accordance with the present policy, ceiling and visibility minimums for approaches are being revised for all airports. Such minimums are based on obstruction clearance criteria and are the lowest minimums which can be used by anyone. Ultimately all airports will have the revised minimums in effect. During the interim period minimums established under the old policy will exist at some airports. Authorization to use lower minimums may be granted for these airports.

(3) *Aircraft more than 12,500 pounds.* When aircraft of more than 12,500 pounds are used, each pilot in command and copilot will be required to successfully complete an equipment check to determine his familiarity with the aircraft. The equipment check is to be conducted by a representative of the Administrator, and based on the aircraft manufacturer's specifications.

(4) *Pilot training program.* The applicant should provide a pilot training program which should include training on instrument approach procedures, air traffic control procedures, and other subjects deemed necessary by the agent to assure continuing proficiency on the types of instrument approaches involved; and at least two instrument approaches, actual or hooded flight, every 30-day period on each type of approach for which authority is requested. Approaches made to the minimums authorized during the course of regular trips can be counted toward meeting these requirements.

(c) *Operational requirements.* (1) Instrument approach may not be conducted below the minimums established for air carrier use, and never lower than the minimums to which the pilots have demonstrated their competency.

(2) Current information on scheduled air carrier minimums for the airports into which operations are to be conducted are to be readily available in the cockpit at all times during flight.

(3) Each pilot in command is expected to successfully complete requalifying instrument competency checks within 6 months prior to exercising the authority for lower minimums. The recheck is to be conducted by a representative of the Administrator. When aircraft of over 12,500 pounds are utilized, each pilot in command and copilot is expected to successfully complete an equipment check each 6 months prior to exercising authority for lower minimums.

(4) There is expected to be available in the cockpit at all times during flight, current flight information data, such as Radio Facility Guide, Airman's Guide, Approach Procedures, and maps.

(5) Special provisions applicable to the type of operation and aircraft equipment may be entered on and become a part of the authorization. These may include any or all, but are not limited to, those listed in appendix C.

(d) *Duration.* (1) The authorization is valid for a period of 12 months, but may be surrendered by the holder or terminated by the Administrator at any time.

(2) Failure to comply with any of the conditions under § 60.46–1 (b) and (c), or the Special Provisions appended to the authorization, is considered sufficient grounds for terminating the authorization for lower minimums.

(e) *Reissuance.* (1) The authorization may be reissued for a period of 12 months, upon application.

(2) Requirements for reissuance are identical to those for original issuance.

§ 60.47–1 *Route of flight and communications procedures (CAA policies which apply to § 60.47)*—(a) *Off-airway operation.* If a flight is to be conducted over an off-airway route which joins or crosses civil airways, or terminates within civil airways, the route of flight should be indicated, and check points within control zones or areas over which the flight will pass are to be selected. The check points selected are to be points over which the position of the aircraft can be accurately determined or regularly designated reporting points.

(b) *Change of flight plan.* Any change of altitude or route of flight from that specified in the traffic clearance, should be reported to the air traffic control center or flight advisory area before the change is made. A change of flight plan should be reported and approval received before the change is made while operating within a control area; or, if outside of control area, prior to entering a control area.

§ 60.49–1 *Two-way radio failure procedures (CAA policies which apply to § 60.49 (b))*—(a) *En route procedures.* If the pilot proceeds according to the latest traffic clearance but has not received and acknowledged a clearance for an approach and if other instructions to the contrary are not received, he will be expected to observe the following, and control will be effected accordingly:

(1) If the pilot has received and acknowledged a clearance to the destination airport or the radio facility serving that point, he shall continue flight at the altitude(s) last assigned by Air Traffic Control, or the minimum instrument altitude [9] (minimum en route IFR altitudes published under Part 610 of this title) whichever is the higher, to the radio facility serving the destination airport.

(2) If the pilot has received and acknowledged a clearance to a point other than the destination airport or the radio facility serving the destination airport and

(3) Holding instructions have not been received, he shall continue flight at the altitude(s) last assigned by Air Traffic Control or the minimum instrument altitude,[9] whichever is the higher, to the radio facility serving the destination airport or

(4) Holding instructions and expected approach clearance time have been received, the pilot shall comply with these instructions until such time as will be necessary to continue flight so as to arrive at the radio facility serving the destination airport at the expected approach time last received and acknowledged, maintaining the last assigned altitude or the minimum instrument altitude,[9] whichever is the higher, or

(5) Holding instructions have been received but no expected approach time has been received, the pilot shall comply with these instructions until the time Air Traffic Control has specified that further clearance may be expected. He shall then continue, maintaining the last assigned altitude or the minimum instrument altitude,[9] whichever is the higher.

Example: A flight is cruising at 8,000 feet (last assigned altitude) on an IFR flight plan when radio failure occurs. After passing the next fix, the minimum en route altitude is 10,000 feet and climb is made to that altitude. On the last leg of the flight the minimum en route altitude is 3,500 feet. The flight descends back to 8,000 feet after passing the fix defining the termination of the 10,000-foot minimum en route altitude segment since the last assigned altitude (8,000 feet) is higher than the MEA (3,500 feet).

(b) *Instrument letdown.* Descent from the altitude maintained to the radio facility serving the destination airport shall be made on the final approach course and shall start at the expected approach time last received. If no expected approach time was received, descent shall be started at the last estimated arrival time specified by the pilot, or as soon as possible thereafter. A full standard instrument approach shall be executed unless a VFR approach can be made.

If a clearance for an approach at the airport of intended landing has been received and acknowledged, the pilot shall be expected to comply with any special instructions contained in the clearance or other instructions [10] and make normal descent for landing.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

New and revised material shall become effective April 15, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–3042; Filed, Apr. 15, 1955; 8:45 a. m.]

[9] The minimum instrument altitude referred to is the minimum en route IFR altitude established in Part 610 of the Regulations of the Administrator for that portion of the route over which the operation is conducted, regardless of the direction of flight. If deviation from the altitude assigned by Air Traffic Control is necessary in order to comply with a higher minimum instrument altitude, any subsequent descent required by a lower minimum instrument altitude shall not be made below the altitude last assigned by Air Traffic Control.

[10] Air Traffic Control may issue appropriate instructions by means of "blind" transmissions on radio frequencies directly available or may authorize "blind" transmissions of appropriate instructions over air carrier radio facilities (for air carrier aircraft), and/or over suitable radio range facilities. Instructions should not be broadcast unless authorized by Air Traffic Control.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. AO–266]

[7 CFR Part 1000]

HANDLING OF MILK IN THE CHATTANOOGA, TENNESSEE, MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 600, Dome Bldg., Georgia Avenue and Eighth Street, Chattanooga, Tenn., beginning at 10:00 a. m., local time, May 17, 1955.

Subject and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Chattanooga, Tennessee, marketing area, and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order provisions set forth below have not received the approval of the Secretary of Agriculture. At the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any appropriate modifications thereof.

The hearing on the proposed marketing agreement and order is to determine whether (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce (2) the issuance of a marketing agreement or order regulating the handling of milk in the Chattanooga, Tennessee, area is justified, and (3) the provisions specified in the proposals or some other provisions, appropriate to the terms of the Agricultural Marketing Agreement Act, will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Marketing agreement and order proposed by the Chattanooga Area Milk Producers Association:

DEFINITIONS

§ 1000.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 1000.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1000.3 *Department of Agriculture.* "Department of Agriculture" means the U. S. Department of Agriculture or any

other Federal agency that may be authorized by Act of Congress or by executive order to perform the price reporting functions of the U. S. Department of Agriculture.

§ 1000.4 *Chattanooga, Tennessee, Marketing Area.* "Chattanooga, Tennessee, Marketing Area" means all territory included within Hamilton County in the State of Tennessee.

§ 1000.5 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1000.6 *Producer.* "Producer" means any person other than a producer-handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, and whose milk is received at any pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association. "Producer" does not mean any dairy farmer with respect to milk received at a plant partially exempted from the provisions of this order pursuant to § 1000.61.

§ 1000.7 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part is in effect.

§ 1000.8 *Nonpool plant.* "Nonpool plant" means any milk processing, packaging or manufacturing plant other than a pool plant.

§ 1000.9 *Pool plant.* "Pool plant" means any plant, other than that of a producer-handler:

(a) Approved or recognized by any health authority having jurisdiction within the marketing area for the receipt or processing of Grade A milk and from which Class I milk is disposed of on route(s) in the marketing area.

(b) During any of the months of March through August within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from producers and other pool plants and disposes of as Class I milk on routes in the marketing area an amount equal to 20 percent or more of such plant's total receipts from producers and other pool plants.

(c) During the months of September through February, within which such plants dispose of as Class I milk an amount equal to 50 percent or more of such plant's total receipts of milk from producers and disposes of as Class I milk on routes in the marketing area an amount equal to 25 percent or more of such plant's total receipts from producers; and

(d) For the purpose of this definition, the following shall apply:

(1) Milk diverted from a pool plant for the account of the handler operating such pool plant shall be considered a receipt at the pool plant from which it was diverted; and

(2) Milk diverted from the pool plant to a nonpool plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 1000.10 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of a pool plant; and

(b) Any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted to a nonpool plant for the account of such cooperative association; and

(c) Any person other than a producer-handler in his capacity as operator of a nonpool plant used during the month in accordance with § 1000.9 (a).

§ 1000.11 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 1000.12 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler, but who receives no milk from other producers.

§ 1000.13 *Market administrator.* "Market administrator" means the person designated pursuant to § 1000.20 as the agency for the administration of this part.

§ 1000.14 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer other than a producer-handler which is received at a pool plant either directly from such producer or from other handlers.

§ 1000.15 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 1000.16 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of milk or any milk product classified as Class I milk pursuant to § 1000.41 (a), other than a delivery to any milk processing plant.

§ 1000.17 *Base milk.* "Base milk" means producer milk received by handlers from a producer during any of the months of March through August which is not in excess of such producer's daily base determined pursuant to § 1000.90 multiplied by the number of days during the month for which milk was received from such producer.

§ 1000.18 *Excess milk.* "Excess milk" means producer milk received by handlers from a producer which is in excess of base milk received from such producer during the months of March through August.

MARKET ADMINISTRATOR

§ 1000.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 1000.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments thereto.

§ 1000.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions.

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles the funds entrusted to the market administrator;

(d) Pay out of funds provided by § 1000.87 the cost of his bonds and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 1000.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may request.

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request.

(g) Verify all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends.

(h) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person, who within ten days after the date upon which he is required to perform such acts, has not—

(1) Made reports pursuant to §§ 1000.30 through 1000.32, or

(2) Made payments pursuant to §§ 1000.80 through 1000.87.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the class prices and butterfat differentials computed pursuant to §§ 1000.50 through 1000.52; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to §§ 1000.71 and 1000.72 as applicable and the butterfat differential computed pursuant to § 1000.81, both for the previous month.

(j) Prepare and disseminate such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before the 12th day of each month report to each cooperative association, which so requests, the percentage utilization of milk received from producers in each class by each handler who in the previous month received milk from members of such cooperative association.

REPORTS, RECORDS AND FACILITIES

§ 1000.30 *Periodic reports.* On or before the 6th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in detail and form prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and the aggregate quantities of base and excess milk during the months of March through August.

(b) The quantities of skim milk and butterfat contained in receipts of milk products from other handlers;

(c) The quantities of skim milk or skim milk equivalent and butterfat contained in receipts of other source milk (except Class II or III products disposed of in the form in which received without processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat the receipt of which is required to be reported pursuant to this section;

(e) The pounds of skim milk and butterfat contained in all milk, skim milk and cream and other Class I and II products on hand at the beginning and at the end of the months; and

(f) Such other information with respect to the receipts and use of milk as the market administrator may request, including a separate statement of skim milk and butterfat disposed of as Class I and II milk on routes outside the marketing area.

§ 1000.31 *Payroll reports.* On or before the 20th day after the end of each month, each handler shall submit to the market administrator his producer payroll for such month which shall show for each producer and cooperative producers association:

(a) His total deliveries of base milk and total delivery of milk in excess of base milk, and the number of days for which milk was received from each producer;

(b) The average butterfat content of his milk; and

(c) The amount of such handler's payments to such producer and cooperative association with the prices, deductions and charges involved.

§ 1000.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

(b) Each handler who causes milk to be diverted to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

§ 1000.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the regular hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of the month.

§ 1000.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notified the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notice from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1000.40 *Skim milk and butterfat to be classified.* All skim milk or skim milk equivalent and butterfat received within the month by a handler which is required to be reported pursuant to § 1000.30 shall be classified by the market administrator pursuant to the provisions contained in §§ 1000.41 through 1000.46.

§ 1000.41 *Classes of utilization.* Subject to conditions set forth in §§ 1000.43 and 1000.44, classes of utilization shall be:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II or Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce, or disposed of, in the form of ice cream, frozen desserts, cottage cheese and cream used in creaming cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in frozen cream placed in storage; (4) in skim milk dumped, after prior notification to and opportunity for verification by the market administrator; (5) in shrinkage up to two percent of receipts from producers; (6) in shrinkage of other source milk; and (7) in inventory at the end of the month in the forms specified in paragraph (a) (1) and (2) of this section.

§ 1000.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class III milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in the pool plant(s) of the handler;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 1000.6) and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 1000.41 (a) and (b) and (c) which is in Class III milk. The resulting amounts of skim milk and butterfat shall be classified as Class III milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II and Class III milk pro rata to producer milk and other source milk.

(e) For the purpose of prorating shrinkage of skim milk and butterfat, skim milk and butterfat in milk diverted directly from producers' farms to another handler shall be included as a receipt of the handler to whom such milk and butterfat was diverted, and excluded from receipts of the diverting handler.

§ 1000.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the satisfaction of the market administrator that it should be classified otherwise.

(b) (1) Any skim milk or butterfat classified as Class II or III milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk.

(2) Any skim milk or butterfat which was classified as Class III in the previous month pursuant to § 1000.41 (c) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 1000.46 (a) (3) or the corresponding step of § 1000.46 (b).

§ 1000.44 *Transfers.* Skim milk and butterfat transferred or diverted by a handler shall be classified:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of the month in which such transaction occurred, otherwise as Class I milk, if transferred or diverted in the form of milk, skim milk, or cream to another handler, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible total Class I utilization in the two plants.

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located more than 200 miles from the pool plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified according to its utilization as established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class III milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk or skim milk to a nonpool plant distributing fluid milk or cream and located less than 200 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such nonpool plant from dairy farmers whom the market administrator determines constitute the regular source of supply for fluid usage of such nonpool plant in markets supplied by such plant.

(e) As Class III milk, if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant, located not more than 200 miles from the pool plant, and which does not distribute fluid milk or cream, except that where such nonpool plant is operated by a person who is also a handler or an affiliate of a handler, (1) the market administrator shall be permitted to audit the records of receipts and utilization at such nonpool plant, and (2) to the extent that skim milk or butterfat so transferred or diverted to such nonpool plant shall be classified as if moved directly from the pool plant to such other milk plant.

§ 1000.45 *Computations of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class for such handler.

§ 1000.46 *Allocation of skim milk and butterfat classified.* After making the computation pursuant to § 1000.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III, the pounds of skim milk determined pursuant to § 1000.41 (c) (5);

(2) Subtract from the remaining pounds of skim milk in series beginning with Class III, the pounds of skim milk in receipts of other source milk;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class III, the pounds of skim milk in inventory at the beginning of the month specified in § 1000.41 (c) (7);

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of skim milk according to its classification as determined pursuant to § 1000.44 (a);

(5) Add to the remaining pounds of skim milk in Class III the pounds of skim milk pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class III milk. Any amount to be subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I, II and III milk computed pursuant to paragraphs (a) and (b) of this section.

§ 1000.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 4;

Present Operator and Location

Carnation Co., Richland Center, Wis.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Whitehouse Milk Co., West Bend, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berline, Wis.
Carnation Co., Oconomowoc, Wis.
White House Milk Co., Manitowoc, Wis.
Pet Milk Co., Belleville, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, add twenty (20%) percent thereof and multiply by four (4).

(2) From the simple average as computed by the market administrator, of the weighted averages of carlot price per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents, multiply by 8.5, and multiply by 0.96.

§ 1000.51 *Class prices.* Subject to the provisions of § 1000.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.00 during all months of the year. To this price, add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I sales (excluding inter-handler transfers) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage.

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage range	
		Minimum	Maximum
January	November–December	108	118
February	December–January	110	120
March	January–February	112	122
April	February–March	121	131
May	March–April	127	137
June	April–May	126	136
July	May–June	123	133
August	June–July	119	129
September	July–August	114	124
October	August–September	113	123
November	September–October	112	122
December	October–November	113	123

(3) (i) For each minus point from the minimum percentage listed herein, the Class I price shall be increased 3 cents during the months of February, March, July and August, 2 cents during the months of April, May, and June, and 4 cents during the months of September, October, November, December, and January.

(ii) For each plus point from the maximum percentage listed herein, the Class I price shall be decreased 3 cents during the months of July, August, February and March; 4 cents during the months of April, May, and June, and 2 cents during the months of September, October, November, December, and January.

(4) *Provided,* That in no event shall an adjustment made pursuant to subparagraph (3) of this paragraph exceed 23 cents per hundredweight.

(b) *Class II milk price.* For the months of December through August the price for Class II milk shall be the price determined pursuant to subparagraph (1) of this paragraph rounded to the nearest cent. For all other months it shall be the basic formula price or the price determined pursuant to subparagraph (1) of this paragraph, whichever is less, plus 25 cents.

(1) The arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the Market Administrator or to the Department of Agriculture on or before the 6th day after the end of the month.

Company and Location

Foremost Dairies, Columbia, Tenn.
Kraft Foods Co., Fayetteville, Tenn.
Pet Milk Co., Greeneville, Tenn.
Carnation Co., Murfreesboro, Tenn.
Borden Co., Lewisburg, Tenn.

(c) *Class III milk price.* The price per hundredweight for Class III milk of 4.0 percent butterfat content shall be the arithmetical average of the basic prices computed pursuant to paragraph (b) (1) of this section, less 25 cents.

§ 1000.52 *Handler butterfat differential.* If the average butterfat test of Class I, II or III milk as calculated pursuant to § 1000.46 is more or less than 4.0 percent, there shall be added to or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below four percent (4%), a butterfat differential computed by multiplying the simple average as computed by the market administrator of the wholesale selling price per pound (using the midpoint of any price range) of Grade A (92–score) bulk creamery butter at Chicago as reported by the U. S. Department of Agriculture during the month specified by the figure specified below for each class and rounding the result to the nearest one-tenth cent:

Class I–0.12; Class II–0.12; and Class III–0.11;

APPLICATION OF PROVISIONS

§ 1000.60 *Producer-handlers.* Sections 1000.40 through 1000.46, 1000.50 through 1000.52, 1000.61, 1000.70, and 1000.71, and 1000.80 through 1000.88 shall not apply to a producer-handler.

§ 1000.61 *Handlers subject to other orders.* In the case of any handler who the Secertary determines disposes of a greater portion of his milk as Class I milk on routes regulated by another milk marketing order and agreement issued pursuant to the act, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this part, is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund with respect to all skim milk and butterfat disposed of (except to other handlers) as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 13th day after the end of each delivery period.

§ 1000.62 *Handlers operating nonpool plants.* Each handler who operates a nonpool plant which is not a pool plant during a delivery period shall, in lieu of the payments required to be made pursuant to the provisions of § 1000.80 through § 1000.85, pay to the market administrator for deposit in the producer-settlement fund, on or before the 25th day after the end of such delivery period, an amount computed as follows:

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I or II milk during the delivery period multiplied by the difference between the price for Class I or II milk pursuant to § 1000.51 (a) or (b) and the price for Class III milk pursuant to § 1000.51 (c).

§ 1000.70 *Net pool obligations of handlers operating pool plants.* The net pool obligation for milk received during each month by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 1000.46 (c) by the applicable respective prices (adjusted pursuant to § 1000.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 1000.46 (a) (6) by the applicable respective class prices;

(c) Add a reclassification charge computed at a rate equal to the differences between the Class I and Class II prices for the current month for skim milk and butterfat in inventory which is subtracted from Class I pursuant to § 1000.46 (a) (3) and the corresponding step of § 1000.46 (b); which is not in excess of the skim milk and butterfat, respectively, remaining in Class III milk in the previous month pursuant to § 1000.46 (a) (4) and the corresponding step of § 1000.46 (b);

(d) Add a reclassification charge computed at a rate equal to the differences between the Class I and Class II prices as originally classified and the Class III price for the current month for other source milk disposed of as Class I or Class II milk during the month;

(e) For any other skim milk or butterfat reclassified pursuant to § 1000.43 (b) (1), a charge shall be computed at the difference between its values at the Class I or II price and its value at the Class III price, both for the current month.

(f) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 1000.46 (a) (2) and (b), add an amount equal to the difference between the value of such skim milk and butterfat at the Class I or Class II price and its value at the Class III price, all for the current month.

§ 1000.71 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through August, the market administrator shall compute the uniform price per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the values computed pursuant to § 1000.70 for all handlers who made the reports prescribed in § 1000.30 and who made the payments pursuant to §§ 1000.80 and 1000.83 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4 percent or add if such average butterfat content is less than 4 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4 percent by the butterfat differential computed pursuant to § 1000.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class III milk included in these computations by the price of Class II milk of 4 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class III milk by the price of Class I or II milk of 4 percent butterfat content and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4 percent butterfat content received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained

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in paragraph (c) of this section and adjust to any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4 percent butterfat content received from producers.

§ 1000.72 *Computation of uniform price.* For each of the months of September through February, the market administrator shall compute the uniform price per hundredweight for milk of 4 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1000.70 for all handlers who made the reports prescribed in § 1000.30 and who made the payments pursuant to §§ 1000.80 and 1000.83 for the preceding month;

(b) Add not less than one-half of the unobligated cash balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4 percent, or add if such average butterfat content is less than 4 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4 percent by the butterfat differential computed pursuant to § 1000.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting amount shall be the uniform price for milk of 4 percent butterfat content received from producers.

PAYMENTS

§ 1000.80 *Time and method of payment.* Each handler operating an approved plant shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform prices computed pursuant to § 1000.71 or § 1000.72, adjusted by the butterfat differential computed pursuant to § 1000.81, and less the amount of the payment made pursuant to paragraph (b) of this section. If by such date, such handler has not received full payment pursuant to § 1000.84, he may reduce his total payments uniformly to all producers by not more than the amount of the reduction in payment by the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator;

(b) On or before the 27th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of such month, at the approximate value of such milk;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative, each handler shall (i) pay to the cooperative association in lieu of payments pursuant to paragraphs (a) and (b) of this section, respectively, an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior order or as evidenced by a delivery ticket signed by the producer, (ii) submit to the cooperative association on or before the 10th day of each month written information which shows for each member producer (*a*) the total pounds of milk received during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (c) the number of days on which such milk was received, (*d*) the amount of base and excess milk received and (*e*) the amounts withheld by the handler in payment for supplies sold, and (iii) submit to the cooperative association on or before the 25th day of each month written information which shows for each such member-producer the total pounds of milk received during the first 15 days of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1000.81 *Producer butterfat differential.* The applicable price to be paid each producer shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4 percent, respectively, at the rate determined by multiplying the pounds of butterfat in the producer milk of the handler allocated to Class I, II, and III, by the respective butterfat differential for each class, and dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth of a cent.

§ 1000.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1000.83 and 1000.85, §§ 1000.61, and 1000.62, and out of which he shall make all payments to handlers pursuant to §§ 1000.84 and 1000.85: *Provided,* That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each month, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 1000.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 1000.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each month, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 1000.80.

§ 1000.84 *Payments out of the producer-settlement fund.* (a) On or before the 14th day after the end of each month, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 1000.80 is greater than the net pool obligation of such handler: *Provided,* That the market administrator may withhold payments to handlers out of the producer-settlement fund to the extent that such handler is in default on payments to the market administrator under §§ 1000.83, 1000.86, and 1000.87.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1000.85 *Adjustment of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses error in payments to the producer-settlement fund made pursuant to § 1000.83, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this part, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses that solely through error in computation payment to such producer was in an amount more than was required to be paid pursuant to § 1000.80, no handler shall be deemed to be in violation if he reduces his payment to such producer next following discovery of such error by not more than such overpayment.

§ 1000.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler shall deduct 8 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 1000.80 (a) with respect to all milk of such producer received by such handler during the month and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to sample, test and check the weights of milk received from and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make such deductions from the payments to be made directly to producers pursuant to § 1000.80 (a) as are authorized by such producers, and on or before the 12th day after the end of each month, pay over such deductions to the association of which such producers are members. Such payment shall be accompanied by a statement showing for each producer for whom such deduction is made the amount of such deduction, the total delivery of milk, and, unless otherwise previously provided, the butterfat test.

§ 1000.87 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler with respect to all milk received from producers including a handler's own production and with respect to all receipts of other source milk classified as Class I, shall pay to the market administrator, on or before the 15th day after the end of each month, an amount not exceeding five (5¢) cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary.

§ 1000.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to the association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

BASE RATING

§ 1000.90 *Determination of daily base.* (a) Effective March 1, 1955, and the same date of each succeeding year, the daily average base of each producer who delivered milk to a handler during the preceding months of September through February shall be computed by the market administrator by dividing the total pounds of milk received by a handler or handlers from such producer during such months by the number of days within this period.

(b) The daily average bases of producers belonging to a cooperative association as defined in § 1000.11 and which requested payment from the handler pursuant to § 1000.80 (c) shall be added together for the purpose of computing the total amount of base and excess milk for which each handler shall pay such cooperative association.

§ 1000.91 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period; and

(b) The base of a producer may be transferred by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person or persons named in such notice. Person, as used in this paragraph, shall include a cooperative producers association as defined in § 1000.11.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1000.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 1000.101.

§ 1000.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the Act cease to be in effect.

§ 1000.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 1000.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1000.110 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstance is held invalid, the application of such provisions and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

§ 1000.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

Milk marketing agreement and order proposed by Happy Valley Farms, Sanders Dairy, Associated Dairies, Meadow Brook Farms, Inc., Grant-Patten Milk Company, Southern Dairies, Inc., Mayfield's Creamery, Ray Moss Farms, Farms Field's Dairy, and Haselrig & Son, and Sterchi & Sons Dairy:

DEFINITIONS

§ 1000.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1000.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1000.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 1000.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1000.5 *Chattanooga, Tennessee, marketing area.* "Chattanooga, Tennessee, marketing area", hereinafter called the "marketing area" means all of the territory within the boundaries of Marion, Bledsoe, Sequatchie, Bradley, Meigs, Rhea, McMinn, and Hamilton Counties, all in the State of Tennessee; and all of the territory within the boundaries of Dade, Walker and Catoosa Counties, all in the State of Georgia.

§ 1000.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and is authorized by its members to make collective sales or to market milk or its products for the producer thereof.

§ 1000.7 *Producer-handler.* "Producer-handler" means any person who produces Grade A milk under a dairy farm inspection permit issued by any duly constituted health authority and who processes milk from his own production, distributing all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from producers.

§ 1000.8 *Delivery-period.* "Delivery-period" means a calendar month, or the portion thereof during which this part is in effect.

§ 1000.9 *Fluid milk plant.* "Fluid milk plant" means the premises, buildings and facilities of any milk processing or packaging plant from which Grade A milk is disposed of during the month as Class I milk on routes in the marketing area: *Provided,* That any portion of such building or facilities, used for receiving or processing any milk product not required by the appropriate health authority to be made from Grade A milk, shall not be considered as part of the fluid milk plant.

§ 1000.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant, or (b) diverted from a fluid milk plant to any milk distributing or milk manufacturing plant: *Provided,* That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

§ 1000.11 *Handler.* "Handler" means (a) any person in his capacity as operator of a fluid milk plant, (b) a producer-handler or (c) any cooperative association of producers with respect to producer milk diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such association.

§ 1000.12 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant described in § 1000.9.

§ 1000.13 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler or from a source other than producers or other handlers, except any nonfluid milk product received and disposed of in the same form.

§ 1000.14 *Producer milk.* "Producer milk" means milk produced by one or more producers.

§ 1000.15 *Base milk.* "Base milk" means milk received by a handler from a producer during any of the months of April through August which is not in excess of such producer's daily average base computed pursuant to § 1000.60 multiplied by the number of days in such month.

§ 1000.16 *Excess milk.* "Excess milk" means milk received by a handler from a producer during any of the months of April through August which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from a producer from whom no daily average base can be computed pursuant to § 1000.60.

MARKET ADMINISTRATOR

§ 1000.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1000.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1000.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 1000.87, (1) the costs of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses except those incurred under § 1000.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 1000.30 or (2) payments pursuant to §§ 1000.80 and 1000.82;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce and notify each handler in writing the prices and butterfat differentials determined for each delivery period as follows: (1) On or before the 5th day after the end of such delivery period the prices and butterfat differentials for each class computed pursuant to §§ 1000.51 and 1000.52; and (2) on or before the 10th day after the end of such delivery period, the uniform price(s) computed pursuant to §§ 1000.71 and 1000.72 and the butterfat differential to be paid pursuant to § 1000.85.

REPORTS, RECORDS AND FACILITIES

§ 1000.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in producer milk including for the months of April through August a statement of the aggregate quantity of base milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 1000.41 (a) (1) received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of products designated as Class I milk pursuant to § 1000.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

§ 1000.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) The total pounds of milk received from such producer or cooperative association, including, for the months of April through August, the total pounds of base and excess milk, (ii) the days on which milk was received from such producer, if less than a full month, (iii) the average butterfat content of such milk, and (iv) the net amount of such handler's payment, to each producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at his pool plant(s), his intention to receive such product and on or before the last day such product is received, his intention to discontinue receipt of such product; and

(3) Such other information with respect to his utilization of butterfat and skim milk as is necessary and essential to the proper administration of this part or any amendments thereto.

§ 1000.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; (c) verify payment to producers; and (d) make such examination of operations, equipment, and facilities, as are neecssary and essential to the proper administration of this part or any amendments thereto.

§ 1000.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1000.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at fluid milk plants, which is required to be reported pursuant to § 1000.30, shall be classified each month by the market administrator pursuant to the provisions of §§ 1000.41 through 1000.45.

§ 1000.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1000.42 through 1000.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat: (1) Disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream and any cream product, except frozen cream, ice cream mix, sour cream and eggnog; (2) in inventory of products designated as Class I milk pursuant to subparagraph (1) of this paragraph; and (3) not specifically accounted for as Class I milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat: (1) Used to produce any item other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in actual plant shrinkage of skim milk and butterfat received in producer milk, but not in excess of 2.0 percent of such receipts of skim milk and butterfat, respectively, and (4) in actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided,* That if producer milk and other source milk are both received in a fluid milk plant during the same delivery period the shrinkage of skim milk and butterfat, respectively, allocated to producer milk and other source milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat, respectively, received from such sources to their total.

§ 1000.42 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified in Class II.

§ 1000.43 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a fluid milk plant of another handler (except a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 6th day after the end of delivery period within which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by transferee-handler: *Provided,* That if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonfluid milk plant, except that of a producer-handler, unless (1) the handler claims Class II on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the nonfluid milk plant and the handler on or before the 6th day after the end of the delivery period within which such transfer occurred, (2) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such statement: *Provided,* That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I: *Provided further,* That if such plant disposes of fluid cream to another nonfluid milk

plant which conforms with the requirements of subparagraphs (1), (2) and (3) of this paragraph, such cream shall be classified as Class II milk.

§ 1000.44 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 1000.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for the pool plant(s) of each handler for each month shall be the pounds in such class allocated to producer milk by such handler:

(1) Subtract the shrinkage of skim milk, computed pursuant to § 1000.41 (b) (3) from the total pounds of skim milk in Class II milk;

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk and Class I milk the pounds of skim milk contained in inventory products designated as Class I milk pursuant to § 1000.41 (a) (1) on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of Class I milk, an amount equal to the difference shall be subtracted from the pounds of skim milk and Class II milk;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from the pool plants of other handlers in the form of products designated as Class I milk in § 1000.41 (a) (1), according to its classification as determined pursuant to § 1000.43 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, respectively, as computed pursuant to paragraph (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 1000.50 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest cent) to be used in determining the price for Class I milk pursuant to § 1000.51 (a) shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraph (a), (b), or (c) of this section, or § 1000.51 (b).

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

Company and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Cooperville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the butterfat differential computed pursuant to § 1000.85 (a) by 5.

(b) The price per hundredweight computed as follows:

(1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on such Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divided by 7, add 30 percent thereof, and then multiply by 4.

(c) The price per hundredweight computed as follows: Multiply by 4.0 the arithmetical average of daily wholesale prices per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, add 20 percent thereof, and add to such sum 3¾ cents for each full ½ cent that the arithmetical average of carlot prices per pound of non-fat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture is above 5 cents.

§ 1000.51 *Class prices.* Subject to the provisions of §§ 1000.52 and 1000.53 each handler shall pay producers, at the time and in the manner set forth in §§ 1000.80 through 1000.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 1000.46:

(a) *Class I milk prices.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month plus a differential of $1.50 per hundredweight.

(b) *Class II milk.* The price for Class II milk shall be the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the delivery period by the companies indicated below:

Company and Location

Pet milk Co., Mayfield, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Greeneville, Tenn.
Pet Milk Co., Abingdon, Va.
Carnation Co., Murfreesboro, Tenn.
Carnation Co., Statesville, N. C.
Carnation Co., Galax, Va.
Borden Co., Lewisburg, Tenn.
Borden Co., Chester, S. C.

§ 1000.52 *Butterfat differential to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 1000.46 is more or less than 4.0 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of 1 percent that such weighted average butterfat test is above or below, respectively, 4.0 percent, a butterfat differential (computed to the nearest 10th of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply by 0.13 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the immediately preceding month;

(b) *Class II milk.* Multiply by 0.115 the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month;

Provided, That such butterfat differential shall not exceed the result obtained by dividing the Class II price pursuant to § 1000.51 (b) by 40.

DETERMINATION OF BASE

§ 1000.60 *Daily average base.* Subject to the rules set forth in § 1000.61 the daily average base for each producer shall be an amount calculated by dividing the total pounds of producer milk received from such producer by all handlers during the months of September through February immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of February, inclusive, but not less than 120 days.

§ 1000.61 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) An entire base may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice: *Provided,* That if the base is held jointly and such joint holding is terminated, the entire base transferable by any joint holder shall be his portion of such jointly held base as indicated by the joint holders.

§ 1000.62 *Announcement of established bases.* On or before April 1, of each year, the market administrator shall notify each producer and the handler receiving milk from such producers of the daily base established by such producer.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1000.70 *Computation of value of milk.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class for the month by the applicable class price adjusted by the appropriate butterfat differential and adding together the resulting amounts: *Provided,* That there shall be added any amount computed by multiplying the pounds of overage subtracted pursuant to § 1000.45 (a) (6) and (b) by the appropriate class prices as adjusted by the butterfat and location differentials.

§ 1000.71 *Computation of uniform price.* For the delivery periods of September through March the market administrator shall compute the uniform price per hundredweight for producer milk, on the basis of 4.0 percent butterfat content, as follows:

(a) Combine into one total the value computed pursuant to § 1000.70 for all handlers who made the reports prescribed by § 1000.30 for such delivery period, except those in default of payments required pursuant to § 1000.82 for the preceding delivery period;

(b) Subtract if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1000.85, and multiply the result by the total hundredweight of such milk.

(c) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount on contingent obligations to handlers pursuant to § 1000.83;

(d) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining in the producer-settlement fund a cash balance to provide against delinquencies in payments by handlers. This result shall be known as the "uniform price" per hundredweight for such delivery period for producer milk containing 4.0 percent butterfat, f. o. b. fluid milk plant.

§ 1000.72 *Computation of uniform prices for base milk and excess milk.* Following April 1, 1955, for each of the delivery periods of April through August, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the value computed pursuant to § 1000.70 for all handlers who made the reports prescribed by § 1000.30 for such delivery period, except those in default of payments required pursuant to § 1000.82 for the preceding delivery period;

(b) Subtract if the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1000.85, and multiply the result by the total hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund, less the total amount of contingent obligations to handlers pursuant to § 1000.83;

(d) Compute the value on a 4.0 percent butterfat basis of the aggregate quantity of excess milk for all handlers included in the computation pursuant to paragraph (a) of this section by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in such computation by the applicable prices for such Class II milk of 4.0 percent butterfat content; multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers.

(f) Subtract the value of excess milk determined by applying the uniform price obtained in paragraph (e) of this section from the value of all milk obtained in paragraph (c) of this section;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (c) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

§ 1000.73 *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of April through August the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1000.71 and 1000.72 and the butterfat differential computed pursuant to § 1000.85; and

(d) The amounts to be paid by such handler pursuant to §§ 1000.82, 1000.87 and 1000.88.

PAYMENTS

§ 1000.80 *Time and method of payment for producer milk.* (a) On or before the last day of each delivery period each handler shall make payment to each producer or cooperative association for milk received from such producer or cooperative association during the first 15 days of such delivery period at not less than the Class II price per hundredweight for the preceding delivery period.

(b) On or before the 15th day after the end of each delivery period each handler shall make payment to each producer or cooperative association for milk which was received from such producer or cooperative association during the delivery period at not less than the uniform price computed pursuant to § 1000.71, if such delivery period is any of the months of September through March, or at not less than the uniform price for base milk computed pursuant to § 1000.72 with respect to base milk received from such producer or cooperative association, and at not less than the uniform price for excess milk computed pursuant to § 1000.72 with respect to excess milk received from such producer or cooperative association, if such delivery period is any of the months of April through August, subject to the following adjustments: (1) The butterfat differential pursuant to § 1000.85, (2) less payment made pursuant to paragraph (a) of this section, (3) less marketing service deductions pursuant to § 1000.88, (4) less deductions authorized in writing by the producer or cooperative association, and (5) adjusted for any error in calculating payment to such producer or cooperative association for past delivery periods: *Provided,* That if such handler has not received full payment for such delivery period pursuant to § 1000.83 he may reduce uniformly per hundredweight for all producers and cooperative associations his payments pursuant to this paragraph by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *Provided further,* That the handler shall make such balance of payment to those producers and cooperative associations to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(c) Payments due to producers under paragraphs (a) and (b) of this section may be made by handlers to such persons designated by the producer in writing, signed by the producer, and addressed and delivered to the handler.

§ 1000.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known

as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1000.82 and 1000.84, and out of which he shall make all payments pursuant to §§ 1000.83 and 1000.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 1000.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator any amount by which the total value of his milk computed pursuant to § 1000.70 for such delivery period is greater than the value of milk received by such handler from producers during the delivery period, computed at the applicable minimum uniform prices as specified in §§ 1000.71 and 1000.72 adjusted for the butterfat differential provided for in § 1000.85.

§ 1000.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, or cooperative associations, any amount by which the total value of his milk computed pursuant to § 1000.70 for such delivery period is less than the value of milk received by such handler from producers during the delivery period, computed at the applicable minimum uniform prices as specified in §§ 1000.71 and 1000.72 adjusted for the butterfat differential provided for in § 1000.85. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as appropriate funds are available.

§ 1000.84 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1000.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1000.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1000.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 1000.85 *Butterfat differential to producers.* If, during the delivery period, any handler has received, from any producer or cooperative association, milk having an average butterfat content other than 4.0 percent, such handler, in making payments prescribed in § 1000.80 (b), shall add to the uniform price(s) per hundredweight paid to such producer or cooperative association for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or may deduct from the uniform price(s) per hundredweight for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10, and then adjust to the nearest one-tenth of a cent.

§ 1000.86 *Statement to producers.* In making payments required by § 1000.80 each handler shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer including for the months of April through August, the pounds of base milk and excess milk;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 1000.80 and 1000.85;

(d) The rate which is used in making the payment if such rate is other than the applicable minimum;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 1000.88, together with a description of the respective deductions; and

(f) The net amount of payment to the producer or cooperative association.

§ 1000.87 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the delivery period of (a) milk from producers (including such handler's own production) or cooperative association, and (b) other source milk received at a fluid milk plant: *Provided*, That each cooperative association shall pay such pro rata expense on only that milk of producers for which it is a handler.

§ 1000.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers pursuant to § 1000.80 (b), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers, excepting such handler's own farm production, during the delivery period, and shall pay such deductions to the market administrator not later than the 15th day after the end of the delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the delivery period and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an employee of the United States responsible to him.

(b) *Producers' Cooperative Associations.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of such delivery period, pay over such deductions to the association rendering such service.

§ 1000.89 *Termination of obligations.* The provisions of this part section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before December 1, 1951, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order, shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of the section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligations is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 1000.90 *Producer-handlers.* Sections 1000.40 through 1000.45, 1000.50 through 1000.52, 1000.60 through 1000.62, 1000.70 through 1000.73, 1000.80 through 1000.88, shall not apply to a producer-handler.

§ 1000.91 *Plants subject to other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to the total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1000.100 *Effective time.* The provisions of this part, or any amendments to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1000.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 1000.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such persons pursuant thereto.

§ 1000.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expense necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1000.110 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 1000.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112–A, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 13, 1955, at Washington, D. C.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55–3163; Filed, Apr. 15, 1955; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Economic Regs. Draft Release 71B]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

SUPPLEMENTAL NOTICE OF RULE-MAKING AND ORAL ARGUMENT THEREON

APRIL 14, 1955.

Reference should be made to Economic Regulations Draft Release No. 71, dated December 21, 1954, published in the FEDERAL REGISTER on December 28, 1954 (19 F. R. 9249), in which the Board gave notice that it had under consideration a proposed amendment to § 298.4 of Part 298 of the Economic Regulations (14 CFR Part 298, as amended) which would make permanent the exemptions authorized air taxi operators by such part. Subsequently, by notice dated February 17, 1955 (Economic Regulations Draft Release No. 71A published in the FEDERAL REGISTER on February 24, 1955 (20 F. R. 1156)), the Board gave notice that on April 19, 1955, oral argument would be heard in connection with the proposal contained in Draft Release No. 71, and that time for the receipt of written comments had been extended to such date .

The Board, having received requests for deferral of oral argument which it believes warrant action, hereby gives notice that the time for the receipt of comments on the proposed rule has been extended to June 1, 1955, and that oral argument thereon has been deferred and set down for 10:00 a. m., e. d. s. t., June 1, 1955, in Room 5042, Department of Commerce Building, Washington, D. C. Oral argument will be limited to one full day. Those desiring to be heard are requested to inform F. W. Brown, Chief Hearing Examiner, Civil Aeronautics Board, prior to May 24, 1955, indicating the amount of time desired.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55–3205; Filed, Apr. 15, 1955; 8:50 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 7099; Order No. E–9091]

TRANSATLANTIC CHARTER SERVICES

NOTICE OF ORAL ARGUMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1955.

As a result of an analysis of transatlantic operations conducted during the summer of 1950 pursuant to a series of exemption orders, the Board on March 16, 1951, issued a statement that as a matter of policy (1) no further exemptions would be issued to authorize transatlantic charter operations except where the regularly authorized transatlantic carriers (United States and foreign) were unable or unwilling to provide reasonably adequate charter service at established charter rates, (2)

certificated U. S. transatlantic carriers would be authorized to contract for the equipment and personnel of other carriers to perform charter service, (3) charter operations would be restricted to the carriage of traffic of the type permitted by Part 207 of the Economic Regulations, adopted concurrently therewith, and (4) no exemptions would be issued to indirect carriers of passengers.

In this statement of policy, the Board pointed out, among other things, that a substantial part of the passengers carried on flights operated pursuant to the 1950 exemption orders would have traveled on regular service had it not been for the great differential between the pro rata cost per passenger on those charter flights and the passenger fares on regular service and, accordingly, directed that consideration be given to the establishment of a low fare for individual passengers on regularly authorized transatlantic service. On February 12, 1952, the Board issued a reaffirmation of said policy statement after finding that proposals for the establishment of a low fare for individual passengers in transatlantic service had been perfected during 1951 and that it should assure the success of the coach-type experiments of the regularly authorized carriers in every way open to it. Accordingly, the Board has considered the foregoing criteria for transatlantic charter operations in proceedings involving applications for exemption to conduct such operations. Further, since September 29, 1953,[1] the Board in disposing of such applications has considered, inter alia, the factor whether the provision of charter service was essential to the performance of the proposed movement.

In adopting the foregoing policy, the Board had expected that the inauguration of a regularly scheduled coach-type service across the North Atlantic, together with other means of air travel available through the authorized carriers would adequately serve anticipated needs. However, recent developments affecting transatlantic charter operations have caused us some concern.

On the one hand, there has been an increasing volume of passenger traffic carried over the North Atlantic by regularly authorized carriers particularly in the coach or second-class category. On the other hand, the applications and requests for exemption to conduct transatlantic charter services have been growing in number. There is every indication that a substantial number of groups desire charter transportation across the Atlantic this coming season, and that the regularly authorized air carriers will be unable to offer the desired number of charters. Inasmuch as the charter rates of the regular carriers generally do not differ to any marked extent from those of the nonregularly authorized carriers, it is apparent that this traffic would move on the charter flights of the regular carriers if such services were made available by them on a more frequent basis than at present. An analysis of recent filings for exemption authority to conduct transatlantic charter operations indicates that much of this traffic is of a nature that could move on the coach services of the regularly authorized carriers were it not that the cost differential between the pro rata share per passenger on exempted charter flights and the coach fares of the regular carriers may be so great as to put the latter beyond the financial reach of a number of individuals comprising the proposed charter groups.

Preliminary investigation discloses that U. S. transatlantic carriers have taken no significant steps to implement our directive[2] to take prompt and effective action to utilize the equipment and personnel of other air carriers, as required, to operate charter service. A primary obligation of these carriers is to develop this scheduled, individual fare passenger service. The carriers may also have a natural incentive to fully exploit the greater profit-making opportunities inherent in developing a mass volume of individual fare business to fill up the large number of seats available on established scheduled services. In addition, a change of major significance in the financial condition of these carriers is the fact that their transatlantic operations have either attained, or are approaching, a subsidy-free status.

The foregoing and the imminence of the 1955 summer season leads us to believe that we should give prompt reexamination to the various factors which we have heretofore been considering in disposing of exemption applications for transatlantic charter authority. There may now be a need for greater flexibility in our charter policy, at least for the immediate future and pending decision in Docket No. 5132, et al.[3], if we are to take full cognizance of all the matters now operative in the area of transatlantic charter operations and not overlook the possible requirements of all persons and groups having reason to travel across the Atlantic this summer. We are particularly concerned whether we should continue to consider, in disposing of exemption applications for charter authority, all of the various criteria heretofore taken into account.

In order to assist us in giving immediate reconsideration to the transatlantic charter policy in light of the foregoing, we are desirous of receiving factual information, views and advice from regularly authorized United States transatlantic carriers, applicants for transatlantic charter exemption authority,[4] and other interested persons bearing upon the extent, if any, to which our existing transatlantic charter policy should be modified. We have concluded that oral argument would be the most practicable and helpful means under the circumstances of accomplishing this objective since there are presently pending before the Board applications for transatlantic charter authority during the coming summer season which require our urgent attention. We wish to make it clear, however, that we may order a full evidentiary hearing after said oral argument if it should appear that such full hearing would be in the public interest.

Factual material and supporting factual data should be presented in affidavit form, and should be served upon all persons named hereinafter, and three copies of such material and data should be transmitted to the Docket Section at least three (3) days in advance of the argument.

Accordingly, it is ordered, That:

1. All interested persons herein be and they hereby are afforded the opportunity to submit factual material and data on or before April 26, 1955, and to present oral argument to the Board on the issues raised by the foregoing on April 29, 1955;

2. A copy of this order be served on the following: Pan American World Airways, Inc.; Trans World Airlines, Inc.; Transocean Air Lines; Seaboard and Western Airlines, Inc.; United States Overseas Airlines, Inc.; and The Flying Tiger Line, Inc.;

3. Any person desiring to participate in the oral argument shall notify the Chief Examiner with a statement of the amount of time desired on or before April 22, 1955;

4. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-3157; Filed, Apr. 15, 1955; 8:52 a. m.]

[Docket No. 4775]

NORTHWEST AIRLINES, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of Northwest Airlines, Inc., to eliminate Kalispell, Montana, from the certificate for route No. 3 or to authorize temporary suspension.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding, now assigned to be held on May 11, 1955, is postponed to May 18, 1955, 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 13, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-3158; Filed, Apr. 15, 1955; 8:52 a. m.]

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[1] Order No. E-7775. This factor was also considered in the following orders disposing of applications to conduct transatlantic charter service: E-8081, E-8303, E-8322, E-8353, E-8403, E-8429, E-8450, E-8457, E-8591, E-8601, E-8607, E-8617.

[2] Contained in our policy statement of March 16, 1951.

[3] Transatlantic passenger charter authority for noncertificated carriers is one of the issues in the Irregular Air Carrier Investigation, Docket No. 5132, et al. The Examiner's Initial Decision therein was served on March 29, 1955.

[4] A copy of this order will be served upon regular United States transatlantic carriers and upon other United States carriers which have sought exemptions for transatlantic charters since the inauguration of the present transatlantic charter policy and which presumably will be affected by any change in such policy.

[Docket No. 7092]

DEUTSCHE LUFTHANSA AKTIENGESELLSCHAFT

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Deutsche Lufthansa Aktiengesellschaft for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, between points in Germany and New York, N. Y.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 19, 1955, at 10:00 a. m., e. s. t., in Room 1018, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., April 13, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-3159; Filed, Apr. 15, 1955; 8:52 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM JAPAN

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF JAPAN

Notice is hereby given that certificates of origin issued by the Ministry of International Trade and Industry of the Government of Japan under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Japan of the following additional commodities:

Soya bean.
Soya bean paste (Miso).
Soya bean oil.
Soya bean meal.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 55-3193; Filed, Apr. 15, 1955; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 77, AMDT. 1

APRIL 11, 1955.

By virtue of the authority contained in the Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to Delegation of Authority contained in section 1.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management, Small Tract Classification Order No. 77, dated November 20, 1953, is hereby amended as follows:

1. The land description contained in paragraph 1 is amended by deleting the following-described lands:

TALKEETNA AREA
SEWARD MERIDIAN

T. 26 N., R. 4 W.,
Section 29: That portion of Lot 1 which would be described in terms of normal subdivision as NW¼NW¼NW¼ and N½SW¼NW¼NW¼, containing approximately 7 acres.
Section 30: That portion of Lot 3 which would be described in terms of normal subdivision as NE¼SE¼NE¼, containing approximately 8 acres.

Total acreage aggregating approximately 15 acres.

2. This amendment shall take effect immediately.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-3135; Filed, Apr. 15, 1955; 8:46 a. m.]

[Misc. 66987, 903923]

ALASKA

REVOCATION OF ORDERS OPENING LANDS UNDER THE FOREST HOMESTEAD ACT

APRIL 12, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the orders described below opening lands in the Tongass and Chugach National Forests for entry under the act of June 11, 1906, as amended (34 Stat. 233, 16 U. S. C. 506–509) are hereby revoked so far as they affect the lands hereinafter described:

TONGASS NATIONAL FOREST

a. List No. 6–1871; Date of Order of Opening: June 20, 1916.
Land: Beginning at Corner No. 1, a cottonwood post marked H/1 whence Corner No. 3, of the G. B. Morgan Forest Homestead Survey on east bank of Taku River bears W. 20 chs.; extending thence E. 39.25 chs.; thence N. 25 chs.; thence W. 66.80 chs., to Corner No. 4, on east bank of Taku River; thence S. 19° 30' E., 5.30 chs.; thence E. 25.78 chs.; thence S. 20 chs., to the place of beginning.

The tract described contains 111.60 acres.

b. List No. 6–1872; Date of Order of Opening: June 20, 1916.
Land: H. E. S. 107.

The tract described contains 153.59 acres.

c. List No. 6–1873; Date of Order of Opening: June 20, 1916.
Land: H. E. S. 108.

The tract described contains 157.88 acres.

d. List No. 6–1875; Date of Order of Opening: June 20, 1916.
Land: Beginning at Corner No. 1, identical with Corner No. 4 of the John Johnson Homestead Survey, a cottonwood post marked H/4 whence a cottonwood 26" in diameter bears N. 69° E. 5.80 chs.; extending thence N. 38 chs.; thence E. 34.50 chs.; thence S. 21° 30' E., 40.82 chs.; thence W. 49.41 chs., to the place of beginning.

The tract described contains 159.42 acres.

e. List No. 6–554; Date of Order of Opening: May 21, 1914.
Land: Beginning at Corner No. 1, a white granite rock marked H/1 and set in mound of rock located at mean high tide line, whence the west end of the Sundum Island bears S. 73° 30' W., and the east end of Bush Island bears S. 14° W., and Forest Service Monument bears N. 29° 30' W. 30.50 chains; extending thence by meanders along the mean high tide line of Endicott Arm S. 30° 10' E. 6 chains, S. 4° 30' E. 4 chains, S. 54° 30' E. 5 chains, N. 67° E. 10 chains, S. 44° E. 2.56 chains, and S. 47° E. 12.44 chains to Corner No. 2; thence N. 19° 5' E. 17.43 chains; thence S. 85° W. 16.60 chains; thence N. 55° W. 17.32 chains; thence S. 19° 5' W. 5.80 chains to Corner No. 1, the place of beginning.

The tract described contains 34.10 acres.

CHUGACH NATIONAL FOREST

List No. 6–2134; Date of Order of Opening: May 10, 1920.
Land: Beginning at Corner No. 1 thence E. 15.46 chains; thence S. 3° E. 79.80 chains; thence W. 25.60 chains; thence N. 5° E. 71.00 chains; to point of curve on U. S. R. R. right-of-way; thence meander right-of-way, Course 1, N. 3° E. 2.45 chains; Course 2, N. 1° E. 2.45 chains; thence N. 4° W. 4.10 chains; to the place of beginning.

The tract described contains 160.35 acres.

W. G. GUERNSEY,
Associate Director.

[F. R. Doc. 55-3134; Filed, Apr. 15, 1955; 8:46 a. m.]

[Order No. 587]

ABE H. FURR

DELEGATION OF AUTHORITY IN CONNECTION WITH APPEALS TO THE DIRECTOR

APRIL 12, 1955.

SECTION 1. Pursuant to the authority and subject to the limitation contained in Order No. 2583 of the Secretary of the Interior, Mr. Abe H. Furr, is authorized to sign decisions involving appeals to the Director filed pursuant to 43 CFR Part 221 when such appeals involve only land status or classification. Decisions involving all other matters and decisions involving new or novel questions or of unusual interest shall be signed by the Director or the Associate Director.

SEC. 2. An informal legal opinion or formal legal review may be obtained from the Office of the Solicitor when such advice or review is necessary. However, when an informal opinion is obtained formal legal review shall be secured before signature. All decisions prepared for the signature of the Director or Associate Director will be reviewed by the Solicitor's Office prior to signature.

SEC. 3. Bureau Order No. 584 of February 4, 1955, is hereby revoked insofar as it pertains to the lands and minerals functions.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-3144; Filed, Apr. 15, 1955; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE SMITHSONIAN INSTITUTION

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR CERTAIN RESTORATION AND RENOVATION WORK

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of the Smithsonian Institution to negotiate, without advertising, under section 302 (c) (4) and (9) of the act, contracts for restoring and renovating exhibits, dioramas, and accessories for exhibits.

2. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any official or employee of the Smithsonian Institution.

4. This delegation shall be effective as of the date hereof.

Dated: April 13, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-3215; Filed, Apr. 15, 1955; 11:16 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Order 153, Amdt. 3]

BUREAU OF FOREIGN COMMERCE

ESTABLISHMENT, ORGANIZATION, AND FUNCTIONS

MARCH 24, 1955.

The material appearing at 18 F. R. 6789 is hereby further amended by the following:

Department Order No. 153 of October 12, 1953, as amended, is further amended as follows:

Paragraph 3 (a) is amended to read:

(a) Subject to such policies and conditions as the Secretary of Commerce may prescribe, the Director of the Bureau of Foreign Commerce shall perform the functions and exercise the power and authorities relating to the promotion of United States international trade and investment vested in the Secretary of Commerce by applicable laws or executive orders, including but not limited to the Act of February 14, 1903 (32 Stat. 826), as amended, and shall carry out the Secretary's authority and responsibilities under the Export Control Act of 1949, as amended.

Paragraph 5 (c) is amended to read:

(c) The Foreign Economic Development Staff is responsible for the work of the bureau in executing programs of the United States for foreign economic development. The Director is also designated Coordinator of Foreign Assistance Programs for the Department and as such will be the focal point for the conduct of program and project negotiations with the Foreign Operations Administration.

In view of the creation of the Office of International Trade Fairs by Department Order No. 159 of January 27, 1955, the establishment of the Trade Fair Operations Division in the Bureau of Foreign Commerce by Amendment 2 to Department Order No. 153 is hereby rescinded and paragraph 5 (j) (6) is amended to read:

(6) In collaboration with the Office of International Trade Fairs, facilitate the effective conduct of international trade fairs with specific responsibility for (1) developing and maintaining pertinent economic data relating to international trade fair operations and the publication and dissemination of such data as appropriate, and (2) organizing individual trade information missions and maintaining trade information centers at international trade fairs;

Effective date: March 24, 1955.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-3133; Filed, Apr. 15, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6594]

PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF EXTENSION OF TIME TO ACQUIRE STOCK

APRIL 11, 1955.

Upon consideration of the request, filed April 7, 1955, by Pennsylvania Power & Light Company for an extension of time within which it may acquire the shares of Preferred and Common Stock of The Scranton Electric Company authorized by the Commission's order issued December 23, 1954, in the above-designated matter;

Notice is hereby given that a further extension of time is granted to and including June 24, 1955, within which Pennsylvania Power & Light Company may acquire said shares of stocks of the Scranton Electric Company. Paragraph (B) of said order issued December 23, 1954, as amended by the notice dated February 14, 1955, is further amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3149; Filed, Apr. 15, 1955; 8:50 a. m.]

[Docket Nos. G-1277, G-1411]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND AUTHORIZING DELIVERY AND SALE OF NATURAL GAS

APRIL 12, 1955.

Notice is hereby given that on March 25, 1955, the Federal Power Commission issued its order adopted March 23, 1955, in the above-entitled matters, amending order modifying orders issuing certificates of public convenience and necessity, and authorizing Transcontinental Gas Pipe Line Corporation to deliver and sell 1,464 Mcf of natural gas to the City of Covington, Georgia, for ultimate distribution in said city, and the Town of Oxford, Georgia.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3150; Filed, Apr. 15, 1955; 8:50 a. m.]

[Docket No. G-2530]

EL PASO NATURAL GAS CO.

NOTICE OF HEARING

APRIL 12, 1955.

El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business in El Paso, Texas, filed an application on August 5, 1954, which was supplemented on December 27, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a tap approximately at mile post 229 on Applicant's 30-inch Permian-San Juan cross-over line in Torrance County, New Mexico, together with metering and regulating equipment for the sale of natural gas to the Town of Mountainair, New Mexico, for resale in the Town of Mountainair and vicinity. Due notice was given of the filing of the application including publication in the FEDERAL REGISTER on August 27, 1954 (19 F. R. 5509).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3151; Filed, Apr. 15, 1955; 8:51 a. m.]

[Docket Nos. G-2877, G-3023, G-3554, G-3555, G-3602, G-3684, G-3690, G-3865, G-4692, G-6328]

D. J. HARRISON ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 11, 1955.

In the matters of D. J. Harrison, Docket No. G-2877; J. C. Means, Jr., et al., Docket No. G-3023; Lloyd H. Smith, Inc., et al., Docket No. G-3554; Lloyd H. Smith, Inc., et al., Docket No. G-3555; Meredith & Company, as operator, Docket No. G-3602; J. M. Frost, Jr., et al., Docket No. G-3684; J. M. Frost, Jr., et al., Docket No. G-3690; Kirby Petroleum Company, Docket No. G-3865; Carnes W. Weaver Drilling Company and Frank W. Warburton, Trustee, Docket No. G-4692; McCarthy Oil & Gas Corporation, et al., Docket No. G-6328.

Take notice that there have been filed with the Federal Power Commission Applications as hereinafter specified:

Applicant	Address	Date filed	Docket No.
D. J. Harrison	2105 Gulf Bldg., Houston 2, Tex.	Sept. 20, 1954	G-2877
J. C. Means, Jr., et al.	114 Bowie Bldg., Beaumont, Tex.	Sept. 23, 1954	G-3023
Lloyd H. Smith, Inc., et al.	403 City National Bank Bldg., Houston, Tex.	Sept. 28, 1954	G-3554
Do.	do.	do.	G-3555
Meredith & Co., as operator	2117 Commerce Bldg., Houston, Tex.	Sept. 29, 1954	G-3602
J. M. Frost, Jr., et al.	805 Esperson Bldg., Houston, Tex.	do.	G-3684
Do.	do.	do.	G-3690
Kirby Petroleum Co.	P. O. Box 1745, Houston 1, Tex.	Oct. 1, 1954	G-3865
Carnes W. Weaver Drilling Co., and Frank W. Warburton, trustee.	326 Gulf Bldg., Houston, Tex.	Nov. 5, 1954	G-4692
McCarthy Oil & Gas Corp., et al.	Prudential Bldg., Houston, Tex.	Nov. 29, 1954	G-6328

each for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the respective applicants to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas to Texas Gas Corporation as indicated below:

Docket No.	Location of field	Delivery rate	Price per Mcf (cents)
G-2877	South Mayes Field, Chambers County, Tex.	317,553 Mcf per month	6.5
G-3023	North Port Neches Field, Orange County, Tex.	1,000 Mcf per day	10
G-3554	do.	15,000 Mcf per day	10
G-3555	do.	1,000 Mcf per day	8
G-3602	East Mayes Field, Chambers County, Tex.	do.	8
G-3684	Fig Ridge Field, Chambers County, Tex.	Total production	16
G-3690	do.	do.	1
G-3865	White's Lake Field, Chambers County, Tex.	Maximum 10,000 Mcf per day	8
G-4692	Stowell Field, Chambers County, Tex.	500 Mcf per day	4
G-6328	Stowell Field, Chambers County, and Fannett Field, Jefferson County, Tex.	Total production	4

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 6, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3136; Filed, Apr. 15, 1955; 8:46 a. m.]

[Docket Nos. G-3833, G-4578, G-4675, G-4967, G-5121, G-5187, G-6818, G-6867, G-6868]

G. J. NEUNER ET AL.

NOTICE OF FINDINGS AND ORDERS

APRIL 12, 1955.

In the matters of G. J. Neuner, Docket No. G-3833; Dunn-Mar Oil and Gas Company, Docket No. G-4578; A. B. Edwards, Docket No. G-4675; Jones Oil and Gas Company, Docket No. G-4967; Fred Goodstein, Docket No. G-5121; M. L. Benedum, Docket No. G-5187; W. E. Burchett, Docket No. G-6818; Permian Basin Pipeline Company, Docket No. G-6867; Otha H. Grimes, Docket No. G-6868.

Notice is hereby given that on March 25, 1955, the Federal Power Commission issued its findings and orders adopted March 23, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3152; Filed, Apr. 15, 1955; 8:51 a. m.]

[Docket Nos. G-4489—G-4504]

DUNN-MAR OIL AND GAS CO.

NOTICE OF FINDINGS AND ORDER

APRIL 12, 1955.

Notice is hereby given that on March 24, 1955, the Federal Power Commission issued its findings and order adopted March 23, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3153; Filed, Apr. 15, 1955; 8:51 a. m.]

[Docket No. G-8087]

TEXAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 12, 1955.

Take notice that The Texas Company (Applicant), a Delaware corporation whose address is Houston, Texas, filed on December 8, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to Colorado Interstate Gas Company (Colorado Interstate) at an initial rate of 15 cents per Mcf. This gas will be produced from the Keyes Field in Cimarron and Texas Counties, Oklahoma, and from the Greenwood Field in Morton County, Kansas and Baca County, Colorado. It will be commingled with other gas and resold at markets in other states served by Colorado Interstate's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3154; Filed, Apr. 15, 1955; 8:51 a. m.]

[Docket No. G-8299]

SOUTHERN UNION GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 12, 1955.

Take notice that Southern Union Gas Company (Applicant), a Delaware Corporation, whose address is Dallas, Texas, filed on December 28, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) at an initial rate of 11 cents per Mcf. This gas will be produced from the Blanco-Mesaverde Field in San Juan County, New Mexico. It will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 9, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3155; Filed, Apr. 15, 1955; 8:51 a. m.]

[Docket No. G-8525]

WILLIAM V. MONTIN ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 12, 1955.

Take notice that William V. Montin et al. (Applicant), whose address is Oklahoma City, Oklahoma, filed on February 28, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) at an initial rate of 10 cents per Mcf. This gas will be produced in San Juan County, New Mexico, and will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 9, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3156; Filed, Apr. 15, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order No. 48, Amdt. 1]

LOUISVILLE AND NASHVILLE RAILROAD CO. ET AL.

EXPIRATION DATE OF ORDER

Upon further consideration of Revised Taylor's I. C. C. Order No. 48 and good cause appearing therefor:

It is ordered, That: Revised Taylor's I. C. C. Order No. 48 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., April 30, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., April 12, 1955, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 12, 1955.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 55-3145; Filed, Apr. 15, 1955; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 13, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30478: Fertilizer solution—Southwest to Illinois and W. T. L. territory. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on nitrogen, fertilizer solutions and fertilizer ammoniating solution, in tank-car loads, from specified points in Arkansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma, and Texas to specified base points in Illinois, Indiana, Iowa, Missouri, and Wisconsin, and points grouped with such base points as taking same rates.

Grounds for relief: Rates constructed on short line distance formula, circuitous routes and additional destinations.

Tariff: Supplement 51 to Agent Kratzmeir's I. C. C. No. 4112.

FSA No. 30479: Fertilizer soultions to Illinois, Iowa, and Wisconsin. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on fertilizer ammoniating solutions and fertilizer nitrating solutions, in tank-car loads, from Vicksburg and Yazoo City, Miss., to specified base points in Illinois, Iowa and Wisconsin.

Grounds for relief: Rates constructed on short line distance formula, circuitous routes, and additional destinations.

Tariff: Supplement 41 to Agent C. A. Spaninger's I. C. C. No. 1366.

FSA No. 30480: Lumber and related articles—Pacific Coast to Lake Charles, La. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lumber and related articles, carloads, from grouped origins on the Pacific Coast and points intermediate thereto in the so-called "Coast" and "Truckee or Hawley" groups to Lake Charles, La.

Grounds for relief: Additional circuitous routes through higher-rated intermediate destination groups.

Tariff: Supplement 37 to Agent Prueter's I. C. C. 1556.

FSA No. 30481: Clay, from, to and between points in the south. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads, from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina, to specified points in Georgia, Kentucky, North Carolina, Ohio, South Carolina, Tennessee and West Virginia.

Ground for relief: Rates constructed on short-line distance formula, circuitous routes and additional destinations.

Tariff: Agent Spanninger's I. C. C. 1323, supplement 73.

FSA No. 30482: Phosphate rock—Florida mines to Texarkana, Ark.-Tex. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, ground or not ground, slush and floats, and soft phosphate, not acidulated nor ammoniated, carloads, from Bartow, Fla, and other Florida mines named in the application to Texarkana, Ark.-Tex.

Grounds for relief: Rail-water-rail competition and circuity.

Tariffs: Supplement 121 to Atlantic Coast Line Railroad Company's I. C. C. B-3232; Supplement 112 to Seaboard Air Line Railroad Company's I. C. C. A-8153.

FSA No. 30483: Bituminous fine coal to Eau Claire, Wis. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous fine coal, carloads, from mines in Illinois, Indiana, and Wisconsin, to Eau Claire, Wis.

Grounds for relief: Rail-barge-truck competition and circuity.

Carrier, I. C. C. No., and Supplement No.

Tariffs: AT&SF, 14708, 23; C&EI, 2, 178; C&IM, B-336, 61; C&NW, 11208, 38; CB&Q, 20447, 5; CI&L, 4798, 39; CMStP&P, B-1717, 42; CMStP&P, B-7287, 149; CRI&P, C-13446, 35; GM&O, 262, 42; IC, E-1869, 75; M&StL, 89, 9; MP, A-10454, 10; NYC, 1306, 94; Wab, 7649, 64; SFTB (L&N), 1224,[1] 82.

FSA No. 30484: Cinders from Choctaw, Okla. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cinders, clay or shale, ground or not ground, carloads, from Choctaw, Okla., to stations in Kansas as described in the applications.

Grounds for relief: Rates constructed on a short-line distance formula, additional origin and circuitous routes.

Tariff: Supplement 12 to Agent Kratzmeir's I. C. C. No. 4135.

30485: Steel sheet and plate to Beardstown, Ill. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on steel sheet and plate, carloads, from Chicago and South Chicago, Ill., East Chicago, Gary, and Indiana Harbor, Ind., to Beardstown, Ill.

Tariff: Supplement 38 to Agent Raasch's I. C. C. No. 749.

FSA No. 30486: Fertilizer compounds from St. Francis, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer compounds (manufactured fertilizer) noibn, dry, carloads, from St. Francis, Tex., (as a storage and shipping point), to points in southern, western trunk-line and Illinois territories.

Ground for relief: Rates constructed on basis of a short-line distance formula, circuity, and grouping, and additional origin.

Tariff: Supplement 52 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 30487: Fuel wood—Memphis, Tenn., to the southwest. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fuel wood, namely, sawdust or shavings, compressed, straight or mixed carloads, from Memphis, Tenn., to stations in Arkansas, Louisiana (west of the Mississippi River), southern Missouri, New Mexico, Oklahoma, and Texas as described in the application.

Grounds for relief: Rates constructed on basis of a short-line distance formula, circuity, and additional destinations.

Tariffs: Supplement 150 to Agent Kratzmeir's I. C. C. 3932; supplement 80 to Agent Kratzmeir's I. C. C. 4049; Supplement 86 to Agent Kratzmeir's I. C. C. 4090; supplement 56 to Agent Kratzmeir's I. C. C. 4109; supplement 49 to Agent Kratzmeir's I. C. C. 4115.

FSA No. 30488: Methanol, Sterlington, La., to Chicago, Ill., District. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on methyl alcohol, in tank-car loads, from Sterlington, La., to Chicago, Ill., and points in the Chicago Switching District, described in the application.

Grounds for relief: Competition of barge lines, rail carrier competition and circuity.

Tariff: Supplement 61 to Agent Kratzmeir's I. C. C. 4064.

FSA No. 30490: Steel or wrought pipe to Judkins, Douro and Sid Richardson, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on steel or wrought iron pipe, and related articles, carloads, from points in official, southern and southwestern territories to Judkins, Douro, and Sid Richardson, Tex.

Grounds for relief: Carrier competition, additional destinations, and circuity.

Tariff: Supplement 19 to Agent Kratzmeir's I. C. C. 4116.

AGGREGATE-OF-INTERMEDIATES

FSA No. 30489: Methanol, Sterlington, La., to Chicago, Ill., District. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on methyl alcohol, in tank-car loads, from Sterlington, La., to Chicago, Ill., and points in the Chicago Switching District, described in the application.

Grounds for relief: Maintenance of existing through one-factor rates from and to more distant points.

Tariff: Supplement 61 to Agent Kratzmeir's I. C. C. 4064.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-3146; Filed, Apr. 15, 1955; 8:49 a. m.]

[1] C. A. Spaninger, Agent.

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-342]

INDEPENDENCE TRUST SHARES PURCHASE PLANS AND INDEPENDENCE SHARES CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT TRUST HAS CEASED TO BE AN INVESTMENT COMPANY

APRIL 12, 1955.

Notice is hereby given that Independence Shares Corporation ("Depositor"), for itself and as the Sponsor-Depositor of Independence Trust Shares Purchase Plans ("Plan"), a unit investment trust, registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order declaring that the Plan has ceased to be an investment company under the act.

The application makes the following representations:

Depositor is a corporation organized and existing under the laws of the State of Pennsylvania, with its principal place of business at 1526 Chestnut Street, Philadelphia, Pa., and its agent for service being Alfred H. Geary. Depositor is the Sponsor-Depositor of the Plan and is also the Sponsor-Depositor of a unit type investment trust known as Independence Trust Shares ("the Trust").

The Trust is a common law fixed trust organized under and by virtue of a Trust Indenture between Depositor and the Pennsylvania Company for Banking and Trusts ("Pennsylvania Company") dated April 2, 1930, as amended, under which Trust Certificates or shares are issued to shareholders. The Trust Certificates evidence a beneficial interest in a fixed portfolio of shares of 35 corporations designated in the Indenture, as amended. The Plan is a custodianship providing for the purchase by the Pennsylvania Company as custodian, of shares of the Trust out of the monthly or single payments made by the Planholders.

The Trust was terminated on March 31, 1954, with a final liquidation date of August 31, 1954.

Under date of April 1, 1954, the Pennsylvania Company gave notice to the Planholders that distributions would not be invested as theretofore because there were no comparable securities available for substitution for the Trust Shares. Under date of May 19, 1954, the Pennsylvania Company sent another notice to the Planholders advising them that they had the option to accept delivery of the Trust Shares or to authorize the liquidation of the Trust Shares for the account of the Planholders. Pennsylvania Company, as custodian, gave notice to the Planholders by letter dated December 23, 1954, of the termination of the plans on the ground that the Trust Shares had not been purchasable for a period of 90 days, and no other securities have been substituted therefor. At the present time, there are three Plans outstanding, and the trustee holds the sum of $3,294.20 for the liquidation of those Plans, which sum represents the cash received upon the liquidation of the Independence Trust Shares represented by those Plans. The said cash is being held by the Pennsylvania Company as custodian for payment to the Planholders upon surrender of their Plans.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 26, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing

upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3137; Filed, Apr. 15, 1955; 8:47 a. m.]

[File No. 811-341]

CAPITAL SAVINGS PLAN CONTRACT CERTIFICATES AND INDEPENDENCE SHARES CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT TRUST HAS CEASED TO BE AN INVESTMENT COMPANY

APRIL 12, 1955.

Notice is hereby given that Independence Shares Corporation ("Depositor") for itself and as the Sponsor-Depositor for Capital Savings Plan Contract Certificates ("the Plan"), a unit investment trust, registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order declaring that the Plan has ceased to be an investment company under the act.

The application makes the following representations:

Depositor is a corporation organized and existing under the laws of the State of Pennsylvania, with its principal place of business at 1526 Chestnut Street, Philadelphia, Pa., its agent for service being Alfred H. Geary. Capital Savings Plan, Inc. was a corporation organized and existing under the laws of Pennsylvania, which was merged with Depositor as of December 31, 1938. Depositor is the Sponsor-Depositor of a unit type investment company known as Independence Trust Shares ("The Trust"), and of the Plan.

The Plan is a periodic payment plan organized under and by virtue of three Trust Indentures between Capital Savings Plan, Inc. and the Pennsylvania Company for Banking and Trusts ("Pennsylvania Company") and certain beneficiaries ("Planholders") which Indentures are dated December 11, 1931, August 9, 1932, and May 1, 1934, with supplements thereto, under which Indentures Periodic Payment Plan Certificates were issued to the Planholders. The Plan Certificates provided for the payment by Planholders to the Pennsylvania Company of certain sums, in monthly installments and in some cases in single payments, which sums were invested, after the making of certain deductions, in shares of Independence Trust Shares for the benefit of the Planholders. This Trust was terminated on March 31, 1954, and final liquidation took place on August 31, 1954.

On March 31, 1954, the termination date of the Trust, there were no plans outstanding under the Indenture dated December 11, 1931, and none had been outstanding for some years prior to that date, and at the present time there are no plans outstanding under the Indenture dated August 9, 1932.

Under date of April 1, 1954, the Pennsylvania Company gave notice to the Planholders that, since Trust Shares were no longer available for purchase and since there were no comparable securities available for substitution, distributions would not be invested as theretofore. Under date of May 19, 1954, the Pennsylvania Company sent another notice to the Planholders advising them that they had the option to accept delivery of the Trust Shares or to authorize the liquidation of the Trust Shares for the account of the Planholders. Under date of December 23, 1954, the Pennsylvania Company sent to all of the Planholders who had not elected to receive the underlying Trust Shares in accordance with the prior letter, a notice of termination of their Plan Certificates. Under date of December 6, 1954, and pursuant to the provisions of the three Indentures referred to above, Depositor terminated the Indentures forthwith by sending notices of termination to the Pennsylvania Company.

There are outstanding at the present time under the Indenture dated May 1, 1934, 24 Plan Certificates. The said 24 Certificates have a liquidation value, subject to deduction for any Federal income taxes which are found to be payable by the Trust, of $43,231.93. Said sum is being held by the Pennsylvania Company for the account of the Planholders.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 26, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3138; Filed, Apr. 15, 1955; 8:47 a. m.]

[File No. 811-340]

INDEPENDENCE TRUST SHARES AND INDEPENDENCE SHARES CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT TRUST HAS CEASED TO BE AN INVESTMENT COMPANY

APRIL 12, 1955.

Notice is hereby given that Independence Shares Corporation ("Depositor"), for itself and as the Sponsor-Depositor of Independence Trust Shares ("the Trust"), a unit investment trust registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order declaring that the Trust has ceased to be an investment company under the act.

The application makes the following representations:

Depositor is a corporation organized and existing under the laws of the State of Pennsylvania, with its principal place of business at 1526 Chestnut Street, Philadelphia, Pa., its agent for service being Alfred H. Geary, and is the sponsor-depositor of the Trust.

The Trust is a common law fixed trust under and by virtue of a Trust Indenture between Depositor and the Pennsylvania Company for Banking and Trusts ("Pennsylvania Company") and certain beneficiaries ("Shareholders") dated April 2, 1930, as amended by Supplemental Agreements dated November 24, 1930, June 8, 1931, December 16, 1938, October 31, 1940, October 13, 1942, and August 16, 1951. Pursuant to the terms of the Trust Indenture, Certificates have been issued to the Shareholders. The Trust Certificates evidenced a beneficiary interest in a fixed portfolio of shares of 35 corporations designated in the Indenture, as amended.

On March 1, 1954, the Depositor gave notice, by mail and by newspaper publication in accordance with the provisions of the Trust Indenture, as amended, to the registered holders of Trust Shares, of the final termination of the Trust as a whole on March 31, 1954, and of final distribution of the Trust property on August 31, 1954. The Depositor notified the Pennsylvania Company of its intention to terminate by a letter dated February 26, 1954.

On March 31, 1954, the number of Trust Shares outstanding was 186,000 shares. There were 457 shareholders who owned the aforesaid 186,000 shares.

Under date of April 20, 1954, the Depositor notified the Shareholders that the offer of exchange made by Delaware Fund, Inc., and approved by this Commission in proceedings under File No. 812-727 by order dated September 12, 1951, whereby holders of shares of the Trust might exchange such shares for those of Delaware Fund, Inc., was still available. As stated in the said notice, the Shareholders were notified that no transfers or redemptions were permissible under the Trust Agreement after July 15, 1954, that the exchange offer would no longer be available after that date, and that liquidation of the remaining securities in the Trust would not take place until after July 15, 1954.

The sale of the underlying securities took place on or shortly after July 20, 1954, and the amount received on the sale of the underlying securities was $272,259.80 less expenses of liquidation in the amount of $6,213.57. Said amount was received by the Trustee on July 27, 1954.

All of the liabilities of the Trust have been paid. The amount distributable to Shareholders on August 31, 1954, amounted to $286,335.60, of which $281,072.45 represented distributions from principal (including the amount received upon the liquidation of the securities) and $5,263.15 from income, a total of $2.5796 per share.

Distributions have been made to the Shareholders who have delivered their shares for cancellation and at the present time there are 15,422 shares outstanding in the hands of 142 Shareholders. There is a balance of cash on hand in the amount of $39,782.48 available to pay the amounts due to the holders of the outstanding shares. This amount is held by the Pennsylvania Company in cash pursuant to the provisions of the Trust Indenture, as amended, for the redemption of the remaining shares.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 26, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3139; Filed, Apr. 15, 1955; 8:47 a. m.]

[File No. 70-3355]

NATIONAL FUEL GAS CO. ET AL.

NOTICE OF PROPOSED ISSUANCE AND SALE OF NOTES TO BANK BY PARENT, AND ISSUE AND SALE TO PARENT OF NOTES BY SUBSIDIARY COMPANIES

APRIL 12, 1955.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, Republic Light, Heat and Power Company, Inc., United Natural Gas Company, Pennsylvania Gas Company.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and its gas utility company subsidiaries, Iroquois Gas Corporation ("Iroquois"), Republic Light, Heat and Power Company, Inc. ("Republic"), United Natural Gas Company ("United") and Pennsylvania Gas Company ("Pennsylvania"), have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7, 9 (a), (10), 12 (b) and 12 (f) of the act and rules U-43 and U-45 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

National proposes to borrow from time to time to November 15, 1955 up to an aggregate amount not to exceed $12,000,000 from the Chase National Bank of the City of New York upon its unsecured promissory notes bearing interest at the rate of 3 percent per annum and being payable on July 15, 1957. National proposes to use the proceeds from these loans to prepay its presently outstanding notes payable to the same bank amounting to $1,700,000 and maturing July 15, 1955, and to make loans to its subsidiaries as described below.

National states that it is its intention to finance, on or before the maturity date, the payment of any of its outstanding bank loan notes, issued pursuant to this filing, by the issuance and sale of long-term debenture bonds and/or common stock.

Iroquois, Republic, United and Pennsylvania propose to issue and sell to National from time to time during 1955 unsecured promissory notes aggregating in principal amount not in excess of the following amounts and in series with the principal amount of each note as follows:

	Aggregate principal amount	Principal amount of each note
Iroquois	$3,000,000	$200,000
Republic	3,300,000	150,000
United	4,400,000	200,000
Pennsylvania	2,700,000	[1] 100,000

[1] For the first 17 of such notes and $200,000 for the last 5 of such notes.

The first note in each of the series will mature on May 1, 1957 and each succeeding note in the series will mature on May 1 of the following calendar year. Each note will bear interest at the rate of 3 percent per annum subject to adjustment as of the date of National's next debenture issue to a rate equal to the coupon rate that will apply to such issue.

Each of the subsidiary companies proposes to use the net proceeds from the notes proposed to be issued to provide its treasury with funds with which to make needed additions to its utility plant during 1955, and in the cases of Iroquois and Republic to replenish working capital depleted by extra capital expenditures made in 1954. Such additions to utility plant are estimated to cost $3,745,000 in the case of Iroquois, $2,000,000 for Republic, $2,830,000 for United, and $1,805,000 for Pennsylvania. Republic also proposes to discharge its outstanding short-term bank borrowings (in the amount of $944,296.20 as at December 31, 1954) while United and Pennsylvania further propose to convert their short-term notes payable to National ($1,800,000 for United and $750,000 for Pennsylvania) and maturing July 15, 1955, to long-term notes payable to National.

Iroquois and Republic have applied to the New York Public Service Commission and United and Pennsylvania have applied to the Pennsylvania Public Utility Commission for authorization of their proposed note issuances. According to the filing no other State commission or Federal commission other than this Commission has jurisdiction over the proposed transactions.

It is estimated that the fees, commissions and expenses will total $11,950 for all of the companies including $6,200 for fees and expenses of counsel.

It is requested that the Commission's order herein be made effective on or before April 29, 1955.

Notice is further given that any interested person may, not later than April 28, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3140; Filed, Apr. 15, 1955; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 6]

DAIRY PRODUCTS

SUPPLEMENTAL INVESTIGATION INSTITUTED AND PUBLIC HEARING ORDERED

Notice is hereby given that the United States Tariff Commission, on April 12, 1955, instituted an investigation under the provisions of section 22 (d) of the Agricultural Adjustment Act, as amended, supplemental to its Investigation No. 6 under section 22 of the said act, to determine whether changed circumstances require the modification, as hereinafter indicated, of Presidential proclamation 3019 of June 8, 1953 (18 F. R. 3361), as amended by proclamation 3025 dated June 30, 1953 (18 F. R. 3815), to

carry out the purposes of the said section 22.

Presidential proclamation 3019, as amended by proclamation 3025, established annual import quotas for certain types of manufactured dairy products, including certain types of cheeses. In a letter to the President dated March 21, 1955, the Acting Secretary of Agriculture suggested the need for a modification of the existing proclamation in order to carry out the purpose and intent thereof. Specifically, the Acting Secretary of Agriculture indicated that because of the restricted scope which is being applied to the language of the proclamation "Italian-type cheeses, made from cow's milk, in original loaves" in the administration of the proclamation, the proclamation is being rendered ineffective.

In a letter dated April 7, 1955, the President directed the Tariff Commission to make an immediate investigation under section 22 (d) to determine whether modification of the existing proclamation is warranted. A copy of the letter to the President from the Acting Secretary of Agriculture and of the letter from the President are available for inspection at the offices of the Commission in Washington, D. C. and at its New York office in the Customhouse.

The proposals of the Acting Secretary of Agriculture are that the proclamation of June 8, 1953, be amended to include the following definitions:

1. The articles designated in lists I and II include all articles which are substantially those specified notwithstanding minor variations in composition, characteristics or appearance. The determination as to whether a specific article is substantially one of those designated shall be made by the Secretary of Agriculture.

2. The term "original loaves" as used in list II includes original loaves even if cut into pieces or the rind is removed.

As an alternative to proposal 2 above, it is proposed to delete the reference to "original loaves".

The Commission's investigation will involve determination of whether the modification of the President's proclamation of June 8, 1953, to extend its scope to accomplish the purposes of the proposed amendments is warranted.

Public hearing ordered. The Commission, on April 12, 1955, ordered a public hearing to be held in connection with the above-announced supplemental investigation, beginning at 10 a. m., e. d. s. t., on May 10, 1955, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C. Interested persons desiring to appear and to be heard at the hearing should notify the Secretary of the Commission in writing, at its offices in Washington, D. C., at least 3 days in advance of the date set for the hearing.

Issued: April 13, 1955.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-3148; Filed, Apr. 15, 1955; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 76

Washington, Tuesday, April 19, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 465.1]

PART 372—FARM OWNERSHIP LOANS

SUBPART A—GENERAL SECURITY SERVICING

SALE OF FARM OUTSIDE THE PROGRAM

Section 372.9 in Title 6 of the Code of Federal Regulations (13 F. R. 9461), regarding sales outside the program of farms securing direct Farm Ownership loans, was superseded by § 366.2 of said Title 6 (20 F. R. 321) and is revoked accordingly.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1))

Issued this 13th day of April 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-3166; Filed, Apr. 18, 1955; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023 (Peanuts-55)-1, Amdt. 1]

PART 729—PEANUTS

DETERMINATION OF ADJUSTED ACREAGE

Basis and purpose. The amendment herein is issued under the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of increasing the amount of acreage which State committees may make available to county committees for upward adjustment of old farm peanut acreage allotments.

Peanuts will be planted at a very early date in several areas of the United States and it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the county committees may make adjustment prior to the planting of peanuts. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of Section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Subparagraph (5) of § 729.617 (b) of the Marketing Quota Regulations for the 1955 Crop of Peanuts (19 F. R. 6134) is amended as follows:

By striking the period at the end of the subparagraph and inserting in lieu thereof a colon and adding the following: "*Provided further,* That any State committee, which has available from its share of the national acreage allotment, unused acreage in sufficient quantity, and after first using the entire five percent of peanut acreage allotted to all old farms in the State in 1954 for upward adjustment of allotments as provided by this subparagraph, may make an additional acreage available to county committees for upward adjustment (under the standards of this subparagraph), but the total acreage used for adjustments under this subparagraph shall not exceed ten percent of the 1954 State peanut acreage allotment."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 358, 55 Stat. 88, as amended; 7 U. S. C. 1358)

Done at Washington, D. C., this 14th day of April 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3203; Filed, Apr. 18, 1955; 8:53 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 876.7]

PART 876—HAWAII

1955 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as

(Continued on p. 2549)

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FEDERAL REGISTER

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(For use during 1955)

The following Supplements are now available:

Titles 10–13 ($0.50)
Title 14: Part 400 to end ($0.65)
Title 16 ($1.25)
Titles 28–29 ($1.25)
Titles 44–45 ($0.75)
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amended (herein referred to as "act"), after investigation, and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on September 30 and October 1, 1954, the following determination is hereby issued:

§ 876.7 *Fair and reasonable prices for the 1955 crop of Hawaiian sugarcane.* A producer of sugarcane in Hawaii who is also a processor of sugarcane (referred to in this part as "processor") shall have paid, or contracted to pay, for sugarcane of the 1955 crop grown by other producers and processed by him in accordance with the following requirements:

(a) *Purchase agreements.* The price for sugarcane shall be not less than that provided in sugarcane purchase agreements between the processor and producers which were effective for the 1954 crop or as otherwise specified in the price determination applicable to that crop; except, that the price for sugarcane under independent grower purchase agreements negotiated by the Hutchinson Sugar Plantation Company for the 1955 crop shall be not less than that provided in such agreements; that the price for sugarcane processed by Olaa Sugar Company harvested under unusual conditions resulting from earthquake or volcanic actions, may be as agreed upon between the processor and producer, and this processor may charge producers for total overhead costs on labor, services, or materials furnished by him on the basis of agreements as may be negotiated between the parties, and in the event the parties are unable to agree as to the price for such sugarcane or as to any charge, either party may request the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C., to determine the appropriate price or charge and his decision shall be final insofar as payments under the act are concerned.

(b) *Toll agreements.* The rate for sugarcane processed under toll agreements shall be not less than that provided in the agreements between the processor and producers which were effective for the 1954 crop.

(c) *Reporting requirements.* If a purchase agreement provides that payment for sugarcane is to be based on net returns, the processor shall submit for approval to the Hawaiian Area Agricultural Stabilization and Conservation Office, Honolulu, Hawaii (referred to in this part as "Area Office") a certified statement of the average gross proceeds realized from the sale of sugar and molasses and deductible selling and delivery expenses actually incurred. Such expenses shall be limited to those items specifically enumerated by the processor and approved by the Director of the Area office for the 1954 crop: *Provided, however,* That if the processor actually incurs additional selling and delivery expenses because of conditions which the Director of the Area Office determines justify the incurrence of such expenses under the circumstances, such expenses also shall be deductible.

(d) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in this section through any subterfuge or device whatsoever.

STATEMENT OF BASIS AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable prices to be paid for sugarcane of the 1955 crop by a producer who processes sugarcane grown by other producers. It establishes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1955 price determination.* This determination provides generally that prices for sugarcane of the 1955 crop shall be not less than the prices payable under agreements effective for the 1954 crop or as otherwise specified in the determination applicable to that crop. The price for sugarcane provided in a new independent grower agreement negotiated with producers by Hutchinson Sugar Plantation Company has been adopted. It also provides that Olaa Sugar Company and producers may agree upon the price for sugarcane harvested and processed on a salvage basis and upon recovery of full costs for overhead charges.

At the public hearing a representative of the members of the Hawaiian Sugar Planters Association who purchase sugarcane from adherent planters and independent growers, made a general statement regarding sugarcane pricing problems which were common to all such processors. He asked that the recommendations to be made by representatives of the individual processors be adopted for the 1955 crop. He also recommended that consideration be given to the prices payable under cane purchase agreements as currently negotiated, that total returns be distributed on the basis of the relative costs of producing and processing sugarcane, and that returns be divided so that both parties would realize a profit. The witness also stated that with respect to independent grower agreements the processors should receive a fair profit on services and materials furnished to producers.

Most processor spokesmen testified that under present purchase agreements, producers receive more than a fair and reasonable return for sugarcane, but recommended that such agreements be effective for the 1955 crop. The representative of Hutchinson Sugar Plantation Company recommended the approval of the pricing provisions of a new independent grower agreement which had been negotiated with producers. The representative of Laupahoehoe Sugar Company recommended the approval of the price payable under the independent grower agreement which had been offered to planters in 1954. Several processor spokesmen also recommended that charges to producers for services and materials include a reasonable profit to the processor and that depreciation charges on equipment furnished to producers be based on replacement value instead of cost.

Representatives of producer associations opposed any reduction in prices payable for sugarcane as provided in existing purchase agreements. One group of producers recommended an increase in the price of sugarcane because of higher costs of labor, fertilizer, and raw sugar transportation costs. The latter is one of the marketing costs which

affect net returns upon which payments for sugarcane are based. Another group recommended that returns to producers under an independent grower agreement be no less than returns received under the adherent planter agreement. A third group called attention to the fact that arbitration of the pricing arrangements of the 1946 contract between adherent planters and four processors which began in 1951, had not been concluded and asked that the Department intervene to effect a prompt settlement.

An amendment to the cane purchase agreement applicable only to the 1954 crop was negotiated by producers and Olaa Sugar Company to recognize the transition from hand to mechanical harvesting of sugarcane. The processor representative recommended that this amendment be continued for the 1955 crop since the transition to mechanical harvesting of producer cane would require another year. This representative pointed out the problems encountered in processing mechanically harvested cane in 1954 which resulted in a less satisfactory operation than had been anticipated. He also stated that additional capital investment in equipment would be required to obtain a more efficient operation with respect to the 1955 crop. The producer representative recommended that the amendment be modified to reflect interest, amortized cost of land leveling, and road building which would be required in adapting their lands to mechanical harvesting equipment. This spokesman pointed out that a revision of the cane purchase agreement was desirable to reflect normal costs of production and processing under machine harvesting methods and to change the point of delivery for sugarcane. Although additional negotiations were carried on between the parties subsequent to the hearing, no agreement for the purchase of sugarcane was reached.

Consideration has been given to recommendations made at the public hearing, to the results of studies and investigations of the economic position of producers and processors and to other pertinent factors. Analysis of the returns, costs, and profits of producing and processing sugarcane obtained by survey in 1953 and restated in terms of prospective price and production conditions for the 1955 crop indicates that producers will receive on the average a favorable share of returns in relation to their costs of production. Under these conditions, the prices provided in the negotiated agreements or as otherwise specified in this determination, are deemed to be fair and reasonable.

The recommendations of processors that replacement value rather than cost be used in computing depreciation charges to producers and that a profit be charged by processors for services and materials furnished to producers have not been adopted. Under current agreements processors may charge producers for direct costs of services and materials furnished and related overhead costs which include interest. Each processor representative stated that there would be no change in 1955 in the elements of overhead expenses charged to producers.

The recommendation that the Department intervene in the arbitration of the 1946 adherent planter agreements with certain processors has not been adopted because this is deemed to be a matter entirely within the jurisdiction of the parties to the agreement. This determination continues the pricing arrangement as provided in the previous determination for the processors involved.

An independent grower agreement was submitted by a representative of the Hutchinson Sugar Plantation Company. This agreement was negotiated with adherent planters and provides that producers will receive 61 percent of the net returns from the sugar manufactured from their sugarcane. Analysis of the agreement indicates that the pricing provisions will result in a fair and reasonable division of the net returns.

A representative of the Laupahoehoe Sugar Company submitted an independent grower agreement, the pricing provisions of which had not been negotiated with producers. The processor representative recommended a pricing factor of $1.16 per ton of sugarcane for each 1 cent of the net returns from sugar and molasses. There appears to be no basis for changing the pricing factor of $1.20 which was specified in the 1954 price determination. In establishing that pricing factor, recognition was given to the level of pricing factors negotiated by other processors and producers and to other pertinent factors. The recommendation of the producer group for the same level of returns under the independent grower agreement as they received under the adherent planter agreement has not been adopted because such recommendation does not recognize the significant changes which have occurred in the distribution of costs between producers and processors during recent years.

The Olaa Sugar Company and independent growers negotiated a temporary amendment to the cane purchase agreement applicable to the 1954 crop. That amendment provided for a charge of $2.87 per ton for mechanically harvesting producers' sugarcane and it tended to equalize hand and mechanical harvesting costs among all producers. It was recognized that the actual cost of mechanical harvesting would be less than the charge to the producer, but it was also recognized that there would be increased cost to the processor because of the large capital investment for equipment, as well as increased milling cost. It was contemplated that this charge would be effective only for the 1954 crop, and that thereafter it would be reduced so that producers and the processor would participate in the economies resulting from this operation. However, only a small quantity of producers' sugarcane was mechanically harvested in 1954 because unexpected difficulties developed in cleaning and processing mechanically harvested sugarcane. It is understood that the conversion to mechanical harvesting of producers' sugarcane will be continued during 1955 and that the processor will need to make additional capital investment for equipment. Recently a field investigation was conducted with respect to this processor's operation for 1954. A detailed analysis indicates that substantial losses were sustained by the processor in converting to mechanical harvesting methods, primarily because of difficulties encountered in milling mechanically harvested sugarcane which contains additional foreign matter. It is anticipated that these operations will improve in 1955, although the degree of improvement cannot be accurately forecast. Furthermore, recent volcanic eruptions have destroyed or damaged large areas planted to sugarcane and the harvesting of sugarcane in other areas has been seriously impaired. The extent to which such sugarcane may have to be harvested and processed on a salvage basis cannot be determined. This determination continues the pricing arrangements as provided for in the independent grower agreement, as amended, applicable to the 1954 crop. However, it also provides the flexibility needed to meet situations as they may arise by permitting the processor and producers to agree on the price for sugarcane harvested under unusual conditions. Analysis of available data disclosed that producers generally were in a more favorable position with respect to the 1954 operations than was this processor. Provision has been made for this processor to recover from producers full overhead charges for labor, services, or materials furnished by him through agreement with producers even though he may not have recovered all of such charges heretofore. Upon failure of the parties to agree with respect to the price for sugarcane or any overhead charge, the matter may be submitted to the Director of the Sugar Division for adjudication.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 14th day of April 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3204; Filed, Apr. 18, 1955; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 584, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.691 (Lemon Regulation 584; 20 F. R. 2301) are hereby amended to read as follows:

(ii) District 2: 346 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 14, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3200; Filed, Apr. 18, 1955; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53775]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

ENTRY AND CLEARANCE OF VESSELS

Under the provisions of applicable laws and regulations, masters (or in their stead licensed deck officers or pursers) of vessels are required to make formal entry, to obtain clearance, and to secure permits to proceed at the customhouse incidental to certain voyages between American and foreign ports and, in some cases, between American ports. The masters or other authorized officers are thus made responsible for performance of the required acts, including execution of the necessary papers, and any such papers must be filed or produced at the customhouse, but it has been concluded that the personal appearance at the customhouse, as now generally required in all cases, need not be required. The following amendments to the Customs Regulations are accordingly promulgated in order to relieve the master or other authorized officer of the necessity of appearing in person at the customhouse to consummate the entry or clearance of his vessel in any case in which the requisite oaths, related documents, and other papers properly executed by the master or other authorized officer may be delivered by his personal representative without prejudice to the entry or clearance requirements. Nothing herein shall be deemed to relieve the master of any penalty or liability prescribed by statute relating to the entry or clearance of vessels (see 46 U. S. C. 91a).

1. Section 4.9 is amended by deleting the parenthetical matter at the end thereof and by inserting a new paragraph (e) to read as follows:

§ 4.9 *Formal entry.* * * *

(e) The master, licensed deck officer, or purser may appear in person at the customhouse to enter the vessel or the required oaths, related documents, and other papers properly executed by the master or other proper officer may be delivered at the customhouse by the vessel agent or other personal representative of the master.

(Secs. 434, 435, 46 Stat. 711, as amended, sec. 366, 58 Stat. 705; 19 U. S. C. 1434, 1435, 42 U. S. C. 269)

2. Section 4.61 (a) is amended to read as follows:

§ 4.61 *Requirements for clearance.* (a) Application for clearance for a vessel intending to depart for a foreign port shall be made orally by or on behalf of the master at the customhouse. The master, licensed deck officer, or purser may appear in person to clear the vessel or the required oaths, related documents, and other papers properly executed by the master or other proper officer may be delivered at the customhouse by the vessel agent or other personal representative of the master. Clearance shall be granted on customs Form 1378.

3. Section 4.81 is amended by deleting the parenthetical matter at the end thereof and by inserting a new paragraph (g) to read as follows:

§ 4.81 *Reports of arrivals and departures in coastwise trade.* * * *

(g) The master, licensed deck officer, or purser who enters or clears a vessel under the provisions of this section or of §§ 4.82, 4.84, 4.85, 4.87, 4.89, or 4.91 may appear in person at the customhouse for that purpose or the required oaths, related documents, and other papers properly executed by the master or other proper officer may be delivered at the customhouse by the vessel agent or other personal representative of the master.

(Secs. 433, 439, 442, 443, 444, 486, 46 Stat. 711, 712, as amended, 713, 725, as amended, R. S. 4132, as amended, R. S. 4311, as amended, R. S. 4367, 4368, sec. 27, 41 Stat. 999, as amended; 19 U. S. C. 1433, 1439, 1442, 1443, 1444, 1486, 46 U. S. C. 11, 251, 313, 314, 883)

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: April 12, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3192; Filed, Apr. 18, 1955; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

OPTIONAL ADDITION OF VITAMIN SUBSTANCES TO PENICILLIN TABLETS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of penicillin and penicillin-containing drugs (21 CFR, 1953 Supp., Part 146a; 19 F. R. 1141, 2140, 5985) are amended as indicated below.

1. In § 146a.27 *Penicillin tablets*, paragraph (a) *Standards of identity* * * * is amended by inserting in the first sentence, preceding the words "buffer substances", the words "vitamin substances,".

2. Section 146a.27 (c) (1) (vi) is changed to read as follows:

§ 146a.27 *Penicillin tablets.* * * *

(c) *Labeling.* * * *

(1) * * *

(vi) The statement "Expiration date _____," the blank being filled in, if crystalline penicillin, procaine penicillin, benzathine penicillin G, or crystalline penicillin O is not used, with the date that is 12 months; or if crystalline penicillin, procaine penicillin, benzathine penicillin G, or crystalline penicillin O is used, with the date that is 18 months (if it contains a vitamin substance), or 36 months (if it does not contain a vitamin substance) after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months or 36 months (if it contains a vitamin substance), or with the date that is 48 months or 60 months (if it does not contain a vitamin substance) after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section: *Provided, however*, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER,

since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: April 13, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-3169; Filed, Apr. 18, 1955; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

REVISION OF PART

Because of the number of outstanding amendments to Part 41, it has been decided to issue a revision of this part incorporating all amendments thereto in effect on April 15, 1955. Attention is also called to the following minor changes which have been made:

(1) Paragraph (e) of § 41.20 has been deleted.

(2) Paragraph (f) of § 41.20 has been redesignated as paragraph (e) and obsolete dates and references in subparagraphs (1), (2), and (3) have been deleted and the remaining references in these subparagraphs have been incorporated into paragraph (e).

(3) Provisos containing references to obsolete compliance dates have been deleted in §§ 41.24, 41.24a, 41.24b, 41.36, and 41.48 (c).

(4) Cross-references in § 41.25 (e) have been brought up to date.

(5) Section 41.26 has been changed to read substantially the same as Part 40. This involves no substantive change but incorporates dates in the regulations which are applicable at the present time.

(6) Provisos in effect during and immediately after World War II have been deleted from §§ 41.54 (d) and (e), 41.55 (c) and (d), and 41.56 (d).

(7) References to dates no longer applicable have been deleted in §§ 41.69, 41.73, and 41.74.

(8) All definitions in § 41.137 have been arranged alphabetically, without paragraph letters.

Since the changes effected by this revision are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the revised part may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) as attached hereto, effective on April 15, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

CERTIFICATE

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DEFINITIONS

41.137 Definitions.

AUTHORITY: §§ 41.0 to 41.137 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 604, 52 Stat. 1007, as amended, 1008, 1010; 49 U. S. C. 551, 552, 554.

CERTIFICATE

§ 41.0 *General.* The regulations in this part are prescribed for scheduled air transportation operations conducted by air carriers between a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; or between any place in a Territory or possession and a place in any other Territory or possession of the United States; or between places in a Territory or possession; or between any place in the United States and any place outside thereof; or between any two places outside the United States.

§ 41.1 *Issuance.* An air carrier operating certificate prescribing the type of operation, the routes over which such operation may be conducted, the airports which may be used, and such other specifications and restrictions as may be reasonably required in the interest of safety shall be issued by the Administrator to an applicant who demonstrates that he is capable of conducting the proposed operations in accordance with the applicable regulations specified in this part.

(a) *Alaskan air carriers.* Whenever, upon investigation, the Administrator finds that the general standards of safety required for air carrier operations within the Territory of Alaska require or permit a deviation from any specific requirement of this part for a particular operation or a class of operations for which an application for an air carrier operating certificate has been made, he may issue an air carrier operating certificate with appropriate changes, specifying therein the period during which such deviations may be permitted. The Administrator shall promptly notify the Board of any deviations included in the air carrier operating certificates and the reasons therefor.

§ 41.2 *Compliance.* All operations shall be conducted in accordance with the specifications of the air carrier operating certificate and the rules contained in this part.

§ 41.3 *Duration.* An air carrier operating certificate will continue in effect until canceled, suspended, or revoked, after which it shall be surrendered to any officer or employee of the Administrator upon request.

§ 41.4 *Display.* The air carrier operating certificate shall be available at the appropriate operations office for inspection by any authorized representative of the Administrator or Board.

§ 41.5 *Inspection.* An authorized representative of the Administrator shall be permitted at any time and place to make inspections or examinations to determine the operator's compliance with the appropriate requirements of the regulations in this subchapter and the Civil Aeronautics Act of 1938, as amended.

PASSENGER OPERATION RULES

ROUTE REQUIREMENTS

§ 41.10 *Airport spacing.* In the case of operations employing aircraft having two engines, airports adequate for the aircraft used shall be located so that the aircraft, when flying along the route, will at no time be at a greater distance therefrom than 45 minutes flying at normal cruising speed, except where the Administrator finds that because of the character of the terrain, the type of operation, and the performance of aircraft used adequate safety will be provided with airports spaced at greater distances.

§ 41.11 *Communications facilities.* A two-way ground-to-aircraft radio communications system shall be available at such points as are necessary to insure adequate communication between plane and ground over the entire route.

§ 41.12 *Weather reporting services.* Weather reporting services shall be available at such points along the route as are necessary to insure sufficient weather reports prepared from observations made and released by a source acceptable to the Administrator.

§ 41.13 *Navigational facilities*—(a) *Short distance operation.* Except in the case of a day contact operation where the characteristics of the terrain are such that navigation can be accomplished by reference to landmarks, each route shall be equipped with radio navigational facilities so located as to permit navigation by such facilities over the entire route. For instrument operation a facility shall be so located with respect to each scheduled stop and required alternate airport as to provide adequate means for making an instrument approach. In day instrument operation such a facility is not required at an alternate used only when the weather conditions are as good as or better than: broken clouds, ceiling 1,000 feet, visibility 2 miles, with conditions stable or improving.

(b) *Long distance operation.* Each route shall be equipped with radio navigational facilities so located as to permit the obtaining of reliable radio bearings when within 200 miles of any regular or approved alternate airport and a facility shall be so located with respect to each such airport as to provide adequate means for making an instrument approach: *Provided,* That the Administrator, at particular airports, may approve facilities which provide less coverage than that required in this section if he finds that adequate safety is provided.

§ 41.14 *Airport lighting facilities.* For night operation each scheduled stop and required alternate airport shall be equipped with adequate lighting facilities.

AIRCRAFT REQUIREMENTS

§ 41.20 *General.* (a) Aircraft shall be certificated and equipped in accordance with the airworthiness requirements of this subchapter applicable to the type of operation conducted.

(b) Airplanes not certificated under the transport category requirements shall have such characteristics as to permit safe operation over the routes on which such airplanes will be operated.

(c) Land aircraft operated over water beyond gliding distance from shore without the aid of power shall be equipped with retractable landing gear.

(d) Multiengine airplanes shall be so equipped that engine rotation may be promptly stopped during flight.

(e) Irrespective of the basis for certification, all aircraft possessing engine(s) rated at more than 600 h. p. (each) for maximum continuous operation shall comply with the following, except that, if the Administrator finds that in particular types of existing aircraft literal compliance with specific items of these requirements might be extremely difficult of accomplishment and that such compliance would not contribute materially to the objective sought, he may accept such measures of compliance as he finds will effectively accomplish the basic objectives of this part: Sections 4b.58, 4b.442, 4b.445, 4b.447, 4b.448 (b) and (c), 4b.478, 4b.484, 4b.503, 4b.516 through 4b.518, 4b.556, 4b.557, 4b.560, 4b.561, 4b.586, 4b.621 through 4b.624, 4b.651 through 4b.655, 4b.661 (a) and (c), and 4b.662 through 4b.676 of this subchapter.

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949 (14 F. R. 4102, July 16, 1949).

Instruments and Equipment

§ 41.21 *Radio equipment; short distance operation.* (a) For day contact operations over routes on which navigation can be accomplished by visual reference to landmarks, each aircraft shall be equipped with such radio facilities as are necessary to accomplish the following:

(1) Transmit communications and meteorological information to at least one ground station from any point on the route and transmit, from a distance of not less than 25 miles, to airport traffic control towers located at airports approved for the route;

(2) Receive communications at any point on the route;

(3) By either of two independent means, receive meteorological information at any point on the route and receive instructions from airport traffic control towers located at airports approved for the route.

If appropriate, one of the means provided for compliance with subparagraph (3) of this paragraph may be employed for compliance with subparagraph (2).

(b) For day contact operations over routes on which navigation cannot be accomplished by visual reference to landmarks and for night contact, day or night instrument operations, each aircraft shall be equipped with such radio facilities as are necessary to accomplish the following:

(1) Transmit communications and meteorological information to at least one ground station from any point on the route and transmit, from a distance of not less than 25 miles, to airport traffic control towers located at airports approved for the route;

(2) Receive communications at any point on the route;

(3) By either of two independent means, receive meteorological information at any point on the route and receive instructions from airport traffic

control towers located at airports approved for the route;

(4) By either of two independent means, satisfactorily receive radio navigational signals from any radio aid to navigation required by § 41.13 (a).

If appropriate, one of the means provided for compliance with subparagraph (3) of this paragraph may be employed for compliance with subparagraph (2) of this paragraph or the means provided for compliance with subparagraph (4) of this paragraph may be employed for compliance with subparagraph (3) of this paragraph.

§ 41.22 *Radio equipment; long distance operation.* Each aircraft shall be equipped with such radio facilities as are necessary to accomplish the following:

(a) By either of two independent means, transmit communications and meteorological information to at least one ground station from any point on the route and transmit, from a distance of not less than 25 miles, to airport traffic control towers located at airports approved for the route;

(b) By either of two independent means, receive communications at any point on the route;

(c) By either of two independent means, receive meteorological information at any point on the route and receive instructions from airport traffic control towers located at airports approved for the route;

(d) By either of two independent means, satisfactorily receive radio navigational signals from any radio aid to navigation required by § 41.13 (b).

If appropriate, equipment provided for compliance with paragraph (c) of this section may be employed for compliance with either paragraph (b) or this paragraph.

§ 41.23 *First-aid and emergency equipment.* Each aircraft shall be equipped with a conveniently accessible first-aid kit adequate for the type of operation involved. Aircraft scheduled over routes requiring flights for long distances over uninhabited terrain must carry such additional emergency equipment as the Administrator designates for the particular operation involved. All aircraft operated over water shall be equipped with life preservers or flotation devices readily available for each person aboard and with a Very pistol or equivalent signal equipment, except that this requirement will not apply when such operations consist only of landings, take-offs, or flights for short distances over water and the Administrator finds in each case that such equipment is not necessary. In addition, all aircraft operated for long distances over water shall be equipped with a sufficient number of life rafts to accommodate adequately all occupants and such additional emergency equipment as may be required by the Administrator.

§ 41.23a *Safety belts.* Aircraft shall have installed a safety belt for each occupant. Safety belts shall be of an approved type. In no case shall the rated strength of a safety belt be less than that corresponding with the ultimate load factors specified in the pertinent currently effective aircraft airworthiness parts of this subchapter, taking due account of the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. The webbing of safety belts shall be subject to periodic replacement as prescribed by the Administrator.

§ 41.24 *Supplemental oxygen.* Except where supplemental oxygen is provided in accordance with the requirements of § 41.24a, supplemental oxygen shall be furnished and used as set forth below. The amount of supplemental oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of flight altitudes and flight duration consistent with the operating procedures established for such operation and route. As used in the oxygen requirements hereinafter set forth, "altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated.

(a) *Crew members.* (1) At altitudes above 10,000 feet to and including 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members, during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At altitudes above 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members, during the entire flight time at such altitudes.

(b) *Passengers.* Each air carrier shall provide a supply of oxygen for passenger safety as approved by the Administrator in accordance with the following requirements:

(1) For flights of over 30-minute duration at altitudes above 8,000 feet to and including 14,000 feet a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be required.

(2) For flights at altitudes above 14,000 feet to and including 15,000 feet a supply of oxygen sufficient to provide oxygen for the duration of the flight at such altitudes for 30 percent of the number of passengers carried shall generally be considered adequate.

(3) For flights at altitudes above 15,000 feet a suply of oxygen sufficient to provide oxygen for each passenger carried during the entire flight at such altitudes shall be required.

§ 41.24a *Supplemental oxygen requirements for pressurized cabin airplanes.* When operating pressurized cabin airplanes, the air carrier shall so equip such airplanes as to permit compliance with the following requirements in the event of cabin pressurization failure.

(a) *Crew members.* When operating such airplanes at flight altitudes above 10,000 feet, the air carrier shall provide sufficient oxygen for all crew members for the duration of the flight at such altitudes: *Provided,* That not less than a two-hour supply of oxygen shall be provided for the flight crew members on flight deck duty. (The oxygen supply required by § 41.24c may be considered in determining the supplemental breathing supply required for flight crew members on flight deck duty in the event of cabin pressurization failure.)

(b) *Passengers.* When operating such airplanes at flight altitudes above 8,000 feet, the air carrier shall provide the following amount of oxygen:

(1) Where an airplane is not flown at a flight altitude of over 25,000 feet a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be considered adequate, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within 4 minutes.

(2) In the event that such airplane cannot descend to a flight altitude of 14,000 feet or less within 4 minutes, the following supply of oxygen shall be provided:

(i) For the duration of the flight in excess of 4 minutes at altitudes above 15,000 feet, a supply sufficient to comply with § 41.24 (b) (3);

(ii) For the duration of the flight at altitudes above 14,000 feet to and including 15,000 feet, a supply sufficient to comply with § 41.24 (b) (2); and

(iii) For flight at altitudes above 8,000 feet to and including 14,000 feet, a supply sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried.

(3) Where an airplane is flown at an altitude above 25,000 feet sufficient oxygen shall be furnished in accordance with the following requirements to permit the airplane to descend to an appropriate flight altitude at which the flight can be safely conducted. Sufficient oxygen shall be furnished to provide oxygen for 30 minutes to 10 percent of the number of passengers carried for the duration of the flight above 8,000 feet to and including 14,000 feet and to permit compliance with § 41.24 (b) (2) and (3) for flight above 14,000 feet.

(c) For purposes of this section it shall be assumed that the cabin pressurization failure will occur at a time during flight which is critical from the standpoint of oxygen need and that after such failure the airplane will descend, without exceeding its normal operating limitations, to altitudes permitting safe flight with respect to terrain clearance.

§ 41.24b *Equipment standards.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 41.24 shall meet the standards established in §§ 4b.831 and 4b.832 of this subchapter: *Provided,* That where full compliance with such standards is found by the Administrator to be impractical, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949 (14 F. R. 5307, Aug. 26, 1949).

§ 41.24c *Protective breathing equipment for the flight crew*—(a) *Pressurized cabin airplanes.* Each flight crew member on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases.

(1) Not less than a 300-liter STPD supply of oxygen for each flight crew member on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirement stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes, if the Administrator finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the aircraft is flown in accordance with either the normal or emergency procedures approved by the Administrator.

§ 41.25 *Instruments and equipment required for continuance of flight.* If any required instrument or item of equipment in an aircraft becomes unserviceable in flight, a landing must be made at either the nearest suitable landing area or at the next point of intended landing whichever, in the opinion of the pilot, is the safer procedure, unless the equipment specified in this section for the type of operation indicated is in serviceable condition, in which case the flight may continue as scheduled to the nearest point where repairs or replacements can be made.

The items listed in this section are required for all types of operation unless otherwise specified:

(a) One air-speed indicator and one sensitive type altimeter (contact operation); two air-speed indicators and two sensitive type altimeters (instrument operation),

(b) One approved compass,

(c) A tachometer for one engine, one fuel pressure gauge with warning indicator, one oil pressure gauge with warning indicator, and one oil temperature or cylinder temperature gauge for each engine,

(d) A manifold pressure gauge for one engine,

(e) In addition to fire detecting and fire extinguishing equipment necessitated as a result of compliance with § 41.20 (e), a minimum of two hand fire extinguishers of an approved type with an approved extinguishing agent, one of which installed in the crew compartment, others readily accessible to the passengers. Such additional hand fire extinguishers as the Administrator finds necessary for compliance with § 41.20 (e),

(f) One landing gear position indicator or equivalent facility, if equipment includes a retractable landing gear,

(g) One or more storage batteries or other source of electrical supply sufficient to operate all radio and electrical equipment necessary for the flight,

(h) (1) Two of the following three units of radio equipment:

(i) One transmitter for two-way communication,

(ii) One receiver for two-way communication,

(iii) One receiver capable of receiving navigational signals.

(2) In addition to the instruments named in subparagraph (1) of this paragraph, one of the radio navigational systems required by § 41.21 (b), if navigational facilities on the route are required by § 41.13,

(i) All radio equipment required by these regulations (night and instrument operation),

(j) Forward position and tail lights, two landing lights, one set of instrument lights, and two landing flares each rated for at least 3-minute duration (night operation),

(k) Fuel quantity indicators indicating the amount of fuel in each tank to be used for the remainder of the flight, or, in the case of aircraft having a third flight crew member assigned as a member of the operating crew, an alternate means approved by the Administrator for determining the amount of fuel in each tank (night and instrument operation),

(l) An electrically heated pitot tube serving each pilot's air-speed indicator (night and instrument operation),

(m) One gyro rate-of-turn indicator combined with a bank indicator, one artificial horizon indicator, and one gyro direction indicator (night and instrument operation),

(n) One outside air temperature gauge with indicating dial in the pilot compartment and one carburetor air temperature indicator or equivalent approved device (night and instrument operation),

(o) If vacuum system is used, one vacuum gauge with warning indicator on the instrument panel installed in lines leading to the rate-of-turn and artificial horizon indicators and the gyro direction indicator (night and instrument operation),

(p) One clock with sweep second hand (night and instrument operation),

(q) Three spare fuses of each capacity, or 25 percent of the number of each capacity, whichever is the greater,

(r) After May 31, 1956, an approved anti-collision light for aircraft having a maximum certificated weight of more than 12,500 pounds; except that in the event of failure of such light, the aircraft may continue flight to the next stop where repairs or replacements can be made (Night),

(s) Effective September 1, 1955, a means shall be provided for each reversible propeller on airplanes equipped with reversible propellers, which will indicate to the pilots when the propeller is in reverse pitch. Such means may be actuated at any point in the reversing cycle between the normal low pitch stop position and full reverse pitch. No indication shall be given at or above the normal low pitch stop position. The source of indication shall be actuated by the propeller blade angle or be directly responsive to the propeller blade angle.

Limitations

§ 41.26 *Airplane certification requirements*—(a) *Airplanes certificated on or before June 30, 1942.* Airplanes certificated as a basic type on or before June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of § 41.36, or

(2) Comply with either the performance requirements of §§ 4a.737–T through 4a.750–T of this subchapter or the performance requirements of §§ 4b.110 through 4b.125 of this subchapter and in addition shall meet the requirements of § 41.27: *Provided,* That should any type be so qualified, all airplanes of any one operator of the same or related types shall be similarly qualified and operated.

(b) *Airplanes certificated after June 30, 1942.* Airplanes certificated as a basic type after June 30, 1942, and used in passenger operation shall be certificated as transport category airplanes and shall meet the requirements of § 41.27.

§ 41.27 *Operating limitations upon airplanes certificated under transport category requirements.* When operating any airplane certificated in accordance with the provisions of Part 4b of this subchapter, or of §§ 4a.737–T through 4a.750–T of this subchapter, the provisions of §§ 41.28–41.35 shall apply unless deviations therefrom are specifically authorized by the Administrator when he finds that, due to a peculiarity of a specific case, such application is unnecessary for safety.

In determining compliance with these provisions the data obtained in testing the airplane for type certification may be applied, by interpolation or by computation of the effects of changes in specific variables, to conditions differing from those for which specific tests were made, where such interpolations or computations will give results substantially equalling in accuracy the results of a direct test.

§ 41.28 *General limitations.* (a) Airplanes shall be operated only from airports at altitudes within the altitude range for which maximum take-off weights have been determined and set forth in the airplane operating manual and shall be dispatched only to airports of intended destination, or to airports specified as alternates, which are at altitudes within the range for which maximum landing weights have been determined and set forth in the airplane operating manual.

(b) The weight of an airplane at take-off shall not exceed the certificated maximum take-off weight for the altitude of the airport from which the take-off is made.

(c) The weight at take-off shall be such that, allowing for the consumption of the amount of fuel and oil which would normally be consumed in flight to the intended destination, the weight on arrival at the destination will not exceed the certificated maximum landing weight for the altitude of the airport of intended destination.

(d) No airplane shall be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the take-off

runway limitations of the transport category operating rules, after taking into account the temperature operating correction factors required by § 4a.749a–T or § 4b.117 of this subchapter, and set forth in the Airplane Flight Manual for the airplane.

§ 41.29 *Take-off limitations to provide for engine failure.* Take-off shall be made only from such airports, in such directions, and under such weight limitations that the following conditions are fulfilled as shown by the performance data determined under § 4a.747–T or § 4b.91 of this subchapter and set forth in the airplane operating manual:

(a) From any point on the take-off up to the time of attaining the critical-engine-failure speed set forth in the airplane operating manual it shall be possible to bring the airplane to a safe stop within the landing area, as shown by the accelerate-and-stop distance data.

(b) If the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, it shall be possible to proceed with the take-off and attain a height of 50 feet, as indicated by the take-off path data, before passing over the end of the take-off area. Thereafter it must be possible to clear all obstacles either by at least 50 feet vertically, as shown by the take-off path data, or by at least 200 feet horizontally within the airport boundaries and 300 feet horizontally after passing beyond such boundaries.

In determining the allowable deviation of the flight path in order to avoid obstacles, it is assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the take-off path data, and that the maximum bank thereafter does not exceed 15°.

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the take-off surface. To allow for wind effect, take-off data based on still air may be corrected by not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of take-off.

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949 (14 F. R. 4102, July 16, 1949).

§ 41.30 *En route limitations*—(a) *All airplanes; all engines operating.* Airplanes shall be dispatched only at such take-off weights that, in proceeding along the intended track with the weight of the airplane progressively reduced by the anticipated consumption of fuel and oil, the rate of climb with all engines operating (as set forth in the airplane operating manual), shall be, in feet per minute, 6 V_{s_0} at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track; except that this requirement need not apply to airplanes certificated under the performance requirements of the regulations issued prior to November 9, 1945 (Part 4a of this subchapter).

(b) *All airplanes; one engine inoperative.* Airplanes shall be dispatched only at such take-off weights that, in proceeding along the intended track with the weight of the airplane progressively reduced by the anticipated consumption of fuel and oil, the rate of climb with one engine inoperative (as set forth in the Airplane Flight Manual) shall be, in feet per minute

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}{}^2,$$

where N is the number of engines installed and V_{s_0} is expressed in miles per hour, at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles of either side of the intended track; except that for airplanes certificated under the performance requirements of Part 4a of this subchapter the above rate-of-climb value shall be 0.02 $V_{s_0}{}^2$ irrespective of the number of engines installed.

(c) *Airplanes with four or more engines; two engines inoperative.* The provisions of this paragraph shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this subchapter. No airplane having four or more engines shall be flown along an intended track except under the conditions of either subparagraph (1) or subparagraph (2) of this paragraph.

(1) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 41.34, assuming all engines to be operating at cruising power.

(2) The take-off weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to 0.01 $V_{s_0}{}^2$ (V_{s_0} being expressed in miles per hour) along all points of the route, from the point where the two engines are assumed to fail simultaneously to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The point where the two engines are assumed to fail shall be that point along the route which is most critical with respect to the take-off weight. In showing compliance with this prescribed rate of climb, the following shall apply:

(i) It shall be permissible to consider that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the point where the two engines are assumed to fail and with two engines operating beyond that point.

(ii) Where the engines are assumed to fail at an altitude above the prescribed minimum altitude, compliance with the prescribed rate of climb at the prescribed minimum altitude need not be shown during the descent from the cruising altitude to an altitude at which the rate of descent becomes zero, if the latter is sufficiently above the prescribed minimum altitude to assure compliance with the prescribed rate of climb at the prescribed minimum altitudes during the subsequent portion of the flight.

(iii) If fuel jettisoning is provided, the airplane's weight at the point where the two engines are assumed to fail shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of § 41.34 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

(d) *Special air navigation facilities.* Where special air navigation facilities provide for reliable and accurate identification of high ground or obstruction extending for less than 20 miles along the track, the lateral distance of 10 miles specified in § 41.30 (a), (b), (c) may be reduced to 5 miles.

§ 41.33 *Landing distance limitations.* (a) An airplane shall be dispatched only under such conditions that it would be possible, as shown by the still-air landing data obtained in § 4b.122 of this subchapter, or § 4a.750–T of this subchapter and set forth in the airplane operating manual, at a weight corresponding to the maximum weight expected to exist at the time of arrival at the airport of intended destination, and under standard air conditions for the altitude of such airport, to bring the airplane to rest from a point 50 feet directly above the intersection of the obstruction clearance line (as defined in § 41.35) and the landing surface, within a total distance not in excess of 60 percent of the effective length of the landing area (as defined in § 41.35) most suitable for landing in still air.

(b) For every probable condition of wind velocity and direction and the corresponding landing direction at the airport of intended destination required either by the ground handling characteristics of the airplane type involved or by other conditions (e. g., landing aids, terrain, etc.) the ratio of landing distance to effective length of landing area shall not be greater than that as specified in paragraph (a) of this section, after allowing for the effect on landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

(c) If the requirement of paragraph (a) of this section can be met, but the requirement of paragraph (b) of this section cannot be fully met, at an airport of intended destination, a flight to such airport may be dispatched if at least one approved alternate airport is designated in the flight plan at which the requirements of paragraphs (a) and (b) of this section, as modified by § 41.34, are met.

§ 41.34 *Landing distance at alternate fields.* The conditions of § 41.35 will apply with respect to alternate airports specified in the flight plan, except that in the case of alternate airports the landing distance as defined in that section shall not exceed 70 percent of the effective length of the landing area.

§ 41.35 *Definition of effective length of landing area.* The effective length of the landing area is the distance from the point where the obstruction clearance line, as defined in this section, intersects the landing surface to the far end of the landing area.

The obstruction clearance line is a line drawn tangent to or clearing all obstructions showing in a profile of the approach area as defined in this section. The obstruction clearance line is further limited by having a slope to the horizontal of 1:20 as it approaches the landing area.

The approach area, as used in this section, shall be an area symmetrical about a center line coinciding with and prolonging the center line of the runway, except that where there is a multiplicity of parallel runways or a large area continuously available for landing, the center line of the approach area shall coincide with the most probable landing path for instrument approaches. The approach area shall be considered as extending longitudinally from the landing area out to the most remote obstacle touched by the obstruction clearance line, assuming the center line of the approach area in plan view to be straight for at least 1,500 feet from the intersection of the obstruction clearance line with the landing surface and thereafter continuing in a path consistent with the instrument approach procedures for the runway in question, or, where such procedures are not specified, consistent with turns of at least 4,000 feet in radius; and as extending laterally to a distance of 200 feet on either side of its center line at the point of intersection of the obstruction clearance line with the landing surface, with this distance increasing uniformly to 500 feet on either side of the center line of the area at a longtiudinal distance of 1,500 feet from the intersection of the obstruction clearance line with the landing surface, and maintaining a distance of 500 feet from the center line thereafter.

§ 41.36 *Nontransport category airplane operating limitations.* In operating any nontransport category airplane in passenger service, the provisions of §§ 41.36a through 41.36d shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Performance data published or approved by the Administrator for each such nontransport category airplane shall be used in determining compliance with the provisions of §§ 41.36a through 41.36d.

§ 41.36a *Take-off limitations.* No take-off shall be made at a weight in excess of that which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point during the take-off up to the time of attaining 105 percent of minimum control speed or 115 percent of the power-off stalling speed in the take-off configuration, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that take-off power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the take-off;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than ½ percent. The average runway gradient is the difference between the elevations of the end points of the runway divided by the total length;

(d) It shall be assumed that the airplane is operating in the standard atmosphere.

§ 41.36b *En route limitations; one engine inoperative.* (a) No take-off shall be made at a weight in excess of that which will permit the airplane to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher: *Provided*, That in the alternative an air carrier may utilize a procedure whereby the airplane is operated at an altitude such that, in event of an engine failure, the airplane can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the air carrier can demonstrate to the satisfaction of the Administrator that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the performance information published or approved by the Administrator. Before approving such a procedure, the Administrator shall take into account, for the particular route, route segment, or areas concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered, terrain features, air traffic control problems, and all other operational factors which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The wing flaps and landing gear are in the most favorable positions;

(4) The operative engine or engines are operating at the maximum continuous power available;

(5) The airplane is operating in the standard atmosphere;

(6) The weight of the airplane is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 41.36c *Landing distance limitations; airport of intended destination.* No take-off shall be made at a weight in excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the airplane to be brought to a stop within 60 percent of the effective length of the most suitable runway at the airport of intended destination.

(a) This weight shall in no instance be greater than that permissible if the landing were to be made:

(1) On the runway with the greatest effective length in still air, and

(2) On the runway required by the probable wind, taking into account not more than 50 percent of the probable headwind component and not less than 150 percent of the probable tailwind component.

(b) In applying the requirements of this section it shall be assumed that:

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least 1.3 V_{s_0};

(2) The landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot;

(3) The airplane is operating in the standard atmosphere.

§ 41.36d *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 41.36c: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

Maintenance

§ 41.38 *Maintenance organization.* The air carrier is responsible for the continuous airworthiness of all aircraft, engines, propellers, and appliances. Unless maintenance is performed by another agency under a contract approved by the Administrator, it is responsible for maintaining adequate maintenance facilities, the adequacy and competence of maintenance personnel, and for the preparation of such maintenance reports as are required by the Administrator.

§ 41.39 *Alterations and repairs.* Aircraft, engines, propellers, and appliances must be altered or repaired only in conformity with the procedures and, insofar as they apply, the methods provided for in Part 18 of this subchapter. Reports of such alterations or repairs must be submitted promptly to the Administrator.

§ 41.40 *Inspection.* The air carrier shall maintain an inspection organization which is responsible for determining that all maintenance conforms to at least the minimum standards prescribed by the Administrator as to workmanship, methods employed, and materials used. Each inspector must hold a valid mechanic certificate and rating for the type of inspection involved.

§ 41.41 *Maintenance manual.* The air carrier shall prepare and maintain a manual for the use and guidance of

maintenance personnel which contains full information pertaining to the repair and service of flight equipment and clearly outlines the responsibilities of maintenance personnel. It must be in a form approved by the Administrator and copies furnished to all persons designated by the Administrator or Board. All copies in the hands of designated company personnel must be kept up to date.

(a) *Changes.* The extension of any overhaul, check, or inspection period must have the written approval of the Administrator. Other changes in the maintenance manual may be made without the prior approval of the Administrator, if such changes are not inconsistent with any Federal regulation, the air carrier operating certificate, or safe maintenance practice.

§ 41.42 *Training program.* The air carrier must provide for the proper and periodic instruction of all maintenance personnel, particularly in connection with the introduction into service of new or unfamiliar equipment.

§ 41.43 *Records.* Current records shall be kept of the total time in service, the time since last overhaul, and the time since last inspection on all aircraft components, engines, propellers, and, where practicable, on instruments, equipment, and accessories, except that in the case of a propeller for which there is no previous operating history, the Administrator may authorize the use of a new record if the hub is rebuilt and is fitted with blades which are free from defects and within the manufacturer's production tolerances. Such rebuilding of the propeller shall be accomplished by the manufacturer or by a certificated repair station having the proper rating. The new record shall be signed by the manufacturer or by the repair agency, giving the date the propeller hub or blade was rebuilt and such other information as the Administrator may require.

§ 41.44 *Cockpit check list.* (a) The air carrier shall provide for each type aircraft a cockpit check list, approved by the Administrator, adapted to each operation in which the aircraft is to be utilized. An approved check list shall be installed in a readily accessible location in the cockpit of each aircraft and shall be appropriately used by the flight crew for each flight.

(b) The cockpit check list shall include procedures prior to starting engines, prior to take-off, prior to landing, and for powerplant emergencies.

§ 41.45 *Air-speed indicators, limitations, and related information.* (a) Air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in the same units as used on the air-speed indicator.

(b) When more than one air-speed indicator is required, all such indicators shall be calibrated to read in the same units.

(c) When an air-speed indicator is calibrated in statute miles per hour, a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots.

(d) On and after April 1, 1956, all air-speed indicators shall be calibrated in knots, and all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expresed in knots.

AIRMAN RULES

Pilot

§ 41.48 *Certificate.* (a) Any pilot serving as pilot in command shall hold a valid airline transport pilot certificate and a rating for the aircraft in which he is to serve.

(b) Any pilot serving as second in command in an aircraft requiring two pilots shall hold at least a commercial pilot certificate and instrument rating and must have demonstrated to an air carrier inspector of the Administrator, or to an authorized check pilot of the air carrier, his ability to take off and land aircraft in which he is to serve.

(c) Any pilot serving as second in command in an aircraft requiring three or more pilots shall meet the requirements of paragraph (a) of this section.

(d) Any pilot serving in a pilot capacity other than as pilot in command or second in command shall meet the requirements of paragraph (b) of this section.

§ 41.49 *Number of pilots required.* The number of pilots required shall be sufficient to provide adequate safety. The type of aircraft used, the type of operation involved, and the duration of flights between points where flight crews are changed shall be the basis for making this determination.

§ 41.50 *Requirements for pilot route qualification.* The air carrier shall be responsible for insuring that each pilot is thoroughly qualified for the route over which he is to serve as pilot in command in scheduled air transportation. The qualifying procedure shall be established by the air carrier in the air carrier operations manual and shall include at least the following:

(a) A written or oral examination on:
(1) Weather conditions peculiar to the route,
(2) Navigational facilities,
(3) Instrument approach procedures,
(4) Communication procedures,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures, and
(8) All other traffic control procedures for the route.

(b) Familiarization with the terrain, obstructions, or congested areas and physical layout for the airport and approaches at each regular, provisional, refueling, and alternate airport approved for the route.

(c) Flying through the letdown procedures at each regular, provisional, or refueling airport specified for use on the trip to which the pilot is or is to be assigned. Such letdown procedures should be made under visual flight conditions whenever possible. Compliance with this paragraph will not be required, provided the pilot makes his first entry into an airport under visual flight rules or is accompanied by a check pilot.

(d) Demonstration of ability either under instrument flight rule conditions or on a synthetic instrument trainer to accomplish letdowns for all airports approved for the route.

(e) Making at least one round trip or two one-way trips over the route with one of the carrier's check pilots. When, in the opinion of the check pilot, the pilot is qualified for the route, the check pilot shall so certify to the carrier, and this certification shall be made a matter of record by the carrier. Compliance with this paragraph will not be required when qualifying over extensions to, or modifications of, an existing route, provided the pilot makes his first flight under visual flight rules or is accompanied by a check pilot.

§ 41.51 *Maintenance of pilot route qualification.* A pilot in command shall not serve as such over a particular route unless he has either:

(a) Made at least one one-way trip over the route as pilot in command or second in command within the preceding 12 calendar months, or

(b) After an absence from the route of more than 12 consecutive months, requalified in accordance with the appropriate provisions of § 41.50.

§ 41.52 *Maintenance of pilot technique.* If within any 90-day period a pilot in command or second in command has not made at least three take-offs and landings in aircraft of a particular type, such person shall not thereafter serve as a pilot in command or second in command in aircraft of that type in scheduled air transportation without having made at least three take-offs and landings in such aircraft with not less than one-half the maximum useful load. If he is to serve in air transportation at night at least one of the three take-offs and landings specified by this section must have been made at night.

§ 41.53 *Periodic flight checks and instruction.* Each air carrier must provide a sufficient number of check pilots to insure that each pilot in command employed continues to meet the minimum requirements both with regard to route competency and technique. Each of these checks must be accomplished twice each year at intervals of not less than four months. Periodic instruction must be given all pilots. In the case of pilots in command, instruction must include the obtaining of optimum performance under simulated maximum authorized weight conditions with one engine inoperative and instrument approach procedures and landings under the same conditions in the type aircraft in which such pilots serve in scheduled air transportation. In the case of all pilots other than pilots in command, instruction must include familiarization with the operations manual, with the types of equipment used, and with the duties of a second in command.

§ 41.54 *Flight time limitations for aircraft having a crew of one or two pilots.* (a) A pilot may be scheduled to fly 8 hours or less during any 24 consecutive hours without a rest period during such 8 hours. If a pilot is scheduled to fly in excess of 8 hours during any 24 consecutive hours, he shall be given an intervening rest period at or before the termination of 8 scheduled hours of flight duty. Such rest period must equal at least twice the number of hours flown since the last preceding rest period and in no case will such rest period be less than 8 hours. During such rest period the pilot must be relieved of all duty with the air carrier.

(b) When a pilot has flown in excess of 8 hours during any 24 consecutive hours he must receive at least 18 hours of rest before being assigned any duty with the air carrier.

(c) A pilot shall not fly in excess of 32 hours during any 7 consecutive days. Relief from all duty for not less than 24 consecutive hours must be provided for and given to a pilot at least once during any 7 consecutive days.

(d) A pilot shall not fly as a member of the crew more than 100 hours during any one month.

(e) A pilot shall not fly as a member of the crew more than 1,000 hours in any 12-month period.

§ 41.55 *Flight time limitations for aircraft having two pilots and one additional flight crew member.* (a) A pilot may not be scheduled to fly a total of more than 12 hours during any 24 consecutive hours.

(b) When a pilot has flown 20 hours or more during any 48 consecutive hours, or 24 hours or more during any 72 consecutive hours, he must receive at least 18 hours of rest before being assigned to any duty with the air carrier. In any case each pilot shall be relieved from all duty for not less than 24 consecutive hours during any 7 consecutive days.

(c) A pilot shall not fly as a member of the flight crew more than 120 hours in any 30 consecutive days or 300 hours in any 90 consecutive days.

(d) A pilot shall not fly as a member of the flight crew more than 1,000 hours in any 12-month period.

NOTE: Interpretation 1, 14 F. R. 1409, March 30, 1949, provides as follows:

Minimum crew complement; flight radio operators. We have been asked for an interpretation of the effect of Civil Air Regulations Amendment 41–1, dated October 5, 1948, on the minimum number of flight radio operators required on a scheduled flight of over 12 hours from airport to airport, where radiotelegraphy is necessary for communication with ground stations over a route segment of the flight which is less than 12 hours in length.

Section 41.70 of the Civil Air Regulations provides that, "when one flight radio operator is required the flight-time limitations prescribed in § 41.55 apply. When two or more flight radio operators are required, the flight-time limitations of § 41.56 apply." Section 41.55 states that where a crew consists of two pilots and an additional flight crew member, a "pilot may not be scheduled to fly more than 12 hours during any 24 consecutive hours." Since aircraft with which the regulation is concerned require two pilots at the controls at practically all times, the phrase "scheduled to fly" as used in this section does not necessitate precise definition with respect to the flight time of pilots since they are on duty throughout the flight. However, the expression is ambiguous when applied to radio operators whose duty watch, from a safety standpoint, need not in all instances be continuous from airport to airport while the aircraft is in the air. As applied to such airmen the term "to fly" when used as part of the phrase "scheduled to fly," may be interpreted in two possible ways—it may mean the entire time the aircraft is in the air, or it may mean the time the radio operator is on flight duty on the aircraft.

In dealing with this problem it is necessary to bear in mind that the Board's power over maximum hours of service of airmen derives from section 601 (a) of the Civil Aeronautics Act and relates solely to promoting safety of flight in air commerce. It is evident that the Board does not consider that an airman's being in the air for more than 12 hours creates a hazardous condition in and of itself, for exactly such a situation is contemplated in § 41.56 with respect to pilots. In effect, what is required by that section is that when the flight is to be of more than 12 hours' duration, provision be made for a relief pilot to permit the captain and first officer to be relieved from time to time of the strain of a continuous flight watch. The same principle is applicable to radio operators. Where the radio operator's flight watch is scheduled for more than 12 hours in a given 24, it is apparent that a second operator must be carried to relieve the first. However, what is essential is that after 12 hours of duty the radio operator be relieved, not that he be relieved by another operator, and consequently, if such relief is afforded by reason of the fact that the radio operator's services are not required for the operation of the aircraft for more than 12 hours, the same safety standard would appear to have been met.

Prior to the adoption of Amendment 41–1 on October 5, 1948, which specifically defined what was intended by "route segment," it may not have been clear in all cases when a radio operator was required to be on flight duty under the regulation. However, since the adoption of the definition of "route segment," the Administrator is permitted to specify the exact limits of a route segment, which may be considerably more confined than the route between the airports of take-off and landing for the flight. Thus, under the regulations, the time scheduled over the route segment or segments for which the Administrator has determined radio telegraphy is necessary represents the minimum on-duty time for which a flight radio operator is required. If the air carrier desires to maintain a radio flight watch beyond the minimum time thus prescribed or to utilize the services of the airmen in some other certificated capacity on the flight, of course, the time so spent must be included as part of the airman's on-duty flight time.

Accordingly, we interpret "scheduled to fly" as used in § 41.55 and as applied to radio operators as meaning "scheduled for flight duty on the aircraft." Thus, only one flight radio operator is required on a scheduled flight over 12 hours from airport to airport where such operator is only required or assigned for duty as an airman over a route segment which is less than 12 hours in length.

§ 41.56 *Flight time limitations for aircraft having three or more pilots and an additional flight crew member.* (a) Flight hours shall be scheduled in such a manner as to provide for adequate rest periods on the ground while the pilot is away from his base. Adequate sleeping quarters on the aircraft must be provided in all cases where a pilot is scheduled to fly more than 12 hours during any 24 consecutive hours.

(b) A pilot, upon return to his base from any flight or series of flights, shall receive a rest period of not less than twice the total number of hours flown since the last rest period at his base and during such period will not be required to perform any duty for the company. When the required rest period exceeds 7 days, that portion of the rest period in excess of 7 days may be given at any time before the pilot is again scheduled for flight duty on any route.

(c) A pilot shall not fly as a member of the flight crew more than 350 hours in any 90 consecutive days.

(d) A pilot shall not fly as a member of the flight crew more than 1,000 hours in any 12-month period.

§ 41.57 *Flight time limitations for pilots not regularly assigned.* A pilot not regularly assigned as a flight crew member for an entire month under the provisions of § 41.55 or § 41.56 must not fly in excess of 100 hours in any 30 consecutive days.

§ 41.58 *Deadhead transportation.* The time spent in deadhead transportation to or from duty assignment will not be considered a part of any rest period.

§ 41.59 *Other commercial flying.* A pilot shall not do other commercial flying while employed by an air carrier when such flying, in addition to that in scheduled air transportation service, will exceed any flight time limitations specified herein.

§ 41.60 *Logging flight time.* (a) A pilot in command may log the total flight time elapsing during his command of the aircraft.

(b) A second in command holding an airline transport pilot certificate and rating for the aircraft flown may log the total time during which he serves as second in command.

(c) A second in command not holding an airline transport pilot certificate and rating for the aircraft flown may log 50 percent of the total flight time.

(d) Additional pilots when required, and serving as such, may log 50 percent of the total flight time.

§ 41.61 *Logging instrument flight time.* Instrument flight time may be logged as such by the pilot actually manipulating the controls only when the aircraft is flown solely by reference to instruments either under actual or properly simulated flight conditions.

§ 41.62 *Pilots at controls.* In the case of aircraft requiring two or more pilots, two pilots shall remain at the controls at all times while the aircraft is taking off, landing, and while en route, except when the absence of one is necessary in connection with his regular duties or when he is replaced by a person authorized under the provisions of § 41.121.

§ 41.63 *Pilot in command rules*—(a) *Pilot in command.* The pilot in command is in command of the aircraft at all times during flight and is responsible for the safety of persons and goods carried and for the conduct and safety of members of the crew.

(b) *Emergency decisions.* (1) The pilot in command is authorized to follow any course of action which appears necessary in emergency situations which, in the interest of safety, require immediate decision and action. He may, in such

situations, deviate from prescribed methods, procedures, or minimums to the extent required by considerations of safety. When such emergency authority is exercised the pilot shall keep the proper control station fully informed regarding the progress of the flight. He shall submit a written report of any such deviation to the Administrator of Civil Aeronautics within 7 days after the completion of the trip.

(2) In an emergency requiring either the dumping of fuel or a landing at a weight in excess of the authorized landing weight the pilot in command may elect to follow whichever procedure he considers safer.

(c) *Flight equipment.* Before any flight is started the pilot in command shall have readily available in the aircraft appropriate and current flight and navigational facility maps, including instrument procedures when instrument flight is authorized, and such other equipment as may be necessary to properly conduct the proposed flight.

§ 41.64 *Compliance with foreign air traffic rules and local airport rules.* Pilots flying in the airspace of any foreign country shall, at all times, comply with the air traffic rules of the foreign government and with local airport rules, except where any rule prescribed in this part is more restrictive and may be followed without violating the laws or rules of such country.

§ 41.65 *Composition of flight crew.* (a) No air carrier shall operate an aircraft with less than the minimum flight crew required for the type of operation and the type aircraft as determined by the Administrator in accordance with the standards prescribed in this part and specified in the air carrier operating certificate for each route or route segment.

(b) Where the provisions of this part require for a particular route, route segment, or aircraft the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman over such route or route segment.

Flight Radio Operator

§ 41.68 *Flight radio operator; when required.* An airman holding a flight radio operator certificate shall be required for flight over any area, route, or route segment over which the Administrator has determined that radiotelegraphy is necessary for communication with ground stations during flight.

§ 41.69 *Certificate.* Each flight radio operator shall hold a valid flight radio operator certificate issued in accordance with the provisions of Part 33 of this subchapter.

§ 41.70 *Flight time limitations.* When one flight radio operator is required the flight time limitations prescribed in § 41.55 apply. When two or more flight radio operators are required the flight time limitations of § 41.56 apply.

§ 41.71 *Other flight crew members to be qualified.* In all flights requiring only one flight radio operator, one other flight crew member must be capable of operating the equipment in an emergency.

§ 41.72 *Qualification for duty.* No individual shall perform, or be assigned to peform, the duties of a flight radio operator unless he has met the recent experience requirements specified in Part 33 of this subchapter.

Flight Engineer

§ 41.73 *Flight engineer; when required.* An airman holding a flight engineer certificate shall be required on all four-engine aircraft certificated for more than 80,000 pounds maximum take-off weight, and on all other four-engine aircraft certificated for more than 30,000 pounds maximum take-off weight where the Administrator finds that the design of the aircraft used or the type of operation is such as to require a flight engineer for the safe operation of the aircraft.

§ 41.74 *Certificate.* Each flight engineer shall hold a valid flight engineer certificate issued in accordance with the provisions of Part 35 of this subchapter.

§ 41.75 *Qualification for duty.* A certificated flight engineer shall not be assigned to nor perform duties for which he is required to be certificated unless, within the preceding 12-month period, he has had at least 50 hours of experience as a flight engineer on the type aircraft on which he is to serve; or until the air carrier has checked the airman and determined that he is (a) familiar with all current informaion and operating procedures relating to the type aircraft to which he is to be assigned and (b) competent with respect to such aircraft.

§ 41.76 *Flight time limitations.* When one flight engineer is required, the flight time limitations prescribed in § 41.55 apply. When two or more flight engineers are required, the flight time limitations prescribed in § 41.56 apply.

§ 41.77 *Other flight crew members to be qualified.* In all flights requiring the use of only one flight engineer, one other flight crew member must be capable of performing the duties of such engineer in an emergency during flight.

Flight Navigator

§ 41.80 *Flight navigator; when required.* An airman holding a flight navigator certificate shall be required for flight over any area, route, or route segment when the Administrator has determined either that celestial navigation is necessary or that other specialized means of navigation necessary for the safe conduct of flight cannot be adequately accomplished from the pilot station.

§ 41.81 *Flight time limitations.* The flight time limitations prescribed in § 41.56 apply.

§ 41.82 *Qualification for duty.* A certificated flight navigator shall not be assigned to nor perform duties for which he is required to be certificated unless, within the preceding 12-month period, he has had at least 50 hours' experience as a flight navigator; or until the air carrier has checked the airman and determined that he is (a) familiar with all current navigational information pertaining to the routes to be flown and (b) competent with respect to the operating procedures and navigational equipment to be used.

Dispatcher

§ 41.84 *Number and location.* The air carrier shall provide an adequate number of certificated aircraft dispatchers located at such points as may be necessary to insure safe operations.

§ 41.85 *Certificate.* Each dispatcher shall hold a valid aircraft dispatcher certificate issued in accordance with the provisions of Part 27 of this subchapter.

§ 41.86 *Qualification for route.* Each dispatcher within 6 months immediately preceding his qualification for a route, or part thereof, shall have made at least one trip over the route on which he is to serve prior to dispatching any aircraft. In addition he must be familiar with:

(a) The contents of the air carrier operations manual;

(b) The radio facilities in the aircraft used; and

(c) With respect to the route, the following:

(1) The prevailing weather phenomena,

(2) The sources of weather information available,

(3) All phases of the air carrier operation,

(4) The maximum authorized loads for the aircraft used,

(5) The peculiarities and limitations of each radio navigational facility and similar information with regard to such additional facilities located off the route as are approved for use in obtaining fixes by means of cross bearings, and

(6) The effect of weather conditions on the radio reception of the aircraft used.

§ 41.87 *Maintenance of qualification.* Each dispatcher shall maintain his familiarity with the route or routes on which he dispatches aircraft.

§ 41.88 *Route qualification expiration.* After 24 consecutive months of absence from dispatching duty over a route or part thereof, a dispatcher will no longer be considered qualified to dispatch aircraft over such route.

FLIGHT OPERATION RULES

Dispatching Rules

§ 41.92 *Dispatching rules*—(a) *Short distance operation.* Flights may be dispatched over any approved route between two terminal points.

(b) *Long distance operation.* Flights may be dispatched over any track between two terminal points within the route approved by the Administrator for the operation.

§ 41.93 *Dispatching authorization.* Flights shall be started only on the authority of an aircraft dispatcher qualified for the route. In short distance operation this authority is not required at intermediate points specified in the original clearance unless the flight is delayed more than 30 minutes at any such point. In long distance operation redispatch is not required unless the flight is delayed more than 6 hours.

§ 41.94 *Dispatcher duty period.* A dispatcher may clear a flight only when he has been on duty at the station from which the clearance is effected for a period of time sufficient to become familiar with existing conditions. He must continue on duty until the aircraft has landed in completion of a trip, or has proceeded beyond his jurisdiction, or until he has been properly relieved by another qualified dispatcher.

§ 41.95 *Use of weather reports and forecasts in dispatch.* (a) Weather reports used to control flight movements shall be prepared from observations made and released by a source acceptable to the Administrator.

(b) Weather reports used shall be the latest reports available. Weather reports, other than off-course or on-call reports made a part of the clearance form, shall not be more than one hour and 30 minutes old at the time the aircraft departs.

(c) Weather forecasts made by the United States Weather Bureau, in the case of dispatch from points within the United States, or other sources acceptable to the Administrator, in the case of dispatch from points outside of the United States, shall be taken into account.

§ 41.96 *Weather minimums*—(a) *Dispatch under contact flight rules, short distance operations.* Aircraft may be dispatched only if current weather reports and forecasts show a trend indicating that the ceilings and visibilities along the route to be flown are, and will remain, at or above the minimums required for flight under contact flight rules until the flight arrives at the next point of intended landing specified in the clearance.

(b) *Instrument or over-the-top dispatch, short distance operations.* Aircraft may be dispatched only if the observed weather information and current weather forecasts pertaining to the next point of intended landing specified in the clearance show a trend indicating that the ceiling and visibility will be at or above the minimums specified when the flight is scheduled to arrive; and at least one alternate airport, meeting the minimum weather requirements for the airport when used as an alternate, is designated in the clearance.

(c) *Dispatch, long distance operation.* Aircraft may be dispatched only in compliance with the following conditions:

(1) The current weather forecasts must indicate that the ceiling and visibility either at the next point of intended landing or at any required alternate therefor will be at or above the approved minimums at the time the flight is estimated to arrive.

(2) In the case of overwater flights or any other flight where the point of intended landing has no available alternate, the current weather forecasts must also indicate that the ceiling and visibility either at the point of departure or at any required alternate therefor will be above the approved minimums at the time of arrival back to such point from any point along the route closer than the point-of-no-return.

§ 41.97 *Icing conditions.* Aircraft shall not be dispatched or flown into known heavy icing conditions and may be dispatched or flown into any less serious icing condition only if the aircraft is equipped for de-icing wings, propellers, and such other parts of the aircraft as are essential to safety.

§ 41.98 *Fuel supply*—(a) *Short distance contact operation.* An aircraft may be dispatched or take off only if it carries sufficient fuel, considering the wind and other weather conditions expected, to (1) fly to the next point of landing specified in the clearance and thereafter (2) for a period of at least 45 minutes at normal cruising consumption.

(b) *Short distance instrument or over-the-top operation.* An aircraft may be dispatched or take off only if it carries sufficient fuel, considering the wind and other weather conditions expected, to fly to the next point of landing specified in the clearance; and thereafter (1) to fly to and land at the most distant alternate airport designated for that point in the clearance; and thereafter (2) to fly for a period of at least 45 minutes at normal cruising consumption.

(c) *Long distance operation.* An aircraft may be dispatched or take off only if it carries sufficient fuel, considering the wind and other weather conditions expected, to fly to the next point of landing specified in the clearance; and thereafter (1) to fly to and land at the most distant alternate airport designated for that point in the clearance; and thereafter (2) to fly for a period of at least two hours at normal cruising consumption. An aircraft may be redispatched to return to the point of departure or to an alternate airport for that point only when such redispatch is accomplished while the aircraft has sufficient fuel to return to such point and thereafter to fly for a period of at least two hours at normal cruising consumption. In the case of a route approved without an available alternate for a particular stop, an aircraft dispatched to that point must carry sufficient fuel, considering wind and other weather conditions expected, to fly to that point and thereafter for at least 3 hours at normal cruising consumption. The Administrator may require fuel in excess of any of the minimums specified in this paragraph when he finds that additional fuel is necessary on a particular route in the interest of safety and, in the case of an overland operation where adequate intermediate airports and navigational facilities are available, may permit the operation to be conducted with the fuel reserves specified in paragraph (b) of this section.

§ 41.99 *Maintenance release, clearance, and load manifest forms.* All maintenance release, clearance, and load manifest forms used shall be approved by the Administrator. The original copies of such forms shall be given to the pilot in command and duplicate copies kept in the station file for at least 90 days.

§ 41.100 *Preparation of maintenance release form.* A maintenance release form shall be prepared for each aircraft delivered by the maintenance department to the operations department. This form must be signed by personnel of the air carrier charged with the duty of supervising the maintenance of the aircraft.

§ 41.101 *Preparation of clearance form.* A clearance form shall be prepared for each flight between specified clearance points. The information for such clearance shall be prepared by the authorized aircraft dispatcher of the air carrier operating the aircraft. This form shall be signed by the pilot in command and by the authorized aircraft dispatcher only when both believe the flight may be made with safety. The authority to sign such clearance may be delegated for a particular flight by the authorized aircraft dispatcher, but the authority to dispatch cannot be delegated, and such dispatcher remains responsible for the dispatch and continued supervision of the flight.

§ 41.102 *Preparation of load manifest form.* A load manifest form showing the loading of the aircraft shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of the load manifest forms, or by qualified persons authorized by the air carrier. The aircraft when loaded shall not exceed the center of gravity limits or maximum allowable weight limits set forth in the aircraft certificate for the particular aircraft.

§ 41.103 *Traffic conditions.* Immediately prior to departure it is the responsibility of the dispatcher, dispatching an instrument flight outside of an airway traffic control area, to ascertain from the best available information what other flights affecting the proposed flight are in progress over the route and to report this information to the pilot in command.

§ 41.104 *Dispatcher emergency procedure.* In the event of inability to maintain two-way communication with the aircraft while it is in flight the dispatcher is responsible for notifying all other known traffic in the area of such failure, giving the last approved flight plan and the expected time of arrival at the destination.

§ 41.105 *Redispatch from alternate airports.* Aircraft may be redispatched from any alternate airport. In the case of an off-route alternate, the return to the authorized route must be made in accordance with conditions specified by the Administrator.

Flight Preparation and Take-Off Rules

§ 41.108 *Tests and checks.* Before departure the pilot in command is responsible for the testing or checking of each item in the check list approved by the Administrator, at the time and to the extent specified.

§ 41.109 *View of traffic.* The pilot shall maneuver the aircraft to a position from which incoming and outgoing

aircraft can be observed until immediately prior to take-off.

Flight Course and En Route Rules

§ 41.110 *Continuance of flight, short distance operation.* No flight shall be continued toward any point to which it is cleared unless the weather conditions at alternate airports specified in the clearance remain at or above the minimums specified for each such airport when used as an alternate.

§ 41.111 *Change in clearance en route.* The clearance may be amended en route by the substitution of another alternate airport within the fuel range of the aircraft, as outlined in § 41.98 (b), where weather conditions are at or above the minimums for such airport when used as an alternate. If a change in clearance is made while an aircraft is in flight, the two-way conversation shall be entered in the ground station radio log. After clearance for contact flight no aircraft shall be recleared en route for instrument flight, unless all instruments and items of equipment required by § 41.25 for the type of operation are in serviceable condition.

§ 41.112 *Deviation from route.* No aircraft may deviate from the route over which it is dispatched except when circumstances render such deviation necessary as a safety measure. Any deviation from the route must be explained by the pilot in a written report dispatched to the Administrator within 7 days after return to his base.

§ 41.113 *Reporting unusual conditions.* When an icing or other unusual meteorological condition is encountered in flight the pilot shall notify his company radio ground station as soon as practicable and such information shall be relayed to all flights which may be affected.

§ 41.114 *Flight altitude rules*—(a) *Day contact operation.* Except during take-offs and landings no aircraft shall be flown at an altitude less than 500 feet above the ground or water, or within 500 feet of any mountain, hill, or other obstruction to flight, except in such cases as may be specifically approved.

(b) *Night and instrument operation.* Except during take-offs and landings or when operating in accordance with specific procedures for definite localities approved by the Administrator, no aircraft shall be flown at an altitude of less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown.

§ 41.115 *Communication failure.* In the event of inability to maintain two-way radio communication, the pilot in command shall observe one of the following procedures in the order listed:

(a) Proceed according to current flight plan, maintaining the minimum instrument altitude or the last acknowledged assigned altitude, whichever is higher, to the airport of intended landing and commence descent at approach time last authorized or, if not received and acknowledged, at the estimated time of arrival specified in the flight plan; or

(b) If weather conditions permit, proceed in accordance with contact flight rules; or

(c) Land as soon as practicable.

Instrument Approach and Landing Rules

§ 41.117 *Altitude on initial approach.* When making an initial approach to a radio station on instruments or on top of overcast, an aircraft shall not be operated below the initial approach altitude specified for such station until arrival over the station has been definitely established, except where a marker facility is available and a procedure for a straight-in approach is authorized.

§ 41.118 *Letting-down-through procedure.* When instrument operation is authorized the standard instrument approach procedure, or the one authorized by the control tower if more than one procedure is specified for the airport, must be used for letting-down-through. The procedures and minimum altitudes of flight specified shall be strictly observed.

§ 41.119 *Approach and landing limitations.* No instrument approach procedure shall be executed or landing made at an airport when the latest U. S. Weather Bureau weather report for that airport indicates the ceiling or visibility to be less than that prescribed by the Administrator for landing at such airport: *Provided,* That, if an instrument approach procedure is initiated when the current U. S. Weather Bureau report indicates that the prescribed ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the aircraft (a) is on an ILS final approach and has passed the outer marker, or (b) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (c) is on GCA final approach and has been turned over to the final approach controller, such approach may be continued and a landing may be made in the event weather conditions equal to or better than the prescribed minimums for the airport are found to exist by the pilot in command of the flight upon reaching the authorized landing minimum altitude.

MISCELLANEOUS OPERATIONS RULES

§ 41.120 *Operations manual.* (a) The air carrier shall prepare and maintain a manual for the use and guidance of operations personnel which contains full information necessary to guide flight and ground personnel in the conduct of flight operations and to inform such personnel regarding their duties and responsibilities. It must be in a form approved by the Administrator and furnished to all persons designated by the Administrator or Board. All copies in the hands of company personnel must be kept up to date.

(b) Any changes issued by the Administrator shall be promptly incorporated in the manual. Other changes not inconsistent with any Federal regulation, the air carrier operating certificate, or safe operating practice may be made without the prior approval of the Administrator.

§ 41.121 *Admission to pilot compartment.* (a) No person except a member of the operating crew or an air carrier inspector of the Administrator may be admitted to the pilot compartment during flight unless his admission is approved by the pilot in command after he has identified himself as one of the following:

(1) An employee of the Federal Government, of an air carrier, or other aeronautical enterprise whose duties are such that his presence in the compartment is necessary or advantageous to the conduct of safe air carrier operations or the improvement of the safety of such operations;

NOTE: Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions in the pilot compartment may be considered eligible for admission to the pilot compartment under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under § 41.121 (a) (2).

(2) A person whose presence in such compartment has been specifically authorized by the management of the air carrier operating the aircraft and by the Administrator.

(b) No person may occupy a seat in the pilot compartment or the companionway thereto unless such seat is securely attached to the structure of the aircraft and is provided with a safety belt which shall be kept fastened by the occupant throughout his occupancy of such seat.

(c) Unless a seat is also available for his use in the passenger compartment, no person may be admitted to the pilot compartment during flight except:

(1) Air carrier inspectors engaged in checking flight operations; and

(2) Certificated airmen of the air carrier and certificated airmen of another air carrier who have been authorized by the air carrier concerned and the Administrator to make specific trips over the route.

(d) An air carrier inspector of the Administrator must be admitted to the pilot compartment of an air carrier aircraft at any time while performing his official duty.

§ 41.122 *Manipulation of controls.* No person other than a qualified pilot of the air carrier may manipulate the flight controls of an air carrier aircraft while in scheduled flight, except that at the discretion of the pilot in command such restriction will not apply to other pilots as follows:

(a) Authorized air carrier inspectors of the Administrator, or

(b) Properly qualified pilot personnel of another air carrier, if the pilot in command is at one set of controls.

§ 41.123 *Smoking rules.* No smoking will be permitted in an aircraft:

(a) While on the ground or water,

(b) During take-offs and landings,

(c) In the berths of sleeper planes, or

(d) Elsewhere, unless suitable ash containers are provided.

§ 41.124 *Passenger information signs.* Aircraft shall be equipped with the following signs so located as to be plainly visible to passengers:

(a) "No smoking" signs located in the cabin and in individual berths,

(b) "Fasten seat belt" signs located in cabin,

(c) "Use oxygen equipment" signs located in the cabin of aircraft not having pressurized cabins when operated at altitudes in excess of 12,000 feet above sea level for any period of time, unless a competent cabin attendant is provided to care for passengers.

§ 41.125 *Marking door handles.* The latched and unlatched positions of door handles shall be plainly marked.

§ 41.126 *Marking emergency exits.* Emergency exits shall be clearly marked as such with luminous paint in letters not less than three-fourths of an inch high, such markings to be located either on or immeditely adjacent to the pertinent exits and readily visible to passengers. The location and method of operation of the handles shall be marked with luminous paint.

§ 41.127 *Use of emergency equipment.* The emergency equipment required by § 41.23 must be periodically inspected and tested in accordance with specifications issued by the Administrator. The crew of aircraft used in overwater flights shall be drilled periodically in "abandon ship" procedures. Passengers shall be acquainted with the location of emergency exits, with emergency equipment provided for individual use, and with the procedure to be followed in the case of an emergency landing on the water.

§ 41.128 *Route operation proving flights.* Before passengers are carried on any new route or any extension of over 100 miles of a route previously authorized, the air carrier shall demonstrate ability to conduct a safe operation by making such flights over the route as the Administrator may require in the interest of safety.

§ 41.129 *Aircraft proving tests.* (a) A new type of air carrier aircraft shall have at least 100 hours of proving tests under the supervision of an authorized representative of the Administrator before authority for carying passengers is issued. At least 50 hours of such tests shall be flown over authorized routes and shall include at least 10 hours of night operation.

(b) In a case of major changes on aircraft previously proved, or the use of the same aircraft on a substantially different operation, 50 hours of tests similar to those outlined in paragraph (a) of this section shall be required, of which at least 25 hours shall be flown over authorized routes, unless deviations are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements of this paragraph unnecessary for safety.

(c) During the tests specified in paragraphs (a) and (b) of this section no person shall be carried other than those essential to the tests. Mail, express, and cargo may be carried at the discretion of the Administrator.

§ 41.130 *Reports.* Each air carrier shall furnish the Administrator the following reports:

(a) A monthly operations report shall be submitted on and in accordance with the form supplied or approved by the Administrator for the purpose not later than the 20th day of the next succeeding month.

(b) A mechanical interruption report shall be submitted on the form supplied for the purpose not later than 10 days after the return of the aircraft to its operating base. Any partial or complete instrument or equipment mechanical failure which occurs during flight shall be reported. The records of such mechanical failure must be made available to any authorized representative of the Administrator or Board on request.

§ 41.131 *Irregularity report.* All airmen, including flight and ground personnel, shall immediately report to the operations manager any irregularity or hazard which in their opinion makes for unsafe operation. If such report is found to be justified, notice of the irregularity or hazard must be submitted to the Administrator at once.

§ 41.132 *Communiation priority.* Where a communications channel serves point-to-point contacts in addition to ground-to-plane, priority shall be given to plane-to-ground and ground-to-plane communications.

§ 41.133 *Flight records.* The air carrier shall maintain and make available to any authorized representative of the Administrator or Board, for not less than 1 year from the date of flight, the records pertaining to any flight which was interrupted because of weather conditions and failed to land at the point to which it was originally cleared. Such records shall include the flight plan, flight log, clearance, and any other data necessary to complete the record of the operation.

DEFINITIONS

§ 41.137 *Definitions.* As used in this part, terms shall be defined as follows:

Alternate airport. An alternate airport is one listed in the clearance as a point to which a flight may be directed if, subsequent to departure, a landing at the point to which the flight is cleared becomes undesirable.

Broken clouds. The term "broken clouds" means a condition where more than 50 but less than 90 percent of the sky is covered by clouds.

Category. Category shall indicate a classification of aircraft such as airplane, helicopter, glider, etc.

Ceiling. The term "ceiling" means the height of the base of the lowest cloud layer reported as "broken clouds" or "overcast."

Check pilot. A check pilot is a pilot authorized by the Administrator to check pilots of the air carrier for familiarity with route procedures and for piloting technique.

Class. Class shall indicate a difference in basic design of aircraft within a category, such as single-engine land, multiengine sea, etc.

Contact operation. A contact operation is an operation conducted under contact flight rules as prescribed in Part 60 of this subchapter.

Crew member. Crew member means any individual assigned by an air carrier for the performance of duty on the aircraft other than as flight crew member during flight time.

Flight crew member. Flight crew member means a pilot, flight radio operator, flight engineer, or flight navigator assigned to duty on the aircraft during flight time.

Flight time. Flight time shall mean the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight (block to block).

Instrument operation. An instrument operation is an operation conducted under instrument flight rules as prescribed in Part 60 of this subchapter.

Long distance operation. A long distance operation is one in which the time interval between stops is of sufficient duration to require that the dispatch be based entirely on forecasts of weather expected at the intended destination and alternates.

Pilot compartment. The term "pilot compartment" means that part of the aircraft designed for the use of the flight crew.

Pilot in command. Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Point-of-no-return. The term "point-of-no-return" means that point at which the aircraft no longer has sufficient fuel, under existing conditions, to return to the point of departure or any alternate for that point.

Provisional airport. A provisional airport is an airport approved for the purpose of providing adequate service to a community when the regular airport serving that community is not available.

Refueling and holding airport. A refueling and holding airport is an airport approved as a point to which flights may be cleared for refueling.

Regular airport. A regular airport is an airport used as a regular stop on a route.

Route. A route is a path through the navigable airspace identified by an area on the surface of the earth, the boundaries of which are designated or approved by the Administrator.

Route segment. A route segment is a portion of a route, the boundaries of which are identified by:

(1) A continental or insular geographic location;

(2) A point at which some specialized aid to air navigation is located; or

(3) A point at which a definite radio fix is located.

Second in command. Second in command shall mean a pilot other than the pilot in command who is designated by the air carrier to act as second in command of an aircraft.

Short distance operation. A short distance operation is one which involves intermediate stops of sufficient frequency to permit the dispatch from each such stop to be based on spot weather reports or a combination of spot weather reports and forecasts.

Type. Type shall mean all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

[F. R. Doc. 55-3206; Filed, Apr. 18, 1955; 8:53 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 111]

PART 608—RESTRICTED AREAS

NEW YORK

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.40, the Montauk Point, Long Island, New York, area (R-487) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
MONTAUK POINT, Long Island, N. Y. (R-487) (New York-Boston).	That portion of the area described herein which lies within 3 nautical miles of the shoreline [1] beginning at latitude 41°06'10", longitude 71°29'00"; thence to latitude 41°03'38", longitude 71°26'15"; thence to latitude 40°50'43", longitude 72°07'48"; thence to latitude 40°51'40", longitude 72°11'10"; thence to latitude 40°55'45", longitude 72°12'37"; thence to latitude 41°06'10", longitude 71°41'48"; thence to point of beginning.	Surface to 7,950 feet mean sea levels.	0830 to 1630 local time, Monday through Friday inclusive, when weather conditions are better than 6,000-foot ceiling and 5 statute miles visibility.	First Army, Montauk Point, Long Island, N. Y.

[1] That portion which lies beyond 3 nautical miles of the shoreline is established as a Warning Area (W-487).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 19, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-3167; Filed, Apr. 18, 1955; 8:45 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter B—Respiratory Protective Apparatus; Tests for Permissibility; Fees

[Bureau of Mines Schedule 19B]

PART 12—SUPPLIED-AIR RESPIRATORS

Part 12 is hereby amended to read as follows:

Preliminary statement. The Bureau of Mines is prepared at its Central Experiment Station, Pittsburgh, Pennsylvania, to conduct tests of supplied-air respirators to determine their permissibility for use in air containing contaminants such as harmful gases, vapors, fumes, dusts, smokes, and mists, and in air containing insufficient oxygen for respiration. For the purpose of this schedule, supplied-air respirators include devices commonly referred to as hose-masks, air-line respirators, compressed-air respirators, sand-blast helmets and hoods, and others, which provide protection by conveying respirable air through a hose or a combination of piping system and hose line.

The authority for conducting such tests and investigations is contained in the act of February 25, 1913 (37 Stat. 681), as amended June 30, 1932 (47 Stat. 410), and in Executive Order No. 6611, February 22, 1934 (30 U. S. C. secs. 3, 5, 7). The act, as so amended, contains the following provision:

> For tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, as amended and supplemented, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

This document, consisting of §§ 12.1 to 12.11, inclusive, is Schedule 19B and supersedes Schedule 19, Procedure for Testing Hose Masks for Permissibility, issued April 28, 1927; List of Fees, issued August 3, 1932; the Supplement to Schedule 19, issued August 20, 1934; and Schedule 19A, issued August 9, 1937.

Sec.
12.1 Definition of a permissible supplied-air respirator.
12.2 Types of supplied-air respirators.
12.3 Purpose of testing for permissibility.
12.4 Conditions under which supplied-air respirators will be tested.
12.5 Requirements for Bureau of Mines approval.
12.6 Changing details of test.
12.7 Notifications of approval or disapproval.
12.8 Approval markings.
12.9 Material required for Bureau of Mines record.
12.10 Changes subsequent to approval.
12.11 Withdrawal of approval.

AUTHORITY: §§ 12.1 to 12.11 issued under sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended 30 U. S. C. 3, 5.

§ 12.1 *Definition of a permissible supplied-air respirator.* (a) A supplied-air respirator is permissible for use in harmful or objectionable atmospheres encountered in its field of industrial usage if all the materials and details of construction are the same as and its performance in all respects is equal to or better than that required by applicable portions of this part.

(b) Bureau of Mines approval applies only to a complete supplied-air respirator and not to the integral parts thereof.

(c) The devices are designated by names other than the usual trade names. This change provides logical nomenclature for such devices, obviating dependence on a multiplicity of trade names, and provides for the naming of devices developed in this field in the future. The manufacturer, of course, may continue to advertise his device as a hose mask, air-line respirator, or abrasive blasting device.

§ 12.2 *Types of supplied-air respirators.* With regard to design and approval, supplied-air respirators are subdivided into the following types:

(a) *Type A supplied-air respirator.* (1) The type A supplied-air respirator is commonly called hose mask. This respirator is designed to require the presence of a man (blower operator) in addition to the wearer; to permit the wearer to inspire air through the hose, connections, and air-supply device (blower) by his lungs alone when the blower is not operated; and to permit the wearer to be drawn to safety by a life line or, if necessary, the hose in case of accident. It is the only supplied-air respirator that will be approved for use in immediately harmful atmospheres or those from which the wearer could not escape without the aid of the respirator.

(2) The principal parts of a type A supplied-air respirator are: A hand operated blower that shall permit free entrance of air to the hose when the blower is not operated; a strong, large-diameter hose having a low resistance to flow of air; a strong harness to which the hose and life line are attached; and a tight-fitting facepiece.

(b) *Type B supplied-air respirator.* (1) The type B supplied-air respirator is similar to the type A, with the main exception that it has no blower.

(2) It will not be approved for use in immediately harmful atmospheres or those from which the wearer could not escape without the aid of the device.

(3) The principal parts of a type B supplied-air respirator are: A strong, large-diameter hose having a low resistance to flow of air; a harness to which the hose is attached; and a tight-fitting facepiece.

(c) *Type C supplied-air respirator.* (1) The type C supplied-air respirator is designed for routine use in protecting workers against harmful or objectionable atmospheres that are not immediately dangerous to life or from which the wearer could escape without the aid of the respirator. It may be used with either a low- or high-pressure air-supply system. It is the responsibility of the user to provide respirable air either by a compressor that does not use an internal lubricant that could produce gases or mists that may be objectionable or injurious to health, or by one that is protected by suitable filters, temperature regulators, and alarms.

(2) Type C supplied-air respirators are divided into two classes: (i) Continuous flow class, and (ii) demand class. Type C respirators of the continuous flow class supply respirable air to the respiratory-inlet covering continuously, even when the wearer exhales. Type C respirators of the demand class supply respirable air to the respiratory-inlet covering only when the wearer inhales.

(3) The principal parts of a type C supplied-air respirator, continuous-flow class, are: A positive-pressure air-supply system; a hose; a detachable coupling; a control valve or orifice; an arrangement for attaching hose to wearer; and a respiratory-inlet covering. Where the supply pressure exceeds 125 pounds per square inch gage, a pressure-release mechanism is required.

(4) The principal parts of a type C supplied-air respirator, demand class, are: A positive pressure air-supply system; a hose; a detachable coupling; a demand valve; an arrangement for attaching the respirator to the wearer; and a tight-fitting respiratory-inlet covering. A maximum air pressure of 125 pounds per square inch gage is allowed at the point of attachment of the air-supply hose to the air-supply system.

(5) The general term "respiratory-inlet covering" is used for the covering worn over the face or head by the wearer of the respirator, when otherwise it would be necessary to use an expression such as "facepiece, half facepiece, helmet, or hood."

(d) *Types AE, BE, and CE supplied-air respirators.* Supplied-air respirators may be modified for use in abrasive blasting. The letter E added to the regular-type letter indicates that the type of respirator designated by the first letter has been modified or provided with additional equipment to make it suitable for use in abrasive blasting. Such changes or additions consist primarily of providing a suitable covering to protect the head and neck against impact and abrasion by the rebounding material.

§ 12.3 *Purpose of testing for permissibility.* (a) The Bureau of Mines conducts tests of supplied-air respirators for the purpose of determining their permissibility for use in air containing contaminants such as harmful gases, vapors, and particulate matter.

(b) This part is for the information and guidance of those who may desire to submit supplied-air respirators for approval and also to inform consumers and other interested persons regarding the qualities the Bureau of Mines believes such devices should have.

§ 12.4 *Conditions under which supplied-air respirators will be tested.*—(a) *Consultation.* Manufacturers or their representatives may visit or communicate with the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, to obtain criticisms of proposed designs or to discuss the requirements of this part in connection with a device to be submitted. No charge is made for this consultation and no written report will be made to the manufacturer.

(b) *Application.* An application for investigation under this part shall be in the form of a letter (in duplicate) addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, which contains: (1) Duplicate descriptions and complete drawings of the device (supplemented with any available printed matter); (2) a statement that the device is completely developed and of the design and materials which the manufacturer believes suitable for a finished marketable device; (3) a statement that the device has been subjected to inspections and tests of the nature described in this Part 12 and that it has met these requirements when tested by the applicant or his testing agency; (4) two copies of the results of the applicant's inspection and tests; (5) a statement describing the nature, adequacy, and continuity of control of the quality of the respirator (see paragraph (e) of this section); (6) a request that the necessary inspections and tests leading to approval be made; and (7) a check, draft, or money order, payable to the United States Bureau of Mines, to cover the fee for inspection and tests. The fee will be placed on special deposit in the Treasury of the United States, pending disposal as hereinafter specified. No supplied-air respirator will be accepted for permissibility tests unless it is substantially in the completed form in which it is to be marketed. Application for tests shall be indicative of this understanding by the applicant. One complete specimen of the device, for which approval is desired, shall be sent to the Central Experiment Station. On receipt of this application, fee, descriptive material, test data, and specimen to be tested, the manufacturer will be notified by the Bureau of its action on the application, the material required for test, and any additional information or specifications that are deemed necessary.

(c) *Fees for testing supplied-air respirators.* The following fees are charged for testing respirators under this part:

(1) Types A or AE supplied-air respirators (complete)	$250
(i) Blower, single outlet	85
(ii) Each blower outlet more than one (at time of blower testing)	10
(iii) Air-supply line (hose)	90
(iv) Body harness	15
(v) Respiratory-inlet covering (facepiece)	80
(2) Types B or BE supplied-air respirators (complete)	205
(i) Air-supply line (hose)	70
(ii) Body harness	15
(iii) Respiratory-inlet covering (facepiece)	80
(3) Types C or CE supplied-air respirators, continuous-flow class (complete)	215
(i) Air-supply line (hose)	65
(ii) Respiratory-inlet covering (facepiece)	85
(4) Types C or CE supplied-air respirators, demand class (complete)	225
(i) Air-supply line (hose)	75
(ii) Respiratory-inlet covering (facepiece)	85
(5) Additional examination and tests of respirator in connection with other tests, per man-day required	30
(6) Fees for tests of unusually complicated apparatus or for unusual tests or other tests not included in this list or for portions of tests that may be required for extensions of approval will be based on the actual costs of testing, which shall be determined by the Bureau, and the applicant will be notified of the fee before the tests are begun.	

If a respirator fails to pass any of the specified tests and the applicant notifies the Bureau to terminate further consideration of the device, the Bureau will return the fee to the applicant, less such portion of the fee as the Bureau determines is sufficient to cover the work done. If the applicant resubmits the respirator for approval after the necessary improvements have been made, an additional fee will be required. The amount of the fee charged will be proportional to the additional tests that must be made and will be specified in writing to the applicant in advance of further testing of the respirator.

(d) *Drawings and specifications required.* (1) Respirators submitted for approval will not be inspected or tested until a complete description and two full sets of drawings showing all the details of construction have been delivered to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania.

(2) The Bureau of Mines will not be responsible for any disclosures of ideas, principles, or patentable features because, under the terms of the application for tests, it is understood that the device is ready for release to public market. Caution will be exercised to prevent disclosure of details of the device to the public during approval testing.

(e) *Control-test requirements.* To maintain the quality of protection equal to that required by this part, the manufacturer must maintain adequate control of the production of the device and make tests of assembled devices to insure the fit of parts, freedom from air leakage, and general suitability. Each application for permissibility tests shall be accompanied by a statement showing the nature, adequacy, and continuity of the control provided by the applicant. Upon request of the Bureau, the applicant shall grant permission for a representative of the Bureau, to inspect the con-

trol-test equipment and control-test records and to interview the personnel conducting the control tests. Tests for approval will be made only after the Bureau is satisfied that such control is effective, and approvals once granted will remain in force only while the control is sustained.

(f) *Material required for approval testing.* The number of complete respirators and replacement parts required will depend on the type and design of the device. After application for test is received, the applicant will be notified concerning the material that it will be necessary for him to submit. All materials for tests shall be delivered gratis, with transportation charges prepaid by the applicant to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The Bureau of Mines may retain as its own property any or all material submitted by the applicant that may be required for record. Material not required for record will be available to the applicant and will be returned at his expense on shipping instructions made in writing to the Central Experiment Station.

(g) *Where investigations will be conducted.* All investigations are conducted at the Bureau of Mines Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania.

(h) *Date for conducting tests.* The tests will be made in the order of fulfillment of pretest conditions. The applicant will be notified of the date on which tests will be begun. If a device fails to meet any of the requirements it shall lose its order of precedence. Tests will be resumed following completion of other approval work which is in progress at the time both the request and the material for retesting are received. Exceptions may be made only for minor tests and inspections which may be performed simultaneously with other work in the laboratory.

(i) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of materials and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

§ 12.5 *Requirements for Bureau of Mines approval.* To obtain the approval of the Bureau of Mines, a supplied-air respirator must pass the following inspection and tests:

(a) *Container and markings.* (1) If deemed necessary for the protection, proper maintenance, and storage of the respirator, a substantial and durable container may be required.

(2) Each respirator and required container shall be marked distinctly with the name of the manufacturer; the type of device, such as "Type A supplied-air respirator"; and the name, letter, or number by which the device is designated for trade purposes.

(b) *Materials.* (1) The respirator must be constructed in all its parts of materials which are suitable for the purpose they must serve; this applies to the fabric, rubber, metal, and other parts. All parts (especially rubber) that come into contact with the skin must be of nonirritating composition. All materials used in the construction of respiratory-inlet coverings and hose shall be of a nature that will withstand disinfection by methods recommended by the manufacturer and approved by the Bureau of Mines. These approved methods for disinfection shall be described in the instructions for use of the device as supplied by the manufacturer.

(2) Metal parts of Type A and Type B supplied-air respirators (except those parts that remain in uncontaminated air) should be of such composition or structure as to minimize the possibility of ignition of flammable atmospheres by sparks.

(c) *Design and construction.* Excellence of design, mechanical construction, durability, and workmanship will be considered with regard to the safety of the wearer, the freedom of his movements, his range and clearness of vision, the fit of the respiratory-inlet covering, and the comfort afforded under all conditions of use. The ease with which parts of necessarily short life or period of use may be replaced by new or reconditioned parts, and the tightness of the whole apparatus, with a view to insuring the wearer against leaks of contaminated air both before and after such changes have been made, will also be considered.

(d) *General requirements.* (1) Each supplied-air respirator, when supplied with respirable air, must protect the wearer in the particular kinds of atmospheres for which it is approved. The Types A and AE supplied-air respirators may be approved for respiratory protection in essentially any atmosphere. The other types of supplied-air respirators may be approved for protection in any atmosphere that is not immediately dangerous to life or from which the wearer could escape without the aid of the device. These devices are approved only when used with respirable air and at the pressures and quantities required.

(2) The main parts of supplied-air respirators are as follows: Air-supply device (except Types B and BE); air-supply line; harness; and respiratory-inlet covering. Since the types AE, BE, and CE respirators for abrasive blasting differ from the corresponding supplied-air respirators only in the kind of respiratory-inlet covering, special requirements for the parts of these respirators are given only in the section on respiratory-inlet covering.

(3) The requirements for the complete respirators of the various types are grouped wherever possible.

(e) *Requirements and tests for air-supply device*—(1) *Type A supplied-air respirator (hose mask).* Each Type A supplied-air respirator shall be provided with a hand-operated air blower. No multiple system, whereby more than one man is supplied by one blower, will be approved unless each hose line is connected directly to a manifold at the blower. Power-driven blowers will not be approved. The blower shall permit free entrance of air to the hose when the blower is not operated, and it shall deliver the amount of air hereinafter specified with either direction of rotation, except when the construction of the blower is such that it cannot be operated in other than the proper direction for delivering the required amount of air.

The blower will be tested by attaching it to a mechanical drive and operating it continuously 6 to 8 hours daily for 100 hours at the speed required to deliver 50 liters of air per minute through the respirator, when assembled with the kind and maximum length of hose for which the device is to be approved, connected to each blower or manifold outlet designed for hose connections. During this test period the blower will be oiled and given attention and care. It must operate throughout the period without failure or indication of excessive wear of bearings or other working parts. The crank speed required to deliver the specified 50 liters of air per minute must not exceed 50 revolutions per minute; the power required must not exceed one-sixtieth horsepower, and the torque must not exceed a force of 5 pounds on an 8-inch crank, the torque and power to be measured as hereinafter stated.

When assembled with the facepiece and 50 feet of the hose for which it is to be approved connected to one outlet, with all other outlets closed, and operated at any practical speed up to 50 revolutions of the crank per minute, the amount of air delivered into the respiratory-inlet covering shall not exceed 150 liters per minute, and the pressure at the hose connection to the blower or manifold shall not exceed the equivalent of 5 inches of water. If relief valves at the blower are employed to fulfill this requirement they must operate automatically and be simple in design, durable, and foolproof against failure to operate.

(i) *Method of measuring power and torque required to operate blowers.* As shown in figure 1, the blower crank is replaced by a wooden drum, *a* (5 inches in diameter is convenient). This drum is wound with about 40 feet of No. 2 picture cord, *b*. A weight, *c*, of sufficient mass to rotate the blower at the desired speed is suspended from this wire cord. A mark is made on the cord about 10 to 15 feet from the weight, *c*. Another mark is placed at a measured distance (20 to 30 feet is convenient) from the first. These are used to facilitate timing.

To determine the torque or horsepower required to operate the blower the drum is started in rotation manually at or slightly above the speed at which the power measurement is to be made. The blower is then permitted to assume constant speed, and then as the first mark on the wire leaves the drum a stopwatch is started. The watch is stopped when the second mark leaves the drum. From these data the foot-pounds per minute and the torque may be calculated readily.

(2) *Type B supplied-air respirator.* No Type B supplied-air respirator will be approved for use with a blower or for connection to an air-supply device at positive pressures. Instead, the inlet to the hose shall have a terminal fitting or chamber which provides for drawing the air through a suitable arrangement that will remove material larger than 0.149 mm. in diameter (149 microns, 100-mesh, U. S. standard sieve of corrosion resisting material). This terminal fitting shall be provided also with means for fastening or anchoring it to a fixed position in a zone of respirable air.

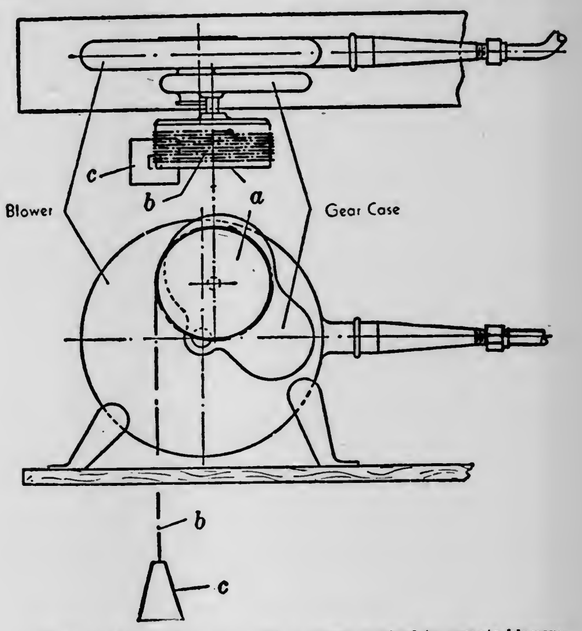


FIGURE 1—Apparatus for measuring power required to operate blowers.

(3) *Type C supplied-air respirators, continuous-flow class.* The air-supply device is the responsibility of the user. The respirators are approved, however, only when used with respirable air and at the pressures and quantities required. The pressure at the hose connection to the blower or manifold shall not exceed 125 pounds per square inch gage. If, however, the pressure at any point in the supply system exceeds 125 pounds per square inch gage, the user must provide a pressure-release mechanism that will prevent the pressure at the hose connection from exceeding 125 pounds per square inch gage under any conditions.

(4) *Type C supplied-air respirators, demand class.* (i) The air supply is the responsibility of the user. It may be an air-compressing system or a reservoir of compressed air. The respirator is approved, however, only when used with respirable air at the pressures and quantities required.

(ii) The manufacturer may specify the range of air pressure at the point of attachment of the air-supply hose to the air-supply system, and the range of hose length for the respirator. For example, he might specify that the respirator be used with compressed air at pressures ranging from 40 to 80 pounds per square inch with from 15 to 250 feet of air-supply hose. The specified air pressure at the point of attachment of the hose to the air-supply system shall not exceed 125 pounds per square inch gage. Should the pressure in the air-supply system exceed this value, the user must provide a pressure-reducing and pressure-release mechanism that will prevent the pressure at this point from exceeding this value. However, the pressure-release mechanism may be set to operate at a pressure not more than 20 percent above the manufacturer's highest specified pressure. For example, if the highest specified pressure is 80 or 125 pounds per square inch, the pressure-release mechanism would be set to operate at 96 or 150 pounds per square inch, respectively.

(f) *Requirements and tests for air-supply lines.* The requirements and tests of the air-supply lines are given in table 1 of this section.

(g) *Requirements and tests for harness.* Each supplied-air respirator shall be provided with a harness, the primary purpose of which is to prevent a pull on the connecting hose from exerting a pull on the face or head covering. The secondary purpose of the harness of the Type A supplied-air respirator is to hold the wearer while he is drawn to safety. The harness of supplied-air respirators having rigid or semi-rigid head coverings may be used to assist in holding the cover in place.

(1) *Type A supplied-air respirators.* The harness may be made of leather, fabric webbing, or equivalent material. Shoulder straps will be tested for strength of material and of joints or seams and must separately withstand a pull of 250 pounds without failure. Belts, rings, and attachments for life lines must withstand a pull of 300 pounds without failure. The hose must be firmly attached to the harness so as to withstand a pull of 250 pounds without separating, and the hose attachments must be arranged so that the pull or drag of the hose behind an advancing wearer does not disarrange the harness or exert pull upon the facepiece. Harness should be adjustable to various sizes. The arrangement and suitability of the accessories and fittings will be considered.

(2) *Type B supplied-air respirators.* (i) The harness shall consist of at least a belt made of leather, fabric webbing, or equivalent material. The harness shall not interfere with the movements of the wearer, and it shall not be disturbing or uncomfortable to wear. It shall be adjustable to various sizes. The arrangement and suitability of the accessories and fittings will be considered.

(ii) The hose must be attached to the harness in a manner that will withstand a pull of 100 pounds without separating or showing signs of failure. The design of the harness and attachment of the line shall permit dragging the maximum length of hose considered for approval over a concrete floor without disarranging the harness or exerting a pull on the facepiece.

(3) *Type C supplied-air respirators.* (i) The harness for this respirator may be similar to that of the type B, or it may consist of a simple arrangement for attaching the hose to a part of the wearer's clothing in a practical manner that prevents a pull equivalent to dragging the maximum length of the hose over a concrete floor from exerting pull upon the respiratory-inlet covering.

(ii) In the case of supplied-air respirators having rigid or partly rigid head coverings a suitable harness may be required to assist in holding this covering in place.

(h) *Requirements and tests for breathing tubes*—(1) *Type A supplied-air respirator.* One or two flexible rubber breathing tubes of the nonkinking type shall extend from the facepiece to a connecting hose coupling attached to the belt or harness. These tubes shall permit free head movement and freedom from closing off by kinking or by chin or arm pressure, and they shall not create a pull that will loosen the facepiece or disturb the wearer.

(2) *Type B supplied-air respirator.* Same as for type A.

(3) *Type C supplied-air respirator, continuous flow class.* Same as for type A, except that an extension of the connecting hose may take the place of the previously described breathing tubes.

(4) *Type C supplied-air respirator, demand class.* A flexible rubber breathing tube of the nonkinking type shall extend from the facepiece to the demand valve. This tube shall permit free head movement and freedom from closing off by kinking or by chin or arm pressure, and shall not create a pull that will loosen the facepiece or disturb the wearer.

(i) *Requirements and tests for respiratory-inlet covering*—(1) *Type A supplied-air respirator.* (i) Only full- or Tissot-type facepieces that form a pocket over the face and allow breathing through the nose and mouth will be approved. Head coverings or hoods that require a continuous stream of air to prevent inhalation of irrespirable atmospheres will not be approved. The eyeglasses shall not interfere with satisfactory vision, and they shall be of the nonshatter type. The air shall enter the facepiece in a manner that will keep the eyeglasses free of moisture. Elastic headbands shall be adjustable and replaceable.

(ii) An exhalation valve or valves shall be provided in the facepiece to allow escape of exhaled air and any excess air delivered by the blower. The exhalation valve or valves shall be guarded to prevent distortion and injury.

(iii) A check valve shall be included in the connection to the facepiece or in the hose fitting near the facepiece to allow flow of fresh air toward the facepiece only.

(2) *Type AE supplied-air respirator.* The requirements for the respiratory-inlet covering of this respirator are similar to those for type A, with the exception that a suitable additional covering shall be provided to protect the head and neck against impact and abrasion by the rebounding material. The window or windows in the respiratory-inlet covering shall be shielded with such material as glass, woven wire, or perforated sheet metal that does not interfere unduly with vision. This shield shall be mounted and attached in a manner that will permit easy access to the external surface of eyeglasses or windows for cleaning. All shields and windows subject to abrasion shall be easily replaceable.

(3) *Type B supplied-air respirator.* (i) Full- or Tissot-types, or half-mask type facepieces that allow breathing through the nose and mouth, may be approved. Half-mask facepieces must not interfere with the use of goggles. The eyeglasses in Tissot-type masks shall not interfere with satisfactory vision, and they shall enter the facepiece in a manner that will keep the eyeglasses free of moisture. Elastic headbands shall be adjustable and replaceable.

(ii) An exhalation valve shall be provided in the facepiece to allow escape of exhaled air.

(iii) A check valve shall be provided in the facepiece or facepiece connection to the breathing tubes to allow flow of air toward the facepiece only.

(4) *Type BE supplied-air respirator.* The requirements for respiratory-inlet covering of this respirator are similar to those for the type B, with the exceptions that a suitable additional covering shall be provided to protect the head and neck against impact and abrasion by the rebounding material, and window or windows in the respiratory-inlet covering shall be shielded with such material as glass, woven wire, or perforated sheet metal that does not interfere unduly with vision. This shield shall be mounted and attached in a manner that will permit easy access to the external surface of eyeglasses or windows for cleaning.

(5) *Type C supplied-air respirator, continuous flow class.* Respiratory-inlet coverings of the full- or half-mask facepiece type, the head-covering type, or combinations of these types, may be approved. No covering with a direct mouth or nose connection will be approved. Half-mask facepieces must not interfere with the use of goggles. The velocity of the air at the point of delivery and the distribution within the covering shall not cause discomfort to the wearer. Windows in full facepieces and head coverings shall meet the quality and design requirements referred to under the preceding types of supplied-air respirators. Air shall enter the covering in a manner that will keep the windows free of moisture. Elastic headbands shall be adjustable and replaceable.

(6) *Type C supplied-air respirator, demand class.* Respiratory-inlet coverings of the full- or half-mask facepiece type only may be approved. No covering with a direct mouth or nose connection will be approved. Half-mask facepieces must not interfere with the use of goggles. The velocity of the air at the point of delivery and the distribution within the facepiece shall not cause discomfort to the wearer. Windows in full facepieces shall not interfere with satisfactory vision and shall be of the nonshatter type. Air shall enter the facepiece in a manner that will keep the windows free of moisture. Elastic headbands shall be adjustable and replaceable.

(7) *Type CE supplied-air respirator.* The requirements for the respiratory-inlet covering of this respirator are similar to those for type C, with the exceptions that a suitable covering for protecting the head and neck against impact and abrasion by rebounding material must be provided and window or windows in the respiratory-inlet covering shall be shielded with such material as glass, woven wire, or perforated sheet metal that does not interfere unduly with vision. This shield shall be mounted and attached in a manner that will permit easy access to the external surface of windows for cleaning. All shields and windows subject to abrasion shall be easily replaceable.

(j) *Requirements and tests for complete respirator*—(1) *Resistance to air flow*—(i) *Types A and AE supplied-air respirators.* (*a*) These respirators completely assembled with the respiratory-inlet covering, the air-supply device, and the maximum length of air-supply line to be considered for approval coiled for one-half its length in loops 5 to 7 feet in diameter, must not show resistance in excess of 63.5 mm. (2.5 inches) of water-column height to air flowing at the rate of 85 liters (3 cubic feet) per minute when the blower is not operating or under any practical condition of blower operation. Resistance of the exhalation valve shall not exceed 25 mm. (1 inch) of water column height.

(*b*) If inlet valves at the blower are used to meet the requirements for resistance to inhalation through the hose, they must operate automatically and be simple in design, durable, and foolproof against failures that would tend to close the inlet. Inlet valves and blower inlets must be provided with durable guards that will protect against fouling.

(ii) *Types B and BE supplied-air respirators.* These respirators completely assembled with the respiratory-inlet covering and the hose in the maximum length to be considered for approval, coiled in loops 5 to 7 feet in diameter, must not show resistance exceeding 38 mm. (1.5 inches) of water-column height to air flowing at the rate of 85 liters (3 cubic feet) per minute. The resistance of the exhalation valve shall not exceed 25 mm. (1.0 inch) of water-column height.

(iii) *Types C, continuous-flow class, and CE supplied-air respirators.* The resistance to exhalation shall not exceed 25 mm. (1 inch) of water-column height when the air flow into the respiratory-inlet covering is 170 liters (6 cubic feet) per minute.

(iv) *Type C supplied-air respirator, demand class.* The resistance to inhalation shall not exceed 50 millimeters (2 inches) of water at an air flow of 115 liters (4 cubic feet) per minute. The exhalation resistance to a flow of air at a rate of 85 liters (3 cubic feet) per minute shall not exceed 25 millimeters (1 inch) of water.

(2) *Protection against gases (direct leakage and man tests).* The direct leakage and man tests will be made in duplicate. A man will enter a gas chamber containing room air. He will put on the respirator to be tested. Gas-tight goggles will be used where necessary to protect the eyes against irritation by ammonia. The hose of the respirator will be arranged in accordance with the specific directions given in the following sections on the different respirators. After the respirator is properly fitted and air is supplied in accordance with the directions in the following sections, ammonia gas will be introduced into the gas chamber until the concentration is 1±0.25 percent by volume. The man will then spend 10 minutes in work to provide observations on freedom of the device from leakage. The freedom and comfort allowed the wearer will also be considered. The time will be divided as follows:

5 minutes	Walking, turning head, diping chin.
5 minutes	Pumping air with a tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square inch or equivalent work.

To meet the requirements of this test no ammonia shall be detected in the air breathed, and undue encumbrance and discomfort shall not be experienced because of the fit, air delivery, or other features of the respirator.

(i) *Types A and AE supplied-air respirators.* (*a*) The complete respirator with the maximum length of hose for which approval may be granted will be so arranged that the respiratory-inlet covering with 75 percent of the length of the hose will be in the gas chamber. The intake of the hose will be connected to the blower which is to be located in ammonia-free air.

(*b*) The man in the atmosphere of ammonia in the test chamber will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone (blower not operated).

(*c*) The 10-minute work test will be repeated with the blower in operation at any practical speed up to 50 revolutions of the crank per minute.

(ii) *Types B and BE supplied-air respirators.* (*a*) The complete respirator, with the maximum length of hose, for which approval may be granted, will be

TABLE 1—AIR-SUPPLY LINE REQUIREMENTS AND TESTS

Specific requirements	Requirements for the air-supply lines of the indicated types of supplied-air respirators		
	Type A	Type B	Type C
Length of hose	Maximum of 150 feet, in multiples of 25-foot sections.	Maximum of 75 feet, in multiples of 25-foot [1] sections.	Maximum of 250 feet in multiples of 25-foot [1] sections.
Air flow	None	None	The air-supply hose with air-regulating valve or orifice must permit a minimum flow of at least 115 liters (4 cubic feet) per minute to tight-fitting, and 170 liters (6 cubic feet) per minute to loose-fitting respiratory-inlet coverings through the maximum length of hose for which approval is granted and at the minimum specified air supply pressure. The maximum flow shall not exceed 566 liters (20 cubic feet) per minute at the maximum specified supply pressure, with the minimum length of hose approved.
Air-regulating valve	None	None	The air-supply hose, detachable coupling, and demand valve of the type C supplied-air respirator, demand class, must be capable of delivering respirable air at a rate of at least 115 liters (4 cubic feet) of air per minute to the respiratory-inlet covering at an inhalation resistance not in excess of 50 millimeters (2 inches) of water column height measured at the respiratory-inlet covering with any combination of air-supply pressure and length of hose within the manufacturer's specified range of pressure and hose length. The air-flow rate and resistance to inhalation shall be measured while the demand valve is being actuated 20 times per minute by a source of intermittent suction. The maximum rate of flow to the respiratory-inlet covering shall not exceed 566 liters (20 cubic feet) of air per minute under the specified operating conditions. If an air-regulating valve is provided, it must be of a design that will remain at a particular adjustment unaffected by ordinary movement of the wearer. The friction between packing and a valve stem will not satisfy this requirement. The valve must be so constructed that the air supply with the maximum length of hose and minimum specified air supply pressure will not be less than 2 cubic feet per minute for any adjustment of the valve.

[1] It will be permissible for the manufacturer to supply hose of the approved type of shorter length than 25 feet provided it meets the requirements of this part.

TABLE 1—AIR-SUPPLY LINE REQUIREMENTS AND TESTS—Continued

Specific requirements	Requirements for the air-supply lines of the indicated types of supplied-air respirators		
	Type A	Type B	Type C
Air-regulating valve—Con.	None	None	The demand valve takes the place of the air-regulating valve. It shall be connected to the air supply at the maximum requested air pressure by means of the minimum requested length of air-supply hose. The exit of the demand valve shall be connected to a source of intermittent suction, so that the demand valve is actuated at a nominal rate of 20 times per minute for a total of 100,000 inhalations. To expedite this test, the actuation rate may be increased if mutually agreeable to the manufacturer and the Bureau. During this test the valve shall function without failure and there shall be no undue wear of the moving parts. The demand valve shall not be damaged in any way when it is subjected to a pressure or suction of 10 inches of water, gage, at the outlet for 2 minutes.
Noncollapsibility	The hose must not collapse or show apparent permanent deformation when a force of 200 pounds is applied between 2 planes 3 inches wide on opposite sides of the hose.	Same as for type A	None.
Nonkinkability	None	None	A 25-foot section of the hose will be placed on a horizontal plane surface and shaped into a one-loop coil with one end of the hose connected to an air-flow meter supplied with air at the minimum specified supply pressure. The connection shall be in the plane of the loop. The other end of the hose will be pulled tangentially to the loop and in the plane of the loop until the hose takes the form of a straight line. To meet the requirements of this test the loop shall maintain a uniform near-circular shape and ultimately unfold as a spiral, without any localized deformation that decreases the flow of air to less than 90 percent of the flow when the hose is tested as a straight section.
Strength of hose and couplings	Hose and couplings must not show any separation or failure when tested with a pull of 250 pounds.	Same as for type A	Hose and couplings must not show any separation or failure when tested with a pull of 100 pounds and when tested by subjecting them to an internal air pressure of 2 times the maximum respirator supply pressure specified by the manufacturer or at 25 pounds per square inch, whichever is the greater value.
Tightness	No leakage shall appear when the hose and couplings joined with average care are immersed in water and subjected to an internal air pressure of 5 pounds per square inch gage.	None	No leakage, except a maximum of 50 cc. per minute at each coupling, will be permitted when the hose and couplings joined with average care are immersed in water and air is allowed to flow through the respirator with the air pressure applied to the inlet end of the air-supply hose being 25 pounds per square inch gage or twice the maximum respirator supply pressure specified by the manufacturer, whichever is the greater value.
Permeation of hose by gasoline	The permeation of the hose by gasoline will be tested by immersing 25 feet of hose and a coupling in a bath of gasoline. Air will be passed through the hose at the rate of 8 liters per minute for 6 hours. The air from the hose must not show more than 0.01 percent of gasoline vapor by volume in air at the end of this period.	Same as for type A	Same as for Type A, except test period will be 1 hour.
Detachable coupling	None	None	A hand-operated detachable coupling by means of which the wearer can easily and quickly attach or detach the connecting hose shall be provided at a handy and readily accessible position. This coupling shall be durable, remain connected under all conditions of reasonable use of the respirator, and meet the preceding tests for strength of hose and couplings and for tightness.

so arranged that the respiratory-inlet covering with 75 percent of the length of the hose will be in the gas chamber. The intake of the hose will be located outside the chamber in ammonia-free air.

(*b*) The man in the chamber wearing the respirator in the atmosphere of ammonia will draw his inspired air through the hose and connections by means of his lungs alone.

(iii) *Types C, continuous-flow class, and CE supplied-air respirators.* The complete respirator, with the maximum length of hose for which approval may be granted, will be so arranged that the respiratory-inlet covering with 75 percent of the length of the hose will be in the gas chamber. The remainder of the hose will be outside the gas chamber. The end of the hose will be connected to a suitable source of ammonia-free air under proper pressure. The minimum flow of air required to maintain a positive pressure in the respiratory-inlet covering throughout the entire breathing cycle will be supplied to the wearer, provided this flow is not less than 115 liters per minute for tight-fitting and 170 liters per minute for loose-fitting respiratory-inlet coverings. The test will then be repeated with the maximum rate of flow attainable within the specified operating pressures.

(iv) *Type C supplied-air respirator, demand class.* (*a*) The complete respirator, with the maximum length of hose for which approval is requested, will be so arranged that the respiratory-inlet covering with 75 percent of the length of the hose will be in the gas chamber. The end of the hose will be connected to a suitable source of ammonia-free air at the minimum air pressure requested. The test will be repeated with the minimum hose length and the maximum air pressure requested.

(*b*) A similar test using 100 parts per million of isoamyl acetate vapor may be substituted for the above test if the respirator is equipped with a half-mask facepiece.

(3) *Protection against particulate matter.* Types A, B, and C, but not types AE, BE, and CE, supplied-air respirators will be tested under the following conditions in an atmosphere containing particulate matter. Details of the test atmosphere are:

Humidity: 40–70 percent relative humidity.
Temperature: Room temperature (approximately 25° C.).
Test suspension: 50±10 mg. per cubic meter of ground flint, air-floated (99+ percent through 325 standard mesh sieve), and consisting of 99+ percent free silica (SiO_2).

The particle size distribution of the test suspension shall not exceed a geometric mean of 0.6 micron and a standard geometric deviation of 1.90.

Two respirators will be tested against particulate matter. They may be tested consecutively or simultaneously. The respirators will be worn in the test atmosphere for 30 minutes while the person or persons carry out the following schedule:

5 minutes	Walking, turning head, and dipping chin.
5 minutes	Pumping air with a tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square inch, or equivalent work.
5 minutes	Resting.
5 minutes	Walking, turning head, and dipping chin.
5 minutes	Pumping air with a tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square inch, or equivalent work.
5 minutes	Resting.

During the test period air will be withdrawn continuously at the rate of 32 liters (1.13 cubic feet) per minute from the respiratory-inlet covering at a point as near as convenient to the wearer's nostrils and also from the source of air entering the intake to the hose of the respirator. Particulate matter will be collected from these air streams by electrical precipitation.

To meet the requirements of these tests: Undue encumbrance and discomfort shall not be experienced because of the fit, air delivery, or other features of the respirator; and the amount of particulate matter collected from the air withdrawn from the respiratory-inlet covering of the respirators shall not exceed that collected from the air withdrawn simultaneously from the source of air supplied to the respirator by more than 0.5 mg. for the 30-minute test period.

(i) *Type A supplied-air respirator.* (*a*) The respirator will be arranged as directed in subparagraph (2) (i) of this paragraph.

(*b*) The person wearing the respirator will draw his inspired air through the hose connections and all parts of the air device by means of his lungs alone (blower not operated).

(*c*) The 30-minute test will be repeated with the blower in operation at any practical speed up to 50 revolutions of the crank per minute.

(ii) *Type B supplied-air respirator.* (*a*) The respirator will be arranged as directed in subparagraph (2) (ii) of this paragraph.

(*b*) The person wearing the respirator will draw his inspired air through the hose connections and all parts of the air device by means of his lungs alone.

(iii) *Type C supplied-air respirator, continuous flow class.* The respirator will be arranged as directed in subparagraph (2) (iii) of this paragraph. The rates of air flow will be the same as in the tests for protection against gases, except that the minimum rates will be increased by 32 liters per minute.

(iv) *Type C supplied-air respirator, demand class.* No specific test will be made to determine the protection afforded by the Type C supplied-air respirator, demand class, against particulate matter. However, two men will wear the respirator at both extremes of the specified ranges of air pressure and hose length, while performing the schedule of exercise, in order to check on the comfort and practicability of the respirator.

(4) *Protection during abrasive blasting.* The only types of supplied-air respirators that will be considered for approval for use in abrasive blasting are Types AE, BE, and CE supplied-air respirators. Accordingly, they are the only types of supplied-air respirators that will be subjected to the tests described in this section.

Duplicate tests will be made under conditions of typical abrasive-blasting operation. The person wearing the respirator will sandblast the inside surface of a common iron kettle of approximately hemispherical shape, about 30 inches in diameter, and 30-gallon capacity. The kettle will be placed with the plane of the opening inclined 45° from a vertical position and with the lowest point of the rim at about the height of the person's hips. The person will stand at one position in front of the kettle and lean over until the upper part of the body is inclined to parallel the face of the kettle. He will blast the entire inner surface, with the blast at all times directed approximately at right angles to the surface, with the nozzle of the gun about 6 inches from the surface, and with his head approximately 18 inches from the nozzle. He will move his head forward, backward, and sideways during the blasting operation. Further details on the test conditions are:

Kind of abrasive-blasting outfit used: Suction-feed blast.
Diameter of air jet: 3/16 inch.
Air pressure: 40–70 pounds per square inch.
Composition of abrasive to be used: 99+ percent free silica (SiO_2).
Size properties of abrasive: The sand shall be a mixture of 90 percent by weight of essentially No. 1 sand-blast sand and 10 percent air-floated fines. The No. 1 sand shall meet a size specification of not more than 10 percent on a 20-mesh sieve and not more than 10 percent through a 35-mesh sieve; 99+ percent of the fines must be able to pass through a 325-mesh sieve. All size determinations shall be made by standard-mesh sieves.
Length of test period: 30 minutes continuously or in 5-, 10-, or 15-minute intervals with 5-minute periods between these work periods.

Air will be withdrawn continuously during test at the rate of 32 liters (1.13 cubic feet) per minute from the respiratory-inlet covering at a point as near as convenient to the wearer's nostrils. Simultaneously air shall be drawn at the same rate from the source of intake air to the respirator. The particulate matter will be collected from these air streams by electrical precipitation and the collected material will be determined by weight. The amount of particulate matter in the air withdrawn from the respiratory-inlet covering shall not exceed that from the respirator intake air by more than 0.5 mg. for the 30-minute test period.

The wearer of the respirator in this test must not experience undue encumbrance and discomfort because of the fit, air delivery, or other features of the respirator. The head and shoulder covering shall protect him from discomfort or injury from impact and abrasion by the rebounding material.

(i) *Type AE supplied-air respirator.* (*a*) The respirator will be arranged as directed in subparagraph (2) (i) of this paragraph.

(*b*) The person wearing the respirator will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone (blower not operated).

(*c*) The test will then be repeated with the blower in operation at any practical speed up to 50 revolutions per minute of the crank.

(ii) *Type BE supplied-air respirator.* (*a*) The respirator will be arranged as directed in subparagraph (2) (ii) of this paragraph.

(*b*) The person wearing the respirator will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone.

(iii) *Type CE supplied-air respirator.* The respirator will be arranged as directed in subparagraph (2) (iii) of this paragraph. The rates of air flow will be the same as in the tests for protection against gases, except that the minimum rates will be increased by 32 liters per minute.

§ 12.6 *Changing details of tests.* If it is advisable to omit any of the tests or part of a test previously described or to perform accessory tests, the Bureau may modify the test in such manner as to obtain substantially the same information and degree of safety as is provided by the tests described. The manufacturer will be notified of any changes that may be necessary.

§ 12.7 *Notification of approval or disapproval.* (a) After the Bureau has considered the results of the inspection and tests, a formal written notification of approval or disapproval of the respirator will be supplied to the applicant by the Bureau. If the device meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the respirator fails to meet any of the requirements of this part, notification of such failure will be accompanied by details of the failure with a view to possible remedy of the defect or defects in respirators submitted in the future. Otherwise, results of tests of respirators that fail to meet the requirements will not be made public by the Bureau.

(b) No verbal reports of the Bureau's decisions concerning the investigations will be given, and no informal approvals will be granted.

§ 12.8 *Approval markings.* (a) With formal notification of approval the applicant will receive a photograph of the design of an approval label. This label shall bear the seal of the Bureau of Mines and be inscribed substantially as follows:

Permissible _____
(Type A, B, C, AE, BE, or CE supplied-air respirator)
for _____
(Purpose)
U. S. Bureau of Mines Approval No._____
Issued to _____
(Name of manufacturer)
Approved only when assembled with _____
_____
(Name and approval number of part)

(b) Appropriate instruction and caution statements will be included in this label.

(c) The approval plate shall be suitably reproduced in the form of a plate or by stamping, stenciling, or labeling in a legible and permanent manner and placed on the device or on the outside of the container as recommended by the Bureau.

(d) To be able to identify the approved respiratory inlet coverings, hose, harness, couplings, and other parts of approved respirators the Bureau requires a symbol as "B. M. 1900" stamped or stenciled on each part in bold, waterproof letters and figures at least one-eighth inch high, placed in a position plainly visible.

(e) Full-scale designs or reproductions of the approval label and markings and a sketch or description of their position shall be submitted to the Central Experiment Station, for approval before final adoption.

(f) Permission to place the Bureau's marks of approval on his respirator obligates a manufacturer to maintain the quality of his product and to have each respirator and all parts thereof constructed strictly according to the drawings and records that have been accepted by the Bureau for that respirator and are in the Bureau's files. Respirators that exhibit changes in design or include parts that have not been approved for use with the respirator are not permissible respirators and must not bear the Bureau's approval label.

§ 12.9 *Material required for Bureau of Mines record.* In order that the Bureau may know exactly what it has tested and approved, detailed records of each investigation are kept. These include drawings and actual equipment as follows:

(a) *Drawings and specifications.* Drawings and specifications submitted with application for the tests and the final drawings and specifications that the applicant must submit to the Bureau before approval is granted to show the details of the supplied-air respirator as approved, will be retained by the Bureau. The company receiving the approval shall keep an exact duplicate of the set of drawings and specifications that are in the Bureau's records. These are to be adhered to in commercial production of the approved device.

(b) *Actual equipment.* (1) Parts of the supplied-air respirator or a complete device used in the tests may be retained by the Bureau as a permanent record of the investigation and of the respirator submitted. Material not required for record will be returned to the applicant at his expense on written shipping instructions to the Central Experiment Station.

(2) If the supplied-air respirator is approved, the applicant shall deliver to the Central Experiment Station, gratis, one complete supplied-air respirator in the form in which it is to be sold, to serve as a record of the commercial product.

§ 12.10 *Changes subsequent to approval.* All approvals are granted with the understanding that the manufacturer will make his supplied-air respirator according to final drawings and specifications submitted to the Bureau. Therefore, before making any change in an approved supplied-air respirator the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, requesting an extension of his original approval and stating the change or changes desired. He shall send two sets of revised drawings and specifications showing the changes in detail, and one of each of the supplied-air respirator parts affected to the Central Experiment Station.

(b) The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make tests.

(c) If tests are unnecessary, the applicant will be advised formally by the Bureau of the approval or disapproval of the change.

(d) If tests are necessary the applicant will be advised of the fee and material required.

§ 12.11 *Withdrawal of approval.* The Bureau reserves the right to rescind for cause any approval granted under the regulations of this part.

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3184; Filed, Apr. 18, 1955; 8:49 a. m.]

[Bureau of Mines Schedule 21A]

PART 14—FILTER-TYPE, DUST, FUME, AND MIST RESPIRATORS

Part 14 is hereby amended to read as follows:

Preliminary statement. The Bureau of Mines is prepared at its Central Experiment Station, Pittsburgh, Pennsylvania, to conduct tests of respirators designed for the removal of atmospheric particulate matter from inhaled dust by mechanical filtration to determine their permissibility for use in air containing certain dusts, fumes, and mists.

The authority for conducting such tests and investigations is contained in the act of February 25, 1913 (37 Stat. 681), as amended June 30, 1932 (47 Stat. 410), and in Executive Order No. 6611, February 22, 1934 (30 U. S. C. secs. 3, 5, 7). The act, as so amended, contains the following provision:

> For tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, as amended and supplemented, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

This document, consisting of §§ 14.1 to 14.11, inclusive, is Schedule 21A and supersedes Schedule 21, Procedure for Testing Filter-Type Dust, Fume, and

Mist Respirators for Permissibility, issued August 20, 1934.

Sec.

14.1 Definition of a permissible dust, fume, or mist respirator.
14.2 Classes of respirators.
14.3 Purpose of testing for permissibility.
14.4 Conditions under which respirators will be tested.
14.5 Requirements for Bureau of Mines approval.
14.6 Changing details of tests.
14.7 Notification of approval or disapproval.
14.8 Approval markings.
14.9 Material required for Bureau of Mines record.
14.10 Changes subsequent to approval.
14.11 Withdrawal of approval.

AUTHORITY: §§ 14.1 to 14.11 issued under sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5.

§ 14.1 *Definition of a permissible dust, fume, or mist respirator.* (a) A respirator is permissible for use in air containing certain dusts, fumes, or mists if all of the materials and details of construction of the respirator and the filtering characteristics of the filter are the same in all respects as those of the respirators and filters that meet the requirements and pass the inspection and tests of the Bureau of Mines, as described in this part.

(b) Bureau of Mines approval applies only to a complete respirator and not to integral parts thereof.

§ 14.2 *Purpose of testing for permissibility.* (a) The Bureau of Mines conducts tests of respirators designed for the removal of atmospheric particulate matter from inhaled air for the purpose of determining their permissibility for use in air containing certain dusts, fumes, and mists.

(b) This part is for the information and guidance of those who may desire to submit respirators for approval and also to inform consumers and other interested persons regarding qualities the Bureau believes such devices should have.

§ 14.3 *Classes of respirators.* As regards their design and approval, respirators are subdivided into the following classes, according to the type of particulate matter against which they are designed to protect:

(a) Respirators for mechanically generated dusts resulting principally from the disintegration of a solid, such as the dust clouds produced in the various processes of mining, quarrying, and tunneling and the various industrial operations of grinding, crushing, and general processing of minerals and other materials.

(b) Respirators for fumes of various metals (usually their chemical compounds as oxides or carbonates) such as lead, mercury (except mercury vapor), manganese, copper, chromium, iron, cadmium, zinc, magnesium, aluminum, antimony, and arsenic resulting from sublimation or the condensation of their vapor, or from the chemical reactions between their vapor and gases.

(c) Respirators for mists as produced by spray-coating with vitreous enamels, chromic acid mists as produced in chromium plating, and other mists of materials whose liquid vehicle does not produce harmful gases or vapors.

(d) Respirators for various combinations of the preceding types of particulate matter.

§ 14.4 *Conditions under which respirators will be tested.*—(a) *Consultation.* Manufacturers or their representatives may visit or communicate with the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, to obtain criticisms of proposed designs or to discuss the requirements of this part in connection with a respirator to be submitted. No charge is made for this consultation and no written report will be made to the manufacturer.

(b) *Application.* An application for investigation under this part shall be in the form of a letter (in duplicate) addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, which contains: (1) Duplicate descriptions and complete drawings of the device (supplemented with any available printed matter); (2) a statement that the device is completely developed and of the design and materials which the manufacturer believes suitable for a finished marketable device; (3) a statement of the purpose of the respirator, naming the types and specific kinds of the atmospheric particulate matter against which it is designed to provide respiratory protection; (4) a statement that the device has been subjected to inspections and tests of the nature described in this part and that it has met these requirements when tested by the applicant or his testing agency; (5) a statement describing the nature, adequacy, and continuity of control of the quality of the respirator (see paragraph (e) of this section); (6) two copies of the results of the applicant's inspection and tests; (7) a request that the necessary inspections and tests leading to approval be made; and (8) a check, draft, or money order, payable to the United States Bureau of Mines, to cover the fee for inspections and tests. The fee will be placed on special deposit in the Treasury of the United States, pending disposal as hereinafter specified. No respirator will be accepted for permissibility tests unless it is substantially in the completed form in which it is to be marketed. Application for tests shall be indicative of this understanding by the applicant. One complete specimen of the device for which approval is desired shall be sent to the Central Experiment Station. On receipt of this application, fee, descriptive material, test data, and specimen to be tested, the applicant will be notified by the Bureau of its action on the application, the material required for test, and any additional information or specifications that are deemed necessary.

(c) *Fees for testing dispersoid respirators.* The following fees are charged for testing dispersoid respirators under this part:

1. Pneumoconiosis-producing and nuisance dusts, single-used filter, complete respirator	$160
2. Pneumoconiosis-producing and nuisance dusts, reusable filter, complete respirator	195
3. Toxic dusts, single-use filter, complete respirator	175
4. Toxic dusts, reusable filter, complete respirator	215
5. Dusts, single-use filter, complete respirator	195
6. Dusts, reusable filter, complete respirator	275
7. Fumes, complete respirator	205
8. Silica mist, complete respirator	175
9. Chromic acid mist, complete respirator	215
10. Facepiece, dust or mist respirator	40
11. Facepiece, fume respirator	50
12. Additional examination and tests of respirator in connection with other tests, per man-day required	30
13. Fees for tests of unusually complicated apparatus or for unusual tests or other tests not included in this list or for portions of tests that may be required for extensions of approval will be based on the actual costs of testing, which shall be determined by the Bureau, and the applicant will be notified of the fee before the tests are begun.	

If a respirator fails to pass any of the specified tests and the applicant notifies the Bureau to terminate further consideration of the device, the Bureau will return the fee to the applicant, less such portion of the fee as the Bureau determines is sufficient to cover the work done. If the applicant resubmits the respirator for approval after the necessary improvements have been made, an additional fee will be required. The amount of fee charged will be proportional to the additional tests that must be made and will be specified in writing to the applicant in advance of further testing of the respirator.

(d) *Drawings and specifications required.* (1) Respirators submitted for approval will not be inspected or tested until a complete description and two full sets of drawings showing all the details of construction have been delivered to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The description of the respirator shall include a statement of the nature of the filtering medium.

(2) The Bureau of Mines will not be responsible for any disclosure of ideas, principles, or patentable features apparent from visual inspection, because under the terms of the application for tests it is understood that the device is ready for release to public market. Caution will be exercised to prevent disclosure of details of the device to the public during approval testing.

(e) *Requirement concerning control of filtering characteristics.* The filtering characteristics of filters for dusts, fumes, and mists may vary over wide limits, depending on the materials used and the conditions under which each lot is manufactured. To maintain the quality of protection equal to that required by this part, each lot of filter materials produced or obtained by a manufacturer must have been adequately sampled and tested for filtering characteristics before being used in approved respirators. Each application for permissibility tests shall be accompanied by a statement showing the nature, adequacy, and continuity of the control provided by the applicant. Upon request of the Bureau, the applicant shall grant permission for a representative of the Bureau to inspect the control-test equipment and control-test records and to interview the personnel conducting the control tests. Tests for approval will be made only after the Bureau is satisfied that such control is effective, and approvals once granted will remain in force only while the control is sustained.

(f) *Material required for investigation.* The number of complete respirators and replacement parts required will depend on the type and design of the device. After application for test is received, the applicant will be notified concerning the material that it will be necessary for him to submit. All materials for test shall be delivered gratis, with transportation charges prepaid by the applicant, to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The Bureau of Mines may retain as its own property any or all material submitted by the applicant that may be required for record. Material not required for record will be available to the applicant and will be returned at his expense on shipping instructions made in writing to the Central Experiment Station.

(g) *Where investigations will be conducted.* All investigations are conducted at the Bureau of Mines Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania.

(h) *Date for conducting tests.* The tests will be made in the order of fulfillment of pretest conditions. The applicant will be notified of the date on which tests will be begun. If a device fails to meet any of the requirements it shall lose its order of precedence. Tests will be resumed following completion of other approval work which is in progress at the time both the request and material for retesting are received. Exceptions may be made only for minor tests and inspections which may be performed simultaneously with other work in the laboratory.

(i) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

§ 14.5 *Requirements for Bureau of Mines approval.* To obtain the approval of the Bureau of Mines a respirator must pass the following inspections and tests:

(a) *Container and markings.* (1) Each respirator shall have a substantial and durable container suitable for protecting and keeping the respirator clean when not in use. Also, replacement filter units shall have protective containers such as a sealed envelope, a cardboard box, or a bag. The number of replacement units of the paper or felt disc types, or similar types, shall not exceed fifty in each container. The permitted number of other types will be decided after inspection of the device.

(2) Each respirator and required container shall be marked distinctly with the name of the manufacturer, the type of devise, and the name, letter or number by which the device is designated for trade purposes.

(b) *Materials.* All parts of the respirator and equipment must be constructed of materials obviously suitable for the purpose they must serve. This applies to the fabric, rubber, metal, and other parts. All rubber parts which come into contact with the skin must be of a nonirritating composition. All materials used in the construction of facepieces shall be of a composition that will withstand repeated disinfection by methods recommended by the applicant and accepted by the Bureau of Mines. These accepted methods for disinfection shall be described in the instructions supplied by the manufacturer for use of the device.

(c) *Design and construction.* Excellence of design, mechanical construction, and durability, as well as workmanship, will be considered. This will be done with regard to the wearer's safety, the freedom of his movements and his vision, the fit of the facepiece, and the comfort afforded under all conditions of use. The ease with which filters or other parts of necessarily short life may be replaced by fresh parts, and the tightness of the whole apparatus, with a view to insuring the wearer against leaks of unpurified air after such changes have been made, will also be considered.

(d) *Requirements and tests for facepiece*—(1) *General requirements.* (i) The facepiece may be either the full facepiece, half-mask, or the mouthpiece type, and shall be so constructed as to assure a quick, dispersoid-tight fit on persons of widely varying facial shapes and sizes. Half-mask facepieces must not interfere with the use of goggles. Mouthpiece types must have a means of preventing nasal inhalation.

(ii) The use of inhalation check valve or valves is desirable, but optional. An exhalation valve shall be provided.

(iii) The elastic headband shall be adjustable and replaceable.

(2) *Pressure tightness test.* The complete respirator shall be fitted to the faces of from 15 to 20 men having a wide variety of facial shapes and sizes. To test the suitability of the fit of the respirator on these subjects, the exhalation valve and the inhalation port or ports shall be held closed and each subject shall exhale gently into the facepiece until a slight but definite positive pressure is built up in the facepiece. The absence of outward leakage of air between the facepiece and the wearer's face shall be indicative of a satisfactory fit of the facepiece.

(3) *Coal dust tightness test.* (i) Three subjects having full, average, and lean facial features shall wear the respirators while a high concentration of finely-divided bituminous coal dust (through 200-mesh) is blown gently into their breathing zone for a minimum of three minutes. At the end of this dusting period, the excess dust shall be removed from the periphery of the facepieces, and the facepieces carefully removed from the faces of the wearers.

(ii) To meet the requirements of this test, the forced nasal discharge at the end of the test period (as shown on a white cloth), the sputum, the nasal cavities as examined by aid of a speculum and illumination, and that part of the face covered by the facepiece of the respirator must not show appreciably more black particulate matter than similar observations made before the test.

(4) *Isoamyl acetate tightness test (additional test applicable only to respirators designed for respiratory protection against fumes).* The respirator shall be modified in such a manner that all of the air that normally would be inhaled through the inhalation ports is drawn through an efficient activated charcoal-filled canister, without interference with the face-contacting portion of the facepiece. Modified in this manner, the facepiece shall be worn by 15 to 20 men for at least two minutes each in a test chamber containing 100 parts of isoamyl acetate vapor per million parts of air by volume. To meet the requirements of this test, the odor of isoamyl acetate shall not be detected by the test subjects while wearing the modified respirator in the test atmosphere.

(5) *Requirements and tests for covering for face cushion.* If cloth coverings for the face-contacting portion of the face cushion are provided for the respirator, they shall be assembled with the respirator according to the manufacturer's instructions and the assembly shall be tested as prescribed in subparagraph (3) of this paragraph. Cloth coverings for the face-contacting portion of the face cushion will not be approved as part of a respirator designed for respiratory protection against fumes.

(e) *Requirements and tests for complete respirator*—(1) *Resistance to airflow.* The resistance to flow of air of the complete respirator on inhalation and on exhalation will be measured on a mechanical apparatus before and after the tests described in the following subparagraphs of this paragraph. The rate of air flow shall be 85 liters per minute, continuous flow. The resistance to inhalation must not exceed 50 millimeters

of water-column height, and the resistance to exhalation must not exceed 25 millimeters of water-column height.

(2) *Silica-dust tests of respirators designed for respiratory protection against pneumoconiosis-producing and nuisance dusts*—(i) *Single-use filters.* Three respirators will be tested on a mechanical testing apparatus under the following conditions:

Relative humidity—40–70 percent.
Temperature—room temperature (approximately 25° C.)
Rate of air flow—32 liters per minute, continuous flow.
Test-suspension—50±10 milligrams per cubic meter of ground flint, air-floated (99+ percent through 325 standard-mesh sieve), which consists of 99+ percent free silica (SiO_2).
The particle size distribution of the test suspension shall not exceed a geometric mean of 0.6 micron, and a standard geometric deviation of 1.90.
Length of sampling period—one 90-minute period for each respirator.

Tested under these conditions, the total amount of the test suspension unretained must not exceed 9.0 milligrams for the three respirators or 4 milligrams for any one of the three respirators.

(ii) *Reusable filters.* (a) Respirators with filter elements designed for cleaning and resuse will be subjected to the tests described in subdivision (i) of this subparagraph, each filter element being tested three times, once as received, once after cleaning, and once after recleaning. Three respirators shall be tested in this manner. The manufacturer's directions for cleaning the filter element will be followed not more than once for each of the three tests.

(b) Tested under these conditions, the total amount of the test suspension unretained must not exceed 9.0 milligrams for the three tests or 4 milligrams for any of the tests.

(3) *Lead dust tests for respirators designed for respiratory protection against dusts that are not significantly more toxic than lead*—(i) *Single-use filters.* Three respirators will be tested on a mechanical testing apparatus under the following conditions:

Relative humidity—40–70 percent.
Temperature—room temperature (approximately 25° C.).
Rate of air flow—32 liters per minute, continuous flow.
Test-suspension—15±5 milligrams per cubic meter of lead (Pb) in a test suspension of National Lead Company's Negative Battery Mixture No. 111–R, which has the following approximate composition: Litharge, about 75 percent; free metallic lead, about 25 percent; carbon black, blanc fixe, and organic matter for expander purposes, 0.25–0.3 percent.
The particle size distribution of the test suspension shall not exceed a geometric mean of 0.6 micron, and a standard geometric deviation of 1.90.
Length of sampling period—one 90-minute period for each respirator.

Tested under these conditions, the total amount of the test suspension unretained, analyzed and calculated as lead (Pb), must not exceed 0.43 milligram for any one of the three respirators.

(ii) *Reusable filters.* (a) Respirators with filter elements designed for cleaning and reuse will be subjected to the tests described in subdivision (i) of this subparagraph, each filter element being tested three times, once as received, once after cleaning, and once after recleaning. Three respirators shall be tested in this manner. The manufacturer's directions for cleaning the filter element will be followed not more than once for each of the three tests.

(b) Tested under these conditions, the total amount of the test suspension unretained, analyzed and calculated as lead (Pb), shall not exceed 0.43 milligram on any one of the tests.

(4) *Lead fume test for respirators designed for respiratory protection against fumes that are not significantly more toxic than lead.* Three respirators will be tested on a mechanical testing apparatus under the following conditions:

Relative humidity—40–70 percent.
Temperature—room temperature (approximately 25° C.).
Rate of air flow—32 liters per minute, continuous flow.
Test suspension—15±5 milligrams per cubic meter of freshly generated lead oxide fume, calculated as lead (Pb). The fume shall be generated by impinging an oxygen-gas flame on a pool of molten lead.
Length of sampling period—Two 156-minute periods for each respirator. Samples of the test suspension shall be taken between these two periods.

Tested under these conditions, the total amount of the test suspension unretained, analyzed and calculated as lead (Pb), must not exceed 1.5 milligrams for any one of the three respirators.

(5) *Silica mist test for respirators designed for respiratory protection against pneumoconiosis-producing and nuisance mists.* Three respirators will be tested on a mechanical testing apparatus under the following conditions:

Temperature—Room temperature (approximately 25° C.).
Rate of air flow—32 liters per minute, continuous flow.
Test suspension—10±5 milligrams per cubic meter of silica mist, weighed as silica dust, produced by spraying a 2-percent aqueous suspension of ground flint, air-floated (99+ percent, through 325 standard-mesh sieve), which consists of 99± percent free silica (SiO_2).
Length of sampling period—Two 156-minute periods for each respirator. Samples of the test suspension shall be taken between these two periods.

Tested under these conditions, the total amount of silica mist unretained, weighed as silica dust, must not exceed 5 milligrams for any one of the three respirators.

(6) *Chromic acid mist test for respirators designed for respiratory protection against chromic acid mist.* Three respirators will be tested on a mechanical testing apparatus under the following conditions:

Temperature—room temperature (approximately 25° C.).
Rate of air flow—32 liters per minute, continuous flow.
Test-suspension—15±5 milligrams per cubic meter of chromic acid mist, analyzed and calculated as chromic acid anhydride (CrO_3), produced by electrolyzing an aqueous solution of chromic acid containing 200–500 grams of chromic acid anhydride per liter.
Length of sampling period—Two 156-minute periods for each respirator. Samples of the test suspension shall be taken between these two periods.

Tested under these conditions, the total amount of chromic acid unretained, analyzed and calculated as chromic acid anhydride (CrO_3), must not exceed 1 milligram for any one of the three respirators.

(7) *Tests for respirators designed for respiratory protection against more than one type of dispersoid.* Respirators designed for respiratory protection against more than one type of dispersoid (dust, fume, or mist) must meet all the separate requirements for the types of dispersoids involved.

§ 14.6 *Changing details of tests.* If it is advisable to omit any of the tests or part of a test previously described, or to perform accessory tests, the Bureau may modify the test in such a manner as to obtain substantially the same information and degree of safety as is provided by the tests described. The applicant will be notified of any changes that may be necessary.

§ 14.7 *Notification of approval or disapproval.* (a) After the Bureau has considered the results of the inspection and tests, a formal written notification of approval or disapproval of the respirator will be supplied to the applicant by the Bureau. If the device meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the device fails to meet any of the requirements of this part, notification of such failure will be accompanied by details of the failure with a view to possible remedy of the defect or defects in respirators submitted in the future. Otherwise, results of tests of respirators that fail to meet the requirements will not be made public by the Bureau.

(b) No verbal reports of the Bureau's decisions concerning the investigations will be given, and no informal approvals will be granted.

§ 14.8 *Approval markings.* With formal notification of approval, the applicant will receive photographs of designs of the official approval labels, one for the complete respirator and one for the container for extra filters. These labels will bear the seal of the Bureau of Mines and be inscribed substantially as follows:

Permissible Respirator or Permissible Respirator Filter for (name of type or types of dispersoids for protection against which the respirator or filter is approved). U. S. Bureau of Mines Approval No. ---. Issued to (name of manufacturer). Approved for protection against the inhalation of (name of type or types of dispersoid). The approved assembled respirator consists of: BM-- facepiece and BM-- filter.

(a) Appropriate instruction and caution statements on the use and limitations of the respirator will be included in the labels.

(b) The respirator label shall be reproduced legibly on the container for the respirator. The filter label shall be reproduced on the container of extra filters.

(c) The facepiece shall be marked in a legible and permanent manner with the facepiece approval number that is shown on the respirator approval label. The filter shall be marked with the filter approval number that is shown on the filter approval label and with the type of dispersoid for which the filter is approved.

(d) Full scale designs or reproductions of approval labels and markings and a sketch or description of their position shall be submitted to the Central Experiment Station, for approval before final adoption.

(e) Permission to place the Bureau's marks of approval on his respirator obligates a manufacturer to maintain the quality of his product and to have each respirator, and all parts thereof, constructed strictly according to the drawings and records that have been accepted by the Bureau for that respirator and are in the Bureau's files. Respirators that exhibit changes in design or include parts that have not been approved for use with the respirator are not permissible respirators and must not bear the Bureau's approval label.

§ 14.9 *Material required for Bureau of Mines record.* In order that the Bureau may know exactly what it has tested and approved, detailed records of each investigation are kept. These include drawings and actual equipment, as follows:

(a) *Drawings and specifications.* Drawings and specifications submitted with application for tests, and final drawings and specifications that the applicant must submit to the Bureau before approval is granted to show the details of the respirator as approved, will be retained by the Bureau. The company receiving the approval shall keep an exact duplicate of the set of drawings and specifications that are in the Bureau's records. These are to be adhered to in commercial production of the approved device.

(b) *Actual equipment.* (1) Parts of the respirator or a complete respirator used in the tests may be retained by the Bureau as a permanent record of the investigation and of the respirator submitted. Material not required for record will be returned to the applicant at his expense on written shipping instructions to the Central Experiment Station.

(2) If the respirator is approved, the applicant shall deliver to the Central Experiment Station, gratis, one complete respirator in the form in which it is to be sold, to serve as a record of the commercial product.

§ 14.10 *Changes subsequent to approval.* All approvals are granted with the understanding that the manufacturer will make his respirator according to final drawings and specifications submitted to the Bureau. Therefore, before making any change in an approved respirator the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Central Experiment Station, Bureau of Mines, 4800 Forbest Street, Pittsburgh 13, Pennsylvania, requesting an extension of his original approval and stating the change or changes desired. He shall send two sets of revised drawings and specifications showing the changes in detail, and one of each of the parts affected to the Central Experiment Station.

(b) The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make tests.

(c) If tests are unnecessary the applicant will be advised formally by the Bureau of the approval or disapproval of the change.

(d) If tests are necessary, the applicant will be advised of the fee and material required.

§ 14.11 *Withdrawal of approval.* The Bureau reserves the right to rescind for cause any approval granted under this part.

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55–3181; Filed, Apr. 18, 1955; 8:48 a. m.]

Subchapter D—Electrical Equipment, Lamps, Methane Detectors; Tests for Permissibility; Fees

[Bureau of Mines Schedule 8C, Supp. 1]

PART 22—PORTABLE METHANE DETECTORS

MISCELLANEOUS AMENDMENTS

Part 22 is hereby amended as follows:

1. Section 22.2 is amended by the addition of another paragraph (c) as follows:

§ 22.2 *Definitions.* * * *

(c) *Permissible.* Completely assembled and conforming in every respect with the design formally approved by the Bureau of Mines under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

2. Section 22.3 (a) is amended to read as follows:

§ 22.3 *Fees charged.* (a) The fee for a complete investigation of a methane detector under this part is $280.

3. Section 22.3 (e) is amended by deleting the words "Director of the Bureau" and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa."

4. Section 22.4 is amended by revising to read as follows:

§ 22.4 *Applications.* Before the Bureau of Mines will undertake the active investigation leading to approval of any methane detector, the manufacturer shall make application by letter for an investigation leading to approval of his detector. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover all the necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with the required drawings, one complete detector, and instructions for its operation.

5. The title of § 22.5 is amended to read as follows: *"Conditions governing investigations".*

6. Section 22.5 (a) is amended by deleting the words "to the Pittsburgh Experiment Station" and substituting the words "prepaid to the Central Experiment Station, Bureau of Mines, Pittsburgh 13, Pa."

7. Section 22.5 is amended by the addition of paragraph (c) as follows:

(c) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

8. Section 22.9 is amended by deleting the words "through the office of the Director of the Bureau of Mines at Washington 25, D. C." and substituting the words "by official letter from the Bureau of Mines," and by changing the word "schedule" to "part."

9. Section 22.11 (a) is amended by deleting the words "Director of the Bureau of Mines at Washington 25, D. C." and substituting the words "Central Experiment Station, Bureau of Mines, Pittsburgh 13, Pa." in the first sentence; also, by rewording the second sentence to read as follows: "with this request, he should submit a revised drawing or drawings showing changes in detail, together with one of each of the parts affected."

10. Section 22.11 (c) is amended by deleting the words "through the Director's office," and by adding "by letter from the Bureau of Mines."

(Sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55–3182; Filed, Apr. 18, 1955; 8:48 a. m.]

[Bureau of Mines Schedule 16B, Supp. 1]

PART 25—MULTIPLE-SHOT BLASTING UNITS

MISCELLANEOUS AMENDMENTS

Part 25 is hereby amended as follows:

1. Section 25.1 is amended by the addition of a new paragraph (c) as follows:

§ 25.1 *Purpose.* • • •

(c) *Definition of permissible.* Completely assembled and conforming in every respect with the design formally approved by the Bureau of Mines under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

2. Section 25.2 (a) is amended to read as follows, and the footnote thereto would be deleted:

§ 25.2 *Fees charged.* (a) The fee for a complete investigation of a multiple-shot blasting unit under this part is $250.

3. Section 25.2 (d) is amended by deleting the words "Director of the Bureau" and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa."

4. Section 25.3 is amended by rewording as follows:

§ 25.3 *Applications.* Before the Bureau of Mines will undertake the active investigation leading to approval of any blasting unit, the manufacturer shall make application by letter for an investigation leading to approval of his device. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover all the necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with the required drawings, one complete blasting unit, and instructions for its operation.

5. Section 25.4 (d) is amended by rewording as follows:

§ 25.4 *Conditions governing investigations.* • • •

(d) Observers at formal investigations and demonstrations: No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

6. Section 25.4 (g) is amended by deleting the words "Director of the."

7. Section 25.8 is amended by revising the first sentence to read: "All approvals are granted by official letter from the Bureau of Mines", also, by deleting the words "from Washington has been received" and substituting the words "has been received from the Bureau of Mines" in the last sentence.

8. Section 25.10 (a) is amended by deleting the words "Director of the Bureau of Mines at Washington 25, D. C," and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa.," in the first sentence; also, by revising the second sentence to read as follows: "With this request he should submit a revised drawing or drawings showing the changes in detail, together with one of each of the parts affected."

9. Section 25.10 (c) is amended by deleting the words "issued through the Director's office" and substituting the words "in writing from the Bureau of Mines."

10. Section 25.10 (d) is amended by deleting the words "through the Director's office" and substituting the words "by letter from the Bureau of Mines."

(Sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3183; Filed, Apr. 18, 1955; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1117]

FLORIDA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH JIM WOODRUFF RESERVOIR PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Florida is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the Jim Woodruff Reservoir Project, under the supervision of the Department of the Army, as authorized by the Rivers and Harbors Act of July 24, 1946 (60 Stat. 634):

TALLAHASSEE MERIDIAN

T. 7 N., R. 8 W.,
Sec. 36, N½ of lot 3.

The tract described contains 40 acres.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3174; Filed, Apr. 18, 1955; 8:46 a. m.]

[Public Land Order 1118]

UTAH

PARTIALLY REVOKING EXECUTIVE ORDER OF MARCH 9, 1914, CREATING PUBLIC WATER RESERVE NO. 16, UTAH NO. 7

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of March 9, 1914, creating Public Water Reserve No. 16, Utah No. 7, as construed by Department of the Interior Interpretation No. 17, of June 9, 1925, is hereby revoked so far as it affects the following-described public land:

SALT LAKE MERIDIAN

T. 5 S., R. 24 E.,
Sec. 29, SW¼SW¼.

The area described contains 40 acres.

This revocation is made in furtherance of an exchange under the act of March 11, 1948 (62 Stat. 72) by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and the Korean conflict, and others.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3177; Filed, Apr. 18, 1955; 8:47 a. m.]

[Public Land Order 1119]

NEW MEXICO

RESERVING LANDS WITHIN THE GILA NATIONAL FOREST FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES AND RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Gila National Forest in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites and recreation areas:

NEW MEXICO PRINCIPAL MERIDIAN

BEN LILLY RECREATION AREA

T. 10 S., R. 17 W. (unsurveyed),
Sec. 33, N½NE¼SE¼, SW¼NE¼SE¼, S½NW¼SE¼, NW¼SW¼SE¼;
Sec. 34, SW¼SW¼NW¼, NW¼NW¼SW¼.

The areas described aggregate 80 acres.

BEN LILLY MONUMENT RECREATION AREA

T. 16 S., R. 14 W.
Sec. 24, E½SE¼SW¼, W½SW¼SE¼.

The area described contains 40 acres.

CAMP TUFF MOSES RECREATION AREA (BOY SCOUT CAMP)

T. 15 S., R. 13 W.,
Sec. 27, SW¼SW¼;
Sec. 34, E½NW¼NW¼, W½NE¼NW¼.

The areas described aggregate 80 acres.

GLENWOOD RANGER STATION ADMINISTRATIVE SITE

T. 11 S., R. 20 W.,
Sec. 26, lot 6;
Sec. 27, lot 5;
Sec. 34, NE¼NE¼.

The areas described aggregate 114.73 acres.

INDIAN CREEK RECREATION AREA

T. 10 S., R. 17 W. (unsurveyed),
Sec. 28, SW¼SW¼;
Sec. 29, S½S½SE¼, S½SE¼SW¼;
Sec. 32, N½N½NW¼, N½NW¼NE¼.

The areas described aggregate 160 acres.

IRON CREEK FOREST CAMP RECREATION AREA

T. 16 S., R. 9 W. (unsurveyed),
Sec. 17, W½SW¼SW¼;
Sec. 18, S½SE¼;
Sec. 19, N½N½N½NE¼;
Sec. 20, NW¼NW¼NW¼.

The areas described aggregate 130 acres.

LITTLE DRY FOREST CAMP RECREATION AREA

T. 13 S., R. 19 W.,
Sec. 8, S½SE¼NE¼, N½NE¼SE¼.

The area described contains 40 acres.

LITTLE WALNUT PICNIC GROUND RECREATION AREA

T. 17 S., R. 14 W.,
Sec. 3, S½SE¼, S½N½SE¼;
Sec. 10, N½N½NE¼.

The areas described aggregate 160 acres.

NEGRITO TOWER PICNIC GROUND RECREATION AREA

T. 10 S., R. 17 W. (unsurveyed),
Sec. 2, S½S½SE¼.

The area described contains 40 acres.

PINE FLAT RECREATION AREA

T. 15 S., R. 13 W.,
Sec. 29, NW¼NW¼.

The area described contains 40 acres.

SIGNAL PEAK ADMINISTRATIVE SITE

T. 16 S., R. 13 W.,
Sec. 15, NE¼NW¼.

The area described contains 40 acres.

SNOW CREEK ADMINISTRATIVE SITE

T. 15 S., R. 14 W. (unsurveyed),
Sec. 18, SW¼NE¼.

The area described contains 40 acres.

SOUTHWESTERN BAPTIST ASSOCIATION, INC., ORGANIZATION CAMP (RECREATION AREA)

T. 11 S., R. 20 W.,
Sec. 23, lots 6 and 9.

The area described contains 71.12 acres.

UPPER AND LOWER BLACK CANYON CAMPGROUND RECREATION AREA

T. 13 S., R. 11 W.,
Sec. 7, lots 1 and 2.
T. 13 S., R. 12 W.,
Sec. 12, S½N½NE¼, S½NE¼.

The areas described aggregate 206.44 acres.

WHITE CREEK ADMINISTRATIVE SITE

T. 12 S., R. 16 W. (unsurveyed),
Sec. 1, E½SW¼, W½SE¼.

The area described contains 160 acres.

WHITEWATER FOREST CAMP RECREATION AREA

T. 11 S., R. 19 W.,
Sec. 6, lots 14, 15, 18 and 19.

The area described contains 155.05 acres.

WILLOW CREEK ADMINISTRATIVE SITE

T. 10 S., R. 17 W (unsurveyed),
Sec. 34, E½SW¼NW¼, SE¼NW¼, S½NE¼NW¼, SW¼NW¼NE¼, W½SW¼NE¼.

The areas described aggregate 110 acres.

WILLOW CREEK RECREATION AREA

T. 10 S., R. 17 W. (unsurveyed),
Sec. 26, W½SW¼, W½NE¼SW¼, S½SW¼NW¼, SW¼SE¼NW¼, N½SE¼NW¼;
Sec. 34, E½SW¼NE¼, NW¼SE¼NE¼, SE¼NW¼NE¼, NE¼NE¼;
Sec. 35, N½NW¼NW¼.

The areas described aggregate 250 acres.

WRIGHT'S CABIN FOREST CAMP RECREATION AREA

T. 16 S., R. 9 W. (unsurveyed),
Sec. 16, SE¼SE¼NW¼, E½NE¼SW¼, S½SW¼NE¼, SW¼SE¼NE¼, W½NE¼SE¼, NW¼SE¼.

The areas described aggregate 120 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes and shall be subject to existing reservations of the lands for power site purposes.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3175; Filed, Apr. 18, 1955; 8:47 a. m.]

[Public Land Order 1120]

NEW MEXICO

RESERVING LANDS WITHIN CARSON NATIONAL FOREST FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Carson National Forest in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, or for other public purposes as indicated:

NEW MEXICO PRINCIPAL MERIDIAN

AGUA PIEDRA WINTER SPORTS AREA

T. 22 N., R. 13 E.,
Sec. 14, lots 2, 3, 4, and those portions of SE¼SW¼, SW¼SE¼, SE¼SE¼ within the Santa Barbara Grant Survey;
Sec. 23, lot 1, NE¼NW¼, N½SE¼NW¼, NW¼NE¼, N½SW¼NE¼, NW¼SE¼NE¼, SW¼NE¼NE¼, including that portion of the N½NE¼NE¼ within the Santa Barbara Grant Survey;
Sec. 24, lot 2 and that portion of the NW¼NW¼NW¼ within the Santa Barbara Grant Survey.

The tracts described aggregate approximately 305 acres.

CAPULIN, LA SOMBRA AND CAVE RECREATION AREA

T. 25 N., R. 14 E.,
Sec. 29, S½NE¼SW¼, S½NW¼SW¼, NW¼NW¼SW¼;
Sec. 30, N½SE¼, S½SW¼NE¼.

The tracts described aggregate 150 acres.

COMALES FOREST CAMP

T. 22 N., R. 13 E.,
Sec. 7, lot 1 and those portions of the E½NW¼NE¼, NE¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼ located within the Santa Barbara Grant Survey;
Sec. 8, That portion of the W½SW¼NW¼ located within the Santa Barbara Grant Survey.

The tracts described aggregate approximately 110 acres.

DIVISADERO PEAK PICNIC GROUND

T. 25 N., R. 13 E.,
Sec. 14, S½SE¼SW¼;
Sec. 23, N½NE¼NW¼.

The tracts described aggregate 40 acres.

EAGLE ROCK FOREST CAMP

T. 29 N., R. 13 E. (unsurveyed),
Sec. 33, SW¼SE¼.

The tract described contains 40 acres.

ELEPHANT ROCK FOREST CAMP

T. 29 N., R. 14 E.,
Sec. 33, SW¼NE¼.

The tract described contains 40 acres.

FLECHADO FOREST CAMP

T. 22 N., R. 13 E.,
Sec. 10, lot 4 and those portions of the S½SE¼ located within the Santa Barbara Grant Survey.

The tracts described aggregate approximately 80 acres.

FOREST CAMP B—CUCHILLO DEL MEDIO

T. 27 N., R. 13 E.,
Sec. 22, N½SW¼SE¼, E½NW¼SE¼, W½NE¼SE¼.

The tracts described aggregate 60 acres.

GOAT HILL FOREST CAMP

T. 28 N., R. 13 E.,
Sec. 3, SE¼SE¼NW¼, SW¼SW¼NE¼, NW¼NW¼SE¼, NE¼NE¼SW¼.

The tracts described aggregate 40 acres.

JUNE BUG MILL FOREST CAMP

T. 29 N., R. 14 E.,
Sec. 34, SE¼NW¼.

The tract described contains 40 acres.

LA BOBITA FOREST CAMP

T. 29 N., R. 14 E.,
Sec. 32. S½NW¼SE¼, N½SW¼SE¼.

The tracts described aggregate 40 acres.

LEROUX AND TWINNING FOREST CAMP

T. 27 N., R. 14 E. (unsurveyed),
Sec. 4, S½S½SW¼, S½S½SE¼;
Sec. 5, SE¼SW¼SE¼, S½SE¼SE¼;
Sec. 8, N½NE¼NE¼, NE¼NW¼NE¼, except 0.52 acre in conflict with HES 82;
Sec. 9, NW¼NW¼NE¼, N½N½NW¼.

The tracts described aggregate 189.48 acres.

LOWER HONDO FOREST CAMP A

T. 27 N., R. 13 E.,
Sec. 27, S½NW¼NW¼, N½SW¼SW¼.

The tracts described aggregate 40 acres.

MALLETTE CANYON PUBLIC SERVICE SITE

T. 29 N., R. 14 E.,
Sec. 24, unsurveyed, SE¼SE¼SW¼, SW¼SW¼SE¼;

Sec. 25, NW¼NW¼NE¼, E½NW¼, S½NW¼SE¼, W½NE¼SE¼, SW¼SE¼, E½SW¼, except area in conflict with Ethel Lode and Mary Ann Lode Mining Claims;
Sec. 36, NE¼NW¼, excepting that portion in conflict with Ethel Lode Mining Claim, lots 1 and 2, SE¼NW¼NW¼.

The tracts described aggregate approximately 350 acres.

MANZANITA FOREST CAMP C

T. 27 N., R. 13 E.,
Sec. 13, SE¼NW¼, SE¼NE¼NW¼, SW¼NW¼NE¼, NW¼SW¼NE¼,
Excepting approximately 16.40 acres of private land.

The tracts described aggregate 53.60 acres.

SANTA BARBARA FOREST CAMP

T. 22 N., R. 12 E (unsurveyed),
Sec. 36, E½E½SE¼, E½SE¼NE¼, NW¼SE¼NE¼, SW¼NE¼NE¼.
T. 22 N., R. 13 E.,
Sec. 31, W½SW¼.

The tracts described aggregate 160 acres.

TAOS CANYON RECREATION AREA

T. 25 N., R. 13 E.,
Sec. 22, S½SE¼SE¼, S½SW¼SE¼;
Sec. 23, N½SW¼SE¼, N½SE¼SW¼, SW¼SE¼SW¼, SW¼SW¼;
Sec. 27, NW¼NE¼, NE¼NW¼, S½NW¼NW¼.

The tracts described aggregate 230 acres.

TRUCHA VISTA POINT

T. 21 N., R. 11 E. (unsurveyed),
Sec. 18, SE¼NE¼NE¼, NE¼SE¼NE¼.

The tracts described aggregate 20 acres.

JICARILLA RANGER STATION

T. 29 N., R. 4 W.,
Sec. 1, lots 7, 8, 12, 13, 15, S½NE¼SE¼, SE¼SE¼;
Sec. 12, lot 1, N½N½NE¼.

The tracts described aggregate 261.84 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3176; Filed, Apr. 18, 1955; 8:47 a. m.]

[Public Land Order 1121]

MISSOURI

REVOKING EXECUTIVE ORDER OF SEPTEMBER 19, 1898 WHICH RESERVED LANDS FOR USE OF WAR DEPARTMENT AS TARGET RANGE FOR TROOPS AT JEFFERSON BARRACKS, MISSOURI

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive Order of September 19, 1898, reserving the following-described lands in Iron County, Missouri for use of the War Department as a target range for troops stationed at Jefferson Barracks, Missouri, is hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 33 N., R. 4 E.,
Sec. 15, S½SE¼, SE¼NE¼;
Sec. 22, NW¼NE¼.

The lands are within the boundaries of the Clark National Forest as established by Proclamation No. 2363 of September 11, 1939, and upon the signing of this order will become subject to administration by the Department of Agriculture as a part of the Clark National Forest, in accordance with the provisions of said Proclamation.

The lands shall become subject to the public-land laws relating to national forest lands at 10:00 a. m. on the 35th day after the date of this order.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3172; Filed, Apr. 18, 1955; 8:46 a. m.]

[Public Land Order 1122]

OREGON

RESERVING LANDS WITHIN SISKIYOU NATIONAL FOREST FOR RESEARCH PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands within the Siskiyou National Forest in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral leasing laws, and reserved for use of the Forest Service, Department of Agriculture, in connection with research projects being conducted in furtherance of the act of May 22, 1928 (45 Stat. 699; 16 U. S. C. 1946 ed., Sup. V, Secs. 581, 581a–581k) as amended:

WILLAMETTE MERIDIAN

PORT ORFORD CEDAR NATURAL AREA

(*Port Orford Cedar Experimental Forest*)

T. 32 S., R. 12 W.,
Sec. 26, S½S½, NW¼SE¼;
Sec. 34, E½;
Sec. 35;
Sec. 36, W½SW¼.

The areas described aggregate 1,240 acres.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 12, 1955.

[F. R. Doc. 55-3173; Filed, Apr. 18, 1955; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS

Basis and purposes. On the basis of information developed at public hearings and scientific data secured by Fish and Wildlife Service personnel, it has been determined that the following amendments to the Alaska Commercial Fisheries Regulations are necessary to provide for proper utilization and conservation of the fishery resources of the Territory.

These changes shall become effective immediately upon publication in the FEDERAL REGISTER.

Since immediate action is necessary, notice and public procedure on these amendments are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Public law 12, 84th Congress, 69 Stat. 12, having been approved March 16, 1955, exempting gill nets which have been set, anchored or staked, from the distance interval requirement for fixed gear in section 3 of the act of June 6, 1924, as amended, no changes in regulations with respect to the distance interval between set nets are required.

PART 104—BRISTOL BAY AREA

Section 104.3 is amended in text in paragraphs (a), (b), (c), (d), and (e) by inserting "12:00 noon" immediately prior to "June 25" wherever it appears.

PART 105—ALASKA PENINSULA AREA

Section 105.5 is amended in paragraph (b) to read as follows:

(b) Except Port Moller and Bear River districts, from 6 o'clock postmeridian Tuesday to 6 o'clock antemeridian Thursday prior to July 5.

PART 107—CHIGNIK AREA

Section 107.14 is amended by suspending paragraphs (a), (b), (c), and (d) through December 31, 1955.

PART 109—COOK INLET AREA

1. Section 109.4a is amended in text by changing the period to a colon, and adding the following proviso: "*Provided*, That this shall not apply to Chinitna Bay".

2. Section 109.15 is hereby deleted.

3. A new section designated § 109.15a is added to read as follows:

§ 109.15a *Sites open to traps, Northern district.* The use of any trap is prohibited except at the following sites describing the location of the tailhold and direction of the lead, and at such sites no other type of gear may be fished after 6 o'clock antemeridian June 25:

(a) Along the western shore:

(1) At 61 degrees 09 minutes 27 seconds north latitude, 151 degrees 02 minutes 59 seconds west longitude; Direction of lead, south 65 degrees 00 minutes east.

(2) At 61 degrees 07 minutes 46 seconds north latitude, 151 degrees 04 minutes 43 seconds west longitude; Direction of lead, south 65 degrees 01 minute east.

(3) At 61 degrees 00 minutes 48 seconds north latitude, 151 degrees 23 minutes 44 seconds west longitude; Direction of lead, south 3 degrees 50 minutes west.

(4) At 61 degrees 00 minutes 43 seconds north latitude, 151 degrees 22 minutes 39 seconds west longitude; Direction of lead, south 0 degrees 20 minutes west.

(b) Along the eastern shore:

(1) At 61 degrees 01 minute 11 seconds north latitude, 150 degrees 26 minutes 39 seconds west longitude; Direction of lead, north 32 degrees west.

(2) At 60 degrees 55 minutes 37 seconds north latitude, 150 degrees 44 minutes 03 seconds west longitude; Direction of lead, north 34 degrees west.

4. A new section designated § 109.15b is added to read as follows:

§ 109.15b *Sites open to traps, North Central district.* The use of any trap is prohibited except at the following sites describing the location of the tailhold and Direction of the lead, and at such sites no other type of gear may be fished after 6 o'clock antemeridian June 25:

(a) Along the western shore:

(1) At 60 degrees 46 minutes 02 seconds north latitude, 151 degrees 44 minutes 32 seconds west longitude; Direction of lead, north 60 degrees 30 minutes east.

(2) At 60 degrees 24 minutes 11 seconds north latitude, 152 degrees 15 minutes 13 seconds west longitude; Direction of lead, north 32 degrees 30 minutes east.

(b) On Kalgin Island:

(1) At 60 degrees 30 minutes 33 seconds north latitude, 151 degrees 56 minutes 53 seconds west longitude; Direction of lead, south 80 degrees west.

(2) At 60 degrees 30 minutes 36 seconds north latitude, 151 degrees 54 minutes 35 seconds west longitude; Direction of lead, north 33 degrees east.

(3) At 60 degrees 30 minutes 05 seconds north latitude, 151 degrees 52 minutes 59 seconds west longitude; Direction of lead, north 25 degrees east.

(4) At 60 degrees 26 minutes 49 seconds north latitude, 151 degrees 53 minutes 09 seconds west longitude; Direction of lead, south 75 degrees east.

(5) At 60 degrees 21 minutes 44 seconds north latitude, 152 degrees 03 minutes 51 seconds west longitude; Direction of lead, north 10 degrees west.

(c) Along the eastern shore:

(1) At 60 degrees 45 minutes 58 seconds north latitude, 151 degrees 15 minutes 28 seconds west longitude; Direction of lead, north 84 degrees west.

(2) At 60 degrees 44 minutes 44 seconds north latitude, 151 degrees 17 minutes 21 seconds west longitude; Direction of lead, north 28 degrees west.

(3) At 60 degrees 44 minutes 30 seconds north latitude, 151 degrees 18 minutes 16 seconds west longitude; Direction of lead, north 26 degrees west.

(4) At 60 degrees 39 minutes 58 seconds north latitude, 151 degrees 22 minutes 28 seconds west longitude; Direction of lead, south 60 degrees 30 minutes west.

(5) At 60 degrees 39 minutes 33 seconds north latitude, 151 degrees 21 minutes 57 seconds west longitude; Direction of lead, south 56 degrees west.

(6) At 60 degrees 38 minutes 56 seconds north latitude, 151 degrees 21 minutes 24 seconds west longitude; Direction of lead, south 70 degrees west.

(7) At 60 degrees 38 minutes 15 seconds north latitude, 151 degrees 20 minutes 59 seconds west longitude; Direction of lead, south 73 degrees 30 minutes west.

(8) At 60 degrees 37 minutes 46 seconds north latitude, 151 degrees 20 minutes 45 seconds west longitude; Direction of lead, south 78 degrees 40 minutes west.

(9) At 60 degrees 37 minutes 09 seconds north latitude, 151 degrees 20 minutes 33 seconds west longitude; Direction of lead, south 79 degrees 15 minutes west.

(10) At 60 degrees 36 minutes 27 seconds north latitude, 151 degrees 20 minutes 25 seconds west longitude; Direction of lead, south 81 degrees 40 minutes west.

(11) At 60 degrees 35 minutes 51 seconds north latitude, 151 degrees 20 minutes 12 seconds west longitude; Direction of lead, south 80 degrees west.

(12) At 60 degrees 29 minutes 05 seconds north latitude, 151 degrees 16 minutes 44 seconds west longitude; Direction of lead, north 87 degrees 35 minutes west.

(13) At 60 degrees 28 minutes 28 seconds north latitude, 151 degrees 16 minutes 49 seconds west longitude; Direction of lead, north 85 degrees 20 minutes west.

(14) At 60 degrees 27 minutes 49 seconds north latitude, 151 degrees 16 minutes 51 seconds west longitude; Direction of lead, north 87 degrees 56 minutes west.

(15) At 60 degrees 27 minutes 17 seconds north latitude, 151 degrees 16 minutes 52 seconds west longitude; Direction of lead, north 84 degrees 50 minutes west.

(16) At 60 degrees 26 minutes 47 seconds north latitude, 151 degrees 16 minutes 53 seconds west longitude; Direction of lead, north 81 degrees 30 minutes west.

(17) At 60 degrees 26 minutes 18 seconds north latitude, 151 degrees 17 minutes 02 seconds west longitude; Direction of lead, north 84 degrees 05 minutes west.

5. A new section designated § 109.15c is added to read as follows:

§ 109.15c *Sites open to traps, South Central district.* The use of any trap is prohibited except at the following sites describing the location of the tailhold and direction of the lead, and at such sites no other type of gear may be fished:

(a) On Chisik Island:

(1) At 60 degrees 08 minutes 21 seconds north latitude, 152 degrees 33 minutes 29 seconds west longitude; Direction of lead, north 71 degrees east.

(b) Along the eastern shore:

(1) At 60 degrees 20 minutes 00 seconds north latitude, 151 degrees 22 minutes 57 seconds west longitude; Direction of lead, north 83 degrees west.

(2) At 60 degrees 16 minutes 43 seconds north latitude, 151 degrees 23 minutes 02 seconds west longitude; Direction of lead, north 81 degrees 25 minutes west.

(3) At 60 degrees 16 minutes 10 seconds north latitude, 151 degrees 23 minutes 13 seconds west longitude; Direction of lead, north 75 degrees 30 minutes west.

(4) At 60 degrees 14 minutes 58 seconds north latitude, 151 degrees 23 minutes 38 seconds west longitude; Direction of lead, north 71 degrees 10 minutes west.

(5) At 60 degrees 13 minutes 09 seconds north latitude, 151 degrees 24 minutes 51 seconds west longitude; Direction of lead, north 61 degrees 34 minutes west.

(6) At 60 degrees 12 minutes 41 seconds north latitude, 151 degrees 25 minutes 25 seconds west longitude; Direction of lead, north 50 degrees 25 minutes west.

(7) At 60 degrees 11 minutes 20 seconds north latitude, 151 degrees 27 minutes 27 seconds west longitude; Direction of lead, north 53 degrees 35 minutes west.

(8) At 60 degrees 10 minutes 22 seconds north latitude, 151 degrees 28 minutes 47 seconds west longitude; Direction of lead, north 48 degrees 51 minutes west.

(9) At 60 degrees 09 minutes 45 seconds north latitude, 151 degrees 29 minutes 36 seconds west longitude; Direction of lead, north 55 degrees west.

(10) At 60 degrees 09 minutes 19 seconds north latitude, 151 degrees 30 minutes 10 seconds west longitude; Direction of lead, north 54 degrees west.

(11) At 60 degrees 08 minutes 54 seconds north latitude, 151 degrees 30 minutes 42 seconds west longitude; Direction of lead, north 54 degrees west.

(12) At 60 degrees 07 minutes 57 seconds north latitude, 151 degrees 32 minutes 06 seconds west longitude; Direction of lead, north 47 degrees west.

(13) At 60 degrees 07 minutes 05 seconds north latitude, 151 degrees 33 minutes 57 seconds west longitude; Direction of lead, north 45 degrees west.

(14) At 60 degrees 06 minutes 32 seconds north latitude, 151 degrees 35 minutes 05 seconds west longitude; Direction of lead, north 40 degrees west.

(15) At 60 degrees 06 minutes 07 seconds north latitude, 151 degrees 36 minutes 04 seconds west longitude; Direction of lead, north 40 degrees west.

(16) At 60 degrees 05 minutes 26 seconds north latitude, 151 degrees 37 minutes 19 seconds west longitude; Direction of lead, north 68 degrees 22 minutes west.

(17) At 60 degrees 04 minutes 56 seconds north latitude, 151 degrees 37 minutes 49 seconds west longitude; Direction of lead, north 58 degrees 50 minutes west.

(18) At 59 degrees 59 minutes 41 seconds north latitude, 151 degrees 43 minutes 14 seconds west longitude; Direction of lead, north 80 degrees west.

(19) At 59 degrees 54 minutes 16 seconds north latitude, 151 degrees 46 minutes 00 seconds west longitude; Direction of lead, north 70 degrees west.

(20) At 59 degrees 51 minutes 15 seconds north latitude, 151 degrees 48 minutes 03 seconds west longitude; Direction of lead, north 74 degrees west.

6. A new section designated § 109.15d is added to read as follows:

§ 109.15d *Sites open to traps, Southern district.* The use of any trap is prohibited except at the following sites describing the location of the tailhold and direction of the lead, and at such sites no other type of gear may be fished:

(a) Along the eastern shore:

(1) At 59 degrees 41 minutes 49 seconds north latitude, 151 degrees 46 minutes 22 seconds west longitude; Direction of lead, south 43 degrees west.

(2) At 59 degrees 28 minutes 56 seconds north latitude, 151 degrees 34 min-

utes 40 seconds west longitude; Direction of lead, north 43 degrees west.

(3) At 59 degrees 26 minutes 50 seconds north latitude, 151 degrees 45 minutes 56 seconds west longitude; Direction of lead, north 26 degrees east.

(4) At 59 degrees 19 minutes 47 seconds north latitude, 151 degrees 57 minutes 38 seconds west longitude; Direction of lead, north 69 degrees west.

7. A new section designated § 109.15e is added to read as follows:

§ 109.15e *Areas open to set nets, Northern district.* The use of any set net is prohibited, except in the following areas: *Provided*, That in the period prior to 6 o'clock antemeridian June 25 such nets may be used in all waters of the district open to commercial fishing:

(a) Waters along the north and west coast:

(1) From Point Mackenzie to 61 degrees 09 minutes 32 seconds north latitude, 151 degrees 02 minutes 54 seconds west longitude.

(2) From 61 degrees 09 minutes 22 seconds north latitude, 151 degrees 03 minutes 07 seconds west longitude, to 61 degrees 07 minutes 52 seconds north latitude, 151 degrees 04 minutes 38 seconds west longitude.

(3) From 61 degrees 07 minutes 41 seconds north latitude, 151 degrees 04 minutes 47 seconds west longitude, to 61 degrees 00 minutes 50 seconds north latitude, 151 degrees 23 minutes 56 seconds west longitude.

(4) From 61 degrees 00 minutes 47 seconds north latitude, 151 degrees 23 minutes 32 seconds west longitude, to 61 degrees 00 minutes 44 seconds north latitude, 151 degrees 22 minutes 51 seconds west longitude.

(5) From 61 degrees 00 minutes 42 seconds north latitude, 151 degrees 22 minutes 27 seconds west longitude, to the southern boundary of the district at the latitude of Boulder Point at approximately 60 degrees 46 minutes 25 seconds north latitude.

(b) Waters along the west coast of Fire Island from North Point to West Point:

(c) Waters along the east coast:

(1) From Point Possession to 61 degrees 01 minute 14 seconds north latitude, 150 degrees 26 minutes, 30 seconds west longitude.

(2) From 61 degrees 01 minute 07 seconds north latitude, 150 degrees 26 minutes 48 seconds west longitude, to 60 degrees 55 minutes 40 seconds north latitude, 150 degrees 43 minutes 53 seconds west longitude.

(3) From 60 degrees 55 minutes 34 seconds north latitude, 150 degrees 44 minutes 13 seconds west longitude, to the southern boundary of the district at the latitude of Boulder Point.

8. A new section designated § 109.15f is added to read as follows:

§ 109.15f *Areas open to set nets, North Central district.* The use of any set net is prohibited, except in the following areas: *Provided*, That in the period prior to 6 o'clock antemeridian June 25 such nets may be used in all waters of the district open to commercial fishing:

(a) Waters along the west coast:

(1) From the northern boundary of the district at the latitude of Boulder Point at approximately 60 degrees 46 minutes 25 seconds north latitude, to 60 degrees 46 minutes 08 seconds north latitude, 151 degrees 44 minutes 37 seconds west longitude.

(2) From 60 degrees 45 minutes 56 seconds north latitude, 151 degrees 44 minutes 27 seconds west longitude, to 60 degrees 24 minutes 14 seconds north latitude, 152 degrees 15 minutes 23 seconds west longitude.

(3) From 60 degrees 24 minutes 08 seconds north latitude, 152 degrees 15 minutes 03 seconds west longitude, to the southern boundary of the district at the latitude of the marker at the south limit of the closed area at Kasilof River.

(b) Waters along the coast of Kalgin Island:

(1) From 60 degrees 30 minutes 39 seconds north latitude, 151 degrees 56 minutes 57 seconds west longitude, to 60 degrees 30 minutes 39 seconds north latitude, 151 degrees 54 minutes 45 seconds west longitude.

(2) From 60 degrees 30 minutes 33 seconds north latitude, 151 degrees 54 minutes 25 seconds west longitude, to 60 degrees 30 minutes 07 seconds north latitude, 151 degrees 53 minutes 10 seconds west longitude.

(3) From 60 degrees 30 minutes 03 seconds north latitude, 151 degrees 52 minutes 48 seconds west longitude, to 60 degrees 26 minutes 55 seconds north latitude, 151 degrees 53 minutes 09 seconds west longitude.

(4) From 60 degrees 26 minutes 43 seconds north latitude, 151 degrees 53 minutes 12 seconds west longitude, to 60 degrees 21 minutes 45 seconds north latitude, 152 degrees 04 minutes 03 seconds west longitude.

(5) From 60 degrees 21 minutes 44 seconds north latitude, 152 degrees 03 minutes 39 seconds west longitude, to 60 degrees 30 minutes 28 seconds north latitude, 151 degrees 56 minutes 48 seconds west longitude.

(c) Waters along the east coast:

(1) From the northern boundary of the district at the latitude of Boulder Point at approximately 60 degrees 46 minutes 25 seconds north latitude, to 60 degrees 46 minutes 04 seconds north latitude, 151 degrees 15 minutes 28 seconds west longitude.

(2) From 60 degrees 45 minutes 52 seconds north latitude, 151 degrees 15 minutes 27 seconds west longitude, to 60 degrees 44 minutes 46 seconds north latitude, 151 degrees 17 minutes 10 seconds west longitude.

(3) From 60 degrees 44 minutes 41 seconds north latitude, 151 degrees 17 minutes 31 seconds west longitude, to 60 degrees 44 minutes 32 seconds north latitude, 151 degrees 18 minutes 05 seconds west longitude.

(4) From 60 degrees 44 minutes 29 seconds north latitude, 151 degrees 18 minutes 28 seconds west longitude, to 60 degrees 40 minutes 03 seconds north latitude, 151 degrees 22 minutes 34 seconds west longitude.

(5) From 60 degrees 39 minutes 53 seconds north latitude, 151 degrees 22 minutes 21 seconds west longitude, to 60 degrees 39 minutes 38 seconds north latitude, 151 degrees 22 minutes 02 seconds west longitude.

(6) From 60 degrees 39 minutes 28 seconds north latitude, 151 degrees 21 minutes 51 seconds west longitude, to 60 degrees 39 minutes 02 seconds north latitude, 151 degrees 21 minutes 27 seconds west longitude.

(7) From 60 degrees 38 minutes 50 seconds north latitude, 151 degrees 21 minutes 20 seconds west longitude, to 60 degrees 38 minutes 21 seconds north latitude, 151 degrees 21 minutes 02 seconds west longitude.

(8) From 60 degrees 38 minutes 09 seconds north latitude, 151 degrees 20 minutes 56 seconds west longitude, to 60 degrees 37 minutes 52 seconds north latitude, 151 degrees 20 minutes 47 seconds west longitude.

(9) From 60 degrees 37 minutes 40 seconds north latitude, 151 degrees 20 minutes 42 seconds west longitude, to 60 degrees 37 minutes 15 seconds north latitude, 151 degrees 20 minutes 33 seconds west longitude.

(10) From 60 degrees 37 minutes 03 seconds north latitude, 151 degrees 20 minutes 33 seconds west longitude, to 60 degrees 36 minutes 33 seconds north latitude, 151 degrees 20 minutes 26 seconds west longitude.

(11) From 60 degrees 36 minutes 21 seconds north latitude, 151 degrees 20 minutes 22 seconds west longitude, to 60 degrees 35 minutes 57 seconds north latitude, 151 degrees 20 minutes 14 seconds west longitude.

(12) From 60 degrees 35 minutes 45 seconds north latitude, 151 degrees 20 minutes 10 seconds west longitude, to the northern Fish and Wildlife Service marker at the mouth of the Kenai River.

(13) From the southern Fish and Wildlife Service marker at the mouth of the Kenai River to 60 degrees 29 minutes 11 seconds north latitude, 151 degrees 16 minutes 43 seconds west longitude.

(14) From 60 degrees 28 minutes 59 seconds north latitude, 151 degrees 16 minutes 44 seconds west longitude, to 60 degrees 28 minutes 34 seconds north latitude, 151 degrees 16 minutes 48 seconds west longitude.

(15) From 60 degrees 28 minutes 22 seconds north latitude, 151 degrees 16 minutes 49 seconds west longitude, to 60 degrees 27 minutes 55 seconds north latitude, 151 degrees 16 minutes 51 seconds west longitude.

(16) From 60 degrees 27 minutes 43 seconds north latitude, 151 degrees 16 minutes 51 seconds west longitude, to 60 degrees 27 minutes 23 seconds north latitude, 151 degrees 16 minutes 51 seconds west longitude.

(17) From 60 degrees 27 minutes 11 seconds north latitude, 151 degrees 16 minutes 52 seconds west longitude, to 60 degrees 26 minutes 53 seconds north latitude, 151 degrees 16 minutes 51 seconds west longitude.

(18) From 60 degrees 26 minutes 41 seconds north latitude, 151 degrees 16 minutes 54 seconds west longitude, to 60 degrees 26 minutes 24 seconds north latitude, 151 degrees 17 minutes 00 seconds west longitude.

(19) From 60 degrees 26 minutes 12 seconds north latitude, 151 degrees 17 minutes 04 seconds west longitude to the northern Fish and Wildlife Service marker at the mouth of the Kasilof River.

(20) West of the Kasilof River mouth at least 1 statute mile.

9. A new section designated § 109.15g is added to read as follows:

§ 109.15g *Areas open to set nets, South Central district.* The use of any set net is prohibited, except in the following areas:

(a) Waters along the west coast:

(1) Mainland shore.

(2) Chisik Island, except between 60 degrees 08 minutes 27 seconds north latitude, 152 degrees 33 minutes 29 seconds west longitude, and 60 degrees 08 minutes 14 seconds north latitude, 152 degrees 33 minutes 34 seconds west longitude.

(b) Waters along the east coast:

(1) From the southern Fish and Wildlife Service marker at the mouth of the Kasilof River to 60 degrees 20 minutes 06 seconds north latitude, 151 degrees 22 minutes, 56 seconds west longitude.

(2) From 60 degrees 19 minutes 54 seconds north latitude, 151 degrees 22 minutes 18 seconds west longitude, to 60 degrees 16 minutes 49 seconds north latitude, 151 degrees 23 minutes 01 second west longitude.

(3) From 60 degrees 16 minutes 37 seconds north latitude, 151 degrees 23 minutes 03 seconds west longitude, to 60 degrees 16 minutes 16 seconds north latitude, 151 degrees 23 minutes 10 seconds west longitude.

(4) From 60 degrees 16 minutes 04 seconds north latitude, 151 degrees 23 minutes 16 seconds west longitude, to 60 degrees 15 minutes 04 seconds north latitude, 151 degrees 23 minutes 35 seconds west longitude.

(5) From 60 degrees 14 minutes 52 seconds north latitude, 151 degrees 23 minutes 40 seconds west longitude, to 60 degrees 13 minutes 14 seconds north latitude, 151 degrees 24 minutes 45 seconds west longitude.

(6) From 60 degrees 13 minutes 04 seconds north latitude, 151 degrees 24 minutes 56 seconds west longitude, to 60 degrees 12 minutes 46 seconds north latitude, 151 degrees 25 minutes 19 seconds west longitude.

(7) From 60 degrees 12 minutes 36 seconds north latitude, 151 degrees 25 minutes 32 seconds west longitude, to 60 degrees 11 minutes 25 seconds north latitude, 151 degrees 27 minutes 20 seconds west longitude.

(8) From 60 degrees 11 minutes 15 seconds north latitude, 151 degrees 27 minutes 34 seconds west longitude, to 60 degrees 10 minutes 27 seconds north latitude, 151 degrees 28 minutes 41 seconds west longitude.

(9) From 60 degrees 10 minutes 17 seconds north latitude, 151 degrees 28 minutes 53 seconds west longitude, to 60 degrees 09 minutes 50 seconds north latitude, 151 degrees 29 minutes 30 seconds west longitude.

(10) From 60 degrees 09 minutes 40 seconds north latitude, 151 degrees 29 minutes 42 seconds west longitude, to 60 degrees 09 minutes 24 seconds north latitude, 151 degrees 30 minutes 04 seconds west longitude.

(11) From 60 degrees 09 minutes 14 seconds north latitude, 151 degrees 30 minutes 16 seconds west longitude, to 60 degrees 08 minutes 59 seconds north latitude, 151 degrees 30 minutes 35 seconds west longitude.

(12) From 60 degrees 08 minutes 49 seconds north latitude, 151 degrees 30 minutes 49 seconds west longitude, to 60 degrees 08 minutes 01 second north latitude, 151 degrees 31 minutes 58 seconds west longitude.

(13) From 60 degrees 07 minutes 53 seconds north latitude, 151 degrees 32 minutes 14 seconds west longitude, to 60 degrees 07 minutes 09 seconds north latitude, 151 degrees 33 minutes 48 seconds west longitude.

(14) From 60 degrees 07 minutes 01 second north latitude, 151 degrees 34 minutes 06 seconds west longitude, to 60 degrees 06 minutes 36 seconds north latitude, 151 degrees 34 minutes 57 seconds west longitude.

(15) From 60 degrees 06 minutes 28 seconds north latitude, 151 degrees 35 minutes 15 seconds west longitude, to 60 degrees 06 minutes 11 seconds north latitude, 151 degrees 35 minutes 56 seconds west longitude.

(16) From 60 degrees 06 minutes 03 seconds north latitude, 151 degrees 36 minutes 13 seconds west longitude, to 60 degrees 05 minutes 31 seconds north latitude, 151 degrees 37 minutes 13 seconds west longitude.

(17) From 60 degrees 05 minutes 20 seconds north latitude, 151 degrees 37 minutes 24 seconds west longitude, to 60 degrees 05 minutes 01 second north latitude, 151 degrees 37 minutes 43 seconds west longitude.

(18) From 60 degrees 04 minutes 51 seconds north latitude, 151 degrees 37 minutes 55 seconds west longitude, to 59 degrees 59 minutes 47 seconds north latitude, 151 degrees 43 minutes 12 seconds west longitude.

(19) From 59 degrees 59 minutes 35 seconds north latitude, 151 degrees 43 minutes 16 seconds west longitude, to 59 degrees 54 minues 21 seconds north latitude, 151 degrees 45 minutes 55 seconds west longitude.

(20) From 59 degrees 54 minutes 11 seconds north latitude, 151 degrees 46 minutes 06 seconds west longitude, to 59 degrees 51 minutes 21 seconds north latitude, 151 degrees 48 minutes 00 seconds west longitude.

(21) From 59 degrees 51 minutes 09 seconds north latitude, 151 degrees 48 minutes 06 seconds west longitude to the southern boundary of the district at Anchor Point.

10. A new section designated § 109.15h is added to read as follows:

§ 109.15h *Areas open to set nets, Southern district.* The use of any set net is prohibited, except in the following areas:

(a) Waters along the west coast from the nothern boundary of the district at the latitude of Anchor Point to Tignagvik Point.

(b) Waters along the east coast:

(1) From the northern boundary of the district at Anchor Point to 59 degrees 41 minutes 53 seconds north latitude, 151 degrees 46 minutes 31 seconds west longitude.

(2) From 59 degrees 41 minutes 45 seconds north latitude, 151 degrees 46 minutes 13 seconds west longitude, to 59 degrees 29 minutes 00 seconds north latitude, 151 degrees 34 minutes 31 seconds west longitude.

(3) From 59 degrees 28 minutes 52 seconds north latitude, 151 degrees 34 minutes 49 seconds west longitude, to 59 degrees 26 minutes 48 seconds north latitude, 151 degrees 45 minutes 46 seconds west longitude.

(4) From 59 degrees 26 minutes 52 seconds north latitude, 151 degrees 46 minutes 06 seconds west longitude, to 59 degrees 19 minutes 53 seconds north latitude, 151 degrees 57 minutes 35 seconds west longitude.

(5) From 59 degrees 19 minutes 41 seconds north latitude, 151 degrees 57 minutes 42 seconds west longitude, to the southern boundary of the district.

11. A new section designated § 109.15i is added to read as follows:

§ 109.15i *Areas open to set nets, outer district.* All waters of the district otherwise open to fishing.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 13, 1955.

[F. R. Doc. 55-3171; Filed, Apr. 18, 1955; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1954 Dept. Circ. 300, Revised]

PART 306—GENERAL REGULATIONS WITH RESPECT TO UNITED STATES SECURITIES

NOTE: In F. R. Document 55-3046, appearing in the issue for Wednesday, April 13, 1955, at page 2393, under the center heading *"Use of Interest Tables"* in the Appendix, insert a footnote 1 reference in the first paragraph, line 1, following the word "tables". The footnote will read as follows:

[1] Filed as part of the original document. Copies may be obtained from the Treasury Department, Division of Loans and Currency, Washington 25, D. C.

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

TIME FOR FILING FINANCIAL STATEMENTS AND STANDARD COMMERCIAL ARTICLE REPORTS UNDER RENEGOTIATION ACT OF 1951, AS AMENDED [1]

Until further notice, all persons having a fiscal year beginning in 1954 and ending in 1955 are hereby excused from filing financial statements and Standard Commercial Article Reports for such fiscal year pursuant to the Renegotiation Act of 1951, as amended, and the regulations thereunder. This does not apply to any fiscal year ending in 1954 or to the 1954 calendar year.

Dated: April 7, 1955.

By order of The Renegotiation Board.

FRANK L. ROBERTS,
Chairman.

[F. R. Doc. 55-3194; Filed, Apr. 18, 1955; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Amdt. 11]

DMO VII-6—EXPANSION GOALS

ELECTRIC POWER

1. Defense Mobilization Order VII-6, dated December 3, 1953 (18 F. R. 7876), and Amendment 1, dated January 29, 1954 (19 F. R. 855), are further amended by transferring the following expansion goal from List II—Suspended to List III—Open:

No.:	Goal
55	Electric power.

2. This amendment shall take effect on April 15, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-3233; Filed, Apr. 15, 1955; 3:16 p. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-40]

PART 190—GENERAL

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 4th day of April A. D. 1955.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of Local Cartage National Conference, dated June 1, 1953, as amended June 25, 1953, for modification of and partial exemption from parts of § 190.33;

(2) Petition of Association of Team and Truck owners of the State of Missouri, dated July 17, 1953, for modification of and exemption from § 190.33;

and good cause appearing therefor:

It is ordered, That the applicability table which is a part of § 190.33 of the Motor Carrier Safety Regulations be, and it is hereby, amended as follows: Delete paragraphs A and B thereof and substitute the following in lieu thereof:

	Applicable parts of regulations						
	191	192	193	194 [1]	195	196	197
A. Vehicles and drivers used wholly within a municipality or the commercial zone thereof as defined by the Commission:							
1. When transporting explosives or other dangerous articles of such type and in such quantity as to require the vehicle to be specially marked or placarded under the Explosives and other Dangerous Articles Regulations, 49 CFR 77.823, or when operating without cargo under conditions which require the vehicle to be so marked or placarded under the cited regulations	Yes	Yes	Yes	Yes	Yes	Yes	Yes.
2. When operating under such conditions that special marking or placarding is not required under the regulations cited in paragraph A1 of this table	No	No	No	No	Yes	No	No.
B. Vehicles and drivers used beyond a municipality or the commercial zone thereof as defined by the Commission:							
1. When transporting explosives or other dangerous articles	Yes	Yes	Yes	Yes	Yes	Yes	Yes.
2. When not transporting explosives or other dangerous articles	Yes	Yes	Yes	Yes	Yes	Yes	No.

[1] Part 194 does not apply to private carriers.

It is further ordered, That except to the extent relief is being granted by the modifications set forth above, that the above-described petitions be, and they are hereby, denied.

And it is further ordered, That this order shall become effective May 20, 1955.

[1] This affects §§ 1470.3 (c) and 1467.4 (d).

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-3188; Filed, Apr. 18, 1955; 8:50 a. m.]

PART 203: DESTRUCTION OF RECORDS [1]

PART 203—CARRIERS AND BROKERS

CLASS I MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of April A. D. 1955.

The matter of regulations to govern the destruction of carrier records being under consideration pursuant to provisions of section 220 (d) of the Interstate Commerce Act, as amended (49 Stat. 563, 54 Stat. 927, 49 U. S. C. 320); and,

It appearing that a notice dated February 21, 1955, was published in the FEDERAL REGISTER on March 3, 1955 (20 F. R. 1319) pursuant to section 4 of the Administrative Procedure Act, to the effect that revised regulations to govern the destruction of records of Class I motor carriers which were attached to the notice had been approved, and full consideration having been given to all views and comments received on or before March 31, 1955, as provided in the notice;

It is ordered, That the order of May 22, 1951, prescribing "Regulations to govern the preservation of records of Class I motor carriers, Issue of 1951," be and it is hereby vacated and set aside effective June 1, 1955; and,

It is further ordered, That:

(1) Regulations prescribed: Effective June 1, 1955, all Class I common and contract motor carriers of property and passengers which are subject to provisions of the Interstate Commerce Act are required to comply with the "Regulations to govern the destruction of records of Class I motor carriers, Issue of 1955," which are set forth below and made a part hereof, before destroying operating, accounting, or financial papers, records, books, blanks, tickets, stubs, correspondence, or documents.

(2) Notice: A copy of this order with the regulations set forth below shall be served on all Class I motor carriers subject to the act and upon every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice shall be given to the general public by depositing a copy of the order and attached regulations in the office of the Secretary of the Commission at Washington, D. C., and by filing them with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[1] The heading "Part 203: Preservation of Records" is amended to read "Part 203: Destruction of Records."

CLASS I MOTOR CARRIERS

Sec.
203.301 Introduction.
203.302 Authority to destroy records.
203.303 Photographic copies.
203.304 Supervision of destruction.
203.305 Record of destroyed records.
203.306 Carriers going out of business.
203.307 Prescribed periods of retention.

AUTHORITY: §§ 203.301 to 203.307 issued under 49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply secs. 220, 222, 49 Stat. 563, 564, as amended; 49 U. S. C. 320, 322.

§ 203.301 *Introduction.* Sections 203.301 to 203.307 specify the records and documents which may be destroyed and prescribe the length of time the same shall be preserved, but mention of a record or document hereinafter imposes no requirement that it shall be installed if its purpose is otherwise being adequately served. Compliance with §§ 203.301 to 203.307 will not exempt a carrier from statutory requirements, other than provisions of the Interstate Commerce Act, for retention of records or documents for periods longer than those prescribed in §§ 203.301 to 203.307.

§ 203.302 *Authority to destroy records*—(a) *General authority.* Class I motor carriers may destroy records or documents named or described in §§ 203.301 to 203.307 after they have been preserved for the prescribed periods of time. Permanent records are those which may not be destroyed without special authority.

(b) *Special authority.* A carrier proposing to destroy records or documents which are not named or described in §§ 203.301 to 203.307, or which if named or described have not been retained for the period required by the regulations, may request special authority to destroy them. Applications for such special authority shall describe in detail the records or documents to be destroyed and shall explain why their continued retention is unnecessary.

§ 203.303 *Photographic copies.* (a) Certain records and documents may be preserved on microfilm and the film retained in lieu of the original record or document, subject to the following limitations:

(1) The records listed in § 203.307 with a permanent retention period may not be destroyed after being photographed for preservation unless special authority is first secured as provided in § 203.302 (b).

(2) All records and documents listed in § 203.307, other than those excluded in subparagraph (1) of this paragraph, may be destroyed after they have been suitably photographed for preservation.

(b) To be acceptable in lieu of original records, photographic copies must meet the following minimum requirements:

(1) Photographic copies shall be no less readily accessible than the original record or document as normally filed or preserved would be, and suitable means or facilities shall be available to locate, identify, read, or reproduce such photographic copies. Photographic copies shall be preserved until the end of the period prescribed for the original records or documents.

(2) Any significant characteristic, feature, or other attribute of the original record or document, which photography in black and white will not preserve, shall be clearly indicated before the photograph is made.

(3) The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified specimen of such form shall be on the film for reference.

(4) Film used for photographing copies shall be of permanent record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer shall be observed to protect it from deterioration or accidental destruction.

§ 203.304 *Supervision of destruction.* Within six months after the effective date of §§ 203.301 to 203.307, or within six months after becoming subject to this provision, each carrier shall appoint an officer or other responsible employee to supervise the destruction of records and documents. Such appointment shall be by formal corporate act or, if the carrier is not incorporated, by such formal act as would be necessary to execute a contract binding on the carrier.

§ 203.305 *Record of destroyed records.* The supervising officer or other designated employee shall maintain, or shall cause to be maintained, a record of all carrier records and documents which have been destroyed pursuant to §§ 203.301 to 203.307 except those the retention of which is optional with the carrier. The record shall be in such detail that the destroyed records or documents may be identified and the time, place, and method of destruction can be established. If the destruction is by accident or at the hand of someone not subject to the carrier's control, then the record shall include a statement of the relevant circumstances.

§ 203.306 *Carriers going out of business.* The records and documents relating to operations of a carrier subject to §§ 203.301 to 203.307 may be destroyed without regard to the prescribed periods of retention after carrier status is abandoned for purposes of the Interstate Commerce Act; provided however, (a) if the carrier is a corporation being dissolved by act of the authority which created it, the records may not be destroyed until dissolution is otherwise complete, and (b) if the carrier is not incorporated or is being kept alive for purposes other than carrier operations, records relating to former carrier operations may not be destroyed until all transactions relating to such operations are completed.

§ 203.307 *Prescribed periods of retention.* The following list describes the purpose for which a record is necessary and the prescribed periods shall be observed even if a record by some other name serves the described purpose. If identical copies of the same document serve more than one such described purpose, only one copy is required to be retained by §§ 203.301 to 203.307.

Item	Description of records, etc.	Period to be retained
	I. GENERAL AND FINANCIAL	
1	Minute books of directors, executive committees, stockholders, and other corporate meetings.	Permanent.
2	Capital stock records:	
	(a) Capital stock ledger	Permanent.
	(b) Capital stock certificates, records of or stubs of	Permanent.
	NOTE: If the information shown on the stubs is recorded in permanent records the stubs are required to be retained only for a period of 3 years.	
	(c) Stock transfer register	Permanent.
	(d) Memoranda and bills of sale or of transfer of capital stock	3 years.
	(e) Capital stock subscription notices and requests for allotment	3 years.
	(f) Canceled capital stock certificates (see item 5).	
3	Bond records:	
	(a) Registered bond ledger	Permanent.
	(b) Records or stubs of bonds	Permanent.
	NOTE: If the information shown on the stubs is recorded in permanent records the stubs are required to be retained only for a period of 3 years.	
	(c) Memoranda and bills of sale or of transfer of registered bonds	3 years.
	(d) Records of interest coupons paid and unpaid	7 years after payment.
	(e) Long term debt subscription notices and requests for allotment	3 years.
	(f) Canceled bonds. Paid interest coupons and unissued bonds (see item 5).	
4	Corporate elections:	
	(a) Proxies of holders of voting securities	2 years.
	(b) Lists of holders of voting securities presented at meetings	6 years.
	(c) Qualification oaths of judges of election	Optional.
	(d) Qualification oaths of directors	Optional.
	(e) Ballots cast and tabulations of vote	2 years.
	(f) Judges' reports of election results	2 years.
5	Retired securities: Stock certificates, bonds, notes, interest coupons, receivers' certificates, and temporary certificates taken up and canceled.	Optional.
6	Ledgers:	
	(a) General and auxiliary ledgers and indexes thereto	Permanent.
	(b) Trial balance sheets of general and auxiliary ledgers	4 years.
7	Record of securities owned, in treasury, or with custodians	Permanent.
8	General journals:	
	(a) General journal entries	Permanent.
	(b) Supporting papers not otherwise provided for	6 years.
9	Cash receipts records:	
	(a) General cash receipts journals	Permanent.
	(b) Detailed records supporting totals recorded in item (9a)	6 years.
	(c) Bank deposit slips	3 years.

Item	Description of records, etc.	Period to be retained
	I. GENERAL AND FINANCIAL—continued	
10	Records summarizing the results of noncarrier operations for entry in general books.	6 years.
	NOTE: Ledgers, journals, abstracts, reports vouchers, etc., shall be retained for the same periods as are provided for similar documents elsewhere in these regulations.	
11	Deeds and other title papers; franchises; applications to and certificates or permits from regulatory bodies authorizing operations or extensions of operations and all papers, memoranda and correspondence in connection therewith.	Permanent unless transferred to others in connection with sale of physical property and operating rights.
12	Contracts and agreements:	
	(a) Card or book records of contracts, property leases, and agreements made, and of expirations and renewals.	3 years after expiration.
	(b) Equipment leases, owner-operator agreements and records thereof.	See note.
	(c) Other contracts, leases, and agreements	See note.
	NOTE: 3 years after expiration or cancellation or transfer to others in connection with sale of physical property and operating rights.	
13	Tax records:	
	(a) Taxes based on income	6 years.
	(b) Real estate and personal property tax	6 years.
	(c) Taxes based on payrolls	6 years.
	(d) Federal excise taxes	6 years.
	(e) Highway use taxes	6 years.
	(f) Corporate privilege tax	6 years.
14	Treasurer's records:	
	(a) Statements and summaries of balances on hand and with depositories.	Optional.
	(b) Statements from depositories of funds received, disbursed, and transferred.	3 years.
	(c) Bank reconciliations; checks, drafts, etc., issued and not presented.	3 years.
	(d) Copies of deposit slips	3 years.
	(e) Agents' remittance slips	3 years.
15	General office records relating to establishment of credit arrangements with shippers.	2 years after discontinuance of credit arrangement.
16	Reports of examinations, audits and transfers by special accountants, traveling auditors, time inspectors, weight inspectors, etc., and supporting papers.	2 years.
17	Reports to Interstate Commerce Commission and other regulating bodies:	
	(a) Annual financial, operating, and statistical reports, file copies of, and supporting papers.	Permanent.
	(b) Reports of operating revenues, expenses, and statistics, file copies, and supporting papers.	3 years.
	(c) Accident reports, file copies of, and supporting papers	3 years.
	(d) Reports of hours of service, file copies of, and supporting papers:	
	(1) Drivers' logs (Form BMC 59)	For period prescribed in safety regulations.
	(2) Hours of service report (Forms BMC 60 and BMC 62)	3 years.
	(3) Monthly report of excess hours (Form BMC 61)	3 years.
	(e) Reports to regulating bodies regarding expenditures of proceeds from sale of authorized securities, file copies of, and supporting papers.	5 years.
	(f) Other reports to regulatory bodies not provided for by items (a) to (e).	3 years.
	(g) Copies of applications to and authorities from regulating bodies for the issuance of stocks, bonds, and other securities (see item (e) above).	Permanent.
	NOTE: The supporting papers referred to in item 17 are those requisite to support the reports named, and not elsewhere provided for in these regulations. If figures for such reports are assembled on memorandum sheets, such sheets constitute a part of the supporting papers and shall be retained accordingly.	
18	Annual reports or statements to stockholders, file copies of	Permanent.
19	Miscellaneous statistical reports, statements and summaries (not otherwise provided for herein) used for administrative purposes only and not entering the accounts of the company.	Optional.

Item	Description of records, etc.	Period to be retained
	II. TRANSPORTATION	
40	Tariffs and other rate authorities:	
	(a) Tariffs, classifications, division sheets, and circulars in which the carriers are interested relative to the transportation of persons or property, in the general files of the traffic or other department in which the complete official file is maintained.	3 years after expiration or cancellation.
	(b) Tariffs, classifications, division sheets, and circulars in other departments and at agencies, if copies of the same issues of such tariffs, etc., are preserved in the general files referred to in (a) above.	Optional after expiration or cancellation.
	(c) Contracts and minimum rate schedules of contract motor carriers.	3 years after expiration or cancellation.
	(d) Requests and receipts from agents and others for tariffs, classifications, division sheets, and circulars.	Optional.
	(e) Written requests on carrier from persons and companies for quotations of rates, and copies of carrier's quotations.	Optional.
	(f) Copies of concurrences and powers of attorneys filed with the Interstate Commerce Commission and with other regulating bodies.	3 years after cancellation.
	(g) Authorities for the transportation of property, free or at reduced rates and supporting papers.	3 years.
	(h) Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and circulars affecting the transportation of persons or property.	3 years after cancellation of tariff.
	(i) Records, circulars, and settlements, regarding conventions, excursions, traffic promotions, and similar matters.	3 years.
	(j) Public timetables and literature, correspondence or records relating to them.	Optional.
41	Records pertaining to the diversion or reconsignment of freight, including requests, tracers, and correspondence in connection therewith.	2 years.
42	Market quotations and weather reports received from agents and others, when not affecting claims.	Optional.
43	Records and reports pertaining to embargoes, congested traffic and similar matters.	3 years.
44	Journals, summaries or other records of freight revenues	6 years.
45	Journals, summaries, or other records of passenger revenues	6 years.
46	Passes, reduced fares, and free tickets:	
	(a) Copies of orders for printing pass stock	Optional.
	(b) Records of pass stock	3 years.
	(c) Records and reports of passes issued or requested from other carriers.	3 years.
	(d) Records and reports of tickets issued free or at reduced rates, and of such tickets requested from other carriers.	3 years.
	(e) All other records and documents relating to the issuance or use of passes and tickets at reduced rates or free.	1 complete calendar year.
	(f) Canceled passes and tickets issued free or at reduced rates	2 years.
47	Journals, summaries, or other records of transportation revenues other than freight and passenger.	6 years.
48	Journals, summaries or other records of revenues from operations other than transportation.	6 years.
49	Bills of lading and releases:	
	(a) Consignors' shipping orders, consignors' shipping tickets, and copies of bills of lading, freight bills from other carriers and other similar documents furnished the carrier for movement of freight.	3 years.
	(b) Contracts covering risk of carriers to transportation and storage.	4 years.
50	Freight bill:	
	(a) Origin station copy	Optional.
	(b) Delivery receipt, records of and receipt for delivery of freight to consignees and connecting carriers.	3 years.
	(c) Settlement copy receivable, paid copy of freight bill retained by carrier to support the receipt of freight charges.	3 years.
	(d) Settlement copy payable, paid copy of freight bill retained by carrier to support payment of freight charges to other carriers.	3 years.
	(e) Unsettled copy, records of unsettled freight bills, freight bills in suspense and supporting papers.	1 year after settlement or other final disposition.
	(f) All other copies	Optional.
	NOTE: A freight bill is a document which shows shipper, consignee, origin of shipment and destination, number of pieces, description of the commodity weight, rate, freight and any other connecting carrier involved in the transportation of the shipment and shows the total charges to be paid by the customer. See § 203.306.	

Item	Description of records, etc.	Period to be retained
	II. TRANSPORTATION—continued	
51	Freight corrections:	
	(a) Correction notices	3 years.
	(b) Undercharge and overcharge freight statements	3 years.
	(c) Records and reports of correction notices	3 years.
52	Records and reports pertaining to import and export freight, bonded freight and baggage, steamships' engagements, etc.	3 years.
53	Records and reports pertaining to the operation of marine and floating equipment.	3 years.
54	Mail service:	
	(a) Records and reports of mail weighing, mail failures, and detentions, fines, deductions, and irregularities.	3 years.
	(b) Records and reports of mail pouches received and distributed	1 year.
55	Revenue equipment movements:	
	(a) Dispatchers' sheets, registers, and other records pertaining to the movement of buses, trucks, tractors and trailers.	3 years.
	(b) Records and reports of trailers, buses, and other vehicles interchanged.	3 years.
	(c) Books and circulars of instructions to agents, drivers and others in the general file of the carrier.	3 years after expiration or cancellation.
56	Records, reports, orders and tickets pertaining to the weighing of truckloads and less-than-truckload shipments.	3 years.
57	Freight loading and unloading records:	
	(a) Freight checkers' records	2 years.
	(b) Reports, manifests, load sheets and abstract of shipments made and received.	2 years.
	(c) Orders for the reconsignment of freight	2 years.
	(d) Reports of shipments received and transported by contract carriers not covered by freight bills.	3 years.
	(e) Records of vehicles iced and ventilated	2 years.
	(f) Records of unloading, feeding and watering live stock	2 years.
58	Copies of notices to consignees of arrival of freight	2 years.
59	Pickup and delivery records:	
	(a) All records detailing shipments picked up from or delivered to a carrier by consignor, drayman, carrier's own equipment or any other source.	3 years.
	(b) Notice to consignees of tender of delivery	2 years.
	(c) Pickup service call sheets	1 year.
	(d) Patron's authority for service desired (cartage authorities)	1 year after cancellation.
	(e) Record of c. o. d. collections and remittances	3 years.
	(f) Contracts for pickup, delivery, and transfer service (see 12 (c)).	2 years.
60	Drivers' reports not provided for elsewhere	3 years.
61	Records and reports of tickets and ticket stock, whether in station or general office.	3 years.
62	Records and reports of baggage checks issued, sold, and on hand, whether in station or general office.	3 years.
63	Agents' balance sheets	6 years.
64	Agency cash books	Optional.
65	Used and canceled tickets, cash fare slips, baggage checks, etc., reports of which showing their sale and use have been audited (except as otherwise provided in item 46 (f)).	3 years.
66	All records, reports, and documents at stations and terminals not otherwise provided for in these regulations.	
	III. EXPENDITURES	
70	Cash disbursements (cash, checks and drafts):	
	(a) Check and cash disbursement journals (check registers)	Permanent.
	(b) Duplicate copies of checks or check stubs if detail is not shown in item (a).	Permanent.
	(c) Reports of petty cash disbursed	3 years.
	(d) Checks paid and cancelled:	
	1. Payroll checks	3 years.
	2. All other checks	6 years.
	(e) Reports of drafts issued by agents and officers	1 year.
71	Invoices and vouchers:	
	(a) Invoice registers and voucher registers	15 years.
	(b) Paid and cancelled vouchers and supporting papers, except as otherwise provided in item 72 (a) and 99 (a).	6 years.
	(c) Invoices for material and supplies purchased not attached to vouchers or paid checks and supporting details. For expenditures relating to property see item 72.	6 years.
72	Records of terminal property and highway equipment:	
	(a) Records, reports, statements, and memoranda showing the details of all debits and credits on account of the cost of property.	5 years after sale or retirement.
	(b) Records and memoranda pertaining to depreciation, retirements, and replacements of property.	5 years after sale or retirement.
	(c) Contracts and other agreements relating to the construction, acquisition, or sale of property.	5 years after sale or retirement.

Item	Description of records, etc.	Period to be retained
	III. EXPENDITURES—continued	
72	Records of terminal property and highway equipment—Continued	
	(d) Plans, specifications, estimates of work, records of engineering studies, construction bids, and similar records pertaining to addition and betterment projects which have been put in execution.	5 years after sale or retirement.
	(e) Plans, specifications, estimates of work, records of engineering studies, construction bids, and similar records pertaining to addition and betterment projects which have been abandoned.	5 years.
	(f) Patent records and related data	5 years after expiration of patent.
73	Records and reports of repairs and renewals of buildings and other structures.	6 years.
74	Payroll records:	
	(a) Original source documents used in preparation of payrolls—namely, time cards, trip records, work orders, etc.	3 years.
	(b) Payroll registers and related payroll records	6 years.
	(c) Applications and authorities for changes in payroll	1 year.
	(d) Records and memoranda pertaining to deductions from payrolls for social security taxes.	6 years.
	(e) Records of employees—applications for employment, reports and certificates of physical and other examinations, service records, efficiency tests, employees' rosters and other similar records pertaining to employees.	3 years after termination of employment.
	(f) Provident department records: Records of provident departments, such as employees' relief, hospital, insurance and savings departments, other than records pertaining to the receipt and disbursement of funds.	1 year.
75	Assignments, attachments, and garnishments:	
	(a) Record of assignments, attachments, and garnishment of employees' salaries.	2 years.
	(b) Files containing assignments, attachments, garnishments, notices of suits, notices of release, and correspondence relating thereto.	2 years.
76	Purchase and sales:	
	(a) Copies of orders for the purchase of material and supplies	3 years.
	(b) Bids and offers for the sale or purchase of material and supplies	1 year.
	(c) Contracts for the purchase or sale of material and supplies	3 years after expiration.
	(d) Advices or requisitions from storekeepers and others for the purchase of material and supplies.	Optional.
	(e) Price records of purchases, file copies of	3 years.
77	Inventories of materials and supplies:	
	(a) General inventories of materials and supplies on hand including fuel, oil and tires.	6 years.
	(b) Stock cards, inventory cards, and other detail records	1 year.
	(c) Records and reports of materials and supplies received and issued except as otherwise provided in item 72.	6 years.
	(d) Requisitions and receipts for materials and supplies issued, the totals of which have been transcribed into other records for retention.	1 year.
	(e) Price records of materials and supplies issued, file copies	3 years.
	IV. SHOPS AND GARAGES	
80	Records and reports of repairs to automotive vehicles and other equipment.	3 years.
81	Records and reports of motor changes	3 years.
82	Inspection records:	
	(a) Certificates and test data on new tank motor vehicles used to transport inflammable liquids, corrosive liquids, compressed gases or liquid poisons.	3 years after retirement or disposition.
	(b) Certificates of inspection of other automotive equipment inspected.	3 years after retirement or disposition.
	(c) Records and reports of automotive equipment purchased	3 years after retirement or disposition.
83	Records and reports of automotive equipment light-weighed and stenciled.	3 years after retirement or disposition.
84	Records and reports of equipment numbers changed	3 years after retirement or disposition of vehicle.
85	Records and reports of automotive equipment in and out of service	3 years.
86	Records and reports of automotive equipment failures	3 years.
	V. INSURANCE AND SAFETY	
90	Fidelity and indemnity bonds:	
	(a) Records and files relating to expired, terminated, and canceled fidelity bonds of employees, including the bonds.	3 years after liability of bonding company has expired.
	(b) Records and files relating to expired, terminated, and canceled indemnity bonds incident to transportation and other charges, including the bonds.	3 years after liability of bonding company has expired.

Item	Description of records, etc.	Period to be retained
	V. INSURANCE AND SAFETY—continued	
97	Insurance records:	
	(a) Schedules of fire, cargo, public liability and property damage, and other insurance.	4 years.
	(b) Insurance policies	Optional after expiration of liability of insurer.
	(c) Letter and telegraphic reports of damages by fire, collision, etc.	3 years.
	(d) Reports of minor losses by fire, collision, etc., not covered by insurance or less than minimum amount collectible.	2 years.
	(e) Schedules of risks covered by self-insurance reserves	2 years.
98	Claim registers:	
	(a) Claim registers, card or book indexes and other records in connection with the recording of overcharge, loss and damage, personal injury, fire, and other claims presented against carriers.	6 years.
	(b) Records showing the details of authorities issued to agents, carriers, and others for participation in freight claims.	6 years.
99	Claim papers:	
	(a) All papers substantiating overcharge, loss and damage, personal injury, fire, and other claims whether such papers are filed separately or attached to vouchers.	3 years after settlement or rejection.
	(b) Claim jackets, if all information thereon appears in records covered by (a) above.	Optional.
100	Records of fire and other damages to property of others: (Reports and statements of employees regarding injuries by fire or otherwise, to property of others, when not necessary to support claims or vouchers.)	3 years.
101	Reports and statements regarding personal injuries, when not necessary to support claims or vouchers.	3 years.
102	Records of unclaimed, over, short, damaged, and refused freight:	
	(a) Tracers, reports, and other records pertaining to unclaimed, over, short, damaged, and refused freight, when not necessary to support claims or vouchers.	3 years.
	(b) Authorities for disposal of unclaimed, damaged and refused freight.	3 years.
103	Vechicle accidents:	
	(a) Record of automotive vehicle accidents	3 years.
	(b) Reports of accidents by drivers or others	3 years.
	(c) Reports of damage to equipment by accidents	3 years.
104	Records of hours of service of transportation employees (see item 17 (d) for reports of hours of service.)	Period prescribed in safety regulations.
105	Reports and records in connection with policing the motor carriers' detective service, investigations of robberies, and attempts to defraud when not the subject of claim against the carrier.	Optional.
106	Reports and records in connection with the prevention of loss and damage to freight shipments.	Optional.
	VI. MISCELLANEOUS	
120	Tabulating cards and codes:	
	(a) When the results are transcribed to other records covered by these regulations.	Destroy at option after appropriate summaries have been made.
	(b) When the results are not transcribed to other records covered by these regulations.	For the period prescribed for the specific records.
	(c) Records of code numbers and the periods during which they were effective.	For the period prescribed for the specific records.
121	Duplicate accounts, records, and memoranda listed in these regulations when they are not provided for otherwise and when they contain no information other than that shown on the originals.	Optional.
122	Books and circulars of instructions to agents and others, in the general file of the department in which the complete official file is maintained.	3 years after expiration or cancellation.
123	Data relating to the destruction of records	20 years.
124	Correspondence:	
	(a) Correspondence and records thereof relating to subjects listed in items 1 to 123, inclusive.	For the period prescribed for the records to which the correspondence relates.
	(b) Operators' copies of telegrams, including relay copies, if the original or other copies of such messages are retained as provided for in (a) above.	Optional.
	(c) Stenographers' notebooks and phonograph and other mechanical device records, if transcripts thereof are retained, as provided for in (a) above.	Optional.
	(d) Transcripts of teletype messages	For the period prescribed for the records to which the correspondence relates.

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Weighing; automotive equipment, 83; of mail, 54; of freight, 56; charges collected, 48.
Weight inspectors' reports, 16.

[F. R. Doc. 55-3147; Filed, Apr. 18, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 969]

[Docket No. AO 254-A1]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator. Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the marketing agreement and Order No. 69 (7 CFR Part 969), hereinafter referred to as "marketing agreement" and "order," respectively, regulating the handling of avocados grown in South Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112 Administration Building, Washington 25, D. C., not later than the close of business of the tenth day after publication hereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Avocado Administrative Committee, the administrative agency established pursuant to the marketing agreement and order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that a public hearing would be held on February 28, 1955, in the Auditorium, Redlands Farm Labor Camp, Homestead (Modello), Florida, was published in the FEDERAL REGISTER (20 F. R. 866) on February 10, 1955.

Material issues. The material issues presented on the record of the hearing were concerned with amending the marketing agreement and order to:

(a) Change the definition of "act" to include the amendments thereto contained in the Agricultural Act of 1954;

(b) Change the definition of "production area" to include the counties of Orange and Lake;

(c) Change the definition of "handle" to make regulations applicable to all export shipments;

(d) Provide for the establishment by the Avocado Administrative Committee, with approval of the Secretary, of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of avocados; and

(e) Provide for the fixing of the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging and the transportation, sale, shipment, or other handling of avocados.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(a) The present definition of "Act," as contained in the existing marketing agreement and order includes all of the amendments to the Agricultural Mar-

keting Agreement Act of 1937 which were in effect at the time the marketing agreement and order were made effective. The Agricultural Act of 1954, which became effective subsequently, contains further amendments to the Act of 1937, providing among other things, for incorporating into marketing agreements and orders provisions authorizing the establishment of marketing research and development projects, and the regulation of the size, capacity, weight, dimensions, or pack of containers used in the handling of a commodity. Inasmuch as the avocado industry desires to avail itself of the authority contained in these two provisions, and it is proposed to include such authority in the regulatory program it is concluded that the definition of "act" should be amended to provide such authority.

(b) At the time of the original hearing, data from the 1950 census indicated that there were only 708 avocado trees in Lake County and only 214 in Orange County. It has since developed that these data excluded certain smaller plantings, commonly referred to as "door yard trees," which are responsible for substantial commercial production. It has been estimated by the County Agricultural Agents of these counties that, in addition to the trees reported by the census, Lake County contains 5,000 trees, and Orange 3,000 trees, or a total including that reported by the census, of approximately 9,000 trees for the two counties. Customarily, surplus production from these trees (i. e., fruit in excess of that which is consumed by the person on whose property it is produced) is sold to a shipper or to an itinerant trucker who assembles truckloads and hauls them to a central location for preparation for shipment. It has been estimated that in a heavy producing year as much as 10,000 bushels of avocados could be marketed from these trees and under the present limitation of production area, without regulation. Furthermore, at the time of the original hearing, it was assumed that avocados produced within the presently defined production area were packed for shipment within that area. This however, has not proved to be entirely correct, since it has been found that fruit produced in the northern perimeter of the production area customarily has moved to assembly points within the adjacent counties of Orange and Lake for packing.

Since it is impractical to prepare any substantial quantity of fruit in the grove to comply with provisions of the order, producers have been required to change normal patterns of marketing in order to comply with such regulations, or else have violated such regulations in order to move their fruit in customary marketing channels. Moreover, it has been found that the present limitation of the production area serves to encourage violation of the order due to the difficulty of obtaining inspection in the typically isolated sections of the northern part of the production area. The enforcement problem is further complicated by the fact that once fruit has moved from the production area and mingled with fruit produced in the adjacent counties of Orange and Lake it has been impossible to ascertain which fruit was subject to regulation and which was not.

It was testified that there is no appreciable quantity of avocados produced in counties of Florida, other than Orange and Lake, which are not now included in the present definition of production area. It therefore appears that the production area as proposed to be enlarged would constitute the smallest regional production area which is practicable for the effective operation of this avocado program.

In view of the foregoing circumstances it is therefore concluded that in order to remove the barrier to movement of avocados to customary assembly points, to facilitate inspection, to bring within regulation all commercial production of avocados, and to facilitate enforcement of regulations, the marketing agreement and order should be amended to include the counties of Orange and Lake within the production area.

(c) The current definition of "handle" as contained in the marketing agreement and order contains a provision which restricts the regulation of shipments to those destined to be marketed within the continental United States or Canada. Such a restriction permits the shipment or export of poorer grades of avocados to all countries not specified.

The Agricultural Act of 1954 contains a provision which makes it mandatory that the Secretary apply to certain imported commodities the same or equivalent grade, size, quality, and maturity regulations as that applied to the domestically produced commodity for which there is in effect a marketing agreement and order. Under this provision avocados imported into the United States are required to comply with these regulations, or the equivalent of such regulations, which are in effect for avocados grown in South Florida.

During this past season avocados which did not comply with the quality regulation in effect, under the agreement and order, for market within the United States and Canada were marketed in countries where these restrictions did not apply. It is probable that this practice will grow, if not restricted, as production increases and the pressure of increased supplies is felt.

Some of the countries to which cull avocados were shipped in the past season, particularly those constituting the Greater and Lesser Antilles, produce avocados which mature at a season not competing directly with production in South Florida. It was testified that these countries have a combined population of some twenty million people and that avocados, in season, are an important item in their diet. Since demand for avocados is already established and Florida avocados mature at a season when local fruit is not available in these countries, they constitute an excellent potential market for the Florida fruit.

Marketing of South Florida avocados in the Bahamas and Cuba is already established and it is anticipated that as transportation become more rapid, cheaper, and easier, development of markets, not only in the remaining countries of the Antilles but in the countries of Europe will be practicable. As the production in South Florida increases, further development of markets outside of the United States and Canada will be necessary and desirable. Experience has shown that dumping of immature and off grade avocados in a market will not result in the development of demand sufficient to return a fair price to the grower. It is felt that if such demand is to be encouraged the people of other countries must be assured of the same good quality mature fruit that is now assured to the people of the United States and Canada. Moreover, it was pointed out that since avocados imported into the United States are required to comply with regulations imposed by a marketing agreement and order it would seem to be proper to require avocados for export to comply with the same regulation. It is concluded that insuring shipment of only mature good grade fruit to all export markets will bring about a more desirable development of demand and that growers prices will be enhanced thereby. Therefore, the marketing agreement and order should be amended as hereinafter set forth.

The aforementioned amendment will also entail, as a conforming amendment, the deletion of the following from the first sentence of § 969.55: "(c) for export other than to Canada." Said § 969.55 enumerates four types of dispositions, of which the indicated export is one, which are permitted to be handled free from regulation (except the filing of application by the seller and appropriate certification from the intended purchaser may be required). Such an exemption for exports other than to Canada would, of course, not apply in the event all exports should be regulated.

(d) The Agricultural Act of 1954 amended the Agricultural Marketing Agreement Act of 1937 so as to authorize the inclusion in marketing agreements and orders for certain fruits or vegetables of authority to establish marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of such commodities or the products thereof, the expense of such projects to be paid from funds collected pursuant to the particular marketing order. This statutory amendment became effective after the existing avocado program was put into effect.

It was testified at the hearing that such authority is needed particularly by the avocado industry, since it is a relatively new industry and has many production, handling, and marketing problems which are in urgent need of being resolved. Some of the more pressing problems concern the further development of measures of maturity so that shipment by varieties may be more intelligently regulated; others concern the determination of proper handling and packing procedures, types and sizes of containers, arrangement in containers, means of stimulating consumer demand for avocados, holding and shipping temperatures, and utilization of avocados of grades and qualities not suitable for

fresh shipment. It is not possible at the present time to foresee and enumerate all of the projects which might be desirable and appropriate in the future. It is expected that the nature and need for such research will vary from time to time depending upon prevailing economic influences, production prospects, or other factors affecting the marketing of avocados.

Up to the present time, certain agencies of the Federal Government and of the State of Florida have provided limited assistance to the avocado industry in resolving some of its problems. However, it was pointed out that due to the fact that the industry has not had the authority to attack its problem on an organized basis, the industry as a whole has not been able to participate effectively with these agencies in the solution of its problems. It was stated that such industry participation has heretofore been confined primarily to voluntary assistance on the part of a few of the industry's individual members.

Experience in the operation of the avocado marketing agreement and order up to this time has demonstrated that avocado growers and shippers can sit down together and discuss their mutual problems. In so doing they have learned that many problems which were previously considered to be primarily of only one segment were actually industry wide. It has been concluded that if these problems are to be solved it must be through the facilities and cooperation of the entire industry, rather than by the voluntary efforts of a few of the individual members.

The proposal as set forth in the notice of hearing provides that the exercise of this authority by the administrative committee shall be "with the approval of the Secretary." The opinion was expressed at the hearing that it might be well to leave the exercise of such authority to the free and untrammeled discretion of the committee. It was stated in that regard that the requiring of the specific approval of the Secretary for the expenditure of "each and every individual little item" might constitute an unnecessary burden to him and entail such undue delay as to militate against the most effective use of the authority. It was generally agreed, however, that the approval had in mind, and the one which would be most feasible and practicable, would be for the Secretary to act on the basis of whether proposed projects of a specified nature and the overall expenditure proposed to be made in connection therewith would be appropriate and desirable, leaving the handling of the administrative details, including payments of individual items of expense, to the committee. It is believed that such general approval authority is necessary in order that the Secretary may remain in a position to continue to exercise the general supervisory authority over regulatory programs of this nature which is imposed upon him by law.

It is not intended or anticipated that the proposed authorization, if adopted, will be used to operate advertising programs for avocados, either by radio, television, or through other media. Nor is it expected that the funds likely to become available from assessment collections will be sufficient to enable the avocado industry, through the committee, to operate large research or development projects directly, but the industry will be enabled thereby to cooperate more effectively in such projects as may be conducted by Federal and State agencies, colleges, and universities, and private research organizations as well as to operate directly such lesser projects as may appear to be necessary and feasible. It is contemplated that such cooperation with others may be either in the form of granting of funds to others to assist in the particular projects, the furnishing of materials or equipment, the lending of personnel, facilities or equipment, or by such other means as may appear to be appropriate to expedite conduct of the work.

Inasmuch as there has been shown a need for greater effort and participation of the industry as a whole in the solution of its common problems, that authority to establish research and development projects under the marketing agreement and order would provide a means for such greater effort and participation, and the solution of the industry's problems would contribute to more orderly marketing of avocados and enhance returns to producers, it is concluded that such authorization as set forth in the statutory amendment should be incorporated in the provisions of this regulatory program.

(e) Much confusion has existed in the avocado industry and in the trade due to the large number of shipping containers being used, and the constant shifting from one container to another of a slightly smaller size, in an attempt to gain a competitive advantage. Moreover the practice of keeping the number of avocados constant in a given type of container and varying the size, or the arrangement of the avocados in the container further adds to the confusion as does the fact that there is no standard net weight required for any of the containers being used in the industry. It was also pointed out that it is a general practice in the industry to use excelsior as packing material to prevent damage to avocados packed in the small containers known as "flats" in which about 73 percent of the fruit is shipped, and that by varying the amount of this material used it is possible to influence the volume of avocados packed in a given container.

A survey made in 1951 by the Dade County Agricultural Agent's Office disclosed that at least 14 different containers were being used in the shipment of avocados. Among these were 9 kinds or types of flats of slightly differing dimensions holding from 10 to 14 pounds, 3 different kinds of ⅘ bushel boxes, bushel baskets, and a field crate, the capacity of which is 1 1/10 bushels. It was stated that since completion of the survey further improvisations in containers had been made and there are now in use containers which appear at first sight to be ⅘ bushels but are smaller.

It was pointed out in the evidence of the hearing that sudden changes and lack of uniformity, the variation in the size, weight, capacity, dimensions, and pack of containers causes a great deal of dissatisfaction among buyers since they may not know the exact size of the container, or the size of the avocados within, or the arrangement of the fruit within the container for which a price is being quoted. Buyers who contract on the basis of the number of fruit in a container may on delivery find the specified number complied with but of a smaller size than expected. Others may buy by net weight and find the size unsuitable for their customers. Dissatisfaction thus created has resulted in lack of trade confidence and reluctance to promote Florida avocados. Such lack of trade support in promoting the Florida fruit in the markets has had a detrimental effect on prices to growers.

It was reported that buyers who are familiar with the slight differences in packages use these differences to their advantage in bargaining. For example, the price quoted by one shipper for a particular container of avocados is often used as a lever to bargain for a price reduction for a slightly larger container of avocados of another shipper. The multiplicity of containers and the variation of pack in these containers makes it virtually impossible for a shipper to judge the value of his container and pack in relation to that of another or, in fact, to know just what competing container a buyer may be referring to when negotiating a price. This has oftentimes resulted in unjustifiable price concessions being made to buyers with consequent detrimental effects upon returns of producers and in general has contributed to disorder in the marketing of avocados. As a result the tendency has been for shippers to reduce the size of their containers to try to conform with the smallest size being used, or to get one a shade smaller. This facilitates reducing either the size or the number of avocados packed in the new container as compared with the one it replaced. This not only results in increased costs of packaging due to the larger number of packages needed to pack a given quantity of fruit and the loss of efficiency in packaging and handling, but creates the situation wherein buyers may use the unsettled condition to bargain for lower prices. Such lower prices ultimately fall on the grower.

Furthermore, it was stated that in the change to containers of smaller size or different dimension, shippers usually are left with stocks of unused containers on hand. In the final analysis the cost of these obsolete containers are borne by producers. Also in this connection the testimony indicates that container manufacturers would be disposed to supply containers at reduced prices if standardized and ordered in quantity.

It was testified at the hearing that there is an indication that some of the containers in use are not suitable for getting the fruit to the market in the best possible condition from the standpoint of maintaining quality in transporting to market, insuring a reasonable shelf life after arrival at the retail store, and providing the consumer with the

best possible product. In this connection it was stated that it would be desirable to have authority to specify in the regulation of containers such factors as strength of material, provisions of ventilation, and design of containers as these influence to a large extent the degree of protection afforded by a container to the avocados packaged therein, since it is obvious that such protection constitutes an important factor in insuring the quality of product delivered to the consumer.

Members of the avocado industry have recognized for some time the ill effects of constantly shifting from one container to another. Efforts to reach a "gentlemen's agreement" concerning some degree of standardization have been made, but to no avail. Prior to organization of the industry under the marketing agreement and order many members felt that it was futile to try to come to an agreement on a specific container or containers, or to standardize the size, weight, capacity, dimension or pack of such containers since no authority for enforcing compliance existed. At present the marketing agreement and order for avocados do not contain such authority. Authority became available in the form of an amendment to the Agricultural Marketing Agreement Act of 1937, in the Agricultural Act of 1954. This was passed after the marketing agreement and order for avocados were made effective.

It was stated that considerable study will be necessary before the avocado industry will be in a position to make specific recommendations as to containers, or pack in order to achieve the full benefits that may be expected to accrue from container standardization. (In this connection the necessity for specifying in regulation the arrangement, size, and number of avocados in a container, the amount and use of packing material, and the net weight of different containers was stressed as otherwise these could be varied to make container regulation ineffective.) However, it was evident at the hearing that there is general agreement in the industry that standardization is necessary, can be agreed upon, and that the committee should be empowered to recommend and the Secretary to establish standards in regard to containers used in the handling of avocados in order to achieve orderly marketing conditions and increase prices to producers.

The evidence of this hearing indicates that the adoption of standard containers for avocados would permit shippers to order containers in such quantities as to effect a saving; result in less confusion in the trade with consequent fewer demands for price concessions by buyers; make possible greater efficiency in the packing and handling of avocados; and, through reduction of costs, increase returns to producers. Therefore, the marketing agreement and order should be amended to provide authority to regulate containers as hereinafter set forth.

In addition to the proposals discussed heretofore, three additional proposals, numbered 4, 5, and 8, were set forth in the notice of hearing. No testimony in regard to such proposals was presented.

It was testified at the hearing that such changes should also be made in other provisions of the marketing agreement and order as may be necessary to make such provisions conform with any specific amendments which are so adopted as the result of this proceeding. Any such conforming changes should, of course, be limited strictly to those which are obviously necessary and appropriate, and, other than to that extent, should not affect the present meaning of such provisions. Other than the conforming change in § 969.55, referred to under (c) of the findings and conclusions of this decision, it does not appear to be necessary to make any such conforming changes.

General findings. (a) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, regulate the handling of avocados grown in South Florida in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(c) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, are limited to their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act; and

(d) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the avocados covered thereby.

Rulings on proposed findings and conclusions. March 14, 1956, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such documents were filed within the prescribed time.

Recommended amendments to the marketing agreement and order. The following amendments to the marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Immediately preceding the closing of the parenthesis at the end of § 969.2 *Act* insert the following: "; 68 Stat. 906, 1047".

2. Revise § 969.4 *Production area* to read as follows:

§ 969.4 *Production area.* "Production area" means the counties of Brevard, Orange, Lake, Polk, Hillsborough, and Pinellas in the State of Florida, and all of the counties of that State situated south of such counties.

3. Delete from the first sentence of § 969.10 *Handle* the words "in the continental United States and Canada."

4. Add, after § 969.42 *Accounting*, the following new section; preceded by a main heading entitled "Research and Development":

§ 969.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of avocados. The expense of such projects shall be paid from funds collected pursuant to § 969.41.

5. Delete the word "and" appearing at the end of subparagraph (1) of paragraph (a) of § 969.51 *Issuance of regulations*, and insert the word "and" at the end of subparagraph (2) of such section after changing the period to a semicolon.

6. Add, after subparagraph (2) of paragraph (a) of § 969.51 *Issuance of regulations*, the following new subparagraph (3):

(3) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, and the transportation, sale, shipment or other handling of avocados.

7. Delete paragraph (c) from § 969.55 *Avocados not subject to regulation*, and redesignate paragraphs (d) and (e) as paragraphs (c) and (d), respectively.

Dated: April 14, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-3201; Filed, Apr. 18, 1955; 8:52 a. m.]

[7 CFR Part 1001]

[Docket No. AO-267]

HANDLING OF LIMES GROWN IN FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of limes grown in Florida. Such marketing agreement and order would be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047). Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C. Any such exceptions should be filed in quadruplicate, and must be received prior to the close of business on the tenth day after publication of this recommended decison in the FEDERAL REGISTER.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreement and marketing order were formulated, was held at Homestead (Modella), Florida, from March 1 to March 3, 1955, both dates inclusive. Such hearing was held pursuant to a notice thereof which was published in the FEDERAL REGISTER (20 F. R. 744) on February 3, 1955. Said notice contained a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Florida Fruit and Vegetable Association, with a petition for a hearing thereon. The objective of the proposed marketing agreement and order is to bring to the lime industry of Florida the benefits of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act").

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(2) The existence of the right to exercise Federal jurisdiction in this instance;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated;

(5) The specific terms and provisions to be incorporated in the marketing agreement and order, if adopted, such as:

(a) The definitions of such terms as "Secretary," "act," "person," "committee," "fiscal year," "grower," and "district";

(b) The establishment and maintenance of an administrative agency, to be known as the Florida Lime Administrative Committee (hereinafter referred to as the "committee") for conducting marketing agreement and order operations, the powers and duties of such committee, and its manner of doing business;

(c) The incurring of expenses by the committee and the levying of assessments;

(d) The need for authorizing marketing research and development projects to assist, improve, or promote the marketing, distribution, and consumption of limes;

(e) The methods for regulating shipments of limes grown in the production area;

(f) The granting of exemptions in connection with such regulations;

(g) The requirement for inspection and certification of all limes handled;

(h) The specification of the purposes for which limes may be handled free from regulation;

(i) The keeping of records and filing of reports by handlers;

(j) The requirement of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(k) Additional terms and conditions as set forth in §§ 1001.62 through 1001.71 and published in the FEDERAL REGISTER (20 F. R. 744) on February 3, 1955, which are common to marketing agreements and orders, namely, right of the Secretary, effective time, termination, proceedings after termination, effect of termination or amendment, duration of immunities, agents, derogation, personal liability, and separability, and certain other terms and conditions as set forth in §§ 1001.72 through 1001.74, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only, namely, counterparts, additional parties, and order with marketing agreement.

Findings and conclusions. The findings and conclusions on the foregoing material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Limes are produced in four states in the United States, namely Arizona, California, Texas, and Florida. However, only in the latter State is lime production of any commercial significance. Most of the production of limes in Florida is confined to the southern and central portions of the State. Slightly more than 80 percent of the Florida limes marketed are grown in Dade County with the remaining commercial production centered in Highlands and Polk Counties at the lower end of the so-called "Ridge" area of the State. Additional commercial lime plantings have been made at scattered locations throughout the State, particularly in the central and coastal areas, where soil and temperature conditions are favorable for the growing of limes. The production of limes in Florida has increased rapidly since 1950 and will undoubtedly continue to increase unless existing lime groves are severely damaged by adverse weather, or other conditions. Florida lime production for 1950–51 season totaled 280,000 boxes (1-3/5 bushels) and had reached a total of 380,000 boxes for the 1954–55 season, an increase of approximately 35 percent. Records of lime trees moved from Florida nurseries to destinations within the State indicate an increasing rate of plantings each year since 1950. Of the 7,400 acres of lime groves presently established in Florida, it is estimated that approximately 15 percent have not reached bearing age. Also at least one-third of the bearing lime groves have yet to reach their maximum productive capacity.

One of the factors which contributed to the increase in the production of limes in Florida was the development of frozen concentrate for limeade. The demand for limes for the manufacture of this product has been such that despite the increase in production of limes during the seasons 1950–51 through 1953–54, the volume of shipments in fresh market channels was relatively constant. During the latter season, 46 percent of crop was processed. Returns to the producers of limes generally have been favorable during this period. The average price received by Florida producers for limes shipped for fresh consumption during the 1953–54 season was $6.40 per box, on-tree, or 150 percent of the January 15, 1955 parity price for such limes. However, processors experienced difficulty in disposing of the large 1953–54 pack of lime products and substantially reduced their purchases of limes during the 1954–55 season. As a consequence, the 1954–55 season's shipments of limes to the fresh markets were the largest of record, and returns to lime producers declined sharply. Since the marketing of the 1954–55 lime crop would not be completed until March 31, 1955, the season average price could not be computed at the time of the hearing. However, the average equivalent on-tree prices received by producers for Florida limes shipped in fresh market channels during the first 10 months of the 1954–55 marketing season ranged from $8.10 per box in April 1954 to $0.70 per box in December 1954. For the four-month period June–September 1954, the period when approximately two-thirds of the fresh lime shipments usually are made, such prices averaged as follows: June, $3.15 per box; July, $2.00 per box; August and September, $1.20 per box. These prices were 74, 47, and 28 percent, respectively, of the January 15, 1955, parity price for such limes. Obviously, therefore, the 1954–55 returns to Florida producers of limes will average substantially below parity. Moreover, barring unforeseen circumstances such as adverse weather, it is anticipated that the available supplies of limes will be large in relation to the total market demand and lime prices will continue to average below parity for some time.

The growers and handlers of Florida limes have endeavored to bring about some uniformity in the marketing of their commodity. In this connection, they have been successful in establishing State legislation, making it mandatory for all Persian or Tahiti limes, the principal type produced, to have a juice content averaging not less than 42 percent, by volume, in order to be marketed in fresh or processed outlets. However, this requirement is not applicable to other limes nor is there any requirement or uniformity in regard to the grade, size, or other quality factors, of the limes shipped to the fresh market or the containers in which such shipments are made. Thus, except as indicated, the handlers of Florida limes individually have made their decisions concerning the marketing of the supplies available to them. Most of these handlers have endeavored to fix so-called "house grades" for their individual packs and to sell their limes on the basis of such grades. It is not unusual, however, for handlers to vary their individual standards with the variations in the supply, quality, and demand for limes in a particular season. Hence, Florida limes of undesirable quality frequently have been marketed in a manner designed to indicate that such limes were of desirable quality. In addition, some handlers have, from time to

time, changed slightly the dimensions or size of the containers in which their limes are shipped, presumably in order to gain a competitive advantage over others. Usually, such advantage, if any, has been temporary since the other handlers also would soon adjust the size of their shipping containers. The existence of the foregoing disorganized situation within the Florida lime industry has resulted in generally disordered marketing conditions and has tended to alienate buyers and hence to reduce the demand and the market prices received for Florida limes.

Prices for Florida limes, and total returns to the growers of such fruit, could be augmented by restricting shipments in fresh market channels to limes of desirable grade, size, and quality, and limiting the containers used in making such shipments. When supplies of limes are heavy, fruit of inferior grades and qualities, or of undesirable size, may be sold only at discounts; and, since competition in the marketing of limes is based to a considerable extent upon price, such discount sales tend to depress prices for all limes being marketed. Restrictions on the shipment of such discounted fruit would, therefore, increase prices for the good quality limes of desirable size. Moreover, shipments of limes which are of inferior grades and qualities, or of undesirable size, often do not sell at prices covering the cash costs of harvesting and marketing. Restrictions on the shipments of such fruit would not only improve the grade, size, and quality of the limes marketed and promote buyer confidence in Florida limes but would also improve the average returns to growers by preventing losses incurred through shipment of undesirable fruit.

The large number of containers used in the marketing of Florida limes and the constant shifting of the size, capacity, dimensions, and pack of these containers has confused greatly the trading in this commodity. Handlers and buyers alike often do not know the exact quantity of limes covered by the various prices quoted. Restrictions on the containers used in the packaging and handling of limes would tend to correct this situation and also would make possible greater efficiency in the marketing of limes.

Therefore, it is concluded that a marketing agreement and order, providing for the regulation of the grade, size, and quality of shipments of Florida limes and for the establishment of uniform containers to be used for such shipments, are needed to effectuate the declared policy of the act. The objective to be followed under such marketing agreement and order is the tailoring of the supply of limes available for sale in fresh market channels to the demand in such outlet so that the fruit thus made available to buyers will be packaged uniformly and be of desirable grade, size, and quality. Such limitations on shipments of Florida limes would contribute to the establishment of more orderly marketing conditions for such fruit and would tend to increase the demand therefor.

(2) Any handling of Florida limes in fresh market channels exerts an influence on all other handling of such limes in fresh form. Sellers of limes, as of other commodities, endeavor to transact their businesses so as to obtain the highest possible return for the quantities of limes they have available for sale. In effecting these transactions, the sellers continually survey all accessible markets in order to take advantage of the best opportunity to market the fruit. Markets within the State of Florida provide opportunities to dispose of limes in the same manner as the markets outside the State; and the sale of a quantity of Florida limes in a market within the State of Florida exerts the same influence on all other sales of such limes as a like quantity sold in another market.

Shipments of Florida limes may be scheduled originally for delivery to markets within the State of Florida and then be diverted en route to markets outside the State. For example, truck lots of limes often are shipped to Tampa or Jacksonville and then diverted to markets outside the State of Florida. In addition, itinerant truckers acquiring limes at packinghouses or from growers dispose of such limes wherever they can obtain the best price. Thus, such a trucker may intend to sell the limes he acquires within the State of Florida, but may, if he is dissatisfied with the price obtainable in such in-state markets, transport all or a portion of such fruit to out-of-state markets. Also, dealers in limes in the markets within the State of Florida purchase limes from packinghouses and growers and resell such fruit to consumers, retailers, or others doing business within the State and to truckers who dispose of the fruit in out-of-state markets. Furthermore, both local and national chain stores maintain buying agencies within the production area. Some of such agencies have all or part of the limes purchased delivered to warehouses within the State and thereafter the fruit is distributed by truck to their retail outlets in Florida and other southeastern states. It is not possible, therefore, always to ascertain, at the time limes are first handled, whether such limes will be marketed within the State of Florida or at some point or points outside thereof.

If shipments of limes to markets outside the State of Florida were regulated, while at the same time shipments of limes to markets within the State of Florida were not regulated, growers and handlers would endeavor to market within the State all limes which could not otherwise be shipped under such regulation. Prices for limes sold in intrastate markets would thereby be depressed below those prevailing in the markets outside the State. The existence of such lower price level for limes being marketed within the State of Florida would tend to depress the prices for limes sold in the interstate markets. Furthermore, with large quantities of poor quality limes available for sale in markets within the State of Florida, there would be little opportunity to sell in such markets limes meeting the requirements of the regulations established. The larger quantity of limes, which would be required to be sold in the interstate markets under such circumstances, would also tend to lower the level of prices in the interstate markets. The Florida markets are extremely important to the growers and handlers of limes as a significant portion of the crop is marketed in such intrastate markets. Data presented at the hearing show that 15 to 20 percent of the total fresh shipments of Florida limes usually are sold in markets within the State.

In these circumstances, it is concluded that (a) all handling of limes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce, and (b) the handling of such limes within the State of Florida and such handling in interstate and foreign commerce are so inextricably intermingled that it would be impracticable to regulate the handling of such limes as is in interstate and foreign commerce without regulating all handling of such limes.

(3) The term "limes" should be defined in the marketing agreement and order to identify the commodity to be regulated thereunder. Such term, as used in the marketing agreement and order, refers to all varieties and classes of acid limes grown in the production area, as hereinafter defined, classified botanically as Citrus aurantifolia, including the group known as the true limes, commonly called the "Key" or "Mexican" limes, and the group known as large fruited limes, commonly called "Persian" or "Tahiti" limes. These two classes of limes possess similar characteristics, the principal differences being in the size of the individual fruits and in the presence or absence of seeds. The Key and Persian limes mature at the same time and are used interchangeably by consumers. In the production area, approximately 75 percent of both classes are harvested during the months of May to September, inclusive.

There are other acid citrus fruits grown in the production area and some of such fruits, such as the Lakeland and Eustis varieties of limequats, often are referred to as "limes". It was shown at the hearing that these other acid citrus fruits are lemons and crosses of either lemons or limes and some other type of citrus fruit and have characteristics sufficiently dissimilar from the Key and Persian limes that they may be readily distinguished from them. The production of such other acid citrus fruits in Florida is relatively small and such fruits should not be subject to regulation under the marketing agreement and order inasmuch as such regulation is not necessary at this time to attain the objectives of the program.

A definition of the term "production area" should be incorporated into the marketing agreement and order as a means of delineating the area within which limes must be grown for the handling thereof to be subject to regulation. Such term should embrace all of the State of Florida except the area west of the Suwannee River. Such area would include all of the commercial production of limes in Florida. Production of limes in Florida is concentrated in Dade and Monroe Counties and in the "Ridge" area but there is lime production in most central and coastal areas of the State. The limes produced for market within these areas are of the same types, are marketed at approximately the same time, and compete with each other in the markets. Because of these facts, the exclusion of any part of such production from the program would tend to make its operation ineffective.

It is desirable to fix the boundaries of the production area so as to coincide with established check points employed by the State in connection with its maturity regulations on Persian lime shipments. Practically all of the shipments of Florida limes are made by truck and there has been established so-called road guard stations to check the truck shipments of limes and other commodities. These stations are located near the highway crossings of the Suwannee River and on the two major roads east of the Suwannee River leading out of the State. Thus there is available an ideal situation for checking all out-of-area shipments of limes for compliance with the program regulations. The exclusion of any portion of the State other than that west of the Suwannee River from the production area would increase the number of routes by which limes could be transported by truck from such area and would increase correspondingly the difficulties and expense of enforcing such regulations.

It is concluded, therefore, that the production area, as defined, is the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined in the marketing agreement and order to identify those persons who are regulated under the program. The term "handler," therefore, should include all persons who "handle" limes in the manner described hereinafter or who cause limes to be so handled. Common or contract carriers of limes transporting to market limes owned by another person should not be considered the "handler" of such limes, however, as in such instances the carrier is performing services for hire and is not responsible for the grade, size, or quality of the commodity it transports.

The term "handle" should be defined to identify those activities which it is necessary to regulate in order to effectuate the declared policy of the act. Such activities are those which place or continue limes in commerce and include the selling, consigning, delivering, or transporting of limes within the production area or from the production area to any point outside thereof. The performance of any one or more of these activities, either directly or indirectly through others, should constitute handling. Limes are frequently transported, sold, or otherwise placed or continued in commerce by more than one person. In order to effectuate the declared policy of the act, each such person should be required to limit such handling of limes to fruit which conforms to the applicable regulations established under the marketing agreement and order.

The handling of limes for specified outlets or uses enumerated in § 1001.56 of the proposed marketing agreement and order should be excepted from regulation, however, for the reasons set forth in connection with issue 5 (h) of this decision. Also, the term "handle" should be limited by particular exceptions to make its applicability specific and to simplify the administration of the program.

The sorting, grading, packing, and other acts in the preparation of limes for market should not be covered as handling subject to regulation. These actions, whenever they are performed, are, of necessity, preliminary to the handling—i. e., selling, consigning, delivering, or transporting—of limes. Moreover, it would unnecessarily complicate the administration of the program to require persons engaged in the preparation of limes for market to meet the requirements of regulations under the marketing agreement and order prior to such preparation. Therefore, such activities should not be included within the definition of handle.

It is common practice for growers to sell or deliver their limes to persons having facilities for packing and otherwise preparing the fruit for market. The grower, in such instances, properly relies on the person preparing the limes for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Thus, there should be excepted the movement of limes from the groves to the place where the fruit will be prepared for market. It is necessary, however, to limit the scope of this exception in order to assure compliance with the regulations established under the program. Hence, it should be required that the facilities, where the limes are to be prepared for market, be located within the production area. Otherwise, it would not be possible for the administrative committee, established under the provisions of the proposed marketing agreement and order, effectively to check on the disposition of the limes delivered to the packing facilities which did not meet the program requirements. Also, this exception should apply only in case the person engaged in the preparation of limes for market has registered with the committee in accordance with such rules as it may prescribe with the approval of the Secretary. This registration is necessary because some limes are prepared for market in sheds or other buildings located at or near the groves and it is necessary that the committee have knowledge of these locations for enforcement purposes; and also to afford the committee an opportunity to check on the handler-applicant's statements regarding his manner of doing business and his facilities for the preparation of limes for market. It is intended that the committee, under its rules, will register each handler-applicant who it is reasonable to believe will conduct his packing and handling operations in accordance with the program requirements.

There are some growers who deliver their limes to the packing house of handlers where the fruit is prepared for market, for a fee, for the person making such delivery. Also, a handler may, in some instances, have another handler pack limes for him. Transactions of this nature are generally referred to by the industry as "custom packing." After the limes are so packed they are returned to the person for whom the custom packing was performed who thereafter markets the limes in any manner he desires. As the custom packer is merely performing services for a fee and has no control over the disposition of the fruit which is custom packed, he should not be considered as the handler of the limes. Conversely, the person for whom the limes are custom packed is the handler of the limes, unless he sells them to a registered handler, and is responsible for compliance with the program terms, provisions, and regulations which are applicable at the time he sells, consigns, delivers, or transports the fruit so packed. In the event, however, that the custom packer retains any of such limes, for example the fruit sorted out in the packing process, and disposes of this fruit, such packer would be the handler of the fruit unless such disposition was in channels not subject to regulation under the program.

With the exceptions stated heretofore, all activities from the time the limes are severed from the tree until they are moved outside the production area are included in the process of handling. Any person who handles limes, as "handle" is defined in the marketing agreement and order, should be subject to regulation thereunder as to such handling transactions. Hence, if a producer of limes sells or delivers limes to an itinerant trucker or any other person not registered with the committee, in the manner heretofore described, the regulation should apply at the time of such sale or delivery. Under such circumstances, the producer is the first handler of such limes and is responsible for complying with the marketing agreement and order restrictions applicable at the time of such sale or delivery. Likewise, the same restrictions would apply to each person who subsequently handles such limes.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the proposed marketing agreement and order. These terms should be defined for the purpose of designating specifically their applicability, and establishing appropriate limitations on their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal year" should be defined to identify the 12-month period with respect to which the financial records of the Florida Lime Administrative Committee—the agency which will administer the program locally—are to be maintained. The establishment of such period is necessary for businesslike administration of the marketing agreement and order and is desirable as a basis for establishing the terms of office of committee members and alternates. The date marking the end of one fiscal year and the beginning of the next should be fixed at a time of relative inactivity in the marketing of the lime crop and should allow sufficient time, prior to volume shipments in the new marketing season, for the committee to organize and develop information necessary to its functioning during the ensuing year. While Florida limes are harvested and marketed during each month of the year, the fresh shipments of such limes in each of the months of March and April have averaged, over the past 11 years, less than two percent of the season's total, and heavy shipments are not made until the latter part of May. Hence, March 31 of each year is an appropriate date, for the ending of each fiscal year. This term should be defined, therefore, as hereinafter set forth.

A definition of "committee" should be incorporated in the marketing agreement and order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

The term "grower" should be synonymous with "producer" and should be defined to mean any person who is engaged, within the production area, in the production of limes for market and who has a proprietary interest therein. A definition of such term is necessary for such determinations as eligibility to vote for, and to serve as, a grower member or alternate grower member of the Florida Lime Administrative Committee, and for other reasons. The term should be limited to those who have a proprietary interest in the limes produced. It should not include laborers or others who perform work for a fee or for hire in producing the limes. Each business unit (such as a corporation, partnership, or community property arrangement) engaged in the production of limes for market should, when voting for nominees for membership on the committee, be entitled to only one vote.

A definition of "district" should be incorporated in the marketing agreement and order to delineate the geographical divisions of the production area for the purpose of electing nominees for membership on the committee. As stated heretofore, approximately 80 percent of the production of limes in Florida is in Dade and Monroe Counties. These two counties are contiguous and are the southernmost counties in the production area. Limes produced in Dade and Monroe Counties generally are prepared for marketing in such counties whereas limes produced in the remainder of the production area are marketed primarily through one handler and may be hauled considerable distances to the packing facilities. Hence, the designation, as hereinafter set forth, of Dade and Monroe Counties as District 1 and of the remainder of the production area as District 2 provides a logical division of the production area.

(b) It is necessary to establish an agency to act in administering the proposed marketing agreement and order under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Florida Lime Administrative Committee" is a proper identification of the agency and reflects the administrative character thereof. It should be composed of nine members, of whom five should represent producers and four should represent handlers. Alternate members should be provided to act in the place and stead of the members. Such a committee would be large enough to provide representation to all segments of the industry. At the same time, it is of such size that it can operate effectively and efficiently. The foregoing division of the members between producers and handlers would provide suitable producer representation and handler experience and information. A majority of the committee should consist of producers because the program is designed to benefit producers. The provision for handler members tends to give balance to the committee by providing the handler experience and marketing information necessary to the development of economically sound regulation of lime shipments. Each handler member should be either a handler or an employee of a handler, as handlers often are corporations and would be precluded from having representation on the committee unless employees were authorized to serve as members of the committee. One handler member and one grower member should represent District 2 and the other members of the committee should represent District 1. Such division of the representation on the committee is representative of the volume of production of limes in the two districts.

Each producer or handler member of the committee, and his alternate, should be a producer or handler, as the case may be, of limes in the district for which he is selected. A person with such qualifications should be intimately acquainted with the problems of producing or marketing limes grown in such district and may be expected to present accurately the problems incident to the production or handling of limes grown in that district. The producer members and alternates should be growers who are not handlers or employees of handlers. Such provision is necessary to assure that the interests of the majority of the committee are primarily the growing of limes.

A term of office for committee members should be provided in the marketing agreement and order to establish an orderly procedure for changing the membership of the committee. The term of office should be for one year and should cover the same period as the fiscal year for reasons discussed heretofore in connection with the definition of that term. The provision for one year terms of office is desirable as producers and handlers will thus have an opportunity at the close of each marketing season to indicate whether they desire the incumbent members to represent them for another year. As appointment of the new committee members and alternates may not always be made in time for them to take office immediately upon the expiration of the term of office of the existing committee, provision should be made in the marketing agreement and order for members and alternates to serve in such position during the term of office for which they are selected and until their respective successors have been selected and qualified. Such provision will assure continuous functioning of the committee. Evidence presented at the hearing indicated that it would be desirable to assure that the same committee members would not serve continuously. Accordingly, provision should be made so that a member would be precluded from serving continuously on the committee for longer than three consecutive terms of office. This provision should not apply to alternate members as alternates actually serve on the committee only when the member for whom he is an alternate is unable to serve.

A procedure for the election by growers and handlers of nominees for membership on the committee should be prescribed in the marketing agreement and order to assist the Secretary in his selection of members and alternate members of the committee. The nomination of prospective members and alternate members at meetings of growers and handlers in the respective districts is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee.

Nomination meetings for the purpose of electing nominees for members of the committee and their alternates should be held or caused to be held by the committee on or before February 15 of each year. Such date is approximately six weeks prior to the end of the fiscal year. By having such nomination meetings not later than February 15 each year, the committee will be in a position to prepare and submit nomination lists to the Secretary in time for the Secretary to select the members and alternate members of the new committee prior to the expiration of the terms of office of the existing committee members.

As the administrative committee will not come into existence until after the selection by the Secretary of its initial members, the marketing agreement and order should provide a procedure for the selection of the initial members. The Secretary may appropriately select the initial grower and handler committee members and alternates from nominations which may be made by growers and handlers, respectively, or appropriate groups thereof, or from other persize, weight, capacity, dimensions, and order should so provide. In order that the initial membership of the committee may be selected as soon as possible after the approval of the program, it should be required that such nominations be submitted not later than the effective date thereof.

Each producer should be limited, at nomination meetings, to casting only one vote for each grower position as a committee member and one vote for each grower position as a committee alternate to be filled at such meeting. While growers who are also handlers or employees of handlers would not be eligible to serve as grower members of the committee, it is not necessary for this restriction to be applicable to voting for nominees for such positions. Voting on such basis, rather than on the basis of relative tonnages produced, is in accordance with the procedure followed in democratic elections and will prevent domination of the nominations by large growers. If more than one vote were permitted, based upon volume of production or number of groves owned, large growers would be in a position to nominate growers who might not be favored by a majority of the growers. The grower who operates in more than one district should be permitted to select the district in which he desires to participate in nomination meetings so that he may cast his ballot for nominees where he believes his principal interest lies. There are a considerable number of lime growers who do not reside in the production area and conduct their growing operations through others. In order to provide the broadest possible opportunity for all growers to participate in the election of nominees, growers residing outside the production area who are represented at nomination meetings by duly authorized agents, as well as the resident growers present at such meetings, should be permitted to vote.

Identical limitations and requirements should be applied to handler participation in meetings to nominate the handler members and alternate members of the committee for reasons similar to the application of such limitations to grower nomination procedure. However, the vote of handlers should be weighted by the volume of limes which he has handled during the applicable fiscal year. If handlers were limited to one vote, truckers and other small handlers who have little or no investment in the industry might be in a position to nominate the handler representation on the committee. This could result in the nomination of handlers who would not have the handler experience needed for the effective functioning of the committee.

In order that there will be an administrative agency in existence at all times to administer the marketing agreement and order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the marketing agreement and order so that the composition of the committee will at all times continue as prescribed therein.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed within 10 days after the notification of appointment so that the composition of the committee will not be delayed unduly. Provision should be made for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the marketing agreement and order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all inclusive in that it may develop that there are other duties which the committee may need to perform.

At least six members of the committee, or their respective alternates, should be present at any meeting in order for the committee to make any decisions; and all decisions of the committee should require a minimum of five concurring votes, with at least one such vote cast by a handler member. These provisions will assure that all actions of the committee will be considered by at least two-thirds of its membership and approved by a majority of the committee. Also, as five of the committee members are growers, these provisions are desirable to assure handler participation in all meetings and actions of the committee. The committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

Each member of the committee, and each alternate when acting as a member, should receive compensation at a rate to be determined by the committee, which rate should not exceed $10.00 per day or portion thereof spent performing his duties under the marketing agreement and order, plus his reasonably necessary expenses. Members should be compensated at such rate to prevent them from incurring financial loss which might otherwise result from serving on the committee. Such loss could result from the necessity of employing others to perform work which the members normally would do if they were not performing their duties as committee members. Reimbursement for reasonably necessary expenses is also required to offset actual out-of-pocket expense incurred in performing duties in connection with the program.

Provision should be made whereby each committee will prepare an annual report prior to the expiration of the terms of office of its members. Such reports would provide succeeding committee members, the industry, and the Secretary with a record of the annual operations of the program and would provide a means for evaluation of the program and the need for any changes therein.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal year for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by an administrative agency such as the Florida Lime Administrative Committee, and requires that each marketing program of this nature contain provisions requiring handlers to pay pro rata the necessary expenses. Moreover, in order to assure the continuance of the committee, the payment of assessments should be required even if particular provisions of the marketing agreement and order are suspended or become inoperative.

Each handler should pay to the committee upon demand with respect to all limes handled by him, as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal year. Each handler's share of such expenses should be equal to the ratio between the total quantity of limes handled by him as the first handler thereof during the applicable fiscal year and the total quantity of limes so handled by all handlers during the same fiscal year. In this way, payments by handlers of assessments would be proportionate to the respective quantities of limes handled by each handler and assessments would be levied on the same limes only once.

It was advanced at the hearing that the marketing agreement and order should provide that the rate of assessment would not exceed 10 cents per bushel, or an equivalent quantity, of limes. It was contended that the inclusion of such restriction would be desirable in order that handlers would be assured of the maximum assessment

which could be levied against them. It is believed that the inclusion of such a restriction should not present any difficulties from the standpoint of preventing adequate assessments to be levied to cover the operational expenses anticipated at this time. An example of a budget for this program for operation during the first fiscal year was presented in evidence which showed estimated operational expenses for such year of $11,100. It was acknowledged that such budget did not include any provision for the expenditure of funds for the marketing research and development projects authorized under the proposed program and that actual expenses for the items that were shown might vary somewhat from the amounts listed. It was stated that research expense had been omitted solely because it was not possible to ascertain at this time what projects might be undertaken during any particular fiscal year so this expense could not now be estimated with any degree of accuracy. Nevertheless, it was contended that, on the basis of the prospective production and shipments of limes, the proposed restriction should provide sufficient leeway to cover any expenses which may reasonably be expected to arise in the foreseeable future and that if it should later develop that this maximum rate is not sufficient, appropriate amendatory action could then be taken to make whatever change in the restriction as may then seem to be necessary and desirable.

In order to provide funds for the administration of this program, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money in an amount not in excess of 10 percent of the estimated expenses set forth in its budget for the then current year. The inclusion of a provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders, and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. There was no objection offered at the hearing to indicate that any person was opposed to the proposal for the committee to borrow a limited sum of money each fiscal year. It was pointed out that the indicated limitation would permit the borrowing of such a relatively insignificant amount that it should not cause any particular problems to arise from the standpoint of the repayment of it. During years of normal growing conditions, revenue available to the committee from assessments would provide the means for the repayment of any such loan. In addition, as hereinafter set forth, provision is made for increasing the rate of assessment in the event it should develop that due to some unforeseen circumstance, the assessment income under the then prevailing rate is not sufficient to cover the expenses incurred. The expenses which had been met from the fund previously borrowed would, of course, constitute a part of the overall cost of operations.

The Secretary should have the authority, at any time during a fiscal year, or thereafter, to increase the rate of assessment when necessary to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Since the act requires that administrative expenses shall be paid by all handlers pro rata, it is necessary that any increased rate apply retroactively against all limes handled during the partciular fiscal year.

If, at the end of any fiscal year, the assessments collected exceed the expenses incurred, each handler's share of such excess should be credited to him against the operations for the following fiscal year; but, if any handler makes a demand for payment thereof, refund should be made to him. The right of every handler to the return of his pro rata share of the excess funds would be recognized by providing for the payment of such share to him in case he requests it. However, good business practice requires that any such refund may be applied by the committee first to any outstanding obligations due the committee from any person who has paid in excess of his pro rata share of expenses and requests the return of such excess payment.

All assessment monies received by the committee should be used solely for the purposes, and accounted for in the manner, specified in the marketing agreement and order.

The Secretary should be authorized to require the committee, at any time, to account for all receipts and disbursements. Such authority would aid in assuring careful administration of assessment funds.

(d) The marketing agreement and order should provide, as hereinafter set forth, authority for the committee to establish or provide for the establishment of marketing research and development projects for the purpose of improving marketing practices and expanding the distribution and consumption of limes. With the increase in Florida lime production in prospect, it will be incumbent upon the industry to increase the demand for limes through enlarging the existing markets and developing additional outlets for such fruit. In order to accomplish this purpose, it will be necessary to obtain information with which to evaluate the existing harvesting and marketing practices of the Florida lime industry. Such information may be developed through scientific studies concerning matters such as the factors influencing yields and losses under alternative harvesting and marketing methods, the effect of present grading and merchandising practices on the "shelf-life" of limes, and the availability of limes in the various markets. One of the more pressing problems of the lime industry is the further development of outlets for limes of grades and qualities not suitable for fresh shipment. There has been no concerted industry effort along this line and the need for study of this problem became apparent during the past season when processors reduced their purchases of limes. It was stated, also, that limes are one of the few fruits that are marketed when green in color and that educational work in this regard should be undertaken, as well as in connection with the nutritive value and uses for such fruit.

The disorderly situation within the Florida lime industry with respect to the containers used, and the need for correcting this situation, was emphasized at the hearing. It was pointed out, however, that the containers presently used in the marketing of limes had developed largely as the result of individual preferences or from efforts to gain a competitive advantage by adopting a smaller container, varying only slightly in dimensions, from those of most other handlers. Extensive study of the performance of the various containers may be needed, therefore, in order for the industry to determine the optimum containers for the handling of limes.

(e) Evidence presented at the hearing shows that handlers often have shipped in fresh fruit channels limes of poor grade and quality, and of undesirable size. Such limes may be sold only at discounts and the returns from such sales often do not cover the cash costs of harvesting and marketing. In addition, such sales have tended to depress the prices for the entire crop, for the particular year, below the level which otherwise would have existed if only limes of suitable grade, size, and quality, considering the supply and demand conditions for such fruit, had been available in the markets.

The demand for particular grades, sizes, and qualities of limes varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, the trend and level of consumer income, and other factors such as weather conditions. Also, supply and demand conditions for limes are subject to substantial changes during a particular season as the result of weather conditions affecting the production and consumption of limes or competing commodities.

It was proposed in the notice of hearing to provide authority to regulate the maturity of limes as well as the grade, size, and quality thereof. The evidence presented at the hearing discloses, however, that limes are marketed prior to the time such fruit is "mature" within the meaning generally ascribed to such term. That is to say, limes should not be left on the tree until they are fully mature but should be harvested at the time they reach that stage of development when the optimum juice and acid content has been attained. Limes are used primarily as juice in the preparation of beverages and salad dressings and as a condiment for meat dishes. Consequently, limes lacking the desired flavor and juice and acid content do not provide consumer satisfaction. The industry has been accustomed to calling limes mature when they have the desired volume of juice. It does not appear necessary, however, to provide for maturity regulation since regulations prescribing

internal quality standards would provide the control needed to prevent the shipment of the poor quality limes which the industry refers to as "immature." Therefore, the marketing agreement and order should provide for the establishment by the Secretary of regulations by grade, size, quality (including internal quality and juice content), or combinations thereof, based upon limitations recommended by the committee; and such regulations should cover such period or periods as it is determined is warranted by the anticipated supply and demand conditions. In making its recommendations for such regulations the committee should consider the above enumerated supply and demand factors. The committee, because of the knowledge and experience of its members, will be well qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations and to advise the Secretary with respect to the supply and demand conditions under which the lime crop will be marketed.

The existing practices and conditions within the Florida lime industry in regard to the shipping containers used are discussed in some detail under (1) and (5) (d) this decision. Data presented at the hearing revealed that in 1950 there were at least 18 different containers used for shipping limes, not including shipments in field crates; and it was testified that an even greater number of containers are now used. Many of these containers vary only slightly in dimensions. For example, the dimensions of the 3 so-called ⅘-bushel cartons currently being used were given as 11½" x 7½" x 5", 12½" x 10" x 3¾", and 12¼" x 9¾" x 3¾".

Buyers have taken advantage of this situation and obtained price concessions from handlers simply because the handler involved could not ascertain, from the alleged competitive prices quoted by the buyer, whether his asking price was out of line with the market. Hence, a handler often has reduced his price in order to make a sale without knowing what he was competing against. Standardization of the containers used in the handling of limes would correct this situation and tend to establish more orderly marketing conditions. It was pointed out in this connection, however, that to accomplish fully the objective of container regulations, it would be necessary also to provide authority to prescribe specifications of the pack of the containers. Otherwise, handlers would be able to vary the quantity of limes in such containers and thereby make ineffective any container limitations that were established. It is concluded, therefore, that the provisions of the marketing agreement and order should contain authorization for the committee to recommend and the Secretary to issue regulations fixing the size, capacity, weight, dimensions, or pack of the containers which may be used in the packaging and the transportation, sale, shipment or other handling of limes. Initially, such limitations may be directed toward reducing the number of nearly identical containers which are now so used but, as factual data become available, more comprehensive regulations may be necessary and desirable.

The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality, when prices for limes are above parity, as will be in the public interest. The shipment of limes with insufficient juice or acid content, having a bitter flavor, or lacking in the quality necessary to assure delivery in satisfactory condition would cause an adverse buyer reaction and would tend to demoralize the market for later shipments of limes. Such undesirable limes have been marketed in the past and undoubtedly would again be marketed in the absence of regulation when average prices are above parity. Hence, the discontinuance of regulations during periods when prices exceed parity could result in dissipation of all benefits from the prior operation of the program.

Large-sized limes tend to develop stylar-end rot in transit or after such fruit has reached the hands of the retailer or consumer. Such defect may, depending upon weather conditions, extend in some seasons to other sizes. Likewise some external defects, such as rust or scab, may or may not indicate the fruit is lacking in quality depending on the conditions in the particular season. It is necessary, therefore, that the provisions of the marketing agreement and order contain the flexibility needed to reflect such conditions. Hence, the specific minimum quality standards that may be made applicable during a particular year should be established by the Secretary from the recommendations of the committee made after review of the existing conditions that year.

Provision should be made for the Secretary to consider and establish regulations on the basis of the recommendations and information submitted by the committee, and, as there may be available to him pertinent information not in possession of the committee, he should be authorized to act on the basis of such available information also. The committee should notify growers and handlers of meetings to consider recommendations for regulation, by mailing such notification to each such person requesting it, as growers and handlers are vitally interested in such recommendations. Authority should be given to the committee to recommend, and the Secretary to issue, a modification, suspension, or termination of any regulation established under the program, since such actions may become necessary as the result of changed conditions which could not be anticipated at the time the regulations were formulated.

In order to facilitate the operation of the program, the committee should each year, and prior to recommending regulation of lime shipments, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of limes. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also would be useful to the committee and the Secretary when specific regulatory actions were being considered since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the marketing agreement and order, affecting marketing conditions for Florida limes since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known conditions when changes in such conditions since the beginning of the season are sufficiently marked to warrant modification of such policy. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The proposed program set forth in the notice of hearing contained provisions authorizing the establishment of restrictions applicable to the handling of limes to destinations within the production area different to those applicable to limes handled to destinations outside such area. The only evidence of record supporting such authority is general statements to the effect that the largest sizes of limes have been sold in nearby markets, such as Miami, since there is little demand for large limes in the northern markets and such fruit develops considerable spoilage if it is shipped to the more distant markets. On the other hand, it was shown that it would not be possible effectively to regulate shipments of limes if fruit restricted for out-of-state shipment were permitted to be sold in fresh fruit channels within the production area. Nearly all of the limes shipped for fresh consumption move from the packinghouses by truck. It is not unusual for parts of such truckloads of limes to be delivered to dealers within the production area with the remainder being transported to out-of-state markets. Such dealers may sell all or a portion of the limes they so receive to truckers who then transport the fruit to out-of-state markets. With such commingling of the fruit handled, it appears certain that substantial quantities of fruit eligible only for marketing within the production area would be trucked to other markets. Moreover, since large-sized limes usually may be sold only at discounts, sales of such fruit in markets within the production area would tend to depress the prices for other limes sold in such markets and thus lower the average returns to growers. It is concluded, therefore, that any restrictions made effective under the marketing agreement and order should be applicable to all limes handled, in order to effectuate the

declared policy of the act, and the marketing agreement and order should so provide.

(f) The marketing agreement and order should contain provisions authorizing the committee to issue exemption certificates, under certain conditions, to growers and others who own or otherwise control limes on the tree. Certain hazards are incidental to the production of limes in Florida which are beyond the control of the grower. Such hazards include highly localized winds, hailstorms, moisture conditions, and freezes. These conditions may affect the grade and the quality of the fruit or cause an excessively large or small "set" of fruit with the result that the individual limes may be excessively small or large. Because of a particular grove location, one grower's fruit or that of a few growers may be materially affected by such conditions whereas the majority of crops in the production area are of normal grade, size, and quality. In such circumstances, regulations may be made effective under the marketing agreement and order which would not permit any of such fruit to be shipped in fresh market channels. In order that the growers whose fruit is so affected will not suffer undue hardship as the result of such regulation, growers should be permitted to apply for, and the committee to issue, exemption certificates, authorizing the shipment of such quantity of exempted fruit as may be necessary to enable the applicant to market in regulated channels as large a proportion of his production as the average percentage of the total production which will be so marketed. In order that the committee may not be unduly burdened by applications for exemption certificates, the applicant should be required to furnish to the committee, with his application, proof that his limes did not meet the requirements of the then effective regulation because of conditions beyond his control. As some growers conduct their growing operations through others, persons acting for growers should be permitted to apply for and receive such exemption certificates. Likewise, a purchaser of limes on the tree should be permitted to handle, or have handled, any limes so purchased in the same manner as if the purchaser had grown the fruit. The purchaser of limes on the tree, therefore, should also be permitted to apply for, and receive, exemption certificates if the circumstances so warrant. The committee should adopt, with the approval of the Secretary, procedural rules governing the application and issuance of such exemption certificates so that persons eligible to receive such certificates will be informed concerning the procedure to be followed in connection therewith. Such procedural rules should provide for such safeguards as may be necessary to assure that all limes handled pursuant to an exemption certificate are actually covered by such certificate. Provision should be made for the transfer of exemption certificates to the handler of such limes, as the handler would need the certificate to show that such handling was not in violation of the regulation.

(g) Provision should be made in the marketing agreement and order requiring all limes handled, during any period when handling limitations are effective, to be inspected by the Federal-State Inspection Service and certified as meeting the requirements of the applicable regulation. Inspection and certification of all limes handled during periods of regulation are essential to the effective supervision of the regulations. Evidence of compliance with the regulations issued under the program can be ascertained only through inspection and certification of all limes handled during the effective period of such regulations. As the handler of limes is the person responsible for compliance with such regulations, it is reasonable and necessary to require handlers to submit each lot of limes handled to inspection and certification and to file a copy of the certificate with the committee. It was testified that the Federal-State Inspection Service has been the agency usually used for such inspection in the past, that its services have been satisfactory, and the use of it as the inspection agency under this program is desired by the industry.

In instances where any lot of limes previously inspected are regraded, resorted, repackaged, or in any other way subjected to further preparation for market, such limes should be required to be inspected following such preparation, and certified as meeting the requirements of the applicable regulations, since the identity of the lot is lost in such preparation and the validity of the prior inspection certificate and the information shown thereon destroyed.

(h) The marketing agreement and order should provide for the exemption from its provisions of such handling of limes which it is not necessary to regulate in order to effectuate the declared purposes of the act. Insofar as practicable, such exempted handling should be stated explicitly in the marketing agreement and order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Limes which are handled for consumption by charitable institutions, for distribution by relief agencies, or for commercial processing into products have little influence on the level of prices for limes sold in the domestic and export markets. Hence, limes handled for such purposes should be exempted from compliance with the regulations issued under the marketing agreement and order.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of specified small quantities or types of shipments of limes, or shipments made for such specified purposes as it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the committee to exempt such handling which is found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the marketing agreement and order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of limes in the production area. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities or types of shipments, or shipments made for specified purposes, should be exempted from regulation and the period during which such exemptions should be in effect.

The allowance of such exceptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent limes handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objective of the program. For example, should it be found that a portion of the limes moving to commercial processors were being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such limes could not be required to meet the grade, size, quality and other limitations. These procedures might include such requirements as filing applications for authorization to move limes in exempted channels and certification by the receiver that such limes would be used for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

It was provided in the marketing agreement and order set forth in the notice of hearing that limes exported other than to Canada would be exempted from regulation. The evidence presented at the hearing was to the effect that all limes marketed in fresh fruit channels should be required to meet the limitations prescribed under the proposed program. Currently, there are very few limes shipped to destinations outside the United States and Canada. However, the shipment of limes not meeting such limitations to the export markets would not be conducive to the development of the demand for limes in such markets. Since such development would be desirable, it is concluded that the marketing agreement and order provisions should be applicable to all fresh shipments of limes.

(i) Handlers should be required to submit certain reports to the committee so that it will have available the information which is necessary for administering the program. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information.

Testimony presented at the hearing was to the effect that each handler should file with the committee certified reports showing the quantities of each variety of limes he received during that week, a complete record of the quantities disposed of by him, segregated by varieties into the quantities subject to regulation and otherwise disposed of, and the quantities on hand at the end of the period. It was indicated that such reports should include, for each quantity disposed of, the date of such disposition, and identification of the carrier transporting the fruit and of the inspection certificate or exemption certificate, if any, pursuant to which the fruit was handled, together with the destination of each such disposition in nonregulated channels. All of such information will be needed at times to enable the committee to ascertain whether the regulatory provisions of the program are properly complied with and to provide the basis for collecting assessments. It would be impractical, however, to impose rigid reporting requirements upon handlers which possibly would require the periodic submission of information since the committee would not need this information at all times in order to perform its functions. Hence, the reporting requirements prescribed in the marketing agreement and order should reflect the flexibility that is necessary so that reports required thereunder, and the time and manner of filing such reports, may be adjusted readily in the light of operating experience. It is concluded, therefore, that the marketing agreement and order should provide for the submission to the committee by handlers of such reports covering their transactions in limes, as heretofore discussed, as the committee may request and are needed in the administration of the program.

Upon the request of the committee, approved by the Secretary, handlers should furnish such other reports and information as the committee needs to perform its functions under the marketing agreement and order. It is impossible to anticipate every type of report, or kind of information, which the committee may need in administering the program; but it should have the authority to obtain such reports and information if needed. Handlers should be required to maintain such records as may be necessary to verify the information so reported. So that this requirement may not be unduly burdensome, such records need be retained for only two succeeding fiscal years.

Reports furnished to the committee should be submitted in such manner and upon such forms as may be designated by the committee. It is impractical to specify such reporting procedures in the marketing agreement and order, because changing conditions may warrant changes in the forms or methods of reporting to the committee.

It was testified at the hearing that the nature of the reports, which a handler may be required to file with the committee, is such that disclosure of the information therein to his competitors may seriously affect his operations. Therefore, handlers should be protected, insofar as is consistent with the requirements of the program, from disclosure of the information contained in the reports they submit to the committee. This objective may be attained by providing in the marketing agreement and order that all reports required of handlers shall be received by, and at all times be in custody of, one or more designated employees of the committee and providing that the committee's employees shall handle the reported information in such a manner that the identity of the individual handlers shall not be revealed. Nevertheless, such information should be made available to the Secretary, upon request, for his use in discharging his responsibilities and also should be revealed to any extent necessary when a question of compliance with the program provisions is involved. The limitation on disclosure of information contained in handler's reports should not be construed as prohibiting in any way the making of reports to the committee and the industry which summarize the information contained in all handlers' reports for a particular period or periods.

(j) Except as provided in the marketing agreement and order, no handler should be permitted to handle limes, the handling of which is prohibited pursuant to the marketing agreement and order, and no handler should be permitted to handle limes except in conformity with the marketing agreement and order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of limes handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(k) The provisions of §§ 1001.62 through 1001.71, as hereinafter set forth, are, except as indicated below with respect to § 1001.64 (c), provisions similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 1001.72 through 1001.74, as hereinafter set forth, are also included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and order, identified by both section number and heading, are as follows: § 1001.62 *Right of the Secretary;* § 1001.63 *Effective time;* § 1001.64 *Termination;* § 1001.65 *Proceedings after termination;* § 1001.66 *Effect of termination or amendment;* § 1001.67 *Duration of immunities;* § 1001.68 *Agents;* § 1001.69 *Derogation;* § 1001.70 *Personal liability;* and § 1001.71 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by both section number and heading, are as follows: § 1001.72 *Counterparts;* § 1001.73 *Additional parties;* and § 1001.74 *Order with marketing agreement.*

In addition to the basis for termination of the marketing agreement and order contained in § 1001.64 (a), (b), and (d) thereof, termination of the program should be required at the end of any fiscal year whenever the Secretary finds that continuation of the marketing agreement and order is not favored by the majority of producers. The requirements of the act in this connection, with respect to the mandatory termination of the marketing agreement and order, provides that such majority shall have produced more than 50 percent of the volume of the commodity produced during the determined representative period. It was the general consensus of those participating in the hearing, however, that a program of this nature could not be operated effectively unless a majority of the producers favored its continuance in operation and that it would be desirable, therefore, to base any such determination as to the continuance or termination of the program on whether a majority of the producers favored such action without consideration of the relative volume of limes produced by them. In order to give producers and other interested parties adequate notice of any such termination action, provisions should be made to announce the termination prior to March 15 to be effective at the end of the fiscal year.

The proposal upon which the hearing was held also provided that, (1) after the close of the fiscal year ending March 31, 1957, there shall be conducted a referendum of producers and a poll of handlers to determine whether the continuation of the marketing agreement and order is favored by them and (2) if less than two-thirds of the producers, by number or volume of production, voting in such referendum favor the continuation of the program or if handlers representing more than fifty percent of the volume of limes handled favor its termination, the Secretary shall thereupon terminate the marketing agreement and order. The period to be used in connection with such referendum and poll is the fiscal year ending March 31, 1957. It was indicated at the hearing that the effective operation of this program will be dependent upon the cooperation of both producers and handlers, of limes and that it would be desirable to incorporate the proposed requirement into the marketing agreement and order so as to provide both growers and handlers with an opportunity, at the end of the first two years of operation, to express their views on the continuance or termination of the program. The provision for holding the referendum and poll after two years of operations should provide a reasonable period for the evaluation of the program. Such provision should promote awareness of the interest of both producers and handlers in the program and thereby contribute to its successful operation.

Rulings on proposed findings and conclusions. March 14, 1955, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No briefs were filed.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) Such marketing agreement and order regulate the handling of limes grown in the production area in same manner as, and are applicable only to persons in the respective classes of commercial and industrial activities specified in, the proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by the said marketing agreement and order that make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of limes, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following proposed marketing agreement and order [1] are recommended as the detailed means by which the foregoing conclusions may be carried out;

DEFINITIONS

§ 1001.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1001.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1001.3 *Person.* "Person" means an individual, partnership, corporation, association or any other business unit.

§ 1001.4 *Production area.* "Production area" means all of the State of Florida, except the area west of the Suwannee River.

§ 1001.5 *Limes.* "Limes" means all varieties and clones of acid limes, grown in the production area, classified botanically as Citrus Aurantifolia (Christm.) Swingle, and includes the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) and the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties).

§ 1001.6 *Fiscal year.* "Fiscal year" means the twelve-month period ending March 31 of each year.

§ 1001.7 *Committee.* "Committee" means the Florida Lime Administrative Committee established pursuant to § 1001.20.

§ 1001.8 *Grower.* "Grower" is synonymous with producer and means any person who produces limes for market and who has a proprietory interest therein.

§ 1001.9 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting limes owned by another person) who handles limes or causes limes to be handled.

§ 1001.10 *Handle.* "Handle" means to sell, consign, deliver, or transport limes within the production area or between the production area and any point outside thereof: *Provided,* That such term shall not include: (a) The sale or delivery of limes to a handler, registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary, who has facilities within the production area for preparing limes for market; (b) the delivery of limes to such a handler solely for the purpose of having such limes prepared for market; or (c) the transportation of limes by a handler, so registered with the committee, from the grove to his packing facilities within the production area for the purpose of having such limes prepared for market. In the event a grower sells his limes to a handler who is not so registered with the committee, such grower shall be the first handler of such limes.

§ 1001.11 *District.* "District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1001.29 (n):

(a) "District 1" shall include Dade and Monroe counties.

(b) "District 2" shall include all of the production area except Dade and Monroe counties.

ADMINISTRATIVE BODY

§ 1001.20 *Establishment and membership.* There is hereby established a Florida Lime Administrative Committee consisting of nine members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Five of the members and their respective alternates shall be growers who shall not be handlers or employees of handlers. Four of the members and their respective alternates shall be handlers or employees of handlers. The five members of the committee who shall be growers and who shall not be handlers, or employees of handlers, are hereinafter referred to as "grower" members of the committee; and the four members who shall be handlers, or employees of handlers, are hereinafter referred to as "handler" members of the committee. Four of the five grower members shall be producers of limes in District 1, and one grower member shall be a producer of limes in District 2. Three of the four handler members shall be handlers, or employees of handlers, of limes in District 1, and one handler member shall be a handler, or an employee of a handler, of limes in District 2.

§ 1001.21 *Term of office.* The term of office of each member and alternate member of the committee shall begin April 1, and shall terminate March 31 of the following year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three terms.

§ 1001.22 *Nomination*—(a) *Initial members.* Nominations for each of the five initial grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date hereof. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1001.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than February 15 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers who are present at such nomination meetings, or who reside outside the production area and are represented at such nomination meetings by duly authorized agents, shall participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces limes. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers who are present at such nomination meetings, or represented at such meetings by duly authorized agents, shall participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles limes, which vote shall be weighted by the volume of limes shipped by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

§ 1001.23 *Selection.* From the nominations made pursuant to § 1001.22, or from other qualified persons, the Secretary shall select the five grower members of the committee, the four handler members of the committee, and an alternate for each such member.

§ 1001.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 1001.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1001.20.

§ 1001.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1001.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 1001.22 and 1001.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1001.20.

§ 1001.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1001.28 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1001.29 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to limes;

(i) To submit to the Secretary such available information as he may request;

(j) To notify, as provided in this part, producers and handlers of all meetings of the committee to consider recommendations for regulation;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided,* That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;

(m) To investigate compliance with the provisions of this part; and

(n) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in lime production within the districts and the production area.

§ 1001.30 *Procedure.* (a) Six members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes: *Provided,* That at least one handler member shall approve the action.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ 1001.31 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall also receive compensation, as determined by the committee, which shall not exceed $10.00 per day or portion thereof spent in performing such duties.

§ 1001.32 *Annual report.* The committee shall, prior to March 31 of each fiscal year, prepare and mail an annual report to the Secretary and to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations upon the lime industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 1001.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided for in § 1001.41.

§ 1001.41 *Assessments.* (a) Each person who first handles limes shall, with respect to the limes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of limes handled by him as the first handler thereof during the applicable fiscal year and the total quantity of limes so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any finding by the Secretary relative to the expense which may be incurred: *Provided,* That, in no case, shall the rate of assessment exceed 10 cents per bushel, or equivalent quantity, of limes. Such increase shall be applied to all limes handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set

[1] The provisions identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed order.

forth in its budget for the then current fiscal year.

§ 1001.42 *Accounting.* (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ 1001.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of limes. The expense of such projects shall be paid from funds collected pursuant to § 1001.41.

REGULATIONS

§ 1001.50 *Marketing policy.* Each season prior to making any recommendations pursuant to § 1001.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to (a) the estimated total production of limes within the production area; (b) the expected general quality and size of limes in the production area and in other areas, including foreign competing areas; (c) the expected demand conditions for limes in different market outlets; (d) the expected shipments of limes produced in the production area and in other areas, including foreign competing areas; (e) supplies of competing commodities; (f) trend and level of consumer income; (g) other factors having a bearing on the marketing of limes; and (h) the type of regulations expected to be recommended during the season. In the event it becomes advisable, because of changes in the supply and demand situation for limes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report and copies thereof shall be maintained in the offices of the committee where they shall be available for examination by growers and handlers.

§ 1001.51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of limes in the manner provided in § 1001.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for limes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated, and such other available information as the Secretary may request.

(c) All meetings of the committee held for the purpose of formulating recommendations for regulations shall be open to growers and handlers. The committee shall give notice of such meetings to growers and handlers by mailing such notice to each grower and handler who has filed his address with the committee and requested such notice.

§ 1001.52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of limes whenever he finds, from the recommendations and information submitted by the committee or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Prohibit, during any specified period or periods, the handling of any variety or varieties of limes which do not meet such grade, size, and quality (including internal quality and juice content) standards as shall be prescribed;

(2) Prescribe minimum standards of quality for any variety or varieties of limes and limit the handling thereof to those meeting such minimum standards; and

(3) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, and the transportation, sale, shipment, or other handling of limes.

(b) The committee shall be informed immediately of any such regulations issued by the Secretary and the committee shall promptly give notice thereof to growers and handlers.

§ 1001.53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1001.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of limes in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 1001.54 *Exemption certificate.* In the event the handling of limes is regulated pursuant to § 1001.52, the committee shall issue one or more exemption certificates to any person who furnishes evidence satisfactory to the committee that, by reason of conditions beyond his control, he will be prevented, because of such regulation, from having as large a proportion of a particular variety of his limes handled as the average proportion of all such limes which may be handled. Such exemption certificates shall authorize the person to whom the certificates are issued to handle, or have handled, a percentage of his crop of the particular variety of limes equal to the percentage determined as aforesaid. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued and the limes covered thereunder may be handled. Exemption certificates shall be transferred to the handler of the limes covered by such certificates at the time the limes are delivered to such handler.

§ 1001.55 *Inspection and certification.* Whenever the handling of any variety of limes is regulated pursuant to § 1001.52, each handler who handles limes shall, prior thereto, cause each lot of limes handled to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided,* That such inspection and certification shall be required when the limes previously have been so inspected and certified only if such limes have been regraded, resorted, or repackaged after the prior inspection and certification. Promptly thereafter, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection with respect to such handling.

§ 1001.56 *Limes not subject to regulations.* Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1001.41, 1001.52, and 1001.55, and the regulations issued thereunder, handle limes (a) for consumption by charitable institutions; (b) for distribution by relief agencies; (c) for commercial processing into products; or (d) in such minimum quantities or types of shipments, or for such specified purposes as the committee, with the approval of the Secretary, may prescribe. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent limes handled under the provisions of this section from entering channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle limes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the limes will not be used for any purpose not authorized by this section.

REPORTS

§ 1001.60 *Reports.* (a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, the following: (1) The quantities of each variety of limes he received; (2) a complete record of the quantities disposed of by him, segregated as to varieties and as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such fruit; (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the fruit was handled, together with the destination of each such exempted disposition, and of all fruit handled pursuant to § 1001.56; and (5) the quantity of each variety held by him at the end of the period.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the limes received and disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 1001.61 *Compliance.* Except as provided in this part, no person shall handle limes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle limes except in conformity with the provisions of this part and the regulations issued under this part.

§ 1001.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 1001.63 *Effective time.* The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 1001.64.

§ 1001.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production of limes for market: *Provided,* That such termination is announced on or before March 15 of the then current fiscal year. The Secretary shall, as soon as practicable after the close of the fiscal year ending March 31, 1957, conduct a referendum of producers and a poll of handlers to determine whether the continuation of this part is favored by them. Producers entitled to vote in such referendum shall be those who, during the fiscal year ending March 31, 1957, were engaged in producing limes for market and the poll shall be confined to handlers who handled limes in that same fiscal year. If it develops from said referendum and poll that (1) less than two-thirds of the producers, by number or volume of production represented in said referendum, favor the continuance of this part, or (2) handlers representing more than one-half the volume of limes handled favor termination of this part, the Secretary shall thereupon terminate this part.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1001.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 1001.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1001.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 1001.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1001.69 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1001.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1001.71 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid,

the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 1001.72 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.*

§ 1001.73 *Additional parties.* After the effective date of this part, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.*

§ 1001.74 *Order with marketing agreement.* Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of limes in the same manner as is provided for in this agreement.*

Dated: April 14, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-3202; Filed, Apr. 18, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11361; FCC 55-456]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing Television Broadcast Stations; Docket No. 11361.

1. Notice is hereby given that the Commission has received two conflicting proposals for rule making in the above-entitled matter.

2. On December 1, 1954, the Jacksonville Journal Company, Jacksonville, Florida, filed a petition requesting that the Table of Assignments contained in § 3.606 of the rules governing Television Broadcast Stations be amended by adding the assignment of Channel 10—to Bunnell, Florida, a community not presently listed in the Table of Assignments. In support of the requested amendment, the Jacksonville Journal Company urges that Channel 10 may be assigned to Bunnell in conformity with the Commission's rules and standards and without requiring any other changes in the Table of Assignments. It is submitted that such assignment would afford a new television service to the Bunnell area which is presently without satisfactory service and without any prospects for such service. It is represented that an application for a new television broadcast station on Channel 10 in Bunnell will be filed by the Jacksonville Journal Company in the event its proposed amendment is adopted.

3. On January 25, 1955, the Suncoast Cities Broadcasting Corporation, St. Petersburg, Florida, filed a petition requesting that the Television Table of Assignments be amended by assigning Channel 10—to New Port Richey, Florida, a community not presently listed in the Table of Assignments. In support of its requested amendment, Suncoast Cities urges that Channel 10 may be assigned to New Port Richey in conformity with the Commission's Rules and standards without requiring any other changes in the Table of Assignments. It is urged that such assignment would provide service to the "Suncoast" area, including the city of St. Petersburg, and that no commercial VHF channels are available to St. Petersburg. It is urged that this city warrants such an assignment and that the assignment of Channel 10 in New Port Richey would be consistent with the mandate of section 307 (b) of the Communications Act.

4. Since Bunnell and New Port Richey are only about 120 miles apart, the two proposals advanced in this proceeding are mutually exclusive.

5. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that interested parties may have the opportunity of submitting their views to the Commission and the Commission may be apprised of such views prior to taking further action.

6. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (e), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendments proposed by petitioners should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before May 13, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before that date. Comments or briefs in reply to the original comments should be filed within 10 days from the last day for filing the original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all statements, briefs or comments shall be filed with the Commission.

Adopted: April 13, 1955.

Released: April 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3195; Filed, Apr. 18, 1955; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11362; FCC 55-457]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE

In the matter of amendment of § 3.606, *Table of assignments*, rules governing Television Broadcast Stations. Docket No. 11362.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. John H. Poole tr/as John Poole Broadcasting Co., permittee of television Station KBID-TV operating on Channel 53 at Fresno, California, filed a petition on February 25, 1955, requesting that the Table of Assignments contained in § 3.606 of the rules governing Television Broadcast Stations be amended to make Channel 18 in Fresno, California available for commercial use by changing the educational reservation in Fresno from Channel 18 to Channel 53. As an alternative, petitioner requests that Channel 30 presently assigned to Madera, California be interchanged with Channel 53 at Fresno. Petitioner further requests that the Commission order it to Show Cause why the outstanding authorization for Station KBID-TV should not be modified to specify operation on either Channel 18 or Channel 30 in lieu of Channel 53.

3. In support of its request petitioner submits that Station KBID-TV commenced operation on February 13, 1954, but suspended operation on July 14, 1954, due to its failure to obtain network affiliation and other economic factors which precluded sound operation as an independent station. Petitioner states that the station was at a competitive disadvantage with the other UHF stations in the area since receivers are less sensitive at the higher UHF frequencies and since the signals are subject to greater shadow losses. Petitioner urges that the proposals made herein conform to the Commission's rules; that there are no applications on file for either Channel 18 in Fresno or Channel 30 in Madera; and that the Commission has in the past recognized the temporary differences among the UHF channels from an equipment standpoint.

4. The Central California Educational TV Committee on March 7, 1955, and the Joint Committee on Educational Television on March 8, 1955, filed Oppositions to the petition insofar as it would substitute Channel 53 for Channel 18 in Fresno as the assignment to be reserved for an educational station in that community.

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that interested parties may submit their views to the Commission and the Commission may have the benefit of such views prior to taking final action. The petition of John Poole Broadcasting Co. and the Oppositions of Central California Educational TV Committee and the Joint Committee on Educational Television are hereby made part of this docket.

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b), and 316 of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendments proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 13, 1955, a written statement or brief setting forth his comments. Comments in suport of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commision or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments before taking final action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. Station KBID-TV is presently authorized to operate on Channel 53 in Fresno, and the amendments proposed in this proceeding would either make Channel 18 available for commercial use in Fresno instead of Channel 53 or would subsititute Channel 30 for Channel 53 in Fresno. Accordingly, John H. Poole tr/as John Poole Broadcasting Co. is ordered to show cause in this proceeding why its outstanding authorization for Station KBID-TV should not be modified to specify operation on either Channel 18 or Channel 30 in lieu of Channel 53. Petitioner should file its reply to the aforesaid Show Cause Order on or before the date specified for filing comments in this proceeding.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 13, 1955.

Released: April 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3196; Filed, Apr. 18, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 541, Amdt. 6]

REDELEGATIONS OF AUTHORITY WITH RESPECT TO LANDS AND RESOURCES

RIGHT OF APPEAL

APRIL 12, 1955.

Section 5.1 is amended to read as follows:

SEC. 5.1 *Right of appeal.* Any person aggrieved by the action of an area administrator, State supervisor, Eastern States supervisor, field commissioner, land office manager, range manager, district forester or their delegate may appeal to the Director, Bureau of Land Management, and from his decision to the Secretary of the Interior, pursuant to the rules of practice (43 CFR Part 221).

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-3178; Filed, Apr. 18, 1955; 8:47 a. m.]

[Misc. 68602]

NEW MEXICO

REVOCATION OF DEPARTMENTAL ORDERS OF OCTOBER 14, 1907 AND JANUARY 28, 1908, RESERVING LANDS FOR USE OF THE FOREST SERVICE AS AN ADMINISTRATIVE SITE

APRIL 13, 1955.

Upon request of the Department of Agriculture and pursuant to Departmental Order No. 2583 of August 16, 1950, section 2.22 (a), as amended, it is ordered as follows:

The Departmental orders of October 14, 1907 and January 28, 1908, reserving the following-described lands for use of the Forest Service, Department of Agriculture, as additions to the Little Dry Creek Administrative Site are hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 S., R. 19 W.
Sec. 10, S½NW¼, N½SW¼.

The tracts described contain 160 acres.

The lands are a part of the Gila National Forest, having been reserved for such use by Presidential Proclamations of June 18, 1908 and March 25, 1909, and shall become subject to the public-land laws relating to national forest lands at 10:00 a. m. on the 35th day from the date or this order.

W. G. GUERNSEY,
Acting Director,

[F. R. Doc. 55-3179; Filed, Apr. 18, 1955; 8:48 a. m.]

[Misc. 2145321]

ARKANSAS

RESTORATION ORDER UNDER THE FEDERAL POWER ACT

APRIL 12, 1955.

Pursuant to a determination of August 15, 1950, of the Federal Power Commission, Docket Numbers DA-52 and DA-53-Arkansas, and in accordance with Order No. 541, section 1.5 (d) and 2.0 (a) of the Director of the Bureau of Land Management, approved April 21, 1954, it is ordered as follows:

Subject to valid existing rights, the following-described lands, so far as they are withdrawn or reserved for power purposes in Power Site Reserve No. 514 and Power Project No. 1, are hereby opened to disposition under the public-land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the stipulation that if and when the lands are required wholly or in part for purposes of power development, any structure, machinery, or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States or its permittees or licensees:

FIFTH PRINCIPAL MERIDIAN

T. 20 N., R. 15 W.,
Sec. 26, NW¼;
Sec. 33, NE¼NE¼.

The areas described aggregate 61.77 acres.

The lands in section 26 extend from the edge of the White River to the top of a 40 foot bluff, the slopes of which are from precipitous to moderate and are generally timber covered. The eastern end of the tract is fairly level and borders on an improved pasture. An unimproved road passes from east to west between the bluff and the river.

The land in section 33 is higher, plateau-like ground surrounded on three sides by the curving White River, but is cut from northwest to southeast by a deep ravine which is generally timber covered.

The soil in both tracts is nonagricultural but has limited grazing value.

Effective on the date of publication of this order in the FEDERAL REGISTER, the public lands affected by this order shall be subject to application by the State of Arkansas for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act, as amended (16 U. S. C. 1946 ed., Supp. V 818).

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 91st day after the date of publication. At that time, the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file application for these lands may be obtained on request from the Supervisor, Eastern States Office, Bureau of Land Management, Washington 25, D. C.

C. R. DREXILIUS,
Supervisor.

[F. R. Doc. 55-3180; Filed, Apr. 18, 1955; 8:48 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

APRIL 11, 1955.

In Federal Register Document 55-2634 (20 F. R. 2037) the description of lands in the Mount Baker National Forest is corrected as follows: In Township 30 N., Range 11 E. W. M., Section 29, now reading "Sec. 29, SE¼NW¼, NE¼SE¼" should read "Sec. 29, SE¼NE¼, NE¼SE¼". In Township 32 N., Range 10 E. W. M., Section 21, now reading "Sec. 21, SW¼NE¼, NE¼, N½SW¼, SE¼SW¼, SE¼," should read "Sec. 21, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼."

J. W. HONEYWELL,
State Supervisor.

[F. R. Doc. 55-3207; Filed, Apr. 18, 1955; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6613]

IOWA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

APRIL 13, 1955.

Take notice that on April 11, 1955, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Public Service Company, a corporation organized under the laws of the State of Iowa and doing business in the States of South Dakota, Nebraska and Iowa, with its principal business office at Sioux City, Iowa, seeking an order authorizing the issuance of 270,220 shares of Common Stock, $1,351,100 aggregate par value, of which 270,218 shares are authorized but unissued and two shares are treasury stock heretofore issued and reacquired by the Company. Applicant proposes to offer such shares to the holders of its outstanding Common Stock for subscription on the basis of one share for each ten shares of Common Stock held. Applicant proposes to issue said stock on or before June 2, 1955, and that proceeds from the sale of the additional Common Stock will be used to pay off temporary bank loans incurred to secure funds for construction purposes and to provide a portion of the remaining funds for construction or acquisition of permanent improvements, extensions and additions to Applicant's property; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 2d day of May 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3189; Filed, Apr. 18, 1955; 8:50 a. m.]

[Docket No. G-8389]

TEXAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 13, 1955.

Take notice that The Texas Company (Applicant), a Delaware corporation whose address is Houston, Texas, filed on January 25, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Southwest Hutchins Field, Wharton County, Texas, to Tennessee Gas Transmission Company. The gas so purchased will be transported and sold in interstate commerce by Tennessee Gas Transmission Company. The initial sales price is 13.69479 cents per Mcf and the rate of delivery will be 19,600 Mcf per month.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 11, 1955, at 9:30 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3190; Filed, Apr. 18, 1955; 8:50 a. m.]

[Docket No. G-8508]

W. C. MCBRIDE, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 13, 1955.

Take notice that W. C. McBride, Inc. (Applicant), a Delaware corporation whose address is 2101 Missouri Pacific Building, St. Louis, Missouri, filed on February 23, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant is operator of leases in the West Weesatche Area of Goliad County, Texas. The leasehold interests are owned by Applicant and H. R. Smith. The natural gas to be produced will be sold at the well head to Texas Eastern Transmission Corporation. The gas sold by the Applicant will be transported and resold in interstate commerce. Deliveries are expected to commence on or about July 1, 1955. The initial price will be 10.4 cents per Mcf and the rate of delivery will be 763 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 11, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3191; Filed, Apr. 18, 1955; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11202—11204; FCC 55M-334]

MINERS BROADCASTING SERVICE, INC. ET AL.

ORDER CONTINUING HEARING

In re applications of Miners Broadcasting Service, Inc., Ambridge, Pennsylvania, Docket No. 11202, File No. BP-9102; Louis Rosenberg, Tarentum, Pennsylvania, Docket No. 11203, File No. BP-9192; Theodore H. Oppegard and Carl R. Lee, d/b as Somerset Broadcasting Company, Painesville, Ohio, Docket No. 11204, File No. BP-9358; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing that it is not feasible to commence the hearing herein on the date presently scheduled due to congestion of hearing assignments on the Hearing Examiner's calendar;

It is ordered, This 11th day of April 1955, on the Hearing Examiner's own motion, that the hearing now scheduled for May 2, 1955 is continued until June 7, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 55-3197; Filed, Apr. 18, 1955; 8:52 a. m.]

[Docket No. 11229; FCC 55M-342]

ANNISTON BROADCASTING CO., INC. (WHMA)

ORDER CONTINUING HEARING

In re application of Anniston Broadcasting Company, Inc. (WHMA), Anniston, Alabama, for construction permit; Docket No. 11229, File No. BP-9376.

The Hearing Examiner having under consideration the application in the above-entitled proceeding, upon which a hearing is now scheduled to be held on Thursday, April 14, 1955, at 10:00 a. m., in the offices of this Commission, Washington, D. C.; and

It appearing that a pre-hearing conference was held in the said proceeding on March 29, 1955, at which counsel for the applicant appeared and announced that pursuant to instructions from his client he intends to prepare and file a petition requesting the dismissal of the above-entitled application without prejudice; and

It further appearing that as a result of this announcement the said pre-hearing conference was continued without date;

It is ordered, This 13th day of April 1955, by the Hearing Examiner on his own motion, that the hearing in the above-entitled proceeding is hereby continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3198; Filed, Apr. 18, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3354]

MISSOURI EDISON CO.

ORDER REGARDING ISSUANCE AND SALE OF BANK LOAN NOTES

APRIL 13, 1955.

Missouri Edison Company ("Missouri Edison"), a public-utility subsidiary of Union Electric Company of Missouri, a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

Missouri Edison proposes to borrow from The Boatmen's National Bank of St. Louis amounts aggregating up to $600,000 and to evidence said borrowings by the issuance of promissory notes maturing nine months from the dates of the borrowings and bearing interest at the rate of three percent per annum.

The sums to be borrowed, together with cash available in its treasury, will be employed by declarant to finance its necessary and urgent construction program.

The funds necessary to repay the borrowings to be made, to retire a demand note in the principal amount of $138,000 issued and delivered to The Boatmen's National Bank of St. Louis on February 15, 1955, and to provide additional funds for construction purposes will be obtained from the issuance and sale of additional first mortgage bonds or other securities later in 1955.

No State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transaction.

No fees, commissions or expenses, other than nominal expenses, will be incurred in connection with the proposed transaction.

Missouri Edison requests that the Commission's action herein be taken not later than April 15, 1955, and that there be no waiting period between the issuance of the Commission's order and the effective date thereof.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied; and that the declaration, as amended, should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3185; Filed, Apr. 18, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 49]

MISSOURI PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), account of an accident to car ferry at Natchez, Mississippi, which caused the Natchez-Vidalia car ferry to be removed from service for repairs, is unable to transport traffic offered to it for movement over the said car ferry: *It is ordered,* That: (a) Rerouting traffic: The Missouri Pacific Railroad Company, (Guy A. Thompson, Trustee), being unable to transport traffic offered to it for movement over the Natchez-Vidalia car ferry, account car ferry out of service due to accident at Natchez, Mississippi, is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., April 13, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., April 30, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Divi-

Information showing the periods during which and the conditions under which veterans and others may file application for these lands may be obtained on request from the Supervisor, Eastern States Office, Bureau of Land Management, Washington 25, D. C.

C. R. DREXILIUS,
Supervisor.

[F. R. Doc. 55-3180; Filed, Apr. 18, 1955; 8:48 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

APRIL 11, 1955.

In Federal Register Document 55-2634 (20 F. R. 2037) the description of lands in the Mount Baker National Forest is corrected as follows: In Township 30 N., Range 11 E. W. M., Section 29, now reading "Sec. 29, SE¼NW¼, NE¼SE¼" should read "Sec. 29, SE¼NE¼, NE¼ SE¼". In Township 32 N., Range 10 E. W. M., Section 21, now reading "Sec. 21, SW¼NE¼, NE¼, N½SW¼, SE¼ SW¼, SE¼," should read "Sec. 21, SW¼ NE¼, NW¼, N½SW¼, SE¼SW¼, SE¼."

J. W. HONEYWELL,
State Supervisor.

[F. R. Doc. 55-3207; Filed, Apr. 18, 1955; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6613]

IOWA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

APRIL 13, 1955.

Take notice that on April 11, 1955, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Public Service Company, a corporation organized under the laws of the State of Iowa and doing business in the States of South Dakota, Nebraska and Iowa, with its principal business office at Sioux City, Iowa, seeking an order authorizing the issuance of 270,220 shares of Common Stock, $1,351,100 aggregate par value, of which 270,218 shares are authorized but unissued and two shares are treasury stock heretofore issued and reacquired by the Company. Applicant proposes to offer such shares to the holders of its outstanding Common Stock for subscription on the basis of one share for each ten shares of Common Stock held. Applicant proposes to issue said stock on or before June 2, 1955, and that proceeds from the sale of the additional Common Stock will be used to pay off temporary bank loans incurred to secure funds for construction purposes and to provide a portion of the remaining funds for construction or acquisition of permanent improvements, extensions and additions to Applicant's property; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 2d day of May 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3189; Filed, Apr. 18, 1955; 8:50 a. m.]

[Docket No. G-8389]

TEXAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 13, 1955.

Take notice that The Texas Company (Applicant), a Delaware corporation whose address is Houston, Texas, filed on January 25, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Southwest Hutchins Field, Wharton County, Texas, to Tennessee Gas Transmission Company. The gas so purchased will be transported and sold in interstate commerce by Tennessee Gas Transmission Company. The initial sales price is 13.69479 cents per Mcf and the rate of delivery will be 19,600 Mcf per month.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 11, 1955, at 9:30 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3190; Filed, Apr. 18, 1955; 8:50 a. m.]

[Docket No. G-8508]

W. C. MCBRIDE, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 13, 1955.

Take notice that W. C. McBride, Inc. (Applicant), a Delaware corporation whose address is 2101 Missouri Pacific Building, St. Louis, Missouri, filed on February 23, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant is operator of leases in the West Weesatche Area of Goliad County, Texas. The leasehold interests are owned by Applicant and H. R. Smith. The natural gas to be produced will be sold at the well head to Texas Eastern Transmission Corporation. The gas sold by the Applicant will be transported and resold in interstate commerce. Deliveries are expected to commence on or about July 1, 1955. The initial price will be 10.4 cents per Mcf and the rate of delivery will be 763 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 11, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 28, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3191; Filed, Apr. 18, 1955; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11202—11204; FCC 55M-334]

MINERS BROADCASTING SERVICE, INC. ET AL.

ORDER CONTINUING HEARING

In re applications of Miners Broadcasting Service, Inc., Ambridge, Pennsylvania, Docket No. 11202, File No. BP-9102; Louis Rosenberg, Tarentum, Pennsylvania, Docket No. 11203, File No. BP-9192; Theodore H. Oppegard and Carl R. Lee, d/b as Somerset Broadcasting Company, Painesville, Ohio, Docket No. 11204, File No. BP-9358; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing that it is not feasible to commence the hearing herein on the date presently scheduled due to congestion of hearing assignments on the Hearing Examiner's calendar;

It is ordered, This 11th day of April 1955, on the Hearing Examiner's own motion, that the hearing now scheduled for May 2, 1955 is continued until June 7, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 55-3197; Filed, Apr. 18, 1955; 8:52 a. m.]

[Docket No. 11229; FCC 55M-342]

ANNISTON BROADCASTING CO., INC. (WHMA)

ORDER CONTINUING HEARING

In re application of Anniston Broadcasting Company, Inc. (WHMA), Anniston, Alabama, for construction permit; Docket No. 11229, File No. BP-9376.

The Hearing Examiner having under consideration the application in the above-entitled proceeding, upon which a hearing is now scheduled to be held on Thursday, April 14, 1955, at 10:00 a. m., in the offices of this Commission, Washington, D. C.; and

It appearing that a pre-hearing conference was held in the said proceeding on March 29, 1955, at which counsel for the applicant appeared and announced that pursuant to instructions from his client he intends to prepare and file a petition requesting the dismissal of the above-entitled application without prejudice; and

It further appearing that as a result of this announcement the said pre-hearing conference was continued without date;

It is ordered, This 13th day of April 1955, by the Hearing Examiner on his own motion, that the hearing in the above-entitled proceeding is hereby continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3198; Filed, Apr. 18, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3354]

MISSOURI EDISON CO.

ORDER REGARDING ISSUANCE AND SALE OF BANK LOAN NOTES

APRIL 13, 1955.

Missouri Edison Company ("Missouri Edison"), a public-utility subsidiary of Union Electric Company of Missouri, a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

Missouri Edison proposes to borrow from The Boatmen's National Bank of St. Louis amounts aggregating up to $600,000 and to evidence said borrowings by the issuance of promissory notes maturing nine months from the dates of the borrowings and bearing interest at the rate of three percent per annum.

The sums to be borrowed, together with cash available in its treasury, will be employed by declarant to finance its necessary and urgent construction program.

The funds necessary to repay the borrowings to be made, to retire a demand note in the principal amount of $138,000 issued and delivered to The Boatmen's National Bank of St. Louis on February 15, 1955, and to provide additional funds for construction purposes will be obtained from the issuance and sale of additional first mortgage bonds or other securities later in 1955.

No State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transaction.

No fees, commissions or expenses, other than nominal expenses, will be incurred in connection with the proposed transaction.

Missouri Edison requests that the Commission's action herein be taken not later than April 15, 1955, and that there be no waiting period between the issuance of the Commission's order and the effective date thereof.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied; and that the declaration, as amended, should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3185; Filed, Apr. 18, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 49]

MISSOURI PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), account of an accident to car ferry at Natchez, Mississippi, which caused the Natchez-Vidalia car ferry to be removed from service for repairs, is unable to transport traffic offered to it for movement over the said car ferry: *It is ordered,* That: (a) Rerouting traffic: The Missouri Pacific Railroad Company, (Guy A. Thompson, Trustee), being unable to transport traffic offered to it for movement over the Natchez-Vidalia car ferry, account car ferry out of service due to accident at Natchez, Mississippi, is hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., April 13, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., April 30, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Divi-

sion, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 13, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-3187; Filed, Apr. 18, 1955; 8:50 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 14, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30491: Sand, Attica, Ind., to Tolono and Sadorus, Ill. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on sand, carloads, from Attica, Ind., to Tolono and Sadorus, Ill.

Grounds for relief: Motor truck competition.

Tariff: Wabash Railroad Company, I. C. C. No. 7685, Supplement 68.

FSA No. 30492: Gravel, Standard Pit, Ind., to Clarksburg and Mode, Ill. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on gravel, road surfacing, carloads, from Standard Pit, Ind., to Clarksburg and Mode, Ill.

Grounds for relief: Motor truck competition.

Tariff: Supplement 49 to Chicago & Eastern Illinois Railroad Company's I. C. C. No. 144.

FSA No. 30493: Sulphuric acid, El Dorado, Ark., to Baton Rouge and New Orleans, La. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, carloads, from El Dorado, Ark., to Baton Rouge and New Orleans, La.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 151 to Agent Kratzmeir's I. C. C. No. 3932.

FSA No. 30494: Wood, fuel, from Bernalillo, N. Mex. Filed by The Atchison, Topeka and Santa Fe Railway Company, for interested rail carriers. Rates on wood, fuel, namely sawdust or shavings, carloads, from Bernalillo, N. Mex., to points in Arkansas, Colorado, Kansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma and Texas, also Cheyenne, Wyo.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement No. 89 to the Atchison, Topeka and Santa Fe Railway Co., I. C. C. 14165 and Supplement No. 53 to the Atchison, Topeka and Santa Fe Railway Co., I. C. C. 14371.

FSA No. 30495: Moulding sand, from Jackson and Milan, Tenn. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sand, moulding, carload, from Jackson and Milan, Tenn., to points in official (including Illinois) territory.

Grounds for relief: Circuity.

Tariff: Supplement 96 to Agent Spaninger's I. C. C. No. 1315.

FSA No. 30496: Phosphate rock and phosphatic limestone to Pennsylvania. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, crude, lump or ground, and limestone, phosphatic, carloads, from specified points in Tennessee, to Bessemer, Butler, and Erie, Pa.

Grounds for relief: Circuity.

Tariff: Supplement 14 to Agent C. A. Spaninger's I. C. C. No. 1386.

FSA No. 30497: Liquefied petroleum gas to Auburn, Ind. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas.

Grounds for relief: Destination relations and circuity.

Tariff: Supplement 2 to Agent Kratzmeir's I. C. C. No. 4150.

FSA No. 30498: Wax, from, to and between points in the Southwest, Kansas and Missouri. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paraffin or petroleum wax, in tank-car loads, from, to and between points in the Southwest, Kansas and southern Missouri.

Grounds for relief: Short line distance formula and circuity.

Tariff: Supplement No. 52 to Agent Kratzmeir's I. C. C. No. 4086 and four other tariffs.

By the Commission:

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3186; Filed, Apr. 18, 1955; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 77

Washington, Wednesday, April 20, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (g) (1) is added to § 6.111 as set out below.

§ 6.111 *Department of Agriculture.*

* * *

(g) *Rural Electrification Administration.* (1) Until June 30, 1960, not to exceed 12 positions, at grades GS-11 or higher, for employment of persons with extensive experience in the commercial or engineering phases of the telephone industry to provide specialized techniques and training in telephony. Appointments under this authority will be made only to positions of a staff, training, or advisory nature as distinguished from regular operating positions. Employment under this provision shall not exceed one year in any individual case; provided that such employment may, with the approval of the Commission, be extended for not to exceed an additional year.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-3251; Filed, Apr. 19, 1955; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

CHANGES IN SALABLE AND SURPLUS PERCENTAGES

Notice of proposed rule making with respect to changes in the salable and surplus percentages of almonds for the crop year beginning July 1, 1954, was published in the FEDERAL REGISTER of March 30, 1955 (20 F. R. 1975), pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR, 1953 Rev., Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, in which it was proposed to increase the salable percentage from 75 to 85 and to decrease the surplus percentage from 25 to 15 for the aforesaid crop year, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule with respect to changing the percentages.

The Department received several letters from interested persons with respect to the proposed percentages. These represented three distinct viewpoints toward the Department's proposal, namely: (1) That the proposed percentages should be rejected and the final percentages made to conform to those supported by the minority group of the Almond Control Board, i. e., establishment of a salable percentage of 83.5 percent, and a surplus percentage of 16.5 percent, (2) that the percentages as proposed by the Department should be adopted, and (3) that the proposed percentages should be rejected and the salable percentage be fixed at 100 percent with a corresponding zero surplus percentage.

Consideration was given to these various views bearing in mind the requirements of § 909.63 of the marketing order which pertain to an increase in the salable percentage. That section reads in part as follows: "The Secretary may . . . after findings of facts based upon such revised and current information as may be pertinent that the almonds available for handling will not be sufficient to supply the trade demand, increase the salable percentage to conform with such new relation as may be found to exist between trade demand and available supply."

Trade demand in this context means the trade demand for domestic almonds after making allowance for estimated imports. Available supply consists of the carryover at the beginning of the crop year plus new crop receipts less the quan-

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Titles 10–13 ($0.50)

Title 14: Part 400 to end ($0.65)

Title 16 ($1.25)

Titles 28–29 ($1.25)

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tity reserved for carryout at the end of the crop year. The factors which the order authorizes to be taken into account in increasing the salable percentage are those involved in the new relationship found to exist between these two factors on a crop year basis. The estimates which are relevant to the increase of the salable percentage, therefore, represent adjustments made in the earlier estimates upon which the present salable and surplus percentages were based. The Department on a number of occasions in the past has increased crop year salable percentages and in each instance the determination of the increase has been made in accordance with the method followed in the instant case.

The argument was presented in several of the letters that the salable percentage should be increased to 83.5 percent since on the average handlers have sold in export 16.5 percent of their 1954–55 crop year receipts. It was argued in this connection that under the procedure for transfer of export credits recently approved by the Department that handlers who had disposed of less than 16.5 percent of their receipts could obtain credits from those who had exported in excess of 16.5 percent of their receipts, thus making possible the release of the entire surplus. It was contended in effect that the increase in the salable percentage should be limited to 83.5 percent since such action would tend to make it possible to offset completely over-export positions with under-export positions among various handlers by the transfer of credits. The Department approved the transfer of export credits procedure for use only on a voluntary and permissive basis.

On the basis of the Board's estimates of production and trade demand, a salable percentage of 85 percent will satisfy domestic trade demand, after making allowance for the quantity sold in export, by permitting the carryover to be reduced to about 6.5 million pounds. In the proposed rule the Department indicated that such a carryover is believed to be sufficient for domestic trade needs during the portion of the 1955–56 crop year prior to new crop deliveries. The increase of the salable percentage to 100 percent is not justified on the basis of the relationship between trade demand and available supply for the current crop year.

Therefore, after consideration of all relevant matters, the administrative rule in respect to such percentages which will supersede the rule (see 19 F. R. 7376) which became effective November 16, 1954, is as follows:

§ 909.204 *Salable and surplus percentages for the crop year beginning July 1, 1954.* The salable and surplus percentage during the crop year beginning July 1, 1954, applicable to almonds, edible kernel weight basis, received by handlers for their own accounts shall be 85 and 15 percent, respectively.

It is hereby determined that good cause exists for making this administrative rule effective upon its publication in the FEDERAL REGISTER, instead of waiting 30 days after publication, for the reasons that (1) it is desirable that almonds be released for sale in domestic markets at the earliest possible date so that users of almonds may obtain needed supplies, and (2) compliance with this administrative rule will not require handlers to make any advance preparation of a special nature.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c)

Issued at Washington, D. C., this 15th day of April 1955, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-3252; Filed, Apr. 19, 1955; 8:53 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

OVER-THE-COUNTER MARKETS; RATIO OF AGGREGATE INDEBTEDNESS TO NET CAPITAL

On January 31, 1955, the Commission published a proposal to amend paragraph (c) of its § 240.15c3–1 (Rule X-15C3–1) and invited all interested persons to comment thereon. The Commission has considered the comments and suggestions received and has adopted the amendments in the form set forth below.

Section 240.15c3–1 provides that no broker or dealer shall permit his aggregate indebtedness to all other persons to exceed 2000 percent of his net capital. Generally speaking, paragraph (b) exempts from the rule brokers and dealers who do not extend credit to, or carry money or securities for, customers, and those who are members of specified national securities exchanges. Paragraph (c) defines "aggregate indebtedness", "net capital" and certain other terms used in the rule.

Before the rule was amended it provided that, in the computation of "net capital", there should be deducted 10 percent of the market value of securities which form a part of the capital of the broker or dealer. As amended, this percentage deduction has been increased as follows: 20 percent, in the case of cumulative non-convertible first preferred stock not in arrears as to dividends; 5 percent in the case of undefaulted debt securities having a fixed interest rate and maturity date, unless such securities are selling at a discount of more than 5 percent, in which case the deduction would be determined according to a specified formula; and 30 percent in the case of all other securities. The 30 percent deduction would also be applied to certain commodity future contracts, whether long or short, and to positions in open contractual commitments.

The amendment also specifies certain additional types of indebtedness which may be excluded when computing "aggregate indebtedness" for purposes of the rule. It also defines a "satisfactory subordination agreement" and permits indebtedness under such an agreement to be excluded in computing "aggregate indebtedness" and to be treated as a part of capital in determining "net capital". Certain other provisions of paragraph (c) have also been clarified.

In order to give brokers and dealers subject to the rule an opportunity to reexamine their capital position and, where necessary, to make adjustments to bring themselves into compliance, the Commission has not made the rule effective until May 20, 1955.

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 3 (b), 15 (c) (3) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary to carry out its functions under the Act, hereby amends paragraph (c) of § 240.15c3–1 to read as stated below.

The text of paragraph (c), as amended, is as follows:

§ 240.15c3–1 *Ratio of aggregate indebtedness to net capital.* * * *

(c) *Definitions.* For the purpose of this section:

(1) The term "aggregate indebtedness" shall be deemed to mean the total money liabilities of a broker or dealer arising in connection with any transaction whatsoever, including, among other things: money borrowed; money payable against securities loaned and securities "failed to receive"; the market value of securities borrowed (except for delivery against customers' sales) to the extent to which no equivalent value is paid or credited; customers' free credit balances; credit balances in customers' accounts having short positions in securities; and equities in customers' commodities futures accounts; but excluding

(i) Indebtedness adequately collateralized, as hereinafter defined, by securities or spot commodities owned by the broker or dealer;

(ii) Indebtedness to other brokers or dealers adequately collateralized, as hereinafter defined, by securities or spot commodities owned by the broker or dealer;

(iii) Amounts payable against securities loaned which securities are owned by the broker or dealer;

(iv) Amounts payable against securities failed to receive which securities were purchased for the account of, and have not been sold by, the broker or dealer;

(v) Indebtedness adequately collateralized, as hereinafter defined, by exempted securities;

(vi) Amounts segregated in accordance with the Commodity Exchange Act and the rules and regulations thereunder;

(vii) Fixed liabilities adequately secured by real estate or any other asset which is not included in the computation of "net capital" under this section;

(viii) Liabilities on open contractual commitments;

(ix) Indebtedness subordinated to the claims of general creditors pursuant to a satisfactory subordination agreement, as defined in subparagraph (7) of this paragraph;

(2) The term "net capital" shall be deemed to mean the net worth of a broker or dealer (that is, the excess of total assets over total liabilities), adjusted by

(i) Adding unrealized profits (or deducting unrealized losses) in the accounts of the broker or dealer and, if such broker or dealer is a partnership, adding equities (or deducting deficits) in accounts of partners, as defined in subparagraph (4) of this paragraph;

(ii) Deducting fixed assets and assets which cannot be readily converted into cash (less any indebtedness secured thereby), including, among other things, real estate; furniture and fixtures; exchange memberships; prepaid rent, insurance and expenses, good will; organization expenses; all unsecured advances and loans; customers' unsecured notes and accounts; and deficits in customers' accounts, except in bona fide cash accounts within the meaning of section 4 (c) of Regulation T of the Board of Governors of the Federal Reserve System;

(iii) Deducting the percentages specified in this subdivision of the market value of all securities, long and short (except exempted securities) in the capital, proprietary and other accounts of the broker or dealer, including securities loaned to the broker or dealer pursuant to a satisfactory subordination agreement, as defined in subparagraph (7) of this paragraph, and if such broker or dealer is a partnership, in the accounts of partners, as defined in subparagraph (4) of this paragraph:

(*a*) In the case of non-convertible debt securities having a fixed interest rate and a fixed maturity date which are not in default, if the market value is not more than 5 percent below the face value, the deduction shall be 5 percent of such market value; if the market value is more than 5 percent but not more than 30 percent below the face value, the deduction shall be a percentage of market value, equal to the percentage by which the market value is below the face value; and if the market value is 30 percent or more below the face value, such deduction shall be 30 percent;

(*b*) In the case of cumulative, non-convertible preferred stock ranking prior to all other classes of stock of the same issue, which is not in arrears as to dividends, the deduction shall be 20 percent;

(*c*) On all other securities, the deduction shall be 30 percent;

Provided, however, That such deduction need not be made in the case of a security which is convertible into or exchangeable for other securities within a period of 30 days, subject to no conditions other than the payment of money, and the other securities into which such security is convertible, or for which it is exchangeable, are short in the accounts of such broker or dealer or partner, or a security which has been called for redemption and which is redeemable within 90 days.

(iv) Deducting 30 percent of the market value of all "long" and all "short" future commodity contracts (other than those contracts representing spreads or straddles in the same commodity and those contracts offsetting or hedging any "spot" commodity positions) carried in the capital, proprietary or other accounts of the broker or dealer and, if such broker or dealer is a partnership, in the accounts of partners as defined in subparagraph (4) of this paragraph;

(v) Deducting, in the case of a broker or dealer who has open contractual commitments, the respective percentages specified in subdivision (iii) of this subparagraph of the value (which shall be the market value whenever there is a market) of each net long and each net short position contemplated by any existing contractual commitment in the capital, proprietary and other accounts of the broker or dealer and, if such broker or dealer is a partnership, in accounts of partners, as defined in subparagraph (4) of this paragraph: *Provided, however,* That this deduction shall not apply to exempted securities, and that the deduction with respect to any individual commitment shall be reduced by the unrealized profit, in an amount not greater than the percentage deduction provided for in subdivision (iii) of this subparagraph (or increased by the unrealized loss) in such commitment; and that in no event shall an unrealized profit on any closed transactions operate to increase net capital;

(vi) Excluding liabilities of the broker or dealer which are subordinated to the claims of general creditors pursuant to a satisfactory subordination agreement as defined in subparagraph (7) of this paragraph; and

(vii) Deducting, in the case of a broker or dealer who is a sole proprietor, the excess of (*a*) liabilities which have not been incurred in the course of business as a broker or dealer over (*b*) assets not used in the business.

(3) The term "exempted securities" shall mean those securities specifically defined as exempted securities in section 3 (a) of the Securities Exchange Act of 1934;

(4) The term "accounts of partners", where the broker or dealer is a partnership, shall mean accounts of partners who have agreed in writing that the equity in such accounts maintained with such partnership shall be included as partnership property;

(5) The term "contractual commitments" shall include underwriting, when-issued, when-distributed and delayed delivery contracts, endorsement of puts and calls, commitments in foreign currencies, and spot (cash) commodities contracts, but shall not include uncleared regular way purchases and sales of securities and contracts in commodities futures; a series of contracts of purchase or sale of the same security conditioned, if at all, only upon issuance may be treated as an individual commitment;

(6) Indebtedness shall be deemed to be "adequately collateralized" within the meaning of this section, when the difference between the amount of the indebtedness and the market value of the collateral is sufficient to make the loan acceptable as a fully secured loan to banks regularly making comparable loans to brokers or dealers in the community;

(7) The term "satisfactory subordination agreement" shall mean a written agreement between the broker or dealer and a lender, which agreement is binding and enforceable in accordance with its terms upon the lender, his creditors, heirs, executors, administrators, and assigns, and which agreement satisfies all of the following conditions:

(i) It effectively subordinates any right of the lender to demand or receive payment or return of the cash or securities loaned to the claims of all present and future general creditors of the broker or dealer;

(ii) It is not subject to cancellation at the will of either party and is for a term of not less than one year;

(iii) It provides that it shall not be terminated, rescinded or modified by mutual consent or otherwise, if the effect thereof would be to make the agreement inconsistent with the conditions of this rule, or to reduce the net capital of the broker or dealer below the amount required by this section;

(iv) It provides that no default in the payment of interest or in the performance of any other covenant or condition by the broker or dealer shall have the effect of accelerating the maturity of the indebtedness;

(v) It provides that any notes or other written instruments evidencing the indebtedness shall bear on their face an appropriate legend stating that such notes or instruments are issued subject to the provisions of a subordination agreement which shall be adequately referred to and incorporated by reference;

(vi) It provides that any securities or other property loaned to the broker or dealer pursuant to its provisions may be used and dealt with by the broker or dealer as part of his capital and shall be subject to the risks of the business.

(8) The term "customer" shall mean every person except the broker or dealer: *Provided, however,* That partners who maintain "accounts of partners" as herein defined shall not be deemed to be customers insofar as such accounts are concerned.

This action shall be effective May 20, 1955.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

By the Commission.

ORVAL L. DUBOIS,
Secretary.

APRIL 8, 1955.

[F. R. Doc. 55-3212; Filed, Apr. 19, 1955; 8:46 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53777]

PART 1—CUSTOMS DISTRICTS AND PORTS

HOURS OF BUSINESS

1. Section 1.8 (d), Customs Regulations, is hereby amended to read as follows:

(d) Each customs office shall be open for the transaction of general customs business on all state and local holidays occurring on days other than Saturdays, Sundays, and national holidays. If a state or local holiday interferes with the performance of work in a customs office by any customs employee or employees, the principal field officer may request approval of the Commissioner of Customs to excuse such employees from duty without charge to leave.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

2. Footnote 7 to § 1.8 is amended by inserting "(E. O. No. 10358, June 9, 1952)" in place of "(E. O. No. 1076, May 22, 1909)".

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: April 12, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3253; Filed, Apr. 19, 1955; 8:53 a. m.]

[T. D. 53780]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO REDUCED RATE, ETC.

GOVERNMENT IMPORTATIONS; FREE ENTRY

For the purpose of prescribing the procedure and requirements for free entry of source materials purchased abroad as provided for by section 161 (1), Atomic Energy Act of 1954 (42 U. S. C. 2201 (1)), the following amendments are made to §§ 10.103 and 10.104 of the Customs Regulations.

1. Section 10.103 is amended by striking out "and" before "section 602 (d) (6)" and by inserting "and section 161 (1), Atomic Energy Act of 1954 (42 U. S. C. 2201 (1))[98a]," before "such importations", and by adding a new footnote 98a following footnote 98, reading as follows:

[98a] "In the performance of its function the Commission is authorized to—

* * * * * *

"(1) secure the admittance free of duty into the United States of purchases made abroad of source materials, upon certification to the Secretary of the Treasury that such entry is necessary in the interest of the common defense and security;" (42 U. S. C. 2201 (1)).

2. Section 10.104 is amended as follows:

a. The headnote is amended to read:

§ 10.104 *Importations by the Departments of the Army, Navy, and Air Force, the General Services Administration, and the Atomic Energy Commission.* * * *

b. The first sentence of paragraph (a) is amended to read: "Shipments consigned to the Department of the Army, the Department of the Navy, the Department of the Air Force, the General Services Administration, the Atomic Energy Commission, or other party acting for the Atomic Energy Commission, or to an officer or official of any such agency in his official capacity, shall be regarded for purposes of this section as shipments the immediate delivery of which is necessary within the purview of section 448 (b), Tariff Act of 1930."

c. Paragraph (c) is amended by renumbering subparagraph (3) as subparagraph (4) and adding a new subparagraph (3) reading as follows:

(3) Collectors may admit materials free under section 161 (1), Atomic Energy Act of 1954 (42 U. S. C. 2201 (1)), only upon receipt from the Atomic Energy Commission of a certificate specifically identifying the shipment of such materials and executed in the following form by a duly authorized official of the Atomic Energy Commission.

I certify to the Secretary of the Treasury that the above-described materials are source materials purchased abroad, the admittance of which is necessary in the interest of the common defense and security, in accordance with section 161 (1) of the Atomic Energy Act of 1954 (42 U. S. C. 2201 (1)).

(Name)

(Title, who has been authorized to execute free-entry certificates for the Atomic Energy Commission)

d. The citation of authority for § 10.104 is amended to read as follows:

(Sec. 12, 62 Stat. 26, sec. 448 (b), 46 Stat. 714, 38 Stat. 399, sec. 602 (d) (6), 63 Stat. 401, 68 Stat. 948; 5 U. S. C. 219b, 626e, 19 U. S. C. 1448 (b), 34 U. S. C. 568, 40 U. S. C. 474 (6), 42 U. S. C. 2201 (1))

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: April 13, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3254; Filed, Apr. 19, 1955; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1123]

ALASKA

PARTIAL REVOCATION OF EXECUTIVE ORDERS NO. 5289 OF MARCH 4, 1930, NO. 1194 OF APRIL 26, 1910, NO. 1974 OF JULY 2, 1914 AND THE EXECUTIVE ORDER OF MAY 4, 1907

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 5289 of March 4, 1930, and the unnumbered Executive Order of May 4, 1907 reserving public lands in Alaska for educational purposes, are hereby revoked so far as they affect the following described lands:

EXECUTIVE ORDER NO. 5289

KARLUK

Lands described in U. S. Survey No. 2030.

The area described which contains 0.35 acre, is withdrawn by Public Land Order No. 128 of May 22, 1943.

EXECUTIVE ORDER OF MAY 4, 1907

TANANA

At the junction of the Tanana and Yukon Rivers, latitude 65° longitude 152°, beginning at Corner No. 1 of U. S. School Reserve which is identical with Corner No. 1 of U. S. Survey No. 1107; thence N. 79° 44' E., 1.21 chains to Corner No. 2; N. 10° 16' W., 1.25 chains to Corner No. 3; S. 79° 44' W., 1.21 chains to Corner No. 4; S. 10° 16' E., 1.25 chains to Corner No. 1, the place of beginning.

The area described contains 0.18 acre.

2. Executive Orders No. 1194 of April 26, 1910, and No. 1974 of July 2, 1914, reserving certain public lands in Alaska for use of the Bureau of Education for educational purposes, are hereby revoked so far as they affect the following described lands:

EXECUTIVE ORDER NO. 1194

UGASHIK

Beginning at Corner No. 1, a stake set in the ground, thence in a northerly direction 700 feet to Corner No. 2; thence in a westerly direction 900 feet to Corner No. 3; thence in a southerly direction 700 feet to Corner No. 4; thence in an easterly direction 900 feet to Corner No. 1, the place of beginning.

The area described contains 14.50 acres.

EXECUTIVE ORDER NO. 1974

TANANA

A small tract lying within the survey of the Protestant Episcopal Mission Reserve and adjoining the present Tanana School Reserve on its west line; beginning at a stone marked for Corner No. 1, from which the Corner No. 4 of said Mission survey bears S. 58° 53' W., 23.67 chains distant; running thence S. 79° 44' W., 4 feet to a post; thence N. 10° 16' W., 120 feet to a post; thence N. 79° 44' E., 4 feet to a post; thence S. 10° 16' E., 120 feet to point of beginning. Latitude 65° 8' N., longitude 152° 00' W.

The area described contains 0.01 acre. (U. S. Survey No. 1107.)

At 10:00 a. m. on the 35th day after the date of this order the unappropriated, unreserved, unsurveyed public lands affected by this order shall be opened to settlement under the Homestead Laws or, if nonmineral in character, under the Alaska Home Site Act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461), or the Small Tract Act of June 1, 1938 (52 Stat. 509; 43 U. S. C. 682a) and to those forms of appropriation only by qualified veterans of World War II for whose services recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, and by other qualified persons entitled to

credit for service under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. of the 35th day after the date of this order shall be treated as though simultaneously filed at that time. All other applications under the public-land laws filed on or before 10:00 a. m. of the 126th day after the date of this order shall be treated as though simultaneously filed at that time.

Inquiries concerning the lands at Ugashik and Karluk shall be addressed to the Manager, Land Office, Anchorage, Alaska, and for the lands at Tanana to the Manager, Land Office, Fairbanks, Alaska.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 13, 1955.

[F. R. Doc. 55-3208; Filed, Apr. 19, 1955; 8:45 a. m.]

[Public Land Order 1124]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 585 OF APRIL 14, 1949; WITHDRAWING PORTIONS OF THE RELEASED LANDS FOR PUBLIC SERVICE SITES

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 585 of April 14, 1949, withholding public lands within certain described areas in Alaska for classification and examination, and in aid of proposed legislation, which was revoked in part by Public Land Orders No. 800 of February 1, 1952, No. 812 of March 10, 1952, No. 820 of April 28, 1952, No. 846 of June 26, 1952, and No. 913 of August 26, 1953, is hereby revoked so far as it affects the remaining lands withdrawn thereby, described as follows:

CHENA RIVER AREA

FAIRBANKS MERIDIAN

All unsurveyed land within two miles north of the Chena River from the range line between Township 1 S., Ranges 1 and 2 E., east to longitude 146° 40' W.;

All unsurveyed land within two miles south of the Chena River from longitude 147° W. to longitude 146° 40' W.; All unsurveyed lands within two miles of the Little Chena River from its mouth, northeasterly to latitude 64° 55' N.

The areas described aggregate approximately 86,000 acres.

2. Subject to valid existing rights, the following-described public lands, which are portions of the land described in paragraph 1 hereof, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for public service sites:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 E.,
Sec. 10, unsurveyed, NE¼SW¼, E½NW¼SW¼, NW¼NW¼SW¼, SW¼NW¼SW¼, that part lying northeasterly of Chena River.

The area described contains approximately 80 acres.

T. 1 S., R. 3 E., unsurveyed,
Sec. 22, E½SE¼SW¼, that part lying southerly of Chena River; W½SW¼SE¼, that part lying westerly of Chena River;
Sec. 27, NE¼NE¼NW¼, NW¼NW¼NE¼, those parts lying northerly of Chena River.

The area described contains approximately 40 acres.

3. The following described public lands, which are portions of the lands described in paragraph 1 hereof, shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by an authorized officer, opening such lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a ninety-one day preference right period for filing such applications by veterans of World War II and the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 E.,
(a) Sec. 10, unsurveyed, NW¼, W½W½NE¼.

The area described contains 200 acres.

(b) Sec. 13, unsurveyed, SW¼SW¼: S½NW¼SW¼, that part lying south of Chena River;
Sec. 24, unsurveyed, N½NW¼NW¼, that part lying north of Chena River.

The area described contains approximately 55 acres.

T. 1 S., R. 3 E., unsurveyed,
(a) Sec. 30, NW¼SW¼NW¼, that part lying west of Chena River.

The area described contains approximately 8 acres.

(b) Sec. 30, S½N½NW¼NE¼, N½S½NW¼NE¼, those parts lying north and west of Chena River.

The area described contains approximately 12 acres.

(c) Sec. 28, NW¼SW¼SW¼, that part lying within a loop of the right bank of Chena River.

The area described contains approximately 7 acres.

(d) Sec. 28, E½SW¼SE¼, that part lying easterly of Chena River; W½SE¼SE¼, that part lying westerly of Chena River.

The area described contains approximately 25 acres.

(e) Sec. 27, SW¼SW¼NW¼, W½NW¼SW¼; NW¼SW¼NW¼, E½NW¼SW¼, those parts lying westerly of Chena River; NW¼SW¼SW¼, that part lying northwesterly of Chena River.
Sec. 28, E½SE¼NE¼, E½NW¼SE¼NE¼; W½NW¼SE¼NE¼, that part lying south of Chena River; SW¼SE¼NE¼, that part lying northerly of Chena River; E½SW¼NE¼, that part lying easterly of Chena River; E½NE¼SE¼, that part lying northeasterly of Chena River.

The area described contains approximately 95 acres.

(f) Sec. 22, W½NE¼SW¼SE¼; SE¼SW¼NW¼, W½NE¼SW¼, those parts lying east of Chena River; SW¼SE¼NW¼, NW¼SE¼, those parts lying southwesterly of Chena River; E½NE¼SW¼, that part lying south of Chena River; N½N½SE¼SW¼, that part lying north of Chena River; NW¼SW¼SE¼, that part lying northeasterly of Chena River.

The area described contains approximately 65 acres.

(g) Sec. 14, SE¼SW¼SW¼, that part lying southeasterly of Chena River; SW¼SE¼SW¼, that part lying southwesterly of Chena River.
Sec. 23, W½NE¼NW¼, that part lying southwesterly of Chena River; E½NW¼NW¼, that part lying east of Chena River; NE¼SW¼NW¼, that part lying northeasterly of Chena River.

The area described contains approximately 27 acres.

(h) Sec. 13, E½SW¼NE¼; NW¼NE¼, that part lying southerly of Chena River; W½NE¼NE¼, that part lying westerly of Chena River; W½SE¼NE¼, that part lying southwesterly of Chena River.

The area described contains approximately 77 acres.

T. 1 S., R. 4 E., unsurveyed,
Sec. 9, E½SW¼NE¼, that part lying easterly of Chena River; SE¼NE¼, that part lying north of Chena River.
Sec. 10, SW¼NW¼, W½SE¼NW¼, those parts lying westerly of Chena River; W½NE¼SW¼, that part lying northwesterly of Chena River; NW¼SW¼, that part lying northeasterly of Chena River.

The area described contains approximately 122 acres.

4. Portions of the lands described in paragraph 1 of this order aggregating approximately 190 acres, are withdrawn by Public Land Order No. 733 of July 18, 1951, for use of the Department of the Army, and other portions are included in allowed entries or settlement claims, or have been patented.

5. Portions of the lands described in paragraph 1 of this order, aggregating approximately 2,790 acres, are included in an application for withdrawal by the Department of the Air Force, (Fairbanks 010082), with respect to which lands, applications under the public land laws will be suspended in accordance with 43 CFR 295.10 until action on the application for withdrawal has been taken.

6. At 10:00 a. m. on the 35th day after the date of this order the unappropriated, unreserved, unsurveyed public lands affected by this order shall, subject to valid existing rights and the provisions of existing withdrawals, be opened to settlement under the homestead laws, or, if nonmineral in character, under the Alaska Home Site Act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461) or the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, and to those forms of appropriation only by qualified veterans of World War II and the Korean Conflict for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations.

7. At 10:00 a. m. on the 35th day after the date of this order the surveyed public lands released by this order shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public surveyed lands affected by this order shall be subject only to (1) application under the homestead laws or the Alaska Home Site Act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461), or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

8. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

9. Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66 inclusive, of Title 43 of the Code of Federal Regulations, and applications under the said Alaska Home Site Act of May 26, 1934, and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in §§ 64.6 to 64.10 inclusive, and Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 14, 1955.

[F. R. Doc. 55-3209; Filed, Apr. 19, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11265; FCC 55-468]

[Rules Amdt. 8-19]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

RADIOTELEPHONE INSTALLATIONS ON CARGO SHIPS

In the matter of amendment of Part 8 of the Commission's rules for the purpose of implementing Title III, Part II of the Communications Act and the Safety Convention with respect to radiotelephone installations required to be carried by cargo ships; Docket No. 11265.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of April 1955;

The Commission having under consideration its proposal in the above-entitled matter to amend Part 8 of the Commission's rules for the purpose of implementing Title III, Part II of the Communications Act and the Safety Convention with respect to radiotelephone installations required to be carried by cargo ships; and

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on February 9, 1955 (20 F. R. 835); and

It further appearing that, although no objection, as such, was filed to the proposed amendments, the American Merchant Marine Institute, Inc. and the Central Committee on Radio Facilities of the American Petroleum Institute commented that the installation of an emergency source of energy with respect to new installations, as prescribed by § 8.531 (a) of the proposed regulations might be impossible or impracticable, or inadvisable with respect to certain types of vessels and "assumed" that with respect to such vessels, the FCC would grant exemptions from this requirement, and

It further appearing that the requirement in § 8.531 (a) referred to above merely reflects specific requirements contained in the Communications Act and the Safety Convention, and that the exemption provisions of the act and the Convention are a separate matter, making it inappropriate in this proceeding to make any finding with respect to exemption from requirements of the act or the Convention; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (n) and (r) and Title III, Part II of the Communications Act of 1934, as amended;

It is ordered, That, effective May 23, 1955, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Released: April 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 8.8 is amended by adding two new paragraphs as follows:

(o) *Existing installation.* The term "existing installation", as used in this part solely in reference to requirements of Part II of Title III of the Communications Act or of the Safety Convention, means an installation installed on a ship prior to November 19, 1952, in the case of a United States ship subject to the radio provisions of the Safety Convention, or one installed on a ship prior to August 13, 1955, in the case of other ships subject to Part II of Title III of said act.

(p) *New installation.* The term "new installation", as used in this part solely in reference to requirements of Part II of Title III of the Communications Act or of the Safety Convention, means an installation which replaces an existing installation or, in the case of a United States ship subject to the radio provisions of the Safety Convention, one installed on a ship subsequent to November 19, 1952, and in the case of other ships subject to Part II of Title III of

said act, one which is installed subsequent to August 13, 1955.

2. Section 8.152 is amended by addition of new paragraph (d) as follows:

(d) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, for safety purposes, carry at least one qualified operator holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

3. Section 8.153 is amended by addition of new paragraph (b) as follows:

(b) Each cargo ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention to be fitted with a radiotelephone installation which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least one qualified operator holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

4. Section 8.202 is amended by addition of new paragraph (c) reading as follows:

(c) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, while being navigated outside a harbor or port, keep a continuous and efficient listening watch on the radiotelephone calling and distress frequency 2182 kc whenever the radiotelephone installation is not being used to transmit on that channel or to transmit or receive on any other channel below 30 Mc authorized for maritime mobile services. Such listening watch shall be performed by at least one officer or member of the crew of the vessel who has been designated by the master to perform the listening watch. The person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the listening watch.

5. Section 8.203 is amended by addition of new paragraph (g) reading as follows:

(g) Each cargo ship of the United States required by the Safety Convention to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, for safety purposes, while being navigated, keep a continuous watch on the radiotelephone calling and distress frequency in the manner prescribed by § 8.202 (c).

6. Section 8.368 (a) is amended as follows:

a. Subparagraph (5) is amended to read as follows:

(5) With respect to ship stations which, by reason of the provisions of § 8.202, § 8.203 or § 8.223, are required to keep a watch on the radiotelephone calling and distress frequency, 2182 kc, entries shall be made showing each time this watch is begun, suspended, or concluded, without any requirement, however, of making entries solely to show interruption of this listening due to authorized communication with other stations. The required entries shall be made by a licensed operator or by any member of the crew who is designated and authorized by the master to do so; the signature of each person making these entries and each person who actually maintains such watch shall appear in the log and shall be properly related to each particular entry for this purpose.

b. A new subparagraph (8) is added to read as follows:

(8) In the case of ship stations required to be equipped for radiotelephony by reason of the provisions of Part II of Title III of the Communications Act or the radio provisions of the Safety Convention, the following additional entries shall be made by a qualified operator or by any member of the crew who is designated and authorized by the master to do so; the signature of each person making these entries shall appear in the log and be properly related to the particular entry:

(i) The time when storage batteries provided as a part of the required radiotelephone installation are placed on charge and taken off charge.

(ii) Results of any tests of the required radiotelephone installation including hydrometer readings of lead-acid storage batteries and voltage readings of other types of batteries provided as part of that installation.

(iii) A daily entry showing the operating condition of the required radiotelephone equipment as determined by either normal communication or the test communication required by § 8.534.

(iv) Results of inspections and tests made pursuant to § 8.520 (g) of any lifeboat radio equipment which is compulsorily provided in compliance with requirements of law.

7. Subpart R of Part 8 is amended by adding the following centerhead and rules immediately following § 8.525:

RADIOTELEPHONE INSTALLATIONS ON SHIPS SUBJECT TO PART II OF TITLE III OF THE COMMUNICATIONS ACT OR ON U. S. SHIPS SUBJECT TO THE SAFETY CONVENTION

Sec.

8.528 Radiotelephone installations.
8.529 Radiotelephone transmitter.
8.530 Radiotelephone receiving equipment.
8.531 Power supply.
8.532 Radiating system.
8.533 General requirements applicable to radiotelephone installations.
8.534 Test of radiotelephone installation.

§ 8.528 *Radiotelephone installations.* (a) A radiotelephone installation required to be provided on any ship by reason of the provisions of Part II of Title III of the Communications Act or on a United States ship by reason of the Safety Convention, shall comply in an efficient manner with §§ 8.529, 8.530, 8.531, 8.532 and 8.533 in addition to all other applicable requirements of this part. The radiotelephone installation so provided shall include at least the following:

(1) A radiotelephone transmitter and associated radiotelephone receiving equipment;

(2) A main source of power;

(3) An emergency source of power when required by § 8.531;

(4) An antenna and ground system; and

(5) Such other apparatus as may be necessary for the proper operation and use of these components of this installation.

§ 8.529 *Radiotelephone transmitter.* (a) The radiotelephone transmitter shall be capable of transmitting on the radiotelephone calling and distress frequency, 2182 kc, the ship-to-ship working frequency, 2638 kc, and at least two other frequencies within the band 1605 to 2850 kc used for ship-to-shore or ship-to-ship communications.

(b) The transmitter shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent and shall be so adjusted that the transmission of speech normally produces peak modulation within these limits.

(c) The radiotelephone transmitting installation shall be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions and circumstances, over a minimum normal range of one hundred and fifty nautical miles. The transmitting apparatus of the radiotelephone transmitting installation shall be considered to comply with this range requirement whenever such apparatus is properly adjusted for use with an actual ship station transmitting antenna meeting the requirements of § 8.532 and has been demonstrated or is of a type which has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltage applied, of delivering not less than 25 watts of unmodulated radio frequency carrier power on each of the frequencies 2182 kc and 2638 kc into an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 micromicrofarads capacitance: *Provided*, That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

(d) Transmitters installed after June 1, 1956 and all transmitters after June 1, 1960 regardless of installation date shall be equipped with a device which will provide continuous visual indication that the transmitter is supplying radio-frequency power to the antenna.

(e) The transmitter shall be adequately protected, by suitable devices such as fuses or circuit breakers, from excessive currents and voltages which could cause damage to components thereof.

(f) A durable nameplate shall be mounted on the transmitter or made an integral part thereof showing clearly at least the following:

(1) The name of the manufacturer;

(2) The type or model number.

§ 8.530 *Radiotelephone receiving equipment.* (a) The radiotelephone installation shall include the follcwing receivers.

(1) A receiver capable of reception of A3 emission on 2182 kc, 2638 kc and the receiving frequencies associated with transmitting frequencies required to be provided by § 8.529. The receiver shall be capable of accurate and convenient selection of these frequencies without manual tuning, i. e., it shall be pre-set for reception on each of the required frequencies.

(2) After June 1, 1956, in addition to the receiver required by subparagraph (1) of this paragraph, a receiver capable of manually tuned reception over the entire frequency band 1600 to 3500 kc shall be provided.

(b) One or more loudspeakers capable of effective operation shall be provided so as to permit reception at the principal operating location and at any other location where listening required by § 8.202 (c) or § 8.203 (g) is performed.

(c) Any receiving equipment provided as part of the required radiotelephone installation shall be capable of a sensitivity over the required frequency band on any required reception frequency of at least 50 microvolts. Sensitivity of the receiver is expressed as the radio frequency signal in microvolts modulated 30 percent at 400 cycles per second which must be delivered to the antenna terminals of the receiving apparatus through a suitable artificial antenna in order to produce an audio output of 50 milliwatts of power to the loudspeaker with a signal-to-noise ratio of at least 6 decibels. Evidence of a manufacturer's rating or a demonstration of the sensitivity of a required receiver computed upon this basis shall be furnished upon request of a Commission engineer.

(d) Any receiving equipment provided as part of the required radiotelephone installation shall be provided with a durable nameplate mounted on the receiver or made an integral part thereof showing at least the following:

(1) The name of the manufacturer.

(2) The type or model number.

(e) Required receiving equipment shall be protected by means of suitable devices such as fuses or circuit-breakers from excessive voltages which could cause damage to any component thereof.

§ 8.531 *Power supply.* (a) There shall be readily available for use at all times under normal load conditions, while the vessel is at sea, and when required during inspection of the ship radiotelephone station by an authorized representative of the Commission, a main source of energy, capable of supplying electrical power sufficient to energize simultaneously and efficiently the radiotelephone transmitter at its required power and the required receiver. At all times herein specified the potential of the main source of energy at the power input connections of the radiotelephone installation shall not deviate from its rated electrical potential by more than 10 percent on vessels completed on or after July 1, 1941, nor more than 15 percent on vessels completed before that date. In the case of new installations, an emergency source of energy independent of the vessel's normal electrical system shall be provided, and shall be located in the upper part of the ship, unless the main source of energy is so located, in which case the emergency source of energy is not required. The emergency source of energy when required shall be located as near the radiotelephone transmitter and receiver as is practicable. A power supply shall be deemed to be located in the upper part of the ship when it is located on the same deck as the wheel house or at least one deck above the vessel's main deck.

NOTE: See § 8.113 regarding application of Coast Guard regulations regarding power supply.

(b) Each emergency source of energy and each main source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes batteries, have sufficient reserve capacity available at all times while the ship is at sea and during official inspections to permit operation of the radiotelephone installation for at least 6 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove this capacity by means of a discharge test over the 6-hour period of time when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by paragraph (d) of this section, or by such other means as may be deemed necessary.

(c) Each emergency source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes an engine-driven generator shall, with respect to such engine-driven generator, have sufficient reserve fuel available at all times while the ship is at sea and during official inspections to permit operation of the radiotelephone installation for at least 6 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove the adequacy of the fuel supply by demonstration, or by such other means as may be deemed necessary. Proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over the 6-hour period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by paragraph (d) of this section.

(d) The electrical load to be supplied by a main or an emergency source of energy under the provisions of paragraph (b) or (c) of this section shall be computed as the sum of all loads to which it may supply energy in times of emergency or distress. The radiotelephone transmitting apparatus shall be regarded as having an intermittent power demand amounting in the aggregate to one-half the six-hour period.

(e) At the conclusion of the test specified in paragraphs (b) and (c) of this section, no part of the main or emergency sources of energy shall have an excessive temperature rise, nor shall the specific gravity or voltage of any storage battery be below the 90 percent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacturer of the type of battery involved.

(f) Means shall be provided for adequately charging any storage batteries used as a main or emergency source of energy or any part thereof, for the required radiotelephone installation. There shall be provided a device which, during charging of the batteries, will give a continuous indication of the rate and polarity of such charging.

(g) The cooling system of each internal combustion engine used as a part of any required emergency source of energy for the radiotelephone installation shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(h) All required power-supply circuits shall be appropriately protected by means of suitable devices such as fuses or circuit-breakers from overloads or short-circuits, which could damage any component thereof.

§ 8.532 *Radiating system.* (a) In each radiotelephone installation an antenna shall be provided which is as nondirectional and as efficient as is practicable for the transmission and reception of radio ground waves over seawater. The installation and construction of this antenna shall be such as to insure, insofar as is practicable, proper operation in time of an emergency.

(b) When an electrical ground connection is used as a necessary element of the radiating system, such connection shall be made in an efficient manner to the hull of a vessel having a metal hull or, in the case of a vessel not having a metal hull, to a bare plate and/or strips of corrosion resistant metal of good electrical conductivity having a total area of at least 12 square feet in the aggregate, permanently attached to the hull below the waterline and insofar as possible located directly under the antenna structure and radio apparatus.

§ 8.533 *General requirements applicable to radiotelephone installations.* (a) Each radiotelephone installation in respect to all components thereof required by reason of Title III, Part II of the Communications Act or the Safety Convention shall meet the following requirements:

(1) The radiotelephone transmitter, receiver and all controls necessary for their proper use and operation shall be located in the upper part of the ship. For this purpose, the upper part of the ship shall be considered to include locations at wheel house level or those which are at least one deck above the vessel's main deck. In the case of installations

made after June 1, 1956, the principal operating location shall be in the room from which the vessel is normally steered while at sea. If the principal operating location is not in such room or not in a room adjacent to and opening directly into such room, an interior two-way voice communication system including an attention signaling system shall be provided between such room and the principal operating location.

(2) If the radiotelephone installation is operated from any other position than the principal operating location, it shall always be possible to take control of the operation of the radiotelephone installation at the principal operating location as follows:

(i) Except as provided in subdivision (ii) of this subparagraph, a method shall be provided for taking control at the principal operating location as herein prescribed which is direct, positive and independent of action by any person not at the principal operating location.

(ii) The use of an interior shipboard communication system between the principal operating location and all other locations at which there is a radiotelephone operating position shall be acceptable as a method for taking control at the principal operating location as herein prescribed on condition that the communication thereby provided is reliable, effective immediately, available at all times, and is usable independently of any other interior communication circuit: *Provided, however,* That in the case of radiotelephone installations first placed in service on or after June 1, 1956 the use of such a method for taking control at the principal operating location shall be acceptable only in the case of those radiotelephone operating positions located in the chart room or master's quarters.

(3) The radiotelephone installation when utilizing the fixed tuned receiver required by § 8.530 (a) (1) shall be so designed that when a qualified operator is present at the principal radiotelephone operating location:

(i) Switching between the calling and distress frequency 2182 kc and any required working frequency or vice versa may be performed within a period of five seconds;

(ii) Changeover from transmission to reception and vice versa may be accomplished within a total period of two seconds on each of the required frequencies under circumstances which do not require a change in operating radio channel at the same time.

(iii) Use of the emergency source of energy, when required by § 8.531, shall be available within 1 minute after any need arises for its use.

(4) The components and assembly of the radiotelephone installation shall be such as to insure safe and effective operation of the equipment and shall be arranged to facilitate proper repair and replacement of parts. Adequate protection shall be provided against the action of saline moisture and the effects of vibration, humidity and temperature encountered on shipboard.

(5) A reliable electric light shall be provided and permanently arranged so as to illuminate satisfactorily the operating controls at the principal operating location. When the principal operating location is in the room from which the vessel is steered, the light shall be so arranged that its illumination is confined substantially to the vicinity of the operating controls so that it may be used at night without interfering with navigation of the vessel. The light shall be energized from the main source of energy, and, if an emergency source of energy for the radiotelephone installation is required, means shall be provided for energizing the light from such source of energy also.

§ 8.534 *Test of radiotelephone installation.* Unless the normal use of a radiotelephone installation required by Title III, Part II of the Communications Act or the Safety Convention demonstrates that the equipment is in proper operating condition for an emergency, a test communication for this purpose shall be made by a qualified operator each day the vessel is navigated. When this test is performed by some person other than the master and the equipment is found not to be in proper operating condition for an emergency, the master shall be notified promptly thereof.

[F. R. Doc. 55-3238; Filed, Apr. 19, 1955; 8:51 a. m.]

[FCC 55-470]

[Rules Amdt. 12-10]

PART 12—AMATEUR RADIO SERVICE

EXAMINATION CREDIT

In the matter of amendment of Part 12 of the Commission's rules concerning code examination credit for amateur operator license, § 12.46 (b).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of April 1955;

The Commission having under consideration its amateur radio operator examination procedure; and

It appearing that amateur operator license applicants, except the Extra Class, have been given credit for the telegraph code element if within five years prior to receipt of application by the Commission applicant held a commercial radio telegraph first or second class operator license issued by the Commission; and

It further appearing that the code test for the commercial radiotelegraph third class operator permit is the same as that for commercial radiotelegraph second class operator license and, thus, holders of such authorization should be given equal code credit toward an amateur operator license; and

It further appearing because the proposed change concerns a matter of agency procedure, no notice of proposed rule making is required by section 4 (a) of the Administrative Procedure Act, and because the proposed change results in relief from certain procedural restrictions which can be to the detriment of no one, there is no requirement of publication or service for thirty days prior to its effective date pursuant to section 4 (c) of the Administrative Procedure Act;

It is ordered, Under the authority contained in sections 4 (i) and 303 (l) and (r) of the Communications Act of 1934, as amended, that effective immediately § 12.46 (b) of Part 12 of the Commission's rules governing Amateur Radio Service is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 301, 48 Stat. 1081; 47 U. S. C. 301)

Released: April 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

§ 12.46 *Examination credit.* * * *

(b) An applicant for any class of amateur operator license, except the Extra Class, will be given credit for the telegraph code element if within five years prior to the receipt of his application by the Commission he held a commercial radiotelegraph operator license or permit issued by the Federal Communications Commission.

[F. R. Doc. 55-3239; Filed, Apr. 19, 1955; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SPECIAL DEDUCTIONS FOR CORPORATIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 247 (b) (2), 248 (a), and 7805 of the Internal Revenue Code of 1954 (68A Stat. 75, 76, 917; 26 U. S. C. 247 (b) (2), 248 (a), 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

The following regulations are hereby promulgated under sections 241 through 248 of the Internal Revenue Code of 1954:

SPECIAL DEDUCTIONS FOR CORPORATIONS

§ 1.241 *Statutory provisions; allowance of special deductions.*

SEC. 241. *Allowance of special deductions.* In addition to the deductions provided in part VI (sec. 161 and following), there shall be allowed as deductions in computing taxable income the items specified in this part.

§1.241-1 *Allowance of special deductions.* A corporation, in computing its taxable income, is allowed as deductions the items specified in part VIII of subchapter B of chapter 1 (sections 242 through 248) in addition to the deductions provided in part VI (section 161 and following).

§ 1.242 *Statutory provisions; partially tax-exempt interest.*

SEC. 242. *Partially tax-exempt interest*—(a) *Allowance of deduction.* There shall be allowed to a corporation as a deduction the amount received as interest on obligations of the United States or on obligations of corporations organized under Act of Congress which are instrumentalities of the United States, but only if—

(1) Such interest is included in gross income; and

(2) Such interest is exempt from normal tax under the Act authorizing the issuance of such obligations.

(b) *Cross reference.* For reduction of deduction under subsection (a) on account of amortizable bond premium, see section 171.

§ 1.242-1 *Deduction for partially tax-exempt interest.* A corporation is allowed a deduction under section 242 (a) in an amount equal to certain interest received on obligations of the United States, or on obligations of corporations organized under acts of Congress which are instrumentalities of the United States. The interest for which a deduction shall be allowed is interest which is included in gross income and which is exempt from normal tax under the act, as amended and supplemented, which authorized the issuance of the obligations.

§ 1.243 *Statutory provisions; dividends received by corporations.*

SEC. 243. *Dividends received by corporations*—(a) *General rule.* In the case of a corporation, there shall be allowed as a deduction an amount equal to 85 percent of the amount received as dividends (other than dividends described in paragraph (1) of section 244, relating to dividends on the preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chapter.

(b) *Special rules for certain distributions.* For purposes of subsection (a)—

(1) Any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.) shall not be treated as a dividend.

(2) A dividend received from a regulated investment company shall be subject to the limitations prescribed in section 854.

§ 1.243-1 *Deduction for dividends received by corporations.* (a) A corporation is allowed a deduction under section 243 (a) for dividends received from a domestic corporation which is subject to taxation under chapter 1 of the Internal Revenue Code of 1954. The deduction for a taxable year, except as provided in subsection (b) of section 243 and in section 246, is an amount equal to 85 percent of such dividends received by the corporation during the taxable year.

(b) The deduction allowed by section 243 shall be determined without regard to any dividends described in paragraph (1) of section 244 (relating to dividends on the preferred stock of a public utility). That is, such deduction shall be determined without regard to any dividends received on the preferred stock of a public utility which is subject to taxation under chapter 1 of the Internal Revenue Code of 1954 and with respect to which a deduction is allowed by section 247 (relating to dividends paid on certain preferred stock of public utilities). For a deduction with respect to such dividends received on the preferred stock of a public utility, see section 244. If a deduction for dividends paid is not allowable to the distributing corporation under section 247 with respect to the dividends on its preferred stock, such dividends received from a domestic public utility corporation subject to taxation under chapter 1 of the Internal Revenue Code of 1954 are includible in determining the deduction allowed by section 243 (a).

§ 1.243-2 *Special rules for certain distributions*—(a) *Dividends paid by mutual savings banks, etc.* In determining the deduction provided in section 243 (a), any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, cooperative banks, and domestic building and loan associations) shall not be considered as a dividend.

(b) *Dividends received from regulated investment companies.* In determining the deduction provided in section 243 (a), dividends received from a regulated investment company shall be subject to the limitations provided in section 854.

§ 1.244 *Statutory provisions; dividends received on certain preferred stock.*

SEC. 244. *Dividends received on certain preferred stock.* In the case of a corporation, there shall be allowed as a deduction an amount computed as follows:

(1) First determine the amount received as dividends on the preferred stock of a public utility which is subject to taxation under this chapter and with respect to which the deduction provided in section 247 for dividends paid is allowable.

(2) Then multiply the amount determined under paragraph (1) by the fraction—

(A) The numerator of which is 14 percent, and

(B) The denominator of which is that percentage which equals the sum of the normal tax rate and the surtax rate for the taxable year prescribed by section 11.

(3) Finally ascertain the amount which is 85 percent of the excess of—

(A) The amount determined under paragraph (1), over

(B) The amount determined under paragraph (2).

§ 1.244-1 *Deduction for dividends received on certain preferred stock.* A corporation is allowed a deduction under section 244 for dividends received on certain preferred stock of certain public utility corporations subject to taxation under chapter 1 of the Internal Revenue Code of 1954. The deduction is allowable only for dividends received on the preferred stock of a public utility with respect to which the deduction for dividends paid provided in section 247 (relating to dividends paid on certain preferred stock of public utilities) is allowable to the distributing corporation.

§ 1.244-2 *Computation of deduction.* (a) Section 244 provides a specific rule for the computation of the deduction for dividends received on the preferred stock of a public utility. The deduction computed under section 244 is subject to the limitation provided in section 246.

(b) The computation of the deduction provided in section 244 may be illustrated by the following examples:

Example (1). Corporation A, which files its income tax returns on the calendar year basis, received in 1954 $100,000 as dividends on the preferred stock of Corporation B, a public utility corporation which is subject to taxation under chapter 1 of the Internal Revenue Code of 1954. The deduction provided in section 247 is allowable to Corporation B, the distributing corporation, with respect to these dividends. The corporation normal tax rate and the surtax rate for the calendar year 1954 are 30 percent and 22 percent, respectively. The deduction allowable to Corporation A under section 244 for the year 1954 with respect to these dividends is $62,115.38, computed as follows:

(i) Corporation A in the calendar year 1954 received $100,000 of dividends on the preferred stock of Corporation B, a public utility.

(ii) The sum of the corporation normal tax rate and the surtax rate for the calendar year 1954 is 52 percent (30 percent plus 22 percent). The fraction specified in section 244 (2) accordingly is $\frac{14}{52}$.

(iii) The amount of dividends received (subdivision (i)), $100,000, multiplied by the fraction determined under subdivision (ii), $\frac{14}{52}$, accordingly, is $26,923.08 ($\frac{14}{52}$ times $100,000).

(iv) The amount determined under subdivision (i) minus the amount determined under subdivision (iii) is $73,076.92 ($100,000 minus $26,923.08).

(v) The deduction allowable to Corporation A under section 244 for the calendar year 1954 is 85 percent of $73,076.92 (the amount determined under subdivision (iv)), or $62,115.38.

Example (2). Assume the facts are the same as in example (1) except that the year involved is a taxable year for which the corporation normal tax rate and the surtax rate are 25 percent and 22 percent, respectively. The deduction allowable to Corporation A under section 244 for the year 1956 is $59,680.85, computed as follows:

(i) Corporation A in the calendar year 1956 received $100,000 of dividends on the preferred stock of a public utility.

(ii) The sum of the corporation normal tax rate and surtax rate for the calendar year 1956 is 47 percent (25 percent plus 22 percent). The fraction specified in section 244 (2), accordingly, is $\frac{14}{47}$.

(iii) The amount of the dividends received (subdivision (i)), $100,000, multiplied by the fraction determined under subdivision (ii), $\frac{14}{47}$, accordingly, is $29,787.23.

(iv) The amount determined under subdivision (i) minus the amount determined under subdivision (iii) is $70,212.77 ($100,000 minus $29,787.23).

(v) The deduction allowable to Corporation A under section 244 for such taxable year is 85 percent of $70,212.77 (the amount determined under subdivision (iv)), or $59,680.85.

§ 1.245 *Statutory provisions; dividends received from certain foreign corporations.*

SEC. 245. *Dividends received from certain foreign corporations.* In the case of dividends received from a foreign corporation (other than a foreign personal holding company) which is subject to taxation under this chapter, if, for an uninterrupted period of not less than 36 months ending with the close of such foreign corporation's taxable year in which such dividends are paid (or, if the corporation has not been in existence for 36 months at the close of such taxable year, for the period the foreign corporation has been in existence as of the close of such taxable year) such foreign corporation has been engaged in trade or business within the United States and has derived 50 percent or more of its gross income from soures within the United States, there shall be allowed as a deduction in the case of a corporation—

(1) An amount equal to the percent (specified in section 243 for the taxable year) of the dividends received out of its earnings and profits specified in paragraph (2) of the first sentence of section 316 (a), but such amount shall not exceed an amount which bears the same ratio to such percent of such dividends received out of such earnings and profits as the gross income of such foreign corporation for the taxable year from sources within the United States bears to its gross income from all sources for such taxable year, and

(2) An amount equal to the percent (specified in section 243 for the taxable year) of the dividends received out of that part of its earnings and profits specified in paragraph (1) of the first sentence of section 316 (a) accumulated after the beginning of such uninterrupted period, but such amount shall not exceed an amount which bears the same ratio to such percent of such dividends received out of such accumulated earnings and profits as the gross income of such foreign corporation from sources within the United States for the portion of such uninterrupted period ending at the beginning of such taxable year bears to its gross income from all sources for such portion of such uninterrupted period.

§ 1.245–1 *Deduction for dividends received from certain foreign corporations.* (a) A corporation is allowed a deduction under section 245 for dividends received from a foreign corporation (other than a foreign personal holding company as defined in section 552) which is subject to taxation under chapter 1 of the Internal Revenue Code of 1954 if, for an uninterrupted period of not less than 36 months ending with the close of the foreign corporation's taxable year in which the dividends are paid, such foreign corporation has been engaged in trade or business within the United States and has derived 50 percent or more of its gross income from sources within the United States. If the foreign corporation has been in existence less than 36 months as of the close of the taxable year in which the dividends are paid, then the applicable uninterrupted period to be taken into consideration in lieu of the uninterrupted period of 36 or more months is the entire period such corporation has been in existence as of the close of such taxable year. An uninterrupted period which satisfies the twofold requirement with respect to business activity and gross income may start at a date later than the date on which the foreign corporation first commenced an uninterrupted period of engaging in trade or business within the United States, but the applicable uninterrupted period is in any event the longest uninterrupted period which satisfies such twofold requirement.

(b) The deduction provided in section 245 for a taxable year, except as provided in section 246, is the sum of the amounts computed under paragraphs (1) and (2) of section 245.

(c) The determination of earnings and profits distributed in any taxable year shall be made in accordance with the principles of section 316 (a) of the Internal Revenue Code of 1954. For the determination of the source of income, see part I of subchapter N of chapter 1 (sections 861 through 864) and the regulations thereunder.

(d) The application of section 245 may be illustrated by the following examples:

Example (1). Corporation A (a foreign corporation filing its income tax returns on a calendar year basis) whose stock is 100 percent owned by Corporation B (a domestic corporation filing its income tax returns on a calendar year basis) for the first time engaged in trade or business within the United States on January 1, 1943, and qualifies under section 245 for the entire period beginning on that date and ending on December 31, 1954. Corporation A had accumulated earnings and profits of $50,000 immediately prior to January 1, 1943, and had earnings and profits of $10,000 for each taxable year during the uninterrupted period from January 1, 1943, through December 31, 1954. It derived for the period from January 1, 1943, through December 31, 1953, 90 percent of its gross income from sources within the United States and in 1954 derived 95 percent of its gross income from sources within the United States. During the calendar years 1943, 1944, 1945, 1946, and 1947 Corporation A distributed in each year $15,000; during the calendar years 1948, 1949, 1950, 1951, 1952, and 1953 it distributed in each year $5,000; and during the year 1954, $50,000. For 1954 a deduction under section 245 of $31,025 for dividends received from a foreign corporation is allowable to Corporation B with respect to the $50,000 received from Corporation A, computed as follows:

(i) $8,075, which is $8,500 (85 percent—the percent specified in section 243 for the calendar year 1954—of the $10,000 of earnings and profits of the taxable year) multiplied by 95 percent (the portion of the gross income of Corporation A derived during the taxable year 1954 from sources within the United States), plus

(ii) $22,950, which is $25,500 (85 percent—the percent specified in section 243 for the calendar year 1954—of $30,000, the part of the earnings and profits accumulated after the beginning of the uninterrupted period) multiplied by 90 percent (the portion of the gross income of Corporation A derived from sources within the United States during that portion of the uninterrupted period ending at the beginning of the taxable year 1954).

Example (2). If in example (1) Corporation A for the taxable year 1954 had incurred a deficit of $10,000 (shown to have been incurred before December 31), and if it had distributed $50,000 on December 31, 1954, the deduction under section 245 for dividends received from a foreign corporation allowable to Corporation B for 1954 would be $15,300, computed by multiplying $17,000 (85 percent—the percent specified in section 243 for the calendar year 1954—of $20,000 earnings and profits accumulated after the beginning of the uninterrupted period) by 90 percent (the portion of the gross income of Corporation A derived from United States sources during that portion of the uninterrupted period ending at the beginning of the taxable year 1954).

§ 1.246 *Statutory provisions; rules applying to deductions for dividends received.*

SEC. 246. *Rules applying to deductions for dividends received*—(a) *Deduction not allowed for dividends from certain corporations.* The deductions allowed by sections 243, 244, and 245 shall not apply to any dividend from—

(1) A corporation organized under the China Trade Act, 1922 (see sec. 941); or

(2) A corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is—

(A) A corporation exempt from tax under section 501 (relating to certain charitable, etc., organizations) or section 521 (relating to farmers' cooperative associations); or

(B) A corporation to which section 931 (relating to income from sources within possessions of the United States) applies.

(b) *Limitation on aggregate amount of deductions*—(1) *General rule.* Except as provided in paragraph (2), the aggregate amount of the deductions allowed by sections 243, 244, and 245 shall not exceed 85 percent of the taxable income computed without regard to the deductions allowed by sections 172, 243, 244, 245, and 247.

(2) *Effect of net operating loss.* Paragraph (1) shall not apply for any taxable year for which there is a net operating loss (as determined under section 172).

§ 1.246–1 *Deductions not allowed for dividends from certain corporations.* The deductions provided in sections 243 (relating to dividends received by corporations), 244 (relating to dividends received on certain preferred stock), and 245 (relating to dividends received from certain foreign corporations), are not allowable with respect to any dividend received from:

(a) A corporation organized under the China Trade Act, 1922 (15 U. S. C. ch. 4) (see section 941); or

(b) A corporation which is exempt from tax under section 501 (relating to certain charitable, etc., organizations) or section 521 (relating to farmers' cooperative associations) for the taxable year of the corporation in which the distribution is made or for its next preceding taxable year; or

(c) A corporation to which section 931 (relating to income from sources within possessions of the United States) applies for the taxable year of the corporation in which the distribution is made or for its next preceding taxable year.

§ 1.246–2 *Limitation on aggregate amount of deductions.*—(a) *General rule.* The sum of the deductions allowed by sections 243 (relating to dividends received by corporations), 244 (relating to dividends received on certain preferred stock), and 245 (relating to dividends received from certain foreign corporations), except as provided in section 246 (b) (2) and in paragraph (b) of this section, is limited to 85 percent of the taxable income of the corporation. The taxable income of the corporation for this purpose is computed without regard to the net operating loss deduction allowed by section 172, the deduction for dividends paid on certain preferred stock of public utilities allowed by section 247, and the deductions provided in sections 243, 244, and 245. For definition of the term "taxable income", see section 63.

(b) *Effect of net operating loss.* If the shareholder corporation has a net operating loss (as determined under section 172) for a taxable year, the limitation provided in section 246 (b) (1) and in paragraph (a) of this section is not applicable for such taxable year. In that event, the deductions provided in sections 243, 244, and 245 shall be allowable for all tax purposes to the shareholder corporation for such taxable year without regard to such limitation. If the shareholder corporation does not have a net operating loss for the taxable year, however, the limitation will be applicable for all tax purposes for such taxable year. In determining whether the shareholder corporation has a net operating loss for a taxable year under section 172, the deductions allowed by sections 243, 244, and 245 are to be computed without regard to the limitation provided in section 246 (b) (1) and in paragraph (a) of this section.

§ 1.247 *Statutory provisions: dividends paid on certain preferred stock of public utilities.*

SEC. 247. *Dividends paid on certain preferred stock of public utilities*—(a) *Amount of deduction.* In the case of a public utility, there shall be allowed as a deduction an amount computed as follows:

(1) First determine the amount which is the lesser of—

(A) The amount of dividends paid during the taxable year on its preferred stock, or

(B) The taxable income for the taxable year (computed without the deduction allowed by this section).

(2) Then multiply the amount determined under paragraph (1) by the fraction—

(A) The numerator of which is 14 percent, and

(B) The denominator of which is that percentage which equals the sum of the normal tax rate and the surtax rate for the taxable year specified in section 11.

For purposes of the deduction provided in this section, the amount of dividends paid shall not include any amount distributed in the current taxable year with respect to dividends unpaid and accumulated in any taxable year ending before October 1, 1942. Amounts distributed in the current taxable year with respect to dividends unpaid and accumulated for a prior taxable year shall for purposes of this subsection be deemed to be distributed with respect to the earliest year or years for which there are dividends unpaid and accumulated.

(b) *Definitions.* For purposes of this section and section 244—

(1) *Public utility.* The term "public utility" means a corporation engaged in the furnishing of telephone service or in the sale of electrical energy, gas, or water, if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof or by an agency or instrumentality of the United States or by a public utility or public service commission or other similar body of the District of Columbia or of any State or political subdivision thereof.

(2) *Preferred stock.* The term "preferred stock" means stock issued before October 1, 1942, which during the whole of the taxable year (or the part of the taxable year after its issue) was stock the dividends in respect of which were cumulative, limited to the same amount, and payable in preference to the payment of dividends on other stock. Stock issued on or after October 1, 1942, shall be deemed for purposes of this paragraph to have been issued before October 1, 1942, if it was issued (including issuance either by the same or another corporation in a transaction which is a reorganization (as defined in section 368 (a)), a transaction to which section 371 (relating to insolvency reorganizations) applies, or a transaction subject to part VI of subchapter O (relating to exchanges in SEC obedience orders), or the respectively corresponding provisions of the Internal Revenue Code of 1939) to refund or replace bonds or debentures issued before October 1, 1942, or to refund or replace other preferred stock (including stock which is preferred stock by reason of this sentence), but only to the extent that the par or stated value of the new stock does not exceed the par, stated, or face value of the bonds or debentures issued before October 1, 1942, or the other preferred stock, which such new stock is issued to refund or replace. The determination of whether stock was issued to refund or replace bonds or debentures issued before October 1, 1942, or to refund or replace other preferred stock, shall be made under regulations prescribed by the Secretary or his delegate.

§ 1.247–1 *Deduction for dividends paid on preferred stock of public utilities.*—(a) *Amount of deduction.* (1) A deduction is provided in section 247 for dividends paid during the taxable year by certain public utility corporations (see paragraph (b) of this section) on certain preferred stock (see paragraph (c) of this section). This deduction is an amount equal to the product of a specified fraction times the lesser of (i) the amount of the dividends paid during the taxable year by a public utility on its preferred stock or (ii) the taxable income of the public utility for such taxable year (computed without regard to the deduction allowed by section 247). The specified fraction for any taxable year is the fraction the numerator of which is 14 and the denominator of which is the sum of the corporation normal tax rate and the surtax rate for such taxable year specified in section 11. Since section 11 provides that for the calendar year 1954 the corporation normal tax rate is 30 percent and the surtax rate is 22 percent, the sum of the two tax rates is 52 percent and the specified fraction for the calendar year 1954 is $\frac{14}{52}$. If, for example, section 11 should specify that for the calendar year 1956 the corporation normal tax rate is 25 percent and the surtax rate is 22 percent, the sum of the two tax rates will be 47 percent and the specified fraction for the calendar year 1956 will be $\frac{14}{47}$. If Corporation A, a public utility which filed its income tax returns on the calendar year basis, pays $100,000 dividends on its preferred stock in each of the calendar years 1954 and 1956 and if its taxable income for each of these years is greater than $100,000, the deduction allowable to Corporation A under section 247 for 1954 is $100,000 times $\frac{14}{52}$, or $26,923.08, and for 1956 is $100,000 times $\frac{14}{47}$, or $29,787.23. If in 1954 Corporation A's taxable income, computed without regard to the deduction provided in section 247, had been $90,000 (that is, less than the amount of the dividends which it paid on its preferred stock in that year), the deduction allowable under section 247 for 1954 would have been $90,000 times $\frac{14}{52}$, or $24,230.77.

(2) For the purpose of determining the amount of the deduction provided in section 247 (a) and in subparagraph (1) of this paragraph, the amount of dividends paid in a given taxable year shall not include any amount distributed in such year with respect to dividends unpaid and accumulated in any taxable year ending before October 1, 1942. If any distribution is made in the current taxable year with respect to dividends unpaid and accumulated for a prior taxable year, such distribution will be deemed to have been made with respect to the earliest year or years for which there are dividends unpaid and accumulated. Thus, if a public utility makes a distribution with respect to a prior taxable year, it shall be considered that such distribution was made with respect to the earliest year or years for which there are dividends unpaid and accumulated, whether or not the public utility states that the distribution was made with respect to such year or years and even though the public utility states that the distribution was made with respect to a later year. Even though it has dividends unpaid and accumulated with respect to a taxable year ending before October 1, 1942, a public utility may, however, include the dividends paid with respect to the current taxable year in computing the deduction under section 247. If there are no dividends unpaid and accumulated with respect to a taxable year ending before October 1, 1942, a public utility may include the dividends paid with respect to a prior taxable year which ended after October 1, 1942, in computing the deduction under section 247; such public utility in addition may include the dividends paid with respect to the current taxable year in computing the deduction under section 247. However, if local law or its own charter requires a public utility to pay all unpaid and accumulated dividends before any dividends can be paid with respect to the current taxable year, such public utility may not include any distribution in the current year in computing the deduction under section 247 to the extent that there are dividends unpaid and accumulated with respect to taxable years ending before October 1, 1942.

(3) If a corporation which is engaged in one or more of the four types of business activities (called utility activities in this section) enumerated in section 247 (b) (1) (the furnishing of telephone service or the sale of electrical energy, gas, or water) is also engaged in some other business that does not fall within any of the enumerated categories, the deduction under section 247 is allowable only for such portion of the amount computed under section 247 (a) as is allocable to the income from utility activities. For this purpose, the allocation may be made on the basis of the ratio which the total income from the utility activities bears to total income from all sources (total income being considered either gross income or gross receipts, whichever method results in the higher deduction). However, if such an allocation reaches an inequitable result and the books of the corporation are so kept that the taxable income attribut-

able to the utility activities can be readily determined, particularly where the books of the corporation are required by governmental bodies to be so kept for rate making or other purposes, the allocation may be made upon the basis of taxable income. No such apportionment will be required if the income from sources other than utility activities is less than 20 percent of the total income of the corporation, irrespective of the method used in determining such total income.

(b) *Public utility.* As used in section 247 and this section, public utility means a corporation engaged in the furnishing of telephone service, or in the sale of electric energy, gas, or water if the rates charged by such corporation for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof or by an agency or instrumentality of the United States or by a public utility or public service commission or other similar body of the District of Columbia or of any State or political subdivision thereof. If a schedule of rates has been filed with any of the above bodies having the power to disapprove such rates, then such rates shall be considered as established or approved rates even though such body has taken no action on the filed schedule. Rates fixed by contract between the corporation and the purchaser, except where the purchaser is the United States, a State, the District of Columbia, or an agency or political subdivision of the United States, a State, or the District of Columbia, shall not be considered as established or approved rates in those cases where they are not subject to direct control, or where no maximum rate for such contract rates has been established by the United States, a State, the District of Columbia, or by an agency or political subdivision thereof. The deduction provided in section 247 will not be denied solely because part of the gross income of the corporation consists of revenue derived from such furnishing or sale at rates which are not so regulated, provided the corporation establishes to the satisfaction of the Commissioner (1) that the revenue from regulated rates and the revenue from unregulated rates are derived from the operation of a single interconnected and coordinated system within a single area or region in one or more States and (2) that the regulation to which it is subject in part of its operating territory is effective to control rates within the unregulated territory so that the rates within the unregulated territory have been and are substantially as favorable to users and consumers as are the rates within the regulated territory.

(c) *Preferred stock.* (1) For the purposes of section 247 and this section, preferred stock means stock (i) which was issued before October 1, 1942, (ii) the dividends in respect of which (during the whole of the taxable year, or the part of the taxable year after the actual date of the issue of such stock) were cumulative, nonparticipating as to current distributions, and payable in preference to the payment of dividends on other stock, and (iii) the rate of return on which is fixed and cannot be changed by a vote of the board of directors or by some similar method. However, if there are several classes of preferred stock, all of which meet the above requirements, the deduction provided in section 247 shall not be denied in the case of a given class of preferred stock merely because there is another class of preferred stock whose dividends are to be paid before those of the given class of stock. Likewise, it is immaterial for the purposes of section 247 and this section whether the stock be voting or nonvoting stock.

(2) Stock issued on or after October 1, 1942, under certain circumstances will be considered as having been issued before October 1, 1942, for purposes of the deduction provided in section 247. If the new stock is issued on or after October 1, 1942, to refund or replace bonds or debentures which were issued before October 1, 1942, or to refund or replace other stock which was preferred stock within the meaning of section 247 (b) (2) (or the corresponding provision of the Internal Revenue Code of 1939), such new stock shall be considered as having been issued before October 1, 1942. If stock is issued to refund or replace stock which was preferred stock within the meaning of section 247 (b) (2) (or the corresponding provision of the Internal Revenue Code of 1939), it shall be immaterial whether the preferred stock so refunded or replaced was issued before, on, or after October 1, 1942. If stock issued on or after October 1, 1942, to refund or replace stock which was issued before October 1, 1942, and which was preferred stock within the meaning of section 247 (b) (2) (or the corresponding provision of the Internal Revenue Code of 1939), is not itself preferred stock within the meaning of section 247 (b) (2) (or the corresponding provision of the Internal Revenue Code of 1939), no stock issued to refund or replace such stock can be considered preferred stock for purposes of the deduction provided in section 247.

(3) In the case of any stock issued on or after October 1, 1942, to refund or replace bonds or debentures issued before October 1, 1942, or to refund or replace other stock which was preferred stock within the meaning of section 247 (b) (2) (or the corresponding provision of the Internal Revenue Code of 1939), only that portion of the stock issued on or after October 1, 1942, will be considered as having been issued before October 1, 1942, the par or stated value of which does not exceed the par, stated, or face value of such bonds, debentures, or other preferred stock which the new stock was issued to refund or replace. In such case no shares of the new stock issued on or after October 1, 1942, shall be earmarked in determining the deduction allowable under section 247, but the appropriate allocable portion of the total amount of dividends paid on such stock will be considered as having been paid on stock which was issued before October 1, 1942.

(4) The provisions of section 247 (b) (2) may be illustrated by the following example:

Example. A public utility has outstanding 1,000 bonds which were issued before October 1, 1942, and each of which has a face value of $100. On or after October 1, 1942, each of such bonds is retired in exchange for $1\frac{1}{10}$ shares of stock issued on or after October 1, 1942, and having a par value of $100 per share. Only $\frac{10}{11}$ of the dividends paid on the stock thus issued in exchange for the bonds will be considered as having been paid on stock which was issued before October 1, 1942. Likewise, if stock which is issued on or after October 1, 1942, has no par value but a stated value of $50 per share and such stock is issued in a ratio of three shares to one share to refund or replace preferred stock having a par value of $100 per share, only two-thirds of the dividends paid on the new shares of stock will be considered as having been paid on stock which was issued before October 1, 1942.

(5) Whether or not stock issued on or after October 1, 1942, was issued to refund or replace bonds or debentures issued before October 1, 1942, or to refund or replace other preferred stock, is in each case a question of fact. Among the factors to be considered is whether such stock is new in an economic sense to the corporation or whether it was issued merely to take the place, directly or indirectly, of bonds, debentures, or other preferred stock of such corporation. It is not necessary that the new stock be issued in exchange for such bonds, debentures, or other preferred stock. The mere fact that the bonds, debentures, or other preferred stock remain in existence for a short period of time after the issuance of the new stock (or were retired before the issuance of the new stock) does not necessarily mean that such new stock was not issued to refund or replace such bonds, debentures, or other preferred stock. It is necessary to consider the entire transaction, including the issuance of the new stock, the date of such issuance, the retirement of the old bonds, debentures, or preferred stock, and the date of such retirement, in order to determine whether such new stock really was issued to take the place of bonds, debentures, or other preferred stock of the corporation or whether it represents something essentially new in an economic sense in the corporation's financial structure. If, for example, a public utility, which has outstanding bonds issued before October 1, 1942, issues new stock on October 1, 1954, in order to secure funds with which to retire such bonds and with the money paid in for such stock retires the bonds on November 1, 1954, such stock may be considered as having been issued to refund or replace bonds issued before October 1, 1942. Whether the money used to retire the bonds can be traced back and identified as the money paid in for the stock will have evidentiary value, but will not be conclusive, in determining whether the stock was issued to refund or replace the bonds. Similarly, whether the amount of money used to retire the bonds was smaller than, equal to, or greater than that paid in for the stock, or whether the entire issue of bonds is retired, will be important, but not decisive, in making such determination.

(6) Stock issued on or after October 1, 1942, by a corporation to refund or replace bonds or debentures of a second corporation which were issued before October 1, 1942, or to refund or replace other preferred stock of such second corporation, may be considered as having been issued before October 1, 1942, if such new stock was issued (i) in a transaction which is a reorganization within the meaning of section 368 (a) or the corresponding provisons of the Internal Revenue Code of 1939; or (ii) in a transaction to which section 371 (relating to insolvency reorganizations), or the corresponding provisions of the Internal Revenue Code of 1939, is applicable; or (iii) in a transaction which is subject to the provisions of part VI of subchapter O (relating to exchanges and distributions in obedience to orders of the Securities and Exchange Commission) or to the corresponding provisions of the Internal Revenue Code of 1939. Whether the stock actually was issued to refund or replace bonds or debentures of the second corporation issued before October 1, 1942, or to refund or replace preferred stock of such second corporation, shall be determined under the same principles as if only one corporation were involved. A corporation may issue stock to refund or replace its own bonds, debentures, or other preferred stock in a transaction which is a reorganization within the meaning of section 368 (a) or the corresponding provisions of the Internal Revenue Code of 1939, in a transaction to which section 371 or the corresponding provisions of the Internal Revenue Code of 1939 is applicable, or in a transaction which is subject to the provisions of part VI of subchapter O or to the corresponding provisions of the Internal Revenue Code of 1939. The provisions of this paragraph, in addition, are applicable in case a corporation issues stock on or after October 1, 1942, to refund or replace its own bonds, debentures, or other preferred stock even though the issuance of such stock may not fall within one of the categories enumerated above.

(7) Even though stock issued on or after October 1, 1942, is considered as having been issued before October 1, 1942, by reason of having been issued to refund or replace bonds or debentures issued before October 1, 1942, or to refund or replace other preferred stock, such stock will not be deemed to be preferred stock within the meaning of section 247 (b) (2), and no deduction will be allowable in respect of dividends paid on such stock, unless the stock fulfills all the other requirements of a preferred stock set forth in section 247 (b) (2) and in this paragraph.

§ 1.248 *Statutory provisions; organizational expenditures.*

SEC. 248. *Organizational expenditures*—(a) *Election to amortize.* The organizational expenditures of a corporation may, at the election of the corporation (made in accordance with regulations prescribed by the Secretary or his delegate), be treated as deferred expenses. In computing taxable income, such deferred expenses shall be allowed as a deduction ratably over such period of not less than 60 months as may be selected by the corporation (beginning with the month in which the corporation begins business).

(b) *Organizational expenditures defined.* The term "organizational expenditures" means any expenditure which—

(1) Is incident to the creation of the corporation;

(2) Is chargeable to capital account; and

(3) Is of a character which, if expended incident to the creation of a corporation having a limited life, would be amortizable over such life.

(c) *Time for and scope of election.* The election provided by subsection (a) may be made for any taxable year beginning after December 31, 1953, but only if made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). The period so elected shall be adhered to in computing the taxable income of the corporation for the taxable year for which the election is made and all subsequent taxable years. The election shall apply only with respect to expenditures paid or incurred on or after the date of enactment of this title.

§ 1.248–1 *Election to amortize organizational expenditures.*—(a) *In general.* (1) Section 248 (a) provides that a corporation may elect for any taxable year beginning after December 31, 1953, to treat its organizational expenditures, as defined in subsection (b) of section 248 and in paragraph (b) of this section, as deferred expenses. A corporation which exercises such election must, at the time it makes the election, select a period of not less than 60 months, beginning with the month in which it began business, over which it will amortize its organizational expenditures. The period selected by the corporation may be equal to or greater, but not less, than 60 months, but in any event it must begin with the month in which the corporation began business. The organizational expenditures of the corporation which are treated as deferred expenses under the provisions of section 248 and this section shall then be allowed as a deduction in computing taxable income ratably over the period selected by the taxpayer. The period selected by the taxpayer in making its election may not be subsequently changed but shall be adhered to in computing taxable income for the taxable year for which the election is made and all subsequent taxable years.

(2) If a corporation exercises the election provided in section 248 (a), such election shall apply to all of its expenditures which are organizational expenditures within the meaning of subsection (b) of section 248 and paragraph (b) of this section. The election shall apply, however, only with respect to expenditures paid or incurred on or after August 16, 1954 (the date of enactment of the Internal Revenue Code of 1954) and before the end of the month in which the corporation begins business.

(3) The deduction allowed under section 248 must be spread over a period beginning with the month in which the corporation begins business. The determination of the date the corporation begins business presents a question of fact which must be determined in each case in light of all the circumstances of the particular case. The words "begins business," however, do not have the same meaning as "in existence." Ordinarily, a corporation begins business when it starts the business operations for which it was organized; a corporation comes into existence on the date of its incorporation. Mere organizational activities, such as the obtaining of the corporate charter, are not alone sufficient to show the beginning of business. If the activities of the corporation have advanced to the extent necessary to establish the nature of its business operations, however, it will be deemed to have begun business. For example, the acquisition of operating assets which are necessary to the type of business contemplated may constitute the beginning of business.

(b) *Organizational expenditures defined.* (1) Section 248 (b) defines the term "organizational expenditures." Such expenditures, for purposes of section 248 and this section, are those expenditures which are directly incident to the creation of the corporation. An expenditure, in order to qualify as an organizational expenditure, must be (i) incident to the creation of the corporation, (ii) chargeable to the capital account of the corporation, and (iii) of a character which, if expended incident to the creation of a corporation having a limited life, would be amortizable over such life. An expenditure which fails to meet each of these three tests may not be considered an organizational expenditure for purposes of section 248 and this section.

(2) Examples of organizational expenditures are expenditures for legal and accounting services to obtain the corporate charter, fees paid to the State of incorporation, and expenses of temporary directors of the corporation.

(3) The following expenditures are not organizational expenditures within the meaning of section 248 and this section:

(i) Expenditures connected with issuing or selling shares of stock or other securities, such as commissions, professional fees, and printing costs. This is so even where the particular issue of stock to which the expenditures relate is for a fixed term of years;

(ii) Expenditures connected with the transfer of assets to a corporation.

(4) Expenditures connected with the reorganization of a corporation, unless directly incident to the creation of a corporation, are not organizational expenditures within the meaning of section 248 and this section.

(c) *Time and manner of making election.* The election provided by section 248 (a) and paragraph (a) of this section shall be made in a statement attached to the taxpayer's return for the taxable year in which it begins business. Such taxable year must be one which begins after December 31, 1953. The return and statement must be filed not later than the date prescribed by law for filing the return (including any extensions of time) for the taxable year in which the taxpayer begins business. The statement shall set forth the description and amount of the expenditures involved, the date such expenditures were incurred or paid, the month in which the corporation began business, and the number of months (not less than 60 and beginning with the month in which the taxpayer began business) over which such expenditures are to be deducted ratably.

[F. R. Doc. 55–3255; Filed, Apr. 19, 1955; 8:54 a. m.]

keting livestock. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 14th day of April 1955.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 55-3217; Filed, Apr. 19, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 11296; FCC 55-477]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 11296.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of April 1955;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing that notice of proposed rule making (FCC 55-267) setting forth the above amendment was issued by the Commission on March 4, 1955, and was duly published in the FEDERAL REGISTER (20 F. R. 1410), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before April 1, 1955; and

It further appearing that the only comment received favored adoption of the proposed reallocation;

It further appearing that the immediate adoption of the proposed reallocation would facilitate consideration of a pending application requesting a Class B assignment in Mountain Park, New Mexico;

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the city of Mountain Park, New Mexico:

General area	Channels	
	Delete	Add
Mountain Park, N. Mex.		250

Released: April 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3240; Filed, Apr. 19, 1955; 8:51 a. m.]

[47 CFR Part 8]

[Docket No. 11365; FCC 55-469]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

SHIP RADIOTELEGRAPH STATIONS

In the matter of amendment of Part 8 of the Commission's rules for the purpose of reflecting changes in law and treaty, principally with respect to compulsorily installed ship radiotelegraph stations; Docket No. 11365.

1. Notice is hereby given of proposed rule making in the above-entitled matter. The rules proposed to be adopted are set forth below.

2. The need for the proposed amendments arises primarily from changes in ship radio requirements contained in amendments to the Communications Act on August 13, 1954, by Public Law No. 584, 83d Congress. Minor amendments stemming from Public Law No. 590, 83d Congress, and the Safety of Life at Sea Convention (London, 1948) are also included. Public Law No. 584 contained statutory amendments implementing radio provisions of the International Convention for the Safety of Life at Sea. Rule making proceedings with respect to radiotelephone installations required under this law have already been instituted, Docket No. 11265. Therefore, the rules proposed herein deal primarily with radiotelegraph installations. Public Law No. 590, in addition to repealing the Ship Act of 1910, contains provisions to assist the Commission in administering the Agreement for the Promotion of Safety on the Great Lakes by Means of Radio.

3. Primarily the rules proposed herein would accomplish the following:

(a) Change definitions and references in Part 8 of the rules to make them current with respect to changes in radio treaties and the Communications Act.

(b) Reflect changes in the act regarding administrative matters, such as those provisions of the Communications Act whereby the Commission issues certain Safety Convention Certificates formerly issued by the Coast Guard, and the provisions of section 4 (f) (3) of the act regarding compensation of Commission Engineers for overtime work performed in connection with ship inspections.

(c) Provide operator and watch requirements applicable to compulsory radiotelegraph equipped ships between 500 and 1600 gross tons, and also change operator and watch requirements for United States ships subject only to the Safety Convention to make such requirements consistent with those of the Convention.

(d) Make radiotelegraph installation requirements the same for United States ships subject solely to Title III, Part II of the act as for United States ships subject to both Title III, Part II of the act and the Safety Convention. Thus, uniformity of radiotelegraph requirements is achieved with respect to vessels navigated in the open sea only and those navigated in the open sea on international voyages. This would be accomplished by the deletion of Subpart U of Part 8 of the rules and inclusion of the requirements contained therein in other Subparts of Part 8, principally in Subpart R.

(e) Make various editorial changes. These are included in the proposed rule making at this time for purposes of completeness.

4. These proposed amendments are issued under the authority contained in section 303 (n) and (r) and Title III, Part II of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before May 23, 1955, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. The Commission will consider all comments and briefs presented before taking final action in this matter.

6. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: April 14, 1955.

Released: April 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 8.2 is amended as follows:

a. Delete § 8.2 (b) (2) defining Ship Act and substitute therefor:

(2) [Reserved.]

b. Delete § 8.2 (p) (3) and substitute the following therefor:

(3) *Safety Radiotelegraphy Certificate.* A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the Safety Convention radio requirements applicable to cargo ships carrying radiotelegraph installations for the purpose of meeting such requirements.

c. Add a new § 8.2 (p) (4) as follows:

(4) *Safety radiotelephony certificate.* A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the Safety Convention radio requirements applicable to cargo ships carrying radiotelephone installations for the purpose of meeting such requirements.

2. Section 8.47 is amended to read as follows:

§ 8.47 *Application for certificate of compliance with Safety Convention.* Whenever a Safety Certificate, Safety Radiotelegraphy Certificate or Safety Radiotelephony Certificate or a modification or renewal thereof, is required by reason of the applicability to a ship of the radio provisions of the Safety Convention, an application, FCC Form 801, "Application for Ship Radio Inspection", for a required inspection of the radio installation on board and issuance of a Safety Radiotelegraphy or Safety Radiotelephony Certificate, or, in the case of a Safety Certificate, certification of the results of such inspection to the United States Coast Guard for issuance of such certificate, shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise antennas and to launch any required radio-equipped lifeboats shall be available at the ship at the time inspection is to be conducted. In the case of radiotelegraph installations, the service representative shall hold at least a radiotelegraph 2d class operator license. In the case of radiotelephone installations, the service representative shall hold a 2d or higher class of operator license, either radiotelephone or radiotelegraph. Such application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster; and, when appropriate, may be combined with the application for annual inspection prescribed by § 8.46.

3. a. That part of § 8.48 preceding paragraph (a) thereof is amended to read as follows:

§ 8.48 *Extra compensation for overtime services by engineers in charge and radio engineers.* Pursuant to section 4 (f) (3) of the Communications Act, engineers in charge and radio engineers of the Field Engineering and Monitoring Bureau of the Federal Communications Commission, who may be required to remain on duty to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of Part II of Title III of the Act or the Great Lakes Agreement at night or on Sundays and holidays, shall receive extra compensation, to be paid by the master, owner, or agent of the vessel, under the following regulations:

b. Paragraphs (a), (b), (c), (f) and (j) of § 8.48 are amended by striking out the word "inspector" or "inspectors" wherever it appears therein and inserting in lieu thereof the word "engineer" or "engineers", as appropriate.

4. Section 8.152 is amended as follows: Amend paragraphs (b) and (c) to read as follows:

(b) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, which is not fitted with an autoalarm, and each passenger ship required by that statutory provision to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least two qualified operators.

(c) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, which is fitted with an autoalarm in accordance with that statutory provision, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

5. Section 8.153 (a) is amended to read as follows and the Note immediately following the section is deleted:

§ 8.153 *Operator required by Safety Convention.* (a) Each ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention to be fitted with a radiotelegraph installation, which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least the number of qualified operators specified in subparagraphs (1) and (2) of this paragraph. A qualified operator for this purpose is a person holding an operator's license issued by the Commission which is appropriate for the pur-

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on May 12, 1953 (12 A. D. 468), authorizing assessment of the current schedule of rates and charges to and including June 30, 1955, unless changed by further order before the latter date.

On April 4, 1955, respondent, by its attorney, filed a petition requesting authority to make certain modifications in its schedule of rates and charges and that assessment of the modified schedule be authorized to and including June 30, 1957. The proposed modifications are as indicated below.

1. To change the yardage charges on livestock as follows:

YARDAGE CHARGES

	Rate per head	
	Present	Proposed
A. Livestock sold or resold in the Commission Division:		
Cattle (except bulls weighing 800 pounds or over)	$0.81	$0.82
Calves	.47	.48
Hogs	.29	.30
Sheep and goats	.18	.18
Bulls weighing 800 pounds or over	1.25	1.35
B. Livestock received directly by packers from the yards:		
Cattle (except bulls weighing 800 pounds or over)	.41	.41
Calves	.24	.24
Hogs	.15	.15
Sheep and goats	.09	.09
Bulls weighing 800 pounds or over	.63	.63
C. Livestock sold at the yards for local delivery other than livestock resold in the Commission Division:		
Cattle (except bulls weighing 800 pounds or over)	.18	.23
Calves	.12	.15
Hogs	.06	.08
Sheep and goats	.04	.05
Bulls weighing 800 pounds or over	.24	.34
D. Livestock sold at the yards for shipment off the market other than livestock resold in the Commission Division:		
Cattle (except bulls weighing 800 pounds or over)	.08	.10
Calves	.05	.07
Hogs	.03	.04
Sheep and goats	.03	.03
Bulls weighing 800 pounds or over	.11	.16

2. To change the charges for use of covered pens as follows:

COVERED PEN CHARGES

	Rate per pen	
	Present	Proposed
Daily charge	$2.00	$2.00
Monthly charge	10.00	20.00
Yearly charge	100.00	200.00

3. To change the feed charges as follows:

FEED CHARGES

	Present	Proposed
Cost f. o. b. stockyards plus:		
Hay, per hundredweight	$0.60	$0.65
Corn, per bushel	.50	.55

4. To include in the schedule of rates and charges a definition of the term "yardage" as follows:

Definition of Yardage. The term "yardage", as used in the above schedule, shall cover the use of basic stockyard facilities and services furnished by this company and shall only include the following: The use of suitable facilities for the safe and expeditious receiving, handling, feeding, watering, holding, sorting, selling, buying, weighing, delivery, and shipment of livestock; the services necessary and incident to the receiving of livestock at the place of unloading; the furnishing of receipts for livestock to the truck carrier or consignor; the delivery of livestock from rail chutes to commission firm pens; the furnishing of sufficient potable water for livestock; the initial weighing of livestock when sold and delivered to scales; the issuance of scale tickets showing actual weight and other pertinent information concerning the livestock weighed; the removal of livestock after weighing and delivery to holding pens; the holding of livestock for a reasonable time pending delivery or shipment to buyers; the delivery of livestock to buyers at holding pens; and the obtaining of receipts for livestock delivered to buyers. Consignors, market agencies, dealers, packers, buyers, or other users of stockyard facilities and services requiring special facilities or services in addition to the basic facilities and services enumerated above as "yardage", may be required to pay a reasonable charge for such special facilities and services in addition to basic "yardage" charges.

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 14th day of April 1955.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 55-3217; Filed, Apr. 19, 1955; 8:47 a. m.]

pose under the provisions of Part 13 of this chapter.

(1) If fitted with an auto-alarm in proper operating condition at least one qualified operator shall be carried, except that at least two qualified operators shall be carried in the case of a passenger ship carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports.

(2) If not fitted with an auto-alarm at least two qualified operators shall be carried.

6. Section 8.203 is amended to read:

§ 8.203 *Watch required by Safety Convention.* This section is applicable to ships of the United States subject to the radio provisions of the Safety Convention but not at the same time subject to the provisions of Part II of Title III of the Communications Act (for example, certain ships engaged on an international voyage, no part of which is in the open sea).

(a) Each passenger ship of the United States required by the Safety Convention to be fitted with a radiotelegraph installation shall, while at sea, keep continuously an efficient watch on the international distress frequency 500 kc by means of qualified operators, if not fitted with an auto-alarm. If fitted with an auto-alarm, such watch shall be kept while at sea as follows:

(1) If carrying or certificated to carry 250 passengers or less, at least 8 hours watch a day in the aggregate.

(2) If carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, at least 16 hours watch a day in the aggregate.

(3) If carrying or certificated to carry more than 250 passengers and engaged on a voyage of less than 16 hours duration between two consecutive ports, at least 8 hours watch a day in the aggregate.

(b) Each cargo ship of the United States of 500 gross tons or more fitted with a radiotelegraph installation for the purpose of complying with the Safety Convention and not exempt therefrom by the Commission shall, while at sea, keep continuously an efficient watch on the international calling and distress frequency 500 kc by means of a qualified radio-telegraph operator, if not fitted with an auto-alarm. If fitted with an auto-alarm, such watch shall be kept by such ships for at least eight hours per day, in the aggregate.

(c) In keeping the watch prescribed in paragraphs (a) and (b) of this section, operators shall be subject to the conditions and limitations prescribed in § 8.204.

(d) Each cargo ship of the United States required by the Safety Convention to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, for safety purposes, while at sea, keep a continuous watch on the radiotelephone calling and distress frequency in the manner prescribed by § 8.202 (c).

7. Section 8.204 (a) is amended to read:

§ 8.204 *Provisions governing safety watch.* (a) For the purpose of maintaining the radiotelegraph watches prescribed in §§ 8.202 and 8.203, the operator shall use an effectively operating main or emergency radio receiver complying with the applicable requirements of § 8.503 or § 8.504, respectively, and either a head receiver or a loudspeaker complying with the applicable requirements of § 8.503 or § 8.504, respectively, on condition that use of the loudspeaker is not less effective than use of the head receiver.

8. Section 8.262 is amended as follows:

a. Amend paragraph (a) (1) to read as follows:

(1) A cargo ship of less than 500 gross tons;

b. Amend paragraph (a) (3) to read as follows:

(3) A foreign ship belonging to a country which is a party to any Safety Convention in force between the United States and that country which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or regulations and has on board a valid certificate to that effect, or which ship is not subject to the radio provisions of any such Convention.

9. Section 8.330 is amended as follows: Add new subparagraphs (7), (8) and (9) to paragraph (b) as follows:

(7) A daily entry shall be made while the ship is at sea showing whether the storage batteries forming part of the main installation or the emergency installation were brought up to the normal full charged condition that day.

(8) Entries shall be made stating when each storage battery used as the power supply for the main and emergency installations is placed on charge or off charge.

(9) Entries shall be made stating details of maintenance of lifeboat radio equipment, including a record of charging of any storage batteries supplying power to such equipment. The record of charging shall show when such storage battery is placed on charge and when it is taken off charge.

10. Immediately following the title of Subpart R of Part 8 delete the subtitle reading "Radio Installations on Ships Subject to Part II of Title II of the Communications Act".

11. Section 8.501 is amended to read as follows:

§ 8.501 *Inspection of installation.* (a) In accordance with § 8.101 (a) and pursuant to section 362 of the Communications Act, every ship of the United States, subject to Part II of Title III of the Communications Act, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. The issuance of an appropriate certificate (see section 361 of the Communications Act) in behalf of any vessel of the United States concerning the radio particulars provided for in the Safety Convention is subject to a finding by the Commission that such vessel complies in an efficient manner with the applicable radio and communication provisions of that Convention or that, pursuant to the provisions of the Safety Convention, such vessel is exempt from those provisions of that Convention. The issuance date of Safety Radiotelegraphy and Safety Radio telephony certificates issued by the Commission shall be the date the installation is found to be in compliance or not later than one business day following such in-compliance date.

(b) In accordance with the Safety Convention, every ship of the United States holding a Safety Certificate, Safety Radiotelegraphy Certificate, Safety Radiotelephony Certificate or Exemption Certificate is subject when in a port of a foreign country which is a party to the Safety Convention, to control by officers duly authorized by the government of that country, insofar as that control is directed towards verifying that there is on board a valid Convention certificate and, if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate.

(c) The privileges of the Convention may not be claimed in favor of any ship unless it holds appropriate valid certificates. In the event of control giving rise to intervention of any kind in a foreign port, the officer carrying out the control is required to notify the United States Consul in writing forthwith of all the circumstances in which intervention was deemed to be necessary.

(d) In accordance with the Safety Convention, Safety Certificates, Safety Radiotelegraphy Certificates and Safety Radiotelephony Certificates are required to be posted in a permanent and accessible place in the ship.

12. Immediately following § 8.501 insert the following centerhead: "Radiotelegraph Installations on Ships Subject to Part II of Title III of the Communications Act or on U. S. Ships Subject to the Safety Convention."

13. Section 8.502 is amended as follows:

a. Delete subparagraph (5) of paragraph (a) and substitute the following:

(5) A main antenna and a separate emergency antenna shall be installed: *Provided, however,* That a cargo ship the keel of which was laid prior to June 1, 1954, may be equipped with either an emergency antenna meeting the requirements of § 8.504 (a) (2) or with a spare antenna, consisting of a single wire transmitting antenna (including suitable insulators) of the same linear dimensions as the main transmitting antenna, completely assembled for immediate replacement.

b. Delete paragraph (b) of § 8.502 and the Note immediately following it and substitute the following:

(b) Whenever a main installation only is provided on board a cargo vessel in accordance with the terms of paragraph (a) of section 355 of the Communications Act, this installation shall comply in full with all rules and regulations of the Commission that apply to an emergency or reserve installation on board a vessel subject to Title III, Part II of the Communications Act.

NOTE: Section 355 (a) of the Communications Act (Title III, Part II) provides that "The radio installation shall comprise a main and an emergency or reserve radiotelegraph installation: *Provided,* That, in the case of an existing installation on a cargo ship and a new installation on a cargo ship of five hundred gross tons and upwards but less than one thousand six hundred gross tons, if the main installation complies with all requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted, except that a separate emergency receiver must, in all cases, be provided".

14. Section 8.503 is amended as follows:

a. Amend paragraph (a) (3) of § 8.503 to read as follows:

(3) The main receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the bands 100 to 200 kilocycles, and 405 to 535 kilocycles, and in addition class B emission within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. The main receiver shall have sufficient sensitivity to effectively operate a head receiver or a loudspeaker when the receiver input is as low as 100 microvolts.

b. Amend paragraph (a) (4) of § 8.503 to read as follows:

(4) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, a main power supply for the main radio installation capable of supplying electrical power sufficient to energize simultaneously and efficiently the main transmitter at its required antenna power (the antenna power specified in § 8.552) and the main receiver; and at the same time to charge, at any required rate, all storage batteries used as the emergency power supply, and any other storage batteries which are charged by connection to this radio room main power supply. Under this load condition and at all times herein specified, any potential of the main power supply at the radio room terminals shall not deviate from its rated electrical potential by more than 10 percent on vessels completed on or after July 1, 1941, nor by more than 15 percent on vessels completed before that date. While at sea, storage batteries forming part of the main installation shall be brought up to the normal fully charged condition daily.

c. Add new subparagraphs (6) and (7) to § 8.503 (a) as follows:

(6) The main installation shall be provided with a device permitting change-over from transmission to reception and vice versa without manual switching.

(7) The main installation shall be capable of being quickly connected with either the main antenna or the emergency antenna if installed.

15. Section 8.504 is amended as follows:

a. Paragraph (a) (4) of § 8.504 is amended to read as follows:

(4) The emergency receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the band 405 to 535 kilocycles, and class B emission on all frequencies within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. The emergency receiver shall have sufficient sensitivity to effectively operate a head receiver or a loudspeaker when the receiver input is as low as 100 microvolts.

b. Paragraph (a) (5) of § 8.504 is amended to read as follows:

(5) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, an emergency power supply for the emergency installation (independent of the propelling power of the ship, and any other electrical system; and independent of the main power supply where a separate main and emergency or reserve installation is provided for the purpose of compliance with paragraph (a) of section 355 of the Communications Act) capable of supplying electrical power sufficient to energize simultaneously and efficiently the emergency transmitter at its required antenna power (the antenna power specified in § 8.553) and the emergency receiver. Such emergency power supply shall be maintained in readiness to operate effectively and shall have a reserve capacity of at least 6 continuous hours at all times while the vessel is navigated outside a harbor or port and whenever the vessel leaves or attempts to leave a harbor or port of the United States for a voyage in the open sea. While at sea, storage batteries forming part of the emergency installation shall be brought up to normal full charged condition daily.

c. Add new paragraph (a) (11) to § 8.504 as follows:

(11) The emergency installation shall be capable of being quickly connected with either the main antenna or the emergency antenna if installed.

16. Section 8.513 is amended to read as follows:

§ 8.513 *Interior communication system.* (a) Pursuant to paragraph (g) of section 355 of the Communications Act, an efficient interior communication system shall be provided between the bridge of a ship and the radio room, in all cases where the radio room does not adjoin or open onto the navigating bridge structure; further, an efficient interior communication system shall be provided between the bridge and the location of the direction finding apparatus whenever the latter is not located on the bridge or within any compartment adjoining or opening onto the navigating bridge structure. When the operating position of the emergency radio installation is not located in the radio room normally used for operating the main radio installation, an efficient interior communication system shall be separately provided between the bridge and each of these radio operating positions.

(b) If a vessel is provided with more than one location from which it is normally controlled and steered, the interior communication system between the radio room and bridge shall include in the system a point of communication to each such location. The existence at a location of all of the following factors will be considered to be evidence that a point of communication should there be established: (1) Provision of a steering wheel; (2) provision of a compass; (3) provision of an engine order telegraph; (4) provision of apparatus to control the whistle; and (5) enclosure of the location to form a wheelhouse.

(c) The requirement of paragraph (b) of this section shall not apply to locations established solely for emergency use in event of failure of the normal steering facilities or locations used solely while docking or maneuvering a ship while in port or occasionally for brief periods while navigating the ship in close quarters on inland waters.

17. Section 8.515 is amended to read as follows:

§ 8.515 *Radio station clock.* The radio station clock required by § 8.114, when installed on board a vessel subject to Title III, Part II of the Communications Act, shall, in addition to the requirements of § 8.114, have a sweep second hand and a dial not less than 5 inches in diameter. If a ship is provided with a separate emergency radio operating room, such a clock shall also be installed in the emergency operating room.

18. Section 8.516 is amended to read as follows:

§ 8.516 *Direction-finder.* Each ship of 1600 gross tons or over which is subject to the requirement set forth in subparagraph (a) (2) of section 351 of the Communications Act or which is subject

to Regulation 12 of Chapter V of the Safety Convention shall be equipped with an efficient direction-finder (radio compass) properly adjusted in operating condition and approved by the Commission.

19. Delete Subpart U including title and §§ 8.701 through 8.713.

Substitute therefor: Subpart U [Reserved.]

[F. R. Doc. 55-3241; Filed, Apr. 19, 1955; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 300]

[File No. 204-6]

RULES AND REGULATIONS UNDER THE WOOL PRODUCTS LABELING ACT OF 1939

COMMON GENERIC NAME OF FIBER

Notice is hereby given to all interested parties that the Federal Trade Commission will on the 6th day of May 1955, at its offices in the City of Washington, District of Columbia, give consideration to an amendment of Rule 8 of the regulations under the Wool Products Labeling Act (16 CFR 300.8).

Interested parties may participate by submitting in writing to the Commission on or before such date their views, arguments or other pertinent data.

Such action is taken pursuant to authority given the Federal Trade Commission under section 6 (a) of the Wool Products Labeling Act (15 U. S. C. A. section 68) "to make rules and regulations for the manner and form of disclosing information required by this act, and for segregation of such information for different portions of a wool product as may be necessary to avoid deception or confusion."

1. The matters to be considered are an amendment of Rule 8 of the regulations (16 CFR 300.8), as presently written, which would thereafter be paragraph (a) reading as follows:

§ 300.8 *Common generic name of fiber.* (a) Except where another name is required or permitted under the act or regulations, the respective common generic name of the fiber shall be used when naming fibers in the required information; as for example, "wool", "reprocessed wool", "reused wool", "cotton", "rayon", "silk", "linen", "acetate", "nylon".

2. And the addition of a new paragraph (b) to read:

(b) The term "fur fiber" may be used to describe the hair or fur fiber or mixtures thereof of any animal or animals other than the sheep, lamb, Angora goat, Cashmere goat, camel, alpaca, llama and vicuna. If the name or depiction of any animal producing the hair or fur fiber is used on the stamp, tag, label, or other means of identification applied or affixed to the wool product, the percentage weight of such hair or fiber in the total fiber weight of the wool product shall be separately stated in the required fiber content designation; as for example:

60 percent Wool
40 percent Fur Fiber
or
60 percent Wool
30 percent Fur Fiber
10 percent Beaver

Issued: April 15, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-3211; Filed, Apr. 19, 1955; 8:46 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 3476]

WESTERN AIR LINES; SERVICE TO SIOUX FALLS, S. DAK.

NOTICE OF ORAL ARGUMENT

In the matter of the application of the City of Sioux Falls, S. Dak., for amendment of the certificate of public convenience and necessity held by Western Air Lines, Inc. for route No. 35 so as to provide service to Sioux Falls.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 4, 1955, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Street NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 15, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-3247; Filed, Apr. 19, 1955; 8:52 a. m.]

[Docket No. 6000]

TWENTIETH CENTURY AIR LINES, INC., ET AL.; ENFORCEMENT PROCEEDING

NOTICE OF ORAL ARGUMENT

In the matter of Twentieth Century Air Lines, Inc., Trans National Airlines, Inc., Trans American Airways, Inc., Jacob Freed Adelman, d/b/a Hemisphere Air Transport, North American Aircoach System, Inc., and Stanley D. Weiss, James Fischgrund, Jack B. Lewin and R. R. Hart, individually and as partners d/b/a Republic Aircoach System, also d/b/a Twentieth Century Aircraft Company, also d/b/a California Aircraft Company, and Stanley D. Weiss and James Fischgrund, as Partners, d/b/a Standard Airmotive Company—Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 11, 1955, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 15, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-3249; Filed, Apr. 19, 1955; 8:53 a. m.]

[Docket Nos. 6597, 6749]

CONTINENTAL AIR LINES, INC.; BRANIFF-TWA INTERCHANGE

NOTICE OF PREHEARING CONFERENCE

Continental Air Lines, Inc., Docket No. 6597; Braniff-TWA Interchange, Docket No. 6749.

In the matter of the application of Continental Air Lines, Inc. under section 401 of the Civil Aeronautics Act of 1938, as amended, for amendment of its certificate of public convenience and necessity for Route No. 29 authorizing service beyond San Antonio, Texas to the terminal point of Houston, Texas.

In the matter of Board investigation re Braniff-TWA interchange at Amarillo, Texas.

Notice is hereby given that a prehearing conference in the above-entitled matters is assigned to be held on May 16, 1955, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

In order to facilitate the conduct of this conference interested parties are requested to present motions for consolidation or modification of the issues in this proceeding to Examiner Wiser on or before May 9, 1955, with copies to other interested parties. It is also requested that any requests for evidence should be circulated at the same time.

Dated at Washington, D. C., April 15, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-3250; Filed, Apr. 19, 1955; 8:53 a. m.]

[Docket No. SA-305]

ACCIDENT OCCURRING NEAR SPRINGFIELD, MO.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 94234, which occurred near Springfield, Missouri, March 20, 1955.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, April 27, 1955, at 9:00 a. m., local time, in the Green County Courthouse, Division 2, Circuit Court Room, Springfield, Missouri.

Dated at Washington, D. C., April 14, 1955.

[SEAL] THOMAS K. MCDILL, *Presiding Officer.*

[F. R. Doc. 55-3248; Filed, Apr. 19, 1955; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The United States Forest Service, Department of Agriculture has filed an application, Serial No. Montana 014873, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral-leasing laws. The applicant desires the land for an administrative site.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North Twenty-ninth Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

BEAVERHEAD NATIONAL FOREST

Notch Administrative Site

T. 11 S., R. 4 W.,
Sec. 18: NE¼NW¼.

Total area 40 acres.

R. D. NIELSON, *State Supervisor.*

[F. R. Doc. 55-3210; Filed, Apr. 19, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8258, 8753; FCC 55M-346]

TEXAS STAR BROADCASTING CO. AND KTRH BROADCASTING (KTRH)

ORDER CONTINUING HEARING

In re applications of Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP-5820; KTRH Broadcasting Company (KTRH), Houston, Texas, Docket No. 8753, File No. BP-6525; for construction permits.

The Hearing Examiner having under consideration a petition filed on April 13, 1955, on behalf of KTRH Broadcasting Company (KTRH) and Democrat Printing Company, requesting that the prehearing conference in the above-entitled proceeding now scheduled to be held on Friday, April 15, 1955, be cancelled and that the hearing therein now scheduled to be held on Monday, April 18, 1955, be postponed until Tuesday, April 26, 1955; and

It appearing that sufficient good cause has been set forth in the said petition to warrant a grant of the relief requested herein; and

It further appearing that all of the remaining parties to the proceeding have orally consented to a grant thereof;

It is ordered, This 14th day of April 1955, that the pre-hearing conference in the above-entitled proceeding now scheduled for April 15, 1955, is hereby cancelled, and that the hearing therein now scheduled for April 18, 1955, is hereby postponed until 10:00 a. m., on Tuesday, April 26, 1955, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-3244; Filed, Apr. 19, 1955; 8:52 a. m.]

[Docket Nos. 9243, 11284, 11285; FCC 55M-344]

PACIFIC TELEPHONE & TELEGRAPH CO. ET AL.

ORDER CONTINUING HEARING

In the matter of Harvey E. Seibert and Clinton D. McKinnon and The Pacific Telephone & Telegraph Company, applications for construction permits for coastal harbor stations at San Diego, California (File No. 10257-F1-P-C), and at San Pedro, California (File No. 11682-F1-P-C), respectively, Docket No. 9243; The Pacific Telephone & Telegraph Company application for construction permit to add transmitter to existing Station KOU (File No. 13412-F1-P-G) at San Pedro, California, Docket No. 11284; Radiomarine Corporation of America application for construction permit for new public class II-B coast station at San Diego, California (File No. 17229-F1-P-D), Docket No. 11285.

The Hearing Examiner having under consideration a motion filed April 4, 1955 by Radiomarine Corporation of America (Radiomarine) requesting that the hearing herein now scheduled for May 2, 1955, be continued until June 27, 1955, or to such later date as may meet the convenience of the Hearing Examiner, the Commission's counsel and the other parties; and

It appearing that additional time will be needed by Radiomarine to prepare for the hearing and that there is now pending before the Commission a motion filed by the Chiefs of the Common Carrier Bureau and the Safety and Special Radio Services Bureau to dismiss the applications in Docket No. 9243, which motion has not as yet been acted upon, and that no opposition to a grant of the motion for continuance of the hearing has been filed; and

It further appearing that it may be desirable for the motion to dismiss the applications in Docket No. 9243 to be acted upon before the hearing starts and that the hearing if it is continued should be continued to a date later to be scheduled by the Hearing Examiner;

It is ordered, This 13th day of April, 1955, that the motion is granted; and that the date for the hearing is postponed to a date later to be scheduled by the Hearing Examiner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-3242; Filed, Apr. 19, 1955; 8:51 a. m.]

[Docket No. 11322; FCC 55M-345]

GRANITE STATE BROADCASTING CO., INC. (WDNH)

ORDER CONTINUING HEARING

In re application of Granite State Broadcasting Co., Inc. (WDNH), Dover, New Hampshire, Docket No. 11322, File No. BP-9417; for construction permit for a new standard Broadcasting Station.

It is ordered, This 13th day of April 1955, that a pre-hearing conference shall be held at 10:00 a. m., Wednesday, April 20, 1955, at Washingon, D. C., to consider the matters set forth in § 1.813 of the Commission's rules and all parties or their attorneys are directed to attend.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-3243; Filed, Apr. 19, 1955; 8:52 a. m.]

[Docket No. 11336; FCC 55-476]

CARL F. AND SARAH KNIERIM

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Carl F. Knierim and Sarah Knierim (a partnership) Hermiston, Oregon, Docket No. 11336, File No. BP-9330; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of April 1955;

The Commission having under consideration the above-entitled application of Carl F. Knierim and Sarah Knierim, a partnership, for a construction permit for a new standard broadcast station to operate on 800 kilocycles with a power of 250 watts, daytime only, at Hermiston, Oregon;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the proposal may cause

interference to and receive interference from Station KPDQ, Portland, Oregon; and because of the interference received from KPDQ may not comply with § 3.28 (c) of the Commission's rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated March 2, 1955 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that a reply to the Commission's letter was filed by the applicant on March 28, 1955; and

It further appearing that in a reply filed on March 29, 1955 Station KPDQ requested that the subject application be designated for hearing; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would be served by the operation of the subject proposed station, and the availability of other primary service to such areas and populations.

(2) To determine whether the operation of the subject proposed station would involve interference with Station KPDQ, Portland, Oregon, or any other standard broadcast station, and, if so, the nature and extent of such interference.

(3) To determine whether the subject proposed operation is in compliance with § 3.28 (c) of the Commission's rules.

(4) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the operation of the subject proposed station would serve the public interest, convenience and necessity.

It is further ordered, That John W. Davis, licensee of Station KPDQ, Portland, Oregon, is made a party to the proceeding.

Released: April 15, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3246; Filed, Apr. 19, 1955; 8:52 a. m.]

[Docket No. 11363; FCC 55-461]

MID-SOUTH BROADCASTING CO. AND D. R. JAMES, JR.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Leo Howard, tr/as Mid-South Broadcasting Company (assignor) and D. R. James, Jr. (assignee) for assignment of construction permit for Station KPLN, Camden, Arkansas, Docket No. 11363; File No. BAP-178.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of April 1955;

The Commission having under consideration (a) the above-entitled application filed on October 13, 1952 and granted without hearing on April 1, 1953; (b) a protest against said grant filed on April 24, 1953, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Camden Radio, Inc., licensee of Station KAMD, Camden, Arkansas; (c) the Commission's memorandum opinion and order dated May 11, 1953 (FCC 53-545) denying the protest on the ground that the protest did not contain such allegations of fact as would show the protestant to be a party in interest; and (d) certified copy of the decision rendered on July 15, 1954 by the United States Court of Appeals for the District of Columbia Circuit in Camden Radio, Inc. v. Federal Communications Commission, No. 11833, and received by the Commission on April 11, 1955, reversing the foregoing memorandum opinion and order and remanding the case for further proceedings (Petition for Rehearing denied March 17, 1955); and

It appearing, that Station KPLN was not in operation on October 13, 1952 when the above-entitled application was granted by the Commission, and that a stay of the effective date of the grant of the above-entitled application will require Station KPLN to cease operation; and

It further appearing that the application of D. R. James, Jr., for license to cover construction permit for Station KPLN (BL-4782) was granted by the Commission on August 24, 1953, subject to the disposition of Camden Radio, Inc. v. Federal Communications Commission, No. 11833, by the United States Court of Appeals; and that the Court's action of July 15, 1954 remanding Camden Radio, Inc. v. Federal Communications Commission to the Commission for further proceedings necessarily requires the Commission to set aside its action of August 24, 1953 granting BL-4782; and

It further appearing that abrupt termination of KPLN's operations under its license granted August 24, 1953, is likely to prevent an orderly disposition of KPLN's affairs and seriously inconvenience the station's employees; and

It further appearing that, for purposes of clarity and coherence, a restatement of protestant's issues, as understood by the Commission, is indicated;

It is ordered, That, effective midnight, April 30, 1955, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission after hearing; that the Commission's action of August 24, 1953 granting the application of D. R. James, Jr., for license to cover construction permit for Station KPLN (BL-4782) is set aside; and that Station KPLN cease operation as of midnight, April 30, 1955;

It is further ordered, That the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether the construction permit granted to Leo Howard for Station KPLN, or the rights and responsibilities incident thereto, have been transferred, assigned or disposed of, directly or indirectly, without the consent of the Commission, in contravention of the Communications Act of 1934, as amended, and, more particularly section 310 (b) thereof, and to secure information concerning, among other things, the following matters:

(a) The method or methods of financing construction and operation of Station KPLN from the date of grant of the construction permit (BP-7888), and the sources of such financing, and whether the aforesaid method or methods so employed deviated from the representations made with respect thereto in the application for the construction permit;

(b) To obtain information as to all contracts, agreements, arrangements or understandings, written or oral, past or present, between Leo E. Howard and Randolph James relating to the construction of KPLN, and its future ownership, operation, management and control;

(c) To obtain full information as to all contracts, agreements, arrangements or understandings, written or oral, past or present, between Leo Howard on the one hand, and George L. Byars, C. T. Mullins and David Crockett on the other hand, collectively or individually, relating to the construction, management, operation and control of Station KPLN;

(d) To obtain full information as to the extent and methods of participation, if any, by Randolph James, George L. Byars, C. T. Mullins, and/or David Crockett in the financing and construction of Station KPLN from the date of grant of the construction permit (BP-7888), and to determine whether Station KPLN has been constructed, controlled or managed by individuals unknown to the Commission, in violation of sections 301 and 310 (b) of the Communications Act of 1934, as amended;

(e) To obtain full information relating to the ownership of the physical facilities of Station KPLN.

2. To determine whether the execution of any of the contracts, agreements, arrangements or understandings, if any, referred to in Issue No. 1, the terms thereof, or any action performed pursuant thereto, are in violation of section 310 (b), referred to above, or in violation of the Commission's rules and regulations, with particular reference to §§ 1.321, 1.342 and 1.343 of said rules and regulations.

3. To determine the authority and control exercised by permittee in the construction, ownership and management of Station KPLN.

4. To determine whether permittee has concealed information from the Commission regarding the construction, ownership, management and control of Station KPLN, or has misrepresented the facts concerning such construction, ownership, management and control in applications, reports and letters which he, from time to time, has filed with the Commission, with particular reference to the following:

(a) Whether permittee concealed or misrepresented the facts concerning his financial qualifications in the application for construction permit (BP-7888) and failed to disclose the agreement between himself and Randolph James concerning the method of financing construction of Station KPLN and James' interest therein;

(b) Whether permittee misrepresented that there were no changes in financing, ownership and control of Station KPLN in his application (BMP-5872) specifying a transmitter site, when, in fact, permittee had executed a power-of-attorney to George L. Byars to construct Station KPLN;

(c) Whether permittee concealed or misrepresented facts relative to the financing, control and ownership of Station KPLN in the above-entitled license application.

5. To determine whether and to what extent, if any, D. R. James, Jr., participated in the construction of Station KPLN.

6. To determine the circumstances under which D. R. James, Jr., became the proposed assignee of Station KPLN and the extent to which this was determined by (1) applicant, (2) D. R. James, Sr., and (3) G. L. Byars, C. T. Mullins, and/or David Crockett.

7. To determine any understanding D. R. James, Jr., has with C. T. Mullins to manage Station KPLN and any other agreements, understandings, or contracts James, Jr., may have concerning operation, or present or future ownership of Station KPLN.

8. To determine the entire understanding, agreements, or contracts, if any, applicant Howard has with James, Jr,. James, Sr., or with Byars, Mullins and Crockett concerning the repayment of the $3,500 advanced by James Sr., to applicant, and not disclosed in the application to assign the construction permit of Station KPLN (BAP-178).

9. To determine whether, in the light of the evidence adduced under the foregoing issues, the grant of the above-entitled assignment application should be vacated.

The burden of proof as to each of the above issues shall be on the protestants.

It is further ordered, That the protestants herein and the Chief, Broadcast Bureau, are hereby made parties to the proceedings herein; and that

(1) The hearing on the above issues commence at 10:00 a. m. on May 16, 1955, before an Examiner to be specified by the Commission; and

(2) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(3) The appearances by the parties intending to participate in the above hearing shall be filed not later than May 2, 1955.

Released: April 15, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3245; Filed, Apr. 19, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2302]

NATURAL GAS PIPELINE COMPANY OF AMERICA

NOTICE OF ORDER MODIFYING AND AFFIRMING INITIAL DECISION

APRIL 14, 1955.

Notice is hereby given that on April 1, 1955, the Federal Power Commission issued its order adopted March 30, 1955, modifying and affirming as modified the initial decision of the Presiding Examiner in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3224; Filed, Apr. 19, 1955; 8:48 a. m.]

[Docket Nos. G3513, G-3514, G-4559, G-4973, G-6255, G-6307, G-6408]

EASTERN KENTUCKY EXPLORATION CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

APRIL 14, 1955.

In the matters of Eastern Kentucky Exploration Company, Docket Nos. G-3513 and G-3514; Paul J. Fly, et al., Docket No. G-4559; Wilson Oil and Gas Company, Docket No. G-4973; Ralph E. Fair, Docket No. G-6255; Orange Grove Oil & Gas Company, Docket No. G-6307; H. M. Gillespie, et al., Docket No. G-6408.

Notice is hereby given that on April 1, 1955, the Federal Power Commission issued its findings and orders adopted March 30, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3225; Filed, Apr. 19, 1955; 8:48 a. m.]

[Docket No. G-3264]

ARGO OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 14, 1955.

Take notice that Argo Oil Company, (Applicant, a Delaware corporation, whose address is Denver, Colorado, filed on September 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Brunson Field, Lea County, New Mexico, which is sold in interstate commerce to the Permian Basin Pipeline Company (contract dated August 22, 1952) for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3218; Filed, Apr. 19, 1955; 8:47 a. m.]

[Docket No. G-3326]

H. R. GOODRICH

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 14, 1955.

Take notice that H. R. Goodrich, Applicant, an individual whose address is Houston, Texas, filed on September 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Helen Gohlke Field, in Victoria and DeWitt Counties, Texas, which is sold in interstate commerce to Texas Eastern Transmission Corporation (contract dated March 6, 1953; initial price, 10.7 cents per Mcf) for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 12, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application:

Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3219; Filed, Apr. 19, 1955; 8:47 a. m.]

[Docket No. G-3603]

DEERFIELD PETROLEUM, INC.

NOTICE OF ORDER DISMISSING APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 14, 1955.

Notice is hereby given that on April 1, 1955, the Federal Power Commission issued its order adopted March 30, 1955, dismissing application for certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3226; Filed, Apr. 19, 1955; 8:48 a. m.]

[Docket No. G-3998]

JAMES DOUGHTY

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 14, 1955.

Take notice that James Doughty, Applicant, with a principal office in Corpus Christi, Texas, filed on October 1, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Clayton Field, Live Oak County, Texas, which is sold in interstate commerce to Texas-Illinois Natural Gas Pipeline Company (contract dated September 27, 1954; initial price 12.2 cents per Mcf).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 11, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3220; Filed, Apr. 19, 1955; 8:47 a. m.]

[Docket No. G-6815]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 14, 1955.

Take notice that Cities Service Gas Company, (Applicant) a Delaware corporation, whose address is Oklahoma City, Oklahoma, filed on December 6, 1954, an aplication pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, and to abandon certain other service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to acquire from Eastern Kansas Gas Company the Piqua Gas Storage Field in Allen and Woodson Counties, Kansas, together with all gas contained therein. Applicant proposes to enlarge the storage capacity of the field by securing additional leases, drilling 15 wells and installing necessary gathering lines and meters.

Acquisition of the Piqua Gas Storage Feld would require a change in Applicant's service to Eastern Kansas Gas Company. Service under Applicant's Rate Schedule P would be abandoned. However, in order to maintain service to ultimate consumers, Applicant would continue service to Eastern Kansas Gas Company for resale to the towns of Erie, La Harpe, Gas City and Piqua under its F-2 and I-2 Rate Schedules. Applicant would render direct service to the town of Iola under its F-2 Rate Schedule to replace service to Eastern Kansas Gas Company for resale in the town of Iola.

The estimated total cost of the project is $570,500 to be paid for out of treasury cash.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 13, 1955, at 9:30 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW, Washington, D. C. concerning the matters involved in and the issues presented by such application. *Provided, however,* That the Commision may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 18, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3221; Filed, Apr. 19, 1955; 8:47 a. m.]

[Docket No. G-6854]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

APRIL 14, 1955.

Notice is hereby given that on March 31, 1955, the Federal Power Commission issued its findings and order adopted March 30, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3227; Filed, Apr. 19, 1955; 8:48 a. m.]

[Docket No. G-7113]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 14, 1955.

Take notice that Colorado Interstate Gas Company (Applicant), a Delaware corporation with its principal place of business in Colorado Springs, Colorado, filed an application on January 17, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to return to Panhandle Eastern Pipe Line Company (Panhandle) approximately 2,000,000 Mcf of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant states that Panhandle delivered the 2,000,000 Mcf of natural gas to it in the Panhandle Field during the fall and winter of 1953, at a time when Applicant had over-produced its allowables in the Panhandle Field and was faced with the possibility of having to curtail deliveries to its customers unless additional gas could be obtained from other sources. The situation is now reversed, Panhandle's wells being over-produced with respect to its allowables and Applicant's wells are under-produced in excess of 3,000,000 Mcf. Applicant proposes to return the gas to Panhandle under an X-4 Rate Schedule, which will terminate as soon as delivery and redelivery are in balance, with any overage to be paid for at the rate of 10 cents per Mcf by the party receiving such overage.

Applicant has requested omission of the intermediate decision procedure and that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3222; Filed, Apr. 19, 1955; 8:47 a. m.]

[Docket No. G-8288]

SUN OIL CO.

NOTICE OF ORDER MODIFYING ORDER MAKING EFFECTIVE PROPOSED RATE CHANGES UPON FILING OF UNDERTAKING TO ASSURE REFUND OF EXCESS CHARGES

APRIL 14, 1955.

Notice is hereby given that on March 31, 1955, the Federal Power Commission issued its order adopted March 30, 1955, modifying order making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3228; Filed, Apr. 19, 1955; 8:48 a. m.]

[Docket No. G-8444]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 14, 1955.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware corporation whose address is Texas Eastern Building, Shreveport, Louisiana, filed on February 7, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to render additional firm natural gas service to Huntingdon Gas Company for one year beginning April 1, 1955. The quantities of natural gas involved are 2805 Mcf on a maximum day and approximately 1,024,000 Mcf during the one year period. Service is to be rendered pursuant to the Applicant's DCQ Rate Schedule. No new facilities are required.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 16, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3223; Filed, Apr. 19, 1955; 8:47 a. m.]

[Docket No. ID-1255]

ARNOLD L. ADAMS

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

APRIL 14, 1955.

Notice is hereby given that on April 1, 1955, the Federal Power Commission issued its order adopted March 30, 1955, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3229; Filed, Apr. 19, 1955; 8:48 a. m.]

[Project No. 2135]

MONTANA POWER CO.

NOTICE OF ORDER EXTENDING PERIOD OF PRELIMINARY PERMIT

APRIL 14, 1955.

Notice is hereby given that on April 1, 1955, the Federal Power Commission issued its order adopted March 30, 1955, in the above-entitled matter, extending the period of the preliminary permit from March 31, 1955, to and including March 31, 1956.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3230; Filed, Apr. 19, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 15, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30499: Commodities between points in Texas. Filed by J. F. Brown, Agent, for interested rail carriers. Rates on oiticica oil, roofing material and soda ash, carloads, between points in Texas.

Grounds for relief: Competition of intrastate carriers and circuity.

Tariff: Supplement 70 to Agent Brown's I. C. C. 807.

FSA No. 30501: Scrap iron and steel, to Alloy and Midwest, W. Va. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads, from specified points in southern territory to Alloy and Midwest, W. Va.

Grounds for relief: Short-line distance (applied to Charleston, W. Va., distances) and circuity.

Tariff: Supplement 69 to Agent Boyle's I. C. C. 1329.

FSA No. 30502: Phosphate rock—Florida to Nacogdoches, Tex. Filed by

R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, and related commodities, carloads, from Bartow, Fla., and other Florida mines to Nacogdoches, Tex.

AGGREGATE-OF-INTERMEDIATES

FSA No. 30500: Commodities between points in Texas. Filed by J. F. Brown, Agent, for interested rail carriers. Rates on oiticica oil, roofing material, and soda ash, carloads, between points within Texas.

Grounds for relief: Maintenance of rates between points in Texas not applicable as factors in construction combination rates.

Tariff: Supplement 70 to Agent Brown's I. C. C. 807.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-3231; Filed, Apr. 19, 1955; 8:49 a. m.]

[Notice 56]

MOTOR CARRIER APPLICATIONS

APRIL 15, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF PROPERTY

No. MC 200 Sub 178, filed March 14, 1955, RISS & COMPANY, INC., Riss Building, 15 West 10th Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives, household goods as defined by the Commission, commodities in bulk*, and *those requiring special equipment*, but excluding livestock, between Pueblo, Colo., and Kit Carson, Colo., from Pueblo over Colorado Highway 96 to junction U. S. Highway 287, thence over U. S. Highway 287 to Kit Carson, and return over the same route, serving no intermediate points, with no service to or from termini except as otherwise authorized, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between Kansas City, Mo., and Sterling, Colo., and between Oklahoma City, Okla., and Denver, Colo. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 263 Sub 70 (amended), filed March 21, 1955, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, P. O. Box 349, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Government owned compressed gas trailers*, loaded or empty, from, to and between all points authorized to be served in the performance of (1) regular and alternate route operations in and through Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming. The applicant is authorized to operate over all of the above-referred to regular, alternate, and irregular routes in the transportation of Class A and B explosives, general commodities with certain exceptions, and certain other specifically named commodities, but is not presently specifically authorized to transport the commodities named in this application.

No. MC 1222 Sub 13, filed March 25, 1955, THE REINHARDT TRANSFER COMPANY, a corporation, 1410 Tenth Street, Portsmouth, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer compounds*, dry, *urea feed mixtures*, and *urea*, from South Point, Ohio to points in Indiana, except those located as follows: points on U. S. Highway 52 between the Ohio-Indiana State line and Brookville, those on Indiana Highway 1 between Brookville and Connersville, those on Indiana Highway 44 between Connersville and Rushville, those on U. S. Highway 52 between Rushville and Kentland, those on U. S. Highway 41 between Kentland and the Indiana-Illinois State line, those on Indiana Highway 1 between Connersville and Cambridge City, those on Indiana Highway 44 between Connersville and Liberty, those on U. S. Highway 27 between Liberty and the Indiana-Ohio State line, those on U. S. Highway 40 between Indianapolis and the Indiana-Ohio State line, those points in Indiana in the Louisville, Ky. Commercial Zone as defined by the Commission, and those points in Indiana in the Chicago, Ill. Commercial Zone as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement. Applicant is authorized to conduct operations in Ohio, West Virginia, Kentucky, Illinois and Indiana.

No. MC 7075 Sub 13, filed March 14, 1955, NEMASKET TRANSPORTATION COMPANY, INC., 58 West Grove St., Middleboro, Mass. Applicant's attorney: Theodore E. Shasta, 60 State St., Boston 9, Mass. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Woods Hole, Mass. and all points located on the Massachusetts Islands of Martha's Vineyard, and Nantucket, as off-route points, in connection with regular route operations between Boston, Mass., and Provincetown, Mass., over U. S. Highway 6, and Massachusetts Highways 3, 18, and 28. Applicant is authorized to conduct regular route operations in Massachusetts and Rhode Island, and irregular route operations in Massachusetts, New York, and Rhode Island.

No. MC 16554 Sub 3, filed March 31, 1955, PERTH AMBOY TRUCKING CORP., Post Office Box 206, Woodbridge, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pitch, asphalt*, and *asphalt emulsion*, in bulk, in tank vehicles, from points in Westchester, Nassau,, and Suffolk Counties, N. Y., to points in New Jersey. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

No. MC 18129 Sub 2, filed March 21, 1955, ANCHOR TRANSFER & STORAGE COMPANY, a corporation, 43 John Street, Fond du Lac, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving St. Cloud, Calvary and Mt. Calvary, Wis., as off-route points in connection with carrier's regular route operations between Fond du Lac and Sheboygan, Wis., over Wisconsin Highway 23. Carrier is authorized to conduct operations in Wisconsin.

No. MC 28901 Sub 3, filed March 21, 1955, SILVER WHEEL MOTOR FREIGHT, INC., 300 East First Avenue, Albany, Oreg. Applicant's attorney: John M. Hickson, Yeon Building, Portland, Oreg. For authority to operate as a common carrier, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, (1) between Junction U. S. Highway 99–W and Oregon Highway 57 (vicinity of Tigard, Oreg.) and junction Oregon Highway 51 and Oregon Highway 57 (vicinity of Wilsonville, Oreg.), over Oregon Highway 57; (2) between junction Oregon Highway 51 and Oregon Highway 57 (vicinity of Wilsonville, Oreg.) and junction Oregon Highway 51 and U. S. Highway 99–E (vicinity Hubbard, Oreg.), over Oregon Highway 51 (the above routes cover what is commonly known as the Wilsonville cut-off from Tigard to Hubbard, Oreg.); and (3) between junction 99–E and Salem By-pass (north of Salem, Oreg.) and junction U. S. Highway 99–E and Salem By-pass (south of Salem, Oreg.), over Salem By-pass, serving no intermediate points on the above-described highways, as alternate routes in connection with carrier's regular-route operations between Portland, Oreg., and Harrisburg, Oreg., over U. S. Highway 99–E. Applicant is authorized to conduct operations in Oregon.

No. MC 32242 Sub 9, filed March 23, 1955, N. C. PURDIE CORPORATION, Stanley, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New York, N. Y., and points in Bergen, Passaic, Sussex, Warren, Morris, Essex, Hudson, Union, Middlesex, Somerset, Hunterdon, Monmouth, and Ocean Counties, N. J., on the one hand, and, on the other, points in New York, except New York, N. Y., and points within fifty (50) miles thereof.

NOTE: The purpose of the instant application is to remove the restriction reading "in truckload lots, minimum weight 10,000 pounds", contained in Certificate No. MC 32242, issued January 28, 1952. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 32474 Sub 15, filed March 28, 1955, C. A. CONKLIN TRUCK LINE, INC., 247 Pearl Street, Adrian, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all points in Oneida and Vilas Counties, Wis., as off-route points in connection with carrier's regular-route operations as follows: (1) Between Rhinelander, Wis., and Chicago, Ill.; (2) between junction U. S. Highways 8 and 45 approximately one mile west of Monico, Wis., and Eagle River, Wis.; (3) between Rhinelander, Wis., and Ironwood, Mich.; (4) between Rhinelander, Wis., and Land O'Lakes, Wis.; (5) between junction U. S. Highway 51 and County Highway M and Boulder Junction, Wis.; (6) between Boulder Junction, Wis., and junction U. S. Highway 51 and County Highway H; and (7) between junction Wisconsin Highway 70 and U. S. Highway 51 and Patterson Hardware Company located about eight miles west of said junction. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Ohio and Wisconsin.

No. MC 38170 Sub 9, filed March 30, 1955, WHITE STAR TRUCKING, INC., 1750 Southfield Street, Lincoln Park, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the McLouth Steel Company plants located at or near Gibraltar, Mich., as off-route points in connection with applicant's authorized regular-route operations between Detroit, Mich., and Toledo, Ohio; between the junction of U. S. Highways 24 and 25 (north of Flat Rock, Mich.), and Detroit, Mich.; between the junction of U. S. Highway 25 and West Road (west of Trenton, Mich.), and the junction of U. S. Highway 25 and Allen Road; and between the junction of U. S. Highways 24 and 25 (north of Flat Rock, Mich.), and the junction of Michigan Highway 58 and U. S. Highway 10. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 59957 Sub 25, filed March 28, 1955, MOTOR FREIGHT EXPRESS, a corporation, 540–550 East King St., York, Pa. Applicant's representative: Harold G. Wiemeyer, 550 East King St., York, Pa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving points in the Borough of Bolivar, Pa., and points in the Township of Fairfield, Westmoreland County, Pa., as off-route points in connection with carrier's regular route operations between Pittsburgh, Pa., and Lancaster, Pa. Applicant is authorized to conduct operations in Delaware, Maryland, New York, Pennsylvania, and the District of Columbia.

No. MC 60229 Sub 3, filed March 9, 1955, Amended, FERACO, INC., 1131–35 West Dauphin Street, Philadelphia 33, Pa. Applicant's representative: Franklin B. Blocksom, 133 Warrior Road, Drexel Hill, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Metal scrap*, and *waste materials such as but not limited to ashes, sweepings, skimmings and residues to be smelted, melted and/or refined in smelting or furnace plants* (other than precious metal recovering plants); *shot, ingots, slabs* and *other shapes produced therefrom; ferro-manganese* and *ferro-silicon; ores, clays, minerals* and *earths, such as but not limited to chrome, manganese, ilmenite, dolomite, limestone, fullers earth, kaolen, sands and crude clays;* and *commercial fertilizers*, and *materials used in the manufacture of fertilizers*, in bulk, in dump-truck equipment only, between points in New Jersey, Delaware, Maryland and the District of Columbia, and that part of Pennsylvania in and south and east of Wayne, Susquehanna, Bradford, Sullivan, Lycoming, Clinton, Centre, Mifflin, Juniata, Perry and Franklin Counties, Pa.

No. MC 62896 Sub 4, filed April 1, 1955, CHARLES W. POOLE & BRERETON POOLE, doing business as POOLE'S DRAYAGE CO., 1619 Eckington Place NE., Washington, D. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, and (2) *empty containers, or other such incidental facilities* (not specified) used in transporting the commodities specified in this application between Washington, D. C., on the one hand, and, on the other, points in Anne Arundel, Baltimore, Calvert, Carroll, Charles, Dorchester, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, St. Mary's, and Talbot Counties, Md., and Fairfax, Fauquier, Loudoun, Prince William, Stafford, Spotsylvania, and King George Counties, Va. Applicant is authorized to conduct operations in Washington, D. C., Maryland and Virginia.

No. MC 63417 Sub 16, filed March 31, 1955, BLUE RIDGE TRANSFER COMPANY, INCORPORATED, Railroad Avenue, Galax, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Glass*, from Cumberland, Md., to points in Virginia and North Carolina, bounded by a line beginning at Lynchburg, Va., and extending south along U. S. Highway 29 to Lexington, N. C., thence north along U. S. Highway 52 to Winston-Salem, N. C., thence west along U. S. Highway 421 to junction U. S. Highway 21, thence north along U. S. Highway 21 to Wytheville, Va., thence northeast along U. S. Highway 11 to Roanoke, Va., and thence east along U. S. Highway 460 to Lynchburg, including points on the indicated portions of the highways specified, and points on U. S. Highway 11 between Roanoke, Va., and Winchester, Va., including Winchester, Va. Applicant is authorized to conduct operations in North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia.

No. MC 64932 Sub 140, filed September 18, 1953 (reopened further hearing on the Commission's own motion), ROGERS CARTAGE CO., a corporation, 1932 South Wentworth Ave., Chicago 16,

Ill. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Tuscola, Ill., and points within 10 miles thereof, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio and Wisconsin.

No. MC 67200 Sub 4, filed March 25, 1955, THE FURNITURE TRANSPORT COMPANY, INC., 111 Hallock Avenue, New Haven, Conn. Applicant's attorney: Arthur J. Piken, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, uncrated, (1) from Hartford, East Hartford, and Elmwood, Conn., and Springfield, Mass., to Philadelphia, Pa., Baltimore, Md., Washington, D. C., Newport News and Richmond, Va., and Rochester, Syracuse, and Utica, N. Y., points in that part of New York east of a line beginning at the boundary of the United States and Canada, and extending along U. S. Highway 9 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 17, and thence along New York Highway 17 to the New York-Pennsylvania State line, including points on the indicated portions of the highways specified, and those in Massachusetts, Rhode Island, and New Jersey; (2) from Hartford, East Hartford, Glastonbury, Elmwood, and New Britain, Conn., to Buffalo, N. Y., and points in that part of New York on and east of New York Highway 15–A extending from Lake Ontario at Rochester, N. Y., to junction U. S. Highway 15 at Springwater, N. Y., thence on and east of U. S. Highway 15 from said junction to the New York-Pennsylvania State line; and (3) from Glastonbury and New Britain, Conn., to Philadelphia, Pa., Baltimore, Md., Washington, D. C., Newport News and Richmond, Va., Buffalo, Rochester, Syracuse and Utica, N. Y., and points in Massachusetts, Rhode Island and New Jersey.

NOTE: Carrier is authorized to transport new upholstered furniture, uncrated, in the territory described above. The sole purpose of this application is to change the commodity description to read, "New furniture uncrated." Applicant is authorized to conduct operations in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia.

No. MC 67390 Sub 14, filed February 24, 1955 (Amended), MICHIGAN TRI-STATE MOTOR EXPRESS, INC., 405 Territorial Road, Benton Harbor, Mich. Applicant's representative: Anthony T. Thomas, 3554 South Archer Avenue, Chicago 9, Ill. For authority to operate as a *common carrier*, transporting: (1) *Internal combustion engines*, and *parts thereof*, for excavating tractors, with grading and loading attachments combined, and (2) *empty shipping containers* used in transporting the commodities specified under (1) above, and *returned shipments* of said commodities, serving Waukesha, Wis., as an off-route point, in connection with regular route operations between Milwaukee, Wis., and Detroit, Mich., over U. S. Highways 12, and 41, Illinois Highway 42, and Wisconsin Highway 42, restricted to the transportation (a) of through shipments of the commodities specified under (1) above moving from Benton Harbor, Mich., to Waukesha, Wis., and (b) of through shipments of the commodities specified under (2) above moving from Waukesha, Wis., to Benton Harbor, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, and Wisconsin.

No. MC 70451 Sub 166, filed March 14, 1955 (amended), WATSON BROS. TRANSPORTATION CO., INC. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Compressed gas*, in cylinders, when moving on shipper owned or United States Government owned trailers, and *shipper owned or United States Government owned trailers* with empty gas cylinders mounted thereon, from, to, and between all points authorized to be served in the performance of (1) regular and alternate route operations in and through Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and New Mexico, and (2) irregular route operations in and through Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. The applicant is authorized to operate over the above-referred to regular, alternate, and irregular routes, in the transportation of Class A and B explosives; general commodities, with certain exceptions; and certain other specifically named commodities but is not presently specifically authorized to transport the commodities named in this application.

No. MC 70451 Sub 167, filed March 14, 1955, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th St., Omaha, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *Meats, meat products*, and *meat by-products*, as defined in Appendix to Report and Modification of Permits—Packing House Products, 48 M. C. C. 628, between (1) Tucson, Ariz., and port of entry into Mexico located on or near the United States-Mexico International Boundary line at or near Nogales, Ariz., over U. S. Highway 89, serving no intermediate points, (2) Tucson, Ariz., and port of entry into Mexico located on or near the United States-Mexico International Boundary line at or near Naco, Ariz., over U. S. Highway 80 from Tucson to junction Arizona Highway 92, thence over Arizona Highway 92 to junction unnumbered highway, thence over said unnumbered highway to said port of entry at or near Naco, and return over the same route, serving no intermediate points, and (3) Tucson, Ariz., and port of entry into Mexico located on or near the United States-Mexico International Boundary line at or near Douglas, Ariz., over U. S. Highway 80, serving no intermediate points. The applicant is authorized to conduct regular route operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and New Mexico, and irregular route operations in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wyoming.

No. MC 74721 Sub 52, filed March 24, 1955. MOTOR CARGO, INC., 700 Carroll Street, Akron 4, Ohio. Applicant's attorney: Eugene T. Liipfert, 2001 Massachusetts Ave., NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, and household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Trenton, N. J., and the junction of New Jersey Highway 69 with U. S. Highway 22, near Annandale, N. J., from Trenton over New Jersey Highway 69 to junction U. S. Highway 22, near Annandale, and return over the same route, as an alternate route in connection with applicant's regular route operations (1) between Youngstown, Ohio, and New York, N. Y., and (2) between Canton, Ohio, and Newark, N. J. Applicant is authorized to conduct operations in Ohio, Pennsylvania, Minnesota, Wisconsin, Illinois, Ohio, Indiana, New York, New Jersey, Maryland, and West Virginia.

No. MC 76266 Sub 91, filed March 25, 1955, MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except articles of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Waterloo, Iowa, and Cedar Rapids, Iowa, from Waterloo over U. S. Highway 218 to junction U. S. Highway 30, thence over combined U. S. Highways 30 and 218 and Iowa Highway 64 to Cedar Rapids, and return over the same route, serving no intermediate points, as an alternate route in connection with carrier's regular route operations between Waterloo, Iowa and Cedar Rapids, Iowa, which is a portion of the route between Hopkins, Minn., and Moline, Ill. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

No. MC 78736 Sub 205, filed March 2, 1955, (Instant application directly related to MC–F 5932, published under section 5 applications this issue). PACIFIC MOTOR TRUCKING COMPANY, 65 Market Street, San Francisco 5, Calif. Applicant's attorney: Starr Thomas, General Attorney, 80 East Jackson Blvd., Chicago 4, Ill. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *The commodities* authorized in Certificate Nos. MC 43762 and Subs 3, 7 and 10, issued to Pacific Freight Lines, (1) between points in California, and (2) between points in California, on the one hand, and, on the other, points in Arizona, as set forth in said Certificates of Public Convenience and Necessity, except to the extent that said operating rights authorize service between points on the lines of The Atchison, Topeka and Santa Fe Railway Company or any of its subsidiaries and between said points and other points on said Railway Company lines and except with respect to petroleum and petroleum products that portion of the operating rights authorizing service at points in Mohave, Coconino and Yavapai Counties, Ariz., and in addition all points in Yuma and Maricopa Counties lying on or south of the said Railway Company lines, or north of Arizona Highway 72 to its junction with U. S. Highway 70, thence over U. S. Highway 70, whichever is more southerly, to and including Phoenix, and including points west of a line running north from Phoenix. Serving all intermediate and off-route points authorized to be served by Pacific Freight Lines, excepting points on the said Railway Company Lines, not served by Southern Pacific Company or its subsidiaries, and excepting points intermediate to Ontarion and Riverside, Calif., on and along U. S. Highway 60. Applicant is authorized to conduct operations in Arizona, California, Navada, Oregon, and Texas.

No. MC 80430 Sub 74, filed March 25, 1955, GATEWAY TRANSPORTATION CO., a corporation, 2130–2150 South Avenue, La Crosse, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between the junction of U. S. Highway 41 and Illinois Highway 63 (near Waukegan, Ill.), and the junction of U. S. Highways 41 and 6 (near Hammond, Ind.), from the junction of U. S. Highway 41 and Illinois Highway 63, over Illinois Highway 63 to junction Illinois Highway 21, thence over Illinois Highway 21 to junction U. S. Highway 45, thence over U. S. Highway 45 to junction U. S. Highway 6, and thence over U. S. Highway 6 to junction U. S. Highway 41, and return over the same route, serving no intermediate points, and with service at the termini solely for joinder purposes only, as an alternate or connecting route, in connection with the carrier's regular route operations (a) between Milwaukee, Wis., and Chicago, Ill. (via junction U. S. Highway 41 and Illinois Highway 63); (b) between Chicago, Ill., and Sandusky, Ohio; (c) between Chicago, Ill., and Youngstown, Ohio (via junction U. S. Highways 41 and 6); and (d) between junction U. S. Highways 41 and 6 and junction U. S. Highways 30 and 33; and (2) between the junction of U. S. Highways 45 and 66 (near La Grange, Ill.), and Bloomington, Ill., over U. S. Highway 66, serving no intermediate points, and with service at the termini solely for joinder purposes only, as an alternate or connecting route, in connection with the carrier's regular route operations (a) between Rockford, Ill., and the junction of U. S. Highway 66 and Illinois Highway 48 (via Bloomington, Ill.); and (b) the applied for authority between the junction of U. S. Highway 41 and Illinois Highway 63 and the junction of U. S. Highways 41 and 6 (via the junction of U. S. Highways 45 and 66), as described in Route 1 above. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Pennsylvania.

No. MC 92822 Sub 12, filed March 29, 1955, JOHN R. LOOMIS, R. F. D. No. 1, Granville, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Rough Lumber*, from points in New York to points in Vermont, Massachusetts, Connecticut, New Hampshire, Rhode Island, and New Jersey, and to New York, N. Y., and the International Boundary between the United States and Canada at Port of Entry at Champlain, N. Y.; and (b) *slate* and *slate products*, from points in New York and Vermont to points in Ohio, Pennsylvania, New Hampshire, Rhode Island, Maryland, Vermont, and the District of Columbia, and to the International Boundary between the United States and Canada at the Port of Entry at Champlain, N. Y. Carrier is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York and Vermont.

No. MC 95084 Sub 23, filed April 1, 1955, HOVE TRUCK LINE, Stanhope, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *School furniture*, from Bradley, Ill., to points in Iowa, Minnesota, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Wyoming, and Colorado.

No. MC 95084 Sub 24, filed April 1, 1955. HOVE TRUCK LINE, a corporation, Stanhope, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural implements, farm machinery and parts therefor*, (1) from Sandwich, Ill., and Coldwater, Ohio, to points in Howard, Winneshiek, Allamakee, Chickasaw, Fayette, Clayton, Bremer, Blackhawk, Buchanan, Delaware, Dubuque, Benton, Linn, Jones, Jackson, Iowa, Johnson, Cedar, Clinton, Muscatine, Scott, Marion, Mahaska, Keokuk, Lucas, Monroe, Wapello, Wayne, Appanoose and Davis Counties, Iowa, and (2) from Sandwich, Ill., to points in Washington and Louisia Counties, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, Indiana, Wyoming, Kentucky, Colorado, Michigan, Missouri, North Dakota, Ohio, Pennsylvania, Minnesota, South Dakota, Wisconsin, and Kansas.

No. MC 95084 Sub 25, filed April 1, 1955, HOVE TRUCK LINE, Stanhope, Iowa. Applicant's representative, William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural Implements, farm machinery and parts thereof*, between Fort Dodge, Iowa, and points in Alabama, Tennessee, and Texas. Applicant is authorized to conduct operations in Ohio, Iowa, Illinois, Indiana, Wyoming, Kentucky, Colorado, Michigan, Missouri, North Dakota, Pennsylvania, Wisconsin, and Kansas.

No. MC 95540 Sub 258, filed March 25, 1955, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in Alabama, Georgia, Florida, Mississippi, and Tennessee excepting Memphis, Tenn. Applicant is authorized to conduct operations in the District of Columbia and all States in the United States excepting Arizona, California, Colorado, Connecticut, Idaho, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Dakota, Texas, Utah, Vermont, Washington, and Wyoming.

No. MC 95920 Sub 8, filed March 28, 1955, D. D. SANTRY, doing business as SANTRY TRUCKING COMPANY, 1525 SW. Alder Street, Portland 5, Oregon. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *contract carrier*, over a regular route, transporting: *Malt beverages, can openers, bottle openers*, and *advertising matter* used in the sale and distribution of such commodities, from Olympia, Wash., to Burns, Oreg., from Olympia, Wash., over U. S. Highway 99 to Portland, Oreg., thence over U. S. Highway 26 to Madras, Oreg., thence over U. S. Highway 97 to Bend, Oreg., and thence over U. S. Highway 20 to Burns, Oreg. (also over U. S. Highway 99 E from Portland to Albany, Oreg., and thence over U. S. Highway 20 to Burns), and return over the same route, transporting *empty malt beverage containers*, and *damaged, defective and returned shipments of malt beverages*, serving the intermediate point of Bend, Oreg.

NOTE: The carrier is authorized in Permit No. MC 95920 Sub 6, issued August 26, 1954, to transport the above-specified commodities, between Olympia, Wash., and Burns, Oreg., over the above-described routes, serving no intermediate points. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 105207 Sub 7, filed March 11, 1955, (Amended), JIM's TRANSFER, INC., East 3232 Sprague Avenue, Spokane, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in containers and in bulk, (1) from Metaline Falls, Wash., to points in Nez Perce, Idaho, Lewis and Clearwater Counties, Idaho, and Umatilla County, Oreg., and (2) from Spokane, Wash., to ports of entry on the International Boundary Line between the United States and Canada on and east of U. S. Highway 97 north of Oroville, Wash., to the Idaho-Washington State line, and points in Umatilla County, Oreg. Applicant is authorized to conduct operations in Washington, Idaho and Montana.

No. MC 106373 Sub 18, filed March 25, 1955, THE SERVICE TRANSPORT CO., a corporation, 11910 Harvard Avenue, Cleveland, Ohio. Applicant's attorney:

Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over a regular route, transporting: *Iron articles and steel articles*, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, between the International Boundary between the United States and Canada at Port of Entry at or near Port Huron, Mich., and Flint, Mich., from the United States-Canadian International Boundary at Port of Entry at or near Port Huron, via bridge across the St. Clair River to Port Huron, thence via City Streets and Michigan Highway 21 to Flint, and return over the same route, with service at Flint for delivery only, and at Flint and the Port of Entry on the United States-Canadian boundary for purpose of joinder only. RESTRICTION: Applied-for authority to be restricted to movements from or to points on applicant's authorized routes beyond Michigan. Applicant is authorized to conduct operations in Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

No. MC 106398 Sub 31, filed March 31, 1955, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096 Dawson Station, Tulsa, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial trailers, house trailers, cabin trailers, bungalow trailers*, and *trailers containing special equipment*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kansas to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 106398 Sub 32, filed March 31, 1955, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Box 8096 Dawson Station, Tulsa, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers, cabin trailers*, and *bungalow trailers including "Camp Car" trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Buffalo, N. Y., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 106437 Sub 3, filed March 1, 1955, JULIUS CROLLE, doing business as CROLLE TRUCKING, Dale Road, Wanaque, N. J. Applicant's representative: Edward P. Donnelly, 198 Jay Street, Wood Ridge, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Acetate, and paperboard containers*, from Bloomingdale, N. J., to New York, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

No. MC 106915 Sub 2, filed March 30, 1955. EDMAC TRUCKING CO., INC., P. O. Box 447-Dunn Road, Fayetteville, N. C. Applicant's attorney: A. W. Flynn, Jr., 201–204 Jefferson Building, Greensboro, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages and advertising matter, forms, racks and signs used in selling and displaying malt beverages*, from Charlotte, N. C., to points in Georgia, and *empty malt beverage containers* from points in Georgia to Charlotte, N. C. Applicant is authorized to conduct operations in North Carolina, South Carolina and Georgia.

No. MC 109207 Sub 3, filed March 31, 1955, TOBACCO HAULAGE CORP., 112 Wohseepee Drive, Bay Shore, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cigarettes*, from Jersey City, N. J., to points in Nassau and Suffolk Counties, N. Y., and *returned shipments of cigarettes* on return. Applicant is authorized to conduct operations in New York, New Jersey and Pennsylvania.

No. MC 109584 Sub 18, filed March 29, 1955, ARIZONA-PACIFIC TANK LINES, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from points in Orange and Los Angeles Counties, Calif., to the International Boundary between the United States and Mexico at the port of entry near Calexico, Calif.

No. MC 109584 Sub 19, filed April 5, 1955, ARIZONA-PACIFIC TANK LINES, 717 North 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from points in California, to points in Coconino, Navajo and Apache Counties, Ariz. Applicant is authorized to conduct operations in Arizona and California.

No. MC 109596 Sub 7, filed March 25, 1955, EAST-WEST SYSTEM, INC., 1501 Exchange Ave., Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over regular routes, transporting: *Compressed gases*, in bulk, when moving in specially constructed Government-owned or shipper-owned trailers or semi-trailers, for the U. S. Government or its cost-type contractors; *empty gas cylinders;* and *empty specially constructed Government-owned or shipper-owned trailers*, (1) between (a) Enid, Okla., and Oklahoma City, Okla., over U. S. Highway 81 from Enid to El Reno, Okla., thence over U. S. Highway 66 to Oklahoma City, and return over the same route, serving no intermediate points, (b) Amarillo, Tex., and Pan Tex Ordnance Plant, Tex., over U. S. Highway 60, serving no intermediate points, (c) Amarillo, Tex., and U. S. Army Air Corps Technical School, Tex., over U. S. Highway 60 from Amarillo to junction unnumbered county road (approximately six miles from Amarillo), thence over unnumbered county roads to U. S. Army Air Corps Technical School, and return over the same route, serving no intermediate points, (d) Amarillo, Tex., and English Field Airport, Tex., over U. S. Highway 60 from Amarillo to junction unnumbered county road (approximately six miles from Amarillo), thence over unnumbered roads to English Field Airport, and return over the same route, serving no intermediat points, (e) Perryton, Tex., and Wheeler, Tex., over U. S. Highway 83, serving all intermediate points, (f) Wheeler, Tex., and Oklahoma City, Okla., over Texas Highway 152 from Wheeler to the Texas-Oklahoma State line, thence over Oklahoma Highway 41 to Sayre, Okla., thence over U. S. Highway 66 to Oklahoma City, and return over the same route, serving all intermediate points between Wheeler, Tex., and Sayre, Okla., including Sayre, but with service at Sayre restricted to traffic moving to or from points west of Sayre, (g) Amarillo, Tex., and Wheeler, Tex., over U. S. Highway 60 from Amarillo to junction Texas Highway 152, thence over Texas Highway 152 to Wheeler, and return over the same route, serving the intermediate points of Laketon, and Mobeetie, Tex., and (h) Sayre, Okla., and Amarillo, Tex., over U. S. Highway 66, serving no intermediate points, and (2) serving points (a) in the Amarillo, Tex. Commercial Zone, as intermediate and off-route points, in connection with regular route operations to and from Amarillo, Tex., over U. S. Highways 60, and 66, and (b) in the Oklahoma City, Okla. Commercial Zone, as intermediate and off-route points, in connection with regular route operations to and from Oklahoma City, Okla. over U. S. Highway 66.

NOTE: The applicant is authorized to operate over the above-specified regular routes and to and from points in the above-named Commercial Zones in the transportation of general commodities, with certain exceptions, but is not presently specifically authorized to transport the commodities named in this application.

No. MC 110053 Sub 3, filed March 28, 1955, ILLINOIS STATE MOTOR SERVICE, INC., 4241 West Division St., Chicago, Ill. Applicant's attorney: Eugene L. Cohn, One North LaSalle St., Chicago 2, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Iron* and *steel*, and *iron and steel articles*, from Galesburg, Ill., to Monmouth, Ill., from Galesburg over U. S. Highway 34 to Monmouth, and return over the same route. Applicant is authorized to conduct operations in Indiana and Illinois.

No. MC 110325 Sub 7, filed April 4, 1955, TRANSCON LINES, a corporation, 1206 South Maple Avenue, Los Angeles, Calif. Applicant's attorney: Lee Reeder, Suite 1010, 1012 Baltimore Ave., Kansas City 5, Mo. (*Instant application directly related to MC–F 5950 published issue of April 13, 1955, on Page 2444.*) For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and machinery requiring special equipment or handling, between Los Angeles, Calif., and Transcon Lines Terminal at 7655 Paramount Blvd., Rivera, Calif., as an off-route point in connection with carrier's regular route operations. Applicant is authorized to

conduct operations in Missouri, Illinois, Kansas, Oklahoma, New Mexico, and California.

No. MC 110325 Sub 8, filed April 4, 1955, TRANSCON LINES, a corporation, 1206 South Maple Ave., Los Angeles, Calif. Applicant's attorney: Lee Reeder, Suite 1010, 1012 Baltimore Ave., Kansas City, Mo. (*Instant application directly related to MC–F 5950 published issue of April 13, 1955, Page 2444.*) For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and machinery requiring special equipment or handling, *Between* San Francisco and Berkeley, Calif., on the one hand, and, on the other, Los Angeles, Calif., as follows: (1) From Los Angeles over U. S. Highway 101 to junction U. S. By-pass Highway 101; thence over U. S. By-pass Highway 101 to San Francisco, thence over U. S. Highway 40, and the San Francisco Oakland Bay Bridge to Berkeley, and return over the same routes; (2) From Los Angeles over U. S. Highway 101 to San Francisco; thence over U. S. Highway 40 and the San Francisco Oakland Bay Bridge to Berkeley, and return over the same routes; (3) From Los Angeles over Alternate U. S. Highway 101 to its junction with U. S. Highway 101 near El Rio; thence over U. S. Highway routes as specified above to San Francisco, and Berkeley, and return over the same routes; (4) From Los Angeles over U. S. Highway 99 to the intersection of California Highway 120; thence over California Highway 120 to junction U. S. Highway 50, thence over U. S. Highway 50 via Oakland to its junction with U. S. Highway 40; thence over U. S. Highway 40 to Berkeley; thence over U. S. Highway 40 and the San Francisco Oakland Bay Bridge to San Francisco, and return over the same route; (5) From Los Angeles over U. S. Highway 152 near Sharon; thence over California Highway 152 to junction U. S. Highway 101; thence over U. S. Highway 101, By-pass U. S. Highway 101 and state routes as stated above to San Francisco and Berkeley, and return over the same routes; and (6) From Los Angeles over U. S. Highway 101 and Alternate U. S. Highway 101 and U. S. Highway 101 to the intersection of California Highway 17 near San Jose, Calif.; thence over California Highway 17 to its junction with U. S. Highway 50; thence over U. S. Highway 50 to its junction with U. S. Highway 40; thence over U. S. Highway 40 to Berkeley, thence over U. S. Highway 40 and the San Francisco Oakland Bay Bridge to San Francisco, and return over the same routes, and intermediate and off-route points in the carrier's termini. Applicant is authorized to conduct operations in Missouri, Illinois, Kansas, Oklahoma, New Mexico, and California.

NOTE: Applicant states: The purpose of this application is to convert applicant's authority from irregular routes to regular routes after it has been acquired.

No. MC 110325 Sub 9, filed April 4, 1955, TRANSCON LINES, a corporation, 1206 South Maple Ave., Los Angeles, Calif. Applicant's attorney: Lee Reader, Suite 1010, 1012 Baltimore Ave., Kansas City 5, Mo. (*Instant application directly related to MC–F 5950 published issue of April 13, 1955, Page 2444.*) For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment other than refrigeration, articles weighing in excess of 16,000 pounds or the dimensions of which exceed 8 feet by 8 feet by 18 feet, and commodities injurious or contaminating to other lading, between points in California in (1) The area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point one mile west of U. S. Highway No. 101; southerly along an imaginary line one mile west of and paralleling U. S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose, southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17, northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U. S. Highway No. 40 (San Pablo Avenue); northerly along U. S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning, and (2) the area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northeasterly along Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to State Highway 118, northeasterly along State Highway No. 118 through and including the City of San Fernando, continuing northeasterly and southeasterly along State Highway No. 118 to and including the City of Pasadena; easterly along U. S. Highway No. 66 to State Highway No. 19; southerly along State Highway No. 19 to its intersection with U. S. Highway No. 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U. S. Highway No. 101, Alternate; thence northerly along an imaginary line to point of beginning. Applicant is authorized to conduct operations in Missouri, Illinois, Kansas, Oklahoma, New Mexico, and California.

NOTE: Applicant states: This application is filed to obtain a Certificate of Public Convenience and Necessity covering intrastate rights under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act.

No. MC 110505 Sub 23, March 25, 1955, RINGLE TRUCK LINES, INC., 601 South Grant, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing materials*, and *building materials*, between Joliet, Ill., on the one hand, and, on the other, points in Iowa, Wisconsin, West Virginia, and Kentucky, except Louisville, Ky. NOTE: Applicant states that it presently has authority to perform operations from Joliet, Ill., to points in Indiana, and from Whiting, Ind., to points in Iowa, Wisconsin, West Virginia, and Kentucky, through the gateway of Whiting, Ind., and that the purpose of this application is to remove the requirement that such operations from Joliet, Ill., be conducted through said gateway. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, West Virginia, and Wisconsin.

No. MC 111434 Sub 5, filed August 16, 1954, (Reopened - Further Hearing) VERL HAMILTON, Cortez, Colo. Applicant's attorney: Julian P. Hanrock, 17 West Main Street, Cortez, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, from (1) Thompson, and Green River, Utah to Naturita, Durango, and Uravan, Colo., and points in San Juan County, N. Mex., and (2) Green River, Utah, to Bluewater, N. Mex., and return with *empty containers*, or *other such incidental facilities* (not specified) used in transporting the above-specified commodity. Applicant is authorized to conduct operations in Colorado, New Mexico, and Utah.

No. MC 112886 Sub 4, filed April 4, 1955, VERMONT TRANSPORT COMPANY, INC., 136 South Main Street, Barre, Vt. Applicant's representative: Oliver C. Peterson, 795 Elm Street, Manchester, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Granite*, from points in Berlin Township, Barre Township, Northfield Township, and Montpelier, Vt., to points in Ohio. Applicant is au-

thorized to conduct operations in Delaware, Pennsylvania, and Vermont.

No. MC 112914 Sub 9, March 23, 1955, HOLLOWAY TRANSFER COMPANY, INCORPORATED, 317 Mitchell Avenue, Gadsden, Ala. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, transporting: *General commodities*, including *commodities of unusual value, commodities in bulk*, and *those requiring special equipment*, but excepting Class A and B explosives and household goods as defined by the Commission, serving the Anniston Ordnance Depot at or near Bynum, Ala., approximately ten miles west of Anniston, Ala., as an off-route point in connection with carrier's regular-route operations between Anniston and Gadsden, Ala. Carrier is authorized to conduct operations in Alabama and Georgia.

No. MC 113459 Sub 9, filed April 1, 1955. H. J. JEFFRIES TRUCK LINE, INC., 4740 S. Shields Blvd, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, not including the stringing or picking up of pipe in connection with pipe lines, and *machinery, materials, equipment* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines and such commodities as require special equipment, handling or rigging because of size or weight, and parts thereof, except the stringing or picking up of pipe in connection with the construction or dismantling of main or trunk pipe lines, between points in Arkansas, on the one hand, and, on the other, points in Shelby, Tipton and Fayette Counties, Tenn.

NOTE: Applicant states he proposes to conduct operations between the described Tennessee territory on the one hand, and points in applicant's presently authorized area of operations, using the State of Arkansas as a Gateway. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Utah and Wyoming.

No. MC 113843 Sub 8, filed April 4, 1955, REFRIGERATED FOOD EXPRESS, INC., 8 Commonwealth Pier, Boston, Mass. Applicant's attorney: James M. Walsh, 600 Broadway, Boston 27, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fish and seafood*, frozen, cooked and breaded, between points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Wisconsin, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 114862 Sub 1, filed December 6, 1954, (Amended) (published page 9310 issue of December 29, 1954), JAMES THOMPSON AND WAYNE THOMPSON, doing business as JONES TRANSFER, P. O. Box 201, Spencer, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Minneapolis and St. Paul, Minn., to Cherokee, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Illinois, Minnesota, Nebraska and Iowa.

No. MC 115110 Sub 1, March 14, 1955, WILLIAM P. DeLANEY, 3220 South Sixth East Street, Salt Lake City, Utah. Applicant's attorneys: Ray, Quinney & Nebeker, Suite 921 Kearns Building, Salt Lake City, Utah. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Drummed uranium concentrates*, from the plant of the Vitro Uranium Company, located at 600 West 33d South Street, Salt Lake City, Utah, to the plant of the Atomic Energy Commission at Grand Junction, Colo.

No. MC 115125 Sub 1, filed March 25, 1955, PAUL SIEGAL and ERNEST PARKER, doing business as P. AND S. SERVICE COMPANY, 1119 East 51st Street, Brooklyn 34, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used typewriters* and *used adding machines*, loose and unpacked, between points in the following States: Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

No. MC 115128 Sub 1, Filed March 17, 1955, R. A. SCHULZ, doing business as GOODHUE LIVESTOCK TRANSFER, P. O. Box "G", Goodhue, Minn. Applicant's representative: A. R. Fowler, Agent, Associated Motor Carriers Tariff Bureau, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* or *poultry feed*, from New Richmond, Wis., to points in the Townships of Cannon Falls, Leon, Vasa, Belle Creek, Featherstone, and points in Goodhue Township on and west of Minnesota Highway 58, Goodhue County, Minn.

No. MC 115146 Sub 1, filed March 17, 1955, YANCEY E. TILLMAN, doing business as TILLMAN BROTHERS, No. 6 Gordon Avenue, Alexandria, La. Applicant's attorney: George B. Hall, 607–611 Guaranty Bank Bldg., Alexandria, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber, brick, wood and composition shingles, rolled roofing, creosoted timbers and posts, prefabricated steel* and *doors* and *windows*, complete with panes, between points in Rapides, Winn, Bienville, Allen, East Baton Rouge, West Baton Rouge, De Soto, Sabine, La Salle, Orleans, Caddo, Calcasieu, Cameron, East Feliciana, West Feliciana, St. Tammany, St. Martin, Tensas, Catahoula, Avoyelles, Natchitoches, Lafayette, and Vernon Parishes, La., and points in Texas, Oklahoma, Arkansas and Mississippi.

No. MC 115160 Sub 1, filed March 30, 1955, B. L. LAWRENCE, doing business as LAWRENCE TRANSPORTATION CO., Tioga, N. Dak. Applicant's attorney: Lee F. Brooks, 405 First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and (2) *Machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, between points in North Dakota, South Dakota, and Montana.

No. MC 115212 filed February 24, 1955, (Amended), published Apr. 13, page 2442, amended to reflect change in name to H. M. H. MOTOR SERVICE, a corporation, Box 472, Jamesburg, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ladies' ready to wear apparel* and *children's ready to wear apparel*, in drop frame vehicles equipped with racks, and *such supplies* and *equipment* as are necessary to the administration and operation of retail wearing apparel stores, including, but not restricted to *plastic hangers, stationery, wrapping supplies, adding machines*, and *vacuum cleaners*, between New York, N. Y., and points in Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return movements.

No. MC 115237, filed March 7, 1955, CARL A. LINDSTROM, R. F. D. No. 3, Jamestown, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers, cabin trailers, bungalow trailers* and *mobile homes*, equipped with or without accessories and contents (owner's furniture, fixtures and personal property, used), in secondary movement, by truckaway service, (1) between points in Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Jefferson, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, and Yates Counties, N. Y., and Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bradford, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Cumberland, Dauphin, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lancaster, Lawrence, Lebanon, Lycoming, McKean, Mercer, Mifflin, Montour, Northumberland, Perry, Potter, Schuylkill, Snyder, Somerset, Sullivan, Tioga, Union, Venango, Warren, Washington, Westmoreland and York Counties, Pa.; and (2) between points in Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Cortland, Erie, Genesee, Jefferson, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates Counties, N. Y., and Ashtabula, Columbiana, Cuyahoga, Geauga, Lake, Mahoning, Portage, Stark, Summit, and Trumbull Counties, Ohio.

No. MC 115245, Sub 1, filed March 16, 1955, JOHN LEHNHERR, Route 5, Stillwater, Minn. Applicant's representative: A. R. Fowler, Agent, Associated Motor Carriers Tariff Bureau, 2288 University Ave., St. Paul, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand and Gravel*, in dump trucks, from Afton Township, Washington County, Minn., to Roberts, Wis.

No. MC 115259, filed March 24, 1955. WESLEY G. PETERSON, Viborg, S. Dak. Applicant's attorney: H. Lauren Lewis, Morrell Building No. 50, P. O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock* and *poultry feed*, and sack cement, from Sioux City, Iowa, to points in Turner County, S. Dak., and *Livestock*, from Turner County, S. Dak., to Sioux City, Iowa.

No. MC 115269, filed March 24, 1955, CHARLES BURTON PERKINS, doing business as PERKINS MOBILE HOMES HAULING, Fruitland Park, Fla. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New or used mobile homes*, in initial or secondary movements, by truckaway or driveaway methods, between points in Florida, on the one hand, and, on the other, points in the United States.

No. MC 115270 filed March 25, 1955, ZIGMOND AND LAWRENCE HANZ, doing business as HANZ TRUCKING COMPANY, Schofield, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glass*, including *fabricated glass*, from points in Ohio, Michigan, Tennessee, Indiana, Louisiana, Virginia and West Virginia to Wausau, Green Bay and Madison, Wis., and Minneapolis, Minn.; *fabricated aluminum* from points in New York, Michigan and Illinois to Wausau, Wis.; and *glass frames* from Wausau, Wis., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Michigan, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine and the District of Columbia.

NOTE: Applicant states that all of said operations shall be under contracts to serve Hoffer Glass Co., Inc., Wausau, Wis., and Marmet Corporation, Wausau, Wis.

No. MC 115271, filed March 28, 1955, SIDNEY KLEIN, doing business as RUBY TRUCKING, 38–24 32d Street, Long Island City, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 26, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Home freezers*, crated and uncrated, restricted to deliveries in private dwellings, from points in Queens County, N. Y., to points in Passaic, Bergen, Somerset, Middlesex, Monmouth, Union, Hudson, Essex, Warren, Morris, and Mercer Counties, N. J., and Fairfield, New Haven and Litchfield Counties, Conn., and *Damaged and returned shipments of home freezers* on return.

No. MC 115273, filed March 14, 1955, ACME CARRIERS, INC., 234 West Street, New York 13, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Shelled nuts, and spices*, from points in the New York, N. Y., Commercial Zone, as defined by the Commission to Cleveland, Cincinnati and Toledo, Ohio; Detroit and Kalamazoo, Mich.; Indianapolis, Ind.; Chicago and Freeport, Ill.; Milwaukee, Wis.; St. Paul, Winona, and Minneapolis, Minn.; St. Louis, Mo.; and Des Moines, Iowa, together with *MOTION TO DISMISS* on the grounds the commodities sought to be transported are exempt agricultural commodities.

No. MC 115276, filed March 29, 1955, CHARLES O. INGMIRE, Box 767, Driftwood, Pa. Applicant's attorney: John H. Bream, Blackstone Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Gas and oil well drilling equipment, supplies and accessories therefor*, between points in oil and gas fields in Pennsylvania, West Virginia, Ohio, and Maryland.

No. MC 115278, filed March 30, 1955, SIEGEL & COHEN EXPRESS, INC., 566 South Eleventh Street, Newark, N. J. Applicant's representative: Frank J. Clark, Lord, Day & Lord, 25 Broadway, New York 4, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel materials* and *wearing apparel*, between points in New York, New Jersey and Connecticut within 35 miles of New York, N. Y., including New York, N. Y.

NOTE: Applicant is authorized in Permit No. MC 13764, dated June 27, 1941, to transport the above-specified commodities in the territory described above. Authority is being sought to convert applicant's present *contract carrier* authority to that of a *common carrier*, and is in lieu of the authority now held by the applicant. Concurrent with the issuance of the certificate applied for herein, the *contract carrier* operations should be revoked.

No. MC 115281, filed March 30, 1955, G. F. EDWARDS, Box 9, Elmhurst, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pulverized limestone*, from Newton, N. J., to points in Lackawanna and Wyoming Counties, Pa.

No. MC 115285, filed March 31, 1955, SAMUEL L. GASCHO AND JOHN D. GASCHO, doing business as S. L. GASCHO & SON, 142 New Street, Burlington, Ontario, Canada. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Calcium chloride* in bags, and in bulk, from Ludington and Midland, Mich., to the International Boundary Line between the United States and Canada at or near Port Huron, Mich.

No. MC 115287, March 31, 1955, THOMAS P. GLAZE, Fourth and Central Avenue, P. O. Box 16, Connersville, Ind. Applicant's attorney: Glenn F. Morgan, 404–406 International Building, Washington 4, D. C. Applicant's representative: R. A. Ellison, Neave Building, 4th at Race, Cincinnati, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cincinnati, Ohio and Connersville, Ind., from Cincinnati over U. S. Highway 52 to Brooksville, Ind., thence over Indiana Highway 1 to Connersville. (2) *Newspapers*, serving all intermediate points on the above-described routes, and the off-route points of Metamora, Ind., (on U. S. Highway 52), and Fairfield, Ind., (on Indiana Highway 101).

No. MC 115294, filed April 4, 1955, GUERDON SCHUMACHER, Belmont, Wis. Applicant's attorney: E. A. Solie, 715 First National Bank Building, 1 South Pinckney Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, from Stitzer, Wis., to points in Iowa, those in Illinois on and north of U. S. Highway 36, and those in Minnesota on and south of U. S. Highway 14, and *fertilizer compounds*, from LaPlatte, Nebr., to Stitzer, Wis.

No. MC 115295, filed April 4, 1955, PHILIP R. ZIEMANN, doing business as PHILIP ZIEMANN, 506 14th Street NW., Rochester, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, from New Richmond, Wis., to points in the Townships

of Kalmar, Cascade, Haverhill, Salem, Rochester, and Marion, in Olmstead County, Minn.

APPLICATIONS OF PASSENGERS

No. MC 3647 Sub 183, filed March 21, 1955. PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 80 Park Place, Newark, N. J. Applicant's attorney: Winslow B. Ingham, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and their *baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) from junction White Horse Pike (U. S. Highway 30) and Warwick Road, Magnolia, N. J., over Warwick Road through Somerdale, Hi-Nella and Stratford, to junction Elm Aevnue, Laurel Springs, thence over Elm Avenue to junction Linden Avenue (Stone Road) thence over Linden Avenue (Stone Road) to junction White Horse Pike (U. S. Highway 30) in Lindenwold, N. J., and return over the same route, serving all intermediate points; (2) from junction Warwick Road and Lincoln Avenue, Magnolia, N. J., over Lincoln Avenue to junction East Atlantic Avenue, thence over East Atlantic Avenue to junction Warwick Road, Somerdale, and return over the same route, serving all intermediate points; and (3) from junction Chews Landing Road and Blackwood Road, Clementon, N. J., over Chews Landing Road, to junction Laurel Road, Lindenwold, N. J. Return from junction Chews Landing Road and Laurel Road, Lindenwold, N. J., over Laurel Road, to junction 8th Avenue, thence over 8th Avenue to junction Scott Avenue, thence over Scott Avenue to junction Chews Landing Road, thence over Chews Landing Road to Blackwood Road, Clementon, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York and Pennsylvania.

CORRECTIONS

No. MC 68618 Sub 20, CORRECTION: Published in issue of April 6, 1955, on page 2180. Should read as follows: LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A, B, and C explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment other than refrigeration, (a) between Portland, Oreg., and Hubbard, Oreg., from Portland over U. S. Highway 99W to junction of U. S. Highway 99W and Oregon Highway 57, thence over Oregon Highway 57 to junction of Oregon Highway 57 and Oregon Highway 51, thence over Oregon Highway 51 to junction of Oregon Highway 51 and U. S. Highway 99E, thence over U. S. Highway 99E to Hubbard, and return over the same route, serving all intermediate points; (b) between the north junction of Salem, Oregon By-Pass and U. S. Highway 99E and the south junction of Salem By-Pass and U. S. Highway 99E via Salem By-Pass, and return over the same route, serving no intermediate points, as an alternate route in connection with carrier's regular-route operations between Seattle, Wash., and Los Angeles, Calif.; (c) between north junction of unnumbered highway and U. S. Highway 99E, over unnumbered highway via Jefferson, Oreg., to junction of said unnumbered highway and U. S. Highway 99E, serving the intermediate point of Jefferson, Oreg.; (d) between Eugene, Oreg., and Goshen, Oreg., from Eugene over U. S. Highway 126 to junction U. S. Highway 126 and Oregon Highway 225, thence over Oregon Highway 225 to junction Oregon Highway 225 and U. S. Highway 99 at or near Goshen, and return over the same route, serving all intermediate points; (e) between Anlauf, Oreg., and Rice Hill, Oreg., from Anlauf over Oregon Highway 45 to Rice Hill via Drain, Oreg., and return over the same route, serving all intermediate points; (f) between Oakland, Oreg., and Shady Point, Oreg., from Oakland over Oregon Highway 234 to Shady Point, and return over the same route, serving all intermediate points. NOTE: By routes (c), (d), (e) and (f) as set out above, applicant is seeking to amend its present authority because of relocation of portions of U. S. Highway 99E. Applicant is authorized to conduct opefations in California, Oregon and Washington.

No. MC 62396 Sub 3. CHARLES W. POOLE & PRESTON POOLE, doing business as POOLE'S DRAYAGE CO., 1619 Eckington Place, NE., Washington, D. C., published in issue of April 13, 1955, on page 2438, should read Sub 3 instead of Sub "B".

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 5932. Authority sought for purchase by SANTA FE TRANSPORTATION COMPANY, 1100 So. San Pedro Street, Los Angeles 15, Calif., of the operating rights and certain property of PACIFIC MOTOR TRUCKING COMPANY, 65 Market Street, San Francisco, Calif., and for acquisition by THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY of control of the operating rights and property through the purchase. Applicants' attorneys: Starr Thomas, 80 East Jackson Blvd., Chicago 4, Ill., Frederick G. Pfrommer, 114 Sansome Street, San Francisco 4, Calif., R. E. Wedekind, 65 Market Street, San Francisco 5, Calif. Operating rights sought to be purchased: (1) That portion of the general commodity and specified commodity rights (other than petroleum and petroleum products) sought to be acquired by vendor herein from PACIFIC FREIGHT LINES in No. MC–F 5783 (notice published in the September 22, 1954, issue of the FEDERAL REGISTER, at page 6097), which will enable vendee to conduct operations between, on the one hand, points served by THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY and not served by SOUTHERN PACIFIC COMPANY or any of its subsidiary or affiliated companies, and, on the other hand, all points served, both exclusively and non-exclusively, by THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, over routes or portions thereof presently operated by PACIFIC FREIGHT LINES: and (2) Those portions of the interstate operating rights which vendor may acquire from PACIFIC FREIGHT LINES authorizing transportation over irregular routes of petroleum and petroleum products to all points in Mohave, Coconino and Yavapai Counties, Ariz., and in addition all points in Yuma and Maricopa Counties, Ariz., lying on or north of THE ATCHISON, TOPEKA AND SANTA FE RAILWAY or north of Arizona Highway 72 to its junction with U. S. Highway 70, thence over U. S. Highway 70, whichever is more southerly, to and including Phoenix and including points west of a line running north from Phoenix. Vendee is authorized to operate in California. Application has not been filed for temporary authority under section 210a (b). Application No. MC 78786 Sub 205, published in this issue of the FEDERAL REGISTER, is a directly related matter.

No. MC–F–5953. Authority sought for purchase by BARNES TRUCK LINE, INC., 506 Mayo St., Wilson, N. C., of the operating rights of MANNIE HURWITZ, doing business as D-C EXPRESS CO., P. O. Box 7477, Baltimore, Md., and for acquisition by ROY L. BARNES and EDDIE L. BARNES, Wilson, N. C., of control of the operating rights through the purchase. Applicants' attorney: James E. Wilson, Continental Bldg., Washington, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions, not including household goods, as a *common carrier*, over regular routes, between Baltimore, Md., and Washington, D. C., serving all intermediate and certain off-route points. Vendee is authorized to operate in Maryland, Florida, North Carolina, Alabama, Virginia, Mississippi, Arkansas, New Jersey, Tennessee, Rhode Island, Indiana, Delaware, Illinois, West Virginia, Wisconsin, Michigan, West Virginia, Minnesota, Missouri, Kansas, Massachusetts, South Carolina, Nebraska, Georgia, Oklahoma, Pennsylvania, Texas, New York, South Dakota, Iowa, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5954. Authority sought for purchase by COLONIAL FAST FREIGHT LINES, INC., 1201—1st Ave., No., Birmingham, Ala., of a portion of the operating rights and certain property of C. E. McBRIDE, doing business as COLONIAL FAST FREIGHT LINES, 1201—1st Ave., No., Birmingham, Ala., and for acquisition by C. E. McBRIDE, Birmingham, Ala., of control of said operating rights and certain property through the purchase. Applicants' attorney: Bennett T. Waites, 531–34 Frank Nelson Bldg., Birmingham, Ala. Operating rights sought to be transferred: *Iron and steel mill products*, and *commodities* the transportation of which because of their size or weight requires the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment, as a *common carrier*, over irregular routes, between Birmingham, Ala., and points within ten miles thereof, on the one hand, and, on the other, points in Florida, Georgia, Tennessee, Mississippi, and those in Louisiana east of the Mississippi River. Vendee is not a motor carrier, however, in No. MC–F–5955, C. E. McBride has applied for authority to control Colonial Refrigerated Transportation, Inc., which seeks, in the same proceeding, to acquire a portion of the operating rights of vendor herein. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5955. Authority sought for purchase by COLONIAL REFRIGERATED TRANSPORTATION, INC., 1201 1st Ave., No., Birmingham, Ala., of a portion of the operating rights and certain property of C. E. McBRIDE, doing business as COLONIAL FAST FREIGHT LINES, 1201 1st Ave., No., Birmingham, Ala., and for acquisition by C. E. McBRIDE, Birmingham, Ala., of control of said operating rights and property through the purchase. Applicants' attorney: Bennett T. Waites, 531–34 Frank Nelson Bldg., Birmingham, Ala. Operating rights sought to be transferred: *Dairy products, fresh meats, meats, meat products, and meat by-products, fresh fruits and vegetables, fresh poultry and seafood, frozen fcod*, including *frozen fish, fruits, vegetables, poultry and seafood*, as a *common carrier*, over irregular routes, from, to and between certain points in Maine, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, Connecticut, Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, Wisconsin, Arkansas, and the District of Columbia. Vendee is not a motor carrier, however, in No. MC–F–5954, C. E. McBride has applied for authority to control Colonial Fast Freight Lines, Inc., which seeks, in the same proceeding, to acquire a portion of the operating rights of vendor herein. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5956. Authority sought for purchase by WORSTER MOTOR LINES, INC., East Main Road, R. D. #1, North East, Pa., of a portion of the operating rights of CLYDE H. WOLFE, doing business as WESTFIELD MOVING AND DELIVERY SERVICE, 102 Chestnut St., Westfield, N. Y., and for acquisition by DAVID B. WORSTER, North East, Pa., of control of said operating rights through the purchase. Applicants' attorney: William W. Knox, 1102 Palace Bldg., Erie, Pa. Operating rights sought to be transferred: *Fruit and fruit products*, as a *common carrier*, over irregular routes, between Westfield and Silver Creek, N. Y., and North East and Erie, Pa. Vendee is authorized to operate in Pennsylvania, New York, Ohio, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Michigan, Indiana, Illinois, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5957. Authority sought for purchase by CLYDE H. WOLFE, doing business as WESTFIELD MOVING AND DELIVERY SERVICE, 102 Chestnut St., Westfield, N. Y., of a portion of the operating rights of WORSTER MOTOR LINES, INC., East Main Road, R. D. #1, North East, Pa. Applicants' attorney: William W. Knox, 1102 Palace Bldg., Erie, Pa. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between points in Erie County, Pa., on the one hand, and, on the other, points in Ohio and New York. Vendee is authorized to operate in New York and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F. R. Doc. 55-3232; Filed, Apr. 19, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3358]

PUBLIC SERVICE COMPANY OF OKLAHOMA AND CENTRAL AND SOUTH WEST CORP.

NOTICE OF FILING REGARDING ISSUANCE AND SALE BY SUBSIDIARY PUBLIC UTILITY COMPANY OF PREFERRED STOCK, ISSUANCE BY SUBSIDIARY PUBLIC UTILITY COMPANY TO PARENT REGISTERED HOLDING COMPANY OF COMMON STOCK AS STOCK DIVIDEND, AND AMENDMENT BY PUBLIC UTILITY COMPANY OF ARTICLES OF INCORPORATION; ORDER REGARDING SOLICITATION OF PROXIES FROM STOCKHOLDERS

APRIL 14, 1955.

Notice is hereby given that Central and South West Corporation ("Central"), a registered holding company, and its public-utility subsidiary, Public Service Company of Oklahoma ("Public Service"), have filed a joint application-declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("Act"). Applicant-declarants have designated sections 6, 7, 9 and 10 of the act and Rules U-43 and U-50 promulgated thereunder as applicable to the transactions proposed in said application-declaration.

All interested persons are referred to said application-declaration for a statement of the proposed transactions, which are summarized as follows:

Public Service proposes, by amendment of its Articles of Incorporation, to increase the total number of authorized shares of its preferred stock from 203,500 shares, par value $100 per share, of which 148,500 shares are presently outstanding, to 350,000 shares, par value $100 per share, and thereupon to issue and sell 100,000 shares of the authorized but unissued shares of its preferred stock. The price to be paid to the company for the preferred stock (which shall be not less than $100 nor more than $102.75 per share) and the dividend rate thereof (which shall be a multiple of 4/100 of 1 percent) will be determined by competitive bidding pursuant to Rule U-50.

Public Service states that the net proceeds received from the sale of its preferred stock will be applied to its construction program, which for the calendar years 1955 and 1956 is estimated at approximately $52,500,000.

Public Service also proposes to issue and deliver to Central, and Central proposes to acquire, 300,000 shares of common stock, par value $10 per share, as a stock dividend. In connection therewith, Public Service proposes to transfer on its books from earned surplus to stated capital the sum of $10 for each of said additional shares of common stock, or a total of $3,000,000.

Public Service further proposes to solicit proxies from its stockholders to vote on amendments to its Articles of Incorporation, including the following: (i) To increase the number of shares of authorized preferred stock from 203,500 shares to 350,000 shares; (ii) to increase the amount of unsecured indebtedness which the company may issue or assume without the consent of preferred stockholders from 10 percent to 20 percent of the aggregate of secured debt and capital stock and surplus; (iii) to permit, in addition to the dividends which can be paid under existing restrictions, the payment of any dividends which the company could have paid, but had not paid, in any previous year or years; (iv) to reduce from two-thirds to a majority the vote of the preferred stock required to authorize the issuance of additional preferred stock ranking on a parity with the outstanding preferred stock unless specified requirements as to gross income and common stock equity are met; and (v) to prohibit the acquisition or redemption of preferred stock when dividends are in arrears unless all outstanding stock shall be redeemed or retired, or approval is obtained under the act.

Public Service states that adoption of the proposed amended Articles of Incorporation will require the affirmative vote of the holders of at least two-thirds of the outstanding shares of its preferred stock and the holders of a majority of its common stock all of which is owned by Central.

Public Service states that the transactions proposed herein are subject to the jurisdiction of the Corporation Commission of the State of Oklahoma and that no other State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transactions.

Public Service requests that the Commission, on or before April 15, 1955, permit its declaration to become effective with respect to the proposed solicitation of proxies, for the special meeting of stockholders (preferred and common) to be held on May 17, 1955, to vote on the proposed amendment to the Articles of Incorporation.

Public Service states that the fees and expenses to be paid or incurred by it in connection with the proposed solicitation of proxies, other than the costs of preparing, assembling, and mailing such statements, will not exceed $2,000.

The Commission having examined the declaration and the material proposed to be used in connection with the solicitation of proxies, and finding that the applicable provisions of section 12 (e) of the act and Rules U-62 and U-65 promulgated thereunder have been satisfied, and deeming it appropriate in the public interest, and in the interest of investors and consumers, to grant Public Service's request and permit the declaration to become effective forthwith, insofar at it relates to the solicitation of proxies:

It is ordered, That the declaration, insofar as it relates to the proposed solicitation of proxies, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

Notice is further given that any interested person may, not later than April 28, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on the application-declaration with respect to the issuance and sale by Public Service of the 100,000 shares of __ percent Preferred Stock, and the issuance by Public Service, as a stock dividend, of 300,000 shares of common stock and the acquisition of the common stock by Central, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by such filing which he proposes to controvert, or he may request to be notified if a hearing shall be ordered thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as it may hereafter be amended, may be granted and permitted to become effective pursuant to Rule U-23, or the proposed transactions may be exempted as provided in Rules U-20 (a) and U-100 promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3214; Filed, Apr. 19, 1955; 8:47 a. m.]

[File No. 70-3363]

JERSEY CENTRAL POWER & LIGHT CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

APRIL 14, 1955.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), an electric utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"). The filing has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as being applicable to the proposed application.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Jersey Central proposes to issue and sell, pursuant to the competitive bidding provisions of Rule U-50, $20,000,000 principal amount of First Mortgage Bonds, __ Series due 1985. The bonds will be issued under and secured by the company's Mortgage Indenture dated March 1, 1946, as heretofore supplemented and as to be further supplemented by a Fourth Supplemental Indenture to be dated May 1, 1955.

The application states that $12,250,000 of the net proceeds from the sale of the bonds will be used to prepay indebtedness of Jersey Central and the balance of $7,750,000 will be aplied to the cost of Jersey Central's 1955 construction program. The indebtedness to be prepaid consists of Jersey Central's outstanding First Mortgage Bonds, 4 percent Series due 1983, in the aggregate principal amount of $8,500,000 and Notes, issued under a Credit Agreement, in the face amount of $3,750,000. The redemption premium and accrued interest applicable to the bonds and the accrued interest on the Notes will be paid from Jersey Central's treasury funds. The application further states that Jersey Central's construction program for 1955 contemplates the expenditure of $18,200,000 and that this amount will be provided for as follows: (i) $7,750,000 from the proceeds of the sale of the proposed new bonds; (ii) $4,000,000 heretofore realized from the sale by Jersey Central of 400,000 shares of its common stock to GPU (the sale of these additional shares of common stock having been the subject of the proceedings in SEC File No. 70-3341); and (iii) the balance from operations and from short-term bank borrowings which Jersey Central contemplates pursuant to the provisions of the first sentence of section 6 (b) of the act and which will be discharged out of the proceeds of subsequent permanent financing by Jersey Central.

The filing states that authority to issue and sell the bonds is being sought from the Board of Public Utility Commissioners of the State of New Jersey.

In connection with the amortization of the redemption premium and duplicate interest arising from the redemption of the 1983 Series Bonds Jersey Central proposes to make a special charge to income equal to the amount of the estimated reduction in 1955 Federal income taxes arising from the redemption of the 1983 Series Bonds (presently estimated at approximately $160,000) and to amortize the balance of the redemption premium and duplicate interest (less the unamortized premium, net of expenses, applicable to the 1983 Series Bonds) in annual amounts equal to the net savings resulting from the refunding. It is presently estimated that this balance will approximate $164,900 and that the amortization period, depending on the interest rate of the new bonds and the income tax rates in effect during the period of amortization, will be six or seven years long. The filing expressly provides that in the event this Commission determines not to exercise any jurisdiction it may have over the proposed accounting treatment for the transactions which are the subject of this application "* * * Jersey Central * * * consents to the non-exercise of jurisdiction by the Commission with respect to such accounting * * * [and] then contemplates the filing of a Petition with the Federal Power Commission seeking authority to effectuate the amortization of a portion of the redemption premium and duplicate interest arising from the redemption of the 1983 Series Bonds * * *" in the manner above described.

Jersey Central estimates that fees and expenses to be paid by the company applicable to the proposed issuance and sale of bonds will aggregate $88,000, including printing and engraving in the amount of $29,000, and legal fees and expenses of $12,000.

Notice is further given that any interested person may, not later than May 2, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after May 2, 1955, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3213; Filed, Apr. 19, 1955; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MRS. HELENE BECK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Helene Beck, Horsterstrasse 30, Niederluetzingen, Germany, Claim No. 62769, Vesting Order No. 15471; $141.04 in the Treasury of the United States.

Executed at Washington, D. C., on April 14, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3236; Filed, Apr. 19, 1955; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 78

Washington, Thursday, April 21, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10603

AMENDMENT OF EXECUTIVE ORDER NO. 10309,[1] PROVIDING FOR THE RESTORATION OF POSSESSION, USE, AND CONTROL OF CERTAIN LANDS RESERVED FOR MILITARY PURPOSES TO THE TERRITORY OF HAWAII AND TRANSFER OF TITLE TO SUCH LANDS TO THE TERRITORY

WHEREAS by Executive Order No. 10309 of December 3, 1951, the President of the United States directed that possession, use, and control of certain lands reserved for military purposes be restored to the Territory of Hawaii and that title to such lands be transferred to the Territory, subject to the conditions contained in such order; and

WHEREAS the description of course 6 of Tract No. 1 described in the said Executive order is erroneous; and

WHEREAS there was excepted and excluded from the application of the said Executive Order No. 10309 a portion of the said Tract No. 1, containing 6,920 square feet or 0.16 acre, because such land had been transferred to the control and jurisdiction of the Secretary of War (now Secretary of the Army) by letter of the Secretary of Labor (Immigration Service) dated December 16, 1939, pursuant to the act of Congress approved August 5, 1939, 53 Stat. 1209; and

WHEREAS the act of July 27, 1954, 68 Stat. 567 (Public Law 539, 83d Congress), provides, in part, that notwithstanding the said act of August 5, 1939, the President may exercise with respect to the said 0.16 acre of land transferred to the Secretary of War by letter of the Secretary of Labor dated December 16, 1939, all those powers which are conferred upon the President by the second sentence of section 91 of the Hawaiian Organic Act as amended (48 U. S. C. 511) with respect to other ceded property taken for the uses and purposes of the United States; and

WHEREAS it is deemed desirable and in the public interest that the said error in description be corrected, and that the provisions of Executive Order No. 10309 be made applicable to the said 0.16 acre of land:

NOW, THEREFORE, by virtue of the authority vested in me by the said act of July 27, 1954, and by section 91 of the said Hawaiian Organic Act as amended by section 7 of the act of May 27, 1910, 36 Stat. 447 (48 U. S. C. 511), it is ordered that the description of Tract No. 1 contained in the said Executive Order No. 10309 of December 3, 1951, be, and it is hereby, amended to read as follows:

TRACT NO. 1

Beginning at a lead plug at the west corner of this piece of land, on the southeasterly side of the area formerly known as Channel Street, the coordinates of the said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being 4412.22 feet south and 5678.39 feet west, thence running by azimuths measured clockwise from true south:

1. 219° 00' 00" 154.09 feet along the southeasterly side of the area formerly known as Channel Street; thence along such area on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being;
2. 264° 00' 00" 28.28 feet;
3. 309° 00' 00" 172.16 feet along the same and along land formerly a portion of U. S. Immigration Station lot (Executive Order No. 10419 of December 11, 1952);
4. 38° 48' 30" 270.86 feet along the remainder of Tract No. 1 of Fort Armstrong Military Reservation;
5. 128° 48' 30" 25.98 feet along a portion of the U. S. Public Health Station lot (item 1 (a), act of July 27, 1954, 68 Stat. 567);
6. 218° 57' 20" 96.70 feet along the same;
7. 129° 03' 00" 167.01 feet along the same to the point of beginning; and containing an area of 35,932 square feet or 0.82 acre.

The provisions of Parts I and II of Executive Order No. 10309, including those relating to certificates of acceptance of work by the Department of the Army, shall be applicable to the said 0.16 acre of Tract No. 1 in the same manner and to the same extent as they would have been if the said land had not been excluded from the application thereof.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 19, 1955.

[F. R. Doc. 55-3324; Filed, Apr. 20, 1955; 12:09 p. m.]

[1] 16 F. R. 12304; 3 CFR, 1951 Supp., p. 520.

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FEDERAL REGISTER

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(For use during 1955)

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Title 14: Part 400 to end ($0.65)
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Titles 28–29 ($1.25)
Titles 44–45 ($0.75)
Title 49: Parts 71–90 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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PRESIDENT'S COMMITTEE ON GOVERNMENT EMPLOYMENT POLICY

Effective upon publication in the FEDERAL REGISTER, § 6.166 (a) is added as set out below.

§ 6.166 *President's Committee on Government Employment Policy.* (a) Executive Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–3282; Filed, Apr. 20, 1955; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP FLAXSEED RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1954-crop flaxseed. The 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967, 1595 and 6901), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1954, supplemented by Supplement 1, Flaxseed (19 F. R. 1578, 2714, 2843, 7103; 20 F. R. 323), containing the specific requirements for the 1954-crop flaxseed price support program is hereby further supplemented as follows:

Sec.
421.661 Applicable sections of 1954 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Flaxseed.
421.662 Availability.
421.663 Eligible producer.
421.664 Eligible flaxseed.
421.665 Approved storage.
421.666 Approved forms.
421.667 Quantity eligible for resealing.
421.668 Additional service charges.
421.669 Transfer of producer's equity.
421.670 Storage and track-loading payments.
421.671 Maturity and satisfaction.
461.672 Support rates.
461.673 CSS commodity offices.

AUTHORITY: §§ 421.661 to 421.673 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.661 *Applicable sections of 1954 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Flaxseed.* The following sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplement 1, Flaxseed, as amended, published in 19 F. R. 967, 1578, 1595, 2714, 2843, 6901, 7103 and 20 F. R. 323, shall be applicable to the 1954 Flaxseed Reseal Loan Program: § 421.401 *Administration;* § 421.405 *Approved lending agencies;* § 421.408 *Liens;* § 421.410 *Set-offs;* § 421.411 *Interest rate;* § 421.413 *Safeguarding the commodity;* § 421.414 *Insurance on farm-storage loans;* § 421.415 *Loss or damage to the commodity;* § 421.416 *Personal liability of the producer;* § 421.417 *Release of the commodity under loan;* § 421.419 *Foreclosure;* § 421.420 *Purchase of notes;* § 421.655 *Determination of quantity;* § 421.656 *Determination of quality.* Other sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplement 1, Flaxseed, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.662 *Availability*—(a) *Area and scope.* The reseal program will be available in areas in the following States where ASC State committees determine that there may be a shortage of storage space and that flaxseed can be safely stored on farms for the period of the reseal loan: Idaho, Iowa, Kansas, Minnesota, Montana, North Dakota, and South Dakota. This program provides, under certain circumstances, for the extension of 1954-crop farm-storage loans and the making of farm-storage loans on 1954-crop flaxseed covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee.

(2) In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(3) The producer who signed a purchase agreement on farm-stored flaxseed is required, under the 1954 Flaxseed Price Support Program to notify the county committee not later than April 30, 1955, in the case of flaxseed stored in any of the States listed in paragraph (a) of this section if he intends to sell the flaxseed to CCC. If the producer has notified the county committee, on or before April 30, 1955, of his intention to sell the flaxseed to CCC or to participate in this program, he may obtain a farm-stored loan on the flaxseed. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions or on or before June 30, 1955, if the producer has not requested or received delivery instructions. The loan documents must be presented for disbursement within 15 days after execution. Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the flaxseed is in existence and in good condition. If the flaxseed was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on flaxseed covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or

by approved lending agencies under agreements with CCC.

§ 421.663 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the flaxseed in 1954 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement covering flaxseed of the 1954 crop.

§ 421.664 *Eligible flaxseed*—(a) *Requirements of eligibility.* The flaxseed (1) must meet the requirements set forth in § 421.653 (a), (b) and (c); and (2) must be under price support loan or purchase agreement.

(b) *Inspection*—(1) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the flaxseed and structure in which the flaxseed is stored. If recommended by either the commodity loan inspector or the producer, a sample of the flaxseed shall be taken and submitted for grade analysis.

(2) *Flaxseed covered by purchase agreement.* If a producer makes application for a farm-storage loan on flaxseed covered by a purchase agreement, the commodity loan inspector shall inspect the flaxseed and storage structure, obtain a sample if the flaxseed and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

§ 421.665 *Approved storage.* Flaxseed covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.406 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending June 30, 1956, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1956.

§ 421.666 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of a Producer's Note and Supplemental Loan Agreement, Commodity Loan Form A, secured by a Comodity Chattel Mortgage on Commodity Loan Form AA, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor, or trustee will be aceptable only where legally valid.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.667 *Quantity eligible for reseal-ing.* (a) The quantity of flaxseed eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of flaxseed specified in the purchase agreement, minus any quantity of the flaxseed under such purchase agreement (1) which has been previously placed under loan or (2) on which he exercises his option to sell to CCC.

§ 421.668 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on flaxseed covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 421.669 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the flaxseed mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the flaxseed must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the flaxseed from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.670 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment computed at the rate of 16 cents per bushel will be made to the producer on the quantity involved if he (i) redeems flaxseed from the loan on or after April 30, 1956, (ii) delivers the flaxseed to CCC on or after April 30, 1956, or (iii) delivers the flaxseed to CCC prior to April 30, 1956 pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the flaxseed was not damaged or otherwise impaired due to negligence on the part of the producer.

(2) *Prorated storage payment.* A prorated storage payment computed at the rate of $0.00053 per bushel a day (but not to exceed 16 cents per bushel), according to the length of time the quantity of flaxseed involved was in store after June 30, 1955, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of flaxseed redeemed from the loan prior to April 30, 1956, and (iii) in the case of flaxseed delivered to CCC pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC, prior to April 30, 1956: *Provided, however,* That no storage payment will be made where the delivered flaxseed is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the flaxseed has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on flaxseed delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.671 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than April 30, 1956. The producer must pay off his loan, plus interest on or before maturity or deliver the mortgaged flaxseed in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity eligible for delivery. Delivery of flaxseed will be accepted only from bin(s) in which the flaxseed under reseal loan is stored. The provisions of § 421.418 (a), (c) and (e) (2) and (3), and of § 421.660 (a) (1) and (2) shall be applicable thereto.

§ 421.672 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for flaxseed covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the flaxseed in § 421.658 (c).

(b) Any discounts established for variation in quality as shown in § 421.658 (d) shall apply.

§ 421.673 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest 10th Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 18th day of April 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-3289; Filed, Apr. 20, 1955; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—FARM ACREAGE ALLOTMENTS FOR 1956 CROP

Correction

In Federal Register Document 55-2243, published at page 1632 of the issue for Friday, March 18, 1955, the phrase "in the county ASC office" should appear in the second line of the introductory text of § 728.615 (a), so that said introductory text reads as follows:

§ 728.615 *Data for old wheat farms*—(a) *Reports by producers.* To the extent that data are not available in the county ASC office, the owner, operator, or any other interested person shall furnish the following information regarding the farm in which he has an interest to the county ASC office of the county in which the farm is regarded as located if there was wheat acreage on the farm for the 1953, 1954, or 1955 crop;

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950- ——)

MISCELLANEOUS AMENDMENTS

Amendments pursuant to certain provisions of Social Security Amendments of 1954 (Public Law 761, 83d Congress, 68 Stat. 1052).

Regulations No. 4, as amended (20 CFR, Cum. Supp.; 404.1 et seq.) are further amended as follows:

1. Section 404.104 is amended to read as follows:

§ 404.104 *Quarter of coverage after 1950*—(a) *In general.* Any quarter occurring after 1950 is a quarter of coverage for an individual if he:

(1) Has been paid $50 or more in wages in such quarter (except as provided in paragraph (b) of this section); or

(2) Was not paid at least $50 in wages in such quarter, but has, in the calendar year in which such quarter occurred, been paid $3,600 in wages (if the calendar year occurred after 1950 and before 1955) or $4,200 in wages (if the calendar year occurred after 1954); or

(3) Has been credited with $100 or more of self-employment income for such quarter (see § 404.106); or

(4) Had self-employment income for the taxable year in which the quarter or part of such quarter occurred, and the aggregate of his self-employment income for, and wages (if any) paid in such taxable year equals $3,600 (if the taxable year began after 1950 and ended before 1955) or $4,200 (if the taxable year ended after 1954).

(b) *Wages for agricultural labor after 1954.* If the wages have been paid for agricultural labor in any calendar year after 1954, the following are quarters of coverage:

(1) The last quarter of the year which can be but otherwise is not, if such wages are less than $200;

(2) The last 2 quarters of the year which can be but otherwise are not, if such wages are at least $200 but less than $300;

(3) The last 3 quarters of the year which can be but otherwise are not, if such wages are at least $300 but less than $400;

(4) All quarters of the year which can be but otherwise are not, if such wages are at least $400.

If the individual who has been paid wages for agricultural labor after 1954 has attained retirement age or died, and he does not have an insured status (§§ 404.108 and 404.109), or fails to meet requirements for entitlement to a computation or recomputation (see Subpart C of this part) by reason of the assignment of quarters of coverage as provided in this paragraph, but would have such status or meet such requirements by assigning the quarters of coverage to different quarters of such year, then such quarters of coverage shall instead be assigned to such different quarters, but only for purposes of determining insured status or compliance with the requirements for entitlement to a computation or recomputation.

(c) *When a quarter cannot be a quarter of coverage.* No quarter shall be counted as a quarter of coverage prior to the beginning of such quarter, and no quarter after the quarter in which the individual died shall be counted as a quarter of coverage; nor can any quarter be counted as more than one quarter of coverage.

2. Section 404.107 is amended to read as follows:

§ 404.107 *Fully insured status where individual died before September 1, 1950*—(a) *In general.* An individual who died before September 1, 1950, was fully insured if he had not less than one quarter of coverage (no matter when acquired) for each two of the quarters elapsing after either 1936 or the quarter in which he attained age twenty-one (whichever is later), and up to, but excluding, the quarter in which he either attained age 65 or died (whichever first occurred); provided that he had at least 6 quarters of coverage in any event. If the numbers of quarters elapsing after 1936 or the attainment of age twenty-one (whichever is applicable) is odd, one is subtracted from such number before this formula is applied. (Subpart N of this part sets out circumstances under which certain veterans of World War II shall be deemed to have died fully insured.)

(b) *Where individual had 6 quarters of coverage.* An individual who died before September 1, 1950, and was not at the time of death a fully insured individual within paragraph (a) of this section, but who had at least 6 quarters of coverage shall, nevertheless, be deemed to have died a fully insured individual for the purposes of determining entitlement to monthly benefits on the individual's wage record, for months after August 1954 based on applications filed after that month, of applicants for child's, widow's, parent's, and mother's insurance benefits, other than the divorced former wives of the individual.

3. Section 404.108 is amended to read as follows:

§ 404.108 *Fully insured status where an individual did not die before September 1, 1950*—(a) *In general.* An individual who did not die before September 1, 1950, is fully insured if he has not less than:

(1) One quarter of coverage (no matter when acquired) for each two of the quarters elapsing after either 1950 or the quarter in which he attained age twenty-one (whichever is later), and up to, but excluding, the quarter in which he either attained age 65 or died (whichever first occurred): *Provided,* That he had at least 6 quarters of coverage in any event; or

(2) Forty quarters of coverage.

If the number of quarters elapsing after 1950 or the attainment of age twenty-one (whichever is applicable) is odd, one is subtracted from such number before the formula in paragraph (a) of this section is applied. (Subpart N of this part sets out circumstances under which certain veterans of World War II shall be deemed to have died fully insured.)

(b) *Special case after 1954.* An individual who did not die before January 1, 1955, is fully insured if:

(1) He meets the requirements of paragraph (a) of this section; or

(2) All the quarters after 1954 and before either (i) July 1, 1956, or (ii) if later, the quarter in which he attained retirement age or died (whichever first occurred) are quarters of coverage of the individual, and there are at least 6 of such quarters.

4. Section 404.109 is amended to read as follows:

§ 404.109 *Currently insured status*—(a) *In general.* An individual is currently insured if he has not less than 6 quarters of coverage during any one of the following periods:

(1) The 13-quarter period ending with the quarter in which he died; or

(2) The 13-quarter period ending with the quarter in which he became entitled to old-age insurance benefits (see § 404.303) after August 1950; or

(3) The 13-quarter period ending with the quarter in which he became entitled to primary insurance benefits (see § 403.402 of this chapter (Regulations 3)), before September 1950.

(b) *Special case for husband's or widower's insurance benefits.* For purposes of determining whether the husband or widower of an individual is entitled to monthly benefits as such on the basis of the individual's wages and self-employment income where entitlement to such monthly insurance benefits is established, in part, on the basis of the

provisions of § 404.309 (e) (2) or § 404.322 (f) (2), as the case may be, the individual shall be deemed currently insured if she had not less than 6 quarters of coverage during the 13-quarter period ending with the quarter in which occurs the first month for which she was entitled to old-age insurance benefits (§ 404.303) and in which an event described in § 404.408 (a) did not occur.

5. Sections 404.212 through 404.215, inclusive, are repealed and there is substituted for such sections the following material:

BASIC COMPUTATION ARISING FROM SOCIAL SECURITY AMENDMENTS OF 1954

§ 404.230 *Effect of Social Security Amendments of 1954.* The Social Security Amendments of 1954 changed in many respects the method by which an individual's primary insurance amount (§ 404.201) is computed. It provides a new formula for computing an individual's primary insurance amount, standard end-of-year starting dates and first-of-year closing dates, the dropping out of as much as 5 years of low earnings (or no earnings) in the determination of average monthly wage, and various methods for recomputing an individual's primary insurance amount.

§ 404.231 *Scope.* Except as may be otherwise specified, the regulations in this subpart following this section are applicable with respect to monthly benefits, for months after August 1954 and with respect to lump-sum death payments, in the case of deaths after August 1954.

§ 404.232 *Method of determining primary insurance amount.* Subject to the provisions of § 404.233, the primary insurance amount of an individual shall be either:

(a) Fifty-five percentum of the first $110 of his average monthly wage, plus 20 percentum of the next $240, such amount, if not a multiple of 10 cents, being raised to the next higher multiple of 10 cents; or

(b) The amount determined by use of the conversion table in § 404.234.

§ 404.233 *Applicability of § 404.232.* The provisions of § 404.232 (a) and (b) are applicable in the case of any individual:

(a) Who does not become eligible for old-age insurance benefits under section 202 (a) until after August 1954 or dies after such month and without becoming eligible for such benefits under section 202 (a), and with respect to whom not less than 6 of the quarters elapsing after 1950 are quarters of coverage, or

(b) With respect to whom not less than 6 of the quarters elapsing after June 30, 1953, are quarters of coverage.

Except as may be specifically provided, in all other cases, only the provisions of § 404.232 (b) are applicable. Where the provisions of paragraphs (a) and (b) of § 404.232 are applicable to an individual his primary insurance amount shall be the larger of the two amounts determined under such paragraphs. For purposes of this section an individual shall be deemed eligible for old-age insurance benefits under section 202 (a) for any month if he was or would have been, upon filing application therefor in such month, entitled to such benefits for such month.

§ 404.234 *Use of conversion table to determine primary insurance amount.* For purposes of § 404.232 (b), the table appearing as appendix 2 to this subpart is applicable. The primary insurance amount of an individual to whom this table is applicable shall be whichever of the following amounts is the larger:

(a) The amount appearing in column III of such table on the line on which in column I appears his primary insurance benefit as determined by § 404.235, or

(b) The amount appearing in column III of such table on the line on which in column II appears his primary insurance amount as determined under § 404.236.

The average monthly wage of any such individual shall, for purposes of section 203 (a) of the act, be the amount appearing in column IV on the line on which in column III appears his primary insurance amount.

§ 404.235 *Determination of primary insurance benefit for conversion table (column I).* For purposes of § 404.234 (a), the primary insurance benefit of an individual shall be determined under the provisions of paragraph (a), (b), or (c) of § 404.204; except that:

(a) If such individual cannot become entitled (without the application of section 202 (j) (1) of the act) to old-age insurance benefits under section 202 (a) of the act until after August 1954, or in death cases, died after August 1954 without becoming entitled to such benefits, then, for purposes of subparagraph (1) of paragraph (c) of § 404.204, such individual's average monthly wage shall be determined under the provisions of §§ 404.237 to 404.244, using as his starting date December 31, 1936;

(b) The provisions of paragraph (c) of § 404.204 shall not be applicable in any case in which the individual attained age twenty-two after 1950 and with respect to whom not less than 6 of the quarters elapsing after 1950 are quarters of coverage;

(c) Where the individual is a fully insured individual by reason of the provisions of § 404.107 (b), the provisions of paragraph (b) of § 404.204 shall apply only where such individual died a currently insured individual and some other person was entitled to monthly benefits or a lump-sum death payment on the basis of his wages; in all other cases to which the provisions of such § 404.107 (b) are applicable, the provisions of paragraph (c) of § 404.204 shall apply and such individual's closing date, for purposes of § 404.209 (a), shall be the first day of the quarter in which the individual died.

§ 404.236 *Determination of primary insurance amount for conversion table (column II).* For purposes of § 404.234 (b), the primary insurance amount of an individual shall be determined under § 404.202 (a) (2); except that if such individual did not become entitled to (without the application of section 202 (j) (1) of the act) old-age insurance benefits under section 202 (a) of the act until after August 1954, or in death cases, died after August 1954 without becoming entitled to such benefits, then such individual's average monthly wage shall be determined under the provisions of §§ 404.237 to 404.244, but without regard to the provisions of § 404.242.

§ 404.237 *Method of determining average monthly wage.* An individual's average monthly wage, for the purpose of computing his primary insurance amount, is computed by dividing his total wages and self-employment income after his starting date and prior to his closing date by the number of months elapsing after such starting date and before his closing date, excluding from such elapsed months any month in any year prior to the year in which such individual attained the age of twenty-two, but only if less than 2 quarters of such prior year are quarters of coverage. If the total number of elapsed months is less than 18, the divisor shall be increased to 18.

§ 404.238 *Wages and self-employment income used in determining average monthly wage.* For purposes of § 404.237, "total wages" and "total self-employment income" of an individual shall include all wages and self-employment income after such individual's starting date and before his closing date and any other credits established for his account as specified in paragraphs (b), (c), (d) and (e) in § 404.206. "Total wages" and "total self-employment income" of an individual shall not include:

(a) The excess over $3,600 of wages paid in and self-employment income credited to any calendar year after 1950 and prior to 1955, or

(b) The excess over $4,200 of wages paid in and self-employment income credited to any calendar year after 1954, or

(c) If such individual's closing date is determined under paragraphs (a), (c) or (d) of § 404.241, and he has self-employment income in a taxable year which begins prior to such closing date and ends after the last day of the month preceding the month in which he becomes entitled to old-age insurance benefits under section 202 (a), his self-employment income in such taxable year, except as provided in § 404.268, or

(d) The excess over $2,100 of wages paid in and self-employment income credited to the year 1956, but only if with respect to such individual's average monthly wage, a closing date pursuant to § 404.241 (d) is used.

§ 404.239 *Rounding average monthly wage.* If the average monthly wage as computed under § 404.237 is not a multiple of $1, it is reduced to the next lower multiple of $1.

§ 404.240 *Starting date.* An individual's "starting date" shall be whichever of the following results in a higher primary insurance amount:

(a) December 31, 1950, or

(b) The last day of the year in which he attains the age of twenty-one if such last day is after December 31, 1950, except that if such individual's primary insurance amount is determined by use of the conversion table in § 404.234 and under the provisions of § 404.235, his starting date shall be December 31, 1936.

§ 404.241 *Closing date.* An individual's closing date shall be whichever of the following results in the highest primary insurance amount:

(a) The first day of the year in which he died or became entitled to old-age insurance benefits under section 202 (a), whichever first occurred, or

(b) The first day of the first year in which he both was a fully insured individual and had attained age 65, or

(c) The first day of the year following the year referred to in paragraph (a) of this section, but only if the Secretary determines, on the basis of evidence readily available to him at the time of the computation of the individual's primary insurance amount, that the use of a closing date under this paragraph will result in the highest primary insurance amount, or

(d) July 1, 1956, but only if the individual died or became (without the application of section 202 (j) (1) of the act) entitled to old-age insurance benefits in 1956 and he had 6 quarters of coverage after 1954 and prior to the quarter following the quarter in which he died or became entitled to old-age insurance benefits, whichever first occurred.

If an individual's closing date is determined to be the date specified in paragraph (d) of this section, then such individual's starting date shall be December 31, 1954, instead of the day specified in § 404.240, and his primary insurance amount shall, after the determination of his average monthly wage, be computed under the provisions of § 404.232 (a).

§ 404.242 *Exclusion from computation of average monthly wage.* Except as may be otherwise provided, in the case of any individual to whom the provisions of paragraph (a) (but without regard to whether he has 6 quarters of coverage after 1950) or (b) of § 404.233 are applicable, the Secretary shall determine the 4 or fewer calendar years after his starting date and prior to his closing date which, if the months of such years and his wages and self-employment income for such years were excluded in computing his average monthly wage, would produce the highest primary insurance amount. Such months and such wages and self-employment income shall be excluded for purposes of computing such individual's average monthly wage. The maximum number of calendar years determined under the first sentence of this section shall be 5 instead of 4 in the case of any individual who has not less than 20 quarters of coverage prior to the date he became entitled to old-age insurance benefits or died, whichever first occurred.

§ 404.243 *Average monthly wage for conversion table.* For the purpose of computing maximum benefits, the average monthly wage of an individual whose primary insurance amount is determined by use of the conversion table (§ 404.234) is the appropriate amount in column IV of such table.

§ 404.244 *Average monthly wage of veteran of World War II.* Where entitlement to any monthly insurance benefit or a lump sum is based on the guaranteed-insured status granted to a veteran of World War II under the provisions of section 217 (b) of the act (see § 404.1311) the average monthly wage of such veteran shall be deemed to be $160.

RECOMPUTATION OF BENEFITS

§ 404.260 *Applicability.* An individual entitled to old-age insurance benefits may secure a recomputation of his primary insurance amount under §§ 404.261 to 404.268. A survivor of an individual may secure a recomputation of such individual's primary insurance amount under §§ 404.269 to 404.275.

§ 404.261 *Recomputation to include wages and self-employment income in the year of entitlement*—(a) *Conditions.* Recomputation is permitted under this paragraph if:

(1) The individual files application therefor after the year in which he became entitled (without the application of section 202 (j) (1) of the act) to old-age insurance benefits under section 202 (a),

(2) He became entitled to such benefits after August 1954, and

(3) His closing date for purposes of computing his average monthly wage and primary insurance amount was determined under paragraph (a), (b), or (d) of § 404.241.

(b) *Method of computation.* The computation shall be made in the same manner as is provided in §§ 404.232 to 404.242, except that his closing date for purposes of § 404.241 shall be the first day of the year following the year in which he became entitled to old-age insurance benefits.

(c) *Effective date.* Such recomputation shall be effective for and after the first month in which his entitlement to old-age insurance benefits was effective, but in no event for any month prior to the twenty-fourth month before the month in which the application specified in paragraph (a) of this section is filed.

(d) *Applicability to other recomputations.* The provisions of this section shall be applicable to a recomputation under §§ 404.262, 404.263 (except a recomputation under paragraph (c) thereof) and § 404.264 (but only if the primary insurance amount was computed under the method specified in either paragraph (b) (2) or (3) of such section) in the same manner as though the individual became entitled in the year in which he filed the application for the recomputation specified in such sections.

§ 404.262 *Recomputation based on 6 quarters of coverage after June 30, 1953*—(a) *Conditions.* An individual entitled to old-age insurance benefits under section 202 (a) may have his primary insurance amount recomputed under this paragraph if:

(1) He files an application therefor after August 1954,

(2) He was entitled, or upon filing application therefor, would have been entitled to old-age insurance benefits for August 1954,

(3) He has 6 quarters of coverage after June 30, 1953, and

(4) The provisions of § 404.242 were not previously applicable to the computation of his primary insurance amount.

(b) *Method of computation.* The recomputation shall be made in the same manner as is provided in §§ 404.232 to 404.242 for the computation of the primary insurance amount as though the individual became entitled to old-age insurance benefits as of the date he filed the application specified in paragraph (a) of this section.

(c) *Effective date.* Such recomputation shall be effective for and after the twelfth month before the month in which such application was filed, but in no case before the first month of the quarter which is such individual's sixth quarter of coverage after June 30, 1953.

§ 404.263 *Recomputation after earnings of $1,200 in a calendar year*—(a) *Conditions.* Recomputation is permitted under this paragraph if:

(1) The individual entitled to old-age insurance benefits files application therefor after 1954,

(2) He has not less than 6 quarters of coverage after 1950 and prior to the quarter in which he filed such application,

(3) He has wages and self-employment income of more than $1,200 in a calendar year which occurs after 1953 (not taking into account any year prior to the calendar year in which he filed an effective application for the recomputation of his primary insurance amount under §§ 404.262 to 404.265) and after the year in which he became (without the application of section 202 (j) (1) of the act) entitled to old-age insurance benefits, and

(4) He filed the application referred to in subparagraph (1) of this paragraph no earlier than 6 months after the calendar year specified in subparagraph (3) of this paragraph in which he had such wages and self-employment income.

For the purpose of subparagraph (3) of this paragraph, an individual who files an effective application for a recomputation under § 404.262 or § 404.264 (but only if with respect to such application the method specified in paragraph (b) (3) of such section was used to compute such individual's primary insurance amount) shall be deemed to have become entitled to old-age insurance benefits in the year in which he filed such effective application.

(b) *Method of computation.* The computation shall be made in the same manner as is provided in §§ 404.232 to 404.242 for the computation of the primary insurance amount as though:

(1) The individual became entitled to old-age insurance benefits as of the date he filed application for recomputation, and

(2) The individual met the conditions of either paragraph (a) or (b) of § 404.233 if the conditions of either of such paragraphs have not actually been met.

(c) *Alternative method of computation.* Notwithstanding the provisions of paragraph (b) this section, only the provisions of §§ 404.232 (a), 404.237 to 404.242 (but without regard to the provisions of paragraphs (b) and (c) of § 404.241) shall be applicable to a recomputation under this section if with respect to previous computation of his primary insurance amount the provisions of § 404.242 were applicable.

(d) *Effective date.* Such a recomputation shall be effective for and after the twelfth month before the month in which he filed the application specified in paragraph (a) (1) of this section, but in no event earlier than the month following the calendar year specified in paragraph (a) (3) of this section.

For the purposes of paragraph (a) (3) of this section, an individual's self-employment income shall be allocated to calendar quarters in accordance with section 212 of the act.

§ 404.264 *Recomputation based on deductions from benefits or attainment of age 75*—(a) *Conditions.* Recomputation is permitted under this paragraph if:

(1) The individual files application therefor,

(2) His benefits were subject to a deduction, under section 203 (b) (1) and (2) of the act and for months prior to 1955, for at least 12 months (in a 36-month period) after his last computation of his primary insurance amount, except that this subparagraph shall not apply if the individual was 75 years of age or over prior to 1955 and in the month in which he filed the application required by subparagraph (1) of this paragraph and his old-age insurance benefit was, prior to the filing of such application, based upon a primary insurance amount computed under § 404.202 (c), and

(3) He had at least 6 quarters of coverage after 1950 and before 1955, and prior to the quarter in which he filed application for recomputation.

(b) *Method of computation*—(1) *Conditions, including filing of application, met prior to September 1954.* If the individual met all the conditions in paragraph (a) of this section prior to September 1954, his primary insurance amount shall be computed in the same manner as is provided in § 404.202 (a) and §§ 404.205 to 404.209 for the computation of the primary insurance amount as though the individual became entitled to old-age insurance benefits in the month in which he filed his application for recomputation specified in paragraph (a) (1) of this section. For months after August 1954, such amount shall be determined through the use of the conversion table under § 404.234.

(2) *Conditions, except filing of application, met prior to September 1954.* If after the last previous computation of his primary insurance amount, the individual filed the application specified in paragraph (a) (1) of this section after August 1954 and met the conditions of subparagraphs (2) and (3) of paragraph (a) of this section prior to September 1954, his primary insurance amount shall be recomputed in the manner provided in § 404.232 (b), and §§ 404.234 to 404.241 (but without regard to the provisions of §§ 404.234 (a) and 404.241 (d)) and as though he became entitled to old-age insurance benefits in the month in which he filed his application for recomputation specified in paragraph (a) (1) of this section.

(3) *Conditions met after August 1954.* If the individual did not meet the conditions of either subparagraph (2) or (3) of paragraph (a) of this section until after August 1954, his primary insurance amount shall be recomputed in the manner provided in §§ 404.232 to 404.242 and as though he became entitled to old-age insurance benefits in the month in which he filed his application for recomputation specified in paragraph (a) (1) of this section and as though he met the conditions of paragraphs (a) and (b) of § 404.233.

(c) *Effective date.* Such recomputation shall be effective for and after the month in which was filed the application for recomputation specified in paragraph (a) (1) of this section.

§ 404.265 *Recomputation based on services covered by a retroactive agreement under section 218*—(a) *Conditions.* Any individual whose primary insurance amount has not been recomputed under section 215 (f) (2) of the act in effect prior to the enactment of the Social Security Amendments of 1954 may have his primary insurance amount recomputed under § 404.264, provided he does not meet the provisions of paragraph (a) (2) of such section, if:

(1) He meets the provisions of paragraph (a) (1) and (3) of such section (provided the application is filed prior to January 1956),

(2) He performed services prior to January 1955:

(i) To which an agreement under section 218 was made applicable, and

(ii) On the basis of which deductions under section 203 of the act were not imposed because such services were performed prior to the date the agreement was agreed to or, if the original agreement was not applicable to such services, were performed prior to the date the modification making such agreement applicable to such services was agreed to, and

(iii) On the basis of which deduction would have been imposed under section 203 had such agreement or modification, as the case may be, been agreed to on the date it became effective, and

(3) With respect to the number of deductions imposed under section 203 (b) (1) and (2) of the act when added to the number of deductions that would have been imposed by reason of subparagraph (2) (iii) of this paragraph, he meets the conditions of paragraph (a) (2) of § 404.264.

(b) *Method of computation.* The individual's primary insurance amount shall be recomputed as though he became entitled to old-age insurance benefits in whichever of the following months yields the highest primary insurance amount:

(1) The month following the last month for which deductions under section 203 would have been imposed under the conditions specified in subparagraph (2) (iii) of paragraph (a) of this section;

(2) The first month after the month determined under subparagraph (1) of this paragraph, but prior to September 1954, in which his old-age insurance benefits were no longer subject to deductions under section 203 (b) of the act;

(3) The first month, prior to September 1954, after the last month in which his old-age insurance benefits were subject to deductions under section 203 (b), or

(4) The month after August 1954 in which the individual filed the application specified in paragraph (a) (1) of this section.

Where the provisions of subparagraph (1), (2), or (3) of this paragraph apply, the recomputation shall be made under the provisions in § 404.202 (a) and §§ 404.205 to 404.209 and through the use of the conversion table under § 404.234. Where the provisions of subparagraph (4) of this paragraph apply, the recomputation shall be made under the provisions of § 404.232 (b) and §§ 404.234 to 404.241 (but without regard to the provisions of § 404.234 (a)).

(c) *Effective date.* Such recomputation shall be effective for and after the month in which the application specified in paragraph (a) (1) of this section is filed. Any increase in benefits by reason of such recomputation shall not be paid on the basis of such individual's wages and self-employment income for all the total of such increased benefits equals the total of benefits paid on such wages and self-emplyoment income for all the months which were covered by the agreement or modification, referred to in paragraph (a) (2) of this section, and during which deductions under section 203 would have been imposed had such agreement or modification been agreed to on the date it became effective.

§ 404.266 *Recomputation to include wages immediately preceding entitlement.* With respect to individuals who became (without the application of section 202 (j) (1)) entitled to old-age insurance benefits prior to September 1954, recomputation is permitted under this section if the individual files an application therefor at least 6 months after the month in which he became so entitled. Such recomputation shall be made in the same manner as is provided in §§ 404.202 to 404.210 for the computation of the primary insurance amount, except that for purposes of § 404.209 such individual's closing date shall be the first day of the quarter in which he became entitled to old-age insurance benefits. Such recomputation shall be effective for and after the first month of entitlement to old-age insurance benefits. For months after August 1954, such amount shall be determined through the use of the conversion table under § 404.234.

§ 404.267 *Recomputation to include self-employment income.* An individual who became entitled to an old-age insurance benefit in 1952, or in 1953 in a taxable year which began in 1952 (and

without the application of section 202 (j) (1)) and who had self-employment income for a taxable year which ended within or with 1952 or which began in 1952 may have his old-age insurance benefit recomputed if he files an application therefor after the close of such taxable year. Such recomputation shall be made in the manner as is provided in §§ 404.202 to 404.210 (but without regard to section 215 (b) (4) (A) of the act in effect prior to the Social Security Amendments of 1954; see § 404.206 (a)) for the computation of the primary insurance amount, except that, for purposes of § 404.209, such individual's self-employment income closing date shall be the day following the quarter with or within which such taxable year ended, and for purposes of § 404.206, the self-employment income for any subsequent taxable year shall not be taken into account. Such recomputation shall be effective for and after the first month in which such individual became entitled to old-age insurance benefits; for months after August 1954, such amount shall be determined through the use of the conversion table under § 404.234.

§ 404.268 *Recomputation to include self-employment income excluded in previous computation*—(a) *Conditions and effective date.* Recomputation is permitted under this section if, in determining an individual's average monthly wage, self-employment income for the taxable year ending after the month before the month in which he became entitled to old-age insurance benefits was not, pursuant to the provisions of § 404.238 (c), included in his total self-employment income. Such recomputation shall be made after the close of such taxable year to take into account such self-employment income in such taxable year as is, pursuant to section 212 of the act, allocated to the calendar quarters prior to the closing date used in determining such individual's average monthly wage. Such recomputation shall be effective for and after the first month in which the individual became entitled to old-age insurance benefits.

(b) *Applicability to other recomputations.* The provisions of this section and § 404.238 (c) shall be applicable to a recomputation under §§ 404.262, 404.263, 404.264 (but only if the primary insurance amount was computed under the method specified in either paragraph (b) (2) or (3) of such section) and § 404.265 (but only where the provisions of paragraph (b) (4) apply) in the same manner as though the individual became entitled in the year in which he filed the application for the recomputation specified in this section.

§ 404.269 *Recomputation at the request of a survivor of an individual to include wages and self-employment income in the year of entitlement or death*—(a) *Conditions.* Recomputation is permitted under this paragraph if:

(1) The individual on the basis of whose wages and self-employment income recomputation of the primary insurance amount is requested died after August 1954;

(2) The last previous computation or recomputation of his primary insurance amount, if any, was based on a closing date determined under paragraphs (a), (b), or (d) of § 404.241, and

(3) A survivor entitled to monthly benefits or a lump-sum death payment on the basis of such individual's wages and self-employment income files an application for such recomputation. Notwithstanding the previous provisions of this paragraph a recomputation under this section is not permitted in the case of an individual entitled to old-age insurance benefits in the month of death unless such individual became entitled to such benefits after August 1954, or, if entitled prior to September 1954, such individual's primary insurance amount was recomputed on the basis of an application filed after August 1954 under any of the following sections: §§ 404.262, 404.263, 404.264 (but only if the primary insurance amount was computed under the method specified in either paragraph (b) (2) or (3) of such section), §§ 404.270, 404.271, 404.272 (but only if the primary insurance amount was computed under the method specified in either paragraph (b) (1) (ii) or (iii) of such section).

(b) *Methods of computation.* Such recomputation shall be made in the same manner as is provided in §§ 404.232 to 404.242 for the computation of the primary insurance amount except that the individual's closing date shall be:

(1) The day following the year of such individual's death, if such individual was not entitled to an old-age insurance benefit, or

(2) The day following the year in which such individual became entitled to old-age insurance benefits, if such individual's primary insurance amount has not been recomputed under any of the provisions specified in the last sentence of paragraph (a) of this section, or

(3) The day following the year in which he filed his last effective application for a recomputation under any of the provisions specified in the last sentence of paragraph (a) of this section, or

(4) The day following the year of death if the individual's primary insurance amount was recomputed, under the provision specified in the last sentence of paragraph (a) of this section, for the purpose of determining the amount of the survivor's monthly benefits or a lump-sum death payment payable on the basis of such individual's wages and self-employment income.

(c) *Effective date and applicability.* Such recomputation shall be applicable to survivor's monthly benefits and the lump-sum death payment payable on the basis of the individual's wages and self-employment income. With respect to such monthly benefits, such recomputation shall be effective for and after the first month in which the survivor became entitled to such monthly benefit, but in no event for any month prior to the twenty-fourth month before the month in which the application, specified in paragraph (a) (3) of this section, is filed.

§ 404.270 *Recomputation where individual has 6 quarters of coverage after June 30, 1953, at time of death*—(a) *Conditions.* Recomputation is permitted under this section if:

(1) In the month of the individual's death, he met the conditions, except the filing of an application, for a recomputation under § 404.262, and

(2) The survivor entitled to monthly benefits files application therefor.

(b) *Method of computation.* The recomputation shall be made in the same manner as is provided in §§ 404.232 to 404.242 for the computation of the primary insurance amount as though the individual became entitled to old-age insurance benefits in the month of death.

(c) *Effective date and applicability.* Such recomputation shall be applicable only to survivor's monthly benefits and shall be effective for and after the first month in which the survivor became entitled to such monthly benefits.

§ 404.271 *Recomputation for a survivor after individual has earnings of $1,200 in a calendar year or to include his railroad compensation*—(a) *Conditions.* A survivor entitled to monthly benefits or a lump-sum death payment on the basis of the wages and self-employment income of an individual who died after 1954 and who has been entitled to an old-age insurance benefit at the time of death, may secure recomputation of the decedent's primary insurance amount without filing application therefor provided:

(1) The decedent would have been entitled to a recomputation under § 404.263 (but without regard to the provisions of paragraph (a) (4)) had he filed application therefor in the month of death, or

(2) The decedent during his lifetime was paid compensation under the Railroad Retirement Act (see Subpart O of this part) and his old-age insurance benefits had not been recalculated pursuant to the provisions of § 404.277.

(b) *Method of recomputation*—(1) *Where based on earnings of $1,200 in a calendar year.* If recomputation is permitted by paragraph (a) (1) of this section such recomputation shall be made as though the decedent had filed application for recomputation under § 404.263 in the month of death, except that such recomputation will also include any railroad compensation (see Subpart O of this part) paid to the decedent prior to the applicable closing date used in such computation.

(2) *Where based on railroad compensation.* If recomputation is permitted by paragraph (a) (2) of this section such recomputation shall include only the wages and self-employment income used in the last previous computation of the decedent's primary insurance amount and the railroad compensation (see Subpart O of this part) paid to him prior to the closing date used in such previous computation.

(3) *How recomputed, if recomputation based on both.* If recomputation of the deceased individual's primary insurance amount is permitted under both subparagraphs (1) and (2) of this paragraph only the recomputation which results in the larger primary insurance amount shall be made.

(c) *Effective date and applicability.* Such recomputation shall be applicable

to survivor's monthly benefits and the lump-sum death payment payable on the basis of the individual's wages and self-employment income. With respect to such monthly benefit, such recomputation shall be effective for and after the first month in which the survivor became entitled to such monthly benefits.

§ 404.272 *Recomputation for a deduction from benefits, attainment of age 75 and based on railroad compensation*—(a) *Conditions.* A survivor entitled to monthly benefits or a lump-sum death payment on the basis of the wages and self-employment income of an individual who had been entitled to an old-age insurance benefit at the time of death, may secure recomputation of the decedent's primary insurance amount if:

(1) The decedent would have been entitled to a recomputation under § 404.264 had he filed application therefor in the month of death, or

(2) If such individual died prior to September 1954, the decedent during his lifetime was paid compensation under the Railroad Retirement Act (see Subpart O of this part) and his old-age insurance benefit had not been recalculated pursuant to the provisions of § 404.277.

(b) *Method of computation*—(1) *Where based on deductions from benefits and attainment of age 75.* A recomputation under paragraph (a) (1) of this section shall be made as though the deceased individual filed an application under § 404.264 and under the conditions specified in:

(i) Paragraph (b) (1) of § 404.264, if such individual died prior to September 1954, or

(ii) Paragraph (b) (2) of § 404.264, if such individual died after August 1954 and he had, prior to September 1954, met the conditions set forth in paragraph (a) of § 404.264, except the filing of an application, provided the survivor files an application, or

(iii) Paragraph (b) (3) of § 404.264, if he died after August 1954 and he had not, prior to September 1954, met all the conditions (excluding the condition relating to the filing of an application) set forth in paragraph (a) of § 404.264.

In any such computation, there shall also be included any railroad compensation (see Subpart O of this part) paid to the decedent prior to the applicable closing date used in such compensation.

(2) *Where based on railroad compensation.* If recomputation is permitted by paragraph (a) (2) of this section such recomputation shall include only the wages and self-employment income used in the last previous computation of the decedent's primary insurance amount and the railroad compensation (see Subpart O of this part) paid to him prior to the closing date used in such previous computation.

(3) *How recomputed, if recomputation based on both.* If recomputation of the deceased individual's primary insurance amount is permitted under both subparagraphs (1) and (2) of paragraph (a) of this section only the recomputation which results in the larger primary insurance amount shall be made.

(c) *Effective date and applicability.* Such recomputation shall be applicable to survivor monthly benefits and the lump-sum death payment payable on the basis of the individual's wages and self-employment income. With respect to such monthly benefit, such recomputation shall be effective for and after the first month in which the survivor became entitled to such monthly benefit.

§ 404.273 *Recomputation at request of survivor based on services of deceased individual covered by a retroactive agreement under section 218*—(a) *Conditions.* The survivors of an individual whose primary insurance amount has not been recomputed under section 215 (f) (2) of the act in effect prior to the Social Security Amendments of 1954 may have his primary insurance amount recomputed if:

(1) Such individual died prior to January 1956,

(2) He would have been entitled to a recomputation under § 404.265 had he filed application therefor in the month of death, and

(3) The survivor entitled to monthly benefits on the basis of the individual's wages and self-employment income files an application for a recomputation under this section (other than the application for monthly benefits).

(b) *Method of computation.* The individual's primary insurance amount shall be recomputed as though he became entitled to old-age insurance benefits in whichever of the months yields the highest primary insurance amount:

(1) The months specified in subparagraph (1), (2), or (3) of paragraph (b) of § 404.265, or

(2) The month of death,

and shall be made under the provisions in § 404.202 (a) and §§ 404.205 to 404.209 and through the use of the conversion table under § 404.234, except that with respect to subparagraph (2) of this paragraph, the recomputation shall be made, in cases where death occurred after August 1954, under the provisions of § 404.232 (b) and §§ 404.234 to 404.241 (but without regard to the provisions of § 404.234 (a)).

(c) *Effective date and applicability.* Such recomputation shall be applicable only to survivor's monthly benefits and shall be effective for and after the month in which the application specified in paragraph (a) (3) of this section is filed. The provision of the second sentence of paragraph (c) of § 404.265 shall be applicable to any increase resulting from a recomputation under this section.

§ 404.274 *Recomputation in death cases to include wages immediately preceding death or entitlement of decedent.* A survivor entitled to monthly benefits on the basis of the wages and self-employment income of an individual who died after August 1950 and prior to September 1954 may secure a recomputation of such deceased individual's primary insurance amount provided such survivor files an application therefor at least 6 months after the month of the individual's death or entitlement, whichever first occurred. Such recomputation shall be made in the same manner as is provided in §§ 404.202 to 404.210 for the computation of the primary insurance amount, except that for purposes of § 404.209 such individual's closing date shall be the first day of the quarter in which he died or became entitled to old-age insurance benefits, whichever first occurred. Such recomputation shall be effective for and after the month in which the survivor who filed the application for recomputation under this paragraph became entitled to such monthly benefits. For months after August 1954, such amount shall be determined through the use of the conversion table under § 404.234. No such recomputation shall affect the amount of a lump-sum death payment (§ 404.243), nor shall it render erroneous any lump-sum death payment certified prior to the effective date of such recomputation.

§ 404.275 *Recomputations to include self-employment income of deceased individual who died in 1952 or in a taxable year beginning in 1952*—(a) *Individual not entitled to old-age insurance benefit at death.* In the cases of an individual who died in 1952 or died in 1953 in a taxable year which began in 1952 (but did not become entitled to old-age insurance benefits prior to 1952) and who had self-employment income for the taxable year which ended with his death, such individual's primary insurance amount may be recomputed if the person entitled to monthly benefits on the basis of his wages and self-employment income files application after the close of such taxable year. Such recomputation shall be made in the manner as provided in §§ 404.202 to 404.210 (but without regard to section 215 (b) (4) (A) of the act in effect prior to the Social Security Amendments of 1954; see § 404.206 (a)) for the computation of the primary insurance amount except that, for purposes of § 404.209, such individual's self-employment income closing date shall be the day following the quarter with or within which such taxable year ended.

(b) *Individual entitled to old-age insurance benefit at death.* A survivor entitled to monthly benefits on the basis of the wages and self-employment income of an individual who, at the time of death; could have become entitled to a recomputation under § 404.267 had he filed application therefor at such time may secure such recomputation upon the filing of an application. Such recomputation shall be made in the same manner as though such individual had filed the application at the time of death.

(c) *Payments under recomputation permitted by paragraphs (a) and (b) of this section.* A recomputation permitted by paragraph (a) or (b) of this section shall be effective for and after the month in which the survivor became entitled to monthly benefits. For months after August 1954, such amount shall be determined through the use of the conversion table under § 404.234. No recomputation under such paragraphs will affect the amount of a lump-sum death payment (§ 404.343); nor shall it render erroneous any lump-sum death payment certified prior to the effective date of such recomputation.

§ 404.276 *Recomputation for veteran of World War II.* If an individual entitled to old-age insurance benefits is a veteran of World War II and he dies prior to July 27, 1954, his primary insurance amount may be recomputed under the provisions of section 217 (b) of the act.

§ 404.277 *When recomputation is effective.* Any recomputation under the preceding sections shall be effective only if such recomputation results in a higher primary insurance amount.

§ 404.278 *Recalculation of benefits of an individual entitled to old-age insurance benefits to include compensation for railroad services.* Any individual who is entitled to old-age insurance benefits under section 202 (a) for months after October 1951 and whose benefits do not include the compensation received by him for his service in the railroad industry may have his benefits recalculated to include such compensation, provided such compensation may otherwise be treated as wages under the provisions of Subpart O of this part. No application is necessary for such recalculation. Such recalculation shall be made in the same manner as such individual's monthly benefits under section 202 (a) were last computed; any increase in such benefit amount due to such recalculation shall be effective for and after November 1951.

6. The following material is added as an appendix to Subpart C to follow immediately after Appendix 1 to such subpart.

APPENDIX 2

For purposes of § 404.234 the following table is applicable.

I If the primary insurance benefit (as determined under § 404.235) is—	II Or the primary insurance amount (as determined under § 404.236) is—	III The primary insurance amount (as determined pursuant to § 404.232 (b)) shall be—	IV And the average monthly wage for computing the maximum under section 203 (a) (see § 404.402 et seq.) shall be—
$10.00	$25.00	$30.00	$55.00
$10.01–$10.04	25.10	30.10	55.00
$10.05–$10.08	25.20	30.20	55.00
$10.09–$10.15	25.30	30.30	55.00
$10.16–$10.20	25.40	30.40	55.00
$10.21–$10.24	25.50	30.50	55.00
$10.25–$10.28	25.60	30.60	56.00
$10.29–$10.35	25.70	30.70	56.00
$10.36–$10.40	25.80	30.80	56.00
$10.41–$10.44	25.90	30.90	56.00
$10.45–$10.48	26.00	31.00	56.00
$10.49–$10.55	26.10	31.10	57.00
$10.56–$10.50	26.20	31.20	57.00
$10.61–$10.64	26.30	31.30	57.00
$10.65–$10.68	26.40	31.40	57.00
$10.69–$10.75	26.50	31.50	57.00
$10.76–$10.80	26.60	31.60	57.00
$10.81–$10.84	26.70	31.70	58.00
$10.85–$10.88	26.80	31.80	58.00
$10.89–$10.95	26.90	31.90	58.00
$10.96–$11.00	27.00	32.00	58.00
$11.01–$11.04	27.10	32.10	58.00
$11.05–$11.08	27.20	32.20	59.00
$11.09–$11.15	27.30	32.30	59.00
$11.16–$11.20	27.40	32.40	59.00
$11.21–$11.24	27.50	32.50	59.00
$11.25–$11.28	27.60	32.60	59.00
$11.29–$11.35	27.70	32.70	59.00
$11.36–$11.40	27.80	32.80	60.00
$11.41–$11.44	27.90	32.90	60.00
$11.45–$11.48	28.00	33.00	60.00
$11.49–$11.55	28.10	33.10	60.00
$11.56–$11.60	28.20	33.20	60.00
$11.61–$11.64	28.30	33.30	61.00
$11.65–$11.68	28.40	33.40	61.00
$11.69–$11.75	28.50	33.50	61.00
$11.76–$11.80	28.60	33.60	61.00
$11.81–$11.84	28.70	33.70	61.00
$11.85–$11.88	28.80	33.80	61.00
$11.89–$11.95	28.90	33.90	62.00
$11.96–$12.00	29.00	34.00	62.00
$12.01–$12.04	29.10	34.10	62.00
$12.05–$12.08	29.20	34.20	62.00
$12.09–$12.15	29.30	34.30	62.00
$12.16–$12.20	29.40	34.40	63.00
$12.21–$12.24	29.50	34.50	63.00
$12.25–$12.28	29.60	34.60	63.00
$12.29–$12.35	29.70	34.70	63.00
$12.36–$12.40	29.80	34.80	63.00
$12.41–$12.44	29.90	34.90	63.00
$12.45–$12.48	30.00	35.00	64.00
$12.49–$12.55	30.10	35.10	64.00
$12.56–$12.60	30.20	35.20	64.00
$12.61–$12.64	30.30	35.30	64.00
$12.65–$12.68	30.40	35.40	64.00
$12.69–$12.75	30.50	35.50	65.00
$12.76–$12.80	30.60	35.60	65.00
$12.81–$12.84	30.70	35.70	65.00
$12.85–$12.88	30.80	35.80	65.00
$12.89–$12.95	30.90	35.90	65.00
$12.96–$13.00	31.00	36.00	65.00
$13.01–$13.04	31.10	36.10	66.00
$13.05–$13.08	31.20	36.20	66.00
$13.09–$13.15	31.30	36.30	66.00
$13.16–$13.20	31.40	36.40	66.00
$13.21–$13.24	31.50	36.50	66.00
$13.25–$13.28	31.60	36.60	67.00
$13.29–$13.35	31.70	36.70	67.00
$13.36–$13.40	31.80	36.80	67.00
$13.41–$13.44	31.90	36.90	67.00
$13.45–$13.48	32.00	37.00	67.00
$13.49–$13.55	32.10	37.10	67.00
$13.56–$13.60	32.20	37.20	68.00
$13.61–$13.64	32.30	37.30	68.00
$13.65–$13.68	32.40	37.40	68.00
$13.69–$13.75	32.50	37.50	68.00
$13.76–$13.80	32.60	37.60	68.00
$13.81–$13.84	32.70	37.70	69.00
$13.85–$13.88	32.80	37.80	69.00
$13.89–$13.95	32.90	37.90	69.00
$13.96–$14.00	33.00	38.00	69.00
$14.01–$14.04	33.10	38.10	69.00
$14.05–$14.08	33.20	38.20	69.00
$14.09–$14.15	33.30	38.30	70.00
$14.16–$14.20	33.40	38.40	70.00
$14.21–$14.24	33.50	38.50	70.00
$14.25–$14.28	33.60	38.60	70.00
$14.29–$14.35	33.70	38.70	70.00
$14.36–$14.40	33.80	38.80	71.00
$14.41–$14.44	33.90	38.90	71.00
$14.45–$14.48	34.00	39.00	71.00
$14.49–$14.55	34.10	39.10	71.00
$14.56–$14.60	34.20	39.20	71.00
$14.61–$14.64	34.30	39.30	71.00
$14.65–$14.68	34.40	39.40	72.00
$14.69–$14.75	34.50	39.50	72.00
$14.76–$14.80	34.60	39.60	72.00
$14.81–$14.84	34.70	39.70	72.00
$14.85–$14.88	34.80	39.80	72.00
$14.89–$14.95	34.90	39.90	73.00
$14.96–$15.00	35.00	40.00	73.00
$15.01–$15.04	35.10	40.10	73.00
$15.05–$15.12	35.20	40.20	73.00
$15.13–$15.17	35.30	40.30	73.00
$15.18–$15.24	35.40	40.40	73.00
$15.25–$15.28	35.50	40.50	74.00
$15.29–$15.36	35.60	40.60	74.00
$15.37–$15.41	35.70	40.70	74.00
$15.42–$15.48	35.80	40.80	74.00
$15.49–$15.52	35.90	40.90	74.00
$15.53–$15.60	36.00	41.00	75.00
$15.61–$15.64	36.10	41.10	75.00
$15.65–$15.68	36.20	41.20	75.00
$15.69–$15.76	36.30	41.30	75.00
$15.77–$15.80	36.40	41.40	75.00
$15.81–$15.88	36.50	41.50	75.00
$15.89–$15.92	36.60	41.60	76.00
$15.93–$16.00	36.70	41.70	76.00
$16.01–$16.04	36.80	41.80	76.00
$16.05–$16.13	36.90	41.90	76.00
$16.14–$16.20	37.00	42.00	76.00
$16.21–$16.24	37.10	42.10	77.00
$16.25–$16.32	37.20	42.20	77.00
$16.33–$16.40	37.30	42.30	77.00
$16.41–$16.44	37.40	42.40	77.00
$16.45–$16.52	37.50	42.50	77.00
$16.53–$16.60	37.60	42.60	77.00
$16.61–$16.66	37.70	42.70	78.00
$16.67–$16.72	37.80	42.80	78.00
$16.73–$16.80	37.90	42.90	78.00
$16.81–$16.84	38.00	43.00	78.00
$16.85–$16.93	38.10	43.10	78.00
$16.94–$17.00	38.20	43.20	79.00
$17.01–$17.08	38.30	43.30	79.00
$17.09–$17.16	38.40	43.40	79.00
$17.17–$17.23	38.50	43.50	79.00
$17.24–$17.32	38.60	43.60	79.00
$17.33–$17.36	38.70	$43.70	$79.00
$17.37–$17.44	38.80	43.80	80.00
$17.45–$17.54	38.90	43.90	80.00
$17.55–$17.60	39.00	44.00	80.00
$17.61–$17.68	39.10	44.10	80.00
$17.69–$17.76	39.20	44.20	80.00
$17.77–$17.84	39.30	44.30	81.00
$17.85–$17.92	39.40	44.40	81.00
$17.93–$18.00	39.50	44.50	81.00
$18.01–$18.08	39.60	44.60	81.00
$18.09–$18.17	39.70	44.70	81.00
$18.18–$18.24	39.80	44.80	81.00
$18.25–$18.32	39.90	44.90	82.00
$18.33–$18.40	40.00	45.00	82.00
$18.41–$18.50	40.10	45.10	82.00
$18.51–$18.56	40.20	45.20	82.00
$18.57–$18.68	40.30	45.30	82.00
$18.69–$18.76	40.40	45.40	83.00
$18.77–$18.83	40.50	45.50	83.00
$18.84–$18.92	40.60	45.60	83.00
$18.93–$19.00	40.70	45.70	83.00
$19.01–$19.08	40.80	45.80	83.00
$19.09–$19.15	40.90	45.90	83.00
$19.16–$19.24	41.00	46.00	84.00
$19.25–$19.32	41.10	46.10	84.00
$19.33–$19.36	41.20	46.20	84.00
$19.37–$19.46	41.30	46.30	84.00
$19.47–$19.52	41.40	46.40	84.00
$19.53–$19.60	41.50	46.50	85.00
$19.61–$19.68	41.60	46.60	85.00
$19.69–$19.77	41.70	46.70	85.00
$19.78–$19.84	41.80	46.80	85.00
$19.85–$19.92	41.90	46.90	85.00
$19.93–$20.00	42.00	47.00	85.00
$20.01–$20.06	42.10	47.10	86.00
$20.07–$20.12	42.20	47.20	86.00
$20.13–$20.20	42.30	47.30	86.00
$20.21–$20.24	42.40	47.40	86.00
$20.25–$20.33	42.50	47.50	86.00
$20.34–$20.40	42.60	47.60	87.00
$20.41–$20.44	42.70	47.70	87.00
$20.45–$20.52	42.80	47.80	87.00
$20.53–$20.60	42.90	47.90	87.00
$20.61–$20.64	43.00	48.00	87.00
$20.65–$20.72	43.10	48.10	87.00
$20.73–$20.80	43.20	48.20	88.00
$20.81–$20.86	43.30	48.30	88.00
$20.87–$20.92	43.40	48.40	88.00
$20.93–$21.00	43.50	48.50	88.00
$21.01–$21.04	43.60	48.60	88.00
$21.05–$21.12	43.70	48.70	89.00
$21.13–$21.16	43.80	48.80	89.00
$21.17–$21.24	43.90	48.90	89.00
$21.25–$21.28	44.00	49.00	89.00
$21.29–$21.35	44.10	49.10	89.00
$21.36–$21.40	44.20	49.20	89.00
$21.41–$21.48	44.30	49.30	90.00
$21.49–$21.52	44.40	49.40	90.00
$21.53–$21.59	44.50	49.50	90.00
$21.60–$21.64	44.60	49.60	90.00
$21.65–$21.68	44.70	49.70	90.00
$21.69–$21.76	44.80	49.80	91.00
$21.77–$21.82	44.90	49.90	91.00
$21.83–$21.88	45.00	50.00	91.00
	45.10	50.10	91.00
$21.89–$21.92	45.20	50.20	91.00
$21.93–$22.00	45.30	50.30	91.00
$22.01–$22.05	45.40	50.40	92.00
$22.06–$22.08	45.50	50.50	92.00
$22.09–$22.16	45.60	50.60	92.00
$22.17–$22.20	45.70	50.70	92.00
$22.21–$22.25	45.80	50.80	92.00
$22.26–$22.28	45.90	50.90	93.00
$22.29–$22.36	46.00	51.00	93.00
$22.37–$22.40	46.20	51.20	93.00
$22.41–$22.45	46.30	51.30	93.00
$22.46–$22.48	46.40	51.40	93.00
$22.49–$22.56	46.50	51.50	94.00
$22.57–$22.60	46.60	51.60	94.00
$22.61–$22.65	46.70	51.70	94.00
$22.66–$22.68	46.80	51.80	94.00
$22.69–$22.76	47.00	52.00	95.00
$22.77–$22.80	47.10	52.10	95.00
$22.81–$22.85	47.20	52.20	95.00
$22.86–$22.88	47.30	52.30	95.00
$22.89–$22.96	47.40	52.40	95.00
$22.97–$23.00	47.50	52.50	95.00
$23.01–$23.04	47.60	52.60	96.00
$23.05–$23.08	47.70	52.70	96.00
$23.09–$23.12	47.90	52.90	96.00
$23.13–$23.16	48.00	53.00	96.00
$23.17–$23.21	48.10	53.10	97.00
$23.22–$23.24	48.20	53.20	97.00
$23.25–$23.28	48.30	53.30	97.00
$23.29–$23.32	48.40	53.40	97.00
$23.33–$23.39	48.50	53.50	97.00
$23.40–$23.44	48.60	53.60	97.00
$23.45–$23.48	48.80	53.80	98.00
$23.49–$23.52	48.90	53.90	98.00
$23.53–$23.56	49.00	54.00	98.00

I If the primary insurance benefit (as determined under § 404.235) is—	II Or the primary insurance amount (as determined under § 404.236) is—	III The primary insurance amount (as determined pursuant to § 404.232 (b)) shall be—	IV And the average monthly wage for computing the maximum under section 203 (a) (see § 404.402 et seq.) shall be—
$23.57–$23.60	$49.10	$54.10	$98.00
$23.61–$23.64	49.20	54.20	99.00
$23.65–$23.68	49.30	54.30	99.00
$23.69–$23.74	49.40	54.40	99.00
$23.75–$23.76	49.50	54.50	99.00
$23.77–$23.80	49.70	54.70	99.00
$23.81–$23.88	49.80	54.80	100.00
$23.89–$23.91	49.90	54.90	100.00
$23.92–$23.96	50.00	55.00	100.00
$23.97–$24.00	50.10	55.10	100.00
$24.01–$24.04	50.20	55.20	100.00
$24.05–$24.10	50.30	55.30	101.00
$24.11–$24.16	50.40	55.40	101.00
$24.17–$24.20	50.60	55.60	101.00
$24.21–$24.24	50.70	55.70	101.00
$24.25–$24.30	50.80	55.80	101.00
$24.31–$24.36	50.90	55.90	102.00
$24.37–$24.40	51.00	56.00	102.00
$24.41–$24.44	51.10	56.10	102.00
$24.45–$24.50	51.20	56.20	102.00
$24.51–$24.56	51.30	56.30	102.00
$24.57–$24.60	51.50	56.50	103.00
$24.61–$24.64	51.60	56.60	103.00
$24.65–$24.70	51.70	56.70	103.00
$24.71–$24.76	51.80	56.80	103.00
$24.77–$24.80	51.90	56.90	103.00
$24.81–$24.84	52.00	57.00	104.00
$24.85–$24.90	52.10	57.10	104.00
$24.91–$24.96	52.20	57.20	104.00
	52.30	57.30	104.00
$24.97–$25.00	52.40	57.40	104.00
$25.01–$25.04	52.50	57.50	105.00
$25.05–$25.11	52.60	57.60	105.00
$25.12–$25.16	52.70	57.70	105.00
$25.17–$25.20	52.80	57.80	105.00
$25.21–$25.28	52.90	57.90	105.00
$25.29–$25.33	53.00	58.00	105.00
$25.34–$25.40	53.10	58.10	106.00
$25.41–$25.44	53.30	58.30	106.00
$25.45–$25.48	53.40	58.40	106.00
$25.49–$25.55	53.50	58.50	106.00
$25.56–$25.60	53.60	58.60	107.00
$25.61–$25.64	53.70	58.70	107.00
$25.65–$25.72	53.80	58.80	107.00
$25.73–$25.78	53.90	58.90	107.00
$25.79–$25.84	54.00	59.00	107.00
$25.85–$25.88	54.20	59.20	108.00
$25.89–$25.92	54.30	59.30	108.00
$25.93–$26.00	54.40	59.40	108.00
$26.01–$26.04	54.50	59.50	108.00
$26.05–$26.12	54.60	59.60	108.00
$26.13–$26.16	54.70	59.70	109.00
$26.17–$26.23	54.80	59.80	109.00
$26.24–$26.28	54.90	59.90	109.00
	55.00	60.00	109.00
$26.29–$26.36	55.10	60.10	109.00
$26.37–$26.40	55.20	60.20	109.00
$26.41–$26.47	55.30	60.30	110.00
$26.48–$26.52	55.40	60.40	110.00
$26.53–$26.60	55.50	60.50	110.00
$26.61–$26.64	55.60	60.60	111.00
$26.65–$26.70	55.70	60.70	111.00
$26.71–$26.76	55.80	60.80	112.00
	55.90	61.80	117.00
$26.77–$26.80	56.00	61.00	113.00
$26.81–$26.88	56.10	61.10	113.00
$26.89–$26.94	56.20	61.20	114.00
$26.95–$27.00	56.30	61.30	114.00
$27.01–$27.04	56.40	61.40	115.00
$27.05–$27.12	56.50	61.50	115.00
$27.13–$27.20	56.60	61.60	116.00
$27.21–$27.24	56.70	61.70	116.00
	56.80	61.80	117.00
$27.25–$27.32	56.90	61.90	117.00
$27.33–$27.40	57.00	62.00	118.00
$27.41–$27.46	57.10	62.10	118.00
$27.47–$27.52	57.20	62.20	119.00
$27.53–$27.60	57.30	62.30	119.00
$27.61–$27.64	57.40	62.40	120.00
$27.65–$27.73	57.50	62.50	120.00
$27.74–$27.80	57.60	62.60	121.00
	57.70	62.70	121.00
$27.81–$27.84	57.80	62.80	122.00
$27.85–$27.92	57.90	62.90	122.00
$27.93–$28.00	58.00	63.00	123.00
$28.01–$28.08	58.10	63.10	123.00
$28.09–$28.16	58.20	63.20	124.00
$28.17–$28.24	58.30	63.30	124.00
$28.25–$28.31	58.40	63.40	125.00
$28.32–$28.36	58.50	63.50	125.00
	58.60	63.60	126.00
$28.37–$28.44	58.70	63.70	126.00
$28.45–$28.52	58.80	63.80	127.00
$28.53–$28.61	58.90	63.90	127.00
$28.62–$28.68	59.00	64.00	128.00
$28.69–$28.76	59.10	64.10	128.00
$28.77–$28.84	59.20	64.20	129.00
$28.85–$28.92	59.30	64.30	129.00
$28.93–$29.00	59.40	64.40	130.00
	59.50	64.50	130.00
$29.01–$29.08	59.60	64.70	131.00
$29.09–$29.16	59.70	64.70	131.00
$29.17–$29.25	59.80	64.90	132.00
$29.26–$29.32	59.90	65.10	133.00
$29.33–$29.40	60.00	65.10	133.00
$29.41–$29.48	60.10	65.30	134.00
$29.49–$29.58	60.20	65.50	135.00
$29.59–$29.68	60.30	65.50	135.00
	60.40	65.70	136.00
$29.69–$29.76	60.50	65.90	137.00
$29.77–$29.84	60.60	65.90	137.00
$29.85–$29.92	60.70	66.10	138.00
$29.93–$30.00	60.80	66.30	139.00
$30.01–$30.08	60.90	66.30	139.00
$30.09–$30.16	61.00	66.50	140.00
$30.17–$30.27	61.10	66.70	141.00
$30.28–$30.36	61.20	66.70	141.00
	61.30	66.90	142.00
$30.37–$30.44	61.40	67.10	143.00
$30.45–$30.52	61.50	67.10	143.00
$30.53–$30.64	61.60	67.30	144.00
$30.65–$30.72	61.70	67.50	145.00
$30.73–$30.80	61.80	67.50	145.00
$30.81–$30.92	61.90	67.70	146.00
$30.93–$31.00	62.00	67.90	147.00
$31.01–$31.08	62.10	67.90	147.00
	62.20	68.10	148.00
$31.09–$31.16	62.30	68.30	149.00
$31.17–$31.28	62.40	68.30	149.00
$31.29–$31.36	62.50	68.50	150.00
$31.37–$31.44	62.60	68.70	151.00
$31.45–$31.52	62.70	68.70	151.00
$31.53–$31.64	62.80	68.90	152.00
$31.65–$31.73	62.90	69.10	153.00
$31.74–$31.80	63.00	69.10	153.00
	63.10	69.30	154.00
$31.81–$31.92	63.20	69.50	155.00
$31.93–$32.00	63.30	69.50	155.00
$32.01–$32.10	63.40	69.70	156.00
$32.11–$32.20	63.50	69.90	157.00
$32.21–$32.28	63.60	69.90	157.00
$32.29–$32.40	63.70	70.10	158.00
$32.41–$32.50	63.80	70.30	159.00
$32.51–$32.60	63.90	70.30	159.00
	64.00	70.50	160.00
$32.61–$32.68	64.10	70.70	161.00
$32.69–$32.80	64.20	70.70	161.00
$32.81–$32.90	64.30	70.90	162.00
$32.91–$33.00	64.40	71.10	163.00
$33.01–$33.08	64.50	71.10	163.00
$33.09–$33.20	64.60	71.30	164.00
$33.21–$33.30	64.70	71.50	165.00
$33.31–$33.40	64.80	71.50	165.00
	64.90	71.70	166.00
$33.41–$33.48	65.00	71.90	167.00
$33.49–$33.60	65.10	71.90	167.00
$33.61–$33.70	65.20	72.10	168.00
$33.71–$33.80	65.30	72.30	169.00
$33.81–$33.88	65.40	72.30	169.00
$33.89–$34.00	65.50	72.50	170.00
$34.01–$34.10	65.60	72.70	171.00
$34.11–$34.20	65.70	72.70	171.00
	65.80	72.90	172.00
$34.21–$34.28	65.90	73.10	173.00
$34.29–$34.40	66.00	73.10	173.00
$34.41–$34.50	66.10	73.30	174.00
$34.51–$34.60	66.20	73.50	175.00
$34.61–$34.68	66.30	73.50	175.00
$34.69–$34.80	66.40	73.70	176.00
$34.81–$34.90	66.50	73.90	177.00
$34.91–$35.00	66.60	73.90	177.00
	66.70	74.10	178.00
$35.01–$35.08	66.80	74.30	179.00
$35.09–$35.20	66.90	74.30	179.00
$35.21–$35.30	67.00	74.50	180.00
$35.31–$35.40	67.10	74.70	181.00
$35.41–$35.48	67.20	74.70	181.00
$35.49–$35.60	67.30	74.90	182.00
$35.61–$35.70	67.40	75.10	183.00
$35.71–$35.80	67.50	75.10	183.00
	67.60	75.30	184.00
$35.81–$35.88	67.70	75.50	185.00
$35.89–$36.00	67.80	75.50	185.00
$36.01–$36.10	67.90	75.70	186.00
$36.11–$36.20	68.00	75.90	187.00
$36.21–$36.28	68.10	75.90	187.00
$36.29–$36.40	68.20	76.10	188.00
$36.41–$36.50	68.30	76.30	189.00
$36.51–$36.60	68.40	76.30	189.00
	68.50	76.50	190.00
$36.61–$36.68	68.60	76.70	191.00
$36.69–$36.80	68.70	76.70	191.00
$36.81–$36.90	68.80	76.90	192.00
$36.91–$37.00	68.90	77.10	193.00
$37.01–$37.08	69.00	77.10	193.00
$37.09–$37.20	69.10	77.30	194.00
$37.21–$37.30	69.20	77.50	195.00
$37.31–$37.40	69.30	77.50	195.00
	69.40	77.70	196.00
$37.41–$37.48	69.50	77.90	197.00
$37.49–$37.60	69.60	$77.90	$197.00
$37.61–$37.70	69.70	78.10	198.00
$37.71–$37.80	69.80	78.30	199.00
$37.81–$37.88	69.90	78.30	199.00
$37.89–$38.00	70.00	78.50	200.00
$38.01–$38.11	70.10	78.70	201.00
$38.12–$38.20	70.20	78.70	201.00
	70.30	78.90	202.00
$38.21–$38.32	70.40	79.10	203.00
$38.33–$38.44	70.50	79.10	203.00
$38.45–$38.56	70.60	79.30	204.00
$38.57–$38.68	70.70	79.50	205.00
$38.69–$38.76	70.80	79.50	205.00
$38.77–$38.88	70.90	79.70	206.00
$38.89–$39.00	71.00	79.90	207.00
$39.01–$39.12	71.10	79.90	207.00
	71.20	80.10	208.00
$39.13–$39.20	71.30	80.30	209.00
$39.21–$39.32	71.40	80.30	209.00
$39.33–$39.44	71.50	80.50	210.00
$39.45–$39.56	71.60	80.70	211.00
$39.57–$39.68	71.70	80.70	211.00
$39.69–$39.76	71.80	80.90	212.00
$39.77–$39.89	71.90	81.10	213.00
$39.90–$40.00	72.00	81.10	213.00
	72.10	81.30	214.00
$40.01–$40.12	72.20	81.50	215.00
$40.13–$40.20	72.30	81.50	215.00
$40.21–$40.33	72.40	81.70	216.00
$40.34–$40.44	72.50	81.90	217.00
$40.45–$40.56	72.60	81.90	217.00
$40.57–$40.68	72.70	82.10	218.00
$40.69–$40.78	72.80	82.30	219.00
$40.79–$40.88	72.90	82.30	219.00
	73.00	82.50	220.00
$40.89–$41.00	73.10	82.70	221.00
$41.01–$41.12	73.20	82.70	221.00
$41.13–$41.22	73.30	82.90	222.00
$41.23–$41.32	73.40	83.10	223.00
$41.33–$41.44	73.50	83.10	223.00
$41.45–$41.56	73.60	83.30	224.00
$41.57–$41.67	73.70	83.50	225.00
$41.68–$41.76	73.80	83.50	225.00
	73.90	83.70	226.00
$41.77–$41.88	74.00	83.90	227.00
$41.89–$42.00	74.10	83.90	227.00
$42.01–$42.11	74.20	84.10	228.00
$42.12–$42.20	74.30	84.30	229.00
$42.21–$42.32	74.40	84.30	229.00
$42.33–$42.44	74.50	84.50	230.00
$42.45–$42.56	74.60	84.70	231.00
$42.57–$42.68	74.70	84.70	231.00
	74.80	84.90	232.00
$42.69–$42.76	74.90	85.10	233.00
$42.77–$42.88	75.00	85.10	233.00
$42.89–$43.00	75.10	85.30	234.00
$43.01–$43.12	75.20	85.50	235.00
$43.13–$43.20	75.30	85.50	235.00
$43.21–$43.32	75.40	85.70	236.00
$43.33–$43.44	75.50	85.90	237.00
$43.45–$43.56	75.60	85.90	237.00
	75.70	86.10	238.00
$43.57–$43.68	75.80	86.30	239.00
$43.69–$43.76	75.90	86.30	239.00
$43.77–$43.89	76.00	86.50	240.00
$43.90–$44.00	76.10	86.70	241.00
$44.01–$44.12	76.20	86.70	241.00
$44.13–$44.20	76.30	86.90	242.00
$44.21–$44.33	76.40	87.10	243.00
$44.34–$44.44	76.50	87.10	243.00
	76.60	87.30	244.00
$44.45–$44.56	76.70	87.50	245.00
$44.57–$44.68	76.80	87.50	245.00
$44.69–$44.78	76.90	87.70	246.00
$44.79–$44.88	77.00	87.90	247.00
$44.89–$45.60	77.10	88.50	250.00
	77.20	88.50	250.00
	77.40	88.50	250.00
	77.50	88.50	250.00
	77.70	88.70	251.00
	77.80	88.90	252.00
	78.00	89.10	253.00
	78.10	89.30	254.00
	78.30	89.50	255.00
	78.40	89.70	256.00
	78.60	89.90	257.00
	78.70	90.10	258.00
	78.90	90.30	259.00
	79.00	90.50	260.00
	79.20	90.70	261.00
	79.30	90.90	262.00
	79.50	91.10	263.00
	79.60	91.30	264.00
	79.80	91.50	265.00
	79.90	91.70	266.00
	80.10	91.90	267.00
	80.20	92.10	268.00
	80.40	92.30	269.00
	80.50	92.50	270.00
	80.70	92.70	271.00
	80.80	92.90	$272.00
	81.00	93.10	273.00
	81.10	93.30	274.00
	81.30	93.50	275.00
	81.40	93.70	276.00
	81.60	93.90	277.00
	81.70	94.10	278.00
	81.90	94.30	279.00
	82.00	94.50	280.00
	82.20	94.70	281.00
	82.30	94.90	282.00
	82.50	95.10	283.00
	82.60	95.30	284.00
	82.80	95.50	285.00
	82.90	95.70	286.00
	83.10	95.90	287.00
	83.20	96.10	288.00
	83.40	96.30	289.00
	83.50	96.50	290.00
	83.70	96.70	291.00
	83.80	96.90	292.00
	84.00	97.10	293.00
	84.10	97.30	294.00
	84.30	97.50	295.00
	84.40	97.70	296.00
	84.60	97.90	297.00
	84.70	98.10	298.00
	84.90	98.30	299.00
	85.00	98.50	300.00

7. Section 404.216 is repealed.

8. Section 404.302 is amended to read as follows:

§ 404.302 *Amount of benefit payments.* Ordinarily, a beneficiary is paid the monthly benefit or lump sum to which he is entitled in the amount calculated as indicated in the succeeding sections of this subpart. In some instances the amount of the benefit paid for one or more months, or the lump sum paid, may be greater or less than the amount so calculated because of the provisions of Subparts E and F of this part. See those subparts for full explanation of the circumstances under which these changes occur. See also § 404.345 for conditions under which benefits will not be paid where the beneficiary is deported.

9. Section 404,309 (e) is amended to read as follows:

§ 404.309 *Husband's insurance benefit; conditions of entitlement.* • • •

(e) Was receiving at least one-half of his support (see § 404.332) from his wife (1) at the time she became entitled to old-age insurance benefits and he filed proof of such support within 2 years after the month in which she became so entitled, or (2) with respect to benefits under this section for months after August 1954 on the basis of applications filed after such month and then only if his wife was, without the application of section 202 (j) (1) of the act, entitled to a primary insurance benefit (see § 403.402 of this chaper, Regulations 3) under the act for August 1950, on the first day of the first month for which she was entitled to old-age insurance benefits (§ 404.303) and in which an event described in § 404.408 (a) did not occur and he filed proof of such support within 2 years after such first month; and

10. Section 404.319 (d) is amended to read as follows:

§ 404.319 *Widow's insurance benefits; conditions of entitlement.* • • •

(d) (1) Has either filed an application (see Subpart G of this part) for widow's insurance benefits, or (2) was entitled after she attained age 65 to wife's insurance benefits based upon the wages and self-employment income of her husband for the month preceding the month in which he died, or (3) was entitled on the basis of such wages and self-employment income to mother's insurance benefits for the month preceding the month in which she attained age 65; and

11. Paragraphs (f), (g) and (h) of § 404.322 are amended to read as follows:

§ 404.322 *Widower's benefits; conditions of entitlement.* • • •

(f) Was receiving at least one-half of his support (see § 404.322) from his wife (1) at the time of her death, or at the time she became entitled to old-age insurance benefits, if she was then a currently insured individual and (except as provided in § 404.1357) filed proof of such support within 2 years after the date of her death or the month in which she became entitled to old-age insurance benefits (whichever is appropriate), or (2) with respect to benefits under this section for months after August 1954 on the basis of an application filed after such month and then only if his wife was a currently insured individual and was, without the application of section 202 (j) (1) of the act, entitled to a primary insurance benefit (see § 403.402 of this chapter, Regulations 3) under the act for August 1950, on the first day of the first month for which she was entitled to old-age insurance benefits (§ 404.303) and in which an event described in § 404.408 (a) did not occur and he filed proof of such support within 2 years after such first month; and

(g) Is not entitled to an old-age insurance benefit which is equal to or greater than three-fourths of the primary insurance amount (see Subpart C of this part) of his deceased wife.

12. Section 404.325 (a) (5) is amended to read as follows:

§ 404.325 *Mother's insurance benefits; conditions of entitlement.* (a) • • •

(5) (i) Has filed application (see Subpart G of this part) for mother's insurance benefits, or (ii) was entitled to wife's insurance benefits on the basis of the wages and self-employment income of such deceased insured individual for the month preceding the month in which he died.

13. Section 404.328 (c) is amended to read as follows:

§ 404.328 *Parent's insurance benefits; conditions of entitlement.* • • •

(c) Was receiving at least one-half of his support (see § 404.332) from such individual at the time of such individual's death and (1) (except as provided in §§ 404.1319 and 404.1357) has filed proof of such support within 2 years after the date of such death, or (2) if such individual is a fully insured individual by reason of the provisions of § 404.107 (b), has filed proof of such support prior to September 1956; and

14. There is hereby added after § 404.333 a new section, designated as § 404.333a, to read as follows:

§ 404.333a *Minimum survivor's or dependent's benefits.* Whenever the amount of a monthly insurance benefit for any month, as determined under the preceding sections of this subpart (except an old-age insurance benefit, § 404.303), is, prior to any reduction under § 404.335 (b), less than $30 and no other individual is entitled, as determined under such preceding sections and without the application of section 202 (j) (1) of the act, to a monthly benefit for such month on the basis of the same wages and self-employment income, such monthly insurance benefit shall, prior to any reduction under § 404.335 (b), be increased to $30.

15. Section 404.338 (b) is amended to read as follows:

§ 404.338 *Lump-sum death payments; conditions of entitlement.* • • •

(b) An application (see Subpart G of this part) for such lump sum has, except as otherwise provided in Subpart G of this part or in § 404.339, been filed within 2 years after the date of death of such individual.

16. Section 404.339 is amended to read as follows:

§ 404.339. *Lump-sum death payments; to widow or widower.* If the deceased individual is survived by a widow or widower (see §§ 404.1104 and 404.1107) who was living with (see § 404.1111) such individual at the time of death, such widow or widower will become entitled to a lump-sum death payment upon filing application in accordance with §404.338, except that no such application is necessary where such widow or widower was entitled to a wife's or husband's insurance benefits, on the basis of wages and self-employment income of the deceased individual, for the month preceding the month of death of such individual.

17. Section 404.343 is amended to read as follows:

§ 404.343 *Lump-sum death payments; amount of payment.* The lump sum to which a widow or widower is entitled under § 404.339 is an amount equal to 3 times the primary insurance amount (see Subpart C of this part) of the deceased insured individual or $255, whichever is the smaller. Where payment is made to an applicant because he is equitably entitled to a lump sum under § 404.340 the amount payable to him will be determined as follows:

(a) If no person other than such applicant is or becomes equitably entitled under § 404.340 the amount payable will be an amount equal to whichever of the following is the least: the amount of the burial expenses paid by the applicant, 3 times the primary insurance amount of the deceased individual, or $255;

(b) If two or more persons are or become equitably entitled under § 404.340, the total lump sum which may be paid shall be whichever of the following is the least: three times the primary insurance amount, $255, or the total amount of burial expenses paid by all persons equitably entitled. Each equitably entitled applicant shall be paid that proportionate part of the lump sum which the burial expenses paid by such person bears to the total burial expenses paid by all persons equitably entitled, but in no event shall the amount paid to such person exceed the amount of burial expenses paid by him.

18. There is hereby added after § 404.344 a new section, designated as § 404.345, to read as follows:

§ 404.345 *Prohibition against payment of benefits or lump-sum death payment where individual is deported.* If an individual is, after September 1, 1954, deported under paragraph (1), (2), (4), (5), (6), (7), (10), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the Immigration and Nationality Act, then:

(a) No old-age insurance benefits shall be paid to such individual for any month occurring (1) after the month in which the Administration is notified by the Attorney General that such individual has been so deported and (2) before the month in which such individual is thereafter lawfully admitted to the United States for permanent residence;

(b) If no benefit could be paid to such individual (or if no benefit can be paid to him if he were alive) for any month by reason of paragraph (a) of this section, no monthly insurance benefit under the preceding provisions of this subpart shall be paid on the basis of his wages or self-employment income for such month to any other person who is not a citizen of the United States and is outside the United States for any part of such month; and

(c) No lump-sum death payment shall be paid on the basis of such individual's wages and self-employment income if he dies (1) in or after the month in which such notice is received and (2) before the month in which he is thereafter lawfully admitted to the United States for permanent residence.

19. Section 404.401 is amended to read as follows:

§ 404.401 *Modification in amount of benefits or lump-sum death payments.* Under certain conditions the amount of benefits and lump sums, as calculated under sections 202 (a)–202 (i) of the act, must be modified upward or downward in determining the amount actually to be paid to the beneficiary. The modifications in the amount calculated under those sections of the act occur where:

(a) Reductions of benefits are required under sections 202 (j) (1), 202 (k) (3), and 203 (a) of the act, or

(b) Increases are required under section 202 (m) or 215 (g) of the act, or

(c) Deductions from benefits or lump sums are required under section 203 (b), (c), (f), (g), or (i) of the act, section 907 of the Social Security Act Amendments of 1939, or section 101 (l) (3) of the Social Security Amendments of 1954, or

(d) Adjustment is required under section 204 (a) of the act, or

(e) Suspensions are required under section 202 (n) of the act.

20. Section 404.402 is amended to read as follows:

§ 404.402 *When reductions are required.* A reduction in the amount of benefits is required when for any month the total amount of benefits, calculated under section 202 (a) through (h), payable on the basis of the wages and self-employment income of an insured individual is more than $40 for months prior to September 1952, or $45 for months after August 1952 and prior to September 1954, or the larger of $50 or 1½ times the individual's primary insurance amount for months after August 1954, and exceeds one of the following amounts:

(a) $150 for months prior to September 1952, or $168.75 for months after August 1952 and prior to September 1954, or $200 for months after August 1954, or

(b) Eighty percentum of such individual's average monthly wage; or

(c) If any of such benefits are payable to a child who would, but for the provision in section 202 (k) (2) (A) of the act (see § 404.334) be entitled to benefits payable on the basis of the wages and self-employment income of one or more insured individuals, 80 percentum of the sum of the average monthly wages of all of such insured individuals.

21. Paragraph (a) of § 404.403 is amended to read as follows:

§ 404.403 *How reductions are made*—(a) *Applicability of provisions of § 404.402.* If, by reason of § 404.402, a reduction in the amount of benefits is required, each of such benefits (except an old-age insurance benefit) must be proportionately reduced so that the total of the benefits will be the amount stated in paragraph (a), (b), or (c) of such § 404.402, whichever is the least, except that if the conditions of paragraph (c) of § 404.402 exist, the limitation specified in paragraph (b) of § 404.402 shall not apply. In no case will the total amount of benefits for any month be reduced to the amount less than $40 for months prior to September 1952, or $45 for months after August 1952 and prior to September 1954, or the larger of $50 or 1½ times the insured individual's primary insurance amount for months after August 1954.

22. The heading of § 404.403 (b) is amended to read as follows:

(b) *Circumstances under which provisions of § 404.402 are inapplicable with respect to benefits for months prior to September 1954.* * * *

23. Section 404.403 is amended by adding at the end thereof, two new paragraphs, designated as paragraphs (c) and (d), to read as follows:

(c) *Circumstances under which provisions of § 404.402 are inapplicable with respect to benefits after August 1954.* The provisions of § 404.402 will not apply where:

(1) An individual was entitled (without the application of section 202 (j) (1) of the act) to an old-age insurance benefit under section 202 (a) of the act for August 1954; and

(2) One or more other persons were entitled (without the application of such section 202 (j) (1) of the act) to monthly benefits under section 202 on the basis of the wages and self-employment income of the individual referred to in subparagraph (1) of this paragraph; and

(3) The total of benefits to which all persons are entitled on the wages and self-employment income of the individual referred to in subparagraph (1) of this paragraph for any month subsequent to August 1954 for which such individual is entitled to such old-age insurance benefit would, because of the increase in benefits resulting from the Social Security Amendments of 1954 and the application of the maximum provisions appearing in § 404.402, be reduced to an amount lower than the total of such benefits to which such persons were entitled for August 1954. In such a case the total benefits payable for such subsequent month will not be reduced below the amount by which such individual's old-age insurance benefit for August 1954 would have been increased had the Social Security Amendments of 1954 been applicable in such month, plus the total benefits payable after August 1954 after the application of § 404.402, or the total benefits as determined by the provisions of paragraph (b) of this section whichever of such total benefits is the larger.

(d) *Circumstances under which § 404.401 (b) will be modified.* Where:

(1) Two or more persons are entitled (without the application of section 202 (j) (1) of the act) to monthly benefits under section 202 of the act for August 1954 on the basis of the wages and self-employment income of the deceased individual; and

(2) The total of benefits to which all such persons are entitled on the basis of such deceased individual's wages and self-employment income for any month after August 1954 would, but for the provisions of this paragraph, be reduced under the provisions of § 404.402 (b) to 80 percentum of such individual's average monthly wage;

then, for purposes of such paragraph (b) of such section, such individual's average monthly wage shall be the larger of his average monthly wage as determined under § 404.237, or his average monthly wage as determined under § 404.205, plus $7.

24. Section 404.406 is amended to read as follows:

§ 404.406 *Increases of benefits*—(a) *Increases to the next multiple of 10 cents.* If any monthly benefit computed under the provisions of section 202 of the act is not a multiple of 10 cents, it will be increased to the next higher multiple of 10 cents.

(b) *Increase of survivor's and dependent's benefits.* Under certain conditions, the monthly insurance benefit payable to an individual (except a

benefit payable under section 202 (a) of the act) may, if it is less than $30, be increased to $30 (see § 404.333a).

25. Section 404.407 is amended to read as follows:

§ 404.407 *Relationship between deductions, reductions, adjustments, and increases.* Reductions under § 404.402 and increases under § 404.406 (a) are made after making any deductions which may be required under subsection (b), (c), (f), (g), or (i) of section 203 of the act or under section 907 of the Social Security Act Amendments of 1939. However, reductions under § 404.402 are made before reductions under § 404.405, increases under § 404.406 (a) or adjustments under section 204 (a) of the act.

26. Section 404.408 is amended to read as follows:

§ 404.408 *Deductions imposed because an individual works*—(a) *When deductions imposed.* Deductions are to be made from any benefit or benefits payable to an individual and from any wife's, child's, or husband's insurance benefits payable to his wife, child, or husband with respect to such individual's wages and self-employment income for any month:

(1) Prior to September 1952, in which such individual under age 75 renders services for wages, as defined in §§ 404.1026 to 404.1027, of more than $50, or

(2) After August 1952 and prior to the first month of individual's first taxable year beginning after 1954, in which such individual was under age 75, with respect to months prior to 1955, or under age 72, with respect to months after 1954, and in which he renders services for wages, as defined in §§ 404.1026 to 404.1027, of more than $75, or

(3) In which such individual is charged in accordance with the provisions of § 404.414, with net earnings from self-employment of more than $50 or $75, as the case may be, or

(4) In which such individual is charged, in accordance with the provisions of § 404.414 with earnings, or

(5) After December 1954, in which such individual is under age 72 and on seven or more different calendar days in which he is engaged in noncovered remunerative activity outside the United States (§ 404.418).

For the purposes of determining whether under subparagraph (1) or (2) of this paragraph an individual has rendered services for wages of more than $50 or $75, whichever is applicable, the provisions of section 209 of the act which, for other purposes, limits the wages in a calendar year prior to 1951 to $3,000, after 1950 and prior to 1955 to $3,600, and after 1954 to $4,200, do not apply. (For circumstances under which deductions will be imposed where an individual's services are covered retroactively by an agreement under section 218 of the act and benefits are recomputed to include remuneration for such services, see § 404.265 (c).)

(b) *Amount of deductions.* The amount to be deducted shall be equal to the benefit or total of benefits payable to the individual and to the wife's, child's, or husband's benefit payable to such individual's wife, child, or husband, on the basis of his wages and self-employment income, in the month in which the event specified in any of the subparagraphs of paragraph (a) of this section occurred.

27. Section 404.412 is amended to read as follows:

§ 404.412 *Total amount to be deducted.* If, however, any of the events occasioning the deduction under § 404.408 and § 404.409 occurs in more than one month, the total amount to be deducted is equal to the sum of the deductions for all months in which any such event occurred. With respect to net earnings from self-employment under paragraph (a) (3) of § 404.408 and earnings under paragraph (a) (4) of § 404.408, a deduction event is deemed to have occurred in any month to which any excess of net earnings from self-employment or earnings, as the case may be, is charged (see § 404.414).

28. Section 404.414 is amended to read as follows:

§ 404.414 *Charging of earnings and net earnings from self-employment.* Prior to the Social Security Amendments of 1954 an individual was charged only on the basis of his net earnings from self-employment as that term is defined in § 404.1050. Enactment of such amendments eliminated such charging and provided for charging on the basis of his earnings, as that term is defined in § 404.417. Paragraphs (a), (b) and (c) of this section provide the method by which an individual will be charged with either earnings or net earnings from self-employment, as the case may be.

(a) *For taxable years ending prior to September 1952.* The following rules will apply in determining the amount of an individual's net earnings from self-employment that are to be charged to a particular month for purposes of deductions (§ 404.408) with respect to taxable years ending prior to September 1952:

(1) If the individual's net earnings from self-employment for the taxable year are not more than $50 times the number of months in such taxable year, each month in such year shall be charged with $50 or less; or

(2) If his net earnings from self-employment exceed that amount, each month of such year is first charged with $50. The first $50 of the excess (or the whole of the excess if it is less than $50) is charged to the latest month of the taxable year. The next $50 of the excess, if any (or the whole of the excess if it is less than $50) is charged to the next preceding month and so on until all of the excess is charged or every month to which a portion of the excess is chargeable has been charged with a part of such excess.

(b) *For taxable years ending after August 1952 and prior to the beginning of the individual's first taxable year after 1954.* The rules for charging net earnings from self-employment appearing in paragraph (a) of this section shall apply with respect to taxable years ending after August 1952 and prior to the beginning of the first taxable year after 1954, except that such charging shall be on the basis of $75 per month rather than $50 per month. Where an individual's taxable year ends in 1955 (other than the taxable year ending on December 31, 1955) and he has net earnings from self-employment by reason of section 101 (g) (1), (2), or (4) or section 101 (d) of the Social Security Amendments of 1954, his net earnings from self-employment for his taxable year ending in 1955 shall be credited equally to the last quarter of such taxable year and the three preceding quarters. Only that amount of net earnings from self-employment credited to quarters after 1954 shall be chargeable under this paragraph, but in no event will such net earnings from self-employment be charged to months prior to 1955.

(c) *For taxable years beginning after 1954.* With respect to taxable years beginning after 1954 and for purposes of deductions (§ 404.408) an individual will be charged only on the basis of his earnings and then only if such earnings in his taxable year exceed $100 times the number of months in such year. Where there is such an excess, the first $80 of such excess (or the whole of the excess, if it is less than $80) is charged to the latest month in the taxable year. The next $80 of the excess, if any (or the whole of the excess, if it be less than $80) is charged to the next preceding month and so on until all of the excess is charged or every month to which a portion of the excess is chargeable has been charged with a part of such excess.

29. Section 404.415 is amended to read as follows:

§ 404.415 *Months to which earnings and net earnings from self-employment cannot be charged*—(a) *Net earnings from self-employment.* Notwithstanding the provisions of § 404.414 net earnings from self-employment in excess of $50 times the number of months in the taxable year, if such taxable year ended prior to September 1952, or $75 times the number of months in the taxable year, if such taxable year ended after August 1952 and prior to the individual's first taxable year beginning after 1954 shall not be charged to any month:

(1) In which such individual was not entitled to a benefit;

(2) In which the individual performed services for wages for which he suffered deductions under § 404.408;

(3) In which the individual is a wife, widow, or a former wife divorced who suffers a deduction because of the occurrence of the event specified in § 404.409;

(4) In which the individual was 75 years of age or over with respect to months prior to 1955, or 72 years of age or over with respect to months after 1954; or

(5) In which the individual did not engage in self-employment.

(b) *Earnings.* Notwithstanding the provisions of § 404.414, earnings in excess of $100 times the number of months in the taxable year beginning after 1954 shall not be charged to any month:

(1) In which such individual was not entitled to a benefit;

(2) In which the individual was engaged in noncovered remunerative activity outside the United States for which he suffered a deduction under § 404.408;

(3) In which the individual is a wife, widow, or a former wife divorced who suffers a deduction because of the occurrence of the event specified in § 404.409;

(4) In which the individual was age 72 or over; or

(5) In which the individual did not engage in self-employment and did not render services for wages, as defined in § 404.417, of more than $80.

A person shall be deemed to have engaged in self-employment in any month if in such month he renders substantial services, as defined in § 404.416, in operating a trade or business as owner or partner, even though there may be no earnings or net earnings from self-employment attributable to his services for such month. For purposes of paragraph (b) (5) of this section, an individual will be presumed with respect to any month to have rendered services for wages, as defined in § 404.417, of more than $80 until it is shown to the satisfaction of the Administration that such individual did not render services in such month for more than such amount.

30. Section 404.416 is amended to read as follows:

§ 404.416 *Definition of "substantial services."* For the purposes of § 404.415 an individual is presumed to have rendered substantial services in each month in his taxable year. However, he may submit evidence to establish that in any month in such taxable year he did not render substantial services with respect to any trade or business the net income or loss of which is includible in computing his net earnings from self-employment for any taxable year if such taxable year ends prior to his first taxable year beginning after 1954, or in computing his earnings (but without regard to § 404.417 (b)) for any taxable year if such taxable year begins after 1954. In determining whether an individual has rendered such substantial services in a month, the particular facts in each case will be examined. The following factors, among others, will be considered in making the determination:

(a) The amount of time devoted to the trade or business,

(b) The amount of capital invested in the trade or business,

(c) The nature of the services rendered by the beneficiary,

(d) The seasonal nature of the trade or business,

(e) The presence or absence of a paid manager, a partner, or a family member who manages the business,

(f) The type of business establishment that is involved, and

(g) The relationship of the activity performed prior to the period of retirement with that performed subsequent to retirement.

Example. X, who was entitled to old-age insurance benefits during the entire year and was under 72 years of age, owned and actively operated a fruit stand during part of the year (June 15 through September 15). His net earnings from the business amounted to $1,610. During the month of October he worked a few hours a day as an employee at a neighborhood store and received wages therefor of $90. His total earnings for the taxable year were $1,700. In order to determine whether the benefits payable to X are subject to deductions because of his earnings, the excess over $1,200 (i. e., $500) will be charged to the following months: $80 to October since he rendered services for wages of more than $80 in that month, $80 to September, $80 to August, $80 to July, $80 to June, since in the months June-September he was engaged in self-employment. There would be no charging to the months of January through May and November and December since X did not engage in self-employment, nor did he render services for wages of more than $80 during those months. Therefore, deductions will be imposed against X's benefits only for the months of June, July, August, September, and October.

31. Section 404.417 is amended to read as follows:

§ 404.417 *Definition of earnings.* When the term "earnings" is used in this subpart and not as a part of the phrase "net earnings from self-employment," it shall mean an individual's earnings with respect to a taxable year beginning after 1954 and includes the sum of his wages, as defined in paragraph (b) of this section, for services rendered in such year and his net earnings from self-employment, as defined in paragraph (a) of this section, for such year minus any net loss from self-employment, as defined in paragraph (a) of this section, for such year.

(a) *Net earnings from self-employment and net loss from self-employment.* An individual's net earnings from self-employment and his net loss from self-employment for the purposes of this section and § 404.416, shall be determined under the provisions of section 211, but without regard to the provisions in paragraphs (1), (4), and (5) of subsection (c); any excess of income over deductions so resulting from such computation shall be his net earnings from self-employment and any excess of deductions over income so resulting shall be his net loss from self-employment.

(b) *Wages.* For purposes of this section, and §§ 404.415 (b), 404.423, 404.424, an individual's wages shall be determined under section 209, but without regard to the limitations as to amounts of remuneration specified in subsections (a), (g) (2), (g) (3), (h) (2), and (j) of such section 209; and in making such computation, services which do not constitute "employment" as defined in section 210 of the act performed within the United States by an individual as an employee shall be deemed to be employment as so defined if the remuneration for such services is not includible in computing his net earnings from self-employment or net loss from self-employment, as defined in paragraph (a) of this section.

(c) *Presumptions concerning wages.* For purposes of this section wages, as determined under paragraph (b) of this section, which according to reports received by the Administration are paid to an individual during a taxable year shall be presumed to have been paid to him for services rendered in such year until it is shown to the satisfaction of the Administration that they were paid for services rendered in another taxable year. If such reports with respect to an individual show his wages for a calendar year, such individual's taxable year shall be presumed to be a calendar year for purposes of this section until it is shown to the satisfaction of the Administration that his taxable year is not a calendar year.

32. Section 404.418 is amended to read as follows:

§ 404.418 *Definition of noncovered remunerative activity outside the United States.* An individual shall be considered to be engaged in noncovered remunerative activity outside the United States if he performs services outside the United States as an employee and such services do not constitute "employment" as defined in section 210, or if he carries on a trade or business outside the United States (other than the performance of his services as an employee) the net income or loss of which is not includible in computing his net earnings from self-employment, as defined in § 404.1050, for a taxable year and would not be excluded from net earnings from self-employment if carried on in the United States by any of the number of paragraphs of section 211 (a). When used in the preceding sentence with respect to a trade or business (other than the performance of services as an employee) the term "United States" does not include Puerto Rico or the Virgin Islands in the case of an alien who is not a resident of the United States (including Puerto Rico and the Virgin Islands); and the term "trade or business" shall have the same meaning as when used in section 162 of the Internal Revenue Code of 1954.

33. Section 404.419 is amended to read as follows:

§ 404.419 *Reports to the Administration of certain events occasioning deductions.* Section 203 (f) of the act imposes upon an individual the obligation to report to the Administration the occurrence of any of the events enumerated in subsection (b) or (c) of section 203 of the act (other than events described in subsection (b) (1) or (c) (1) thereof) if such individual is in receipt of benefits (on his own behalf or on behalf of another) from which a deduction is to be made under such subsections.

34. Section 404.420 is amended to read as follows:

§ 404.420 *Imposition of additional deductions for failure to report deduction event.* If the individual referred to in § 404.419 fails to report to the Administration the occurrence of any event occasioning a dedutcion prior to the receipt and acceptance of a benefit for the second month following the month in which the event occurred, a deduction is made in addition to that required under section 203 (b) or (c) of the act.

35. Section 404.421 is amended to read as follows:

§ 404.421 *Amount of additional deduction.* The amount of an additional deduction required under § 404.420 and

the manner in which it is effected are the same as provided for deductions under section 203 (b) or (c) of the act as may be modified by the application of section 203 (h) of the act, except that the amount of the first additional deduction imposed against any individual shall equal the deduction imposed for the first month in which an unreported deduction event occurred, even though the failure to report is with respect to more than one month.

36. Section 404.422 is amended to read as follows:

§ 404.422 *Imposition and collection of additional deductions for months prior to September 1954.* After August 31, 1954, no additional deduction shall be imposed under section 203 (f) in effect prior to the Social Security Amendments of 1954 on account of a beneficiary's failure to report services rendered for wages which, pursuant to section 203 (b) (1) of the act in effect prior to such amendment (§ 404.408 (a) (1) and (2)) caused a deduction from benefits. Any additional deduction imposed under such subsection 203 (f) prior to September 1, 1954, on account of an event occasioning a deduction under section 203 (b) (1) of the act in effect prior to the Social Security Amendments of 1954 (§ 404.408 (a) (1) and (2)) shall not reduce or affect any benefits paid or payable after August 1954.

37. Section 404.423 is amended to read as follows:

§ 404.423 *Reports to Administration of earnings or net earnings from self-employment.* Section 203 (g) of the act imposes upon an individual entitled to any monthly benefit under section 202 of the act during a taxable year (or the individual in receipt of such benefits on his behalf) the obligation to report to the Administration the amount of his earnings (or wages, as defined in §404.417 (b)) or net earnings from self-employment for any such taxable year.

(a) *Net earnings from self-employment.* With respect to taxable years ending prior to the first taxable year beginning after 1954, such individual is required to report his net earnings from self-employment for any such taxable year, when such net earnings from self-employment exceed the product of $50 or $75, whichever is applicable (see § 404.414), times the number of months in such year provided that the individual so entitled had not attained the age of 75 in or prior to the first month of such year.

(b) *Earnings.* With respect to taxable years beginning after 1954, such individual is required to file a report of his earnings, as defined in § 404.417 or his wages, as defined in § 404.417 (b) for any such taxable year when such earnings or wages, as the case may be, exceed the product of $100 times the number of months in such taxable year provided that the individual so entitled had not attained the age of 72 in or prior to the first month of such year.

The report for any taxable year must be filed with the Social Security Administration on or before the 15th day of the third month following the close of such year. The filing of an income tax return with respect to such individual's self-employment income is not such a report. The report to the Administration shall be made on such forms and in accordance with such instructions (printed thereon or attached thereto) as are prescribed by the Administration. The prescribed form may be obtained from any office of the Bureau.

38. Section 404.424 is amended to read as follows:

§ 404.424 *Imposition of additional deduction where individual fails to report earnings or net earnings from self-employment*—(a) *Failure to report earnings.* If an individual fails to make a timely report of his earnings or wages, as specified in § 404.423, with respect to the taxable years specified in such section and at least one deduction is imposed because of his earnings (see § 404.408) he shall suffer additional deductions.

(1) *First failure.* If such failure is the first one, one additional deduction will be imposed in an amount equal to his benefits for the last month of such taxable year to which he was entitled to such benefit.

(2) *Second failure.* If such failure is the second one, an additional deduction will be imposed equal to two times his benefit or benefits for the last month in such taxable year to which he was entitled to such benefit.

(3) *Third or subsequent failure.* If such failure is the third or subsequent one, an additional deduction will be imposed equal to three times his benefit or benefits for the last month of such taxable year for which he was entitled to such benefit.

Notwithstanding the preceding provisions of this section, the number of additional deductions required by this paragraph shall not exceed the number of months in such taxable year for which such individual received and accepted insurance benefits and for which deductions are imposed by reason of such earnings. In determining whether failure to report earnings is the first or subsequent failure for any individual, all taxable years ending prior to the imposition of the first additional deduction under this paragraph, other than the latest one of such years, shall be disregarded.

(b) *Failure to report net earnings from self-employment.* After August 31, 1954, no additional deductions under section 203 (g) of the act in effect prior to the Social Security Amendments of 1954 will be imposed for the failure of an individual to report his net earnings from self-employment for taxable years as specified in § 404.423 (a). Any additional deduction imposed under such section 203 (g) prior to September 1, 1954, will not reduce or affect any benefit paid or payable after August 1954.

39. There is added immediately following § 404.424 a new section, designated as § 404.424a to read as follows:

§ 404.424a *Good cause for failure to make required reports*—(a) *When good cause is found to exist.* The failure of an individual to make any report required by § 404.419 or § 404.423 within the time prescribed therein shall not be regarded as such a failure if he affirmatively establishes to the satisfaction of the Administration that his failure to file a timely report was due to good cause and not due to any wilful neglect. In determining whether good cause has been established, due regard shall be given to the nature of the provisions regarding deductions and to the circumstances involved in each particular case. This would involve, for example, cases where failure to file timely reports was caused by:

(1) Serious illness of the individual or by death or serious illness in his immediate family,

(2) Inability of the individual to obtain, within the time required to file the report, earnings information from his employer because of death or serious illness of the employer or one in his immediate family, or unavoidable absence of his employer, or destruction by fire or other damage of the employer's place of business or his records,

(3) Destruction by fire or other damage of the individual's place of business or business records,

(4) Transmittal of such report, within the time required to file the report, in good faith to another Government agency,

(5) Unawareness of the statutory provision combining wages and net earnings from self-employment, provided the individual was awarded benefits before 1955 and has $1,200 or less in earnings from each source, or unawareness that noncovered as well as covered earnings are counted for deduction purposes, provided the individual was awarded benefits before 1955 and has covered earnings of $1,200 or less,

(6) Unawareness of the statutory provision that an annual report is required where earnings exceed $1,200 for the year in which individual attained age 72,

(7) Belief that the statutory provision requiring that Federal income tax returns for a calendar year be filed by April 15 also applied to the annual report, provided the individual filed an annual report with the Administration before April 16,

(8) Erroneous information furnished to the individual by an employee of the Administration,

(9) Failure on the part of the Administration to furnish forms in sufficient time for an individual to complete and file the report on or before the date it was due, provided he made a timely request to the Administration for such forms,

(10) Belief that an extension of time granted by the Internal Revenue Service for filing income tax returns was also applicable to the anual report to be made to the Administration,

(11) Reliance on continuing issuance of checks after individual correctly reported a deduction event to the Administration and the individual was not furnished an annual report by the Administration for completion for that year.

(b) *When good cause is not found to exist.* Generally, an individual will not

be regarded as having established good cause where, after having been found to have good cause for a failure to file a timely report for an earlier year, he again fails to file a timely report under the same or similar circumstances.

40. Section 404.425 is amended to read as follows:

§ 404.425 *Suspensions of benefits currently because individual worked or engaged in self-employment*—(a) *Circumstances under which benefits may be suspended.* If the Administration determines, on the basis of information obtained by or submitted to it, that it may reasonably be expected that an individual entitled to benefits under section 202 for any taxable year will suffer deductions imposed under section 203 (b) (see § 404.408) by reason of his earnings or net earnings from self-employment for such year, the Administration may, before the close of such taxable year, suspend the payment for each month in such year (or for only such months as the Administration may specify) of the benefits payable on the basis of such individual's wages and self-employment income. Such suspension shall remain in effect with respect to the benefits for any month until the Administration has determined whether or not any deduction is imposed for such months under section 203 (b).

(b) *Request for report to Administration during taxable year.* The Administration may, before the close of the taxable year of an individual entitled to benefits during such year, request of such individual that he make, at such time or times as the Administration may specify, a declaration of his estimated earnings or net earnings from self-employment for the taxable year and that he furnish to the Administration such other information with respect to such earnings or net earnings from self-employment as the Administration may specify. A failure by such individual to comply with any such request shall in itself constitute justification for a determination under this section that it may reasonably be expected that the individual will suffer deductions imposed under section 203 (b) by reason of his earnings or net earnings from self-employment for such year.

(c) *Request for report to Administration after close of taxable year.* If, after the close of a taxable year which begins after 1954 of an individual entitled to benefits under section 202 for such year, the Administration requests such individual to furnish a report of his earnings for such taxable year or any other information with respect to such earnings which the Administration may specify and if the individual fails to comply with such request, such failure shall, in itself, constitute justification for a determination that such individual's benefits are subject to deductions under § 404.408 for each month in any such taxable year (or only for such months thereof as the Administration may specify) by reason of his earnings for such year.

41. Section 404.426 is amended by inserting at the end of paragraph (b) thereof a new paragraph, hereby designated as (c), to read as follows:

(c) *Effective date of repeal of section 203 (i) of the act.* The provisions of this section shall not be applicable with respect to any benefits for months after August 1954. Effective September 1, 1954, this section is no longer operative.

42. Section 404.427 is amended to read as follows:

§ 404.427 *Deduction under section 907 of the Social Security Act Amendments of 1939.* Section 907 of the Social Security Act Amendments of 1939 provides for deductions from benefits and lump-sum death payments in cases where the taxes imposed by section 1400 of the Internal Revenue Code of 1939:

(a) With respect to a wage earner's employment in 1939 and subsequent to his attaining age 65; or

(b) With respect to services which constitute employment by virtue of section 209 (o) of the Act in effect prior to the Social Security Act Amendments of 1950 have neither been deducted by his employer from the wages paid him for services in such employment nor paid by such employer. The total amount to be deducted is an amount equal to 1 percent of such wages with respect to which taxes have neither been deducted nor paid by the employer. The provisions of such section 907 as referred to in paragraph (a) hereof shall not be applicable with respect to any benefits for months after August 1954 and effective September 1, 1954, are no longer operative.

43. Section 404.501 is amended to read as follows:

§ 404.501 *General applicability of section 204 (a).* Section 204 (a) of the act provides for adjustments, as set forth in §§ 404.502 and 404.503, in cases where an error has been made which results in an overpayment or underpayment to an individual under title II of the act, including overpayments and underpayments prior to January 1940. The provisions for adjustment also apply in cases where, through error,

(a) A reduction required under section 203 (a), 202 (j) (1), 202 (k) (3) of the act, or

(b) An increase required under section 202 (d) (2), 202 (m), and 215 (g), or

(c) A deduction required under section 203 (b) (as may be modified by section 203 (h)), (c), or (i) of the act or section 907 of the Social Security Act Amendments of 1939, or

(d) A suspension under section 202 (n) is not made, or where such a reduction, increase, deduction, or suspension is made which is either larger or smaller than required. As used in this part, the term "overpayment" includes a payment where nothing was payable under title II of the act and a payment resulting from the failure to impose timely deductions under section 203 (b) (as may be modified by section 203 (h)), or (c) of the act (hereinafter referred to as a "deduction-overpayment"). The term "underpayment" includes nonpayment where some amount was payable under that title.

44. Section 404.504 is amended to read as follows:

§ 404.504 *Relation to provisions for reductions and increases.* The amount of an overpayment or underpayment of a benefit is the difference between the amount paid to the beneficiary and the amount of such benefit as reduced under section 203 (a), 202 (j) (1) or 202 (k) (3), or as increased under section 202 (d) (2), 202 (m), or 215 (g). Likewise, in effecting an adjustment with respect to an overpayment, no amount can be considered as having been withheld from a particular benefit, which is in excess of the amount of such benefit as so decreased.

45. Section 404.1001 is amended by adding at the end thereof a new paragraph, designated as (w), to read as follows:

§ 404.1001 *General definitions and use of terms.* * * *

(w) "Social Security Amendments of 1954" means the act approved on September 1, 1954 (68 Stat. 1052)

(Secs. 205, 1102, 49 Stat. 624, 647, as amended; 42 U. S. C. 405, 1302. Interprets or applies 68 Stat. 1052)

[SEAL] CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: April 11, 1955.

ROSWELL B. PERKINS,
Acting Secretary.

[F. R. Doc. 55-3170; Filed, Apr. 20, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-165]

PART 23—MILK AND ICE CREAM CAN INDUSTRY

ORDER RESCINDING RULES

Whereas on July 15, 1931, the Commission promulgated trade practice rules for the Milk and Ice Cream Can Industry, which were codified in the Code of Federal Regulations (16 CFR Part 23); and

Whereas it appears that the said rules for this industry do not in some respects accurately reflect existing requirements of law, and members of this industry generally are not interested in having such rules revised; and

Whereas under the circumstances proceedings for revision of the rules for this industry do not appear to be warranted:

It is ordered, That the said rules be and the same are hereby rescinded.

Issued: April 18, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-3290; Filed, Apr. 20, 1955; 8:53 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

MOUNT RAINIER NATIONAL PARK; SPEED

Paragraph (c) *Speed,* of § 20.5 *Mount Rainier National Park,* is amended to read as follows:

(c) *Speed.* The maximum speed of automobiles and other vehicles, except in emergencies as provided in § 1.42 (b) of this chapter, shall not exceed the following prescribed limits when appropriate signs giving notice thereof are erected:

(1) 15 miles per hour:

(i) When approaching or upon a curve or any other part of a road or highway in the event the driver's view is obstructed within a distance of 100 feet along the road or highway in the direction in which such driver is proceeding.

(2) 20 miles per hour:

(i) In any business or residence district.

(ii) Upon that portion of any road or highway which passes through or borders upon a public campground, parking area, or other place of public assemblage.

(3) 35 miles per hour:

(i) On U. S. Highway No. 410 from Chinook Pass to its junction with the East Side Road at Cayuse Pass.

(ii) On the Sunrise (Yakima Park) Road between its junction with the White River Campground Road and Sunrise.

(iii) On the White River Campground Road.

(iv) On the Carbon River Road.

(v) On the road from the Nisqually Park Entrance to Paradise.

(vi) On the West Side Road.

(vii) On the Mowich Lake Road.

(4) 45 miles per hour:

(i) On the East Side Road between its junction with U. S. Highway No. 410 at Cayuse Pass and the south park boundary.

(ii) On the Sunrise (Yakima Park) Road between its junction with U. S. Highway No. 410 and its junction with the White River Campground Road.

(5) 50 miles per hour:

(i) On U. S. Highway No. 410 between the north park boundary and its junction with the East Side Road at Cayuse Pass.

(6) Trucks of a ton and one-half capacity or over, 30 miles per hour except on U. S. Highway No. 410 between the north park boundary and its junction with the East Side Road at Cayuse Pass.

(7) Trucks of a ton and one-half capacity or over, 40 miles per hour on U. S. Highway No. 410 between the north park boundary and its junction with the East Side Road at Cayuse Pass.

(8) Vehicles towing trailers or other vehicles of any kind, 30 miles per hour, except on U. S. Highway No. 410 between the north park boundary and its junction with the East Side Road at Cayuse Pass.

(9) Vehicles towing trailers or other vehicles of any kind, 40 miles per hour on U. S. Highway No. 410 between the north park boundary and its junction with the East Side Road at Cayuse Pass.

(10) In every event, vehicles shall be driven or operated at appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow and winding road, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or roadway conditions.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 29th day of March 1955.

[SEAL] PRESTON P. MACY,
Superintendent,
Mount Rainier National Park.

[F. R. Doc. 55-3269; Filed, Apr. 20, 1955; 8:49 a. m.]

PART 20—SPECIAL REGULATIONS

ROCKY MOUNTAIN NATIONAL PARK; SPEED

Add new paragraph (g) *Speed,* to § 20.7 *Rocky Mountain National Park,* to read as follows:

(g) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42 (b) of this chapter, are as follows:

(1) 40 miles per hour:

(i) Between the National Park boundary at the Grand Lake Entrance and the Phantom Valley Trading Post.

(2) 35 miles per hour:

(i) All other roads in the Park.

(3) As provided in § 1.42 (a) of this chapter, vehicles shall be operated at an appropriate reduced speed where so posted or when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow and winding road, and when special hazards exist with respect to pedestrians or other traffic, or by reason of weather or roadway conditions.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 31st day of March 1955.

[SEAL] JAMES V. LLOYD,
Superintendent,
Rocky Mountain National Park.

[F. R. Doc. 55-3270; Filed, Apr. 20, 1955; 8:49 a. m.]

PART 20—SPECIAL REGULATIONS

ZION AND BRYCE CANYON NATIONAL PARKS; SPEED

Paragraph (d) *Speed,* of § 20.10 *Zion and Bryce Canyon National Parks,* is amended to read as follows:

(d) *Speed.* Speed in the Parks, except in emergencies as provided in § 1.42 (a) of this chapter, is limited to 35 miles per hour except where lower limits are prescribed and posted.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 16th day of March 1955.

[SEAL] PAUL R. FRANKE,
Superintendent, Zion and Bryce Canyon National Parks.

[F. R. Doc. 55-3271; Filed, Apr. 20, 1955; 8:49 a. m.]

PART 20—SPECIAL REGULATIONS

LASSEN VOLCANIC NATIONAL PARK; SPEED

Paragraph (e) *Speed,* of § 20.11 *Lassen Volcanic National Park,* is amended to read as follows:

(e) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42 (b) of this chapter, are as follows:

(1) 25 miles per hour:

(i) On the Hat Creek Road, Butte Lake Road, Warner Valley Road, and Juniper Lake Road.

(2) 20 miles per hour

(i) In any business, residential, or Government service area.

(ii) Upon that portion of any road or highway which passes through or borders upon a public campground, picnic area, parking area, or other place of public assemblage.

(3) In every event, vehicles shall be driven or operated at appropriate reduced speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow and winding road, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or roadway conditions.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 5th day of April 1955.

[SEAL] EDWARD D. FREELAND,
Superintendent,
Lassen Volcanic National Park.

[F. R. Doc. 55-3272; Filed, Apr. 20, 1955; 8:49 a. m.]

PART 20—SPECIAL REGULATIONS

EVERGLADES NATIONAL PARK

1. Paragraph (k) *Unattended property,* is added to § 20.45 *Everglades National Park,* reading as follows:

(k) *Unattended property.* No person shall leave unattended for more than 30 days any boat, airboat, houseboat, barge, or other floating property, or fish net, bait trap, crab trap, or other device used in catching products of the sea.

2. Paragraph (l) *Reckless operation of boats,* is added to § 20.45 *Everglades National Park,* reading as follows:

(l) *Reckless operation of boats.* The operation of any boat on waters of Everglades National Park in a careless or heedless manner, in willful or wanton disregard of the rights or safety of others, or without due caution and at speed or in a manner so as to endanger or be likely to endanger any person or property is prohibited.

(1) *Speed of boats.* Except where different speed limits are indicated by posted signs or markers, speed of boats shall not exceed 40 miles per hour in the waters of the Park.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 25th day of March 1955.

[SEAL] DANIEL B. BEARD,
Superintendent,
Everglades National Park.

[F. R. Doc. 55-3273; Filed, Apr. 20, 1955; 8:50 a. m.]

PART 20—SPECIAL REGULATIONS

THEODORE ROOSEVELT NATIONAL MEMORIAL PARK; SPEED

Part 20 is amended by adding a new § 20.50 reading as follows:

§ 20.50 *Theodore Roosevelt National Memorial Park*—(a) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42 (b) of this chapter, are as follows:

(1) 15 miles per hour:

(i) In public campgrounds including approach and exit roads to campgrounds so posted.

(ii) Headquarters areas including approach and exit roads so posted.

(2) 35 miles per hour:

(i) On all public roads in the park, except that vehicles shall be operated at safe driving speeds as provided in § 1.42 (a) of this chapter.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 22d day of March 1955.

[SEAL] JOHN W. JAY, JR.,
Superintendent.

[F. R. Doc. 55-3274; Filed, Apr. 20, 1955; 8:50 a. m.]

PART 20—SPECIAL REGULATIONS

SCOTTS BLUFF NATIONAL MONUMENT; SPEED

Part 20, Special Regulations, is amended by adding a new § 20.53 to read as follows:

§ 20.53 *Scotts Bluff National Monument*—(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed 25 miles per hour on any of the Monument roads unless different speed limits are indicated by posted signs or markers.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 4th day of April 1955.

[SEAL] FRANK H. ANDERSON,
Superintendent,
Scotts Bluff National Monument.

[F. R. Doc. 55-3275; Filed, Apr. 20, 1955; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1905]

PART 196—PHOSPHATE LEASES AND USE PERMITS

SIZE OF LEASEHOLD AND LIMITATION OF ACREAGE HOLDINGS

Section 196.2 (b) is amended to read as follows:

§ 196.2 *Size of leasehold and limitation of acreage holdings.* * * *

(b) A lessee, upon a showing that the leased deposits extend into adjoining Federal lands may, upon application to be filed in the Land Office, be granted, subject to the acreage limitation under paragraph (a) of this section, a lease for additional acreage, if the Manager, after consultation with the Mining Supervisor, shall determine that the increased acreage will result in conservation of natural resources and will provide for the most economical and efficient recovery of a minable deposit without waste. In applying this paragraph, fringe acreage in an area not of interest to more than one operator, and lacking sufficient reserves of phosphate deposits to warrant independent development, may be leased noncompetitively without publication either by separate lease or by adding to an existing leasehold (within the aggregate limitation of 2,560 acres), subject to a bonus of not less than $1.00 an acre, a minimum royalty, and such other terms and conditions as may be determined at the time the lease offer is made. If, however, the fringe acreage has sufficient reserves to warrant independent development, or, if, following appropriate inquiry of operators in the area and consultation with the Mining Supervisor, the Manager determines that there is competitive interest therein, the lands will be offered competitively under § 196.11.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 14, 1955.

[F. R. Doc. 55-3256; Filed, Apr. 20, 1955; 8:45 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1125]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE AS A SUPERSONIC TRACK AND TESTING AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Utah are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Air Force as a supersonic track and testing area and for other military purposes:

SALT LAKE MERIDIAN

T. 40 S., R. 12 W.,
Sec. 33, S½S½.
T. 41 S., R. 12 W.,
Sec. 4;
Sec. 5, lot 1, S½NE¼, SE¼;
Sec. 8, E½, E½NW¼, NE¼SW¼;
Sec. 9, N½NE¼, W½, SW¼SE¼;
Sec. 17, E½, S½SW¼;
Sec. 19, NE¼NE¼;
Sec. 20, N½;
Sec. 21, N½.

The areas described aggregate 2,851.68 acres.

This order shall be subject to the existing withdrawals for reclamation and power purposes so far as they affect any of the lands; and shall take precedence over, but not otherwise affect the Departmental order of April 8, 1935, establishing Utah Grazing District No. 4.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 15, 1955.

[F. R. Doc. 55-3258; Filed, Apr. 20, 1955; 8:46 a. m.]

[Public Land Order 1126]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH EDWARDS AIR FORCE BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas in California are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Air Force for military purposes in connection with Edwards Air Force Base:

SAN BERNARDINO MERIDIAN

T. 8 N., R. 10 W.,
Sec. 24, E½SE¼, NW¼SE¼.

The area described contains 120 acres.

This order shall apply to all lands within the above-described area, upon the cancellation, termination or release of prior entries, selections, rights, appropriations, or claims, or upon the revocation of prior withdrawals, unless expressly otherwise provided in the order of withdrawal.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 15, 1955.

[F. R. Doc. 55-3259; Filed, Apr. 20, 1955; 8:46 a. m.]

[Public Land Order 1127]

ALASKA

RESERVING LANDS WITHIN CHUGACH NATIONAL FOREST FOR USE BY FOREST SERVICE, DEPARTMENT OF AGRICULTURE, FOR ADMINISTRATIVE AND PUBLIC SERVICE SITES AND HIGHWAY PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described area within the Chugach National Forest are hereby withdrawn from all forms of appropriation under the public-land laws including the mining and the mineral-leasing laws, and reserved for use by the Forest Service, Department of Agriculture, for administrative and public service sites, and highway purposes:

CHUGACH NATIONAL FOREST

A strip of land 25 chains in width and approximately 9.5 miles in length, paralleling the southwest shore of Kenai Lake from the west end of the bridge near the outlet of Kenai Lake, approximate latitude 60°29' 30" N., longitude 149°48'30" W., southeasterly to an unnamed creek in approximate latitude 60°23'30" N., longitude 149°39'30" W.

The tract contains approximately 1,885 acres.

This order shall take precedence over but not otherwise affect the existing withdrawal of the lands for national forest purposes.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 15, 1955.

[F. R. Doc. 55-3260; Filed, Apr. 20, 1955; 8:46 a. m.]

[Public Land Order 1128]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 1028 OF NOVEMBER 4, 1954, WHICH RESERVED PUBLIC LANDS FOR USE OF BUREAU OF LAND MANAGEMENT AS A FOREST MANAGEMENT AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 1028 of November 4, 1954, reserving public lands in Alaska for use of the Bureau of Land Management as a forest management area, is hereby revoked so far as it affects the following-described lands:

FAIRBANKS MERIDIAN

T. 2 S., R. 3 W.,
Sec. 16.
T. 3 S., R. 4 W.,
Sec. 16, that portion lying north of right limit of Tanana River.

The areas described aggregate 1,050.55 acres.

The lands are subject to the reservation for the support of common schools in Alaska, provided by the act of March 4, 1915, (38 Stat. 1214; 48 U. S. C. 253) as amended by the acts of March 5, 1952 (66 Stat. 14) and August 5, 1953 (67 Stat. 364).

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 15, 1955.

[F. R. Doc. 55-3261; Filed, Apr. 20, 1955; 8:47 a. m.]

[Public Land Order 1129]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF BUREAU OF LAND MANAGEMENT AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Bureau of Land Management, Department of the Interior, as the Slana Administrative Site:

A tract of land located on south side of Glenn Highway (Big Timber-Slana section Milepost 61.675) Latitude 62°42'30" North, Longitude 144° West, approximately one-half mile west of Slana, more particularly described as follows: from Milepost 61 on Slana-Tok road, South, 2 chains, thence S. 80° E. 27.5 chains, thence S. 66° E. 18 chains, thence S. 64° E. 8.5 chains along center line of road, thence South 150 feet to edge of R-O-W, to the point of beginning, thence S. 26° W. 5.0 chains; N. 64° W. 10.0 chains; N. 26° E. 5.0 chains; S. 64° E. 10.0 chains to the point of beginning.

The tract described contains 5 acres.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 15, 1955.

[F. R. Doc. 55-3262; Filed, Apr. 20, 1955; 8:47 a. m.]

[Public Land Order 1131]

ARKANSAS AND FLORIDA

RESERVING LANDS WITHIN OZARK AND OCALA NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES, RECREATION AREAS, OR FOR OTHER PUBLIC PURPOSES; REVOKING EXECUTIVE ORDER NO. 1830 OF SEPTEMBER 24, 1913

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described areas within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, except for oil and gas, provided that no part of the surface of the lands, not included within existing oil and gas leases, shall be used in connection with prospecting, mining, and removal of the oil and gas, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreation areas, or for other public purposes as indicated:

ARKANSAS—FIFTH PRINCIPAL MERIDIAN

OZARK NATIONAL FOREST

Shores Lake Recreation Area

T. 11 N., R. 28 W.,
Sec. 2, W½SW¼;
Sec. 10, W½W½, NE¼NE¼.

The areas described aggregate 280 acres.

White Rock Mountain Recreation Area

T. 12 N., R. 28 W.,
Sec. 22.

The area described aggregates 640 acres.

Gray's Forest Camp Recreation Area

T. 12 N., R. 27 W.,
Sec. 32, N½NW¼SE¼, N½NE¼SW¼.

The areas described aggregate 40 acres.

Cherry Bend Recreation Area

T. 13 N., R. 27 W.,
Sec. 36, SW¼SE¼.

The area described aggregates 40 acres.

Long Pool Recreation Area

T. 10 N., R. 20 W.,
Sec. 6, NW¼SE¼, SW¼NE¼.

The areas described aggregate 80 acres.

Bayou Bluff Recreation Area

T. 10 N., R. 18 W.,
Sec. 7, N½NW¼SE¼SW¼, SW¼NW¼SE¼SW¼, S½S½SE¼SW¼, NW¼SW¼SE¼SW¼;
Sec. 18, NE¼NW¼.

The areas described aggregate 59.3 acres.

Barkshed Recreation Area

T. 16 N., R. 12 W.,
Sec. 15, SE¼NW¼, E½SW¼.

The areas described aggregate 120 acres.

Blanchard Springs Recreation Area

T. 15 N., R. 11 W.,
Sec. 4, NW¼NW¼, W½SW¼;
Sec. 5, SW¼NE¼, SE¼SE¼.
T. 16 N., R. 11 W.,
Sec. 32, S½SE¼.

The areas described aggregate 292.73 acres.

Cass Ranger Station

T. 12 N., R. 27 W.,
Sec. 24, NE¼NW¼.

The area described aggregates 40 acres.

Potatoe Knob Guard Station

T. 12 N., R. 28 W.,
Sec. 24, N½SE¼.

The area described aggregates 80 acres.

Devil's Knob Dispatcher Station

T. 12 N., R. 23 W.,
Sec. 2, SW¼NE¼, SE¼NE¼.

The areas described aggregate 79.88 acres.

Pilot Knob Guard Station

T. 11 N., R. 21 W.,
Sec. 20, SE¼SW¼.

The area described aggregates 40 acres.

Turnpike Dispatcher Station

T. 12 N., R. 20 W.,
Sec. 25, SE¼NW¼;
Sec. 26, NE¼NE¼.

The areas described aggregate 80 acres.

Round Hill Lookout Station

T. 14 N., R. 18 W.,
Sec. 19, SW¼SE¼;
Sec. 30, NE¼NW¼.

The areas described aggregate 80 acres.

Walker Mountain Lookout Station

T. 12 N., R. 18 W.,
Sec. 24, SE¼NW¼.

The area described aggregates 40 acres.

Push Mountain Lookout Station

T. 17 N., R. 13 W.,
Sec. 28, E½SW¼.

The area described aggregates 80 acres.

Green Tower Dispatcher Station

T. 16 N., R. 12 W.,
Sec. 13, E½NE¼, SE¼NW¼.

The areas described aggregate 120 acres.

Sugar Loaf Lookout Station

T. 17 N., R. 11 W.,
Sec. 29, NE¼NE¼.

The area described aggregates 40 acres.

Hatley Lookout Station

T. 11 N., R. 17 W.,
Sec. 35, SE¼NW¼.

The area described aggregates 40 acres.

FLORIDA—TALLAHASSEE MERIDIAN

OCALA NATIONAL FOREST

Deer Lake Camp

T. 15 S., R. 25 E.,
Sec. 8, NW¼SW¼.

The areas described aggregate 40 acres.

Doe Lake Camp

T. 17 S., R. 25 E.,
Sec. 4, N½SW¼, SE¼NE¼, NW¼SE¼.

The areas described aggregate 160 acres.

Camp McQuarrie

T. 15 S., R. 27 E.,
Sec. 28, Lot 5.

The area described aggregates 36.5 acres.

Mill Dam Hunt and Fish Camp

T. 15 S., R. 25 E.,
Sec. 17, that portion of Lot 3 in SW¼ lying between Lots 2 and 4 (Tract 8a, Savage, C. A. Jr. Purchase) on the east side of Mill Dam Lake.

The area described aggregates 12 acres.

Seminole Field Headquarters

T. 16 S., R. 26 E.,
Sec. 31, Lots 3 and 4.

The area described aggregates 104.1 acres.

Lake Bryant Ranger Station

T. 15 S., R. 24 E.,
Sec. 24, SW¼NW¼.

The area described aggregates 40 acres.

North Tower

T. 12 S., R. 24 E.,
Sec. 2, SE¼SE¼SE¼.

The area described aggregates 10 acres.

Salt Springs Tower

T. 13 S., R. 26 E.,
Sec. 18, S½ of Lot 3.

The area described aggregates 35 acres.

Central Tower

T. 15 S., R. 25 E.,
Sec. 24, SW¼NW¼.

The area described aggregates 40 acres.

Executive Order No. 1830 of September 24, 1913, reserving the SW¼NW¼, sec. 24, T. 15 S., R. 24 E., T. M., Florida, for use of the Forest Service as an administrative site, is hereby revoked.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 15, 1955.

[F. R. Doc. 55-3263; Filed, Apr. 20, 1955; 8:47 a. m.]

[Public Land Order 1132]

FLORIDA

REVOKING EXECUTIVE ORDER NO. 5278 OF FEBRUARY 7, 1930

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 5278 of February 7, 1930, temporarily withdrawing the following-described public lands in Florida for classification and pending determination as to the advisability of including such lands in a national forest, is hereby revoked:

TALLAHASSEE MERIDIAN

T. 1 S., R. 17 E.,
Sec. 20, NE¼NW¼, NE¼SW¼.
T. 3 S., R. 17 E.,
Sec. 33, lot 4.
T. 1 S., R. 18 E.,
Sec. 32, SE¼SE¼.
T. 3 S., R. 18 E.,
Sec. 26, SE¼NE¼.
T. 2 S., R. 20 E.,
Sec. 36, lot 2.

The areas described aggregate 158.83 acres of public lands and 67.07 acres of patented lands.

The lands in Tps. 1 and 3, S., R. 18 E., are a part of the Osceola National Forest. The NE¼NW¼, sec. 20, T. 1 S., R. 17 E., and lot 4, sec. 33, T. 3 S., R. 17 E., have been patented.

The remaining lands are located in Columbia and Baker Counties, Florida. They are flatwood in character and have a level surface. The tracts are not suitable for cultivation. They are chiefly valuable for grazing.

No application for the lands may be allowed under the homestead, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference-right applications under the said act of September 27, 1944, may be filed on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Supervisor, Eastern States Office, Bureau of Land Management, Washington 25, D. C.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 15, 1955.

[F. R. Doc. 55-3264; Filed, Apr. 20, 1955; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 969]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is giving consideration to the taking of the following actions, which have been proposed by the Avocado Administrative Committee, established pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposals should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

The proposed actions are as follows:

I. Amend § 969.130 of the supplementing rules and regulations (19 F. R. 5439) so that said section will read as follows:

§ 969.130 *Quality regulations.* Quality regulations recommended and established pursuant to § 969.50 shall be on the basis of the following specifications or appropriate modifications thereof:

(a) *No. 1 grade.* "No. 1 grade" consists of avacados of similar varietal characteristics which are mature but not overripe, well formed, clean, well colored, well trimmed, and which are free from decay, anthracnose, freezing injury and free from damage caused by

bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, or mechanical or other means. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, may be affected by anthracnose or decay, including therein not more than 1 percent for decay. (See application of tolerances and size requirements.)

(b) *Combination grade.* Any lot of avocados may be designated "Combination grade" when not less than 60 percent, by count, of the avocados in each container meet the requirements of the No. 1 grade and the remainder meet the requirements of the No. 2 grade. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of the No. 2 grade: *Provided,* That not more than one-half of this amount, or 5 percent, may be affected by anthracnose or decay, including therein not more than 1 percent for decay. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of No. 1 fruit required or specified in the combination, but individual containers may have not more than 10 percent less than the percentage of No. 1 fruit required or specified. (See application of tolerances and size requirements.)

(c) *No. 2 grade.* "No. 2 grade" consists of avocados of similar varietal characteristics which are mature but not overripe, fairly well formed, clean, fairly well colored, well trimmed and which are free from decay, freezing injury and free from serious damage caused by anthracnose, bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, or mechanical or other means. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage by anthracnose or decay, including therein not more than 1 percent for decay. (See application of tolerances and size requirements.)

(d) *No. 3 grade.* "No. 3 grade" consists of avocados of similar varietal characteristics which are mature but not overripe, which are not badly misshapen, and which are free from decay and free from serious damage caused by anthracnose and from very serious damage caused by freezing injury, bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars, or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, dirt, or mechanical or other means. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade, including therein not more than 2 percent of decay. (See application of tolerances and size requirements.)

(e) *Unclassified.* "Unclassified" consists of avocados which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade, as used herein, but is provided as a designation to show that no grade has been applied to the lot.

(f) *Size requirements.* (1) The size of avocados may be specified in terms of count, minimum weight or a range in weights. When counts or minimum weights are specified for the avocados in a container, the weight of the smallest fruit shall be not less than 75 percent of the weight of the largest fruit.

(2) In order to allow for variations incident to proper sizing, not more than 5 percent of the avocados in any lot may fail to meet the size requirements: *Provided,* That when the minimum and maximum weights are both specified, an additional 5 percent tolerance shall be allowed for avocados which are larger than the specified maximum weight.

(g) *Application of tolerances.* The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 20 avocados and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 20 avocados and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

(2) For packages which contain 20 avocados or less, individual packages shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

(h) *Definitions*—(1) *Similar varietal characteristics.* "Similar varietal characteristics" means that the avocados in any container are similar in shape, texture and color of skin and flesh.

(2) *Mature.* "Mature" means that the avocado has reached a stage of growth which will insure a proper completion of the ripening process.

(3) *Overripe.* "Overripe" means that the avocado is dead ripe with flesh soft or discolored and past commercial use.

(4) *Well formed.* "Well formed" means that the avocado has the normal shape characteristic of the variety.

(5) *Clean.* "Clean" means that the avocado is practically free from dirt, staining or other foreign material.

(6) *Well colored.* "Well colored" means that the avocado has the color characteristic of the variety.

(7) *Well trimmed.* "Well trimmed" means that the stem, when present, is cut off fairly smoothly at a point not more than one-fourth inch beyond the shoulder of the avocado.

(8) *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual fruit, or the general appearance of the fruits in the container. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Cuts or other skin breaks when not healed and penetrating beneath the epidermis or the aggregate area exceeds the area of a rectangle one inch in length and one-eigth inch in width; or when healed and the appearance is materially affected.

(ii) Pulled stems when the exposed stem cavity is excessively deep, or when skin surrounding the stem cavity is more than slightly torn.

(iii) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown surface discoloration aggregating 5 percent of the fruit surface.

(iv) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 5 percent of the fruit surface.

(v) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has yellow colored sunburn aggregating 5 percent of the fruit surface.

(vi) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 5 percent of the fruit surface.

(9) *Fairly well formed.* "Fairly well formed" means that the avocado may be slightly abnormal in shape but not to the extent that the appearance is seriously affected.

(10) *Fairly well colored.* "Fairly well colored" means that the avocado shows a shade of color which is fairly characteristic of the variety.

(11) *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual fruit, or the general appearance of the avocados in the container. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Anthracnose when any spot exceeds the area of a circle one-fourth inch in diameter, or when more than 3 spots each exceeding the area of a circle three-sixteenths inch in diameter.

(ii) Cuts or other skin breaks when not healed and the aggregate area exceeds the area of a rectangle one inch in length and one-fourth inch in width, or when not healed and penetrating into the flesh of the fruit, or when healed and the appearance is seriously affected.

(iii) Pulled stems when the skin surrounding the exposed stem cavity is torn more than an aggregate area of a circle one-fourth inch in diameter, or when flesh is torn.

(iv) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown surface discoloration aggregating 25 percent of the fruit surface.

(v) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 25 percent of the fruit surface.

(vi) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has yellow colored sunburn aggregating 25 percent of the fruit surface.

(vii) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 25 percent of the fruit surface.

(12) *Badly misshapen.* "Badly misshapen" means that the avocado is so badly curved, constricted, pointed or otherwise deformed that the appearance is very seriously affected.

(13) *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the avocado. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Cuts or other skin breaks when not healed and penetrating into the flesh of the fruit, or any skin break very seriously affecting the appearance, or the edible or shipping quality.

(ii) Pulled stems when the skin surrounding the exposed stem cavity is torn more than an aggregate area of a circle one-half inch in diameter, or when the flesh is torn.

(iii) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown surface discoloration aggregating 50 percent of the fruit surface.

(iv) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 50 percent of the fruit surface.

(v) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has yellow colored sunburn aggregating 50 percent of the fruit surface.

(vi) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 50 percent of the fruit surface.

II. Issue, effective 12:01 a. m., e. s. t., June 1, 1955, an implementing order which will, on and after that time, prohibit the handling of any avocados grown in South Florida which do not grade at least No. 3 grade, as such grade is proposed to be defined in pargaraph (d) of § 969.130 set forth in I of this notice.

Dated: April 18, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–3287; Filed, Apr. 20, 1955; 8:53 a. m.]

[7 CFR Part 1067]

AVOCADOS

NOTICE OF PROPOSED RULE MAKING

Notice[1] is published in this issue of the FEDERAL REGISTER that the Department is giving consideration to the issuance of quality regulations for application, effective at 12:01 a. m., e. s. t., June 1, 1955, with respect to the handling of avocados pursuant to the provisions of the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq., 68 Stat. 906, 1047). Such proposed quality regulations would, if adopted, prohibit, on and after June 1, 1955, the handling of any avocados which do not grade at least No. 3 grade, as such grade is proposed to be defined in the aforesaid notice.

Notice is hereby given that the Department is also giving consideration to applying, effective at 12:01 a. m., e. s. t., June 1, 1955, the same quality restrictions to all imports of avocados into the United States, and to requiring inspection and certification of each such import by the Federal or Federal-State Inspection Service pursuant to the provisions of § 1060.153 of the general regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of certain listed commodities (including avocados).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals set forth in the preceding paragraph should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

Dated: April 18, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–3286; Filed, Apr. 20, 1955; 8:52 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF ALDRIN

Correction

In Federal Register Document 55–3119, appearing at page 2485 of the issue for Friday, April 15, 1955, the first item in the third column was not clearly printed on some copies of this issue. This item should read "Cabbage and cauliflower."

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53781; Customs Delegation Order 8]

FIELD OFFICERS

DELEGATION OF AUTHORITY UNDER EMERGENT CONDITIONS

APRIL 15, 1955.

Delegation of authority to field officers of the Bureau of Customs under emergent conditions of authority transferred by the Secretary of the Treasury to the Commissioner of Customs.

By virtue of the authority vested in me by Treasury Department Order No. 165, revised (T. D. 53654; 19 F. R. 7241), there is hereby delegated to the respective collectors of customs, comptrollers of customs, appraisers of merchandise, supervising customs agents, and chief chemists, upon the proclamation by the President of the existence of a state of civil defense emergency or in the event of an enemy attack upon any point within the continental limits of the United States, so much of the authority then vested in the Commissioner of Customs by delegation from the Secretary of the Treasury as relates to the functions performed by the respective officers within their functional and geographical areas of jurisdiction.

The purpose of this order is to provide a temporary expedient to meet emergent conditions. The respective officers will be notified when they are to cease to exercise the authority herein delegated.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 55–3281; Filed, Apr. 20, 1955; 8:51 a. m.]

[1] See F. R. Doc. 54–3287, *supra*.

POST OFFICE DEPARTMENT

ESTABLISHMENT OF REGIONAL HEADQUARTERS AT DENVER, COLO., FOR COLORADO, WYOMING, UTAH, ARIZONA, AND NEW MEXICO

The following is the text of Order No. 55860 of the Postmaster General, dated April 6, 1955, relative to the above subject:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of the 1949, the following changes will become effective on April 11, 1955:

1. On the effective date there will be established a regional headquarters at Denver, Colorado under a Regional Director who will exercise the powers, duties, functions and jurisdiction delegated by Order No. 55809 dated January 3, 1955, and Order No. 55810 dated January 3, 1955 (20 F. R. 276). Pending appointment of a Regional Director the postal affairs affecting the Bureau of Operations and Bureau of Personnel in the region shall be under the direction of the Regional Operations Manager who will be rsponsible to the Assistant Postmaster General, Bureau of Post Office Operations. The Regional Operations Manager will be subject to all policy affecting regional operations prescribed by the Department in Washington. There will also be a Regional Controller in the regional office who will be responsible to the Assistant Postmaster General and Controller, Bureau of Finance. The Regional Personnel Manager will be administratively responsible to the Regional Operations Manager so far as Bureau of Operations activities are concerned, and functionally to the Assistant Postmaster General, Personnel. Functions such as those listed below which were formerly discharged by various headquarters, bureaus and offices in Washington will now be discharged by the regional staff.

A. Personnel functions, including such items as recruitment, selection and placement of personnel; training activities; labor relations; safety and health programs; classification of positions; awards and efficiency rating systems; review and disposition of disciplinary actions; and liaison with the Civil Service Commission in the region.

B. Service functions, including recommendations to the Department for the establishment or discontinuance of post offices, classified stations and branches; approval of requests for allowances of funds; maintenance of high standards of service in all post offices; and effective control of costs.

C. Industrial engineering functions, including administration of cost reduction programs; improvement in work methods; endorsement of requests for capital expenditures; maintenance of work standards; layout of facilities; provision of work simplification methods and training; and development of systems and procedures, other than accounting and fiscal procedures.

D. Controller functions, including the direction of accounting, budget and cost analysis activities.

E. Public information functions, including encouragement of public cooperation and participation in improving postal methods; and maintaining good relations with Federal, State and municipal officials.

2. Pending the appointment of a Regional Director, this order does not affect the bureaus and offices of the Department other than:

A. Bureau of Operations;

B. Bureau of Personnel;

C. Bureau of Finance (and Controller).

All other bureaus and offices, however, are expected to coordinate and cooperate with this new regional organization.

3. The region will be divided into five districts. All postmasters in each district will report directly to their district manager.

4. Previous orders or instructions concerning the routing of communications from postmasters to the above-mentioned bureaus in Washington are hereby superseded. All communications, with respect to the functions set forth in this order will be directed to the appropriate district manager, with the exceptions of monthly and quarterly accounts, which will continue to be routed as at present.

5. District headquarters cities, and the jurisdiction of each district, are as follows:

DISTRICT NO. 1—DENVER, COLO.

All counties in Colorado.

DISTRICT NO. 2—CHEYENNE, WYO.

All counties in Wyoming.

DISTRICT NO. 3—SALT LAKE CITY, UTAH

All counties in Utah.

DISTRICT NO. 4—PHOENIX, ARIZ.

All counties in Arizona.

DISTRICT NO. 5—ALBUQUERQUE, N. MEX.

All counties in New Mexico.

6. District Managers will be designated in a separate announcement. They will act for and be responsible to the Regional Operations Manager on post office matters within their Districts. Each District Manager will be responsible for functions delegated to him by the Regional Operations Manager, including such things as: making major operating decisions within his District; recommending action on all supervisory appointments; recommending action on requests for funds; advising Regional Operations Manager on District matters and conditions; carrying out regional policies in the District; interpreting departmental and regional policies and recommending changes; coordinating with other bureaus and government agencies in the District; taking necessary actions on complaints; directing the control of expenditures in the District; and maintaining essential records.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55–3276; Filed, Apr. 20, 1955; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGARCANE IN FLORIDA; WAGES AND PRICES

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rule of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Clewiston, Florida, in the Sugarland Park Auditorium on May 5, 1955, beginning at 10:00 a. m.

The purpose of this hearing is to receive evidence which may be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1955 through June 30, 1956, on farms with respect to which applications for payment under the act are made, and (2) pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1955 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof by the presiding officers.

Ward S. Stevenson and Larry F. Diehl are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 18th day of April 1955.

[SEAL] LAWRENCE MYERS,
Director, Sugar Division.

[F. R. Doc. 55–3288; Filed, Apr. 20, 1955; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6771]

NORTH CENTRAL AIRLINES, INC.; CERTIFICATE RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of North Central Airlines Inc. for a permanent certificate of convenience and necessity for Route 86.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 17,

1955, at 10:00 a. m., e. d. s. t., in Room E–210, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Notice is also given that in connection with the above-numbered application consideration will be given at the conference to the possible consolidating for hearing and decision the application of North Central in Docket 6763. In order to facilitate the conduct of this conference interested parties are requested to present motions for consolidation or modification of the issues in this proceeding to Examiner Bryan on or before May 9, 1955, with copies to other interested parties. It is also requested that any requests for evidence should be circulated at the same time.

Dated at Washington, D. C., April 18, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–3283; Filed, Apr. 20, 1955; 8:52 a. m.]

[Docket No. 6950]

SOUTH PACIFIC AIR LINES, INC.; CERTIFICATE RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of South Pacific Air Lines, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, for a temporary or permanent certificate of public convenience and necessity authorizing air transportation of passengers and property between the Territory of Hawaii and the Society Islands via Christmas Island.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 19, 1955, at 10:00 a. m., e. d. s. t., in Room E–210, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

In order to facilitate the conduct of this conference interested parties are requested to present motions for consolidation or modification of the issues in this proceeding to Examiner Henderson on or before May 12, 1955, with copies to other interested parties. It is also requested that any requests for evidence should be circulated at the same time.

Dated at Washington, D. C., April 18, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–3284; Filed, Apr. 20, 1955; 8:52 a. m.]

[Docket No. 6916 et al.]

LAKE CENTRAL CERTIFICATE RENEWAL INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on May 12, 1955, at 10:00 a. m., e. d. s. t., in Room E–210, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

In order to facilitate the conduct of this conference interested parties are requested to present motions for consolidation or modification of the issues in this proceeding to Examiner Pfeiffer on or before May 6, 1955, with copies to other interested parties. It is also requested that any requests for evidence should be circulated at the same time.

Dated at Washington, D. C., April 18, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–3285; Filed, Apr. 20, 1955; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Montana 014987, for the withdrawal of the lands described below, from location and entry under the general mining laws. The applicant desires the withdrawal of these lands to protect administrative and recreation sites and other public service areas.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North Twenty-ninth Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

BEAVERHEAD NATIONAL FOREST

Antone Administrative Site

T. 12 S., R. 5 W.,
Sec. 21: NE¼NE¼.

The area described contains 40 acres.

Selway Lookout Administrative Site

T. 8 S., R. 15 W.,
Sec. 17: SE¼NE¼NE¼.

The area described contains 10 acres.

Wise River Ranger Station

T. 1 N., R. 11 W.,
Sec. 34: SE¼SE¼.
T. 1 S., R. 11 W.,
Sec. 3: Lots 1, 4, 7, 8, SE¼NE¼, SE¼ and those portions of Lots 2, 3, 5, 6, SW¼NE¼, S½NW¼ not included in HES No. 223.

The area described contains approximately 460 acres.

HELENA NATIONAL FOREST

Aspen Grove Campground

T. 14 N., R. 7 W.,
Sec. 7: Lot 7, NW¼ Lot 8, S½N½N½NW¼SE¼, S½N½NW¼SE¼, S½NW¼SE¼, SE¼NE¼SW¼.

The area described contains approximately 95.58 acres.

Beaver Creek Campground

T. 15 N., R. 9 W.,
Sec. 33: SW¼SE¼.

The area described contains 40 acres.

Beaver Creek Recreational Area

T. 13 N., R. 1 W.,
Sec. 27: NE¼NE¼, SW¼NE¼, NE¼SW¼, N½SW¼SW¼;
Sec. 28: SE¼SE¼.

The area described contains 180 acres.

Blackfoot Canyon Recreational Area

T. 14 N., R. 9 W.,
Sec. 29: NE¼NE¼NE¼.

The area described contains 10 acres.

Colorado Mountain Lookout Administrative Site

T. 9 N., R. 5 W.,
Sec. 26: SW¼NW¼SW¼, NW¼SW¼SW¼;
Sec. 27: SE¼NE¼SE¼, NE¼SE¼SE¼.

The area described contains 40 acres.

Crow Creek Campground

T. 6 N., R. 1 W.,
Sec. 4: NW¼SE¼SE¼, N½SW¼SE¼SE¼.

The area described contains 15 acres.

Crystal Creek Picnic Area

T. 8 N., R. 2 W.,
Sec. 4: Lots 4, 11.

The area described contains 75.45 acres.

Glendale Campground

T. 6 N., R. 1 W.,
Sec. 14: SW¼SW¼SE¼, W½SE¼SW¼SE¼.

The area described contains 15 acres

Heart Lake Recreational Area

T. 16 N., R. 8 W., unsurveyed,
Sec. 17: SW¼SW¼;
Sec. 18: S½SE¼;
Sec. 19: N½NE¼;
Sec. 20: NW¼NW¼.

The area described contains 240 acres.

Indian Creek Recreational Area

T. 12 N., R. 1 E.,
Sec. 8: S½S½;
Sec. 17: N½NE¼.

The area described contains 240 acres.

Jenkins Gulch Campground

T. 6 N., R. 1 W.,
Sec. 4: S½NE¼NE¼SW¼, SE¼SE¼NE¼SW¼, N½SE¼SW¼, NW¼SW¼NW¼SE¼, S½SW¼NW¼SE¼.

The area described contains 35 acres.

Kading Pasture Administrative Site

T. 8 N., R. 7 W.,
Sec. 21: Lot 2, SE¼SE¼NW¼, NE¼SW¼, N½SE¼SW¼, W½NW¼SE¼.

The area described contains 134.80 acres.

Little Blackfoot Recreational Area

T. 9 N., R. 6 W.,
Sec. 30: SE¼NW¼, NE¼SW¼, N½SE¼SW¼.

The area described contains 100 acres.

McClellan Creek Recreational Area

T. 8 N., R. 2 W.,
Sec. 9: Lots 6, 7, N½NW¼SE¼, N½SW¼SW¼SE¼.

The area described contains 56.12 acres.

Meadow Creek Recreational Area

T. 16 N., R. 9 W., unsurveyed,
Sec. 18: SW¼SW¼;
Sec. 19: NW¼NW¼.
T. 16 N., R. 10 W., unsurveyed,
Sec. 13: SE¼SE¼;
Sec. 24: NE¼NE¼.

The area described contains 120 acres.

Meriwether Campground

T. 13 N., R. 2 W.,
Sec. 19: E½.

The area described contains 320 acres.

Ontario Creek Recreational Area

T. 8 N., R. 6 W.,
Sec. 17: SW¼NW¼SW¼, NW¼SW¼SW¼;
Sec. 18: SE¼NE¼SE¼, NE¼SE¼SE¼.

The area described contains 40 acres.

Snowbank Summer Home Area

T. 15 N, R. 8 W.,
Sec. 9: S½NW¼NE¼, N½SW¼NE¼.

The area described contains 40 acres.

Strawberry Lookout Administrative Site

T. 8 N., R. 3 W.,
Sec. 1: S½SE¼NE¼.

The area described contains 20 acres.

Ten Mile Recreational Area

T. 9 N., R. 5 W.,
Sec. 17: W½NW¼SW¼, NW¼SW¼SW¼, SE¼NE¼SE¼, NE¼SE¼SE¼, S½SE¼SE¼;
Sec. 20: NE¼NE¼, SE¼NW¼NE¼, S½NE¼, SE¼SE¼NW¼, NW¼NE¼SE¼, N½NW¼SE¼, SW¼NW¼SE¼;
Sec. 21: SW¼NW¼.

The area described contains 290 acres.

Treasure Mountain Lookout Administrative Site

T. 8 N., R. 6 W.,
Sec. 6: Lots 2, 3, 6, 7.

The area described contains 134.02 acres.

Trout Creek Recreational Area

T. 11 N., R. 1 W.,
Sec. 2: S½NE¼, N½SW¼;
Sec. 3: SW¼SW¼.

The area described contains 200 acres.

Vigilante Campground

T. 12 N., R. 1 E.,
Sec. 30: SE¼.

The area described contains 160 acres.

KOOTENAI NATIONAL FOREST

Lake Creek Campground

T. 26 N., R. 28 W.,
Sec. 5: S½SW¼SW¼;
Sec. 8: N½NW¼NW¼.

The area described contains 40 acres.

Sylvanite Administrative Site

T. 34 N., R. 33 W., unsurveyed.

A tract of land described by metes and bounds as follows:

Beginning at Corner No. 6 of H. E. S. No. 845, thence S. 20° 00' E., 11.75 chs., thence S. 38° 00' E. 25.90 chs., thence S. 13° 30' E. 4.50 chs., thence S. 25° 00' W. 13.50 chs., thence S. 12° 00' E. 12.50 chs., thence S. 86° 00' W. 12.40 chs., thence N. 15° 00' W. 54.87 chs., thence N. 47° 00' E. 12.40 chs. to the point of beginning, containing an area of 90 acres more or less.

R. D. NIELSON,
State Supervisor,
Bureau of Land Management.

APRIL 14, 1955.

[F. R. Doc. 55–3265; Filed, Apr. 20, 1955; 8:48 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. BLM 036162 (SD), for the withdrawal of the lands described below, from location and entry under the general mining laws. The applicant desires the withdrawal of these lands to protect administrative and recreation sites and other public service areas.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North Twenty-ninth Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN

CUSTER NATIONAL FOREST

Casper Gulch Camp

T. 21 N., R. 4 E.,
Sec. 36: SW¼NE¼.

The area described contains 40 acres.

Deer Draw Camp

T. 16 N., R. 8 E.,
Sec. 5: N½SW¼.

The area described contains 80 acres.

Eagles Nest Administrative Site

T. 22 N., R. 5 E.,
Sec. 9: NE¼, NE¼SE¼;
Sec. 10: NW¼SW¼.

The area described contains 240 acres.

Jessie Elliott Administrative Site

T. 17 N., R. 8 E.,
Sec. 31: NE¼;
Sec. 32: W½W½.

The area described contains 320 acres.

Reva Gap Camp

T. 18 N., R. 8 E.,
Sec. 7: S½SE¼SE¼, S½SW¼SE¼;
Sec. 17: NW¼NW¼;
Sec. 18: NE¼NE¼.

The area described contains 120 acres.

Riley Pass Administrative Site

T. 22 N., R. 5 E.,
Sec. 27: S½NE¼, N½SE¼.

The area described contains 160 acres.

R. D. NIELSON,
State Supervisor,
Bureau of Land Management.

APRIL 14, 1955.

[F. R. Doc. 55–3266; Filed, Apr. 20, 1955; 8:48 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 38, AMENDMENT 1 AND NOTICE OF OPENING

APRIL 15, 1955.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby amend Small Tract Classification Order No. 38, dated February 21, 1951, to read as follows:

ANCHORAGE AREA

POTTER ROAD UNIT NO. 2

For Lease and Sale; For Residence Sites

Seward Meridian:
T. 12 N., R. 3 W.,
Section 15:
Lots 33–88 incl.,
Lots 92–95 incl.,
Lots 98–143 incl.

Comprising 67 tracts aggregating 137.5 acres.

2. The classification of the above-described lands as amended by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately seven miles south and east of Anchorage. They are accessible mainly via the Lake Otis, Abbott and South Boundary Roads. The South Boundary Road is a newly constructed Alaska Road Commission road that borders the small tract unit on the north. Access to the south end of the area is via the Seward Highway, the O'Malley Road, and one quarter mile of private road. The private road is not maintained and can be considered as a fair weather road only. The terrain of the lands varies from gently rolling to rolling. Little Campbell Creek cuts across the south half of the area from south-east to north-west. The lands immediately adjacent to Little Campbell Creek are low and poorly drained. Vegetative cover consists of mature spruce and birch on the uplands and black spruce, alder, and willow on the lowlands. Utilities and public services available to the area include the public roads previously mentioned, an electric distribution system, school bus transportation and fire protection. Stores, churches, and other public services are available in Spenard and Anchorage.

4. The individual tracts vary in size from 1.25 to 2.50 acres. The supplemental plat of survey showing the loca-

tion of each tract can be secured for $1.00 from the Area Cadastral Engineering Office, Bureau of Land Management, Juneau, Alaska. Brochures which describe the area and contain sketch maps of the platting of the small tracts can be obtained free of charge from the Manager, Anchorage Land Office, Anchorage, Alaska. The appraised values of the tracts vary from $155 to $730 per tract as shown below. Rights-of-way, 50 feet in width, for road purposes will be reserved as shown below.

POTTER ROAD NO. 2 (ANCHORAGE AREA)—APPRAISAL SCHEDULE

Official description[1]	Acreage	Advance rental (2 years)	Easements (50 feet)	Appraised value
Seward Meridian, T. 12 N., R. 3 W., sec. 15:				
Lot 33	1.25	$40.00	N and E	$375.00
34	1.25	40.00	N	375.00
35	1.25	40.00	N	375.00
36	1.25	40.00	N and W	375.00
37	1.25	40.00	N and E	375.00
38	1.25	40.00	N	375.00
39	1.25	40.00	N	375.00
40	1.25	40.00	N and W	375.00
41	1.25	35.00	W	355.00
48	1.25	35.00	S and W	355.00
42 and 47	2.50	75.00	S and E	730.00
43 and 46	2.50	75.00	S and W	730.00
44 and 45	2.50	75.00	S and E	730.00
52 and 53	2.50	70.00	N and E	710.00
51 and 54	2.50	70.00	N and W	710.00
50 and 55	2.50	70.00	N and E	710.00
49	1.25	35.00	N and W	335.00
56	1.25	35.00	W	335.00
57	1.25	30.00	W	315.00
64	1.25	30.00	S and W	315.00
58 and 63	2.50	70.00	S and E	690.00
59 and 62	2.50	70.00	S and W	690.00
60 and 61	2.50	70.00	S and E	690.00
68 and 69	2.50	65.00	N and E	670.00
67 and 70	2.50	65.00	N and W	670.00
66 and 71	2.50	65.00	N and E	670.00
65	1.25	30.00	N and W	295.00
72	1.25	30.00	W	295.00
73	1.25	30.00	W	275.00
80	1.25	30.00	S and W	275.00
74 and 79	2.50	65.00	S and E	650.00
75 and 78	2.50	65.00	S and W	650.00
76 and 77	2.50	65.00	S and E	650.00
84 and 85	2.50	65.00	N and E	630.00
83 and 86	2.50	65.00	N and W	630.00
82 and 87	2.50	65.00	N and E	630.00
81	1.25	25.00	N and W	255.00
88	1.25	25.00	W	255.00
92	2.50	60.00	N and E	590.00
93	2.50	60.00	N and W	590.00
94	2.50	60.00	N and E	590.00
95	2.50	60.00	N and W	590.00
98 and 99	2.50	50.00	S and E	520.00
100 and 101	2.50	40.00	S and W	420.00
102 and 103	2.50	60.00	S and E	590.00
104 and 105	2.50	55.00	S and W	570.00
106 and 107	2.50	55.00	S and E	570.00
108 and 109	2.30	55.00	S and W	570.00
110 and 111	2.50	55.00	S and E	570.00
112 and 113	2.50	55.00	N and E	550.00
114 and 115	2.50	55.00	N and W	550.00
116 and 117	2.50	55.00	N and E	550.00
118 and 119	2.50	60.00	N and W	600.00
120 and 121	2.50	60.00	N and E	600.00
122 and 123	2.50	55.00	N and W	550.00
124 and 125	2.50	55.00	N and E	550.00
126	1.25	20.00	N and W	175.00
127	1.25	20.00	W	175.00
128	1.25	15.00	W	155.00
129	1.25	15.00	S and W	155.00
130 and 131	2.50	55.00	S and E	530.00
132 and 133	2.50	55.00	S and W	530.00
134 and 135	2.50	55.00	S and E	530.00
136 and 137	2.50	60.00	S and W	600.00
138 and 139	2.50	60.00	S and E	600.00
140 and 141	2.50	60.00	S and W	600.00
142 and 143	2.50	55.00	S and E	530.00

[1] From supplemental plat of survey.

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899). Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet at least the following minimum standards. The home must be insulated and be suitable for year-around occupancy, be on a permanent foundation, contain at least 192 square feet of floor space (outside measure), and contain a minimum of one door and one window. The home must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Beginning at 10:00 a. m. on May 19, 1955, the lands will be open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Anchorage Land Office, Anchorage, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above named official prior to 10:00 a. m. on June 9, 1955. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on September 7, 1955, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21-day period extending between 10:00 a. m. on August 18, 1955, and September 8, 1955, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21-day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on September 8, 1955, to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution.

The filing of the lease form, Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease and rounded to the nearest five dollars. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to February 21, 1951, will be granted the preference right provided for by 43 CFR 257.5 (a).

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-3267; Filed, Apr. 20, 1955; 8:48 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 14, 1955.

An application, serial number Anchorage 022782, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on March 1, 1955, by Soil Conservation Service. The purposes of the proposed withdrawal: Administrative site.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SEWARD MERIDIAN

T. 6 N., R. 11 W.,
Section 31: Lots 131, 165 and 166.

Aggregating 5 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-3268; Filed, Apr. 20, 1955; 8:48 a. m.]

[Document 37]

ARIZONA

RESTORATION ORDER UNDER FEDERAL POWER ACT; CORRECTION

APRIL 13, 1955.

Notice of Restoration Order Under the Federal Power Act, Document No. 29, Arizona, dated March 2, 1955, published in the FEDERAL REGISTER, March 10, 1955, (20 F. R. 1455), is hereby corrected as follows: Paragraph 3 should read as set forth below:

3. All of the subject lands are reserved in one or more of the following power withdrawals:

(a) Water Power Designation No. 5, approved February 9, 1917.

(b) Power Site Reserve No. 602, created April 4, 1917.

(c) Filing for preliminary permit in Project No. 730, on July 16, 1926, by the Arizona Sodium Production Company.

E. R. TRAGITT,
Acting State Supervisor.

[F. R. Doc. 55-3257; Filed, Apr. 20, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-7507]

UTAH SOUTHERN OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 15, 1955.

Take notice that Utah Southern Oil Company (Applicant), with a principal place of business in Salt Lake City, Utah, filed an application on December 27, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from State "A" Lease, Logan County, Colorado, which is sold in interstate commerce to Kansas-Nebraska Natural Gas Company, Inc. (under temporary authorization issued February 4, 1955), for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 9, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3279; Filed, Apr. 20, 1955; 8:51 a. m.]

[Project No. 2183]

GRAND RIVER DAM AUTHORITY

NOTICE OF APPLICATION FOR LICENSE

APRIL 15, 1955.

Public notice is hereby given that Grand River Dam Authority, of Vinita, Oklahoma, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed waterpower Project No. 2183, to be known as the Markham Ferry Project and located on Grand River and tributaries approximately 8 miles southeast of the City of Pryor in Mayes and Craig Counties, Oklahoma, and to consist of a dam about 80 feet high composed of an earth embankment section, a spillway section, a powerhouse and intake section, and two gravity nonoverflow sections, creating a reservoir with top pool elevations for power and flood control, respectively, at 617 feet and 634 feet above mean sea level; a powerhouse integral with the dam containing initially three turbines each rated at 20,000 horsepower under a head of 58 feet and driving a 15,000-kilowatt generator with provision for the future installation of two similar units in an extension of the powerhouse; five penstocks; a step-up substation at the dam; one or more 110,000-volt transmission lines connecting the step-up substation with the applicant's existing Markham Ferry Switching Station; and appurtenant facilities. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is May 31, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3280; Filed, Apr. 20, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3361]

GEORGIA POWER CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF BONDS BY SUBSIDIARY PUBLIC-UTILITY COMPANY

APRIL 15, 1955.

Notice is hereby given that Georgia Power Company ("Company"), a public-utility subsidiary of The Southern Company, a registered holding company, has filed with this Commission an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder regarding the following proposed transaction:

The Company proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1985. The interest rate (which shall be a multiple of 1/8 of 1 percent) and the price to be paid to the Company (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount, exclusive of accrued interest from May 1, 1955 to date of payment and delivery) will be determined by competitive bidding. The new bonds will be secured by a Mortgage and Deed of Trust executed by the Company to The New York Trust Company, Trustee, dated as of March 1, 1941, as heretofore supplemented and as further supplemented by a Supplemental Indenture to be dated as of May 1, 1955.

The Company proposes to use the net proceeds from the sale of the new bonds, together with other available funds, for the construction or acquisition of permanent improvements, extensions, and additions to its property. The Company contemplates making total expenditures of approximately $33,400,000 during 1955 for such purposes.

The fees and expenses to be paid in connection with the proposed transaction, other than underwriting commissions, are estimated at $73,386, including taxes, filing fees and recording fees, $18,436; cost of definitive bonds, printing and miscellaneous expenses, $28,000; charges of trustee (including counsel) $5,950; counsel fees $9,500; accountants' fees $4,500; and services of Southern Services, Inc., $7,000. In addition, the fees of independent counsel to the underwriters are estimated at $6,500.

The issue and sale of said bonds will have been expressly authorized by the Public Service Commission of Georgia, in which State the Company is organized and doing business.

The Company requests that the order of the Commission herein be made effective upon issuance.

Notice is further given that any interested person may, not later than April 29, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as now amended or as further amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3277; Filed, Apr. 20, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 18, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30503: Lumber and forest products from British Columbia. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lumber and forest products, carloads, from Pacific Great Eastern Railway stations in British Columbia to points in the United States.

Grounds for relief: Circuity and grouping.

Tariff: Supplement 2 to Agent Prueter's I. C. C. No. 1568 and two other tariffs.

FSA No. 30504: Cast iron pipe from Birmingham, Ala., to Illinois. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cast iron pipe and related articles, carloads, from Birmingham, Ala., and group points to points in Illinois on the Missouri-Illinois Railroad.

Grounds for relief: Circuity.

Tariff: Supplement 40 to Agent Spaninger's I. C. C. No. 1374.

FSA No. 30505: Phosphate rock from Florida to Gulfport, Miss. Filed by R. E. Boyle, Jr., Agent for interested rail carriers. Rates on phosphate rock, crude, carloads, from Florida mines to Gulfport, Miss.

Grounds for relief: Circuity.

FSA No. 30506: Phosphate rock from Florida to New Orleans, La. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, ground, carloads, from Florida mines to New Orleans, La.

Grounds for relief: Circuity.

FSA No. 30507: Phosphate rock from Florida to New Orleans. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, crude, carloads, from Florida mines to New Orleans, La.

Grounds for relief: Circuity.

FSA No. 30508: Merchandise from New Orleans, La., to Memphis, Tenn. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on merchandise, mixed carloads, from New Orleans, La., to Memphis, Tenn.

Grounds for relief: Circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-3278; Filed, Apr. 20, 1955; 8:50 a .m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CORNELIA LINGENBERG ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cornelia Lingenberg, West Englewood, New Jersey, Claim No. 62613; Doris Schwaab, nee Lingenberg, Boston, Massachusetts; Claim No. 62614, Margaret Bertha Jansen, nee Lingenberg, Krefeld, Germany; Claim No. 62615; all right, title, interest, and claim of any kind or character whatsoever of Cornelia Lingenberg, Doris Schwaab, nee Lingenberg, and Margaret Bertha Jansen, nee Lingenberg, and each of them, in and to the Estate of Walter H. Lingenberg, deceased. Such property is in the process of administration by Mrs. Huberta M. Kretzschmar, Administratrix of the Estate of Walter H. Lingenberg, acting under the judicial supervision of the Bergen County Orphans' Court, Hackensack, New Jersey. Vesting Order No. 5151.

Executed at Washington, D. C., on April 14, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-3237; Filed, Apr. 19, 1955; 8:50 a. m.]

ANTONINA BUSCETTA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Antonina Buscetta, Via Gessari N. 21, Partanna (Trapani), Italy, Claim Nos. 41975 and 41976, Vesting Order No. 1604; $5,154.59 in the Treasury of the United States.

Four Pass Books issued to Ignazio Buscetta, representing deposits in the amount of 28,000 Lire in the Postal Savings Bank of Rome, Italy (Casse Di Risparmio Postali), identified as Pass Book Nos. 02592, 00176, 00177, and 00719, in the possession of the Office of Alien Property, Washington, D. C.

Executed at Washington, D. C., on April 14, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-3235; Filed, Apr. 19, 1955; 8:50 a. m.]

MARTHA M. KOEHN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Martha M. Koehn, (24a) Hamburg-Wandsbeck, Waldorfer Str. 385, Germany, Claim No. 61527, V. O. No. 16318; $1,991.06 in the Treasury of the United States.

I. G. Farben Industrie A. G. stock certificates numbered 681190 Lit. B and 1236048 Lit. B, coupons 13-20 and talon attached, registered in the name of Martha Koehn and presently in the custody of the safekeeping department in the Federal Reserve Bank of New York.

Executed at Washington, D. C., on April 14, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-3234; Filed, Apr. 19, 1955; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 79

Washington, Friday, April 22, 1955

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-410]

PART 42—IRREGULAR AIR CARRIER AND OFF ROUTE RULES

SPECIAL CIVIL AIR REGULATION; FLIGHT TIME LIMITATIONS FOR TRANSCONTINENTAL NONSTOP IRREGULAR AIR CARRIER INTERSTATE OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of April 1955.

On June 14, 1954, the Board adopted Special Civil Air Regulation No. SR-405 which permitted air carriers in the conduct of scheduled transcontinental nonstop flights to schedule flight crew members for more than eight but not more than ten hours of continuous duty aloft on flights conducted in pressurized airplanes carrying at least two pilots and a flight engineer. Special Civil Air Regulation No. SR-405 will terminate with the effective date of any final action taken by the Board in respect of Draft Release No. 54-16, which was circulated to the public on May 28, 1954.

Subsequently a request was made to the Board by an irregular air carrier to provide that Part 42 operators may make nonstop flights on the same basis extended to the scheduled operators under SR-405.

The Board believes that the nonstop flight time limitations should be extended to irregular air carriers on substantially the same basis as they are currently applied to scheduled air carriers. The scheduled air carrier operating rules of Part 40 contain requirements for dispatch and company communications systems not currently required under the irregular air carrier operating rules of Part 42. In order to insure equivalent safety, therefore, the Board believes it necessary to add certain provisions concerning dispatch and company communications systems for the operations herein contemplated. The petitioner has advised the Board that it considers these provisions reasonable. Therefore, by this Special Civil Air Regulation the Board applies to irregular air carriers the provisions of SR-405 provided that the air carrier is able to show an independent air/ground communications service and a dispatch organization serving terminal points which are essentially similar to those required of scheduled air carriers.

It should be noted that the independent air/ground communications system specified by this rule is required to be approved by the Administrator as adequate to serve terminal points. This requirement is intended to provide an operational control system which insures reliable and rapid communications either direct or via acceptable point-to-point circuits between the pilot and the dispatcher under normal operating conditions. While the Board is not in this instance establishing firm criteria with respect to the geographic coverage of such a communications system, we envisage that it will normally permit communication between the pilot and the dispatcher at least during the last hour of the flight.

As is the case in scheduled air carrier operations, the Board contemplates that the dispatcher will be responsible for monitoring the progress of each flight and issuing instructions and information necessary for the continued safety of the flight within the area of communications provided under this rule. It is expected that the dispatch office will be so located with respect to the terminal point and so equipped with necessary communications facilities as to insure that the dispatcher will be in possession of necessary information to determine the flight may be terminated safely and to communicate such information to the pilot.

The Board anticipates that the air carrier shall determine that prior to serving in operations conducted under this rule, an aircraft dispatcher shall be familiar with all essential operating procedures and with the equipment and facilities to be used.

The Board contemplates that at the termination of SR-405 this regulation will have been reexamined and necessary action will then be taken with regard to flight time limitations for irregular long-range nonstop interstate operations.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation is in the nature of relieving from a re-

(Continued on next page)

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Titles 10–13 ($0.50)
Title 14: Part 400 to end ($0.65)
Title 16 ($1.25)
Titles 28–29 ($1.25)
Titles 44–45 ($0.75)
Title 49: Parts 71–90 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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striction, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective April 18, 1955:

Notwithstanding the requirements of § 42.48 of the Civil Air Regulations, air carriers in the conduct of interstate transcontinental nonstop flights, in accordance with Part 42, may schedule flight crew members for more than eight but not more than ten hours of continuous duty aloft without an intervening rest period: *Provided*, That the flight is conducted in pressurized airplanes with a flight crew of at least two pilots and a flight engineer: *And provided further*, That the carrier utilize in the conduct of such operations an air/ground communications service independent of systems operated by the Federal Government, and a dispatch organization, both of which have been approved by the Administrator as adequate to serve the terminal points concerned. This regulation shall terminate with the effective termination of SR–405.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply §§ 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55–3306; Filed, Apr. 21, 1955; 8:49 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 53]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.16 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.)* is amended between Blackstone, Va., and Norfolk, Va., to read: "Blackstone, Va., radio range station; Richmond, Va., radio range station; Norfolk, Va., radio range station to the Norfolk Municipal Airport, Norfolk, Va."

2. Section 600.234 is amended to read:

§ 600.234 *Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).* From the Charleston, W. Va., radio range station via the Pulaski, Va., radio range station to the Greensboro, N. C., radio range station. From the intersection of the northeast course of the Greensboro, N. C., radio range and the northwest course of the Raleigh, N. C., radio range to the Raleigh, N. C., radio range station. From the intersection of the north course of the Williamston, N. C., VHF VAR radio range and the southwest course of the Norfolk, Va., radio range to the Weeksville, N. C. (Navy) radio range station.

3. Section 600.251 is amended to read:

§ 600.251 *Red civil airway No. 51 (Blackstone, Va., to Norfolk, Va.).* From the Blackstone, Va., radio range station via the intersection of the east course of the Blackstone, Va., radio range and the west course of the Langley, Va., AFB radio range to the Langley, Va., AFB radio range station, excluding the portions which overlap the Camp Pickett Restricted Area (R–44) and the Plum Tree Island Restricted Area (R–49).

4. Section 600.638 is amended to read:

§ 600.638 *Blue civil airway No. 38 (Five Finger, Alaska, to United States Canadian Border).* That airspace over United States territory from the Five Finger, Alaska, USCG nondirectional radio beacon via the Gustavus, Alaska, radio range; Haines, Alaska, nondirectional radio beacon to the Whitehorse, Yukon Territory, radio range station.

5. Section 600.6004 is amended to read:

§ 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.).* From the Seattle, Wash., omnirange station via the Ellensburg, Wash., omnirange station; intersection of the Ellensburg omnirange 191° True and the Yakima omnirange 304° True radials; Yakima, Wash., omnirange station, excluding those portions which overlap danger areas; Pendleton, Oreg., omnirange station; Baker, Oreg., omnirange station; Boise, Idaho, omnirange station; intersection of the Boise omnirange 129° True and the Burley omnirange 292° True radials; Burley, Idaho, omnirange station, including a south alternate from the Boise omnirange station to the Burley omnirange station via the Twin Falls, Idaho, omnirange station; Malad City, Idaho, omnirange station; Rock Springs, Wyo., omnirange station; Cherokee, Wyo., omnirange station, including a north alternate; Laramie, Wyo., omnirange station; Denver, Colo., omnirange station, including a north alternate via the intersection of the Laramie omnirange 131° True and the Denver omnirange 014° True radials; Thurman, Colo., omnirange station, including a south alternate; Goodland, Kans., omnirange station, including a north alternate via the intersection of the Thurman omnirange 085° True and the Goodland omnirange 304° True radials; Hill City, Kans., omnirange station, including a north alternate; Russell, Kans., omnirange station; Salina, Kans., omnirange station, including a north alternate from Hill City omnirange station to Salina omnirange station; Topeka, Kans., omnirange station, including a south alternate; intersection of the Topeka omnirange 078° True and the Kansas City omnirange 261° True radials; Kansas City, Mo., omnirange station, including a north alternate; Columbia, Mo., omnirange station, including a south alternate and also a north alternate via the intersection of the Kansas City omnirange 076° True and the Columbia omnirange 292° True radials, excluding those portions which overlap danger areas; St. Louis, Mo., omnirange station, including a north and a south alternate; Centralia, Ill., omnirange station, including a north and a south alternate; Evansville, Ind., omnirange station, including a south alternate; the intersection of the Evansville omnirange 80° True and the Louisville omnirange 269° True radials; Louisville, Ky., omnirange station, including a north alternate from the Evansville omnirange station to the Louisville omnirange station; Lexington, Ky., omnirange station, including a south alternate and also a north alternate via the intersection of the Louisville, omnirange 083° True and the Lexington omnirange 294° True radials; Charleston, W. Va., omnirange station; Elkins, W. Va., omnirange station, including a north alternate via the intersection of the Charleston omnirange 049° True and the Elkins omnirange 264° True radials and also a south alternate via the intersection of the Charleston omnirange 081° True and the Elkins omnirange 227° True radials; Front Royal, Va., omnirange station; Herndon, Va., omnirange station to the point of intersection of the Herndon omnirange 089° True and the Washington, D. C., terminal omnirange 351° True radials.

6. Section 600.6005 is amended to read:

§ 600.6005 *VOR civil airway No. 5 (Jacksonville, Fla., to Cleveland, Ohio).* From the Jacksonville, Fla., omnirange station via the Alma, Ga., omnirange station, including a west alternate; Macon, Ga., omnirange station; intersection of the Macon omnirange 330° True and the Atlanta omnirange 102° True radials; to the Atlanta, Ga., omnirange station, including a west alternate from the Alma omnirange station to the Atlanta omnirange station via the intersection of the Alma omnirange 305° True and the Atlanta omnirange 151° True radials. From the Chattanooga, Tenn., omnirange station via the Nashville, Tenn., omnirange station; Bowling Green, Ky., omnirange station; intersection of the Bowling Green omnirange 048° True and the Louisville omnirange 189° True radials; Louisville, Ky., omnirange station, including an east alternate from the Bowling Green omnirange station to the Louisville, omnirange station via the intersection of the Bowling Green omnirange 063° True and the Louisville omnirange 168° True radials; Cincinnati, Ohio, omnirange station, including an east alternate; intersection of the Cincinnati omnirange 045° True and the Columbus omnirange 246° True radials; Columbus, Ohio, omnirange station; Mansfield, Ohio, omnirange station; to the Cleveland, Ohio, omnirange station.

7. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)* is amended by changing the portion between the Marianna, Fla., omnirange station and the Muscle Shoals, Ala., omnirange station to read: "Marianna, Fla., omnirange station; intersection of the Marianna omnirange 333° True and the Montgomery omnirange 137° True radials; Montgomery, Ala., omnirange station, including a west alternate from the Marianna omnirange station to the Montgomery omnirange station via the intersection of the Marianna omnirange 303° True and the Montgomery omnirange 192° True radials; Birmingham, Ala., omnirange station, including an east alternate via the intersection of the Montgomery omnirange 358° True and the Birmingham omnirange 138° True radials and also a west alternate; intersection of the Birmingham omnirange 358° True and the Muscle Shoals omnirange 129° True radials; Muscle Shoals, Ala., omnirange station;".

8. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by changing all between the Carleton, Mich., omnirange station and the Philipsburg, Pa., omnirange station to read: "Carleton, Mich., omnirange station; Perry, Ohio, nondirectional radio beacon; Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station;"

9. Section 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.)* is amended by changing the portion between the Tulsa, Okla., omnirange station and the Springfield, Mo., omnirange station to read: "Tulsa, Okla., omnirange station, including a north alternate and also a south alternate via the intersection of the Oklahoma City omnirange 100° True and the Tulsa omnirange 207° True radials; Neosho, Mo., omnirange station, including a north alternate via the intersection of the Tulsa omnirange 050° True and the Neosho omnirange 260° True radials; Springfield, Mo., omnirange station, including a north alternate via the intersection of the Neosho omnirange 045° True and the Springfield omnirange 261° True radials and also a south alternate;"

10. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing all between the Graham, Tenn., omnirange station and the Montebello, Va., omnirange station to read: "Graham, Tenn., omnirange station, including a south alternate; Nashville, Tenn., omnirange station; Crossville, Tenn., omnirange station, including a south alternate from the Graham omnirange station to the Crossville omnirange station via the Graham omnirange 099° True and the Crossville omnirange 257° True radials; intersection of the Crossville omnirange 104° True and the Knoxville omnirange 249° True radials; Knoxville, Tenn., omnirange station; Tri-City, Tenn., omnirange station; Pulaski, Va., omnirange station, including a north alternate from the Knoxville omnirange station to the Pulaski omnirange station via the intersection of the Knoxville omnirange 054° True and the Pulaski omnirange 260° True radials; Montebello, Va., omnirange station;"

11. Section 600.6018 *VOR civil airway No. 18 (Dallas, Tex., to Charleston, S. C.)* is amended by changing all after the Birmingham, Ala., omnirange station to read: Birmingham, Ala., omnirange station; Anniston, Ala., omnirange station; intersection of the Anniston omnirange 084° True radial and the Atlanta Airport ILS localizer west course; Atlanta, Ga., Airport ILS localizer; intersection of the Atlanta Airport ILS localizer east course and the Augusta omnirange 278° True radial; Augusta, Ga., omnirange station, including a south alternate from the Anniston omnirange station to the Augusta omnirange station via the intersection of the Anniston omnirange 104° True and the Atlanta omnirange 262° True radials; the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 102° True and the Augusta omnirange 263° True radials; intersection of the Augusta omnirange 090° True and the Charleston omnirange 301° True radials; to the Charleston, S. C., omnirange station. The portions of this airway which conflict with the Fort McClellan Restricted Area (R–130) are excluded.

12. Section 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.)* is amended by changing all after the La Grange, Ga., omnirange station to read: "La Grange, Ga., omnirange station; Atlanta, Ga., omnirange station; intersection of the Atlanta omnirange 048° True and the Anderson omnirange 236° True radials; Anderson, S. C., omnirange station; Spartanburg, S. C., omnirange station; Greensboro, N. C., omnirange station; Danville, Va., omnirange station; to the Flat Rock, Va., omnirange station."

13. Section 600.6088 is amended by changing the caption to read: *"VOR civil airway No. 88 (Tulsa, Okla., to Mansfield, Ohio)*," by changing all before the Centralia, Ill., omnirange station to read: "From the Tulsa, Okla., omnirange station via the intersection of the Tulsa omnirange 050° True and the Springfield omnirange 261° True radials; Springfield, Mo., omnirange station; Vichy, Mo., omnirange station; intersection of the Vichy omnirange 084° True and the Centralia omnirange 261° True radials; Centralia, Ill., omnirange stations;" and by changing all after the Dayton, Ohio, omnirange station to read: "Dayton, Ohio, omnirange station; to the Mansfield, Ohio, omnirange station, including a north alternate."

14. Section 600.6092 is amended by changing the caption to read: *"VOR civil airway No. 92 (Chicago, Ill., to Washington, D. C.)*," and by changing all after the Mansfield, Ohio, omnirange station to read: "Mansfield, Ohio, omnirange station; intersection of the Mansfield omnirange 100° True and the Pittsburgh omnirange 291° True radials; Pittsburgh, Pa., omnirange station; intersection of the Pittsburgh omnirange 132° True and the Front Royal omnirange 307° True radials; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C., terminal omnirange station."

15. Section 600.6093 *VOR civil airway No. 93 (Baltimore, Md., to Princeton, Maine)* is amended by changing all between the Allentown, Pa., omnirange station and the Concord, N. H., omnirange station to read: "Allentown, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station; Albany, N. Y., omnirange station; intersection of the Albany omnirange 099° True and the Concord omnirange 231° True radials; Concord, N. H., omnirange station;".

16. Section 600.6103 is added to read:

§ 600.6103 *VOR civil airway No. 103 (Elkins, W. Va., to Wheeling, W. Va.)*. From the Elkins, W. Va., omnirange station to the Wheeling, W. Va., omnirange station.

17. Section 600.6107 is amended to read:

§ 600.6107 *VOR civil airway No. 107 (Long Beach, Calif., to Red Bluff, Calif.)*. From the Long Beach, Calif., omnirange station via the intersection of the Long Beach omnirange 292° True and the Fillmore omnirange 141° True radials; Fillmore, Calif., omnirange station; Coalinga, Calif., omnirange station; Oakland, Calif., omnirange station; Ukiah, Calif., omnirange station; to the Red Bluff, Calif., omnirange station.

18. Section 600.6119 is amended to read:

§ 600.6119 *VOR civil airway No. 119 (Huntington, W. Va., to Buffalo, N. Y.)*. From the Huntington, W. Va., nondirectional radio beacon via the Parkersburg, W. Va., omnirange station; Wheeling, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; intersection of the Pittsburgh omnirange 040° True and the Bradford omnirange 210° True radials; Bradford, Pa., omnirange station; to the Buffalo, N. Y., omnirange station.

19. Section 600.6122 is amended to read:

§ 600.6122 *VOR civil airway No. 122 (Crescent City, Calif., to Klamath Falls, Oreg.)*. From the Crescent City, Calif., omnirange station to the Medford, Oreg., omnirange station. From the point of intersection of the Medford, Oreg., omnirange 176° True and the Klamath Falls, Oreg., omnirange 273° True radials; to the Klamath Falls, Oreg., omnirange station.

20. Section 600.6132 is amended to read:

§ 600.6132 *VOR civil airway No. 132 (Cheyenne, Wyo., to Hutchinson, Kans.)*. From the Cheyenne, Wyo., omnirange station via the Akron, Colo., omnirange station, Goodland, Kans., omnirange station; to the Hutchinson, Kans., omnirange station.

21. Section 600.6138 is added to read:

§ 600.6138 *VOR civil airway No. 138 (Rock River, Wyo., to Sidney, Nebr.)*. From the Rock River, Wyo., omnirange station to the Sidney, Nebr., omnirange station.

22. Section 600.6139 *VOR civil airway No. 139 (Norwich, Conn., to Boston, Mass.)* is amended by changing all after the Providence, R. I., ILS localizer to read: "Providence, R. I., ILS localizer, intersection of the Providence ILS localizer course and the Boston ILS localizer course; to the Boston, Mass., localizer."

23. Section 600.6144 *VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.)* is amended by deleting the words, "Wheeling, W. Va., omnirange station;"

24. Section 600.6147 is amended to read:

§ 600.6147 *VOR civil airway No. 147 (Philadelphia, Pa., to Rochester, N. Y.)*. From the West Chester, Pa., omnirange station via the Allentown, Pa., omnirange station; intersection of the Allentown omnirange 329° True and the Elmira omnirange 134° True radials; Elmira, N. Y., omnirange station; intersection of the Elmira omnirange 305° True and the Rochester omnirange 183° True radials; to the Rochester, N. Y., omnirange station.

25. Section 600.6151 is amended to read:

§ 600.6151 *VOR civil airway No. 151 (Woonsocket, R. I., to Keene, N. H.)*. From the point of intersection of the Norwich, Conn., omnirange 043° True and the Gardner omnirange 152° True radials via the Gardner, Mass., omnirange station; to the Keene, N. H. nondirectional radio beacon.

26. Section 600.6173 is added to read:

§ 600.6173 *VOR civil airway No. 173 (Springfield, Ill., to Chicago, Ill.)*. From the Sprinfield, Ill., omnirange station via the Roberts, Ill., omnirange station; intersection of the Roberts omnirange 013° True and the Chicago Midway Airport terminal omnirange 198° True radials; to the Chicago, Ill., Midway Airport terminal omnirange station.

27. Section 600.6174 is amended to read:

§ 600.6174 *VOR civil airway No. 174 (Scotland, Ind., to Washington, D. C.)*. From the Scotland, Ind., omnirange station via the Louisville, Ky., omnirange station; York, Ky., omnirange station; Elkins, W. Va., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington, D. C., terminal omnirange 245° True radials; to the Washington, D. C., terminal omnirange station.

28. Section 600.6186 is added to read:

§ 600.6186 *VOR civil airway No. 186 (St. Louis, Mo., to Scotland, Ind.)*. From the St. Louis, Mo., omnirange station via the Vandalia, Ill., omnirange station; intersection of the Vandalia omnirange 073° True and the Scotland omnirange 293° True radials; to the Scotland, Ind., omnirange station.

29. Section 600.6172 *VOR civil airway No. 172 (Iowa City, Iowa, to Chicago, Ill.)* is amended by deleting the words, "Polo omnirange 259° True radials;" and substituting in lieu thereof the following words, "Polo omnirange 269° True radials;"

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., April 22, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-3291; Filed, Apr. 21, 1955; 8:45 a. m.]

[Amdt. 53]

PART 601 — DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.638 is amended by changing caption to read: *"Blue civil airway No. 38 control areas (Five Finger, Alaska, to United States-Canadian Border)."*

2. Section 601.1241 is amended to read:

§ 601.1241 *Control area extension (Tulsa, Okla.)*. That airspace within a 25-mile radius of the Tulsa, Okla., radio range station; that airspace southwest of Tulsa bounded on the northwest by VOR civil airway No. 14, on the southeast by VOR civil airway No. 15 and on the southwest by VOR civil airway No. 163; that airspace south of Tulsa bounded on the west and northwest by VOR civil airway No. 15E, on the east and southeast by lines 5 miles east of and parallel to direct lines extending between the Tulsa, Okla., omnirange station, the McAlester, Okla., omnirange station and the Dallas, Tex., omnirange station and on the south by the Sherman, Tex., Perrin AFB control area extension.

3. Section 601.1334 is amended to read:

§ 601.1334 *Control area extension (Del Rio, Tex.)*. That airspace over United States Territory within a 25-mile radius of Laughlin Air Force Base, Del Rio, Tex., excluding the portions which overlap Laughlin AFB Restricted Area (R-427) and Del Rio Restricted Area (R-425).

4. Section 601.1377 is added to read:

§ 601.1377 *Control area extension (Boston, Mass.)*. That airspace northeast of Boston within a 25-mile radius of the Boston radio range station bounded on the west by Amber civil airway No. 7, on the southeast by Boston control area extension No. 1141 and on the south by Red civil airway No. 11; that airspace southeast of Boston within a 25-mile radius of the Boston radio range station bounded on the north by Boston control area extension No. 1142, on the southwest by VOR civil airway No. 141 and on the northwest by Red civil airway No. 21.

5. Section 601.1378 is added to read:

§ 601.1378 *Control area extension (Wilmington, Del.)*. That airspace within a 20-mile radius of the New Castle radio range station lying in the southeast and southwest quadrants of the radio range.

6. Section 601.1379 is added to read:

§ 601.1379 *Control area extension (Waterloo, Iowa)*. That airspace within a 15-mile radius of the Waterloo Municipal Airport.

7. Section 601.2029 is amended to read:

§ 601.2029 *Fort Worth, Tex., control zone.* All that airspace within a 5-mile radius of Meacham Field and within a 5-mile radius of Carswell AFB, within 2 miles either side of the south course of the Ft. Worth radio range extending to the intersection of the south course of the Ft. Worth radio range with the west course of the Dallas, Tex., radio range, within 2 miles either side of a line bearing 181° True from the Carswell AFB extending to a point 13 miles south of the Air Force Base, and the airspace bounded on the east by a line two miles east of and parallel to a direct line from Meacham Field through the Haslet nondirectional radio beacon, on the north by Lat. 32°59'45" and on the west by a line 2 miles west of and parallel to a direct line from the Carswell AFB through the Newark nondirectional radio beacon.

8. Section 601.2078 *Vichy, Mo., control zone* is revoked.

9. Section 601.2082 *Akron, Ohio, control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the west course of the Akron radio range extending from the radio range station to a point 10 miles west."

10. Section 601.2122 is amended to read:

§ 601.2122 *Detroit, Mich., control zone.* Within a 5-mile radius of the Detroit-Wayne Major Airport and within a 5-mile radius of the Willow Run Airport, within 2 miles either side of the front and back courses of the Willow Run ILS localizer extending from a point 12 miles southwest of the Willow Run outer marker to a point 12 miles northeast of the Ford nondirectional radio beacon, within 2 miles either side of the front and back courses of the Wayne Major ILS localizer extending from a point 12 miles southwest of the Wayne Major outer marker to a point 15½ miles northeast of the Wayne Major ILS localizer, and within 2 miles either side of a 134° True Track extending from the Willow Run Airport to a point 12 miles southeast of the Wayne Major outer marker.

11. Section 601.2147 is added to read:

§ 601.2147 *Waterloo, Iowa, control zone.* Within a 5-mile radius of the Waterloo Municipal Airport and within 2 miles either side of the 78° True, 200° True, 238° True, 314° True and 356° True radials of the Waterloo omnirange extending from the omnirange station to points 12 miles east, south, southwest, northwest and north of the omnirange station.

12. Section 601.4234 is amended to read:

§ 601.4234 *Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.)*. Pulaski, Va., radio range station.

13. Section 601.4638 is amended to read:

§ 601.4638 *Blue civil airway No. 38 (Five Finger, Alaska, to United States-Canadian Border)*. Five Finger, Alaska, nondirectional radio beacon; the intersection of the southeast course of the Gustavus, Alaska, radio range and the northeast course of the Sitka, Alaska, radio range; Gustavus, Alaska, radio range station.

14. Section 601.6005 is amended to read:

§601.6005 *VOR civil airway No. 5 control areas (Jacksonville, Fla., to Cleveland, Ohio)*. All of VOR civil airway No. 5 including east and west alternates, but excluding the airspace between the main airway and its west alternate from the Alma, Ga., omnirange station to the Atlanta, Ga., omnirange station, and also excluding the airspace between the main airway and its east alternate from the Bowling Green, Ky., omnirange station to the Louisville, Ky., omnirange station.

15. Section 601.6016 is amended to read:

§ 601.6016 *VOR civil airway No. 16 control areas (Los Angeles, Calif., to Boston, Mass.)*. All of VOR civil airway No. 16 including north and south alternates but excluding the airspace between the main airway and its south alternate from the Graham, Tenn., omnirange station to the Crossville, Tenn., omnirange station, and also excluding the airspace between the main airway and its north alternate from the Knoxville, Tenn., omnirange station to the Pulaski, Tenn., omnirange station.

16. Section 601.6018 is amended to read:

§ 601.6018 *VOR civil airway No. 18 control areas (Dallas, Tex., to Charleston, S. C.)*. All of VOR civil airway No. 18 including north and south alternates, but excluding the airspace between the main airway and its south alternate from the Anniston, Ala., omnirange station to the Augusta, Ga., omnirange station.

17. Section 601.6051 is amended to read:

§ 601.6051 *VOR civil airway No. 51 control areas (Miami, Fla., to Chicago, Ill.)*. All of VOR civil airway No. 51 including east and west alternates, but excluding the airspace between the main airway and its west alternate from the Alma, Ga., omnirange station to the Atlanta, Ga., omnirange station.

18. Section 601.6088 is amended to read:

§ 601.6088 *VOR civil airway No. 88 control areas (Tulsa, Okla., to Mansfield, Ohio)*. All of VOR civil airway No. 88, including a north alternate.

19. Section 601.6092 is amended to read:

§ 601.6092 *VOR civil airway No. 92 control areas (Chicago, Ill., to Washington, D. C.)*. All of VOR civil airway No. 92.

20. Section 601.6103 is added to read:

§ 601.6103 *VOR civil airway No. 103 control areas (Elkins, W. Va., to Wheeling, W. Va.)*. All of VOR civil airway No. 103.

21. Section 601.6107 is amended to read:

§ 601.6107 *VOR civil airway No. 107 control areas (Long Beach, Calif., to Red Bluff, Calif.)*. All of VOR civil airway No. 107.

22. Section 601.6119 is amended to read:

§ 601.6119 *VOR civil airway No. 119 control areas (Huntington, W. Va., to Buffalo, N. Y.)*. All of VOR civil airway No. 119.

23. Section 601.6122 is amended to read:

§ 601.6122 *VOR civil airway No. 122 control areas (Crescent City, Calif., to Klamath Falls, Oreg.).* All of VOR civil airway No. 122.

24. Section 601.6132 is amended to read:

§ 601.6132 *VOR civil airway No. 132 control areas (Cheyenne, Wyo., to Hutchinson, Kans.).* All of VOR civil airway No. 132.

25. Section 601.6138 is added to read:

§ 601.6138 *VOR civil airway No. 138 control areas (Rock River, Wyo., to Sidney, Nebr.).* All of VOR civil airway No. 138.

26. Section 601.6147 is amended to read:

§ 601.6147 *VOR civil airway No. 147 control areas (Philadelphia, Pa., to Rochester, N. Y.).* All of VOR civil airway No. 147.

27. Section 601.6151 is amended to read:

§ 601.6151 *VOR civil airway No. 151 control areas (Woonsocket, R. I., to Keene, N. H.).* All of VOR civil airway No. 151.

28. Section 601.6173 is added to read:

§ 601.6173 *VOR civil airway No. 173 control areas (Springfield, Ill., to Chicago, Ill.).* All of VOR civil airway No. 173.

29. Section 601.6174 is amended to read:

§ 601.6174 *VOR civil airway No. 174 control areas (Scotland, Ind., to Washington, D. C.).* All of VOR civil airway No. 174.

30. Section 601.6186 is added to read:

§ 601.6186 *VOR civil airway No. 186 control areas (St. Louis, Mo., to Scotland, Ind.).* All of VOR civil airway No. 186.

31. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting points:

Salem Intersection: The intersection of the Hartford, Conn., omnirange 130° True and the Norwich, Conn., omnirange 224° True radials.

Coldwater Intersection: The intersection of the Dayton, Ohio, omnirange 324° True and the Findlay, Ohio, omnirange 250° True radials.

Lewisburg Intersection: The intersection of the Bowling Green, Ky., omnirange 283° True and the Nashville, Tenn., omnirange 343° True radials.

Bay Point Intersection: The intersection of the Oakland, Calif., omnirange 039° True and the Modesto, Calif., omnirange 292° True radials.

Round Top Intersection: The intersection of the Austin, Tex., omnirange 109° True and the College Station, Tex., omnirange 202° True radials.

Rossville Intersection: The intersection of the Lafayette, Ind., omnirange 080° True and the Indianapolis, Ind., omnirange 342° True radials.

Ringling Intersection: The intersection of the Ardmore, Okla., omnirange 274° True and the Oklahoma City, Okla., omnirange 175° True radials.

Belle Glade Intersection: The intersection of the Vero Beach, Fla., omnirange 192° True and the Miami, Fla., omnirange 337° True radials.

Bradford, Pa., omnirange station.

Phoenix, Ariz., omnirange station.

by revoking the following reporting points:

Bedford Intersection: The intersection of the Pullman, Mich., omnirange 094° True and the Litchfield, Mich., omnirange 314° True radials.

Adrian Intersection: The intersection of the Detroit, Mich., omnirange 228° True and the Waterville, Ohio, omnirange 328° True radials.

Napoleon Intersection: The intersection of the Detroit, Mich., omnirange 257° True and the Waterville, Ohio, omnirange 328° True radials.

Andres Intersection: The intersection of the Naperville, Ill., omnirange 155° True and the Chicago Heights, Ill., omnirange 228° True radials.

and by changing the following reporting points to read:

Paterson Intersection: The intersection of the Wilkes-Barre-Scranton, Pa., omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

Flint Intersection: The intersection of the Lansing, Mich., omnirange 068° True and the Salem, Mich., omnirange 342° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., April 22, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-3292; Filed, Apr. 21, 1955; 8:45 a. m.]

[Amdt. 139]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
WEST PALM BEACH, FLA. Palm Beach International, 19'. SBMRA-DTV PBI. Procedure No. 1. Amendment 10. Effective March 24, 1954. Major changes: Superseded by Special Procedure (not published).	PROCEDURE CANCELED MAY 3, 1955. (THIS CANCELLATION DOES NOT AFFECT THE MILITARY PROCEDURES IN THE PILOT'S HANDBOOK.)									

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h. or less	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
GLENS FALLS, N. Y. Warren County, 328'. BMH-GFL. Procedure No. 1. Amendment No. 3. Effective date: May 21, 1955. Supersedes Amendment 2 dated June 29, 1954. Major changes: Deletes the term "BCOB."	Albany LFR	029—39	3,000	E side of course: 190° outbound. 010° inbound. 2,500' within 10 miles.	1,300	Located on airport.	2 engines or less T-dn C-dn A-dn	300-1 1,000-1 1,000-2	300-1 1,000-1½ 1,000-2	Within 0 mile after passing Glens Falls BMH, make an immediate right climbing turn to 3,000' on a course of 190° within 10 miles. #300-1 required for take-off on Runway 30.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	#200-½ 1,000-1½ 1,000-2	
LANCASTER, PA. Municipal, 401'. MHW-LRF. Procedure No. 1. Amendment No. 5. Effective date: May 21, 1955. Supersedes Amendment 4 dated March 21, 1954. Major changes: Revises alternate landing minimums and deletes the term "BCOB".	Intersection Harrisburg VOR radial 132° and 058° bearing to Lancaster MHW (final).	058—10	1,500	S side of course: 238° outbound. 058° inbound. 1,800' within 10 miles.	1,500	058—4.6	2 engines or less T-dn C-dn S-dn 8 A-dn	300-1 500-1 400-1 800-2	300-1 600-1 400-1 800-2	Within 4.6 miles, make a climbing left turn and return to Lancaster MHW at 2,000'.
SPOKANE, WASH. Geiger Field, 2,372'. LOM-GE. Procedure No. 1. Amendment No. 11. Effective: May 21, 1955. Supersedes Amendment 10 dated April 2, 1955. Major changes: Add altitude on alternate missed approach.	Rockford FM to GEG LFR.	254—15.0	4,700	S side of course: 203° outbound. 023° inbound. 4,000' within 10 miles of LOM. Not authorized beyond 10 miles.	3,560	023—4.4	2 engines or less T-dn C-dn C-n S-dn Runway 2 A-dn	300-1 500-1 600-1 400-1 800-2	300-1 500-1 600-1 400-1 800-2	Within 4.4 miles, execute climbing left turn so as to intercept and climb to 4,500' on the 360° outbound course from LOM within 15 miles, all turns on W side. Alternate missed approach when directed by ATC, execute climbing left turn to intercept and climb to 4,500' on 300° outbound course from LOM, within 15 miles, all turns on W side; or, execute climbing left turn, climb to 4,000' proceeding direct to the LOM and hold on the E side of the 203° outbound 023° inbound course at 4,000' within 15 miles of LOM.
	Pine City FM/H to GEG LFR.	360—24.0	4,200							
	Harrington FM to Intersection 023° bearing to LOM and 096° bearing to Pine City "H".	096—18.0	4,000							
	Intersection 023° bearing to LOM and 096° bearing to Pine City "H" (final).	023—21.0	4,000							
	Pine City "H" to Intersection 023° bearing to LOM and 150° bearing to Pine City "H".	330—19.0	4,100							
	Pine City FM/H	341—22.0	4,100							
	GEG VOR	045—0.6	4,000							
	GEG LFR	248—8.0	4,000							
	Rockford FM to LOM	252—23.0	4,700							
							More than 2 engines T-dn C-d C-n S-dn Runway 2 A-dn	---------- ---------- ---------- ---------- ----------	200-½ 500-1½ 600-1½ 400-1 800-2	

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
WEST PALM BEACH, FLA. Palm Beach International, 19'. BVOR-DTV PBI. Procedure No. 1. Amendment 5. Effective: March 24, 1954. Major changes: Superseded by Special Procedure (not published).	PROCEDURE CANCELED MAY 3, 1955. (THIS CANCELLATION DOES NOT AFFECT THE MILITARY PROCEDURES IN THE PILOT'S HANDBOOK.)									

4. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
JOHNSTOWN, PA. Johnstown, 2,284'. BVOR-DTV. 113 mc JST. Procedure No. —; TVOR-5. Amendment No. 1. Effective date: May 21, 1955. Supersedes Amendment originally dated January 22, 1955. Major changes: Missed approach altitude revised.				S side of course: 221° outbound. 041° inbound. 3,700' within 10 miles.	2,700	045—0.5	2 engines or less: T-dn	300-1	300-1	Climb to 4,000' on radial 041° within 15 miles.
							C-dn	400-1	500-1	
							S-dn 5	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines: T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 5	----------	400-1	
							A-dn	----------	800-2	
NEW YORK, N. Y. International, 12'. VOR-IDL. TVOR-4. Amendment No. 1. Effective date: May 21, 1955. Supersedes Amendment originally dated August 15, 1954. Major changes: Establishes transition from Scotland MHW. Courses and distances revised.	Idlewild LFR	047—3	1,500	East side of course: 240° outbound. 060° inbound. 1,300' within 10 miles.	600	043—0.7	2 engines or less: T-dn	300-1	300-1	Make a right climbing turn to 130° intersecting the SW course Mitchel LFR, continue climb to 1,500' (or higher altitude when requested by ATC) outbound on SW course Mitchel LFR. CAUTION: Straight-in landing minimums do not provide standard clearance over 278' stack 1.7 miles SSE of airport. Terminal area radar transition altitudes: All directions 2,500' within 25 miles, E of the NE/SW courses of the La Guardia LFR, 1,500' within 15 miles.
	La Guardia LFR	176—14	1,500				C-dn	600-1	600-1	
	New Rochelle MHW	189—18	1,500				S-dn 4	600-1	600-1	
	Glen Cove MHW	222—17	1,500				A-dn	800-2	800-2	
	Mitchel LFR	260—14	1,500				More than 2 engines: T-dn	----------	200-½	
	Paterson MHW	150—30	2,500				C-dn	----------	600-1½	
	Scotland MHW	044—14	1,500				S-dn 4	----------	600-1	
							A-dn	----------	800-2	

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
NEW YORK, N. Y. International, 12'. VOR-IDL. TVOR-22. Amendment No. 1. Effective date: May 21, 1955. Supersedes Amendment originally dated August 15, 1954. Major changes: Establishes transition from Scotland MHW. Courses and distances revised.	Idlewild LFR	047—3	1,500	E side of course:# 034° outbound. 214° inbound. 1,500' within 10 miles.	1,000 over Elmont FM	223—0.5 Elmont FM 215—4.6	2 engines or less: T-dn	300-1	300-1	Climb to 1,500' (or higher altitude when requested by ATC) on course of 223° from VOR. #Procedure turn conducted E to avoid LaGuardia traffic. CAUTION: Circling minimums do not provide standard clearance over airport control tower and 278' stack 1.7 mile SSE of airport. Straight-in landing minimums do not provide standard obstruction clearance over 290' tank 4½ miles NE of the airport. Terminal area radar transition altitudes: All directions 2,500' within 25 miles; E of the NE/SW courses of the La Guardia LFR, 1,500' within 15 miles.
	La Guardia LFR	176—14	1,500				C-dn	500-1	500-1	
	New Rochelle MHW	189—18	1,500				S-dn 22	400-1	400-1	
	Glen Cove MHW	222—17	1,500				A-dn	800-2	800-2	
	Mitchel LFR	260—14	1,500				More than 2 engines: T-dn	----------	200-½	
	Paterson MHW	150—30	2,500				C-dn	----------	500-1½	
	Scotland MHW	044—14	1,500				S-dn 22	----------	400-1	
							A-dn	----------	800-2	
NEW YORK, N. Y. International 12'. VOR-IDL. TVOR-25L. Amendment No. 1. Effective date: May 21, 1955. Supersedes Amendment originally dated August 15, 1954. Major changes: Establishes transition from Scotland MHW. Courses and distances revised.	Idlewild LFR	047—3	1,500	E side of course:# 052° outbound. 232° inbound. 1,500' within 10 miles.	1,000 over Elmont FM	253—0.8 Elmont FM 235—4.6	2 engines or less: T-dn	300-1	300-1	Climb to 1,500' (or higher altitude when requested by ATC) on course of 223° from VOR. #Procedure turn conducted E to avoid LaGuardia traffic. CAUTION: Circling minimums do not provide standard clearance over airport control tower and 278' stack 1.7 miles SSE of airport. Straight-in landing minimums do not provide standard obstruction clearance over 290' tank 4½ miles NE of the airport. Terminal area radar transition altitudes: All directions 2,500' within 25 miles. E of the NE/SW courses of the La Guardia LFR, 1,500' within 15 miles.
	La Guardia LFR	176—14	1,500				C-dn	500-1	500-1	
	New Rochelle MHW	189—18	1,500				S-dn 25L	400-1	400-1	
	Glen Cove MHW	222—17	1,500				A-dn	800-2	800-2	
	Mitchel LFR	260—14	1,500				More than 2 engines: T-dn	----------	200-½	
	Paterson MHW	150—30	2,500				C-dn	----------	500-1½	
	Scotland MHW	044—14	1,500				S-dn 25L	----------	400-1	
							A-dn	----------	800-2	

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
SYRACUSE, N. Y. Hancock, 419'. ILS-SYR. LOM-SY. Procedure No. 1. Combination ILS-ADF. Amendment No. 9. Effective date: April 21, 1955. Supersedes Amendment 8 dated August 6, 1954. Major changes: Distance from markers to Runway revised. Minimums revised; approach lights inoperative.	Syracuse LFR	LOM	099—13	1,900	N side E course: 098° outbound. 278° inbound. 1,600' within 10 miles.	ILS 1,600 ADF 1,100 over LOM	1,535—4.1	635—0.4	2 engines or less			Within 4.1 miles after passing LOM (ADF), climb to 2,000' on W course ILS or course of 278° from LOM within 25 miles. #Standard clearance not provided over 833' radio mast 1.3 miles SE of airport. *600-1 required for takeoff to SE. AIR CARRIER NOTES: No reduction in takeoff minimums authorized, and no sliding scale authorized for takeoffs, on Runway 14. ##After interception of localizer course inbound, descent on glide slope to cross the outer marker at 1,535' on final approach is authorized.
	Syracuse VOR	LOM	121—10	1,900					*T-dn	300-1	300-1	
	Intersection E course Syracuse LFR and SW course Utica LFR.	E course ILS	310—13	2,500 (##)					C-dn	#600-1	700-1	
	Intersection E course Syracuse LFR and bearing 335° to LOM.	LOM	335—3.5	1,900					S-dn 28 ILS	300-¾	300-¾	
									ADF	#600-1	700-1	
									A-dn	800-2	800-2	
	Intersection S course Syracuse LFR and bearing 045° to LOM.	LOM	045—20	3,000					More than 2 engines			
									*T-dn	----------	200-½	
									C-dn	----------	700-1½	
									S-dn 28 ILS	----------	300-¾	
									ADF	----------	700-1	
									A-dn	----------	800-2	
TETERBORO, N. J. Teterboro, 7'. ILS-TEB. Procedure No. 1. Amendment No. 6. Effective date: May 21, 1955. Supersedes Amendment 5 dated May 7, 1955. Major changes: Final approach course corrected.	Chatham MHW	ILS SW course	095—12	2,000	W side SW course: 239° outbound. 059° inbound. 1,800' within 10 miles of OM.	1,400	1,360—4.7	230—0.6	2 engines or less			Climb to 1,000' on a heading of 059° turn left climb to 2,000' on ADF course to Paterson MHW. *700-1½ required with any component of the ILS inoperative.
	Newark LOM	ILS SW course	348—7	1,800					T-dn	300-1	300-1	
	Paterson MHW	ILS OM	186—10	2,000					C-dn	1,000-1	1,000-1½	
	Caldwell VOR	ILS OM	114—13	2,000					*S-6 dn	500-1	500-1	
									A-dn	1,000-2	1,000-2	
									More than 2 engines			
									T-dn	----------	300-1	
									C-dn	----------	1,000-1½	
									*S-6 dn	----------	500-1	
									A-dn	----------	1,000-2	

6. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnet C. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Condition	Precision approach (PAR): 75 m. p. h. or less	Precision approach (PAR): More than 75 m. p. h.	Surveillance approach (ASR): 75 m. p. h. or less	Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
ANCHORAGE, ALASKA. International Airport, 114'. Procedure No. 1. Amendment: Original. Effective date: May 21, 1955.	All bearings are to the radar with sector azimuths progressing clockwise.	All runways	2 engines or less					Climb to 1,500' on SW course Anchorage LFR (192° outbound) within 25 miles of Jewel Lake MH/FM. Alternate missed approach procedures when directed by ATC: (1) Climb to 1,500' proceeding direct to Anchorage LOM, thence on course of 244° outbound, 064° inbound within 25 miles; (2) Climb to 1,500' on NW course Anchorage LFR (296° outbound) to hold at Susitna Intersection; (3) Climb to 2,500' on NW course of Merrill LFR (326° outbound) within 25 miles. *ASR approached on Runway 24 not authorized due high terrain E and ground clutter. CAUTION: Terrain 346' mean sea level 2 miles SSW of airport and 1.5 miles W of approach course to Runway 31.
			T-dn	----------	----------	800-1	800-1	
			C-dn	----------	----------	800-1	800-1	
			A-dn	----------	----------	800-2	800-2	
	Within 5 N. miles: 340-200 1,400' 200-300 2,500' 300-340 1,400'	24° 6, 31, 13	S-dn	----------	----------	NA	NA	
			S-dn	----------	----------	400-1	400-1	
			More than 2 engines					
	Within 8 N. miles: 340-200 1,400' 200-300 9,000' 300-340 1,400'	All runways	T-dn	----------	----------	----------	200-½	
			C-dn	----------	----------	----------	500-1½	
			A-dn	----------	----------	----------	800-2	
	Within 15 N. miles: 340-200 1,500' 200-300 9,000' 300-340 5,000'	24° 6, 31, 13	S-dn	----------	----------	----------	NA	
			S-dn	----------	----------	----------	400-1	
	Within 20 N. miles: 340-200 1,500' 200-300 9,000' 300-340 6,000'							
	Within 25 N. miles: 340-200 1,500' 200-300 9,500' 300-340 6,500'							
MINNEAPOLIS, MINN. Minneapolis-St. Paul International, 840'. Procedure No. 1. Amendment No. 4. Effective date: May 21, 1955. Supersedes Amendment 3 dated August 5, 1954. Major changes: (1) Lowers ASR minimums on Runway 11-R; (2) Adds caution note in col. 9; (3) Shows air carrier minimum in accordance with policy change, August 4, 1954; (4) Raises altitude on No. 1 alternate missed approach from 2,200' to 2,500'.	Minimum instrument altitude within 25-mile area radius 2,600' mean sea level.	All	2 engines or less					Climb to 2,600' and proceed to Hamel FM via NW course MSP-LFR or via back course ILS, or when directed by ATC, as follows: (1) Make left climbing turn to 2,500', proceeding out SW course MSP to Jordan FM; (2) Make left climbing turn to 2,100' returning to MSP-LFR. CAUTION: On approach to Runway 11-R do not descend below 1,700' mean sea level until radar controller has advised passing tower located 3 miles from approach end Runway 11-R.
			T-dn	300-1	300-1	300-1	300-1	
		29-L	S-dn	200-½	200-½	400-1	400-1	
			C-dn	500-1	500-1	500-1	500-1	
			A-dn	600-2	600-2	800-2	800-2	
		4, 11-R	S-dn	----------	----------	400-1	400-1	
			C-dn	----------	----------	500-1	500-1	
			A-dn	----------	----------	800-2	800-2	
		22	S-dn	----------	----------	600-1	600-1	
			C-dn	----------	----------	600-1	600-1	
			A-dn	----------	----------	800-2	800-2	
		All	More than 2 engines					
			T-dn	----------	200-½	----------	200-½	
		29-L	S-dn	----------	200-½	----------	400-1	
			C-dn	----------	500-1½	----------	500-1½	
			A-dn	----------	600-2	----------	800-2	
		4, 11-R	S-dn	----------	----------	----------	400-1	
			C-dn	----------	----------	----------	500-1½	
			A-dn	----------	----------	----------	800-2	
		22	S-dn	----------	----------	----------	600-1	
			C-dn	----------	----------	----------	600-1½	
			A-dn	----------	----------	----------	800-2	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-3168; Filed, Apr. 21, 1955; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.13, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1955

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of revising Sugar Regulation 814.13 (19 F. R. 9319) which allots the 1955 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1955 sugar quota for local consumption in Puerto Rico among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments," respectively.

The purpose of the revision of Sugar Regulation 814.13 is to (1) increase the portion of the quotas allotted to processors from 80 percent to 80.561 percent of the mainland quota and 81.740 percent of the local quota, pending issuance of an order based on final data relating to processings from 1954–55 crop sugarcane, 1954 marketings and January 1, 1955, inventories, as provided in Sugar Regulation 814.13; (2) revise the estimate of the 1954–55 crop "processings • • • from • • • proportionate shares" by Central Mercedita, Inc., to 91,521 short tons, raw value; and, (3) increase the initial mainland and local allotments for Central Mercedita, Inc., to 51,401 and 18,348 short tons, raw value, respectively.

Pursuant to the authority contained in the act and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a notice was published on February 11, 1955 (20 F. R. 902), of a public hearing to be held in Room 124 Administration Building, U. S. Department of Agriculture, Washington, D. C., on February 21, 1955, beginning at 10:00 a. m., e. s. t. The scope of such hearing was limited by the notice to the presentation of evidence relevant and pertinent to the need for an increase and the basis upon which the initial mainland and local allotments for Central Mercedita, Inc., might be increased without change in either the allotments established by Sugar Regulation 814.13 (19 F. R. 9319) for other allottees or the formula for finally allotting the mainland and local quotas.

The hearing was held at the place and time specified in the notice.

Central Mercedita, Inc., will soon be forced to discontinue sugarcane processing operations due to inadequate storage facilities and the level of the allotments established by Sugar Regulation 814.13 (19 F. R. 9319). Thus, in order that all interested persons may be afforded an equitable opportunity to market sugar, it is hereby found that due and timely execution of the Secretary's functions imperatively and unavoidably requires the omission of a recommended decision, and that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest, and consequently this order shall be effective when published in the FEDERAL REGISTER.

Summary of testimony at reopened hearing. With respect to the need and the basis for increasing the initial mainland and local allotments for Central Mercedita, Inc., a witness for Central Mercedita, Inc., testified that the 1955 crop proportionate share sugarcane of substantially all of the growers whose sugarcane was formerly processed by Corporacion Azucarera Sauri and Subira is being processed by Central Mercedita, Inc., and approximately 12,000 short tons, raw value of sugar will be produced from such sugarcane (R. 60, 62–68, and Ex. 4R); that the allotments established for Central Mercedita, Inc., by Sugar Regulation 814.13 did not take into consideration this additional sugar to be produced in 1955 from sugarcane of growers whose sugarcane was formerly ground by Corporation Azucarera Sauri and Subira (R. 58, Ex. 3R), and that unless the mainland and local allotments for Central Mercedita, Inc., established by Sugar Regulation 814.13 are increased to take into consideration the additional production of approximately 12,000 tons of sugar from sugarcane formerly processed by Corporacion Azucarera Sauri and Subira, it will be necessary, because of insufficient storage facilities, for Central Mercedita, Inc., to discontinue processing operations sometime in April or May prior to their completion of the processing of the 1955 crop proportionate share sugarcane (R. 62, 69, 70 and 71).

Subject to a finding of a need for increasing the mainland and local allotments established for Central Mercedita, Inc., by Sugar Regulation 814.13 (19 F. R. 9319) and without change in the allotments established for other allottees by such regulation or change in the allotment formula on which such allotments were based, the Government witness proposed that:

(1) The estimate of the quantity of sugar to be produced by Central Mercedita, Inc., from 1954–55 crop sugarcane should be increased to 91,521 short tons, raw value, which is the total quantity of sugar produced from 1953–54 crop sugarcane by Central Mercedita, Inc., and Corporacion Azucarera Sauri and Subira;

(2) The initial mainland and local allotments for Central Mercedita, Inc., should be increased to 51,401 and 18,348 short tons, raw value, respectively, the allotments which would result by utilizing the same formula as provided in Sugar Regulation 814.13 and by using 91,521 short tons, raw value, as an estimate of processing by Central Mercedita, Inc., from 1954–55 crop sugarcane; and,

(3) The portion of the quotas to be allotted to processors, pending issuance of an order based on final data from processings of 1954–55 crop sugarcane, 1954 marketings and January 1, 1955, inventories as provided in Sugar Regulation 814.13, should be increased from 80 percent to 80.561 percent of the mainland quota and 81.740 percent of the local quota (R. 75–77).

The Government witness explained that the proposed increase in the portion of the mainland and local quotas to be allotted to processors, pending issuance of an order based on final data, was necessary to allow an increase in the initial allotments for Central Mercedita, Inc., and at the same time not disturb the initial allotments to other allottees under the regulation (R. 75).

A witness representing all allottees except four stated that the proposal of the Government witness was fair, reasonable and in order since: (1) it would result in an initial allotment for Central Mercedita, Inc., in line with the initial allotments of the other allottees in relation to the 1955 crop processings of Central Mercedita, Inc., and the other allottees; (2) it would not affect the preliminary allotment of any other processor; and, (3) it would not affect the final 1955 allotment of Central Mercedita, Inc., or any other processor in Puerto Rico (R. 77–78).

Basis for change in allotments. For the purpose of measuring the factors "processings from sugarcane to which proportionate shares pertained" and "ability to market" in the formula on which the mainland and local allotments established by Sugar Regulation 814.13 were based, each processor's production of sugar from 1953–54 crop proportionate share sugarcane was used as an estimate of the production of sugar from 1954–55 crop sugarcane by such processor. Such estimate, however, did not take into consideration the processings to be undertaken in 1955 by Central Mercedita, Inc., from sugarcane of growers whose sugarcane was formerly processed by Corporacion Azucarera Sauri and Subira. As a result, the initial allotments established for Central Mercedita, Inc., are smaller in proportion to the 1954–55 crop processings by that allottee than is the case for the other allottees.

Accordingly, the sum of processings of sugar from 1953–54 crop sugarcane by Central Mercedita, Inc., and Corporacion Azucarera Sauri and Subira constitutes a better estimate of the 1954–55 crop processings by Central Mercedita, Inc., and for the purpose of determining initial allotments for that processor, this estimate is substituted in the allotment formula on which the allotments established by Sugar Regulation 814.13 are based. The substitution of a revised estimate of processings from 1954–55 crop sugarcane by Central Mercedita, Inc., would, of itself, result in larger initial allotments for that allottee, and would decrease correspondingly the initial allotments for all other allottees.

To avoid decreasing the initial allotments of the other processors named in Sugar Regulation 814.13, the portion of the mainland and local quotas allotted is increased from 80 percent to 80.561 and 81.740 percent, respectively.

Findings and conclusions. On the basis of the record of the hearing I hereby find and conclude that:

1. The mainland and local allotments established for Central Mercedita, Inc., by Sugar Regulation 814.13 (19 F. R. 9319) are based, in part, upon an estimate of that processor's 1954–55 crop processings which did not take into account approximately 12,000 short tons, raw value, of sugar to be produced in 1955 by that processor from sugarcane of growers whose sugarcane was formerly processed by Corporacion Azucarera Sauri and Subira.

2. Increases in the mainland and local allotments established for Central Mercedita, Inc., by Sugar Regulation 814.13 (19 F. R. 9319) are necessary to afford that allottee an equitable opportunity to market sugar in an orderly manner within such allotments.

3. Increases in the mainland and local allotments established for Central Mercedita, Inc., by Sugar Regulation 814.13 (19 F. R. 9319) should be accomplished by utilizing in the formula provided in such regulation the sum of processings from 1953–54 crop sugarcane by Central Mercedita, Inc., and Corporacion Azucarera Sauri and Subira as the estimate of processings from 1954–55 crop sugarcane by Central Mercedita, Inc.

4. Pending availability of final data with respect to 1954–55 crop processings, 1954 marketings and January 1, 1955, inventories, 80.561 percent and 81.740 percent, respectively, of the mainland and local quotas should be allotted in order that the mainland and local allotments established by Sugar Regulation 814.13 (19 F. R. 9319) for Central Mercedita, Inc., may be increased and the allotments for other allottees under such regulation may remain unchanged.

5. Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient and equitable distribution of the quotas as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraph (a) of § 814.13 is hereby amended to read as follows:

§ 814.13 *Allotment of 1955 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1955 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the 1955 sugar quota for local consumption in Puerto Rico, are hereby allotted, to the extent shown in this section, to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Mainland	(1) Mainland allotment	(2) Local allotment
Antonio Roig, Sucesores, S. en C.	21,355	17,732
Arturo Lluberas (Estate of) y Sobrinos	4,827	1,279
Asociacion Azucarera Cooperativa	27,331	90
Central Aguirre Sugar Co., a trust	88,482	1,282
Central Coloso, Inc	45,897	436
Central Eureka, Inc	32,365	521
Central Guamani, Inc	8,701	1,061
Central Igualdad, Inc	21,107	13,702
Central Juanita, Inc	33,511	1,816
Central Mercedita, Inc	51,401	18,348
Central Monserrate, Inc	21,576	87
Central San Vicente	53,587	105
Compania Azucarera del Camuy, Inc	11,892	----------
Compania Azucarera del Toa	28,467	----------
Cooperativa Azucarera Los Canos	31,567	----------
Corporacion Azucarera Sauri & Subira	1,699	----------
Eastern Sugar Associates, a trust	84,660	11,634
Fajardo Sugar Co	90,734	----------
Land Authority of Puerto Rico	57,490	----------
Mario Mercado e Hijos	27,441	451
Mayaguez Sugar Co., Inc	8,212	118
Plasta Sugar Co	42,232	228
Soller Sugar Co	10,290	----------
South Porto Rico Sugar Co. of Puerto Rico	65,238	12,850
All other persons	----------	----------
Subtotal	870,062	81,740
Unallotted	209,938	18,260
Total	1,080,000	100,000

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. 1115)

Done at Washington, D. C., this 19th day of April 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3309; Filed, Apr. 21, 1955; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

USE OF VEGETABLE FAT IN PRODUCTS WHICH ARE IMITATIONS OF ICE CREAM

Under the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), the statement of interpretation contained in § 3.18 *Use of vegetable fat in ice cream,* published in the FEDERAL REGISTER of April 13, 1950 (15 F. R. 2082) is hereby revoked, and the following statement of interpretation is hereby issued:

§ 3.39 *Use of vegetable fat in products which are imitations of ice cream.* There is currently being marketed in interstate commerce a frozen product made in semblance of ice cream, but containing vegetable fats in complete or partial substitution for milk fat. In some cases the product is marketed under a fanciful designation. Such a product is now regarded as an imitation of ice cream, and thus amenable to the provision of the Federal Food, Drug, and Cosmetic Act requiring the label to bear the name "Imitation Ice Cream," with all these words in type of uniform size and prominence, regardless of whether a fanciful designation is used.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 402, 403; 52 Stat. 1047; 21 U. S. C. 342, 343)

Dated: April 18, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-3298; Filed, Apr. 21, 1955; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1906]

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

Paragraph (b) of § 200.7 is amended to read as follows:

§ 200.7 *Leases of future or fractional interests.* • • •

(b) *Offers to lease and leases covering future interests in oil and gas deposits.* A noncompetitive lease for a whole or fractional future interest will be issued only to an offeror who owns all or substantially all of the present operating rights to the minerals in the lands in the offer as mineral fee owner, as lessee or as an operator holding such rights. There is no required form for an application or offer to lease such whole or fractional future interest. The application or offer therefor should, however, to the extent applicable, conform to and include the information required by §§ 200.3, 200.4, 200.5 and must be accompanied by a certified abstract of title containing record evidence of the creation of, and offeror's right to the claimed mineral interest. If the offeror acquired the operating rights under a lease or contract, the offer shall also be accompanied by three copies of such lease or contract. In lieu of an abstract, a certificate of title may be furnished. A future interest offer may include tracts in which the United States owns a fractional present interest as well as the future interest for which a lease is sought, but it shall not include tracts where the United States owns the entire mineral interest at the time the offer is made. Future interest leases will become effective on the date when the United States becomes vested with the mineral rights as stated in the lease. Where the effective dates of the vesting of the Government's title to the minerals are

different for different tracts, separate leases covering each of such different tracts will be issued.

(Sec. 10, 61 Stat. 915; 30 U. S. C. 359)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 15, 1955.

[F. R. Doc. 55-3294; Filed, Apr. 21, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

[Docket No. AO-71-A-29]

HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT OF TENTATIVE AGREEMENT AND THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New York, New York, on February 21 and on March 17, 1955, and at Syracuse, New York, during the period February 23–March 15, 1955, pursuant to notice thereof issued on February 14, 1955, and published in the FEDERAL REGISTER on February 17, 1955 (20 F. R. 1016).

The material issues of record are concerned with:

1. The pricing of Class I–A milk;
2. The pricing of Class III milk;
3. The need for prompt action necessitating omission of a recommended decision and opportunity for exceptions with respect to issues 1 and 2; and
4. The classification of milk used in the manufacture of Italian soft cheeses at plants in the marketing area.

Findings and conclusions. The following findings and conclusions on issues 1, 2, and 3 are based upon the evidence in the record of the hearing. Findings and conclusions on issue No. 4 are being deferred for inclusion in a separate recommended decision at a later date.

Issue No. 1. The hearing was called following the submission of petitions by producer organizations to consider revision of the present provisions of the order for the pricing of Class I–A milk, and of petitions by handlers relative to the pricing of Class III milk. The specific proposals considered at the hearing relative to Class I–A milk were designed to result in the establishment of prices for Class I–A milk averaging on an annual basis approximately $6.00 per hundredweight either by (1) fixing a $6.00 Class I–A price subject to seasonal variation similar to that now provided, or (2) by continuing the present pricing formula but with operation of the utilization adjustment factor eliminated.

In support of these proposals a great deal of emphasis was placed upon the "cost-price squeeze" in which producers were reported to find themselves. This difficulty was reported to be the result primarily of a decline during the past two or three years in the uniform price received by producers for milk without a corresponding reduction in the costs of producing milk. The average of monthly uniform prices declined from $4.64 in 1952 to $4.22 in 1953 and to $4.00 in 1954. The index of costs of production as presently calculated and published pursuant to the provisions of the order was approximately the same in January 1955 as in January 1952. This index increased from 111 (1948 equals 100) in January 1952 to a high of 115 in December 1952 and has since the middle of 1953 leveled off at about 110 in recent months.

Testimony presented indicates that producers are experiencing considerable difficulty in meeting operating expenses. Farm machinery and implement dealers reported an increasing difficulty experienced by farmers in paying for supplies, equipment and machinery. Feed dealers reported an increase in the volume of accounts receivable for feed purchases. Representatives of banks and other lending agencies reported an increasing demand among milk producers for production credit and for refinancing and the conversion of short term loans to longer term financing arrangements. Producers experiencing the most difficulty appear to be those who invested in dairy farms and production equipment at relatively high prices during a period of several years prior to 1952. The average net income of dairy farmers in the milkshed has declined materially during the past two years.

The decline of 64 cents per hundredweight in the return to producers (uniform price) during the past two years is the result of a combination of factors. The principal factors are (1) declining Class I–A prices (from an average of $5.50 in 1952 to $5.13 in 1954), (2) lower Class III prices (averaging $3.68 in 1952 and $2.93 in 1954), and (3) the utilization in Class III of a larger percentage of the total volume of pool milk together with a correspondingly smaller percentage utilization in Class I–A. The percentage of pool milk in Class I–A declined from 43.9 in 1952 to 40.3 in 1954, while the percentage of pool milk utilized in Class III increased from 40 in 1952 to 44.9 in 1954. Roughly, three quarters of the decline in the uniform price reflects the impact of factors other than the reduction in the Class I–A price.

The above enumerated factors contributing to the decline in the uniform price, except the lower level of the Class III price, are directly associated with, or attributable to, the increased volume of pool milk. The reduction from 1952 to 1954 in the Class III price reflects the generally lower level of the value of milk for use in manufactured dairy products. Comparable reductions from 1952 to 1954 occurred in the United States average price paid for milk for manufacturing and in the Midwest condensery price. From 1952 to 1954 the total volume of pool milk increased from 7,118 million pounds to 7,765 million pounds, an increase of about 9 percent. During the same period Class I–A sales, and total fluid milk sales including Classes I–B and I–C, increased only slightly with the results that, (1) the increased volume of pool milk in excess of fluid milk sales was reflected in a lower Class I–A price, and (2) virtually all of the additional volume of pool milk in 1954 went into Class III and at a price substantially lower than in 1952.

In considering proposals to increase Class I–A prices, it is necessary, of course, to consider the purposes or objectives properly sought to be accomplished in the process of fixing Class I–A prices under the order. The Agricultural Marketing Agreement Act of 1937, as amended, pursuant to which minimum prices are established under the order, authorizes the Secretary of Agriculture to fix such prices as he finds will reflect the price of feeds, the available supply of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. Prices established under the order must conform to these standards.

It seems appropriate in considering the issues presented at this hearing, involving an appraisal of Class I–A prices established under existing provisions of the order, to recall findings with reference to proper objectives in the pricing of Class I–A milk which were made in the decision of the Secretary of Agriculture issued on February 3, 1950 (15 F. R. 706) on the basis of which the present Class I–A pricing formula was adopted. It was stated in that decision that: "The objective in pricing Class I–A milk, from what appears to be a purely economic standpoint as expressed in general terms by the New York Milkshed Price Committee, is to keep the price so adjusted that a sufficient supply of Class I milk will be available at all times to meet the demand without the occurrence of troublesome surpluses, and more specifically:

"1. To obtain an adequate supply of approved milk so that consumer demand will be fully met at all times without having more milk than is needed for fluid use and necessary reserves to allow for seasonal and short-time variations in production and consumption. The price should not be high enough to stimulate production to the point where production controls appear necessary. Monthly prices should be adjusted in such a manner that they contribute toward a desirable seasonal pattern of production.

"2. To hold the consumption of fluid milk within the limits of available supplies without the necessity of consumer rationing or administrative direction of the flow of milk to various trade outlets, except in emergencies caused by unusual weather, transportation tie-ups, strikes, and the like."

It was further found in that decision that: "No particular inconsistency is apparent between the above-quoted objective and the standards prescribed in the act. Both seem to indicate that economic conditions affecting the supply of and demand for milk are of primary importance in establishing the price of Class I–A milk, and that the primary purpose of a Class I–A pricing provision should be to produce a price which will maintain an economic balance between the supply of milk and the demand for it. Proposed Class I–A pricing provisions having as their objective such things as the maintenance of a price at certain levels in relation to a computed cost of production without regard to whether or not such price results in the maintenance of balance between the supply of and demand for milk, or such things as a price low enough to enable all consumers to buy as much milk as it would be nutritionally desirable for them to have without regard to whether or not enough milk would be produced at that price, are inconsistent with the standards prescribed by the act and with sound economic objectives. Pricing proposals with such objectives, consequently, cannot be adopted. Proper prices for Class I–A milk may be expected to contribute to the welfare of producers and consumers but cannot be expected, in and of themselves, to constitute a complete solution of all of the economic and social problems with which producers and consumers may be confronted."

These findings are confirmed on the basis of evidence in this record. There is no basis for finding that the objectives sought to be accomplished have changed. Fundamentally, the question now presented is whether or not present provisions of the order have operated and are continuing to operate so as to yield Class I–A prices which meet the prescribed standards and objectives.

The evidence is clear that the supply of pool milk has been adequate to meet market requirements at all times since the present order provisions for the pricing of Class I–A milk became effective in August 1950. In terms of annual averages the percentages of pool milk utilized in Class I (A, B and C) for the years 1951 through 1954 were 52.3, 51.4, 48.6, and 47.3, respectively. In the month of November, normally the month of smallest supply, the volume of pool milk appears not only to have been ample during the past several years, but has been relatively large in comparison with short season supplies during the years 1943 to 1948. Milk utilized in fluid form, together with milk used for fluid cream for the marketing area (also required by health authorities to come from approved sources), accounted for less than 75 percent of the November supply of pool milk in each of the last three years. These same uses accounted for about 97 percent of the November supply of pool milk in each of the years 1945, 1946 and 1947. Some procurement problems appear to have been experienced during short seasons when more than around 90 percent of the pool supply on a monthly basis was used for fluid milk and Class II cream. Even though the market was characterized as "short" at times when reserve supplies were considerably less than 10 percent, at no time was it necessary to bring in milk from outside the regular supply area for use as fluid milk or cream.

During the last three years when the trend has been for the volume of pool milk to increase in relation to market requirements for fluid use, the order provisions have operated to reduce the Class I–A price. Annual averages of monthly Class I–A prices declined from $5.64 in 1951 to $5.50, $5.23 and $5.13, respectively, in 1952, 1953 and 1954. It is apparent that Class I–A prices had to come down under the conditions prevailing consistent with accepted standards and objectives in pricing Class I–A milk.

Accompanying the increasing volume of pool milk during recent years has been a shift in the seasonal pattern of receipts. There has been a tendency for receipts of pool milk to increase less during the months of July, August and September than in other months. This is particularly apparent for the month of August. There has been a shift toward less milk in August relative to November. In 1950 and 1951, the decrease in the volume of pool milk from August to November averaged about 20 percent, while in the years 1952, 1953 and 1954 decreases from August to November were 15, 11, and 7 percent, respectively. Receipts of pool milk in August 1954 were actually 3.6 percent lower than in August 1953 and lower than any August since 1951. To some extent this shift in the seasonal pattern of supply, together with a seasonal increase in a demand for fluid milk, fluid cream and ice cream during summer months, has resulted in a relatively shorter supply situation during the month of August. On a monthly basis, however, only about 65 percent of the total volume of pool milk was used for fluid milk and Class II cream in August 1954; whereas, in November 1954 about 70 percent of all pool milk was so utilized. The desirability of revision in the seasonal adjustment factors now used in the Class I–A pricing formula was not sufficiently explored at this hearing, however, to justify a change. Likewise, the proposal made at the hearing by handlers for reducing the number of changes per year in the seasonal factors, thus permitting fewer changes in the street price, should not be adopted at this time. Before such a change is made for the purpose indicated it should be further considered at another hearing together with further consideration of desirable changes from the standpoint of influence on the production pattern.

Price reductions during recent years have not been confined to the New York Class I–A and uniform prices for milk. The Class I–A price dropped 27 cents per hundredweight from 1952 to 1953 and 10 cents from 1953 to 1954. The Boston Class I price dropped 53 cents and 3 cents, respectively, in the two years. The Philadelphia Class I price dropped 27 cents in each of the two years and the Connecticut Class I price dropped 33 cents from 1952 to 1953 and 22 cents from 1953 to 1954. In Chicago, the largest market in the Midwest, the Class I–A price dropped 65 cents per hundredweight from 1952 to 1953 and 43 cents from 1953 to 1954. Thus, the declines in the New York Class I–A price do not appear excessive in relation to reductions in fluid milk prices in other large markets in the Northeast or in the Midwest. In Buffalo and Rochester, on the other hand, there was little change in the Class I price from 1952 to 1954. Nor have the New York Class I–A price changes been unfavorable as compared with the Midwest condensery price. The margin of the New York price over the condensery price increased from $1.72 per hundredweight in 1952 to $2.13 in 1954. In the years 1950, 1951, and 1953, the margin was about $2.00.

From 1951 to 1954, the changes in the New York uniform price and the changes in the United States average price received by farmers for all milk at wholesale have been almost identical. Also, changes in the uniform price have not been unfavorable as compared with the changes in prices paid to farmers for all products. From December 1950 to December 1954, the uniform price dropped 10.6 percent and all prices received by farmers dropped 17.3 percent. From December 1953 to December 1954, the uniform price decreased 3.7 percent and all prices received by farmers decreased by 5.9 percent. Clearly, the problem of declining farm prices is not peculiar to New York marketing area milk, nor have the declines in the price of milk under the New York order been out of line with declines in other areas or for other farm products.

Proponents of higher Class I–A prices urged elimination of the utilization adjustment percentage in the present formula for establishing the price of Class I–A milk. This is the factor in the formula primarily responsible for the reductions in the Class I–A price which have occurred since the formula became effective. This factor has operated to reduce the Class I–A price because of the increasing supply of pool milk relative to fluid milk sales. There has been relatively little change in the total volume of fluid milk sales (Classes I–A, I–B, and I–C) during the past 4 years. Declining per capita consumption of fluid milk in the marketing area has about offset increases in population. In addition, some reduction in fluid milk sales outside the marketing area appears to have resulted from an increase in production for surrounding markets and from increasing the price for such milk from the I–C to the I–A level effective February 1, 1954. On the supply side, the increase in the volume of pool milk is attributed both to consistently increasing production per farm and to some extent to the admission into the pool of milk from plants and producers formerly supplying other markets. Daily deliveries of milk per farm have increased quite steadily for the past 15 years; increasing from 269 pounds in 1940 to 424 pounds in 1954, an increase of 58 percent. The increase from 1950 to 1954 was about 13 percent. Evidence in the record appears to indicate that a portion of the increase in the volume of pool milk which has occurred

since 1948 is the result of the entry of new plants and producers into the pool.

Reasons advanced for elimination of the utilization adjustment factor are that it has not accomplished the objectives intended or contemplated, and that it cannot be expected to operate properly. Concerning the intended purpose of the utilization adjustment percentage, reference is made to the decision of February 3, 1950, on the basis of which the present Class I–A pricing formula was adopted. In that decision it was found the supply of milk for the market was affected by various enumerated factors, and because of practical difficulties encountered in providing a means by which each such factor could be reflected individually, it was concluded that prospective supplies could be more accurately predicted by extending current trends in actual supply. Likewise, it was found that similar difficulties were involved in attempting to forecast consumption directly on the basis of numerous factors causing changes in the consumption of milk. Accordingly, the utilization adjustment factor in the formula was adopted to reflect both supply and demand conditions, or the balance between them. Simply stated, the utilization adjustment percentage was adopted as one factor in a pricing formula which, in its overall operation, was designed to bring about automatic changes in the Class I–A price in response to economic conditions which should cause the Class I–A price to change. The formula was designed to operate so that an increase in supply relative to demand would be reflected as a price depressing force and so that an increase in demand in relation to supply would be reflected as a price raising force.

The thing that has happened is that the utilization adjustment factor in the formula has operated to bring the Class I–A price down as the supply of pool milk has increased relative to fluid milk sales. In that respect, it appears that the factor has done substantially what it was designed to do. That being the case, it seems to follow that the real basis of proposals to eliminate the utilization adjustment percentage must be that it is now believed to be wrong in basic principle and design; that is, that the formula should not operate to change the Class I–A price as the supply of pool milk in relation to fluid milk sales changes.

In support of the proposition that the Class I–A price should not have been reduced as the supply of pool milk relative to fluid sales has increased, the point was made that the contemplated and desirable balance between supply and sales has not been achieved; specifically that reductions in the Class I–A and uniform prices have neither deterred production nor stimulated consumption sufficiently to have brought about the desired balance. Arguments were advanced to the effect that the reaction of producers to price reductions has been to increase production, rather than to reduce it, and thus, that the formula not only has failed in its purpose but has worked in reverse on the supply side by contributing to, rather than relieving, the oversupply situation. It was contended that the utilization adjustment factor in the formula has not worked on the demand side because reductions in the Class I–A price have not been accompanied by lower consumer prices for milk.

It is recognized, of course, that Class I–A price reductions have not brought about corresponding reductions in the volume of pool milk. It is also recognized that the supply of pool milk is affected not only by changes in the price but also by numerous other factors including weather conditions, crop yields, quality of crops, relative prices of other farm products, alternative opportunities, inter-market shifts of plants and producers, the quality of cows, the number of cows, and numerous technological changes in dairy farming. Operating in conjunction with other factors are continuing efforts, probably accentuated during periods of low prices, to improve efficiency in milk production. Such efforts have brought a continuing trend in the milkshed toward more milk per cow, fewer but larger farms and more milk per farm. Because all such factors operate simultaneously, it is extremely difficult to measure the precise effect which a change in any one factor has upon production. The production response to changes in price is likely to be obscured by other factors. It is not to be expected that, except by coincidence, the supply of pool milk would change promptly and in direct proportion to changes in the Class I–A or uniform price. Because of the nature of the dairy enterprise it is not reasonable to expect that each producer will respond in the same way or at the same time to a change in price. Some producers may actually increase production in response to a lower price while others may find it impossible to do so particularly over extended periods. With low milk prices relative to production costs there appears to be a tendency, as would be expected, for some dairymen to forego the raising of calves and to employ all available feed and labor in a way to bring immediate return. Such responses may tend for a time to retard or delay the ultimate effect of reduced prices on production, but eventually tend to be offset by such factors as fewer cows, reduced feeding, impairment of production facilities and the withdrawal and withholding of capital.

Concerning the argument that the utilization adjustment factor has not operated on the demand side because the reductions in the Class I–A price have not been passed on to the consumers, it must be recognized that the Class I–A price is only one factor affecting the consumer price. The fact that the consumer price has not declined in line with the Class I–A price does not mean that reductions in the Class I–A price have not been reflected in the consumer price.

Another reason advanced for elimination of the utilization adjustment percentage is that it improperly reflects that portion of the supply of pool milk resulting from the addition of new plants and producers to the pool. This milk was characterized as representing the surplus of surrounding markets which has been attracted to the New York pool in the absence of marketwide pooling in such markets as Northern New Jersey, Philadelphia, Connecticut, and numerous other markets in the States of Pennsylvania and New York. As previously indicated, the shift of plants into the pool since 1948 accounts for a portion of the increase in the volume of pool milk.

There appears to be considerable doubt, however, that the exclusion of such new plants from the pool (assuming its effective accomplishment) would reduce the volume of pool milk by an equivalent amount over an extended period of time. In contrast with the New York market, the market pools of Rochester and Buffalo have not experienced the addition of new plants and producers to any significant extent over a period of 14 years. Nevertheless, in the latter markets there has been an increase in volume of pool milk relative to market requirements for fluid milk and cream similar to the increase in the New York market. In the period 1940–1942, 61.3 percent of New York pool milk was utilized for fluid milk and Class II cream. Corresponding percentages for Rochester and Buffalo during the same period were 72.6 and 67.4, respectively. Approximately 10 years later, during the period 1950–1954, fluid use in Rochester and Buffalo accounted for 58.2 and 60 percent, respectively, of the pool milk compared to 57.2 percent in New York. This similar trend toward an increasing volume of pool milk in excess of fluid requirements has occurred in the upstate markets in spite of the fact that between the two periods indicated (1940–1942 to 1950–1954) there was a much larger increase than in New York in the quantity of milk utilized for fluid milk and cream. In Rochester and Buffalo the percentage increases were 29 and 54 percent, respectively, compared with an increase of 14 percent in the New York market.

It is concluded that the entry of new plants and producers into the New York pool has contributed to the increased volume of pool milk, but that its impact upon the Class I-A and uniform prices is not susceptible of precise calculation. It must be concluded that inter-market shifts of plants and producers is a factor affecting the supply of pool milk, and to the extent to which it does occur, is a factor which, consistent with the pricing standards of the Agricultural Marketing Agreement Act, must be reflected in the Class I-A price. Otherwise, the level of the Class I-A price itself would tend to aggravate, rather than correct, the effects of such shifts on the supply of pool milk. While the recent trend in inter-market shifts has been for additional milk to enter the pool, subsequent shifts may be in the opposite direction.

In addition to the alleged basic defects in operation of the utilization percentage, it was contended at the hearing that the present Class I-A price formula is mechanically defective with regard to the statistical method employed to adjust current utilization for the seasonality, and in that failure to reflect the amount of money paid for milk by consumers results in giving insufficient weight to changes in demand. Reference to such minor defects was not accompanied by proposed corrective measures but was in support of the proposal for complete abandonment of the present formula. This record provides no basis for revision of the formula to correct such alleged mechanical defects. Furthermore, they do not appear to have been of sufficient significance to have precluded the effective operation of the formula.

There appears to be indications that certain important factors affecting the prospective supply of pool milk are beginning to operate in the direction of a reduction in supply. Competition in dairy farming has become intensified. Conditions have become less favorable for the entry of new capital and for the maintenance and expansion of production facilities. During the period of rapidly increasing cow prices prior to 1952, the raising of heifer calves appears to have been stimulated to the point that the number of milk cows increased rather significantly through 1954. Since the Spring of 1952, however, the price of dairy cows has declined materially, and the number of heifer calves in the State of New York on January 1, 1955 was 4 percent smaller than a year earlier, and 9 percent smaller than on the same date in 1953. The rate of culling dairy cows during 1954 was higher than in 1953 and the third highest since 1923. These factors indicate a prospective leveling off or decline in cow numbers during 1955 and 1956.

Other factors appear to be operating to bring the supply of pool milk and fluid sales into better balance. Sales of fluid milk in the market during recent months have shown moderate increases over the same month a year ago. This improved relationship has resulted in an improvement over a year ago in the utilization adjustment percentage, and has produced Class I–A prices higher than a year earlier during each of the months of February, March and April of 1955.

Numerous references were made at the hearing to other means of alleviating some of the conditions sought to be corrected by proposals to increase the level of the Class I–A price. Such other measures included the recommendations of the Case Committee and other suggestions which in substance involve (1) more effective regulation of supplies for surrounding markets with particular regard to the pricing and pooling arrangements, (2) a possible tightening of order provisions relating to the entry into the New York pool of new plants and producers, (3) added incentives for more uniform seasonal production by means of a base-rating plan, (4) revision of location differentials in line with transportation costs, (5) increasing returns on fluid milk sales outside the marketing area, and (6) increasing returns on milk utilized in Class III.

Action on these matters is not within the scope of this hearing except as to the pricing of Class III milk. Accordingly, they are considered as pertinent only in relation to the question of what changes, if any, should be made at this time in provisions of the order for the pricing of Class I–A milk. There appears to be considerable merit in suggestions made to the effect that some or all of these proposals offer a more effective and appropriate approach to some of the problems being experienced by producers than are proposals for substantial increases in the level of the Class I–A price.

There was considerable debate at the hearing over the probable impact of substantially higher Class I–A prices on the consumption of fluid milk. There is no basis for finding that higher Class I–A prices would not be reflected in higher consumer prices. While there is evidence to indicate that the demand for fluid milk, at least in the short run, is relatively inelastic, it appears reasonably certain that the price at which milk is available to consumers is an important factor affecting the quantity sold over longer periods of time. Consumer prices for milk are now relatively high and have tended to increase recently relative to other foods including other dairy products. It was indicated that a further widening of the spread between retail milk prices and the price of substitute dairy products, such as quickly soluble nonfat dry milk, would involve a real risk of substitution in substantial quantity. Aside from other aspects of the problem and the question of compliance with other prescribed pricing standards, it cannot be found that substantially higher Class I–A prices would be in the public interest generally or in the long-time interest of producers. The probable unfavorable effect on fluid milk sales and a further aggravation of the problem of relatively large supplies of pool milk which probably would result, both appear to be contrary to the long-time interests of producers as well as consumers.

As was the case at the hearing on the basis of which the present Class I–A pricing formula was adopted, the question was presented at the hearing as to whether the order should contain any formula for the pricing of Class I–A milk or whether Class I–A prices should be established exclusively by the public hearing and amendment procedure. In this connection, evidence in the record substantiates the conclusion (previously reached in the decision of February 3, 1950) that the advantages of a formula out-weigh the disadvantages, and that the provisions of the order should include a formula as a means of bringing about timely changes in price as changes occur in conditions known to be of importance in determining the Class I–A price.

As previously indicated, there are indications that forces are at work tending toward a more favorable relationship between the supply of pool milk and fluid sales in the market. It seems probable that the declines in the Class I–A price which have already occurred are sufficient to bring about a better balance between supply and demand in the market. Also as previously indicated, this improved relationship to some extent is already being reflected in Class I–A prices slightly higher than at the same time a year ago. A tendency for the supply of pool milk to decline during the months of July, August and September relative to other months has also been noted previously. In view of these considerations, it is concluded that the order should be amended to provide for a Class I–A price of not less than $4.75 per hundredweight during the months of May through September 1955. It is concluded however that, except for this temporary adjustment, the present pricing formula has operated, and is continuing to operate, to produce changes in the Class I–A price in accordance with the prescribed pricing standards, and accordingly, that it should be retained in the order.

One other change in the order should be made which only indirectly affects the price of Class I–A milk. Evidence in the record indicates that the Cornell index of costs in dairy farming overstates by about 10 percent the level of costs based on recent field studies. The cost of production index presently required by the order to be computed and announced each month may also be expected to overstate the actual average cost of milk production by about 10 percent because it is heavily weighted by the Cornell index and is otherwise similarly computed. The cost of production index announced under the order reflects changes in the price of items used in the production of milk. Similarly, the index of wholesale prices used in the Class I–A pricing formula reflects changes since 1948 in the price of commodities generally. Neither index reflects changes in efficiency or changes in the quantities of the priced items used in production. These two indices as now announced under the order thus appear to remain comparable. The Class I–A price index, however, reflects quantitative changes in milk production relative to sales and is now comparable with the costs of the production index only if the latter is adjusted to correct for the degree of its overstatement for actual costs. Accordingly, for purposes of comparison with the Class I–A price index in connection with determining pursuant to § 927.40 (b) (2) as whether a hearing should be held, the cost of production index should be reduced by 10 percent. However, for reasons previously indicated, no such adjustment is necessary for purposes of comparison with the wholesale price index pursuant to § 927.40 (b) (1).

Issue No. 2. The proposals and the evidence thereon presented at the hearing with reference to the pricing of Class III milk were concerned primarily with (1) fixing the Class III price at not less than the Midwestern condensery price during the months of September through December, (2) eliminating the butter-cheese differential except during the months of May and June, (3) providing plus and minus differentials at individual plants depending upon how the milk is utilized, and (4) a seasonal reduction in the Class III price during the months of March through June.

The first three of these proposals were offered as proposals designed to increase the return to producers for Class III milk, while the fourth is a proposal to reduce the Class III price during months of highest volume. Proposals to change the general level of the Class III price involve such considerations as volume to be handled, available outlets and facilities, seasonal variation, shifts in utilization, and the level of the Class III price relative to other prices for milk

used for manufacturing. These considerations, except the relative level of the Class III price, will be dealt with in connection with the specific proposals. A comparison of the Class III price with the United States average price paid for milk for manufacturing indicates that there has been no pronounced shift in the relationship during the past three years. Simple averages of monthly Class III prices for each of the years 1952, 1953, and 1954 exceeded the United States average prices of milk for manufacturing for those years by 5, 6, and 8 cents, respectively. Compared with the Midwest condensery price the Class III price was lower by 10 cents in 1952, by 2 cents in 1953, and 7 cents lower in 1954. The weighted average price for all Class III milk including that utilized for butter and cheese was 4 cents lower for the year 1954 than the simple average of announced monthly Class III prices.

Concerning the proposed Midwest condensery price floor, reference is made to findings and conclusions relating to a similar proposal contained in a decision issued on August 18, 1954. With reference to the proposal considered at that time for pricing Class III milk directly on the basis of prices paid at selected Midwest condenseries, it was found (1) that there is considerable shifting of relationships among prices paid for milk used for various manufactured milk products, and (2) that there appears to be no basis for concluding that the Midwest condensery price is a better measure of the value, or of changes in the value, of Class III milk than either (a) prices paid for milk for other manufactured milk uses or (b) the market values for dairy products now used in the Class III formula. Prices paid for milk for manufacturing uses was recognized, however, as a useful and reliable guide for determining the proper average level of the Class III price over extended periods. There was no new evidence presented at this last hearing on which to base contrary findings. Such limited new evidence as was presented relative to the relationship of the Midwest condensery price to other prices, and a further reduction during the past year in the number of Midwest condenseries at which prices paid are included in the average price reported tend to further support the previous findings.

There appears to be an adequate basis for apprehension as to whether all of the pool milk in excess of fluid requirements would continue to be handled and disposed of in an orderly manner if the butter-cheese differential were to be eliminated at this time except for the months of May and June. In spite of substantial increases in the quantities of milk going into Class III outlets other than for butter and cheese during the past few years coincident with the higher volume of Class III milk resulting from the increasing volume of pool milk relative to fluid requirements, the volume of milk utilized in butter and cheese in recent years has also increased materially. Substantial quantities of milk, particularly during the past two years, have been utilized for butter and cheese in months other than May and June. In 1954, the milk utilized for butter in May and June constituted only slightly more than 20 percent of the total volume so utilized during the year. Nearly one-half of the total volume of milk utilized for cheese was in months other than May and June. With the prospect that the volume of Class III milk to be disposed of, at least through the flush season of 1955, will be even higher than in 1954, it appears that butter and cheese will continue at least temporarily to constitute the only available outlets for substantial quantities of Class III milk. The consequences of eliminating the butter-cheese adjustment under these circumstances need to be explored and considered more extensively than was done at this hearing before it can be found that its elimination is justified.

The proposal for adding 20 cents to the Class III price or for deducting 20 cents from the Class III price applicable at individual plants depending upon the percentage of the milk at the plant utilized in Classes I–A and I–B should not be adopted. Evidence presented does not provide an adequate basis for determining whether or not the differentials proposed are appropriate or whether the utilization percentages proposed constitute proper breaking points for application of the differentials. The evidence presented also leaves far too great a degree of uncertainty as to both the immediate and long-run impact of the proposal upon the handling of the milk in the milkshed and upon its net effect on returns to producers.

Proponents of reductions in the Class III price during the months of March through June pointed to the fact that the volume of Class III milk to be handled has increased and to the fact that the 1955 volume in those months is expected to be 3 to 4 percent larger than in 1954. It was further contended that it is during these months that the largest volume of milk has to be moved from receiving plants to manufacturing plants, with resulting added costs to handlers for transportation and handling. Proponents of a higher Class III price pointed to the same basic fact of increased volume of Class III milk, claiming that this, together with improved seasonal variation, results in more efficient operation of manufacturing plants and reduced unit cost, thus constituting support for a higher Class III price.

Another reason advanced in support of proposed reductions of from 12 to 20 cents in the Class III price in the March–June period was that Class III milk must be priced on a competitive basis with surrounding markets during the season of the year when the surplus is largest and when it is most difficult to move milk. It was pointed out that handlers are confronted with the problem of disposing of Class III milk in competition with unregulated milk seeking similar outlets, and with milk from other regulated markets but priced substantially lower than Class III milk under Order No. 27. Specific reference in this connection was made to (1) provisions of the Boston order under which, in the absence of a weighted average cream price, milk for manufacturing is priced on the basis of the United States average price of milk for manufacturing, (2) to provisions of the Philadelphia order recently amended to provide a reduction of 20 cents below the regular Class II price for specified manufacturing uses, and (3) lower prices established in various State-regulated markets in New York, Pennsylvania and New Jersey for milk in manufacturing uses.

While it is acknowledged that these competitive situations are likely to constitute Class III disposal problems for certain handlers, they do not appear to obtain over a sufficiently wide area or to have enough of an impact on a sufficient volume of Class III milk to justify a reduction in the price of all Class III milk including that unaffected by such competitive conditions. A suggested change in the classification provisions of the order to allow the classification of pool milk in Class III up to the total volume of milk used for manufacturing at nonpool plants not only appears to be outside the scope of this hearing but would not be justified without more extensive consideration of its effect upon the overall returns for pool milk classified at nonpool plants.

The existence of conditions paralleling those in 1954, at which time there was a reduction of 10 cents per hundredweight in the Class III price for May and June, was cited in support of proposed lower Class III prices at this time. On the other hand, significant differences were shown to exist between marketing conditions now and those prevailing at the same time last year. The level of dairy support prices after April 1 was known much earlier this year than in 1954, thus providing more favorable conditions for planning manufacturing operations. Gross margins available to handlers between order prices and market prices of products were shown to have increased somewhat in 1954 in relation to those prevailing previously.

Much less difficulty was reported to have been experienced this year in finding outlets for Class III milk on reasonable terms. At the hearing on which the price reduction in 1954 was based numerous instances were reported of inability to collect any handling charge from operators of manufacturing plants, particularly from cheese manufacturers. The situation generally on handling charges on Class III milk this year was reported to be materially improved with contracts having been made as early as in January for disposition of flush season supplies for manufacturing at reasonable handling charges ranging from 10 to 20 cents per hundredweight.

Improved availability of outlets for Class III milk is also reflected in generally higher prices and handling charges obtaining in the spot market for fluid milk in the marketing area, and in higher handling charges for marketing area fluid milk under annual contracts negotiated this spring for fluid supplies throughout the ensuing year. The attractiveness, from the standpoint of handling charges obtainable by milkshed receiving plants, of outlets for milk for various manufacturing uses is recognized as constituting an important factor influencing the amount of handling charges negotiated in contracts between buyers and sellers for supplies of milk for distribution for fluid use in the marketing area.

A further consideration of importance under circumstances shown at this hearing to prevail is the effect that a reduction in the Class III price at this time would have on returns to producers. It was shown that on an annual basis for 1954 there were 3,483 million pounds of pool milk utilized in Class III, representing 44.9 percent of all pool milk, compared with 3,133 million pounds, constituting 40.3 percent of the pool milk, utilized in Class I–A. The volume in Class III thus exceeds the volume in Class I–A by about 11 percent. Utilization in other fluid milk classes, however, brought the total fluid use up to 47.3 percent of pool receipts. When it is recognized that during the months of May and June it is probable that around 60 percent of the milk will go into Class III uses, the importance of the Class III price as a factor influencing the uniform price during those months is apparent. After weighing all evidence presented, it is concluded that proposed changes in provisions of the order for the pricing of Class III milk should not be adopted.

Issue No. 3. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto on the above issues No. 1 and No. 2.

The nature of these issues is such that the conclusions thereon should be effectuated as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat its purpose. The time necessarily involved in the preparation, filing and publication of a recommended decision together with time for filing exceptions thereto would preclude timely action.

It is therefore found that good cause exists for the omission of the recommended decision in order to inform interested parties promptly of the conclusions reached. It is important that interested parties be informed of the action decided upon as promptly as possible in order that appropriate adjustments may be made promptly in their operations in accordance with the decision.

Rulings on proposed findings and conclusions. Briefs which were filed on behalf of interested parties contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of February 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, now in effect, regulating the handling of milk in the New York Metropolitan milk marketing area in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" and "Order Amending the Order, as amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 19th day of April 1955.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area*

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York Metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the New York Metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

1. Replace the period at the end of the first sentence in paragraph (a) of § 927.40 with a colon and add thereto the following: *"And provided further,* That such Class I–A price shall not be less than $4.75 during any of the months of May through September 1955."

2. Amend subparagraph (2) of paragraph (b) in § 927.40 to read as follows:

(2) There is a difference of more than 15 points for each of three consecutive months between 90 percent of the index of cost of production announced pursuant to § 927.46 (a) (6) and the index of the Class I–A price announced pursuant to § 927.46 (a) (7).

[F. R. Doc. 55–3308; Filed, Apr. 21, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order No. 551, Amdt. 13]

REDELEGATIONS OF AUTHORITY

Order No. 551, as amended (16 F. R. 2939, 5456, 7467, 8252; 17 F. R. 3516, 7552; 18 F. R. 7305; 19 F. R. 1936, 3482, 3971, 4544, 4585, 7416; and 20 F. R. 1562, is further amended as follows:

1. Section 12 under the heading Functions Relating to Land and Minerals is amended to read as follows:

SEC. 12. *Leases and permits.* The approval of leases and permits, pursuant to the provisions of 25 CFR Part 171, of (1) tribal lands and lands owned by individual Indians and associations of Indians; and (2) lands acquired by the United States for Indian school or other Indian administrative purposes or transferred to or placed under the administration of the Bureau of Indian Affairs, except where such lands are permitted under contracts providing for the subpermitting thereof. This authority extends to and includes the waiver of requirements for advertising of leases or permits and the waiver of acreage limitations for farm and farm pasture lands.

2. Subsection (a) of section 132, under the heading Functions Relating to Credit Matters, is amended to read as follows:

SEC. 132. *Approval of mortgages and deeds of trust.* (a) The approval of mortgages and deeds of trust pursuant to 25 CFR 241.52, given as security for loans to finance productive enterprises operated by borrowers; to provide housing facilities for borrowers; and for the purchase or construction of other improvements to be utilized by borrowers when the loans are made by:

(1) Any corporation, tribe, band, or credit association pursuant to 25 CFR 21.13 and 28.11;

(2) Any bureau or agency operating under authority of Congress;

(3) Any National or State bank;

(4) Any building and loan association operating under authority of the law of any State; or,

(5) Any insurance company authorized by law to engage in the making of such loans in the State involved.

3. A new section, numbered 133 and reading as follows, is added under the heading Functions Relating to Credit Matters:

SEC. 133. *Revolving cattle pool.* (a) The sale of cattle repaid to the United States pursuant to the provisions of 25 CFR 23.17.

(b) The acceptance of cash in lieu of obligations to the United States for cattle, pursuant to the provisions of 25 CFR 23.18.

4. Two new sections, numbered 264 and 265 and reading as follows, are added under the heading Functions Relating to Funds and Fiscal Matters:

SEC. 264. *Individual Indian moneys.* The approval of expenditures of Individual Indian moneys held in the custody of the Department of the Interior.

SEC. 265. *Osage Indian funds.* The approval of applications by Osage Indians under section 5 of the act of April 18, 1912 (37 Stat. 87), for the withdrawal of individual trust funds in the Treasury of the United States and quarterly pro rata share payments of Osage tribal funds and interest on individual funds in the United States Treasury pursuant to the provisions of the act of June 28, 1906 (34 Stat. 544), as amended, or supplemented, by the acts of February 27, 1925 (43 Stat. 1008), and June 24, 1938 (52 Stat. 1034).

GLENN L. EMMONS,
Commissioner.

APRIL 18, 1955.

[F. R. Doc. 55–3293; Filed, Apr. 21, 1955; 8:45 a. m.]

Bureau of Land Management

CALIFORNIA

NOTICE OF THE FILING OF PLATS OF SURVEY, EXTENSION SURVEY AND DEPENDENT SURVEY

APRIL 14, 1955.

Notice is given that plats of survey, as follows, were accepted September 9, 1954, and will be officially filed in the Land Office, Los Angeles, California, effective at 10:00 a. m. on the 35th day after date of this notice.

SAN BERNARDINO MERIDIAN

Plats of Survey of T. 3 S., R. 14 E.,
Fractional secs. 35 and 36.
T. 4 S., R. 14 E.,
Fractional secs. 1 and 2.
Dependent resurvey and extension survey of:
T. 4 S., R. 15 E.,
Sec. 31, lots 3, 4, 5, 6;
Sec. 32, lots 1 to 8 inclusive;
Sec. 33, lots 1, 2, 3, 4.
Extension Survey of T. 5 S., R. 14 E.,
Secs. 12, 13, 23, All;
Sec. 24, N½, SW¼.

The areas described aggregate 5024.97 acres.

Title to fractional sec. 36, T. 3 S., R. 14 E., S. B. M., subject to any prior existing rights, vested in the State of California as of the date of acceptance of the plat of survey. All remaining lands shall be subject to the following provisions of this order.

Available information indicates that the lands described are rolling rough hills to sandy desert lands.

No application for the described lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such applications or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of any existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert-land laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph, either at or before 10:00 a. m. on the 35th day after the date of this notice, shall be treated as though filed simultaneously at that time. All applications filed after 10:00 a. m. on the said 35th day shall be considered in the order filed.

(b) *Date of non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or

constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Los Angeles, California.

[SEAL] PAUL B. WITMER,
Manager.

[F. R. Doc. 55–3295; Filed, Apr. 21, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 19, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30509: Cast iron pipe in official territory. Filed by C. W. Boin, and C. R. Goldrich, Agents, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads, from points in Massachusetts, New Jersey, Ohio, Pennsylvania, and Virginia to points in official territory.

Grounds for relief: Motor-truck competition.

Tariff: Agent Boin's I. C. C. No. A–1062.

FSA No. 30510: Latex to Concord and Roxboro, N. C. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on latex (liquid crude rubber), carloads, from Baton Rouge and North Baton Rouge, La., to Concord and Roxboro, N. C.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 52 to Agent Spaninger's I. C. C. 1400.

FSA No. 30511: Merchandise—Nashville, Tenn., to New York, N. Y. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities in mixed carloads, from Nashville, Tenn., to New York, N. Y.

Grounds for relief: Competition with motor carriers and circuity.

Tariff: Supplement 8 to Agent Spaninger's I. C. C. 1458.

FSA No. 30512: Merchandise—Cincinnati, Ohio, to Florida. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on commodities, various, in mixed carloads, from Cincinnati, Ohio, to Lakeland and Winter Park, Fla.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 7 to Agent Spaninger's I. C. C. 1458.

FSA No. 30513: Merchandise—O & M River crossings to Mississippi. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities, in mixed carloads, from Cincinnati, Ohio, St. Louis, Mo., and East St. Louis, Ill., to Gulfport, Hattiesburg, and Laurel, Miss.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 7 to Agent Spaninger's I. C. C. 1458.

FSA No. 30514: Grain and products—Arkansas, Kansas, and Oklahoma to Texas. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain, grain products and seeds, carloads, from specified points in Arkansas, Kansas and Oklahoma to specified points in Texas.

Grounds for relief: Circuity.

Tariff: Supplement 102 to Agent Kratzmeir's I. C. C. 3941.

FSA No. 30515: Barium sulphate—Missouri to West Virginia. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude barium sulphate (barytes ore), carloads, from Blackwell, Mo., and twelve other points in Missouri to Charleston, Huntington and South Charleston, W. Va.

Grounds for relief: Water and import competition, and circuity.

Tariffs: Missouri Pacific Railroad Co., I. C. C. No. A–10237, supplement 19. St. Louis-San Francisco Co. I. C. C. A–336, supplement 13.

FSA No. 30516: Salt to Houston, Del. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on common salt, carloads, from specified points in Louisiana and Texas to Houston, Del.

Grounds for relief: Depressed rates reflecting combinations of intermediate rate factors, and circuity.

Tariff: Supplement 67 to Agent Kratzmeir's I. C. C. 3668.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55–3299; Filed, Apr. 21, 1955; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 49–A]

MISSOURI PACIFIC RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 49 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I. C. C. Order No. 49 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 11:59 a. m., April 18, 1955.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 18, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55–3300; Filed, Apr. 21, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10883; FCC 55M–349]

NEWPORT BROADCASTING CO. (KNBY)

ORDER CONTINUING HEARING

In the matter of Newport Broadcasting Co. (KNBY), Newport, Arkansas, for construction permit; Docket No. 10883, File No. BP–9081.

Upon oral motion made by counsel for the applicant, Newport Broadcasting Co., on April 12, 1955, at the pre-trial conference held in the above-entitled proceeding, with agreement of all other counsel in such proceeding, and for good cause, (1) the pre-trial conference is adjourned until May 3, 1955, at 2 o'clock p. m., and (2) the hearing presently scheduled for April 26, 1955, is continued until May 9, 1955, at 10 o'clock a. m.

Dated this 12th day of April 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–3302; Filed, Apr. 21, 1955; 8:48 a. m.]

[Change List 65]

UNITED STATES STANDARD BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

APRIL 14, 1955.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

This notification consists of a list of changes, proposed changes, and corrections in assignments of United States Standard Broadcast Stations modifying the Appendix containing assignments of United States Standard Broadcast Stations, Mimeograph #48126, attached to the "Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941", as amended.

UNITED STATES

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Date of FCC action	Proposed date of change or commencement of operation
		860 kilocycles					
New	Hartselle, Ala	0.25	ND	D	II	Apr. 14, 1955	Apr. 14, 1956.
WDMG	Douglas, Ga. (PO: 860 kc 1 kw D).	5	ND	D	II	do	Do.
		880 kilocycles					
New	The Dalles, Oreg	1	DA-N	U	III-B	do	Do.
		970 kilocycles					
KOOK	Billings, Mont. (change in directional antenna pattern).	5	DA-N	U	III-A	do	Do.
		980 kilocycles					
KSGM	Sainte Genevieve, Mo.	0.5	DA-N	U	III-B		N in O with omnidirectional antenna daytime.
		1,050 kilocycles					
KCCO	Lawton, Okla. (previously notified as omnidirectional).	0.25	DA-D	D	II	Apr. 14, 1955	Apr. 14, 1956.
		1,310 kilocycles					
WICH	Norwich, Conn. (previous operation on 1,400 kc.)	1	DA-1	U	III-B		N in O on new frequency.
		1530 kilocycles					
WMLT	Dublin, Ga. (previous operation on 1340 kc).	1	ND	D	III		Do.
WAEW	Crossville, Tenn. (PO: 1340 kc, 250 w U).	1	ND	D	III	Apr. 14, 1955	Apr. 14, 1956.
		1340 kilocycles					
WMLT	Dublin, Ga. (delete assignment—vide 1330 kc).						
		1360 kilocycles					
New	Amarillo, Tex	0.5	ND	D	III	Apr. 14, 1955	Do.
		1570 kilocycles					
WOTR	Corry, Pa	0.5	ND	D	III		N in O with new station.
		1400 kilocycles					
WICH	Norwich, Conn. (delete assignment—vide 1310 kc).						
		1490 kilocycles					
WLDB	Atlantic City, N. J.	0.25	ND	U	IV		Do.
WBLT	Bedford, Va. (delete assignment—vide 1350 kc).						
		1580 kilocycles					
WPGC	Morningside, Md. (PO: 1580 kc, 1 kw D).	10	DA-D	D	II	Apr. 14, 1955	Apr. 14, 1956.
		1600 kilocycles					
KTTN	Trenton, Mo	0.5	ND	D	III		N in O with new station.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3304; Filed, Apr. 21, 1955; 8:48 a. m.]

[Docket Nos. 11287—11289; FCC 55M-348]

EL MUNDO, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of El Mundo, Inc., Mayaguez, Puerto Rico, Docket No. 11287, File No. BPCT-1892; Ponce De Leon Broadcasting Co., Inc., of P. R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; Supreme Broadcasting Company, Inc., Mayaguez, Puerto Rico, Docket No. 11289, File No. BPCT-1911; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a motion filed on April 13, 1955, on behalf of Ponce De Leon Broadcasting Company, Inc., of P. R. and El Mundo, Inc., requesting that the hearing in the above-entitled proceeding, now scheduled to be held on April 25, 1955, be continued without date; and

It appearing that sufficient grounds have been set forth in the said motion to justify a reasonable continuance of the said hearing; and

It further appearing that counsel for Supreme Broadcasting Company, Inc., and the Broadcast Bureau of this Commission, the only other parties to the said proceeding, have stated that they have no objection to a grant of the motion under consideration;

It is ordered, This 15th day of April 1955, that the above motion be, and it is hereby, granted in part, and that the hearing in the above-entitled proceeding is hereby continued until 10:00 a. m., on Friday, June 10, 1955, at the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3303; Filed, Apr. 21, 1955; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 83 (Amended)]

ORGANIZATION, DUTIES AND FUNCTIONS

MARCH 28, 1955.

The material appearing at 12 F. R. 10148, 16 F. R. 8189, 16 F. R. 11745, and 17 F. R. 7910 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to define the broad authority and functions of the Secretary of Commerce and to prescribe the method and channels through which these functions are performed.

SEC. 2. *Secretary of Commerce.* .01 The Secretary of Commerce is responsible for the administration of the functions and authorities assigned to the Department of Commerce broadly described in the act of February 14, 1903 (32 Stat. 826), which reads in part as follows:

It shall be the province and duty of the said Department (Department of Commerce) to foster, promote, and develop the foreign and domestic commerce, • • • manufacturing, shipping • • • industries, and the transportation facilities of the United States; and to this end it shall be vested with jurisdiction and control of the departments, bureaus, offices, and branches of the public service hereinafter specified, and with such other powers and duties as may be prescribed by law.

.02 In addition to the generic authority provided in the act of February 14, 1903, supra, Reorganization Plan No. 5 of 1950 and Reorganization Plan No. 21 of 1950 transferred to the Secretary of Commerce, with certain exceptions not here pertinent, the related functions and authorities vested in all other officers and organization units of the Department of Commerce.

.03 The Secretary is also responsible for advising the President on Federal policy and programs affecting the industrial and commercial segments of the national economy within the scope of the Department of Commerce.

.04 The order of precedence to act as Secretary of Commerce is established by law and Executive Order which provide that the following officers, in the order designated, shall perform the duties of the Secretary of Commerce in the event

of the absence or sickness of the Secretary, or until a successor is appointed in the event of the vacancy of that position:

1. The Under Secretary.
2. The Under Secretary for Transportation.
3. The Assistant Secretaries of Commerce in the order of precedence as determined by the dates of their commissions.
4. The General Counsel.

SEC. 3. *Office of the Secretary of Commerce.* .01 The Office of the Secretary of Commerce is composed of the following officers and organization units:

1. The Secretary of Commerce.
2. The Under Secretary.
3. The Under Secretary for Transportation: Defense Air Transportation Administration.
4. The Assistant Secretary for Domestic Affairs.
5. The Assistant Secretary for International Affairs: Office of International Trade Fairs.
6. The Assistant Secretary for Administration: Office of Budget and Management, Office of Personnel Management, Office of Publications, Office of Administrative Operations, Office of Security Control, Agency Inspection Staff, Appeals Board.
7. The General Counsel.
8. Office of Public Information.
9. Office of Strategic Information.

.02 In the execution of his responsibilities for the administration of the functions and authorities assigned to the Department of Commerce, the Secretary has delegated, by separate orders, the performance of certain specified functions, together with the related operating authority, to the heads of the constituent units of the Office of the Secretary and to the heads of the primary organization units of the Department.

.03 Exhibit 1 to this order indicates the respective areas of functional supervision and authority exercised by the heads of the constituent units of the Office of the Secretary of Commerce and identifies the applicable enabling Department Order.

SEC. 4. *Effect on other orders.* This order supersedes Department Order No. 83 (Amended) of August 6, 1951, and Department Order No. 82 (Amended) of August 5, 1950. Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

Effective date: March 28, 1955.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-3301; Filed, Apr. 21, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2706]

WILLSON PRODUCTS, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

APRIL 18, 1955.

American Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Pursuant to an offer dated February 10, 1955, the Ray-O-Vac Company has purchased 151,211 shares of Willson Products, Inc., through April 7, 1955, leaving only 2,581 shares publicly held by 48 holders of record.

The purchase offer has been extended to the close of business May 11, 1955.

In the opinion of its Committee on Securities, the number of shares remaining in public hands has become so reduced as to make inadvisable further dealings therein upon the Exchange.

Upon receipt of a request, on or before May 4, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3296; Filed, Apr. 21, 1955; 8:46 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 109-53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, v. AMERICAN COMMITTEE FOR PROTECTION OF FOREIGN BORN, RESPONDENT

NOTICE OF HEARING

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong. 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the Respondent to register as a Communist-front organization pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Monday, May 16, 1955, at 10:00 a. m., e. d. s. t., in Hearing Room 111, Lafayette Building, 811 Vermont Avenue NW., Washington, D. C.

Dated at Washington, D. C., April 18, 1955.

[SEAL] THOMAS J. HERBERT,
Chairman.

[F. R. Doc. 55-3297; Filed, Apr. 21, 1955; 8:46 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 80

Washington, Saturday, April 23, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

Effective upon publication in the FEDERAL REGISTER, Part 22 is revised and amended to read as follows:

Subpart A—General Provisions

Sec.
22.101 Applicability of regulations.
22.102 Employee coverage.
22.103 Definitions.

Subpart B—Agency Action

22.201 Notification of proposed action; charges and opportunity for answer.
22.202 Exceptions to thirty-day notice period.
22.203 Reasonable time to answer.
22.204 Status of employee during notice period.
22.205 Notification of adverse decision of an administrative officer.

Subpart C—Employee Appeals

22.301 Right of appeal.
22.302 Time limit.
22.303 Where appeal shall be filed.
22.304 Contents of appeal.
22.305 Failure to prosecute appeal.

Subpart D—Commission Action on Initial Appeal

22.401 Investigation.
22.402 Right to a hearing.
22.403 Decision on appeals in the Commission; by whom made; contents.
22.404 Recommended corrective action.
22.405 Copies of decision.
22.406 Agency action.
22.407 Report to the Commission.

Subpart E—Commission Action; Appellate Review

22.501 Appeals to the Board of Appeals and Review.
22.502 Board procedures.
22.503 Finality of decision.
22.504 The Commissioners.

Subpart F—Hearings

22.601 Right to appear at hearing.
22.602 How conducted.
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22.604 Rules of evidence.
22.605 Testimony taken under oath; record of hearings.
22.606 Limitation on attendance at hearings.
22.607 Appearance of witnesses.

AUTHORITY: §§ 22.101 to 22.607 issued under secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868. Interpret or apply sec. 14, 58 Stat. 390, as amended by 61 Stat. 723; 5 U. S. C. 863. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—GENERAL PROVISIONS

§22.101 *Applicability of regulations*—(a) *Scope.* The regulations in this part shall apply to appeals from adverse decisions of administrative officers of the Federal Government and the Government of the District of Columbia. They shall not apply to any decision of the Commission or to any action of an administrative officer which is taken pursuant to instructions from the Commission.

(b) *Appeals involving performance ratings.* The regulations in this part shall apply to adverse decisions based on unsatisfactory performance. However, the correctness of any performance rating which is appealable to a board of review established under section 7 of the Performance Rating Act of 1950, shall not be considered.

(c) *Reduction in rank or compensation due to Commission's position classification decisions.* The regulations in this part shall apply to reductions in grade or rank of employees which are taken, at the election of the agency, after a position classification decision by the Commission.

§ 22.102 *Employee coverage*—(a) *Employees covered.* The regulations in this part shall apply to any career, career-conditional, or indefinite employee who has completed a probationary or trial period in a position in the competitive service, or to any employee who has completed one year of current continuous employment in a position outside the competitive service. Such employment may be in the service of any establishment, agency, bureau, administra-

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Titles 10–13 ($0.50)
Title 14: Part 400 to end ($0.65)
Title 16 ($1.25)
Titles 28–29 ($1.25)
Titles 44–45 ($0.75)
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Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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tion, project, or department created by acts of Congress or Presidential order or in the service of the District of Columbia.

(b) *Employees not covered.* The regulations in this part shall not apply to an employee serving a probationary or trial period, or to an employee under the legislative or judicial branch of the Government unless he is occupying a position in the competitive service. This part shall not apply to an employee (except a postmaster) whose appointment is required to be confirmed by the United States Senate.

§ 22.103 *Definitions.* As used in this part, the term:

(a) "Adverse action" includes discharge, suspension for more than thirty (30) days, furlough without pay, and reduction in rank or compensation for reasons other than reduction in force pursuant to section 12 of the Veterans' Preference Act of 1944, as amended.

(b) "Commission" means the United States Civil Service Commission.

(c) "Days" means calendar days and not work days.

(d) "Employee" means a preference eligible employee, as specified in section 2 of the Veterans' Preference Act of 1944, as amended.

(e) "Separation under honorable conditions" means separation from active duty in any branch of the armed forces by transfer to inactive status, transfer to retired status, acceptance of a resignation, or issuance of an honorable discharge.

SUBPART B—AGENCY ACTION

§ 22.201 *Notification of proposed action: charges and opportunity for answer.* Adverse action shall not be taken against an employee except for such cause as will promote the efficiency of the service and for reasons given in writing. Except as provided in § 22.202, an employee against whom adverse action is sought shall be given at least thirty (30) full days' advance written notice stating any and all reasons, specifically and in detail, for any such proposed action.

§ 22.202 *Exceptions to thirty-day notice period.* (a) Advance written notice shall not be necessary in cases of furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or emergencies requiring immediate curtailment of activities.

(b) The employees need not be given the full thirty (30) days' advance written notice, but must be given such lesser number of days advance notice and opportunity to answer as under the circumstances is reasonable and can be justified, in cases where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed.

§ 22.203 *Reasonable time to answer.* A reasonable time shall be allowed an employe for answering, personally and in writing, charges and notifications of proposed adverse actions and for furnishing affidavits in support of such answers. The reasonable time required shall depend on the facts and circumstances of each case, and shall be sufficient in all cases to afford the employee ample opportunity to prepare answers and secure affidavits.

§ 22.204 *Status of employee during notice period.* Whether the employee is given thirty (30) full days' advance notice under § 22.201, or less than thirty (30) full days' notice under paragraph (b) of § 22.202, he shall be retained in an active duty status during such notice period. However, in any case of a proposed adverse action, the employee may be placed on annual leave without his consent when the administrative office does not consider it advisable from an official standpoint to retain him in an active duty status during the period of advance notice. When an employee is not placed on annual leave and the circumstances are such that his retention in an active duty status may result in damage to Government property, or may be detrimental to the interest of the Government or injurious to the employee, his fellow workers or the general public, the employee may be temporarily assigned to duties in which these conditions would not exist or he may be placed on leave without pay with his consent: *Provided*, That in an emergency case requiring prompt suspension of an employee, the employing agency may suspend him for not more than thirty (30) days. The employee shall be given written notice of the proposed emergency suspension at least twenty-four (24) hours in advance. The reasons for not retaining an employee in an active duty status shall be made part of the record. Such reasons shall be reviewed by the Commission in the event that the employee subsequently appeals from the final decision reached by the administrative officer.

§ 22.205 *Notification of adverse decision of an administrative officer.* The administrative officer shall render his decision, and it shall be in writing, dated, and submitted to the employee promptly after such decision has been made. The employee shall be advised, in the same notification, of the reasons for the action taken and of his right to appeal to the appropriate office of the Commission, as provided in Subpart C of this part.

SUBPART C—EMPLOYEE APPEALS

§ 22.301 *Right of appeal.* An employee may appeal to the Commission from any decision of an administrative officer to take adverse action.

§ 22.302 *Time limit*—(a) *General.* An appeal may be submitted at any time after the notice of adverse decision but not later than ten (10) days after the adverse action has been effected, except as provided in paragraphs (b), (c), and (d) of this section.

(b) *Classification decisions.* The time limit on an appeal from a reduction resulting from a classification decision of an employing agency, when there is a right to appeal the position classification to the agency under its established administrative procedures, shall be not later than ten (10) days after the final decision by the agency on the administrative position classification appeal.

(c) *Presidential postmasters.* In the case of a postmaster appointed by the President and confirmed by the United States Senate, who is notified of an adverse decision of discharge and continues in office until a successor is installed, the time limit on an appeal shall be ten (10) days after receipt of notice of adverse decision.

(d) *Extension of time limit.* The time limit may be extended, in the discretion of the Commission, upon a showing by the employee that he was not notified of the applicable time limit and was not otherwise aware of the limit or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

§ 22.303 *Where appeal shall be filed.* (a) An appeal from an employee of the Federal Government in the Metropolitan area of Washington, D. C., or outside the continental limits of the United States (except Alaska, Hawaii, Puerto Rico, and the Virgin Islands) and an employee of the District of Columbia Government shall be submitted to the Chief, Appeals Examining Office, Bureau of Departmental Operations, United States Civil Service Commission, Washington 25, D. C.

(b) An appeal from any other employee shall be submitted to the director of the appropriate civil service region or manager of any branch regional office.

§ 22.304 *Contents of appeal.* The appeal of the employee to the Commission shall be in writing and shall set forth his reasons for contesting the adverse action, with offer of proof and such pertinent documents as he is able to submit.

§ 22.305 *Failure to prosecute appeal.* An appeal will be closed for failure to prosecute, when the appellant does not furnish required information and duly proceed with the advancement of his appeal. In lieu of closing for failure to prosecute, an appeal may be adjudicated if the information is sufficient for that purpose. A closed appeal will not be reopened except in the discretion of the Commission upon a showing that circumstances beyond the control of the appellant prevented him from prosecuting the appeal.

SUBPART D—COMMISSION ACTION ON INITIAL APPEAL

§ 22.401 *Investigation*—(a) *Scope.* Investigation will be made by the Commission to develop the facts and circumstances relative to the adverse decision.

(b) *Evidence.* Statements of witnesses shall be by affidavit, when practicable, and relative to the adverse decision.

(c) *Evidence available to both parties.* All relevant representations shall be dis-

cussed with both parties to the appeal, and shall be available for review by them.

§ 22.402 *Right to a hearing.* The employee shall have a right to a hearing before the office of the Commission undertaking initial adjudication of his case. This shall be the only opportunity for hearing as a matter of right. The employee shall be advised of his right to a hearing and shall express his desire in writing.

§ 22.403 *Decision on appeals in the Commission; by whom made; contents.* The decision on the appeal shall be made by the Chief, Appeals Examining Office, or by the regional director, as appropriate. The decision shall consist of the findings and recommendations, including an analysis of the evidence, the reasons for the conclusions reached, and the action to be taken by the agency.

§ 22.404 *Recommended corrective action.* The Chief, Appeals Examining Office, or the regional director shall recommend such corrective action as may be necessary.

§ 22.405 *Copies of decision.* A copy of the decision shall be furnished to the employee or his designated representative, and to the employing agency, with notification of the right of either party to appeal within seven (7) days to the Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C.

§ 22.406 *Agency action.* It is mandatory for the agency to take corrective action in accordance with the decision made by the Chief, Appeals Examining Office or the regional director, unless appeal is made to the Board of Appeals and Review.

§ 22.407 *Report to the Commission.* The agency shall report to the Chief, Appeals Examining Office, or to the regional office, as the case may be, within seven (7) days after receipt of the decision that it has carried such decision into effect or that it is appealing the decision.

SUBPART E—COMMISSION ACTION; APPELLATE REVIEW

§ 22.501 *Appeals to the Board of Appeals and Review*—(a) *Appeal from decision of a Commission office.* When an employee or the employing agency elects to appeal from a decision of the Chief, Appeals Examining Office, or regional director, such appeal shall be made to the Board of Appeals and Review (hereinafter referred to as the "Board"), U. S. Civil Service Commission, Washington 25, D. C.

(b) *Time limit for filing.* Such appeal must be filed within seven (7) days after the date of receipt of notification of the decision. This time limit may be extended, in the discretion of the Board, only upon a showing that circumstances beyond the control of the employee or the employing agency prevented the filing of a further appeal within the prescribed seven (7) days.

(c) *Form and content.* The appeal shall be in writing and shall set forth the basis for the appeal.

§ 22.502 *Board procedures*—(a) *Scope.* The Board will review the entire record of the case and all written representations submitted to the Board relevant to the appeal.

(b) *Personal appearance.* In its discretion, the Board may afford the parties an opportunity to appear personally and present oral arguments and representations. No oral evidence shall be submitted which could have been accepted in connection with the initial appeal.

(c) *Decision.* The decision on an appeal to the Board shall be transmitted to the employee, or his designated representative, and to the employing agency.

§ 22.503 *Finality of decision.* The decision on an appeal to the Board shall be final. There is no further right to appeal. A recommendation for corrective action is mandatory and must be complied with by the agency. Where corrective action is required, the agency shall report to the Board promptly that such action has been taken.

§ 22.504 *The Commissioners.* The Commissioners may, in their discretion, when, in their judgment, such action appears warranted by the circumstances, reopen and reconsider any previous decision.

SUBPART F—HEARINGS

§ 22.601 *Right to appear at hearing.* An employee has a right to appear at the hearing on his appeal, personally or through or accompanied by his representative, before the office of the Commission handling the appeal. The agency has a right to participate in such a hearing. Both parties shall have the right to produce witnesses.

§ 22.602 *How conducted.* The hearing will be informal and will be conducted by a representative of the Commission.

§ 22.603 *Introduction of evidence.* Opportunity will be afforded for the introduction of evidence (including testimony and statements by the employee and his designated representative and witnesses and by representatives of the agency and its witnesses) and for the cross-examination of witnesses.

§ 22.604 *Rules of evidence.* Rules of evidence will not be strictly applied during hearings, but the Commission representative in charge of the hearing shall use reasonable discretion to exclude irrelevant or unduly repetitious testimony.

§ 22.605 *Testimony taken under oath; record of hearings.* The testimony at hearings shall be under oath. The office of the Commission handling the appeal shall determine how the hearing will be recorded. If the hearing is recorded verbatim, the reporter's transcript shall be made a part of the record of the proceeding and a copy shall be furnished to each party. When the hearing is not recorded verbatim, the presiding officer shall make a suitable summary of pertinent portions of the testimony. When agreed to in writing by all parties concerned, the summary shall constitute the report of the hearing and shall be made a part of the record. A copy shall be furnished to each party. Should the presiding officer and the parties fail to agree on the summary, the parties shall be permitted to submit, in writing, exceptions to any part of the summary. Such exceptions shall be considered in connection with the making of the finding and recommendation.

§ 22.606 *Limitation on attendance at hearings.* Hearings shall not be open to the general public or the press. Attendance shall be limited to persons determined by the Commission to have a direct connection with the appeal.

§ 22.607 *Appearance of witnesses.* The Commission is not authorized to subpoena witnesses. The employee and his designated representative, and the employing agency, must make their own arrangements for the appearance of witnesses.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-3327; Filed, Apr. 22, 1955; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 57]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.357 *Navel Orange Regulation 57*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 21, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 24, 1955, and ending at 12:01 a. m., P. s. t., May 1, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 346,500 boxes;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 22, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3414; Filed, Apr. 22, 1955; 11:33 a. m.]

[Lemon Reg. 506]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.693 *Lemon Regulation 586*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 20, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 24, 1955, and ending at 12:01 a. m., P. s. t., May 1, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 450 carloads;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 21, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3384; Filed, Apr. 22, 1955; 8:56 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter B—Cooperative Control and Eradication of Animal Diseases

PART 54—ANIMALS DESTROYED BECAUSE OF SCRAPIE

Part 54 is revised to read as follows:

Pursuant to the authority of section 11 of the act of May 29, 1884, as added by the act of September 21, 1944, and as amended by the act of August 8, 1953, 67 Stat. 493; 21 U. S. C. 114a, the following Part 54 is hereby promulgated:

Sec.
54.1 Definitions.
54.2 Cooperation with States.
54.3 Appraisal of animals.
54.4 Time limit for slaughter.
54.5 Care and feeding of animals under quarantine; disposal of animals after slaughter.
54.6 Mortgages and other liens against animals.
54.7 Destruction of animals.
54.8 Payments to owners for animals destroyed.
54.9 Claims not allowed.

AUTHORITY: §§ 54.1 to 54.9 issued under sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 114a.

§ 54.1 *Definitions.* For the purpose of this part, the following words, names and terms shall be construed, respectively, to mean:

(a) "The Department" means the United States Department of Agriculture.

(b) "Branch" means the Animal Disease Eradication Branch of the Agricultural Research Service, United States Department of Agriculture.

(c) "Destroyed" means destroyed by slaughter or by such other means as may be authorized by the Chief of Branch.

(d) "Animals" include sheep and/or goats.

§ 54.2 *Cooperation with States.* Upon determination by the Chief of Branch of the existence of scrapie, he shall solicit the cooperation of the proper State or Territory authorities in the eradication of such disease.

§ 54.3 *Appraisal of animals.* (a) Affected and exposed animals shall be appraised at their actual value at the place and time of appraisal by a representative of the Branch and a representative of the State jointly, except that, if the owner and State authorities approve, such animals may be appraised by a representative of the Branch alone.

(b) The Branch may decline to accept any appraisal that appears to it to be unreasonable or out of proportion to the value of similar animals of a like quality. Appraisals shall not exceed any limit set by the laws of the State or other agency which is cooperating with the Branch in the payment of indemnity because of scrapie.

§ 54.4 *Time limit for slaughter.* Animals slaughtered under this part shall be slaughtered within 15 days after the date of appraisal unless such time is specifically extended by the Chief of Branch.

§ 54.5 *Care and feeding of animals under quarantine; disposal of animals after slaughter.* Expenses for the care and feeding of animals held for destruction and the expense of destruction, burial, incineration, etc., and/or transportation and other expenses incidental to their slaughter will not be paid by the Department.

§ 54.6 *Mortgages and other liens against animals.* (a) When animals have been destroyed pursuant to this part, the inspector in charge shall take reasonable precaution to determine, prior to his approval of vouchers in which compensation therefore is claimed, who is the owner of the animals and whether there are any mortgage or other liens outstanding against the animals. If it appears that there are outstanding liens, a full report regarding the same shall be made and shall accompany the voucher. Every such report shall include a description of the liens, the name of the person or persons having possession of the documentary evidence thereof, and a statement showing what arrangements, if any have been made, to discharge the liens. Every such report should also include a statement of any claims, other than liens, outstanding against the animals destroyed of which the inspector in charge may have knowledge.

(b) When it appears that there are no outstanding liens or claims against the animals a statement to this effect, signed by the owner, shall accompany the voucher.

§ 54.7 *Destruction of animals.* (a) Animals affected with or exposed to scrapie shall be destroyed under this part only after obtaining the written agreement of the owner to accept, as compensation in full from the United States, 50 percent of the difference between the appraisal value and the salvage value not to exceed $25 per head for grade animals and $75 per head for purebred animals.

(b) Animals which are exposed to but which do not show visible symptoms of scrapie and whose flesh can be saved for food without risk of spreading the disease may be slaughtered in an establishment approved by the Chief of Branch.

§ 54.8 *Payments to owners for animals destroyed.* (a) Owners of animals destroyed in accordance with this part because such animals are affected with or exposed to scrapie shall be paid an indemnity not to exceed 50 percent of the difference between the appraised value of each animal so destroyed and the net salvage received by the owner thereof.

(b) The Federal indemnity shall be limited to $25 per head for grade animals and $75 per head for purebred animals.

(c) The Branch may indemnify owners up to the limitations specified in this part whether or not the State participates in indemnity payment.

(d) Animals presented for appraisal as purebred shall be accompanied by their certificate of registry at the time of appraisal, or they shall be appraised as grades: *Provided, however,* That in the absence of such proof of purebreeding the Chief of Branch may grant a reasonable time for the presentation of their certificate of registration to the appraiser.

§ 54.9 *Claims not allowed.* (a) The Department will not allow claims arising out of the destruction of animals unless they have been previously appraised, and the owners thereof shall have executed agreements, in compliance with this part.

(b) The Department will not allow claims if the claimant has failed to comply with any of the Department regulations pertaining to scrapie including the necessary cleaning and disinfection of his premises and conveyances.

Effective date. This part shall become effective upon publication.

The primary purpose of this part is to provide for indemnity payments by the Federal Government. The amount of these indemnities is dependent on budget considerations and other facts peculiarly within the knowledge of the Department of Agriculture. Hence, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the promulgation of this part are impracticable and contrary to the public interest and this part may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 20th day of April 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-3329; Filed, Apr. 22, 1955; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-143]

PART 41—MEDICAL GAS INDUSTRY

ORDER RESCINDING RULES

Whereas on August 24, 1931, the Commission promulgated trade practice rules for the Medical Gas Industry, which were codified in the Code of Federal Regulations (16 CFR Part 41); and

Whereas it appears that said rules for this industry do not in some respects accurately reflect existing requirements of law, and members of this industry generally are not interested in having such rules revised; and

Whereas under the circumstances proceedings for revision of the rules for this industry do not appear to be warranted;

It is ordered, That the said rules be and the same are hereby rescinded.

Issued: April 20, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-3348; Filed, Apr. 22, 1955; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

On November 24, 1954, a notice of proposed rule making with respect to Part 175 of Title 26 (1939) of the Code of Federal Regulations was published in the FEDERAL REGISTER (19 F. R. 7577). The purposes of the amendments were stated as (a) to liberalize the marking requirements for liquor bottles, (b) to place both domestic and imported liquor bottles on the same basis, (c) to require all manufacturers of liquor bottles, including earthenware, to qualify in the same manner as manufacturers of glass liquor bottles, (d) to authorize the Commissioner, in his discretion, to prescribe the use of other suitable materials (glass and earthenware being specifically authorized by regulations) in the manufacture of liquor bottles, (e) to modify the procedure for approving and classifying distinctive liquor bottles, (f) to extend the means of marking indicia on liquor bottles to include etching, sand-blasting, or any other method of marking approved by the Commissioner, (g) to remove the requirement that bottle manufacturers and bottlers submit monthly reports on Forms 146 and 147, respectively, (h) to specifically state that bottles bearing the indicia selected by a bottler for use by himself or any of his wholly-owned subsidiaries may be used interchangeably with bottles bearing indicia of the particular premises where the bottling is to be conducted, (i) to relax requirements with respect to off-premises bottle storage for bottlers and manufacturers, (j) to permit bottlers to store miscellaneous items of equipment and supplies in off-premises bottle storage places, (k) to conform Part 175 to the reorganization procedure by delegating certain functions, hitherto reserved for the Commissioner, to the assistant regional commissioner, (l) to clarify the procedure to be followed in investigating applications for permits, and (m) to place permits (on Form 98) for the procurement, use, and importation of liquor bottles on a continuing rather than an annual basis. After consideration of all relevant matter presented by interested parties, and in order (a) to adopt Part 175 of Subchapter C of Title 26 of the 1939 Code of Federal Regulations, redesignated as Part 175 of Subchapter E of Title 26 of the 1954 Code of Federal Regulations and to amend such adopted regulations to implement the revision of the regulatory provisions of the Internal Revenue Code of 1954 by (1) deleting the words "at retail" in describing containers held for sale, and (2) authorizing the regulation of traffic in containers of 5-gallon capacity, which are customarily used for the packaging and transportation of untaxpaid distilled spirits, and (b) to make editorial changes, the following regulations are prescribed:

Preamble: 1. The regulations in this part shall supersede Regulations 13, 1950 edition (26 CFR (1939) Part 175; 15 F. R. 4045) as amended by Treasury Decisions 6053 (18 F. R. 7609) and 6114 (19 F. R. 8502).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. Inasmuch as these regulations are needful for the enforcement of the applicable provisions of the Internal Revenue Code of 1954 effective January 1, 1955, it is hereby found that it is contrary to the public interest to issue these regulations generally subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003 (c)). Accordingly, the regulations in this part shall be effective on the date of their publication in the FEDERAL REGISTER, except § 175.30, which, to the extent that it applies to one who manufactures, stores, ships, consigns, or delivers liquor bottles formerly classified as earthenware containers for distilled spirits and authorized to be used by a bottler under a permit in effect immediately preceding the date of the publication of these regulations in the FEDERAL REGISTER, shall be effective on the 31st day after the date of such publication.

Subpart A—Scope of Regulations

Sec.
175.1 Containers of distilled spirits.
175.2 Adoption of other regulations.
175.3 Forms prescribed.

Subpart B—Definitions

175.5 Meaning of terms.
175.6 Age.
175.7 Application.
175.8 Assistant regional commissioner.
175.9 Bottler.
175.10 Commissioner.
175.11 Container.
175.12 Director, Alcohol and Tobacco Tax Division.
175.13 Distilled spirits.
175.14 Importer.
175.15 I. R. C.
175.16 Kind.
175.17 Liquor bottle.
175.18 Permit.
175.19 Person.
175.20 Regional commissioner.
175.21 United States.
175.22 Vintage spirits.

Subpart C—Manufacture and Sale of Bottles for Packaging Distilled Spirits

175.30 Permit to manufacture.
175.31 Changes in plant.
175.32 Storage of liquor bottles by manufacturer.
175.33 Persons authorized to receive liquor bottles.
175.34 Indicia for domestic liquor bottles.

Subpart D—Labels

175.40 General.
175.41 Brand name, kind and alcoholic content.
175.42 Net contents.
175.43 Name and address of bottler.
175.44 Age of whisky not blended or rectified.
175.45 Age of blended or rectified whisky.
175.46 Age of brandy.
175.47 Coloring matter.

Subpart E—Use of Liquor Bottles of Domestic Manufacture for Packaging Distilled Spirits

Sec.
175.55 General.
175.56 Distinctive liquor bottles (not costly) for distilled spirits.
175.57 Distinctive liquor bottles (costly).
175.58 Distinctive liquor bottles for liqueurs and cordials.
175.59 Approval of distinctive liquor bottles.
175.60 Use of liquor bottles bearing same indicia, by parent company and wholly-owned subsidiaries.
175.61 Authorized receipt of liquor bottles.
175.62 Use and resale of liquor bottles.
175.63 Reuse of liquor bottles.
175.64 Storage of liquor bottles.

Subpart F—Reports and Inventories

SHIPMENT OF LIQUOR BOTTLES

175.70 Orders for shipment.
175.71 Report of shipment.
175.72 Notice of receipt.
175.73 Records of orders for, and reports of shipment and reciept of, liquor bottles.

REPORTS

175.74 Requirements.
175.75 Inspection of stocks and records of liquor bottles.

Subpart G—Imports and Exports

IMPORTATION OF EMPTY LIQUOR BOTTLES

175.85 General.
175.86 Permit required.
175.87 Indicia for empty liquor bottles.
175.88 Empty distinctive liquor bottles (not costly) for distilled spirits.
175.89 Empty distinctive liquor bottles (costly).
175.90 Empty distinctive liquor bottles for liqueurs and cordials.
175.91 Records of orders for, and notices of receipt of, empty liquor bottles.

IMPORTATION OF FILLED LIQUOR BOTTLES

175.92 General.
175.93 Permit required.
175.94 Indicia.
175.95 Distinctive liquor bottles (not costly) for distilled spirits.
175.96 Distinctive liquor bottles (costly).
175.97 Distinctive liquor bottles for liqueurs and cordials.
175.98 Vintage spirits.
175.99 Approval of distinctive liquor bottles.
175.100 Liquor bottles denied entry.

EXPORTS

175.101 Exports.
175.102 Language of indicia.

Subpart H—Permits, Revocation Proceedings

175.105 Application.
175.106 Investigation.
175.107 Approval.
175.108 Contemplated disapproval.
175.109 Terms and conditions of permit.
175.110 Violation of permit.
175.111 Disposition of stocks of liquor bottles.

Subpart I—Purchase, Sale, and Possession of Used Liquor Bottles

175.120 Purchase or sale of used liquor bottles.
175.121 Reuse of liquor bottles.
175.122 Possession of used liquor bottles.

AUTHORITY: §§ 175.1 to 175.122 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 5214, 68A Stat. 639; 26 U. S. C. 5214. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 175.1 *Containers of distilled spirits.* The regulations in this part relate to the traffic in containers of distilled spirits of a capacity of not less than one-half pint and not more than five wine gallons. This part covers the manufacture, sale, and use of liquor bottles for packaging distilled spirits for other than industrial use; reports and inventories of liquor bottles; imports and exports of liquor bottles; permits; and the purchase, sale and possession of used liquor bottles.

§ 175.2 *Adoption of other regulations.* All provisions of regulations relating to the size and filling of bottles contained in 27 CFR Part 5 are hereby extended to and made a part of this part.

§ 175.3 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including applications, reports, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 175.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 175.6 *Age.* "Age" shall have the meaning given to such term by the provisions of 27 CFR Part 5, and shall be stated in the manner provided in said part.

§ 175.7 *Application.* "Application" shall mean a formal written request for a permit for one or more of the privileges authorized by this part, verified by a written declaration that such statement is made under penalties of perjury.

(68A Stat. 749; 26 U. S. C. 6065)

§ 175.8 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the regional commissioner.

§ 175.9 *Bottler.* "Bottler" shall mean a distiller, rectifier, proprietor of an internal revenue bonded warehouse, taxpaid bottling house, industrial alcohol plant or industrial alcohol bonded warehouse, a class 8 bonded warehouse qualified under the customs laws, or an agency of the United States or any State or political subdivision thereof.

§ 175.10 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 175.11 *Container.* "Container" shall mean a vessel of a capacity of not less than one-half pint and not more than 5 wine gallons designed or intended for use for the sale of distilled spirits for other than industrial use.

§ 175.12 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 175.13 *Distilled spirits.* Distilled spirits, spirits, alcohol, and alcoholic spirits shall mean:

(a) That substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance, and

(b) Products of rectification, for other than industrial use.

§ 175.14 *Importer.* "Importer" shall mean any person authorized to import distilled spirits into the United States.

§ 175.15 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 175.16 *Kind.* "Kind" shall have the respective meanings given to such term by the "Standards of identity for distilled spirits," set forth in 27 CFR Part 5, and shall be stated in the manner provided in said part.

§ 175.17 *Liquor bottle.* "Liquor bottle" shall mean a container (as defined by § 175.11) made of glass, or earthenware, or other suitable material approved by the Director, Alcohol and Tobacco Tax Division.

§ 175.18 *Permit.* "Permit" shall mean a written authorization signed by the assistant regional commissioner, describing the acts permitted to be performed.

§ 175.19 *Person.* "Person" shall mean and include an individual, a trust, estate, partnership, association, company or corporation.

(68A Stat. 911; 26 U. S. C. 7701)

§ 175.20 *Regional commissioner.* "Regional commissioner" shall mean the regional commissioner in each of the internal revenue regions.

§ 175.21 *United States.* "United States" shall mean the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(68A Stat. 911; 26 U. S. C. 7701)

§ 175.22 *Vintage spirits.* "Vintage spirits" shall mean all imported distilled spirits which are not less than 10 years old and which were bottled prior to August 1, 1934.

SUBPART C—MANUFACTURE AND SALE OF BOTTLES FOR PACKAGING DISTILLED SPIRITS

§ 175.30 *Permit to manufacture.* Any person intending to engage in the manufacture of liquor bottles shall apply on Form 93 to the assistant regional commissioner of the region in which his plant is situated for an appropriate permit authorizing him to engage in such manufacture, and, except as may otherwise be provided in this part, no person may hereafter manufacture, store, ship, consign, or deliver liquor bottles unless in accordance with the terms of such a permit.

§ 175.31 *Changes in plant.* Any person who after the issuance of a permit authorizing him to engage in the manufacture of liquor bottles desires to make major changes in the construction or equipment of his plant, shall file an application on Form 93 with the assistant regional commissioner of the region in which his plant is situated for an appropriate permit authorizing him to make such changes.

§ 175.32 *Storage of liquor bottles by manufacturer.* Any person authorized to manufacture liquor bottles may store such bottles off the premises described on his Form 93 in a room or warehouse, securely constructed and adequately protected, only when so authorized by a permit issued by the assistant regional commissioner of the region in which such storage space is located, pursuant to application Form 98.

§ 175.33 *Persons authorized to receive liquor bottles.* No person may ship, consign, or deliver liquor bottles except to authorized bottlers to whom the assistant regional commissioner, or the Director, Alcohol and Tobacco Tax Division, in the case of States, has assigned an appropriate symbol and number for marking liquor bottles: *Provided*, That liquor bottles may be shipped pursuant to Form 98 by the manufacturer to another person for additional processing, such as coloring or cutting, where legal title and custody to such liquor bottles are retained by the manufacturer until they are delivered to the permittee-user.

§ 175.34 *Indicia for domestic liquor bottles.* There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, Alcohol and Tobacco Tax Division, in either the bottom or the body of each liquor bottle (a) the permit number of the manufacturer, (b) the year of manufacture (which shall be indicated by the last two numerals), and (c) a symbol and number assigned by the assistant regional commissioner, or by the Director, Alcohol and Tobacco Tax Division, in the case of States, to represent the name of the bottler procuring the same; and there shall be similarly marked on the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle": *Provided*, That liquor bottles which are authorized by the Director, Alcohol and Tobacco Tax Division, under §§ 175.56, 175.57, and 175.58 may be manufactured and shipped, consigned, or delivered, as excepted from the markings required by this section.

SUBPART D—LABELS

§ 175.40 *General.* Liquor bottles shall bear labels showing the brands and marks prescribed by this subpart.

§ 175.41 *Brand name, kind and alcoholic content.* The brand name, kind and alcoholic content of the distilled spirits, by proof, shall be shown on the label, except that the alcoholic content may be stated in percentage, by volume, in the case of liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

§ 175.42 *Net contents.* The net contents of liquor bottles shall be shown on the label, unless the statement of the net contents is legibly marked, in the manner prescribed in § 175.34, in the bottles.

§ 175.43 *Name and address of bottler.* On labels of domestic distilled spirits, there shall be stated the phrase "Bottled by," immediately followed by the name of the bottler or the trade name under which the spirits are bottled, and the place where such spirits are bottled. If the bottler is the actual bona fide operator of more than one bottling plant engaged in bottling the same brand of distilled spirits, there may be stated immediately following the name (or trade name) of such bottler the addresses of the plants at which such product is bottled: *Provided*, That on labels of whisky and straight whisky there shall be stated the State of distillation of such whisky, if such whisky is not distilled in the State given in the address of the brand label: *Provided further*,

(a) That, where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "Bottled by," followed by the bottler's name (or trade name) and address, the phrase "Distilled by," followed by the name (or trade name) under which the particular spirits were distilled, and the address (or addresses) of the distiller;

(b) That, where distilled spirits are bottled by or for the rectifier thereof, there may be stated, in lieu of the phrase "Bottled by," followed by the bottler's name (or trade name) and address, the phrase "Blended by," "Made by," "Prepared by," "Manufactured by," or "Produced by" (whichever may be appropriate to the act of rectification involved), followed by the name (or trade name) under which the distilled spirits were rectified, and the address (or addresses) of the rectifier;

(c) That, on labels of distilled spirits bottled for a retailer or other person who is not the actual distiller or rectifier of such distilled spirits there may also be stated the name and address of such retailer or other person, immediately preceded by the words "Bottled for" or "Distributed by," or other similar statement.

§ 175.44 *Age of whisky not blended or rectified.* If whisky is not blended or rectified, the age thereof shall be shown on the label, but this statement shall not be required as to whisky bottled in bond or foreign or domestic whisky four years or more old.

§ 175.45 *Age of blended or rectified whisky.* If whisky is blended or rectified, the age of the whisky therein and the respective percentage, by volume, of whisky or whiskies and neutral spirits, stated in the manner and form prescribed by 27 CFR Part 5, shall be shown on the label: *Provided*, That this statement shall not be required in the case of blended foreign or domestic whiskies containing no neutral spirits, all of which are four years or more old.

§ 175.46 *Age of brandy.* If brandy is aged for a period of less than two years, the age thereof shall be shown on the label.

§ 175.47 *Coloring matter.* A statement of the percentage, by volume, of coloring matter, if such coloring matter is present in the distilled spirits in excess of 2½ percent by volume, shall be shown on the label, except that this requirement shall not apply to liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

SUBPART E—USE OF LIQUOR BOTTLES OF DOMESTIC MANUFACTURE FOR PACKAGING DISTILLED SPIRITS

§ 175.55 *General.* Distilled spirits packaged for sale in domestically manufactured containers (as defined by § 175.11) shall be packaged only in liquor bottles which conform to the requirements of this part and to the provisions relating to the size and filling of bottles of 27 CFR Part 5.

§ 175.56 *Distinctive liquor bottles (not costly) for distilled spirits.* Upon application (Form 98) by any bottler, the assistant regional commissioner of the region in which the plant of such bottler is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler of liquor bottles which are found by the Director, Alcohol and Tobacco Tax Division, to be of distinctive shape or design (but not costly of manufacture), and which bear the indicia required by § 175.34 anywhere on the bottle, for the packaging of distilled spirits, including liqueurs, cordials, and specialties.

§ 175.57 *Distinctive liquor bottles (costly).* Upon application (Form 98) by any bottler, the assistant regional commissioner of the region in which the plant is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler, for the packaging of any distilled spirits, of liquor bottles, not marked as required by § 175.34, which, because of their unique or distinctive shape or design and cost to the bottler, are found by the Director, Alcohol and Tobacco Tax Division, not to afford a jeopardy to the revenue.

§ 175.58 *Distinctive liquor bottles for liqueurs and cordials.* Upon application (Form 98) by any bottler, the assistant regional commissioner of the region in which the plant of such bottler is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler of liquor bottles which are found by the Director Alcohol and Tobbaco Tax Division, to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialities as may be specified from time to time by the Director, Alcohol and Tobacco Tax Division, not marked as required by § 175.34.

§ 175.59 *Approval of distinctive liquor bottles.* Application in letter form for the approval of any distinctive liquor bottle, accompanied by a specimen bottle (or an authentic model or other representation acceptable to the Director, Alcohol and Tobacco Tax Division), and 25 photographs thereof, size 5" x 7", shall be submitted to the Director, Alcohol and Tobacco Tax Division. In the case of liquor bottles which the applicant intends to qualify under the provisions of § 175.57, the application shall include a statement of the cost of each such bottle to the bottler. Approval of the distinctive bottle by the Director, Alcohol and Tobacco Tax Division, will be obtained, prior to submission of an application (Form 98) to the assistant regional commissioner. Such application (Form 98) shall specify the number of the bottle assigned by the Director, Alcohol and Tobacco Tax Division.

§ 175.60 *Use of liquor bottles bearing same indicia, by parent company and wholly-owned subsidiaries.* Any bottler authorized to bottle distilled spirits at more than one location may select any one permit symbol and number assigned to him, or to any of his wholly owned subsidiaries, for use by him and at any or all of the premises of his wholly owned subsidiaries at which distilled spirits are bottled. The bottler shall furnish notification of such selection to the assistant regional commissioner of each region where such indicia is to be used. The symbol and number so selected may be used interchangeably with the symbol and number assigned to the particular premises where the bottling is to be conducted. Stocks of liquor bottles bearing such selected indicia may be shipped by the bottle manufacturer direct to the premises of the parent company or to any of its wholly owned subsidiaries and may be transferred between such premises, without obtaining from the assistant regional commissioner a permit authorizing such shipment or transfer; however, bottles bearing any symbol and number assigned to the parent company or to any of its wholly owned subsidiaries, other than those bearing the selected indicia, may not be shipped by the bottle manufacturer, or transferred, to any premises other than those of the bottler to whom the symbol and number were assigned, without first obtaining a permit, on Form 98, from the assistant regional commissioner of the region in which the transferor-permittee is located.

§ 175.61 *Authorized receipt of liquor bottles.* No bottler shall accept shipment or delivery of new liquor bottles except from persons holding permits under the provisions of § 175.30. No bottler shall accept shipment or delivery of used liquor bottles except (a) from the owner or occupant of the premises upon which such bottles may lawfully be emptied, or (b) from storage premises established under the provisions of § 175.64.

§ 175.62 *Use and resale of liquor bottles.* No bottler shall use any liquor bottle except for packaging distilled spirits, or resell any liquor bottle except in connection with the sale of its contents, or divert any liquor bottle from his own use except upon application (Form 98) to and authorization by the assistant regional commissioner, as provided by § 175.111.

§ 175.63 *Reuse of liquor bottles.* The reuse for packaging distilled spirits for sale of liquor bottles is prohibited: *Provided*, That liquor bottles used for packaging domestic distilled spirits may be reused (a) by the bottler whose permit number is blown therein; (b) by the parent company or wholly-owned subsidiary under the provisions of § 175.60; or (c) by the person acquiring stocks of liquor bottles in the possession of a permittee when any permit is suspended, revoked, or surrendered, as authorized by § 175.111; and liquor bottles used for packaging imported distilled spirits may be exported for reuse under the provisions of § 175.101.

§ 175.64 *Storage of liquor bottles.* Each person authorized to bottle distilled spirits, including any parent company that selects one symbol and number to be legibly marked in liquor bottles for use by it and by one or more of its wholly-owned subsidiaries as authorized by § 175.60, shall store new and used liquor bottles bearing the indicia assigned to him in a safe and secure place on the qualified premises: *Provided*, That such person, under permit issued by the assistant regional commissioner of the region pursuant to an application filed on Form 98, may store such liquor bottles off his qualified premises, in a room or warehouse securely constructed and adequately protected. The bottler may store used liquor bottles bearing permit numbers of other authorized bottlers for the purpose of facilitating their return to the respective bottlers. He may also store liquor bottles used for packaging imported distilled spirits for exportation as authorized by § 175.101, and miscellaneous items of equipment and supplies. An importer, under permit issued by the assistant regional commissioner of the region in which the storage place is located, pursuant to an application filed on Form 98, may store liquor bottles used for packaging imported distilled spirits, for exportation as authorized by § 175.101, in a room or warehouse securely constructed and adequately protected. He may also store liquor bottles used for packaging domestic distilled spirits, bearing permit numbers of authorized bottlers, for the purpose of facilitating their return to the respective bottlers. Each such bottler or importer must maintain suitable commercial records covering the receipt, disposition, and stocks of all such liquor bottles. Report of shipment to the bottling premises of used liquor bottles for packaging domestic distilled spirits as prescribed by § 175.71 and notice of receipt as prescribed by § 175.72 are not required.

SUBPART F—REPORTS AND INVENTORIES

SHIPMENT OF LIQUOR BOTTLES

§ 175.70 *Orders for shipment.* Each order for the shipment or delivery of liquor bottles shall show the name of the manufacturer-consignor, the date of the order, the shipping or delivery destination, the name and address of the consignee, the method of forwarding, and the shipment or delivery date requested by the consignee.

§ 175.71 *Report of shipment.* A report showing the name of the manufacturer-consignor, the date of the order, the shipping or delivery destination, the name and address of the consignee, the method of forwarding, the number of packages, and the size, quantity, and description of liquor bottles furnished, shall be forwarded by the manufacturer-consignor with each shipment or delivery.

§ 175.72 *Notice of receipt.* A notice of the receipt of shipment or delivery,

§ 175.13 *Distilled spirits.* Distilled spirits, spirits, alcohol, and alcoholic spirits shall mean:

(a) That substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance, and

(b) Products of rectification, for other than industrial use.

§ 175.14 *Importer.* "Importer" shall mean any person authorized to import distilled spirits into the United States.

§ 175.15 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 175.16 *Kind.* "Kind" shall have the respective meanings given to such term by the "Standards of identity for distilled spirits," set forth in 27 CFR Part 5, and shall be stated in the manner provided in said part.

§ 175.17 *Liquor bottle.* "Liquor bottle" shall mean a container (as defined by § 175.11) made of glass, or earthenware, or other suitable material approved by the Director, Alcohol and Tobacco Tax Division.

§ 175.18 *Permit.* "Permit" shall mean a written authorization signed by the assistant regional commissioner, describing the acts permitted to be performed.

§ 175.19 *Person.* "Person" shall mean and include an individual, a trust, estate, partnership, association, company or corporation.

(68A Stat. 911; 26 U. S. C. 7701)

§ 175.20 *Regional commissioner.* "Regional commissioner" shall mean the regional commissioner in each of the internal revenue regions.

§ 175.21 *United States.* "United States" shall mean the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(68A Stat. 911; 26 U. S. C. 7701)

§ 175.22 *Vintage spirits.* "Vintage spirits" shall mean all imported distilled spirits which are not less than 10 years old and which were bottled prior to August 1, 1934.

SUBPART C—MANUFACTURE AND SALE OF BOTTLES FOR PACKAGING DISTILLED SPIRITS

§ 175.30 *Permit to manufacture.* Any person intending to engage in the manufacture of liquor bottles shall apply on Form 93 to the assistant regional commissioner of the region in which his plant is situated for an appropriate permit authorizing him to engage in such manufacture, and, except as may otherwise be provided in this part, no person may hereafter manufacture, store, ship, consign, or deliver liquor bottles unless in accordance with the terms of such a permit.

§ 175.31 *Changes in plant.* Any person who after the issuance of a permit authorizing him to engage in the manufacture of liquor bottles desires to make major changes in the construction or equipment of his plant, shall file an application on Form 93 with the assistant regional commissioner of the region in which his plant is situated for an appropriate permit authorizing him to make such changes.

§ 175.32 *Storage of liquor bottles by manufacturer.* Any person authorized to manufacture liquor bottles may store such bottles off the premises described on his Form 93 in a room or warehouse, securely constructed and adequately protected, only when so authorized by a permit issued by the assistant regional commissioner of the region in which such storage space is located, pursuant to application Form 98.

§ 175.33 *Persons authorized to receive liquor bottles.* No person may ship, consign, or deliver liquor bottles except to authorized bottlers to whom the assistant regional commissioner, or the Director, Alcohol and Tobacco Tax Division, in the case of States, has assigned an appropriate symbol and number for marking liquor bottles: *Provided*, That liquor bottles may be shipped pursuant to Form 98 by the manufacturer to another person for additional processing, such as coloring or cutting, where legal title and custody to such liquor bottles are retained by the manufacturer until they are delivered to the permittee-user.

§ 175.34 *Indicia for domestic liquor bottles.* There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, Alcohol and Tobacco Tax Division, in either the bottom or the body of each liquor bottle (a) the permit number of the manufacturer, (b) the year of manufacture (which shall be indicated by the last two numerals), and (c) a symbol and number assigned by the assistant regional commissioner, or by the Director, Alcohol and Tobacco Tax Division, in the case of States, to represent the name of the bottler procuring the same; and there shall be similarly marked on the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle": *Provided*, That liquor bottles which are authorized by the Director, Alcohol and Tobacco Tax Division, under §§ 175.56, 175.57, and 175.58 may be manufactured and shipped, consigned, or delivered, as excepted from the markings required by this section.

SUBPART D—LABELS

§ 175.40 *General.* Liquor bottles shall bear labels showing the brands and marks prescribed by this subpart.

§ 175.41 *Brand name, kind and alcoholic content.* The brand name, kind and alcoholic content of the distilled spirits, by proof, shall be shown on the label, except that the alcoholic content may be stated in percentage, by volume, in the case of liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

§ 175.42 *Net contents.* The net contents of liquor bottles shall be shown on the label, unless the statement of the net contents is legibly marked, in the manner prescribed in § 175.34, in the bottles.

§ 175.43 *Name and address of bottler.* On labels of domestic distilled spirits, there shall be stated the phrase "Bottled by," immediately followed by the name of the bottler or the trade name under which the spirits are bottled, and the place where such spirits are bottled. If the bottler is the actual bona fide operator of more than one bottling plant engaged in bottling the same brand of distilled spirits, there may be stated immediately following the name (or trade name) of such bottler the addresses of the plants at which such product is bottled: *Provided*, That on labels of whisky and straight whisky there shall be stated the State of distillation of such whisky, if such whisky is not distilled in the State given in the address of the brand label: *Provided further*,

(a) That, where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "Bottled by," followed by the bottler's name (or trade name) and address, the phrase "Distilled by," followed by the name (or trade name) under which the particular spirits were distilled, and the address (or addresses) of the distiller;

(b) That, where distilled spirits are bottled by or for the rectifier thereof, there may be stated, in lieu of the phrase "Bottled by," followed by the bottler's name (or trade name) and address, the phrase "Blended by," "Made by," "Prepared by," "Manufactured by," or "Produced by" (whichever may be appropriate to the act of rectification involved), followed by the name (or trade name) under which the distilled spirits were rectified, and the address (or addresses) of the rectifier;

(c) That, on labels of distilled spirits bottled for a retailer or other person who is not the actual distiller or rectifier of such distilled spirits there may also be stated the name and address of such retailer or other person, immediately preceded by the words "Bottled for" or "Distributed by," or other similar statement.

§ 175.44 *Age of whisky not blended or rectified.* If whisky is not blended or rectified, the age thereof shall be shown on the label, but this statement shall not be required as to whisky bottled in bond or foreign or domestic whisky four years or more old.

§ 175.45 *Age of blended or rectified whisky.* If whisky is blended or rectified, the age of the whisky therein and the respective percentage, by volume, of whisky or whiskies and neutral spirits, stated in the manner and form prescribed by 27 CFR Part 5, shall be shown on the label: *Provided*, That this statement shall not be required in the case of blended foreign or domestic whiskies containing no neutral spirits, all of which are four years or more old.

§ 175.46 *Age of brandy.* If brandy is aged for a period of less than two years, the age thereof shall be shown on the label.

§ 175.47 *Coloring matter.* A statement of the percentage, by volume, of coloring matter, if such coloring matter is present in the distilled spirits in excess of 2½ percent by volume, shall be shown on the label, except that this requirement shall not apply to liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

SUBPART E—USE OF LIQUOR BOTTLES OF DOMESTIC MANUFACTURE FOR PACKAGING DISTILLED SPIRITS

§ 175.55 *General.* Distilled spirits packaged for sale in domestically manufactured containers (as defined by § 175.11) shall be packaged only in liquor bottles which conform to the requirements of this part and to the provisions relating to the size and filling of bottles of 27 CFR Part 5.

§ 175.56 *Distinctive liquor bottles (not costly) for distilled spirits.* Upon application (Form 98) by any bottler, the assistant regional commissioner of the region in which the plant of such bottler is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler of liquor bottles which are found by the Director, Alcohol and Tobacco Tax Division, to be of distinctive shape or design (but not costly of manufacture), and which bear the indicia required by § 175.34 anywhere on the bottle, for the packaging of distilled spirits, including liqueurs, cordials, and specialties.

§ 175.57 *Distinctive liquor bottles (costly).* Upon application (Form 98) by any bottler, the assistant regional commissioner of the region in which the plant is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler, for the packaging of any distilled spirits, of liquor bottles, not marked as required by § 175.34, which, because of their unique or distinctive shape or design and cost to the bottler, are found by the Director, Alcohol and Tobacco Tax Division, not to afford a jeopardy to the revenue.

§ 175.58 *Distinctive liquor bottles for liqueurs and cordials.* Upon application (Form 98) by any bottler, the assistant regional commissioner of the region in which the plant of such bottler is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler of liquor bottles which are found by the Director Alcohol and Tobbaco Tax Division, to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialities as may be specified from time to time by the Director, Alcohol and Tobacco Tax Division, not marked as required by § 175.34.

§ 175.59 *Approval of distinctive liquor bottles.* Application in letter form for the approval of any distinctive liquor bottle, accompanied by a specimen bottle (or an authentic model or other representation acceptable to the Director, Alcohol and Tobacco Tax Division), and 25 photographs thereof, size 5" x 7", shall be submitted to the Director, Alcohol and Tobacco Tax Division. In the case of liquor bottles which the applicant intends to qualify under the provisions of § 175.57, the application shall include a statement of the cost of each such bottle to the bottler. Approval of the distinctive bottle by the Director, Alcohol and Tobacco Tax Division, will be obtained, prior to submission of an application (Form 98) to the assistant regional commissioner. Such application (Form 98) shall specify the number of the bottle assigned by the Director, Alcohol and Tobacco Tax Division.

§ 175.60 *Use of liquor bottles bearing same indicia, by parent company and wholly-owned subsidiaries.* Any bottler authorized to bottle distilled spirits at more than one location may select any one permit symbol and number assigned to him, or to any of his wholly owned subsidiaries, for use by him and at any or all of the premises of his wholly owned subsidiaries at which distilled spirits are bottled. The bottler shall furnish notification of such selection to the assistant regional commissioner of each region where such indicia is to be used. The symbol and number so selected may be used interchangeably with the symbol and number assigned to the particular premises where the bottling is to be conducted. Stocks of liquor bottles bearing such selected indicia may be shipped by the bottle manufacturer direct to the premises of the parent company or to any of its wholly owned subsidiaries and may be transferred between such premises, without obtaining from the assistant regional commissioner a permit authorizing such shipment or transfer; however, bottles bearing any symbol and number assigned to the parent company or to any of its wholly owned subsidiaries, other than those bearing the selected indicia, may not be shipped by the bottle manufacturer, or transferred, to any premises other than those of the bottler to whom the symbol and number were assigned, without first obtaining a permit, on Form 98, from the assistant regional commissioner of the region in which the transferor-permittee is located.

§ 175.61 *Authorized receipt of liquor bottles.* No bottler shall accept shipment or delivery of new liquor bottles except from persons holding permits under the provisions of § 175.30. No bottler shall accept shipment or delivery of used liquor bottles except (a) from the owner or occupant of the premises upon which such bottles may lawfully be emptied, or (b) from storage premises established under the provisions of § 175.64.

§ 175.62 *Use and resale of liquor bottles.* No bottler shall use any liquor bottle except for packaging distilled spirits, or resell any liquor bottle except in connection with the sale of its contents, or divert any liquor bottle from his own use except upon application (Form 98) to and authorization by the assistant regional commissioner, as provided by § 175.111.

§ 175.63 *Reuse of liquor bottles.* The reuse for packaging distilled spirits for sale of liquor bottles is prohibited: *Provided*, That liquor bottles used for packaging domestic distilled spirits may be reused (a) by the bottler whose permit number is blown therein; (b) by the parent company or wholly-owned subsidiary under the provisions of § 175.60; or (c) by the person acquiring stocks of liquor bottles in the possession of a permittee when any permit is suspended, revoked, or surrendered, as authorized by § 175.111; and liquor bottles used for packaging imported distilled spirits may be exported for reuse under the provisions of § 175.101.

§ 175.64 *Storage of liquor bottles.* Each person authorized to bottle distilled spirits, including any parent company that selects one symbol and number to be legibly marked in liquor bottles for use by it and by one or more of its wholly-owned subsidiaries as authorized by § 175.60, shall store new and used liquor bottles bearing the indicia assigned to him in a safe and secure place on the qualified premises: *Provided*, That such person, under permit issued by the assistant regional commissioner of the region pursuant to an application filed on Form 98, may store such liquor bottles off his qualified premises, in a room or warehouse securely constructed and adequately protected. The bottler may store used liquor bottles bearing permit numbers of other authorized bottlers for the purpose of facilitating their return to the respective bottlers. He may also store liquor bottles used for packaging imported distilled spirits for exportation as authorized by § 175.101, and miscellaneous items of equipment and supplies. An importer, under permit issued by the assistant regional commissioner of the region in which the storage place is located, pursuant to an application filed on Form 98, may store liquor bottles used for packaging imported distilled spirits, for exportation as authorized by § 175.101, in a room or warehouse securely constructed and adequately protected. He may also store liquor bottles used for packaging domestic distilled spirits, bearing permit numbers of authorized bottlers, for the purpose of facilitating their return to the respective bottlers. Each such bottler or importer must maintain suitable commercial records covering the receipt, disposition, and stocks of all such liquor bottles. Report of shipment to the bottling premises of used liquor bottles for packaging domestic distilled spirits as prescribed by § 175.71 and notice of receipt as prescribed by § 175.72 are not required.

SUBPART F—REPORTS AND INVENTORIES

SHIPMENT OF LIQUOR BOTTLES

§ 175.70 *Orders for shipment.* Each order for the shipment or delivery of liquor bottles shall show the name of the manufacturer-consignor, the date of the order, the shipping or delivery destination, the name and address of the consignee, the method of forwarding, and the shipment or delivery date requested by the consignee.

§ 175.71 *Report of shipment.* A report showing the name of the manufacturer-consignor, the date of the order, the shipping or delivery destination, the name and address of the consignee, the method of forwarding, the number of packages, and the size, quantity, and description of liquor bottles furnished, shall be forwarded by the manufacturer-consignor with each shipment or delivery.

§ 175.72 *Notice of receipt.* A notice of the receipt of shipment or delivery,

showing the name of the manufacturer-consignor, the date of the order, the date of shipment or delivery, the date of receipt, the method of forwarding, the destination, the number of packages, and the size, quantity, and description of liquor bottles received, shall be forwarded by the consignee to the manufacturer-consignor upon receipt of any shipment or delivery of liquor bottles. A similar notice shall be forwarded by the consignee to the manufacturer-consignor upon the return of any unused liquor bottles.

§ 175.73 *Records of orders for, and reports of shipment and receipt of, liquor bottles.* The person placing the order shall keep in his place of business a copy of each order, the original report of shipment or delivery, and a copy of the notice of receipt of shipment or delivery. The manufacturer-consignor shall keep in his place of business the original order, a copy of the report of shipment or delivery, and the original notice of receipt of the shipment or delivery. Where stocks of liquor bottles bearing the same indicia authorized under § 175.60 are ordered by a parent company for shipment direct to a wholly owned subsidiary, the parent company shall furnish such subsidiary with a copy of the order. Where such bottles are ordered and received by the parent company and subsequently transferred to a wholly owned subsidiary, the parent company shall furnish the subsidiary with a notice of such shipment and the subsidiary company shall furnish the parent company with a notice of the receipt of such bottles. Where such liquor bottles are transferred between the wholly owned subsidiaries, the transferor shall furnish the transferee with a notice of shipment and the transferee shall furnish the transferor with a notice of receipt. The records prescribed by this subpart shall be maintained for a period of two years, available for inspection by internal revenue officers.

REPORTS

§ 175.74 *Requirements.* Each manufacturer, bottler, and importer shall keep such records and furnish such inventories and reports relating to the manufacture, shipment, delivery, purchase, use, or sale of all liquor bottles, as the assistant regional commissioner may from time to time require.

§ 175.75 *Inspection of stocks and records of liquor bottles.* The records required to be kept under the provisions of this subpart, and all stocks of liquor bottles in the hands of manufacturers and bottlers, shall at all times be available for inspection by the assistant regional commissioner and other duly authorized officers of the Internal Revenue Service.

SUBPART G—IMPORTS AND EXPORTS

IMPORTATION OF EMPTY LIQUOR BOTTLES

§ 175.85 *General.* Distilled spirits packaged for sale in imported containers (as defined by § 175.11) shall be packaged only in liquor bottles which conform to the requirements of this part and to the provisions relating to the size and filling of bottles of 27 CFR Part 5.

§ 175.86 *Permit required.* Empty liquor bottles may be imported into the United States only pursuant to a permit issued in accordance with the provisions of §§ 175.87 to 175.90: *Provided,* That, where a permit has been issued covering the importation of liquor bottles through one port of entry, an additional permit for importation of such liquor bottles through another port will not be required if the importer furnishes photographic copies of the original permit to the collector of customs of each such other port and to the assistant regional commissioner (if the permit was not originally issued by him) of the region in which such other part is located.

§ 175.87 *Indicia for empty liquor bottles.* Upon application (Form 98) by any importer or bottler, the assistant regional commissioner of the region in which the applicant is situated may, by the issuance of an appropriate permit, authorize the importation, for the packaging of either domestic or imported distilled spirits, of empty liquor bottles. The assistant regional commissioner issuing the permit will furnish a copy to the assistant regional commissioner of the region in which the port of entry is situated. There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, Alcohol and Tobacco Tax Division, in the shoulder of each such bottle imported under this provision, the words "Federal Law Forbids Sale or Reuse of This Bottle," and either in the bottom or in the body thereof, the name of, and the name of the city or country of address of the manufacturer, and the permit symbol and number of the bottler: *Provided,* That liquor bottles which are authorized by the Director, Alcohol and Tobacco Tax Division, under §§ 175.88 to 175.90 may be imported, as excepted from the markings required by this section.

§ 175.88 *Empty distinctive liquor bottles (not costly) for distilled spirits.* Upon application (Form 98) by any importer or bottler, the assistant regional commissioner of the region in which the applicant is situated may, by the issuance of an appropriate permit, authorize the importation by such applicant of empty liquor bottles which are found by the Director, Alcohol and Tobacco Tax Division, to be of distinctive shape or design (but not costly of manufacture), and which bear the indicia required by § 175.87 anywhere on the bottle, for the packaging of distilled spirits including liqueurs, cordials, and specialties.

§ 175.89 *Empty distinctive liquor bottles (costly).* Upon application (Form 98) by any importers or bottler, the assistant regional commissioner of the region in which the applicant is situated may, by the issuance of an appropriate permit, authorize the importation by such applicant of empty liquor bottles (for the packaging of any distilled spirits), not marked as required by § 175.87, which, because of their unique design and cost to the applicant are found by the Director, Alcohol and Tobacco Tax Division, not to afford a jeopardy to the revenue.

§ 175.90 *Empty distinctive liquor bottles for liqueurs and cordials.* Upon application (Form 98) by any importer or bottler, the assistant regional commissioner of the region in which the applicant is situated may, by the issuance of an appropriate permit, authorize the importation by such applicant of empty liquor bottles which are found by the Director, Alcohol and Tobacco Tax Division, to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Director, Alcohol and Tobacco Tax Division, not marked as required by § 175.87.

§ 175.91 *Records of orders for, and notices of receipt of, empty liquor bottles.* After the issuance of the permit authorizing the importation of liquor bottles for packaging imported or domestic distilled spirits, the importer or bottler placing the order shall forward a certified copy of the order to the assistant regional commissioner of the region who issued the permit and a copy to the assistant regional commissioner of the region in which the consignee is located. The certified copy of the order shall show the name, and the name of the city and country of address, of the manufacturer abroad, the date of the order, the place from which shipped, the name and address of the consignee, the method of forwarding, the size, quantity, and description of the bottles ordered, and the shipment or delivery date requested by the consignee. Upon receipt by the consignee of any shipment or delivery of such liquor bottles, the importer or bottler placing the order shall forward to each such assistant regional commissioner a notice of the receipt of shipment or delivery, showing the name, and the name of the city and country of address, of the manufacturer abroad, the date of the order, the place from which shipped, the date of receipt, the name and address of the consignee, the method of forwarding, and the size, quantity, and description of the bottles furnished.

IMPORTATION OF FILLED LIQUOR BOTTLES

§ 175.92 *General.* Distilled spirits imported into the United States for sale in containers (as defined by § 175.11) shall be imported only in liquor bottles which conform to the requirements of this part and to the provisions relating to the size and filling of bottles of 27 CFR Part 5.

§ 175.93 *Permit required.* Liquor bottles containing distilled spirits, other than bottles conforming to the provisions of § 175.94, may be imported into the United States only pursuant to a permit issued in accordance with the provisions of §§ 175.95 to 175.98 and § 175.100: *Provided,* That, where a permit has been issued covering the importation of filled liquor bottles through one port of entry, an additional permit for importation of such liquor bottles through another port will not be required if the importer furnishes photographic copies of the original permit to the collector of customs at each such other port and to the assistant regional commissioner (if the permit was not originally issued by him) of the region in which such other port is located.

§ 175.94 *Indicia.* There shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, Alcohol and Tobacco Tax Division, either in the bottom or in the body of all liquor bottles containing distilled spirits imported from foreign countries the name, and the name of the city or country of address, of the manufacturer of the spirits, or of the exporter abroad, or the name, and the name of the city of address, of the importer in the United States, and there shall be similarly marked in the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle," except as provided in §§ 175.95 to 175.98 and § 175.100.

§ 175.95 *Distinctive liquor bottles (not costly) for distilled spirits.* Upon application (Form 98) the assistant regional commissioner of the region in which the port of entry is situated may issue a permit authorizing the importation by such applicant of distilled spirits including liqueurs, cordials, and specialties in liquor bottles which are found by the Director, Alcohol and Tobacco Tax Division, to be of distinctive shape or design (but not costly of manufacture), and which bear the indicia required by § 175.94 anywhere on the bottle.

§ 175.96 *Distinctive liquor bottles (costly).* Upon application (Form 98) the assistant regional commissioner of the region in which the port of entry is situated may issue a permit authorizing the importation of any distilled spirits in liquor bottles not marked as required by § 175.94 which, because of their unique or distinctive shape or design and cost to the importer, are found by the Director, Alcohol and Tobacco Tax Division, not to afford a jeopardy to the revenue.

§ 175.97 *Distinctive liquor bottles for liqueurs and cordials.* Upon application (Form 98) the assitsant regional commissioner of the region in which the port of entry is situated may issue a permit authorizing the importation of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Director, Alcohol and Tobacco Tax Division, in bottles which are found by the Director, Alcohol and Tobacco Tax Division, to be of distinctive shape or design, not marked as required by § 175.94.

§ 175.98 *Vintage spirits.* Upon application (Form 98), the assistant regional commissioner of the region in which the port of entry is situated may issue a permit authorizing the importation, in bottles not marked as provided by § 175.94 of vintage spirits, if accompanied by authenticated certificates of origin establishing such spirits to be as defined in § 175.22.

§ 175.99 *Approval of distinctive liquor bottles.* Approval of distinctive liquor bottles shall be procured in accordance with the procedure prescribed by § 175.59.

§ 175.100 *Liquor bottles denied entry.* Liquor bottles, whether filled or empty, imported in violation of the provisions of this subpart shall be denied entry into the United States: *Provided,* That upon application (Form 98) the assistant regional commissioner of the region in which the port of entry is situated may, in nonrecurring cases, authorize the release from customs custody of distilled spirits in liquor bottles which, through unintentional error, are not marked completely in accordance with the provisions of this part, if the Director, Alcohol and Tobacco Tax Division, finds that such release will not afford a jeopardy to the revenue.

EXPORTS

§ 175.101 *Exports.* Containers in which distilled spirits are to be exported shall not be subject to the indicia requirements of this part and the procurement and use of containers other than liquor bottles for this purpose may be authorized under permit upon application (Form 98) to the assistant regional commissioner of the region in which the bottler is located. The manufacture and exportation of empty liquor bottles for bottling distilled spirits abroad for importation into the United States may be authorized under permit upon application (Form 98) to the assistant regional commissioner of the region in which the bottles are to be manufactured; similarly the exportation of used liquor bottles for reuse by the original bottler abroad for packaging distilled spirits for importation into the United States may be authorized under permit issued by the assistant regional commissioner of the region in which such used bottles are stored, pursuant to an application (Form 98) filed by the importer.

§ 175.102 *Language of indicia.* Wherever in this part the name of any city or country is required to be legibly marked in any bottle, the name may be either in the language of such country or in English.

SUBPART H—PERMITS, REVOCATION PROCEEDINGS

§ 175.105 *Application.* Permits shall be issued only upon application therefor, filed with the assistant regional commissioner in such form and in accordance with such rules as may be prescribed by the Director, Alcohol and Tobacco Tax Division.

§ 175.106 *Investigation.* The assistant regional commissioner shall make such investigation of any application as may be necessary to ascertain any facts required to be taken into account by him in acting thereon.

§ 175.107 *Approval.* If, after considering an application, together with all material facts ascertained by investigation (if any), the assistant regional commissioner is of the opinion that the applicant is entitled to a permit under the law and regulations, the assistant regional commissioner shall issue the permit as applied for.

§ 175.108 *Contemplated disapproval.* If, upon examination of an application for a permit, the assistant regional commissioner has reason to believe that the applicant is not entitled to a permit, he shall institute proceedings for the denial of such application in accordance with the procedure set forth in Part 200 of this chapter, which part is made applicable to such proceedings.

§ 175.109 *Terms and conditions of permit.* Permits shall be conditioned upon compliance with the applicable provisions of this part. All statements, evidence, affidavits and other documents filed in support of an application for a permit shall be considered as a part of the application. Each permit shall specify the authority conveyed and all conditions applicable to its issuance. Unless such permit is limited to a specified quantity of bottles or a specified period of time, it shall continue in effect until suspended, revoked, or voluntarily surrendered.

§ 175.110 *Violation of permit.* If the assistant regional commissioner has reason to believe that the permittee has made any material misrepresentation in his application or has violated, or is violating, any of the provisions of section 5214, I. R. C., the regulations thereunder, or any of the terms or conditions of the permit, he shall institute proceedings for the revocation or suspension of such permit in accordance with the procedure set forth in Part 200 of this chapter, which part is made applicable to such proceedings.

§ 175.111 *Disposition of stocks of liquor bottles.* When the permit of a bottle manufacturer or bottler is suspended, revoked, or surrendered, stocks of liquor bottles on hand or in process may be destroyed or disposed of under permit to a person authorized to receive liquor bottles, in accordance with the directions of the assistant regional commissioner of the region in which the applicant is located. When a bottler permanently discontinues the use of a particular size or type of liquor bottle, the stocks of such liquor bottle on hand may be disposed of under permit to a person authorized to receive liquor bottles in accordance with the directions of the assistant regional commissioner. Applications shall be made on Form 98 by such person for permission to acquire the entire stock, regardless of place of storage or persons or concerns holding title thereto, and submitted to the assistant regional commissioner: *Provided,* That, where it is found that the entire stock cannot be disposed of to one authorized bottler, the assistant regional commissioner may authorize the disposal of such liquor bottles, in lots, by size or type, to more than one bottler if he finds that such authorization will not afford a jeopardy to the revenue. The application on Form 98 shall be supported by a statement filed by the vendor setting forth whether the Form 98 covers his entire stock, or his entire stock of a particular size or type of bottle. If such stocks are not disposed of in ac-

cordance with the directions of the assistant regional commissioner, they shall be seized and forfeited.

SUBPART I—PURCHASE, SALE, AND POSSESSION OF USED LIQUOR BOTTLES

§ 175.120 *Purchase or sale of used liquor bottles.* The purchase or sale of used liquor bottles, except as provided in this part, is prohibited.

§ 175.121 *Reuse of liquor bottles.* No liquor bottle shall be reused for the packaging of distilled spirits for sale, except as provided in § 175.63, nor shall the original contents, or any portion of such original contents, remaining in a liquor bottle be increased by the addition of any substance.

§ 175.122 *Possession of used liquor bottles.* The possession of used liquor bottles by any person other than the person who empties the contents thereof, or the bottler or the importer, as authorized under § 175.64, is prohibited: *Provided*, That this shall not prevent the owner or occupant of any premises upon which such bottles may lawfully be emptied from assembling the same upon such premises (a) for the purpose of destruction or (b) for delivery to a bottler or importer who maintains a storage place for used liquor bottles authorized under § 175.64.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: April 19, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3326; Filed, Apr. 22, 1955; 8:46 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter B—Respiratory Protective Apparatus; Tests for Permissibility; Fees

[Bureau of Mines Schedule 14F]

PART 13—GAS MASKS

Part 13 is hereby amended to read as follows:

Preliminary statement. The Bureau of Mines is prepared at its Central Experiment Station, Pittsburgh, Pennsylvania, to conduct tests of gas masks to determine their permissibility.

The authority for conducting such tests and investigations is contained in the act of February 25, 1913 (37 Stat. 681), as amended June 30, 1932 (47 Stat. 410), and in Executive Order No. 6611, February 22, 1934 (30 U. S. C. secs. 3, 5, 7). The act, as so amended, contains the following provision:

> For tests or investigations authorized by the Secretary of the Interior under the provisions of this act, as amended and supplemented, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

This document, consisting of §§ 13.1 to 13.12 inclusive, is Schedule 14F and supersedes Schedule 14, Procedure for Establishing a List of Permissible Gas Masks, issued May 22, 1919; Supplement to Schedule 14, issued January 6, 1920; Schedule 14A (revision of Schedule 14) issued August 25, 1923; Schedule 14B (Revision of Schedule 14A) issued August 7, 1930; Schedule 14C (revision of Schedule 14B) issued August 20, 1934; Schedule 14D (revision of Schedule 14C) issued May 9, 1935; and Schedule 14E (revision of Schedule 14D) issued December 24, 1941.

Sec.

13.1 Definition of a permissible gas mask.
13.2 Type of gas masks.
13.3 Purpose of testing for permissibility.
13.4 Range of concentrations within which gas masks will be approved.
13.5 Conditions under which gas masks will be tested.
13.6 Requirements for Bureau of Mines approval.
13.7 Changing details of test.
13.8 Notification of approval or disapproval.
13.9 Approval markings.
13.10 Material required for Bureau of Mines record.
13.11 Changes subsequent to approval.
13.12 Withdrawal of approval.

AUTHORITY: §§ 13.1 to 13.12 issued under sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5.

§ 13.1 *Definition of a permissible gas mask.* (a) A gas mask is permissible for use in air containing limited percentages of certain irrespirable gases and vapors, with or without particulate contaminants (dusts, fumes, mists, fogs, and smokes),[1] if all the materials and details of construction and the chemical and physical properties of the absorbents are the same in all respects as those of the gas masks that meet the requirements and passed the inspection and tests of the Bureau of Mines as hereinafter described.

(b) Bureau of Mines approval applies only to a complete gas mask and not to integral parts thereof.

§ 13.2 *Types of gas masks.* For the purpose of the regulations in this part gas masks are classified as follows:

(a) *Type A.* For protection against acid gases such as chlorine, formic acid, hydrogen chloride, hydrogen cyanide, hydrogen sulfide, phosgene, and sulfur dioxide.

(b) *Type B.* For protection against organic vapors such as acetone, alcohol, aniline, benzene, carbon disulfide, carbon tetrachloride, chloroform, ether, formaldehyde, gasoline and petroleum distillates, toluene, and similar volatile organic compounds.

(c) *Type C.* For protection against ammonia.

(d) *Type D.* For protection against carbon monoxide. In addition to the type designed for regular service, a special self-rescue device will be approved. This special device is to enable the wearer to escape if dangerous concentrations of carbon monoxide should occur, as in a mine fire or explosion.

(e) *Types AB, ABC, etc.* For protection against combinations of gases and vapors as indicated by type letters.

(f) *Types AE, BE, CE, DE, etc.* For protection against the gases and vapors indicated by the first type letter, and dusts, fumes, mists, fogs, and smokes. The type letter E is used to indicate protection against particulate contaminants.

(g) *Type N.* For protection against all of the contaminants listed under the preceding types.

§ 13.3 *Purpose of testing for permissibility.* (a) The Bureau of Mines conducts tests of gas masks for the purpose of determining their permissibility for use in air containing certain gases, vapors, and particulate matter.

(b) This part is for the information and guidance of those who may desire to submit gas masks for approval and also to inform consumers and other interested persons regarding qualities the Bureau believes such devices should have.

§ 13.4 *Range of concentrations within which gas masks will be approved.* (a) The maximum concentration for which approval will be granted is 2 percent of acid gases, 2 percent of organic vapors, 2 percent of carbon monoxide, 3 percent of ammonia, or a total of 2 percent of toxic gases or vapors when more than one is present at a time.

(b) The minimum concentrations for which approval will be granted on a gas mask are as follows: 1 percent of an acid gas for a gas mask designed to protect against a single acid gas, with the exception of hydrocyanic acid gas, which is 2 percent; 2 percent of acid gases for gas masks designed to protect against acid gases in combination with other classes of gases, as in an acid gas and organic vapor mask or a universal gas mask; 2 percent of organic vapors; 2 percent of carbon monoxide; and 3 percent of ammonia. Gas masks approved for these minimum concentrations will afford approved respiratory protection for lower concentrations.

§ 13.5 *Conditions under which gas masks will be tested.*—(a) *Consultation.* Manufacturers or their representatives may visit or communicate with the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, to obtain criticism of proposed designs or to discuss the requirements or regulations in this part in connection with a device to be submitted. No charge is made for this consultation and no written report will be made to the manufacturer.

(b) *Application.* An application for investigation under this part shall be in the form of a letter (in duplicate) addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, which contains: (1) Duplicate descriptions and complete drawings of the device (supplemented by available printed matter); (2) a statement that the device is completely developed and of the design and materials which the applicant believes suitable for a finished marketable device; (3) a statement that the device has been subjected to inspections and tests of the nature described in this part and that it has met these requirements when tested by the applicant or his testing agency; (4) two copies of the results of the applicant's inspection and tests; (5) a statement describing the nature, adequacy, and continuity of control of the quality of the gas mask (see paragraph (e) of this section); (6) a request that the necessary inspections and tests leading to approval be made; and (7) a check, draft, or money order, payable to the United States Bureau of Mines, to cover the fee for inspection and tests. The fee will be placed on special deposit in the Treasury of the United States, pending disposal as hereinafter specified. No gas mask will be accepted for permissibility tests unless it is substantially in the completed form in which it is to be marketed. Application for tests shall be indicative of this understanding by the applicant. One complete specimen of the device for which approval is desired shall be sent to the Central Experiment Station. On receipt of this application, fee, descriptive material, test data, and specimen to be tested, the applicant will be notified by the Bureau of its action on the application, the material required for test, and any additional information or specifications that are deemed necessary.

(c) *Fees for testing gas masks.* (1) The following fees are charged for testing gas masks under this part:

1. Type A—Acid gases, complete mask	$765
2. Type B—Organic vapors, complete mask	410
3. Type C—Ammonia, complete mask	410
4. Type D—Carbon monoxide self-rescuer	390
5. Type AE, BE, etc.—Dusts, fumes, mists, fogs, and smokes in combination with any of the above types. Fee in addition to that required for tests with gases or vapors	175
6. Type AB—Acid gases and organic vapors, complete mask	975
7. Complete mask with canister designed for a single gas or vapor	410
8. Facepiece, complete	60
9. Canister alone, fee for complete mask minus fee for facepiece.	
10. Extension of approval to another gas or vapor, or complete retesting with a gas or vapor in case of failure	350
11. Type N—Universal gas mask for all gases and vapors ordinarily encountered in industry, including filters for dusts, fumes, mists, fogs, and smokes	1,300
12. Additional examination and tests in connection with other tests, per man-day required	30
13. Fees for tests of unusually complicated apparatus or for unusual tests or other tests not included in this list or for portions of tests that may be required for extensions of approval will be based on the actual costs of testing, which shall be determined by the Bureau, and the applicant will be notified of the fee before the tests are begun.	

(2) If a gas mask fails to pass any of the specified tests and the applicant notifies the Bureau to terminate further consideration of the device, the Bureau will return the fee to the applicant, less such portion of the fee as the Bureau determines is sufficient to cover the work done. If the applicant resubmits the gas mask for approval after the necessary improvements have been made, an additional fee will be required. The amount of fee charged will be proportional to the additional tests that must be made and will be specified in writing to the applicant in advance of further testing of the gas mask.

(d) *Drawings and specifications required.* (1) Masks submitted for approval will not be inspected or tested until a complete description and two full sets of drawings showing all the details of construction have been delivered to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The description of the mask shall include a statement of the chemical composition of the absorbent, which will be kept confidential by the Bureau if so requested in writing by the applicant.

(2) The Bureau of Mines will not be responsible for any disclosure of ideas, principles, or patentable features apparent from visual inspections, because under the terms of the application for tests it is understood that the device is ready for release to public market. Caution will be exercised to prevent disclosure of details of the device to the public during approval testing.

(e) *Chemical control of absorbents.* The capacities of absorbents for gases or vapors may vary over wide limits, depending on the materials used and the conditions under which each lot is manufactured. To maintain the quality of protection equal to that required by this part, each lot of absorbent produced or obtained by a manufacturer must have been adequately sampled and tested for capacity before being used in approved gas masks. Each application for permissibility tests shall be accompanied by a statement showing the nature, adequacy, and continuity of control provided by the applicant. Upon request of the Bureau, the applicant shall grant permission for a representative of the Bureau to inspect the control-test equipment and control-test records and to interview the personnel conducting the control tests. Tests for approval will be made only after the Bureau is satisfied that such control is effective, and approvals once granted will remain in force only while the control is sustained.

(f) *Material required for approval testing.* The number of complete gas masks, canisters, and other parts required will depend on the type and design of the device. After application for tests is received, the applicant will be notified concerning the material that it will be necessary for him to submit. All materials for tests shall be delivered gratis, with transportation charges prepaid by the applicant, to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The Bureau of Mines may retain as its own property any or all material submitted by the applicant that may be required for record. Material not required for record will be available to the applicant and will be returned at his expense on shipping instructions made in writing to the Central Experiment Station.

(g) *Where investigations will be conducted.* All investigations are conducted at the Bureau of Mines Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania.

(h) *Date for conducting tests.* Tests will be made in the order of fulfillment of pretest conditions. The applicant will be notified of the date on which tests will be begun. If a device fails to meet any of the requirements it shall lose its order of precedence. Tests will be resumed following completion of other approval work which is in progress at the time both the request and materials for retesting are received. Exceptions may be made only for minor tests and inspections that may be performed simultaneously with other work in the laboratory.

(i) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

§ 13.6 *Requirements for Bureau of Mines approval.* To obtain the approval of the Bureau of Mines a gas mask must pass the following inspection and tests:

(a) *Color and markings.* (1) Distinctive colors and markings to indicate the purpose of each canister are required to safeguard wearers. Table 1 contains a list of the required colors.

(2) All colors used shall be clearly identifiable by the user and clearly distinguishable from one another. The color coating used shall offer a high degree of resistance to chipping, scaling, peeling, blistering, and fading and to the effects of the ordinary atmospheres to which they may be exposed under normal conditions of storage and use.

(b) *Materials.* The gas mask shall be constructed in all of its parts of materials suitable for the purpose they must serve; this applies to the fabric, rubber, metal, chemical, and other parts. All parts (especially rubber) that come into contact with the skin must be of nonirritating composition. All materials used in the construction of facepieces

[1] This part does not provide for the approval of respirators designed for protection against particulate contaminants alone. Such is done by Part 14 of this subchapter.

and breathing tubes shall be of a composition that will withstand repeated disinfection by methods recommended by the applicant and approved by the Bureau of Mines. These approved methods for disinfection shall be described in the instructions for use of the device supplied by the manufacturer.

TABLE 1—COLOR OF GAS MASK CANISTERS

Canister, type letter	Contaminants protected against	Colors[1]
A	Acid gases	White.[2]
A	Hydrocyanic acid gas	White with ½-inch green stripe around the canister near the bottom.
A	Chlorine gas	White with ½-inch yellow stripe around the canister near the bottom.
B	Organic vapors	Black.[2]
C	Ammonia	Green.
D	Carbon monoxide	Blue.
AE, etc	Dusts, fumes, mists, fogs, and smokes in combination with any of the above gases or vapors.	One-half inch contrasting black or white stripe around the canister near the top.
AB	Acid gases and organic vapors	Yellow.
ABC	Acid gases, organic vapors, and ammonia	Brown.
N	All of the above atmospheric contaminants	Red. Filters are included in this canister, but stripes to indicate them are unnecessary.

[1] Grey will not be assigned as the color of any gas mask canister.
[2] Canisters for a single gas or vapor other than ammonia or carbon monoxide shall have a ½-inch colored stripe around the canister near the bottom. The color of the stripe will be assigned.

(c) *Design and construction.* (1) Design, mechanical construction, durability, and workmanship shall be satisfactory from the standpoint of safety of the wearer, freedom of movement, field and clearness of vision, fit of the facepiece, and comfort under all conditions of use. Canisters and other parts of necessarily short life or period of use shall be easily replaceable by new or reconditioned parts, and the tightness of the whole apparatus shall be such as to assure the wearer against leaks of contaminated air both before and after such changes have been made.

(2) The gas mask case shall be made of materials suitable for the purpose and shall be designed so that the mask is properly protected and may be removed from the case readily in an emergency.

(d) *Requirements and tests for facepiece*—(1) *General requirements.* (i) The facepiece shall be so constructed as to assure a quick, gastight fit on persons of widely varying facial shapes and sizes.

(ii) The eyepieces shall be of the nonshatter type and so located as to provide a satisfactory field of vision for persons of widely varying facial shapes and sizes. Air shall enter the facepiece in a manner that will inhibit the accumulation of moisture on the eyepieces.

(iii) The exhalation valve shall be guarded to prevent distortion and injury.

(iv) The elastic headbands shall be adjustable and replaceable.

(2) *Tightness test.* (i) Two men, each wearing a facepiece attached to an ammonia canister and canister harness, will enter air containing 1 percent by volume[3] of ammonia. Ten minutes will be spent in work designed to provide observation on freedom from leaks and freedom of movement and comfort allowed the wearers. The time will be divided as follows:

5 minutes—Walking, turning head, dipping chin.
5 minutes—Pumping air with a hand-operated tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square-inch gage, or equivalent work.

[3] All concentrations given in this part have been calculated on a basis of 25° C. and 760 mm. mercury pressure.

(ii) To meet the requirements of this test no ammonia shall be detected in the air breathed, and undue encumbrance and discomfort shall not be experienced because of the fit or other features of the gas mask.

(e) *Requirements and tests for breathing tube.* The flexible rubber breathing tube shall extend from the facepiece to the canister connection. The tube shall permit free head movement and shall not close off by kinking or by chin or arm pressure, or unduly disturb the wearer.

(f) *Requirements and tests for canister harness.* The canister harness shall be constructed so that it will hold the canister securely and comfortably in place against the body of the wearer. It shall permit canisters to be replaced readily, and shall provide for holding the facepiece in the "ready" position when the facepiece is not being used.

(g) *Requirements and tests for canister*—(1) *Resistance to air flow.* Resistance of the canisters to air flowing at a rate of 85 liters (3 cubic feet) per minute before and after the following machine tests shall not exceed 3 inches (3.25 for Type N or canisters with special mechanical filters) of water-column height at any time.

(2) *Machine tests.* Canisters separated from the facepiece and harness shall meet the requirements of the machine tests as set forth in the following sections. These tests are made on an apparatus constructed to allow the test atmosphere to enter the canister continuously at predetermined concentrations and rates of flow and that has means for determining the life of the canisters.

(i) *Low-concentration and low-rate-of-flow tests.* (a) Tests are made on canisters against low concentrations and at low rates of flow of the appropriate gases or vapors to determine primarily the chemical characteristics of the canisters.

(b) Table 2 lists the conditions for the low-concentration and low-rate-of-flow tests.

(ii) *Chemical stability.* (a) To determine the chemical stability of the canister under dry and moist conditions, four canisters (for each type of gas) will be treated as follows:

(1) Two canisters will be individually equilibrated at room temperature[3] by passing through them carbon dioxide-free air of 25 percent relative humidity at a rate of 64 liters per minute for 6 hours.

(2) Two canisters will be individually equilibrated at room temperature by passing through them carbon dioxide-free air of 85 percent relative humidity at a rate of 64 liters per minute for 6 hours.

(3) After equilibration, these canisters will be tested within 18 hours against gases or vapors as described in subdivision (i) of this subparagraph. If not tested immediately, the canisters will be resealed and kept in an upright position at room temperature. The gases or vapors against which the equilibrated canisters will be tested are as follows:

Acid gas canister: Chlorine or specific acid gas for which approval is requested.

TABLE 2—LOW CONCENTRATION AND LOW-RATE-OF-FLOW TESTS

[Relative humidity of test atmosphere: 50±5 percent. Temperature: Room temperature (approximately 25° C.). Rate of air flow: 32 liters per minute continuous flow. Number of canisters: 3 for each test atmosphere.]

Type of canister and gas or vapor	Concentration, percent	Maximum leakage allowed	Minimum life, minutes[1]
A:			
Chlorine	0.5	5 p. p. m.	[2] 88
Hydrogen cyanide	.5	5 p. p. m.	88
Sulfur dioxide	.5	5 p. p. m.	[2] 88
B:			
Carbon tetrachloride.	.5	5 p. p. m.	96
C:			
Ammonia	2.0	100 p. p. m.	36
D:			
For regular service—Carbon monoxide.	1.0	Total: 770 cc.[3]	240
	.5	Total: 770 cc.[3 4]	60
For self-rescue—Carbon monoxide.	1.0	Total: 770 cc.[3]	60
	.5	Total: 770 cc.[3 4]	30
AB, AC, BC, ABC.			(5)
N:			
Chlorine	.5	5 p. p. m.	44
Hydrogen cyanide	.5	5 p. p. m.	44
Sulfur dioxide	.5	5 p. p. m.	44
Carbon tetrachloride.	.5	5 p. p. m.	48
Ammonia	2.0	100 p. p. m.	18
Carbon monoxide	1.0	Total: 770 cc.[3]	240
	.5	Total: 770 cc.[3 4]	60

[1] Tests should be continued until maximum allowable leakage occurs.
[2] This value is for canisters on which approval for the maximum permissible concentration is desired. It should be reduced proportionately for canisters on which approval for a lower concentration is desired. For example, the minimum life would be 44 minutes for canisters on which approval for a concentration of 1 percent is desired.
[3] This represents total carbon monoxide leakage for entire minimum life period shown in next column. In terms of concentration it is equivalent to a uniform flow of 0.04 percent carbon monoxide for 1 hour at 32 liters per minute. Maximum leakage shall not exceed 1,000 p. p. m.
[4] This test is made to determine the activity of the catalyst, which effects the oxidation of carbon monoxide to carbon dioxide, under the adverse condition of a low temperature. The canister and a precooling coil for the entering test atmosphere are immersed in an ice-water bath. The relative humidity of the test atmosphere is 100 percent at 0° C.
[5] These combination gas canisters must meet the life requirements for each type of contaminant against which they are designed to protect.

Organic vapor canister: Carbon Tetrachloride.
Ammonia canister: Ammonia.

[3] For uniformity of test conditions, this temperature should be between 23° and 27° C.

Carbon monoxide canister: No test.
Combination gas canister, types AB, AC, BC, or ABC: Two or more of the above gases or vapors.

(4) To meet the requirements of these chemical-stability tests, the life of each canister shall be at least one-half of the minimum life requirement as given in Table 2 of this subdivision.

(b) (1) In canisters designed to protect against carbon monoxide as one of a combination of gases or vapors, the life of a canister for protection against carbon monoxide is directly related to the ability of the drying agent or agents in the canister to remove water vapor from the air passed through it. Such containers should contain enough drying agent to protect the catalyst adequately from water vapor during a 2-hour period of use. Hence, air of 85 percent relative humidity will be passed through two of the canisters individually at a rate of 25 liters per minute for 2 hours. They will be allowed to cool to room temperature and then will be tested within 18 hours against carbon monoxide as described in subdivision (iii) of this subparagraph.

(2) To meet the requirements of this test, the life of each canister shall be at least 15 minutes to a leakage of 770 cc. of carbon monoxide, and during this period leakage shall not exceed 1,500 p. p. m. of carbon monoxide at any time.

(iii) *High-concentration and high-rate-of-flow tests.* (a) Tests are made on the canister at high concentrations and high rates of flow of the appropriate gases or vapors as a measure of the protection afforded the wearer in high concentrations of these gases or vapors at high rates of breathing. The minimum life requirements of these tests has been chosen so that canisters that meet the requirements should meet the life requirements of the man tests.

(b) Table 3 lists the conditions for the high-concentration and high-rate-of-flow tests.

(iv) *Tests on filters for protection against particulate matter.* (a) Gas-mask canisters containing filters for protection against dust, fumes, mists, fogs, and smokes in combination with gases or vapors will be tested to determine the adequacy of the protection afforded in emergencies. No canister will be tested under the regulations in this part for use in dusts, fumes, mists, fogs, and smokes alone. All filters designed for this purpose will be tested under Part 14 of this subchapter.

(b) Three canisters containing the filters will be tested as follows: Air containing specially prepared tobacco smoke[4] will be admitted to the canister at a rate of 85 liters per minute. The minimum filtering efficiency shall be 50 percent. Efficiency will be determined during the first 5 (approximately) minutes of test.

(3) *Indicator for service-life of canister.* Gas masks for protection against carbon monoxide must have a suitable means of indicating when the protection afforded by the canister against carbon monoxide has ended. Tests of such indicators will be arranged by the Bureau to suit the particular case. This requirement does not pertain to the self-rescue devices.

(h) *Requirements and tests for complete gas masks*—(1) *Check valve.* The gas mask shall have a check valve which will prevent exhaled air from entering the canister.

TABLE 3—HIGH-CONCENTRATION AND HIGH-RATE-OF-FLOW TESTS

[Relative humidity of test atmosphere: 50±5 percent. Temperature: Room temperature (approximately 25° C.). Concentration of gas or vapor: Concentration for which approval is requested.[1] Rate of air flow: 64 liters per minute, continuous flow. Number of canisters: 2 for each test atmosphere]

Type of canister and gas or vapor	Maximum approval concentration, percent	Maximum leakage allowed	Minimum life, minutes
A:			
Chlorine	2.0	5 p. p. m.	11
Hydrogen cyanide	2.0	5 p. p. m.	11
Phosgene	2.0	5 p. p. m.	11
Sulfur dioxide	2.0	5 p. p. m.	11
B:			
Carbon tetrachloride.	2.0	5 p. p. m.	12
C:			
Ammonia	3.0	100 p. p. m.	12
D:			
For regular service—Carbon monoxide.	2.0	Total 770 cc.[2]	15
For self-rescue—Carbon monoxide.			No test
AB, AC, BC, ABC.			(3)
N:			
Chlorine	2.0	5 p. p. m.	5.5
Hydrogen cyanide	2.0	5 p. p. m.	5.5
Phosgene	2.0	5 p. p. m.	5.5
Sulfur dioxide	2.0	5 p. p. m.	5.5
Carbon tetrachloride.	2.0	5 p. p. m.	6
Ammonia	3.0	100 p. p. m.	6
Carbon monoxide	2.0	Total 770 cc.[2]	15

[1] See § 13.4.
[2] Maximum leakage shall not exceed 1,000 p. p. m.
[3] These combination gas canisters must meet the life requirements for each type of contaminant against which they are designed to protect.

(2) *Resistance to air flow.* The maximum resistance requirements of the complete gas mask, including facepiece, breathing tube, timer (if part of the gas mask), and canister, to a continuous flow of air at a rate of 85 liters per minute are as follows: Inhalation, 3.5 inches of water (3.75 for Type N or those with canisters with special mechanical filters); exhalation, 1.25 inches of water.

(3) *Man tests.* The final criterion for judging a gas mask for approval will be the protection afforded by the complete gas mask when worn by men.

(i) *Gases and vapors.* (a) The complete gas mask will be tested against each of the gases or vapors at the concentrations for which approval is requested, within the limits imposed by paragraphs (a) and (b) of § 13.4. Self-rescue devices for protection against carbon monoxide will be tested against 1 percent of carbon monoxide. These tests will be made in duplicate, starting with unused canisters for testing against each gas or vapor. If the test atmosphere does not cause marked discomfort through irritation of the skin or poisoning by absorption through the skin, as by hydrocyanic acid gas,[6] two men will wear the complete masks in the test atmosphere. Otherwise the men will wear the mask for 2 minutes (1 minute in hydrocyanic acid gas) in the test atmosphere; and immediately following this the test will be continued with the canister of the mask attached to a source of the test atmosphere, so that the men are in uncontaminated air.

(b) During these tests the men will perform the schedule of exercise listed in table 4 below.

(c) The average breathing rate of each man while wearing the gas mask and performing the above schedule of exercise will be about 25 liters per minute.

TABLE 4—SCHEDULE OF EXERCISE FOR MAN TESTS

Schedule	Time, minutes			
	Type N			All other types
	Carbon monoxide	Organic vapors	Acid gases and ammonia	
Walking vigorously	5	5	5	5
Sitting at rest	5	5	5	5
Stationary running and calisthenic arm movements	10	5	5	10
Sitting at rest	5	5	-------	5
Pumping air with a hand-operated tire pump into a 1-cubic foot cylinder to a pressure of 25 lb./sq. in. gage, or equivalent work	5	5	-------	5

(d) To meet the requirements of this test the gas masks shall give complete respiratory protection to wearers for 30 minutes for all types except Type N, which shall give complete respiratory protection against carbon monoxide for 30 minutes, organic vapors for 25 minutes, acid gases for 15 minutes, and ammonia for 15 minutes. Excessive fogging of the eyepieces must not occur, and undue discomfort must not be experienced because of fit or other physical or mechanical features of the gas mask.

(ii) *Particulate matter.* Gas masks designed for protection against dusts, fumes, mists, fogs, and smokes will be tested by two men wearing them under the conditions set forth below:

(a) *Cotton smoke.* (1) Two men will wear the gas masks for 10 minutes in a room of about 1,000 cubic feet capacity filled with the smoke from the smudge-burning of 1 pound of cotton waste.

(2) To meet the requirements of this test, the gas masks must afford such protection to the wearers that they will experience no ill effects, such as discomforting irritation of the eyes or respiratory system during or after the test period.

(b) *Tin tetrachloride.* (1) Two men will wear the gas masks for 20 minutes with the canister connected to a room of about 1,000 cubic feet capacity in which

[4] Katz, S. H., Smith, G. W., and Meiter, E. G., Dust Respirators, Their Construction and Filtering Efficiency: Bureau of Mines Tech. Paper 394, 1926, 52 pp.

[6] With 2 percent of hydrocyanic acid gas in the air, absorption of the gas through the skin is rapid enough so that poisoning may occur after 3 minutes' exposure; 1 percent may be dangerous after 10 minutes; 0.5 percent may produce symptoms after 30 minutes.

is an atmosphere prepared by vaporizing enough tin tetrachloride to give a calculated concentration of 500 p. p. m. by volume of tin tetrachloride in the air. (Vaporized tin tetrachloride hydrolyses rapidly in moist air to form hydrogen chloride and a dense cloud of stannic hydroxide.)

(2) To meet the requirements of this test, the gas masks must afford such protection to the wearers that they will experience no ill effects, such as discomforting irritation of the eyes or respiratory system, during or after the test period.

§ 13.7 *Changing details of tests.* If it is advisable to omit any of the tests or part of a test previously described or to perform accessory tests, the Bureau may modify the test in such manner as to obtain substantially the same information and degree of safety as is provided by the tests described. The applicant will be notified of any changes that may be necessary.

§ 13.8 *Notification of approval or disapproval.* (a) After the Bureau has considered the results of the inspection and tests, a formal written notification of approval or disapproval of the gas mask will be supplied to the applicant by the Bureau. If the device meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the device fails to meet any of the requirements of this part, notification of such failure will be accompanied by details of the failure with a view to possible remedy of the defect or defects in gas masks submitted in the future. Otherwise, results of tests of gas masks that fail to meet the requirements will not be made public by the Bureau.

(b) No verbal reports of the Bureau's decisions concerning the investigations will be given, and no informal approvals will be granted.

§ 13.9 *Approval markings.* (a) With formal notification of approval the applicant will receive photographs of designs of the official approval labels, one for the complete gas mask and one for the canister. These labels will bear the seal of the Bureau of Mines and be inscribed substantially as follows:

Permissible gas mask or permissible canister for ----------
(Name of atmospheric contaminant)
U. S. Bureau of Mines Approval No. --------
Issued to ----------
(Name of manufacturer)
Approved for respiratory protection in atmospheres containing not more than ---- percent by volume of ----------
----
(Name of atmospheric contaminant)

(b) Appropriate instruction and caution statements on the use and limitations of the gas mask will be included in these labels.

(c) One label shall be reproduced on the outside of the container of the gas mask. It shall be attached securely and, if a paper label is used, be waterproofed.

(d) The approval label for the canisters shall be suitably reproduced on each canister. If a paper label is used it must be attached to the canister with heat-proofed cement. Should the approval label for the canister not be plainly visible when the latter is attached to the canister harness, it may be necessary to attach a similar label to the canister harness.

(e) The main parts of the gas mask, such as the facepiece, canister harness, and canister, shall be marked by stamping, stenciling, or labeling in a legible and permanent manner with the appropriate approval number in letters and figures at least ⅛ inch high placed in a position plainly visible.

(f) Full-scale designs or reproductions of approval labels and markings and a sketch or description of their position shall be submitted to the Central Experiment Station for approval before final adoption.

(g) Permission to place the Bureau's marks of approval on his gas mask obligates a manufacturer to maintain the quality of his product and to have each mask, and all parts thereof, strictly according to the drawings and records that have been accepted by the Bureau for that mask and are in the Bureau's files. Gas masks that exhibit changes in design or include parts that have not been approved for use with the gas mask are not permissible gas masks and must not bear the Bureau's approval label.

§ 13.10 *Material required for Bureau of Mines record.* In order that the Bureau may know exactly what it has tested and approved, detailed records of each investigation are kept. These include drawings and actual equipment, as follows:

(a) *Drawings and specifications.* Drawings and specifications submitted with application for tests and final drawings and specifications that the applicant must submit to the Bureau before approval is granted to show the details of the gas mask as approved, will be retained by the Bureau. The company receiving the approval shall keep an exact duplicate of the set of drawings and specifications that are in the Bureau's records. These are to be adhered to in commercial production of the approved device.

(b) *Actual equipment.* (1) Parts of the gas mask or a complete mask used in the tests may be retained by the Bureau as a permanent record of the investigation and of the mask submitted. Material not required for record will be returned to the applicant at his expense on written shipping instructions to the Central Experiment Station.

(2) If the gas mask is approved, the applicant shall deliver to the Central Experiment Station, gratis, one complete gas mask in the form in which it is to be sold, to serve as a record of the commercial product.

§ 13.11 *Changes subsequent to approval.* All approvals are granted with the understanding that the manufacturer will make his gas mask according to final drawings and specifications submitted to the Bureau. Therefore, before making any change in an approved gas mask the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, requesting an extension of his original approval and stating the change or changes desired. He shall send two sets of revised drawings and specifications showing the changes in detail, and one each of the gas mask parts affected to the Central Experiment Station.

(b) The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make tests.

(c) If tests are unnecessary, the applicant will be advised formally by the Bureau of the approval or disapproval of the change.

(d) If tests are necessary, the applicant will be advised of the fee and material required.

§ 13.12 *Withdrawal of approval.* The Bureau reserves the right to rescind for cause any approval granted under the regulations of this part.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

APRIL 18, 1955.

[F. R. Doc. 55-3319; Filed, Apr. 22, 1955; 8:45 a. m.]

[Bureau of Mines Schedule 23A]

PART 14a—NONEMERGENCY GAS RESPIRATORS (CHEMICAL CARTRIDGE RESPIRATORS)

Part 14a is hereby amended to read as follows:

Preliminary statement. This Part 14a does not provide for the approval of respirators designed for protection against particulate contaminants alone. That is done by Part 14, entitled "Filter-type Dust, Fume, and Mist Respirators," of this Subchapter B.

The purpose of investigations under this Part 14a is to provide a list of nonemergency gas respirators that meet the Bureau's requirements for safety, efficiency, and durability in their fields of industrial use.

Lists of permissible nonemergency gas respirators will be published from time to time for the guidance of consumers.

The authority for conducting such tests and investigations is contained in the act of February 25, 1913 (37 Stat. 681), as amended June 30, 1932 (47 Stat. 410), and in Executive Order No. 6611, February 22, 1934 (30 U. S. C. secs. 3, 5, 7). The act, as so amended, contains the following provision:

For tests or investigations authorized by the Secretary of the Interior under the provisions of this act, as amended and supplemented, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

This document, consisting of §§ 14a.1 to 14a.12, inclusive, is Schedule 23A and supersedes Schedule 23 issued on November 13, 1944.

Sec.
14a.1 Definition of a permissible nonemergency gas respirator (chemical cartridge respirator).
14a.2 Types of nonemergency gas respirators.
14a.3 Purpose of testing for permissibility.
14a.4 Maximum concentration for which Type B or BE nonemergency gas respirators will be tested.
14a.5 Conditions under which nonemergency gas respirators will be tested.
14a.6 Requirements for Bureau of Mines approval.
14a.7 Changing details of test.
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14a.9 Approval markings.
14a.10 Material required for Bureau of Mines record.
14a.11 Changes subsequent to approval.
14a.12 Withdrawal of approval.

AUTHORITY: §§ 14a.1 to 14a.12 issued under sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5.

§ 14a.1 *Definition of a permissible nonemergency gas respirator (chemical cartridge respirator).* (a) A nonemergency gas respirator (chemical cartridge respirator) is a device designed to give respiratory protection against atmospheres which are not immediately dangerous to life but which may produce discomfort, a chronic type of infection or poisoning after repeated exposure, or mild or acute symptoms after a prolonged exposure.

(b) A nonemergency gas respirator is permissible if all the materials and details of construction and the chemical and physical properties of the absorbents are the same in all respects as those of the nonemergency gas respirators that meet the requirements and pass the inspection and tests of the Bureau of Mines as hereinafter described.

(c) Bureau of Mines approval applies only to a complete nonemergency gas respirator and not to integral parts thereof.

§ 14a.2 *Types of nonemergency gas respirators.* (a) Although there are various types of nonemergency gas respirators available, this part is limited at the present time to those designed to protect against organic vapors or organic vapors and dusts, fumes, and mists. Consideration will be given to the other types at a future date. It is proposed to classify the various types of nonemergency gas respirators in a manner analogous to that used for similar types of gas masks.

(b) The two types considered in this part are:

Type B. For protection against organic vapors such as acetone, alcohol, benzene, carbon tetrachloride, ether, formaldehyde, gasoline and petroleum distillates, and toluene.

Type BE. For protection against organic vapors, and dusts, fumes, and mists. The type letter E is used to indicate protection against particulate contaminants.

§ 14a.3 *Purpose of testing for permissibility.* (a) The Bureau of Mines conducts tests of nonemergency gas respirators for the purpose of determining their permissibility for use in air containing limited concentrations of organic vapors with or without particulate contaminants (dusts, fumes, and mists).

(b) This part is for the information and guidance of those who may desire to submit nonemergency gas respirators for approval and also to inform consumers and other interested persons regarding qualities the Bureau believes such devices should have.

§ 14a.4 *Maximum concentration for which Type B or BE nonemergency gas respirators will be approved.* Type B and BE nonemergency gas respirators will be approved for protection against atmospheres containing not more than 0.1 percent by volume (1,000 parts per million (p. p. m.)) of organic vapors.

§ 14a.5 *Conditions under which nonemergency gas respirators will be tested*—(a) *Consultation.* Manufacturers or their representatives may visit or communicate with the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, to obtain criticisms of proposed designs or to discuss the requirements of this part in connection with a device to be submitted. No charge is made for this consultation and no written report will be made to the manufacturer.

(b) *Application.* An application for investigation under this part shall be in the form of a letter (in duplicate) addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, which contains: (1) Duplicate description and complete drawings of the device (supplemented by available printed matter); (2) a statement that the device is completely developed and of the design and materials which the applicant believes suitable for a finished marketable device; (3) a statement that the device has been subjected to inspections and tests of the nature described in this part and that it has met these requirements when tested by the applicant or his testing agency; (4) two copies of the results of the applicant's inspection and tests; (5) a statement describing the nature, adequacy, and continuity of control of the quality of the respirator (see paragraph (e) of this section); (6) a request that the necessary inspections and tests leading to approval be made; and (7) a check, draft, or money order, payable to the United States Bureau of Mines, to cover the fee for inspection and tests. The fee will be placed on special deposit in the Treasury of the United States, pending disposal as hereinafter specified. No nonemergency gas respirator will be accepted for permissibility tests unless it is substantially in the completed form in which it is to be marked. Application for tests shall be indicative of this understanding by the applicant. One complete specimen of the device for which approval is desired shall be sent to the Central Experiment Station. On receipt of this application, fee, descriptive material, test data, and specimen to be tested, the applicant will be notified by the Bureau of its action on the application, the material required for test, and any additional information or specifications that are deemed necessary.

(c) *Fees for testing nonemergency gas respirators.* (1) The following fees are charged for testing nonemergency gas respirators under this part:

1. Type B—Organic vapors, complete respirator	$390
2. Type BE—Dusts, fumes, or mists in combination with organic vapors. Fee in addition to that required for Type B:	
(i) Pneumoconiosis-producing and nuisance dusts	90
(ii) Toxic dusts	105
(iii) Dusts	125
(iv) Fumes	125
(v) Silica mist	105
(vi) Chromic acid mist	145
3. Facepiece	40
4. Cartridge alone, fee for complete respirator minus fees for facepiece.	
5. Additional examination and tests of respirator in connection with other tests, per man-day required	30
6. Fees for tests of unusually complicated apparatus or for unusual tests or other tests not included in this list or for portions of tests that may be required for extensions of approval will be based on the actual costs of testing, which shall be determined by the Bureau, and the applicant will be notified of the fee before the tests are begun.	

(2) If a respirator fails to pass any of the specified tests and the applicant notifies the Bureau to terminate consideration of the device, the Bureau will return the fee to the applicant, less such portion of the fee as the Bureau determines is sufficient to cover the work. If the applicant resubmits the respirator for approval after the necessary improvements have been made, an additional fee will be required. The amount of fee charged will be proportional to the additional tests that must be made and will be specified in writing to the applicant in advance of resubmission of the respirator.

(d) *Drawings and specifications required.* (1) Respirators submitted for approval will not be inspected or tested until a complete description and two full sets of drawings showing all the details of construction have been delivered to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The description of the respirator shall include a statement of the chemical composition of the absorbent.

(2) The Bureau of Mines will not be responsible for any disclosure of ideas, principles, or patentable features apparent from visual inspections, because under the terms of the application for tests it is understood that the device is ready for release to public market. Caution will be exercised to prevent disclosure of details of the device to the public during approval testing.

(e) *Statement concerning chemical control of absorbents.* The capacities of absorbents for gases or vapors may vary

over wide limits, depending on the materials used and the conditions under which each lot is manufactured. To maintain the quality of protection equal to that required by this part, each lot of absorbent produced or obtained by a manufacturer must have been adequately sampled and tested for capacity before being used in approved nonemergency gas respirators. Each application for permissibility tests shall be accompanied by a statement showing the nature, adequacy, and continuity of control provided by the applicant. Upon request of the Bureau, the applicant shall grant permission for a representative of the Bureau to inspect the control-test equipment and control-test records and to interview the personnel conducting the control tests. Tests for approval will be made only after the Bureau is satisfied that such control is effective, and approvals once granted will remain in force only while the control is sustained.

(f) *Material required for approval testing.* The number of complete nonemergency gas respirators, cartridges, and other parts required will depend on the type and design of the device. After application for tests is received, the applicant will be notified concerning the material that it will be necessary for him to submit. All materials for test shall be delivered gratis, with transportation charges prepaid by the applicant, to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. The Bureau of Mines may retain as its own property any or all material submitted by the applicant that may be required for record. Material not required for record will be available to the applicant and will be returned at his expense on shipping instructions made in writing to the Central Experiment Station.

(g) *Where investigations will be conducted.* All investigations are conducted at the Bureau of Mines Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania.

(h) *Date for conducting tests.* Tests will be made in the order of fulfillment of pre-test conditions. The applicant will be notified of the date on which tests will be begun. If a device fails to meet any of the requirements, it shall lose its order of precedence. Tests will be resumed following completion of other approval work which is in progress at the time both the request and materials for retesting are received. Exceptions may be made only for minor tests and inspections that may be performed simultaneously with other work in the laboratory.

(i) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

§ 14a.6 *Requirements for Bureau of Mines approval.* To obtain the approval of the Bureau of Mines, a Type B or BE nonemergency gas respirator must pass the following inspection and tests:

(a) *Color and markings.* (1) The predominating color of Type B cartridge shall be black, in accordance with the color code adopted for gas-mask canisters, to indicate that it affords protection against organic vapors only.

(2) If the cartridge is designed to protect against dusts, fumes, and mists, in addition to organic vapors, a white stripe shall be placed conspicuously on the cartridge to indicate the presence of a special filter. If the filter is not an integral part of the cartridge, the cartridge shall not be marked with a white stripe.

(b) *Materials.* The respirator shall be constructed in all its parts of materials suitable for the purpose they must serve; this applies to the fabric, rubber, metal, chemical, and other parts. All parts (especially rubber) that come into contact with the skin must be of nonirritating composition. All materials used in the construction of facepieces shall be of a composition that will withstand repeated disinfection by methods recommended by the applicant and accepted by the Bureau of Mines. These accepted methods for disinfection shall be described in the instructions for use of the device supplied by the manufacturer.

(c) *Design and construction.* Design, mechanical construction, durability, and workmanship shall be satisfactory from the standpoint of safety of the wearer, freedom and movement, field clearness of vision, fit of the facepiece, and comfort under all conditions of use. Cartridges and other parts of necessarily short life or period of use shall be easily replaceable, and the tightness of the whole apparatus shall be such as to assure the wearer against leaks of contaminated air after such changes have been made.

(d) *Requirements and tests*—(1) *Facepiece*—(i) *General requirements.* (a) The facepiece may be either the half-mask or the mouthpiece type and shall be so constructed as to assure a quick, gas-tight fit on persons of widely varying facial shapes and sizes. Half-mask facepieces must not interfere with the use of goggles. Mouthpiece types must have a means of preventing nasal inhalation.

(b) An inhalation check valve (or valves) shall be provided to prevent exhaled air from coming in contact with the absorbent or the mechanical filter. An exhalation valve shall also be provided.

(c) The elastic head bands shall be adjustable and replaceable.

(ii) *Tightness test.* (a) Two men, each wearing a complete nonemergency gas respirator for protection against organic vapors, will enter air containing 0.01 percent by volume [1] (100 p. p. m.) of isoamyl acetate vapor. Ten minutes will be spent in work designed to provide observation on freedom from leaks and freedom of movement and comfort allowed the wearers. The time will be divided as follows:

5 minutes----	Walking, moving head from side to side, nodding, and bending the body at the waist.
5 minutes----	Pumping air with a hand-operated tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square inch gage, or equivalent work.

(b) To meet the requirements of this test no isoamyl acetate shall be detected in the air breathed, and undue encumbrance and discomfort shall not be experienced because of the fit or other features of the respirator.

(2) *Breathing tube.* If a flexible rubber breathing tube is used, it shall permit free head movement and shall not close off by kinking or by chin or arm pressure, or unduly disturb the wearer.

(3) *Harness.* If a harness is used, it shall be constructed so that it will hold the cartridge securely and comfortably in place against the body of the wearer. It shall permit cartridges to be replaced readily and shall provide for holding the facepiece in the "ready" position when it is not being used.

(4) *Cartridges.* If two cartridges are used in parallel on the respirator, the tests will be performed with the cartridges arranged in parallel and the test requirements will apply to the combination rather than to the individual cartridges.

(i) *Resistance to air flow.* See subparagraph (5) of this paragraph for resistance requirements. If two cartridges are used in parallel on the respirator, their resistances to air flow should be essentially equal.

(ii) *Machine tests.* Cartridges shall meet the requirements of the machine tests as set forth below. These tests are made on a apparatus that is constructed to allow the test atmosphere to enter the cartridges continuously at pre-determined concentrations and rates of flow and that has means for determining the life of the cartridges.

(a) *Low-rate-of-flow and high-rate-of-flow tests.* The test conditions and requirements for these tests are listed in Table 1.

(b) *Chemical stability.* To determine the chemical stability of the cartridges under dry and humid conditions, four of them will be treated as follows:

(1) Two cartridges or two pairs of cartridges will be equilibrated at room temperature [2] by passing carbon dioxide-free air of 25 percent relative humidity through them at a rate of 25 liters per minute for 6 hours.

[1] All concentrations given in this part have been calculated on a basis of 25° C. and 760 mm. mercury pressure.

TABLE 1—REQUIREMENTS FOR MACHINE TESTS

[Relative humidity of test atmosphere: 50±5 percent. Temperature: Room temperature (approximately 25° C.). Test atmosphere: Carbon tetrachloride vapor, 0.1 percent by volume (1,000 p. p. m.)]

	Number of cartridges [1]	Rate of air flow, liters per minute	Maximum allowable leakage, p. p. m.	Minimum life, minutes [3]
Low-rate-of-flow	3	32	5	100
High-rate-of-flow	2	64	5	50
Chemical stability	4	32	5	45

[1] This number refers to pairs of cartridges if 2 are used in parallel on the respirator.

[2] The values given for minimum life apply to each cartridge or to each pair of cartridges. Tests should be continued until the maximum allowable leakage occurs.

(2) Two cartridges or two pairs of cartridges will be equilibrated at room temperature by passing carbon dioxide-free air of 85 percent relative humidity through them at a rate of 25 liters per minute for 6 hours.

(3) After equilibration, these cartridges will be resealed as received, kept in an upright postion at room temperature, and tested within 18 hours under the conditions given in table 1 for chemical stability.

(c) *Test on cartridges for protection against dusts, fumes, mists.* Cartridges containing, or having attached to them, filters for protection against dusts, fumes, and mists will be tested according to the requirements of this part and in addition will be tested according to the requirements of Part 14 of this subchapter. However, the maximum allowable inhalation resistance of complete Type BE respirators shall be 3 inches (75 millimeters) of water rather than 2 inches (50 millimeters) of water allowed for dust, fume, or mist respirators by Part 14 of this subchapter.

(5) *Complete nonemergency gas respirator*—(i) *Resistance to air flow.* There are no specific requirements for the resistance of the cartridges to air flow; only the resistance of the complete respirator to air flow will be considered. The maximum allowable resistance of the complete respirator to a continuous flow of air at a rate of 85 liters per minute is as follows:

(a) Respirators for protection against organic vapors only: Inhalation, 2.0 inches of water; exhalation, 1.0 inch of water.

(b) Respirators for protection against organic vapors and dust, fumes, and mists: Inhalation, 3.0 inches of water; exhalation, 1.0 inch of water.

(ii) *Man tests.* (a) Complete nonemergency gas respirators will be worn by two subjects in an atmosphere containing 0.5 percent by volume (5,000 p. p. m.) of carbon tetrachloride vapor.[3]

[2] For uniformity of test conditions, this temperature should be between 23° and 27° C.

[3] A concentration of 5,000 p. p. m. was chosen to shorten the man-test time to about one-fifth of that required for 1,000 p. p. m. The use of this high concentration under carefully controlled laboratory conditions by experienced personnel does not in any way alter the maximum concentration for which approval will be granted, namely, 0.1 percent (1,000 p. p. m.) of organic vapors.

(b) During this test the subjects will perform the following schedule of exercise:

5 minutes----	Walking vigorously.
5 minutes----	Sitting at rest.
10 minutes---	Stationary running and calisthenic arm movements.
5 minutes----	Sitting at rest.
5 minutes----	Pumping air with a hand-operated tire pump into a 1-cubic-foot cylinder to a pressure of 25 lb. per sq. in. gage, or equivalent work.
5 minutes----	Sitting at rest.

(c) The test should be continued until the odor of carbon tetrachloride is detected by the subjects, repeating the schedule if necessary.

(d) To meet the requirements of this test the respirators shall give complete respiratory protection to the wearers for 30 minutes. Undue discomfort must not be experienced because of fit or other physical or mechanical features of the respirator.

§ 14a.7 *Changing details of tests.* If it is advisable to omit any of the tests or part of a test previously described or to perform accessory tests, the Bureau may modify the test in such manner as to obtain substantially the same information and degree of safety as is provided by the tests described. The applicant will be notified of any changes that may be necessary.

§ 14a.8 *Notification of approval or disapproval.* (a) After the Bureau has considered the results of the inspection and tests, a formal written notification of approval or disapproval of the nonemergency gas respirator will be supplied to the applicant by the Bureau. If the device meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the device fails to meet any of the requirements of this part, notification of such failure will be accompanied by details of the failure with a view to possible remedy of the defects in respirators submitted in the future. Otherwise, results of tests of respirators that fail to meet the requirements will not be made public by the Bureau.

(b) No verbal reports of the Bureau's decisions concerning the investigations will be given and no informal approvals will be granted.

§ 14a.9 *Approval markings.* (a) With formal notification of approval the applicant will receive photographs of designs of the official approval labels, one for the complete nonemergency gas respirator and one for the cartridge. These labels will bear the seal of the Bureau of Mines and be inscribed substantially as follows:

PERMISSIBLE NONEMERGENCY GAS RESPIRATOR OR PERMISSIBLE CARTRIDGE FOR ORGANIC VAPORS

U. S. Bureau of Mines Approval No. ----------
Issued to ----------
(Name of manufacturer)

Approved for respiratory protection in atmospheres not immediately dangerous to life and containing not more than 0.1 percent by volume of organic vapors.

(b) Appropriate instruction and caution statements on the use and limitations of the respirator will be included in these labels.

(c) One label shall be reproduced legibly on the outside of the container of the nonemergency gas respirator. The label for the cartridge shall be reproduced legibly on the outside of the cartridge.

(d) The facepiece shall be marked in a legible and permanent manner with the approval number. The cartridge shall be marked legibly with the approval number and a statement essentially as follows:

Permissible cartridge for organic vapor only. Approved for respiratory protection in atmospheres not immediately dangerous to life and containing not more than 0.1 percent by volume of organic vapors.

(e) Full-scale designs or reproductions of approval labels and markings and a sketch or description of their position shall be submitted to the Central Experiment Station, for approval before final adoption.

(f) Permission to place the Bureau's marks of approval on his respirator obligates a manufacturer to maintain the quality of his product and to have each respirator, and all parts thereof, constructed strictly according to the drawings and records that have been accepted by the Bureau for that respirator and are in the Bureau's files. Nonemergency gas respirators that exhibit changes in design or include parts that have not been approved for use with the respirator are not permissible nonemergency gas respirators and must not bear the Bureau's approval label.

§ 14a.10 *Material required for Bureau of Mines record.* In order that the Bureau may know exactly what it has tested and approved, detailed records of each investigation are kept. These include drawings and actual equipment, as follows:

(a) *Drawings and specifications.* Drawings and specifications submitted with application for tests and final drawings and specifications that the applicant must submit to the Bureau before approval is granted to show the details of the respirator as approved, will be retained by the Bureau. The company receiving the approval shall keep an exact duplicate of the set of drawings and specifications that are in the Bureau's records. These are to be adhered to in commercial production of the approved device.

(b) *Actual equipment.* (1) Parts of the respirator or a complete respirator used in the tests may be retained by the Bureau as a permanent record of the investigation and of the respirator submitted. Material not required for record will be returned to the applicant at his expense on written shipping instructions to the Central Experiment Station.

(2) If the respirator is approved, the applicant shall deliver to the Central Experiment Station, gratis, one complete respirator in the form in which it is to be

sold, to serve as a record of the commercial product.

§ 14a.11 *Changes subsequent to approval.* All approvals are granted with the understanding that the manufacturer will make his respirator according to final drawings and specifications submitted to the Bureau. Therefore, before making any change in an approved nonemergency gas respirator, the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, requesting an extension of his original approval and stating the change or changes desired. He shall send two sets of revised drawings and specifications showing the changes in detail, and one of each of the parts affected to the Central Experiment Station.

(b) The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make tests.

(c) If tests are unnecessary, the applicant will be advised formally by the Bureau of the approval or disapproval of the change.

(d) If tests are necessary, the applicant will be advised of the fee and material required.

§ 14a.12 *Withdrawal of approval.* The Bureau reserves the right to rescind for cause any approval granted under this part.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

APRIL 18, 1955.

[F. R. Doc. 55-3314; Filed, Apr. 22, 1955; 8:45 a. m.]

Subchapter D—Electrical Equipment, Lamps, Methane Detectors; Tests for Permissibility; Fees

[Bureau of Mines Schedule 6D, Supp. 1]

PART 19—ELECTRIC CAP LAMPS

MISCELLANEOUS AMENDMENTS

Part 19 is hereby amended as follows:

1. Section 19.1 is amended by the addition of new paragraph (c) to read as follows:

(c) *Definition of permissible.* Completely assembled and conforming in every respect with the design formally approved by the Bureau of Mines under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

2. Section 19.2 (a) (1) is amended by substituting "$565.00" for "$200.00" and "United States Bureau of Mines" for "Treasurer of the United States."

3. Section 19.2 (b) (1) is revised to read as follows:

(1) The fee for a partial investigation leading to the extension of an approval to cover modifications involving tests shall be proportional to the work involved. The applicant in this case will be advised of the amount of the deposit he should submit after an examination of the modified lamp has been made. Extensions of approval that do not require conducting of tests will be made without charge.

4. Section 19.2 (c) is deleted; also, § 19.2 (d) is renumbered as § 19.2 (c) and is amended by changing the headnote Item 4 to read Item 3 and by deleting the words "Director of the Bureau of Mines" and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa."

5. Section 19.3 (a) is amended by rewording as follows:

(a) *Applications.* Before the Bureau of Mines will undertake the active investigation leading to approval of any lamp, the manufacturer shall make application by letter for an investigation leading to approval of his lamp. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover all the necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with the required drawings, one complete lamp, and instructions for its operation.

6. Section 19.3 (b) is deleted.

7. Section 19.4 (a) is amended by deleting the words "marked, Attention of the Electrical Engineer."

8. Section 19.4 (d) is amended by rewording as follows:

(d) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

9. Section 19.4 (g) is amended by deleting the words "Director of the Bureau of Mines" and substituting the words "Central Experiment Station."

10. Section 19.11 (a) is amended by rewording the first sentence to read as follows: "All approvals are granted by official letter from the Bureau of Mines."

11. Section 19.13 (a) is amended by deleting the words "Director of the Bureau at Washington, D. C.," and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa."; also, the second sentence of paragraph (a) is revised to read as follows: "With this letter he should submit a revised drawing or drawings showing the changes in detail, and one of each of changed lamp parts."

12. Section 19.13 (c) is revised by deleting the words "through the Director's office" and substituting the words "by letter from the Bureau of Mines."

(Sec. 5, 36 Stat. 370, as amended, 30 U. S. C. sec. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

APRIL 18, 1955.

[F. R. Doc. 55-3317; Filed, Apr. 22, 1955; 8:45 a. m.]

[Bureau of Mines Schedule 10C, Supp. 1]

PART 20—ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

MISCELLANEOUS AMENDMENTS

Part 20 is hereby amended as follows:

1. Section 20.2 (b) is amended by deleting the words "issued only by the Director of" and substituting the word "from."

2. Section 20.2 (d) is amended to read as follows:

(d) *Permissible.* Completely assembled and conforming in every respect with the design formally approved by the Bureau of Mines under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

3. Section 20.3 is amended by rewording as follows:

§ 20.3 *Applications.* Before the Bureau of Mines will undertake the active investigation leading to approval of any lamp, the manufacturer shall make application by letter for an investigation of his lamp. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover all the necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with the required drawings, one complete lamp, and instructions for its operation.

4. Section 20.4 is amended to read as follows:

§ 20.4 *Fees charged for investigations of lamps.* (a) Complete investigation of a storage-battery lamp, $225.

(b) Complete investigation of a lamp using dry cells, $85.

(c) The Bureau reserves the right to charge amounts proportionate to the work involved in case an unusually complicated design of lamp is to be investigated.

(d) The fee for a partial investigation leading to the extension of an approval to cover modifications involving tests shall be proportional to the work involved. The applicant in this case will be advised of the amount of the deposit he should submit after an examination of the modified lamp has been made.

(e) Extensions of approval that do not require conducting of tests will be made without charge.

(f) Tests to assist manufacturers in the development of electric lamps may be made upon request to the Central Experiment Station and will be charged for in amounts proportionate to the work involved. The making of this class of tests shall, however, be optional with the Bureau.

5. Section 20.5 (a) is amended by deleting the words "marked 'Attention of Electrical Engineer'."

6. Section 20.5 (c) is deleted and new paragraph (c) added as follows:

(c) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

7. Section 20.5 (f) is amended by deleting the words "the Director of."

8. Section 20.12 (a) is amended by revising the first sentence as follows: "All approvals are granted by official letter from the Bureau of Mines."

9. Section 20.14 (a) is amended by deleting the words "Director of the Bureau of Mines at Washington 25, D. C.," and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa."; also, the second sentence of this paragraph is revised to read as follows: "With this letter he should submit a revised drawing or drawings showing the changes in detail, and one of each of the changed lamp parts."

10. Section 20.14 (c) is amended by deleting the words "through the Director's Office" and substituting the words "by letter from the Bureau of Mines."

(Sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended; 30 U. S. C. 3, 5)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

APRIL 18, 1955.

[F. R. Doc. 55-3316; Filed, April 22, 1955; 8:45 a. m.]

[Bureau of Mines Schedule 12D, Supp. 1]

PART 24—SINGLE-SHOT BLASTING UNITS

MISCELLANEOUS AMENDMENTS

Part 24 is hereby amended as follows:

1. Section 24.0 is amended by the addition of a new paragraph (d) to read as follows:

(d) *Definition of permissible.* Completely assembled and conforming in every respect with the design formally approved by the Bureau of Mines under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

2. Section 24.1 (a) is amended to read as follows:

(a) The fee for a complete investigation under this part is $155.00 for units of the storage-battery and magneto types. The fee shall accompany the application, in the form of a check, draft, or money order, payable to the United States Bureau of Mines.

3. Subparagraph (1) of § 24.1 (b) is deleted.

4. Section 24.1 (b) (2) is amended by renumbering it (1) and rewording as follows:

(1) The fee for a partial investigation leading to the extension of approval shall be proportional to the work involved. The applicant in this case will be advised of the amount of the deposit he should submit after an examination of the redesigned unit has been made.

5. Section 24.1 (d) is amended by deleting the words "Director of the Bureau of Mines" and substituting the words "Central Experiment Station."

6. Section 24.2 (a) is amended by rewording as follows:

(a) *Applications.* Before the Bureau of Mines will undertake the active investigation leading to approval of any single-shot blasting unit, the manufacturer shall make application by letter for an investigation leading to approval of his unit. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover all the necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with the required drawings, one complete blasting unit, and instructions for its operation.

7. Section 24.2 (b) is deleted.

8. Section 24.3 (d) is deleted and new paragraph (d) substituted as follows:

(d) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

9. Section 24.3 (g) is amended by deleting the words "the Director of."

10. Section 24.4 (c) is amended by deleting the words in parentheses "(whether of the storage type or dry cells)."

11. Section 24.4 (g) is deleted.

12. Section 24.6 is amended by deleting the words "through the office of the Director of the Bureau of Mines at Washington 25, D. C.," and substituting the words "from the Bureau of Mines" in the first sentence; also by deleting the word "Washington" from the last sentence and substituting the words "Bureau of Mines."

13. Section 24.9 (a) is amended by deleting the words "Director of the Bureau of Mines, Washington 25, D. C.," in the first sentence and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa."; also, in the last sentence by deleting the words "marked 'Attention of the Supervising Engineer, Electrical-Mechanical Section'."

14. Section 24.9 (c) is amended by deleting the words "through the Director's Office" and substituting the words "in writing from the Bureau of Mines."

(Sec. 5, 36 Stat. 370, as amended, 30 U. S. C., sec. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5)

CLARENCE A. DAVIS,
Acting Secretary of the Interior,

APRIL 18, 1955.

[F. R. Doc. 55-3318; Filed, Apr. 22, 1955; 8:45 a. m.]

Subchapter E—Mechanical Equipment for Mines; Tests for Permissibility and Suitability; Fees [1]

[Bureau of Mines Schedule 22, Supp. 1]

PART 31—DIESEL MINE LOCOMOTIVES

MISCELLANEOUS AMENDMENTS

Part 31 is hereby amended as follows:

1. Section 31.1 is amended by deleting the word "three" and substituting the word "four"; by deleting the word "and" after the word "equipment" and inserting the following at the end of the first sentence: "and (d), mechanical hazards"; also by deleting the words "or other situations where inflammable atmospheres" and substituting the words "where methane" in the second sentence.

2. Section 31.2 (b) is amended by deleting the words "only by the Director of the Bureau of Mines" and substituting the words "by the Bureau of Mines."

3. Section 31.2 (g) is amended by revising to read as follows:

[1] For change in Subchapter E heading, see Part 32 of this subchapter, *infra*.

(g) *Permissible.* Completely assembled and conforming in every respect with the design formally approved by the Bureau of Mines under this section. (Approvals under this section are given only to equipment for use in gassy and dusty mines.)

4. Section 31.3 (b) is amended by revising to read as follows:

(b) *Application.* Before the Bureau of Mines will undertake the active investigation leading to approval of any locomotive, the manufacturer shall make application by letter for an investigation leading to approval of his locomotive. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover all the necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with the required drawings and specifications.

5. Section 31.3 (c) is amended to read as follows:

(c) *Fees.*

1. For preliminary review of drawings and specifications and related data, for each new machine	$30
2. For tests to determine the composition of exhaust gases from the engine under various conditions	320
NOTE: When preliminary or check tests are made and only carbon monoxide and carbon dioxide determinations are involved, the fee shall be $160.	
3. For tests to determine the effectiveness of engine flame arrester	110
NOTE: For check tests on redesigned machines where less than 20 tests are required the fee shall be $55.	
4. For detailed inspection of engine flame arrester	30
5. For detailed inspection of manifolds, exhaust conditioners, and other parts making up the intake and exhaust systems	40
6. For detailed inspection of each explosion-proof enclosure of electrical units	45
NOTE: When the enclosure is of such a nature that only a nominal amount of work is involved in the inspection, the fee shall be $22.50.	
7. For explosion test of each explosion-proof enclosure of electrical units	35
NOTE: When the explosion-proof qualities can be demonstrated in less than 20 tests, the fee shall be $17.50.	
8. For exhaust conditioner performance tests to determine rate of water consumption	40
9. For each inspection of a completely assembled machine at the factory or elsewhere	[1] 65
10. For tests of exhaust gas dilution not made concurrently with factory inspection of completely assembled machine	[1] 50
11. For the final examination and recording of all the necessary drawings and specifications preparatory to issuing approval	40
12. For the examination and recording of drawings and specifications necessitated in consideration of changes subsequent to the initial investigation	$40
NOTE: If only a nominal amount of work is involved, the fee shall be $15.	

[1] In addition, the company shall pay the inspector's traveling expenses and subsistence as allowed by standard Government travel regulations.

6. Section 31.3 (d) is amended by deleting the words "Engineer in Charge of Diesel Testing" and substituting the words "Central Experiment Station."

7. Section 31.3 (h) is amended by deleting the words "and should be plainly marked for the attention of the Engineer in Charge of Diesel Testing."

8. Section 31.3 (j) is amended by revising to read as follows:

(j) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

9. Section 31.6 (a) (1) is amended by deleting the words "the Director of" and substituting the words "letter from."

10. Section 31.6 (b) (2) is amended by deleting the words "Engineer in Charge of Diesel Testing" and substituting the words "Central Experiment Station."

11. Section 31.8 (a) is amended by deleting the words "Director, Bureau of Mines, Washington 25, D. C." and substituting the words "Central Experiment Station," in the first sentence; also, the second sentence is revised to read: "With this letter he should submit a set of revised drawings and specifications showing the change or changes in detail."

12. Section 31.8 (c) is amended by deleting the words "the Director of the Bureau" and substituting the words "letter from the Bureau of Mines."

13. Section 31.9 (c) (1) is amended by deleting "150° F." and substituting "140° F."; also, by deleting "0.2" and substituting "0.5" in the last sentence.

(Sec. 5, 36 Stat. 370, as amended, 30 U. S. C. sec. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

APRIL 18, 1955.

[F. R. Doc. 55-3312; Filed, Apr. 22, 1955; 8:45 a. m.]

[Bureau of Mines Schedule 24, Supp. 1]

PART 32—MOBILE DIESEL-POWERED EQUIPMENT FOR NON-COAL MINES

MISCELLANEOUS AMENDMENTS

A. The heading of Subchapter E is revised to read as follows: "Subchapter E—Mechanical Equipment for Mines; Tests for Permissibility and Suitability; Fees."

B. Part 32 is hereby amended as follows:

1. Section 32.1 is amended by deleting, in the first sentence, the word "three" and substituting the word "four"; by deleting, in the first sentence, the word "and" after the word "equipment" and inserting the following at the end of the first sentence: "and (4), mechanical hazards"; also, by deleting the words "or other situations where flammable atmospheres" and substituting the words "where methane" in the second sentence; also, by adding the following sentence at the end of the first paragraph of § 32.1: "Since the latter equipment is not to be used in coal mines or other situations where inflammable atmospheres may be encountered, equipment approved under this part will be referred to as 'approved equipment' rather than as 'permissible equipment', and will carry an 'approval plate' rather than a 'permissibility plate'.

2. Section 32.2 is amended by deleting paragraph (h) and relettering paragraphs (i), (j) and (k) as (h), (i) and (j), respectively.

3. Section 32.3 (b) is amended by revising to read as follows:

(b) *Application.* Before the Bureau of Mines will undertake the active investigation leading to approval of any equipment, the manufacturer shall make application by letter for an investigation leading to approval of that equipment. This application in duplicate, accompanied by a check, bank draft, or money order payable to the United States Bureau of Mines, to cover all necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with the required drawings and specifications.

4. Section 32.3 (c) is amended to read as follows:

(c) *Fees.*

1. For preliminary review of drawings, specifications, and related data for each new machine	$30
2. For tests to determine the composition of exhaust gases from the engine under various conditions	320
NOTE: When preliminary or check tests are made and only carbon monoxide and carbon dioxide determinations are involved, the fee shall be $160.	
3. For detailed inspection of exhaust gas cooling system	30
4. For detailed inspection of the electrical system	15
5. For each inspection of a completely asembled machine at the factory or elsewhere	[1] 65
6. For exhaust gas dilution tests made independently of factory inspection	[1] 50
7. For the final examination and recording of all the necessary drawings and specifications preparatory to issuing an approval	40
8. For each half day, or fraction thereof, spent in the examination and recording of drawings and specifications preparatory to issuing an extension of approval	12

[1] In addition, the company shall pay the inspector's traveling expenses and subsistence as allowed by standard Government travel regulations.

5. Section 32.3 (d) (1) is amended by deleting the words "Engineer in Charge of Diesel Testing" and substituting the words "Central Experiment Station."

6. Section 32.3 (h) is amended by deleting the words "and should be plainly marked for the attention of the Engineer in Charge of Diesel Testing."

7. Section 32.3 (j) is deleted and new paragraph (j) added as follows:

(j) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

8. Section 32.4 (e) (2) is amended by redesignating the present material as (i) and by adding the following additional subdivision (ii):

(ii) Provisions shall be made to dilute the exhaust gas with air before it is discharged from the machine into the surrounding atmosphere.

9. Section 32.4 (f) is amended by redesignating the present material as subparagraph (1) and by adding the following additional subparagraph (2):

(2) The exhaust gas after dilution with air shall contain not more than 100 parts per million, by volume, of carbon monoxide; 25 parts per million, by volume, of oxides of nitrogen (as equivalent nitrogen peroxide); or 10 parts per million, by volume, of aldehydes (as equivalent formaldehyde) under any condition of operation.

10. Section 32.5 (a) (4) is amended by revising the first sentence in the last undesignated paragraph of subdivision (iv) to read as follows: "The water consumed in cooling the exhaust gas under the test conditions shall not exceed by more than approximately 15 percent that required for the adiabatic saturation of the exhaust gas at the outlet temperature of the exhaust gas cooler."

11. Section 32.6 (b) (2) is amended by deleting the words "Engineer in Charge of Diesel Testing" and substituting the words "Central Experiment Station."

12. Section 32.8 (a) is amended by revising to read as follows:

(a) The manufacturer shall write to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., requesting an extension of his original approval and describing the changes proposed. With this request he should submit a revised drawing or drawings and specifications showing the changes in detail.

(Sec. 5, 36 Stat. 370, as amended, 30 U. S. C. sec. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

APRIL 18, 1955.

[F. R. Doc. 55-3313; Filed, Apr. 22, 1955; 8:45 a. m.]

[Bureau of Mines Schedule 25A]

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

Part 33 is hereby amended as follows:

Preliminary statement. The Bureau of Mines is prepared to inspect and test dust collectors at its Central Experiment Station, Pittsburgh, Pennsylvania, for the purpose of determining whether such equipment may be approved for use in coal mines in connection with rock drilling. Applications for approval are voluntary with manufacturers of such equipment. This regulation relates to the requirements of performance of dust-collecting equipment which may be approved for use in coal mines and the conditions under which inspections and tests will be made and approvals will be granted.

The authority for conducting such tests and investigations is contained in the act of February 25, 1913 (37 Stat. 681), as amended June 30, 1932 (47 Stat. 410), and in Executive Order No. 6611, February 22, 1934 (30 U. S. C. secs. 3, 5, 7). The act, as so amended, contains the following provision:

For tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, as amended and supplemented, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

This document, consisting of §§ 33.1 to 33.12, inclusive, is Schedule 25A and supersedes Schedule 25 issued on January 23, 1952.

Sec.
33.1 Definitions.
33.2 Type of equipment that may be approved.
33.3 Purpose of testing for permissibility.
33.4 Conditions under which dust collectors will be tested; preliminary steps preceding approval tests and inspections.
33.5 General requirements for Bureau of Mines approval.
33.6 Inspection.
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33.8 Changing details of tests.
33.9 Notification of approval or disapproval.
33.10 Approval plate.
33.11 Changes subsequent to approval.
33.12 Withdrawal of approval.

AUTHORITY: §§ 33.1 to 33.12 issued under sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5.

§ 33.1 *Definitions.* Certain terms used in this part are defined as follows:

(a) *Equipment.* Dust collectors to be used in connection with rock drilling in coal mines.

(b) *Unit.* The complete assembly of parts comprising one dust collector.

(c) *Combination unit.* A drilling device with internal dust collecting system.

(d) *Normal operations.* The performance by each part of the equipment of those functions for which the part was designed.

(e) *Adequate.* Appropriate and sufficient as determined by the Bureau of Mines.

(f) *Test conditions; test period.* The prescribed conditions under which a set of 10 test holes is to be drilled with a given type of drilling equipment, and in a given type of stratum, is designated as a test condition. The time interval within which these holes are drilled is designated as a test period.

(g) *Permissible.* As used in this part, the term "permissible" relates to equipment conforming in all details of material and construction to equipment that meet the requirements and pass the inspection and tests of the Bureau of Mines as hereinafter described.

(h) *Approval.* Official, formal, written notification by the Bureau of Mines stating that upon investigation the equipment has met satisfactorily the requirements of this part.

(i) *Extension of approval.* Official, written notification from the Bureau of Mines to the equipment manufacturer, by which the latter is authorized to make changes in approved equipment after the proposed changes have been duly examined, accepted, and recorded by the Bureau.

§ 33.2 *Type of equipment that may be approved.* (a) Approval may be granted for dust collecting or combination units designed specifically to prevent the dissemination of air-borne dust generated by drilling into various coal mine rock strata in quantities in excess of the concentration hereinafter designated as allowable, and to confine or control the collected dust in such manner that it may be removed or disposed of without

being disseminated into the mine atmosphere in quantities that would create unhygenic conditions. Approval will not be granted for individual parts used in the assembly of dust collecting or combination units.

(b) Units shall be designed for application to percussion and/or rotary drilling in any one or any combination of the following positions: (1) Vertically upward, (2) at angles to the vertical, upward, (3) horizontally, and (4) downward. The manufacturer should state the intended application of his equipment when applying for approval.

§ 33.3 *Purpose of testing for permissibility.* Safe operation of dust collectors underground involves consideration of three functional features, namely: (a) Prevention of the dissemination of objectionable or harmful concentrations of dust into the mine atmosphere, (b) protection from the hazard of exposed moving mechanical parts, and (c) protection from shock, explosion, and fire hazards by electrical equipment. Dust collectors for use in coal mines will be considered permissible only when proved by test and inspection to be adequate in these respects.

§ 33.4 *Conditions under which dust collectors will be tested; preliminary steps preceding approval tests and inspection*—(a) *Consultation.* Manufacturers or their representatives may visit or communicate with the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, to discuss the requirements of this part or to obtain criticisms of proposed design of equipment to be submitted for test. No charge is made for such consultation, and no written report will be made to the manufacturer.

(b) *Requirements for electrical parts.* Electrical parts of dust-collector units or combination units shall meet the requirements of the Bureau of Mines in accordance with the provisions of Part 18 of this chapter, and the examination and testing of the electrical parts shall be entirely separate from the approval testing of dust collecting equipment, as such.

(c) *Application.* An application for investigation under this part shall be in the form of a letter (in duplicate) addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, which contains: (1) A request that the necessary inspections and tests leading to approval be made; (2) a statement that the equipment is completely developed and of the design and materials which the applicant believes suitable for a finished marketable device; (3) one set of detailed drawings of the equipment; and (4) a check, draft, or money order, payable to the United States Bureau of Mines, to cover the investigation fee. The fee will be placed on special deposit in the Treasury of the United States, pending disposal as hereinafter specified. On receipt of this application, fee, and drawings, the applicant will be notified by the Bureau of its action on the application, the material required for test, the date upon which tests of his equipment will be started, and any additional information deemed necessary.

(d) *Fees charged for investigation.* The following fees are charged for inspecting and testing dust collectors under this part:

1. For preliminary review of drawings, specifications, and related data, for each new unit	$35
2. For detailed inspection of equipment to determine adequacy of design and materials, for each new unit	50
3. For detailed inspection of equipment to determine adequacy of design and materials in consideration of changes subsequent to the initial investigation, made at the factory or elsewhere, per man-day or fraction thereof	[1] 30
4. For drilling each set of 10 test holes to determine adequacy of performance	100
5. For final examination and recording of all necessary drawings and specifications, and issuing approval	50
6. For final examination and recording of all drawings and specifications and issuing extension of approval	20

[1] In addition, the company shall pay the inspector's travel expenses and subsistence as allowed by standard Government travel regulations.

(1) If the applicant is uncertain as to the amount of fee that should be sent with his application, the information will be given him upon inquiry addressed to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania.

(2) If a dust collecting or combination unit fails to pass any of the specified tests and the applicant notifies the Bureau to terminate further consideration of the equipment, the Bureau will return the fee to the applicant, less such portion of the fee as the Bureau determines is sufficient to cover the work done. If the applicant resubmits the dust collecting unit for approval after the necessary improvements have been made, an additional fee will be required. The amount of fee charged will be proportional to the additional investigative work that must be done and will be specified in writing to the applicant in advance of further testing of the equipment.

(e) *Drawings and specifications required.* (1) The Bureau will not inspect and test equipment until a set of legible drawings, bill of material, and specifications sufficient in number and detail to identify the parts fully have been delivered to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. Drawings should be numbered and dated to facilitate identification and reference.

(2) The drawings and specifications to be submitted shall include the following:

(i) Drawings clearly showing the overall dimensions, character, size, and relative arrangement of all parts of the unit.

(ii) Dust storage capacity of the various stages of collection in the dust separator.

(iii) Net filter area in the dust separator, and specifications of filter material.

(iv) Total weight of unit.

(v) Any other drawings or illustrations necessary to identify or explain any feature that is to be considered in the approval of the equipment.

(3) The Bureau will not be responsible for any disclosure of ideas, principles, or patentable features apparent from visual inspection, because under the terms of the application for tests it is understood that the device is ready for release to public market. Caution will be exercised to prevent disclosure of details of the device to the public during approval testing.

(f) *Material required for investigation.* The manufacturer shall furnish a complete unit for the purpose of inspection and test. Sufficient spare parts, such as gaskets or other components subject to wear in normal operation, should be furnished to permit continuous operation during test periods. Any special tools necessary to disassemble any parts for inspection or test shall be furnished with the equipment submitted.

(g) *Factory inspection form.* Each unit shall be carefully inspected by the manufacturer before it leaves the factory, and the results of the inspection shall be recorded on a Factory Inspection Form. The manufacturer will be required to furnish the Bureau a copy of that form. The form shall draw special attention to the points that must be checked in making certain that all parts of the unit are in proper condition, complete in all respects, and in agreement with the drawings and specifications filed with the Bureau.

(h) *Operating and servicing instructions.* The manufacturer shall furnish to the Bureau, before the start of tests, complete instructions covering operation and servicing of the unit. These instructions shall be reviewed by the Bureau, and a copy in the final form, which is to be furnished to the purchaser of the equipment, shall be submitted to the Bureau for examination when the reproduction of the approval plate is submitted.

(i) *Site of tests.* Tests of the unit shall be conducted at the Bureau of Mines Experimental Mine, Bruceton, Pennsylvania, or at other locations designated by the Bureau of Mines.

(j) *Shipment of material.* All shipments must be prepaid. Before making any shipments, the manufacturer shall obtain shipping instructions from the Bureau. The manufacturer also shall be responsible for removal of the equipment promptly upon completion of the investigation.

(k) *Assistance required during investigation.* When requested to do so, the manufacturer shall provide men to assist in disassembling parts for inspection, preparing parts for tests, and operating combination-unit drills.

(l) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

§ 33.5 *General requirements for Bureau of Mines approval*—(a) *Quality of material, workmanship, and design.* The Bureau may refuse to test any equipment any part of which, in the opinion of qualified representatives of that Bureau, is not constructed of suitable materials, or indicates faulty workmanship, or is not designed upon sound engineering principles, whether or not the points in question are covered specifically by the requirements of this part.

(b) *Manner of actuation.* The unit may be actuated pneumatically, electrically, or by other means that comply with the provisions of this part.

(c) *Positioning of parts.* All parts of the unit essential to the dust-collection operation shall be provided with adequate and positive mechanical means for positioning and maintaining such parts properly in relation to the stratum being drilled.

(d) *Allowable escape of dust.* Under each test condition prescribed in this part, the net concentration of air-borne dust resulting from the escape of dust from the unit into the atmosphere of the test space shall not exceed 10 million particles (10 microns or less in size) per cubic foot of air, determined as stated in § 33.7 (d).

§ 33.6 *Inspection.* A detailed inspection shall be made by engineers of the Bureau of all parts of the unit covered by the requirements of this part or any parts or features that are associated with performance of the unit in the intended application or with safety of operation. This inspection will include a detailed examination to determine the adequacy of materials, workmanship, and design; and a detailed comparison of parts of assemblies with drawings to check materials, dimensions, and positions. Notes will be made of significant discrepancies that may exist between the drawings and the parts or assemblies. Satisfactory adjustment and correction of such discrepancies will be required before approval is granted.

§ 33.7 *Methods of testing*—(a) *Modification of equipment.* For test purposes the unit may be modified, as by the attachment of instruments or measuring devices, at the discretion of the Bureau: *Provided, however,* That such modification shall not alter the performance of the unit in the intended application.

(b) *Methods of drilling*—(1) *Dust collecting units.* Drilling shall be done with conventional, commercial drilling equipment of the pneumatic percussion, hydraulic rotary, and/or electric rotary types, as follows:

(i) *Percussion drilling.* (*a*) A stoper-type drill having a piston diameter of between 2½ and 3 inches shall be used for roof drilling. A hand-held sinker-type drill having a piston diameter of between 2½ and 3 inches shall be used for down drilling. The sinker-type drill, supported mechanically, shall be used for horizontal drilling. Compressed air shall be supplied to the drill at 85 to 95 pounds per square inch gage pressure.

(*b*) Bits shall be of the detachable, cross type with hard inserts, and shall be sharp at the start of drilling of each set of 10 holes, as hereinafter specified. In roof drilling, 1¼-inch diameter bits shall be used; in horizontal and down drilling, 1¾-inch diameter bits shall be used. Hollow ⅞-inch hexagonal drill steel shall be used, and compressed air may be admitted through the drill steel if necessary to clear the hole.

(ii) *Rotary drilling.* (*a*) A hydraulic rotary drill with a rated drilling speed of 18 feet per minute free lift, capable of rotating the drill steel at 900 revolutions per minute with 100 foot-pounds torque, and having a feed force of 7,000 pounds shall be used for roof drilling. A post-mounted electric rotary drill with a rated drilling speed of 30 inches per minute and powered by a 2.25 horsepower motor shall be used for horizontal drilling.

(*b*) Hard-tipped rock-drill bits, 1⅜ inches in outside dimension, and 1¼-inch auger-type drill steel shall be used for roof drilling. Hard-tipped fork-type bits, 2 inches in outside dimension, and 1¾-inch auger-type steel shall be used for horizontal drilling. Bits shall be sharp at the start of drilling of each set of 10 holes, as hereinafter specified.

(2) *Combination dust-collecting and drilling units.* Combination units shall be operated in accordance with the manufacturer's instructions. If special drill steel or bits are required, they shall be used and shall be furnished by the manufacturer. If special drill steel or bits are not required, the provisions of subparagraph (1) (i) and (ii) of this paragraph shall apply as regards drill steel and bits.

(c) *Test space.* Tests shall be conducted in a section of coal mine entry or other appropriate space designated by the Bureau. No mechanical ventilation shall be provided in the test space during actual test periods except such air movement as may be induced by the operation of drilling or dust-collecting equipment. All parts of equipment under test shall be within the test space during test periods.

(d) *Determination of dust concentrations.* (1) Concentrations of air-borne dust in the test space shall be determined by sampling with the midget impinger apparatus, and a light-field microscopic technique shall be employed in evaluating concentrations of dust in terms of millions of particles (10 microns or less in size) per cubic foot of air sampled.

(2) The test space shall be essentially cleared of air-borne dust by ventilation or other means before the start of drilling of each set of 10 holes. Two curtains then shall be placed across the test space in such manner that the volume of this space shall be approximately 2,000 cubic feet. After placing these curtains, and before drilling starts, a 5-minute sample of air-borne dust, designated as a control sample, shall be collected approximately at the mid-point of the test space.

(3) A sample of air-borne dust, designated as a test sample, shall be collected in the breathing zone of the drill operator during the drilling of each hole. Sampling shall begin when drilling starts and shall continue until drilling stops. Time consumed in changing drill steel shall not be considered as drilling time, and sampling shall cease during these intervals.

(4) The concentration of dust determined by the control sample collected before each test period shall be subtracted from the average concentration of dust determined by the test samples collected at each drill during each test period, and the difference shall be designated as the net concentration of dust resulting from the escape of dust from the collecting unit. Calculations of the average concentration of dust determined by the test samples shall be based upon the results of at least 80 percent of the samples collected at each drill during each test period.

(e) *Conduct of tests.* The unit shall be operated in accordance with the manufacturer's instructions. Receptacles and filters for collecting drill cuttings and dust shall be emptied and cleaned before the start of drilling of each set of 10 holes, and the surfaces of the test space shall be wetted before the drilling of each set of 10 holes. Holes shall be spaced to prevent interference, and may be plugged, if conditions warrant, to prevent dissemination of dust during subsequent drilling. All holes shall be drilled to a depth of 4 feet (±3 inches). Holes designated as "vertical" shall be drilled within 10 degrees of vertical, and "angle" holes shall be drilled at between 30 degrees and 45 degrees from vertical. "Horizontal" holes shall be drilled within 15 degrees of horizontal.

(1) *Roof drilling.* Units designed for use with both percussion and rotary drills shall be tested with both types of drills; otherwise tests shall be confined to the type of drill for which the unit is designed.

Drilling shall be done in friable strata that tends to produce large scale-like cuttings, as exemplified by the roof of the Bureau of Mines Experimental Mine, Bruceton, Pennsylvania.

(i) With units under consideration for approval for use in connection with drilling vertical roof holes only, holes shall be drilled as follows:

10 holes with pneumatic percussion drill.
10 holes with hydraulic rotary drill operated at maximum drilling speed.

(ii) With units under consideration for approval for use in connection with drilling roof holes at an angle, the procedure described in subdivision (i) of this subparagraph shall be followed, except that holes shall be drilled at an angle.

(iii) With units under consideration for approval for use in connection with drilling through holes in steel shapes, channels 4 inches across the web, or steel track-tie sections, or other steel shapes, shall be used at the discretion of the

Bureau of Mines in order that test conditions conform to actual practice in the coal-mining industry. If tests with special shapes or sizes are desired by the applicant, it shall be so stated in the application for approval. Holes shall be drilled as follows:

5 holes vertically and 5 holes at an angle, with pneumatic percussion drill.
5 holes vertically and 5 holes at an angle, with hydraulic rotary drill operated at maximum drilling speed.

(iv) If necessary to determine the adequacy of equipment, the test conditions stated in subdivision (i), (ii), or (iii) of this subparagraph may be modified to conform to the intended application of the equipment, provided that the number of test holes drilled under such modified test conditions is not less than prescribed by subdivision (i), (ii), or (iii) of this subparagraph.

(2) *Horizontal drilling.* Units designed for use with both percussion and rotary drills shall be tested with both types of drill; otherwise tests shall be confined to the type of drill for which the unit is designed. Holes shall be drilled in strata comparable in hardness to that of the draw slate encountered in coal mining. Holes shall be drilled near the roof of the test space, and under conditions simulating the drilling of draw slate in coal mining, as follows:

10 holes with pneumatic percussion drill.
10 holes with electric rotary drill.

(3) *Down drilling.* With units under consideration for approval for use in connection with down drilling, holes shall be drilled in typical mine floor strata, and with pneumatic percussion-type drilling equipment. Holes shall be drilled as follows:

5 holes vertically, and 5 holes at an angle.

§ 33.8 *Changing details of tests.* If it is advisable to omit any of the tests or parts of a test previously described or to perform accessory tests, the Bureau may modify the tests in such a manner as to obtain substantially the same information and degree of safety as is provided by the tests described. The applicant will be notified of any changes that may be necessary.

§ 33.9 *Notification of approval or disapproval.* (a) After the Bureau has considered the results of the investigation, and suitable drawings and specifications have been placed on file, a formal written notification of approval or disapproval of the unit will be supplied to the applicant by the Bureau. If the unit meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the unit fails to meet any of the requirements of this part, notification of such failure will be accompanied by details of the failure with a view to possible remedy of defect or defects in units submitted in the future. Otherwise, results of tests of units that fail to meet the requirements will not be made public by the Bureau.

(b) No verbal reports of the Bureau's decision concerning the investigations will be given, and no informal approvals will be granted.

(c) A drawing list numbered to correspond to the approval number will accompany the notification of approval. This list will include the drawings and specifications covering the details of construction upon which the approval is based. The applicant receiving an approval shall keep exact duplicates of the drawings and specifications retained by the Bureau. These are to be adhered to in commercial production of the approved unit.

§ 33.10 *Approval plate.* (a) With the notification of approval the applicant will receive a photograph of a design of approval plate. The plate will bear the seal of the Bureau of Mines, the approval number, designation of the type of unit for which the approval is granted, and the name of the manufacturer.

(b) The manufacturer shall have this design reproduced as a plate for attachment to each approved unit. A sample plate and sketch or description of its proposed mounting on the unit, accompanied by a copy of the operating and servicing instructions as required in § 33.4 (h), shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, for approval before its final adoption.

(c) The approval plate identifies the unit as having met the requirements of the Bureau of Mines for use in coal mines. The use of the approval plate on his unit obliges the manufacturer to maintain the quality of his product and to see that each unit is constructed according to drawings and specifications accepted by, and on file with, the Bureau of Mines. Each unit sold as approved shall carry an approval plate permanently attached to the unit. Units exhibiting changes in design that do not have official authorization from the Bureau are not approved and therefore must not bear the approval plate.

§ 33.11 *Changes subsequent to approval.* All approvals are granted with the understanding that the manufacturer will make his unit according to final drawings and specifications submitted to the Bureau of Mines. Therefore, before changing any feature of the unit considered in the original approval, the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, requesting an extension of his original approval and stating the change or changes desired. He shall send a set of revised drawings and specifications showing the changes in detail to the Central Experiment Station.

(b) The Bureau will consider the application and inspect the drawings and specifications to determine whether inspection and testing of the modified part or parts will be necessary. In general, inspection will be necessary. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the equipment.

(c) The applicant will be informed by the Bureau of the extent of the investigation, parts or material that should be submitted if tests or examinations are necessary, and the amount of the investigation fee.

(d) If the proposed modification complies with requirements of the regulations in this part, formal written authorization, known as extension of approval, allowing the modification, will be issued to the applicant by the Bureau. The letter notifying the applicant of extension of approval will be accompanied by a list of new and corrected drawings to be added to the list of official drawings relating to the unit.

§ 33.12 *Withdrawal of approval.* The Bureau reserves the right to rescind for cause, at any time, any approval granted under this part.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

APRIL 18, 1955.

[F. R. Doc. 55-3315; Filed, Apr. 22, 1955; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Amdt. 12]

DMO VII-6—EXPANSION GOALS

PHOTOGRAPHIC FILM AND PAPER

1. Defense Mobilization Order VII-6, dated December 3, 1953 (18 F. R. 7876), and Amendment 1, dated January 29, 1954 (19 F. R. 855) are further amended as follows:

Expansion Goal No. 80, Photographic Film and Paper, is hereby transferred from List II, Suspended to List I, Closed.

2. This amendment shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-3391; Filed, Apr. 22, 1955; 10:33 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1133]

WISCONSIN

RESERVING PUBLIC LAND IN CONNECTION WITH THE UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

By virtue of the authority vested in the President and in order to effectuate further the purposes of the Upper Mississippi River Wildlife and Fish Refuge Act (43 Stat. 650), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Crawford County, Wisconsin, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under jurisdiction of the Department of the Interior as a part of the Upper Mississippi River Wildlife and Fish Refuge:

FOURTH PRINCIPAL MERIDIAN

T. 7 N., R. 7 W.,
Sec. 14, lot 4.

The area described contains 53.57 acres.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 18, 1955.

[F. R. Doc. 55-3311; Filed, Apr. 22, 1955; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

NATIONAL WILDLIFE REFUGES

CROSS REFERENCE: For order affecting the tabulation in § 17.3, see Title 43, Chapter I, Appendix C, PLO 1133, *supra*, reserving certain public lands as a part of the Upper Mississippi River Wildlife and Fish Refuge.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

CERTAIN PORK CARCASSES AND CERTAIN SWINE

OFFICIAL UNITED STATES STANDARDS FOR GRADES

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Department of Agriculture has under consideration proposed revisions of the official United States standards for grades of certain pork carcasses (§§ 53.-140 to 53.143) and the official United States standards for grades of certain swine (§§ 53.150 to 53.153) under the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624) and the general language in the item for the Agricultural Marketing Service contained in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1955 (68 Stat. 313).

The major provisions of the proposed changes are as follows:

The minimum and maximum back fat thickness, as outlined in the measurement guides to grade, would each be reduced by 0.2 inch in each weight or length group for Choice No. 1 and Choice No. 2; the minimum back fat thickness for Choice No. 3 and the maximum back fat thickness for Medium would likewise be reduced by 0.2 inch in each weight or length group. The minimum back fat thickness for Medium and the maximum back fat thickness for Cull would be reduced by 0.1 inch.

For barrows and gilts and carcasses thereof, the grade designations "Choice No. 1", "Choice No. 2", and "Choice No. 3" would be changed, respectively, to "U. S. No. 1", "U. S. No. 2", and "U. S. No. 3". The Medium and Cull grade names for barrows and gilts and carcasses thereof would remain unchanged.

Minor changes would also be made in the descriptive specifications for each grade to facilitate their interpretation and to coincide with the changes in back fat thickness.

Pork carcasses. 1. Section 53.142 would be amended to read as follows:

§ 53.142 *Application of standards for grades of barrow and gilt carcasses.* (a) Differences in barrow and gilt carcasses due to sex condition are minor, and the grade standards are equally applicable for grading both classes.

(b) Barrow and gilt carcasses are graded primarily on the basis of (1) differences in yields of lean cuts and of fat cuts, and (2) differences in quality of cuts. These factors vary rather uniformly and consistently from one grade to another. The U. S. No. 1 grade combines an optimum ratio of lean to fat with quality characteristics indicative of acceptable palatability. U. S. No. 2 and U. S. No. 3 grades have higher degrees of finish with resulting lower yields of lean cuts and higher yields of fat cuts than U. S. No. 1 grade. In addition, the cuts from U. S. No. 2 and U. S. No. 3 grades have more internal fat remaining after trimming of external fat than do the cuts from U. S. No. 1 grade carcasses. Medium grade carcasses have a lower degree of finish and a resulting higher ratio of lean to fat than U. S. No. 1, U. S. No. 2, and U. S. No. 3 grades; however, Medium grade carcasses are underfinished and lack the quality characteristics associated with acceptable palatability as evidence by a lack of firmness and indications of little or no marbling in the lean. Cull grade carcasses are decidedly underfinished and the pork is soft and watery with no visible marbling. Only carcasses with the firmness appropriate to their degree of finish are included under the standards described in this part. However, carcasses which are typically soft or oily as a result of feeds producing soft or oily fat may be graded in accordance with these standards provided they are specially identified as soft or oily along with the grade.

(c) Measurements of average back fat thickness in relation to carcass weight or length are closely related to yields of cuts and the quality of the cuts. The following table of measurements provides an objective guide in determining the barrow and gilt carcass grades.

WEIGHT AND MEASUREMENT GUIDES TO GRADES FOR BARROW AND GILT CARCASSES

Carcass weight or carcass length [1]	Average back fat thickness (inches)[2] by grade				
	U. S. No. 1	U. S. No. 2	U. S. No. 3	Medium	Cull
Under 120 pounds or under 27 inches.	1.2 to 1.5	1.5 to 1.8	1.8 or more	0.9 to 1.2	Less than 0.9.
120 to 164 pounds or 27 to 29.9 inches.	1.3 to 1.6	1.6 to 1.9	1.9 or more	1.0 to 1.3	Less than 1.0.
165 to 209 pounds or 30 to 32.9 inches.	1.4 to 1.7	1.7 to 2.0	2.0 or more	1.1 to 1.4	Less than 1.1.
210 or more pounds or 33 or more inches.	1.5 to 18	1.8 to 2.1	2.1 or more	1.2 to 1.5	Less than 1.2

[1] Either carcass weight or length may be used with back fat thickness as a reliable guide to grade. The table shows the normal length range for given weights. In extreme cases where the use of length with back fat thickness indicates a different grade than by using weight, final grade is determined subjectively as provided in the standards. Carcass weight is based on a chilled, packer style carcass. Carcass length is measured from the forward point of the aitch bone to the forward edge of the first rib.

[2] Average of measurements made opposite the first and last ribs and last lumbar vertebra.

(d) The standards for grades of barrow and gilt carcasses include carcass measurements and descriptions of carcass characteristics which indicate the lean and fat yields and imply the quality of meat typical of the minimum degree of finish of each grade. Visual estimates of fat thickness normally alleviate the necessity for measuring carcasses in the grading operation. In addition to the measurement guides to grade differences, the standards also provide the basis for consideration of other characteristics. While carcass measurements furnish a reliable general guide to grade, the final grade of borderline carcasses may vary from that indicated by measurements due to consideration of other characteristics such as visual evidences of quality; meatiness; conformation of hams, loins, bellies, and shoulders; and fat distribution. However, application of these additional factors is limited to borderline carcasses, and in no case may the final grade be more than one-half of the width of a grade different than that indicated by carcass measurements. The standards describe carcasses typical of each grade and no attempt is made to describe the nearly limitless number of combinations of characteristics that may qualify a carcass for a particular grade.

2. Section 53.143 would be amended to read as follows:

§ 53.143 *Specifications for official United States standards for grades of barrow and gilt carcasses*—(a) *U. S. No. 1 grade.* Carcasses in this grade have near the minimum degree of finish required for the production of acceptable quality cuts. Meatiness based on yield of lean cuts in relation to carcass weight is slightly high; yield of fat cuts is slightly low. The ratio of total lean and fat to bone is slightly high. Carcasses possessing the minimum finish for U. S. No. 1 grade are slightly wide and moderately long in relation to weight. The back and loins are moderately full and

thick with a well-rounded appearance. Hams are usually moderately thick, plump, and smooth and are slightly full in the lower part toward the hocks. Bellies are moderately long and smooth, slightly thick, and moderately uniform in thickness; the belly pocket is slightly thick. Shoulders are slightly thick and full but usually blend smoothly into the sides. The carcass is moderately well-balanced and smooth with moderately uniform development of the various parts. There are moderate quantities of interior fat in the region of the pelvis, a slightly thin but fairly extensive layer of fat lining the inside surface of the ribs, and a slightly small quantity of feathering. The flesh is firm. Both exterior and interior fats are firm, white, and of excellent quality. Carcasses with fat thickness typical of the thinner one-half of the U. S. No. 1 grade but with the firmness, quantity and distribution of interior fats, and belly thickness typical of the Medium grade shall be graded Medium. Carcasses with fat thickness typical of the fatter one-half of the U. S. No. 1 grade but with the fat distribution, meatiness, and thickness and fullness of hams, loins, shoulders, and bellies typical of the U. S. No. 2 grade shall be graded U. S. No. 2.

(b) *U. S. No. 2 grade.* Carcasses in this grade have a higher degree of finish than the minimum required for the production of acceptable quality cuts. Meatiness based on yield of lean cuts in relation to carcass weight is slightly low; yield of fat cuts is slightly high. The ratio of total lean and fat to bone is moderately high. Carcasses with the minimum finish for U. S. No. 2 grade are moderately wide and slightly short in relation to weight. The back and loins are full and thick and appear fuller near the edges than at the center. Hams are usually thick, plump, and smooth and are moderately full in the lower part toward the hocks. Bellies are moderately thick, smooth, slightly short, and rather uniform in thickness; the belly pocket is moderately thick. Shoulders are moderately thick and full but usually blend smoothly into the sides. The carcass is well-balanced and smooth with rather uniform development of the various parts. There are slightly large quantities of interior fat in the region of the pelvis, a slightly thick and moderately extensive layer of fat lining the inside surface of the ribs, and moderate feathering. The flesh is firm. Both exterior and interior fats are firm, white, and of excellent quality. Carcasses with fat thickness typical of the thinner one-half of the U. S. No. 2 grade but with the fat distribution, meatiness, and thickness and fullness of hams, loins, shoulders, and bellies typical of the U. S. No. 1 grade shall be graded U. S. No. 1. Carcasses with fat thickness typical of the fatter one-half of the U. S. No. 2 grade but with the fat distribution, meatiness, and thickness and fullness of hams, loins, shoulders, and bellies typical of the U. S. No. 3 grade shall be graded U. S. No. 3.

(c) *U. S. No. 3 grade.* Carcasses in this grade have a decidedly higher degree of finish than the minimum required for the production of acceptable quality cuts. Meatiness based on yield of lean cuts in relation to carcass weight is low; yield of fat cuts is high. The ratio of total lean and fat to bone is high. Carcasses with the minimum finish for U. S. No. 3 are wide and short in relation to weight. The back and loins are very full and thick and appear especially full near the edges. Hams are usually thick, very plump, and smooth and are full in the lower part toward the hocks. Bellies are short, thick, smooth, and uniform in thickness; the belly pocket is thick. Shoulders are thick and full but usually blend smoothly into the sides. The carcass is well-balanced and smooth with uniform development of the various parts. There are large quantities of interior fat in the region of the pelvis, a moderately thick and extensive layer of fat lining the inside surface of the ribs, and slightly abundant feathering. The flesh is firm. Both exterior and interior fats are firm, white, and of excellent quality. Carcasses with nearly minimum fat thickness for the U. S. No. 3 grade but with the fat distribution, meatiness, and thickness and fullness of hams, loins, shoulders, and bellies typical of the. U. S. No. 2 grade shall be graded U. S. No. 2.

(d) *Medium grade.* Carcasses in this grade have a lower degree of finish than the minimum required for the production of acceptable quality cuts. Yield of lean cuts in relation to carcass weight is moderately high; yield of fat cuts is moderately low. The ratio of total lean and fat to bone is moderately low. Carcasses with the minimum finish for Medium grade are rather narrow and long in relation to weight. The back and loins are rather thin and deficient in fullness and slope away from the center toward the sides. Hams are usually slightly thin and lacking in plumpness and taper slightly toward the hocks. Bellies are moderately thin, long, slightly wrinkled, and moderately uneven in thickness; the belly pocket is moderately thin. Shoulders tend to be thin and flat but often show prominence at the junction with the sides. The carcass tends to be uneven and rough with slightly irregular development of the various parts. There are slightly small quantities of interior fat in the region of the pelvis, a scanty and incomplete layer of fat lining the inside surface of the ribs, and only a small quantity of feathering. Both exterior and interior fats are moderately soft, white to creamy white, and of low quality. The flesh is moderately soft and has little evidence of marbling. Carcasses with the fat thickness typical of the fatter one-half of the Medium grade but with the firmness, quantity and distribution of interior fats, and belly thickness typical of the U. S. No. 1 grade shall be graded U. S. No. 1. Carcasses with the fat thickness typical of the thinner one-half of the Medium grade but with the firmness, quantity and distribution of interior fats, and belly thickness typical of the Cull grade shall be graded Cull.

(e) *Cull grade.* Carcasses in this grade have a considerably lower degree of finish than the minimum required for the production of acceptable quality cuts, and most cuts are suitable only for processing. Yield of lean cuts in relation to carcass weight is high; yield of fat cuts is low. The ratio of total lean and fat to bone is low. Carcasses with the degree of finish typical of the Cull grade are narrow and long in relation to weight. The back and loins are thin and decidedly lacking in fullness and have a definite slope away from the center toward the sides. Hams are usually thin, flat, and wrinkled, and show a definite taper toward the hocks. Bellies are very long, thin, wrinkled, and uneven in thickness; the belly pocket is very thin. Shoulders are thin and flat but often prominent at the junction with the sides. The carcass is uneven and rough with irregular development of the various parts. There are only small quantities of interior fat in the region of the pelvis and little or no fat as lining on the inside surface of the ribs or as feathering between the ribs. Both exterior and interior fats are soft, creamy white to white, and of low quality. The flesh is soft and watery and has no evidence of marbling. Carcasses with nearly maximum fat thickness for the Cull grade but with the firmness, quantity and distribution of interior fats, and belly thickness typical of the Medium grade shall be graded Medium.

Swine. 1. Section 53.151 would be amended to read as follows:

§ 53.151 *Slaughter swine classes.* There are five classes of slaughter swine—barrows, gilts, sows, stags, and boars—defined as follows:

(a) *Barrow.* A barrow is a male swine castrated when young and before development of the secondary physical characteristics of a boar.

(b) *Gilt.* A gilt is a young female swine that has not produced young and has not reached an advanced stage of pregnancy.

(c) *Sow.* A sow is a mature female swine that shows evidence of having reproduced or has reached an advanced stage of pregnancy.

(d) *Stag.* A stag is a male swine castrated after development or beginning of development of the secondary physical characteristics of a boar. Typical stags are somewhat coarse and lack balance—the head and shoulders are more fully developed than the hindquarter parts, bones and joints are large, the skin is thick and rough, and the hair is coarse.

(e) *Boar.* A boar is an uncastrated male swine.

2. Section 53.152 would be revised to appear as follows:

§ 53.152 *Application of standards for grades of slaughter barrows and gilts.* (a) In the barrow and gilt classes, sex condition has exerted little effect on secondary physical characteristics, and barrows and gilts are treated as a single class in marketing and for standardization purposes. Therefore, the grade standards are equally applicable to both slaughter barrows and gilts.

(b) The standards are based on the standards for grades of barrow and gilt carcasses. The two major factors forming the bases for the grades are (1) differences in yield of lean cuts and of fat cuts, and (2) differences in quality of cuts. There are rather consistent variations in these characteristics from one grade of barrows and gilts to another. U. S. No. 1 grade barrows and gilts have about the minimum finish required to produce pork cuts of acceptable quality in which the lean is firm and has sufficient marbling, or fat interspersed within the lean, to result in the tenderness, juiciness, and flavor associated with desirable palatability. U. S. No. 2 grade barrows and gilts are overfinished and U. S. No. 3 grade barrows and gilts are decidedly overfinished in relation to the minimum finish required for the production of cuts of acceptable quality; yields of lean are lower and yields of fat are higher in these grades than in U .S. No. 1 grade. Medium grade barrows and gilts are underfinished, and although the ratio of lean to fat is higher than in U. S. No. 1 grade, the lean is soft and has little or no marbling. Cull grade barrows and gilts are decidedly underfinished and the pork is soft and watery with no visible evidence of marbling in the lean.

(c) Application of the standards requires an accurate appraisal of the live animal characteristics which indicate the grade. The standards describe the characteristics of typical animals having the minimum degree of finish for each grade. No attempt is made to describe the numerous combinations of characteristics that may qualify an animal for a specific grade, and making appropriate compensations for varying combinations requires the use of sound judgment.

(d) The general limits of grades for barrows and gilts are determined by degree of finish, but other factors are considered in certain cases to accomplish further refinement of the grades. Animals at the borderlines between grades with respect to degree of finish are graded by consideration of meatiness as evidenced by thickness and fullness (fat covering considered) of hams, loins, shoulders, and bellies; apparent firmness of fleshing; and distribution of fat covering. The application of these compensating factors is limited to borderline cases between grades, and in no case is the final grade of an animal more than one-half the width of a grade different than that indicated by apparent degree of finish.

3. Section 53.153 would be amended to read as follows:

§ 53.153 *Specifications for official United States standards for grades of slaughter barrows and gilts*—(a) *U. S. No. 1 grade.* Slaughter barrows and gilts in this grade have an intermediate degree of finish. Hogs of the minimum finish for U. S. No. 1 are moderately wide over the top, and width of body over the top appears nearly equal to that at the underline. The back, from side to side, is moderately full and thick and usually appears well-rounded and blends smoothly into the sides. Width through the hams is usually nearly equal to width through the shoulders. The sides are moderately long, slightly thick, and usually smooth; the flanks are slightly thick and full. Depth at the rear flank may be slightly less than depth at the fore flank. Hams tend to be moderately thick and full with a slightly thick covering of fat. Jowls are moderately full and thick but are usually trim. Barrows and gilts in this grade produce U. S. No. 1 carcasses. Barrows and gilts with apparent degree of finish typical of the fatter one-half of the U. S. No. 1 grade but with the evidences of meatiness, firmness of fleshing, and distribution of finish more nearly typical of the U. S. No. 2 grade shall be graded U. S. No. 2.

(b) *U. S. No. 2 grade.* Slaughter barrows and gilts in this grade have a moderately high degree of finish. Hogs of the minimum finish for U. S. No. 2 are wide over the top, and width of body appears slightly greater over the top than at the underline. The back, from side to side, is full and thick and often appears slightly flat with a noticeable break into the sides. Width may be slightly greater through the shoulders than through the hams. The sides are slightly short, moderately thick, and smooth; the flanks are moderately thick and full. Depth at the rear flank is nearly equal to depth at the fore flank. Hams tend to be thick and full with a moderately thick covering of fat, especially over the lower part. Jowls are usually full and thick, and the neck appears rather short. Barrows and gilts in this grade produce U. S. No. 2 carcasses. Barrows and gilts with apparent degree of finish typical of the fatter one-half of the U. S. No. 2 grade but with the evidences of meatiness, firmness of fleshing, and distribution of finish more nearly typical of the U. S. No. 1 grade shall be graded U. S. No. 1.

(c) *U. S. No. 3 grade.* Slaughter barrows and gilts in this grade have a high degree of finish. Hogs possessing the minimum finish for U. S. No. 3 are very wide over the top, and width of body appears somewhat greater over the top than at the underline. The back, from side to side, is very full and thick and often appears nearly flat with a pronounced break into the sides. Width may be greater through the shoulders than through the hams. The sides are short, thick, and smooth; the flanks are thick and full. Depth at the rear flank is equal to depth at the fore flank. Hams tend to be very thick and full with a thick covering of fat, especially over the lower part. Jowls are very thick and full, and the neck appears short. Barrows and gilts in this grade produce U. S. No. 3 carcasses. Barrows and gilts with apparent degree of finish near the minimum for U. S. No. 3 grade but with evidences of meatiness, firmness of fleshing, and distribution of finish more nearly typical of the U. S. No. 2 grade shall be graded U. S. No. 2.

(d) *Medium grade.* Slaughter barrows and gilts in this grade have a low degree of finish. Hogs of the minimum finish for the grade are moderately narrow over the top, and width over the top appears less than at the underline. The back, from side to side, is slightly thin and appears rather peaked at the center, especially at and immediately behind the shoulders, with a distinct slope toward the sides. Hips may appear slightly prominent. Width may be slightly less through the shoulders than through the hams. The sides are long, moderately thin, and wrinkled; the flanks are thin. Depth at the rear flank is less than depth at the fore flank. Hams tend to be thin and flat with a slight taper toward the shanks. Jowls are usually slightly thin and flat, and the neck appears rather long. Barrows and gilts in this grade produce medium grade carcasses.

(e) *Cull grade.* Slaughter barrows and gilts in this grade have a very low degree of finish. Hogs with the fleshing typical of the grade are narrow over the top, and width of body appears somewhat less over the top than at the underline. The back, from side to side, is thin, lacks fullness, and appears peaked at the center with a decided slope toward the sides. The hips are prominent. Width may be somewhat less through the shoulders than through the hams. The sides are very long, thin, and wrinkled; the flanks are very thin. Depth at the rear flank is considerably less than depth at the fore flank. Hams are very thin and flat with a decided taper toward the shanks. Jowls are usually thin and flat, and the neck appears long. Barrows and gilts in this grade produce Cull grade carcasses.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director of the Livestock Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 19th day of April 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-3328; Filed, Apr. 22, 1955; 8:46 a. m.]

[7 CFR Part 965]

[Docket No. AO-166-A19]

MILK IN CINCINNATI, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cincinnati, Ohio, on January 11, 12, and 13, 1955, pursuant to notice thereof issued January 7, 1955 (20 F. R. 179).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service on April 7, 1955, filed with the Hearing Clerk, United States Department of Agricul-

ture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on April 9, 1955 (20 F. R. 2313; F. R. Doc. 55-2946).

Ruling on exceptions. Within the period reserved for filing exceptions, to the recommended decision, exceptions were submitted on behalf of certain producers and handlers. These exceptions have been fully considered. To the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

The material issues of record relate to:

(1) Adoption of a "withholding" and "pay-back" method of distributing among producers the proceeds from the sale of their milk to handlers.

(2) Reclassification of certain milk products now included in Class II, Class III, and Class IV milk.

(3) Revision of the formulas for pricing Class III milk and Class IV milk.

(4) Modification of the Class I and Class II price differentials (over the basic formula price) to eliminate seasonal price changes; and revision of the automatic supply-demand "adjustor" (affecting Class I and Class II price levels).

(5) Revision of the location adjustments applicable at pool plants supplying milk to distributing plants (fluid milk plants) which service the marketing area.

(6) Modification of butterfat differentials to handlers as a corollary to changes in class prices.

(7) Adoption of definitions of "dairy farmer" and "producer-handler."

(8) Revision of the butterfat differential to producers for administrative purposes.

(9) The emergency nature of marketing conditions.

Revisions of the price formulas for Class III and Class IV milk on a temporary basis (for the month of March 1955 only) were adopted in a decision issued on February 17, 1955, by the Assistant Secretary of Agriculture. Such revised formulas became effective on March 1, 1955. It was determined also in such decision that all other issues, including any consideration of Class III and Class IV milk pricing on a longer-term basis, should be submitted to interested parties for exceptions prior to final consideration and issuance. Such opportunity for exceptions was provided by the recommended decision.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The returns to producers should be seasonally adjusted to provide additional price incentive for increased production of milk in the fall and winter months and a lower level of production in the spring and summer months.

Producer organizations proposed that the uniform price per hundredweight to producers be decreased by deducting 20 cents in April, 35 cents in May and June, and 30 cents in July. The monies accruing from such deductions from the price would be held in reserve for payment to producers during the months from September through January next following. One-eighth of the amount held in reserve would be returned to producers by addition to the uniform price for each of the months of September and January and one-fourth of such reserve would be added to the uniform price for each of the months of October, November, and December. As a corollary change the seasonal variations in the Class I price differential which occur twice a year, in April and August, would be eliminated and a single price differential for such class would be effective throughout the year.

The purpose of the provision is to widen the seasonal variation in uniform prices to producers between the period of seasonally highest production and the months of lowest seasonal production, thus to encourage a seasonal shift in milk deliveries to accommodate the need for a relatively even market supply of milk throughout the year. The record indicates that, typically, an average of 1.46 million pounds of milk were received daily from regular producers in May 1954 but that by November such receipts had dropped to 1.09 million pounds per day. Although the seasonal variation in the supply of producer milk has narrowed considerably during recent years, the variation is still sufficient to cause serious problems in the disposition of the seasonal reserve supply during the spring and summer. Any reduction in the seasonal level of supplies during such months is desirable because it will reduce the problem of disposing of milk which is excess to the needs of the market for inspected milk. The wider seasonal variation in returns should provide further encouragement to producers for increasing their production when returns are high and to reduce production when returns are low.

In certain of the larger markets with which Cincinnati competes for supplies, systems highly similar to that adopted for Cincinnati are used for adjusting uniform prices to producers on seasonal basis. The wider seasonal variation to be effected by the plan herein adopted should result in an improved seasonal relationship throughout the year between producer prices in Cincinnati and such competing markets.

It is concluded that the amount per hundredweight of producer milk to be retained should be 30 cents in April, 35 cents in May and June, and 20 cents in July. The total amount so retained should be divided so as to return to producers one-fourth of the total amount in each of the months of August through November. These rates of withholding and disbursement do not correspond precisely with the rates suggested by proponents. However, an analysis of the supply data indicates that a greater stimulus to the desired production pattern may be effected by making the rate of deduction somewhat higher for the period just prior to the peak of the flush season and by starting payments from the reserve fund to producers somewhat in advance of the months of lowest production. It may be noted, for example, that payments for April milk are received by producers at approximately the time of the production peak. Thus, it would appear that a given rate of deduction on April milk would be more effective in discouraging high production in the spring than a similar rate applied to July milk. Also, producers do not receive payment for September milk until more than half of the month of October has passed, i. e., immediately prior to the date of lowest seasonal production. It would appear that greater stimulation to shift the seasonal production pattern of supply will be afforded by revising the rates of deduction suggested for April and July by proponents and by a somewhat earlier disposition of the fund. Under such a plan payments out of the fund should begin with respect to August deliveries for which payment is made on the 20th day of September.

(2) The classification provisions of the order should be revised.

Eight proposals, as summarized below, were presented involving the classification of various products of milk.

Producer groups proposed, in essence, that milk, skim milk, and cream disposed of as plain, or sweetened, condensed and evaporated milk, animal feed, spray process and roller process nonfat dry milk solids, milk and skim milk dumped and spilled, and inventory variations other than Class III, be reclassified to Class IV from Class III milk.

One handler proposed that (1) all milk used to produce cheddar cheese, ice cream, ice cream mix, frozen cream, and frozen desserts, be reclassified from Class III to Class IV milk.

Certain other handlers proposed that (1) all milk, skim milk, and cream disposed of as cultured sour cream be reclassified from Class II to Class III milk, and (2) all milk, skim milk, and cream disposed of as plain, or sweetened, condensed and evaporated milk, and as spray and roller process nonfat milk solids be classified as Class IV instead of Class III milk.

The Dairy Division, Agricultural Marketing Service, proposed that, in view of the above proposals by producers and handlers, the entire classification structure of the market be reviewed.

Class I milk should include all milk and butterfat (1) disposed of in fluid form as milk, skim milk, flavored milk, milk drink, and buttermilk; (2) used to produce concentrated milk (except those products commonly known as evaporated milk and condensed milk); (3) disposed of in the form of fluid sweet or cultured sour cream, whipped cream, any product in fluid form containing 8 percent or more of butterfat not specified in Class II or Class III milk (excluding any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product), and eggnog; and (4) butterfat shrinkage from producers' milk in excess of 2.5 percent of such milk. This classification differs from that currently in the order in that buttermilk and items specified in (3) above have been added to Class I milk.

Testimony introduced into the record states that health regulations require the use of Grade A milk for those products added to Class I when such products are sold within the city of Cincinnati. In addition, these products are sold on a year-round basis and compete for the supply of inspected milk with other items which require milk of similar quality and have been included in Class I milk in the past. In view of the above these products should be included in Class I to return to the producers a price commensurate with their use value and in order that they will carry their proportionate share of the costs of inducing an adequate supply of Grade A milk for all purposes for which this type of milk is required.

Although some opposition to the reclassification of cream to Class I milk was expressed at the hearing, it may be noted that such reclassification will increase handlers' costs only 45 cents per hundredweight of 40 percent cream, or $0.00241 per half-pint, since the price applicable to the butterfat component (through the butterfat differential) which represents the major factor in the cost of such product to handlers already is identical to that applicable to Class I milk.

This conclusion disposes also of the proposal that milk used for "cultured sour cream" be reclassified from the present Class II to present Class III milk. Attention is called to the decision of the Assistant Secretary dated June 9, 1954 which states, "Local health regulations require that sour cream be made from milk produced and handled in full compliance with these regulations—the same quality of milk as is required for cream for fluid consumption. The only available source of milk of this quality has been from producers as defined in the Cincinnati order, except in times of milk shortages when health authorities have permitted limited amounts of other milk to be used for short periods of time for this and other fluid uses. Thus, the market requirements for milk for sour cream are regularly supplied with producer milk. This use of milk should carry its share of the burden of maintaining producer milk supplies at a level sufficient to meet market requirements." Evidence presented at the hearing on January 11, 12, and 13, 1955 was essentially the same as the evidence presented at the hearing in 1954 upon which the decision of June 9, 1954, was based. The proponent handler, who is the primary processor of cultured sour cream in the market, stated that he would buy only milk of high quality for this use regardless of applicable health requirements. Although proponent indicated instances of competition with cultured sour cream originating in other markets, the testimony on this point is vague. It is concluded therefore that the record does not support the inclusion of cultured sour cream in a class lower than sweet cream.

Similar reasoning may be applied to the classification of eggnog and whipped cream; therefore, these products should be included in Class I milk also.

Class II milk as revised should include all skim milk and butterfat used to produce (1) ice cream, ice cream mix, frozen desserts, milk (or skim milk) and cream mixtures testing more than 8.0 percent butterfat in fluid form disposed of in containers or dispensers under pressure; (2) cottage cheese; and (3) inventories of fluid products items. This classification differs from that currently in the order in that skim milk and butterfat used for eggnog have been reclassified from the present Class III to Class I milk as stated above, and in that milk used for condensed milk (or skim milk), frozen cream, evaporated milk, cheese (other than cottage cheese), nonfat dry milk solids, margarine, animal feed, and dumped and spilled milk have been reclassified from the present Class III to the new Class III milk.

Class II milk, as adopted, is made up of milk products that have common characteristics from the points of view of use and competitive conditions. In the main these items, as well as Class I products, require year-round supply of inspected milk for a substantial portion of the market and are therefore different from items included in the lower-priced Class III milk. All are of a perishable nature but may be stored considerably longer than the items which make up Class I milk. The use of Grade A inspected milk is required for most products of Class II milk sold within the city limits of Cincinnati. Testimony introduced into the record indicated, however, that within the periphery of the city limits of Cincinnati, there are three municipalities, Norwood, Elmwood Place, and St. Bernard, which have separate corporate identities. Health regulations for the city of Cincinnati do not apply in these three municipalities; nor do these health regulations apply to the sales territory adjacent to Cincinnati and within the defined marketing area which is regularly covered by handlers manufacturing ice cream whose plants are located in Cincinnati.

Handlers who make ice cream or cottage cheese and who use Grade A inspected milk compete on sales made within the city limits only with other handlers who likewise purchase inspected milk for this use. With respect to such business all handlers are on a similar competitive basis in the purchase of their supplies. It is recognized, however, that such handlers have competition in other parts of the marketing area and in adjacent areas from manufacturers who are not required to use Grade A milk. Evidence introduced into the record indicated that as to ice cream this competition comes from ice cream manufacturers located in Dayton and Columbus, Ohio, and Louisville, Kentucky, among others. Official notice is taken of the fact that the 1950 population of Cincinnati was about 504,000 while that of Hamilton County (the order marketing area) for the same date was about 724,000. In addition, the ice cream sales distribution area of handlers extends considerably beyond Hamilton County. This indicates that a considerable portion of the ice cream sales by Cincinnati handlers are in areas where there is definite competition from unregulated ice cream manufacturers. One manufacturer testified, for example, that 40 percent of his sales were in the city of Cincinnati and that 60 percent were in surrounding territory.

Because of this competition from manufacturers who may use uninspected milk for their products, it would be unrealistic to include ice cream and other Class II products in the same price classifications as milk utilized for Class I purposes, even though the use of Grade A inspected milk is required for such product within Cincinnati. To do so would place Cincinnati manufacturers in an unfavorable competitive position in a large part of their sales territory and would result in the loss of a considerable market for producers' milk.

Because of the concentrated nature of cottage cheese as compared with milk supplied for fluid use, outlying plants that are qualified, from a health standpoint, to supply milk to the city of Cincinnati can ship cottage cheese into the market at a considerable saving over the cost of shipping whole milk which would otherwise be required for the processing of these products. The classification and pricing of cottage cheese should not be such as to increase the price appreciably above the level at which it could be, and sometimes is, obtained elsewhere in processed form since to do so would place undue burden upon the marketing of producer milk with possible disruptive effect upon the market.

At the same time, the products covered by Class II milk should be placed in a higher price classification than those products in Class III milk. With the exception of milk utilized to process whipped cream substitutes, handlers require a regular supply of inspected milk for such products on a year-round basis even though a portion of the products must be disposed of in open competition with similar products made in other nearby areas. It may be noted further that cream and other milk ingredients of ice cream which would be suitable for Cincinnati handlers can be obtained from outside inspected sources only at a price considerably above the price level of manufacturing milk. If handlers choose to utilize producer milk for the processing of whipped cream substitutes, the return to producers should be somewhat greater than for milk which represents an extra reserve supply and does not require delivery to the marketing area for processing. There would appear to be no reason why milk from regular producers for the Cincinnati market used for any of such purposes should be classified strictly on a manufacturing basis.

Inventories are placed in Class II milk but should be limited to stocks on hand of bulk milk, skim milk, and cream and bottled milk and other fluid items in Class I milk. Processed products in Class I (such as cultured sour cream) and those in Class II and Class III milk should not be included in inventory since the milk used to produce such products will have been accounted for in the proper class.

Because inventories of fluid items are to be accounted for in Class II, it is necessary to provide a method for handling producer milk in inventory which is utilized in the current month for Class I purposes, but which the handler accounted for in Class II at the end of the preceding month. An additional fac-

tor to be considered is that handlers frequently use other source milk in their operations. Producer milk from inventory should have prior claim on Class I milk over current receipts of other source milk. This should be accomplished by considering the opening inventory of a month as a receipt in the same month and subtracting such receipt (under allocation procedure), in series, starting with Class II milk, following the subtraction of other source milk. To the extent that the opening inventory is allocated to Class I and there was an equivalent amount of producer milk classified in Class II in the previous month (after allocating other source milk) a reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month. This will result in equity of cost of milk among handlers and returns to producers irrespective of whether or not such producer milk is from the opening inventory or is a current receipt. This change will greatly simplify the accounting procedures for handling inventory without increasing costs to handlers. The proposed system should be easier to administer and should reduce the reporting requirements on handlers.

Class III milk should include all milk and butterfat (1) used to produce plain, or sweetened, condensed milk or evaporated milk in bulk or in hermetically sealed cans, nonfat dry milk solids, and margarine; (2) used to produce cheese (not including cottage cheese), frozen cream, and butter; (3) specifically accounted for as dumped and spilled; (4) in milk, skim milk, and cream disposed of in bulk during March through August for commercial food processing; and (5) in butterfat shrinkage up to 2.5 percent of total receipts of butterfat in producer milk and shrinkage of butterfat in other source milk. Such classification differs from that currently in the order in that all such products, except butter, have been reclassified into the lowest price class of the market.

This classification structure puts into Class III all products which are essentially outlets for extra reserve supplies of milk. Within the Cincinnati milkshed milk is used for all such products at some time during the flush season. For the most part these products do not represent normal requirements of the market and do not require a supply of inspected milk. Also, there are no health regulations governing the type of milk to be used for the products of Class III milk while the milk used for products in the other classes must be Grade A inspected to the extent already described. Further, products such as butter, nonfat dry milk solids, and cheese are manufactured and sold on a nationwide basis wherever produced, and are priced on the basis of central markets. Consequently, if milk is to be utilized for these products during the season when the local milk supply is in excess of normal market needs, the pricing classification must be in line with that of manufacturing milk in other areas. It is appropriate, therefore, that such products be grouped into a separate price classification.

The inclusion of bulk condensed milk (or skim milk) and frozen cream in this class should encourage handlers to convert producer milk into these products for later use in ice cream, ice cream mix, and frozen desserts which are included in Class II milk. However, if, in a later month such Class III milk products, regardless of source, are allocated to Class II milk a "reclassification" charge should be applied to insure equity of cost among handlers for Class II milk. Such a charge is provided in the order.

(3) The price formulas for Class II and Class III milk as defined above should be revised.

Producer groups proposed that Class IV milk (as presently defined) be priced the same as present Class III milk for the months of September through February and be priced at a lower level for the months of March through August. A handler proposed a dual pricing structure for milk used to produce ice cream and related products, i. e., milk so used would be priced at one level if sold within the city of Cincinnati and at a different level if disposed of outside the city. An alternative proposal by the same proponent would price all milk used to produce ice cream at the price level of milk sold by dairy farmers to local condenseries. It was further proposed that milk used to produce Cheddar cheese be priced at the latter level. Another handler proposed that such Class III milk be priced at the higher of a butter-nonfat dry milk solids formula price or the local condensery price, and that present Class IV milk be priced at the lower of such butter-nonfat dry solids formula price or the local condensery price.

One proponent of a lower price for milk used as ice cream contended that handlers are placed at a competitive disadvantage in the sale of ice cream outside Cincinnati on the basis that they are forced to pay a higher price than their competitors who use ungraded milk for this purpose. It was further contended that because of proponent's present unfavorable competitive position in purchasing milk, ice cream sales have been lost and returns to Cincinnati producers thereby have been reduced. Testimony offered in opposition to the proposal contended that any lowering of the price of milk used to manufacture ice cream would reduce the uniform price and consequently would create added pressure on Class I prices.

Revised Class II milk, as in the case of Class I milk, represents year-round usage of producer milk. However, ice cream and cottage cheese, the principal products of Class II milk, while requiring Grade A milk for manufacture and sale within the city of Cincinnati, need not be made from such quality of milk to be sold in other parts of the marketing area and is found in competition with similar products made from ungraded milk when sold in the segment of the marketing area which lies outside the city.

Because of these factors milk used for ice cream and cottage cheese should be priced independently from the other classes of milk. Under current competitive sales conditions milk used for such products should be priced lower than milk used for Class I products; on the other hand, since they require a year-round supply of inspected milk in a major portion of the marketing area, they should be regarded as a regular rather than a distress use of milk and therefore should be priced somewhat above the prevailing price for milk for manufacturing purposes.

The suggestion that the price for milk for ice cream should be the same as the average of prices paid by local condenseries does not take recognition of the fact that, because of the city health regulations, Cincinnati handlers, must use inspected milk for ice cream sold within the city. It might well be argued that if milk used to produce ice cream for sales within the city of Cincinnati alone was to be considered, the price should be the same as that for Class I milk.

It may be noted also that proponents on inquiry agreed that the price paid to Cincinnati producers for milk used in ice cream, even when disposed of outside the city, should not be less than the cost of obtaining the required ingredients from other sources. The price formula for 3.5 percent milk adopted in this decision when adjusted by the class butterfat differential to the appropriate test is believed to be one which will result in an average cost to handlers for mix used in ice cream that is reasonably related to the prices which would be necessary to purchase the ingredients used therein if obtained from alternative sources. Such cost also will be in reasonable alignment with the respective costs of ice cream mix (at appropriate butterfat test) as computed under the provisions of other nearby Federal orders.

In consideration of exceptions to the recommended decision, a further review of the record evidence has been made of the Class II milk price. It is concluded herein that this price should be reduced somewhat from the level previously indicated to assure Cincinnati ice cream manufacturers a reasonable competitive position in relation to those manufacturers who may use ungraded milk for such purposes.

During the flush months of 1954 the total volume of milk going to Class II and Class III uses was, seasonally, the largest in the history of the market. Testimony introduced into the record showed that early in the flush season of 1954, substantial quantities of milk were turned back to cooperatives to be disposed of at any price the cooperatives might be able to obtain through disposal to unregulated plants. Recognition was taken of the fact that the prices then prevailing in the order were at a level that would not permit excess milk to move to normal outlets. In March 1954, the order was revised on a seasonal basis to provide a price for excess milk closely in line with the prevailing price of manufacturing milk. Production during recent months has continued at a relatively high level, indicating that volume of producer milk to be disposed of as excess milk during the flush season this year will be approximately as great as the volume so utilized in the same months of 1954. Although the pricing structure is designed to encourage a more even production pattern, a wide variation in production has been characteristic of the market.

In the interest of orderly marketing, it is concluded that the pricing structure for milk which must be used for the revised category of Class III milk should be so established as to enable such milk to move into manufacturing uses when seasonal excesses of supply exist. This may be accomplished by pricing such milk at the average price paid by local condenseries during the flush production season. It is concluded further that while the latter price should prevail during the flush season, a somewhat higher price (same as Class II price) should prevail during the remainder of the year. This price plan will promote the orderly marketing of excess milk during the flush season but also will encourage handlers to direct producer milk into higher-valued classifications during the short production season when such milk is needed for the various fluid uses, as indicated by the apparent continuing need for supplemental supplies from outside sources in such months. For the same reason the proposal to establish on a year-round basis the local condensery price as the producer price for milk used to produce Cheddar cheese should not be adopted. It is noted that proponents of the latter proposal indicated that the price problem encountered relates primarily to the flush production season.

Attention is called to the fact that basic formula price provision (§ 965.50 (a)) of the order has been changed to reduce the list of "midwest condenseries" contained therein from eighteen to thirteen plants by taking official notice of the fact that the five plants which have been eliminated from the list are no longer in operation.

(4) The Class I price provisions of the order, including the automatic supply-demand adjustor, should be revised.

Producer groups proposed that Class I milk be priced at a differential of $1.30 above the basic formula price on a year-round basis. Under the present order provisions Class I milk is priced at $1.05 above the basic formula during April through July, and $1.35 above the basic formula during August through March.

The Dairy Division, Agricultural Marketing Service, proposed that, in view of the various proposals for reclassification and pricing submitted by interested parties, the whole pricing structure should be reviewed.

The proposal for a uniform year-round Class I differential should be adopted. It does not appear that a seasonal variation of Class I prices will be necessary following adoption of the fall incentive payment plan as discussed elsewhere in this decision. The present system of seasonal pricing was adopted for the purpose of emphasizing the need for less milk in the flush production season of April, May, June, and July and of additional production during those months of the year when production is seasonally low. With the adoption of the fall incentive plan the seasonal variation in payments to producers should be appreciably greater than that provided by the present plan of seasonal variation in Class I prices.

Considerable evidence was introduced into the record on the subject of whether or not the proposed $1.30 Class I differential would constitute a net increase or decrease in the Class I price when compared to the annual weighted average of the seasonal differentials ($1.05 and $1.35) now in effect. It is concluded the proposed differential in conjunction with other changes as described below will result in a Class I price level substantially unchanged on an annual average basis. Such level of Class I differential should be adequate to bring forth a sufficient supply of milk.

Following the filing of exceptions a revision of the Class II milk price and butterfat differential on the basis of the record was made which alters the level of the Class I butterfat differential. The order as contained in the recommended decision has been revised to retain the level of Class I butterfat differential provided by such decision.

The supply-demand adjustment should be revised on a seasonal basis. In the present order three schedules of adjustment rates are provided: one for the months of January, February, March, August, and September; a second schedule for April, May, June, and July; a third for October, November, and December. Under this system considerable variation in Class I prices has resulted, e. g., during 1954 the supply-demand adjustment varied from a plus $0.26 to a minus $0.26, or a total difference of $0.52 per hundredweight of milk. Part, although not all, of this difference was caused by the varying rates provided in the order.

It has been stated that a constant year-round Class I price differential has been adopted to eliminate variations in the Class I price from a seasonal standpoint in view of the alternative fall incentive payment plan discussed herein. Similar reasoning might be applied in connection with supply-demand adjustments since it is planned to accomplish appropriate seasonal variations in uniform prices to producers by the "take out" and "pay back," or fall incentive payment plan.

The supply-demand adjustments are designed to result in automatic changes in Class I prices as market supplies of producer milk change in relation to the quantity of Class I milk sold. In order to provide consistency in the data used to compute the base percentages and to simplify the computations, the disposition of items covered by § 965.41 (a) (1) and (3) is used as the measure of demand. To determine changes in the "supply-demand ratio" from a norm, the percentage of such sales to supplies in a recent two-month period is compared with a "base utilization percentage." Since plus or minus adjustments may reflect variations from seasonally established relationships of supply to demand in the base percentages, the supply-demand adjustment for a given month will be proper only so long as supply conditions and demand conditions continue in the pattern established as "normal." However, "normal" is a relative term and what may be considered appropriate as base percentages at one time may not be considered so at some later date. If either the supply pattern or the demand pattern shift from that established as normal, the supply-demand adjustments will cease to function properly from a seasonal standpoint. The fact that the supply-demand adjustment may result in unusual pluses or minuses to the price for any given month or season does not mean, necessarily, that normal relationships have changed. Such changes from the standard pattern may result from unusual conditions, such as a very late spring or extraordinary pasture for the particular season. However, when it is evident that there is a consistent change in the pattern, it may be assumed that new supply-demand relationships (on a seasonal basis) have developed and that the prior base percentages which had been considered normal no longer will give satisfactory results.

Such a situation appears to have developed in the Cincinnati market. As a result of an increased rate of production in the winter months and a relatively smaller increase in the spring and summer months (the flush season), seasonal variations in production have decreased rapidly during the past four years. This may be simply illustrated in the table below:

PRODUCER RECEIPTS: PERCENT OF VARIATION FROM ANNUAL AVERAGE (BASED UPON DAILY RECEIPTS)

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The shifting seasonal production pattern may be shown also by the relationship of production in the month of lowest supply to the month of highest supply. During the past four years this relationship (percentage-wise) has been: 1951, 52 percent; 1952, 61 percent; 1953, 64 percent; 1954, 67 percent.

During this same four-year period Class I usage has increased substantially but at a lesser rate than producer receipts; also, Class I usage has not shifted to a significant degree on a seasonal basis. As a result of the seasonal shift in production and the relatively stable seasonal pattern of Class I usage, supply-demand relationships have changed considerably during the four-year period. On an annual basis the producer receipts—Class I usage ratio has dropped from 66 percent in 1951 to 60 percent in 1954. A somewhat different result may be shown for various seasons of the year: for the months of December, January and February, the ratio has declined from 80 percent to 69 percent; for the three flush production months of May, June, and July the ratio has remained fairly stable, declining only from 51 percent to 50 percent; and for the two months of shortest production, October and November, the ratio has declined from 79 percent to 73 percent.

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In the interest of orderly marketing, it is concluded that the pricing structure for milk which must be used for the revised category of Class III milk should be so established as to enable such milk to move into manufacturing uses when seasonal excesses of supply exist. This may be accomplished by pricing such milk at the average price paid by local condenseries during the flush production season. It is concluded further that while the latter price should prevail during the flush season, a somewhat higher price (same as Class II price) should prevail during the remainder of the year. This price plan will promote the orderly marketing of excess milk during the flush season but also will encourage handlers to direct producer milk into higher-valued classifications during the short production season when such milk is needed for the various fluid uses, as indicated by the apparent continuing need for supplemental supplies from outside sources in such months. For the same reason the proposal to establish on a year-round basis the local condensery price as the producer price for milk used to produce Cheddar cheese should not be adopted. It is noted that proponents of the latter proposal indicated that the price problem encountered relates primarily to the flush production season.

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Producer groups proposed that Class I milk be priced at a differential of $1.30 above the basic formula price on a year-round basis. Under the present order provisions Class I milk is priced at $1.05 above the basic formula during April through July, and $1.35 above the basic formula during August through March.

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It has been stated that a constant year-round Class I price differential has been adopted to eliminate variations in the Class I price from a seasonal standpoint in view of the alternative fall incentive payment plan discussed herein. Similar reasoning might be applied in connection with supply-demand adjustments since it is planned to accomplish appropriate seasonal variations in uniform prices to producers by the "take out" and "pay back," or fall incentive payment plan.

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Such a situation appears to have developed in the Cincinnati market. As a result of an increased rate of production in the winter months and a relatively smaller increase in the spring and summer months (the flush season), seasonal variations in production have decreased rapidly during the past four years. This may be simply illustrated in the table below:

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The shifting seasonal production pattern may be shown also by the relationship of production in the month of lowest supply to the month of highest supply. During the past four years this relationship (percentage-wise) has been: 1951, 52 percent; 1952, 61 percent; 1953, 64 percent; 1954, 67 percent.

During this same four-year period Class I usage has increased substantially but at a lesser rate than producer receipts; also, Class I usage has not shifted to a significant degree on a seasonal basis. As a result of the seasonal shift in production and the relatively stable seasonal pattern of Class I usage, supply-demand relationships have changed considerably during the four-year period. On an annual basis the producer receipts—Class I usage ratio has dropped from 66 percent in 1951 to 60 percent in 1954. A somewhat different result may be shown for various seasons of the year: for the months of December, January and February, the ratio has declined from 80 percent to 69 percent; for the three flush production months of May, June, and July the ratio has remained fairly stable, declining only from 51 percent to 50 percent; and for the two months of shortest production, October and November, the ratio has declined from 79 percent to 73 percent.

Thus, the evidence in the record indicates that supply-demand relationships have changed and that the base supply-demand percentages should be revised. Moreover, without modification of such

percentages it appears from operation of the formula over the past two years that plus or minus adjustments resulting from the provision could work in a manner contrary to the fall incentive payment plan. If this were to occur consistently, as the result an unrealistic seasonal pattern of base percentages, the effectiveness of the fall incentive plan would be greatly reduced. The revised schedule of percentages have been designed to prevent this occurrence.

As in the case of the present order a limitation of 50 cents per hundredweight has been placed on the amount of the supply-demand adjustment. It is concluded that further review in hearing would be appropriate if the adjustment for any month were to exceed this amount.

(5) The provision for a location differential to handlers should be modified; the rate of such location differential should not be changed.

The present order provides for a location differential which is credited to handlers with respect to each hundredweight of producer milk (a) received and utilized at a pool plant located more than 45 miles from the City Hall in Cincinnati as any item of Class I and Class II milk or in the production of cottage cheese, ice cream or frozen desserts, or (b) which is moved from such a pool plant in the form of any product designated as Class I and Class II milk or as condensed skim milk, ice cream mix, or frozen cream to a fluid milk plant less than 45 miles from Cincinnati and utilized as any item of Class I and Class II milk or in the production of cottage cheese, ice cream or frozen desserts. In the case of such movements to fluid milk plants less than 45 miles from Cincinnati, the differential allowed is limited to that portion of product moved and so utilized which is in excess of the total producer receipts at such transferee-plant. Under the present provision the credit is allowed the handler who transfers the milk.

The proposal would allow the credit to the transferee-handler under certain conditions. Proponents offered two reasons in support of the proposal. They contend that it would simplify the application of location differential credits when more than one outlying pool plant moves milk to the same fluid milk plant. In such instances a decision must be made as to the amount of credit to be allowed each of the pool plants that supply the milk. Also, it is believed by proponents that by allowing the transferee-handler the credit as proposed a somewhat lower cost of milk to such handler will result and such handler will be in a better position to reflect the lower cost in his resale prices, thus encouraging additional Class I utilization to the advantage of producers. It was alleged that the prices agreed upon between handlers in connection with interhandler transfers of milk have not been materially reduced during the several months the 15 cents per hundredweight location credit has been allowable.

It is concluded that the revised method of applying the location differential will tend to simplify accounting procedure and may encourage a greater reflection of the allowable credit in the prices of finished Class I products. For these reasons the proposal should be adopted.

A handler proposed a change in the rate of location adjustment from 15 cents to 25 cents per hundredweight. As in the case of the present location adjustment the revised rate would be credited to the handler with respect to Class I milk and Class II milk, as revised in this decision, at pool plants more than 45 miles from Cincinnati, or shipped in such forms from pool plants so located to fluid milk plants within a 45-mile radius of Cincinnati which serve the marketing area. However, the proposal provides that, when used as an adjustment to the uniform price to producers at such country pool plant the revised rate would be applied only on the quantity of milk physically moved from such plant to fluid milk plants within the 45-mile radius from Cincinnati, and the resulting monies would be divided by the hundredweight of producer milk receipts of the country pool plant. This would result generally in a deduction from the uniform price of substantially less than 25 cents per hundredweight at the country pool plant and in some months a zero adjustment would be applicable.

Proponent contended that the proposed change in the order would be justified on two bases: (1) The suggested 25-cent deduction represents the actual cost of transporting milk from the country pool plants into Cincinnati and, therefore, producers should pay the full cost of having their milk delivered to the place of ultimate use; and (2) producers should pay the transportation costs only on that milk which actually moves into Cincinnati; consequently, no deduction from the uniform price should be made on any milk which is received and used at the location of the country pool plant.

In the decision of the Assistant Secretary of Agriculture dated July 1, 1954, it was concluded that a location differential should be adopted to reflect prices to producers based upon the relative costs of moving milk from farms to various segments of the milkshed to the marketing area. It was indicated by the record which preceded such decision that the cost of hauling incurred by producers in making their milk available to the market through a country pool plant was approximately 15 cents per hundredweight higher than in the case of milk direct-shipped from farms to city plants. Obviously, milk to be used in Cincinnati is worth somewhat less if delivered to a location at a substantial distance from the city than if delivered directly to Cincinnati. Although proponent contended that it costs 25 cents per hundredweight to transport milk in tanks from existing country pool plants to Cincinnati and that producers should pay for the cost of such movement computed at this rate, there is no evidence in the present record to refute the relative costs of moving milk from farms to city plants as compared with delivery from farms to country pool plants as shown by the prior record. It would not be reasonable to compensate the handler for moving milk to the city plant from his country plant at a rate greater than that which would be incurred by the producer if the latter were to shift his point of delivery to a city outlet instead of a country pool plant.

Proponent contends also that in computing the uniform price per hundredweight to the producer at the outlying pool plant the actual cost incurred by the handler in moving milk from such country pool plant to the city should be deducted. Thus, the rate of deduction per hundredweight of producer milk at a given country plant would vary from month to month (sometimes being zero) and also would vary from one plant to another during the same month. As previously stated, the purpose of the location differential is to reflect the location disadvantage of distant producers as compared with nearby producers based upon the relative costs of moving their milk to market. Whatever location disadvantage exists is rather constant, changing only as there may be a change in the relative costs of hauling service for milk. The location disadvantage is not related in any way to the respective amounts of milk which may be shipped from country plants to city plants. It is concluded, therefore, that the proposed changes in the rate and application of location adjustments should not be adopted.

A handler stated that when, during the flush production season of the year, milk received at the handler's plant is in excess of requirements, such milk frequently must be shipped to outlying manufacturing plants for processing and that under the present provisions of the order, there is no way that he may recover the costs of transporting such excess milk. As a solution to this problem it was proposed that the order be amended to allow a $0.20 per hundredweight reduction in the price of milk which is received at a handler's plant and then transported to any manufacturing plant at a distance of 60 to 100 miles from Cincinnati for processing.

If this proposal were to be adopted, it seems probable that the optimum utilization of milk for the market as a whole would be discouraged; also that uneconomic movements of milk might be encouraged, with the result that producers would pay not only the cost of transporting milk into the market from the farm but also pay the cost of the hauling of excess milk out of the market. A more logical solution to this problem would be to amend the order so as to permit proprietary handlers as well as cooperatives, under certain limitations, to divert milk in excess of city plant requirements to manufacturing outlets while such milk is still in the country. This has been done by amending the "producer" definition in § 965.8.

(6) The butterfat differentials applied in adjusting the Class II and Class III prices should be revised.

For milk used to produce certain products the butterfat differential is as important to the ultimate cost of the milk to the handler as the level of the class price established on the basis of a butterfat content of 3.5 percent. This has been referred to above in connection with the reclassification of fluid cream.

In order to achieve a uniform price for each pound of butterfat in ice cream use, it is concluded that the Class II butterfat differential should be determined in direct relationship to the value placed on butterfat in such class under the Class II price formula for milk testing 3.5 percent.

Class III milk as established by this decision includes the principal uses to which seasonal reserves of milk may be put. The butterfat in milk so used is in excess of market needs during the flush production months and should be priced accordingly during the months of March through August. Therefore, the differential now contained in the order is continued in such months. During the months of September through February, the differential is made the same as that for Class II butterfat except for milk used to produce butter. In the case of milk used for the latter product the current butterfat differential is continued. Although the market is normally short of serum solids in the fall and winter months there is frequently an excess of butterfat because of the relatively high test of producers' milk at that time of year. This should permit the orderly marketing of any excess quantities of butterfat in all months.

(7) A definition of "producer-handler" should be included in the order; a corollary definition of "dairy farmer" should also be adopted.

It has been necessary to define the term "handler" essentially for the purpose of identifying those persons on whom obligations and requirements are, or may be, imposed by the order, including the obligation to pay the minimum prices established. The order has provided, however, that persons referred to therein as "producer-handlers" shall be exempt from all the regulatory provisions of the order, except that requiring the filing of reports as requested by the market administrator.

The producer-handler maintains control of his milk until ultimate disposition and in this respect his situation, from a minimum price standpoint, is substantially different from the regular producer whose milk is marketed through a handler. In exempting producer-handlers when the order was first initiated it was determined that full regulation of such persons would add to the administrative burden without assisting in a substantial measure to the operation of a program designed to bring orderly marketing conditions to producers generally.

The producer-handler would be permitted a competitive advantage over other handlers in the purchase of milk from farm sources for sale in the marketing area if the order were to allow him to buy freely from farms other than one operated as his personal enterprise and to continue his exemption from the order. It should not be possible, of course, for such a person to purchase milk from farms operated by other persons at their individual risks, unless such person is fully regulated in the same manner as other handlers. Such purchases made by the producer-handler, even if made under arrangements where either the cows or the farm are leased by him, while other handlers are fully regulated as to their prices and payments to producers, would tend to defeat the classified plan of pricing which is basic to the entire marketing plan provided by the regulation.

Recent complaints concerning the exempt status of persons claiming to operate as producer-handlers have been filed with the market administrator. Since the present order contains no definition or description of the type of operation meant by the term, it is administratively difficult to determine precisely whether a person is actually a producer-handler who operates within the limitations outlined, i. e., the present order does not provide the market administrator a standard against which he can compare the type of operation carried on by any person who claims producer-handler status.

For this reason a definition of producer-handler should be adopted. The definition included provides that if the producer-handler is to be exempt he must both operate in his capacity as a handler and maintain all his farm supply of milk as a matter of personal enterprise and at his own risk. Since producer-handlers frequently change their method of operation, it is necessary to continue the requirement that they file reports as requested by the market administrator in order that the basis for exemption as a handler in individual cases may be reviewed and affirmed from time to time and to provide complete market data concerning the supply and sales of milk.

In view of the fact that the alternative sources of information available to the market administrator concerning the actual extent of the farm operation carried on by any particular producer-handler, it is necessary to provide also that the burden of proof for information on which exemption may be granted or continued, as the case may be, should rest upon the person claiming producer-handler status rather than upon the market administrator.

A definition of "dairy farmer" will assist to clarify the application of the definition of producer-handler.

(8) The provision for a butterfat differential to producers should be modified for simplification.

It was proposed by producers that the computation of the butterfat differential used to adjust the uniform price be modified for the purpose of simplifying payments to individual producers for milk.

The order currently provides for the uniform price to be computed on the basis of the even cent for milk testing 3.5 percent in butterfat. It is provided also that a butterfat differential be paid to the individual producer as an adjustment to the uniform price when the milk delivered by such producer varies above or below 3.5 percent in butterfat. Under current order provisions this differential is rounded to the nearest tenth of a cent but since the individual producer's milk is tested to the nearest half point, the payment rate to the individual producer becomes a four decimal number whenever the last digit of the butterfat differential is an odd number.

If the butterfat differential were rounded to the nearest even (0, 2, 4, 6, 8) one-tenth cent, the rate of payment to the individual producer would be a three decimal number. Since there are more than 5,000 individual producers for whom payment checks must be written each month, a substantial reduction in the amount of work involved in computing producer payments could be effected by adopting the proposed method of rounding fractions.

The amount of money payable to producers through the butterfat differential is derived from the total pool value of milk. Therefore, the adoption of such a provision would not change the total cost of milk to handlers. Although for any given month some producers might be paid a small fraction of a cent more and others a small fraction of a cent less per hundredweight of milk, monthly adjustments of the differential by such means could be expected to offset each other over a period of time, and thus on an annual basis it is likely that the individual producer would experience little, if any, net change in his returns as the result of the simpler computation.

It is concluded that the computation of the butterfat differential to producers should be modified to the extent described.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of February 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively,

"Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," and "Order, as amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of April 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

Order,[1] *as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area*

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto, and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other ecnomic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 965.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 965.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

§ 965.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, buttermilk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk all or a portion of which is disposed of on a route(s) operated wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means any milk plant, other than a fluid milk plant operated by a producer-handler or a plant at which the milk of dairy farmers is priced by another milk marketing agreement or order issued pursuant to the act, which is:

(a) A fluid milk plant as described in § 965.6 located in the marketing area;

(b) A fluid milk plant located outside the marketing area and disposing of not less than 10 percent of its entire route disposition of Class I milk on a route(s) operated wholly or partially within the marketing area; or

(c) A plant, receiving milk from dairy farms, which the market administrator determines has moved to a plant(s) described under paragraph (a) or (b) of this section an amount of milk or skim milk in fluid form equal to not less than one percent of the total Class I utilization of plants described in paragraphs (a) and (b) of this section during the second month preceding such movement as specified in the following schedule:

Months milk is moved:	*Months plant is pool plant*
One of the months of October and November.	November.
Two of the months of October, November, and December.	December.
Three of the months of October, November, December, and January.	January through October.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 *Producer.* "Producer" means any person operating a dairy farm who produces milk under a dairy farm permit issued by an appropriate health authority which is received at a "pool plant" described in § 965.7, or is caused to be diverted by a handler for his account from a pool plant to a nonpool plant during any of the months of March through August, inclusive, and milk so diverted shall be deemed to have been received by the transferor-handler at the pool plant from which it was diverted, except that the application of §§ 965.53 and 965.73 (c) to any such diverted milk shall be made on the basis of the location (whether more or less than 45 miles from the City Hall in Cincinnati) of the nonpool plant where received, subject to the following conditions:

(a) Milk which is physically received from a farm at a fluid milk plant(s) located less than 45 miles from the City Hall in Cincinnati on 60 percent or more of the days of its delivery during the next preceding period September through December, inclusive, shall be priced during the period of diversion as if received at such fluid milk plant(s); and

(b) Milk which does not qualify for diversion pursuant to paragraph (a) of this section, but which was physically received from a farm at a fluid milk plant(s) located less than 45 miles from the City Hall in Cincinnati on 60 percent or more of the days of its delivery from the date of first delivery of such milk through the last day of February next preceding shall be priced during the period of diversion as if received at such fluid milk plant(s): *Provided further*, That any producer whose milk has been approved as "Grade A milk" by an appropriate health authority for any month, or portion thereof, shall be a "Grade A producer" for such month, and any producer whose milk has not been so approved shall be a "Grade B producer."

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

§ 965.9 *Handler.* "Handler" means (a) any person who operates (1) a pool plant; or (2) a nonpool plant and either directly or indirectly disposes of Class I milk on a route(s) extending into the marketing area; or (b) any cooperative association with respect to the milk of any producer(s) whose milk has been received previously at a pool plant described in § 965.7 which milk has been caused to be diverted by the cooperative association under the conditions set forth in § 965.8 to a nonpool plant, if payment therefor has been collected by such association; and such milk shall be deemed to have been received from producers by such cooperative association.

§ 965.10 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 965.8.

§ 965.11 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 965.12 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a fluid milk plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 965.13 *Other source milk.* "Other source milk" means all milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to §§ 965.41 (a) (1) and (2), except (1) such products received from other fluid milk plants, or (2) producer milk; and

(b) Products other than those referred to in §§ 965.41 (a) (1) and (2) from any source (including those derived from producer milk) which are reprocessed or converted to another product during the month.

MARKET ADMINISTRATOR

§ 965.20 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 965.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this part;

(b) Report to the Secretary complaints of violations of the provisions of this part;

(c) Make rules and regulations to effectuate the terms and provisions of this part; and

(d) Recommend to the Secretary amendments to this part.

§ 965.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the fund provided by § 965.74, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times; and

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.64, and the producer butterfat differential.

REPORTS, RECORDS, AND FACILITIES

§ 965.30 *Reports of handlers to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 10th day after the end of each month, each handler who receives milk from producers shall report with respect to all milk, skim milk, cream and other milk products handled by him during the month as follows:

(1) The total quantities at each plant from producers, from his own production, and from other handlers;

(2) The total quantities of other source milk together with the butterfat content;

(3) The quantities of skim milk and butterfat contained in inventories of items designated as Class I milk pursuant to § 965.41 (a) on hand at the beginning and end of the month;

(4) The utilization during the month of all milk and milk products referred to subparagraphs (1), (2), and (3) of this paragraph;

(5) The name and address of each new producer; and

(6) His producer payroll, which shall show for each producer the total receipts of milk with the average butterfat test thereof, the amount of the advance payment to such producer made pursuant to § 965.70 and the deductions and charges made by the handler.

(b) Each handler who receives no milk from producers shall make reports to the market administrator at such times and in such manner as the market administrator may request.

§ 965.31 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to § 965.30, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.32 *Reports of market administrators to cooperative associations.* On or before the 13th day after the end of each month, the market administrator shall report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b), to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 965.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain:

Provided, That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 *Basis of classification.* Milk and milk products received by each handler, including milk produced by him, which are required to be reported pursuant to § 965.30 (a) shall be classified by the market administrator in the classes set forth in § 965.41, subject to the provisions of §§ 965.42 through 965.46.

§ 965.41 *Classes of utilization.* The classes of utilization shall be as follows:

(a) Class I milk shall be all milk and butterfat (1) disposed of (except as provided in paragraph (c) (2) and (3) of this section) in fluid form as milk, skim milk, buttermilk, flavored milk, and milk drink, (2) disposed of in the form of fluid sweet or cultured sour cream, whipped cream, any product in fluid form containing 8 percent or more of butterfat not specified in Class II milk or Class III milk (excluding any mixture of milk (or skim milk) and cream containing 8.0 percent or more butterfat disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped, or aerated, product), and eggnog; (3) used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption; and (4) in shrinkage of butterfat from receipts of producer milk which is in excess of 2.5 percent of such receipts.

(b) Class II milk shall be all milk and butterfat (1) used to produce ice cream, ice cream mix, frozen desserts, milk (or skim milk) and cream mixtures containing 8.0 percent or more butterfat disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped, or aerated, product, and cottage cheese; and (2) in inventories of all items named in § 965.41 (a) (1) and (2).

(c) Class III milk shall be all milk and butterfat (1) used to produce butter, frozen cream, spray and roller process nonfat dry milk solids, all cheese (other than cottage cheese), and evaporated and condensed milk (or skim milk) either in bulk or in hermetically sealed cans; (2) specifically accounted for as dumped, spilled or disposed of for animal feed; (3) disposed of in bulk during the months of March through August, inclusive, as milk, skim milk, or cream to any commercial food processing establishment where food products are prepared only for consumption off the premises; (4) in shrinkage computed pursuant to § 965.44 (b) (1) up to 2.5 percent of butterfat from receipts of producer milk; and (5) in shrinkage of other source milk computed pursuant to § 965.44 (b) (3).

§ 965.42 *Responsibility of handlers.* In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all milk and milk products received by him and to prove to the market administrator that such milk, or milk products, should not be classified as Class I milk.

§ 965.43 *Transfers.* (a) Milk, skim milk, and cream transferred in fluid form from a pool plant to the pool plant of another handler shall be Class I milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 10th day after the end of the month within which such transfer was made: *Provided*, That if either or both plants received milk other than producer milk, the milk, skim milk, or cream so transferred shall be classified at both plants so as to allocate the highest possible utilization to producer milk: *Provided further*, That milk may be transferred in farm delivery containers from one pool plant to another under the conditions of this paragraph if both such plants are fluid milk plants pursuant to § 965.7 (a) or (b).

(b) Except as provided in paragraph (c) of this section, milk, skim milk and cream transferred or diverted in fluid form in bulk from a pool plant to a plant other than a pool plant shall be classified as Class I milk: *Provided*, That if the operator of such pool plant, or the diverting handler, as the case may be, on or before the 10th day after the end of the month, furnishes to the market administrator a statement which is signed by all parties to the transaction, that such milk, skim milk, or cream was used in a lower class, such milk, skim milk, or cream shall be classified accordingly, subject to verification by the market administrator: *And provided further*, That if the preceding proviso applies, the market administrator, shall assign milk, skim milk, or cream so transferred or diverted to (1) the highest-valued use classification (as described in § 965.41) in the plant of the receiver if the transfer or diversion is to a plant located in Campbell County or Kenton County, Kentucky, from which a route(s) as defined in § 965.5 is operated, and (2) the uses covered by Class III milk to the extent available prior to the assignment of any such quantity moved in sequence to Class II milk and Class I milk if the movement is to any other plant which is not a pool plant.

(c) Milk, skim milk, and cream transferred or diverted in fluid form from a pool plant to the fluid milk plant of a producer-handler shall be classified as Class I milk.

§ 965.44 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of butterfat for each handler; and

(b) Prorate the resulting amounts among the receipts of butterfat in (1) producer milk, (2) milk received from other pool plants, and (3) other source milk.

§ 965.45 *Computation of milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 965.46 *Allocation of milk and butterfat classified.* The pounds of milk and butterfat remaining in each class after making the following computations shall be the pounds of milk and butterfat, respectively, in such class allocated to producer milk:

(a) The pounds of milk in Class III milk shall be decreased by any excess of utilization of all classes over total receipts and shall be increased by any excess of total receipts over total utilization of all classes;

(b) Subtract from the pounds of butterfat in Class III milk the pounds of producer butterfat in plant shrinkage which is not in excess of 2.5 percent of all butterfat received from producers and from all other sources except a pool plant(s);

(c) Subtract from the remaining pounds of milk and butterfat, respectively, in series beginning with the lowest-priced use available, the pounds of milk and butterfat, respectively, received as other source milk;

(d) Subtract from the remaining pounds of milk and butterfat, respectively, in each class, the pounds of milk and butterfat, respectively, received from other pool plants as transferred pursuant to § 965.43;

(e) Subtract from the remaining pounds of milk and butterfat in series from Class II milk and Class I milk, the pounds of milk and butterfat in inventory at the beginning of the month in the form of items named in § 965.41 (a) (1) and (2);

(f) Add to Class III butterfat the pounds of butterfat subtracted pursuant to paragraph (b) of this section; and

(g) If the pounds of butterfat remaining in all classes exceed the pounds of butterfat received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced class.

MINIMUM PRICES

§ 965.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

Company and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 3.5 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the month for which payment is to be made, and add 20 percent thereof;

(2) From the simple average, as computed by the market administrator, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

§ 965.51 *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 965.72, not less than the following prices per hundredweight, on the basis of milk of 3.5 percent butterfat content, for the respective quantities of milk in each class computed pursuant to § 965.46.

(a) The price for Class I milk shall be the basic formula price plus $1.30, plus or minus "a supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total gross volume of that portion of Class I milk set forth in § 965.41 (a) (1) and (3) (adjusted to eliminate duplications due to interhandler transfers) in the second and third months preceding by the total receipts of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum base percentage listed below increase the Class I price by 3 cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum base percentage listed below decrease the Class I price by 3 cents: *Provided*, That the Class I differential adjusted pursuant to this subparagraph for the month of June shall not be higher than such adjusted differential for the immediately preceding month of May; and that the Class I differential so adjusted for the month of January shall not be less than the adjusted differential for the immediately preceding month of December.

Month for which price is being computed	Base utilization percentages	
	Minimum	*Maximum*
January	71	73
February	75	77
March	69	71
April	63	65
May	60	62
June	57	59
July	51	53
August	46	48
September	46	48
October	48	50
November	53	55
December	64	66

(b) The price for Class II milk shall be the sum of the plus adjustments computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Multiply by 1.18 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the month for which payment is to be made, and then multiply such result by 3.5; and

(2) From the simple average, as computed by the market administrator, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray process for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5, cents and multiply the result by 8.2.

(c) The price for Class III milk during each of the months of March through August shall be the price computed pursuant to subparagraph (1) of this paragraph; and the price for Class III milk during each of the months of September through February, respectively, shall be the same as the Class II price:

(1) The simple average, as computed by the market administrator of the basic (or field) prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M and R Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Co., Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc. (Osgood Milk Co.), Osgood, Ind.
Carnation Milk Co., Maysville, Ky.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent there shall be added to, or subtracted from, as the case may be, the price for such class, for each point (one-tenth of one percent) that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I milk, add 1.25 cents per point to the butterfat differential computed below in this section for Class II milk. For Class II milk multiply the average price per hundred pounds of 92-score butter as described in § 965.51 (b) (1) by 1.18, subtract therefrom the amount per hundredweight computed pursuant to § 965.51 (b) (2), and divide the result by 1000. For Class III milk subtract $5.00 from the average price per hundred pounds of 92-score butter as described in § 965.50 (b) (1), multiply by 1.2, subtract therefrom the amount per hundredweight computed pursuant to § 965.50 (b) (2), and divide the result by 1,000: *Provided*, That for each of the months of September through February, inclusive, the butterfat differential for Class III milk other than that used to produce butter shall be the same as the butterfat differential for Class II milk for such month and the butterfat differential for milk used to produce butter shall be the amount computed for such month pursuant to the formula for Class III milk immediately preceding this proviso.

§ 965.53 *Location differentials to handlers.* In computing the value of each handler's milk pursuant to § 965.60 a location differential of 15 cents per hundredweight shall be credited to the handler with respect to each hundredweight of producer milk (a) received and utilized at a pool plant located more than 45 miles by shortest hard-surfaced highway distance, as determined by the market administrator, from the City Hall in Cincinnati, Ohio, as any item of Class I milk or in the production of ice cream, frozen desserts, and cottage cheese, or (b) moved from such a pool plant in the form of any product designated as Class I milk or as condensed skim milk, ice cream mix, or frozen cream to a fluid milk plant less than 45 miles from the City Hall in Cincinnati, Ohio, and utilized as any item of Class I milk or in the production of ice cream, frozen desserts, and cottage cheese: *Provided*, That in the case of transfers made under paragraph (b) of this section the location differential credit (1) shall apply to the actual weight of product moved, which total quantity shall not exceed the difference between the sum of milk represented by Class I milk utilization and milk used to produce ice cream, frozen desserts, and cottage cheese at the transferee's plant and the total quantity of producer milk receipts at the latter plant, and (2) shall be allowed to the transferee-handler if such credit does not exceed the obligation of the latter handler to the producer-settlement fund for the month.

§ 965.60 *Computation of value of milk for each handler.* For each month the value of milk received at a pool plant(s) by each handler, and of milk diverted by a cooperative association under the conditions of § 965.9 (b), shall be a sum of money computed by the market administrator by multiplying the hundredweight of such milk received and classi-

fied in each class by the applicable class price, subject to the butterfat differential for such class provided in § 965.52 and the location differential credits, if any, applicable pursuant to § 965.53, and adjusting such total by the monies resulting from the following computations:

(a) Add: The hundredweight of butterfat subtracted pursuant to § 965.46 (g) multiplied by the price for the applicable class adjusted by the butterfat differential for such class;

(b) Add: The pounds, if any, that the milk or butterfat in inventory subtracted from Class I milk, pursuant to § 965.46 (e), is not in excess of the pounds of producer milk classified as Class II milk for the preceding month multiplied by the difference between the current price of Class I milk and the Class II price for the preceding month, each adjusted by the appropriate butterfat differential, and

(c) Add: The hundredweight of milk and butterfat subtracted from Class I milk and Class II milk pursuant to § 965.46 (c) (but not including any such milk and butterfat received from a plant regulated under a marketing agreement or order issued pursuant to the act for another fluid milk marketing area) multiplied by the difference between the price for the class from which subtracted, adjusted by the butterfat differential for such class (based on the butterfat tests of the milk subtracted), and the price computed pursuant to § 965.50 (b) adjusted to the same test by the butterfat differential (§ 965.52) for Class III milk (other than butter): *Provided,* That for any month when the aggregate utilization of Class I milk for all handlers at pool plants is 90 percent or more of the quantity of producer milk received by such handlers, the payments described pursuant to this paragraph and § 965.61 shall not be required.

§ 965.61 *Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.* For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying each hundredweight of milk disposed of as Class I milk (less the hundredweight of any Class I milk purchased by such handler during the month from a pool plant) by such handler on routes operated within the marketing area, by the difference between the price of the class of disposition computed pursuant to §§ 965.51, 965.52, and 965.53, and the price computed pursuant to § 965.50 (b) adjusted by the Class III butterfat differential (§ 965.52). On or before the 13th day after the end of each month, the market administrator shall notify each such handler of the amount so computed for him, subject to adjustment pursuant to § 965.62, and on or before the 17th day after the end of each month each such handler shall make payment to the market administrator.

§ 965.62 *Correction of errors.* If, in the verification of reports submitted by a handler, the market administrator discovers errors in such reports which result in payment due the producer-settlement fund or the handler for any previous month, there shall be added or subtracted as the case may be, the amount necessary to correct such errors.

§ 965.63 *Notification to handler of the value of his milk.* On or before the 13th day after the end of each month, the market administrator shall notify each handler of the value of milk computed for him in accordance with § 965.60 and of any adjustments pursuant to § 965.62.

§ 965.64 *Computation of uniform prices for Grade A producers and Grade B producers*—(a) *Computation of uniform price for Grade A producers.* For each month, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade A producers as follows:

(1) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(2) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed under subparagraph (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by the butterfat differential computed pursuant to § 965.76 times 10;

(3) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by the following amounts, respectively: 30 cents in April; 35 cents in May and June; and 20 cents in July;

(4) Add for each of the months of August, September, October, and November an amount computed by dividing the total amount of the obligated balance in the producer-settlement fund pursuant to § 965.71 (b) on August 31 immediately preceding by 4;

(5) Add the sum of the values of the location differentials allowable pursuant to § 965.73 (c);

(6) Add the unobligated balance in the producer-settlement fund;

(7) Add an amount computed by multiplying the total hundredweight of milk received from Grade B producers by $0.40;

(8) Divide by the total hundredweight of milk of all producers represented in the sum computed pursuant to subparagraph (1) of this paragraph; and

(9) Subtract from the figure obtained in subparagraph (8) of this paragraph not less than 4 cents or more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade A producers.

(b) *Computation of uniform price for Grade B producers.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade B producers as follows: From the uniform price computed pursuant to paragraph (a) (7) of this section subtract 40 cents. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade B producers.

PAYMENT FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay, with respect to all milk received during the month, $1.00 per hundredweight of milk to each producer: *Provided,* That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 965.61 and 965.72 shall be deposited in this fund, and all payments made pursuant to § 965.73 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 965.64 (a) (3) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 965.64 (a) (4); and

(c) The difference between the amount added pursuant to § 965.64 (a) (6) and the amount resulting from the subtraction pursuant to § 965.64 (a) (9) shall be deposited in, or withdrawn from, this fund, as the case may be, to effectuate § 965.64 (a) (6) and (9).

§ 965.72 *Payments to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator the amount of money which represents the value of milk for such month of which he is notified pursuant to § 965.63 less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll: *Provided,* That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by

§ 965.70), will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) For each month the market administrator shall compute, subject to the provisions of paragraph (c) of this section, the payment due each producer for milk received during such month from such producer by a handler who made the payments for such month pursuant to § 965.72, by multiplying the hundredweight of such milk by the uniform price computed to § 965.64 adjusted to the butterfat test of such milk by adding or subtracting, respectively, for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, a butterfat differential as computed pursuant to § 965.76, and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments. On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section.

(c) In computing the payment due each producer pursuant to paragraph (a) of this section, the following differential for location is applicable: A deduction of 15 cents per hundredweight shall be made with respect to milk received from such producer at a pool plant located more than 45 miles, by shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall in Cincinnati, Ohio.

§ 965.74 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, 2 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to all milk received from producers and produced by him during the month: *Provided,* That any cooperative association which has handled milk during the month under the conditions set forth in § 965.9, shall pay such pro rata share of expense of administration on only that quantity of milk so handled.

§ 965.75 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding 6 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended; known as the "Capper-Volstead Act," for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.76 *Butterfat differential to producers.* In making payments for milk pursuant to § 965.73 (a) there shall be added to, or subtracted from the uniform price per hundredweight, for each one-tenth of 1 percent of butterfat content in such milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of butterfat in each class derived from producer milk, as computed pursuant to § 965.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 965.52; and

(c) Add into one total the value obtained in paragraph (b) of this section, rounding off the result to the nearest even one-tenth cent.

§ 965.77 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 965.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 *Suspension or termination.* Any or all provisions of this subpart, or amendments to this subpart, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue

in such capacity until removed by the Secretary; account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 965.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 965.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

§ 965.92 *Producer handler.* Sections 965.40 to 965.77 inclusive, shall not apply to a producer-handler.

[F. R. Doc. 55-3390; Filed, Apr. 22, 1955; 10:06 a. m.]

Commodity Stabilization Service

[7 CFR Part 722]

UPLAND COTTON

MEASUREMENT OF 1955 ACREAGE, MARKETING, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS FOR 1955-56 MARKETING YEAR

A national marketing quota proclamation for the 1955 crop of upland cotton was issued by the Secretary of Agriculture on October 14, 1954 (19 F. R. 6669), and the quota was approved by upland cotton producers voting in a referendum on December 14, 1954. Farm acreage allotments for the 1955 crop of upland cotton were established pursuant to section 344 of the Agricultural Adjustment Act of 1938, as amended; and notices thereof mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

Pursuant to the authority contained in the applicable provisions of the act, as amended (7 U. S. C. 1301-1376), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations covering the identification and measurement of farms; the amount, adjustment and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of upland cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by upland cotton producers, ginners, buyers and others; and other miscellaneous provisions regarding the production and marketing of upland cotton.

It is proposed that the regulations be substantially the same as the regulations in effect for the 1954-55 marketing year (19 F. R. 3124, 4126, 4262, and 20 F. R. 509) except that § 722.546 relating to measurements of farms will be written so as more fully to set out the responsibilities and duties of county committees and producers relating to measurements of farms, and a new section will be added to provide for the handling of cases where erroneous notices of cotton acreage allotments are issued.

Prior to the issuance of such regulations, consideration will be given to any data, views, or information pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 calendar days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered. The date of the postmark will be considered as the date of any submission.

Issued this 19th day of April 1955.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 55-3331; Filed, Apr. 22, 1955; 8:47 a. m.]

[7 CFR Part 722]

EXTRA LONG STAPLE COTTON

MEASUREMENT OF 1955 ACREAGE, MARKETING, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS FOR 1955-56 MARKETING YEAR

A national marketing quota proclamation for the 1955 crop of extra long staple cotton was issued by the Secretary of Agriculture on October 14, 1954 (19 F. R. 6671), and the quota was approved by extra long staple cotton producers voting in a referendum on December 14, 1954. Farm acreage allotments for the 1955 crop of extra long staple cotton were established pursuant to sections 347 (c) and 344 of the Agricultural Adjustment Act of 1938, as amended; and notices thereof mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

Pursuant to the authority contained in the applicable provisions of the act, as amended (7 U. S. C. 1301-1376), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations covering the identification and measurement of farms; the amount adjustment and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of extra long staple cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by extra long staple cotton producers, ginners, buyers and others; and other miscellaneous provisions regarding the production and marketing of extra long staple cotton.

It is proposed that the regulations be substantially the same as the regulations in effect for the 1954-55 marketing year (19 F. R. 3133, 4262, 4591, and 20 F. R. 511) except that § 722.1146 relating to measurements of farms will be written so as more fully to set out the responsibilities and duties of county committees and producers relating to measurements of farms, and a new section will be added to provide for the handling of cases where erroneous notices of cotton acreage allotments are issued.

Prior to the issuance of such regulations, consideration will be given to any data, views, or information pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 calendar days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered. The date of the postmark will be considered as the date of any submission.

Issued this 19th day of April 1955.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 55-3330; Filed, Apr. 22, 1955; 8:47 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 195]

ORCHARD REFINING & SMELTING WORKS, INC. ET AL.

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Orchard Refining & Smelting Works, Inc., Saul L. Friedman, Samuel I. Friedman, individually and as officers thereof, 9-37 Victoria Street, Newark, N. J.; Israel Bresler, 100 West 55th Street, New York, N. Y., respondents; Case No. 195.

The respondents, Orchard Refining & Smelting Works, Inc., a corporation, Samuel I. Friedman and Saul L. Friedman, individually and as officers thereof (herein referred to as the Orchard respondents), and Israel Bresler, have been charged by the Director, Export Control Investigation Staff of the Bureau of Foreign Commerce, Department of Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, in that, as alleged (a) on January 18, 1954 the Orchard respondents gave to a licensing officer of the Bureau of Foreign Commerce at Washington, D. C. the sum of $150, and (b) on or about January 26, 1954 the Orchard respondents, in concert with respondent Bresler and upon his advice and with his assistance made or caused to be made an unauthorized exportation of copper scrap from the United States to a customer in Japan under an export license issued to the Orchard respondents for an unrelated customer in Japan and concealed and misrepresented the true consignee and purchaser on the shipper's export declaration.

The respondents were duly served with charging letters in which they have been fully informed of the charges against them and have filed their answers and statements in opposition to the charges and have demanded a formal hearing. This proceeding has therefore been duly submitted to a Compliance Commissioner for hearing, report and recommendation. A hearing has been duly held and the Orchard respondents have appeared and were represented by counsel thereat, and respondent Bresler has appeared in person. The Compliance Commissioner has heard the evidence, filed his report herein, and made his recommendation.

The Director, Office of Export Supply has carefully considered the whole record, the report and the recommendation, and has made the finding that on January 18, 1954 the Orchard respondents gave $150 to an official of the Bureau of Foreign Commerce known to them to be a licensing officer responsible for issuing licenses for the exportation of metal scrap; that it was given with the intention of influencing the issuance of the corporation's license application then before such officer for action and with respect to future applications, as prohibited by § 384.2 of the export control regulations (15 CFR 384.2). He has rejected the respondents' contention that the money was a belated Christmas gift and was given without intent to influence the officer's acts as aforesaid. He has made the finding that respondents did not intend, however, to violate any other export control regulation thereby.

The Director, Office of Export Supply has made the further finding that on or about January 26, 1954, the Orchard respondents made an unauthorized exportation to a customer in Japan of 120,536 pounds of mixed copper scrap under a license held by the corporation for the shipment of similar material to an unrelated customer in Japan and effected the exportation by an authenticated shipper's export declaration, prepared or caused to be prepared by the Orchard respondents, on which the true consignee and purchaser in Japan was knowingly concealed and the unrelated customer was falsely represented as the consignee-purchaser. He has made the further finding that respondent Bresler, an independent sales agent of the Orchard respondents but not an employee of the corporation, acted in concert with the Orchard respondents and aided and advised them in making the aforesaid exportation, although not participating in the preparation of the falsified shipper's export declaration as aforesaid.

The Director, Office of Export Supply has concluded, therefore, that the respondents have committed the acts as charged and have thereby violated the export control law and regulations alleged to have been violated in the charging letters.

The Compliance Commissioner stated in his report that in connection with the making of his recommendation he took into consideration the involvement of respondent Bresler in only one of the violations, the absence of a prior record of export control violations on the part of any of the respondents, their standing and reputation in the trade, their relatively limited export experience at the time the violations occurred, the present realization of the import of their violative acts, and the voluntary abandonment of all export transactions by the Orchard respondents. The recommendation of the Compliance Commissioner, upon the facts and circumstances appearing in the record, appears to be fair, reasonable and necessary to achieve effective enforcement of the export control law, and it is accordingly adopted: *It is now, therefore, ordered:*

I. All outstanding validated export licenses held by or issued in the names of respondents, or any of them, or to which they may be parties, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. The Orchard respondents, their officers, directors, representatives, agents and employees, and respondent Bresler, are hereby denied all privileges of participating, directly or indirectly, in any manner, form, or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing denial, participation in an exportation shall be deemed to include and prohibit the respondents' participation (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in the financing, forwarding, transporting, buying, selling, processing, or other servicing of exports from the United States.

III. Such denial of export privileges shall apply not only to the respondents herein and the other persons or firms within the scope of Part II hereof, but shall apply and extend also to any other person, firm, corporation, or other business organization with which the respondents, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

IV. This order shall be effective from the date hereof, and as to the Orchard respondents shall extend for a period of six months from the date hereof; as to respondent Bresler for a period of two months from the date hereof.

V. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner, form or capacity, (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to an exportation of commodities from the United States, or (b) order, receive, buy, use, process, dispose of, finance, transport, forward, store, or otherwise service or participate in an exportation from the United States, with respect to which any of the respondents herein or any person or firm not excluded from the scope of Parts II and III hereof have any interest or participation of any kind or nature, direct or indirect.

Dated: April 19, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-3310; Filed, Apr. 22, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Order E-9114; Docket No. 1705 et al.]

AIR FREIGHT RATE INVESTIGATION; SLICK AIRWAYS, INC.'S, PETITION TO MODIFY MINIMUM RATES APPLICABLE TO CUT FLOWERS

OPINION AND ELEVENTH SUPPLEMENTAL ORDER MODIFYING MINIMUM RATES

APRIL 20, 1955.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of April 1955.

Slick Airways, Inc. (Slick), on February 18, 1955, filed a petition requesting that the Board's Tenth Supplemental Order Modifying Prescribed Minimum Rates[1] be amended so as to exclude cut flowers from the increase in minimum rates therein prescribed.

History of this proceeding relating to Slick's petition. The Board on June 2, 1948, entered an order[2] prescribing lawful minimum rates for the transportation of property by air (except for property carried in the air express service) of 16 cents per ton mile for the first one thousand ton miles in any one shipment and 13 cents per ton mile for all ton miles in excess thereof. This order provided that the record be held open for any party of interest to petition for modification of the minimum rates as to any commodity or group of commodities between any points. By opinion and order dated April 10, 1950,[3] the Board found that the directional imbalance of air cargo movements resulted in low load factors in the backhaul direction and the consequent loss of revenue with its restrictive effect upon the development of traffic in the dominant direction. In order that the carriers might have an opportunity to increase their backhaul traffic by a rate inducement, the Board modified the minimum rate order to provide "below minimum" rates, based upon percentages of the minimum rates, for long haul shipments in easterly and northerly directions.[4] The Board, however, specifically excluded application of the "below minimum" directional rates to cut flowers and certain other commodities with characteristics which enabled them to move at or above the minimums prescribed in Order No. E-1639. This order was modified on November 30, 1950,[5] so as to permit "below minimum" northbound directional rates on gladioli. Thereafter, the Board in its Tenth Supplemental Order Modifying Prescribed Minimum Rates, dated October 21, 1953,[6] amended Order No. E-1639 by increasing minimum rates to 20 cents for the first one thousand ton miles and 16.25 cents for all ton miles in excess thereof. This order also modified the "below minimum" directional rate orders[7] so that the percentages of the minimums specified in said orders would be applicable to the increased minimum rates therein prescribed.

Contention of parties. Slick alleges that while cut flowers previously moved in substantial volume at the minimum rates prescribed by Order No. E-1639, subsequent rate increases had a depressing effect on the volume of cut flower movements and contends that an increasing amount of flowers are moving from west coast points by other modes of transportation; that a reduction in rates would increase the air freight volume and the total revenues received by air carriers from the shipment of cut flowers by air, and that there is available the capacity to carry the additional movement which would be generated by lower rates. Slick does not advocate reduction in rates to the extent which would be permitted if the directional rate Order No. E-4048 were amended so as to permit directional rates to apply to cut flowers but requests that the Tenth Supplemental Order No. E-7837 be amended to provide that the increase therein prescribed raising the minimum rate level from 16–13 cents to 20–16.25 cents not apply to cut flowers. Slick's allegations relative to the movement of cut flowers are restricted to movements from the west coast to the midwest and east and Slick's request is limited to apply only on cut flowers moving from the west coast to the midwest and east.[8]

United Airlines, Inc. (United), filed Answer in Opposition to Slick's petition but subsequently withdrew its Answer. No other objections have been filed. Consolidated Flower Shipments, Inc.-Bay Area, filed Petition for Leave to Intervene in Support of Slick's Petition.

Following the establishment of minimum rates by the Board's order of June 2, 1948, there have been several increases in the rates on cut flowers. The rates from Los Angeles to New York and Chicago were increased approximately 10 percent in April 1952 and a second increase of a similar amount was placed in effect in November 1953 required by the Tenth Supplemental Order Modifying Minimum Rates. The effect of these raises has been to increase rates approximately 25 percent above the level of the minimum rates established in the original order. Examples of these rate increases are set out in Appendix A. It was stipulated by the parties to the proceeding that the facts set out in material circulated to the parties by Slick in support of its position be incorporated into and considered part of the record in this proceeding. From the record before us, it appears that the increase in rates on cut flowers has been accompanied by a decline in the acreage of cut flower production in Southern California and a decline in the total pounds of flowers shipped by air from California.[9] Cut flowers moved by Slick have declined from 3.3 million pounds for the period January through October 1951 to 1.5 million pounds for the same period in 1954.[10] Data from representative carriers, for the period January 1, 1955, through March 19, 1955, discloses a decline of shipments from Southern California to New York of 52.1 percent and a decline in shipments from Southern California to Chicago of 43.4 percent, as compared with the same period in 1954.[11] The California State Florists' Association and the Southern California Floral Association, who state their associations speak for 90 percent of the floral industry of California, contend that the decline in movement by air of flowers from California has been due to the increased rates. Support for this contention is found from data which indicates that the gross margins of wholesale florists have decreased substantially between April 1951 and November 1954.[12]

Findings and conclusions. Based upon the foregoing, we are satisfied that there has been a decline in the eastbound movement by air of cut flowers, and that a reduction in rates would be reasonably calculated to increase the movement of cut flowers and to that extent alleviate the directional imbalance of traffic and improve the position of the carriers.

In authorizing "below minimum" directional rates in our previous orders, we excluded cut flowers upon a finding that cut flowers was a commodity which would move at or above existing minimums. In view of our finding that the increase in rates has restricted the movement of cut flowers, the basis for excluding cut flowers from "below minimum" rates no longer prevails.

We find no reason to permit minimums lower than those proposed by Slick nor has there been any contention or showing for a need for "below minimum" rates except for the movement of cut flowers in an easterly direction and our order will therefore be restricted accordingly.

It is ordered, That:

1. The lawful minimum rates and charges to be demanded, charged, collected or received for the interstate transportation of property by air from airport to airport (except for property carried in the air express service) determined and prescribed by Order No. E-1639 as amended and modified, are hereby further modified as follows:

For any shipment of cut flowers moving in an easterly direction from any point in any State on the west coast of the United States to any point in any State in the United States or the District of Columbia, on or north of the 37th parallel of latitude, the minimum rates are determined and prescribed to be the rates computed as follows:

(a) 16 cents per ton mile for the first one thousand ton miles of any one shipment.

(b) 13 cents per ton mile for all ton miles in excess of one thousand ton miles of any one shipment.

2. The petition to intervene filed by Consolidated Flower Shipments, Inc.—Bay Area be granted.

3. This order be published in the FEDERAL REGISTER.

NOTE: Appendices A, B, C, D, and E, filed as part of the original document.

Rizley, Chairman, Adams, Vice Chairman, Lee and Denny, Members of the Board, concurred in the above opinion and order. Gurney, Member, did not take part in the decision.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-3346; Filed, Apr. 22, 1955; 8:48 a. m.]

[Docket No. 6786]

PIONEER AIR LINES; CERTIFICATE RENEWAL CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Pioneer Air Lines under section 401 of the Civil Aeronautics Act of 1938, as amended, for a renewal of its temporary certificate.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 13, 1955, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Notice is also given that in connection with the above-numbered application consideration will be given at the conference to consolidating for hearing and decision the applications of Pioneer in Dockets Nos. 3376, 5562, and 6623. In order to facilitate the conduct of this conference interested parties are requested to present motions for consolidation or modification of the issues in this proceeding to Examiner Bryan on or before May 9, 1955, with copies to other interested parties. It is also requested that any requests for evidence should be circulated at the same time.

Dated at Washington, D. C., April 15, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-3347; Filed, Apr. 22, 1955; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11124, 11125; FCC 55M-352]

HAROLD M. GADE AND MONMOUTH COUNTY BROADCASTERS

ORDER SCHEDULING CONFERENCE

In re applications of Harold M. Gade, Eatontown, New Jersey, Docket No. 11124, File No. BP-9096; Monmouth County Broadcasters, Long Branch, New Jersey, Docket No. 11125, File No. BP-9231; for construction permits.

The Hearing Examiner having under consideration a Petition Requesting Resumption of Hearing filed April 6, 1955, by Harold M. Gade, and the facts shown by the files, records and orders in this proceeding; and

It appearing that these procedural steps place the instant petition in proper perspective: (1) The applications herein were designated for hearing at a time and place to be specified later by a Commission order released August 9, 1954; (2) on August 18, 1954, Broadcast Bureau filed herein a petition to enlarge the issues and to add a party which was opposed by Monmouth County Broadcasters, and which was granted by the Commission's memorandum opinion and order released November 5, 1954; (3) by Motions Commissioner's order dated September 21, 1954, Harold M. Gade was permitted to amend his application in certain respects not here material; (4) by Commission's order released December 3, 1954, the hearing was scheduled to be commenced in Washington, D. C. on February 8, 1955; (5) by Hearing Examiner's order dated January 5, 1955, a prehearing conference was scheduled for January 19, 1955, which was duly commenced as shown by Volume 1 of the transcript, being pages 1 through 23; (6) the prehearing conference and the hearing date were continued to a date to be fixed by subsequent order, as shown by the transcript and by Hearing Examiner's order dated January 20, 1955, in order to permit Broadcast Bureau to carry out its stated intention to file a petition to enlarge the issues, and to allow time for Commission action thereon; (7) on April 5, 1955, Harold M. Gade filed with the Commission under the caption of this proceeding a petition requesting the Commission to return as unacceptable for filing an application by Long Branch Broadcasting Company which is therein alleged to be mutually exclusive with the applications herein; (8) on April 6, 1955, Long Branch Broadcasting Company filed, also under the caption of this proceeding, a reply to the preceding petition; and (9) on April 6, 1955, Harold M. Gade filed the petition now under consideration; and

It further appearing that petitioner requests that the hearing be "forthwith" resumed, points out that Broadcast Bureau has not yet filed any petition for enlargement of the issues, and asserts that further delay will not conduce to the orderly dispatch of this matter; and

It further appearing that no opposition to the petition before us has been filed or tendered by any party or person and that the time allowed for the filing thereof has elapsed; and

It further appearing that the matters presented by the pleadings referred to in (7) and (8) above are not properly a part of this proceeding within the jurisdiction of the Hearing Examiner under the Commission's rules; and

It further appearing that the granting of the petition as hereinafter ordered will conduce to the orderly dispatch of the Commission's business and will serve the ends of justice, now therefore

It is ordered, This 19th day of April 1955, that the petition filed April 6, 1955, by Harold M. Gade is granted and the further prehearing conference in this proceeding shall be convened at 10:00 a. m. on Wednesday, April 27, 1955, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-3349; Filed, Apr. 22, 1955; 8:48 a. m.]

[Docket No. 11243; FCC 55M-353]

HYMAN ROSENBLUM, ET AL.

ORDER CONTINUING HEARING

In re application of Hyman Rosenblum, et al., transferors and Lowell J. Thomas, et al., Transferees, Docket No. 11243, File No. BTC-1828; for consent to the transfer of control of Hudson Valley Broadcasting Company, Inc., Albany, New York (WROW and WROW-TV).

It is ordered, This 18th day of April 1955, on the Examiner's own motion, and with the consent of all parties hereto, that hearing in the above-entitled proceeding, which is presently scheduled to commence April 25, 1955, is continued to May 9, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-3350; Filed, Apr. 22, 1955; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6617]

IDAHO POWER CO.

NOTICE OF APPLICATION

APRIL 19, 1955.

Take notice that on April 15, 1955, an application was filed with the Federal Power Commission, pursuant to Part 34 of the Commission's general rules and regulations under the Federal Power Act, by the Idaho Power Company (Applicant), for authorization to issue 1,125,000 shares of its Common Stock (par value $10 per share).

Applicant, a corporation organized and existing under the laws of the State of Maine, and qualified to do business as a foreign corporation in the States of Oregon, Idaho and Nevada, with its principal place of business in Boise, Idaho, states that the shares to be issued will effect a proposed reclassification of its presently outstanding shares of Common Stock (par value $20 per share). Under the reclassification plan Applicant proposes to reduce the par value of its shares of Common Stock from $20 to $10 per share. The holders of the 1,125,000 shares of $20 par value Common Stock of the Applicant presently outstanding will receive one share of the new $10 par value Common Stock for each share of the $20 par value stock

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[1] Order No. E-7837, dated October 21, 1953.
[2] Order No. E-1639, 9 CAB 340, 357.
[3] Order No. E-4048, 11 CAB 228.
[4] Directional rates were authorized up to and including September 1, 1951. By Order No. E-5648, dated August 24, 1951, "below minimum" directional rates were extended to and including September 21, 1952. By Order No. E-6698, August 18, 1952, "below minimum" directional rates were extended indefinitely.
[5] Order No. E-4890.
[6] Order No. E-7837, granting petition of Slick Airways, Inc., to increase minimum rates because of increased costs.
[7] Order Nos. E-4048, E-4890 and E-6698.
[8] Slick agreed at the prehearing conference to limit its request to lower maximums from the west coast to the midwest and east.
[9] Cut Flower Shipments by Air Freight from Northern and Southern California, Appendix B.
[10] Flowers Moved Via Slick Airways, Pounds Enplaned, by Months, 1950–1954. Appendix C.
[11] Cut Flower Shipments from Southern California to New York and Chicago of Selected Carriers. Appendix D.
[12] Effects of Percentage Increase of Los Angeles to New York Air Freight Rates on New York Wholesale Florists' Margins, April 22, 1951 and November 20, 1954. Appendix E.

presently held. The Applicant states that the outstanding certificates currently evidencing its $20 par value shares will not be exchanged under the reclassification plan for new certificates but rather will remain outstanding, representing the same number of shares but of the decreased par value Common Stock.

The application states that the proposed reclassification will, among other things, improve the marketability of Applicant's Common Stock. The proposed reclassification plan is to be submitted to Applicant's stockholders for approval at its forthcoming annual meeting to be convened May 4, 1955; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application, or to request further period of time within which to request to be heard or to make any protest with reference to said application, should, on or before the 29th day of April 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest, as the case may be, in accordance with the Commission's general rules and regulations. The Application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3320; Filed, Apr. 22, 1955; 8:45 a. m.]

[Docket Nos. G-5387—G-5454, G-5456—G-5469, G-5478—G-5509, G-5511—G-5523, G-5525—G-5550]

GEORGE P. BLACK ET AL.

NOTICE OF FINDINGS AND ORDER

APRIL 18, 1955.

In the matters of George P. Black, Docket No. G-5387; F. G. Bish, Docket No. G-5388; Charles F. Moran, Docket No. G-5389; Hanlon Oil Company, Docket No. G-5390; Hanlon Oil Company, Docket No. G-5391; Weva Oil Corporation, Docket No. G-5392; Hanlon Oil Company, Docket No. G-5393; Carnegie Natural Gas Company, Docket No. G-5394; Carnegie Natural Gas Company, Docket No. G-5395; Conservation Oil and Gas Company, Docket No. G-5396; N. G. Busch, Docket No. G-5397; Spruce Oil & Gas Company, Docket No. G-5398; Alvy Oil and Gas Company, Docket No. G-5399; S. A. Smith, et al., Docket No. G-5400; T. N. & L. W. Tanzey, Docket No. G-5401; Smith Oil and Gas Company, Docket No. G-5402; P. J. McDonough, T. J. Garrity, et al., Docket No. G-5403; West Virginia Production Company, Docket No. G-5404; Schultz Oil Company, Docket No. G-5405; Ben L. Beall, et al., Docket No. G-5406; Ira J. Roberts, Docket No. G-5407; Miller Oil and Gas Company, Docket No. G-5408; Thomas J. Davis, Docket No. G-5409; Roberts Oil & Gas Company, Docket No. G-5410; West Virginia Production Company, Docket No. G-5411; H. F. Simonton, Docket No. G-5412; Prather Gas Company, Docket No. G-5413; French Creek Oil and Gas Company, Docket No. G-5414; West Virginia Production Company, Docket No. G-5415; C. E. Braden, et al., Docket No. G-5416; Wolf Pen Oil & Gas Co., Docket No. G-5417; J. J. Graham, Docket No. G-5418; E. R. & James Reed, Docket No. G-5419; E. A. Robertson, Docket No. G-5420; Empire Oil Co., Partnership, Docket No. G-5421; Murphy Oil Co., Docket No. G-5422; Murphy Oil Co., Docket No. G-5423; Nellie M. Stinespring, Docket No. G-5424; Thursday Oil & Gas Co., Docket No. G-5425; Ethel S. Jones, Docket No. G-5426; Charles W. Britton and Company, Docket No. G-5427; Pond Fork Oil and Gas Company, Docket No. G-5428; Simers Oil & Gas Company, Docket No. G-5429; Lincoln Oil Company, Docket No. G-5430; F. G. Bish, Docket No. G-5431; Carnegie Natural Gas Company, Docket No. G-5432; Pond Fork Oil and Gas Company, Docket No. G-5433; Camp Oil and Gas Company, Docket No. G-5434; Cunningham Oil & Gas Company, Docket No. G-5435; Alva McCullough, et al., Docket No. G-5436; Diamond Oil and Gas Company, Docket No. G-5437; J. D. Foley, Docket No. G-5438; Marian F. Johnson, Docket No. G-5440; Marian F. Johnson, Docket No. G-5441; Garrett, Woodford, and Swadley, Docket No. G-5542; Mrs. Anna Huber, Docket No. G-5443; The Empire Gas Company, Docket No. G-5444; D. W. Cork, Docket No. G-5445; Commercial Coal & Coke Company, Docket No. G-5446; C. Ray & Harry E. Martin, Docket No. G-5447; C. F. Chrisman, et al., Docket No. G-5448; Carolyn E. Farr, Docket No. G-5449; Empire Oil Co., Partnership (N. L. Gribble & Carolyn E. Farr), Docket No. G-5450; Quaker State Oil Refining Corp., Docket No. G-5451; Ledford & Webster Flint, Docket No. G-5452; J. Moses Raad, Docket No. G-5453; Charles W. Louchery, Docket No. G-5454; Finch & Snider Oil & Gas Co., Docket No. G-5456; Marian F. Johnson, Docket No. G-5457; J. Moses Raad, Docket No. G-5458; Rocksdale Oil & Gas Co., Docket No. G-5459; Ohio Oil & Gas Co., Docket No. G-5460; J. Robert Hornor, Docket No. G-5461; O. B. Lawman & Archie M. Hall, Docket No. G-5462; Rocksdale Oil & Gas Co., Docket No. G-5463; J. Robert Hornor, Agent, Thomas J. Francis, et al., Docket No. G-5464; Cameron Oil & Gas Co., Docket No. G-5465; Ayers Oil & Gas Co., Docket No. G-5466; Tanzey Gas Co., Docket No. G-5467; E. W. Savage, Trustee, Docket No. G-5468; Z. N. Connolly, et al., Docket No. G-5469; N. M. Beardmore, Docket No. G-5478; Hanlon Oil Co., Docket No. G-5479; Hanlon Oil Co., Docket No. G-5480; A. F. Marple, Docket No. G-5481; H. F. Simonton, Docket No. G-5482; Thomas W. Hanley, et al., Docket No. G-5483; Earl Goodwin, et al., Docket No. 5484; H. F. Simonton, Docket No. G-5485; Ottawa Gas Co., Docket No. G-5486; Joe Rubin, Docket No. G-5487; Powers Gas Co., Docket No. G-5488; Twin Cities Gas Co., Docket No. G-5489; Twin Cities Gas Co., Docket No. G-5490; Edwards Oil & Gas Co., Docket No. G-5491; Everett Starcher, et al., Docket No. G-5492; Twin Cities Gas Co., Docket No. G-5493; Tate & Gribble, a Partnership, Docket No. G-5494; Hunt & Adams, Docket No. G-5495; Ottawa Gas Co., Docket No. G-5496; E. C. Frederick, et al., Docket No. G-5497; West Union Oil & Gas Co., Docket No. G-5498; Twin Cities Gas Co., Docket No. G-5499; McHenry Oil & Gas Co., Docket No. G-5500; Pond Fork Oil & Gas Co., Docket No. G-5501; Fred & Ollie Stump Gas Company, Docket No. G-5502; Tate and Gribble, Partnership, Docket No. G-5503; E. L. Summers Gas Company, Docket No. G-5504; George Jackson, trading and doing business as Twin Cities Gas Company, Docket No. G-5505; Z. N. Connolly, et al., Docket No. G-5506; D. C. 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Notice is hereby given that on April 11, 1955, the Federal Power Commission issued its findings and order adopted April 6, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3321; Filed, Apr. 22, 1955; 8:45 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF REAL PROPERTY AT DETROIT DAM AND RESERVOIR, OREGON, BY THE DEPARTMENT OF DEFENSE

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of Defense to determine that certain property, consisting of 16.094 acres of land owned in fee and 3.757 acres in railroad right-of-way easements, being a portion of Tract A-1 of the Detroit Dam and Reservoir, Marion County, Oregon, is not required for the needs and responsibilities of Federal agencies; and thereafter to dispose of such property by negotiated sale or otherwise as the interest of the Government may require.

2. The authority conferred herein shall be exercised in accordance with the act and regulations issued pursuant thereto, and in particular section 203 (e) of the act, requiring that an explanatory statement be prepared and submitted to the appropriate committees of Congress and a copy preserved in the file of all cases where negotiated disposal occurs. Such statements shall be submitted to the committees at least thirty (30) days prior to consummation of any negotiated disposal, and a copy of each such statement shall be furnished this Administration.

3. The Secretary of Defense may redelegate this authority to any officer or employee of the Department of Defense.

4. This delegation of authority is effective immediately.

Dated: April 20, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-3382; Filed, Apr. 21, 1955; 4:09 p. m.]

[Amdt. 2]

NICKEL-GRAPHITE COMMITTEE

PROVISION FOR PERFORMANCE OF LEGAL SERVICES BY OFFICE OF GENERAL COUNSEL

Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, and the Defense Production Act of 1950, as amended, the Delegation of Authority to the Nickel-Graphite Committee issued by me on August 25, 1953 (18 F. R. 5285), and Amendment 1 thereof issued by me on June 9, 1954 (19 F. R. 3497), are hereby amended as follows:

1. The second sentence of paragraph 3 of the said Delegation of August 25, 1953, is hereby amended to read as follows: "The Office of General Counsel shall perform all legal services required in connection with the programs, functions, and administration of the Committee."

2. Paragraph 1 of the said Amendment 1 of June 9, 1954, (amending paragraph 1 of the said delegation of August 25, 1953) is hereby amended by deleting therefrom the phrase "with the advice of the Committee Staff Counsel", and inserting in lieu thereof the phrase "with the advice of counsel detailed from the Office of General Counsel to perform legal services for the Committee".

Dated: April 21, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-3413; Filed, Apr. 22, 1955; 11:35 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 20, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30517: Cinders—Ohio to Illinois and Michigan. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cinders, clay or shale, carloads, from Cleveland, Lexington, and South Park, Ohio to Chicago, Ill., Paw Paw and Three Rivers, Mich.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Agent H. R. Hinsch's I. C. C. 4622.

FSA No. 30518: Automobile parts—Michigan to Kansas and Missouri. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile parts, carloads, from Flint and Grand Rapids, Mich., to specified points in Kansas and Missouri.

Grounds for relief: Circuity.

FSA No. 30519: Latex to Eau Claire, Wis. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on latex (liquid crude rubber), carloads, from Baton Rouge and North Baton Rouge, La., to Eau Claire, Wis.

Grounds for relief: Short line distance formula and circuity.

Tariff: Supplement 114 to Agent Emerson, Jr.'s I. C. C. No. 417.

FSA No. 30520: Ammunition boxes—Clinton, Iowa, to Indiana. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on ammunition boxes, carloads, from Clinton, Iowa, to Newport, Dana (Wabash River Ordnance Works), Ind.

Grounds for relief: Circuity.

FSA No. 30521: Water and Rail Rates from and to Florida Peninsula. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities moving on class and commodity column rates, between Baltimore, Md., on one hand and points in the Florida peninsula, on the other.

Grounds for relief: Competition with all-rail carriers.

FSA No. 30522: Barytes—Arkansas and Missouri to New Orleans, La. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ground barite (barytes), carloads, from specified points in Arkansas and Missouri to New Orleans, La.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 16 to Agent Kratzmeir's I. C. C. 4092.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3325; Filed, Apr. 22, 1955; 8:46 a. m]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3362]

NATIONAL FUEL GAS CO.

NOTICE OF FILING REGARDING PROPOSED PURCHASE BY HOLDING COMPANY OF PROMISSORY NOTES TO BE ISSUED BY EXEMPT SUBSIDIARY

APRIL 19, 1955.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, has filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 3 (b), 7, 9 (a), 10, 12 (b) and 12 (f) of the act and Rules U-23, U-43 and U-45 thereunder as applicable to the proposed transactions, which are summarized as follows:

National proposes to purchase from Provincial Gas Company, Ltd. ("Provincial"), an exempt Canadian subsidiary, from time to time during 1955 promissory notes aggregating in principal amount not to exceed $300,000 in United States currency. Said purchases will be made pursuant to a credit agreement between National and Provincial dated March 25, 1955, which provides that National will make loans to Provincial in multiples of $20,000 to be evidenced by Provincial's unsecured promissory notes, the first of which will mature on June 1, 1956, and each succeeding note in the series will mature on June 1 of the calendar year following the maturity date of the next prior note in the series. The notes will bear interest at the rate of 3⅜ percent per annum, payable in United States funds semiannually on June 1 and December 1 of each year until paid in full. Provincial reserves the right to prepay any of said notes at any time, or from time to time, in whole or in part, without premium, upon paying all the interest accrued to the date of such prepayment on the amount of principal then prepaid.

Provincial proposes to use the proceeds of such notes, together with funds available from current operations, to make needed plant additions and to increase its working capital.

National estimates the expenses to be incurred herein at $1,200, including $1,000 for legal fees and $200 for printing and miscellaneous.

It is stated that no other regulatory Commission, state or federal, has jurisdiction over the proposed transactions.

Notice is further given that any person may, not later than May 5, 1955 at 5:30 p. m., request in writing that a hearing be held on such matter, stating the

nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3322; Filed, Apr. 22, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

REGIONAL FORESTERS

DELEGATION OF AUTHORITY TO EXERCISE FUNCTIONS IN CONNECTION WITH SALE OF LAND

Pursuant to authority delegated to the Chief or Acting Chief, Forest Service, by § 281.13 (36 CFR 281.13) regulations governing sale of lands pursuant to section 10 of the act approved March 1, 1911 (20 F. R. 2024-2025), authority is hereby delegated to the Regional Forester of each Forest Service region to exercise all functions and make all determinations provided in or required by §§ 281.1 to 281.8, inclusive, and §§ 281.10 to 281.12, inclusive, of said regulations, and to redelegate said authority to such officers and employees of the Forest Service under his supervision as he may consider necessary or desirable to carry out said regulations.

Done at Washington, D. C., this 14th day of April 1955.

[SEAL] EDWARD P. CLIFF,
Acting Chief,
Forest Service.

[F. R. Doc. 55-3323; Filed, Apr. 22, 1955; 8:45 a. m.]

Rural Electrification Administration

[Administrative Order T-591]

ALLOCATION OF FUNDS FOR LOANS

APRIL 8, 1955.

I hereby amend:

(a) Administrative Order No. T-356, dated October 20, 1953, by decreasing the loan of $2,574,000 therein made for "Reservation Mutual Aid Telephone Corporation—North Dakota 525-ACD" by $481,000 so that the decreased loan shall be $2,093,000.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3342; Filed, Apr. 22, 1955; 8:47 a. m.]

NOTICES

[Administrative Order T-582]

ILLINOIS

LOAN ANNOUNCEMENT

MARCH 21, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mid-Century Telephone Cooperative, Illinois 511-B	$128,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3333; Filed, Apr. 22, 1955; 8:47 a. m.]

[Administrative Order T-583]

IDAHO

LOAN ANNOUNCEMENT

MARCH 28, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Custer Telephone Cooperative, Inc., Idaho 503-A	[1] $403,000

[1] Simultaneous allocation and loan.

[SEAL] J. K. O'SHAUGHNESSY,
Acting Administrator.

[F. R. Doc. 55-3334; Filed, Apr. 22, 1955; 8:47 a. m.]

[Administrative Order T-584]

KENTUCKY

LOAN ANNOUNCEMENT

MARCH 31, 1955.

Pursuant to the provisions of the Rural Electrificatior Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Calvert Telephone System, Inc., Kentucky 529-B	$252,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3335; Filed, Apr. 22, 1955; 8:47 a. m.]

[Administrative Order T-585]

UTAH

LOAN ANNOUNCEMENT

APRIL 1, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Central Utah Telephone Association, Inc., Utah 505-B South Central	$61,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3336; Filed, Apr. 22, 1955; 8:47 a. m.]

[Administrative Order T-586]

ALABAMA

LOAN ANNOUNCEMENT

APRIL 1, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arab Telephone Company, Inc., Alabama 508-A	[1] $363,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3337; Filed, Apr. 22, 1955; 8:47 a. m.]

[Administrative Order T-587]

MISSOURI

LOAN ANNOUNCEMENT

APRIL 5, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Purdy Telephone Company, Missouri 525-A	[1] $171,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3338; Filed, Apr. 22, 1955; 8:47 a. m.]

[Administrative Order T-590]

MINNESOTA

LOAN ANNOUNCEMENT

APRIL 7, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
East Otter Tail Telephone Company, Minnesota 563-C	$476,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3341; Filed, Apr. 22, 1955; 8:47 a. m.]

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FEDERAL REGISTER
OF THE UNITED STATES
1934

VOLUME 20 NUMBER 81

Washington, Tuesday, April 26, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10604

DELEGATING TO THE DIRECTOR OF THE BUREAU OF THE BUDGET THE AUTHORITY OF THE PRESIDENT TO APPROVE REGULATIONS RELATING TO THE OPERATION OF VENDING STANDS ON FEDERAL PROPERTY BY BLIND PERSONS

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (65 Stat. 713), and as President of the United States, it is ordered that the Director of the Bureau of the Budget be, and he is hereby, designated and empowered to exercise the authority vested in the President by the first section of the act entitled "An Act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes," approved June 20, 1936 (49 Stat. 1559), as amended by section 4 (a) of the Vocational Rehabilitation Amendments of 1954 (68 Stat. 663; 20 U. S. C. 107), to approve regulations prescribed by the heads of the respective departments and agencies under the said section as amended.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 22, 1955.

[F. R. Doc. 55-3322; Filed, Apr. 22, 1955; 12:40 p. m.]

EXECUTIVE ORDER 10605

AMENDMENT OF EXECUTIVE ORDER NO. 10119 [1] OF MARCH 27, 1950, PRESCRIBING REGULATIONS GOVERNING THE PAYMENT OF BASIC ALLOWANCES FOR SUBSISTENCE TO MEMBERS OF THE UNIFORMED SERVICES

By virtue of the authority vested in me by section 301 of the Career Compensation Act of 1949 (63 Stat. 812), and as President of the United States and Commander in Chief of the armed forces of the United States, section 1 of Executive Order No. 10119 of March 27, 1950, prescribing regulations governing the payment of basic allowances for subsistence to members of the uniformed services, is hereby amended to read as follows:

"SECTION 1. Enlisted members who are being subsisted in kind in a mess and whose duties require them to be absent from their station during one or more meals shall be entitled for each such meal to a pro-rated share of the daily basic allowance for subsistence authorized for members on duty at stations where rations in kind are not available. The Secretary of Defense, the Secretary of the Treasury, and the Secretary of Commerce are hereby authorized to establish the amount of the pro-rated share of the daily basic allowance for subsistence applicable to each one of the three daily meals, which amount shall be uniform for all the services concerned. The total of the amounts of the shares for the three daily meals shall not exceed the amount of the basic daily allowance for subsistence authorized by section 301 of the Career Compensation Act of 1949, as heretofore or hereafter amended."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 22, 1955.

[F. R. Doc. 55-3423; Filed, Apr. 22, 1955; 12:40 p. m.]

[1] 15 F. R. 1767; 3 CFR, 1950 Supp., p. 93.

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATE FOR LIMEADE [1]

On August 31, 1954, a notice of proposed rule making was published in the

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act. The product covered by these standards is essentially lime juice sweetened for limeade but is marketed under the name "Frozen Concentrate for Limeade."

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Titles 10–13 ($0.50)
Title 14: Part 400 to end ($0.65)
Title 16 ($1.25)
Titles 28–29 ($1.25)
Titles 44–45 ($0.75)
Title 49: Parts 71–90 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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FEDERAL REGISTER (19 F. R. 5562) regarding a proposed issuance of United States Standards for Grades of Frozen Concentrate for Limeade.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Concentrate for Limeade are hereby promulgated pursuant to the authority in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION AND GRADES

Sec.
52.2521 Product description.
52.2522 Grades of frozen concentrate for limeade.

FILL OF CONTAINER

52.2523 Recommended fill of container.

FACTORS OF QUALITY

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LOT CERTIFICATION TOLERANCE

52.2531 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2532 Score sheet for frozen concentrate for limeade.

AUTHORITY: §§ 52.2521 to 52.2532 issued under sec. 205, 60 Stat., 1090; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.2521 *Product description.* Frozen concentrate for limeade is the product prepared from lime juice and one or more nutritive sweetening ingredients to which may be added oil derived from limes for added flavor, and may or may not contain water in sufficient quantities to standardize the product. The lime juice is produced from fresh, sound, mature, and thoroughly cleansed fruit of one or more of the varieties of the species citrus aurantifolia. Such juice may be fresh or frozen or may be fresh juice concentrated or frozen concentrated. The concentrate for limeade is processed in accordance with good commercial practice and is frozen and maintained at temperatures sufficient for the preservation of the product.

§ 52.2522 *Grades of frozen concentrate for limeade.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrate for limeade which mixes readily into a limeade that possesses an amount of pulp and cloud, so as to substantially reflect the appearance of limeade prepared from freshly expressed lime juice; that possesses a good color; that is practically free from defects; that possesses a good flavor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrate for limeade which mixes readily into a limeade that possesses at least a slight, but not an excessive, amount of pulp and cloud so as to reasonably reflect the appearance of limeade prepared from freshly expressed lime juice; that possesses a reasonably good color; that is reasonably free from defect; that possesses a reasonably good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen concentrate for limeade that fails to meet the requirements of "U. S. Grade B" or "U. S. Choice."

FILL OF CONTAINER

§ 52.2523 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full as practicable with frozen concentrate for limeade.

FACTORS OF QUALITY

§ 52.2524 *Ascertaining the grade—(a) General.* The grade of frozen concentrate for limeade is ascertained by considering the factors of quality which are not scored and those which are scored as follows:

(1) *Factors which are not scored.*
(i) Ease of mixing into limeade.
(ii) Amount of pulp and cloud.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Defects	20
Flavor	60
Total score	100

(b) The scores for the factors of color, defects, and flavor are determined immediately after the product has been prepared as limeade by thoroughly mixing the frozen concentrate for limeade with a specific volume of water as directed by the manufacturer.

§ 52.2525 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.2526 *Color*—(a) *(A) classification.* Frozen concentrate for limeade which, when prepared as limeade, possesses a good color may be given a score of 17 to 20 points. "Good color" means a good bright characteristic color that reflects the appearance of limeade prepared from freshly expressed lime juice.

(b) *(B) classification.* If the frozen concentrate for limeade, when prepared as limeade, possesses a reasonably good color a score of 14 to 16 points may be given. Frozen concentrate for limeade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a characteristic color that reflects to a reasonable extent the color of limeade prepared from freshly expressed lime juice and is not dark or otherwise discolored for any reason.

(c) *(SStd.) classification.* If the limeade fails to meet the requirements of paragraph (b) of this section, a score of 0 to 13 points may be given. Frozen concentrate for limeade that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

§ 52.2527 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from seeds or portions of seeds, from harmless extraneous material, from objectionable material and from other defects not specifically mentioned that affect the appearance or drinking quality of the product.

(1) "Harmless extraneous material" includes, but is not limited to, particles of seeds, rag, peel and pulp that will pass through round perforations not exceeding ⅛ inch in diameter.

(2) "Seeds or portions of seeds" means (i) any intact seed or (ii) any portion of a seed that will not pass through a round perforation ⅛ inch in diameter.

(b) *(A) classification.* Frozen concentrate for limeade which, when prepared as limeade, is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present not more than an average of one seed or portion of seed for each quart of prepared limeade; and that the appearance and drinking quality of the limeade is not materially affected by the presence of seeds, portions of seeds, objectionable material, harmless extraneous material, any other defects not specifically mentioned, or any combination thereof.

(c) *(B) classification.* If the limeade is reasonably free from defects a score of 14 to 16 points may be given. Frozen concentrate for limeade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present not more than an average of two seeds or portions of seeds for each quart of limeade; and that the appearance and drinking quality of the limeade is not seriously affected by the presence of seeds, portions of seeds, objectionable material, harmless extraneous material, any other defects not specifically mentioned, or any combination thereof.

(d) *(SStd.) classification.* If the limeade fails to meet the requirements of paragraph (c) of this section a score of 0 to 13 points may be given. Frozen concentrate for limeade that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

§ 52.2528 *Flavor*—(a) *(A) classification.* Frozen concentrate for limeade which, when prepared as limeade, possesses a good flavor may be given a score of 51 to 60 points. "Good flavor" means a fine, distinct, and substantially typical flavor of limeade prepared from freshly expressed lime juice and which flavor is free from terpenic, oxidized, rancid, or other off flavors. To score in this classification, the limeade shall test not less than 10.5 degrees Brix; shall contain not less than 0.7 gram of acid per 100 ml. of the limeade; may not contain more than 0.020 ml. or less than 0.003 ml. of recoverable oil per 100 ml. of the limeade; and the Brix-acid ratio shall not exceed 18:1.

(b) *(B) classification.* If the prepared limeade possesses a reasonably good flavor a score of 42 to 50 points may be given. Frozen concentrate for limeade that falls into this classification shall not be graded above "U. S. Grade

B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means a fairly typical flavor of limeade prepared from freshly expressed lime juice and which flavor is practically free from terpenic, oxidized, rancid, or other off flavors and is free from abnormal flavors of any kind. To score in this classification the limeade shall test not less than 10.5 degrees Brix; shall contain not less than 0.7 gram of acid per 100 ml. of the limeade; may not contain more than 0.030 ml. or less than 0.003 ml. of recoverable oil per 100 ml. of the limeade; and the Brix-acid ratio shall not exceed 18:1.

(c) *(SStd.) classification.* If the prepared limeade fails to meet the requirements of paragraph (b) of this section, a score of 0 to 41 points may be given. Frozen concentrate for limeade that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2529 *Definition of terms.* (a) "Brix" means the degree Brix of the limeade when tested with a Brix hydometer calibrated at 20 degrees C. (68 degrees F.) If used in testing limeade at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of limeade may be determined by any other method which gives equivalent results.

(b) "Acid" means the grams of acid (calculated as anhydrous citric acid) per 100 ml. of the prepared limeade determined by titration with standard sodium hydroxide solution using phenolphthalein as an indicator.

(c) "Brix-acid ratio" means the ratio between the degrees "Brix" as determined in this section and the acid in grams per 100 ml. of limeade.

(d) "Dilution factor" is the value obtained by dividing a volume of limeade by the volume of concentrate for limeade used in its preparation when such limeade is prepared in accordance with the manufacturer's directions.

§ 52.2530 *Explanation of analyses.* Recoverable oil is determined by the following method:

(a) *Equipment.* Oil separatory trap similar to either of those illustrated in figure 1 [1] and figure 2.[1]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(b) *Procedure.* Place exactly one liter of the concentrate for limeade with approximately one liter of water in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the mixture to a boil. Continue boiling for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered. The number of milliliters of oil recovered divided by 10 times the dilution factor is equivalent to the number of milliliters of oil per 100 milliliters of the limeade.

[1] Filed as part of original document.

LOT CERTIFICATION TOLERANCES

§ 52.2531 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrate for limeade the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2532 *Score sheet for frozen concentrate for limeade.*

Size and kind of container	----
Container mark or identification	----
Label (including dilution factor)	----
Liquid measure (fluid ounces)	----
Brix of the limeade	----
Anhydrous citric acid in the limeade (grams per 100 ml.)	----
Brix/acid ratio	----
Recoverable oil (milliliter/100 milliliter of the limeade)	----
Reconstitutes properly (yes) (no)	----

Factors		Score points	
Color	20	(A)	17–20
		(B) [1]	14–16
		(SStd.) [1]	0–13
Defects	20	(A)	17–20
		(B) [1]	14–16
		(SStd.) [1]	0–13
Flavor	60	(A)	51–60
		(B) [1]	42–50
		(SStd.) [1]	0–41
Total score	100		
Grade			

[1] Indicates limiting rule.

Effective time. It is hereby found and determined that good cause exists for making these standards effective upon publication in the FEDERAL REGISTER, instead of waiting 30 days after such publication, for the reasons that: (1) The lime juice industry has long been aware of the nature of these standards in that notice of proposed rule making in this regard was published in the FEDERAL REGISTER issue of August 31, 1954 (19 F. R. 5562), and numerous and detailed discussions of the several provisions have been had with industry representatives generally since that time; (2) such industry generally has expressed agreement with those provisions, and has expressed the desire that they be put into effect as soon as practicable; and (3) no special preparation by the persons affected for the putting of these standards in effect will be necessary. It is therefore ordered that these United States Standards for Grades of Frozen Concentrate for Limeade (which is the first issue) contained in this subpart shall become effective upon the publication of this document in the FEDERAL REGISTER.

Dated: April 21, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-3385; Filed, Apr. 25, 1955; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 585, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.692 Lemon Regulation 585; 20 F. R. 2509) are hereby amended to read as follows:

(ii) District 2: 400 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 21, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3383; Filed, Apr. 25, 1955; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

PART 143—EXEMPTION OF CERTAIN PERSONNEL FROM OPERATION OF SECTIONS 281–284, 434 AND 1914 OF TITLE 18, UNITED STATES CODE

CORRECTION

Section 143.1 (e) is hereby corrected, retroactive to February 28, 1951, as follows:

Delete the "s" in the word "sections" and the words "and 1914". Section 143.1 (e), as corrected, will read as follows:

(e) Exemption from section 434 of Title 18, United States Code, shall not extend to persons appointed as experts or consultants under section 704 aforesaid.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

[F. R. Doc. 55-3351; Filed, Apr. 25, 1955; 8:46 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order 40]

PART 24—SANITATION, HEALTH, AND QUARANTINE

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the President of the United States by section 371 of title 2 of the Canal Zone Code, approved June 19, 1934, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10595 of February 7, 1955, §§ 24.46, 24.56 (a) (1), (c) and 24.58 of Title 35 of the Code of Federal Regulations as adopted and amended by Canal Zone Order 39 of February 26, 1955, 20 F. R. 1392, are further amended to read as follows:

§ 24.46 *Administration of quarantine laws, rules and regulations.* The Health Bureau, under the supervision of the Health Director, through the Division of Preventive Medicine and Quarantine, with respect to all quarantine matters other than animal quarantine, and through the Division of Veterinary Medicine with respect to animal quarantine, under the immediate supervision and direction of the Chiefs of those divisions, is hereby charged with the administration of all laws, rules and regulations governing maritime and aircraft quarantine in the Canal Zone.

§ 24.56 *General provisions.* (a) • • •

(1) In the current voyage the vessel or aircraft has not touched at any port other than ports under the control of the United States or ports in Canada, the Islands of St. Pierre and Miquelon, Iceland, Greenland, the West Coast of Lower California, Cuba, the Bahama Islands, the Bermuda Islands, the British Virgin Islands, or the Islands of Aruba and Curacao; or

• • • • • •

(c) Notwithstanding the provisions of paragraph (a) (2) and (3) of this section, a vessel or aircraft having received pratique at a port under the control of the United States, or possessing a duplicate pratique from Canada:

(1) Shall comply with any conditions and carry out any additional measures specified in the pratique; and

(2) May be required to undergo quarantine inspection if the quarantine officer in charge has reason to believe that the entry of the vessel or aircraft would be likely to cause the introduction of communicable disease.

§ 24.58 *Exempt vessels and aircraft subject to sanitary regulations.* A vessel or aircraft which has been exempted from quarantine inspection under § 24.56 or § 24.57 shall nevertheless be subject to the provisions of §§ 24.87 through 24.93.

(Sec. 1, 39 Stat. 527, as amended; 2 CZ Code 371, 372, 48 U. S. C. 1310)

ROBERT T. STEVENS,
Secretary of the Army.

APRIL 16, 1955.

[F. R. Doc. 55-3357; Filed, Apr. 25, 1955; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. In § 21.0, paragraphs (b), (c) and (e) (1), (2) and (3) are amended to read as follows:

§ 21.0 *Appeals from vocational rehabilitation and education determinations.* • • •

(b) *Questions subject to appellate review.* All questions involving determinations made as to rights and benefits to education or training under Part VII or Part VIII, Veterans Regulation 1 (a), as amended, (38 U. S. C. ch. 12), or Public Law 550, 82d Congress, as amended, are subject to review on appeal to the Administrator of Veterans Affairs, decisions in such cases to be made by the Board of Veterans Appeals. A letter of notification of each determination will advise the veteran of this right and of the time limit in which an appeal must be filed. Appeal questions will include any determinations by the vocational rehabilitation and education agency of original jurisdiction, including questions of basic eligibility, extent of entitlement, need for training, extension of training, amounts of subsistence and education and training allowance and periods for which payable, determination of employability, change of employment objective or course, change in place of training, etc. (See §§ 19.0 and 19.1 of this chapter.)

(c) *Agency of original jurisdiction.* For the purpose of this section, the agency of original jurisdiction means the vocational rehabilitation and education activity in the field which is charged with the responsibility of making original determinations of rights and benefits under Part VII or Part VIII, Veterans Regulation 1 (a), as amended, or Public Law 555, 82d Congress, as amended.

• • • • • •

(e) *Development of appeals.* • • •

(1) For administrative purposes, the educational benefits activity, field offices and Veterans Benefits Office, D. C., will have responsibility for acknowledging and developing appeals, and for making all arrangements for the docketing of hearings on appeals which are requested by the veteran or his accredited representative.

(2) A veteran may request on VA Form 1–9 that a hearing be conducted for the purpose of his appeal. If such a request is not made, it will be understood that a hearing is not desired by the veteran, and therefore, certification of the appeal will not be delayed for the purpose of ascertaining whether a hearing is desired by the veteran. No change is made in the procedure for notice regarding hearing and presentation of appeal by the designated representative.

(3) In case of a request by the veteran or his accredited representative, a hearing will be scheduled before a hearing group. The hearing group on vocational rehabilitation and education appeals is not defined as to permanent membership, but it shall always include a staff member of the educational benefits activity and a member of the activity of the vocational rehabilitation and education division which was responsible for the decision appealed from. The group will not in any instance act as a reviewing or appellate authority. If the argument or additional material evidence presented to the hearing group is such as to require reconsideration by the originating activity of entitlement to the benefits sought, the entire record will be referred for reconsideration to the activity which denied the benefits.

• • • • • •

2. In § 21.1, a new paragraph (a) is added as follows:

§ 21.1 *Finality of action.* • • •

(a) The exercise of the delegations of authority to positions in the vocational rehabilitation and education divisions of field offices is to be performed under the direction of, and authority vested in, the manager of the field station.

3. In § 21.2, that portion of paragraph (b) preceding subparagraph (1) is amended to read as follows:

§ 21.2 *Revision of vocational rehabilitation and education decisions.* • • •

(b) Whenever a vocational rehabilitation and education activity may be of the opinion that a revision or an amendment of a previous decision is warranted on the facts of record in the case at the time the decision in question was rendered, a difference of opinion being involved rather than a finding of clear and unmistakable error, the complete file will be forwarded, accompanied by a complete and comprehensive statement of the facts in the case and a detailed explanation of the matters supporting the conclusion that a revision or amendment of the prior decision is in order, to the Assistant Deputy Administrator, Vocational Rehabilitation and Education. Such references will, in every case, be made without any action toward amendment of the questioned decision. The question will be resolved and the regional office so advised. The commencing date of benefits in such cases, if otherwise allowable, will be the date of the letter signed by the Assistant Deputy Administrator, Vocational Rehabilitation and Education authorizing a favorable determination based on a difference of opinion.

* * * * *

4. Section 21.5 is revised to read as follows:

§ 21.5 *Jurisdiction and authority of the eligibility clerk and educational benefits representative.* The eligibility clerk in a field office is delegated authority in individual veterans' cases for making entitlement audits and for determining whether wages or income reported by veterans have any effect on the rate of subsistence or education and training allowance being paid. The educational benefits representative in a field office is authorized to conduct surveys by personal visits to schools and training establishments for the purpose of assuring the propriety of payments of educational benefits to and on behalf of veterans under the provisions of Public Law 346, 78th Congress, as amended, and Public Law 550, 82d Congress, as amended, and, except for those authorities specifically delegated to the eligibility clerk in the preceding sentence of this section, is delegated authority for all determinative actions involving individual veterans (including veterans who are Veterans' Administration employees) in matters coming under the jurisdiction of the educational benefits activity. The educational benefits representative will act as authorizing officer executing all original and amended authorizations including those found necessary as a result of such surveys. Additionally the eligibility clerk and the educational benefits representative in the Veterans Benefits Office, D. C., will have the authority for determinative actions in the cases of veterans pursuing education and training in foreign countries for which that office is the agency of original jurisdiction.

5. In § 21.6, paragraph (a) is amended to read as follows:

§ 21.6 *Application for a course of education or training.* * * *

(a) If an application is not complete at the time of the original submission, the veteran will be notified of the evidence necessary to complete the application, and, if such evidence is not received within 1 year from the date of request therefor, benefits may not be paid by virtue of the application. (See par. Ia (2), Part I, Veterans Regulation 2 (a), as amended by Veterans Regulation 2 (d) under Public No. 2, 73d Congress).

* * * * *

6. In § 21.7, paragraph (a) (1) is amended to read as follows:

§ 21.7 *Application for a course of institutional on-farm training.* (a) * * *

(1) The educational benefits representative will determine whether the veteran meets the eligibility requirements as set forth in § 21.30. If the veteran is eligible, the institution will be notified through the channels designated by the State approval agency of the beginning date of his subsistence allowance and the period of his entitlement.

* * * * *

7. In § 21.11, paragraph (c) (3) (iii) is amended and former paragraph (d) is deleted, former paragraph (e) is redesignated paragraph (d), so that the amended and redesignated material reads as follows:

§ 21.11 *Certificate of eligibility and entitlement.* * * *

(c) * * *

(3) * * *

(iii) In view of the fact regional offices will seldom have readily available the information necessary to designate a firm commencing date, Legend "C" will be inscribed on all supplemental certificates of eligibility issued for use at approved foreign educational institutions (except in the Philippine Republic) after applicable delimiting dates. In such cases, the date "on or about" will be construed to mean within 30 days preceding or following the date shown, unless the veteran concerned can demonstrate to the satisfaction of the Veterans Benefits Office, D. C., or the Attaché for Veterans Affairs Office concerned that the date indicated by the issuing office was unrealistic.

(d) The Veterans' Administration will require an affirmative report of conduct and progress from the school or training establishment in all cases where the veteran requests a supplemental Certificate of Eligibility and Entitlement for the purpose of changing his course or his institution or for securing additional education or training, since such a report serves as a basis for determining whether a supplemental certificate may be issued.

8. In § 21.21, that portion of paragraph (f) (1) preceding subdivision (i) is amended to read as follows:

§ 21.21 *Determinations of active service in allied armed forces.* * * *

(f) *Service in the Canadian armed forces.* (1) In order to permit determination of eligibility and entitlement in the case of veterans who served in the Canadian armed forces, whenever possible without referral to the Veterans Benefits Office, D. C., there is listed below the dishonorable discharges issued by the Canadian Army, the Royal Canadian Navy, and the Royal Canadian Air Force:

* * * * *

9. In § 21.23, paragraphs (c) (2) (ii) (b), (d), (e), (f) (h), and (i) are amended to read as follows:

§ 21.23 *Citizenship; establishment of, in connection with active service in Allied armed forces.* * * *

(c) * * *

(2) * * *

(ii) * * *

(b) Certificate of naturalization: The following statement will be accepted as evidence of citizenship by naturalization when prepared and certified to by an educational benefits representative, contact representative, or notary public in event it is not practicable for the veteran to appear before an educational benefits representative or contact representative: "I have this date reviewed the Certificate of Naturalization issued to (name of veteran) on (date), at (city), (State), by the United States District Court, (judicial subdivision) of (State), Certificate Number ____ was issued in response to Petition Number ____."

* * * * *

(d) Any person born in the Canal Zone on or after February 26, 1904, whose father or mother, or both, at the time of birth of such person was, or is, a citizen of the United States, is declared to be a citizen of the United States (sec. 303 (a), Public Law 414, 82d Congress).

(e) Any person born in the Republic of Panama on or after February 26, 1904, whose father or mother, or both, at the time of the birth of such person was, or is, a citizen of the United States, employed by the Government of the United States or by the Panama Railroad Company, is declared to be a citizen of the United States (sec. 303 (b), Public Law 414, 82d Congress).

(f) All persons born in Puerto Rico on or after April 11, 1899, subject to the jurisdiction of the United States, residing on January 13, 1941, in Puerto Rico or other territory over which the United States exercises rights of sovereignty, and who are not citizens of the United States under any other act, are citizens of the United States (sec. 302, Public Law 414, 82d Congress). Puerto Rican veterans should contact the Officer-in-Charge, Immigration and Naturalization Service, San Juan, Puerto Rico, in order to obtain evidence of their American citizenship.

* * * * *

(h) Where the evidence submitted by the veteran clearly shows that he was not a citizen of the United States at the time of his enlistment in the Allied armed forces, the regional office will take the appropriate action to disallow the claim.

(i) Where any question arises concerning a veteran's citizenship status, the case will be developed, and the necessary facts and evidence to substantiate the claim of citizenship will be referred to the Assistant Deputy Administrator, Vocational Rehabilitation and Education, central office, for a determination where, if necessary, the case will be presented to the Immigration and Naturalization Service of the Department of Justice for an opinion.

10. In § 21.25, paragraph (g) (2) is amended to read as follows:

§ 21.25 *Benefits applied for and received.* * * *

(g) * * *

(2) Where the veteran declares in his affidavit or states in a letter that he has applied for and received any education or training benefits from the Allied Government with which he served, this evidence is, by his own statement, sufficient to bar his entitlement to educational benefits under section 1506, and in such cases the claim will be disallowed.

* * * * *

11. In § 21.31, paragraphs (b) and (c) are amended to read as follows:

§ 21.31 *Basic evidence.* * * *

(b) *Questionable discharges.* In all cases where the discharge is neither honorable nor dishonorable, and it is not clear whether the circumstances under which the veteran was discharged or released from active duty under other than honorable conditions might bar eligibility to education or training, the cases will be referred by memorandum to the adjudication division, regional office, or veterans claims division, Veterans Benefits Office, D. C., (for jurisdiction of latter see § 3.1025 of this chapter), for appropriate certification, prior to initiating further action toward the issuance of Certificate of Eligibility and Entitlement to education or training. (See secs. 300 and 1503, Public Law 346, 78th Congress.)

(c) *Discharges for disability.* When an application for education or training is received and the veteran had fewer than 90 days service within the purview of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), but was discharged for disability, the vocational rehabilitation and education activity will refer the claim to the adjudication division (regional office cases) or the veterans claims division, Veterans Benefits Office, D. C. (for jurisdiction of latter see § 3.1025 of this chapter), for development of disability service data and a formal memorandum rating as to whether such discharge was by reason of an actual service-incurred injury or disability.

12. In § 21.36, new subparagraphs (5) and (6) of paragraph (d) are added and that portion of paragraph (e) preceding subparagraph (1) is amended to read as follows:

§ 21.36 *Special considerations concerning the pursuit of education or training after the statutory delimiting date.* * * *

(d) *Continuous pursuit of education or training; § 21.35 (c).* * * *

(5) A veteran who desires to pursue a graduate course under Public Law 346, 78th Congress, as amended, subsequent to the statutory delimiting date will be expected to pursue all work required for the completion of his elected degree course in an educational institution which offers the full degree course and which upon the successful completion thereof confers the graduate degree sought, except that under the following conditions an otherwise eligible veteran may pursue training in a second approved institution which does not confer the graduate degree in partial fulfillment of his graduate degree requirements:

(i) Where the degree granting institution certifies to the Veterans' Administration that the veteran has been accepted as a student for the pursuit of the graduate course identifying the degree objective for which he has made application, and

(ii) Where the degree granting institution specifically designates the subjects which may be pursued at the second institution. These subjects must be a part of the graduate degree course and may include:

(*a*) Required graduate subjects;

(*b*) Undergraduate subjects which are prerequisites for required graduate subjects; and

(*c*) Language courses which may be taken in an approved institution for the express purpose of satisfying the graduate degree language requirement.

(iii) And in addition, the degree granting institution certifies that, upon the successful completion of the designated subjects, it will accept the credit established in the second educational institution at full value in partial fulfillment of the veteran's elected degree course.

(6) Where a veteran submits an application for an additional course of education or training to be pursued upon completion of his present course, such application will not be approved under § 21.35 (e) unless the requested course is approved by the State approving agency on or prior to the date the veteran completes his present course, and such course is actually being conducted on or prior to that date.

(e) *Normal progression.* For the purpose of § 21.35 (e) (3) "normal progression" involves additional education or training which constitutes a true advancement or progression to a higher level of either knowledge or skills, or where, ordinarily or normally, and as a matter of custom and practice within the area where the training is being pursued, the satisfactory completion of the one course or program is essential for enrollment in and successful pursuit of the other.

* * * * *

13. In § 21.40, a new subdivision (i) to paragraph (a) (1) is added and paragraphs (a) (5), (b) (1) and (5) are amended to read as follows:

§ 21.40 *Conditions for vocational rehabilitation.* (a) * * *

(1) * * *

(i) Active military service in the Women's Army Auxiliary Corps where service connected disability has been determined by a duly constituted claims activity under the conditions and limitations specified in Public Law 650, 83d Congress.

* * * * *

(5) Vocational rehabilitation of veterans whose only service was during the period specified in subparagraph (1) of this paragraph, cannot be afforded beyond the date fixed by § 21.204 (b) or, where applicable, § 21.204 (c).

(b) * * *

(1) Active military, naval, or air service in the Armed Forces of the United States on or after June 27, 1950, and prior to February 1, 1955.

* * * * *

(5) Vocational Rehabilitation training under Public Law 894, 81st Congress, as amended, cannot be afforded beyond the date fixed by § 21.204 (b) or, where applicable, § 21.204 (c).

* * * * *

14. In § 21.54, paragraph (b) is amended to read as follows:

§ 21.54 *Election of benefit.* * * *

(b) For the purposes of election between Parts VII and VIII, a presumption of eligibility under Part VII will attach (if need has not been officially determined to exist or not to exist), when there is of record, an official finding by duly constituted claims authority that the veteran has a service-connected compensable disability incurred in or aggravated by service in the Armed Forces of the United States in World War II or on or after June 27, 1950, and prior to February 1, 1955. This presumption may be rebutted in any case only through filing by the veteran of VA Form 7–1900 and a subsequent determination that need for training does not exist.

* * * * *

15. In § 21.55, paragraph (a) (1) is amended to read as follows:

§ 21.55 *Entrance into training.* (a) * * *

(1) A claim on VA Form 7–1950 having been filed and eligibility having been determined, he presents a Certificate of Eligibility and Entitlement to an approved institution showing (i) his entitlement to a course of education or training (in years, months, and days), (ii) name of the course to be pursued, (iii) name of the approved school or training establishment, and (iv) the date on or before which pursuit of the course specified must be commenced or resumed.

* * * * *

16. In § 21.60, subparagraphs (1) and (2) of paragraph (d) are amended to read as follows:

§ 21.60 *Restrictions on the pursuit of courses avocational or recreational in character.* * * *

(d) * * *

(1) In any case wherein a veteran makes application to pursue any course comprehended by paragraphs (a), (b), or (c) of this section, the educational benefits representative will determine whether the justification or affidavit evidence meets the requirement of this section. If the determination is favorable, the course will not be considered avocational or recreational in character, but if the determination is unfavorable, the educational benefits representative will disapprove pursuit of the course and will notify the veteran. In any case where the veteran has previously pursued a course of education or training, the provisions of §§ 21.51 and 21.61 will also be for application as appropriate,

but an adjudication under the provisions of those sections will not be invoked in any case unless the educational benefits representative has first determined that the justification or affidavit evidence submitted has met the requirements of this section.

(2) Complete justification and affidavit evidence required by this section must be submitted to the regional offices and approved prior to the veteran's entrance into training. No payments for subsistence allowance or tuition may be authorized for any period prior to the date of such approval.

17. In § 21.61, paragraphs (h), (i), (j), and (k) are amended to read as follows:

§ 21.61 *Changes of course or additional education or training.* • • •

(h) All requests for a change of course or for additional education or training will be referred to an educational benefits representative for determination. If the veteran has not previously made a change of course and his conduct and progress have been satisfactory, the request will be approved without regard to whether the desired course is in the same or a different general field. If the desired course is in a different general field and the veteran has already made one change from one general field to another, the case will be immediately forwarded to the counseling activity where, upon the basis of a counseling interview conducted in accordance with counseling procedures under Part VIII, a determination will be made as to whether the veteran has need of the desired course to complete his educational or job objective and whether his aptitudes are such as to give reasonable assurance that he can successfully complete the course. The decision of the counselor will govern. If the veteran is not notified as to the decision within 45 calendar days from the date the VA Form 7-1905e is received in the Veterans' Administration office holding the veteran's records, the veteran's request for the second change of general field shall be deemed to have been approved, provided he has not failed to appear at the time required for counseling or has not otherwise failed to cooperate in receiving the service.

(i) A request for a third change from one general field to another may be approved only upon the established need for a short intensive course which will prepare the veteran for employment in a critical occupation for which there is a known shortage of trained workers. The burden of proof will be upon the veteran to establish these facts and the decision will be made by the educational benefits representative on the basis of the evidence of record.

(j) If a veteran requests counseling for the purpose of assisting him in arriving at the most suitable course, a decision on the request for change cannot be made until counseling is completed since the veteran will not previously have designated the course to which he desires to change. The 45-day limitation will not apply in such cases.

(k) Counseling will not be required in cases of veterans who at the time of making application for a change of general field are located in any foreign country or other area not under the jurisdiction of a regional office. In such cases, the educational benefits representative will, upon determination that a change in general field is involved, and that the veteran has previously had a change from one general field to another, inform the veteran that he will be required to submit complete justification to establish (1) that he has need of the desired course to complete his educational or job objective, and (2) that his educational qualifications are such as to give reasonable assurance that he can complete the course successfully. On the basis of the veteran's submission and the other evidence of record the educational benefits representative will determine whether the requested course will be approved or disapproved and will notify the veteran.

• • • • •

18. In § 21.66, paragraph (a) is amended to read as follows:

§ 21.66 *Conduct and progress*—(a) *Notification.* All schools and training establishments are responsible for immediately notifying the Veterans' Administration when a veteran drops out of training. When a veteran's conduct or progress is reported as unsatisfactory, the educational benefits activity will ascertain the school's or establishment's recommendation as to disposition to be made of the case were the veteran has not been dropped from the rolls of the school or establishment.

• • • • •

19. In § 21.70, paragraph (a) is amended to read as follows:

§ 21.70 *Jurisdiction over determinations.* (a) Determinations of domestic relations questions other than those indicated in § 13.402 of this chapter may be made by the vocational rehabilitation and education activity in regional office and Veterans Benefits Office, D. C. cases where, as contemplated by the last sentence of § 3.6 of this chapter, the circumstances involved are identical with those in a case in which a formal opinion has been rendered by the General Counsel. Except as provided in § 21.73 (b), determinations made by the vocational rehabilitation and education activity will be approved by the chief, vocational rehabilitation and education division.

• • • • •

20. Section 21.72 is revised to read as follows:

§ 21.72 *Determinations where evidence of martial status is incomplete.* Claims will not be disallowed merely because a claimant is unable to furnish satisfactory evidence of the dissolution of prior marriages of either spouse. In such instances, after all facts affecting the validity of the marriage are established by the best obtainable evidence, a determination of the validity of the marriage will be made on the evidence of record by the vocational rehabilitation and education activity, or, if necessary (§ 13.402 of this chapter and § 21.70), the case will be referred by the chief, vocational rehabilitation and education division, to the Chief Attorney for consideration; Veterans Benefits Office, D. C. cases will be referred to the General Counsel through the office of the Deputy Administrator for Veterans Benefits.

21. In § 21.74, paragraph (b) is amended to read as follows:

§ 21.74 *Illegitimate children of veterans.* • • •

(b) Determinations of relationship in all the above instances will be made in the vocational rehabilitation and education division of field offices. In cases in which none of the conditions of paragraph (a) (1), (2), or (3) of this section have been met and evidence has been submitted which is considered adequate to establish the reputed paternity of an illegitimate child, as contemplated by condition in paragraph (a) (4) of this section, a brief summary of the facts, including a description of the supporting evidence, will be submitted to the chief, vocational rehabilitation and education division, for a finding as to relationship. Evidence of reputed paternity may consist of, but is not limited to, a certified copy of the public record of birth showing that the veteran was named as father of the child; statements of persons who know that the veteran accepted the child as his; or information obtained from public records, such as school or welfare agencies, which shows that the veteran was reputed to be the father of this child. The sufficiency of such evidence will be determined in accordance with the facts in the individual case.

• • • • •

22. Section 21.75 is revised to read as follows:

§ 21.75 *Submission of questions for original opinion.* Requests for legal opinions concerning domestic relations of doubtful legality involving circumstances other than those outlined in § 21.70 (a) and (b) will be made in memorandum form, setting forth the question upon which an opinion is desired, together with a complete and accurate statement of the facts involved. The request, accompanied by the claims folder, will be addressed in regional office cases by the chief, vocational rehabilitation and education division, to the Chief Attorney; in Veterans Benefits Office, D. C., cases, by the chief, vocational rehabilitation and education division, to the General Counsel through the office of the Deputy Administrator for Veterans Benefits.

23. Section 21.90 is revised to read as follows:

§ 21.90 *Apportionment; general.* Where in order under the conditions specified in §§ 3.310 to 3.317 of this chapter, subsistence allowance payable on account of training will be apportioned at the rates provided in § 3.311 of this chapter. If the application of the above provision should in any case work a hardship upon the veteran or any of his dependents and relief can be afforded without undue hardship to other persons in interest, the chief, educational benefits, activity, will determine in cooperation with the adjudication officer, subject to regular appellate rights, the exact amount to be apportioned to each individual in interest. Current determinations of relationship or dependency made in accordance with existing instructions by either the adjudication activity or by the vocational rehabilitation and education activity will be binding one upon the other in the absence of clear and unmistakable error.

24. In § 21.93, paragraph (a) is amended to read as follows:

§ 21.93 *Effective date of apportionment.* (a) In order to avoid overpayments and disparities in effective dates of apportionments of subsistence allowance and compensation or pension—where the two benefits are being received concurrently—the vocational rehabilitation and education division, upon receipt of notice of estrangement or that a child or children are not in the custody of the claimant, will execute the proper VA Form of the 1907 series to authorize an apportionment of subsistence allowance, if in order, effective as provided in § 3.316 of this chapter. The claims folder with the proper form will be promptly forwarded to the adjudication division through the administrative division for action on apportionment of compensation or pension, if in order, whereupon both award actions will be submitted simultaneously by the adjudication division to the finance division. Conversely, if notice requiring apportionment of compensation or pension is received by the adjudication division, action taken by that division will likewise be forwarded to vocational rehabilitation and education division for necessary action and submission to finance. When, for good reason, the activity to which the authorization is referred may not be able to complete its action in time to avoid a discrepancy in effective dates of apportionment of the separate benefits, that agency will take its action in accord with established principles and return the record intact to the agency of first jurisdiction for reconciliation of its former action with that of the secondary activity.

• • • • •

25. In § 21.100, paragraphs (b) (3) and (d) are amended to read as follows:

§ 21.100 *Effective beginning dates for payment of benefits.* • • •

(b) • • •

(3) Where a veteran's application for education or training and/or subsistence allowance or the certification of his entrance or reentrance into training or evidence of dependency is received in the Veterans' Administration after the 90-day delimiting period prescribed in subparagraphs (1) and (2) of this paragraph, and where in view of all facts and circumstances it is the opinion of the chief, vocational rehabilitation and education division, that the case is meritorious and that the application of the 90-day rule would be inequitable, the 90-day rule may be waived by the Manager. If the 90-day rule is waived, the date of receipt of claim for education or training and/or subsistence allowance by the institution, or the date of entrance or reentrance into training as certified by the institution will be accepted by the Veterans' Administration, if otherwise in order.

• • • • •

(d) All authorization actions accomplished by the educational benefits activity entering veterans into education or training (full-time or part-time institutional training, on-the-job or apprenticeship training, etc.) will authorize subsistence allowance at the rate provided for a person without a dependent or dependents, unless satisfactory evidence of dependency accompanies his application or is of record which warrants an authorization of subsistence allowance on account of dependency. If evidence of dependency accompanies the veteran's application or is of record, the appropriate rate reflecting such dependency will be authorized.

• • • • •

26. In paragraph (b) of § 21.103, subparagraph (8) is amended and a new subparagraph (9) is added as follows:

§ 21.103 *Effective date of change or discontinuance of subsistence allowance* (See in addition § 21.107 (f), (h), and (i).) • • •

(b) • • •

(8) In the event the veteran shall forfeit all rights, claims, and benefits under the provisions of section 15, Title I, Public Law 2, 73d Congress (made applicable to benefits granted under Public Law 346, 78th Congress, by the first sentence of section 1500 thereof), as of the date preceding the date of the commission of the act upon which the Central Committee on Waivers and Forfeitures based the forfeiture: *Provided however,* That if the evidence of record establishes that the veteran was guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies within the meaning of section 4, Public Law 144, 78th Congress, as of the date preceding the date of commission of the offense or of original entrance into training, whichever be the later.

(9) (i) In the event a veteran pursuing a course of institutional on-farm training engages in full-time or substantially full-time remunerative employment subsequent to the 1951 calendar year which employment is contrary to the provision of § 21.109 (d) (1), as of the date such employment commenced.

(ii) In the event a veteran engages in occasional, irregular or part-time employment subsequent to the 1951 calendar year which employment is prohibited under the provisions of § 21.109 (d) (1) because it exceeds a maximum of 180 hours during a 12 months' period, or a pro rata part thereof where the reporting period encompasses less than a full calendar year, as of the end of the month in which such employment exceeds the maximum of 180 hours or exceeds the pro rata part thereof where the reporting period encompasses less than a full calendar year.

(iii) In the event a veteran engages in occasional, irregular, or part-time employment which does not exceed a maximum of 180 hours during a 12 months' reporting period, or which does not exceed a pro rata part thereof where the reporting period encompasses less than a full calendar year, as of March 31 of the current calendar year unless the veteran's instructor finds and certifies (giving reasons for conclusion) to the Veterans' Administration (within 30 days of request) that the employment has not interfered with or impeded the veteran's pursuit of his farm training program.

(iv) In cases comprehended by subdivisions (i) and (ii) of this subparagraph, training status will be discontinued as of the end of the month in which the action to discontinue subsistence allowance is effected, and as of March 31 of the current calendar year in cases comprehended by subdivision (iii) of this subparagraph.

27. In § 21.114, paragraph (f) is amended to read as follows:

§ 21.114 *Repayment of value of training supplies; Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C., ch. 12).* • • •

(f) The provisions of this section will apply to cases where training is discontinued on or after June 29, 1951, and to cases where training was discontinued prior to June 29, 1951, but a disposition of the case was not made under the Veterans' Administration Regulation in effect at that time; except that, in any case where training was discontinued prior to June 29, 1951, and the decision as to liability or non-liability has not been made by April 26, 1955, the veteran will be deemed not to be liable for the repayment of the reasonable value of non-consumable training supplies, since experience has shown that the administrative cost of applying repayment collection procedures at this time on cases that were discontinued prior to June 29, 1951, far exceeds the amount of return to the Government.

28. In § 21.133, paragraph (b) (2) (i) is amended to read as follows:

§ 21.133 *Rates of subsistence allowance.* • • •

(b) *$65 or $90 per month.* • • •

(2) (i) In accordance with his agreement to train veterans on the job under Part VII, the employer will report in writing to the Veterans' Administration each month the amount of wage, compensation, or other income paid by him during the month, directly or indirectly, including a reasonable value of items for family living, such as food, fuel, and shelter, when such is furnished by the employer-trainer, to each veteran training on the job in his establishment under this law.

• • • • •

29. In the Provisional Regulations immediately following § 21.153, § 21.190 is revoked.

§ 21.190 *Extension of vocational rehabilitation under Public Law 16, 78th Congress, as amended, to veterans having service on and after June 27, 1950.* (Instruction 2, Public Law 894, 81st Congress, as amended by Public Law 170, 82d Congress.) [Revoked.]

30. The centerhead "Education and Training Under Part VII, Veterans Regulation 1 (a), as Amended (38 U. S. C. ch. 12)" immediately following § 21.191

is amended and an explanatory note and a new § 21.199 are added as follows:

VOCATIONAL REHABILITATION TRAINING UNDER PART VII, VETERANS REGULATION 1 (A), AS AMENDED (38 U. S. C. CH. 12)

NOTE: Veterans' Administration Regulations on vocational rehabilitation training under Part VII, Veterans Regulation 1 (a), as amended, are for application in the case of veterans training under both Public Law 16, 78th Congress, as amended, and Public Law 894, 81st Congress, as amended, except where the regulation itself specifies application to only one of the mentioned laws.

§ 21.199 *Responsibility of training officers.* Except where responsibility is otherwise assigned in Veterans' Administration Regulations to a committee, board or other official, training officers in field offices will be responsible for all determinative actions in matters under the jurisdiction of the education and training activity involving individual veterans whose cases are properly before them for action.

31. Existing centerhead "The Course of Vocational Rehabilitation" immediately preceding § 21.200 remains unchanged.

32. In paragraph (d) of § 21.201, the introduction and subparagraph (6) are amended to read as follows:

§ 21.201 *Types of courses.* • • •

(d) *Specialized restorative training course.* A course which is designed to overcome or minimize the handicap of a disability which interferes with the veteran's ability to undertake a regimen consisting of or including vocational training or employment. Specialized restorative training courses which may be furnished are: courses in language retraining, speech and voice correction, speech retention or voice retention, speech (lip) reading, auditory training, braille reading and writing, training in ambulation, one-hand typewriting, left-hand writing, work adjustment training, and personal adjustment training.

• • • • •

(6) Courses of specialized restorative training pursued under subparagraph (3), (4), or (5) of this paragraph will be limited to the minimum period necessary to accomplish the purpose stated in the applicable subparagraph, but will not exceed 9 months or 2 semesters in length.

• • • • •

33. In § 21.202, paragraphs (b), (c), (e), (3), and the introduction of paragraphs (d), (e), and (f) are amended to read as follows:

§ 21.202 *Devotion of full time to training.* • • •

(b) Where restoration of a veteran's employability is determined to be practicable through the pursuit of a course of training, but the assigned medical consultant determines that due to the limitations imposed by the veteran's disability the maximum time that should be devoted currently by the veteran to training is less than full time as contemplated in paragraph (a) of this section, the veteran may be placed in a reduced-time training program which can be completed within the limitations established by §§ 21.204 and 21.206, under the following conditions:

(1) The assigned medical consultant determines that the amount of time which can be devoted currently by the veteran to training is as great as the veteran's disability ever will permit, or

(2) The assigned medical consultant determines that the veteran is able to devote at least 4 hours per day, 5 days per week, to training exclusive of time, if any, required to travel to and from the place of training, and there is reasonable promise that during training the veteran's work tolerance will increase steadily to such extent that he will be able to pursue training on a full-time basis, and the chief education and training activity, determines that considering the determination of the assigned medical consultant there is reasonable assurance that the veteran will attain the selected employment objective within the statutory period of 48 months or within a period exceeding 48 months where authorized by Veterans' Administration Regulations: *Provided*, That the individual training program will be so developed that it will require the veteran to devote to his training that amount of time which was determined by the assigned medical consultant to be the maximum time which the veteran currently can devote to training. (In the case of a school course this will include any normal time required for preparation outside the school.)

(c) In the case of each veteran placed into reduced-time training under paragraph (b) (1) or (2) of this section, a statement will be prepared and placed in the veteran's records showing under which of these two subparagraphs reduced-time training was authorized and giving the facts upon which the determination to place the veteran into such training was made.

(d) Until a veteran placed into training under paragraph (b) (2) of this section is pursuing training on a full-time basis, at the end of each 90-day period (or at the end of each term or semester if the veteran is pursuing a school course conducted on a term or semester basis), the chief, education and training activity:

• • • • •

(e) A veteran placed into training under paragraph (b) (2) of this section will be removed from training under that subparagraph at any time that the chief, education and training activity, finds that one or more of the following conditions exist:

• • • • •

(3) The veteran will not attain the selected employment objective within 48 months or within a planned period exceeding 48 months which is authorized within the limitations established by §§ 21.204 and 21.206.

(f) Where, pursuant to the provisions of paragraph (e) of this section, a veteran is removed from training under paragraph (b) (2) of this section, the chief, education and training activity:

• • • • •

34. Section 21.204 is revised to read as follows:

§ 21.204 *Maximum duration of the course*—(a) *Length of the course.* The maximum duration of a course of vocational rehabilitation under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), may not exceed the period necessary to restore employability. Nor may the maximum duration of a course under Public Law 16, 78th Congress, as amended, or under both Public Law 16, 78th Congress, as amended, and Public Law 346, 78th Congress, as amended, exceed a period of 4 years, except where it may properly be considered and authorized under conditions set forth in § 21.206. Nor may the maximum duration of a course under Public Law 894, 81st Congress, as amended, or under Public Law 894 together with any training pursued under other laws administered by the Veterans' Administration exceed a period of 4 years except where it may properly be considered and authorized under § 21.206, §21.296 or § 21.2015 (b), as applicable.

(b) *Basic termination date for vocational rehabilitation training.* Except for the veteran coming under paragraph (c) of this section, a veteran may not be placed into or continued in training under Public Law 16, 78th Congress, as amended, after the basic termination date of July 25, 1956, (9 years after the official termination of World War II). Nor may a veteran under Public Law 894, 81st Congress, except one falling under paragraph (c) of this section, be placed into or continued in training under Public Law 894, 81st Congress, after the basic termination date of:

(1) August 20, 1963, for a veteran discharged or released from active service prior to August 20, 1954; or

(2) January 31, 1964, or that date which is exactly 9 years after his discharge or release from active service, whichever is the earlier, for a veteran discharged or released from active service on or after August 20, 1954.

Nor may a veteran under Part VII other than one falling under paragraph (c) of this section, be placed into a course of vocational rehabilitation under Part VII which cannot be completed by his basic termination date except where a prescribed course of vocational rehabilitation leads to an objective the practice of which requires passing of an examination for licensure and the veteran is able to complete all of the course by his basic termination date but is unable to take the licensing examination prior to that date. Under such circumstances the veteran will be considered to have completed training necessary to qualify him for employment and will be notified that the matter of his becoming licensed will not be the responsibility of the Veterans' Administration. Where it is determined that a veteran properly in training under Part VII will not reach employability on or before his basic termination date for reasons beyond his control other than for reasons falling under paragraph (c) of this section, adjustment will be made by revising his individual training program where practicable to one which can be completed by his basic termination date and which will meet the requirements of employability; or, if such cannot be accomplished, by requesting revaluation to another employment objective which will capitalize the training already provided and which

can be attained on or before his basic termination date. If neither adjustment can be accomplished but it is determined that continuance of his course to his basic termination date will, with available self-aid or other-aid, assist the veteran to become rehabilitated, he may be permitted, subject to other applicable Veterans' Administration Regulations, to continue such course to said date, at which time all obligation of the Veterans' Administration will cease. If the veteran does not desire to pursue his course to his basic termination date, or becomes disentitled thereto, he will be placed in status "discontinued" under § 21.283. The veteran's records will be appropriately documented.

(c) *Conditions governing the providing of vocational rehabilitation training beyond the basic termination date under Public Law 16, 78th Congress, or under Public Law 894, 81st Congress, as amended by Public Law 610, 83d Congress.* When in accordance with subparagraph (1), (2) or (3) of this paragraph it is determined that an otherwise eligible veteran has been prevented from timely entering or, having entered, from completing training under Public Law 16 or Public Law 894 within the 9-year period ending with the veteran's basic termination date, he may be afforded training under the applicable law beyond his basic termination date but not beyond a date falling exactly 4 years after his basic termination date.

(1) *Prevented from timely entering training.* For purposes of Public Law 610, 83d Congress, a veteran who has not entered training under Public Law 894 or who had not entered training under Public Law 16 prior to August 20, 1954, shall be deemed to have been prevented from timely entering training under Public Law 894 or Public Law 16, as applicable, if it is determined that:

(i) The veteran's physical or mental condition was such as to make training medically infeasible during all or any part of the 90-day period immediately preceding the date falling exactly 4 years prior to his basic termination date: *Provided*, That such determination shall not be based upon an acute condition of transitory nature such as would have caused a temporary delay as distinguished from an indefinite postponement of the veteran's induction into training, or

(ii) The veteran's discharge from service was such as to meet the basic eligibility requirement for vocational rehabilitation for the first time on or subsequent to the beginning day of the 4-year and 90-day period immediately preceding his basic termination date; or

(iii) The veteran first established the existence of any service-connected compensable disability on or subsequent to the beginning day of the 4-year and 90-day period immediately preceding his basic termination date; or

(iv) The veteran, although having previously established a service-connected compensable disability, has, on or subsequent to the beginning day of the 4-year and 90-day period immediately preceding his basic termination date, established the existence of an increase in the degree of the disabling effect attributable to the previously established service-connected disability or an additional service-connected disability (whether secondary to or independent of the previous disability) which warrants a finding that need for vocational rehabilitation is attributable to the change in his service-connected physical or mental condition which has arisen on or subsequent to the beginning day of such 4-year and 90-day period. (The determination of this question in each case will be based on all the facts established to the date the determination is made and in accord with the provisions of regulations applicable on such date. In no case will it be determined that the veteran was prevented from timely entering training if an affirmative finding of need for vocational rehabilitation had been made at any time prior to the 4-year and 90-day period immediately preceding the veteran's basic termination date.)

(2) *Having timely entered training, prevented from completing training.* For purposes of Public Law 610, 83d Congress, a veteran who was not prevented from timely entering training under Public Law 16, 78th Congress, or Public Law 894, 81st Congress, and who was properly entered into training will be deemed to have been prevented from completing his training only when it is determined that one of the following conditions exist:

(i) As of the last day when sufficient time remained or remains to permit completion of the course within the 9-year period ending with his basic termination date, the veteran's physical or mental condition:

(*a*) Made or makes pursuit of training medically infeasible; or

(*b*) Requires a reduction in his scheduled hours of training; or

(*c*) Prevents an anticipated increase in his scheduled hours of training where the veteran is already pursuing training on a reduced-time basis.

(ii) Because of the veteran's physical or mental condition revaluation under § 21.252 (a) (1) is necessary, and the objective selected will require training beyond his basic termination date: *Provided*, That a veteran in interrupted or discontinued status, except where his physical or mental condition prevented him from doing so, must have made himself available for reentrance when there was sufficient time remaining before his basic termination date to complete the training which would have been required to attain the last established objective of record.

(3) *Prevented from timely entering a course which would assure vocational rehabilitation; Public Law 16 only.* For purposes of Public Law 610, 83d Congress, a veteran who met the conditions of subdivision (i), (ii), (iii) or (iv) of paragraph (c) (1) of this section having entered training subsequent to July 25, 1952 and prior to August 20, 1954 shall be deemed to have been prevented from timely entering training under Public Law 16 and may be afforded training under that law beyond July 25, 1956 but in no event beyond July 25, 1960, provided his case meets one of the following conditions:

(i) Based upon the facts of record it is established that the objective selected or the course prescribed was assuredly not the objective which would have been selected or the course which would have been prescribed had it not been for the termination date of July 25, 1956; and it is now determined that the action taken to approve the objective or to prescribe the course was in error because completion of the prescribed training will not lead to employability at a level which is reasonably consistent with the veteran's aptitudes, interests and abilities, and consequently will not result in bona fide vocational rehabilitation.

(ii) Based upon the facts of record it is established that the objective selected and the training prescribed are suitable to accomplish vocational rehabilitation but for reasons beyond the control of the veteran (such as the school or establishment going out of business, work stoppages interrupting apprenticeship or job training or acute illness of the veteran of a transitory nature) it is now shown that the course cannot be completed within the period anticipated, and in order to accomplish vocational rehabilitation in the objective it is necessary to extend the period of training beyond July 25, 1956.

(iii) Although the objective selected was considered to be entirely suitable for the veteran at the time he entered training, subsequent experience has demonstrated that vocational rehabilitation cannot be effected in that objective and a change of objective under § 21.252 (a) (1) to one that is suitable to accomplish vocational rehabilitation will require a period of training which will extend beyond July 25, 1956.

(4) *Authority to make determinations under paragraph (c) of this section.* (i) In each case in which the record does not bear a documented determination by the Vocational Rehabilitation Board as to the medical feasibility of training during the 90-day period immediately preceding the date falling exactly 4 years prior to the veteran's termination date, the determination as to whether an otherwise eligible veteran meets the condition set forth in subparagraph (1) (i) of this paragraph and the determination in each case as to whether an otherwise eligible veteran meets the condition set forth in subparagraph (2) (i) (*a*) of this paragraph will be made in the regional office by the Vocational Rehabilitation Board. All other determinations under this paragraph will be made by appropriate personnel in accordance with established regulations and mandatory procedures.

(ii) The record of each determination under this pargraph in which training is authorized beyond the veteran's basic termination date will cite the appropriate subparagraph or subparagraphs of this paragraph under which the authorization is made.

35. A new § 21.204a is added as follows:

§ 21.204a. *Maximum duration of the course for a seriously handicapped veteran.* A course of training longer than is ordinarily required to qualify for employment in a particular occupation may

be prescribed for a seriously handicapped veteran when the following conditions exist:

(a) The veteran is preparing for a type of work in which he will be at a definite disadvantage in competing with the non-disabled for jobs or business, i. e., his disability is such that it not only seriously limits the number of occupations which are feasible but it also seriously restricts the number of employment opportunities within the occupation for which employers will consider hiring him or which would otherwise be available to him; and

(b) A course of training is available which is more advanced than is ordinarily provided under Part VII, or an additional body of closely related training is available which affords substantial promise of offsetting the veteran's extra handicap.

36. In § 21.205, paragraph (a) is amended to read as follows:

§ 21.205 *Adjusting the duration of the course.* (a) Although Certificate B, VA Form VB 7–1902a, provides for indicating the estimated length of the course, that fact will not control the length of the course. It is the function and responsibility of the education and training activity to prescribe and provide the course of training necessary to restore employability in the occupation which has been determined by the counseling activity. The duration of the course will be determined by the education and training activity.

* * * * *

37. In § 21.206, that portion of paragraph (b) preceding subparagraph (1) and paragraph (d) (1) are amended to read as follows:

§ 21.206 *Limitations on training in excess of four years.* * * *

(b) *Training on the job in excess of four years.* The provisions of paragraph (a) (1) (i) and (ii) of this section will apply to on-the-job training courses which require more than 4 years. However, in no case will paragraph (a) (1) (iii) of this section be applicable to on-the-job training courses which require more than 4 years. If, through application of counseling procedure, it is indicated that a veteran, who does not meet the conditions set forth in paragraph (a) (1) (i) of this section, should be rehabilitated through a course of training on the job for an employment objective ordinarily requiring more than 4 years of training, he may be inducted into such a course, *Provided:*

* * * * *

(d) *Authority for approval of courses in excess of four years.* (1) Under the conditions set forth in paragraph (a) (1) (i), (ii), and (iii) of this section, Managers of regional offices are authorized to approve or disapprove courses of training in excess of 4 years, basing such action upon the recommendation of a committee composed of the chief, vocational rehabilitation and education division, the chief, education and training activity, and the chief, counseling activity, or their assistants.

* * * * *

38. In § 21.208, the introduction and paragraphs (c) and (g) are amended to read as follows:

§ 21.208 *Status "induction pending".* Following the signing of Certificate B on VA Form VB 7–1902a by the authorized official of the education and training activity and the receipt of the veteran's records by that activity, the veteran shall be regarded as in status "induction pending" until any one of the following occurs:

* * * * *

(c) The veteran's case is referred back to the counseling activity for some reason such as (1) reconsideration of the employment objective, or (2) reconsideration of medical feasibility.

* * * * *

(g) The veteran's statutory period has expired.

39. In § 21.211, paragraph (c) is amended to read as follows:

§ 21.211 *Factors to be considered in selecting the facility.* * * *

(c) *Ownership or control by veteran or relatives.* A proprietary school or training on the job establishment in which the veteran or a close family relative of the veteran has control or a pecuniary interest ordinarily shall not be selected as an appropriate training facility for training that veteran except where the chief of education and training determines that, beyond any reasonable doubt, another facility in which such control does not exist and which is satisfactory is not available, and the social and economic relationship of teacher to the veteran, who will be the pupil, will be satisfactory for the efficient promotion of learning activities. Where, after careful consideration of the foregoing, it is determined to be necessary and proper to induct the veteran into training at a school or establishment in which the veteran or a close family relative has control, the veteran's records will be documented to show the facts and circumstances which warranted this determination.

40. § 21.212, paragraph (c) is amended to read as follows:

§ 21.212 *Preparation and content.* * * *

(c) The individual training program, in order to take care of the peculiar requirements of the veteran, may include items over and above the complete training program for a particular occupation. For example, a complete training program for a lawyer commonly would not include the subject stenography, but for the purposes of a particular veteran, stenography might be necessary and might properly be made a part of his individual training program.

* * * * *

41. In § 21.220, the introduction and paragraphs (a), (b), and (c) are amended to read as follows:

§ 21.220 *Conditions to be met before induction into training.* The training officer is authorized to induct a veteran into training in an institution or other establishment for the purpose of pursuing a course of vocational rehabilitation which has been prescribed in accordance with the provisions of Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) (see §§ 21.40 and 21.701 (a)):

(a) When vocational counseling has been rendered, including the completion of the counseling record, with the recording of all pertinent information, the selection of the employment objective, and the execution of Certificate B on VA Form VB 7–1902a, to show the concurrence of the veteran, the medical adviser or consultant where required, the vocational adviser, the chief, counseling activity or designee, and the chief, education and training activity or designee;

(b) When there has been obtained and is waiting to be utilized a training facility which, on the basis of adequate investigation by the education and training activity is clearly qualified as to space, equipment, instructional material, and personnel to give the required course and has agreed to cooperate fully with the Veterans' Administration in accomplishing records of the trainee's attendance, performance, and progress in training, and, in the case of training on the job, to report to the Veterans' Administration monthly as required by the law any payments of money to the trainee;

(c) When an adequate individual training program for the veteran as required by § 21.212 has been prepared and prescribed by the training officer;

* * * * *

42. In § 21.223, paragraph (d) is amended to read as follows:

§ 21.223 *Authority to induct veterans into training on the job at subminimum wage rates.* * * *

(d) The chief, education and training activity, is authorized to issue a temporary certificate in accordance with vocational rehabilitation and education procedures permitting induction into training on the job under Part VII at subminimum rates, when, after investigation the conditions in paragraph (b) of this section are found to have been met.

43. Sections 21.223a and 21.224 are revised to read as follows:

§ 21.223a *Effective date of induction into training.* The effective date of induction of a veteran into training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), shall be the date the veteran, having met the requirements of § 21.220, actually commenced the prescribed course under that Part, even though the veteran may have pursued the course of training previously under Part VIII, Veterans Regulation 1 (a), as amended, or otherwise: *Provided,* That such date may not be earlier than the date specified by the Veterans' Administration as the date the veteran is authorized to commence the course under Part VII: *And provided further,* That in schools operated on a term basis, the date on which the school requires the veteran to report for prescribed activities, such as registration, may be considered the date of commencing the prescribed course, if the veteran reports on

that date. There shall be no retroactive dating of induction into training under Part VII except that in an individual case, if the facts, equities and demonstrated good faith on the part of the veteran justify such action, retroactive dating of induction into training may be approved by the Assistant Deputy Administrator, Vocational Rehabilitation and Education, or by appellate decision pursuant to the appeal of the veteran.

§ 21.224 *Release of information.* (a) When, for the purpose of making or carrying out arrangements for the training or employment of a veteran, it is necessary to release information regarding the disability or other matters to a person or establishment requested by the Veterans' Administration to provide training or employment for the veteran, the information directly pertinent to the purpose may be released to the appropriate party, provided the veteran authorizes such release by signing a statement such as follows:

I hereby authorize the Veterans' Administration to release to any person, institution, or establishment such information regarding me, including that relating to my disability, as is considered by the Veterans' Administration officials to be needed by such persons or establishments for the purpose of developing or carrying out arrangements for my training or employment.

(b) Ordinarily, the veteran will have authorized the release of information regarding disability or other matters by signing the Veteran's Affidavit on VA Form VB 7–1902a, Counseling Record. However, where the veteran objected to the release of such information at the time of counseling and the statement was crossed out on VA Form VB 7–1902a, information regarding his disability or other matters may not be released unless the veteran reconsiders and signs the statement. Care must be taken not to reveal any confidential information which has no significance to the veteran's training in terms of enabling the training institution better to serve the veteran in the pursuit of his course. With the release of any information which the trainee has authorized, there shall be included special notice that the information is strictly confidential, is furnished solely for it to serve the purpose of enabling the training institution better to serve the veteran in the pursuit of his course, and under no circumstances is to be released to any other parties.

44. A new § 21.225 is added as follows:

§ 21.225 *Training of psychiatric patients while on trial visit from Veterans' Administration hospital.* (a) Subject to the provisions of other applicable Veterans' Administration Regulations, eligible veterans may be entered or reentered into training under Part VII while on trial visit from a Veterans' Administration hospital under the following conditions:

(1) *Veteran currently rated competent.* A veteran who has been found in need of vocational rehabilitation and for whom training has been determined to be medically feasible and who is currently rated as competent may be entered or reentered into training under Part VII.

(2) *Veteran currently rated incompetent who has a legally appointed guardian.* A veteran who has been found in need of vocational rehabilitation and for whom training has been determined to be medically feasible and who is currently rated as incompetent but has a legally appointed guardian may be entered or reentered into training under Part VII.

45. The centerhead immediately preceding § 21.230 is amended to read as follows: "Supplies".

46. Section 21.233 is revised to read as follows:

§ 21.233 *Prevention of abuse.* The furnishing of supplies is fraught with possibilities of marked abuse. Accordingly, the entire matter of furnishing such articles is to be so administered as to avoid and prevent abuses. Care is to be exercised, including examination of the veteran's records, to make certain that articles will not be furnished to the veteran-trainee which duplicate those which have been previously furnished by the Veterans' Administration or which otherwise are in his possession. The provisions of the law and the instructions authorizing the furnishing of supplies are not to be construed as authorization for furnishing supplies except under the most careful checks as to what is required by the training institution of all trainees. It is to be emphasized and always borne in mind that the trainee is not to be allowed to determine what supplies will be furnished. An understanding of the law and the Veterans' Administration policy on this point and cooperation on the part of the institution or establishment should be encouraged and developed to the end that the institution or establishment will approve for the trainee only those items which it requires other students or trainees to personally possess in order to pursue the training. The training officer will be held responsible for determining, in individual cases, that the list of supplies to be furnished to the trainee by the Veterans' Administration has been determined by responsible officials of the institution rather than by the trainee himself and has been determined on the basis of actual training needs.

47. A new § 21.234a is added as follows:

§ 21.234a *General limitations where training under Part VII, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), follows training under Public Law 550, 82d Congress.* (a) When a veteran enrolled in a course under Public Law 550 in a school operating on a quarter, semester or term basis is inducted into training under Part VII in the same course or for the same objective in such institution at any time after the beginning of a quarter, semester or term, the amount authorized for supplies under Part VII for the remainder of such quarter, semester or term will be limited to the pro rata part of the total value of the supplies which the time remaining for completion of the quarter, semester or term bears to the total length thereof.

(b) When a veteran enrolled under Public Law 550 in a school course operating on other than a quarter, semester or term basis or in an on-the-job course is inducted into training under Part VII to continue his training in the same objective in the same institution or establishment, the amount authorized for supplies under Part VII for the remainder of the course will be limited to the pro rata part of the total value of the supplies which the time remaining for completion of the course under Part VII bears to the total length thereof.

48. Section 21.236b is revised to read as follows:

§ 21.236b *Furnishing supplies to trainees in institutional on-farm training.* Before a veteran may be inducted into institutional on-farm training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), the farm on which he is to pursue the on-farm part of his course must be equipped with the kinds and amounts of supplies and equipment which are necessary to enable the trainee to pursue successfully that portion of the course. Accordingly, under no circumstances will the Veterans' Administration furnish any equipment or supplies which may be required to operate the farm. Where organized group instruction in a school is a part of the veteran's course as provided in § 21.201a (a) (1) the Veterans' Administration will furnish only those books and incidental consumable supplies required by the school to be personally owned by all students in the school portion of the course. Where all instruction is given on the veteran's farm by an individual instructor as provided in § 21.201a (a) (2) the Veterans' Administration will furnish only those text books and incidental consumable supplies required by the instructor to be owned by the veteran as a part of his individual training program with the use of such text books definitely arranged for on the basis of study assignments, the completion of which is checked and evaluated by the instructor and reported by the veteran on his monthly report of training: *Provided,* That such special equipment as may be authorized under § 21.241 (b) incident to the character of the veteran's disability may be furnished.

49. In § 21.240, former paragraph (a) is amended and former paragraphs (b) and (c) are revoked, so that § 21.240 reads as follows:

§ 21.240 *Furnishing clothing.* One of the purposes of the subsistence allowance is to enable the trainee to provide himself with clothing. Apparel worn in lieu of ordinary clothing will not be identified as articles of training equipment or supplies. Consequently, gymnasium clothing, laboratory coats and trousers, nurses or medical technicians uniforms, school or military uniforms, coveralls, work uniforms or other similar articles will not be furnished by the Veterans' Administration notwithstanding the fact that the training establishment may require a certain type or style of apparel to be worn by all students, trainees, or employees. Protective articles, such as laboratory aprons, rubber gloves, goggles, etc., which are required to be worn for

the purpose of protecting the trainee from physical harm incident to pursuit of the course and are not worn in lieu of, or for the purpose of protecting his personal clothing, may be furnished when required to be worn by all students taking the same course.

50. Section 21.240a and 21.241 are revised to read as follows:

§ 21.240a *Furnishing items susceptible of personal use.* Musical instruments, cameras and their accessories, tennis rackets, golf clubs, fountain pens, desk sets, and similar items which are susceptible of use for personal purposes will not be furnished unless indispensable to particular major or minor unit courses prescribed by the education and training activity as essential to accomplishing the selected employment objective, and such items are otherwise furnishable under §§ 21.230 through 21.240, as applicable. Such items will not be furnished for elective courses.

§ 21.241 *Furnishing special equipment.* (a) Supplies over and above those required by the school or establishment to be owned personally by all students pursuing the same course or over and above those furnishable under § 21.237a but which, because of the character of the veteran's disability, are necessary to enable the veteran to undertake and/or pursue, or continue to pursue, successfully the course of vocational rehabilitation which has been prescribed by the education and training activity, shall be considered to be special equipment and shall be referred to as such.

(b) Special equipment as defined in paragraph (a) of this section may be authorized and furnished to trainees under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), for only two categories of conditions and purpose as follows:

(1) Where the equipment is necessary to enable the veteran to pursue the prescribed course of training which because of his disability he could not otherwise pursue successfully. That is, the equipment will enable the veteran to do and accomplish those things which persons not disabled are able to do without special equipment but which the particular veteran because of his disability cannot do and therefore cannot pursue the prescribed course satisfactorily. Equipment in this category ordinarily will be items not necessary to persons not disabled but may include such items modified in design and construction as, for example, a workbench or a work seat especially designed and constructed to compensate the veteran's inability to move about freely. Upon recommendation by the chief, vocational rehabilitation and education division, together with the presentation of a written statement setting forth: (i) An itemized list of the equipment to be furnished to the veteran, a brief description of each item of equipment including the manufacturer's brand and the approximate cost thereof; (ii) the facts which establish that such equipment or its equivalent has not been furnished previously to the veteran by the Veterans' Administration or otherwise; (iii) the facts and circumstances which, because of the character of the veteran's disability, establish need for such equipment for satisfactory pursuit of his course of training and which establish that the veteran has sufficient physical and mental ability to make adequate use of the requested equipment in the course of training; (iv) a brief description of the prescribed plan of the vocational rehabilitation training for the veteran showing how the requested equipment is to be used in such plan; and, (v) the recommendation of the special rehabilitation procedures training specialist; the Manager, if he concurs in the recommendation made by the chief, vocational rehabilitation and education division, may authorize the furnishing of such special equipment. In each case the records will be documented to show a completely identifying listing of each item of such special equipment furnished to the veteran and the basis upon which the furnishing of such special equipment was approved or disapproved by the manager.

(2) Where the equipment is necessary to a veteran for whom the education and training activity has prescribed and authorized a course of training in the home in accordance with § 21.201 (g) to enable the veteran to learn essential operations in the prescribed course. Equipment in this category is of a kind which ordinarily is made available by the school or training establishment but is not available to a veteran training in the home because of his inability to travel to a school or training establishment due to the limitations imposed by his disability. Upon recommendation by the chief, vocational rehabilitation and education division, together with the presentation of a written statement setting forth all the information as required in subparagraph (1) of this paragraph and additionally setting forth: (i) the facts and circumstances which establish that, because of the limitations imposed by his disability, the veteran is unable to travel to a school or training establishment to pursue his course of training; and (ii) an itemized list of all the equipment to be furnished to the veteran under the provisions of § 21.237a; the Manager, if he concurs in the recommendation made by the chief, vocational rehabilitation and education division, may authorize the furnishing of such special equipment. In each case the records will be documented as required in subparagraph (1) of this paragraph.

(c) Special equipment not required for training purposes but necessary to overcome the handicap of blindness as contemplated in Public Law 309, 78th Congress, will be furnished under that law rather than under Public Law 16, 78th Congress, as amended.

(d) Where need for training has been determined solely on the basis of the service-connected disability, and the objective and training facility have been so chosen that the non-service-connected disability will have no preventive effect, or the least possible effect, upon training to overcome the handicap of the service-connected disability but it later develops that the necessary training cannot be pursued because of the non-service-connected disability, but the effect of the non-service-connected disability assuredly will be overcome by furnishing an item of special equipment, such special equipment may be provided under and subject to conditions of this section.

(e) If for any reason the veteran fails to complete the prescribed course of training in the home for which special equipment has been furnished under paragraph (b) (2) of this section, the veteran will be deemed to be at fault under § 21.243 with respect to such special equipment only, and he will be required to return such equipment to the Veterans' Administration or to pay the reasonable value thereof: *Provided however*, That if the veteran has completed such part of the prescribed course of training that he is found to be employable and has been declared rehabilitated under § 21.281, he will not be deemed to be at fault and he will not be required to return such equipment to the Veterans' Administration or to pay the reasonable value thereof. The veteran will be advised accordingly. With respect to any special equipment furnished to the veteran under paragraph (b) (1) of this section, a separate finding will be made under § 21.243 of whether the veteran's failure was due to fault on his part.

(f) Regional office Managers are authorized to furnish to Part VII trainees consumable supplies as needed for training purposes in the operation of special equipment, such as sound recorders and braille writers, authorized under paragraph (b) (1) of this section or which would have been authorized except for the fact the equipment had already been issued under provisions of Public Law 309, 78th Congress. The amount, grade, quality and cost of such consumable supplies that may be furnished to any trainee will be limited to those commensurate with the veteran's actual need for the supplies in his training. Regional office Managers are also authorized to arrange for the reconditioning of sound recording discs furnished to Part VII trainees when such reconditioning is to the economic advantage of the Government, and to reissue such reconditioned discs.

51. In § 21.243, paragraphs (c), (g), and (h) are amended to read as follows:

§ 21.243 *Release of and repayment for training supplies.* • • •

(c) Determination whether the veteran's failure was or was not because of fault on his part will be made by the training officer. The records will be documented to show the facts upon which the decision was made.

• • • • • •

(g) Where it is determined that the veteran is at fault and repayment for supplies is not excused under paragraphs (d) and (f) of this section, the veteran will be required to repay the Veterans' Administration for the nonconsumable supplies furnished him at Veterans' Administration expense. The amount to be repaid will be the value at which the supplies were issued to the veteran less a percentage equivalent to the percentage of the prescribed course (or term, where applicable in the case of school training) completed. For example, a veteran who has completed one-third of the prescribed course or term for which supplies were furnished will be required to repay two-thirds of the value at which the supplies were issued to the veteran. Under no circumstances will supplies be accepted in lieu of repayment, except as provided in §§ 21.241 (e), 21.252 (d), and paragraph (d) of this section.

(h) The provisions of this section will apply to cases where training is discontinued on or after July 10, 1951, and to cases where training was discontinued prior to July 10, 1951, but disposition of the case was not made under the regulation in effect at that time; except that in any case where training was discontinued prior to July 10, 1951, and the decision as to liability or non-liability has not been made by April 26, 1955, the veteran will be deemed not to be liable for the repayment of the reasonable value of non-consumable training supplies, since experience has shown that the administrative cost of applying repayment collection procedures at this time on cases that were discontinued prior to July 10, 1951, far exceeds the amount of return to the Government.

52. Section 21.247 is revised to read as follows:

§ 21.247 *Records of supervision.* The recorded facts concerning the training situation, as determined through supervision of the trainee by the training officer, are the chief basis upon which the Veterans' Administration judges the progress of the trainee and determines that the training situation of each trainee is satisfactory or that adjustment of the training situation is necessary to meet the needs of the individual veteran. The recorded facts are also the basis upon which the chief of the activity can evaluate the performance of the individual training officer and thus be enabled to determine the efficiency of the Veterans' Administration service in administering the affairs of the individual trainee. Records of supervision must be used to improve the program in each individual case and also the vocational rehabilitation program as a whole. They must be studied and acted upon with a view to making the work of the training officer and the entire education and training activity more effective.

53. Immediately following § 21.255, a new centerhead and § 21.256 are added as follows:

VOCATIONAL REHABILITATION BOARD

§ 21.256 *Types of cases to be referred to the Vocational Rehabilitation Board by education and training activity.* (a) Cases of veterans in induction pending, training or interrupted status will be referred to the Vocational Rehabilitation Board for determination as to the medical feasibility of beginning, continuing or reentering training when the following conditions pertain:

(1) A substantial question as to the medical feasibility of training exists; and

(2) The medical condition of the veteran is other than temporary in nature, such as one involving a brief period of hospitalization or other medical treatment necessitating temporary absence from training or temporary cessation of effort to enter or reenter the veteran into training.

(b) Cases of veterans in discontinued status by reason of general medical infeasibility or for whom there was a finding of general medical infeasibility while in discontinued status and who now request reentrance into training will be referred to the Vocational Rehabilitation Board for a determination as to whether training is now medically feasible.

(c) Cases of veterans in the following classifications will be referred to the Vocational Rehabilitation Board for consideration and recommendation:

(1) Seriously handicapped trainees whose training is not proceeding satisfactorily and the attendant conditions present problems of required adjustment on the part of the veteran or the training facility, or both, which the education and training activity has been unable to solve through the usual resources; or

(2) Veterans whose reentrance into training after rehabilitation is being considered under § 21.286 (b) (1) and the chief, education and training activity, desires advice from the Vocational Rehabilitation Board in determining whether the veteran's disability precludes performance of the duties of the occupation for which trained under Part VII.

54. In § 21.261, paragraph (a) is amended to read as follows:

§ 21.261 *Ordinary leave.* • • •

(a) *Granting of ordinary leave.* The training officer is authorized to approve ordinary leave of absence which will not exceed the amount of leave accumulated to the credit of the trainee and which in no case will exceed an aggregate of 30 days in each 12 months of training status, beginning with the date of the veteran's entrance into training: *Provided*, That the granting of such leave will not materially interfere with the pursuit of the prescribed course: *And provided further*, That no ordinary leave will be granted, except as provided in § 21.203a, which will require extending the veteran's training beyond 48 months, or further extending the veteran's training beyond 48 months where training in excess of 48 months already has been authorized under § 21.206.

• • • • • •

55. Sections 21.261a, 21.262, and 21.263 are revised to read as follows:

§ 21.261a *Ordinary leave for veterans pursuing institutional on-farm training.* A veteran pursuing a course of institutional on-farm training may be granted ordinary leave from the on-farm part of the course not to exceed 30 days in each 12 months of training status beginning with the date of the veteran's entrance into training: *Provided*, That such leave will not materially interfere with the pursuit of the prescribed course, and that leave will not be charged for routine absences from the farm required in the ordinary day to day conduct of the farm business or for absences from that part of an institutional on-farm course which is given at the educational institution. However, absences which materially interfere with the pursuit of the course or absences from instruction to the extent of failing to meet the requirements of § 21.201a (a) will be cause for interruption or discontinuance of training.

§ 21.262 *Additional leave under exceptional circumstances.* The training officer is authorized to approve leave of absence in addition to that allowable by §§ 21.261 and 21.261a under the following conditions, provided the training officer is reasonably certain that the veteran will return to the pursuit of his course within the period for which the training officer is authorized to grant leave.

(a) *Personal illness.* When required by reason of bona fide illness of the trainee, sick leave, without regard to ordinary leave, may be granted not to exceed a total of 30 days in each 12 months of training status beginning with the date of the veteran's entrance into training. Sick leave will be charged to include all of the elapsed time from the beginning of absence from training until the veteran returns to training, including Saturdays, Sundays, and holidays, except where such veteran returns on the first day training is available following a weekend or a holiday when training was not available, sick leave will not be charged for such weekend or holiday—for example, where the veteran is absent on Friday but he returns on Monday following the weekend when training was not available, leave will not be charged for such weekend.

(b) *Personal hardship.* (1) After all accrued ordinary leave has been exhausted, additional leave, not to exceed 30 days in each 12 months of training status beginning with the date of the veteran's entrance into training, may be granted for reasons other than personal illness, when failure to do so would cause personal hardship to the trainee. Satisfactory reasons under this category might include illness or death in the trainee's immediate family or other compelling conditions beyond the veterans' control which, in the opinion of the training officer, make it necessary that the trainee be permitted to absent himself from training. In no case is there authority to grant personal hardship leave to cover periods between ordinary school years.

(2) After all accrued ordinary leave has been exhausted, leave in addition to the sick leave permitted by paragraph (a) of this section, not to exceed 30 days in each 12 months of training status may be granted when it is clear that it could not have been foreseen that the illness would require more than the amount of leave which was approvable under paragraph (a) of this section and when there is clear indication that training will be resumed within the additional period. The basic 30 days' sick leave provided for in paragraph (a) of this section, together with ordinary leave, generally should be a sufficient allowance for personal illness. A greater period of absence from training ordinarily would interfere with the course.

(3) In no case shall any combination of leave under subparagraphs (1) and

(2) of this paragraph be granted in excess of 30 days during each 12 months of training. Such leave will be charged to include all of the elapsed time from the beginning of absence from training to the return of the veteran to training, including Saturdays, Sundays, and holidays, except where such veteran returns on the first day training is available following a weekend or holiday when training was not available, leave will not be charged for such weekend or holiday.

§ 21.263 *Maximum leave allowable.* Leave in excess of that authorized under §§ 21.261, 21.261a, and 21.262 will not be approved. Whenever, in an individual case, it becomes evident to the training officer that the veteran will not be able to resume his training course upon the expiration of the period of leave he is authorized to approve under this section, the veteran will be removed from training status.

56. Section 21.265 is revised to read as follows:

§ 21.265 *Unauthorized absences.* Trainees should be instructed that they will be expected to apply for and obtain approval for leave of absence in advance. However, when a veteran has absented himself from his place of training under conditions which would make his obtaining advance approval from the Veterans' Administration impracticable, and when the responsible officials of the training establishment and the training officer agree that the absence has not materially interfered with the course of training, the training officer is authorized to excuse the absence and to make charges against the veteran's leave in accordance with the policy stated in §§ 21.261, 21.261a, and 21.262. When such absence from training is not satisfactorily explained, the training officer will take such action as is deemed necessary, including forfeiture of subsistence allowance for the period of absence.

57. In § 21.267, paragraph (a) is amended to read as follows:

§ 21.267 *Interregional transfers for training.*—(a) *Induction into a facility outside the regional area.* Managers are authorized to effect the transfer of veterans for training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), to the jurisdiction of other regional offices within the limits of the continental United States at Government expense when any such transfer is necessary for the purposes of the Veterans' Administration in accomplishing vocational rehabilitation in the chosen employment objective. Such transfer at Government expense will be limited to the nearest satisfactory training facility, except that where regional territorial lines do not coincide with State border lines, transfers may be effected at Government expense to induct the veteran into training in any satisfactory training facility located within the State of the veteran's residence, despite the existence of satisfactory training facilities within the regional territory. An interregional transfer which involves travel at Government expense between a point within the continental limits of the United States and a point within the insular possessions and territories and an interregional transfer to or from the Republic of the Philippines at Government expense will be effected in each case only upon the personal prior approval by the Manager based upon a written statement presented by the chief, vocational rehabilitation and education division which provides full particulars to establish that the veteran cannot be properly trained without the transfer. The veteran's records will be fully documented to show the decision made by the Manager and the facts upon which such decision was based.

* * * * *

58. In § 21.279, paragraphs (a) and (b) are amended and a new paragraph (e) is added as follows:

§ 21.279 *Reader service under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), for veterans with visual impairment.* (a) When reader service is necessary for the successful pursuit of a course of vocational rehabilitation by a veteran with visual impairment, such service may be furnished in accordance with the policy set forth in this section.

(b) Every trainee in school training whose vision is so impaired as to make it impossible or inadvisable for him to use his eyes for reading will be furnished with necessary reader service. This group of trainees will include those whose best corrected vision is 20/200 or less in both eyes, or whose central vision is greater than 20/200 but whose field of vision is limited to such an extent that the widest diameter of the visual field subtends an angle no greater than 20 degrees, and those with impaired vision, whose condition or prognosis indicates that the residual sight will be affected detrimentally by the use of his eyes for reading. Trainees with visual impairment who are in training on the job will be provided with necessary reader service when study is required in connection with their training and when the need for such assistance is established.

* * * * *

(e) The number of hours of service in each case will be determined by the amount of reading necessitated by the course. For undergraduate school training, the criterion of 2 hours of reader service per week for each credit-hour may be utilized as a general guide in estimating the amount of reader service required. For graduate training, ordinarily more than 2 hours of reader service per credit hour will be required. An arbitrary maximum should not be applied, rather the amount of reader service needed should be determined upon the basis of the amount of actual oral reading required to cover the subject matter of the course and in consideration of the learning ability of the particular veteran. Under the provisions of this section, reader service is not permissible for reading into a recording machine not in the veteran's presence for the purpose of making sound recordings of textbook material for later use by the trainee. If advance recording of textbooks is desired, the recording service should be obtained through free service offered by volunteer organizations serving that need.

59. In § 21.281, paragraphs (a) (2) and (c) are amended and new subparagraphs (4) and (5) of paragraph (a) are added as follows:

§ 21.281 *Status "rehabilitated."* (a) * * *

(2) When a trainee while in training status or while properly in interrupted status as required by § 21.282 accepts employment in the same occupation for which he is being trained or in an occupation for which the training received under Part VII has contributed materially toward rehabilitation, and his earnings approximate those of the average trained worker in the occupation, and the employment is such kind that to pursue it full time would be not incompatible with the trainee's disability—thus demonstrating attainment of satisfactory employment: *Provided,* That where such employment is not in the same occupation for which the veteran was being trained, his case will be referred to the counseling activity for determination of whether the occupation in which the veteran is employed is compatible with the veteran's disability and aptitudes. The effective date of rehabilitation will be the day following the last day of instruction. If the findings of the counseling activity are negative, the veteran wil be placed in discontinued status.

* * * * *

(4) When a veteran satisfactorily completes a prescribed course of vocational rehabilitation for an occupation the practice of which requires the passing of an examination for licensure and the veteran chooses to apply for licensure in a State other than either the State in which he pursued his training, or a State that was specified at the time he entered training in order to plan his program to meet licensure requirements of that specified State. Under such circumstances the veteran will be considered to have completed the training necessary to qualify him for employment and the matter of his becoming licensed will not be the responsibility of the Veterans' Administration. The effective date of rehabilitation will be the day following the day of completion of the prescribed course.

(5) When a veteran satisfactorily completes a prescribed course of vocational rehabilitation under Part VII for an occupation the practice of which requires the passing of an examination for licensure but is unable to take the licensure examination prior to the termination date for vocational rehabilitation training (see § 21.204 (b)). Under such circumstances the veteran will be considered to have completed the training necessary to qualify him for employment and the matter of his becoming licensed will not be the responsibility of the Veterans' Administration. The effective date of rehabilitation will be the day following the day of completion of the prescribed course.

* * * * *

(c) When a trainee discontinues training under § 21.283 (a) (1), (2), (3), (4), (5), or (7) and investigation later discloses that the trainee has accepted employment in an occupation for which the training received under Part VII has contributed materially toward employability and medical or other acceptable evidence indicates that the employment is of a kind which to pursue full time would be not incompatible with the trainee's disability, the trainee will be placed in status "rehabilitated" for purposes of the office record effective on the day following the last day of instruction or, where leave was authorized after the last day of instruction in accord with §§ 21.260 through 21.265, on the day following the last day of leave. In such cases, the veteran shall not receive written notice of rehabilitation and shall not be paid the subsistence allowance ordinarily paid for 2 months following the determination of employability. As indicated, this action is for record purposes only, and the veteran's reentrance into training under the conditions provided for in § 21.288 will not be jeopardized by this recording, where reentrance is otherwise warranted.

* * * * *

60. In § 21.282, paragraph (d) is amended to read as follows:

§ 21.282 *Status "interrupted."* * * *

(d) The veteran completes the prescribed course of vocational rehabilitation for an occupation, the practice of which requires passing of an examination for license and such examination is not given on or before the day following the completion of the course or on or before the day following the last day of approved leave (see § 21.287 (a) (1)); except where following completion of the course the veteran declines to take the examination in the State for which he was trained (see § 21.281 (a) (4)); or in the case of a Public Law 16 veteran although the course is completed prior to his termination date the veteran is unable to take the licensing examination by that date (see § 21.281 (a) (5)).

* * * * *

61. In § 21.283, paragraph (a) (4) is amended to read as follows:

§ 21.283 *Status "discontinued."* (a) * * *

(4) When pursuant to § 21.705 action has been suspended on revaluation because of noncooperation on the part of the trainee.

* * * * *

62. Section 21.285 *Authority is revoked.*

63. In § 21.286, the introduction of paragraph (b) is amended to read as follows:

§ 21.286 *Reentrance after rehabilitation.* * * *

(b) When, subsequent to an official declaration of rehabilitation, a veteran whose disability rating has not been reduced to less than a compensable degree, requests further training under Public Law 16, as amended, or Public Law 894, as amended, the declaration of rehabilitation may be canceled and the veteran reentered into training only if it is determined by the chief, education and training activity, that:

* * * * *

64. In § 21.287, paragraph (c) (1) is amended to read as follows:

§ 21.287 *Reentrance after interruption.* * * *

(c) * * *

(1) Except as indicated in the last sentence of this subparagraph, prior to authorizing reentrance into training under Public Law 16, 78th Congress, as amended, a check will be made to ascertain whether the veteran has a compensable disability incurred in or aggravated by service on or after June 27, 1950. If so, the veteran will be referred to the counseling activity for a determination of whether need for training exists under Public Law 894, 81st Congress, as amended, and if need is found to exist, to determine whether the previous objective is suitable considering the new disability, and if not, to select a suitable objective following which, the veteran will be processed into training under Public Law 894, as amended, and in accordance with instructions governing vocational rehabilitation training of veterans under that law. If the veteran does not have a compensable disability incurred in or aggravated by service on or after June 27, 1950, or if need is not found to exist under Public Law 894, as amended, he will be reentered into training under Public Law 16, as amended, in accord with paragraph (c) of this section. If the check as to compensable disability by virtue of service on or after June 27, 1950, and referring the veteran for a determination of whether need for training exists under Public Law 894 will delay unduly reentrance into training—as for example, cause the veteran to miss the beginning of a term or semester—the veteran may be reentered into training under Public Law 16, pending determination of entitlement under Public Law 894, as amended, with the understanding that if he is found entitled under the latter law, his case will be reprocessed under instructions governing vocational rehabilitation under that law.

* * * * *

65. Section 21.288 is revised to read as follows:

§ 21.288 *Reentrance after discontinuance.* (a) When a veteran, whose training was discontinued under one of the conditions set forth in § 21.283 (a) (1), (2), (3), (4), (5), or (7), applies for reentrance into training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) (Public Law 16, 78th Congress, or Public Law 894, 81st Congress, as amended), due consideration will be given to the facts in the individual case and, if the reasons for discontinuance have been removed, and if the veteran's disability rating has not been reduced to less than a compensable degree, and if, need for vocational rehabilitation is reestablished, the veteran may be reentered into training: *Provided,* That the veteran may not be reentered into training for an employment objective other than the previous employment objective for which he was pursuing training at the time of discontinuance except where it is clear that a change of employment objective is warranted because (1) for the veteran to resume training for the previous objective would result in failure to accomplish bona fide vocational rehabilitation for reasons not within the veteran's control, or (2) although the veteran could successfully resume and complete training for the previous employment objective, the veteran desires to change his employment objective and the employment objective desired by the veteran will not require any greater period of time for completion than completion of the previous employment objective and it is determined by the counseling activity that the desired employment objective is more in keeping with the veteran's interests and aptitudes.

(b) When a veteran whose training was discontinued under § 21.283 (a) (2) applies for reentrance into training, the provisions of paragraph (a) of this section will govern except that where application for reentrance after discontinuance under § 21.283 (a) (2) is made within 30 days from the date the veteran is able to resume his training as determined by competent medical examination, the veteran's disability rating has not been reduced to less than a compensable degree and all other factors indicate that the veteran may successfully resume training, reentrance will be accomplished without referral for redetermination as to need for vocational rehabilitation, unless there exists some other compelling reason for such referral.

(c) Where a veteran who meets all the other requirements of paragraph (a) or (b) of this section for reentrance into training and who could successfully resume training for the previous employment objective, desires an employment objective which requires a greater period of time than the previous objective and which the counseling activity determines is more in keeping with his interests and aptitudes, he will be informed that if he will pursue independently of the Veterans' Administration a portion of the course for the employment objective desired by him sufficient to enable him to complete the remainder in no greater period of time than completion of the present employment objective would require, upon request he will be reentered into training under Part VII, Veterans Regulation 1 (a), as amended (Public Law 16, 78th Congress, or Public Law 894, 81st Congress, as amended), to complete the remainder of the course: *Provided,* That, in the meantime, his disability rating is not reduced to less than compensable and the service-connection of his disability is not severed.

66. In § 21.290, paragraph (b) is amended to read as follows:

§ 21.290 *Veterans' Administration responsibility under the law.* * * *

(b) The best proof that employability has been restored is a showing that the veterans actually has been placed in suitable employment. Accordingly, every training program will have as its goal the

actual employment of the veteran in the selected employment objective.

67. Sections 21.291 and 21.292 are revised to read as follows:

§ 21.291 *Referral of trainees for employment assistance.* In order to discharge the responsibility set forth in § 21.290 in the most effective manner, the education and training activity of each regional office will maintain liaison with the appropriate State and Federal employment agencies and will utilize the services of those agencies to the fullest extent possible in assisting rehabilitated veterans to obtain employment upon completion of their prescribed courses. Not less than 60 days prior to the anticipated date of rehabilitation it will be ascertained whether the trainee needs and desires employment assistance. If he does need and desires such assistance, he will be referred to the appropriate employment agency. If the trainee does not desire assistance in obtaining employment, he will not be referred to the employment agency and his records will be documented accordingly.

§ 21.292 *The veteran's responsibility for his employment.* The training officer will inform each trainee under his supervision that although the Veterans' Administration will assist the trainee in obtaining employment by referring him to the appropriate State or Federal employment agency if he so desires and by other suitable means, he is not to rely on such assistance to accomplish his placement into employment without any effort on his part. Rather, the trainee personally is to do those things which are essential and commonly expected of anyone who is seeking employment.

68. A new § 21.293 is added as follows:

§ 21.293 *Assisting seriously handicapped veterans in obtaining employment.* The problem of assisting seriously handicapped veterans in securing employment following completion of training often is particularly complex and difficult and requires special attention by the Veterans' Administration to the end that every reasonable effort is made to ensure that the training program actually leads to the desired goal, i. e., stable employment in the rehabilitation objective or a closely related one.

(a) During the counseling of the seriously handicapped veteran the training officer or training specialist who collaborates with the counselor should anticipate and explore all potential employment placement difficulties, such as barriers to employment because of disability, as a basis for his decision as to whether to concur in the proposed objective. Where necessary, he will contact employers to ascertain their attitudes toward employing the veteran at some future date, and explore other possibilities and resources which might be of aid in effecting placement after training has been completed. Promises of employment should be obtained if possible. Such preliminary steps should be taken particularly if the training being contemplated ordinarily is pursued in a school or under other circumstances in which the training does not lead directly into employment.

(b) If the contemplated objective is one which will require training over a long period, such as in an institution of higher learning, the locating of well-defined opportunities for employment may be delayed until an appropriate point in the training program, such as completion of pre-professional requirements or some other suitable point at which it will not be too late to redirect the training, if necessary, toward an employment goal which offers reasonable assurance of attainment.

(c) During training the training officer will give continued attention to guiding the trainee into the specific employment situations projected. Sixty days before the scheduled date of completion of training, or sooner if considered desirable, the veteran who desires and needs assistance will be referred to the employment service for such assistance. To the end that the goal of vocational rehabilitation may be achieved the training officer in consultation with the employment service will, as deemed necessary and advisable, begin at the same time to contact any known prospective employers and will make every reasonable effort to develop and explore every other possibility which may lead to successful placement of the veteran into suitable employment.

(d) If by the date of rehabilitation the veteran has not been employed or assured of employment, the training officer will continue to make every reasonable effort to effect placement until the veteran is suitably placed or until it is determined by the chief, education and training activity, that all possibilities and resources in the area under jurisdiction of the regional office have been fully explored and developed and that there is little likelihood that continued efforts would result in placement.

(e) When a veteran has entered into suitable employment the purpose of vocational rehabilitation has been satisfied. The Veterans' Administration thereafter has no continuing responsibility in respect to the veteran's employment.

69. Immediately following § 21.293, a new centerhead "Combination of Training Under Public Law 16, 78th Congress, As Amended, And Public Law 346, 78th Congress, As Amended" and §§ 21.294 and 21.295 are added as follows:

§ 21.294 *Combination where Public Law 16 training follows Public Law 346 training*—(a) *Where veteran pursued Public Law 346 training before eligibility under Public Law 16 was determined.* When a veteran who is or has been pursuing training under Public Law 346 is initially determined to have a service-incurred disability for which compensation is payable, and elects to pursue training under Public Law 16, if found in need thereof, there shall be prescribed and provided whatever course of vocational rehabilitation is needed to fit him for employment consistent with his disability. The obligation to restore employability is not lessened by the fact that the veteran has pursued training under Public Law 346 at a time when the existence of a compensable disability had not been determined. When, following appropriate action by counseling activity giving consideration to all training previously pursued under Public Law 346, there has been selected a proper objective which capitalizes to the fullest extent practicable the previous training under Public Law 346, training under Public Law 16 in combination with training previously pursued under Public Law 346 will be approved to the extent necessary to restore employability in that employment objective. If such combination of training will require a total training time under both laws in excess of 4 years the case will be processed under the provisions of § 21.206.

(b) *Where veteran pursues Public Law 346 training after eligibility for Public Law 16 is determined.* Where a veteran enters or resumes training under Public Law 346 after he has initially been determined to have a service-incurred compensable disability and notified to that effect; or where a veteran continues to pursue training under Public Law 346 for a period of more than 30 days after such notification without having filed an application for vocational rehabilitation or, having filed such an application, continues under Public Law 346 for a period of not more than 30 days after being found in need, combination training under both laws may be approved under the following conditions:

(1) When, after procuring all factual information pertaining to prior training, the training officer has determined that the veteran's progress and conduct while in training under Public Law 346 were satisfactory according to the standards usually applied by the Veterans' Administration to training under Public Law 16. If either conduct or progress was unsatisfactory, the application will be denied at this point unless the facts show that the unsatisfactory condition or conditions were beyond the control of the veteran or that under the standards usually applied under similar circumstances for Public Law 16 cases the causative factors have been or will be removed leaving an excellent prospect for success in training if need for training should be found to exist; and

(2) It has been currently determined or redetermined that the veteran is in need of training to overcome the handicap resulting from his service-connected disability; and

(3) A suitable employment objective has been determined, the selection of which included a thorough consideration of training previously pursued under Public Law 346 to the end that previous training will be utilized to the fullest extent practicable in qualifying the veteran for employment in the objective occupation; and the conditions of either subparagraph (4) or (5) of this paragraph are met.

(4) It has been determined by the training officer, in the process of concurrence that the veteran can be trained to employability in the objective selected without exceeding, under both Public Law 16 and Public Law 346 either the time that would have been required to train the veteran to employability in the objective selected under subparagraph (3) of this paragraph, had he elected to train under Public Law 16 at the time he became eligible under that law, or the period of the veteran's original entitlement under Public Law 346, whichever is the greater. If such combination of training, including all Public Law 346 training before and after election, will require a total training time under both laws in excess of 4 years, the case must be processed under the provisions of § 21.206. In any case where the requirements specified in the first sentence of this subparagraph are not satisfied, the application for a course under Public Law 16 will be disapproved. The veteran will be informed that his application will be reconsidered if he pursues, independently of the Veterans' Administration, a sufficient portion of the course to enable him to complete the remainder within either of the time limitations specified in this subparagraph. Where the veteran signifies that he will pursue such portion of the course independently of the Veterans' Administration under these conditions he will be advised that when he has completed such sufficient portion of the course on his own, upon request, he will be entered into training under Public Law 16 to complete the remainder of the course: *Provided*, That in the meantime, his disability rating is not reduced to less than compensable and the service connection of his disability is not severed. Such advice will be confirmed by letter to the veteran. Approval under authority of § 21.206 (d) may be given only when the facts show that the conditions of § 21.206 (a) (1) (i) or (iii) would have been satisfied at the time eligibility for Public Law 16 training was originally determined; or

(5) In the case of a veteran who is now seriously disabled, it has been determined through counseling, including concurrence by the training officer, that after his date of election the veteran entered or continued in training under Public Law 346 for an objective which might reasonably have been considered so suitable for him that it might have been selected under Public Law 16 had he been counseled and entered into training under that law; it is now established by medical evidence of record that his service-incurred disability has worsened to an extent that the occupation for which he pursued training under Public Law 346 after election is not now medically feasible and it is clear that had the veteran entered Public Law 16 training at the time of election it would now be necessary to change his objective. If such combination of courses including all Public Law 346 training before and after election, will require a total training time under both laws in excess of 4 years, the case will be processed under the provisions of § 21.206.

(c) *Approval of training under Public Law 16 following training under Public Law 346.* A veteran may pursue training under Public Law 16 following training under Public Law 346 only when such combination of training has the prior approval of the Veterans' Administration, and decisions in all such cases of training under Public Law 16 following training under Public Law 346 will be the responsibility of the education and training activity.

§ 21.295 *Combination where Public Law 346 training follows Public Law 16 training*—(a) *Public Law 346 training following rehabilitation under Public Law 16.* A course under Public Law 346 will be approved, subject to the limit of any remaining entitlement under Public Law 346 after all time used under Public Law 16 has been deducted, for any veteran who has successfully pursued a course of vocational rehabilitation under Public Law 16 and whose employability has been restored, provided that at the time he requests additional training under Public Law 346 the veteran understands that he may not thereafter assert a right to further benefits under Public Law 16. (See also paragraph (d) of this section.)

(b) *Public Law 346 training following discontinuance under Public Law 16; conduct and progress satisfactory.* When the veteran's conduct and progress while enrolled for the course he has discontinued under Public Law 16 are shown to have been satisfactory judged by standards applicable to Public Law 346 cases, a course under Public Law 346 will be approved to the limit of any remaining entitlement under Public Law 346 after all time used under Public Law 16 has been deducted, provided all of the following conditions are met:

(1) The veteran understands that if he enters training under Public Law 346 he may not thereafter assert a right to further vocational rehabilitation training under Public Law 16. (See also paragraph (d) of this section.)

(2) It does not appear that the best interests of the veteran will be impaired through his enrollment under Public Law 346. (For example, approval should be denied when the veteran's disability is of such a handicapping nature that a carefully planned course of vocational rehabilitation is clearly needed and it is determined through counseling, that the course which the veteran is contemplating under Public Law 346 will not contribute materially to the restoration of his employability.)

(c) *Public Law 346 training following discontinuance under Public Law 16; progress not satisfactory.* When a course under Public Law 16 was discontinued because of unsatisfactory progress judged by standards applicable to Public Law 346 cases, a course under Public Law 346 may be approved only when it is evident that the conditions which caused the previous failure have been overcome and are not likely to prevent success in the course desired under Public Law 346, subject to the limit of remaining entitlement under Public Law 346 after all time used under Public Law 16 has been deducted. Discontinuance of training under Public Law 16 because of unsatisfactory conduct will constitute a bar to the approval of such a combination of training unless it is established that the school or establishment in which the veteran was pursuing training under Public Law 16 would be willing to readmit him as a student or trainee in accord with its regularly prescribed standards and practices. The following conditions also must be met:

(1) The veteran understands that if he enters training under Public Law 346 he may not thereafter assert a right to further vocational rehabilitation training under Public Law 16. (See also paragraph (d) of this section.)

(2) A favorable recommendation for approval of a combination of courses is made on the basis of findings arrived at through counseling.

(3) It does not otherwise appear that the best interests of the veteran will be impaired through his enrollment under Public Law 346. (For example, if current conditions are such that the veteran could be reinducted under Public Law 16 and his disability is of such a handicapping nature that a carefully planned course of vocational rehabilitation is clearly needed, approval should be denied unless it is determined through counseling that the course the veteran is contemplating under Public Law 346 will contribute materially to the restoration of his employability.)

(d) *Statutory and regulatory limitations.* (1) The requirement of the first proviso of paragraph 1, Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), that the veteran shall initiate his course not later than 4 years after either the date of his discharge or the termination of the present war, whichever is later, will be satisfied by commencement of the course within the stated time either under Public Law 16 or Public Law 346.

(2) All statutory and regulatory limitations under Public Law 346, including those governing a change of course and the prohibition against the pursuit of avocational or recreational courses, apply in any case where training under Public Law 346 following training under Public Law 16 is proposed.

(3) A combination of training which would permit a veteran to enroll for a course under Public Law 346 during a period of interruption of his training under Public Law 16 will not be approved. In any such case, the training officer will determine whether the veteran should be declared rehabilitated or the training discontinued before a finding is made in connection with the proposed combination.

(4) A veteran may pursue training under Public Law 346 following training under Public Law 16 only when such combination of training has the prior approval of the Veterans' Administration, and decisions in all such cases of training under Public Law 346 following training under Public Law 16 will be the responsibility of the educational benefits activity.

70. Immediately following § 21.295, a new centerhead and § 21.296 are added as follows:

COMBINATION OF TRAINING UNDER PUBLIC LAW 894, 81ST CONGRESS, AS AMENDED, PUBLIC LAW 16, 78TH CONGRESS, AS AMENDED, AND/OR PUBLIC LAW 346, 78TH CONGRESS, AS AMENDED

§ 21.296 *Combination where training under Public Law 894, as amended, follows training under Public Law 16, as*

amended, and/or Public Law 346, as amended— (a) *General.* Combination training under Public Law 894 following training under Public Law 16 or Public Law 346 will be approved when the veteran has been determined to have basic entitlement under Public Law 894 and through counseling has been determined to be in need of vocational rehabilitation under that law and there has been selected an objective which capitalizes to the fullest extent practicable the training previously pursued under Public Law 16 and/or Public Law 346. Approval of such combination training will be subject to the provisions of paragraph (b) or (c) of this section.

(b) *Where all training pursued under Public Law 16 and/or Public Law 346 was prior to the date of the veteran's first notice of disability incurred in or aggravated by service on or after June 27, 1950, for which compensation is payable.* In such case, training under Public Law 894 will be approved and the veteran will be provided vocational rehabilitation training to the extent necessary to accomplish vocational rehabilitation, notwithstanding time spent in training under Public Law 16 or Public Law 346 prior to the date of such notice and without reference to § 21.206 except when the course under Public Law 894 alone will exceed 4 years.

(1) Where a veteran has been reentered into training under provisions of § 21.287 (c) to complete his course of vocational rehabilitation under Public Law 16, 78th Congress, as amended, at a time when he had no compensable disability incurred in or aggravated by service on or after June 27, 1950, but while in training under Public Law 16 is rated for a compensable disability incurred in or aggravated by such service, a determination will be made as to whether need exists under Public Law 894, 81st Congress.

(i) If need is found to exist it will be determined whether the previous objective is suitable considering the new disability and if not, a suitable objective will be selected and, in either case, training will be afforded under Public Law 894.

(ii) If it is determined that the veteran is not in need of training under Public Law 894, he will be continued in training under Public Law 16 to complete his course under that law.

(c) *Where a veteran enters, reenters or continues for a period of more than 30 days, a course under Public Law 346, as amended, after the date of first notice of the existence of basic eligibility under Public Law 894, as amended.* (1) A veteran who enters or resumes training under Public Law 346 after he has initially been determined to have a service-incurred compensable disability and notified to that effect; or who continues to pursue training under Public Law 346 for a period of more than 30 days after such notification without having filed an application for vocational rehabilitation or, having filed such an application, continues under Public Law 346 for a period of more than 30 days after being found in need, will be limited to a total period of training under Part VIII and under Public Law 894 (but not considering any training which the veteran may have had under Public Law 16) which will not exceed:

(i) The time that normally would have been required to train the veteran to employability in the objective selected had he chosen training under Public Law 894 when he became eligible therefor, or

(ii) The total period of the veteran's original entitlement under Public Law 346,

whichever is the greater: In any such case there would be for application the principles which apply to Public Law 16 training following Public Law 346 training as set forth in § 21.294 (b).

(2) A veteran who pursues training under Public Law 346 under conditions set forth in subparagraph (1) of this paragraph after notice of a disability incurred in or aggravated by service on or after June 27, 1950 for which compensation is payable and who also pursues training under Public Law 550 after need for vocational rehabilitation has been established under Public Law 894 will be limited to a total period of training under all such laws which will not exceed:

(i) The time that normally would have been required to train the veteran to employability in the objective selected had he chosen training under Public Law 894 when he became eligible therefor, or

(ii) The total period of the veteran's original entitlement under Public Law 346 and Public Law 550 which pursuant to the law is limited to 4 years,

whichever is the greater.

(Where training under Public Law 894 is to follow training under Public Law 550 only or is to follow training under Public Law 550 in combination with training under other laws, except in combination with Public Law 346 training pursued after notice of the existence of a disability as set forth in paragraph (c) (2) of this section, see § 21.2015 (b).)

71. The centerhead immediately following revoked § 21.293 is amended to read as follows: "Furnishing Supplies Under Part VIII, Veterans Regulation 1 (a), as Amended (38 U. S. C. ch. 12)".

72. The centerhead "Furnishing Supplies" immediately preceding § 21.310 is revoked.

73. Section 21.310 is revised to read as follows:

§ 21.310 *Definition.* As referred to in §§ 21.310 through 21.324a, inclusive, the term "supplies" will include books, tools, supplies, equipment, etc.

74. Sections 21.312 and 21.313 are revised to read as follows:

§ 21.312 *Authority.* Subject to the limitations set forth in §§ 21.310 through 21.324a, inclusive, regional office Managers are authorized to furnish, through the school or training establishment or through direct purchase in accordance with current regulations governing the procurement of and accounting for trainee's property, supplies of such kind and in such minimum amounts as are necessary to the satisfactory pursuit of a course of education or training in a particular institution.

§ 21.313 *Prevention of abuse.* The furnishing of supplies is fraught with possibilities of marked abuse. Accordingly, the entire matter of furnishing such articles is to be so administered as to avoid and prevent abuses. Care is to be exercised, including examination of the veteran's records, to make certain that articles will not be furnished to the veteran-trainee which duplicate those which have been previously furnished by the Veterans' Administration or which otherwise are in his possession. The provisions of the law and the instructions authorizing the furnishing of supplies are not to be construed as authorization for furnishing supplies except under the most careful checks as to what is required by the training institution of all trainees. It is to be emphasized and always borne in mind that the trainee is not to be allowed to determine what supplies will be furnished. An understanding of the law and the Veterans' Administration policy on this point and cooperation on the part of the institution or establishment should be encouraged and developed to the end that the institution or establishment will approve for the trainee only those items which it requires other students or trainees to personally possess in order to pursue the training. The training officer will be held responsible for determining, in individual cases, that the list of supplies to be furnished to the trainee by the Veterans' Administration has been determined by responsible officials of the institution rather than by the trainee himself and has been determined on the basis of actual training needs.

75. Section 21.319 is revised to read as follows:

§ 21.319 *Furnishing supplies in noncredit courses.* The Veterans' Administration may furnish to an enrollee pursuing a noncredit course those supplies required by the school to be owned personally by all students in the same course when the enrollee is required to perform all of the work which all students enrolled for credit must perform in the course excepting taking credit examinations. Supplies may not be furnished to enrollees in "noncredit" courses which require only attendance and listening at class.

76. In § 21.321, former paragraph (a) is amended and former paragraphs (b) and (c) are revoked, so that § 21.321 reads as follows:

§ 21.321 *Furnishing clothing.* One of the purposes of the subsistence allowance is to enable the trainee to provide himself with clothing. Apparel worn in lieu of ordinary clothing will not be identified as articles of training equipment or supplies. Consequently, gymnasium clothing, laboratory coats and trousers, nurses or medical technicians uniforms, school or military uniforms, coveralls, work uniforms or other similar articles will not be furnished by the Veterans' Administration notwithstanding the fact that the training establishment may require a certain type or style of apparel to be worn by all students, trainees, or employees. Protective articles, such as laboratory aprons, rubber gloves, goggles, etc., which are required to be worn for the purpose of protecting the trainee from physical harm incident to pursuit of the course and are not worn in lieu of, or for the purpose of protecting his personal clothing, may be furnished when required to be worn by all students taking the same course.

77. In the provisional regulations immediately following the revoked centerhead "Termination of Training", § 21.375 is revoked.

§ 21.375 *Application of the provisions of the vocational rehabilitation act for disabled veterans of World War II and the act extending vocational rehabilitation to disabled veterans of service on or after June 27, 1950, as amended by sections 2 and 3, Public Law 610, 83d Congress, approved August 20, 1954.* (Instruction 2, Public Law 610, 83d Congress) [Revoked.]

78. Immediately preceding § 21.700, add the centerhead "Counseling".

79. Section 21.700 is revised to read as follows:

§ 21.700 *Counseling claimants under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* (a) Counseling will be provided each disabled person who applies for vocational rehabilitation under Part VII, Veterans Regulation 1 (a), as amended, and who meets the basic eligibility requirements set forth in § 21.40 (a) and (b). Counseling procedure will be applied to determine whether the person is in need of vocational rehabilitation and, when such need is determined to exist, to assist him in the selection of an employment objective for which he may be trained so as to be able to secure employment in an occupation best suited to his individual capacities and compatible with his disability. The selection of an occupation in which rehabilitation is to be effected will be based upon consideration of the person's interests, aptitudes, abilities, educational background, work experiences, personality traits, limitations imposed by disabilities, and any other relevant factors in relation to characteristics, requirements, and employment opportunities of occupations. Standards of counseling will be maintained in accordance with accepted professional practices, and counseling personnel will apply approved counseling principles in order to accomplish the purposes in this paragraph.

(b) Personal adjustment counseling will be provided as a specialized service:

(1) To those veterans identified during counseling process as having problems of personal adjustment or emotional difficulties which would interfere with successful vocational rehabilitation; or

(2) To those veterans who experience difficulty in pursuit of training deemed by the training officer to result from problems of personal adjustment or emotional difficulties in order to assist such veterans in realizing maximum benefit from training.

(c) Counseling under Part VII, Veterans Regulation 1 (a), for purposes set forth in paragraphs (a) and (b) of this section will include veterans having basic eligibility under Public Law 16, 78th Congress, as amended, and under Public Law 894, 81st Congress, as amended.

(d) When counseling a veteran who has had previous counseling or training under Part VII, Public Law 346, 78th Congress or Public Law 550, 82d Congress, available information regarding the veteran's previous counseling, if any, and his previous training under the laws cited above will be carefully and fully considered together with current medical data, to the end that the previous training will be capitalized as far as may be found practicable and objectives to be certified will be those for which training may be provided in accordance with any limitations contained in § 21.294, § 21.296, or § 21.2015, whichever is applicable.

80. Section 21.702 is revised to read as follows:

§ 21.702 *Authority to determine whether a veteran is in need of vocational rehabilitation and to provide personal adjustment counseling.* Authority to determine whether a disabled person who applies for benefits under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), and who has basic eligibility for such benefits, is in need of vocational rehabilitation, is delegated to counseling psychologists (vocational rehabilitation and education), psychologists (personal counselor), psychologists (vocational adviser-personal counselor) and psychologists (vocational adviser) employed by vocational rehabilitation and education divisions. Authority to provide personal adjustment counseling is delegated to counseling psychologists (vocational rehabilitation and education), psychologists (personal counselor), and psychologists (vocational adviser-personal counselor).

81. Section 21.711 is revised to read as follows:

§ 21.711 *Redetermination of need*— (a) *Prior to induction into training.* When a determination as to need for vocational rehabilitation has been made by authorized personnel, including any such determination made by counselors on an authorized liaison visit to a Veterans' Administration hospital, that determination will not be reopened or changed by personnel of either that office or any other office to the jurisdiction of which the veteran moves or is transferred, unless (1) there is clear and unmistakable error of fact or law; or (2) there is new and material evidence which clearly indicates the necessity for reconsideration of need; or (3) the veteran reapplies for induction into training after having been placed in status "training declined" in accordance with § 21.209. Need for vocational rehabilitation will be redetermined, however, in any case in which a determination was previously made that need for vocational rehabilitation did not exist, if evidence showing that the conditions basic to such determination have materially changed.

(b) *After induction into training.* (1) When upon the basis of a proper determination of need a claimant has been inducted into training, the question of need will not be reopened with a view to discontinuing training merely because of a decrease in the disability, even though the decrease be such that the disability rating is reduced to less than compensable degree.

(2) Need will not be redetermined in the course of making revaluations for veterans in training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), or in status "interrupted" under § 21.282 except as set forth under subparagraph (5) of this paragraph.

(3) Need will be redetermined in the case of veterans whose training under Part VII has been discontinued, when they are referred by the education and training activity for such determination.

(4) Need will be redetermined in the case of veterans who have previously been declared rehabilitated, when they are referred by the education and training activity for such determination.

(5) When a veteran is referred to the counseling activity in accordance with § 21.287 (c) or § 21.296 (c) (1), a determination will be made as to whether need for vocational rehabilitation is established under Public Law 894, 81st Congress, as amended, independently of the finding of need previously made under Public Law 16, 78th Congress, as amended, if this determination is affirmative and it is found that the objective for which training was pursued under Public Law 16 is no longer suitable, a suitable objective will be selected to accomplish vocational rehabilitation. If the determination is negative, the provisions of § 21.252 (a) will be applicable to any proposed change of objective under Public Law 16.

82. In § 21.715, that portion of paragraph (b) preceding subparagraph (1), and paragraph (d) are amended to read as follows:

§ 21.715 *Vocational rehabilitation of seriously handicapped veterans.* • • •

(b) The board will be responsible for the functions and determinations described in this paragraph with regard to claimants whose cases are referred to the board by the counseling activity or the education and training activity for a determination as to medical feasibility or for assistance in developing a plan of vocational rehabilitation.

• • • • •

(d) When a veteran who is in training or who has been in training under Part VII is unable, in the opinion of the medical consultant, to continue or reenter training because of general medical infeasibility, and the case is referred to the board, it will discharge the responsibilities set forth in paragraph (b) of this section, with special reference to the record of previous counseling and training. When general medical infeasibility is found by the board, the case will be returned to the education and training activity for action in accordance with appropriate vocational rehabilitation and education procedures under applicable Veterans' Administration Regulations. If the board finds that infeasibility will probably be temporary in accordance with paragraph (b) (5) of this section, the case will be diaried by the education and training

activity for followup at appropriate intervals to ascertain whether the veteran's condition apparently has improved to such extent that the case may again be referred to the board for a determination as to whether medical infeasibility still continues, or whether resumption of training is warranted because of improvement in the veteran's condition.

83. A new § 21.716 is added as follows:

§ 21.716 *Determining whether medical infeasibility prevented timely entrance into or completion of training for vocational rehabilitation.* When a veteran otherwise eligible for vocational rehabilitation would not have sufficient time to enter and complete training for a suitable objective or, having entered, to complete such training by his basic termination date as defined in § 21.204 (b) (1) and (2), and there is indication that a period of hospitalization or illness interfered with timely entrance into or with completion of vocational rehabilitation training, the Vocational Rehabilitation Board will develop and evaluate pertinent information in the case and upon the basis of such evaluation will make and record the determination as to medical infeasibility required by § 21.204 (c), together with the principal supporting reasons. If the board determines that the veteran was not prevented by reason of medical infeasibility of training from timely entering training or, having entered, from completing training by his basic termination date, the veteran will be informed regarding resultant limitations upon vocational rehabilitation benefits and of his right of appeal by the activity which made the referral.

84. In § 21.728, paragraph (a) is amended to read as follows:

§ 21.728 *Authorization of transportation, meals, and lodging for counseling appointments.* (a) Transportation at Government expense including necessary meals and lodging may be authorized when a claimant who has been found to have basic eligibility for vocational rehabilitation under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), is requested to report to a field station or to another designated place for counseling purposes, including determination of need for vocational rehabilitation, determination of medical feasibility for training, reconsideration, revaluation, and personal adjustment counseling. The travel authorization will provide for return to the place from which travel was authorized. Managers of regional offices may authorize travel at Government expense for the purpose of providing personal adjustment counseling whenever such service may be needed to accomplish vocational rehabilitation.

* * * * *

85. In § 21.730, paragraph (c) is amended to read as follows:

§ 21.730 *Counseling veterans under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* * * *

(c) The counseling techniques and methods used in providing educational and vocational guidance under Part VIII will be the same as those applied in the counseling of veterans under Part VII, as set forth in § 21.700 (a), and the limitations contained in § 21.295 will be observed whenever applicable.

86. In § 21.735, paragraph (a) is amended to read as follows:

§ 21.735 *Counseling services on contract basis.*—(a) *Authorization.* Managers of regional offices are authorized to negotiate and approve contracts with educational institutions and other approved agencies for the purpose of providing services relating to the counseling of veterans who are eligible for such services under the provisions of §§ 21.700, 21.730, and 21.2300, and to establish the rates of payment which are just and reasonable for such services.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697–697d, 697f, g, 971, ch. 12 note)

This regulation is effective April 26, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-3305; Filed, Apr. 25, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1130]

ALASKA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 9136 RESERVING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 9136 of April 16, 1942, reserving certain public lands in Alaska for use of the War Department is hereby revoked so far as it refers to the following described lands:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,

A right-of-way 60 feet on each side of the following described center-line:

Beginning at a point 110 feet South of the NW corner of the NE¼SW¼, sec. 9; thence S. 57° 31' W. 2,600.70 feet to a point; thence on a 2° 00' curve to the right with a central angle of 17° 27' a distance of 873.10 feet to a point; thence S. 74° 57' W. 1,546.66 feet to a point; thence on a 9° 50' curve to the left with a central angle of 74° 47' a distance of 571.80 feet to a point at the intersection of the said center-line with the South line of sec. 8, and being East 1,720 feet, more or less, from the Southwest corner of said section, as shown on Map No. 638, approved January 23, 1941, office of the Corps of Engineers, War Department, Fort Richardson, Alaska, on file in the Bureau of Land Management, Department of the Interior, Misc. No. 1878210.

The area described contains 15.14 acres.

The lands are withdrawn for railroad and townsite purposes by Executive Orders No. 1919½ of April 21, 1914, No. 2728 of October 8, 1917, and No. 3672 of May 8, 1922.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 15, 1955.

[F. R. Doc. 55-3352; Filed, Apr. 25, 1955; 8:46 a. m.]

[Public Land Order 1135]

COLORADO

WITHDRAWING LANDS FOR USE OF THE ATOMIC ENERGY COMMISSION; REVOKING AIR NAVIGATION SITE WITHDRAWAL NO. 256

By virtue of the authority vested in the President and pursuant to section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214) and Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Atomic Energy Commission as a radio terminal installation site:

SIXTH PRINCIPAL MERIDIAN

T. 9 S., R. 102 W.,
Sec. 18, lot 1.

The area described contains 39.40 acres.

The order of the Acting Director, Bureau of Land Management of July 18, 1949, withdrawing the lands as Air Navigation Site Withdrawal No. 256 is hereby revoked.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 20, 1955.

[F. R. Doc. 55-3354; Filed, Apr. 25, 1955; 8:46 a. m.]

[Public Land Order 1136]

ARKANSAS

REVOKING EXECUTIVE ORDER NO. 9130 OF APRIL 13, 1942, WHICH RESERVED LANDS IN CONNECTION WITH THE RANDOLPH COUNTY STATE GAME REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 9130 of April 13, 1942, reserving the following-described public lands in Arkansas, under the jurisdiction of the Department of the Interior, for use by the State Game and Fish Commission in connection with the Randolph County State Game Refuge, is hereby revoked:

FIFTH PRINCIPAL MERIDIAN

T. 19 N., R. 1 W.,
Sec. 20, S½SW¼, SW¼SE¼.

T. 19 N., R. 2 W.,
Sec. 14, SW¼NW¼;
Sec. 24, W½NW¼, SE¼NW¼.

The areas described aggregate 280 acres.

The released lands, along with other adjacent public lands, have been used primarily for limited woodland grazing. They are located in Randolph County, Arkansas. The soil is thin, rocky and subject to rapid drying. The topography is rough with steep slopes prevailing over the area. The lands are not suitable for cultivation, recreational use, or small tracts.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, may be filed on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Supervisor, Eastern States Office, Bureau of Land Management, Washington 25, D. C.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 20, 1955.

[F. R. Doc. 55-3353; Filed, Apr. 25, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 248]

[Economic Regs. Draft Release No. 73A]

SUBMISSION OF AUDIT REPORTS BY PUBLIC ACCOUNTANTS

SUPPLEMENTAL NOTICE OF PROPOSED RULE-MAKING

APRIL 21, 1955.

In the notice of proposed rule-making on this matter, published in the FEDERAL REGISTER on March 22, 1955 (20 F. R. 1703), it was stated that the Board would consider all relevant matter in communications received on or before April 20, 1955. The Air Transport Association of America, acting on behalf of itself and its members, has requested the Board to extend the date by which comments must be filed for an additional period of 30 days. This request was predicated upon a further need for consultation between airline officials and independent public accountants.

Since the draft release proposed that all scheduled air carriers file an annual audit and a reconciliation of Form 41 Reports with the financial statements certified by public accountants, which are matters of substantial concern to such carriers, the Board finds that a one month extension for return of comment should be granted in order to allow these comments to be submitted.

Accordingly, the second sentence of the last paragraph of the aforementioned notice is amended to read as follows: "All relevant matter in communications received on or before May 20, 1955, will be considered by the Board before taking final action on the proposed rule."

(Secs. 205 (a) and 407 of the Civil Aeronautics Act of 1938, as amended, (52 Stat. 984, 1000; 49 U. S. C. 425, 487))

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-3412; Filed, Apr. 25, 1955; 8:58 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

PROCESSED RAISINS

UNITED STATES STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Processed Raisins (7 CFR 52.1841 to 52.1851) under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, SUMMARY OF TYPES

Sec.
52.1841 Product description.
52.1842 Summary of types (Varieties) of processed Raisins.

TYPE I—THOMPSON SEEDLESS RAISINS SIZES, COLORS, GRADES

52.1843 Sizes of Thompson Seedless Raisins.
52.1844 Colors of Sulfur Bleached and Golden Bleached Thompson Seedless Raisins.
52.1845 Grades of Thompson Seedless Raisins.

TYPE II—MUSCAT RAISINS SIZES, GRADES

52.1846 Sizes of Muscat Raisins.
52.1847 Grades of Muscat Raisins.

TYPE III—SULTANA RAISINS SIZES, GRADES

52.1848 Sizes of Sultana Raisins.
52.1849 Grades of Sultana Raisins.

EXPLANATIONS AND METHODS OF ANALYSES

52.1850 Definitions of terms.

WORK SHEET

52.1851 Work sheet for processed raisins.

AUTHORITY: §§ 52.1841 to 52.1851 issued under sec. 205, 60 Stat., 1090, 7 U. S. C. 1624.

PRODUCT DESCRIPTION, SUMMARY OF TYPES

§ 52.1841 *Product description.* Processed raisins are dried grapes of the Vinifera varieties, such as Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, and Sultana. The processed raisins are prepared from clean, sound, dried grapes; are properly stemmed and capstemmed; and are sorted or cleaned, or both, to assure a wholesome product.

§ 52.1842 *Summary of types (varieties) of processed raisins*—(a) *Type I—Thompson Seedless.* (1) Unbleached (natural).

(2) Sulfur Bleached and Golden Bleached.

(3) Soda Dipped.

(b) *Type II—Muscat.* (1) Seeded (seeds removed).

(2) Unseeded (loose).

(3) Soda Dipped Unseeded (Valencia).

(c) *Type III—Sultana.*

TYPE I—THOMPSON SEEDLESS RAISINS SIZES, COLORS, GRADES

§ 52.1843 *Sizes of Thompson Seedless Raisins.* The sizes of Thompson Seedless Raisins are not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements applicable thereto include, but are not limited to, the following:

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(a) "Select" size raisins means that not less than 35 percent, by weight, but not more than 85 percent, by weight, of all the raisins will pass through round perforations $^{24}/_{64}$ inch in diameter, but not more than 5 percent, by weight, of all the raisins may pass through round perforations $^{20}/_{64}$ inch in diameter.

(b) "Small" (or "midget") size raisins means that all of the raisins will pass through round perforations $^{24}/_{64}$ inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations $^{20}/_{64}$ inch in diameter.

(c) "Mixed" size raisins means a mixture which does not meet the requirements of "Select" size.

§ 52.1844 *Colors of Sulfur Bleached and Golden Bleached Thompson Seedless Raisins.* The color of Sulfur Bleached and Golden Bleached Thompson Seedless Raisins is not a factor of quality for the purposes of these grades. The color requirements applicable to the respective color designations are as follows:

(a) "Well-bleached color" (or "extra fancy color") means that the raisins are practically uniform in color and may range from yellow or golden to light amber color with a predominating yellow or golden color and that not more than 1 percent, by weight, of all the raisins may be definitely dark berries.

(b) "Reasonably well-bleached color" (or "fancy color") means that the raisins are reasonably uniform in color and may range from yellow or golden or greenish yellow to light amber wherein the predominating color may be greenish yellow or light amber and that not more than 3 percent, by weight, of all the raisins may be definitely dark berries.

(c) "Fairly well-bleached color" (or "extra choice color") means that the raisins are fairly uniform in color and may range from yellow or greenish yellow or yellowish green to amber or light greenish amber and that not more than 6 percent, by weight, of all the raisins may be definitely dark berries.

(d) "Bleached color" (or "choice color") means that the raisins may be generally dark amber or dark greenish amber; that not more than 15 percent, by weight, of all the raisins may be definitely dark berries in Sulfur Bleached; that not more than 20 percent, by weight, of all the raisins may be definitely dark berries in Golden Bleached; and that the color may also lack uniformity.

(e) "Definitely dark berries" means raisins which are definitely darker than dark amber and characteristic of naturally "raisined" grapes.

§ 52.1845 *Grades of Thompson Seedless Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 1 piece of stem per 32 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present;

(3) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 2 percent, by weight, of raisins may be damaged;

(5) Not more than 5 percent, by weight, of raisins may be sugared;

(6) Not more than 2 percent, by count, of raisins may be moldy;

(7) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 2 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 25 capstems per 16 ounces of raisins may be present;

(3) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 3 percent, by weight, of raisins may be damaged;

(5) Not more than 10 percent, by weight, of raisins may be sugared;

(6) Not more than 3 percent, by count, of raisins may be moldy;

(7) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of Thompson Seedless Raisins that possess similar varital characteristics; that in Unbleached and Soda Dipped raisins possess a fairly good typical color; that possess a fairly good flavor; that show development characteristics of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 3 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 35 capstems per 16 ounces of raisins may be present;

(3) Not more than 3 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 5 percent, by weight, of raisins may be damaged;

(5) Not more than 15 percent by weight, of raisins may be sugared;

(6) Not more than 4 percent, by count, of raisins may be moldy;

(7) The appearance or edibility of the product may not be materially affected by raisins damaged by fermentation; and

(8) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Thompson Seedless Raisins that fail to meet the requirements of U. S. Grade C or U. S. Standard.

TABLE I—ALLOWANCES FOR DEFECTS IN TYPE I, THOMPSON SEEDLESS RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	U. S. Grade C or U. S. Standard
	Maximum count (per 32 ounces)		
Pieces of stem	1	2	3
	Maximum count (per 16 ounces)		
Capstems	15	25	35
	Maximum (by weight) (percent)		
Poorly developed, blowovers	1	2	3
Damaged	2	3	5
Sugared	5	10	15
	Maximum (by count) (percent)		
Moldy raisins	2	3	4
Damaged by fermentation	Appearance or edibility of product		
	May not be affected	May not be more than slightly affected.	May not be materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

TYPE II—MUSCAT RAISINS SIZES, GRADES

§ 52.1846 *Sizes of Muscat Raisins.* The sizes of Muscat Raisins are not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements applicable thereto include, but are not limited to, the following:

(a) *Seeded.* (1) "Select" size raisins means that not less than 30 percent, by weight, of all the raisins will not pass through round perforations $^{34}/_{64}$ inch in diameter; and the balance will pass through round perforations $^{34}/_{64}$ inch in diameter but not more than 5 percent, by weight, of all the raisins may pass through round perforations $^{22}/_{64}$ inch in diameter.

(2) "Small" (or "midget") size raisins means that all of the raisins will pass through round perforations $^{34}/_{64}$ inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations $^{22}/_{64}$ inch in diameter.

(3) "Mixed" size raisins means a mixture of sizes that do not meet the requirements of "select" size.

(b) *Unseeded.* (1) "4 Crown" means raisins that will not pass through round perforations $^{42}/_{64}$ inch in diameter.

(2) "3 Crown" means raisins that will pass through round perforations $^{42}/_{64}$ inch in diameter but will not pass through round perforations $^{34}/_{64}$ inch in diameter.

(3) "2 Crown" means raisins that will pass through round perforations $^{34}/_{64}$ inch in diameter but will not pass through round perforations $^{24}/_{64}$ inch in diameter.

(4) "1 Crown" means raisins that will pass through round perforations $^{24}/_{64}$ inch in diameter.

§ 52.1847 *Grades of Muscat Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a good typical color with not more than 10 percent, by weight, of raisins that may be dark redish-brown berries in Soda Dipped Unseeded (Valencia) raisins; that possess a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded Muscats may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 1 piece of stem per 32 ounces of raisins may be present;

(2) Not more than 10 capstems per 16 ounces of raisins may be present;

(3) Not more than 12 seeds per 16 ounces of raisins in Muscat Seeded Raisins may be present;

(4) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(5) Not more than 3 percent, by weight, of raisins may be damaged;

(6) Not more than 5 percent, by weight, of raisins may be sugared;

(7) Not more than 2 percent, by count, of raisins may be moldy;

(8) The appearance of edibility of the product may not be affected by raisins damaged by fermentation; and

(9) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a reasonably good typical color with not more than 15 percent, by weight, of raisins that may be dark redish-brown berries in Soda Dipped Unseeded (Valencia) raisins; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 19 percent, by weight, of moisture, except that Seeded Muscats may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 2 stems per 32 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present;

(3) Not more than 15 seeds per 16 ounces of raisins in Muscat Seeded Raisins may be present;

(4) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(5) Not more than 4 percent, by weight, of raisins may be damaged;

(6) Not more than 10 percent, by weight of raisins may be sugared;

(7) Not more than 3 percent, by count, of raisins may be moldy;

(8) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and

(9) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a fairly good typical color with not more than 20 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded (Valencia) raisins; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded Muscats may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 3 stems per 32 ounces of raisins may be present;

(2) Not more than 20 capstems per 16 ounces of raisins may be present;

(3) Not more than 20 seeds per 16 ounces of raisins in Muscat Seeded Raisins may be present;

(4) Not more than 3 percent, by weight, of raisins may be poorly developed, blowovers;

(5) Not more than 5 percent, by weight of raisins may be damaged;

(6) Not more than 15 percent, by weight, of raisins may be sugared;

(7) Not more than 4 percent, by count, of raisins may be moldy;

(8) The appearance or edibility of the product may not be materially affected by raisins damaged by fermentation; and

(9) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Muscat Raisins that fail to meet the requirements of U. S. Grade C or U. S. Standard.

TABLE II—ALLOWANCES FOR DEFECTS IN TYPE II, MUSCAT RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	U. S. Grade C or U. S. Standard
	Maximum count (per 32 ounces)		
Pieces of stem	1	2	3
	Maximum count (per 16 ounces)		
Capstems	10	15	20
Seeds (seeded type)	12	15	20
	Maximum (by weight) (percent)		
Poorly developed, blowovers	1	2	3
Damaged	3	4	5
Sugared	5	10	15
	Maximum (by count) (percent)		
Moldy raisins	2	3	4
Damaged by fermentation	Appearance or edibility of product		
	May not be affected	May not be more than slightly affected.	May not be materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

TYPE III—SULTANA RAISINS SIZES, GRADES

§ 52.1848 *Sizes of Sultana Raisins.* Size designations are not applicable to Sultana Raisins.

§ 52.1849 *Grades of Sultana Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table III of this subpart:

(1) Not more than 1 stem per 32 ounces of raisins may be present;

(2) Not more than 25 capstems per 16 ounces of raisins may be present;

(3) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 2 percent, by weight, of raisins may be damaged;
(5) Not more than 5 percent, by weight, of raisins may be sugared;
(6) Not more than 2 percent, by count, of raisins may be moldy;
(7) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and
(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table III of this subpart:

(1) Not more than 2 pieces of stem per 32 ounces of raisins may be present;
(2) Not more than 45 capstems per 16 ounces of raisins may be present;
(3) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;
(4) Not more than 3 percent, by weight, of raisins may be damaged;
(5) Not more than 10 percent, by weight, of raisins may be sugared;
(6) Not more than 3 percent, by count, of raisins may be moldy;
(7) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and
(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a fairly good typical color; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table III of this subpart:

(1) Not more than 3 pieces of stem per 32 ounces of raisins may be present;
(2) Not more than 65 capstems per 16 ounces of raisins may be present;
(3) Not more than 3 percent, by weight, of raisins may be poorly developed, blowovers;
(4) Not more than 5 percent, by weight, of raisins may be damaged;
(5) Not more than 15 percent, by weight, of raisins may be sugared;
(6) Not more than 4 percent, by count, of raisins may be moldy;
(7) The appearance or edibility of the product may not be materially affected by raisins damaged by fermentation; and
(8) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Sultana Raisins that fails to meet the requirements of U. S. Grade C or U. S. Standard.

TABLE III—ALLOWANCES FOR DEFECTS IN TYPE III, SULTANA RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	U. S. Grade C or U. S. Standard
	Maximum count (per 32 ounces)		
Pieces of stem	1	2	3
	Maximum count (per 16 ounces)		
Capstems	25	45	65
	Maximum (by weight) (percent)		
Poorly developed, blowovers	1	2	3
Damaged	2	3	5
Sugared	5	10	15
	Maximum (by count) (percent)		
Moldy raisins	2	3	4
Damaged by fermentation	Appearance or edibility of product		
	May not be affected.	May not be more than slightly affected.	May not be materially affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1850 *Definitions of terms.* (a) "Capstems" means small woody stems exceeding ⅛ inch in length which attach the raisins to the branches of the bunch.

(b) A "piece of stem" means a portion of the branch or main stem.

(c) "Seeds" refers to the whole, fully developed seeds which have not been removed during the processing of Muscat Seeded Raisins.

(d) "Poorly developed, blowovers" refers to berries that are immature, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(e) "Damaged" raisins means raisins affected by sunburn, scars, mechanical injury, or other similar means which seriously affect the appearance, edibility, keeping quality, or shipping quality of the raisins. In Muscat Seeded Raisins, mechanical injury resulting from normal seeding operations is not considered damage.

(f) "Sugared" means either external or internal sugar crystals are present and the accumulation of such crystallized fruit sugars in the flesh of the raisins or on the surface are readily apparent.

(g) "Moldy" raisins are those that show mold on more than one-fourth of the surface when ascertained in accordance with whichever of the following methods is applicable:

(1) *Raisins showing catalase activity.* (For use on raisins where catalase activity has not been destroyed by treatment with lye, oil, or heat). Count out 100 raisins from a well-mixed sample and place 10 or 15 at a time in a crystallizing dish. Cover each lot with a fresh solution made up to contain 5 percent hydrogen peroxide and 1 percent Hn_4OH. The moldy areas are detected by the presence of copious oxygen bubbles. Place the crystallizing dish over black glazed paper to give greater contrast. Confirm the presence of mold filaments microscopically. Do not class as "moldy" raisins, those in which yeasts also give a reaction with hydrogen peroxide.

(2) *Bleached raisins and others treated with lye, oil, or heat.* Count out 100 raisins from a well-mixed sample. Place them in a 400 ml. beaker, cover with H_2O, heat to boiling and boil approximately 5 minutes. Drain off H_2O, and place raisins in a white pan. Cover completely with H_2O and examine with an ocular loupe or jeweler's eyepiece with magnification of approxmately 5×. Count as moldy those that are obviously moldy, and examine microscopically those that are suspected of being moldy to determine the presence or absence of mold filaments.

(h) "Grit, sand, or silt" means any particle of earthy material.

§ 52.1851 *Work sheet for processed raisins.*

Size and kind of packages and/or cases
Markings
Label or brand
Net weight
Type
Size or sizes
Moisture content

Color		Maximum by weight (percent)
Thompson Seedless:		
Sulfur bleached and golden bleached:		
Well-bleached (Extra Fancy)		1
Reasonably well-bleached (Fancy)		3
Fairly well-bleached (Extra Choice)		6
Sulfur bleached: Bleached (Choice)		15
Golden bleached: Bleached (Choice)		20
Muscat: Soda dipped unseeded	Grade A	10
	Grade B	15
	Grade C	20

	A	B	C
Flavor			
Defects	Maximum (per 32 ounces)		
Pieces of stem (all raisin types)	1	2	3
	Maximum (per 16 ounces)		
Capstems:			
Thompson Seedless	15	25	35
Muscat	10	15	20
Sultana	25	45	65
Seeds in Muscat Seeded only	12	15	20
	Maximum (by weight) (percent)		
Poorly developed, blowovers (all raisin types)	1	2	3
Damaged:			
Thompson Seedless and Sultana	2	3	5
Muscat	3	4	5
Sugared (all raisin types)	5	10	15
	Maximum (by count) (percent)		
Moldy (all raisin types)	2	3	4
Damaged by fermentation (all raisin types). Affecting appearance or edibility.	Not affected	No more than slightly affected.	Not materially affected.
Grit, sand, or silt (all raisin types). Affecting appearance or edibility.	None of any consequence.	None of any consequence.	Not more than a trace.
Grade			

Dated: April 18, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-3307; Filed, Apr. 25, 1955; 8:45 a. m.]

[7 CFR Ch. IX]

[Docket No. AO-272]

MILK IN NORTH CENTRAL IOWA MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Notice is hereby given that the hearing on a proposed marketing agreement and order to regulate the handling of milk in the North Central Iowa marketing area originally scheduled to begin at 10:00 a. m., c. s. t., April 25, 1955 (20 F. R. 2116), in the Federal Court Room, Post Office Building, Waterloo, Iowa, is hereby postponed until June 20, 1955, at 10:00 a. m., c. s. t., in the Federal Court Room, Post Office Building, Waterloo, Iowa.

Done at Washington, D. C., this 21st day of April 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-3386; Filed, Apr. 25, 1955; 8:51 a. m.]

[7 CFR Part 912]

[Docket No. AO 29-A9]

MILK IN DUBUQUE, IOWA, MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Notice is hereby given that the hearing on proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area originally scheduled to begin at 10:00 a. m., c. s. t., April 21, 1955, (20 F. R. 2060), in the Federal Building, Dubuque, Iowa, is hereby postponed until June 16, 1955, at 10:00 a. m. c. s. t., in the Federal Building, Dubuque, Iowa.

Done at Washington, D. C., this 21st day of April 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-3387; Filed, Apr. 25, 1955; 8:51 a. m.]

[7 CFR Part 952]

[Docket No. AO 256-A1]

HANDLING OF MILK IN AUSTIN-WACO, TEXAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuit to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Austin, Texas, on March 29-31, 1955, pursuant to notice thereof which was published in the FEDERAL REGISTER on March 22, 1955 (20 F. R. 1700).

The material issues of record are concerned with:

1. A decrease in the price of milk used in the production of Cheddar cheese;
2. The need for immediate action by the Secretary with respect to Issue No. 1;
3. The level of the Class I milk price;
4. Revision of the location differentials;
5. The classification at a regulated plant of milk received from another regulated plant; and
6. Clarification of the "route" definition as now provided in the order.

Findings and conclusions. The following findings and conclusions on issues numbered 1 and 2 are based upon the evidence introduced at the hearing and the record thereof. Emergency action is recommended on Issue No. 1, on which issue the filing of briefs was waived by all interested parties. Findings and conclusions relating to issues numbered 3 through 6 will be recommended in a separate decision to be issued at a later date.

1. Handlers should be allowed a credit on Class II milk used in the production of Cheddar cheese. This credit per hundredweight of milk should be the difference between the Class II price for milk containing 4 percent butterfat and the price obtained by multiplying by 8.2 the average of the daily prices per pound of cheese at Wisconsin Primary markets ("Cheddars" f. o. b. Wisconsin assembly points, cars or truckloads) as reported by the United States Department of Agriculture during the month.

There are inadequate facilities for the handling and utilization of milk not needed for Class I purposes in the Austin-Waco marketing area. A few

handlers maintain facilities for ice cream manufacture but the operations at the plants of most handlers are limited almost exclusively to the processing and packaging of Class I products. Receipts of milk from producers at various plants currently exceed the plants' needs, and the operators of such plants are moving such surplus milk to local cheese plants at prices which are significantly below the order Class II price that handlers are required to pay for such milk.

There are two cheese plants to which milk has been transferred or diverted by the larger handlers in Austin and Waco in the past and to which transfer of seasonal reserve supplies are now being made from the plants of regulated handlers. These plants, both of which manufacture Cheddar cheese almost exclusively, are the Round Rock Cheese Company, Round Rock, Texas, and the Triangle Cheese Company, Stephenville, Texas. The Round Rock plant is approximately 20 miles from Austin and 80 miles from Waco. The approximate distances of the Triangle Cheese Company plant at Stephenville from Austin and Waco are 150 and 80 miles, respectively. The quantities of milk which the operator of these plants would be able to receive during the heavy production season from Austin-Waco handlers would depend, on among other factors, the quantity he is obligated to accept during the same period from other areas. Testimony at the hearing indicated that these cheese factories are the only reasonably available outlets for most of the seasonal reserve milk from Austin-Waco producers. A plant at Muenster, Texas, operated by the North Texas Milk Producers Association, may afford an outlet for some reserve milk from the northern portion of the Austin-Waco supply area. However, due to the greater charge for moving milk to this plant, it is generally impracticable to utilize this outlet. Moreover, the testimony indicated that the full facilities of the Muenster plant will be needed to handle seasonal reserve supplies from the North Texas marketing area.

One handler, who during 1954 transferred 1.8 million pounds of milk to the Round Rock and Stephenville cheese plants, indicated that transfers during 1955 would approximate or be somewhat larger than those of a year ago. Another handler, who has been disposing of about 10,000 pounds of milk daily for manufacturing purposes, began late in March to move substantial quantities of milk to a cheese plant.

Prices paid by the Round Rock and Stephenville cheese companies for milk of 4 percent butterfat content at the time of the hearing were $2.80 f. o. b. their plants and $2.60 f. o. b. the handlers' plants. The order Class II price for the most recent month available at the time of the hearing, February 1955, was $3.35.

Prior to the inception of the order it had been the practice of the various handlers to return to producers for the seasonal reserve supplies of milk which had been moved to a cheese factory the amount which the handler had realized in the sale of such milk. Without some allowance in the pricing of the surplus milk moving to cheese plants, there may be a reluctance on the part of handlers to continue to receive all the increased producer deliveries during the months of flush production. It is desirable that the seasonal reserve supplies of milk from producers which must be moved to cheese plants be marketed by the handler who regularly receives the milk from such producers. However, unless relief is granted the handler in the form of a lower price for this distressed milk it is expected that such milk will be either turned back to the producer cooperative association which would be forced to incur substantial losses in moving it to manufacturing outlets or the individual producers would be without a market for their milk. Such producers, although needed during the remainder of the year, would be forced to withdraw from the market.

The principal factor in determining the price which cheese factories will pay for milk is the market price of their finished product. The average of the prices paid for Cheddar cheese on the Wisconsin Primary markets reflects current market value. This quotation represents a large number of transactions and is widely accepted for use in price determinations. As herein proposed the price to handlers for milk used in the manufacture of Cheddar cheese, the average of the Wisconsin Primary quotations times 8.2 (approximately $2.70 currently), will generally be close to the prices paid by the Round Rock and Triangle cheese companies, which prices are those that may be obtained for surplus milk for Cheddar cheese manufacture in the Austin-Waco marketing area.

A proposal by handlers would provide that producer milk utilized in the manufacture of Cheddar cheese be priced at the average of the prices paid by several local manufacturing plants. The prices paid by the cheese factories to which Austin-Waco handlers move their reserve supplies would be the principal quotations used in determining such an average price. In effect, the plants which actually converted the producer milk into cheese would determine the producer price for such milk. It would not be desirable or feasible to provide in the order that the buyers of reserve supplies shall establish the order price for such milk.

The Austin-Waco order has been fully effective only since February 1, 1955, and the data currently available are not adequate to justify the establishment of a credit allowance to handlers for milk used in the production of Cheddar cheese beyond the present flush production season. The record indicates that the months of March through June are months of heavy production for the Austin-Waco market and months during which the handling and disposition of reserve supplies of producer milk are likely to be burdensome. As recommended herein, therefore, the credit on Class II milk used in the production of Cheddar cheese should be limited to the period from the effective date hereof through June 1955.

Where milk is transferred or diverted to a nonfluid plant the use of such milk should be considered to have been established at the nonfluid plant if an equivalent amount of milk was used at such plant during the month in the production of Cheddar cheese. Similarly, in order for a handler to receive a credit for milk disposed of to a cheese plant, he must establish that an equivalent quantity of producer milk was available for and allocated to Class II during the month.

The computation of the price for excess milk should also be modified so as to account for the lower value of milk to which the cheese price adjustment applies.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision and exceptions thereto would make such relief ineffective.

It is therefore found that good cause exists for the omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary will permit those affected to adjust their operations promptly in accordance with such decision.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order as hereby proposed to be amended will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of February 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order now in effect, regulating the handling of milk in the Austin-Waco, Texas, marketing area in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Austin-Waco, Texas, Marketing Area" and "Order Amending the Order Regulating the Handling of Milk in the Austin-Waco, Texas, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of April 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Austin-Waco, Texas, Marketing Area

§ 952.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Austin-Waco, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Austin-Waco, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, as follows:

1. Amend § 952.70 by adding a new paragraph to read as follows:

(e) From the effective date hereof through June 1955 deduct for each hundred pounds of producer milk which was allocated to Class II pursuant to § 952.46 and which was either used in the production of Cheddar cheese or assigned to such product pursuant to § 952.44 the difference between the Class II price for milk containing 4 percent butterfat and the price obtained by multiplying by 8.2 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month.

2. Delete § 952.73 (a) and substitute therefor the following:

(a) Subject to the conditions set forth in paragraph (b) of this section, compute the value on a 4.0 percent butterfat basis of excess milk received by such handler by multiplying the hundredweight of such milk by the price for Class II milk of 4.0 percent butterfat content and deducting therefrom the deduction made pursuant to § 952.70 (e);

[F. R. Doc. 55-3388; Filed, Apr. 25, 1955; 8:51 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

NOTICES

DEPARTMENT OF DEFENSE

Department of the Navy

ORGANIZATION STATEMENT

MISCELLANEOUS AMENDMENTS

In Orangization Statement of the Department of the Navy, published at 18 F. R 3461-3462, amend section VII, I, United States Marine Corps, as follows:

(d) The office of the Commandant of the Marine Corps is Headquarters U. S. Marine Corps, which is composed of the following:

Offices of the Commandant:

• • • • •

Fiscal Division.

• • • • •

(t) The Quartermaster General of the Marine Corps is head of the Supply Department, Headquarters, U. S. Marine Corps. He executes the plans and policies of the Commandant of the Marine Corps, as directed, in matters of supply and disbursing including:

(1) Procurement, storage, distribution, repair, salvage and disposal of equipment and supplies.

(2) Management of quarters, barracks and other public buildings owned by the Marine Corps.

(3) Transportation of Marine Corps personnel, their dependents and authorized household effects.

(4) Payment for equipment, supplies and services from funds appropriated by Congress for the Marine Corps.

(5) Pay and allowances of Marine Corps personnel, assigned Navy personnel and civilian employees of the Marine Corps.

(6) Administrative analysis of accounts and returns of disbursing officers.

(u) The Fiscal Director, as the representative of the Commandant of the Marine Corps, is responsible for the formulation of fiscal policy, and for fiscal administration in the Marine Corps to the end that fiscal action, policies, and procedures of the Marine Corps will be in conformity with the law, good business practice, and the policies, procedures, and regulations of the Department of the Navy as applicable to the Marine Corps. Exercises technical supervison over fiscal activities in local staffs and field organizations. Performs duties and functions of Budget Officer.

Dated: April 19, 1955.

By direction of the Secretary of the Navy.

IRA H. NUNN,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

[F. R. Doc. 55-3356; Filed, Apr. 25, 1955; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6614]

KANSAS GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

APRIL 19, 1955.

Take notice that on April 14, 1955, an application was filed with the Federal Power Commission by the Kansas Gas and Electric Company (Applicant), for authorization pursuant to section 204 of the Federal Power Act, to issue 975,000 shares of its common stock (no par value).

Applicant, a corporation organized and existing under the laws of the State of West Virginia and qualified to do business as a foreign corporation in the State of Kansas, with its principal place of business in Wichita, Kansas, states that the 970,000 shares will be distributed pro rata to its existing stockholders. This distribution is intended to accomplish a two-for-one split of its presently outstanding shares of common stock. Each common stockholder of record at the close of business on May 25, 1955, will be entitled to receive one additional share of Applicant's common stock for each share held.

The Applicant states that this two-for-one split of its common stock will broaden the market therefor and stimulate trading therein with resulting benefits in any future marketing of the stock; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the application should on or before the 9th day of May, 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3360; Filed, Apr. 25, 1955; 8:48 a. m.]

[Docket No. E-6616]

NETLEY CORP. AND NIAGARA MOHAWK POWER CORP.

NOTICE OF APPLICATION

APRIL 19, 1955.

Take notice that on April 14, 1955, an application was filed with the Federal Power Commission by The Netley Corporation (Netley), for authorization, pursuant to section 202 (e) of the Federal Power Act, to export electric energy from the United States to Canada. The application was joined in by Niagara Mohawk Power Corporation (Niagara Mohawk).

Netley, a corporation organized and existing under the laws of the Province of Ontario, Canada, proposes to purchase an amount of electric energy from Niagara Mohawk which will be transmitted by it (Netley), from a point on the northerly side of Grindstone Island, Jefferson County, New York, to Netley Island, Leeds County, Ontario, Canada, by means of a submarine cable. The amount of electric energy to be transmitted to Canada will be under 1,000,000 kwh per annum and will be used solely to supply needs of Netley. The joinder filed by Niagara Mohawk shows it to be a corporation organized and existing under the laws of the State of New York.

Any person desiring to be heard, or to make any protest with reference to the application should, on or before the 9th day of May 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's general rules and regulations. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3361; Filed, Apr. 25, 1955; 8:48 a. m.]

[Docket No. E-6618]

IDAHO POWER CO.

NOTICE OF APPLICATION

APRIL 19, 1955.

Take notice that on April 15, 1955, an application was filed with the Federal Power Commission, pursuant to Part 34 of the Commission's general rules and regulations under the Federal Power Act, by the Idaho Power Company (Applicant), for authorization to issue 15,000 shares of its 4 percent Preferred Stock (par value $100 per share).

Applicant, a corporation organized and existing under the laws of the State of Maine, and qualified to do business as a foreign corporation in the States of Oregon, Idaho and Nevada, with its principal place of business at Boise, Idaho, requests that the proposed issuance be exempted from the competitive bidding requirements of the Commission's general rules and regulations. Applicant proposes to enter into an underwriting agreement with Wegener & Daly Corporation, of Boise, Idaho, for the purchase of the proposed issuance of preferred stock for resale to the general public. The 15,000 shares to be issued are to be sold at par value to the underwriter. Applicant anticipates that the total underwriter's fee to be paid in connection with the proposed issuance will approximate $33,750. The application states that the proceeds to be obtained from the proposed issuance will be used for construction, extension and improvement of Applicant's facilities; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the application should, on or before the 9th day of May 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's general rules and regulations. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3362; Filed, Apr. 25, 1955; 8:48 a. m.]

[Docket No. E-6621]

IOWA POWER AND LIGHT CO.

NOTICE OF APPLICATION

APRIL 19, 1955.

Take notice that on April 19, 1955, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Power and Light Company (Applicant), for authorization to issue up to maximum of $8,500,000, principal amount, of promissory notes on or before March 31, 1956.

Applicant, a corporation organized and existing under the laws of the State of Iowa, with its principal place of business at Des Moines, Iowa, states that the promissory notes to be issued will be unsecured and mature within ninety days from issuance and be renewable at maturity. The promissory notes are to be of varying denominations and will be issued to commercial banks to evidence loans made to the Applicant under established lines of credit. The Applicant will receive amounts equal to the face value of the promissory notes issued and will pay interest on loans made at the prime bank interest rates in effect when negotiated. The Applicant states that the proceeds to be obtained from the proposed issuance of promissory notes will be used to provide funds for its construction program pending permanent financing; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to the application should, on or before the 9th day of May 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's general rules and regulations. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3363; Filed, Apr. 25, 1955; 8:48 a. m.]

[Docket Nos. G-2952, G-4671, G-5261]

DEEP SOUTH OIL CO. OF TEXAS ET AL.

ORDER EXTENDING TIME FOR FILING EXCEPTIONS AND FIXING DATE FOR ORAL ARGUMENT

In the matters of Deep South Oil Company of Texas, Docket No. G-2952, Shell Oil Company, Docket No. G-4671, Humble Oil & Refining Company, Docket No. G-5261.

Motions for extension of time within which to file briefs and exceptions to the Presiding Examiner's decision in the above-entitled status determination proceedings, and requests for opportunity for oral argument before the full Commission, have been filed by Deep South Oil Company of Texas, Shell Oil Company, and Humble Oil & Refining Company (Petitioners).

Upon consideration of the motions and requests, and in view of the importance and complexity of the issues involved, the Commission orders:

(A) The time within which briefs and exceptions to the decision of the Presiding Examiner shall be filed be and the same hereby is extended to and including May 25, 1955.

(B) Oral argument shall be held before the Commission on June 3, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(C) Each party to the proceeding filing a brief and desiring to participate in the oral argument shall notify the Secretary of the Commission on or before May 27, 1955, of such intention and of the amount of time requested for the presentation of such argument.

Adopted: April 20, 1955.

Issued: April 20, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3381; Filed, Apr. 25, 1955; 8:51 a. m.]

[Docket Nos. G-3717—G-3743, G-4576]

TIDEWATER ASSOCIATED OIL

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 19, 1955.

Take notice of that Tidewater Associated Oil Company (Applicant), a Delaware corporation whose address is P. O. Box 1404, Houston 1, Texas, filed, on September 30, 1954, applications in Docket Nos. G-3717 through and including G-3743, and on October 26, 1954 filed an application in Docket No. G-4576, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications, which are on file with the Commission and open for public inspection.

Applicant produces and sells natural gas for transportation in interstate commerce for resale, as follows:

Docket No.	Location of field	Buyer
G-3717	Snyder Field, Scurry County, Tex.	Lone Star Gas Co.
G-3718	Old Ocean Field, Brazoria County, Tex.	Texas Illinois Natural Gas Pipeline Co.
G-3719	Red Fish Bay Field, Nueces County, Tex.	United Gas Pipe Line Co.
G-3720	Sheridan Field, Colorado County, Tex.	Iroquois Gas Corp. (buyer), Tennessee Gas Transmission Co. (transporter).
G-3721	Henze, Holzmark, Maley, Minoaks, San Domingo, South Karon, West Cosden, and Yoward Fields, Bee and Live Oak Counties, Tex.	Texas Eastern Transmission Co. (buyer), Wilcox Trend Gathering System, Inc. (transporter).
G-3722	The Sprayberry Area, Glasscock, Midland, Regan, and Upton Counties, Tex.	El Paso Natural Gas Co.
G-3723	East Bay City Field, Matagorda County, Tex.	Texas Illinois Natural Gas Pipeline Co.
G-3724	Snyder Field, Scurry County, Tex.	Lone Star Gas Co.
G-3725	do.	Do.
G-3726	Brandt, North Charco, and South Weesatche Fields, Goliad County, Tex.	United Gas Pipe Line Co.
G-3727	La Gloria Field, Brooks, and Jim Wells Counties, Tex.	Transcontinental Gas Pipe Line Corp.
G-3728	East Bernard Field, Wharton County, Tex.	Tennessee Gas Transmission Co.
G-3729	Ray-Wilcox Field, Bee County, Tex.	Transcontinental Gas Pipe Line Corp.
G-3730	Sublime Field, Colorado County, Tex.	Tennessee Gas Transmission Co.
G-3731	North Lansing Field, Harrison County, Tex.	Arkansas Louisiana Gas Co.
G-3732	La Gloria Field, Brooks, and Jim Wells Counties, Tex.	Texas Illinois Natural Gas Pipeline Co.
G-3733	West Bernard Field, Wharton County, Tex.	Transcontinental Gas Pipe Line Corp.
G-3734	The Ike Field, Live Oak County, Tex.	Do.
G-3735	Levelland Field, Hockley County, Tex.	El Paso Natural Gas Co.
G-3736	Mustang Island Field, Nueces County, Tex.	Tennessee Gas Transmission Co.
G-3737	West Bernard Field, Wharton County, Tex.	Texas Illinois Natural Gas Pipeline Co.
G-3738	West Bishop Field, Nueces County, Tex.	Tennessee Gas Transmission Co.
G-3739	The Shield Field, Nueces County, Tex.	Transcontinental Gas Pipe Line Corp.
G-3740	The East Bay City Field, Matagorda County, Tex.	Tennessee Gas Transmission Co.
G-3741	The Snyder Field, Scurry County, Tex.	Lone Star Gas Co.
G-3742	West Tuleta Field, Bee County, Tex.	Transcontinental Gas Pipe Line Corp.
G-3743	The Placedo Field, Victoria County, Tex.	Tennessee Gas Transmission Co.
G-4576	The Burnell and North Pettus Fields, Bee, Goliad, and Karnes Counties, Tex.	United Gas Pipe Line Co.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 16, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 9, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3377; Filed, Apr. 25, 1955; 8:50 a. m.]

[Docket No. G-5295]

JOE RUBIN & SONS

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 20, 1955.

Take notice that Joe Rubin & Sons (Applicant), a West Virginia organization whose address is 1708 Pennsylvania Avenue, Charleston, West Virginia, filed an application on November 22, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the E. M. Johnson Field, Nicholas County, West Virginia, to Columbian Carbon Company, at 16 cents per Mcf, for transportation in interstate commerce for resale. The rate of delivery will be 2,000 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3364; Filed, Apr. 25, 1955; 8:48 a. m.]

[Docket Nos. G-6851—G-6853]

TEXAS GAS TRANSMISSION CORP. ET AL.

NOTICE OF DATE OF HEARING

APRIL 20, 1955.

In the matters of Texas Gas Transmission Corporation, Docket No. G-6853, Louisiana Natural Gas Corporation, Docket No. G-6852, Texas Northern Gas Corporation, Docket No. G-6851.

Applications have been filed with the Federal Power Commission on December 2, 1954, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition, operation, and abandonment of service and facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications now on file with the Commission and open to public inspection.

Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed its application in Docket No. G–6853, requesting authority to acquire, through merger, and operate the facilities of its wholly-owned subsidiaries, Texas Northern Gas Corporation (Texas Northern) and Louisiana Natural Gas Corporation (Louisiana Natural).

Louisiana Natural, a Louisiana corporation with its principal place of business in Shreveport, Louisiana, filed an application in Docket No. G–6852 for permission and approval to abandon, through merger with Texas Gas, its facilities and service by means of such facilities, subject to the jurisdiction of the Commission.

Texas Northern, a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed an application in Docket No. G–6851 for permission and approval to abandon, through merger with Texas Gas, its facilities and service rendered by means of such facilities, subject to the jurisdiction of the Commission.

Texas Gas proposes to succeed to the rights and obligations of Texas Northern and Louisiana Natural and to commence and continue the operation of all facilities, subject to the jurisdiction of the Commission, of each of the predecessor companies.

Notice of said applications have been duly published in the FEDERAL REGISTER on February 9, 1955 (20 F. R. 844).

Applicants have requested that their respective applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 9, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3364; Filed, Apr. 25, 1955; 8:48 a. m.]

[Docket Nos. G–7543, G–7546]

SPARTAN GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 20, 1955.

Take notice that Spartan Gas Company (Applicant), a West Virginia organization whose address is P. O. Box 766, Charleston, West Virginia, filed on December 2, 1954, applications, as amended and supplemented on March 16, 1955, for certificates of public convenience and necessity and for permission to abandon service, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render and terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant states that it produces natural gas from the Oriskany Field, Jackson County, West Virginia, which it sells to United Fuel Gas Company, at 16 cents per Mcf, for transportation in interstate commerce for resale.

Applicant, on March 16, 1955, filed an amendment to its application in Docket No. G–7546, requesting permission to abandon the service rendered on and after June 7, 1954, and for which authorization is sought in its original application in said Docket. On the same date, Applicant filed an application to partially abandon the service for which authorization is requested in Docket No. G–7543.

Applicant states that, since the date of the original filings, the one well which is the subject of Docket No. G–7546, and one well which is the subject of Docket No. G–7543, have become fully depleted and are now non-productive of natural gas. These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 4, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3366; Filed, Apr. 25, 1955; 8:49 a. m.]

[Docket No. G–8126]

FRANK ZICKAFOOSE

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 20, 1955.

Take notice that Frank Zickafoose (Applicant), with a principal office in Union District, Ritchie County, West Virginia, filed on December 10, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Ritchie County Field, Ritchie County, West Virginia, which is sold in interstate commerce to Carnegie Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 13, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3367; Filed, Apr. 25, 1955; 8:49 a. m.]

[Docket No. G–8180]

S. N. ELLIOTT

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 20, 1955.

Take notice that S. N. Elliott (Applicant), with a principal office in Mannington, West Virginia, filed an application on December 15, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Marion County, West Virginia, which is sold in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 13, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955.

[SEAL] LEON M. FUQUAY,
Secretary,

[F. R. Doc. 55–3368; Filed, Apr. 25, 1955; 8:49 a. m.]

[Docket No. G–8296]

DR. JAN KAROLCIK

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 20, 1955.

Take notice that Dr. Jan Karolcik (Applicant), with a principal office in Pleasants County, West Virginia, filed on December 27, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Morgan Oil Field, Hebron, West Virginia, which will be sold in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 9, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3369; Filed, Apr. 25, 1955; 8:49 a. m.]

[Docket No. G–8310]

G. B. NORMAN

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 20, 1955.

Take notice that G. B. Norman (Applicant), with a principal office in Washington District, Calhoun County, West Virginia, filed an application on December 15, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Norman-Washington District, Calhoun County, West Virginia, which is sold in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 6, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 26, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3370; Filed, Apr. 25, 1955; 8:49 a. m.]

[Docket No. G–8383]

BIG HUFF GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 19, 1955.

Take notice that Wetzel Lusher operating as Big Huff Gas Company (Applicant), with a principal office in Branchland, West Virginia, filed an application on January 20, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Big Huff Creek Field, Logan County, West Virginia, which is being sold in interstate commerce under temporary authorization to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 12, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Com-

mission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3378; Filed, Apr. 25, 1955; 8:50 a. m.]

[Docket No. G-8384]

O. K. SMITH DRILLING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 20, 1955.

Take notice that O. K. Drilling Company, a Delaware corporation (Applicant), with its principal office in Corpus Christi, Texas, filed an application on January 24, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the East Mathis Field, San Patricio County, Texas, which will be sold in interstate commerce to Gas Gathering Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 11, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3371; Filed, Apr. 25, 1955; 8:49 a. m.]

[Docket No. G-8421]

A. UNREIN

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 20, 1955.

Take notice that A. Unrein (Applicant), with a principal office in Tokeka, Kansas, filed on January 31, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Hugoton Field, Kearney County, Kansas, which will be sold in interstate commerce to Kansas Nebraska Natural Gas Company, Inc., for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1955, at 9:50 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3372; Filed, Apr. 25, 1955; 8:49 a. m.]

[Docket No. G-8434]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 20, 1955.

Take notice that the Ohio Fuel Gas Company (Applicant), an Ohio corporation whose address is 99 Front Street, Columbus 15, Ohio, filed an application on February 4, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 1.2 miles of 4.5-inch O. D. pipeline in Coal Township, Perry County, Ohio. Applicant represents that the facilities are necessary to enable it to increase deliveries of gas to an industrial customer, Straitsville Brick Company, and to permit increased deliveries of gas to the towns of New Straitsville and Shawnee, Ohio.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 18, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 6, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3373; Filed, Apr. 25, 1955; 8:49 a. m.]

[Docket No. G-8450]

HUNT OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 20, 1955.

Take notice that Hunt Oil Company (Applicant), a Delaware corporation, with a principal office in Dallas, Texas, filed on February 7, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Ivan Field, Bossier and Webster Parishes, Louisiana, which will be sold in interstate commerce to

Arkansas Louisiana Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 10, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3374; Filed, Apr. 25, 1955; 8:50 a. m.]

[Docket No. G-8470]

HAROLD AND ROBERT H. DAVIDOR

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 20, 1955.

Take notice that Harold Davidor and Robert H. Davidor (Applicant), with a principal office in Oklahoma City, Oklahoma, filed on February 11, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from Lincoln County, Oklahoma, which will be sold in interstate commerce to Cities Service Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 9, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and proceedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3375; Filed, Apr. 25, 1955; 8:50 a. m.]

[Docket No. G-8478]

SCANDOLA OIL & GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 19, 1955.

Take notice that Scandola Oil & Gas Company (Applicant), with a principal office in Weirton, West Virginia, filed an application on February 14, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Union District, Ritchie County, West Virginia, which will be sold in interstate commerce to Carnegie Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 12, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3379; Filed, Apr. 25, 1955; 8:50 a. m.]

[Docket No. G-8544]

W. F. ROBERTS ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 19, 1955.

Take notice that W. F. Roberts, agent and representative of Grace G. Stine, et al. (Applicant), with a principal office in Nobe, West Virginia, filed an application on March 4, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the DeKalb District, Gilmer County, West Virginia, which will be sold in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 11, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3380; Filed, Apr. 25, 1955; 8:50 a. m.]

[Docket No. G-8551]

CATHEY GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 20, 1955.

Take notice that Cathey Gas Company (Applicant), with a principal office in Man, West Virginia, filed an application on March 7, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Big Huff Creek Field, Logan County, West Virginia, which will be sold in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 11, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 29, 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3376; Filed, Apr. 25, 1955; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7092]

DEUTSCHE LUFTHANSA AKTIENGESELLSCHAFT

NOTICE OF HEARING

In the matter of the application of Deutsche Lufthansa Aktiengesellschaft for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on April 28, 1955, at 10:00 a. m., d. s. t., in the Foyer of the Auditorium, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., April 21, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-3389; Filed, Apr. 25, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 21, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30523: Perlite mix from Socorro, N. Mex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on perlite mix, viz: refuse perlite rock fines and expanded perlite rocks, carloads, from Socorro, N. Mex., to specified points in southwestern, western trunk line, southern, Illinois and central territories.

Grounds for relief: Short line distance formula and circuity.

Tariff: Agent Kratzmeir's I. C. C. 4157.

FSA No. 30524: Fuel oil from Montana and Wyoming to Michigan and Wisconsin. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on petroleum residual fuel oil, in tank-car loads, from specified origins in Montana and Wyoming to specified destinations in Michigan and Wisconsin.

Grounds for relief: Market competition and circuity.

Tariff: C & NW Ry. tariff I. C. C. No. 11296, supplement 6 and three other tariffs.

FSA No. 30525: Alcohols—Tuscola, Ill., to Maryland and New Jersey. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on alcohol, in bond, carloads, and denatured alcohol, in tank-car loads, from Tuscola, Ill., to Carney's Point and Newark, N. J., and Baltimore, Md.

Grounds for relief: Rail-water competition and circuity.

Tariff: Supplement 116 to Agent Hinsch's I. C. C. 4542.

FSA No. 30526: Canned goods within official territory. Filed jointly by C. W. Boin and C. R. Goldrich, Agents, for interested rail carriers. Rates on canned goods, in carloads, from, to and between points in official territory including Illinois and extended zone C except not between points within Illinois territory, nor between points within New England territory.

Ground for relief: Short line distance formula and circuity.

Tariff: Agent Boin's I. C. C: A-1064.

FSA No. 30527: Barytes from Sweetwater, Tenn., group. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on barytes, carloads, from Athens, Sweetwater and other points in Tennessee, to New Orleans, La.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 32 to Agent Spaninger's I. C. C. 1299.

FSA No. 30528: Anhydrous ammonia to Sheffield, Ala. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on anhydrous ammonia, in tank-car loads, from West Henderson, Ky., to Sheffield, Ala.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 208 to Agent Spaninger's I. C. C. 1062.

FSA No. 30529: Fluorspar from Junction and Shawneetown, Ill. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on fluorspar, carloads, from Junction and Shawneetown, Ill., to specified points in trunk line and New England territories.

Grounds for relief: Circuitous routes.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-3359; Filed, Apr. 25, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-924]

INVESTORS DIVERSIFIED SERVICES, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER APPROVING INCENTIVE PAY PLAN

APRIL 20, 1955.

Notice is hereby given that Investors Diversified Services, Inc., of Minneapolis, Minnesota ("IDS"), a face-amount certificate company, registered under the Investment Company Act of 1940, has filed an application pursuant to section 17 (d) of said act and Rule N-17D-1 of the rules and regulations promulgated thereunder for an order of the Commission permitting it to effect an incentive pay plan for the benefit of its district managers, sales representatives and divisional office secretaries who are directly and indirectly offering for sale and selling face-amount certificates and other securities for which applicant is the underwriter, under which proposed payments are to be made on or about October 15, 1955, based on business done during the year 1954. The proposed plan is similar in purpose, terms and conditions to like plans in effect for the year 1953 and previous years.

IDS is also registered with the Commission as a broker under the provisions of the Securities Exchange Act of 1934 and is the underwriter and distributor of securities issued by Investors Syndicate of America, Inc., a registered face-amount certificate company under the act, and of securities issued by Investors Mutual, Inc., Investors Stock Fund, Inc., and Investors Selective Fund, Inc., registered open-end investment companies.

The purpose of the proposed incentive pay plan is to reward the employees of IDS for their ability in obtaining what the applicant refers to as "quality business." For the most part, the plan gives weight to sales made that are not liquidated or delinquent. The performance of individuals is proposed to be measured against the national performance of IDS and incentive payments are proposed to be made to each individual who qualifies under the terms of the plan with respect to period of employment and the sale of a certain minimum amount of securities.

Rule N-17D-1, promulgated under section 17 (d) of the act, provides, among other things, that it shall be unlawful, with certain exceptions not applicable here, for any affiliated person of a registered investment company or of any company controlled by any such registered company to participate in, or effect any transaction in connection with any bonus, profit-sharing or pension plan in which any such registered or controlled company is a participant unless an application regarding such plan has been granted by the Commission.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than May 9, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3358; Filed, Apr. 25, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order T-581]

WISCONSIN

LOAN ANNOUNCEMENT

MARCH 21, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Chequamegon Telephone Cooperative, Incorporated, Wisconsin 513-C	$154,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3332; Filed, Apr. 22, 1955; 8:47 a. m.]

[Administrative Order T-588]

KANSAS

LOAN ANNOUNCEMENT

APRIL 6, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colwich Telephone Company, Inc., Kansas 559-A Colwich	[1] $96,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3339; Filed, Apr. 22, 1955; 8:47 a. m.]

[Administrative Order T-589]

WISCONSIN

LOAN ANNOUNCEMENT

APRIL 6, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Amberg Telephone and Telegraph Company, Wisconsin 514-B	$143,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3340; Filed, Apr. 22, 1955; 8:47 a. m.]

[Administrative Order T-592]

OKLAHOMA

LOAN ANNOUNCEMENT

APRIL 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Pioneer Telephone Cooperative, Inc., Oklahoma 533-B	$338,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3343; Filed, Apr. 22, 1955; 8:48 a. m.]

[Administrative Order T-593]

ALLOCATION OF FUNDS FOR LOANS

APRIL 8, 1955.

I hereby amend:

(a) Administrative Order No. T-208, dated October 2, 1952, by rescinding the loan of $359,000 therein made for "Killawog Telephone Company, Inc.—New York 505-A."

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-3344; Filed, Apr. 22, 1955; 8:48 a.m.]

[Administrative Order T-594]

ILLINOIS

LOAN ANNOUNCEMENT

APRIL 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Champaign County Telephone Company, Illinois 506-C	$675,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3345; Filed, Apr. 22, 1955; 8:48 a. m.]

Room

FEDERAL REGISTER

VOLUME 20 NUMBER 82

Washington, Wednesday, April 27, 1955

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6233]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LEMAR FURS

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(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Lester Slamowitz et al. t. a. Lemar Furs, New York, N. Y., Docket 6233, February 18, 1955.]

In the Matter of Lester Slamowitz and Marvin Imberman, Individuals and Copartners, Trading as Lemar Furs

This proceeding was heard by Loren H. Laughlin, hearing examiner, upon the complaint of the Commission, which charged respondents in certain particulars with having violated the provisions of the Federal Trade Commission Act

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and the Fur Products Labeling Act, and the rules and regulations promulgated under the latter; and upon a stipulation in writing entered into by respondents with counsel supporting the complaint, in which respondents waived the filing of an answer and agreed that a consent order be entered against them in terms identical with those contained in the notice issued and served on respondents as a part of the complaint.

By said stipulation, which was approved in writing by the Director and Assistant Director of the Commission's Bureau of Litigation, respondents admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations, and the parties expressly waived a hearing before the hearing examiner or the Commission and all further and other procedure to which the respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; and agreed that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a full hearing, the parties having waived specifically therein any and all right, power, or privilege to contest the validity of said order.

It was also stipulated and agreed therein that the complaint in the matter might be used in construing the terms of the order provided for in said stipulation, and that the signing of said stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint, and said Stipulation for Consent Order, as so approved, was submitted to said hearing examiner for his consideration in accordance with Rule V of the Commission's Rules of Practice.

Thereafter said examiner made his initial decision in which he set forth the aforesaid matters and in which he found, upon due consideration of the complaint and stipulation, which was accepted and ordered filed as part of the record (it having been stipulated that they should constitute the entire record in the matter on which such order might be entered), that the Commission had jurisdiction of the subject matter of the proceeding, and of each and all of the parties respondent; that the complaint stated a legal cause for complaint under the aforesaid acts and rules and regulations against respondents as a whole and in each of the particulars alleged therein; that the proceeding was in the interest of the public; and that the order as proposed therein was appropriate for the disposition of the proceeding, the same to become final when it became the order of the Commission; and in which he entered the same.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on February 18, 1955.

Said order is as follows:

It is ordered, That respondents Lester Slamowitz and Marvin Imberman, as individuals and as copartners trading as Lemar Furs or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the manufacturing for sale, sale, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

(A) Misbranding and falsely invoicing fur products by:

(1) Failing to affix labels to fur products and failing to furnish invoices to purchasers of fur products, showing:

(a) The name or names of the animal or animals producing the fur contained in the fur product as set forth in the Fur Products Name Guide and as permitted under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is a fact;

(e) The name of the country of origin of any imported furs used in a fur product;

(2) Using on labels attached to fur products and on invoices of fur products, the name of another animal in addition to the name of the animal actually producing the fur contained in the fur product.

(3) Falsely and deceptively, representing on labels and invoices that their fur products are "Natural" when they are in fact tip-dyed.

(B) Misbranding their fur products by:

(1) Falsely or deceptively labeling or otherwise falsely or deceptively identifying said fur products, or using labels affixed to such fur products which contain any form of misrepresentation or deception with respect to such fur products;

(2) Setting out on labels attached to fur products non-required information with required information;

(3) Failing to set forth on required labels attached to fur products the name or other identification issued and registered by the Commission of one or more persons who manufactured such fur products for introduction into commerce, introduced it in commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6233, issued April 6, 1955, which announced fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 6, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 55–3407; Filed, Apr. 26, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 32]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.332 *Valencia Orange Regulation 32*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as

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and the Fur Products Labeling Act, and the rules and regulations promulgated under the latter; and upon a stipulation in writing entered into by respondents with counsel supporting the complaint, in which respondents waived the filing of an answer and agreed that a consent order be entered against them in terms identical with those contained in the notice issued and served on respondents as a part of the complaint.

By said stipulation, which was approved in writing by the Director and Assistant Director of the Commission's Bureau of Litigation, respondents admitted all the jurisdictional allegations of the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations, and the parties expressly waived a hearing before the hearing examiner or the Commission and all further and other procedure to which the respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; and agreed that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a full hearing, the parties having waived specifically therein any and all right, power, or privilege to contest the validity of said order.

It was also stipulated and agreed therein that the complaint in the matter might be used in construing the terms of the order provided for in said stipulation, and that the signing of said stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint, and said Stipulation for Consent Order, as so approved, was submitted to said hearing examiner for his consideration in accordance with Rule V of the Commission's Rules of Practice.

Thereafter said examiner made his initial decision in which he set forth the aforesaid matters and in which he found, upon due consideration of the complaint and stipulation, which was accepted and ordered filed as part of the record (it having been stipulated that they should constitute the entire record in the matter on which such order might be entered), that the Commission had jurisdiction of the subject matter of the proceeding, and of each and all of the parties respondent; that the complaint stated a legal cause for complaint under the aforesaid acts and rules and regulations against respondents as a whole and in each of the particulars alleged therein; that the proceeding was in the interest of the public; and that the order as proposed therein was appropriate for the disposition of the proceeding, the same to become final when it became the order of the Commission; and in which he entered the same.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on February 18, 1955.

Said order is as follows:

It is ordered, That respondents Lester Slamowitz and Marvin Imberman, as individuals and as copartners trading as Lemar Furs or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the manufacturing for sale, sale, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

(A) Misbranding and falsely invoicing fur products by:

(1) Failing to affix labels to fur products and failing to furnish invoices to purchasers of fur products, showing:

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(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

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(e) The name of the country of origin of any imported furs used in a fur product;

(2) Using on labels attached to fur products and on invoices of fur products, the name of another animal in addition to the name of the animal actually producing the fur contained in the fur product.

(3) Falsely and deceptively, representing on labels and invoices that their fur products are "Natural" when they are in fact tip-dyed.

(B) Misbranding their fur products by:

(1) Falsely or deceptively labeling or otherwise falsely or deceptively identifying said fur products, or using labels affixed to such fur products which contain any form of misrepresentation or deception with respect to such fur products;

(2) Setting out on labels attached to fur products non-required information with required information;

(3) Failing to set forth on required labels attached to fur products the name or other identification issued and registered by the Commission of one or more persons who manufactured such fur products for introduction into commerce, introduced it in commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6233, issued April 6, 1955, which announced fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 6, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 55-3407; Filed, Apr. 26, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 32]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.332 *Valencia Orange Regulation 32*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as

hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 21, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 24, 1955, and ending at 12:01 a. m., P. s. t., May 1, 1955, is hereby fixed as follows:

(i) District 1: 138,600 boxes;

(ii) District 2: 34,650 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 22, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3443; Filed, Apr. 26, 1955; 8:55 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects, Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

COLVILLE INDIAN IRRIGATION PROJECT, WASHINGTON

On March 10, 1955, there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend §§ 130.9 and 130.10 of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Colville Indian Irrigation Project, and the method of payment thereof. Interested persons were thereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or argument in writing to Don C. Foster, Area Director, within 30 days from the date of publication of the notice. No views, data or arguments were submitted. Sections 130.9 and 130.10 of Title 25, Code of Federal Regulations, are accordingly amended, and shall read as follows:

§ 130.9 *Charges.* The annual operation and maintenance charges are hereby fixed for the lands under the various units in the amounts named in this section, on the Colville Indian Irrigation Project, Washington.

(a) The per acre per annum rates for the following units are: Nespelem Unit $1.75; Little Nespelem Unit $1.75. All patent in fee lands and all Indian trust lands to which water can be delivered for irrigation and on which application for water services is made by the water users and approved by the Superintendent of the Indian Reservation, are subject to the above rates.

(b) The per acre per annum rate for the Monse Pumping Unit is hereby fixed at $5.00 per acre for all patent in fee lands for which there are water right contracts, and for all Indian trust lands to which water can be delivered for irrigation. These charges shall apply regardless of whether water is requested or not.

§ 130.10 *Payment.* (a) The annual charges fixed in § 130.9 shall become due on April 1 of each year, are payable on or before that date, and any assessment remaining unpaid after the due date shall stand as a first lien against the land. Any delinquent charges against land in non-Indian ownership and Indian lands under lease to non-Indians shall be subject to a penalty of one-half of 1 percent per month, or fraction thereof, from the due date until paid.

(b) The delivery of water shall be refused to all tracts of land for which the charges have not been paid when due, except where the lands are in Indian ownership, not under lease to non-Indians, and the Indian owners shall have made the necessary arrangements with the superintendent as hereafter provided. When any Indian owner of land not under lease to a non-Indian is financially unable to pay the operation and maintenance charges on the due date from cash on hand, the superintendent may make the necessary arrangements with such Indian owner as will permit him to perform labor on the irrigation project works, the proceeds derived therefrom to be applied in partial payment of such charges. The superintendent may also make necessary arrangements for such Indian owner to pay the operation and maintenance charges from the proceeds of the crops grown on the land when harvested and marketed within that calendar year, provided written statements to that effect are furnished the superintendent by the Indian owner on or before the due date.

(c) In any instance where the superintendent is convinced that an Indian landowner, whose land is not under lease to a non-Indian, is financially unable to pay his operation and maintenance charges from proceeds of labor performed on the project works, or from the proceeds of the crops being grown on the land, or from any other source, the delivery of water may be continued if a written certificate is issued by the superintendent stating that such Indian is not financially able to pay such charges. In such cases the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid but without penalty for delinquency.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PERRY E. SKARRA,
Acting Area Director.

APRIL 18, 1955.

[F. R. Doc. 55-3396; Filed, Apr. 26, 1955; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 27 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

MISCELLANEOUS AMENDMENTS

1. Section 373.40 *Iron and steel* paragraph (b) *Silicon steel materials* is amended in the following particulars:

a. The second sentence of paragraph (b) beginning "The specifications appearing on license applications * * *" is deleted.

b. The remainder of paragraph (b) is unchanged.

This part of the amendment shall become effective as of April 21, 1955.

2. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* paragraph (d) *Refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms* is amended in the following particulars:

Subparagraph (2) *Refined copper, Schedule B No. 641200* of paragraph (d) is amended in the following particulars:

a. The introductory text and subdivision (i) *Certification of foreign origin or commingled origin* are amended respectively to read as follows:

(2) *Refined copper, Schedule B. No. 641200.* License applications to export refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes) made from domestic origin materials, or Canadian origin copper scrap or copper-base alloy scrap, will generally be denied. License applications covering the exportations of these refined copper materials made from foreign or commingled domestic and foreign orgin materials, other than Canadian orgin copper scrap or copper-base alloy scrap, shall include the following:

(i) *Certification of foreign origin or commingled origin—(a) Applications from non-producers of refined copper.* Applications from non-producers covering refined copper made from materials, other than Canadian origin copper scrap or copper-base alloy scrap, of foreign or commingled domestic and foreign origin materials shall be accompanied by a letter, addressed to the Bureau of Foreign Commerce from the producer of the refined copper to the effect that (1) the refined copper proposed for export is refined from foreign origin copper other than Canadian-origin copper scrap or copper-base alloy scrap; or (2) that an equivalent amount of foreign origin materials other than Canadian-origin copper scrap or copper-base alloy scrap, has been smelted and refined to replace in the domestic market the amount of domestic copper contained in the commingled copper proposed for export.

(*b*) *Applications from producers of refined copper.* Applications from producers of refined copper made of foreign or commingled (foreign and domestic) materials other than Canadian-origin copper scrap or copper-base alloy scrap, shall include the following certification:

(I) (we) certify that (I) (we) am (are) the producer(s) of the refined copper covered by this license application and (1) (that this refined copper was produced from foreign origin materials other than Canadian origin copper scrap or copper-base alloy scrap); or (2) (that an equivalent amount of foreign materials other than Canadian origin copper scrap or copper-base alloy scrap has been smelted and refined to replace in the domestic market the amount of domestic copper contained in the commingled copper proposed for export).

b. Subdivisions (ii) *Availability for export* and (iii) *Disclosure of foreign consumer* remain unchanged.

c. Subdivision (iv) *Toll or conversion agreements* is amended to read as follows:

(iv) *Toll or conversion agreements.* Applications covering the exportation of refined copper produced in the United States under toll or conversion agreements from Canadian-origin copper scrap or copper-base alloy scrap generally shall be denied. Applications covering the exportation of refined copper produced in the United States under toll or conversion agreements from other foreign-origin materials are not required to include the information specified in the provisions set forth in subdivisions (i), (ii) and (iii) of this subparagraph. In such cases, the applicant shall make the following certification on the license application:

(I) (we) certify that the refined copper described in this license application was produced in the United States under toll or conversion contracts from foreign origin materials other than Canadian-origin copper scrap or copper-base alloy scrap.

This part of the amendment shall become effective as of April 27, 1955.

3. Section 379.4 *Authentication of declaration* paragraph (f) *Forwarding agent* is amended in the following particulars:

Subparagraph (1) *Definition of "forwarding agent"* is amended by the addition of a new subdivision (ii) to read as follows:

(ii) In the event that conditions beyond the control of a carrier, named as exporting carrier on a duly executed Shipper's Export Declaration, prevents the lading of the total cargo covered by the Declaration, such carrier is authorized to prepare and present additional Declarations covering the remainder of the cargo when shipped. The original Declaration shall be amended by the carrier, in accordance with § 379.5 (b), to show the descriptions, quantity and value of the commodities actually carried. Subsequent Declarations by the carrier shall be completed in all details and shall contain the following statement:

These commodities were included, but not shipped, under authenticated Shipper's Export Declaration, No. ------ at ---------
(Port)
on ----------
(Date)

This part of the amendment shall become effective as of April 21, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director, Bureau of Foreign Commerce.

[F. R. Doc. 55-3436; Filed, Apr. 26, 1955; 8:53 a. m.]

[1] Part 1 of this amendment was published in the reprint pages of Current Export Bulletin No. 748, dated April 21, 1955; Part 3 was published in Current Export Bulletin No. 748, dated April 21, 1955.

[7th Gen. Rev. of Export Regs., Amdt. P. L. 17 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
599098	Other nonmetallic mineral products, except precious: Lithium-containing minerals (e. g., amblygonite, and spodumene).	----------	MINL	None----	RO
664598	Nonferrous metallic ores and concentrates, n. e. c. (specify by name) (report radium ore concentrates in 829040): Lithium ores (e. g., lepidolite), and lithium ore concentrates.	Lb------	MINL	None----	RO
839750	Metal salts of organic compounds, except paint and varnish driers (specify by name) (report paint and varnish driers in 843600): Lithium salts of organic compounds----------	Lb------	SALT	None----	RO

This part of the amendment shall become effective as of April 28, 1955.

2. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
664998	Nonferrous metals and alloys in crude form, scrap, and semifabricated forms, n. e. c. (specify by name): Lithium metal and alloys. (5) [2]----------	Lb------	MINL	None	RO
707803	Electronic-type components: Electron tubes (report X-ray tubes in 707505 and 707507): Receiving-type tubes, except non-military versions of the types listed in § 399.2, Int. 13. (Specify by type number.) (Report television picture tubes in 707815.) [1]	No------	RARA 51	50	RO
707820	Cathode-ray tubes, n. e. c. (Specify by type number.) (Report television cathode-ray tubes in 707812 and 707815.) [1]	No------	RARA 51	50	RO
707830	Electron tubes, n. e. c. (Specify by type number.) (1, 2 and 3) [2]	No------	RARA 51	50	RO
707850	Crystal diodes and transistors (semi-conductors), n. e. c.].	No------	RARA 51	50	R

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 748, dated April 21, 1955.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required
	Earth and rock drilling machines, n. e. c., and parts, n. e. c.:				
	Rock drill bits, core drill bits, and reamers (including well drilling machine bits and reamers):				
730870	Roller-type rock drill bits and reamers containing tungsten carbide.[15]	No.	MINE 3	100	RO
730880	Other roller-type rock drill bits and reamers [15]	No.	MINE 3	100	RO
	Power-driven metalworking machine tools (nonportable), and parts:				
	Automatic chucking lathes and between center lathes:				
740305	Automatic profiling and duplicating lathes (report non-automatic profiling and duplicating lathes in 740390).[24]	No.	TOOL	500	RO
740305	Other automatic lathes, multi-spindle [15]	No.	TOOL	500	RO
	Automatic screw (bar) machines:				
740315	Automatic multi-spindle bar machines [15]	No.	TOOL	500	RO
740390	Lathes, n. e. c. (specify by name):	No.	TOOL	500	RO
	Profiling or duplicating lathes, n. e. c. (report automatic chucking lathes and between center lathes in 740305).[15]				
	Accessories and attachments, n. e. c., for power-driven nonportable machine tools, n. e. c.:				
	Accessories and attachments, n. e. c., for machine tools and specially fabricated parts, n. e. c.:				
744383	Other accessories and attachments for use exclusively on types of machine tools included on the Positive List under Schedule B Nos. 740005 through 744319, except bench centers; parallels; vee blocks; tool holders (other than screw machine); miscellaneous centers; drill pads and crotch centers; work driving dogs; tee bolts; clamps; and mandrels. (Specify type and model of machine tool with which accessories and attachments are to be used.) (4) [15]		TOOL 1	500	RO
	Nonelectric industrial furnaces, kilns, lehrs, and ovens, and parts (report electric furnaces, kilns and ovens in 707415-707492):				
775150	Specially fabricated parts, n. e. c., for carbon black furnaces and controlled atmosphere equipment. (1) [4]		MINE 5	1,000	RO
775150	Specially fabricated components and parts, n. e. c., for furnaces suitable for the production of titanium metals. (2) [4]		MINE 5	1,000	RO
839730	Hydrogen peroxide or dioxide, 50 to 85 percent strength inclusive.	Lb.	SALT 64	None	RO
	Other industrial chemicals:				
839900	Lithium salts and compounds (including, but not limited to, lithium amide, lithium carbonate, lithium chloride, lithia crystals, lithium fluorophosphate, lithium fluoride, lithium hydride, lithium hydroxide, lithium hydroxide monohydrate, and lithium sulfate). (10) [15]	Lb.	SALT	10	RO

[1] The GLV dollar-value limit is increased.
[4] The letter "A" is added in the column headed "Commodity Lists", indicating that the commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective June 6, 1955.
[15] The commodity description is revised without substantive change.
[22] The commodity coverage is increased, effective April 28, 1955.
[23] By this amendment the controls are changed from R to RO for diathermy tubes, effective April 28, 1955, and they are made subject to the IC/DV procedure (see § 373.2 of this subchapter), effective June 6, 1955. The GLV dollar-value limit of $50 is applicable immediately to all tubes classified under this Schedule B number.
[24] Previously all profiling and duplicating lathes have been included in the sixth entry under Schedule B No. 740390.
[25] Hydrogen peroxide or dioxide in excess of 85 percent concentration requires export authorization from the Department of State.

This part of the amendment shall become effective as of April 21, 1955, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 2 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., April 28, 1955, may be exported under the previous general license provisions up to and including May 21, 1955. Any such shipment not laden aboard the exporting carrier on or before May 21, 1955, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-3437; Filed, Apr. 26, 1955; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter G—Regulations Under Tax Conventions

[T. D. 6130]

PART 506—JAPAN

Release of excess tax withheld, and exemption from, or reduction in rate of, withholding of tax at source in the case of residents of Japan and of Japanese corporations or other entities, as affected by the income tax convention between the United States and Japan signed on April 16, 1954.

Sec.
506.1 Introductory.
506.2 Dividends.
506.3 Interest.
506.4 Patent and copyright royalties and film rentals.
506.5 Release of excess tax withheld at source.
506.6 Information to be furnished in ordinary course.
506.7 Beneficiaries of a domestic estate or trust.
506.8 Sources of income.
506.9 Effective date.

AUTHORITY: §§ 506.1 to 506.9 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 506.1 *Introductory*—(a) *Pertinent provisions.* The income tax convention between the United States and Japan which was signed on April 16, 1954, hereinafter referred to as the convention, provides in part as follows, effective with respect to income or profits derived during taxable years beginning on or after January 1, 1955.

ARTICLE I

(1) The taxes referred to in the present Convention are:

(a) In the case of the United States of America: The Federal income taxes, including surtaxes.

(b) In the case of Japan: The income tax and the corporation tax.

(2) The present Convention shall also apply to any other tax on income or profits which has a character substantially similar to those referred to in paragraph (1) of this Article and which may be imposed by either contracting State after the date of signature of the present Convention.

ARTICLE II

(1) As used in the present Convention:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) The term "Japan", when used in a geographical sense, means all the territory in which the laws relating to the taxes referred to in paragraph (1) (b) of Article I are enforced.

(c) The term "permanent establishment" means an office, factory, workshop, branch, warehouse or other fixed place of business, but does not include the casual and temporary use of merely storage facilities. It also includes an agency if the agent has and habitually exercises a general authority to negotiate and conclude contracts on behalf of an enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other contracting State merely because it carried on business dealings in such other State through a bona fide commission agent, broker, custodian or other independent agent acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting States maintains in the other contracting State a fixed place of business exclusively for the purchase for such enterprise of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one of the contracting States has a subsidiary corporation which is a corporation of the other contracting State or which is engaged in trade or business in the other contracting State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(d) The term "enterprise of one of the contracting States" means, as the case may be, United States enterprise or Japanese enterprise.

(e) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on in the United States by a resident (including an individual, a fiduciary and partnership) of the United States or by a United States corporation or other entity; and the term "United States corporation or other entity" means a corporation or other entity created or organized under the law of the United States or of any State or Territory of the United States.

(f) The term "Japanese enterprise" means an industrial or commercial enterprise or undertaking carried on in Japan by an individual resident in Japan or by a Japanese corporation or other entity; and the term "Japanese corporation or other entity" means a corporation or other association having juridical personality, or a partnership or other association without juridical personality, created or organized under the laws of Japan.

(g) The term "tax" means those taxes referred to in paragraph (1) (a) or (b) of Article I, as the context requires.

(h) The term "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue as authorized by the Secretary of the Treasury; and, in the case of Japan, the Minister of Finance or his authorized representative.

(i) The term "industrial or commercial profits" includes manufacturing, mercantile, agricultural, fishing, mining, financial and insurance profits, but does not include income in the form of dividends, interest, rents or royalties, or remuneration for personal services.

(2) In the application of the provisions of the present Convention by either contracting State any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under the laws of such State relating to the tax.

* * * * *

ARTICLE VI

The rate of tax imposed by one of the contracting States on interest on bonds, securities, notes, debentures or any other form of indebtedness (including mortgages or bonds secured by real property) received from sources within such State by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall not exceed 15 percent.

ARTICLE VII

The rate of tax imposed by one of the contracting States on royalties and other amounts received as consideration for the right to use copyrights, artistic and scientific works, patents, designs, secret processes and formulae, trade-marks and other like property (including in such royalties and other amounts, rentals and like payments in respect of motion-picture films or for the use of industrial, commercial, or scientific equipment) from sources within such State by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall not exceed 15 percent.

ARTICLE VIII

A resident or corporation or other entity of one of the contracting States deriving

(a) Income from real property (including gains derived from the sale or exchange of such property, but not including interest from mortgages or bonds secured by real property), or

(b) Royalties in respect of the operation of mines, quarries or other natural resources situated within the other contracting State may elect, for any taxable year, to be subject to the tax of such other State on a net basis as if such resident or corporation or other entity had a permanent establishment in such other State during such taxable year.

* * * * *

ARTICLE XIII

For the purpose of the present Convention:

(a) Dividends paid by a corporation of one of the contracting States shall be treated as income from sources within such State.

(b) Interest paid by one of the contracting States including local Government

thereof or by an enterprise of one of the contracting States not having a permanent establishment in the other contracting State shall be treated as income from sources within the former State.

* * * * *

(e) Income from real property (including gains derived from the sale or exchange of such property, but not including interest from mortgages or bonds secured by real property) and royalties in respect of the operation of mines, quarries, or other natural resources shall be treated as income derived from the country in which such real property, mines, quarries or other natural resources are situated.

* * * * *

(g) Royalties for using, or for the right to use, in one of the contracting States, patents, copyrights, designs, trademarks and like property shall be treated as income from sources within such State.

* * * * *

ARTICLE XV

(1) Organizations organized under the laws of Japan and operated exclusively for religious, charitable, scientific, literary or educational purposes shall, to the extent and subject to conditions provided in the United States Internal Revenue Code, be exempt from the tax of the United States.

* * * * *

ARTICLE XVII

(1) The competent authorities of both contracting States shall exchange such information available under the respective tax laws of both contracting States as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or for the administration of statutory provisions against tax avoidance in relation to the tax. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those, including a court, concerned with the assessment and collection of the tax or the determination of appeals in relation thereto. No information shall be exchanged which would disclose any trade, business, industrial or professional secret or any trade process.

* * * * *

ARTICLE XIX

(1) The provisions of the present Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

(2) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the contracting States in determining the tax of such State.

(3) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement; it being understood, however, that this provision shall not be construed to preclude the contracting States from settling by negotiation any dispute arising under the present Convention.

(4) The competent authorities of both contracting States may prescribe regulations necessary to interpret and carry out the provisions of the present Convention and may communicate with each other directly for the purpose of giving effect to the provisions of the present Convention.

ARTICLE XX

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Tokyo as soon as possible.

(2) The present Convention shall enter into force on the date of exchange of instruments of ratification and shall be applicable to income or profits derived during the taxable years beginning on or after the first day of January of the calendar year in which such exchange takes place.

(3) Either of the contracting States may terminate the present Convention at any time after a period of five years shall have expired from the date on which the present Convention enters into force, by giving to the other contracting State notice of termination, provided that such notice is given on or before the 30th day of June and, in such event, the present Convention shall cease to be effective for the taxable years begininng on or after the first day of January of the calendar year next following that in which such notice is given.

* * * * *

(b) *Meaning of terms.* As used in this part, any term defined in the convention shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws.

§ 506.2 *Dividends.* Dividends paid by a Japanese corporation shall, in accordance with Article XIII (a) of the convention, be treated as income from sources within Japan. Dividends paid by such a corporation, and derived in taxable years beginning on or after January 1, 1955, by a nonresident alien individual or a foreign corporation are, therefore, exempt from United States tax and are not subject to the withholding of United States tax at source, since the gross income of such persons includes only the gross income from sources within the United States.

§ 506.3 *Interest*—(a) *Exempt from tax.* Interest paid by a Japanese enterprise not having a permanent establishment in the United States at any time during its taxable year shall, in accordance with Article XIII (b) of the convention, be treated as income from sources within Japan. Interest paid by such an enterprise, and derived in taxable years beginning on or after January 1, 1955, by a nonresident alien individual or a foreign corporation is, therefore, exempt from United States tax and is not subject to the withholding of United States tax at source, since the gross income of such persons includes only the gross income from sources within the United States.

(b) *Reduced rate.* The rate of United States tax imposed upon interest (other than interest falling within the scope of paragraph (a) of this section) on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States, obligations of instrumentalities of the United States, and mortgages and bonds secured by real property, which is received from sources within the United States in taxable years beginning on or after January 1, 1955, by a nonresident alien individual who is a resident of Japan, or by a Japanese corporation or other entity, shall not exceed 15 percent under the provisions of Article VI of the convention if such alien, corporation, or other entity at no time during the taxable year in which such

interest is received has a permanent establishment in the United States.

(c) *Trade or business.* If, in the case of interest described in paragraph (b) of this section, a nonresident alien individual who is a resident of Japan performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment in the United States, he is entitled to the reduced rate of tax with respect to interest received in that year from United States sources, as provided in Article VI of the convention, even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having performed personal services therein.

(d) *Reduction in rate of withholding at source*—(1) *Coupon bond interest*—(i) *Form to use.* To secure withholding of United States tax at the rate of 15 percent at source in the case of coupon bond interest to which paragraph (b) of this section applies, the nonresident alien individual who is a resident of Japan, or the Japanese corporation or other entity, shall, for each issue of bonds, file Form 1001–J in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor, the name and address of the owner of the interest, a description of the obligations, the amount of interest and its due date, and the date upon which the interest coupons were presented for payment. It shall contain a statement that the owner (*a*) is a resident of Japan, or is a Japanese corporation or other entity, and (*b*) has no permanent establishment in the United States.

(ii) *Reduction applicable only to owner.* The reduction in the rate of United States tax contemplated by Article VI of the convention, insofar as it concerns coupon bond interest, is applicable only to the owner of the interest. The person presenting the coupon, or on whose behalf it is presented, shall, for the purpose of the reduction in tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon, or on whose behalf it is presented, is not the owner of the bond, Form 1001, and not Form 1001–J, shall be executed.

(iii) *Disposition of form.* The original and duplicate of Form 1001–J shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. Form 1001–J shall be listed on Form 1012.

(2) *Interest not payable by coupons*—(i) *Form to use.* To secure withholding of United States tax at the rate of 15 percent at source in the case of interest (other than coupon bond interest) to which paragraph (b) of this section applies, the nonresident alien individual who is a resident of Japan, or the Japanese corporation or other entity, shall file Form 1001A–J in duplicate with the withholding agent in the United States. This form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of the interest. It shall contain a statement that the owner (*a*) is a resident of Japan, or is a Japanese corporation or other entity, and (*b*) has no permanent establishment in the United States.

(ii) *Manner of filing.* Form 1001A–J shall be filed with the withholding agent for each successive three-calendar-year period during which such interest is paid. For this purpose, the first such period shall commence with the beginning of the calendar year in which such income is first paid on or after January 1, 1955. Each such form filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment. Once such a form has been filed in respect of any three-calendar-year period, no additional Form 1001A–J need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that another such form shall be filed by the taxpayer. If, after filing such form, the taxpayer ceases to be eligible for the reduced rate of United States tax granted by Article VI of the convention in respect to such interest, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the interest as recorded on the books of the payer, the reduction in rate of withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a Form 1001A–J with the withholding agent.

(iii) *Disposition of form.* The duplicate of each Form 1001A–J (and letter) shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

§ 506.4 *Patent and copyright royalties and film rentals*—(a) *Reduced rate.* Under Article VII of the convention, the rate of United States tax imposed upon royalties and other amounts received from sources within the United States in taxable years beginning on or after January 1, 1955, by a nonresident alien individual who is a resident of Japan, or by a Japanese corporation or other entity, as consideration for the right to use copyrights, artistic and scientific works, patents, designs, secret processes and formulae, trade-marks, and other like property, shall not exceed 15 percent if such alien, corporation, or other entity at no time during the taxable year in which such items are received has a permanent establishment in the United States.

(b) *Film rentals.* The provisions of this section shall apply to rentals and like payments in respect of motion picture films or for the use of industrial, commercial, or scientific equipment.

(c) *Reduction in rate of withholding at source*—(1) *Form to use.* To secure withholding of United States tax at the rate of 15 percent at source in the case of the items of income to which this section applies, the nonresident alien individual who is a resident of Japan, or the Japanese corporation or other entity, shall file Form 1001A–J in duplicate with the withholding agent in the United States.

(2) *Manner of filing.* The provisions of § 506.3 (d) (2) relating to the execution, filing, effective period, and disposal of Form 1001A–J are equally applicable with respect to the income falling within the scope of this section.

§ 506.5 *Release of excess tax withheld at source*—(a) *Amounts to be released*—(1) *Interest and royalties.* In the case of every taxpayer whose address at the time of payment was in Japan and who furnishes to the withholding agent Form 1001A–J in accordance with §§ 506.3 (d) (2) and 506.4 (c)), if United States tax at the statutory rate has been withheld on or after January 1, 1955, from the interest, and royalties and other like amounts, in respect of which such form is prescribed, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to such sections.

(2) *Coupon bond interest*—(i) *Substitute form.* In the case of every taxpayer whose address at the time of payment was in Japan and who furnishes to the withholding agent Form 1001–J clearly marked "Substitute" and executed in accordance with § 506.3 (d) (1), if United States tax at the statutory rate has been withheld from coupon bond interest on or after January 1, 1955, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the difference between the tax so withheld and the tax required to be withheld pursuant to such section. One such substitute form shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which such excess is released.

(ii) *Disposition of form.* The original and duplicate of substitute Form 1001–J shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. Substitute Form 1001–J shall be listed on Form 1012.

(3) *Dividends derived from Japanese corporation.* If United States tax at the statutory rate has been withheld on or after January 1, 1955, from dividends paid to a nonresident alien individual or a foreign corporation by a Japanese corporation, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld.

(4) *Interest paid by Japanese enterprise.* If United States tax at the statutory rate has been withheld on or after January 1, 1955, from interest paid to a nonresident alien individual or a foreign corporation by a Japanese enterprise not having a permanent establishment in the United States at any time during its taxable year, the withholding agent shall release and pay over to the person from whom the tax was withheld an amount which is equal to the tax so withheld.

(b) *Amounts not to be released.* The provisions of this section shall have no application to excess tax withheld at source which has been paid by the withholding agent to the district director of internal revenue.

§ 506.6 *Information to be furnished in ordinary course*—(a) *Documents to Japan.* In compliance with the provisions of Article XVII of the convention the Commissioner of Internal Revenue will transmit to the Minister of Finance of Japan, as soon as practicable after the close of the calendar year 1955 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (b) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001–J, filed pursuant to § 506.3 (d) (1), and substitute Form 1001–J, filed pursuant to § 506.5 (a) (2), in connection with coupon bond interest.

(b) *Information return by withholding agent*—(1) *Form to use.* To facilitate compliance with Article XVII of the convention, every United States withholding agent shall make and file in duplicate with the District Director of Internal Revenue, Baltimore 2, Maryland, an information return on Form 1042 Supplement, with respect to persons having addresses in Japan, which shall be filed for the calendar year 1955 and subsequent calendar years. This return shall be filed simultaneously with Form 1042.

(2) *Information to be given.* There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income (and amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235 of the Internal Revenue Code of 1954, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations, whose addresses at the time of payment were in Japan, including such items of income upon which, in accordance with this Treasury decision, no withholding of United States tax is required; except that any of such items which constitute interest in respect of which Form 1001–J or substitute Form 1001–J has been filed in duplicate with the withholding agent is not required to be reported on such Form 1042 Supplement.

§ 506.7 *Beneficiaries of a domestic estate or trust.* If he otherwise satisfies the requirements of the respective articles concerned, a nonresident alien individual who is a resident of Japan and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in rate of, United States tax granted by Articles VI, VII, and XIII of the convention with respect to dividends, interest, and patent royalties and other like amounts, to the extent such item or items are included in that portion of the income of such estate or trust which, without regard to the convention, would be includible in his gross income. In order to be entitled in such instance to the exemption from, or reduction in rate of, withholding of United States tax such beneficiary must otherwise satisfy such requirements and shall, where applicable, execute and submit to the fiduciary of such estate or trust in the United States the Form 1001A–J prescribed in §§ 506.3 (d) (2) and 506.4 (c).

§ 506.8 *Sources of income.* For determining the sources of income for purposes of this Treasury decision, see sections 861 to 864, inclusive, of the Internal Revenue Code of 1954 and Article XIII of the convention.

§ 506.9 *Effective date*—(a) *General.* In order to give the convention effective application at the earliest practicable date, the exemptions from, and reductions in the rate of, withholding of United States tax at source granted by this Treasury decision are hereby made effective beginning January 1, 1955, contingent upon compliance with the applicable provisions hereof.

(b) *Fiscal years.* Since the convention is effective with respect to income or profits derived during taxable years beginning on or after January 1, 1955, the fact that the exemption from, or reduction in the rate of, withholding of United States tax at source granted by this Treasury decision is made effective beginning January 1, 1955, in respect of the item of income concerned is not a determination in itself that such item of income is entitled to the benefit of the exemption from, or reduced rate of, United States tax granted by the convention.

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting release of excess tax withheld, and exemption from, or reduction in the rate of, withholding of tax, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: April 22, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3424; Filed, Apr. 26, 1955; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.1, paragraph (l) (1) (iii) (*a*) and (*b*), and (q) is amended and the headnote and subparagraph (2) (i) and (ii) of paragraph (n) are amended to read as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men.* * * *

(l) *Reserve Officers and members of the Enlisted Reserves; members of the National Guard of the United States and the Federally recognized National Guard of the several States, Territories and the District of Columbia*—(1) *Reserve service.* * * *

(iii) * * *

(*a*) Who were called or ordered into active military or naval service for a period in excess of 30 days who suffer disability or death from disease while so employed, or

(*b*) Who were called or ordered into active military or naval service, or to perform active duty for training, or inactive duty training, for any period of time and suffer disability or death from injury (disease is not regarded as an injury) while so employed are considered to have been in active service during such period for the purposes of sections 1 and 2, Public Law 108, 81st Congress.

NOTE: For training duty, active or inactive, under the laws cited in subparagraph (1) (i), (ii), and (iii) of this paragraph to constitute "active service" for the payment of disability or death compensation or pension, the members of the reserves must have suffered a disability (disease or injury) or death while so employed.

* * * * * * *

(n) *Under Public Law 2, 73d Congress, Public Law 300, 78th Congress, and Public Law 463, 83d Congress.* * * *

(2) (i) Any person who on or after August 27, 1940, and prior to January 1, 1947, or on or after June 27, 1950, and prior to February 1, 1955 applied for enlistment or enrollment in the active military or naval forces and who was provisionally accepted and directed or ordered to report to a place for final acceptance into such military or naval service, or who was selected for service and after reporting pursuant to the call of his local board and prior to rejection, or who after being called in the Federal service as a member of the National Guard but before being enrolled for the Federal service, or who after being called into active service as a member of the Reserve but prior to reporting at camp for such service, suffered an injury or a disease in line of duty and not the result of his own willful misconduct, is included: *Provided,* That payments of compensation as to persons within the first delimiting dates shall not be effective prior to May 11, 1944, and as to persons within the second delimiting dates shall not be effective prior to June 30, 1954.

(ii) The provisions of Public Laws 300, 78th Congress, and 463, 83d Congress,

attach whenever a person is acting pursuant to an order of his draft board, including an order to report to the board for a preinduction examination. The protection covers any injury or disease which was acquired during time spent away from home or enroute home in connection with such order and as a result thereof. An injury or disease which was suffered on the trip when reporting for active duty or final induction is covered. The injury or disease to be compensable must be attributable to some cause or factor relating to his activity in connection with complying with proper orders. These provisions do not extend to such persons as to disease or injury suffered during the period of inactive duty or period of waiting after passing final physical examination and prior to beginning the trip to report for induction. Such protection also applies to a member of the National Guard after he reports to a designated rendezvous pursuant to proper call.

* * * * *

(q) *Commissioned officers and enlisted personnel of the Women's Army Auxiliary Corps and of the Women's Army Corps.* A former member of the WAAC who (1) served for at least 90 days in such corps and (2) who prior to October 1, 1943, was honorably discharged for disability incurred in line of duty, (3) which rendered her unfit to perform further service in the WAAC or WAC is deemed to have been in the active military service during the period of service in the WAAC for the purposes of the laws administered by the Veterans' Administration and is entitled to benefits on a parity with a former member of the Armed Forces. However, no payments may be made for any period prior to August 24, 1954, nor prior to receipt of a claim for compensation or pension. (An honorable discharge for disability will be accepted as proof of the existence of requirement subparagraph (3) of this paragraph.) (Public Law 650, 83d Congress). On and after July 1, 1943, commissioned officers and enlisted personnel of the Women's Army Corps, from the date of commission or enlistment, shall be entitled to the same rights, privileges, and benefits as members of the Officers' Reserve Corps or enlisted men of the United States Army, respectively (Public Law 110, 78th Congress)

* * * * *

(Sec. 1, 46 Stat. 847, sec. 4, 48 Stat. 9, 50 Stat. 305, sec. 304, 52 Stat. 1181, as amended, 53 Stat. 813, sec. 4, 54 Stat. 864, as amended, sec. 1, 211, 55 Stat. 598, 12, 56 Stat. 730, as amended, 1072, sec. 2, 56 Stat. 1038, sec. 3, 10, 57 Stat. 371, 556, sec. 1, 2, 58 Stat. 324, sec. 2, 3, 212, 58 Stat. 599, 689, 60 Stat. 223, Vet. Reg. 1 (a), as amended, Vet. Reg. 10, as amended, 65 Stat. 40, 68 Stat. 360, 789; 5 U. S. C. 133s, note, 10 U. S. C. 336, 81 note, 14 U. S. C. 311, 33 U. S. C. 855a, 34 U. S. C. 855c, 855c–1, 857a, 38 U. S. C. 238, 238c–e, 704, 730, 745, ch. 12 note, 42 U. S. C. 213, 50 U. S. C. App. 1553, 1591, 1592, E. O. 8929, 6 F. R. 5581, 3 CFR 1943 Cum. Supp.; E. O. 9575, 10 F. R. 7895, E. O. 9666, 11 F. R. 1, 3 CFR 1945 Supp.; E. O. 10349, 17 F. R. 3769; E. O. 10356, 17 F. R. 4967, E. O. 10362, 17 F. R. 5413, E. O. 10367, 17 F. R. 5929, 3 CFR 1952 Supp.)

2. The text of § 3.170 is designated paragraph (a) and a new paragraph (b) is added as follows:

§ 3.170 *Continuance of total disability ratings:* * * *

(b) Public Law 311, 83d Congress, applicable to both wartime and peacetime service, prohibits the reduction or discontinuance of total or permanent total ratings which have been continuously in effect for 20 years or more for any reason except fraud. For the protection to attach, the rating must have been in effect on March 17, 1954, unless it is established that the reduction or discontinuance prior thereto was in error and that permanent and total disability actually continued to exist on such date. The 20-year period begins to toll from the date of the rating and not the effective date of the total rating nor the date from which the evidence shows total disability to have had its inception. The law protects the rating and does not prohibit adjustment of awards not affecting the rating, as for example, because of dependents, or under § 3.255 (a) and (b), or income in excess of the statutory limitation. (68 Stat. 29)

3. In § 3.228, paragraph (c) (6) is amended to read as follows:

§ 3.228 *Computation of annual income for the purposes of Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), or section 1 (c) of Public Law 198, 76th Congress (act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress, and Public Law 357, 82d Congress.* * * *

(c) *Income included in computation.* * * *

(6) Civil Service retirement benefits, Federal Old Age and Survivors' Insurance, railroad retirement benefits, or retirement benefits paid under a State, municipal, or private business or industrial plan: *Provided,* That where the benefit is received by a former worker based on his own employment, no part of such payments will be considered "annual income" until the full amount of his personal contribution (as distinguished from amounts contributed by the employer and not by the worker) has been received by him: *And provided further,* That such benefits received by a widow on the basis of her husband's employment will be considered as annual income as received. This subparagraph contemplates that the entire amount of the worker's annuity following retirement will be applied each year to amortize the cost of such annuity, after which the entire annuity will be considered as income. However, any person entitled to annuity from the Civil Service Retirement and Disability Fund, annuity or pension from the Railroad Retirement Board or relief or retirement compensation from the District of Columbia under the act of September 1, 1916, as amended, may decline to accept all or any part of such annuity, pension, relief or retirement compensation by a waiver signed and filed with the commission, Railroad Retirement Board or the Commissioners of the District of Columbia. Such waiver may be revoked in writing at any time, but no payment of the annuity waived shall be made covering the period during which such waiver was in effect (sec. 3, Public Law 555, 82d Congress, sec. 15, Public Law 746, 83d Congress, and Public Law 749, 83d Congress, respectively).

* * * * *

4. In § 3.235, paragraph (b) is amended to read as follows:

§ 3.235 *Statutory awards, section 202, World War Veterans' Act, 1924, as amended, as reenacted by Public Law 141, 73d Congress.* * * *

(b) Under section 202 (5), an allowance not exceeding $70 per month for a nurse or attendant.

* * * * *

(Sec. 202, 43 Stat. 618, as amended, sec. 20, 48 Stat. 309, as amended, sec. 27, 48 Stat. 524, sec. 2, 60 Stat. 910, 66 Stat. 296, 68 Stat. 915; 38 U. S. C. 471a, 471a–3, 473, 478, 480, 722)

5. Sections 3.236 and 3.237 are revised to read as follows:

§ 3.236 *Special monthly compensation specified by or fixed pursuant to paragraph II, Parts I and II, Veterans Regulation 1 (a), (38 U. S. C. ch. 12A) as amended by Public Laws 182, 659, and 662, 79th Congress, Public Law 427, 82d Congress, and Public Law 695, 83d Congress—(a) Special monthly compensation provided by paragraph II (k), Part I, or the corresponding peacetime rate provided by paragraph II, Part II.* The special monthly compensation provided by paragraph II (k), Part I, or the corresponding peacetime rate is applicable but once in any one case, when payable in addition to the compensation provided in paragraph II (a) to (j), Part I, or the corresponding peacetime rate. In other words, if the veteran has suffered the anatomical loss of one eye and one hand, his monthly compensation under Public Law 2, 73d Congress, as amended, will be increased by $47 and not by $94 or by $37.60 and not by $75.20, if the disabilities were incurred in wartime service or peacetime service, respectively. The additional allowance may be based upon an anatomical loss or loss of use included in the requirements for the basic rate. The additional allowances under paragraph II (k), Part I, or the corresponding peacetime rate are now payable in addition to compensation payable under paragraph II (l) to (n), Part I, or the corresponding peacetime rate, and such additional allowance is payable for each anatomical loss, loss of use, or blindness of one eye having only light perception, when existing in addition to the requirements for these basic rates, provided the total does not exceed $420 in Part I cases, independent of additional compensation for dependents provided by section 1, Public Law 877, 80th Congress, as amended, or $336 in Part II cases, independent of additional compensation for dependents provided by section 2, Public Law 877, 80th Congress, as amended. For example, a war veteran who has suffered the loss of use of both hands, one foot, and one eye (light perception only) will be compensated at $279 plus two allowances of $47 each or $373 under the second part of paragraph II (k), Part I.

(b) *Helplessness.* (1) The maximum rate, as a result of including helplessness as one of the entitling multiple disabilities, is intended to cover, in addition to obvious losses and blindness, conditions such as transverse myelitis with loss of use of both legs and loss of anal and bladder sphincter control; also the loss of use of two extremities with absolute deafness and nearly total blindness or with severe multiple injuries producing total disability outside the useless extremities, these conditions being construed as loss of use of two extremities and helplessness.

(2) The rate of $329 provided under paragraph II (m), Part I, on account of helplessness requiring regular aid and attendance applies only in cases entitled on account of blindness of both eyes. A veteran having suffered the loss, or loss of use, of both hands, feet, or one hand and one foot, and having no other compensable disability will be rated according to the level of amputation or loss of use. Entitlement to a higher rate on account of helplessness requiring regular aid and attendance must be based on such need resulting from pathology other than the anatomical loss or loss of use of two extremities. When so based, i. e., upon pathology other than the anatomical loss or loss of use of two extremities, the rate will uniformly be $420 (or $336) monthly.

(c) *Intermediate rates fixed pursuant to law.* The authority contained in paragraph II (p), Part I, or the corresponding peacetime rate to allow the next higher rate or an intermediate rate will be administered as follows:

(1) With the anatomical loss, or loss of use, of one hand or one foot, and anatomical loss, or loss of use, of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, the rate will be $305 (or $244), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $322 (or $263), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $350 (or $280).

(2) With the anatomical loss, or loss of use, of one extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $350 (or $280), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $371 (or $297), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $396 (or $317).

(3) With the anatomical loss, or loss of use, of one hand or one foot, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $329 (or $263), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding independently ratable at 50 percent or more, the rate will be $350 (or $280), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $371 (or $297).

(4) With the requirements for any of the rates provided in paragraph II (l) to (n), inclusive, Part I, or the corresponding peacetime rate, and additional disability (single permanent disabilities or combinations of permanent disabilities with the unusual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be intermediate, i. e., $305 per month, if the basic rate is $279, $350 per month, if the basic rate is $329, or $396 per month, if the basic rate is $371, or the corresponding peacetime rate. Since this subparagraph contemplates that such additional disability be permanent in character, the graduated ratings for arrested tuberculosis as provided under extensions 6 and 6–A, 1945 Schedule for Rating Disabilities, will not be utilized in determining entitlement to such special monthly compensation.

(5) With the requirements for any of the rates provided in paragraph II (l) to (n), inclusive, Part I, or the corresponding peacetime rate, and additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be the next higher rate authorized in paragraph II (m) to (o), Part I, or the corresponding peacetime rate. Since this subparagraph contemplates that such additional disability be permanent in character, the graduated ratings for arrested tuberculosis as provided under extensions 6 and 6–A, 1945 Schedule for Rating Disabilities, will not be utilized in determining entitlement to such special monthly compensation.

(6) Other cases in which any of the rates are deemed inadequate will be handled in accordance with § 3.142.

(d) *Ratings for specific conditions—(1) Rating of binocular blindness of different degrees.* (i) With blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception, the rate will be $305 (or $244), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $329 (or $263), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $371 (or $297).

(ii) With blindness of one eye having only light perception and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $350 (or $280), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $371 (or $297), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $396 (or $317).

(iii) With blindness of one eye having 5/200 visual acuity or less and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $329 (or $263), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $350 (or $280), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $396 (or $317).

(2) *Rating of blindness of both eyes having no light perception.* The rate under paragraph II (n), Part I, or the corresponding peacetime rate, $371 (or $297) per month, will be assigned when there is a total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $396 (or $317), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $420 (or $336).

(3) *Entitlement under paragraph II (o), Part I, or the corresponding peacetime rate.* Entitlement to the maximum rate of $420 (or $336) per month on account of entitlement to two of the rates provided in one or more of subparagraphs (l) to (n), inclusive, paragraph II, Part I, or the corresponding peacetime rate, must be based upon separate and distinct disabilities so entitling.

If the loss, or loss of use, of two extremities or being permanently bedridden renders the person helpless, increase to $420 (or $336) per month is not in order on account of this helplessness. Under no circumstances will the combination of "being permanently bedridden" and "being so helpless as to require regular aid and attendance" without separate and distinct anatomical loss, or loss of use, of two extremities, or blindness, be taken as entitling to $420 (or $336) per month. The fact, however, that two separate and distinct entitling disabilities, such as anatomical loss, or loss of use, of both hands and of both feet, result from a common etiological

agent, for example, one injury or rheumatoid arthritis, will not preclude entitlement to the maximum rate.

(Par. II, Parts I and II, Vet. Reg. 1 (a), as amended, sec. 2, 60 Stat. 910, 66 Stat. 296, 68 Stat. 915; 38 U. S. C. 471a–3, ch. 12A)

§ 3.237 *Additional allowance or increased compensation or pension for nurse and attendant and adjustment of awards during institutionalization*—(a) *General.* If and while a veteran is so helpless on account of a service-connected compensable condition or non-service-connected condition as to be in need of a nurse or attendant or regular aid and attendance (see §§ 3.176, 3.177, and 3.178), there will be allowed in addition to the compensation payable under title III, Public Law 141, 73d Congress, as amended, the sum of $70 per month or an increased statutory rate under Public Law 2, 73d Congress, as amended, or under Public Law 149, 82d Congress, as amended.

(b) *Reductions during hospitalization.* Where a veteran in receipt of additional or increased compensation or pension based upon the need for a nurse or attendant, or regular aid and attendance, other than on account of transverse myelitis or paraplegia involving paralysis of both lower extremities together with loss of anal and bladder sphincter control, or on account of Hansen's disease, is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is being furnished with nursing or attendant's service, the award of compensation or pension will be the amount authorized by the rating decision exclusive of any additional or increased amount on account of the need for a nurse or attendant, or regular aid and attendance. In the expected cases a uniform rate of $420 ($336 or $135.45) per month will be maintained, without deduction on account of being furnished aid and attendance in kind. Due to the different additional amounts to which veterans may be entitled under Public Law 182, 79th Congress, as amended, on account of helplessness requiring regular aid and attendance, and consequent different amounts of reductions when being furnished regular aid and attendance in kind, when institutionalized by the Veterans' Administration, it is necessary to give careful attention to the exact basis of entitlement:

(1) The general rule as to reductions of special monthly compensation of $279 (or $223) per month or more or pension of $135.45 monthly based upon the need for regular aid and attendance when the veteran is being furnished nursing or attendant's service while receiving hospital treatment, institutional or domiciliary care by the Veterans' Administration is that reduction will be in the additional amount based upon the need for regular aid or attendance. When the pension is being paid under Public Law 149, 82d Congress, the award will be the basic $66.15 or $78.75 monthly rate authorized by the rating decision exclusive of the additional amount on account of the need of regular aid and attendance. Corrected visual acuity of 5/200 or less, both eyes, or concentric contraction of the visual field to 5 degrees or less, qualifies for the $135.45 rate without a showing of the need for aid and attendance. There will be no reduction thereof on account of institutionalization by the Veterans' Administration.

(2) In determining the rate of special monthly compensation, first consideration will be given to anatomical loss or losses of use of extremities, blindness, having 5/200 visual acuity or less, anatomical loss of both eyes, or being permanently bedridden, and if, based on these considerations, there is entitlement to one of the rates under paragraph II (l), (m), or (n), Part I, or the corresponding peacetime rate provided by paragraph II, Part II, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), or to two of these rates entitling under paragraph II (o), Part I, or the corresponding peacetime rate, no reduction is in order on account of being furnished nursing or attendant's service. If there is such entitlement based on these enumerated conditions, it is immaterial whether the veteran is also so helpless as to be in need of regular aid and attendance, and no reduction is in order on this account.

(3) It is only when entitlement to the rate under paragraph II (l), Part I, or the corresponding peacetime rate singly, or with another entitlement to the rate under paragraph II (l), (m), or (n), Part I, or the corresponding peacetime rate, so as to qualify under paragraph II (o), Part I, or the corresponding peacetime rate, is based solely upon being so helpless as to be in need of regular aid and attendance, i. e., in the absence of other entitling conditions, that reduction on this account is in order.

(4) The reduction in the case of a veteran entitled only under paragraph II (l), Part I, or the corresponding peacetime rate, on account of helplessness will be in the amount of $98 (or $78).

(5) When any veteran is entitled to one of the rates under paragraph II (l), (m), or (n), Part I, or the corresponding peacetime rate, by reason of anatomical losses or losses of use of extremities, blindness, having 5/200 visual acuity or less, or anatomical loss of both eyes, and is also entitled to another rate under paragraph II (l), Part I, or the corresponding peacetime rate, on account of being so helpless as to be in need of regular aid and attendance, no condition being considered twice in the determination, the rate of pension while not being maintained and furnished aid and attendance in kind will be $420 (or $336) per month. This amount is subject to reduction to $329 (or $263) or $371 (or $297) per month according to which the veteran is entitled apart from helplessness. No case will arise in which reduction from $420 to $279 will be in order, for the reason that the condition entitling to the second rate on account of rendering the person helpless will necessarily be totally disabling, thus entitling, if the basic entitlement is under paragraph II (l) or (m), Part I, or the corresponding peacetime rate, to one of the rates specified in the preceding sentence. Note that if the basic entitlement is under paragraph II (n), Part I, or the corresponding peacetime rate, the additional disability rendering the person helpless is necessarily ratable at 100 percent; consequently, the rate of pension will be $420 (or $336) per month whether or not being furnished aid and attendance in kind.

(6) In the special case of entitlement under paragraph II (m), Part I, or the correspondent peacetime rate, only on account of blindness of both eyes, rendering him so helpless as to be in need of regular aid and attendance, the reduction will be to the rate prescribed under subparagraph (l) with the same additional compensation on account of independently ratable disability or under subparagraph (k), if any.

(7) In cases other than blindness, rendering the person so helpless as to be in need of regular aid and attendance, entitling under subparagraph (m) additional compensation of $47 (or $37.60) per month under paragraph II (k), Part I, or the corresponding peacetime rate, or on account of 50 percent disability or 100 percent disability in excess of the conditions entitling under paragraph II (l), (m), or (n), Part I, or the corresponding peacetime rate, is not subject to reduction on account of being furnished nursing or attendant's service. The reduced rate of compensation or pension in such instances will be effective as of the beginning of the maintenance of the disabled veteran in an institution by the Veterans' Administration. The compensation or pension in all cases contemplated herein is subject to the limitations contained in § 3.255.

(Interpret or apply sec. 202, 43 Stat. 618, as amended, par. II, Part I, par. II, Part II, Vet. Reg. 1 (a), as amended, 68 Stat. 915; 38 U. S. C. 478, ch. 12A)

6. In § 3.270, paragraph (c) is amended to read as follows:

§ 3.270 *Readjustment of awards to incompetent veterans under section 1, Public Law 662, 79th Congress.* * * *

(c) If a special case arises which does not fall within the provision of this section, or where money is urgently needed for the veteran, the complete facts should be reported to the office of the Deputy Administrator for Veterans Benefits.

7. In § 3.310, paragraph (d) is amended to read as follows:

§ 3.310 *Apportionments authorized.* * * *

(d) In those cases where an incompetent veteran with a wife, child, or dependent parent, and for whom no guardian or other legal fiduciary has been appointed, is maintained in an institution by the United States or a political subdivision thereof, the disability pension payable under Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12A), unless paid in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents, will be apportioned, if otherwise in order, in accordance with the schedule set out in this paragraph. Prior to authorizing an apportionment of disability pension as provided in this section adequate development will be accomplished for the purpose of determining the need therefor, and the evidence to establish the marital status, relationship, and dependency in the case of a parent, will be secured.

Where there is (are):

	Monthly
A wife but no child or where all children are in her custody: Portion to wife	$56.55
A child but no wife: Portion for child	45.75
Two or more children but no wife: Portion for children (to be divided equally between them)	56.55
A dependent parent but no wife or child; Portion for parent	45.75
To dependent parents but no wife or child: Portion for parents (to be divided equally between them)	56.55

Any increase in pension by reason of the veteran having attained the age of 65, having been rated permanently and totally disabled and in receipt of pension for a continuous period of 10 years or more or having qualified for pension under Public Law 149, 82d Congress, as amended, will be added to the amount allowed the dependents as hereinabove described. There will be paid to the Manager, if a Veterans' Administration hospital or center, or such other proper official in charge of the institution any sum remaining unawarded. When the apportionments provided in this section are believed to work a hardship upon one or more parties in interest, recourse then may be had to the provisions of § 3.315 for a special apportionment under the approved procedure relating thereto. Running awards not consistent with the foregoing provisions will not be automatically reviewed for such purpose but will be adjusted when the particular case otherwise requires award action.

* * * * *

8. In § 3.312, paragraph (g) is amended to read as follows:

§ 3.312 *Apportionment not authorized.* * * *

(g) Of the additional amount authorized by the last paragraph of section 202 (3) or section 202 (5), World War Veterans' Act, 1924, as amended, or the additional amount payable under paragraph II (k), Part I, Veterans Regulation 1 (a), as amended, or the corresponding peacetime rate; or in those cases where an amount in excess of that provided for total disability is payable, of any amount in excess of the rate prescribed for total disability. Where pension is being paid under Public Law 299, 71st Congress (act of June 2, 1930), as amended, or under Public Law 541, 75th Congress, as amended, no amount in excess of $101.59 monthly will be subject to apportionment.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective April 27, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55–3441; Filed, Apr. 26, 1955; 8:54 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

OVERPAYMENTS OF SUBSISTENCE ALLOWANCE AND OTHER BENEFITS

In § 21.113, paragraph (g) is amended to read as follows:

§ 21.113 *Overpayments of subsistence allowance and other benefits.* * * *

(g) *Contracts between a State or political subdivision of a State and the Veterans' Administration.* Notwithstanding the criteria contained in paragraphs (a) through (f) of this section for determination of liability of an institution it is provided by Public Law 149, 83d Congress, that under any contract between a State, or any political subdivision of a State, and the Veterans' Administration providing for the furnishing of instruction in a course of institutional on-farm or other training under Part VIII of Veterans Regulation 1 (a), as amended (Public Law 346, 78th Congress, as amended, 38 U. S. C. ch. 12), liability by reason of payments of subsistence allowance which were illegal because of failure of the veteran or the course to comply with the applicable statutory, regulatory, or contractual requirements shall not be applied to the contracting State, or political subdivision, unless the Veterans' Administration, after investigation, finds that an employee or representative of such State, or political subdivision, conspired with the veteran by, or was guilty of fraud or gross negligence in, falsely reporting to the Veterans' Administration that the veteran was in a proper course of training, failing to report unauthorized or excessive absences from, or interruption or discontinuance of, his course of training, or not discovering the failure of the veteran to comply with the applicable statutory, regulatory, or contractual requirements and not promptly terminating the course of training of the veteran. The provisions of this paragraph shall be effective as to overpayments of subsistence allowance occurring for periods of training subsequent to July 12, 1950, and prior to July 1, 1954, but shall not require repayment of any funds heretofore properly recovered by agreement of the parties to any such contract, and shall not be applicable to any other liabilities or agreements pursuant to such contract.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697–697d, 697f, g, 971, ch. 12 note)

This regulation is effective April 27, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55–3440; Filed, Apr. 26, 1955; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11248; FCC 55–479]

[Rules Amdts. 1–73, 43–1]

PART 1—PRACTICE AND PROCEDURE

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

ANNUAL REPORTS

In the matter of amendment of Part 43, Reports of Communication Common Carriers and Certain Affiliates, exempting certain companies controlling communications common carriers from annual reporting requirements; rescission of Statistical Circular No. 1, Annual Report of Holding Companies having Nominal Interest in the Communications Industry; and related amendment of Part 1, rules relating to Practice and Procedure, of the Commission's rules and regulations.

On January 12, 1955, the Commission adopted a notice of proposed rule making proposing (1) to amend Parts 1 and 43 of the Commission's rules and regulations so as to exempt companies controlling communication carriers from filing annual reports with the Commission unless the annual operating revenues of any controlled carrier exceeds $2,500,000, and (2) to rescind Statistical Circular No. 1 Annual Report of Holding Companies having Nominal Interest in the Communications Industry. That notice was published on January 20, 1955, in the FEDERAL REGISTER (20 F. R. 462) in accordance with section 4 (a) of the Administrative Procedure Act. The time for filing comments with the Commission has expired.

This proceeding involves the question as to whether the Commission should continue to require companies that control relatively small communication carriers which represent generally a minor part of the total business interests of the controlling companies to file annual reports with the Commission. Such reports have been required since the Commission was established in 1934 pursuant to section 219 (a) of the Communications Act of 1934, as amended (see Commission Order No. 13, dated August 14, 1935, 2 FCC 6). Section 219 (a) authorizes the Commission to require annual reports but does not make it mandatory upon the Commission so to do. Nineteen companies that control subsidiary communication carriers filed annual reports with the Commission for the year 1953, and seventeen companies would file for the year 1954 if the present reporting requirements were continued in effect.[1]

[1] The decrease in number of companies by two is accounted for by a consolidation of two controlling companies and the sale by another of its interests in a communication carrier.

Under the proposed rule making the status of the reporting of these seventeen companies would be as follows:

(a) Six companies controlling seventeen communication carriers subject to all of the common carrier provisions of the Communications Act of 1934, as amended, and whose aggregate annual operating revenues approximate $113,000,000, would have their reporting requirements left unchanged and would continue to report to this Commission either on F. C. C. Form H or on S. E. C. Form 10–K. (S. E. C. Form 10–K is a comprehensive annual financial report prescribed by the Securities and Exchange Commission and is on public file in that Commission. This form is accepted by this Commission in lieu of F. C. C. report forms.)

(b) Seven companies controlling a like number of fully-subject communication carriers whose aggregate annual revenues approximate $4,000,000, would be relieved of filing annual reports with this Commission, but under the requirements of the Securities and Exchange Commission they would continue to file annual reports with that Commission on S. E. C. Form 10–K.

(c) Four companies controlling communication carriers whose aggregate annual revenues are less than $1,000,000, would be relieved of filing public annual reports, since they do not presently file with the Securities and Exchange Commission.

In response to the Proposed Rule Making, the Commission received formal comments from the Communications Workers of America, affiliated with the Congress of Industrial Organizations (hereinafter referred to as CWA–CIO), and from the United States Independent Telephone Association. The comments of the latter favor rescission of Statistical Circular No. 1 and adoption of the related amendments of Parts 1 and 43 of the Commission's rules and regulations on the grounds that "since the report now required serves no particular public interest * * * its elimination would result in certain economies in effort and money * * *." The comments of CWA–CIO oppose rescission of the aforementioned circular and adoption of the related amendments of the rules, contending that in many cases if the proposed rule making is adopted, (1) there will be no available detailed operating and financial statistics of a parent corporation in order to obtain a clear picture of the operations of its subsidiaries; (2) there will be no financial data available to the general public and to governmental regulatory agencies from which the relationship of these exempted controlling companies with their subsidiaries can be evaluated which, in turn, will handicap CWA–CIO in its labor-management relations and in collective bargaining; and (3) there will be exempted material which is essential to both the general public and to the Commission in carrying out its function of regulating interstate communications. No further comments were received by the Commission on or before February 7, 1955, the expiration date for the submission of comments by interested parties. No replies to the comments were received.

As noted above, by finalizing the subject Proposed Rule Making there will only be four companies whose annual reports will not be available in the public files of either the Federal Communications Commission or the Securities and Exchange Commission. Of these four companies, one company controls several railroad companies that engage in very minor telegraph operations and two companies each control a communication carrier with annual revenues of $12,000 and $75,000, respectively. The Commission is satisfied that its regulatory needs do not call for a continuance of annual reports from the controlling companies of such small communication carriers. The fourth company which would file no report is The Robert Dollar Company of San Francisco.[2] This company controls Globe Wireless, a trans-Pacific radiotelegraph communication carrier with $780,000 annual operating revenue. This Commission has had a number of rate and other formal proceedings involving Globe Wireless and from its experience in disposing of these matters has found that the annual reports of the parent company are of little, if any, use. Globe Wireless itself will still be required to file with this Commission comprehensive annual operating and financial reports as well as monthly reports and other information, including data regarding the relationship with its controlling company.

It is the opinion of the Commission that exempting, as ordered herein, those companies controlling the smaller communication common carriers from annual reporting requirements is in keeping with both the spirit and the letter of the Federal Reports Act. This act declares it "to be the policy of the Congress that information which may be needed by the various Federal Agencies should be obtained with a minimum burden upon business enterprises * * * and at a minimum cost to the Government, that all unnecessary duplication of efforts in obtaining such information * * * should be eliminated as rapidly as practicable." The relevance of this statement of policy is made more clear by the fact that it is followed by statements to the effect that collection of information by an agency may be considered unnecessary for the reason, among others, "because it can be obtained from another Federal agency" and that single central information collection agencies shall be utilized when practicable.

It appearing that the proposed rule making herein, eliminating certain reports of controlling companies, will not interfere with the regulatory functions of this Commission; and

It further appearing that the data heretofore available to the public through the reports proposed for elimination will, in the main, continue to be available from other sources; and

It further appearing that an additional non-substantive but clarifying change in the language of § 43.21 of the Commission's rules and regulations is desirable; and

It further appearing that the comments submitted herein do not warrant the holding of an oral argument or other form of hearing herein; and

It further appearing that these amendments relieve restrictions and therefore may be made effective on less than 30 days notice:

It is therefore ordered, That, pursuant to the authority of sections 4 (i) and 219 of the Communications Act of 1934, as amended, Parts 1 and 43 of the Commission's rules and regulations are hereby amended as set forth below, effective April 29, 1955.

It is further ordered, That Statistical Circular No. 1 is rescinded and that, effective with the calendar year 1954, annual reports shall be filed by controlling companies as required by §§ 1.544 and 43.21 as amended herein.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 219, 48 Stat. 1077; 47 U. S. C. 219)

Adopted: April 19, 1955.

Released: April 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Delete subparagraph (5) of § 1.544 (a) and insert the word "[Reserved]" in lieu thereof.

2. Delete the first sentence of paragraph (a) of § 43.21, and insert in lieu thereof the following: "Class A and Class B communication common carriers and certain companies (as indicated in paragraph (c) of this section) directly or indirectly controlling such carriers shall file with the Commission annual reports as provided hereinafter." Paragraph (a) as then revised will read as follows:

§ 43.21 *Annual reports of carriers and certain affiliates.* (a) Class A and Class B communication common carriers and certain companies (as indicated in paragraph (c) of this section) directly or indirectly controlling such carriers shall file with the Commission annual reports as provided hereinafter. Except as provided in paragraph (c) of this section, each annual report required by this section shall be filed not later than March 31 of each year, covering the preceding calendar year. It shall be filed on the appropriate report form prescribed by the Commission (see § 1.544 of this chapter) and shall contain full and specific answers to all questions propounded and information requested in the currently effective report forms. The number of copies to be filed shall be as specified in the applicable report form. At least one copy of the report shall be verified under oath (or affirmed according to law) by the responsible accounting officer before a person authorized to administer an oath. A copy of each annual report shall be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection.

3. No change is proposed in paragraph (b) of § 43.21.

4. In the first sentence of paragraph (c) of § 43.21 after the words "any communication common carrier" insert the words "having annual revenues in excess of $2,500,000." Paragraph (c) as then revised will read as follows:

(c) Each company, not of itself a communication common carrier, that directly or indirectly controls any communication common carirer having annual revenues in excess of $2,500,000 shall file annually with the Commission, not later than the date prescribed by the Securities and Exchange Commission for its purposes, two complete copies of the annual report Form 10–K (or any superseding form) filed with that Commission: *Provided, however*, That if no such report is filed with the Securities and Exchange Commission, such company shall file annual reports on the applicable report forms prescribed by this Commission.

[F. R. Doc. 55–3400; Filed, Apr. 26, 1955; 8:46 a. m.]

[2] The Robert Dollar Company is a common carrier by water engaged in foreign commerce and is subject to the regulatory jurisdiction of designated Federal agencies.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 8]

[129.15]

CERTIFIED INVOICES; FOREIGN SERVICE FORM 138

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that it is proposed, pursuant to the authority contained in sections 484 and 624, Tariff Act of 1930, as amended (19 U. S. C. 1484 and 1624), to amend § 8.15 of the Customs Regulations (19 CFR 8.15), and other related sections of the Customs Regulations, to completely eliminate the consular and other certification of all customs invoices and provide for the eventual substitution of a "Special Customs Invoice" form or forms for the present State Department invoice form, foreign service Form 138.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: April 21, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55–3477; Filed, Apr. 25, 1955; 2:54 p. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the U. S. Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70). This action is taken pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1090; 7 U. S. C. 1621 et seq.).

The proposed amendment would establish, as a prerequisite for using the inspection mark, a requirement that poultry pies or pot pies shall contain at least 14 percent cooked poultry meat. This requirement was requested by members of the industry as a means of maintaining consumer acceptability of the product and thereby retaining a good market for stewing chickens.

All persons who desire to submit written data, views, or arguments in connection with this proposed amendment should file the same in triplicate with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, U. S. Department of Agriculture, Room 2095 South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Change paragraph (b) (6) of § 70.93 *Marking inspected products*, to read as follows:

(6) A statement of ingredients, if the edible product is made up of two or more ingredients; such ingredients shall be listed by their common or usual names in the order of descending proportion. For the purpose of this paragraph, the term "chicken meat," is construed to mean deboned white and dark meat; whereas, the term "chicken" includes other edible parts such as skin and giblets not in excess of their natural proportions, in addition to the chicken meat. If the term "chicken meat" is listed and the product also contains skin, giblets, or fat, it is necessary to also list them in the ingredient statement. This terminology shall apply to edible products prepared from other kinds of poultry where applicable.

2. Redesignate paragraphs (d), (e), and (f) of § 70.93, as paragraphs (e), (f), and (g), respectively.

3. Add a new paragraph (d) in § 70.93, which reads as follows:

(d) *Meat content of poultry pies.* In order to bear the inspection mark, poultry pies or pot pies shall contain a minimum of 14 percent (1⅛ ounces per 8-ounce pie) of cooked deboned poultry meat, exclusive of any skin, giblets, or fat which may be included in the product.

(60 Stat. 1090; 7 U. S. C. 1621 et seq.)

Issued at Washington, D. C., this 21st day of April 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 55–3415; Filed, Apr. 26, 1955; 8:49 a. m.]

[7 CFR Part 913]

[Docket No. AO–23–A14]

MILK IN GREATER KANSAS CITY MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Kansas City, Missouri on February 15–16, 1955.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 28, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision with respect to issues of this hearing remaining undecided. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on March 31, 1955 (20 F. R. 2029).

The material issues, findings and conclusions, and general findings of the recommended decision (20 F. R. 2029; F. R. Doc. 55–2667) are hereby approved and adopted by this decision as if set forth in full herein.

Ruling on exceptions. Within the period reserved for exceptions, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining there-

to. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of February 1955, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Greater Kansas City Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Kansas City Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached Order which will be published with this decision.

This decision filed at Washington, D. C. this 21st day of April 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Kansas City Marketing Area

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to § 913.2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Add § 913.11 (b) to read as follows:

(b) Any cooperative association with respect to:

(1) The milk of any producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association;

(2) The milk of any producer delivered to the pool plant of another handler during the same delivery period in which such cooperative association is the handler pursuant to subparagraph (1) of this paragraph with respect to any milk of such producer.

2. Add the following as § 913.32 (c):

(c) Each handler who receives from producers, milk for which payment is to be made to a cooperative association pursuant to § 913.80 (c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 20th day of the delivery period, the total pounds of milk received during the first 15 days of the delivery period;

(2) On or before the 7th day after the end of the delivery period:

(i) The pounds per shipment, the total pounds of milk (quota milk and excess milk separately for February through July) and the average butterfat test of milk received from such producer during the delivery period;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 913.87.

3. Delete § 913.51 (a) and (b) and substitute therefor the following:

(a) *Class I milk.* The basic formula price for the preceding delivery period plus $1.15 during each of the delivery periods of April, May, June and July, and plus $1.45 during all other delivery periods plus or minus a supply demand adjustment of not more than 45 cents, computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer handlers) for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage";

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery periods used in computation	Percentages	
		Minimum	Maximum
January	November–December	122	128
February	December–January	124	130
March	January–February	125	131
April	February–March	127	134
May	March–April	130	137
June	April–May	144	153
July	May–June	150	160
August	June–July	146	154
September	July–August	138	146
October	August–September	127	133
November	September–October	117	123
December	October–November	120	126

(3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation; plus

(ii) One cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the delivery period immediately preceding; plus

(iii) One cent for each such percentage point of net deviation for which percentage points of net deviation in like direction were computed pursuant to subparagraph (2) of this paragraph in the computations of each of the Class I prices applicable for the first and second delivery periods immediately preceding.

(b) *Class II milk.* The basic formula price for the current delivery period during each of the delivery periods of September, October, November, December, January and February, and such basic formula price less 20 cents during all other delivery periods.

4. Delete § 913.80 (b), (c) and (d), redesignate § 913.80 (e) as § 913.80 (f) and substitute the following as § 913.80 (b), (c), (d) and (e):

(b) On or before the 25th day of each delivery period to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of the section and (2) who had not discontinued shipping milk to such handler before the 18th day of the delivery period, an advance payment with respect to milk received from such producer during the first 15 days of the delivery period at the approximate value of such milk, not to be less than the Class II price for 3.8 percent milk for the preceding delivery period, without deduction for hauling;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 20th day of the delivery period, an amount equal to not less than the Class II price for 3.8 percent milk for the preceding delivery period multiplied by the hundredweight of milk received during the first 15 days of the delivery period from such producers as did not discontinue delivering milk to such handlers before the 18th day of the delivery period, less any deductions authorized in writing by such cooperative association;

(2) On or before the 11th day after the end of each delivery period an amount equal to not less than the applicable uniform prices pursuant to § 913.71 or § 913.72, adjusted by the butterfat differential computed pursuant to § 913.82 for the weighted average butterfat content of the milk received from such producer, multiplied by the hundredweight of milk received from such producers during the delivery period, adjusted as applicable for location adjustment to producers pursuant to § 913.81 and less (i) payment made such cooperative association pursuant to subparagraph (1) of this paragraph, (ii) amounts owing such handler for supplies or merchandise purchased from him by such producers, (iii) deductions for which written authorization of a producer were on file as a means of liquidating a then existing obligation prior to receipt of the written request for payment to such cooperative association; and (iv) proper deductions authorized in writing by such cooperative association: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 913.85, he may reduce his payment to the cooperative association by not more than the pro rata share of such underpayment. Payments to the cooperative association shall be complete thereafter not later than the second day following receipt of the balance due from the market administrator.

(d) On or before the 11th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 913.11 (b) (2), not less than the value of such milk as classified pursuant to § 913.44 (a) at the applicable respective class price(s).

(e) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 913.80, 913.81 and 913.82;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 913.88 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

[F. R. Doc. 55–3392; Filed, Apr. 25, 1955; 8:57 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 975]

[Docket No. AO–179–A13]

MILK IN CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO THE ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cleveland, Ohio, on November 30–December 9, inclusive, 1954, pursuant to notice thereof which was issued on November 9, 1954 (19 F. R. 7352).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 31, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on April 5, 1955 (20 F. R. 2121).

The material issues of record were concerned with the following:

1. Extending the marketing area to include all of Lorain, Lake, Geauga, and Ashtabula Counties, in addition to Cuyahoga County, Willoughby township in Lake County, and those portions of Medina County which presently comprise the marketing area;

2. Modifying the producer definition so as not to include a new shipper whose milk is diverted to a nonpool plant during April, May, June or July;

3. Adopting a form of fall quota plan to encourage a more uniform seasonality of production;

4. Modifying the pool plant standards and the provisions relating to unpriced milk;

5. Reassigning the responsibility for making or receiving payments on reclassified milk to the handler who ultimately utilizes the milk, rather than leaving it chargeable to the handler who originally received the milk from producers;

6. Changing the conditions under which other source milk may be prorated with producer milk to the several classes of utilization;

7. Announcing class prices in terms of a hundredweight of milk containing 3.5 percent butterfat, with appropriate butterfat differentials, instead of per hundredweight of butterfat and per hundredweight of skim milk;

8. Changing the Class I price provisions;

9. Changing the classification and pricing of milk now in Class II and Class III;

10. Modifying the rates of location adjustments to handlers;

11. Modifying the rates of the location adjustments to producers and applying them only to eligible milk;

12. Reducing the producer butterfat differentials; and

13. Revising the application of the Cleveland order with respect to milk subject to other Federal orders.

1. *Marketing area.* The sales territory served by the handlers regulated under the Cleveland order has expanded considerably since the order first became effective in September 1946. One reason for this expansion has been the fact that the consumers themselves have moved to suburban communities and that the greatest increases in population have also occurred in the suburban areas. The expansion in sales territory has also been facilitated by changes in milk distribution which have occurred both in Cleveland and throughout most areas in the United States. The significant changes in distribution include the more wide-scale use of the paper bottle which can be transported more cheaply than glass and which eliminates bottle returns, the increasing proportion of milk sold through stores rather than delivered to homes; the longer distances which it is feasible to serve by wholesale routes as compared with retail routes; and other improvements in transportation and communications which have added

to the area over which milk can be economically distributed.

The increased sales by the regulated handlers have been made with milk paid for at the Class prices specified in the order. Apparently the efficiencies in bottling and distribution which the regulated handlers have been able to achieve have largely offset any advantages which the unregulated handlers may have had in the procurement of milk. In recent years, however, the volumes of milk sold by regulated handlers outside of the defined marketing area have become sufficiently large to make it feasible for them to establish separate plants to serve the unregulated sales territories. The principal advantage gained at an unregulated plant is the ability to buy milk from farmers at a blend price, and to sell virtually all of the milk so purchased for Class I purposes by obtaining supplemental milk when needed from the Cleveland pool. In fact, a handler operating both regulated and unregulated plants can probably exploit those advantages more completely at his unregulated plant than an independent unregulated handler, since the independent does not own a source of supplemental milk. The largest handler in the Cleveland market has established two unregulated bottling plants; one located east of Cleveland and one to the southwest. Other handlers are in a position to take similar action, and testified that they were giving it serious consideration.

Such action critically impairs the effectiveness of regulation. The multiple-plant operators are encouraged to develop and maintain a sufficient supply of producer milk at their regulated plant to supply not only their Class I sales from the regulated plant, but also to supply supplemental milk for the unregulated plants. The result is that the blend price to producers under the order is lowered by the extra quantity of surplus milk which must be carried for the unregulated plants, the Class I price must be maintained at a correspondingly higher level in order to keep the blend up to the point where it will attract a full supply of milk, and consumers in the marketing area must absorb the higher Class I price.

An alternative means of meeting the competitive problem would be to establish a somewhat lower Class I price on milk sold outside of the defined marketing area. This would allow the regulated handlers to be competitive with unregulated handlers in the cost of milk sold outside the area. However, consumers in the marketing area would again be bearing an additional cost in the form of a higher Class I price. In the circumstances, it is clearly more equitable to expand the marketing area than to adopt a price differential on the out-of-area sales.

The dairy farmers supplying milk to unregulated plants gain substantial indirect benefits from the Cleveland order. They are usually able to obtain the same blend price as is paid by the regulated handlers. In fact, at the time of the hearing most of the farmers shipping to plants located in one of the counties proposed to be incorporated in the Cleveland marketing area were receiving a temporary premium over the blend prices announced under the order. However, it must be recognized that the Cleveland blend price has already been reduced by the withdrawal of plants with high Class I utilization from the market and would be further reduced if other handlers also established unregulated plants.

The territory to be included in the expanded marketing area should be determined primarily by conditions of competition in the distribution of milk. The expansion should be limited to those localities which can be shown to constitute a part of the Cleveland marketing area through population movements and characteristics, the distribution of milk by regulated handlers, and a reasonable similarity in quality and sanitation requirements.

In Lorain County the added territory should include the townships of Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Carlisle, Eaton, Columbia, and Grafton. These townships comprise the northeastern portion of Lorain County, but exclude the western tier of townships and the southern portion of the county.

The portion of Lorain County to be added to the marketing area will include the sizeable cities of Lorain and Elyria, and an essentially suburban area adjacent to them. The area is served by three handlers from regulated plants in Cleveland, from an unregulated plant operated by a Cleveland handler (as previously mentioned), from a plant at Mansfield which is regulated under the Lima order, and from a number of local dairies, most of which are located in Elyria or Lorain.

In southwestern Lorain County the 10 townships of Henrietta, Russia, Camden, Pittsfield, La Grange, Brighton, Wellington, Penfield, Rochester, and Huntington should not be included. These townships are served almost exclusively by local dealers whose distribution, in turn, does not extend into the northeastern half of the county. Brownhelm township, at the northwest corner of the county, should also be excluded. The major portion of the milk distributed in the township is from dairies located at Sandusky and Vermilion. These dairies do not distribute milk east of Brownhelm, so the eastern boundary of the township appears to constitute a practical boundary between the Cleveland market and marketing areas to the west.

To the east of Cleveland the expansion of the marketing area should be limited to Mentor and Kirtland Townships and the City of Painesville in Lake County and the city of Ashtabula in Ashtabula County.

The total population of Lake County increased by 25,959 between 1940 and 1950. In Willoughby Township, already part of the marketing area, and in the other localities to be included the increase was 20,397 or 78 percent of the total increase. To some extent the Cleveland handlers have followed established clientele out into these rapidly growing places, and have solicited new business in the process. Three regulated handlers have substantial business in Kirtland and Mentor Townships and in Painesville. These localities are also served by the handler who operates a comparatively large unregulated plant in Ashtabula.

The City of Ashtabula, with a 1950 population of 23,696, is the largest center in Ashtabula County, and accounts for nearly one-third of the total population of the county. One of the presently regulated Cleveland handlers has a large wholesale distribution in the city. Also, the handler whose presently unregulated plant is located there has wholesale and retail business, and does the largest volume of any dealer serving the city. On the basis of the present and historical extent of distribution by Cleveland regulated handlers the city is clearly a part of the marketing area.

Geauga County should not be included in the marketing area. It is essentially a rural county, with a total 1950 population of 26,646. Although handlers presently regulated under the Cleveland order serve a major portion of the consumers in the county, it appears that their competitors would also be regulated by reason of distribution in those portions of Lake and Ashtabula Counties which are to be included in the marketing area. Moreover, the absence of a grade A ordinance in Geauga County raises the possibility that milk of lower sanitation requirements than those required elsewhere in the marketing area could be sold. The minimum prices specified in the order would not be applicable to the production of such milk.

In summary: To the present Cleveland marketing area of Cuyahoga County; Willoughby Township, Lake County; and Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette, and Montville in Medina County; there will be added Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Carlisle, Eaton, Columbia and Grafton Townships in Lorain County; Mentor and Kirtland Townships, and Painesville City in Lake County; and the City of Ashtabula in Ashtabula County.

2. *Definition of producer.* Only one substantive change was proposed in the definition of a producer. This proposal would modify the provision for a handler to divert milk to a nonpool plant during the months of April, May, and June of each year. At present, such diversion is allowed and the shippers maintain their status as producers, payable under the order by the operator of the pool plant for whose account the milk was diverted.

The diversion privilege is designed to reduce the expense of transporting seasonally excess milk to manufacturing plants. Instead of hauling the milk from the farms to the pool plant and re-transporting it to a manufacturing plant, it can be hauled directly to the manufacturing plant by the farm pick-up haulers.

The proposal would interfere with this process to the extent that one new shipper in a hauler's load would prevent the entire load from being diverted as producer milk. Moreover, the proposal is not sufficiently broad to achieve its announced objective of preventing handlers from bringing into the Cleveland pool shippers whose milk was temporarily surplus in some other market. If such practices should constitute a serious problem in the Cleveland market, a proposal should be considered which would completely disqualify shippers primarily associated with other markets, rather than one imposing a restriction on the diversion privilege.

It is concluded that the proposed limitation on the diversion to nonpool plants should not be adopted.

3. *Seasonality of production.* A quota plan should be adopted as the principal means of encouraging a more uniform production of milk during the year. The essence of the plan is that each producer establishes his eligible milk quota during the low production months. Then, in the following flush season he is paid a blend consisting mainly of the Class I price for his eligible milk and approximately the Class II price for any milk which is in excess of his eligible quota.

The seasonality problem arises from the fact that the consumption of Class I milk is comparatively constant while production is commonly greatest in the spring months when pastures become available and other natural factors are favorable. Fluid milk markets must develop a large enough supply of milk to meet Class I sales in the months of lowest output and then must dispose of the excess supply in the spring. Minimizing the excess production will reduce the amount of plant facilities, needed on a short-time basis, the extra transportation costs, the overtime payments to workers and similar inefficient practices necessary to cope with seasonal surpluses.

Under the present order the primary incentive to level production is a wide seasonal variation in the Class I price differential. This is at a minimum of $1.00 per hundredweight in the three flush months, $1.45 in three intermediate months and $1.90 in the six months when production should be encouraged. There has been some improvement in the seasonality of production since the present schedule of differentials became effective in November 1952. Average production per producer per day in May 1952 was 55.0 percent over the average in November 1951; in May 1953 it was 50.2 percent over November 1952; and in May 1954 it was further reduced to 44.4 percent over November 1953. However, fall production in the United States as a whole has been higher in the last three years than formerly, and it is not possible to determine the extent to which the Cleveland improvement is just part of the general pattern. In any event the flush season supply in Cleveland continues to be excessive.

The producer proponents of the eligible milk quota plan maintained that it will be a more effective means of levelling production. The chief advantage was held to be the fact that each producer sets his own fall quota. In the following flush period he recieves an eligible milk price which is determined solely by the quota milk, without being reduced by excess milk. Any excess milk he produces will be paid for at a manufacturing price and the quantity of his excess is subject, within the limits of natural causes, to his own efforts.

Data prepared by the market administrator at the request of producers disclose a wide range in the seasonality of production of individual producers. These data compared average deliveries per day in May 1954 with deliveries in the previous November. Approximately 24 percent made May deliveries 50 percent or more in excess of November; another 23 percent were between 35 and 50 percent over; 40 percent were between level production and a 35 percent excess; and 13 percent actually delivered more milk in November than in May. The first group contribute far too much spring milk in proportion to their fall season production, while the latter group specializes in producing at the season when milk is most needed and should be rewarded accordingly.

Terminology to be adopted in the quota plan includes definitions of "eligible milk" and "ineligible milk", and involves the assignment of producer milk receipts as either "eligible milk" or "ineligible milk". The three fall months, October through December, would make up a quota-forming period. These three low-production months of the year, are the period during which production drops closest to minimum market requirements for fluid milk. The quantity of milk which a producer furnished to a pool plant during the months of October through December would determine the quota which such producer would be allowed as "eligible milk" during the following April through June, the high production months.

A producer's daily quota would be calculated on the basis of his total milk deliveries made regularly to pool plants during the low production period divided by the number of days on which deliveries were made, but in no event less than 30. Also a producer must have made regular shipments from the date of his first shipment inthe October–December period. This is accomplished by dividing the total pounds of milk delivered during the 3-month quota-forming period by the number of days from the date of first delivery to the end of the 3-month period. These provisions are designed to permit only regular producers to earn eligible quotas and to prevent any evasions based on short-time deliveries.

Producers proposed that the period of payment on eligible and ineligible milk be the eight-month period of February through September. However, a review of the month-to-month variation in producer receipts indicates that the months of April through June are the months of greatest excess. In a market where a quota plan is being introduced for the first time it is highly desirable that its period of application be as limited as possible without destroying the desired effectiveness of the plan. Applying the quota-operating period to the three months when production in relation to fluid sales is most excessive, will offer substantial monetary reward to those producers who level their annual production to meet more nearly the needs of the market. During the remaining months of July through March all producers on the market would receive the market "blend" or uniform price.

No means of earning an eligible milk quota is allowed for a shipper who either fails to ship for the 30-day minimum period during October–December or for producers who join the market subsequent to December. They will receive the ineligible milk price for their deliveries during April, May and June, and the uniform price in all other months. The original proposal for an 8-month plan would have provided an opportunity for a new shipper to earn an eligible quota but an established shipper who either failed to make any quota or made a poor one through circumstances beyond his own control would not have such opportunity. In view of the short operating period adopted herein and the fact that new producers are not commonly signed on until after June, it appears preferable to allow quotas to be formed only in the three fall months.

Under the circumstances which have prevailed in recent years, the ineligible, or over-quota, milk would be paid for at the Class III price. However, it is provided that if the ineligible milk exceeds the Class II and Class III sales, the excess would be valued at Class I and raise the ineligible price to that extent. The Class III price is used because it is more generally representative of manufacturing milk values than the Class II price which is confined to the cottage cheese. The eligible milk price would be computed by dividing the remaining pool funds by the volume of eligible milk. In recent years it would be somewhat less than the Class I price because the fall deliveries of producer milk have been in excess of the Class I sales.

Operation of the eligible-ineligible plan for paying producers requires certain rules in connection with the establishment and transfer of quotas to provide reasonable administrative workability of the plan. Producers should be allowed to transfer their quotas freely to other producers. Also, of course, if any producer changes handlers, that fact should not affect either the earning or use of his quota. Since the quota plan herein proposed is to be effective in determining producer payments in only three months of the year, and all producers must establish a new base each year, provisions in addition to those contained herein for the establishment and transfer of quotas to meet unusual situations do not appear necessary. To provide for the possible delivery of producer milk on an every-other-day schedule, both the quota-forming and quota-operating provisions convert such deliveries to a daily average basis.

4. *Pool plants.* There are two major categories of plants handling milk for fluid use in the marketing area. One is the "distributing" or "city" plant, at which milk is bottled and from which milk is distributed on routes in the area. The second category is composed of "supply" or "country" plants to which milk is delivered from the farms, cooled, and shipped to distributing plants for bottling.

(a) *Distributing plants.* A distributing plant should be designated as a pool

plant if any fluid milk, skim milk, buttermilk, flavored milk, or flavored milk drinks, is sold from such plant on routes which extend into the marketing area, provided that 50 percent or more of the total receipts at such plant from producers and from supply plants of milk approved for fluid use is distributed on routes either inside or outside the marketing area. An exemption should be provided for plants located outside the marketing area and distributing less than 300 points per day of the specified milk items on routes wholly or partially within the marketing area.

The present definition of distributing plants designates as pool plants all those physically located within the marketing area. Distributing plants located outside the area are not pool plants unless 10 percent or more of the total route sales are on routes operated wholly or partially within the marketing area. A major objective of the 10 percent feature is to measure whether or not a plant is sufficiently associated with the Cleveland market to participate in the equalization pool.

Producers called attention to one potentially serious defect of the provision in this regard. They pointed out that a country supply plant, or an unregulated plant primarily engaged in milk manufacturing, could become a pool plant by bottling only token quantities of milk in such plant, and distributing 10 percent or more of such token quantity to an outlet in a marketing area. To meet this situation, they proposed that the 10 percent of in-area sales be computed against total receipts of milk at a plant instead of on total route sales from such a plant.

Moreover, from evidence presented at the hearing it is apparent that there are several handlers distributing milk in portions of the enlarged marketing area whose route sales in such area are less than 10 percent of their total route sales. These are regular, year-'round sales on established routes and the plants are primarily engaged in milk distribution.

The definition of a distributing pool plant should continue to limit the designation to plants primarily engaged in the distribution of fluid milk. However, it appears that in lieu of the 10 percent of in-area sales provision this purpose can be better accomplished by requiring that the total distribution of milk from the plant on routes operated either inside or outside the marketing area must amount to at least 50 percent of the receipt of milk from producers and from country plants. Any plant which does not qualify on this basis should be deemed primarily a country supply plant and its status in the pool should be judged by the standards applied to such plants. No distinction need be made in this definition as to whether the distributing plant is physically located inside or outside the marketing area. The territory where the milk is distributed should be the controlling factor.

Some bottling plant operators may not operate distribution routes directly from their plants, but instead may service routes through distributing substations or may sell to vendors who serve the routes. In either case it is the bottling plant at which raw milk is purshased from producers or in bulk which should be considered as the pool plant.

The land boundary of the revised marketing area extends over a large territory and some milk plants (probably involving only those located outside the marketing area) may dispose of relatively small quantities of milk on routes extending into the area. If the amount of such milk is not large, its sale has little or no effect on the marketing of milk in the area. Application of order pricing and payment provisions of these distributors would entail considerable effort and expense and would not contribute to orderly marketing in the area. Handlers operating bottling plants disposing of not more than an average of 300 points of milk per day in the area in any month should be exempt for that month from all except the reporting and auditing provisions of the order. Limitation of the exemption to a plant from which is disposed such a small quantity (less than one economical route), and which transfers no milk to other handlers, would furnish adequate protection from unfair competition to fully regulated handlers, and guard against any threat to orderly milk marketing in the area.

(b) *Supply plants.* Under the terms of the present order there are two sets of standards relating to the pool status of country supply plants. One set described the conditions under which a country plant which had not previously been associated with the market may obtain pool plant status. The second set describes conditions which must be met for maintaining pool plant status. A new country plant may qualify as a pool plant only if it has delivered to city distributing plants 50 percent or more of its total dairy farm supply of milk during six consecutive fall months. Once it has become qualified it remains a pool plant until the operator specifically requests disqualification under specified conditions, or until the plant fails to meet the performance standards necessary for qualification. These require that at least 50 percent of the dairy farm supply be delivered to city distributing plants in any three of the four months of October through January, and 10 percent of the supply during each of the other months except April, May, June, and July.

Handlers proposed that a pool plant not be disqualified so long as the average quantity of milk delivered to city distributing pool plants during the six-month period, July through December, was equal to 25 percent or more of the dairy farm receipts of eligible quota milk at the country plant during the same months. They contended that it is impossible to specify in advance the months during which maximum shipments must be made to city plants. It had been their experience that city plants might call on virtually all of the country plants' supply during a given month and have relatively little need for milk a month or two later.

The data contained in Table 15 of Exhibit 5, introduced at the hearing by the market administrator, corroborate the handlers' contention. These data show the quantities of milk transferred to city plants and the percentage which the transfers were of total receipts from country plants from January 1949 through October 1954. In the fall and winter of 1949–50, October through January were the four months of greatest shipment. In 1950–51 most shipments were made in November through February. In each of the succeeding years, 1951 through 1953, the four fall months of September through December were the months of largest shipment, also the percentages of transfers varied considerably from month to month but were substantially smaller in 1952 and 1953 than in 1951 or previous years. The shipping experience of individual country plants would, of course, be substantially more variable than the marketwide averages.

It is difficult to establish an objective measure of a country supply plant's contribution to the market which will be valid under all possible conditions. However, it does appear that an average percentage of shipments over a period of months will more realistically measure such contribution than the present requirement that specific quantities be shipped in each of the specified months. It is concluded that in order to maintain year-'round status as a pool plant, a country supply plant should ship to city pool plants 30 percent or more of its dairy farm supply during the six-month period, August through January. These are the six months when historical data indicate that maximum shipments have been made to city plants. In three of the five short seasons for which the data are available, 1949–50 through 1953–54 these were the months of maximum shipments. They are also the months when the maximum Class I price differential applies. There appears to be no present reason to expect that months of maximum shipment will be materially changed by the eligible allotment program. If the program should make a substantial change in the city plant requirements for country station milk, the period can be reconsidered.

In exceptions to the recommended decision it was pointed out that a country supply plant which meets the requirements during one fall and winter can maintain its status as a pool plant not only through the next following spring and summer seasons, but also through the succeeding fall and winter, without showing any further connection with the Cleveland market as a supplier of milk. This deficiency should be rectified by providing a minimum shipping requirement of 10 percent during each of the months of August through January, in addition to the requirement that supply plants ship an average of 30 percent during the 6-month period as a whole.

It is difficult to determine from the data of record how nearly comparable a 30 percent average for a six-month period is to present provisions of 50 percent in three of the four specified months, and 10 percent in the five other months, because the new system gives the plant credit for any shipments which may be in excess of the minimum during any particular month. It is intended that the requirements should be somewhat easier to meet than those in the present order because of the discontinuance of Sunday retail distribution. City plants require large quantities of milk on Thursday and Friday, and much smaller quantities than formerly on Saturday and Sunday. Thus, even in a month of active demand a country plant will be unable to ship its full supply of milk and will probably have to manufacture substantial quantities of weekend receipts.

Corresponding changes should be made in the provisions under which a new country plant may originally attain pool status. Under the present provisions a new plant does not acquire status until it has delivered milk for a six-month period. During these months the dairy farmers who supply the milk are not considered "producers" under the terms of the order, the plants are not included in the equalization pool, the milk is not classified or priced under the order, and the milk is "other source" to the city plant handler and is so allocated. The lack of producer status would also prevent the dairy farmers from earning an eligible allotment. These deficiencies can be remedied without any substantial change in the measure of a supply plant's contribution to and identification with the market by having such a plant qualify as a pool plant in the first month that its shipments to city plants were 30 percent or more of its dairy farm supply. This could occur in any month of the year, but a new country plant would, of course, be most likely to start shipments during the normally short period. It would maintain its status in each succeeding month that the 30 percent average was maintained, and would become a pool plant for the entire following year if its total shipments during the August through January period were equal to 30 percent of its dairy farm receipts for the six-month period.

(c) *Provisions relating to "other source" milk.* Under the terms of the attached amendments to the Cleveland order, the scope of regulation has been increased and the categories of "other source" milk have been correspondingly reduced. The amendments provide that any plant primarily engaged in fluid milk distribution and having a significant volume of sales in the area will be fully subject to the order. The present order, on the other hand, provides that distributing plants physically located outside the defined marketing area not be fully regulated unless 10 percent of their total sales are in the marketing area and that the in-area sales be considered as "other source" milk until they constitute the minimum percentage.

With respect to milk from supply plants, the major change accomplished by the amendments is that new plants which ship the requisite percentage of milk to city distributing plants will be fully regulated and pooled on a month-to-month basis. Under present provisions their milk is "other source" until they have completed six months of shipments.

The provisions for determining the classification of producer milk at plants receiving milk both from producers and from other sources were not reviewed at the hearing. The order provides that other source milk be allocated to the lowest classes of use in such plants. This gives producer milk a priority on the highest available utilization. Any supplemental milk which a Cleveland regulated handler may purchase in bulk or bottled form from any other Federally regulated market is also considered as other source milk under the Cleveland order and is allocated to the lowest available utilization to determine the classification of any producer milk in the handler's plant. This point is covered in more detail in topic 13 hereof.

The Cleveland order provides for a marketwide pool. Under this pooling plan, handlers whose proportion of utilization in Class I is greater than the market as a whole make payments into an equalization fund and those handlers whose proportion of utilization in Class I is less than the average for the market receive payments out of the equalization fund. This method of payments into and out of the equalization fund is the essential mechanism for providing uniformity of payments to farmers irrespective of the handler to whom they deliver their milk and provision for equalized payments to farmers is necessary to the maintenance of stable and orderly marketing conditions in the Cleveland area.

Because handlers with less than the market average proportion of milk in Class I may draw payments out of the producer-settlement, or equalization fund, there is an advantage to any plant operator who has less than the marketwide average proportion of milk in Class I to place himself under regulation in order to obtain these payments and, thereby, make it possible for him to pay the uniform price established under the order to his producers. The smaller the plant operator's proportion in Class I, the greater is the advantage of regulation to him. Under these circumstances, plants which are engaged primarily in the manufacture of milk into dairy products rather than as suppliers of Class I milk to the marketing area, will attempt to place their plants under regulation for the sole purpose of obtaining payments out of the equalization fund. The result of this, however, will be to reduce the returns to those farmers whose milk actually constitutes the regular source of supply of Class I milk for the marketing area.

It is necessary for the reasons stated, therefore, that that milk which in fact constitutes the regular and normal sources of supply for the marketing area be distinguished from other milk which might enter the marketing area. The pool plant definitions of the order, described under (a) and (b) above, are designed to identify the regular and normal sources of supply for the Cleveland marketing area. Any plant, no matter where located, may bring itself under regulation by performing in the manner required, and any plant may relieve itself of regulation when it no longer operates in a way that brings it within the scope of the order. Under the circumstances, the decision as to whether a plant will be fully regulated under the order or will not be subject to regulation is determined by the decision of the plant operator himself.

Any milk sold in the marketing area must, of course, conform to the sanitary requirements imposed by the local health authorities. However, handlers may meet these requirements without becoming regular and dependable sources of supply for the market since their milk may have been obtained as a supplemental supply during temporary periods of emergency or their sales may be an extremely small portion of a primary distribution in some other area. Clearly, it is not possible to identify the regular and normal supply for the Cleveland area solely on the basis of sanitation requirements.

Neither is the shipment of milk to the marketing area for Class I utilization a practical basis for identifying the milk which should be fully regulated under the order. If any small, incidental, or accidental shipment of milk into the marketing area were to bring all of the milk at the plant from whence such shipment was made under total regulation, great hardship could be caused to the operator of such plant and to the farmers delivering milk to such an operator. Small quantities of milk are, in fact, disposed of in the regulated marketing area as Class I from plants which are not normal or regular sources of supply for the marketing area, particularly in the Fall season, when supplies are seasonally lowest. Moreover, the operators of the plants from which such shipments arise may not wish to bring their plants under total regulation. There are many situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk to the marketing area and with respect to which it is neither necessary nor desirable in terms of effective regulation to bring the operators of such plants fully under the regulation. For instance, a plant which is associated with a market outside of the Cleveland area may find it advantageous to ship milk to a plant regulated by the order in order to have such milk converted into manufactured dairy products. It is quite possible, however, through misunderstanding, or from errors of estimating the utilization of milk, for milk which was intended for utilization in Class II or Class III products to be assigned a Class I classification. If through such accident or misunderstanding a plant were placed completely under regulation, considerable hardship, unnecessary to effective regulation, might result. For this reason, it is not practical nor desirable to place a plant totally under regulation merely because a small quantity of milk shipped by it to the market finds its way into a Class I utilization.

Since neither the health regulations nor the possibility that some milk from a plant may be used for Class I purposes in the marketing area provides an adequate measure of a plant's regular status in the market, the pool plant provisions are based on regular performance as previously described. The regular supplies are fully priced under the order and participate in the equalization pool.

The irregular supplies of "other source" milk which may be sold in the market are not priced under the order. The conditions under which unpriced milk has been or would be drawn upon to supply Class I sales in the area have been reviewed. If any handler were able to obtain a price advantage on such milk, he would be in a favorable competitive position relative to the handler's buying producer milk at Class I prices. To prevent such an advantage the attached amendment provides that a payment shall be made into the producer-settlement fund on all other source milk classified as Class I at a rate equal to the difference between the Class I and the Class II price. Payments at this rate are necessary to maintain the integrity of the pricing and pooling provisions of the order. The only exception to these payments is that they are not assessed at times when total supplies of producer milk in the market are not adequate to cover Class I needs and a reasonable reserve. This exception is described in detail in a subsequent paragraph.

It appears from the record that essentially all of the other source milk utilized for Class I purposes in the marketing area has been of Grade A quality and, therefore, similar in quality to that regularly disposed of in the marketing area for Class I. It was produced as part of a supply intended primarily to meet the demand for milk for fluid consumption (or the equivalent of Class I milk uses under the order) in some area other than the area specified to be regulated by this order but it was not used for such purposes in the area for which it was produced. It was, instead, milk which became surplus to the needs for milk for fluid disposition in the area for which it was produced. If the plant operator had not found a sale for such milk within the Cleveland marketing area, it would have been necessary for him to convert the milk into a manufactured product. The most likely surplus disposition of this other source milk would have been to plants engaged in processing milk into such manufactured dairy products as butter, cheese, ice cream, or nonfat dry milk solids.

Its value, therefore, to the plant operator was a surplus milk value. The Class III price for milk under the attached amendments is based on the value of milk when it is converted into butter and nonfat dry milk solids or the prices paid for milk at a group of condenseries, and this is the price which regulated handlers are required to pay for milk when they convert it into manufactured products. The Class III price, therefore, represents an accurate and fair representation of the value to the receiving plant operator of surplus milk which is disposed of as other source milk for Class I purposes in the marketing area.

If unregulated plant operators were allowed to dispose of surplus milk for Class I purposes in the regulated marketing area without some compensating, or neutralizing provision in the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area at whatever time such milk might be available. The plan of Congress, as contemplated under the Agricultural Marketing Agreement Act of 1937, of returning minimum uniform prices to the producers for the regulated marketing area, would be defeated. Moreover, inefficiencies in the marketing of milk would be encouraged, for the regulated market would obtain its Class I milk not from the regular and normal sources of supply for the market but from other sources of supply generated solely as a result of the occasional price advantage created for unregulated milk by the regulation itself. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk therefore is an essential and necessary provision of this order. Since the value for Class I milk in a regulated market is established at the level of the Class I price provided for in the order and since the true value of other source milk when disposed of in the marketing area is the Class II value, a payment computed as the difference between the Class I price and the Class III price will remove the advantage which other source milk would have when disposed of for Class I purposes in the marketing area.

A possible alternative method of determining the rate of the compensatory payments was explored at the hearing. Such rate would be equal to the difference between the Class I price and the price actually paid by a handler for other source milk of Grade A quality. Under the circumstances which prevail in the Cleveland marketing area, a handler normally would come into possession of this type of other source milk by purchasing it from an unregulated milk plant. The milk which such a handler receives under these circumstances is at a different stage in the marketing process than is the milk which would be priced under an order. Order prices apply to milk as received at the first plant from individual farmers. The price paid by a handler for other source milk applies to milk which has already been received at the first plant, weighed, tested, cooled and placed in a transportation conveyance. Obviously, the handler generally will pay more for other source milk under this condition than he would for milk received directly from farmers, for the plant operator who first receives the milk from farmers must necessarily obtain a markup if he is to be recompensed for the services which he has performed on the milk. In some situations, the purchase of other source milk might be made from a plant operated by the same company as the regulated plant. Thus, the transaction would be primarily a matter of bookkeeping within the same company and it would be advantageous to the company if the price for the milk were to be stated as the Class I price. For by this means, all compensatory payments into the equalization fund would be avoided. Even between plants controlled by different companies, the advantage of showing that the price at which the milk was exchanged was at least as high as the Class I prices would give great impetus to the effectuation of paper transactions showing a price at least equal to the Class I price while undisclosed payments were made in order to avoid the imposition of the compensatory payments into the equalization fund. Under these circumstances, it is impractical from an administrative standpoint to provide for a payment the actual amount of which is within the control of parties to the transaction. It is essential instead that the payment be computed on an objective basis and that it be equal for all handlers for similar transactions. The proposed method of computing the payments conforms with these requirements but this alternative method fails to do so.

Another possible rate of payment would be based on the difference between the price paid by the first receiver to farmers and the Class I price. However, from evidence presented at the hearing it is clear that this method would also be impractical under the circumstances prevailing in the Cleveland market. The primary reason is that some handlers purchase some or all of their milk from other plants rather than directly from dairy farmers. Also the payment plans which are used by unregulated operators include such varying practices as paying uniform prices on a straight utilization basis, paying on a base and excess plan, paying irregular and non-uniform premiums, absorbing transportation charges, and paying on a variety of butterfat and location differentials. This wide variety of payment plans would render impossible an accurate ascertainment of the actual prices paid to farmers by the first receiver. But what is equally as important, as shown above, is that the price actually paid to farmers does not determine the true value of other source milk disposed of in the marketing area. The true value for such milk, irrespective of the price paid for it to farmers, is the manufacturing value because other source milk disposed of in a marketing area is in fact the surplus of milk produced primarily for sale in an area outside of the regulated marketing area. Hence, although other suggestions for computing the rate of the compensatory charge have administrative and other difficulties inherent in them, in the final analysis even if they were administratively feasible, they would not be fully effective in removing the advantage which attaches to other source milk when it is used as Class I milk in the regulated marketing area. Only the difference between the Class I price and the Class II prices accurately reflects this advantage and consequently only this rate will be fully effective in dealing with the problem of integrating other source milk (when used as Class I) into the regulatory plan.

Compensatory payments should not apply to purchases of supplemental milk at times when the market as a whole is short of producer milk. This effect is achieved under the present order by allowing a city plant to purchase up to half of its milk from unregulated sources without making compensatory payments. As previously mentioned, this provision is related to the present order provisions for the qualification of new supply plants, but the exemption from compensatory payments is not confined to purchases of milk from plants which are in process of qualifying. Since the attached amendments would give a new supply plant immediate pool status on a month-to-month basis, the compensatory payments have been made to apply to all other source milk used in Class I unless the market is short of producer milk.

At times in the past when the Cleveland market has been short of producer milk, supplies of quality milk from other sources have also been limited and more costly than the minimum Class I prices established under the order. The Cleveland market is so large in relation to the other fluid milk markets in northern Ohio and Indiana, and its milkshed so widespread as to make it probable that other source milk would also be expensive during any future situation of short supply.

The Cleveland market should be considered short whenever producer receipts are less than 110 percent of the gross Class I utilization at pool plants. This is below the percentage adopted as "standard" in the supply-demand adjustment, and the market can be considered definitely short of milk at this monthly average percentage because of daily and weekly variations in sales and receipts during the month. The percentage standard is based on marketwide data. No handler can obtain other source milk without an equalizing payment merely by buying short from his own producers. He must either take on sufficient supplies for his own use or depend upon other handlers who have supplies in excess of their own Class I needs.

Some of the exceptions filed by interested parties raised a question about the applicability of compensatory payments to Class I sales in the marketing area from nonpool distributing plants. A distributing plant could have a substantial volume of sales in the area, yet not be fully regulated as a pool plant if less than half of its total receipts of milk were sold for fluid uses. The milk sold in the marketing area would be unpriced, "other source milk", as defined in the order, and the compensatory payments are equally as applicable to it as to other source milk purchased by a pool plant operator as supplemental milk.

The operator of the nonpool distributing plant would have the same opportunity to purchase milk at the Class III price level as the operator of a pool plant. In fact, he probably would have surplus milk in his own plant which he would like to dispose of on any basis which would yield a higher return than the manufacturing value. In the absence of compensatory payments the operator of a nonpool distributing plant would have a particularly good opportunity to bid on institutional contracts in the marketing area or to sell his surplus milk to Class I outlets for the purpose of establishing a regular retail or wholesale trade to homes and stores in the marketing area.

No compensatory payments are required under the Cleveland order on milk classified and priced under another Federal order. The close relationships between the Cleveland, Akron, and Stark County, Lima, Toledo, Fort Wayne, and Detroit markets have already been described. Since the Class I prices in the competing markets are so closely aligned with those under the Cleveland order, there is no prospect of handlers in any one of the several markets achieving a competitive advantage over any significant period of time.

All funds collected from other source milk should be added to the producer-settlement fund. Since the compensation payments apply only when there are adequate supplies of producer milk in the market, the payments will compensate producers for the loss of income represented by the Class I sales of other source milk.

The regulated handler should be obligated to make the compensatory payments. There will be no difference in actual price paid for milk whether the payment is made by the regulated handler or by the operator of the unregulated plant from which the other source milk is obtained. However, the regulated handler makes the actual distribution of milk and reports its utilization to the market administrator, therefore from an administrative viewpoint he is the logical one to make the payment.

5. *Responsibility and reclassifications.* Handlers proposed that accountability for the classification of milk be shifted to the ultimate user of the milk instead of being left with the handler who first received the milk from producers.

The handler who had encountered the most difficulty with the present provision operates a country supply plant and sells milk to a number of distributing plant operators. It is apparent that whether the operator of a country plant remained responsible for audit adjustments and other reclassification or whether this responsibility was shifted to the city plant, the two parties would have to agree between themselves on the incidence of such adjustments. Also, it was testified that the amounts involved had been greatly reduced since the market administrator developed a procedure for reconciling the original utilization reports of the country plant and the several city plants. In view of these considerations and the general administrative desirability of keeping the responsibility applicable to the operator of the plant of first receipt, especially in case of transfers to nonpool plants, it is concluded that the proposal should not be adopted.

6. *Allocation of milk.* The provision for prorating other source milk with producer milk in the allocation of producer milk to the several classes of utilization should be deleted.

The order now provides that other source milk may be allocated on a pro rata basis by each handler to the extent that producer receipts are less than 110 percent of Class I sales at his plant. On the other hand, whenever producer receipts are in excess of 110 percent of the handler's Class I utilization, any purchases of other source milk by the handler must be allocated to the lowest class of utilization, thereby assigning producer milk to the higher classes of utilization.

The amended provisions for qualifying new country supply plants as pool plants on a month-to-month basis will greatly reduce the applicability of the prorating provision. Under the present order the milk from a newly qualifying country plant remains other source until after the 6-month shipping period is completed. Under the prorate provision, any distributing plant which was short of producer milk could purchase the other source milk from the new plant during the months of October through January without having its producer milk allocated to the higher classes. The amended pool plant definitions would designate the country plant milk as producer milk in each month that the minimum percentage requirements were met.

The prorate provision conflicts with the principle that producer milk should be allocated to the highest classes of use because it is the milk which is regularly available for fluid consumption in the marketing area. It permits an individual handler to purchase other source milk and leave proportionate quantities of producer milk in Class II or Class III at a time when there may be abundant supplies of producer milk elsewhere in the market.

It was testified that the Cleveland handlers have been so well supplied with producer milk in recent years that the prorate provision has been virtually inoperative. It appears, therefore, that the deletion of the provision is particularly appropriate at this time since it will not necessitate any major adjustments in the procurement plans of handlers.

7. *Method of stating class prices.* The order should be revised to provide that Class prices for milk be stated in terms of a hundredweight of milk containing 3.5 percent butterfat, with a differential for each one-tenth of a percent that the actual butterfat test varies from 3.5 percent.

The butterfat and skim milk utilized in each class is accounted for separately under most of the Federal orders, including all the orders in Ohio. The price per hundredweight of milk must, of course, be allocated to the skim milk and butterfat components. In most orders throughout the United States this is accomplished by specifying a basic butterfat test and a butterfat differential, which is the amount to be added or subtracted from the announced price for each one-tenth of one percent variation in butterfat content. Under the present Cleveland order the 3.5 percent price is only an intermediate computation; official class prices are then computed and announced separately per hundredweight of butterfat and per hundredweight of skim milk. There is no substantive difference between the two means of computing and announcing class prices. However, the butterfat differential method is more simply stated, focuses attention on the 3.5 price, and is used in the majority of orders which utilize a butterfat and skim milk accounting system.

8. *Class I prices.* The three major changes in the Class I price provisions are that (a) the stated Class I differentials should be changed to $1.35 per hundredweight during the six flush

months of February through July and to $1.80 during the short production months of August through January; (b) the seasonal pattern of the standard utilization percentages in the supply-demand adjustment should be modified to reflect recent and prospective changes, retaining, however, the present standard of 117 percent in November and the present schedule of price changes; and (c) the Class I butterfat differential should be set at 30 percent over the market price of butter, with the 45-cent per hundredweight discount on cream eliminated.

(a) *Stated differentials.* Under the present order, seasonal changes in the level of the stated Class I price differentials are relied upon to provide the principal economic incentive for producers to furnish uniform quantities of milk to the market at all seasons of the year. The differential is at a low of $1.00 per hundredweight over basic formula prices in the flush months of April, May, and June; at an intermediate level of $1.45 during February, March, and July; and a peak of $1.90 during the short production season of August through January.

The eligible allotment plan was proposed as a more directly effective means of encouraging level production. It depends upon a maximum difference between the eligible and ineligible prices during the spring flush months to encourage producers to earn as large an eligible allotment as possible in the previous fall and to minimize the production of ineligible excess milk in the spring. Any seasonality in the Class I differential reduces the flush season difference between the eligible and ineligible prices. However, producers proposed that less complete reliance be placed upon the quota plan at its inception. They proposed that a 45-cent seasonal variation be retained. In view of the importance of educational efforts to the success of the plan and the subjective nature of seasonal incentives in general, it is concluded that a 45-cent variation should be adopted. The high price of $1.85 will be effective in the same months, August through January, as the maximum price under the present order, and the $1.40 will prevail in the remaining six months of February through July.

The stated Class I differentials of $1.40 and $1.85, for 6 months each, average 6¼ cents higher than at present, $1.62½ as compared with the present $1.56¼. However, virtually the entire increase is offset by a price reduction which results from changing the seasonality of the supply-demand adjustment. This change is discussed in more detail later in this decision. At this point, however, the net effect of the modifications on the resulting Class I price is relevant. Over the 20-month period that the present supply-demand provisions have been in effect, August 1953 through March 1955, they have reduced the Class I price by an average of 18.6 cents per hundredweight, whereas the seasonally-modified adjustment would have reduced it by an average of 23.8 cents.

Producers had proposed that the average of the Class I differentials be increased to $1.63¾ and that the supply-demand adjustment, which has reduced the price in most months, be eliminated. However, it is apparent that the present schedule of Class I differentials and the supply-demand factor have been high enough to attract an adequate supply for the needs of the market. A supply equal to 117 percent of Class I sales is considered normal in the month of lowest production; in 1953 the lowest supply in October, was 125.4 percent of sales and in October 1954 the low was 132.5 percent. Developments which may tend to reduce milk supplies include the announcement by the Cleveland health authorities of a requirement that milk be delivered to the plant at such a low temperature that mechanical coolers on the farm would become a virtual necessity. These are not only costly, but also the use of electric power as is required by such cooling equipment is contrary to the religious beliefs of many producers in the area. The Brucellosis eradication program recently undertaken by State authorities may also significantly affect herds in the area. However, if these or other future developments prove that the stated Class I differentials are inadequate to assure a full supply of milk, the supply-demand adjustment will provide automatic price increases for such time as may be required to arrange for review of the entire Class I price structure at a public hearing.

Another gauge of the level of Class I prices is provided by a comparison with prices in the markets with which Cleveland handlers compete for supplies or in the distribution of milk. The Class I prices which have been in effect in Cleveland since the inception of the supply-demand provision (August, 1953) appear to have been in appropriate adjustment with those in competing markets. Official notice is taken of Class I price data showing that during the 17-month period, August 1953 through December 1954 Cleveland prices compared with those in competing markets as follows:

Competitive market		Cleveland market	
Market	Class I price	Class I[1] price	Competitive point
Cincinnati, Ohio[2]	$4.53	$4.40	East Liberty, Ohio.
Columbus, Ohio	4.38	4.40	Do.
Dayton-Springfield, Ohio.	4.46	4.40	Do.
Detroit, Mich.[3]	4.22	4.32	Coldwater, Mich.
Lima, Ohio	4.44	4.38	Lima, Ohio.
Stark County, Ohio.	4.67	4.66	At Cleveland.
Toledo, Ohio	4.44	4.44	Bowling Green, Ohio.

[1] City plant price less location adjustments at the indicated competitive points.
[2] At plants over 45 miles from Cincinnati.
[3] At Litchfield, Mich., the closest Detroit plant to Coldwater, Mich.

It will be seen that Class I prices under the Cleveland order have been very closely in line with those in other Ohio markets and Detroit during the 17-month period. Moreover, during 1954 the Class I prices under the Lima order were related directly to the Cleveland price less location differential, and those in the Stark County were adjusted to stay as closely as possible to 5 cents less than the Cleveland Class I price.

The year 1955 will be a period of transition between the seasonal price plan and the quota plan. Beginning in October 1955, producers will be establishing their eligible milk allotment quotas for use during the period April–June 1956. Their plans for breeding, feeding, purchases of cows, and the like will necessarily precede October by many months. Conceivably the changes in the seasonal pattern of the Class I differential could be postponed until April 1, 1956 on the basis that that is the first date when the eligible allotment plan will be reflected in payments to producers. However, producers strongly recommended that the change in seasonality be made effective as promptly as possible. In view of the fact that advance preparations for the plan are already in progress and that the annual average level of the Class I differential is not significantly affected, it is concluded that the changes should be made effective immediately upon the effective date of the amendments contained herein.

(b) *Supply-demand adjustment.* The supply-demand adjustment provisions of the present order should be retained, but a substantial modification should be made in its seasonal effects.

The adjustment was not reviewed in as much detail as at the hearing of June 17, 1953 nor was evidence presented which alters the conclusions contained in the final decision issued by the Acting Secretary on July 27, 1953 (18 F. R. 4473). Producers and those handlers who submitted proposed amendments to the Class I price provisions, specifically omitted any supply-demand adjustment. Their principal basis for this omission was a belief that the amounts subtracted from the stated Class I differential over the 15-month history of the present adjustment had resulted in unduly low prices. The preceding analysis of the general level of the Class I prices which have prevailed do not support this conclusion.

However, it is apparent that the seasonal pattern of the present adjustment has not coincided with recent or prospective conditions in the market. From March 1, 1952, when the latest country supply plants became qualified, to date, the seasonality of the utilization percentages has been remarkable uniform and substantially different from the standard percentages incorporated in the order. (In this period supplies have also averaged approximately 13 percentage points above the standard in relation to Class I sales but this is a matter of the production level rather than of seasonal pattern.) In two of the three years October supplies were actually lower than in November, whereas the present standard reflects substantially higher supplies. September supplies have also been lower in relation to sales than is reflected in the standard. On the other hand flush season supplies during 1952–54 have been in almost the same proportion to November supplies as in the order standard.

The average utilization percentages for the three-year period March 1952 through February 1955 (official notice is taken of these data for the last 4 months of the period) ranged from 128.9 percent for October and 129.9 for November to a high of 190.6 for May. Reduced to a November average of 117.0, the present normal for the month of lowest production, the three-year average for May would be correspondingly reduced to 171.7 percent. In anticipation that the eligible quota plan will reduce the flush season excess, it appears that the revised normal utilization percentages should be further reduced to a maximum of 165.0 percent in May.

The revised normal percentages and the new standard utilization percentages, based on the normal percentages for the first and second preceding months, would be as follows:

Month	3-year percentage, adjusted[1]	Normal percentage[2]	Standard utilization percentage[3]
January	130.0	130.0	120
February	133.8	133.8	127
March	143.8	143.8	132
April	150.2	150.2	139
May	171.7	165.0	147
June	162.2	158.0	158
July	140.2	140.2	162
August	133.0	133.0	149
September	123.2	123.2	137
October	116.1	117.0	128
November	117.0	117.0	120
December	123.9	123.9	117

[1] Averages for the period March 1952–February 1955, adjusted to November 117.0.
[2] Percentages for May, June, and October adjusted to reflect anticipated changes in seasonality.
[3] Average of normal percentages for the first and second preceding months, rounded to nearest whole number.

The change in seasonality of the standard utilization percentages should be the only modification in the supply-demand adjustment. The level of the adjustment should continue to be set at 117 for the month of November, the first and second preceding months should continue to measure oversupply or undersupply, and the schedule of price changes should remain as at present. The adjustments which would have prevailed during 1954 under the amended schedule of standard utilization percentages would have been –25 cents in all months except September and October 1954, when it would have been –19 cents.

(c) *Butterfat differential.* Serious consideration was given at the hearing to possible revision of the relative values of butterfat and skim milk in Class I, with special attention being given to fluid cream. Under the present order, cream is classified as Class I but the price per hundred pounds of 3.5 milk utilized to produce cream is 45 cents less than the price for other Class I uses. In both categories of use 70 percent of the Class I price is assigned as the value of the 3.5 pounds of butterfat and 30 percent as the value of the 96.5 pounds of skim milk. Since the price of Class I milk varies seasonally, the value of the butterfat used in fluid cream also varies. During the 12 months preceding the hearing (November 1953 through October 1954) the price per pound of butterfat in fluid cream ranged from a low of 1.13 times the price of 92-score butter at Chicago in May and June to a high of 1.52 times the price of butter in September and October. The 12-month average was 1.33.

There is a considerable volume of "open market" cream sold through brokers in the Cleveland market area. It was testified that such cream has been available at prices which are below the fluid cream price under the order by as much as $5.00 per 10-gallon can of 40-percent cream. Handlers contended that most users of bulk cream obtained their supplies from brokers rather than from regular handlers. Apparently cream from some plants, not subject to the order may also be of suitable quality for distribution as bottled cream. Such evidence as was presented at the hearing on the prices charged by cream brokers indicates that such prices are maintained at a reasonably consistent relation to the butter market. Although there was conflicting evidence on the exact level of brokerage cream prices, it appears that the value of 1.3 times the butter price will be appropriate. This is somewhat lower than the average order value during the past 12 months and is the same value as specified in the Toledo, Lima, Canton, and Akron orders.

Handlers also indicated that the fundamental problem underlying their proposal for a lower classification on skim milk and butterfat disposed of to bakeries, candy shops, and soup kitchens involved the high valuation of butterfat in fluid cream. It is concluded that the adoption of a Class I butterfat differential at 30 percent over the price of butter for all months of the year will make order prices competitive with brokerage cream and thereby permit handlers to supply those outlets on a fully competitive basis.

During the past 12 months the value of butterfat in Class I items other than fluid cream has ranged from a low of 1.28 times the market price of butter in June 1954 to a high of 1.67 in September and October. In Cleveland, as well as in most markets in the United States, sales of fluid cream and high-test milk have been declining, while sales of skim milk, buttermilk, flavored drinks and other low-testing products have been increasing. This change in consumer habits should be recognized by reducing the value of Class I butterfat and correspondingly increasing the value of the skim milk component. This reapportioning of the values of butterfat and skim milk components is in keeping with continuing reports that butterfat values have been at such high levels as to have had a considerable effect on the downward trend of cream and butter consumption during recent years.

It is concluded that the butterfat differential on all Class I uses should be established at 0.13 times the market price of butter and that the full Class I price should be applied to fluid cream as well as to the other products.

(9) *Class II and Class III.* The changes made in Class II and Class III may be summarized as follows:

a. The new definition of Class II milk includes only cottage cheese. Ice cream, aerated cream, and other uses now in Class II will be reduced to Class III.

b. The new Class II price will be the basic formula price plus 30 cents, with the same butterfat differential as applies to Class III, namely 15 percent over the price of 92-score butter at Chicago.

c. The new definition of Class III milk includes all manufacturing uses except cottage cheese. It is a combination of the present Class II items other than cottage cheese with the present Class III items including butter.

d. The new Class III price will be the higher of the present basic formula prices, which consist of a butter-powder formula price and the average of the prices paid at a group of Midwestern condenseries, with the exception that during May and June, 1955, a local plant price will prevail.

Under the present order the two major uses of Class II milk are ice cream and cottage cheese. The other manufactured dairy products are included in Class III, except that butterfat manufactured into butter or contained in allowable shrinkage of producer milk is included in a special subcategory of Class III and priced at a discount below the regular Class III price. The prices of butterfat used in Class II and Class III (except butter and shrinkage) have been the same since November of 1952. However, the price of skim milk in Class II is based upon market quotations for spray process nonfat dry milk solids at Chicago, whereas the value of Class III skim milk is based upon the value of roller process nonfat dry milk solids, f. o. b. manufacturing plants, resulting in values about 29 cents per hundredweight lower than the price of Class II skim milk.

In the recommended decision it was concluded that milk utilized in the manufacture of both cottage cheese and ice cream should be classified and priced in the same classification as uses presently included in Class III. Since the Class II and Class III butterfat values in the present order are already the same, this change would have put all surplus uses of milk in a single price class. Also, it was recommended that the handler location differentials apply only to Class I utilization instead of on both Class I and Class II uses.

In exceptions to the recommended decision it was pointed out that the combination of a lower price and lack of location adjustments would seriously affect present competitive relationships between regulated handlers in the manufacture and distribution of cottage cheese, even though the lower price might improve their position in competition with cottage cheese brokers. Most of the cottage cheese is made at the city plants where handlers feel that they can produce a better product from milk than they can if they purchase curd made at country plants. Under the terms of the recommended decision those handlers who made cheese from milk delivered directly to the city plants from farms would incur no additional expense, but those handlers who brought milk in from country plants would have to pay for the transportation. It was also pointed out that the country plants supplying the milk for manufacturing this cheese have received pool plant credit for such shipments. Their position would be adversely affected by the absence of location adjustments.

This dilemma can be resolved by placing cottage cheese in a separate class (Class II), pricing it at 30 cents over the basic formula price, which is also the Class III price, and allowing the transportation charges on the milk so utilized. The 30-cent premium compares with an average Class II premium over basic formula prices of 29 cents in 1953 and 1954. The Class II price must be stated as a definite amount over the Class III price instead of in terms of the present butter-powder formula, since the new Class III price is no longer a strictly butter-powder price. The 30 cents is equal to the handler location adjustment at the 130-to-144 mile zone. As compared with the recommended decision, producers will have a net gain on milk received and made into cottage cheese at any plant closer to Cleveland and will lose only on the smaller quantities shipped from more distant plants.

The present provisions for higher classification and prices on skim milk utilized in ice cream than in other manufacturing uses have led to several inequities. Condensed skim milk has been an important outlet for nonfat solids in the Cleveland market. This product is used primarily in the manufacture of ice cream. If it is sold to the operator of an unregulated ice cream plant, either within or outside the marketing area, it is priced at Class III. However, if the condensed skim milk is utilized in the manufacture of ice cream within a regulated plant, it is reclassified as Class II. It was contended at the hearing that this leaves handlers who manufacture ice cream in their own facilities at a substantial price disadvantage in the manufacture and sale of ice cream. It is concluded, therefore, that the classification and pricing of skim milk utilized for the manufacture of ice cream should be the same as that utilized in such other ice cream ingredients as plain or sweetened condensed skim milk and nonfat dry milk solids.

The butterfat portion of the Class III butter-powder formula in the present order has been established at 20 percent over the price of 92-score butter at Chicago. As previously explained, the skim milk value has been based upon the price of roller process powder at manufacturing plants in the Chicago area. Handlers proposed that the Class III price be determined by prices paid for manufacturing grade milk at local plants instead of by a butter-powder formula. During the 22 months preceding the hearing this would have reduced the Class III price by an average of 23 cents per hundredweight.

It appears, however, that Class III butter-powder formula has represented an appropriate value for milk for manufacturing uses in the past two years, in all except the extreme flush months. All of the milk delivered by the producers in excess of fluid needs has been marketed for manufacturing purposes. One of the cooperative associations in the market maintains milk manufacturing facilities. Its membership currently comprises nearly 10 percent of the total number of producers supplying the market. In addition to manufacturing all of the excess milk delivered by its own producers, this cooperative has manufactured milk diverted by other handlers. The manager of this cooperative testified that it has handled such milk without loss and that it has paid order prices for milk purchased from other handlers, except in rare cases involving small quantities, irregular supplies or similar conditions.

During the flush production months (April, May, and June) of 1953 and 1954 the unusually large volumes of milk which have had to be disposed of in manufacturing outlets have necessitated lower prices than the Class III butter-powder formula. During each of these seasons the Class III price was reduced to approximately the level of the prices paid for milk at local manufacturing plants.

Present indications are that the quantities of milk which must be converted into manufactured dairy products in May and June of 1955 and the problems involved in obtaining favorable prices for such milk will be similar to those that prevailed during the corresponding months of 1953 and 1954 and in April 1955.

Production per producer and total receipts from producers have continued to increase more rapidly than Class I sales. Receipts in the market are considered normal when they equal 117 percent of Class I use during November, the month of shortest supply, and 171 percent in the flush month of May. However, during November 1952, the receipts to sales ratio was 9 points above normal and in the following May was 22 points over. In November 1953 it was 12 points above normal and in the following May 20 points over. In November, 1954, the ratio was 17 points above normal, indicating the possibility that the oversupply in the coming flush months may be more burdensome than during the flush periods of 1953 and 1954. In such event, handlers' own facilities will again be unable to accommodate all the milk which is not sold in fluid form, and large quantities may need to be shipped to nonhandler manufacturing plants.

On the basis of experience of recent months it appears likely that local plant prices will remain more nearly equal to butter-powder values in May and June, 1955 than in the corresponding months of the two previous years. The stronger current position is indicated by the fact that prices paid at the local plants listed under the Lima order (which includes 5 of the 10 plants recommended herein) averaged $2.89 for 3.5 milk and were only 13 cents below the butter-powder formula price in March 1955, as compared with 52 cents below in March of 1954. The $2.89 for 3.5 milk and a butterfat differential of 6.3 cents per point is equal to a price of $3.17 for milk of 3.95 percent butterfat content. The $3.17 is 2 cents above the announced support level of $3.15 per hundredweight. Furthermore, during November and December 1954 these local plant prices were a few cents above the butter-powder formula price, and also above the average prices paid at the Midwestern condenseries. In the same two months of 1953 the local plants averaged 20 cents below the butter-powder value and 14 cents below the Midwest condensery price. To the extent that these recent, stronger prices paid at local plants are carried into May and June, they will continue to provide a measure of the value of manufacturing milk which will reflect reasonable returns to producers and yet permit the milk to be readily marketed.

The local plant price to be used as the Class III price during May and June, 1955 should be the average of the prices paid for 3.5 milk at all of the local plants listed under the Lima, Toledo and Fort Wayne orders. These plants are all located within the Cleveland milkshed. Their prices are representative of the prices paid for manufacturing milk in the area, are used for such purpose under those other orders, and are readily available to the respective market administrators. The present operators and locations of the plants are as follows:

Defiance Milk Products Co., Defiance, Ohio.
Fisher Dairy & Cheese Co., Wapakoneta, Ohio.
Kraft-Phenix Cheese Corp., Kendallville, Ind.
Nestles Milk Products Co., Marysville, Ohio.
Pet Milk Co., Angola, Ind.
Pet Milk Co., Coldwater, Ohio.
Pet Milk Co., Delta, Ohio.
Pet Milk Co., Garrett, Ind.
Pet Milk Co., Hudson, Mich.
Swift & Co., Lima, Ohio.

There should not be any special price for milk in the new Class III for the flush seasons following 1955. It is anticipated that the new plan for achieving a more level seasonal pattern of production will have become effective to an extent which should substantially reduce the quantities of excess milk to be disposed in April, May and June of 1956 and succeeding years.

For the months following June, 1955 the basic formula price will provide an appropriate measure of the value of milk used for manufacturing purposes in the market. The basic butter-powder formula would have been the effective Class III price in each of the months of January 1953 through September 1954. In October 1954 the Midwest condensery price would have been effective, at 1.1 cents over the butter-powder formula, in November at 5.0 cents over, in December at no overage (the prices were equal), in January 1955 at 4.1 cents over, and in February at 0.3 cents over. In March 1955 the butter-powder formula would again have been effective.

The discount of 5 cents per pound of butterfat made into butter or contained in allowable shrinkage should no longer apply. The basic formula butter-powder price is developed with a make allowance of 3.6 cents per pound of butterfat and the reduced butterfat differential will lower the value of all Class III butterfat, including that used in the manufacture of butter or contained in shrinkage.

The basic butter-powder formula has averaged 1.9 cents per hundredweight below the present Class III butter-powder price during 1953 and 4.6 cents below in 1954. The small difference between the two formulas is accounted for by the fact that the basic formula has a 3-cent make allowance per pound of butterfat but uses the average of

spray- and roller-process nonfat dry milk solids price quotations whereas the present Class III formula has no make allowance on fat but uses only the roller process quotations. The compelling reason for adopting the basic formula rather than continuing to use the present Class III formula is that the Class II prices in the Federal orders for the nearby markets of Akron and Stark County use the basic formula. The fact that several handlers have plants in two or more of the markets, the ease with which they can shift manufacturing operations by transferring or diverting producers, and the close competition between them in the sale of Class II products make it highly desirable to keep the Class II prices closely aligned in all three markets.

Reducing the classification and price of the skim milk components of ice cream and other Class II items will, inevitably, reduce the amount of money received by producers for these products whenever the price of the new Class III is based upon butter-powder values. However, the returns from these and all other Class II and Class III uses of milk would be substantially increased during periods like 1951 and 1952 when condensery prices were in excess of butter-powder values.

The butterfat differentials paid by handlers for milk above or below 3.5 percent butterfat content in Class II and Class III should be equal to 0.115 times the price of 92 score butter at Chicago. The Class II differential should be the same as in Class III in order that the price premium be on the skim milk, which is the principal component of cottage cheese. The Class III differential of 0.115 is somewhat lower than the relative value of butterfat in the present Class III price, but reflects the fact that considerable Class III butterfat was used to manufacture butter or contained in shrinkage and was priced at a discount of 5 cents per pound.

Under the present order handler's sales of any nonfluid dairy products such as butter or ice cream which were obtained from unregulated sources and disposed of in the same form as received are reported and classified. In the recommended decision handlers were relieved of the necessity of reporting either the receipts or utilization of such products. However, in their exceptions handlers contended that a more thorough check on total receipts and utilization can be provided by the present system. It is concluded that such items should continue to be reported.

10. *Location adjustments to handlers.* The location adjustments to handlers on milk used for Class I purposes should be increased to reflect increased costs of transportation. The new rates should start with 20 cents at plants located 60 to 74 miles from City Hall in Cleveland, and be increased by 2 cents for each additional 14 miles.

These compare with present rates of 15 cents at plants located in the 60 to 75 mile-zone, 18 cents at 75 to 90 miles, and 2 cents per 15 miles thereafter. These rates apply both to Class I and Class II.

Handlers testified that the present rates are not equal to the amounts charged by contract haulers for transporting milk in bulk from the supply plants to the marketing area. A few supply plant operators maintain their own trucks and tanks, but the majority depend upon contract haulers. The higher wages paid to drivers, increased costs of equipment, and the axle mile tax in Ohio represent additional costs since the hearing of May 1952, when the differentials were last reviewed.

Milk hauling costs can be considered in two steps. One is the minimum cost of providing the equipment and driver, loading, and cleaning. The other is the cost per mile of transporting the milk additional distances. The most direct testimony on the short-haul minimum was presented by the operator of a supply plant in the 60–75 mile zone. He testified that he had a 20-cent rate with a contract hauler, on the basis of regular daily shipments. The second benchmark for which specific hauling cost data were available involved a plant in the 195 to 210-mile zone. The contract haul charge from this plant is 40 cents, as compared with an allowed rate of 34 cents under the present schedule.

It appears that the rates at intervening locations can most appropriately be set at a constant rate per zone since they are primarily a function of the added distance. Accordingly, and in view of the administrative desirability of keeping the rate in terms of whole cents, the mileage zones for each 2-cent change in rate need to be set at 14 miles beginning at plants located more than 60 miles from City Hall. The same rate structure of 2 cents per 14 miles should be extended to distances beyond the 200 to 214-mile zone. The only cost which is avoided at these distances by plants located in Indiana and Michigan is the Ohio axle mile tax, and this amounts to only seven one-hundredths of a cent per hundredweight per 14 miles.

The handler location adjustment should continue to apply to all Class I disposition from a plant whether the milk is sold within the Cleveland marketing area, locally, or to distant points. Also, since all the manufacturing uses except butter and shrinkage have been combined into the new Class II items, the location adjustment to handlers should be confined to Class I. The location adjustment should apply to any plants which may be located within the expanded marketing area, but more than 60 miles from the Cleveland City Hall by road distance.

Under the present order, the location adjustment to handlers applies to the actual weight of all Class I and Class II products moved to the marketing area. The value of the pooled milk is, therefore, reduced to the extent that handlers physically move milk to marketing area plants for other than Class I requirements. Producers should not bear the transportation expense on such movements of milk. Rather, they should bear the cost of transporting on only that milk which is actually used for Class I purposes. A method is provided for determining the order in which milk from various sources should be allocated to Class I for the purpose of computing the location adjustment. The method gives first priority to milk received directly from producers at the plant which has Class I utilization and then assigns receipts from supply plants in the order of their nearness to the Public Square in Cleveland.

11. *Location adjustments to producers.* The minimum uniform prices to producers delivering milk to plants located more than 60 miles from the Cleveland City Hall should be reduced by the same rate of location adjustments as apply to Class I sales by handlers. This follows the principle that whenever the producers' milk is actually used for Class I purposes, it is worth the market area price less the cost of transporting it to the market. The only modification to this principle is that during April through June, when the eligible allotment plan is operative, the producer location adjustment should be applied only on the eligible milk.

Under the present order the rates of location adjustment to producers and handlers are the same except that an adjustment of 13 cents is allowed to be deducted by handlers in paying producers delivering to plants in the 30- to 60-mile zone. This is purely permissive and is specifically excluded from the calculation of the uniform price under the marketwide pool.

Producers proposed that the location adjustment apply only on eligible milk, in those months when the allotment plan is operative. They maintained that the minimum value of ineligible milk is the manufacturing value which does not vary with distance from the market. The attached order does not provide location adjustments to handlers on Class II or Class III milk. It is concluded that the producer location adjustment should apply only to the eligible milk during the operating months of the eligible quota plan.

12. *Butterfat differential to producers.* The butterfat differential used in paying producers for milk testing above or below 3.5 percent butterfat should continue to be based on the weighted average values of butterfat and skim milk in Classes I, II, and III. This follows the same principle as the payment of a uniform price to all producers. Each producer shares equally in the total value of the handlers' utilization in each class at the basic test of 3.5 percent butterfat. It is equally appropriate that each producer should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent.

A weighted average will give butterfat a somewhat higher value and skim milk a correspondingly lower value than those proposed by producers. However, it will be lower than the present differential in most months because the Class I butterfat differential has been changed from a percentage factor to a fixed relation to the Chicago butter price.

13. *Milk from other Federal order markets.* The order now provides that milk disposed of as Class I in the Cleveland marketing area from a plant which the Secretary determines to be subject to the pricing and payment provisions of another Federal order are not subject to the pricing and payment provisions of

the Cleveland order. Although such sales have been negligible in the past, the Akron marketing area is so close to Cleveland that Akron handlers might increase their Class I sales on routes in Cleveland to such an extent that they would become subject to the Cleveland order, except for the fact that they are already regulated under the Akron order.

A more common example of other Federal milk going into the Cleveland market is represented by the purchase of such milk by Cleveland handlers operating Cleveland pool plants. At any time when the Cleveland market is short of producer milk the handler might be expected to draw upon other Federal markets as well as unregulated sources for a supplemental supply of milk. The order provides that any supplemental or other source milk (whether from the regulated or unregulated sources) shall be allocated to the lowest utilization at the pool plant. However, no compensatory payments are levied on such quantities of other Federal order milk as may be allocated as Class I in the Cleveland pool plant.

Handlers proposed that supplemental milk received at a pool plant from other Federal markets should be allocated under both orders to any class of use agreed upon between the two handlers, in much the same fashion as the transfers between Cleveland handlers. It is apparent, however, that this proposal could lead to serious disruption in the pool. For example, any firm which had plants both under the Cleveland and Lima orders could maintain a 100 percent Class I utilization in the Lima market, which has an individual-handler pool, by the expedient of transferring to its Cleveland plant, as Class I, any flush season surplus of milk which might otherwise be classified as Class II in Lima. Similarly, even between markets with marketwide pools, a handler with a plant in each market could influence the comparative blend prices. So long as the various Federal markets maintain their separate identities and separate pooling arrangements, it is highly desirable that the producers who regularly supply milk to any given plant have a prior claim on that plant's Class I utilization.

It is concluded that there should be no change in the provisions for allocating to the lowest utilization supplemental milk received at a Cleveland pool plant from other Federal markets. It should, however, be specified in the order that supplemental other source milk from unregulated plants be allocated first to the lowest uses at the pool plant and that other source milk from a plant regulated under another Federal order be then assigned to any remaining uses in th lowest classes. This order of allocation has been followed by the market administrator, but it appears desirable that it be so stated in the order. Plants regulated under other Federal orders should continue to be permitted to sell milk in the Cleveland market without becoming subject to any of the pricing or payment provisions in the Cleveland order. (Such a plant is, of course, automatically exempt from any allocation in the Cleveland order since no Cleveland producer milk is received at the plant).

Also, for determining which of the two Federal orders should govern a given plant more general provisions should be made than the present provisions for a determination of each case by the Secretary. Under most foreseeable circumstances a plant serving more than one marketing area should be regulated in the market in which the major portion of Class I sales are made. A specific determination by the Secretary can be reserved for cases in which this standard is not appropriate.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of January 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Cleveland, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in Cleveland, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of April 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

Order [1] Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

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AUTHORITY: §§ 975.0 to 975.96 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. and Sup. 608c.

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, during November 30–December 9, 1954, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 3 cents per hundredweight, or such amount not exceeding 3 cents per hundredweight, as the Secretary may prescribe with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production) and of all other source milk allocated to Class I pursuant to § 975.56 (b) and the corresponding portion of § 975.57: *Provided,* That such payment shall not be made with respect to any milk subject to a payment required under the provision for expense of administration of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 975.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 975.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 975.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 975.4 *Market administrator.* "Market administrator" means the agency described in § 975.20.

§ 975.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 975.6 *Cleveland, Ohio, marketing area.* "Cleveland, Ohio, marketing area" hereinafter called the "marketing area," means all territory, including but not being limited to all municipal corporations within Cuyahoga County, and within the following cities and townships of the respective, named counties: townships of Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Carlisle, Eaton, Columbia, and Grafton in Lorain County; Willoughby, Mentor and Kirtland townships and the city of Painesville in Lake County; the city of Ashtabula in Ashtabula County; and the townships of Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette, and Montville in Medina County; all in the State of Ohio.

§ 975.7 *Handler.* "Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which milk skim milk, flavored milk, or flavored milk drinks are disposed of on a route(s) in the marketing area, or (c) a cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a milk plant.

§ 975.8 *Producer.* "Producer" means any person with respect to milk produced by him having the approval of the health authority of any community in the marketing area for consumption as fluid milk in such community which milk is moved directly from his farm to:

(a) A pool plant;

(b) A nonpool plant within April, May, June, or July for the account of a cooperative association or of a handler operating a pool plant. Milk so diverted shall be deemed to have been received by the handler for whose account it was diverted; or

(c) A pool plant for the account of another pool plant by diversion from the latter pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted.

§ 975.9 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 975.10 *Nonhandler.* "Nonhandler" means any person not a handler who operates a nonpool plant.

§ 975.11 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk but receives no milk from dairy farmers; and

(b) Operates a route extending into the marketing area.

§ 975.12 *Pool plant.* "Pool plant" means a plant designated pursuant to § 975.30.

§ 975.13 *Nonpool plant.* "Nonpool plant" means any milk manufacturing or processing plant not a pool plant.

§ 975.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received at any pool plant other than from producers.

§ 975.15 *Route.* "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including any eating place where such items are disposed of for consumption on or off the premises, other than a pool plant(s) or nonpool plant(s).

§ 975.16 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this part is in effect.

§ 975.17 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of April through June which is not in excess of such producer's daily average quota computed pursuant to § 975.65 multiplied by the number of days in such delivery period on which such producer delivered milk to such handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant, the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 975.65.

§ 975.18 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of April through June which is in excess of eligible milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily average quota can be computed pursuant to § 975.65.

MARKET ADMINISTRATOR

§ 975.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 975.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 975.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of funds provided by § 975.86;

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 975.87, necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 975.40, or (2) payments pursuant to §§ 975.80, 975.84, 975.86, 975.87, or § 975.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, supply on or before the 25th day after the end of each delivery period to each cooperative association not a handler with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 6th day after the end of such delivery period the minimum prices for Class I, Class II, and Class III milk computed pursuant to §§ 975.61, 975.62, and 975.63, respectively.

(2) On or before the 14th day after the end of such delivery period the uniform price computed pursuant to § 975.73, and for April, May, and June the price for eligible milk and the price for ineligible milk, computed pursuant to §§ 975.74 and 975.75, respectively, and the butterfat differential computed pursuant to § 975.82;

(k) On or before April 1 of each year provide written notice to: (1) Each producer who made deliveries of milk during the previous October through December as to his daily average quota computed pursuant to § 975.65, (2) each cooperative association as to the daily average quota of each member of such association, and (3) each handler as to the daily average quota of each producer from whom such handler received milk; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

POOL PLANT

§ 975.30 *Designation.* A pool plant shall be any plant meeting the conditions of paragraphs (a), (b) or (c) of this section except a bottling plant operated by a producer-handler, or the plant of a handler exempted in § 975.90:

(a) Any plant at which milk is bottled and from which milk, skim milk, buttermilk, flavored milk or flavored milk drinks are distributed (either directly, through depots, or to vendors) in fluid form during the month on routes operated wholly or partially within the marketing area: *Provided,* That the total quantity distributed during the month on all routes operated inside or outside the marketing area is equal to 50 percent, or more, of the receipts from producers, or from other plants, of milk approved by the appropriate health authority for fluid use;

(b) Any plant which, having the approval of the appropriate health authority in the marketing area, has during the month delivered to a pool plant(s) described in paragraph (a) above an amount of milk equal to 30 percent of its dairy farm supply of milk: *Provided,* That such plant shall continue to be designated as a pool plant for such consecutive succeeding months as the 30 percent average is maintained: *And provided further,* That if during the period of August through January such plant has delivered to a pool plant(s) described in paragraph (a) of this section, 10 percent or more of its total dairy farm supply during each month and 30 percent or more during the entire period, such plant shall, upon written application to the market administrator on or before January 31 of any year, be designated as a pool plant through July 31 of the same year and each month thereafter, through January 31 of the following year, that it delivers 10 percent or more of its total dairy farm supply to a pool plant(s) described in paragraph (a) of this section; or

(c) The following plants during the period from the effective date hereof through January 31, 1956 shall be considered to have qualified as pool plants under the second proviso of paragraph (b) of this section:

(1) Any plant which was a pool plant in April 1955; and

(2) Any plant for which, on the basis of evidence presented to him, the market administrator determines that shipments during the period August 1954 through January 1955 would have met the standards specified in the second proviso of paragraph (b) of this section.

All pool plants operated by a handler may be considered as one plant for the purpose of meeting the percentage requirements of paragraphs (b) and (c) of this section if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested.

§ 975.31 *Replacement.* A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to it previously had been producers at the pool plant so replaced.

§ 975.32 *Discontinuance.* A plant shall be discontinued as a pool plant upon prior written request made by the plant operator; such discontinuance to be effective at the beginning of the first delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in § 975.30 (a).

REPORTS, RECORDS, AND FACILITIES

§ 975.40 *Reports of receipts and utilization.* On or before the 8th day after the end of each delivery period, each handler, except a produce-handler, shall report to the market administrator with respect to, (a) all milk received from producers, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk received at a pool plant:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts and their sources and for the delivery periods of April through June, the aggregate quantities of eligible milk;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 975.41 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 25th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator his producer payroll for the delivery period, which shall show:

(1) For the delivery periods of July through March, the pounds of milk, and the percentage of butterfat contained therein, received fom each producer; and for the delivery periods of April through June, the pounds of eligible milk and the pounds of ineligible milk, and the percentage of butterfat contained therein, received from each producer;

(2) The amount and date of payment to each producer (or to a cooperative association not a handler which is authorized to collect payment for the milk of such producer); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 975.42 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to § 975.40 or § 975.41 (a);

(b) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period;

(c) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(d) Payments to producers and to cooperative associations.

§ 975.43 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 975.50 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant from any source or diverted pursuant to § 975.8 (b) or (c) shall be classified pursuant to §§ 975.51 through 975.54.

§ 975.51 *Classes of utilization.* Subject to the conditions set forth in §§ 975.53 and 975.54, skim milk and butterfat described in § 975.50 shall be classified by the market administrator on the basis of the following classes of utilization:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of for fluid consumption as milk, skim milk, buttermilk (except for livestock feed), flavored milk or flavored milk drinks, sweet or sour cream, or eggnog, (2) or used to produce concentrated milk disposed of for fluid consumption, or (3) not accounted for as Class II or Class III utilization.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) used to produce any milk product not specified in Class I milk or Class II milk; (2) disposed of for livestock feed or dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (3) in shrinkage of producer milk up to 2 percent of receipts from producers or in shrinkage of other source milk.

§ 975.52 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the diverting handler's pool plant shall be included in the receipts at the pool plant to which such milk was diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the diverting handler's pool plant for such purpose.

§ 975.53 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified as follows:

(a) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to the pool plant of another handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided,* That if either or both pool plants have received other source milk, such transfers shall be classified by the market administrator at both plants so as to return the highest-valued class utilization to milk of producers: *Provided further,* That if transfers are made from a pool plant to more than one other pool plant any other source milk involved in such transfers shall be prorated by the market administrator among the transferee pool plants on the basis of the percentage which the other source milk transferred bears to the total quantity of transfers made pursuant to this subparagraph from the transferor plant.

(b) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

(c) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to a nonpool plant located less than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator, unless (1) other utilization is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 8th day after the end of the delivery period within which such transfer was made, (2) the receiver maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available to the market administrator for audit, and (3) such receiving plant had actually used not less than an equivalent amount of skim

milk or butterfat in the use indicated in such statement: *Provided*, That if such nonpool plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lower-priced available class of utilization as if the classes of utilization set forth in § 975.51 were applicable to such nonpool plants; or

(d) As Class I milk if transferred as bulk milk to (1) a manufacturer of soup, candy or bakery products for use in such manufacturing operations, or (2) any retail establishment which disposes of milk in fluid form.

§ 975.54 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that classified pursuant to § 975.53 (b)) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 975.55 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 975.56 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in the specified class the pounds of butterfat shrinkage in producer milk allowed in classes other than Class I pursuant to § 975.51;

(b) Subtract from the pounds of butterfat remaining in each class in series beginning with the lowest priced utilization the pounds of butterfat received in other source milk received from a plant(s) other than one at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant(s) at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act;

(d) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to § 975.53; and

(e) Add to the remaining pounds of butterfat in the specified class the pounds subtracted pursuant to paragraph (a) of this section; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

§ 975.57 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 975.56.

MINIMUM PRICES

§ 975.60 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I milk price for each delivery period, pursuant to § 975.61, shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location
Borden Co., Mt. Pleastant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the delivery period as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 975.61 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant for milk received from producers or from a pool plant of a cooperative association, during the delivery period which is classified as Class I milk, shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the period indicated:

Delivery period:	*Amount*
February through July	$1.40
All others	1.85

and add or subtract a "supply-demand adjustment" computed as follows:

(i) Divide the total quantity of milk received from producers during the first and second months preceding the delivery period by the gross quantity of milk utilized as Class I in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(ii) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subdivision (i) of this subparagraph, the "standard utilization percentage" shown below:

Month for which the price is being computed:	*Standard utilization percentage*
January	120
February	127
March	132
April	139
May	147
June	158
July	162
August	149
September	137
October	128
November	120
December	117

(iii) Determine the amount of the suply-demand adjustment from the following schedule:

Deviation percentage:	*Amount of supply-demand adjustment (cents)*
+13 or over	−25
+10 or +11	−19
+7 or +8	−13
+4 or +5	−7
+2 to −2	0
−4 or −5	+7
−7 or −8	+13
−10 or −11	+19
−13 or below	+25

When the deviation percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

§ 975.62 *Class II milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the basic formula price, as computed pursuant to § 975.60, plus 30 cents.

§ 975.63 *Class III milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III utilization, shall be the basic formula price, as computed pursuant to § 975.60; *Provided*, That during May and June 1955 the average of the prices per hundredweight reported to have been paid or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator shall apply:

Present Operator and Location
Defiance Milk Products Co., Defiance, Ohio.
Fisher Dairy & Cheese Co., Wapakoneta, Ohio.
Kraft-Phenix Cheese Corp., Kendallville, Ind.
Nestles Milk Products Co., Marysville, Ohio.
Pet Milk Co., Angela, Ind.
Pet Milk Co., Coldwater, Ohio.
Pet Milk Co., Delta, Ohio.
Pet Milk Co., Garrett, Ind.
Pet Milk Co., Hudson, Mich.
Swift & Co., Lima, Ohio.

§ 975.64 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 975.61 and 975.62 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15, and divide the result by 10.

(c) *Class III milk.* Multiply by 1.15, and divide the result by 10.

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 975.65 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 975.66, the market administrator shall determine quotas for producers as follows: During each of the delivery periods of April through June, inclusive, of each year beginning with 1956, the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of first delivery to the end of such 3-month period.

§ 975.66 *Quota rules.* (a) An eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered during the quota-forming period;

(b) The quota of a producer may be moved from one handler to another and may be transferred from such producer to another producer.

DETERMINATION OF UNIFORM PRICE

§ 975.70 *Computation of value of producer milk.* Subject to the location adjustment provided by § 975.71, the value of producer milk received or diverted during each delivery period for each handler operating a pool plant and for each cooperative association with respect to milk for which it is a handler pursuant to § 975.7 (c) shall be a sum of money computed by the market administrator by multiplying by the applicable class prices, determined pursuant to §§ 975.61, 975.62 and 975.63 adjusted pursuant to § 975.64, the total combined hundredweight of skim milk and butterfat received from producers and allocated to each class pursuant to §§ 975.56 and 975.57, and adding together the resulting amounts: *Provided*, That if such handler, after subtracting all receipts of skim milk and butterfat, respectively, other than in milk received from producers has a utilization of skim milk or butterfat greater than has been accounted for in milk received from producers, there shall be added a further amount computed by multiplying any such excess utilization classified pursuant to § 975.56 (e) and the corresponding step of § 975.57 by the applicable prices.

§ 975.71 *Location adjustment to handlers.* In computing the value of such quantities of milk as are received from producers at a pool plant and classified as Class I or Class II milk, there shall be deducted the amount of 20 cents per hundredweight if the pool plant is located more than 60 miles but not more than 74 miles from the Public Square in Cleveland, Ohio, by the shortest highway distance as determined by the market administrator, and 2 cents additional for each additional 14 miles or fraction thereof: *Provided*, That for the purpose of determining the respective quantities of Class I and Class II milk subject to the location adjustment, each pool handler's utilization of Class I and Class II milk during the month at pool plants as defined in § 975.30 (a) shall be allocated first to receipts of milk from producers' farms at such plants and then to the receipts of producer milk from pool plants as defined in § 975.30 (b) in the order of their nearness to the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

§ 975.72 *Obligation to the producer-settlement fund for other source milk.* During any delivery period in which the total receipts from all producers is more than 110 percent of the total Class I utilization at all pool plants, any handler who receives other source milk during the delivery period which is allocated to Class I pursuant to §§ 975.56 or 975.57 or who operates a nonpool plant out of which a route is operated which extends into the marketing area shall pay to the producer-settlement fund an amount equal to the value of the milk so allocated to Class I or sold on such a route at the Class I price, less an amount computed at the same rate as specified in § 975.71 for the distance from the plant at which the other source milk originates to the Public Square in Cleveland, Ohio, and less the value of such milk at the Class III price.

§ 975.73 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content, f. o. b. the marketing area, received from producers by:

(a) Combining into one total the values computed under § 975.70 for all handlers who reported pursuant to § 975.40 for such delivery period, except those in default in payments required pursuant to § 975.84 for the preceding delivery period;

(b) Adding an amount representing the monies received in payment of obligations computed under § 975.72;

(c) Adding the aggregate of the values of all allowable location adjustments computed at the maximum rates for the appropriate zones set forth in § 975.81;

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 975.82 multiplied by 10;

(f) Dividing by the hundredweight of milk received from producers represented by the values included in paragraph (a) of this section; and

(g) Subtracting not less than 4 cents nor more than 5 cents.

§ 975.74 *Computation of ineligible milk price.* For each of the delivery periods of April through June the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Computing the total value on a 3.5 percent butterfat basis of ineligible milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II and Class III milk included in these computations by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II and Class III milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjusting to the nearest cent.

§ 975.75 *Computation of eligible milk price.* For each of the delivery periods of April through June the market administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content f. o. b. the marketing area, received from producers by:

(a) Subtracting the value of ineligible milk obtained in § 975.74 (a) from the aggregate value of milk computed pursuant to § 975.73 (a) through (c) and adjusting by any amount involved in

adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

§ 975.76 *Notification.* On or before the 14th day after each delivery period the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 975.40 of:

(a) The classification pursuant to §§ 975.56 and 975.57 of skim milk and butterfat contained in producer milk received by such handler during the delivery period and the value of such milk computed pursuant to § 975.70;

(b) The uniform prices for the delivery period computed pursuant to §§ 975.73, 975.74, and 975.75; and

(c) The amount due such handler pursuant to § 975.85 and the amount to be paid by such handler pursuant to §§ 975.84, 975.86, and 975.87.

PAYMENTS

§ 975.80 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 20th day after the end of each delivery period, each handler shall pay each producer for milk received from him within such delivery period, not less than an amount of money computed by multiplying the total pounds of such milk by the uniform price(s) pursuant to § 975.73 or to §§ 975.74 and 975.75, less the location adjustment pursuant to § 975.81 and adjusted by the butterfat differential pursuant to § 975.82: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 975.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 19th day after the end of each delivery period, each handler shall pay a cooperative association not a handler, with respect to milk of producers for which it has received written authorization to collect payment, a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each delivery period, each handler shall pay a cooperative association which is a handler, with respect to milk received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for milk in each class, subject to the applicable location adjustment provided by § 975.71 and the butterfat differential provided by § 975.64, by the hundredweight of milk in each class pursuant to §§ 975.56 and 975.57.

§ 975.81 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct, with respect to all milk received from producers during the months of July through March, and with respect to eligible milk received from producers during the months of April, May and June, at a plant located, by the shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator:

(a) More than 30 miles but not more than 60 miles, an amount not to exceed 13 cents per hundredweight; and

(b) More than 60 miles but not more than 74 miles, an amount not to exceed 20 cents per hundredweight, and 2 cents per hundredweight additional for each additional 14 miles or fraction thereof.

§ 975.82 *Butterfat differential.* In making payments pursuant to paragraphs (a) and (b) of § 975.80 there shall be added to or subtracted from the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b) and (c) of § 975.64 weighted by the pounds of butterfat in producer milk in Classes I, II, and III, respectively, with the result rounded to the nearest tenth of a cent.

§ 975.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund," into which he shall deposit all payments made pursuant to § 975.84 and out of which he shall make all payments pursuant to § 975.85.

§ 975.84 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler (a) whose value of producer milk is required to be computed pursuant to § 975.70, shall pay to the market administrator any amount by which such value for such delivery period is greater than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80 and (b) whose obligation is required to be computed pursuant to § 975.72, shall pay to the market administrator such obligation for such delivery period.

§ 975.85 *Payments out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which such handler's value pursuant to § 975.70 is less than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80 less any unpaid obligations of such handler to the market administrator pursuant to §§ 975.84, 975.86, 975.87, or 975.88: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 975.86 *Expense of administration.* As his pro rata share of the expense incurred pursuant to paragraph (d) of § 975.22, each handler shall pay the market administrator on or before the 16th day after the end of each delivery period, three cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each delivery period, with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production) and of all other source milk allocated to Class I pursuant to § 975.56 (b) and the corresponding portion of § 975.57: *Provided,* That such payment shall not be made with respect to any milk subject to a payment required under the provision for expense of administration of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area.

§ 975.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section each handler in making payments to producers pursuant to paragraphs (a) and (b) of § 975.80, with respect to all milk received from each producer (except milk of such handler's own production) at a plant, not operated by a cooperative association of which such producer is a member, shall deduct four cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each delivery period; and, on or before the 16th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant, not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from payments required pursuant to paragraphs (a) and (b) of § 975.80 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each delivery period to the cooperative association rendering such services of which such producers are members.

§ 975.88 *Adjustment of accounts*—(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 975.84, 975.85, 975.86, 975.87 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 975.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8e (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers; the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the months during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 975.90 *Application of provisions*—(a) *Milk subject to other Federal orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Cleveland marketing area shall be exempted for such delivery period from all provisions of this part except §§ 975.41, 975.42, and 975.43 unless the Secretary determines that the applicable order should more appropriately be determined on some other basis.

(b) *Handler exemption.* A handler who operates a plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of during the delivery period on a route(s) operated wholly or partly within the marketing area shall be exempted for such delivery period from all provisions hereof except § 975.41, § 975.42 and § 975.43.

(c) *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association which is not a handler and which is authorized to collect payment for such milk.

§ 975.91 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 975.92 *Suspension or termination.* The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision of this part.

§ 975.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 975.94 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 975.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 975.96 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Cleveland, Ohio, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to Section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Cleveland, Ohio, marketing area) who, during the month of January 1955 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of January 1955 is hereby determined to be the representative period for the conduct of such referendum.

Howard G. Eisaman is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda

to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177) such referendum to be completed on or before the 25th day from the date this referendum order is issued.

[F. R. Doc. 55-3393; Filed, Apr. 25, 1955; 8:57 a. m.]

Commodity Stabilization Service

[7 CFR Part 729]

PEANUTS

NOTICE OF PROPOSED DETERMINATIONS WITH RESPECT TO THE SUPPLY OF SEVERAL TYPES FOR 1955-56 MARKETING YEAR

Pursuant to section 358 (c) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1358 (c)), the Secretary of Agriculture is preparing to determine whether the supply of any type or types of peanuts for the 1955-56 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. Section 358 (c) of the act, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951-52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Prior to determining whether the supply of any type or types of peanuts for the 1955-56 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes, under the provisions of section 358 (c) of the act, consideration will be given to any data, views, and recommendations relating thereto, which are presented at a hearing to be held on April 29, 1955, at 10:00 a. m., e. d. t., in Room 218A, Administration Building, U. S. Department of Agriculture, Washington, D. C., or which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than April 29, 1955.

Done at Washington, D. C., this 25th day of April 1955.

[SEAL] WALTER C. BERGER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 55-3480; Filed, Apr. 25, 1955; 2:19 p. m.]

[7 CFR Part 729]

PEANUTS

NOTICE OF INVESTIGATION AND PROPOSED DETERMINATIONS WITH RESPECT TO NATIONAL MARKETING QUOTA FOR 1955 CROP

On September 30, 1954, a national acreage allotment of 1,610,000 acres for the 1955 crop of peanuts and a national marketing quota of 740,600 tons were announced by the Secretary of Agriculture. Following the proclamation of such national acreage allotment and marketing quota and after the 1954 crop of peanuts was harvested, it became evident that the quantity of peanuts produced from the 1954 crop would be insufficient to meet the demand for peanuts for cleaning and shelling during the 1954-55 marketing year. On March 9, 1955, the President issued a proclamation under which 51,000,000 pounds of shelled peanuts may be imported into the United States by June 30, 1955. There is now reason to believe that the operation of farm marketing quotas as announced on September 30, 1954, may cause the quantity of peanuts free of marketing restrictions to be less than the normal supply for the 1955-56 marketing year. Therefore, an investigation is being conducted pursuant to section 371 (a) of the Agricultural Adjustment Act of 1938, as amended, to determine whether the marketing quota for the 1955 crop of peanuts should be increased. Sections 371(a) and (c) of the act read as follows:

(a) If at any time the Secretary has reason to believe that in the case of corn, wheat, cotton, rice, peanuts, or tobacco the operation of farm marketing quotas in effect will cause the amount of such commodity which is free of marketing restrictions to be less than the normal supply for the marketing year for the commodity then current, he shall cause an immediate investigation to be made with respect thereto. In the course of such investigation due notice and opportunity for hearing shall be given to interested persons. If upon the basis of such investigation the Secretary finds the existence of such fact, he shall proclaim the same forthwith. He shall also in such proclamation specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such commodity which is free of marketing restrictions equal the normal supply (7 U. S. C. 1371 (a)).

* * * * *

(c) In case any national marketing quota or acreage allotment for any commodity is increased under this section, each farm marketing quota or acreage allotment for the commodity shall be increased in the same ratio (7 U. S. C. 1371 (c)).

Prior to determining whether the national marketing quota for the 1955 crop of peanuts should be increased in order to assure an amount of peanuts which is free of marketing restrictions equal to the normal supply, consideration will be given to any data, views and recommendations relating thereto which are presented at a hearing to be held on April 29, 1955, at 10:00 a. m., e. d. s. t., Room 218A, Administration Building, U. S. Department of Agriculture, Washington, D. C., or which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than April 29, 1955.

Done at Washington, D. C., this 25th day of April 1955.

[SEAL] WALTER C. BERGER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 55-3481; Filed, Apr. 25, 1955; 2:19 p. m.]

[7 CFR Part 814]

[Docket No. SH 132]

1955 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the notice of hearing on allotment of the 1955 sugar quota for the Domestic Beet Sugar Area (19 F. R. 7354), the hearing provided for therein was opened by the hearing examiner on December 13, 1954, at the time and place specified in such notice, and thereafter was continued by the hearing examiner to a date and place to be later announced by the issuance of public notice in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.).

Accordingly, notice is given that the public hearing on allotment of the 1955 sugar quota for the Domestic Beet Sugar Area, as continued, will be held in Room 5860 South Building, U. S. Department of Agriculture, Washington, D. C., on May 6, 1955, beginning at 10:00 a. m., e. d. t.

Issued this 22d day of April 1955.

[SEAL] G. OSMOND HYDE,
Hearing Examiner.

[F. R. Doc. 55-3444; Filed, Apr. 26, 1955; 8:55 a. m.]

[7 CFR Part 814]

[Docket No. SH 132]

1955 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

AMENDED NOTICE OF HEARING ON PROPOSED ALLOTMENT

In accordance with the notice of hearing on proposed allotment of the 1955 sugar quota for the Domestic Beet Sugar Area (19 F. R. 7354), the hearing provided for therein was opened by the hearing examiner on December 13, 1954, at the time and place specified in such notice, and thereafter was continued by the hearing examiner to a date and place to be later announced by the issuance of public notice in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.).

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922 as amended by 65 Stat. 318; 7 U. S. C. 1100), and in accordance with the provisions of the applicable rules of practice and procedure (7 CFR 801.1 et seq.), as amended by amendment effective February 24, 1955 (20 F. R. 1174), notice is given that in addition to the subjects and issues of the hearing set forth in the notice of hearing referred to above (19 F. R. 7354), it will be appropriate, upon the resumption of such hearing, to present evidence on the basis of which the Secretary may revise the allotment of the 1955 sugar quota for the Domestic Beet Sugar Area for the purposes of allotting any additional quota resulting from proration of area deficits, or allotting any deficit in the allotment for any allottee.

Notice also is given that the last sentence of the notice of hearing referred to above (19 F. R. 7354) is hereby amended by inserting the words "or molasses" following the words "sugar beets" in clause (3) of such sentence.

Issued this 22d day of April 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3445; Filed, Apr. 26, 1955; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 701, 712]

METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED INDUSTRIES IN PUERTO RICO

MINIMUM WAGE RATES

On September 14, 1954, pursuant to section 5 of the Fair Labor Standards Act, as amended (hereinafter called the act), the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 440, as amended by Administrative Orders Nos. 441 and 442, dated October 18, 1954 and November 1, 1954, respectively, appointed Special Industry Committee No. 16-B for Puerto Rico (hereinafter called the Committee) and directed the Committee to investigate conditions in the metal, machinery, transportation equipment, and allied industries in Puerto Rico (hereinafter called the industry), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industry.

For purposes of investigating conditions in and recommending minimum wages for the metal, machinery, transportation equipment, and allied industries in Puerto Rico, the committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico with due regard to the geographical regions in which the industry is carried on.

After investigating economic and competitive conditions in the industry, as defined in Administrative Order No. 440, the Committee filed with the Administrator a report containing the following recommendations: (1) That the metal, machinery, transportation equipment, and allied industries in Puerto Rico should be divided in separable Divisions for the purpose of fixing minimum wage rates and that these separable divisions should be entitled and defined as (a) the fabricated wire products, steel spring, and slide fastener division, and (b) the general divisions; (2) that a minimum wage rate of 65 cents an hour should be paid in the fabricated wire products, steel spring, and slide fastener division, and a minimum wage rate of 75 cents an hour should be paid in the general division, to employees who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on January 8, 1955 (20 F. R. 229) and circulated to all known interested parties, a public hearing upon the Committee's recommendations was held before Hearing Examiner E. West Parkinson, as presiding officer, on February 10, 1955 in Washington, D. C., at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all of the evidence adduced in this proceeding, and giving due consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for the division of the metal, machinery, transportation equipment, and allied industries in Puerto Rico into separate and distinct divisions to be known as the fabricated wire products, steel spring and slide fastener division, and the general division, together with the recommendations of the Committee for a minimum wage rate of 65 cents an hour in the fabricated wire products, steel spring, and slide fastener division, and a minimum wage rate of 75 cents an hour in the general division, as hereinafter defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the matter of the Recommendations of Special Industry Committee No. 16-B for Puerto Rico for Minimum Wage Rates in the Metal, Machinery, Transportation Equipment, and Allied Industries in Puerto Rico", a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) that, under the authority in section 8 of the Fair Labor Standards Act of 1938 (29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), General Order No. 45-A (15 F. R. 3290), and, the position of the Administrator being presently vacant, General Order No. 85 (20 F. R. 2066), (1) I propose to amend 29 CFR Part 701 to the extent that it applies to the metal, machinery, transportation equipment, and allied industries in Puerto Rico, as hereinafter defined, and (2) I propose to issue a wage order for the metal, machinery, transportation equipment, and allied industries in Puerto Rico to be contained in 29 CFR Part 712, as follows:

PART 712—METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED INDUSTRIES IN PUERTO RICO

Sec.
712.1 Approval of recommendations of industry committee.
712.2 Wage rates.
712.3 Notices of order.
712.4 Definition of the metal, machinery, transportation equipment and allied industries in Puerto Rico, and divisions thereof.

AUTHORITY: §§ 712.1 to 712.4 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208.

§ 712.1 *Approval of recommendations of industry committee.* The committee's recommendations are hereby approved.

§ 712.2 *Wage rates.* (a) Wages at a rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the fabricated wire products, steel spring, and slide fastener division of the metal, machinery, transportation equipment, and allied industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the metal, machinery, transportation equipment, and allied industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 712.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the metal, machinery, transportation equipment, and allied industries in Puerto Rico shall post in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 712.4 *Definition of the metal, machinery, transportation equipment, and allied industries in Puerto Rico, and divisions thereof.* (a) (1) The metal, machinery, transportation equipment, and allied industries in Puerto Rico to which this part shall apply is hereby defined as follows: The mining or other extraction of metal ore and the further processing of such ore into metal; the man-

ufacture (including repair) of any product or part made wholly or chiefly of metal; and the manufacture from any material of machinery, tools, transportation equipment, and ordnance: *Provided, however*, That the definition shall not include (i) the production of any basic material other than metal; (ii) the further processing of any basic material other than metal except when done by an establishment producing from such materials a product of these industries or subassembly of such product; (iii) the building and repairing (including painting) of ocean-going ships when performed in drydocks or shipyards; (iv) any activity included within the button, buckle, and jewelry industry, or the shoe manufacturing and allied industries as defined in the wage orders for those industries; (v) or any activity included within the electrical, instrument, and related manufacturing industries as defined in Administrative Order No. 440 appointing Special Industry Committees Nos. 16–A, 16–B, and 16–C for Puerto Rico. The definition supersedes the definition of the decorations and party favors industry with respect to the manufacture of (metal) articles other than those made from metallic chenille, foil, or tinsel.

(2) The definition contained in subparagraph (1) of this paragraph supersedes the definitions contained in any and all wage orders issued heretofore for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industries defined in paragraph (a) (1) of this section, to which this part shall apply are hereby defined as follows:

(1) *Fabricated wire products, steel spring, and slide fastener division.* This division consists of the drawing of wire and rod and the fabrication of wire and rod products including, but without limitation, nails, brads, spikes, staples, chain, fencing, bare wire rope and cable, barbed wire, bale ties, and garment hangers; the manufacture of steel springs; and the manufacture of slide fasteners.

(2) *General division.* This division consists of all products and activities included in the metal, machinery, transportation equipment, and allied industries, as defined in Administrative Order No. 440, except products and activities included in the fabricated wire products, steel spring, and slide fastener division as defined in this section.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER interested persons may submit written exceptions to the proposed actions described. Exceptions should be submitted in quadruplicate to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., and should include any supporting reasons therefor.

Signed at Washington, D. C., this 21st day of April 1955.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 55–3439; Filed, Apr. 26, 1955; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

[Draft Release No. 55–10]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

FLIGHT TIME LIMITATIONS; NAVIGATORS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of an amendment to Part 41 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by June 3, 1955. Copies of such communications will be available after June 7, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Part 41 of the Civil Air Regulations presently limits the time a pilot, flight radio operator, or flight engineer may be scheduled for flight duty to a maximum of 12 hours during any 24 consecutive hours when no in-flight relief is available for such flight crew member. However, Part 41 does not contain such a limitation with respect to the scheduling of a flight navigator for flight duty.

In 1950 the Bureau of Safety Regulation circulated a proposal to amend the scheduled air carrier operating rules which, among other things, would have applied the same limitations to flight navigators as were currently applied to other flight crew members. For reasons unrelated to the question of navigator flight time limitations, the Board decided that the notice of proposed rule making circulated by the Bureau would not be adopted as amendments to the Civil Air Regulations. At that time, the Board was assured by air carriers conducting scheduled international air carrier operations that they would not schedule flight navigators to serve for more than 12 hours duty during any 24 consecutive hours pending the adoption of revised regulations applicable to such operations. In view of this assurance the Administrator of Civil Aeronautics for several years has prescribed the same 12-hour daily flight time limitations for navigators in the operations specifications of air carriers conducting long-range overseas and international operations under Part 42 of the Civil Air Regulations, in order that all air carriers would operate under the same flight time limitations when conducting comparable operations.

The Board has recently received complaints from flight navigators alleging that air carriers have been frequently scheduling flight navigators for flight duty in excess of 12 hours in a 24-hour period. Investigation of this matter supports this complaint. These air carriers maintain that no regulatory obligation exists for limiting the scheduling of flight navigators to a maximum of 12 hours flight duty. Consequently these air carriers have challenged the authority of the Administrator to impose such a limitation in the operations specifications issued under Part 42.

The Bureau is of the opinion that flight navigators should be subject to the same daily flight time limitations as are specified for other flight crew members.

Inasmuch as other efforts short of amending the Civil Air Regulations have not insured that the Board's objectives in this matter would be met, it appears necessary at this time to consider the need for amendment of Part 41.

In view of the foregoing, notice is hereby given that it is proposed to amend § 41.81 of Part 41 of the Civil Air Regulations to read as follows:

§ 41.81 *Flight time limitations.* When one flight navigator is required, the flight time limitations prescribed in § 41.55 apply. When two or more flight navigators are required, the flight time limitations prescribed in § 41.56 apply.

This amendment is proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., April 22, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 55–3438; Filed, Apr. 26, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11279]

RADIO BROADCAST SERVICES; SUBSCRIPTION TELEVISION SERVICE

ORDER EXTENDING TIME FOR FILING COMMENTS

1. On February 11, 1955, the Commission issued a notice of proposed rule making (FCC 55–165) instituting the subject subscription television rule-making proceeding. The notice provided that comments should be filed on or before May 9, 1955, and that reply comments should be filed on or before June 9, 1955.

2. On April 19, 1955, International Telemeter Corporation, the proponent of a system of subscription television known as "Telemeter", filed a petition requesting the Commission to extend the time for filing original comments to June 9, 1955, and reply comments to July 11, 1955.

3. In support of its request, International Telemeter states that as a proponent of a subscription television system it is vitally interested in the rule-making proceeding and intends to file detailed comments directed to the several issues upon which the Commission has requested information in its notice of proposed rule making. Noting that the preparation of its comments will take a great amount of time, Telemeter advises the Commission that the attorney who had been giving substantially full time in the past two and one-half months to the project of developing and organizing its comments, and who had been assigned the principal responsibility for such comments, has been hospitalized and will be incapacitated for a substantial period of time. International Telemeter states that as a result it has become necessary to assign other counsel, unfamiliar with the previous work done, to the preparation of its comments. It is estimated that at least 30 days additional time beyond May 9, 1955, will be required by Telemeter's newly assigned counsel to become familiar with the problems and to complete the preparation of its comments.

4. The Commission believes that International Telemeter Corporation has established good cause for the extension of time for filing comments in this proceeding and that an additional 30 days within which to file comments is warranted. The Commission has concluded, therefore, that extending the time for filing comments in this proceeding would serve the public interest, convenience and necessity.

5. In view of the foregoing: *It is ordered*, That the time for filing original comments in the above-entitled proceeding is extended to June 9, 1955; and the time for filing replies to original comments is extended to July 11, 1955.

Adopted: April 20, 1955.

Released: April 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–3402; Filed, Apr. 26, 1955; 8:47 a. m.]

[47 CFR Part 3]

[Docket No. 11238; FCC 55–492]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. The Commission has under consideration its notice of proposed rule making and orders to show cause issued in this proceeding on December 17, 1954 (FCC 54–1545) and published in the FEDERAL REGISTER on December 23, 1954 (19 F. R. 8816), proposing to amend the television table of assignments so as to assign Channel 10 to Vail Mills, New York, as requested by Hudson Valley Broadcasting Company, Inc., or alternatively, to switch the educational reservation at Albany from UHF Channel 17 to VHF Channel 6, as requested by Van Curler Broadcasting Company; ordering the General Electric Company to show cause why its outstanding authorization for Television Station WRGB should not be modified to specify operation on Channel 17 in lieu of Channel 6; and ordering the State Educational Department of the University of the State of New York to show cause why its outstanding authorization for educational Station WTVZ should not be modified to specify operation on Channel 6 in lieu of Channel 17.

2. Comments have been filed by Hudson Valley Broadcasting Company, Inc. (WROW–TV), Albany, New York; Van Curler Broadcasting Corporation (WTRI), Albany, New York; Greylock Broadcasting Company (WMGT–TV), North Adams, Massachusetts; and Walter C. Nelas of Albany, New York. Numerous letters from individuals and organizations in New York in support and in opposition to the two proposals under consideration in this proceeding were also filed. Replies to the show cause orders were filed by General Electric Company and the State Education Department of the University of the State of New York. Replies to comments were filed by Hudson Valley Broadcasting Company, Inc., and Van Curler Broadcasting Corporation.

3. Five television channels are assigned to the Albany-Schenectady-Troy area: VHF Channel 6 and UHF Channels 17, 23, 35, and 41, with Channel 17 reserved for non-commercial educational use. General Electric Company is the licensee of Station WRGB operating in Schenectady on VHF Channel 6; petitioner is the permittee of Station WROW–TV operating on UHF Channel 41 at Albany; and Van Curler Broadcasting Corporation is the permittee of Station WTRI on UHF Channel 35 in Albany, but is presently off the air.[1] Construction permits have been granted for Station WTVZ to the University of the State of New York on UHF Channel 17 at Albany for non-commercial educational use, and for Station WPTR–TV to the Patroon Broadcasting Company, Inc., on UHF Channel 23 in Albany; but these stations have not yet been constructed.

4. Petitioner Hudson Valley seeks the addition of a second VHF assignment in the Albany-Schenectady-Troy area and proposes that VHF Channel 10, since it cannot be assigned to any of the three cities in conformance with the minimum spacing requirements of the rules, be assigned to the community of Vail Mills, which is approximately 20 miles northwest of Schenectady. In support of its request, Hudson Valley urges that the assignment of VHF Channel 10 to Vail Mills would conform to the Commission's rules and section 307 (b) of the Communications Act and would require no other changes in the table of assignments; that it would provide a second VHF television service in the Tri-City area; that petitioner desires to improve the facilities of Station WROW–TV to furnish an improved television service to more people in the Tri-City area; and that, in the event its proposal is adopted, petitioner contemplates applying for a station on Channel 10 at Vail Mills.

[1] Station WTRI suspended operation on January 31, 1955, and has been authorized to remain silent until May 6, 1955, the expiration date of its construction permit.

5. In its opposing comments directed to Hudson Valley's request for the assignment of Channel 10 to Vail Mills, Van Curler Broadcasting Company contends that the addition of a second VHF station to the area might cause the demise of its UHF operation (Station WTRI) at Albany as well as all UHF stations in the area and would result in the area receiving only two television services instead of the five which could be received from the one VHF and four UHF channels presently allocated. Van Curler points out that out of approximately 366,000 receivers in the area, only about 75,000 are now equipped to receive UHF signals, but contends that with only one VHF station in the area (WRGB), some incentive exists for the public to purchase all-channel sets and UHF converters since the UHF stations can now obtain some of the network programs not carried by Station WRGB. Van Curler submits that if two VHF stations operate in the area, they would obtain affiliation agreements from the two major networks and would preempt all, or practically, all popular network programs thereby destroying the public's incentive to convert their receivers to UHF. Van Curler urges that the experience of UHF stations in other markets faced with competition from two UHF stations and the testimony of witnesses before the Senate Subcommittee on Communications at hearings on the UHF problem, bear out its contentions. It further urges that the assignment of Channel 10 to Vail Mills, a small unincorporated crossroads community of about 250 persons, would violate the fundamental assignment principle of making channel assignments to principal communities as well as other assignment principles such as the requirement that main studios be located in the principal community to be served (§ 3.613) and the requirement that the entire principal community to be served be provided with specified minimum field intensity signals (§ 3.685). Van Curler submits that although the Commission has assigned VHF channels to suburban communities near large cities, those cases are not precedents for the instant proposal since those assignments were made prior to the present plight of UHF stations in mixed markets and involved adjacent and well-populated suburbs of large cities with twice the population of the Tri-Cities combined.

6. As an alternative to the proposal of Hudson Valley, Van Curler requests that the educational reservation in Albany be switched from UHF Channel 17 to VHF Channel 6 to effectuate deintermixture of VHF and UHF commercial assignments in the Albany-Schenectady-Troy area. It is urged that the area is ideal for deintermixture since, other than the VHF signals of Station WRGB on Channel 6, no other Grade A VHF signals are receivable in the area—the nearest other VHF station being over 70 miles distant. Van Curler urges, further, that susbstituting a UHF assignment for the one VHF assignment in the area would place all commercial television stations in the area on an equal competitive basis; that it would better enable stations in the area to obtain

network affiliations and advertising revenue; and that it would provide a ready-made and large audience for an educational station on a VHF assignment.

7. To effectuate its counterproposal, Van Curler requests that General Electric Company be ordered to show cause why its authorization for Station WRGB should not be modified to specify operation on Channel 17 in lieu of Channel 6, and that the State Education Department be ordered to show cause why its authorization for Station WTVZ should not be modified to specify operation on Channel 6 in lieu of Channel 17. Van Curler asserts that moving VHF Station WRGB to a UHF channel would break the monopolistic network position of the station and would cause no undue hardship to General Electric Company, since as an equipment manufacturer, it has a large stake in the development of the UHF service.

8. In its Opposition to the Hudson Valley proposal for Vail Mills, Greylock Broadcasting Company, permittee of Station WMGT-TV on UHF Channel 9 at North Adams, Massachusetts, states that Station WMGT-TV provides a Grade A signal over Albany, Schenectady, and Troy and that its expensive installation and operation on Mt. Greylock was undertaken with wide ooverage in mind and in reliance on the fact that only one VHF channel was assigned to the entire region between Boston and Hartford to the east and Utica to the west. Greylock urges that the assignment of a second VHF channel to the Tri-City Area would cause WMGT-TV and the three UHF stations in Albany to cease commercial operation, and similar arguments to those advanced by Van Curler in its opposing comments are advanced by Greylock to support its contention that UHF stations cannot survive the competition of two VHF stations in the same area. Greylock contends that the counterproposal of Van Curler for complete deintermixture of UHF and VHF commercial assignments in the Tri-City area is to be preferred to the Hudson Valley proposal, but doubts that the counterproposal would meet with Commission approval at this time. It contends that experience indicates that UHF stations may survive competition from one VHF station but not two VHF stations.

9. Walter C. Nelas supports the assignment of Channel 10 to Vail Mills and urges that this assignment would provide a second primary VHF service to the Tri-City area, which has an urbanized population of 415,170 persons; that there are in the hands of the public in this area more than 400,000 VHF sets; that the assignment would represent a fair and equitable distribution of facilities; and that he plans to form a corporation for the purpose of making application for a station on Channel 10 in the event the proposed assignment is adopted. He opposes the Van Curler counterproposal for deintermixture in the area and contends that the shift of Station WRGB to UHF would render obsolete at least 288,000 VHF-only sets; that in view of the existence of 125,000 UHF receivers in the area the economic prospects of UHF appear reasonably good; that because of the interest of other parties in Channel 10, it cannot be assumed that either Station WROW-TV or Station WTRI would become the grantee on that assignment; and that the private economic interests of existing stations should not supersede the public interest.

10. In response to the order to show cause, the University of the State of New York states that it takes no position with respect to the matters in issue in this proceeding and will abide by whatever disposition is made by the Commission. In its response to the order to show cause, General Electric Company states that it opposes the shift of Station WRGB from VHF Channel 6 to UHF Channel 17. General Electric submits that this assignment is consistent with the objectives of the Sixth Report and that the interest of Van Curler in deleting this channel for commercial use is its own financial advancement rather than the public interest. General Electric urges that it began operation more than 15 years ago; that it now serves over 400,000 square miles; and that many people would be discommoded and subjected to additional expenditures in the area and in many communities far removed from the Tri-City area. General Electric contends that the 35 percent conversion for UHF in the area compares well to the 80 percent total set saturation after 15 years of service by WRGB, and represents about the same size audience which WRGB had after 11 years of experimental and commercial operation during which time the operating losses were seven times those of which WTRI complains. In order to give an estimate of the magnitude of the adjustments which would be necessary to shift channels as proposed by WTRI, General Electric cites the experience it underwent when it shifted from Channel 4 to Channel 6 in response to the show cause order issued during the proceeding leading up to the Sixth Report and Order.

11. We have carefully considered the facts and contentions thus far advanced by the parties in this proceeding with respect both to the above-described proposal of Hudson Valley and the counterproposal of Van Curler. It should be noted that the instant proceeding is a "rule-making" proceeding, which according to the definition of applicable statutes, constitutes agency process for the formulation, amendment or repeal of an agency statement of general or particular applicability and future effect, designed to implement or prescribe policy in this field.[2] In short, we are, by this proceeding, attempting to arrive at a decision of future policy to be uniformly followed, wherever possible, in the effectuation of our allocation table for a nation-wide television system.

12. The counter-proposals thus far advanced in this proceeding are closely similar, if not identical, in principle, to the other "de-intermixture" petitions currently being considered by the Commission.[3] It is obviously desirable, in the current state of things, to arrive at and maintain a uniform policy in the handling of petitions which not only seek to alleviate some of the difficulties being faced in the field of UHF television, but which involve fundamental problems possibly affecting the future scope and extent of our national television system. It is therefore appropriate and necessary that any decision made here should, at least, have as its basis the consideration of information and data of the nature being called for in the other "de-intermixture proceedings." We do not presently have such data before us in the instant proceeding.

13. We have therefore concluded that public interest, convenience, and necessity would be served by further rule-making proceedings in connection with the instant proposals and counter-proposals regarding the utilization of television channels in the Albany-Schenectady-Troy area.

14. The Commission desires that further comments be submitted on petitioners' proposals and counter-proposals, and that the comments and data so filed in this further rule-making proceeding be directed to, among other things, the following matters:

(a) The Grade A and Grade B contours of the stations presently operating in the Albany-Schenectady-Troy area as well as the Grade A and Grade B contours of a VHF station operating as proposed on Channel 10 at Vail Mills, N. Y.

(b) The estimated number of families in Albany-Schenectady-Troy and the surrounding areas residing within the service ranges of both operating and potential television stations in the Albany-Schenectady-Troy area. The information should specify the estimated number of families residing within the Grade A and Grade B contours of the stations and the estimated number of families beyond the Grade B contours but capable of receiving a satisfactory signal. (The basis for indicating service beyond the Grade B contour should be specified.)

(c) The estimated total number of television receivers in the Albany-Schenectady-Troy and the surrounding areas, including the percentage of sets capable of receiving UHF transmissions. This information should specify the number of sets within the Grade A and Grade B contours of the stations, and the number of sets beyond the Grade B contour that receive satisfactory transmissions from the Albany-Schenectady-Troy area.

(d) Insofar as data may be available, the estimated percentage of time that set owners within the Grade A and Grade B service area of the Albany-Schenectady-Troy area stations view VHF or UHF stations located outside this area, and the quality of the signal received. Information should also be submitted indicating the number and signal quality of any outside VHF or UHF services that may be expected to be received in the Albany-Schenectady-Troy and the surrounding areas in accordance with the present Assignment Table.

(e) Data indicating whether, and to what extent, any areas and populations surrounding the Albany-Schenectady-Troy area would lose potential commercial television service in the event Channel 6 is reserved for education in the Albany-Schenectady-Troy area or is deleted. Information should also be submitted indicating what other services are received in such areas, and to what extent other services may be expected to be received under the present Assignment Table.

(f) Information with respect to television network relations in the Albany-Schenectady-Troy area including complete information as to present and proposed network affiliations; the extent of network programs currently received in the Albany-Schenectady-Troy area on a regular basis; the terms of existing network contracts, including cancellation provisions; the prospects of UHF stations for continued network affiliation in the event: (1) Another VHF channel is authorized in the area; (2) the existing commercial VHF Channel 6 in the area is retained; or (3) no commercial VHF channels are authorized in the Albany-Schenectady-Troy area; the availability of program material and advertiser support for UHF stations in these communities in the absence of network programs; and information indicating the impact on future sales of UHF-equipped receivers and UHF conversions in the event the UHF stations curtail transmission of network programs.

15. Authority for the issuance of this notice is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

16. All interested parties desiring to submit their further comments with respect to petitioners' proposal, in accordance with the foregoing, both in support and in opposition, may file with the Commission on or before May 20, 1955, further written statements or briefs setting forth their comments. Comments or briefs in reply to such original comments as may be filed should be submitted to the Commission within 10 days from the last day for filing original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. In accordance with § 1.764 of the rules, an original and 14 copies of all statements, briefs, or comments should be submitted.

17. The Commission believes that subsequent to the filing of such further written comments in this proceeding, an oral argument before the Commission en banc would assist the Commission in reaching its final determination. Accordingly, the Commission will specify in a subsequent notice the time and place for such oral argument and the particular matters to which the oral argument will be directed.

Adopted: April 20, 1955.

Released: April 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3401; Filed, Apr. 26, 1955; 8:46 a. m.]

[2] See section 4 (c) of the Administrative Procedure Act.

[3] Do. No. 11333 (Peoria, Ill.); Do. No. 11334 (Evansville, Ind.); Do. No. 11335 (Madison, Wis.); Do. No. 11336 (Hartford, Conn.).

[47 CFR Part 3]

[Docket No. 11280; FCC 55-491]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

REPORT AND ORDER TERMINATING PROCEEDING

1. The Commission has before it for consideration its notice of proposed rule making and order to show cause issued in this proceeding on February 11, 1955 (FCC 55-166). The Commission advised in its Notice that WKST, Inc., permittee of television Station WKST-TV authorized to operate on Channel 45 at New Castle, Pennsylvania, had filed a petition requesting that the table of television channel assignments be amended by shifting Channels 45 and 73 between New Castle and Youngstown, Ohio. In addition, WKST, Inc., was directed to show cause why its outstanding authorization for Channel 45 in New Castle should not be modified to specify operation on that frequency in Youngstown.

2. WKST, Inc., has submitted comments in support of its proposed amendment and consenting to the modification of its authorization to specify operation on Channel 45 in Youngstown. Comments supporting this proposal were also submitted by the Mayor of New Castle and the Greater New Castle Association. Comments opposing the proposal have been filed by WKBN Broadcasting Corporation, permittee of Station WKBN-TV operating on Channel 27 in Youngstown; the Vindicator Printing Company, permittee of Station WFMJ-TV operating on Channel 21 in Youngstown; Congressman Frank M. Clark; Walter A. Kieler; Community Telecasting Company; Farrell, Pennsylvania; Committee for the Civic Betterment of New Castle; and the New Castle Civic Industrial Development Group.

3. Youngstown presently has three UHF channels assigned, Channels 21, 27 and 73. Stations are operating on Channel 21 (WFMJ-TV) and Channel 27 (WKBN-TV); no applications are on file for Channel 73. Channel 45 is the only assignment to New Castle. An authorization to operate on this channel has been granted to petitioner, WKST, Inc. Although WKST-TV commenced operation in April 1953, it suspended operation on January 14, 1955, pending a determination in this proceeding.

4. In support of its proposal, WKST notes that it presently holds a construction permit for a station on Channel 45 in New Castle, with studios and transmitter about 3.5 miles southeast of the city. The station commenced operation in April 1953, and, as noted, suspended operation last January. Petitioner alleges that it has operated at a loss of $70,000, after radio profit, during the period that it was on the air. Petitioner points out that New Castle is a relatively small community compared to Youngstown, which is situated about 17 miles from New Castle; and that operating with its main studios near New Castle, and being known as a New Castle station, has resulted in its inability to obtain a sufficient number of national network programs and sufficient revenue from networks, national and local advertising to sustain a successful operation. Petitioner submits that WKST-TV has been unable to compete effectively with the two stations operating in Youngstown which also serve the New Castle area. Petitioner suggests that by moving its present facilities to Youngstown and by becoming a Youngstown station, it would be in a position to negotiate a basic national network affiliation agreement and to attract more national and local business. Petitioner therefore urges that it should be permitted to operate as a Youngstown rather than a New Castle station. While it is conceded that Channel 73 is available in Youngstown, petitioner points out that by permitting it to retain its present frequency in Youngstown, it would be able to make use of all of its existing equipment with the exception of its antenna tower. However, if petitioner is required to operate on Channel 73, which is already assigned to Youngstown, it would have to spend additional capital for a new antenna and for modification or replacement of its transmitter. WKST submits that by shifting Channel 45 to Youngstown, it would be enabled to accomplish its objective with a maximum of speed and a minimum of additional expense. Petitioner notes that there are a large number of receivers in the general area equipped with strip tuners for Channel 45 and states that these sets would require modification unless petitioner continues operation on its present frequency. Petitioner urges that the site it proposes to utilize in Youngstown would conform to all of the Commission's requirements, and that it will employ sufficient power and antenna height to provide Youngstown with the requisite signal strength and to afford New Castle and its environs with a high-quality television service. Petitioner further states that it proposes to operate in Youngstown with an enlarged program service, with some programs especially designed for viewers in the New Castle area.

5. The opposing parties urge that the present assignments in both communities represent a fair and equitable distribution of facilities and that the proposal to delete Channel 45 from New Castle would deprive the New Castle community of facilities for local expression and would be deleterious to the interests of small communities and rural areas. They submit that no justification has been advanced that would indicate that the establishment of a third station

in Youngstown, at the expense of depriving New Castle of its only station, is warranted. In this connection, it is contended that the area served by WKST–TV in New Castle would be deprived of service if Channel 45 is switched to Youngstown and that a median signal of 80 dbu would not be expected to be afforded to the city of New Castle from the Youngstown station in light of the shadowing that would be caused by a major obstruction between the proposed Youngstown site and New Castle. It is noted that petitioner could pursue its objective of becoming a Youngstown station by applying for Channel 73 which is available for use in that community and could thus leave Channel 45 in New Castle for use by a future applicant. These opponents to petitioner's proposal submit that the previous cases in which the Commission has switched low UHF channels for higher ones do not constitute a precedent for the instant request. In addition, the two UHF stations operating in Youngstown, WKBN–TV and WFMJ–TV, urge that the addition of a third station in the Youngstown community would present serious economic problems for all three stations.

6. In reply to the Oppositions, WKST urges that the proposed shift in frequencies between New Castle and Youngstown does not constitute a departure from the principles underlying the Commission's allocation plan since both communities would retain the same number of assignments and the same opportunity for service. Accordingly, WKST urges that this case does not involve a consideration of a fair and equitable distribution of facilities. WKST argues that in light of the present deficiencies in equipment for the higher UHF channels, its change in operation from New Castle to Youngstown can be accomplished in the least time and with the least expenditure by shifting Channel 45 from New Castle to Youngstown. While petitioner concedes that the Commission has not made distinctions among the UHF channels, it points out that the Commission has recognized that differences do exist in the present equipment available for the UHF. WKST states that it is not significant that New Castle would not receive a signal greater than 80 dbu over the entire city since this area will continue to receive a high-quality service. In addition, Youngstown will receive the requisite signal intensity from its proposed operation. WKST submits that the fact that the UHF stations now operating in Youngstown may suffer economic injury as a result of the proposed amendment is not a proper consideration in this proceeding.

7. The question we have before us is whether the public interest would be served by shifting UHF Channels 45 and 73 between New Castle and Youngstown and by modifying the outstanding authorization of Station WKST–TV to specify operation on Channel 45 in Youngstown rather than New Castle. In several recent decisions we have made changes in assignments and issued show cause orders in rule-making proceedings to permit stations operating on the higher UHF channels to operate on the lower UHF channels.[1] In those cases we recognized that the temporary equipment problems associated with operation on the higher UHF channels warranted shifting a lower channel from a community which is not ready to proceed with television to a community which is prepared to proceed promptly with television service. In our view, our action in these cases does not serve as a precedent to be followed in the instant case. In each of those cases there was no present prospect that the channel to be shifted from one community to another would be used in the foreseeable future.

8. In this case, however, WKST–TV holds a construction permit for operation on Channel 45 at New Castle and was, in fact, in operation on Channel 45 from April 1953 until January 1955. There is no indication on the basis of the record in this proceeding that if WKST–TV does not resume operation in New Castle on Channel 45 that other parties in New Castle would not be ready and willing to undertake the operation. We do not believe that we would be warranted, therefore, in shifting Channel 45 from New Castle at this time. Moreover, if WKST, Inc., desires to move to Youngstown, Channel 73 is unoccupied in that community. In the light of the above, we cannot conclude that a grant of the WKST, Inc. petition would serve the public interest.

9. In view of the foregoing: *It is ordered*, That the petition of WKST, Inc., is denied, and this proceeding is terminated.

Adopted: April 20, 1955.

Released: April 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3403; Filed, April 26, 1955; 8:47 a. m.]

[47 CFR Part 3]

[Docket No. 11369; FCC 55-484]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed on February 14, 1955, by KSEM, Inc., requesting rule making to amend the television table of assignments, contained in § 3.606, rules governing television broadcast stations, so as to assign Channel 8 to Moses Lake, Washington, by making other changes in the table as follows:

City	Channel No.	
	Present	Proposed
Moses Lake, Wash.	None	8
Walla Walla, Wash.	5–, 8, *22	5–, 11, *22

[1] North Adams, Mass., Docket 11190 (FCC 54–1308); Scranton, Pa., Docket 11219 (FCC 55–33); Kingston, N. Y., Docket 11261 (FCC 55–89).

The proposed amendment would require a change in the offset requirement only of the Channel 11 assignment in Tacoma, Washington, from 11+ to 11–.

3. In support of the requested amendment petitioner urges that the assignment of Channel 8 to Moses Lake would represent the addition of a VHF allocation in an area which has no such allocation and no operating UHF station; that it would provide service to a large number of people who do not at present receive any Grade B signals from other television stations; that the proposed amendment would conform to the Commission's rules; and that the proposal would not affect any existing operation.

4. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that interested parties may submit their views. The subject petition is made a part of this docket.

5. Authority for the adoption of the proposed amendement is contained in sections 4 (i), 301, 303 (c), (d), and (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 16, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments before taking final action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 19, 1955.

Released: April 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3404; Filed, Apr. 26; 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

MANIPULATIVE AND DECEPTIVE DEVICES AND CONTRIVANCES

NOTICE OF PROPOSED RULE MAKING

On May 18, 1954, the Commission announced its proposal to adopt three rules under the Securities Exchange Act of 1934 with respect to certain activities by persons participating in the distribution of securities. The rules proposed were § 240.10b–6 (Rule X-10B–6), restricting trading activity by persons who are participating or expect to participate in a distribution, § 240.10b–7 (Rule X-10B–7) relating to stabilizing to prevent or retard a price decline, and § 240.10b–8 (Rule X-10B–8) dealing with the peculiar problems arising in rights offerings, particularly those which have generally come to be known as the Shields Plan and Columbia Gas Plan type of offerings.

The Commission received numerous written comments and suggestions. After appropriate notice a public hearing was held on July 8, 1954 at which interested persons were afforded an opportunity to present their views orally. Certain of those who attended the hearings and other persons who desired to participate have since conferred with the staff and submitted additional comments.

The Commission has given due consideration to all of the views and comments made at the hearing and otherwise submitted and has incorporated the substance of a number of them in the proposed revisions §§ 240.10b–6, 240.10b–7, and 240.10b–8 set forth below.

As the Commission announced in Securities Exchange Act Release No. 5040, it proposes to rescind § 240.9a6–1 (Regulation X-9A6–1) when § 240.10b–7 (Rule X-10B–7) is adopted since this rule would prohibit stabilizing in connection with an offering "at the market".

Proposed §§ 240.10b–6, 240.10b–7 and 240.10b–8 would be adopted under the provisions of sections 10 (b) and 23 (a) of the Securities Exchange Act of 1934.

The text of the proposed rules as revised is as follows:

§ 240.10b–6 *Prohibitions against trading by persons interested in a distribution.* (a) It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10 (b) of the act for any person,

(1) Who is an underwriter or prospective underwriter in a particular distribution of securities, or

(2) Who is the issuer or other person on whose behalf such a distribution is being made, or

(3) Who is a broker, dealer, or other person who has agreed to participate or is participating in such a distribution,

directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, either alone or with one or more other persons, to bid for or purchase for any account in which he has a beneficial interest, any security which is the subject of such distribution, or any security of the same class and series, or any right to purchase any such security, or to attempt to induce any person to purchase any such security or right until after he has completed his participation in such distribution: *Provided, however,* That this section shall not prohibit (i) transactions in connection with the distribution effected otherwise than on a securities exchange with the issuer or other person or persons on whose behalf such distribution is being made or among underwriters, prospective underwriters or other persons who have agreed to participate or are participating in such distribution; or (ii) odd-lot transactions (and the off-setting round-lot transactions hereinafter referred to) by a person registered as an odd-lot dealer in such security on a national securities exchange who offsets such odd-lot transactions in such security by round-lot transactions as promptly as possible; or (iii) brokerage transactions not involving solicitation of the customer's order; or (iv) offers to sell or the solicitation of offers to buy the securities being distributed or securities or rights beneficially owned (including securities or rights acquired in stabilizing); or (v) the exercise of any right or conversion privilege to acquire any security; or (vi) stabilizing transactions not in violation of § 240.10b–7; or (vii) bids for or purchases of rights not in violation of § 240.10b–8; or (viii) transactions effected on a national securities exchange in accordance with the provisions of a plan filed by such exchange under § 240.10b–2 (d) and declared effective by the Commission; or (ix) purchases or bids by an underwriter, prospective underwriter or dealer otherwise than on a securities exchange, 10 or more business days prior to the proposed commencement of such distribution (or 5 or more business days in the case of unsolicited purchases), if none of such purchases or bids are for the purpose of creating actual or apparent active trading in or raising the price of such security. In the case of securities offered pursuant to an effective registration statement under the Securities Act of 1933 the distribution shall not be deemed to commence for purposes of this subdivision prior to the effective date of the registration statement.

(b) The distribution of a security (1) which is immediately exchangeable for or convertible into another security, or (2) which entitles the holder thereof immediately to acquire another security, shall be deemed to include a distribution of such other security within the meaning of this section.

(c) The following shall be applicable for the purposes of this section.

(1) The term "underwriter" means a person who has agreed with an issuer or other person on whose behalf a distribution is to be made (i) to purchase securities for distribution or (ii) to distribute securities for or on behalf of such issuer or other person or (iii) to manage or supervise a distribution of securities for or on behalf of such issuer or other person.

(2) The term "prospective underwriter" means a person (i) who has agreed to submit or has submitted a bid to become an underwriter of securities as to which the issuer, or other person on whose behalf the distribution is to be made, has issued an invitation for bids, or (ii) who has reached an understanding, with the issuer or other person on whose behalf a distribution is to be made, that he will become an underwriter, whether or not the terms and conditions of the underwriting have been agreed upon.

(3) A person shall be deemed to have completed his participation in a particular distribution as follows: (i) The issuer or other person on whose behalf such distribution is being made, when such distribution is completed; (ii) an underwriter, when he has distributed his participation, including all other securities of the same class acquired in connection with the distribution, and any stabilization arrangements and trading restrictions with respect to such distribution to which he is a party have been terminated; (iii) any other person, when he has distributed his participation. A person, including an underwriter or dealer, shall be deemed for purposes of this subparagraph to have distributed securities acquired by him for investment.

(d) The provisions of this section shall not apply to exempted securities or to securities issued or guaranteed by the International Bank for Reconstruction and Development.

§ 240.10b–7 *Stabilizing to facilitate a distribution*—(a) *Scope of section.* The provisions of this section shall apply to any person who, either alone or with one or more other persons, directly or indirectly, stabilizes the price of a security to facilitate an offering of any security. It shall constitute a "manipulative or deceptive device or contrivance", as used in section 10 (b) of the act, for any such person, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, to effect, either alone or with one or more other persons, any transaction or series of transactions prohibited by this section.

(b) *Definitions.* Unless the context clearly indicates otherwise, for the purposes of this section the following terms shall have the meaning indicated:

(1) The term "offering at the market" shall mean an offering in which it is contemplated that the offering price will differ from the next preceding offering price more often than once in any calendar day: *Provided, however,* That reduction of the offering price shall not make any offering an "offering at the market".

(2) The term "transaction" shall mean a bid or a purchase.

(3) The terms "stabilize", "stabilizes", "stabilizing" or "stabilized" shall mean the placing of any bid, or the effecting of any purchase, for the purpose of pegging, fixing or stabilizing the price of any security.

(c) *Transactions must be necessary.* No stabilizing bid or purchase shall be made except for the purpose of preventing or retarding a decline in the open market price of a security.

(d) *Priority must be granted.* Any person placing or transmitting a bid which he knows is for the purpose of stabilizing the price of any security shall disclose the purpose of such bid to the person with whom it is placed or to whom it is transmitted. Any person placing a stabilizing bid or effecting a stabilizing purchase on a securities exchange shall grant priority to any independent bid at the same price irrespec-

tive of the size of such independent bid or the time when it is entered. Any person placing a stabilizing bid or effecting a stablizing purchase otherwise than on a securities exchange shall grant priority to any independent bid at the same price placed with or transmitted to him irrespective of the size of such independent bid or the time when it is entered.

(e) *Control of stabilizing.* No sole distributor or syndicate or group stabilizing the price of a security nor any member or members of such syndicate or group shall maintain more than one bid in any one market at the same price at the same time: *Provided, however,* That more than one bid at the same price may be maintained otherwise than on a securities exchange by or for the account of all persons stabilizing.

(f) *Stabilizing at prices resulting from unlawful activity.* No stabilizing shall be initiated at a price which the stabilizer knows or has reason to know is the result of activity which is fraudulent, manipulative, or deceptive under the act or any rule or regulation thereunder.

(g) *Stabilizing prohibited in offerings at the market.* No person shall effect any stabilizing transaction to facilitate any offering at the market.

(h) *Stabilizing securities traded in more than one market.* If a security is traded in more than one market, stabilizing shall not be initiated at any price which would be unlawful in the market which is the principal market for such security in the United States open for trading at the time when such stabilizing is initiated: *Provided, however,* That if the principal market for such security in the United States is a securities exchange, stabilizing may be initiated in any market after the close of such exchange at the price at which stabilizing could have been initiated on such exchange at the close thereof unless the person stabilizing knows or after reasonable inquiry, has reason to know that other persons have offered or sold such security at a lower price after such close, except that special prices available to any group or class of persons (including employees or holders of warrants or rights) shall not limit the stabilizing price.

(i) *Entering stabilizing bid on exchange prior to opening.* No person shall place a stabilizing bid on a securities exchange prior to the time the opening quotations for the security on such exchange are available, unless he has been and is lawfully stabilizing such security at such price: *Provided, however,* That a stabilizing bid may be made immediately prior to the opening of a securities exchange at a price not in excess of the price at which stabilizing could have been initiated on such exchange at the previous close thereof, unless the person stabilizing knows or after reasonable inquiry, has reason to know that other persons have offered or sold such security at a lower price after such close, except that special prices available to any group or class of persons (including employees or holders of warrants or rights) shall not limit the stabilizing price.

(j) *Stabilizing levels.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, no person shall (i) begin to stabilize a security at a price higher than the highest current independent bid price for such security or (ii) raise the price at which he is stabilizing. If no bona fide market for the security being distributed exists at the time stabilizing is initiated, stabilizing may be initiated at a price not in excess of the public offering price.

(2) If the principal market for a security is a securities exchange and stabilizing is initiated on such exchange the initial stabilizing bid or purchase may be made at a price not in excess of the last independent sale price on such exchange if (i) the security has been traded on such exchange on the day when stabilizing is begun, on either of the two preceding calendar days, or on the last preceding business day, and (ii) the current asked price is equal to or above the last independent sale price. If both conditions set forth in subdivisions (i) and (ii) of this subparagraph are not met, no person shall begin to stabilize the security at a price in excess of the highest current independent bid price for such security: *Provided, however,* That if a stabilizing bid has been entered at such independent bid price and the first sale thereafter on the exchange is an independent sale at a higher price, the security may be stabilized at a price not in excess of such independent sale price.

(3) A stabilizing bid lawful when made may be continuously maintained or reduced irrespective of changes in the independent bid, asked or sale price of such security: *Provided, however,* That no stabilizing shall be done at a price higher than the price at which stabilizing is being done in the principal market for such security. If stabilizing is discontinued for less than three business days it shall not be resumed in connection with the same distribution except at the lower of the two following prices: (i) The last lawful stabilizing price, or (ii) the price at which stabilizing could then be initiated. If no stabilizing purchases have been effected for three consecutive business days then stabilizing may be continued or resumed at the price at which it could then be initiated.

(4) No person shall stabilize a security at a price above the price at which such security is currently being distributed: *Provided, however,* That special prices available to any group or class of persons (including employees or holders of warrants or rights) shall not limit the stabilizing price.

(5) If a security goes ex-dividend, ex-rights, or ex-distribution, the price at which such security is being stabilized shall be reduced by an amount equal to the value of the dividend, right, or distribution, computed to the nearest trading differential: *Provided, however,* That if the dividend, right or distribution has a value of not more than 50 percent of the minimum price differential, the stabilizing price need not be reduced.

(6) When two or more securities are being offered as a unit, the component securities shall not be stabilized at prices the sum of which exceeds the offering price of the unit.

(7) If a security is being called or redeemed it shall be unlawful to stabilize such security at a price above such call or redemption price plus accruals, if any: *Provided, however,* That if such security is immediately convertible into or exchangeable for another security or securities, and if the amount of such other security or securities (into which it is convertible or for which it is exchangeable) multiplied by their highest lawful stabilizing price exceeds the call or redemption price plus accruals, then the security may be stabilized at a price not in excess of such price, to the nearest trading differential.

(k) *Disclosure of stabilizing.* Any person subject to this rule who sells to, or purchases for the account of, any person, any security the price of which has been stabilized by the effecting of stabilizing purchases (or any right or warrant to subscribe to any such security) shall give or send to such person, at or before the completion of each transaction entered into while the distribution is in progress, written notice that stabiiizing purchases have been effected to support the price of such security. If, however, at or before the completion of the transaction, the purchaser receives a prospectus, offering circular, confirmation or other writing containing a statement similar to that comprising the legend provided for in Rule 426 under the Securities Act of 1933, then no other written notice with respect to stabilizing need be given to such purchaser.

(l) *Reporting requirements.* Every person subject to this section shall file with the Commission the reports and notices required to be filed by § 240.17a–2 even though he is not subject to that section as a broker, dealer, or member of a national securities exchange.

(m) *Limitation of liability.* Whenever any act done or omitted by any person subject to this section would involve a violation of such rule only if some other person had previously done or omitted to do some other act, the act or omission of such first-mentioned person shall not involve a violation unless such first-mentioned person knew or had reason to know that such other person had previously done or omitted to do such other act.

(n) *Exempted securities.* The provisions of this section shall not apply to exempted securities or to securities issued or guaranteed by the International Bank for Reconstruction and Development.

§ 240.10b–8 *Distributions through rights*—(a) (1) *Scope of section.* It shall constitute a "manipulative or deceptive device or contrivance" as used in section 10 (b) of the act for any person participating in a distribution of securities being offered through rights issued on a pro-rata basis to security holders, directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, to do any act prohibited by this section prior to the expiration of the rights; *Provided, however,* That a person shall not be subject to this section merely because he receives compensation from the issuer of the rights for obtaining exercises of rights by security holders to whom they were originally issued.

(2) *Definitions.* For the purposes of this section "a full business day" shall mean a period beginning at any time on any business day and extending to the same time on the next succeding business day.

(b) Except as provided in paragraph (c) of this section no person subject to this section shall offer or sell the securities being distributed, or securities of the same class and series, at a price in excess of the last price set by the person or persons managing the distribution or by a formula prescribed in an agreement with such person or persons. Such price may be set from time to time, but may not differ from the next preceding price more frequently than once in any calendar day, except to be reduced. If the principal market for such security is a securities exchange, such price shall not, at the time it is so set, exceed the price at which such security last sold on such exchange (plus an amount equal to an exchange commission) or the current asked price on such exchange (plus such commission), whichever is higher. If the principal market for such security is not a securities exchange, such sale price shall not, at the time it is so set, exceed the highest price at which a dealer not participating in the distribution is then offering the security to other dealers (plus an amount equal to a dealer's concession). The amount of any accrued dividends or interest may be added to such prices.

(c) The provisions of paragraph (b) of this section shall not apply to (1) privately negotiated transactions effected otherwise than on a securities exchange, among persons participating in the distribution; or (2) odd-lot transactions (and the off-setting round-lot transactions hereinafter referred to) by a person registered as an odd-lot dealer in such security on a national securities exchange who off-sets such odd-lot transactions in such security by round-lot transactions as promptly as possible; or (3) brokerage transactions not involving solicitation of the customer's order; or (4) offers and sales at the subscription price to holders of rights; or (5) offers and sales to members of any group or class entitled to a special price; or (6) offers and sales of securities owned beneficially on the record date for the rights or acquired through the exercise of rights issued in respect of securities so owned.

(d) The conditions of subparagraphs (1) through (7) of this paragraph shall apply to all bids for and purchases of rights on behalf of a sole distributor, or a syndicate or group participating in the distribution, or any member or members of such a syndicate or group, during any period when the price of the security is being stabilized to facilitate the distribution, or such sole distributor, or such syndicate or group, or any member or members thereof, having purchased, as principal, any right not necessary to acquire securities previously sold by such person or such syndicate or group, in connection with the distribution, has not sold the securities which have been or can be acquired through such rights: *Provided, however,* That the conditions of subparagraphs (1) through (7) of this paragraph shall not become applicable because of the purchase of rights in any transaction described in subparagraph (8) of this paragraph. As used in this section the term "syndicate or group" means all persons who have agreed to purchase from the issuer of rights any of the securities offered through but not purchased upon the exercise of the rights; all "soliciting dealers" as defined in subparagraph (8) (viii) of this paragraph, including a "dealer manager" as therein defined, and all persons who have agreed with the issuer of rights, or with each other, that they will engage in the purchase of rights and the sale of the securities which may be acquired through the exercise of rights.

(1) Not more than one bid to purchase rights shall be maintained in any one market at the same price at the same time: *Provided, however,* That more than one bid at the same price may be maintained otherwise than on a securities exchange by or for the account of the sole distributor or for the account of the syndicate or group.

(2) No bid for or purchase of rights shall be made until an independent market for such rights has been established: *Provided, however,* That if (i) trading has not begun on the business day on which trading in such rights could lawfully have begun, and (ii) the theoretical value of such right can be ascertained by a generally accepted mathematical formula, then such right may be purchased thereafter at a price not in excess of such theoretical value.

(3) The initial bid for or purchase of such rights under the conditions of this paragraph shall not be made at a price higher than the highest current independent bid price in the principal market for such rights in the United States open for trading at the time when such bid or purchase is made: *Provided, however,* That if the principal market for such rights is a securities exchange in the United States open for trading at such time, such initial bid or purchase may be made in any market at the last independent sale price on such exchange if (i) such right has been traded on such exchange on such day or on the preceding business day and (ii) the current asked price on such exchange is equal to or above such sale price: *And provided, further,* That if the initial bid or purchase is made after the close of such exchange such initial bid or purchase may be made at the price at which such initial bid or purchase could have been made on such exchange at the close thereof unless the bidder or purchaser knows, or after reasonable inquiry has reason to know, that other persons have offered or sold such right at a lower price after such close.

(4) Subject to the limitations in subparagraph (7) of this paragraph, a bid which is lawful when initiated may be continuously maintained or reduced irrespective of changes in the independent bid, asked or sale price of such right. Except as provided in subparagraph (5) of this paragraph, if the bidding for and purchasing of rights is discontinued for any reason, bidding for or purchasing of rights shall not be resumed except at a price not exceeding the lower of the two following prices: (i) The last price at which a lawful bid or purchase was made or (ii) the price which would be applicable if it were the initial bid or purchase.

(5) The price at which a bid for or purchase of rights is made may be increased only if (i) no rights have been purchased, as principal, for a full business day by any or all persons participating in the distribution except in a transaction described in subparagraph (8) of this paragraph, and (ii) the increased price meets the requirements which would be applicable if it were the initial bid or purchase.

(6) In the event that the conditions of this paragraph have ceased to be applicable, and then later become applicable again, the first bid for or purchase of rights after such conditions have again become applicable shall be treated as the initial bid for or purchase of rights under the conditions of this paragraph for purposes of subparagraphs (3), (4) and (5) of this paragraph.

(7) Purchases of rights shall be limited to those necessary to acquire the securities which the sole distributor, or the members of the syndicate or group, have previously sold and reasonably expect to be able to sell within two business days after the expiration of the rights: *Provided, however,* That the net long position of the sole distributor, or the syndicate or group (exclusive of shares sold by the manager of a syndicate or group to members or others for distribution) by reason of the purchase of rights otherwise than in a transaction described in subparagraph (8) of this paragraph, shall at no time exceed 10 percent of the amount of securities being distributed.

(8) Except as provided in subdivision (viii) of this subparagraph, the provisions of this paragraph shall not apply to the purchase of rights,

(i) By or through the manager of the distributing group in a privately negotiated transaction effected neither on a securities exchange nor from or through a broker or dealer not participating in the distribution; or

(ii) By an underwriter or dealer directly from a retail customer in an unsolicited privately negotiated transaction not effected on a securities exchange; or

(iii) In stabilizing transactions in the rights effected in compliance with § 240.10b–7; or

(iv) In a privately negotiated transaction, otherwise than on a securities exchange, between persons participating in the distribution acting as principal; or

(v) By a person registered as an odd-lot dealer in such rights on a national securities exchange who is acting in such capacity in effecting such transactions; or

(vi) To complete a sale of rights to a retail customer made under circumstances indicating the purchaser intends to exercise such rights; or

(vii) By the issuer of the rights from the security holder to whom they were originally issued if (*a*) such rights are

not resold, (b) the securities which can be acquired with such rights are not sold by such issuer during the rights period, and (c) such issuer has no agreement to sell the unsubscribed shares or to compensate, directly or indirectly, any person for obtaining exercises of rights except by a security holder to whom they were originally issued; or

(viii) By a dealer-manager, provided that (a) such dealer-manager has no arrangement with the issuer of the rights to purchase any part of the securities remaining unsubscribed after the rights expire, (b) such dealer-manager purchases such rights for the purpose of supplying the rights, or the security which can be acquired with such rights, to soliciting dealers: *Provided, however,* That such dealer-manager shall not purchase more rights than are necessary to acquire the securities which he reasonably expects to be able to sell to soliciting dealers within two business days after the expiration of the rights, and (c) such dealer-manager purchases such rights in accordance with the conditions set out in subparagraphs (2), (3), (4), (5) and (6) of this paragraph. As used in this section, the term "soliciting dealer" shall mean a person entitled to receive, directly or indirectly, from an issuer of rights, compensation for obtaining exercises of such rights; and the term "dealer-manager" shall mean a person who manages a distribution involving soliciting dealers except that the issuer of such rights shall not be deemed to be a dealer-manager.

(e) Whenever any act done or omitted by any person subject to this section would involve a violation of such section only if some other person had previously done or omitted to do some other act, the act or omission of such first-mentioned person shall not involve a violation unless such first-mentioned person knew or had reason to know that such other person had previously done or omitted to do such other act.

All interested persons are invited to submit views and comments on the revised proposal in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before May 3, 1955. However, no person need resubmit views or comments previously submitted in connection with the proposed rules since such views and comments have been considered in the preparation of the revised proposals set out herein. Views or comments received will be available for public inspection unless in any case a person requests that his comments shall not be made public.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 18, 1955.

[F. R. Doc. 55-3411; Filed, Apr. 26, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO 13

APRIL 20, 1955.

Notice of the proposed withdrawal was published in the FEDERAL REGISTER March 16, 1955, (F. R. Doc. 55-2188) and no protest was filed within 30 days thereafter.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 1.5 (b) of Delegation Order No. 541 of April 21, 1954, it is ordered as follows:

Subject to valid existing rights, the following described land, "All the SW¼SE¼ Section 5, T. 19 N., R. 4 W., S. M. excepting therefrom the NE¼NE¼ SW¼SE¼ of said Section 5, containing 37.5 acres more or less,"

is hereby withdrawn from all forms of appropriation under the public land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air navigation facilities, the reservation to be known as Air Navigation Site Withdrawal No. 13, Alaska.

The purpose of the withdrawal: To establish a Radio Range Installation in the vicinity of Willow Station on the Alaska Railroad.

It is intended that the public land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

LOWELL M. PUCKETT, *Area Administrator, Area 4.*

[F. R. Doc. 55-3397; Filed, Apr. 26, 1955; 8:45 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 8, 1955.

The United States Department of Agriculture has filed an application, Serial No. Idaho 05154, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims. The applicant desires the land for Administrative Sites within the Nez Perce and Idaho National Forests.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, State Supervisor, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

MOUNTAIN SHEEP ADMINISTRATIVE SITE

Unsurveyed, but when surveyed will probably be:

T. 23 N., R. 8 E.,
Sec. 7, NE¼NE¼, NW¼NE¼, E½SW¼NE¼, SE¼NE¼, N½NE¼SE¼, and the unpatented portions of NW¼SW¼NE¼, NE¼NW¼SE¼.

COUGAR BASIN ADMINISTRATIVE SITE

Unsurveyed, but when surveyed will probably be:

T. 20 N., R. 10 E.,
Sec. 19, SE¼SE¼.

CHAMBERLAIN BASIN ADMINISTRATIVE SITE

Unsurveyed, but when surveyed will probably be:

T. 24 N., R. 10 E.,
Sec. 23, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 24, SW¼NE¼, NW¼NW¼, S½NW¼, N½S½, SW¼SW¼, the unpatented portions of N½NE¼, SE¼NE¼, NE¼NW¼, the unwithdrawn portions of the SE¼SW¼, S½SE¼;
Sec. 25, NW¼NW¼, the unpatented and unwithdrawn portions of the N½NE¼, NE¼NW¼;
Sec. 26, N½N½.

Total area: 840 acres more or less.

J. R. PENNY, *State Supervisor.*

[F. R. Doc. 55-3398; Filed, Apr. 26, 1955; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954. 19 F. R. 3326).

Alabama Textile Products Corp., Andalusia, Ala., effective 4-8-55 to 10-7-55; 30 learners for plant expansion purposes in the production of ladies' dresses and blouses (ladies' dresses and blouses).

Amory Garment Company, Inc., South Main and Third Streets, Amory, Miss., effective 4-11-55 to 4-10-56; 10 percent of the total number of factory production workers, for normal labor turnover purposes (men's and boys' trousers)

Angelica Uniform Co., Mountain View, Mo., effective 4-24-55 to 4-23-56; 10 learners for normal labor turnover purposes (washable service apparel).

Blue Bell, Inc., Tishomingo County, Tishomingo, Miss., effective 4-8-55 to 10-7-55; 50 learners for plant expansion purposes (work pants).

Elder Manufacturing Co., McLeansboro, Ill., effective 4-16-55 to 4-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress shirts).

Elder Manufacturing Co., Bloomfield, Mo., effective 4-13-55 to 4-12-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' wearing apparel).

Gloria Manufacturing Co., 426 Main Street, Slatington, Pa., effective 4-6-55 to 4-5-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' house dresses).

Mahanoy City Sportswear, Inc., 108-110 South Main Street, Mahanoy City, Pa., effective 4-11-55 to 4-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sports shirts).

Mid-American Manufacturing Co., Inc., 304 South First Street, Ponca City, Okla., effective 4-11-55 to 10-10-55; 10 learners for plant expansion purposes (men's and boys', ladies' and girls' denim jeans).

J. H. Rutter-Rex Manufacturing Co., Inc., Columbia, Miss., effective 4-11-55 to 10-10-55; 50 learners for plant expansion purposes (work shirts).

The S & S Clothing Co., 44-48 Lehigh Street, Wilkes-Barre, Pa., effective 4-16-55 to 4-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants).

Southern Manufacturing Co., Plant No. 2, 1202 Broadway, Nashville, Tenn., effective 4-11-55 to 4-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

K. W. Pollock, d/b/a Tompkinsville Garment Co., Tompkinsville, Ky., effective 4-13-55 to 4-12-56; 10 learners for normal labor turnover purposes (men's dungarees).

Turner Sportswear Company, 107 Twelfth Avenue North, Nashville, Tenn., effective 4-17-55 to 4-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Churchill-Swanson Manufacturing Co., 544 North Pearl Street, Centralia, Wash., effective 4-14-55 to 4-13-56; 5 learners for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Ellwood Knitting Mills, Inc., Ellwood City, Pa., effective 4-8-55 to 10-7-55; 20 learners for plant expansion purposes (men's and boys' knitted outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended January 29, 1955, 20 F. R. 645).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Airflex, Inc., Bayamon, P. R., effective 4-1-55 to 9-30-55; 10 learners, assembly operations, 160 hours at 50 cents an hour (metal expansion watch bands).

Gordonshire Knitting Mills, Inc., Cayey, P. R., effective 4-1-55 to 9-30-55; 25 learners, looping and mending, 320 hours at 35 cents an hour, 320 hours 40 cents an hour, 320 hours at 45 cents an hour; knitting and inspecting, 240 hours at 37½ cents an hour, 240 hours at 45 cents an hour (ladies' seamless hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 12th day of April 1955.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 55-3399; Filed, Apr. 26, 1955; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 55-480; Amdt. 0-3]

CHIEF HEARING EXAMINER

DELEGATION OF CERTAIN AUTHORITIES PRESENTLY DELEGATED TO MOTIONS COMMISSIONER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of April 1955:

The Commission having under consideration the delegation to the Chief Hearing Examiner of certain authorities presently delegated to the Motions Commissioner, and related matters; and

It appearing that the amendment herein ordered would be in aid of orderly administrative procedure; and

It further appearing that the amendment herein ordered is procedural in nature, and, therefore, compliance with the public notice and rule making procedure required by sections 4 (a) and (b) of the Administrative Procedure Act is not required:

It is ordered, That pursuant to section 4 (i) and 303 (r) of the Communications Act, as amended, and section 3 (a) of the Administrative Procedure Act, Part 0 of the Commission's rules is hereby amended, effective immediately, as set forth below.

Released: April 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

1. Section 0.82 of the Commission's rules and regulations is amended by deleting subparagraph (b) thereof and renumbering the following subsections accordingly. As amended, section 0.82 reads as follows:

SEC. 0.82 *Responsibilities of the Chief Hearing Examiner.* The Chief Hearing Examiner has the following administrative responsibilities:

(a) To coordinate and supervise administratively the activities of the Office of Hearing Examiners.

(b) To prepare and maintain hearing calendars, showing the time and place of the commencement of hearings.

(c) To receive, correlate and approve recommendations of the hearing examiners of the Commission on matters relating to changes in rules and regulations governing hearing procedures, and recommend to the Commission desirable changes in said rules and regulations to promote the simplified and expeditious conduct of proceedings.

(d) To require and prepare reports, statistical data and other information requested or required by the U. S. Civil Service Commission or other offices or agencies of the U. S. Government concerned with the proper operation of the Office of Hearing Examiners.

(e) To serve, upon instruction of the Commission or the Chairman, as liaison for the Commission and the Office of Hearing Examiners in the making of appropriate arrangements for the securing of advice or information from representatives of other agencies, bar associations, and other interested persons in connection with the formulation and improvement of administrative procedures and practices applicable to the Commission's proceedings.

(f) To exercise such authority as may be assigned to him by the Commission pursuant to section 5 (d) of the Communications Act, as amended.

2. Section 0.222 is amended to read as follows:

MOTIONS COMMISSIONER

SEC. 0.222 *Authority delegated.* Except as otherwise provided for in the

[1] Commissioner Bartley dissenting.

rules or ordered by the Commission, the Motions Commissioner shall act upon the following matters:

(a) In cases designated for hearing but before a hearing examiner has been designated to preside at a hearing and after issuance of an initial decision, on all motions, petitions or other pleadings except (1) those requesting final disposition of any case on its merits, (2) those having the nature of an appeal to the Commission, en banc, (3) those changing the issues upon which the hearing was ordered, and (4) those requesting change or modification of a final order made by the Commission.

(b) When, in nonadjudicatory proceedings, one or more members of the Commission have been designated to preside at a hearing, all motions, petitions or matters, except those set forth in subsection (a) (1–4), shall thereafter be handled by him or them, and such commissioner or commissioners shall be authorized and empowered to fix the time and place such hearing shall be held. (If a hearing officer who is not a member of the Commission is appointed, section 0.231 applies.) In the absence of the individual commissioner or commissioners designated to preside at a hearing, or his or their inability to act or pass upon these matters, they shall be referred to the Motions Commissioner.

(c) In the absence of the Chief Hearing Examiner, the Motions Commissioner will discharge the several functions specified in section 0.224.

3. The following two sections are added:

CHIEF HEARING EXAMINER

SEC. 0.224 *Authority delegated.* The Chief Hearing Examiner shall act upon the following matters:

(a) Initial specifications of the time and place of hearings to be conducted by hearing examiners where not otherwise specified by the Commission and excepting actions under authority delegated by section 0.255.

(b) Designation of the hearing examiner to preside at the hearing.

(c) After a hearing examiner has been designated to preside at a hearing and before he has issued an initial decision on motions, petitions and other pleadings concerning:

(1) Petitions to intervene.

(2) Petitions filed by applicant requesting that its application or the proceeding thereon be dismissed.

(3) Dismissal of cease and desist and revocation proceedings.

(4) Requests for leave to file additional pleadings provided for in § 1.730 and pleadings in excess of the length specified in § 1.751.

SEC. 0.225 *Record of action taken.* Actions taken by the Chief Hearing Examiner shall be recorded each week and filed in the official minutes of the Commission.

4. Section 0.231 is amended to read as follows:

HEARING EXAMINER

SEC. 0.231 *Authority delegated.* After a hearing examiner has been designated to preside at a hearing and before he has issued an initial decision, all motions, petitions and other pleadings shall be acted upon by such hearing examiner, except:

(a) Petitions to intervene.

(b) Petitions filed by applicant requesting that its application or the proceeding thereon be dismissed.

(c) Dismissal of cease and desist and revocation proceedings.

(d) Requests for leave to file additional pleadings provided for in § 1.730 (47 CFR 1.730) and pleadings in excess of the length specified in § 1.751 (47 CFR 1.751).

(e) Those requesting final disposition of any case on its merits.

(f) Those having the nature of an appeal to the Commission en banc.

(g) Those changing the issues upon which the hearing was ordered.

[F. R. Doc. 55-3406; Filed, Apr. 26, 1955; 8:47 a. m.]

[Docket Nos. 11055, 11056; FCC 55M-351]

AIRCALL, INC., AND TELEPHONE ANSWERING SERVICE

ORDER CONTINUING HEARING

In re Applications of Aircall, Inc., Detroit, Michigan, Docket No. 11055, File No. 744-C2-P-54; John W. Bennett, d/b as Telephone Answering Service, Flint, Michigan, Docket No. 11056, File No. 276-C2-P-54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration the above-entitled proceeding:

It is ordered, This 19th day of April 1955, on the Hearing Examiner's own motion, that the hearing now scheduled for April 26, 1955, is continued until May 18, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3433; Filed, Apr. 26, 1955; 8:53 a. m.]

[Docket No. 11367]

CHECKER CAB CO.

ORDER TO SHOW CAUSE

In the matter of Patrick O'Connell, d/b as Checker Cab Co., Oroville, California; order to show cause why the license for Taxicab Radio Station KMA 937 should not be revoked; Docket No. 11367.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Taxicab Radio Station, call sign KMA 937, licensed to Patrick O'Connell, d/b as Checker Cab Co., 1350 4th Avenue, Oroville, California; and

It appearing that notices of violations of the Commission's rules in the operation of the station were given the licensee as follows:

(a) Notice dated June 3, 1954, specifying that said licensee had violated § 16.160 (47 CFR 16.160) of the Commission's rules by failing to maintain a record of power, frequency, and modulation measurements for the 6 month period preceding May 24, 1954; and

(b) Notice dated August 18, 1954, specifying that said licensee had violated § 16.159 (47 CFR 16.159) of the Commission's rules by failing to respond to the above-mentioned Violation Notice, dated June 3, 1954; and

It further appearing that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 16.159 (47 CFR 16.159) of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 19th day of April 1955 pursuant to the provisions of section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, that the said Patrick O'Connell show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 27th day of June 1955; and

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Patrick O'Connell, D/b as Checker Cab Co., 1350 Fourth Avenue, Oroville, California.

Released: April 20, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3405; Filed, Apr. 26, 1955; 8:47 a. m.]

[Docket No. 11370; FCC 55-476]

VALLEY TELECASTING CO. (WFRV-TV)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Valley Telecasting Company (WFRV-TV), Green Bay, Wisconsin, for transfer of control from Clayton Ewing, et al. to Neenah-Menasha Broadcasting Company, Docket No. 11370, File No. BTC-1873; for modification of construction permit to extend completion date, File No. BMPCT-2601; for modification of construction permit to change transmitter site and make other equipment changes, File No. BMPCT-2712.

1. The Commission has before it for consideration a "Protest and Petition for Rehearing" filed on March 21, 1955, by M & M Broadcasting Company, Inc. (M&M), permittee of television station WMBV-TV, Channel 11, Marinette, Wisconsin, pursuant to section 309 (c) and 405 of the Communications Act of 1934, as amended, directed against the Commission's actions of February 23, 1955, granting without hearings the above-entitled applications; and (b) a "Joint Opposition to Protest and Petition for Rehearing" filed on April 5, 1955, by Valley Telecasting Company (Valley), permittee of television station WFRV-TV, Channel 5, Green Bay, Wisconsin, and Neenah-Menasha Broadcasting Company (Neenah-Menasha), former permittee of Channel 42, Neenah, Wisconsin, and controlling stckholder of Valley. The protest and petition requests that the Commission (1) designate the above-entitled applications for hearings; (2) make M&M a party thereto; (3) postpone the effective date of the Commission's actions granting the subject applications; and (4) adopt the issues specified by the protestant and such others as the Commission may deem appropriate.

2. On March 10, 1954, the Commission granted the application (BPCT-1147) of Valley for a construction permit for a new television station to be operated on Channel 5 in Green Bay, Wisconsin. This permit authorized the permittee to operate with effective radiated power of 100 kw visual, 60 kw aural at a height of 600 feet above average terrain, and specified May 10, 1954 as the date of required commencement of construction with November 10, 1954 as the required completion date. On November 5, 1954, Valley filed the above-entitled application (BMPCT-2601) for extension of time in which to complete construction. Subsequently, Valley amended this application to indicate that an agreement had been entered into with Neenah-Menasha whereby the two corporations would merge their broadcasting interests; that it had also entered into a contract with DuMont for the purchase of equipment for which it had made a down payment; and that Neenah-Menasha had ordered a new antenna for use in connection with WFRV-TV, which purchases were contingent upon the Commission's approval of the transfer of control of Valley to Neenah-Menasha.

3. On January 5, 1955, Valley filed an application (BTC-1873) for Commission consent to the transfer of control of Valley from Clayton Ewing, et al. to Neenah-Menasha, and an application (BMPCT-2712) to modify its construction permit to specify a transmitter location 2.8 miles nearer Green Bay (and also slightly closer to Marinette); to reduce antenna height above average terrain from 600 feet to 470 feet; to reduce aural effective radiated power from 60 kw to 50 kw; to install new transmitters and change type of antenna; and to locate the main studio at the transmitter site. These three applications were granted by the Commission without hearing on February 23, 1955. The merger agreement gives the transferors (Clayton Ewing, et al.) 41.8 percent of the common (voting) stock of Neenah-Menasha by an exchange of 239 shares ($100 par value) of Valley for a like number of shares of Neenah-Menasha and by subscription rights for 839 additional shares of Neenah-Menasha stock. The merger agreement also provides that Samuel N. Pickard or his designates shall hold not less than 51 percent of the outstanding stock. The grant of the transfer application is subject to the condition that it not be consummated until the transferee has surrendered its construction permit for WNAM-TV, Neenah, Wisconsin. The transfer was consummated on February 26, 1955, and Neenah-Menasha's construction permit for Neenah, Wisconsin, Channel 42, was deleted by the Commission on March 10, 1955. Valley's construction permit was extended until August 23, 1955.

4. The protestant claims standing under sections 309 (c) and 405 of the Communications Act of 1934, as amended, as the permittee of television station WMBV-TV, Channel 11, Marinette, Wisconsin.[1] M&M alleges in support of its claim to standing that it provides a good signal to the Green Bay area and maintains studios and business offices there; that Green Bay is the largest market in its service area and "constitutes an important source of revenue"; that with the new owner, new capital and new management, Valley will be able to construct its station, thus bringing "serious and direct new competition" to M&M for local, regional and national business; that Valley has signed an ABC affiliation contract; that, hence, that affiliation (which M&M now has together with a basic NBC affiliation) and its revenues are lost to M&M; and that talent and audience will be lost to "this new competition."

5. The general tenor of the protestant's pleading in support of its protest and petition is to the effect that Valley has attempted to obstruct, impede, delay, harass, and hinder M&M to prevent it from securing an NBC affiliation, and that, therefore, a question is raised as to whether Valley possesses the requisite character qualifications to be a licensee; that the application for extension of construction permit was not timely filed under § 3.627 (b),[2] and that sufficient reason was not shown for late filing as required by that section; that Valley's grounds for extension of its construction permit did not satisfy the requirements of § 3.627 (b) under established Commission precedents; that the transfer of control constitutes "trafficking in permits" because until the merger agreement was signed, no affirmative steps were taken toward construction of the station and the subscribers to the capital stock had not paid their subscriptions in full; that the main studio proposed by Valley in its modification application will be inadequate, and the waiver of the main studio requirement was, therefore, unwarranted; and that a question is thus raised as to whether Green Bay will receive the service and facilities to which it is entitled.

6. In their opposition to the above protest and petition, Valley and Neenah-Menasha allege, in substance, that M&M is not a party in interest because M&M's "legal" injury, if any, arises from the grant of Valley's initial construction permit, and not from the authorizations herein protested; that Valley's application for extension of time was timely filed, and that, in any event, insofar as M&M's pleading is directed to the matter of timely filing, it must be denied as a matter of law; that the Commission properly granted Valley's application for extension of time on the basis of a substantial showing of diligence; that Valley made a showing adequate to justify waiver of the main studio rule in its application for modification of construction permit; that M&M has alleged no facts to support its claim that the studios designated will not in fact be the main studio; that the facts alleged by M&M do not support its claim of harassment or raise any question whatsoever as to the character qualifications of the assignors; and that M&M has alleged no facts which, if proved, would constitute trafficking in construction permits. Accordingly, Valley and Neenah-Menasha request that the protest and petition be denied or, if a hearing is ordered, such hearing be limited to oral argument.

7. The protestant is the permittee of a television broadcast station (WMBV-TV) in Marinette, and the licensee of radio station WMAM, Marinette, and claims standing under sections 309 (c) and 405 of the Communications Act on the basis of economic injury arising from operation of WFRV-TV by Valley as a result of the grants protested herein. To

[1] Section 1.402 (47 CFR 1.402) of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[1] Marinette is located approximately 45 miles northeast of Green Bay, and the WMBV-TV transmitter is located between Green Bay and Marinette, about 32 miles from Green Bay and 15 miles from Marinette. WMBV-TV is authorized to place a Grade A signal beyond Green Bay and to cover most of Green Bay with a principal city signal. Valley, under its modified construction permit, proposes to place a Grade B signal over Marinette. There is a substantial overlap of the areas served by the two stations.

[2] Section 3.627 (b) provides as follows: "An application (FCC Form No. 701) for extension of time within which to construct a station shall be filed at least 30 days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases, such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension."

the extent that M&M claims standing to protest or request reconsideration of the grants of the extension of time application or the application for modification of construction permit, we find that the protestant has failed to meet the test of direct and substantial injury from the grant of those two applications. Midwest Television, Inc., 9 Pike & Fischer, RR 611; Storer Broadcasting Company, 11 Pike & Fischer, RR 1091. Were we here concerned with the grant of an application for a new television broadcast station, the statement of injury might well have been sufficient to constitute the protestant a party in interest. Versluis Radio Television, Inc., 9 Pike & Fischer, RR 102; T. E. Allen & Sons, Inc., 9 Pike & Fischer, RR 197; Channel 16 of Rhode Island, Inc., 10 Pike & Fischer, RR 377; Ohio Valley Broadcasting Corporation, 10 Pike & Fischer, RR 452; Tri-State Television, Inc. (WINT), 10 Pike & Fischer, RR 1049. Since, however, the actions being protested are applications for extension of time in which to complete construction under the original construction permit and for modification of the original construction permit to move the proposed main studio to Green Bay and to reduce slightly the proposed coverage in the direction of Marinette, it is incumbent upon the protestant to show that economic injury has resulted or will result from the particular grants complained of as opposed to the grant of the original construction permit. This the protestant has failed to do, and it is, accordingly, without standing with respect to such grants.[3] We are aware of the recent decisions of the United States Court of Appeals for the District of Columbia Circuit in Greenville Television Co. v. Federal Communications Commission, No. 12284 (March 24, 1955) and Metropolitan Television Co. v. Federal Communications Commission, No. 12192 (April 14, 1955), involving reversals of Commission decisions holding that protestants to modifications were not parties in interest. But in the former case, the Court specifically left open the question of whether the injury alleged must flow from the protested grant, and in the latter case the allegations of injury, which the Court found to be sufficient, clearly did flow from the protested grant.

8. In the light of the fact that the protestant is the permittee of television broadcast station WMBV–TV in Marinette and is authorized to provide both Grade A and principal city service to the Green Bay area; that it has alleged that Green Bay constitutes an important source of revenue; and that it has alleged that under the new management, Valley will be able to compete directly with the protestant for local, regional and national advertising, and for talent and audience, the protestant is a party in interest to and a person aggrieved by the grant of the above-entitled application for transfer of control within the meaning of sections 309 (c) and 405 of the Communications Act. See Camden Radio Inc. v. Federal Communications Commission, -- U. S. App. D. C. --, -- F. 2d --, 10 Pike & Fischer, RR 2072.

9. With respect to the protest against the grant of Commission consent to transfer of control of Valley, we must next consider whether the subject petition complies with the requirements of section 309 (c) that the protest shall "specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally." We shall separately discuss, in the light of these requirements, each of the substantive matters raised concerning the grant of the application for the transfer of control.[4]

10. The protestant has requested the Commission to include the following issues in its order for designation of hearing:

I. To determine whether or not Valley and its owners have engaged improperly in a program to harass and delay Protestant's television service and, if so, to determine whether this adversely affects their character qualifications as television licensees or owners thereof.

II. To determine whether Valley's application for Extension of Time to Construct was timely filed within the meaning of § 3.627 (47 CFR 3.627) of the Commission's rules.

III. To determine whether Valley's application for Extension of Time to Construct set forth sufficient matters to justify an extension within the meaning of section 319 (b) of the Communications Act of 1934, as amended, and of § 3.627 (47 CFR 3.627) of the Commission's rules.

IV. To determine whether the instant Transfer of Control and related applications involve forbidden trafficking in permits within the meaning of various provisions of the Communications Act of 1934, as amended, including, but not limited to, sections 301 and 304.

V. To determine whether under the circumstances of this case "good cause" existed for the waiver of the main studio requirements of § 3.613 (47 CFR 3.613) of the Commission's rules and regulations.

VI. On the basis of the foregoing to determine whether the grant of the above-entitled applications would be in the public interest.

Issues II, III, and V quoted above refer solely to the grant of the application for extension of time or for modification of construction permit to change main studio location. As indicated above, we have found that M&M has no standing as a "party in interest" or a "person aggrieved" with respect to such grants.

11. Issue I as specified by the protestant requests a hearing by the Commission to determine whether Valley or its owners have engaged improperly in a program to harass and delay protestant's television service, and, if so, to determine whether this adversely affects their character qualifications as television broadcast station licensees or owners. In support of this issue, the protestant has listed letters, petitions and comments filed with the Commission by Valley (i. e., the assignors) against the protestant on several occasions. These letters and pleadings are a matter of public record and are as follows:

(a) A letter, dated April 7, 1954, advising M&M that Valley intended to file a protest against a Commission action granting a modification of M&M's construction permit to authorize a transmitter site closer to Green Bay. This grant was set aside by the Commission on M&M's motion and the application for modification was thereafter withdrawn by M&M.

(b) A letter to the Commission, dated April 15, 1954, objecting to the above grant being set aside and requesting that it be set for hearing.[5]

(c) A "Reply to Protest and Petition for Rehearing" filed by Valley on April 19, 1954, in response to a protest filed by M&M, which M&M subsequently withdrew, in which a hearing on the protest and on M&M's modification application was requested.[5]

(d) An "Opposition to Reinstatement of Construction Permit" filed on May 3, 1954, raising questions as to the good faith of M&M, and requesting a hearing.[6]

(e) Comments filed by Valley on May 3, 1954, in connection with proposed rule making dealing with contractual rights of television stations for territorial exclusivity with networks (Docket No. 10989.)

(f) An "Opposition to Extension of Completion Date" filed by Valley on June 21, 1954, against an application by M&M for extension of time.[6]

On the basis of these filings, M&M concludes that sufficient factual matters are raised to warrant a full hearing on issue I above. We have closely examined the pleadings referred to and believe that no support for any issue on harassment can be found in these papers. However, since we are affording M&M a hearing before us en banc on other matters, we shall add an issue on this question which M&M may also argue at the hearing.

12. Issue IV as specified by the protestant raises the question of whether the transfer application and the other applications involve "trafficking in permits". In support of this issue, the protestant claims that Valley's stockholders were unwilling to risk their capital and efforts to build their station until they found additional financial backing; that Valley's application for extension of time was filed in order to provide it with something to transfer to the assignees; and that Valley, therefore, engaged in "trafficking" in permits. We shall consider these allegations as if upon demurrer, and we shall include an issue for oral hearing before us en banc as to the legal and policy questions raised by the allegations of fact contained in the protest on this question. We reserve the question of whether the taking of evidence is warranted pending our determination of whether the facts alleged would warrant a denial, assuming them to be true.

13. Finally, we are including issue VI in the terms requested by protestant, except to the extent that it refers to the applications for extension of time and for modification of construction permit, inasmuch as we have found that the protestant has no standing with respect to those applications.

14. In view of the foregoing: *It is ordered*, That insofar as the "Protest and Petition for Rehearing" protests and requests reconsideration of the Commission's actions granting the above-entitled application for extension of time to complete construction (BMPCT–2601) and the above-entitled application for modification of construction permit (BMPCT–2712), it is denied.

It is further ordered, That insofar as the "Protest and Petition for Rehearing" requests reconsideration of the Commission's grant of the above-entitled application for transfer of control of Valley Telecasting Company from Clayton Ewing, et al., to Neenah-Menasha Broadcasting Co., it is denied, except to the extent that a hearing has been ordered.

It is further ordered, That pursuant to the provisions of section 309 (c) of the Communications Act of 1934, as amended, said transfer application (BTC–1873) is designated for hearing at the offices of the Commission in Washington, D. C. on the following issues:

(1) To determine whether or not Valley and its owners have engaged improperly in a program to harass and delay protestant's television service and, if so, to determine whether this adversely affects their character qualifications as television licensees or owners thereof.

(2) To determine whether the instant transfer of control and related applications involve forbidden trafficking in permits within the meaning of various provisions of the Communications Act of 1934, as amended, including, but not limited to, sections 301 and 304.

(3) On the basis of the foregoing, to determine whether a grant of the above-entitled transfer application would be in the public interest.

The burden as to the above issues shall be upon the protestant.

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceedings herein and that:

(1) The hearing shall commence at 10:00 a. m., on April 29, 1955, and shall be held before the Commission en banc.

(2) The hearing shall consist solely of oral argument on the issues specified above.

(3) The parties to the proceeding shall have until May 4, 1955 to file briefs or memoranda of law and until May 6, 1955, to file reply briefs or memoranda of law. After the oral hearing, the Commission shall issue a decision in this proceeding, which decision shall constitute the final decision of the Commission: *Provided, however*, That in the event the Commission should find it necessary, after the hearing ordered herein, to institute fact finding proceedings in connection with the issues specified above, appropriate provision shall be made for such fact finding.

It is further ordered, That, effective immediately, the effective date of the grant to Valley Telecasting Company of its application to transfer control (BTC–1873) is postponed pending a final determination by the Commission with respect to the protest herein.

Adopted: April 19, 1955.

Released: April 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION[7]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55–3434; Filed, Apr. 26, 1955; 8:53 a. m.]

[3] M&M filed a protest against the original grant to Valley, but subsequently decided not to prosecute such protest and asked that it be withdrawn.

[4] See Hyman Rosenblum et al. and Lowell J. Thomas et al., 11 Pike & Fischer, RR 826 and Storer Broadcasting Company, 11 Pike & Fischer, RR 1091, in which we made a statement of general principles concerning specificity.

[5] These requests were denied by a Commission order, released June 24, 1954.

[6] Dismissed by the Commission by order of August 16, 1954.

[7] Commissioners Hennock and Bartley dissented in opinion.

[FCC 55–483]

RADIO-ASTRONOMY FREQUENCY REQUIREMENTS

APRIL 21, 1955.

From time to time the Commission has received information pertaining to the field of radio-astronomy. The science of radio-astronomy had its conception in the United States during the year 1932 when it was discovered that weak noise signals in a radio receiver were extra-terrestrial in origin and appeared to emanate from a point in outer space in the area of the Milky Way. Subsequent work in this as well as other countries has confirmed the original observations. It has now been determined that radio energy may be radiated by the sun, the moon and stars. In addition, such radiation has also been observed from interstellar gaseous areas. These radiations may occur over a very wide band of frequencies. It is pointed out that this phase of radio-astronomy involves only the reception of such energy and does not require the transmission of any signals by radio stations. In the relatively short time since its discovery, the science of radio-astronomy has contributed materially to our storehouse of knowledge pertaining to astronomy, stellar physics and radio propagation.

The matter of the protection of frequencies used for radio-astronomical measurements was one of the subjects studied by the International Radio Consultative Committee (CCIR) of the International Telecommunication Union (ITU) at their seventh plenary assembly meeting held at London in 1953. At this meeting, the Committee recommended that Administrations should afford all practicable protection from interference to radio-astronomical measurements, particularly on frequencies around 1420 Mc. In view of the widespread interest and work being done in this field both in this country and many others, the Commission considers it expedient to develop at this time additional information concerning these matters. Specifically, comments are solicited from interested parties as follows:

1. Name and address of the organization and title of the individual to be contacted in connection with radio-astronomy and related work.

2. The location or locations of radio-astronomical observatories and laboratories, both existing and planned.

3. A list of the frequencies or bands of frequencies presently under observation or proposed for observation.

4. A statement outlining the significance of radio-astronomy, particularly as it relates to the national interest.

5. With regard to observations on specific frequencies or in specific bands of frequencies:

(a) A list of those on which it is considered essential to make observations, such as the hydrogen line at 1420 Mc, giving bandwidth.

(b) A list of those on which it is considered desirable but not essential to make observations, giving bandwidth and reasons for choice.

(c) The schedule of observations on the above frequencies e. g. 24 hours per day throughout the year, summer daytime, winter nighttime, etc.

(d) A statement of the extent to which radio interference can be tolerated. This information should be stated, preferably, in terms of the maximum electromagnetic field intensity of the interference that could be tolerated at each radio-astronomy site.

(e) A statement as to the feasibility of a schedule of part time daily observations.

6. Regarding locations of observatories and laboratories:

(a) Are there preferred locations such as the southwestern United States?

(b) Are there practical considerations which might prevent the location of observatories and laboratories in regions remote from radio stations?

(c) Can the number of locations be limited so that if protection from harmful interference is required, a minimum number of radio communication systems would be affected. If so, what are these locations?

It has already been announced that equipment has been developed for radio-navigational use which depends for its functioning upon the reception of radio energy emitted by the sun. In view of the development of such equipment and the possible development of other similar equipment making use of electro-magnetic radiation from the sun as well as other extra-terrestrial bodies, the Commission is soliciting the comments of interested parties in regard to the aforementioned questions. It is requested that such comments be filed with the Commission on or before July 1, 1955.

It is desired to emphasize that until and unless rule-making is undertaken and completed in this matter, there is no protection which can or will be given to radio-astronomy by the Commission. It is the purpose of this public notice to solicit information which can serve as the basis for determining whether a

rule-making procedure should be instituted.

Adopted: April 19, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3435; Filed, Apr. 26, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6620]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

APRIL 21, 1955.

Take notice that on April 18, 1955, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of $10,000,000 principal amount of promissory notes bearing interest at not less than 3¼ percent and not more than 3¾ percent per annum to be due within twelve months from date of issue, but not later than April 30, 1956. Applicant proposes to issue said notes to the Bank of America National Trust and Savings Association, each note maturing by its terms prior to twelve months from date of issue. The proceeds from said notes will be applied as interim financing to the payment of the cost of additions, betterments and improvements of Applicant's property; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 9th day of May 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3416; Filed, Apr. 26, 1955; 8:50 a. m.]

[Docket Nos. G-2772, G-3836—G-3838, G-4365, G-4654, G-4728, G-4768]

ARNOLD O. MORGAN ET AL.

NOTICE OF FINDINGS AND ORDERS

APRIL 21, 1955.

In the matters of Arnold O. Morgan, Docket No. G-2772; Homestead Oil and Gas Company, Docket No. G-3836; The Valley Run Oil and Gas Company, Docket No. G-3837; Deaver Oil and Gas Company, Docket No. G-3838; George Jackson, Agent for Elliott-Cain Gas Company, Docket No. G-4365; Schroeder & Hoch Oil & Gas Properties, Docket No. G-4654; S. G. Liming, Agent, Docket No. G-4768; Alton Coats and Olin Gas Transmission Corporation, Docket No. G-4728.

Notice is hereby given that on April 11, 1955, the Federal Power Commission issued its findings and orders adopted April 6, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3418; Filed, Apr. 26, 1955; 8:50 a. m.]

[Docket Nos. G-3175, G-3176, G-4335, G-5510, G-6502, G-6503, G-6505, G-8488]

PHILLIPS PETROLEUM CO. ET AL.

NOTICE OF ORDERS MAKING EFFECTIVE PROPOSED RATE CHANGES UPON FILING OF UNDERTAKING TO ASSURE REFUND OF EXCESS CHARGES

APRIL 21, 1955.

In the matters of Phillips Petroleum Company, Docket No. G-3175; Phillips Petroleum Company, Docket No. G-3176; E. J. Hudson, et al., Docket No. G-4335; Forest Oil Corporation, Docket No. G-5510; H. F. Sears, Docket No. G-6502; Continental Oil Company, Docket No. G-6503; Dorchester Corporation, Docket No. G-6505; Sohio Petroleum Company, Docket No. G-8488.

Notice is hereby given that on April 7, 1955, the Federal Power Commission issued its orders adopted April 6, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3419; Filed, Apr. 26, 1955; 8:50 a. m.]

[Docket No. G-8477]

FAIRMAN DRILLING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 21, 1955.

Take notice that Fairman Drilling Company (Applicant), with a principal office in Hammersly Fork, Pennsylvania, filed on February 14, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Benezette Field, Elk County, Pennsylvania, which will be sold in interstate commerce to New York State Natural Gas Corporation for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 12, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3417; Filed, Apr. 26, 1955; 8:50 a. m.]

[Docket Nos. G-8513, G-8661]

ALGONQUIN GAS TRANSMISSION CO. AND TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 22, 1955.

In the matters of Algonquin Gas Transmission Company, Docket No. G-8513; and Tennessee Gas Transmission Company, Docket No. G-8661.

Take notice that Algonquin Gas Transmission Company (Algonquin), Applicant in Docket No. G-8513, a Delaware corporation whose address is 25 Faneuil Hall Square, Boston, Massachusetts, filed an application on February 24, 1955, as supplemented on March 22, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Algonquin to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Algonquin proposes to transport natural gas for the account of Public Service Electric & Gas Company (Public Service) from the point of interconnection of its pipeline system with that of Texas Eastern Transmission Corporation (Texas Eastern) at Lambertville, New Jersey, to two delivery taps on its 26-inch main line near Morristown, New Jersey, and one delivery tap at Pompton Lakes, New Jersey. Algonquin proposes to deliver additional volumes of natural gas to Public Service through these taps by means of displacement of equivalent volumes delivered to it by Tennessee Gas Transmission Company (Tennessee) near Ramsey, New Jersey. Texas Eastern and Tennessee have been previously authorized to deliver the volumes of gas to Public Service which Algonquin seeks authority to transport for Public Service.

Algonquin will construct the three taps on its transmission pipeline at the points of delivery of the gas to Public Service. Metering and regulating stations with appurtenant facilities will be constructed by Public Service and leased to Algonquin.

Take notice further that Tennessee Gas Transmission Company (Tennessee), Applicant in Docket No. G-8661, a Delaware corporation whose address is the Commerce Building, Houston, Texas, filed an application on March 24, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Tennessee to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Tennessee proposes to construct and operate facilities to provide an additional delivery point on its transmission facilities which were heretofore authorized by the Commission in its Opinion No. 279 and accompanying order, issued December 28, 1954, in Docket Nos. G-2331, et al. The proposed delivery point would be at the point of interconnection of the transmission facilities of Tennessee and Algonquin near Ramsey, New Jersey, and would enable the delivery to Algonquin for the account of Public Service of a portion of the volumes of natural gas for which the Commission authorized delivery in Docket No. G-2331.

Total maximum daily volumes of natural gas to be delivered to Public Service by Algonquin would be 73,440 Mcf (at 14.73 psia)—47,940 Mcf from Texas Eastern and 25,500 Mcf from Tennessee.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 17, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 10, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3425; Filed, Apr. 26, 1955; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR PURCHASE OF CERTAIN EQUIPMENT

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (12) of the act, contracts for the purchase of outboard motors for use in Alaska.

2. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with the policies, procedures and controls prescribed by the General Services Administration.

3. The authority to make determinations under section 302 (c) (12) of the act may not be redelegated but may be exercised in accordance with section 309 (a) of the act.

4. This delegation shall be effective as of the date hereof.

Dated: April 21, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-3474; Filed, Apr. 25, 1955; 1:23 p. m.]

SECRETARY OF LABOR

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR SERVICES RELATING TO AUTHORIZED ADVERTISING CAMPAIGNS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of Labor to negotiate, without advertising, under section 302 (c) (4) and (9) of the act, contracts for services in connection with authorized advertising campaigns concerning the work of the President's Committee on Government Contracts.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304 and 307, and in accordance with the policies, procedures, and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any official or employee of the Department of Labor.

4. This delegation shall be effective as of the date hereof.

Dated: April 21, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-3475; Filed, Apr. 25, 1955; 1:23 p. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 57]

MOTOR CARRIER APPLICATIONS

APRIL 22, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 1124 Sub 124, Filed April 6, 1955, HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Ave., Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Government owned compressed gas trailers*, loaded or empty, and *compressed gas* moving in government owned compressed gas trailers, from, to, and between all points authorized to be served in the performance of (1) regular and alternate route operations in and through Arkansas, Louisiana, Mississippi, Tennessee, and Texas, and (2) irregular route operations in and through Arkansas, Louisiana, Oklahoma, and Texas. The applicant is authorized to operate over the above-referred to regular, alternate, and irregular routes in the transportation of Class A and B explosives,

general commodities with certain exceptions, and certain other specifically named commodities, but is not presently specifically authorized to transport the commodities named in this application.

No. MC 2229 Sub 66, filed March 25, 1955, Red Ball Motor Freight, Inc., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, and commodities in bulk, serving Owentown, Tex., as an intermediate point on carrier's regular route operations between Tyler and Gladewater, Tex., over U. S. Highway 271 (which is a portion of carrier's regular route operations between Jacksonville, and Gladewater, Tex.). Applicant is authorized to conduct operations in Louisiana and Texas.

NO. MC 15167 Sub 16, filed March 8, 1955, PAUL F. CULLUM, doing business as CULLUM TRUCKING COMPANY, 1281 West Side Ave., Jersey City 6, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Inedible fish oils, vegetable oils, sea animal oils, paint oils, surface coating compound solutions*, including but not limited to *Alkyd resin solutions* and *ester gum solutions*, in bulk, in tank vehicles, from Newark, Elizabeth, and Edgewater, N. J., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

NOTE: Applicant states that upon grant of the requested authority, he is agreeable to revoking all duplication of his existing permanent authority. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

No. MC 17190 Sub 4, filed April 4, 1955, GROVER J. LEWIS, doing business as L. & L. TRUCKING SERVICE, 511 Ludington St., Escanaba, Mich. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty St., Madison 3, Wis. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the K. I. Sawyer Air Port, located approximately five (5) miles south of Sands, Mich.; and the U. S. Air Force Installation, adjacent to said air port; as intermediate or off-route points (whichever is applicable), in connection with regular route operations between Marquette, Mich., and junction Michigan Highways 553 and 35 near Forsyth, Mich., over Michigan Highway 553. Applicant is authorized to conduct operations in Michigan, and Wisconsin.

No. MC 18088 Sub 23, filed April 4, 1955 (Petition for declaratory order, interpretation, or modification of Certificates Nos. MC 18088 and MC 18088 Sub 14 to permit return of empty used containers for textile products to origin points), FLOYD & BEASLEY TRANSFER COMPANY, INC., Sycamore, Ala. Applicant's attorneys: D. H. Markstein, Jr., 818–821 Massey Bldg., Birmingham 3, Ala., *and* H. Charles Ephraim, Pennsylvania Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Empty used containers for textile products*, such as cores, tubes, cones, beams, springs, cake covers, socks, and other types of containers, from points in Tennessee, Georgia, Alabama, and South Carolina, to points in Alabama.

NOTE: Applicant has irregular route authority in Certificates Nos. MC 18088 and MC 18088 Sub 14 to transport *textile products* from points in Alabama to points in Tennessee, Georgia, Alabama, and South Carolina. The purpose of this application is to permit the return of empty used containers for textile products to origin points.

No. MC 18088 Sub 24, filed April 5, 1955, FLOYD & BEASLEY TRANSFER COMPANY, INC., Sycamore, Ala. Applicant's attorneys: D. H. Markstein, Jr., 818–821 Massey Bldg., Birmingham 3, Ala., *and* H. Charles Ephraim, Pennsylvania Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Articles and supplies* used in the maintenance and operation of a textile mill, and *materials* which are ingredients of, consumed in, and form a part of the finished product of textile mills, between points in Alabama, on the one hand, and, on the other, points in Tennessee, Georgia, South Carolina, and Alabama. Applicant is authorized to conduct operations in Alabama, Georgia, South Carolina, and Tennessee.

No. MC 26707 Sub 5, Filed March 30, 1955 (Amended), PHILIP J. GROETKEN, R. F. D. #6, Le Mars, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fly spray and mange oil* shipped in cans or drums, *empty bags* and *sacks, that is paper, cloth and burlap*, and *advertising material used solely in connection with the sale and distribution of animal and poultry feed and fly spray and mange oil*, from Burlington, Wis., to points in South Dakota, points in that portion of Nebraska north of the northern boundaries of Washington, Dodge, Colfax, Platte, Boone, Greeley, Valley, Custer, Logan, McPherson, Arthur, Garden, Morrill and Scotts Bluff Counties, and points in that portion of Iowa west of the eastern boundaries of Dickinson, Clay, Buena Vista, Sac and Carroll Counties and on and north of U. S. Highway 30 extending westerly from Ralston, Iowa to California Junction, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movement.

No. MC 29079 Sub 4, filed March 23, 1955, amended April 15, 1955, BRADA CARTAGE COMPANY, a corporation, 4001 Central Avenue, Detroit 10, Mich. Applicant's attorney: Wm. R. Heffernan, 1419–25 Majestic Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron articles and steel articles* as defined by the Commission in Ex Parte No. MC–45, from Gibraltar, Mich., to Rockford, Ill., points in Ohio, Indiana, and those in Illinois in the Chicago, Ill., Commercial Zone as defined by the Commission, and *damaged shipments* on return. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan and Ohio.

No. MC 29886 Sub 80, filed April 7, 1955, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks* and *buses*, in initial and secondary movements, in truckaway service, from Detroit, Mich. to points in Oregon and Washington. Applicant is authorized to conduct operations in all states in the United States except Florida.

No. MC 30887 Sub 61, filed March 28, 1955, CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *Compressed gases*, in bulk, when moving in Government-owned or shipper-owned trailers, for the United States Government or its cost-type contractor, the University of California, and *empty gas cylinders* and *empty trailers* (1) between Houston, Tex., and Dallas, Tex., over U. S. Highway 75, serving no intermediate points, (2) between Houston, Tex., and Sequin, Tex., over U. S. Highway 90, serving no intermediate points, (3) between Houston, Tex., and Port Arthur, Tex., from Houston over U. S. Highway 90 to Beaumont, Tex., thence over U. S. Highway 69 to junction Texas Highway 347 (formerly unnumbered highway), and thence over Texas Highway 347 (formerly unnumbered highway) to Port Arthur, and return over the same route, serving all intermediate points, and the off-route points of Sour Lake, Port Neches, Nederland, Atreco, Chaison, Groves, Portacres, Griffin, Smiths Bluff, and West Port Arthur, Tex., (4) between Beaumont, Tex., and Orange, Tex., from Beaumont over U. S. Highway 90 via Vidor, Tex., to Orange, and return over the same route, serving no intermediate points, (5) between Port Arthur, Tex., and Orange, Tex., from Port Arthur over Old and New Texas Highways 87 to Orange, and return over the same route, serving all intermediate points (6) between junction U. S. Highway 69 and Texas Highway 347 (formerly unnumbered highway) northwest of Port Arthur, Tex., and Galveston, Tex., from junction U. S. Highway 69 and Texas Highway 347 (formerly unnumbered highway) northwest of Port Arthur over U. S. Highway 69 to Port Arthur, thence over Texas Highway 87 via Sabine Pass, Tex., to Port Bolivar, Tex., and thence via ferry or bridge to Galveston, and return over the same route, serving all intermediate points, (7) between Houston, Tex., and Galveston, Tex., (a) from Houston over Texas Highway 225 to junction Texas Highway 146, thence over Texas Highway 146 via Texas City, Tex., to junction U. S. Highway 75, and thence over U. S. Highway 75 to Galveston, and return over the same route, serving all intermediate points, (b) from Houston over U. S. Highway 75 via La Marque, Tex., to Galveston, and return over the same route, serving all intermediate points, (8) between Dallas, Tex., and Beaumont, Tex., from Dallas over U. S. Highway 175 to junction U. S. Highway 69, thence over U. S. Highway 69 to Beaumont, and return over the same route, serving no intermediate points, (9) between San Antonio, Tex., and Seguin, Tex., over U. S. Highway 90, serving no intermediate points, (10) between Dallas, Tex., and Fort Worth, Tex., from Dallas over U. S. Highway 80 to Fort Worth, and return over the same route, serving all intermediate points, and (11) to and from off-route points within eight (8) miles of Houston, Tex., in connection with regular route operations to Houston, Tex. Applicant is presently authorized to conduct operations over all of the above-specified routes (some of which are portions of the authorized routes, and route 8 is authorized as an alternate route), in the transportation dangerous explosives and general commodities (with exceptions) in some instances, and general commodities (with exceptions) in others, but is not specifically authorized to transport the commodities named in this application. Applicant is authorized to conduct operations in Texas.

No. MC 31444 Sub 41, filed October 27, 1954 (amended) published page 9307, issue of December 29, 1954. SCHREIBER TRUCKING CO., INC., 1315–1399 Washington Blvd., Pittsburgh, Pa. Applicant's attorney: Louis E. Smith, 316–318 Chamber of Commerce Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, over regular routes, transporting; *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Cumberland, Md., and the site of the new plant of Pittsburgh Plate Glass Company located approximately three miles from Cumberland, Md., as off-route points in connection with applicant's authorized operations between Pittsburgh, Pa., and Baltimore, Md., operating from Pittsburgh over U. S. Highway 30 to Breezewood, Pa., thence over Pennsylvania Highway 126 to Warfordsburg, Pa., thence over U. S. Highway 522 to Frederick, Md., thence over Maryland Highways 71 and 26 to Baltimore. Applicant proposes to operate over U. S. Highway 40 between Hancock, Md., and Cumberland, Md., serving no intermediate points, for operating convenience only, in connection with the above-described operations. Applicant is authorized to conduct operations in Maryland, Pennsylvania, New York, New Jersey, Illinois, Ohio, and Delaware.

NO. MC 31444 SUB 42, filed October 27, 1954, SCHREIBER TRUCKING CO., INC., 1315–1399 Washington Blvd., Pittsburgh, Pa. Applicant's attorney: Louis E. Smith, 316–318 Chamber of Commerce Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, over twenty alternate routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving no intermediate points, for operating convenience only, in connection with carrier's authorized routes as described in Certificate No. MC 31444 Sub 1, issued April 10, 1950. Route 1: From the junction of U. S. Highway 23 and U. S. Highway 6 via U. S. Highway 23 to Fostoria, Ohio, thence via Ohio State Road 18 to its junction with U. S. Highway 224 and return over the same route. The termini are sought to be served as points of joinder only. Appurtenant to portion of authorized route between Akron, Ohio and Van Wert, Ohio, as described in 4th paragraph on Sheet 4. Point of deviation is at the junction of Ohio State Road 18 and U. S. Highway 224 near (Tiffin, Ohio). The point of joinder is at the intersection of U. S. Highways 6 and 23 (at New Rochester, Ohio), joining authorized route between Pittsburgh, Pa., and Chicago, Illinois, as described in the last paragraph on Sheet 3. Route 2: From the junction of Pennsylvania State Road 102 and U. S. Highway 19, via Pennsylvania State Road 102 to its junction with Pennsylvania State Road 98, thence via Pennsylvania State Road 98 to its junction with Pennsylvania State Road 5, and thence via Pennsylvania State Road 5 and New York State Road 5 to Silver Creek, New York, and return over the same route. The terminus of the junction of Pennsylvania State Road 102 and U. S. Highway 19 is sought to be served as a point of joinder only. Appurtenant to portion of authorized regular route between Pittsburgh, Pa., and Albany, N. Y., as described in the last paragraph on Sheet 2. Point of deviation is at junction of U. S. Highway 19 and Pennsylvania State Road 102 (near Meadville, Pa.). The point of joinder is at the intersection of New York State Road 5 and U. S. Highway 20 (at Silver Creek, N. Y.). Route 3: From Cambridge Springs, Pennsylvania, via Pennsylvania State Road 99 to its junction with U. S. Highway 19 and return over the same route. The termini are sought to be served at points of joinder only. Appurtenant to portion of authorized regular route between Pittsburgh, Pa., and Albany, N. Y., as described in the last paragraph on Sheet 2. Point of deviation is at the junction of Pennsylvania State Road 99 and U. S. Highway 19 (at Cambridge Springs, Pa.); point of joinder is also at junction of Pennsylvania State Road 99 and U. S. Highway 99 (at Kearsarge, Pa.). Route 4: From the junction of U. S. Highway 19 and Pennsylvania State Road 97 via Pennsylvania State Road 97 to Erie, Pennsylvania, and return over the same route. The termini are sought to be served as points of joinder only. Appurtenant to portion of authorized regular route between Pittsburgh, Pa., and Albany, N. Y., as described in the last paragraph on Sheet 2. Point of deviation is at junction of Pennsylvania State Road 97 and U. S. Highway 19 (at Cambridge Springs, Pa.). Point of joinder is at the junction of Pennsylvania State Road 97 and U. S. Highway 20 (at Erie, Pa.). Route 5: From Pittsburgh, Pa., via Pennsylvania State Road 8 to Wattsburg, Pa., thence via Pennsylvania State Road 89 to North East, Pa., and return over the same route. The terminus of North East, Pa., is sought to be served as a point of joinder only. Appurtenant to portion of authorized regular route between Pittsburgh, Pa., and Albany, N. Y., as described in the last paragraph on Sheet 2. Point of deviation is at the junction of U. S. Highway 19 and Pennsylvania State Road 8 (at Pittsburgh, Pa.): Point of joinder is at the intersection of Pennsylvania State Road 89 and U. S. Highway 20 (at North East, Pa.). Route 6: From Pittsburgh, Pa., via Pennsylvania State Road 8 to its junction with Pennsylvania State Road 28, thence via Pennsylvania State Road 28 to New Bethlehem, Pa., thence via Pennsylvania State Road 66 to Clarion, Pa., thence via Pennsylvania State Road 68 to Kane, Pa., thence from Kane, Pa., over U. S. Highway 6 to its junction with U. S. Highway 219, and return over the same route, serving termini as points of joinder only. Appurtenant to portion of authorized regular route between Pittsburgh, Pa., and Albany, N. Y., as described in the last paragraph on Sheet 2. Point of deviation is at junction of U. S. Highway 19 and Pennsylvania State Road 8 (at Pittsburgh, Pa.); point of joinder is at the intersection of U. S. Highways 6 and 219 (at Lantz Corners, Pa.). Route 7: From Pittsburgh, Pa., via U. S. Highway 22 to its junction with U. S. Highway 119, thence via U. S. Highway 119 to Dubois, Pa., thence via U. S. Highway 219 to its junction with U. S. Highway 20, and return over the same route. Appurtenant to portion of authorized regular route between Pittsburgh, Pa., and Albany, N. Y., as described in the last paragraph on Sheet 2. Point of deviation is at junction of U. S. Highway 19 and Pennsylvania State Road 8 (at Pittsburgh, Pa.); point of joinder is at the intersection of U. S. Highways 20 and 219 (near Big Tree, N. Y.). Route 8: From the junction of U. S. Highways 119 and 322 via U. S. Highway 322 to Port Matilda, and return over the same route, serving Port Matilda as a point of joinder only. Appurtenant to portion of authorized regular route between Pittsburgh, Pa., and Albany, N. Y., as described in the last paragraph on Sheet 2. Point of deviation is at junction of U. S. Highways 220 and 322 (at Port Matilda, Pa.); point of joinder is at the junction of U. S. Highway 322 and U. S. Highway 119 (near Rathmel, Pa.). Route 9: From the junction of U. S. Highways 220 and 6 via U. S. Highway 6 to Mansfield, Pa., thence via U. S. Highway 15 to Erwins, Pa., and return over the same route, serving the junction of U. S. Highway 220 and 6 as a point of joinder only. Appurtenant to authorized regular route between Hollidaysburg, Pa.,

and Waverly, N. Y., as described in the 3rd paragraph on Sheet 5, and authorized regular route between Westfield, N. Y., and Troy, N. Y., as described in paragraph 5 on Sheet 3. Point of deviation is at the junction of U. S. Highways 220 and 6 (at Towanda, N. Y.); point of joinder at New York State Road 19 and U. S. Highway 15 (near Erwins, N. Y.). Route 10: From the junction of New York State Roads 31 and 38 via New York State Road 33 to Auburn, New York, and return over the same route. Appurtenant to authorized regular route between Pittsburgh, Pa., and Albany, N. Y., as described in the last paragraph on Sheet 2 and authorized regular route between Silver Creek, N. Y., and Albany, N. Y., as described in the 1st paragraph on Sheet 3. Point of deviation is at the intersection of New York State Roads 31 and 38 (near Port Byron, N. Y.); point of joinder is at the intersection of New York State Road 38 and U. S. Highway 20 (at Auburn, N. Y.). Route 11: Between Homer, New York, and Skaneateles, New York, via New York State Road 41. Appurtenant to portion of authorized regular route between Silver Creek, N. Y., and Albany, N. Y., as described in the first paragraph on Sheet 3, and portion of authorized regular route between Lewistown, Pa., and Syracuse, N. Y., as described in the first paragraph on Sheet 5. Point of deviation is at the junction of New York State Road 41 and U. S. Highway 20 (near Skaneateles, N. Y.); point of joinder is at the junction of New York State Road 41 and U. S. Highway 11 (at Homer, N. Y.). Route 12: Between Waverly, New York and Ithaca, New York, via New York State Road 34. Appurtenant to portion of authorized regular route between Westfield, N. Y., and Troy, N. Y., as described in the 5th paragraph on Sheet 3, and portion of authorized regular route between Horseheads, N. Y., and Cortland, N. Y., as described in the 4th paragraph on Sheet 5. Point of deviation is at the junction of New York State Roads 34 and 17 (at Waverly, N. Y.); point of joinder is at the intersection of New York State Roads 13 and 34 (at Ithaca, N. Y.). Route 13: From Corning, New York, via U. S. Highway 15 to Wayland, New York, thence via New York State Road 63 to Batavia, New York, and return over the same route. Appurtenant to portion of authorized regular route between Westfield, N. Y., and Troy, N. Y., as described in paragraph 5 on Sheet 3, and a portion of authorized regular route between Pittsburgh, Pa., and Albany, N. Y., as described in the last paragraph on Sheet 2. Point of deviation is at the intersection of New York State Road 17 and U. S. Highway 15 (near Corning, N. Y.); point of joinder is at intersection of New York State Roads 63 and 33 (at Batavia, N. Y.). Route 14: Between Hollidaysburg, Pa., and Bedford, Pa., via U. S. Highway 220. Appurtenant to portion of authorized regular route between Pittsburgh, Pa., and Baltimore, Md., as described in paragraph one on Sheet one, and portion of authorized regular route between Pittsburgh, Pa., and New York, N. Y., as described in the last paragraph on Sheet one. Point of deviation is at the intersection of U. S. Highways 30 and 220 (at Bedford, Pa.); point of joinder is at the intersection of U. S. Highways 22 and 220 (at Hollidaysburg, Pa.). Route 15: From the junction of New York State Road 39 and U. S. Highway 20 via New York State Road 39 to its junction with New York State Road 19A, thence via New York State Road 19A to Warsaw, New York, thence via New York State Road 19 to Pavilion, New York, thence via New York State Road 63 to Batavia, New York, and return over the same route, serving the junction point of New York State Road 39, and U. S. Highway 20 as a point of joinder only. Appurtenant to portion of authorized regular route between Pittsburgh, Pa., and Albany, N. Y., as described in the last paragraph on Sheet 2. Point of deviation is at the junction of New York State Road 39 and U. S. Highway 20 (at Sheridan, N. Y.); point of joinder is at the intersection of New York State Roads 63 and 33 (at Batavia, N. Y.). Route 16: From Wilkes-Barre, Pa., via U. S. Highway 309 to Tunkhannock, Pa., thence via Pennsylvania State Road 92 to Nicholson, Pa., and return over the same route. The termini are sought to be served as points of joinder only. Appurtenant to portion of authorized regular route between Lewistown, Pa., and Syracuse, N. Y., as described in the first paragraph on Sheet 5. Point of deviation is at the intersection of U. S. Highways 11 and 309 (near Wilkes-Barre, Pa.); point of joinder is at the intersection of Pennsylvania State Road 92 and U. S. Highway 11 (at Nicholson, Pa.). Route 17: From Tyrone, Pa., via Pennsylvania State Road 350 to Water Street, Pa., thence via Pennsylvania State Road 64 to Lockhaven, Pennsylvania, and return over the same route. The termini are sought to be served as points of joinder only. Appurtenant to portion of authorized regular route between Hollidaysburg, Pa., and Waverly, N. Y., as described in the 3rd paragraph on Sheet 5. Point of deviation is at the intersection of Pennsylvania State Road 350 and U. S. Highway 220 (at Tyrone, Pa.); point of joinder is at the junction of Pennsylvania State Road 64 and U. S. Highway 220 (near Lockhaven, Pa.). Route 18: From Baltimore, Maryland, via U. S. Highway 40 to its junction with U. S. Highway 13, thence via U. S. Highway 13 to Philadelphia, Pennsylvania, and return over the same route. Appurtenant to a portion of authorized regular route between Pittsburgh, Pa., and Baltimore, Md., as described in Paragraph one on Sheet one and a portion of authorized regular route between Chambersburg, Pa., and Elizabeth, N. J., as described in the 3rd paragraph on Sheet 2, and/or the Pennsylvania Turnpike, which applicant is presently authorized to use. Point of deviation is at the intersection of U. S. Highways 111 and 40 (in Baltimore, Md.); point of joinder at the intersection of U. S. Highways 12 and 30. Route 19: From Harrisburg, Pa., via U. S. Highway 11 to Carlisle, Pa., thence via Pennsylvania State Road 34 to Gettysburg, Pa., thence via U. S. Highway 140 to Baltimore, Maryland, and return over the same route, serving Harrisburg as a point of joinder only. Appurtenant to a portion of authorized regular alternate route between Harrisburg, Pa., and Baltimore, Md., as described in the 4th paragraph on Sheet 3. Point of deviation is at the intersection of U. S. Highways 11 and 111 (near Harrisburg, Pa.); point of joinder is at the junction of U. S. Highways 111 and 140 (at Baltimore, Md.). Route 20: From Harrisburg, Pa., via U. S. Highway 11 to Carlisle, Pa., thence via Pennsylvania State Road 34 to Mt. Holly Springs, Pa., thence via Pennsylvania State Road 94 and Maryland State Road 30 to Reisterstown, Maryland, and return over the same route, serving Harrisburg as a point of joinder only. Appurtenant to a portion of authorized regular route between Harrisburg, Pa., and Baltimore, Md., as described in paragraph 4 on Sheet 3. Point of deviation is at the intersection of U. S. Highways 11 and 111 (near Harrisburg, Pa.); point of joinder is at junction of U. S. Highway 140 and Maryland State Road 30 (at Reisterstown, Md.).

No. MC 31466 Sub 19, filed March 7, 1955, amended March 10 and March 25, 1955, JOSEPH POMPROWITZ, doing business as L. C. L. TRANSIT COMPANY, 520 North Roosevelt Street, Box 667, Green Bay, Wis. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fresh meats*, (1) from Madison, Wis., and Albert Lea, Austin, and Faribault, Minn., to points in the upper peninsula of Michigan, (2) from the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, to Ashland, Wis., and points in the upper peninsula of Michigan, (3) between Madison, Wis., and Davenport, Iowa, (4) from Albert Lea and Faribault, Minn., to points in Brown, Calumet, Door, Fond du Lac, Kewaunee, and Manitowoc Counties, that portion in Marathon County on and east of U. S. Highway 51, and on and south of Wisconsin Highway 29 from Wausau to west county line, that portion in Marinette County on and south of Wisconsin Highway 64, that portion in Oconto County on and south of Wisconsin Highway 64, Outagamie, Shawano, Sheboygan, Waupaca, and Winnebago Counties, Wis., (5) from Austin, Minn., to points in Adams, Brown, Buffalo, and Calumet Counties, that portion in Clark County on and south of Wisconsin Highway 29, Columbia, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, and Lafayette Counties, that portion in Langlade County on and south of Wisconsin Highway 64, that portion in Lincoln County on and east of U. S. Highway 51 from Merrill to the south county line, and on and south of Wisconsin Highway 64 from Merrill to the east county line, Manitowoc County, that portion in Marathon County on and east of U. S. Highway 51 and on and south of Wisconsin Highway 29 from Wausau to west county line, that portion in Marinette County on and south of Wisconsin Highway 64, Marquette, Milwaukee, and Monroe Counties, that portion in Oconto County on and south of Wisconsin Highway 64, Outagamie, Ozaukee, Pepin, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood Counties, Wis., those in Cook, Hancock, Henderson, Henry, Jo Daviess, Knox, Lake, Mercer, Peoria, Rock Island, Warren, Whiteside, and Winnebago Counties, Ill., Burlington and Keokuk, Iowa, those in Cedar, Clinton, Dubuque, and Jackson Counties, that portion in Johnson County on and north of U. S. Highway 6, Jones, and Linn Counties, that portion in Muscatine County on and north of U. S. Highway 6, and that portion in Scott County on and north of U. S. Highway 6, Iowa, and (6) from Cedar Rapids, Iowa, to points in Columbia, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Rock, Sauk, Walworth, Washington, and Waukesha Counties, Wis., and those in Boone, Carroll, Cook, De Kalb, Du Page, Jo Daviess, Kane, Lake, Lee, McHenry, Ogle, Stephenson, Whiteside, and Winnebago Counties, Ill. *Fresh meats* and *packing house products*, as defined by the Commission in Ex Parte No. MC–38, from Austin, Minn., to points in Ashland County, that portion in Clark County north of Wisconsin Highway 29, Florence, Forest, and Iron Counties, that portion in Langlade County north of Wisconsin Highway 64, that portion in Lincoln County north of Wisconsin Highway 64, and west of U. S. Highway 51 from Merrill to the south county line, that portion in Marathon County west of U. S. Highway 51 from north county line to Wausau, and north of Wisconsin Highway 29 from Wausau to west county line, that portion in Marinette County north of Wisconsin Highway 64, that portion of Oconto County north of Wisconsin Highway 64, Oneida, Price, Taylor, and Vilas Counties, Wis., those in Des Moines County (except Burlington), that portion in Johnson County south of U. S. Highway 6, those in Lee County (except Keokuk), Louisa County, that portion in Muscatine County south of U. S. Highway 6, and that portion in Scott County south of U. S. Highway 6, Iowa. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, North Dakota and Wisconsin.

No. MC 38383 Sub 7, filed March 28, 1955. THE GLENN CARTAGE COMPANY, 1115 South State St., Girard, Ohio. Applicant's attorney: William R. Hefferan, 1419–25 Majestic Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Steel, steel products*, and *machinery*, from Gibraltar, Mich., to points in Michigan, Ohio, Pennsylvania, New York, West Virginia, and points in Kentucky within fixe miles of the Ohio River. Applicant is authorized to conduct operations in Pennsylvania, Ohio, New York, Michigan, Kentucky, and West Virginia.

No. MC 40176 Sub 2, filed March 28, 1955, CLARENCE BATES and KENNETH CAMPBELL, doing business as WAYNE TRUCK LINE, Touristville, Ky. Applicant's attorney: Fritz Krueger, Alverson Building, Somerville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Flooring*, such as dressed oak, maple, ash, walnut, beech and any other hardwood, *rough lumber*, and *dressed lumber*, from Cincinnati, Ohio, to points in Logan, Marion, Morrow, Richland, Crawford, Huron, Lorain, Erie, Cuyahoga, Wyandot, Seneca, Sandusky, Ottawa, Hardin, Hancock, Wood, Lucas, Auglaize, Allen, Putnam, Henry, Fulton, VanWert, Paulding, Defiance, Williams, Mercer, Darke, Shelby, Union, Miami, Champaign, Madison, Licking, Muskingum, Guernsey, Clark, Preble, Montgomery, Greene, Fayette, Pickway, Fairfield, Perry, Morgan, Noble, Hocking, Franklin, Athens, Washington, Ross, Clinton, Warren, Butler, Highland, Vinton, Hamilton, Delaware, Clermont, Pike, Jackson, Meigs, Gallia, Brown, Adams, Scioto and Lawrence Counties, Ohio; Harrison, Floyd, Clark, Washington, Scott, Jefferson, Switzerland, Ohio, Jennings, Ripley, Dearborn, Bartholomew, Decatur, Franklin, Union, Rush, Shelby, Johnson, Wayne, Henry, Hancock, Marion, Randolph, Delaware, Madison, Hamilton, Tipton, Jay, Blackford, Grant, Howard, Adams, Wells, Huntington, Wabash, Miami, Allen, Whitley, Kosciusko, Marshall, Starke, DeKalb, Noble, Steuben, Lagrange, Elkhart, St. Joseph, LaPorte, Porter and Lake Counties, Ind.; Cook and DuPage Counties, Illinois; and Monroe, Lenawee, Hilldale, Branch, St. Joseph, Cass, Berrien, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Wayne, Macomb, Oakland, Livingston, Ingham, Eaton, Barry, Allegan, and Ottawa Counties, Mich. Applicant is authorized to conduct operations in Kentucky and Ohio.

No. MC 40861 Sub 3, filed February 7, 1955, amended April 13, 1955, SLOAN'S MOVING AND STORAGE CO., a corporation, 5619 Delmar Avenue, St. Louis, Mo. Applicant's attorney: H. B. La Tourette, Jr., 1230 Boatmen's Bank Building, St. Louis 2, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, restricted to parcels not exceeding 100 pounds each, between St. Louis, Mo., on the one hand, and, on the other, points in St. Louis and St. Charles Counties, Mo., and points in Illinois within the territory described as follows: from Chester, Ill., over Illinois Highway 150 to junction Illinois Highway 43, thence over Illinois Highway 43 to junction Illinois Highway 150, thence over Illinois Highway 150 to junction Illinois Highway 154, thence over Illinois Highway 154 to junction Illinois Highway 127, thence over Illinois Highway 127 to junction Illinois Highway 16, thence over Illinois Highway 16 to junction U. S. Highway 66, thence over U. S. Highway 66 to junction Illinois Highway 108, thence over Illinois Highway 108 to junction Illinois Highways 100 and 96, thence over Illinois Highway 96 to the Mississippi River, including points on the indicated portions of the highways specified. Applicant presently is authorized under Certificate No. MC 40861 Sub 2, issued February 17, 1953, to transport *General commodities*, restricted to parcels not exceeding 50 pounds each, over irregular routes, from St. Louis, Mo., to cities and towns in Illinois within 25 miles of St. Louis. Applicant is agreeable to the revocation of authority under Certificate No. MC 40861 Sub 2 upon the granting of the authority sought in this application. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 45338 Sub 4, filed April 13, 1955, CHESTER SAYRE, 4901 McAnulty Road, Pittsburgh 27, Pa. Applicant's attorney: Jerome Solomon, 1325–27 Grant Building, Pittsburgh, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock* (other than ordinary) and in the same vehicle with livestock, *stable supplies* and *stable equipment*, used in the care and exhibition of such livestock, *mascots*, and the *personal effects* of their attendants, trainers, and exhibiters, between points in Michigan, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, Vermont, Maine, Rhode Island, Connecticut, Massachusetts, New Jersey, Delaware, Maryland, West Virginia, Virginia, Kentucky, Tennessee, South Carolina, North Carolina, Georgia, Alabama, Florida, Mississippi, Arkansas, Louisiana, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC 47884 Sub 4, filed March 30, 1955 (amended), V. A. CARMICHAEL, R. F. D. #2, Sigourney, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fly spray;* and *mange oil*, shipped in cans or drums; and *empty paper bags; empty cloth bags; empty burlap bags; empty paper sacks; empty cloth sacks; empty burlap sacks;* and *advertising material* used in connection with the sale and distribution of fly spray, mange oil, and animal and poultry feed, from Burlington, Wis., to points in Clinton, Scott, Cedar, Muscatine, Johnson, Iowa, Marion, Poweshiek, Jasper, Washington, Louisa, Keokuk, Mahaska, Des Moines, Henry, Lee, Jefferson, Van Buren, Wapello, Davis, Monroe, Apponoose, Lucas, and Wayne Counties, Iowa, and return with *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodities. The applicant does not presently hold authority to transport the commodities specified in this application.

No. MC 50069 Sub 158, Filed April 7, 1955, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward

Avenue, Detroit 1, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals, vegetable and animal inedible oils, greases, tallows* and *acids, paint* and *paint materials*, in bulk, in tank vehicles, from points in the Chicago, Ill. Commercial Zone as defined by the Commission, to points in Indiana, Michigan, Minnesota, Missouri, Ohio, Wisconsin and Iowa, restricted against the transportation of benzol from the Chicago, Ill. Commercial Zone to Midland and Bay City, Mich. and toluol from the Chicago, Ill. Commercial Zone to Midland, Mt. Pleasant and Bay City, Mich. Applicant is authorized to conduct operations in Ohio, Indiana, Michigan, Pennsylvania, Illinois, Iowa, Kentucky, Minnesota, Missouri and Wisconsin.

No. MC 50069 Sub 159, filed April 11, 1955. REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward St., Detroit 1, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, (1) from East St. Louis and Danville, Ill., to points in Indiana, Ohio, Michigan, Kentucky, Wisconsin, and St. Louis, Mo., and (2) from East St. Louis, Ill., to points in Missouri. Applicant is authorized to conduct operations in Ohio, Michigan, Indiana, Illinois, Pennsylvania, West Virginia, Kentucky, Wisconsin, New York, Iowa, Minnesota, Missouri, and New Jersey.

No. MC 54435 Sub 21, filed April 4, 1955, MICHIGAN MOTOR FREIGHT LINES, INC., 2225 Howard Street, Detroit 16, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Gibraltar, Mich., and points within two miles of Gibraltar (including the plant of McLouth Steel Company) as off-route points in connection wth carrier's regular-route operations (1) from Trenton, Mich. to Rockwood, Mich. via Fort Road; (2) from Pontiac, Mich. over U. S. Highway 24 to junction U. S. Highway 25 north of Flat Rock, Mich.; and (3) between Port Huron, Mich. and Cincinnati, Ohio, over U. S. Highway 25; and in connection with alternate-route operations from Detroit, Mich., over Wayne County Road 383 (Allen Road) to junction Fort Road. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan and Ohio.

No. MC 59264 Sub 22, filed April 12, 1955, SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A and Class B explosives*, between Baltimore, Md. and the New Cumberland General Depot, New Cumberland, Pa. RESTRICTION: Applied for authority to be restricted to traffic originating or terminating at points other than Baltimore, Md. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia.

No. MC 61628 Sub 21, filed March 30, 1955, BENTON RAPID EXPRESS, a corporation, 216 West Hull Street, P. O. Box 587, Savannah, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate a *common carrier*, over regular and irregular routes, transporting: *Class A and B explosives*, between all points and over all routes presently authorized to be served in the performance of regular, alternate, and irregular route operations in and through Georgia and Florida. The applicant is presently authorized to conduct operations between all points and over all of the routes in the transportation of general commodities, with specified exceptions which include the exception of Class A and B explosives, and the purpose of this application is to remove the restriction against transportation of Class A and B explosives.

No. MC 64932 Sub 175, filed March 28, 1955 (amended), ROGERS CARTAGE CO., a corporation, 1934 So. Wentworth Ave., Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank trucks, and *dry chemicals*, in bulk, in hopper trucks, from points in Marshall, Livingston, and Lyon Counties, Ky., to points in Illinois, Indiana, Minnesota, Ohio, Missouri, Kentucky, Iowa, Michigan, Pennsylvania, West Virginia, New Jersey, New York, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Kansas, Oklahoma, Texas, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 65419 Sub 5, filed April 14, 1955, ARMORED CAR COMPANY, INC., 1031 South 6th Street, Louisville, Ky. Applicant's attorney: Earl C. Frankenberger, 1104 Kentucky Home Life Bldg., Louisville, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Money, including, but not limited to currency, silver coin, minor coin, bullion, securities, bonds, and other articles and commodities of unusual value, and empty containers*, or other such incidental facilities (not specified) used in transporting the commodities specified in this application between Louisville, Ky., and points within 150 miles of Louisville, including Louisville, Ky.

NOTE: Applicant states, "In the event that the authority requested herein is granted, applicant agrees that it will request cancellation of its present authorities (MC 65419 and Subs 1 and 3.) No duplicate authority is therefore involved nor will any result in the granting of the requested authority."

No. MC 69833 Sub 44 (Instant application directly related to MC–F 5935 published on page 1600, issue of March 16, 1955), ASSOCIATED TRUCK LINES, INC., 15 Andre Street, Grand Rapids, Mich. (filed March 23, 1955, amended April 20, 1955). Applicant's attorney: Robert A. Sullivan, 2606 Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *Scrap metals*, in bulk, and *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (not including scrap metals in bulk), commodities requiring special equipment, and those injurious or contaminating to other lading, Between all of applicant's presently certificated points and routes as follows: Between Flint, Mich., and junction with U. S. Highway 10, via U. S. Highway 23 to Fenton, thence via Michigan Highway 87, serving all intermediate points, and the off-route points of Rankin, Linden, Argentine (Genesee County), Cohoctah, Parshallville (Livingston County), and Byron (Shiawassee County); Between Flint, Mich., and Corunna, Mich., via Michigan Highway 78 to junction Michigan Highway 71, thence via Michigan Highway 71, serving all intermediate points, and the off-route points of Bancroft, Durand (Shiawassee County), Gaines and Duffield (Genesee County); Between Flint, Mich., and junction Michigan Highway 57, via Michigan Highway 78 to junction Michigan Highway 13, thence via Michigan Highway 13 to junction Michigan Highway 57; serving all intermediate points, and the off-route points of Flushing (Genesee County) and New Lothrop (Shiawassee County); Between Grand Blanc, Mich., and Holly, Mich., over unnumbered Genesee and Oakland County Road through Newark; serving no intermediate points: (Alternate Route); Between Flint, Mich., and Chesaning, Mich., via U. S. Highway 10 to junction Michigan Highway 57, thence via Michigan Highway 57; serving all intermediate points; Between the junction Michigan Highway 57 and Michigan Highway 15 (at Otisville) and junction U. S. Highway 10, via Michigan Highway 57; serving all intermediate points; Between junction Michigan Highway 21 and Michigan Highway 15 (at Davison), and Vassar, Mich., via Michigan Highway 15; serving all intermediate points, and the off-route points of Fostoria and Tuscola (Tuscola County), Genesee, Rodgersville and Russellville (Genesee County) and Otter Lake (Lapeer County); Between Lapeer, Mich., and North Branch, Mich., over Michigan Highway 24 to junction Michigan Highway 90, thence via Michigan Highway 90; serving all intermediate points, and the off-route points of Millville, Columbiaville, Kings Mill, and Lum (Lapeer County); Between junction Michigan Highway 24 and Michigan Highway 90 and Vassar, Mich., via Michigan Highway 24 to junction Michigan Highway 38, thence via Michigan Highway 38; serving no intermediate points over this route.

NOTE: In considering grant of authority herein all duplication of present authority should be eliminatcd.

No. MC 70451 Sub 168, filed March 14, 1955, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th St., Omaha, Nebr. For authority to operate as a *common carrier*, transporting: *Class A, B, and C explosives*, and *component parts thereof*, serving an area located on Caton Road approximately 100 yards west of U. S. Alternate Highway 66 near Rockdale Junction, Ill. northwest of Joliet, Ill., as an off-route point, in connection with operations between Cook County, Ill., and points in Buchanan, Andrew, Nodaway, Worth, Gentry, Harrison, and De Kalb Counties, Mo., and Taylor, and Page Counties, Iowa, over U. S. Highways 24, 36, 66, and 67, Illinois Highways 9, and 100, and irregular routes. Applicant is authorized to conduct regular route operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and New Mexico, and irregular route operations in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wyoming.

No. MC 75406 Sub 12, filed April 14, 1955, SUPERIOR FORWARDING COMPANY, INC., 2600 South Fourth Street, St. Louis 18, Mo. Applicant's attorney: B. W. LaTourette, 1230 Boatmen's Bank Building, St. Louis 2. Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, and *general commodities*, except commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Corning and Paragould, Ark., from Corning, over U. S. Highway 62 to junction Arkansas Highway 1W, thence over Arkansas Highway 1W to junction Arkansas Highway 1E, and thence over Arkansas Highway 1E to Paragould, Ark., and return over the same route, serving no intermediate points, as an alternate or connecting route for operating convenience, in connection with the carrier's regular route operations (a) between East St. Louis, Ill., and Little Rock, Ark. (via Corning, Ark.), (b) between Hayti, Mo., and Walnut Ridge, Ark. (via Paragould, Ark.), and (c) between Paragould and Walnut Ridge, Ark.; (2) between Jonesboro, Ark., and the junction of Arkansas Highway 1 and U. S. Highway 64, over Arkansas Highway 1, serving no intermediate points, and serving the junction of Arkansas Highway 1 and U. S. Highway 64 for joinder purposes only, as an alternate or connecting route for operating convenience, in connection with the carrier's regular route operations (a) between East St. Louis, Ill., and Little Rock, Ark. (via junction Arkansas Highway 1 and U. S. Highway 64), and (b) between Paragould and Walnut Ridge, Ark. (via Jonesboro, Ark.); (3) between Jonesboro, Ark., and the junction of Arkansas Highway 39 and U. S. Highway 64, from Jonesboro, Ark., over Arkansas Highway 1 to junction Arkansas Highway 39, and thence over Arkansas Highway 39 to junction U. S. Highway 64, and return over the same route, serving no intermediate points, and serving the junction of Arkansas Highway 39 and U. S. Highway 64 for joinder purposes only, as an alternate or connecting route for operating convenience, in connection with the carrier's regular route operations (a) between East St. Louis, Ill., and Little Rock, Ark. (via junction of Arkansas Highway 39 and U. S. Highway 64), and (b) between Paragould and Ridge, Ark. (via Jonesboro, Ark.); (4) between the junction of U. S. Highway 67 and Arkansas Highway 17, and McCrory, Ark., over Arkansas Highway 17, serving no intermediate points, and serving the junction of U. S. Highway 67 and Arkansas Highway 17 for joinder purpose only, as an alternate or connecting route for operating convenience, in connection with the carrier's regular route operations (a) between East St. Louis, Ill., and Little Rock, Ark. (via McCrory, Ark.); and (b) between East St. Louis, Ill., and Little Rock, Ark. (via junction U. S. Highway 67 and Arkansas Highway 17); (5) between Lehi and Marianna, Ark., over U. S. Highway 79, serving no intermediate points, as an alternate or connecting route for operating convenience, in connection with the carrier's regular route operations (a) between East St. Louis, Ill., and Little Rock, Ark. (via Lehi, Ark.), and (b) between Forrest City and Stuttgart, Ark. (via Marianna, Ark.); (6) between Stuttgart and Pine Bluff, Ark., over U. S. Highway 79, serving no intermediate points, as an alternate or connecting route for operating convenience, in connection with the carrier's regular route operations (a) between Hazen and Little Rock, Ark. (via Stuttgart, Ark.), (b) between Forrest City and Stuttgart, Ark., and (c) between Hot Springs and Pine Bluff, Ark.; (7) between England and Pine Bluff, Ark., over Arkansas Highway 15, serving no intermediate points, as an alternate or connecting route for operating convenience, in connection with the carrier's regular route operations (a) between Hazen and Little Rock, Ark. (via England, Ark.), and (b) between Hot Springs and Pine Bluff, Ark.; (8) between Little Rock, Ark., and the junction of U. S. Highways 65 and 270, over U. S. Highway 65, serving no intermediate points, and serving the junction of U. S. Highways 65 and 270 for joinder purpose only, as an alternate or connecting route for operating convenience, in connection with the carrier's regular route operations (a) between East St. Louis, Ill., and Little Rock, Ark., (b) between Hazen and Little Rock, Ark., and (c) between Hot Springs and Pine Bluff, Ark. (via junction U. S. Highways 65 and 270); (9) between Little Rock and Sheridan, Ark., over U. S. Highway 167, serving no intermediate points, as an alternate or connecting route for operating convenience, in connection with the carrier's regular route operations (a) between East St. Louis, Ill., and Little Rock, Ark., and (c) between Hazen and Little Rock, Ark., and (c) between Hot Springs and Pine Bluff, Ark. (via Sheridan, Ark.); (10) between Malvern and Hot Springs, Ark., from Malvern, over U. S. Highway 270 to junction Arkansas Highway 51, thence over Arkansas Highway 51 to junction U. S. Highway 270, and thence over U. S. Highway 270 to Hot Springs, Ark., and return over the same route, serving no intermediate points, as an alternate or connecting route for operating convenience, in connection with the carrier's regular route operations (a) between Little Rock and Arkadelphia, Ark. (via Malvern, Ark.), (b) between Arkadelphia and Hot Springs, Ark., (c) between Hot Springs and Pine Bluff, Ark. (via junction U. S. Highway 270 and Arkansas Highway 51), and (d) between Benton and Hot Springs, Ark.; (11) between the junction of U. S. Highway 270 and Arkansas Highway 51 (northwest of Malvern, Ark.), and the junction of U. S. Highway 270 and Arkansas Highway 51 (north of Jones Mills, Ark), over Arkansas Highway 51, serving the intermediate point of Jones Mills, Ark.

NOTE: The carrier is authorized to serve Jones Mills Aluminum Plant as an off-route point in connection with authorized regular route operations between Little Rock, and Arkadelphia, Ark., over U. S. Highway 67. Applicant is authorized to conduct operations in Arkansas, Illinois, and Missouri.

No. MC 82100 Sub 14, filed April 11, 1955. EASTERN AUTOMOBILE FORWARDING CO., INC., 2727 William St., Cheektowaga, N. Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara St., Buffalo 1, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, in driveaway and truckaway service, (except trailers designed to be drawn by passenger automobiles), in secondary movements, between points in Connecticut, Rhode Island, Massachusetts, New York, and Vermont. Applicant is authorized to conduct operations in Michigan, New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Ohio, Rhode Island, and Vermont.

No. MC 92983 Sub 119, filed March 21, 1955, ELDON MILLER, INC., 330 E. Washington, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids, chemicals and fertilizers*, in bulk, in tank vehicles, and other special equipment, from Crystal City, Mo., and points within 10 miles of Crystal City, including the towns of Barnhart, Danby, Festus, Hematite Herculaneum, Pevely and Victoria, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 102567 Sub 44, Filed March 14, 1955 (Amended), EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La. (Mailing address: P. O. Box 1822, Shreveport, La.) Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Washington County, Miss., to points in Arkansas north of U. S. Highway 70. Applicant is authorized to conduct operations in

Texas, Arkansas, Louisiana, Mississippi and Tennessee.

No. MC 102567 Sub 46, Filed March 14, 1955 (Amended) EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La. (Mailing address: P. O. Box 1822, Shreveport, La.) Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, (except liquefied petroleum gases), in bulk, in tank vehicles, from points in Webster Parish, La. to points in Arkansas north of U. S. Highway 70. Applicant is authorized to conduct operations in Texas, Arkansas, Louisiana, Mississippi and Tennessee.

No. MC 102616 Sub 612, filed March 25, 1955, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, N. W., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Diesel-motive* oil, in bulk, in tank vehicles, from McKees Rocks, Pa., to South Cheshire, W. Va. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia.

No. MC 104430 Sub 18, filed April 7, 1955. CAPITAL TRANSPORT COMPANY, INC., P. O. Box 789, McComb, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting, *Liquid petroleum wax*, in bulk, in tank vehicles, from Baton Rouge, La., to points in Alabama, Florida, Georgia, Kentucky, and Mississippi. Applicant is authorized to conduct operations in Louisiana, Mississippi, Florida, and Alabama.

No. MC 107515 Sub 170, filed January 6, 1955, and amended April 20, 1955, published in January 26, 1955, issue of FEDERAL REGISTER on page 575. REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Florida to points in Alabama, Mississippi, North Carolina, South Carolina, Tennessee, and Louisiana, except New Orleans and Chalmette. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin.

No. MC 108340 Sub 6, filed February 24, 1955 (amended), (Published April 6, 1955 issue, page 2181), HANEY TRUCK LINE, an Oregon corporation, 2219 Cedar Street, Forest Grove, Oreg. Applicant's attorney: John M. Hickson, Yeon Bldg., Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Glue, adhesives, and resins*, between points in Washington and Tillamook Counties, Oreg., and points in Washington, (2) *Machines and machinery and parts incidental thereto*, between points in Washington and Tillamook Counties, Oreg., and points in Washington, (3) *Canned goods*, from points in Washington to points in Washington County, Oreg., and (4) *Roofing and roofing materials*, between points in Washington County, Oreg., and points in Washington, (5) *Cherries*, in brine, in barrels, between points in Washington, on the one hand, and, on the other points in Washington Country, Oreg. Applicant is authorized to conduct operations in Washington, Oregon, and Idaho.

No. MC 108586 Sub 34, filed March 21, 1955 (Amended), STEFFKE FREIGHT CO., a corporation, 204 South Bellis St., P. O. Box 748, Wausau, Wis. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Marquette, Mich., and the U. S. Air Force Installation adjacent to K. I. Sawyer Air Port, and the K. I. Sawyer Air Port located approximately five (5) miles south of Sands, Mich., from Marquette over Marquette County Highway 480 to junction Marquette County Highway 553, thence over Marquette County Highway 553 to junction unnumbered Michigan highway to the U. S. Air Force Installation and K. I. Sawyer Air Port, and (2) between junction U. S. Highway 41 and unnumbered Michigan highway east of Sands, and the U. S. Air Force Installation and the K. I. Sawyer Air Port, over unnumbered Michigan highway, and return over the same routes, serving no intermediate points. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, and Wisconsin.

No. MC 109451 Sub 45, filed April 6, 1955, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Phosphoric acid, phosphoric fertilizer solution* and *sodium phosphate*, in bulk, in tank vehicles, from Fernald, Ohio, to points in Wisconsin and the Lower Peninsula of Michigan, *acids*, in bulk, in tank vehicles, (1) from Columbus, Ohio, to points in Indiana, and (2) from Hamilton, Ohio, to Jeffersonville, Indianapolis, Hartsdale, and Briggs (located approximately five miles south of Columbia City), Ind., *acids and chemicals* as defined by the Commission in Ex Parte No. MC–45, and *nitrogen solution*, in bulk, in tank vehicles, from the site of the plant of National Distillers Products Corporation near Ficklin, Ill., to Hartsdale, Indianapolis, New Albany, and Jeffersonville, Ind. Applicant is authorized to conduct operations in Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Tennessee and Wisconsin.

No. MC 109482 Sub 9, filed April 1, 1955, BESTWAY FREIGHT LINES, INC., 500 South Western, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Compressed gases*, in bulk, when moving in specially constructed government-owned or shipper-owned trailers or semi-trailers, for the U. S. Government or its cost-type contractors, *empty gas cylinders*, and *empty specially constructed government-owned or shipper-owned trailers*, from, to and between all points authorized to be served in the performance of (1) regular route operations in and through Oklahoma, and Texas, and (2) irregular route operations in and through Kansas, Oklahoma, and Texas. The applicant is authorized to operate over the above-referred to regular and irregular routes in the transportation of certain specially named commodities, and general commodities with certain exceptions, but is not presently specifically authorized to transport the commodities named in this application.

No. MC 109584 Sub 20, filed April 13, 1955. ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Ave., Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting, *Sulphuric Acid*, in bulk, in tank vehicles, from points in Cochise County, Ariz., to points in Grant, Hidalgo, Luna and Dona Ana Counties, N. Mex., and El Paso County, Texas. Applicant is authorized to conduct operations in California and Arizona.

No. MC 109689 Sub 26, filed March 28, 1955, W. S. HATCH CO., a corporation, Woods Cross, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids, chemicals*, and *fertilizer solutions*, in bulk, in tank vehicles, from points in California, Nevada, Utah, and Colorado, to points in California, New Mexico, Arizona, Montana, Wyoming, Oregon, Nevada, Utah, Idaho, and Colorado, with *contaminated shipments* of the above-specified commodities on return movements. Applicant is authorized to conduct operations in Idaho, Nevada, and Utah.

No. MC 110525 SUB 263, filed March 30, 1955, CHEMICAL TANK LINES, INC., 520 E. Lancaster Ave., Dowingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *liquid glue*, and *acids and chemicals*, including but not restricted to those described in Appendix XV of Ex Parte 45, 61 M. C. C., 296, in bulk, in tank vehicles, from points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission, to points in Iowa, and Wisconsin, and (2) *acids and chemicals*, including but not restricted to those described in Appendix XV of Ex Parte 45, 61 M. C. C., 296, in bulk, in tank vehicles, between Charleston, Institute, and South Charleston, W. Va., on the one hand, and, on the other, points in Iowa, Missouri, and Wisconsin. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia.

No. MC 110525 SUB 269, filed April 4, 1955, CHEMICAL TANK LINES, INC., 520 E. Lancaster Ave., Dowingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Natural latex*, and *acids and chemicals*, including but not restricted to those described in Appendix XV of Ex Parte 45, 61 M. C. C., 296, in bulk, in tank vehicles, (1) from Mogadore (Portage County), Ohio, to points in Illinois, and Indiana, and (2) from points in Midland County, Mich., to points in New Hampshire. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia.

No. MC 111557 Sub 11, Filed March 30, 1955, (Amended), KARL E. MOMSEN, doing business as MOMSEN TRUCKING CO., North Hiway 71 & 18, Spencer, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fly spray and mange oil* shipped in cans or drums, *empty bags and sacks, that is paper, cloth and burlap*, and *advertising material used solely in connection with the sale and distribution of animal and poultry feed and fly spray and mange oil*, from Burlington, Wis. to points in Buena Vista, Carroll, Cherokee, Clay, Crawford, Dickinson, Ida, Lyon, Monona, O'Brien, Osceola, Plymouth, Sac, Sioux and Woodbury Counties, Iowa, and Clay, Lincoln, Turner and Union Counties, S. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement.

No. MC 113333 Sub 7, filed April 7, 1955, ARMORED CAR, INC., 2654 Poydras Street, New Orleans, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *United States currency, bonds*, and *securities*, between the Federal Reserve Bank of Atlanta, located in Atlanta, Ga., Birmingham, Ala., Jacksonville, Fla., Nashville, Tenn., and New Orleans, La. Applicant is authorized to conduct operations in Alabama, Florida, Louisiana and Mississippi.

No. MC 113533 Sub 4, Filed March 7, 1955, (Amended), L. B. VINCENT GARDELLA, doing business as GARDELLA'S REFRIGERATED EXPRESS, 16882 Fenmore, Detroit 35, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rags* and *refuse, including old bags or bagging, old clothing, cordage mill waste or sweepings, cotton mill waste or sweepings, dust, rag or shoddy, hair felt scrap, jute mill waste, old rope, old string, used furs* and *fur trimmed old clothing, felt base floor covering or linoleum refuse* and *roofing mill refuse*, in bales, bundles, bags and similar packages, from Detroit, Mich. to New York, N. Y. and points in the New York, N. Y. Commercial Zone as defined by the Commission.

No. MC 113861 Sub 4, filed April 13, 1955, W. H. WOOTEN AND J. H. PARKER, doing business as W. H. WOOTEN TRANSPORTS, 153 Gaston Avenue, Memphis, Tenn. Applicant's attorney: Louis I. Dailey, 2111 Sterick Bldg., Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia* and *caustic soda* (sodium hydroxide), in bulk, in tank vehicles, from Woodstock, Tenn., to Florence, Mineral Springs, and McAdory, Ala.

NOTE: Applicants seek authority which will permit them to originate shipments of the specified commodities at the plants of Grace Chemical Co., Cardox Corporation, and E. I. DuPont De Nemours & Co., Inc., all located in the vicinity of Woodstock, Tenn., and outside the Memphis, Tenn., Commercial Zone as defined by the Commission. Applicants do not intend to originate any shipments within the Memphis, Tenn., Commercial Zone.

No. MC 113862 Sub 1, Filed April 7, 1955, I. B. NIELSEN, 2535 Eddy Street, Seattle 8, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Peat moss*, (1) from the International Boundary line between the United States and Canada at or near Blaine, Wash. to points in Washington; (2) from the International Boundary line between the United States and Canada at or near Blaine, Wash. to Lewiston, Idaho.

NO. MC 114179 SUB 1, filed March 31, 1955, KENNETH HUMMER, doing business as TOBE HUMMER, Oxford, Iowa. Applicant's attorney: Kenneth M. Dunlop, 602–3–4 Iowa State Bank & Trust Bldg., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *All malt beverages*, alcoholic and non-alcoholic, carbonated and plain, from Milwaukee, and LaCrosse, Wis., Peoria, Warsaw, and Chicago, Ill., St. Louis, and St. Joseph, Mo., St. Paul, Minn., and Omaha, Nebr., to points in Johnson, Iowa, and Linn Counties, Iowa, (2) *empty cartons*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodities, from points in Johnson, Iowa, and Linn Counties, Iowa, to the above-specified origin points, and (3) *feeds* and *fertilizers*, from Cudahy, Wis., to points in Iowa. The applicant does not presently hold any authority to transport the above-named commodities.

No. MC 114772 Sub 2, DUNBAR ARMORED SERVICE, INC., 56 Hopkins Street, Hartford, Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum St., Hartford, Conn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bank bills, bonds, negotiable and non-negotiable securities, notes, drafts, and other valuable papers*, except cash letters, letters of transmittal, and checks in the process of being collected, between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, New York and Rhode Island.

NOTE: Applicant states, "Applicant does not seek any duplicating authorities but merely to add Philadelphia, Pa., to its present operating authorities."

No. MC 115217, filed February 28, 1955, ANTHONY DeGROSA, doing business as DeGROSA TRUCKING CO., 206 Park Street, Moonachie, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rubber articles* in coils, loose or in containers, from Unionville, N. Y. to Trenton, Flemington and points in Hudson, Bergen, Passaic, Essex and Union Counties, N. J., Bristol, Philadelphia and Allentown, Pa. and New York, N. Y., and *materials and supplies used in the manufacture and shipping of rubber articles* on return.

No. MC 115269, filed March 24, 1955, and amended April 20, 1955, published in the April 20, 1955, issue of the FEDERAL REGISTER on page 2641. CHARLES BURTON PERKINS, doing business as PERKINS MOBILE HOMES HAULING, Fruitland Park, Fla. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New* or *used mobile homes*, in initial or secondary movements, by truckaway or driveaway methods, between points in the United States.

No. MC 115279, filed March 30, 1955, MORRIS SHAPIRO, 349 18th Avenue, Paterson, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, including *commercial papers, documents* and *instruments*, (except currency) (weighing not more than 100 pounds), which on occasion may be of unusual value, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Bergen, Passaic, Hudson, Essex and Morris Counties, N. J., on the one hand, and, on the other, points in New York, Pennsylvania, Rhode Island, Massachusetts, and Connecticut.

No. MC 115291, filed April 4, 1955, WALTHALL LITTLEPAGE, doing business as LITTLEPAGE TRUCKING COMPANY, 1710 Sweet Street, Tahoka, Tex. Applicant's attorney: John W. Carlisle, Burk Burnett Building, Fort Worth, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial fertilizer*, in sacks and paper bags, and *insecticides and fungicides*, powder, liquid and dust, in bags, barrels, boxes and drums, from Houston, Fort Worth, Dallas, Sulphur Springs, Lubbock, Corpus Christi, El Paso, San Antonio, and Harlingen, Tex., and Pryor, Okla., to points in that part of New Mexico bounded by a line beginning at the New Mexico-Texas State line, near Endee, N. Mex., thence south and southwest along the

New Mexico-Texas State line to U. S. Highway 54, thence north along U. S. Highway 54 to junction U. S. Highway 66, and thence east along U. S. Highway 66 to point of beginning, including points on the indicated portions of the highways specified; *alfalfa meal*, in sacks, *dehydrated alfalfa meal*, in sacks, *sun-cured alfalfa meal*, in sacks, and *dehydrated alfalfa pellets*, in sacks, from Roswell and Dexter, N. Mex., to points in Texas; and *black strap molasses*, in bulk, in tank vehicles, from Beaumont, Houston, Port Arthur, Sugarland, Corpus Christi, and El Paso, Tex., to Roswell, N. Mex.

No. MC 115298, filed April 7, 1955, NORMAND J. ASSELINE, doing business as N. J. ASSELIN TRUCKING, 131 Canal Street, Westerly, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel, crushed stone* and *materials used for road building*, moving in dump trucks, between points in Kent and Washington Counties, R. I., on the one hand, and, on the other, points in that part of New London County, Conn., on and east of Connecticut Highway 12.

No. MC 115305, filed April 11, 1955, PAUL W. FERGUSON, Wykoff, Minn. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, from New Richmond, Wis., to points in Mower, Fillmore, and Houston Counties, Minn., those in Winona County, Minn., on and south of U. S. Highway 14, and Dover, Eyota and Stewartville, Olmstead County, Minn.

No. MC 115309, filed April 11, 1955. TRANSPORT SERVICE, a corporation, 6395 S. E. Alberta St., Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Volcanic ash, volcanic ore*, and *volcanic rock* (volcanic materials), between points in Deschutes County, Oreg., on the one hand, and, on the other, points in Washington.

No. MC 115312, filed April 14, 1955. R. C. Eckert, Nerstrand, Minn. Applicant's representative: A. R. Fowler, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, from New Richmond, Wis., to points in Northfield and Wheeling Townships in Rice County, Minn., and points in Warsaw and Holden Townships in Goodhue County, Minn.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1501 Sub 99, filed March 29, 1955, THE GREYHOUND CORPORATION, a corporation, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Cleveland, Ohio, and junction U. S. Highway 21 (Willow Freeway) and Rockside Road, just north of Independence, Ohio, over city streets in Cleveland to junction U. S. Highway 21 (Willow Freeway), thence over U. S. Highway 21 to junction Rockside Road, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 1501 Sub 101, filed April 6, 1955, THE GREYHOUND CORPORATION, a corporation, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: Edmund M. Brady, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between the junction of U. S. Highway 12 and an unnumbered county highway approximately one and one-half miles east of Galesburg, Mich., and Kalamazoo, Mich., over new U. S. Highway 12, serving no intermediate points. Applicants proposes to continue operations over old U. S. Highway 12, which has now been renumbered Michigan Highway 96, between the above-named points, and requests that present outstanding authority be modified so as to reflect said change in highway number with respect to the referred to portion of old U. S. Highway 12 now renumbered Michigan Highway 96. Applicant is authorized to conduct operations throughout the United States.

No. MC 1501 Sub 102, filed April 6, 1955, THE GREYHOUND CORPORATION, a corporation, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Ave., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route transporting: *passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between the north junction of new U. S. Highway 62 and old U. S. Highway 62 at Sharon, Pa., and the south junction of new U. S. Highway 62 and old U. S. Highway 62 at or near Hubbard, Ohio, over new U. S. Highway 62, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 2890 Sub 29, filed March 30, 1955, AMERICAN BUSLINES, INC., 1341 "P" St., Lincoln, Nebr. Applicant's attorney: Currey and Dolan, Southern Building, Washington 5, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, (1) from junction U. S. Highway 30 and the Penn-Lincoln Parkway (near Wilkinsburg, Pa.) over the Penn-Lincoln Parkway to Pittsburgh, Pa., serving all intermediate points, and return over the same route, and (2) from Pittsburgh, Pa., to junction Penn-Lincoln Parkway and U. S. Highways 22 and 30 (west of Pittsburgh), over city streets and the Penn-Lincoln Parkway, and return over the same route, serving all intermediate points.

NOTE: If and when the authority applied for herein is granted applicant will abandon its present route between junction Penn-Lincoln Parkway and U. S. Highway 30, and Pittsburgh; over U. S. Highway 30; and between Pittsburgh, and junction U. S. Highways 22 and 30 and Penn-Lincoln Parkway, over U. S. Highways 22 and 30. Applicant is authorized to conduct operations in New York, California, Pennsylvania, Missouri, Texas, California, Iowa, Tennessee, Nebraska, Kansas, Illinois, Wyoming, Utah, Alabama, Colorado, Montana, South Dakota, North Dakota, Michigan, and District of Columbia.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F–5931. Published in the March 9, 1955, issue of the FEDERAL REGISTER on page 1425. Supplemental application filed April 18, 1955, to show joinder of R. STUART MOORE, as the person in control of UNITED MOTOR EXPRESS, INC., which in turn controls the vendee corporation.

No. MC–F–5932 published in the April 20, 1955 issue of the FEDERAL REGISTER, page 2642. By amendment filed April 20, 1955, the operating rights sought to be transferred are shown to be as follows: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Los Angeles, Calif., and San Diego, Calif., serving certain intermediate points; between Los Angeles, Calif., and Tustin, Calif., serving certain intermediate and off-route points; *diesel fuel oil*, and *petroleum products*, not including fuel oil, over irregular routes, between Los Angeles, Calif., and points within 30 miles of First and Main Sts., Los Angeles, on the one hand, and, on the other, all points in Yavapai County, Ariz., and points in that part of Mohave and Coconino Counties, Ariz., south and east of the Colorado River, also all points in Yuma and Maricopa Counties (excluding Phoenix) lying on or north of the main line of The Atchison, Topeka and Santa Fe Railway or north of Arizona Highway 72 to its junction with U. S. Highway 70, thence U. S. 70, whichever is more southerly to Phoenix, and including points west of a line running north from Phoenix.

No. MC–F–5958. Authority sought for purchase by KATHERINE M. LEE and TIM M. BABCOCK, doing business as BABCOCK and LEE, 209 Pleasant St., Miles City, Mont., of the operating rights and property of JACK PARTINGTON, doing business as PARTINGTON TRUCK LINE, Billings, Mont. Applicants' attorney: James P. Lucas, Strong Block, Miles City, Mont. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over a regular route, between Billings, Mont., and Absarokee, Mont., serving the intermediate points of Park City and Columbus, Mont. Vendee is authorized to operate in Montana and Wyoming. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5959. Authority sought for purchase by NOVICK TRANSFER CO., INC., 700 North Cameron St., Winchester, Va., of the operating rights of C. R. CLEM, Stephen City, Va., and for acquisition by ABRAM J. NOVICK, Winchester, Va., of control of the operating rights through the purchase. Applicants' attorney: Harris J. Klein, 280 Broadway, New York 7, N. Y. Operating rights sought to be transfered: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, from Winchester, Va., to points in Virginia and West Virginia within 70 miles of Winchester, Va. Vendee is authorized to operate in Maryland, Virginia and New Jersey. Application has been filed for temporary authority under section 210a (b).

No. MC–F–5960. Authority sought for purchase by RAYMOND NYE, 1423 W. Frank Phillips Blvd., Bartlesville, Okla., of a portion of the operating rights of H. J. UHL and GRACE L. UHL, doing business as H. J. UHL, 5650 North Broadway, Wichita, Kans. Applicants' attorney: F. W. Prosser, 408 Bitting Bldg., Wichita, Kans. Operating rights sought to be transferred: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment* and *supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, as a *common carrier*, over irregular routes, between points in Kansas and Oklahoma; and between points in Kansas, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Louisiana, Missouri, Nebraska, New Mexico, Texas, and Wyoming. Vendee is authorized to operate in Kansas, Oklahoma, and Texas. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55–3421; Filed, Apr. 26, 1955; 8:51 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 22, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30530: Tin plate from Fairfield, Ala. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on tin plate, terne plate, and tin mill black plate, carloads, from Fairfield, Ala., to New Orleans, and Chalmette, La.

Grounds for relief: Circuity.

Tariff: Supplement 101 to Agent Spaninger's I. C. C. 1258.

FSA No. 30531: Titanium pigments to Harvey, La. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on titanium pigments, carloads, from Josephtown, Kobuta, Palmerton, Palmerton East, Pa., St. Helena, Md., and Phoenix, N. J., to Harvey, La.

Grounds for relief: Circuitous routes.

FSA No. 30532: Cinders from Alton, Ill. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on clay or shale cinders, carloads, from Alton, Ill., to points in Arkansas, Kansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma and Texas.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 13 to Agent Kratzmeir's I. C. C. 4135.

FSA No. 30533: Perlite Rock-Socorro, N. Mex., to the South. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on perlite rock, carloads, from Socorro, N. Mex., to specified points in Alabama, Georgia, Florida, North Carolina, and Tennessee.

Grounds for relief: Circuity.

Tariff: Supplement 24 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 30534: Ethylene oxide from North Seadrift, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ethylene oxide, tank-car loads, from North Seadrift and Port Neches, Tex., to Charleston, South Charleston, and Institute, W. Va., Cincinnati, Ohio, Lexington and Louisville, Ky.

Grounds for relief: Circuity.

Tariff: Supplement 25 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 30535: Glycerine from Velasco, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on glycerine, other than crude, tank-car loads, from Velasco, Tex., to specified points in Illinois, Iowa, Michigan, Minnesota, Missouri and Wisconsin.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 26 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 30536: Crude rubber to Peoria, Ill. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude rubber, artificial, synthetic or neoprene, carloads, from specified Louisiana and Texas points to Peoria, Ill., for storage in transit.

Grounds for relief: Short line distance formula and circuity.

Tariffs: Supplement No. 67 to Agent Kratzmeir's I. C. C. 4087; Supplement No. 27 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 30537: Newsprint from Calhoun, Tenn. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads, from Calhoun, Tenn., to Miami, St. Petersburg and Tampa, Fla.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 92 to Agent Spaninger's I. C. C. 1218.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55–3420; Filed, Apr. 26, 1955; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 27–34]

NORTH COUNTRY URANIUM AND MINERALS LTD.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 21, 1955.

I. North Country Uranium and Minerals Ltd. of 36 Gariepy Building, Edmonton, Alberta, Canada, having filed with the Commission on March 9, 1954, a Notification on Form 1–D and an amendment thereto on April 7, 1954, relating to a proposed offering of 1,500,000 shares of its common stock, 5¢ par value, at 20¢ per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation D promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That an exemption under Regulation D was not available to North Country Uranium and Minerals Ltd. in that the aggregate offering price of the securities offered exceeded the limitation of $300,000 prescribed by Rule 502 (a) for an issuer, its predecessors and affiliates under the following circumstances:

North Country Uranium and Minerals Ltd. and Hawker Uranium Mines Ltd. are affiliated in that said companies are under common control.

Hawker Uranium Mines Ltd., an Alberta corporation, filed a Notification on Form 1–D under Regulation D with the Commission on October 20, 1953, for a public offering of $300,000 of its stock, and thereafter on December 1, 1953, said offering was commenced and on March 16, 1954, was completed.

North Country Uranium and Minerals Ltd. commenced its offering under its said Notification on April 28, 1954, within one year of the commencement of said offering by Hawker Uranium Mines Ltd.

B. That the terms and conditions of Regulation D had not been complied with by North Country Uranium and Minerals Ltd. in respect of its said Notification, in that said Notification and the offering circular filed as a part thereof contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly, among others, with respect to:

1. The failure to disclose said affiliation between Hawker Uranium Mines Ltd. and North Country Uranium and Minerals Ltd. and pertinent information in connection therewith,

2. The statements identifying the persons who were in control of North Country Uranium and Minerals Ltd. and were its founders and the stakers and assignors of its properties when, in fact, they were not, and

3. The failure to identify the persons who were in fact in control of North

Country Uranium and Minerals Ltd. and were its founders and the stakers and assignors of its properties.

C. That the offering by North Country Uranium and Minerals Ltd. did operate as a fraud or deceit upon the purchasers.

III. *It is ordered,* Pursuant to Rule 509 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under section 3 (b) and Regulation D be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon North Country Uranium and Minerals Ltd., Degaetano Securities Corp., and Registrar and Transfer Company personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3410; Filed, Apr. 26, 1955; 8:49 a. m.]

[File No. 27-82]

HAWKER URANIUM MINES LTD.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 21, 1955.

I. Hawker Uranium Mines Ltd. of 10004 Jasper Avenue, Edmonton, Alberta, Canada, having filed with the Commission on February 9, 1955, a Notification on Form 1-D relating to a proposed offering of 305,000 shares of its common stock, 5¢ par value, of which 150,000 shares are to be offered on behalf of Degaetano Securities Corp. (75,000 shares at 1 mil per share to its employees and 75,000 shares to the public at the market), 150,000 shares on behalf of S. Donald Moore at the market, and 5,000 shares on behalf of Robert S. Matheson at the market, not to exceed $205,000 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation D promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That an exemption under Regulation D is not available to Hawker Uranium Mines Ltd. in that the aggregate offering price of the securities proposed to be offered would exceed the limitation of $300,000 prescribed by Rule 502 (a) for an issuer, its predecessors and affiliates under the following circumstances:

Hawker Uranium Mines Ltd. and North Country Uranium and Minerals Ltd. are affiliated in that said companies are under common control.

North Country Uranium and Minerals Ltd., an Alberta corporation, filed a Notification on Form 1-D under Regulation D with the Commission on March 9, 1954, for a public offering of $300,000 of its stock, and thereafter on April 28, 1954, said offering was commenced and on August 9, 1954, was completed.

The proposed offering by Hawker Uranium Mines Ltd. would be within one year of the commencement of said offering by North Country Uranium and Minerals Ltd.

B. That, apart from the foregoing, an exemption under Regulation D is not available to Hawker Uranium Mines Ltd., in that the aggregate offering price of said securities to be offered would exceed the limitation of $100,000 prescribed by Rule 502 (a) relating to offerings on behalf of persons other than the issuer.

C. That the terms and conditions of Regulation D have not been complied with by Hawker Uranium Mines, Ltd. in respect of its said Notification, in that said Notification and the offering circular filed as a part theerof failed to disclose, among others:

1. The affiliation between Hawker Uranium Mines Ltd. and North Country Uranium and Minerals Ltd. and pertinent information in connection therewith,

2. The offering by North Country Uranium and Minerals Ltd. and pertinent information in connection therewith, and

3. A previous offering by Hawker Uranium Mines Ltd. and pertinent information in connection therewith.

III. *It is ordered,* Pursuant to Rule 509 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under section 3 (b) and Regulation D be, and it hereby is, temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Hawker Uranium Mines Ltd., S. Donald Moore, Robert S. Matheson, Degaetano Securities Corp., and Registrar and Transfer Company personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3409; Filed, Apr. 26, 1955; 8:48 a. m.]

[File No. 54-219]

STANDARD POWER AND LIGHT CORP.

NOTICE OF FILING OF APPLICATION FOR MODIFICATION OF DISSOLUTION ORDER AND PLAN; NOTICE OF AND ORDER FOR HEARING; AND ORDER DEEMING APPLICANT INVESTMENT COMPANY FOR LIMITED PURPOSES

APRIL 20, 1955.

Notice is hereby given that Standard Power and Light Corporation ("Power"), a registered holding company, has filed an application with this Commission requesting (1) modification of the Commission's order dated June 19, 1942, entered pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935 ("act"), requiring that Power terminate its status as a holding company through its liquidation and dissolution, and (2) approval of a plan dated March 7, 1955, filed pursuant to section 11 (e) of the act. The said application and plan set forth a proposed program for converting Power into an investment company and for effecting compliance with the provisions of section 11 of the act. Reference is made to said plan for a complete statement of the transactions proposed by Power which are summarized hereinafter.

Power's presently outstanding securities consist of 1,320,000 shares of common stock, par value $1 per share, and 110,000 shares of common stock, Series B, no par value. Under Power's Certificate of Incorporation and By-Laws, the common stock is entitled to elect a majority of the Board of Directors and the common stock, Series B, is entitled to elect a minority of the Board. In other respects the two classes of stock have equal rights. Power's assets consist of cash and cash items and common stock of of the companies indicated in the following table:

	Shares	Percent of shares outstanding	Market value at Apr. 19, 1955
Standard Gas & Electric Co.	986,000	45.59	$10,476,257
Duquesne Light Co.	348,600	5.28	12,418,890
Oklahoma Gas & Electric Co.	100,000	3.77	3,500,000
Wisconsin Public Service Corp.	20,000	.79	460,000
Louisville Gas & Electric Co.	2,066	.14	97,360
Southern Colorado Power Co.	6,519	.92	103,489
Pacific Power & Light Co.	3,421	.10	88,091
Total			27,144,087

Power's sole liabilities as of February 28, 1955, exclusive of miscellaneous current liabilities; consisted of bank loans

at 3¼ percent in the amounts of $1,500,000 and $200,000 maturing July 29, 1955, and October 26, 1955, respectively.

Power is a Delaware corporation and solely a public-utility holding company. It is the parent of Standard Gas and Electric Company ("Standard"), which is also a registered holding company and is now in process of liquidation pursuant to orders of this Commission under section 11 of the act. Standard, through the ownership of all the outstanding common stock, is the parent of Philadelphia Company ("Philadelphia"), which is also a registered holding company in process of liquidation pursuant to an order of the Commission. The only remaining public-utility subsidiary in Power's system is Duquesne Light Company ("Duquesne").

At the time of the aforesaid order of the Commission, dated June 19, 1942, the Commission found that, under section 11 of the act, Power must terminate its status as a holding company as soon as practicable. Power asserts that compliance with section 11 of the act and the Commission's order of June 19, 1942, could not, as a practical matter, be effected until resolution of the integration and simplification problems involving Standard and its subsidiaries, including the disposition of inter-company claims affecting Power. These problems were substantially resolved by early 1953 through numerous divestments and other transactions and many plans filed pursuant to section 11 (e) of the act. Power states that in consequence of the resolution of these problems, all former parent-subsidiary relationships with public-utility companies in the Power system have been terminated except in the case of Duquesne, in which company approximately 15 percent of the voting stock is still held among Power, Standard, and Philadelphia; all claims among Power and its subsidiaries have been settled and disposed of; all senior securities of Standard and Philadelphia (other than a $1,000,000 bank loan by Philadelphia) have been retired; and the remaining assets of Standard and Philadelphia have been reduced to the following securities, in addition to cash and miscellaneous assets:

Common stock	Shares	Percent of shares outstanding	Market value at Apr. 19, 1955
Duquesne Light Co.	620,620.3	9.4	$22,109,598
Oklahoma Gas & Electric Co.	3,178	0.12	111,230
Wisconsin Public Service Corp.	53,525	2.10	1,231,075
Pittsburgh Railways Co.	547,678	50.9	3,970,666
4 percent preferred stock			
Duquesne Light Co., $50 par value	24,264	4.0	1,261,728
Total			28,684,297

Total liquidation of Standard and Philadelphia has not been completed by reason of undetermined liabilities of those companies for Federal taxes on income for the period 1942-1950 and for certain attorney fees in connection with proceedings under section 11 of the act, which are of sufficient potential magnitude to require retention of substantial assets until such liabilities are disposed of or otherwise provided for.

Power further asserts that the aforementioned divestments, other transactions and plans have substantially simplified the corporate structures of Standard and Philadelphia and have materially altered Power's relationship to them. In addition, Power's own financial condition has changed radically since the Commission's order to liquidate and dissolve was entered in 1942. At that time, Power's assets were grossly inadequate to satisfy the claims of its formerly outstanding preferred stock and Power's common stocks had no asset value. In the intervening years the claim of the preferred stock, including accrued dividends, aggregating $7,292,000 was paid in full and the claim of Power's former parent, H. M. Byllesby and Company, to 18.75 percent of the assets available to Power's common stock equity was settled and paid. At current market prices, the asset value applicable to Power's common stocks now exceeds $25,000,000. Power further states that the combined effect on Power's stockholders of the earning capacity of its assets and the tax advantages of the continued existence of Power impels Power's management to request the Commission to modify its aforesaid 1942 order so as to permit Power to terminate its existence as a public-utility holding company by becoming an investment company under the Investment Company Act of 1940. As an investment company, Power asserts that it expects to be able to pay dividends which for many years will not be taxable as ordinary income under existing Federal tax laws. Power represents that its ability to pay such dividends is because Power's tax basis for a large part of its portfolio is substantially in excess of current market values and because Power has a deficit in earnings and profits. Power alleges that its tax position is a valuable asset to Power's stockholders, the loss of which would be detrimental to them.

The plan, generally, provides:

1. That, as a prerequisite to all other transactions proposed in the plan, the Commission modify its order requiring Power to liquidate and dissolve and that Power be permitted to continue in existence as a closed-end, non-diversified investment company registered under the Investment Company Act.

2. That without a vote of the stockholders and pursuant to Section 245 of the Delaware Corporation Law, Power's Certificate of Incorporation and By-Laws be amended so that

(a) Power's name shall not include the words "Power and Light" and shall conform to the requirements of the Investment Company Act.

(b) Power's authorized capital stock shall consist of one class of 3,000,000 shares of common stock with a par value of $1 per share, of which one share shall be issued in exchange for each share of common stock and common stock, Series B, presently outstanding, and which shall have one vote per share for all corporate purposes and for the election of directors (without cumulative voting), and shall have only limited preemptive rights.

(c) A quorum at stockholders' meetings shall be the holders or representatives of not less than 50 percent of the outstanding shares and all matters subject to vote at any meeting shall be decided by a majority vote of shareholders present and voting in person or by proxy.

(d) Changes in the foregoing provisions may be made only with the consent of holders of not less than 50 percent of the outstanding shares of new common stock entitled to vote, except that the provisions with respect to the preemptive rights of the holders of such stock may be changed only with the consent of the holders of not less than 66⅔ percent of such shares.

3. That upon the reclassification of Power's capital stock and subject to the approval of the Commission, Power shall restate the ledger value of its assets.

4. That Power will pay its outstanding bank loans at maturity or, subject to any necessary approval of the Commission, may extend or refund the same without any intention of limiting further borrowings as Power may hereafter deem appropriate, subject to the requirements of the act or the Investment Company Act, as the case may be.

5. That after an order of the United States District Court for the District of Delaware enforcing the plan becomes final and without further application to the Commission for approval thereof, Power will

(a) Acquire additional shares of common stock of Duquesne and miscellaneous assets as distributions on Power's holdings of common stock of Standard.

(b) Dispose of so much of its holdings of Duquesne common stock, now owned and expected to be received from Standard, as may be necessary to terminate Power's status as a holding company, such disposition to be made by public offering, or by private sale, or on open market transactions where practicable and permissible, as follows:

(i) Not later than one year after the aforesaid District Court order becomes final, Power shall reduce its present holdings of Duquesne common stock by not less than 100,000 shares.

(ii) Not later than January 31 of the second calendar year after the year in which Power receives from Standard the final distribution of Duquesne common stock, Power shall reduce its holdings of such stock to less than 5 percent of the number of shares of such stock then outstanding.

(c) Acquire, if Power so desires, additional shares of common stocks of any company whose stocks may be held by Power if such company shall offer to its stockholders the right to subscribe to additional shares.

6. That Power, upon completion of such of the foregoing steps of its plan as may then be deemed appropriate, will apply to the Commission for an order under section 5 (d) of the act declaring that it has ceased to be a holding company and, upon the taking effect of such order, Power shall register as a closed-

end, non-diversified investment company under the Investment Company Act.

7. That Power shall pay all fees and expenses in connection with the plan and any prior plan under section 11 of the act and all transactions related thereto as the Commission may award or allow.

8. That the plan shall be carried out, without a vote of stockholders, pursuant to an order of the Commission approving it and an order of the aforesaid District Court enforcing the Commission's order.

9. That after reclassification of its capital stock which shall be not more than 30 days after the aforesaid District Court order becomes final, Power shall mail to each of its stockholders a notice of the reclassification with instructions to mail in old stock certificates in exchange for certificates for reclassified shares.

As part of its plan, Power, without further application to the Commission for the approval thereof but subject to certain limitations indicated hereinafter, proposes to invest and reinvest in, and to dispose of, such securities and other assets as it deems advisable before and after it becomes an investment company.

In connection with the investment program of Power while it remains a registered holding company, the plan provides that Power will conform to certain specified requirements of the Investment Company Act, that Power will make certain notifications to the Commission and to its stockholders, and, among other limitations on its program, that until the Commission issues an order under section 5 (d) of the act declaring Power has ceased to be a holding company and except as previously noted with respect to acquisitions from Standard and purchases made by virtue of subscription rights, Power will not acquire more than 1 percent of the voting securities of any domestic public-utility company or domestic holding company and will not acquire any securities of any company which at any time was one of its subsidiary companies. The plan further provides that after the entry by the Commission of an order under section 5 (d) of the act, Power will make no investments in securities of any domestic public-utility company or domestic holding company which will make such company an affiliate of Power and will not acquire any securities of any public-utility company or of any holding company which at any time was one of its subsidiary companies.

Annexed to the plan is a statement with respect to the investment policies. Power will follow as an investment company. Under this statement Power will be a closed-end investment company operating as a non-diversified investment company but it reserves the right to change at any time to a diversified investment company; it has no present intention to issue senior securities but reserves the right to do so with the approval of the holders of record of a majority of its outstanding voting securities; it will borrow money from time to time as required but does not intend to do so if immediately thereafter the aggregate of all such borrowings will not have an asset coverage of at least 500 percent; it does not intend to engage in the regular business of underwriting but, where desirable, it does propose to act as an underwriter in certain transactions or in connection with acquisitions and dispositions of securities sold by others in which it has or may have a financial interest; it does not intend to concentrate its investments in any particular industry or group of industries, except the public-utility industry, but reserves the right to do so up to 30 percent of the value of its assets; it does not intend to invest in real estate but reserves the right to do so up to 20 percent of the value of its assets; it does not intend to buy or sell commodities or commodity contracts but with the approval of a majority of the holders of its outstanding voting securities may do so; and it does not intend to make loans to other persons but reserves the right to do so up to 10 percent of the value of its assets. As an investment company Power proposes to invest in any type of security it deems desirable and, except as above noted, to invest such percentages of its assets in the securities of any one issuer as it deems desirable but will not without the approval of a majority of its stockholders invest more than 50 percent of its total assets in any two companies other than Standard and Duquesne; and further proposes, except as above noted, to acquire such percentage of the voting securities of any one issuer including, where conditions warrant or are necessary to develop investment potential, acquisition of all the outstanding securities of any one issuer, or to invest for the purpose of acquiring the working control of companies and to change or turn over its portfolio, to the extent its officers and directors deem advisable. Power also reserves freedom of action to invest in securities of other investment companies to the extent permitted by applicable statutes and regulations.

The plan contains provisions for its modification, amendment, and withdrawal and for changes in the manner and method of carrying it out. In addition there are certain conditions and reservations to consummation of the plan, including the making by the Commission of appropriate recitals for tax purposes in the Commission's order approving the plan and the securing of a satisfactory tax ruling from the United States Treasury Department if Power so desires.

The Commission considering that Power's application and plan raise issues that should not be resolved prior to notice and opportunity for hearing with respect thereto:

It is hereby ordered, That a hearing in the above-entitled proceeding shall be held on May 9, 1955, at 10:00 a. m., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the Hearing Room clerk in Room 193 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission before the commencement of the hearing a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application and plan and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether it would be consistent with the standards of the act to modify the Commission's order dated June 19, 1942, requiring the liquidation and dissolution of Power so as to permit the continuance of Power in existence as an investment company; and in the event said order is so modified, what, if any, conditions the Commission should impose in connection with such modification;

2. Whether the plan, as submitted, or as it may be modified, is necessary to effectuate the provisions of section 11 (b) of the act, and whether any further action should be taken by the Commission in order that Power shall fully comply with the provisions of that section of the act;

3. Whether the plan, as submitted or as it may be modified, is fair and equitable to the persons affected thereby, and particularly, but not limited to, whether such plan should be modified to include provisions for according to Power's stockholders (a) cumulative voting with respect to the election of directors, (b) an opportunity to withdraw their pro rata share of the company's assets or its equivalent in the event they do not desire to continue as stockholders of Power as an investment company, or (c) an opportunity to vote on whether Power should continue in existence as an investment company; and what further action, if any, is necessary by the Commission in order to make such plan fair and equitable to the persons affected by it;

4. Whether the dispositions of the common stock of Duquesne as proposed by Power are in accordance with the applicable standards of the act and the Commission's order thereunder;

5. Whether, in connection with the transactions proposed, there will remain any affiliated relationship as defined in the act between Power and any companies which are now or have been subsidiaries thereof;

6. Whether Power's proposed investment program prior to the issuance of an order under section 5 (d) of the act conforms to the standards of section 9 (c) (3) of the act;

7. Whether the plan provisions concerning investments by Power in certain holding company and utility situations are appropriate under the standards of the act and, if not, what terms and conditions should be imposed in connection therewith;

8. In the event the Commission shall approve the plan, what restrictions, if any, should be imposed in connection with the relationships between Power and any company which is or has been a subsidiary thereof.

9. Whether the Commission should adopt the plan, as submitted or as it may be modified, or whether another plan to achieve compliance by Power with the standards of section 11 (b) of the act should be proposed and/or approved by the Commission;

10. Whether the accounting entries to be made to record the proposed transactions on the books of Power are appropriate and in conformity with sound accounting principles;

11. Whether the fees and expenses and other remuneration which may be claimed or paid in connection with the plan and the transactions incident thereto are for necessary services and are reasonable in amount;

12. Generally, whether the transactions proposed in the plan are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the act and the rules and regulations thereunder; and, if not, what modifications should be required to be made therein, and what terms and conditions, if any, should be imposed to satisfy the applicable statutory standards;

It is further ordered, That at the aforesaid hearing, attention be given to the foregoing matters and questions.

It is further ordered, That notice of this hearing be given by registered mail to Power, the United States Treasury Department and Alfred Berman, Esq.; that notice be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases under the act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

Power having advised the Commission that it intends to mail copies of its plan to all its stockholders:

It is further ordered, That Power shall give notice of this hearing to all its stockholders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order to his last known address at least 15 days prior to the date set for said hearing.

It appearing to the Commission that it is in the public interest and the interest of investors and consumers so to do and that Power has consented to such action:

It is further ordered, With the consent of Power, that during the pendency of these proceedings or until further order of the Commission, Power shall be deemed to be an investment company as defined by the Investment Company Act of 1940, for the limited purpose of making applicable section 12 (d) of that act, and that the filing of the aforesaid plan is construed and accepted as a notice of registration by Power under section 8 of the Investment Company Act for such limited purpose and that Power's registration under the Public Utility Holding Company Act is deemed modified and limited solely for, and only to the extent of, making applicable the provisions of section 12 (d) of the Investment Company Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3408; Filed, Apr. 26, 1955; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GIUSEPPE MICHELI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Giuseppe Micheli, Emanuele Micheli, and Maria Grazia, also known as Graziella, Vallone, nee Micheli; all of Carrara, Rome, Italy; Claim No. 39580, Vesting Order No. 235; $114.97 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 20 shares, third preferred capital stock, par value $25 per share, Certificate No. 87 and 10 shares, common capital stock, par value $50 per share, Certificate No. 33, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; one-third thereof to each claimant.

Executed at Washington, D. C., on April 20, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-3426; Filed, Apr. 26, 1955; 8:52 a. m.]

MRS. REGINA AMSON ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Regina Amson, Los Angeles, California; Marcel Kahn and Paul Kahn, Brussels, Belgium; Claim No. 62454; Vesting Order No. 5218 and a Voluntary Turnover; $1,897.18 in the Treasury of the United States; one-half (½) thereof to Mrs. Regina Amson and one-fourth (¼) thereof each to Marcel Kahn and Paul Kahn.

Executed at Washington, D. C., on April 20, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-3430; Filed, Apr. 26, 1955; 8:52 a. m.]

METRA, N. V.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Metra, N. V., Amsterdam, Netherlands; Claim No. 42715; property described in Vesting Order No. 671 (8 F. R. 5004, April 5, 1943) relating to United States Letters Patent No. 2,195,469.

Executed at Washington, D. C., on April 20, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-3428; Filed, Apr. 26, 1955; 8:52 a. m.]

EMIL OETTINGER AND ROBERT GOLDSCHMIDT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emil Oettinger, New York, N. Y.; Robert Goldschmidt, London W6, England; Item (1): One-third (⅓) to each claimant of all the right, title and interest in Z & F Assets Realization Corporation Certificate No. 802, Series B, April 1, 1946, in face amount of $3,206.29 stamped 56% paid, registered in the name of Alien Property Custodian, Washington, D. C., unassigned, and in the custody of the Federal Reserve Bank, New York, N. Y.

Item (2): One-third (⅓) of the sum of $413.72 in the Treasury of the United States to each of the claimants. Claim No. 32591.

Executed at Washington, D. C., on April 20, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3431; Filed, Apr. 26, 1955; 8:52 a. m.]

FERDINAND GRUENWALD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ferdinand Gruenwald, Plaza Candellaria, Edificia Cruz de Candellaria, Apartado 42, Caracas, Venezuela; Claim No. 12909, Vesting Order No. 1816; $70.71 in the Treasury of the United States.

Executed at Washington, D. C., on April 20, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3429; Filed, Apr. 26, 1955; 8:52 a. m.]

NOTICES

DR. HENDRIK AREND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Dr. Hendrik Arend, Hidde Nijland, Laren (N. H.), The Netherlands, Claim Nos. 42743 and 42744; property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942), relating to United States Patent Application Serial No. 283,273 (now United States Letters Patent No. 2,313,571). Property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent No. 2,166,590.

Executed at Washington, D. C., on April 20, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3432; Filed, Apr. 26, 1955; 8:52 a. m.]

GRETE BARTSCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Grete Bartsch, Rosengasse 21, Graz-St. Peter, Austria; Claim No. 35647; all right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the renewal copyright in the following: "Bartsch, Rud. Hans: Schwammerl. Ein Schubert-Roman. (252. bis 256. Tsd d. Gesamtaufl.) L. [Leipzig]: Staackmann Verl. ('43) 295 S. 8°= Staackmanns Roman-Bibl. (43.25,170)", as listed in the "Halbjahrsverzeichnis der Neuerscheinungen des Deutschen Buchhandels 1943" attached to Vesting Order No. 6074 (11 F. R. 7601, July 10, 1946), to the extent owned by Rudolf Hans Bartsch immediately prior to vesting thereof by Vesting Order No. 6074.

Executed at Washington, D. C., on April 20, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3427; Filed, Apr. 26, 1955; 8:52 a. m.]

Room

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FEDERAL REGISTER

VOLUME 20 NUMBER 83

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 CCC Cottonseed Bulletin 3, Amdt. 1]

PART 443—OILSEEDS

SUBPART—1954 COTTONSEED PRODUCTS PURCHASE PROGRAM

REDUCTION IN REPURCHASE PRICE OF CELLULOSE LINTERS

The regulations of Commodity Credit Corporation with respect to the purchase of cottonseed products as a means of supporting the price of 1954-crop cottonseed (1954 CCC Cottonseed Bulletin 3; (19 F. R. 4119)), are hereby amended, in order to reduce the repurchase price of linters sold on a cellulose basis, by changing paragraph (e) of § 443.1034 thereof to read as follows:

§ 443.1034 *Purchase of cottonseed products by CCC.* * * *

(e) *Conditional tenders.* (1) The crusher may condition any tender of cottonseed products under this section upon an immediate repurchase by the crusher from CCC of a specified quantity of cake or meal included in such tender at the higher of the market price of cake or meal at time of repurchase as determined by the CSS commodity office, less $1.00 per ton, or the applicable purchase price provided in § 443.1037. The crusher may also condition any tender upon an immediate repurchase by the crusher from CCC of a specified quantity and quality of linters included in the tender at the following prices:

(i) First cut and/or mill run linters to be delivered on a U. S. grade basis—the applicable purchase price provided in § 443.1035.

(ii) Second cut and/or mill run linters to be delivered on a cellulose basis—the applicable purchase price provided in § 443.1035, less ½ cent per pound.

CCC reserves the right to reject any such conditional tender and any acceptance by CCC shall be made within 24 hours after receipt of the tender in the CSS commodity office.

(2) Notwithstanding any other provisions of this subpart, with the approval of the crusher, the CSS commodity office shall have the authority to amend any tender previously made unconditionally and permit the crusher to repurchase any quantity of cake or meal and/or any quantity and quality of linters included in such tender for which delivery has not been effected at prices determined in accordance with the applicable conditional tender provisions of subparagraph (1) of this paragraph.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

This amendment shall be effective as to any tender of cottonseed products on and after the date hereof and shall also be effective as to any tender previously made unconditionally which is amended by the CSS commodity office pursuant to paragraph (e) (2) of § 443.1034 to permit the crusher to repurchase linters not yet delivered.

Issued this 22d day of April 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-3471; Filed, Apr. 27, 1955; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 28]

PART 371—GENERAL LICENSES

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 385—EXPORTATIONS OF TECHNICAL DATA

MISCELLANEOUS AMENDMENTS

1. Section 371.2 *General provisions*, paragraph (b) *Use of General License symbol* is amended to read as follows:

(b) *Use of General License symbol.* A person exporting any commodity or technical data pursuant to any general license established in this part or Part 385 of this subchapter shall enter on the Shipper's Export Declaration, when the

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Titles 10–13 ($0.50)

Title 14: Part 400 to end ($0.65)

Title 16 ($1.25)

Titles 28–29 ($1.25)

Titles 44–45 ($0.75)

Title 49: Parts 71–90 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Declaration is required, the designation or symbol of the general license authorizing the exportation. In the case of exportations by mail, except the exportation of publications made by a Federal Government agency under General License GTDP, the designation or symbol of the general license shall be entered on the address side of the wrapper of the parcel and shall be followed by the words "Export License Not Required." The use of such designation or symbol shall constitute a certification by the exporter that the terms, provisions, and conditions of the general license involved have been met.

Example. If medicinals are to be sent to a member of the American Embassy in a foreign country, they may be exported under general license GUS, and the exporter will note on the Declaration the symbol GUS to indicate that the exportation is licensed.

2. Section 379.1 *General export clearance requirements*, paragraph (b) *Exportations by mail* is amended in the following particulars:

a. Subdivision (i) *General requirements* of subparagraph (1) *Shipments requiring a validated license* is amended to read as follows:

(i) *General requirements.* No person shall export any commodity or any technical data by means of mail, including surface and air parcel post, until (*a*) a validated license therefor has been presented to the Postmaster at the place of mailing, together with a related duly executed Declaration covering the commodity [2] to be so mailed, whether or not required by the regulations of the Bureau of the Census, and until (*b*) the sender (exporter) has entered the complete validated license number on the address side of the wrapper on the package.

b. Subdivisions (i) *General requirements* and (ii) *Commercial mail shipments* of subparagraph (2) *Shipments under a general license* are amended to read respectively as follows:

(i) *General requirements.* Where no validated license is required, the sender (exporter) shall present to the Postmaster at the place of mailing a duly executed Declaration, when required by subdivision (ii) of this subparagraph, containing the designation or symbol of the general license under which the commodity or technical data may be exported. In addition, except where publications are exported by a Federal Government agency under the provisions of General License GTDP, the sender (exporter) shall place the general license designation or symbol on the address side of the wrapper, followed by the words "Export License Not Required". The general license symbol and the legend will constitute a certification by the sender to the Postmaster and to the Bureau of Foreign Commerce that a validated license is not required for the shipment.

(ii) *Commercial mail shipments.* A Declaration shall be presented for commercial mail shipments other than shipments of technical data being made under a general license from one business concern to another business concern, if the value of the shipment is $25 or more.[1]

The Note following paragraph (b) remains unchanged.

3. Section 379.1 *General export clearance requirements*, paragraph (c) *When exporting by means other than by water, air, or mail* is amended by adding the words "except as provided for in § 385.4 (g) (3) of this subchapter" after the words "technical data" in the first sentence of paragraph (c).

4. Section 385.2 *General Licenses GTDP and GTDU* is amended by changing the title of the section to read "*General Licenses GTDP, GTDU and GTDS*" and adding a new paragraph (c) to read as follows:

(c) *General License GTDS; unclassified scientific and educational technical data.* A general license designated GTDS is hereby established authorizing the exportation or release for foreign use to all destinations of unclassified scientific and educational technical data involving:

(1) Dissemination of information not directly and significantly related to design, production and utilization in industrial processes, including such dissemination by correspondence and attendance at or participation in meetings; or

(2) Instruction in academic institutions and academic laboratories.

NOTE: Instruction is interpreted not to include research under contract where the research relates directly and significantly to design, production and utilization industrial processes.

5. Part 385—Exportations of Technical Data is amended by the addition of a new section to read as follows:

§ 385.5 *Presentation of Shipper's Export Declaration.* A Shipper's Export Declaration, in the number of copies set forth in § 379.3 (c) of this subchapter, shall be presented to the Collector of Customs prior to the exportation or release for foreign use of technical data other than by mail, including surface or air parcel post, or by telegram, wireless, cable or telephone. Except where a shipment is made by mail in accordance with the provisions of § 379.1 (b) (1) (ii) of this subchapter, a Declaration is not required to be presented to the Postmaster.

This amendment shall become effective as of April 28, 1955.

(Sec. 3, 63 Stat. 7; as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55–3484; Filed, Apr. 27, 1955; 8:53 a. m.]

[2] Section 385.4 (g) (3) of this subchapter excludes technical data from the requirement for a Declaration.

[1] This rule is also contained in the regulations issued by the Bureau of the Census.

[7th Gen. Rev. of Export Regs., Amdt. 29]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

NONFERROUS COMMODITIES

Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products*, paragraph (d) *Refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms*, subparagraph (2) *Refined copper, Schedule B No. 641200* is amended in the following particulars:

Wherever the words "Canadian-origin copper scrap or copper-base alloy scrap" appear, there is substituted therefore the words "Canadian-origin copper scrap, copper-base alloy scrap or copper-base alloy ingots and other crude forms including remelt ingots".

This amendment shall become effective as of April 27, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55–3507; Filed, Apr. 27, 1955; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

Correction

In F. R. Doc. 55–3326 appearing at page 2704 of the issue for Saturday, April 23, 1955, the following change should be made:

Section 175.13, appearing on page 2706, should read as follows:

§ 175.13 *Distilled spirits.* Distilled spirits, spirits, alcohol, and alcoholic spirits shall mean:

(a) That substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance, and

(b) Products of rectification,

for other than industrial use.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 201—RULES OF PRACTICE

SCOPE OF RULES

The rules of practice are hereby amended by the addition of a statement regarding their scope. This is designed particularly to call attention to the fact that the rules of practice do not contain

all of the pertinent provisions relative to procedure and practice and that various provisions of limited application appear in the statutes administered by the Commission and in the rules and regulations adopted under specific statutes.

Statutory basis. This action is taken pursuant to the authority conferred upon the Commission by the various statutes administered by it, particularly section 19 (a) of the Securities Act of 1933, section 23 (a) of the Securities Exchange Act of 1934, section 20 (a) of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38 (a) of the Investment Company Act of 1940, and section 211 (a) of the Investment Advisers Act of 1940.

Text of amendment. The rules of practice are amended by inserting the following statement prior to § 201.1 (Rule I):

§ 201.0 *Scope of rules.* The rules of practice consist primarily of rules of rather general application to proceedings under the various statutes administered by the Commission. In connection with any particular matter, attention should be given also to provisions relative to procedure and practice that may be contained in the particular statute or section involved and in the rules and forms that have been adopted by the Commission under such statute or section.

The Commission finds that the foregoing action relates to matters of procedure and practice and that compliance with sections 4 (a), (b) and (c) of the Administrative Procedure Act is unnecessary.

The foregoing amendment shall be effective immediately.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U. S. C. 77s, 77sss, 78u, 79t, 80a-37, 80b-11)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 20, 1955.

[F. R. Doc. 55-3459; Filed, Apr. 27, 1955; 8:49 a. m.]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

FILING OF CERTAIN PROSPECTUSES

The Commission today adopted § 270.-24e-1 (Rule N-24E-1) which is designed to clarify the circumstances under which the provisions of section 24 (e) (3) of the Investment Company Act of 1940 require that a prospectus relating to securities of certain investment companies be filed as a post-effective amendment to the registration statement under the Securities Act of 1933.

Section 24 (e) (3), which was added by Public Law No. 577, 83d Congress, requires that a prospectus relating to a security issued by a face-amount certificate company or a redeemable security issued by an open-end management company or unit investment trust "which varies for the purposes of subsection (a) (3) of section 10 of the Securities Act of 1933 from the latest prospectus filed as a part of the registration statement" must be filed as a post-effective amendment in order to meet the requirements of section 10 of that act, except to the extent the Commission otherwise provides by rules and regulations.

Some question has been raised as to the scope of the quoted language in section 24 (e) (3). The Commission believes that this language refers to a prospectus which is prepared for the purpose of providing more current information, in compliance with section 10 (a) (3), after the previous prospectus ceases to comply with that section because the information therein is no longer sufficiently current to meet the statutory requirements. In practice, investment companies engaged in a continuous offering of securities have prepared such a revised prospectus at approximately annual intervals, and it was the purpose of section 24 (e) (3) to require the filing of such a revision as a post-effective amendment.

Some apprehension has been expressed, however, that the quoted language of section 24 (e) (3) might be interpreted as including any prospectus used more than nine months after the original effective date which differs in any respect from the latest prospectus included in the registration statement, and therefore, that it would be prudent to file all such prospectuses as post-effective amendments. Reports of Congressional Committees with respect to Public Law No. 577 indicate that section 24 (e) (3) was not intended to require the filing of every changed prospectus as a post-effective amendment. See Senate Report No. 1036, 83d Cong., 2d Sess. (1954) at 21; House Report No. 1542, 83d Cong., 2d Sess. (1954) at 30.

The Commission has accordingly adopted a rule in order to make more explicit the application of section 24 (e) (3).

Statutory basis. This action is taken pursuant to the Investment Company Act of 1940, particularly sections 24 (e) and 38 (a) thereof, the Commission deeming such action appropriate in the public interest and for the protection of investors.

Text of rule. The text of the rule is as follows:

§ 270.24e-1 *Filing of certain prospectuses as post-effective amendments to registration statements under the Securities Act of 1933.* Section 24 (e) (3) of the act requires that when a prospectus is revised so that it may be available for use in compliance with section 10 (a) (3) of the Securities Act of 1933 for a period extending beyond the time when the previous prospectus would have ceased to be available for such use, such revised prospectus, in order to meet the requirements of section 10 of said act, must be filed as an amendment to the registration statement under said act and such amendment must have become effective prior to the use of the revised prospectus. Except as hereinabove provided, section 24 (e) (3) of the act shall not be deemed to govern the times and conditions under which post-effective amendments shall be filed to registration statements under the Securities Act of 1933.

(Sec. 38, 54 Stat. 841, 15 U. S. C. 80a-37. Interprets or applies sec. 24, 54 Stat. 825; 15 U. S. C. 80a-24)

Effective date. The Commission finds that notice and public procedure pursuant to section 4 (a) and (b) of the Administrative Procedure Act is not necessary with respect to the foregoing rule because of the interpretative nature thereof and because it relates to agency practice and has the effect of relieving restriction. The rule will accordingly become effective upon publication, April 22, 1955.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 21, 1955.

[F. R. Doc. 55-3468; Filed, Apr. 27, 1955; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53785]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE TOWING LAWS

APRIL 22, 1955.

Upon the written recommendation of the Deputy Secretary of Defense in the interest of national defense and by virtue of the authority vested in me by the act of December 27, 1950 (64 Stat. 1120), and revised Treasury Department Order No. 165 (T. D. 53654), I hereby waive compliance with section 316, title 46, United States Code, to the extent necessary to permit Canadian tugs to tow and transport equipment owned by A. S. Wikstrom, Inc., now located in the vicinity of Barnhart Island, in American waters adjacent to construction work being carried out by the New York State Power Authority on the St. Lawrence River. This waiver shall be effective immediately and shall remain in effect until June 1, 1955.

(Sec. 1, 64 Stat. 1120; 46 U. S. C. prec. Sec. 1 note)

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 55-3478; Filed, Apr. 27, 1955; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Military Personnel

[CGFR 55-16]

PART 33—APPOINTMENTS OF CIVILIANS AS COMMISSIONED OFFICERS, CHIEF WARRANT OFFICERS, AND WARRANT OFFICERS

PRECEDENCE

By virtue of the authority contained in 14 U. S. C. 92, 224, and 225, the following amendments to regulations are prescribed and shall be effective on and after the date of publication of this order in the FEDERAL REGISTER.

1. Paragraph (a) of § 33.05-5 is amended to read as follows:

§ 33.05-5 *Precedence.* (a) Officers appointed under this subpart shall take precedence with other officers in their respective ranks in accordance with the date of commission in such ranks. Appointees whose dates of commission are the same shall take precedence with each other in the order recommended by the selecting and examining board as approved by the Commandant.

2. Paragraph (b) of § 33.05-5 is cancelled.

(Sec. 8, 18 Stat. 127, as amended; 14 U. S. C. 92)

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

APRIL 21, 1955.

[F. R. Doc. 55-3476; Filed, Apr. 27, 1955; 8:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

CONDITIONS GOVERNING PAYMENT OF EDUCATIONAL AND TRAINING ALLOWANCE

In § 21.2051, paragraph (b) is amended to read as follows:

§ 21.2051 *Conditions governing payment of education and training allowance.* * * *

(b) The education and training allowance shall be paid to an eligible veteran for any period only after the Veterans' Administration shall have received from the educational institution a Certification of Training certified by the eligible veteran and the educational institution or training establishment on a form provided by the Veterans' Administration for that purpose, showing that the veteran has been pursuing his course as required by Public Law 550, 82d Congress. In the case of veterans pursuing all types of courses except those pursued exclusively by correspondence (wherein the Certification of Training shall be quarterly), monthly Certifications of Training are required. If enrollment is on or after the 20th day of the month, the Certification of Training for the rest of that month shall be included with the certification for the following calendar month. Where the approved period of enrollment ends during the first 10 days of a month, schools and training establishments are encouraged to defer submission of the certification for the immediately preceding month and to include it in the certification for the partial month. Any such Certifications of Training received in the Veterans' Administration later than 10 days following the close of the certification period may not be paid until the following month. Where the course is pursued exclusively by correspondence, the veteran and the school will report on the quarterly certification forms the total number of lessons completed by the veteran and serviced by the school from the beginning of the course to the end of the reporting period. These certification forms will be submitted so as to be received in the Veterans' Administration by the 10th day of February, May, August, and November of each year.

(1) Where the vacation period of the school extends beyond the end of a month, a veteran enrolled in such a school may be permitted to complete his monthly certification of training on the last day of scheduled attendance in that month certifying as to attendance through such date and to submit the form to the school prior to departure for the vacation. In such a case the certification to cover attendance in a nonaccredited course will show the succeeding days in that month as days of nonattendance and the certification covering an accredited course will be deemed to show the veteran to have been enrolled in and pursuing his course to the end of the month, except that in the event training is not resumed after the vacation period interruption will be effective as of the last date of actual attendance. (See § 21.2056 (b) (10).) The same principles will apply in the case of a veteran who completes his final examinations and departs from the school prior to the official closing date of the school term.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697-699d, 697f, g, 971, ch. 12 note)

This regulation is effective April 28, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-3442; Filed, Apr. 27, 1955; 8:45 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

ALLOWABLE FEES AND CHARGES

In § 36.4312, paragraph (a) is amended to read as follows:

§ 36.4312 *Allowable fees and charges.* (a) Incident to the making of a guaranteed or insured loan no charge shall be made against, or paid by, the borrower except those expressly permitted under the schedule set forth in paragraph (d) of this section, and no loan shall be guaranteed or insured unless the lender certifies to the Administrator that it has not imposed and will not impose any charges or fees against the borrower in excess of those permissible under such schedule. Any charge which is proper to make against the borrower under the provisions of this paragraph may be paid out of the proceeds of the loan: *Provided*, That if the purpose of the loan is to finance the purchase or construction of residential property the costs of closing the loan, including the pro rata portion of the ground rents, hazard insurance premiums, current year's taxes, and other prepaid items normally involved in financing such transaction, may not be included in the loan but must be paid in cash by the veteran unless (1) the master or individual certificate of reasonable value relating to such property is dated prior to April 28, 1955, or (2) the borrower prior to such date executed a bona fide contract in writing for the purchase or construction of such property. Except as provided in the regulations concerning the guaranty or insurance of loans to veterans, no brokerage or service charge or their equivalent may be charged against the debtor or the proceeds of the loan either initially, periodically, or otherwise.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective April 23, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-3533; Filed, Apr. 27, 1955; 12:06 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1134]

ALASKA

EXCLUDING CERTAIN TRACTS FROM CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM FOR PURCHASE AS HOMESITES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, are hereby excluded from the Chugach and Tongass National Forests, Alaska, as hereinafter indicated, and restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461):

CHUGACH NATIONAL FOREST

U. S. Survey No. 2529, lot F, 4.87 acres; latitude 60°29'38" N., longitude 149°21' W. (Homesite No. 100, Moose Pass Group).

TONGASS NATIONAL FOREST

U. S. Survey No. 2828, lot 25, 1.50 acres; latitude 56°21'06" N., longitude 133°37'02" W. (Homesite No. 951, Point Baker Group).

U. S. Survey No. 2828, lot 23, 1.30 acres; latitude 56°21'06" N., longitude 133°07'02" W. (Homesite No. 1028, Point Baker Group).

A tract of 3.71 acres on the northwest portion of Pup Island; approximate latitude 55°29' N., longitude approximately 131°50' W. (Homesite No. 1114).

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 19, 1955.

[F. R. Doc. 55-3446; Filed, Apr. 27, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 18]

[Bureau of Mines Schedule 2F]

JUNCTION BOXES AND ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Secretary of the Interior proposes to amend the regulations of this part governing investigations leading to approval of electric motor-driven equipment and junction boxes as indicated below. Interested persons may submit written data, views, or arguments in regard to the proposed regulations to the Director, Bureau of Mines, Department of the Interior, Washington 25, D. C. All communications shall be in triplicate. All relevant material received not later than 30 days after the publication of this notice in the FEDERAL REGISTER will be considered in connection with the issuance of this part.

The heading for Part 18 would be revised to read as follows: Part 18—Electric motor-driven mine equipment, junction boxes and other accessory equipment.

Part 18 would be revised to read as follows:[1]

Preliminary statement. The Bureau of Mines, at its Central Experiment Station, Pittsburgh, Pa., conducts investigations for determining the permissibility of electric motor-driven machines and the appliances used in connecting them to a source of power in gassy and dusty mines.

This part is issued for the information and guidance of those who may desire to submit such machines and appliances for approval, to inform purchasers and other interested persons regarding the qualities and minimum safety standards the Bureau believes such equipment should have, and to specify the conditions and requirements for determining the permissibility of electrical equipment for use in coal mines.

Lists of permissible equipment are published from time to time for the information and guidance of State mining officials, mine operators, and others interested in safeguarding mines.

The authority for conducting these investigations is contained in the Federal Coal Mine Safety Act (66 Stat. 692; 30 U. S. C. secs. 451, et seq.) and in the act of Congress (37 Stat 681), approved February 25, 1913, and amended June 30, 1932 (47 Stat. 410), and in Executive Order No. 6611, February 22, 1934 (30 U. S. C. secs. 5, 7). The act of 1913, as amended, and as modified by the Executive Order, contains the following provisions:

For tests or investigations authorized by the Secretary of the Interior under the provisions of this act, other than those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for cost of the services rendered to the manufacturer or assembler shall be charged, according to a chedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe the rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

[1] This amendment would supersede Bureau of Mines Schedule 2E which was approved February 15, 1945.

Subpart A—Normal Investigation Procedures

Sec.
18.0 General.
18.1 Definitions.
18.2 Consultation.
18.3 Fees charged.
18.4 Application for approval of new equipment.
18.5 Drawings and specifications required.
18.6 Factory inspection forms.
18.7 Material required for investigation.
18.8 Shipments.
18.9 Assistance required during investigation.
18.10 Who may be present at formal investigation.
18.11 Classification of parts.
18.12 Operating voltage of equipment.
18.13 Switches.
18.14 Overcurrent protection of circuits and equipment.
18.15 Fuses and switches to be interlocked.
18.16 Conductors, conduit, and wiring.
18.17 Connection boxes on machines.
18.18 Protection against external arcs and sparks.
18.19 Electrical clearances and insulation.
18.20 Portable cables.
18.21 Connections to power source.
18.22 Cable reels.
18.23 Field assembly of certified components.
18.24 Detailed requirements for Class 1 parts.
18.25 Special requirements for Class 2 parts.
18.26 Detailed inspection.
18.27 Explosion tests.
18.28 Adequacy tests.
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18.32 Final inspection.
18.33 Inspection and test reports.
18.34 Approvals.
18.35 Changes in design after approval.
18.36 Acceptance of changes made in the field.
18.37 Rebuilding and repairing of used equipment.

Subpart B—Experimental Electric Face Equipment in Gassy Mines

18.50 General.
18.51 Permit.
18.52 Application for permit.
18.53 Fees charged.
18.54 Drawings and specifications required.
18.55 Constructional requirements.
18.56 Final inspection.
18.57 Issuance of permit.
18.58 Duration of permit.
18.59 Permit label.
18.60 Withdrawal of permit.

AUTHORITY: §§ 18.0 to 18.60 issued under sec. 5, 36 Stat. 370, as amended, 30 U. S. C. sec. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5.

SUBPART A—NORMAL INVESTIGATION PROCEDURES

§ 18.0 *General.* This subpart is prescribed pursuant to, and must be complied with in accordance with, the requirements of the Federal Coal Mine Safety Act.

§ 18.1 *Definitions*—(d) *Adequate.* Appropriate and sufficient as determined by mutual agreement between the manufacturer, assembler, mine operator, and the Bureau of Mines.

(b) *Approval.* Official written notification issued by the Bureau of Mines stating that a machine or appliance complies with the regulations in this part for use in gassy and dusty mines.

(c) *Branch circuit.* Parallel circuit, such as for headlight or drill, connected to the main circuit in a machine.

(d) *Certification.* Official written notification issued by the Bureau of Mines stating that an electrical component complies with the requirements for explosion-proof construction and therefore is suitable for assembly in permissible equipment.

(e) *Connection box.* Enclosure mounted on a machine to facilitate wiring of the machine without the use of permanent splices.

(f) *Distribution box.* Portable enclosure in which one or more trailing cables from permissible machines may be connected to a common source of electrical energy.

(g) *Explosion-proof.* Capable of withstanding internal explosions of methane-air mixtures without ignition of surrounding explosive methane-air mixtures and without damage to the enclosure or discharge of flame.

(h) *Incendive spark.* An electric spark of sufficient intensity to ignite flammable methane-air mixtures.

(i) *Junction box.* Stationary mounted enclosure by means of which one or more cables from permissible machines may be connected to a fixed (stationary) circuit.

(j) *Mobile equipment.* Equipment which is self-propelled.

(k) *Normal operation.* The performance of those functions for which the part was designed.

(l) *Permissible equipment.* Equipment to which an approval plate, label, or other device is attached as authorized by the Director of the Bureau of Mines under section 212 (a), Federal Coal Mine Safety Act (66 Stat. 692; 30 U. S. C. secs. (451–483).

(m) *Permit.* A special written certificate of authorization prescribing the conditions under which a machine built or purchased for experimental purposes may be operated in a gassy mine.

(n) *Portable cable.* A flexible cable or cord by means of which portable, semiportable, and mobile mine equipment may be connected to a source of electrical energy.

(o) *Portable equipment.* Equipment that may be moved frequently and therefore constructed or mounted so as to facilitate moving it from place to place.

(p) *Pressure-piling.* Abnormal explosion pressures resulting from the ignition of an explosive mixture that has been precompressed.

(q) *Semiportable equipment.* Equipment that is moved infrequently and therefore not constructed or mounted for ready movement from place to place.

(r) *Splice box.* Enclosure by means of which trailing cable sections may be joined within an explosion-proof housing.

(s) *Terminal box.* Enclosure used to house the terminals on a motor, controller, rheostat, or other electrical part so that connections can be made conveniently to external circuits.

§ 18.2 *Consultation.* By appointment, manufacturers, engineers, or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, to obtain criticisms of proposed designs or to discuss the requirements of the regulations in this part in connection with equipment to be submitted. No charge is made for such consultations.

§ 18.3 *Fees charged.*

(a) For detailed inspection of each explosion-proof enclosure----- $45.00

NOTE: When the enclosure is of such nature that only a nominal amount of work is involved in the inspection, only half of this fee will be charged.

(b) For explosion test of each explosion-proof enclosure------ $35.00

NOTE: When the explosion-proof qualities of an enclosure can be satisfactorily demonstrated in less than 20 tests, only half of this fee will be charged.

(c) For each series of tests necessary to prove the adequacy of electrical clearances and insulation durability, or ventilation of each enclosure---------- 40.00

(d) For each inspection made at the factory or elsewhere[1]--------- 35.00

(e) Tests of portable cable.
(i) Damage-resistance tests (complete official test)---- 25.00
(ii) Development tests to determine resistance to damage by mine car running over cable will be charged for at the rate of $2.50 for each five runs over the cable, with a minimum charge of $5.00.
(iii) Flame-resistance tests (complete official test)--- 15.00
(iv) Development flame-resistance tests will be charged for at the rate of $3.00 per test sample, with a minimum charge of $6.00.

(f) For the examination and recording of all the necessary drawings and specifications preparatory to issuing an approval---- 40.00

[1] In addition, the company shall pay the inspector's traveling expenses and subsistence as allowed by standard Government travel regulations.

(g) For the examination and recording of drawings and specifications for each investigation of a motor, starter, and other individual explosion-proof unit considered independently of a complete machine assembly-- $20.00

(h) For the examination and recording of drawings and specifications necessitated in consideration of changes subsequent to the initial investigation, a charge of $40.00 will be made. However, if only a nominal amount of work is involved, the fee will be $15.00.

(i) No charge will be made for inspections and tests made solely for the Bureau's information.

Any sums deposited in excess of the fees charged pursuant to the fees specified in this section will be refunded.

§ 18.4 *Application for approval of new equipment.*[2] Before the Bureau of Mines will undertake the active investigation leading to approval of any new equipment[3] the manufacturer or assembler shall make application by letter for an investigation of that equipment. This application in duplicate, accompanied by a check, bank draft, or money order payable to the U. S. Bureau of Mines to cover all necessary fees, shall be sent

[2] The submission by or on behalf of a manufacturer or assembler of any type of apparatus for test implies acceptance by him of all the terms and conditions set forth in this part.

[3] Equipment for foreign shipment must meet the same requirements as that for domestic shipment.

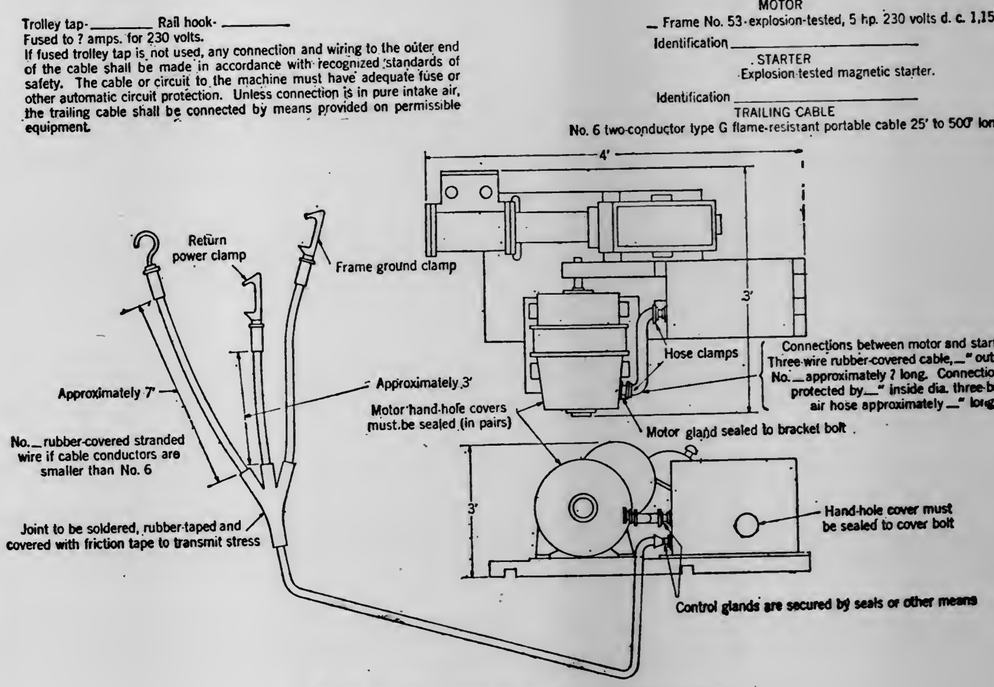


FIGURE 1—Layout drawing for _____ Manufacturing Co.

to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, together with drawings and specifications as prescribed in § 18.5.

§ 18.5 *Drawings and specifications required.* (a) The drawings and specifications shall be sufficient in number and detail to identify the design fully. Drawings must be numbered and dated to facilitate identification and reference in the records. The complete rating of each motor, and the setting of overload protective devices and the capacity of all fuses, shall be specified.

(b) An assembler who does not make the electrical parts for his machine shall submit a lay-out drawing (see figure 1) with the following information: (1) Each motor, controller, other electrical parts, and the wiring between them including conduit protection, (2) the rating of each motor, (3) the flame-resistant portable cable, including gage of conductors, range of length, type (two-conductor round type G, flat twin type G, etc.), and (4) protection for the portable cable, such as circuit breaker rating, make and current rating of trolley tap fuses (attachments for return conductor and frame ground conductor should be included). In addition, he shall submit the following information where applicable: (5) The current setting of overload relays and circuit breakers, and current rating of fuses, (6) details of insulated strain clamp for portable cable if supplied by the assembler, (7) a connection or wiring diagram if necessary to specify connections, (8) any other detail information necessary to specify properly essential features of the assembly. Specific identification of the parts must be given (by style number, drawing-list number, mechanical specification number or other data) so that they can be identified in the Bureau's records as having been investigated. A factory inspection sheet similar to the Sample Factory Inspection Sheet shown in § 18.6 must be prepared by the assembler for his use to assure that a proper inspection is made before an approval plate is attached to the machine.

(c) A manufacturer who makes accessory parts of a machine shall furnish, in addition to the material and information listed in paragraph (b) of this section, the following material and information:

(1) A drawing or drawings that shall specify the material and detailed dimensions of all parts (i) that make up explosion-proof enclosures made by him for units included under Class 1 (see § 18.11) and (ii) that form any portion of the joints through which flames might escape. Upon request, the manufacturer shall specify the material and dimensions for such other parts as the Bureau considers necessary for proper record.

(2) Any other drawings found necessary to identify or explain any feature that has to be considered in determining whether a machine or parts thereof meet the requirements. For example, when a motor has a bearing of complex flame-path construction, the drawings should include a section through the bearing to show the relative position of each part in the assembly.

(3) A wiring diagram.

(4) If the drawings do not clearly indicate the purpose and functioning of electrical interlocks and special features in automatic or remote-control circuits, a description explaining their purpose shall be furnished.

(d) The following exception is made concerning the type of drawings required for squirrel-cage induction motors: [4] In lieu of furnishing individual detailed shop drawings, the motor manufacturer may, if he wishes, supply one or more "skeleton" drawings for official record, giving essential information concerning the materials of which the parts are made, as well as dimensions and clearances at all flame paths, such as joints, bearings, and cable entrances, for the motor and its conduit box. If full detailed dimensions are not given for all parts, this drawing (or drawings) may show the assembled motor in section, but the section or sections must show the parts in their correct proportions and location with respect to each other. A skeleton drawing shall not cover more than one motor-frame diameter. Information covering the ratings, range of voltages, speeds, and frequencies for which the motor will be available in this frame should be included on the skeleton drawing. Each frame shall have a suitable designation for purposes of reference and identification. In addition to the foregoing, detailed shop drawings will be required in connection with the initial inspection of a given motor. Such drawings will be used in making the inspection and will serve as a guide in determining whether sufficient information is given by the skeleton drawings. These detail drawings will not be officially listed or recorded.

(e) The Bureau reserves the right to make periodic factory inspections of motors submitted pursuant to this paragraph, for which listed charges will be made.

§ 18.6 *Factory inspection forms.* Every manufacturer shall furnish to the Bureau a copy of the form that will be used by him in the inspection of assembled equipment at the factory. This form shall draw special attention to the wiring as well as to features that must be observed in order to make certain that explosion-proof enclosures are complete in all respects and agree with drawings filed with the Bureau. The following sample form may be used as a guide in drafting one suited to a particular machine:

SAMPLE FACTORY INSPECTION SHEET

Date _____ Unit serial No. _____ Motor make, type, and frame _____
Motor serial No. _____ Hp. _____ Speed _____ Voltage _____ Motor wound _____
Model or drawing list No. _____ Starter make and type _____
Starter hp. _____ Starter voltage _____ Drawing list _____ Overload setting _____
Short circuit _____ Portable cable length _____ Size _____ Make _____
No. of conductors _____ Conductor markings (+) _____ (−) _____
Ground _____ Are motor covers wired and sealed? (or padlocked?) _____
Is motor gland packed with at least ½ inch of packing along cable when compressed? _____
Is motor gland secured against loosening? _____
Are lock washers in place on all bracket bolts? _____
Are lock washers in place on retaining-plate bolts? _____
Are lock washers in place on pole-piece bolts? _____
Do end brackets fit tightly against frame? _____
Are there any openings into the interior of the motor? _____
Is air-hose conduit in good condition? _____
Is air-hose conduit securely clamped to motor packing gland? _____
Is air-hose conduit clamped to base securely? _____
Is air-hose conduit clamped securely to starter packing gland? _____
Is starter motor-cable gland properly packed? _____
Is starter motor-cable gland secured against loosening? _____
Is starter portable-cable gland properly packed? _____
Is starter portable-cable gland secured against loosening? _____
Are stuffing boxes for starter-, motor-, and portable-cable glands secured against loosening? _____ How? _____ By headless set screw? _____
By fillister head screw? _____ By brazing or welding? _____
Are motor-cable connections in starter tight? _____
Are the portable-cable connections in starter tight? _____
If used, is ground connection in starter tight? _____
Is positive conductor in portable cable connected to positive side of starter? _____
Is negative conductor in portable cable connected to negative side of starter? _____
Is ground conductor (if used) properly connected? _____
Is starter portable-cable-gland strain clamp properly insulated? _____
Does starter portable-cable-gland strain clamp hold cable firmly so as to prevent strain on terminals? _____
Are lock washers in place on all cover bolts? _____
Is cover-to-box flange joint tight? _____
What size feeler can be inserted in joint (if any)? _____
Is ungrounded power ( ) conductor in portable cable connected to trolley tap? _____
Is grounded power ( ) conductor in portable cable connected to ground clamp? _____
Is frame ground ( ) conductor (if present) of portable cable connected to ground clamp? _____ Trolley tap make and type _____
Fuse for trolley tap make, type, and rating _____
Ground clamps make and type _____
Are there any through holes into the starter compartment? _____
Does the trailing cable pass over sharp corners or edges on machine? _____
Is trailing cable liable to sharp bends or kinks at the machine? _____
Does motor-to-starter conduit pass over sharp corners or edges? _____
Is motor-to-starter conduit liable to injury from moving parts? _____

[4] The reason for limiting the exception to squirrel-cage induction motors is that this type of motor is nonsparking in normal operation.

§ 18.7 *Material required for investigation.* (a) It is not necessary to ship a completely assembled machine for the purpose of inspection and test when approval is desired. Gearing and mechanical parts, unless needed to complete explosion-proof enclosures, may be omitted. Only one motor, controller, rheostat, or other electrical unit of a given size and design need be shipped to the Central Experiment Station.

(b) When the design necessitates the setting of tolerances to assure satisfactory running fits or safety of joints in explosion-proof casings, the parts submitted for test shall, if feasible, have the tolerances that give the maximum opening at the joints. Where a wide margin of tolerances (over 0.005 inch) is considered necessary by the manufacturer, the Bureau reserves the right to require test of a part under the conditions of maximum tolerance that the manufacturer wishes to use.

(c) Pinion pullers and any other special tools needed in disassembling any parts for inspection or test shall be furnished with the equipment submitted.

§ 18.8 *Shipments.* (a) The manufacturer shall arrange for, and prepay all costs of shipments of material to the Central Experiment station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania. He shall also arrange for, and assume all costs of crating and removal of parts upon completion of the investigation.

(b) Unless instructed to the contrary, manufacturers may ship parts to the Bureau for inspection and test immediately after filing application. Inspection and test usually are undertaken in the order of receipt of parts, provided that the application, fees, and drawings have been received.

§ 18.9 *Assistance required during investigations.* When requested to do so, the manufacturer shall provide a man to assist in disassembling parts for inspection and to prepare them for test by drilling and tapping them for pipe connections. He shall also assist in mounting and connecting the parts for test.

§ 18.10 *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

§ 18.11 *Classification of parts.* The electrical parts of a machine that may cause ignition of mine gas or coal dust are divided into three classes. These classes, together with the general type of enclosure that must be provided for the purpose of preventing ignitions, are as follows:

(a) *Class 1.* Class 1 shall include motors, controllers, fuses, switches, contactors, and all other parts that may produce sparks or flashes as the result of normal operation. Headlights, meters, rheostats, electromagnets, squirrel-cage-type induction motors, and similar parts which may become dangerous because of failure of electrical circuits in them are also included in this class. Explosion-proof casings shall be used to enclose this class of parts.

(b) *Class 2.* Class 2 shall include all parts, such as batteries, interlocked plugs and receptacles, external connections, and wiring between enclosures, that do not produce sparks or flashes as the result of normal operation but may do so as the result of accident. Such connections and wiring shall have adequate shields or guards of strength and character proportionate to the risk of injury, or else they shall be enclosed in explosion-proof casings.

(c) *Class 3.* Class 3 shall include all parts, such as disconnecting switches, and non-interlocked plugs and receptacles, that may produce sparks or flashes in normal operation but are not of necessity operated while the equipment is in a gassy place. Such parts shall be enclosed in explosion-proof or adequately locked casings. If locked casings are used, they shall have adequate mechanical strength.

§ 18.12 *Operating voltage of equipment.* No hand-held drill or other small portable apparatus intended to be held in the hands or supported against the body while in use will be approved for potentials above 250 volts, direct current, or 220 volts, alternating current; however, approvals may be granted for certain other machines if the operating potential does not exceed 550 volts at the motor terminals of direct-current machines or 650 volts at the motor terminals of alternating-current machines.

§ 18.13 *Switches.* (a) Every machine including battery-operated equipment shall have a main service switch or its equivalent, such as line contactors or circuit breakers, by means of which all power conductors can be opened. This service switch shall be designed and constructed so that it can be operated readily from the machine either directly or by remote control. It shall be capable of interrupting operating overloads up to values at which the fuses or other automatic circuit-interrupting devices protecting the machine actually open the circuit, without grounding or destructive arcing. A manually operated controller is not acceptable as a service switch except that for small motors (with a continuous rating not exceeding 5 hp. or an intermittent rating of not more than 10 hp.), a suitable controller and protective device combined will be considered. When a controller is accepted as a service switch, it must open all power conductors.

(b) When it is not practical to mount the service switch on the machine proper, a switch suitably mounted on a cable reel truck or a skid may be accepted, provided not more than 75 feet of cable is used to connect the switch to the machine. It is recommended that the length of cable be kept to 50 feet or less.

(c) A separate switch or switches shall be provided for headlights and floodlights so that, if lenses are broken, it will be possible to open all conductors of the circuit to each damaged unit, unless the circuit can be opened without hazard by the removal of interlocked headlight fuses.

(d) Post drills, hand-held drills, and portable blowers shall be provided with a switch at the motor, with one pole for each power conductor of the portable cable.

(e) Locomotives designed to operate on either trolley or cable shall be provided with a transfer switch or its equivalent which inherently prevents energizing one from the other. This switch shall be so connected that there will be no electrical connection to the locomotive frame when the cable is energized. When a locomotive is equipped with two trolley poles, a switch or its equivalent shall be provided so that connection and disconnection of circuits to the poles can be accomplished without hazard.

(f) Belt conveyors shall be equipped with control switches to automatically stop the driving motor in the event that the belt is stopped or abnormally slowed down by slipping on the driving pulley, breakage, or other accident. An adequate device shall be provided to prevent slope belts from overspeeding.

§ 18.14 *Overcurrent protection of circuits and equipment.* (a) The portable cable for every machine shall be protected by a circuit breaker or other automatic circuit-interrupting device of suitable capacity in each ungrounded conductor.

(b) An automatic circuit-interrupting device shall be placed at every point where there is a reduction in the size of wire to protect the small wire, unless the protection of the larger wire also protects the smaller one.

(c) Circuit breakers or other automatic circuit-interrupting devices shall be inserted in each conductor at the point where branch circuits are connected to the main circuits on a machine if the branch circuit conductors have a cross-sectional area of less than 50 percent of the main conductors. For headlight and control circuits, this requirement is to be construed as meaning that each conductor having a cross-sectional area of less than 50 percent of the main to which it connects must be protected by a fuse or its equivalent at the point of connection. Control circuits that are entirely self-contained on a single insulating panel may be exempted from this requirement.

(d) Every wire and cable leaving the battery box of storage-battery-operated equipment shall have protection placed

as close as practicable to the battery terminal to which the wire or cable is connected.

(e) Every motor shall be protected by an automatic circuit-interrupting device. If more than one motor is employed on a machine, each motor should have individual overload protection; however, in some instances, more than one motor may be grouped under one protective device if the motors perform the same function on a machine or if their size and duty permit reasonable protection. For direct-current machines to be operated on grounded systems and having two or more motors of unequal rating, the largest motor of the group may be protected by a protective device in the ungrounded line only. Protective devices may be required in both lines for the small motor. An additional protective device may be used in the grounded line to the largest motor if the functioning of this device will cause both lines to open. Protective devices that do not give short-circuit protection shall be supplemented by a fuse, instantaneous operating relay, or equivalent connected in the ungrounded line. (A trolley tap fuse is not considered to fulfill this requirement.) If protection is not inserted in the grounded line, particular attention shall be given to marking the polarity at terminals or to other means of minimizing the possibility of reversing connections that would change the protection to the grounded line.

(f) For 3-phase alternating current, each of the three lines shall be provided with a fuse or with an automatic circuit breaker of such design that the opening of one phase will cause the other two phases to open. (Overload relays in two phases may be accepted if a line fuse is used in the third phase.)

(g) The interrupting capacity of contactors and automatic circuit breakers used to protect both alternating- and direct-current equipment shall be adequate for the service intended. The Bureau reserves the right to test contactors and circuit breakers when their adequacy is in question. (See § 18.28.)

(h) The functioning of main protective devices other than fuses shall open each pole of the contactors or circuit breakers in the main conductors, and these devices shall be arranged to permit resetting without opening the compartment in which they are enclosed. Reset mechanisms shall not prevent the proper functioning of circuit-interrupting devices designed to give short-circuit protection. Overload relays that do not give short circuit protection may be used if fuses or equivalent are inserted in the same conductors with them.

§ 18.15 *Fuses and switches to be interlocked.* (a) Main fuses and also fuses protecting branch circuits other than headlight and control circuits shall be interlocked with a switch or circuit breaker to permit quick and convenient renewal of fuses without introducing the hazard of igniting methane or coal dust. Fuses on small machines, such as hand-held drills and portable blowers, when enclosed in locked or sealed explosion-proof compartments, may be exempted from the requirements for an interlock, provided they can be renewed conveniently.

(b) Multiple fuses arranged to be successively inserted in circuit may be construed as meeting this requirement for main fuses if enclosed in locked or sealed explosion-proof compartments on storage-battery-operated equipment.

§ 18.16 *Conductors, conduits, and wiring.* (a) Every conductor shall have adequate insulation from ground and from conductors of opposite polarity.

(b) All conductors shall have a current-carrying capacity adequate for the intended duty.

(c) All wiring, particularly that outside of locked or explosion-proof enclosures, shall have adequate mechanical and electrical protection. If rigid conduit is unsuitable or undesirable for any reason, a good grade of rubber air hose or equivalent may be construed as meeting the requirement for mechanical protection. Flexible metal conduit is not acceptable. All conduit ends must be adequately clamped or otherwise secured to prevent their being pulled out. Rubber hose ends should have inserts or special fittings to insure positive fastening. Cables exceeding 25 feet in length for remote-control circuits may be exempted from the requirement of conduit protection, providing these circuits are energized from a source that will not give an incendive spark or are constructed in accordance with the last part of table 1, § 18.24 (a) (7) (i) (*d*). The conductors of such cables with conduit protection shall not be less than No. 16 for two-conductor or less than No. 18 for three-conductor cables, and 600-volt all-rubber or equivalent insulation shall be used in their construction.

(d) Sharp edges and corners shall be removed at all points where there is a possibility of damaging the insulation of wires, cables, or conduits by cutting or abrasion.

(e) Wiring and conduits on machines shall be well-cleated or otherwise held to prevent rubbing against moving parts and to minimize vibration or displacement. Conduits on machines should be placed where they will not be subjected to damage by falling materials, by tools and material carried on the machines, or by derailments. Conduit runs should be as short and direct as is consistent with adequate mechanical protection. Wires and cables also should be protected from damage by water, oil, or grease.

(f) The ends of wires and cables shall be held or clamped in a manner that will minimize the possibility of the ends coming loose from their connections and swinging against the sides of enclosing casings or against parts of opposite polarity.

§ 18.17 *Connection boxes on machines.* When it is not feasible to wire a machine without providing joints in the conductors between parts, such joints are permitted: *Provided,* That suitable connectors adequately insulated and securely held are used. Connection boxes or their equivalent shall be used to give adequate shielding against mechanical injury to the connections. It is recommended that explosion-proof enclosures be provided for this purpose. A connection box will be acceptable where it would facilitate renewal of portable cables without opening less-accessible explosion-proof casings.

§ 18.18 *Protection against external arcs and sparks.* (a) The frames of motors, their control equipment, and associated electrical parts shall be electrically connected, preferably through the base or frame of the machine which the motor or motors operate. When the controller or starting device is not mounted on the base of the mcahine, the requirement for connection will be satisfied by an additional conductor in the connecting cable or by a rigid metal conduit electrically continuous throughout its length, which connects the casing of the controller or starter with the frame of the motor.

(b) All machines which receive power from an external source and which cannot be considered as being in intimate electrical contact with earth shall be provided with means for maintaining their frames at ground potential, or with a certified device that will disconnect power from the equipment in event of a ground fault.

(c) The frames of mining machines regularly transported on separate trucks shall be electrically connected to the truck frames if power connections are made to the trucks. If power connections are not made to the trucks, the provisions shall be the same as for other machines not transported on separate trucks.

(d) Frames of longwall machines that use a junction box or its equivalent shall be electrically connected to the latter by a separate conductor in the portable cable.

(e) Junction boxes shall be provided with adequate means for maintaining their cases at ground potential.

(f) Distribution-box cases shall be maintained at ground potential and the frames of machines receiving power from distribution boxes shall be electrically connected thereto by an additional conductor in the connecting cables.

(g) Push-button enclosures not mounted on the frames of machines or on control equipment shall be electrically connected to the latter frames unless the source of supply will not give an incendive spark, or unless the stations are to be mounted on a separate grounded support. In the latter case the electrical connection should not be used.

(h) Cover bolts and other fastenings needed to maintain tight joints in explosion-proof enclosures shall not be used to hold connections or terminals.

(i) The size of a conductor used to maintain machine frames at ground potential shall be determined in accordance with the following:

(1) If the size of the power conductor is No. 6 or larger, the cross-sectional area of the additional conductor shall not be less than 50 percent of that of the power conductor, except that in no case shall the additional conductor be less than No. 8.

(2) If the size of the power conductor is smaller than No. 6, the cross-sectional area of the additional conductor shall not be less than that of the power conductor.

(3) Where a ground fault trip is used, the size of the additional conductor may be less than under subparagraph (1) of this paragraph if necessary but not less than No. 8.

(j) Belts used for power transmission shall not give rise to static-electric sparks.

§ 18.19 *Electrical clearances and insulation.* (a) The clearances between live parts and casings shall be such as to minimize the possibility of arcs striking to the casings, or if space is limited, the casings shall be lined with adequate insulation. This requirement applies especially to switches and controllers.

(b) Phenolic and other insulating materials that give off highly explosive gases when decomposed electrically should not be placed within explosion-proof enclosures where they might be subjected to destructive electrical action.

§ 18.20 *Portable cables.* (a) Every machine operated from an external source of power shall have a portable cable of adequate length and current-carrying capacity. The length shall not exceed 500 feet. This cable shall have an outer sheath of rubber or equivalent material that is highly resistant to pulling apart, abrasion, moisture, and flame. The cable shall meet the flame-resistance test outlined in § 18.30. The conductors shall have high-grade insulation of rubber or its equivalent. The use of colored insulation or other suitable markers is recommended for identifying individual conductors to facilitate proper connections and splicing according to polarity. The number of conductors in the portable cable should be kept to the minimum necessary for feasible operation of the machine. The portable cable for locomotives and track-mounted equipment shall contain not less than two power conductors. The size of power conductors in portable cable shall not be smaller than No. 14.

(b) Suitable provisions shall be made to facilitate disconnection of portable cable quickly and conveniently for replacement.

(c) Portable cables shall be sectionalized only with approved devices: *Provided, however,* That sectionalizing connectors used outby the last open crosscut need not be approved.

(d) The portable cable shall be held firmly by means of an adequate insulated clamp or by other equally suitable means for eliminating strain upon the terminal connections. The cable entrance and fastenings shall be so designed and arranged as to prevent short bends in the cable and mechanical injury to its insulation. These requirements are of particular importance in connection with drills and equipment employing cables with conductors smaller in size than No. 6. If the speed and conditions of operation are likely to cause jerking on cables, the Bureau reserves the right to require means for relieving the stress on the cables.

(e) When a portable cable has conductors smaller than No. 6 and the conductors are separated to make connection to a power supply, a rubber-sheathed or equivalent single-conductor cable of not less than No. 6 gage shall be spliced to each conductor of the portable cable at the point of separation. The splice should be adequate both electrically and mechanically. It is recommended that such splices be vulcanized.

(f) Portable cables shall have adequate mechanical strength to resist pulling apart in service. The conductor size for shuttle car and locomotive service shall not be less than No. 4 A. W. G.

§ 18.21 *Connections to power source.* (a) The free ends of portable cables shall be provided with means of attaching the cables to the power circuit without personal hazard. Attachments used for this purpose shall be completely specified; also, the rating of the overcurrent device shall be specified. The capacity of the overcurrent device shall not exceed that necessary to prevent destructive heating of the cable. Rail clamps for attachment of power conductors shall not be used for other connections.

(b) A rolling or sliding contact that will permit "tramming" without holding the connection in the hand may be used. Such contact must not be arranged for any purpose other than tramming.

§ 18.22 *Cable reels.* (a) Self-propelled machines designed to travel at speeds exceeding 2½ miles per hour shall have a suitable mechanically or electrically driven reel upon which to wind the portable cable. The Bureau reserves the right to require such cable reels for speeds under 2½ miles per hour if the service imposed upon the portable cable is judged to be unduly severe. The construction of the housing for moving contacts or slip rings shall conform to the requirements for Class 1 parts.

(b) The Bureau also reserves the right to require hand-operated reels or suitable "horns" upon which to wind the portable cable for machines that are not self-propelled. When it is not practical to mount such reels or horns on the machines, the Bureau may grant the option of mounting them on separate trucks or skids.

(c) When cable reel bearing or slip rings are in the circuit, the voltage drop at full load current through these parts shall not be greater than that of the circuit conductor.

(d) Cable reels and cable-spooling devices shall be insulated to keep the portable cable from resting against grounded metal parts. Insulating materials used for this purpose shall be flame-resisting.

(e) Cable reels for shuttle cars and locomotives shall maintain positive tension on the portable cable during both reeling and unreeling. This tension shall not be greater than necessary to insure that the car or locomotive cannot run over its own cable.

(f) The design of bearings for cable guides, particularly on locomotives and shuttle cars, shall be such that dirt picked up by the cables will not prevent free rotation of the rollers. The diameter of cable sheaves shall not be smaller than 12 times the diameter of the cable. For flat twin cables, the sheave diameter shall be based on the major diameter of the cable.

(g) Self-propelled machines receiving their power through portable cables shall not have traveling speeds rated in excess of 6 miles per hour.

§ 18.23 *Field assembly of certified components.* Components such as motors, controllers, rheostats, etc., bearing the certification plates of the Bureau may be assembled by a mine operator, builder, or assembler. Each such complete assembly shall be considered by the Bureau as permissible equipment only after a qualified representative of the Bureau inspects the assembly and determines that the components are assembled, wired, and protected in conformance with the applicable requirements of §§ 18.13 to 18.22, inclusive of this part and an approval plate, label, or device supplied by the Bureau has been attached as authorized in writing by the Bureau.

§ 18.24 *Detailed requirements for Class 1 parts*—(a) *Enclosure casings*—(1) *Materials and construction.* (1) The casings forming the enclosure for Class 1 parts shall be of suitable material, adequate strength, and especially durable, in order that, with proper care and maintenance, the explosion-proof qualities of the parts will remain unimpaired not only when subjected to pressures developed during the explosion tests but also under the severe conditions imposed by mining service. Sheet metal used for walls and covers in fabricating explosion-proof casings shall be of sufficient thickness, unless adequately reinforced with ribs or their equivalent, to prevent permanent distortion by explosion tests. Material of less than 3/16-inch thickness is not recommended. When welding is employed to join pieces forming walls of explosion-proof casings, the joints shall be continuously and effectively welded. Joints that are machined after welding shall be reinforced to compensate for any weakening caused by such machining.

(ii) Casings may be either of the totally enclosed type in which no provision is made for ventilation of the interior or else of the type having provision for ventilation or relief of pressure from internal explosions. Totally enclosed construction, however, is recommended by the Bureau. Complicated casings and fabricated housings shall be pressure-tested at the factory to reveal blowholes and other weaknesses, if, in the judgment of the Bureau engineers, inspection is inadequate to determine those weaknesses.

(iii) If provision is not made for pressure relief through special devices, the casing will need to be strong enough to withstand explosion pressures approaching 100 pounds per square inch with an adequate factor of safety. However, if a casing communicates with another through a small passage or is itself divided by a partition the effect of "pressure-piling" may be produced, and pressures considerably in excess of 100 pounds per square inch may be anticipated.

(2) *Joints and machining tolerances.* (i) When an explosion-proof enclosure consists of two or more metal parts held

together by bolts or other suitable means, the flanges comprising the joints between parts shall have surfaces making metal-to-metal contact. Glass-to-metal joints are permitted in casings, such as those for headlights and meters. Gaskets, if adequate, may be used to obtain a firm seat for the glass, but not elsewhere. Rubber, putty, and plaster of paris are not acceptable as gasket materials.

(ii) The surfaces comprising a flange joint need not be all in one plane. For enclosures having a volume of more than 60 cubic inches, the total width of joint measured along the shortest path from inside to outside of the enclosure shall not be less than 1 inch, except as follows: A rabbet joint having a total width of ¾ inch may be accepted if neither the cylindrical nor the plane fit is less than ⅛ inch wide. If the volume is 60 cubic inches or less, a minimum width of ¾ inch may be accepted for plane joints, but a 1-inch width of plane or rabbet joint is recommended. The diametrical clearance for cylindrical fits in rabbet joints shall not exceed 0.004 inch if the plane fit is less than ¼ inch wide. If the plane fit is ¼ inch or more in width, the diametrical clearance for cylindrical fits shall not exceed 0.008 inch. The edge of a rolled-steel plate forming part of an explosion-proof enclosure may be used as a plane flange, provided the width does not fall short of the previously specified flange widths by more than 1/64 inch.

(iii) The width of blowholes in joint surfaces will be deducted in measuring flange widths. Diameters of holes for bolts or screws required to maintain tight joints will also be deducted in such measurements only: (*a*) If excessive clearance is allowed for the bolt in its hole; (*b*) if the nominal diameter of the bolt hole is more than half of the required metal-to-metal contact. It is recommended that bolt and screw holes be located so that the shortest distance along the joint from the interior of the enclosure to the edge of the hole is not less than 7/16 inch. However, less than ¼ inch will not be accepted for 1-inch joints or less than 7/16 inch for joints under 1 inch. (Exception may be made for narrow interpoles, in which case the distance from the edge of the pole piece to the bolt hole in the motor frame shall be not less than ⅛ inch and the diametrical clearance for the bolt shall not exceed 1/64 inch for not less than ½ inch. Furthermore, the pole piece shall seat against the frame surface.)

(iv) Bolts and screws shall be close-fitting in holes that cut through joint surfaces. If the edge of a bolt or screw hole is less than 7/16 inch from the interior of the enclosure, the diametrical clearance around the bolt or screw shall not exceed 1/32 inch, and this clearance shall be maintained for at least ½ inch as measured from the joint. (When ½-inch rolled-steel plate is used for covers, a finished thickness of not less than 7/16 inch may be accepted as meeting this requirement.)

(v) When the flanges of a joint cannot be brought into actual contact with each other, owing to warping or faulty machining of parts or necessity for sliding fits, the requirement for metal-to-metal contact will be construed as having been met for plane flanges under the following conditions:

1. The separation must not exceed 0.004 inch at any point.
2. The 0.004-inch separation must not extend over 6 inches along the joint.
3. The joint must not permit discharge of flame during explosion tests.

(vi) When it is necessary in manufacture to provide for a running fit between cylindrical surfaces other than for shafts, a shoulder shall be included in the design to provide a change in direction through the flame path between the parts. In the joints of this type, the diametrical clearance between cylindrical surfaces shall be kept as small as feasible, but in no case shall it exceed 0.01 inch. The length of cylindrical fit shall be at least 1 inch for volumes over 60 cubic inches and at least ¾ inch for volumes of 60 cubic inches or less.

(vii) Laminated motor frames having end rings assembled as an integral part under high pressure may be considered with less width of contact between the end rings and laminations than that specified in the preceding paragraphs. It is recommended that the metal-to-metal contact be kept as near the 1-inch standard as practical, but less than ¼ inch will not be accepted. If less than the 1-inch standard width is used for joints of this type, the construction must permanently preclude any separation between the end rings and laminations, and if a 0.0015-inch-thickness gage can be inserted ⅛ inch at any point, the construction will be considered unsatisfactory. The joint should not tend to open under explosion pressure.

(3) *Bolts and similar fastenings.* (i) Bolts and similar means of clamping flange joints together shall be generously proportioned to minimize stripping of threads and give adequate strength. Soft metals should not be tapped for bolts and screws if the threads can be stripped or damaged easily. Clamping bolts and screws should be at least ¼ inch in diameter and preferably not less than ½ inch. The Bureau reserves the right to prohibit the use of clamping bolts and screws for purposes in addition to that of fastening parts of the enclosure together.

(ii) Unless the design permits especially rigid construction between bolts, spacings greater than 6 inches are not recommended for flange joints.

(iii) All bolts, nuts, and screws used in fastening flange joints, as well as those in holes through enclosure walls for holding parts, such as pole pieces, brush rigging, and bearing caps, shall be provided with lock washers or other suitable means to prevent loosening. The length of threads in bottomed holes and on bolts, screws, and studs shall be such that the joint can be made tight even though lock washers are omitted. Where feasible, bolts of unequal lengths should be avoided to prevent mistakes in assembly.

(4) *Through holes for bolts, screws, and rivets.* (i) Through holes into explosion-proof casings shall be kept to a minimum. Holes for bolts, screws, etc. shall be "blind" or bottomed if the omission of a bolt or screw would leave an unprotected opening into the casing. If unavoidable, holes may be made through casings for bolts, studs, or screws that are necessary to hold essential parts, such as pole pieces and brush rigging, provided the bolts, etc., have an adequate long close fit through the casing and provided at least two bolts, studs, or screws are used for each part held. In addition, one of the following optional conditions shall apply: (*a*) Each hole must be bottomed in the part held and adequate metal-to-metal contact provided between the part and the casing to insure an effective internal seat around the hole if the bolt or screw is omitted or lost, or (*b*) if studs are used, they must be permanently fastened in the part held, or (*c*) bolts passing entirely through pole pieces must be arranged so that they cannot be removed without removal of the armature, or (*d*) special nonremovable bolts must be adequate for the intended purpose.

(ii) Holes shall not be drilled through walls of explosion-proof casings for screws holding name plates or approval plates.

(5) *Inspection openings and covers.* The number of openings in explosion-proof enclosures shall not exceed the minimum required for proper assembly and inspection of parts. Openings, such as those necessary for inspection of motor commutator and brushes, are permitted if suitable covers are provided. These covers must have the width of flange joint previously specified or a threaded joint with sufficient threads to give the required width of surface in contact. Screw covers and those held by special clamps and screws must be secured against unauthorized opening by means of a lock or a nonrusting wire and seal. Where the seal wire alone is of insufficient mechanical strength, an additional fastening such as a set screw or a pin should be used. The distance between two holes through which the seal wire is threaded shall be made as short as feasible.

(6) *Bearings and shaft clearances.* Armature, controller, switch, and other shafts or rods carried through walls of explosion-proof enclosures do not require stuffing boxes, but to prevent discharge of flame the path shall be made up of metal parts having lengths and clearances as follows:

(i) For plain journaled bearings, the diametrical clearance between the shaft and bearing shall not exceed 0.01 inch to provide for a running fit, and this running fit shall not be less than 1 inch for enclosures having a volume more than 60 cubic inches or less than ¾ inch long for an enclosure having an internal volume of 60 cubic inches or less.

(ii) Roller and ball bearings are not accepted as suitable barriers for stoppage of flames; therefore, a flame path shall be provided between a shaft and the parts of bearing housings which shall not be less than 1 inch long for enclosures of more than 60 cubic inches volume. If the volume is 60 cubic inches or less, this part of the flame path may be reduced to ¾ inch. In either case the diametrical clearance shall not be greater than 0.03 inch at any point in the ¾- or the 1-inch path, and shall not permit discharge of flame.

(iii) Oil grooves in bearings and felt rings, oil grooves, or grease seals in bearing housings are not to be included in the measurement of the length of running fit along a shaft. Such grooves are allowed if not of sufficient volume to reduce the effectiveness of the path. Openings made for filling and draining bearings shall be outside of the required length of path. A removable outer bearing cap is not considered part of the required length of fit, unless the cap is essential to hold the bearing in place.

(iv) Labyrinths or other special arrangements may be accepted if they provide equivalent lengths and clearances and are made up of rugged parts not likely to be readily omitted.

(v) If large-diameter bearings are used, reduced clearances may be required. It is recommended that flame paths at bearings be of as small diameter as feasible.

(7) *Lead entrances.* (i) all electrical conductors that pass through the walls of explosion-proof enclosures shall be provided with adequate insulation and guards at the point of entrance to the enclosure in accordance with one or more of the following:

(*a*) If stuffing-box lead entrances are used, the packing material shall be untreated asbestos, such as woven valve-stem packing, and it shall be not less than 3/16 inch in diameter. The size and kind shall be specified on the drawings or bills of material. The amount of packing material in each stuffing box shall be such that when compressed, it will completely surround the wire or cable for not less than ½ inch measured along the wire or cable.

(*b*) The stuffing-box design and the amount of packing used shall be such that, with the packing properly compressed, the gland still has a clearance distance of ⅛ inch or more to travel without meeting interference by parts other than packing. The glands shall be secured against loosening. The use of insulating bushings in stuffing boxes is recommended, especially for voltages that exceed 250. When an outer braid insulation covering is used on wires and cables passing through stuffing boxes, it should be made of asbestos or slow-burning material.

(*c*) The width of space for packing material shall not exceed the diameter or width of the uncompressed material by more than 50 percent. At other points small clearances shall be maintained between the stuffing-box parts and the cables or wires passing through them. A diametrical clearance greater than 1/16 inch will not be accepted if the size of packing material used is smaller than ¼ inch square or round, nominal. If the size of packing material is ¼ inch or larger square or round, a diametrical clearance not greater than 3/16 inch will be accepted.

(*d*) To minimize deviation from acceptable clearances in stuffing boxes, the portable cables used in them shall conform to the standardized dimensions given in the tables which follow:

TABLE 1—NOMINAL DIAMETERS OF ROUND CABLES WITH TOLERANCES IN INCHES

Conductor size (AWG)	Single conductor		2-conductor				3-conductor, types W & G		4-conductor, types W & G		5-conductor, types W & G		6-conductor, types W & G	
			Concentric		Types W & G twisted									
	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance
8	0.44	±0.03	0.65	±0.03	0.81	±0.03	0.91	±0.03	0.99	±0.03	1.07	±0.03	1.18	±0.03
6	.51	±.03	.77	±.03	.93	±.03	1.01	±.03	1.10	±.03	1.21	±.03	1.31	±.03
5	.52	±.03	.80	±.03	1.01	±.03	1.10	±.03	1.19	±.03	1.29	±.03	1.39	±.03
4	.57	±.03	.84	±.03	1.08	±.03	1.17	±.03	1.27	±.03	1.40	±.03	1.52	±.03
3	.63	±.03	.89	±.03	1.17	±.03	1.24	±.03	1.34	±.03	1.48	±.03	1.61	±.03
2	.66	±.03	.94	±.03	1.27	±.03	1.34	±.03	1.48	±.03	1.61	±.03	1.75	±.03
1	.74	±.03	1.05	±.03	1.44	±.03	1.51	±.03	1.68	±.03	1.88	±.03	2.05	±.03
1/0	.77	±.04	1.10	±.04	1.52	±.04	1.65	±.04	1.79	±.04	1.96	±.04	2.13	±.04
2/0	.82	±.04	1.18	±.04	1.65	±.04	1.75	±.04	1.93	±.04	2.13	±.04	2.32	±.04
3/0	.87	±.05	1.24	±.05	1.77	±.05	1.89	±.05	2.07	±.05	2.28	±.05	2.49	±.05
4/0	.93	±.05	1.33	±.05	1.92	±.05	2.04	±.05	2.26	±.05	2.46	±.05	2.71	±.05

Conductor size (circular mils)	Nominal diameters, types G and W		Tolerance
	3-conductor	4-conductor	
	Inches	*Inches*	*Inches*
250,000	2.39	2.66	±0.06
300,000	2.56	2.84	±.06
350,000	2.68	2.98	±.06
400,000	2.82	3.14	±.06
450,000	2.94	3.26	±.06
500,000	3.03	3.40	±.06

SPECIAL REMOTE CONTROL AND DRILL CORDS

Conductor size (AWG)	2-conductor		3-conductor		4-conductor		5-conductor		6-conductor		7-conductor	
	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance	Diameter	Tolerance
14	0.64	±0.02	0.67	±0.02	0.71	±0.02	0.78	±0.03	0.83	±0.03	0.89	±0.03
12	.68	±.02	.72	±.03	.76	±.03	.83	±.03	.89	±.03	.98	±.03
10	.73	±.03	.80	±.03	.84	±.03	.90	±.03	1.00	±.03	1.07	±.03

TABLE 2—NOMINAL DIMENSIONS (INCHES) OF FLAT TWIN (2-CONDUCTOR) CABLES WITH TOLERANCES IN INCHES

Conductor size (AWG)	Type W				Type G			
	Major		Minor		Major		Minor	
	O. D.	Tolerance	O. D.	Tolerance	O. D.	Tolerance	O. D.	Tolerance
8	0.84	±0.04	0.51	±0.03				
6	.93	±.04	.56	±.03	1.02	±0.04	0.56	±0.03
4	1.05	±.04	.61	±.03	1.15	±.04	.61	±.03
3	1.14	±.04	.68	±.03	1.26	±.04	.68	±.03
2	1.24	±.04	.73	±.03	1.35	±.04	.73	±.03
1	1.40	±.04	.81	±.03	1.55	±.04	.81	±.03
1/0	1.51	±.04	.93	±.03	1.67	±.04	.93	±.03
2/0	1.63	±.04	.99	±.03	1.85	±.04	.99	±.03
3/0	1.77	±.04	1.03	±.03	2.00	±.04	1.03	±.03
4/0	1.89	±.04	1.10	±.03	2.10	±.04	1.10	±.03

(*e*) Corners shall be well-rounded at all points where cables and wires emerge from bushings, glands, and stuffing boxes to prevent cutting of insulation. Stuffing boxes, if not made integral with enclosures, shall be securely held to enclosures on which they are used.

(*f*) Stuffing boxes and the fittings connected to them shall be so placed or guarded that they are not likely to be damaged in derailments and other accidents.

(ii) If insulated studs are used, they shall be designed and spaced to minimize the possibility of electrical creepage to parts of opposite polarity or to the casing. Terminal lugs shall be keyed to their studs or shielded by insulating barriers so that they cannot come into contact with each other or with any metal not of the same potential or polarity. Adequate means shall be provided to prevent loosening of the studs and lugs by vibration or by expansion and contraction. External electrical connections shall not be held by the same means that are used to fasten the studs. Special attention shall be given to the shielding of external stud connections so that they cannot be short-circuited or grounded by accidental or careless contact or by water when the machine is properly assembled. The width of contact between the compartment wall and the insulating mterials shall be not less than 1 inch total for volumes of 60 cubic inches or over ¾ inch for volumes less than 60 cubic inches.

(iii) If wires and cables are taken through openings closed with sealing compounds, the design of the opening and characteristics of the compounds shall be such as to hold the sealing material in place without tendency of the material to crack or flow out of its place. The material also must withstand explosion tests without cracking or loosening.

(iv) Tubes, bushings, or their equivalent shall not be used alone to take wires and cables through walls and partitions of explosion-proof enclosures unless both ends of each wire and cable opening are wholly within such enclosures. The length of each opening and the clearance around the wire or wires in it should be such as to prevent pressure-piling if flame passes through it. (In general, a diametrical clearance of 1/16 inch should not be exceeded for single cables in such openings.) Bushings and tubes shall be secured against loosening and preferably should be of incombustible material.

(v) Leads or conductors between separate compartments may be carried in pipes or in passageways in casings if sufficiently sealed or filled with conductors to prevent propagation of flames.

(8) *Special devices for pressure relief, drainage, or ventilation.* Special devices incorporated in the design of explosion-proof casings for the purpose of (i) preventing the development of high pressures from internal explosion, (ii) providing for drainage of oil or water, or (iii) obtaining a degree of ventilation, shall be capable of repeatedly performing their functions without allowing the passage of flame through them. While in place they shall be guarded to prevent mechanical injury and the entrance of foreign material that might interfere with or destroy their proper functioning. They shall also be strong mechanically so that, with reasonable care in handling, they may be cleaned and inspected without impairing their effectiveness. All special devices shall be securely fastened in place. They shall be made of nonrusting materials.

(b) *Special requirements for Class 1 parts*—(1) *Temperature limitations.* Accessories, such as rheostats, headlights, and clutches, shall be so designed and proportioned that the temperatures of the external surfaces of their enclosures does not exceed 200° C. at any point during normal operation.

(2) *Motors.* The construction of motor bearings shall be such as to prevent the escape of flame during explosion tests with outer bearing caps removed, unless the caps are essential to hold the bearing in place. If the outer caps are essential, their construction shall comply with that required for Class 1 parts. The use of glass-covered peepholes for motors is not recommended.

(3) *Rheostats.* Particular attention shall be given to the choice of insulation for conductors used both inside and outside of rheostats and to the type of lead entrance to prevent grounds and short circuits that might result from deterioration due to heat.

(4) *Meters.* The transparent material in meter enclosures shall not be less than 1/2 inch thick, have suitable qualities, and shall be shielded by position or have a guard to prevent damage to it. Meters on storage-battery operated equipment shall be insulated from the explosion-proof casings in which they are enclosed.

(5) *Headlights.* Headlights shall be mounted in protected positions where they are not likely to be damaged by passing objects. The glass in headlights shall not be less than 1/2 inch thick and shall be guarded to prevent damage to it.

(6) *Push buttons and push-button stations.* (i) Push rods passing through walls of explosion-proof casings shall not be less than 1/4 inch in diameter. They shall have a shoulder, head, or equivalent at the inside to prevent accidental loss or removal from the outside. Snap rings, cotter pins, or parts held by them are not acceptable as means of preventing this loss or removal.

(ii) The diametrical clearance between the push rod and its hole shall not exceed 0.01 inch to provide for sliding fit, and this sliding fit shall not be less than 1 inch for enclosures having more than 60 cubic inches volume, or less than 3/4 inch long for an enclosure having an internal volume of 60 cubic inches or less. In either case, the required length of sliding fit shall not be decreased when the button is depressed.

(iii) When it is important that accidental operation of push buttons be prevented, the Bureau reserves the right to require suitable guards or shields for the protection of the external ends of push buttons.

(7) *Junction boxes.* (i) Junction boxes shall be provided with a connection plug or plugs as follows: (*a*) Arranged and interlocked to prevent connection or disconnection of a portable cable while the contacts in the plug receptacles are alive or (*b*) capable of opening and closing the circuit under load, if necessary, without injury to themselves or to any part of the box, hazard to persons, or danger of causing an ignition of methane or coal dust. If the design does not prevent making contacts in a plug socket alive when the plug is out, the contacts shall be arranged to prevent ready access to them. When single-pole plugs are used, the design shall prevent energizing the circuit unless all the plugs are in place.

(ii) Circuit breakers or other automatic circuit-interrupting devices of adequate capacity shall be incorporated in the design of junction boxes. Such devices shall comply with the requirements for renewal, resetting, and functioning as specified in § 18.14.

(iii) Junction boxes shall be provided with a suitable clamp or clamps that will prevent strains being imposed upon the cable connections in the plug or plugs.

(iv) The rating and service for which it is intended shall be marked plainly upon each junction box.

(v) The type of enclosure required for junction boxes shall be governed by the class of parts to which it belongs.

(8) *Distribution boxes.* (i) Distribution boxes, when mounted on skids or their equivalent to facilitate movement from place to place, shall be sufficiently elevated and shall be stable.

(ii) The requirements for junction boxes shall also apply to distribution boxes having plugs for connection of branch circuits. In addition, the following requirements must be met:

(iii) Boxes having provision for more than one branch circuit shall have a cap or dummy plug locked in place to close each socket or receptacle if interlocking features do not prevent energizing of contacts in the socket with the regular plug removed. A chain or other suitable means shall be provided to prevent loss of the cap or plug. Such caps or dummy plugs may be omitted if the sockets are arranged to prevent ready access to the contacts within.

(iv) Each branch circuit shall be plainly and permanently marked to show the maximum current that can be taken from it, and plugs that are not of identical rating shall be polarized or otherwise arranged to prevent inserting them in the wrong socket.

(v) In addition to circuit contacts, each plug and socket shall contain contacts by means of which the frames of machines served by the distribution box can be grounded to the box. The plug and socket design shall be such that the grounding connection is completed before the circuit contacts are energized, or else the length of the grounding contacts shall be such that the grounding connection is made before the other connections are made and broken after the other connections are broken. (See also § 18.18.)

(vi) For distribution boxes not using plugs for connection of branch circuits, the requirements for junction boxes shall apply, except as follows:

(*a*) Connection for branch circuits may be made by means of bolted or equivalent connections, provided the connections are adequately insulated and securely held.

(*b*) The enclosure for the branch connections shall have a cover interlocked with the circuit-opening device to prevent access to the branch connections while they are alive.

(*c*) Each branch circuit shall be plainly marked to show the maximum current that can be taken from it.

(*d*) Insulated clamps shall be provided for each cable to prevent strains on the connections.

(9) *Splice boxes.* Splice boxes shall have explosion-proof enclosures with locked or sealed covers. Internal connections shall be rigidly held and adequately insulated.

(10) *Terminal boxes.* (i) When wires and cables are brought out of an explosion-proof casing into a terminal box by any method other than one of the first three methods described in paragraph (a) (7) of this section, the terminal box must be of explosion-proof construction. For this construction, the wires must be closely fitted in the opening between the casing and the terminal box in a manner adequate to inhibit flame propagation resulting in pressure-piling, or else the opening between them must be large enough to prevent pressure-piling. A short piece of metal tube or rigid conduit permanently secured to both may be used between the casing and terminal box when necessary.

(ii) The terminal box also must comply with all the requirements for Class 1 compartments, and the lead entrance for the external connections shall comply with the requirements for one of the first three methods described in paragraph (a) (7) of this section. Flamepath joints having a minimum width of 1/2 inch will be accepted as an option in the construction of an explosion-proof terminal or conduit box on squirrel-cage induction motors provided the leads are adequately sealed in the motor and the connections in the box are adequately insulated and securely held.

(11) *Longwall mining machines.* (i) Longwall mining machines should be equipped with a switch to open all power conductors; also with circuit breakers or other automatic circuit-interrupting devices at the machine. When it is not feasible to incorporate such switch and current-interrupting devices in the design of the machine, the controller on the machine shall be capable of opening all power conductors entering it; in addition, a junction box or a distribution box containing a suitable switch and circuit-interrupting device shall be used for connecting the machine to the power circuit.

(ii) In the above arrangement, the machine frame shall be connected to the enclosure for the automatic circuit-interrupting device by a separate conductor in the portable cable.

(iii) The use of cable reels with longwall mining machines is not required.

§ 18.25 *Special requirements for class 2 parts*—(a) *Battery boxes and batteries.* (1) Battery boxes shall be made of material equivalent in strength to sheet steel not less than 3/16 inch in thickness or of wood reinforced with steel and shall have a substantial cover or covers lined with insulation of adequate strength, quality, and dimensions. The cover or covers shall be provided with suitable means for locking them in the closed position to prevent opening by unauthorized persons.

(2) Battery boxes shall be provided with means of ample ventilation to prevent accumulation of explosive hydrogen-air mixtures above the battery. Ventilating openings shall be guarded to prevent access to the cell terminals from the outside.

(3) The battery cells shall be insulated from the battery box in an adequate manner. For cells in metal containers mounted in "open"-type trays, a lining of wood or equally suitable insulation shall be provided for the bottom of the battery box. All wood and other insulating linings shall be treated or painted with suitable material to resist destruction by battery electrolyte.

(4) The number, type, rating, and manufacturer of the cells comprising the battery shall be specified.

(5) A diagram showing the connections between cells and between trays shall be submitted. The connections shall be such that the maximum total battery potential will not be placed between any two adjacent cells.

(b) *Plugs and receptacles.* (1) The "running" plug for locomotives and similar storage-battery-operated equipment shall be interlocked with a switch so that the plug can neither be inserted nor withdrawn while the receptacle contacts are alive, or it shall be locked in its receptacle to prevent removal by unauthorized persons. If not interlocked, the plug shall be held in place by means of a threaded ring or other suitable mechanical fastening in addition to the lock.

(2) On locomotives and other mobile storage-battery-operated equipment, receptacles used for charging purposes only shall be provided with a cover or dummy plug that is to be locked in place when the battery is not being charged to prevent access to live terminals while the equipment is in operation.

(3) A plug that is used for connecting the portable cable of one permissible machine to a circuit on another permissible machine shall be interlocked so that the plug can neither be inserted nor withdrawn while the plug or receptacle contacts are alive. If the interlock does not prevent making the receptacle contacts alive when a plug is out, the contacts shall be protected by a cap or cover to be locked in place when the plug is out, or the contacts shall be arranged to prevent ready access to them. A chain or its equivalent shall be provided to prevent loss of the cover. The circuit served by the plug shall be protected by automatic circuit-interrupting devices as specified in § 18.14.

(4) When the portable cable for a machine is arranged to be connected and disconnected from it by means of a plug, the plug shall be interlocked or constructed so that it can be inserted and withdrawn without creating the hazard of igniting gas or dust. In addition, the plug shall be kept locked in its receptacle to prevent removal by unauthorized persons. The contacts in the plug shall be adequately shielded or recessed in it to prevent accidental grounds or short circuits while the plug is out of its receptacle.

(5) When single-pole plugs are used for the individual conductors of a cable or circuit, the design shall prevent energizing the circuit unless all the plugs of the circuits are in place.

(6) Every plug shall have a suitable holding device or clamp to prevent any strains coming on the plug while it is in its receptacle, unless the interlock is of adequate strength to hold the plug securely in place. In either case, the design of the plug shall include an insulated clamp for holding the cable to prevent strains on the connections in the plug.

§ 18.26 *Detailed inspection.* (a) In the investigation of any equipment, explosion-proof casings shall be given a careful inspection by the Bureau's engineers. This inspection shall include the following items:

(1) A detailed check of parts against drawings as to materials, dimensions, and position, making notations for necessary correction of discrepancies between the drawings and the parts checked.

(2) Measurement of joints, bearings, and other possible flame paths.

(3) Examination for unnecessary through holes.

(4) Examination for adequacy of lead-entrance design and construction.

(5) Examination for adequacy of electrical clearances or insulation between live parts of opposite polarity and between live parts and ground.

(6) Examination for adequacy and security of fastenings.

(b) For further information regarding the details of this inspection, reference should be made to Information Circular 7689, Inspection and Testing of Mine-Type Electrical Equipment for Permissibility.

§ 18.27 *Explosion tests.* (a) To test enclosures for their ability to retain flame, they will be filled and surrounded with explosive mixtures containing varying percentages of Pittsburgh natural gas[5] and air. The mixture within the enclosures will be ignited by a spark-plug or other suitable means, and a record of explosion pressures developed will be taken. The point of ignition will be varied to determine the condition that gives the greatest pressure. For some of the tests, bituminous-coal dust will be introduced into enclosures, and the effects will be noted. Motor armatures and rotors will be stationary in some tests and revolving in others. Dummies may be used in place of contactors or similar parts during test under certain conditions.

(b) Not less than 10 tests will be made of each design of explosion-proof enclosure.[6] If, on account of the size of enclosure or questionable construction features, it is the judgment of the Bureau's engineers that the explosion-proof qualities cannot be completely demonstrated in 10 tests, more than that number will be made.

(c) The explosion tests of an enclosure shall not result in (1) discharge of flame from any joint, bearing, or opening, (2) ignition of surrounding explosive mixtures, (3) development of dangerous after-burning,[7] or (4) rupture or permanent distortion of the enclosure. An enclosure will be rejected if any one of the foregoing conditions occurs, or if abnormal pressures are developed or potentially hazardous conditions are exhibited by the tests.

§ 18.28 *Adequacy tests.* In addition to explosion tests, certain other tests may be made at the option of the Bureau's

[5] Investigation has shown that, for practical purposes, Pittsburgh natural gas (containing a high percentage of methane) is a satisfactory substitute for pure methane in these tests.

[6] If the internal air space of a squirrel-cage induction motor is not changed by more than 20 percent of that of a previously tested motor, it may be accepted without further inspection or explosion test, provided the motor of greater (or less) internal volume has the same frame diameter and the same length and clearance at the flame path of all joints and bearings as those of the previously tested motor.

[7] The term "afterburning" as used in this part 18 is applied to combustion, immediately after an internal explosion, of a gaseous mixture that was not in the enclosure at the time of that explosion but was drawn in as the result of the cooling of the products of the original explosion or otherwise.

engineers, such as tests to determine the adequacy of an accessory for the service intended:

(a) Where the durability of battery cells, headlights, or other parts is in doubt, such mechanical tests as are deemed necessary may be made to determine points requiring strengthening.

(b) If there is any question on the efficacy of ventilation of battery boxes, tests may be made to check the ventilation.

(c) Switches and devices serving as switches shall be capable of interrupting any overload currents that the automatic circuit protective devices will permit to flow. They also shall be capable of opening these overloads five times at 2-minute intervals without grounding or short circuiting, and tests may be made to determine their ability to meet these requirements.

(d) Circuit breakers or other automatic circuit-interrupting devices may be tested to determine whether they provide the necessary protection without damaging the explosion-proof qualities of their enclosures.

§ 18.29 *Portable cable damage resistance test.* (a) The test in paragraph (b) of this section has been established for determining the durability of portable cables for use with permissible equipment, and cables that pass this test will be listed for this service.

(b) The cable will be placed across the two rails of a track and a four-wheeled car of 7 tons gross weight will be run over it 50 times. The speed of the car shall be approximately 3½ miles per hour, and potential shall be applied to the cable during tests. The cable will be shifted after each passage of the car, thus giving 100 places in the cable over which two wheels have passed. If the cable fails by short-circuiting or grounding to the rails or wheels at 11 or more places, it will not be listed by the Bureau.

§ 18.30 *Portable cable flame resistance test.* The following test has been established for determining the flame-resistant properties of portable cables:

(a) A straight sample of the cable 3 feet long shall be mounted horizontally in a ventilated test chamber so that the sample will not be in the direct path of entering air currents. The sample shall be heated electrically until the conductor temperature is 400° F., using a current that is 500 percent of the following conductor ratings.

TABLE 3—NORMAL CURRENT RATING—AMPERES PER CONDUCTOR

Cables, conductor size	Single conductor	2-conductor			3-conductor	4-conductor	5-conductor	6-conductor
		Flat	Concentric	Round				
8	45	40	----------	40	35	30	25	20
6	60	50	50	50	50	40	35	30
4	85	70	65	70	65	55	45	35
3	95	80	75	80	75	65	55	45
2	110	95	90	95	90	75	65	55
1	130	110	100	110	100	85	75	65
1/0	150	130	120	130	120	100	90	80
2/0	175	150	135	150	135	115	105	95
3/0	205	175	160	175	155	130	120	110
4/0	235	200	180	200	180	150	140	130

Cables, conductor size (circular mils)	Single conductor	2-conductor			3-conductor	4-conductor	5-conductor	6-conductor
		Flat	Concentric	Round				
250,000	275	220	----------	220	200	160	----------	----------
300,000	305	240	----------	240	220	175	----------	----------
350,000	345	260	----------	260	235	190	----------	----------
400,000	375	280	----------	280	250	200	----------	----------
450,000	400	300	----------	300	270	215	----------	----------
500,000	425	320	----------	320	290	230	----------	----------

Cords	1-3 conductor	4-6 conductor	7-9 conductor
No. 14	15	12	8
No. 12	20	16	11
No. 10	25	20	14

(b) When the conductor temperature has reached 400° F., the flame of a Tirrill gas burner adjusted to give an overall free flame height of 5 inches and a 3-inch inner cone shall be applied directly underneath the sample at a point 14 inches from its extreme left-hand end so that the tip of the inner cone touches the bottom surface of the sample.

(c) At the end of 1 minute, the heating current and gas flame will be cut off simultaneously. The sample will be considered as having failed to pass the test if the length of the burned area exceeds 6 inches or if burning continues longer than 4 minutes after the gas flame has been cut off.

(d) For a complete official test, at least 3 samples of a given cable will be subjected to the foregoing test. If 2 out of the 3 samples pass this test, the cable will be accepted for listing as "flame resistant" and shall be suitably marked at intervals not exceeding 12 feet with an identifying number assigned by the Bureau of Mines.

§ 18.31 *Certification of electrical components.* Manufacturers of electrical components that are designed for use on permissible machines may request the Bureau of Mines to issue a letter certifying to the suitability of components for such use. In order to qualify for certification, electrical components shall have satisfactorily met the prescribed inspection and test requirements and the construction thereof shall be adequately covered by specifications officially recorded and filed at the Bureau. Certification letters may be cited to builders and assemblers of permissible equipment as evidence that further inspection and test of the components will not be required, provided they are constructed in strict accordance with specifications on file at the Bureau. Since the Bureau of Mines does not sanction the words "permissible" or "approved" except as applying to complete assembled equipment, no person shall advertise or label components in a manner purporting to indicate that such components are permissible or approved by the Bureau. However, certified components may be advertised as explosion-proof and suitable for use on permissible equipment upon receipt of certification letters from the Bureau. Certified components shall bear labels, which shall contain the following: "Explosion-proof Mine ------[a]— Built to Bureau of Mines Schedule -----; Bureau of Mines File No. X/P- ------." The Bureau will assign an identifying X/P file number in the certification letter. The Bureau reserves the right to rescind for cause, at any time, any certification granted under this section.

§ 18.32 *Final inspection.* (a) In addition to the detailed inspections and the tests, the Bureau reserves the right to inspect the machine as a whole at the close of the investigation to ascertain whether the assembly of motors, controllers, rheostats, and other parts in relation to each other has any unsafe features, special note being made of the position and guarding of wiring between these parts. The drawings and specifications also will be checked to see that they have been corrected to show all changes made in parts during the course of the investigation.

(b) Manufacturers shall notify the Bureau, at the Central Experiment Station, when the first of a given design of machine built for approval will be completed in order that a Bureau engineer may have an opportunity to examine it, when such examination is considered necessary. Examinations are preferably made at the factory, where cranes and other facilities make it possible to inspect a machine more thoroughly and quickly than elsewhere. Final inspections are made before approvals are granted.

§ 18.33 *Inspection and test reports.* Written reports giving the results of inspections and tests will be made to the manufacturer to keep him informed of the progress of the investigation of his equipment. These reports also will indicate whether or not any changes are required. They are not to be construed as giving approval to the equipment under consideration, or to any of its parts.

[a] This blank space will be filled in with a word designating the type of component, such as motor, starter, or headlight as the case may be.

§ 18.34 *Approvals*—(a) *Approval letter.* (1) After all tests, as well as detailed and final inspections, have been satisfactorily completed and suitable drawings and specifications have been placed on file, the manufacturer of the completed equipment will be given official notification by letter from the Bureau of Mines, stating that his equipment satisfied the conditions of this part and is approved as permissible for use in gassy and dusty mines. The letter will assign an approval number for reference and identification of the equipment approved. No informal, temporary, or verbal approvals will be granted.

(2) An official drawing list numbered to correspond to the approval number assigned will accompany each approval letter. This list will include the drawings and specifications covering the details of construction upon which the approval is based.

(3) The manufacturer shall not advertise his equipment as permissible or approved until he has received the formal notification of approval.

(b) *Approval plate.* (1) With the approval letter the manufacturer will receive a photograph of a design of approval plate. This plate shall bear the seal of the Bureau of Mines, United States Department of the Interior, a space for the approval number, the type, the serial number, and the name of the class of equipment to which the equipment belongs, and the name of the manufacturer. When necessary, an appropriate statement giving the precautions to be observed in maintaining the equipment in an approved condition shall be added.

(2) Copies of a "caution statement" satisfactory to the Bureau are to be furnished with each machine in a form that will readily draw the attention of the proper persons. This information should be placed in the repair parts book, the instruction envelope, the wiring diagram, or in other material which electricians and maintenance men refer to frequently.

(3) The manufacturer himself shall have this design reproduced either as a separate plate or by stamping or molding it in some suitable place on each permissible machine. The size, method of attaching, and location of the approval plate shall be satisfactory to the Bureau, and a sample of the plate adopted shall be sent to the Bureau at the Central Experiment Station. The method of attaching the plate shall not impair the explosion-proof features of any enclosure.

(c) *Purpose and significance of approval plate.* (1) The approval plate is a label which identifies the equipment so that anyone can tell at a glance whether or not that equipment is of permissible type. This plate is the manufacturer's guarantee that his equipment complies with the requirements of the Bureau of Mines for use in gassy and dusty mines. Without a plate, an approved machine loses its permissible status.

(2) The use of the approval plate on his equipment obligates the manufacturer to maintain the quality of his product and to see that each permissible machine is constructed according to the drawings and specifications accepted and recorded by the Bureau. Equipment having changes in design which do not have official authorization from the Bureau is not permissible and therefore must not bear an approval plate.

(d) *Withdrawal of approval.* The Bureau reserves the right to rescind for cause, at any time, any approval granted under the regulations in this part.

§ 18.35 *Changes in design after approval.* Every approval is granted with the understanding that all equipment built under that approval will be in exact accordance with drawings and specifications that have been examined and recorded by the Bureau in the approval. Therefore, when a manufacturer desires to make any change in the design of his approved equipment, he shall first obtain the Bureau's authorization of the change. The procedure is as follows:

(a) The manufacturer shall make application by letter for an extension of his original approval and shall describe the change or changes proposed. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the Bureau of Mines, to cover all the necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, together with revised drawings and specifications showing the changed design in detail. The Bureau will, upon inquiry by the applicant, advise him as to the amount of fees he should submit.

(b) The Bureau will consider the application and examine the drawings, and specifications to determine whether they are sufficiently detailed for the Bureau's records and whether it will be necessary to have the modified part submitted for tests. (In general, changes increasing the air space more than 10 percent, modification of joints and bearings, or use of a different material for explosion-proof enclosures will make explosion tests of the modified enclosure necessary. Adequacy tests also may be necessary if changes such as reduction in electrical clearance and insulation are proposed.) If tests are deemed to be necessary, the applicant will be informed of the parts that will be required.

(c) When the modification has been found to comply with the requirements of the regulations in this part, both as to construction and drawings, formal authorization, known as an extension of approval, allowing the modification will be issued in the form of a letter by the Bureau of Mines. This letter will be accompanied by a list of new and corrected drawings to be added to the official drawing list.

(d) Revisions in drawings or specifications which do not involve actual change in the explosion-proof features of equipment may be handled informally by the Central Experiment Station at Pittsburgh.

§ 18.36 *Acceptance of changes made in the field on permissible equipment.* Changes made on permissible equipment by mine operators may be accepted in writing by the Bureau: *Provided,* Such changes conform to the applicable requirements of §§ 18.3 to 18.35: *And, provided further,* That in the judgment of a duly qualified representative of the Bureau of Mines, such changes do not increase the explosion or fire hazards involved in the operation of equipment so modified in gassy or dusty mines. A report on the modifications together with a copy of the acceptance letter shall be placed in the Bureau's official record for the permissible equipment affected.

§ 18.37 *Rebuilding and repairing of used equipment.* (a) A builder or assembler desiring to engage in rebuilding and repairing used equipment so that it will conform to the applicable requirements of §§ 18.13 to 18.22 shall make application by letter in duplicate to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, for permission to attach an approval plate on nonpermissible-type equipment that has been changed to permissible-type equipment and on permissible-type equipment that has been repaired and restored, both in conformance with §§ 18.13 to 18.22. The Bureau will grant such permission only after (1) the builder or assembler has changed or restored a piece of equipment and such equipment meets the permissibility requirements of this part as determined after inspection by a qualified representative of the Bureau of Mines and (2) if, in the opinion of the Bureau of Mines, the builder or assembler has adequate facilities to engage in such operations.

(b) Subsequent to the granting of such permission by the Bureau of Mines, the builder or assembler will be permitted to attach suitable approval plates, furnished by him, or other types and pieces of equipment that meet the applicable requirements of §§ 18.13 to 18.22 without further inspection by the Bureau of Mines. The Bureau of Mines may rescind for cause, at any time, any permission granted under this section.

SUBPART B—EXPERIMENTAL ELECTRIC FACE EQUIPMENT IN GASSY MINES

§ 18.50 *General.* This subpart is prescribed pursuant to and must be complied with in accordance with the requirements of the Federal Coal Mine Safety Act.

§ 18.51 *Permit.* As used in this subpart, a permit is a special, written certificate of authorization giving conditions under which a machine built or purchased for experimental purposes may be operated in a gassy mine. This permit will be issued only by the Director, Bureau of Mines.

§ 18.52 *Application for permit.* Before a permit can be issued, the purchaser or prospective user shall file a written application with the Director, Bureau of Mines, Washington 25, D. C., which application shall be accompanied by a check, money order, or bank draft payable to the United States Bureau of Mines to cover all the necessary fees. A copy of the application shall be sent to

the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pennsylvania, together with drawings or other satisfactory identification of the machine which it is proposed to be given trial.

§ 18.53 *Fees charged.* The schedule of fees under this subpart shall be the same as those set forth in § 18.3.

§ 18.54 *Drawings and specifications required.* Drawings, descriptive material, specifications, or other suitable information establishing positive identification of the electrical components of an experimental machine shall be furnished to the Bureau before a permit covering trial installation will be issued. (An experimental machine is one intended for experimental use, including among other, one constructed at the mine, one imported from foreign manufacturers, or one developed for trial by an American manufacturer or inventor, etc.) Drawings already on file at the Bureau need not be duplicated by the applicant. Detailed drawings of parts comprising explosion-proof enclosures of imported electrical components will not be required, provided satisfactory proof is given that such enclosures comply with standards established by a testing authority recognized by the Bureau of Mines, to the extent that such standards are substantially equivalent to those set out in Subpart A of this part.

§ 18.55 *Constructional requirements.* (a) Electrical components whose classification calls for explosion-proof constructions shall meet the inspection and test requirements for such components set forth in Subpart A of this part.

(b) Components which have previously met the inspection and test requirements of the Bureau or of a testing authority recognized by the Bureau shall be deemed to meet the requirements of paragraph (a) of this section. The Bureau may, in its discretion, waive the requirements of paragraph (a) as to any other component.

§ 18.56 *Final inspection.* The applicant shall notify the Central Experiment Station, when an experimental machine is ready for trial installation so that a Bureau engineer may have an opportunity to examine it. Such examination shall be completed before a permit is issued.

§ 18.57 *Issuance of permit.* Upon compliance with the requirements of this subpart, the Director will issue a permit authorizing operation in a gassy mine of the machine covered by the application. Copies of the permit will be sent to the applicant, to the purchaser or user, and to the machine manufacturer or his agent or supplier. Each permit will be numbered and state the terms under which, and the time during which, the machine may be used.

§ 18.58 *Duration of permit.* The permit will be effective for a period of 6 months. Extension of the permit for an additional period not to exceed 6 months may be granted by letter from the Director upon application addressed to him and supported by a showing of satisfactory reason. Further extension will be granted only where, after investigation, the Director finds that, for reasons beyond the control of the mine operator, it has not been possible to complete the experiments within the period covered by the extended permit.

§ 18.59 *Permit label.* (a) With the permit letter, the applicant will receive a permit label which shall bear: (1) The seal of the Bureau of Mines, United States Department of the Interior, (2) the permit number, (3) the expiration date of the permit, and (4) the name of the applicant.

(b) The applicant shall have this label attached to the experimental equipment.

§ 18.60 *Withdrawal of permit.* The Director, Bureau of Mines, may rescind for cause, at any time, any permit granted under this subpart.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

APRIL 18, 1955.

[F. R. Doc. 55-3355; Filed, Apr. 27, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 922]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1954-55 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Valencia Orange Administrative Committee, established under Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $138,230.40 will be necessarily incurred during the fiscal year November 1, 1954, through October 31, 1955, for the maintenance and functioning of the committee established under the aforesaid order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid order, the rate of assessment of $0.011 per box of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used in this section, "handle," "handler," "oranges," "fiscal year" and "box" shall have the same meaning as is given to each such term in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 22, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3470; Filed, Apr. 27, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

REGISTRATION OF BROKERS AND DEALERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt certain procedural rules, designated as §§ 240.15b-9, 240.15al2-1 and 240.19a3-1 (Rules X-15B-9, X-15AL2-1 and X-19A3-1), applying to proceedings under sections 15 (b), 15A (*l*) (2), and 19 (a) (3) of the Securities Exchange Act of 1934. The action is proposed to be taken under these sections and sections 15A (b) (4) and 23 (a) of the act.

Proposed § 240.15b-9 (Rule X-15B-9) is intended to define the status of individuals associated with brokers and dealers in connection with administrative proceedings to deny or revoke broker-dealer registration under section 15 (b) or to suspend or expel from membership in a national securities association or securities exchange under section 15A (*l*) (2) or 19 (a) (3). The rule would codify the procedure followed by the Commission since the decision of the United States Court of Appeals for the District of Columbia Circuit in Wallach v. Securities and Exchange Commission, 202 F. 2d 462 (1953). The Court there held that the Commission could not, against his will, name a securities salesman as a party to an administrative proceeding against a broker-dealer under section 15 (b), but recognized that such a salesman was nevertheless entitled to intervene and be heard and that if he failed to take advantage of this opportunity he might "later find that he has seriously prejudiced his own interests by his inaction."

Without foreclosing the possibility of litigating the underlying legal questions further to the extent that they may directly or indirectly be involved in cases arising in the future, the Commission has ceased to name salesmen, or other individuals associated with a broker-dealer, in the caption of proceedings brought against such broker-dealer under section 15 (b). It has, however, continued to make such findings with respect to such individuals as are relevant to the issues under section 15 (b) and to the specification of the individuals who were a "cause" of any sanction imposed, as contemplated by section 15A (b) (4) of the act relating to disqualification for membership in a national securities association. This practice would be codified in proposed § 240.-15b-9 (Rule X-15B-9), which provides that associated individuals who may be affected by a broker-dealer proceeding shall not be named in the caption of the proceeding and shall not be deemed to be parties of record, unless they choose to be heard. The term "party of record" is used advisably in an effort to distinguish between formal parties, on one hand, and, on the other, those individuals who are entitled to be heard and may be affected by the proceeding but are nevertheless not recorded as parties.

Proposed §§ 240.15al2-1 and 240.19a3-1 are simply cross-reference rules which provide, in effect, that the procedure just discussed shall apply also to administrative proceedings under sections 15A (*l*) (2) and 19 (a) (3) of the act, relating to membership in national securities associations and national securities exchanges.

The text of proposed rules is as follows:

§ 240.15b-9 *Proceedings under sections 15 (b), 15A (l) (2) and 19 (a) (3) of the act.* (a) Where the Commission denies or revokes the registration of a broker or dealer pursuant to section 15 (b) of the act or suspends or expels a member of a national securities association or national securities exchange pursuant to section 15A (*l*) (2) or section 19 (a) (3) of the act, the Commission may determine and announce for purposes of section 15A (b) (4) of the act whether any person associated with the member, broker or dealer was a cause of the imposition of such sanction; such determination may be made whether or not the member, broker or dealer admits the violation or consents to the imposition of the sanction. In such proceedings the Commission may also make such findings with respect to violation by associates of the member, broker or dealer, as may be relevant to the question of causation for purposes of section 15A (b) (4) or to the issues under sections 15 (b), 15A (*l*) (2) or 19 (a) (3).

(b) In proceedings under sections 15 (b), 15A (*l*) (2) or 19 (a) (3) of the act, the Commission will give appropriate notice and opportunity for hearing to the member, broker or dealer concerned and to any person associated with him whose interests may be affected by the proceedings. The member, broker or dealer will be named in the caption of the proceeding and shall be deemed a party of record. An associated person who may be aggrieved will not ordinarily be named in the caption of the proceeding but shall be entitled to participate as a party. If he participates voluntarily in the proceeding or files a notice of appearance, he shall be deemed a party of record and will be given notices of intermediate developments in the proceeding. In any event he may inform himself of such developments by attendance at the hearings or examination of the record (whether the proceedings be public or private) or by arrangement with a party of record, so that he can determine whether he desires to be heard at any time. Rule XVII of the rules of practice other than paragraph (a) thereof, shall not apply to proceedings under this section.

(c) The terms "associated person" and "person associated" as used in this section shall mean a person associated with a member, broker or dealer in any of the capacities specified in sections 15 (b) and 15A (b) (4) of the act.

§ 240.15al2-1 *Proceedings under section 15A (l) (2) of the act.* To the extent that a proceeding under section 15A (l) (2) of the act involves the conduct of any person other than a member of a national securities association, it shall be governed by the provisions of § 240.15b-9.

§ 240.19a3-1 *Proceedings under section 19 (a) (3) of the act.* To the extent that a proceeding under section 19 (a) (3) of the act involves the conduct of any person other than a member of a national securities exchange, it shall be governed by the provisions of § 240.15b-9.

All interested persons are invited to submit their views and comments on the proposed rules in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before May 23, 1955. Unless the person submitting any such comments or suggestions requests in writing that they be held confidential, they will be public records, available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 21, 1955.

[F. R. Doc. 55-3469; Filed, Apr. 27, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 525

APRIL 19, 1955.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to delegation of authority contained in section 1.5 (c), Part 1 of Order No. 541 of April 21, 1954, it is ordered as follows:

Beginning at 10:00 a. m. on the 21st day after the date of this order the 80-rod shorespace reserves created under the act of May 14, 1890 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat., 1028; 48 U. S. C. 371), as they exist now or as they may hereafter be created by the initiation of claims under the public land laws are hereby revoked insofar as applicable to the following described lands. Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), the following lands are hereby restored to entry under the public land laws:

ANCHORAGE LAND DISTRICT

LAKES LOUISE, SUSITNA, AND TYONE

All lands within 80 rods and abutting Louise, Susitna and Tyone Lakes and the connecting channels and all islands within said lakes as shown on Gulkana Geological Survey topographic quadrangle sheets (B-5) (B-6) and (C-6). Area to be restored approximates 15,360 acres.

ANCHORAGE LAND DISTRICT

KALGIN ISLAND

Commencing at a point on the southwest side of Kalgin Island, in Cook Inlet at lat. 60°21'43" N., long. 152°03'59" W., said point being at the line of mean high tide from which U. S. C. & G. S. station "S" Kalgin bears S. 1,054 feet W. 1,209 feet distant (data taken from map accompanying Special Land Use Application, Anchorage 022714 of the Alaska Year-Round Canneries Company) from said point easterly along line of mean high tide 2,640 feet; thence southerly at right angles to line of mean high tide 1,320 feet; thence westerly generally parallel to the line of mean high tide approximately one mile until intersection is made with the north-south line of mean high tide line; thence following the line of mean high tide northerly and easterly approximately 1¼ miles to point of beginning.

Containing approximately 160 acres.

The following applications are included in the above described lands:

Anchorage 020651—Simon A. Josefsen.
Anchorage 022714—Alaska Year-Round Canneries.
Anchorage 025275—Arthur A. Cobb.

FAIRBANKS LAND DISTRICT

LAKE MINCHUMINA

U. S. Survey No. 3315, located at Lake Minchumina containing approximately 40 acres.

The following applications are included in the above described lands:

Fairbanks 09417—Walter B. Parker.
Fairbanks 09632—Bertha N. Fuller.
Fairbanks 08255—Ray Trembly.
Fairbanks 08777—Val Jean Blackburn.
Fairbanks 08466—Harold G. Mattonen.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-3447; Filed, Apr. 27, 1955; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 97

APRIL 22, 1955.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609;

43 U. S. C. 682a) as amended and pursuant to delegation of authority contained in section 1.9 (o), Order No. 541 of April 21, 1954, Bureau of Land Management, it is ordered as follows:

1. Subject to valid existing rights, the public lands hereinafter described, which are situated in the Anchorage, Alaska, Land District, are hereby classified as chiefly valuable for residence purposes, as hereinafter indicated, for lease and sale under the Small Tract Act of June 1, 1938, supra:

ANCHORAGE AREA—RABBIT CREEK ADDITIONAL UNIT NO. 1

FOR LEASE AND SALE; FOR RESIDENCE SITES

Seward Meridian

T. 12 N., R. 3 W.,
Section 27:
Lots 1–36 incl., 41–64 incl., and Lots 69–72 incl.

Aggregating 72 tracts containing 140 acres.

2. The classification of the above-described lands segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately 8 miles south of Anchorage and approximately 1½ miles east of the Seward Highway. DeArmoun Road, a gravel road maintained by the Alaska Road Commission, terminates at the southwest corner of the area. A logging road continues east from there through a portion of the southern edge of the area. The Seward Highway, paved in 1952, makes the area quickly and easily accessible from Anchorage. None of the tracts are accessible at this time via a year round road with the exception of Lot 53, located in the southwest corner of the unit. A series of level to gently rolling benches characterize the area, with the exception of the southeast sector, which contains the ravine of Rabbit Creek. Vegetative cover consists of mature spruce and birch. Rabbit Creek cuts across the south half of the area from southwest to northeast. Utilities and public services available to the area include the public roads previously mentioned, an electric distribution system, school bus transportation and fire protection. Stores, churches and other public services are available in Spenard and Anchorage.

4. The individual tracts vary in size from 1.25 to 2.50 acres. The supplemental plat of survey showing the location of each tract can be secured for $1.00 from the Area Cadastral Engineering Office, Bureau of Land Management, Juneau, Alaska. Brochures which describe the area and contain sketch maps of the platting of the small tracts can be obtained free of charge from the Manager, Anchorage Land Office, Anchorage, Alaska. The appraised values of the tracts vary from $255 to $720 per tract as shown below. Rights-of-way, 50 feet in width, for road purposes will be reserved as shown below.

RABBIT CREEK ADDITIONAL UNIT NO. 1—(ANCHORAGE AREA)

APPRAISAL SCHEDULE

Official description[1]	Acreage	Advance rental (2 years)	Easements (50 feet)	Appraised value
Seward Meridian, T. 12 N., R. 3 W., sec. 27, Lot:				
N½ Lot 1	2½	$40.00	N and E	$390.00
S½ Lot 1	2½	45.00	S and E	460.00
N½ Lot 2	2½	40.00	N and W	410.00
S½ Lot 2	2½	50.00	S and W	480.00
N½ Lot 3	2½	45.00	N and E	430.00
S½ Lot 3	2½	50.00	S and E	500.00
N½ Lot 4	2½	45.00	N and W	450.00
S½ Lot 4	2½	50.00	S and W	520.00
5	2½	45.00	N and E	470.00
6	2½	50.00	N and W	490.00
7	2½	50.00	N and E	510.00
8	2½	55.00	N and W	530.00
9	2½	55.00	N and E	550.00
10	2½	55.00	N and W	570.00
11	2½	60.00	N and E	590.00
12	2½	60.00	N and W	610.00
13	1¼	25.00	N and E	255.00
14	1¼	25.00	N	255.00
15	1¼	30.00	N	275.00
16	1¼	30.00	N and W	275.00
17	1¼	30.00	N and E	295.00
18	1¼	30.00	N	295.00
19	1¼	30.00	N	315.00
20	1¼	30.00	N and W	315.00
21	1¼	35.00	S and W	335.00
22	1¼	35.00	S	335.00
23	1¼	30.00	S	315.00
24	1¼	30.00	S and E	315.00
25	1¼	30.00	S and W	295.00
26	1¼	30.00	S	295.00
27	1¼	30.00	S	275.00
28	1¼	30.00	S and E	275.00
29	2½	65.00	S and W	630.00
30	2½	60.00	S and E	610.00
31	2½	60.00	S and W	590.00
32	2½	55.00	S and E	570.00
33	2½	55.00	S and W	550.00
34	2½	55.00	S and E	530.00
35	2½	50.00	S and W	510.00
36	2½	55.00	S and E	540.00
41	2½	60.00	N and E	590.00
42	2½	60.00	N and W	610.00
43	2½	65.00	N and E	630.00
44	2½	65.00	N and W	650.00
45	1¼	30.00	N and E	295.00
46	1¼	30.00	N	295.00
47	1¼	30.00	N	315.00
48	1¼	30.00	N and W	315.00
49	1¼	35.00	N and E	335.00
50	1¼	35.00	N	335.00
51	1¼	35.00	N	355.00
52	1¼	35.00	N and W	355.00
53	1¼	45.00	S and W	425.00
54	1¼	45.00	S	425.00
55	1¼	40.00	S	405.00
56	1¼	40.00	S and E	405.00
57	1¼	40.00	S and W	385.00
58	1¼	40.00	S	385.00
59	1¼	35.00	S	365.00
60	1¼	35.00	S and E	365.00
61	2½	70.00	S and W	720.00
62	2½	70.00	S and E	700.00
63	2½	70.00	S and W	680.00
64	2½	70.00	S and E	710.00
N½ Lot 69	2½	55.00	N and W	540.00
S½ Lot 69	2½	55.00	S and W	560.00
N½ Lot 70	2½	50.00	N and E	490.00
S½ Lot 70	2½	55.00	S and E	540.00
N½ Lot 71	2½	45.00	N and W	450.00
S½ Lot 71	2½	50.00	S and W	520.00
N½ Lot 72	2½	50.00	N and E	480.00
S½ Lot 72	2½	50.00	S and E	500.00

[1] From supplemental plat of survey.

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899). Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet at least the following minimum standards. The home must be insulated and be suitable for year-around occupancy, be on a permanent foundation, contain at least 192 square feet of floor space (outside measure), and contain a minimum of one door and one window. The home must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Beginning at 10:00 a. m. on June 22, 1955, the lands will be open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who are discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Anchorage Land Office, Anchorage, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above named official prior to 10:00 a. m. on July 13, 1955. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on October 11, 1955, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21 day period extending between 10:00 a. m. on September 21, 1955 and October 12, 1955, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on October 12, 1955 to select successful entrants, after which the unappropriate portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of

the drawing and successful entrants will be sent copies of the lease form with instructions as to their execution.

The filing of the lease form, Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease and rounded to the nearest five dollars. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to November 16, 1951, will be granted the preference right provided for by 43 CFR 257.5 (a).

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55–3448; Filed, Apr. 27, 1955; 8:46 a. m.]

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 19

APRIL 19, 1955.

Pursuant to the authority delegated to me under section 1.5 (a) of Order No. 541 of April 21, 1954, Bureau of Land Management, the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a–364e), for commercial and industrial purposes:

Lots 8, 9 and P. S. S., U. S. Survey No. 2589.

Containing 9.28 acres.

The above land will be offered for sale in accordance with regulations contained in 43 CFR 75.23 to 75.40. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55–3449; Filed, Apr. 27, 1955; 8:46 a. m.]

[No. 8 (A III)]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 15, 1955.

In exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the lands described hereafter have been reconveyed to the United States. The area reconveyed and the serial number identifying the exchange are as indicated.

DENVER 049756

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 N., R. 95 W.,
Sec. 16: S½SW¼; SE¼.
T. 15 S., R. 73 W.,
Sec. 16: W½SE¼; SE¼SE¼.
T. 16 S., R. 70 W.,
Sec. 36: N½.
T. 17 S., R. 71 W.,
Sec. 36: All.
T. 18 S., R. 71 W.,
Sec. 36: NE¼; N½NW¼; SW¼NW¼.
T. 20 S., R. 72 W.,
Sec. 36: SE¼NW¼; S½.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 40 N., R. 7 W.,
Sec. 16: All.
T. 41 N., R. 7 W.,
Sec. 16: Lots 1, 2, 6 to 15 inclusive;
Sec. 36: All.
T. 42 N., R. 5 W.,
Sec. 16: NE¼NE¼; SE¼SE¼.
T. 42 N., R. 6 W.,
Sec. 16: Lots 12, 17, 18, 19, 22, 23; E½E½.
T. 42 N., R. 7 W.,
Sec. 16: N½; N½S½; S½SW¼; SW¼SE¼;
Sec. 36: All.
T. 43 N., R. 4 W.,
Sec. 16: NW¼NW¼; NW¼SW¼, S½S½;
Tract No. 41: All.
T. 43 N., R. 5 W.,
Sec. 16: All;
Sec. 36: All.
T. 43 N., R. 6 W.,
Sec. 16: All.
T. 43 N., R. 7 W.,
Sec. 36: Lots 1, 2, 7, 8, 9, 10, 15, 16.
T. 44 N., R. 2 W.,
Sec. 16: All.
T. 44 N., R. 4 W.,
Sec. 36: All.
T. 44 N., R. 5 W.,
Sec. 36: E½; Lots 5, 6; S½SW¼.
T. 44 N., R. 6 W.,
Sec. 36: SW¼NW¼; N½SW¼.
T. 44 N., R. 8 W.,
Sec. 16: S½NW¼; N½SW¼.
T. 45 N., R. 2 W.,
Sec. 16: S½.
T. 45 N., R. 3 W.,
Sec. 16: S½.
T. 45 N., R. 8 W.,
Sec. 36: All.
T. 45 N., R. 9 W.,
Sec. 16: S½SW¼; SW¼SE¼.
T. 46 N., R. 1 W.,
Sec. 16: W½SW¼; SE¼SW¼.
T. 47 N., R. 1 W.,
Sec. 16: All;
Sec. 36: All.
T. 48 N., R. 4 E.,
Sec. 16: SW¼SW¼.
T. 48 N., R. 1 W.,
Sec. 16: All;
Sec. 36: All.
T. 49 N., R. 9 E.,
Sec. 16: All.
T. 49 N., R. 10 E.,
Sec. 16: S½SE¼.
T. 49 N., R. 11 E.,
Sec. 16: All.
T. 49 N., R. 12 E.,
Sec. 16: S½N½; N½S½.
T. 49 N., R. 1 W.,
Sec. 16: All;
Sec. 36: N½; N¼SW¼; SW¼SW¼; SW¼SE¼; E½SE¼.
T. 50 N., R. 1 W.,
Sec. 16: All.

Total area: 19,372.01 acres.

PUEBLO 058330

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 18 S., R. 73 W.,
Sec. 36: SW¼NE¼.
T. 19 S., R. 72 W.,
Sec. 16: All.

Total area: 680 acres.

PUEBLO 058391

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 46 N., R. 1 W.,
Sec. 16: N½SE¼; NE¼SW¼.

Total area: 120 acres.

PUEBLO 066994

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 35 N., R. 17 W.,
Sec. 12: S½SE¼;
Sec. 13: N½NE¼.

Total area: 160 acres.

DENVER 051217

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 8 N., R. 100 W.,
Sec. 25: All.

Total area: 640 acres.

DENVER 053055

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 4 S., R. 84 W.,
Sec. 7: W½W½;
Sec. 18: N½N½; SE¼NW¼; S½NE¼.
T. 4 S., R. 85 W.,
Sec. 12: Lots 1, 2, 3, 4.

Total area: 626.44 acres.

DENVER 053515

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 43 N., R. 17 W.,
Sec. 15: NE¼.

Total area: 160 acres.

DENVER 055296

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 46 N., R. 17 W.,
Sec. 5: W½NE¼; N½SE¼.
T. 47 N., R. 18 W.,
Sec. 22: SW¼SE¼;
Sec. 27: NE¼; S½NW¼; NW¼SE¼.

Total area: 480 acres.

DENVER 056017

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 14 S., R. 91 W.,
Sec. 21: NE¼NW¼.

Total area: 40 acres.

COLORADO 0652

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 19 S., R. 73 W.,
Sec. 14: W½W½;
Sec. 15: E½; NE¼NW¼.

Total area: 520 acres.

PUEBLO 059235

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 35 N., R. 13 W.,
Sec. 28: SE¼NE¼; NE¼SE¼.

Total area: 80 acres.

DENVER 055766

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 3 S., R. 87 W.,
Sec. 1: Tract 37;
Sec. 12: NE¼NW¼.
T. 4 S., R. 85 W.,
Sec. 8: SE¼NW¼; SW¼NE¼; N½SE¼;
Sec. 9: NW¼SW¼; S½SW¼; SW¼SE¼.

Total area: 480 acres.

2. The minerals in the above described lands were wholly or partly reserved by the grantor or by prior grantors, and any person acquiring any of these lands must accept title subject to such reservations. Information as to any mineral rights reconveyed to the United States is of

record in the Colorado land Office, 437 Post Office Building, Denver, Colorado. This order is subject to any withdrawals, reservations, rights-of-way or easements which may now affect the land, and to any withdrawals, reservations, rights-of-way or easements which may hereafter be affected.

The lands embraced in this order are situated in central and western Colorado and are rolling to very steep, with generally thin rocky soils unsuited for farming.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) Ninety-one day period for preference-right filings. For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) Date for non-preference-right filings. Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Colorado Land Office, 437 Post Office Building, Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land Office Manager, Colorado State Office, 429 Post Office Building, Box 1018, Denver 2, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 55–3473; Filed, Apr. 27, 1955; 8:52 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Colo. 010842, for the withdrawal from all forms of appropriation under the General Mining laws, subject to existing valid claims, of the lands described below was filed on April 20, 1955, by the Department of Agriculture, U. S. Forest Service.

The applicant desires the land for use in the Carlos G. Bates Experimental Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

COLORADO

SIXTH PRINCIPAL MERIDIAN

Pike National Forest

Carlos G. Bates Experimental Forest

T. 14 S., R. 68 W.,
Sec. 2: S½NE¼ and SE¼.

Total area: 240 acres.

MAX CAPLAN,
State Supervisor.

APRIL 22, 1955.

[F. R. Doc. 55–3454; Filed, Apr. 27, 1955; 8:48 a. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; AMENDMENT

Notice of Proposed Withdrawal and Reservation of Lands for the Department of the Army, Corps of Engineers, Serial No. Montana 014950, published in the FEDERAL REGISTER of April 14, 1955 (F. R. Doc. 55–3060; 20 F. R. 2467), is hereby amended by adding the address of the official of the Bureau of Land Management to whom objections may be presented. The address is: 1245 North 29th Street, Billings, Montana.

R. D. NIELSON,
State Supervisor.

APRIL 21, 1955.

[F. R. Doc. 55–3451; Filed, Apr. 27, 1955; 8:47 a. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Fish and Wildlife Service, Department of the Interior, has filed an application, Serial No. BLM 63385, for the withdrawal of the lands described below, from all forms of appropriation, except the mineral leasing laws. The applicant desires the land for use of the Montana Department of Fish and Game in connection with the Fox Lake Waterfowl Project.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North Twenty-ninth Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

T. 22 N., R. 55 E.,
Sec. 10: S½NW¼, N½SW¼.

The area contains 160 acres.

R. D. NIELSON,
State Supervisor.

APRIL 18, 1955.

[F. R. Doc. 55–3452; Filed, Apr. 27, 1955; 8:47 a. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Fish and Wildlife Service, Department of the Interior, has filed an application, Serial No. M–014427, for the withdrawal of the lands described below, from all forms of appropriation, except the mineral leasing laws. The applicant desires the land for use of the Montana Department of Fish and Game for wildlife purposes in connection with the Bull Mountain Game Range.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North Twenty-ninth Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

T. 3 N., R. 4 W.,
Sec. 18: All;
Sec. 20: W½;
Sec. 30: All.

The area contains 1,599.32 acres.

R. D. NIELSON,
State Supervisor.

APRIL 18, 1955.

[F. R. Doc. 55–3453; Filed, Apr. 27, 1955; 8:47 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 21, 1955.

An application, serial number W–01330, for the withdrawal from all forms of appropriation under the public land laws, except mineral leasing laws of the lands described below was filed on March 4, 1954, by Fish and Wildlife Service for use of Washington Department of Game. The purposes of the proposed withdrawal: Public access to Phalan Lake public fishing area.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor Area I, Bureau of Land Management, Department of the Interior, at 209 Federal Building, Spokane 1, Washington. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON

WILLAMETTE MERIDIAN

T. 28 N., R. 39 E.,
Sec. 21, Lot 3.

The land described contains an area of 9.70 acres.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 55–3450; Filed, Apr. 27, 1955; 8:47 a. m.]

Bureau of Reclamation

SHOSHONE PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 23, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following described land from public entry, under first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 102 W.,
Sec. 4, Lot 18.

The above area aggregates 40 acres.

W. A. DEXHEIMER,
Commissioner.

APRIL 22, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Shoshone Project, Wyoming

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public land in the State of Wyoming, for use in connection with the Shoshone Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

W. A. DEXHEIMER,
Commissioner.

[F. R. Doc. 55–3455; Filed, Apr. 27, 1955; 8:48 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 129, Rev. 2]

AUTHORIZING AND DIRECTING PROVISIONS TO INSURE CONTINUOUS PERFORMANCE OF FUNCTIONS

1. Each official in whom functions, other than general supervisory functions, have been placed by law or by transfer directly from the Secretary is authorized and directed to make such provisions as are necessary (a) to insure continuous performance of the functions in the event of his absence or disability or a vacancy in the office, and (b) to insure continuous performance of all essential functions in the event of an enemy attack on the continental United States, whether or not he is absent or disabled or there is a vacancy in the office.

2. Each official described in paragraph 1 is authorized, in the event of an enemy attack on the continental United States, to perform any function of the Secretary, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to him. Provisions made under paragraph 1 shall include provision for the performance of these functions.

3. This order shall be effective immediately with respect to authority it confers. Each succession provided for in Treasury Department Order No. 129, Revised, dated December 11, 1952, shall remain in effect until superseded by provisions made under the authority of this order, but not beyond May 31, 1955.

Dated: April 22, 1955.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 55–3479; Filed, Apr. 27, 1955; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

MODOC NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on land in the Pine Springs and Emigrant Springs Allotments, Goose Lake District, Modoc National Forest, and Big Sage and Timbered Mountain Allotments, Happy Camp District, Modoc National Forest, in Modoc County, State of California; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C.

472), the following order is issued for the occupancy, use, protection, and administration of the Pine Springs and Emigrant Springs Allotments in the Goose Lake District, and the Big Sage and Timbered Mountain Allotments in the Happy Camp District of the Modoc National Forest.

Temporary closure from livestock grazing. (a) The Pine Springs and Emigrant Springs Allotments of the Goose Lake District, and the Big Sage and Timbered Mountain Allotments of the Happy Camp District in the Modoc National Forest are hereby closed for the period from May 1, 1955 to June 1, 1956, to the grazing of horses excepting those that are lawfully grazing on or crossing such land pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Fifteen days' notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Modoc National Forest is located.

Done at Washington, D. C., this 22d day of April 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-3485; Filed, Apr. 27, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2181]

NORTHERN STATES POWER CO.

NOTICE OF APPLICATION FOR LICENSE

APRIL 21, 1955.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Northern States Power Company, of Eau Claire, Wisconsin, for license for Project No. 2181, known as the Menomonie Project, situated on Red Cedar River, a tributary of Chippewa River, in Dunn County, Wisconsin, near the City of Menomonie, Town of Red Cedar, and Town of Menomonie. The applicant proposes to redevelop the existing Menomonie project by the replacement of the dam, powerhouse and other associated facilities with new works. The redeveloped project will consist of: a concrete gravity dam, comprised of a 230-foot gated spillway section, a powerhouse section, and two non-overflow sections; a reservoir with an area of about 1,800 acres with normal water surface at elevation of 814 feet (msl); a semi-outdoor type powerhouse with two 3,750-horsepower turbines connected to two 2,700-kilowatt generators; remote control operating system; and appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last day upon which protests may be filed is June 13, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3457; Filed, Apr. 27, 1955; 8:49 a. m.]

[Project No. 2182]

ELECTRIC POWER, INC.

NOTICE OF APPLICATION FOR LICENSE

APRIL 21, 1955.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Electric Power, Incorporated, of Berlin, Connecticut, for license for proposed Project No. 2182, to be known as Enfield Rapids, situated on the Connecticut River, navigable waters of the United States, in Hartford County, Connecticut, and Hampden County, Massachusetts. The project would consist of a dam about 3,050 feet long comprised of a concrete gated spillway, a powerhouse section, and an earth embankment section, located in the Towns of Windsor Locks, East Windsor, and Enfield, Connecticut; a reservoir with a normal water surface at elevation of 45 feet (Hartford Datum), an area of about 3,280 acres, and extending about 21¼ miles upstream to Holyoke, Massachusetts; a navigation lock in the existing Windsor Canal; a powerhouse with three 32,500-horsepower turbines connected to three 20,700-kilowatt generators installed therein; a tailrace channel excavated in the river bed; a substation and switchyard; and appurtenant mechanical and electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last day upon which protests may be filed is June 6, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3458; Filed, Apr. 27, 1955; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DEPUTY ADMINISTRATOR ET AL.

DESIGNATION OF ACTING ADMINISTRATOR

The officers described by position title or by individual name in the list below are hereby designated to act in the place and stead of the Housing and Home Finance Administrator, with the title of "Acting Administrator" and with all the powers, rights, and duties vested in or assigned to the said Administrator, in the event the Administrator is unable to act by reason of his absence, illness, or other cause, provided that no officer shall have authority to act as "Acting Administrator" unless all those whose titles or names precede his in this designation are unable to act by reason of absence, illness, or other cause:

(1) Deputy Administrator;

(2) Oakley Hunter (General Counsel);

(3) Lewis E. Williams (Assistant Administrator, Administration);

(4) M. Carter McFarland (Acting Assistant Administrator, Plans and Programs).

This designation supersedes the designation of Acting Administrator effective January 4, 1955 (20 F. R. 407, January 18, 1955), which designation is hereby revoked.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended, 12 U. S. C., 1952 ed. 1701c; 63 Stat. 440 (1949), 12 U. S. C., 1952 ed. 1701d–1).

Effective as of the 22d day of April 1955.

[SEAL] ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 55-3483; Filed, Apr. 27, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS

APRIL 25, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30538: Paper to Otsego, Mich. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on scrap or waste paper, carloads, from San Antonio, Tex., to Otsego, Mich.

Grounds for relief: Short line distance formula and circuity.

Tariff: Supplement 28 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 30539: Baled cotton between Alabama, Mississippi, and Tennessee. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cotton, in bales, compressed, carloads, between specified points in Alabama, Mississippi and Tennessee.

Grounds for relief: Distance formula and circuity.

Tariff: Supplement 39 to Agent Spaninger's I. C. C. 1245.

FSA No. 30540: Lumber—Michigan and Wisconsin to the South. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lumber and related articles, carloads, from specified points in Michigan, North Carolina, South Carolina, Tennessee and Virginia.

Grounds for relief: Circuity and grouping.

Tariff: Supplement 13 to Agent Prueter's I. C. C. A–3978.

FSA No. 30541: Grain—Oklahoma to Baton Rouge and New Orleans, La. Filed by Chicago, Rock Island and Pacific Railroad Company, for interested rail carriers. Rates on grain, grain products, and seeds, carloads, from specified points in Oklahoma to Baton Rouge and New Orleans, La., for export.

Grounds for relief: Circuity.

Tariff: Supplement 52 to C. R. I. & P. R. R., I. C. C. C–13346.

FSA No. 30542: Alcohols to Pauline, Kans. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on alcohol and related articles, carloads, from Bishop, Tex., to Pauline, Kans.

Grounds for relief: Circuitous routes.

Tariff: Supplement 63 to Agent Kratzmeir's I. C. C. 4064.

FSA No. 30543: Silica sand—Arkansas and Missouri to the South. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on silica sand, carloads, from Guion, Ark., Klondike, Ludwig and Pacific, Mo., to specified points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.

Grounds for relief: Modified short line distance formula and circuity.

Tariff: Supplement 14 to Agent Kratzmeir's I. C. C. 4135.

FSA No. 30544: Silicon carbide briquettes to Saginaw, Mich. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on silicon carbide briquettes, carloads, from Kellogg, Niagara Falls and Suspension Bridge, N. Y., to Saginaw, Mich.

Grounds for relief: Competition with truck and barge lines and circuitous routes.

FSA No. 30545: Cathode ray tubes—Ottawa, Ohio, to Teterboro, N. J. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cathode ray tubes, carloads, from Ottawa, Ohio to Teterboro, N. J., and in the reverse direction.

Grounds for relief: Circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3472; Filed, Apr. 27, 1955; 8:51 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 46—DPAV–44 (c)]

NOTICE OF WITHDRAWAL OF REQUEST TO PARTICIPATE IN DEFENSE WAREHOUSEMEN'S ASSOCIATION AGREEMENT OF PHILADELPHIA

The Defense Warehousemen's Association of Philadelphia formed pursuant to section 708 of the Defense Production Act of 1950, as amended, has been dissolved and accordingly the request published in 17 F. R. 8965, October 5, 1952, to participate in the Defense Warehousemen's Association Agreement transmitted and accepted by those companies listed in the FEDERAL REGISTER cited above and in 19 F. R. 255, January 14, 1954, has been withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies has been likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to that withdrawal.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: April 26, 1955.

ARTHUR S. FLEMING,
Director.

[F. R. Doc. 55-3509; Filed, Apr. 26, 1955; 2:46 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24A–782]

GENERAL CREDIT CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 22, 1955.

I. General Credit Corporation, 799 NW. 62d Street, Miami, Florida (hereinafter referred to as the "company"), having filed with the Commission on March 25, 1954 a Notification on Form 1–A relating to a proposed public offering of 74,990 shares, $1 par value common stock, at $4 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable grounds to believe:

A. That the offering circular and the financial statements therein, filed as part of the Notification, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly in connection with the following:

1. The failure of the income statements for the years ended October 31, 1952, October 31, 1953, and the four months ended February 28, 1954, to present fairly the operating results of the company and of the company and its subsidiary consolidated with respect to:

a. The inclusion of unearned discounts in gross operating income;

b. The inclusion in gross operating income of interest charges on fictitious accounts and the failure to charge income for shortages which at the time of the audit were known to be represented by fictitious accounts; and

c. The failure to make adequate provision for material losses on notes and accounts receivable;

2. The failure to present fairly the financial condition of the company in the balance sheets of the company and of the company and its subsidiary consolidated with respect to:

a. The cumulative net effect on earned surplus and not equity of the overstatements of the income accounts as above indicated;

b. The improper procedure of eliminating accumulated operating losses against capital surplus and the failure to disclose adequately such procedure in the financial statements;

c. The overstatements of the cash position by borrowings which were effected before the balance sheet date and which were promptly repaid, and by withholding transmittal of material amounts collected for the benefit of others;

d. The purchases of receivables, at apparently unfavorable terms, immediately prior to the balance sheet date to enhance assets and to take unearned discounts into income and earned surplus as above indicated; and

e. The failure to eliminate fictitious accounts from the statements and properly to account for purchased receivables;

3. The inclusion in the offering circular of an accountants' certificate which:

a. States that the accountants are unable to express an opinion as to the fair value of notes and accounts receivable constituting more than 80 percent of the total assets;

b. Expresses an opinion that the financial statements present fairly the financial position and results of operations of the companies and that the financial statements have been prepared in conformity with generally accepted accounting principles when in fact the financial statements are deficient as stated in paragraphs 1 and 2 above; and

c. States that the examination was made in accordance with generally accepted auditing standards when in fact it appears the accountants did not conduct an audit sufficient in scope to substantiate an opinion;

4. The failure to disclose in the offering circular certain material interests in transactions effected with the company by officers and directors of the company and by the underwriter;

5. The failure to disclose in the offering circular pending civil and criminal suits filed against the company and its officers and directors;

B. That the offering would operate as a fraud or deceit upon the purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this

order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon General Credit Corporation, Little River Bank & Trust Company, Charles B. Costar & Co., and Murphy & Co.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3461; Filed, Apr. 27, 1955; 8:49 a. m.]

[File No. 24D-1275]

APOLLO OIL URANIUM CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFORE, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 22, 1955.

I. Apollo Oil Uranium Company, 602 First National Bank Building, Denver, Colorado, having filed with the Commission on May 27, 1954, a Notification on Form 1-A, and subsequently filed amendments thereto, relating to a proposed public offering of 12,500,000 shares of its 1 cent par common stock at 1 cent per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having been advised that James B. White, a controlling person and a promoter of the issuer, was indicted on February 11, 1955, in the United States District Court for the Eastern District of Washington, for violations of the Mail Fraud Statute and conspiracy to violate the registration requirements of section 5 of the Securities Act of 1933, as amended, in connection with the purchase or sale of the securities of Alpine Mining Company and Noonday Mines, Limited, affiliates of the issuer; and

It appearing necessary and appropriate in the public interest and for the protection of investors to suspend the exemption under Regulation A under said act;

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Apollo Oil Uranium Company; James B. White; M. A. Cleek; and J. Russell Tindell personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3460; Filed, Apr. 27, 1955; 8:49 a. m.]

[File No. 70-3325]

CITIES SERVICE CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

APRIL 22, 1955.

The Commission having, by order issued December 30, 1954, in the above-entitled matter, permitted a declaration, as amended, to become effective in respect of a proposal by Cities Service Company, a registered holding company, to increase the authorized number of shares of its $10 par value common stock and to increase the amount of outstanding shares thereof by issuing to its common stockholders 1½ additional shares for each share outstanding; and

The record being then incomplete in respect of certain fees and expenses, and the Commission having reserved jurisdiction over such fees and expenses in respect of which the record was incomplete; and

The record having been completed and it appearing that all fees and expenses, not heretofore approved, to be paid in connection with said transactions are as follows:

Printing and mailing proxy material	$39,950
Other expenses incidental to special stockholders' meeting	3,500
Printing additional stock certificates	30,000
New York Stock Exchange listing fee	14,875
Boston Stock Exchange listing fee	1,500
Midwest Stock Exchange listing fee	200
Legal fees, payable to Frueauff, Burns, Farrell, Shanley and Johnsen	7,500
Miscellaneous	2,000
Total	99,525

It further appearing that such fees and expenses are not unreasonable, and that the jurisdiction heretofore reserved in respect thereof should be released:

It is ordered, That the jurisdiction reserved in the order issued December 30, 1954, be, and it hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3462; Filed, Apr. 27, 1955; 8:49 a. m.]

[File No. 70-3326]

CITIES SERVICE CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

APRIL 22, 1955.

The Commission having, by order issued December 30, 1954, permitted a declaration, as amended, to become effective in respect of a proposal by Cities Service Company, a registered holding company, to declare and pay a two per centum stock dividend on its outstanding 3,887,100 shares of $10 par value common stock; and

The record being then incomplete in respect of certain fees and expenses, and the Commission having reserved jurisdiction over such fees and expenses in respect of which the record was incomplete; and

The record having been completed and it appearing that all fees and expenses, not heretofore approved, to be paid in connection with said transactions are as follows:

Printing additional stock certificates	$9,000
Legal fees, payable to Frueauff, Burns, Farrell, Shanley and Johnsen	5,000
New York Stock Exchange listing fee	250
Midwest Stock Exchange listing fee	50
Total	14,300

It further appearing that such fees and expenses are not unreasonable, and that the jurisdiction heretofore reserved in respect thereof should be released:

It is ordered, That the jurisdiction heretofore reserved in the order issued December 30, 1954, be, and it hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3463; Filed, Apr. 27, 1955; 8:50 a. m.]

[File No. 70-3338]

CENTRAL AND SOUTH WEST CORP. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

APRIL 22, 1955.

In the matter of Central and South West Corporation, Public Service Company of Oklahoma, Southwestern Gas and Electric Company, Central Power and Light Company; File No. 70-3338.

The Commission, by order dated February 21, 1955 (Holding Company Act Release No. 12803), having granted and permitted to become effective a joint application-declaration, as amended, filed by Central and South West Corporation ("Central"), a registered holding company, and three of its public-utility subsidiaries, Public Service Company of Oklahoma ("Public Service"), Southwestern Gas and Electric Company ("Southwestern"), and Central Power and Light Company ("Power & Light"), pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-42, U-43 and U-50 promulgated thereunder, with respect to, among other things, the issue and sale by Central of 600,000 shares of its authorized and unissued common stock at competitive bidding pursuant to Rule U-50 promulgated under the act, and the issue and sale by Public Service, Southwestern and Power & Light of additional shares of their common stocks and the acquisition thereof by Central; and the record not being complete in respect of the fees and expenses to be incurred in connection with the proposed transaction, the order expressly reserved jurisdiction over the payment of all fees and expenses; and

The record having now been completed in respect of fees and expenses; and

The fees and expenses, other than underwriting discounts and commissions, incurred, or to be incurred, and paid by Central, in connection with the issuance and sale of additional shares of its common stock are as follows:

S. E. C. filing fee	$2,400
Federal issue stamp tax	3,500
Printing and engraving	15,200
Fees of transfer agent and registrar:	
Illinois Stock Transfer Co	2,400
The First National Bank of Chicago	1,500
Fee of service company: Middle West Service Co	12,000
Accounting fees: Arthur Andersen & Co	5,000
Legal fees from local counsel for subsidiaries:	
J. M. Wilson	300
T. M. Markley	300
Wagstaff, Harwell, Alvis & Pope	300
Arnold & Arnold	300
Wilkinson, Lewis & Wilkinson	300
Prendergast & Prendergast	300
Reimbursement of underwriters for "Blue-Sky" expense	2,500
Listing fees on registered exchanges	1,750
Miscellaneous expenses	1,950
Total	50,000

The legal fee of Stevenson, Dendtler, Bailey & McCabe, counsel for Central, is covered by an annual retainer.

The legal fee of $7,000, and estimated expenses of $500, to be paid to Isham, Lincoln & Beale, independent counsel for the underwriters, will be paid by the purchasers of Central's common stock.

The fees and expenses incurred, or to be incurred, and paid by Public Service, Southwestern and Power & Light in connection with the sale of additional shares of their common stocks are as follows:

To be paid by Public Service:	
Federal issue stamp tax	$3,300
Secretary of State of Oklahoma, authorization fee	10,000
Miscellaneous expense, including fees of transfer agent and registrar	700
	14,000
To be paid by Southwestern:	
Federal issue stamp tax	2,200
Miscellaneous expense, including fees of transfer agent and registrar	300
	2,500
To be paid by Power & Light:	
Federal issue stamp tax	3,300
Miscellaneous expense, including fees of transfer agent and registrar	200
	$3,500

The Commission having examined the data submitted in support of fees and expenses and having determined that the fees and expenses are for necessary services and, if they do not exceed the amounts indicated, are not unreasonable, and that an order should be entered permitting the payment thereof; and the Commission having concluded that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved over the payment of all fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3464; Filed, Apr. 27, 1955; 8:50 a. m.]

[File No. 70-3366]

CENTRAL OHIO COAL CO. AND OHIO POWER CO.

NOTICE OF FILING REGARDING AMENDMENT BY NON-UTILITY COMPANY OF ARTICLES OF INCORPORATION TO INCREASE AMOUNT OF AUTHORIZED COMMON STOCK; ISSUANCE AND SALE BY NON-UTILITY COMPANY OF COMMON STOCK AND ACQUISITION THEREOF BY PARENT COMPANY; AND ADVANCE BY PARENT COMPANY TO NON-UTILITY SUBSIDIARY OF FUNDS ON OPEN ACCOUNT

APRIL 22, 1955.

Notice is hereby given that Ohio Power Company ("Ohio"), an exempt holding company and a public-utility subsidiary of American Gas and Electric Company, a registered holding company, and Ohio's non-utility subsidiary company, Central Ohio Coal Company ("Central Ohio"), have filed a joint application-declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"). Applicant-declarants have designated sections 6, 7 and 10 of the act and Rule U-45 of the rules and regulations promulgated under the act as applicable to the filing.

All interested persons are referred to said application-declaration, which is on file in the offices of the Commission, for a statement of the transactions proposed therein which are summarized as follows:

Central Ohio proposes (a) to amend its Articles of Incorporation so as to increase the authorized number of shares of its capital stock from 40,000 shares of common stock, par value $100 per share, all of which is owned by Ohio, to 100,000 shares of common stock, par value $100 per share, and (b) to issue and sell to Ohio not to exceed 15,000 additional shares of Central Ohio's common stock for cash at $100 per share from time to time prior to December 31, 1956, as funds are needed by Central Ohio. Ohio proposes (a) to acquire the 15,000 shares of common stock to be issued by Central Ohio, and (b) to make advances, pro rata with the Central Ohio stock to be acquired, to Central Ohio on open account, from time to time prior to December 31, 1956, of not to exceed $1,500,000 in the aggregate, such advances on open account to bear interest at the rate of 3.3 percent per annum. The 3.3 percent interest rate to be charged by Ohio on the advances on open account is the same as the cost of money on Ohio's unsecured serial notes issued in 1951.

Central Ohio conducts strip mining operations on coal lands owned by Ohio adjacent to Ohio's Philo and Muskingum River generating stations and produces coal for such stations at an annual rate of approximately 2,250,000 tons, of which approximately 1,100,000 tons per year are produced at Central Ohio's Muskingum mine for consumption at Ohio's Muskingum River generating station. Ohio is engaged in constructing an additional unit at its Muskingum River generating station and, in order to meet the resulting increased coal requirements, Central Ohio proposes to expand the operations of the Muskingum mine and increase the annual output thereof from 1,100,000 to 1,660,000 tons.

Additional capital requirements for the purchase of stripping, loading and auxiliary equipment and the construction and equipping of rail haulage facilities at the mine are estimated at $3,000,000.

The filing states that no State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 9, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, which he proposes to controvert, or he may request to be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as it may hereafter by amended, may be granted and permitted to become effective pursuant to Rule U-23 and the applicable provisions of the act, or the transactions proposed therein may be exempted pursuant to Rules U-20 (a) and U-100 thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3465; Filed, Apr. 27, 1955; 8:50 a. m.]

[File No. 70-3367]

OHIO EDISON CO.

NOTICE OF PROPOSED ISSUE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

APRIL 22, 1955.

Notice is hereby given that Ohio Edison Company ("Company"), a registered holding company and a public-utility company, has filed with this Commission

a declaration pursuant to the Public Utility Holding Company Act of 1935 ("acts"), designating sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transaction, which is summarized as follows:

The Company proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $30,000,000 principal amount of First Mortgage Bonds, __ percent Series of 1955 due 1985 ("New Bonds"). The New Bonds will be issued under the Company's Indenture of Mortgage and Deed of Trust, dated as of August 1, 1930, as heretofore amended and supplemented and to be further supplemented by the Twelfth Supplemental Indenture dated as of May 1, 1955. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to the Company (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount, exclusive of interest from May 1, 1955, to date of delivery) will be determined by competitive bidding.

It is stated that the net proceeds to be received from the sale of the New Bonds will be used, along with other available funds, for the acquisition of property, the construction or improvement of facilities, the discharge of obligations, and other corporate purposes. Expenditures for property additions and improvements in 1955 are estimated at $45,500,000.

It is further stated that the proposed transaction is subject to the jurisdiction of The Public Utilities Commission of Ohio and that an appropriate application is being filed with that Commission.

The fees and expenses to be paid in connection with the proposed transaction, other than underwriting commissions, are estimated at $108,190, including taxes, filing and recording fees, $37,190; cost of definitive bonds, printing and miscellaneous expenses, $25,000; charges of trustee, $12,000; counsel fees, $15,000; accountants' fees, $6,500; and services of Commonwealth Services Inc., $12,500. In addition, the fees of independent counsel to the underwriters are estimated at $9,000.

It is requested that this Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than May 9, 1955, at 12:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3466; Filed, Apr. 27, 1955; 8:50 a. m.]

[File No. 70-3374]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING REGARDING CASH CAPITAL CONTRIBUTION FROM PARENT REGISTERED HOLDING COMPANY TO SUBSIDIARY PUBLIC UTILITY COMPANY

APRIL 22, 1955.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") designating section 12 (b) of the act and Rule U-45 thereunder as being applicable to the proposed transactions which are summarized as follows:

GPU proposes to make a cash capital contribution in the amount of $1,500,000 to its subsidiary, Jersey Central Power & Light Company ("Jersey Central"). This cash capital contribution, which is to be credited to the capital surplus account of Jersey Central, will be used by that corporation for its general corporate purposes.

GPU has estimated its expenses, including legal fees of its counsel, in connection with this transaction at not in excess of $500.

It is represented in the filing that no State or Federal commission, other than the Securities and Exchange Commission, has jurisdiction with respect to the proposed transaction.

Notice is further given that any interested person may, not later than May 9, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on the declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as may be appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3467; Filed, Apr. 27, 1955; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WOMEN'S SOCIETY OF MAKIKI CHRISTIAN CHURCH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Women's Society of Makiki Christian Church; $13.27 in the Treasury of the United States.

Torch Bearer, an affiliated organization of Makiki Christian Church; $13.28 in the Treasury of the United States.

Japanese Old Men's Home; $8.85 in the Treasury of the United States.

American Red Cross; $13.27 in the Treasury of the United States.

Robert R. and Ayako Shimakura, natural guardians of Henry Shimakura, minor; $4.42 in the Treasury of the United States.

Calvin Wakai; $8.85 in the Treasury of the United States.

Nobuko N. Tanaka; $4.43 in the Treasury of the United States.

Atsuko O. Neville; $8.85 in the Treasury of the United States. All of Honolulu, T. H.

Julia H. Motoyama, Osaka, Japan; $13.28 in the Treasury of the United States.

Risato Yoshida, Niigata, Japan; Claim No. 37266; $8.85 in the Treasury of the United States.

Executed at Washington, D. C., on April 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-3482; Filed, Apr. 27, 1955; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 84

Washington, Friday, April 29, 1955

TITLE 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1955, Supp. 6]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1955

EMERGENCY WIND EROSION CONTROL MEASURES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, Public Law 875, 81st Congress, and the Second Supplemental Appropriation Act, 1955, the 1955 National Agricultural Conservation Program, approved July 1, 1954 (19 F. R. 4138), as amended August 3, 1954 (19 F. R. 4953), September 15, 1954 (19 F. R. 6059), October 25, 1954 (19 F. R. 6910), March 1, 1955 (20 F. R. 1336), and April 7, 1955 (20 F. R. 2414), is further amended as follows:

Section 1101.697 is amended as follows:

1. The first sentence of paragraph (a) is deleted and the following substituted therefor: "This practice is applicable in the following counties:

Colorado. Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Crowley, Elbert, El Paso, Huerfano, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Prowers, Pueblo, Washington, Weld, Yuma.

Kansas. Barber, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Finney, Ford, Gove, Grant, Gray, Greeley, Hamilton, Harper, Haskell, Hodgeman, Kearny, Kingman, Kiowa, Lane, Logan, Meade, Morton, Ness, Pawnee, Pratt, Rawlins, Rush, Scott, Seward, Sheridan, Sherman, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wallace, Wichita.

Nebraska. Dundy, Hayes, Hitchcock, Kimball.

New Mexico. Bernalillo, Colfax, Curry, Harding, Lea, Mora, Quay, Roosevelt, San Miguel, Santa Fe, Socorro, Torrance, Union, Valencia.

Oklahoma. Beaver, Beckham, Cimarron, Roger Mills, Texas.

Texas. Andrews, Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Childress, Cochran, Coke, Collingsworth, Cottle, Crane, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Howard, Hutchinson, Irion, Jones, Kent, King, Knox, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Potter, Randall, Reagan, Reeves, Roberts, Scurry, Sherman, Sterling, Stonewall, Swisher, Terry, Tom Green, Upton, Ward, Wheeler, Wilbarger, Winkler, Yoakum.

Wyoming. Converse, Goshen, Laramie, Platte."

2. The first sentence of paragraph (c) is deleted and the following substituted therefor: "Costs for this practice will be shared only if the practice is started after January 1, 1955, and only if cost-sharing is requested by the farm or ranch operator under this practice or under practice E-3-(b) of the 1955 Agricultural Conservation Program for Texas before the date on which performance of the practice is started in Texas, and only if cost-sharing is requested by the farm or ranch operator before June 1, 1955, or before the date on which performance of the practice is started, whichever is the later, in Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Wyoming."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended, 64 Stat. 1109, 66 Stat. 64, Pub. Law 24, 84th Cong.; 16 U. S. C. 590g-590q, 42 U. S. C. 1855)

Done at Washington, D. C., this 26th day of April 1955.

[SEAL] E. L. PETERSON, *Assistant Secretary of Agriculture.*

[F. R. Doc. 55-3501, Filed, Apr. 28, 1955; 8:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 51]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903,

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FEDERAL REGISTER

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(For use during 1955)

The following Supplements are now available:

Titles 10–13 ($0.50)
Title 14: Part 400 to end ($0.65)
Title 16 ($1.25)
Titles 28–29 ($1.25)
Titles 44–45 ($0.75)
Title 49: Parts 71–90 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Title 49: Parts 1–70 ($0.60); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (19 F. R. 8772, 20 F. R. 176, 437, 799, 1071, 1337, 1719, 2352), is hereby further amended to read as follows:

§ 76.27 *Notice and quarantine.* Notice is hereby given that swine in the following specified States are affected with vesicular exanthema, and the following areas in such States are hereby quarantined because of said disease:

(a) *California:* (1) NE. ¼ Sec. 1, T. 3 S., R. 2 W., MDBM; NE. ¼ Sec. 25, T. 3 S., R. 3 W., MDBM; E. ½ Sec. 13, T. 3 S., R. 3 W., MDBM; NE. ¼ Sec. 20, T. 3 S., R. 2 E., MDBM; Secs. 22 and 24, T. 3 S., R. 2 E., MDBM; and that area included within a boundary beginning at a point on W. line of Plot 4, Rancho El Valle, 10.47 chains N. from N. line Plot 3, Rancho El Valle, thence N. 53° W. 17.95 chains, thence N. 69° 4′ E. 6.67 chains, thence N. to County Road, thence SE. 100 feet along SW. line of County Road, thence S. to point

of beginning, consisting of 32.98 acres within lots 8–15, in Alameda County.

(2) SE. ¼ Sec. 28, SW. ¼ Sec. 27, NE. ¼ Sec. 23, and NW. ¼ Sec. 34, T. 5 N., R. 15 W., SBBM; and that part of the City of Dominguez included within a boundary beginning ½ mile south of the intersection of Alameda and Artesia Streets, thence west ¼ mile, thence south ¼ mile, thence east ¼ mile, and thence north to point of beginning, in Los Angeles County.

(3) Secs. 11, 12, 13, and 14, T. 1 N., R. 6 W., MDBM, in Marin County.

(4) Secs. 27, T. 15 N., R. 12 W., MDBM, in Mendocino County.

(5) Sec. 13, T 4 N., R. 4 W., MDBM, in Napa County.

(6) NE. ¼ Sec. 4, T. 4 S., R. 11 W., SBBM, in Orange County.

(7) S. ½ of NW. ¼ Sec. 33, T. 9 N., R. 7 E., MDBM, in Sacramento County.

(8) SE. ¼ of SW. ¼ Sec. 32, T. 1 N., R. 5 W., SBBM; Sec. 17, T. 6 N., R. 3 W., SBBM; E. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM; and W. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM; and SE ¼ Sec. 31, T. 2 N., R. 9 E., SBBM, in San Bernardino County.

(9) NW. ¼ Sec. 33, T. 11 S., R. 4 W., SBBM; and NE ¼ Sec. 28, T. 15 S., R. 1 E., SBBM, in San Diego County.

(10) Secs. 20 and 29, T. 2 S., R. 6 E., MDBM; and N. ½ Sec. 5 and W. ½ Sec. 4, T. 1 N., R. 6 E., MDBM, in San Joaquin County.

(11) SW. ¼ Sec. 7, T. 3 S., R. 5 W., MDBM; SW. ¼ Sec. 12, T. 3 S., R. 6 W., MDBM; SW. ¼ Sec. 11, T. 3 S., R. 6 N., MDBM; NE ¼ Sec 26, T. 3 S., R. 6 W., MDBM; NW. ¼ Sec. 28, T. 4 S., R. 6 W., MDBM; and NW. ¼ Sec. 25, T. 4 S., R. 6 W., MDBM, in San Mateo County.

(12) NE. ¼ Sec. 22, T. 6 S., R. 1 W., MDBM; SE. ¼ of T. 5 S., R. 1 W., MDBM; and NE ¼ Sec. 14, T. 6 S., R. 1 W., MDBM; and SE. ¼ Sec. 32, T. 8 S., R. 1 E., MDBM, in Santa Clara County.

(13) That part of Rancho Aqua Calente Grant lying south and east of Arnold Drive, west of State Highway No. 12, and north of Madrone Road; and that part of Rancho Petaluma Grant lying south and east of State Highway No. 37, west of Maffei Lane, and north of Wayne Road, in Sonoma County.

(14) NW. ¼ Sec. 36, T. 17 S., R. 26 E., MDBM, in Tulare County.

(15) Sec. 16, T. 2 N., R. 22 W., MDBM, in Ventura County.

(b) *Connecticut:* (1) All of Hartford County except the following:

(i) That part of the Town of Bloomfield lying southwest of Blue Hills Avenue, north of Wintonbury Avenue, west of Bloomfield Avenue, and east of Woodlawn Avenue; and that part of the Town of Bloomfield lying southwest of Blue Hills Avenue, west of Windsor Road, northeast of Dudley Town Road, and east of Bloomfield Avenue;

(ii) That part of the Town of Enfield lying south of Farm and Wallop Roads, west of State Route No. 191, and east of the Scantic River;

(iii) That part of the Town of Manchester lying south of Spencer Street, west of Hillstown Road, and north of Woodside Street;

(iv) That part of the Town of Plainville lying south of New Britain Avenue, north of Woodford Street, west of Ledge Road, and east of State Route No. 10;

(v) That part of the Town of Rocky Hill lying southwest of Dividend Road, north of Forest Street, and east of State Route No. 9;

(vi) That part of the Town of Simsbury lying southwest of Stratton Brook Road, west of Canal Street, north of Sand Hill Road, and east of Bushy Hill Road and State Route No. 167;

(vii) That part of the Town of Wethersfield lying south of Wells Road, north of Prospect Street, west of Willow Street, and east of Goff Road;

(viii) That part of the Town of East Hartford lying south of Goodwin Street, west of Long Hill Road, north of Tolland Street, and east of School Street; and

(ix) That part of the Town of Windsor lying south of Park Avenue, west of Matianuck Avenue, and north of King's Farm.

(2) All of New Haven County except the following:

(i) That part of the Town of Branford lying west, south, and east of Laurel Hill Road and north of Pond Lily Stream; that part of the Town of Branford lying west of Brushy Plains Road, north of Parish Farm Road, east of Todd's Hill Road, and south of Hosley Road; and that part of the Town of Branford lying west of Farmington Avenue, east of Plant's Orchard, south of U. S. Route No. 1, and north of Burban Drive;

(ii) That part of the Town of New Haven lying east of the Quinnipiac River and northwest of State Route No. 17; and that part of the Town of New Haven lying east of Eastern Street and south of State Route No. 80;

(iii) That part of the Town of North Haven lying east of the Quinnipiac River, west of U. S. Route No. 5A, and south of Waterman's Brook; and

(iv) That part of the Town of Madison lying south and east of Warpas Road, north of Green Hill Road, west of State Route No. 79, and east of Copse Road.

(c) *Massachusetts:* (1) Suffolk County.

(2) The following areas in Bristol County:

(i) That part of the Town of Dartmouth lying south of Old Fall River Road, north of the New York, New Haven, and Hartford Railroad, and west of Reed Street;

(ii) That part of the Town of Dighton lying north of Main Street, south of Center Street, west of Pine and Milk Streets, and east of Williams Street;

(iii) That part of the Town of Easton lying south and east of State Route No. 123, north of State Route No. 106, and west of the New York, New Haven, and Hartford Railroad and Prospect Street;

(iv) That part of the Town of Fairhaven lying north of U. S. Route No. 6 and east of New Boston Road;

(v) That part of the City of Fall River lying north of Indian Town Road, east of Yellow Hill Road and Bell Rock Road, and west of Cobecut Road;

(vi) That part of the Town of Mansfield lying south of the New York, New Haven, and Hartford Railroad, north of Elm Street and Richardson Avenue, west of Elm Street, and east of Gilbert and North Worcester Streets;

(vii) That part of the Town of North Attleboro lying north of May and Depot Streets, south of Mendon Road, east of the New York, New Haven, and Hartford Railroad, and west of Cumberland Avenue and U. S. Route No. 1;

(viii) That part of the Town of Seekonk lying north of County Street, south of Chestnut Street, west of Hammond Street, and east of Arcade Avenue and Mill Road; that part of the Town of Seekonk lying north of Ledge Road and Jacobs Street, south of Woodward Avenue, east of Runnins River, and west of Prospect Street; and that part of the Town of Seekonk lying south of County Street, north of Anthony Street, west of Bradley and Asylum Streets, and east of Olney Street; and

(ix) That part of the Town of Westport lying south of U. S. Route No. 6, north of State Route No. 117, east of Bread and Cheese Brook, and west of Forge Road; and that part of the Town of Westport lying south of Old Bedford Road, north of the New York, New Haven, and Hartford Railroad, and east of Davis Road.

(3) The following areas in Essex County:

(i) That part of the Town of Danvers lying south of Lions Mouth Road, north of Haverhill Road, east of Kimball Road, and west of Highland Street; and that part of the Town of Danvers lying south of State Route No. 114, west of the Newburyport Turnpike, and east of the Ipswich River;

(ii) That part of the Town of Georgetown lying north of State Route No. 97, and west of Parker River;

(iii) That part of the Town of Groveland lying east of State Route No. 97 and southwest of Center Street;

(iv) That part of the Town of Methuen lying north of Brooksdale Avenue, east of Hawks Brook, and west of State Route No. 110;

(v) That part of the Town of North Andover lying east of State Route No. 125, north of State Route No. 133, and south of Barker Street;

(vi) That part of the City of Peabody lying north of Lynnfield Street, south of State Route No. 128, and west of Farm Avenue; that part of the City of Peabody lying south of Forest Street, north of Locust Street, northwest of State Route No. 128, and east of U. S. Route No. 1; that part of the City of Peabody lying south of Farm Avenue, northwest of Lynnfield Street, and east of Farm Avenue; that part of the City of Peabody lying south of State Route No. 128, north of Lynnfield Street, west of Summit Street, and east of Farm Avenue; that part of the City of Peabody lying north of Lowell Street, east of U. S. Route No. 1, and west of Prospect Street; that part of the City of Peabody lying north of Lynnfield Street, south of State Route No. 128, and east of Farm Avenue; that part of the City of Peabody lying south of State Route No. 128 and north and west of Golthwaite Brook; and that part of the City of Peabody lying north of Lowell Street and west of Birch Street;

(vii) That part of the Town of Rowley lying southeast of Boxford Road and southwest of Newbury Street;

(viii) That part of the Town of Salisbury lying north of the Merrimack River, east of U. S. Route No. 1, and south of Beach Road; and

(ix) That part of the Town of Saugus lying north of Water Street, east of the Saugus River, and west of Walnut Street.

(4) The following areas in Hampden County:

(i) That part of the Town of Agawam lying north and west of River Road, south of School Street, and east of Main Street; and that part of the Town of Agawam lying north of Suffield Street, south and west of Springfield and Miller Streets, and east of Cooper Street;

(ii) That part of the Town of Chester lying north, south, and west of the Westfield River, and east of the Boston and Albany Railroad;

(iii) That part of the Town of Chicopee lying south of Exchange Street, Front Street, Wheatland Avenue, Archie Street, Broadway, Sheridan Street, Fuller Road, and Burnett Road, west of Indian Orchard, Main and Parker Streets, and north of U. S. Route No. 20 and State Street;

(iv) That part of the Town of Hampden lying south of Monson Road, north and east of Chapin Road, and north and west of Thrasher Road;

(v) That part of the Town of Ludlow lying north and west of Alden Street, south of East Street, and east of Miller Street;

(vi) That part of the Town of Russell lying north of Mountain Road, south of Blandford Road and State Route No. 23, west of Westfield Road, and east of General Knox Road;

(vii) That part of the Town of Southwick lying south of Springfield Road, east of South Longyard Road, west of West Street, and north of Barry Road; and that part of the Town of Southwick lying north of Westfield Road, south of Springfield Road, east of North Longyard Road, and west of West Street;

(viii) That part of the City of Springfield lying east of Parker Street, south of Cooley Street, west of Allen Street, and north of Wilbraham Road; and that part of the City of Springfield lying east of Parker Street, south of Wilbraham and Pinkham Roads, west of Stonyhill Road, and north of Allen and Potter Roads; and

(ix) That part of the Town of Wilbraham lying south of Stonyhill Road, north and west of Allen Street, and east of Porter Road.

(5) The following areas in Middlesex County:

(i) That part of the Town of Billerica lying north of Treble Cove Road, east of State Route No. 4, south of Rangeway Road, and west of U. S. Route No. 3;

(ii) That part of the Town of Boxboro lying north of State Route No. 111 and west of Liberty Square Road;

(iii) That part of the Town of Dracut lying north of Wheeler Road, and south and east of State Route No. 113;

(iv) That part of the Town of Framingham lying south of State Route No. 135, west of Sherborn Road, and east of Western Avenue;

(v) That part of the Town of Hudson lying south of Shapen Road and west of River Road; and that part of the Town of Hudson lying south of Main Street, west of White Pond Road, and east of Parmanteer Road;

(vi) That part of the Town of Lexington lying south of Mellex Road, west of State Route No. 128, and east of West View Street; and that part of the Town of Lexington lying north of Blossom Street, south and west of Allen Street, and east of Waltham Street;

(vii) That part of the Town of Lincoln lying north of State Route No. 117, south of State Route No. 2, and east of Conant Road; that part of the Town of Lincoln lying north of State Route No. 2A and east of Virginia Road; and that part of the Town of Lincoln lying south of State Route No. 117 and east of Tower Road;

(viii) That part of the City of Lowell lying north of Varnum Avenue, east of Totman Road, and west of Westmeadow Road; and that part of the City of Lowell lying east of Chelmsford Street, south of Plain Street, and west of River Meadow Brook;

(ix) That part of the Town of Marlboro lying north of U. S. Route No. 20, west of Hop Brook, and east of Wilson Road;

(x) That part of the Town of Maynard lying north of Main Street, west of State Route No. 27, and east of Summer Street;

(xi) That part of the Town of Sudbury lying north of State Route No. 27, south of State Route No. 117, and west of Mossman Road;

(xii) The City of Somerville;

(xiii) That part of the Town of Tewksbury lying north of the Salem Branch of the Boston and Lowell Railroad, east of South Street, and west of North Branch of Sutton's Brook; that part of the Town of Tewksbury lying north of Range line and ditch running from Tewksbury Line to Wilmington Branch of the Boston and Maine Railroad, south of the Salem Branch of the Boston and Lowell Railroad, and west of the Wilmington Branch of the Boston and Maine Railroad; and that part of the Town of Tewksbury lying north of Astle Street, east of the Lowell City Line, south of Old Southern Division of the Boston and Maine Roadbed, and west of State Route No. 38;

(xiv) That part of the City of Waltham lying south of Winter Street and west of Hobbs Brook;

(xv) That part of the Town of Wayland lying north of U. S. Route No. 20, south of the Boston and Maine Railroad, west of Plain Road, and east of State Route No. 126;

(xvi) That part of the Town of Westford lying north of State Route No. 2A, west of State Route No. 27, and east of State Route No. 110;

(xvii) That part of the Town of Weston lying south of South Avenue, and west of Wellesley Street; and that part of the Town of Weston lying north of State Route No. 30, south of U. S. Route No. 20, west of Wellesley Street, and east of Highland Street; and

(xviii) That part of the City of Woburn lying north of Merrimac Street, east of State Route No. 38, and west of Wilmington.

(6) The following areas in Norfolk County:

(i) That part of the Town of Bellingham lying south of Arm Street, north of Drake Pond, east of Farm Street, and west of Hartford Avenue;

(ii) That part of the Town of Cohasset lying south and west of Jerusalem Road, north of Sohier and Green Streets, and east of King Street;

(iii) That part of the Town of Franklin included within a boundary beginning at a point on Lincoln Street approximately 620 yards southerly from the junction of Elm and Lincoln Streets, thence westerly for a distance of approximately 200 feet, thence southerly for a distance of approximately 300 feet, thence easterly for a distance of approximately 150 feet to Lincoln Street, thence northerly along Lincoln Street to point of beginning, consisting of about two acres, owned and occupied by Walter Griffin; and that part of the Town of Franklin lying south and west of Daniels Street, north of Brook Street, and east of Lincoln Street; and

(iv) That part of the Town of Randolph lying north of Gold Street, south of Canton Street, east of High Street, and west of Irving Street.

(7) The following areas in Plymouth County:

(i) That part of the City of Brockton lying south of Center Street, north of Plain Street, and east of Summer Street;

(ii) That part of the Town of Pembroke lying south of School Street and west of Center Street;

(iii) That part of the Town of Plympton lying west of Palmer and Pleasant Streets;

(iv) That part of the Town of Rockland lying north of Summer Street and south of West Water Street and the New York, New Haven, and Hartford Railroad; that part of the Town of Rockland lying north of Forest Street, east of Union Street, and west of Weymouth Street; and that part of the Town of Rockland lying north of Summer Street, south of Centre Street, east of Plymouth Street (Abington), and west of Spring Street; and

(v) The Town of Wareham.

(8) The following areas in Worcester County:

(i) That part of the Town of Auburn lying north of Oxford Street, south of U. S. Route No. 20, and west of the junction of Oxford Street and U. S. Route No. 20; that part of the Town of Auburn lying north of Rochdale Street, east of the junction of Leicester Town Line and the Boston and Maine Railroad, and west of Auburn Road;

(ii) That part of the Town of Bolton lying north of State Route No. 117, south of the junction of Harvard and Golden Run Roads, east of Harvard Road, and west of Sugar Road;

(iii) That part of the Town of Boylston lying north and west of the Wachusett Reservoir and south and east of State Route No. 110; that part of the Town of Boylston lying north of Mill Street, south of South Road, east of State Route No. 70, and west of Sewell Street; and that part of the Town of Boylston lying north of Shrewsbury Street, south of Temple Street, and west of State Route No. 70;

(iv) That part of the Town of Brookfield lying north of State Route No. 9, south and west of Smithfield Road, and east of Harrington Street;

(v) That part of the Town of East Brookfield lying north of North Sturbridge Road, south of Flag Road, east of West Sturbridge Road, and west of William Casey Road;

(vi) That part of the Town of Grafton lying north of Millbury Street, south of Brigham Hill Road, and west of the junction of Crosby Road and Brigham Hill Road;

(vii) That part of the Town of Holden lying north of Malden Street, south of Paul Street, east of the junction of Harris and Bullard Streets, and west of Malden Brook;

(viii) That part of the Town of Leicester lying south of the junction of Charlton Road and State Route No. 56, east of Charlton Street, and west of State Route No. 56; that part of the Town of Leicester lying north and west of Henshaw Street, south of State Route No. 9, and east of Hill Street; and that part of the Town of Leicester lying north of Hemlock Street, east of Whittemore Street, and west of Marshall Street;

(ix) That part of the Town of North Brookfield lying north of Shore Road, south of Ward Street, east of Old East Brookfield Road, and west of Green Road;

(x) That part of the Town of Oakham lying north of Beecham and Town Roads, south of Crawford Road, east of North Brookfield Road, and west of East Hill Street;

(xi) That part of the Town of Oxford lying north of Dand Road, south of Federal Hill Road, east of Brown Street, and west of Hudson Street; that part of the Town of Oxford lying north of Federal Hill Road, south of Depot Road, east of State Route No. 12, and west of Millbury Street; and that part of the Town of Oxford lying north of Rocky Hill Road, south of the junction of State Route No. 12 and the Boston and Albany Railroad, east of the Boston and Albany Railroad, and west of State Route No. 12;

(xii) That part of the Town of Shrewsbury lying north of Main Street, south of Sewall Street, east of Holden Street, and west of Gulf Street;

(xiii) That part of the Town of South Royalston lying north of South Royalston Road, south of Winchendon Road, east of the junction of South Royalston and Winchendon Roads, and west of Beaver Brook;

(xiv) That part of the Town of Sterling lying west of State Route No. 140; and that part of the Town of Sterling lying north and east of Greenland Road, south of State Route No. 62, and west of Jewett Road;

(xv) That part of the Town of Sutton lying north of the Hartford Turnpike, south of McClellan Road, east of the Worcester and Providence Turnpike, and west of Hill Road;

(xvi) That part of the Town of Winchendon lying north of U. S. Route No. 202, south of Elmwood Road, east of the junction of Elmwood Road and State Route No. 122A, and west of Rindge Street; and

(xvii) That part of the City of Worcester lying north of U. S. Route No. 20, south of the junction of Granite Street and Broad Meadow Brook, east of Granite Street, and west of Broad Meadow Brook.

(d) *New Jersey:* (1) Union County.

(2) All of Middlesex County except the following:

(i) That part of the City of New Brunswick lying east of U. S. Route No. 130, south of State Route No. 18, west of U. S. Route No. 1, and north of the North Brunswick Township line;

(ii) That part of North Brunswick Township lying south of the New Brunswick City line, northeast of the Raritan River Railroad, and northwest of U. S. Route No. 1; and

(iii) That part of Parsippany Township lying east of the Raritan River, north of Landing Road, and west of State Route No. 18.

(3) That area in Lower Township in Cape May County lying east of U. S. Highway No. 9, and that area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east, State Highway No. 550 on the north and west, and State Highway Spur No. 550 on the west.

(4) All of Burlington County except the following:

(i) Delran, Washington, Shamong, Tabernacle, Chesterfield, Medford, and Bass River Townships;

(ii) That part of North Hanover Township lying south of Old Monmouth Road; and

(iii) That part of South Hampton Township lying south and west of the Retreat-Burrs Mill Road, north of State Route No. 70, and east of the Big Mill Road.

(5) All of Hudson County except the following:

(i) That part of North Bergen Township lying north of Secaucus Road, west of the New York, Susquehanna and Western Railroad, and south and east of the Pennsylvania Railroad;

(ii) That part of Secaucus Township lying north of the Pennsylvania Railroad, east of County Road, south of the New Jersey Turnpike and Weigands Lane, and west of Secaucus Road;

(iii) Lots 10, 11, and 12A, Block 42, Secaucus Township;

(iv) Block No. 9, Plot No. 2, known as 25 County Avenue, owned and operated by Walter Hodnovich;

(v) Block No. 9, Plot No. 7, known as 57 County Avenue, owned and operated by H. Henkel & Sons; and

(vi) Block No. 9, Plot No. 10, known as 75 County Avenue, owned and operated by William Zengel.

(6) All of Atlantic County except that part of Hamilton Township lying south and east of the Wrangleboro Road, west of County Route No. 575, and north of U. S. Route No. 40.

(7) All of Morris County except that part of Parsippany-Troy Hills Township north of U. S. Route No. 46, east of Baldwin Road, south of Vail Road, and west of North Beverwyck Road.

(8) All of Gloucester County except the following:

(i) That part of Deptford Township lying south and east of Little Timber Creek, west of the Westville-Almonesson Road, and north of a line perpendicular to the Westville-Almonesson Road, said line beginning at a point on the Westville-Almonesson Road 300 feet north of the New Jersey Turnpike right-of-way, running in a westerly direction and ending at Little Timber Creek, owned by Joseph Riddle, R. D. 1, Westville, New Jersey;

(ii) That part of Deptford Township included within a boundary beginning at a point 1,775 feet south of Delsea Drive on Tanyard Road, extending easterly 596 feet, thence southerly 1,203 feet, thence westerly 630 feet to Tanyard Road, thence northerly 1,132 feet following Tanyard Road to point of origin, owned by William Lafferty and Sons, Sewell, New Jersey;

(iii) That part of Deptford Township lying north of the New Jersey Turnpike, west of Delsea Drive, south of Joseph Street, and east of a line beginning at a point on Joseph Street, 1,250 feet west of Delsea Drive, and running parallel with Delsea Drive to the New Jersey Turnpike, owned by E. Miserendino and Sons, Westville, New Jersey;

(iv) That part of Deptford Township bounded by a line beginning at a point on Delsea Drive 190 feet north of Taras Avenue, running easterly 587 feet, thence northerly 392 feet, thence westerly 619 feet to Delsea Drive, thence southerly on Delsea Drive 200 feet to point of origin, owned by William Lafferty, operated by Thomas Wren;

(v) That part of Washington Township east of Delsea Drive, southwest of Egg Harbor Road, and north of Salina Road;

(vi) That part of Deptford Township bounded by a line beginning at a point on Delsea Drive 58 feet south of Deptford Avenue running westerly 2,313 feet, thence northerly 465 feet, thence easterly 1,787 feet to Deptford Avenue, thence southeasterly 777 feet along Deptford Avenue to Delsea Drive, thence south 58 feet on Delsea Drive to point of origin, owned and operated by Super Brothers;

(vii) That part of Deptford Township bounded by a line beginning at a point on Delsea Drive 450 feet southeast of the intersection of Delsea Drive, Tanyard Road and Egg Harbor Road, running east 1,500 feet, thence south 660 feet, thence west 111 feet to Delsea Drive, thence 588 feet north along Delsea Drive to point of origin, owned and operated by E. R. Bird;

(viii) That part of Deptford Township bounded by a line beginning at a point on Old Turkey Hill Road, 534 feet northeast of the intersection of Turkey Hill Road and Old Turkey Hill Road, running northeast 612 feet, thence north 180 feet, thence southeast 670 feet to Old Turkey Hill Road, thence south on Old Turkey Hill Road 180 feet to point of origin, owned by Vincent Koropha, operated by William R. Henry.

(9) All of Ocean County except that part of Lakewood Township lying north of Cedar Bridge Avenue, south and east of Cotterals Branch, and west of Harriman Street extending to Cedar Bridge Avenue; and except that part of Berkeley Township lying east of U. S. Highway No. 9.

(10) All of Camden County except the following:

(i) That part of Gloucester Township lying south of Evesham Avenue, east of Texas Run, and north of Somerdale Creek;

(ii) That part of Berlin Boro lying east of County Route No. 561, south of U. S. Route No. 30, and west of Trenton Road; and

(iii) Waterford Township.

(11) All of Monmouth County except the following:

(i) That part of Marlboro Township lying north of Spring Valley Road, west of Jamesburg Road, south of Red Barn Road, and east of Ticetown Road;

(ii) That part of Howell Township lying south of the Manasquan River, east of County Route No. 547, and north of County Route No. 549;

(iii) That part of Ocean Township bounded by a line beginning at a point on Brown Road 750 feet from Asbury Avenue, running northeast 1,895 feet, thence northwest 1,500 feet, thence southwest 1,940 feet to Brown Road, thence southeast on Brown Road 2,100 feet to point of origin, owned by T. H. Kaplan;

(iv) That part of New Shrewsbury Boro north of Asbury Avenue, east of Shafto Road, south of West Park Avenue, and west of Green Grove Road, owned by Bert Charlins; and

(v) Upper Freehold Township.

(12) All of Bergen County except the following:

(i) Wyckoff Township;

(ii) That part of Old Tappan and Rivervale Townships west of Washington Avenue, south of Poplar Avenue, north and east of Old Tappan Road; and

(iii) The Boro of Lodi.

(13) All of Hunterdon County except the following:

(i) That part of Rariton Township lying north of Croton Road, east of Old Flemington-Croton Road, south of Factory Road, and west of Goose Island Road;

(ii) That part of Raritan Township lying north of Copper Hill-Hampton's Corners Road, east and south of Johanna Road, and west of State Route No. 69;

(iii) That part of Alexandria Township south of the Everittstown-Pittstown Road, northeast of the Everittstown-Palmyra Road, and north of the Palmyra-Pittstown Road; and

(iv) That part of Franklin Township south and west of County Route No. 16, east of County Route No. 35, and north of Clifford Snyder Road.

(e) *New York:* That area in the Town of Clarkstown lying north of State Route No. 59, in Rockland County.

(f) *Rhode Island:* (1) All of Bristol County except the following:

(i) That part of the Town of Barrington lying north and west of the Barrington River, south of Wampanaug Trail, and east of County Road;

(ii) That part of the Town of Bristol lying north of Chestnut Street, south of Bayview Avenue, east of Metacom Avenue, and west of Hope Street; that part of the Town of Bristol lying south of Mount Hope Avenue, north of Woodlawn Avenue, west of Metacom Avenue, and east of DeWolfe Avenue; that part of the Town of Bristol lying south of Massasoit Avenue, north of Tower Street, west of the Kickamuit River, and east of Metacom Avenue; that part of the Town of Bristol lying south of Hopewood Avenue, north of King Phillip Avenue, west of Mount Hope Bay, and east of Metacom Avenue; and that part of the Town of Bristol lying south and east of Broad Common Road, north of Gooding Avenue, and west of Metacom Avenue; and

(iii) That part of the Town of Warren lying south of School House Road, north of Palmer Avenue, west of Market Street, and east of the Warren River; and that part of the Town of Warren lying north of Andy Road, south of Child Street, east of Long Lane, and west of Kinnicutt Avenue.

(2) All of Providence County except the following:

(i) That part of the Town of Cranston lying east of Pippin Orchard Road, west of Seven Mile Road, north of Plainfield Pike, and south of Scituate Avenue; and that part of the Town of Cranston lying south and west of Olney Road, north of Phenix and Hope Roads, and east of Pippin Orchard Road;

(ii) That part of the Town of Johnston lying east of Simmonsville Avenue, northwest of Scituate Avenue, and south of Simmonsville Lake; that part of the Town of Johnston lying east of Old Pocasset Road, west of Atwood Avenue, north of Central Pike, and south of U. S. Route No. 6; that part of the Town of Johnston lying south of Shun Pike, north of Plainfield Pike, west of Taylor Road, and east of Green Hill Road; that part of the Town of Johnston lying south of Central Avenue, north of Shun Pike, west of Cedar Swamp Brook, and east of Peck Hill Road; that part of the Town of Johnston lying south of Hartford and Stevenson Avenues, north of Pine Hill Road, and west of Cross Road; and that part of the Town of Johnston lying south of Cherry Hill Avenue, north of Hartford Avenue, west of Elsie Drive, and east of Atwood Avenue;

(iii) That part of the Town of Scituate lying west of Matteson Road, south of Hope Furnace Road, east of Burnt Hill Road, and north of Tunk Hill Road;

(iv) That part of the City of Providence lying east of Hamlin Street, west of Elena Street, north of Olney Street, and south of Mineral Spring Avenue; that part of the City of Providence lying south of Swan Point Cemetery, north of Gulf Avenue, west of the Seekonk River, and east of Grotto Avenue; that part of the City of Providence lying south of Rosner Street, north of Smart Street, west of Woodward Road, and east of Thelma Avenue; that part of the City of Providence lying south and east of Fruit Hill Avenue, and west of Olney Avenue; that part of the City of Providence lying south of Arthur Avenue, north of Gem Street, west of Washington Street, and east of Nemo Street; and that part of the City of Providence lying north of Francis Avenue, west of Pawtucket City Line, and east of Charles Street;

(v) That part of the Town of Cumberland lying south and east of Cherokee Avenue, north of Rain Street, and west of Spencer Street; and that part of the Town of Cumberland lying north of Wrentham Road, west of Fisher Road, and east of the Woonsocket City Line;

(vi) That part of the Town of Gloucester lying north of Douglas Hook Road, west of Gazza Road, and east of Spring Brook Road;

(vii) That part of the Town of Chepachet lying south of Cooper Road, north of Douglas Hook Road, west of Gazza Road, and east of the Chepachet River;

(viii) That part of the Town of Pascoag lying south of Church Street, north of Eagle Peak Road, west of Broad and High Streets, and east of Ross Road;

(ix) That part of the Town of Manville lying north and east of Little Pond County Road and south and west of Diamond Hill Road;

(x) That part of the City of North Providence lying south of Arro Street, north of Mineral Spring Avenue, west of View Avenue, and east of Easter Street; and that part of the City of North Providence lying south of Young Street, north of Goes Street, west of Crest Avenue, and east of Palm Street;

(xi) That part of the Town of Smithfield lying south of Whipple Road, north of Twin River Road, and east of Douglas Pike; and

(xii) That part of the Town of Howard lying south and east of Pontiac Avenue, and north and west of the Pawtucket River.

(3) All of Kent County except the following:

(i) That part of the Town of Coventry lying east of Hill Farm Road, west of Philips Hill Road, north of Flat River Road, and south of Harkney Hill Road; and that part of the Town of Coventry lying north of Biscut Hill Road, south of State Route No. 117, east of Franklin Road, and west of Bowen Hill North Road;

(ii) That part of the Town of Lincoln lying north of Whipple and Jencks Hill Roads, south of Twin River Road, and east of Lousquesset Pike;

(iii) That part of the Town of East Greenwich lying north of Middle Road, south of Frenchtown Road, east of south County Trail, and west of Tillinghast Road;

(iv) That part of the Town of West Greenwich lying north of Division Street, south of Henry Brown Road, east of Hopkins Hill Road, and west of New London Pike; and

(v) That part of the Town of East Providence lying south of Warren Avenue, north of Wampamoag Trail, west of Amaral Street, and east of Pawtucket Avenue.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment incorporates all prior amendments of § 76.27 of the regulations, and includes the following areas in California within the areas quarantined because of vesicular exanthema:

SE. ¼ Sec. 32, T. 8 S., R. 1 E., MDBM, in Santa Clara County.

SE. ¼ Sec. 31, T. 2 N., R. 9 E., SBBM, in San Bernardino County.

Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, Part 76, Subpart B, as amended, will apply to such areas.

The amendment also excludes certain areas in California and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of vesicular exanthema, and relieves certain restrictions presently imposed. It must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 22d day of April 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-3503; Filed, Apr. 28, 1955; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 85]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows. (Listed items to be placed in appropriate sequence in the sections indicated):

1. Section 610.101 *Amber Civil Airway No. 1* is amended by adding:

From—	To—	Minimum altitude
Ashland (INT), Oreg..	Medford, Oreg. (LFR) (northbound only).	8,000

2. Section 610.227 *Red Civil Airway No. 27* is amended to read in part:

From—	To—	Minimum altitude
Atlanta NAS, Ga. (LFR).	Knoxville, Tenn. (LFR).	7,000

3. Section 610.231 *Red Civil Airway No. 31* is amended to read in part:

From—	To—	Minimum altitude
Scottsbluff, Nebr. (LFR).	Rapid City, S. Dak. (LFR).	5,700

4. Section 610.279 *Red Civil Airway No. 79* is amended to read in part:

From—	To—	Minimum altitude
Annette Island,[1] Alaska (LFR).	Gravina Island, Alaska (LF/RBN).	4,700
Gravina Island, Alaska (LF/RBN).	Petersburg, Alaska (LFR).	5,700

[1] 3,200′—Minimum crossing altitude at Annette Island (LFR), northwest-bound.

5. Section 610.602 *Blue Civil Airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Butler, Pa. (LF/RBN).	Erie, Pa. (LFR).....	3,000

6. Section 610.301 *Red Civil Airway No. 101* is amended to read:

From—	To—	Minimum altitude
Tampa, Fla. (LFR)....	Ona (INT), Fla.....	1,300
Ona (INT), Fla.....	Miami, Fla. (LFR)...	1,100

7. Section 610.1001 *Direct routes United States* is amended to read:

From—	To—	Minimum altitude
Augusta, Ga. (LFR)...	Spartanburg, S. C. (LFR).	2,300

8. Section 610.6001 *VOR Civil Airway No. 1* is amended to delete:

From—	To—	Minimum altitude
Norfolk, Va. (VAR)...	Salisbury, Md. (VOR)..	1,500

9. Section 610.6001 *VOR Civil Airway No. 1* is amended by adding:

From—	To—	Minimum altitude
Whitehurst (INT), Va..	Salisbury, Md. (VOR)..	1,500

10. Section 610.6002 *VOR Civil Airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Albany, N. Y. (VOR)..	Greenfield (INT) Mass.	5,500
Greenfield[1] (INT) Mass.	Gardner, Mass. (VOR)..	3,000

[1] 5,500′—Minimum crossing altitude at Greenfield (INT), westbound.

11. Section 610.6004 *VOR Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
St. Louis, Mo. (VOR)..	Troy, Ill. (VOR).....	2,100
Troy, Ill. (VOR).....	Centralia, Ill. (VOR)..	2,000
St. Louis, Mo. (VOR), via S alter.	Centralia, Ill. (VOR), via S alter.	2,200
Columbia, Mo. (VOR)..	New Florence[1] (INT), Mo.	2,100
New Florence (INT), Mo.	Monroe[1] (INT), Mo..	2,100
Monroe (INT), Mo....	St. Louis, Mo. (VOR)..	2,100

[1] 3,000′—Minimum reception altitude.

12. Section 610.6005 *VOR Civil Airway No. 5* is amended by adding:

From—	To—	Minimum altitude
Bowling Green, Ky. (VOR), via E alter.	Campbellsville (INT), Ky., via E alter.	[1] 3,000
Campbellsville (INT), Ky., via E alter.	Louisville, Ky. (VOR), via E alter.	[1] 3,000

[1] 2,400′—Minimum terrain clearance altitude.

13. Section 610.6005 *VOR Civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Macon, Ga. (VOR)....	McDonough[1] (INT), Ga.	[2] 2,700
McDonough (INT), Ga.	Atlanta, Ga. (VOR)..	2,200

[1] 2,700′—Minimum reception altitude.
[2] 2,200′—Minimum terrain clearance altitude.

14. Section 610.6006 *VOR Civil Airway No. 6* is amended to delete:

From—	To—	Minimum altitude
Des Moines, Iowa (VOR), via N alter.	Moline, Ill. (VOR), via N alter.	[1] 7,500

[1] 2,200′—Minimum terrain clearance altitude.

15. Section 610.6006 *VOR Civil Airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Des Moines, Iowa (VOR), via N alter.	Monroe[1] (INT), Iowa, via N alter.	2,200
Monroe (INT), Iowa, via N alter.	Iowa City, Iowa (VOR), via N alter.	2,200
Des Moines, Iowa (VOR), direct or S alter.	Iowa City, Iowa (VOR), direct or S alter.	2,200

[1] 3,500′—Minimum reception altitude.

16. Section 610.6007 *VOR Civil Airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Fort Myers, Fla. (VOR), via E alter.	La Belle[1] (INT), Fla., via E alter.	1,300
La Belle[1] (INT), Fla., via E alter.	Lakeland, Fla. (VOR), via E alter.	[2] 6,000
Fort Myers, Fla. (VOR),	Arcadia[2] (INT), Fla...	[1] 2,000
Arcadia[2] (INT), Fla....	Lakeland, Fla. (VOR)..	[1] 2,000

[1] 5,000′—Minimum reception altitude.
[2] 1,300′—Minimum terrain clearance altitude.
[3] 2,500′—Minimum reception altitude.

17. Section 610.6008 *VOR Civil Airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Des Moines, Iowa (VOR), via N alter.	Monroe[1] (INT), Iowa, via N alter.	2,200
Monroe (INT), Iowa, via N alter.	Grinnell (INT), Iowa, via N alter.	2,200
Grinnell (INT), Iowa, via N alter.	Big Rock (INT), Iowa, via N alter.	[2] 7,500
Grinnell (INT), Iowa, via N alter.	Big Rock (INT), Iowa, via N alter.	[3] 2,200
Big Rock (INT), Iowa, via N alter.	Moline, Iowa (VOR), via N alter.	2,200

[1] 3,500′—Minimum reception altitude.
[2] 2,200′—Minimum terrain clearance altitude.
[3] Utilizing Cedar Rapids LF/RBN.

18. Section 610.6012 *VOR Civil Airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
Santa Barbara,[1] Calif. (VOR).	Fillmore, Calif (VOR)..	8,000
Columbus, Ohio (VOR)..	Adena[2] (INT), Ohio..	2,500
Adena (INT), Ohio....	Wheeling, W. Va. (VOR).	2,500
Columbia, Mo. (VOR)..	New Florence[2] (INT), Mo.	2,100
New Florence (INT), Mo.	Monroe[2] (INT), Mo..	2,100
Monroe (INT), Mo....	St. Louis, Mo. (VOR)..	2,100

[1] 7,000′—Minimum crossing altitude at Santa Barbara (VOR), eastbound.
[2] 3,500′—Minimum reception altitude.
[3] 3,000′—Minimum reception altitude.

19. Section 610.6013 *VOR Civil Airway No. 13* is amended to read in part:

From—	To—	Minimum altitude
Fort Smith, Ark. (VOR).	Fayetteville, Ark. (VOR).	3,500
Fayetteville, Ark. (VOR).	Neosho, Mo. (VOR)..	2,700
Lamoni, Iowa (VOR)..	Osceola[1] (INT), Iowa.	2,300
Osceola (INT), Iowa...	Des Moines, Iowa (VOR).	2,300
Des Moines, Iowa (VOR).	Ames[2] (INT), Iowa..	2,600
Ames (INT), Iowa.....	Alden (INT), Iowa....	[3] 3,000
Alden (INT), Iowa.....	Mason City, Iowa (VOR).	[3] 3,000

[1] 4,300′—Minimum reception altitude.
[2] 5,000′—Minimum reception altitude.
[3] 2,600′—Minimum terrain clearance altitude.

20. Section 610.6014 *VOR Civil Airway No. 14* is amended to read in part:

From—	To—	Minimum altitude
Indianapolis, Ind. (VOR).	Coldwater (INT), Ind.	[1] 4,300
Coldwater (INT), Ind.	Findlay, Ohio (VOR)..	2,200
Albany, N. Y. (VOR)..	Greenfield, (INT), Mass.	5,500
Greenfield,[2] (INT), Mass.	Gardner, Mass. (VOR).	3,000
Neosho, Mo. (VOR), via N alter.	Avilla (INT), Mo., via N alter.	2,500
Avilla (INT), Mo., via N alter.	Springfield, Mo. (VOR), via N alter.	2,600
Neosho, Mo. (VOR), via S alter.	Springfield, Mo. (VOR), via S alter.	2,600
Neosho, Mo. (VOR)...	Springfield, Mo. (VOR).	2,400

[1] 2,800′—Minimum terrain clearance altitude.
[2] 5,500′—Minimum crossing altitude at Greenfield (INT), westbound.

21. Section 610.6016 *VOR Civil Airway No. 16* is amended to delete:

From—	To—	Minimum altitude
Fort Worth, Tex. (VOR) via N alter.	Dallas, Tex. (VOR), via N alter.	2,200
Dallas, Tex. (VOR), via N alter.	Sulphur Springs, Tex. (VOR), via N alter.	2,000

22. Section 610.6016 *VOR Civil Airway No. 16* is amended by adding:

From—	To—	Minimum altitude
Abilene, Tex. (VOR), via S alter.	Mineral Wells, Tex. (VOR), via S alter.	3,200

From—	To—	Minimum altitude
Fort Worth, Tex. (VOR), via N alter.	Sulphur Springs, Tex. (VOR), via N alter.	2,200

23. Section 610.6018 *VOR Civil Airway No. 18* is amended by adding:

From—	To—	Minimum altitude
Atlanta, Ga. (VOR), via S alter.	McDonough [1] (INT), Ga., via S alter.	2,200
McDonough (INT), Ga., via S alter.	Augusta, Ga. (VOR), via S alter.	[2] 3,700

[1] 2,700'—Minimum reception altitude.
[2] 2,200'—Minimum terrain clearance altitude.

24. Section 610.6023 *VOR Civil Airway No. 23* is amended by adding:

From—	To—	Minimum altitude
Klamath Junction (INT), Oreg, via E alter.	Medford, Oreg. (VOR), via E alter (northbound only).	8,000

25. Section 610.6025 *VOR Civil Airway No. 25* is amended to read in part:

From—	To—	Minimum altitude
The Dalles, Oreg. (VOR).	White Swan (INT), Wash.	8,000
White Swan (INT), Wash.	Yakima, Wash. (VOR):	
	(Northbound)	4,000
	(Southbound)	5,500

26. Section 610.6030 *VOR Civil Airway No. 30* is amended to read in part:

From—	To—	Minimum altitude
Litchfield, Mich. (VOR).	Hudson (INT), Mich.	2,000
Hudson (INT), Mich.	Waterville, Ohio (VOR).	2,200

27. Section 610.6031 *VOR Civil Airway No. 31* is amended to read in part:

From—	To—	Minimum altitude
Selinsgrove, Pa. (VOR).	Williamsport, Pa. (VOR).	3,500
Williamsport, Pa. (VOR).	Grover [1] (INT), Pa.	4,000
Grover (INT), Pa.	Elmira, N. Y. (Vor)	4,000

[1] 5,000'—Minimum reception altitude.

28. Section 610.6035 *VOR Civil Airway No. 35* is amended by adding:

From—	To—	Minimum altitude
Elmira, N. Y. (VOR), via E alter.	Syracuse, N. Y. (VOR), via E alter.	3,500

29. Section 610.6037 *VOR Civil Airway No. 37* is amended to delete:

From—	To—	Minimum altitude
Raleigh, N. C. (VOR).	Danville, Va. (VOR).	2,000
Danville, Va. (VOR).	Montebello, Va. (VOR).	6,000
Int. NE crs. Lynchburg, Va. (LFR) and 181° rad. Montebello, Va. (VOR).	Danville, Va. (VOR) (southbound only).	2,500
Montebello, Va. (VOR).	Elkins, W. Va. (VOR)	6,600

30. Section 610.6038 *VOR Civil Airway No. 38* is amended to delete:

From—	To—	Minimum altitude
Elkins, W. Va. (VOR).	Montebello, Va. (VOR).	6,600
Montebello, Va. (VOR).	Gold Hill (INT), Va.	6,000
Gold Hill (INT), Va.	Flat Rock, Va. (VOR).	2,000

31. Section 610.6041 *VOR Civil Airway No. 41* is amended to read:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR).	Palestine (Int), Pa.	2,500
Palestine (INT), Pa.	Youngstown, Ohio (VOR).	3,000

32. Section 610.6044 *VOR Civil Airway No. 44* is amended by adding:

From—	To—	Minimum altitude
Louisville, Ky, (VOR).	York, Ky. (VOR)	2,500

33. Section 610.6051 *VOR Civil Airway No. 51* is amended to read in part:

From—	To—	Minimum altitude
Macon, Ga. (VOR)	MeDonough [1] (Int), Ga.	[2] 2,700
McDonough (INT), Ga.	Atlanta, Ga. (VOR)	2,200

[1] 2,700'—Minimum reception altitude.
[2] 2,200'—Minimum terrain clearance altitude.

34. Section 610.6052 *VOR Civil Airway No. 52* is amended to read in part:

From—	To—	Minimum altitude
Des Moines, Iowa (VOR).	Knoxville [1] (INT) Iowa.	2,200
Knoxville (INT), Iowa.	Ottumwa, Iowa (VOR).	2,200

[1] 3,400'—Minimum reception altitude.

35. Section 610.6053 *VOR Civil Airway No. 53* is amended to read in part:

From—	To—	Minimum altitude
Indianapolis, Ind. (VOR).	Pittsboro [1] (INT): Ind.	2,100
Pittsboro (INT), Ind.	Lafayette, Ind. (VOR).	2,100
Spartanburg, S. C. (VOR).	Asheville, N. C. (VOR).	6,000

[1] 2,300'—Minimum reception altitude.

36. Section 610.6056 *VOR Civil Airway No. 56* is amended to read:

From—	To—	Minimum altitude
Meridian, Miss. (VOR).	Montgomery, Ala. (VOR)	[1] 2,000
Montgomery, Ala. (VOR).	Columbus, Ga. (VOR).	2,100
Montgomery, Ala. (VOR), via N alter.	Kent (INT), Ala., via N alter.	1,900
Kent (INT), Ala., via N alter.	Columbus, Ga. (VOR), via N alter.	2,100
Columbus, Ga. (VOR).	Hamilton (INT), Ga.	2,100
Hamilton (INT), Ga.	Macon, Ga. (VOR)	[2] 3,000
Augusta, Ga. (VOR)	Columbia, S. C. (VOR).	1,800
Columbia, S. C. (VOR).	Florence, S. C. (VOR).	1,900

[1] 1,600'—Minimum terrain clearance altitude.
[2] 2,400'—Minimum terrain clearance altitude.

37. Section 610.6056 *VOR Civil Airway No. 56* is amended to delete:

From—	To—	Minimum altitude
Tallahassee, Fla. (VOR).	Albany, Ga. (VOR)	1,400
Albany, Ga. (VOR)	Macon, Ga. (VOR)	1,600

38. Section 610.6058 *VOR Civil Airway No. 58* is amended to read in part:

From—	To—	Minimum altitude
Philipsburg, Pa. (VOR).	Williamsport, Pa. (VOR).	4,000
Williamsport, Pa. (VOR).	Wilkes-Barre, Pa. (VOR).	4,500

39. Section 610.6063 *VOR Civil Airway No. 63* is amended by adding:

From—	To—	Minimum altitude
McAlester, Okla. (VOR).	Fayetteville, Ark. (VOR).	[1] 3,500
Fayetteville, Ark. (VOR).	Springfield, Mo. (VOR).	2,600

[1] 2,800'—Minimum terrain clearance altitude.

40. Section 610.6069 *VOR Civil Airway No. 69* is amended by adding:

From—	To—	Minimum altitude
Farmington, Mo. (VOR).	Troy, Ill. (VOR)	2,500
Troy, Ill. (VOR)	Springfield, Ill. (VOR).	2,000

41. Section 610.6072 *VOR Civil Airway No. 72* is amended by adding:

From—	To—	Minimum altitude
Vichy, Mo. (VOR)	St. Clair (INT), Mo.	2,200
St. Clair (INT), Mo.	Troy, Ill. (VOR)	[1] 3,200
Troy, Ill. (VOR)	Vandalia, Ill. (VOR).	2,000

[1] 2,200'—Minimum terrain clearance altitude.

42. Section 610.6088 *VOR Civil Airway No. 88* is amended to read in part:

From—	To—	Minimum altitude
Tulsa, Okla. (VOR)	White Oak (INT), Okla.	2,300
White Oak (INT), Okla.	Avilla (INT), Mo.	[1] 6,500
Avilla (INT), Mo.	Springfield, Mo. (VOR).	2,600
White Oak [2] (INT), Okla.	Joplin, Mo. (LOM)	[3] 3,900
Joplin, Mo. (LOM)	Avilla [2] (INT), Mo.	2,500

[1] 2,600'—Minimum terrain clearance altitude.
[2] Utilizing Joplin LOM.
[3] 2,500'—Minimum terrain clearance altitude.

43. Section 610.6092 *VOR Civil Airway No. 92* is amended to read in part:

From—	To—	Minimum altitude
Front Royal, Va. (VOR).	Plains (INT), Va.	4,000
Plains (INT), Va.	Springfield, Va. (LF/RBN).	3,000
Springfield, Va. (LF/RBN).	Washington, D. C. (TVOR).	1,800

44. Section 610.6097 *VOR Civil Airway No. 97* is amended to read in part:

From—	To—	Minimum altitude
Lexington, Ky. (VOR).	Dry Ridge [1] (INT), Ky.	2,500
Dry Ridge (INT), Ky.	Cincinnati, Ohio (VOR).	2,000
Miami, Fla. (VOR)	Cypress (INT), Fla.	1,300
Cypress (INT), Fla.	Seminole (INT), Fla.	[2] 2,500
Seminole (INT), Fla.	Arcadia [1] (INT), Fla.	[3] 5,000
Arcadia [1] (INT), Fla.	Parish (INT), Fla.	[2] 2,500
Parish (INT), Fla.	Tampa, Fla. (VOR).	1,500

[1] 2,500'—Minimum reception altitude.
[2] 1,100'—Minimum terrain clearance altitude.
[3] 1,200'—Minimum terrain clearance altitude.

45. Section 610.6103 *VOR Civil Airway No. 103* is amended by adding:

From—	To—	Minimum altitude
Wheeling, W. Va. (VOR).	Bergholz (INT), Ohio.	3,000
Bergholz (INT), Ohio.	Wilmot (INT), Ohio.	2,550
Wilmot (INT), Ohio.	Cleveland, Ohio (VOR).	2,500

46. Section 610.6106 *VOR Civil Airway No. 106* is amended by adding:

From—	To—	Minimum altitude
Charleston, W. Va. (VOR).	Cedarville (INT), W. Va.	[1] 5,000
Cedarville (INT), W. Va.	Morgantown, W. Va. (VOR).	4,000

[1] 3,000'—Minimum terrain clearance altitude.

47. Section 610.6108 *VOR Civil Airway No. 108* is amended to delete:

From—	To—	Minimum altitude
Charleston, W. Va. (VOR).	Hominy (INT), W. Va.	5,000
Hominy (INT), W. Va.	Montebello, Va. (VOR).	6,500

48. Section 610.6116 *VOR Civil Airway No. 116* is amended to read in part:

From—	To—	Minimum altitude
Belle [1] (INT), Mich.	Riverside [2] (INT), Ontario, Canada.	[3] 2,300

[1] 3,700'—Minimum reception altitude.
[2] 4,500'—Minimum reception altitude.
[3] For that airspace over U. S. territory.

49. Section 610.6119 *VOR Civil Airway No. 119* is amended to read in part:

From—	To—	Minimum altitude
Wheeling, W. Va. (VOR).	Graham (INT), Pa.	2,700
Graham (INT), Pa.	Fitzgerald, Pa. (VOR).	3,500
Fitzgerald, Pa. (VOR).	Bradford, Pa. (VOR).	4,000

50. Section 610.6128 *VOR Civil Airway No. 128* is amended by adding:

From—	To—	Minimum altitude
Greensboro, N. C. (VOR), via S alter.	Raleigh, N. C. (VOR), via S alter.	2,100

51. Section 610.6136 *VOR Civil Airway No. 136* is amended by adding:

From—	To—	Minimum altitude
Danville, Va. (VOR).	Raleigh, N. C. (VOR).	2,000

52. Section 610.6140 *VOR Civil Airway No. 140* is amended by adding:

From—	To—	Minimum altitude
Tulsa, Okla. (VOR), via N alter.	Chelsea [1] (INT), Okla., via N alter.	2,200

[1] 2,600'—Minimum reception altitude.

53. Section 610.6143 *VOR Civil Airway No. 143* is amended to delete:

From—	To—	Minimum altitude
Montebello, Va. (VOR).	Stanley (INT), Va.	5,500
Stanley (INT), Va.	Front Royal, Va. (VOR).	4,500
Front Royal, Va. (VOR).	Dawsonville (INT), Va.	4,000

54. Section 610.6144 *VOR Civil Airway No. 144* is amended to read in part:

From—	To—	Minimum altitude
Mansfield, Ohio (VOR).	Briar Hill [1] (INT), Ohio.	2,500
Briar Hill (INT), Ohio.	Moorefield [2] (INT), Ohio.	[2] 5,000
Moorefield (INT), Ohio.	Cameron INT), W. Va.	[3] 5,000
Cameron (INT), W. Va.	Morgantown, W. Va. (VOR).	4,000

[1] 4,000'—Minimum reception altitude.
[2] 5,000'—Minimum reception altitude.
[3] 2,500'—Minimum terrain clearance altitude.
[4] 3,000'—Minimum terrain clearance altitude.

55. Section 610.6147 *VOR Civil Airway No. 147* is amended by adding:

From—	To—	Minimum altitude
Elmira, N. Y. (VOR), via E alter.	Bellona (INT), N. Y., via E alter.	3,500
Bellona (INT), N. Y., via E alter.	Rochester, N. Y. (VOR), via E alter.	3,000

56. Section 610.6149 *VOR Civil Airway No. 149* is amended by adding:

From—	To—	Minimum altitude
Binghamton, N. Y. (VOR).	Sherrill (INT), N. Y.	3,500

57. Section 610.6154 *VOR Civil Airway No. 154* is amended by adding:

From—	To—	Minimum altitude
Montgomery, Ala. (VOR).	Columbus, Ga. (VOR).	2,100
Montgomery, Ala. (VOR), via N alter.	Kent (INT), Ala., via N alter.	1,900
Kent (INT), Ala., via N alter.	Columbus, Ga. (VOR), via N alter.	2,100
Columbus, Ga. (VOR).	Hamilton (INT), Ga.	2,100
Hamilton (INT), Ga.	Macon, Ga. (VOR)	[1] 3,000

[1] 2,400'—Minimum terrain clearance altitude.

58. Section 610.6155 *VOR Civil Airway No. 155* is amended to delete:

From—	To—	Minimum altitude
Gordonsville, Va. (VOR).	Sperryville [1] (INT), Va.	5,000
Sperryville (INT), Va.	Front Royal, Va. (VOR).	5,000

[1] 4,000'—Minimum reception altitude.

59. Section 610.6161 *VOR Civil Airway No. 161* is amended to read in part:

From—	To—	Minimum altitude
Des Moines, Iowa (VOR).	Mingo [1] (INT), Iowa.	2,700
Mingo (INT), Iowa	Waterloo, Iowa (VOR).	2,700

[1] 5,000'—Minimum reception altitude.

60. Section 610.6162 *VOR Civil Airway No. 162* is amended to read:

From—	To—	Minimum altitude
Harrisburg, Pa. (VOR).	Reinholds (INT), Pa.	[1] 4,500

[1] 2,500'—Minimum terrain clearance altitude.

61. Section 610.6164 *VOR Civil Airway No. 164* is amended to delete:

From—	To—	Minimum altitude
Grover [1] (INT), Pa.	Wilkes-Barre Scranton, Pa. (LFR).	4,000
Wilkes-Barre Scranton, Pa. (LFR).	Stillwater [2] (INT), N. J.	[3] 6,000
Stillwater [2] (INT), N. J.	Caldwell, N. J. (VOR).	[3] 6,000

[1] 5,000'—Minimum reception altitude.
[2] 6,000'—Minimum reception altitude.
[3] 4,000'—Minimum terrain clearance altitude.

62. Section 610.6164 *VOR Civil Airway No. 164* is added to read:

From—	To—	Minimum altitude
Bradford, Pa. (VOR)	Stonyfork (INT), Pa.	4,500
Stonyfork (INT), Pa.	Williamsport, Pa. (VOR).	4,000
Williamsport, Pa. (VOR).	Pocono (INT), Pa.	4,500
Pocono (INT), Pa.	Stroudsburg (INT), Pa.	[1] 6,000
Stroudsburg (INT), Pa.	Caldwell, N. J. (VOR).	[2] 6,000

[1] 3,500'—Minimum terrain clearance altitude.
[2] 3,000'—Minimum terrain clearance altitude.

63. Section 610.6173 *VOR Civil Airway No. 173* is amended to read:

From—	To—	Minimum altitude
Springfield, Ill. (VOR).	Roberts, Ill. (VOR)	[1] 2,100
Roberts, Ill. (VOR)	Mateno (INT), Ill.	[1] 2,800
Mateno (INT), Ill.	Chicago, Ill. (TVOR).	2,300

[1] 2,000'—Minimum terrain clearance altitude.

64. Section 610.6174 *VOR Civil Airway No. 174* is amended by adding:

From—	To—	Minimum altitude
St. Louis, Mo. (VOR)	Troy, Ill. (VOR)	2,100
Troy, Ill. (VOR)	Vernon (INT), Ill.	2,100
Vernon (INT), Ill.	Carlisle (INT), Ind.	[1] 5,000
Carlisle (INT), Ind.	Scotland, Ind. (VOR).	2,000
Scotland, Ind. (VOR)	Mitchell [2] (INT), Ind.	2,000
Mitchell (INT), Ind.	Louisville, Ky. (VOR).	[3] 3,000

[1] 2,100'—Minimum terrain clearance altitude.
[2] 3,000'—Minimum reception altitude.
[3] 2,600'—Minimum terrain clearance altitude.

65. Section 610.6182 *VOR Civil Airway No. 182* is added to read:

From—	To—	Minimum altitude
Portland, Oreg. (VOR).	The Dalles, Oreg. (VOR).	7,000

66. Section 610.6184 *VOR Civil Airway No. 184* is amended to read:

From—	To—	Minimum altitude
Erie, Pa. (VOR)	Fitzgerald, Pa. (VOR).	3,500
Fitzgerald, Pa. (VOR).	Phillipsburg, Pa. (VOR).	4,000

67. Section 610.6185 *VOR Civil Airway No. 185* is amended by adding:

From—	To—	Minimum altitude
Spartanburg, S. C. (VOR)	Asheville, N. C. (TOR)	[1] 8,000
Asheville, N. C. (VOR), via E alter.	Ottway [2] (INT), Tenn., via E alter.	8,000

[1] 6,000'—Minimum terrain clearance altitude.
[2] 6,500'—Minimum reception altitude.

68. Section 610.6188 *VOR Civil Airway No. 188* is added to read:

From—	To—	Minimum altitude
Carleton, Mich. (VOR).	Detroit River (INT), Mich.	2,000
Detroit River (INT), Mich.	Pelee [1] (INT), Ontario, Canada	[2] 2,500
Pelee (INT), Ontario, Canada.	Perry, Ohio (LF/RBN).	[3] [4] 9,000
Perry, Ohio (LF/RBN).	Fitzgerald, Pa. (VOR).	3,500
Fitzgerald, Pa. (VOR).	Williamsport, Pa. (VOR).	4,000
Williamsport, Pa. (VOR).	Pocono (INT), Pa.	4,500
Pocono (INT), Pa.	Stroudsburg, (INT) Pa.	[5] 6,000
Stroudsburg, (INT), Pa.	Caldwell, N. J. (VOR).	[5] 6,000

[1] 2,500'—Minimum reception altitude.
[2] 2,000'—Minimum terrain clearance altitude.
[3] For that airspace over U. S. territory.
[4] 2,500'—Minimum terrain clearance altitude.
[5] 3,500'—Minimum terrain clearance altitude.
[6] 3,000'—Minimum terran clearance altitude.

69. Section 610.6189 *VOR Civil Airway No. 189* is added to read:

From—	To—	Minimum altitude
Pittsburgh, Pa. (VOR).	Ford (INT), Pa.	3,000
Ford (INT), Pa.	Brookville [1] (INT), Pa.	3,500

[1] 4,000'—Minimum reception altitude.

70. Section 610.6030 *VOR Civil Airway No. 30* is amended by adding:

From—	To—	Minimum altitude
Mastic (INT), N. Y.	White Cap [1] (INT), N. Y.	[2] 6,000
White Cap (INT), N. Y.	Newport (INT), R. I.	[2] 6,000
Newport (INT), R. I.	Nantucket, Mass. (VOR).	[2] 2,000

[1] 6,000'—Minimum reception altitude.
[2] 1,500'—Minimum terrain clearance altitude.

71. Section 610.6046 *VOR Civil Airway No. 46* is amended by adding:

From—	To—	Minimum altitude
Riverhead, N. Y. (VOR).	Newport (INT), R. I.	[1] 2,000
Newport (INT), R. I.	Nantucket, Mass. (VOR).	[1] 2,000
Riverhead, N. Y. (VOR), via S alter.	White Cap [2] (INT), N. Y., via S alter.	1,500
White Cap [2] (INT), N. Y., via S alter.	Newport (INT), R. I., via S alter.	[1] 6,000

[1] 1,500'—Minimum terrain clearance altitude.
[2] 6,000'—Minimum reception altitude.

72. Section 610.15 *Green Civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Cochise, N. Mex. (LFR).	Tucson, [1] Ariz. (LFR).	11,000
Tucson, Ariz. (LFR)	Casa Grande (INT), Ariz.	7,000

[1] 8,000'—Minimum crossing altitude at Tucson (LFR), eastbound.

73. Section 610.211 *Red Civil Airway No. 11* is amended to delete:

From—	To—	Minimum altitude
Erie, Pa. (LFR)	Bradford, Pa. (LF/RBN).	4,000
Bradford, Pa. (LF/RBN).	Elmira, N. Y. (LFR).	4,500
Elmira, N. Y. (LFR).	Albany, N. Y. (LFR).	3,500

74. Section 610.212 *Red Civil Airway No. 12* is amended to delete:

From—	To—	Minimum altitude
Erie, Pa. (LFR)	Phillipsburg, Pa. (LFR).	4,000
Philipsburg, Pa. (LFR).	Williamsport, Pa. (LFR).	4,000

75. Section 610.219 *Red Civil Airway No. 19* is amended to delete:

From—	To—	Minimum altitude
Akron, Ohio (LFR)	Bergholz, Ohio (LF/RBN).	2,500
Bergholz, Ohio (LF/RBN).	Morgantown, W. Va. (LFR).	3,000
Morgantown, W. Va. (LFR).	Petersburg (INT), W. Va.	6,000

76. Section 610.221 *Red Civil Airway No. 21* is amended to delete:

From—	To—	Minimum altitude
Selinsgrove, Pa. (LF/RBN).	Wilkes-Barre, Pa. (LFR).	3,500

77. Section 610.226 *Red Civil Airway No. 26* is amended to delete:

From—	To—	Minimum altitude
Syracuse, N. Y. (LFR)	Wilkes-Barre, Pa. (LFR).	3,500
Wilkes-Barre, Pa. (LFR).	Slatington (INT), Pa.	3,500

78. Section 610.229 *Red Civil Airway No. 29* is amended to delete:

From—	To—	Minimum altitude
West Henrietta (INT), N. Y.	Mount Morris [1] (INT), N. Y.	2,700

[1] 3,500'—Minimum crossing altitude at Mount Morris (INT), southbound.

79. Section 610.233 *Red Civil Airway No. 33* is amended to delete:

From—	To—	Minimum altitude
Lancaster, Pa. (LF/RBN).	Allentown, Pa. (LFR).	2,500
Allentown, Pa. (LFR).	Belfast (INT), Pa.	2,700
Belfast, (INT), Pa.	Branchville (INT), N. J.	2,700
Branchville (INT), N. J.	Stewart, N. Y. (LF/RBN).	3,000
Richmond, Va. (LFR).	Gordonsville, Va. (LFR).	3,000

80. Section 610.602 *Blue Civil Airway No. 2* is amended to delete:

From—	To—	Minimum altitude
Elkins, W. Va. (LFR).	Morgantown, W. Va. (LFR).	5,300
Morgantown, W. Va. (LFR).	Pittsburgh, Pa. (LFR).	3,000

81. Section 610.615 *Blue Civil Airway No. 15* is amended to delete:

From—	To—	Minimum altitude
Columbus, Ohio (LFR).	Akron, Ohio (LFR)	2,500

82. Section 610.621 *Blue Civil Airway No. 21* is amended to delete:

From—	To—	Minimum altitude
Columbiana (INT), Ohio.	Youngstown, Ohio (LFR).	3,000
Youngstown, Ohio (LFR).	Int. N crs. Youngstown, Ohio (LFR), and SW crs. Erie, Pa. (LFR).	2,200

83. Section 610.666 *Blue Civil Airway No. 66* is amended to deelte:

From—	To—	Minimum altitude
Int. SE crs. Bridgeport, Conn. (LFR), and E crs. La-Guardia, N. Y. (LFR).	Bridgeport, Conn. (LFR).	1,200

84. Section 610.673 *Blue Civil Airway No. 73* is amended to delete:

From—	To—	Minimum altitude
Pittsburgh, Pa. (LFR).	Ford (INT), Pa.	3,000
Ford (INT), Pa.	Brookville, Pa. (LF/RBN).	3,500
Brookville, Pa. (LF/RBN).	Bradford, Pa. (LF/RBN).	4,000
Bradford, Pa. (LF/RBN).	Buffalo, N. Y. (LFR).	4,500

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective May 19, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-3394; Filed, Apr. 28, 1955; 8:45 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. T, Supp.]

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

MAXIMUM LOAN VALUE; MARGIN REQUIRED FOR SHORT SALES

1. Effective April 23, 1955, § 220.8 (the Supplement to Regulation T) is hereby amended to read as follows:

§ 220.8 *Supplement*—(a) *Maximum loan value for general accounts.* The maximum loan value of a registered security (other than an exempted security) in a general account, subject to § 220.3, shall be 30 percent of its current market value.

(b) *Margin required for short sales in general accounts.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3 (d) (3), as margin required for short sales of securities (other than exempted securities) shall be 70 percent of the current market value of each such security.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values and margin requirements in order to carry out the purposes of the Act.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4 (c) of such act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262 of this chapter).

(Secs. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply secs. 3, 7, 8, 17, 23, 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U. S. C. 78c 78g, 78h, 78q. 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 55-3510; Filed, Apr. 28, 1955; 8:50 a. m.]

[Reg. U, Supp.]

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

MAXIMUM LOAN VALUE OF STOCKS

1. Effective April 23, 1955, § 221.4 (the Supplement to Regulation U) is hereby amended to read as follows:

§ 221.4 *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 30 percent of its current market value, as determined by any reasonable method.

2. (a) This amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change loan values in order to carry out the purposes of the act.

(b) The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the thirty day prior publication described in section 4 (c) of such act, are impracticable, unnecessary, and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262 of this chapter).

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply secs. 3, 7, 17, 23, 48 Stat. 882, 886, 897, 901, as amended; 15 U. S. C. 78c, 78g, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 55-3511; Filed, Apr. 28, 1955; 8:50 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 5—AIR NAVIGATION

SUBPART B—SUPPLEMENTARY REGULATIONS PRESCRIBED BY GOVERNOR; AIRCRAFT, AIR NAVIGATION, AIR-NAVIGATION FACILITIES AND AERONAUTICAL ACTIVITIES WITHIN THE CANAL ZONE

RESTRICTED AREAS

By virtue of the authority vested in me by section 64 of Canal Zone Order No. 3,

prescribed by the Secretary of War on January 21, 1947, and governing aircraft, air navigation, air-navigation facilities and aeronautical activities within the Canal Zone, the headnote "Prohibited areas" in § 5.102 and the corresponding entry in the sectional table of contents are hereby amended to read "Restricted areas."

(Sec. 1, 50 Stat. 486; 2 C. Z. Code 14, 48 U. S. C. 1314a. E. O. 9746, 11 F. R. 7329, 3 CFR, 1946 Supp.)

Issued at Balboa Heights, Canal Zone, April 21, 1955.

[SEAL] J. S. SEYBOLD,
Governor.

[F. R. Doc. 55-3499; Filed, Apr. 28, 1955; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1137]

COLORADO

WITHDRAWING LANDS WITHIN ARAPAHO AND PIKE NATIONAL FORESTS IN CONNECTION WITH RESEARCH PROJECTS

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests in Colorado hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, in connection with research projects being conducted in furtherance of the act of May 22, 1928, 45 Stat. 699, as amended (16 U. S. C. 581, 581a–581k):

SIXTH PRINCIPAL MERIDIAN

ARAPAHO NATIONAL FOREST

Fraser Experimental Forest

T. 1 S., R. 76 W.,
Sec. 25, SW¼NW¼ and SW¼;
Sec. 26, S½N½ and S½;
Sec. 27, SE¼NE¼, NW¼NW¼, SW¼NW¼ and S½;
Sec. 28, E½E½;
Sec. 33, E½E½;
Secs. 34, 35 and 36.
T. 2 S., R. 76 W., unsurveyed,
Sec. 2, W½;
Secs. 3 to 10, inclusive;
Sec. 11, W½;
Sec. 14, W½;
Secs. 15 to 22, inclusive;
Sec. 23, W½;
Sec. 26, W½;
Secs. 27 to 34, inclusive;
Sec. 35, NW¼.
T. 3 S., R. 76 W., unsurveyed,
Sec. 3, NW¼NE¼, NW¼, N½SW¼ and SW¼SW¼;
Secs. 4 to 8, inclusive;
Sec. 9, N½;
Sec. 17, NW¼;
Sec. 18, N½.
T. 2 S., R. 77 W., unsurveyed,
Sec. 24, E½;
Sec. 25, E½;
Sec. 36, E½W½.
T. 3 S., R. 77 W., unsurveyed,
Sec. 1, E½ and E½W½;
Sec. 12;
Sec. 13, NE¼ and N½NW¼.

The areas described aggregate approximately 25,720 acres.

PIKE NATIONAL FOREST

Manitou Experimental Forest

T. 10 S., R. 68 W.,
Sec. 29, W½;
Secs. 30 and 31;
Sec. 32, W½W½.
T. 11 S., R. 68 W.,
Secs. 6 and 7;
Sec. 8, S½SW¼ and SW¼SE¼;
Sec. 17, NW¼NE¼ and W½;
Secs. 18 and 19;
Sec. 20, W½;
Sec. 30, N½N½.
T. 10 S., R. 69 W.,
Sec. 25;
Sec. 34, E½, E½NW¼, E½W½NW¼, NE¼NW¼SW¼, NE¼SE¼SW¼ and NE¼SW¼;
Secs. 35 and 36.

The areas described aggregate approximately 7,700 acres.

This order shall be subject to existing withdrawals for reclamation purposes so far as they affect any of the above-described lands; and shall take precedence over, but not otherwise affect the existing reservations of the lands for national forest purposes.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 25, 1955.

[F. R. Doc. 55-3488; Filed, Apr. 28, 1955; 8:46 a. m.]

[Public Land Order 1138]

WYOMING

REVOKING PUBLIC LAND ORDER NO. 1043 OF DECEMBER 28, 1954

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 1043 of December 28, 1954, revoking Public Land Order No. 811 of March 7, 1952, which latter order withdrew the public lands and the minerals reserved to the United States in patented lands in the following-described areas in Wyoming for use of the United States Atomic Energy Commission is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 75 W.,
Secs. 5 and 6.
T. 43 N., R. 75 W.,
Secs. 3 to 12, inclusive;
Secs. 15 to 22, inclusive;
Secs. 28 to 32, inclusive.
T. 44 N., R. 75 W.,
Secs. 31 to 34, inclusive.
T. 42 N., R. 76 W.,
Secs. 1 to 5, inclusive;
Secs. 7 to 11, inclusive;
Secs. 16 to 21, inclusive;
Secs. 29 and 30.
T. 43 N., R. 76 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 44 N., R. 76 W.,
Secs. 11 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 42 N., R. 77 W.,
Secs. 22 to 27, inclusive.

The areas described, including both public and non-public lands, aggregate approximately 65,343.29 acres.

The lands withdrawn by Public Land Order No. 811 remain subject to that order.

[SEAL] ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 27, 1955.

[F. R. Doc. 55-3545; Filed, Apr. 28, 1955; 9:30 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF SYSTOX

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (sec. 408 (d) (1)); 68 Stat. 512; 21 U. S. C. 348 (d) (1)), the following notice is issued:

A petition has been filed by Chemagro Corporation, 101 Park Avenue, New York, New York, proposing that tolerances for Systox (β-ethylmercaptoethyl diethylthionophosphate) be established at 0.75 part per million on the following raw agricultural commodities:

Apples.	Cabbage.
Pears.	Cauliflower.
Oranges.	Muskmelons.
Lemons.	Potatoes.
Grapefruit.	Almonds.
Grapes.	English walnuts.
Strawberries.	Alfalfa.
Broccoli.	Clover.
Brussels sprouts.	Hops.

An analytical method for determining residues of Systox, set forth in the petition, is as follows:

The analytical method is an adaptation of that described by P. A. Giang and S. A. Hall in Analytical Chemistry (1951), vol. 23, p. 1830.

A. Reagents. 1. Human blood plasma—source of cholinesterase—obtainable as outdated blood from blood banks, hospitals, clinics, etc. Also available as dried plasma from Winthrop Chemical Company, 1450 Broadway, New York, New York, and as "Lyovac" from Sharpe and Dohme, Philadelphia, Pennsylvania.

2. Buffer solution containing the following combined ingredients at the indicated concentration:

a. Sodium barbital, 0.036 *M*.
b. KH_2PO_4, 0.008 *M*.
c. KCl, 1.20 *M*.
d. HCl (0.1 *N*), add from burette to adjust buffer to pH 8.0.

3. Acetylcholine chloride, 0.66 *M*.
4. NaOH, 1.0 *N*.
5. Systox stock solution (Weigh 0.212 gram of Systox formulation (21.2 percent active) and dilute to 1 liter with water. 1 milliliter=45 μg.)

Add a drop of toluene to the buffer and acetylcholine chloride solution for preservative and refrigerate. Expose the buffer solution as little as possible to the atmospheric CO_2.

B. Apparatus (special). Waring Blendor, constant temperature bath, 5-milliliter micro beakers, and pH meter capable of being read with reasonable accuracy to 0.01 pH unit, e. g., a Beckman Model G. A centrifuge is helpful.

C. Preparation of sample. One hundred fifty grams of plant material is macerated in a Waring Blendor with 120 milliliters of water. In the case of strawberries, apples, lettuce, etc., it is not necessary to add water to the blender and should not be done since this decreases the sensitivity of the method. After several minutes maceration, the material is centrifuged to separate the water layer. In some cases filtration through a Buchner funnel can be substituted for centrifugation. Do not allow the water layer to age, but continue the same day with step D.

D. Procedure. Transfer 7 milliliters of the water layer after centrifuging or filtering to a small beaker and with a pH meter adjust the pH to 7.0, using 1.0 *N* NaOH. Add 1 milliliter of plasma to a 10-milliliter volumetric flask. Transfer the adjusted pH solution to the 10-milliliter volumetric flask, rinse the beaker with 1 milliliter of water, add to the volumetric flask and dilute to the mark. Thoroughly mix the contents of the flask and place in a constant temperature bath at 37.5° C. for 70 minutes. At the end of 70 minutes transfer 1 milliliter of this solution to a 5-milliliter beaker and add 1 milliliter of buffer solution. Place the beaker in the constant temperature bath for 10 minutes. Remove the beaker from the bath and read the pH. Add 0.2 milliliter of acetylcholine chloride solution and return the beaker to the water bath for 2 hours. At the end of the 2-hour period the pH is again read. The difference in pH between the initial and final readings after 2 hours is recorded as the change in pH which has occurred.

E. Theory: Preparation of standard curve. The application of this method to the estimation of Systox residues depends on ability to inhibit cholinesterase in vitro. In the operation of the method the following sequence of chemical events takes place:

1. Systox + cholinesterase → entire or partial inactivation of cholinesterase.
2. Remaining cholinesterase + acetylcholine chloride → acetic acid + choline chloride.
3. Acetic acid + buffer → change in pH.

The magnitude of pH change therefore varies inversely to the concentration of Systox residue present.

The initial pH readings taken as described above will ordinarily be between 7.20 and 7.80. An amount of plasma should be taken which will produce, in a blank or check experiment, a pH change of 1.50 to 2.00 units in 2 hours. With normal plasma this pH will occur with the recommended 1 milliliter. If it is necessary to use as much as 2 milliliters of plasma to get this pH change, then the water layer from the extraction should be reduced to 6 milliliters.

F. Calibration. A calibration curve is developed by adding to 150-gram samples in the blender 1, 2, and 3 milliliters of reagent 5 (Systox stock solution) to give 45, 90, and 135 micrograms of active material (0.3, 0.6, and 0.9 parts per million concentration). Continue the analysis with steps C and D.

If it is necessary during calibration, add water (120 milliliters) to the 150-gram sample in the blender before adding the Systox stock solution.

The following is an example of treating results:

I. Sample X, untreated check:

Initial pH	7.80
Final pH	6.00
ΔpH_1	1.80

II. Sample X, untreated check with 0.5 part per million Systox added:

Initial pH	7.80
Final pH	6.90
ΔpH_2	.90

$$\text{Percent inhibition of cholinesterase} = \frac{\Delta pH_1 - \Delta pH_2 \times 100}{\Delta pH_1} = \frac{1.80 - 0.90 \times 100}{1.80} = 50 \text{ percent}$$

The values for percentage inhibition thus found are plotted against parts per million Systox on semilog paper.

NOTE: For residues of systox on potatoes modify the method in the sample preparation by using chloroform to extract the toxins.

Dated: April 22, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-3500; Filed, Apr. 28, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PALACE CITY AUCTION CO.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Palace City Auction Company, Mitchell, South Dakota, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 25th day of April 1955.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 55-3502; Filed, Apr. 28, 1955; 8:48 a. m.]

[7 CFR Part 1001]

[Docket No. AO-267]

HANDLING OF LIMES GROWN IN FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In F. R. Document 55-3202, appearing in the issue for Tuesday, April 19, 1955, at page 2590, make the following change: On page 2595, column 1, delete line 2 which reads "size, weight, capacity, dimensions, and" and insert in lieu thereof, "sons; and the marketing agreement and".

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined

Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended April 18, 1955, 20 F. R. 1579).

Colshire Manufacturing Co., Box 857, Morgantown, W. Va., effective 4-18-55 to 4-17-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (replacement certificate) (men's pajamas).

Cowden Manufacturing Co., 109 Mackville Hill, Springfield, Ky., effective 5-1-55 to 4-30-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (denim dungarees).

Cowden Manufacturing Co., Woodward, Okla., effective 4-18-55 to 10-17-55; 100 learners for plant expansion purposes (denim dungarees).

Glenridge Trouser Corp., Tipton, Mo., effective 4-17-55 to 4-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress trousers).

Hampton Underwear Co., Inc., Oak Street, Greenwood, S. C., effective 4-18-55 to 10-17-55; 75 learners for plant expansion purposes (housecoats).

Hampton Underwear Co., Inc., Oak St., Greenwood, S. C., effective 4-18-55 to 4-17-56; 10 learners for normal labor turnover purposes (housecoats).

Hollywood Corset Co., 24 West Fifth South Street, Salt Lake City, Utah, effective 5-6-55 to 5-5-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Mantachie Manufacturing Co., Inc., Mantachie, Miss., effective 4-15-55 to 4-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Mid-American Manufacturing Co., Inc., 304 South First Street, Ponca City, Okla., effective 5-14-55 to 5-13-56; 10 learners for normal labor turnover purposes (denim jeans).

Stanberry Manufacturing Co., Stanberry, Mo., effective 4-12-55 to 4-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes. (Learners may not be employed at subminimum wage rates in the production of hats or caps.) (Leather garments for men, women and children.)

Trego's Westwear, 1001-1003 Seventh Street, Woodward, Okla., effective 4-12-55 to 4-11-56; 5 learners for normal labor turnover purposes; learners to be engaged at subminimum wage rates in the manufacture of only cowboy and cowgirl suits and leather fringed coats (cowboy and cowgirl suits and leather fringed coats).

Trevorton Manufacturing Corp., Shamokin Street, Trevorton, Pa., effective 4-18-55 to 10-17-55; 10 learners for plant expansion purposes (ladies' pajamas and undergarments).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended April 18, 1955, 20 F. R. 1579).

Taylor Manufacturing Co., Greensburg Road, Campbellsville, Ky., effective 4-22-55 to 4-21-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit underwear).

Union Underwear Co., Inc., Bowling Green, Ky., effective 4-15-55 to 4-14-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shorts).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

St. Louis Shoe Manufacturing Corp., New Athens, Ill., effective 4-15-55 to 4-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended January 29, 1955, 20 F. R. 645).

The following special learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Matthewson, Inc., St. Thomas, Virgin Islands, effective 4-5-55 to 10-4-55; 5 learners to be employed in the occupation of operation of embroidery machine; 240 hours at 30 cents an hour and 240 hours at 35 cents an hour (re-embroidery on lace).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 19th day of April 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-3456; Filed, Apr. 27, 1955; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 14]

GRAZING, NAVAJO AGENCY

REDELEGATION OF AUTHORITY

APRIL 25, 1955.

Order 551, as amended (16 F. R. 2939, 5456, 7467, 8252; 17 F. R. 3516, 7552; 18 F. R. 7305; 19 F. R. 1936, 3482, 3971, 4544, 4585, 7416; and 20 F. R. 1562, 2694), is further amended as hereinafter indicated.

1. A new section 246, under the heading, Functions Relating to Forest and Range Management, to read as follows, is added:

SEC. 246. *Grazing, Navajo Agency.* The taking of action with respect to those matters set forth in 25 CFR Part 72. The authority delegated by this section does not include those matters set forth in 25 CFR 72.1, 72.2, 72.5 and 72.6.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 55-3486; Filed, Apr. 28, 1955; 8:45 a. m.]

[Gallup Area Office Redelegation Order 2, Amdt. 1]

GENERAL SUPERINTENDENTS, SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

REDELEGATIONS OF AUTHORITY

APRIL 25, 1955.

Order No. 2, (19 F. R. 8675) is amended as hereinafter indicated.

1. Section 1.1 *Appeals* is amended to read as follows:

SECTION 1.1 *Appeals.* Any action taken by any General Superintendent, Superintendent, or other officer pursuant to this order shall be subject to the right of appeal. An appeal may be taken from the decision of such General Superintendent, Superintendent, or other officer to the Area Director, Gallup Area Office. An appeal must be filed in writing with such General Superintendent, Superintendent, or other officer and shall be promptly transmitted by him with the record in the case to the Area Director, Gallup Area Office. Any action taken by the Area Director pursuant to this order shall be subject to the right of appeal to the Commissioner of Indian Affairs, pursuant to section 1 (a) of Order 551, as amended, of the Bureau of Indian Affairs. Any action taken by the Commissioner of Indian Affairs pursuant to this order shall be subject to the right of appeal to the Secretary of the Interior, pursuant to section 1 (a) of Order 2508, as amended, of the Secretary of the Interior.

2. A new section 3.246 *Grazing, Navajo Agency* is added to Part 3 under the heading, Functions Relating to Forest and Range Management, to read as follows:

SEC. 3.246 *Grazing, Navajo Agency.* The taking of action with respect to those matters set forth in 25 CFR Part 72. The authority delegated by this section does not include those matters set forth in 25 CFR 72.1, 72.2, 72.5 and 72.6.

3. A new part captioned Part 5, Authority of Assistant Superintendents, Navajo Agency, is added to read as follows:

PART 5—AUTHORITY OF ASSISTANT SUPERINTENDENTS, NAVAJO AGENCY

Subject to the provisions of Part 1, any Assistant Superintendent, Navajo Agency, is authorized to exercise the authority of his superior, the General Superintendent, Navajo Agency as indicated in this part.

FUNCTIONS RELATING TO LAND AND MINERALS

SEC. 5.16 *Mineral leases and permits.* (a) The approval of coal, sand, gravel, pumice, and building stone leases and permits of tribal and trust or restricted individually-owned lands.

(b) The authority delegated in this section does not include:

(1) Approval of leases on lands purchased or reserved for agency or school purposes,

(2) Approval of instruments providing for the payment of overriding royalty,

(3) Assignments of separate horizons or strata of the subsurface.

FUNCTIONS RELATING TO MEDICAL, HOSPITAL, AND NURSING SERVICES

SEC. 5.252 *Quarantine of Indians.* The quarantine of Indians refusing to submit to remedial treatment of contagious or infectious diseases, pursuant to the provisions of 25 CFR Part 84.

SEC. 5.253 *Commitment of insane Indians.* The commitment of insane Indians to State hospitals or institutions, pursuant to the provisions of 25 CFR Part 86.

FUNCTIONS RELATING TO FOREST AND RANGE MANAGEMENT

SEC. 5.246 *Grazing, Navajo Agency.* The taking of action with respect to those matters set forth in 25 CFR Part 72. The authority delegated by this section does not include those matters set forth in 25 CFR 72.1, 72.2, 72.5 and 72.6.

W. WADE HEAD,
Area Director.

Approved: April 25, 1955.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 55-3487; Filed, Apr. 28, 1955; 8:45 a. m.]

Bureau of Land Management

[Misc. 141725]

ALASKA

REVOCATION OF ORDERS OPENING LANDS UNDER FOREST HOMESTEAD ACT

APRIL 25, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the orders described below opening lands in the Tongass National Forest for entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. 506-509) are hereby revoked so far as they affect the lands hereinafter described:

a. List No. 6-565; Date of Order of Opening: May 21, 1914.

Land:

Beginning at corner No. 1, a hemlock stake, whence the Forest Service Monument bears N. 53° 50' W. 11.17 chains, the west end of Sundum Island bears S. 66° 30' W., and house of August Beck bears N. 6° 45' E.; extending thence by meanders along the mean high tide line of Endicott Arm N. 53° W. 10.78 chains, N. 32° W. 4.90 chains, N. 16° 10' W. 3.33 chains, S. 67° 10' W. 6.47 chains, S. 11° 50' W. 4.61 chains, S. 80° 40' W. 6.86 chains, and S. 71° W. 2.26 chains to corner No. 2; thence N. 5.38 chains; thence N. 71° 30' E. 5.01 chains; thence N. 11. chains; thence E. 32 chains; thence S. 19° 45' W. 24.90 chains to corner No. 1, the place of beginning.

The tract described contains 48.10 acres.

b. List No. 8-63; Date of Order of Opening: February 13, 1924.

Land:

H. E. S. 254.

The tract described contains 21.81 acres.

W. G. GUERNSEY,
Associate Director.

[F. R. Doc. 55-3489; Filed, Apr. 28, 1955; 8:46 a. m.]

Bureau of Reclamation

NORTH PLATTE PROJECT, NEBRASKA AND WYOMING

ORDER OF REVOCATION, AMENDMENT

MARCH 16, 1955.

In accordance with the authority delegated by Departmental Order No. 2765 dated July 30, 1954, I hereby amend Revocation Order dated June 21, 1954, concurred in by the Bureau of Land Management on July 23, 1954, to include reference to the following Departmental Orders withdrawing lands for the North Platte Project: November 21 and December 5, 1904, September 21, 1906, October 23, 1907, April 23 and September 1, 1908, January 20, May 5 and October 6, 1909, July 8, 1916, February 28, 1931 and October 13, 1933.

E. G. NIELSEN,
Assistant Commissioner.

[Misc. 67318]

I concur. The records of the Bureau of Land Management will be noted accordingly.

W. G. GUERNSEY,
Associate Director, Bureau of Land Management.

APRIL 25, 1955.

[F. R. Doc. 55-3490; Filed, Apr. 28, 1955; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10767—10769; FCC 55M-363]

TELEPHONE ANSWERING SERVICE ET AL.

ORDER CONTINUING HEARING

In re applications of Mrs. Pearl Forester, d/b as Telephone Answering Service, Dallas, Texas, Docket No. 10767, File No. 180-C2-P-53; Radio Paging, Dallas, Texas, Docket No. 10768, File No. 363-C2-P-53; George A. Smith, Jr., Dallas, Texas, Docket No. 10769, File No. 607-C2-P-53; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration a petition filed April 21, 1955, by George A. Smith, Jr., requesting a continuance of the hearing herein from the date now scheduled, April 28, 1955, to May 17, 1955, for the reason that the parties are engaged in the preparation of a stipulation of facts to avoid the necessity of the presentation of oral testimony and that additional time is needed for working out the stipulation; and

It appearing, that counsel for Mrs. Pearl Forester and for the Common Carrier Bureau have no objection to a grant of the petition;

It is ordered, This 25th day of April 1955, that the Petition is granted, and that the hearing is rescheduled to commence at 10:00 a. m., May 17, 1955, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3512; Filed, Apr. 28, 1955; 8:50 a. m.]

[Docket Nos. 10931, 10933; FCC 55M-360]

MERCER BROADCASTING CO. ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Mercer Broadcasting Co., Trenton, New Jersey, Docket No. 10931, File No. BP-8714; Drew J. T. O'Keefe, Jack J. Dash & William F. Waterbury, Levittown-Fairless Hills, Pennsylvania, Docket No. 10933, File No. BP-8964; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding:

It is ordered, This 22d day of April 1955, that all parties, or their attorneys, are directed to appear for a further prehearing conference, pursuant to the provisions of § 1.841 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., April 28, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3513; Filed, Apr. 28, 1955; 8:50 a. m.]

[Docket No. 10960; FCC 55M-362]

LAKE SHORE BROADCASTING CO., INC. (WSHE)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Lake Shore Broadcasting Co., Inc. (WHSE), Sheboygan, Wisconsin, Docket No. 10960, File No. BP-8808; for construction permit.

The Hearing Examiner having under consideration a "motion for early hearing date," filed on April 14, 1955, by the Chief, Broadcast Bureau, requesting that the hearing now under indefinite continuance be scheduled for a date not later than May 2, 1955; the opposition filed on April 18, 1955, by Lake Shore Broadcasting Co., Inc.; and the oral argument of April 22, 1955, attended by counsel for the Chief, Broadcast Bureau, Lake Shore, and respondents Columbia Broadcasting System, Inc. and Radio Station WAIT;

It appearing, that the date suggested by the Broadcast Bureau is opposed as too early under the circumstances by Lake Shore and the respondents; that hearing on the instant 800 kc application would be obviated by favorable action on Lake Shore's amendment to its application for modification of construc-

tion permit to specify 950 kc; but that Lake Shore should not be permitted to tie up indefinitely the frequency involved in the present proceeding, and it is therefore appropriate to set a date for further consideration of the matter, including developments on the 950 kc application;

It is ordered, This 22d day of April 1955, that the motion of the Chief, Broadcast Bureau is granted to the extent that a prehearing conference is scheduled for Friday, May 20, 1955, at 10 a. m., in the offices of the Commission, Washington, D. C.; and that in all other respects the motion is denied.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3514; Filed, Apr. 28, 1955; 8:50 a. m.]

[Docket No. 11322; FCC 55M-357]

GRANITE STATE BROADCASTING CO., INC. (WDNH)

ORDER CONTINUING HEARING

In re application of Granite State Broadcasting Co., Inc. (WDNH), Dover, New Hampshire, Docket No. 11322, File No. BP-9417; for construction permit for a new standard broadcasting station.

It is ordered, This 20th day of April 1955, that the hearing herein now scheduled for April 27, 1955, is continued and rescheduled to commence at 10:00 a. m., May 2, 1955, at Washington, D. C. This action is taken pursuant to an agreement reached on the record at a pre-hearing conference held April 20, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3515; Filed, Apr. 28, 1955; 8:50 a. m.]

[Change List 92]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

MARCH 29, 1955.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of commencement of operation
		900 kilocycles				
New	St. Jerome, Quebec	1	DA-1	U	II	Mar. 15, 1956
		910 kilocycles				
New	Lindsay, Ontario	1	DA-1	U	III	Do.
		990 kilocycles				
CBT	Grand Falls, Newfoundland	1	ND	U	II	Do.
		1,340 kilocycles				
New	Weyburn, Saskatchewan	0.25	ND	U	IV	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3516; Filed, Apr. 28, 1955; 8:51 a. m.]

[Docket No. 7042]

TRANS CARIBBEAN AIRWAYS, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Trans Caribbean for approval of acquisition of AVISPA stock.

Notice is hereby given that a prehearing conference, at the instructions of the Board, in the above-entitled matter is assigned to be held on May 3, 1955, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., April 26, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-3521; Filed, Apr. 28, 1955; 8:51 a. m.]

[Docket No. SA-306]

ACCIDENT OCCURRING AT MACARTHUR FIELD, LONG ISLAND, N. Y.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 37512, which occurred at MacArthur Field, Islip, Long Island, New York, April 4, 1955.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Thursday, May 26, 1955, at 9:30 a. m., local time, in the Panel Room, New Yorker Hotel, New York, New York.

Dated at Washington, D. C., April 25, 1955.

[SEAL] EVERETT S. BOSWORTH,
Presiding Officer.

[F. R. Doc. 55-3519; Filed, Apr. 28, 1955; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6328 et al.]

STATES-ALASKA FARE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 12, 1955, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 26, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-3518; Filed, Apr. 28, 1955; 8:51 a. m.]

[Docket No. 6885]

ALLEGHENY AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Allegheny Airlines, Inc. for an extension of its Route No. 97 from Erie, Pennsylvania to Detroit, Michigan.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 10, 1955, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Notice is also given that in connection with the above-numbered application consideration will be given at the conference to consolidating for hearing and decision the application of Mohawk Airlines, Inc., in Docket No. 6619. In order to facilitate the conduct of this conference interested parties are requested to present motions for consolidation or modification of the issues in this proceeding to Examiner Fredricks on or before May 5, 1955, with copies to other interested parties. It is also requested that any requests for evidence should be circulated at the same time.

Dated at Washington, D. C., April 26, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-3520; Filed, Apr. 28, 1955; 8:51 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN ASTRONOMER POSITIONS IN CONTINENTAL UNITED STATES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for positions at GS-5 and GS-7 in the Astronomer series, GS-1330-0. The new rate for GS-5 has been set at $4,035 (the sixth step of the grade) and for GS-7 at $4,580 (the fourth step of the grade). This increase will be effective on the first day of the first pay period which begins after April 23, 1955, and applies to these positions throughout the continental United States.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-3517; Filed, Apr. 28, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 26, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30546: Sulphur—New Orleans, La., to the East. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphur, carloads, from New Orleans, La., to specified points in Massachusetts, Maryland, New Jersey, Pennsylvania and Rhode Island.

Grounds for relief: Circuitous routes operating in part west of the Mississippi River.

FSA No. 30547: Sand and gravel—Indiana points to Cissna Park, Ill. Filed by R. G. Raasch, Agent, for the Chicago and Eastern Illinois Railroad Company. Rates on sand and gravel, carloads, from Dickason Pit Cayuga, Standard Pit, and Terre Haute, Ind., to Cissna Park, Ill.

Grounds for relief: Wayside truck competition.

Tariff: Supplement 50 to Chicago and Eastern Illinios R. R. I. C. C. 144.

FSA No. 30548: Coal to Yates, Ga. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on bituminous fine coal, carloads, from mines on the St. Louis-San Francisco Railway in Alabama to Yates, Ga.

Grounds for relief: Market competition and restoration of former rate relationships with mines on other lines in Alabama.

Tariff: Supplement 9 to St. Louis-San Francisco Railway I. C. C. A-580.

FSA No. 30549: Potatoes—Maine and New Brunswick to Pennsylvania. Filed by C. W. Boin and C. R. Goldrich, Agents, for interested rail carriers. Rates on potatoes, carloads, from specified points in the Province of New Brunswick, Canada, and in Maine, to Cressona and Pottsville, Pa.

Grounds for relief: Circuitous routes.

Tariff: Supplement 26 to Agent Goldrich's I. C. C. 611.

FSA No. 30550: Petroleum and Petroleum products from Egan, La. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads, from Egan, La., to points in southwestern, western trunk-line and northern territories.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 53 to Agent Kratzmeir's I. C. C. 4086; Supplement 23 to Agent Kratzmeir's I. C. C. 4102; Supplement 240 to Agent Kratzmeir's I. C. C. 3825; Supplement 39 to Agent Kratzmeir's I. C. C. 4066.

FSA No. 30551: Fertilizer and materials—Southwest to Mississippi. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, from specified points in Arkansas, Kansas, Louisiana (west of Mississippi River), Oklahoma and Texas, to De Kalb, Rushton, and Townsend, Miss.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 54 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 30552: Cement—Chattanooga and Nashville, Tenn., to Michigan. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cement and related articles, carloads, from Chattanooga, North Chattanooga, and Nashville, Tenn., to specified points in Michigan.

Grounds for relief: Circuity.

Tariff: Supplement 31 to Agent Spaninger's I. C. C. 1173.

FSA No. 30553: Cinders to Lawrenceville and Montgomery, Ind. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on shale cinders, carloads, from Kenlite, Ky., to Lawrenceville and Montgomery, Ind.

Grounds for relief: Circuitous routes.

Tariff: Supplement 2 to Agent Spaninger's I. C. C. 1469.

FSA No. 30554: Pulpboard or fibreboard to Memphis, Tenn. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pulpboard or fibreboard, carloads, from Quincy, Ill., and Vincennes, Ind., to Memphis, Tenn.

Grounds for relief: Circuitous routes operating in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3508; Filed, Apr. 28, 1955; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6609]

CINCINNATI GAS & ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING ACQUISITION OF CAPITAL STOCK

APRIL 22, 1955.

Notice is hereby given that on April 6, 1955, the Federal Power Commission issued its order adopted April 6, 1955, authorizing acquisition of capital stock in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3491; Filed, Apr. 28, 1955; 8:46 a. m.]

[Docket Nos. G-2742, G-4263, G-4439, G-4511, G-4588, G-4601, G-4631, G-7192]

PHILLIPS PETROLEUM CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 22, 1955.

In the matters of Phillips Petroleum Company, Docket No. G-2742; El Paso Natural Gas Company, Docket No. G-4263; Anderson-Prichard Oil Corporation, Docket No. G-4439; Mid-Continent Petroleum Corporation, Docket No. G-4511; Mendota Oil Company, Docket No. G-4588; Progress Petroleum Company of Texas, Docket No. G-4601; Greenbrier Oil Company, Docket No. G-4631; The Pure Oil Company, Docket No. G-7192.

Take notice that on September 13, 1954, Phillips Petroleum Company (Phillips), a Delaware corporation with principal office in Bartlesville, Oklahoma; on October 20, 1954, El Paso Natural Gas Company (El Paso), a Delaware corporation with principal office in El Paso, Texas; on October 25, 1954, Anderson-Prichard Oil Corporation (Anderson-Prichard), a Delaware corporation with principal office in Oklahoma City, Oklahoma; on October 21, 1954, Mid-Continent Petroleum Corporation (Mid-Continent), a Delaware corporation with principal office in Tulsa, Oklahoma; on October 27, 1954, Mendota Oil Company (Mendota), a partnership with principal office in St. Paul, Minnesota; on October 29, 1954, Progress Petroleum Co. of Texas (Progress), a Texas corporation with principal office in Houston, Texas; on November 1, 1954, Greenbrier Oil Co. (Greenbrier), a copartnership with principal office in St. Paul, Minnesota; and on December 1, 1954, The Pure Oil Company (Pure Oil), an Ohio corporation with principal office in Chicago, Illinois, filed applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing them to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Phillips, Anderson-Prichard, Mid-Continent, Mendota, Progress, Greenbrier, and Pure Oil (hereinafter called Independent Producers) propose to sell natural gas to El Paso at an initial rate of 9½ cents per Mcf, which gas will be produced in the Jack Herbert Strawn Field in Upton County, Texas. This gas will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

El Paso proposes to construct and operate facilities in Upton County, Texas for the transportation of natural gas from the Jack Herbert Strawn Field to a point of connection with El Paso's existing Upton County 20-inch line.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 19, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 13, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3504; Filed, Apr. 28, 1955; 8:49 a. m.]

[Docket Nos. G-2877, G-3023, G-3554, G-3555, G-3602, G-3684, G-3690, G-3865, G-4692, G-6328]

D. J. HARRISON ET AL

NOTICE OF SEVERING PROCEEDING AND FURTHER FIXING DATE OF HEARING

APRIL 22, 1955.

In the matters of D. J. Harrison, Docket No. G-2877; J. C. Means, Jr., et al., Docket No. G-3023; Lloyd H. Smith, et al., Docket No. G-3554; Lloyd H. Smith, et al., Docket No. G-3555; Meredith & Company, as Operator, Docket No. G-3602; J. M. Frost, Jr., et al., Docket No. G-3684; J. M. Frost, Jr., et al., Docket No. G-3690; Kirby Petroleum Company, Docket No. G-3865; Carnes W. Weaver Drilling Company, and Frank W. Warburton, Trustee, Docket No. G-4692; McCarthy Oil & Gas Corporation, et al., Docket No. G-6328.

The above-entitled matters were consolidated for the purpose of hearing, and May 6, 1955 was fixed as the date of such hearing by notice of applications and date of hearing issued by the Secretary, dated April 11, 1955.

It appears after further study of the application in Docket No. G-3865 that the matters involved and the issues presented by said application should be severed from the other proceedings herein, and to that end:

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, Docket No. G-3865 is severed from the other proceedings herein and a hearing will be held on May 9, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by said application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3505; Filed, Apr. 28, 1955; 8:49 a. m.]

[Docket Nos. G-7327—G-7341, G-7347, G-7368—G-7389, G-7394—G-7396]

GEORGE A. BUTLER ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 22, 1955.

Take notice that George A. Butler et al., and others under docket numbers shown above (Applicants), filed on December 1, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicants produce natural gas from fields in Texas and Louisiana, which is sold in interstate commerce to Tennessee Gas Transmission Company, Texas Eastern Transmission Corporation, Trunkline Gas Company, United Gas Pipe Line Company, United Gas Corporation, Transcontinental Gas Pipe Line Company, Shell Oil Company, Texas-Illinois Natural Gas Pipe Line Company, Arkansas Louisiana Gas Company, Southwest Gas Producing Company, Inc., Texas Natural Gasoline Corporation, and El Paso Natural Gas Company, for resale, all as more fully set forth in a tabulation.[1]

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 13, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) when requested and when not requested pursuant to § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3506; Filed, Apr. 28, 1955; 8:49 a. m.]

[1] Tabulation filed as part of original document.

[Docket No. G-8215]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDER

APRIL 22, 1955.

Notice is hereby given that on April 7, 1955, the Federal Power Commission issued its findings and order adopted April 6, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3492; Filed, Apr. 28, 1955; 8:46 a. m.]

[Project No. 1289]

PACKWOOD ELECTRIC CO.

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

APRIL 22, 1955.

Notice is hereby given that on April 8, 1955, the Federal Power Commission issued its order adopted April 6, 1955, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3493; Filed, Apr. 28, 1955; 8:46 a. m.]

[Project No. 2011]

GLANCY WARDEN COLE AND SHOSHONE RIVER POWER, INC.

NOTICE OF ORDER AMENDING LICENSE AND APPROVING TRANSFER OF LICENSE (MAJOR)

APRIL 22, 1955.

Notice is hereby given that on April 11, 1955, the Federal Power Commission issued its order adopted April 6, 1955, amending license and approving transfer of license (Major) in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3494; Filed, Apr. 28, 1955; 8:46 a. m.]

[Project No. 2109]

MONTANA POWER CO.

NOTICE OF ORDER GRANTING STAY OF ORDER

APRIL 22, 1955.

Notice is hereby given that on April 8, 1955, the Federal Power Commission issued its order adopted April 6, 1955, in the above-entitled matter, granting stay of the order issued February 10, 1955, pending further order of the Commission, provided the aforesaid new application for license is filed within ninety (90) days from the date of issuance of this order.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3495; Filed, Apr. 28, 1955; 8:46 a. m.]

[Project No. 2118]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER MODIFYING ORDER ISSUING MINOR-PART LICENSE (TRANSMISSION LINE)

APRIL 22, 1955.

Notice is hereby given that on April 8, 1955, the Federal Power Commission issued its order adopted April 6, 1955, modifying order issuing minor-part license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3496; Filed, Apr. 28, 1955; 8:46 a. m.]

[Project No. 2161]

RHINELANDER PAPER CO.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

APRIL 22, 1955.

Notice is hereby given that on April 11, 1955, the Federal Power Commission issued its order adopted April 6, 1955, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3497; Filed, Apr. 28, 1955; 8:47 a. m.]

[Project No. 2173]

PACIFIC NORTHWEST POWER CO.

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

APRIL 22, 1955.

Notice is hereby given that on April 8, 1955, the Federal Power Commission issued its order adopted April 6, 1955, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3498; Filed, Apr. 28, 1955; 8:47 a. m.]

Room

FEDERAL REGISTER

VOLUME 20 NUMBER 85

Washington, Saturday, April 30, 1955

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Amdt. 3]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS UNDER REGULATIONS SUPPLEMENTAL TO KHAPRA BEETLE QUARANTINE

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2, 20 F. R. 1012) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), administrative instructions issued as 7 CFR 301.76–2a (20 F. R. 1237), effective March 1, 1955, as amended effective March 29, 1955 and April 15, 1955 (20 F. R. 1878, 2477), are hereby further amended in the following respects:

(a) The designation as a regulated area of Tulare Lake Warehouse No. 1, on Santa Fe R. R., Corcoran, California, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises.

(b) The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Advance Seed Company, 310 South Twenty-fourth Avenue, Phoenix.

Allied Grain Company, 310 South Twenty-fourth Avenue, Phoenix.

Arizona Sales Company, 116 West Fourth Avenue, Mesa.

Erly-Fat Livestock Feed Company, South Peart Road at S. P. R. R., Casa Grande.

Erly-Fat Livestock Feed Company, 117 East Toole Avenue, Tucson.

Farm Equipment and Supply, First Street and California Avenue, Parker.

G & H Feed Store, 812 Thatcher Boulevard, Safford.

Mrs. Pearl McCreary Ranch, Route 1, Gilbert.

R. H. McElhaney Ranch, Box 405, Wellton.

F. P. Nielson & Sons, 116 West Fourth Avenue, Mesa.

Northrup-King Company, 404 South Twenty-third Avenue, Phoenix.

Jesse P. Stump Farm Storage, Route 1, Tolleson.

Tiemann Feed & Supply Company, 2001 North Stone Avenue, Tucson.

Valley Feed & Seed, 1918 West Van Buren, Phoenix.

Norman Welker Farm, Route 1, Safford.

Western Grain Elevator, 116 West Fourth Avenue, Mesa.

Whitman Grain Company, Eleventh Street, Yuma.

CALIFORNIA

J. Garafalo Ranch, on Airport Road, 1½ miles south of Colusa.

Union Development Co. Warehouse, approximately 100 yards south of intersection of county roads No. 86 and West A, Niland.

Wilkerson Brothers Ranch, on south side of county road No. 74, ½ mile east of county road East J. Calipatria.

NEW MEXICO

Slone Grain Company, 223 North Avenue B, Portales.

(c) The item appearing in the list, contained in such instructions under the subhead Arizona, as "Edward Beales Farm, P. O. Box 163, San Louis" is changed to read: Edward Beals Feed Lot, P. O. Box 163, San Luis.

(d) The item appearing in the list, contained in such instructions under the subhead California, as "F. J. Hauser & Sons Feed Lot, located 2 miles south of Orita, 1½ miles east on Oxalio Canal, Brawley" is changed to read: F. J. Hauseur & Sons Feed Lot, located 2 miles south of Orita, 1½ miles east on Oxalio Canal, Brawley.

(e) The item appearing in the list, contained in such instructions under the subhead California, as "Raymond A. Powell and Mike Denis Ranch, Route 1, Box 166, 1 mile north of Glenn" is changed to read: Raymond A. Powell and Mike Deniz Ranch, Route 1, Box 166, 1 mile north of Glenn.

(f) The item appearing in the list, contained in such instructions under the subhead California, as "Shaw and Dowar, ¾ mile north of Sandia, Holtville" is changed to read: Shaw and Dower (Feed lot and bulk storage at residence), ¾ mile north of Sandia, Holtville.

This amendment shall be effective April 30, 1955.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplement is now available:

Titles 35–37 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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This amendment revokes the designation as a regulated area of a certain warehouse, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of warehouses, mills, and other premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations. It further corrects certain designations of presently regulated areas.

This amendment supplements khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of a regulated area. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as a regulated area. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended, 7 U. S. C. 161)

Done at Washington, D. C., this 27th day of April 1955.

[SEAL] W. L. POPHAM,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 55-3543; Filed, Apr. 29, 1955; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 913—MILK IN THE GREATER KANSAS CITY MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

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913.0 Findings and determinations.

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AUTHORITY: §§ 913.0 to 913.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to § 913.2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than May 1, 1955. Any delay beyond May 1, 1955, in the effective date of this order amending the order, as amended, would tend to disrupt the orderly marketing of milk for the Greater Kansas City marketing area. The provisions of the said amendatory order are known to handlers, the public hearing having been held February 15–16, 1955, the recommended decision having been issued March 28, 1955, and the final decision having been issued April 21, 1955. Therefore, reasonable time has been afforded persons affected to prepare for its effective date.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective May 1, 1955, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, as amended, which is marketed within the Greater Kansas City marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 913.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 913.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

§ 913.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified herein.

§ 913.4 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ 913.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers as defined in § 913.7, which the Secretary determines after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 8, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 913.6 *Greater Kansas City marketing area.* "Greater Kansas City marketing area" hereinafter called "marketing area" means all of the territory in Jackson County, Missouri; that part of Clay County, Missouri, south of Highway 92, beginning at the Platte County and Clay County line, east to the west section line of section 26 in Washington Township, north to the north section line of said section 26, east to the Clay County and Ray County line; Lee, Waldron, May and Pettis Townships in Platte County, Missouri; Wyandotte County, Kansas; Shawnee and Mission Townships in Johnson County, Kansas;

and Delaware, Leavenworth, and that part of Kickapoo and High Prairie Townships east of the 95th principal meridian in Leavenworth County, Kansas.

§ 913.7 *Producer.* "Producer" means any person, other than a producer-handler, who (a) produces milk under a dairy farm permit or rating issued by the applicable health authority of the marketing area for the production of milk to be used for consumption as milk in the marketing area on a dairy farm subject to the regular inspection of such authority, which (1) is received at a pool plant, or

(2) Is caused to be diverted within the limits established pursuant to § 913.63 from a pool plant to a non-pool plant by a handler or cooperative association for the account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the U. S. Government for fluid consumption in its institutions or bases as Type I; Type II, No. 1; or Type III, No. 1, which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from this part pursuant to the provisions of § 913.62. As used in this part "dairy farm permit or rating" means one issued by the health authority charged with the inspection of milk for fluid consumption in the part of the marketing area where such milk is sold or disposed of, or was sold or disposed of before being diverted.

§ 913.8 *Route.* "Route" means any delivery (including a sale from a plant or plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream in fluid form other than a delivery to any milk processing plant.

§ 913.9 *Approved plant.* "Approved plant" means any milk plant (a) which is approved by the applicable health authority of the marketing area for the handling of milk to be disposed of as Class I milk in the marketing area and (1) from which a route is operated in the marketing area, or (2) which is principally used to receive milk from dairy farmers, who meet the specifications (other than delivery to a pool plant) of § 913.7 and to prepare such milk for transfer to another approved plant from which a route is operated in the marketing area, or (b) which is supplying Class I milk to a Federal institution or base in the marketing area.

§ 913.10 *Pool plant.* "Pool plant" means an approved plant other than the plant of a producer-handler:

(a) During any delivery period within which an amount of milk equal to 15 percent or more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is disposed of from such plant as Class I milk on routes operated in the marketing area;

(b) During any delivery period of September, October, November, December, January, or February within which an amount of milk equal to 30 percent or more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is transferred in bulk to a plant described in paragraph (a) of this section. Any such plant which is a pool plant in each of the delivery periods of September, October, November, December, January, and February shall be a pool plant for each of the following months of March, April, May, June, July, and August, regardless of the quantity of milk then disposed of to other pool plants, if a written request for pool plant status for such six months' period is received from the operator of such plant by the market administrator before March 1; or

(c) (1) During any delivery period within which such plant is operated by a cooperative association, and 75 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

(2) If a handler operates more than one approved plant, the percentage requirements of this definition shall apply to the combined receipts and disposition of such multiple plant operation except that no plant which was not an approved plant during each of the preceding delivery periods of September through February shall be a pool plant as a part of such multiple plant operation during any of the delivery periods of March through August unless such multiple plant operation qualified under paragraph (a) of this section for pool plant status for such delivery period.

§ 913.11 *Handler.* "Handler" means (a) the operator of an approved plant (whether or not such approved plant is a pool plant) in his capacity as such, or (b) Any cooperative association with respect to:

(1) The milk of any producer which such cooperative association causes to be diverted from a pool plant to a non-pool plant for the account of such cooperative association;

(2) The milk of any producer delivered to the pool plant of another handler during the same delivery period in which such cooperative association is the handler pursuant to subparagraph (1) of this paragraph with respect to any milk of such producer.

§ 913.12 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from producers.

§ 913.13 *Producer milk.* "Producer milk" means all milk produced by a producer, which is received at a pool plant either directly from such producer or from other handlers.

§ 913.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 913.15 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this part or any amendment thereto is in effect.

§ 913.16 *Quota milk.* "Quota milk" means the amount of milk reecived by a handler from a producer during each of the delivery periods of February through July which is not in excess of such producer's daily quota computed pursuant to § 913.65 multiplied by the number of days in such delivery period on which such milk was received by the handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 913.65.

§ 913.17 *Excess milk.* "Excess milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which is in excess of quota milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily quota can be computed pursuant to § 913.65.

MARKET ADMINISTRATOR

§ 913.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 913.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 913.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 913.89 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 913.88) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 913.30 through 913.32,

(2) Maintained adequate records and facilities pursuant to § 913.33, or

(3) Made payments pursuant to §§ 913.80 through 913.87.

(i) On or before the 12th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 10th day of each month the minimum price for Class I milk pursuant to § 913.51 (a) and the Class I butterfat differential pursuant to § 913.52 (a), both for the current delivery period; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 913.51 (b) and the Class II butterfat differential pursuant to § 913.52 (b), both for the delivery period immediately preceding; and

(2) On or before the 10th day of each month the applicable uniform price(s) computed pursuant to §§ 913.71 and 913.72 and the producer butterfat differential computed pursuant to § 913.82, both applicable to milk delivered during the previous delivery period;

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information; and

(l) On or before February 1 of each year in writing notify: (1) Each producer who made deliveries of milk during the previous September through December of his daily quota computed pursuant to § 913.65, (2) each cooperative association of the daily quota of each member of such association, and (3) each handler of the daily quota of each producer from whom such handler received milk.

REPORTS, RECORDS, AND FACILITIES

§ 913.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July, the total pounds of quota milk and excess milk received from each producer.

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area;

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(g) The pounds of skim milk and butterfat contained in all milk, skim milk, cream and other Class I products on hand at the beginning and at the end of the delivery period.

§ 913.31 *Payroll reports.* On or before the 20th day of each delivery period, each handler operating a pool plant shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including, for each of the delivery periods of February through July, such producer's deliveries of quota milk and excess milk,

(b) The amount of payment to each producer and cooperative association, and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 913.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

(c) Each handler who receives from producers, milk for which payment is to be made to a cooperative association pursuant to § 913.80 (c) shall report to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(1) On or before the 20th day of the delivery period, the total pounds of milk received during the first 15 days of the delivery period;

(2) On or before the 7th day after the end of the delivery period;

(i) The pounds per shipment, the total pounds of milk (quota milk and excess milk separately for February through July) and the average butterfat test of milk received from such producer during the delivery period;

(ii) The amount or rate and nature of any deductions; and

(iii) The amount of any payments due such producer pursuant to § 913.87.

§ 913.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 913.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 913.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler which is required to be re-

ported pursuant to § 913.30 shall be classified by the market administrator pursuant to the provisions of §§ 913.41 through 913.46.

§ 913.41 *Classes of utilization.* Subject to the conditions set forth in §§ 913.43 and 913.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream), skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) used to produce butter, plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, eggnog, aerated cream products with flavor or sweetening added in containers or dispensers under pressure, casein, margarine and cheese (including skim milk used to produce cottage cheese curd, but not including skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese); (2) used for starter churning, wholesale baking and candy making purposes; (3) disposed of as livestock feed; (4) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; and (5) in shrinkage not in excess of 2 percent of total receipts, other than receipts from pool plants of other handlers, of skim milk and butterfat, respectively.

§ 913.42 *Shrinkage.* The market administrator shall prorate shrinkage of skim milk and butterfat classified as Class II milk between the receipts of skim milk and butterfat, respectively, in milk from producers and other source milk.

§ 913.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 913.44 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 913.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transfered in the form of milk, skim milk or cream to a nonpool plant located more than 150 miles from the pool plant by the shortest highway distance as determined by the market administrator, except that (1) cream as transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred in the form of milk, skim milk or cream to a nonpool plant located less than 150 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such nonpool plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such nonpool plant in markets supplied by such plant.

(e) Skim milk or butterfat transferred to a nonpool plant from which fluid milk, skim milk or cream is transferred to a pool plant shall be subject to reclassification to the extent of the amount so transferred from such nonpool plant.

§ 913.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 913.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 913.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk prorated to shrinkage in skim milk received from producers pursuant to § 913.42;

(2) Subtract from the pounds of skim milk remaining in Class II the pounds of skim milk in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the pounds of skim milk remaining in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants according to its classification as determined pursuant to § 913.44 (a);

(4) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 913.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the higher of the prices computed pursuant to paragraphs (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.8.

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

§ 913.51 *Class prices.* Subject to the provisions of §§ 913.52 and 913.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding delivery period plus $1.15 during each of the delivery periods of April, May, June and July, and plus $1.45 during all other delivery periods plus or minus a supply demand adjustment of not more than 45 cents, computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer handlers) for the same months, multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage";

(2) Compute a "net deviation percentage" as follows:

(i) If the current utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero;

(ii) Any amount by which the current utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage";

(iii) Any amount by which the current utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation percentage".

Delivery period for which price applies	Delivery periods used in computation	Percentages	
		Minimum	Maximum
January	November-December	122	128
February	December-January	124	130
March	January-February	125	131
April	February-March	127	134
May	March-April	130	137
June	April-May	144	153
July	May-June	150	160
August	June-July	146	154
September	July-August	138	146
October	August-September	127	133
November	September-October	117	123
December	October-November	120	126

(3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation; plus

(ii) One cent for each such percentage point of net deviation for which a percentage point of net deviation of like direction was computed pursuant to subparagraph (2) of this paragraph in the computation of the Class I price applicable for the delivery period immediately preceding; plus

(iii) One cent for each such percentage point of net deviation for which percentage points of net deviation in like direction were computed pursuant to subparagraph (2) of this paragraph in the computations of each of the Class I prices applicable for the first and second delivery periods immediately preceding.

(b) *Class II milk.* The basic formula price for the current delivery period during each of the delivery periods of September, October, November, December, January and February, and such basic formula price less 20 cents during all other delivery periods.

§ 913.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to either class pursuant to § 913.46 (c) is more or less than 3.8 percent there shall be added to the respective class price computed pursuant to § 913.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 913.50 (b) (1) by 1.3 and divide the result by 10;

(b) For Class II milk (1) during each of the delivery periods of September through February, multiply the butter price specified in § 913.50 (b) (1) by 1.2 and divide the result by 10; and (2) during each of the delivery periods of March through August, multiply the butter price specified in § 913.50 (b) (1) by 1.15 and divide the result by 10.

§ 913.53 *Location adjustments to handlers.* For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Kansas City, Missouri, and which is classified as Class I milk the prices computed pursuant to § 913.51 (a) shall be reduced by 16 cents if such plant is located more than 50 miles but not more than 70 miles from such City Hall and by an additional one-half cent for each 10 miles or fraction thereof that such distance exceeds 70 miles.

In case such pool plant is operated by a handler who also has a plant in the marketing area, milk moved to such plant in the marketing area shall be considered to be Class I milk to the extent that the Class I milk disposed of from such plant in the marketing area exceeds receipts of milk from producers at such plant in the marketing area: *Provided,* That if such handler has two or more pool plants to which location adjustments apply, the milk so classified as Class I milk shall be deemed to have been transferred from such pool plants in the order of their distance from the City Hall in Kansas City.

Location adjustments on milk transferred as Class I milk from a pool plant to the pool plant of another handler shall apply only to that portion of such milk which is not in excess of the amount by which the total Class I sales of the receiving handler are greater than the total receipts of such handler from producers.

APPLICATION OF PROVISIONS

§ 913.60 *Producer-handlers.* Sections 913.40 through 913.45, 913.50 through 913.53, 913.61, 913.70, 913.71, 913.80 through 913.89 shall not apply to a producer-handler.

§ 913.61 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant shall pay, with respect to all skim milk and butterfat other than that transferred to the pool plant of another handler, disposed of as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk and butterfat at the Class I price and their value at the Class II price. Payments pursuant to this section shall be made to the market administrator for the producer-settlement fund on or before the 12th day after the end of each delivery period.

§ 913.62 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this part shall not apply, except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(b) Such handler shall pay to the market administrator for the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the excess, if any, by which the value of such skim milk and butterfat as determined pursuant to this part exceeds its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day after the end of each delivery period.

§ 913.63 *Diversion.* (a) Milk diverted for the account of a handler from an approved plant of such handler to a milk plant which is not a pool plant shall be deemed to have been received by such handler at the approved plant from which such milk was diverted, except that for any of the delivery periods of September through December no milk so

diverted shall be deemed to have been so received at an approved plant from any producer or person whose milk was diverted to an unapproved plant for more than 10 days during such delivery period.

(b) Milk diverted for the account of a handler from an approved plant of such handler to a pool plant of another handler for not more than 5 days during the delivery period shall be deemed to have been received by the diverting handler at the approved plant from which such milk was diverted; milk received at a pool plant for more than 5 days during the delivery period shall be deemed to have been received at such pool plant by the handler who operates such pool plant.

(c) Milk diverted by a cooperative association that does not operate an approved plant, from a pool plant to another milk plant for the account of such cooperative association shall be deemed to have been received by such cooperative association at a pool plant at the same location as the pool plant from which such milk was diverted, except that for any of the delivery periods of September through December no milk so diverted shall be deemed to have been so received at an approved plant from any producer or person whose milk was diverted to an unapproved plant for more than 10 days during such delivery period.

DETERMINATION OF QUOTA

§ 913.65 *Computation of daily quota for each producer.* The daily quota for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

(a) Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided,* That the daily quota applicable during the delivery periods of February through July 1955 shall be the higher of that resulting from such computation or that resulting from an identical computation with respect to milk received from such producer during the immediately preceding delivery periods of October through December.

§ 913.66 *Daily quota rules.* (a) Except as provided in paragraph (b) of this section, a daily quota shall apply only to milk produced by the producer in whose name such milk was delivered to the handler(s) during the quota-forming period.

(b) A producer may transfer his daily quota during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such quota is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

DETERMINATION OF UNIFORM PRICE

§ 913.70 *Computation of the value of milk received from producers by each handler at pool plants.* The value of milk received during each delivery period by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 913.46 (c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 913.46 (a) (5) by the applicable respective class prices; and

(c) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 913.46 (a) (2) and (b), add an amount equal to the differences between the values of such skim milk and butterfat at the Class I price and at the Class II price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk and butterfat was used only to the extent that producer milk was not available.

§ 913.71 *Computation of uniform price.* For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers who filed reports prescribed in § 913.30 and who made the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Divide by the total hundredweight of milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received at pool plants located less than 50 miles from the City Hall in Kansas City, Missouri.

§ 913.72 *Computation of uniform price for quota milk and excess milk.* For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for quota milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 913.70 for all handlers who filed reports pursuant to § 913.30 and who make the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period:

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) Add an amount equal to one-half of the unobligated balance in the producer-settlement funds;

(d) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(e) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts;

(f) Divide the total value of excess milk obtained in paragraph (e) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat received from producers at pool plants located less than fifty miles from the City Hall in Kansas City, Missouri;

(g) Subtract the value of excess milk obtained in paragraph (e) of this section from the aggregate value of milk obtained in paragraph (d) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of quota milk included in these computations; and

(i) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (h) of this section. The resulting figure shall be the uniform price for quota milk of 3.8 percent butterfat content received from producers at pool plants located less than fifty miles from the City Hall in Kansas City, Missouri.

PAYMENTS

§ 913.80 *Time and method of payment.* Each handler operating a pool plant shall make payment as follows:

(a) On or before the 12th day after the end of each delivery period during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) pursuant to § 913.71 or § 913.72, adjusted by the butterfat differential computed pursuant to § 913.82, subject to the location adjustment to producers pursuant to § 913.81, and less the following amounts (1) the payments made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 913.88, and (3) any deductions authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 913.85 he may reduce his total payment to all producers uniformly by not less than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each delivery period to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section and (2) who had not discontinued shipping milk to such handler before the 18th day of the delivery period, an advance payment with respect to milk received from such producer during the first 15 days of the delivery period at the approximate value of such milk, not to be less than the Class II price for 3.8 percent milk for the preceding delivery period, without deduction for hauling;

(c) To a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines such cooperative association is authorized to collect payment as follows:

(1) On or before the 20th day of the delivery period, an amount equal to not less than the Class II price for 3.8 percent milk for the preceding delivery period multiplied by the hundredweight of milk received during the first 15 days of the delivery period from such producers as did not discontinue delivering milk to such handlers before the 18th day of the delivery period, less any deductions authorized in writing by such cooperative association;

(2) On or before the 11th day after the end of each delivery period an amount equal to not less than the applicable uniform prices pursuant to § 913.71 or § 913.72, adjusted by the butterfat differential computed pursuant to § 913.82 for the weighted average butterfat content of the milk received from such producer, multiplied by the hundredweight of milk received from such producers during the delivery period, adjusted as applicable for location adjustment to producers pursuant to § 913.81 and less (i) payment made such cooperative association pursuant to subparagraph (1) of this paragraph, (ii) amounts owing such handler for supplies or merchandise purchased from him by such producers, (iii) deductions for which written authorization of a producer were on file as a means of liquidating a then existing obligation prior to receipt of the written request for payment to such cooperative association; and (iv) proper deductions authorized in writing by such cooperative association: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 913.85, he may reduce his payment to the cooperative association by not more than the pro rata share of such underpayment. Payments to the cooperative association shall be complete thereafter not later than the second day following receipt of the balance due from the market administrator.

(d) On or before the 11th day after the end of each delivery period, to each cooperative association, with respect to receipts of milk for which such cooperative association is defined as the handler pursuant to § 913.11 (b) (2), not less than the value of such milk as classified pursuant to § 913.44 (a) at the applicable respective class price(s).

(e) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 913.80, 913.81 and 913.82;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 913.88 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(f) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 913.81 *Location adjustment to producers.* In making payments to producers, pursuant to § 913.80 (a), for milk received at a pool plant located 50 miles or more from the City Hall in Kansas City, Missouri, by shortest highway distance as determined by the market administrator, there shall be deducted 16 cents per hundredweight of milk for distances of 50 to 70 miles, inclusive, plus an additional one-half cent for each additional 10 miles or fraction thereof in excess of 70 miles.

§ 913.82 *Producer butterfat differential.* In making payments pursuant to § 913.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by adding 4 cents to the butter price specified in § 913.50 (b) (1) dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 913.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 913.61, 913.62, and 913.84 and all appropriate payments pursuant to § 913.87 and out of which he shall make all payments pursuant to § 913.85 and all appropriate payments pursuant to §§ 913.86 and 913.87: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

§ 913.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers, during such delivery period as determined pursuant to § 913.70 is greater than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.88 and (b) authorized by the producer.

§ 913.85 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 913.70 is less than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.88 and (b) authorized by the producer: *Provided,* That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 913.87 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 913.88 *Marketing service*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself pursuant to § 913.80 (a), shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 913.80 (a), as are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 913.89 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expenses set forth in this section.

§ 913.90 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 913.100 *Effective time.* The provisions of this part or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 913.101.

§ 913.101 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 913.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 913.103 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 913.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 913.111 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 27th day of April 1955 to be effective on and after the 1st day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-3537; Filed, Apr. 29, 1955; 8:48 a. m.]

[Navel Orange Reg. 58]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.358 *Navel Orange Regulation 58*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 28, 1955, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 1, 1955, and ending at 12:01 a. m., P. s. t., May 8, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300,300 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 29, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3591; Filed, Apr. 29, 1955; 11:39 a. m.]

[Docket No. AO-71-A-29]

PART 927—MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective on May 1, 1955. An effective date other than as of the first day of a month is administratively impracticable. The provisions of the said order are well known to handlers, having been included in the decision published in the FEDERAL REGISTER on April 22, 1955 (20 F. R. 2688). The changes effected by this order amending the order, as amended, do not require substantial or extensive preparation by persons affected prior to its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective on May 1, 1955.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the New York metropolitan milk marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1955), were engaged in the production of milk for sale in the said marketing area.

It is therefore ordered, That on and after May 1, 1955, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as heretofore amended and as hereby further amended as follows:

1. Replace the period at the end of the first sentence in paragraph (a) of § 927.40 with a colon and add thereto the following: *"And provided further,* That such Class I-A price shall not be less than $4.75 during any of the months of May through September 1955."

2. Amend subparagraph (2) of paragraph (b) in § 927.40 to read as follows:

(2) There is a difference of more than 15 points for each of three consecutive months between 90 percent of the index of cost of production announced pursuant to § 927.46 (a) (6) and the index of the Class I-A price announced pursuant to § 927.46 (a) (7).

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of April 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-3541; Filed, Apr. 29, 1955; 8:50 a. m.]

[Orange Reg. 278]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.736 *Orange Regulation 278*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part

933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 2, 1955. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until May 2, 1955; the recommendation and supporting information for continued regulation subsequent to May 1, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 2, 1955, and ending at 12:01 a. m., e. s. t., May 16, 1955, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 274 (§ 933.728, 20 F. R. 1359).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 27, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3535; Filed, Apr. 29, 1955; 8:48 a. m.]

[Grapefruit Reg. 223]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.737 *Grapefruit Regulation 223*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 7 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 2, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until May 2, 1955; the recommendation and supporting information for continued regulation subsequent to May 1, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 26; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 2, 1955, and ending at 12:01 a. m., e. s. t., May 16, 1955, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any white seedless grapefruit, grown in "Regulation Area I," which do not grade at least U. S. No. 2;

(iii) Any white seedless grapefruit, grown in "Regulation Area II," which do not grade at least U. S. No. 2 Russet;

(iv) Any pink seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(v) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack. in a standard nailed box;

(vi) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any white seedless grapefruit, grown in "Regulation Area I," that grade U. S. No. 2 Bright, or U. S. No. 2, which are of a size larger than a size that will pack 54 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," 'ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (§§ 51.750–51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 27, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3536; Filed, Apr. 29, 1955; 8:48 a. m.]

[Docket No. AO 256-A1]

PART 952—MILK IN THE AUSTIN-WACO, TEXAS, MARKETING AREA

ORDER AMENDING ORDER

§ 952.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Austin-Waco, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended and all of the terms and conditions of said order as hereby amended will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than May 1, 1955. Any delay beyond that date will seriously threaten the orderly marketing of milk in the Austin-Waco, Texas, marketing area.

The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued April 21, 1955. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective May 1, 1955 and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order which is marketed within the Austin-Waco, Texas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least three-fourths of the producers who, during the determined representative period (February 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Austin-Waco, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, as follows:

1. Amend § 952.70 by adding a new paragraph to read as follows:

(e) From the effective date hereof through June 1955 deduct for each hundred pounds of producer milk which was allocated to Class II pursuant to § 952.46 and which was either used in the production of Cheddar cheese or assigned to such product pursuant to § 952.44 the difference between the Class II price for milk containing 4 percent butterfat and the price obtained by multiplying by 8.2 the average of the daily prices paid per pound of cheese at Wisconsin Primary markets ("Cheddars" f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month.

2. Delete § 952.73 (a) and substitute therefor the following:

(a) Subject to the conditions set forth in paragraph (b) of this section, compute the value on a 4.0 percent butterfat basis of excess milk received by such handler by multiplying the hundredweight of such milk by the price for Class II milk of 4.0 percent butterfat content and deducting therefrom the deduction made pursuant to § 952.70 (e);

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of April 1955, to be effective on and after May 1, 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-3542; Filed, Apr. 29, 1955; 8:50 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

COMPILATION OF ORDER REGULATING HANDLING

For convenient reference, the texts of the codified portions of Order No. 53, regulating the handling of lemons grown in California and Arizona and comprising Subpart—Order Regulating Handling (F. R. Doc. 41-2545; 6 F. R. 1833) which became effective on April 10, 1941, as amended (13 F. R. 766; 14 F. R. 3612), amended and recodified (16 F. R. 5525-5530), and as further amended (18 F. R. 6767; 19 F. R. 7175) are reprinted in the FEDERAL REGISTER in the form of a compilation.

This material was prepared in cooperation with the Federal Register Division and has been examined for completeness and accuracy.

Dated: April 27, 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Sec.
953.0 Findings and determinations.

Subpart—Order Regulating Handling

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AUTHORITY: §§ 953.0 to 953.92 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 953.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (Original findings in 6 F. R. 1833.)

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Los Angeles, California, on June 22, 1954, upon proposed amendments to Marketing Agreement No. 94, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of lemons grown in the States of California and Arizona in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the lemons covered thereby.

(b) *Additional findings.* It is hereby found and determined on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). The provisions of this order make certain changes in the composition of the Lemon Administrative Committee, the agency charged with the administration of this program, and in the procedures for nominating the membership of the committee. The term of office of the current members of the committee ends on October 31, 1954, and the provisions of this order should be made effective as soon as practicable so that the new committee may be nominated and appointed in conformity therewith. The provisions of this order are well known to the handlers of lemons, since the public hearing in connection therewith was held in Los Angeles, California, on June 22, 1954, and the recommended decision and final decision were published in the FEDERAL REGISTER on August 20, 1954 (19 F. R. 5319), and September 15, 1954 (19 F. R. 5969), respectively; and the changes effected by this order do not impose any restrictions on, or require any advance preparation by, the persons subject to regulations under the program.

(c) *Determinations.* It is hereby determined that:

(1) The "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Lemons Grown in California and Arizona," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the lemons covered by this order) who, during the period November 1, 1952, through October 31, 1953, shipped not less than 80 percent of the volume of lemons covered by said order, as amended, and hereby further amended; and

(2) The issuance of this order, amending the aforesaid order, as amended, is favored, or approved, by at least three-fourths of the producers who, during the determined representative period (November 1, 1952, through October 31, 1953), were engaged within the production area specified in said order, as amended, in the production of lemons for market.

(3) The issuance of this order, amending the aforesaid order as amended, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of lemons produced within California and Arizona for market.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

SUBPART—ORDER REGULATING HANDLING

DEFINITIONS

§ 953.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States of America.

§ 953.2 *Act.* "Act" means Public Act No. 10, 73d Congress (48 Stat. 31), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), as amended.

§ 953.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

§ 953.4 *Lemons.* "Lemons" means all varieties of lemons grown in the State of California or in the State of Arizona.

§ 953.5 *Grower and producer.* "Grower" and "producer" are synonymous and mean any person who produces lemons for market.

§ 953.6 *Handler.* "Handler" means any person (except a common carrier of lemons owned by another person), who handles lemons in fresh form.

§ 953.7 *Handle.* "Handle" means to transport, ship, sell, or in any other way to place lemons in the current of interstate commerce or commerce with Canada, or so as directly to burden, obstruct, or affect such interstate commerce or such commerce with Canada.

§ 953.8 *Carload.* "Carload" means a quantity of lemons equivalent to 406 packed boxes of lemons.

§ 953.9 *Box.* "Box" means a standard lemon box which has inside dimensions of 10 inches in depth, 13 inches in width, and 25⅝ inches in length or the equivalent thereof.

§ 953.10 *Season and fiscal year.* "Season" and "fiscal year" are synonymous and mean the twelve-month period beginning on November 1 of each year and ending October 31 of the following year.

§ 953.11 *Committee.* "Committee" means the Lemon Administrative Committee established pursuant to § 953.20.

§ 953.12 *Available lemons.* "Available lemons" means all lemons available for current shipment, as determined pursuant to § 953.53.

§ 953.13 *Central marketing organization.* "Central marketing organization" means any organization which markets the lemons for more than one handler pursuant to a written contract between such organization and each such handler.

ADMINISTRATIVE BODY

§ 953.20 *Establishment and membership.* A Lemon Administrative Committee, consisting of seven members, is hereby established. For each member of the committee there shall be an alternate member who shall have the same qualifications as the member.

§ 953.21 *Term of office.* The initial members and alternate members shall hold office for a term beginning on the date designated by the Secretary and ending October 31, 1942, or until their successors are selected and have qualified. Thereafter, the term of office of members and alternate members shall begin on the first day of November and continue for two years or until their successors are selected and have qualified. The Secretary may, by order issued not later than September 1 of any year, direct that the term of office of the members and alternate members then serving shall expire on October 31 following the date of such order, or as soon thereafter as their respective successors are selected and have qualified.

§ 953.22 *Nominations.* (a) The cooperative marketing organization, or the growers affiliated therewith, as may be provided pursuant to paragraph (f) of this section, which marketed more than sixty percent of the total volume of lemons marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are to be submitted, shall nominate three growers for three members and three growers for three alternate members of the committee.

(b) The cooperative marketing organization, or the growers affiliated therewith, as may be provided pursuant to paragraph (f) of this section, which marketed a larger portion of the total volume of lemons marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members are to be submitted than any cooperative marketing organization other than the one described in paragraph (a) of this section, shall nominate one grower for a member and one grower for an alternate member of the committee.

(c) All cooperative marketing organizations which are not qualified under paragraph (a) or (b) of this section, or the growers affiliated therewith, as may be provided pursuant to paragraph (f) of this section, shall nominate one grower for a member and one grower for an alternate member of the committee.

(d) All lemon growers who are not included under paragraph (a), (b), or (c) of this section shall nominate one grower for a member and one grower for an alternate member of the committee.

(e) When voting for nominees, each grower shall be entitled to cast one vote, which vote shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives.

(f) The time, method, and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(g) Nominations for the initial members and alternate members of the committee may be made prior to, and, in any event, shall be submitted to the Secretary not later than fifteen days after the effective date of this subpart. Nominations for successors to the initial members and alternate members of the committee shall be submitted to the Secretary not later than fifteen days preceding the date of expiration of the terms of the members and alternate members.

(h) The six members of the committee selected by the Secretary pursuant to § 953.23 (a), shall meet upon a date designated by the Secretary and, by a concurring vote of at least four members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees or agents of a grower or a handler, or in any other way associated directly with the lemon industry.

§ 953.23 *Selection.* (a) From the nominations made pursuant to paragraph (a) of § 953.22 or from other qualified growers, the Secretary shall select three members and three alternate members of the committee. From the nominations made pursuant to each of the paragraphs (b), (c), and (d) of § 953.22, or from other qualified growers, the Secretary shall select one member and one alternate member of the committee.

(b) From the nominations made pursuant to paragraph (h) of § 953.22, or from other qualified persons, the Secretary shall select one member and one alternate member of the committee.

§ 953.24 *Failure to nominate.* In the event nominations are not made pursuant to, and within the time specified in, § 953.22, the Secretary may select the members and alternate members of the committee, without regard to nominations, which selection shall be made on the basis of the representation provided for in § 953.23.

§ 953.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 953.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term shall be selected by the Secretary from nominations made in the manner specified in § 953.22. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § 953.23.

§ 953.27 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, unless such member has designated another alternate member, who has been nominated by the same group which nominated the member; in which event, the alternate member so designated shall serve in the absence of the member who designated him. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 953.28 *Procedure.* (a) Five members of the committee shall constitute a quorum and any action of the committee shall require four concurring votes.

(b) The committee may provide for voting by telegraph, telephone, or other means of communication; and any such vote so cast shall be confirmed promptly in writing.

§ 953.29 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under § 953.30, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending meetings of the committee.

§ 953.30 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 953.31 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the committee, including all transactions and operations pursuant to §§ 953.50 through 953.62. Such minutes, books, and records shall be subject to examination at any time by the Secretary;

(c) To investigate the growing, shipping, and marketing conditions with respect to lemons and to assemble data in connection therewith;

(d) To furnish to the Secretary such available information as he may request;

(e) To select a chairman and such other officers as may be necessary, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(g) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other times as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart, and a copy of each such report shall be furnished to the Secretary;

(h) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the salaries and define the duties of such persons;

(i) Subject to the continuing right of the Secretary to take such other action as may be necessary, to appear in and defend any legal proceeding against the committee, its members, or alternate members (whether any such proceeding is against them as individuals or as members or alternate members of the committee), or any officers or employees of such committee, arising out of the exercise of their powers or the performance of their duties pursuant to the provisions of this subpart; and the action of the committee in connection with any such defense shall be binding upon all the members and alternate members of the committee; and

(j) To perform such duties as may be assigned to it by the Secretary in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress approved August 24, 1935 (49 Stat. 774), as amended.

§ 953.32 *Obligation.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this subpart.

EXPENSES AND ASSESSMENTS

§ 953.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee pursuant to the provisions of this subpart during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as provided in § 953.41.

§ 953.41 *Assessments.* (a) Each handler who first handles lemons shall, with respect to the lemons so handled by him, pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal year. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of lemons handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of lemons handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers. The payment of assessments for the maintenance and functioning of the committee may be required under this subpart throughout the period it is in effect, irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all lemons handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 953.42 *Accounting.* (a) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year. If any handler ceases to handle lemons he may demand payment of such refund, in which case such sum shall be paid to him.

(b) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

§ 953.43 *Funds.* All funds received by the committee pursuant to any provisions of this subpart shall be used solely for the purposes specified in this subpart and shall be accounted for in the manner provided in this subpart. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATION

§ 953.50 *Marketing policy.* At the beginning of each fiscal year, the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of lemons during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify handlers of the contents of such reports.

§ 953.51 *Recommendations for regulation.* (a) It shall be the duty of the committee to investigate the supply and demand conditions for lemons. Whenever the committee finds that such conditions make it advisable to regulate, pursuant to § 953.52, the handling of lemons during any week of the fiscal year, it shall recommend to the Secretary the quantity of lemons which it deems advisable to be handled during such week in each district defined in § 953.64. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

(b) In making such recommendations, the committee shall give due consideration to the following factors: (1) Quantity of lemons in storage; (2) lemons on hand in, and en route to, the principal markets; (3) trend in consumer income; (4) present and predicted weather conditions; (5) present and prospective prices of lemons; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 953.52, has fixed the quantity of lemons which may be handled during such week, the committee may, if it deems such action advisable because of unusual or unforeseen changes in the demand for lemons, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with supporting information, shall be submitted promptly to the Secretary.

§ 953.52 *Issuance of regulations.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of lemons which may be handled during a specified week in each district, as aforesaid, will tend to effectuate the declared policy of the act, he shall fix such a quantity of lemons which may be handled during such week in each such district, which quantity may, at any time during such week, be increased by the Secretary. The committee shall be informed immediately of any such regulation issued by the Secretary and shall promptly give adequate notice thereof to handlers.

§ 953.53 *Prorate bases.* (a) As used in this section, "handler" means the person who is, or proposes to be, the person who handles lemons as the first handler thereof; and each such handler shall submit to the committee, at such time as may be designated by it, a written application for a prorate base and for allotments, as provided in this subpart.

(b) Whenever the committee proposes to make recommendations for regulation, pursuant to § 953.51, it shall, with respect to each handler who has filed an application for a prorate base, compute the quantity of available lemons which, as of 12:01 a. m., on the Sunday nearest the date on which such computation is made, meets the requirements of marketing under applicable laws. Such computation shall be made every two weeks, beginning with a date in each fiscal year to be fixed by the committee, and continuing so long as such recommendations are proposed. In computing each handler's available lemons, the committee shall consider only such lemons as the handler owns or has contracted to buy, or has authority to market under a written contract.

(c) In computing the quantity of lemons which, for the applicable two-week period, each handler has available for current shipment, the committee shall compute the quantity of lemons which each handler has picked from the trees and has assembled at an established shipping point within the area of production.

(d) In the event any handler has lemons which he desires to market in channels other than fresh-fruit channels in the United States and Canada, he may request the committee to compute the number of weeks that such lemons could be held in storage, under commercial storage conditions, and, at the expiration of such period, would meet the requirements for marketing under applicable laws. Any such lemons shall be in containers and shall be assembled at one or more of the central points which may be approved by the committee. If the said handler is satisfied with the committee's computation, he shall give the committee written notification thereof and shall dispose of such lemons in channels other than fresh-fruit channels in the United States and Canada. The committee shall include such lemons as a part of the available lemons of such handler for the number of weeks computed, and such lemons shall not be included thereafter in any computation made pursuant to paragraph (c) of this section.

(e) Any handler who submits evidence satisfactory to the committee that such handler has lemons available for current shipment during the applicable two-week period, but, because of unavailable facilities, the quantity of such lemons cannot be computed satisfactorily, pursuant to paragraph (c) of this section, the committee shall compute, pursuant to uniform rules adopted by the committee and approved by the Secretary, the quantity of lemons which each such handler has available for current shipment during such period.

(f) Based on the quantity of each handler's available lemons, as computed pursuant to this section, the committee shall fix the prorate base of each handler who has applied therefor: *Provided,* That such quantity shall be adjusted by (1) the deduction therefrom of any undershipments pursuant to § 953.58, or (2) the addition thereto of any overshipments pursuant to § 953.57, in the event such handler makes an undershipment or overshipment during the week preceding that in which such quantity is computed. Such prorate base shall represent the ratio between the quantity of such handler's available lemons in a district, as aforesaid, and the quantity of all handlers' available lemons in such district, and shall be applicable for the two week period immediately following the week in which it is fixed by the committee.

(g) The committee shall notify the Secretary of the prorate base fixed for each handler and shall notify such handler of the prorate base fixed for him.

(h) Any handler who has reason to believe that the computation made by the committee with respect to the quantity of such handler's available lemons is not accurate, may appeal to the Secretary for a recomputation thereof. Any such appeal shall be supported by evidence which shall show the inaccuracy of the committee's computation. Whenever a handler takes such an appeal to the Secretary, the handler shall, at the same time, notify the committee of such appeal and submit to the committee a copy of the evidence in support thereof. Upon receipt thereof, the committee shall immediately submit a report to the Secretary, setting forth the manner in which the quantity of the handler's available lemons was computed, and other data pertinent to a determination on the appeal.

§ 953.56 *Allotments.* Whenever the Secretary has fixed the quantity of lemons which may be handled during any week in a district, as aforesaid, the committee shall calculate the quantity of lemons which each handler may handle during such week. The said quantity shall be the allotment of each such handler and shall be in an amount equal to the product of the handler's prorate base and the quantity of lemons fixed by the Secretary as the quantity which may be handled during such week in such district. The committee shall give adequate notice to each handler of the allotment computed for him pursuant to this section.

§ 953.57 *Overshipments.* During any week for which the Secretary has fixed the quantity of lemons which may be handled, each handler may handle, in addition to his allotment, an amount of lemons equivalent to ten percent of said allotment, or one carload, whichever is the greater: *Provided,* That no such overshipment may be made by a handler if his allotment for such week is insufficient to offset his prior overshipments pursuant to this section. The quantity of lemons handled in excess of a handler's allotment (but not exceeding the quantity permitted to be handled, as provided in this section) shall be deducted from his allotment for the next week in which the handling of lemons is regulated under this subpart. If such allotment is in an amount less than such excess quantity of lemons permitted to be handled by a handler, such quantity handled in excess of his allotment shall be deducted from succeeding weekly allotments until such excess has been entirely offset.

§ 953.58 *Undershipments.* If a handler during any week handles a quantity of lemons less than his allotment for that week, such handler may, in addition to his allotment for the next succeeding week, handle only during such next succeeding week, a quantity of lemons equivalent to such undershipment.

§ 953.59 *Allotment loans.* (a) A handler for whom a prorate base has been established may lend allotment to other handlers: *Provided,* That such loan is confined to the same district, as defined in § 953.64, is reported to the committee not later than 48 hours after the loan agreement has been entered into, and provides for repayment within one year of the date of the loan.

(b) Allotments shall be loaned only during the week in which such allotments are issued and can be used by the borrower only during the week in which the loan is secured. Handlers securing repayment of allotment loans shall use such allotments only during the week in which the repayment is made.

(c) The committee may act as agent for handlers in arranging loans of allotment; and all loan transactions shall be confirmed by the committee by memoranda addressed to the parties thereto.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after repayment thereof.

§ 953.60 *Transfer of allotments.* Allotments shall not be transferred except upon the transfer of a quantity of lemons equal to the allotment which has been transferred.

§ 953.61 *Priority of allotments.* During any week in which a handler receives an allotment, and has the right to handle a quantity of lemons in addition to the quantity represented by his allotment, by reason of (a) an undershipment of lemons pursuant to § 953.58; or (b) a transferred allotment, pursuant to § 953.60; or (c) the repayment of a loaned allotment, pursuant to § 953.59; or (d) an assignment of an allotment, pursuant to § 953.63; or (e) a borrowed allotment, pursuant to § 953.59, and such handler handles a quantity of lemons which is less than the total quantity of lemons which such handler may handle during such week, the amount of lemons handled shall first apply to such handler's current weekly allotment (or to that portion thereof which is not used pursuant to §§ 953.57, 953.59, 953.60, or 953.63), and the remainder, if any, shall be applied in the following order: first, to any undershipment of lemons, pursuant to § 953.58; second, to any allotment repaid to him, pursuant to § 953.59; third, to any allotment transferred to him, pursuant to § 953.60; fourth, to any allotment assigned to him, pursuant to § 953.63; and fifth, to any allotment borrowed, pursuant to § 953.59.

§ 953.62 *Information to central marketing organizations.* (a) In order further to facilitate arranging allotment transactions pursuant to this subpart, the committee shall give any central marketing organization upon its request, the same notice with respect to prorate bases and allotments, applicable to each handler for whom it markets lemons, as is given to such handlers.

(b) Any central marketing organization which, pursuant to paragraph (a) of this section, receives information from the committee regarding prorate bases and allotments, applicable to handlers for whom it markets lemons, and which arranges allotment transactions for or on behalf of any of such handlers, shall keep records which will accurately reflect all such allotment transactions and such records shall be subject to examination by the committee and the Secretary. Any such central marketing organization shall make such reports and furnish such other information with respect thereto as may be required by the committee. If the Secretary finds that any

such central marketing organization has failed to keep such records, or has assisted in effecting allotment transactions contrary to the provisions of this subpart, the provisions of paragraph (a) of this section shall not be applicable to such central marketing organization during such period as may be determined by the Secretary.

§ 953.63 *Assignment of allotments.* Any person who acquires lemons to be handled by him, and who does not have a prorate base on such lemons, may handle such lemons pursuant to an assignment of an allotment from the handler from whom such lemons were acquired and to whom the allotment had been issued, which assigned allotment shall be equal to the quantity of lemons acquired by such person.

Any such assignment shall be evidenced by a certificate which shall be in such form, and issued in such manner, as shall be prescribed by the committee.

§ 953.64 *Districts.* (a) "District 1" shall include that part of the State of California which is north of a line drawn due east and west through the Tehachapi Mountains.

(b) "District 2" shall include that part of the State of California which is south of a line drawn due east and west through the Tehachapi Mountains, but shall exclude Imperial County, California, that part of Riverside County, California, situated south and east of San Gorgonio Pass, that part of Riverside County, California, situated north of San Gorgonio Pass but east of the 115th Meridian, and that part of San Bernardino County, California, situated east of the 115th Meridian.

(c) "District 3" shall include the State of Arizona and that part of the State of California not included in District 1 and District 2.

REPORTS

§ 953.70 *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, on forms prepared by it, the following information with respect to lemons marketed by such handler during the immediately preceding week: (a) Quantity handled; (b) quantity shipped for distribution to persons on relief, including quantity donated for charitable purposes; (c) quantity sold or transported for consumption in fresh form in California or Arizona; (d) quantity sold or otherwise disposed of for canning or for manufacture into byproducts; and (e) quantity disposed of otherwise.

§ 953.71 *Other reports.* Upon request of the committee made with the approval of the Secretary every handler shall furnish to the committee, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in § 953.70), such other information as will enable the committee to perform its duties and to exercise its powers under this subpart.

MISCELLANEOUS PROVISIONS

§ 953.80 *Lemons not subject to regulation.* Nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle lemons (a) for consumption by charitable institutions or distribution by relief agencies; (b) for conversion into by-products; or (c) for export to foreign countries other than Canada; nor shall any asessment be levied on lemons so handled. The committee may prescribe adequate safeguards to prevent lemons handled for the purposes designated under paragraphs (a) and (b) of this section from entering commercial fresh fruit channels of trade contrary to the provisions of this subpart. The term "by-product" as used in this section includes all processed and manufactured products of lemons, including canned or bottled lemon juice.

§ 953.81 *Compliance.* Except as provided in this subpart, no handler shall handle lemons, during any week in which a regulation issued by the Secretary, pursuant to § 953.52, is in effect, unless such handler has an allotment, or an assignment of an allotment, covering such lemons, issued pursuant to this subpart, or unless such handler is otherwise permitted to handle such lemons, under the provisions of this subpart; and no handler shall handle lemons except in conformity to the provisions of this subpart.

§ 953.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. In the event the committee, for any reason, fails to perform its duties or exercise its powers under this subpart, the Secretary may designate another agency to perform such duties and to exercise such powers.

§ 953.83 *Effective time.* The provisions of this subpart shall become effective April 10, 1941, and shall continue in force until terminated in one of the ways specified in § 953.84.

§ 953.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of lemons: *Provided,* That such majority has, during such year, produced for market more than fifty percent of the volume of such lemons produced for market; but such termination shall be effected only if announced on or before October 31 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 953.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds property and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 953.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 953.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 953.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 953.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 953.90 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 953.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 953.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[F. R. Doc. 55-3534; Filed, Apr. 29, 1955; 8:48 a. m.]

[Lemon Reg. 587]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.694 *Lemon Regulation 587*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 27, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 1, 1955, and ending at 12:01 a. m., P. s. t., May 8, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 500 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 28, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3570; Filed, Apr. 29, 1955; 8:55 a. m.]

[Docket No. AO-166-A19]

PART 965—HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

ORDER AS AMENDED

Sec.
965.0 Findings and determinations.

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AUTHORITY: §§ 965.0 to 965.92 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued

amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (Part 900 of this chapter), a public hearing was held upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order, as amended, effective not later than May 1, 1955. Such action is necesary in the public interest in order to reflect current marketing conditions and to insure the orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order, as amended, will seriously impair the orderly marketing of milk produced for the Cincinnati, Ohio, marketing area. The regulatory provisions of this order, as amended, are such that little or no preparation prior to its effective date will be required of handlers regulated thereunder. Under these circumstances the handlers will be afforded reasonable time for any such preparation as may be necessary. Therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order, as amended, until at least 30 days after its publication in the FEDERAL REGISTER, and good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1000) for making this order, as amended, effective May 1, 1955.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 965.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 965.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

§ 965.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, buttermilk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk all or a portion of which is disposed of on a route(s) operated wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means any milk plant, other than a fluid milk plant operated by a producer-handler or a plant at which the milk of dairy farmers is priced by another milk marketing agreement or order issued pursuant to the act, which is:

(a) A fluid milk plant as described in § 965.6 located in the marketing area;

(b) A fluid milk plant located outside the marketing area and disposing of not less than 10 percent of its entire route disposition of Class I milk on a route(s) operated wholly or partially within the marketing area; or

(c) A plant, receiving milk from dairy farms, which the market administrator determines has moved to a plant(s) described under paragraph (a) or (b) of this section an amount of milk or skim milk in fluid form equal to not less than one percent of the total Class I utilization of plants described in paragraphs (a) and (b) of this section during the second month preceding such movement as specified in the following schedule:

Months milk is moved:	*Months plant is pool plant*
One of the months of October and November.	November.
Two of the months of October, November, and December.	December.
Three of the months of October, November, December, and January.	January through October.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 *Producer.* "Producer" means any person operating a dairy farm who produces milk under a dairy farm permit issued by an appropriate health authority which is received at a "pool plant" described in § 965.7, or is caused to be diverted by a handler for his account from a pool plant to a nonpool plant during any of the months of March through August, inclusive, and milk so diverted shall be deemed to have been received by the transferor-handler at the pool plant from which it was diverted, except that the application of §§ 965.53 and 965.73 (c) to any such diverted milk shall be made on the basis of the location (whether more or less than 45 miles from the City Hall in Cincinnati) of the nonpool plant where received, subject to the following conditions:

(a) Milk which is physically received from a farm at a fluid milk plant(s) located less than 45 miles from the City Hall in Cincinnati on 60 percent or more of the days of its delivery during the next preceding period September through December, inclusive, shall be priced during the period of diversion as if received at such fluid milk plant(s); and

(b) Milk which does not qualify for diversion pursuant to paragraph (a) of this section, but which was physically received from a farm at a fluid milk plant(s) located less than 45 miles from

the City Hall in Cincinnati on 60 percent or more of the days of its delivery from the date of first delivery of such milk through the last day of February next preceding shall be priced during the period of diversion as if received at such fluid milk plant(s): *Provided further,* That any producer whose milk has been approved as "Grade A milk" by an appropriate health authority for any month, or portion thereof, shall be a "Grade A producer" for such month, and any producer whose milk has not been so approved shall be a "Grade B producer."

§ 965.9 *Handler.* "Handler" means (a) any person who operates (1) a pool plant; or (2) a nonpool plant and either directly or indirectly disposes of Class I milk on a route(s) extending into the marketing area; or (b) any cooperative association with respect to the milk of any producer(s) whose milk has been received previously at a pool plant described in § 965.7 which milk has been caused to be diverted by the cooperative association under the conditions set forth in § 965.8 to a nonpool plant, if payment therefor has been collected by such association; and such milk shall be deemed to have been received from producers by such cooperative association.

§ 965.10 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 965.8.

§ 965.11 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 965.12 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided,* That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a fluid milk plant is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 965.13 *Other source milk.* "Other source milk" means all milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to §§ 965.41 (a) (1) and (2), except (1) such products received from other fluid milk plants, or (2) producer milk; and

(b) Products other than those referred to in §§ 965.41 (a) (1) and (2) from any source (including those derived from producer milk) which are reprocessed or converted to another product during the month.

MARKET ADMINISTRATOR

§ 965.20 *Designation.* The agency for the administration of this part shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 965.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this part;

(b) Report to the Secretary complaints of violations of the provisions of this part;

(c) Make rules and regulations to effectuate the terms and provisions of this part; and

(d) Recommend to the Secretary amendments to this part.

§ 965.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Pay, out of the fund provided by § 965.74, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this part, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times; and

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.64, and the producer butterfat differential.

REPORTS, RECORDS, AND FACILITIES

§ 965.30 *Reports of handlers to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows:

(a) On or before the 10th day after the end of each month, each handler who receives milk from producers shall report with respect to all milk, skim milk, cream and other milk products handled by him during the month as follows:

(1) The total quantities at each plant from producers, from his own production, and from other handlers;

(2) The total quantities of other source milk together with the butterfat content;

(3) The quantities of skim milk and butterfat contained in inventories of items designated as Class I milk pursuant to § 965.41 (a) on hand at the beginning and end of the month;

(4) The utilization during the month of all milk and milk products referred to subparagraphs (1), (2), and (3) of this paragraph;

(5) The name and address of each new producer; and

(6) His producer payroll, which shall show for each producer the total receipts of milk with the average butterfat test thereof, the amount of the advance payment to such producer made pursuant to § 965.70 and the deductions and charges made by the handler.

(b) Each handler who receives no milk from producers shall make reports to the market administrator at such times and in such manner as the market administrator may request.

§ 965.31 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to § 965.30, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.32 *Reports of market administrators to cooperative associations.* On or before the 13th day after the end of each month, the market administrator shall report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b), to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, in-

cluding all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 965.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 *Basis of classification.* Milk and milk products received by each handler, including milk produced by him, which are required to be reported pursuant to § 965.30 (a) shall be classified by the market administrator in the classes set forth in § 965.41, subject to the provisions of §§ 965.42 through 965.46.

§ 965.41 *Classes of utilization.* The classes of utilization shall be as follows:

(a) Class I milk shall be all milk and butterfat (1) disposed of (except as provided in paragraph (c) (2) and (3) of this section) in fluid form as milk, skim milk, buttermilk, flavored milk, and milk drink, (2) disposed of in the form of fluid sweet or cultured sour cream, whipped cream, any product in fluid form containing 8 percent or more of butterfat not specified in Class II milk or Class III milk (excluding any mixture of milk (or skim milk) and cream containing 8.0 percent or more butterfat disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped, or aerated, product), and eggnog; (3) used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption; and (4) in shrinkage of butterfat from receipts of producer milk which is in excess of 2.5 percent of such receipts.

(b) Class II milk shall be all milk and butterfat (1) used to produce ice cream, ice cream mix, frozen desserts, milk (or skim milk) and cream mixtures containing 8.0 percent or more butterfat disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped, or aerated, product, and cottage cheese; and (2) in inventories of all items named in § 965.41 (a) (1) and (2).

(c) Class III milk shall be all milk and butterfat (1) used to produce butter, frozen cream, spray and roller process nonfat dry milk solids, all cheese (other than cottage cheese), and evaporated and condensed milk (or skim milk) either in bulk or in hermetically sealed cans; (2) specifically accounted for as dumped, spilled or disposed of for animal feed; (3) disposed of in bulk during the months of March through August, inclusive, as milk, skim milk, or cream to any commercial food processing establishment where food products are prepared only for consumption off the premises; (4) in shrinkage computed pursuant to § 965.44 (b) (1) up to 2.5 percent of butterfat from receipts of producer milk; and (5) in shrinkage of other source milk computed pursuant to § 965.44 (b) (3).

§ 965.42 *Responsibility of handlers.* In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all milk and milk products received by him and to prove to the market administrator that such milk, or milk products, should not be classified as Class I milk.

§ 965.43 *Transfers.* (a) Milk, skim milk, and cream transferred in fluid form from a pool plant to the pool plant of another handler shall be Class I milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 10th day after the end of the month within which such transfer was made: *Provided,* That if either or both plants received milk other than producer milk, the milk, skim milk, or cream so transferred shall be classified at both plants so as to allocate the highest possible utilization to producer milk: *Provided further,* That milk may be transferred in farm delivery containers from one pool plant to another under the conditions of this paragraph if both such plants are fluid milk plants pursuant to § 965.7 (a) or (b).

(b) Except as provided in paragraph (c) of this section, milk, skim milk and cream transferred or diverted in fluid form in bulk from a pool plant to a plant other than a pool plant shall be classified as Class I milk: *Provided,* That if the operator of such pool plant, or the diverting handler, as the case may be, on or before the 10th day after the end of the month, furnishes to the market administrator a statement which is signed by all parties to the transaction, that such milk, skim milk, or cream was used in a lower class, such milk, skim milk, or cream shall be classified accordingly, subject to verification by the market administrator: *And provided further,* That if the preceding proviso applies, the market administrator, shall assign milk, skim milk, or cream so transferred or diverted to (1) the highest-valued use classification (as described in § 965.41) in the plant of the receiver if the transfer or diversion is to a plant located in Campbell County or Kenton County, Kentucky, from which a route(s) as defined in § 965.5 is operated, and (2) the uses covered by Class III milk to the extent available prior to the assignment of any such quantity moved in sequence to Class II milk and Class I milk if the movement is to any other plant which is not a pool plant.

(c) Milk, skim milk, and cream transferred or diverted in fluid form from a pool plant to the fluid milk plant of a producer-handler shall be classified as Class I milk.

§ 965.44 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of butterfat for each handler; and

(b) Prorate the resulting amounts among the receipts of butterfat in (1) producer milk, (2) milk received from other pool plants, and (3) other source milk.

§ 965.45 *Computation of milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 965.46 *Allocation of milk and butterfat classified.* The pounds of milk and butterfat remaining in each class after making the following computations shall be the pounds of milk and butterfat, respectively, in such class allocated to producer milk:

(a) The pounds of milk in Class III milk shall be decreased by any excess of utilization of all classes over total receipts and shall be increased by any excess of total receipts over total utilization of all classes;

(b) Subtract from the pounds of butterfat in Class III milk the pounds of producer butterfat in plant shrinkage which is not in excess of 2.5 percent of all butterfat received from producers and from all other sources except a pool plant(s);

(c) Subtract from the remaining pounds of milk and butterfat, respectively, in series beginning with the lowest-priced use available, the pounds of milk and butterfat, respectively, received as other source milk;

(d) Subtract from the remaining pounds of milk and butterfat, respectively, in each class, the pounds of milk and butterfat, respectively, received from other pool plants as transferred pursuant to § 965.43;

(e) Subtract from the remaining pounds of milk and butterfat in series from Class II milk and Class I milk, the pounds of milk and butterfat in inventory at the beginning of the month in the form of items named in § 965.41 (a) (1) and (2);

(f) Add to Class III butterfat the pounds of butterfat subtracted pursuant to paragraph (b) of this section; and

(g) If the pounds of butterfat remaining in all classes exceed the pounds of butterfat received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced class.

MINIMUM PRICES

§ 965.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

Company and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 3.5 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the month for which payment is to be made, and add 20 percent thereof;

(2) From the simple average, as computed by the market administrator, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

§ 965.51 *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 965.72, not less than the following prices per hundredweight, on the basis of milk of 3.5 percent butterfat content, for the respective quantities of milk in each class computed pursuant to § 965.46.

(a) The price for Class I milk shall be the basic formula price plus $1.30, plus or minus "a supply-demand adjustment" of not more than 50 cents computed as follows:

(1) Divide the total gross volume of that portion of Class I milk set forth in § 965.41 (a) (1) and (3) (adjusted to eliminate duplications due to interhandler transfers) in the second and third months preceding by the total receipts of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "Class I utilization percentage";

(2) For each full percentage point that the Class I utilization percentage is above the applicable maximum base percentage listed below increase the Class I price by 3 cents; and for each full percentage point that the Class I utilization percentage is below the applicable minimum base percentage listed below decrease the Class I price by 3 cents: *Provided,* That the Class I differential adjusted pursuant to this subparagraph for the month of June shall not be higher than such adjusted differential for the immediately preceding month of May; and that the Class I differential so adjusted for the month of January shall not be less than the adjusted differential for the immediately preceding month of December.

Month for which price is being computed	Base utilization percentages	
	Minimum	*Maximum*
January	71	73
February	75	77
March	69	71
April	63	65
May	60	62
June	57	59
July	51	53
August	46	48
September	46	48
October	48	50
November	53	55
December	64	66

(b) The price for Class II milk shall be the sum of the plus adjustments computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1) Multiply by 1.18 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the month for which payment is to be made, and then multiply such result by 3.5; and

(2) From the simple average, as computed by the market administrator, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray process for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5, cents and multiply the result by 8.2.

(c) The price for Class III milk during each of the months of March through August shall be the price computed pursuant to subparagraph (1) of this paragraph; and the price for Class III milk during each of the months of September through February, respectively, shall be the same as the Class II price:

(1) The simple average, as computed by the market administrator of the basic (or field) prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M and R Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Co., Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc. (Osgood Milk Co.), Osgood, Ind.
Carnation Milk Co., Maysville, Ky.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent there shall be added to, or subtracted from, as the case may be, the price for such class, for each point (one-tenth of one percent) that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I milk, add 1.25 cents per point to the butterfat differential computed below in this section for Class II milk. For Class II milk multiply the average price per hundred pounds of 92-score butter as described in § 965.51 (b) (1) by 1.18, subtract therefrom the amount per hundredweight computed pursuant to § 965.51 (b) (2), and divide the result by 1000. For Class III milk subtract $5.00 from the average price per hundred pounds of 92-score butter as described in § 965.50 (b) (1), multiply by 1.2, subtract therefrom the amount per hundredweight computed pursuant to § 965.50 (b) (2), and divide the result by 1,000: *Provided,* That for each of the months of September through February, inclusive, the butterfat differential for Class III milk other than that used to produce butter shall be the same as the butterfat differential for Class II milk for such month and the butterfat differential for milk used to produce butter shall be the amount computed for such month pursuant to the formula for Class III milk immediately preceding this proviso.

§ 965.53 *Location differentials to handlers.* In computing the value of each handler's milk pursuant to § 965.60 a location differential of 15 cents per hundredweight shall be credited to the handler with respect to each hundredweight of producer milk (a) received and utilized at a pool plant located more than 45 miles by shortest hard-surfaced highway distance, as determined by the market administrator, from the City Hall in Cincinnati, Ohio, as any item of Class I milk or in the production of ice cream, frozen desserts, and cottage cheese, or (b) moved from such a pool plant in the form of any product designated as Class I milk or as condensed skim milk, ice cream mix, or frozen cream to a fluid milk plant less than 45 miles from the City Hall in Cincinnati, Ohio, and utilized as any item of Class I milk or in the production of ice cream, frozen desserts, and cottage cheese: *Provided,* That in the case of transfers made under paragraph (b) of this section the location differential credit (1) shall apply to the actual weight of product moved, which total quantity shall not exceed the difference between the sum of milk represented by Class I milk utilization and milk used to produce ice cream, frozen desserts, and cottage cheese at the transferee's plant and the total quantity of producer milk receipts at the latter plant, and (2) shall be allowed to the transferee-handler if such credit does not exceed the obligation of the

latter handler to the producer-settlement fund for the month.

DETERMINATION OF UNIFORM PRICES

§ 965.60 *Computation of value of milk for each handler.* For each month the value of milk received at a pool plant(s) by each handler, and of milk diverted by a cooperative association under the conditions of § 965.9 (b), shall be a sum of money computed by the market administrator by multiplying the hundredweight of such milk received and classified in each class by the applicable class price, subject to the butterfat differential for such class provided in § 965.52 and the location differential credits, if any, applicable pursuant to § 965.53, and adjusting such total by the monies resulting from the following computations:

(a) Add: The hundredweight of butterfat subtracted pursuant to § 965.46 (g) multiplied by the price for the applicable class adjusted by the butterfat differential for such class;

(b) Add: The pounds, if any, that the milk or butterfat in inventory subtracted from Class I milk, pursuant to § 965.46 (e), is not in excess of the pounds of producer milk classified as Class II milk for the preceding month multiplied by the difference between the current price of Class I milk and the Class II price for the preceding month, each adjusted by the appropriate butterfat differential, and

(c) Add: The hundredweight of milk and butterfat subtracted from Class I milk and Class II milk pursuant to § 965.46 (c) (but not including any such milk and butterfat received from a plant regulated under a marketing agreement or order issued pursuant to the act for another fluid milk marketing area) multiplied by the difference between the price for the class from which subtracted, adjusted by the butterfat differential for such class (based on the butterfat tests of the milk subtracted), and the price computed pursuant to § 965.50 (b) adjusted to the same test by the butterfat differential (§ 965.52) for Class III milk (other than butter): *Provided,* That for any month when the aggregate utilization of Class I milk for all handlers at pool plants is 90 percent or more of the quantity of producer milk received by such handlers, the payments described pursuant to this paragraph and § 965.61 shall not be required.

§ 965.61 *Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.* For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying each hundredweight of milk disposed of as Class I milk (less the hundredweight of any Class I milk purchased by such handler during the month from a pool plant) by such handler on routes operated within the marketing area, by the difference between the price of the class of disposition computed pursuant to §§ 965.51, 965.52, and 965.53, and the price computed pursuant to § 965.50 (b) adjusted by the Class III butterfat differential (§ 965.52). On or before the 13th day after the end of each month, the market administrator shall notify each such handler of the amount so computed for him, subject to adjustment pursuant to § 965.62, and on or before the 17th day after the end of each month each such handler shall make payment to the market administrator.

§ 965.62 *Correction of errors.* If, in the verification of reports submitted by a handler, the market administrator discovers errors in such reports which result in payment due the producer-settlement fund or the handler for any previous month, there shall be added or subtracted as the case may be, the amount necessary to correct such errors.

§ 965.63 *Notification to handler of the value of his milk.* On or before the 13th day after the end of each month, the market administrator shall notify each handler of the value of milk computed for him in accordance with § 965.60 and of any adjustments pursuant to § 965.62.

§ 965.64 *Computation of uniform prices for Grade A producers and Grade B producers*—(a) *Computation of uniform price for Grade A producers.* For each month, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade A producers as follows:

(1) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(2) Subtract, if the weighted average butterfat test of all producer milk represented in the sum computed under subparagraph (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by the butterfat differential computed pursuant to § 965.76 times 10;

(3) Subtract for each of the months of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers during such month by the following amounts, respectively: 30 cents in April; 35 cents in May and June; and 20 cents in July;

(4) Add for each of the months of August, September, October, and November an amount computed by dividing the total amount of the obligated balance in the producer-settlement fund pursuant to § 965.71 (b) on August 31 immediately preceding by 4;

(5) Add the sum of the values of the location differentials allowable pursuant to § 965.73 (c);

(6) Add the unobligated balance in the producer-settlement fund;

(7) Add an amount computed by multiplying the total hundredweight of milk received from Grade B producers by $0.40;

(8) Divide by the total hundredweight of milk of all producers represented in the sum computed pursuant to subparagraph (1) of this paragraph; and

(9) Subtract from the figure obtained in subparagraph (8) of this paragraph not less than 4 cents or more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade A producers.

(b) *Computation of uniform price for Grade B producers.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade B producers as follows: From the uniform price computed pursuant to paragraph (a) (7) of this section subtract 40 cents. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade B producers.

PAYMENT FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay, with respect to all milk received during the month, $1.00 per hundredweight of milk to each producer: *Provided,* That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund", which shall function as follows:

(a) All payments made by handlers pursuant to §§ 966.61 and 965.72 shall be deposited in this fund, and all payments made pursuant to § 965.73 shall be made out of this fund;

(b) All amounts subtracted pursuant to § 965.64 (a) (3) shall be deposited in this fund and shall remain therein as an obligated balance until withdrawn for the purpose of effectuating § 965.64 (a) (4); and

(c) The difference between the amount added pursuant to § 965.64 (a) (6) and the amount resulting from the subtraction pursuant to § 965.64 (a) (9) shall be deposited in, or withdrawn from, this fund, as the case may be, to effectuate § 965.64 (a) (6) and (9).

§ 965.72 *Payments to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator the amount of money which represents the value of milk for such month of which he is notified pursuant to § 965.63 less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll: *Provided,* That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the deductions and charges authorized by § 965.70), will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) For each month the market administrator shall compute, subject to the provisions of paragraph (c) of this section, the payment due each producer for milk received during such month from such producer by a handler who made the payments for such month pursuant to § 965.72, by multiplying the hundredweight of such milk by the uniform price computed to § 965.64 adjusted to the butterfat test of such milk by adding or subtracting, respectively, for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, a butterfat differential as computed pursuant to § 965.76, and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments. On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section.

(c) In computing the payment due each producer pursuant to paragraph (a) of this section, the following differential for location is applicable: A deduction of 15 cents per hundredweight shall be made with respect to milk received from such producer at a pool plant located more than 45 miles, by shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall in Cincinnati, Ohio.

§ 965.74 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, 2 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to all milk received from producers and produced by him during the month: *Provided,* That any cooperative association which has handled milk during the month under the conditions set forth in § 965.9, shall pay such pro rata share of expense of administration on only that quantity of milk so handled.

§ 965.75 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding 6 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.76 *Butterfat differential to producers.* In making payments for milk pursuant to § 965.73 (a) there shall be added to, or subtracted from the uniform price per hundredweight, for each one-tenth of 1 percent of butterfat content in such milk above or below 3.5 percent, as the case may be, a butterfat differential computed by the market administrator as follows:

(a) Compute the percentage of butterfat in each class derived from producer milk, as computed pursuant to § 965.46;

(b) Multiply each such percentage figure by the butterfat differential for the respective class pursuant to § 965.52; and

(c) Add into one total the value obtained in paragraph (b) of this section, rounding off the result to the nearest even one-tenth cent.

§ 965.77 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 965.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 *Suspension or termination.* Any or all provisions of this subpart, or amendments to this subpart, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment

of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue in such capacity until removed by the Secretary; account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 965.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 965.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

§ 965.92 *Producer handler.* Sections 965.40 to 965.77 inclusive, shall not apply to a producer-handler.

Issued at Washington, D. C., this 27th day of April 1955, to be effective on and after the 1st day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-3540; Filed, Apr. 29, 1955; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6076]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

STENOGRAPHIC MACHINES, INC., ET AL.

Subpart—*Combining or conspiring:* § 3.410 *To eliminate or restrain competition in conspirators' goods.* In connection with the offering for sale, sale, or distribution in commerce, of any type of shorthand stenographic machine whether sold or disseminated under the name "Stenotype", Stenograph", or any other name or designation, and on the part of respondents Stenographic Machines, Inc., LaSalle Extension University, and The Stenotype Company, and their respective officers, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, combination, agreement, or understanding or arrangement between or among themselves, or between any one or more of said respondents and others not parties thereto, to (1) allocate to, among or between themselves or any manufacturer, seller, or distributor of said machines, the customers, potential customers, or class of customers to whom said products may be sold, rented, leased, loaned, or disposed of in any other manner; (2) restrict, restrain, or limit in any manner or by any means those to whom any manufacturer, seller, or distributor of said products may sell, lease, rent, loan, or dispose of same in any other manner; and (3) restrict or restrain in any manner or by any means the sale or distribution of said machines; prohibited.

(Sec. 6, 38 Stat. 721, as amended; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Stenographic Machines, Inc., et al., Chicago, Ill., Docket 6076, Mar. 18, 1955]

In the Matter of Stenographic Machines, Inc., a Corporation; LaSalle Extension University, a Corporation; and The Stenotype Company, a Corporation

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, which charged in substance that respondents agreed to and did divide among themselves the customers in the mechanical shorthand market, with a tendency thereby to limit competition and create a monopoly therein; respondents' separate answers, in which they denied having engaged in any illegal practices as charged; hearings at which all parties were represented by counsel, participated therein, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and introduce evidence bearing on the issues, and at which testimony and other evidence, duly recorded and filed in the office of the Commission, were offered in support of and in opposition to the allegations of the complaint; and proposed findings and conclusions, together with reasons therefor or supporting briefs, which were filed by counsel for respondents and counsel supporting the complaint, and were carefully considered, no request for oral argument having been received from counsel.

Thereafter said examiner made his initial decision in which he set forth the aforesaid matters, and also, the denial by him (1) of motions by respondents, preceding the filing of their answers, to dismiss the complaint, based in substance on the insufficiency thereof and the alleged mootness of the proceeding by reason of the cancellation of the alleged agreement, and (2) of motions by respondents at the conclusion of the evidence offered in support of the complaint, to dismiss the same for insufficiency of evidence, and of a motion by one respondent to strike certain documentary evidence; and in which, based upon consideration of the entire record and his observation of the witnesses, he set forth his findings of fact,[1] "summary and concluding findings", conclusion of law,[1] remedy,[1] and order to cease and desist.[1]

Thereafter, following respondents' appeal from said initial decision, the matter was disposed of, following the Commission's "per curiam" opinion and decision, by "Order Affirming Initial Decision", Docket 6076, March 18, 1955, as follows:

Respondents having appealed from the initial decision of the hearing examiner dated July 15, 1954; and the matter having been heard by the Commission on briefs and oral argument; and the Commission having rendered its decision adopting the findings, conclusion and order contained in the initial decision:

It is ordered, That respondents' appeal from the initial decision is denied and the initial decision is hereby affirmed.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: March 18, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-3525; Filed, Apr. 29, 1955; 8:46 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

MISCELLANEOUS AMENDMENTS

The Securities and Exchange Commission hereby adopts two procedural rules under the Securities Exchange Act of 1934 designated as §§ 240.15ab4–1 and 240.15ag–1 (Rules X-15AB4–1 and X-15AG–1).

[1] Filed as part of the original document.

Section 240.15ab4–1 relates to applications under section 15A(b)(4) of the act for an order directing or approving the admission or continuance of a broker or dealer in membership in a national securities association (i. e., the National Association of Securities Dealers, Inc.), notwithstanding the existence of some statutory disqualification.

Section 240.15ag–1 governs review of disciplinary action or denial of membership by a national securities association, where such review is on application of a person aggrieved. Where review is on the Commission's own motion, the procedure to be followed will be specified by order.

Statutory basis. The rules are adopted pursuant to the Securities Exchange Act of 1934, particularly sections 15A (b)(4), 15A (g), 15A (h) and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its functions under the act.

1. Delete the words "Registration of" from the centerhead preceding §§ 240.15aa–1 and 240.15aj–1, so that said centerhead will read "National and Affiliated Securities Association".

2. Text of rules: a. The text of § 240.15ab4–1 is as follows:

§ 240.15ab4–1 *Relief from statutory disqualification.* (a) A broker or dealer desiring to apply for an order of the Commission approving or directing his admission to or continuance in membership in a national securities association, notwithstanding a disqualification under section 15A (b) (4) of the act, should first submit the matter to the association for a determination whether the association desires to admit or continue him in membership. If the association desires to admit or continue such broker or dealer in membership, it may file an application with the Commission on behalf of the broker or dealer, or the broker or dealer may file an application on his own behalf. If the association refuses to file such an application, the broker or dealer may file an application with the Commission for an order directing the association to admit or continue him in membership.

(b) An application for approval or direction shall set forth the facts with respect to the disqualification, the action of the association on the question of admission to or continuance in membership, and any other matters that the applicant deems relevant. If the application contains assertions of material facts that are not a matter of record before the association or elsewhere, it shall be sworn to or supported by affidavits. The application may be accompanied by a brief.

(c) Copies of the application and other papers filed by either party will be served by the Secretary on the other party, except that such service will be considered unnecessary where the papers are filed by the association on behalf of the broker or dealer. Within 20 days after the service of an application on it, the association may file a statement of its position and such other material as it deems appropriate. The applicant may respond to this material within 10 days.

(d) Where it deems it appropriate to do so, the Commission may grant or deny an application on the basis of the papers filed by the parties, without oral hearing. Any objection to such procedure or request for oral hearing or argument should be submitted promptly and, if the Commission invites public comment on the application, within such time as may be specified in the notice inviting such comment.

(e) The rules of practice shall apply to proceedings under section 15A (b) (4) of the act, to the extent that they are not inconsistent with this section. Attention is directed particularly to §§ 201.13 and 201.15 of this chapter relating to form of papers and number of copies to be filed.

b. The text of § 240.15ag–1 (Rule X-15AG–1) is as follows:

§ 240.15ag–1 *Application pursuant to section 15A (g) of the act for review of disciplinary action or denial of membership by registered securities association.* (a) Proceedings on an application under section 15A (g) of the act, to review disciplinary action taken by a registered securities association or the action of such an association in denying admission to any broker or dealer seeking membership therein shall be governed by this section. If the action complained of was based on the provisions of section 15A (b) (4) of the act, application for relief should ordinarily be filed under § 240.15ab4–1 and not under this section, and any such application filed under this section will be dismissed summarily unless it plainly alleges, with supporting detail, that the specific grounds on which the association's action was based did not exist in fact or were not valid under section 15A (b) (4).

(b) An application pursuant to section 15A (g) of the act for review of action taken by a registered securities association shall be filed with the Commission in triplicate within sixty days after such action has been taken. The Secretary will serve a copy of the application on the association, which shall promptly certify and file with the Commission the original, or one copy, of the record upon which the order complained of was entered, together with three copies of an index to such record. The Secretary will serve such index and any papers subsequently filed as provided in § 201.14 of this chapter.

(c) The applicant may file a brief within 30 days after filing his application. The association may file its brief within 20 days after service of the applicant's brief on it. The applicant may file a reply brief within 10 days after service of the association's brief. Following the filing of the briefs, the application will be set down for oral argument before the Commission, unless oral argument is waived by the parties.

(d) On its own motion, the Commission may direct that the record under review be supplemented with such additional evidence as it may deem relevant. However the association and persons who may be aggrieved by its action shall be obliged to adduce all evidence that they deem relevant in the proceedings before the association, and no such person shall be entitled to adduce additional evidence on review before the Commission unless he shows to the satisfaction of the Commission that such additional evidence is material and that there were reasonable grounds for his failure to adduce such evidence in the hearings before the association. Any request for leave to adduce additional evidence shall be filed promptly so as not to delay the disposition of the proceeding.

(e) The rules of practice shall apply to review proceedings under section 15A (g) and (h) of the act to the extent that they are not inconsistent with this section. Attention is directed particularly to §§ 201.13 and 201.15 of this chapter, relating to form of papers and number of copies to be filed.

The Commission finds that the foregoing rules relate to matters of procedure and practice and that compliance with sections 4 (a), (b) and (c) of the Administrative Procedure Act is unnecessary.

The foregoing rules shall apply to applications filed on or after May 2, 1955.

(Sec. 23, 48 Stat. 901, as amended, 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3529; Filed, Apr. 29, 1955; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 231—TAXPAID WINE BOTTLING HOUSES

On December 1, 1954, a notice of proposed rulemaking with respect to regulations designated as Part 231 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (19 F. R. 7891). The purpose of the proposal was to implement the provisions of the Internal Revenue Code of 1954, relating to taxpaid wine bottling houses, which necessitated the issuance of new regulations. After consideration of all relevant matter presented by interested parties, regarding the regulations proposed, the regulations so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. The preamble is revised.

PAR. 2. Subpart A is amended by revising the first sentence of § 231.2.

PAR. 3. Subpart B is revised as follows:

(A) By deleting from the text of § 231.11 the words "of Internal Revenue."

(B) By adding a new § 231.21 immediately after § 231.20.

(C) By renumbering §§ 231.21–231.26 to §§ 231.22–231.27.

PAR. 4. Subpart C is revised as follows:

(A) By adding two new sentences at the end of § 231.30.

(B) By amending the text of § 231.31.

PAR. 5. Subpart D is revised as follows:

(A) By amending the second and third sentences of § 231.40.

(B) Section 231.43, including the headnote thereof, is amended.

PAR. 6. Subpart E is revised as follows:

(A) The first sentence of § 231.50 is amended by deleting the words "for approval of the premises."

(B) Sections 231.50, 231.54, and 231.57 are amended by striking the word "copartnership", and inserting the word "partnership" in lieu thereof; in paragraphs (a) and (f) of § 231.50, in the headnote and two places in the text of § 231.54, and in the text of § 231.57.

(C) The first sentence of § 231.53 is amended by striking the word "approval" and inserting the words "permission to operate" in lieu thereof.

(D) The fourth sentence of section 231.58 is amended.

(E) By deleting the words "within ten days" from the second sentence of § 231.59.

(F) By amending the headnote of § 231.63 and amending the first sentence of § 231.63.

PAR. 7. Subpart F is revised as follows:

(A) The text of § 231.80 is amended.

(B) The second sentence of § 231.81 is amended.

(C) The text of § 231.83 is amended.

(D) The second sentence of § 231.84 is amended.

(E) The first sentence of § 231.85 is amended.

(F) The second sentence of § 231.86 is amended by adding a proviso thereto.

PAR. 8. Subpart I is revised as follows:

(A) By amending the first sentence of § 231.120.

(B) By adding two new sentences at the end of § 231.122.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: April 27, 1955.

M. B. FOLSOM,
Secretary of the Treasury.

Preamble: 1. The regulations in this part shall be effective on the first day of the first month which begins not less than thirty days following the date of publication in the FEDERAL REGISTER.

2. No regulations governing the bottling or packaging of taxpaid wine at premises other than rectifying plants or taxpaid distilled spirits bottling houses were in effect immediately prior to the promulgation of this part.

Subpart A—Scope

Sec.
231.1 Bottling or packaging of taxpaid wine.
231.2 Forms prescribed.

Subpart B—Definitions

231.10 Meaning of terms.
231.11 Assistant Regional Commissioner.
231.12 Commissioner.
Sec.
231.13 Director, Alcohol and Tobacco Tax Division.
231.14 Foreign wine.
231.15 Gallon.
231.16 Including.
231.17 Inclusive language.
231.18 I. R. C.
231.19 Package.
231.20 Proprietor.
231.21 Regional Commissioner.
232.22 Standard wine.
231.23 Taxpaid wine.
231.24 U. S. C.
231.25 United States wine.
231.26 Wine.
231.27 Exception.

Subpart C—Establishment of Premises

231.30 General.
231.31 Use of taxpaid wine bottling house.

Subpart D—Construction and Equipment

231.40 Buildings and rooms of taxpaid wine bottling houses.
231.41 Export storage room.
231.42 Tanks and equipment.
231.43 Pipelines for receipt of taxpaid wine.

Subpart E—Qualifying Documents

231.50 Application.
231.51 Permit.
231.52 Occupational taxes.
231.53 Amended application.
231.54 Individual owners, partnerships or associations.
231.55 Corporate documents.
231.56 List of stockholders.
231.57 Power of attorney, Form 1534.
231.58 Plat.
231.59 Change in proprietorship.
231.60 Authority to approve.
231.61 Retention of documents.
231.62 Discontinuance of business.
231.63 Premises in use prior to effective date.

Subpart F—Operations

231.80 Treatment and handling of wine.
231.81 Prohibited practices.
231.82 Bottling and labeling operations.
231.83 Relabeling of bottled wine.
231.84 Packaging.
231.85 Marks.
231.86 Serial numbers.

Subpart G—Bottling or Packaging of Wines Especially for Export With Benefit of Drawback

231.100 General.
231.101 Procedure.

Subpart H—Records and Inventories

231.110 Record of receipts and removals.
231.111 Record of cases filled.
231.112 Record of packages filled.
231.113 Inventories.
231.114 Retention of records.

Subpart I—Variations From Requirements

231.120 Construction and equipment.
231.121 Operations.
231.122 Application covering proposed variations.

Subpart J—Examination of Premises

231.130 Officer's right of entry and examination.

AUTHORITY: §§ 231.1 to 231.130 issued under 68A Stat. 917; 26 U. S. C. 7805. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE

§ 231.1 *Bottling or packaging of taxpaid wine.* The regulations in this part relate to the bottling and packaging of taxpaid United States and foreign wines, at premises other than a rectifying plant or a taxpaid distilled spirits bottling house operated under Parts 235 and 230, respectively, of this title.

§ 231.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 231.10 *Meaning of terms.* As used in this part, except as otherwise indicated in the context, terms shall have the meanings ascribed in this subpart.

§ 231.11 *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the Regional Commissioner.

§ 231.12 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 231.13 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division," shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 231.14 *Foreign wine.* "Foreign wine" shall mean wine produced outside the continental United States, Alaska and Hawaii.

§ 231.15 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 231.16 *Including.* "Including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 231.17 *Inclusive language.* Words in the plural form shall include the singular and vice versa, and words in the masculine gender shall include the feminine, a trust, estate, partnership, association, company, or corporation.

§ 231.18 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 231.19 *Package.* "Package" shall mean any barrel, cask, keg, or similar container, or any demijohn (or bottle) of two gallons or more capacity, used to remove wine from taxpaid wine bottling houses.

§ 231.20 *Proprietor.* "Proprietor" shall mean the operator of a taxpaid wine bottling house.

§ 231.21 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue in each of the internal revenue regions.

§ 231.22 *Standard wine.* "Standard wine" shall mean natural wine, specially sweetened natural wine, special natural wine and standard agricultural wine produced in accordance with the provisions of Part 240, Title 26, of the Code of Federal Regulations.

§ 231.23 *Taxpaid wine.* "Taxpaid wine" shall mean wine on which the tax imposed by section 5041, I. R. C., has been determined, regardless of whether the tax has actually been paid or the payment of tax has been deferred under section 5061, I. R. C.

§ 231.24 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 231.25 *United States wine.* "United States wine" shall mean wine produced on bonded wine cellar premises in the continental United States, Alaska and Hawaii.

§ 231.26 *Wine.* "Wine," when used without qualification, means all still wine and includes vermouth and other special (flavored) natural wine.

§ 231.27 *Exception.* The definitions in this subpart are prescribed pursuant to the internal revenue laws governing the bottling, packaging and removal of taxpaid wine and shall not supersede or affect the requirements set forth in Part 4 of Title 27 of the Code of Federal Regulations relative to the labeling of wine under the provisions of the Federal Alcohol Administration Act.

SUBPART C—ESTABLISHMENT OF PREMISES

§ 231.30 *General.* Every person desiring to bottle or package taxpaid wine (at premises other than a rectifying plant or taxpaid distilled spirits bottling house) shall provide premises, make application, and receive permission from the assistant regional commissioner to operate a taxpaid wine bottling house. Wine which does not meet requirements for standard wine may not be received in taxpaid wine bottling houses used for the bottling or packaging of standard wine. Any person desiring to bottle or package other than standard wine must make application to the assistant regional commissioner, as required in § 231.50, to establish a taxpaid wine bottling house for that purpose.

(68A Stat. 663, 664, 665; 26 U. S. C. 5352, 5356, 5364)

§ 231.31 *Use of taxpaid wine bottling house.* The premises of a taxpaid wine bottling house shall be used exclusively, except as provided herein, for the business of bottling, rebottling, packaging, or repackaging of taxpaid wine, including the mixing of wines of the same kind and taxable grade and country of origin to facilitate handling, and the preserving, filtering, or clarifying of wine. Upon approval by the assistant regional commissioner, the premises may also be used to conduct other operations, not involving alcoholic beverages, where such operations will not jeopardize the revenue or conflict with wine bottling or packaging operations.

(68A Stat. 665; 26 U. S. C. 5363)

SUBPART D—CONSTRUCTION AND EQUIPMENT

§ 231.40 *Buildings and rooms of taxpaid wine bottling houses.* Taxpaid wine bottling houses must be so constructed and equipped as to be suitable for the storage and bottling or packaging of taxpaid wine. The buildings, rooms, or designated areas of the premises must be separated from adjacent buildings, rooms, or areas. Doors or other openings may be provided leading into other buildings, rooms, or areas under control of the bottling house proprietor. An entrance door of the premises must lead into a public street or yard, or into an elevator shaft or common passageway: *Provided,* That where it is impracticable to have such outside entrance directly to the premises, the proprietor may provide and maintain, subject to the approval of the assistant regional commissioner, access to the taxpaid wine bottling house through other commercial premises under the control of the proprietor.

(68A Stat. 663; 26 U. S. C. 5352)

§ 231.41 *Export storage room.* Proprietors of taxpaid wine bottling houses intending to bottle or package taxpaid wines especially for export with benefit of drawback, shall provide, on the premises of the taxpaid wine bottling house, an export storage room suitable for the storage of the wine so bottled or packaged pending its removal for export.

§ 231.42 *Tanks and equipment.* Suitble tanks or other containers so arranged and located as to permit ready examination and determination of their contents shall be provided at taxpaid wine bottling houses, unless all wine is to be bottled directly from the bulk containers in which received. The capacities of tanks and other containers will be determined by calculation or measurement and the capacity of the tank and the purpose or purposes for which it will be used will be marked on each tank. If more than one tank is used for the same purpose, they shall be serially numbered. Suitable equipment for measuring and testing wine shall be provided by the proprietor unless such equipment has been provided for use at adjacent premises operated by the proprietor.

§ 231.43 *Pipelines for receipt of taxpaid wine.* If taxpaid wine is to be received by pipeline from contiguous or adjacent premises, the pipeline must be a fixed, unbroken line of permanent character, securely constructed and connected, and so arranged as to be exposed to view throughout its entire length.

SUBPART E—QUALIFYING DOCUMENTS

§ 231.50 *Application.* Every person desiring to establish a taxpaid wine bottling house shall file an application, in triplicate, with the assistant regional commissioner of the region in which the taxpaid wine bottling house is located. The application shall be prepared on letter-size paper and must show:

(a) The name and address of the proprietor, and whether an individual owner, partnership, association, or corporation.

(b) A description of the taxpaid wine bottling house premises in sufficient detail to show the location of the premises and to distinguish such premises from other portions, if any, of the building;

(c) A statement whether the entrance door of the taxpaid wine bottling house leads directly to the outside of the building, to a common passageway or elevator shaft, or into other premises under the control of the proprietor, and if the entrance is into other premises, a statement of the nature of the business conducted on such premises;

(d) Each trade name to be used in bottling or packaging wine;

(e) The approximate quantity of wine to be bottled each month;

(f) If a partnership, association, or corporation, a statement whether permits are held or other premises operated in the same region, and if so, the permit or premises (identified by class, number and address) in connection with which the documents required by §§ 231.54 to 231.56 have been filed;

(g) A statement whether the premises will be used for the bottling of standard wine or wine other than standard wine; and

(h) A statement whether any other business, or operation not involving wine, is to be conducted on the taxpaid wine bottling house premises, and if so, a statement of the nature of the business or operation.

All data, written statements, affidavits and other documents submitted in support of the application shall be deemed to be a part thereof. The application shall be signed by the proprietor or his authorized agent and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this application has been examined by me and to the best of my knowledge and belief is a true, correct and complete application."

(68A Stat. 664, 749; 26 U. S. C. 5356, 6065)

§ 231.51 *Permit.* The Federal Alcohol Administration Act (49 Stat. 978; 27 U. S. C. Supp. 203) and regulations issued pursuant thereto in Part 1, Title 27 of the Code of Federal Regulations require that any person, intending to engage in the business of purchasing wine for resale at wholesale, obtain a permit therefor. A state, a political subdivision of a state, or an officer or employee of a state or political subdivision thereof acting in his official capacity, is exempted from this requirement. Application for the permit shall be filed with the assistant regional commissioner at the time of filing the original application for establishment.

§ 231.52 *Occupational taxes.* Proprietors of taxpaid wine bottling houses who sell wine must file special tax returns on Form 11, and pay special (occupational) tax as wholesale liquor dealer or retail liquor dealer, or both, as provided in Part 194 of this title.

(68A Stat. 618, 620, 621, 624, 846; 26 U. S. C. 5111, 5112, 5121, 5122, 5142, 7011)

§ 231.53 *Amended application.* If the proprietor desires to change the location or extent of the premises, or if a trade name not previously approved is to be used, an amended application must be filed with the assistant regional commissioner, and permission to operate obtained prior to commencing the proposed operation. The assistant regional commissioner may require the proprietor to furnish additional information concerning the taxpaid wine bottling house at any time.

(68A Stat. 664; 26 U. S. C. 5356)

§ 231.54 *Individual owners, partnerships or associations.* Where the appli-

cation is filed by an individual owner, partnership or association, the name and address of every person interested in the taxpaid wine bottling house, whether active, passive, or silent, must be given in the application. If there are articles of partnership or association, copies thereof, in triplicate, must be submitted with the application, unless such documents have been previously filed, and a statement to that effect is included in the application.

(68A Stat. 664; 26 U. S. C. 5356)

§ 231.55 *Corporate documents.* Where the application is filed by a corporation there must be filed with the initial application a certificate of incorporation; properly certified copies, in triplicate, of the extracts of the minutes of meetings of the board of directors authorizing certain officers or other persons to sign for the corporation and specifying what documents may be signed; and a list of the names and addresses (business and residence) of the officers, directors and stockholders, as required by § 231.56. If such documents have previously been filed in the same region, and statement to that effect included in the application, additional copies are not required.

(68A Stat. 664; 26 U. S. C. 5356)

§ 231.56 *List of stockholders.* In case of corporations and similar entities, there must be submitted with the application a list, in triplicate, giving the names and addresses (business and residence) of all stockholders and persons interested in the corporation, or other legal entity, and the amount and nature of the stockholding or other interests of each, whether such interest appears in the name of the interested party or in the name of another for him: *Provided,* That the information need be furnished only as to the persons holding or controlling 10 percent or more of any class of stock or other interest.

§ 231.57 *Power of attorney, Form 1534.* If the application is signed by an attorney in fact for an individual, partnership, association, or a corporation, or by one of the members of a partnership or an association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 231.55, such application must be supported by a duly authenticated copy of power of attorney conferring authority on the person signing the application to execute the same. Such powers of attorney will be executed on Form 1534, in triplicate, and submitted to the assistant regional commissioner.

§ 231.58 *Plat.* Every person filing application to establish a taxpaid wine bottling house shall file with the assistant regional commissioner a plat of the proposed premises, in triplicate. The plat shall show, in sufficient detail to definitely determine what premises are to be used as a taxpaid wine bottling house, the outer boundaries and doors of the premises. The plat may be a sketch to approximate scale on letter size white paper and shall be signed by the applicant. If paper larger than letter size is used, the plat shall be no larger than 15 x 20 inches in size with a clear margin of not less than one inch.

§ 231.59 *Change in proprietorship.* If there is any change in proprietorship of the business, except through a change in stock ownership of a corporation, the successor must qualify in the same manner as for original establishment of a taxpaid wine bottling house. If there is a change in the control of a corporation, whether by a change in stock ownership or otherwise, the assistant regional commissioner must be notified of the change.

§ 231.60 *Authority to approve.* The assistant regional commissioner is authorized to approve all applications and other qualifying documents required by this subpart. Upon approval the assistant regional commissioner will assign a registry number to the premises and will return one copy of each such document to the proprietor. The registry number shall be used in all correspondence or subsequent documents filed in connection with the operation of the premises, and shall be shown where required on labels or markings of packages or cases filled at the premises.

§ 231.61 *Retention of documents.* The proprietor shall keep in a secure place and filed in an orderly fashion at the taxpaid wine bottling house premises or in an office adjacent thereto, the copies of all approved qualifying documents which have been returned to him by the assistant regional commissioner. Such copies shall be made available, without delay, for the examination of any internal revenue officer.

§ 231.62 *Discontinuance of business.* When the proprietor desires to discontinue the operation of a taxpaid wine bottling house, he shall file a notice, in triplicate, with the assistant regional commissioner giving the date of discontinuance and stating whether all wine on hand has been disposed of and if it has not been disposed of, the disposition which will be made.

§ 231.63 *Premises in use prior to effective date.* Where premises are in use for the bottling of taxpaid wine immediately prior to the effective date of this part, the qualifying documents required by this subpart must be filed on or before that date for continued operations. The assistant regional commissioner may approve the continued use of any such premises not meeting the requirements of this part as to construction and equipment provided he finds that such continued use will not result in jeopardy to the revenue.

SUBPART F—OPERATIONS

§ 231.80 *Treatment and handling of wine.* The proprietor of a taxpaid wine bottling house may use sulphur dioxide compounds, refrigeration or pasteurization in the treatment of wine. Wine may be preserved, filtered or clarified by the use of methods or materials which will not change the basic character of the wine: *Provided,* That if the proprietor desires to treat wine in any manner other than by simple filtration or the use of sulphur dioxide compounds, refrigeration or pasteurization, he shall first file with the assistant regional commissioner an application, in triplicate, giving the details of the proposed treatment. The assistant regional commissioner will approve the application, if the proposed treatment is permissible on taxpaid wine bottling house premises, and the proprietor must not use the treatment prior to receipt of such approval: *Provided,* That if application has been filed covering the use of any material or method which a proprietor was using prior to the effective date of this part, he may continue the use of such material or method pending receipt of approval or disapproval of the application. Wine of the same kind (class, type, and national origin) and taxable grade may be mixed to facilitate handling.

(68A Stat. 665; 26 U. S. C. 5363)

§ 231.81 *Prohibited practices.* While more than one lot of wine of the same kind (class and type), taxable grade, and country of origin, may be deposited in the same storage container or bottling tank to facilitate handling, the blending of taxpaid wines at a taxpaid wine bottling house is prohibited. Water may not be added to wine nor may wine be subjected to any treatment which will alter its basic character. Unauthorized treatment of wine may result in liability to rectification tax or additional wine tax. The proprietor of a taxpaid wine bottling house may incur liability to penalties by reason of unauthorized treatment of wine.

(68A Stat. 695; 26 U. S. C. 5661)

§ 231.82 *Bottling and labeling operations.* Bottles must be filled as nearly as possible to conform to the quantity shown on the label or blown in the bottle, but in no event may the amount of wine contained in any bottle, due to lack of uniformity of the bottles, vary more than two percent from the amount stated to be contained therein; and further in the case of variations in fill within the two percent limitation there shall be substantially as many bottles overfilled as there are bottles underfilled for each lot of wine bottled. Bottles shall be labeled to show:

(a) The name of the proprietor, or an approved trade name, and address of the premises or the name, registry number and state where the premises are located;

(b) Kind of wine (class and type), in the manner specified by Part 4, Title 27, of the Code of Federal Regulations;

(c) The alcohol content by volume in the manner specified by Part 4, Title 27, of the Code of Federal Regulations; and

(d) The net contents of the bottle, unless legibly blown in the bottle.

The labels used by bottlers of wine must be covered by certificates of label approval or certificates of exemption from label approval issued under the Federal Alcohol Administration Act. Bottles must be placed in cases, marked as required by § 231.85, prior to removal from the premises.

§ 231.83 *Relabeling of bottled wine.* Where it is desired to relabel wine bottled at other premises, application for permission to relabel the wine must be made to the assistant regional commissioner in accordance with the provisions of Part 4, Title 27 of the Code of Federal Regulations.

§ 231.84 *Packaging.* The proprietor of a taxpaid wine bottling house may package or repackage wine in barrels, casks, kegs, or similar containers, or in demijohns or bottles of a capacity of two gallons or more. The marks on such containers filled for sale at retail constitute a label, and are subject to the same requirement for approval as labels for bottles.

(68A Stat. 663; 26 U. S. C. 5352)

§ 231.85 *Marks.* Each package or case filled at a taxpaid wine bottling house must be marked in a plain and durable manner with a serial number, the name of the proprietor and location (by city or town and state or by registry number and state) of the taxpaid wine bottling house, the kind (class and type) and the alcohol content of the wine, the contents of the package or case in wine gallons, and (except for cases) the date of removal or shipment. When wine is packaged or bottled under an authorized trade name such trade name may be marked on the shipping container as the name of the proprietor. These marks may be cut, branded, or otherwise durably marked on the package or case or placed upon a label or tag securely affixed to such container. The marks shall be placed on the head of the package or a side of the case.

(68A Stat. 666; 26 U. S. C. 5368)

§ 231.86 *Serial numbers.* The serial numbers required to be placed on packages and cases by § 231.85 will be placed thereon at the time of filling the package or case. The serial numbers will commence with "1" for each taxpaid wine bottling house and will continue in order to the number 1,000,000, when the series may start again with "1": *Provided,* That a new series may be commenced when 100,000 has been reached if no number will be used more than once during a 12-month period. If desired, separate series of numbers preceded by identifying letters may be used for packages and for cases, or for cases filled on different bottling lines.

(68A Stat. 666; 26 U. S. C. 5368)

SUBPART G—BOTTLING OR PACKAGING OF WINES ESPECIALLY FOR EXPORT WITH BENEFIT OF DRAWBACK

§ 231.100 *General.* Wine manufactured or produced in the United States and on which the internal revenue tax has been paid may be bottled or packaged especially for export in a taxpaid wine bottling house, provided an export storage room has been constructed in accordance with § 231.41, and upon exportation of the wine there may be allowed a drawback equal in amount to the tax found to have been paid thereon.

(68A Stat. 614; 26 U. S. C. 5062)

§ 231.101 *Procedure.* The bottling or packaging of wine especially for export in a taxpaid wine bottling house, the storage of the wine pending exportation, the exportation of wine, including the lading thereof for use as supplies on vessels or aircraft and the allowance of drawback thereon, shall be in accordance with the provisions of Part 252, Title 26, Code of Federal Regulations.

SUBPART H—RECORDS AND INVENTORIES

§ 231.110 *Record of receipts and removals.* Proprietors of taxpaid wine bottling houses shall keep daily records, in bound or other permanent form, available for inspection by internal revenue officers, of all wine received at and removed from their premises, and make daily entries therein as the transactions occur. These records shall show as to receipts of wine:

(a) The name of the person from whom received;

(b) The registry number (if any) of the premises from which received;

(c) The address of the premises from which received;

(d) The kind (class, type, and in the case of foreign wine, country of origin) of the wine;

(e) Alcohol content or taxable grade of the wine; and

(f) The quantity in gallons of wine received.

The records shall show as to removals:

(g) The name and address of the person to whom removed: *Provided,* That on sales direct to consumers of not more than one case the name and address of the consignee need not be shown;

(h) The kind (class, type, and in the case of foreign wine, country of origin) of the wine;

(i) Alcohol content or taxable grade; and

(j) The quantity in gallons of wine shipped.

Where the proprietor keeps copies of invoices or other commercial records covering receipt and shipment of wine, with detailed information thereon, or ascertainable therefrom, as described above, and such commercial records are kept in such manner that the required information may be readily ascertained therefrom by internal revenue officers, the separate record may show, by tax class, the total quantity received and removed each day in lieu of the details of each receipt and removal. Entries shall be made on the separate record on the day on which the transactions occur, unless the details are shown on commercial records, in which case the totals may be entered on the separate record on the following business day. Within five days after the end of each month the proprietor shall make a monthly summary showing the quantity on hand (including wine in the export storage room, if any), received, removed, lost, and remaining on hand at the close of the month, for each tax class of wine handled.

(68A Stat. 666; 26 U. S. C. 5367)

§ 231.111 *Record of cases filled.* Each proprietor of a taxpaid wine bottling house shall keep Form 2060, record of wine cases filled, covering the bottling of the wine and the filling and serial numbering of cases. The proprietor must furnish Form 2060 at his own expense in accordance with the form prescribed by the Director, Alcohol and Tobacco Tax Division. Samples of the prescribed Form 2060 may be obtained from the assistant regional commissioner for the use of commercial printers. Proprietors desiring to maintain records in a different form which will show the information called for by Form 2060 may obtain approval for such substitute record upon filing samples of the record with the assistant regional commissioner, provided the assistant regional commissioner finds that the substitute record will furnish the required information in a form susceptible of ready examination and audit by internal revenue officers.

(68A Stat 666; 26 U. S. C. 5367)

§ 231.112 *Record of packages filled.* Each proprietor of a taxpaid wine bottling house who fills packages of wine for removal from the premises must keep a record of the wine packaged. The record shall show the date of packaging, the number of packages filled, serial number and contents of each, and the kind and alcohol content of the wine. No form is prescribed for the record of packages filled but it must be kept complete and in chronological order available for inspection by internal revenue officers.

(68A Stat 666; 26 U. S. C. 5367)

§ 231.113 *Inventories.* The proprietor of every taxpaid wine bottling house shall take an inventory of all wine on hand at his premises on June 30 and December 31 of each year. The record of the inventory shall show the serial number, if any, of each container (except cases), the kind of wine (class and type), the gallons contained therein by taxable grade, and a summary by kinds and by taxable grades. The proprietor shall retain the record of inventory and the working papers available for inspection by internal revenue officers at any reasonable hour.

(68A Stat. 666; 26 U. S. C. 5369)

§ 231.114 *Retention of records.* All records required by this part must be retained by the proprietor for a period of three years, and shall be filed in such manner that they may be readily inspected by internal revenue officers.

SUBPART I—VARIATIONS FROM REQUIREMENTS

§ 231.120 *Construction and equipment.* The Director, Alcohol and Tobacco Tax Division, may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford as much or more security and protection to the revenue as is intended by the specifications prescribed in this part and where such variations will not be contrary to any provision of law. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, prior approval must be obtained in accordance with the provisions of § 231.122.

§ 231.121 *Operations.* The Director, Alcohol and Tobacco Tax Division, may, in case of emergency, approve methods or operation other than those provided for by this part where it is shown that variations from the requirements are necessary, will not hinder the effective

administration of this part, will not jeopardize the revenue, and are not contrary to any provision of law. Where it is proposed to employ methods or conduct operations other than those provided for by this part, prior approval must be obtained in accordance with the provisions of § 231.122.

§ 231.122 *Application covering proposed variations.* Where it is desired to use construction or equipment or to employ methods or conduct operations other than as provided in this part, a letter application, in triplicate, shall be filed with the assistant regional commissioner for transmittal to the Director, Alcohol and Tobacco Tax Division. Such application shall describe the proposed variations and state the need therefor. Where variations in construction and equipment cannot be adequately described in the application, drawings or photographs shall be submitted. The assistant regional commissioner will make such inquiry as is necessary to determine the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

SUBPART J—EXAMINATION OF PREMISES

§ 231.130 *Officer's right of entry and examination.* Internal revenue officers have authority under the law to inspect at any reasonable hour the records, stocks, and premises of taxpaid wine bottling houses to determine that provisions of the internal revenue laws and regulations are being complied with. Officers desiring to make inspections will identify themselves by exhibiting credentials. Any denial of or interference with such inspection by the proprietor, his agents, or employees, is a violation of law and will be reported as such for appropriate action.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7606)

[F. R. Doc. 55-3564; Filed, Apr. 28, 1955; 3:10 p. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 902]

PART 96—JOINT USE OF TERMINALS

PASSENGER TERMINALS AT MERIDIAN, MISS.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of April A. D. 1955.

It appearing that the contract covering the joint use of the passenger terminal facilities at Meridian, Mississippi, terminates May 1, 1955, and the Gulf, Mobile and Ohio Railroad Company (hereinafter termed GM&O) requests the Interstate Commerce Commission to issue a Service Order under section 1 (15) of the Interstate Commerce Act, as amended, requiring continuation of arrangements for joint or common use of passenger terminals at Meridian, Mississippi, including access thereto, in order to meet an emergency which is imminent and to serve the public interest; that the GM&O is a corporation formed by the consolidation on September 13, 1940, of the GM&O and the Gulf, Mobile and Northern Railroad Company; that the GM&O operates one passenger train daily in each direction between Mobile, Alabama, and St. Louis, Missouri, via Meridian, Mississippi; that these are the only GM&O passenger trains operating from, to or through Meridian, Mississippi; that on May 1, 1905, an agreement for the joint use and operation of passenger trains at Meridian, Mississippi, was entered into by Meridian Terminal Company (hereinafter referred to as Terminal) with Southern Railway Company; Mobile and Ohio Railroad Company; New Orleans and Northeastern Railroad Company; Alabama and Vicksburg Railway Company; The Alabama Great Southern Railroad Company; and The Standard Trust Company of New York, as trustee; that GM&O was made a formal party to said agreement by instrument dated June 4, 1941, in which all of the original parties (except GM&O's predecessor) joined; that the May 1, 1905, contract expires by its terms on May 1, 1955, and contains no provision as to what shall be done at the expiration of the 50-year term; that as of May 1, 1955, insofar as the terms of the contract are concerned, GM&O's obligations to use and to pay, and its right to use, will cease; that also on May 1, 1905, an agreement was entered into by The Alabama Great Southern Railroad Company (hereinafter referred to as AGS) and terminal whereby AGS leased to Terminal for a 50-year term certain properties adjacent to the Terminal property on which was located the Terminal's tracks used by GM&O; that GM&O cannot legally abandon its passenger train operation over the Meridian Terminal facilities without applying for and obtaining authority so to do under section 1 (18) of the act; that there is available to GM&O no practicable remedy known to it whereby it can require Terminal to provide the GM&O's passengers the uninterrupted and continued use of the Terminal facilities, until its application filed under section 1 (18) with the Commission, in Finance Docket No. 18914, shall have been passed upon. Therefore, the Commission is of the opinion that an emergency exists which can be met only by the issuance of the Service Order:

It is ordered, That:

§ 96.902 *Joint use of passenger terminals at Meridian, Mississippi.* (a) The Meridian Terminal Company shall allow and permit joint or common use of its passenger terminals, including access to its tracks, at Meridian, Mississippi, in accordance with the agreement dated June 4, 1941, at which time the GM&O was made a formal party and in which all of the original parties joined, namely Meridian Terminal Company; Southern Railway Company; Mobile, and Ohio Railroad Company; New Orleans and Northeastern Railroad Company; Alabama and Vicksburg Railway Company; The Alabama Great Southern Railroad Company; and the Standard Trust Company of New York, as trustee.

(b) Compensation: Joint use of the terminals described in paragraph (a) of this section and the handling, routing, and movement of traffic shall be upon such terms as between the carriers as they may agree upon or in the event of their disagreement as the Commission may, after subsequent hearing, find to be just and reasonable.

(c) Division of rates: In executing the orders and directions of the Commission provided for in this section, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this section remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereinafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements now exist on the traffic affected, over routes herein authorized they shall not be changed or affected by this section.

(d) Application: The provisions of this section shall apply to intrastate and foreign traffic as well as interstate traffic.

(e) Effective date: The provisions of this section shall become effective at 12:01 a. m., May 1, 1955.

(f) Expiration date: The provisions of this section shall expire at 11:59 p. m., October 31, 1955, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That a copy of this order and direction shall be served upon the Public Service Commission of Mississippi, the Gulf, Mobile and Ohio Railroad Company, the Meridian Terminal Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-3527; Filed, Apr. 29, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

MILK IN THE CEDAR RAPIDS-IOWA CITY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cedar Rapids, Iowa, on October 13 and 14, 1954, pursuant to notice thereof which was issued on October 1, 1954 (19 F. R. 6480), upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cedar Rapids-Iowa City marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on December 8, 1954, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and the opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on December 11, 1954 (19 F. R. 8481).

The material issues of record related to:

1. Changing from the market-wide pool to an individual-handler pool, or in the alternative, providing separate pooling for Cedar Rapids and Iowa City;
2. Increasing the Class III price;
3. Broadening the definition of producer-handler to include a cooperative association which processes milk;
4. Increasing the level of the Class I price; and
5. Reducing the rate of the marketing service assessment.

Exceptions to the recommended decision were filed on behalf of the Johnson County Cooperative Dairy Marketing Association. These exceptions reiterated the fact that the Class III price was lower than the comparable price in Chicago and that returns to producers would be increased if the Class III price were raised. As noted in the recommended decision, these are not the only factors which must be considered in establishing the level of the Class III price. Based on other evidence contained in the record it must be concluded that no change should be made at this time. Accordingly, such exceptions are overruled.

Findings and conclusions. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 54-9797; 19 F. R. 8481), with respect to the issues set forth above are approved and adopted as the findings and conclusions of this decision as if set forth in full herein.

It is hereby ordered, That this decision be published in the FEDERAL REGISTER.

This decision filed at Washington, D. C., this 27th day of April 1955.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 55-3538; Filed, Apr. 29, 1955; 8:49 a. m.]

[7 CFR Part 973]

[Docket No. AO 178-A6]

MILK IN THE MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in Room 307, United States Court House, Minneapolis, Minnesota, beginning at 10:00 a. m., c. s. t., May 17, 1955.

Subject and issue involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Minneapolis-St. Paul, Minnesota, milk marketing area and to the provisions specified in the proposals listed below or some appropriate modifications thereof.

The amendments to the order (No. 73), as amended, were proposed as follows:

Proposed by the Twin City Milk Producers Association:

1. Amend § 973.5 to read as follows:

§ 973.5 *Fluid milk plant.* "Fluid milk plant" means a plant used in preparation or processing of milk, all or a portion of which is disposed of as Grade A milk, fluid milk drinks, or cream, via retail and wholesale routes (including plant stores and vending machines) to milk consumers or resellers within the marketing area: *Provided,* That this definition shall not include the plant of: (1) A producer-handler, (2) a governmentally owned and operated institution which disposes of milk solely for use on its own premises or to its own facilities, and (3) a handler whose sole plant operates under class price regulations of another Federal milk marketing order.

2. Amend § 973.6 to read as follows:

§ 973.6 *Pool plant.* (a) "Pool plant" means (1) a fluid milk plant described in § 973.5 which receives Grade A milk direct from farms where produced and which disposes during the delivery period of not less than 20 percent of such Grade A receipts within the marketing area as Class I milk in consumer packages, or (2) transfers or diverts to fluid milk plants including pool plants, for use within the marketing area, not less than 50 percent of skim milk or butterfat in receipts of Grade A milk from producers during each of the months August and November, and not less than 75 percent of the skim milk or butterfat receipts during the months of September and October: *Provided,* That such pool plant(s) shall offer at the class prices prevailing in the market all Grade A producers' receipts during all delivery periods, inclusive: *And provided further,* That any plant which fulfills the requirements of subparagraph (2) of this paragraph shall be a pool plant until August 1st of the following year unless written notification is given to the market administrator of intention to forfeit pool plant status or unless its producer milk is designated by appropriate authorities as being ineligible for disposal for human consumption. Such voluntary withdrawals shall take place not later than the first day of the first month following receipt of letter of intention by the market administrator.

(b) The following list of plants shall be pool plants upon the effective date of this section:

Clover Leaf Creamery, Inc., 420 West Broadway, Minneapolis, Minn.
Ewald Brothers, 2919 19th Avenue North, Minneapolis, Minn.
Franklin Coop. Creamery, 2109 Washington Avenue North, Minneapolis, Minn.
Norris Creameries, Inc., 2824 Emerson Avenue South., Minneapolis, Minn.
Northland Milk Company, 11 West 28th Street, Minneapolis, Minn.
Ohleen Dairy, 2221 15th Avenue South, Minneapolis, Minn.
Minnesota Milk Co., 370 University Avenue, St. Paul, Minn.
St. Paul Milk Co., 203 Ryan, St. Paul, Minn.
Sanitary Farm Dairies, 415 Grove Street, St. Paul, Minn.
Twin City Milk Producers Ass'n, 2424 Territorial Road, St. Paul, Minn.
Buffalo Cooperative Creamery, Buffalo, Minn.
Delano Cooperative, Delano, Minn.
Hastings Cooperative, Hastings, Minn.
Land O'Lakes Creameries, Inc., St. Michaels, Minn.
Meyers Dairy, Wayzata, Minn.
Baldwin Cooperative Creamery, Baldwin, Wis.
Butternut Cooperative, Luck, Wis.
Ellsworth Cooperative Creamery, Ellsworth, Wis.
Rock Ridge Cooperative, Dresser, Wis.
Wisconsin Cooperative Dairies, Inc., Menomonie, Wis.

3. Amend §973.9 to read as follows:

§ 973.9 *Producer.* "Producer" means any person other than a producer-handler who produces Grade A milk which is shipped directly to a pool plant from the farm where it is produced.

4. Amend § 973.10 to read as follows:

§ 973.10 *Handler.* "Handler" means any person in his capacity as the operator of fluid milk plant.

5. Amend § 973.15 to read as follows:

§ 973.15 *Producer milk.* "Producer milk" means any skim milk and butterfat contained in Grade A milk received at a pool plant directly from the farms of producers.

6. Delete § 973.16 and substitute therefor the following:

§ 973.16 *Other source milk.* "Other source milk" means all skim milk and butterfat received at a fluid plant other than that contained in Grade A producer milk.

7. Add as §§ 973.17 and 973.18 the following:

§ 973.17 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of January through June, which is not in excess of such producer's daily average base computed pursuant to § 973.65, multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 973.18 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of January through June which is in excess of base milk received from such producer during such months.

8. Amend § 973.41 (a) to read as follows:

§ 973.41 *Class I milk.* (a) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored milk drinks (except flavored milk drinks in hermetically sealed containers), cream (sweet or sour, including mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream), eggnog, and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section.

9. Amend § 973.43 (a) to read as follows:

(a) As Class I milk if transferred or diverted to another handler unless utilization in Class II is mutually indicated to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer or diversion occurred, but in no event shall the amount classified in either class exceed the total use in such class at the transferee handler: *Provided*, That if Class I milk has been disposed of as Grade A milk from either plant all the Grade A milk in such plant shall be assigned to Class I sales.

10. Amend § 973.44 (a) to read as follows:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or transferred in the form of cream to a purchaser more than 100 miles from the marketing area. However, cream may be Class II if the handler meets the conditions set out pursuant to paragraph (c) (1), (2), and (3) of this section.

11. Amend § 973.45 to read as follows:

§ 973.45 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner: (1) Subtract from the pounds of skim milk in each class, respectively, the pounds of skim milk received from other fluid milk plants in accordance with its classification, as determined pursuant to § 973.43 (a); (2) subtract from the remaining pounds of skim milk in Class II the pounds of skim milk contained in other source milk: *Provided*, That if the receipts from other source milk are greater than the pounds of skim milk remaining in Class II an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I; (3) if the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be subtracted from Class II: *Provided*, That if the remaining pounds of skim milk in Class II are less than the amount to be subtracted, an amount equal to the difference shall be subtracted from Class I.

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine respectively the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II pursuant to paragraphs (a) and (b) of this section.

12. Delete § 973.50 to 973.55, inclusive, and substitute therefor the following:

§ 973.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk shall be the highest of the prices computed by the market administrator pursuant to paragraph (a) of this section, and pursuant to paragraph (b) of this section of the preceding month.

(a) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture:

Companies and Locations

Pet Milk Co., Wayland, Mich.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) (1) Multiply by 4.24 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York as reported by the Department of Agriculture during the delivery period; (2) multiply by 8.2 the weighted average of carlot prices for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and (4) subtract 75.2 cents therefrom. This shall also be the Class II price.

§ 973.51 *Supply and demand ratio.* On or before the last day of each delivery period the market administrator shall make the following computations based upon information obtained from handlers' reported receipts and utilization:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period.

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and cream during the most recent 12-month period.

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as "current supply-demand ratio."

§ 973.52 *Class I price.* (a) Each handler shall pay at the time and in the manner set forth in § 973.72 not less than the following price per hundredweight of milk on the basis of 3.5 percent butterfat content, for the respective quantities of milk in each class computed pursuant to § 973.45. The price for Class I milk shall be the basic formula price plus 70 cents during January through June inclusive, and plus 90 cents during the month of December and $1.10 during all other months: *Provided*, That such Class I price differential shall be increased or reduced respectively 2 cents for each full percent that the current supply-demand ratio is greater or less than 80 percent, but shall not be increased or decreased more than 36 cents in any month because of the supply-demand ratio.

(b) Grade A Class I milk transferred or diverted to any place outside the surplus milk manufacturing area serving this market during any of the delivery periods of August, September, October, or November, shall be classified separately and its price shall be 70 cents higher than the prices otherwise computed.

§ 973.53 *Class II milk.* The price shall be that determined by the market administrator as follows: (1) Multiply by 4.24 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter at New York as reported by the Department of Agriculture during the delivery period; (2) multiply by 8.2 the weighted average of carlot prices for spray process nonfat dry milk solids, for human consumption f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period; (3) add into one sum the amounts obtained in subparagraphs (1) and (2) of this paragraph; and (4) subtract 75.2 cents therefrom.

§ 973.54 *Location differential to handlers.* (a) With respect to producer milk purchased or received at a pool plant and which is disposed of as Class I milk in the marketing area, the price per hundredweight computed pursuant to § 973.50 (a) shall be reduced by the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction

	Cents
0 to 15 miles	0
15 to 20 miles	8
20 to 30 miles	10
30 to 40 miles	12
40 to 50 miles	14
50 to 60 miles	15
60 to 70 miles	16
70 miles or over	[1] 17

[1] Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 973.55 *Butterfat differentials to handlers.* (a) If the average butterfat content of the milk disposed of by any handler as Class I milk is more or less than 3.5 percent, there shall be added to the Class I price per hundredweight computed pursuant to § 973.52 (a) for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent, an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the preceding delivery period add 40 percent and divide the sum obtained by 10.

(b) If the average butterfat content of the milk disposed of by any handler as Class II milk is more or less than 3.5 percent, there shall be added to the Class II price per hundredweight computed pursuant to § 973.50 (b) for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent, or shall be subtracted for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent, an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period, add 21.15 percent and divide the sum obtained by 10.

13. Delete §§ 973.62 and 973.63 and substitute therefor the following:

§ 973.62 *Payment for overage.* If a handler (this shall also apply to a fluid milk plant which is not a pool plant) has an overage of either skim milk or butterfat, pursuant to § 973.70, the market administrator shall add an amount computed by multiplying the pounds of overage by the applicable class prices.

§ 973.63 *Payment for other source milk.* (a) In computing the value of milk received by a handler, the market administrator shall consider as Class II milk any skim milk or butterfat received by a handler from sources other than producers or other handlers. If the receiving handler has disposed of such skim milk or butterfat as Class I milk the market administrator shall add to the total value computed for such handler pursuant to § 973.70, the difference between the value of such skim milk or butterfat at the Class II price and its value at the Class I price. This proviso shall not apply to skim milk and butterfat if used in Class I only to the extent that milk of producers was not available for such use.

(b) If any handler who operates a nonpool plant which receives Grade A milk from producers or another nonpool plant had disposed of Class I milk in the marketing area, the market administrator shall determine a value for such milk equal to the amount resulting from the following computation: The product of the quantity of milk received by such handler which was disposed of in the marketing area as Class I milk during the delivery period, multiplied by the difference between the price for Class I milk computed pursuant to § 973.52 (a) and the price for Class II milk computed pursuant to § 973.50 (b).

14. Add as § 973.65 the following:

§ 973.65 *Computation of daily base for each producer.* (a) The daily base for each producer applicable during each of the delivery periods of January through June, inclusive, shall be determined by the market administrator as follows: Divide the total pounds of Grade A milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of August, September, and October, by the number of calendar days during such period in which milk was received from such producer, or by 78 days, whichever is greater.

(b) A producer may transfer his daily base or any portion thereof during the period of January through June by notifying the market administrator in writing before the last day of any delivery period that such quota is to be transferred to the person named in such notice.

(c) For each new producer (a producer will be considered new until he has delivered Grade A milk to this market in six months of base paying period) from whom milk was received on less than 78 days during the months of August through October, inclusive, or who commence the delivery of milk to a handler during the months of January through June, the daily base of such producer shall be the market-wide pool average daily base per producer, minus 10 percent.

(d) Any producer for whom a base has been established pursuant to paragraph (a) of this section may relinquish such base by notifying the market administrator prior to January 31 of each year. The daily base of such producer shall be the daily base established the preceding year, minus 10 percent.

15. Delete § 973.70 to § 973.73 and substitute therefor the following:

§ 973.70 *Net pool obligation(s) of handlers.* On or before the 8th day of each delivery period the market administrator shall examine, for mathematical correctness and obvious errors, the report of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate.

(a) Multiply the producer skim milk and butterfat in each class by the applicable class price and add together the resulting amounts.

(b) Add the amount of any payments required to be made pursuant to §§ 973.62 and 973.63.

(c) Subtract all location adjustment credits computed pursuant to § 973.53.

§ 973.71 *Computation of uniform price.* The market administrator shall compute the uniform price per hundredweight for Grade A milk for each delivery period. The computation shall be made in the following manner;

(a) Combine into one total the net pool obligation of all handlers computed pursuant to § 973.70.

(b) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 973.81 and multiplying the resulting amount by the total hundredweight of milk included in these computations.

(c) Add the aggregate of all allowable location differentials computed pursuant to § 973.82.

(d) Add an amount representing the unobligated cash balance in the producer-settlement fund on hand at the close of business on the last day of the dellvery period.

(e) Divide the result by the total hundredweight of producer milk of all handlers whose net pool obligations are included pursuant to paragraph (a) of this section.

(f) Subtract not less than 4 cents or more than 5 cents as a producer-settlement fund reserve. The result shall be the uniform price per hundredweight of milk containing 3.5 percent butterfat received from producers at pool plants located not more than 15 miles from the Viaduct over University Avenue in St. Paul, except for the months of January, February, March, April, May, and June.

(g) Determine the price for base milk and the price for excess milk delivered during each delivery period of January through June, inclusive, as follows:

(1) Base milk to the extent of the amount of Class I sales shall be valued as Class I.

(2) Base milk in excess of Class I sales shall be valued as Class II.

(3) Excess milk shall be of the value of the weighted average of the amount of Class I sales which is in excess of base milk and the value of the remaining excess milk, subject to additions and subtractions of paragraphs (b), (c), (d) and (f) of this section.

§ 973.72 *Announcement of class prices.* On or before the 5th day after the end of the delivery periods, the market administrator shall mail to all handlers and make public announcement of the class prices computed pursuant to §§ 973.50, 973.51, and 973.52, and the butterfat differentials computed pursuant to §§ 973.53 and 973.81.

§ 973.73 *Announcement of uniform price.* On or before the 9th day after the end of each delivery period, the market administrator shall notify each handler and make public announcement of the uniform price computed pursuant to § 973.71.

16. Amend § 973.80 (a) and (b) to read as follows:

§ 973.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 20th day after the end of the delivery period, July through December inclusive, in which the milk was received, to each producer for milk not caused to be delivered directly from such producers' farms to such handler by a cooperative association at not less than the uniform price computed pursuant to § 973.71, subject to the differentials set forth in §§ 973.81 and 973.82, during remaining delivery periods pay for base milk at the base price and excess milk at the excess milk price.

(b) On or before the 15th day after the end of the delivery period, July through December inclusive, and in all remaining delivery periods in which the milk was received, to a cooperative association for milk which it caused to be delivered directly from producers' farms to such handler and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to paragraph (a) of this section, and less the amount of payment made pursuant to paragraph (d) of this section.

17. Amend § 973.81 to read as follows:

§ 973.81 *Butterfat differential to producers.* If, during the delivery period, any handler has purchased or received from any producer, milk having an average butterfat content other than 3.5 percent, such handler in making the payment prescribed in § 973.80 (a) and (b) shall add to the uniform price per hundredweight payable to such producer for each one-tenth of 1 percent that the butterfat content in milk is above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight for each one-tenth of 1 percent that the butterfat content in milk is below 3.5 percent not more than an amount computed by the market administrator as follows: To the average wholesale price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period, add 21 percent and divide the resulting sum by 10.

Proposed by the Old Home Creameries, Inc.:

18. A handler operating under the jurisdiction of another marketing order, but manufacturing and selling products in this marketing area also, be exempt from audit by the Administrator of this order, but a copy of the records deemed necessary by the Administrator be filed with his office. If the Class I price of Order 73 is higher than that of a plant reporting under the exception above, that the difference on the hundredweight of milk used in the products marketed in the marketing area be paid into the marketing pool.

Proposed by the Dairy Division, Agricultural Marketing Service:

19. Make such other changes as may be necessitated by adoption of any of the above proposed amendments.

Copies of this notice of hearing may be procured from the Market Administrator, 1750 Mennepin Avenue, Room 306, Minneapolis, Minnesota, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 27, 1955.

ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-3539; Filed, Apr. 29, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FLORIDA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 26, 1955.

The Department of Agriculture has filed an application, Serial No. BLM 039824, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims. The applicant desires the land for Administrative Sites and Recreation Areas within the Ocala National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

TALLAHASSEE MERIDIAN

OCALA NATIONAL FOREST

Recreation Areas

Dinner Ponds:
T. 17 S., R. 25 E.,
Sec. 10, W½SW¼, SE¼SW¼.
Lake Catherine:
T. 16 S., R. 25 E.,
Sec. 32, W½NE¼.
Lake Mary and Steep Pond:
T. 16 S., R. 25 E.,
Sec. 20, NW¼SE¼, E½E½.
Baptist Lake:
T. 17 S., R. 26 E.,
Sec. 12, SW¼.
Dry Camp:
T. 12 S., R. 24 E.,
Sec. 28, SW¼SW¼.
Bill's Branch:
T. 14 S., R. 26 E.,
Sec. 11, NE¼NE¼.
Grassy Pond:
T. 13 S., R. 25 E.,
Sec. 8, SE¼NE¼.

The areas described aggregate 675.27 acres.

Administrative Sites

(1) T. 12 S., R. 24 E.,
Sec. 28, SE¼SW¼.
(2) T. 12 S., R. 25 E.,
Sec. 6, W½SE¼.
(3) T. 12 S., R. 25 E.,
Sec. 24, NE¼SW¼, NW¼SE¼.
(4) T. 13 S., R. 25 E.,
Sec. 20, SW¼SE¼, SE¼SW¼.
(5) T. 14 S., R. 24 E.,
Sec. 14, NE¼NE¼.
(6) T. 14 S., R. 24 E.,
Sec. 12, SW¼SW¼.
(7) T. 14 S., R. 24 E.,
Sec. 26, E½SE¼.
(8) T. 14 S., R. 25 E.,
Sec. 19, W½NW¼, NW¼NE¼.
(9) T. 14 S., R. 25 E.,
Sec. 20, NW¼NW¼.
(10) T. 14 S., R. 25 E.,
Sec. 21, SE¼SE¼SE¼, NW¼NW¼.
(11) T. 14 S., R. 25 E.,
Sec. 22, SW¼SW¼SW¼, NW¼NW¼.
(12) T. 14 S., R. 25 E.,
Sec. 23, NE¼NE¼.
(13) T. 14 S., R. 25 E.,
Sec. 24, NW¼NW¼.
(14) T. 14 S., R. 25 E.,
Sec. 27, NW¼NW¼NW¼.
(15) T. 14 S., R. 25 E.,
Sec. 28, NE¼NE¼NE¼.
(16) T. 14 S., R. 25 E.,
Sec. 33, S½SE¼.
(17) T. 14 S., R. 26 E.,
Sec. 21, SE¼NE¼.
(18) T. 15 S., R. 25 E.,
Sec. 12, SW¼SW¼.
(19) T. 15 S., R. 25 E.,
Sec. 13, NW¼SW¼, W½NW¼.
(20) T. 16 S., R. 26 E.,
Sec. 32, SW¼SW¼, W½SE¼SW¼.
(21) T. 16 S., R. 25 E.,
Sec. 35, S½NE¼SE¼.
(22) T. 17 S., R. 26 E.,
Sec. 7, E¼NW¼SW¼, W½NE¼SW¼, NE¼SW¼SW¼, NW¼SE¼SW¼.
(23) T. 17 S., R. 26 E.,
Sec. 17, SW¼SE¼.
(24) T. 16 S., R. 26 E.,
Sec. 7, lots 3 and 4.
T. 16 S., R. 25 E.,
Sec. 12, lot 2.

The areas described aggregate 1,476.65 acres.

C. R. DREXILIUS,
Supervisor,
Eastern States Office.

[F. R. Doc. 55-3523; Filed, April. 29, 1955; 8:45 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 20, 1955.

The United States Department of Agriculture has filed an application, Serial No. Idaho 05884, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims. The applicant desires the land for roadside zone.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

LOCHSA RIVER (LEWIS AND CLARK FOREST HIGHWAY 16) ROADSIDE ZONE—CLEARWATER NATIONAL FOREST

A strip of land 500 feet wide contiguous to and on the northwesterly side of the Lochsa River through unsurveyed Townships 35 and 36 North, Ranges 10 and 11 East, extending from the confluence of Indian Grave Creek with the Lochsa River southwestward a distance of approximately 9 miles to the confluence of Bald Mountain Creek with the Lochsa River, and situated in what probably will be when surveyed, the following subdivisions:

T. 35 N., R. 10 E.,
Sec. 2, N½NW¼;
Sec. 3, S½NE¼, N½SW¼, NW¼SE¼;
Sec. 4, NE¼SE¼, S½SE¼;
Sec. 8, N½SE¼, SW¼SE¼.
T. 36 N., R. 10 E.,
Sec. 25, SE¼SE¼;
Sec. 35, SE¼NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 36, N½N½, SW¼NW¼.
T. 36 N., R. 11 E.,
Sec. 21, SE¼NW¼, E½SW¼, NW¼SE¼;
Sec. 28, N½NW¼;
Sec. 29, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼;
Sec. 30, SW¼, N½SE¼.

And also a strip of land 200 feet in width on each side of the center line of the said Lochsa River road as now constructed or as located on the ground within unsurveyed Townships 34 and 35 North, Ranges 9 and 10 East, and situated in what probably will be when surveyed, the following subdivisions:

T. 34 N., R. 9 E.,
Sec. 5, N½NE¼, SW¼NE¼, S½SW¼, W½SE¼;
Sec. 7, E½NE¼;
Sec. 8, N½NW¼, SW¼NW¼.

LOCHSA RIVER (LEWIS AND CLARK FOREST HIGHWAY 16) ROADSIDE ZONE—LOLO NATIONAL FOREST

A strip of land 200 feet in width on each side of the center line of the Lewis and Clark Forest Highway No. 16 through the following legal subdivisions, or so much of said width as may be situated within said subdivisions:

T. 36 N., R. 13 E.,
Unsurveyed, but when surveyed will probably be:
Sec. 4, N½N½.
T. 37 N., R. 13 E.,
Unsurveyed, but when surveyed will probably be:
Sec. 25, SE¼SE¼;
Sec. 33, S½SW¼, SE¼;
Sec. 34, N½S½;
Sec. 35, N½;
Sec. 36, N½N½, SW¼NW¼.
T. 37 N., R. 14 E.,
Sec. 12, NE¼NE¼, W½NE¼, SE¼NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 14, NW¼NE¼, N½NW¼, SW¼NW¼, W½SW¼;
Sec. 22, E½E½;
Sec. 28, NE¼SW¼, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 30, Lot 4, SE¼SW¼, S½SE¼.
T. 37 N., R. 15 E.,
Sec. 6, SE¼NE¼, NE¼SW¼, Lot 7, SE¼SW¼, N½SE¼.
T. 38 N., R. 15 E.,
Sec. 16, Lot 3, S½SW¼, NW¼SE¼;
Sec. 20, E½SE¼;
Sec. 28, NW¼NW¼;
Sec. 32, W½E½, E½W½.

And a strip of land 500 feet wide situated contiguous to and on the north side of the Lochsa River through unsurveyed Township 36 North, Ranges 11, 12 and 13 East, extending from the confluence of Squaw Creek with the Lochsa River westward a distance of approximately 13 miles to the confluence of Indian Grave Creek and situated in what probably will be when surveyed the following subdivisions:

T. 36 N., R. 11 E.,
Sec. 13, SE¼NE¼, N½S½;
Sec. 14, SE¼NW¼, N½S½;
Sec. 15, SW¼SW¼, NE¼SE¼, S½SE¼;
Sec. 21, NE¼NE¼, S½NE¼;
Sec. 22, W½NE¼, S½NW¼.
T. 36 N., R. 12 E.,
Sec. 9, NE¼SW¼, S½SW¼;
Sec. 10, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 11, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 12, S½N½;
Sec. 14, NW¼NE¼, N½NW¼;
Sec. 15, NW¼NE¼, S½NE¼, N½NW¼;
Sec. 16, NW¼NW¼;
Sec. 17, N½;
Sec. 18, S½N½, N½S½.
T. 36 N., R. 13 E.,
Sec. 5, S½NE¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 6, S½SE¼;
Sec. 7, W½NE¼, SE¼NW¼, N½SW¼.

LOCHSA RIVER (LEWIS AND CLARK FOREST HIGHWAY 16) ROADSIDE ZONE—NEZPERCE NATIONAL FOREST

A strip of land 200 feet in width on each side of the center line of the Lewis and Clark Forest Highway No. 16 through the following legal subdivisions, or so much of said width as may be situated within said subdivisions:

T. 32 N., R. 6 E.,
Sec. 1, Lots 5, 6, 7, 8;
Sec. 2, Lots 5, 6, 9, 10;
Sec. 3, Lots 5, 6, 7, 8;
Sec. 4, Lots 3, 6, 7;
Sec. 5, Lot 8;
Sec. 6, Lots 8, 9;
Sec. 7, Lots 2, 4.
T. 32 N., R. 7 E.,
Sec. 5, Lot 5, S½SW¼;
Sec. 6, Lots 7, 8, 9, SE¼SE¼;
Sec. 7, Lot 1;
Sec. 8, Lot 2.
T. 33 N., R. 7 E.,
Sec. 1, Lots 5, 7, 8;
Sec. 11, Lots 1, 2, 3, 4;
Sec. 12, Lots 2, 3;
Sec. 14, Lots 2, 3, 6, 7;
Sec. 22, Lots 1, 2, 3, 7, 8, 9;
Sec. 23, Lots 2, 3;
Sec. 27, Lots 2, 3, 6, 7;
Sec. 28, Lots 1, 5, NW¼SE¼, H. E. S. 99;
Sec. 33, Lots 3, 6, 9, H. E. S. 99.
T. 33 N., R. 8 E.,
Unsurveyed, but when surveyed will probably be:
Sec. 1, N½NW¼, SW¼NW¼;
Sec. 2, S½N½, N½S½;
Sec. 3, N½S½;
Sec. 4, S½N½, N½S½;
Sec. 5, SW¼NE¼, S½NW¼, N½S½;
Sec. 6, S½NW¼, N½S½.
T. 34 N., R. 8 E.,
Unsurveyed, but when surveyed will probably be:
Sec. 24, E½E½;
Sec. 25, E½NE¼, NE¼SE¼, W½SE¼;
Sec. 36, W½E½, E½W½.
T. 34 N., R. 9 E.,
Unsurveyed, but when surveyed will probably be:
Sec. 8, NW¼SW¼;
Sec. 18, N½NE¼, SW¼NE¼, NE¼SW¼, SW¼SW¼, NW¼SE¼;
Sec. 19, W½W½.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-3522; Filed, Apr. 29, 1955; 8:45 a. m.]

National Park Service

[Order 1]

MOUNT RAINIER NATIONAL PARK; ASSISTANT SUPERINTENDENT ET AL.

DELEGATIONS OF AUTHORITY

SECTION 1. *Assistant Superintendent and Chief Clerk.* The Assistant Superintendent and Chief Clerk may execute and approve contracts not in excess of $10,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent and Chief Clerk in behalf of any coordinated area.

SEC. 2. *Purchasing Agent.* The Purchasing Agent may execute and approve contracts not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to avail-

ability of appropriations. This authority may be exercised by the Purchasing Agent in behalf of any coordinated area.

SEC. 3. *Appeals.* Any party aggrieved by any action or decision of the Assistant Superintendent, Chief Clerk, or Purchasing Agent shall have a right of appeal to the Superintendent of the area. Any such appeal shall be in writing and shall be submitted to the Superintendent within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the Assistant Superintendent, Chief Clerk, or Purchasing Agent.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region Four Order No. 2 (19 F. R. 8824))

Issued this 29th day of March 1955.

[SEAL] PRESTON P. MACY,
Superintendent,
Mount Rainier National Park.

[F. R. Doc. 55-3524; Filed, Apr. 29, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1705 et al; Order No. E-9138]

AIR FREIGHT RATE INVESTIGATION

OPINION AND TWELFTH SUPPLEMENTAL ORDER GRANTING, DEFERRING AND DENYING EQUALIZATION OF MINIMUM RATES TO CERTAIN POINTS

APRIL 27, 1955.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 26th day of April, 1955.

The Board on June 2, 1948 entered an order [1] in this proceeding prescribing lawful minimum rates for the transportation of property by air (except for property carried in the air express service) and providing therein that the record be held open for any party in interest to petition for modification of the minimum rates as to any commodity or group of commodities between any points.

Pursuant to said authorization, upon petition of American Airlines, Inc. (American), and the concurrence of Flying Tiger Line, Inc. (Tiger), and Slick Airways, Inc. (Slick), the Board ordered [2] that the lawful minimum rates and charges to and from Teterboro, New Jersey, and Newark, New Jersey shall be the minimum rates prescribed for application to and from New York, New York, computed upon the mileages specified in The Air Line Distance Between Cities of the United States, U. S. Department of Commerce, Coast and Geodetic Survey (1947).

Thereafter, by order dated April 10, 1950 [3] the Board established below minimum directional rates and provided that the lawful minimum directional rates prescribed for the interstate transportation of property (except property carried in the air express service) to or from:

Oakland or San Francisco.
Los Angeles or Long Beach.
El Centro or Brawley.
Salinas or Monterey.
Dallas or Fort Worth.
Tampa or St. Petersburg.

shall be computed by using the mileage determined by Order No. E-1639 [4] to or from the first-named city in each instance. In equalizing lawful minimum directional rates to the above-listed pairs of cities, the Board stated: [5]

> We have previously authorized the equalization of freight rates to and from the New York, N. Y., Newark and Teterboro, N. J., on the theory that the airports located in those cities serve the same metropolitan area and a lower rate to one of them, would, as a practical matter, funnel all consignments to the New York City area through that airport. We further believe that directional rates from cities located in a very close proximity to each other which can be, or are, served through a single airport should be equalized.

Equalization of rates at Seattle and Portland was denied by the Board for the reason that these cities are not located in the same metropolitan area, nor are they so situated that they may be conveniently served through a single airport.

Subsequently, various carriers petitioned the Board to authorize equalization of minimum rates to various pairs or groups of cities, contending that rate equalization to and from cities within the same metropolitan area, or served by one airport or alternative airports, is both desirable and in the public interest because it provides for:

(a) Tariff simplification.
(b) Reduced costs in tariff preparation.
(c) Clarity of tariff interpretation.
(d) In elimination of rate discrimination among competing shippers or consignees due to their location or the location of the airport utilized by the air carrier serving such shippers or consignees.

The carriers' petitions and the cities to which request was made for equalization of rates are as follows: [6]

American:
Detroit and Ann Arbor and Windsor.
Dallas and Fort Worth.
Scranton and Wilkes-Barre.
Elmira and Corning.
Hartford and Springfield.
Newark, New York, Teterboro, and White Plains.
Washington and Baltimore.
San Francisco and Oakland.
Midland and Odessa.
Charleston and Dunbar.
Niagara Falls and Buffalo.
Braniff Airways, Inc.: [7]
Minneapolis and St. Paul.
National Airlines, Inc.: [8]
Tampa and St. Petersburg.

Joint Petition Tiger and Slick: [9]
Oakland and San Francisco.
Los Angeles and Long Beach.
Dallas and Fort Worth.
El Centro and Brawley.
Salinas and Monterey.
United Air Lines, Inc. (United): [10]
Portland and Seattle.
Boston and Providence.
Detroit and Toledo.
San Diego, Los Angeles, and Long Beach.

United supports the American petition and the Flying Tiger/Slick petition as well as requesting equalization at the above-named cities.

Eastern Air Lines, Inc. (Eastern), supports [11] equalization where two or more cities are served through a single airport or where large areas are involved which are served by two or more airports but opposes equalization at Baltimore/Washington and at Boston/Providence for the reason that these pairs of cities do not fall within either clasification discussed above.

The reasons advanced for equalization of freight rates between cities comprising the same metropolitan area and between cities located in close proximity to each other and which are served through a single airport on the basis of which equalization of directional minimum rates was permitted at other points appear to apply equally to the petitions before us which request equalization of minimum rates at the pairs of cities first listed below. The same considerations would require us to deny equalization of rates to pairs or groups of cities which are not within the same metropolitan area or which are not served through the same airport. Based on the foregoing consideration, it appears that equalization of freight rates to and from the following pairs of cities is reasonable and appropriate:

Detroit and Windsor.
Dallas and Forth Worth.
Scranton and Wilkes-Barre.
Elmira and Corning.
Hartford and Springfield.
San Francisco and Oakland.
Midland and Odessa.
Charleston and Dunbar.
Tampa and St. Petersburg.
Los Angeles and Long Beach.
El Centro and Brawley.
Salinas and Monterey.
Minneapolis and St. Paul.

Accordingly, we will not permit equalization of minimum rates at the following pairs or groups of cities as they are not located within the same metropolitan area nor do they appear to be so situated that they are served through a single airport:

Ann Arbor and Detroit and Windsor.
Niagara Falls and Buffalo.
Portland and Seattle.
Newark, New York, Teterboro, and White Plains.
Boston and Providence.
Detroit and Toledo.
San Diego and Los Angeles and Long Beach.

In view of the present consideration which is being given to the use of Friendship Airport as an airport for serving both Washington, D. C., and Baltimore, action upon American's petition to equalize rates at those cities will be deferred without prejudice to the rights of American or other parties to request equalization of rates at those cities at a later date.

The pairs of cities to which we are authorizing equalization of minimum rates are in close proximity to each other and there appears to be no valid reason why the computation of minimum rates to the pairs of cities to which rates are equalized should not in each case be based upon mileage determined in accordance with the provisions of Order No. E-1639, to or from the city of each pair of cities which will result in the application of the lower minimum rate and our order will so provide.

No answer or objection has been filed to the equalization of minimum rates to any of the pairs of cities to which we have herein authorized equalization of rates.[12] Our order authorizing equalization of rates at such pairs of cities will therefore be final. With respect to our findings and order denying or deferring equalization of rates at the pairs or groups of cities named, if no exceptions are filed with the Board by any party of record within 30 days of the date of the service of the order denying the petition for equalization, the order will become final. If exceptions to the order denying or deferring equalization of rates are so filed, further proceedings in connection therewith shall be conducted in such manner as the Board may deem appropriate.

Accordingly, upon consideration of the foregoing matters and all the facts of record in this proceeding:

It is ordered, That the lawful minimum rates and charges for the interstate transportation of property by air (except for property carried in the air express service) to or from the pairs of cities listed immediately below shall be computed by using the mileage determined in accordance with the provisions of Order No. E-1639 to or from the city of each pair of cities which will result in the application of the lower minimum rate.

Detroit and Windsor.
Dallas and Fort Worth.
Scranton and Wilkes-Barre.
Elmira and Corning.
Hartford and Springfield.
San Francisco and Oakland.
Midland and Odessa.
Charleston and Dunbar.
Tampa and St. Petersburg.
Los Angeles and Long Beach.
El Centro and Brawley.
Salinas and Monterey.
Minneapolis and St. Paul.

It is further ordered, That the petition of American Airlines, insofar as it related to equalization of minimum rates at the cities of Washington, D. C., and Baltimore, be deferred without prejudice to the right of American or any other party of record to request equalization of minimum rates at these cities at a later date.

It is further ordered, That the petitions insofar as they relate to the equalization of minimum rates at the combination of cities listed immediately below be denied:

Ann Arbor and Detroit and Windsor.
Niagara Falls and Buffalo.
Portland and Seattle.
Newark, New York, Teterboro, and White Plains.
Boston and Providence.
Detroit and Toledo.
San Diego and Los Angeles and Long Beach.

It is further ordered, That if no exceptions are filed with the Board by any party of record within 30 days of the date of service of this order, the order denying or deferring equalization of minimum rates to cities named will become final. If exceptions to the order deferring or denying the equalization of rates are filed within 30 days of the service of this order, further proceedings in connection therewith shall be conducted in such manner as the Board may deem appropriate.

It is further ordered, That copies of this order be served on all parties to this proceeding and that this order be published in the FEDERAL REGISTER.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-3544; Filed, Apr. 29, 1955; 8:50 a. m.]

[1] Order No. E-1639, 9 CAB 340, 357. This order has been amended by Order Nos. E-4048, E-4890, E-6698, and E-7837.
[2] Order No. E-2184, dated Nov. 12, 1948.
[3] Order No. E-4048.
[4] Mileage between points shall be that specified in Airline Distance Between Cities in the United States, United States Department of Commerce, Coast and Geodetic Survey, 1947, or where no mileage is therein specified, the mileage computed in accordance with the formula contained in that publication, 9 CAB 340, 362.
[5] 11 CAB 228, 238.
[6] Petition dated March 1, 1954.
[7] May 20, 1954.
[8] July 15, 1954.
[9] Feb. 15, 1954.
[10] April 6, 1954.
[11] By letter dated April 30, 1954.
[12] Eastern, the sole objector, limited its objection to equalization of rates at Boston and Providence (to which equalization is denied) and at Washington and Baltimore (at which equalization is deferred).

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF FIRECRACKERS FROM HONG KONG AND MACAO

Notice is hereby given that the Treasury Department on the basis of information in its possession as to the availability for importation into the United States of firecrackers which are not of Communist Chinese or North Korean origin is now prepared to consider applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.101-500.808) for the importation during the last six months of 1955 of a limited quantity of firecrackers from Hong Kong and Macao. Applications must be filed on or before May 27, 1955.

Any person interested in importing such firecrackers may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 55-3574; Filed, Apr. 29, 1955; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. IT-5961]

JOSE BARRERA GONZALEZ AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATION

APRIL 25, 1955.

Take notice that on April 18, 1955, a joint application was filed with the Federal Power Commission by Jose Barrera Gonzalez of San Pedro Roma, Tamaulipas, Mexico, and Central Power and Light Company of Corpus Christi, Texas, for authorization, pursuant to section 202 (e) of the Federal Power Act, to export an additional amount of electric energy from the United States to Mexico over that presently permitted by the authorization granted by the Commission's order issued June 29, 1949, in the above docket.

By that order the applicants were authorized to transmit up to 876,000 kwh of electric energy for use and resale in San Pedro Roma, Mexico, and vicinity, over facilities covered by a Presidential Permit released to Jose Barrera Gonzalez on March 6, 1946, at a maximum rate of transmission of 200 kw. The applicants presently seek to increase the amount to be transmitted to up to 1,000,000 kwh at a maximum rate of transmission of 400 kw. Jose Barrera Gonzalez proposes to purchase the entire amount of energy to be exported from Central Power and Light Company at a point on the United States side of the Rio Grande near the International Bridge, Roma, Starr County, Texas, and thereafter transmit it over the facilities which he owns and maintains pursuant to authorization granted by the aforementioned Presidential Permit; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to the application should, on or before the 16th day of May 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's general rules and regulations. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3532; Filed, Apr. 29, 1955; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

PYRETHRUM HELD IN NATIONAL STOCK PILE

DISPOSITION

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 597, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 60,000 pounds of pyrethrum (20 percent) extract now held in the National Stock Pile.

This quantity of pyrethrum is no longer needed in the National Stock Pile because of a revised determination by the Office of Defense Mobilization that pyrethrum extract is obsolescent for use in time of war because of the development of new and better materials.

It is proposed to channel the pyrethrum to be disposed of to the pyrethrum processors at current market prices over a twelve month period. It is believed that this plan will protect the United States against avoidable loss and also protect producers, processors and consumers against avoidable disruption of their usual markets.

This material will be available for disposition on and after November 1, 1955.

Dated: April 28, 1955.

A. J. WALSH,
Commissioner, Emergency Procurement Service, General Services Administration.

[F. R. Doc. 55-3566; Filed, Apr. 29, 1955; 8:52 a. m.]

TOTAQUINE HELD IN NATIONAL STOCK PILE

DISPOSITION

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 597, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 7,818,272 ounces of totaquine now held in the National Stock Pile.

This quantity of totaquine is no longer needed in the National Stock Pile because of a revised determination by the Office of Defense Mobilization that totaquine, intended as a substitute for quinine, is obsolescent for use in time of war because of the development of new and better materials.

The totaquine to be disposed of will be offered for sale generally. All those considered by the General Services Administration to be interested in purchasing such material will be invited to submit offers. It is believed that this plan will protect the United States against avoidable loss.

The principal component of totaquine is quinine. The quantity of quinine contained in the amount of totaquine to be offered for sale is not considered to be such that the proposed sale will disrupt the usual markets of producers, processors and consumers. It is anticipated that all or nearly all of the sales will be for export.

This material will be available for disposition on and after November 1, 1955.

Dated: April 28, 1955.

A. J. WALSH,
Commissioner, Emergency Procurement Service, General Services Administration.

[F. R. Doc. 55-3565; Filed, Apr. 29, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-624]

WISCONSIN ELECTRIC POWER CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

APRIL 25, 1955.

Notice is hereby given that Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company, has filed with this Commission an application, pursuant to section 3 (a) (2) of the Public Utility Holding Company Act of 1935 ("act"), for an exemption for it and each of its subsdiary companies as such from all of the provisions of the act on the basis that it is predominantly a public-utility company whose operations as such do not extend beyond the State of Wisconsin, the state in which it is organized, and states contiguous thereto.

In 1941, Wisconsin Electric, then a subsidiary of The North American Company ("North American"), a registered holding company, filed, pursuant to Rule U-2 of the general rules and regulations promulgated under the act, a statement claiming, on behalf of itself as a holding company and on behalf of its subsidiary companies as such, an exemption from all of the provisions of the act. However, Wisconsin Electric and its subsidiaries remained subject to the provisions of the act insofar as they were subsidiaries of North American. On November 4, 1947, in anticipation of the divestment by North American of its investment in Wisconsin Electric, the Commission, pursuant to Rule U-6 under the act, gave notice to Wisconsin Electric of the termination of the exemption available by reason of Rule U-2. Thereafter, on December 3, 1947, Wisconsin Electric filed an application for an exemption from all of the provisions of the act under sections 3 (a) (1) and (2). After due notice and public hearings the Commission denied said application by Order dated December 20, 1948. (See Holding Company Act Release No. 8741.) In denying said application the Commission gave special significance to the fact that the utility operating revenues of Wisconsin Electric's subsidiaries for the year ended December 31, 1947, amounted to 54.66 percent of the utility operating revenues of the parent company.

Subsequently, Wisconsin Electric registered as a holding company pursuant to section 5 of the act. In 1950 the Commission instituted a proceeding in respect of Wisconsin Electric and its subsidiaries under section 11 (b) (1) of the act for the purpose of determining whether the system's operations were in conformity with the standards of that section. Public hearings were held, which thereafter were adjourned subject to the call of the Hearing Officer, and the matter is still pending.

The application now before the Commission, filed by Wisconsin Electric pursuant to section 3 (a) (2) of the act, contains allegations which are included in the following summary:

Wisconsin Electric, incorporated in the State of Wisconsin, is engaged in the generation, transmission, distribution and sale of electric energy in Milwaukee, Wisconsin and in nearby communities in that State. It also supplies steam heating service in a limited downtown area in Milwaukee. During 1954 over 97 percent of its total operating revenues were derived from the sale of electric energy and less than 3 percent from the sale of steam. Wisconsin Electric has two direct public-utility subsidiary companies as defined by sections 2 (a) (5) and (8) of the act, namely, Wisconsin Michigan Power Company ("Wisconsin Michigan") and Wisconsin Natural Gas Company ("Wisconsin Gas") and one direct non-utility subsidiary company, The Milwaukee Electric Railway & Transport Company ("Transport"). Transport has a wholly owned non-utility subsidiary company, Badger Auto Service Company ("Badger"). All of the subsidiaries are incorporated in Wisconsin.

All of the common stock of Wisconsin Michigan and Wisconsin Gas is owned by Wisconsin Electric. Wisconsin Gas derives approximately 99 percent of its total operating revenues from the sale of gas and about 1 percent from steam heating service and operates only in the State of Wisconsin. Wisconsin Michigan derives approximately 7 percent of its operating revenues from the sale of gas in Wisconsin and approximately 93 percent from the sale of electric energy in the east-central and northern portion of Wisconsin and in an adjoining area in the Northern Peninsula of Michigan. Transport's business is devoted to the operation of a terminal freight line principally used for hauling coal to Wisconsin Electric's Lakeside Power Plant. Badger operates parking facilities and auto service stations in the City of Milwaukee on property owned by Wisconsin Electric and its services are, in part, utilized by Wisconsin Electric and its employees and in part by the public.

In 1950 Wisconsin Electric acquired all of the electric utility properties formerly owned and operated by Wisconsin Gas. (See Holding Company Act Release No. 9891.) This acquisition reduced the percentage relationship of the utility subsidiaries' operating utility revenues as compared with those of Wisconsin Electric. The following table sets forth for 1954 statistics comparing the size and the business of Wisconsin Electric's public utility subsidiaries with that of its own, including the relationship with respect to operating utility revenues:

	As at Dec. 31, 1954, or 12 months then ended		
	Wisconsin Electric	Wisconsin Michigan and Wisconsin Gas	Relationship percent of subsidiaries to parent
Utility operating revenues, less inter-company sales	$69, 288, 724	$18, 663, 158	27.0
Net utility operating revenues, before income taxes	$20, 978, 886	$6, 003, 383	28.6
Sales of electricity, less inter-company sales (thousand kilowatt-hours)	3, 617, 730	658, 368	18.2
Gross utility plant (at original cost)		6, 135, 449	
Net utility plant (at original cost)	$280, 668, 972	$65, 736, 529	23.4
Average number of electric customers	$198, 526, 290	$49, 809, 025	25.1
Average number of gas customers	437, 938	54, 360	12.4
Average number of utility customers		70, 674	
	437, 938	125, 034	28.6

As at December 31, 1954, the public utility subsidiaries of Wisconsin Electric had outstanding in the hands of the public an aggregate of $25,648,019 of debt securities and $4,000,000 par value of preferred stock. At the same date the consolidated common stock equity of the Wisconsin Electric system was approximately 40 percent of the system's total consolidated capitalization.

In its pending application, Wisconsin Electric states that its public-utility operations do not extend beyond Wisconsin, the State in which it is organized, and alleges that it is "predominantly" a public-utility company and that the granting of the requested exemption would not be detrimental to the public interest or the interest of investors or consumers. In support of the requested exemption, applicant states that Wisconsin Electric and both of its public-utility subsidiaries are subject to regulation by the Public Service Commission of Wisconsin and that Wisconsin Michigan is also subject to the jurisdiction of the Federal Power Commission, both as a public-utility and as a licensee, and to the jurisdiction of the Michigan Public Service Commission.

Notice is further given that any interested person may, not later than May 31, 1955, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application may be granted or the Commission may take such other action as it may deem proper under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3530; Filed, Apr. 29, 1955; 8:47 a. m.]

[File No. 70-3360]

LESTER MARTIN

ORDER WITH RESPECT TO ACQUISITION OF COMMON SHARES OF EXEMPT HOLDING COMPANY

APRIL 26, 1955.

Lester Martin having filed with the Commission an application and an amendment thereto pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act") requesting approval of certain acquisitions of common shares of Eastern Gas and Fuel Associates ("Eastern"), an exempt public-utility holding company, which increased his direct and indirect holdings up to and over 5 percent of the outstanding voting securities of Eastern, thereby rendering him an affiliate, as defined in section 2 (a) (11) (A) of the act, of Eastern and its wholly owned public-utility subsidiary, Boston Consolidated Gas Company; and further requesting approval of certain intended future acquisitions of such shares of Eastern; and

The Commission having issued due notice of the filing of said application, and no one having requested a hearing and the Commission not having ordered a hearing thereon; and the Commission having considered said application, as amended, and finding that the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary as respects the applicant's acquisition of those common shares which increased applicant's direct and indirect holdings to 5 percent of the outstanding voting securities of Eastern; and it appearing that all past and any future acquisitions of additional common shares of Eastern by applicant in excess of the amount necessary to cause applicant to become an affiliate of Eastern are exempt from the requirements of sections 9 (a) (2) and 10 of the act by reason of Rule U-11 (d) promulgated thereunder:

It is ordered, That so much of said application, as amended, as requests approval of the applicant's acquisition of a sufficient number of common shares of Eastern to cause applicant to become an affiliate of Eastern be, and the same hereby, is granted.

It is further ordered, That the balance of said application be and the same hereby is, dismissed for lack of jurisdiction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3531; Filed, Apr. 29, 1955; 8:47 a. m.]

[File No. 70-3375]

MISSISSIPPI VALLEY GENERATING CO. ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE OF FIRST MORTGAGE BONDS AND PROMISSORY NOTES OF SUBSIDIARY PUBLIC UTILITY AND ORDER FOR HEARING

APRIL 27, 1955.

In the matter of Mississippi Valley Generating Company, Middle South Utilities, Inc., The Southern Company; File No. 70-3375.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, The Southern Company ("Southern"), also a registered holding company, and Mississippi Valley Generating Company ("Generating Company"), an Arkansas corporation and a subsidiary of both Middle South and Southern, have filed a joint application-declaration pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (b), 12 (b) and 12 (f) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said joint application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Generating Company has been organized for the purposes of constructing and operating, near West Memphis, Arkansas, a three-unit steam electric generating station with a net capability of approximately 650,000 kilowatts, together with related equipment. Generating Company has executed a Power Contract with the Atomic Energy Commission ("AEC"), to provide for electric energy to be furnished by Generating Company to the Tennessee Valley Authority ("TVA") for or on account of AEC over a period of 25 years commencing with completion of the first generating unit.

The cost of the facilities proposed to be constructed by Generating Company, including $2,000,000 of working capital, is estimated by the applicants-declarants to be $106,115,000. The application-declaration states that $700,000 of such amount will consist of a non-cash item of interest on equity during construction, and that $5,500,000 will be obtained by Generating Company through the issuance of 55,000 shares of its $100 par value common stock and the sale thereof for $5,500,000 to Middle South and Southern pursuant to this Commission's order of February 9, 1955, in File No. 70-3319. The balance of $99,915,000 will be obtained by Generating Company through the sale of $77,362,000 principal amount of its first mortgage bonds and through bank borrowings of $22,553,000.

Pursuant to the Commission's order of February 9, 1955, Generating Company has issued and sold 11,000 shares of its $100 par value common stock for $1,100,000 of cash. Middle South purchased 8,690 shares (79 percent) and Southern purchased 2,310 shares (21 percent) of such stock.

Generating Company has entered into a bond purchase agreement with two life insurance companies which have agreed to purchase not exceeding $92,914,000 principal amount of Generating Company's 3⅝ percent first mortgage bonds due January 1, 1989 ("Bonds"). Generating Company has also entered into a bank credit agreement with 24 commercial banks which have agreed to purchase not exceeding $27,086,000 face amount of 3¼ percent promissory notes of Generating Company due January 1, 1969 ("Notes"). Generating Company states that, although the bond purchase and bank credit agreements provide for the aggregate amounts set forth above, it is expected that, based upon present estimates of the cost of the West Memphis plant, the bond purchase commitments will be utilized only to the extent of an aggregate of $77,362,000 and the bank indebtedness will be cut back to an aggregate of $22,553,000. Generating Company will pay commitment compensation at the rate of ½ of 1 percent per annum on the unused balance of the bank commitment and on the unsold principal amount of Bonds, subject to

suspension or termination of such commitment compensation in certain circumstances.

Generating Company now requests Commission authorization for (1) the issue and sale of not exceeding $92,914,000 principal amount of Bonds, (2) the issue and sale of not exceeding $27,086,000 face amount of Notes, and (3) the execution and performance of an Intercompany Agreement to which the lending insurance companies and banks will be parties and in which, among other things, Middle South and Southern will agree to pay or cause to be paid in the proportions of 80 percent and 20 percent, respectively, an aggregate amount sufficient to provide revenue which, when added to other revenues of Generating Company, will be sufficient to enable the latter to pay its operating and other expenses, its taxes, and the debt service on its Bonds and Notes.

The application-declaration states that the issue and sale of the Bonds and Notes will be the subject of a proceeding before the Arkansas Public Service Commission and that, except for such Commission, no State or Federal commission other than the Securities and Exchange Commission has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to the application-declaration and that such application-declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said application-declaration, pursuant to the applicable provisions of the act and the rules of the Commission, be held on May 16, 1955, at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. At said date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission on or before May 13, 1955, a request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell, or any other officer or officers of this Commission designated by it for that purpose, shall preside thereat. The officer or officers so designated to preside are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application-declaration, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to the specifying of additional matters and questions upon further examination:

(1) Whether the proposed issue and sale of the Bonds and Notes by Generating Company are solely for the purposes of financing its business and have been expressly authorized by the State commission of the State in which it is organized and doing business.

(2) Whether, in connection with the proposed issue and sale of the Bonds and Notes by Generating Company, the Commission should impose any terms and conditions as may be appropriate in the public interest or for the protection of investors or consumers.

(3) Whether the Intercompany Agreement constitutes the issue or sale of a security by Middle South and Southern, or either of them, and, if so, whether the standards of section 7 are satisfied.

(4) Whether, in connection with the proposed issue and sale of the Bonds and Notes, compliance with the competitive bidding requirements of Rule U-50 is unnecessary to aid the Commission to determine such terms and conditions as may be appropriate in the public interest or the interest of investors or consumers.

(5) Whether the execution and performance of the Intercompany Agreement is necessary or appropriate in the public interest and for the protection of investors and consumers.

(6) Whether the proposed transactions are in all respects in accordance with the standards of the act, and whether, in the event the application-declaration should be granted and permitted to become effective, it is necessary or appropriate to impose any terms and conditions to ensure compliance with the standards of the act or in the public interest or for the protection of investors and consumers;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this Notice and Order by registered mail to Generating Company, Middle South, Southern, The Arkansas Public Service Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and the Governors of the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee, and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3554; Filed, Apr. 29, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 27, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30555: Paper and paper articles from, to and between Official Territory. Filed by C. W. Boin, C. R. Goldrich and R. G. Raasch, Agents, for interested rail carriers. Rates on paper and related paper articles, carloads, also empty returned skids or platforms, carloads, (a) between points in official (including Illinois) territory; (b) from points in official (including Illinois) territory to points in southern territory, and (c) from points in official territory east of Illinois-Indiana State Line to points in western trunk-line territory.

Grounds for relief: Short-line distance formula, circuity, and maintenance of different levels of rates in intermediate territories.

Tariffs: C. W. Boin's I. C. C. A-1055; C. R. Goldrich's I. C. C. 707; R. G. Raasch's I. C. C. 840; R. G. Raasch's I. C. C. 841.

FSA No. 30556: Paper and paper articles from Western and Canadian points to Western Trunk Line Territory. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on paper and related paper articles, including pulpboard and wallboard, carloads, also empty returned wooden skids or platforms, paper winding cores, and store or window displays, carloads, from specified points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska and Wisconsin, and in the Provinces of Manitoba and Ontario, to specified points in Colorado, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming.

Grounds for relief: Short-line distance formula, circuity, and maintenance of different levels of rates in intermediate territories.

Tariffs: W. J. Prueter's I. C. C. A-4082, supplement 4; W. J. Prueter's I. C. C. A-4094.

FSA No. 30557: Paper and paper articles to official and Southern Territories. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on paper and related paper articles, carloads, also empty returned skids or platforms, carloads, from specified points in Iowa, Kansas, Michigan (upper peninsula), Minnesota, Missouri, Nebraska, South Dakota and Wisconsin, to specified points in central, trunk-line, New England, and southern territories.

Grounds for relief: Short-line distance formula, circuity, and maintenance of different levels of rates in intermediate territories.

Tariffs: W. J. Prueter's I. C. C. A-4092; W. J. Prueter's I. C. C. A-4093.

FSA No. 30558: Paper and paper articles—Southwest to Western Trunk Line, Official and Southern Territories. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and related paper articles, carloads, also empty returned platforms or skids, carloads, from specified points in Arkansas, Louisiana, Oklahoma and Texas, to specified points in western trunk-line, official (including Illinois) and southern territories.

Grounds for relief: Short-line distance formula, circuity, and maintenance of different levels of rates in intermediate territories.

Tariffs: F. C. Kratzmeir's I. C. C. 4151; F. C. Kratzmeir's I. C. C. 4152; F. C. Kratzmeir's I. C. C. 4153.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-3526; Filed, Apr. 29, 1955; 8:46 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 20 NUMBER 86

Washington, Tuesday, May 3, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3091

LOYALTY DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the prime requisite for retaining our freedom is unswerving devotion to the liberties embodied in our Constitution; and

WHEREAS it is fitting that a special day be set aside for solemn re-evaluation of those priceless gifts of freedom which are our heritage, to the end that we may stimulate and renew that high sense of patriotism which has signalized our glorious history as a Nation; and

WHEREAS the Congress, by a joint resolution approved April 27, 1955, has set aside May 1, 1955, as Loyalty Day and has authorized and requested the President to issue a proclamation calling upon the people to observe that day by reaffirming their loyalty to our beloved country:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby request all our citizens to observe Sunday, May 1, 1955, as Loyalty Day with suitable ceremonies. I also request the appropriate officials to arrange for the display of the flag of the United States upon all Government buildings on that day as a manifestation of our loyalty to the Nation which that flag symbolizes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of April in the year of our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-3620; Filed, Apr. 29, 1955; 5:09 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[FHA Instruction 449.1]

PART 385—ECONOMIC EMERGENCY LOANS

MAKING AND SERVICING ECONOMIC EMERGENCY LOANS

Section 385.5 (a) is amended to provide for the making of subsequent Economic Emergency loans to borrowers in areas where the termination date for making initial loans has passed, and to read as follows:

§ 385.5 *Making and servicing Economic Emergency loans.* (a) Sections 381.4 (a) and 381.5 to 381.11 of this chapter are hereby made applicable to the making and servicing of Economic Emergency loans, except as provided in this part, and "Economic Disaster loans" as used in the cited sections shall be interpreted to mean Economic Emergency loans.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2 (b), 67 Stat. 149)

Dated this 27th day of April 1955.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 55-3573; Filed, May 2, 1955; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 33]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.333 *Valencia Orange Regulation 33*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.),

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FEDERAL REGISTER

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and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 28, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded

an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 1, 1955, and ending at 12:01 a. m., P. s t., May 8, 1955, is hereby fixed as follows:

(i) District 1: 173,250 boxes;

(ii) District 2: 46,200 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 29, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–3592; Filed, May 2, 1955; 8:56 a. m.]

[Lemon Reg. 586, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.693 (Lemon Regulation 586; 20 F. R. 2703) are hereby amended to read as follows:

(ii) District 2: 500 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 28, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–3569; Filed, May 2, 1955; 8:49 a. m.]

[Docket No. AO–179–A13]

PART 975—MILK IN THE CLEVELAND, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

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975.0 Findings and determinations.

DEFINITIONS
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975.2 Secretary.
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AUTHORITY: §§ 975.0 to 975.96 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, during November 30–December 9, 1954, upon certain proposed amendments to the tentative marketing agreement and to the

order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 3 cents per hundredweight, or such amount not exceeding 3 cents per hundredweight, as the Secretary may prescribe with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production) and of all other source milk allocated to Class I pursuant to § 975.56 (b) and the corresponding portion of § 975.57: *Provided*, That such payment shall not be made with respect to any milk subject to a payment required under the provision for expense of administration of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, effective not later than May 1, 1955. Any delay beyond that date in making this order amending the order effective will tend to disrupt the orderly marketing of milk in the Cleveland, Ohio, marketing area. The changes effected by this order amending the order do not require persons affected to make substantial or extensive preparation prior to the effective date. Proposed amendments which would result in changes similar to those effected by this order amending the order were considered at a public hearing held during November 30–December 9, 1954; a recommended decision in this proceeding, to which interested parties were given an opportunity to file written exceptions, was issued on March 31, 1955, and a final decision was issued on April 21, 1955. Under these circumstances persons affected by this order amending the order have been afforded a reasonable time within which to prepare for its effective date. Therefore, good cause exists, pursuant to sec. 4 (c) of the Administrative Procedure Act (Public Law 404, 79th Congress, 60 Stat. 237), for making this order amending the order effective May 1, 1955.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Cleveland, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the determined representative period (January 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 975.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 975.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 975.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 975.4 *Market administrator.* "Market administrator" means the agency described in § 975.20.

§ 975.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 975.6 *Cleveland, Ohio, marketing area.* "Cleveland, Ohio, marketing area" hereinafter called the "marketing area," means all territory, including but not being limited to all municipal corporations within Cuyahoga County, and within the following cities and townships of the respective, named counties: townships of Black River, Sheffield, Avon Lake, Avon, Amherst, Elyria, Ridgeville, Carlisle, Eaton, Columbia, and Grafton in Lorain County; Willoughby, Mentor and Kirtland townships and the city of Painesville in Lake County; the city of Ashtabula in Ashtabula County; and the townships of Liverpool, Brunswick, Hinckley, York, Granger, Medina, Lafayette, and Montville in Medina County; all in the State of Ohio.

§ 975.7 *Handler.* "Handler" means (a) any person who operates a pool plant, (b) any person who operates a nonpool plant from which milk skim milk, flavored milk, or flavored milk drinks are disposed of on a route(s) in the marketing area, or (c) a cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a milk plant.

§ 975.8 *Producer.* "Producer" means any person with respect to milk produced by him having the approval of the health authority of any community in the marketing area for consumption as fluid milk in such community which milk is moved directly from his farm to:

(a) A pool plant;

(b) A nonpool plant within April, May, June, or July for the account of a cooperative association or of a handler operating a pool plant. Milk so diverted shall be deemed to have been received by the handler for whose account it was diverted; or

(c) A pool plant for the account of another pool plant by diversion from the latter pool plant. Milk so diverted shall be deemed to have been received by the pool plant for whose account it was diverted.

§ 975.9 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 975.10 *Nonhandler.* "Nonhandler" means any person not a handler who operates a nonpool plant.

§ 975.11 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk but receives no milk from dairy farmers; and

(b) Operates a route extending into the marketing area.

§ 975.12 *Pool plant.* "Pool plant" means a plant designated pursuant to § 975.30.

§ 975.13 *Nonpool plant.* "Nonpool plant" means any milk manufacturing or processing plant not a pool plant.

§ 975.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received at any pool plant other than from producers.

§ 975.15 *Route.* "Route" means a delivery (including a sale from a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s), including any eating place where such items are disposed of for consumption on or off the premises, other than a pool plant(s) or nonpool plant(s).

§ 975.16 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this part is in effect.

§ 975.17 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of April through June which is not in excess of such producer's daily average quota computed pursuant to § 975.65 multiplied by the number of days in such delivery period on which such producer delivered milk to such handler: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant, the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 975.65.

§ 975.18 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the delivery periods of April through June which is in excess of eligible milk received from such producer during such delivery period, and shall include all milk received from a producer for whom no daily average quota can be computed pursuant to § 975.65.

MARKET ADMINISTRATOR

§ 975.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 975.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 975.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of funds provided by § 975.86;

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 975.87, necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 975.40, or (2) payments pursuant to §§ 975.80, 975.84, 975.86, 975.87, or § 975.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, supply on or before the 25th day after the end of each delivery period to each cooperative association not a handler with respect to producers whose membership in such cooperative association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or nonhandler upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 6th day after the end of such delivery period the minimum prices for Class I, Class II, and Class III milk computed pursuant to §§ 975.61, 975.62, and 975.63, respectively.

(2) On or before the 14th day after the end of such delivery period the uniform price computed pursuant to § 975.73, and for April, May, and June the price for eligible milk and the price for ineligible milk, computed pursuant to §§ 975.74 and 975.75, respectively, and the butterfat differential computed pursuant to § 975.82;

(k) On or before April 1 of each year provide written notice to: (1) Each producer who made deliveries of milk during the previous October through December as to his daily average quota computed pursuant to § 975.65, (2) each cooperative association as to the daily average quota of each member of such association, and (3) each handler as to the daily average quota of each producer from whom such handler received milk; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

POOL PLANT

§ 975.30 *Designation.* A pool plant shall be any plant meeting the conditions of paragraphs (a), (b) or (c) of this section except a bottling plant operated by a producer-handler, or the plant of a handler exempted in § 975.90:

(a) Any plant at which milk is bottled and from which milk, skim milk, buttermilk, flavored milk or flavored milk drinks are distributed (either directly, through depots, or to vendors) in fluid form during the month on routes operated wholly or partially within the marketing area: *Provided*, That the total quantity distributed during the month on all routes operated inside or outside the marketing area is equal to 50 percent, or more, of the receipts from producers, or from other plants, of milk approved by the appropriate health authority for fluid use;

(b) Any plant which, having the approval of the appropriate health authority in the marketing area, has during the month delivered to a pool plant(s) described in paragraph (a) above an amount of milk equal to 30 percent of its dairy farm supply of milk: *Provided*, That such plant shall continue to be designated as a pool plant for such consecutive succeeding months as the 30 percent average is maintained: *And provided further*, That if during the period of August through January such plant has delivered to a pool plant(s) described in paragraph (a) of this section, 10 percent or more of its total dairy farm supply during each month and 30 percent or more during the entire period, such plant shall, upon written application to the market administrator on or before January 31 of any year, be designated as a pool plant through July 31 of the same year and each month thereafter, through January 31 of the following year, that it delivers 10 percent or more of its total dairy farm supply to a pool plant(s) described in paragraph (a) of this section; or

(c) The following plants during the period from the effective date hereof through January 31, 1956 shall be considered to have qualified as pool plants under the second proviso of paragraph (b) of this section:

(1) Any plant which was a pool plant in April 1955; and

(2) Any plant for which, on the basis of evidence presented to him, the market administrator determines that shipments during the period August 1954

through January 1955 would have met the standards specified in the second proviso of paragraph (b) of this section.

All pool plants operated by a handler may be considered as one plant for the purpose of meeting the percentage requirements of paragraphs (b) and (c) of this section if the handler submits a written request to the market administrator prior to the delivery period for which such consideration is requested.

§ 975.31 *Replacement.* A plant which replaces a pool plant shall acquire immediately the pool plant status of the replaced plant if the operator thereof shows to the satisfaction of the market administrator that 50 percent or more of the dairy farmers delivering milk to it previously had been producers at the pool plant so replaced.

§ 975.32 *Discontinuance.* A plant shall be discontinued as a pool plant upon prior written request made by the plant operator; such discontinuance to be effective at the beginning of the first delivery period (following the market administrator's receipt of such request) within which no milk was furnished by such plant to a pool plant described in § 975.30 (a).

REPORTS, RECORDS, AND FACILITIES

§ 975.40 *Reports of receipts and utilization.* On or before the 8th day after the end of each delivery period, each handler, except a produce-handler, shall report to the market administrator with respect to, (a) all milk received from producers, (b) all skim milk and butterfat in any form received from other handlers, and (c) all other source milk received at a pool plant:

(1) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts and their sources and for the delivery periods of April through June, the aggregate quantities of eligible milk;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 975.41 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) On or before the 25th day after the end of each delivery period, each handler who received milk from producers shall submit to the market administrator his producer payroll for the delivery period, which shall show:

(1) For the delivery periods of July through March, the pounds of milk, and the percentage of butterfat contained therein, received fom each producer; and for the delivery periods of April through June, the pounds of eligible milk and the pounds of ineligible milk, and the percentage of butterfat contained therein, received from each producer;

(2) The amount and date of payment to each producer (or to a cooperative association not a handler which is authorized to collect payment for the milk of such producer); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 975.42 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports or to ascertain the correct information with respect to:

(a) The receipts and utilization of all skim milk and butterfat required to be reported pursuant to § 975.40 or § 975.41 (a);

(b) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period;

(c) The weights and tests for butterfat and for other contents of all milk and milk products handled; and

(d) Payments to producers and to cooperative associations.

§ 975.43 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 975.50 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant from any source or diverted pursuant to § 975.8 (b) or (c) shall be classified pursuant to §§ 975.51 through 975.54.

§ 975.51 *Classes of utilization.* Subject to the conditions set forth in §§ 975.53 and 975.54, skim milk and butterfat described in § 975.50 shall be classified by the market administrator on the basis of the following classes of utilization:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of for fluid consumption as milk, skim milk, buttermilk (except for livestock feed), flavored milk or flavored milk drinks, sweet or sour cream, or eggnog, (2) or used to produce concentrated milk disposed of for fluid consumption, or (3) not accounted for as Class II or Class III utilization.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) used to produce any milk product not specified in Class I milk or Class II milk; (2) disposed of for livestock feed or dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (3) in shrinkage of producer milk up to 2 percent of receipts from producers or in shrinkage of other source milk.

§ 975.52 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the diverting handler's pool plant shall be included in the receipts at the pool plant to which such milk was diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the diverting handler's pool plant for such purpose.

§ 975.53 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified as follows:

(a) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to the pool plant of another handler, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer was made: *Provided,* That if either or both pool plants have received other source milk, such transfers shall be classified by the market administrator at both plants so as to return the highest-valued class utilization to milk of producers: *Provided further,* That if transfers are made from a pool plant to more than one other pool plant any other source milk involved in such transfers shall be prorated by the market administrator among the transferee pool plants on the basis of the percentage which the other source milk transferred bears to the total quantity of transfers made pursuant to this subparagraph from the transferor plant.

(b) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to a nonpool plant located more than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

(c) As Class I milk if transferred as any item listed in § 975.51 (a) (1) to a nonpool plant located less than 265 miles from the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator, unless (1) other utilization is mutually indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 8th day after the end of the delivery period within which such transfer was made, (2) the receiver maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available to the market administrator for audit, and (3) such receiving plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided,* That if such nonpool plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lower-priced available class of utilization as if the classes of utilization set forth in § 975.51 were applicable to such nonpool plants; or

(d) As Class I milk if transferred as bulk milk to (1) a manufacturer of soup, candy or bakery products for use in such manufacturing operations, or (2) any retail establishment which disposes of milk in fluid form.

§ 975.54 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that classified pursuant to § 975.53 (b)) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 975.55 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 975.56 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in the specified class the pounds of butterfat shrinkage in producer milk allowed in classes other than Class I pursuant to § 975.51;

(b) Subtract from the pounds of butterfat remaining in each class in series beginning with the lowest priced utilization the pounds of butterfat received in other source milk received from a plant(s) other than one at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant(s) at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act;

(d) Subtract from the remaining pounds of butterfat in each class the pounds of butterfat received from other handlers in such classes pursuant to § 975.53; and

(e) Add to the remaining pounds of butterfat in the specified class the pounds subtracted pursuant to paragraph (a) of this section; or if the remaining pounds of butterfat in all classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

§ 975.57 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 975.56.

MINIMUM PRICES

§ 975.60 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I milk price for each delivery period, pursuant to § 975.61, shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator by the Department of Agriculture or by the companies indicated below:

Company and Location
Borden Co., Mt. Pleastant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the delivery period as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount and then multiply by 3.5; and

(2) From the simple average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.

§ 975.61 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant for milk received from producers or from a pool plant of a cooperative association, during the delivery period which is classified as Class I milk, shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the period indicated:

Delivery period:	*Amount*
February through July	$1.40
All others	1.85

and add or subtract a "supply-demand adjustment" computed as follows:

(i) Divide the total quantity of milk received from producers during the first and second months preceding the delivery period by the gross quantity of milk utilized as Class I in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(ii) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subdivision (i) of this subparagraph, the "standard utilization percentage" shown below:

Month for which the price is being computed:	*Standard utilization percentage*
January	120
February	127
March	132
April	139
May	147
June	158
July	162
August	149
September	137
October	128
November	120
December	117

(iii) Determine the amount of the suply-demand adjustment from the following schedule:

Deviation percentage:	*Amount of supply-demand adjustment (cents)*
+13 or over	−25
+10 or +11	−19
+7 or +8	−13
+4 or +5	−7
+2 to −2	0
−4 or −5	+7
−7 or −8	+13
−10 or −11	+19
−13 or below	+25

When the deviation percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

§ 975.62 *Class II milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the basic formula price, as computed pursuant to § 975.60, plus 30 cents.

§ 975.63 *Class III milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for producer milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class III utilization, shall be the basic formula price, as computed pursuant to § 975.60; *Provided,* That during May and June 1955 the average of the prices per hun-

dredweight reported to have been paid or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator shall apply:

Present Operator and Location

Defiance Milk Products Co., Defiance, Ohio.
Fisher Dairy & Cheese Co., Wapakoneta, Ohio.
Kraft-Phenix Cheese Corp., Kendallville, Ind.
Nestles Milk Products Co., Marysville, Ohio.
Pet Milk Co., Angela, Ind.
Pet Milk Co., Coldwater, Ohio.
Pet Milk Co., Delta, Ohio.
Pet Milk Co., Garrett, Ind.
Pet Milk Co., Hudson, Mich.
Swift & Co., Lima, Ohio.

§ 975.64 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 975.61 and 975.62 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15, and divide the result by 10.

(c) *Class III milk.* Multiply by 1.15, and divide the result by 10.

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 975.65 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 975.66, the market administrator shall determine quotas for producers as follows: During each of the delivery periods of April through June, inclusive, of each year beginning with 1956, the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of first delivery to the end of such 3-month period.

§ 975.66 *Quota rules.* (a) An eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered during the quota-forming period;

(b) The quota of a producer may be moved from one handler to another and may be transferred from such producer to another producer.

DETERMINATION OF UNIFORM PRICE

§ 975.70 *Computation of value of producer milk.* Subject to the location adjustment provided by § 975.71, the value of producer milk received or diverted during each delivery period for each handler operating a pool plant and for each cooperative association with respect to milk for which it is a handler pursuant to § 975.7 (c) shall be a sum of money computed by the market administrator by multiplying by the applicable class prices, determined pursuant to §§ 975.61, 975.62 and 975.63 adjusted pursuant to § 975.64, the total combined hundredweight of skim milk and butterfat received from producers and allocated to each class pursuant to §§ 975.56 and 975.57, and adding together the resulting amounts: *Provided,* That if such handler, after subtracting all receipts of skim milk and butterfat, respectively, other than in milk received from producers has a utilization of skim milk or butterfat greater than has been accounted for in milk received from producers, there shall be added a further amount computed by multiplying any such excess utilization classified pursuant to § 975.56 (e) and the corresponding step of § 975.57 by the applicable prices.

§ 975.71 *Location adjustment to handlers.* In computing the value of such quantities of milk as are received from producers at a pool plant and classified as Class I or Class II milk, there shall be deducted the amount of 20 cents per hundredweight if the pool plant is located more than 60 miles but not more than 74 miles from the Public Square in Cleveland, Ohio, by the shortest highway distance as determined by the market administrator, and 2 cents additional for each additional 14 miles or fraction thereof: *Provided,* That for the purpose of determining the respective quantities of Class I and Class II milk subject to the location adjustment, each pool handler's utilization of Class I and Class II milk during the month at pool plants as defined in § 975.30 (a) shall be allocated first to receipts of milk from producers' farms at such plants and then to the receipts of producer milk from pool plants as defined in § 975.30 (b) in the order of their nearness to the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

§ 975.72 *Obligation to the producer-settlement fund for other source milk.* During any delivery period in which the total receipts from all producers is more than 110 percent of the total Class I utilization at all pool plants, any handler who receives other source milk during the delivery period which is allocated to Class I pursuant to §§ 975.56 or 975.57 or who operates a nonpool plant out of which a route is operated which extends into the marketing area shall pay to the producer-settlement fund an amount equal to the value of the milk so allocated to Class I or sold on such a route at the Class I price, less an amount computed at the same rate as specified in § 975.71 for the distance from the plant at which the other source milk originates to the Public Square in Cleveland, Ohio, and less the value of such milk at the Class III price.

§ 975.73 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content, f. o. b. the marketing area, received from producers by:

(a) Combining into one total the values computed under § 975.70 for all handlers who reported pursuant to § 975.40 for such delivery period, except those in default in payments required pursuant to § 975.84 for the preceding delivery period;

(b) Adding an amount representing the monies received in payment of obligations computed under § 975.72;

(c) Adding the aggregate of the values of all allowable location adjustments computed at the maximum rates for the appropriate zones set forth in § 975.81;

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Subtracting, if the weighted average butterfat test of all milk received from producers represented by the values included in paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 975.82 multiplied by 10:

(f) Dividing by the hundredweight of milk received from producers represented by the values included in paragraph (a) of this section; and

(g) Subtracting not less than 4 cents nor more than 5 cents.

§ 975.74 *Computation of ineligible milk price.* For each of the delivery periods of April through June the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Computing the total value on a 3.5 percent butterfat basis of ineligible milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II and Class III milk included in these computations by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II and Class III milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjusting to the nearest cent.

§ 975.75 *Computation of eligible milk price.* For each of the delivery periods of April through June the market administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content f. o. b. the marketing area, received from producers by:

(a) Subtracting the value of ineligible milk obtained in § 975.74 (a) from the aggregate value of milk computed pursuant to § 975.73 (a) through (c) and adjusting by any amount involved in

adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

§ 975.76 *Notification.* On or before the 14th day after each delivery period the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 975.40 of:

(a) The classification pursuant to §§ 975.56 and 975.57 of skim milk and butterfat contained in producer milk received by such handler during the delivery period and the value of such milk computed pursuant to § 975.70;

(b) The uniform prices for the delivery period computed pursuant to §§ 975.73, 975.74, and 975.75; and

(c) The amount due such handler pursuant to § 975.85 and the amount to be paid by such handler pursuant to §§ 975.84, 975.86, and 975.87.

PAYMENTS

§ 975.80 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 20th day after the end of each delivery period, each handler shall pay each producer for milk received from him within such delivery period, not less than an amount of money computed by multiplying the total pounds of such milk by the uniform price(s) pursuant to § 975.73 or to §§ 975.74 and 975.75, less the location adjustment pursuant to § 975.81 and adjusted by the butterfat differential pursuant to § 975.82: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 975.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 19th day after the end of each delivery period, each handler shall pay a cooperative association not a handler, with respect to milk of producers for which it has received written authorization to collect payment, a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each delivery period, each handler shall pay a cooperative association which is a handler, with respect to milk received by him from a pool plant operated by such cooperative association, not less than an amount computed by multiplying the minimum prices for milk in each class, subject to the applicable location adjustment provided by § 975.71 and the butterfat differential provided by § 975.64, by the hundredweight of milk in each class pursuant to §§ 975.56 and 975.57.

§ 975.81 *Location adjustments to producers.* In making payments pursuant to paragraphs (a) and (b) of § 975.80, a handler may deduct, with respect to all milk received from producers during the months of July through March, and with respect to eligible milk received from producers during the months of April, May and June, at a plant located, by the shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator:

(a) More than 30 miles but not more than 60 miles, an amount not to exceed 13 cents per hundredweight; and

(b) More than 60 miles but not more than 74 miles, an amount not to exceed 20 cents per hundredweight, and 2 cents per hundredweight additional for each additional 14 miles or fraction thereof.

§ 975.82 *Butterfat differential.* In making payments pursuant to paragraphs (a) and (b) of § 975.80 there shall be added to or subtracted from the uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat content in milk above or below 3.5 percent, as the case may be, a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a), (b) and (c) of § 975.64 weighted by the pounds of butterfat in producer milk in Classes I, II, and III, respectively, with the result rounded to the nearest tenth of a cent.

§ 975.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-settlement fund," into which he shall deposit all payments made pursuant to § 975.84 and out of which he shall make all payments pursuant to § 975.85.

§ 975.84 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler (a) whose value of producer milk is required to be computed pursuant to § 975.70, shall pay to the market administrator any amount by which such value for such delivery period is greater than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80 and (b) whose obligation is required to be computed pursuant to § 975.72, shall pay to the market administrator such obligation for such delivery period.

§ 975.85 *Payments out of the producer-settlement fund.* On or before the 18th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which such handler's value pursuant to § 975.70 is less than the total minimum amount required to be paid by him pursuant to paragraphs (a) and (b) of § 975.80 less any unpaid obligations of such handler to the market administrator pursuant to §§ 975.84, 975.86, 975.87, or 975.88: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 975.86 *Expense of administration.* As his pro rata share of the expense incurred pursuant to paragraph (d) of § 975.22, each handler shall pay the market administrator on or before the 16th day after the end of each delivery period, three cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of such delivery period, with respect to all receipts within the delivery period, of milk from producers at pool plants (including such handler's own production) and of all other source milk allocated to Class I pursuant to § 975.56 (b) and the corresponding portion of § 975.57: *Provided,* That such payment shall not be made with respect to any milk subject to a payment required under the provision for expense of administration of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area.

§ 975.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section each handler in making payments to producers pursuant to paragraphs (a) and (b) of § 975.80, with respect to all milk received from each producer (except milk of such handler's own production) at a plant, not operated by a cooperative association of which such producer is a member, shall deduct four cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 14th day after the end of each delivery period; and, on or before the 16th day after the end of such delivery period, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of the milk of such producers and to provide such producers with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant, not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from payments required pursuant to paragraphs (a) and (b) of § 975.80 as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of each delivery period to the cooperative association rendering such services of which such producers are members.

§ 975.88 *Adjustment of accounts*—(a) *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in monies due (1)

the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

(b) *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 975.84, 975.85, 975.86, 975.87 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.

§ 975.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8e (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers; the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the months during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 975.90 *Application of provisions—*(a) *Milk subject to other Federal orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Cleveland marketing area shall be exempted for such delivery period from all provisions of this part except §§ 975.41, 975.42, and 975.43 unless the Secretary determines that the applicable order should more appropriately be determined on some other basis.

(b) *Handler exemption.* A handler who operates a plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of during the delivery period on a route(s) operated wholly or partly within the marketing area shall be exempted for such delivery period from all provisions of this part except § 975.41, § 975.42 and § 975.43.

(c) *Milk caused to be delivered by cooperative associations.* Milk referred to in this part as received from producers by a handler shall include milk of producers caused to be delivered to such handler by a cooperative association which is not a handler and which is authorized to collect payment for such milk.

§ 975.91 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 975.92 *Suspension or termination.* The Secretary shall, whenever he finds that this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision of this part.

§ 975.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 975.94 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 975.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 975.96 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 28th day of April 1955 to be effective on and after the 1st day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3576; Filed, May 2, 1955; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter B—Cooperative Control and Eradication of Animal Diseases

[B. A. I. Order 375, Revised, Amdt. 4]

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

PAYMENT OF INDEMNITIES

Pursuant to the provisions of sections 3 and 11 of the act of May 29, 1884, as amended (21 U. S. C. 114, 114a), section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), and section 204 (e) of the Agricultural Act of 1954 (68 Stat. 900), § 51.1 (m) of the regulations pertaining to payment of indemnities for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis (9 CFR, 1953 Supp. Part 51 (19 F. R. 6566, 8624, 20 F. R. 755)), is hereby amended to read as follows:

§ 51.1 *Definitions.* • • •

(m) *Official vaccinate.* A bovine animal vaccinated against brucellosis from 4 through 8 months of age, or a bovine animal of a beef breed in a range or semirange area, vaccinated against brucellosis from 4 to 12 months of age, under the supervision of a Federal or State veterinary official with a vaccine approved by the Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, permanently identified as such a vaccinate; and reported at the time of vaccination to the appropriate State and Federal Agency cooperating in the eradication of brucellosis.

Section 51.9 (m) is amended to read:

§ 51.9 *Claims not allowed.* • • •

(m) If the cattle were "official vaccinates" and reacted positively to the blood agglutination test for brucellosis, unless such animals were at least 30 months of age; or if the reactors were vaccinated animals, and properly verified but not "official vaccinates" as defined, unless there is also a record of a negative blood agglutination test made not less than 30 days following the date of vaccination.

Effective date. The foregoing amendment shall become effective upon issuance.

The purposes of the revisions contained in this amendment are (1) to provide under § 51.1 (m) for more flexibility in the regulations under which a bovine animal may be vaccinated by lowering the present six month minimum to four months; many State laws permit the four month minimum. Investigation of the matter shows that vaccination from four to six months of age can be considered satisfactory, and (2) under § 51.9 (m) to permit payment of indemnity under certain prescribed conditions for reactor cattle which have been previously vaccinated, but in a manner other than specifically outlined under the definition of an "official vaccinate", provided certain conditions as indicated have been complied with. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, ch. 730, 45 Stat. 59, sec. 4, 58 Stat. 734; 21 U. S. C. 114, 111, 114a)

Done at Washington, D. C., this 27th day of April 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-3571; Filed, May 2, 1955; 8:50 a. m.]

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 50]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

TEMPORARY SUSPENSION OF CERTAIN CLEANING AND DISINFECTING REQUIREMENTS

Pursuant to sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 3 of the act of March 3, 1905, as amended (21 U. S. C. 125), the provisions of paragraphs (b) and (c) of § 76.35, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations, are hereby suspended until October 6, 1955, unless the suspension is rescinded prior to that date.

Such provisions require the cleaning and disinfecting of certain vehicles and feed, water, and rest facilities used in connection with the interstate movement of swine. In view of the favorable situation existing for some time with respect to vesicular exanthema with no outbreaks of the disease in most sections of the country, and in view of the provisions of paragraph (a) of § 76.35, which require that vehicles and other facilities used in connection with the interstate movement of swine shall be kept clean and of paragraph (d) of § 76.35, which authorize the Chief of the Animal Disease Eradication Branch, Agricultural Research Service, to require the cleaning and disinfecting of any vehicle or facility used in connection with the interstate movement of swine affected with or exposed to vesicular exanthema or swine fed any raw garbage, it appears that the requirements of said paragraphs (b) and (c) may be suspended without endangering the swine of the country, provided the requirements under the other provisions of § 76.35 are complied with and the present favorable situation with respect to vesicular exanthema continues.

The amendment relieves certain restrictions presently imposed, and should be made effective immediately in order to be of maximum benefit to affected persons. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon issuance.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. as amended, sec. 3, 33 Stat. 1265, as amended; 21 U. S. C. 112, 113, 120, 125)

Done at Washington, D. C., this 27th day of April 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-3572; Filed, May 2, 1955; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

EMPLOYMENT POLICY; COMPLAINTS

In § 201.90 *Employment policy, Post Office Department* (20 F. R. 1649), amend paragraph (f) to read as follows:

(f) *Complaints.* An employee, an applicant, a duly authorized representative, or the designated spokesman of a duly constituted group or organization, may file a written complaint under the provisions of Executive Order 10590 (20 F. R. 409). The complaint must be filed within 45 days of the specific personnel action complained of, except that a complaint involving a discharge action must be made within 10 days of the effective date of such action, unless the complainant is prevented from filing within these time limits by circumstances beyond his control. A complaint will not be subject to these specific time limits if it is concerned with a continuing discriminatory practice.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; E. O. 10590, 20 F. R. 409; Reorg. Plan No. 3 of 1949, 14 F. R. 5225, 3 CFR, 1949 Supp.)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-3550; Filed, May 2, 1955; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1087]

ALASKA

Correction

In Federal Register Document 55-2115, appearing at page 1560 of the issue for Tuesday, March 15, 1955, the third line of the land description under paragraph 1 should read: "00'' West and approximate Latitude 53°45'".

[Public Land Order 1120]

NEW MEXICO

Correction

In FEDERAL REGISTER Document 55-3176, appearing at page 2577 of the issue for Tuesday, April 19, 1955, the land description for Lower Hondo Forest Camp A should read as follows:

LOWER HONDO FOREST CAMP A

T. 27 N., R. 13 E.,

Sec. 27, S½NW¼NW¼, N½SW¼NW¼.

The tracts described aggregate 40 acres.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 141]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DALLAS, TEX. Love Field, 485'. SBMRAZ-DTV DAL. Procedure No. 1. Amendment 12. Effective: June 4, 1955. Supersedes Amendment 11, dated Apr. 16, 1954. Major changes: Add radar vector authority. Standardize notes.	Dallas VOR	230—12	2,000	E side S course: 176° outbound. 356° inbound. 2,000' within 10 miles.	#1,100	356—2.3	2 engines or less			Within 2.3 miles climb to 2,000' on N course within 25 miles. #If DAL FM not received descend below 1,400' and straight-in minima not authorized. CAUTION: 695' mean sea level tank 1.7 miles SE Runway 31. AIR CARRIER NOTE: Takeoff Runway 13 not authorized with ceilings less than 200'. Radar Terminal Area Transition altitude: 2,000' within 5 to 20 N. miles. Radar control must provide 3 N. miles or 1,000' vertical separation or 3 to 5 N. miles and 500' vertical separation from radio towers 1,108' mean sea level 20 N. miles N, 2,349' mean sea level 16 N. miles SSW, 1,230' mean sea level 10 N. miles WNW of airport.
	Duncanville FM or MHW (final).	356—10	1,400				T-dn	300-1	300-1	
	Dallas FM (final)	356—3.0	1,100				C-dn	400-1	500-1	
							#S-dn 36	400-1	400-1	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							#S-dn 36	----------	400-1	
							All aircraft			
							A-dn	800-2		
GREENWOOD, MISS. Municipal, 129'. BMLZ-DTV GRW. Procedure No. 1. Amendment 6. Effective: June 4, 1955. Supersedes Amendment 5, dated December 25, 1954. Major changes: Adds note re ADF approach.	Greenwood VOR	338—4.0	1,300	N side E course: 085° outbound. 265° inbound. 1,700' within 10 miles.	1,200	265—1.9	2 engines or less			Within 1.9 miles climb to 1,400' on W course within 25 miles. NOTE: Not approved for ADF approach.
							T-dn	300-1	300-1	
							C-dn	500-1	500-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							A-dn	----------	800-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
JACKSONVILLE, FLA. Imeson, 52'. SBRAZ-DTV JAX. Procedure No. 1. Amendment 9. Effective: June 4, 1955. Supersedes Amendment 8, dated January 26, 1954. Major changes: Delete note. 160' tower removed. Add radar transitions.	Fort George Island FM or Radar Advisory over Fort George Island (final).	269—10	600	N side E course: 089° outbound. 269° inbound. 1,100' within 10 miles.	600	269—1.7	2 engines or less			Within 1.7 miles climb to 1,300' on W course within 25 miles. Radar terminal area transition altitude 1,500' within 25 N. miles. Radar Control must provide 3 N. miles separation from Restricted Area R-161.
	Jacksonville VOR	225—2.5	1,200				T-dn	300-1	300-1	
							C-dn	400-1	500-1	
							S-dn 27	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 27	----------	400-1	
							A-dn	----------	800-2	
JACKSONVILLE, FLA. Imeson, 52'. SBRAZ-DTV JAX. Procedure No. 2. Amendment 4. Effective: June 4, 1955. Supersedes Amendment 3, dated June 25, 1954. Major changes: Add radar transitions.	Bryceville FM or Intersection W course JAX LFR and 350° bearing from Cecil HW or Radar Advisory over Bryceville (final) to Riverview Fix.	089—14	700	N side W course: 269° outbound. 089° inbound. 1,200' within 10 miles of JAX LFR.	700 over Riverview Fix	089—3.2	2 engines or less			Within 3.2 miles climb to 1,300' on E course within 25 miles. Procedure authorized only for aircraft equipped to receive JAX LFR and JAX LOM bearings simultaneously. Riverview Fix is the intersection of the west course of JAX LFR and 359° bearing from JAX LOM. Procedure nonstandard to avoid danger area. Radar terminal area transition altitude 1,500' within 25 N. miles. Radar Control must provide 3 N. miles separation from Restricted Area R-161.
							T-dn	300-1	300-1	
							C-dn	400-1	500-1	
							S-dn 9	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 9	----------	400-1	
							A-dn	----------	800-2	
MIAMI, FLA. International, 9'. SBRAZ-MIA. Procedure No. 1. Amendment 12. Effective: June 4, 1955. Supersedes Amendment 11, March 25, 1954. Major changes: Revises courses due to variation change. Adds straight-in approach to Runway 9-L.	Miami VOR	264—2.5	1,100	N side W course: 273° outbound. 093° inbound. 1,100' within 10 miles.	600	086—5.7	2 engines or less			Within 5.7 miles climb to 1,400' on E course. Procedure turn nonstandard to avoid traffic around Tamiami Airport. *Course and distance to Runway 9-L 76° 5.8 miles.
							T-dn	300-1	300-1	
							C-dn	400-1	500-1	
							*S-dn 9R/L	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							*S-dn 9R/L	----------	400-1	
							A-dn	----------	800-2	
ORLANDO, FLA. Orlando Airport, 115'. SBMRLZ-DTV ORL. Procedure No. 1. Amendment 10. Effective: June 4, 1955. Supersedes Amendment 9, dated February 11, 1954. Major changes: New format.	Oviedo FM (final)	220—10.0	700	S side NE course: 040° outbound. 220° inbound. 1,200' within 10 miles.	700	220—3.4	2 engines or less			Within 3.4 miles climb to 1,500' on SW course within 25 miles.
	Orlando VOR	037—4.0	1,500				T-dn	300-1	300-1	
							C-dn	400-1	500-1	
							S-dn 22	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 22	----------	400-1	
							A-dn	----------	800-2	
PRESCOTT, ARIZ. Municipal, 5,042'. SBRAZ-VDT PRC. Procedure No. 1. Amendment No. 3. Effective: June 4, 1955. Supersedes Amendment 2, dated August 16, 1954. Major changes: New format.	Prescott VOR	010—2.0	7,000	E side NW course: 322° outbound. 142° inbound. 7,000' within 10 miles.	6,500	142—5.3	2 engines or less			Within 2 miles, turn left, climb to 8,000' on NW course within 25 miles.
							T-dn	800-2	800-2	
							C-dn	1,000-2	1,000-2	
							A-dn	1,000-2	1,000-2	
							More than 2 engines			
							T-dn	----------	1,000-2	
							C-dn	----------	1,500-2	
							A-dn	----------	1,500-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
TALLAHASSEE, FLA. Dale Mabry, 70'. SBRAZ-TLH. Procedure No. 1. Amendment 9. Effective: June 4, 1955. Supersedes Amendment 8, dated July 1, 1954. Major changes: Increase missed approach altitude. Increase procedure turn altitude. Add heavy aircraft restriction per airport manager's NOTAM.	Tallahassee VOR	187—6.0	1,300	S side NW course: 296° outbound. 116° inbound. 1,500' within 10 miles.	800	084—2.7	2 engines or less			Within 2.7 miles climb to 1,500' on E course within 25 miles. CAUTION: 300' mean sea level unlighted terrain 1 mile NE of airport. AIR CARRIER NOTE: Takeoffs with less than 200-½ not authorized.
	Quincy FM (final)	116—11.0	800				T-dn	300-1	300-1	
							C-dn	500-1	500-1	
							S-dn 9	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 9	----------	400-1	
							A-dn	----------	800-2	

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DALLAS, TEX. Love Field, 485'. BVOR-DAL. Procedure No. 1. Amendment 2. Effective: June 4, 1955. Supersedes Amendment 1, dated April 18, 1954. Major changes: Add radar vector authority. Standardize notes.	Dallas LFR	050—12	2,000	N side of course: 063° outbound. 243° inbound. 2,000' within 10 miles.	1,500	243—9.5	2 engines or less			Within 9.5 miles turn right, return to VOR, climbing to 2,000'. CAUTION: 695 mean sea level tank 1.7 miles SE Runway 31. AIR CARRIER NOTE: Takeoff Runway 13 not authorized with ceilings less than 200'. Radar terminal area transition altitude: 2,000' within 5 to 20 N. miles. Radar Control must provide 3 N. miles or 1,000' vertical separation or 3 to 5 N. miles and 500' vertical separation from radio towers. 1,108' mean sea level 20 N. miles N; 2,349' mean sea level 16 N. miles SSW; 1,230' mean sea level 10 N. miles WNW of airport.
							T-dn	300-1	300-1	
							C-dn	700-2	700-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	700-2	
							All aircraft			
							A-dn	800-2		
DAYTONA BEACH, FLA. Daytona Beach, 34'. BVOR-DAB. Procedure No. 1. Amendment 5. Effective: June 4, 1955. Supersedes Amendment 4, dated January 5, 1954. Major changes: Raise altitude on procedure turn.	Daytona Beach LFR	222—4.5	1,200	N side of course: 243° outbound. 063° inbound. 1,400' within 10 miles. Beyond 10 miles not authorized.	800	063—5.5	2 engines or less			Within 5.5 miles climb to 1,400' on radial 063° within 15 miles.
							T-dn	300-1	300-1	
							C-dn	400-1	500-1	
							S-dn			
							Runway 6	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn			
							Runway 6	----------	400-1	
							A-dn	----------	800-2	

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
MIAMI, FLA. International 9'. BVOR-DTV MIA. Procedure No. 1. Amendment 6. Effective June 4, 1955. Supersedes Amendment 5, March 25, 1954. Major changes: Adds straight-in approach to 9-L. Reduces minima for nonair carriers.	Miami LFR (final)	084—2.5	600	N side of course: 267° outbound. 087° inbound. 1,100' within 10 miles.	600	087—3.3	2 engines or less			Within 3.3 miles, climb to 1,400' on radial 087° within 25 miles. Procedure turn nonstandard to avoid traffic around Tamiami Airport. *Course and distance to Runway 9-L 077° 3.4 miles.
							T-dn	300-1	300-1	
							C-dn	400-1	500-1	
							*S-dn 9R/L	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							*S-dn 9R/L	----------	400-1	
							A-dn	----------	800-2	
PHOENIX, ARIZ. Sky Harbor, 1,124'. BVOR-DTV PHX. Procedure No. 1. Amendment No. 3. Effective: June 4, 1955. Supersedes Amendment 2, dated August 15, 1954. Major changes: New format; minor corrections.	Cave Creek Intersection	145—27.0	5,000	S side of course: 076° outbound. 256° inbound. 2,600' within 10 miles.# 4,100' within 20 miles. Beyond 20 miles not authorized.	2,100	256—6.3	2 engines or less			Within 6.3 miles, climb to 5,000' on 257° outbound within 25 miles of VOR. SHUTTLE: To 5,000' on 160° outbound 340° inbound within 25 miles or to 5,000' on 257° outbound, 077° inbound within 25 miles. #2,970' obstruction 5 miles N of course, 15 miles E of VOR within 10 miles. Procedure turn buffer zone. CAUTION: Hills 2,000' high, 5 miles S of airport.
	Perryville FM	077—33.0	2,600				T-dn	300-1	300-1	
	Phoenix LFR	081—5.0	2,600				C-dn	700-1	700-1	
							S-dn			
							Runway 26L	700-1	700-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	700-1½	
							S-dn			
							Runway 26L	----------	700-1	
							A-dn	----------	800-2	
TALLAHASSEE, FLA. Dale Mabry, 70'. BVOR-TLH. Procedure No. 1. Amendment 5. Effective: June 4, 1955. Supersedes Amendment 4, dated July 1, 1954. Major changes: Reduce missed approach distance due control area. Add gross weight restriction due airport manager's NOTAM.	Tallahassee LFR	007—6.0	1,300	W side of course: 339° outbound. 159° inbound. 1,300' within 10 miles.	800	159—5.8	2 engines or less			Within 5.8 miles, climb to 1,300' on radial 159 within 15 miles. CAUTION: 300' mean sea level unlighted terrain 1 mile NE of airport. AIR CARRIER NOTE: Take-offs with less than 200-½ not authorized.
							T-dn	300-1	300-1	
							C-dn	500-1	500-1	
							S-dn 18	500-1	500-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 18	----------	500-1	
							A-dn	----------	800-2	

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following Instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitude and limiting distances	Minimum altitude at glide slope intercept inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums		
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft	
										75 m.p.h. or less	More than 75 m.p.h.
1	2	3	4	5	6	7	8	9	10	11	12
ILS PORTION OF PROCEDURE CANCELED DATE DECOMMISSIONING ILS (APPROXIMATELY MAY 16, 1955).											13
JACKSONVILLE, FLA. Municipal, 46'. Combination ILS and ADF. Procedure No. 1. Amendment 11. Effective: June 4, 1955. Supersedes Amendment 10, dated Feb. 24, 1954. Major changes: Raise altitude from Bryceville FM and add transitions.	Intersection N course JAX LFR and NE course ILS.	LOM	224–10.0	1,300	N side SW course: 244° outbound. 044° inbound. 1,300' within 5 miles of LOM Beyond 5 miles not authorized.	ILS 1,200	220–0.7	1,170–4.6	2 engines or less: T–dn C–dn	300–1 400–1	Climb to 1,300' on NE course ILS, 4.5 miles after passing LOM (4.0 DME) climb to 1,300' on course of 044° when directed by ATC. climb to 1,300' on radial 060° within 25 miles. 400–¼ required when glide slope not utilized. Procedure turn nonstandard and limited to 5 miles due restricted area and obstruction. Radar terminal area transition altitude 1,300 within 25 miles. Radar control must provide 3 N. miles separation from restricted area 161.
									S–dn 5 ILS	200–½	
									ADF	400–1	
									More than 2 engines: T–dn C–dn	300–½ 500–1½	
									S–dn 5 ILS	200–½	
									ADF	400–1	
									All aircraft: A–dn ILS	600–2	
									ADF	800–2	
MIAMI, FLA. International, 9'. ILS–IMIA. Procedure No. 2. Amendment 1. Effective: June 4, 1955. Supersedes Amendment, Original, dated April 16, 1954. Major changes: Revises courses due to variation change. New format.	Boyshore Intersection	Flagler Intersection.	266–7.0	1,400	8 side E course: 086° outbound. 266° inbound. 1,400' within 10 miles E of course ILS and 5 miles W of course ILS. Beyond 10 miles not authorized.	No glide slope Over Flagler Intersection 1,400', distance to runway 4.5 miles			2 engines or less: T–dn C–dn	300–1 500–1	Within 4.5 miles climb to 1,100' on course of ILS within 25 miles. Flight Inspection Intersection E course ILS and 356° bearing to Marine Manl HW (NIO). In consideration of noise abatement, use of this procedure is authorized only when required by ATC. VFR practice of this approach not authorized.
	Miami LFR	Flagler Intersection.	086–12.0	1,400					S–dn	500–1	
	Miami VOR	Flagler Intersection.	086–9.0	1,400					27–L/R	500–1	
									A–dn	800–2	
									More than 2 engines: T–dn	200–½	
									C–dn	500–1½	
									S–dn	500–1	
									27 L/R	800–2	
									A–dn		

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-3396; Filed, May 2, 1955; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53786]

PART 1—CUSTOMS DISTRICTS AND PORTS

CHANGE IN STATUS OF PORT OF NEWARK, N. J.

APRIL 26, 1955.

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), and delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II): *It is hereby ordered,* That the port of Newark, New Jersey, shall, for customs purposes, be operated as an integral part of the customs port of entry of New York, New York, the headquarters port of Customs Collection District No. 10 (New York), in the interest of a more efficient administration of the customs and marine business, effective May 15, 1955.

Paragraph 2 of Executive Order No. 4205, April 25, 1925, is modified accordingly.

The following instructions and procedures pertaining to the port of Newark, New Jersey, shall be effective May 15, 1955:

1. Merchandise arriving at the port of Newark from foreign ports may be entered for transportation in bond without appraisement to any other port of entry, in which cases the transportation entries shall show the port of arrival as "New York, N. Y. (Newark, N. J.)." Merchandise may be shipped in bond to Newark from any other port of entry, in which cases the transportation entries shall show the port of destination as "New York, N. Y. (Newark, N. J.)," and copies thereof shall be forwarded by the ports of arrival to the deputy collector of customs, Newark, N. J.

2. All merchandise entries shall show the name of the port as "New York, N. Y. (Newark, N. J.)."

3. The port of Newark shall be continued as a port of documentation.

Additional privileges, procedures, and requirements, affecting the port of Newark, deemed to be advisable for the convenient transaction of business, shall be prescribed by the collector of customs of the Customs District of New York and be posted in the customhouses at New York and Newark.

Footnote 4 to § 1.1, Customs Regulations, is amended by adding at the end thereof: "Although the status of the port of Newark, N. J., was changed by T. D. 53786 to provide that it shall be operated as an integral part of the port of New York, N. Y., in the Customs Collection District of New York (No. 10), marine documents may continue to be issued at that port."

Section 1.1 (c), Customs Regulations, is amended by adding "(T. D. 53786)" after the parenthetical matter opposite "New York, N. Y." in the column headed "Ports of entry" in District No. 10 (New York), and by deleting "*Newark, N. J." from such column.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2)

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3562; Filed, May 2, 1955; 8:48 a. m.]

[T. D. 53787]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO REDUCED RATE, ETC.

DIPLOMATIC AND CONSULAR OFFICERS

The Department of State has expressed the opinion that it is desirable that reciprocal customs treatment be accorded to diplomatic couriers of foreign countries. A recent survey of customs treatment accorded diplomatic couriers of the United States reveals that except for a very few countries personal baggage of diplomatic couriers is never inspected, and that in the few countries where such inspection does take place it only occurs at infrequent intervals. Since under the present regulations personal accompanied baggage of foreign diplomatic couriers is subject to inspection, reciprocity can be assured only by amending the regulations to provide for such inspection as may be deemed necessary only upon the issuance of special instructions by the Commissioner of Customs. Accordingly, § 10.29 is hereby amended by deleting the citation of authority at the end of paragraph (e) and adding a new paragraph (f), reading:

(f) The accompanied personal baggage of diplomatic couriers of foreign countries shall be accorded customs privileges and immunities extended to foreign personnel of diplomatic rank under paragraph (e), except in cases provided for by special instructions from the Commissioner of Customs.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 1498)

RALPH KELLY,
Commissioner of Customs.

Approved: April 26, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3563; Filed, May 2, 1955; 8:49 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter D—Electrical Equipment, Lamps, Methane Detectors; Tests for Permissibility; Fees

[Bureau of Mines Schedule 7C, Supp. 1]

PART 21—FLAME SAFETY LAMPS

MISCELLANEOUS AMENDMENTS

Part 21 is hereby amended as follows:

1. Section 21.2 (a) is amended to read as follows:

(a) *Permissible.* Completely assembled and conforming in every respect with the design formally approved by the Bureau of Mines under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

2. Section 21.3 (a) is amended to read as follows:

(a) The fee charged for a complete investigation of a flame safety lamp under this part is $245.00.

3. Section 21.3 (d) is amended by deleting the words "Director of the Bureau" and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa."

4. Section 21.4 is amended by rewording as follows:

§ 21.4 *Applications.* Before the Bureau of Mines will undertake the active investigation leading to approval of any lamp, the manufacturer shall make application by letter for an investigation of his lamp. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover all the necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with the required drawings, one complete lamp, and instructions for its operation.

5. Section 21.5 is amended by changing the heading from *"Instructions for submitting equipment"* to *"Conditions governing investigations."*

6. Section 21.5 (a) is amended by deleting the words "Electrical Laboratory, Pittsburgh Experiment Station" and substituting the words "Central Experiment Station."

7. Section 21.5 is amended by the addition of a new paragraph (c) as follows:

(c) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

8. Section 21.8 (a) is amended by revising the first sentence as follows: "All approvals are granted by official letter from the Bureau of Mines."

9. Section 21.10 (a) is amended by deleting the words "Director of the Bureau at Washington, D. C.," and substi-

tuting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa."; also, the second sentence of this paragraph is revised to read as follows: "With this letter he should submit a revised drawing or drawings showing the changes in detail and one of each of the changed lamp parts."

10. Section 21.10 (c) is amended by deleting the words "through the Director's office," and adding "by letter from the Bureau of Mines."

(Sec. 5, 36 Stat. 370, as amended, 30 U. S. C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5)

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 26, 1955.

[F. R. Doc. 55-3547; Filed, May 2, 1955; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter J—Procurement

[CGFR 55-17]

PART 116—PROCEDURES FOR PURCHASING

PART 118—CONTRACTS

PART 120—BONDS AND GUARANTIES

MISCELLANEOUS AMENDMENTS

The amendment of § 116.03-25 (c) adds Standard Form 147 (Order-Invoice-Voucher) to the list of purchase order forms authorized for Coast Guard use.

The amendments to §§ 118.03-1 and 118.03-5 require the use of a priorities, allocations and allotments clause in contracts which must be supported with defense order rating and allotment authority under rules and regulations of the Business and Defense Services Administration.

The amendments to §§ 118.02-10, 118.02-11, and 120.02-6 are editorial in nature to clarify the requirements of existing procedure.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), the following amendments are prescribed:

1. Section 116.03-25 is amended by revising paragraph (c) to read as follows:

§ 116.03-25 *Purchase orders not in excess of $5,000.* * * *

(c) *Purchase order forms.* Contracting officers designated in §§ 116.01-23 and 116.01-24 will prepare and issue purchase orders over $1,000 and not in excess of $5,000 on form CG-2557 (Purchase Order) or Standard Form 147 (Order-Invoice-Voucher). If the purchase is less than $1,000, the order may be issued on Standard Form 44 (U. S. Government Purchase Order-Invoice-Voucher), form CG-2557 (Purchase Order), or Standard Form 147 (Order-Invoice-Voucher). Instructions for the preparation of the above forms are set forth in §§ 118.02-13, 118.02-16, and 118.02-24 of this subchapter.

2. Section 118.02-10 is amended by revising the section title, the introductory sentence following the section heading, and paragraph (e) to read as follows:

§ 118.02-10 *Distribution of contracts.* Contracts (whether numbered or unnumbered) and change orders executed by designated contracting officers shall be distributed as follows:

* * * * * *

(e) One copy to the Commandant (ECV) if the contract pertains to the construction or repair of shore structures and the contract price is $2,000 or more.

3. Section 118.02-11 *Distribution of unnumbered contracts* is hereby revoked.

4. Section 118.03-1 is amended by designating the present paragraph following the section heading as "(a) *General*" and by adding a new paragraph (b) reading as follows:

§ 118.03-1 *Terms, conditions, and provisions to be incorporated in contracts.* * * *

(b) *Required use of priorities, allocations and allotments clause.* The contract clause set forth in § 118.03-5 (u) shall be inserted in all rateable contracts entered into by formal advertising or negotiation, except purchase orders of less than $5,000. The clause will be added wherever practicable to existing rateable contracts whenever such contracts are amended for any other purpose and if additional purchases of materials for the contract are contemplated. Rateable contracts are those contracts for supplies which are required to be supported with defense order rating and allotment authority in accordance with applicable rules and regulations of the Business and Defense Services Administration, including Defense Materials System regulations.

5. Section 118.03-5 is amended by adding a new paragraph (u) reading as follows:

§ 118.03-5 *Special contract clauses.* * * *

(u) *Priorities, allocations and allotments.* The contractor agrees, in the procurement and use of materials required for the performance of this contract, to comply with the provisions of all applicable rules and regulations of the Business and Defense Services Administration including Defense Materials System Regulations.

6. Section 120.02-6 is amended by revising the last two sentences of paragraph (a) to read as follows: "When the contract has been executed, the bonds and the original contract shall be forwarded to the Commandant (CL) under letter of transmittal in accordance with § 118.02-10 (g). After examination and approval of the surety bonds by the Section of Surety Bonds, Treasury Department, both the bonds and the original contract will be returned to the contracting officer by the Commandant (CL) for filing in the cognizant accounting office."

(62 Stat. 21; 41 U. S. C. 151-161)

Dated: April 26, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55-3561; Filed, May 2, 1955; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 202]

RIGHTS-OF-WAY FOR PIPE LINES ON THE OUTER CONTINENTAL SHELF

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 5 (c) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462; 43 U. S. C. 1331), it is proposed to issue regulations setting forth the rules governing the granting and administration of rights-of-way for pipe lines under that section of the act.

The proposed regulations are set forth below.

Interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

DOUGLAS MCKAY,
Secretary of the Interior.

APRIL 26, 1955.

A new Part 202 is added, reading as follows:

Sec.
202.1 Purpose and authority.
202.2 Definitions.
202.3 Application.
202.4 Persons qualified to acquire and hold rights-of-way.
202.5 Consent of or notice to lessee of leased area crossed by right-of-way.
202.6 Terms and conditions.
202.7 Approval of right-of-way.
202.8 Term of grant.
202.9 Proof of construction.
202.10 Assignment of right-of-way.

Sec.
202.11 Advance permission to commence construction.
202.12 Penalty for failure to comply with the act, regulations, or any conditions imposed under either.
202.13 Appeals.

AUTHORITY: §§ 202.1 to 202.13 issued under sec. 5 (c), 67 Stat. 464.

§ 202.1 *Purpose and authority.* Section 5 (c) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 464), authorizes the Secretary of the Interior to grant rights-of-way for pipeline purposes for the transportation of oil, natural gas, sulphur, or other minerals. The purpose of the regulations in this part is to set forth the rules governing the granting and administration of such rights-of-way. The inclusion of this part in this title shall not be construed as an interpretation that the laws and regulations pertaining to public lands or to rights-of-way thereon are applicable to the submerged lands of the outer Continental Shelf.[1]

§ 202.2 *Definitions.* (a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "Project" means the physical structures in connection with which the right-of-way is granted.

(d) "Construction work" means any and all work, temporary or permanent in nature, done in the construction of the project.

(e) "Right-of-way" includes the site on which the pipeline and associated structures are situated which shall not exceed 100 feet in width for pipelines and be limited to the area reasonably necessary for pumping stations or other accessory structures.

§ 202.3 *Application*—(a) *Form and requirements.* No special form of application is required. The application should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the act and the regulations in this part and that applicant agrees that the right-of-way if approved will be subject to the terms and conditions of the regulations in this part. It should also state the primary purpose for which the right-of-way is to be used. The application must be filed in duplicate at the office of the Director, Washington 25, D. C. If the right-of-way has been utilized prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date applicant obtained control of the improvements. A filing fee of $10 must accompany the application.

(b) *Map showing survey.* Each application must be accompanied by a map, prepared on tracing linen, and three (3) print copies thereof, showing the center line of the right-of-way, properly identified so that the right-of-way may be accurately located by a competent engineer. The map should comply with the following requirements:

(1) The scale shall be at least 1:160,000.

(2) Courses and distances of the center line of the right-of-way shall be given either on the margin of the map or on an attached sheet or sheets with the courses referred to the true meridian, either by deflection from a line of known bearing or by independent observation and calculated distances in feet and decimals.

(3) The total distance and width of the right-of-way shall be given, and the diameter of the pipeline specified.

(4) The initial and terminal points of the right-of-way shall be accurately located by latitude and longitude or by grid references.

(5) Each copy of the map shall bear upon its face a statement of the engineer who made the map that the right-of-way is accurately represented upon the map.

(6) Payment of the first year's annual rental at the rate of $5 for each mile or fraction thereof of the right-of-way and $50 for each accessory site must accompany the application.

§ 202.4 *Persons qualified to acquire and hold rights-of-way.* (a) Applications may be filed by citizens of the United States, associations of such citizens, and by corporations organized under the laws of the United States or of any State or Territory thereof.

(b) An individual and each member of an association applying for a right-of-way must state in the application whether he is a native-born[2] or naturalized citizen of the United States.

(c) (1) A private corporation must file a certified copy of its charter or articles of incorporation.

(2) A corporation other than a private one must file a copy of the law under which it was organized and proof of its organization.

(3) A copy of the resolution or by-laws of the corporation authorizing the filing of the application must be filed.

(4) If the corporation has previously filed any or all of the papers required in subparagraphs (1), (2), and (3) of this paragraph, specific reference to such filing giving date, place, and case number will be accepted as full compliance with such requirements.

§ 202.5 *Consent of or notice to lessee of leased area crossed by right-of-way.* An applicant must show the extent to which the right-of-way applied for invades or crosses mineral leases other than his own and must submit with his application either the written consent of each lessee affected or a statement that he has delivered to each lessee whose lease is so affected by registered mail a copy of the application and map and he shall attach evidence of service thereon to his statement. If the statement is filed no final action will be taken on the right-of-way application until 30 days have elapsed after the last date of service of such papers, in order to afford the parties concerned ample opportunity to file protests against the granting of the right-of-way.

§ 202.6 *Terms and conditions.* An applicant, by accepting a right-of-way grant, agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case:

(a) To comply with all existing regulations and with all existing and future regulations which the Secretary determines to be necessary and proper in order to provide for the prevention of waste and conservation of the natural resources of the outer Continental Shelf, and the protection of correlative rights therein.

(b) To transport or purchase without discrimination the minerals for the transportation of which the right-of-way is granted produced from the submerged lands in the vicinity of the pipeline in such proportionate amounts (1) as to gas, as the Federal Power Commission, (2) as to oil, as the Interstate Commerce Commission and (3) as to other minerals, as the Secretary may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste.

(c) To pay the United States, or its lessee, as the case may be, the full value for all damages to the property of the United States or its said lessee, and to indemnify the United States against any and all liability for damages to life, person, or property arising from the occupation and use of the area covered by the right-of-way.

(d) To keep the Director informed at all times of his address, and, if a corporation, of the address of its principal place of business and the name and address of the officer or agent authorized to receive service of notice. That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision in all subcontracts.

(e) That the allowance of the right-of-way shall be subject to the express condition that the rights granted will not prevent or interfere in any way with the management, administration of, or the granting either prior or subsequent to the right-of-way grant of other rights by the United States in, the submerged lands affected thereby, and that he agrees and consents to the occupancy and use by the United States or its lessees of any part of the right-of-way not actually occupied by the project, or necessarily incident to its use for any necessary operations involved in such management, administration or the enjoyment of such other granted rights.

(f) To pay annually on or prior to the anniversary day of the right-of-way grant an annual rental of $5 for each mile or fraction thereof traversed by the right-of-way and $50 for each area in excess of 100 feet in width applied for

[1] Compliance with the regulations of this part does not obviate the necessity of compliance with requirements and regulations of the Department of the Army and the Coast Guard with respect to prevention of obstruction to navigation, lights, and warning devices, and other matters relating to safety of life and property, as authorized by section 4 of the act.

[2] "Natural-born" does not mean "native-born" and should not be substituted.

as the site for a pumping station or other accessory to the right-of-way.

(g) That upon revocation or termination of the right-of-way, unless the requirement is waived in writing, he shall, so far as reasonably possible, restore the area of the right-of-way to its original condition.

§ 202.7 *Approval of right-of-way.* If the application and other required information are found to be in compliance with the law and regulations and the consents required by § 202.5 have been obtained or any protests filed as therein provided have been rejected, the right-of-way will be granted. If the right-of-way as applied for would cross any area withdrawn from disposal or restricted from exploration and operation it will be rejected unless the Federal agency in charge of withdrawn or restricted area shall give its consent to the granting of the right-of-way, but in such case the applicant upon request filed within 30 days after receipt of the rejection notice will be allowed an opportunity to file an amended application rerouting the proposed right-of-way so as to eliminate the conflict.

§ 202.8 *Term of grant.* Any right-of-way granted under this part shall be for so long as the pipeline is maintained and used for the purpose for which the grant was made, unless otherwise expressly stated in the grant. Cessation of use temporarily shall not terminate the grant, but if the purpose of the grant ceases to exist or use of the pipeline is permanently discontinued for any reason the grant shall be subject to forfeiture.

§ 202.9 *Proof of construction.* Failure to construct the pipeline within 5 years from the date of the grant shall be deemed to be an abandonment of the grant which will be forfeited by an appropriate proceeding. Proof of construction shall be submitted to the Director. Such proof shall consist of a statement by the holder of the right-of-way that the pipeline has been laid and is in operation. If there is any deviation from the right-of-way as shown on the original map, the unused portion of the grant must be relinquished and a map of the location of the right-of-way as constructed, prepared in accordance with § 202.3 must be furnished as soon as possible after the deviation is determined to be necessary or advisable. Any deviation made prior to approval of such supplemental plat will be at the risk of the right-of-way holder.

§ 202.10 *Assignment of right-of-way.* Assignment of a right-of-way must be filed in triplicate accompanied by an application for approval in which the assignee must make the showing required by § 202.4 and agree to the terms and conditions prescribed in § 202.6. No assignment shall be effective to transfer any rights until it is approved.

§ 202.11 *Advance permission to commence construction.* Upon a satisfactory showing of the need therefor, the Director may grant permission to commence construction of a pipeline in advance of any grant of the right-of-way but such permission is not a commitment that the right-of-way will be approved and all work done thereunder prior to the granting of the right-of-way will be at the applicant's risk. No advance permission will be granted for an area or areas not subject to a right-of-way grant.

§ 202.12 *Penalty for failure to comply with the act, regulations, or any conditions imposed under either.* As provided in the act, failure to comply with the act, regulations or any conditions prescribed by the Secretary as to the application therefor and the survey, location and width thereof and upon the express condition that such oil or gas pipelines shall transport or purchase without discrimination, oil or natural gas produced from said submerged lands in the vicinity of the pipeline in such proportionate amounts as the Federal Power Commission, in the case of gas, and the Interstate Commerce Commission, in the case of oil, may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste be grounds for forfeiture of the grant in an appropriate, judicial proceeding instituted by the United States in any United States District Court having jurisdiction under the provisions of section 4 (b) of the act. Upon relinquishment of any right-of-way or forfeiture of the grant, the right-of-way owner will be allowed one year in which to remove his improvements unless otherwise provided in the decree of forfeiture.

§ 202.13 *Appeals.* Any person aggrieved by any action taken by the Director, under this part has the right of appeal to the Secretary in accordance with the provisions and limitations provided in §§ 221.73 to 221.76 of this chapter. Nothing contained in this part shall be construed to prevent any interested party from seeking judicial review as authorized by law.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F. R. Doc. 55-3583; Filed, Apr. 29, 1955; 3:37 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239, 260, 270]

FORMS FOR REGISTRATION STATEMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Commission has under consideration a proposed revision of Form S-1[1] (§ 239.11). This form is the one most generally used for the registration of securities under the Securities Act of 1933. The Commission is also considering the revision of certain related rules, and the revision of Form 10 (§ 249.210) under the Securities Exchange Act of 1934. The latter proposal will be announced by a separate release in the near future.

[1] Filed as part of the original document.

These proposals are part of the Commission's continuing review of the rules, regulations, forms and procedures adopted under the various statutes administered by it.

The proposed revision of Form S-1 has two principal purposes, the first is to conform its requirements, to the extent practicable, with the corresponding requirements of Schedule 14A of the Commission's proxy rules, and with the annual report Form 10-K (§ 249.310) under the Securities Exchange Act of 1934. The proposed revision of Form 10 has a similar purpose, and it is thus planned to bring the basic and most commonly used registration and reporting forms under the Securities Act of 1933 and the Securities Exchange Act of 1934 into conformity on parallel items so that registrants may report such information as is essentially similar in the same manner and subject to the same requirements under both statutes.

The second principal purpose of the proposed revision is to revise and clarify certain items of the form in the light of the Commission's experience in reviewing registration statements and of the practice followed by registrants using the form. An effort is made to state more clearly, and, in some instances, in more detail, those items which appear not to have been fully understood by a substantial number of registrants. Some items have been conformed to those in the new Form S-9 (§ 239.22). The treatment of stock options has been revised to obtain more complete information as to the aggregate amount of options outstanding at the date of the offering.

The proposed rule changes are primarily designed to define in rules under the Securities Act of 1933 certain terms now defined in rules under the Securities Exchange Act of 1934 which would be used in forms under both Acts, and to define the term "rules and regulations" as used in various statutes administered by the Commission, to make it clear that this includes the forms for registration adopted by the Commission under the Securities Act of 1933.

In connection with the revision it is proposed to rescind Supplement S-T, since it is believed that the significant information called for by that form will either be included elsewhere in the registration statement or will be otherwise available to the Commission.

The proposed action would be taken pursuant to the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, the Trust Indenture Act of 1939, particularly sections 305, 307 and 319 (a) thereof, and the Investment Company Act of 1940, particularly sections 24 and 38 (a) thereof.

1. A new § 230.130 (Rule 130) would be added as follows:

§ 230.130 *Definition of "rules and regulations" in connection with forms for registration.* The terms "rules and regulations" as used in section 7, paragraphs (a), (c) and (d) of section 10, and section 19 (a) of the act, shall include the forms for registration adopted or authorized by the Commission and the related instructions.

2. Section 230.405 (Rule 405) would be amended by inserting the following definition of the term "associate" after the definition of the term "amount" and by inserting the following definition of the term "voting securities" at the end of the rule:

§ 230.405 *Definitions of terms.* • • •

(b-1) *Associate.* The term "associate" used to indicate a relationship with any person, means (1) any corporation or organization (other than the registrant or a majority-owned subsidiary of the registrant) of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the registrant or any of its parents or subsidiaries.

• • • • •

(x) *Voting securities.* The term "voting securities" means securities the holders of which are presently entitled to vote for the election of directors.

3. A new § 230.416 (Rule 416) would be added as follows:

§ 230.416 *Securities to be issued under antidilution provisions.* If a registration statement purports to register securities to be offered pursuant to terms which provide for a change in the amount of securities being offered or issued to prevent dilution resulting from stock splits, stock dividends or similar transactions, such registration statement shall, unless otherwise expressly provided, be deemed to cover the additional securities to be offered or issued in connection with any such provision.

4. A new § 260.0-3 (Rule T-0-3) would be added as follows:

§ 260.0-3 *Definition of "rules and regulations" in connection with certain forms.* (a) The term "rules and regulations" as used in section 305 of the act shall include the forms for registration adopted or authorized by the Commission for the registration of securities under the Securities Act of 1933 and the related instructions, and the forms adopted by the Commission for information, documents and statements under section 305 of the act.

(b) The term "rules and regulations" as used in section 307 of the act shall include the forms adopted by the Commission for applications under section 307 of the act, and related instructions.

5. Section 270.24b-1 (Rule N-24b-1) would be amended by adding a new paragraph (c) as follows:

§ 270.24b-1 *Definitions.* • • •

(c) The term "rules and regulations" as used in section 24 (a) and section 24 (c) of the act shall include the forms for registration adopted or authorized by the Commission for the registration of securities under the Securities Act of 1933 and the related instructions.

All interested persons are invited to submit views and comments on the above mentioned proposals in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before May 27, 1955. Unless any person submitting any such comments or suggestions requests in writing that they be held confidential, they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 26, 1955.

[F. R. Doc. 55-3552; Filed, May 2, 1955; 8:46 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 6935 et al.]

PIEDMONT AVIATION, INC.

NOTICE OF HEARING

In the matter of the application of Piedmont Aviation, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, for authority to extend segment 4 of route No. 87 to Washington, D. C., and the application for air service by the City of Staunton, Virginia.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that a hearing in the above-entitled proceeding will be held on May 10, 1955, at 10:00 a. m., e. d. s. t., in Room 5132 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by the applications consolidated herein, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require air service to Staunton, Virginia, and the amendment of the certificate of public convenience and necessity of Piedmont Aviation, Inc., authorizing the extension of segment 4 of route No. 87 to Washington, D. C.

2. Whether Piedmont Aviation, Inc., or any air carrier who may be authorized to serve Staunton, Virginia, is fit, willing and able properly to perform the air transportation to be authorized and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder.

For further details of the issues involved in this proceeding, interested persons are referred to the applications, the prehearing conference report, and consolidation Order No. E-9092, comprised in the record of this proceeding on file with the Civil Aeronautics Board.

Notice is further given that any person other than a party of record, desiring to be heard in this proceeding must file with the Board on or before May 10, 1955, a statement setting forth the propositions of fact or law which he desires to advance.

Dated at Washington, D. C., April 28, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-3567; Filed, May 2, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 03851]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

Pursuant to a determination of August 12, 1952, of the Federal Power Commission, Docket No. DA-431 Idaho, and in accordance with authority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541, dated April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under applicable public land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended, subject to the stipulation that if and when the lands, or any part thereof, are required for power development, and structures or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated so as to eliminate such interference without expense to the United States, its permittees or licensees.

BOISE MERIDIAN, IDAHO

T. 59 N., R. 4 W.,
Sec. 6, Exchange Survey No. 822.

The land, which extends along the right bank of the Priest River for a distance of approximately 450 feet, was reserved April 13, 1928, pursuant to the filing of an application for license for proposed water-power project No. 885, which license was terminated April 21, 1936. The land was also involved in the June 6, 1936, application for license for proposed water-power project No. 1379, which license was terminated October 3, 1939, and in the April 9, 1941, application for license for proposed water-power project No. 1854, which application was dismissed January 5, 1945. All three of

the proposed projects would have used a portion of the land for flowage purposes.

The land constitutes 1.98 acres of the 38.50 acres in Lot 8. It is located about .75 mile downstream from the outlet of Priest Lake and approximately 1.25 miles upstream from the proposed dam site of the proposed water-power projects Nos. 885, 1379, and 1854.

This restoration is made in furtherance of an exchange under the act of March 20, 1922 (42 Stat. 465) as amended by the act of February 28, 1925 (43 Stat. 1090), by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and others.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55–3546; Filed, May 2, 1955; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC INDONESIAN CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 6060–A, between the member lines of the Pacific Indonesian Conference and the carriers comprising the Fern-Ville Far East Lines joint service, covers the admission of the joint service to associate membership in that conference. As associate member, the joint service will be obligated to abide by all the rates, rules, regulations and decisions of the conference; will have no vote in conference affairs, but will be permitted to participate in conference contracts with shippers.

(2) Agreement No. 7997–1, between Naviera Garcia, S. A., Cia. Naviera Cubamar, S. A., and Lykes Bros. Steamship Co., Inc., modifies the West Gulf-Havana Pool Agreement (No. 7997) to include propane gas, butane gas, and carbon black as commodities to be excepted from the pool. Commodities presently excepted from the pool are mail, bulk shipments of wheat, sulphur, and fertilizer.

(3) Agreement No. 8034, between Niagara Lijn N. V., Rederi A. B. Ragne and Rederi A. B. Ferlef, is a cooperative working arrangement which provides that Ragne and Ferlef will each charter one of their vessels to Niagara which Niagara will operate in addition to its own vessels under the trade name Niagara Line between Great Lakes ports of the United States and Canada, the St. Lawrence River, Nova Scotia, Newfoundland and New Brunswick, as Western termini, and ports in the Mediterranean Sea, on the West Coast of Africa, and Continental European ports south of Bordeaux, as Eastern termini. The agreement further provides that Ragne and Ferlef will not operate any vessels as common carriers of cargo or passengers in this trade during the term of the agreement.

(4) Agreement No. 3868–12, between the member lines of the Atlantic and Gulf/Panama Canal Zone, Colon, and Panama City Conference, modifies the basic agreement of that conference (No. 3868) to include within its geographic scope the trade from Colon, Panama City, and Canal Zone, to United States Atlantic and Gulf ports. Agreement No. 3868 presently covers the trade from United States Atlantic and Gulf ports to Colon, Panama City, and Canal Zone.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 28, 1955.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 55–3575; Filed, May 2, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–3239, G–4679, G–4741—G–4754, G–6814, G–8241, G–8490]

HUNTER CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

APRIL 27, 1955.

In the matters of the Hunter Company, et al., Docket No. G–3239; Texon Gas, Inc., Docket No. G–4679; El Paso Natural Gas Company, Docket No. G–8241; George Jackson, d/b/a Twin Cities Gas Company, Docket Nos. G–4741, G–4742, G–4743, G–4744, G–4745, G–4746, G–4747, G–4748, G–4749, G–4750, G–4751, G–4752, G–4753 and G–4754; Arkansas Louisiana Gas Company, Docket No. G–6814; Algonquin Gas Transmission Company, Docket No. G–8490.

Notice is hereby given that on April 18, 1955, the Federal Power Commission issued its findings and orders adopted April 14, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3548; Filed, May 2, 1955; 8:45 a. m.]

[Docket Nos. G–4652, G–4680, G–4681, G–4731, G–4734, G–4767, G–5706, G–6496]

PLACID OIL CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

APRIL 27, 1955.

In the matters of Placid Oil Company, Docket No. G–4652; Delbert Bachelor, et al., Docket No. G–4680; M. B. Chastain, et al., Docket No. G–4681; J. Robert Horner, Docket No. G–4731; Bracken Oil Company, Docket No. G–4734; Liming and Summers, Docket No. G–4767; Dorchester Corporation, Docket No. G–5706; E. J. Dunigan, Jr., and I. J. Huval, Docket No. G–6496.

Notice is hereby given that on April 19, 1955, the Federal Power Commission issued its findings and orders adopted April 14, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3549; Filed, May 2, 1955; 8:45 a. m.]

[Docket No. G–4769]

EL PASO NATURAL GAS CO.

NOTICE OF ORDER GRANTING SPECIAL PERMISSION TO FILE CHANGES AND MAKING EFFECTIVE PROPOSED TARIFF CHANGES AND AMENDING ORDER PROVIDING FOR HEARING

APRIL 28, 1955.

Notice is hereby given that on April 25, 1955, the Federal Power Commission issued its order adopted April 14, 1955, granting special permission to file changes in suspended tariff sheets and making effective proposed tariff changes upon filing of undertaking to assure refund of excess charges and amending order providing for hearing in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–3558; Filed, May 2, 1955; 8:47 a. m.]

[Docket Nos. G–6060, G–6855]

UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDERS

APRIL 28, 1955.

In the matters of United Gas Pipe Line Company, Docket No. G–6060; United Gas Pipe Line Company, Docket No. G–6855.

Notice is hereby given that on April 15, 1955, the Federal Power Commission issued its fiindings and orders adopted April 14, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–3559; Filed, May 2, 1955; 8:48 a. m.]

[Docket Nos. G–7029, G–8286, G–8289]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF SEVERANCE AND CONSOLIDATION AND POSTPONEMENT OF HEARING

APRIL 27, 1955.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G–7029; Sunray Oil Corporation, Docket No. G–8286; Buffalo Oil Company, Docket No. G–8289.

Upon consideration of the motion of Transcontinental Gas Pipe Line Corporation, filed April 5, 1955, for severance and consolidation of the proceeding in Docket No. G–7029 and a motion of Sunray Oil Corporation and Buffalo Oil Company, filed April 22, 1955, for continuance of the hearing now scheduled for May 9, 1955, on the applications in Docket Nos. G–8286 and G–8289;

Notice is hereby given that the proceeding in Docket No. G–7029 is severed from the proceedings at Docket Nos. G–3045, et al. and that said Docket No. G–7029 is consolidated for purposes of hearing with the applications at Docket Nos. G–8285 and G–8289, and that the hearing now scheduled for May 9, 1955 in Docket Nos. G–8286 and G–8289 is postponed to a date to be fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3556; Filed, May 2, 1955; 8:47 a. m.]

[Docket Nos. G–8487, G–8511].

TRANSCONTINENTAL GAS PIPE LINE CORP. AND MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF ORDERS MAKING EFFECTIVE REVISED TARIFF SHEETS UPON FILING OF UNDERTAKING TO ASSURE REFUND OF EXCESS CHARGES

APRIL 28, 1955.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G–8487; Michigan Wisconsin Pipe Line Company, Docket No. G–8511.

Notice is hereby given that on April 15, 1955, the Federal Power Commission issued its orders adopted April 14, 1955, making effective revised tariff sheets upon filing of undertaking to assure refund of excess charges in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–3560; Filed, May 2, 1955; 8:48 a. m.]

[Docket No. G–8534]

PHILLIPS PETROLEUM CO.

NOTICE OF CONTINUANCE OF HEARING

APRIL 28, 1955.

Upon consideration of the motion of Phillips Petroleum Company, filed April 27, 1955, for postponement of the hearing now scheduled for May 2, 1955, in the above-designated matter;

Notice is hereby given that the hearing now scheduled for May 2, 1955, is hereby postponed to 10:00 a. m., d. s. t., May 16, 1955, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–3555; Filed, May 2, 1955; 8:47 a. m.]

[Project No. 2107]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF PLANS

APRIL 27, 1955.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of plans for water-power Project No. 2107, located on the North Fork Feather River in Butte County, California, in the vicinity of Quincy and Oroville, to increase the project area and modify the details of the dam at the left abutment and alignment of the tunnel intake. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is June 3, 1955. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–3557; Filed, May 2, 1955; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21–442]

REFRIGERATION AND AIR-CONDITIONING CONTRACTING INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Refrigeration and Air-Conditioning Contracting Industry will be held by the Federal Trade Commission in the Press Gallery of the LaSalle Hotel, Chicago, Illinois, on May 20, 1955, commencing at 10 a. m., c. d. t.

All persons, firms, corporations, and organizations engaged in the sale and installation of mechanical refrigeration units and equipment for commercial or industrial use, and/or mechanical air-conditioning units and equipment for commercial, industrial, or home use, are cordially invited to attend and participate in the conference proceedings. "Installation," as used in this paragraph, involves engineering service.

The purpose of the conference is to afford industry members an opportunity to consider and propose for establishment, subject to the Commission's approval, a comprehensive set of trade practice rules for the industry which are designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which are violative of laws administered by the Commission.

After the conference on May 20, and before final rules are approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested and affected parties, including consumers, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the rules, and to be heard at a public hearing the time and place of which will be announced by the Commission.

Issued: April 28, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–3568; Filed, May 2, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 28, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30559: Paper and paper articles to the Southwest, Kansas and Missouri. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and related paper articles, carloads, from specified points in southern, official (including Illinois), and western trunk-line territories, to specified points in Arkansas, Kansas, Louisiana (west of the Mississippi River), Missouri, New Mexico, Oklahoma and Texas.

Grounds for relief: Short-line distance formulas, circuity, and maintenance of different levels of rates in intermediate territories.

Tariff: Supplement 14 to F. C. Kratzmeir's I. C. C. 4134.

FSA No. 30560: Paper and paper articles—Michigan, Minnesota, and Wisconsin to the Southwest. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and related articles, carloads, from specified points in Michigan, Minnesota, and Wisconsin, to specified points in Arkansas, Louisiana (west of the Mississippi River), Missouri, New Mexico, Oklahoma and Texas.

Grounds for relief: Short-line distance formula, circuity, and maintenance of different levels of rates in intermediate territories.

Tariff: Supplement 14 to F. C. Kratzmeir's I. C. C. 4134.

FSA No. 30561: Paper and Paper articles, between points in southern, and from the South to Official and Western Trunk Line Territories. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on paper and related paper articles, carloads, also empty returned wooden skids, carloads, between points in southern territory and from points in southern territory to points in official and western trunk-line territories.

Grounds for relief: Short-line distance formulas, circuity, and maintenance of different levels of rates in intermediate territories.

Tariff: C. A. Spaninger's I. C. C. 1466.

FSA No. 30562: Soda ash—Detroit, Mich., to Muncie, Ind. Filed by H. R. Hinsch, Agent, for and on behalf of The Chesapeake and Ohio Railway Company.

Rates on soda ash, carloads, from Detroit, Mich., to Muncie, Ind.

Grounds for relief: Motor truck competition.

Tariff: Supplement 230 to R. B. LeGrande's I. C. C. 13168.

FSA No. 30563: Coke, from Ashland, Ky., to Chicago District. Filed by The Chesapeake and Ohio Railway Company, for itself and on behalf of the Elgin, Joliet and Eastern Railway Company. Rates on blast furnace coke, carloads, from Ashland, Ky., to Hammond, Ind., Chicago, Ill., and points in the Chicago district in Illinois and Indiana.

Grounds for relief: Market competition.

Tariff: Supplement 17 to Chesapeake and Ohio Railway I. C. C. 13085.

FSA No. 30564: Merchandise—Chicago, Ill., and District to Laurel, Miss. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on various commodities, in mixed carloads, from Chicago, Ill., and points in the Chicago district, to Laurel, Miss.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 9 to R. G. Raasch's I. C. C. 789.

FSA No. 30565: Merchandise—Chicago, Ill., and District to Douglasville, Ga. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on various commodities, in mixed carloads, from Chicago, Ill., and points in Chicago district, to Douglasville, Ga.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 9 to R. G. Raasch's I. C. C. 789.

FSA No. 30566: Merchandise—Chicago, Ill., and District to Tennessee. Filed by R. G. Raasch, Agent, for interested rail carriers. Various commodities, in mixed carloads, from Chicago, Ill., and points in the Chicago district, to Clarksville and Gibson, Tenn.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 9 to R. G. Raasch's I. C. C. 789.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-3553; Filed, May 2, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24S-1262]

ALASKA GULF OIL AND GAS DEVELOPMENT, INC.

ORDER VACATING ORDER OF SUSPENSION

APRIL 27, 1955.

Alaska Gulf Oil and Gas Development, Inc. (hereinafter referred to as the "issuer") filed, on March 22, 1954, with the Commission a Notification on Form 1-A and an amendment thereto on April 27, 1954, relating to a proposed public offering of 230,000 shares of its $1 par value common stock at $1 per share for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof, and Regulation A promulgated thereunder.

The Commission on September 3, 1954 ordered, pursuant to Rule 223 (a) of the general rules and regulations under said act, that the conditional exemption under Regulation A be temporarily suspended on the grounds that the issuer failed to file with the Commission, prior to publication, as required by the provisions of said Regulation A, an advertisement in the Anchorage Daily Times and that said advertisement contained untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in the respects described in said order; the order gave notice that, upon receipt of a written request, the matter would be set down for hearing within twenty days after receipt of such request at a place to be designated by the Commission, for the purpose of determining whether said temporary order of suspension should be vacated.

The Commission has been advised that the former president and controlling person of the issuer who was responsible for and caused said advertisement to be published, has divested himself of his entire stock interest in the issuer and is no longer connected with the issuer in any capacity whatsoever except as the owner of a 3 percent overriding royalty interest upon certain leasehold acreage previously assigned by him to the issuer; and that the issuer has urgent need for funds in order to carry out its proposed drilling program.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors and that the basis for said temporary order of suspension, as aforesaid, no longer exists;

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be, and it hereby is, vacated.

It is further ordered, That this order shall be served upon Alaska Gulf Oil and Gas Development, Inc., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3551; Filed, May 2, 1955; 8:46 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 87

Washington, Wednesday, May 4, 1955

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR THE 1955 CROP

MISCELLANEOUS AMENDMENTS

The amendments herein are issued under the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of (1) publishing the dates in each county or areas within a county by which wheat acreage on a farm must be utilized as wheat cover crop, (2) extending the determination of farm normal yields so as to encompass all requirements of the regulations for such yields, (3) making it clear that the restriction against further review of any determination in connection with a farm marketing quota previously made by a review committee shall not preclude the reopening of the review hearing by the review committee or on behalf of the Secretary, (4) establishing the time within which excess wheat may be delivered to the Secretary, (5) supplying language omitted from § 728.586 (b) relating to records to be kept by buyers, and including the report and penalty receipt, Form MQ-81—Wheat (1955), as part of such records, and (6) correcting a typographical error in § 728.591 dealing with the confidential nature of records.

Farmers in some areas will soon be harvesting their 1955 crop wheat and it is imperative that they be informed of these amendments as soon as possible. Accordingly, it is hereby found that compliance with the notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendments herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 728.551 (r) is amended by adding at the end thereof the following:

(r) * * * The dates in each county or areas of a county by which the acreage of wheat on the farm must be utilized in the prescribed manner as wheat cover crop are as follows:

ARKANSAS

May 20, 1955: All counties.

CALIFORNIA

May 1, 1955: Fresno, Imperial, Kern, Kings, Madera, Merced, Tulare.

June 1, 1955: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Inyo, Los Angeles, Mariposa, Mona, Nevada, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, Santa Barbara, Solano, Stanislaus, Sutter, Tehama, Tuolumne, Ventura, Yola, Yuba.

June 15, 1955: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Sonoma.

July 15, 1955: Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Trinity.

COLORADO

June 5, 1955: Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Crowley, Douglas, Elbert (all land E Range 63W), El Paso, Huerfano, Kiowa, Kit Carson, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Weld.

June 10, 1955: Washington and Yuma.

June 15, 1955: Jefferson and Sedgwick.

June 20, 1955: Delta, Dolores, Elbert (all land W Range 62W), Fremont, La Plata, Larimer, Las Animas, Mesa, Montezuma, Montrose, Ouray, Pueblo, San Miguel, Yuma.

July 15, 1955: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Eagle, Garfield, Grand, Gunnison, Jackson, Moffat, Park, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, Teller.

DELAWARE

May 31, 1955: All counties.

GEORGIA

May 2, 1955: Muscogee, Marion, Taylor, Peach, Houston, Twiggs, Wilkinson, Washington, Glascock, Jefferson, Richmond, and all Counties lying south thereof.

May 16, 1955: Harris, Talbot, Upson, Crawford, Bibb, Jones, Baldwin, Hancock, Warren, McDuffie, Columbia, and all Counties lying north thereof.

IDAHO

NON-IRRIGATED

June 20, 1955: Ada, Canyon.

July 1, 1955: Idaho, Latah, Nez Perce, Gem, Owyhee, Payette, Washington, Cassia, Lincoln, Minidoka, Twin Falls, Bannock, Franklin, Oneida.

July 5, 1955: Gooding.

July 10, 1955: Lewis, Jerome, Caribou.

July 15, 1955: Blaine, Camas, Bear Lake, Bingham, Power, Bonneville, Jefferson.

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(For use during 1955)

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July 30, 1955: Butte, Custer, Clark, Fremont, Madison, Teton.

August 1, 1955: Bonner, Adams, Boise, Lemhi.

August 15, 1955: Valley.

IRRIGATED

June 20, 1955: Ada, Canyon.

July 1, 1955: Elmore, Gem, Owyhee, Twin Falls, Payette, Washington.

July 5, 1955: Cassia, Gooding.

July 10, 1955: Jerome.

July 15, 1955: Camas, Lincoln, Minidoka, Bannock, Franklin, Oneida, Power.

July 20, 1955: Benewah.

July 30, 1955: Blaine, Bear Lake, Bingham, Caribou, Bonneville, Jefferson.

August 1, 1955: Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Adams, Boise, Clark, Fremont, Lemhi.

August 15, 1955: Butte, Custer, Madison, Teton, Valley.

ILLINOIS

May 15, 1955: Alexander, Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Green, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, Williamson.

May 31, 1955: Adams, Boone, Brown, Bureau, Carroll, Cass, Champaign, Cook, De Kalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Ogle, Peoria, Piatt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, Will, Winnebago, Woodford.

INDIANA

June 15, 1955: Allen, De Kalb, Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Whitley.

June 1, 1955: All other counties.

IOWA

WINTER WHEAT

June 1, 1955: All counties.

SPRING WHEAT

June 10, 1955: All counties.

KANSAS

May 25, 1955: Allen, Barber, Bourbon, Butler, Chautauqua, Cherokee, Comanche, Cowley, Crawford, Elk, Greenwood, Harper, Harvey, Kingman, Labette, Montgomery, Neosho, Pratt, Reno, Sedgwick, Sumner, Wilson, Woodson.

June 1, 1955: Anderson, Atchison, Barton, Brown, Chase, Clark, Clay, Cloud, Coffey, Dickinson, Doniphan, Douglas, Edwards, Ellsworth, Ford, Franklin, Geary, Grant, Gray, Haskell, Hodgeman, Jackson, Jefferson, Johnson, Kiowa, Leavenworth, Lincoln, Linn, Lyon, McPherson, Marion, Marshall, Meade, Miami, Morris, Morton, Nemaha, Osage, Ottawa, Pawnee, Pottawatomie, Republic, Rice, Riley, Rush, Saline, Seward, Shawnee, Stafford, Stanton, Stevens, Wabaunsee, Washington, Wyandotte.

June 5, 1955: Decatur, Ellis, Finney, Gove, Graham, Greeley, Hamilton, Jewell, Kearny, Lane, Logan, Mitchell, Ness, Norton, Osborne, Phillips, Rooks, Russell, Scott, Sheridan, Smith, Trego, Wallace, Wichita.

June 10, 1955: Cheyenne, Rawlins, Sherman, Thomas.

KENTUCKY

June 1, 1955: All counties.

MARYLAND

June 15, 1955: Montgomery.

June 20, 1955: Garrett.

June 30, 1955: Allegany.

May 31, 1955: All other counties.

MICHIGAN

June 10, 1955: All counties south of and including: Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Huron.

June 15, 1955: All other counties in the lower Peninsula.

June 25, 1955: Upper Peninsula counties.

MINNESOTA

June 30, 1955: All counties.

MISSOURI

June 1, 1955: All counties south of the Missouri River.

June 10, 1955: All counties north of the Missouri River.

MONTANA

WINTER WHEAT

July 11, 1955: All counties.

SPRING WHEAT

July 21, 1955: All counties.

NEBRASKA

June 1, 1955: Adams, Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

June 15, 1955: Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Boyd, Brown, Buffalo, Cedar, Chase, Cherry, Cheyenne, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dundy, Garden, Garfield, Grant, Greeley, Hayes, Hitchcock, Holt, Hooker, Howard, Keith, Keya Paha, Kimball, Knox, Lincoln, Logan, Loup, McPherson, Madison, Merrick, Morrill, Nance, Perkins, Pierce, Platte, Polk, Rock, Scotts Bluff, Sheridan, Sherman, Sioux, Stanton, Thomas, Valley, Wayne, Wheeler.

NEW JERSEY

June 1, 1955: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, Salem.

June 8, 1955: Mercer, Middlesex, Monmouth, Somerset, Union.

June 15, 1955: Bergen, Essex, Hunterdon, Morris, Passaic, Sussex, and Warren.

NEW MEXICO

May 15, 1955: Chaves, Curry, Eddy, Hidalgo, Otero, Roosevelt, Sierra.

June 1, 1955: Bernalillo, Catron, De Baca, Dona Ana, Grant, Guadalupe, Harding, Lee, Lincoln, Luna, McKinley, Mora, Quay, Sandoval, Sante Fe, Socorro, Torrance, Valencia.

June 15, 1955: Colfax, Rio Arriba, San Juan, San Miguel, Taos, Union.

NEW YORK

June 5, 1955: Nassau and Suffolk.

June 15, 1955: All other counties.

NORTH CAROLINA

May 15, 1955: All counties.

NORTH DAKOTA

July 1, 1955: Adams, Barnes, Billings, Bowman, Burleigh, Cass, Dickey, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, La Moure, Logan, McIntosh, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sioux, Slope, Stark, Stutsman.

July 10, 1955: Benson, Bottineau, Burke, Cavalier, Divide, Eddy, Foster, Grand Forks, Griggs, McHenry, McKenzie, McLean, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Steele, Towner, Traill, Walsh, Wash, Wells, Williams.

OHIO

June 11, 1955: All counties.

OKLAHOMA

April 15, 1955: Caddo, Comanche, Cotton, Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, Stephens, Tillman, Washita.

May 15, 1955: Alfalfa, Beaver, Blaine, Cimarron, Dewey, Ellis, Garfield, Grant, Harper, Kay, Kingfisher, Major, Noble, Texas, Woods, Woodward.

May 1, 1955: All other counties.

OREGON

WINTER WHEAT

June 1, 1955: Wasco.

June 15, 1955: Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Gilliam under 3000 feet elevation, Hood River, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Morrow under 2,000 feet elevation, Multnomah, Polk, Sherman, Tillamook, Umatilla under 2,000 feet elevation, Washington, Yamhill.

July 1, 1955: Douglas, Morrow over 2,000 feet elevation, Union.

July 15, 1955: Baker, Gilliam over 3,000 feet elevation, Umatilla over 2,000 feet elevation.

July 20, 1955: Wallowa.

SPRING WHEAT

July 15, 1955: Union.

August 1, 1955: Baker.

August 20, 1955: Wallowa.

PENNSYLVANIA

June 1, 1955: Adams, Bedford, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Greene, Huntingdon, Juniata, Lancaster, Lebanon, Lehigh, Mifflin, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, Washington, York.

June 13, 1955: Allegheny, Armstrong, Beaver, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Fulton, Indiana, Jefferson, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Monroe, Montour, Northumberland, Pike, Potter, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Westmoreland, Wyoming.

SOUTH CAROLINA

May 14, 1955: All counties.

SOUTH DAKOTA

June 15, 1955: Aurora, Bennett, Bon Homme, Brule, Charles Mix, Clay, Custer, Davison, Douglas, Fall River, Gregory, Hanson, Hutchinson, Jackson, Jones, Lincoln, Lyman, McCook, Mellette, Minnehaha, Pennington, Shannon, Todd, Tripp, Turner, Union, Washabaugh, and Yankton.

July 2, 1955: Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Codington, Corson, Day, Deuel, Dewey, Edmunds, Faulk, Grant, Haakon, Hamlin, Hand, Harding, Hughes, Hyde, Jerauld, Kingsbury, Lake, Lawrence, McPherson, Marshall, Meade, Miner, Moody, Perkins, Potter, Roberts, Sanborn, Spink, Stanley, Sully, Walworth, and Ziebach.

TENNESSEE

May 20, 1955: All counties.

TEXAS

April 1, 1955: Brazoria, Calhoun, Chambers, Fort Bend, Galveston, Harris, Jackson, Jefferson, Liberty, Matagorda, Victoria and Wharton.

May 1, 1955: Austin, Bee, Callahan, Coke, Coleman, Collin, Colorado, Comanche, Concho, Cooke, Dallas, Denton, De Witt, Eastland, Erath, Grayson, Fayette, Fisher, Irion, Jones, Karnes, Lavaca, Lee, Live Oak, Menard, Nolan, Palo Pinto, Presidio, Runnels, Schackelford, Stephens, Taylor, Tom Green, Sterling, Waller, Washington, and Wilson.

May 10, 1955: Fannin, Lamar, Delta, Hunt, Rockwall, Kaufman, Parker, Tarrant, Hood, Johnson, Somervell, Ellis, Hill, Navarro, Bowie, Camp, Cass, Franklin, Gregg, Harrison, Henderson, Hopkins, Marion, Morris, Panola, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt, Wood, Bastrop, Bell, Bosque, Brazos, Burleson, Burnet, Caldwell, Coryell, Falls, Gonzales, Guadalupe, Hamilton, Haye, Lampasas, Limestone, Milam, McLennan, Robertson, Travis, Williamson, Anderson, Angelina, Cherokee, Freestone, Grimes, Houston, Jasper, Leon, Madison, Montgomery, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, and Walker.

UTAH

July 25, 1955: Daggett, Garfield, Rich, Summit, Wasath, and Wayne Counties.

June 25, 1955: All other counties.

VIRGINIA

June 1, 1955: Accomac, Albemarle, Amelia, Amherst, Appomattox, Bedford, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Culpeper, Cumberland, Dinwiddie, Essex, Fairfax, Fauquier, Fluvanna, Franklin, Gloucester, Goochland, Greene, Greensville, Halifax, Hampton, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Princess Anne, Rappahannock, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, York.

June 15, 1955: Alleghany, Augusta, Bath, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Dickenson, Floyd, Frederick, Giles, Grayson, Highland, Lee, Montgomery, Page, Patrick, Pulaski, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise and Wythe.

WASHINGTON

Date	Area	Type	County
June 20, 1955		Winter	Adams.
July 10, 1955		Spring	Do.
July 30, 1955	1 and 4	All wheat	Asotin.
July 1, 1955	2	do	Do.
July 20, 1955	3	do	Do.
July 15, 1955	5	do	Do.
June 15, 1955		do	Do.
July 15, 1955	Irrigated	Winter	Benton.
Sept. 1, 1955	A	Spring	Do.
Aug. 15, 1955	A	do	Chelan.
Aug. 1, 1955	B	Winter	Do.
July 15, 1955	B	Spring	Do.
Do		Winter	Do.
July 20, 1955		All wheat	Clallam.
June 15, 1955	All communities except Dittemore, Columbia and Star	do	Clark.
July 1, 1955	Dittemore, Columbia and Star communities only	Winter	Columbia.
June 30, 1955	All communities except Dittemore, Columbia and Star	do	Do.
July 16, 1955	Dittemore, Columbia and Star communities only	Spring	Do.
July 20, 1955		do	Do.
July 1, 1955		All wheat	Cowlitz.
Aug. 1, 1955		Winter	Douglas.
July 15, 1955		Spring	Do.
June 15, 1955		All wheat	Ferry.
June 15, 1955	Central Ferry Area	do	Franklin.
June 15, 1955	Dodge, Ping, Gould City, and Lower Alpowa Area	do	Garfield.
July 1, 1955	Mayview, Pataha Flat, Zumwalt and Dutch Flat Area	do	Do.
July 15, 1955	Upper Alpowa, Peola, Columbia Center and Scoggin Area.	do	Do.
June 20, 1955	All areas except irrigated section of Wilson Creek Community.	do	Do.
Aug. 10, 1955	Wilson Creek, irrigated section	do	Grant.
July 15, 1955		do	Grays Harbor.
Do		do	Island.
Do		do	Jefferson.
Do		do	King.
Do		do	Kitsap.
Aug. 1, 1955		do	Kittitas.
June 10, 1955	East of Rock Creek and the Goodnoe Hill Area	do	Klickitat.
July 1, 1955	West of Rock Creek and West of Goodnoe Hill Area	do	Do.
July 20, 1955		do	Lewis.
June 25, 1955	North of Highway No. 2 and Davenport-Harrington Tokio Road-East.	do	Lincoln.
June 10, 1955	South of Highway No. 2	do	Do.
July 1, 1955		do	Mason.
June 1, 1955	Communities A, B, G, H and M	Winter	Okanogan.
July 1, 1955	do	Spring	Do.
Do	Communities C, D, E, F, I, J, K, L, N and O	Winter	Do.
Aug. 1, 1955	do	Spring	Do.
July 15, 1955		All wheat	Pacific.
Aug. 1, 1955		do	Pend Oreille.
Do		do	Pierce.
Aug. 15, 1955		do	San Juan.
July 15, 1955		do	Skagit.
Do		do	Skamania.
July 25, 1955	Area due west on north boundary of Township 24 to where it intercedes the east boundary of Range 42 and then due south to county line.	do	Spokane.
July 10, 1955	All the remainder of the county	do	Do.
July 15, 1955		do	Stevens.
Do		do	Thurston.
July 31, 1955		do	Wahkiakum.
June 20, 1955	Dry land areas below elevation of Airport	do	Walla Walla.
July 20, 1955	All other dry land areas and irrigated sections	do	Do.
July 15, 1955		do	Whatcom.
July 25, 1955	Eastern Whitman	do	Whitman.
July 10, 1955	Western Whitman	do	Do.
June 15, 1955	Lower Valley and Glade	do	Yakima.
July 31, 1955	Central Area	do	Do.
Aug. 31, 1955	Upper Valley	do	Do.

WEST VIRGINIA

June 5, 1955: All counties.

WISCONSIN

June 10, 1955: Adams, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond Du Lac, Grant, Green, Greenlake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La-Crosse, Lafayette, Marquette, Milwaukee, Monroe, Ozaukee, Pepin, Portage, Racine, Richland, Rock, Sauk, Trempealeau, Vernon, Wallworth, Washington, Waukesha, Waushara, and Winnebago.

July 5, 1955: Barron, Brown, Buffalo, Burnett, Calumet, Chippewa, Clark, Door, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Oconto, Oneida, Outagamie, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Shawano, Sheboygan, Taylor, Vilas, Washburn, Waupaca, and Wood.

July 15, 1955: Ashland, Bayfield, Douglas, Florence, Forest, and Iron.

WYOMING

WINTER WHEAT

June 20, 1955: Goshen, Laramie and Platte.

June 25, 1955: Converse.

July 1, 1955: Carbon, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Sheridan, and Washakie.

July 15, 1955: Albany, Big Horn, Campbell, Crook, Park, and Weston.

August 1, 1955: Lincoln, Sublette, Sweetwater, Teton, and Uinta.

SPRING WHEAT

July 10, 1955: Converse.

July 15, 1955: Johnson, Niobrara and Sheridan.

August 1, 1955: Crook and Weston.

2. Section 728.553 (a) is amended to read as follows:

(a) *Farms for which normal yields will be determined.* The Secretary, through the county committee, will determine a normal yield for each farm for which a farm marketing excess is determined for the 1955 crop, for each farm for which a request is made to the county committee by the operator prior to seeding, and for each farm as required for the purposes of the provisions of § 728.582 (h) and (i).

3. Section 728.565 (a) is amended to read as follows:

(a) *Right to review by review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him (except as provided in § 728.661), apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith: *Provided,* That if a review hearing has been held and determination made by a review committee with respect to the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, no application by a producer for further review by a review committee with respect to such determination may be filed. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (Form MQ–51) as issued by the Secretary (Part 711 of this chapter).

4. Section 728.583 is amended by adding a new paragraph (c) as follows:

(c) *Time of delivery.* Excess wheat may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of wheat is normally substantially completed in the county as determined by the State committee in accordance with § 728.561 (a). Excess wheat may be delivered to the Secretary after such 60-day period only if the excess wheat was stored in accordance with the provisions of § 728.582 (a) through (f) and the wheat has not gone out of condition through any fault of the producer.

5. Section 728.586 (b) is amended to read as follows:

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information:

(1) The name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ–76—Wheat (1955)), or marketing certificate (MQ–94—Wheat (1955)), or intermediate buyer's record and report (MQ–95—Wheat (1955)) by which the wheat was identified, or the report and penalty receipt (MQ–81—Wheat (1955)), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made shall be kept available for examination by the county office manager or any authorized representative of the State Administrative Officer or of the Director, Compliance and Investigation Division, Commodity Stabilization Service, U. S. Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. The records shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart but not so furnished. The county office manager shall furnish without cost, blank copies of MQ–97—Wheat (1955) which may be used for the purpose of keeping the record required under this section.

6. Section 728.591 is amended by substituting "herein" for the word "therein" in the first sentence thereof.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 331–339, 362–368, 372–376, 52 Stat. 38, as amended; 55 Stat. 203, as amended; 7 U. S. C. 1301, 1331–1340, 1362–1368, 1372–1376)

Done at Washington, D. C., this 28th day of April 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–3593; Filed, May 3, 1955; 8:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 52]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraphs (1), (8) and (11), of paragraph (a), relating to California, are amended to read:

(1) NE. ¼ Sec. 25, T. 3 S., R. 3 W., MDBM; E. ½ Sec. 13, T. 3 S., R 3 W., MDBM; Secs. 22 and 24, T. 3 S., R. 2 E., MDBM; and that area included within a boundary beginning at a point on W. line of Plot 4, Rancho El Valle, 10.47 chains N. from N. line Plot 3, Rancho El Valle, thence N. 53° W. 17.95 chains, thence N. 69° 4' E. 6.67 chains, thence N. to County Road, thence SE. 100 feet along SW. line of County Road, thence S. to point of beginning, consisting of 32.98 acres within lots 8–15, in Alameda County.

* * * * *

(8) SE. ¼ of SW. ¼ Sec. 32, T. 1 N., R. 5 W., SBBM; E. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM; and W. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM; and SE. ¼ Sec. 31, T. 2 N., R. 9 E., SBBM, in San Bernardino County.

* * * * *

(11) SW. ¼ Sec. 7, T. 3 S., R. 5 W. MDBM; SW. ¼ Sec. 12, T. 3 S., R. 6 W., MDBM; SW. ¼ Sec. 11, T. 3 S., R. 6 N., MDBM; NE. ¼ Sec. 26, T. 3 S., R. 6 W., MDBM; and NW. ¼ Sec. 28, T. 4 S., R. 6 W., MDBM; in San Mateo County.

2. New subdivisions (ix), (x), and (xi) are added to subparagraph (8) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(ix) That part of Deptford Township bounded on the north by Central Avenue, on the east by Delsea Drive, on the west by Cedar Street, and on the south by a line beginning at a point on Delsea Drive 1,100 feet south of Central Avenue running west to Cedar Street, owned and operated by William C. Henry;

(x) That part of Deptford Township bounded by a line beginning at a point on Delsea Drive 58 feet south of Deptford Avenue, running westerly 2,313 feet, thence southerly 241 feet, thence easterly 685 feet, thence southerly 350 feet, thence easterly 330 feet, thence northerly 800 feet, thence easterly 1,160 feet to Delsea Drive, thence northerly on Delsea Drive to point of origin, owned and operated by Lichtman Brothers, Westville, New Jersey;

(xi) That part of Monroe Township south of Corkery Road, west of Bluebell Road, and north and east of Hospitality Branch (Creek).

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 29th day of April 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55–3619; Filed, May 3, 1955; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42–1]

PART 42—IRREGULAR AIR CARRIER AND OFF ROUTE RULES

AUTHORITY TO DEVIATE FROM REGULATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of April 1955.

Currently effective Special Civil Air Regulation SR–385D delegates to the Administrator authority to permit deviations from Part 42 of the Civil Air Regulations to air carriers conducting military contract operations or air carriers conducting emergency operations necessary for the protection of life or

property. This regulation became effective February 1, 1955, and extended the expiration date of SR–385C until May 1, 1955, with respect to Part 42 operations only.

The substance of SR–385D was essentially that proposed by the Bureau of Safety Regulation in a notice of proposed rule-making published in the FEDERAL REGISTER (19 F. R. 8783) and circulated as Civil Air Regulations Draft Release No. 54–26. The latter proposed to continue the basic authority of the Administrator to authorize deviations by incorporating the substance of SR–385C into Part 42 of the Civil Air Regulations, since all waivers granted pursuant to SR–385C and its predecessor regulations had been waivers of only the provisions of Part 42.

The Board was advised during its consideration of the comment received in response to Draft Release No. 54–26 that the military requirements concerning the contract carriage of personnel and goods by civil aircraft were being re-evaluated by the Department of Defense. Since defense requirements have a direct bearing on the question of continuing this deviation authority in the operating parts on a permanent basis, the Board could not make a final determination in this matter until it had received a restatement of defense requirements. Therefore, the Board issued SR–385D as a temporary regulation in order to permit continued operations in accordance with existing deviation authority until a final determination could be made as to the necessity of incorporating the deviation authority into the operating parts on a permanent basis.

The Board has now received the views of the Department of Defense relative to extending indefinitely the authority of the Administrator to grant deviations from the operating rules in Part 42 to air carriers conducting military contract operations. It is the stated desire of the Department of Defense that commercial carriers operating under military contracts should normally conduct their operations in accordance with the requirements of the Civil Air Regulations. However, the Department affirmed in all essential respects the Bureau of Safety Regulation's opinion, expressed in Draft Release No. 54–26, that world conditions are still such that an emergency requiring the immediate participation of the air carriers can develop without notice, and that operational problems also may arise in the conduct of "routine" military contract operations that can be met satisfactorily only by deviations from the normal air carrier regulations.

The Board believes that this deviation authority should be authorized only when the Department of Defense has certified to the Administrator that the operation for which a deviation is requested is essential to the national defense and requires a deviation from Part 42. Upon receipt of such certification, the Administrator may authorize such operation to be conducted subject to any terms and conditions that he considers appropriate in the interest of safety. In addition, it is the Board's view that the need for deviations shall not be based upon economic advantage or convenience to either the operator or the government, or both. These conditions have been incorporated into the amendment contained herein and should allay the fears expressed by interested persons that this authority might result in the unjustifiable lowering of the standard of safety in these operations.

With respect to the authority to deviate in operations under conditions of an emergency necessitating the transportation of persons or supplies for the protection of life or property, the Board envisages this authority being exercised in cases such as the Texas City explosion, Kansas City floods, Hurricane Hazel, etc., where a disaster of national significance has occurred, and where the use of an emergency airlift will be necessary. Since no deviations have been granted under the previous special regulations for such emergency operations, no substantial changes have been made in the provisions covering emergency operations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment relieves a restriction and imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective May 1, 1955:

By adding a new § 42.2 to read as follows:

§ 42.2 *Deviation authority.* (a) Contrary provisions of this part notwithstanding,

(1) The Administrator may, upon application by an appropriately certificated air carrier conducting, or intending to conduct, operations pursuant to a contract with the military services (primary contractor), or an appropriately certificated air carrier conducting operations for the military services pursuant to a subcontract with a primary contractor, authorize such air carrier to deviate from the applicable provisions of this part, subject to any terms and conditions that the Administrator shall find are necessary in the interests of safety: *Provided,* That the Department of Defense certifies to the Administrator that the subject operation is essential to the national defense and requires the requested deviation: *And provided further,* That the granting of a deviation shall not be based upon an economic advantage or convenience to either the air carrier or the government, or both.

(2) The Administrator may, upon application by an appropriately certificated air carrier, authorize an air carrier proposing to conduct operations under conditions of an emergency necessitating the transportation of persons or supplies for the protection of life or property, to deviate from any provision of this part to the extent that the Administrator finds that a deviation from this part is necessary for the expeditious conduct of such operations.

(b) Any deviation authority granted by the Administrator pursuant to this section shall be limited to those military contract operations certified by the Department of Defense as essential to the national defense, or operations conducted under conditions of an emergency as determined by the Administrator and shall not be applicable to any other type of operation.

(c) The Administrator shall, in any authorization granted pursuant to this section, specify the terms, conditions, and limitations of the authorization for the deviation and each air carrier shall, in the conduct of these operations, comply with such terms, conditions, and limitations.

(d) Grants of deviation authority issued pursuant to this section shall be subject to review by the Board and may be terminated at any time by the Board or the Administrator. The Administrator shall give prompt notice to the Board of any deviation authority issued hereunder.

(e) Authorized deviations now in existence shall be continued in effect in accordance with their terms and conditions until 90 days after the effective date of this amendment, or upon their stated expiration date, whichever shall first occur, unless reissued pursuant to this section.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55–3621; Filed, May 3, 1955; 8:54 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 112]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, the Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.18, the Valparaiso, Florida, area (R–150 formerly D–150) revised on September 22, 1951, in 16 F. R. 9680, is amended by changing the "Description by Geographical Coordinates" column to read: "Bounded on the Northeast by a straight line between latitude 30°43′45″, longitude 86°10′30″, and latitude 30°41′00″, longitude 86°05′30″; bounded on the east by Restricted (Danger) Area R–183; bounded on the south by Warning Area W–151; bounded on the west by the Eglin AFB Control Area; bounded on the north by Civil Airway Red No. 30."

2. In § 608.18, the Valparaiso, Florida, area (R383 formerly D–383), published on September 22, 1951, in 16 F. R. 9680, is amended by changing the "Description by Geographical Coordinates" column to read: Beginning at latitude 30°33′40″, longitude 86°55′00″; thence north to latitude 30°38′45″, longitude 86°55′00″; thence northeasterly along the L & N Railroad to latitude 30°42′45″; longitude 86°45′45″; thence east to latitude 30°42′50″, longitude 86°35′30″; thence south to latitude 30°20′30″, longitude 86°35′15″; thence westerly and 3 nautical miles from the shoreline to latitude 30°20′15″, longitude 86°48′00″; thence north to latitude 30°25′00″, longitude 86°48′00″; thence westerly along U. S. Highway No. 98 to latitude 30°24′15″, longitude 86°52′00″; thence along the Navarre-Milton Highway to latitude 30°33′40″, longitude 86°55′00″; point of beginning.

3. In § 608–38, the Warren Grove, New Jersey, area (R–26 formerly D–26), amended on May 17, 1951, in 16 F. R. 4607, is further amended by changing the "Using Agency" column to read: "Commander, U. S. Naval Air Bases, Fourth Naval District, Naval Air Station, Atlantic City, New Jersey".

4. In § 608–38, the New Gretna, New Jersey, area (R–27 formerly D–27), published on July 16, 1949 in 14 F. R. 4293, is amended by changing the "Using Agency" column to read: "Commander, U. S. Naval Air Bases, Fourth Naval District, Naval Air Station, Atlantic City, New Jersey".

5. In § 608–38, the Brigantine, New Jersey, area (R–28 formerly D–28), published on September 7, 1951, in 16 F. R. 9070, is amended by changing the "Using Agency" to read: "Commander, U. S. Naval Air Bases, Fourth Naval District, Naval Air Station, Atlantic City, New Jersey".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 5, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–3577; Filed, May 3, 1955; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53789]

PART 1—CUSTOMS DISTRICTS AND PORTS

REVOCATION OF DESIGNATION OF PORT SAN LUIS, CALIFORNIA, AS PORT OF DOCUMENTATION

Effective 30 days after the date of publication of this notice in the FEDERAL REGISTER, the designation of Port San Luis, California, in the District of Los Angeles, California, as a port of documentation is revoked and the marine records of this port are transferred to the port of Los Angeles, California, which shall become the home port of all vessels whose home Port is San Luis, California, on the date of revocation. To indicate such revocation § 1.1 (c) of the Customs Regulations is amended by deleting the asterisk appearing before the words Port San Luis under the heading Ports of Entry for District No. 27, Los Angeles.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2)

Notice of the proposed revocation of the designation of Port San Luis, California, as a port of documentation was published in the FEDERAL REGISTER of March 8, 1955 (20 F. R. 1379), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). No objections to the issuance of the above revocation were received.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: April 26, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55–3597; Filed, May 3, 1955; 8:49 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter D—Electrical Equipment, Lamps, Methane Detectors; Tests for Permissibility; Fees

[Bureau of Mines Schedule 9B, Supp. 1]

PART 23—TELEPHONE AND SIGNALING DEVICES

MISCELLANEOUS AMENDMENTS

Part 23 is hereby amended as follows:

1. Section 23.2 (b) is amended by deleting the words "issued only by the Director of" and substituting the word "from."

2. Section 23.2 (d) is amended by rewording as follows:

(d) "Permissible" as used in this part means completely assembled and conforming in every respect with the design formally approved by the Bureau of Mines under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

3. Section 23.3 (a) is amended by rewording as follows:

(a) *Applications.* Before the Bureau of Mines will undertake the active investigation leading to approval of any telephone or signaling service, the manufacturer shall make application by letter for an investigation leading to approval of his device. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover all the necessary fees, shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., together with the required drawings, one complete telephone or signaling device, and instructions for its operation.

4. Section 23.4 (a) is amended to read as follows:

(a) The fee for the complete investigation of a telephone or signaling device under this part is $95.

5. Section 23.4 (b) is deleted.

6. Section 23.4 (c) is amended by changing (c) to (b); by deleting the words "Item 2"; and by deleting the words "Director of the Bureau" and substituting the words "Central Experiment Station."

7. Section 23.5 (a) is amended by deleting the words "marked 'Attention of the Electrical Engineer'."

8. Section 23.5 (c) is amended by rewording as follows:

(c) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by the Bureau which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Upon granting approval for permissibility, the Bureau will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by the Bureau.

9. Section 23.5 (f) is amended by deleting the words "the Director of."

10. Section 23.11 is amended by rewording the first sentence to read as follows: "All approvals are granted by official letter from the Bureau of Mines."

11. Section 23.14 (a) is amended by deleting the words "Director of the Bureau of Mines at Washington, D. C.," and substituting the words "Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa." in the first sentence; also, by revising the second sentence to read as follows: "With this request, he should submit a revised drawing or drawings showing the changes in detail, together with one of each of the parts affected."

12. Section 23.14 (c) is amended by deleting the words "advised through the Director's office" and substituting the words "officially advised by the Bureau of Mines."

(Sec. 5, 36 Stat. 370, as amended, 30 U. S. C. sec. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U. S. C. 3, 5)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

APRIL 28, 1955.

[F. R. Doc. 55–3579; Filed, May 3, 1955; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

GRAND CANYON NATIONAL PARK

1. Paragraph (f) *Speed* of § 20.4 *Grand Canyon National Park,* is amended to read as follows:

(f) *Speed.* The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) 35 miles per hour on any road, except East Rim Drive, south entrance to junction with East Rim Drive, and north entrance to junction with Cape Royal-Point Imperial spur.

(2) Approaching and at road intersections, entrance stations, and in residential areas, 25 miles per hour, as posted.

(3) In school zone, 15 miles per hour, as posted.

(4) On all curves and grades where so posted, 25 miles per hour.

(5) Trucks of two and one-half tons capacity or over, 35 miles per hour.

(6) Cars towing trailers or other cars or vehicles of any kind, 35 miles per hour.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 9th day of April 1955.

[SEAL] P. P. PATRAW,
Superintendent,
Grand Canyon National Park.

[F. R. Doc. 55-3580; Filed, May 3, 1955; 8:45 a. m.]

PART 20—SPECIAL REGULATIONS

YELLOWSTONE NATIONAL PARK

Paragraph (d) *Boats* of § 20.13 *Yellowstone National Park,* is amended to read as follows:

(d) *Boats*—(1) *Permit.* A permit, issued by the Superintendent, is required for all boats operated upon the waters of the Park. This permit must be carried within the boat at all times when any person is aboard, and shall be exhibited upon request to any person authorized to enforce the regulations in this chapter. A violation of the regulations, or disregard of the conditions outlined, by the permittee or other persons using the boat, will constitute cause for the cancellation of the permit.

(2) *Commercial operation.* No privately owned boat shall be used to carry passengers for hire or be used in any commercial operation.

(3) *Size limitation.* No privately owned boat more than 32 feet in length, and no sail boat of any character, shall be placed or operated upon waters of the park.

(4) *Removal of boats.* All privately owned boats shall be removed from the Park during the period November 1 to April 30, inclusive.

(5) *Boat equipment and requirements.* All boats operated upon Park waters are subject to the following requirements:

(i) All boats operated from sunset to sunrise must display the following lights:

(*a*) Class A (less than 16 feet in length). A clear white light showing all around the horizon and visible for one mile.

(*b*) Class I (16 feet to less than 26 feet in length). Same light requirement as Class A boats.

(*c*) Class II (26 feet to 32 feet in length). Individual running lights, red to port and green to starboard, visible for one mile. A bright white light aft showing all around the horizon and visible for two miles, also a bright white light forward showing from right ahead to two points abaft the beam on both sides and visible for two miles.

(ii) Boats shall carry an approved warning device as follows:

(*a*) Class A boats. No warning device required.

(*b*) Class I boats. A hand, mouth, or power operated whistle or horn, capable of producing a blast for at least two seconds duration and audible for a distance of at least one-half mile.

(*c*) Class II boats. Same requirement as Class I boats except the device shall be capable of producing a blast audible for a distance of at least one mile.

(iii) All boats shall carry an approved life preserver, ring buoy, or buoyant cushion in good and serviceable condition for each person on board. Such devices shall be properly secured and stowed so as to be readily accessible in emergency.

(iv) All boats having built-in or inboard motors shall carry approved fire extinguishers as follows:

(*a*) Class A and Class I boats. One hand operated and portable fire extinguisher. This may be a 1¼ gal. foam, 4 lb. carbon-dioxide, one quart carbontetrachloride or a 4 lb. dry chemical, or larger.

(*b*) Class II boats. One fixed carbon-dioxide system and two hand operated, portable extinguishers of an approved type, such as 2½ gal. foam, 15 gal. carbon-dioxide or 12 lb. dry chemical.

(v) All boats powered with inboard motors which use gasoline as fuel are subject to the following conditions:

(*a*) Carburetors shall be fitted with an approved device which has demonstrated its ability to arrest backfire.

(*b*) In decked over boats, two or more ventilators are required, with cowls or equivalent capable of removing gases from bilges in engine and fuel tank compartments. Bilges must be kept free of oil, gasoline and grease.

(*c*) Drip pans are required on all updraft carburetors. These pans are to be equipped with a fine mesh wire screen cover to prevent the overflow from catching fire.

(*d*) The fuel tank filler pipe must be outside the cabin and cockpit, and so constructed that spillage of gasoline will not flow into the bilge. A vent of not less than ⅜ inch diameter is required from the fuel tank to the outside of the hull and shall be independent of the filler pipe.

(vi) Galley and cabin stoves shall be of such type and installation as approved by the Underwriters Laboratories.

(*a*) Approved types of galley stoves are those which use coal, carcoal, wood, alcohol, fuel oil or kerosene as fuel. Stoves which use gasoline as fuel are prohibited.

(*b*) Where a galley or cabin stove is installed, it shall be firmly attached, insulated from the woodwork, and so located that it does not endanger flammable material.

(vii) General conditions.

(*a*) Fuel lines must be intact with no leaks and must have a shut-off valve installed near the fuel tank in a readily accessible location.

(*b*) Electrical wiring must be in good condition.

(*c*) All boats must carry a bailing bucket on board in addition to whatever bilge pumps or automatic bailing devices with which they may be equipped.

(*d*) All boats 26 feet or less in length shall be equipped with oars and oarlocks, or carry a sweep adequate to propel the boat in case of engine failure.

(6) *Special limits for small boats.* No boat 16 feet or less in length, whether equipped with motor or propelled by oars, shall be operated at a distance of more than ¼ mile from the shoreline of any lake.

(7) *Rules of the road.* The following rules of the road shall be observed:

(i) The operation of boats in such a manner as to endanger life or property is prohibited.

(ii) In narrow channels, boats shall be operated to the right of the middle of the channel.

(iii) When approaching or passing other water craft, speed shall be reduced so that the wake does not endanger the other craft.

(iv) Slow speed shall be maintained in docking and fishing areas so as not to endanger persons or other craft.

(v) Right-of-way shall be given larger craft.

(8) *Registration of trip.* The operator of each boat leaving for an extended trip, including trips of overnight duration, shall register in the book provided for that purpose at one of the following locations:

(i) Fishing Bridge Boat Dock.

(ii) Lake Ranger Station.

(iii) West Thumb Ranger Station.

(iv) Mary Bay registration box.

(v) Lewis Lake Campground registration box. This registration shall include the names of all persons in the boat, a statement of the proposed destination and intended time of return. Upon his return, the operator shall indicate in the registration book the time of his return. If, after an extended trip, a boat is removed from a particular Park water, or is docked at a point other than the place of departure for the trip, the operator shall report at once to the nearest registration point and record in the registration book there provided, the time of his return from the trip, or departure from that particular Park water.

(9) *Sanitation.* No bottles, cans, rubbish or refuse of any kind, including wastes from chemical toilets, shall be thrown from any boat into Park waters, or from docks along the shore, or otherwise placed in the waters of the Park. Water closets, drains, sinks, and other devices which discharge directly into the water, shall be sealed in such a manner as to prevent their use.

(10) *Limitation of boat loads.* No boat shall be operated on any waters of the Park with more than a safe capacity load of passengers or supplies.

(11) *Restricted landing areas.* The landing of boats on either of the islands designated as "Molly Islands" in Yellowstone Lake, or the disturbance in any manner of the birds inhabiting the same or nesting thereon, is prohibited, except upon written permission of the Superintendent.

(12) *Restricted waters.* The operation of any boat, canoe, raft, or other fishing craft on Park streams (as distinguished from lakes) is prohibited, except on

(i) The channel between Lewis Lake and Shoshone Lake.

(ii) The Yellowstone River from the outlet of Yellowstone Lake to a point 300 yards below Fishing Bridge.

This restriction shall not apply to craft operated for administrative purposes or in emergencies.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 8th day of April 1955.

[SEAL] EDMUND B. ROGERS,
Superintendent,
Yellowstone National Park.

[F. R. Doc. 55-3581; Filed, May 3, 1955; 8:46 a. m.]

PART 20—SPECIAL REGULATIONS

MAMMOTH CAVE NATIONAL PARK

Section 20.36 *Mammoth Cave National Park* is amended to read as follows:

§ 20.36 *Mammoth Cave National Park*—(a) *Fishing.* (1) Fishing with pole and line, rod and reel, and trot and throw lines is permitted all year.

(2) Size limit: There shall be no size limit. All fish caught shall be retained.

(3) Creel limit: The following creel limits shall apply:

Black bass	10
Rock bass or goggle-eye	15
Crappie	30
Jack salmon or walleye pike	10
Sauger or sand pike	10
Striped bass	15
Muskellunge	5
Northern pike	5

(4) Use of seines: Seines which do not exceed 6 feet in length and 4 feet in width or height, with mesh not larger than ¼ inch may be used only in the following runs and creeks for procuring minnows and crawfish for bait, except that minnows and crawfish shall not be taken or caught for commercial purposes: Bylew, First, Second, Pine, Buffalo, Big Hollow, Ugly, Cub, Blowing Spring, Floating Mill Branch, Dry Branch and Mill Branch. As used in this subparagraph, the term "minnows" means any fish less than 6 inches in length, except those species mentioned in this subparagraph.

(5) Live bait. Live bait, other than worms, shall not be used in Sloans Crossing, Green or Doyel Ponds.

(6) Worms: Worms or grubs may not be dug in the park.

(7) Bows and arrows: Use of bows and arrows for the purpose of catching fish is prohibited.

(b) *Speed.* (1) Except where otherwise indicated, speed of automobiles and other vehicles, except Government vehicles on official emergency trips, shall not exceed 35 miles per hour on gravel or dirt roads within the park.

(2) At all times vehicles shall be driven at appropriate reduced speeds when approaching and crossing intersections not protected by stop signs, when approaching and rounding curves, when approaching hill crests, when traveling on narrow and winding roads, and where special hazards exist with respect to pedestrians or other traffic, or by reason of weather, roadway or other conditions.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 8th day of April 1955.

[SEAL] PERRY E. BROWN,
Superintendent,
Mammoth Cave National Park.

[F. R. Doc. 55-3582; Filed, May 3, 1955; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 55-514; Rules Amdt. 1-74]

PART 1—PRACTICE AND PROCEDURE

APPLICATION FORMS FOR SUBSIDIARY COMMUNICATIONS AUTHORIZATIONS

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of April 1955:

2. The Commission has under consideration its Report and Order issued in this proceeding on March 22, 1955 (FCC 55-340), establishing Subsidiary Communications Authorizations (SCA) to permit FM stations to engage in functional music operations and similar activities under certain specified conditions.

3. The new rules noted that an appropriate application form would be designated by the Commission which would be filed by those FM stations desiring to engage in operations pursuant to Subsidiary Communications authorizations. FCC Form 318 has been designated for such use. This form should be used by broadcasters applying for (1) the establishment of an SCA service; (2) modification of an SCA; (3) renewal of an SCA; and (4) assignment or transfer of an SCA. The form has been approved by the Bureau of the Budget.

4. Appropriate changes have been made in Part 1 of the Commission's rules and regulations to reflect the new form.

5. Authority for the adoption of the amendment herein is contained in sections 4 (i), 303 (1) and 303 (b) of the Communications Act, as amended.

6. *It is ordered,* That effective May 2, 1955, FCC Form 318, "Request for Subsidiary Communications Authorization", be adopted.

7. *It is further ordered,* That effective May 2, 1955, § 1.309 of the Commission's rules is amended to read as follows:

§ 1.309 *Special forms.* (a) FCC Form 301-A, "Request for Modification of Broadcast Station Authorization (Remote Control)." For use by existing broadcast licensees or permittees applying for permit to operate a standard or FM broadcast station from a remote control point.

(b) FCC Form 318, "Request For Subsidiary Communications Authorizations." For use by existing FM broadcast licensees applying for permit to establish a SCA service, modification of SCA, renewal of SCA, and assignment and transfer of SCA.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3598; Filed, May 3, 1955; 8:49 a. m.]

[Docket No. 10832; FCC 55-515]

[Rules Amdts. 2-37, 3-41]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 3—RADIO BROADCAST SERVICES

ORDER STAYING EFFECTIVENESS OF NEW RULES

In the matter of Amendment of Parts 2 and 3 of the Commission's rules and regulations and the Standards of Good Engineering Practice Concerning FM Broadcast Stations to permit FM broadcast stations to engage in specified non-broadcast activities on a simplex and/or multiplex basis.

1. The Commission has before it for consideration the petition of WWDC, Inc., filed on April 22, 1955, requesting the Commission to (1) stay the effective date of the Commission's new rules promulgated in the above-entitled proceeding and which are scheduled to become effective on May 2, 1955, or (2) to waive the rules, pending consideration and decision on a petition for reconsideration and modification to be filed by petitioner in this proceeding. On April 26, 1955, Wm. Penn Broadcasting Company, Inc., licensee of Station WPEN-FM, Philadelphia, Pennsylvania, filed a petition supporting the above request of WWDC, Inc.

2. On March 22, 1955, the Commission issued a Report and Order (FCC 55-340) in the above-entitled proceeding amend-

ing its rules and regulations with respect to functional music operations of FM broadcast stations. The new rules are scheduled to become effective on May 2, 1955. By its Report and Order, the Commission amended its rules to permit FM broadcast stations to conduct functional music operations on a multiplex basis without limitation as to time, and to permit FM broadcast stations to engage in functional music operations on a simplex basis during all hours not devoted to the 36 hours per week (at least 5 hours per day) specified for regular FM broadcasting.

3. WWDC, Inc., licensee of Station WWDC–FM, Washington, D. C., filed the subject petition on April 22, 1955, advising that it will file a petition for reconsideration and modification of the Commission's new rules by May 2, 1955, and requesting the Commission (1) to stay the effectiveness of the new rules or (2) to waive them, pending consideration and decision on its forthcoming petition for reconsideration and modification. WWDC, Inc. is presently engaged in widespread functional music activities. In this connection, petitioner notes that in order to meet the requirements of the Commission's new rules, it must either multiplex the programs of Station WWDC–FM or, because of its present commitments with subscribers for background music and drugcasting services, must reduce the number of hours of its functional music operations. WWDC, Inc. submits that multiplexing is not possible at this time because of the unavailability of equipment. And with respect to simplexing, petitioner states that to operate in such manner, it would have to eliminate 27 hours of functional music operations from its current weekly schedule to meet the 36-hour minimum weekly requirement for regular broadcast operation. It is urged that elimination of these 27 hours will increase the station's operating losses and might thereby force the station to leave the air or to change its format to a mere duplication of the programs of its AM station. WWDC, Inc. submits, therefore, that failure to stay the effectiveness of the new rules or to waive them pending consideration of its petition for reconsideration and modification would cause irreparable injury.

4. Wm. Penn Broadcasting Company, Inc. states that it is presently engaging in a functional music operation. Station WPEN–FM operates on a full schedule, with background music furnished various business establishments throughout the entire day. Wm. Penn Broadcasting Company states that it has been unable to secure any firm quotations or firm delivery dates for multiplexing equipment and therefore would be unable to continue its functional music operations on a multiplex basis. And it is stated that it will be unable to continue its present operations on a simplex basis without interrupting the service it is now furnishing subscribers. Wm. Penn therefore urges that the Commission's new rules would cause irreparable damage to WPEN–FM and may necessitate the discontinuance of its background music service. Petitioner states that it is also preparing a petition for reconsideration, and requests that the Commission stay the effectiveness of its action pending consideration and decision upon its petition for reconsideration.

5. The Commission is aware that certain FM broadcasters are presently engaging in functional music operations and have various contractual arrangements with respect to such operations. The Commission believes, therefore, that the public interest would be served by staying the effectiveness of its new functional music rules pending a final determination in this proceeding. We have, therefore, decided to stay the effectiveness of our new rules for a period of 30 days.

6. In view of the foregoing: *It is ordered*, That the effective date of the amendments to the Commission's rules and regulations issued pursuant to its Report and Order (FCC 55–340) in the above-entitled proceeding on March 22, 1955, and which are presently scheduled to become effective on May 2, 1955, is hereby extended to June 1, 1955.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: April 27, 1955.

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3599; Filed, May 3, 1955; 8:49 a. m.]

[Docket No. 11301; FCC 55–516]

[Rules Amdt. 3–40]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

1. The Commission has before it for consideration its notice of proposed rule making and order to show cause issued in this proceeding on March 10, 1955 (FCC 55–295), and published in the FEDERAL REGISTER on March 16, 1955 (20 F. R. 1587). The notice advised that Springfield Television Broadcasting Corporation, licensee of television Station WWLP on Channel 61 in Springfield, Massachusetts, had filed a petition requesting that the Commission's table of assignments contained in § 3.606 of the rules and regulations be amended so as to substitute Channel 22 for Channel 61 in Springfield. Springfield Television was also ordered to show cause why its outstanding authorization should not be modified to specify operation on Channel 22 in lieu of Channel 61. Petitioner suggested that the above requested change could be accomplished by making the following changes in the table of assignments:

City	Channel No.	
	Delete	Add
Boston, Mass.	50–	38–
Easthampton, Mass.	----	61
Northampton, Mass.	35+	----
Springfield-Holyoke, Mass.	61	22
Providence, R. I.	*22	*36+

2. Comments in support of the proposal and Show Cause Order were filed by petitioner. Oppositions were filed by the Board of Education of the State of Rhode Island, Television and Radio Broadcasting Corporation, and The Hampden-Hampshire Corporation. An opposition to the comments of the Board of Education of Rhode Island was filed by The Eastern Connecticut Broadcasting Company.

3. In support of its request, petitioner urges that it has operated Station WWLP since March 17, 1955; that it has found that the front ends of receivers now on the market are less sensitive on the higher UHF channels than on the lower; that as a result of this condition it is at a competitive disadvantage with other UHF stations in the Connecticut Valley area which are on the lower UHF channels; and that the proposal would conform to the requirements of the rules and would not affect any existing station. With respect to the change in Providence from Channel 22 to Channel 36, petitioner states that these channels are equivalent and that the pendency of an application for Channel 22 at Providence by the Board of Education (BPET-41) should not preclude its requested changes.

4. The Board of Education of the State of Rhode Island opposes the request in so far as it would substitute Channel 36 for Channel 22 in Providence. The Board points out that it is an applicant for Channel 22 for a non-commercial educational station; that it is vitally interested in the utilization of Channel 22 for educational purposes; that it has the support of the general public and the educational institutions for its plans to construct and operate such a station; and that the service which could be rendered on Channel 22 would be greater than that on Channel 36. The Board suggests as a counter-proposal that Channel 22 be retained at Providence and that Channel 42 be assigned to Springfield instead of Channel 61. This proposal would require that Channel 57 be deleted from Norwich, Connecticut. In reply to this opposition, petitioner submits that substantial doubt exists as to whether the State of Rhode Island would authorize the funds necessary for the construction and operation of an educational station in Providence; that Channel 36 proposed to be assigned to Providence is substantially equivalent to Channel 22; and that the pendency of an application with technical and financial deficiencies which was filed some 18 months ago should not prevent WWLP from shifting to a lower UHF channel. With respect to the counter-proposal, petitioner submits that it has little merit since it would delete the sole commercial

assignment from Norwich, a community of 23,429 persons and one which has an authorized educational television station and its own radio station.

5. The Eastern Connecticut Broadcasting Company also opposes the counter-proposal of the Board of Education since it would delete Channel 57, the sole commercial assignment in Norwich. Eastern urges that Norwich is the largest city in Eastern Connecticut with a 1954 population of 37,721 persons; that it is an important industrial, agricultural, educational and trading area; that it is the seat of many governmental activities of New London County with a 1954 population of over 162,000 persons; and that Eastern is interested in bringing a local television service to the area as soon as it is commercially feasible.

6. Television and Radio Broadcasting Corporation opposes the instant request in so far as it substitutes Channel 38 for Channel 50 in Boston. This party states that it has purchased a site near Quincy, Massachusetts, for a station on Channel 50; and the use of Channel 38 would preclude the utilization of this site. It is suggested that it could use Channel 38 at the proposed site if Channel 25 is substituted for Channel 52 in Barnstable, Massachusetts. In reply to this opposition, Springfield urges that Channel 25 can be substituted for Channel 52 in Barnstable in compliance with the Rules and that this would be in the public interest since it would permit the assignment of Channel 22 to Springfield.

7. The Hampden-Hampshire Corporation, permittee of Station WHYN–TV on Channel 55 at Springfield, opposes the instant proposal since it would remove Channel 36 from Northampton and would substitute Channel 61 in Easthampton. WHYN–TV points out that on March 31, 1955, it filed an application to change from Channel 55 to Channel 36 in Easthampton, including a request for a waiver of the studio rule in order that it may continue to use its present studio location in Springfield. WHYN–TV states that the same disadvantages apply to it with respect to operation on a high UHF channel as apply to petitioner.

8. On April 6, 1955, the Commission adopted a Report and Order (FCC 55–433) in which it finalized a show cause order to WKNY–TV presently operating on Channel 61 at Kingston, New York, modifying its authorization so as to permit this station to operate on Channel 21 at Poughkeepsie, New York, at its present transmitter site. The application of Hampden-Hampshire for Channel 36 at Northampton (BMPCT–3009) conflicts with the above change for WKNY–TV in that the transmitters are only 73 miles apart instead of the required 75-mile spacing for assignments 15 channels removed (picture image).

9. In reply to the Hampden-Hampshire opposition and counter-proposal, Springfield submits that the use of Channel 36 by WHYN–TV at its present site is precluded in view of the substandard spacing of 72.6 miles between WHYN–TV and WKNY–TV on Channel 21 at Kingston, the latter assignment having been finalized on April 6, 1955. Petitioner urges that WHYN–TV was afforded an opportunity to comment with respect to the Kingston proposal but failed to do so. Petitioner further points out that it is possible to assign a lower UHF channel to both WWLP and WHYN–TV; it suggests that Channel 40 could be used by the latter at its present site if Channel 57 is substituted for Channel 40 in Montpelier, Vermont, and that this proposal would not affect any existing station. This plan, however, does conflict with Plans I and II of Channel 16 of Rhode Island in the Hartford de-intermixture proceeding (See notice of proposed rule making and order to show cause, FCC 55–409). Springfield argues, however, that both Plans I and II are defective, the former for the reason stated in the Notice of Proposed Rule Making in Footnote 1 and the latter since Channel 47 cannot be assigned to Norwich since Channel 46 is assigned to Fall River, Massachusetts, at a distance of less than the required 55 miles adjacent spacing. Springfield urges that its original proposal and the proposal to assign Channel 40 to Springfield would permit WWLP, WHYN–TV, and WKNY–TV to shift to lower UHF channels, whereas the Hampden-Hampshire proposal to retain Channel 36 at Northampton would preclude the change for both Kingston and Springfield.

10. The Commission is presented with conflicting requests by the two operating UHF television stations in Springfield for lower channels. The first request by WWLP seeks to substitute Channel 22 for Channel 61 in Springfield by making changes in three other communities. The applicant for an educational station on Channel 22 in Providence opposes the WWLP request in so far as it would substitute Channel 36 for Channel 22 as the educational frequency in Providence. And a proposed applicant in Boston opposes the WWLP petition in so far as it would substitute Channel 38 for Channel 50 in Boston since its proposed site could not be utilized on Channel 38. The Commission is of the view, however, that the changes required in Providence and Boston in order to achieve a lower UHF channel in Springfield are warranted. In the first place, the change in Providence from Channel 22 to Channel 36 is not substantial, whereas the change in Springfield from Channel 61 to Channel 22 represents a significant improvement. Furthermore, the change in Springfield would assist an operating UHF station to afford a better service to the public at this time; while the applicant for the educational station in Providence does not appear ready to proceed immediately with the establishment of a television station. Further, the objection of the Boston party may be disposed of by making the change it proposes at Barnstable—switching from Channel 52 to Channel 25.

11. The request of the second UHF station in Springfield, WHYN–TV, conflicts with the above proposal, since it would retain Channel 36 in Northampton while the WWLP proposal would delete this assignment from that community. In addition, the application of WHYN–TV for Channel 36 as well as its rule-making proposal would preclude the change in the Kingston station which the Commission finalized in its Report and Order of April 6, 1955. WWLP has suggested a further change in the table which would provide a lower UHF assignment for the second Springfield station, i. e., that Channel 40 be assigned to Springfield in place of Channel 55 by changing the Montpelier assignment from Channel 40 to Channel 57. In light of this possibility, the Commission believes that the public interest would best be served by finalizing the changes required to substitute Channel 22 for Channel 61 in Springfield at this time and to institute further rule-making proceedings looking toward the assignment of Channel 40 in Springfield to replace Channel 55. Accordingly, we are now finalizing the amendments in the table proposed by Springfield Television Broadcasting Corporation and, at the same time, we are issuing a notice of further proposed rule making with respect to substituting Channel 40 in Springfield to replace Channel 55.

12. The action we are taking herein, substituting Channel 22 for Channel 61 in Springfield, will permit both the Kingston station, WKNY–TV, and one of the Springfield stations, WWLP, to improve their facilities and thus to render a more satisfactory and effective service to the public at the present time. At the same time, we are instituting further rule-making proceedings designed to aid the second operating Springfield station, WHYN–TV, in order that it may also render a more effective service. In taking this action, we are not unmindful of the conflict between the proposal to assign Channel 40 to Springfield and alternative Plans I and II proposed by Channel 16 of Rhode Island in the Hartford de-intermixture rule-making proceeding (Docket No. 11336). However, it is noted that these two Plans as proposed are defective since they do not meet the Commission's minimum mileage separations and, in addition, the petitioner in that case has advanced other alternative methods for accomplishing its stated objective. We do not believe, therefore, that we should withhold the institution of further rule-making proceedings looking toward the assignment of Channel 40 in Springfield.

13. Authority for the adoption of the action herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b), and 316 of the Communications Act of 1934, as amended.

14. In view of the foregoing: *It is ordered*, That, effective June 2, 1955, the outstanding authorization of Station WWLP is modified to specify operation on Channel 22 in Springfield, Massachusetts, instead of Channel 61, and an appropriate authorization will be issued to Springfield Television Broadcasting Corporation. Data with respect to the operation of WWLP on Channel 22 in Springfield should be submitted to the Commission.

15. *It is further ordered*, That, effective June 2, 1955, the table of assignments contained in § 3.606, rules gov-

erning television broadcast stations is amended, in so far as the cities named are concerned, as follows:

City:	Channel No.
1. Barnstable, Mass.	25+.
Boston, Mass.	*2+, 4−, 5−, 7+, 38, 44+, 56.
Easthampton, Mass.	61.
Springfield-Holyoke, Mass.	22, 55.
Providence, R. I.	10+, 12+, 16, *36+.
2. Delete Northampton, Mass., from the table.	

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: April 27, 1955.

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3600; Filed, May 3, 1955; 8:49 a. m.]

[Docket No. 11223; FCC 55-503]

[Rules Amdts. 7-14, 8-20]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

AUTHORIZED CLASSES OF EMISSION

1. The Commission released a notice of proposed rule making on November 26, 1954 in the above-entitled matter proposing to prohibit the use of modulated emission in the coast telegraph band 415 to 490 kc except for brief testing or when transmitting distress, urgency and safety signals or any communications preceded by one of these signals and to prohibit coast and ship telegraph stations (except on survival craft) from using A2, A2a, and A2b classes of emission on the frequencies within the band 2200 to 17000 kc.

2. In accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on December 2, 1954 (19 F. R. 7973), and the period for the filing of comments has now expired.

3. Two parties filed comments directed to the matter involved in this proposed rule making proceeding. No objections were expressed to the Commission's proposal as such but comments were submitted regarding the scope and timing of the proposal.

4. RMCA urged the Commission to take steps to secure similar action by foreign administrations and by United States government agencies with respect to stations under their jurisdiction. With respect to United States government stations, RMCA cited reports of interference to the reception by ships of the RMCA coast station KPH at Bolinas, California, operating on 8618 kc caused by the transmissions of United States Navy station NHB, Kodiak, Alaska, operating on 8622 kc when using facsimile emission.

5. The American Merchant Marine Institute, Inc. (AMMI), urged that, as a matter of timing, the contemplated action should be deferred:

(1) With respect to the 415–490 kc band until action can be taken as a coordinated Region 2 project, or at least coordinated with Canada and the administrations of the countries within interference range immediately to the south; and

(2) With respect to the 2200–17000 kc band until the proposed action can be taken simultaneously with all other administrations on a world-wide basis.

6. In regard to the 415–490 kc band, information available to the Commission indicates that Canadian authorities are applying similar restrictions to the operation of radio stations at Canadian coast locations. The Commission is initiating appropriate steps which have as their objective the taking of similar action by other neighboring administrations.

7. In regard to the high frequency bands between 2200 and 17000 kc, the Commission is making strong representations to appropriate authorities in foreign countries requesting the cessation of the use of A2 emission by radio stations aboard foreign ships in order to ensure that United States ships may conduct communications on an equal basis with foreign vessels. Action taken domestically and internationally in this matter is based upon a treaty requirement in force among the majority of nations of the world relating to the prohibition of A2 emission in the high frequency maritime mobile bands. Number 752 of the Radio Regulations, Atlantic City, 1947, provides that ship telegraph stations between 4000 and 23000 kc must employ only class A1 emission. Number 75 of the Agreement of the Extraordinary Administrative Radio Conference (Geneva, 1951), provides that coast telegraph stations in the maritime mobile exclusive bands between 4000 and 27500 kc shall not use class A2 emission. Under existing Commission rules coast and ship telegraph stations are not authorized to use class A2 emission on frequencies between 17000 and 25000 kc. The proposal of the Commission is designed to complete the domestic implementation of these international provisions with respect to the high frequency bands below 17000 kc.

8. So far as United States government stations are concerned, it is the Commission's understanding that United States government coast and ship stations are presently observing the restriction regarding the use of A2 emission on high frequencies and can be expected to follow commercial practices in the matter of use of A2 emission in the medium frequency band. With respect to the interference case cited by RMCA, it is pointed out that the prohibition of A2 emission in the high frequency bands does not preclude the use of other types of emission for such purposes as radio printers and other automatic telegraph transmitting systems. Information pertaining to the specific case cited by RMCA shows that the interference occurred because of the order of frequency chosen to carry on the communication for the time and location of the ships involved or insufficient shipboard receiver selectivity.

9. In regard to adjacent channel interference, it should be pointed out that the efficient use of Atlantic City frequencies in the maritime bands will demand a higher order of selectivity in shipboard receiving equipment than that obtaining with receivers designed for use under the old Cairo table of frequency allocations. Improved receivers are available and practicable. It is the opinion of the Commission that industry must look forward to the general use of improved receiving equipment which will be capable of providing the necessary degree of selectivity.

10. In view of the foregoing considerations, the Commission is making final its proposal in this docket by adopting the amendments to Parts 7 and 8 of its rules and regulations as set forth below.

11. *It is ordered,* That, pursuant to section 303 (e) (f) and (r) of the Communications Act of 1934, as amended, effective June 6, 1955, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Adopted: April 27, 1955.

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. § 7.132 (a) (1) is amended to read:

(1) Coast stations using telegraphy:

14 to 160 kc.	A1, and for brief testing A0.
160 to 490 kc.	A1, and for brief testing A0; A2,[2] A2a,[2] A2b,[2] for brief testing and distress, urgency and safety signals or any communication preceded by one of these signals.
490 to 515 kc.	A1, A2,[2] A2a,[2] A2b,[2] and for brief testing A0.
2035 to 25000 kc.	A1, and for brief testing A0.

2. Footnote 2 in § 7.132 (a) is amended to read as follows:

[2] Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave, is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited.

B. Part 8 is amended as follows:

1. § 8.132 (a) (1) is amended to read:

(1) Ship stations using telegraphy:

100 to 160 kc.	A1 and for brief testing A0.
160 to 515 kc.	A1, A2,[2] A2a,[2] A2b,[2] and for brief testing A0.
2065 to 25000 kc.	A1, and for brief testing A0, except for stations on board survival craft which may use in addition, class A2 emission.[2]

2. Footnote 2 in § 8.132 (a) is amended to read as follows:

[2] Permissible by keying the modulated emission. Keying the modulating audio frequency only, without interruption of the carrier wave is not permissible. The use of any audio frequency pulse device such as a so-called "chopper" is prohibited except for stations of survival craft.

[F. R. Doc. 55-3601; Filed, May 3, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 31]

EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

AMENDMENT OF NOTICE OF PROPOSED RULE MAKING

The proposed regulations under sections 3401, (a), 6001, and 6051 of the Internal Revenue Code of 1954 were published with a notice of proposed rule making in the FEDERAL REGISTER for Wednesday, March 30, 1955. This notice provided that consideration would be given to any data, views, or arguments pertaining thereto which were submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication in the FEDERAL REGISTER.

Notice is hereby given that the 30-day period previously allowed is extended by an additional 17 days. Therefore, consideration will be given to any data, views or arguments pertaining to these proposed regulations which are submitted by Monday, May 16, 1955.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

[F. R. Doc. 55-3623; Filed, May 2, 1955; 12:32 p. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-275]

HANDLING OF MILK IN SPOKANE, WASHINGTON, MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Federal Court Room, Post Office Building, Spokane, Washington, beginning at 10:00 a. m., P. s. t., May 24, 1955.

Subjects and issues involved in the hearing. The hearing is for the purpose of receiving evidence as to the economic and marketing conditions relating to the handling of milk for the Spokane, Washington, marketing area and to the issuance of a marketing agreement and order to regulate the handling of milk in such marketing area. The proposed marketing agreement and order provisions set forth below have not received the approval of the Secretary of Agriculture. At the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any appropriate modifications thereof.

The hearing on the proposed marketing agreement and order proposals is to determine whether (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce, (2) the issuance of one or more marketing agreements or orders regulating the handling of milk in the proposed area is justified, and (3) the provisions specified in the proposals or some other provisions (including the possible adoption of provisions for the payment to all producers and associations of producers delivering milk to the same handler of uniform prices for all milk delivered by them, commonly known as "individual-handler pools") appropriate to the terms of the Agricultural Marketing Agreement Act, as amended, will best tend to effectuate the declared policy of such act.

Various parties submitted proposals relative to the scope of the marketing area to be covered in the event regulation is made effective. Preliminary investigation of the marketing situation including examination of available information relative to the supply of milk and the distribution of milk throughout the areas involved in the proposals indicates that the intent of the act would best be effectuated by limiting consideration at this time to a marketing agreement and order in which the marketing area would be defined as not greater than all the territory included in proposals 1 (section 6), 2, and 3 below. However, if evidence adduced at the hearing indicates that it would not be feasible to promulgate an order(s) for this more limited area, or that additional territory should properly be included under any proposed order(s), the hearing will be reopened for the purpose of giving further consideration to appropriate extensions of the marketing area as proposed herein.

Proposal No. 1. The following marketing agreement and order has been proposed by the Inland Empire Dairy Association et al.:

DEFINITIONS

SECTION 1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

SEC. 2. *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

SEC. 3. *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

SEC. 4. *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

SEC. 5. *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in section 12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

SEC. 6. *Inland Empire Marketing Area.* "Inland Empire Marketing Area" (hereinafter called "the marketing area") means all that territory in the states of Washington and Idaho within Districts No. 1 and 2 defined below. As used in this section "territory" shall include all municipal corporations, Federal military reservations, facilities, and installations and state institutions lying wholly or partly within the above described area. "District No. 1" of the marketing area shall include the following territories in Idaho: that portion of Bonner County lying south of Township 60 and west of Range 2 East Boise Meridian, all of Kootenai County except that portion lying east of Range 3 West Boise Meridian and south of Township 53, and that portion of Latah County which is Townships 39 and 40, Range 5 West Boise Meridian, together with the following territories in the State of Washington: Spokane County, that portion of Pend Oreille County lying south of Township 35, that portion of Stevens County lying south of Township 37, that portion of Ferry County lying south of Township 30, those portions of Okanogan County and Douglas County lying south of Township 30 and east of Range 28 East Willamette Meridian, that portion of Grant County lying north of Township 26, all of Lincoln County except that portion lying south of Township 25 and west of Range 34 East Willamette Meridian, all of Adams County except that portion lying west of Range 34 East Willamette Meridian, and all of Whitman County except that portion lying west of Range 44 East Willamette Meridian and south of Township 16 and also except that portion lying south of Township 14. "District No. 2" of the marketing area shall include the following territories in the State of Washington: all of Grant County except that portion lying north of Township 26, that portion of Lincoln County lying south of Township 25 and west of Range

34 East Willamette Meridian and that portion of Adams County lying west of Range 34 East Willamette Meridian and that portion of Chelan and Douglas Counties lying south of Township 23 and east of Range 19 East Willamette Meridian.

SEC. 7. *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk or milk products.

SEC. 8. *Pool plant.* "Pool plant" means any plant which is approved by any health authority having jurisdiction in the marketing area as a plant for the receiving of milk qualified for consumption as fluid milk within the marketing area and from which Class I milk pursuant to section 41 (a) (1) and (2) is either distributed or forwarded to a plant from which such milk is so distributed: *Provided*, That any plant which otherwise meets the requirements of this section may withdraw from pool plant status for any month in the January–September period, if the operator of the plant files with the market administrator prior to the first day of such month a written request for such withdrawal: *And provided further*, That no plant shall be a pool plant unless the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area as Class I milk pursuant to section 41 (a) (1) or (2) is less than:

(a) 50 percent in the current month during the period October through December; or

(b) 20 percent in the current month during the period January through September, except that if the percentage was more than 50 percent for the entire period October through December no percentage shall be required for such month of January through September immediately following.

SEC. 9. *Non-pool plant.* "Non-pool plant" means any plant other than a pool plant.

SEC. 10. *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

SEC. 11. *Producer.* "Producer" means any dairy farmer who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area, for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

SEC. 12. *Producer milk.* "Producer milk" or "milk received from producers" means milk qualified as described in section 11 and either received directly from a farm at a pool plant or caused to be diverted by a handler for his account from such plant to a non-pool plant.

SEC. 13. *Other source milk.* "Other source milk" means all skim milk and butterfat (including other order milk defined in section 14) other than (a) producer milk, (b) milk and milk products in any of the forms specified in section 41 (a) (1) and (2) received from pool plants.

SEC. 14. *Other order milk.* "Other order milk" means all skim milk and butterfat received in any form by a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the Act for any other milk marketing area.

SEC. 15. *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a pool plant or any other plant from which milk in any of the forms specified in section 41 (a) is disposed of to any place or establishment within the marketing area other than a plant, and

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a pool plant to a non-pool plant.

SEC. 16. *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the maintenance, care and management of all the dairy animals and other resources necessary to produce the entire amount of milk handled is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the operation of a pool plant is the personal enterprise of and at the personal risk of such person in his capacity as an handler.

SEC. 17. *Base.* "Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to section 60 (a) and (b) respectively.

SEC. 18. *Base milk.* "Base milk" means milk delivered by a producer during the month which is not in excess of (a) his daily base computed pursuant to section 60 (a) multiplied by the number of days of delivery in such month, or (b) his base computed pursuant to section 60 (b): *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for the purposes of this section and of section 60 (a).

SEC. 19. *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

SEC. 20. *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of the Secretary.

SEC. 21. *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

SEC. 22. *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by section 88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under section 87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to sections 30 to 32, inclusive; or

(2) Made one or more of the payments pursuant to sections 80 to 88, inclusive.

(i) On or before the 10th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 10th day after the end of each month, notify;

(1) Each handler whose total value of milk is computed pursuant to section 70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to section 70 (a) (4);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by section 80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to sections 87 and 88.

(2) Each handler whose total value of milk is computed pursuant to section 70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 6th day of each month the minimum price for Class I milk pursuant to section 51 (a) and the Class I butterfat differential pursuant to section 52 (a), both for the current month; and the minimum price for Class II milk pursuant to section 51 (b) and the Class II butterfat differential pursuant to section 52 (b), both for the current month; and

(2) On or before the 10th day of each month, the uniform price(s) computed pursuant to section 71 and the butterfat differential(s) computed pursuant to section 82, both applicable to producer milk received during the preceding month; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

SEC. 30. *Monthly reports of receipts and utilization.* On or before the 5th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to section 15 (a) shall submit to the market administrator a separate report for each of such handler's pool plants and plants where milk or milk products subject to payments required under section 70 (b) were handled, and each cooperative association which is a handler pursuant to section 15 (b) shall submit to the market administrator a report with respect to milk diverted on its account, containing the following information for the preceding month.

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source and other order milk received (except manufactured Class II milk products (1) disposed of in the form in which received without further processing by the handler, or (2) used to produce other Class II milk products).

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(e) The aggregate quantities of base milk and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

SEC. 31. *Payroll reports.* On or before the 17th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

SEC. 32. *Other reports.* At such times and in such manner as the market administrator may prescribe each handler shall report to the market administrator such information in addition to that required under section 30 as may be requested by the market administrator with respect to milk and milk products handled by him.

SEC. 33. *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and summaries thereof and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to sections 30, 31, and 32 and to payments required to be made pursuant to sections 80 through 88.

SEC. 34. *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8 (c) (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

SEC. 35. *Handler report to producers.* (a) In making payments to producers pursuant to section 80, each handler, on or before the 16th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month (1) the identification of the handler and the producer; (2) the total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery; (3) the minimum rate(s) at which payment to the producer is required under the provisions of section 80; (4) the rate per hundredweight and amount of any premiums or payments above the minimum prices provided by the order, together with a description of each such premium; (5) the amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and (6) the net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate each handler upon request shall furnish to the cooperative association with respect to each producer for whom such payment is made, any or all of the above information specified in paragraph (a) of this section.

CLASSIFICATION

SEC. 40. *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to section 30 shall be classified by the market administrator pursuant to the provisions of sections 41 through 45, inclusive.

SEC. 41. *Classes of utilization.* Subject to the conditions set forth in sections 42, 43 and 44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid or frozen form as milk, skim milk (including fortified skim milk), skim milk drinks, buttermilk, flavored milk, flavored milk drinks, and cream (sweet or sour), and used in the production of concentrated milk, flavored milk and flavored milk drinks not sterilized (but not including (i) those products commonly known as evaporated milk, condensed milk, and condensed skim milk; (ii) flavored milk or flavored milk drink in hermetically sealed containers; and

(iii) any item named in this subparagraph disposed of pursuant to paragraph (b) (3) of this section), (2) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt), (3) contained in monthly inventory variations (4) shrinkage of producer milk in excess of that pursuant to paragraph (b) (4) of this section and shrinkage allocated to receipts from other handlers pursuant to section 42 (b), and (5) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those included under paragraphs (a) (1), (2) and (c) of this section, (2) disposed of for livestock feed or dumped as skim milk and accurate written records thereof verified under oath by such witnesses as the market administrator may prescribe are submitted to the market administrator before the 6th of the next following month (3) disposed of in bulk in any of the forms specified in paragraph (a) (1) of this section to bakeries, soup companies and candy manufacturing establishments in their capacity as such and to non-pool plants subject to the conditions of section 44 (c) (2), (4) in actual shrinkage of producer milk computed pursuant to section 42 but not in excess of 2 percent of the quantities of skim milk and butterfat, respectively, in producer milk and (5) in actual shrinkage of other source milk computed pursuant to section 42.

(c) Class II A milk shall be all skim milk and butterfat used to produce ice cream, ice cream mix and cottage cheese (and shall be included with Class II for all purposes of this order except as expressly otherwise stated).

SEC. 42. *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from handlers: *Provided*, That if milk is transferred from a pool plant to a non-pool plant located on the same premises as the transferor plant, the transfer to the non-pool plant shall be reduced by an amount determined by multiplying the total shrinkage in such non-pool plant by the percentage which the amount so transferred is to the total receipts at such non-pool plant.

SEC. 43. *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to section 30.

(c) Except as provided in section 44 (c) (1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another class.

SEC. 44. *Inter-plant movements.* Skim milk and butterfat transferred as any item specified in section 41 (a) (1) from a pool plant to another plant shall be assigned (separately) to each class in the following manner:

(a) From a pool plant to a pool plant: as Class I milk to the extent Class I milk is available at the transferee plant;

(b) From a pool plant to a non-pool plant. Such a transfer shall be classified as provided below, except that if the market administrator is not permitted to audit the records of a non-pool plant for the purpose of use verification, the entire transfer shall be classified as Class I milk.

(1) As Class I milk, if the transfer is to a non-pool plant which is engaged in the distribution of milk for consumption in fluid form, to the extent that milk is disposed of in such forms from the receiving plant.

(2) As Class II milk, if the transfer is to a non-pool plant which is not engaged in the distribution of milk for consumption in fluid form: *Provided*, That if such non-pool plant disposes of skim milk or butterfat in any of the forms specified in section 41 (a) (1) to any other non-pool plant distributing milk in fluid form, such disposition, up to the quantity of milk transferred to the first non-pool plant, shall be classified as Class I milk.

SEC. 45. *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from skim milk, are utilized by such handler to fortify (or as an additive to) fluid milk, flavored milk, skim milk or any other milk product, the then total pounds of skim milk computed for the appropriate class of use shall reflect the actual dry weight of such solids so added, and provided further than when such solids are utilized for disposition in reconstituted form as skim milk or a milk drink the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

(b) Allocate skim milk in the following manner:

(1) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received and in overage allocated to other source milk section 70 (a) (5): *Provided*, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(2) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other pool plants and assigned to such class pursuant to section 44;

(3) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

SEC. 50. *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section for the preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents and round to the nearest cent.

SEC. 52. *Butterfat differentials to handlers.* If the average butterfat content of Class I milk or Class II milk, computed pursuant to section 45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (section 51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk.* Multiply by 1.20 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the preceding

month, divide the result by 10, and round to the nearest tenth of a cent.

(b) *Class II milk.* Multiply by 1.10 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the preceding month, divide the result by 10, and round to the nearest tenth of a cent.

SEC. 53. *Location adjustment to handlers.* If milk is received from producers at a pool plant located more than 100 miles from the Spokane City Hall, the Class I price for such milk shall be one cent less per hundredweight for each ten miles or fraction thereof that such plant is from the Spokane City Hall by the shortest highway distance as determined by the market administrator.

DETERMINATION OF BASE

SEC. 60. *Computation of producer bases.* Subject to the rules set forth in section 61, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) The daily base of each producer shall be a quantity computed by dividing such producer's total pounds of milk delivered to a handler in the five lowest months of his production in any calendar year by the total number of days in the said five months: *Provided*, That with respect to any producer on "every-other-day" delivery the days of non-delivery intervening days of delivery shall be considered as days of delivery for the purpose of ascertaining whether delivery was made. The base so computed, which shall be recomputed each year, shall become effective on the first day of March next following and shall remain in effect through the month of February of the next succeeding year.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have a monthly base computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage in the following table:

January	65	July	60
February	60	August	65
March	55	September	70
April	55	October	70
May	45	November	80
June	50	December	75

SEC. 61. *Base rules.* The following rules shall be observed in determination of bases:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but only if a producer sells, leases, or otherwise conveys his herd to another producer and it is established to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this subpart.

(b) A producer who ceases deliveries to a pool plant for more than 45 days shall lose his base if computed pursuant to section 60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to section 60 (b) until he can establish a new base under section 60 (a) to begin the next March 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to section 60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the next March 1 such producer's base shall be computed in the manner provided by section 60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm, he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in section 11 may establish or earn a base pursuant to the provisions of section 60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

SEC. 70. *Computation of value of milk.* (a) Except as provided in paragraph (b) of this section, the total value of milk received during any month at each plant by each handler including a cooperative association, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (section 51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with section 53;

(3) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(4) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to section 45 by the applicable class price: *Provided*, That if (i) overage results in a pool plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and (ii) overage results in a non-pool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk in such non-pool plant, and the transferor handler shall be charged at the applicable class price for the amount

of overage allocated to the transferred quantity;

(5) Add, with respect to other source milk (including overage allocated to other source milk but excluding other order milk) received at each pool plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in section 52 (based on the butterfat test of such other source milk).

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to section 41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk (exclusive of other order milk) so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in section 52 (based on the butterfat test of such other source milk).

SEC. 71. *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to section 70 for all handlers who made the reports prescribed in section 30 and who made the payments pursuant to section 84 for the preceding month;

(b) Add the aggregate of values of the location adjustments on base milk allowable pursuant to section 81;

(c) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to section 82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk;

(f) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (e) of this section from the net amount computed pursuant to paragraph (d) of this section: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(g) Divide the net amount obtained in paragraph (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the amount obtained in paragraph (e) of this section plus any amount subtracted pursuant to the proviso of paragraph (f) of this section by the hundredweight of excess milk. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

SEC. 80. *Time and method of payment to producers and to cooperative associations.* (a) On or before the 16th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under section 5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 13th day after the end of such month: *And provided further*, That, if by such date such handler has not received full payment for such month pursuant to section 85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to section 82.

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to section 82.

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a pool plant for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to section 41) by the class price.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

SEC. 81. *Location adjustment to producers.* In making payment to producers pursuant to section 80 for milk received at a pool plant located more than 100 miles from the Spokane City Hall, the price per hundredweight for base milk shall be reduced one cent for each ten miles or fraction thereof that such plant is from the Spokane City Hall by the shortest highway distance as determined by the market administrator.

SEC. 82. *Producer butterfat differential.* In making payments pursuant to section 80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, butterfat differentials computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

SEC. 83. *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to section 84 and out of which he shall make all payments to handlers pursuant to section 85.

SEC. 84. *Payments to the producer-settlement fund.* On or before the 12th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to section 70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in section 80 (a).

SEC. 85. *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to section 70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in section 80 (a), and less any unpaid obligations of such handler to the market administrator pursuant to sections 84, 86, 87 and 88: *Provided*, That, if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

SEC. 86. *Adjustments of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

SEC. 87. *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to section 80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph are not being performed by such association(s), as determined by the market administrator.

Such deduction shall be paid by the handler to the market administrator on or before the 12th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to section 80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

SEC. 88. *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 12th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk classified as Class I milk, and (b) milk received from producers, including such handler's own production.

SEC. 89. *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last-known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

SEC. 90. *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to section 91.

SEC. 91. *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

SEC. 92. *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

SEC. 93. *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effecuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

SEC. 100. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

SEC. 101. *Separability of provisions.* If any provision of this subpart, or its

application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances, shall not be affected thereby.

Proposal No. 2. (Proposed by Milky Way Dairy):

The marketing area as proposed by Inland Empire Dairy Association et al. be enlarged to include Asotin County, Washington and Nez Perce County, Idaho.

Proposal No. 3. (Proposed by Arden Farms Company):

The marketing area defined in the proposed order by the Inland Empire Dairy Association et al. should be amended as follows:

(1) That District No. 2 be enlarged to include all of Chelan and Douglas Counties and that part of Okanogan County lying south of Township 31, all in the State of Washington.

(2) That District No. 1 be enlarged to include all of Latah County, Idaho.

Proposal No. 4. (Proposed by Morning Sun Dairy, Inc.):

Provide in the transfer provisions that milk be classified as Class II milk if the transfer is to be a non-pool plant located in the marketing area and such plant is not engaged in the distribution of bottled milk but manufactures, processes, sterilizes and cans said milk in hermetically sealed cans.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 29, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-3618; Filed, May 3, 1955; 8:53 a. m.]

Commodity Stabilization Service

[7 CFR Parts 723, 725, 726]

CIGAR-FILLER TOBACCO AND CIGAR-FILLER AND BINDER TOBACCO; BURLEY AND FLUE-CURED TOBACCO; FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS, 1955-56 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1311-1315, 1372-1375), the Secretary of Agriculture is preparing to formulate marketing quota regulations covering the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of cigar-filler and binder, Burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1955-56 marketing year.

The Secretary is considering the issuance of regulations for the 1955-56 marketing year substantially the same as those issued for the 1954-55 marketing year (19 F. R. 4127, Cigar-filler and binder; 19 F. R. 3143, Burley and flue-cured; 19 F. R. 4052 Fire-cured, dark air-cured, and Virginia sun-cured) except for changes and additional provisions as follows:

(1) The rule of fractions applicable to the harvested acreage of tobacco on a farm would be changed to provide that the harvested acreage for 1955 will be expressed in hundredths of acres dropping all fractions of less than one hundredth of an acre.

(2) The provision for placing excess tobacco in storage under bond as a method by which the farm operator may dispose of excess tobacco so as to avoid the payment of penalty would be eliminated. This would not affect the provision of the regulations relating to carry-over tobacco or the provision for marketing penalty-free an amount of tobacco placed under storage for a prior marketing year equal to the amount, as determined under the regulations, by which the harvested acreage is less than the acreage allotment for a subsequent marketing year.

(3) An additional provision would be included that all acreage of tobacco on any farm in an area normally growing tobacco subject to marketing quotas will be considered a kind of tobacco subject to marketing quotas until such time as the county committee is furnished satisfactory proof that the tobacco is not subject to marketing quotas. The effect of this provision would be to prevent the production and marketing of alleged non-quota kinds of tobacco in quota tobacco producing and marketing areas.

(4) Additional provisions would be included which would require the issuance of "zero percent" excess marketing cards as follows:

(a) A "zero percent" excess marketing card would be issued for each kind of tobacco on a farm if all the following conditions exist with respect to the farm: (i) The acreage of any kind of tobacco is determined to be in excess of the farm acreage allotment therefor; (ii) the excess tobacco is disposed of prior to the marketing of any tobacco from the farm; and (iii) no written request to dispose of excess tobacco (with a deposit to cover the estimated cost) is filed with the County ASC Office within seven (7) days from the date of mailing to the farm operator of a notice of the excess acreage. The effect of this provision would be to deny government price support loans on all tobacco produced on a farm unless the grower files a written request to dispose of his excess tobacco in time to permit the county committee to arrange for witnessing such disposition prior to the marketing of any tobacco from the farm.

(b) A "zero percent" excess marketing card would be issued for each kind of tobacco on a farm for which the acreage is determined to be within the farm acreage allotment if the acreage of any kind of tobacco produced on the farm is determined to be in excess of the farm acreage allotment and the excess of such kind of tobacco is not disposed of prior to marketing any tobacco from the farm. The effect of this provision would be to deny government price support loans on all tobacco produced on a farm if the harvested acreage of any kind of tobacco produced on the farm is in excess of the farm acreage allotment and the excess tobacco is not disposed of prior to marketing any tobacco from the farm.

(5) An additional section would be added to provide specifically for serial number identification of farms.

(6) An additional section would be added prescribing specifically the duties of county committeemen and producers in determining the acreage of tobacco on each farm and prescribing the duty of the farm operator or his representative to report all fields of tobacco on the farm.

(7) An additional section would be added which would serve to clarify the producer's liability for penalty due on the basis of a redetermination of the acreage of tobacco by the county committee after part or all the tobacco produced on the farm has been marketed.

Prior to the final adoption and issuance of such regulations, consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 28th day of April 1955.

[SEAL] EARL M. HUGHES,
Administrator.

[F. R. Doc. 55-3594; Filed, May 3, 1955; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 20]

ISSUANCE OF STUDENT GLIDER PILOT CERTIFICATES TO PERSONS THIRTEEN YEARS OF AGE RECEIVING INSTRUCTION AT THE MISSISSIPPI STATE COLLEGE GLIDER CLUB

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the issuance of a Special Civil Air Regulation to extend the authority contained in Special Civil Air Regulation No. SR-404 as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by May 16, 1955. Copies of such communications will be available after May 18, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The Mississippi State College, by letter of Mr. August Raspet, Head of the Aerophysics Department, has requested an extension of currently effective Special Civil Air Regulation No. SR-404, which permits the issuance of student glider pilot certificates to persons thirteen years of age who are to receive glider training at the Mississippi State College Glider Club. This regulation became effective May 19, 1954, and terminates May 18, 1955.

The Mississippi State College Glider Club, an organized extra curricular activity at Mississippi State College, has a definite glider training syllabus, a glider instructor who has a commercial glider rating, and a single place glider for training. All students are trained under the personal supervision of the instructor and complete records are kept of all flights.

As part of their training program, the club has been investigating the potential of glider training as a means of indoctrinating young persons into the broad medium of flight. In order to carry out this project the club requested the authority granted by SR-404, since it was considered desirable that high school students, many of whom are thirteen years of age, be able to participate. The Board concurred, and in adopting SR-404 indicated that the knowledge gained through such a program would be beneficial in the future formulation and revision of Civil Air Regulations.

During the period that SR-404 has been in effect, only one student thirteen years of age received glider training under the program conducted by the Mississippi State College Glider Club. This is not a sufficient sampling to be of use to the Board. However, Mr. Raspet has requested that SR-404 be extended for the reason that he foresees an increase in the enrollment of thirteen-year-old students in the Spring of 1955. The Bureau of Safety Regulation believes that, if such an increase in enrollment does occur, the knowledge gained through such a program will be of value in formulating Board policy concerning airman requirements of the Civil Air Regulations. Since the Bureau plans to publish a proposed revision of Part 20 of the Civil Air Regulations for comment in the near future, it appears desirable to extend the provisions of SR-404.

In view of the foregoing, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may issue or authorize the issuance of a student glider pilot certificate to a person thirteen years of age who is to receive glider training at the Mississippi State College Glider Club: *Provided*, (1) That the training shall be conducted under the personal supervision of a holder of a commercial glider rating or flight instructor rating for gliders and (2) That the certificate shall bear the following limitation on its face, "Valid only for receiving glider instruction given by the Mississippi State College Glider Club."

This regulation shall supersede Special Civil Air Regulation No. SR-404 and, unless sooner superseded or rescinded by the Board, shall terminate on May 18, 1956.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., April 28, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 55-3622; Filed, May 3, 1955; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11301; FCC 55-517]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

NOTICE OF FURTHER PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE

1. Notice is hereby given that the Commission has received a further proposal in this proceeding to amend the television table of assignments contained in § 3.606 of the Commission's rules and regulations so as to assign Channel 40 to Springfield, Massachusetts, in place of Channel 55, as follows:

City	Channel No.	
	Delete	Add
Springfield-Holyoke, Mass.	55	40
Montpelier, Vt.	40	57

2. The Commission is of the view that the public interest would be served by instituting further rule-making proceedings to consider the above proposal looking toward the substitution of a lower UHF channel in Springfield for an operating television station.

3. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before June 2, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments before taking final action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

4. Since the Hampden-Hampshire Corporation is presently operating Station WHYN-TV on Channel 55 at Springfield and the rule making proposed herein would require this station to operate on Channel 40, the Hampden-Hampshire Corporation is ordered to show cause why its outstanding authorization should not be modified to specify operation on Channel 40 in lieu of Channel 55. A reply in writing to the aforesaid order to show cause should be filed on or before the same date for filing comments in the proceeding.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: April 27, 1955.

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 55-3602; Filed, May 3, 1955; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11333; FCC 55-519]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of April 1955;

2. The Commission has before it for consideration the joint petition of West Central Broadcasting Company and Hilltop Broadcasting Company requesting the Commission to extend the time for filing comments in the above-entitled proceeding for a period of 30 days; and the oppositions to this petition filed by WMBD, Inc., and WIRL Television Co.

3. On March 31, 1955, the Commission instituted the subject rule-making proceeding to consider the de-intermixture of commercial VHF and UHF television channels in the Peoria, Illinois, area. The time for filing comments in this proceeding presently expires on May 2, 1955. West Central Broadcasting Company and Hilltop Broadcasting Company request that the Commission extend the time for filing comments for a period of 30 days. WMBD, Inc., and WIRL Television Co., applicants for Channel 8 in Peoria, have filed oppositions, urging

that the Commission should deny the requested extension of time.

4. Upon consideration of the pleadings filed with respect to this matter, the Commission believes that the public interest, convenience and necessity would be served by extending the time for filing comments in this proceeding for a period of 15 days.

5. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended to May 17, 1955, with replies thereto due 10 days thereafter.

Released: April 29, 1955.

By direction of the Commission.

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-3603; Filed, May 3, 1955; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11334; FCC 55-520]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of April 1955;

2. The Commission has under consideration the petition of Owensboro on the Air, Inc., Owensboro Publishing Company, Evansville TV, Inc., and On the Air, Inc., requesting the Commission to extend the time for filing comments in the above-entitled proceeding from May 2, 1955, to June 1, 1955.

3. On March 31, 1955, the Commission instituted the subject rule-making proceeding to consider the de-intermixture of VHF and UHF commercial television channels in the Evansville and Hatfield, Indiana, area. The time for filing comments in the proceeding was specified as May 2, 1955, with replies thereto due 10 days thereafter. The subject petition requests that the Commission extend the time for filing comments for a period of 30 days to June 1, 1955. Petitioners state that Premier Television, Inc., and Ohio Valley Television Co., parties to this proceeding, have consented to the request.

4. Upon consideration of the foregoing petition, the Commission has determined that the public interest, convenience and necessity would be served by extending the time for filing comments in this proceeding for a period of 15 days.

5. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended from May 2, 1955, to May 17, 1955, with replies thereto due 10 days thereafter.

Released: April 29, 1955.

By Direction of the Commission.

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-3604; Filed, May 3, 1955; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11335; FCC 55-522]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of April 1955;

2. The Commission has before it for consideration the petition of Bartell Television Corporation and Monona Broadcasting Company requesting the Commission to extend the time for filing comments in the above-entitled proceeding for a period of 30 days to June 1, 1955; and the Opposition of Radio Wisconsin, Inc.

3. On March 31, 1955, the Commission instituted the subject rule-making proceeding to consider the de-intermixture of VHF and UHF commercial television channels in the Madison, Wisconsin, and Rockford, Illinois, area. The time for filing comments in this proceeding was specified as May 2, 1955, with replies thereto 10 days thereafter. Bartell Television Corporation and Monona Broadcasting Company request that the Commission extend the time for filing such comments for a period of 30 days to June 1, 1955. Radio Wisconsin, Inc., one of the applicants for Channel 3 at Madison, opposes this request.

4. Upon consideration of the pleadings filed in this proceeding, the Commission has determined that the public interest, convenience and necessity would be served by extending the time for filing comments for a period of 15 days.

5. It should also be noted that Winnebago Television Corporation has submitted an amended proposal in this proceeding requesting that the Commission amend the table of assignments as follows:

City	Present channel assignments	Proposed channel assignments
Rockford, Ill	13, 39, *45	13, *45
Orangeville, Ill		3
Madison, Wis	3, *21, 27, 33	*21, 27, 33, 39
Fond du Lac, Wis	54	68

Winnebago Television Corporation under this amended proposal would be required to operate on Channel 3 at Orangeville, Illinois, in lieu of Channel 39 at Rockford, Illinois. Winnebago Television Corporation also notes that in its Plan II advanced earlier in this proceeding, Greater Rockford Television, Inc. (WREX-TV) on Channel 13 at Rockford, Illinois, would be required to change to Channel 51.

6. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended from May 2, 1955, to May 17, 1955, with replies thereto due 10 days thereafter.

Released: April 29, 1955.

By Direction of the Commission.

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-3605; Filed, May 3, 1955; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11336; FCC 55-521]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of April 1955;

2. The Commission has before it for consideration the petition of Channel 16 of Rhode Island, Inc., and Eastern Connecticut Broadcasting Company requesting the Commission to extend the time for filing comments in the above-entitled proceeding from May 2, 1955, to May 23, 1955.

3. On March 31, 1955, the Commission instituted the subject rule-making proceeding to consider the de-intermixture of commercial VHF and UHF television channels in the Hartford, Connecticut, area. The time for filing comments in this proceeding was specified as May 2, 1955, with replies thereto due 10 days thereafter. Petitioners now request that we extend the time for filing comments in this proceeding to May 23, 1955. Petitioners state that General Times Television Corp., New Britain Broadcasting Co., Hampden-Hampshire Corp., and Springfield Television Broadcasting Corporation have consented to the relief requested.

4. Upon consideration of the petition, the Commission has concluded that the public interest, convenience and necessity would be served by extending the time for filing comments for a period of 15 days.

5. It should also be noted that Eastern Connecticut Broadcasting Company has filed an additional proposal in this proceeding requesting that the Commission amend its television channel assignments as follows:

PLAN A

City	Add	Delete
Norwich, Conn	3	57
Hartford, Conn	76	3
Northampton, Mass	82	26
Amherst, Mass	42	82

PLAN B

Norwich, Conn	3	57
Hartford, Conn	59	3
New Haven, Conn.[1]	75	59
Patchogue, N. Y	54	75

PLAN C

Norwich, Conn	3	57
Hartford, Conn.[2]	*76, 24	*24, 3
Northampton, Mass	82	26
Amherst, Mass	42	82

[1] Plan B will require Connecticut Radio Foundation, Inc. (WELL-TV), holder of permit for Channel 59, to shift to Channel 75.

[2] Plan C will require Connecticut State Board of Education (WEDH), holder of permit for Channel 24, to shift to Channel 76.

The foregoing proposal should also be considered in this proceeding.

6. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended from May 2, 1955, to May 17, 1955, with replies thereto due 10 days thereafter.

Released: April 29, 1955.

By Direction of the Commission.

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-3606; Filed, May 3, 1955; 8:50 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 11374; FCC 55-505]

SHIP AND COAST STATIONS USING RADIOTELEPHONY

MISSISSIPPI RIVER AND CONNECTING INLAND WATERS (EXCEPT GREAT LAKES)

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete the frequencies 6240 and 6455 kc and to make 4372.4 kc available on a full-time basis for ship and coast stations using radiotelephony on the Mississippi River and connecting inland waters (except the Great Lakes).

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. On December 28, 1953, the Commission adopted a report and order in Docket 10724 which, in part, made the frequency 4067 kc available for the public maritime mobile service of telephony on the Mississippi River system as a protected full-time replacement for 4126.5 kc and made 4372.4 kc available during daylight hours as a replacement for 6240 and 6455 kc; all for ship-shore communication. The availability of 4372.4 kc to ship stations was limited to those stations not licensed to transmit on 6240 and/or 6455 kc. Ship stations licensed on one or both of the latter frequencies have had full opportunity to request modification of license so as to delete such frequency or frequencies and substitute 4372.4 kc.

3. The report and order in Docket 10724 pointed out that maritme telephone communications on the Mississippi River system on 6455 kc would undoubtedly be subjected to severe interference when frequencies of the same order allocated by international agreement for use by certain coast telegraph stations were activated. It was also pointed out that any concerted attempt to use 6240 kc for ship-shore telephony on the river system would undoubtedly result in interference between stations serving the rivers and ocean-going passenger ship public telegraph service. The first prediction has already come to pass and the situation is expected to become progressively worse as certain additional coast telegraph stations are activated. A recent Commission monitoring survey indicates that approximately 30 percent of the rivers telephone communications on 6455 kc are receiving apparently disruptive interference.

4. Tests have also been conducted by the Commission to determine the feasibility of co-channel sharing of a 6 Mc frequency by ship telegraph stations on the oceans and by stations of the rivers telephone operation, such as would be the case if 6240 kc were activated by the stations serving the rivers. The results conclusively demonstrated that U. S. coast stations attempting to receive telegraph signals from both U. S. and foreign ocean passenger ships operating on 6240 kc in accordance with international agreement would be subjected to harmful interference from "out-of-band" stations on the rivers.

5. It is recognized that communications on the rivers are of considerable concern to the national economy. However, 6455 kc has provided a river communication facility that has grown increasingly useless in the face of disruptive interference for which no reasonable solution appears possible. For that reason, in the opinion of the Commission, it would not seem to be in the public interest to permit the continued use of this frequency and to further postpone the effective activation of an available and "protected" 4 Mc replacement frequency. Further, 6240 kc, although available for the river service for many years, has never been effectively used by that service and disruptive interference would result if it were activated. The frequency 4372.4 kc, although available for assignment for daytime use in the Rules since January 1, 1954, also has never been activated for general radio-telephone use on the rivers. To mitigate any loss of facilities that might be felt over the proposed deletion of the 6 Mc frequencies, the Commission proposes to make 4372.4 kc (in addition to the existing availability of 4067 kc) available on a "protected" full-time basis. In consequence, it is believed that, from the point of view of establishing the internationally protected rivers frequencies on a firm active basis, both "unprotected" frequencies 6240 and 6455 kc should be deleted from the Commission's rules on the ground that the stations involved should employ the available and protected 4 Mc frequencies in lieu thereof.

6. Paragraph 157 of the Final Acts of the Extraordinary Administrative Radio Conference (Geneva, 1951) provides that the Administrative Council, which convened April 23, 1955, at Geneva, may review the progress made to date in bringing the Atlantic City Table of Frequency Allocations into force, with a view to recommending a specific date for the beginning of the final adjustment period. The only remaining out-of-band assignments licensed by the Commission, for which definite plans to move to in-band frequencies have not been made, are the Mississippi River system authorizations for public ship-shore telephony on 6240 and 6455 kc.

7. For the several reasons hereinbefore cited, it would appear contrary to the public interest to permit these assignments to continue on a derogation basis. Because of the length of time required under the Administrative Procedure Act for the Commission to effect a change in its Rules, action should be initiated well in advance of an anticipated date for the final adjustment period in order to meet that date.

8. The proposed appropriate amendments to the rules are issued pursuant to the authority of sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication Radio Conference (Atlantic City, 1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

9. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 5, 1955, written data, views or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

10. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: April 27, 1955.

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-3607; Filed, May 3, 1955; 8:51 a. m.]

[47 CFR Part 13]

[Docket No. 9892; FCC 55-506]

COMMERCIAL RADIO OPERATORS

OPERATING AUTHORITY OF HOLDERS OF RESTRICTED RADIOTELEPHONE OPERATOR PERMIT AND AIRCRAFT RADIOTELEPHONE OPERATOR AUTHORIZATION

1. Notice is hereby given of further proposed rule-making in the above-entitled matter.

2. Article 24 of the International Radio Regulations (Atlantic City, 1947) contains a general requirement that the service of every ship or aircraft radiotelegraph or radiotelephone station must be performed by a certificated (licensed) radio operator. Article 24 also provides several classes of operator licenses for this purpose, graded as to qualifications and scope of operating authority according to certain characteristics (amount of power, class of emission, etc.) of the stations. Certain limitations specified in those regulations with respect to power have not as yet been carried over into the Commission's corresponding system of operator licenses.

3. As a step toward conforming to the international operator license requirements the Commission on January 29, 1951, adopted a notice of proposed rule-

making proposing (A) to amend § 13.61 (g) of its rules governing Commercial Radio Operators so as to limit the operating authority of holders of restricted radiotelephone operator permits, in the case of ship radiotelephone stations and aircraft radiotelephone stations, to such stations at which the power in the antenna of the unmodulated carrier is not authorized to exceed 50 watts; and (B) to amend § 13.61 of these rules by adding new paragraph (h) which would limit the operating authority of holders of aircraft radiotelephone operator authorizations to aircraft radiotelephone stations at which the power in the antenna of the unmodulated carrier is not authorized to exceed 50 watts.

4. From the comments received it was apparent that some respondents thought the proposal would require greater technical competence in operators in order to operate higher power radiotelephone equipment, i. e., above 50 watts, and protested that such competence was not needed. The facts are that the requirements for obtaining the next higher grade of license, namely, the radiotelephone third-class operator permit, are concerned only with basic regulations and operating practices and procedures. These requirements closely parallel those of the international radio regulations; they are designed to promote circuit discipline and efficiency in mobile operations and have nothing to do with the technical aspects of radio equipment. It was also suggested that the power limit should be 100 watts in many cases instead of 50 watts because of varying efficiences of antennas. This suggestion is considered without merit because the 50-watt limit has already been fixed by international agreement.

5. There was one comment that the 50-watt limitation should be in terms of actual antenna power rather than "authorized" antenna power because in some cases more power is authorized than is actually delivered to the antenna. In order to determine actual antenna power it would be necessary to measure individual antennas, a procedure which the Commission considered a burdensome and impracticable requirement. With this in mind the Commission deemed it not unreasonable to specify the 50-watt limitation in terms of authorized power, as was done earlier in specifying a power limit of 250 watts for the third-class operator permits.

6. Since there were questions as to how "authorized power in the antenna of the unmodulated carrier" would be determined the Commission has decided that the original proposal in this matter should be modified by adding a new rule section to Part 13 to show how this quantity would be related to the terms of the station license and to certain characteristics of the transmitting equipment. (See proposed § 13.76, below.)

7. It was originally proposed to allow outstanding operator permits and authorizations affected to run without power restriction for the remainder of their respective terms. However, the interim action of the Commission to extend restricted radiotelephone operator permits for the lifetime of the holders makes it necessary to revise this provision. It is now proposed in the case of the Restricted Radiotelephone Operator Permit to provide a period of two years from the effective date of the amendments for persons holding licenses of this class issued prior to, and in force on that date to meet the new requirement. Holders of aircraft radiotelephone operator authorizations in force on the effective date would have the remainder of the term of the authorization (but not more than two years from the effective date in any case) in which to meet the new requirement.

8. From certain comments received it appeared that the operations of some of the ship and aircraft stations might have no international impact and the Commission has decided that the more stringent international operator provisions should not be applied in those cases. The proposal, as modified, would apply to stations operating in the international service [1] and to stations sharing the use of an operating frequency with a foreign station.

9. The proposal, as modified, is set forth below. Because of amendments made to § 13.61 as a result of another proceeding since the original proposal was published it has been necessary to redesignate former paragraph (g) thereof as paragraph (h), and proposed new paragraph (h) thereof as paragraph (i). It has also been necessary to change § 13.61 (h) as a result of certain interim amendments. Authority to issue this proposal is contained in sections 4 (i), 303 (l), and 303 (r) of the Communications Act of 1934, as amended.

10. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth in the Appendix attached hereto, may file with the Commission on or before July 11, 1955 a written statement or brief setting forth his comments. At the same time, any person who favors the rules as set forth may file a written statement in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within 15 days from the last day for filing said original comments or briefs. The Commission will consider all comments, briefs and statements presented before taking final action in the matter.

11. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: April 27, 1955.

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. It is proposed to amend § 13.61 (h) of the rules governing Commercial Radio Operators to read as follows:

(h) *Restricted radiotelephone operator permit.* Any station except:
(1) Stations transmitting television, or
(2) Stations transmitting telegraphy by any type of the Morse Code, or
(3) Any of the various classes of broadcast stations other than remote pickup, broadcast STL, and FM intercity relay stations, or
(4) Ship stations licensed to use telephony for communication with Class I coast stations on frequencies between 4000 kc and 30 Mc, or
(5) Radio stations provided on board vessels for safety purposes pursuant to statute or treaty, or [2]
(6) Coast stations other than in the territory of Alaska while employing a frequency below 30 Mc: *Provided,* That the holder of this class of license may not operate any coast station at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts; or
(7) Ship stations or aircraft stations other than those at which the installation is used solely for telephony: *Provided,* That the holder of this class of license may not operate in international service or on any frequency the use of which is shared with a foreign station, any ship station or aircraft station at which the authorized power in the antenna of the unmodulated carrier wave exceeds 50 watts;
(8) At a ship radar station the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided,* That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving type tubes.

Provided, That, with respect to any station which the holder of this class of license may operate, such operator is prohibited from making any adjustments that may result in improper transmitter operation, and the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment. (The 50-watt limit imposed by subparagraph (7) of this paragraph is applicable to all restricted radiotelephone operator permits issued on or after the effective date of this amendment and to all permits of this class in force beginning two years from the effective date. "International service" as used in subparagraph (7) of this paragraph is defined as a telecommunication service between offices or stations in different countries or between mobile stations which are not in the same country or are subject to different countries.)

2. Section 13.61 of the rules governing Commercial Radio Operators is proposed to be amended by adding new paragraph (i) as follows:

(i) *Aircraft radiotelephone operator authorization.* Aircraft stations at which the installation is used solely for telephony: *Provided,* That the holder of this class of license may not operate in international service or on any frequency the use of which is shared with a foreign station, any aircraft station at which the authorized power in the antenna of the unmodulated carrier wave exceeds 50 watts: *Provided,* That with respect to any station which the holder of this class of license may operate, (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment. (The 50-watt limit is applicable to all aircraft radiotelephone operator authorizations in force beginning two years from the effective date of this amendment. "International service" is defined as a telecommunication service between offices or stations in different countries or between mobile stations which are not in the same country or are subject to different countries.)

3. It is proposed to add new § 13.76 to the rules governing Commercial Radio Operators, as follows:

§ 13.76 *Authorized power in the antenna of the unmodulated carrier wave.* (a) The term "authorized power in the antenna of the unmodulated carrier wave", when used in this part to define operating authority under a particular class of operator license with respect to aircraft stations, means authorized power as specified in the aircraft station license.

(b) The term "authorized power in the antenna of the unmodulated carrier wave", when used in this part to define operating authority under a particular class of operator license with respect to ship stations, means:
(1) "Maximum operating power", or "operating power", or
(2) "Maximum plate input power to final radio frequency stage" multiplied by an appropriate factor, or
(3) "Authorized transmitter-power" multiplied by an appropriate factor.

The power of a ship station is specified in the station license or in Part 8 of this chapter by one or more of the terms quoted in subparagraphs (1), (2) and (3) of this paragraph. The factor mentioned in subparagraphs (2) and (3) of this paragraph depends upon the class of radio frequency amplifier used in the last radio stage of the transmitter and upon the operating frequency of the transmitter and shall be in accordance with the following tables:

TABLE I—STATIONS EMPLOYING AMPLITUDE MODULATION

Class of radio-frequency amplifier used in last radio stage of transmitter	Factor	
	Frequencies below 25,000 kc	Frequencies above 25,000 kc
Class C—plate, or plate and screen-grid modulated	0.66	0.50
Class C—control, screen, or suppressor-grid modulated	.33	.25
Class C—cathode modulated	.42	.31
Class B—linear	.33	.25
Class BC—high efficiency	.56	.41

In the case of a transmitter using a radio-frequency amplifier in its last radio stage of a class other than those listed herein an appropriate factor will be supplied.

TABLE II—STATIONS EMPLOYING FREQUENCY MODULATION

	Factor
Transmitters employing frequency modulation on frequencies above 25,000 kc	0.50

[F. R. Doc. 55-3608; Filed, May 3, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 91]

[Ex Parte No. 174]

LOCOMOTIVES OTHER THAN STEAM

PROPOSED RULES AND INSTRUCTIONS FOR INSPECTION AND TESTING

APRIL 20, 1955.

Notice is hereby given of the institution by the Interstate Commerce Commission, under authority of the Locomotive Inspection Act of February 17, 1911, as amended by Acts of March 4, 1915, June 7, 1924, June 27, 1930, April 22, 1940, and May 27, 1947, of an investigation for the purpose of amending the Rules and Instructions for Inspection and Testing of Locomotives other than Steam prescribed by the Commission's order of December 14, 1925, as amended.

Reasons for investigation. Since the prescription of rules and instructions presently in effect for inspection and testing of locomotives other than steam, the introduction and intensive use of Diesel electric locomotives has made it necessary that such rules be modernized to meet the change in conditions and equipment.

Proposed rules and instructions. The rules and instructions tentatively proposed to be amended or revised are set forth below. These rules and instructions are subject to any change or changes that may be made as a result of this investigation.

Written evidence; special rules. Evidence shall be submitted in written form at the times and in the manner provided for in the Special Rules of Practice contained in Appendix A set forth below.

Notice to parties in interest. Notice to the general public will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection, by filing a copy of the notice with the Director, Division of the Federal Register, and by serving copies on each common carrier by railroad subject to the Interstate Commerce Act and on each national organization of railroad employees.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

1. In § 91.201, paragraphs (c) and (d) are added to read as follows:

§ 91.201 *Locomotive unit.* • • •

(c) *Multiple control.* When locomotive units are coupled in multiple control all parts and components of each unit shall respond to control from the enginemen's compartment of the controlling unit.

(d) *Cab alarms.* Means shall be provided whereby alarms and indications of slipping or sliding driving wheels on any unit in a locomotive used in road service will be shown under all conditions in the enginemen's compartment of the controlling unit.

2. In § 91.204, existing text is designated as (a) and a new paragraph (b) is added to read as follows:

§ 91.204 *General precautions* — (a) *Air brakes.* • • •

(b) *Emergency brake valve.* Each road locomotive unit propelled by power other than steam built on or after January 1, 1956, shall be equipped with a brake pipe valve which is accessible to the fireman when stationed in his usual position in the enginemen's compartment. On car body type units a brake pipe valve shall be attached to the wall adjacent to each end exit door. The words "EMERGENCY BRAKE VALVE" shall be legibly stenciled near each brake pipe valve or shall be shown on a badge plate adjacent thereto. Each road locomotive unit propelled by power other than steam built before January 1, 1956, shall be so equipped the first time said unit receives heavy repairs after January 1, 1956, but not later than December 31, 1957.

3. In § 91.205, paragraphs (a) and (b) are amended and a new paragraph (f) is added to read as follows:

[1] International Service: A telecommunication service between offices or stations in different countries or between mobile stations which are not in the same country or are subject to different countries. (As defined in Annex 2 to International Telecommunication Convention, Atlantic City, 1947.)

[2] Subparagraph (5) was amended on January 19, 1955, to read as shown effective May 2, 1955. Subparagraph (5) formerly read: "(5) Radio stations provided for safety purposes pursuant to treaty on board vessels on the Great Lakes."

§ 91.205 *Main reservoir system*—(a) *Safety valve.* (1) The main reservoir system of each unit shall be equipped with at least one safety valve, which shall prevent an accumulation of pressure of more than 15 pounds per square inch above the maximum working air pressure fixed by the chief mechanical officer of the carrier operating the locomotive.

(2) Each unit that has a pneumatically actuated system of power controls shall be equipped with a separate reservoir of air under pressure to be used for operating such controls, other than brake controls, which reservoir shall be provided with means to automatically prevent loss of pressure in event of failure of main reservoir air pressure, shall have storage capacity to permit not less than 3 complete operating cycles of control equipment and shall be so located that it will not be readily suspectible to damage.

(b) *Compressor governor.* A suitable governor shall be provided that will stop and start or unload and load the air compressor within 5 pounds above or below the pressures fixed.

* * * * *

(f) *Oil elimination.* Each air brake system shall by June 30, 1956, be provided with a device in the air compressor discharge line which will effectively prevent passage of oil throughout the system. Such device shall be kept clean and drained before each trip or day's work.

4. In § 91.208, paragraph (a) is amended to read as follows:

§ 91.208 *Cleaning.* (a) Distributing valve, control valve, triple valve, brake application valve, equalizing piston portion, feed and reducing valves, straight air double check valves, transfer valve, safety valves, brake pipe vent valves, relay valves, magnet valves, electropneumatic master controller, dirt collectors and filters must be cleaned, repaired and tested as often as conditions require to properly maintain them in a safe and suitable condition for service, and not less frequently than once each 6 month period.

* * * * *

5. In § 91.209, paragraph (b) is amended to read as follows:

§ 91.209 *Piston travel.* * * *

(b) *Maximum travel.* When locomotive is standing the maximum brake piston travel shall not exceed the following:

	Inches
Driving wheel brake	6
Swivel type truck brake with brakes on more than one truck operated by one brake cylinder	7
Swivel type truck brake equipped with one brake cylinder	8
Swivel type truck brake equipped with two or more brake cylinders	6

Slack adjusters, when used, shall be properly maintained.

6. In § 91.210, the text is amended to read as follows:

§ 91.210 *Foundation brake gear.* Foundation brake gear shall be maintained to the standard for the locomotive and shall be provided with suitable means to prevent brake rigging from dropping to the track structure in event of failure of brake hanger or other supporting part. Levers, rods, brake beams, hangers and pins shall be of ample strength, and shall not be fouled in any way which will affect the proper operation of the brake. All pins shall be properly secured in place with cotters, split keys, or nuts. Brake shoe must be properly fastened in place and kept approximately in line with the tread of the wheel.

7. In § 91.211, a new paragraph (d) is added as follows:

§ 91.211 *Leakage.* * * *

(d) *Control air reservoir.* Leakage from control air reservoir, related piping, and pneumatically operated controls shall not exceed an average of 3 pounds per minute in a test of 3 minutes duration.

8. In § 91.212, paragraphs (a), (f), (g) and (h) are amended and a new paragraph (i) is added as follows:

§ 91.212 *General provisions*—(a) *Draft and draw gear.* Draft and draw gear, and connections between trucks, and all attachments shall be of ample strength and shall be maintained in a safe and suitable condition for service.

* * * * *

(f) *Automatic couplers with friction or spring draft gear.* Automatic couplers used between units with friction or spring draft gear shall be maintained in such condition that the lost motion in each draft gear assemblage, not absorbed by the springs or friction devices, will not exceed ½ inch.

(g) *Automatic couplers without friction or spring draft gear.* Automatic couplers used between units without friction or spring draft gear shall have lost motion kept to a minimum and lost motion between coupler and coupler pocket shall not exceed ¼ inch in each assemblage. If the couplers are attached by means of pivot pins, the pins shall be removed and inspected not less frequently than once every 6 months and date of last removal and inspection of pins shall be legibly stamped on the heads of pins and all prior dates obliterated.

(h) *Couplers.* M. C. B. contour (1904) couplers measuring 5⅛ inches or more between point of knuckle and guard arm shall not be continued in service. Types D and E couplers measuring 5⅜₁₆ inches or more between point of knuckle and guard arm shall not be continued in service.

(i) *Immobilized couplers.* Locks of couplers between units shall be immobilized and uncoupling devices shall be made inoperative or removed.

9. In § 91.219, text is amended to read as follows:

§ 91.219 *Driving boxes, shoes, and wedges.* Driving and other journal boxes, shoes, and wedges shall be maintained in safe and suitable condition for service. Broken and loose bearings shall be renewed. Not more than one shim may be used between box and bearing if bearing is pressed in box. Where shoes and wedges are not provided, total longitudinal clearance between journal box and pedestals shall not exceed ¼ inch.

10. In § 91.220, text is amended to read as follows:

§ 91.220 *Lateral motion.* The total uncontrolled lateral motion between the hubs of the wheels and boxes, between boxes and pedestals or both, on any pair of wheels shall not exceed the following limits: Truck wheels, 1 inch; driving wheels, more than one pair of wheels, ¾ inch. These limits may be increased if upon appliaction to the director his investigation shows that conditions require additional lateral motion. The lateral motion shall in all cases be kept within such limits that the driving wheels, rods, crank pins, or armatures will not interfere with other parts of the locomotive.

11. In § 91.221, existing text is amended and designated as (a) and a new paragraph (b) is added to read as follows:

§ 91.221 *Frames and parts*—(a) *Condition and inspection.* Frames, deck plates, tailpieces, pedestals, braces, body bolsters, transom plates, body center plates and locking devices shall be maintained in safe and suitable condition for service and shall be cleaned and thoroughly inspected each time a unit is in shop for general or heavy repairs but not less frequently than once each 12 months.

(b) *Fire hazard.* Underframe, trucks, fuel tanks and brake rigging shall be kept free of accumulations of oil, grease and debris that would constitute a fire hazard.

12. In § 91.222, a new paragraph (c) is added to read as follows:

§ 91.222 *Spring rigging.* * * *

(c) In absence of protective construction, safety hangers shall be provided which will prevent spring planks, spring seats or bolsters from dropping to track structure in event of hanger or spring failure.

13. In § 91.223, paragraph (a) is amended to read as follows:

§ 91.223 *Trucks*—(a) *Center plates.* Truck center plates shall fit properly and be securely fastened. The male center plate shall extend into the female center plate not less than ¾ inch. On trucks constructed to transmit tractive effort through center plate or center pin the male center plate shall extend into the female center plate not less than 1½ inches. Center plates shall be securely fastened, properly lubricated and maintained. Maximum lost motion in a center plate assemblage shall not exceed ¼ inch. These limits may be adjusted if upon application to the director his investigation shows that conditions so require.

* * * * *

14. In § 91.225, text is amended to read as follows:

§ 91.225 *Clearance above top of rail.* No part or appliance of locomotive, except the wheels and flexible nonmetallic sand pipe extension tips, shall be less than 2½ inches above the top of rail.

15. In § 91.226, paragraph (a) is amended to read as follows:

§ 91.226 *Wheels*—(a) *Tight on axle, mill scale, oil and dirt accumulations.* (1) Wheels shall be securely pressed on axles except wheels and axles of special design and construction where other proper and safe means are provided for holding the wheels on the axles. Prick punching, shimming wheel fit, or pins driven in ends of axles will not be permitted.

(2) Mill scale shall be removed from plate and entire wheel then inspected before application to axle. Wheels shall be kept free from accumulations of oil, grease, or other material that could conceal cracks or other defects.

* * * * *

16. In § 91.227, paragraph (h) is amended and new paragraph (o) is added to read as follows:

§ 91.227 *Defects.* * * *

(h) *Cracked or loose.* Wheel cracked from the wheel fit outward; cracked tread; cracked flange; cracked plate; one or more cracked brackets; wheel loose on axle.

* * * * *

(o) *Fusion welding.* Fusion welding shall not be used on tires or rolled steel wheels including building up of worn flanges, flat spots, shelled-out spots or for repair of cracks.

17. In § 91.229, paragraphs (b), (d), (f) and (g) are amended and new paragraphs (h) and (i) are added to read as follows:

§ 91.229 *Cabs and aprons.* * * *

(b) *Fastening and bracing, windows and doors.* (1) Cabs and superstructures shall be securely attached and braced. Cab windows shall be so located and maintained that the enginemen may have a clear view of track and signals from their usual and proper positions in the cab. All glass used in doors and windows of enginemen's compartments shall be of the shatter-proof type. Units not presently so equipped shall have shatter-proof glass installed at the first general repair but not later than December 31, 1956.

(2) All enginemen's compartment doors shall be equipped with means to prevent sudden closing and to secure doors in open and closed positions.

* * * * *

(d) *Floors.* Deck plates and floors of cabs, passageways, and compartments shall be kept free from oil, water, waste, or any obstruction that will create unnecessary peril. Deck plates and metal floors shall be properly roughened or other provisions made to afford secure footing.

* * * * *

(f) *Heating and ventilation.* (1) Enginemen's compartments shall be provided with heating arrangements that will maintain therein a temperature of not less than 50° F. Temperature shall be taken at substantially the center of compartment under normal winter weather conditions, under the running conditions of the locomotive, with doors and windows closed.

(2) Operating cabs or compartments shall be provided with proper ventilation.

(g) *Passage between units.* Safe and suitable means shall be provided for passage between units.

(h) *Fusee and torpedo containers.* Containers shall be provided for carrying fusees and torpedoes. These containers may be separate, or a single container with suitable partition to separate the fusees from the torpedoes.

(i) *Fan protection.* Fan openings in hazardous locations shall be properly protected.

18. In § 91.232, text is amended to read as follows:

§ 91.232 *Classification or marker lights, accessibility.* Each locomotive shall be provided with such classification and marker lamps as may be required by the rules of the railroad company operating the locomotive. When such lamps are used they shall be kept clean. The classification lights shall be electrically lighted and adequate head clearance shall be provided. Necessary safe and suitable steps, toe boards, handrails and/or handholds shall be provided in order to make cab windows, headlights, classification lights, marker lights, pantographs and trolleys accessible for attention and care.

19. In § 91.247, paragraph (a) is amended to read as follows:

§ 91.247 *Jumpers; cable connections*—(a) *General precaution.* Jumpers or cable connections between locomotives or units shall be so located or guarded to prevent unnecessary peril, and shall not be allowed to hang with one end free.

* * * * *

20. In § 91.249, text is amended to read as follows:

§ 91.249 *Motors and generators.* (a) Motors and generators shall be securely fastened in place. Axle collars shall be maintained tight on the axle. Axle-bearing and armature-bearing caps shall be securely bolted in place. Motors or generators with any of the following defects shall not be continued in service: Broken and loose or excessively worn bearings; excessive sparking or flashing over at commutator; defective collector ring, brush holder, yoke or insulator; loose or broken connection; armature striking pole piece; short circuited armature or field coil; loose or broken armature coil bands or wedges.

(b) Motors, generators and their related wiring shall be maintained free from oil and sediment that could cause flash or fire hazard.

21. In § 91.251, text is amended to read as follows:

§ 91.251 *Rheostats and resistors.* Rheostats and resistors shall be maintained free from accumulations of dirt or extraneous matter.

22. In § 91.255, paragraph (b) is amended to read as follows:

§ 91.255 *Fuel tanks and piping; safety cut-out valve.* * * *

(b) A safety cut-out valve shall be provided in the fuel line adjacent to the supply tank, or in other safe location, which will automatically close when tripped. The cut-out valves shall be designed for hand operation from both outer sides of the unit and from inside of the enginemen's compartment. Operating handle locations shall be designated. Means shall be provided so that cut-out valves may be reset without hazard.

23. In § 91.259, text is amended to read as follows:

§ 91.259 *Exhaust gases.* Exhaust gases shall be released entirely outside of cab or other compartments. Exhaust stacks shall be of sufficient height or other means provided which will prevent entry of exhaust gases into enginemen's compartments under usual conditions of operation.

24. In § 91.262, new text consisting of paragraphs (a), (b), and (c) is added to read as follows:

§ 91.262 *Internal combustion engines and controls*—(a) *Condition, defect tag.* Internal combustion engines shall be maintained in a safe and suitable condition for service. Whenever any internal combustion engine has been shut down because of defects and the unit is continued in service a distinctive tag giving reason for the shut-down shall be conspicuously attached near the engine starting control and shall remain attached until repairs have been made.

(b) *Cleanliness.* All engines and accessories shall be kept reasonably free from oil and water leaks and from accumulations of oil or debris.

(c) *Warning devices.* Temperature and pressure alarms, controls and related switches shall be properly maintained.

25. In § 91.303, paragraph (b) is amended to read as follows:

§ 91.303 *Boiler number; badge plate, location.* * * *

(b) A metal badge plate showing the name and boiler number and safe working pressure shall be attached to each boiler. The badge plate on each steam boiler, except those boilers of the forced circulation type, shall be provided with a line indicating the lowest permissible water level and shall be attached to the boiler adjacent to the water glass. The badge plate on each hot-water boiler shall be attached to the boiler adjacent to the firing opening. If boiler is lagged, the lagging and jacket shall be cut away so that plate can be seen.

26. In § 91.307, new paragraph (c) has been added to read as follows:

§ 91.307 *Fusible plugs; low water alarm; protective devices.* * * *

(c) All other alarms and protective devices with which the boiler is equipped shall be inspected and tested at least once every 3 months, and record of such inspections and tests maintained by the railroad using the boiler.

27. In § 91.308, text is amended and designated (a) and paragraph (b) is added to read as follows:

§ 91.308 *Exterior boiler inspection; testing of controls, safety devices.* (a) The exterior of every boiler and steam separator shall be thoroughly inspected before it is put into service, and whenever the jacket and lagging, or casing, are removed. The jacket and lagging shall be removed at least once every 5 years from internally fired boilers, and from pressure parts of other boilers, and a thorough inspection made of the entire exterior surfaces while under hydrostatic pressure. The jacket and lagging shall also be removed whenever on account of indication of leaks the United States inspector or the railroad company's inspector considers it desirable or necessary.

(b) Before a boiler that has been out of service for 3 consecutive months or more is again used all automatic controls and safety devices shall be tested; any found defective shall be repaired and statement to effect that said devices are in proper working condition made on back of Form No. 1–B.

28. In § 91.316, paragraph (a) is amended to read as follows:

§ 91.316 *Safety valves*—(a) *Capacity, connection to boiler, location.* Every steam boiler shall be equipped with at least two safety valves and every hot-water boiler shall be equipped with at least one water relief valve, the capacity of which shall be sufficient to prevent, under any conditions of service, an accumulation of pressure of more than 5 pounds above the allowed working pressure. The safety valves shall be connected with the boiler independent of any other connection, and located as closely to the boiler as may be consistent without discharging inside of cab. Water relief valves may be mounted on the expansion tank of hot-water boilers provided no valves are interposed between the expansion tank and the boiler. Sufficient clearance to prevent damage shall be provided where safety or relief valves or connections pass through cab structure. Ends of safety valve discharge lines shall be so located or protected as to not consitute a hazard from discharged steam.

* * * * *

29. In § 91.317, paragraphs (a), (b), and (c) are amended and new paragraphs (g), (h), and (i) are added to read as follows:

§ 91.317 *Water glass and gage cocks*—(a) *Lowest reading; danger line.* Every steam boiler, except those of the forced circulation type, shall be equipped with at least one water glass, and 3 gage cocks which can be easily opened and closed by hand. The lowest gage cock and the lowest reading of the water glass and the line on the badge plate shall correspond and be not less than 2 inches above the danger line. The danger line shall be that at which there will be no danger of overheating any part of the boiler. The danger line for vertical fire-tube boilers shall be not less than one-half the length of the tube above the lower tube sheet; and for vertical submerged tube boilers, the upper surface of the top tube sheet.

(b) *Water glass valves.* All water glasses shall be supplied with two valves, one in the upper and one in the lower connection to the boiler, and a drain valve, so constructed and located that the valves can be easily opened and closed by hand. Drain pipes shall discharge below decks or into a drain pipe so arranged to prevent splash from steam and water.

(c) *Cleaning.* The spindles of all gage cocks, fill-test valves and water-glass valves shall be removed and cocks and valves thoroughly cleancd each time the boiler is washed.

* * * * *

(g) *Drip pans.* Drip pans shall be provided for gage cock discharge so arranged to prevent splash from steam and water.

(h) *Water flow indicator.* Forced circulation boilers of the spill-over type not equipped with water glass and gage cocks shall be equipped with a visual return water flow indicator.

(i) *Fill test valve.* Forced circulation boilers shall be equipped with a fill-test valve or other means of determining when the boiler is filled with water.

30. In § 91.320, paragraph (b) is amended to read as follows:

§ 91.320 *Boiler washing.* * * *

(b) *Record.* An accurate record of all boiler washouts shall be kept in the office of the railroad company and a copy of the last record kept in the boiler compartment. The following information must be given on the day that the boiler is washed: Number of boiler; number of locomotive unit on which it is mounted; date of washout; signature of boiler washer or inspector who knows that boiler was washed; statement if spindles of gage cocks, fill-test valves, test cocks and water-glass valves were removed and cocks and valves cleaned; signature of the inspector or employee who removed the spindles and cleaned the cocks and valves.

31. In § 91.321, new paragraphs (d) and (e) are added to read as follows:

§ 91.321 *Leaks.* * * *

(d) *Pipes and valves in cabs.* In new construction, or when renewals are made of iron or steel pipes in cabs that are subject to boiler pressures of more than 150 pounds per square inch, commercially designated extra strong pipe and extra heavy valves and fittings shall be used.

(e) *Defect tag.* Whenever any boiler or steam generator has been shut down because of defects and the unit in which it is installed is continued in service, a distinctive tag giving reasons for the shut-down shall be conspicuously attached near the starting controls and shall remain attached until repairs have been made.

32. In § 91.323, paragraph (b) is amended to read as follows:

§ 91.323 *Fuel tanks and piping.* * * *

(b) *Safety cut-out valve.* A safety cut-out valve shall be provided in the fuel-line adjacent to the supply tank, or in other safe location, which will automatically close when tripped. The cut-out valves shall be designed for hand operation from both outer sides of the unit and from inside of the enginemen's compartment. Operating handle locations shall be designated. Means shall be provided so that cut-out valves may be reset without hazard.

* * * * *

33. In § 91.327, text is amended and designated as (a) and new paragraph (b) is added to read as follows:

§ 91.327 *Oil burning fireboxes*—(a) *Venting boilers; stack gases.* Means shall be provided for expelling accumulated gases from fire box of oil-burning boilers before fire is lighted. Products of combustion shall be released entirely outside of cab or other compartments. Boilers shall be so arranged and exhaust stacks shall be of sufficient height or other means provided which will prevent entry of products of combustion into enginemen's compartments under usual conditions of operation.

(b) *Remote ignition.* Remotely controlled means shall be provided to electrically ignite oil fired boilers.

34. In § 91.334, paragraph (d) is amended to read as follows:

§ 91.334 *Extensions.* * * *

(d) *Brake equipment.* Cleaning of distributing valve, control valve, triple valve, brake application valve, equalizing piston portion, feed and reducing valves, straight air double check valves, transfer valve, safety valves, brake pipe vent valves, relay valves, magnet vales, electro-pneumatic master controller, dirt collectors and filters, as required by Rule No. 208 (a), will be due after 6 calendar months' service, provided such service is performed within 12 consccutive months.

* * * * *

APPENDIX A—SPECIAL RULES OF PRACTICE APPLICABLE IN DOCKET EX PARTE NO. 174

In addition to the General Rules of Practice, the following special rules will govern this proceeding.

1. *Submission of evidence in written form with affidavit attached.* The Commission desires that all evidence be submitted in written form with affidavits attached. Exhibits may be attached to the written statements, and such exhibits should conform to the general rules of practice, particularly to Rules 81 to 84, inclusive. All evidence of each witness that is submitted in exhibit form should, so far as practicable, be incorporated in a single exhibit. The written evidence, with or without exhibits attached, will be referred to as verified statements, and each verified statement will be assigned a serial number by the Commission.

2. *Evidence-in-chief.* Evidence-in-chief of all parties should be submitted in the form of verified statements as provided in paragraph 1. Such verified statements, with accompanying exhibit or exhibits, should be made available to the Commission by filing 25 copies thereof with the Secretary of the Commission on or before June 1, 1955. Copies of such verified statements of the railroads should be made available to the parties by mailing a copy to any person who duly makes a request therefor to W. M. Keller, Association of American Railroads, 59 East Van Buren Street, Chicago 5, Ill., on or before June 1, 1955. Parties other than the railroads will be expected to furnish the railroads with twenty-five (25) copies of all verified statements, such copies to be sent to W. M. Keller at the address above specified, and to also furnish a copy thereof to any other party who may make a request therefor to the Secretary of the Commission on or before May 16, 1955. A list of the parties upon whom copies of verified statements should be served will be furnished the parties by the Secretary.

3. *Objections to evidence.* Notice of objections to receipt in evidence of any verified statement or any part thereof should be filed with the Secretary of the Commission on or before June 15, 1955. If the evidence is submitted on behalf of the railroads, a copy of the notice should be immediately mailed to W. M. Keller; if the evidence is submitted on behalf of any other party, a copy of the notice should be immediately mailed to the witness or his attorney.

4. *Rebuttal evidence.* Evidence on rebuttal by any party must be designated as such, and filed with the Secretary of the Commission on or before June 30, 1955, even if the original evidence is objected to as provided in paragraph 3 hereof. Its presentation and distribution will be governed by the rules set forth in paragraphs 1 and 2 hereof.

5. *Cross-examination of witnesses.* If cross-examination of a witness is desired by any party written request therefor must be given to the Secretary of the Commission and to the witness, or his authorized attorney on or before August 15, 1955. The Commission will fix the time and place for cross examination.

6. *Record.* The evidence presented and admitted pursuant to the provisions of the foregoing paragraphs of these special rules shall constitute the entire record in these proceedings upon which decision will be made.

[F. R. Doc. 55–3528; Filed, May 3, 1955; 8:46 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FLORIDA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it is determined that in the following named additional counties in the State of Florida a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

FLORIDA

Bay.	Leon.
Calhoun.	Walton.
Jefferson.	

Pursuant to the authority as set forth above, such loans will not be made in the above-named counties in the State of Florida after December 31, 1955, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 28th day of April 1955.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 55–3595; Filed, May 3, 1955; 8:49 a. m.

NORTH CAROLINA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2(a)), as amended, it is determined that in the following named additional counties in the State of North Carolina a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH CAROLINA

Avery.	Mitchell.
Haywood.	Yancey.

Pursuant to the authority as set forth above, such loans will not be made in the above-named counties in the State of North Carolina after December 31, 1955, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 28th day of April 1955.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 55–3596; Filed, May 3, 1955; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11202–11204; FCC 55–518]

MINERS BROADCASTING SERVICE, INC., ET AL.

ORDER AMENDING ISSUES

In re applications of Miners Broadcasting Service, Inc., Ambridge, Pennsylvania, Docket No. 11202, File No. BP–9102; Louis Rosenberg, Tarentum, Pennsylvania, Docket No. 11203, File No. BP–9192; Theordore H. Oppegard and Carl R. Lee, d/b as Somerset Broadcasting Company, Painesville, Ohio, Docket No. 11204, File No. BP–9358; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of April 1955;

The Commission having under consideration (1) a petition filed by Miners Broadcasting Service, Inc., on January 25, 1955, requesting the Commission to dismiss the application of Somerset Broadcasting Company because of its failure to comply with § 3.28 (c) of the Commission's rules and regulations; (2) supplement to the petition filed January 31, 1955; (3) an opposition to the petition filed on February 21, 1955, by Somerset Broadcasting Company; (4) an opposition to the petition and an alternative request to enlarge issues filed February 21, 1955, by Chief, Broadcast Bureau; and (5) reply to opposition of Somerset Broadcasting Company and request to enlarge issues filed February 28, 1955, by Miners Broadcasting Service, Inc.;

It appearing that Miners Broadcasting Service, Inc., by its above-described petition requested a dismissal of the application of Somerset Broadcasting Company on the grounds that Somerset's proposal fails to comply with § 3.28 (c) of the Commission's rules, but that, in its reply filed February 28, 1955, Miners abandons its original petition to dismiss and now requests that the Commission enlarge the issues to include the issue requested by the Broadcast Bureau;

It further appearing that, in its reply, Miners also requests that the issues be either amended or enlarged to determine the service area of the proposed Somerset station;

It further appearing that the evidence as to coverage of the Somerset proposal may be determined on the basis of the specified issues; (see Evangeline B/cing Co., Inc. (KVOL), 7 RR 735, and Mount Vernon Broadcasting Co., 4 RR 1471.)

It is ordered, That the above-entitled petition of Miners Broadcasting Service, Inc., filed January 25, 1955, is denied; that the request of the Broadcast Bureau that an issue numbered 3 (a) be added is granted; and that the request of Miners Broadcasting Service, Inc. made in reply, filed February 28, 1955, is granted insofar as it supports the Broadcast Bureau's request for enlargement of issues; in all other respects said request is denied; and

It is further ordered, That the issues herein be enlarged by the addition of the following issue:

3 (a) To determine whether the installation and operation of the station proposed by Somerset Broadcasting Company would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing the required minimum of interference-free service within its normally protected daytime contour (0.5 mv/m) because of interference from Station WBNS, Columbus, Ohio.

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55–3609; Filed, May 3, 1955; 8:51 a. m.]

[Docket No. 11371; FCC 55-498]

DEEP SOUTH BROADCASTING CO. (WSLA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Deep South Broadcasting Company (WSLA), Selma, Alabama, Docket No. 11371, File No. BMPCT-2100; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of April 1955;

The Commission having under consideration the above-entitled application requesting modification of construction permit (Channel 8, Selma, Alabama) to move transmitter site to a location 50 miles from Selma, and 23 miles from Montgomery, Alabama; to locate main studio at the transmitter site; to increase the height of the antenna structure to 1,993 feet above ground; and to change transmitter and antenna; and

It appearing that a majority of the voting members of the Airspace Subcommittee of the Air Coordinating Committee in Washington, D. C., voted to disapprove the tower site and height proposal set forth in the above-entitled application on the ground that said proposal would, in substance, result in an unacceptable hazard to air operations due to the "excessive height"; and

It further appearing that, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-named applicant was advised by letter dated March 9, 1955, of all objections to the above application; that the Commission was unable to determine that a grant of said application would be in the public interest; and was afforded an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled application, the Commission's letter of March 9, 1955, and the applicant's reply thereto filed March 29, 1955, the Commission finds that the above-named applicant is legally and financially qualified to construct the television station proposed in the above-entitled application and is technically and otherwise so qualified except as to the matters specified in the issues set forth below;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing to commence at 10:00 a. m. on the 27th day of May 1955, in Washington, D. C., upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed in the above-entitled application may constitute a menace to air navigation.

2. To determine, in the light of the proposed move of transmitter site 50 miles from Selma and 23 miles from Montgomery, Alabama, whether the proposed operation is designed to serve the particular needs of Selma, Alabama and its surrounding areas.

3. To determine whether the showing made by the applicant to locate its main studio at the proposed transmitter site is sufficient to warrant a waiver by the Commission of the provisions of § 3.613 (a) of the Commission's rules.

4. To determine whether, on the basis of the evidence adduced with respect to the above issues, a grant of the above-entitled application would serve the public interest, convenience and necessity.

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3610; Filed, May 3, 1955; 8:51 a. m.]

[Docket Nos. 11372, 11373; FCC 55-501]

AIRCALL, INC., AND TELEPHONE MESSAGE BUREAU, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Aircall, Inc., Cleveland and Akron, Ohio, Docket No. 11372, File No. 1314-C2-P-55; The Telephone Message Bureau, Inc., Cleveland, Ohio, Docket No. 11373, File No. 1330-C2-R-55; for construction permit and license renewal, respectively, in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of April 1955;

The Commission, having under consideration the above-entitled application of Aircall, Inc., for a construction permit in the Domestic Public Land Mobile Radio Service to establish a one-way signaling system on 35.58 Mc. with base stations at Cleveland and Akron, Ohio, and the above-entitled application of The Telephone Message Bureau, Inc. for renewal of its license for station KQC882, which is authorized to render one-way signaling service on 35.58 Mc. under a Domestic Public Land Mobile Radio Service license (File No. 1330-C2-L-54) which was issued for a term ending April 1, 1955; and

It appearing that § 6.409 of the Commission's rules governing the Domestic Public Land Mobile Radio Service contemplates making frequency assignments to stations in this service only in such a manner as to ensure the rendition of communication service on an interference-free basis and the above-entitled applications for station authorizations to operate in the same geographical area are mutually exclusive; and

It further appearing that the Commission has advised each of the above-entitled applicants and their respective counsel, by letters of February 23, 1955, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, as to the reasons why such applications cannot be granted without hearing, and that replies have been received from each of the applicants, and that said replies have been considered; and

It further appearing that each of the applicants herein is legally, financially and technically qualified to be a licensee of the service involved herein;

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on June 14, 1955, upon the following issues:

(1) To determine the nature and extent of the public need for one-way signaling service in Cleveland, Ohio.

(2) To determine the nature and extent of the public need for one-way signaling service in Akron, Ohio.

(3) To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of Aircall, Inc. for Cleveland and Akron, Ohio.

(4) To determine the facts with respect to the facilities, personnel, rates, regulations, practices and services of station KQC882 licensed to The Telephone Message Bureau, Inc. at Cleveland, Ohio.

(5) To determine the area and population proposed to be served by the facility of each applicant.

(6) To determine, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience or necessity would be served by a grant of the application of Aircall, Inc., or the license renewal application of The Telephone Message Bureau, Inc.

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3611; Filed, May 3, 1955; 8:52 a. m.]

[Docket No. 11381; FCC 55-513]

GREATER SOUTH BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Greater South Broadcasting Co., Inc., Atlanta, Georgia, Docket No. 11381, File No. BP-9604; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of April 1955;

The Commission having under consideration the above-entitled application of Greater South Broadcasting Co., Inc., for a construction permit for a new standard broadcast station to operate on 1460 kilocycles with a power of 1 kilowatt, daytime only, at Atlanta Georgia;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with Station WPNX, Phenix City, Alabama-Columbus,, Georgia; and otherwise may not comply with the Standards of Good Engineering Practice, particularly with reference to adequate coverage of the city sought to be served; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated March 10, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that a timely reply to the Commission's letter was filed by the applicant;

It further appearing that in a letter dated March 29, 1955, WPNX stated that it would appear at a hearing on the subject application; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would be served by the operation of the subject proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the subject proposed operation would involve interference with Station WPNX, Phenix City, Alabama-Columbus, Georgia, or any other existing standard broadcast station, and, if so, the nature and extent of such interference.

3. To determine whether the installation and operation of the subject proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to adequate coverage of the city sought to be served.

4. To determine whether, in light of the evidence adduced pursuant to the foregoing issues, the subject proposed operation would serve the public interest, convenience and necessity.

It is further ordered, That Community Broadcasting Co., Inc., licensee of Station WPNX, Phenix City, Alabama-Columbus, Georgia, is made a party to the proceeding.

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3612; Filed, May 3, 1955; 8:52 a. m.]

[Amdt. 0-4; FCC 55-504]

CHIEF ENGINEER

DELEGATION OF AUTHORITY TO ACT ON REQUESTS FOR EXEMPTION FROM STATION IDENTIFICATION REQUIREMENTS

In the matter of amendment of Part 0 to delegate authority to Chief Engineer to act on requests for exemption from station identification requirements filed under § 5.152; Amdt. 0-4.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of April 1955;

The Commission having under consideration the delegation to the Chief Engineer to act on requests for exemption from station identification requirements filed under § 5.152; and

It appearing, that § 5.152 provides for such exemption; and

It further appearing, that the amendment herein ordered is procedural in nature and therefore, compliance with the public rule making procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It is ordered, Pursuant to sections 4 (i) and 303 (r) of the Communications Act, as amended, and section 3 (a) of the Administrative Procedure Act that Part 0 of the Commission's rules is hereby amended, effective immediately, by adding subparagraph (15) to paragraph (c) of section 0.331 to read as follows:

(15) Request for exemption from station identification requirements.

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3614; Filed, May 3, 1955; 8:53 a. m.]

[Cuba Change List No. 3]

CUBAN BROADCAST STATIONS

NOTIFICATION, CHANGES, MODIFICATION AND DELETIONS

MARCH 15, 1955.

Notification of new Cuban Radio Stations, and of changes, modification and deletions of existing stations, in accordance with Part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
New	Consolacion del Sur, Pinar del Rio.	*610 kilocycles* 1	ND	U	III	Provisional assignment.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3615; Filed, May 3, 1955; 8:53 a. m.]

[Mexican Change List No. 178]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

APRIL 4, 1955.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing Assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power	Antenna	Schedule	Class	Probable date of change or commencement of operation
XELO	Ciudad Juarez, Chihuahua (change in call letters from XEKA).	*800 kilocycles* 150 kw		U	I-A	Apr. 2, 1955
XEDF	Nuevo Laredo, Tamaulipas (reduce daytime power).	*900 kilocycles* 2 kw D/1 kw N		U	III-A	Do.
XEJJ	Jalapa, Veracruz (change in call letters from XEJW).	*1130 kilocycles* 10 kw	DA-N	U	II	Do.
XEFD	Rio Bravo, Tamaulipas (increase power).	*1170 kilocycles* 5 kw D	ND	D	II	July 2, 1955
XEAX	Oaxaca, Oaxaca (increase daytime power).	*1270 kilocycles* 1 kw D/500 w N		U	III-B	Do.
XEDE	Saltillo, Coahuila (increase daytime power).	*1400 kilocycles* 1 kw D/250 w N		U	IV	Do.
XEBS	Mexico, D. F. (increase daytime power).	*1410 kilocycles* 5 kw D/1 kw N		U	III-A	Do.
XERF	Villa Acuna, Coahuila (increase power).	*1570 kilocycles* 250 kw	ND	U	I-A	Do.
XEMN	Morelia, Michoacan (now in operation).	*1580 kilocycles* 500 w D		D	II	Mar. 14, 1955

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3616; Filed, May 3, 1955; 8:53 a. m.]

CERTAIN U. S. PASSENGER VESSELS

EXEMPTION FROM RADIO PROVISIONS

In the matter of (1) Renewal of exemption of all United States passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, when navigated on voyages in the open sea not more than 20 nautical miles from the nearest land in waters lying between: (a) Hog Island, Virginia, and Fire Island Light, New York; or (b) Hillsboro Light and Triumph Reef Beacon, Florida; or (c) Naples, Florida, and Brownsville, Texas; or (d) Point Conception, California, and Point Descanso or the Coronado Islands, Mexico; or (e) Salt Point and Point Sur, California; and (2) renewal of exemption of all United States passenger vessels of a tonnage up to and including 15 gross tons, not subject to the radio provisions of the Safety Convention, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, when navigated on voyages in the open sea not more than 20 nautical miles from the nearest land.

The Commission having under consideration the above-captioned matters; and

It appearing that section 352 (b) (3) of the Communications Act of 1934, as amended, provides that the Commission may, if it considers that the route or the conditions of the voyage or other circumstances are such as to render a radio installation unreasonable or unnecessary for the purpose of Title III, Part II of the act, exempt from the radio provisions of Title III, Part II, passenger vessels of a tonnage of less than 100 gross tons not subject to the radio provisions of the Safety Convention; and

It further appearing that the Commission has heretofore granted and renewed exemption for specific periods to all United States passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, when navigated not more than 20 nautical miles from the nearest land on voyages in the open sea in waters lying in the individual areas described in (1) above, and that the exemptions currently in force expire on May 13, 1955; and

It further appearing that the Commission has heretofore granted and renewed exemption for specific periods to all United States passenger vessels of a tonnage up to and including 15 gross tons, not subject to the radio provisions of the Safety Convention, when navigated not more than 20 nautical miles from the nearest land on voyages in the open sea and that the exemption currently in force expires on May 13, 1955; and

It further appearing that the passenger vessels described under (1) and (2) above, come within the class of vessels which may be granted exemption under section 352 (b) (3) of the Communications Act of 1934, as amended; and

It further appearing that there is no information before the Commission tending to show that the routes, or the conditions of the voyages of any of the vessels in question have changed substantially since the ships were first granted exemption, or that they will change substantially during the period for which the instant exemptions are under consideration for renewal;

It is ordered, This 26th day of April 1955, pursuant to section 352 (b) (3) of the Communications Act of 1934, as amended, that all United States passenger vessels of a tonnage of less than 100 gross tons, not subject to the radio provisions of the Safety Convention are exempt from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, for an additional period not to extend beyond May 13, 1956, when navigated on voyages in the open sea in waters lying between:

(a) Hog Island, Virginia, and Fire Island Light, New York; or

(b) Hillsboro Light and Triumph Reef Beacon, Florida; or

(c) Naples, Florida, and Brownsville, Texas; or

(d) Point Conception, California, and Point Descanso or the Coronado Islands, Mexico; or

(e) Salt Point and Point Sur, California;

Provided, That during the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

It is further ordered, This 26th day of April 1955, pursuant to section 352 (b) (3) of the Communications Act of 1934, as amended, that all United States passenger vessels of a tonnage up to and including 15 gross tons, not subject to the radio provisions of the Safety Convention, are exempt from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, for an additional period not to extend beyond May 13, 1956; Provided, That during the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

It is further ordered, That these exemptions may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3613; Filed, May 3, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8303]

R. M. TUTTLE PIPE LINE

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 28, 1955.

Take notice that R. M. Tuttle, d/b/a R. M. Tuttle Pipe Line (Applicant), an individual whose address is 212 East Broadway, Cushing, Oklahoma, filed on December 27, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to Cities Service Gas Company which will transport and sell the gas so received, commingled with its other gas supplies, in interstate commerce. Applicant will obtain the natural gas from supplies of Texas Pacific Coal and Oil Company produced in the Cottingham Field, Payne County, Oklahoma. Applicant will transport the gas from the point of purchase through approximately 4.5 miles of 4-inch pipeline all in Payne County, Oklahoma.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 24, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 55-3585; Filed, May 3, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 58]

MOTOR CARRIER APPLICATIONS

APRIL 29, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and State address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 263 Sub 71, filed March 28, 1955, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, P. O. Box 349, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, including *Class A and B explosives*, and *commodities requiring special equipment*, but excluding articles of unusual value, livestock, automobiles, fresh fish, motion picture films, household goods as defined by the Commission, commodities in bulk, commodities requiring refrigeration, and those injurious or contaminating to other lading, between Sacramento, Calif., on the one hand, and, on the other, points in San Joaquin and Sacramento Counties, Calif.

NOTE: Applicant states that it holds authority under certificate No. MC 263 Sub 56 to transport the commodities covered by the instant application, over irregular routes, between Stockton, Calif., on the one hand, and, on the other, points in San Joaquin and Sacramento Counties, Calif. The instant application seeks authority to utilize the point of Sacramento as the point of joinder between its authorized regular routes and the irregular route authority covered by its Certificate No. MC 263 Sub 56, in addition to the authorized joinder point of Stockton, Calif. Applicant is authorized to conduct operations in California, Colorado, Idaho, Montana, Nevada, Arizona, New Mexico, Oregon, and Utah.

No. MC 263 Sub 72, filed March 28, 1955, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, P. O. Box 349, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, including *ammunition*, between Salt Lake City, Utah, and Wells, Nev., over U. S. Highway 40, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations, (a) between Salt Lake City, Utah, and Brigham, Utah, over U. S. Highway 91, (which is a portion of carrier's regular route operations between Butte, Mont., and San Bernardino, Calif.), (b) between Brigham, Utah, and Burley, Idaho, over U. S. Highway 30S, (c) between Burley, Idaho, and Twin Falls, Idaho, over U. S. Highway 30, (which is a portion of carrier's regular route operations between Pocatello, Idaho, and Buhl, Idaho), and (d) between Twin Falls, Idaho and Wells, Nev., over U. S. Highway 93 (which is a portion of carrier's regular route operations between Pocatello, Idaho, and San Francisco, Calif.). Applicant is authorized to conduct operations in California, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming.

No. MC 730 Sub 49, filed March 29, 1955, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives, and commodities of unusual value*, but excluding livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Reno, Nev., and Sierra Ordnance Depot, Herlong, Calif., from Reno over U. S. Highway 395 to junction unnumbered highway near Doyle, Calif., thence over unnumbered highway to Sierra Ordnance Depot, and return over the same route, serving no intermediate points, and (2) between Fallon, Nev., and U. S. Naval Ammunition Depot near Hawthorne, Nev., over U. S. Highway 95, serving no intermediate points. Applicant is authorized to conduct operations in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, Oklahoma, Texas, Utah and Wyoming.

No. MC 730 Sub 50, filed March 31, 1955, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *Household goods*, and *general commodities*, except those of unusual value, and except Class A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction U. S. Highway 50N and Kansas Highway 150 near Marion, Kans., and junction Kansas Highway 150 and U. S. Highway 50S near Elmdale, Kans., over Kansas Highway 150, serving no intermediate points, and serving the termini for purpose of joinder only, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between Kansas City, Mo., and Denver, Colo. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Indiana, Kansas, Missouri, Nevada, Utah and Wyoming.

No. MC 730 Sub 51, filed April 4, 1955, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives, and commodities of unusual value*, but excluding livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Las Vegas, Nev., and Henderson, Nev., over U. S. Highway 95, serving all intermediate points. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Indiana, Kansas, Missouri, Nevada, Utah and Wyoming.

No. MC 1425 Sub 14, Filed March 28, 1955, OVERLAND FREIGHT LINES, INC., 2612 West Morris St., Indianapolis, Ind. Applicant's attorney: James L. Beattey, Suite 1021–1029, 130 East Washington St., Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes transporting: (1) *pallets, platforms*, and *skids*, used in shipping, (a) between Indianapolis, and Muncie, Ind., Louisville, Covington, Owensboro, Maysville, and Henderson, Ky., points in Ohio, those in Michigan on and south of Michigan Highway 21, and those in St. Louis County, Mo., and (b) between Indianapolis, Ind., Louisville, Covington, Owensboro, and Maysville, Ky., and points in Illinois, and (2) *glass containers, stoppers*, and *caps*, and *knocked down paper cartons and parts thereof*, between Indianapolis, and Muncie, Ind., and points in St. Louis County, Mo. The applicant herein presently holds authority pursuant to Certificate No. MC 76629, dated December 23, 1948, to perform common carrier operations over the route or routes or within the territory as more particularly appears in the files of the Commission at its office in Washington, D. C., under said docket number; therefore, Section 210 matters may be involved. Applicant is authorized to conduct contract carrier operations in Illinois, Indiana, Kentucky, Michigan, and Ohio.

No. MC 2392 Sub 13, filed April 21, 1955, WHEELER TRANSPORT SERVICE, INC., Genoa, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Bldg., Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizers and liquid mixed fertilizers*, in bulk, in tank vehicles, and in packages in appropriate equipment, from Omaha, Nebr. to points in Iowa and South Dakota; *rejected shipments* and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 7324 Sub 1, filed April 20, 1955, EARL A. BENNING, Waumandee, Wis. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in the Minneapolis-St. Paul, Minn. Commercial Zone, as defined by the Commission, to Alma, Cochrane and Fountain City,

Wis. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

No. MC 16105 Sub 1, filed March 18, 1955, EDWARD O. WORKMAN, Hartford Road, Moorestown, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods* and *food stuffs*, from Moorestown, N. J., and points in New Jersey within fifteen (15) miles thereof (as more specifically set forth in the application), to Philadelphia, Pa., and New York, N. Y.

No. MC 17593 Sub 20, filed April 11, 1955, PIERCE AUTO FREIGHT LINES, INC., 2825 N. W. Yeon Ave., Portland 10, Oreg. Applicant's attorney: Wm. P. Ellis, 1102 Equitable Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *articles of unusual value, Class A and B explosives, household goods as defined by the Commission*, and *commodities requiring special equipment*, but excluding commodities in bulk, (1) between San Francisco, Calif., and San Jose, Calif., over U. S. Highway 101 and By-Pass U. S. Highway 101, serving all intermediate points, and (2) between Oakland, Calif., and San Jose, Calif., over California Highways 17 and 9, serving all intermediate points. NOTE: Applicant proposes to use the Dumbarton Bridge for operating convenience only. Applicant is authorized to conduct operations in California, Washington, Oregon, and Nevada.

No. MC 19000 Sub 3, filed April 21, 1955, DENNIS J. LOUGHMAN, doing business as WAYNESBURG-PITTSBURGH LOCAL EXPRESS, Waynesburg, Pa. Applicant's attorney: Frank C. Roney, Washington Trust Bldg., Washington, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cloth, rags, cloth and rag waste materials, textile fabrics, clothing and wearing apparel*, from points in Greene County, Pa., to points in the Baltimore, Md., commercial zone, as defined by the Commission; and, *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *empty milk containers*, and *coca cola syrup*, on return. Applicant is authorized to conduct operations in Pennsylvania.

No. MC 19564 Sub 50, filed April 11, 1955, L. C. JONES TRUCKING COMPANY, a corporation, 4300 S. E. 29th Street, P. O. Box 4368, Oklahoma City, Okla. Applicant's attorney: Joe T. Lanham, Perry-Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipe lines, between points in Missouri and Kansas. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Kansas, Louisiana, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, West Virginia, and Wyoming.

No. MC 30697 Sub 33, filed April 21, 1955, DIECKBRADER EXPRESS, INC., 5391 Eastern Avenue, Cincinnati, Ohio. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Pulpboard* and *strawboard*, from Carthage, Ind., to Louisville, Ky., and points in Kentucky within the Louisville, Ky. Commercial Zone as defined by the Commission. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, and West Virginia.

No. MC 30844 Sub 26, filed April 11, 1955, HEUER TRUCK LINES, INCORPORATED, 306 May Street, Marshalltown, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, from Hutchinson, Lyons, and Kanopolis, Kans., to points in Iowa (except from Hutchinson and Kanopolis, Kans., to Des Moines, Marshalltown, Sioux City, Ackley, Belmond, Roland, Waverly, Galt, Buckingham, Hampton, and Walker, Iowa), together with *petition to dismiss* on the ground applicant is authorized to transport said commodity under its existing authority to transport "groceries". Applicant is authorized to conduct operations in Iowa and Kansas.

No. MC 35835 Sub 11, filed April 18, 1955, ELMER JENSEN, 513 Ninth Ave., S. E., Independence, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, (1) from Cedar Rapids and Clinton, Iowa to points in Arkansas, Kansas, North Dakota, Oklahoma, South Dakota and Texas, and (2) from Keokuk, Iowa to points in Arkansas, Kansas, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota and Texas. Applicant is authorized to conduct operations in Iowa, Illinois, Michigan, Minnesota, Missouri, Nebraska and Wisconsin.

No. MC 36587 Sub 1, filed April 14, 1955, H. M. WAGGONER, Homer, Ill. Applicant's attorney: John D. Carson, Champaign County Bank & Trust Bldg., P. O. Box No. One, Urbana, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand* and *gravel* from points in Vermillion County, Ind. to points in Vermilion County, Ill.; *limestone*, from points in Vermilion County, Ill. to points in Vermillion, Parke and Fountain Counties, Ind., and *fertilizer* from Indianapolis, Ind. to points in Vermilion and Champaign Counties, Ill. Applicant is authorized to conduct operations in Indiana and Illinois.

No. MC 37578 Sub 14, filed April 18, 1955, JOSEPH W. TREHAN, INCORPORATED, 715 Mahoning Avenue, Youngstown, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Car wheels* loose or attached to axles, and *locomotive wheels*, without axles, between McDonald, Ohio, and Greenville, Pa.

No. MC 39575 Sub 3, filed March 9, 1955, CLEATIS G. ALLEN, doing business as ALLEN MOTOR EXPRESS, 315 East 17th Street, Bedford, Ind. Applicant's attorney: James L. Beattey, 130 East Washington Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials*, including sheet rock, plaster board, gypsum lath, gypsum wall board, gypsum plaster and other building materials and supplies manufactured by gypsum processing plants, and *materials and supplies used in the manufacture and distribution of building materials*, including gypsum board paper, paper, starch, potassium sulphate, lime, aluminum sulphate, paper bags, wood chips and materials and supplies used in manufacturing and processing of gypsum and gypsum products, between points in Marion County, Ind., on the one hand, and, on the other, points in Ohio, Michigan, Illinois, Kentucky, and those in St. Louis County, Mo.; and *general commodities*, except commodities of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points within ten (10) miles of Indianapolis, Ind., including Indianapolis, on the one hand, and, on the other, points within twenty (20) miles of Bedford, Ind., including Bedford. Applicant is authorized to conduct operations in Indiana under the second proviso of section 206 (a) (1) of the Interstate Commerce Act.

No. MC 43442 Sub 8, filed April 21, 1955, TRANSPORTATION SERVICE, INC., 1946 Bagley Ave., Detroit 16, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Detroit, Mich. and Willow Run, Mich. over Michigan Highway M–112 as an alternate or connecting route for operating convenience only, serving no intermediate points, in connection with carrier's authorized regular route between Detroit, Mich. and Willow Run, Mich. over U. S. Highway 112. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 46280 Sub 32, filed April 11, 1955, DARLING FREIGHT, INC., 4000 Division Ave. S., Grand Rapids, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron products* and *steel products*, between Gibraltar, Mich., on the one hand, and, on the other, Evansville and Vincennes, Ind., points in Indiana on and north of U. S. Highway 40, those in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U. S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to junction U. S. Highway 67, thence along U. S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U. S. Highway 24, and thence along U. S. Highway 24 to the Illinois-Missouri State line, and those in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line and extending along U. S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis., and thence along U. S. Highway 141 to Lake Michigan at Manitowoc, Wis. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin.

No. MC 46313 Sub 4, filed April 18, 1955, GREAT FALLS TRANSFER AND STORAGE COMPANY, a corporation, 117 Park Drive South, Great Falls, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *contractors' equipment, road making and grading equipment and supplies, heavy machinery*, and *other articles requiring special equipment*, between points in Montana and North Dakota. Applicant is authorized to conduct operations in Idaho and Montana.

No. MC 46737 Sub 22, filed March 28, 1955, GEO. F. ALGER COMPANY, a corporation, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaiminating to other lading, serving Gibraltar, Mich., and points within two miles thereof (including the plant of McLouth Steel Company) as off-route points in connection with the carrier's regular route operations between Detroit, Mich., and Toledo, Ohio, (1) over U. S. Highway 24, and (2) over U. S. Highway 25, which is a portion of carrier's regular route operations between Detroit, Mich., and Cincinnati, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio and Michigan.

No. MC 47619 Sub 10, filed February 24, 1955, IOWA-NEBRASKA TRANSPORTATION CO., INC., Avoca, Iowa. Applicant's representative: R. A. Koga, General Traffic Manager, Iowa Nebraska Transportation Co., Inc., 1539 W. 32nd Place, Chicago 8, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) between Denison, Iowa, and junction U. S. Highways 34 and 59, over U. S. Highway 59 from Denison to Harlan, Iowa, thence over presently authorized route (U. S. Highway 59 or as set forth in outstanding Certificate No. MC 47619, Iowa Highway 64) to Avoca, Iowa, thence over U. S. Highway 59 to junction U. S. Highway 34, and return over the same route, serving the intermediate points (1) of Defiance, Harlan, Avoca, and Hancock, Iowa, and (2) those located on that portion of U. S. Highway 59 extending between Harlan and Avoca, Iowa, and the offroute point: of Irwin, Iowa, (B) between junction Iowa Highways 64 and 191, and junction U. S. Highways 30 and 71. Over Iowa Highway 191 from junction Iowa Highway 64 to junction Iowa Highway 37, thence over Iowa Highway 37 to junction U. S. Highway 59, thence over route described under (1) (A) above (U. S. Highway 59) to junction Iowa Highway 141, thence over Iowa Highway 141 to junction U. S. Highway 71, thence over U. S. Highway 71 to junction U. S. Highway 30, and return over the same route, serving the intermediate points of Persia, Portsmouth, Panama, Earling, Defiance, and Manning, Iowa, and the off-route points of Irwin, Manilla, Botna, and Halbur, Iowa, (C) between junction U. S. Highways 30 and 71, and junction U. S. Highways 34 and 71, over routes described under (1) (B) above (U. S. Highway 71) from junction U. S. Highways 30 and 71 to junction Iowa Highway 141, thence over U. S. Highway 71 to junction U. S. Highway 34, and return over the same route, serving the intermediate points of Audubon, Hamlin, Exira, and Brayton, Iowa, and the off-route point of Halbur, Iowa, (D) between Harlan, Iowa, and junction Iowa Highways 64 and 191, over Iowa Highway 39 from Harlan to junction Iowa Highway 191, thence over route described under (1) (B) above (Iowa Highway 191) to junction Iowa Highway 64, and return over the same route, serving the intermediate points of Portsmouth, and Persia, Iowa, (E) between Harlan, Iowa, and junction U. S. Highway 30 and Iowa Highway 39, over route described under (1) (D) above (Iowa Highway 39) from Harlan to Portsmouth, Iowa, thence over Iowa Highway 39 to junction U. S. Highway 30, and return over the same route, serving the intermediate point of Portsmouth, Iowa, (F) between Denison, Iowa and Deloit, Iowa, over Iowa Highway 4, serving no intermediate points, (G) between Des Moines, Iowa, and junction U. S. Highway 30 and Iowa Highway 144, over Iowa Highway 141 from Des Moines to Perry, Iowa, thence over Iowa Highway 144 to junction U. S. Highway 30, and return over the same route, serving no intermediate points, (H) between Des Moines, Iowa, and junction U. S. Highway 30 and Iowa Highway 60, over Iowa Highway 60, serving no intermediate points, (I) between Des Moines, Iowa, and junction U. S. Highway 30 and Iowa Highway 25, over route described under (1) (G) above (Iowa Highway 141) from Des Moines to Perry, Iowa, thence over Iowa Highway 141 to junction Iowa Highway 25, thence over Iowa Highway 25 to junction U. S. Highway 30, and return over the same route, serving no intermediate points, (J) between Ames, Iowa, and Osceola, Iowa, over U. S. Highway 69, serving no intermediate points, (K) between Belle Plaine, Iowa, and junction U. S. Highway 30 and Iowa Highway 131, over Iowa Highway 131, serving no intermediate points, (L) between Belle Plaine, Iowa, and junction U. S. Highway 30 and Iowa Highway 212, over Iowa Highway 212, serving no intermediate points, (M) between junction U. S. Highway 30 and Iowa Highway 63, and junction U. S. Highway 6 and Iowa Highway 63, over Iowa Highway 63, serving the intermediate point of Tama, Iowa, (N) between Albia, Iowa, and Des Moines, Iowa, over Iowa Highway 60 from Albia to junction Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 60, thence over Iowa Highway 60 to Des Moines, Iowa, and return over the same route, serving no intermediate points, and (O) between Guthrie Center, Iowa, and junction U. S. Highway 6 and Iowa Highway 25, over Iowa Highway 25, serving no intermediate points, and (2) *packing house products* and *fresh meat*, serving Shelby, Iowa, as an off-route point in connection with regular route operations between Chicago, Ill., and Omaha, Nebr., over U. S. Highways 6, 30, Alternate 30, 34, 73, 75, 218, and 275, Illinois Highways 82, and 92, and Iowa Highways 64, 83, and 141. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Iowa, and Nebraska, and irregular route operations in Illinois, Indiana, Iowa, Kansas, Massachusetts, Missouri, Nebraska, New Jersey, New York, Pennsylvania, and South Dakota.

No. MC 52713 Sub 5, filed March 30, 1955, MAXINE HUTCHENS AND B. F. BABB, doing business as CASSVILLE TRUCK LINE, Cassville, Mo. Applicant's attorney: D. D. McDonald, Room 1, Ott Bldg., Jefferson City, Md. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Joplin, Mo., and Powell, Mo., from Joplin over U. S. Highway 166 to junction Alternate U. S. Highway 71, thence over Alternate U. S. Highway 71 to junction U. S. Highway 60, thence over U. S. Highway 60 to Granby, Mo., thence over County Highway "H" to junction Missouri Highway 44, thence over Missouri Highway 44 to junction County Highway "E", thence over County Highway "E" to Powell, and return over the same route, serving the intermediate point of Longview, Mo. Applicant is authorized to conduct operations in Missouri.

No. MC 52986 Sub 8, filed April 1, 1955, NORTHWEST FREIGHT LINES, INC., 4300 State Avenue, Billings, Mont. Applicant's attorney: Alan Foss, First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *commodities in bulk*, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring

special equipment, between Missoula, Mont., and Spokane, Wash., over U. S. Highway 10, serving all intermediate points and the off-route point of the Ohio Match Company factory near Superior, Mont. Applicant is authorized to conduct operations in Indiana, Minnesota, Montana, and North Dakota.

No. MC 55905 Sub 74, filed March 14, 1955, WEST COAST FAST FREIGHT, INC., 299 Adeline St., Oakland, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *those requiring special equipment*, but excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, (1) between Portland, Oreg., and Hubbard, Oreg., From Portland over U. S. Highway 99W to junction Oregon Highway 57, thence over Oregon Highway 57 to junction Oregon Highway 51, thence over Oregon Highway 51 to junction U. S. Highway 99E, thence over U. S. Highway 99E to Hubbard, (2) between junction North Junction, Salem, Oreg. By-Pass and U. S. Highway 99E and junction South Junction, Salem, Oreg. By-Pass and U. S. Highway 99E, over Salem By-Pass, (3) between Anlauf, Oreg., and Rice Hill, Oreg., via Drain, Oreg., over Oregon Highway 45, and (4) between Oakland, Oreg., and Shady Point, Oreg., over Oregon Highway 234, and return over the above-routes, serving all intermediate points.

NOTE: Applicant states that Route (1) above is the new short cut expressway between Portland and Hubbard, and that it extends through an area heretofore but slightly developed; (2) is a new by-pass of Salem so as to avoid Salem Traffic and that when vehicles are not serving Salem, they will use this route; (3) is to enable the applicant to continue to serve Drain, Oreg., and other points which are no longer on U. S. Highway 99E, due to relocation of that highway; and (4) is to enable applicant to continue to serve points on Old U. S. Highway 99E (now Oregon Highway 234) between Oakland and Shady Point, Oreg., due to relocation of said U. S. Highway 99E. Applicant is authorized to conduct operations in California, Idaho, Montana, Oregon, and Washington.

No. MC 61396 Sub 50, filed March 31, 1955, and amended April 4, 1955, HERMAN BROS., INC., 1207 Chicago Street, Post Office Box 1237, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from Onawa, Iowa, to points in Nebraska.

No. MC 61396 Sub 52, filed April 13, 1955, HERMAN BROS., INC., 1207 Chicago St., P. O. Box 1237, Omaha 2, Nebr. Applicant's attorney: Frank E. Rambo, 127 N. 34th St., Omaha 3, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizers*, and *dry fertilizers*, in bulk, in tank trucks or trailers, from points (manufacturing and shipping) in Nebraska, to points in Iowa, Kansas, and Missouri. Applicant does not hold any authority to transport the commodities specified in this application.

No. MC 67818 Sub 52, filed April 8, 1955, MICHIGAN EXPRESS, INC., 505 Monroe Avenue, N. W., Grand Rapids 2, Mich. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vending machines*, including but not limited to coin and electrically operated, *food and beverage machines*, including but not limited to mixing, compounding, freezing or cooling and combinations thereof, *dispensers*, including but not limited to soda fountains, juices, syrups or soft drinks, and *cabinets, parts and accessories used in connection with said machines and dispensers*, from Traverse City, Mich., to points in the United States and the District of Columbia, and *refused and damaged shipments* on return. Applicant is authorized to conduct operations in Ohio and Michigan.

No. MC 73464 Sub 80, filed April 4, 1955, JACK COLE COMPANY, INC., 1900 Vanderbilt Rd., P. O. Drawer 274, Birmingham, Ala. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Anniston Ordnance Depot near Anniston, Ala., on the one hand, and, on the other, points in the Philadelphia, Pa., Commercial Zone as defined by the Commission, those in the New York, N. Y., Commercial Zone as defined by the Commission, points in Ohio and Indiana, those in that part of Illinois on, east and south of a line beginning at Cairo, Ill., and extending along U. S. Highway 51 to LaSalle, Ill., thence along U. S. Highway 6 to Joliet, Ill., thence along Alternate U. S. Highway 66 to junction U. S. Highway 66, thence along U. S. Highway 66 to Chicago, Ill., and Edwardsville, Kewanee, and Litchfield, Ill., and Detroit, Mich., together with Motion to Dismiss application following hearing thereon on the ground that authority to serve Anniston, Ala., includes authority to serve Anniston Ordnance Depot, near Anniston, Ala. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 76032 Sub 92, filed April 4, 1955, NAVAJO FREIGHT LINES, INC., P. O. Box 5364, 381 So. Broadway, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ E. San Francisco St., Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration), and those injurious or contaminating to other lading, between Gallup, N. Mex., and Shiprock, N. Mex., over U. S. Highway 666, serving all intermediate points, and between Gamerco, N. Mex., and Tuba City, Ariz., over above-specified route (U. S. Highway 666) from Gamerco to junction U. S. Highway 66 at Gallup, N. Mex., thence over presently authorized route (U. S. Highway 66) to junction U. S. Highway 89, thence over U. S. Highway 89 to junction unnumbered highway approximately seven (7) miles north of Cameron, Ariz., thence over said unnumbered highway to Tuba City, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, New Mexico, and Texas.

No. MC 78786 Sub 205, filed March 2, 1955, (AMENDED) published on page 2636, issue of April 20, 1955, PACIFIC MOTOR TRUCKING COMPANY, 65 Market St., San Francisco 5, Calif. Applicant's attorney: Starr Thomas, General Attorney, 80 East Jackson Blvd., Chicago 4, Ill. For authority to operate as a *common carrier*, over regular and irregular routes, to continue operations to be acquired from Pacific Freight Lines in Dock No. MC–F 5783 which are to be retained by applicant upon conveyance of a portion of the operating rights proposed to be acquired to Santa Fe Transportation Company in Docket No. MC–F 5932, as follows: Operating authority to be retained by Pacific Motor Trucking Company:

(1) Operating authority described on sheets one and two of Certificate of Public Convenience and Necessity issued October 5, 1942, in Docket No. MC 43762, as follows: REGULAR ROUTE: *General commodities*,[1] except those of unusual value, and except liquids in bulk, in tank trucks, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M. C. C. 467, and commodities requiring special equipment, Between Los Angeles, Calif., and San Luis Obispo, Calif.: From Los Angeles over U. S. Highway 101 to San Luis Obispo; Between Los Angeles, Calif., and Ventura, Calif., as follows: From Los Angeles over U. S. Highway 66 to Santa Monica, Calif., thence over Alternate U. S. Highway 101 to junction U. S. Highway 101, and thence over U. S. Highway 101 to Ventura; From Los Angeles over U. S. Highway 99 to junction California Highway 118, thence over California Highway 118 to junction U. S. Highway 101, and thence over U. S. Highway 101 to Ventura; From Los Angeles over U. S. Highway 99 to junction California Highway 126, and thence over California Highway 126 to Ventura; Return over the above-specified routes to points of origin. Service is authorized to and from all intermediate points on the above-specified routes and to and from the off-route points within ten miles of the above-described routes.

(2) Operating authority described on sheet two of Certificate of Public Convenience and Necessity issued October 5, 1942, in Docket No. MC 43762, modified as follows: REGULAR ROUTE: Between Los Angeles, Calif., and Calexico, Calif., as follows: From Los Angeles over U. S. Highway 99 via Colton and West Covina, Calif., to Calexico; From Los Angeles over U. S. Highway 66 to San Bernardino, Calif., thence over U. S. Highway 395 to Colton, and thence to Calexico as specified above; From Los Angeles over California Highway 19 to junction California Highway 10, thence over California Highway 10 to junction California Highway 35, thence over California Highway 35 to West Covina, and thence to Calexico as specified above; From Los Angeles over California Highway 22 to junction California Highway 35, thence over California Highway 35 to junction California Highway 18, thence over California Highway 18 to Riverside, Calif., thence over U. S. Highway 395 to Colton, and thence to Calexico as specified above, and return over the above-specified routes to points of origin. Service is authorized to and from all intermediate points on the above-specified routes and to and from the off-route points within five miles of the above-described routes, excepting that no service is authorized to or from Bandini, Montebello, Gypsum, Olive, Butler, Cucamonga, Rochester, East Highlands, Molino, West Highlands, Del Rosa, Ono, Sante Fe Springs, Stephens, East Whittier, La Mirada, Placentia, Atwood, May, Weisel, Chapman, Prado Dam or Lemona, or to or from any points on U. S. Highway 60 intermediate to Ontario and Riverside.

(3) Operating authority described on sheet 3 of Certificate of Public Convenience and Necessity issued October 5, 1942, in Docket No. MC 43762, modified as follows: REGULAR ROUTE: Between Los Angeles, Calif., and Fresno, Calif.: From Los Angeles over U. S. Highway 99 through San Fernando, Calif., to Fresno, Calif., and return over the above-specified routes to Los Angeles; Between points in California, as follows: From Famosa over California Highway 65 to junction California Highway 198, thence over California Highway 198 to junction U. S. Highway 99, and thence over U. S. Highway 99 to Fresno; From Delano over unnumbered highway to junction California Highway 65 near Richgrove; From Earlimart over unnumbered highway to Ducor; From Lindsay over unnumbered highway to Tulare, and return over the above-specified routes to points of origin. Service is authorized to and from all intermediate points on the above-specified routes and to and from the off-route points within five miles of the above-specified routes, excepting that no service is authorized to or from Oleander, Ultra, Mopeco, Jastro, Rosedale, Crome, Una, Shafter, Magnolia, Sunland, Lumer, Lone Star, Mattei, Cecille, Bowles, Swall, Loma, Paige, Mosian, Strathmore Jct., Mirador, Gillette, Sierra Heights, Lucca, Antes, Venida, Fane or Higby. From Famosa over U. S. Highway 466 to junction California Highway 33, and thence over California Highway 33 to Coalinga; From San Fernando over U. S. Highway 6 to junction unnumbered highway, thence over unnumbered highway via Newhall and Saugus to junction U. S. Highway 99, thence over U. S. Highway 99 to junction unnumbered highway (near Castaic), thence over unnumbered highway via Castaic and Sandberg to junction California Highway 138, thence over California Highway 138 to Gorman, Thence over U. S. Highway 99 to junction California Highway 166, thence over California Highway 166 to Maricopa, thence over U. S. Highway 399 to Taft, and thence over California Highway 33 to Blackwells Corner; From Taft over U. S. Highway 399 to junction U. S. Highway 99; From Bakersfield over California Highway 178 (also from junction California Highway 179 and unnumbered highway (near Lokern) over unnumbered highway to junction California Highway 33, thence over California Highway 33 to junction unnumbered highway, thence over unnumbered highway to Lost Hills, thence over U. S. Highway 466 to junction California Highway 33, thence over California Highway 33 to junction unnumbered highway (near Devils Den), and thence over unnumbered highway via Kettleman City, to Avenal; From Lerdo over unnumbered highway via Shafter to Wasco; From junction California Highways 33 and 41 over California Highway 41 to junction unnumbered highway (near Kettleman City), thence over unnumbered highway via Milham City and Murray to Coalinga; and return over the above-specified routes to points of origin. Service is authorized to and from all intermediate points and to and from the off-route points within ten miles of the above-described routes, excepting no service is authorized to or from Shafter, Ivy, Palmo, Wasco, Neufeld, Elmo, Pond, Mopeco, Jastro, Rosedale, Una, or Crome.

(4) Operating authority described on sheet 4 of Certificate of Public Convenience and Necessity issued October 5, 1942, in Docket No. MC 43762, modified as follows: REGULAR ROUTE: Between Los Angeles, Calif., and San Bernardino, Calif.; From Los Angeles over U. S. Highway 60 via Pomona, Calif., to Riverside, Calif., thence over U. S. Highway 395 to San Bernardino. Between junction U. S. Highway 66 and Euclid and Turner Avenues and junction of U. S. Highway 99 and Euclid and Turner Avenues; From junction of U. S. Highway 66 and Euclid Avenue over Euclid Avenue to junction of U. S. Highway 99 (near Ontario, Calif.); From junction of U. S. Highway 66 and Turner Avenue over Turner Avenue to U. S. Highway 99 (near Guasti, Calif.). Between San Bernardino, Calif., and Redlands, Calif.; From San Bernardino over U. S. Highway 395 to Colton, thence over U. S. Highway 99 to Redlands, and return over the above-specified routes to points of origin. Service is authorized to and from all intermediate points and to and from the off-route points within ten miles of the above-described routes, excepting that no service is authorized to or from Bandini, Montebello, Devore, Santa Fe Springs, Chapman, Verdemont, Butler, Cucamonga, Rochester, East Highlands, Moline, West Highlands, Del Rosa, Ono, Lemona, Box Springs, March Field, Alessandro or May, or to or from any points on U. S. Highway 60 intermediate to Ontario and Riverside.

(5) Operating authority described on Sheet 4 of Certificate of Public Convenience and Necessity issued October 5, 1942, in Docket No. MC 43762, modified as follows: REGULAR ROUTE: Between Los Angeles, Calif., and Altadena, Calif.: From Los Angeles over city streets via Highland Park, South Pasadena and Pasadena, Calif., to Altadena., and return over the above-specified route to point of origin. Service is authorized to and from all intermediate points on the above-specified route and to and from the off-route points within three miles of the above-described route.

(6) Operating authority described on Sheets 4 and 5 of Certificate of Public Convenience and Necessity issued October 5, 1942, in Docket No. MC 43762, as follows: REGULAR ROUTE: Between Los Angeles, Calif., and Laguna Beach, Calif.; From Los Angeles over California Highway 10 to junction California Highway 35, thence over California Highway 35 to junction California Highway 22, thence over California Highway 22 to junction California Highway 39, thence over California Highway 39 to junction Alternate U. S. Highway 101, and thence over Alternate U. S. Highway 101 to Laguna Beach. Between Newport Beach, Calif., and Costa Mesa, Calif.: From Newport Beach over unnumbered highway to junction California Highway 55, thence over California Highway 55 to Costa Mesa. Between junction U. S. Highway 101 and unnumbered highway approximately two miles south of Gamewell, Calif., and Balboa, Calif.: From junction U. S. Highway 101 and unnumbered highway over unnumbered highway via Newport Beach, Calif., to Balboa, and return over the above-specified routes to points of origin. Service is authorized to and from all intermediate points, on the above-specified routes. IRREGULAR ROUTES: Between points and places in the Los Angeles Commercial Zone and the Los Angeles Harbor Commercial Zone, as defined by the Commission in Los Angeles, Calif., Commercial Zone, 3 M. C. C. 248.

(7) Operating rights described on Sheets 1 and 2 of Certificate of Public Convenience and Necessity issued June 1, 1942, in Docket No. MC 43762 Sub 3, modified as follows: REGULAR ROUTES: Between Los Angeles and El Centro, Calif., Phoenix and Tucson, Ariz., as follows: *General commodities*, except bulk liquids, livestock, dangerous explosives, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M. C. C. 467, and commodities requiring special equipment, From Los Angeles over U. S. Highway 60 to Indio, Calif. (also from Los Angeles over U. S. Highway 99 to Indio), thence over U. S. Highway 60 to Mesa, Ariz., thence over Arizona Highway 87 via Olberg, Ariz., to Picacho, Ariz. (also from Olberg over Arizona Highway 84 to Picacho), and thence over Arizona Highway 84 to Tucson; From Los Angeles to Indio as specified above, thence over U. S. Highway 99 to El Centro, Calif., thence over U. S. Highway 80 via Gila Bend, Ariz., to Phoenix; From Los Angeles to Gila Bend as specified above,

[1] This commodity description also applies to operating rights described in Paragraphs 2 to 6, inclusive.

thence over Arizona Highway 84 to Casa Grande; and return over these routes to Los Angeles. Service is authorized to and from all intermediate points in Arizona, except Salome, Wenden, Love, Golden, Aguila, Forepaugh, Divide, Matthie, Wickenberg, Allah, Castle Hot Springs, Wittman, Beardsley, Lizard, Ennis, Marinette, Peoria, Glendale, and the off-route point of Litchfield Park, Ariz., unrestricted; all intermediate points in California except the points of Lemona, Box Springs, Blyth, Placentia and Santa Fe Springs, and points on U. S. Highway 60 intermediate to Ontario and Riverside, restricted to traffic moving to or from points in Arizona; and the off-route points of Corona, Downey, Huntington Beach, La Verne, Los Alamitos, Monrovia, San Bernardino, Calif.; and points and places in the LOS ANGELES COMMERCIAL ZONE and the LOS ANGELES HARBOR COMMERCIAL ZONE, as defined in LOS ANGELES, CALIF., COMMERCIAL ZONE, 3 M. C. C. 248, restricted to traffic moving to or from points in Arizona. From Los Angeles over U. S. Highway 101 to Doheny Park, Calif. (also from Los Angeles over Alternate U. S. Highway 101 to Doheny Park), thence over U. S. Highway 101 to San Diego, Calif., and thence over U. S. Highway 80 to El Centro, Calif., and return over the same route. Service is authorized at the intermediate point of San Diego, Calif., restricted on eastbound movements, to pick-up of shipments moving to points east of Yuma, Ariz., and on westbound movements, restricted to delivery of shipments moving from points east of Yuma, Ariz. Between San Diego, Calif., and Phoenix, Ariz.: *Salt*, From San Diego over U. S. Highway 80 to Phoenix; and *Empty salt containers, fresh meat*, and *packing-house products*, From Phoenix over the above-specified route to San Diego. Service is not authorized to or from intermediate points. Service is authorized to the off-route point of Tovrea, Ariz., restricted to delivery only. REGULAR AND IRREGULAR ROUTES: *Feeds*, From Phoenix, Ariz., to points and places in San Diego County, Calif., as follows: From Phoenix over U. S. Highway 80 to the San Diego County line, and thence over irregular routes to points and places in San Diego County; and return over irregular routes to the San Diego County line, and thence over the above-specified regular route to Phoenix. Service is not authorized to or from intermediate points on the above-specified regular route except as otherwise authorized or to or from the following points in irregular route territory: San Onofre, Don, Las Flores, Stuart, Oceanside, Carlsbad, Hedionda, Farr, Ponto, Encinitas, Cardiff, Solana Beach, Del Mar, Sorrento, Linda Vista, Pacific Beach, Ranch House, Jofegan, De Luz, Fallbrook, Talica, Falda, Vista, Guena, San Marcos or Escondido.

(8) Operating rights described on Sheet 3 of Certificate of Public Convenience and Necessity issued June 1, 1942, in Docket No. MC 43762 Sub 3, modified as follows: IRREGULAR ROUTES: *Groceries, fresh citrus fruits, canned and dried fruits* and *vegetables*, and *paper and paper products*, except fruit wrappers, Between Fresno, Calif., and points and places within 75 miles of Fresno, on the one hand, and, on the other, San Pedro, Wilmington, and Terminal Island (Los Angeles Harbor points). *Milk* and *milk products*, in truckloads of not less than 25,000 pounds. From Fresno, Calif., and points and places within 75 miles of Fresno, to San Pedro, Wilmington, and Terminal Island (Los Angeles Harbor points), with no transportation for compensation on return except as otherwise authorized. No service is authorized to or from the following named points: Sharon, Kismet, Trigo, Gregg, Figarden, Cecille, Mattei, Lone Star, Wolf, Del Rey, Radwin, Wahtoke, Cella, Minkler, Oakhurst, Avocado, Piedra, Navalencia, Orange Cove, Oleander, Bowles, Monmouth, Conejo, Clint, Gepford, Shilling, Lanare, Roy, Enson, Tokay, Sultana, Cutler, Calgro, Peral, Higby, Loma, Swall, Paige, Waukena, Blanco, Spa, Angiola, Alpaugh, Allensworth, Wyeth, Orosi, Wimp, Seville, Twin Buttes, Rayo, Cairns, Hillmaid, Fane, Venida, Antes, Lucca, Gillette, Mirador, Strathmore Junction, Mosain, Lumer, Sunland, Magnolia, Lucerne, Pitco, Guernsey, Corcoran, Cressy, Winton, Fluhr, Pritchard, Kadota, Tuttle, Calpack, Planada, Legrand, and Marguerite. *Diesel fuel oil*, and *petroleum products*, not including fuel oil, between Los Angeles, Calif., and points and places within 30 miles of First and Main Streets, Los Angeles, on the one hand, and, on the other, points and places in Pima and Pinal Counties, Ariz., and that part of Yuma and Maricopa Counties, Ariz., (including Phoenix, Arizona), lying south of the main line of The Atchison, Topeka and Santa Fe Railway Company or south of Arizona Highway No. 72 to its junction with U. S. Highway No. 70, thence U. S. Highway No. 79, whichever is more southerly, to Phoenix, and including points east of a line running north from Phoenix. *Petroleum products*, Between San Diego and Los Angeles, Calif., and points and places within 30 miles of Los Angeles, on the one hand, and, on the other, San Ysidro, Tecate, and Calexico, Calif.

(9) Operating rights described in Certificate of Public Convenience and Necessity issued November 25, 1949, in Docket No. MC 43762 Sub 7, modified as follows: *Petroleum products*, in bulk, in tank, in tank vehicles, over irregular routes, From Fillmore, Calif., and points and places within two miles of Fillmore, to points and places in Pima and and Pinal Counties, Ariz., and that part of Yuma and Maricopa Counties, Ariz. (including Phoenix, Arizona), lying south of the main line of The Atchison, Topeka and Santa Fe Railway Company or south of Arizona Highway No. 72 to its junction with U. S. Highway No. 70, thence U. S. Highway No. 70, whichever is more southerly, to Phoenix, and including points east of a line running north from Phoenix.

(10) Operating rights described in Certificate of Public Convenience and Necessity issued October 11, 1949, in Docket No. MC 43762 Sub 10, modified as follows: *General commodities*, except those of unusual value, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M. C. C. 467, livestock, and commodities requiring special equipment, over regular routes, Between points in California: From Selma over U. S. Highway 99 to Manteca, thence over California Highway 120 to junction U. S. Highway 50, and thence over U. S. Highway 50 to San Francisco (also from Manteca over U. S. Highway 99 to Stockton, thence over U. S. Highway 50 to San Francisco), and return over the same route. Service is authorized to and from all intermediate points; and the off-route points of Alameda, Biola, Brentwood, Clotho, Clovis, Dinuba, Fruitvale, Handord, Hayward, Kerman, Locans, Reedley, Richmond, Sanger, and Visalia, and those within one mile of Stockton. From Selma over U. S. Highway 99 to junction California Highway 152, thence over California Highway 152 to junction U. S. Highway 101, and thence over U. S. Highway 101 to San Francisco, and return over the same route. Service is authorized to and from the intermediate points of Santa Clara, San Jose, and Sunnyvale, those on U. S. Highway 99, and the off-route points specified above.

No. MC 89040 Sub 1, filed March 14, 1955, EDWARD A. WATTS, 517 W. Dauphin Street, Philadelphia 33, Pa. Applicant's representative: G. A. Bruestle, Motor Carriers Service Bureau, Inc., S. E. Cor. Broad & Spring Garden Sts., Philadelphia 23, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper boxes*, stand-up or set-up, from Philadelphia, Pa., to New York, N. Y., and points in New Jersey. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

No. MC 94265 Sub 38, filed February 28, 1955, (amended), BONNEY MOTOR EXPRESS, INC., P. O. Box 4057, Broad Creek Station, Military Highway, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *peanuts*, from points in North Carolina, and Virginia on, north, east, and south of a line beginning at the Atlantic Ocean at or near Atlantic, N. C., and thence extending along U. S. Highway 70 to junction U. S. Highway 1, thence along U. S. Highway 1 to the North Carolina-Virginia State line, thence along U. S. Highway 1 to Petersburg, Va., thence along Virginia Highway 36 to Hopewell, Va., and thence along the James River and Chesapeake Bay to the Atlantic Ocean at or near Cape Henry, Va., (2) *edible nuts*, including but not restricted to *filberts, walnuts, almonds, cashews, pecans*, and *brazil nuts; candy; peanut butter sandwiches; cream filled cookies; peanut products* such as but not limited to *candy, peanut butter, soap powder, peanut oil, peanut hulls, peanut skins*, and *peanut hearts;* and such *advertising materials, store equipment*, and *fixtures* as are used in connection with the sale and distribution of the aforesaid commodities, from Norfolk, and Suffolk, Va., to St. Paul, and Minneapolis, Minn., Milwaukee, Wis., and Louisville, Ky., with shipments of used *advertising materials, store equipment*, and *fixtures*, on return

movements from St. Paul, and Minneapolis, Minn., Milwaukee, Wis., and Louisville, Ky., to Norfolk, and Suffolk, Va., and (3) *cream filled cookies*, from Norfolk, and Suffolk, Va., to St. Louis, Mo. Applicant is authorized to conduct operations in Alabama, the District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia.

No. MC 95084 Sub 26, filed April 18, 1955, HOVE TRUCK LINE, Stanhope, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Roofing and Building materials*, from Wilmington, Ill., to points in Nebraska and South Dakota and points in Minnesota on and south of U. S. Highway 12.

No. MC 95218 Sub 2, filed April 21, 1955, PELOSO, INC., 1074 Plainfield Street, Johnston, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities, the transportation of which because of size or weight requires the use of special equipment*, and of *related machinery parts*, and *related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey and Pennsylvania. Applicant is authorized to conduct operations in Rhode Island, Connecticut and Massachusetts.

No. MC 96025 Sub 18, filed April 14, 1955, DEWELL WILLIAM HOSKINS, doing business as HOSKINS' TRUCK SERVICE, P. O. Box 66, Malvern, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, including bed slats and laths*, from points in Ashley, Bradley, Calhoun, Clark, Cleveland, Columbia, Dallas, Drew, Garland, Grant, Hempstead, Hot Spring, Jefferson, LaFayette, Lincoln, Nevada, Ouachita, Pike, Pulaski, Saline and Union Counties, Ark., to points in Illinois, Iowa and Indiana. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, Oklahoma, Tennessee and Texas.

No. MC 102308 Sub 18, filed April 22, 1955, (Instant application directly related to MC–F 5963, published under Section 5 proceedings, this issue), INLAND FREIGHT LINES, a corporation, 1370 South Second West, Salt Lake City, Utah. Applicant's attorney: Lynn S. Richards, 716 Newhouse Bldg., Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding household goods as defined by the Commission, and commodities in bulk, (1) Between Rangely, Colo., and Denver, Colo., as follows: From Rangely via State Highway 64 to junction with State Highway 13, thence over State Highway 13 to Rifle, thence over U. S. Highways 6 and 24 to Dowds, thence over U. S. Highways 6 and 40, thence over U. S. Highways 6 and 40 to Denver; (2) Between Rifle, Colo., and Craig, Colo., as follows: From Rifle via State Highway 13 to Craig; (3) Between Rifle, Colo., and Grand Junction, Colo., as follows: From Rifle to Grand Junction via U. S. Highways 6 and 24, in loads of not less than 4,000 pounds; (4) Between Rangely, Colo., on the one hand, and a radius of 25 miles of Denver, Colo., on the other, as follows: From Rangely over State Highway 64 to junction with State Highway 13, thence over State Highway 13 to Rifle, thence over U. S. Highways 6 and 24 to Dowds, thence over U. S. Highway 6 to junction U. S. Highway 40, thence over U. S. Highways 6 and 40 to points and places within a radius of 25 miles of Denver; (5) Between Rangely, Colo., on the one hand, and a radius of 25 miles of Colorado Springs, Colo., on the other, as follows: From Rangely over State Highway 64 to junction with State Highway 13, thence over State Highway 13 to Rifle, thence over U. S. Highways 6 and 24 to Dowds, thence over U. S. Highway 24 to points and places within a radius of 25 miles of Colorado Springs; (6) Between Rangely, Colo., on the one hand, and points and places within a radius of 25 miles of Pueblo, Colo., on the other, as follows: From Rangely, via State Highway 64 to junction with State Highway 13, thence over State Highway 13 to Rifle, thence over U. S. Highways 6 and 24 to Dowds, thence over U. S. Highway 24 to junction with U. S. Highway 285, thence over U. S. Highway 285 to junction with State Highway 291, thence over State Highway 291 to Salida, thence over U. S. Highway 50 to points and places within a radius of 25 miles of Pueblo; (7) An alternate route in connection with said routes between Rangely, Colo., on the one hand, and points and places within a radius of 25 miles of Denver, Colorado Springs and Pueblo over U. S. Highways 85 and 87 in connection with the routes otherwise defined; and (8) All intermediate points and the off-route points of Rocky Flats, and Dinasaur National Monument.

No. MC 102567 Sub 45, Filed March 14, 1955 (Amended), EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La. (Mailing address: P. O. Box 1822, Shreveport, La.) For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from points in Saint Landry, Pointe Coupee, Concordia, Tensas, Catahoula, Evangeline, Avoyelles and Saint Martin Parishes, La., to points in Mississippi and Alabama. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi and Texas.

No. MC 103051 Sub 15, filed March 25, 1955, WALKER HAULING CO., INC., 624 Penn Ave., N. E., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, between points in Georgia (except from the terminals of the Southeastern Pipeline Company in Georgia, except Albany, Ga., to points and places within 125 miles of origin and except from the terminal of the Southeastern Pipeline Company at Albany, to points in Georgia within 115 miles of Albany, which applicant already serves). Applicant is authorized to conduct operations in Georgia, Tennessee, and Alabama.

No. MC 103378 Sub 37, filed April 20, 1955, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank trucks, from Savannah, Ga., to points in South Carolina and Florida.

No. MC 105375 Sub 7, filed April 20, 1955. JOHN W. DAHLEN, doing business as DAHLEN TRANSPORT COMPANY, 875 North Prior St., St. Paul 4, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Clear Lake, Iowa, and points within five miles thereof, to points in Brown, Cottonwood, Faribault, Freeborn, Jackson, Le Sueur, Martin, Murray, Nicollet, Nobles, Pipestone, Redwood, Rice, Rock, and Steele Counties, Minn., and points in Buffalo, Crawford, Grant, Iowa, Jackson, Juneau, La Crosse, Lafayette, Monroe, Richland, Sauk, Trempealeau, and Vernon Counties, Wis. Applicant is authorized to conduct operations in Wisconsin, Iowa, and Minnesota.

No. MC 105531 Sub 14, filed February 2, 1955 (amended), ALAMO MOTOR LINES, a corporation, 428 East Cevallos, San Antonio, Tex. Applicant's attorney: Maynard F. Robinson, Frost National Bank Building, San Antonio, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between (1) Houston, Tex., and New Orleans, La., over U. S. Highway 90, serving all intermediate points, (2) Beaumont, Tex., and New Orleans, La., over U. S. Highway 190 from Beaumont to Baton Rouge, La., thence over U. S. Highway 61 to New Orleans, and return over the same route, serving all intermediate points, and (3) Jennings, La., and New Iberia, La., over Louisiana Highway 25, serving all intermediate points; together with motion requesting that all of the pertinent evidence previously adduced at hearings held on December 2, 1947, December 18, 1947, March 29, 1948, and April 16, 1948 at Houston, Tex., and February 16, 1948, and March 15, 1948 at New Orleans, La., in connection with the applications filed in Dockets Nos. MC 105531 Sub 7, MC 107173 Sub 2, and MC 59680 Sub 69, be incorporated in the instant proceeding. Applicant is authorized to conduct operations in Texas.

No. MC 105902 Sub 6, filed April 7, 1955. PENN YAN EXPRESS, INC., 100 West

Lake Road, P. O. Box 396, Penn Yan, N. Y. Applicant's representative: Floyd B. Piper, Crosby Building, Buffalo 2, N. Y. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B Explosives, livestock, silk, furs, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Buttzville, N. J., and Newark, N. J., from Buttzville, over U. S. Highway 46 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to Newark, N. J., and return over the same route, serving no intermediate points, as an alternate or connecting route in connection with applicant's regular-route operation between Elmira, N. Y., and New York, N. Y. Applicant is authorized to conduct operations in New Jersey, New York, and Pennsylvania.

No. MC 106965 Sub 78, filed March 3, 1955, (amended), published on page 1753 of issue of March 23, 1955. M. I. O'BOYLE AND SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Ave. NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, in tank or hopper vehicles, from (1) Baltimore, Hagerstown, Security, and Union Bridge, Md., to points in Pennsylvania, Virginia, West Virginia, and the District of Columbia, (2) Martinsburg, W. Va., to points in Maryland, Pennsylvania, Virginia, and the District of Columbia, (3) Washington, D. C., to points in Maryland, Virginia, and West Virginia, and (4) Bethlehem, Lehigh, Nazareth, Philadelphia, Pittsburgh, and York, Pa., and Fordwick, Norfolk, Newport News, and Roanoke, Va., to points in Maryland, Virginia, West Virginia, and the District of Columbia. Applicant does not presently hold any authority to transport the commodity specified in this application.

No. MC 107295 Sub 44, filed April 13, 1955, PRE-FAB TRANSIT CO., Farmer City, Ill. Applicant's attorney: Mack Stephenson, First National Bank Bldg., Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Storage tanks*, from Galesburg, Ill., to points in Indiana, Michigan, Ohio, Kentucky, Wisconsin, Missouri, Kansas, Iowa, Minnesota, North Dakota, South Dakota, and Nebraska.

No. MC 107626 Sub 5, Filed March 18, 1955, (Amended) LAS VEGAS-NEEDLES-PHOENIX TRUCK LINE, INC., 1324 East 15th Street, Los Angeles 21, Calif. Applicant's attorney: David F. Anderson, St. George, Utah. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Las Vegas, Nev., and the site of the U. S. Atomic Energy Commission plant at or near Mercury, Nev., from Las Vegas over U. S. Highway 95 to junction unnumbered highway, and thence over unnumbered highway to the above specified plant site near Mercury, and return over the same route, serving no intermediate points, and restricted to traffic having an origin or destination in New Mexico; *Class A, B and C explosives*, between Phoenix, Ariz. and the site of the U. S. Atomic Energy Commission plant at or near Mercury, Nev., from Phoenix over U. S. Highway 60 to Hope, thence over Arizona Highway 72 to Parker, thence across the Colorado River to Earp, Calif., thence over unnumbered California highway to junction U. S. Highway 95 at Vidal Junction, thence over U. S. Highway 95 to junction unnumbered Nevada highway near Mercury, Nev., and thence over unnumbered Nevada highway to the site of the U. S. Atomic Energy Commission plant at or near Mercury, and return over the same route, serving all intermediate points except those between Hope and Phoenix, Ariz., and except those between Las Vegas and the Atomic Energy plant, and serving off-route points within ten miles of the above-specified route between Las Vegas, Nev., and Hope, Ariz.; *compressed* gases, in Government-owned tank trailers and cylinders, and *empty Government-owned tank trailers and cylinders*, between Phoenix, Ariz. and the site of the U. S. Atomic Energy Commission plant at or near Mercury, Nev., from Phoenix over U. S. Highway 60 to Hope, thence over Arizona Highway 72 to Parker, thence across the Colorado River to Earp, Calif., thence over unnumbered California highway to junction U. S. Highway 95 at Vidal Junction, thence over U. S. Highway 95 to junction unnumbered Nevada highway near Mercury, Nev., and thence over unnumbered Nevada highway to the site of the U. S. Atomic Energy Commission plant at or near Mercury and return over the same route, serving no intermediate points; *Class A, B and C explosives, compressed gases* in Government-owned tank trailers and cylinders, and *empty Government-owned tank trailers and cylinders*, and *general commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Phoenix, Ariz. and Alunite, Nev., and the junction U. S. Highway 95 and Nevada Highway 77, from Phoenix, Ariz. over U. S. Highway 89 to Congress Junction, thence over Arizona Highway 93 to junction U. S. Highway 66 about one mile east of Kingman, thence over U. S. Highway 66 to Kingman, thence over combined U. S. Highways 93 and 466 to junction U. S. Highway 95 at Alunite, Nev., and from Phoenix, Ariz. over the above-specified route to Kingman, thence over U. S. Highway 93 to junction unnumbered highway, thence over unnumbered highway via Davis damsite to junction U. S. Highway 95 and Nevada Highway 77, and return over the same routes, serving no intermediate points except as otherwise authorized in applicant's existing authority or as may be authorized by approval of this application, in connection with (1) carrier's regular route operations between Las Vegas, Nev., and Phoenix, Ariz., and (2) with the regular route operations described above. Applicant is authorized to conduct operations in Arizona, Nevada and California.

No. MC 108185 Sub 13, filed March 24, 1955, and amended April 1, 1955, DIXIE HIGHWAY EXPRESS, INC., P. O. Box 631, Meridian, Miss. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens National Bank Building, Atlanta 3, Ga., For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value and except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Atlanta, Ga., and Douglasville, Ga., (a) from Atlanta over Georgia Highway 154 to junction Georgia Highway 92, and thence over Georgia Highway 92 to Douglasville, and (b) from Atlanta over Georgia Highway 166 to junction Georgia Highway 92, thence over Georgia Highway 92 to Douglasville, and return over the same routes, as alternate or connecting routes, in connection with applicant's regular-route operations between Birmingham, Ala., and Tuskegee, Ala., restricted to shipments of 5,000 pounds or more. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi, and Louisiana.

No. MC 108586 Sub 35, filed March 21, 1955 (amended), published April 13, 1955, page 2440, STEFFKE FREIGHT CO., a corporation, 204 S. Bellis St., P. O. Box 748, Wausau, Wis. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A and B explosives*, between Chicago and Rockford, Ill., and the U. S. Air Force Installation adjacent to K. I. Sawyer Air Port, and the K. I. Sawyer Air Port, located approximately five (5) miles south of Sands, Mich., (1) from Chicago over U. S. Highway 41 to Marquette, Mich., thence south over Marquette County Highway 480 to junction Marquette County Highway 553, thence over Marquette County Highway 553 to junction unnumbered Michigan highway, thence over unnumbered Michigan Highway to the U. S. Air Force Installation and the K. I. Sawyer Air Port, (also from junction U. S. Highway 41 and unnumbered Michigan highway, southeast of Marquette, west over unnumbered Michigan highway to the U. S. Air Force Installation and the K. I. Sawyer Air Port), and (2) from Rockford over U. S. Highway 51 to junction Wisconsin Highway 26 at Janesville, Wis., thence over Wisconsin Highway 26 to junction U. S. Highway 41, near Oshkosh, Wis., thence over the above-described routes to the U. S. Air Force Installation and the K. I. Sawyer Air Port, and return over the same routes, serving no intermediate points. Applicant is authorized to conduct operations in Illinois and Wisconsin.

No. MC 108699 Sub 1, filed April 19, 1955, FRANK J. WALSH, Prospect Heights, Rensselaer, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Gas meters, gas apparatus, and parts for gas meters and gas apparatus*, and *materials, supplies, equipment and machinery* necessary for and used in or incidental to the manufacture and shipping of gas apparatus, gas meters and parts for gas meters and gas apparatus, (1) between Erie, Pa., Albany, N. Y., Boston, Mass., Philadelphia, Pa., and Nebraska City, Nebr.; (2) between Erie, Pa., Philadelphia, Pa., Boston, Mass., Albany, N. Y., and Nebraska City, Nebr., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, the District of Columbia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Missouri, Iowa, Nebraska, and Kansas.

NOTE: Applicant states he presently holds authority to render service in part of the area above described. No duplication of authority is requested. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and the District of Columbia.

No. MC 109584 Sub 21, filed April 19, 1955, ARIZONA-PACIFIC TANK LINES, 717 N. 21st Avenue, Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 S. Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable and animal oils and fats*, raw and refined, except tallow, in bulk, in tank vehicles, between points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington. Applicant is authorized to conduct operations in Arizona and California.

No. MC 109734 Sub 69, filed March 28, 1955, SYSTEM TANK LINES, INC., 299 Adeline Street, Oakland, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Sacramento and Oleum, Calif., and points within ten miles of each, on the one hand, and, on the other, points in Utah. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington.

No. MC 109734 Sub 71, filed April 11, 1955, SYSTEM TANK LINES, INC., 299 Adeline Street, Oakland, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum oils* and *greases*, in bulk, in tank vehicles, from El Segundo, Calif., and points within five (5) miles thereof, to points in Oregon and Washington. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

No. MC 109734 Sub 72, filed April 11, 1955, SYSTEM TANK LINES, INC., 299 Adeline Street, Oakland, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Arizona. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington.

No. MC 110436 Sub 13, ROBERTSON TRANSPORTS, INC., 5700 Polk, Houston, Tex. Applicant's attorney: Harry W. Patterson, San Jacinto Bldg., Houston 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank trucks, (1) from Baytown, Tex., to points within a five mile radius of Oil Center, Jal, Eunice, Carlsbad, Gage, Deming, Hobbs, Gallup, and Farmington, N. Mex., including each of the named points, and (2) from Port Arthur, Tex., to points within a five mile radius of Jal, Eunice, and Monument, including each of the named points. Applicant does not hold permanent interstate authority from this Commission.

No. MC 111149 Sub 15, filed April 19, 1955, KILMER TRANSPORTATION CO., P. O. Box 429, Metuchen, N. J. Applicant's attorney: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Earthenware*, from Mannington, W. Va. to points in Connecticut. Applicant is authorized to conduct operations in the District of Columbia and all states in the United States except Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

No. MC 111320 Sub 19, filed March 17, 1955, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Utility truck bodies, power take-off equipment, ladder extension towers, post hole diggers, pole line construction materials*, and *parts* of the aforesaid commodities, between Miami, and West Palm Beach, Fla., Griffin, and Savannah, Ga., Charleston, S. C., New Orleans, La., Phoenix, Ariz., Cleveland, Ohio, Boston, Mass., and those ports of entry located in New York, and Michigan on or near that portion of the United States-Canadian International Boundary line situated between the states of New York and Michigan, and the Dominion of Canada. The applicant is not presently specifically authorized to transport the commodities specified in this application but is authorized to transport motor vehicles, bodies, and cabs in and through the District of Columbia and all states in the United States excepting Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Vermont, Washington, and Wyoming, which may in some instances include transportation of utility truck bodies as now being applied for.

No. MC 111397 Sub 15, filed April 7, 1955, WADE E. DAVIS, doing business as DAVIS TRANSPORT, 2812 Kentucky Ave., Paducah, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from River Terminal at Birds Point, Mo., to points in Illinois, Indiana, Kentucky, and Tennessee. Applicant is authorized to conduct operations in Kentucky, Tennessee, Missouri, and Illinois.

No. MC 112239 Sub 2, filed March 29, 1955, R. G. LOGAN, doing business as LOGAN TRUCKING CO., Eastern Avenue, South Beloit, Ill. Applicant's attorney: Ralph H. Haen, 1101 Broadway, Rockford, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Concrete pipe, pre-cast concrete slabs*, and *concrete manhole blocks*, from Chicago and Rock Island, Ill., to points in Indiana, Iowa, Minnesota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Minnesota, and Wisconsin.

No. MC 112239 Sub 3, filed March 29, 1955, R. G. LOGAN, doing business as LOGAN TRUCKING CO., Eastern Avenue, South Beloit, Ill. Applicant's attorney: Ralph H. Haen, 1101 Broadway, Rockford, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Forms and equipment used in the manufacture of concrete products*, between Chicago, South Beloit, and Rock Island, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Minnesota and Wisconsin; *cement*, in bulk, in tank or compartment trucks, in truck loads, from Buffington, Ind., to South Beloit, Chicago, and Rock Island, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement.

No. MC 112617 Sub 13, filed April 8, 1955, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals* and *petroleum products*, in bulk, in tank vehicles, from Doe Run, Ky., to points in Minnesota, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Texas, and Florida. Applicant is authorized to conduct operations in Alabama, Kentucky, West Virginia, Ohio, Pennsylvania, Indiana, Michigan, Illinois, Tennessee, Maryland, Virginia, North Carolina, South Carolina, Georgia, Mississippi, Missouri, Wisconsin, and New Jersey.

No. MC 114001 Sub 1, filed March 25, 1955, OHIO NORTHERN TRUCK LINE, INC., 750 Andrews Avenue, Youngstown, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron pipe, iron tubing, iron wire*, plain or coated, *steel pipe, steel tubing, steel wire*, plain or coated, *bar steel* and *steel bars*, from Cleveland, Toledo, Warren and Youngstown, Ohio, to Buffalo, N. Y. Applicant is authorized to conduct operations in Ohio and Michigan.

No. MC 114001 Sub 2, filed March 25, 1955, OHIO NORTHERN TRUCK LINE, INC., 720 Andrews Avenue, Youngstown, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland

14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Empty bags, for repacking of salt* and *advertising matter* for advertising salt, from St. Clair and Marysville, Mich., to points in Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities, on return movement; and *empty returned pallets, platforms and skids*, used to transport metal products, from points in that part of Michigan on and east of U. S. Highway 27 and on and south of Michigan Highway 20 and south of Saginaw Bay, to Toledo, Ohio, and points in that part of Ohio on and north of U. S. Highway 30 and on and east of Ohio Highway 13.

No. MC 114885 Sub 2, filed April 13, 1955, TANK TRUCK TRANSPORT, LIMITED, a corporation, P. O. Box 116, Point Edward, Ontario, Canada. Applicant's attorney: Jack Goodman, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dimethylterephthalate*, in bulk, in special steel hopper bottom tank trailers, from Burlington, N. J., to those ports of entry which are located in New York at or near Cape Vincent on or near that portion of the United States-Canadian International Boundary line situated between New York and Canada at or close to Cape Vincent, N. Y. Applicant does not presently hold any authority from this Commission but has pending application on file in No. MC 114885 Sub 1 for common carrier authority as described therein. The applicant is also affiliated with Reid Transports, Ltd., through stock ownership, who holds authority from this Commission under Permit No. MC 109525 Sub 2, to perform contract carrier operations over the route or routes or within the territory as more particularly appears in the files of the Commission at its office in Washington, D. C.; therefore, section 210 matters may also be involved.

No. MC 115113, filed March 7, 1955, IOWA PACKERS EXPRESS, INC., Box 448, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting (1) *meats, meat products*, and *meat by-products*, and *articles distributed by meat-packing houses*, as defined in Parts A and C of the Appendix to the report in Modification of Permits-Packing House Products, Ex Parte No. MC 38, 46 M. C. C. 23, from Fort Dodge, Iowa, to Akron, Canton, Cleveland, Hamilton, Lima, Springfield, Toledo, Warren, Youngstown, and Zanesville, Ohio, and points in Connecticut, Delaware, the District of Columbia, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and (2) *carpets, rugs*, and *linoleum*, and *materials and supplies*, used in the installation of carpets, rugs, and linoleum, from Kearny, and Trenton, N. J., Wilmington, Del., and Marcus Hook, Pa., to Fort Dodge, and Waterloo, Iowa. Applicant does not presently hold any authority from this Commission.

No. MC 115197 Sub 1, filed April 21, 1955, AMERICAN TRANSPORT, INC., 1727 East Division St., P. O. Box 623, Springfield, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank trucks, from the pipe line terminal of the Cherokee Pipe Line, located approximately seven (7) miles northeast of Mount Vernon, Mo., to Ava, Mo., and all points in that part of Missouri bounded by a line beginning at the Missouri-Kansas State line and extending along the Missouri-Iowa State line to junction U. S. Highway 63, thence along U. S. Highway 63 to junction U. S. Highway 60, thence along U. S. Highway 60 to the Missouri-Oklahoma State line, thence along the Missouri-Oklahoma State line to the Missouri-Kansas State line, and thence along the Missouri-Kansas State line to point of beginning, including points on the indicated portions of the highways specified, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

No. MC 115206, filed February 21, 1955 (Amended), ED B. HEITKEMPER, 317 N. W. 11th Avenue, Portland 9, Oreg. Applicant's attorney: Earle V. White, 1401 N. W. 19th Avenue, Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked or disabled motor vehicles and trailers*, in truckaway service (by means of "Towaway" only), between points in Oregon, on the one hand, and, on the other, points in Washington, Idaho, and that part of California on and north of U. S. Highway 299 from the Pacific Ocean to Alturas, Calif., thence on and north of an unnumbered highway to the California-Nevada State line.

No. MC 115243, filed March 14, 1955, SPECIAL DELIVERY, INC., 3401 North Dort Highway, Flint, Mich. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Kitchen equipment*, such as but not limited to ranges, dishwashers, garbage disposals, and combination dishwasher sinks and garbage disposals; *laundry equipment*, such as but not limited to washing machines, drying machines, ironers, and combinations thereof; *heating equipment*, such as but not limited to water heaters, furnaces, electric heaters, and heating coils; *cooling equipment*, such as fans and air coolers; *air-conditioning equipment*, such as air conditioners and de-humidifiers; *refrigerating equipment*, such as refrigerators, ice cream cabinets, display cabinets, compressors, and cooling coils, cooling cases, cooling fixtures, and ice cube makers, from Dayton, and Moraine, Ohio, to all points in the United States, except those in the States of Washington, Oregon, California, Arizona, Nevada, Idaho, and Utah.

No. MC 115282, filed March 30, 1955, MAX COHEN AND SAM BRENNER, doing business as A. B. C. TRUCKING, 1197 Grand Concourse, Bronx 52, New York, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Hardware* and *housewares*, such as is dealt in by wholesale dealers and retail stores, from points in New York to Asbury Park, N. J., and Bridgeport, Conn., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return.

No. MC 115286, filed March 31, 1955, ELMER ROBERT DAHLENBURG, doing business as DAHLENBURG, 238 Pike Street, Covington, Ky. Applicant's attorney: Thomas W. Hardesty, 203 Finance Building, Newport, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Horses, other than ordinary, stable supplies* and *equipment used in the care and exhibition of such horses, mascots* and the *personal effects of their attendants, trainers and exhibitors*, in the same vehicle with such horses, between points in Arkansas, Alabama, Delaware, Georgia, Florida, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Connecticut, New Hampshire, Tennessee, Texas and Vermont.

No. MC 115288 Sub 1, filed April 18, 1955, VERNON G. CARR, Mountain View, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *contract carrier*, over a regular route, transporting: *Hardwood flooring*, from West Plains, Mo., to Chicago, Ill., operating from West Plains over U. S. Highway 63 to junction U. S. Highway 60, thence over U. S. Highway 60 to junction Missouri Highway 17, thence over Missouri Highway 17 to junction U. S. Highway 63, thence over U. S. Highway 63 to junction U. S. Highway 66, thence over U. S. Highway 66 to Chicago, and return over the same route, serving no intermediate points.

No. MC 115292, filed April 4, 1955, FRANK MICHAEL, 838 South Walnut St., Casper, Wyo. For authority to operate as a *common carrier*, over irregular routes, between April 1 and December 31 of each year inclusive, transporting: *Ore* (any material containing valuable metallic constituents for the sake of which it is mined and worked), between points in Wyoming.

No. MC 115292 Sub 1, filed April 4, 1955. FRANK MICHAEL, 838 South Walnut St., Casper, Wyo. For authority to operate as a *common carrier*, over irregular routes, between April 1 and December 31 of each year inclusive, transporting: *Ore* (any material containing valuable metallic constituents for the sake of which it is mined and worked), between points in Wyoming and South Dakota.

No. MC 115296, filed April 6, 1955, (Amended), GARRISON FAST FREIGHT, INC., 905 Smith Tower, Seattle, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities and commodities requiring special equipment*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those contaminating to other lading, between

Seattle, Wash., on the one hand, and, on the other, points in King, Pierce and Snohomish Counties, Wash. RESTRICTION: The service applied for to be restricted to traffic moving to and from the Territory of Alaska.

No. MC 115302, filed April 11, 1955, CLARENCE C. KNAPP, doing business as KNAPP'S WRECKER SERVICE, 170 Rockingham St., Bellows Falls, Vt. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, between Bellows Falls, Vt., on the one hand, and, on the other, points in Connecticut, New Jersey, Massachusetts, New Hampshire, and New York.

No. MC 115310 Sub 1, filed March 28, 1955, GOODWIN TRUCKING COMPANY, a corporation, Wake Village, Tex. Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Building, Little Rock, Ark. For authority to operate as a *contract carrier*, over regular routes, transporting: *Empty ammunition boxes, cases and crates*, between Texarkana, Tex., and Schumaker Naval Ammunition Depot, Ouachita County, Ark., from Texarkana over U. S. Highway 82 to Waldo, Ark., thence over Arkansas Highway 98 to McNeil, Ark., thence over U. S. Highway 79 to Schumaker Naval Ammunition Depot (also from junction U. S. Highway 79 and Arkansas Highway 4 over Arkansas Highway 4 to Schumaker Naval Ammunition Depot), and return over the same routes, serving no intermediate points.

No. MC 115316, filed April 18, 1955, S. S. SURRETT, Post Office Box 354, Crossville, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Feed*, from Springfield, Mo., to Greeneville, Loudon, and Rutledge, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement.

No. MC 115320, filed April 20, 1955, JOSEPH WALSH, doing business as NORTH AMERICAN TRANSPORT CO., 5219 Perkins Ave., Cleveland, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fluorine gas dispensers* and *helium transports*, between Cleveland, Ohio and points in Pennsylvania and New Jersey; *empty containers*, or other such incidental facilities (not specified) used in transporting the commodities specified in this application on return.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 599 Sub 1, filed April 15, 1955, BINGLER VACATION TOURS, INC., 140 Market Street, Paterson, N. J. Applicant's attorney: Edward G. Weiss, Citizens Trust Building, Paterson 1, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip seasonal operations, during the authorized racing seasons of each year, at said tracks, from New York, N. Y., to the Monmouth Park Race Track, Oceanport, N. J., the Garden State Race Track, Delaware, N. J., the Freehold Trotting Track, Freehold, N. J., the Atlantic City Race Track, Hamilton Township, N. J., the Delaware Park Race Track, Wilmington, Del., the Pimlico Race Track, Baltimore, Md., the Laurel Race Track, Laurel, Md., the Bowie Race Track, Bowie, Md., the Saratoga Race Track, Saratoga, N. Y., and the Lincoln Downs Race Track, Lincoln, R. I., and return. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and the District of Columbia.

No. MC 1509 Sub 104, filed April 4, 1955, NORTHLAND GREYHOUND LINES, INC., 509 Sixth Avenue North, Minneapolis, Minn. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, between Madison, Minn., and junction Minnesota Highway 8 and U. S. Highway 212, from Madison over Minnesota Highway 40 to Marietta, Minn., thence over Minnesota Highway 8 to junction U. S. Highway 212, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

No. MC 2890 Sub 30, filed April 13, 1955, AMERICAN BUSLINES, INC., 1341 "P" Street, Lincoln, Nebr. Applicant's attorneys: Curry and Dolan, Southern Building, Washington, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Bedford, Iowa, and junction Missouri Highway 27 and U. S. Highway 71, (approximately three (3) miles north of Maryville, Mo.), from Bedford over Iowa Highway 148 to the Iowa-Missouri State line, thence over Missouri Highway 27 to junction U. S. Highway 71, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, California, Colorado, Illinois, Iowa, Kansas, Michigan, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wyoming, and the District of Columbia.

No. MC 58915 Sub 27, filed April 20, 1955, LINCOLN TRANSIT CO., INC., U. S. 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 1407 Broadway, New York 18, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, express* and *newspapers*, in the same vehicle with passengers, between Wrightstown, N. J., and Vincentown, N. J., from Wrightstown over an unnumbered highway (Wrightstown-Pemberton Road), to junction with another unnumbered highway (Pemberton-Vincentown Road), and thence over said unnumbered highway to Vincentown, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 58915 Sub 28, filed April 20, 1955, LINCOLN TRANSIT CO., INC., U. S. 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 1407 Broadway, New York 18, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: Passengers *and their baggage, express* and *newspapers*, in the same vehicle with passengers, between Wrightstown, N. J., and New Hanover Township, N. J., from Wrightstown, over the Burlington County Spur Road 528, to the entrance of the McGuire Air Force Base, New Hanover Township, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 115299, filed April 7, 1955, THIESSEN TRANSPORTATION, LTD., 322 Kennedy Street, Winnipeg, Manitoba, Canada. Applicant's attorney: Lee F. Brooks, 405 First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from the International Boundary between the United States and Canada at ports of entry at or near Noyes, Minn., and Neche, N. Dak., to points in North Dakota, Minnesota, Wisconsin, Illinois, Michigan, Ohio, Indiana, Pennsylvania, and New York, and return.

BROKERS

No. MC 12626, filed April 13, 1955, MORRIS GORELICK, 1916 S. Crescent Heights Blvd., Los Angeles 34, Calif. For authority to conduct operations at Los Angeles, Calif., as a broker in arranging for the transportation, in interstate or foreign commerce, by motor vehicle, of *general commodities*, including *articles of unusual value, Class A and B explosives, commodities in bulk*, and *those requiring special equipment*, but excluding household goods as defined by the Commission, and livestock, between all points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC-F-5961. Authority sought for control by TERMINAL TRANSPORT COMPANY, INC., 180 Harriet St., S. E., Atlanta 1, Ga., of the operating rights and property of JOHNSON FREIGHT LINES, INC., 420 Sixth Ave., South, Nashville, Tenn., and for acquisition by JOE KATZ, STAR TRACTOR CORP., and HOSSIER TRAILER CORP., Atlanta, Ga., of control of the operating rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle St., Chicago, Ill., and George H. Cate, Sr., 508 Stahlman Bldg., Nashville, Tenn. Operating rights sought to be controlled: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Nashville, Tenn., and Atlanta, Ga., between Nashville, Tenn., and Cincinnati, Ohio, serving certain

intermediate and off-route points; between Atlanta, Ga., and the U. S. Army Fourth Corps Area Supply Depot at Conley, Ga., serving no intermediate points; *General commodities*, with certain exceptions, not including household goods, between Nashville, Tenn., and Cave City, Ky., serving no intermediate points; *general commodities*, with certain exceptions, including household goods, over alternate regular routes for operating convenience only, between Stanford, Ky., and junction of U. S. Highway 27 and Kentucky Highway 34, and between Lexington, Ky., and junction of U. S. Highways 25 and 42, at Florence, Ky., and between Chattanooga, Tenn., and Cincinnati, Ohio. Applicant is authorized to operate in Florida, Georgia, Illinois, Indiana, Kentucky, Tennessee, and Alabama. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5962. Authority sought for purchase by JOSEPH F. WENZEL, doing business as RIVER TRAILS TRANSIT LINES, 340 Central Ave., Dubuque, Iowa, of the operating rights of JEFFERSON TRANSPORTATION CO., 1114 Currie Ave., Minneapolis, Minn. Person to whom correspondence is to be addressed: L. P. Wakefield, 1114 Currie Ave., Minneapolis, Minn. Operating rights sought to be transferred: *Passengers*, as a *common carrier*, over regular routes, between Decorah, Iowa, and Dubuque, Iowa, serving all intermediate points. Vendee is authorized to operate in Wisconsin and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5963. Authority sought for control and merger by INLAND FREIGHT LINES, 1370 South Second West, Salt Lake City, Utah, of the operating rights and property of BEE FREIGHT LINES, East 52nd Ave., and Colorado Blvd., Denver, Colo., UINTAH FREIGHT LINES, 1370 South Second West, Salt Lake City, Utah, and EASTERN UTAH TRANSPORTATION COMPANY, 1370 South Second West, Salt Lake City, Utah, and for acquisition by RAY LILEQUIST, A. FRED DIPO, Salt Lake City, Utah, and AXEL NELSON, Berkeley, Calif., of control of the operating rights and property through the transaction. Applicants' attorney: Lynn S. Richards, 716 Newhouse Bldg., Salt Lake City, Utah. Operating rights sought to be controlled and merged: (Bee Freight Lines) an operation under the Second Proviso of section 206 (a) (1) of the act; (Uintah Freight Lines) *general commodities*, except household goods, as defined by the Commission, as a *common carrier*, over regular routes, between Salt Lake City, Utah, and Vernal, Utah, serving certain intermediate points; and (Eastern Utah Transportation Company) *general commodities*, except household goods as defined by the Commission, as a *common carrier*, over regular routes, between Price, Utah, and the Utah-Colorado State line, serving certain intermediate and off-route points; *general commodities*, with certain exceptions, including household goods, between junction U. S. Highway 40 and Utah-Colorado State line, and Rangely, Colorado, serving all intermediate points and certain off-route points; *petroleum, petroleum products, machinery, materials, supplies*, and *equipment*, incidental to, or used in the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum, over irregular routes, between points in that part of Colorado within 30 miles of Rangely, Colo., including Rangely; between points in a specified territory of Colorado, on the one hand, and, on the other, points in a described portion of Utah. Inland Freight Lines is authorized to operate in Utah and California. Application has not been filed for temporary authority under section 210a (b).

NOTE: Instant application directly related to MC–102308 Sub 18, published in this issue.

No. MC–F–6964. Authority sought for purchase by LOUIS PATZ, doing business as HARPER MOTOR LINES, 220 North McIntosh, St., Elberton, Ga., of the operating rights and property of WHITE TRUCK LINE, INC., 1534 Jonesboro Road, S. E., Atlanta, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Bldg., Atlanta 5, Ga. Operating rights sought to be transferred: Proviso operation, as a *common carrier*, in Georgia. Vendee is authorized to operate in Georgia, New York, New Jersey, Pennsylvania, Maryland, Virginia, South Carolina, Delaware, Indiana, Kentucky, Michigan, Ohio, Tennessee, West Virginia, Missouri, Illinois, North Carolina, Wisconsin, Massachusetts, Rhode Island, Connecticut, Iowa, Minnesota, Alabama, Florida, Mississippi, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5965. Authority sought for purchase by ELIZABETH A. ATKINSON, (LEONARD MICHAEL PROPPER, TRUSTEE), JOSEPH B. ATKINSON, CHARLES H. ATKINSON and ELIZABETH M. ATKINSON, a partnership, doing business as HARRY F. ATKINSON & SONS, 4222 Main St., Philadelphia, Pa., of the operating rights of MICHAEL KELLMAN, doing business as M. KELLMAN, 240 East Thompson St., Philadelphia, Pa. Applicant's attorney: James L. Price, 2000 Packard Bldg., Philadelphia, Pa. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, restricted to salvaged or bankrupt stocks, as a *common carrier*, over irregular routes, from Baltimore, Md., New York, N. Y., and points in Delaware and New Jersey, to Philadelphia, Pa.; *such general merchandise* as is dealt in by wholesale and retail food houses, from Philadelphia, Pa., to Wilmington, Del., and points in New Jersey within 35 miles of Camden, N. J., including Camden; *building materials, household furnishings, chemicals, store furnishings and supplies, paper and paper products, oil in containers, drugs, hardware, utility cabinets, alcoholic and malt beverages, commercial alcohol, chinaware, resin, and soda fountains*, from, to and between points in Pennsylvania, Delaware, New Jersey, New York, and Maryland. Vendee is authorized to operate in Pennsylvania, New Jersey, and New York. Application has been filed for temporary authority under section 210a (b).

No. MC–F–5966. Authority for purchase by E. L. FARMER & COMPANY, 300 South Grant St., Odessa, Tex., of the operating rights and property of U. S. TRUCK LINE, 6835 Avenue V, Houston, Tex., and for acquisition by J. C. FERGUSON, Odessa, Tex., of control of the operating rights and property through the purchase. Applicant's attorney: Charles D. Mathews, 1020 Brown Bldg., Austin, Tex. Operating rights sought to be transferred: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, as a *common carrier*, over irregular routes, between points in Alabama, Arkansas, Florida, Louisiana, and Texas, between points in Mississippi, on the one hand, and, on the other, points in Alabama and Florida. Vendee is authorized to operate in New Mexico, Kansas, Colorado, Montana, Texas, Arizona, Utah, Oklahoma and Wyoming. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5967. Authority sought for purchase by OLD DOMINION FREIGHT LINE, 903 Catherine St., Richmond, Va., of the operating rights and property of MRS. RUBY B. NELMS, doing business as SMITHFIELD LINE, Smithfield, Va., and for acquisition by L. F. CONGDON, EARL E. CONGDON, JR., and JOHN R. CONGDON, Richmond, Va., of control of the operating rights and property through the purchase. Applicants' attorney: Jno. C. Goddin, 1304 State-Planters Bank Bldg., Richmond, Va. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over a regular route, between Smithfield, Va., and Norfolk, Va., serving no intermediate points, with service at the off-route point of Battery Park, Va., Vendee is authorized to operate in Virginia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–3587; Filed, May 3, 1955; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 29, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30567: Sand and Gravel from Blacksburg, S. C. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sand and gravel, carloads, from Blacksburg, S. C., to specified points in Virginia and West Virginia.

Grounds for relief: Circuitous routes.

Tariff: Supplement 2 to Agent Spaninger's I. C. C. 1469.

FSA No. 30568: Slag, Birmingham, Ala., and Group to Whistler, Ala. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on slag, carloads, from Birmingham, Bessemer, Ensley, Fairfield and Woodward, Ala., to Whistler, Ala.

Grounds for relief: Circuity and destination relations.

Tariff: Supplement 2 to Agent Spaninger's I. C. C. 1469.

FSA No. 30569: Vermiculite, from, to and between the South. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on vermiculite, carloads, between points in southern territory and between points in southern territory, on one hand, and points in trunk-line territory in Virginia, on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 2 to Agent Spaninger's I. C. C. 1469.

FSA No. 30570: Sugar—Washington points to Dodgeville, Wis. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on sugar, beet or cane, carloads, from Scalley, Sugar Spur, and Toppenish, Wash., to Dodgeville, Wis.

Grounds for relief: Destination relations and circuity.

Tariff: Supplement 11 to Agent Prueter's I. C. C. 1567.

FSA No. 30571: Stoves—St. Louis, Mo., Group to New Orleans, La. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on stoves, ranges and heaters, carloads, from St. Louis, Mo., and East St. Louis, Ill., to New Orleans, La.

Grounds for relief: Circuity.

Tariff: Supplement 400 to Agent Raasch's I. C. C. 485.

FSA No. 30572: Caustic Soda—Charleston, W. Va., Group to Foley, Fla. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on caustic soda, liquid, in tank-car loads, from Charleston, Elk, Ownes, South Owens, South Charleston, and South Ruffner, W. Va., to Foley, Fla.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 68 to Agent Hinsch's I. C. C. 4510.

FSA No. 30573: Salt Cake—Nitro, W. Va., to North Carolina points. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on salt cake (crude sulphate of soda) carloads, from Nitro, W. Va., to Charlotte, Greensboro, and High Point, N. C.

Grounds for relief: Circuity.

Tariff: Supplement 68 to Agent Hinsch's I. C. C. 4510.

FSA No. 30574: Sugar—Washington and Montana to Illinois. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on beet or cane sugar, carloads, from Scalley, Sugar Spur, and Toppennish, Wash., Billings, Missoula, and Sidney, Mont.

Grounds for relief: Market competition and circuity.

Tariff: Supplements Nos. 47 and 11, respectively, to Agent Prueter's I. C. C. Nos. 1560 and 1567.

FSA No. 30575: Lumber to Martinsville, Va., and group. Filed by Atlantic Coast Line Railroad Company, for interested rail carriers. Rates on lumber and related articles, carloads, from Ahoskie, N. C., and points taking same rates to Martinsville, Va., and grouped points taking same rates.

Grounds for relief: Circuitous routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–3586; Filed, May 3, 1955; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

SMYRNA, TENN.

DESIGNATION OF COMMUNITY FACILITIES PROJECT

By virtue of the authority vested in me by Executive Order 10296 of October 2, 1951, as amended by Executive Orders No. 10433 of February 4, 1953, and No. 10593 of January 26, 1955, and pursuant to the provisions of section 104 (b) of the Defense Housing and Community Facilities and Services Act of 1951, as amended, I hereby designate the following project for which agreements may be made to extend assistance for the provision of community facilities or services under Title III of said act:

In the Town of Smyrna, Tennessee, in the Smyrna, Tennessee Critical Defense Housing Area, which was determined to be a Critical Defense Housing Area on February 5, 1952 (17 F. R. 1166)—additions and improvements to the existing water works system, including a deep well and casing, service pump, storage tank, mains and appurtenances; additions and improvements to the existing sanitary sewer system, including mains, collecting sewers, pumping station, manholes and appurtenances.

Dated: May 2, 1955.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 55–3653; Filed, May 2, 1955; 2:54 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31–625]

ARKANSAS-MISSOURI POWER CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

APRIL 27, 1955.

Notice is hereby given that Arkansas-Missouri Power Company ("Applicant"), a corporation organized under the laws of the State of Arkansas, which is both a holding company and a public utility company, has filed with this Commission an application for an order pursuant to section 3 (a) (2) of the Public Utility Holding Company Act of 1935 ("act") exempting it as a holding company and all its subsidiaries as such from all provisions of the act. Reference is made to said application for a complete statement of the allegations therein contained, which may be summarized as follows:

Applicant alleges that it is predominantly a public-utility company whose operations as such do not extend beyond the State of Arkansas, in which it is organized, and the contiguous State of Missouri. As an operating company it is engaged in rendering electric and natural gas utility service in parts of northeastern Arkansas and southeastern Missouri. Applicant is a holding company by reason of its ownership of all of the outstanding voting securities of Associated Natural Gas Company ("Associated"), a Delaware corporation, which is a public utility company engaged in purchasing, transmitting and distributing natural gas in southeastern Missouri. Applicant is also engaged, through two wholly-owned subsidiaries, in the manufacture and sale of ice. Such non-utility operations constitute a very small and diminishing percentage of Applicant's business.

On March 11, 1953, Applicant acquired the aforesaid securities of Associated and on March 22, 1953, Applicant filed with this Commission an application under section 3 (a) (2) of the act requesting a temporary exemption for one year, during which it was contemplated that Associated would be merged into Applicant. The requested exemption was granted. (See Holding Company Act Release Nos. 12107 and 12144.) The contemplated merger has not been consummated and Applicant requests a permanent exemption under section 3 (a) (2) of the act although it states that it still intends in due course to merge Associated into itself.

Applicant's consolidated balance sheet at December 31, 1954, shows electric utility plant in the amount of $20,873,999 and gas utility plant in the amount of $6,985,312, including Associated's gas utility plant in the amount of $3,191,605. Applicant's consolidated income statement for the year 1954 shows utility revenues of $9,187,222, including electric revenues in the amount of $7,635,707 (about 83 percent) and gas revenues in the amount of $1,551,515 (about 17 percent). For the same period the operating revenues of Associated, all derived from the sale of natural gas, amounted to $946,257, representing 10.3 percent of consolidated utility revenues and 11.5 percent of those of its parent.

As of December 31, 1954, Applicant's consolidated capitalization was as follows:

	Amount	Percent
Long-term debt	[1] $14,620,000	61.4
Preferred stock	2,750,000	11.5
Common stock and surplus	6,442,978	27.1
Total	23,812,978	100.00

[1] Includes $2,225,000 long-term debt of Associated held by the public.

Applicant further states it is subject to comprehensive regulation by the Public Service Commissions of Arkansas and Missouri, and to limited regulation by the Federal Power Commission.

Notice is further given that any interested person may, not later than May 31, 1955, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact, or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application may be granted as filed or as amended, or the Commission may take such other action as it may deem proper under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3588; Filed, May 3, 1955; 8:48 a. m.]

NATIONAL FUEL GAS CO. ET AL.

NOTICE OF FILING REGARDING PROPOSED REDUCTION IN PAR VALUE OF CAPITAL STOCK AND PAYMENT OF DIVIDEND OUT OF CAPITAL SURPLUS

APRIL 27, 1955.

In the matter of National Fuel Gas Company, Pennsylvania Gas Company, Pennsylvania Oil Company; File No. 70-3359.

Notice is hereby given that National Fuel Gas Company ("National Fuel"), a registered holding company, and its direct public-utility subsidiary, Pennsylvania Gas Company ("Pennsylvania Gas"), and its indirect wholly owned non-utility subsidiary, Pennsylvania Oil Company ("Pennsylvania Oil"), have filed a joint declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (a), 7 and 12 (c) of the act and Rule U-46 promulgated thereunder as applicable to said filing. All interested persons are referred to said joint declaration which is on file in the offices of the Commission for a statement of the transactions proposed therein, which are summarized as follows:

Pennsylvania Oil proposes (a) to reduce the par value of its outstanding capital stock from $1 per share to 50 cents per share so that the 576,000 outstanding shares will have an aggregate par value of $288,000 and (b) to pay a cash dividend of $288,000 out of the capital surplus which will be created by and result from said reduction in the par value of the capital stock. According to the joint declaration, as at December 31, 1954, Pennsylvania Oil had only $6,607 of earned surplus but has at least $288,000 in funds in excess of its requirements and that its parent, Pennsylvania Gas, will be in need of additional working capital to be used in connection with its 1955 construction program. It is represented that when an amendment to Pennsylvania Oil's Articles of Incorporation to accomplish the proposed reduction in par value is filed and approved by the Department of State of Pennsylvania, the payment of the dividend out of capital surplus will not be unlawful under the laws of the Commonwealth of Pennsylvania and will not violate the legal rights of the holders of any securities issued by any company in the National Fuel holding company system.

The filing further states that the fees and expenses to be incurred in connection with the proposed transactions will not exceed an aggregate of $1,000 including $900 for legal fees and expenses. It is requested that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than May 18, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said joint declaration, as filed or as amended, may be permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may make such other action as it deems appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3590; Filed, May 3, 1955; 8:48 a. m.]

[File No. 70-3364]

NATIONAL FUEL GAS CO. AND MARS CO.

NOTICE OF FILING REGARDING PROPOSED REDUCTION IN PAR VALUE OF CAPITAL STOCK AND PAYMENT OF DIVIDEND OUT OF CAPITAL SURPLUS

APRIL 27, 1955.

Notice is hereby given that National Fuel Gas Company ("National Fuel"), a registered holding company, and its wholly owned non-utility subsidiary company, The Mars Company ("Mars"), have filed a joint declaration with the Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 (the "act") and have designated sections 6 (a), 7 and 12 (c) of the act and Rule U-46 promulgated thereunder as applicable to said filing. All interested persons are referred to said joint declaration which is on file in the offices of the Commission for a statement of the transactions proposed therein, which are summarized as follows:

Mars proposes (a) to reduce the par value of its outstanding 100,000 shares of capital stock from $10 per share to $5 per share or $500,000 in the aggregate and (b) to pay a cash dividend of not more than $500,000 out of the capital surplus which will be created by and result from said reduction in the par value of the capital stock. According to the joint declaration, as at December 31, 1954 Mars had only $23,000 of earned surplus but has ample current assets in the form of marketable securities to provide cash to pay the proposed dividend and still have sufficient working capital for its current and foreseeable needs, and its parent, National Fuel, will place the proceeds from this proposed dividend in its treasury for use in financing certain of its other subsidiaries engaged in the public-utility business. It is represented that when an amendment to Mars' Articles of Incorporation to accomplish the proposed reduction in par value is filed and approved by the Department of State of Pennsylvania, the payment of a dividend out of capital surplus will not be unlawful under the laws of the Commonwealth of Pennsylvania and will not violate the legal rights of the holders of any securities issued by any company in the National Fuel holding company system.

The filing further states that the fees and expenses to be incurred in connection with the proposed transactions will not exceed an aggregate of $1,050 including $500 for legal fees and expenses. It is requested that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than May 18, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of act or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said joint declaration, as filed or as amended, may be permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as it deems appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3589; Filed, May 3, 1955; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 6]

DAIRY PRODUCTS

PEANUTS NOT INCLUDED IN SUPPLEMENTAL INVESTIGATION

On April 12, 1955, the Tariff Commission instituted an investigation under the provisions of section 22 (d) of the Agricultural Adjustment Act, as amended, supplemental to its Investigation No. 6 under section 22 of the said act, to determine whether changed circumstances require certain modifications

to be made in Presidential proclamation 3010 of June 8, 1953 (18 F. R. 3361), as amended by proclamation 3025 dated June 30, 1953 (18 F. R. 3815), to carry out the purposes of the said section 22. Thereafter the Commission, on April 13, 1955, issued a public notice of the institution of this investigation and of the public hearing to be held in connection therewith on May 10, 1955.

The foregoing notice of April 13, 1955, included all the articles designated in lists I and II appended to proclamation 3019 of June 8, 1953. Said list II designates certain types of cheeses and also peanuts. It is not intended that the supplemental investigation instituted April 12, 1955, include peanuts. The notice issued on April 13, 1955, therefore, is hereby modified accordingly.

Issued: April 29, 1955.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 55-3617; Filed, May 3, 1955; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended April 19, 1955, 20 F. R. 2304).

The Davidson Bros. Corp., Royal Square, West Warwick, R. I., effective 4-20-55 to 3-8-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (nightgowns, slips, etc.) (replacement certificate).

Ecru Manufacturing Co., Ecru, Miss.; effective 5-1-55 to 4-30-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Ely and Walker Dry Goods Co., Ilmo, Mo.; effective 4-30-55 to 4-29-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees, etc.).

The Enro Shirt Co., Inc., Madisonville, Ky.; effective 4-29-55 to 4-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Freeland Dress Co., Inc., 721 Birkbeck Street, Freeland, Pa.; effective 5-1-55 to 4-30-56; 5 learners for normal labor turnover purposes (children's dresses).

General Garment Manufacturing Co., Inc., Lawrenceville, Va.; effective 5-5-55 to 5-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

General Garment Manufacturing Co., Inc., Petersburg, Va.; effective 4-21-55 to 4-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Granby Manufacturing Co., Inc., Granby, Mo., effective 4-18-55 to 4-17-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work trousers).

Harvic Sportswear, Inc., Sweet Valley, Pa.; effective 4-27-55 to 4-26-56; 5 learners for normal labor turnover purposes (dresses).

Hollywood Maxwell Co., 407 Main Street, Arkadelphia, Ark., effective 5-4-55 to 5-3-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Irene Sportswear Co., Main Street, Nicholson, Pa., effective 5-6-55 to 5-5-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' blouses).

The Joanie Jan Co., Walnut Ridge, Ark.; effective 5-8-55 to 5-7-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (wash frocks).

La Follette Shirt Co., Inc., La Follette, Tenn., effective 4-7-55 to 5-6-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Loomcraft Frocks, Inc., Dewey and Bowman Streets, Dickson City, Pa.; effective 4-25-55 to 4-24-56; 10 learners for normal labor turnover purposes (children's dresses).

Lyons Manufacturing Co., Inc., Lyons, Ga.; effective 4-27-55 to 4-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts).

Monroe Trouser Manufacturing Co., Inc., Smithville, Miss.; effective 4-21-55 to 10-20-55; 25 learners for plant expansion purposes (trousers).

Pontotoc Manufacturing Co., Pontotoc, Miss.; effective 5-1-55 to 4-30-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Princess Peggy, Inc., Vandalia Division, Vandalia, Ill.; effective 4-20-55 to 4-19-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton dresses).

Rebel Garment Co., Magee, Miss.; effective 4-23-55 to 4-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts and dungarees).

Salemburg Manufacturing Co., Salemburg, N. C.; effective 4-18-55 to 10-17-55; 20 learners for plant expansion purposes (women's dresses).

Henry I. Seigel Co., Inc., Hohenwald, Tenn.; effective 4-25-55 to 10-24-55; 100 learners for plant expansion purposes (work clothing).

Streamline Garment Corp., 1010 West Main Street, West Frankfort, Ill.; effective 5-4-55 to 5-3-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Summit Sportswear, 44 West Ludlow Street, Summit Hill, Pa., effective 4-18-55 to 4-17-56; 5 learners for normal labor turnover purposes (blouses).

Wellington Manufacturing Co., Okolona, Miss.; effective 4-21-55 to 4-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43 as amended April 19, 1955, 20 F. R. 2304).

Elizabeth City Hosiery Mills, Elizabeth City, N. C., effective 4-19-55 to 4-18-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Lawler Hosiery Mills, Inc., 53 Bradley Street, Carrollton, Ga., effective 4-22-55 to 4-21-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Silver Knit Hosiery Mills, Inc., 401 South Hamilton Street, High Point, N. C.; effective 4-25-55 to 4-24-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65 as amended April 19, 1955, 20 F. R. 2304).

Riegel Textile Corp., Brundidge, Ala., effective 4-22-55 to 10-21-55; 30 learners for expansion purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35 as amended April 19, 1955, 20 F. R. 2304).

Bashore Knitting Mills Co., 365 Garfield Avenue, Schuylkill Haven, Pa.; effective 4-29-55 to 4-28-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's briefs, etc.).

Regulations Applicable to the Employment of Learners (29 CFR 522.1, 522.12, as amended February 28, 1955, 20 F. R. 645).

The following special learner certificate was issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Rico Glove Corp., Bo. Maton Abajo, Cayey, P. R., effective 4-19-55 to 10-18-55; 20 learners as sewing machine operators; 240 hours at 32 cents an hour and 240 hours at 40 cents an hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 25th day of April 1955.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 55-3584; Filed, May 3, 1955; 8:46 a. m.]

Room

FEDERAL REGISTER

VOLUME 20 NUMBER 88

Washington, Thursday, May 5, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10606

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED-VALUE EXCESS-PROFITS, CAPITAL-STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and by section 6103 (a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U. S. C. 6103 (a)), it is hereby ordered that any income, excess-profits, declared-value excess-profits, capital-stock, estate, or gift tax return for the years 1945 to 1954, inclusive, shall, during the Eighty-fourth Congress, be open to inspection by the Senate Committee on Government Operations, or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the two Treasury decisions,[1] relating to the inspection of returns by committees of the Congress, approved by me this date.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 3, 1955.

[F. R. Doc. 55-3700; Filed May 3, 1955; 5:02 p. m.]

EXECUTIVE ORDER 10607

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED-VALUE EXCESS-PROFITS, CAPITAL-STOCK, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and by section 6103 (a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U. S. C. 6103 (a)), it is hereby ordered that any income, excess-profits, declared-value excess-profits, capital-stock, estate, or gift tax return for any period to and including 1954, shall, during the Eighty-fourth Congress, be open to inspection by the Committee on Government Operations, House of Representatives, or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the two Treasury decisions,[1] relating to the inspection of returns by committees of the Congress, approved by me this date.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 3, 1955.

[F. R. Doc. 55-3699; Filed, May 3, 1955; 5:02 p. m.]

[1] See Title 26, Part 458 and Title 26 (1954), Part 301; *infra*.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1955-CROP PRICE SUPPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

This bulletin (hereinafter called subpart) contains regulations of a general nature which will be applicable with respect to 1955 price support programs for certain grains and other commodities for which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplement is now available:

Titles 35–37 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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the Commodity Stabilization Service (referred to in this subpart and supplements hereto as CCC and CSS respectively).

A separate supplement to this subpart (hereinafter referred to as "commodity supplement"), containing additional specific requirements, will be issued for each commodity to which the provisions of this subpart are to be applicable.

Sec.
421.1001 Administration.
421.1002 Commodities covered by this subpart.
421.1003 Methods of price support.
421.1004 Disbursement of loans.
421.1005 Approved lending agencies.
421.1006 Approved storage.
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421.1008 Liens.
421.1009 Service charges.
421.1010 Set offs.
421.1011 Interest rate.
421.1012 Transfer of producer's interest.
421.1013 Safeguarding the commodity.
421.1014 Insurance on farm-storage loans.
421.1015 Loss or damage to the commodity.
421.1016 Personal liability of the producer.
421.1017 Release of the commodity under loan.
421.1018 Liquidation of loans and delivery under purchase agreements.
421.1019 Foreclosure.
421.1020 Purchase of notes.
421.1021 CSS commodity offices.

AUTHORITY: §§ 421.1001 to 421.1021 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 66 Stat. 758, 15 U. S. C. 714c; 7 U. S. C. 1441, 1447, 1421.

§ 421.1001 *Administration.* The programs to which this subpart applies will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and in the field, will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and County Committees) and CSS commodity offices. Producers interested in participating in the program should contact their county office through which the price support documents will be distributed. All documents will be completed and approved by the county committee which will retain copies of all such documents. The State committee may authorize the county committees to designate certain employees of the county committee to approve documents on behalf of the county committee. The names of the employees designated to approve documents in behalf of the county committee shall be submitted to the State committee for approval. State and county committees and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 421.1002 *Commodities covered by this subpart.* The provisions of this subpart shall apply to the 1955 price support programs for barley, corn, dry edible beans, grain sorghums, flaxseed (except direct purchases), oats, rice, rye, soybeans, wheat, and any other 1955 price support program for which a commodity supplement is issued.

§ 421.1003 *Methods of price support.* This subpart applies to farm-storage loans, warehouse-storage loans, and purchase agreements. The particular methods to be used for each commodity will be specified in the applicable commodity supplement to this subpart.

§ 421.1004 *Disbursement of loans.* Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. No disbursements shall be made later than 15 days after the final date of availability of loans set forth in the applicable commodity supplement to this subpart, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the commodity is in existence and in good condition. If the commodity was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under the applicable commodity supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 421.1005 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity, with which CCC has entered into a lending agency agreement.

§ 421.1006 *Approved storage.* Loans will be made only on commodities in approved storage. Purchase agreements may be executed without regard to whether the commodity is in approved storage. However, warehouse receipts representing commodities tendered to CCC under purchase agreements will be accepted in lieu of physical delivery only if the commodity is in approved warehouse storage, is in existence, and is in good condition at the time the warehouse receipt is tendered.

(a) *Farm-storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county committee to be so located and of such substantial and permanent construction as to afford safe storage of the commodity.

(b) *Warehouse storage.* Approved warehouse storage shall consist of (1) public warehouses for which a CCC uniform storage agreement for the commodity is in effect, or (2) warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect. The names of approved warehouses may be obtained from CSS commodity offices or State and county committees.

§ 421.1007 *Applicable forms and requirements.*—(a) *Farm-storage loans.* Applicable forms shall consist of Producer's Note and Supplemental Loan Agreement (Commodity Loan Form A), secured by Commodity Chattel Mortgage (Commodity Loan Form AA) and such other forms and documents as may be required by CCC.

(b) *Warehouse-storage loans.* Applicable forms shall consist of the Producer's Note and Loan Agreement, Commodity Loan Form B (CCC Rice Form B, in the case of rice) and such other forms and documents as may be required by CCC.

(c) *Purchase agreements.* Applicable forms shall consist of the Purchase Agreement (Commodity Purchase Form 1) and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, the Delivery Instructions (Commodity Purchase Form 3) issued by the county committee, and such other forms and documents as may be required by CCC.

(d) *Warehouse receipts.* The form in which warehouse receipts shall be submitted will be stated in the commodity supplement to this subpart.

(e) *Other requirements.* Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, and Producer's Note and Loan Agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid. All of the commodity pledged as security for a loan evidenced by a single Producer's Note and Loan Agreement must be stored in the same warehouse.

§ 421.1008 *Liens.* If there are any liens or encumbrances on the commodity, waivers acceptable to the county committee must be obtained.

§ 421.1009 *Service charges.* (a) Producers shall pay the following service charges on the quantity of the commodity placed under loan or specified in the purchase agreement. In the case of loans, the service charges, except preliminary service charges, shall be collected from the proceeds of the loan at the time the loan is disbursed. In the case of purchase agreements, the service charges shall be collected at the time the Purchase Agreement (Commodity Purchase Form 1) is completed. Such service charges shall be computed at the rates shown in column (2) of the following table for commodities the quantity of which is determined on the basis of bushels, and at the rates shown in column (3) for commodities the quantity of which is determined on the basis of pounds or 100 pounds. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a farm-storage loan or not redeemed in the case of an identity-preserved warehouse storage loan.

Method of price support (1)	Service charges		
	Per bushel (2)	Per 100 pounds (3)	Minimum charges (4)
	Cents	*Cents*	
Farm-storage loans	1	2	[1] $3.00
Warehouse-storage loans	½	[2] 1	[2] 1.50
Purchase agreements	½	1	1.50

[1] Except rice for which State committees are authorized to require payment of $5 for each lot sampled.
[2] Except rice for which the service charge for warehouse storage loans shall be 2 cents per 100 pounds with a minimum charge of $3.

(b) In the case of farm-storage loans and identity-preserved warehouse-storage loans, State committees are authorized to require prepayment of the minimum service charges (shown in paragraph (a) of this section) at the time the producer applies for a loan.

(c) No refund of service charges will be made.

§ 421.1010 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable or prepayable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Any storage payment due the producer for storage of the commodity in farm-storage structures shall be applied to any storage facility loan or mobile drying equipment loan made to the producer until fully repaid. Any amount of such storage payments not so applied, together with all other payments for services due the producer, shall be subject to set-off in the same manner as provided in this section for loan or purchase proceeds. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.1011 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that where there is a default in satisfaction of a farm-storage loan the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 421.1012 *Transfer of producer's interest*—(a) *Warehouse-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity pledged as security for a warehouse storage loan, nor shall anyone acquire such interest or right. Warehouse receipts will be released only to the producer or his authorized agent as provided in § 421.1017.

(b) *Farm-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm storage loan nor shall anyone acquire such interest or right. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

(c) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 421.1013 *Safeguarding the commodity.* The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep all the mortgaged commodity in storage and in good condition until the loan is liquidated.

§ 421.1014 *Insurance on farm-storage loans.* CCC will not require the producer to insure the commmodity placed under a farm-storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 421.1015 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage or identity-preserved warehouse-storage loans, except that, subject to the provisions of § 421.1014, physical loss or damage occurring after disbursement of the loan funds without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure and resulting solely from an external cause other than insect infestation, rodents or vermin, will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the commodity destroyed or in an amount equivalent to the extent of the damage as determined by CCC, provided the producer has given the county committee immediate notice, confirmed in writing, of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement of funds is made by sight drafts or check, the date of the draft or check shall constitute the date of disbursement of the funds.

§ 421.1016 *Personal liability of the producer.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan or the conversion or unlawful disposition of any portion of the commodity by him may render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable for the amount of the loan (including interest) and for any resulting expense incurred by any holder of the note.

§ 421.1017 *Release of the commodity under loan.* A producer may at any time obtain release of the commodity remaining under loan by paying to the holder of the note and supplemental loan agreement or note and loan agreement the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county committee shall, in the case of farm-storage loans, arrange for the release of the chattel mortgage. Partial release of the commodity prior to maturity may be arranged with the county committee after making payment to the holder of the note for the quantity of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county committee. In the case of warehouse-storage loans, such partial release must cover all of the commodity represented by one warehouse receipt. Warehouse receipts redeemed by repayment shall be released only to the producer-borrower or to another whom the producer has authorized in writing to receive the warehouse receipts in his behalf. Such written authorization must be made within 30 days prior to repayment of the loan.

§ 421.1018 *Liquidation of loans and delivery under purchase agreements*—(a) *Farm-storage loans.* (1) The producer is required to pay off his loan on or before maturity or to deliver the commodity in accordance with instructions issued by the county committee. If the producer desires to deliver the commodity he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. If the commodity is going out of condition or is in danger of going out of condition, the producer shall notify the county committee, and such committee shall determine whether prompt removal of the commodity is necessary. If CCC is unable to take delivery within a reasonable length of time of a commodity which the county committee determines should be removed, the producer may request and obtain through the county committee an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher. In the event the farm is sold, there is a change of tenancy, or the producer dies, the commodity may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made at the applicable support rate, subject to the provisions of the Porducer's Note and Supplemental Loan Agreement and applicable commodity supplement according to grade and quality. Delivery of commodities in bulk will be accepted only from the bin(s) in which the commodity under loan is stored. In case a loan is made on part of the commodity in the bin, the maximum quantity eligible for delivery shall be the quantity on whiich the loan was made plus any normal overrun established by the State Committee. In the case of commodities stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered. Settlement will be made on the quantity delivered by the producer as determined by the county committee in accordance with the applicable commodity supplement.

(2) If the settlement value of the commodity delivered exceeds amount due on the loan (excluding interest), such excess amount will be paid to the producer. Deliveries of commodities to CCC under farm-storage loans will be handled by the county committee which initially approved the loan. Any payment due to the producer will be made by sight draft drawn on CCC by the county office.

(3) If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon, shall be paid to CCC and may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(b) *Warehouse-storage loans.* (1) If the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the commodity in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 421.1019. Any payment due the producer because of an overplus realized from the sale or pooling of the commodity or any refunds of unearned or prepaid storage on loans called prior to maturity will be made by the appropriate CSS commodity office.

(2) In the case of commodities stored identity preserved, the producer shall, on or before the final date for redemption of warehouse-storage loans specified in the applicable commodity supplement, either furnish official weight and grade certificates or repay his loan. In the case of rice stored modified commingled the producer shall, on or before the final date for redemption of warehouse-storage loans specified in the rice commodity supplement, either furnish official grade certificates or repay his loan. If the producer does not repay his loan on or before such final date of redemption, settlement for difference in quantity or quality shall be made, prior to sale or pooling, in accordance with the applicable commodity supplement to this subpart. Any amount determined to be due CCC or the producer shall be paid as provided in subparagraphs (2) and (3) of paragraph (a) of this section.

(c) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request and a deficiency of $3.00 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

(d) *Purchase agreements.* (1) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the commodity to CCC. However, he may sell to CCC any quantity of the eligible commodity not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the commodity to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement to this subpart or such earlier date as may be prescribed by the Executive Vice President, CCC.

(2) In the case of eligible commodities stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the county committee warehouse receipts under which the warehouseman guarantees quality and quantity, for the quantity of commodity he elects to sell to CCC. In the case of eligible commodities stored in other than approved warehouse storage, or stored identity-preserved in approved warehouse storage, the county committee will, on or after the final date of such 30-day period, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery.

(3) The producer may be required to retain a commodity stored in other than approved warehouse storage for a period of 60 days after the loan maturity date, without any cost to CCC.

(4) Eligible commodities delivered under a purchase agreement will be purchased at the applicable support rate. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made. Commodities stored commingled in approved warehouses will be purchased, on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents. Commodities stored identity-preserved in an approved warehouse and commodities delivered from other than approved warehouse storage will be purchased on the basis of the weight, grade, and other quality factors, determined by the county committee at the time of delivery (in accordance with requirements for the determination of such factors under the loan program), and agreed to by the producer on Commodity Purchase Form 4.

(e) *Support rate for settlement of loans and purchase agreements applicable to barley, flaxseed, grain sorghums, rye, and wheat.* (1) In the case of commodities stored in an approved warehouse, settlement shall be made at the applicable support rate for the county in which the warehouse is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(2) In the case of commodities delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(3) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

(4) In the case of wheat stored in an approved warehouse or delivered to CCC under loan or purchase agreement from other than approved warehouse storage, if the wheat is produced in the commercial wheat-producing area and stored or delivered outside the commercial wheat producing area, or if the wheat is produced in the non-commercial wheat-producing area and stored or delivered in the commercial wheat-producing area, settlement shall be made at the support rate for the county or terminal where the wheat is stored or delivered adjusted to the percentage level for the area where the wheat was produced as shown in the wheat supplement to this subpart.

(f) *Support rate for settlement of loans and purchase agreements applicable to corn, oats, and soybeans.* In the case of corn, oats, and soybeans, whether stored in an approved warehouse or delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the commodity was produced.

(g) *Compensation for hauling.* In the case of all commodities listed in paragraphs (e) and (f) of this section, if the producer is directed by the county committee to deliver his commodity to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC, at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the commodity any distance greater than the distance from the point where the grain is stored by the producer to the customary shipping point: *Provided*, That in the case of barley, flaxseed, grain sorghums, rye, and wheat if the producer is directed to deliver his commodity to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market and no compensation shall be allowed for hauling.

§ 421.1019 *Foreclosure.* If the loan is not satisfied upon maturity, the holder of the note may remove the commodity from storage, and may sell it (the commodity may be processed before sale), either by separate contract or after pooling it with other lots of a commodity similarly held. If the commodity is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled commodity as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the commodity or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 421.1020 *Purchase of notes.* Notes evidencing loans will be purchased from approved lending agencies in accordance with the terms of the lending agency agreement. The purchase price to be paid by CCC will be the principal sums remaining due on such notes plus an amount computed according to the lending agency agreement to cover interest. At maturity, or earlier upon request, lending agencies shall submit notes and reports to the ASC county office where the loan documents were approved.

§ 421.1021 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri (for rice only), New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri (except for rice), Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 2d day of May 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-3664; Filed, May 4, 1955; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 113]

PART 608—RESTRICTED AREAS

CAMP IRWIN, CALIF.

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the Camp Irwin, California, area (R-276 formerly D-276), amended on February 26, 1955 in 20 F. R. 1209, is further amended by changing the "Using Agency" column to read: "Commanding General, Camp Irwin, California".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 6, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-3657; Filed, May 4, 1955; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6192]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MAX SCHWARTZ CO.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 3.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin:* Maker or seller, etc.: *Wool Products Labeling Act;* place: *Domestic product as imported; Wool Products Labeling Act.*[1] Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition:* Wool Products Labeling Act; § 3.1875 *Non-standard character of product;* § 3.1885 *Qualities or properties of product;* § 3.1886 *Quality, grade or type of product;* § 3.1900 *Source or origin:* Wool Products Labeling Act. I. In connection with the offering for sale, sale, or distribution in commerce, of fabrics: 1. Representing, directly or by implication, that fabrics manufactured in the United States are manufactured in any other country; and 2. selling fabrics known as "seconds" or "unmerchantables" without clearly and conspicuously marking said fabrics with the above words or terms or other words or terms of the same import, in such manner that such markings will not be obliterated; and, II, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation, or distribution in commerce, of wool fabrics or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding such products by: 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers therein; 2. falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products, either directly or by implication, as to the country of origin thereof; 3. failing to affix securely to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

[1] New.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Max Schwartz et al., t. a. Max Schwartz Company, New York, N. Y., Docket 6192, March 18, 1955]

In the Matter of Max Schwartz and Sarah Schwartz, Individuals and Copartners, Trading as Max Schwartz Company

This proceeding was heard by Frank Hier, hearing examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, which charged respondents with various deceptive acts and practices in violation of the Federal Trade Commission Act and the Wool Products Labeling Act; respondents' answer which denied partnership, admitted jurisdictional facts, and denied the charges; and upon various hearings at which testimony and exhibits were received in support of the complaint and filed of record in the office of the Commission, respondents offering no evidence.

Thereafter said examiner, upon final consideration of the foregoing, and the proposed findings and conclusions submitted by all counsel, made his initial decision in which, having found that the proceeding was in the interest of the public, he made his findings as to the facts,[2] conclusion,[2] and order, including order to cease and desist as to respondent Max Schwartz and his representatives, etc., and order of dismissal as to respondent Sarah Schwartz, as to whom there was no substantial evidence to indicate commercial partnership or complicity in or responsibility for the acts and practices charged.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on March 18, 1955.

Said order to cease and desist is as follows:

It is ordered, That the respondent Max Schwartz, individually, trading as Max Schwartz Company, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of fabrics, do forthwith cease and desist from:

1. Representing, directly or by implication, that fabrics manufactured in the United States are manufactured in any other country.

2. Selling fabrics known as "seconds" or "unmerchantables" without clearly and conspicuously marking said fabrics with the above words or terms or other words or terms of the same import, in such manner that such markings will not be obliterated.

It is further ordered, That the respondent, Max Schwartz individually, trading as Max Schwartz Company, or under any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939, of wool fabrics or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by;

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers therein.

2. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products, either directly or by implication, as to the country of origin thereof.

3. Failing to affix securely to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939: *Provided*, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder:

It is further ordered, That complaint herein be, and the same hereby is, dismissed as to Sarah Schwartz, named as respondent herein.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6192, March 18, 1955, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent Max Schwartz, an individual trading as Max Schwartz Company, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: March 18, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-3666; Filed, May 4, 1955; 8:53 a. m.]

[File No. 21-106]

PART 21—STEEL OFFICE FURNITURE INDUSTRY

ORDER RESCINDING RULES

Whereas, on July 8, 1931, the Commission promulgated trade practice rules for the Steel Office Furniture Industry, which were codified in the Code of Federal Regulations (16 CFR Part 21); and

Whereas, it appears that said rules for this industry do not in some respects accurately reflect existing requirements of law, and members of this industry generally are not interested in having such rules revised; and

Whereas, under the circumstances proceedings for revision of the rules for this industry do not appear to be warranted;

It is ordered, That the said rules be and the same are hereby rescinded.

Issued: May 2, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-3667; Filed, May 4, 1955; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 6133]

PART 458—INSPECTION OF RETURNS

INSPECTION OF CERTAIN RETURNS BY COMMITTEES OF CONGRESS OTHER THAN THOSE ENUMERATED IN SECTION 55 (d) OF THE INTERNAL REVENUE CODE OF 1939

§ 458.324 *Inspection of returns by committees of Congress other than those enumerated in section 55 (d) of the Internal Revenue Code of 1939.* (a) (1) Pursuant to the provisions of sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), any return with respect to income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax imposed by the Internal Revenue Code of 1939 shall be open to inspection by any committee of the Congress, or

any subcommittee of a committee of the Congress, specially authorized to inspect such returns by an Executive order [1] issued under the aforementioned statutory provisions on or after the date of the approval of this section. Such inspection shall be subject to the conditions and restrictions imposed by the Executive order and the rules and regulations hereinafter prescribed.

(2) Only such of the aforementioned returns as are specified in a resolution adopted by the committee in accordance with the rules of the appropriate house of the Congress then applicable to the reporting of a measure or recommendation from such committee shall be open to inspection. Such resolution shall set forth the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns. The inspection of returns authorized in this section may be made by the committee of the Congress, or the subcommittee of a committee of the Congress, authorized as provided in subparagraph (1) of this paragraph, acting directly as a committee or as a subcommittee, or by or through such examiners or agents as such committee or subcommittee may designate or appoint in its written request hereinafter mentioned. Upon written request by the chairman of such committee or of such subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is desired to inspect and the taxable periods covered by the returns and stating that the resolution hereinbefore mentioned with respect to the inspection of such returns has been duly adopted by such committee or by the committee under which such subcommittee functions, the Secretary or any officer or employee of the Department of the Treasury, with the approval of the Secretary, shall furnish such committee or subcommittee with any data relating to or contained in any such return or shall make such return available for inspection by such committee or subcommittee or by the examiners or agents designated or appointed by such committee or subcommittee. Such data shall be furnished, or such return shall be made available for inspection, in an office of the Internal Revenue Service. Any information thus obtained by such committee or subcommittee shall be held confidential: *Provided, however,* That any portion thereof relevant or pertinent to the purpose of the investigation may be submitted by the investigating committee to the appropriate house of the Congress.

(3) This section shall not be applicable to any committee authorized by section 55 (d) of the Internal Revenue Code of 1939 to inspect returns.

(b) Because this section constitutes a general statement of policy and establishes a rule of Departmental practice and procedure, it is found that it is unnecessary to issue this section with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(c) This section shall be effective upon its filing for publication in the FEDERAL REGISTER.

(53 Stat. 467; 26 U. S. C. 3791)

G. M. HUMPHREY,
Secretary of the Treasury.

Approved: May 3, 1955.

DWIGHT D. EISENHOWER,
The White House.

[F. R. Doc. 55-3698; Filed, May 3, 1955; 5:02 p. m.]

[1] See Title 3, Executive Orders 10606 and 10607, *supra.*

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6131]

TEMPORARY RULES FOR DATES FOR DEPOSITING, PAYING AND FILING RETURNS OF CERTAIN EXCISE TAXES

Temporary rules relating to the dates for making deposits and payments and for filing excise tax returns by certain persons required to collect and pay over certain excise taxes imposed by the Internal Revenue Code of 1954.

In order to prescribe temporary rules relating to the dates for making deposits and payments of certain excise taxes and for the filing of returns of such taxes under the Internal Revenue Code of 1954, Treasury Decision 6118, approved December 30, 1954, as amended by Treasury Decision 6124, approved February 24, 1955 (20 F. R. 1204), is further amended by adding at the end thereof the following paragraph:

PAR. 24. *Dates for depositing, paying, and filing returns of certain excise taxes.* (a) The rules set forth in this paragraph prescribe the dates on which persons described in (b) hereof are required to file returns on Form 720 reporting the excise taxes imposed under section 4251 (communications), 4261 (transportation of persons), or 4271 (transportation of property), of the Internal Revenue Code of 1954 and the dates on which such persons are required to deposit and pay over such taxes to the United States. All other requirements relating to the filing of returns and the depositing and payment of such taxes set forth in the applicable regulations and Treasury Decision 6025, approved July 3, 1953, as made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954, remain in full force and effect.

(b) In the case of any person who obtained a permanent extension of time (which extension was in effect on December 31, 1954) for filing any return and making any deposit or payment of the taxes imposed under section 3465, 3469, or 3475 of the Internal Revenue Code of 1939, each quarterly return (Form 720) of the excise taxes imposed under section 4251, 4261, or 4271 of the Internal Revenue Code of 1954 shall be filed, and each deposit and payment of such excise taxes shall be made, on or before the last day which would have been fixed under such permanent extension of time for filing the return and for making the deposit and payment of the excise taxes imposed under the corresponding section of the Internal Revenue Code of 1939, as the case may be, if the Internal Revenue Code of 1939 had not been repealed.

Because the rules prescribed herein are of a liberalizing character, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interprets or applies secs. 6071, 6302, 68A Stat. 749, 775; 26 U. S. C. 6302, 7805)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: April 29, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3651; Filed, May 4, 1955; 8:49 a. m.]

Subchapter F—Procedure and Administration

[T. D. 6132]

PART 301—PROCEDURE AND ADMINISTRATION

INSPECTION OF CERTAIN RETURNS BY COMMITTEES OF CONGRESS OTHER THAN THOSE ENUMERATED IN SECTION 6103 (d) OF THE INTERNAL REVENUE CODE OF 1954

§ 301.6103 (a)-101 *Inspection of returns by committees of Congress other than those enumerated in section 6103 (d) of the Internal Revenue Code of 1954.* (a) (1) Pursuant to the provisions of section 6103 (a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U. S. C. 6103 (a)), any return with respect to income, estate, or gift tax imposed by the Internal Revenue Code of 1954 shall be open to inspection by any committee of the Congress, or any subcommittee of a committee of the Congress, specially authorized to inspect such returns by an Executive order [1] issued under the aforementioned statutory provisions on or after the date of the approval of this section. Such inspection shall be subject to the conditions and restrictions imposed by the Executive order and the rules and regulations hereinafter prescribed.

(2) Only such of the aforementioned returns as are specified in a resolution adopted by the committee in accordance with the rules of the appropriate house of the Congress then applicable to the reporting of a measure or recommendation from such committee shall be open to inspection. Such resolution shall set forth the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns. The inspection of returns authorized in this section may be made by the committee of the Congress, or the subcommittee of a committee of the Congress, authorized as provided in subparagraph (1) of this paragraph, acting directly as a committee or as a subcommittee, or by or through such examiners or agents as such committee or subcommittee may designate or appoint in its written request hereinafter mentioned. Upon written request by the chairmen of such committee or of such subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is desired to inspect and the taxable periods covered by the returns and stating that the resolution hereinbefore mentioned with respect to the inspection of such returns has been duly adopted by such committee or by the committee under which such subcommittee functions, the Secretary or any officer or employee of the Department of the Treasury, with the approval of the Secretary, shall furnish such committee or subcommittee with any data relating to or contained in any such return or shall make such return available for inspection by such committee or subcommittee or by the examiners or agents designated or appointed by such committee or subcommittee. Such data shall be furnished, or such return shall be made available for inspection, in an office of the Internal Revenue Service. Any information thus obtained by such committee or subcommittee shall be held confidential: *Provided, however,* That any portion thereof relevant or pertinent to the purpose of the investigation may be submitted by the investigating committee to the appropriate house of the Congress.

(3) This section shall not be applicable to any committee authorized by section 6103 (d) of the Internal Revenue Code of 1954 to inspect returns.

(b) Because this section constitutes a general statement of policy and establishes a rule of Departmental practice and procedure, it is found that it is unnecessary to issue this section with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(c) This section shall be effective upon its filing for publication in the FEDERAL REGISTER.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interprets or applies sec. 6103, 68A Stat. 753; 26 U. S. C. 6103)

G. M. HUMPHREY,
Secretary of the Treasury.

Approved: May 3, 1955.

DWIGHT D. EISENHOWER,
The White House.

[F. R. Doc. 55-3697; Filed, May 3, 1955; 5:02 p. m.]

[1] See Title 3, Executive Orders 10606 and 10607, *supra.*

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter I—Transport

PART 631—GENERAL TRANSPORT REGULATIONS

OVERSEA MOVEMENT OF INDIVIDUALS ON ARMY TRANSPORTS; REVOCATION

Sections 631.2 *Commercial passengers,* 631.3 *Transportation of individuals,* 631.4 *Stowaways and workaways,* 631.5 *Articles of an explosive or highly combustible nature excluded from baggage,* and 631.6 *Transport messes* are revoked.

[DA Cir. 310-16, revoking AR 55-390, AR 55-410, and AR 55-520] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-3627; Filed, May 4, 1955; 8:45 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

MISCELLANEOUS AMENDMENTS

In § 861.1005, paragraph (b) is revised, a new paragraph (c) is added to § 861.1008 and paragraph (h) in § 861.1010 is revised as follows:

§ 861.1005 *Mobilization designation.* • • •

(b) *Ineligibility.* Mobilization designations will not be given to Reservists who are serving on extended active duty in any status. Obligors (meaning individuals having a Reserve obligation under Section 4, Universal Military Training and Service Act) will be assigned only to the Mobilization Assignment Reserve Section. They are not eligible for mobilization designation positions unless such assignment is approved by the Commander, Continental Air Command, or his authorized representative.

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§ 861.1008 *Requisitioning Air Force Reserve personnel.* • • •

(c) Career summaries will normally consist of reproduced copies of individual qualification records supplemented by additional pertinent information.

§ 861.1010 *Training.* • • •

(h) *Waivers of training requirements for mobilization designees.* Effective July 1, 1955, commanders will not grant waivers of minimum annual requirements for retention of active status. Waivers in effect on June 30, 1955 will terminate on that date.

• • • • • •

[AFR 45-3A, Mar. 31, 1955] (Sec. 251, 66 Stat. 495; 50 U. S. C. 1002. Interpret or apply secs. 101-259, 601-603, 66 Stat. 481-498, 501; 50 U. S. C. 901-1010, 1091-1093)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55-3625; Filed, May 4, 1955; 8:45 a. m.]

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

MISCELLANEOUS AMENDMENTS

Paragraph (c) of § 862.78, the heading and paragraph (d) of § 862.81, and § 862.86 are revised as follows:

§ 862.78 *Definitions.* • • •

(c) *PAS—Professor of air science.* (References to "PAST" in §§ 862.76 to 862.87 will be changed to "PAS.")

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§ 862.81 *Selection of Air Force ROTC students for deferment.* • • •

(d) *Redeferments.* Students who have been deferred and whose deferments were subsequently canceled are not again eligible for deferment under §§ 862.76 to 862.87 without the approval of the Commandant, Air Force ROTC. The Commandant may delegate redeferment authority to PASs as desired.

§ 862.86 *Notification of local boards.* (a) When a student has signed a deferment agreement, the PAST will immediately furnish the local Selective Service System board concerned a statement of the student's deferment status. Paragraph 6 of DD Form 44, "Military Status of Individual," will be used for this purpose, and copies will be distributed as follows:

(1) Original to the appropriate local board.

(2) Duplicate to the student concerned.

(3) Triplicate to be retained in the Air Force ROTC unit file.

(4) Quadruplicate, when applicable, to the unit commander or the custodian of the person's records when the person concerned is concurrently a member of a Reserve component.

(b) Change of status of a student, after submission of original status notification, will be reported by the PAST to the local Selective Service System board concerned, within 72 hours, following the distribution procedure used for the original report. Paragraphs 8 and 9, DD Form 44, will be used for reporting changes of status when a student becomes ineligible for an Air Force ROTC deferment. Paragraphs 8 and 10, DD Form 44, will be used to report the appointment of an Air Force ROTC graduate as a commissioned officer. The "Remarks" section will be used when necessary for clarification of change of status.

(c) In addition to paragraphs (a) and (b) of this section, each PAS will submit, at the close of each calendar year, DD Form 44 for those cadets under Air Force ROTC deferment.

(d) The Air Force ROTC cadet who is deferred under §§ 862.76 to 862.87 will inform the PAS of the number and address of his local Selective Service System board and will inform the board concerned of his Air Force ROTC deferment status.

(e) If a local board fails or refuses to honor DD Form 44 for any member of the Air Force ROTC, the Director of Personnel Procurement and Training, Headquarters USAF, Washington 25, D. C., will be advised by the most expeditious means of all facts of the case. In addition, an information copy will be forwarded through command channels.

(f) When an Air Force cadet transfers to another institution having an Air Force ROTC unit, the following procedures will apply:

(1) The cadet will notify the PAS of the losing institution of his intention to transfer. The losing PAS will make

note of this intention, but will not take any immediate action.

(2) As soon as the cadet has registered at the gaining institution and has been regularly enrolled in the appropriate air science course, the gaining PAS will notify the losing PAS that:

(i) The cadet is regularly enrolled in Air Force ROTC.

(ii) The new DD Form 44 has been sent to the cadet's local Selective Service System board.

(3) The losing PAS will then drop the cadet from accountability and will submit a DD Form 44 to the local Selective Service System board rescinding the previous form and indicating the cadet has transferred to the gaining Air Force ROTC unit.

(g) PAS will cancel the deferment of all nonenrolled cadets at their institutions not later than October 15, after the fall enrollment and March 15, after the spring enrollment.

[AFR 45-52A, Feb. 2, 1955] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 3, 6, 12, 62 Stat. 605, 609, 622, as amended; 50 U. S. C. App. 453, 456, 462)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55-3624; Filed, May 4, 1955; 8:45 a. m.]

Subchapter G—Personnel

PART 881—PERSONNEL REVIEW BOARDS

AIR FORCE DISABILITY REVIEW BOARD

Sections 881.30, 881.32, paragraphs (c), (d) and (e) of § 881.34, paragraphs (a), (b) and (c) of § 881.35, paragraph (b) of § 881.36 and § 881.38 are revised as follows:

§ 881.30 *Constitution and purpose.* The Air Force Disability Review Board (hereinafter referred to as the Review Board) is an administrative agency established within the Department of the Air Force pursuant to section 302 of the Servicemen's Readjustment Act of 1944, as amended (58 Stat. 287, as amended; 38 U. S. C. 693i), Transfer Order 16 (13 F. R. 3461), to review, at the request of an officer retired or released from active service, without pay for physical disability pursuant to the decision of a retiring board, disposition board or physical evaluation board, the findings and decisions of such board.

§ 881.32 *Application for review.* (a) Any officer desiring a review of his case will make a written application therefor on AF Form 436, "Application for Review of Department of the Air Force Retiring Board Proceedings," and AF Form 436a, "Supplement to Application for Review of the Department of the Air Force Retiring Board Proceedings."

(b) An application for review will not be granted unless received by the Department of the Air Force prior to June 22, 1959, or within 15 years after the date on which the officer was separated from the service or released to inactive service, without pay, for physical disability, whichever date is later.

(c) Upon receipt of an application for review, the Director of Military Personnel will note thereon the time of receipt thereof and, in cases where the jurisdiction for review by the Review Board is established, will assemble the originals or certified copies of all available service and/or other records pertaining to the health and physical condition of the applicant, including the record of the proceedings and findings of all retiring, disposition, and physical evaluation boards in question and the records of all administrative and/or executive action taken thereon. The records, together with the application and any supporting documents submitted therewith, will be transmitted to the president of the Review Board.

(d) Upon receipt of an application for review of the findings and decision of a disposition board, the Director of Military Personnel, in cases where the jurisdiction for review by the Review Board has been established, will authorize the applicant to appear at his own expense before a physical evaluation board. If the applicant then goes before a physical evaluation board and, after the usual administrative procedure, is certified for retirement pay benefits, a further review is not required. If the approved decision of the physical evaluation board is that the disability is not the result of an incident of the service or if the physical evaluation board finds that a disability does not exist, or if the officer states he does not desire to appear in person before a physical evaluation board, the Director of Military Personnel will then refer the case to the Review Board for review under section 302, of the Servicemen's Readjustment Act of 1944, as amended.

§ 881.34 *Hearings.* • • •

(c) An applicant may waive his right to a personal hearing in writing or by his failure to appear in person or by counsel at the appointed time and place. In the event of a waiver of appearance, the board will nevertheless consider the case on the record.

(d) In the conduct of its inquiries, the Review Board will not be limited by the restrictions of rules of evidence.

(e) In a case wherein it is advisable and practicable, the Review Board, upon its own motion, may request any Armed Forces medical facility to detail one or more medical officers to make a physical examination of the applicant, if available, and report the examination results either in person or by affidavit. When testifying in person at a hearing, such medical witnesses will be subject to cross-examination. Similarly, the medical members of the Review Board may examine the applicant, if available, and testify as witnesses concerning the results of the examination.

• • • • •

§ 881.35 *Findings and conclusions.* (a) The Review Board will make findings in closed session in each case. Such findings will include a finding affirming or reversing the findings of the retiring, disposition, or physical evaluation board under review and of the administrative action taken subsequent thereto, specifying which of the findings and administrative actions are affirmed and which are reversed.

(b) In the event the Review Board reverses any of such original findings, the Review Board will then make substitute findings for those reversed so that the affirmed and substituted findings will aggregate the following complete findings:

(1) Whether the applicant was permanently disabled for active service at the time of his separation from the service or released to inactive service.

(2) The cause or causes of the disability.

(3) The approximate date of origin of each disabling defect.

(4) The date the officer became disabled for active service.

(5) Whether the cause or causes of the disability was or was not an incident of the service.

(6) Whether the cause or causes of the disabiilty had been permanently aggravated by military service.

(7) Whether the disability for active service was or was not the result of an incident of the service.

(8) Whether the officer's disability was incurred in combat with an enemy of the United States.

(9) Whether the officer's disability, if incurred prior to January 1, 1951, resulted from an explosion of an instrumentality of war in line of duty, or whether the disability, if incurred subsequent to January 1, 1951, was caused by an instrumentality of war in line of duty.

(c) In the event the Review Board finds the officer permanently incapacitated for active service and that the incapacity was an incident of the service, it will make an additional finding specifying the grade in which the officer is entitled to be retired or to be certified for retirement pay benefits or the benefits provided by the Career Compensation Act of 1949 as amended (63 Stat. 802).

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§ 881.36 *Disposition of proceedings.* • • •

(b) Normally, all records of the proceedings of the Review Board will be without clasification. Upon written request from the applicant, his guardian, or legal representative, the Director of Military Personnel will furnish a copy of the proceedings of the Review Board, less any exhibits which may be found impracticable to reproduce, but which will include:

(1) A copy of the order appointing the Review Board.

(2) The findings of the retiring or physical evaluation board affirmed.

(3) The findings of the retiring or physical evaluation board reversed.

(4) The findings of the Review Board.

(5) The conclusions which were made by the Review Board.

(6) The directions of the Secretary of the Air Force.

If it should appear that furnishing this information would prove injurious to the physical or mental health of the applicant, the information will be furnished only to the guardian or legal representative of the applicant. The Director of Military Personnel, subject to the foregoing restrictions, will make available for inspection, upon request of the applicant, his guardian, or legal representative, a record of the proceedings of any case reviewed by the Review Board.

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§ 881.38 *Rehearings.* (a) After the Review Board has reviewed a case and its findings and decision has been approved, the case normally will not be reconsidered, except on the basis of new, pertinent, and material evidence which might reasonably be expected to cause findings and decision other than those rendered as the result of the original review.

(b) Any officer desiring a rehearing of his case will make a written application therefor on AF Form 437, "Application for Review of Findings of the Department of the Air Force Disability Review Board."

[AFR 36-29, Sept. 29, 1954] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 301, 302, 58 Stat. 286, 287, as amended; 38 U. S. C. 693h, 6931)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55-3626; Filed, May 4, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1139]

ALASKA

RESERVING CERTAIN PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY; PARTLY REVOKING PUBLIC LAND ORDER NO. 386 OF JULY 31, 1947

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, including the rights of natives based on occupancy, the following described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws and the mineral-leasing laws, and reserved in connection with lands withdrawn by Public Land Order No. 765 of November 23, 1951, for the use of the Department of the Army for military purposes:

NORTHWAY

Beginning at a point from which corner No. 4, U. S. Survey No. 2781, latitude 63°00'5" N., longitude 141°47'00" W., bears S. 32°06' E. 600 feet, and S. 2°08' W. 1,372.40 feet; thence N. 32°06' W., 200 feet; N. 57°54' E., 510 feet; S. 32°06' E., 200 feet; S. 57°54' W., 510 feet; to the point of beginning.

The area described contains 2.34 acres.

This order shall take precedence over, but not otherwise affect, the withdrawal for the Alaska Highway made by Public Land Order No. 601 of August 10, 1949.

Public Land Order No. 386 of July 31, 1947, withdrawing lands for various public purposes including classification and survey, is hereby revoked so far as it affects the above-described lands.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 28, 1955.

[F. R. Doc. 55-3632; Filed, May 4, 1955; 8:46 a. m.]

[Public Land Order 1140]

ALASKA

WITHDRAWING LANDS FOR USE OF ALASKA ROAD COMMISSION; PARTIALLY REVOKING EXECUTIVE ORDER OF JUNE 13, 1899, AS AMENDED BY EXECUTIVE ORDER NO. 4131 OF JANUARY 22, 1925

By virtue of the authority vested in the President and purusant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Alaska Road Commission:

Beginning at a point from which corner No. 1, U. S. Survey No. 353, being the intersection of the center of C Street, Eagle Townsite, with the left bank of the Yukon River, bears S. 21° 27' E., 170 feet and N. 68° 03' E., 1,008 feet, thence S. 68° 03' W., 300 feet; N. 21° 57' W., 300 feet; N. 68° 03' E., 300 feet; S. 21° 57' E., 300 feet to point of beginning.

The tract described contains 2.06 acres.

The Executive Order of June 13, 1899, as amended by Executive Order No. 4131 of January 22, 1925, withdrawing certain lands in Alaska for military purposes is hereby revoked so far as it affects the above-described lands.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 28, 1955.

[F. R. Doc. 55-3631; Filed, May 4, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 941]

[Docket No. AO-101-A19]

MILK IN CHICAGO, ILLINOIS, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Century Room, LaSalle Hotel, La Salle and Madison Streets, Chicago, Illinois, beginning at 10:00 a. m., c. d. s. t., on May 9, 1955, for the purpose of receiving evidence with respect to amending the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Chicago, Illinois marketing area.

Evidence will be received at the hearing with respect to only the price for Class I milk. References to the price for Class II milk contained herein are to be considered only as relating to changes which conform order provisions to proposed changes in the Class I price.

Specific proposed amendments which have been submitted are as follows:

By the Pure Milk Association:

1. In § 941.51 add a paragraph (d) as follows:

(d) Determine the number of qualified producers delivering milk during the most recent month. The Class I and Class II price differentials shall be increased or decreased ¾-cent per hundredweight for each 100 producers or major part thereof, more or less than 23,000.

2. In § 941.52 add another proviso to paragraph (a) (1) to read: "*Provided,* That such Class I price differentials shall be increased or decreased, respectively, 1½ cents per hundredweight for each full percent that the current supply-demand ratio is greater or less than 72 percent. The adjustments resulting from the above computations shall not exceed 24 cents per hundredweight."

3. In § 941.52 change paragraph (a) (1) to make Class I price differentials $1.10 per hundredweight for August, September, October and November, and 90 cents per hundredweight for all other months.

By the Pure Milk Products Cooperative:

4. Amend § 941.52 to provide for a Class I differential of $1.00 per hundredweight to be added to the basic formula price during each delivery period of the year.

5. Amend §§ 941.51 and 941.52 to provide for the elimination or modification of the supply-demand adjustor provision of Order 41 as it effects the Class I and Class II price differentials.

By the Pure Milk Association:

6. In § 941.52 (a) (3) and (b) (3) add the following:

Class I or Class II milk moved in bulk to unregulated plant(s) shall be classified separately and during the months of September, October and November, the price thereof shall be 70 cents per hundredweight higher than the price otherwise computed.

Any handler selling Class I or Class II milk in bulk to unregulated plant(s) during the months of April, May and

June may sell an equal quantity of Class I or Class II milk in bulk to unregulated plant(s) during the months of September, October and November of the same year without the 70 cents per hundredweight above described being applied.

By the Barron Cooperative Creamery; Wisconsin Cooperative Dairies, Inc.; Farmers Cooperative Creamery; and Falls Dairy, Inc.:

7. Delete § 941.52 (a) (3) and (b) (3) to eliminate the $0.70 higher price.

By the Dairy Division, Agricultural Marketing Service:

8. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

These proposed amendments have not received the approval of the Secretary of Agriculture. With respect to other proposals which have been submitted but are not included in this notice, hearing is deferred.

Copies of this notice of hearing and of the said order, as amended, may be procured from the Market Administrator, 73 West Monroe Street, Chicago 3, Illinois, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: May 2, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-3663; Filed, May 4, 1955; 8:52 a. m.]

[7 CFR Part 987]

[Docket No. AO 252-A1]

MILK IN CENTRAL MISSISSIPPI MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part, 900), notice is hereby given of a public hearing to be held in Assembly Room, State Office Building, Jackson, Mississippi, beginning at 1:00 p. m., local time, May 9, 1955, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof to the tentative marketing heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the Central Mississippi marketing area (7 CFR Part 987 et seq.). The proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments to the order regulating the handling of milk in the Central Mississippi marketing area are proposed by the Mississippi Milk Producers Association:

1. Amend § 987.90 by inserting the following as paragraph (d):

(d) (1) On or before the 13th and 26th days of each month in lieu of the payment pursuant to paragraphs (a) and (b) and (c) of this section, respectively, each handler shall pay to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers;

(2) A copy of the request from the cooperative association to each handler for payment to the cooperative association of the sums due to such producers for whose milk such cooperative association is authorized to collect payment and a certified list of the members of such cooperative association for whom payment is requested shall be filed simultaneously with the handler and the market administrator by the cooperative and shall be subject to verification at the discretion of the market administrator through audit of the records of the cooperative association requesting payment. Exception, if any, to the accuracy of such certified list of members by a producer claimed to be a member or be a handler shall be made by written notice to the market administrator and shall be subject to his determination.

2. Reletter the present paragraph (d) of § 987.90 as paragraph (e).

3. Amend § 987.44 to effect the following: "That skim milk or butterfat transferred from a handler operating a supply plant to a handler operating a distributing plant shall be classified as Class II milk or that the classification of such milk between Class I and Class II shall be prorated on the basis of the relationship in total amount of milk received from such supply plant, and the regular current producers of the handler operating the distributing plant."

The following amendment to the order is proposed by the Dairy Division, Agricultural Marketing Service:

4. Make such changes as may be necessary to conform the provisions of the marketing agreement and order with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the market administrator, Rooms 204-6, Fondren Bank Branch Building, 603 Duling Street, Jackson, Mississippi, or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: May 3, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-3669; Filed, May 4, 1955; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 20]

PILOT AND INSTRUCTOR CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of Part 20 of the Civil Air Regulations.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by August 10, 1955. Copies of such communications will be available after August 15, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective Part 20 establishes requirements for the issuance of student, private, and commercial pilot certificates, and for aircraft, instrument, and instructor ratings. Experience under this part has shown that some of the standards are too specific while others are not specific enough. Moreover, it appears desirable to propose a number of substantive changes to this part. In view of the many changes being considered, a complete revision is being proposed.

The part, as proposed, is divided into several subparts of which the first contains general provisions that apply to all types of pilot certificates. Then there are subparts for student, private, and commercial pilot certificates, with each of these being further divided into requirements for airplane, glider, and rotorcraft ratings. Therefore, as an example, a person desiring a private pilot certificate with an airplane rating need refer only to the general requirements plus those listed under private pilot for airplanes. In addition, there are subparts which provide for the issuance of flight instructor certificates and additional aircraft and instrument ratings to persons holding pilot certificates, and the special issuance of pilot certificates, such as to persons who are or were rated pilots in the military services or hold a foreign pilot license.

The following specific changes have been incorporated in this notice:

(a) *Student pilot certificates.* (1) Student pilot certificates may be issued to applicants who are under the present minimum ages, but such student pilot certificates shall be limited to solo flights within the local flying area and under the direct supervision of a flight instructor. We have received several requests for waivers of the minimum age requirements for student pilots, and such a waiver has been granted for a controlled glider training program. The issuance of a restricted student pilot certificate to under-age applicants should succeed in arousing the interest of our youth in aviation before it is diverted to other channels. Moreover, it is believed that this change will not adversely affect safety.

(2) The parental consent requirement for minors has been deleted from this draft. This requirement does not seem to serve any realistic safety purpose, and appears to impose an undue burden on the applicant for a pilot certificate since persons less than 21 years of age are inducted into the armed services, can exercise property rights, can marry, and are able to secure automobile driving licenses without parental consent.

(3) The requirements for first solo and solo cross-country certificate endorsements for student pilots have been retained and expanded to include the instructional items which must be completed before the flight instructor will endorse a student's pilot certificate as evidence of his being qualified for first solo or for cross-country flights. It is anticipated that the modified requirements will improve the thoroughness of flight instruction and at the same time give the student a clearer understanding of the procedures and maneuvers in which he should receive instruction.

(b) *Private pilot certificates* — (1) *Powered aircraft.* (i) The minimum of 40 hours flight time is the same as at present, but 15 hours of solo time will be required in the particular category of powered aircraft, with 5 hours of solo cross-country required in airplanes, and 3 hours in rotorcraft for these respective ratings. The dual instruction required for first solo and solo cross-country endorsements takes the place of the presently required 15 hours of dual instruction which has been deleted in this draft.

(ii) The flight test has been modified to consist of basic air work and the satisfactory completion of the principal steps in making a cross-country flight. With this arrangement, the flight test can be completed on a single flight and still provide the examiner with a satisfactory basis for judging the applicant's ability to conduct a safe cross-country flight.

(2) *Glider.* The experience and skill requirements for a private pilot certificate with glider rating are unchanged except that the applicant's student pilot certificate must have been endorsed for first solo and solo cross-country to assure that he has had adequate dual flight instruction.

(c) *Commercial pilot certificates*— (1) *Airplanes.* The experience requirements are modified by requiring 50 hours in airplanes, and 50 hours of cross-country as pilot in command. A total of 15 hours of dual instruction in airplanes will be required. The specified flight time in the particular category of aircraft is included to make sure that an applicant with multiple-category flight time will have adequate experience in the category in which he is to be rated.

(2) *Rotorcraft.* Except for the 100 hours as pilot in command and the 20 hours of cross-country, all of the experience requirements and all of the flight test items are new.

(3) *Glider.* The experience requirements are modified by requiring the applicant to have had 3 hours of flight time in a glider suitable for cross-country flying. This change is in recognition of the advances made in soaring, and since a commercial glider pilot may give flight instruction in gliders, it seems reasonable that he should be competent to fly the advanced types of gliders.

(d) *Aircraft ratings.* (1) The requirements for securing an additional category rating are modified by adding a new experience requirement of 5 hours or 10 glider flights as appropriate, while serving as pilot in command in the category of aircraft for which a rating is sought. The applicant must also meet the total time requirement for the original issuance of his grade of certificate with the category rating sought.

(2) The applicant for an additional class or type rating must have made at least 3 take-offs and landings as pilot in command in the appropriate class or type of aircraft, and pass an appropriate flight test. It seems essential that the applicant have at least some experience as pilot in command in the class or type of aircraft for which he is to be rated.

(e) *Instrument rating.* The total instrument time is unchanged, but 10 hours of instrument flight instruction by a flight instructor with an instrument rating has been added. This instruction should result in a marked improvement in the competency of applicants for instrument ratings.

(f) *Flight instructor certificates.* The instructor rating which is now issued in connection with a basic pilot certificate is changed to a senior flight instructor certificate with the same indefinite duration as the rating and a new junior flight instructor certificate of two years' duration has been created. With this arrangement an applicant who qualifies for the initial issuance of a flight instructor certificate will receive a junior flight instructor certificate of limited duration that will enable him to gain some experience in giving flight instruction and to establish a record that he can use to substantiate his instructing ability as necessary for obtaining a senior flight instructor certificate of indefinite duration.

Also the flight instructor is required to endorse the student's record of each dual instruction flight and to keep his own record of his endorsements on student pilot certificates and of all flight instruction that he gives. This requirement will make it possible to give proper credit for good instruction as well as to place responsibility for student accidents attributable to improper or incompetent instruction.

It is anticipated that changing the flight instructor rating to an independent certificate will add prestige to the flight instructing profession and the instructor's pilot certificate need not necessarily be jeopardized by any action which may arise from his flight instruction activities. In addition, the introduction of the junior flight instructor certificate with its limited duration should encourage the new instructor to put forth greater effort in establishing a good record as a flight instructor and qualify for a senior flight instructor certificate.

Copies of the proposed revised part and charts comparing the proposed changes with currently effective certification and rating requirements are set forth below.

This revision is proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., April 28, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

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SUBPART A—GENERAL

§ 20.1 *Scope.* This part prescribes standards for the issuance of student, private, and commercial pilot and flight instructor certificates and aircraft and instrument ratings. Regulations for the issuance of airline transport and lighter-than-air pilot certificates are specified in Parts 21 and 22 of this subchapter.

§ 20.2 *Issuance.* (a) A student, private, or commercial pilot, or flight instructor certificate with appropriate aircraft ratings shall be issued by the Administrator to an applicant who meets the applicable requirements. Additional aircraft category, class, and type, and instrument ratings for which the pilot has been found qualified shall be issued in connection with a pilot certificate.

(b) An applicant for a pilot certificate who holds a currently effective pilot certificate issued by a foreign government may receive credit for those examinations and tests which he completed in securing his pilot certificate and which the Administrator has found to be at least the equivalent of those required in the Civil Air Regulations for the issuance of a comparable pilot certificate.

§ 20.3 *Duration of certificates.* (a) Student pilot and junior flight instructor certificates shall expire 24 calendar months after the date of issuance.

(b) Private and commercial pilot and senior flight instructor certificates shall remain in effect until surrendered, suspended, or revoked, or a general termination date is set by the Board.

(c) A temporary pilot certificate for a period not to exceed 90 days may be granted to an applicant pending issuance of the certificate or rating sought.

§ 20.4 *Application.* Application for a pilot certificate or any rating shall be made on a form furnished by the Administrator.

§ 20.5 *Administration of tests.* The prescribed examinations and tests shall be given by a person acceptable to the Administrator.

§ 20.6 *Physical examination.* Prior to taking a flight test for a pilot certificate or rating, the applicant shall hold a valid medical certificate appropriate to the certificate or rating sought.

§ 20.7 *Aircraft used in flight tests.* The applicant shall furnish a certificated aircraft suitable for the flight test prescribed for the certificate or rating sought.

§ 20.8 *Logging of flight time.* All flight time used to meet the experience requirements for any pilot certificate, rating, designation, or operating privilege shall be substantiated by a reliable record. The logging of other flight time is not required. Such record shall include the following information:

(a) *General.* (1) Date,
(2) Duration,
(3) Type of aircraft, and
(4) Identification mark.

(b) *Type of piloting.* (1) Pilot-in-command,
(2) Second pilot,
(3) Dual instruction, or
(4) Flight simulator.

(c) *Conditions of flight.* (1) Day VFR,
(2) Night VFR, or
(3) Instrument flight.

§ 20.9 *Change of address.* Within 30 days after any change in permanent address, the holder of a pilot certificate shall notify the Administrator in writing of such change. This notice shall be mailed to the Airman Records Branch, Civil Aeronautics Administration, Washington 25, D. C.

§ 20.10 *Identification card.* The holder of a certificate issued under the provisions of this part shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by the certificate unless he has in his personal possession a current airman identification card or other identification card acceptable to the Administrator which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

SUBPART B—STUDENT PILOT CERTIFICATES

AIRPLANE RATING

§ 20.11 *Age.* No age limit but if the applicant is less than 16 years of age a restriction shall be placed on his student pilot certificate requiring all solo flights to be under the direct supervision of a flight instructor and confined to the local flying area until the holder is 16 years of age.

§ 20.12 *Citizenship.* No requirements.

§ 20.13 *Education.* The applicant shall be able to speak and understand the English language, or an appropriate operation limitation shall be placed on his student pilot certificate. Such limitation shall be removed when he demonstrates his ability to speak and understand English.

§ 20.14 *Physical standards.* The applicant shall hold at least a valid third class medical certificate issued in accordance with the physical standards prescribed in Part 29 of this subchapter.

§ 20.15 *Requirements for first solo.* A student pilot shall not operate an airplane in solo flight until:

(a) He is familiar with the general and visual flight rules of Part 60 of this subchapter and such preparatory procedures as preflight inspection and starting, warming-up, operating, and stopping the engine;

(b) He has received dual instruction in taxiing, take-offs, landings, and parking; traffic pattern procedures; level flight, turns, climbs, and glides; stalls and emergency landings; and recovery from spins unless the instruction is given in nonspinnable airplanes; and

(c) He has been found competent by a flight instructor to make solo flights, and authority therefor has been endorsed by such instructor on his student pilot certificate.

§ 20.16 *Flight area limitations.* A student pilot shall not operate an airplane outside of a local area designated by his flight instructor until:

(a) He is familiar with such flight planning steps as plotting courses, estimating time en route and fuel required, and obtaining and evaluating weather reports;

(b) He has received dual instruction in crosswind and simulated soft-field take-offs and landings; climbing and gliding turns at minimum safe speeds; cross-country navigation by reference to aeronautical charts; conforming with air traffic control instructions furnished by radio or lights as appropriate; safe operating practices in simulated emergencies which might occur due to engine failure, loss of flying speed, deteriorating weather, getting lost, and similar critical situations; and has had a demonstration of straight flight and turns solely by reference to instruments; and

(c) He has been found competent by a flight instructor to make solo cross-country flights and authority therefor has been endorsed by such instructor on his student pilot certificate.

§ 20.17 *Airplane type limitations.* A student pilot shall operate in solo flight only those types of airplanes that have been endorsed on his student pilot certificate by a flight insrtuctor.

ROTORCRAFT RATING

§ 20.20 *Age.* No age limit but if the applicant is less than 16 years of age a restriction shall be placed on his student pilot certificate requiring all solo flights to be under the direct supervision of a flight instructor and confined to the local flying area until the holder is 16 years of age.

§ 20.21 *Citizenship.* No requirements.

§ 20.22 *Education.* The applicant shall be able to speak and understand the English language, or an appropriate operation limitation shall be placed on his student pilot certificate. Such limitation shall be removed when he demonstrates his ability to speak and understand English.

§ 20.23 *Physical standards.* The applicant shall hold at least a valid third class medical certificate issued in accordance with the physical standards prescribed in Part 29 of this subchapter.

§ 20.24 *Requirements for first solo.* A student pilot shall not operate a rotorcraft in solo flight until:

(a) He is familiar with the general and visual flight rules of Part 60 of this subchapter and such preparatory procedures as starting, warming-up operating, and stopping the engine;

(b) He has received dual instruction in taxiing, take-offs, hovering, landing, and parking; traffic pattern procedures; and emergency procedures, including engine failure; and

(c) He has been found competent by a flight instructor to make solo flights and authority therefor has been endorsed by such instructor on his student pilot certificate.

§ 20.25 *Flight area limitations.* A student pilot shall not operate a rotorcraft outside of a local flying area designated by his flight instructor until:

(a) He is familiar with such flight planning steps as plotting courses, estimating time en route and fuel required, and obtaining and evaluating weather reports;

(b) He has received dual instruction in pilotage by reference to aeronautical charts; conforming with air traffic control instructions furnished by radio or lights as appropriate; and safe operating practices in simulated emergencies which might occur due to engine failure, deteriorating weather, getting lost, and similar critical situations; and

(c) He has been found competent by a flight instructor to make solo cross-country flights and authority therefor has been endorsed on his student pilot certificate.

§ 20.26 *Rotorcraft type limitations.* A student pilot shall operate in solo flight only those types of rotorcraft that have been endorsed on his student pilot certificate by a flight instructor.

GLIDER RATING

§ 20.30 *Age.* No age limit but if the applicant is less than 14 years of age a restriction shall be placed on his student pilot certificate requiring all solo flights to be under the direct supervision of a flight instructor and confined to the local flying area until the holder is 14 years of age.

§ 20.31 *Citizenship.* No requirements.

§ 20.32 *Education.* The applicant must be able to speak and understand the English language, or an appropriate operation limitation shall be place on his student pilot certificate. Such limitation shall be removed when he demonstrates his ability to speak and understand English.

§ 20.33 *Physical standards.* The applicant shall certify that he has no known physical defect which renders him incompetent to pilot a glider.

§ 20.34 *Requirements for first solo.* A student pilot shall not operate a glider in solo flight until:

(a) He is familiar with the general and visual flight rules of Part 60 of this subchapter and the procedure to follow in conducting preflight inspections;

(b) He has received instruction in take-offs, landings, glides, and gliding turns; and recovery from stalls entered from all normally anticipated flight attitudes; and

(c) He has been found competent by a flight instructor to make solo flights, and authority therefor has been endorsed by such instructor on his student pilot certificate.

§ 20.35 *Flight area limitations.* A student pilot shall not operate a glider outside of a local area designated by his flight instructor until:

(a) He is familiar with obtaining and evaluating weather reports;

(b) He has received dual instruction in cross-country navigation by reference to aeronautical charts; and

(c) He has been found competent by a flight instructor to make solo cross-country flights, and authority therefor has been endorsed by such instructor on his student pilot certificate.

SUBPART C—PRIVATE PILOT CERTIFICATES

AIRPLANE RATING

§ 20.40 *Age.* 17 years.

§ 20.41 *Citizenship.* No requirements.

§ 20.42 *Education.* The applicant shall be able to speak and understand the English language, or an appropriate operation limitation shall be placed on his pilot certificate. Such limitation shall be removed when he demonstrates his ability to speak and understand English.

§ 20.43 *Physical standards.* The applicant shall hold at least a valid third class medical certificate issued in accordance with the physical standards prescribed in Part 29 of this subchapter.

§ 20.44 *Aeronautical knowledge.* The applicant shall pass an examination on the following:

(a) The Civil Air Regulations governing private pilot privileges and limitations, and general operating, air traffic, and accident reporting rules;

(b) The practical aspects of cross-country flying, including flight planning, map reading, pilotage, and radio communication procedures;

(c) The recognition of dangerous weather conditions and the evaluation of weather reports; and

(d) General safety practices in the operation of airplanes.

§ 20.45 *Aeronautical experience.* The applicant shall present his student pilot certificate appropriately endorsed for solo and cross-country flights and meet each of the following minimum flight experience requirements:

(a) 40 hours total flight time, including

(b) 15 hours of solo flight time in airplanes, and

(c) 5 hours of solo cross-country flying which shall include a landing at an airport more than 50 miles from the point of departure.

§ 20.46 *Aeronautical skill.* The applicant shall demonstrate a satisfactory level of competency in the following procedures and maneuvers:

(a) Preparatory flight procedures;

(b) Taxiing, take-off, and departure from the vicinity of the airport;

(c) Basic flight maneuvers, including 720° medium-banked turns, S-turns, climbing and gliding turns at minimum safe speeds, and power-on and power-off stalls;

(d) Cross-country air navigation;

(e) Arrival, approach, landing, taxiing, and parking at the airport; and

(f) Safe operating practices in simulated critical situations.

ROTORCRAFT RATING

§ 20.50 *Age.* 17 years.

§ 20.51 *Citizenship.* No requirements.

§ 20.52 *Education.* The applicant shall be able to speak and understand the English language, or an appropriate operation limitation shall be placed on his pilot certificate. Such limitation shall be removed when he demonstrates his ability to speak and understand English.

§ 20.53 *Physical standards.* The applicant shall hold at least a valid third class medical certificate issued in accordance with the physical standards prescribed in Part 29 of this subchapter.

§ 20.54 *Aeronautical knowledge.* The applicant shall pass an examination on the following:

(a) The Civil Air Regulations governing private pilot privileges and limitations, and general operating, air traffic, and accident reporting rules;

(b) The practical aspects of cross-country flying, including flight planning, map reading, pilotage, and radio communication procedures;

(c) The recognition of dangerous weather conditions and the evaluation of weather reports; and

(d) General safety practices in the operation of rotorcraft.

§ 20.55 *Aeronautical experience.* The applicant shall present his student pilot certificate appropriately endorsed for solo and cross-country flights and

meet each of the following minimum flight experience requirements:

(a) 40 hours total flight time, including

(b) 15 hours of solo flight time in rotorcraft, and

(c) 3 hours of solo cross-country flying which shall include a landing at an airport more than 25 miles from the point of departure.

§ 20.56 *Aeronautical skill.* The applicant shall demonstrate a satisfactory level of competency in the following procedures and maneuvers:

(a) Preparatory flight procedures;

(b) Taxiing, take-offs and landings, hovering, climbing and gliding turns, slow flight, and ground pattern flying; and

(c) Simulated emergencies, including an autorotative approach and landing.

GLIDER RATING

§ 20.60 *Age.* 16 years.

§ 20.61 *Citizenship.* No requirements.

§ 20.62 *Education.* The applicant shall be able to speak and understand the English language, or an appropriate operation limitation shall be placed on his pilot certificate. Such limitation shall be removed when he demonstrates his ability to speak and understand English.

§ 20.63 *Physical standards.* The applicant shall certify that he has no known physical defect which renders him incompetent to pilot a glider.

§ 20.64 *Aeronautical knowledge.* The applicant shall pass an examination on the following:

(a) The Civil Air Regulations which govern private pilot privileges and limitations, and general operating, air traffic, and accident reporting rules;

(b) The practical aspects of cross-country flying;

(c) The recognition of dangerous weather conditions and the evaluation of weather reports; and

(d) General safety practices in the operation of gliders.

§ 20.65 *Aeronautical experience.* The applicant shall present a student pilot certificate appropriately endorsed for solo and cross-country flights and meet each of the following minimum flight experience requirements:

(a) 10 hours of flight time which shall include 50 glider flights, of which at least 25 shall include 360° turns;

(b) 1 hour of flight instruction in recovery from stalls entered from all normally anticipated flight attitudes. Instruction in stalls may be given in airplanes; and

(c) Glider flights may be logged as flight time on the basis of 10 minutes for each glider flight.

§ 20.66 *Aeronautical skill.* The applicant shall demonstrate a satisfactory level of competency in the following procedures and maneuvers:

(a) At least 2 solo flights, of which one shall include a 360° approach to the left and one a 360° approach to the right, landing each time beyond and within 200 feet of a designated point or line; and

(b) Recovery from stalls entered from normally anticipated flight attitudes. Stalls may be demonstrated in airplanes.

SUBPART D—COMMERCIAL PILOT CERTIFICATES

AIRPLANE RATING

§ 20.70 *Age.* 18 years.

§ 20.71 *Citizenship.* No requirements.

§ 20.72 *Education.* The applicant shall be able to speak and understand the English language, or an appropriate operation limitation shall be placed on his pilot certificate. Such limitation shall be removed when he demonstrates his ability to speak and understand English.

§ 20.73 *Physical standards.* The applicant shall hold at least a valid second class medical certificate issued in accordance with the physical standards prescribed in Part 29 of this subchapter.

§ 20.74 *Aeronautical knowledge.* The applicant shall pass a written examination based on the following:

(a) The privileges and limitations of a commercial pilot;

(b) Meteorology, including the recognition of dangerous weather conditions, and the acquisition and use of weather information disseminated by the U. S. Weather Bureau;

(c) Navigation, including pilotage, dead reckoning, and the use of instruments and radio aids to air navigation;

(d) General principles of safe flight operations, including principles of flight and the operation and maintenance of airplanes; and

(e) Civil Air Regulations which govern general operating, air traffic, and accident reporting rules if the applicant does not hold a private pilot certificate.

§ 20.75 *Aeronautical experience.* The applicant shall have acquired at least 200 hours of flight time and meet each of the following minimum flight experience requirements.

(a) 100 hours in powered aircraft, of which 50 hours shall have been in airplanes;

(b) 100 hours as pilot in command, of which 50 hours shall have been cross-country and shall include one round-trip flight of not less than 350 miles in the course of which 3 full-stop landings are made at different points, one of which shall be not less than 150 miles away from the point of departure;

(c) 15 hours of dual instruction in airplanes;

(d) 10 hours of instrument flight experience which shall include not less than 5 hours of instrument flight instruction. The remaining 5 hours may be acquired in flight under simulated instrument conditions accompanied by a safety pilot or in a mechanical trainer equipped for simulated instrument flight; and

(e) An applicant who does not meet the instrument flight experience requirements of paragraph (d) of this section but does meet the other requirements may be issued a commercial pilot certificate and in that event the Administrator shall appropriately endorse such certificate to show that the holder thereof does not meet the instrument flight experience requirements. At such time as the holder of a certificate so endorsed submits reliable documentary evidence to the Administrator that he has met such instrument flight experience requirements, he shall be reissued a certificate without such endorsement.

§ 20.76 *Aeronautical skill.* The applicant shall demonstrate a satisfactory level of competency in the following procedures and maneuvers:

(a) Preparatory flight procedures;

(b) Taxiing, take-off, and departure from the vicinity of the airport with proper cognizance of other air traffic and traffic control procedures for the particular airport;

(c) Basic flight maneuvers such as turns, climbs, descents, and power-on and power-off stalls;

(d) Cross-country flight planning and flying such portion of a planned flight as will indicate ability to establish and maintain the appropriate course to proceed to the desired destination;

(e) Arrival, approach, landing, and parking at destination; and

(f) Safe operating practices in simulated critical situations.

ROTORCRAFT RATING

§ 20.80 *Age.* 18 years.

§ 20.81 *Citizenship.* No requirements.

§ 20.82 *Education.* The applicant shall be able to speak and understand the English language, or an appropriate operation limitation shall be placed on his pilot certificate. Such limitation shall be removed when he demonstrates his ability to speak and understand English.

§ 20.83 *Physical standards.* The applicant shall hold at least a valid second class medical certificate issued in accordance with the physical standards prescribed in Part 29 of this subchapter.

§ 20.84 *Aeronautical knowledge.* The applicant shall pass a written examination based on the following:

(a) The privileges and limitations of a commercial pilot;

(b) Meteorology, including the recognition of dangerous weather conditions, and the acquisition and use of weather information disseminated by the U. S. Weather Bureau;

(c) Navigation, including pilotage, dead reckoning, and the use of instruments and radio aids to air navigation;

(d) General principles of safe flight operations, including principles of flight and the operation and maintenance of rotorcraft; and

(e) Civil Air Regulations pertaining to air traffic and accident reporting rules if the applicant does not hold a private pilot certificate.

§ 20.85 *Aeronautical experience.* The applicant shall have acquired at least 150 hours of flight time and meet each of the following minimum flight experience requirements:

(a) 100 hours in powered aircraft, of which 40 hours shall have been in rotorcraft;

(b) 100 hours as pilot in command, of which 20 hours shall have been cross-country; and

(c) 25 hours of dual instruction in rotorcraft.

§ 20.86 *Aeronautical skill.* The applicant shall demonstrate a satisfactory level of competency in the performance of the following procedures and maneuvers:

(a) Preparatory flight procedures;

(b) Normal and crosswind take-offs and landings;

(c) Hovering upwind, downwind, and crosswind; and ground pattern flying with constant and changing headings;

(d) Simulated emergencies including running take-offs and autorotative landings;

(e) Cross-country flight planning and flying such portion of a planned flight as will indicate ability to establish and maintain the appropriate heading to proceed to the desired destination; and

(f) Such additional maneuvers or modifications of the above maneuvers as the examiner may deem advisable.

GLIDER RATING

§ 20.90 *Age.* 18 years.

§ 20.91 *Citizenship.* No requirements.

§ 20.92 *Education.* The applicant shall be able to speak and understand the English language or an appropriate operation limitation shall be placed on his pilot certificate. Such limitation shall be removed when he demonstates his ability to speak and understand English.

§ 20.93 *Physical standards.* The applicant shall certify that he has no known physical defect which renders him incompetent to pilot a glider.

§ 20.94 *Aeronautical knowledge.* The applicant shall pass a written examination based on the following:

(a) The privileges and limitations of a commercial pilot;

(b) Meteorology, including the recognition of dangerous weather conditions, and the acquisition and use of weather information disseminated by the U. S. Weather Bureau;

(c) Navigation, including pilotage, dead reckoning, and the use of navigational instruments;

(d) General principles of safe flight operations, including elementary aerodynamics and the operation and maintenance of gliders; and

(e) Civil Air Regulations which govern general operating, air traffic, and accident reporting rules if the applicant does not hold a private pilot certificate.

§ 20.95 *Aeronautical experience.* The applicant shall have acquired a total of 25 hours flight time and meet the following minimum experience requirements:

(a) 20 hours flight time in gliders;

(b) One hour of instruction in stalls entered from all normally anticipated flight attitudes;

(c) 100 flights in gliders as pilot in command;

(d) 25 glider flights with 360° right and left turns;

(e) 3 hours of flight time as a pilot in a glider suitable for cross-country flying; and

(f) Glider flights may be logged as flight time on the basis of 10 minutes for each flight.

§ 20.96 *Aeronautical skill.* The applicant shall demonstrate a satisfactory level of competency in the following procedures and maneuvers:

(a) Preflight check;

(b) At least 2 flights including a right and left 360° approach, landing each time not more than 200 feet beyond a line or point;

(c) Spiral in each direction of at least 3 full turns in a banked attitude of at least 45°;

(d) A glider flight when towed by an airplane during climb, and then above, below, and to one side of the slipstream during level flight;

(e) A glider flight when launched by an automobile or winch; and

(f) Stalls entered from all normally anticipated flight attitudes. Stalls may be demonstrated in airplanes.

SUBPART E—SPECIAL ISSUANCE OF PILOT CERTIFICATES

§ 20.100 *Certificated flying schools.* An applicant who presents reliable records showing that he has graduated from an approved course of a certificated flying school within the preceding 12 calendar months shall be deemed to have met the applicable aeronautical knowledge, experience, and skill requirements for the issuance of an appropriate certificate or rating.

§ 20.101 *Military competence* — (a) *Pilot certificates.* An applicant for a private or commercial pilot certificate who meets the appropriate flight experience requirements shall be deemed to have met the other requirements for the issuance of such certificate if he passes a written examination on the Civil Air Regulations pertaining to pilot privileges and limitations, general operating, air traffic, and accident reporting rules, and presents reliable evidence that:

(1) He is a member of the armed forces of the United States, the National Guard, or the Coast Guard or any reserve component thereof and either is on solo flying status as a rated pilot or the equivalent, or has been graduated from and rated as a pilot or the equivalent by a military flying school within the preceding 12 months; or

(2) He has been honorably discharged from the armed forces, the National Guard, or the Coast Guard within the preceding 12 months, and was at the time of discharge on solo flying status as a rated pilot or the equivalent: *Provided,* That if he has been honorably discharged for a period longer than 12 months preceding the date of application, he shall be required to meet the prescribed physical standards and pass the appropriate flight test.

(b) *Aircraft ratings.* The holder of a private or commercial pilot certificate or an applicant for such certificate on the basis of military competence shall be issued appropriate aircraft category, class, and type ratings upon presentation of reliable records showing that within the preceding 12 months he has flown at least 10 hours as pilot in command and sole manipulator of the controls in military aircraft of each category, class, and type for which a rating is sought.

(c) *Instrument rating.* An instrument rating shall be issued to a private or commercial pilot who holds a currently effective military instrument rating if the requirements for the issuance of such rating are not less than those for the issuance of an instrument rating under this part.

§ 20.102 *Physical deficiencies.* An applicant who presents a medical certificate with limitations imposed under a waiver of physical standards provisions of Part 29 of this subchapter shall be issued a pilot certificate endorsed to show the same limitations provided he meets all other requirements for the issuance of the certificate sought.

§ 20.103 *Foreign pilots.* A U. S. pilot certificate with appropriate limitations may be issued to an applicant who is a citizen of a foreign country and holds a currently effective pilot license issued by his government upon submitting to the Administrator reliable evidence of his aeronautical experience and passing an examination in the air traffic rules contained in Part 60 of this subchapter. Such certificate shall prohibit the transportation of passengers or cargo where a charge is made for such transportation and shall include such additional limitations as the Administrator finds necessary for safety including but not limited to those which may be required by reason of the pilot's inability to speak and understand the English language.

SUBPART F—AIRCRAFT AND INSTRUMENT RATINGS

AIRCRAFT RATINGS

§ 20.110 *Aircraft ratings.* Aircraft ratings issued to private and commercial pilot shall be classified as follows:

(a) *Category ratings.* (1) Airplane.

(2) Rotorcraft.

(3) Glider.

(b) *Airplane class ratings.* (1) Single-engine land.

(2) Multiengine land.

(3) Single-engine sea.

(4) Multiengine sea.

(c) *Type ratings.* Each type of airplane having a maximum certificated take-off weight of more than 12,500 pounds and each type of helicopter.

§ 20.111 *Additional aircraft ratings.* An applicant for an additional aircraft rating subsequent to the original issuance of a private or commercial pilot certificate shall meet the following requirements:

(a) *Category rating.* The applicant for an additional category rating shall:

(1) Meet the total time required for the original issuance of his grade of certificate with the category rating sought;

(2) Have served 5 hours as pilot in command of airplanes or rotorcraft as appropriate if the rating is sought in

one of these categories or have made 10 glider flights as pilot in command including 5 flights with 360° approaches if a glider rating is sought; and

(3) Pass an appropriate flight test.

(b) *Class or type rating.* An applicant for an additional class or type rating shall:

(1) Have made at least 3 take-offs and landings as pilot in command of an aircraft of the class or type for which a rating is sought; and

(2) Pass an appropriate flight test.

INSTRUMENT RATING

§ 20.115 *Issuance.* An instrument rating shall be issued to a private or commercial pilot who meets the following aeronautical knowledge, experience, and skill requirements:

§ 20.116 *Aeronautical knowledge.* The applicant shall pass a written examination based on the following:

(a) Civil Air Regulations as they apply to flight under IFR conditions;

(b) Radio navigation systems and procedures; instrument landing systems and procedures; radio communication procedures; and

(c) Meteorology, including the characteristics of air masses and fronts, and the weather associated with them; the elementary principles of forecasting; and the availability, evaluation, and utilization of the various types of meteorological reports.

§ 20.117 *Aeronautical experience.* The applicant shall have acquired at least 200 hours of flight time which shall include the following flight experience requirements:

(a) 150 hours of flight time as pilot in command, of which not less than 50 hours shall have been cross-country; and

(b) 40 hours of instrument time under actual or simulated instrument conditions, of which not less than 20 hours shall have been in flight and have included 10 hours of instrument flight instruction given by a rated flight instructor with an instrument rating.

§ 20.118 *Aeronautical skill.* The applicant shall demonstrate in flight the competent performance, solely by reference to instruments, of the following:

(a) Flight maneuvers, including recovery from critical altitudes, such as steep turns, spirals, and stalls, using the minimum instruments required in § 43.30 (c) of this subchapter;

(b) Planning and conducting a simulated instrument flight involving;

(1) Preparing and filing an instrument flight plan;

(2) Radio navigation;

(3) Radio communications;

(4) A standard instrument approach complying with traffic control instructions; and

(5) Recovery from emergency situations such as a missed aproach, radio or instrument failure, and failure of an engine if the test is conducted in a multiengine airplane.

SUBPART G—FLIGHT INSTRUCTOR CERTIFICATES

§ 20.120 *Junior flight instructor certificates.* A junior flight instructor certificate with appropriate ratings shall be issued to an applicant who meets the following requirements:

(a) He shall hold a valid airline transport or commercial pilot certificate or if he holds a private pilot certificate he shall meet the aeronautical knowledge, experience, and skill requirements for the issuance of a commercial pilot certificate;

(b) He shall show that he is familiar with the teaching methods and procedures to be used in effective flight instruction as set forth in the CAA Flight Instruction Manual; and

(c) He shall demonstrate in each category of aircraft in which he desires to give flight instruction his ability to teach the performance of such flight maneuvers and procedures as are necessary and appropriate for the safe piloting of that category of aircraft.

§ 20.121 *Renewal.* A junior flight instructor certificate may be renewed upon presentation by the holder of a flight instruction record satisfactory to the Administrator or upon a practical demonstration of continued competence.

§ 20.125 *Senior flight instructor certificates.* A senior flight instructor certificate with appropriate ratings shall be issued to an applicant who meets the following requirements:

(a) He has held a junior flight instructor certificate for a period of at least one year; and

(b) He has trained at least 5 successful candidates for pilot certificates or instrument ratings:

§ 20.126 *Flight instructor responsibilities.* A flight instructor shall be charged with the following responsibilities:

(a) He shall maintain a high standard of proficiency in giving flight instruction as evidenced by the ability of his students to maintain a satisfactory level of flight safety while under his supervision and to pass the certification and rating tests for which he has prepared them;

(b) He shall not certify a student for solo or solo cross-country flights until he has personally checked the student and found that he is competent to make such flights; and

(c) He shall endorse the student's record of each instruction flight and shall keep an accurate record of all flight instruction given and of each student pilot certificate that he endorses. Such record shall include the date and duration of the flight, the type of aircraft, the procedures or maneuvers taught, and the student's name and certificate number.

§ 20.127 *Validity and exchange of flight instructor ratings.* The holder of a flight instructor rating shall not exercise the privileges of such rating after two years beyond the effective date of this revision but he may exchange such rating for a senior flight instructor certificate at any time upon application to the Administrator without further showing of competence.

§ 20.130 *Definitions.*

Aircraft. Any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

Airplane. A power-driven, fixed-wing, heavier-than-air aircraft which is supported in flight by the dynamic reaction of the air against its wings.

Category of aircraft. A broad classification of aircraft with distinct configuration and flight characteristics such as airplane, rotorcraft, or glider.

Class of aircraft. A basic design of aircraft within a category differentiating between single and multiengine and land and water configurations.

Dual instruction time. Flight time during which a person is receiving flight instruction from an appropriately certificated flight instructor.

Day VFR flight time. That flight time acquired under visual flight rules between morning and evening civil twilight, as published in the "American Air Almanac" converted to local time for the locality concerned.

Flight Instructor. A certificated pilot authorized by the Civil Air Regulations to give flight instruction.

Flight time. The total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight.

Glider. A heavier-than-air aircraft the free flight of which does not depend principally upon a power generating unit.

Instrument flight time. That flight time during which the pilot is operating an aircraft solely by reference to instruments under actual instrument flight conditions.

Instrument time. That time during which a pilot is operating an aircraft under actual or simulated instrument flight conditions solely by reference to instruments, or time acquired in an approved synthetic instrument-training device.

Night VFR flight time. That flight time acquired under visual flight rules between evening civil twilight and morning civil twilight, as published in the "American Air Almanac" converted to local time for the locality concerned.

Pilot. A person holding a valid pilot certificate issued by the Administrator.

Pilot in command. A certificated pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

Rotorcraft. A power-driven heavier-than-air aircraft which is supported during flight by one or more rotors.

Second pilot. A certificated pilot serving in any piloting capacity other than as pilot in command on an aircraft equipped with dual controls.

Simulated instrument flight time. That time during which the pilot is operating an aircraft solely by reference to instruments under simulated instrument flight conditions.

Simulated instrument time. That time during which the pilot is operating a synthetic instrument-training device acceptable to the Administrator.

Solo flight time. That flight time during which the pilot is the sole occupant of the aircraft.

Type of aircraft. A basic make and model of aircraft including only those modifications that do not result in a change in handling or flight characteristics.

PILOT CERTIFICATES

STUDENT PILOT

Qualifications		Airplanes	Rotorcraft	Gliders
Age	Old	16	16	14
	New	No age limit, but all solo flights by students under old age minimums must be confined to local flying area and under direct supervision of flight instructor.		
Education	Old	Read, write, speak, and understand English.		
	New	Speak and understand English.		

PRIVATE PILOT

Qualifications		Airplanes	Rotorcraft	Gliders
Education	Old	Read, write, speak, and understand English.		
	New	Speak and understand English.		
Knowledge		No substantive change.		
Experience	Old	40 hours. 15 dual. 25 solo. 10 solo X-C. 100 miles. Stalls.	40 hours. 15 dual. 25 solo. 10 solo X-C. 100 miles. Stalls.	10 hours. 100 glider flights. 25 360° approach. 1 hour stalls.
	New	40 hours. 15 solo airplane. 5 solo X-C. 50 miles. Stalls.	40 hours. 15 solo rotorcraft. 3 solo X-C. 25 miles.	10 hours. 50 glider flights. 25 360° approach. 1 hour stalls.
Skill		No substantive change.		

COMMERCIAL PILOT CERTIFICATES

Qualifications		Airplanes	Rotorcraft	Gliders
Education	Old	Read, write, speak, and understand English.		
	New	Speak and understand English.		
Knowledge		No substantive change.		
Experience	Old	200 hours. 100 p-in-c. 20 p-in-c X-C. 350 miles. 15 night. 10 instrument.	200 hours. 100 p-in-c. 20 p-in-c X-C. 350 miles. 5 night. 10 instrument.	250 flights or 25 hours and 125 flights. 25 360° approach. 1 hour stalls.
	New	200 hours. 15 dual airplanes. 100 power aircraft. 50 airplanes. 100 p-in-c. 50 p-in-c X-C. 350 miles. 10 instrument.	150 hours. 25 dual rotorcraft. 100 power aircraft. 40 rotorcraft. 100 p-in-c. 20 p-in-c X-C.	25 hours. 20 in gliders. 100 glider flights. 25 360° approach. 1 hour stalls.
Skill		No substantive change.		

PILOT RATINGS

Qualifications		Category	Class and type	Instrument
Experience	Old	Have total time for grade of certificate.	None	150 hours. 40 hours as p-in-c. 20 hours in flight. 150 hours p-in-c. 40 instrument. 20 in flight. 10 instrument flight instruction.
	New	Have total time for grade of certificate 5 hours p-in-c in power aircraft or 10 glider flights.	3 take-offs and landings.	

FLIGHT INSTRUCTOR CERTIFICATES

Qualifications		Junior flight instructor certificate (new)	Senior flight instructor certificate
Knowledge	Old		Written examination.
	New	Written examination	No examination.
Experience	Old		200 hours or commercial rating.
	New	200 hours or commercial rating	1 year as flight instructor and have trained 5 students.
Skill	Old		Skill and instructing flight test.
	New	Instructing flight test	None.
Duration	Old		Indefinite.
	New	2 years	Indefinite.

[F. R. Doc. 55-3665; Filed, May 4, 1955; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 98

APRIL 29, 1955.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to delegation of authority contained in section 1.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management, it is ordered as follows:

1. Subject to valid existing rights, the public lands hereinafter described, which are situated in the Anchorage, Alaska Land District, are hereby classified as chiefly valuable for recreational purposes, as hereinafter indicated, for lease and sale under the Small Tract Act of June 1, 1938, supra:

SEAWARD MERIDIAN

T. 17 N., R. 4 W.,
Sec. 27: Lots 26–40, inclusive; E½ NE¼SW¼NE¼, W½NE¼SE¼NW¼; E½NW¼SE¼NW¼, W½NW¼SE¼NW¼; E½SW¼SW¼NW¼, E½SE¼NE¼SW¼.

Aggregating 21 tracts embracing 87.62 acres.

2. The classification of the above-described lands segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands involved are located at Mud Lake, which lies about 500 feet west of the west end of Big Lake. Big Lake is situated on the north side of the Knik Arm of Cook Inlet and is approximately 75 miles by highway northeasterly from Anchorage. It lies west of Wasilla and Palmer and is approximately 25 miles by highway from the latter. An all-weather highway connects the eastern end of Big Lake with Wasilla, Palmer, and the Territorial highway network. Mud Lake is connected to Big Lake by a narrow channel that is navigable by small and shallow-draft boats. With the exception of two tracts, all of the small tracts either have lake frontage on Mud Lake or on a small unnamed lake that lies immediately to the north of Mud Lake. The lands are generally covered with a mixed stand of spruce and birch. Muskeg is present on the imperfectly drained portions of some of the tracts. The terrain is generally level, however, the land lying between and separating the lakes consists of low-lying ridges. At the present time there is no electrical service to Mud Lake and none is anticipated in the near future. A store, several lodges and boat rental facilities are now operated at the east end of Big Lake. Stores, schools and

other public facilities and services are available in Wasilla and Palmer.

4. The individual tracts vary in size from 1.68 to 6.28 acres. The supplemental plat of survey showing the location of each tract can be secured for $1.00 from the Area Cadastral Engineering Office, Bureau of Land Management, Juneau, Alaska. Brochures which describe the area and contain sketch maps of the platting of the small tracts can be obtained free of charge from the Manager, Anchorage Land Office, Anchorage, Alaska. The appraised values of the tracts vary from $125 to $1120 per tract as shown below. Rights-of-way, 50 feet in width, for road purposes will be reserved as shown below.

MUD LAKE SMALL TRACT AREA—APPRAISAL SCHEDULE

Official description [1]	Acreage	Easement 50 feet	Advance rental (2 years)	Appraised value
Seward Meridian, sec. 27, T. 17 N., R. 4 W.:				
Lot 26	6.28		$50	$500
27	5.25		55	525
28	5.08	W	30	320
29	3.75		30	300
30	2.29	E	35	350
31	2.29	W	30	300
32	3.09	E	40	400
33	3.32		60	600
34	3.72		45	455
35	4.99		50	500
36	4.74		50	475
37	1.68		35	340
38	2.11		40	420
39	5.59	E	110	1,120
40	3.44	E and W	70	690
E½NE¼SW¼NE¼	5.00		30	300
W½NE¼SE¼NW¼	5.00		40	375
E½NW¼SE¼NW¼	5.00		45	450
W½NW¼SE¼NW¼	5.00		40	400
E½SW¼SW¼NW¼	5.00		15	125
E½SE¼NE¼SW¼	5.00	E	50	500

[1] From Supplemental Plat of Survey—Official Lot.

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899). Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet at least the following minimum standards. The house must be of sound construction suitable for occasional residence, be on a permanent foundation, contain at least 120 square feet of floor space (outside measure), and contain a minimum of one door and one window. The house must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Beginning at 10:00 a. m. on June 22, 1955, the lands will be open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Anchorage Land Office, Anchorage, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above named official prior to 10:00 a. m. on July 13, 1955. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on October 11, 1955, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21 day period extending between 10:00 a. m. on September 21, 1955, and October 12, 1955, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on October 12, 1955, to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution.

The filing of the lease form, Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease and rounded to the nearest five dollars. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to June 10, 1953, will be granted the preference right provided for by 43 CFR 257.5 (a).

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-3633; Filed, May 4, 1955; 8:47 a. m.]

[Amdt. 1]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 61 AND NOTICE OF OPENING

APRIL 27, 1955.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby amend Small Tract Classification Order No. 61, dated July 14, 1952, to read as follows:

SHEEP MOUNTAIN AREA

INDEX LAKE SMALL TRACT GROUP

For Lease and Sale; For Recreational Sites

Seward Meridian:
T. 20 N., R. 8 E.,
Section 23: Lots 4, 6, 7, N½NW¼NE¼ SW¼.

Comprising 4 tracts aggregating 10.84 acres.

2. The classification of the above-described lands as amended by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately one-half mile from the Glenn Highway at approximately eighty-eight and one-half miles from Anchorage. A dirt road leads from the Glenn Highway to Index Lake Bible Camp which is located just west of the small tracts. This road can be considered as a fair weather road only.

4. The individual tracts vary in size from 0.98 to 5.00 acres. The supplemental plat of survey showing the location of each tract can be secured for $1.00 from the Area Cadastral Engineering Office, Bureau of Land Management, Juneau, Alaska. Brochures which describe the area and contain sketch maps of the platting of the small tracts can be obtained free of charge from the Manager, Anchorage Land Office, Anchorage, Alaska. The appraised values of the tracts vary from $50 to $150 per tract as shown below. Rights-of-way, 50 feet in width, for road purposes will be reserved as shown below.

APPRAISAL SCHEDULE

Official description	Acreage	Advance rental	Easements	Appraised value
Seward Meridian, sec. 23, T. 20 N., R. 8 E.:				
Lot 4	2.90	$15		$125
Lot 6	0.98	10	N	50
Lot 7	1.96	10	N	100
N½NW¼NE¼SW¼	5.00	15	N and W	150

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899). Lessees who comply with the geenral terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet at least the following minimum standards. The house must be of sound construction suitable for occasional residence, be on a permanent foundation, contain at least 120 square feet of floor space (outside measure), and contain a minimum of one door and one window. The house must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Beginning at 10:00 a. m. on June 22, 1955, the lands will be open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Anchorage Land Office, Anchorage, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above named official prior to 10:00 a. m. on July 13, 1955. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on October 11, 1955, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21 day period extending between 10:00 a. m. on September 21, 1955, and October 12, 1955, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on October 12, 1955, to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution.

The filing of the lease form, Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease and rounded to the nearest five dollars. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to July 14, 1952, will be granted the preference right provided for by 43 CFR 257.5 (a).

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-3637; Filed, May 4, 1955; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 27, 1955.

An application, serial number Anchorage 028162, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on October 18, 1954, by Alaska Road Commission.

The purposes of the proposed withdrawal: Permanent type cap and powder magazine site.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

U. S. Survey No. 3312, Tract C: Lots 18A and 19A.

Containing 9.00 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-3636; Filed, May 4, 1955; 8:47 a. m.]

[Doc. 38]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, serial number Arizona 017159, for the withdrawal from location, sale and entry, under the General Mining laws of the lands described below, subject to valid and existing rights, was filed on September 27, 1954, by United States Department of Agriculture.

The purpose of the proposed withdrawal: Administrative sites, public service sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at Room 233-A Main Post Office Building, Phoenix, Arizona. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

APACHE NATIONAL FOREST

Alpine Divide Forest Camp

T. 6 N., R. 30 E.,
Sec. 23: SW¼.

Total area: 160 acres.

Alpine Ranger Station Administrative Site

T. 5 N., R. 30 E.,
Sec. 12: SE¼NE¼SE¼.
T. 5 N., R. 31 E.,
Sec. 7: Lots 2, 3, SE¼NW¼, NE¼SW¼.

Total area: 169.06 acres.

Basin Lake-Big Lake-Crescent Lake Recreation Area

T. 6 N., R. 27 E.,
Sec. 13: E½.

T. 6 N., R. 28 E.,
Sec. 7: S½SE¼, SE¼SW¼, Lot 4;
Sec. 8: S½SW¼, SW¼SE¼;
Sec. 17: W½, W½E½;
Sec. 18: E½, E½SW¼, Lots 1, 4, 5, 6, 7, 8, 9;
Sec. 19, E½;
Sec. 20: W½, W½E½, SE¼SE¼;
Sec. 28: W½NW¼, SW¼;
Sec. 29: All;
Sec. 30: E½, E½W½;
Sec. 31: NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32: N½, N½S½.

Total area: 4,706.07 acres.

Bear Ranger Station Administrative Site

T. 3 N., R. 31 E.,
Sec. 30: SE¼.

Total area: 160 acres.

Big Lake Knoll Forest Camp

T. 6 N., R. 28 E.,
Sec. 33: S½.

Total area: 320 acres.

Big Lake Lookout Administrative Site

T. 5 N., R. 28 E.,
Sec. 4: W½SW¼NE¼, SE¼NW¼, Lots 6, 7.

Total area: 117.06 acres.

Blue Crossing Forest Camp

T. 3 N., R. 31 E.,
Sec. 1: SW¼SW¼.

Total area: 40 acres.

Buffalo Administrative Camp Site

T. 4 N., R. 28 E.,
Sec. 1: SE¼NW¼, SW¼NE¼, W½SE¼, E½SW¼.

Total area: 240 acres.

CC Administrative Site

T. 8 N., R. 26 E.,
Sec. 5: SW¼NW¼, W½SW¼;
Sec. 6: SE¼NE¼, E½SW¼NE¼, E½SE¼, E½W½SE¼.

Total area: 300 acres.

Campbell Blue Administrative Site

T. 4½ N., R. 31 E., unsurveyed—but expected to be legally described, when surveyed, as follows:
Sec. 34: W½NW¼.

Total area: 80 acres.

Campbell Blue Forest Camp

T. 4½ N., R. 30 E.,
Sec. 26: SE¼.

Total area: 160 acres.

Cienega Redondo Forest Camp

T. 5 N., R. 28 E.,
Sec. 3: Lots 5 and 6.
T. 6 N., R. 28 E.,
Sec. 34: S½ Lot 4, S½SW¼ SE¼.

Total area: 92.73 acres.

Coleman Creek Forest Campground

T. 5 N., R. 30 E.,
Sec. 26: E½NW¼, SW¼.

Total area: 240 acres.

Concho Bill Flat Recreation Area

T. 5 N., R. 28 E.,
Sec. 14: W½NW¼, NW¼SW¼;
Sec. 15: NE¼, NE¼SE¼.

Total area: 320 acres.

Conklin Springs Recreation Area

T. 5 N., R. 28 E.,
Sec. 6: SE¼SE¼;
Sec. 7: NE¼NE¼.

Total area: 80 acres.

Coronado Forest Camp Area

T. 5 N., R. 30 E.,
Sec. 14: SW¼SE¼, SE¼SW¼;
Sec. 23: N½NE¼.

Total area: 160 acres.

Crosby Ranch Recreation Area

T. 8 N., R. 27 E.,
Sec. 22: N½SE¼, SW¼SE¼.

Total area: 120 acres.

East Fork Black River Forest Camps

T. 4 N., R. 28 E.,
Sec. 1: Lots 1 and 2;
Sec. 12: NW¼.
T. 5 N., R. 28 E.,
Sec. 25: SW¼, W½SE¼, Lots 3 and 4;
Sec. 35: NE¼, N½SE¼, Lots 8 and 9;
Sec. 36: NW¼, NW¼NE¼, N½SW¼, Lots 1, 4, 5.
T. 5 N., R. 29 E.,
Sec. 19: S½SE¼;
Sec. 20: E½NE¼, SW¼NE¼, NW¼SE¼, SW¼;
Sec. 21: NW¼NW¼;
Sec. 30: NE¼, E½NW¼, NE¼SW¼, Lots 2 and 3.

Total area: 2,074.43 acres.

Elderberry Picnic Ground

T. 8 N., R. 29 E.,
Sec. 33: N½SW¼.

Total area: 80 acres.

Escudilla Lake Recreation Area

T. 7 N., R. 31 E.,
Sec. 26: W½W½, Lots 1, 2, 3;
Sec. 27: E½SE¼;
Sec. 34: N½NE¼.

Total area: 446.66.

Escudilla Road Recreation Area

T. 7 N., R. 30 E.,
Sec. 13: SE¼SW¼, Lots 7, 8.

Total area: 115.85 acres.

Grant Creek Forest Camp

T. 3 N., R. 31 E.,
Sec. 30: E½SW¼.

Total area: 80 acres.

Greens Peak Lookout Recreation Area

T. 8 N., R. 26 E.,
Sec. 2: S½SW¼;
Sec. 11: N½NW¼.

Total area: 160 acres.

Greer Administrative Site

T. 7 N., R. 27 E.,
Sec. 1: SW¼SE¼;
Sec. 12: SE¼NW¼, W½NE¼.

Total area: 160 acres.

Greer Recreation Area

T. 7 N., R. 27 E.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, N½SE¼, SE¼SE¼, NE¼SW¼;
Sec. 2: Lot 1, SE¼NE¼;
Sec. 12: SW¼NW¼, S½, E½NE¼;
Sec. 13: W½;
Sec. 14: SE¼SW¼, S½SE¼;
Sec. 23: NE¼, E½NW¼;
Sec. 24: W½NW¼.
T. 7 N., R. 28 E.,
Sec. 6: Lots 1, 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼, S½SE¼, E½W½NE¼SE¼, E½NE¼SE¼, E½SE¼NE¼;
Sec. 7: Lots 1, 2, E½NW¼, NE¼.
T. 8 N., R. 27 E.,
Sec. 22: N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 23: N½, SE¼, N½SW¼, SE¼SW¼;
Sec. 24: SW¼;
Sec. 25: W½;
Sec. 26: W½SW¼, S½NW¼, NE¼NW¼, N½NE¼, N½S½NE¼, N½S½S½NE¼, S½SW¼SW¼NE¼, SE¼SE¼SE¼NE¼, NE¼NE¼NE¼SE¼, NW¼SE¼, W½W½NE¼SE¼, S½S½SE¼SE¼;
Sec. 27: S½NE¼, NW¼NE¼, NW¼;
Sec. 35: E½, SW¼, S½NW¼, NW¼NW¼;
Sec. 36: All.
T. 8 N., R. 28 E.,
Sec. 31: Lots 7 and 8.

Total area: 6226.08.

Hannagan Forest Camp

T. 3 N., R. 29 E., unsurveyed—expected to be legally described when surveyed, as follows:
Sec. 3: NE¼SE¼.

Total area: 40 acres.

Hannagan Ranger Station Administrative Site

T. 3 N., R. 29 E., unsurveyed—expected to be legally described when surveyed, as follows:
Sec. 2: W½NW¼;
Sec. 3: NE¼.
T. 4 N., R. 29 E., unsurveyed—expected to be legally described when surveyed, as follows:
Sec. 34: SE¼;
Sec. 35: E½SW¼.

Total area: 480 acres.

Hay Lake Ranger Station Administrative Site

T. 7 N., R. 28 E.,
Sec. 18: NE¼, E½NW¼, NE¼SW¼, NW¼SE¼.

Total area: 320 acres.

Iris Ranger Station Administrative Site

T. 9 N., R. 27 E.,
Sec. 32: W½SE¼, E½SW¼.

Total area: 160 acres.

Isabel Spring Forest Camp

T. 4½ N., R. 30 E.,
Sec. 23: S½.

Total area: 320 acres.

Jackson Creek Forest Camp

T. 5 N., R. 31 E.,
Sec. 19: NE¼SW¼.

Total area: 40 acres.

KP Cienega Forest Camp

T. 3 N., R. 29 E., unsurveyed—expected to be legally described when surveyed, as follows:
Sec. 28: S½NW¼, N½SW¼.

Total area: 160 acres.

Luna Lake Recreation Area

T. 5 N., R. 31 E.,
Sec. 8: SE¼SE¼;
Sec. 9: S½;
Sec. 16: N½, N½N½SE¼;
Sec. 17: N½NE¼, SE¼NE¼, E½SW¼NE¼, N½N½W½SW¼NE¼, E½NE¼NW¼, E½W½NE¼NW¼, N½NE¼SE¼NW¼, NE¼NW¼SE¼NW¼.

Total area: 902.5 acres.

Mexican Hay Lake Recreation Area

T. 7 N., R. 28 E.,
Sec. 1: Lots 3, 4, S½NW¼, SW¼;
Sec. 2: All.
T. 8 N., R. 28 E.,
Sec. 35: SE¼;
Sec. 36: SW¼.

Total area: 1,276.76 acres.

Middle Blue Forest Camp

T. 3 N., R. 31 E.,
Sec. 22: NE¼NW¼.

Total area: 40 acres.

Nutrioso Ranger Station Administrative Site

T. 6 N., R. 30 E.,
Sec. 6: Lots 2, 5, N½N½SE¼NW¼, N½NW¼SW¼NE¼.

Total area: 93.32 acres.

Pat Knoll Ranger Station Administrative Site

T. 7 N., R. 29 E.,
Sec. 29: NW¼.

Total area: 160 acres.

Phelps Ranger Station Botanical Area

T. 6 N., R. 27 E.,
Sec. 9: S½SE¼NE¼, NE¼SE¼, E½NW¼SE¼;
Sec. 10: W½NW¼SW¼.

Total area: 100 acres.

P. S. Forest Camp

T. 4 N., R. 28 E.,
Sec. 11: N½NW¼, SE¼NW¼.

Total area: 120 acres.

Seven Springs Draw Recreation Area

T. 6 N., R. 28 E.,
Sec. 4: All;
Sec. 9: N½N½.

Total area: 800.60 acres.

Sheep Crossing Forest Camp

T. 7 N., R. 27 E.,
Sec. 33: S½NW¼, N½SW¼.

Total area: 160 acres.

Sheep Spring Recreation Area

T. 8 N., R. 26 E.,
Sec. 26: SW¼SE¼.

Total area: 40 acres.

South Fork Campground Recreation Area

T. 8 N., R. 28 E.,
Sec. 20: W½NE¼, NE¼NW¼.

Total area: 120 acres.

Three Forks Recreation Area

T. 5 N., R. 29 E.,
Sec. 5: Lots 3, 4, S½NW¼, SW¼;
Sec. 6: Lots 1, 2, 3, 4, 5, 6, S½NE¼, SE¼NW¼, NE¼SE¼;
Sec. 8: NW¼NW¼.

Total area: 761.56 acres.

Upper-Blue Forest Camp

T. 4 N., R. 32 E.,
Sec. 18: SW¼NE¼, S½NW¼NE¼, SE¼NW¼, S½NE¼NW¼.

Total area: 120 acres.

Water Canyon Ranger Station Administrative Site

T. 8 N., R. 29 E.,
Sec. 21: Lots 5 and 6;
Sec. 28: Lots 5, 6, 11 and 12.

Total area: 253.13 acres.

West Fork Black River Forest Camps

T. 5 N., R. 28 E.,
Sec. 29: S½SW¼;
Sec. 30: E½SE¼;
Sec. 32: W½NE¼, NE¼NW¼, N½SE¼, Lots 3 and 4.

Total area: 434.79 acres.

APACHE NATIONAL FOREST

FIRE LOOKOUT STATIONS

Bear Mountain Lookout

T. 2 N., R. 31 E., unsurveyed—expected to be legally described when surveyed, as follows:
Sec. 9: SE¼NW¼.

Total area: 40 acres.

Blue Lookout

T. 3 N., R. 29 E., unsurveyed—expected to be legally described when surveyed, as follows:
Sec. 36: SW¼NE¼, E½SE¼NW¼.

Total area: 60 acres.

Escudilla Lookout

T. 6 N., R. 31 E.
Sec. 6: Lot 4.
T. 7 N., R. 31 E.
Sec. 31: SE¼SW¼.

Total area: 80.10 acres.

P. S. Lookout

T. 4 N., R. 28 E.
Sec. 9: NE¼SE¼.

Total area: 40 acres.

Reno Lookout

T. 3 N., R. 28 E., unsurveyed—expected to be legally described when surveyed, as follows:
Sec. 10: SE¼NE¼, NE¼SE¼;
Sec. 11: W½SW¼NW¼.

Total area: 100 acres.

APACHE NATIONAL FOREST

ROADSIDE ZONES

Arizona State Highway No. 73, Roadside Zone

A strip of land 200 feet on each side of the center line of Arizona State Highway No. 73 where it traverses forest land, through the following legal subdivisions:

T. 8 N., R. 26 E.,
Sec. 25: S½SE¼;
Sec. 26: S½SE¼, SE¼SW¼, Lot 1;
Sec. 35: Lot 2;
Sec. 36: NE¼NE¼.
T. 8 N., R. 27 E.,
Sec. 22: S½NE¼, W½SE¼, S½SW¼;
Sec. 23: S½NW¼, S½NE¼, NE¼NE¼;
Sec. 24: Lots 3 and 4;
Sec. 27: N½NW¼, SW¼NW¼;
Sec. 28: E½NE¼, SW¼NE¼, NW¼SE¼, N½SW¼, SW¼SW¼;
Sec. 29: NE¼SE¼, S½SE¼, S½SW¼;
Sec. 31: NE¼NW¼, Lot 1, N½NE¼;
Sec. 32: N½NW¼.

U. S. Highway No. 260, Roadside Zone

A strip of land 200 feet on each side of the center line of U. S. Highway No. 260, where it traverses Forest land, through the following legal subdivisions:

T. 5 N., R. 30 E.,
Sec. 2: SW¼NW¼;
Sec. 3: Lot 1, except area in conflict with H. E. 0140 (patented 12–19–10);
Sec. 12: NE¼NW¼.
T. 5 N., R. 31 E.,
Sec. 7: Lot 4, except area in conflict with H. E. 059541 (patented 2–20–31), SE¼SW¼, except area in conflict with H. E. 012759 (patented 3–31–15);
Sec. 16: S½SE¼, except area in conflict with H. E. 052306 (patented 3–24–27), NW¼SE¼, except area in conflict with H. E. 052306 (patented 3–24–27);
Sec. 17: NE¼SW¼, except area in conflict with H. E. 021247 (patented 12–16–19), S½NW¼, except area in conflict with H. E. 021248 (patented 9–24–20);
Sec. 18: S½NE¼, except area in conflict with H. E. 039265 (patented 9–19–23), SE¼NW¼, except area in conflict with H. E. 039265 (patented 9–19–23);
Sec. 21: E½NE¼;
Sec. 22: SW¼NW¼, N½SW¼, N½SE¼;
Sec. 23: NW¼SW¼, Lot 3.
T. 6 N., R. 30 E.,
Sec. 4: SW¼SW¼;
Sec. 5: NW¼SE¼, SE¼NW¼;
Sec. 9: NW¼NW¼, S½NW¼, NW¼SW¼, E½SW¼, SW¼SE¼;
Sec. 15: Lots 1, 2, 4, 8, except area in conflict with H. E. 047880 (patented 3–7–22);
Sec. 16: NE¼, NE¼NW¼;
Sec. 22: E½NE¼;
Sec. 23: SW¼NW¼, SW¼;
Sec. 26: N½NW¼, SW¼NW¼;
Sec. 27: E½SE¼, SW¼SE¼;
Sec. 34: W½NE¼, W½SE¼, SE¼SE¼.
T. 7 N., R. 30 E.,
Sec. 4: Lot 9;
Sec. 21: NE¼NW¼;
Sec. 28: NW¼NW¼;
Sec. 29: SW¼SE¼;
Sec. 32: N½NW¼, SE¼NW¼.
T. 8 N., R. 29 E.,
Sec. 13: N½NE¼, NE¼NW¼.
T. 8 N., R. 30 E.,
Sec. 7: Lots 3 and 4;
Sec. 17: SE¼SE¼, W½SE¼, E½SW¼, SW¼NW¼;
Sec. 18: N½SE¼, S½NE¼, NE¼SW¼, E½NW¼, Lots 1 and 2;
Sec. 20: E½SE¼;
Sec. 28: SW¼NW¼, N½SW¼;
Sec. 29: E½NE¼.

U. S. Highway No. 666, Roadside Zone

A strip of land 200 feet on each side of the center line of U. S. Highway No. 666, where it traverses Forest land through the following legal subdivisions:

T. 3 N., R. 29 E.,
Sec. 2: NW¼NW¼;
Sec. 3: E½NE¼, E½SE¼;
Sec. 10: E½NE¼, E½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 11: W½NW¼;
Sec. 15: NW¼, NW¼SW¼;
Sec. 16: SE¼NE¼, SE¼;
Sec. 20: S½SE¼;
Sec. 21: W½NE¼, E½NW¼, W½SE¼, E½SW¼, SW¼SW¼;
Sec. 28: W½SW¼;
Sec. 29: NE¼, E½SE¼;
Sec. 32: NE¼NE¼;
Sec. 33: N½NW¼.
T. 4 N., R. 29 E.,
Sec. 35: S½SW¼, SE¼, SE¼NE¼;
Sec. 36: N½SW¼, S½NW¼, SW¼NE¼, N½SE¼.
T. 4 N., R. 30 E.,
Sec. 1: NW¼SW¼;
Sec. 11: E½SE¼, SW¼SE¼;
Sec. 12: W½NW¼, NW¼SW¼;
Sec. 14: NE¼NE¼, W½NE¼, and SE¼NW¼, except areas in conflict with H.E. 053688 (patented 4–26–24), N½SW¼, SW¼SW¼;
Sec. 15: S½SE¼ and SE¼SW¼, except areas in conflict with H.E. 031355 (patented 9–4–23);
Sec. 20: SE¼SE¼;
Sec. 21: W½SW¼, NE¼SW¼, SE¼NW¼, S½NE¼, NE¼NE¼;
Sec. 22: W½NW¼, NE¼NW¼, NW¼NE¼;
Sec. 28: NW¼NW¼;
Sec. 29: NE¼, W½SE¼, E½SW¼;
Sec. 31: N½SW¼, S½NW¼, NE¼NW¼, NE¼;
Sec. 32: W½NW¼, NE¼NW¼.
T. 4½ N., R. 30 E.,
Sec. 13: E½SE¼;
Sec. 23: S½SW¼, NE¼SW¼, E½SE¼, NE¼SE¼, SE¼NE¼;
Sec. 24: NW¼, N½NE¼;
Sec. 25: W½SW¼;
Sec. 26: E½SE¼, NW¼SE¼, NE¼SW¼, SW¼NE¼, NW¼;
Sec. 35: E½NE¼, E½SE¼;
Sec. 36: W½SW¼.
T. 4½ N., R. 31 E.,
Sec. 18: W½SW¼.
T. 5 N., R. 30 E.,
Sec. 11: NW¼SE¼, except area in conflict with H. E. 05117 (patented 6–5–14), E½SW¼;
Sec. 14: W½NE¼, E½NW¼, SW¼;
Sec. 22: E½NE¼, NE¼SE¼;
Sec. 23: W½NW¼, W½SW¼, SE¼SW¼;

Sec. 26: NW¼, SW¼;
Sec. 27: S½SE¼;
Sec. 33: SE¼, SE¼SW¼;
Sec. 34: N½NE¼, E½NW¼, SW¼NW¼, N½SW¼.

E. I. ROWLAND,
State Supervisor.

APRIL 28, 1955.

[F. R. Doc. 55-3628; Filed, May 4, 1955; 8:45 a. m.]

[Doc. 40]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

An application, Serial No. Arizona 08550, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to valid and existing rights, was filed on April 12, 1955, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: Administrative sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description within the Coconino National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Arizona, Bureau of Land Management, 233-A Post Office Building, Phoenix, Arizona. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case a separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

COCONINO NATIONAL FOREST

Bakers Butte Lookout Site

T. 12 N., R. 9 E.,
Sec. 2: S½SW¼NW¼SW¼, SW¼SE¼NW¼SW¼, NW¼SW¼SW¼, W½NE¼SW¼SW¼, N½SW¼SW¼SW¼, NW¼SE¼SW¼SW¼;
Sec. 3: SE¼SE¼NE¼SE¼, E½NE¼SE¼SE¼, NE¼SE¼SE¼SE¼.

Total area: 40.0 acres.

Buck Mountain Lookout Site

T. 15 N., R. 9 E.,
Sec. 20: S½NW¼SE¼SE¼, SW¼NE¼SE¼SE¼, SW¼SE¼SE¼, W½SE¼SE¼SE¼, SE¼NE¼SW¼SE¼, E½SE¼SW¼SE¼;
Sec. 29: NE¼NE¼NW¼NE¼, N½NW¼NE¼NE¼, NW¼NE¼NE¼NE¼.

Total area: 40.0 acres.

Hutch Mountain Lookout Site

T. 16 N., R. 9 E.,
Sec. 3: E½NW¼SW¼, E½W½NW¼SW¼, W½W½NE¼SW¼.

Total area: 40.0 acres.

Lee Butte Lookout Site

T. 17 N., R. 8 E.,
Sec. 22: SE¼SW¼.

Total area: 40.0 acres.

Mormon Lake Lookout Site

T. 17 N., R. 9 E.,
Sec. 3: SE¼SE¼ Lot 3, S½SW¼ Lot 2, SW¼SE¼ Lot 2, NW¼SW½NE¼, W½NE¼SW¼NE¼, N½SW¼SW¼NE¼, NW¼SE¼SW¼NE¼, E½NE¼SE¼NW¼, NE¼SE¼SE¼NW¼.

Total area: 40.05 acres.

East Pocket Know Lookout Site

T. 18 N., R. 6 E.,
Sec. 6: E½E½SW¼NE¼, W½SE¼NE¼, W½E½SE¼NE¼.

Total area: 40.0 acres.

Turkey Butte Lookout Site

T. 19 N., R. 5 E.,
Sec. 18: NW¼NE¼.

Total area: 40.0 acres.

Woody Mountain Lookout Site

T. 20 N., R. 6 E.,
Sec. 3: SE¼NE¼NW¼SW¼, E½SE¼NW¼SW¼, S½NW¼NE¼SW¼, SW¼NE¼NE¼SW¼, SW¼NE¼SW¼, W½SE¼NE¼SW¼, NE¼NE¼SW¼SW¼, N½NW¼SE¼SW¼, NW¼NE¼SE¼SW¼.

Total area: 40.0 acres.

Mt. Elden Lookout Site

T. 22 N., R. 7 E.,
Sec. 36: SE¼SE¼.

Total area: 40.0 acres.

Saddle Mountain Lookout Site

T. 24 N., R. 6 E.,
Sec. 26: SE¼NW¼NW¼, SW¼NE¼NW¼, NE¼SW¼NW¼, NW¼SE¼NW¼.

Total area: 40.0 acres.

Deadman Lookout Site

T. 24 N., R. 7 E.,
Sec. 26: S½N½SW¼NE¼, S½SW¼NE¼, N½N½NW¼SE¼.

Total area: 40.0 acres.

T-6 Spring Recreation Area (Proposed)

T. 18 N., R. 7 E.,
Sec. 25: S½SE¼, NE¼SE¼.

Total area: 120 acres.

O'Leary Peak Lookout Site (Proposed)

T. 23 N., R. 8 E.,
Sec. 3: SE¼SE¼.

Total area: 40 acres.

Lava River Cave Campground

T. 23 N., R. 5 E.,
Sec. 26: E½SE¼SW¼, W½SW¼SE¼.

Total area: 40 acres.

Dairy Spring Campground

T. 18 N., R. 8 E.,
Sec. 12: SE¼SE¼NE¼, NE¼NE¼SE¼.
T. 18 N., R. 9 E.,
Sec. 7: SW¼ of Lot 2, NW¼ of Lot 3.

Total area: 39.97 acres.

Double Springs Campground

T. 18 N., R. 8 E.,
Sec. 13: SE¼SE¼NE¼, NE¼NE¼SE¼.
T. 18 N., R. 9 E.,
Sec. 18: NW¼NW¼SW¼.

Total area: 29.83 acres.

Kehl Spring Campground

T. 12 N., R. 10 E.,
Sec. 8: SW¼SW¼SE¼, SE¼SE¼SW¼.
Sec. 17: NE¼NE¼NW¼, NW¼NW¼NE¼.

Total area: 40 acres.

Arizona Snow Bowl Recreation Area

T. 23 N., R. 6 E.,
Sec. 36: S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.

Total area: 240 acres.

Knob Hill Administrative Site

T. 21 N., R. 7 E.,
Sec. 15: N½SE¼SE¼NW¼NW¼, NE¼SE¼NW¼NW¼, NE¼NW¼, N½NE¼.

Total area: 123.75 acres.

General Spring Guard Station

T. 12 N., R. 10 E.,
Sec. 1: Lots 1 and 2, SE¼NW¼, SW¼NE¼.

Total area: 162.44 acres.

E. I. ROWLAND,
State Supervisor.

APRIL 28, 1955.

[F. R. Doc. 55-3630; Filed, May 4, 1955; 8:46 a. m.]

[Doc. 39]

ARIZONA

SMALL TRACT CLASSIFICATION ORDER NO. 33

APRIL 28, 1955.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 251.48 acres in Maricopa County, Arizona, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 3 E., Maricopa County, Arizona,
Sec. 5: S½N½, Lots 5 to 36, inclusive.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately seven miles north of Phoenix and one and one-half miles east of the Black Canyon Highway. The topography is from gently sloping to moderately steep with the drainage in a southerly direction. Culinary water is not available from any presently developed source. Schools, stores and other public facilities are available in the city of Phoenix. Rock outcrops in places but for the most part the area is covered with a sandy soil of varying depth. The climate is arid with an average annual precipitation of about eight inches. The summers are long and hot with temperature of 110° not uncommon. The winters are mild but killing frosts may occur in December, January and February. The vegetation is sparse and includes creosote, paloverde, saguaro and many other species of cacti.

4. Lots 5 to 36, inclusive, vary in size from 2.50 to 3.23 acres and are all rectangular in shape. A plat of survey, showing the location of each lot, is on file in the Land Office, Room 251, Main Post Office Building, Phoenix, Arizona. The tracts in the S½N½ of said Section 5 are all 2½ acres in size and are described by legal subdivisions. The appraised price is $50.00 per tract. Rights-of-way thirty three feet in width for streets, roads and public utilities will be reserved on section lines and quarter, sixteenth and sixty-fourth subdivision lines.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 3 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the price listed above provided that during the period of their leases they either (a) construct the improvements specified in paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards. The home must be suitable for year-round use, on a permanent foundation and with a minimum of 500 square feet of floor space. The homes must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Applicants must file, in duplicate, with the Manager, Land Office, Room 251, Main Post Office Building, Phoenix, Arizona, application Form 4-776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The applications must be accompanied by a filing fee of $10.00 plus the advance rental of $15.00. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act.

(a) All valid applications for lands in Lots 13 to 28, inclusive, and S½NW¼ of said section 5, filed prior to May 7, 1946, will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after May 7, 1946, and prior to 10:00 a. m., June 3, 1955, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after 10:00 a. m., June 3, 1955, will be considered in the order of filing. All valid applications from other persons filed after May 7, 1946, and prior to 10:00 a. m., September 2, 1955, will be considered as simultaneously filed at that time. All valid applications filed after 10:00 a. m., September 2, 1955, will be considered in the order of filing.

(b) All valid applications for lands in Lots 5 to 12, inclusive, Lots 29 to 36, inclusive, and S½NE¼ of said section 5, filed prior to 4:24 p. m., November 4, 1954, will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after 4:24 p. m., November 4, 1954, and prior to 10:00 a. m., June 3, 1955, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after 10:00 a. m., June 3, 1955, will be considered in the order of filing. All valid applications from other persons filed after 4:24 p. m., November 4, 1954, and prior to 10:00 a. m., September 2, 1955, will be considered as simultaneously filed at that time. All valid applications filed after 10:00 a. m., September 2, 1955, will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, Room 251, Main Post Office Building, Phoenix, Arizona.

E. I. ROWLAND,
State Supervisor.

APRIL 28, 1955.

[F. R. Doc. 55-3629; Filed, May 4, 1955; 8:46 a. m.]

[Doc. 5]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

APRIL 28, 1955.

Pursuant to the following listed determinations of the Federal Power Commission and in accordance with authority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541, dated April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under applicable public land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and as to DA-752, subject to the condition that there is reserved to the United States, its permittees or licensees the right to use the land or any part thereof for power purposes free from any and all claims for damages for such use or uses or for any use resulting from or incident to the construction, operation or maintenance of any hydroelectric power facilities authorized by the United States, and further that mining operations upon the subject land shall be conducted in such a manner that all tailings or debris be confined by substantial dikes or other structure so as not to be carried by storm water or otherwise into the reservoir area; as to DA-805, 808 and 841 (the SW¼SW¼SE¼, Sec. 2), subject to the stipulation that if and when the land is required in whole or in part for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without cost or expense to the United States, its permittees or licensees, and as to DA-805 subject to the additional condition that the United States, its permittees or licensees shall not be held liable for any damage to the locator's workings, structures, machinery or improvements resulting from the construction, operation or maintenance of hydroelectric power facilities authorized by the United States; as to DA-811 subject to the stipulation that the land shall be occupied and used exclusively for mineral exploration and development and no facility or activity shall be erected or conducted thereon for other purposes until such time as compliance with the requirements of the United States mining laws have been made and patent issued, and subject to the further stipulation that the locator, his successors or assigns shall by means of substantial dikes or other adequate structures confine all mine tailings and other debris in such manner that they shall not be carried by storm waters or otherwise into the North Fork of the Feather River; as to DA-822, subject to the stipulation that the land shall be occupied and used exclusively for mineral exploration and development and no facility, structure, or activity shall be erected or conducted thereon for other purposes until such time as compliance with the requirements of the United States mining laws have been met and patent issued; and subject to the further condition that if and when the land is required, in whole or in part, for purposes of power development, any structures or improvements placed thereon, which shall be found to interfere with such development, shall be removed or so relocated as to eliminate interference therewith without cost or expense to the United States, its permittees or licensees; and as to DA-792, subject to the stipulation that mineral locators, their successors and assigns shall by means of substantial dikes or other adequate structures confine all their mine tailings and other debris in such manner that they shall not be carried by storm water or otherwise into the channel of the North Fork of the Mokelumne River, and as to DA-792, part B, subject to the further stipulation that there is reserved to the United States, its permittees or licensees the prior right to use any and all of the lands occupied by dams, reservoirs, conduits, roads and other appurtenant power project structures, as more accurately described upon project maps designated FPC Nos. 137-91, 137-92, 137-95, 137-131, 137-132 and 137-133, and subject to the further stipulation that no use shall be made of the lands by others which will in any manner interfere or be inconsistent with the use of the lands by the United States, its permittees or licensees for the purposes of power development. Determination DA-792 supersedes prior determinations to the extent that it affects the same lands, subject to vested rights acquired pursuant to the prior determinations.

lands until 10:00 a. m., local time, California, on the 91st day following the date of publication. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. local time, California, of the 91st day after the date of publication shall be treated as though simultaneously filed at that time. All other applications under the public-land laws filed on or before 10:00 a. m. local time, California, of the 181st day after the date of publication shall be treated as though filed simultaneously at that time.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Room 352 New Federal Building, Sacramento, California, except as to those described in DA–783, which inquiries shall be directed to the Manager, Land Office, Room 1512 Post Office Building, Los Angeles, California.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 55–3634; Filed, May 2, 1955; 3:51 p. m.]

[Doc. 6]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

APRIL 28, 1955.

Pursuant to the following listed determinations of the Federal Power Commission, and in accordance with authority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541, dated April 21, 1954 (19 F. R. 2473–2476), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the stipulation that if and when the lands are required in whole or in part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development; as to DA–862–863, subject to the further condition that the lands shall be occupied and used exclusively for mineral exploration and development, and no facility, structure or activity shall be erected or conducted thereon for other purposes until such time as there has been compliance with the requirements of the United States mining laws and patent issued, and subject to the further condition that no waste, gangue or tailings will be dumped into or allowed to get into the Kern River or any tributary thereof, and that any locator, his successors or assigns, shall claim no damages against the United States or its permittees or licensees for injury to workings or improvements placed upon the lands resulting from construction, operation or maintenance of any power project works upon the lands.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
CALIFORNIA			MOUNT DIABLO MERIDIAN, CALIFORNIA
DA–731	Superseded by DA–752.	Under applicable public land laws.	T. 7 N., R. 13 E., sec. 33, unpatented portions of NE¼.
DA–752	Power Site Reserve No. 87 of Dec. 20, 1909.	do	T. 16 N., R. 10 E., sec. 34, lot 2.
DA–774	Power Site Reserve No. 267 of Apr. 29, 1912.	do	T. 6 N., R. 13 E., sec. 7, NW¼NE¼, SE¼NW¼.
DA–781	Power Project No. 598 of Sept. 15, 1924.	do	T. 6 N., R. 13 E., sec. 20, lots 3, 6, and 7.
DA–782 and DA–807	Power Site Reserve No. 261 of Apr. 19, 1912.	do	T. 6 N., R. 13 E., sec. 20, lots 3, 6, and 7.
DA–783	Power Site Reserve No. 696 of Oct. 15, 1918.	For mining purposes only.	T. 10 S., R. 33 E., sec. 13, SW¼NE¼, S½NW¼, S½SE¼; sec. 24, All; sec. 25, N½NE¼, SE¼SW¼, S½SE¼. T. 10 S., R. 34 E., sec. 18, S½S½; sec. 19, lot 2, SW¼SE¼; sec. 30, SE¼NE¼, E½ of lot 3, NW¼NW¼; sec. 25, NW¼NW¼; sec. 26, lot 2, SW¼SE¼; lot 3, SE¼NE¼; sec. 27, SE¼NE¼, S½SE¼; sec. 28, S½SE¼, SE¼SW¼; sec. 31, S½SE¼; sec. 32, lot 7, N½S½, SW¼SW¼; sec. 33, N½NE¼; sec. 34, N½NE¼, W½NW¼, SE¼NW¼; sec. 35, W½NW¼, SW¼. T. 11 S., R. 8 E., sec. 25, W½NW¼, S½SE¼.
DA–792	Power Site Reserve No. 87 of Dec. 12, 1910, Power Site Reserve No. 97 of May 21, 1914; and Project Nos. 137 and 525.	Under applicable public land laws.	T. 7 N., R. 13 E., sec. 13, SE¼NE¼, E½SE¼, SW¼SE¼, NE¼SW¼, SE¼SW¼; sec. 23, NE¼SE¼, SW¼SE¼, NE¼SW¼, SE¼SW¼; sec. 24, W½, W½SE¼, SE¼SE¼; sec. 25, N½NE¼, SE¼SW¼, S½SE¼. T. 7 N., R. 13 E., sec. 24, lots 1, 2, 5, and 6, E½ of lot 3, NW¼NW¼; sec. 25, NW¼NW¼; sec. 26, lot 2, SW¼SE¼; lot 3, SE¼NE¼; sec. 27, SE¼NE¼, S½SE¼; sec. 28, S½SE¼, SE¼SW¼; sec. 31, S½SE¼; sec. 32, lot 7, N½S½, SW¼SW¼; sec. 33, N½NE¼; sec. 34, N½NE¼, W½NW¼, SE¼NW¼; sec. 35, W½NW¼, SW¼.
DA–794	Power Project No. 1202 of Mar. 15, 1932.	do	T. 7 N., R. 14 E., sec. 4, lot 4, SW¼NW¼; sec. 5, lot 1, SE¼NE¼.
DA–805	Power Site Reserve No. 87 of Dec. 20, 1909.	do	T. 6 N., R. 14 E., sec. 4, lot 4, SW¼NW¼; sec. 5, lot 1, SE¼NE¼.
DA–806	Power Site Reserve No. 263 of Apr. 13, 1912; Power Site Reserve No. 683 of Apr. 11, 1919.	do	T. 45 N., R. 7 W., sec. 11, lots 1, 4, 5, 8, 9, and 11; sec. 12, NE¼NE¼.
DA–808	Power Project No. 334 of Aug. 2, 1922.	do	T. 15 N., R. 10 E., sec. 16, lots 1, 2, 3, 4, NE¼SW¼, SW¼SW¼.
DA–810	Power Site Reserve No. 428 of Mar. 21, 1914.	do	T. 37 N., R. 4 E., sec. 26, SW¼SE¼, S½SW¼; sec. 33, SE¼SE¼; sec. 34, N½NE¼, S½NE¼, NE¼, SE¼NW¼, NE¼SW¼; sec. 35, S½NW¼, N½SW¼.
DA–811	Power Site Classification No. 179 of May 13, 1927; Project Nos. 737, 1258, 1297, and 1962.	For mining purposes only.	T. 25 N., R. 6 E., sec. 23, lots 1, 2, SW¼SE¼; sec. 26, lots 2, 3, 4, 5, 6, 9, Plumas National Forest.
DA–816	Power Site Classification No. 28 of Apr. 22, 1922.	Under applicable public land laws.	T. 17 N., R. 7 E., sec. 8, SE¼SE¼.
DA–817 and DA–847	Power Site Reserve No. 87 of Dec. 12, 1910; Project No. 368 of Sept. 1, 1921.	do	T. 6 N., R. 13 E., sec. 9, S½NE¼.
DA–822	Power Project No. 187 of Mar. 14, 1921.	For mining purposes only.	T. 19 N., R. 10 E., sec. 6, S½NE¼SE¼; Tahoe National Forest.
DA–826	Power Site Reserve No. 261 of Apr. 19, 1912.	Under applicable public land laws.	T. 6 N., R. 13 E., sec. 2, lots 1, 8.
DA–841	Power Site Reserve No. 655 of Sept. 7, 1917.	do	T. 27 S., R. 32 E., sec. 1, SW¼SW¼; sec. 2, SW¼SE¼; sec. 12, NW¼NW¼.

The above-described lands contain approximately 6,240 acres of public domain.

The lands described are widely scattered throughout northern California. They occupy, in general, the foothill and mountainous areas, and the climate and precipitation vary accordingly. Accessibility is from good to very poor, varying with individual tracts. The land is topographically unfit for agriculture in most cases, but most of it provides some forage for range livestock, and certain tracts may be suited to homesite development. Some of the lands are probably mineral in character.

The lands described shall be subject to application by the State of California for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act as amended.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., local time, California, on the ninety-first day following publication. At that time the said lands shall become subject to disposition under applicable public land laws.

The lands described in DA–862–863 are also subject to application by the State of California for a period of 90 days for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended. The State of California, having been duly notified on March 3, 1955, of intention to restore said lands, the State's ninety-day preference period shall expire on June 3, 1955, at 10:00 a. m., local time, California. This order shall not otherwise become effective to change the status of lands described in DA–862–863, until 10:00 a. m., local time, California, of the thirty-fifth day following the date of this order, said thirty-fifth day being June 3, 1955. At that time, the lands shall be open to location, entry and patenting under the United States Mining Laws, subject to the conditions stated above, and to rights previously acquired, or accrued since March 3, 1955, by the State of California, in connection with the existing State Highway, Road Ker–57–H, passing through Sections 16, 17, 20 and 21, T. 27 S., R. 32 E., M. D. M.

All lands described in this order are within National Forests, and therefore not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II and others.

Inquiries relating to these lands shall be addressed to the Manager, Land Office, Room 352 New Federal Building, Sacramento, California.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 55–3635; Filed, May 2, 1955; 4:44 p. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The United States Forest Service, Department of Agriculture, has filed an application, Serial No. Montana 011562, for the withdrawal of the lands described below, from location under the general mining laws.

The applicant desires the land for administrative sites and recreational areas.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North Twenty-ninth Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MONTANA PRINCIPAL MERIDIAN

BEAVERHEAD NATIONAL FOREST

Hammond Ranger Station Administrative Site

T. 5 S., R. 2 E.,
Sec. 32, W½NE¼SW¼, NW¼SW¼.

The area described contains 60 acres

Steel Creek Ranger Station Administrative Site

T. 3 S., R. 14 W.,
Sec. 4, SW¼NW¼, SW¼SE¼NW¼, NW¼NE¼SW¼, NW¼SW¼;
Sec. 5, S½NE¼, N½SE¼.

The area described contains 260 acres.

Bender Ranger Station Administrative Site

T. 1 N., R. 17 W.,
Sec. 28, SW¼NE¼, NW¼SE¼.

The area described contains 80 acres.

Elk Creek Administrative Site

Unsurveyed T. 3 S., R. 12 W.

A tract of land described by metes and bounds as follows: Beginning at a point which lies S. 370° W. 91.50 chains from the southwest corner of Section 34, T. 2 S., R. 12 W., thence from said point S. 20° W. 20.00 chains, thence S. 70° E. 20.00 chains, thence N. 20° E. 20.00 chains, thence N. 70° W. 20.00 chains to the place of beginning.

The area described contains 40 acres.

O'Dell Lookout Administrative Site

T. 3 S., R. 13 W.,
Sec. 18, E½SW¼NW¼, W½SE¼NW¼.

The area described contains 40 acres.

Bender Lookout Administrative Site

T. 1 S., R. 17 W.,
Sec. 4, SE¼NE¼ Lot 5, NE¼SE¼ Lot 5, SW¼NW¼ Lot 6, NW¼SW¼ Lot 6.

The area described contains 10 acres.

Sacajawea Memorial Recreation Area

T. 10 S., R. 15 W.,
Sec. 9, Lot 4;
Sec. 16, Lot 1.

The area described contains 83.86 acres.

Elkhorn Recreation Area

T. 4 S., R. 12 W.,
Sec. 29, NE¼, S½NW¼, S½;
Sec. 30, Lot 4, SE¼SW¼, SE¼;
Sec. 31, Lots 1, 4, 5, 6, 7, N½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 32: NW¼, N½SW¼, Lots 1, 2.

T. 5 S., R. 12 W.,
Sec. 6, Lots 1, 2, 3.

The area described contains 1642.44 acres.

Cliff and Wade Lakes Recreation Area

T. 11 S., R. 1 E.,
Sec. 34, SE¼SE¼;
Sec. 35, SW¼SW¼.

T. 12 S., R. 1 E.,
Sec. 2, That part of Lots 3, 4, 5 not included in HES No. 890; that part of Lots 6 and 9 and NW¼SE¼ and SE¼SE¼ not included in HES No. 1080; and Lots 7, 8;
Sec. 3, Lots 1, 5, 6, 7;
Sec. 11, That part of Lot 1 not included in HES No. 1080, Lots 2, 3, 4, E½SE¼;
Sec. 12, That part of W½W½ not included in HES No. 1080;
Sec. 13, Lots 1, 2, 3, SW¼SW¼;
Sec. 14, Lots 1, 2, 3, 4, 5, NW¼NE¼;
Sec. 23, Lots 1, 2, NE¼NW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼, NE¼NE¼SE¼;
Sec. 24, Lots 1, 2, 6, 7, 8, 9, and that part of Lots 3, 4, and 5 not included in HES No. 793;
Sec. 25, Lots 1 to 14 inclusive and N½NW¼SE¼;
Sec. 35, Lots 1, 2, 3, S½NE¼NE¼, SE¼NW¼NE¼, E½SE¼NW¼, NE¼NE¼SW¼, N½N½SE¼;
Sec. 36, Lots 1, 2, 3, 4, N½NW¼SW¼.

T. 12 S., R. 2 E.,
Sec. 30, Lots 1, 2, 3, 4, 5.

The area described contains approximately 2096 acres.

MONTANA PRINCIPAL MERIDIAN

BITTERROOT NATIONAL FOREST

Bluejoint Hot Springs Recreation Area

T. 1 S., R. 22 W.,
Sec. 31, S½SW¼SE¼.

T. 2 S., R. 22 W.,
Sec. 6, Lot 2 and E½ Lot 3.

The area described contains 93.57 acres.

Ditch Creek Recreation Area

T. 1 S., R. 22 W.,
Sec. 15, HES No. 1122 and that part of Lot 1 not included in HES No. 1122.

The area described contains approximately 80 acres.

R. D. NIELSON,
State Supervisor,
Bureau of Land Management.

APRIL 28, 1955.

[F. R. Doc. 55–3639; Filed, May 4, 1955; 8:48 a. m.]

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 29, 1955.

The Department of the Navy, District Public Works Office, 12th Naval District, San Bruno, California, has filed an application, Serial No. Nevada 013136, for the withdrawal of the lands described below, from all forms of appropriation and use including grazing, mineral leasing, and mining locations.

The applicant desires the land for training aircraft in air to air gunnery.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 25 N., R. 25 E., M. D. M. Nevada,
Secs. 1 to 30 incl.
T. 25 N., R. 26 E., M. D. M. Nevada
Secs. 1 to 30 incl.
T. 25 N., R. 27 E., M. D. M. Nevada,
Secs. 1 to 30 incl.
T. 26 N., R. 25 E., M. D. M. Nevada,
All.
T. 26 N., R. 26 E., M. D. M. Nevada,
All.
T. 26 N., R. 27 E., M. D. M. Nevada,
All.
T. 27 N., R. 25 E., M. D. M. Nevada,
All.
T. 27 N., R. 26 E., M. D. M. Nevada,
All.
T. 27 N., R. 27 E., M. D. M. Nevada,
All.
T. 28 N., R. 25 E., M. D. M. Nevada,
All.
T. 28 N., R. 26 E., M. D. M. Nevada,
All.
T. 28 N., R. 27 E., M. D. M. Nevada,
All.
T. 29 N., R. 25 E., M. D. M. Nevada,
All.
T. 29 N., R. 26 E., M. D. M. Nevada,
All.
T. 29 N., R. 27 E., M. D. M. Nevada,
All.
T. 30 N., R. 25 E., M. D. M. Nevada,
All.
T. 30 N., R. 26 E., M. D. M. Nevada,
All.
T. 30 N., R. 27 E., M. D. M. Nevada,
All.
T. 31 N., R. 25 E., M. D. M. Nevada,
All.
T. 31 N., R. 26 E., M. D. M. Nevada,
All.
T. 31 N., R. 27 E., M. D. M. Nevada,
All.
T. 32 N., R. 25 E., M. D. M. Nevada,
All.
T. 32 N., R. 26 E., M. D. M. Nevada,
All.
T. 32 N., R. 27 E., M. D. M. Nevada,
All.
T. 25 N., R. 28 E., M. D. M. Nevada,
Secs. 4 to 9 incl; 16 to 21 incl.; 28 to 30 incl.
T. 26 N., R. 28 E., M. D. M. Nevada,
Secs. 4 to 9 incl.; 16 to 21 incl.; 28 to 33 incl.
T. 27 N., R. 28 E., M. D. M. Nevada,
Secs. 4 to 9 incl.; 16 to 21 incl.; 28 to 33 incl.
T. 28 N., R. 28 E., M. D. M. Nevada,
Secs. 4 to 9 incl.; 16 to 21 incl.; 28 to 33 incl.
T. 29 N., R. 28 E., M. D. M. Nevada,
Secs. 4 to 9 incl.; 16 to 21 incl.; 28 to 33 incl.
T. 30 N., R. 28 E., M. D. M. Nevada,
Secs. 4 to 9 incl.; 16 to 21 incl.; 28 to 33 incl.
T. 31 N., R. 28 E., M. D. M. Nevada,
Secs. 4 to 9 incl.; 16 to 21 incl.; 28 to 33 incl.
T. 32 N., R. 28 E., M. D. M. Nevada,
Secs. 4 to 9 incl.; 16 to 21 incl.; 28 to 33 incl.

E. R. GREENSLET,
State Supervisor.

APRIL 27, 1955.

[F. R. Doc. 55-3638; Filed, May 4, 1955; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-55]

PACIFIC FAR EAST LINE, INC.

NOTICE OF HEARING

Notice is hereby given that a hearing has been authorized and directed to be held concerning the application of Pacific Far East Line, Inc., for written permission under section 805 (a) of the Merchant Marine Act, 1936, as amended, to carry cargoes between ports in Hawaii and ports in California, Oregon, and Washington on unsubsidized transpacific voyages with cargo vessels.

The purpose of the hearing is to receive evidence relevant to whether granting such application (a) would result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the said act.

The hearing will be conducted by an Examiner in accordance with the Board's rules of practice and procedure at a time and place to be announced, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Secretary of the Board accordingly on or before May 16, 1955, and should promptly file intervening petitions in accordance with said rules of practice and procedure.

Dated: May 2, 1955.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 55-3668; Filed, May 4, 1955; 8:54 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Commissioner Delegation Order 2]

ASSISTANT COMMISSIONER (TECHNICAL) AND DIRECTOR, INTERNATIONAL TAX RELATIONS DIVISION

DELEGATION OF AUTHORITY TO COMMUNICATE AND CONSULT ON TAX MATTERS WITH FINANCE MINISTRY OF SWEDEN

Pursuant to authority vested in me as Commissioner of Internal Revenue:

1. There is hereby delegated to the Assistant Commissioner (Technical) and the Director, International Tax Relations Division, the authority to perform the function delegated to the Commissioner of Internal Revenue by Treasury Department Order No. 150-38 to communicate and consult on tax matters with the Finance Ministry of Sweden.

2. The exercise of the authority delegated herein to the Director, International Tax Relations Division, shall be subject to the direction and supervision of the Assistant Commissioner (Technical) who shall have authority to revoke or modify all or any part of the authority delegated to the Director, International Tax Relations Division.

3. This order is effective April 20, 1955.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

[F. R. Doc. 55-3652; Filed, May 4, 1955; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10883; FCC 55M-389]

NEWPORT BROADCASTING CO. (KNBY)

ORDER CONTINUING HEARING

In re application of Newport Broadcasting Company (KNBY), Newport, Arkansas, Docket No. 10883, File No. BP-9081; for construction permit.

The Hearing Examiner having under consideration a petition filed on April 28, 1955, by Newport Broadcasting Company, requesting that the further pre-trial conference in the above-entitled proceeding presently scheduled for May 3, 1955, and the hearing in such proceeding presently scheduled for May 9, 1955, be continued to May 31, 1955 and June 6, 1955, respectively;

It appearing, that more time is needed for preparation of a proposed stipulation in such form that it can be discussed in detail at the pre-trial conference;

It further appearing, that all other counsel in the proceeding have informally agreed to a waiver of the so-called "four-day rule," and have no objection to a grant of the petition; and that good cause has been shown for the grant thereof;

It is ordered, This 29th day of April 1955, that the petition be and it is hereby granted; and the pre-trial conference be and it is hereby continued to May 31, 1955, at 10:00 a. m. and the hearing be and it is hereby continued to June 6, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3654; Filed May 4, 1955; 8:50 a. m.]

[Docket No. 11141; FCC 55M-391]

THEODORE FEINSTEIN

ORDER CONTINUING HEARING

In re application of Theodore Feinstein, Newburyport, Massachusetts, Docket No. 11141, File No. BP-9027; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing, that the presently scheduled hearing date conflicts with another hearing assignment on the Hearing Examiner's calendar, and that a further pre-hearing conference should be held prior to hearing herein;

It is ordered, This 29th day of April 1955, on the Hearing Examiner's own motion, that the hearing now scheduled for May 13, 1955, is continued until May 25, 1955, at 10:00 a. m.

It is further ordered, That all parties, or their attorneys, are directed to appear for a further pre-hearing conference, pursuant to the provisions of § 1.841 of the Commission's rules, at the Commission's offices in Washington, D. C., at 9:00 a. m., May 12, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3655; Filed, May 4, 1955; 8:50 a. m.]

[Docket Nos. 11375-11380; FCC 55-507]

MICHIGAN BELL TELEPHONE CO. AND WISCONSIN TELEPHONE CO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Michigan Bell Telephone Company, Docket No. 11375, File No. 5832-F1-P-H; Michigan Bell Telephone Company, Docket No. 11376, File No. 5833-F1-P-H; Michigan Bell Telephone Company, Docket No. 11377, File No. 5834-F1-P-H; Michigan Bell Telephone Company, Docket No. 11378, File No. 5835-F1-P-H; Michigan Bell Telephone Company, Docket No. 11379, File No. 5836-F1-P-H; for new VHF Public Class III-B coast stations at Hancock, Port Huron, Escanaba, East Tawas, and Marquette, Michigan, respectively; and Wisconsin Telephone Company, Docket No. 11380, File No. 5299-F1-P-H; for new VHF Public Class III-B coast station at Green Bay (Glenmore), Wisconsin.

1. The Commission has before it protests filed March 11, 1955, by the Lorain County Radio Corporation (hereinafter called Lorain) and Central Radio Telegraph Company (hereinafter called Central), respectively, pursuant to section 309 (c) of the Communications Act of 1934, as amended, protesting the Commission's action of February 10, 1955 granting without hearing the above-indicated applications of Michigan Bell Telephone Company (hereinafter called Michigan) and Wisconsin Telephone Company (hereinafter called Wisconsin) for new VHF Public Class III-B coast stations to be located at the points indicated; oppositions to said protests filed by Michigan and Wisconsin, on March 31, 1955,[1] and a reply to such oppositions filed by Lorain on April 7, 1955.

CENTRAL'S PROTEST

2. Central alleges that it is the licensee of station WLC, a Public Class II-B Coast Station at Rogers City, Michigan, through which it renders medium and high frequency public radiotelephone service; that, on February 10, 1955, it was granted a construction permit for a new VHF Public Class III-B Coast Station at Rogers City, to operate on the frequencies 161.9 and 156.8 Mc in conjunction with, and supplemental to, the existing operations of station WLC; that the proposed stations to which the protest is addressed will divert traffic from Central's existing and proposed facilities at Rogers City; that such diversion of traffic will have an adverse economic effect upon Central's ability to serve the public; and that the proposed VHF station at East Tawas "will cause interference" to Central's proposed VHF station at Rogers City.

3. In support of the foregoing, Central further alleges that it, and others, are presently rendering an integrated MF and HF Maritime Mobile Service on the Great Lakes; that the recently authorized VHF station of Central will supplement this service; that the existing integrated MF-HF service on the Great Lakes is tailored to the needs of its users; that construction of the protested facilities will divert traffic from the MF-HF system, reducing Central's revenue and its ability to render service, to the detriment of the existing Great Lakes service; that the rates to be charged for service through the protested stations will be non-compensatory and constitute unfair competition; that the service to be rendered through the protested stations will provide unnecessary duplication of service; that the proposed VHF stations will cause interference to the existing VHF stations and newly authorized VHF stations authorized to operate in conjunction with MF-HF stations; that the proposed VHF stations will not be economically self-sustaining in light of the pattern of trade in the areas proposed to be served; that the expected reduction in Central's revenues which would be occasioned by traffic diversion will cause a reduction in such safety services as weather broadcasting and reporting and emergency medical advice; that the applicants are not likely to offer "message service" (a type of relayed communication service), which is a type of service demanded by a majority of users; and that shore-to-ship calls will be delayed because of the necessity for ascertaining which VHF station is within communication range of the desired vessel.

4. More specifically, Central alleges that various fleets trade in the ports of Saginaw and Bay City, which it serves; that increased traffic is anticipated at the port of Rockport and, if there were no station at East Tawas, Central would get all Rockport's business; that Central has obtained the major portion of the business of the port of Alabaster, which it will lose to a station at East Tawas; that Central will lose business from the port of Alpena to a station at East Tawas; that Central will lose certain fleet traffic to the applicants' proposed stations at Escanaba, Marquette, Port Huron, and Houghton-Hancock; that there is no local traffic for handling at Houghton-Hancock; that a station at Glenmore will divert traffic now handled by Central or Lorain; and that traffic from pleasure craft now enjoyed by Central would be diverted to the proposed stations.

5. Central has set forth no specific issues, as such, but seeks a hearing on "the issues presented herein".

LORAIN'S PROTEST

6. Lorain alleges that the users of maritime service on the Great Lakes consist of the crews and operators of vessels thereon "and those persons with whom they must communicate"; that it is essential, for reasons of safety and economics, that contact be available at all times to and from all points on the Lakes; that the presently existing "integrated" system of MF-HF-VHF communications on the Lakes provides this correspondence; that such "integrated" system now comprises eight coast stations, of which four operate on all available MF-HF-VHF bands (2-3 Mc, 4-5 Mc, 8-9 Mc, and 150-160 Mc); that, of these four stations, three are operated by Lorain at Lorain, Ohio; Port Washington, Wisconsin; and Duluth, Minnesota and one by Illinois Bell Telephone Company at Chicago, Illinois; that the balance of the existing system includes a MF-VHF station of Michigan at Detroit, Michigan; a VHF station of Michigan at Sault Ste. Marie, Michigan; a MF-HF station of Central at Rogers City, Michigan; a MF-HF station of Radiomarine Corporation of America at Buffalo, New York; and Lorain's VHF station at Geneva, Ohio; that these stations, in the aggregate, can reach every properly radio equipped vessel on the Lakes, no matter where located; that protestant is an important part of the present integrated system; that it lost money in its operation for 1954; that a diversion of traffic from protestant to the protested VHF stations will result in further losses; that operation of the protested stations will create "needless electrical interference" which will adversely affect protestant; that applicants' rate structure for the proposed service is "discriminatory against protestant and other independent operators * * * as well as other users of the Bell System * * *" (citing alleged examples); that such unlawful rate structure will result in complete disintegration of the present Lakes radiotelephone system; that the lower rates of the Bell companies for VHF service result in misuse of the VHF channels; that use of MF channels is more efficient than VHF; that each proposed station may "capture" enough traffic from existing facilities of protestant and others to affect seriously the economic position of the latter without, however, obtaining enough traffic to sustain the operations of such new stations; that it is feasible for the applicants, as an alternative to the instant proposals, to afford service to vessels by use of facilities presently licensed to them in the Domestic Public Land Mobile Radio Service, pursuant to the provisions of § 6.205 of the Commission's rules; that the proposed stations will extend service of the Bell System into Canada and to Canadian vessels, and, if the result of a grant of the applications will help to eliminate protestant as an operator of communication facilities, there is a question whether section 314 of the Communications Act will be violated.

7. Lorain requests that the applications be designated for hearing upon the following issues:

[1] At the request of, and pursuant to stipulation by, the respective protestants and applicants herein involved, the time within which to file oppositions to such protests was extended from March 21, 1955 to and including March 31, 1955, and the time of the Commission to dispose of such protests was extended to and including April 27, 1955.

1. To determine the facts with respect to proposed facilities, personnel, rates, regulations, practices and services.

2. To determine the lawfulness of the rates, practices, regulations, and classifications proposed by the applicant including, but not limited to, whether or not applicant's proposals violate sections 201 and 202 of the Communications Act.

3. To determine the nature and amount of traffic to be handled by each of the proposed stations, and from what sources such traffic will be derived.

4. To determine the amount of revenues to be received by each of the proposed stations; the costs to each applicant for constructing and operating each proposed station, and the net operating revenues, if any, therefrom.

5. To determine the extent of the need for the proposed service in the area proposed to be served by the applicant in the light of the existing overall MF–HF–VHF integrated service on the Great Lakes and the provisions of § 6.205 of the Commission's rules.

6. To determine the full effect of the proposed service on the existing overall MF–HF–VHF integrated service furnished by existing stations on the Great Lakes and upon the companies furnishing such service.

7. To determine the facts with respect to the physical connections, through routes, division of tolls, and arrangements proposed by the applicants with respect to inter-connection with landline facilities and the lawfulness thereof, particularly when compared with such arrangements as to landlines by the Bell companies with protestant and the other non-Bell companies operating stations on the Great Lakes.

8. To determine whether it would be in the public interest to permit the applicant to use the frequencies proposed in the light of the existing overall MF–HF–VHF integrated service on the Great Lakes and the increased interference that may be caused thereby.

9. To determine the full scope and extent of the "coordinated move" by the Bell companies on the Great Lakes; namely, to determine Bell's complete plans with respect to applications for other and additional stations on the Great Lakes, and the reasons therefor.

10. To determine whether a grant of these applications would result in an unlawful monopoly or undue concentration of communications facilities and service in the hands of one system, and whether such grant would be in violation of section 314 of the Communications Act.

THE OPPOSITION TO THE PROTESTS AND THE REPLY TO THE OPPOSITION

8. On March 31, 1955, Wisconsin and Michigan filed respective oppositions to the protests. These oppositions, in summary, urge that the protests fail to meet the statutory requirements of section 309 (c) of the act, in that protestants have failed to show standing to protest and have failed to allege "with particularity the facts, matters, and things relied upon". Further, it is urged that, if the protests are allowed, protestants should have the burden of proof on any issues designated for hearing. On April 7, Lorain filed a reply to these oppositions which, argumentatively, deals with various matters raised in the oppositions.

DISPOSITION OF THE PROTESTS

9. In view of the fact that each protestant would be in competition with the applicants, jointly and severally, for public correspondence on the Lakes and that each protestant has alleged that it will be financially injured by the instant grants because of anticipated diversion of traffic, we find that each of the protestants is a "party in interest" with standing to protest under section 309 (c) of our act. See FCC v. Sanders Brothers Radio Station, 309 U. S. 470.

10. While, as noted above, Central set out no specific issues as such, it appears that the issues suggested by Lorain encompass all of the matters which Central contemplated.

11. Issues 1, 3, 4 and 9 of Lorain relate to matters which the Commission would desire to have developed as a background in any hearing which might be held herein. Moreover, the matters to be developed under such issues are generally within the sole knowledge and control of the applicants. Accordingly, we adopt those issues and direct that the applicants shall have the burden of proof thereon.

12. Issue 5 of Lorain appears to assume two premises: (1) That there is a lack of need, or a question as to whether there is a need, for the applicants' proposed service and (2) that the service to vessels contemplated by § 6.205 of our rules meets the needs of the Maritime Mobile Service on the Lakes. These two considerations, though joined by Lorain in a single issue, are not mutually inter-dependent. Protestants indicate, from the standpoint of propagation coverage, at least, that service on the Lakes is adequate. From the standpoint of service (including, but not limited to, such matters as circuit availability, peak loads, quality of transmission, etc.), nothing has been said. We believe that all the matters relating to this problem should be considered. It appears that protestants now operate the major portion of the facilities serving the Lakes. A showing of adequacy of the present service certainly is a prerequisite to questioning the need for the proposed service.

13. With respect to the possibility of applicants affording service to vessels under the provisions of § 6.205 of our rules, Lorain has failed to specify with particularity what proposed or existing Domestic Public Land Mobile Radio Service stations of applicants may be used in that connection, as well as the adequacy of such service to meet maritime needs.[2]

[2] Protestants recognize, in their allegations, that the maritime service has special needs in terms of safety and other communications requirements. The Commission, too, has recognized this in establishing a separate maritime service and in requiring, in the case of Domestic Public Land Mobile Radio Service stations serving vessels, that such service be discontinued upon the establishment of a VHF maritime station in the same area.

14. Accordingly, we conclude that protestants have not specified with particularity the facts, matters and things relied upon to support all of issue 5. That portion of the issue which relates to adequacy of the existing service and need for the proposed service will be rephrased as follows:

To determine whether the existing public maritime mobile service on the Great Lakes is adequate to serve the present and reasonably forseeable future public need therefor.

and the protestants shall have the burden of proof thereon.

15. With respect to issue 6, protestants have alleged in various ways that the establishment of the stations would have an adverse effect upon the existing service on the Lakes and the companies furnishing such service. The development of this issue requires the production of facts which, generally, are particularly within the knowledge or competence of protestants. Accordingly, this issue is designated for inclusion in the hearing, but the burden of proof shall be upon the protestants. However, the issue will be re-phrased to delete the words "existing overall" and "integrated" which assume conclusions that we desire protestants establish on the record.

16. A portion of issue 8, "To determine whether * * * to permit the applicant to use the frequencies proposed in the light of the existing overall MF–HF–VHF integrated service on the Great Lakes * * *", assumes certain conclusions which may or may not be established under issue 5, as we have stated it. Accordingly, we deem it necessary to delete this portion of issue 8. The balance of this issue relates to the question as to whether the proposed use of the frequencies will result in "increased interference." The allegations of protestants are most general as to this matter. Central alleges the conclusion that the proposed station at East Tawas "will cause interference" with that protestant's proposed station at Rogers City. Whether this "interference" will be harmful electrical interference[3] is not stated, nor is there any indication of the amount of interference, or any technical basis or support advanced for such conclusion. Lorain, on the other hand, merely alleges that reference to a map (Exhibit A to its protest) "will show that the proposed new stations of Bell will create additional needless electrical interference * * *". Whether the interference will be harmful is not shown, nor is there given any specific explanation of the nature or degree of the alleged interference or to what such interference will be occasioned. Thus, we again conclude that the statutory requirement of section 309 (c) of the act as to specificity and particularity have not been met on this issue, and we do not include it in the hearing. (Cf. In re Application of T. E. Allen & Sons, Inc., etc., 9 R. R. 590a.)

17. Designedly, we have reserved comment with respect to issues 2, 7 and 10 until this time. These issues, we believe, require different handling. Issue 2 relates to the lawfulness of the charges

[3] See definition § 2.1 of Commission's rules.

(rates), etc., proposed by applicants (which protestants allege, with citation of examples, are non-compensatory, etc.). Issue 7 is not, to us, at all clear in its meaning. However, taking issues 2 and 7 together, and construing them in the light of the allegations of Lorain, we are of the opinion that the essence of Lorain's allegations is that the applicants' rate treatment of their own radio-link plus landline handling of maritime radio traffic on the Lakes results in a non-compensatory charge for such service which, when compared to protestants' rate treatment for their radio-link plus applicants' charges for the landline handling of their through traffic, results in an unfair competitive situation.

18. In the light of this construction of protestants' position, we will re-phrase Lorain's issues 2 and 7 as follows:

(a) To determine whether the rates, charges, classifications, practices and regulations proposed to be made effective by the applicants for the instant service will result in the establishment of rates and charges which are compensatory to such applicants for such service.

(b) If the answer to the foregoing issue is in the negative, to determine whether the establishment of non-compensatory rates and charges for such service will result in unfair competition to protestants by the applicants.

and the applicants shall have the burden of proof as to the portion designated (a) above, and the protestants shall have the burden of proof on the portion designated (b).

19. Issue 10 is predicated upon the assumption that the provisions of section 314 of our act apply to the instant service, and, in effect, looks to a determination as to whether a grant of the subject applications would violate that section.

20. In connection with our disposition of the matter of the American Cable and Radio Corporation, etc., docket No. 9093, we considered, among other things, the meaning and effect of section 314 of the act (see Report of May 3, 1950, adopted by the Commission May 11, 1950; paragraph 79). In that decision, we noted that "the major purpose of section 314 and its predecessor, section 17 of the Radio Act, was to assure that radio * * * should be permitted to develop fully and freely, without interference from the older, well-entrenched, cable medium. It is apparent that Congress in enacting section 314, intended that there be competition between cable and radio, as two separate and distinct means of inter-national communication." In the light of that expression, and our knowledge of the legislative history of this section of the act, we have some doubt concerning the applicability of this section to a mobile service, where it is possible to provide service only by radio and, as a result, where the preservation of competition between cable or wire and radio facilities could not conceivably be involved. Additionally, we question whether service to a mobile unit is service to a "place" within the meaning of this section of the act, or whether "place" does not mean "point" in contemplation of a point-to-point service. However, we recognize that the proposition is susceptible of argument.

21. Apart from this preliminary question of law as to this issue, there are also involved certain mixed questions of fact and law, e. g., whether the purpose or effect of the questioned operations may be substantially to lessen competition, or unlawfully to create a monopoly, which would require determination if the statute applies.

22. In view of the fundamental nature of the matter here involved and its novelty as applied to a mobile service, we will re-phrase the issue to present more clearly the appropriate questions:

To determine whether the provisions of section 314 of the Communications Act of 1934, as amended, are applicable to the instant mobile service.

If the answer to the foregoing issue is in the affirmative, to determine whether a grant of the instant applications will have the purpose or effect which may be to substantially lessen competition or to restrain commerce between any place in any state, territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

and we shall require the protestants to have the burden of proof on the factual aspects of such issues.

23. Because of the evident relevance and propriety of such matters, we shall, on our own initiative, include two additional issues in the hearings herein, and require the applicants to assume the burden of proof as to both thereof:

To determine whether the establishment of the proposed facilities will result in public benefit or advantage, and the nature and extent of such benefit or advantage.

To determine, in the light of the evidence adduced on all the foregoing issues herein, whether the public interest, convenience or necessity will be served by a grant of any or all of the subject applications.

In view of the foregoing: *It is ordered*, That, the effective date of the Commission's action of February 10, 1955, granting the above-entitled respective applications of Michigan Bell Telephone Company and Wisconsin Telephone Company is postponed pending a final decision by the Commission with respect to the evidentiary hearing hereinafter provided; and

It is further ordered, That the above-entitled applications are designated for hearing, in a consolidated proceeding, upon the following issues, to be held at the Commission's offices in Washington, D. C., on the 13th day of June 1955 at 10:00 a. m., before Examiner William G. Butts, upon the following issues:

1. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant.

2. To determine the nature and amount of traffic to be handled by each of the proposed stations, and from what sources such traffic will be derived.

3. To determine the amount of revenues to be received by each of the proposed stations; the costs to each applicant for constructing and operating each proposed station, and the net operating revenues, if any, therefrom.

4. To determine the full scope and extent of the "coordinated move" by the Bell companies on the Great Lakes; namely, to determine Bell's complete plans with respect to applications for other and additional stations on the Great Lakes, and the reasons therefor.

5. To determine whether the existing public maritime mobile service on the Great Lakes is adequate to serve the present and reasonably foreseeable future public need therefor.

6. To determine the full effect of the proposed service on the MF–HF–VHF service furnished by existing stations on the Great Lakes and upon the companies furnishing such service.

7. To determine whether the rates, charges, classifications, practices and regulations proposed to be made effective by the applicants for the instant service will result in the establishment of rates and charges which are compensatory to such applicants for such service.

8. If the answer to issue 7 is in the negative, to determine whether the establishment of non-compensatory rates and charges for such service will result in unfair competition to protestants by the applicants.

9. To determine whether the provisions of section 314 of the Communications Act of 1934, as amended, are applicable to the instant mobile service.

10. If the answer to issue 9 is in the affirmative, to determine whether a grant of the instant applications will have the purpose or effect which may be to substantially lessen competition or to restrain commerce between any place in any state, territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

11. To determine whether the establishment of the proposed facilities will result in public benefit or advantage, and the nature and extent of such benefit or advantage.

12. To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of any or all of the subject applications.

It is further ordered, That, the burden of proof on issues 1, 2, 3, 4, 7, 11 and 12 is placed upon the respective applicants, and the burden of proof on issues 5, 6, 8, 9 (as to factual matters) and 10 is placed upon the respective protestants; and

It is further ordered, That, the Lorain County Radio Corporation, Central Radio Telegraph Company, the Chief, Common Carrier Bureau, and the Chief, Safety & Special Radio Services Bureau are made parties to the proceedings herein; and

It is further ordered, That, the parties desiring to participate herein shall file their appearances not later than May 13, 1955.

Adopted: April 27, 1955.

Released: May 2, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–3656; Filed, May 4, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3883]

D. B. McCONNELL

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 28, 1955.

Take notice that D. B. McConnell (Applicant), an individual whose address is Shreveport, Louisiana, filed on October 1, 1954, for himself and others as listed in the application, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as herinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the D. B. McConnell-Buhler #1 Well in the Gillis Field of Calcasieu Parish, Louisiana, which is sold to Louisiana Natural Gas Corporation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 6, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application. *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-3641; Filed, May 4, 1955; 8:48 a. m.]

[Docket No. G-8064]

CLARK DALE DRILLING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 28, 1955.

Take notice that Clark Dale Drilling Company (Applicant), a Texas corporation whose address is San Angelo, Texas, filed an application on December 6, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces casinghead gas in the Spraberry Field, Upton County, Texas, which it sells to Phillips Petroleum Company in interstate commerce for resale. The price at time of filing is stated to be 10 cents per Mcf, pursuant to the terms of the standard Phillips Petroleum Company casinghead gas purchase contract dated August 25, 1954.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 6, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-3642; Filed, May 4, 1955; 8:48 a. m.]

[Docket No. G-8118]

CORONET OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 28, 1955.

Take notice that Coronet Oil Company (Applicant), a Nevada corporation whose address is Odessa, Tennessee, filed an application on December 13, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces casinghead gas in the Goldsmith (Fusselman) and Goldsmith North (Ellenburger) Fields, Ector County, Texas, which it proposes to sell to Phillips Petroleum Company in interstate commerce for resale. The initial price will be 7.02976 cents per Mcf, pursuant to the casinghead gas contract dated October 13, 1954.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 6, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-3643; Filed, May 4, 1955; 8:48 a. m.]

[Docket No. G-8573]

DAYTON POWER AND LIGHT CO.

NOTICE OF APPLICATION

APRIL 28, 1955.

Take notice that The Dayton Power and Light Company (Applicant), an Ohio corporation with its principal place of business in Dayton, Ohio, filed an application on March 14, 1955, for an order, pursuant to section 7 (a) of the Natural Gas Act, directing Ohio Fuel Gas Company (Ohio Fuel) to establish a physical connection between its existing Z-50 transmission line in Darke County, Ohio, and certain proposed facilities of Applicant, and the sale and delivery by Ohio Fuel to Applicant of natural gas for resale in the Village of Gordon, Darke County, Ohio, as hereinafter described, all as more fully represented in the application.

Applicant states that it is an existing customer of Ohio Fuel, furnishing natural gas service to numerous communities in southwestern Ohio. The Village of Gordon has a population of 200, has no natural gas service at present, and has granted a 25-year franchise to Applicant.

Applicant proposes to construct 2,687 feet of 2-inch pipeline to a point of connection with Ohio Fuel's line Z-50 in Darke County, and a distribution system in the Village of Gordon, at a total cost of $18,000 to be financed from current funds.

The requirements of the Village of Gordon are estimated at a maximum potential of 336 Mcf per day, with estimated annual requirements of 11,000 to 14,000 Mcf per year.

Ohio Fuel, in its answer to the application herein, filed March 30, 1955, avers that it has no objection to the granting of the application and that rendition of the service requested will not adversely affect service to present customers; that no additional facilities other than a physical connection and tap will be required.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10) on or before May 18, 1955. The application is on file with the Commission and open for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-3644; Filed, May 4, 1955; 8:48 a. m.]

[Docket No. G-8819]

MRS. TOM J. MOFFITT, ET AL.

ORDER ACCEPTING PROPOSED RATE SCHEDULE FOR FILING AND SUSPENDING USE THEREOF

On April 1, 1955, Mrs. Tom J. Moffitt, et al., filed a notice of change to their FPC Gas Rate Schedule No. 1 covering the sale of natural gas to Louisiana Nevada Transit Company from the Cotton Valley Field, Webster Parish, Louisiana. This notice of change has been designated as Supplement No. 6 to FPC Gas Rate Schedule No. 1. The sale to Louisiana Nevada is made under a gas sales contract with the Cotton Valley Operators Committee (Committee), acting as agent for the operators and royalty owners, but the Committee has not filed any rate schedule with the Commission on behalf of the operators and owners. Therefore, Mrs. Moffitt's notice of change should be accepted for filing.

The increase in rate proposed in Supplement No. 6 is from 5.6 cents per Mcf to 10.7 cents per Mcf and is made pursuant to a contract provision for redetermination every three years on the basis of the weighted-average price being paid in the North Louisiana area. The requested effective date of the increase is October 23, 1954. The proposed increase has not been shown to be justified and may be unjust, unreasonable, or otherwise unlawful.

The Commision finds:

(1) Supplement No. 6 to Mrs. Tom J. Moffitt's, et al. FPC Gas Rate Schedule No. 1, as submitted on April 1, 1955, should be accepted for filing.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Supplement No. 6 to Mrs. Tom J. Moffitt's, et al., FPC Gas Rate Schedule No. 1 and that said proposed change be suspended as hereinafter provided and the use thereof deferred pending hearing and decision herein.

The Commission orders:

(A) Supplement No. 6 to Mrs. Tom J. Moffitt's et al., FPC Gas Rate Schedule No. 1, as submitted on April 1, 1955, be and it hereby is accepted for filing.

(B) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations, a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until October 2, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: April 20, 1955.

Issued: April 29, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-3645; Filed, May 4, 1955; 8:48 a. m.]

[1] Commissioner Draper dissenting.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 2, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30576: Petroleum Coke—McPherson, Kans., to Chicago, Ill. Filed by F. C. Kratzmeier, Agent, for interested rail carriers. Rates on petroleum coke, briquettes, breeze, and dust, carloads, from McPherson, Kans., to Chicago, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 45 to Agent Kratzmeir's I. C. C. 3983.

FSA No. 30577: Pulpboard—Hutchinson, Kans., to Memphis, Tenn. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on pulpboard, carload, from Hutchinson, Kans., to Memphis, Tenn.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 77 to Agent Prueter's I. C. C. A-3622.

FSA No. 30578: Fluorspar flux—Cleveland, Ohio, to Alabama. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on ground fluorspar flux, carload, from Cleveland, Ohio to Ensley and Fairfield, Ala.

Grounds for relief: Circuity.

FSA No. 30579: Commodities—Ohio, Michigan, and West Virginia to the South. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on various commodities, carloads, from specified points in Ohio, Michigan and West Virginia, to specified points in the South.

Grounds for relief: Circuity.

FSA No. 20580: Commodities—Ohio and West Virginia to Southern Points. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on lamps, caustic soda, and liquefied chlorine gas, carloads, from specified points in Ohio and West Virginia to Memphis, Tenn., Mobile, Ala., and New Orleans, La.

Grounds for relief: Circuitous routes.

FSA No. 30581: Coke—Joliet, Ill., to Keokuk, Iowa. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on coke, coke breeze, dust and screenings (direct products of coal), carloads, from Joliet, Ill., to Keokuk, Iowa.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 30 to Agent Raasch's I. C. C. 767.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-3648; Filed, May 4, 1955; 8:49 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 48 Amdt. 2]

LOUISVILLE AND NASHVILLE RAILROAD CO. ET AL.

EXPIRATION DATE OF ORDER

Upon further consideration of Revised Taylor's I. C. C. Order No. 48 and good cause appearing therefor: *It is ordered,* That:

Revised Taylor's I. C. C. Order No. 48 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., May 16, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., April 30, 1955, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 29, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-3649; Filed, May 4, 1955; 8:49 a. m.]

[No. MC–C–1804]

RECIPROCITY AGREEMENTS BETWEEN MOTOR CARRIERS AND SHIPPERS OF BULK PETROLEUM

NOTICE OF INVESTIGATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 7th day of March A. D. 1955.

It appearing, that some motor carriers and shippers of bulk petroleum and petroleum products are engaged in practices whereby the transportation of bulk petroleum and petroleum products by particular motor carriers is dependent upon the extent to which the motor carrier purchases petroleum products and other products sold by the shipper and in some cases is dependent upon the surrender by the motor carrier to the shipper of so-called "reciprocity credits" representing the purchase of the shipper's products by the motor carrier and others, including motor carriers of commodities other than bulk petroleum and petroleum products.

And it further appearing that the the practice may be in violation of sections 217 (b) and 222 (c) of the Interstate Commerce Act with respect to shipments transported by motor common carriers and in violation of section 218 (a) in the case of motor contract carriers:

It is ordered, that an investigation be, and it is hereby, instituted, upon our own motion, into and concerning the lawfulness of the practices described in the first paragraph hereof, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, that motor common and contract carriers of petroleum and petroleum products, in tank vehicles, be, and they are hereby, made respondents to this proceeding; and that notice of this proceeding be given to the said respondents and to the general public by depositing a copy of this order in the office of the Secretary of the Interstate Commerce Commission, at Washington, D. C., and by filing a copy with the Director of the Federal Register.

And it is further ordered, that this proceeding be assigned for hearing at a time and place to be hereafter fixed.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–3650; Filed, May 4, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3369]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE OF FILING OF JOINT APPLICATION-DECLARATION RELATING TO PROPOSED ISSUANCE AND SALE OF SECURITIES BY SUBSIDIARIES TO PARENT COMPANY, AND ALSO TO PROPOSED OPEN-ACCOUNT ADVANCES BY PARENT COMPANY TO SUBSIDIARIES

APRIL 28, 1955.

In the Matter of the Columbia Gas System, Inc., United Fuel Gas Company, Amere Gas Utilities Company, Atlantic Seaboard Corporation, Central Kentucky Natural Gas Company, Virginia Gas Distribution Corporation, The Ohio Fuel Gas Company, The Manufacturers Light and Heat Company, Cumberland and Allegheny Gas Company, Home Gas Company, The Keystone Gas Company, Inc.; File No. 70–3369.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned public-utility subsidiaries, United Fuel Gas Company ("United Fuel"), Amere Gas Utilities Company ("Amere"), Central Kentucky Natural Gas Company ("Central Kentucky"), Virginia Gas Distribution Corporation ("Distribution"), The Ohio Fuel Gas Company ("Ohio"), The Manufacturers Light and Heat Company ("Manufacturers"), Cumberland and Allegheny Gas Company ("Cumberland") and The Keystone Gas Company, Inc. ("Keystone"), and its wholly owned non-utility subsidiaries, Atlantic Seaboard Corporation ("Seaboard") and Home Gas Company ("Home"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, 10, 12 (b) and 12 (f), and Rules U-43 and U-45 as applicable to the proposed transactions, which are summarized as follows:

Said subsidiary companies are engaged in construction programs which will require expenditures and which will necessitate their obtaining new money in 1955, as follows:

Company	Construction expenditures	New money requirements
United Fuel	$13,365,300	$5,900,000
Amere	318,900	300,000
Seaboard	10,305,400	6,900,000
Central Kentucky	3,179,200	2,200,000
Distribution	852,000	850,000
Ohio	20,220,700	11,300,000
Manufacturers	17,277,600	10,000,000
Cumberland	2,738,100	2,250,000
Home	696,800	475,000
Keystone	151,200	175,000
Total	69,106,100	40,350,000

It is proposed that Columbia will furnish to said subsidiary companies the new money required, in consideration of which said subsidiaries will issue and sell to Columbia at principal amount and par value, their several securities as follows:

Subsidiary companies	Securities to be issued and sold	
	Installment notes (aggregate principal amount)	Common stock (aggregate par value)
United Fuel	$5,900,000	
Amere	300,000	
Seaboard	5,500,000	$1,400,000
Central Kentucky	1,600,000	600,000
Distribution	650,000	200,000
Ohio	11,300,000	
Manufacturers	5,500,000	4,500,000
Cumberland	2,250,000	
Home	375,000	100,000
Keystone	175,000	
Total	33,550,000	6,800,000

Said securities will be issued by the several subsidiaries from time to time as funds are required, but not later than March 31, 1956. The Installment Notes will be dated when issued, and will be payable in 25 equal annual installments on February 15 of each of the years 1957 to 1981, inclusive. It is represented that the Notes will bear interest at 3 percent per annum subject to adjustment as of the date of Columbia's next debenture issue to a rate equal to the coupon rate that will apply to such issue.

In addition to the foregoing investments in its subsidiaries to finance the 1955 system construction program, Columbia further proposes to advance on open account, from time to time to five of its subsidiaries, funds aggregating not in excess of $35,000,000 for the purchase during 1955 of inventory gas for storage in their underground storage facilities, as follows:

United Fuel	$10,000,000
Central Kentucky	500,000
Ohio	16,000,000
Manufacturers	7,000,000
Home	1,500,000
Total	35,000,000

Said open-account advances will bear interest at the rate of 3 percent per annum (being the same rate to be paid by Columbia to commercial banks for the loan of said funds) and will be repayable, in three equal installments on February 25, March 25, and April 25, 1956, from revenues derived from the sale of stored gas during the coming winter season.

The estimated expenses to be paid in connection with said transactions, of which each company will pay its individual part, are $1,100 to the Columbia Gas Service Corporation for preparing the documents filed with the regulatory commissions, $44,385 for Federal original issue taxes, $1,600 for legal expenses, and $1,100 for miscellaneous expenses.

The several subsidiary companies, other than Seaboard, are required to obtain authorization for the issuance and sale of the securities, as herein proposed, from the regulatory commissions of the States wherein they are organized and doing business, as follows:

Issuing Company and Authorizations To Be Obtained From

Manufacturers: The Pennsylvania Public Utility Commission.

United Fuel: [1] West Virginia Public Service Commission.

Amere: West Virginia Public Service Commission.

Cumberland: West Virginia Public Service Commission.

Ohio: Public Utilities Commission of Ohio.

Distribution: State Corporation Commission of Virginia.

Central Kentucky: Kentucky Public Service Commission.

Home: New York Public Service Commission.

Keystone: New York Public Service Commission.

It is requested that this Commission issue its order with respect to each of the several transactions proposed herein as soon as possible after the filing of the final amendment to the joint application-declaration applicable thereto.

Notice is further given that any interested person may, not later than May 11, 1955 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective, in whole or in part, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–3646; Filed, May 4, 1955; 8:49 a. m.]

[1] United Fuel is also required to obtain authorization from the West Virginia Public Service Commission for the open-account advances herein proposed.

[File No. 70–3370]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED SHORT-TERM FINANCING BY BANK LOANS

APRIL 28, 1955.

Notice is hereby given that The Columbia Gas System, Inc. (Columbia"), a registered holding company, has filed with the Commission a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Columbia proposes to borrow $50,000,000 in aggregate amount from nineteen commercial banks, half of such amount to be borrowed on or before June 30, 1955 and the balance on or before August 31, 1955. The loans will be evidenced by notes dated when issued and maturing April 30, 1956. Said notes will bear interest at the rate of 3 percent per annum and may be prepaid in whole or in part, without penalty, prior to the date of maturity on 10 days' notice.

Columbia states that from the proceeds of said borrowings $15,000,000 will be advanced to its subsidiaries for construction and $35,000,000 for the purchase of storage gas for current inventory. It estimates that during the current year the system will require additional funds in the aggregate amount of $50,000,000, of which $25,000,000 will be for construction and $25,000,000 for the payment of presently outstanding bank loans, maturing August 31, 1955. Columbia has not developed definitive plans to provide the balance of the required funds. If the cash requirements remain substantially of the magnitude now estimated, Columbia expects to sell debentures in an amount which will depend upon market and other conditions. However, if the construction program and resulting cash requirements should be materially reduced, Columbia, instead of selling debentures this year, may negotiate with the banks for new short-term loans and postpone its long-term financing until 1956.

It is contemplated that $35,000,000 of the proposed bank loans, which is the amount proposed to be advanced during the year to the subsidiaries for the purchase of inventory gas, will be repaid on or before maturity with funds obtained from operations.

Columbia estimates its total expenses herein at $500.

It is requested that the Commission's order be made effective as soon as practicable.

Notice is further given that any interested person may, not later than May 11, 1955 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the Act, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–3647; Filed, May 4, 1955; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WILLIAM TROELLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

William Troeller, 6 Place de Nancy, Luxembourg, Grand Duchy of Luxembourg, Claim No. 58692; Vesting Order No. 9068; one $1,000 Rhine Westphalia Electric Power Corporation Consolidated Mortgage Bond Series of 1930, bearing Certificate No. 4509, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington D. C., on April 29, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55–3658; Filed, May 4, 1955; 8:51 a. m.]

CHARLES MALLERIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Charles Mallerin, Isere, France, Claim No. 11594; Vesting Order No. 1028; $4,706.57 in the Treasury of the United States.

Executed at Washington, D. C., on April 21, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55–3659; Filed, May 4, 1955; 8:51 a. m.]

KARL WECH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Karl Wech, Herzogenburg, Neiderosterreich (Lower Austria), Claim No. 63130; Vesting Order No. 10062; $214.49 in the Treasury of the United States.

Executed at Washington, D. C., on April 29, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55–3660; Filed, May 4, 1955; 8:51 a. m.]

CARRY BARMÉ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Carry Barmé, Sao Paulo, Brazil; Claim No. 35489; property described in Vesting Order

No. 201 (8 F. R. 625, Jan 16, 1943) relating to United States Letters Patent Nos. 1,587,933 and 2,125,664.

Executed at Washington, D. C., on April 29, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3661; Filed, May 4, 1955; 8:51 a. m.]

KAY M. BEHDJOU

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kay M. Behdjou, a/k/a Kazeme Behdjou, Hamburg, Germany, Claim No. 61054; Vesting Order No. 18190; $458.00 in the Treasury of the United States.

Executed at Washington, D. C., on April 29, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3662; Filed, May 4, 1955; 8:51 a. m.]

Reference Room

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

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Washington, Friday, May 6, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MATHEMATICIAN

1. Subparagraph (1) of § 24.36 (a) is revoked and § 24.123 is added to read as follows:

§ 24.123 *Mathematician, GS-1520-5-15*—(a) *Educational requirements.* Applicants must have completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree. This study must have included courses in mathematics totaling at least 24 semester hours.

(2) Courses in mathematics in an accredited college or university totaling at least 24 semester hours; plus additional appropriate experience or education which when combined with the 24 semester hours in mathematics will total 4 years of education and experience and will give the applicant a technical and general professional knowledge comparable to that which would have been acquired through the successful completion of the 4-year college course described in subparagraph (1) of this paragraph.

In either subparagraph (1) or (2) of this paragraph, the courses in mathematics must have been acceptable for credit toward meeting the requirements of a major in mathematics in a 4-year professional curriculum leading to a bachelor's degree. These courses must have included at least five of the following: Differential calculus, integral calculus, theory of equations, vector analysis, statistics, higher algebra (beyond elementary college algebra), differential equations, advanced differential calculus, advanced integral calculus, any other advanced course in mathematics for which one of the above is prerequisite.

(b) *Duties.* Mathematicians will plan, direct, perform, or assist in performing research in basic mathematical theory or related theoretical analytic or evaluation studies, or mathematical analyses and computations incident to investigative, developmental and research work in the scientific fields, such as engineering, physics, astronomy, etc. Their duties will include mathematical research and critical investigative work, mathematical analyses of observational data, computation of scientific tables, adaptation of mathematical projects to solution by high speed automatic electronic computing machinery, and writing of scientific reports, all involving a thorough knowledge of basic mathematics and in some cases involving a familiarity with the physical sciences or with engineering practices.

(c) *Knowledge and training requisite for performance of duties.* (1) The minimum amount of formalized training required for the successful performance of the duties described in paragraph (b) of this section consists of 24 semester hours of study in mathematics which, being distributed among several principal branches of the field, represents essentially a basic fundamental body of mathematical knowledge. In order that mathematicians may engage successfully in basic research in mathematics, or in other diverse phases of mathematics represented by the professional mathematician positions of the Federal Government, it is necessary that they be thoroughly and broadly trained.

(2) Advances in the various scientific fields have been dependent upon and interrelated to mathematics in all its branches, since mathematics is an indispensable tool in expressing basic laws and concepts, in interpreting experimental data, in extending old or establishing new concepts and in establishing basic hypotheses for new experimental work in scientific fields. Further advances in these fields will be vitally dependent on the number of highly qualified, and broadly trained mathematicians who are competent to explore from a mathematical standpoint the particular field in which a research problem is centered. The only method by which mathematicians can be thoroughly and broadly trained to the level and extent required is through a

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplement is now available:

Titles 35–37 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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planned and directed course of study in an accredited college or university where there are adequate scientific libraries, where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, and where progress in the acquisition of professional and scientific knowledge is competently evaluated.

2. The headnote of § 24.39 is amended and paragraph (a) is revised to read as follows:

§ 24.39 *Mathematician, GS–1520, all grades where the duties involve highly complicated or fundamental scientific research or similar difficult scientific duties*—(a) *Educational requirement.* The successful completion of a full four-year course in an accredited college or university leading to a bachelor's degree. This study must have included courses in mathematics totaling at least 24 semester hours which were acceptable for cerdit toward meeting the requirements of a major in mathematics and which included at least five of the following: differential calculus, integral calculus, theory of equations, vector analysis, statistics, higher algebra (beyond elementary college algebra), differential equations, advanced differential calculus, advanced integral calculus, any other advanced course in mathematics for which one of the above is prerequisite.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-3692; Filed, May 5, 1955; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter A—Procedures, Rules of Practice, and Orders

REDESIGNATIONS AND AMENDMENTS

The following changes in Title 16, Chapter I, of the Code of Federal Regulations shall become effective 15 days after publication in the FEDERAL REGISTER:

1. The headnote of Subchapter A is redesignated to "Procedures, Rules of Practice, and Orders".
2. Part 3 is renumbered to Part 13.
3. Part 4 is renumbered to Part 14.
4. Parts 1, 2, and 7 are revoked.
5. New Parts 1, 2, and 3 are added.

By direction of the Commission.

ROBERT M. PARRISH,
Secretary.

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AUTHORITY: §§ 1.1 to 1.134 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46.

SUBPART A—THE COMMISSION

§ 1.1 *Origin and purpose.* The Federal Trade Commission was established by Congress in 1914 to protect business and the public against unfair methods of competition and to prevent practices which would lessen competition or tend to create monopoly. The Commission is, in short, charged with the basic duty of protecting our competitive free-enterprise economy.

§ 1.2 *Laws administered.* The Federal Trade Commission exercises responsibilities under the Federal Trade Commission Act of 1914 (15 U. S. C. 41), as amended by the Wheeler-Lea Act of 1938 and the Oleomargarine Act of 1950; the Clayton Act of 1914 (15 U. S. C. 12), as amended by the Robinson-Patman Act of 1936 and the Anti-merger Act of 1950; the Webb-Pomerene Export Trade Act of 1918 (15 U. S. C. 61); the Wool Products Labeling Act of 1939 (15 U. S. C. 68); Public Law 15 of 1945 relating to the regulation of the business of Insurance (15 U. S. C. 1011); the Lanham Trade Mark Act of 1946 (15 U. S. C. 1051); the Fur Products Labeling Act of 1951 (15 U. S. C. 69); and the Flammable Fabrics Act of 1953 (15 U. S. C. 1191).

§ 1.3 *Functions.* The Commission has extensive advisory and regulatory functions. The advisory functions are exercised by reports to the Congress and to the President and by recommendations for legislation, usually after general investigations and economic studies. The regulatory functions are exercised in two ways, informally through procedures designed to encourage voluntary compliance with the law and formally by adversary proceedings initiated by complaint and culminating, in appropriate instances, in orders to cease and desist. The Commission's duties and responsibilities are stated in the laws which it administers, and in general they are as follows:

(a) To prevent the use of unfair methods of competition, and unfair or deceptive acts or practices in interstate commerce, such as acts or practices which are unfair or oppressive or tend to monopoly; combinations which unreasonably restrain competition; and representations, express or implied, which have the capacity of misleading or deceiving members of the public with respect to commodities being offered for sale, all as prohibited by section 5 of the Federal Trade Commission Act;

(b) To prevent the dissemination of false advertisements of foods, drugs, cosmetics, and devices, as provided in sections 12 through 15 of the Federal Trade Commission Act;

(c) To prevent discriminations in price, services, or facilities, including quantity discounts which are unjustly discriminatory or promotive of monopoly, by the establishment, when necessary, of quantity limits; payment or receipt of brokerage, commissions, or discounts in lieu thereof; the use of tying or exclusive dealing leases, sales, or contracts; the acquisition by one corporation of stock or assets of another, and continuance of interlocking directorates among corporations, all under the circumstances of which these things are prohibited respectively by sections 2, 3, 7, and 8 of the Clayton Act as amended;

(d) To prevent the misbranding of wool or wool products through failure to comply with the provisions of the Wool Products Labeling Act of 1939;

(e) To prevent misbranding, false advertising, or false invoicing of furs or fur products through failure to comply with the Fur Products Labeling Act;

(f) To prevent the introduction or movement in interstate commerce of articles of wearing apparel and fabrics which are so highly flammable as to be dangerous when worn by individuals, in violation of the Flammable Fabrics Act;

(g) To prevent unfair methods of competition and unfair or deceptive acts or practices in the business of insurance to the extent that such business is not regulated by State law, under the Federal Trade Commission Act and Public Law 15 of 1945 relating to the regulation of the business of insurance.

(h) To administer the provisions of the Export Trade Act, providing for the registration and operation of associations of American exporters engaging solely in export trade;

(i) To proceed for the cancellation of registration of trade marks which have been illegally registered or which have been used for purposes contrary to the intent of the Trade Mark Act of 1946;

(j) To investigate the organization, business, conduct, practices, or management of corporations and to make public reports thereon as the Commission deems expedient in the public interest; to investigate, at the direction of the President or the Congress, and report upon

alleged violations of the antitrust laws by corporations; to make various other investigations and reports, including recommendations to Congress for legislation, and reports to the Attorney General, to the extent and in the manner provided in section 6 of the Federal Trade Commission Act.

§ 1.4 *Official address.* The principal office of the Commission is at Washington, D. C. All communications to the Commission should be addressed to the Federal Trade Commission, Washington 25, D. C., unless otherwise specifically directed.

§ 1.5 *Branch offices.* (a) Branch offices are maintained at Washington, New York, Cleveland, Chicago, San Francisco, Seattle, and New Orleans.

(b) Their addresses are: Federal Trade Commission, Washington 25, D. C.; Federal Trade Commission, U. S. Court House, Foley Square, New York 7, New York; Federal Trade Commission, Room 1128, Standard Building, Cleveland 13, Ohio; Federal Trade Commission, Room 1310, 226 West Jackson Boulevard, Chicago 6, Illinois; Federal Trade Commission, Room 133, Civic Center, Federal Office Building, San Francisco 2, California; Federal Trade Commission, Room 811, U. S. Court House, Seattle 4, Washington; Federal Trade Commission, 413 Masonic Temple Building, 333 St. Charles Street, New Orleans 12, Louisiana.

(c) Branch office managers are available for conferences with attorneys and other members of the public on matters relating to the Commission's activities.

§ 1.6 *Wool, fur and flammable fabrics offices.* (a) For the limited purpose of administering the Wool, Fur and Flammable Fabrics Acts, offices are located at Atlanta, Boston, Chicago, Cleveland, Dallas, Los Angeles, San Francisco, New York City, Philadelphia, and St. Louis.

(b) Their addresses are: Federal Trade Commission, Lullwater Building, Room 312, 441 West Peachtree Street, Atlanta, Georgia; Federal Trade Commission, Room 401, 408 Atlantic Avenue, Boston 10, Massachusetts; Federal Trade Commission, 226 West Jackson Boulevard, Chicago 6, Illinois; Federal Trade Commission, Room 1128, Standard Building, Cleveland 13, Ohio; Federal Trade Commission, Room 1606, 1114 Commerce Street, Dallas 2, Texas; Federal Trade Commission, Room 202, 1031 South Broadway, Los Angeles 15, California; Federal Trade Commission, Room 133, Civic Center, Federal Office Building, San Francisco 2, California; Federal Trade Commission, U. S. Court House, Foley Square, New York 7, New York; Federal Trade Commission, Room 3030–A, U. S. Court House, Philadelphia, Pennsylvania; Federal Trade Commission, U. S. Court & Custom House, Room 1003–C, St. Louis 1, Missouri.

§ 1.7 *Hours.* Principal and branch offices are open on each business day from 8:30 a. m. to 5:00 p. m.

§ 1.8 *Sessions.* (a) The Commission may meet and exercise all its powers at any place, and may, by one or more of its members, or by such representatives as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

(b) Sessions of the Commission for hearings will be held as ordered by the Commission. Sessions of the Commission for the purpose of making orders and for transaction of other business unless otherwise ordered will be held at the principal office of the Commission at Pennsylvania Avenue and Sixth Street, Washington, D. C., on each business day at 10:00 a. m.

§ 1.9 *Quorum.* A majority of the members of the Commission shall constitute a quorum for the transaction of business.

SUBPART B—INITIATION OF INVESTIGATIVE PROCEEDINGS

§ 1.11 *How initiated.* Commission investigations and inquiries are originated upon the request of the President, Congress, government agencies, or the Attorney General, upon referrals by the Courts, upon complaint by members of the consuming public, businessmen, or concerns aggrieved by unfair practices, or by the Commission upon its own motion.

§ 1.12 *Who may apply.* Any individual, partnership, corporation, association or organization may apply to the Commission to institute a proceeding in respect to any violation of law over which the Commission has jurisdiction.

§ 1.13 *Method of application.* The application for complaint should be in writing, signed by or in behalf of the applicant, and should contain a statement setting forth the alleged violation of law and the name and address of the party or parties complained of. No forms or formal procedure are required in making application for complaint.

§ 1.14 *Status of applicant.* The applicant is not regarded as a party, for the Commission acts only in the public interest.

§ 1.15 *Confidentiality of applications.* It always has been and now is strict Commission policy not to publish or divulge the name of an applicant or complaining party.

SUBPART C—POLICY REGARDING PRIVATE CONTROVERSIES

§ 1.21 *Policy as to private controversies.* The Commission acts only in the public interest, against alleged unfair methods of competition or unfair, deceptive or monopolistic practices in commerce. It does not take action when the alleged violation of law is merely a matter of private controversy and does not tend adversely to affect the public.

SUBPART D—INVESTIGATIONS

§ 1.31 *Investigational policy.* The Commission encourages voluntary cooperation in its investigations where such can be effected without undue delay or without prejudice to the public interest. The Commission may, in any matter under investigation, invoke any or all of the compulsory processes authorized by law.

§ 1.32 *By whom conducted.* Inquiries and investigations are conducted, under the various statutes administered by the Commission, by Commission representatives designated and duly authorized for the purpose. Such representatives are authorized to exercise and perform the duties of their office in accordance with the laws of the United States and the regulations of the Commission, including the administration of oaths and affirmations, in any matter under investigation by the Commission.

§ 1.33 *Notification of purpose.* Any party under investigation compelled to furnish information or documentary evidence shall be advised with respect to the purpose and scope of the investigation.

§ 1.34 *Investigational hearings.* (a) Investigational hearings, as distinguished from hearings in adjudicative proceedings, may be conducted in the course of any investigation undertaken by the Commission, including inquiries initiated for the purpose of determining whether or not a respondent is complying with an order of the Commission or the manner in which decrees in suits brought by the United States under the antitrust acts are being carried out and cases referred by the courts to the Commission as a master in chancery.

(b) Investigational hearings may be held before the Commission, one or more of its members, or a duly designated representative, for the purpose of hearing the testimony of witnesses and receiving documents and other data relating to any subject under investigation. Such hearings shall be stenographically reported and a transcript thereof shall be made a part of the record of the investigation.

§ 1.35 *Investigational subpoenas.* The Commission may issue a subpoena directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence relating to any matter under investigation, or both. Subpoenas shall be served in the manner provided in § 3.4 of this chapter.

§ 1.36 *Depositions.* The Commission may order testimony to be taken by deposition in any investigation at any stage of such investigation. Such depositions may be taken before any person designated by the Commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence as provided in § 1.35.

§ 1.37 *Notices to grant access.* The Commission may issue a notice to grant access to, for examination and copying, documentary evidence of any corporation being investigated.

§ 1.38 *Reports.* The Commission may issue an order requiring a corporation to file a report or answers in writing to specific questions relating to any matter under investigation.

§ 1.39 *Noncompliance with investigational processes.* In case of failure to comply with Commission investigational processes appropriate action may be initiated by the Commission, including actions for enforcement by the Commission or the Attorney General and forfeiture of penalties or criminal actions by the Attorney General.

§ 1.40 *Rights of witnesses.* Any person required to testify or to submit documentary evidence shall be entitled to retain or, on payment of lawfully prescribed cost, procure a copy of any document produced by such person and of his own testimony as stenographically reported or, in the case of depositions, as reduced to writing by or under the direction of the person taking the deposition, except that in a nonpublic proceeding a witness may for good cause be limited to inspection of his testimony. Any party compelled to testify or to produce documentary evidence may be accompanied and advised by counsel, but counsel may not, as a matter of right, otherwise participate in the investigation.

§ 1.41 *Nonpublic proceedings.* Unless otherwise ordered by the Commission, all investigatory proceedings shall be nonpublic.

§ 1.42 *Referrals after investigation.* Upon completion of investigation, where the facts indicate that no corrective action by the Commission is warranted, the investigational files are closed. Where remedial action is appropriate, the files may be referred for the initiation of adjudicative proceedings by issuance of complaint, for negotiation of a stipulation to cease and desist or for other appropriate action.

SUBPART E—STIPULATIONS TO CEASE AND DESIST

§ 1.51 *Policy.* In order to avoid the expense and time involved in formal legal proceedings, it is the policy of the Commission to afford individuals, partnerships and corporations who have engaged in unlawful acts and practices an opportunity to enter into voluntary agreements to cease and desist therefrom, when it appears to the Commission that such procedure fully safeguards the public interest. Such opportunity is not afforded when the alleged violation of law involves false advertising of food, drugs, devices or cosmetics which are inherently dangerous, the sale of fabrics and wearing apparel which are so highly flammable as to be dangerous, or the suppression or restraint of competition through conspiracy or discriminatory or monopolistic practices. The Commission reserves the right in all cases to withhold the privilege of disposition by voluntary agreement.

§ 1.52 *Notice.* When there is reason to believe that disposition by voluntary agreement will effectively prevent further violations of law, the investigational file is referred to the Division of Stipulations, Bureau of Consultation, for negotiation of a stipulation as to the facts and agreement to cease and desist. The respondent is notified of such reference and of the violations of law alleged, and a date is set, on or before which he may reply thereto.

§ 1.53 *Reply.* Reply may be in the form of a letter, or proposed respondent, or his authorized representative, may, upon request, confer with the Chief, Division of Stipulations, or with a duly designated attorney-conferee.

§ 1.54 *Stipulation.* The stipulation shall consist of a statement setting forth the material facts concerning the acts or practices deemed to be violative of law and an agreement to cease and desist therefrom. When executed by proposed respondents and satisfactory to the Chief, Division of Stipulations, and Director, Bureau of Trade Practice Conferences, the stipulation is submitted to the Commission for its consideration.

§ 1.55 *Effect of stipulation.* When an executed stipulation is approved by the Commission the matter is closed without prejudice to the right of the Commission to reopen if and when warranted by the facts. The agreement is for settlement purposes only and does not constitute an admission by the parties that they have engaged in any method, act or practice violative of law.

§ 1.56 *Public record.* All stipulations shall be matters of public record.

§ 1.57 *Compliance.* (a) Proposed respondent, within sixty (60) days of the approval of such stipulation, shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with such agreement.

(b) Within its discretion, the Commission may require any party entering into such a stipulation to file with the Commission, from time to time thereafter, further reports in writing, setting forth in detail the manner and form in which they are complying with said stipulation.

(c) Reports of compliance shall be signed by the parties stipulating.

(d) Failure to file a satisfactory report of compliance will result in further appropriate action by the Commission.

SUBPART F—INFORMAL PROCEDURES UNDER THE ANTI-MERGER LAW

§ 1.61 *Purpose.* The Commission has adopted an informal procedure in order to assist businessmen to know in advance the legal problems that will be involved in a proposed merger and to give them informally the benefit of staff views on those problems.

§ 1.62 *Conferences.* Inquiries from parties interested in acquiring either the stock or physical assets of another business should be addressed to the Secretary. The facts relating to the proposed transaction may be submitted either in writing or in conference. Further conferences and submittals of information may be required.

§ 1.63 *Advice.* On the basis of the facts submitted by the parties as well as other information available to the Commission, the parties are informed whether or not consummation of the merger would be likely to result in further action by the Commission.

SUBPART G—ECONOMIC SURVEYS AND REPORTS

§ 1.71 *Authority.* General and special economic surveys and investigations are conducted by the Bureau of Economics under the authority of the various laws which the Federal Trade Commission administers. These laws, among other things, empower the Commission to ascertain the facts with respect to the organization, business, conduct, practices and management of corporations subject to its jurisdiction and the relations of any such corporation to other corporations and to individuals, associations and partnerships. The Commission may in any such survey or investigation invoke any or all of the compulsory processes authorized by law.

§ 1.72 *Purpose.* Compilations of market information and facts respecting corporate relations and competitive conditions and practices are prepared for use in the Commission's law enforcement and factual reporting work. In connection with the discharge of these responsibilities, two types of economic studies and reports are made:

(a) *Economic evidence.* Market information and facts needed by the Commission in connection with its examination of the competitive consequences of business practices or activities covered by sections 2, 3, 7, and 8 of the Clayton Act and section 5 of the Federal Trade Commission Act are obtained from compilations of published information and first-hand surveys of companies operating in particular markets.

(b) *Published reports.* The economic studies which appear as published reports of the Commission are made under its responsibility as a factfinding and reporting agency. They may form part of a continuing series or they may be individual studies. These studies are directed to ascertaining the organization, business, conduct, practices, management, and relation to other businesses of corporations subject to the jurisdiction of the Federal Trade Commission. Such investigations are conducted at the request of the President, at the direction of the Congress, at the request of the Attorney General or other government agencies, or on the initiative of the Commission.

(1) *Financial reports.* A continuing financial reporting program is carried on in cooperation with and under the general sponsorship of the Office of Statistical Standards of the Bureau of the Budget and its interagency and industry advisory committees. Published reports present estimates of national aggregates of financial items of a consolidated income statement and balance sheet of all manufacturing corporations. These statistics are the authoritative source of current information about the financial characteristics of different groups of industries and of various classes of small, medium, and large manufacturing corporations.

(2) *Other reports.* Individual economic reports deal with competitive practices and competitive relationships in specific industries, or with specific

competitive practices and relationships in a range of industries, or classify corporations in various ways as, for example, by asset size, sales patterns, or number of operating units. In general they deal with the status of competition and the prevalence of monopolistic or trade-restraining practices and trends found to exist in commerce, and suggest remedial measures. Where existing law is regarded as inadequate to protect the public interest, they are accompanied by suggestions for remedial legislation.

SUBPART H—ADMINISTRATION OF THE WOOL PRODUCTS LABELING ACT, FUR PRODUCTS LABELING ACT AND FLAMMABLE FABRICS ACT

§ 1.81 *Administration.* The general administration of the Wool Products Labeling Act, Fur Products Labeling Act and Flammable Fabrics Act and the respective rules and regulations thereunder is carried out under the direction of the Commission by the Bureau of Investigation through its Division of Wool, Fur and Flammable Fabrics. Locations of Wool, Fur and Flammable Fabrics offices are set forth in § 1.6. Any affected person may obtain copies of the several Acts and Rules and Regulations upon request to the Commission.

(a) *Wool.* The Wool Products Labeling Act provides for a fiber content disclosure of all products containing or purporting to contain woolen fibers which are subject to its provisions. Products subject to the act must carry labels showing the respective percentages of the fibers contained therein and the name or registered identification number of the manufacturer or concern responsible for such content disclosure. The act also prohibits the use of false or deceptive labels. The manufacturer of wool products, in addition to labeling, is required to maintain records of fiber content.

(b) *Fur.* The Fur Products Labeling Act provides in substance that sellers of fur products shall label such products to show the true name of the animal that produced the fur as set forth in the Fur Products Name Guide established by the Commission as provided in the act; that the fur or fur product is composed of used fur, when such is the fact; that the fur or fur product is bleached, dyed or otherwise artificially colored, when such is the fact; that the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur, when such is the fact; the name or registered identification of the manufacturer or distributor of the fur product; and the name of the country of origin of any imported fur used in a fur product. This act also covers the advertising and invoicing of furs and fur products with a small quantity or value of fur. Records are required to be maintained by manufacturers or handlers of furs and fur products.

(c) *Flammable fabrics.* The Flammable Fabrics Act prohibits the sale of articles of wearing apparel and fabrics intended or sold for use in wearing apparel which are, under the prescribed test set forth in the act, found to be so highly flammable as to be dangerous when worn by individuals. The statute adopted Commercial Standard 191–53 and 192–53 as the guide for a determination of whether the material is dangerously flammable.

§ 1.82 *Rules.* Rulemaking procedures are described in §§ 2.1 to 2.8 of this chapter.

§ 1.83 *Injunction and condemnation.* Procedures are described in §§ 1.113 and 1.114.

§ 1.84 *Registered identification numbers.* Registered identification numbers are issued by the Commission under the provisions of § 300.4 of this chapter (Rule 4 of the regulations, as amended, under the Wool Products Labeling Act), and § 301.26 of this chapter (Rule 26 of the regulations under the Fur Products Labeling Act). Such numbers are for use as and for the name of the holder of the number in satisfying the name requirement in labeling under the respective acts. Any person marketing wool or fur products in commerce may file an application with the Commission for issuance of a registered identification number. The Commission will furnish application forms upon request. Numbers are issued when, upon examination of the application, the applicant is found to come within the terms of the applicable rules and regulations. Numbers are subject to revocation for cause or upon a change in business status or discontinuance of business.

§ 1.85 *Continuing guaranties.* Continuing guaranties may be filed with the Commission under section 9 of the Wool Products Labeling Act and § 300.33 of this chapter (Rule 33 of the Rules and Regulations), section 10 of the Fur Products Labeling Act, and § 301.48 of this chapter (Rule 48 of the Rules and Regulations), and section 8 of the Flammable Fabrics Act and § 302.10 of this chapter (Rule 10 of the Rules and Regulations). Upon receipt of continuing guaranties duly executed according to form and substance as prescribed in the applicable rules and regulations they are filed and made of public record. Continuing guaranties under the Wool and Fur Acts are renewable annually and those under the Flammable Fabrics Act every three years, and at such other times as any change is made in the legal business status of the person filing the continuing guaranty. Necessary forms may be obtained from the Commission upon request.

§ 1.86 *Inspections and counseling.* The Commission maintains a staff of representatives to carry on compliance inspection and industry counseling work among manufacturers and marketers of wool and fur products as well as articles of wearing apparel and fabrics subject to the provisions of the Flammable Fabrics Act. Administrative action to effect correction of minor infractions on a voluntary basis is taken in those cases where such procedure is believed adequate to effect immediate compliance and protect the public interest. Where inspections reveal violations of a major nature they are fully investigated and referred for such corrective and remedial procedures as appear justified and necessary in the public interest.

SUBPART I—EXPORT TRADE ACT ADMINISTRATION

§ 1.91 *Limited antitrust exemption.* The Webb-Pomerene Export Trade Act extends the jurisdiction of the Commission under the Federal Trade Commission Act to unfair methods of competition used in export trade against competitors engaged in export trade, even though the acts constituting such unfair methods are done without the territorial jurisdiction of the United States, authorizes the organization and operation of export trade associations, and extends to them certain limited exemptions from the Sherman Act and the Clayton Act. The Export Trade Act is administered in the Division of Export Trade, Office of the General Counsel.

§ 1.92 *Prohibitions.* The act provides that an export trade association, to maintain the exemptions extended, must engage solely in export trade and must not restrain the export trade of any domestic competitor of such association, restrain trade within the United States, artificially or intentionally enhance or depress prices within the United States of commodities of the class exported by such association, or substantially lessen competition within the United States or otherwise restrain trade therein.

§ 1.93 *Notice to Commission.* To gain the benefits of the act, an export trade association is required to file with the Commission, within thirty (30) days after creation, a verified written statement setting forth the location of its offices and places of business, names and addresses of its officers, stockholders, or members, and copies of its documents of incorporation or association. On the first day of January of each year thereafter, each association must file a like statement.

§ 1.94 *Special reports.* The statute provides further that to maintain the benefits extended, each export trade association shall furnish to the Commission such information as the Commission may require as to its organization, business, conduct, practices, management, and relation to other associations, corporations, partnerships, and individuals.

§ 1.95 *Recommendations.* Whenever the Commission shall have reason to believe that an association has violated the prohibitions of section 2 of the act, it shall summon the association and thereafter conduct an investigation. Upon investigation, if it shall conclude that the law has been violated, it may make to such association recommendations for the readjustment of its business.

SUBPART J—TRADE MARK PROCEDURE

§ 1.101 *Authority.* The Trade Mark Act of 1946 authorizes the Commission to institute proceedings before the Commissioner of Patents in certain circumstances for cancellation of the registration of marks which do not conform to the requirements enumerated in the act. The functions delegated to the Commission by this act are administered in the Bureau of Investigation.

§ 1.102 *Applications.* Applications to the Commission for the institution of proceedings for the cancellation of registration of trade, service, or certification marks should be in writing, signed by or in behalf of the applicant, and should contain a short and simple statement of the facts constituting the alleged basis for cancellation, the name and address of the applicant and the party complained of, together with all relevant and available information. No forms or formal procedure are required in making such an application. Such investigation as is required to secure the facts necessary for determining whether cancellation proceedings should be instituted will be made in appropriate cases.

§ 1.103 *Procedure.* Applications from members of the public and governmental agencies seeking the intervention of the Commission under this act are referred to the Director of the Bureau of Investigation for consideration, investigation and report to the Commission with recommendation. If, after consideration of the matter, the Federal Trade Commission concludes that application for cancellation of the mark is appropriate it institutes proceedings before the Commissioner of Patents for cancellation of the registration.

§ 1.104 *Patent Office rules.* Proceedings instituted by the Federal Trade Commission for cancellation of registration before the Commissioner of Patents are subject to the rules and regulations of that agency (37 CFR Ch. I).

SUBPART K—INJUNCTIVE AND CONDEMNATION PROCEEDINGS

§ 1.111 *Injunctions pending Commission action.* In those instances where it appears to the Commission that the public interest requires such action, it is the policy of the Commission to apply to the courts for injunctive relief pursuant to the provisions of section 13 of the Federal Trade Commission Act, when it has reason to believe that:

(a) The advertising of a food, drug, device or cosmetic is false in a material respect and there is reasonable probability that the use of the product may cause serious injury to health;

(b) Such product is falsely represented in advertisements as an adequate treatment for conditions in which the failure to administer adequate treatment may seriously imperil health;

(c) The advertising of such product is false in a material respect and there is reasonable probability that its dissemination will result in irreparable and substantial financial injury to the public.

§ 1.112 *Injunctions pending court review.* Where petition for review of an order to cease and desist has been filed in any United States Court of Appeals, the Commission may, under section 5 of the Federal Trade Commission Act, petition the court for an injunction to prevent injury to the public or competitors *pendente lite.*

§ 1.113 *Injunction, Wool, Fur and Flammable Fabrics cases.* In those cases arising under the Wool Products Labeling Act, Fur Products Labeling Act and Flammable Fabrics Act, where it appears to the Commission that the public interest requires such action, the Commission will apply to the courts for injunctive relief, pursuant to the authority granted in such acts.

§ 1.114 *Condemnation proceedings.* In those cases arising under the Wool Products Labeling Act, Fur Products Labeling Act and Flammable Fabrics Act, and especially the latter where the public may be endangered, and where it appears to the Commission that the public interest requires such action, the Commission will apply to the courts for condemnation, pursuant to the authority granted in such acts.

SUBPART L—COOPERATION WITH OTHER AGENCIES

§ 1.121 *General policy.* (a) In the exercise of its jurisdiction with respect to practices and commodities concerning which other Federal agencies also have functions, it is the established policy of the Commission to cooperate with such agencies to avoid unnecessary overlapping or possible conflict of effort.

(b) With all such agencies the Commission cooperates in furnishing information prior to the expenditure of time and effort for investigation or other steps preliminary to specific regulatory action. Liaison is conducted to promote uniformity of actions and enforcement of law in the public interest.

(c) It is the policy of the Commission not to institute proceedings in matters such as the labeling or branding of commodities where the subject matter of the questioned portion of the labeling or branding used is, by specific legislation, made a direct responsibility of another Federal agency.

(d) In proceedings involving false advertisements of food, drugs, cosmetics, and devices as defined in section 15 of the Federal Trade Commission Act, account is taken of the labeling requirements of the Food and Drug Administration in any corrective action applied to the advertising. In the case of advertisements of food, drugs, cosmetics, or devices which are false because of failure to reveal facts material with respect to the consequences which may result from the use of the commodity, it is the policy of the Commission to proceed only when the resulting dangers may be serious or the public health may be impaired, and in such cases to require that appropriate disclosure of the facts be made in the advertising.

SUBPART M—PUBLIC AND CONFIDENTIAL INFORMATION

§ 1.131 *Requests.* (a) All written requests for information should be addressed to the Commission at its principal office.

(b) Where the request is for materials of which copies are not available and photostating or reproduction by other means is required, such service will be provided upon payment of the costs involved.

§ 1.132 *Public information.* (a) Annually, subsequent to the end of the fiscal year, the Commission makes a report to Congress summarizing its work during the year. Such reports are available for inspection at the Commission and Government depositories, and copies thereof may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

(b) The Commission's rules of practice and procedure and a description of its organization and policies are published in the FEDERAL REGISTER. Copies thereof may be obtained from the Commission upon request.

(c) The decisions of the Commission in adjudicative proceedings and digests of accepted informal agreements to cease and desist from unlawful practices are published periodically in official reports under the title "Federal Trade Commission Decisions."

(d) Rules issued under the Wool Products Labeling Act, the Fur Products Labeling Act, and the Flammable Fabrics Act pursuant to Subpart A of Part 2 of this chapter (§§ 2.1 to 2.8), quantity limit rules issued under section 2 (a) of the Clayton Act, as amended by the Robinson-Patman Act, pursuant to Subpart B of Part 2 of this chapter (§§ 2.11 to 2.18), and Trade Practice Conference Rules for respective industries, issued under Subpart C of Part 2 of this chapter (§§ 2.21 to 2.32), are published in the FEDERAL REGISTER. Copies thereof may be obtained upon request to the Commission.

(e) The pleadings, transcript of testimony, exhibits and all documents received in evidence or made a part of the record in adjudicative proceedings, records of hearings in all rule-making proceedings and continuing guaranties filed under the Wool, Fur and Flammable Fabrics Acts are available at the principal office of the Commission for inspection and copying at reasonable times. Where copies of such materials are desired, § 1.31 (b) applies.

(f) After having been received and filed, reports of compliance filed under § 3.26 of this chapter, describing the manner and form in which respondents allege they have complied with the Commission's orders to cease and desist, are available at the principal office of the Commission for inspection and copying at reasonable times, unless in the opinion of the General Counsel they contain information of a confidential nature, in which case request for release may be made to the Commission pursuant to the provisions of § 1.134. Where copies are desired, § 1.131 (b) applies.

(g) Additional information concerning the activities of the Commission is released from time to time through the Commission's Office of Information.

§ 1.133 *Confidential information.* (a) The records and files of the Commission, and all documents, memoranda, correspondence, exhibits, and information of whatever nature, other than the documentary matters above described, coming into the possession or within the knowledge of the Commission or any of its officers or employees in the discharge of their official duties, are confidential, and none of such material or information may be disclosed, divulged, or produced for inspection or copying except under the procedures set forth in § 1.134.

(b) Under section 10 of the Federal Trade Commission Act, any officer or employee of the Commission who shall

make public any information obtained by the Commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five thousand ($5,000) dollars, or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court.

§ 1.134 *Release of confidential information.* (a) Upon good cause shown, the Commission may by order direct that certain records, files, papers, or information be disclosed to a particular applicant.

(b) Application by a member of the public for such disclosure shall be in writing, under oath, setting forth the interest of the applicant in the subject matter; a description of the specific information, files, documents, or other material inspection of which is requested; whether copies are desired; and the purpose for which the information or material, or copies, will be used if the application is granted. Upon receipt of such an application the Commission will take action thereon, having due regard to statutory restrictions, its rules, and the public interest.

(c) In the event that confidential material is desired for inspection, copying, or use by some agency of the Federal or a State Government, a request therefor may be made by the administrative head of such agency. Such request shall be in writing, and shall describe the information or material desired, its relevancy to the work and function of such agency and, if the production of documents or records or the taking of copies thereof is asked, the use which is intended to be made of them. The Commission will consider and act upon such requests, having due regard to statutory restrictions, its rules, and the public interest.

PART 2—RULEMAKING PROCEDURES

Subpart A—Wool, Fur and Flammable Fabrics Rules

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Subpart D—Rules of Practice and Procedural Rules

2.41 Rules of practice and procedural rules.

AUTHORITY: §§ 2.1 to 2.41 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46.

SUBPART A—WOOL, FUR AND FLAMMABLE FABRICS RULES

§ 2.1 *Authority.* Substantive rules are authorized under section 6 of the Wool Products Labeling Act of 1939 (15 U. S. C. 68d), section 8 of the Fur Products Labeling Act (15 U. S. C. 69f), and section 5 of the Flammable Fabrics Act (15 U. S. C. 1194). These rules have the force and effect of law.

§ 2.2 *How initiated.* Proceedings are initiated by the Commission.

§ 2.3 *Notice.* General notice of the proposed promulgation of a rule shall be published in the FEDERAL REGISTER and shall include (a) a statement of the time, place and nature of public rulemaking proceedings, (b) reference to the authority under which the rule is proposed, and (c) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

§ 2.4 *Participation by interested parties.* The Commission affords interested persons an opportunity to participate in the rulemaking through submission of written data, views or arguments. Oral argument thereon may be granted within the discretion of the Commission.

§ 2.5 *Adoption of rules.* The Commission, after consideration of all relevant matter presented, thereupon formulates its rules, incorporating in rules adopted a concise general statement of their basis and purpose.

§ 2.6 *Publication.* After adoption, rules are published in the FEDERAL REGISTER. Copies may be obtained from the Commission.

§ 2.7 *Effective date.* Any rule, or amendment, or repeal thereof shall become effective not less than thirty (30) days after the required publication thereof in the FEDERAL REGISTER, except as otherwise provided by the Commission upon good cause found and published with such rule, amendment, or repeal.

§ 2.8 *Petitions.* Any interested person may petition for the issuance, amendment or repeal of a rule. Proceedings for amendment or repeal shall be the same as for the issuance thereof.

SUBPART B—QUANTITY LIMIT RULES

§ 2.11 *Authority.* Quantity limit rules are authorized by section 2 (a) of the Clayton Act, as amended by the Robinson-Patman Act. These are substantive rules having the force and effect of law.

§ 2.12 *How initiated.* Proceedings for the establishment of a quantity limit rule are initiated by resolution of the Commission either upon its own motion or pursuant to petition therefor.

§ 2.13 *Petitions.* Any interested party may at any time file with the Commission in writing a petition for the establishment of a quantity limit rule for any commodity or class of commodities, or for the revision or repeal of a previously established rule. Such petition shall state the petitioner's interest and the facts showing the need for the action requested.

§ 2.14 *Investigation.* (a) If the Commission believes that consideration should be given to the fixing of quantity limits for a particular commodity or class of commodities, it initiates investigation. In any such investigation the Commission may invoke any or all of the compulsory processes authorized by law.

(b) The investigation shall be nonpublic and facts and information so obtained, such as the names of purchasers, the volume of their purchases, prices paid, conditions of sale and the details of competitive relations shall not be published except in composite form so as not to reveal facts as to specific parties.

§ 2.15 *Hearing on proposed quantity limit rule*—(a) *Formulation of proposed rule.* When, after due consideration of the facts and information so obtained, it shall appear to the Commission that available purchasers in greater quantities are so few as to render differentials on account thereof unjustly discriminatory or promotive of monopoly in any line of commerce, it shall formulate a proposed quantity limit rule.

(b) *Publication of proposed rule.* The proposed quantity limit rule shall be published in the FEDERAL REGISTER and otherwise, to the extent practicable, made available to interested parties, and the notice thereof shall include the following:

(1) The rule, amended rule, or repeal proposed;

(2) A statement of the purpose to be accomplished by the proposed rule, together with a reference to the authority under which the rule is proposed and the ultimate matters of fact in support thereof;

(3) A statement of the time within which any interested person may present to the Commission in writing, in accordance with paragraph (c) (1) of this section, any data, views or argument concerning the proposed rule and within which time to present, if desired, a request for opportunity to be heard orally thereon.

(c) *Method of presenting views, data and argument.*

(1) *Written data.* Seven copies of such written views, data and argument shall be submitted to the Commission and shall conform to the requirements of § 3.30 of this chapter.

(2) *Oral hearing.* Oral hearing may be granted within the discretion of the Commission.

§ 2.16 *Promulgation of quantity limit rule.* After the consideration of the results of its investigation or investigations and of the data, views and arguments presented by interested parties, the Commission will, if it deems such action warranted, promulgate a quantity limit rule. Such rule, which may be the proposed rule or a modification or revision thereof, shall fix and establish maximum quantities of the particular commodity or class of commodities upon which differentials on account of quantity may thereafter be granted. Such quantity limit rule shall be published in the FEDERAL REGISTER, together with a reference to the authority or authorities therefor, a statement of its basis and purpose, and the effective date thereof, which shall be not less than thirty (30) days after the date of such publication.

§ 2.17 *Amendment or repeal of quantity limit rule.* The procedure for the amendment or repeal of a quantity limit rule shall be the same as that for the establishment of a new quantity limit rule. Any interested party may at any time file a petition for the amendment or repeal of a rule.

§ 2.18 *Enforcement of quantity limit rule.* Procedure in cases of violations of a quantity limit rule shall be in accordance with the Commission's applicable rules of practice.

SUBPART C—TRADE PRACTICE CONFERENCE RULES

§ 2.21 *Purpose.* Trade practice rules are in the nature of advisory opinions for the guidance of businessmen. Trade practice conference rules are designed to eliminate and prevent, on a voluntary and industry-wide basis, trade practices and methods of competition and business behavior in an industry which constitute violations of laws administered by the Commission.

§ 2.22 *Content.* Rules promulgated for industries are of two classifications, namely, Group I and Group II. No rules will be promulgated for an industry which consists solely of those within the Group II classification. The Group I rules are those which define practices which are considered by the Commission to be violative of laws administered by it. They afford guidance to the industry members as to legal requirements. The Group II rules are those which reflect the industry's views and recommendations as to desirable or undesirable practices. No Group II rule will be accepted and promulgated by the Commission for an industry when containing provisions which purport to sanction any practice which is contrary to law, or which, in the opinion of the Commission, may not be in accordance with the public interest.

§ 2.23 *Application.* Application for a trade practice conference may be filed with the Commission by any interested person, party or group. Such application shall be in writing and shall be signed by the applicant or the duly authorized representative of the applicant or group desiring such conference. The following information, to the extent known to the applicant, shall be furnished with such application or in a supplement thereto: (a) a brief description of the industry, trade, or subject to be treated; (b) the kind and character of the products involved; (c) the size or extent and the divisions of the industry or trade groups concerned; (d) the estimated total annual volume of production or sales of the commodities involved; (e) list of membership of the industry or trade groups concerned in the matter; and (f) a brief statement of the acts, practices, methods of competition or other trade practices desired to be considered, or drafts of suggested trade practice rules.

§ 2.24 *When authorized.* Trade practice conference proceedings are authorized by the Commission whenever such proceedings appear to the Commission to have possibilities (a) of constructively advancing the best interests of industry on sound competitive principles in consonance with public policy, or (b) of bringing about more adequate or equitable observance of laws under which the Commission has jurisdiction, or (c) of otherwise protecting or advancing the public interest.

§ 2.25 *Informal discussions with members of the Commission's staff.* Any interested person or group may, upon request, be granted opportunity to confer in respect to any proposed trade practice conference with the Commission's trade practice conference office, either prior or subsequent to the filing of any such application. They may also submit any pertinent data or information which they desire to have considered. Such submission shall be made during such period of time as the Commission or its duly authorized official may designate.

§ 2.26 *Industry conferences.* Due notice of the time and place of any such authorized conference shall be issued by the Commission and published in the FEDERAL REGISTER. A member of the Commission or of its staff shall conduct the conference pursuant to direction of the Commission and in such manner as will facilitate the proceeding and afford appropriate consideration of matters properly coming before the conference. A transcript of the conference proceedings shall be made, which, together with all rules, resolutions, modifications, amendments or other matters offered, shall be submitted to the Commission for its consideration.

§ 2.27 *Public hearing on proposed rules.* After the conference, and after due consideration has been given to information developed at the conference or otherwise available, a draft of proposed rules in appropriate form shall be prepared and released by the Commission and a public hearing thereon shall be scheduled. Notice of the time and place of such public hearing shall be published in the FEDERAL REGISTER and copies of the released proposed rules and notice shall be mailed to all members of the industry of which the Commission may have knowledge. At the hearing industry members and all other interested parties, including consumers, may appear and express their views as to the rules and may suggest such amendments, revisions, and supplementation thereto as they may consider to be desirable and appropriate. Suggestions and views of industry members and interested parties as to the proposed rules may also be submitted in writing at any time prior to the scheduled public hearing.

§ 2.28 *Publication of rules.* When final trade practice rules have been approved by the Commission, they shall be published in the FEDERAL REGISTER. Said rules shall become operative thirty (30) day after the date of publication or at such other time as may be specified by the Commission. Copies of the final rules shall be made available at the office of the Commission. Under the procedure of the Commission a copy of the trade practice rules is sent to each member of the industry whose name and address is available.

§ 2.29 *Voluntary compliance.* The entire procedure is aimed at voluntary observance. To encourage this, the Commission circulates to industry members with the rules an acceptance form providing opportunity to each member to signify his intention to observe the rules in the conduct of his business.

§ 2.30 *Violations.* Complaints as to the use, by any person, corporation or other organization, of any act, practice or method inhibited by the rules may be made to the Commission by any person having information thereof. Such complaints will receive the attention of the Commission and appropriate action will be taken to effect such correction as is warranted. In addition, the Commission may on its own motion take such steps to stop violations of the rules as may be proper under the circumstances. Formal complaint proceedings involving practices which are violative of trade practice rules charge violation of the statutory provision on which the rules are premised, and do not charge violation of the trade practice rule.

§ 2.31 *Amendment or repeal of rules.* Any interested person, party or group may petition for the amendment or repeal of a rule. The application shall be in writing, signed by the applicant or his duly authorized representative, and shall set forth the reasons for the requested action. When an amendment of trade practice rules for an industry is requested, the Commission may, at its discretion, direct that only a conference or hearing be held in lieu of the industry conference and hearing on proposed rules provided for in the initial establishment of trade practice rules for industries. The Commission may initiate proceedings for amendment or repeal of trade practice rules for industries on its own motion.

§ 2.32 *Effect on pending proceedings*—(a) *Prior to complaint.* Upon the promulgation of trade practice conference rules for an industry an examination will be made of all charges of law violations by members of that industry then pending before the Commission which have not reached the formal stage through the issuance of complaint. In those instances in which the pending charges are adequately covered by the trade practice conference rules, and which are not excluded by the policy set forth in § 1.51 of this chapter, the Commission will consider the advisability of closing the matters. In such instances consideration will be given to whether or not a proposed respondent has subscribed to the trade practice conference

rules for his industry, to whether or not there is adequate reason to believe that he is in fact complying with such rules and will continue to do so, and to whether or not the public interest requires any further proceedings.

(b) *After complaint.* Upon the promulgation of trade practice conference rules for an industry, formal complaints which have not then been adjudicated and in which the charges are adequately covered by such rules, and which are not excluded by the policy set forth in § 1.51 of this chapter, may be made the subject of a motion to suspend submitted pursuant to the provisions of § 3.8 of this chapter. In ruling upon such motions, consideration will be given to factors similar to those outlined in paragraph (a) of this section with respect to informal matters.

SUBPART D—RULES OF PRACTICE AND PROCEDURAL RULES

§ 2.41 *Rules of practice and procedural rules.* Rules of practice and procedural rules are formulated by the Commission with the help and advice of its Committee on Administrative Procedure and Rules and other advisory groups or parties. Any interested person, party or group may petition for the issuance, amendment, or repeal of any rule. Rules of practice and procedural rules are published in the FEDERAL REGISTER.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart A—Scope of Rules; Nature of Adjudicative Proceedings

Sec.
3.1 Scope of the rules in this part.
3.2 Nature of adjudicative proceedings.

Subpart B—Commencement of Proceeding; Service by Commission; Service by Other Parties; Time

3.3 Commencement of proceeding.
3.4 Service.
3.5 Time.

Subpart C—Complaint, Answer, Default, and Motions; Amendments and Supplemental Pleadings; Pre-Hearing Procedure; Voluntary Intervention and Amicus Curiae

3.6 Complaint.
3.7 Answer; default.
3.8 Motions.
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Subpart D—Depositions; Admissions; Evidence

3.12 Depositions.
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AUTHORITY: §§ 3.1 to 3.30 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46.

SUBPART A—SCOPE OF RULES; NATURE OF ADJUDICATIVE PROCEEDINGS

§ 3.1 *Scope of the rules in this part.* The rules in this part govern procedure in adjudicative proceedings before the Federal Trade Commission.

§ 3.2 *Nature of Adjudicative proceedings.* Adjudicative proceedings are those conducted by virtue of any one or more of the following: Sections 5 and 12 of the Federal Trade Commission Act (15 U. S. C. 45 and 52), sections 2, 3, 7, 8, and 11 of the Clayton Act (15 U. S. C. 13, 14, 18, 19, and 21), section 4 (a) of the Oleomargarine Act (15 U. S. C. 55 (a) (2)), section 4 of the Export Trade Act (15 U. S. C. 64), sections 3, 5, 6, and 9 of the Wool Products Labeling Act (15 U. S. C. 68a, 68c, 68d, and 68g), sections 3, 6, 8, and 10 of the Fur Products Labeling Act (15 U. S. C. 69a, 69d, 69f, and 69h), sections 3, 5, and 8 of the Flammable Fabrics Act (15 U. S. C. 1192, 1194, and 1197), and do not include other administrative proceedings such as investigational hearings held prior to the commencement of formal proceedings or to inquire into the manner and extent of compliance with outstanding orders, trade practice conferences, proceedings for fixing quantity limits under section 2 (a) of the Clayton Act (15 U. S. C. 13 (a)), investigations under section 5 of the Export Trade Act (15 U. S. C. 65), proceedings under section 8 of the Wool Products Labeling Act (15 U. S. C. 68 (f)), under section 9 of the Flammable Fabrics Act (15 U. S. C. 1198), or other proceedings.

SUBPART B—COMMENCEMENT OF PROCEEDING; SERVICE BY COMMISSION; SERVICE BY OTHER PARTIES; TIME

§ 3.3 *Commencement of proceeding.* An adjudicative proceeding is commenced by the issuance and service of a complaint by the Commission.

§ 3.4 *Service*—(a) *By the Commission.* (1) Service of complaints, orders and other processes of the Commission may be effected as follows:

(i) *By registered mail.* A copy of the document shall be addressed to the person, partnership, corporation or unincorporated association to be served at his or its principal office or place of business, registered, and mailed; or

(ii) *By delivery to an individual.* A copy thereof may be delivered to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation or unincorporated association to be served; or

(iii) *By delivery to an address.* A copy thereof may be left at the principal office or place of business of the person, partnership, corporation or unincorporated association to be served. When the proceeding is under the Federal Trade Commission Act, service may also be effected at the residence of the person or of a member of the partnership or of an executive officer or director of the corporation or unincorporated association to be served.

(2) Documents other than complaints, orders and other processes of the Commission, the service of which starts the running of prescribed periods of time provided or allowed by any of the rules in this part or by any order of the Commission or a hearing examiner for the performance of some act or the occurrence of some event or development, shall be served in the same manner as complaints, orders and other processes of the Commission.

(3) All other documents may be similarly served, or they may be served by ordinary first-class mail.

(b) *By other parties.* Service of documents by parties other than the Commission shall be by delivering copies thereof as follows: Upon the Commission, by personal delivery or delivery by first-class mail to the office of the Secretary of the Commission; upon any other party, by delivery to the party. If the party is an individual or partnership, delivery shall be to such individual or a member of the partnership; if a corporation or unincorporated association, to an officer or agent authorized to accept service of process therefor. Delivery to a party other than the Commission means handing to the individual, partner, officer, or agent; leaving at his office with a person in charge thereof, or, if there is no one in charge or if the office is closed or if he has no office, leaving at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or sending by mail.

(c) *Proof of service.* (1) When service is by mail, registered or ordinary first-class, it is complete upon delivery of the document by the post office.

(2) When a party has appeared in a proceeding by a partner, officer, or attorney, service upon such partner, officer, or attorney of any document other than a complaint, order or other process of the Commission shall be deemed service upon the party.

(3) The return post office receipt for a document registered and mailed, or the verified return or certificate by the person serving the document by personal delivery or ordinary mail, setting forth the manner of said service, shall be proof of the service of the document.

§ 3.5 *Time*—(a) *Computation.* Computation of any period of time prescribed or allowed by these rules, by order of the Commission or a hearing examiner, or by any applicable statute, shall begin with the first business day following that on which the act, event or development initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the office of the Commission is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and national holidays counted, is less than seven days, each of the Saturdays, Sundays and such holidays shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays and national holidays counted, exceeds seven days, each of the Saturdays, Sundays, and such holidays shall be included in the computation.

(b) *Extensions.* For good cause shown, the hearing examiner may, in any proceeding before him, extend any time limit prescribed or allowed by these rules or by order of the Commission or the hearing examiner, except those governing submission of initial decisions and interlocutory appeals. Except as otherwise provided by law, the Commission, for good cause shown, may extend any time limit prescribed by these rules or by order of the Commission or a hearing examiner; however, in a proceeding pending before a hearing examiner, the application shall first be made to him. Applications for extensions of time shall be made by motion.

SUBPART C—COMPLAINT, ANSWER, DEFAULT, AND MOTIONS; AMENDMENTS AND SUPPLEMENTAL PLEADINGS; PRE-HEARING PROCEDURE; VOLUNTARY INTERVENTION AND AMICUS CURIAE

§ 3.6 *Complaint.* The Commission's complaint shall contain the following:

(a) Recital of the legal authority and jurisdiction for institution of the proceeding, with specific designation of the statutory provisions alleged to have been violated;

(b) A clear and concise factual statement sufficient to inform each respondent with reasonable definiteness of the type of acts or practices alleged to be in violation of the law;

(c) Notice of the time and place for hearing, the time to be at least forty-five days after service of the complaint.

§ 3.7 *Answer; default*—(a) *Answer.* A respondent shall have thirty days after service of the complaint within which to serve an answer thereto. It shall conform to the following:

(1) *Contesting allegations of complaint.* Such answer shall contain:

(i) A concise statement of the facts constituting the ground of defense;

(ii) Specific admission, denial, or explanation of each fact alleged in the complaint or, if the respondent is without knowledge thereof, a statement to that effect.

(2) *Admitting allegations of complaint.* If the respondent elects not to contest the allegations of fact set forth in the complaint, the answer shall consist of a statement that respondent admits all material allegations to be true. Such an answer shall constitute a waiver of hearing as to facts so alleged, and an initial decision containing appropriate findings and conclusions and an appropriate order disposing of the proceeding shall be issued by the hearing examiner. In such answer, the respondent may, however, reserve the right to submit proposed findings and conclusions and the right to appeal under § 3.22.

(b) *Default.* Failure of the respondent to serve answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the hearing examiner, without further notice to respondent, to find the facts to be as alleged in the complaint, to conduct a hearing to determine the form of order, and, thereafter, to enter an initial decision containing such findings and order.

§ 3.8 *Motions*—(a) *Presentation and disposition.* During the time a proceeding is before a hearing examiner, all motions therein, except as provided in § 3.15 (f) shall be addressed to and ruled upon by him, and, if in writing, shall be filed with the Secretary of the Commission. All motions addressed to the Commission shall be in writing and shall be filed with the Secretary of the Commission.

(b) *Content.* All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

(c) *Answers.* Within ten days after service of any written motion, or within such longer or shorter time as may be designated by the hearing examiner or the Commission, the opposing party shall answer or be taken to have consented to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the hearing examiner or the Commission.

(d) *Motions for extensions.* As a matter of discretion, the hearing examiner or the Commission may waive the requirements of this section as to motions for extensions of time, and may rule upon such requests *ex parte.*

§ 3.9 *Amendments and supplemental pleadings*—(a) *Amendments*—(1) *By leave.* If and whenever determination of a controversy on the merits will be facilitated thereby, the hearing examiner may, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, allow appropriate amendments to pleadings; provided, however, that an application for amendment of a complaint may be allowed only if the amendment is reasonably within the scope of the proceeding initiated by the original complaint.

(2) *Conformance to evidence.* When issues not raised by the pleadings, but reasonably within the scope of the proceeding initiated by the original complaint, are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings; and such amendments of the pleadings as may be necessary to make them conform to the evidence and to raise such issues shall be allowed at any time.

(b) *Supplemental pleadings.* The hearing examiner may, upon reasonable notice and such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 3.10 *Pre-hearing conferences.* (a) The hearing examiner may, at his discretion, direct counsel for all parties to meet with him for a conference to consider:

(1) Simplification of the issues;

(2) Necessity or desirability of amendments to pleadings, subject, however, to the provisions of § 3.9 (a) (1);

(3) Stipulations, admissions of fact and of contents and authenticity of documents;

(4) Limitation of the number of expert witnesses; and

(5) Such other matters as may aid in the disposition of the proceeding.

(b) Pre-hearing conferences, in the discretion of the hearing examiner, may be stenographically reported as provided in § 3.16 (f), but shall not be public unless all parties so agree. The record shall show the matters disposed of by agreement in such pre-trial conference. The subsequent course of the proceeding shall be controlled by such action.

§ 3.11 *Voluntary intervention and amicus curiae.* Any individual, partnership, unincorporated association, or corporation desiring to intervene in an adjudicative proceeding shall make an appropriate written application setting forth the basis therefor. The hearing examiner or the Commission may by order permit intervention to such extent and upon such terms as are provided by law or as otherwise shall be deemed proper; however, in a proceeding pending before a hearing examiner, the application shall first be made to him. The opportunity may likewise be afforded of filing an appropriate brief as *amicus curiae.*

SUBPART D—DEPOSITIONS; ADMISSIONS; EVIDENCE

§ 3.12 *Depositions*—(a) *When, how and by whom taken.* Good cause being shown, the testimony of any witness may be taken by deposition in any proceeding, whether at issue or not. Depositions may be taken orally or upon written interrogatories before any person designated by the Commission or the hearing examiner and having power to administer oaths.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the hearing examiner, setting forth the reasons why such deposition should be taken; the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; the name and post office address of each witness; and the subject matter concerning which each witness is expected to testify.

(c) *Notice.* Such notice as the hearing examiner shall order shall be given of the taking of a deposition, but this shall not be less than five days' written notice of the taking of a deposition within the United States, and not less than fifteen days' written notice when the deposition is to be taken elsewhere.

(d) *Taking and reception in evidence.* Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing and, in the presence of the offi-

cer before whom the deposition is taken, read to the witness, subscribed by him, and certified in the usual form by the officer. Thereafter, the officer shall forward the deposition, with three copies thereof, in an envelope under seal, endorsed with the title of the proceeding, to the hearing examiner, and, subject to such objections to the questions and answers as were noted at the time of taking the deposition or as would be valid were the witness personally present and testifying, such deposition may be read in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof.

§ 3.13 *Admissions as to facts and documents.* (a) At any time after answer has been filed, any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request or the admission of the truth of any relevant matters of fact set forth in such documents. Copies of the documents shall be delivered with the request unless copies have already been furnished.

(b) Each requested admission shall be deemed made unless, within a period designated by the hearing examiner, not less than ten days after service thereof, or within such further time as the hearing examiner may allow, the party so served serves upon the party making the request either (1) a sworn statement denying specifically the relevant matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny them, or (2) written objections on the ground that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with copy of a request to the hearing examiner for a hearing on the objections at the earliest practicable time. Answers on matters to which such objections are made may be deferred until the objections are determined, but if written objections are made to only a part of a request, the remainder of the request shall be answered within the period designated.

(c) Admissions obtained pursuant to this procedure may be used in evidence to the same extent and subject to the same objections as other admissions.

§ 3.14 *Evidence*—(a) *Burden of proof.* Counsel supporting the complaint shall have the burden of proof, but the proponent of any factual proposition shall be required to sustain the burden of proof with reference thereto.

(b) *Admissibility.* Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable.

(c) *Official notice of facts.* When any decision of a hearing examiner or of the Commission rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, opportunity to disprove such noticed fact shall be granted any party making timely motion therefor.

(d) *Objections.* Objections to evidence shall timely and briefly state the grounds relied upon, but the transcript shall not include argument or debate thereon except as ordered by the presiding official. Rulings on all objections shall appear in the record.

(e) *Exceptions.* Formal exception to an adverse ruling is not required to preserve the right to appeal.

SUBPART E—HEARINGS

§ 3.15 *Presiding officials*—(a) *Who presides.* All hearings in adjudicative proceedings shall be presided over by a duly qualified hearing examiner or by the Commission or one or more members of the Commission sitting as hearing examiner; and the term "hearing examiner" as used in this part means and applies to such members when so sitting.

(b) *How assigned.* The presiding hearing examiner shall be designated by the Director of Hearing Examiners, who shall notify the parties of the hearing examiner designated.

(c) *Powers and duties.* Hearing examiners shall have the duty to conduct fair and impartial hearings and to maintain order. They shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpoenas;

(3) To rule upon offers of proof and receive evidence;

(4) To take or cause depositions to be taken and to determine their scope;

(5) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(6) To hold conferences for settlement, simplification of the issues, or any other proper purpose;

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, including motions to open defaults;

(8) To make and file initial decisions;

(9) To certify questions to the Commission for its determination; and

(10) To take any action authorized by these Rules or in conformance with the provisions of the Administrative Procedure Act (5 U. S. C. 1001 to 1011).

(d) *Substitution of hearing examiner.* In the event of substitution of a new hearing examiner for the one originally designated, any motion predicated upon such substitution shall be made within twenty days thereafter.

(e) *Interference.* In the performance of their adjudicative functions, hearing examiners shall not be responsible to, nor subject to the supervision or direction of, any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for the Commission, and all directions by the Commission to hearing examiners concerning any adjudicative proceeding shall appear in and be made a part of the record.

(f) *Disqualification of hearing examiners.* (1) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record and shall notify the Director of Hearing Examiners of such withdrawal.

(2) Whenever any party shall deem the hearing examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the Commission a motion to disqualify and remove such hearing examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. Copy of such motion shall be served by the Commission on the hearing examiner whose removal is therein sought, who shall have ten days from such service within which to reply thereto. If the hearing examiner does not disqualify himself within ten days, then the Commission shall promptly determine the validity of the grounds alleged, either directly or on the report of another hearing examiner appointed to conduct a hearing for that purpose.

§ 3.16 *Hearings; transcripts*—(a) *Public hearings.* All hearings in adjudicative proceedings shall be public unless otherwise ordered by the Commission.

(b) *Rights of parties.* Every party, except intervenors, shall have the right of due notice, cross-examination, presentation of evidence, objection, motion, argument, and all other fundamental rights; also the several rights of appeal provided for in the rules in this part.

(c) *Adverse witnesses.* An adverse party, or an officer, agent, or employee thereof, and any witness who appears to be hostile, unwilling, or evasive may be interrogated by leading questions and may also be contradicted and impeached by the party calling him.

(d) *Expedition.* The taking of evidence and subsequent proceedings shall proceed with all reasonable expedition.

(e) *Notice.* Not less than ten days' notice of the time and place of any indefinitely postponed hearing shall be given, and in setting such hearings due regard shall be had for the convenience and necessity of all parties, witnesses, and counsel.

(f) *Transcripts.* Hearings shall be stenographically reported and transcribed by the official reporter of the Commission under the supervision of the hearing examiner, and the original transcript shall be a part of the record and the sole official transcript. Copies of transcripts are available to respondents and to the public from the reporter at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter.

(g) *Corrections of the transcript.* Corrections of the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided: Corrections ordered by the hearing examiner or agreed to in a written stipulation signed by all counsel and approved by the hearing examiner shall be included in the record, and such stipulations, except to the extent they are capricious or without substance, shall be approved by the hearing examiner. Corrections shall not be ordered by the hearing examiner except upon notice and opportunity for the hearing of objections. Corrections so ordered or approved shall be incorporated in the record as an appendix and when so incorporated the Secretary of the Commission shall make or cause to be made the necessary physical corrections in the official transcript so that it will incorporate the changes agreed upon or ordered. In making such physical corrections, there shall be no substitution of pages, but, to the extent practicable, such corrections shall be made by running a line through the matter to be changed, but without obliteration, and writing the matter as changed immediately above. Where the correction consists of an insertion, it shall be added, by rider or interlineation, as near as may be to the text which is intended to precede and follow it.

§ 3.17 *Subpoenas*—(a) *Subpoenas ad testificandum.* Application for issuance of a subpoena requiring a witness to appear and testify before a designated hearing examiner at a specified place and time may be made to the hearing examiner, or to the Commission.

(b) *Subpoenas duces tecum.* Application for issuance of a subpoena requiring a witness to appear before a designated hearing examiner at a specified time and place and produce specified documents shall be made in writing to the hearing examiner or to the Commission, and shall specify as exactly as possible the documents to be produced, showing their general relevancy and reasonable scope. Any motion to limit or quash such subpoena shall be filed within ten days after date of service of the subpoena.

(c) *Service.* A subpoena shall be served as provided in § 3.4 (a).

(d) *Appeal.* An appeal may be taken to the Commission within ten days from the denial of any motion to issue, limit or quash any subpoena.

§ 3.18 *Witnesses and fees.* (a) Witnesses at formal hearings shall be examined orally. Witnesses shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) Witnesses whose depositions are taken, and the persons taking such depositions, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(c) Witness fees and mileage, and fees for depositions, shall be paid by the party at whose instance witnesses appear.

§ 3.19 *Proposed findings, conclusions, and order.* At the close of the reception of evidence in an adjudicative proceeding, or within a reasonable time thereafter fixed by the hearing examiner, any party may file with the Secretary for consideration of the hearing examiner proposed findings of fact, conclusions of law, and order, together with reasons therefor. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. Upon request by any party, oral argument thereon may be allowed, and such argument shall be included in the official transcript. The official transcript shall show the hearing examiner's ruling on each proposed finding and conclusion, except when his order disposing of the proceeding otherwise unmistakably informs the parties of the action taken by him thereon.

§ 3.20 *Interlocutory Appeals.* (a) Except as provided in §§ 3.17 (d), 3.25 (e) and 3.29 (e), interlocutory appeals from rulings of a hearing examiner during the time a proceeding is pending before him shall not be entertained by the Commission except as provided in paragraph (b) of this section.

(b) (1) Interlocutory appeals shall be in the form of a brief which shall set out the grounds of the appeal and the necessity for immediate decision. The brief must be filed within ten days after notice of the adverse ruling complained of. Answer thereto may be filed within ten days after service of such appeal.

(2) The Commission, or such one or more of its members as it shall designate, shall consider the appeal forthwith, and may grant the appeal on finding that such ruling involves substantial rights and will materially affect the final decision and that a determination of its correctness before the conclusion of the trial would better serve the interests of justice. Such an appeal shall not operate to suspend the hearings unless otherwise ordered by the hearing examiner or by the Commission.

(c) No error in a ruling of a hearing examiner is waived by failure to take an interlocutory appeal. On appeal from the initial decision, any such ruling may be assigned as error where such ruling is shown to have substantially affected the rights of the complaining party.

SUBPART F—DECISION AND ORDER

§ 3.21 *Initial decision*—(a) *When filed and when effective.* Within thirty days after the date of the order closing a proceeding before the hearing examiner or from the date of submission of an agreement containing a consent cease and desist order which is accepted, the hearing examiner shall make and file an initial decision which shall become the decision of the Commission thirty days after service thereof upon the parties unless prior thereto (1) an appeal is perfected under § 3.22; (2) the Commission by order stays the effective date of the decision; or (3) the Commission issues an order placing the case on its own docket for review; provided, however, that failure to perfect an appeal pursuant to notice of intention to do so, by the filing of an appeal brief within the time prescribed in § 3.22 (a), shall extend for ten days the period within which the Commission may place the case on its own docket for review. A copy of the initial decision in an adjudicative proceeding shall be served upon each counsel or other representative who has appeared pursuant to § 3.29.

(b) *Content.* An initial decision shall include a statement of (1) findings and conclusions, with the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (2) an appropriate order, and shall be based upon a consideration of the whole record and supported by reliable, probative, and substantial evidence.

(c) *By whom made.* The initial decision in an adjudicative proceeding shall be made and filed by the hearing examiner who presided therein, except when he shall have become unavailable to the Commission.

(d) *Reopening; termination of hearing examiner's jurisdiction.* (1) At any time prior to the filing of his initial decision, a hearing examiner may reopen the proceeding for the reception of further evidence.

(2) Except for the correction of clerical errors, the jurisdiction of the hearing examiner is terminated upon the filing of his initial decision, unless and until the proceeding is remanded to him by the Commission.

§ 3.22 *Appeal from initial decision*—(a) *Who may appeal: notice of intention.* Any party to a proceeding may appeal an initial decision to the Commission. The party, however, shall file a notice of intention to appeal with the Commission within ten days after service upon him of the initial decision.

(b) *Content of appeal brief.* (1) The appeal shall be in the form of a brief and shall contain, in the order indicated below, the following:

(i) A table of contents, with page references, and a table of the cases (alphabetically arranged), text books, statutes, and other material cited, with page references thereto;

(ii) A concise statement of the case;

(iii) A list of the questions involved and to be argued; and

(iv) An argument presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and the legal or other material relied upon.

(2) Material not included in the appeal may not be presented to the Commission in oral argument or otherwise.

(c) *Content of answering brief.* The answering brief shall also contain a table of contents, with page references, and a table of the cases (alphabetically arranged), text books, statutes, and other material cited, with page references thereto. It shall be limited to the questions raised in the appeal brief and shall present clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and legal or other material relied upon.

(d) *Time for filing.* The appeal brief shall be filed within forty days after the service of the initial decision upon the party appealing, and the answering brief shall be filed within thirty days after service of the appeal brief. No further brief may be filed except by leave of the Commission.

(e) *Length of briefs.* No brief in excess of sixty pages shall be filed without leave of the Commission.

§ 3.23 *Oral argument before Commission.* Oral argument in a proceeding before the Commission on appeal or review may be granted on written application therefor made at the time of filing the appeal brief or the reply brief. Oral

arguments before the Commission shall be reported stenographically unless otherwise ordered by the Commission.

§ 3.24 *Decision on appeal or review.* (a) Upon appeal from or review of an initial decision, the Commission shall consider such parts of the record as are cited or as may be necessary to resolve the issues presented; and in addition shall, to the extent necessary or desirable, exercise all the powers which it could have exercised if it had made the initial decision.

(b) In rendering its decision, the Commission shall adopt, modify, or set aside the findings, conclusions and order contained in the initial decision, and shall include in the decision a statement of the reasons or bases for its action.

§ 3.25 *Consent order*—(a) *Negotiation.* At any time after the issuance of complaint and prior to the commencement of presentation of evidence any party respondent, or thereafter all such parties when joined by counsel supporting the complaint, may move to defer the reception of evidence for a reasonable time to permit negotiation of an agreement containing a consent cease and desist order disposing of the whole or any part of the proceeding. The allowance of such deferment, and the duration thereof, shall be in the discretion of the hearing examiner, after considering the nature of the proceeding, the requirements of the public interest, the representations of all parties and the probability of an agreement being reached which will result in a just disposition of all or a part of the issues involved.

(b) *Content.* Every agreement containing a consent cease and desist order disposing of the proceeding shall include also an admission by all respondent parties thereto of jurisdictional facts, a provision that the complaint may be used in construing the terms of the order; that the said order shall have the same force and effect as if entered after a full hearing and that the said agreement shall not become a part of the official record of the proceeding unless and until it becomes a part of the decision of the Commission; a waiver of the requirement that the decision must contain a statement of findings of fact and conclusion of law; and a waiver of further procedural steps before the hearing examiner and the Commission, and provision that the order may be altered, modified, or set aside in the manner provided by statute for other orders. The agreement shall also contain a waiver by the respondents of any right to challenge or contest the validity of the order entered in accordance with the agreement, and may contain a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the hearing examiner for his consideration;

(2) Request a conference before the hearing examiner for the discussion and consideration of such a proposed agreement; or

(3) Inform the hearing examiner that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing a consent cease and desist order is submitted within the time allowed therefor, the hearing examiner within thirty days thereafter shall either accept such agreement by issuing an initial decision based thereon in accordance with the requirements of § 3.21, or reject it by issuing a notice of rejection. If the proposed agreement is rejected and no appeal is filed under the provisions of paragraph (e) of this section, hearings shall proceed in regular course.

(e) *Appeal from rejection of agreement.* Within ten days after receipt of notification of the rejection by the hearing examiner of such agreement, counsel for all parties to such agreement, including counsel in support of the complaint, may file a joint appeal to the Commission from the hearing examiner's action. In due course, the Commission will consider such appeal and either accept the proposal and dispose of the proceeding on the basis thereof or reject it and remand the proceeding to the hearing examiner for adjudication in regular course.

(f) *Matters off the record.* When an agreement containing a consent order is rejected by the hearing examiner and not appealed, or is rejected by the Commission, the agreement and all negotiations and papers relating thereto shall not be part of the official record of the proceeding. An initial decision of a hearing examiner based upon an agreement containing a consent cease and desist order shall not become a part of the official record of the proceeding and shall not be published unless and until it becomes the official decision of the Commission under § 3.21 or § 3.24.

SUBPART G—MISCELLANEOUS

§ 3.26 *Report of compliance.* In every proceeding in which the Commission has issued an order to cease and desist, each respondent named in such order shall file with the Commission, within sixty days after service thereof, a report in writing, signed by the respondent, setting forth in detail the manner and form of his compliance with the order, and shall thereafter file with the Commission such further signed, written reports of compliance as it may require. Reports of compliance shall be under oath if so requested. Where the order prohibits the use of a false advertisement of a food, drug, device, or cosmetic, which may be injurious to health because of results from its use under the conditions prescribed in the advertisement, or under such conditions as are customary or usual, or if the use of such advertisement is with intent to defraud or mislead, an interim report stating whether and how respondents intend to comply shall be filed within ten days after service of the order. Where court review of an order of the Commission is pending, respondent shall file only such reports of compliance as the court may require. Thereafter, the time for filing report of compliance shall begin to run *de novo* from the final judicial determination.

§ 3.27 *Reopening of proceedings.* (a) In any case where an order to cease and desist has been issued by the Commission it may, upon notice to the parties, modify or set aside, in whole or in part, its report of findings as to the facts or order in such manner as it may deem proper at any time prior to expiration of the time allowed for filing a petition for review or prior to the filing of the transcript of record in the proceeding in a United States Court of Appeals pursuant to a petition for review or for enforcement of such order.

(b) In any case where an order to cease and desist issued by the Commission has become final by reason of court affirmance or expiration of the statutory period for court review without a petition for such review having been filed, the Commission may at any time after reasonable notice and opportunity for hearing as to whether changed conditions of fact or of law or the public interest so require, reopen and alter, modify or set aside in whole or in part its report of findings as to the facts or order therein whenever in the opinion of the Commission such action is required by said changed conditions or by the public interest.

(c) After an order dismissing a complaint has been issued, the Commission may, upon reasonable notice to the parties and opportunity for a hearing as to whether said proceeding should be reopened, issue an order reopening such proceeding whenever, in the opinion of the Commission, changed conditions of fact or of law or the public interest so require.

§ 3.28 *Ex parte consultation.* No official, employee, or agent engaged in the performance of investigative or prosecuting functions for the Commission and no party respondent or his agent or counsel in any adjudicative proceeding shall, in that or a factually related proceeding, participate or advise *ex parte* in any decision of the hearing examiner or of the Commission therein.

§ 3.29 *Appearances*—(a) *Qualifications.* (1) Members of the bar of a Federal Court, or the highest court of any State or Territory of the United States, may practice before the Commission.

(2) Any individual or member of a partnership named respondent in any proceeding before the Commission may appear on behalf of himself or of such partnership upon adequate identification. A respondent corporation or association may be represented by a *bona fide* officer thereof upon a showing of adequate authorization.

(b) *Restrictions as to former employees.* No former member or employee of this Commission shall appear as attorney or counsel in any adjudicative proceeding, the files of which came to the personal attention of such former member or employee during his employment on or by the Commission, and on which he performed any work of significant importance.

(c) *Notice of appearance.* Any attorney desiring to appear before the Commission or a hearing examiner thereof, on behalf of a respondent in a particular proceeding, shall file with the Secretary of the Commission a written notice of such appearance, which shall contain a statement of such attorney's eligibility as provided in this rule. No other application shall be required for admission to practice, and no register of attorneys shall be maintained.

(d) *Standards of conduct.* All counsel practicing before the Commission shall conform to the standards of ethical conduct required of practitioners in the Courts of the United States and by the Bars of which they are members.

(e) *Suspension or disbarment of attorneys.* (1) The hearing examiner shall have the authority, for good cause stated on the record, to suspend or bar, from participation in a particular proceeding, any attorney who shall refuse to comply with his directions, or who shall be guilty of disorderly conduct or contemptuous language in the course of such proceeding. Any attorney so suspended or barred shall have the right, within fifteen (15) days thereafter, to appeal to the Commission from such action of the hearing examiner, whereupon the Commission will review the action of the hearing examiner and take such action as it deems warranted by the circumstances.

(2) The Commission, for good cause shown, may issue an order requiring any alleged offender to show cause why he should not be suspended or disbarred from practice before the Commission. Such alleged offender shall be granted due opportunity to be heard in his own defense. Thereafter, if warranted by the facts, the Commission shall issue against such offender an order of reprimand, suspension or disbarment.

§ 3.30 *Requirements as to form and filing of documents other than correspondence*—(a) *Filing; title.* All documents to be filed in an adjudicative proceeding shall clearly show the title and docket number thereof and shall be filed with the Secretary of the Commission.

(b) *Form.* (1) Documents other than briefs before the Commission must be printed, typed, or otherwise neatly processed in not less than ten (10) point type, adequately leaded, on good unglazed paper, not less than eight (8) inches nor more than eight and one-half (8½) inches by not less than ten (10) inches nor more than ten and one-half (10½) inches with a one and one-half (1½) inch margin on the left and a one (1) inch margin on the right, bound on the left side.

(2) Typed documents shall be double spaced.

(3) Briefs before the Commission must be printed on good unglazed paper, seven (7) inches by ten (10) inches. The type shall be not less than ten (10) point, adequately leaded. Citations and quotations shall be not less than ten (10) point, single leaded, and footnotes shall be not less than eight (8) point, single leaded. Typed page shall be not more than four and three quarters (4¾) inches wide by eight (8) inches deep, with an inside margin of one (1) inch.

(c) *Signature.* (1) The originals of all documents shall be signed by an attorney of record for the party, or, in the case of respondents not represented by counsel, by the respondent himself, or by a partner if a partnership, or by an officer of respondent if it is a corporation or an unincorporated association. One copy of a printed or processed document shall be signed as the original. Signature by an attorney-at-law associated with and duly authorized by an attorney of record will constitute compliance with this rule.

(2) Signing a document constitutes a representation by the signer that he has read it, that to the best of his knowledge, information, and belief the statements made in it are true, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the proceeding may go forward as though the document had not been filed.

(d) *Number of copies.* Twenty copies shall be filed of a notice of intention to appeal and of all briefs; ten copies of all other documents shall be filed.

[F. R. Doc. 55-3705; Filed, May 5, 1955; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 729—PEANUTS

INCREASE IN NATIONAL MARKETING QUOTA AND ACREAGE ALLOTMENT FOR 1955 CROP

Basis and purpose. The amendments set forth herein are for the purpose of increasing the national marketing quota proclaimed on September 29, 1954, for the 1955 crop of peanuts (19 F. R. 6393) and of increasing by the same ratio, each 1955 farm peanut acreage allotment heretofore established. The increases are made pursuant to subsections (a) and (c) of section 371 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1371 (a), (c)).

The findings and determinations in § 729.602 (d) have been made after investigation and upon the basis of the latest available statistics of the Federal Government. During the course of such investigation, a public hearing was held in Washington, D. C. on April 29, 1955, after notice thereof was given (20 F. R. 2820) in accordance with section 371 (a) of the Agricultural Adjustment Act of 1938, as amended, and section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The increase in the quota is made after due consideration of the data, views, and recommendations submitted at such hearing and in writing in response to such notice.

Farmers throughout the peanut-producing States have begun planting peanuts for the 1955 crop. It is therefore imperative that the increase in the quota become effective at the earliest possible date in order that State and county Agricultural Stabilization and Conservation committees in affected States may determine the increase in individual farm acreage allotment and notify farm operators of the additional acreage which may be grown in 1955 within the farm allotment. Accordingly, it is hereby determined and found that compliance with the thirty-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. The provisions of these amendments shall be effective upon filing of this document with the Director, Division of the Federal Register.

1. Section 729.602 of the Proclamation of the National Marketing Quota for the 1955 Crop of Peanuts (19 F. R. 5062) is amended by adding new paragraph (d) as follows:

(d) *Increase in national marketing quota.* It is hereby found that the national marketing quota of 740,600 tons established in paragraph (a) of this section will cause the amount of peanuts which are free of marketing restrictions to be less than the normal supply; therefore, pursuant to section 371 (a) of the act, such quota is increased by 7.5 percent to 796,145 tons.

2. The Marketing Quota Regulations for the 1955 Crop of Peanuts (19 F. R. 6134) are amended by adding a new section as follows:

§ 729.631 *Increase in farm acreage allotments.* Notwithstanding the provisions of §§ 729.610 to 729.630, farm allotments established for the 1955 crop of peanuts pursuant to such provisions prior to any releases or reapportionments under § 729.625, are increased by 7.5 percent, pursuant to section 371 (c) of the act. In increasing farm allotments in accordance with this section, the amount of the farm allotment shall be rounded to the nearest one-tenth acre; and fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of fifty-thousandths of an acre or less shall be dropped (for example, 8.051 will be 8.1 and 8.050 will be 8.0). An official notice of the increased farm allotment shall be mailed to each farm operator in the manner provided in § 729.628.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 371, 52 Stat. 64, as amended; 7 U. S. C. 1371)

Done at Washington, D. C., this 4th day of May 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3723; Filed, May 4, 1955; 12:30 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 28]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

RADIO COMMUNICATIONS SYSTEM AND NAVIGATIONAL EQUIPMENT

The purpose of this supplement is to establish (1) interpretations of "approved types" of radio equipment re-

quired, and "independent means"; and (2) policies on the use of non-approved types of radio equipment. The following supplement to § 42.23 is hereby adopted:

1. Section 42.23–1 is revised to read:

§ 42.23–1 *Approved types of radio equipment (CAA interpretations which apply to § 42.23).* Radio equipment is of an approved type when it is approved in accordance with the terms of a CAA type certificate or a technical standard order issued by the Administrator.

2. Sections 42.23–2 and 42.23–3 are added to read:

§ 42.23–2 *Independent means (CAA interpretations which apply to § 42.23).* Radio systems are independent where each such system is separate and complete, and the function of any part or the whole of one system is not dependent on the continued functioning of any component of the other, and in event of failure in one system, the other system is capable of continued independent operation: *Provided,* That where rigidly supported non-wire antenna or other antenna installations of equivalent reliability are used, only one such antenna need be provided.

§ 42.23–3 *Installation and use of non-approved radio communication equipment (CAA policies which apply to § 42.23).* All radio communication and navigation equipment required for compliance with § 42.23 must be of approved types. However, additional non-approved radio communication equipment may be installed in aircraft for test and evaluation purposes or for the performance of a non-operational function. The non-approved equipment must be constructed and installed so that it will not interfere with the proper functioning of any approved operational equipment or create an unsafe condition aboard the aircraft.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended; 1009; 49 U. S. C. 551, 553)

This supplement shall become effective May 31, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–3693; Filed, May 5, 1955; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter I—Regulations Pertaining to Military Justice

PART 471—UNIFORM RULES OF PROCEDURE FOR PROCEEDINGS IN AND BEFORE BOARDS OF REVIEW

RECONSIDERATIONS

Pursuant to the Uniform Code of Military Justice, Article 66 (f), act of 5 May 1950 (64 Stat. 128), the following addendum to the rules of procedure for proceedings in and before boards of review is jointly promulgated by the Judge Advocates General of the armed forces, effective 1 May 1955.

§ 471.12 *Reconsiderations*—(a) *General provisions.* A board of review, in its discretion, may on its own motion or upon petition by appellate counsel reconsider its decision in any case within ten days from the time an accused is notified of the decision of the board, provided, a petition for Grant of Review or a Certificate for Review has not been filed with the Court of Military Appeals, or a record of trial for review under Article 67 (b) (1) of the Code has not been received by the court.

(b) *Petition for reconsideration.* A petition for reconsideration shall be supported by a certificate of appellate counsel to the effect that the petition is presented in good faith and not for delay, and shall briefly and directly state the grounds for reconsideration including a statement of facts showing jurisdiction in the board. No reply or oral argument will be received on a petition for reconsideration unless ordered by the board. Consecutive petitions, and petitions that are out of time under this rule, will not be received. A petition that is received will delay the inception of the thirty day appeal period prescribed by Article 67 (c) of the Code until the time the accused is notified of the final disposition of his petition by the board.

(Art. 66, 64 Stat. 128; 50 U. S. C. 653)

By direction of the Secretary of the Navy.

IRA N. NUNN,
Rear Admiral, U. S. Navy,
Judge Advocate General of the Navy.

APRIL 29, 1955.

[F. R. Doc. 55–3684; Filed, May 5, 1955; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Reg. Amdt. 30[1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 371.2 *General provisions,* paragraph (c) *Applicability* is amended in the following particulars:

The Note following subparagraph (1) *Prohibited shipments* is deleted.

2. Section 371.16 *General License GTF; goods imported for trade fairs,* paragraph (b) *Export to other destinations* is amended to read as follows:

(b) *Export to other destinations.* Commodities described in paragraph (a) of this section which are not excepted from the General License GIT provisions (§ 371.9 (c)) may be exported to destinations other than that from which imported, with the exception of Subgroup A destinations, Hong Kong, and Macao.

3. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars:

a. Paragraph (b) *Nonferrous metal alloys* is amended to read as follows:

(b) *Nonferrous metal alloys, including alloy scrap.* Applications for licenses to export the nonferrous metal alloys, or alloy scrap, listed below, shall contain in the commodity description column of Form IT– or FC–419, a complete commodity description, including the percentage of each alloying element present or the recognized standard commercial brand or trade name of the commodity, such as is published in "Engineering Alloys" by the American Society for Metals, or as published in "Standard Specification" by the American Society for Testing Materials:

	Schedule B No.
Copper-base alloy ingots	644100
Nickel alloy scrap, including nickel-bearing stainless steel scrap	654502
Nickel-bearing cobalt scrap	664526

b. Paragraph (c) *Nickel alloy and nickel-bearing cobalt scrap* is amended to read as follows:

(c) *Nickel alloy and nickel-bearing cobalt scrap*—(1) *Nickel alloy scrap, including nickel-bearing stainless steel scrap, schedule B No. 654502.* Evidence of commercial unsalability in the domestic market, as provided in subparagraph (3) of this paragraph, shall be submitted in support of applications to export (i) clean nickel alloy scrap, containing less than 50 percent nickel, (ii) contaminated nickel alloy scrap, (iii) nickel-copper alloy scrap (including monel) containing 75 percent or less nickel, and (iv) contaminated nickel-chromium-iron alloy scrap (nickel-bearing stainless steel scrap) containing up to 36 percent nickel with a minimum chromium content of 10 percent.

(2) *Nickel-bearing cobalt scrap, Schedule B. No. 664526.* Applications for licenses to export clean cobalt scrap containing less than 50 percent nickel, and contaminated cobalt scrap shall be supported by evidence of commercial unsalability in the domestic market as provided in subparagraph (3) of this paragraph.

NOTE: For purposes of this section, material is considered to be contaminated when the contaminant cannot be readily sorted from the balance of the material.

(3) *Evidence of commercial unsalability.* As required in subparagraphs (1) and (2) of this paragraph, the exporter must submit evidence of commercial unsalability in the domestic market. This evidence may be in the form of a letter or other statement from the applicant, supplier, or persons to whom the scrap was offered for sale. Such evidence must be adequate to demonstrate that the scrap has been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include, as a minimum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered, and the reason(s) for rejection of offers to sell.

(4) *Commodities not licensed.* Pure nickel scrap, clean nickel alloy scrap containing 50 percent or more nickel, clean nickel-chromium-iron alloy scrap (nickel-bearing stainless steel) containing up to 36 percent nickel with a minimum chromium content of 10 percent, and clean cobalt scrap containing 50 percent or more nickel, will not be considered for licensing.

c. Paragraph (d) *Refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms* is amended in the following particulars:

i. The title of paragraph (d) is amended to read as follows:

(d) *Refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots.* * * *

ii. In subparagraph (1) *General* the words "including remelt ingots" are added preceding the words "Schedule B No. 644100".

iii. The title of subparagraph (3) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms* is amended to read "(3) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots*", and the words "including remelt ingots" are added in the first sentence of subdivision (i) preceding the words "Schedule B No. 644100", and in subdivision (ii) preceding the words "Schedule B No. 644100".

iv. In subparagraph (6) *Time for submission of applications* the words "including remelt ingots" are added preceding the words "Schedule B No. 644100".

4. Section 373.49 *Machinery and parts,* paragraph (b) *Automotive replacement parts* is amended by deleting subparagraph (4) *Permitted substitutions.*

5. Section 373.55 *Chemicals and medicinals* is amended by deleting paragraph (b) *Cobalt-containing products.*

6. Section 373.67 *Switzerland* is amended in the following particulars:

a. Paragraphs (b) *Return of Blue Import Certificate,* (c) *Exceptions,* and (d) *Amendment requests for increased quantities* are redesignated respectively paragraphs (c), (d), and (e).

b. A new paragraph (b) is added to read as follows:

(b) *45-day grace period for Positive List additions.* When a commodity becomes subject to the requirements of this section by reason of having been added to the Positive List, export license applications for such commodities need not conform to these requirements for a period of 45 days from the time such commodities are added to the Positive List.

7. Section 373.70 *Yugoslavia* is amended in the following particulars:

a. Paragraphs (b) *Return of end-use certificate,* (c) *Exceptions,* and (d) *Amendment request for increased quantities* are redesignated respectively paragraphs (c), (d), and (e).

b. A new paragraph (b) is amended to read as follows:

(b) *45-day grace period for Positive List additions.* When a commodity becomes subject to the requirements of this section by reason of having been added to the Positive List, export license applications for such commodities need not conform to these requirements for a period of 45 days from the time such commodities are added to the Positive List.

8. Section 373.71 is amended to read as follows:

§ 373.71 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities.*

SECOND AND THIRD QUARTERS OF 1955[1]

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Second quarter, 1955	Third quarter, 1955
630050	Aluminum scrap	Before June 7, 1955.	
630070	Aluminum remelt ingots		
641300	Copper scrap (new and old)	Before June 1, 1955.	
644000	Copper-base alloy scrap (new and old)		
644100	Copper-base alloy ingots and other crude forms		
619150	Selenium powder	Mar. 1–15, 1955	June 1–15, 1955.
622098	Ferroselenium		
664998	Selenium metal, except selenium-bearing scrap materials		
829810	Selenium-containing rubber compounding agents not of coal tar origin: accelerators		
839750	Selenium salts of organic compounds		
839900	Selenium salts and compounds, including selenium dioxide		
842900	Selenium-containing pigments		

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c)). Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (d)).

9. Section 382.51 *Table of compliance orders currently in effect denying export privileges,* paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
KESCO, G.m.b.H., Mainlust Strasse #8, Frankfurt, Germany.	3–29–55	Until further notice.	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 2093, 4–2–55.
Kessler, Hans Sr., Kessler, Hans Jr., Mainlust Strasse #8, Frankfurt, Germany.	3–29–55	do	do	20 F. R. 2093, 4–2–55.

b. The following entry is deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Marnocha, Dorothy M., 5415 Connecticut Ave. NW., Washington, D. C.	3–8–54	4–15–55	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 1426, 3–13–54.

This amendment shall become effective as of April 28, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director.
Bureau of Foreign Commerce.

[F. R. Doc. 55–3696; Filed, May 5, 1955; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1907]

PART 192—OIL AND GAS LEASES

ROYALTY INTERESTS AND ASSIGNMENTS THEREOF

Section 192.145 is amended to read:

§ 192.145 *Royalty interests in oil and gas leases and assignments thereof.* Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of section 27 of the act. In order that the holdings of the assignee may be verified, all assignments of royalty interests must be filed for record purposes but no formal approval will be given. Any such assignment will be deemed to be valid provided it is accompanied by a statement over the assignee's signature that he is a citizen of the United States and that his interests in oil and gas leases do not exceed the acreage limitation as

[1] This amendment was published in Current Export Bulletin No. 749, dated April 28, 1955, and in the reprint pages dated April 28, 1955.

provided in § 192.3 and by the statement as to over-riding royalties required by § 192.83. If any portion of this statement is found to be false the assignment shall be invalid.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

DOUGLAS MCKAY,
Secretary of the Interior.

MAY 2, 1955.

[F. R. Doc. 55-3686; Filed, May 5, 1955; 8:48 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1141]

ARIZONA

RESERVATION OF LANDS WITHIN TONTO NATIONAL FOREST FOR EXPERIMENTAL PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Tonto National Forest in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as the Sierra Ancha Experimental Forest, in connection with research projects being conducted in furtherance of the act of May 22, 1928 (45 Stat. 699; 16 U. S. C. 581, 581a–581k) as amended:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 13 E.,
Sec. 1, S½S½, that part lying east of the divide between Connor Canyon and Parker Creek;
Sec. 11, E½NE¼ and SE¼;
Secs. 12 and 13;
Sec. 14, E½;
Sec. 23, NE¼;
Sec. 24.
T. 5 N., R. 14 E.,
Secs. 3 and 4, those parts lying north and west of the divide between Workman Creek and Cherry and Coon Creeks;
Sec. 5, that part lying west of the divide between Parker and Pocket Creeks and Coon Creek;
Sec. 6, NE¼, S½, and that part of NW¼ east of the divide between Parker Creek and Rose Creek;
Secs. 8, 16 and 17, those parts lying west of the divide between Parker and Pocket Creeks and Coon Creek;
Secs. 7 and 18;
Sec. 19, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 20, N½, N½S½, those parts lying west of the divide between Oak Creek, Pocket and Warm Creeks.
T. 6 N., R. 14 E.,
Sec. 28, SE¼, that part lying south of the divide between Reynolds Creek and Workman Creek;
Sec. 32, E½NE¼ and SE¼;
Sec. 33;
Sec. 34, NW¼ and S½, those parts lying south and west of the divide between Workman Creek and Cherry Creek drainages.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ORME LEWIS,
Assistant Secretary of the Interior.

APRIL 29, 1955.

[F. R. Doc. 55-3671; Filed, May 5, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 998]

[Docket No. AO-259]

HANDLING OF MILK IN CORPUS CHRISTI, TEXAS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Corpus Christi, Texas on June 15–23, 1954, pursuant to notice thereof which was issued on May 29, 1954 (19 F. R. 3196).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on March 7, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on March 10, 1955 (20 F. R. 1441).

Within the period reserved therefor, exceptions were filed to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled. To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues of record related to:

(1) Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

(2) Whether marketing conditions justify the issuance of a marketing agreement or order;

(3) If an order is issued, what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification of milk;

(c) The level and method of determining class prices;

(d) The method of distributing proceeds of milk to producers; and

(e) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof it is hereby found and concluded that:

(1) *Character of commerce.* The handling of milk in the Corpus Christi, Texas, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and milk products.

Substantial quantities of milk produced in States other than Texas are imported by handlers in the Corpus Christi market. This market has depended upon outside sources of supply in most months of the year. Local supplies are particularly likely to be deficient in the fall months. Monthly data for the period September 1952 through April 1954 show that bulk milk was purchased by local handlers from plants located in Missouri and Wisconsin during most of this period. Milk supplies, of course, are normally obtained from the nearest available sources first in order to minimize transportation costs. Nevertheless, milk from Missouri as well as Wisconsin sources was obtained in every month from September 1952 through June 1953. One handler also obtained milk from a plant in Mississippi in November and December 1953. During the five-month period December 1953 through April 1954 supplies within the Corpus Christi milkshed were more nearly adequate than in the preceding period and such additional supplies as were needed were obtained from the Houston, Texas, milkshed. It is apparent, however, that during a period of unfavorable production conditions in Corpus Christi and other Texas milksheds, it would again be necessary to draw upon outside sources.

There is also a direct interstate movement in the distribution of milk packaged by handlers in the Corpus Christi marketing area. Regular sales of milk are made to ships taking on cargoes at Corpus Christi. These ships include both intercoastal and ocean-going vessels.

The procurement areas and distribution territories served by the Corpus Christi handlers overlap those of handlers who are engaged in marketing milk in other Federally regulated milk marketing areas in which the marketing of

milk is in the current of interstate commerce. San Antonio is the nearest Federal order area. San Antonio and Corpus Christi distributors compete actively for sales in Bee and Karnes Counties, northwest of Corpus Christi and in the Valley Counties of Cameron, Hidalgo and Willacy. At times, packaged milk for the Valley territory comes from as far north as the regulated North Texas marketing area.

Although the Corpus Christi producers supply milk primarily for fluid use, there are, at times, reserve supplies as a result of daily and seasonal variations in sales and production. Accordingly, in times of peak production some of the reserve milk is converted into manufactured dairy products. These products are sold in competition with similar products available and received from out-of-state sources. Some of the reserve milk is sold to cheese plants which market the finished product in other States. Butterfat and nonfat dried milk solids for ice cream are commonly purchased from outside sources. Concentrated skim milk in the form of condensed or nonfat solids, required to be made from "Grade A" milk, and which is imported from other States, is used to produce buttermilk and flavored milk for distribution through handlers' retail and wholesale outlets. Items such as butter and cheese for sale through retail and wholesale outlets are also purchased from outside sources.

(2) *Marketing conditions in relationship to purposes of regulation.* The issuance of an order to regulate the handling of milk in the proposed Corpus Christi, Texas marketing area will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act.

The Coastal Bend Milk Producers Association, the proponent of the proposed order, has a membership of dairy farmers which constitutes a substantial majority of the dairy farmers supplying the later defined marketing area. This cooperative association of producers has been unable to represent its members in the sale of milk to one of the major distributors of milk in the marketing area. The association also has had difficulty in varying degrees in resolving its marketing problems with other handlers in the market. These difficulties result in an unusual degree of uncertainty and an unsatisfactory system for the sale of milk by producers who supply the proposed marketing area.

Producers are unable to make satisfactory pricing arrangements for the sale of their milk. The prices paid by handlers are determined by them without consultation with the producers. In the past, producers have been paid for their milk on the basis of a base and surplus plan and at times on "flat" prices without reference to the quantities utilized by the handlers for fluid or for manufacturing purposes. At the time of the hearing, nearly all handlers were paying essentially the same price for all milk received from producers. Under this system of pricing, however, those handlers who are able to sell a higher than average proportion of the milk for Class I purposes will have higher than average returns and thereby gain a competitive advantage over their competitors in the procurement of their milk supply. On the other hand, handlers with a lower than average proportion of Class I sales will have a comparative disadvantage in procurement of supplies. Stability of market conditions and the development of adequate supplies of pure and wholesome milk can be assured for the Corpus Christi area only when all milk handlers in the area have substantially equal costs of milk in accordance with use and when farmers supplying the market receive the same price for milk of equal quality.

When supplies of milk are in excess of the individual-handler fluid milk needs, most of the handlers in the area employ the base and excess plan for the payment of producers. Producers are unable to ascertain when their handler's total receipts of milk from local farmers are in excess of Class I needs or whether all producers are treated equally in the computation and allocation of bases. Although the handlers pay a substantially equal price for base milk, the amount paid for excess milk depends upon the prices received by the handlers at the processing plant to which such milk is sent less the transportation charges incurred in such disposition. Such excess prices have varied considerably.

The Corpus Christi handlers have frequently found it necessary to purchase substantial quantities of milk from outside sources in order to meet their fluid milk needs. However, the quantities so purchased, the prices paid by handlers for these supplemental supplies, and the times when such milk is needed are not known by the producers. Frequently, handlers have had to pay considerably more for such milk than the price generally paid to local dairymen. However, there have been circumstances in which milk in excess of Class I needs in other markets has been made available to Corpus Christi handlers at a lower price than handlers have paid local producers. The producers' lack of knowledge about such outside milk results in mistrust and is a serious handicap to local producers in planning production to supply the market. The sporadic availability of surplus milk from other fluid milk markets purchased on an "opportunity" basis is a serious threat to market stability.

The producers' association is unable to make check tests of the weights and butterfat content of milk delivered by producer members to some of the handlers. Obviously, a producer cannot be sure that he has obtained full value for his milk when he cannot check the accuracy of the weights and tests reported by the handler.

It is concluded that a Federal milk marketing order is needed to establish and maintain orderly marketing conditions in the Corpus Christi, Texas, marketing area. From the evidence of the record, it is clear that an order is the only available means of establishing uniformity among the handlers in the classification and pricing of milk; providing impartial audit of handlers' records and of check weighing and testing of producer milk, equalizing payments among producers; and for providing market-wide information on receipts, sales and other market-wide data related to milk marketing problems in this market.

(3) *Provisions of the order*—(a) *Scope of regulation; plants to be subject to regulation and milk to be priced.* The nature of regulation under a Federal milk order is essentially that of providing use-classification of milk and a method for determining minimum prices to be paid by milk distributors to dairy farmers who deliver milk to the market in accordance with the use or disposition of such milk. This can best be done by delineating the marketing area and providing other appropriate definitions which set forth categories of persons, plants and milk and milk products for the purpose of classifying and pricing the milk received from such dairy farmers.

(a) *Marketing area.* The Corpus Christi marketing area should include all the territory, including incorporated cities and villages and military installations, within the Counties of Nueces, Jim Wells, Kleberg, Brooks, Duval, Live Oak and San Patricio. The City of Corpus Christi is the largest population center in the marketing area. Its estimated population in 1953 was 130 thousand out of a total population of 310 thousand in the seven-county area.

The area included in these seven counties is served almost exclusively by a group of four milk distributors. Two of these have bottling plants in Corpus Christi at which milk is received from producers. Another distributor has a plant at Kingsville. In addition to supplying his own routes, he supplies bottled milk to a vendor who previously maintained a receiving and bottling plant in Corpus Christi. The other distributor operates a plant located at Falfurrias. All four of these distributors compete with each other for wholesale and retail sales throughout most of the marketing area.

Only a very small portion of the total sales in the defined area is made by other distributors whose plants are located outside of the area. A distributor associated primarily with the Houston market has a comparatively small volume of sales in Nueces and San Patricio Counties. A distributor with a plant located at Victoria also has a small portion of the sales in San Patricio County and another with a plant located at Laredo, Texas makes some sales in Duval County.

In addition to the sales competition, the four primary handlers also compete actively in the purchase of milk from dairy farmers. The milkshed area is, of course, somewhat larger than the defined marketing area but the farms of most of the producers supplying each of the four handlers are intermingled. The only producers who are not intermingled are a group located in the lower Rio Grande Valley area which supplies one of the plants located in Corpus Christi. A majority of the producers supplying these four handlers are members of the Coastal Bend Milk Producers Association. This is, of course, additional evidence of a historical community of pro-

ducer interest in supplying the defined marketing area.

On the basis of the distribution of milk, the defined area constitutes the minimum area for effective regulation. It includes all of the sales territory in which the four principal distributors supply the major portion of the Class I needs of the consumers without involving territory in which distributors from other areas are the major distributors.

The marketing area should be defined in terms of counties rather than being limited to the incorporated cities and villages. The sanitary regulations governing the production and sale of milk are on a county-wide basis. In some of the areas the health authority is a combined city-county body. Since there is no distinction between city and county sanitation standards, distributors commonly service both the cities and adjoining rural areas.

It is not administratively feasible nor necessary to include within the marketing area all of the territory in which handlers may be distributing any portion of their sales of milk or milk products. It would be impossible to establish a marketing area in which there is no overlapping of sales areas. It is impractical, therefore, to extend the boundaries of a marketing area to include the entire area in which regulated handlers distribute milk or compete for sales with unregulated handlers.

The Corpus Christi marketing area should not include the Counties of Goliad, Webb or Victoria. These were included in the notice of hearing but their inclusion was not supported by any party at the hearing. The lower Rio Grande Valley Counties, Cameron, Hidalgo and Willacy also should not be included in the marketing area. Only one of the four handlers who serves the Corpus Christi area has developed wholesale routes in the Valley Counties and he makes only a small proportion of the total sales in that area. Moreover, it appears unlikely that a Federal order for the Corpus Christi area will significantly affect this handler's competitive position in the Valley Counties since another distributor, who has plants located at San Antonio and Dallas, Texas which are subject to Federal orders, also maintains wholesale routes in this territory. There was no evidence at the hearing that the local handlers are providing unfair competition through the procurement of cheap milk; prices paid to producers are generally higher than in the Corpus Christi territory or areas further north in Texas.

The Counties of Karnes, Bee, Refugio, Aransas and Calhoun also should not be included in the marketing area. These counties are situated north and northeast of the defined marketing area. In this group of five counties the four handlers make less than half of the fluid milk sales. The remainder of the fluid milk sales are made by handlers whose principal sales areas are further north at such points as Victoria, Houston, San Antonio and Dallas.

Definition of plants. The primary factor in determining which dairy farmers are producers of milk for the marketing area is the disposition of milk from the plant to which they deliver their milk. Market conditions described in the record indicate that the most practical method of order regulation would be to establish minimum prices to all farmers delivering "Grade A" milk to plants from which an appreciable amount of milk from the plant is regularly distributed in the marketing area.

Milk sold for fluid consumption in the marketing area must meet the Grade A inspection requirements of the various city and county health authorities. These authorities issue permits to dairy farmers and to milk plants supplying Grade A milk to consumers. The local health ordinances and regulations of the State of Texas are based on the United States Public Health Ordinance and Code. Fluid milk may be imported for fluid consumption in the principal cities of the marketing area, provided that such milk meets the standards of the United States Public Health Ordinance and originates from a market with a United States Public Health Service rating.

In order to qualify under the definitions of the order, any dairy farmer or any milk plant should have the approval of an appropriate health authority for the production or disposition of milk for consumption as Grade A fluid milk. Since approval to produce or distribute milk in the proposed marketing area may be extended to farmers or plants under the inspection of other health authorities no requirement should be made that a dairy farm or a milk plant must hold a permit actually issued by a health authority in the marketing area.

In delineating the Corpus Christi marketing area, it has been noted that most of the milk plants located within this area have a preponderance of their Class I business within the defined marketing area. The major portion of the milk received at such plants is distributed in fluid form to consumers. All plants which fall in this category should be fully regulated under the order.

There are also minor quantities of milk distributed in the proposed marketing area by plants located outside of the marketing area. Some of these plants dispose of milk in the fringe of the marketing area but their primary sales territory is outside of the marketing area. There is also one distributor with plants located in the Austin and Houston markets from which sales are made through retail and wholesale routes in Corpus Christi.

It is not necessary to extend regulation to plants from which only minor quantities of milk are distributed in the marketing area. Such plants are selling primarily in competition with unregulated handlers outside the marketing area. So long as the limits are kept low as to the sales such a plant may make in the marketing area without subjecting the plant to regulation, the volume of unpriced milk will not disrupt the market. Under the individual-handler pool which is recommended hereinafter, the problem of pooling the milk of plants which are only remotely associated with the market is not present. It is concluded therefore, that the limit of route sales that a plant may make in the marketing area during the month without being subject to full regulation should be not more than 3 percent of the Grade "A" milk received at such plant from all sources or an average of less than 1,000 pounds of Class I milk per day, whichever is less. Any plant from which a greater volume of milk is disposed of in the marketing area should be designated as a fluid milk plant.

Any plant from which Class I milk is disposed of through routes in the marketing area but which does not meet the standards for a fluid milk plant should be defined as an "approved plant" and be required to file reports and submit to audit by the market administrator to verify the status of such plants.

At present, there are no plants serving as receiving stations or regular supply plants for fluid milk plants in this area. Such supplemental shipments as are needed by the market are in most cases of short duration and originate from widely scattered plants. It appears at this time that effective regulation in the marketing area may be accomplished without regulating supply plants which furnish only incidental shipments of bulk milk to fluid milk plants. This will remove the problem of providing location adjustments which would be necessary if such plants were to be subject to regulation. Since there was some confusion and uncertainty with respect to the application of location adjustments at the hearing, it appears that on the basis of this record and for the immediate future at least it is not necessary to include location adjustments in the order at this time. If in the future supply plants serve as regular sources of supply for the market or supplies from such sources displace local producer milk the question of pricing milk at such plants with appropriate location adjustments should be considered at another hearing. Under the recommended order the marketing area minimum order price for Class I milk will prevail at all plants which qualify as fluid milk plants through route distribution in the marketing area.

Shipments of milk from plants not subject to regulation should be designated as other source milk and allocated to the manufacturing or lowest priced uses of the reporting handler. This procedure is necessary to assign the fluid milk sales to the regular producers who supply milk to the fluid milk plant and to preserve the effectiveness of the classified pricing plan.

Fluid milk plants from which a higher proportion of the Class I sales from the plant is disposed of in the marketing area under another Federal order need not be subject to this regulation. It would not be feasible to extend regulation to such plants because to do so would subject them to duplicate regulation under the act. Provision should be made for the operators of such plants to report their receipts and utilization to the market administrator as may be necessary to determine their status under the order.

The term "route" is used in the definition of a fluid milk plant to cover a number of types of distributing operations in which handlers may engage in the proposed marketing area. "Route" should be defined as the operation of a vehicle or a plant store (including those operated by a vendor) from which Class I milk is disposed of to a wholesale or retail outlet(s). A "nonfluid milk plant" should be defined to include any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

"Handler" should be defined as the operator of an approved plant. The operator of any "approved plant" is included in order to require such a person to report to the market administrator as may be needed to determine his status and apply other order provisions pertaining to such handlers. The handler is the person to whom the provisions of the regulation are applicable. He is the person who receives the milk from dairy farmers and who is responsible for reporting receipts and utilization of milk at each approved plant. If the milk is priced, he is responsible for paying producers minimum prices. In case a person operates more than one plant at which milk is to be priced, he is to be a handler with respect to the combined operations of such plants. In case a handler operates both approved plants and other unregulated plants, this definition is not intended to include such person as an operator of such latter plants.

"Producer" should be defined as any person who produces milk in compliance with inspection requirements of a duly constituted health authority for "Grade A" milk for fluid consumption and such milk is received at a fluid milk plant. This definition is intended to include the producers of milk for fluid use supplied by a fluid milk plant to Federal installations. Provision should also be made to include a producer whose milk is temporarily diverted to a nonfluid milk plant by the handler for his account. The milk of producers which is temporarily diverted by a handler should continue to be pooled with the milk of his other producers so that the producers whose milk is diverted will be paid the handler's uniform price for their milk. This will facilitate the movements of milk to nonfluid milk plants for the purposes of adjusting supplies to short-term variations in supply and preserve the producer status of such dairy farmers so that their milk production will be available to supply the market's fluid milk needs at other times. In order that milk which is diverted will be pooled, it should be deemed to have been received at the plant from which it was diverted.

Producer-handler. Persons who are engaged in the production of milk, distribute milk of their own herd and receive no milk from producers should be subject to the order only to the extent that they must submit reports to the market administrator as required and maintain and make available to the market administrator accounts, records and facilities so that he may verify that such persons are producer-handlers. It would serve no useful purpose to require that a producer-handler pay any particular price for milk produced on his own farm. Since producer-handlers dispose of most of their milk directly to consumers for fluid use, they could not, in any event, be required to pool their milk with other producers under a handler pool.

The classification provisions of the proposed order should provide that any milk, skim milk or cream transferred by a handler to a producer-handler will be Class I milk. Any supplemental milk which a producer-handler obtains from other handlers must, by virtue of the nature of the operation involved, be presumed to be needed for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. Any milk which a handler receives from a producer-handler should be considered as other source milk and allocated to the lowest class utilization at the fluid milk plant of a handler after the allocation of shrinkage on producer milk. Milk disposed of to another handler by a producer-handler must be presumed to be surplus to the operation of the producer-handler.

Producer-handlers, as heretofore discussed, are not required to make reports each month or share in the cost of administering the order. It is concluded, however, that a large-scale producer-handler, should make regular utilization reports, subject to audit, and pay the administrative assessment on his milk. Therefore, a producer-handler who disposes of more than an average of 3,300 pounds per day of Class I milk in the marketing area during the month should be considered as a regular handler. Such persons constitute a substantial factor in the market and should share in the expense of administering the order.

Other source milk. "Other source milk" should be defined as all skim milk and butterfat contained in milk and milk products utilized by the handler in his operation except milk received from producers and Class I products received from other fluid milk plants. It will include all fluid milk and fluid milk products from plants other than fluid milk plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It will include those manufactured products from a plant's own production or from other fluid milk plants which are reprocessed or converted into another product in the plant during the same or a later month.

(b) *Classification of milk.* All milk and milk products received by a handler should be classified on the basis of skim milk and butterfat according to the form in which or the purpose for which it is used or disposed of as either Class I milk or Class II milk.

Skim milk and butterfat are not used in most products in the same proportion as contained in the milk received from producers and, therefore, should be classified separately according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by handlers can be determined through recognized testing procedures. Some of these products such as ice cream and condensed products present an accounting problem in that some of the water contained in the milk has been removed. It is necessary in the case of such products to provide an acceptable means of ascertaining the amount of skim milk and butterfat used to produce them. This may be established through the use of adequate plant records made available to the market administrator for products produced by the handler or by means of standard conversion factors for products purchased by the handler. The accounting procedure to be used in the case of any milk product should be based on the pounds of milk or skim milk required to produce such products.

(1) *Classes of milk.* The products which should be included in Class I milk are those required by health authorities in the marketing area to be obtained from milk products from approved Grade A sources. The extra cost of getting quality milk produced and delivered to a market in the condition and in quantities required make it necessary to provide a price for milk for Class I utilization above the ungraded or manufacturing milk price.

Class I milk should comprise all skim milk (including concentrated or reconstituted nonfat milk solids) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream (except frozen cream) and any mixture of milk, skim milk, and cream (except ice cream mix, eggnog and sterilized milk products in bulk or contained in hermetically sealed containers). All of the enumerated forms of milk are required by the health authorities having jurisdiction in the defined marketing area to be made from milk produced on farms having permits to supply milk for fluid use. The plants at which such milk is received from producers, processed, and bottled must also meet the prescribed standards and be covered by permits. Sanitary standards applicable to the farms and plants respectively are substantially equal throughout the area and the price applicable to Class I milk sold anywhere in the area should, therefore, be equal.

The Class I products which contain forms of concentrated skim milk solids such as skim milk drinks, buttermilk to which extra solids have been added, or concentrated whole milk disposed of for fluid use should be included under the Class I definition. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans should not be considered as concentrated milk.

Handlers must be held responsible for the full accounting of all their receipts of skim milk and butterfat in any form. The handler who first receives milk from producers should be responsible for establishing classification and making payment to producers for such milk, except for limited quantities of shrinkage which may, under certain conditions, be classified as Class II milk. All skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use disposition.

All skim milk and butterfat used to produce products other than the enumerated forms of Class I milk should be Class II milk. Included in Class II are products such as cottage cheese, ice cream, frozen cream, ice cream mix and other frozen desserts or mixes, butter, cheese, evaporated and condensed milk, nonfat dry milk solids, condensed or dry buttermilk and other products not designated as Class I milk. Skim milk and butterfat disposed of to commercial bakeries or food product manufacturing plants, other than dairy plants, and which do not dispose of milk for fluid consumption should be Class II milk.

Shrinkage not in excess of 2 percent of total receipts of skim milk and butterfat from producers and other sources should be considered as Class II milk. Shrinkage or plant loss above 2 percent should be Class I milk except that provision should be made for a Class II shrinkage allowance of 5 percent on skim milk only during the flush production season when it is sometimes necessary to dump small quantities of skim milk. A fluid milk plant efficiently operated and for which accurate and complete records are maintained generally will not experience shrinkage in excess of this amount.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source which are used during the month in the production of another product should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Inventory is intended to include stocks on hand of bulk milk, skim milk, and cream and bottled milk and other fluid milk products designated as Class I milk. Manufactured products (Class II) on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for as Class II milk. As previously indicated, handlers will need to keep stock records of such products but they will not be included in inventory for the purpose of accounting for current receipts.

It is concluded that inventory should be accounted for as Class II milk. If fluid milk products in inventory are accounted for as Class II milk at the end of a month, it will be necessary to provide a method to deal with the producer milk inventory which is used in the current month for Class I purposes but which the handler accounted for to producers as Class II milk at the end of the previous month. In plants which engage primarily in a fluid milk business, it is quite possible that a decrease in inventory in any given month may exceed their total utilization of milk in Class II. Handlers, at times, also use other source milk in their operations. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt in the following month and subtracting such receipt (under the allocation procedure) in series starting with Class II milk following the subtraction of other source milk. To the extent that opening inventory is allocated to Class I milk and there was an equivalent amount of producer milk classified in Class II milk in the previous month (after the allocation of other source milk) a reclassification charge should be made at the difference between the Class I price in the current month and the Class II price in the preceding month. This will promote equality in the cost of milk among handlers and returns to producers, irrespective as to whether or not such producer milk is from the previous month's ending inventory or is a current receipt.

Transfers. Classification of butterfat and skim milk used in the production of Class II items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, since some Class I items may be disposed of to other milk plants for processing, separate classification procedures should be prescribed for transfers to other plants.

Milk, skim milk, cream or other products designated as Class I milk transferred by a handler to the fluid milk plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage and other source milk, as described below. On the other hand, if the transferring handler had other source milk during the month, the assignment of products transferred to another plant to the Class I utilization of such plant should be limited so that other source milk in the transferring handler's plant will not be allocated to Class I milk while at the same time producer milk is allocated to Class II milk in the transferee handler's plant.

Milk or skim milk transferred in bulk to a nonfluid milk plant located more than 225 miles distant is presumed to be used for Class I purposes. The costs involved in transporting milk or skim milk in fluid form such a distance are so large that it would not be economically feasible to move the milk for Class II disposition. Also there are adequate facilities for the manufacture of excess milk into Class II products within a radius of 225 miles. The automatic classification as Class I of milk or skim milk moved more than 225 miles will reduce the administrative expense which would otherwise be involved in having the market administrator verify actual utilization in nonfluid milk plants located at extreme distances from the market.

Cream presents a somewhat different problem since its value is so much greater in relation to its bulk that it may be transported long distances for manufacture. Accordingly, it is provided that cream may be Class II, even if moved to a nonfluid milk plant located more than 225 miles distant from a fluid milk plant if it is clearly labelled as manufacturing grade cream and if prior notice of the intended shipment is furnished to the market administrator.

The more common form of transfer to a nonfluid milk plant by Corpus Christi handlers is the movement of excess milk to nearby manufacturing plants. There may, of course, be sales to such plants for fluid purposes. It is provided that transfers of milk, skim milk, or cream from a fluid milk plant to a nonfluid milk plant located less than 225 miles distant be Class I unless Class II use is affirmatively established. Evidence of Class II use consists of a certification by the fluid milk plant operator that the transfer was intended for Class II use, and verification by the market administrator of the records made available by the nonfluid milk plant operator shows that the milk was not utilized for other than manufacturing purposes. If the nonfluid milk plant operator engages in a fluid milk business at his plant, any amount by which his Class I sales exceed receipts from dairy farmers which constitute his regular source of supply is assignable to the transferred milk.

Allocation. In view of the fact that the order class prices apply only to producer milk it is necessary, if a fluid milk plant has butterfat or skim milk other than that received in producer milk, to determine the quantities of milk in each class to be assigned to current receipts from producers. The milk of producers who are regularly engaged in supplying the market should be assigned the Class I utilization first. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain other source milk whenever it was advantageous to do so for Class I use while producer milk in the plant was utilized in Class II, it could not be effective in carrying out the purposes of the act. Also, the market would be deprived of a dependable supply of milk. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in § 998.46 of the order.

Under this procedure, the skim milk and butterfat, respectively, remaining in each class is assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted;

(1) Class II shrinkage of producer milk;

(2) Other source milk as defined in § 998.16;

(3) Beginning inventory;

(4) Receipts from other handlers (according to classification);

(5) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization

described above should be carried out with respect to all milk received during each month. To apply a shorter accounting period would place an accounting and reporting burden upon handlers and increase the cost of administering the order.

(c) *Class prices.* In order to stabilize marketing conditions, Class I prices should be established at a level which, together with appropriate Class II prices, will return blend prices to producers that will provide the market with a sufficient but not excessive supply of pure and wholesome milk.

The establishment of prices at a level that is too low will result in the production of insufficient milk to meet the Class I needs of the market. Conversely, production will be over-stimulated if prices are established at too high a level. The production of more milk than is required to satisfy the Class I demands would lead to the development of uneconomic reserves of Grade A milk and generally would tend to depress the price for all milk produced for the market.

Because of changing supply and demand conditions for milk both in the local market and throughout the country, it is necessary in order to maintain an appropriate balance between local supplies and sales, to provide a method for changing class prices to reflect such conditions. Pricing formulas which cause prices to change automatically with changes in market conditions should be applied in this market. This method of pricing is in general use for the pricing of milk to farmers in federally regulated markets.

Class I prices. Producers proposed that the Class I price for the Corpus Christi marketing area be determined by adding stated differentials to the North Texas Class I price. The North Texas Class I price is computed by adding a differential to a basic formula price which measures the local and national values of milk used to manufacture the major dairy products. This Class I differential is $2.00 per hundredweight during the months of March, April, May and June and $2.20 during the remainder of the year. The prices resulting from these differentials are further subject to a supply-demand adjustment which automatically increases or decreases the price whenever receipts of milk from producers are below or above normal, respectively, in relation to Class I sales. The supply-demand adjustment is limited to a maximum of plus or minus 50 cents per hundredweight.

The Class I price under the Federal order for the San Antonio, Texas market is related to the North Texas price by providing that it cannot exceed the North Texas Class I price by more than 50 cents per hundredweight. This provision has been effective in determining the order price under the San Antonio order in each month since it was incorporated in the order by amendment on February 1, 1954. The 50-cent differential reflects the fact that San Antonio is farther from the areas of regularly available supplemental supplies of Grade A milk than the North Texas market which is centered in Dallas-Ft. Worth. The additional cost of transporting milk from available sources to San Antonio over those involved in supplying milk from such sources to Dallas-Ft. Worth approximates 50 cents per hundredweight. This rate also approximates the cost of moving milk from the North Texas area to San Antonio. The level of prices resulting from a pricing formula for the Corpus Christi market likewise should reflect additional cost of transporting milk to the Corpus Christi market as compared to such cost to the North Texas or San Antonio markets. It is concluded that an average annual level of prices which is approximately 68 cents above the North Texas price will reflect the cost of transporting bulk milk the additional distances involved. It is not possible to determine whether or not the proposed Class I prices will assure the development of a full year-round supply of locally produced Grade A milk. However, it is concluded that the proposed differential is in line with current economic conditions. A full supply of locally produced milk should be developed over a period of time only to the extent that it can be obtained at prices which are no higher than those for milk of acceptable quality and regularly available from the major dairy regions. If prices were established which exceeded the cost of supplies from alternative sources over any extended period of time, there would be an incentive for handlers to reduce their purchases from local producers and purchase milk from outside sources.

The method of adding a stated differential to basic or manufacturing milk prices should be adopted to establish the Class I price in the Corpus Christi market. Although it is important that the average annual level of prices in this market be maintained at a reasonable relationship with the level of prices prevailing in other regulated markets, it is not necessary that this relationship be constant in each month. It is desirable to have a pricing formula that is not based solely on prices prevailing in another regulated market. In case the other order were terminated, the pricing provisions of the proposed order would be nullified.

Seasonal Class I pricing was proposed by producers. It is desirable to have seasonal Class I differentials to provide an additional degree of automatic change in Class I prices to reflect seasonal differences in the cost of milk imported from other fluid milk markets. Furthermore, some means should be provided for encouraging producers to maintain as nearly a uniform supply of milk as is possible in all months of the year. The North Texas market relies principally upon a base rating plan to encourage a more uniform seasonal pattern of production. Most of the Corpus Christi handlers have utilized the base rating plan in the past but only to a very limited extent because receipts of milk from local producers have seldom exceeded market requirements. No base rating plan was proposed at the hearing or recommended herein.

For the above stated reasons, the Class I price differentials to be added to the basic formula price should be $2.55 during March, April, May and June and $2.95 during all other months of the year. This proposed seasonality in Class I pricing will offer an inducement to producers to produce milk at the season of the year when it is most needed by the market. It will serve to align prices with the cost of unregulated supplemental milk at least in part, and with the cost of milk from more distant regulated markets employing a relatively large degree of seasonal pricing. The cost of milk from these latter sources tends to be comparatively low in the spring months and comparatively high during the fall and winter months when production is low.

The proposed seasonal pattern of prices will result in seasonal differences between the Corpus Christi Class I price and Class I prices under other Federal orders in other Texas markets. This will not be important with respect to any handler who might distribute milk regularly in the Corpus Christi area from one of these other markets since the average annual differential will reflect the appropriate relationship between prices in the two markets.

The basic price formulas proposed in the attached order and which apply manufacturing milk and dairy product prices are identical with those contained in the North Texas order. They are similar to those applied in many other orders. These formulas are based on widely accepted quotations in the dairy industry. The proposed basic prices are concluded to be appropriate to reflect general changes in the value of milk and manufactured products throughout the dairy industry.

The supply-demand adjustment provided in the North Texas order reflects production and sales conditions over a substantial portion of the State. Likewise, prices in several other Texas markets regulated by Federal orders or proposed to be regulated are directly related to the North Texas Class I price. At certain times, the North Texas area serves as a source of supplemental milk for other Texas areas. The Class I milk supplied to such other areas from the North Texas market is reflected in the supply-demand adjustment. Thus, the supply-demand adjustment not only reflects production changes in the North Texas area but it also indicates the availability of supplemental milk from this source. Therefore, in order that the desired average annual relationship of prices between the Corpus Christi market and the North Texas and other federally regulated markets in the State may be maintained, it is concluded that the supply-demand adjustment under the North Texas order should also be applied to the Corpus Christi Class I price.

Class II prices. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs as may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

All products included in Class II milk may be made from unapproved milk. Approved milk which may be used in

such products by regulated handlers should be priced at a level which is competitive with the cost of milk or milk ingredients that they may need for Class II products processed in conjunction with their fluid milk business.

It appears that only comparatively small quantities of producer milk will be utilized in the Class II products in the Corpus Christi market. During a few months immediately preceding the hearing some handlers found it necessary to dispose of some of the milk received from local producers to manufacturing plants. However, this was an unusual development and supplemental milk to fulfill local Class I requirements is normally purchased from other markets in several months of the year. Ice cream and cottage cheese are the most important outlets for the relatively small reserve supplies of milk in the marketing area.

During most months of the year, the Class II price should be equal to the average of prices paid for four percent milk at a representative list of Texas manufacturing plants or a butter-powder formula, whichever is higher. The butter-powder formula proposed herein is similar to that contained in other Federal orders in Texas. The butterfat value portion of the formula is computed by multiplying the price of 92-score butter at Chicago by 120 percent and the nonfat value is an average of the prices of spray and roller nonfat dry milk solids f. o. b. plants in the Chicago area, multiplied by a factor of 8.16 per hundred pounds of four percent milk. An allowance equivalent to approximately 60 cents per hundredweight of milk is deducted from the prices of butter and skim milk in the computation of the Class II values.

More efficient utilization of Class II milk can be achieved by introducing a degree of seasonal variation into the Class II price. This can be accomplished by applying the highest of the above stated proposed formula prices during July through February and the prices paid by the Texas manufacturing plants during March through June.

The average of the designated plant prices (Carnation Company, Sulphur Springs, Texas; The Borden Company, Mt. Pleasant, Texas; and Lamar Creamery, Paris, Texas) represent the minimum level of the Class II price at all times of the year. Manufacturing plants constitute the outlet for any supplies which local handlers are unable to use for the manufacture of cottage cheese, ice cream or other Class II products. Although there is only one manufacturing plant located in the Corpus Christi production area which is available as an outlet for Class II milk, the record shows that prices paid for milk by this plant have been considerably lower than prices paid by other Texas manufacturing plants and, therefore, cannot be considered as affording a representative price for Class II milk in this market. Obviously, it is necessary to include more than one plant in any Class II price formula. Although the above stated plants are not located adjacent to the Corpus Christi market milk manufacturing plants are competitive in the procurement of milk in comparatively large territories. These manufacturing plants represent one of the competitive sources of products for Class II usage. Moreover, the products they manufacture are sold basically on a national market. It appears, therefore, that the prices paid for milk at the above named plants constitute an appropriate measure of the competitive price for Class II milk in the Corpus Christi area during the spring and summer months. In other periods, prices paid at the designated plants are not representative of the cost of alternative sources of Class II products in the Corpus Christi market. At most times of the year, handlers will be able to utilize such Class II milk as is received from producers in ice cream, cottage cheese or other products manufactured in their own plants. It is concluded that the proposed Class II price arrangement will maximize returns to producers for this class of milk without impeding the orderly and efficient disposal of milk not needed for fluid use.

Butterfat differentials. As pointed out previously herein, butterfat and skim milk should be accounted for separately for classification purposes. Since it is concluded that the class prices should be established for milk containing 4.0 butterfat, it will be necessary to adjust Class I and Class II prices in accordance with the average test of milk in each class by a butterfat differential which will reflect differences in the value of the milk due to variations in the butterfat content. The values resulting from multiplying the average price of 92-score butter of Chicago by 0.120 for Class I milk and by 0.110 for Class II milk will provide an appropriate basis for adjusting such prices in this market. These adjustments will reflect changes in the central market prices of butterfat. The Class II butterfat differential reflects the local value of butterfat in milk or cream utilized for manufacturing purposes in such products as butter and ice cream. The Class I butterfat differential reflects a somewhat higher value assigned to butterfat in milk, cream and other Class I uses. However, it will be noted that the major portion of the Class I price differential over manufacturing values is assigned to skim milk.

The use of butterfat differentials in this manner follows standard practices in most fluid milk markets for adjusting prices of milk of various butterfat contents. In order that the Class I butterfat differential may be announced early each month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I differential at the same time that the Class I price is announced.

The Class II price and butterfat differential will not be announced until after the end of the month. Handlers, however, will know that the price of such milk will follow the central market prices for butter and nonfat solids and the competitive price for manufacturing milk.

The butterfat differential to producers for milk containing more or less than 4.0 percent butterfat should correspond to the weighted average values of the butterfat and skim milk in producer milk utilized by handlers in Class I and Class II. This follows the same principle as the payment of a uniform price to all producers. Each producer shares equally in the total value of the handlers' Class I and Class II utilization, at the basic test of 4.0 percent butterfat. It is equally appropriate that each should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 4.0 percent. It is probable that the weighted average will be only slightly below the Class I differential of 0.120 times the butter price because it will be heavily weighted by Class I use. The net result will, therefore, be close to the differential of 0.120 proposed by producers.

(d) *Distribution to producers of proceeds from the sale of milk*—(1) *Individual-handler pool.* The individual-handler type of pool should be included in the order as a means of distributing to producers the proceeds from the sale of their milk.

The market-wide form of pooling was proposed by producers. Under the market-wide pool, all producers delivering milk to all fluid milk plants would receive uniform prices for all milk so delivered irrespective of the use made of such milk by the individual-handler to whom it is delivered. A proposal was made at the hearing for an individual-handler pool. Under the individual-handler pool, the producers supplying each of the regulated handlers would be paid a blend price based upon the proportion of the receipts of producer milk classified as Class I milk and Class II milk at the plant(s) of the particular handler receiving the milk. Under either type of pool, the uniform or blend prices, of course, are subject to location differentials and to adjustments for varying percentages of butterfat content. Producers may also be charged different rates for hauling their milk from the farm to the fluid milk plant. Such rates, however, are not established by the order.

Under the conditions existing in this area, the individual-handler pool will tend to result in optimum allocation of producer milk among handlers and in maximum returns to producers for their milk. The record indicates that no handler is carrying an undue proportion of the excess milk in order to supply other handlers with supplemental milk. Nearly all plants are engaged primarily in processing milk for fluid disposition. For this reason the blend or uniform prices received by producers from the different handlers will be substantially the same. However, in case the receipts of producer milk by some handlers become maladjusted in relation to their fluid milk sales, a price incentive will obtain for producers to shift their deliveries to those handlers who are in need of additional milk.

In the past, the cooperative association has pooled the proceeds from the sale of milk of some of its members. The individual-handler pool will not interfere with the pooling or payment activities of a cooperative association. Provision is made for handlers to pay an authorized cooperative association, which so requests, the proceeds from the sale of milk supplied by its members. This provision should assist the cooperative association in carrying out a more effective pooling and payment plan than could be accomplished in the absence of regulation.

It was also proposed to safeguard a market-wide pooling arrangement and the classified pricing plan by equalization payments on all unpriced or other source milk which was disposed of as Class I milk in the marketing area.

Other proposals would exclude a plant from the pricing and pooling arrangements of the order if such plant disposed of less than a specified percentage of its sales on routes in the marketing area. The milk disposed of by plants not qualifying for pool plant status would be considered as other source milk. Under these proposals, handlers would be required to equalize with the market pool the difference between the cost of such unpriced milk and the order Class I price. This was to assure that the users of such milk would not have a competitive advantage over the handlers using producer milk exclusively for Class I sales. The problem of unpriced fluid milk, however, can best be dealt with under the circumstances of this market, by extending regulation to all plants which dispose of sufficient milk to be an effective competitive factor in the market.

3. *Payments to individual producers and to members of cooperative associations.* Each handler should make payment to each producer for milk delivered by such producer at the appropriate uniform price on or before the 15th day of the month following receipt of the milk. Provision is made for partial payments on milk received during the first 15 days of the month on or before the 28th day of the month.

Payments due any producer for milk should be paid by the handler to a cooperative association if the cooperative association makes a written request for such payment and if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. The association's request should also provide to indemnify the handler for any loss incurred because of any improper claim.

Provision is made for handlers to make payments to a cooperative association two days in advance of the time the handler is required to make payments to individual producers in order that all producers will receive payment on approximately the same date.

In making such payments for producer milk to a cooperative association, the handler should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary so the cooperative association can make proper distribution of the money to producers for whom it collects payment.

Unless a cooperative association can receive payment for the milk marketed on behalf of its producer-members, it cannot re-blend the sales proceeds from milk sold in various outlets. This important function is specifically provided for in the act. Such re-blending may be essential if it is necessary for the cooperative to divert milk to nonfluid milk plants.

(e) *Other administrative provisions.* In addition to those provisions herein determined to be appropriate, certain other provisions should be contained in the order to carry out, from an administrative viewpoint, the purposes of the regulation. Certain terms and definitions are desirable in the interest of brevity and to assure that the usage of a term always implies the same meaning. The terms that are defined in the proposed order are common to many other Federal milk orders. Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agent.

Records and reports. Provisions should be included in the order for the purpose of requiring handlers to maintain adequate records of their operations and to make certain reports as may be required by the market administrator. Certain time limits must be prescribed for filing such reports and for making payments to producers. Dates must also be established for the announcement of prices by the market administrator. The following schedule will afford interested parties sufficient time to perform the functions as indicated below:

Day of month and function. 6th Announcement by market administrator of Class I price and butterfat differential for the current month and Class II price and butterfat differential for preceding month.

7th Submission by handlers of monthly report of receipts and utilization for preceding month.

12th Announcement by market administrator of uniform price for each handler and notification to handlers of value for their producer milk received during the preceding month.

13th Final payments by handlers to cooperative associations for milk received during the preceding month.

15th Final payments by handlers to individual-producers for milk received during preceding month and payments to market administrator for administrative assessment and marketing service deductions.

20th Submission of producer payroll report by handlers for preceding month.

26th Partial payments by handlers to cooperative associations.

28th Partial payments by handlers to individual producers.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, and such facilities as are necessary to determine the accuracy of the information, submit such reports to the market administrator as he may deem necessary and furnish to him or his representative any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the order.

Provision should be made for handlers to notify the market administrator of their intention to divert producer milk. Information such as this, on a market-wide basis, may help handlers to locate local sources of producer milk and thereby to expedite transfers of such milk among handlers.

It is necessary that handlers retain records to prove the utilization of the milk received from, and that proper payments were made to, producers. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be kept for a reasonable period of time.

The order should provide for specific limitations of the time that handlers should be required to retain their books and records and the period of time in which obligations under the order should terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947 following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

Expense of administration. Each handler should be required to pay the market administrator, as the handler's pro rata share of the cost of administering the order, not more than five cents per hundredweight, or such lesser amounts as the Secretary may from time to time prescribe, on (a) receipts of producer milk (including such handler's own production), (b) other source milk in a fluid milk plant which is classified as Class I milk, and (c) Class I milk disposed of through routes in the marketing area from a nonfluid plant other than a plant which is subject to the payment provisions of another Federal order.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. The record indicates that other source milk is received by handlers to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including handler's own production) and other source milk allocated to Class I milk.

In view of the anticipated volume of milk and the cost of administering orders in markets of comparable circumstances, it is concluded that an initial rate of five cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the five cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

Marketing services. A provision should be included in the order for furnishing marketing services to producers such as verifying tests and weights of milk and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member-producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of an order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An important phase of the marketing service program is to furnish producers with correct market information. As previously discussed, detailed information regarding market conditions is not now regularly available either to producers or to cooperative associations. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a market-wide basis to all producers.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of six cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order of the Secretary directing the conduct of a referendum; determination of a representative period; and designation of referendum agent. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the attached order regulating the handling of milk in the Corpus Christi, Texas marketing area) who, during the month of March 1955, which month is hereby determined to be the representative period for such referendum, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, to determine whether such producers favor the issuance of the order which is filed herewith.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is filed with the Hearing Clerk, United States Department of Agriculture.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Corpus Christi, Texas Marketing Area," and "Order Regulating the Handling of Milk in the Corpus Christi, Texas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of §900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met:

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, which will be published with this decision.

This decision filed at Washington, D. C., on the 3d day of April 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order,[1] Regulating the Handling of Milk in the Corpus Christi, Texas, Marketing Area

Sec.
998.0 Findings and determinations.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

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AUTHORITY: §§ 998.0 to 998.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 998.0 *Findings and determinations.* (a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plant) located in the marketing area from a nonfluid milk plant.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 998.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 998.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 998.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 998.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 998.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 998.6 *Corpus Christi, Texas, Marketing Area.* "Corpus Christi, Texas, Marketing Area", hereinafter called the "marketing area," means all the territory within the Counties of Nueces, Jim Wells, Kleberg, Brooks, Duval, Live Oak and San Patricio.

§ 998.7 *Fluid milk plant.* "Fluid milk plant" means any milk processing or packaging plant from which Class I milk equal to more than three percent of the Grade "A" milk and skim milk received from dairy farmers and other plants, or an average of 1,000 or more pounds of Class I milk per day, whichever is less, is disposed of during the month in the marketing area through a route(s).

§ 998.8 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 998.9 *Approved plant.* "Approved plant" means: (a) A fluid milk plant and (b) any milk plant from which Class I milk is disposed of on a route in the marketing area.

§ 998.10 *Handler.* "Handler" means any person in his capacity as the operator of one or more approved plants.

§ 998.11 *Route.* "Route" means the operation of a vehicle or a plant store (including that operated by a vendor) through which milk, skim milk, buttermilk, cream or flavored milk drinks are disposed of to retail or wholesale outlets in the marketing area.

§ 998.12 *Producer.* "Producer" means any person except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant or (b) diverted for his account by the operator of a fluid milk plant from such plant to a nonfluid milk plant during any of the months of March through July: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 998.13 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received at a fluid milk plant directly from producers or diverted from such a plant pursuant to § 998.12.

§ 998.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form or products designated as Class I milk pursuant to § 998.41 (a) (1), except (1) such products received from other fluid milk plants, and (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 998.41 (b) (1) from any source (including those produced at the plant) which are reprocessed or converted into another product during the month.

§ 998.15 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from other dairy farmers and disposes during the month of less than a daily average of 3,300 pounds of Class I milk as defined pursuant to § 998.41 (a) (1) through a route(s) in the marketing area.

§ 998.16 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 998.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 998.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 998.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who

handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 998.85 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 998.84) necessarily incurred by him in maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to § 998.30 to § 998.32, inclusive, or payments pursuant to § 998.80 to § 998.82, inclusive;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing;

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 998.51 (a) and the Class I butterfat differential computed pursuant to § 998.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 998.51 (b) and the Class II butterfat differential computed pursuant to § 998.52 (b), both for the previous month; and

(2) On or before the 12th day after the end of each month the uniform price for each handler computed pursuant to § 998.72 and the butterfat differential computed pursuant to § 998.81;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

REPORTS, RECORDS AND FACILITIES

§ 998.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants as follows:

(a) The quantities of skim milk and butterfat contained in producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 998.41 (a) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat in other source milk;

(d) The quantities of skim milk and butterfat contained in inventories of products designated as Class I milk pursuant to § 998.41 (a) on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of Class I milk outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 998.31 *Payroll reports.* On or before the 20th day of each month each handler, except a producer-handler, shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month for each of his fluid milk plants which shall show for each producer;

(a) His name and address;

(b) The total pounds and the average butterfat test of milk received; and

(c) Net amount of such handler's payment, together with the price(s) paid and the nature and amount of any deductions.

§ 998.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonfluid milk plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 998.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers and disbursement of money so deducted;

§ 998.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 998.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat at approved milk plants which is required to be reported for the month pursuant to § 998.30, shall be classified by the market administrator pursuant to the provisions of §§ 998.41 to 998.46 inclusive.

§ 998.41 *Classes of utilization.* Subject to the conditions set forth in §§ 998.43 and 998.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstitued skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers), and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Disposed of and used for livestock feed;

(3) Contained in inventory of milk and milk products designated as Class I milk pursuant to paragraph (a) (1) of this section on hand at the end of the month; and

(4) In shrinkage not to exceed 2 percent (5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, in producer milk and other source milk.

§ 998.42 *Shrinkage.* The market administrator shall assign shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 998.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 998.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk, if transferred in the form of products designated as Class I milk in § 998.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 998.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 998.46 (a) (2) and the corresponding step of (b) and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have other source milk as defined pursuant to § 998.14 during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 998.41 (a) (1);

(c) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located more than 225 miles distant by the shortest highway distance as determined by the market administrator, except that cream so transferred may be classified as Class II milk if notice is given to the market administrator at least 24 hours prior to shipment, each container is labeled by the transferor as "ungraded cream for manufacturing only" and such shipment is so invoiced;

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located not more than 225 miles distant by the shortest highway distance as determined by the market administrator, unless the following conditions are met:

(1) The transferring-handler claims Class II utilization in a product specified in § 998.41 (b);

(2) The operator of such nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(3) The Class I milk, as defined pursuant to § 998.41 (a) in such nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers, who the market administrator determines, constitute the regular source of supply for such plant: *Provided,* That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, skim milk, or cream so transferred or diverted.

§ 998.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 998.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 998.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 998.42 (b);

(2) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk as defined pursuant to § 998.14;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 998.41 (b) (3);

(4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 998.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 998.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk allocated to Class I and Class II milk; respectively.

MINIMUM PRICES

§ 998.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed, pursuant to paragraphs (a), (b), and (c) of this section rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, divided by 3.5 and multiplied by 4.0.

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk, Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

§ 998.51 *Class prices.* Subject to the provisions of § 998.52, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price as determined pursuant to § 998.50, plus the following amount:

Month:	*Amount*
March, April, May and June	$2.55
All other months	2.95

Provided, That the above amounts shall be increased or decreased, respectively, by the same amount as any increase or decrease respectively, provided by the supply-demand adjustment determined pursuant to Order No. 43 regulating the handling of milk in the North Texas marketing area.

(b) *Class II milk price.* The minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph for the months of March, April, May and June; and for each of the other months the price computed pursuant to subparagraph (1) of this paragraph or the price computed pursuant to subparagraph (2) of this paragraph, whichever is higher:

(1) The average of the basic or field price reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from dairy farmers at the following plants or places for which prices have been reported to the market administrator or to the Department:

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

(2) The sum of the plus values computed as follows:

(i) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b., manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.16.

§ 998.52 *Butterfat differential to handlers.* For milk containing more or less than 4 percent butterfat, the class prices pursuant to § 998.51 shall be increased or decreased, respectively, for each one-tenth of one percent butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120;

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.110.

APPLICATION OF PROVISIONS

§ 998.60 *Producer-handlers.* Sections 998.40 through 998.46, 998.50 through 998.53, 998.70 through 998.72 and 998.80 through 998.85 shall not apply to a producer-handler.

§ 998.61 *Plants subject to other Federal orders.* (a) An approved plant will be considered to be a non-fluid milk plant during the month for the purpose of this part if (1) a larger volume of Class I milk is disposed of from such plant in the marketing area of another order issued pursuant to the act than is distributed in the Corpus Christi marketing area to wholesale or retail outlets (other than to a distributing plant(s)) during the month, and (2) such plant would be subject to regulation pursuant to such order.

(b) The operator of such approved plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require in lieu of the reports required pursuant to § 998.30 and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 998.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 998.46 (a) (6) and the corresponding step of § 998.46 (b) by the applicable class price;

(c) Add an amount computed as follows:

(1) Determine the pounds if any, that the skim milk or butterfat in inventory, subtracted from Class I milk pursuant to § 998.46 (a) (3) and the corresponding step of § 998.46 (b) is not in excess of the pounds in producer milk classified as Class II milk (other than as shrinkage) for the preceding month; and (2) multiply such pounds by the difference between the Class I price in the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 998.71 *Computation of aggregate value used to determine uniform prices.* For each month the market administrator shall compute an aggregate value for each handler from which to determine the uniform price per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Add or subtract from the amount computed pursuant to § 998.70 for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, as determined pursuant to § 998.81 and multiplying the result by the total hundredweight of producer milk; and

(b) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price for such handler for the preceding month.

§ 998.72 *Computation of uniform prices for handlers.* The market administrator shall compute a uniform price for producer milk received by each handler as follows: Divide the aggregate value computed pursuant to § 998.71 by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, at a fluid milk plant.

PAYMENTS

§ 998.80 *Payments to producers.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producers as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 998.72 subject to the butterfat differential computed pursuant to § 998.81; plus or minus adjustments for errors made in previous payments to such producers; and less (1) payment made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 998.83 and (3) proper deductions authorized by such producer;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 13th and 26th day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 998.81 *Butterfat differential to producers.* The applicable uniform prices to be paid pursuant to § 998.80 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 998.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 998.82 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 998.83 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 998.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 998.84 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handlers' own production; (b) other source milk at a fluid milk plant which is classified as Class I milk; and (c) Class I milk disposed of during the month through routes located in the marketing area from a nonfluid milk plant other than a plant defined in § 998.61.

§ 998.85 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 998.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 998.101.

§ 998.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 998.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 998.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution,

such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 998.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United State to act as his agent or representative in connection with any of the provisions of this part.

§ 998.101 *Separability of provisions.* If any provision of this part or its application to any person or circumstances is held invalid the application of such provision and of the remaining provisions of this part, to other persons or circumstances, shall not be affected thereby.

[F. R. Doc. 55-3694; Filed, May 5, 1955; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 4]

[Docket No. 11164; FCC 55-511]

TELEVISION AUXILIARY BROADCAST STATIONS

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of April 1955;

The Commission having under consideration a request of Radio-Electronics-Television Manufacturers Association, filed April 25, 1955, that the time for filing comments in connection with the further notice of proposed rule making herein issued April 1, 1955, be extended from April 29, 1955, to May 20, 1955; and

It appearing that good cause is shown in the request for such extension of time;

It is ordered, That the request is granted, and the time for filing comments herein is extended to May 20, 1955;

It is further ordered, That the time for filing replies to comments herein is extended to May 31, 1955.

Released: April 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3689; Filed, May 5, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1955 Dept. Circ. 960]

2 PERCENT TREASURY NOTES OF SERIES B-1956

OFFERING OF NOTES

MAY 3, 1955.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, from the people of the United States for notes of the United States, designated 2 percent Treasury Notes of Series B-1956.

2. Cash offering: Subscriptions are invited at par and accrued interest. The amount of the offering is $2,500,000,000, or thereabouts. The books will be open only on May 3 for the receipt of cash subscriptions.

3. Exchange offering: Exchange subscriptions are invited, at par, from holders of 1⅛ percent Treasury Certificates of Indebtedness of Series B-1955, maturing May 17, 1955. The books will be open only on May 3 through May 5 for the receipt of exchange subscriptions for this issue.

II. *Description of notes.* 1. The notes will be dated May 17, 1955, and will bear interest from that date at the rate of 2 percent per annum, payable on a semi-annual basis of February 15 and August 15, 1956. They will mature August 15, 1956, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department as now or hereafter prescribed in Department Circular No. 300, Revised.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

Cash subscriptions. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers. Others than commercial banks will not be permitted to enter cash subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding one-half of the combined capital, surplus and undivided profits, of the subscribing bank, as of December 31, 1954. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 10 percent payment in excess of 10 percent of the amount of notes allotted may be released upon the request of the subscribers.

Exchange subscriptions. Banking institutions generally may submit exchange subscriptions for account of customers.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, exchange subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before May 17, 1955, or on later allotment.

Cash subscriptions. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

Exchange subscriptions. Payment may be made only in Treasury Certificates of Indebtedness of Series B-1955, which will be accepted at par, and should accompany the subscription. Final interest due on May 17 on certificates surrendered will be paid by payment of May 17, 1955 coupons, which should be *detached* by holders before presentation of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 55-3688; Filed, May 5, 1955; 8:49 a. m.]

Office of the Secretary

[T. D. Order 184]

HEADS OF BUREAUS

DELEGATING AUTHORITY TO MAKE BUY-AMERICAN ACT DETERMINATIONS

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there are transferred to the head of each bureau, to be exercised with respect to procurement by his bureau, the functions of the Secretary of the Treasury under the Buy-American Act (41 U. S. C. 10a-10d), laws supplementary to or requiring the application of the Buy-American Act, and Executive Order 10582, dated December 17, 1954.

The head of each bureau may make such provision as he deems appropriate for the performance by subordinates of any function transferred to him by this order.

Determinations under section 5 of Executive Order 10582 shall be made only after approval by the Secretary, and the reports required by that section shall be prepared for the signature of the Secretary.

Each bureau head will be responsible for insuring that procurement practices under his jurisdiction conform to the provisions of Executive Order 10582. After the close of each calendar year, a report summarizing the determinations made during the year shall be submitted to the Secretary by each bureau head.

Dated: May 2, 1955.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3687; Filed, May 5, 1955; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

CALIFORNIA, KANSAS, MONTANA, NEW MEXICO, UTAH, WYOMING

DEFINITION OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown.

Name of Field, Effective Date, and Acreage

(1) CALIFORNIA

Bates Field, March 21, 1955	280
Cat Canyon Field, January 18, 1955	5,000
Holser Canyon Field, February 9, 1955	240
Lompoc Field, January 18, 1955	4,814
Placerita Field, February 9, 1955	1,472

(3) KANSAS

Greenwood Field, February 3, 1955	138,828

(4) MONTANA

Dry Creek Field, January 10, 1955	3,588

(5) NEW MEXICO

Drickey Field, February 7, 1955	5,442
Monument-Jal Field, March 14, 1955	282,316
San Juan Field, February 24, 1955	1,075,806

(8) UTAH

Farnham Field, April 6, 1955	3,784

(9) WYOMING

Big Piney Field, December 3, 1954	13,017
Murphy Dome Field, April 11, 1955	1,232
Mush Creek Field, April 12, 1955	13,560
Nelber Field, April 12, 1955	6,317
Osage Field, December 3, 1954	14,683
Whistle Creek Field, April 6, 1955	710

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 55-3670; Filed, May 5, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6916 et al.]

LAKE CENTRAL CERTIFICATE RENEWAL INVESTIGATION

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled investigation now assigned to be held on May 12 is postponed to May 23, 1955. This conference will be held at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

In order to facilitate the conduct of this conference interested parties are requested to present motions for consolidation or modification of the issues in this proceeding to Examiner Pfeiffer on or before May 19, 1955, with copies to other interested parties. It is also requested that any requests for evidence should be circulated at the same time.

Dated at Washington, D. C., May 3, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-3703; Filed, May 5, 1955; 8:51 a. m.]

[Docket No. 6998]

COLONIAL AIRLINES, INC. AND EASTERN AIRLINES, INC.; EASTERN-COLONIAL ACQUISITION CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Colonial Airlines, Inc., and Eastern Air Lines, Inc. under sections 408 and 412 of the Civil Aeronautics Act of 1938, as amended, for approval of an agreement for the acquisition of the assets of Colonial Airlines, Inc. by Eastern Air Lines, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 18, 1955 at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

In order to facilitate the conduct of this conference interested parties are requested to present any motions they may have with respect to the issues in this proceeding to Examiner Wiser on or before May 13, 1955, with copies to other interested parties. It is also requested that any requests for evidence should be circulated at the same time.

Dated at Washington, D. C., May 3, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-3702; Filed, May 5, 1955; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

VIRGINIA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1143a—2 (a), as amended, it is determined that in the following named additional counties in the Commonwealth of Virginia a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COMMONWEALTH OF VIRGINIA

Albemarle.	Patrick.
Carroll.	

Pursuant to the authority as set forth above, such loans will not be made in the above-named counties in the Commonwealth of Virginia after December 31, 1955, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 3d day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-3695; Filed, May 5, 1955; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11124, 11125; FCC 55M-383]

HAROLD M. GADE AND MONMOUTH COUNTY BROADCASTERS

ORDER AFTER SECOND PREHEARING CONFERENCE SCHEDULING HEARING

In re applications of Harold M. Gade, Eatontown, New Jersey, Docket No. 11124, File No. BP-9096; Monmouth

County Broadcaters, Long Branch, New Jersey, Docket No. 11125, File No. BP-9231; for construction permits.

The Hearing Examiner having under consideration the establishment of schedules and procedures to be followed herein and the statements made on the record by and on behalf of each party at the prehearing conference held on April 27, 1955; and

It appearing that the parties were directed by statements on the record to conduct further informal conferences upon the legal and engineering and other evidentiary questions to be resolved herein so as to effect on or before May 23, 1955, an exchange of the direct affirmative case exhibits as required by § 1.841, the scope and details of the informal conference procedure being more fully stated on the record; and

It further appearing that a further prehearing conference after exchange of the direct affirmative cases as provided for in § 1.841 is necessary, and that the earliest date upon which this Hearing Examiner's schedule permits the conduct of such conference is May 26, 1955; and

It further appearing that all parties desire an early hearing in this proceeding and therefore consented that the hearing be commenced as soon as possible after conclusion of the prehearing conference on May 26, and that the earliest date reasonably available to this Hearing Examiner for such hearing in this proceeding is Thursday, June 2, 1955; and

It further appearing that no party suggested or urged any reasons why the procedural schedule hereinabove indicated could not be adhered to, and that the establishment by this order of the said schedule will conduce to the orderly dispatch of the Commission's business:

Now therefore it is ordered, This 28th day of April 1955, that (1) the parties shall submit their respective direct affirmative case exhibits as provided for in § 1.841 on or before Monday, May 23, 1955; (2) that a further prehearing conference in this proceeding shall be held on Thursday, May 26, 1955, at 10:00 a. m. in Washington, D. C.; and (3) that the hearing of evidence in this proceeding shall be commenced in Washington, D. C., at 10:00 a. m. on Thursday, June 2, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3690; Filed, May 5, 1955; 8:49 a. m.]

[Docket No. 11180; FCC 55M-371]

BILL MATHIS

ORDER CONTINUING HEARING

In re application of Bill Mathis, Abilene, Texas, Docket No. 11180, File No. BP-8917; for construction permit.

The Hearing Examiner having under consideration the above-entitled application, on which a hearing is now scheduled to be held in Washington, D. C., on Monday, May 2, 1955; and

It appearing that on March 31, 1955, a petition was filed by Bill Mathis, the applicant herein, requesting that the Commission reconsider its action in designating the above-entitled application for hearing and to grant the said application without hearing; and

It further appearing that the Commission will not be able to act on the said petition on or before May 2, 1955, the date now scheduled for hearing on the said application:

It is ordered, By the Hearing Examiner on his own motion, this 26th day of April 1955, that the hearing in the above-entitled proceeding be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3691; Filed, May 5, 1955; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2952, G-4671, G-5261]

DEEP SOUTH OIL CO. OF TEXAS ET AL.

ORDER CHANGING DATE OF ORAL ARGUMENT

In the matters of Deep South Oil Company of Texas, Docket No. G-2952; Shell Oil Company, Docket No. G-4671; Humble Oil & Refining Company, Docket No. G-5261.

The date for oral argument before the full Commission upon the issues presented in the above-entitled status determination proceedings was fixed for June 3, 1955, by Commission order issued April 20, 1955.

Upon request of Humble Oil & Refining Company by letter dated April 25, 1955, and due to conflicting engagements of Counsel involved, it appears proper that the date for oral argument be changed to June 7, 1955.

Wherefore, the Commission orders: The date for oral argument as heretofore provided in paragraph (B) of the Commission's order issued April 25, 1955, is changed from June 3, 1955, and now fixed for June 7, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: April 27, 1955.

Issued: May 2, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3672; Filed, May 5, 1955; 8:45 a. m.]

[Project No. 78]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF DATE OF HEARING

APRIL 29, 1955.

Pursuant to application for rehearing filed by Pacific Gas and Electric Company, licensee for water-power Project No. 78, and pursuant to section 313 (a) of the Federal Power Act, the Commission by order issued December 15, 1953 granted a rehearing at a time and place to be fixed by further order on that portion of its order issued October 20, 1953, amending the license for the project, as would include as part of the license certain provisions and conditions designated in said order as Article 27.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4, 6, 10, 18, 308, and 313, and the Commission's rules of practice and procedure, a hearing will be held on June 1, 1955, at 10:00 a. m., P. d. s. t., in Room 1152 Appraisers Building, 630 Sansome Street, San Francisco, California, concerning the matters involved and the issues presented by the aforesaid application for rehearing and the Commission's order issued December 15, 1953 granting same.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3674; Filed, May 5, 1955; 8:46 a. m.]

[Project No. 2059]

CITY OF EUGENE, OREG.

ORDER FIXING HEARING

On August 23, 1954, the City of Eugene, Oregon, by and through its Eugene Water & Electric Board (Applicant), filed an application under section 4 (e) of the Federal Power Act (16 U. S. C. 791a-825r) for a license for a proposed hydroelectric development on McKenzie River in Lane and Linn Counties, Oregon, known as the Beaver Marsh Project, designated by this Commission as Project No. 2059.

Notice of the application was duly published in newspapers in the City of Eugene, Lane County, Oregon, and in the City of Albany, Linn County, Oregon, and in the FEDERAL REGISTER on September 25, 1954 (19 F. R. 6171).

Numerous informal protests against the granting of the application have been filed by individuals, associations and civic groups, who maintain that the Upper McKenzie River area is more valuable as a scenic and recreational area than for any other use. Informal petitions by individuals in favor of granting the application have also been filed.

The State of Oregon, acting by and through the Oregon State Game Commission, filed formal protest against the application, provided, however, that if any license issued contain special conditions in the interest of the protection, promulgation, preservation, and promotion of game fish in the McKenzie River—as set forth in the formal protest—then the State of Oregon does not protest the granting of the application. The Oregon State Fish Commission has also requested that the license be conditioned in the interest of the food fishery resources involved.

The Secretary of Agriculture, in reporting on the application, urged the Commission to conduct a public hearing before acting on the application in order that full and proper consideration to the timber and recreational values of the Upper McKenzie River in comparison to the power values of the proposed project may be given.

The Commission finds: In the circumstances recited herein, it is in the public interest that a public hearing be held on this matter as hereinafter provided.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon it by the Federal Power Act, particularly sections 4 and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held on June 7, 1955, at 10:00 a. m., P. s. t., in Room 200, Veterans Memorial Building, 1600 Willamette Street, Eugene, Oregon, concerning the issue of whether the proposed project is best adapted to a comprehensive plan of development for all public purposes as required by section 10 (a) of the act, and whether the Commission should find under section 7 (b) of the act that the United States itself should undertake the development of the water resources involved for public purposes.

Adopted: April 27, 1955.

Issued: May 2, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3673; Filed, May 5, 1955; 8:45 a. m.]

FEDERAL TRADE COMMISSION

STATEMENT OF ORGANIZATION

The Federal Trade Commission hereby issues the following statement of organization.

Sec.
1. The Commission.
2. The Chairman.
3. General description of organization.
4. Executive Director.
5. The Secretary.
6. Office of the General Counsel.
7. Bureau of Investigation.
8. Bureau of Litigation.
9. Bureau of Economics.
10. Bureau of Consultation.
11. Hearing Examiners.
12. Legal Aides to the Commissioners.

SECTION 1. *The Commission.* The Federal Trade Commission is composed of five members appointed by the President and confirmed by the Senate. Commissioners are appointed for terms of seven years.

SEC. 2. *The Chairman.* The Chairman of the Commission, pursuant to Presidential Reorganization Plan No. 8 of 1950, is authorized to exercise the executive and administrative functions of the Commission. In carrying out those functions the Chairman is governed by general policies of the Commission and by such regulatory decisions, findings and determinations as the Commission may by law be authorized to make. The Chairman of the Commission is chosen from the membership of the Commission by the President.

SEC. 3. *General description of organization.* The Commission's staff is divided into the following principal units:
(a) Executive Director.
(b) The Secretary.
(c) Office of the General Counsel.
(d) Bureau of Investigation.
(e) Bureau of Litigation.
(f) Bureau of Economics.
(g) Bureau of Consultation.
(h) Hearing Examiners.
(i) Legal Aides to the Commissioners.

SEC. 4. *Executive Director.* The Executive Director, as the chief operating official under the direction of the Chairman, exercises executive and administrative supervision over all the Bureaus and the staff of the Commission. The Office of the Executive Director includes the following divisions:

(a) *Division of Management and Organization.* This Division is responsible for organization planning, systems and procedures work, forms control, records management program, designing management control systems, and for auditing administrative practices for the Executive Director.

(b) *Division of Budget and Finance.* This Division administers the budget planning and the finances and accounts of the Commission.

(c) *Division of Personnel.* This Division plans and administers the personnel program, including position classification, employee relations, examining, recruiting, employee utilization and first aid.

(d) *Division of General Services.* This Division procures and maintains the Commission's supplies, equipment and communications; supervises space planning and controls; composes and prints various Commission publications; and maintains the Commission's library.

SEC. 5. *The Secretary.* The Secretary of the Commission is legal custodian of the seal, papers, records and property of the Commission. All orders of the Commission are signed by the Secretary. In addition, the Secretary has responsibility for the Commission minutes and legal and public records. Under the supervision of the Secretary, the Office of Information prepares and disseminates press releases and other information to the public and provides liaison between the Commission and members of the press and the public at large.

SEC. 6. *Office of the General Counsel.* The General Counsel is chief law officer and consultant to the Commission. The Office includes the following Divisions:

(a) *Appellate Division.* This Division defends or prosecutes proceedings in the United States Courts of Appeals for review of Commission orders or enforcement of such orders through contempt proceedings. It also prepares for Commission consideration drafts of reports upon legislative proposals requested of the Commission.

(b) *Division of Special Legal Assistants.* This Division renders special legal aid to the Commission or to individual Commissioners in the drafting of findings, orders and decisions in adjudicative proceedings and in other matters.

(c) *Division of Compliance.* This Division supervises and directs compliance by respondents with orders to cease and desist and, in the event of noncompliance, prepares complaints and assists in the trial of civil penalty suits in the various United States district courts.

(d) *Division of Export Trade.* This Division administers the Webb-Pomerene Export Trade Act.

SEC. 7. *Bureau of Investigation.* The legal investigational work of the Commission is centered in this Bureau. Investigations conducted by the Commission's branch offices are under the jurisdiction of the Director. Project Attorneys under the supervision of the Chief Project Attorney have responsibility for investigations from initial screening, through field investigation, to final disposition. The Director of the Bureau has responsibility also for the administration of the following divisions:

(a) *Division of Wool, Fur, and Flammable Fabrics.* This Division administers the Wool, Fur, and Flammable Fabrics Acts.

(b) *Division of Accounting.* This Division performs accounting services in connection with the investigation and trial of cases, as well as in connection with general economic investigations. It prepares cost and price studies, and its staff members act as expert witnesses in proceedings arising under the Clayton Act and the Federal Trade Commission Act.

(c) *Division of Scientific Opinions.* This Division furnishes advice, information and assistance to the Commission's staff with respect to the composition, nature, effectiveness and safety of food, drugs, devices, cosmetics, and related commodities and conducts liaison with other Federal agencies, private institutions, laboratories, and hospitals in matters concerning such commodities.

SEC. 8. *Bureau of Litigation.* (a) As the prosecuting arm of the Commission, the Bureau of Litigation is responsible for the preparation and trial of all formal cases alleging violations of laws which the Commission enforces. The staff of the Bureau reviews and forwards to the Commission, with appropriate recommendations for action, all investigational files in cases in which the Bureau of Investigation has recommended issuance of a formal complaint. It handles all stages of litigation, from the initial preparation of a complaint, through pretrial procedures, settlement negotiations and the conduct of hearings before hearing examiners, to the briefing and argument of cases before the Commission.

(b) The staff of the Bureau also represents the public interest in quantity limit proceedings under section 2 (a) of the Clayton Act; conducts proceedings instituted under the Export Trade Act; and represents the Commission in the prosecution or defense of actions in United States District Courts, including injunctive proceedings under the Federal Trade Commission Act and injunctive and condemnation proceedings under the Wool Products Labeling Act,

the Fur Products Labeling Act and the Flammable Fabrics Act. In addition, the staff of the Bureau cooperates with the General Counsel's Office in the briefing and argument of cases on appeal in United States Courts of Appeals and the Supreme Court.

SEC. 9. *Bureau of Economics.* The work of the Commission in the field of economics is centered in this Bureau. The Bureau consists of the following divisions:

(a) *Division of Economic Evidence and Reports.* This Division furnishes the economic information and advice required in the Commission's anti-monopoly program and conducts general economic surveys and investigations.

(b) *Division of Financial Statistics.* This Division collects, summarizes and analyzes the financial statements made to the Commission by corporations and prepares therefrom quarterly reports on the financial position and operating results of the nation's manufacturing industries and distributive trades.

SEC. 10. *Bureau of Consultation.* The Commission's cooperative work with industries and industry members, designed to effect and maintain a maximum degree of observance of the laws administered by the Commission on a voluntary basis, is conducted by this Bureau.

(a) *Small Business Division.* This special Division provides advice and guidance for small business.

(b) *Division of Trade Practice Conferences.* This Division administers the Trade Practice Conference program of the Commission.

(c) *Division of Stipulations.* This Division represents the Commission in the negotiation of informal agreements to cease and desist.

SEC. 11. *Hearing Examiners.* Hearing Examiners are officials to whom the Commission delegates the initial exercise of its adjudicative powers. They are appointed to office by the Commission by authority of and subject to the prior approval of the Civil Service Commission in accordance with the provisions of Section Eleven of the Administrative Procedure Act. In the performance of their duties as adjudicative officers, Hearing Examiners are exempt from all direction, supervision or control except for administrative purposes.

SEC. 12. *Legal Aides to the Commissioners.* To each Commissioner there is assigned an attorney who functions as a Special Legal Aide.

ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-3704; Filed, May 5, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 3, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30582: Malt Liquors to Oklahoma. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on malt liquors, namely, ale, beer, tonic, porter or stout and cereal beverages (non-intoxicating), carloads, and empty returned containers, from specified points in Illinois, Iowa, Minnesota, Missouri, Nebraska and Wisconsin, to specified points in Oklahoma.

Grounds for relief: Motor-truck and market competition and circuity.

Tariff: Supplement 58 to Agent Kratzmeir's I. C. C. 4109.

FSA No. 30583: Woodenware between eastern and western points. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on woodenware and ladders as described in the uniform freight classification, in straight or mixed carloads, (a) between points in official territory east of the Illinois-Indiana State Line, on one hand, and specified points in Wisconsin, on the other, and (b) from specified points in North-West territory, in Iowa, Michigan, Minnesota, and Wisconsin, also from Crystal Bay, Spring Park and Wayzata, Minn., to points in official territory, east of Illinois-Indiana state line.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 1 to Agent Hinsch's I. C. C. 4650.

FSA No. 30584: Paper boxes from Clyattville, Ga. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on fibreboard, pulpboard or strawboard boxes, carloads, from Clyattville, Ga., to Cincinnati, Ohio, and Louisville, Ky.

Grounds for relief: Circuity.

Tariff: Supplement 94 to Agent Spaninger's I. C. C. 1218.

FSA No. 30585: Kyanite to Derby-Shelton, Conn. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on kyanite, crude or ground, carloads, from Clover, S. C., to Derby-Shelton, Conn.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 65 to Agent Spaninger's I. C. C. 1346.

FSA No. 30586: Dried beans, lentils and peas to southern territory. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on dried beans, lentils and peas, carloads, from specified points in Colorado, Montana, Nebraska, Nevada, New Mexico, South Dakota, Utah, and Wyoming, to specified points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

Grounds for relief: Circuity.

Tariff: Supplement 28 to Agent Prueter's I. C. C. A-3885.

FSA No. 30587: Dried beans, lentils and peas to Illinois. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on dried beans, lentils and peas, carloads, from specified points in Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, South Dakota, Utah, and Wyoming, to specified points in Illinois.

Grounds for relief: Circuity.

Tariff: Supplement 28 to Agent Prueter's I. C. C. A-3885.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3685; Filed, May 5, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-127]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING RECITALS

MAY 2, 1955.

The Commission having heretofore approved a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Electric Bond and Share Company ("Bond and Share"), a registered holding company, providing, among other things, for a distribution of a portion of its holdings of the common stock of United Gas Corporation ("United Gas"); and

Bond and Share having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations under the act of the declaration of a dividend on the common stock of Bond and Share payable June 13, 1955, to stockholders of record on May 13, 1955, in shares of the common stock of United Gas at the rate of 1.8 shares of United Gas stock for each 100 shares of Bond and Share stock, which will require an aggregate of 94,506 shares of United Gas stock.

No fractional shares of United Gas stock will be delivered. In lieu thereof Bond and Share's dividend agent, Bankers Trust Company, will be instructed to sell on behalf of stockholders that number of shares of United Gas stock which would otherwise be delivered as fractional shares and to pay to the stockholders entitled thereto the gross proceeds to be derived from such sales. Bond and Share will assume expenses of sales.

The Commission having notified Bond and Share that no declaration need be filed with respect to this matter; and

Bond and Share having requested that the Commission enter an order containing recitals required by the Internal Revenue Code, and the Commission deeming it appropriate that such request be granted:

It is ordered and recited, That the payment by Electric Bond and Share Company as a dividend to its stockholders of 94,506 shares of common stock of United Gas Corporation is necessary or appropriate to the integration or simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3675; Filed, May 5, 1955; 8:46 a. m.]

[File No. 68-164]

PENNSYLVANIA ELECTRIC CO.

NOTICE OF FILING OF DECLARATION REGARDING INCREASE IN NUMBER OF AUTHORIZED SHARES OF STOCK AND ORDER MAKING PROXY MATERIAL EFFECTIVE

MAY 2, 1955.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), a direct public utility subsidiary company of Associated Electric Company ("Aelec"), a registered holding company, and an indirect subsidiary company of General Public Utilities Corporation ("GPU"), also a registered holding company, has filed a declaration and an amendment thereto pursuant to sections 6 (a) (2), 7, and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-62 and U-65 promulgated thereunder regarding certain proposed transactions which are summarized as follows:

Penelec proposes to increase its authorized capital stock from $99,000,000, consisting of 370,000 shares of authorized preferred stock of the par value of $100 per share, of which 315,000 shares are presently outstanding, and 3,100,000 shares of authorized common stock of the par value of $20 per share, of which 2,711,750 shares are presently outstanding, to $112,500,000, consisting of 475,000 shares of authorized preferred stock of the par value of $100 per share and 3,250,000 shares of authorized common stock of the par value of $20 per share, without other change in the rights of such two classes of stock.

The proposed transactions will be voted upon at a special meeting of stockholders of Penelec to be held on May 24, 1955. It is stated that the increase of the number of authorized shares of preferred stock requires the consent and approval of the holders of a majority of the outstanding preferred stock and also a favorable vote of the persons holding the larger amount in value of the total capital stock of Penelec, and that Aelec, as the owner of all the common stock of Penelec, has advised Penelec that it proposes to vote in favor of such increase. It is further stated that the increase in the number of shares of authorized common stock requires the consent and approval of Aelec as the only holder of Penelec's outstanding common stock, and that Aelec, as such holder, has advised Penelec that it proposes to vote in favor of such increase.

Penelec proposes to solicit proxies from its preferred stockholders and has filed a declaration pursuant to section 12 (e) of the act and Rule U-62 promulgated thereunder regarding its proposed proxy solicitation material.

Penelec states that expenses in connection with the proxy solicitation, other than ordinary expenditures in connection with preparing, assembling and mailing the proxy material, should not be in excess of $1,000.

It appearing to the Commission that the proxy solicitation material, as amended, is in appropriate form and that the declaration, as amended, with respect thereto pursuant to section 12 (e) of the act and Rule U-62 promulgated thereunder should become effective forthwith.

It is ordered, That Penelec's declaration regarding the proxy solicitation material as amended be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 promulgated under said act.

Notice is further given that any interested person may, not later than May 12, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on the matters relating to sections 6 (a) and 7 and Rule U-65 stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3676; Filed, May 5, 1955; 8:46 a. m.]

[File No. 70-3357]

CENTRAL COAL CO.

ORDER PERMITTING EFFECTIVENESS TO DECLARATION REGARDING RECLASSIFICATION OF COMMON STOCK AND PAYMENT OF CASH DIVIDENDS OUT OF CAPITAL SURPLUS ARISING FROM SUCH RECLASSIFICATION

MAY 2, 1955.

Central Coal Company ("Central Coal"), an indirect subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, has filed a declaration subject to the provisions of sections 6 (a) (2), 7 (e), and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-46 (a) promulgated thereunder regarding the following proposed transaction:

Central Coal, a coal mining company, temporarily closed its mine in June 1953 and is presently on a standby basis as a reserve source of coal for its two parents, Appalachian Electric Power Company ("Appalachian") and Ohio Power Company ("Ohio Power"). The latter two companies are operating electric company subsidiaries of American Gas and each owns 50 percent of the common stock, the only outstanding securities, of Central Coal.

Central Coal proposes to reduce, by charter amendment, the par value of its 57,500 shares of Common Stock from $100 per share to $1 per share, a total reduction of $5,692,500, and to transfer this total amount to capital surplus. Thereafter, from time to time, as Central Coal accumulates excess cash, it proposes to distribute this cash to Appalachian and to Ohio Power as partial liquidating dividends and to charge the amounts of these dividends to capital surplus.

The filing represents that prior to, or in connection with, the first dividend payment Central Coal will pay and charge to Earned Surplus a dividend equal to the balance of said Earned Surplus, which at December 31, 1954 amounted to $4,051.07.

The fees and expenses of Central Coal, including legal fees of West Virginia counsel estimated at $100, will not exceed $250.

No State commission and no Federal commission (other than the Securities and Exchange Commission) has jurisdiction over the proposed transaction.

Central Coal has requested that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of said declaration in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3677; Filed, May 5, 1955; 8:46 a. m.]

[File No. 70-3361]

GEORGIA POWER CO.

ORDER AUTHORIZING ISSUE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

MAY 2, 1955.

Georgia Power Company ("Company"), a public-utility subsidiary of The Southern Company, a registered holding company, has filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder regarding the following proposed transaction:

The Company proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1985. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to the Company (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount,

exclusive of accrued interest from May 1, 1955, to date of delivery) will be determined by competitive bidding. The new bonds will be secured by a Mortgage and Deed of Trust executed by the Company to The New York Trust Company, Trustee, dated as of March 1, 1941, as heretofore supplemented and as further supplemented by a Supplemental Indenture to be dated as of May 1, 1955.

The Company proposes to use the net proceeds from the sale of the new bonds, together with other available funds, for the construction or acquisition of permanent improvements, extensions, and additions to its property. The Company contemplates making total expenditures of approximately $33,400,000 during 1955 for such purposes.

The issue and sale of said bonds have been expressly authorized by the Public Service Commission of Georgia, in which State the Company is organized and doing business.

Due notice of the filing of the application having been given in the manner provided by Rule U-23 promulgated under the act, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder have been satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application, effective forthwith, subject to the terms and conditions below set out:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application as amended be, and it hereby is, granted, effective forthwith, subject to the provisions of Rule U-50 and Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3678; Filed, May 5, 1955; 8:46 a. m.]

[File No. 70-3372]

ALABAMA POWER CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF BONDS AT COMPETITIVE BIDDING

MAY 2, 1955.

Notice is hereby given that Alabama Power Company ("Company"), a public-utility subsidiary of The Southern Company, a registered holding company, has filed with this Commission an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder regarding the following proposed transaction:

The Company proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of First Mortgage Bonds, __ Series due 1985. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to the Company (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount, exclusive of accrued interest to date of delivery) will be determined by competitive bidding. The new bonds will be issued under the Company's Indenture dated as of January 1, 1942, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture dated as of June 1, 1955.

The Company proposes to use the net proceeds from the sale of the new bonds for the construction or acquisition of permanent improvements, extensions and additions to its property and for the payment of short-term bank loans in the amount of $6,000,000 incurred or to be incurred for such purpose. The Company estimates that its total construction expenditures for 1955 will aggregate approximately $35,355,000 and it expects to raise the additional funds required from internal sources and the sale (prior to the end of the year) of additional common stock to its parent company.

The fees and expenses to be paid in connection with the proposed transaction are estimated at $98,645, and include taxes, filing fees and recording fees aggregating $42,045, cost of definitive bonds, printing and miscellaneous expenses aggregating $28,100, charges of trustee $7,000, services of Southern Services, Inc. $7,000, legal fees $10,000, and accounting fees $4,500. The foregoing estimate does not include the fees of counsel for the successful bidders, estimated at $7,000.

The issuance and sale of the new bonds have been expressly authorized by the Public Service Commission of Alabama, in which State the Company is organized and doing business.

The Company requests that the order of the Commission herein be made effective upon issuance.

Notice is further given that any interested person may, not later than May 13, 1955 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as now amended or as further amnded, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3679; Filed, May 5, 1955; 8:47 a. m.]

[File No. 70-3373]

SOUTHWESTERN GAS AND ELECTRIC CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PREFERRED STOCK AND AN ORDER AUTHORIZING SOLICITATION OF PROXIES

MAY 2, 1955.

Notice is hereby given that Southwestern Gas and Electric Company ("Southwestern"), a public utility and an exempt holding company subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Southwestern proposes to solicit proxies from its stockholders, both common and preferred, with respect to an amendment to its charter to effect certain changes in the terms and provisions of its preferred stock. The principal changes are: (i) An increase in the amount of unsecured indebtedness which Southwestern may issue or assume without the consent of the preferred stockholders, from 10 percent to 20 percent of the aggregate of secured debt and capital stock and surplus, provided, however, that no more than an amount equal to 10 percent of such aggregate may be of a maturity of less than 10 years; (ii) a relaxation of the restrictions on the payment of common stock dividends so as to permit the payment of any dividends which Southwestern could have paid, but had not paid, in any previous year or years; (iii) a reduction in the vote required, from the holders of two-thirds to the holders of a majority of the preferred stock, to authorize the issuance of additional preferred stock ranking on a parity with the outstanding preferred stock unless specified requirements as to gross income and common stock equity are met; and (iv) a prohibition of the acquisition or redemption of preferred stock when dividends are in arrears unless all outstanding stock shall be redeemed or retired, or approval is obtained under the act.

Upon effectuation of the above described charter amendment, which requires an affirmative vote of the holders of at least two thirds of the outstanding shares of the preferred stock and a majority of the outstanding shares of the common stock, Southwestern proposes to issue and sell 60,000 shares of __ percent Preferred Stock, par value $100 per share. The price to be paid Southwestern (which shall be not less than $100 per share nor more than $102.75 per share) and the dividend rate (which is to be expressed in a multiple of .04 of 1 percent) are to be fixed at competitive bidding pursuant to the provisions of Rule U-50.

The filing states that the net proceeds from the sale of the Preferred Stock will be used by Southwestern to pay for a part of the cost of its construction program, it being represented that for the calendar years 1955 and 1956 construction expenditures will approximate $15,900,000 and $20,700,000, respectively.

Southwestern states that the fees and expenses to be paid or incurred by it in connection with the proposed solicitation of proxies, other than the costs of preparing, assembling, and mailing such statements, will not exceed $2,000.

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Southwestern has requested that the Commission permit the declaration to become effective forthwith insofar as it relates to the proposed solicitation of proxies.

The Commission having examined the declaration and the proxy material proposed to be used in connection with the solicitation of proxies, and finding that the applicable provisions of section 12 (e) of the act and Rules U-62 and U-65 promulgated thereunder have been satisfied, and deeming it appropriate in the public interest, and in the interest of investors and consumers, to grant declarant's request and permit the declaration to become effective forthwith insofar as it relates to the solicitation of proxies:

It is ordered, That the declaration, insofar as it relates to the proposed solicitation of proxies, be, and it hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 promulgated under the act.

Notice is further given that any interested person may, not later than May 26, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on the declaration in respect of the issuance and sale of the 60,000 shares of __ Percent Preferred Stock by Southwestern, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or may request that he be notified if the Commission shall order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3680; Filed, May 5, 1955; 8:47 a. m.]

[File No. 70-3375]

MISSISSIPPI VALLEY GENERATING CO. ET AL.

ORDER POSTPONING HEARING

MAY 2, 1955.

In the matter of Mississippi Valley Generating Company, Middle South Utilities, Inc., The Southern Company; File No. 70-3375.

The Commission by its order of April 27, 1955 (Holding Company Act Release No. 12857), having set the foregoing matter down for hearing on May 16, 1955, at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C.; and

It now appearing to the Commission, for good cause shown, that it is appropriate in the public interest that such hearing be postponed until June 6, 1955, at 10:00 a. m., e. d. s. t., and that the time within which any person desiring to be heard or otherwise wishing to participate in this proceeding may file with the Commission relative thereto as provided in Rule XVII of the Commission's rules of practice be extended to June 3, 1955:

It is ordered, That the hearing in the foregoing matter be, and the same hereby is, postponed until June 6, 1955, at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C., and that the time within which any person desiring to be heard or otherwise wishing to participate in this proceeding may file with the Commission a request relative thereto as provided in Rule XVII of the Commission's rules of practice be, and the same hereby is, extended to June 3, 1955.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3681; Filed, May 5, 1955; 8:47 a. m.]

[File No. 812-920]

EQUITY CORP. AND BELL AIRCRAFT CORP.

NOTICE OF APPLICATION FOR ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

MAY 2, 1955.

Notice is hereby given that The Equity Corporation ("Equity"), a registered closed-end non-diversified management investment company, incorporated under the laws of Delaware, and Bell Aircraft Corporation ("Bell"), incorporated under the laws of New York, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act"), requesting an order exempting from the provisions of section 17 (a) of the act the sale of 29,989 shares of Erie Insurance Company ("Iowa Erie") owned by Bell to Equity pursuant to a Purchase Agreement dated February 23, 1955.

Equity and a wholly owned subsidiary own 1,320,266 shares or 51.11 percent of the common stock of Bell. Bell will sell to Equity 29,989 shares of common stock of Iowa Erie, which except for 11 directors' qualifying shares, constitute all of its authorized and outstanding stock, for a cash consideration of $499,817.

Bell organized Iowa Erie in 1954 so it could maintain an insurance subsidiary to handle helicopter insurance on helicopters manufactured by Bell for civilian use. Bell has reached the conclusion that an insurance company is not, under existing conditions, needed for its helicopter operations, and also that, due to its greatly expanded operations, it will have use for its funds now invested in Iowa Erie. In view of the fact that certain of Equity's affiliates are engaged directly in the insurance business, Bell proposed to Equity that Equity acquire the Iowa Erie stock. The sum of $499,817 represents the amount of paid-in capital attributable to the 29,989 shares of common stock issued by Iowa Erie and Bell's cost of such shares. This amount compares with the net worth of these shares of $477,473; the difference being attributable to organization expense and initial operating costs.

Neither Bell nor Equity is under any obligation to pay any commission, finder's fee or similar charge in connection with the purchase of the shares of stock of Iowa Erie.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company from selling to such registered company any security or other property (with certain exceptions not applicable here) unless the Commission, upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a) thereof upon the basis of findings by the Commission that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act. Equity has represented that in its opinion these statutory requirements are met.

Notice is further given that any interested person may, not later than May 16, 1955, at 5:30 p. m. submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3682; Filed, May 5, 1955; 8:47 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 105-53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, v. THE JOINT ANTI-FASCIST REFUGEE COMMITTEE, RESPONDENT

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong., 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the Respondent to register as a Communist-front organization pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Tuesday, May 31, 1955, at 10:00 a. m., e. d. t., in Hearing Room 111, Lafayette Building, 811 Vermont Avenue NW, Washington, D. C.

Dated at Washington, D. C., May 2, 1955.

[SEAL] THOMAS J. HERBERT, *Chairman.*

[F. R. Doc. 55-3683; Filed, May 5, 1955; 8:48 a. m.]

Reference Room

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 20 NUMBER 90

Washington, Saturday, May 7, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10608

UNITED STATES AUTHORITY AND FUNCTIONS IN GERMANY

By virtue of the authority vested in me by the Constitution and the statutes, including the Foreign Service Act of 1946 (60 Stat. 999), as amended, and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

1. Executive Order No. 10062 of June 6, 1949, and Executive Order No. 10144 of July 21, 1950, amending that order, are hereby revoked, and the position of United States High Commissioner for Germany, established by that order, is hereby abolished.

2. The Chief of the United States Diplomatic Mission to the Federal Republic of Germany, hereinafter referred to as the Chief of Mission, shall have supreme authority, except as otherwise provided herein, with respect to all responsibilities, duties, and governmental functions of the United States in all Germany. The Chief of Mission shall exercise his authority under the supervision of the Secretary of State and subject to ultimate direction by the President.

3. The United States Military Commander having area responsibility in Germany, hereinafter referred to as the Commander, shall have authority with respect to all military responsibilities, duties, and functions of the United States in all Germany, including the command, security, and stationing of United States forces in Germany, the assertion and exercise of their rights and discharge of their obligations therein, and emergency measures which he may consider essential for their protection or the accomplishment of his mission. The Commander may delegate the authority conferred upon him. If action by the Commander or any representative of the Commander, pursuant to the authority herein conferred, affects the foreign policy of the United States or involves relations or negotiations with non-military German authorities, such action shall be taken only after consultation with and agreement by the Chief of Mission or pursuant to procedures previously agreed to between the Chief of Mission and the Commander or his representative. Either the Chief of Mission or the Commander may raise with the other any question which he believes requires such consultation. If agreement is not reached between them, any differences may be referred to the Department of State and the Department of Defense for resolution.

4. The Chief of Mission and the Commander or his designated representatives shall, to the fullest extent consistent with their respective missions, render assistance and support to each other in carrying out the agreements and policies of the United States.

5. With regard to the custody, care, and execution of sentences and disposition (including pardon, clemency, parole, or release) of war criminals confined or hereafter to be confined in Germany as a result of conviction by military tribunals (A) the Chief of Mission shall share the four-power responsibility in the case of persons convicted by the International Military Tribunal, (B) the Chief of Mission shall exercise responsibility in the case of persons convicted by military tribunals established by the United States Military Governor pursuant to Control Council Law No. 10, and (C) the Commander shall exercise responsibility in the case of persons convicted by other military tribunals established by United States Military Commanders in Germany and elsewhere. The Commander shall, on request of the Chief of Mission, take necessary measures for carrying into execution any sentences adjudged against such persons in category (B) as to whom the Chief of Mission has responsibility and control. Transfer of custody of persons in categories (B) and (C) to the Federal Republic of Germany as provided in the Convention on the Settlement of Matters Arising out of the War and Occupation shall terminate the responsibility of the Chief of Mission and the Commander with respect to such persons to the extent that the responsibility of the United States for them is thereupon terminated pursuant to the provisions of the said Convention.

6. If major differences arise over matters affecting the United States Forces in Germany, such differences may be referred to the Department of State and the Department of Defense for resolution.

(Continued on p. 3095)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplement is now available:

Titles 35–37 ($0.75)

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7. This order shall become effective on the date that the Convention on Relations between the Three Powers and the Federal Republic of Germany and related Conventions, as amended, come into force.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 5, 1955.

[F. R. Doc. 55-3751; Filed, May 5, 1955; 12:33 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.255]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following May 7, 1955, paragraph (b) is amended by the deletion of the following posts:

India, all posts except Bangalore, Bhopal, Bokaro, Bombay, Cuddalore, Cuttack, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Nabha, Nagpur, New Delhi, Patiala, Patna, Poona, Simla and Trivandrum.

2. Effective as of the beginning of the first pay period following May 7, 1955, paragraph (c) is amended by the deletion of the following post:

Bangalore, India.

3. Effective as of the beginning of the first pay period following May 7, 1955, paragraph (a) is amended by the addition of the following post:

Chandigarh, India.

4. Effective as of the beginning of the first pay period following February 12, 1955, paragraph (b) is amended by the addition of the following post:

Mechra-Bel-Ksiri, Morocco.

5. Effective as of the beginning of the first pay period following May 7, 1955, paragraph (b) is amended by the addition of the following posts:

India, all posts except Bangalore, Bhopal, Bokaro, Bombay, Chandigarh, Cuddalore, Cuttack, Gwallor, Hazaribagh, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Nabha, Nagpur, New Delhi, Patiala, Patna, Poona, Simla, Trivandrum and Vellore.

6. Effective as of the beginning of the first pay period following January 1, 1955, paragraph (d) is amended by the addition of the following post:

La Roche sur Yon, France.

7. Effective as of the beginning of the first pay period following May 7, 1955, paragraph (d) is amended by the addition of the following posts:

Bangalore, India.
Vellore, India.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary, for Administration.

APRIL 28, 1955.

[F. R. Doc. 55-3706; Filed, May 6, 1955; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; MISSOURI

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

MISSOURI

County:	*Average value*
Adair	$20,000
Andrew	28,000
Atchison	28,000
Audrain	20,000
Barry	17,000
Barton	20,000
Bates	21,000
Benton	16,000
Bollinger	16,000
Boone	20,000
Buchanan	28,000
Butler	20,000
Caldwell	23,000
Callaway	20,000
Camden	15,000
Cape Girardeau	20,000
Carroll	27,000
Carter	15,000
Cass	22,000
Cedar	18,000
Charlton	25,000

MISSOURI—Continued

County:	*Average value*
Christian	$17,000
Clark	20,000
Clay	28,000
Clinton	28,000
Cole	20,000
Cooper	23,000
Crawford	16,000
Dade	19,000
Dallas	15,000
Daviess	22,000
De Kalb	23,000
Dent	15,000
Douglas	15,000
Dunklin	32,000
Franklin	21,000
Gasconade	20,000
Gentry	23,000
Greene	22,000
Grundy	21,000
Harrison	21,000
Henry	21,000
Hickory	15,000
Holt	28,000
Howard	22,000
Howell	15,000
Iron	15,000
Jackson	26,000
Jasper	21,000
Jefferson	20,000
Johnson	22,000
Knox	20,000
Laclede	15,000
Lafayette	28,000
Lawrence	20,000
Lewis	20,000
Lincoln	22,000
Linn	20,000
Livingston	22,000
McDonald	15,000
Macon	20,000
Madison	15,000
Maries	15,000
Marion	20,000
Mercer	19,000
Miller	15,000
Mississippi	30,000
Moniteau	20,000
Monroe	20,000
Montgomery	20,000
Morgan	17,000
New Madrid	32,000
Newton	20,000
Nodaway	28,000
Oregon	15,000
Osage	20,000
Ozark	15,000
Pemiscot	32,000
Perry	20,000
Pettis	20,000
Phelps	15,000
Pike	22,000
Platte	28,000
Polk	20,000
Pulaski	15,000
Putnam	19,000
Ralls	20,000
Randolph	20,000
Ray	26,000
Reynolds	15,000
Ripley	17,000
Saint Charles	23,000
Saint Clair	19,000
Saint Francois	18,000
Sainte Genevieve	20,000
Saint Louis	23,000
Saline	28,000
Schuyler	20,000
Scotland	20,000
Scott	30,000
Shannon	15,000
Shelby	20,000
Stoddard	28,500
Stone	15,000
Sullivan	19,000
Taney	15,000
Texas	15,000
Vernon	20,000

MISSOURI—Continued

County:	Average value
Warren	$20,000
Washington	16,000
Wayne	15,000
Webster	16,000
Worth	23,000
Wright	15,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated this 3d day of May 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-3720; Filed, May 6, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN BLUEBERRIES [1]

MISCELLANEOUS AMENDMENTS

Pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.) and by virtue of the authority vested in me by the Secretary of Agriculture, the United States Standards for Grades of Frozen Blueberries (7 CFR 52.611 to 52.620) are amended as hereinafter set forth.

The amendments provide for a rewording of the footnote pertaining to this subpart and that the blueberries be sound and properly washed prior to freezing.

The following amendments are promulgated to become effective upon publication in the FEDERAL REGISTER:

1. Footnote 1 to the subpart title is amended in its entirety as set forth below.

2. Section 52.611 is amended in its entirety to read as follows:

§ 52.611 *Product description.* Frozen blueberries are prepared from sound, properly ripened fresh fruit of the blueberry bush (Genus Vaccinium), including species or varieties often called "huckleberries," but not of the Genus Gaylussacia; are cleaned and stemmed; are properly washed; are packed with or without packing media; and are frozen and maintained at temperatures necessary for the preservation of the product.

Notice of proposed rule making, public procedure thereon, and the delaying of the making of this document effective later than the date of its publicaton in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary and contrary to the public interest because: (1) The processing season for freezing blueberries will begin soon and it is desirable that these amendments be in effect by that time; and (2) additional time will not be needed for the industry to make preparation for compliance with these amendments.

(Sec. 205, 60 Stat. 1090, 7 U. S. C. 1624)

Dated: May 3, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-3718; Filed, May 6, 1955; 8:47 a. m.]

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 34]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.334 *Valencia Orange Regulation 34*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on May 5, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 8, 1955, and ending at 12:01 a. m., P. s. t., May 15, 1955, is hereby fixed as follows:

(i) District 1: 231,000 boxes;

(ii) District 2: 92,400 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 6, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3794; Filed, May 6, 1955; 11:32 a. m.]

[Lemon Reg. 588]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.695 *Lemon Regulation 588*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication

thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 4, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 8, 1955, and ending at 12:01 a. m., P. s. t., May 15, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 500 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 5, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3761; Filed, May 6, 1955; 8:55 a. m.]

[Grapefruit Reg. 103]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA, AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.364 *Grapefruit Regulation 103*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 8, 1955. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 17, 1954, and will so continue until May 8, 1955; the recommendation and supporting information for continued regulation subsequent to May 7, 1955, was promptly submitted to the Department after an open meeting of the Administrative Committee on April 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 8, 1955, and ending at 12:01 a. m., P. s. t., August 31, 1955, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit grade at least U. S. No. 2: *Provided,* That not to exceed a total of 20 percent, by count, of the grapefruit in any lot may fail to meet the requirements of the U. S. No. 2 grade, but such total of 20 percent may not include more than 15 percent, by count, of grapefruit failing to meet the requirements of the U. S. No. 2 grade because of serious damage by dryness or mushy condition; or

(ii) From the State of California or the State of Arizona to any point outside thereof, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{3}/_{16}$ inches in diameter ("diameter" to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–955: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3^{3}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{1}0/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," "serious damage," and "dryness or mushy condition" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 4, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3731; Filed, May 6, 1955; 8:49 a. m.]

PART 971—MILK IN THE DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

ORDER TERMINATING CERTAIN PROVISION; CLASS III MILK PRICES

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended (7 CFR Part 971), regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) In § 971.53 (b) of the order the provision "in barrels" does not tend to effectuate the declared policy of the act;

(b) Notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that (1) the infor-

mation on which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this termination order effective as set forth below is necessary to reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; (3) on April 8, 1955, the Market News Service of the Department of Agriculture stopped reporting Chicago price quotations for roller process nonfat dry milk solids for human consumption in drums and barrels. This was done because too few sales were being made in drums and barrels to report such prices. Most price quotations now relate to sales in bags and this series is being continued by the Market News Service.

It is therefore ordered, That in § 971.53 (b) the provision "in barrels" be and hereby is terminated effective immediately.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 3d day of May 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-3719; Filed, May 6, 1955; 8:47 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

OLYMPIC NATIONAL PARK

1. Subparagraph (4) of paragraph (a) *Fishing; open season* paragraph (b) *Fishing; closed waters* paragraph (c) *Fishing; size limits* paragraph (g) *Fishing; license* paragraph (h) *Speed* of § 20.28 *Olympic National Park* are amended to read as follows:

(a) *Fishing; open season.* • • •

(4) In that part of the Olympic National Park known as the Queets Corridor and Olympic Ocean Strip and other areas, which were added to the Park by Proclamation of the President, dated January 6, 1953 (18 F. R. 169), fishing shall be done in conformity with the laws and regulations promulgated by the State of Washington for these areas.

(b) *Fishing; closed waters.* The following waters and their tributaries are closed to fishing:

Cat Creek.
Entire Morse Creek watershed except Lake Angeles and P. J. Lake.

(c) *Fishing; size limits.* Steelheads less than 12 inches in length and fish of any other species less than 6 inches in length, when caught, shall be released by carefully handling with moist hands and returned at once to the water.

• • • • •

(g) *Fishing; license.* A State or County Fishing license is required for fishing in Lake Angeles located in Section 15, T. 29 N., R. 6 W., W. M.; and within those portions of Olympic National Park known as the Queets Corridor and Olympic Ocean Strip, and in Sections 1 to 6 inclusive, T. 27 N., R. 11 W., W. M., and in Sections 1 to 3, inclusive, T. 27 N., R. 12 W., W. M., which were added to the park by proclamation of the President, dated January 6, 1953 (18 F. R. 169).

(h) *Speed.* Speed limits in the Park, except in emergencies as provided in § 1.42 (b) of this chapter are as follows:

(1) Basic Speed Rules:

(i) Every person operating or driving a vehicle of any character upon the roads in Olympic National Park shall operate the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of the traffic, weight of vehicle, grade and width of highway, condition of surface and freedom of obstruction to view ahead and consistent with any and all conditions existing at the point of operation so as not to unduly or unreasonably endanger the life, limb, property or other rights of any person entitled to the use of such roads.

(ii) The operator of any motorized vehicle, when entering a curve on any narrow road, must exercise due care to the extent that he or she is at all times able to bring the vehicle to a full stop within one-half of the unobstructed sight distance ahead.

(iii) No vehicle shall pass a school bus loading or unloading passengers.

(2) Maximum speed 25 miles per hour.

(i) When upon that portion of any highway which passes through or borders upon a public campground, parking area, or other place of public assemblage and when upon the following public roads:

Deer Park road.
Dosewallips road.
Hurricane Ridge road above Elwha Ranger Station area.
North Fork Quinault road east of Finley Creek.
Staircase road.

(ii) When approaching or traversing a section of highway posted as "Construction" or "Men Working" or similarly, unless a lesser speed limit is posted.

(3) Maximum speed 35 miles per hour:

(i) When upon the following roads:

East Beach road—Lake Crescent.
East Fork Quinault road.
Elwha to Olympic Hot Springs road.
Hoh road.
North Fork Quinault road west of Finley Creek.
North Shore road—Lake Crescent.
Queets road.
Rialto Beach road.
Soleduck road.

(ii) Maximum speed of trucks, or combinations of trucks and trailers, having a gross weight of 10,000 pounds is limited to 35 miles per hour on U. S. Highway 101 and to 25 miles per hour on all other park roads.

(4) Special speed limits:

(i) Whenever the Superintendent, Olympic National Park, determines that a temporary condition or situation exists upon or adjacent to a road, which requires a reduced speed limit, the Superintendent may designate a lesser speed limit, which shall be effective when appropriate signs giving notice thereof are erected upon such road.

(5) Due care required: Compliance with speed requirements as set forth in this paragraph shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require.

2. A new paragraph (j), reading as follows, is added to § 20.28:

(j) *Dogs and cats.* Dogs and cats, under physical restrictive control, are permitted on public highways only while in transit status, and are permitted only in such developed areas as are accessible by road. Such animals are prohibited in public eating establishments, community kitchens, and swimming pools located on Government lands.

(Sec. 3, 39 Stat. 535, as amended, 16 U. S. C. 3)

Issued this 15th day of April 1955.

[SEAL] FRED J. OVERLY,
Superintendent,
Olympic National Park.

[F. R. Doc. 55-3707; Filed, May 6, 1955; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Gen. Order 27, Rev., Supp. 1]

PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

METHOD OF COMMENCING AND TERMINATING VOYAGES AND OF LAY-UP PERIODS

Effective May 1, 1955, § 281.3 *Method of commencing and terminating voyages and of lay-up periods* (General Order 27, Rev., 18 F. R. 910, February 14, 1953) is hereby amended by adding a new paragraph designated "(e)" at the end thereof to read as follows:

(e) *Excessive delays in United States Ports.* Whenever a vessel is delayed in a continental United States port during a voyage for a period of ten days or more in excess of its normal period of operations in said port, the operator immediately shall report said circumstance, together with all pertinent facts, to the Coast Director. The Coast Director shall determine whether or not said delay was justified and if operating costs for said period were reduced to a minimum in accordance with sound commercial practice.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: May 5, 1955.

By order of the Maritime Administrator.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 55-3758; Filed, May 6, 1955; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 140]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (ILFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility or within distance specified, or if landing not accomplished	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport
1	2	3	4	5	8	9	10	11	6	7
ANCHORAGE, ALASKA. Merrill Field 130'. SBRAZ-VFDTX ANC. Procedure No. 1. Amendment No. 6. Effective date: May 28, 1955. Supersedes Amendment No. 5, dated June 24, 1954. Major changes: New format.	Jewel Lake FM (final)-----	012–5	800	Nonstandard-----					800	012–0.9
	NE course not authorized due to danger area D-348.			W side SW course: 192° outbound. 012° inbound. 1,500' within 10 miles.	2 engines or less: T-dn	300–1	300–1	Within 0.9 mile, climb to 1,800' on NW course (296°) Anchorage LFR to Susitna Intersection. CAUTION: Mountains 8 miles E and TV tower 346' mean sea level 1 mile WNW of airport.		
					C-dn	500–1	500–1½			
					A-dn	800–2	800–2			
					More than 2 engines: T-dn		200–½			
					C-dn		500–1½			
					A-dn		800–2			
ANNETTE, ALASKA. Annette Airport, 119'. SBRAZ-VFDTX ANN. Procedure No. 1. Effective: May 19, 1955. Amendment No. 7, supersedes Amendment No. 6, dated Apr. 28, 1954. Major changes: 1. New format; 2. Minimums revised to agree with ILS minimums for circling; 3. Straight-in minimums reduced to coincide with circling minimums.				Nonstandard**						
				W side of S course: 148° outbound. 328° inbound. 1,500' within 10 miles.	2 engines or less: T-dn	*300–1	*300–1	Within 0 mile after passing Annette LFR turn left, climb to 2,800' on S course of Annette LFR to 5 miles. *Runway 2, 1,400-ft. runway not authorized. Runway 2–20 unlighted. Turn left immediately after takeoff Runway 2. CAUTION: Mountainous terrain to 2,900' 3½ miles N & E 3,600' 6 miles NE 1,000' contour within 2 miles of airport N through E. **Nonstandard procedure turn for more favorable terrain.		
					C-dn	500–2	500–2			
					S-dn	500–1½	500–1½			
					A-dn	800–2	800–2			
					More than 2 engines: T-dn		*200–½			
					C-dn		500–2			
					S-dn		500–1½			
					A-dn		800–2			

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BISMARCK, N. DAK. Municipal, 1,653'. SBRAZ-VDT-BIS. Procedure No. 1. Effective date: May 28, 1955. Amendment No. 6. Supersedes No. 5, dated August 15, 1953. Major changes: (1) Frequency deleted, column 1; (2) adds initial approach from BIS-VOR and deletes MEA all directions; (3) Item 7, distance revised; (4) Format revised in accordance with policy; (5) Item 11, missed approach altitude revised to conform to airway altitude.	Bismarck VOR	290—2.2	3,000	S side E course: 070° outbound. 250° inbound. 3,400' within 10 miles.	2,900	255—2.2	2 engines or less T-dn C-d C-n A-dn More than 2 engines T-dn C-dn A-dn	300-1 500-1 500-1½ 800-2 ---------- ----------	300-1 500-1 500-1½ 800-2 *300-1½ 500-1½ 800-2	Within 2.4 miles, climb to 3,800' on W course to within 25 miles. *300-1 required on runways 2, 20, 8, 26, 35, and 17. CAUTION: Towers 1,800' and 1,756' mean sea level 2 miles N and 0.5 mile S respectively from airport. Tower 2,413' mean sea level 11 miles NE of airport. Tower 2,082' mean sea level 3 miles NNW of airport.
FORT WORTH, TEX. Meacham, 692'. SBRAZ-FTW. Procedure No. 1. Amendment 8. Effective: May 28, 1955. Supersedes Amendment 7, September 10, 1954. Major changes: Raise procedure turn altitude. Add caution note. Simplify notes.	Haslet Intersection (final)	165—8	1,400	W side N course: 345° outbound. 165° inbound. 2,000' within 10 miles.	1,400	178—2.4	2 engines or less T-dn C-dn S-dn 17 A-dn More than 2 engines T-dn C-dn S-dn 17 A-dn	300-1 500-1 400-1 800-2 ---------- ---------- ---------- ----------	300-1 600-1 400-1 800-2 200-½ 600-1½ 400-1 800-2	Within 2.4 miles, climb to 2,000' on S course within 25 miles. CAUTION: Building 956' mean sea level located 0.6 mile south of LFR on final approach course TV Tower 1,743' mean sea level located 5.5 miles E of south course. AIR CARRIER NOTES: Take-off on Runway 9-27 and 13-31 not authorized with less than 300-1. Reduction in landing minima not authorized on cargo and ferry flights.
FORT WORTH, TEX. Meacham 692' SBRAZ-FTW. Procedure No. 2. Amendment 7. Effective: May 28, 1955. Supersedes Amendment 6, dated Feb. 6, 1954. Major changes: Change final approach altitude. Add caution notes. Simplify notes.	Stadium Intersection (final)	358—5	1,500	W side S course: 178° outbound. 358° inbouud. 2,000' within 10 miles.	1,500 Rockwood FM	358—2.6 Rockwood FM	2 engines or less T-dn C-dn S-dn 35 A-dn More than 2 engines T-dn C-dn S-dn 35 A-dn	300-1 500-1 400-1 800-2 ---------- ---------- ---------- ----------	300-1 600-1 400-1 800-2 200-½ 600-1½ 400-1 800-2	Within 2.6 miles climb to 2,000' on N course within 25 miles. CAUTION: Tank 864' mean sea level located 1.5 miles W of course between Rockwood FM and airport. 1,743' mean sea level TV tower located 5.5 miles E of S course. AIR CARRIER NOTES: Takeoff on Runways 9-27 and 13-31 not authorized with less than 300-1. Reduction in landing minima not authorized on cargo and ferry flights.
VICHY, MO. Vichy, 1,148'. BMRLZ-VDT. Procedure No. 1. June 10, 1954.	PROCEDURE CANCELED EFFECTIVE MARCH 31, 1955, DUE TO FIELD BEING DISCONTINUED.									

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
JUNEAU, ALASKA. Juneau Airport, 26'. RBN-HWFM SSR. Procedure No. 1. Amendment No. 3. Effective: May 19, 1955. Supersedes Amendment 2 dated June 24, 1954. Major changes: New format. To add air carrier note.				W side of course: 285° outbound. 105° inbound. 3,500' within 25 miles.	1,500 Descend to 1,500' after passing Pleasant Isle FM.	Sisters Island to Juneau VFR 29 miles.	2 engines or less T-d T-n C-d C-n A-d A-n More than 2 engines T-d T-n C-d C-n A-d A-n	700-2 NA 700-2 NA BCOB 800-2 NA ---------- ---------- ---------- ---------- ---------- ----------	1,000-2 NA 1,000-2 NA BCOB 1,000-3 NA *1,000-3 *NA 1,000-3 NA BCOB 1,000-3 NA	Within 3 miles on track 105° mag, turn left, climb to 4,500' on course 285° between Sisters Island Rbn and Gustavus LFR. CAUTION: Mountainous terrain to 3,000' 5 miles N of SE course Gustavus LFR. Advise all turns at Sisters Island be made left or E of track 105° magnetic. *AIR CARRIER NOTE: IFR takeoff minimums for air carriers holding authorizations for Juneau Airport, day 800-2, night Runway 25 only 3,000-10 no precipitation, Auke Mountain Visible.
JUNEAU, ALASKA. Juneau Airport, 26'. SBRAZ-PDVT GST. RBN-HWFM SSR. Procedure No. 2 Amendment No. 2. Effective: May 19, 1955. Supersedes Amendment M-1, June 24, 1954. Major changes: New format. Add air carrier note.				W side NW course Gustavus LFR: 285° outbound. 105° inbound. 2,700' within 10 miles. Turns beyond 10 miles not authorized.	1,500 at Pleasant Isle FM	Variable VFR to Juneau 29 miles from SSR	2 engines or less T-d T-n C-d A-d A-n More than 2 engines T-d T-n C-d C-n A-d A-n	700-2 NA 700-2 BCOB 800-2 NA ---------- ---------- ---------- ---------- ---------- ----------	1,000-2 NA 1,000-2 BCOB 1,000-3 NA *1,000-3 *NA 1,000-3 NA BCOB 1,000-3 NA	Within 8 miles after passing Pleasant Isle FM, climb to 1,500' on Sisters Island Radiobeacon thereafter turn left, climb to 4,500' on course 285° between Sisters Island Radiobeacon and Gustavus LFR. CAUTION: Mountainous terrain to 3,000' 5 miles N of SE course Gustavus LFR. *AIR CARRIER NOTE: IFR takeoff minimums for air carriers holding authorizations for Juneau Airport, day 800-2, night Runway 25 only 3,000-10 no precipitation, Auke Mountain Visible.
ST. PAUL ISLAND, ALASKA. St. Paul Airport, 42'. HW-K. Procedure No. 1. Amendment No. 4. Effective date: May 19, 1955. Supersedes Amendment M-3 dated April 26, 1954. Major changes: Field elevation corrected to 42'. Item No. 7 corrected to 023-2.8. New format.				S side of course: 225° outbound. 045° inbound. 1,500' within 10 miles.	700	023—2.8	2 engines or less (*) T-d C-d A More than 2 engines (*) T-d C-d A	500-2 700-2 NA ---------- ---------- ----------	500-2 700-2 NA 500-2 700-2 NA	Within 0 mile, turn right, climb on course 100° outbound to 2,000' within 25 miles. NOTE: *Item 8, 300-1 runway 18 with (left) E turn after takeoff.

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
BEAUMONT, TEX. Jefferson County, 15'. BVOR-BUJ. Procedure No. 1. Amendment 2. Effective: May 28, 1955. Supersedes Amendment 1, dated January 15, 1954. Major changes: New format. Correct distances and headings, items 3 and 11.	Beaumont LFR	204—8.0	1,200	S side of course: 236° outbound. 056° inbound. 1,200' within 10 miles.	700	056—5.3	2 engines or less T-dn C-dn A-dn	300-1 400-1 800-2	300-1 500-1 800-2	Within 5.3 miles climb to 1,400' on radial 064° within 25 miles.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200-½ 500-1½ 800-2	
KANSAS CITY, KANS. Fairfax, 746'. BVOR-MKC. Procedure No. 1. Effective date: May 28, 1955. Amendment No.: Original. Supersedes No.: None. Major changes: None. Provides VOR approach to Fairfax.	Kansas City LFR	002—8.0	2,500	W side of course: 357° outbound. 177° inbound. 2,500' within 10 miles. Not authorized beyond 10 miles account ATC.	1,900	177—8.6	2 engines or less (#) T-dn C-dn A-dn	(##) 300-1 500-1½ 800-2	(##) 300-1 700-1½ 800-2	Within 8.6 miles, turn right immediately, climb to 2,500' and intercept 310° ADF track to Farley Radiobeacon, then proceed to and hold at Farley Radiobeacon, or when directed by ATC, turn right immediately, climb to 2,400' on SW course MKC-LFR within 25 miles. CAUTION: Obstruction 1,423' mean sea level 3 miles SE of airport, 1,949' TV tower 6.2 miles SE airport. Cracking plant 911', mean sea level and stack 853' mean sea level, 0.5 mile ESE approach end Runway 35. TV tower 2,049' mean sea level 4.5 miles SSE airport. #Takeoffs to S or SW when weather is below 1,000-3 will intercept a 210° ADF track from ILS MM or the 185° MKC radial outbound as soon as practicable, after takeoff, maintain track on course until reaching 2,500' prior to making left turn due to 2,049' mean sea level TV tower 4.6 miles SSE of airport. When KMBC TV tower not visible (0.2 miles SE airport) on N, NE, E and SE takeoffs, climb to 2,500' mean sea level on 090° ADF track from MKC-LFR prior to turning towards tower. AIR CARRIER NOTES: ##No reduction in 2 engine takeoff minimums authorized when ILS is inoperative except on Runway 31. *200-½ authorized on Runway 31 only. Radar transit on altitudes based on distance from radar site.
	Radar transitions within 25 miles as directed by ATC: S and E quadrants of MKC-LFR.		3,000		Intersection NE course MKC-LFR and 177° radial MKC-VOR 1,500'.	Intersection NE course MKC-LFR and 177° radial MKC-VOR 177—1.2.	More than 2 engines (#) T-dn C-dn A-dn	---------- ---------- ----------	(*) 300-1 700-1½ 800-2	
	S and E quadrants of MKC-LFR with 3 miles separation from 2,049' tower 4.5 miles SSE and 1,949' tower 6.2 miles SE of airport.		2,500				This procedure authorized only for aircraft equipped to receive VOR and LF simultaneously.			
	N and W quadrants MKC-LFR.		2,500							
VICHY, MO. Vichy, 1,148' Procedure No. 1. July 15, 1954.	PROCEDURE CANCELED EFFECTIVE MARCH 31, 1955, DUE TO FIELD BEING DISCONTINUED.									

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept in bound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
ANNETTE, ALASKA. Annette Airport, 119'. ILS-"I-ANN". FMHW-"GVN". Combination ILS-ADF. Procedure No. 1. Amendment: Original. Effective date: May 19, 1955.	Annette LF Range	FMHW	303	4,000	Nonstandard E side NW course: 303° outbound. 123° inbound. 4,000' within 10 miles.	ILS 3,521 ADF 3,700 over FMHW	(**) 3,521—11.0 FMH 710—1.8 "ANN" SBRAZ	358—0.6	2 engines or less T-dn C-dn	*300-1 500-1½	*300-1 500-2	Climb to 2,800' on S course ANNETTE LFR within 25 miles. **CAUTION: Glide slope angle set at 3.27° to obtain obstruction clearance. Terrain to 3,600' 6 miles NE of airport. 1,000' contour line within 2 miles of airport N through E. *Runway 2, T-d 600-1; T-n not authorized; Runway 2-20 unlighted.
									S-dn Runway 12 ILS ADF	400-1 500-1	400-1 500-1	
									A-dn ILS ADF	600-2 800-2	600-2 800-2	
									More than 2 engines T-dn C-dn	---------- ----------	*200-½ 500-2	
									S-dn Runway 12 ILS ADF	---------- ----------	400-1 500-1	
									A-dn ILS ADF	---------- ----------	600-2 800-2	
CHATTANOOGA, TENN. Lovell Field, 682'. ILS-ICHA. N. CHA MHW-CQN. Combination ILS and ADF. Procedure No. 1. Amendment 3. Effective: May 28, 1955. Supersedes Amendment 2 dated Aug. 27, 1954. Major changes: Adds Chicamauga and Whitwell transitions.	Chattanooga LFR	North CHA MHW.	011—6.0	2,200	E side of NE course: 015° outbound. 195° inbound. 2,500' within 10 miles of N. CHA MHW.	ILS 2,500 ADF 2,500 over N. CHA MHW	1,900—4.7 ADF over LOM 1,900	890—0.7	2 engines or less T-dn C-dn	300-1 600-1½	300-1 700-1½	Climb to 3,300' on SW course ILS or 8.9 miles after passing N. CHA MHW (ADF) climb to 3,300' on course of 195°. 500-¾ required when glide slope not utilized. No approach lights. AIR CARRIER NOTES: Takeoff on runways 14-32 not authorized with less than 300-1. Application of sliding scale to straight-in minima not authorized.
	Daisy FM	North CHA MHW.	249—3.5	2,200					S-19 dn ILS ADF	300-¾ 500-1	300-¾ 500-1	
	Signal Mt. Intersection	North CHA MHW.	090—8.0	2,200					More than 2 engines C-dn C-dn	---------- ----------	200-½ 700-2	
	Chattanooga VOR	ILS OM	351—10.0	2,300					S-19-dn ILS ADF	---------- ----------	300-¾ 500-1	
	Chicamauga Intersection	North CHA MHW.	015—21.0	2,200					All aircraft A-dn ILS ADF	600-2 800-2		
	Whitwell Intersection	North CHA MHW.	078—13.0	3,300								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept inbound (ft.)	Altitude of glide slope and distance to approach end of runway at— Outer marker	Altitude of glide slope and distance to approach end of runway at— Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m.p.h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
CHATTANOOGA, TENN. Lovell Field, 682'. ILS-ICHA. VOR-CHA. Back course ILS. Procedure No. 2. Amendment 2. Effective: May 28, 1955. Supersedes Amendment 1 dated August 27, 1954. Major changes: Adds Chicamauga transition.	North Chattanooga MHW	Fort Oglethorpe Intersection	195—14.0	2,300	E side of SW course: 193° outbound. 015° inbound. 2,200' within 10 miles of Fort Oglethorpe Intersection.	No glide slope Over Fort Oglethorpe 1,600	No glide slope Fort Oglethorpe Intersection 3.8		2 engines or less T-dn C-dn S-1 dn	300-1 600-1½ 400-1	300-1 700-1½ 400-1	Within 3.8 miles of Fort Oglethorpe Intersection climb to 2,500' on NE corners ILS within 25 miles. AIR CARRIER NOTES: Takeoff on Runway 14-32 not authorized with less than 300-1.
	ILS OM	Fort Oglethorpe Intersection	195—10.0	2,300					More than 2 engines T-dn C-dn S-1 dn	---------- ---------- ----------	200-½ 700-2 400-1	
	Chattanooga VOR	Fort Oglethorpe Intersection	280—4.0	2,100					All aircraft A-dn	800-2		
	Chattanooga LFR	Fort Oglethorpe Intersection	198—8.0	2,300								
	Rossville Intersection	Fort Oglethorpe Intersection	100—5.0	2,300								
	Chicamauga Intersection	Fort Oglethorpe Intersection	015—7.0	2,100								
FORT WORTH, TEX. Meacham, 692'. ILS-IFTW. Procedure No. 1. Amendment 8. Effective: May 28, 1955. Supersedes Amendment M-7, April 22, 1954. Major changes: Add caution note. Simplify notes.	Haslet MHW	North course ILS.	219—2.0	1,900	W side N course: 354° outbound. 174° inbound. 2,000' within 10 miles.	2,000	2,000—4.1	950—0.7	2 engines or less T-dn C-dn S-dn 17 A-dn	300-1 500-1 300-¾ 600-2	300-1 600-1 300-¾ 600-2	Climb to 2,000' on S course ILS within 25 miles. CAUTION: 956' building 2.4 miles S of OM 1,743' tower 5.5 miles E of ILS S course. 600-¾ required when G/S not utilized. AIR CARRIER NOTES: Takeoff on runways 9-27 and 13-31 not authorized with less than 300-1. Reduction in landing minima not authorized on cargo or ferry flights.
	Fort Worth LFR	OM	350—1.5	1,900					More than 2 engines T-dn C-dn S-dn 17 A-dn	---------- ---------- ---------- ----------	200-½ 600-1½ 300-¾ 600-2	
	Fort Worth VOR	OM	057—10	2,000								
HARRISBURG, PA. State, 347'. ILS-HAR. Procedure No. 1. Amendment Original. Effective date: April 28, 1955.	Harrisburg LFR	LOM	253—8	2,600	S side W course: 079° inbound. 259° outbound. 2,600' within 15 miles.	Minimum altitude over LOM 2,600	No glide slope 8.2	2.0	2 engines or less T-d T-n S-8 d n C-dn A-dn	500-1 500-2 600-1½ 600-2 1,000-2 1,000-2	500-1 500-2 600-1½ 600-2 1,000-2 1,000-2	Climb to 2,500' on back course ILS within 15 miles. CAUTION: Circling minimums do not provide standard clearance over 1,136' ridge and tower 1.6 miles S of airport. AIR CARRIER NOTES: Landing on Runway 2 authorized only during daylight hours with ceiling 1,500' or better. Takeoff on Runway 20 not authorized. ADF approach not authorized. CAUTION: Nonstandard instrument landing system. Approaches not authorized with any commissioned component inoperative.
	Harrisburg VOR	LOM	185—4.5	2,600					More than 2 engines T-d T-n S-8 d n C-dn A-dn	---------- ---------- ---------- ---------- ---------- ----------	500-1 500-2 600-1½ 600-2 1,000-2 1,000-2	
	Intersection W course Harrisburg LFR or VOR radial 284° and 150° bearing to LOM.	LOM	150—6	2,600								
	Intersection Harrisburg VOR radical 173° and W course ILS.	LOM	259—1.0	2,600								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept inbound (ft.)	Altitude of glide slope and distance to approach end of runway at— Outer marker	Altitude of glide slope and distance to approach end of runway at— Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m.p.h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
KANSAS CITY, KANS. Fairfax, 746'. ILS-MKC LOM-MK. Procedure No. 1. Effective date: May 28, 1955. Amendment No.: Original. Supersedes No.: None. Major changes: None.	Kansas City LFR	LOM	028—5.0	2,500	W side of course: 004° outbound. 184° inbound. 2,500' within 10 miles. Not authorized beyond 10 miles account ATC.	ILS 2,500 ADF 2,500 over LOM	2,558—4.9	From Bluff FM 1,460—0.8	2 engines or less (#) T-dn C-dn A-dn	(##) 300-1 700-1 800-2	(##) 300-1 700-1 800-2	Within 4.3 miles, or at Bluff FM, make right climbing turn, climb to 2,500' and intercept 310° bearing to Farley Radiobeacon, then proceed to and hold at Farley Radiobeacon, or when directed by ATC, make right climbing turn, climb to 2,400' on SW course MKC–LFR within 25 miles; or if VHF equipped only, make right climbing turn, climb to 2,400' on 210° radial outbound from MKC–VOR within 25 miles.
	Kansas City VOR	LOM	152—4.0	2,500								
	Kansas City VOR	N course ILS	131—3.0	2,500								
	Liberty Radiobeacon	LOM	241—12.0	2,500								
	Liberty Radiobeacon	N course ILS	251—11.0	2,500								
	Farley Radiobeacon	LOM	107—15.0	2,500								
	Farley Radiobeacon	N course ILS	098—15.0	2,500								
	Blue Springs VOR	LOM	298—20.0	3,000								
	Radar transitions within 25 miles as directed by ATC: S and E quadrants of MKC-LFR with 3 miles separation from 2,049' tower 4.5 miles SSE and 1,949' tower 6.2 miles SE of airport.			2,500				Course Bluff marker to airport 224°	More than 2 engines (#) T-dn C-dn A-dn	---------- ---------- ----------	(*) 300-1 700-1½ 800-2	CAUTION: Obstruction 1,423' mean sea level 3 miles SE airport 1,949' TV tower 6.2 miles SE airport; cracking plant 911' mean sea level and stack 835' mean sea level 0.5 miles ESE approach end Runway 35, TV tower 2,049' mean sea level 4.5 miles SSE airport. #Takeoffs to S or SW, when weather is below 1,000–3 will intercept a 210° ADF track from ILS MM or the 185° MKC radial outbound as soon as practicable. After takeoff, maintain track on course until reaching 2,500' prior to making left turn due to 2,049' mean sea level TV tower 4.8 miles SSE of airport. When KMBC TV tower not visible (6.2 miles SE of airport) on N, NE, E, and SE takeoffs, climb to 2,500' mean sea level on 090° ADF track from MKC–LFR prior to turning towards tower. Radar transition altitudes are determined from radar sites. AIR CARRIER NOTES: ##No reduction in 2 engine takeoff minimums authorized when ILS is inoperative except on Runway 31. *200-½ authorized on Runway 31 only. Radar transition altitudes based on distance from radar site.
	N and W quadrants MKC-LFR.			2,500								
	S and E quadrants of MKC-LFR.			3,000								

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS			Minimum altitude at glide slope intercept. tion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)	Outer marker	Middle marker	Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11	12	13
SALT LAKE CITY, UTAH Salt Lake City No. 1, 4,222'. ILS-SLC. Procedure No. 1. Effective April 28, 1955. Amendment No. 3. Supersedes Amendment No. 2, dated April 2, 1955. Major changes: ILS moved to runway 34L resulting in minor changes to transition and altitudes.	Intersection* of S course Salt Lake City LLS and bearing of 212° to Fair field LFR (glide slope intercept).	ILS S course	339—0.0	*12,000	E or W side o. S course. 158° outbound. 338° inbound. 6,100' within 5 miles of LOM. Beyond 5 miles not authorized, 90° reversal procedure required for procedure turn.	Riverton FM 9,340—18.1	6,028—6.6	4,457—0.65	2 engines or less #T–1¾ C–1¾ **S–1¾ Runway 34L A–1¾ More than 2 engines #T–1¾ C–1¾ **S–1¾ Runway 34L A–1¾	300–1 600–1 300–3¼ 600–2 200–1½ 300–1½ 300–3¼ 600–2	300–1 600–1 300–3¼ 600–2	Climb to cross W course SLC LFR at 8,000' on W course SLC LFR to Stansbury Intersection, then to 9,000' on course of 338° to Promontory Point Radiobeacon. Alternate missed approach: When directed by ATC cross W course SLC LFR or SLC VOR 11,000' on W course SLC LFR to SLC VOR radial 268. *Start descent at glide slope intercept. Glide slope must be operative for this transition. Caution: No approach lights. **Straight-in minimums no lower than over Lake Point intersection. Use of these minimums with #500–2 required for takeoff Runway 7. CAUTION: Terrain 11,233' mean sea level approximately 9 miles E of localizer course at Riverton FM.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-3578; Filed, May 6, 1955; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F R. 1996), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR, 1953 Supp., Parts 146, 146a, 146c; 19 F. R. 673, 1141, 2140, 4405, 7998; 20 F. R. 882) are amended as indicated below:

1. Section 146.26 (b) is amended by adding the following new subparagraph (25):

§ 146.26 *Animal feed containing penicillin.* * * *

(b) * * *

(25) (i) It is intended for use solely in the control of outbreaks of coccidiosis in poultry flocks and it contains in a quantity, by weight of feed, not less than 0.003 percent and not more than 0.006 percent of 2,4-diamino-5-(p-chlorophenyl)-6-ethylpyrimidine and not less than 0.01 percent and not more than 0.02 percent of sulfaquinoxaline, and there has been submitted to the Commissioner, in triplicate, the information referred to in § 146.7, as well as any additional information necessary to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug or the methods used in its manufacturing, processing, or repackaging, or the facilities and controls used for such manufacturing, processing, or repackaging, unless the person who obtains the exemption has submitted to the Commissioner, in triplicate, amended information describing such proposed changes and such amendment has been accepted by the Commissioner.

(ii) It is intended for use in the dissubparagraph, it contains the ingredients in the amounts and under the conditions specified in that subdivision, and it contains one, but only one, of the ingredients prescribed by paragraph (a) of this section and in the amounts specified in that paragraph.

2. In § 146a.85 *Benzathine-procaine-buffered crystalline penicillins for aqueous injection* paragraph (a) is amended by changing the number "300,000" to read "200,000".

3. In § 146c.204 *Chlortetracycline capsules* * * *, paragraph (c) (1) (iv) is changed to read as follows:

(iv) The statement "Expiration date ------", the blank being filled in with the date that is 48 months after the month during which the batch was certified if it is chlortetracycline hydrochloride, or with the date that is 36 months after the month during which the batch was certified if it is tetracycline hydrochloride or tetracycline, or with the date that is 24 months after the month during which the batch was certified if it contains one or more vitamin substances: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it would be against public interest to delay providing for the amendments set forth above, and since it conditionally relaxes existing requirements.

I further find that animal feeds containing the antibiotic drugs and other ingredients specified in amendment 1, above, need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided that they are used in the amounts and for the condition specified in that amendment.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: May 2, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-3717; Filed, May 6, 1955; 8:47 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 655—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the provisions of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on March 4, 1955 (20 F. R. 1345) of the Administrator's proposed decision to approve as to 15 divisions and to disapprove as to the remaining five divisions the recommendations of Special Industry Committee No. 15 for Puerto Rico for the Needlework and Fabricated Textile Products Industry in Puerto Rico, together with the amended wage order which he proposed to issue to carry such decision into effect.

As indicated in the notice, the Administrator's findings and conclusions in this matter were set forth in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 15 for Puerto Rico for Minimum Wage Rates in the Needlework and Fabricated Textile Products Industry in Puerto Rico."

The period of 30 days from March 4, 1955, within which exceptions to the proposed decision might be filed has now expired. Exceptions have been received from 13 different interested parties relative to the findings in many of the divisions in the Industry.

The only exception in the art linen and needlepoint division is one of a very general nature which was filed by Mrs. Gustavo Saliva, an employer. Her objection is based upon the pressure of foreign competition and the loss of business which has already occurred as a result of that competition. She urges that a further increase in the minimum wage, particularly for hand-sewing, will serve only to intensify this loss of business. The effect of foreign competition was one of the factors which was specifically considered and discussed in the Administrator's findings and opinion, so that it is clear that it was fully taken into account by him and given such weight, along with other factors, as seemed appropriate under the circumstances. No further comment seems needed at this time, since the weight to be given to specific evidence which he has considered is peculiarly a matter within the Administrator's discretion under the act.

There have been three exceptions filed which relate to the handerchief and square scarf division. One was the previously mentioned general exception of Mrs. Saliva which also extended to this division. The comments with reference to it which have already been made in connection with the preceding division are equally applicable here. A similar exception was filed by Villari Handkerchief Company and no further comment is required. The third exception was filed by the Handkerchief Industry Association, Inc. It is to substantially the same effect, although it contains some information in addition to that in the record to show the increasing impact of foreign competition. It does not, however, seem sufficiently conclusive to warrant any change in the conclusion reached by the Administrator.

There have also been three exceptions filed which relate to the fabric glove division. One is the same general objection from Mrs. Saliva which has already been sufficiently discussed. The other two are from the Amalgamated Clothing Workers of America and the International Ladies' Garment Workers' Union. Both unions object to the increase for hand-sewing and regard it as insufficient. Since it appears from the findings and opinion of the Administrator that this point was fully considered by him, no further comment seems essential at this time.

In the knit glove division an exception was filed by one employer, Corozal Knitting Mills, Inc. This exception opposes the failure to establish a separate classification for hand-sewing, as was done in other glove divisions, and urges that the rate which will consequently have to be paid for hand-sewing is excessive. This entire matter was discussed by the Administrator at some length in his findings and opinion for the express purpose of meeting these very objections. No additional comment seems required at this time.

An exception has been filed in the silk, rayon, and nylon underwear division by the International Ladies' Garment Workers' Union. It is urged that in spite of the steady decline in this division the increases recommended by the Committee would not result in any substantial curtailment of employment, and should any such curtailment occur it would be due entirely to factors other than the increase. The basic contention here is that the Administrator did not properly evaluate the various factors which he had to take into account rather than that he failed to consider any relevant factors. The findings and opinion indicate that the various factors stressed by the union in its exception were taken into account by the Administrator and evaluated by him. This evaluation caused him to conclude that no matter what effect other factors might have there was no substantial evidence in the record to support a conclusion that increases of the magnitude recommended would not at least contribute to a further curtailment of employment. The suggestion in the exception that firms operating in this division might be able to keep up employment by taking on other lines which fall in other divisions does not show that employment in this particular division would not be curtailed. Since the Administrator appears to have taken all of the relevant factors into account, no further comment appears to be required.

An exception by Baylis Brothers Company, an employer operating in both the infants' wear division and the children's and dolls' wear division, may be considered as a unit. The points which are raised relate, with a single possible exception, to the weight to be given certain specific evidence in the record. The findings and opinion indicate that these matters were considered by the Administrator along with many other factors in reaching what he regarded as a proper evaluation of them. The findings and opinion do not, however, specifically refer to the fact that the Puerto Rico Minimum Wage Board set lower minimum rates for operations which were not in interstate commerce. Since such rates are designed for activities of a purely local nature and are not established on the basis of the requirements of the Fair Labor Standards Act, the level at which such rates are established should not be given substantial weight in evaluating the propriety of rates which have been recommended on the basis of criteria specified in the Fair Labor Standards Act. This factor alone would not be sufficient to warrant any change in the Administrator's conclusions.

An exception has been filed in the sweater and bathing suit division by the National Knitted Outerwear Association. The exception relates primarily to the definition of this division. It is urged that the definition is too vague and improperly includes bathing suits, a product which admittedly is not currently being produced in Puerto Rico. It is apparent from the exception itself that the same arguments were previously made to and considered by the

Administrator. The findings and opinion refer specifically to the inclusion of bathing suits in the definition, and there is also a finding approving the various definitions after consideration of relevant economic and competitive factors. The exception points out certain difficulties which may arise in applying the definition. It is always possible, of course, that problems will arise in determining the applicability of any definition to a particular item, and each situation will have to be decided when it arises on its own facts. However, it should be noted that the definition is specifically confined to women's, misses' and girls' sweaters and bathing suits. With this delimitation, the products intended to be included seem sufficiently clear. The exception which has been filed presents nothing which has not already been considered by the Administrator.

In the millinery division an exception has been filed by the United Hatters, Cap and Millinery Workers International Union. It singles out the relationship between costs and wholesale selling prices to support its contention that the recommendations of the Committee should have been approved. This is but one of many factors taken into account by the Administrator in reaching his conclusion that there was not substantial evidence in the record as a whole to indicate that the recommended increase would be economically feasible at this time. The mere fact that specific portions of the evidence, when taken alone, might support a contrary conclusion, cannot serve as a substitute for the lack of substantial evidence in the record as a whole.

In the crochet beading, bullion embroidery, machine embroidered lace, insignia and chevron division an exception has been filed by Texco Textiles, an employer engaged in the production of machine embroidered lace. This company indicates that although it was unable to have representatives attend the hearings, its employment has steadily declined during the last 14 months. The recent experience of this single firm, engaged in only one of the numerous activities included in this division, does not indicate that there should be any change in the conclusions reached by the administrator after weighing all of the evidence in the record as to the division as a whole. In this connection, the embroideries and trimmings industry is characterized by relatively severe market fluctuations from season to season. These fluctuations, however, have no direct connection with wage rates.

In the corde and bonnaz embroidery and corde handbag division exceptions have been filed by the National Hand Embroidery and Novelty Manufacturers Association, Inc. and the International Ladies' Garment Workers' Union, AFL. The principal contention is that the evidence in the record regarding the competitive relation between the mainland and Puerto Rico was not properly evaluated.

I have studied carefully the exceptions presented. Upon reviewing all the evidence adduced in this proceeding, in the light of the contentions now advanced by the union and adopted by the National Hand Embroidery and Novelty Manufacturers' Association, Inc., I have concluded that the Committee's recommendation of a minimum wage rate of 51 cents an hour for this division is supported by substantial evidence and would carry out the purposes of the act. I have set forth the basis for my approval of this recommendation in greater detail than would be appropriate here in a document entitled "Supplement to Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 15 for Puerto Rico for Minimum Wage Rates in the Needlework and Fabricated Textile Products Industry in Puerto Rico," a copy of which may be had upon request to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. A new notice of proposed decision as to this Division is being published in the FEDERAL REGISTER simultaneously with this wage order.

In the handbag (except corde) division an exception was filed by the International Handbag, Luggage, Belt and Novelty Workers Union, AFL. The principal contention is that the competitive advantage which Puerto Rico possesses over the mainland is alone sufficient to justify approval of the Committee's recommendation. The findings and opinion specifically recognize that Puerto Rican producers have an advantage over mainland producers with respect to labor costs and point out that an increase in the minimum appears warranted. When all of the evidence in the record was weighed by the Administrator, however, including other factors which he was also required to take into account, he was unable to find substantial evidence in the record as a whole to support a conclusion that the specific increase recommended would have been economically feasible at the time of the hearing without substantial curtailment of employment. His only alternative was to disapprove the recommended increase, which he did. The stress which this exception places upon one of the factors which the Administrator specifically took into account cannot make up for the lack of evidence in the record as a whole.

For the general division, an exception has been filed by the International Ladies' Garment Workers' Union. Here, too, the Union contended that Puerto Rico had a competitive advantage over the mainland that would justify approval of the recommended increase. The Administrator took this factor into account when he recognized in the findings and opinion that the evidence indicated that an increase in the minimum wage was warranted. He concluded, however, that the evidence as a whole was not substantial enough to support the conclusion that the minimum wage rate recommended by the Committee should be approved at this time for this entire division, since such a rate would apply to the production of a variety of articles.

The Puerto Rico Needlework Association, Inc., submitted exceptions directed toward the entire proposed decision. The Association urges that the employee members of the Committee did not actually represent employees in the industry, and consequently, the actions of the Committee were not made in accordance with the requirements of the act. This matter was raised previously and has been fully considered and discussed in the findings and opinion. In addition the Association expresses concern about the adequacy of certain division definitions. The recommended definitions have been fully considered and no further discussion seems warranted at this time.

The Association also urges that undue emphasis has been given to competitive relationships between Puerto Rico and the northeastern section of the United States mainland. Actually, competitive considerations have been related to whatever states or regions produce any of the particular goods in question in competition with Puerto Rico. Mainland production of many needlework products is concentrated heavily, if not exclusively, in the northeastern states, whereas certain other products, such as dungarees, are manufactured primarily in the South.

The Association has also requested that the effective date for any new wage order for the needlework and fabricated textile products industry be postponed until July 15 so that it will not take effect in the middle of a season. While I agree that a new order should not be made applicable to style lines which have already been priced for a season, analysis of shipment statistics reveals that May and June are normally the lowest months of the year. It appears from the record that production for the spring season is completed around the middle of April and that fall production begins around the first of July. Since production of goods for summer sales are minor and show no particular pattern, it seems reasonable that an effective date of June 6 will not cause any undue inconvenience to the industry. The present order for this industry was made effective on June 4, 1951 and there was no indication that this date fell in the middle of a season or unreasonably affected operations.

I have reviewed the exceptions which have been filed in the light of the entire record in this matter and I have concluded that the only modification which is warranted is in the corde and bonnaz embroidery and corde handbag division, in which the recommendation of the Committee should be approved as previously indicated. Pending the issuance of a new wage order for that division, the following amended wage order will issue in accordance with the notice of proposed decision which was published in the FEDERAL REGISTER on March 4, 1955 (20 F. R. 1345), and under the authority in section 8 of the Fair Labor Standards Act of 1938 (29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), General Order No. 45–A (15 F. R. 3290), and, the position of the Administrator being presently vacant, General Order No. 85 (20 F. R. 2066). Formal changes in § 655.4 (a) (1) have been made in the order as it appeared in that notice by reason of the fact that there is now a separate wage order for the corsets, brassieres and allied garment industry and that the hairnet industry has been included under the wage order for the textile and textile products industry.

Sec.
655.1 Approval of recommendations of industry committee.
655.2 Wage rates.
655.3 Notice of order.
655.4 Definitions of the needlework and fabricated textile products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 655.1 to 655.4 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 655.1 *Approval of recommendations to Industry Committee.* The Committee's recommendations are hereby approved, except as hereinafter noted.

§ 655.2 *Wage rates.* (a) (1) Wages at a rate of not less than 22½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the art linen and needlepoint division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, embroidering and embellishing by hand and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the art linen and needlepoint division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, stamping, sorting, finishing, and packing, and who is engaged in commerce or in the production of goods for commerce.

(b) (1) Wages at a rate of not less than 22½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the handkerchief and square scarf division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the handkerchief and square scarf division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, ribboning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(c) (1) Wages at a rate of not less than 22½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the fabric glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 57½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the fabric glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in machine operating or in operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(3) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the fabric glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in operations other than hand sewing, machine operating, and operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the knit glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(e) (1) Wages at a rate of not less than 30 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 57½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in machine operating, or in any operations known to the industry as cutting, laying off, sizing, banding and boxing, and who is engaged in commerce or in the production of goods for commerce.

(3) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather glove division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in operations other than hand sewing, machine operating, and operations known to the industry as cutting, laying off, sizing, banding, and boxing, and who is engaged in commerce or in the production of goods for commerce.

(f) (1) Wages at a rate of not less than 21 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the silk, rayon, and nylon underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 34 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the silk, rayon, and nylon underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

N. B.: Special Industry Committee No. 15 for Puerto Rico recommended minimum wage rates of 26 cents and 45 cents respectively for activities in this division. These recommendations are hereby disapproved and the foregoing rates will remain in effect until a new wage order is issued to replace them.

(g) (1) Wages at a rate of not less than 22½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cotton underwear and infants' underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the cotton underwear and infants' underwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(h) (1) Wages at a rate of not less than 25 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the infants' wear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing,

hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the infants' wear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, pinning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(i) (1) Wages at a rate of not less than 35 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the children's and dolls' wear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the children's and dolls' wear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(j) (1) Wages at a rate of not less than 35 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the blouse, dress, and neckwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 45 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the blouse, dress, and neckwear division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(k) Wages at a rate of not less than 47½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the dungarees, slacks and related products division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(l) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the sweater and bathing suit division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(m) Wages at a rate of not less than 57½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hat body division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(n) Wages at a rate of not less than 36 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the corde and bonnaz embroidery and corde handbag division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

N. B.: Special Industry Committee No. 15 recommended a minimum wage rate of 51 cents an hour for activities in this division. That recommendation was disapproved in the notice of proposed decision of March 4, 1955, but is being approved in the notice of proposed decision for that division in this issue of the FEDERAL REGISTER. The foregoing rate of 36 cents an hour will continue in effect until a new wage order is issued for this Division.

(o) Wages at a rate of not less than 45 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the crochet slipper division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(p) Wages at a rate of not less than 47½ cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the crochet beading, bullion embroidery, machine embroidered lace, insignia, and chevron division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(q) (1) Wages at a rate of not less than 35 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the crocheted hats and infants' bootee division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 45 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the crocheted hats and infants' bootee division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

(r) (1) Wages at a rate of not less than 21 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the miscellaneous division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in hand sewing operations, including, but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(2) Wages at a rate of not less than 30 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the miscellaneous division of the needlework and fabricated textile products industry in Puerto Rico who is engaged in other operations including, but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

N. B.: Special Industry Committee No. 15 for Puerto Rico recommended a minimum wage of 50 cents an hour for the millinery division, 45 cents an hour for the handbag (except corde) division, and 45 cents an hour for the general division. It defined the millinery division as "the manufacture of all headwear, except knitted or crocheted headwear, for women, misses, girls, and infants three years of age or under, from any material, but not including the manufacture of hat bodies," the handbag (except corde) division as "the manufacture of handbags and purses (except corde) for women, misses, and girls," and the general division as "all products and activities in the needlework and fabricated textile products industry, as defined in Administrative Order No. 433, which are not included in any of the other divisions of the industry as defined therein." The activities in those three divisions, as thus defined, are at present included in the above miscellaneous division. The recommendations of the Committee for those three divisions are hereby disapproved. The activities included in the definitions for those divisions will accordingly remain subject to the applicable minimum wage rates provided for the above miscellaneous division until a new wage order is issued covering such activities.

§ 655.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the needlework and fabricated textile products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 655.4 *Definition of the needlework and fabricated textile products industry in Puerto Rico and its divisions.* (a) (1) The manufacture from any material of all apparel and apparel furnishings and accessories made by the knitting, crocheting, cutting, sewing, embroidering, or other processes; the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the definition shall not cover products or activities included in the following industries in Puerto Rico as defined in the wage order for such industries: The artificial flower industry, the button, buckle, and jewelry industry, the corsets, brassieres and allied garments industry, the handicraft products industry, the hosiery industry, the hooked rug industry, the men's and boys' clothing and related products industry, the shoe manufacturing and allied industries, and the textile and textile products industry. This definition includes, but without limitation, handkerchiefs, scarves and mufflers; gloves; women's, misses', girls' and infants' outerwear, underwear, and nightwear; handbags (except handbags made by hand out of raffis, maguey, straw or similar materials); household art linens; needlepoint; embroideries and trimmings; curtains, draperies, and bedspreads; and miscellaneous fabricated textile products.

(2) This definition supersedes the definitions contained in any and all wage orders heretofore issued for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Art linen and needlepoint division.* The manufacture of household art linens including, but not by way of limitation, table cloths, napkins, bridge sets, luncheon cloths, table covers, sheets, pillow cases, and towels, and the manufacture of needlepoint on canvas or other material.

(2) *Handkerchief and square scarf division.* The manufacture of plain, scalloped or ornamented handkerchiefs and square scarves.

(3) *Fabric glove division.* The manufacture of gloves and mittens from woven or knitted fabrics.

(4) *Knit glove division.* The manufacture of knit or crocheted gloves and mittens.

(5) *Leather glove division.* The manufacture of gloves and mittens from leather or from leather in combination with other material.

(6) *Silk, rayon, and nylon underwear division.* The manufacture, from any fabric except cotton, or from any fabric containing a mixture of cotton and other fibers, of women's, misses', and girls' underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles.

N. B.: See note in connection with this division in § 655.2 (f).

(7) *Cotton underwear and infants' underwear division.* The manufacture from cotton fabric of women's, misses', and girls' underwear including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles, and the manufacture of underwear and nightwear for infants three years of age or under.

(8) *Infants' wear division.* The manufacture of dresses, rompers, creepers, sportswear, and play apparel for infants three years of age or under.

(9) *Children's and dolls' wear division.* The manufacture of dresses, blouses, shirts, and similar articles for girls over three years of age and the manufacture of clothing for dolls.

(10) *Blouse, dress, and neckwear division.* The manufacture of women's and misses' blouses, shirts, waists, dresses, smocks, aprons, neckwear (including collar and cuff sets) and scarves (except square scarves).

(11) *Dungarees, slacks, and related products division.* The manufacture of dungarees, slacks, pedal pushers, culottes, shorts and similar apparel for women, misses and girls.

(12) *Sweater and bathing suit division.* The manufacture of women's, misses', and girls' sweaters and bathing suits.

(13) *Corde and bonnaz embroidery and corde handbag division.* The manufacture of corde handbags, corde plates for handbags, and other articles or trimmings made on a bonnaz embroidery machine.

N. B.: See note in connection with this division in § 655.2 (n).

(14) *Hat body division.* The processing of hatters' fur and the manufacture of all types of hat bodies for women's, misses', girls' and infants' hats.

(15) *Crocheted hat and infants' bootee division.* The manufacture of crocheted or knitted headwear for women, misses, girls, and infants three years of age or under and the manufacture of crocheted or knitted bootees for infants.

(16) *Crocheted slipper division.* The manufacture of slippers, slipper socks, mukluks, and similar types of footwear (except infants' bootees) made by a crocheting or knitting process.

(17) *Crochet beading, bullion embroidery, machine embroidered lace, insignia and chevron division.* The manufacture of emblems, insignia, and chevrons; and the outlining or embroidery of lace by machine and the embroidery of any article by a crochet beading process or with bullion threads and all operations immediately incidental to such outlining or embroidery.

(18) *Miscellaneous division.* All products and activities included in the needlework and fabricated textile products industry, as defined in paragraph (a) of this section, which are not included in any of the other divisions of the industry as defined in this section.

N. B.: See note in connection with this division in § 655.2 (r).

The wage order above shall become effective June 6, 1955.

Signed at Washington, D. C., this 5th day of May 1955.

STUART ROTHMAN,
Solicitor.

[F. R. Doc. 55-3750; Filed, May 6, 1955; 8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 20—VENDING STANDS FOR THE BLIND ON FEDERAL PROPERTY IN THE CUSTODY OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Part 20 is added to 45 CFR Subtitle A pursuant to section 4 (a) of Public Law 565, 83d Congress, (68 Stat. 663) which imposes upon each head of a department or agency in control of the maintenance, operation, and protection of Federal property a duty to prescribe regulations with the approval of the President to carry out the statutory policy of providing blind persons with the opportunity to operate vending stands on Federal property.

Part 20 reads as follows:

Sec.
20.0 Scope.
20.1 General.
20.2 Department policy on permits for vending stands.
20.3 Provisions of the permit.
20.4 Report on noncompliance with provisions of permit or on other matters.
20.5 Referral of disagreements on provisions of permit.
20.6 Termination of other existing arrangements for vending stands.
20.7 Constituents to maintain procedures for assuring preference.
20.8 Definitions.

AUTHORITY: § 20.0 to 20.8 issued under sec. 4, 68 Stat. 663; 20 U. S. C. 107.

§ 20.0 *Scope.* This part applies to all Federal property of which this Department is in control of the maintenance, operation, and protection.

§ 20.1 *General.* Congress has directed that blind persons licensed by State agencies under the provisions of the Randolph-Sheppard Vending Stand Act, be authorized, and, so far as feasible, be given preference to operate vending stands on any Federal property where such vending stands may be properly and satisfactorily operated by blind persons. Section 4 (a), Public Law 565, 68 Stat. 663, (20 U. S. C. 107). That law further directs the head of each department or agency in control of the maintenance, operation, and protection of Federal property to prescribe regulations, with the approval of the President, to assure that preference including assignment of vending machine income to achieve and protect that preference.

§ 20.2 *Department policy on permits for vending stands.* (a) Pursuant to these responsibilities and subject to paragraph (b) of this section, it will be the policy of this Department with respect to property of which it is in control of the maintenance, operation, and protection, to issue a permit authorizing the operation of such vending stands (which term includes vending machines) without charge for space or necessary utilities as, in the opinion of the State licensing agency, are suitable for operation by a licensed blind person and for which the State licensing agency makes application.

(b) The application of a State licensing agency for a permit may be denied or revoked if the Secretary determines that the interest of the United States would be adversely affected or this Department unduly inconvenienced by its issuance or continuance. Loss of revenue by reason of granting a rent-free permit for operation of a vending stand by a licensed blind person shall not be a basis for denying such permit as unduly inconveniencing this Department or adversely affecting the interest of the United States. If a constituent believes factors other than loss of revenue justify denial or revocation of a permit for the operation of a vending stand by a licensed blind person, it shall refer the matter to the Secretary, together with the recommendation of the Director of the Office of Vocational Rehabilitation.

(c) No permit, lease, or other arrangement for the operation of a vending stand (which term includes vending machines) on property, the maintenance, operation, and protection of which is in a constituent, shall be entered into or renewed without first consulting the State licensing agency, unless express permission is given therefor by the head of the constituent after consultation with the Director of the Office of Vocational Rehabilitation.

(d) After a permit to operate a vending stand is in effect, no article shall be offered for sale on the property (through over the counter sales, by vending machine, or otherwise) which competes with articles approved for sale under the permit, except that this regulation shall not prevent a cafeteria or restaurant from selling articles of a type considered as food and usually sold as part of a meal, nor shall it prevent the sale of articles by vending machines. However, the income from any vending machines which are located within reasonable proximity to and are in direct competition with a vending stand for which a permit has been issued shall be assigned to the operator of such stand. If a vending machine vends articles of a type authorized by the permit and is so located that it attracts customers who would otherwise patronize the vending stand, such machine is in reasonable proximity to and direct competition with the stand.

(e) In the exercise of any function of this Department in connection with planning for the construction, alteration, or remodeling of buildings which are, or will become, Federal property (including those to be leased or otherwise acquired under Public Law 519, 83d Congress, 68 Stat. 518), provision shall be made for suitable space for a vending stand or stands, if the operation of one on such property will be feasible. This shall include the facilities which will be necessary to the operation of such a stand, such as adequate electrical wiring and outlets, heating, plumbing, and ventilation. The constituent will consult with the State licensing agency in carrying out this subsection.

§ 20.3 *Provisions of the permit.* (a) The permit will be conditioned upon the vending stand meeting specified standards, including standards relating to appearance, safety, sanitation, and efficiency of operation. Due regard shall be given to provisions of laws and regulations for the public welfare which are applicable, or would be applicable, if the property involved were not under the jurisdiction of the Federal Government.

(b) The permit will specify the types of articles which may be sold. The types of articles specified in section 4 (b) (4) of the act (newspapers, periodicals, confections, tobacco products, articles dispensed automatically or in containers or wrapping in which they are placed before receipt by the vending stand) and such related articles as the State licensing agency asks to be included, will be permited to be sold, unless such factors as the inadequacy of the facilities which are or can reasonably be made available, or safety, health, or legal requirements demand otherwise. Due regard shall be given to provisions of laws and regulations for the public welfare which are applicable, or would be applicable, if the property involved were not under the jurisdiction of the Federal Government. The permit shall also contain adequate provisions to prevent material defacement or damage to property, including a provision that when alterations are to be made by other than the United States, they will be made with the approval of and under the supervision of the appropriate official of the Federal Government. The permit may contain other reasonable conditions necessary for the protection of the Government and the prospective patrons of the vending stand. However, no condition shall be imposed which would require a vending stand to provide a service not usually associated with such stands.

(c) The permit shall describe the location of the vending stand proper and the locations of the vending machines to be operated on the property. Where feasible, each vending stand will be located in a room, affording easy access to potential patrons.

§ 20.4 *Report on noncompliance with provisions of permit or on other matters.* The permit together with the applicable rules, regulations, and policies of the State licensing agency shall govern the operation of a vending stand, and all officials and employees of this Department shall encourage conduct and operation in accordance with such permit, rules, regulations, and policies. The constituent shall cooperate with the State licensing agency with respect to the foregoing and report to it any significant violations or other relevant matters which come to its attention. If a constituent believes that the State licensing agency is not taking proper action in such matters, it shall inform the Director of the Office of Vocational Rehabilitation.

§ 20.5 *Referral of disagreements on provisions of permit.* If the individual representing the constituent and responsible for granting the permit is unable to agree with the State licensing agency upon a suitable location, whether a vending machine is in competition with a vending stand or upon other terms of the permit (including the articles which may be sold), the matter shall be referred to the head of the constituent who, after consultation with the Director of the Office of Vocational Rehabilitation, shall determine the action to be taken. This provision shall be equally applicable whether the disagreement relates to terms and conditions of a new permit or of an amendment thereof.

§ 20.6 *Termination of other existing arrangements for vending stands.* (a) When a permit is issued to a State licensing agency for operation of a vending stand on any property location, steps shall be taken to terminate any existing arrangement for the sale of articles by other than a licensed blind person which are not permitted to be sold under § 20.2 (d). In terminating a permit, contract, or other arrangement with other than a State licensing agency, notice shall be given as required under the terms of the arrangement, or if none is provided, a reasonable notice of termination may be given in the discretion of the constituent.

(b) In the application of this section, this Department will cooperate with the non-licensed vendor and the licensing agency to prevent interruption of vending stand service, or where interruption is necessary in preparing for the vending stand for which a permit is issued, to keep such interruption to a minimum.

§ 20.7 *Constituents to maintain procedures for assuring preference.* (a) The head of each constituent of this Department in control of the maintenance, operation, and protection of any Federal property shall maintain the procedures to insure compliance with the regulations of this part.

(b) A constituent shall designate a representative for each property location under its control to cooperate with the State licensing agency.

(c) The State licensing agency of the State in which the property is located shall be notified in writing of the name of such representative.

(d) The representative will make such joint surveys with the State licensing agency as it may request to ascertain whether, and if so, in what locations, vending stands may be properly, profitably, and satisfactorily operated by blind persons.

(e) Such alterations or repairs as are reasonable and feasible in order to accommodate the vending stand will be made.

§ 20.8 *Definitions.* As used in this part, the following terms shall have the meaning indicated:

(a) "Act" means the Randolph-Sheppard Vending Stand Act (Public Law 732, 74th Congress, 49 Stat. 1559, as amended by Public Law 565, 83d Congress, 68 Stat. 663; 20 U. S. C. 107, chapter 6A).

(b) "Secretary" means the Secretary of Health, Education, and Welfare.

(c) "Constituent" means the Public Health Service, Social Security Administration, Food and Drug Administration, Office of Education, Office of Vocational Rehabilitation, Saint Elizabeths Hospital and such comparable administrative units as may hereafter be formed. Where this Department is in control of the maintenance, operation, and protection of Federal property, but such property is not operated by a constituent as defined above, the Director of the Division of Administration of this Department shall exercise the authority and responsibility of a constituent under this part with respect to such property.

(d) "Federal property" means any building, land, or other real property owned, leased, or occupied by any department or agency of the United States or any instrumentality wholly owned by the United States, or by any department or agency of the District of Columbia or any Territory or possession of the United States.

(e) "Property" or "property location," unless the context indicates otherwise, means any real property location of which this Department, or a constituent thereof is in control of the maintenance, operation, and protection.

(f) "Permit," unless the context indicates otherwise, means the official authorization given by a constituent on behalf of the United States Government to carry out the statutory policy described in this part, whereby the State licensing agency is authorized to place a licensed blind person (or persons) to operate a vending stand (or stands).

(g) "Denial of a permit" shall include the termination of a permit or the refusal to renew a permit.

(h) "Vending stand," unless the context indicates otherwise, means:

(1) Such shelters, counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment as are necessary for the vending of such articles as may be approved by the State licensing agency and the constituent.

(2) Manual or coin-operated vending machines or similar devices for vending such articles.

(i) "State licensing agency" means the State agency designated by the Director of the Office of Vocational Rehabilitation pursuant to the act to issue licenses to blind persons for the operation of vending stands on Federal and other properties.

(j) "Licensed blind person" means a blind person licensed to operate a vending stand on Federal or other property by a State licensing agency.

[SEAL] OVETA CULP HOBBY,
Secretary.

Approved: May 3, 1955.

PERCIVAL F. BRUNDAGE,
Acting Director,
Bureau of the Budget.

[F. R. Doc. 55-3701; Filed, May 6, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[27 CFR Part 7]

ALCOHOL AND TOBACCO TAX DIVISION

LABELING AND ADVERTISING OF MALT BEVERAGES; NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U. S. C. 205), of a public hearing to be held on June 1, 1955, at 10 a. m., at Room 5615, Internal Revenue Building, Washington, D. C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to the proposals, the substance of which is stated below, to amend Regulations No. 7 (27 CFR Part 7), relating to labeling and advertising of malt beverages.

Written data, views or arguments relevant and material to these proposals may be submitted in duplicate for incorporation into the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., provided that they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing. At the conclusion of the hearing a reasonable opportunity will be afforded interested parties for examination of the record and for the submission of briefs.

1. To amend § 7.27 (article II, section 27) and other pertinent sections of regulations to:

a. Provide that (subject to the limitations on Federal jurisdiction of section 5 of the Federal Alcohol Administration Act) no malt beverages bottled or packed in the United States (other than malt beverages packed in casks, barrels, or kegs of a capacity of 3 gallons or more) shall be bottled, or packed other than in standard malt beverage containers of sizes to be specified, such as the following:

7 ounce.
12 ounce.
1 quart.
11 ounce (for a specified limited period only).
1 pint.
½ gallon.

b. Provide that (subject to the limitations on Federal jurisdiction of section 5 of the Federal Alcohol Administration Act) no standard malt beverage container shall be filled so as to have a headspace in excess of 6 percent of its capacity after closure, or be so designed as to be deceptive as to its capacity.

2. To amend § 7.31 (article III, section 31) to eliminate the present requirement that Form 1652 "Affidavit for Release of Distilled Spirits, Wine, or Malt Beverages Under the Federal Alcohol Administration Act" must be deposited with the appropriate Customs officer at the Port of Entry before imported malt beverages may be released from Customs custody.

[SEAL] DWIGHT E. AVIS,
Director, Alcohol and Tobacco Tax Division, Internal Revenue Service.

[F. R. Doc. 55-3757; Filed, May 6, 1955; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 145]

[Docket No. FDC-30 (a)]

CHEMICAL DERIVATIVES OF SUBSTANCES DESIGNATED AS HABIT-FORMING

NOTICE OF HEARING

In the matter of amending the regulations designating certain chemical derivatives of substances named in section 502 (d) of the Federal Food, Drug, and Cosmetic Act as habit forming by removing acetylcarbromal and bromural from the list of habit-forming chemical derivatives of carbromal:

Pursuant to authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act, and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), notice is hereby given that upon application of a substantial portion of the interested industry, stating reasonable grounds therefor, and in accordance with sections 502 (d) as amended, and 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1050; 53 Stat. 854; 52 Stat. 1055; 21 U. S. C. 352 (d), 701), a public hearing will be held commencing at 10:00 a. m., eastern daylight time, on June 7, 1955, in room G-751, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington, D. C., for the purpose of receiving evidence upon applicant's proposal to remove acetylcarbromal and bromural from the list of habit-forming

chemical derivatives of carbromal (21 CFR 145.1).

At the hearing evidence will be restricted to testimony and exhibits relevant and material to such proposal. The hearing will be conducted in accordance with the rules of practice provided therefor. Mr. Leonard D. Hardy is hereby designated as presiding officer to conduct the hearing in place of the Secretary, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceedings to the Commissioner for initial decision.

The proposed amendment is subject to adoption, rejection, or modification as the evidence adduced at the hearing may require.

Dated: May 3, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-3729; Filed, May 6, 1955; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 6, 7]

[Draft Release No. 55-11]

ROTORCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES AND SIMPLIFICATION OF REQUIREMENTS FOR SMALL ROTORCRAFT

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of a new Part 7 and amendments to Part 6 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by June 15, 1955. Copies of such communications will be available after June 20, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The presently effective airworthiness requirements for rotorcraft are contained in Part 6 of the Civil Air Regulations. No distinction is made in the present requirements between large and small rotorcraft or between rotorcraft intended for general and air carrier service. The requirements of Part 6 have been based mainly upon experience with rotorcraft of relatively small size and consequently they would not be suitable for larger rotorcraft such as those which have been under study and development by manufacturers more recently. During the past few years studies have been conducted toward the establishment of airworthiness requirements for rotorcraft which not only would be larger in size but which also would be intended for use in air carrier service. These studies have resulted in the following proposal for the categorization of rotorcraft and the corresponding airworthiness requirements.

It is proposed to establish three categories of rotorcraft, namely, "Normal Category" for relatively small rotorcraft and "Transport Categories A and B" applicable to large rotorcraft intended for air carrier service. Rotorcraft certificated in the "Normal Category" would be eligible for all passenger and cargo operations, for hire, except in certificated scheduled and irregular air carrier service. However, such helicopters would be eligible for operations only under HVR (helicopter visual rules). Furthermore, certification in the "Normal Category" would be limited to rotorcraft of 6,000 pounds or less maximum weight.

"Transport Category A" helicopters would be eligible for all types of operations including air carrier service under both HVR and HIR (helicopter instrument rules). No limitation on maximum weight would be established for such rotorcraft. "Transport Category A" rotorcraft would be subject to compliance with appropriate perfomance operating limitations when used in air carrier service. In addition, they would be required to be multiengined. "Transport Category B" helicopters would be eligible for air carrier and other operations only under HVR conditions. However, when used in air carrier service they would be subject to compliance with performance operating limitations and with certain route limitations. Only rotorcraft of 17,500 pounds or less maximum weight would be eligible for certification in "Transport Category B".

In establishing requirements for the aforementioned three rotorcraft categories it is proposed to amend presently effective Part 6 of the Civil Air Regulations by making it applicable only to "Normal Category" rotorcraft. In so doing it is proposed to simplify some of the provisions of Part 6. The most significant of these would be the limitation of the requirement for scheduling performance and the necessity of providing a flight manual for helicopters.

In establishing the two transport categories it is proposed to promulgate a new Part 7 of the Civil Air Regulations applicable to both the "A" and "B" categories. The provisions for "Transport Category B" are intended to be essentially similar to those now contained in the presently effective Part 6 although a few new requirements are being proposed. With respect to the requirements for "Transport Category A", a number of provisions are being proposed particularly with regard to one-engine-inoperative performance, fire prevention, engine installation, structural, and detail design requirements.

Accordingly, notice is hereby given that it is proposed to amend Part 6 and to adopt a new Part 7 of the Civil Air Regulations as set forth in the proposals which are attached hereto.

These regulations are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs 601-610, 52 Stat. 1007-1012, as amended 49 U. S. C. 551-560)

Dated at Washington, D. C., April 25, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

Part 6 is proposed to be amended as follows:

1. By amending title of Part 6 to read "Rotorcraft Airworthiness — Normal Category".

2. By amending § 6.0 to read as follows:

§ 6.0 *Applicability of this part.* This part contains standards with which compliance shall be demonstrated for the issuance of and changes to type certificates for rotorcraft. This part, until superseded or rescinded, shall apply to rotorcraft of any weight for which applications for type certification under this part were made between the effective date of this part (January 15, 1951) and . For applications for type certificates made after this part shall apply only to rotorcraft which have a maximum weight of 6,000 pounds or less.

3. By amending § 6.111 to read as follows:

§ 6.111 *Take-off.* The take-off shall be demonstrated in a manner such that a landing can be made safely at any point along the flight path in case of an engine failure and shall not require an exceptional degree of skill on the part of the pilot or exceptionally favorable conditions. Pertinent information concerning the take-off procedure including appropriate climb-out air speeds shall be specified in the operating procedures section of the Rotorcraft Flight Manual (see § 6.742).

4. By amending § 6.112 (a) by adding the words "except helicopters" between the words "rotorcraft" and "the" in the first sentence and deleting the phrase "for all rotorcraft except helicopters" from the second sentence.

5. By amending § 6.112 (b) to read as follows:

§ 6.112 *Climb.* • • •

(b) For helicopters the best rate of climb speed shall be determined at sea level at maximum certificated weight with all engines operating at maximum continuous power.

6. By amending § 6.112 by adding a new paragraph (c) to read as follows:

§ 6.112 *Climb.* • • •

(c) For multiengine helicopters the steady rate of climb or descent shall be determined at maximum certificated weight, with one engine inoperative, and the remaining engine(s) operating at a maximum continuous power.

7. By amending § 6.113 (a) to read as follows:

§ 6.113 *Minimum operating speed performance.* (a) Hovering ceilings for helicopters shall be determined over the range of weights, altitudes, and temperatures for which certification is sought with take-off power and landing gear extended in the ground effect at a height above the ground consistent with normal take-off procedures.

8. By amending § 6.114 by deleting the introductory paragraph and inserting in lieu thereof the following: "Landings shall be demonstrated in accordance with the provisions of paragraphs (a) through (d) of this section. Pertinent information concerning the landing procedure including appropriate approach and glide air speeds shall be specified in the Operating Procedure Section of the Rotorcraft Flight Manual (see § 6.742)."

9. By amending § 6.114 by deleting paragraph (e).

10. By amending § 6.203 (d) to read as follows:

§ 6.203 *Structural and dynamic tests.*
• • •

(d) Flight stress measurements (see §§ 6.221 and 6.230).

11. By amending § 6.203 by deleting paragraph (f) and by redesignating paragraph (g) as paragraph (f).

12. By amending § 6.230 (c) by deleting the last sentence and inserting in lieu thereof "Higher values of rotor lift shall be acceptable if substantiated by tests and/or data which are applicable to the particular rotorcraft."

13. By amending § 6.234 by revising the title to read "Side load conditions."

14. By amending the first sentence of § 6.234 (a) to read "The rotorcraft shall be assumed to be in a level attitude."

15. By amending the first sentence of § 6.234 (b) to read "Only the wheels aft of the c. g. shall be assumed to be in contact with the ground."

16. By amending the first sentence of § 6.234 (c) to read "The forward and aft wheels shall be assumed to be in contact with the ground."

17. By amending § 6.237 (a) by adding the following sentence to the end of the definition of $W=W_M$: "A rational method may be used in computing a main gear static reaction, taking into consideration the distance between the direction of the main wheel reaction and the aircraft c. g."

18. By amending § 6.237 (a) by deleting the phrase "not in excess of 0.5" from the definition of L.

19. By amending § 6.237 (b) by deleting the phrase "and the rotor lift is assumed to be not greater than 0.75 times the rotorcraft maximum weight" and inserting in lieu thereof "and the rotor lift is assumed to be not greater than 1.5 times the rotor lift used in the limit drop tests".

20. By amending § 6.337 by deleting the first sentence and inserting in lieu thereof "Landing gear wheels may be equipped with any make or type of tire provided that the tire is a proper fit on the rim of the wheel and provided that the approved tire rating is not exceeded."

21. By amending § 6.338 by deleting the first sentence.

22. By deleting § 6.339.

23. By amending § 6.340 to read as follows:

§ 6.340 *General.* The requirements of §§ 6.341 and 6.342 shall apply to the design of floats.

24. By amending § 6.341 (a) (2) to read as follows:

(2) 60 percent in the case of multiple floats.

25. By amending § 6.342 (a) by deleting the phrase "maximum altitude for which the rotorcraft is designed" in the first sentence and inserting in lieu thereof "maximum altitude for which certification with floats is sought".

26. By amending § 6.342 (b) by deleting the second sentence and inserting in lieu thereof "The loads specified may be distributed along the length of the floats."

27. By amending § 6.350 by deleting paragraph (c) and redesignating paragraph (d) as paragraph (c).

28. By amending § 6.420 by deleting the first three sentences.

29. By amending § 6.440 (b) by deleting from the second sentence the words "the total oil capacity of 1 gallon for each 30 gallons of fuel capacity" and inserting in lieu thereof "the usable oil capacity of 1 gallon for each 40 gallons of usable fuel quantity".

30. By deleting § 6.452.

31. By deleting § 6.487.

32. By deleting § 6.488.

33. My amending § 6.604 (a) by deleting subparagraph (4) and redesignating subparagraph (5) as (4).

34. By amending § 6.604 (b) by deleting subparagraph (1) and redesignating the remaining subparagraphs as (1) through (4).

35. By amending § 6.604 by adding a new paragraph (c) to read as follows:

§ 6.604 *Powerplant instruments.* • • •

(c) Means of warning of transmission lubrication malfunction shall be provided for each transmission having an independent oil system (see §§ 6.445 and 6.446).

36. By amending § 6.715 by changing the title to *"Limiting height-speed envelope"* and adding the following sentence at the end of the section: "Such an envelope shall be established in full auto rotation for single engine helicopters and with one engine inoperative for multiengine helicopters (see § 6.741 (f))."

37. By amending § 6.740 (a) to read as follows:

§ 6.740 *General.* (a) A Rotorcraft Flight Manual shall be furnished with each rotorcraft, except that a Rotorcraft Flight Manual is not required for helicopters certificated under this part; instead, the information prescribed in this part for inclusion in the Rotorcraft Flight Manual shall be made available to the operator by the manufacturer in the form of clearly stated placards, markings, or manuals. If all of the operating limitations are not included in the form of placards and markings on the helicopter then the portion of the manual supplied by the manufacturer containing the operating limitations prescribed in § 6.741 shall be approved and furnished with each helicopter.

38. By amending § 6.742 by adding between the words "information" and "peculiar" the words "including take-off and landing procedures and their appropriate air speeds".

39. By amending § 6.743 by deleting the words "(a) through (d)" and inserting in lieu thereof "(a) and (b)".

40. By amending § 6.743 by deleting paragraphs (a) and (c) and redesignating paragraphs (b) and (d) as paragraphs (a) and (b).

Part 7—Rotorcraft Airworthiness; Transport Categories; is proposed to be added as follows:

NOTE: All references to Part 6 in this proposal refer to currently effective Part 6. Also, in the sections which are to be the same in new Part 7 as in currently effective Part 6, references to other sections will be amended so as to refer to the same sections in the new part unless otherwise indicated.

SUBPART A—GENERAL

§ 7.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of and changes to type certificates for transport category A and transport category B rotorcraft. This part, until superseded or rescinded, shall apply to all transport category rotorcraft for which applications for type certification in the transport categories are made after the effective date of this part ( ).

§ 7.1 Same as corresponding section in Part 6 with the following addition:

(j) *Miscellaneous*—(1) *Protective breathing equipment.* Protective breathing equipment is equipment designed to prevent the breathing of noxious gases which might be present as contaminants in the air within the rotorcraft in emergency situations (see § 7.646).

§§ 7.10 through 7.19 Same as corresponding sections in Part 6.

ROTORCRAFT CATEGORIES

§ 7.20 *Rotorcraft categories.* (a) For the purpose of certification under this part, rotorcraft are divided upon the basis of their size and complexity into the following categories:

(1) *Transport category A—suffix A.* Rotorcraft in this category shall be multiengined and may be operated in either scheduled or irregular passenger or cargo service.

(2) *Transport category B—suffix B.* Rotorcraft in this category are limited to 17,500 pounds or less, can be single or multiengined, and may be operated in either scheduled or irregular passenger or cargo service under limited operating conditions.

(b) A multiengined rotorcraft may be certificated under the requirements of a particular category, or in both categories, if all of the requirements of each category are met. Sections of this part which apply to only one category are identified by the appropriate suffix added to the section number, as indicated in paragraph (a) of this section. All sections not identified by a suffix are applicable to both categories except as otherwise specified.

SUBPART B—FLIGHT

GENERAL

§ 7.100 Same as corresponding section of Part 6.

§ 7.101 Same as corresponding section of Part 6 except change subparagraph (b) (2) to read "usable fuel appropriate to the operation contemplated with full pay load."

§§ 7.102 through 7.105 Same as corresponding section of Part 6.

PERFORMANCE

§ 7.110 *General.* (a) The performance prescribed in this subpart shall be determined using normal pilot skill. Compliance shall be shown for sea level standard conditions in still air and for the range of atmospheric variables as selected by the applicant. The performance as affected by engine power, instead of being based on dry air, shall be based on 80 percent relative humidity or 0.7" Hg. vapor pressure whichever is less.

(b) Each set of performance data required for a particular flight condition shall be determined with the powerplant accessories absorbing the normal amount of power appropriate to that flight condition.

§ 7.111 *Limiting height and speeds for safe landing following power failure*—(a) *Category A.* (1) If a range of heights exists at any speed, including zero, within which it is not possible to make a safe landing when the critical engine is suddenly made inoperative with take-off power on the operating engines, the range of heights and its variation with forward speed shall be established (see §§ 7.715 and 7.741 (f)).

(2) A range of heights and its variation with forward speed within which it is not possible to make a safe landing following complete power loss shall also be established (see § 7.743).

(b) *Category B.* If a range of heights exists at any speed, including zero, within which it is not possible to make a safe landing following complete power failure, the range of heights and its variation with forward speed shall be established (see §§ 7.715 and 7.741 (f)).

(c) *Category B: Optional requirements for multiengined rotorcraft.* In lieu of compliance with paragraph (b) of this section, a multiengine rotorcraft that is certificated in accordance with transport category A powerplant installation requirements as well as the transport category A requirement of § 7.384 may, at the option of the applicant, comply with paragraph (a) of this section, provided the rate of climb as determined in accordance with § 7.115 (b) applicable to transport category B rotorcraft at sea level conditions shall not be less than 150 feet per minute.

§ 7.112 *Take-off; general.* (a) The take-off data required by §§ 7.113 and 7.114 shall be determined under the following conditions:

(1) At all weights, altitudes, and temperatures selected by the applicant, and within the range of these variables for which compliance with the minimum climb requirements (§ 7.115) and hovering performance (§ 7.116) can be shown.

(2) With the operating engines not exceeding their approved limitations.

(b) All take-off data, when corrected, shall assume a level take-off surface, and shall be determined on a smooth, dry, hard-surfaced runway, and in such a manner that reproduction of the performance does not require exceptional skill or alertness on the part of the pilot or exceptionally favorable conditions. (For wind and runway gradient corrections see appropriate operating rules of the Civil Air Regulations.)

§ 7.113 *Critical decision point (Category A).* The critical decision point shall be any combination of height and speed as selected by the applicant in demonstrating the distances as defined in § 7.114. The method used to attain the critical decision point shall be such as to avoid flight within the critical areas of the limiting height-speed envelope as established in accordance with § 7.111 (a) (1).

§ 7.114 *Take-off (Category A).* (a) The take-off distance and the take-off flight path shall be established. The take off shall be initiated from a hovering start and shall be accomplished in such a manner that:

(1) If one engine becomes inoperative at or at any point prior to the critical decision point, a safe landing and stop can be made within the take-off area.

(2) If one engine becomes inoperative at or at any point subsequent to the critical decision point, a safe climb-out can be made reaching the end of the take-off area at a height of 25 feet and at the climb-out safety speed not less than the air speed used in meeting the rate of climb specified in § 7.115 (a) and (b) Transport Category A, the remaining operating engines not exceeding their approved limitations.

(3) A safe and smooth transition is provided between the subsequent climb-out configurations with one engine inoperative.

§ 7.114 *Take-off (Category B).* (a) The distance required to take off and climb over a 25-foot obstacle shall be determined under the most unfavorable combination of weight and center of gravity location.

(b) The take off shall be made in a manner such that a landing can be made safely at any point along the flight path in the case of an engine failure (see § 7.111 (b)).

(c) For helicopters the take off shall be initiated from a hovering start.

§ 7.115 *Climb; one-engine-inoperative (Category A)*—(a) *Take-off climb, gear extended.* The steady rate of climb without ground effect shall not be less than 50 feet per minute for each weight, altitude, and temperature condition for which take-off data are to be scheduled with:

(1) The critical engine inoperative and the remaining engines at the take-off power,

(2) Take-off weight,

(3) Center of gravity in the most unfavorable position permitted for take off,

(4) Landing gear extended,

(5) The speed as selected by the applicant (see § 7.114 (a) (2) for Category A),

(6) Cowl flaps or other means of controlling the engine-cooling air supply in the position which provides adequate cooling in the hot-day condition.

(b) *Take-off climb; gear retracted.* The steady rate of climb without ground effect shall not be less than 150 feet per minute for each weight, altitude, and temperature condition for which take-off data are to be scheduled with:

(1) The critical engine inoperative and the remaining engine(s) operating at maximum continuous power,

(2) Take-off weight,

(3) Center of gravity in the most unfavorable position permitted for take off,

(4) Landing gear retracted, if retractable,

(5) The speed as selected by the applicant (see § 7.114 (a) (2) for Category A),

(6) Cowl flaps or other means of controlling the engine-cooling air supply in the position which provides adequate cooling in the hot-day condition.

(c) *En route climb.* The steady rate of climb in feet per minute at any altitude at which the rotorcraft is expected to operate, and at any weight within the range of weights to be specified in the airworthiness certificate, shall be determined with:

(1) The critical engine inoperative, and the remaining engine(s) operating at the maximum continuous power available at such altitude,

(2) Center of gravity in the most unfavorable position,

(3) The landing gear retracted,

(4) The speed as selected by the applicant,

(5) Cowl flaps or other means of controlling the engine-cooling air supply in the position which provides adequate cooling in the hot-day condition.

§ 7.115 *Climb (Category B).* (a) For all rotorcraft, the steady rate-of-climb at the best rate-of-climb speed with maximum continuous power on all engines and landing gear retracted shall be determined over the range of weights, altitudes, and temperatures for which certification is sought (see § 7.740). For all rotorcraft except helicopters this rate-of-climb shall provide a steady angle of climb under standard sea level conditions of not less than 1:6.

(b) For multiengine helicopters, the steady rate-of-climb or descent at maximum weight shall be determined at the best rate-of-climb speed with one-engine-inoperative and the remaining engine(s) operating at a maximum continuous power.

(c) For all helicopters, the steady angle of glide shall be determined at the minimum rate of descent-speed in autorotation at maximum weight.

§ 7.116 *Hovering performance (Category A).* Ability to hover shall be provided and the hovering ceilings determined over the range of weights, altitudes, and temperatures for which take-off data are scheduled with not more than take-off power on all engines, landing gear extended, and in the ground effect at a height above the ground consistent with the procedure used in the establishment of take-off and accelerate-stop distances.

§ 7.116 *Hovering or minimum operating speed performance (Category B).* (a) Hovering ceilings for helicopters shall be determined over the range of weights, altitudes, and temperatures for which certification is sought with take-off power, landing gear extended, and in the ground effect at a height above the ground consistent with normal take-off procedures.

(b) At maximum weight, under standard atmospheric conditions and under conditions prescribed in paragraph (a) of this section, the hovering ceiling for helicopters shall not be less than 4,000 feet.

(c) For rotorcraft other than helicopters, the steady rate-of-climb at the minimum operating speed appropriate to the type with take-off power and landing gear extended shall be determined over the range of weights, altitudes, and temperatures for which certification is sought.

§ 7.117 *Landing; general.* (a) The landing data required by § 7.118 shall be determined under the following conditions:

(1) At all weights, altitudes, and temperatures selected by the applicant.

(2) With the operating engines not exceeding their approved limitations.

(3) The approach and landing shall be made in such a manner that its reproduction does not require an exceptional degree of skill on the part of the pilot or exceptionally favorable conditions.

(4) During the landing there shall be no excessive vertical acceleration and no tendency to bounce, nose over, ground loop, porpoise, or water loop. All landing data, when corrected, shall assume a level landing surface, and shall be determined on a smooth, dry, hard-surfaced runway. (For wind and runway gradient corrections see appropriate operating rules of the Civil Air Regulations.)

§ 7.118 *Landing (Category A)*—(a) *One-engine-inoperative.* The horizontal distance required to land and to come to a complete stop (to a speed of approximately 3 mph for rotorcraft equipped with floats) from a point at a height of 50 feet above the landing surface shall be determined. In making this determination the following conditions shall apply:

(1) The approach shall be made in such a manner that at any point down to the 50 foot height, a safe climb-out can be made reaching the end of the landing area at a height of 25 feet and at the speed used in meeting the rate-of-climb requirement specified in § 7.115 (a) and (b) Transport Category A, with power settings on the operative engines as selected by the applicant but not exceeding take-off power.

(2) The approach and landing path shall be such as to avoid flight within the critical areas of the limiting height-speed envelope as established in accordance with § 7.111 (a) (1).

(b) *Complete failure of all power.* It shall be possible to make a safe landing on a prepared runway surface following complete failure of all power during normal cruising operating conditions.

§ 7.118 *Landing (Category B)*—(a) *Autorotative.* The horizontal distance required to land and come to a complete stop (to a speed of approximately 3 mph for seaplanes or float planes) from a point at a height of 50 feet above the landing surface shall be determined. In making this determination the following shall apply:

(1) The approach speed or speeds in the glide shall be appropriate to the type of rotocraft and shall be chosen by the applicant.

(2) The approach and landing shall be made with power off and shall be entered from steady autorotation.

(3) The approach and landing path shall be such as to avoid flight within the critical areas of the limiting height-speed envelope as established in accordance with § 7.111 (b).

(b) *Optional requirements for multiengined rotorcraft certificated in Transport Category B.* In lieu of compliance with the autorotative landing distance requirements specified in paragraph (a) of this section, a multiengined rotorcraft that complies with the powerplant installation requirements for Category A and § 7.384 for Category A, may, at the option of the applicant, comply with § 7.118, Transport Category A, omitting the climb-out requirement specified in paragraph (a) (1) of that section; provided the rate-of-climb as determined in accordance with § 7.115 (b) for Transport Category B, at standard sea-level conditions, shall be at least 150 feet per minute.

FLIGHT CHARACTERISTICS

7.120 Same as corresponding section in Part 6 except change paragraph (c) to read as follows:

(c) *Night and instrument flight*—(1) *Category A.* Rotorcraft in this category are eligible for night and instrument flight. To be eligible for night and instrument flight the rotorcraft shall be certificated in accordance with such additional flight characteristic rules as the Administrator finds are required for safe operations under these conditions.

(2) *Category B.* In accordance with § 7.20 (a) (2), rotorcraft in this category are not eligible for unlimited night and instrument flight. Rotorcraft in this category, however, are eligible for limited night flight, i. e., night flight under VFR conditions. To be eligible for limited night flight the rotorcraft shall show compliance with such requirements as the Administrator finds are necessary for safe operation under these conditions.

§§ 7.121 through 7.123 Same as corresponding sections in Part 6.

GROUND AND WATER HANDLING CHARACTERISTICS

§§ 7.130 through 7.132 Same as corresponding sections in Part 6.

MISCELLANEOUS FLIGHT REQUIREMENTS

§ 7.140 Same as corresponding section in Part 6.

SUBPART C—STRUCTURES

GENERAL

§§ 7.200 and 7.201 Same as corresponding sections in Part 6.

§ 7.202 Same as corresponding section in Part 6.

§ 7.203 *Structural and dynamic tests.* At least the following structural tests shall be conducted to show compliance with the strength criteria:

(a) Dynamic and endurance tests of rotors and rotor drives, including controls (see § 7.406).

(b) Control surface and system limit load tests (see § 7.323).

(c) Control system operation tests (see § 7.324).

(d) Flight stress measurements (see §§ 7.221, 7.250, and 7.251).

(e) Landing gear shock absorption tests (see § 7.332).

(f) Ground vibration tests to determine the natural frequencies of the blades and major structural components of the rotorcraft.

(g) Such additional tests as may be found necessary by the Administrator to substantiate new and unusual features of the design.

§ 7.204 Same as corresponding section in Part 6 except change paragraph (a) to read: "Maximum and minimum design weights."

FLIGHT LOADS

§ 7.210 Same as corresponding section in Part 6.

§ 7.211 *Flight load factor.* The flight load factor shall be assumed to act normal to the longitudinal axis of the rotorcraft, shall be equal in magnitude, and shall be opposite in direction to the rotorcraft inertia load factor at the center of gravity.

§ 7.212 *Maneuvering conditions.* (a) The rotorcraft structure shall be designed for a positive maneuvering limit load factor of 3.5 and a negative maneuvering limit load factor of 1.0, except that lesser values shall be allowed if the applicant shows by analytical study and flight demonstrations that the probability of exceeding the values selected is extremely remote. Where such lesser values of maneuvering load factor are selected, the values selected shall be appropriate to each design weight condition between design minimum and design maximum values. In no case shall the limit load factors be less than 2.0 positive and 0.5 negative.

(b) Air loads shall be assumed to be applied at the center(s) of the rotor hub(s) and at any auxiliary lifting surface(s) and to act in such directions with distributions of load among the rotor(s) and auxiliary lifting surfaces as necessary to represent all critical maneuvering motions of the rotorcraft applicable to the particular type, including flight at the maximum design rotor tip speed ratio under power-on and power-off conditions.

§ 7.213 *Gust conditions.* The rotorcraft structure shall be designed to withstand the loading due to vertical and horizontal gusts of 30 feet per second

in velocity in conjunction with the critical rotorcraft air speeds, including hovering.

§ 7.214 *Yawing conditions.* The rotorcraft shall be designed for loads resulting from conditions specified in paragraph (a) of this section. Unbalanced aerodynamic moments about the center of gravity shall be reacted in a rational or a conservative manner considering the principal masses furnishing the reacting inertia forces.

(a) At a forward speed of V_{NE} or V_H, whichever is lesser, the following maneuvers shall be considered. The main rotor speed shall be the maximum rotor speed.

(1) With the rotorcraft in unaccelerated flight at zero yaw, it shall be assumed that the cockpit directional control is displaced to the maximum deflection as limited by the control stops in a time interval not greater than 0.4 second.

(2) With the directional control deflected as in subparagraph (1) of this paragraph, it shall be assumed that the rotorcraft yaws to a resulting sideslip angle.

(3) With the rotorcraft yawed to the static sideslip angle corresponding with the directional control deflection specified in subparagraph (1) of this paragraph, it shall be assumed that the directional control is returned to neutral in a time interval not greater than 0.4 second.

CONTROL SURFACE AND SYSTEM LOADS

§ 7.220 Same as corresponding section in Part 6 except change references from §§ 6.221 through 6.225 to §§ 7.221 through 7.226.

§ 7.221 *Auxiliary rotor assemblies.* Auxiliary rotor assemblies shall be tested in accordance with the provisions of § 7.405 for rotor drives. In addition, auxiliary rotor assemblies with detachable blades shall be substantiated for centrifugal loads resulting from the maximum design rotor rpm. In the case of auxiliary rotors with highly stressed metal components, the vibration stresses shall be determined in flight, and it shall be demonstrated that these stresses do not exceed safe values for continuous operation.

§§ 7.222 through 7.224 Same as corresponding sections in Part 6.

§ 7.225 *Primary control systems; general.* Longitudinal, lateral, vertical (collective pitch) and directional control systems shall be designed to the minimum requirements set forth in paragraphs (a) and (b) of this section.

(a) Manually operated control systems, including their supporting structure between the point of application of the pilot applied loads and swash plate(s), rotor blade pitch-control arm or control surface horn shall be designed to withstand the limit pilot applied forces as set forth in subparagraphs (1) through (3) of this paragraph, unless it is shown that the pilot is unable to apply such loads to the system. In the latter event the system shall be designed for the maximum loads which the pilot is able to apply, except that in any case values less than 0.60 of those specified shall not be employed. These pilot loads shall be assumed to act at the appropriate control grips or pads and proper consideration shall be given to effects of servo-mechanisms and automatic pilot systems in assisting the pilot.

(1) Foot type controls—130 pounds.

(2) Stick type controls—100 pounds fore and aft—67 pounds laterally.

(3) Wheel type controls—100 pounds fore and aft—53D inch-pounds couple at the rim of the control wheel (where D is wheel diameter, inches).

(b) The reaction to the applied loads shall be provided as follows:

(1) By the control stops only,

(2) By the control locks only,

(3) By the irreversible mechanism only (with the irreversible mechanism locked and with the control surface in any position within its limit of motion),

(4) By the attachment of the control system to the rotor blade pitch control horn only (with the control in any position within the limits of its motion),

(5) By the attachment of the control system to the control surface horn (with the control in any position within the limits of its motion).

§ 7.226 *Dual primary flight control systems.* (a) When dual controls are provided, the system shall be designed for the pilots operating in opposition, using individual pilot loads equal to 75 percent of those obtained in accordance with § 7.225.

(b) The control system shall be designed for the pilots acting in conjunction using individual pilot loads equal to 75 percent of those obtained in accordance with § 7.225.

LANDING LOADS

§ 7.230 Same as corresponding section in Part 6, except change reference § 6.237 to § 7.332 and §§ 6.231 through 6.236 to §§ 7.231 through 7.236, and revise last sentence of paragraph (c) to read "Higher values of rotor lift shall be acceptable if substantiated by tests and/or data which are applicable to the particular rotorcraft.

§ 7.231 Same as corresponding section in Part 6 except change the words "in paragraph (b)" in paragraph (a) to "in paragraphs (b) and (c)" and add a new section (c) to read as follows:

(c) Drag components simulating the forces required to accelerate the wheel rolling assembly up to the specified ground speed shall be combined with the vertical reactions existing at the instant of peak drag loads. The ground speed for determination of the spin-up loads shall be assumed equal to 75 percent of the optimum forward flight speed for minimum rate of descent in autorotative flight. The vertical loads under this loading condition shall be in accordance with the provisions of § 7.230 (d). It shall be acceptable to apply this condition only to the landing gear and the attaching structure.

§§ 7.232 and 7.233 Same as corresponding section in Part 6.

§ 7.234 Same as corresponding section in Part 6 except for the following revisions:

Revision 1. Change the title of the section to read *"Side load conditions."*

Revision 2. Change the first sentence of paragraph (a) to read "The rotorcraft shall be assumed to be in level flight."

Revision 3. Change the first sentence of paragraph (b) to read "Only the wheels aft of the center of gravity shall be assumed to be in contact with the ground."

Revision 4. Change the first sentence of paragraph (c) to read "The forward and aft wheels shall be assumed to be in contact with the ground."

§§ 7.235 and 7.236 Same as corresponding section in Part 6.

§ 7.240 Same as corresponding section in Part 6.

§ 7.245 Same as corresponding section in Part 6.

MAIN COMPONENT REQUIREMENTS

§ 7.250 *Main rotor structure.* The requirements of paragraphs (a) through (g) of this section shall apply to the main rotor assemblies including hubs and blades.

(a) The hubs, blades, blade attachments, and blade controls which are subject to alternating stresses shall be designed to withstand the repeated loading conditions likely to occur within the established service life for such parts. The stresses of critical parts shall be determined in flight in all altitudes appropriate to the type of rotorcraft throughout the ranges of limitations prescribed in § 7.204. The service life of such parts shall be established by the applicant on the basis of fatigue tests or other methods found acceptable to the Administrator.

(b) The main rotor structure shall be designed to withstand the critical flight loads prescribed in §§ 7.210 through 7.214.

(c) The main rotor structure shall be designed to withstand the limit loads prescribed in §§ 7.210 through 7.214 under conditions of autorotation necessary for normal operation.

(d) The rotor blades, hubs, and flapping hinges shall be designed to withstand a loading condition simulating the force of the blade impact against its stop during operation on the ground.

(e) The rotor assembly shall be designed to withstand loadings simulating other critical conditions which might be encountered in normal operation.

(f) The rotor assembly shall be designed to withstand, at all rotational speeds, including zero, the maximum torque likely to be transmitted thereto by the rotor drive in both directions. If a torque limiting device is provided in the transmission system, the design limit torque need not be greater than the torque defined by the limiting device, except that in no case shall the design limit torque be less than the limit torque specified in § 7.251 (c). The design torque shall be distributed to the rotor blades in a rational manner.

(g) The rotor assembly shall be designed to withstand the maximum torque likely to be transmitted thereto from sudden applications of the rotor brake if provided. The design torque shall be equally distributed among the rotor blades.

§ 7.251 *Fuselage, landing gear, and rotor pylon structure.* The requirements of paragraphs (a) through (e) of this section shall apply to the fuselage, landing gear, and rotor pylon structure.

(a) The structure shall be designed to withstand the critical loads prescribed in §§ 7.210 through 7.214. The balancing air loads and inertia loads occurring under the accelerated flight conditions as well as the thrust from auxiliary rotors shall be considered.

(b) The structure shall be designed to withstand the applicable ground loads prescribed in §§ 7.230 through 7.245.

(c) The engine mount and adjacent fuselage structure shall be designed to withstand loads occurring in the rotorcraft under the accelerated flight and landing conditions, including the effects of engine torque loads. In the case of engines having 5 or more cylinders, the limit torque shall be obtained by multiplying the mean torque as defined by the power conditions in § 7.1 (g) (3) by a factor of 1.33. For 4-, 3-, and 2-cylinder engines, the factors shall be 2, 3, and 4, respectively.

(d) The structure shall be designed to withstand the loads prescribed in § 7.250 (d), (f), and (g).

(e) Those parts of the basic structure which are directly subjected to alternating stresses and the sudden failure of which would threaten the structural integrity of the rotorcraft shall be designed to withstand the repeated loading conditions likely to occur within the established service life for such parts. The stresses of critical parts shall be determined in flight in all attitudes appropriate to the type of rotorcraft throughout the ranges of limitations prescribed in § 7.204. The service life of such parts shall be established by the applicant on the basis of fatigue tests or other methods found acceptable to the Administrator.

§ 7.252 *Auxiliary lifting surfaces.* The requirements of paragraphs (a) through (c) of this section shall apply to the auxiliary lifting surfaces.

(a) The structure shall be designed to withstand the critical flight loads prescribed in §§ 7.210 through 7.214.

(b) The structure shall be designed to withstand the applicable ground loads of §§ 7.230 through 7.245.

(c) The structure shall be designed to withstand loadings simulating other critical conditions which might be encountered in normal operations.

EMERGENCY LANDING CONDITIONS

§ 7.260 Same as corresponding section in Part 6.

§ 7.261 *Fuel tank protection.* When fuel tanks are located within the fuselage and below the passenger floor level in such an area where there is a likelihood of tank rupture from ground impact in a crash of a survivable nature (see § 7.260), the fuselage structure in the area of such fuel tanks shall be designed to resist the crash impact and protect the fuel tank from rupture.

NOTE: Fuselage keels whose design and structural strength are such as to resist crash impacts associated with the emergency landing conditions of § 7.260 without extreme distortion which might tend to rupture the fuel tank shall be considered to comply with the requirements of this section.

SUBPART D—DESIGN AND CONSTRUCTION

GENERAL

§§ 7.300 through 7.307 Same as corresponding sections in Part 6.

MAIN ROTOR

§§ 7.310 through 7.312 Same as corresponding sections in Part 6.

§ 7.313 *Rotor blade clearance.* In all flight regimes, clearance between main rotor blades and all other parts of the helicopter shall not be less than 12 inches. For coaxial, inter-meshing, tandem, and laterally disposed multirotor configurations, clearance between main rotor blades of adjacent rotors shall not be less than 6 inches during operation.

CONTROL SYSTEMS

§§ 7.320 and 7.321 Same as corresponding sections in Part 6.

§ 7.322 Same as corresponding section in Part 6 except revise paragraph (a) to read:

(a) The device shall either automatically disengage when the pilot operates the controls in a normal manner, or it shall limit the operation of the rotorcraft in such a manner that the pilot receives unmistakable warning at the start of take off.

§§ 7.323 and 7.324 Same as corresponding sections in Part 6.

§ 7.325 *Control system details; General.* All details of control systems shall be designed and installed to prevent jamming, chafing, and interference from cargo, passengers, and loose objects. Precautionary means shall be provided in the cockpit to prevent the entry of foreign objects into places where they would jam the control systems. Provisions shall be made to prevent the slapping of cables or tubes against other parts of the rotorcraft. The following detailed requirements shall be applicable with respect to cable systems and joints:

(a) *Cable systems.* (1) Cables, cable fittings, turnbuckles, splices, and pulleys shall be of an acceptable type.

(2) The design of cable systems shall preclude any hazardous change in cable tension throughout the range of travel under operating conditions and temperature variations.

(3) Cables smaller than 1/8 inch diameter shall not be used in the primary control system.

(4) Pulley types and sizes shall correspond to the cables with which they are used. ANC–5 pulley-cable combinations and strength values shall be used unless shown to be inapplicable for a particular installation.

(5) All pulleys shall be provided with closely fitted guards to prevent the cables being displaced or fouled.

(6) Pulleys shall lie in the plane passing through the cable within such limits that the cable does not rub against the pulley flange.

(7) Fairleads shall be so installed that they do not cause a change in cable direction of more than 3°.

(8) Clevis pins (excluding those not subject to load or motion) retained only by cotter pins shall not be used in the control system.

(9) Turnbuckles attached to parts having angular motion shall be installed to prevent positively any binding throughout the range of travel.

(10) Provision for visual inspection shall be made at all fairleads, pulleys, terminals, and turnbuckles.

(b) *Joints.* (1) Control system joints subjected to angular motion in push-pull systems, excepting ball and roller bearing systems, shall incorporate a special factor of not less than 3.33 with respect to the ultimate bearing strength of the softest material used as a bearing.

(2) It shall be acceptable to reduce the factor specified in subparagraph (1) of this paragraph to a value of 2.0 for joints in cable control systems.

(3) The approved rating of ball and roller bearings shall not be exceeded.

§§ 7.326 and 7.327 Same as corresponding sections in Part 6.

§ 7.328 *Power boost systems.* If the rotorcraft is equipped with power boost controls, the design of the control system shall be such that the rotorcraft can be flown and landed safely in the event of any single failure in the power boost system.

LANDING GEAR

§ 7.330 *General.* The requirements of §§ 7.331 through 7.338 shall apply to the complete landing gear.

§ 7.331 *Shock absorbers.* (a) The shock absorbing elements for the main, nose, and rear wheel units shall be substantiated by the tests specified in § 7.332.

(b) The shock absorbing ability of the landing gear in taxying shall limit the taxying loads to those values considered under § 7.236.

§ 7.332 Same as § 6.237 except amend the note in paragraphs (a) and (b) as follows:

NOTE: In lieu of more rational computations, the following may be employed when use is made of an effective mass:

$$W_e = W\left[\frac{h+(1-L)d}{h+d}\right]$$

where:

W_e = the effective weight to be used in the drop test (pounds).

$W = W_M$ for main gear units (pounds), equal to the static reaction on the particular unit with the rotorcraft in the most critical attitude; a rational method may be used in computing the main gear static reaction, taking into consideration the distance between the direction of the main wheel reaction and the aircraft c. g.

$W = W_T$ for tail gear units (pounds), equal to the static weight on the tail unit with the rotorcraft in the tail-down attitude.

$W = W_N$ for nose wheel units (pounds), equal to the vertical component of the ground reaction which would exist at the nose wheel, assuming the mass of the rotorcraft acting at the center of gravity and exerting a force of 1.0_g downward and 0.25_g forward.

n = specified free drop height (inches).

L = ratio of assumed rotor lift to the rotorcraft weight.

d = deflection under impact of the tire (at the approved inflation pressure) plus the vertical component of the axle travel relative to the drop mass (inches).

§ 7.332 (b) Same as § 6.237 (b) except change the phrase "and the rotor lift is assumed to be not greater than 0.75 times the rotorcraft maximum weight" to read "and the rotor lift is assumed to be not greater than 1.5 times the rotor lift used in the limit drop tests."

§ 7.333 *Limit load factor determination.* In determining the rotorcraft inertia load factor "n" from the free drop tests specified in § 7.332, the following formula shall be used:

$$n = nj\frac{W_e}{W} \pm L;$$

where nj = the load factor during impact developed on the mass used in the drop tests (i. e., the acceleration dv/dt in g's recorded in the drop tests, plus 1.0).

§ 7.334 *Retracting mechanism*—(a) *General.* (1) The landing gear retracting mechanism, wheel well doors, and supporting structure shall be designed for the loads occurring in the flight maneuvering conditions when the gear is in the retracted position, and for the combination of friction, inertia, and air loads occurring during retraction and extension at any air speed up to the design maximum landing gear extended speed.

(2) The landing gear, the retracting mechanism, and the rotorcraft structure including wheel well doors shall be designed to withstand flight loads, including those in yawed flight, occurring with the landing gear in the extended position at any air speed up to the design maximum landing gear extended speed.

(b) *Landing gear lock.* A positive means shall be provided for the purpose of maintaining the landing gear in the extended position.

(c) *Emergency operation.* When other than manual power for the operation of the landing gear is employed, emergency means of extending the landing gear shall be provided, so that the landing gear can be extended in the event of any reasonably probable failure in the normal retraction system. In any case, the emergency system shall provide for the failure of any single source of hydraulic, electric, or equivalent energy supply.

(d) *Operation test.* Proper functioning of the landing gear retracting mechanism shall be demonstrated by operation tests.

(e) *Position indicator and warning device.* (1) When a retractable landing gear is used, means shall be provided for indicating to the pilot when the gear is secured in the extended and in the retracted positions.

(2) In addition to the requirement of subparagraph (1) of this paragraph, an aural warning device shall be provided which will function continuously if the gear is not fully extended and locked upon approach for a landing.

(3) If a manual shut-off for the warning device prescribed in subparagraph (2) of this paragraph is provided, it shall be installed so that the next retraction of the landing gear will reset the warning mechanism.

(f) *Control.* The location and operation of the landing gear retraction control shall be according to the provisions of § 7.353.

§ 7.335 Same as corresponding section in Part 6.

§ 7.336 *Brakes.* (a) The rotorcraft shall be equipped with brakes of an approved type. The following provisions shall apply:

(1) The maximum kinetic energy capacity rating of each brake assembly shall not be less than the kinetic energy absorption requirement determined as follows:

$$\text{K. E.} = \frac{0.0334\ W\ V^2}{N}$$

where:

K. E. = Kinetic energy per wheel (ft. lbs.)

W = Design landing weight (lbs.)

V = 40 mph unless it is shown that a lesser value would be more applicable for the particular helicopter configuration.

N = Number of wheel-brake assemblies.

NOTE: The expression for kinetic energy assumes an equal distribution of braking between wheel-brake assemblies. In cases of unequal distribution, the expression requires appropriate modification.

(2) The speed rating of each wheel-brake assembly, i. e., the initial speed used in the dynamometer tests, shall not be greater than the "V" used in the determination of kinetic energy in accordance with subparagraph (1) of this paragraph.

NOTE: The provision of this paragraph is based upon the assumption that the testing procedures for wheel-brake assemblies involve a specified rate of deceleration and, therefore, for the same amount of kinetic energy, the rate of energy absorption (the power absorbing ability of the brake) varies inversely with the initial speed.

(b) *Brake system.* The brake system shall be so designed and constructed that in the event of a single failure in any connection or transmitting element in the brake system (excluding the operating pedal or handle), or the loss of any single source of hydraulic or other brake operating energy supply, it shall be possible to bring the rotorcraft to rest under conditions specified in § 7.118 with a mean deceleration during the landing roll of at least 50 percent of that obtained in determining the landing distance as prescribed in that section.

(1) In applying the requirement of paragraph (b) of this section to hydraulic brakes, the brake drum, shoes, and actuators (or their equivalents) shall be considered as connecting or transmitting elements, unless it is shown that the leakage of hydraulic fluid resulting from failure of the sealing elements in these units would not reduce the braking effectiveness below that specified in paragraph (b) of this section.

(2) *Brake controls.* Brake controls shall not require excessive control forces in their operation, and shall be controllable by the pilot and usable during power-off landings.

(3) *Parking brake controls.* A parking brake control shall be provided and installed so that it can be set by the pilot and, without further attention, will maintain sufficient braking to prevent the rotorcraft from rolling on a smooth 10° sloped pavement during moderately high ground-wind conditions. The capacity of this braking device shall be of such adequacy as to insure counteraction of any normal unbalanced torque when starting or stopping the rotors, or during critical engine run-up prior to take off.

§ 7.337 *Tires.* (a) Landing gear tires shall be of a proper fit on the rim of the wheel, and their approved rating shall be such that it is not exceeded under the following conditions:

(1) Rotorcraft weight equal to the maximum design weight.

(2) Load on each main wheel tire equal to the corresponding static ground reaction when considering the critical center of gravity position.

(3) Load on nose wheel tires (to be compared with the dynamic rating established for such tires) equal to the reaction obtained at the nose wheel assuming the mass of the rotorcraft concentrated at the most critical center of gravity and exerting a force of 1.0g downward and 0.25g forward, the reactions being distributed to the nose and main wheels by the principles of statics with the drag reaction at the ground applied only at those wheels which have brakes.

§ 7.338 *Skis.* (a) Landing gear skis shall have load ratings appropriate to the limit loads determined in accordance with the applicable ground load requirements of this part (see § 7.240).

(b) A stabilizing means shall be provided to maintain the ski in an appropriate position during flight and shall have sufficient strength to withstand the maximum aerodynamic and inertia loads to which the ski is subjected.

FLOATS

§ 7.340 *Buoyancy (main floats).* (a) Main floats shall have a buoyancy in excess of that required to support the maximum weight of the rotorcraft in fresh water as follows:

(1) 50 percent in the case of single floats;

(2) 60 percent in the case of multiple floats.

(b) Main floats shall contain at least 5 water-tight compartments of approximately equal volume.

§ 7.341 *Float strength.* Floats shall be designed for the condition set forth in paragraphs (a) and (b) of this section:

(a) *Bag type floats.* Bag type floats shall withstand the maximum pressure differential which might be developed at the maximum altitude for which certification with floats is sought. In addition, the floats shall withstand the maximum expected vertical load distributed along the length of the bag over three-quarters of the projected bag area.

(b) *Rigid floats.* Rigid type floats shall withstand the maximum expected vertical, aft, and side loads. An appropriate load distribution under critical conditions shall be used.

PERSONNEL AND CARGO ACCOMMODATIONS

§ 7.350 Same as corresponding section in Part 6 except add following statement after paragraph (d): "At all unaccelerated flight conditions within the operating ranges of forward speed, rotor rpm and weight, including hovering flight, the vibration level of the pilots' seats and the cyclic pitch control grip shall be limited as follows: Vibrations at the pilots' seats, in the vertical, longitudinal and lateral directions, shall neither exceed a maximum vibratory acceleration of 0.1g for frequencies up to 32 c. p. s. nor exceed a maximum vibratory single amplitude of 0.001 inch for frequencies greater than 32 c. p. s. Vibrations at the grip of the cyclic control stick, in both lateral and longitudinal directions, shall neither exceed a maximum vibratory acceleration of 0.4g for frequencies up to 32 c. p. s. nor exceed a maximum single amplitude of 0.004 inch for frequencies greater than 32 c. p. s."

Add a new paragraph as follows:

(e) A passageway between the pilot compartment and the passenger compartment shall be provided. Suitable means shall be provided to prevent passengers from entering the pilots' compartment without permission.

§ 7.351 *Pilot compartment vision*—(a) *Non-precipitation conditions.* (1) The pilot compartment shall be arranged to afford the pilot(s) a sufficiently extensive clear and undistorted view for the safe operation of the rotorcraft.

(2) It shall be demonstrated during the day and during the night, where appropriate, by flight tests that the pilot compartment is free of glare and reflection which would tend to interfere with the pilot's vision.

(b) *Precipitation conditions.* (1) Means shall be provided so that the pilot(s) is afforded a sufficiently extensive view to permit safe operation under the following conditions:

(i) In heavy rain at forward speeds up to V_H.

(ii) In the most severe icing condition in which operation of the rotorcraft is approved.

(2) In addition to the means provided in subchapter (1) of this paragraph, the pilot shall be provided with a window openable under the conditions prescribed in subparagraph (1) and which provides the view prescribed in that subparagraph.

§§ 7.352 and 7.353 Same as corresponding sections in Part 6.

§ 7.354 *Doors.* (a) Closed cabins shall be provided with at least one adequate and easily accessible external door.

(b) No passenger door shall be so located with respect to the rotor discs as to endanger persons using the door when appropriate operating instructions are employed.

(c) Means shall be provided for locking crew and external passenger doors and for safeguarding against their opening in flight either inadvertently by persons or as a result of mechanical failure. It shall be possible to open external doors from either the inside or the outside of the cabin while the rotorcraft is on the ground. The means of opening shall be simple and obvious and shall be so arranged and marked that it can be readily loacted and operated.

(d) Reasonable provisions shall be made to prevent the jamming of any external door as a result of fuselage deformation in a minor crash.

(e) Means shall be provided for a direct visual inspection of the locking mechanism by crew members to ascertain whether all external doors, including passenger, crew, service and cargo doors are fully locked. In addition, visual means shall be provided to signal to appropriate crew members that all normally used external doors are closed and in the fully locked position.

(f) For outwardly opening external doors usable by persons for entrance or egress, an auxiliary safety latching device shall be provided which will prevent the door from coming open in the event of difficulties with the primary latching mechanism. If the door will not meet the requirements of paragraph (c) of this section with the auxiliary safety latching device in place, then suitable operating procedures shall be established to insure that the device shall not be in place during take off or landing.

§ 7.355 *Seats and safety belts*—(a) *General.* At all stations designated as occupiable during take off and landing, the seats, belts, harnesses, and adjacent parts of the aircraft shall be such that a person making proper use of these facilities will not suffer serious injury in the emergency landing conditions as a result of inertia forces specified in § 7.260. Seats shall be of an approved type (see also § 7.643 concerning safety belts).

(b) *Arrangement.* (1) Passengers and crew shall be afforded protection from head injuries by one of the following means:

(i) Safety belt and shoulder harness which will prevent the head from contacting any injurious object;

(ii) Safety belt and the elimination of all injurious objects within striking radius of the head;

(iii) Safety belt and a cushioned rest which will support the arms, shoulders, head, and spine.

(2) For arrangements which do not provide a firm handhold on seat backs, hand grips or rails shall be provided along aisles to enable passengers or crew members to steady themselves while using the aisles in moderately rough air.

(3) All projecting objects which would cause injury to persons seated or moving about the aircraft in normal flight shall be padded.

(c) *Strength.* All seats and their supporting structure shall be designed for an occupant weight of 170 pounds with due account taken of the maximum load factors, inertia forces, and reactions between occupant, seat, and safety belt or harness corresponding with all relevant flight and ground load conditions, including the emergency landing conditions prescribed in § 7.260. In addition, the following shall apply:

(1) Pilot seats shall be designed for the reactions resulting from the application of pilot forces to the flight controls as prescribed in § 7.225.

(2) In determining the strength of the seat attachments to the structure and the safety belt or shoulder harness attachments to the seat or structure, the inertia forces specified in § 7.260 (a) shall be multiplied by a factor of 1.33.

§ 7.356 Same as corresponding section in Part 6.

§ 7.357 *Emergency evacuation.* Crew and passenger areas shall be provided with emergency evacuation means to permit rapid egress in the event of crash landings, whether with the landing gear extended or retracted, taking account of the possibility of the rotorcraft being on fire. Passenger entrance, crew, and service doors shall be considered as emergency exits if they meet the applicable requirements of this section.

(a) *Flight crew emergency exits.* Flight crew emergency exits shall be located in the flight crew area on both sides of the rotorcraft or as a top hatch to provide for rapid evacuation. Such exits shall not be required on small rotorcraft where the Administrator finds that the proximity of passenger emergency exits to the flight crew area renders them convenient and readily accessible to the flight crew.

(b) *Passenger emergency exits; type and location.* The types of exits and their location shall be as follows:

(1) Type I: A rectangular opening of not less than 24 inches wide by 48 inches high, with corner radii not greater than 4 inches, located in the passenger area in the side of the fuselage at floor level and as far away as practicable from areas which might become potential fire hazards after a crash.

(2) Type II: Same as Type I (subparagraph (1) of this paragraph) except that the opening is not less than 20 inches wide by 44 inches high.

(3) Type III: A rectangular opening of not less than 20 inches wide by 36 inches high, with corner radii not greater than 4 inches, located in the passenger area in the side of the fuselage and as far away as practicable from areas which might become potential fire hazards after a crash.

(4) Type IV: A rectangular opening of not less than 19 inches wide by 26 inches high, with corner radii not greater than 4 inches, located in the side of the fuselage with a step-up inside the rotorcraft of not more than 29 inches.

NOTE: Larger openings than those specified in paragraph (b) of this section will be acceptable, whether or not of rectangular shape, provided the specified rectangular openings can be inscribed therein, and further provided that the base of the opening affords a flat surface not less than the width specified.

(c) *Passenger emergency exits; number required.* Emergency exits of type and location prescribed in paragraph (b) of this section shall be accessible to the passengers, and shall be provided in accordance with the following table:

Passenger seating capacity	Emergency exits required on side of fuselage			
	Type I	Type II	Type III	Type IV
1–19 inclusive			1	
20–39 inclusive		1		1
40–69 inclusive	1			1

Where more than one emergency exit is required in the side of the fuselage, at least one should be on each side. In addition to the number of exits required for the side of the fuselage an equal number of required types of emergency exits shall be provided in other parts of the fuselage (top, bottom, or ends) so that, in the event of a crash landing in which the fuselage comes to rest on its side, emergency exits shall be available for egress.

(d) *Emergency exit arrangement.* (1) Emergency exits shall consist of movable doors or hatches in the external walls of the fuselage and shall provide an unobstructed opening to the outside.

(2) All emergency exits shall be openable from the inside and from the outside.

(3) The means of opening emergency exits shall be simple and obvious and shall not require exceptional effort of a person opening them.

(4) Means shall be provided for locking each emergency exit and for safeguarding against their opening in flight either inadvertently by persons or as a result of mechanical failure.

(5) Provision shall be made to minimize the possibility of jamming of emergency exits as a result of fuselage deformation in a minor crash landing.

(6) For all emergency exits other than Type IV located above a wing (see paragraph (b) of this section) which are more than 6 feet from the ground with the rotorcraft on the ground and the landing gear extended, acceptable means shall be provided to assist the occupants in descending to the ground.

(7) The proper functioning of emergency exit installations shall be demonstrated by test.

(e) *Emergency exit marking.* (1) All emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches.

(2) A source or sources of light, with an emergency supply independent of the main lighting system, shall be installed to illuminate all emergency exit markings. Such lights shall be designed to function automatically in a crash landing and shall also be operable manually.

(3) All emergency exits and their means of opening shall be marked on the outside of the rotorcraft for guidance of rescue personnel.

(f) *Emergency exit access.* Passageways between individual compartments of the passenger area and passageways leading to Type I and Type II emergency exits (see paragraph (b) of this section) shall be unobstructed and shall be not less than 20 inches wide. Adjacent to emergency exits where assisting means are required by paragraph (d) (6) of this section, there shall be sufficient additional space to allow a crew member to assist in the evacuation of passengers without reduction in the unobstructed width of the passageway to such exit.

(g) *Width of main aisle.* The main passenger aisle at any point between seats shall not be less than 15 inches wide up to a height above the floor of 25 inches and not less than 20 inches wide above that height.

§ 7.358 *Ventilation.* (a) All passenger and crew compartments shall be ventilated and crew compartments shall be provided with a sufficient amount of fresh air to enable crew members to perform their duties without undue discomfort or fatigue.

NOTE: A fresh air supply of 10 cubic feet per minute is considered a minimum for each crew member.

(b) Crew and passenger compartment air shall be free from harmful or hazardous concentrations of gases or vapors. The concentration of carbon monoxide shall not exceed 1 part in 20,000 of air under conditions of forward flight. For other configurations of operation, suitable operating restrictions shall be provided if the carbon monoxide concentration exceeds this value.

(c) Provision shall be made to insure the conditions prescribed in paragraph (b) of this section in the event of reasonably probable failures of the ventilating, heating, or other systems and equipment.

NOTE: Examples of acceptable provisions include secondary isolation, integral protective devices, and crew warning and shut-off provisions for equipment the malfunctioning of which could introduce harmful or hazardous quantities of smoke or gases.

§ 7.359 *Heaters.* Combustion heaters shall be of an approved type and shall comply with the fire protection requirements of § 7.383. Engine exhaust heaters shall comply with the provisions of § 7.467 (c) and (d).

FIRE PREVENTION

§ 7.380 *General.* Compliance shall be shown with the fire prevention requirements of §§ 7.380 through 7.385. Additional fire prevention requirements are prescribed in Subparts E and F of this part.

(a) *Hand fire extinguishers.* Hand fire extinguishers shall be of an approved type. The types and quantities of extinguishing agents shall be appropriate for the types of fires likely to occur in the compartments where the extinguishers are intended for use. Extinguishers intended for use in personnel compartments shall be such as to minimize the hazard of toxic gas concentrations.

(b) *Built-in fire extinguishers.* Where a built-in fire extinguishing system is required, its capacity in relation to the compartment volume and ventilation rate shall be sufficient to combat any fire likely to occur in the compartment. All built-in fire extinguishing systems shall be so installed that any extinguishing agent likely to enter personnel compartments will not be hazardous to the occupants and that any discharge of the extinguisher cannot result in structural damage.

§ 7.381 *Cabin interiors.* All compartments occupied or used by the crew or passengers shall comply with the provisions of paragraphs (a) through (f) of this section.

(a) The materials in no case shall be less than flash-resistant.

(b) The wall and ceiling linings, the covering of all upholstery, floors, and furnishings shall be flame-resistant.

(c) Compartments where smoking is to be permitted shall be equipped with ash trays of the self-contained type which are completely removable. All other compartments shall be placarded against smoking.

(d) All receptacles for used towels, paper, waste, shall be of fire-resistant materials and shall incorporate covers or other provisions for containing possible fires.

(e) At least one hand fire extinguisher shall be provided for use by the flight crew.

(f) In addition to the requirements of paragraph (e) of this section, at least the following number of hand fire extinguishers conveniently located for use in passenger compartments shall be provided according to the passenger capacity of the rotorcraft:

Passenger capacity:	*Minimum number of fire extinguishers*
6 or less	0
7 thru 30	1
31 thru 60	2

§ 7.382 *Cargo and baggage compartments.* (a) Cargo and baggage compartments shall be constructed of or completely lined with fire-resistant material. Compartments shall include no controls, wiring, lines, equipment, or accessories, the damage or failure of which would affect the safe operation of the rotorcraft, unless such items are shielded, isolated, or otherwise protected so that they cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such items will not create a fire hazard. Design of inaccessible compartments and sealing of these compartments shall be such as to contain cargo compartment fires for a period of time sufficient to permit landing and safe evacuation of the occupants.

NOTE: For compartments having a volume not in excess of 500 cubic feet an airflow of not more than 1,000 cubic feet per hour is considered acceptable. For larger compartments lesser airflow may be applicable.

(b) Cargo and baggage compartments shall be designed or provided with detection devices to insure detection of fires by a crew member while at his proper station, and to preclude the entrance of harmful quantities of smoke, flame, etc., into crew or passenger compartments.

(c) If compartments are intended to be accessible in flight, protective breathing equipment shall be installed for the use of the appropriate crew member (see § 7.646).

(d) Compliance with the provisions of this section which refer to fire detection and the entry of hazardous quantities of smoke, extinguishing agents, or other noxious gases into the crew and passenger compartments shall be demonstrated in flight.

§ 7.383 *Combustion heater fire protection*—(a) *Combustion heater fire zones.* The following shall be considered as combustion heater fire zones and shall be protected against fire in accordance with the applicable provisions of §§ 7.480 through 7.486 and 7.489:

(1) Region surrounding the heater, if such region contains any flammable fluid system components including the heater fuel system which might be damaged by heater malfunctioning or which, in case of leakage or failure, might permit flammable fluids or vapors to reach the heaters.

(2) That portion of the ventilating air passage which surrounds the combustion chamber, except that this area need not be provided with an extinguishing system if the passage is so constructed that it will contain and withstand any fire which may occur within the passage without damage to other rotorcraft components.

(b) *Ventilating air ducts.* (1) Ventilating air ducts which pass through fire zones shall be of fireproof construction.

(2) Unless isolation is provided by the use of fireproof valves or other equivalently effective means, the ventilating air duct downstream of the heater shall be of fireproof construction for a sufficient distance to assure that any fire originating from within the heater can be contained within the duct.

(3) Portions of ventilating ducts passing through regions in the rotorcraft where flammable fluid systems are located shall be so constructed or isolated from such systems that failure or malfunctioning of the flammable fluid system components cannot introduce flammable fluids or vapors into the ventilating airstream.

(c) *Combustion air ducts.* (1) Combustion air ducts shall be of fireproof construction for a distance sufficient to prevent damage from backfiring or reverse flame propagation.

(2) Combustion air ducts shall not communicate with the ventilating airstream unless it is demonstrated that flames from backfires or reverse burning cannot enter the ventilating airstream under any conditions of ground or flight operation including conditions of reverse flow or malfunctioning of the heater or its associated components.

(3) Combustion air ducts shall not restrict prompt relief of backfires which can cause heater failure due to pressures generated within the heater.

(d) *Heater controls; general.* Provision shall be made to prevent hazardous accumulations of water or ice on or within any heater control components, control system tubing, or safety controls.

(e) *Heater safety controls.* (1) In addition to the components provided for normal continuous control of air temperature, air flow, and fuel flow, means independent of such components shall be provided with respect to each heater to shut off automatically that heater's ignition and fuel supply at a point remote from the heater when the heat exchanger temperature or ventilating air temperature exceeds safe limits or when either the combustion air flow or the ventilating air flow becomes inadequate for safe operation. The means provided for this purpose for any individual heater shall be independent of all components serving other heaters, the heat output of which is essential to the safe operation of the rotorcraft. The means shall also be such that the heater will remain off until restarted by the crew.

(2) Warning means shall be provided to indicate to the crew when a heater, the heat output of which is essential to the safe operation of the rotorcraft, has been shut off by the operation of the automatic means prescribed in subparagraph (1) of this paragraph.

(f) *Air intakes.* Combustion and ventilating air intakes shall be so located that no flammable fluids or vapors can enter the heater system under any conditions of ground or flight operation either during normal operation or as a result of malfunctioning, failure, or improper operation of other rotorcraft components.

(g) *Heater exhaust.* Heater exhaust systems shall comply with the provisions of § 7.467 (a) and (b). In addition, the following shall apply:

(1) Exhaust shrouds shall be sealed so that flammable fluids and hazardous quantities of vapors cannot reach the exhaust systems through joints.

(2) Exhaust systems shall not restrict the prompt relief of backfires which can cause heater failure due to pressures generated within the heater.

(h) *Heater fuel systems.* Heater fuel systems shall comply with all portions of the powerplant fuel system requirements which affect safe heater operation. In addition, heater fuel system components within the ventilating airstream shall be protected by shrouds so that leakage from such components cannot enter the ventilating airstream.

(i) *Drains.* Means shall be provided for safe drainage of fuel accumulations which might occur within the combustion chamber or the heat exchanger. Portions of such drains which operate at high temperatures shall be protected in the same manner as heater exhausts (see paragraph (g) of this section). Drains shall be protected against hazardous ice accumulations in flight and during ground operation.

§ 7.384 *Fire protection of structure, controls, and other parts.*

Category A. All structure, controls, rotor mechanism, and other parts essential to controlled flight and landing of the rotorcraft which would be affected by powerplant fires shall be of fireproof construction.

Category B. Same as § 6.384.

§ 7.385 *Flammable fluid fire protection.* In areas of the rotorcraft where flammable fluids or vapors might be liberated by leakage or failure in fluid systems, design precautions shall be taken to safeguard against the ignition of such fluids or vapors due to the operation of other equipment or to control any fire resulting from such ignition.

MISCELLANEOUS

§ 7.390 Same as corresponding section in Part 6.

§ 7.391 Same as corresponding section in Part 6.

§ 7.392 *Ice protection.* Rotorcraft to be flown in atmospheric icing conditions shall be capable of operating safely in the range of conditions applicable to the operating limitations of the design.

SUBPART E—POWERPLANT INSTALLATION

GENERAL

§ 7.400 *General.* General paragraph same as present § 6.400 (a). Add a new paragraph (a) to read as follows:

(a) Reciprocating engine installations shall comply with the provision of this subpart. Turbine engine installations shall comply with such of the provisions of this subpart as are found applicable to the specific type of installation and such other requirements as may be deemed necessary by the Administrator.

§§ 7.400 (b) through (d). Same as corresponding paragraphs § 6.400.

§ 7.401 *Engines*—(a) *Type certification.* Same as corresponding section in Part 6.

(b) *Category A; engine isolation.* The powerplants shall be arranged and isolated each from the other to permit operation in at least one configuration in a manner such that the failure or malfunctioning of any engine, or of any system of the rotorcraft the failure of which can affect an engine, will not prevent the continued safe operation of the remaining engine(s) or require immediate action by crew members for their continued safe operation.

(c) *Category A; control of engine rotation.* Means shall be provided for stopping and restarting the rotation of any engine individually in flight. All components provided for this purpose which are located on the engine side of the fire wall and which might be exposed to fire shall be of fireproof construction unless more than one means is available for this purpose and provided further that the duplicate controls are so located that all are not likely to be damaged at the same time in case of fire.

§ 7.402 *Engine vibration.* Same as corresponding section in Part 6, except delete last sentence.

ROTOR DRIVE SYSTEM

§ 7.403 *Rotor drive system*—(a) *General.* The rotor drive system shall be considered to include all parts necessary to transmit power between the engine(s) and the main and/or auxiliary rotor hubs. This includes gear boxes, shafting, universal joints, coupling, rotor brake assembly, overrunning and other clutches, supporting bearings for shafting, and any attendant accessory pads

or drives. Cooling fans which are not certificated as part of the engine shall also be considered a part of the rotor drive system.

(b) *Arrangement.* (1) The rotor drive system of a multiengine rotorcraft shall be so arranged that all rotors necessary for operation and control of the rotorcraft will continue to be driven by the remaining engine(s) in the event of failure of any of the engines.

(2) *Category B.* On single-engine rotorcraft the rotor drive system shall be so arranged that all rotors necessary for control of the rotorcraft in autorotative flight will continue to be driven by the main rotor(s) after disengagement of the engine from the main and auxiliary rotors.

(3) The rotor drive system shall incorporate a unit for each engine which will automatically disengage the engine from the drive system in the event of a power failure of any engine.

(4) If a torque limiting device is employed in the rotor drive system (see § 7.250 (f)), such device shall be located to permit continued control of the rotorcraft after the device becomes operative.

(5) On rotorcraft employing rotors which must be phased for intermeshing purposes, the rotor drive system shall provide constant and positive phase relationship under all operating conditions. If a rotor de-phasing device is incorporated, means shall be provided to insure the rotors are locked in proper phase prior to operation.

§ 7.404 *Rotor brakes.* Same as present § 6.411.

§ 7.405 *Rotor drive system and control mechanism tests*—(a) *Endurance tests.* (1) The rotor drive system and rotor control mechanism shall be tested for not less than 200 hours. The test shall be conducted on the rotor craft and the power shall be absorbed by the actual rotors to be installed. The endurance tests shall be conducted in 10-hour test cycles composed of the tests prescribed in subparagraphs (2) through (10) of this paragraph. Compliance with these endurance tests will be accepted for helicopter engine certification in lieu of the endurance testing specified in Part 13 of this subchapter. (The other phases of helicopter engine certification such as vibration, calibration, detonation, operation, and engine inspection will of course require compliance in accordance with Part 13 of this subchapter.)

(2) *Take-off power run.* The take-off power run shall consist of one hour of alternate runs of 5 minutes at take-off power and speed, and 5 minutes at as low an engine idle speed as practicable. The engine shall be declutched from the rotor drive system and the rotor brake, if furnished and so intended, shall be applied during the first minute of the idle run. During the remaining 4 minutes of the idle run, the clutch shall be engaged so that the engine drives the rotors at the minimum practical rpm. Acceleration of the engine and the rotor drive system shall be accomplished at the maximum rate. When declutching the engine, it shall be decelerated at a rate sufficiently rapid to permit the operation of the overrunning clutch. In the absence of a take-off rating, maximum continuous power and speed shall be substituted for take-off power and speed.

(3) *Maximum continuous run.* Three hours of continuous operation at maximum continuous power and speed as follows:

(i) During the run, the main rotor controls shall be operated at a minimum of 15 times each hour through the main rotor pitch positions of full vertical thrust, maximum forward thrust component, maximum aft thrust component, maximum left thrust component, and maximum right thrust component, except that the control movements need not produce loads or blade flapping motion exceeding the maximum loads or motions encountered in flight.

(ii) The directional controls shall be operated at a minimum of 15 times each hour through the control extremes of maximum right turning torque, neutral torque as required by the power applied to the main rotor, and maximum left turning torque.

(iii) Each control position shall be held at maximum for at least 10 seconds and the rate of change or control position shall be at least as rapid as for normal operation.

(4) *90 percent maximum continuous run.* One hour of continuous operation at 90 percent maximum continuous power at maximum continuous speed.

(5) *80 percent maximum continuous run.* One hour of continuous operation at 80 percent maximum continuous power and speed.

(6) *60 percent maximum continuous run.* Two hours of continuous operation at 60 percent maximum continuous power at minimum desired cruising speed or at 90 percent maximum continuous speed, whichever speed is lower.

(7) *Engine malfunctioning run.* It shall be determined whether malfunctioning of such components as the engine fuel or ignition systems or unequal power output from the various engines can result in dynamic conditions which might be detrimental to the drive system. If so, a suitable number of hours of operation shall be accomplished under such conditions, one hour of which shall be included in each cycle, and the remaining hours accomplished at the conclusion of the 20 cycles. Otherwise an additional hour of operation as prescribed in subparagraph (2) of this paragraph shall be substituted.

(8) *Overspeed run.* One hour of continuous operation at 110 percent maximum continuous speed at maximum continuous power.

(9) *Rotor control positions.* Whenever the rotor controls are not being cycled during the tie-down tests, the rotor shall be operated to produce each of the maximum thrust positions for the percentages of test time as follows, using the procedures of subparagraph (3) of this paragraph:

(i) Full vertical thrust, 20 percent.

(ii) Forward thrust component, 50 percent.

(iii) Right thrust component, 10 percent.

(iv) Left thrust component, 10 percent.

(v) Aft thrust component, 10 percent.

(10) *Clutch and brake engagements.* A total of at least 400 clutch and brake engagements including the engagements of subparagraph (2) of this paragraph shall be made during the take-off power runs and, as necessary, at each change of power and speed throughout the test. In each clutch engagement, the shaft on the driven side of the clutch shall be accelerated from rest. The clutch engagements shall be accomplished at the speed and by the method prescribed in the operations manual. During deceleration after each clutch engagement, the engine(s) shall be stopped rapidly enough to allow the engine(s) and rotor(s) drive to be automatically disengaged from the rotor(s). If a rotor brake is installed for the purpose of stopping the rotor, the clutch, during brake engagements, shall be disengaged above 40 percent maximum continuous rotor speed and the rotor(s) allowed to decelerate to 40 percent maximum continuous rotor speed at which time the rotor brake shall be applied. If the clutch design does not permit stopping the rotor(s) with engine running, or if no clutch is provided, the engine shall be stopped before each application of the rotor brake, and then immediately restarted after the rotors have stopped.

(b) *Overspeed test.* After completion of the 200-hour tie-down test and without intervening major disassembly, the rotor drive system shall be subjected to 50 overspeed runs, each 30±3 seconds in duration at 120 percent maximum continuous speed. Overspeed runs shall be alternated with stabilizing runs of 1 to 5 minutes duration each at from 60 to 80 percent maximum continuous speed. Acceleration and deceleration shall be accomplished in a period not longer than 10 seconds, and the time for changing speeds shall not be deducted from the specified time for the overspeed runs. Overspeed runs should be made with the rotor(s) in the flattest pitch at which smooth operation can be obtained. In the event that the engine(s) installed is limited by the engine manufacturer to an overspeed of less than 120 percent of maximum continuous speed for the periods required, the speed employed shall be the highest speed permissible with the engines involved.

(c) *Critical component reliability tests.* Each component within the rotor drive system whose failure will result in an uncontrolled landing, or, in multirotor rotorcraft, which is essential to the phasing of the rotors, or which is common, on multiengine rotorcraft, to more than one engine, shall be designed to have a level of safety equivalent to the main rotors. The stresses in such parts shall be determined for all operating conditions included in paragraph (a) of this section. Components which are affected by flight maneuvering and gust loads shall be additionally investigated for the same flight conditions as the main rotor(s). The service life of such parts shall be determined by fatigue tests or by other methods found acceptable by the Administrator.

(d) *Special tests.* Rotor drive systems designed to operate at two or more gear ratios shall be subjected to special testing and durations found necessary by the Administrator to substantiate the airworthiness of the rotor drive system.

(e) *Category A; gear box bench tests.* Each gear box employed in the rotor drive system shall be tested for 150 hours at 110 percent of its maximum continuous power and speed. The components employed in this test need not be the same as those employed in the tests of paragraph (a) of this section.

(f) *Category B.* Only those components of the drive system whose failure will result in an uncontrolled landing or which are essential either to rotor phasing in a multirotor rotorcraft or as a driving link for essential control rotors in autorotation, need be substantiated in accordance with paragraph (c) of this section. If a complex speed reduction unit is considered a critical component the reliability substantiation may be demonstrated by compliance with paragraph (e) of this section for the particular unit involved.

§ 7.406 *Additional tests.* Same as present § 6.413.

§ 7.407 *Shafting critical speed.* First sentence same as first sentence of § 6.414. Remainder of section to read: "If critical vibration conditions (persistent or momentary) are found in the entire range of operations from and including clutch engagement to maximum overspeed, either during acceleration or deceleration, it shall be demonstrated in the rotorcraft that such vibration is within safe limits. Such demonstration may be made during the endurance testing (see § 7.405 (a)), in which case the test schedule may be altered to include the critical vibratory conditions in lieu of equivalent time in appropriate portions of the endurance test procedure."

§ 7.408 *Shafting joints.* Same as present § 6.415.

FUEL SYSTEM OPERATION AND ARRANGEMENT

§ 7.410 *General.* (a) The fuel system shall be constructed and arranged in such a manner as to assure a flow of fuel to each engine at a rate and pressure which have been established for proper engine functioning under all normal conditions, including all maneuvers for which the rotorcraft is intended. (For fuel system instruments see § 7.604.)

(b) The fuel system shall be so arranged that no one engine or fuel pump can draw fuel from more than one tank at a time unless means are provided to prevent introducing air into the system.

§ 7.411 *Fuel system independence*—(a) *Category A.* The design of the fuel system shall comply with the requirements of § 7.401 (b). Unless other provisions are made in compliance with this requirement, the fuel system shall be arranged to permit the supply of fuel to each engine through a system independent of any portion of a system supplying fuel to any other engine.

(b) *Category B.* The design of the fuel system for multiengine rotorcraft shall be arranged to permit supplying fuel to each engine through a system independent of all portions of systems supplying fuel to the other engines, except that separate fuel tanks need not be provided for each engine.

§ 7.412 *Fuel lines in personnel and cargo compartments.* (a) Fuel lines shall not pass through portions of the rotorcraft intended to carry personnel or cargo, unless they are so located or protected by drained and ventilated shrouds or other means which will assure that in case of leakage fuel and fumes will be carried safely overboard. Means shall be provided to permit the flight personnel to shut off the supply of fuel to such lines without affecting operation of more than one engine.

(b) Lines which can be isolated from the remainder of the fuel system by means of valves at each end shall incorporate provisions for the relief of excessive pressures which might result from exposure of the isolated line to high ambient temperatures.

§ 7.413 *Fuel flow and feed.* (a) The fuel supply system shall be arranged so that, insofar as practicable, the entire fuel supply can be utilized in the maximum inclinations of the rotorcraft for any sustained conditions of flight and so that the feed ports will not be uncovered during normal maneuvers involving moderate rolling or sideslipping. On rotorcraft with more than one fuel tank, the system shall feed promptly after depleting the usable fuel supply in one tank and another tank is turned on.

(b) The ability of the fuel system to provide the required fuel flow rate shall be demonstrated when the rotorcraft is in the attitude which represents the most adverse sustained condition, from the standpoint of fuel feed, which the rotorcraft is designed to attain. This demonstration may be accomplished by a ground test of the rotorcraft or on a representative operating mock-up of the fuel system. The following conditions are applicable to such demonstration:

(1) *Category A.* The critical attitude (or attitudes) selected shall be verified by a flight demonstration which takes into consideration all operating speeds, power settings, accelerated maneuvers, and engine inoperative conditions.

(2) The quantity of fuel in the tank being considered shall not exceed the amount established as the unusable fuel supply for that tank, as determined by demonstrating compliance with the provisions of § 7.416 (see also §§ 7.418 and 7.613 (b)), together with whatever minimum quantity of fuel it may be necessary to add for the purpose of conducting the flow test.

(3) The fuel shall be delivered to the engine at a pressure not less than the minimum inlet pressure established for proper engine operation in accordance with Part 13 of this subchapter.

(4) If a fuel flowmeter is provided, the meter shall be blocked during the flow test and the fuel shall flow through the meter by-pass.

(c) The fuel flow rate required for the demonstration specified in paragraph (b) of this section shall be as follows:

(1) For gravity feed systems: The fuel flow rate shall be 150 percent of the actual take-off-power fuel consumption of the engine.

(2) For pump systems: The fuel flow rate shall be 0.9 pounds per hour for each rated take-off horsepower or 125 percent of the actual take-off fuel consumption of the engine, whichever is greater.

§ 7.414 *Pump systems.* (a) The fuel flow rate specified in § 7.413 (c) shall be applicable to both the primary engine-driven pump and to the emergency pumps. The fuel flow rate shall be available when the pump is running at the speed at which it normally would be operating during take off. In the case of hand-operated pumps, the speed required shall be not more than 60 complete cycles (120 single strokes) per minute.

(b) Emergency pumps shall be provided to permit supplying all engines with fuel in case of failure of any one main fuel pump, except in the case of installations in which the only fuel pump necessary is an engine fuel injection or fuel metering pump which is approved as an integral part of the engine.

(c) Category A: If the arrangement of the fuel system necessitates a fuel boost pump to maintain operating fuel flow and pressure for the range of altitudes and temperatures in which flight is expected, a duplicate boost pump shall be provided to serve as an emergency pump in case of failure of the main boost pump. Each pump shall be capable of supplying fuel flow at the rate specified in § 7.413 (c).

(d) Category A: Where the provisions of paragraph (c) of this section are applicable, and both boost pumps are dependent upon a common source of power, it shall be possible with these components inoperative to maintain cruising fuel flow and pressure for all engines. The limiting weights, speeds, and altitudes shall be demonstrated and the results recorded in the operating procedures portion of the rotorcraft flight manual.

§ 7.415 *Transfer systems.* The provisions of § 7.413 shall apply to transfer systems, except that the required fuel flow rate for the engine or engines involved shall be established upon the basis of maximum continuous power and its corresponding speed.

§ 7.416 *Determination of unusable fuel supply.* The unusable fuel supply in each tank shall be that quantity at which the first evidence of malfunctioning occurs in any sustained flight condition at the most critical weight and center of gravity position within the approved limitations. The unusable fuel supply shall be determined for each tank used in normal operation. (See also § 7.613 (b).)

§ 7.417 *Fuel system hot weather operation.* (a) The fuel system shall be so arranged as to minimize the possibility of the formation of vapor in the system under all normal conditions of operation. Rotorcraft with suction lift fuel systems or systems which have features likely to produce vapor shall be demonstrated to be free from vapor lock when using fuel at a temperature of 110° F. under critical operating conditions.

(b) Category A: To prove satisfactory hot weather operation the rotorcraft shall be climbed from the altitude of the airport chosen by the applicant to an altitude of 5,000 feet above the terrain, or to the altitude at which the rotorcraft is expected to operate, whichever is the greater. There shall be no evidence of vapor lock or other malfunctioning. The climb test shall be conducted under the following conditions:

(1) All engines shall operate at maximum continuous power, except that take-off power shall be used at the beginning of the demonstration for the maximum time interval for which take-off power is approved for use on the rotorcraft.

(2) The weight shall be with full fuel tanks, minimum crew, and only such ballast as is required to maintain the center of gravity within allowable limits.

(3) The speed of climb shall be the speed for best rate of climb under the conditions of the test.

(4) The fuel temperature shall be not less than 110° F. at the beginning of the demonstration.

(c) Category A: The test prescribed in paragraph (b) of this section shall be performed either in flight or on the ground closely simulating flight conditions. If a flight test is performed in weather sufficiently cold to interfere with the proper conduct of the test, the fuel tank surfaces, fuel lines, and other fuel system parts subjected to cooling action from cold air shall be insulated to simulate, insofar as practicable, flight in hot weather.

§ 7.418 *Flow between interconnected tanks.* (a) Where tank outlets are interconnected and permit flow through the interconnection due to gravity or flight accelerations, it shall not be possible for fuel to flow between tanks in quantities sufficient to cause an overflow of fuel from the tank vent when the rotorcraft is operated in the flight conditions found to be critical for the determination of unusable fuel.

(b) If it is possible to pump fuel from one tank to another in flight, the design of the fuel tank vents and the fuel transfer system shall be such that structural damage to tanks will not occur in the event of overfilling. In addition means shall be provided to warn the crew before overflow through the vents occurs.

FUEL TANK CONSTRUCTION AND INSTALLATION

§ 7.420 *General.* (a) Fuel tanks shall be capable of withstanding without failure all vibration, inertia, fluid, and structural loads to which they may be subjected in operation.

(b) Fuel tanks and their installation shall be designed or protected so as to retain the fuel supply without leakage when the rotorcraft is subjected to the emergency landing conditions specified under § 7.260.

(c) Flexible fuel tank liners shall be of an approved type or shall be shown to be suitable for the particular application.

(d) Integral type fuel tanks shall be provided with facilities for inspection and repair of the tank interior.

§ 7.421 *Fuel tank tests.* (a) Fuel tanks shall be capable of withstanding the following pressure tests without failure or leakage. It shall be acceptable to apply the pressures in a manner simulating the actual pressure distribution in service (where this is practicable.)

(1) Conventional metal tanks, nonmetallic tanks, and integral tanks shall be submitted to a pressure of 3.5 p. s. i. unless the pressure developed during the maximum limit acceleration or emergency deceleration (see § 7.260) of the rotorcraft with a full tank exceeds this value, in which case a hydrostatic head, or equivalent test, shall be applied to duplicate the acceleration loads insofar as possible, except that the pressure need not exceed 3.5 p. s. i. on surfaces not exposed to the acceleration loading.

(2) Nonmetallic tanks the walls of which are supported by the rotorcraft structure shall be submitted to the pressure test of subparagraph (1) of this paragraph when mounted in the rotorcraft structure.

(b) Tanks with large unsupported or unstiffened flat areas or other design or construction features which may possess questionable characteristics from the standpoint of vibration or sloshing shall be capable of withstanding the following test, or other equivalent test, without leakage or failure:

(1) The complete tank assembly together with its supports shall be subjected to a vibration test when mounted in a manner simulating the actual installation.

(2) The tank assembly shall be vibrated for 25 hours at an amplitude of not less than one thirty-second of an inch while filled two-thirds full of water.

(3) The frequency of vibration shall be 90 percent of the maximum continuous rated speed of the engine unless some other frequency within the normal operating range of speeds of the engine or rotor system is more critical, in which case the latter speed shall be employed and the time of test shall be adjusted to accomplish the same number of vibration cycles.

(4) In conjunction with the vibration test, the tank assembly shall be rocked through an angle of 15° on either side of the horizontal (30° total) at the rate of 16 to 20 complete cycles per minute.

(5) The rocking during one-half of the test shall be about an axis parallel to the longitudinal axis of the rotorcraft. For the other half of the test the axis shall be the horizontal axis at right angles to the logitudinal axis of the rotorcraft. If only one axis is critical for tanks with large fineness ratio, the entire test may be conducted by rocking about that axis.

§ 7.422 *Fuel tank installation.* (a) The method of support for fuel tanks shall not permit harmful concentration of loads, resulting from the weight of the fuel in the tank, on unsupported tank surfaces. The following shall be applicable:

(1) Pads shall be provided, if necessary, to prevent chafing between the tank and its supports.

(2) Materials employed for padding shall be nonabsorbent or shall be treated to prevent the absorption of fluids.

(3) If flexible tank liners are employed they shall be so supported that the liner is not required to withstand fluid loads.

(4) Interior surfaces of tank compartments shall be smooth and free of projections which could cause wear of the liner, unless provisions are made for protection of the liner at such points or unless the construction of the liner itself provides such protection.

(b) Spaces adjacent to the surfaces of the tank shall be ventilated consistent with the size of the compartment to avoid accumulation of fuel or fumes in these spaces due to minor leakage. If the tank is in a sealed compartment, it shall be acceptable to limit the ventilation to that provided by drain holes of sufficient size and disposition to prevent clogging and to prevent excessive pressure resulting from altitude changes. If flexible tank liners are installed, the design of the venting arrangement for the spaces between the liner and its container shall take into consideration the need for maintaining proper relationship to tank vent pressures for all expected flight conditions.

(c) Location of fuel tanks shall comply with the provisions of § 7.481 (b).

(d) No portion of rotorcraft skin which lies immediately adjacent to a major air egress opening from the engine compartment shall act as the wall of an integral tank.

(e) Fuel tanks shall be isolated from personnel compartments by means of fumeproof and fuelproof enclosures.

(f) Fuel tanks located in close proximity to personnel compartments, engines, or combustion heaters shall be so designed or protected and installed as to assure that they will retain their contents in accidents of a severity which will produce the decelerations specified in § 7.260.

§ 7.423 *Fuel tank expansion space.* Fuel tanks shall be provided with an expansion space of not less than 2 percent of the tank capacity. It shall not be possible to fill the fuel tank expansion space inadvertently when the rotorcraft is in the normal ground attitude.

§ 7.424 *Fuel tank sump.* (a) Each fuel tank shall be provided with a sump having a capacity of not less than either 0.25 percent of the tank capacity or one-sixteenth of a gallon, whichever is the greater.

(b) The fuel tank sump capacity specified in paragraph (a) of this section shall be effective with the rotorcraft in the normal flight and ground attitudes, and shall be located so that the sump contents cannot be drawn out through the tank outlet opening. The fuel tank shall be constructed to permit drainage of any hazardous quantity of water from all portions of the tank to the sump when the rotorcraft is in the ground attitude.

(c) Fuel tank sumps shall be provided with an accessible and easily operable drain to permit complete drainage of the sump on the ground. The drain shall discharge clear of all portions of the rotorcraft and shall be provided with means for positive locking of the drain in the closed position, either manually or automatically.

§ 7.425 *Fuel tank filler connection.* (a) The design of fuel tank filler connections shall be such as to prevent the entrance of fuel into the fuel tank compartment or to any other portion of the rotorcraft other than the tank itself. The fuel tank filler shall be marked as prescribed in § 7.738 (b) (1).

(b) Recessed fuel tank filler connections which retain any appreciable quantity of fuel shall incorporate a drain, and the drain shall discharge clear of all portions of the rotorcraft.

(c) The fuel tank filler cap shall provide a fuel-tight seal under the pressure expected to be encountered in normal operation.

(d) *Category A.* Fuel tank filler caps or filler cap covers shall incorporate features which provide a warning indication when caps are not fully locked or seated on the filler connection.

§ 7.426 *Fuel tank vents and carburetor vapor vents.* (a) Fuel tanks shall be vented from the top portion of the expansion space in such a manner that venting of the tank is effective under all normal flight conditions. The following shall be applicable:

(1) The vents shall be arranged to avoid stoppage by dirt or ice formation.

(2) The vent arrangement shall be constructed to preclude the possibility of siphoning fuel during normal operation.

(3) The venting capacity and vent pressure levels shall be appropriate for the tank installation so as to maintain acceptable differences of pressure between the interior and exterior of the tank during normal flight operation, during maximum rate of ascent and descent, and, if applicable, during refueling and defueling.

(4) Air spaces of tanks with interconnected outlets shall also be interconnected.

(5) There shall be no points in the vent line where moisture could accumulate with the rotorcraft in either the ground or the level flight attitude unless drainage is provided.

(6) Vents and drainage shall not terminate at points where the discharge of fuel from the vent outlet would constitute a fire hazard or from which fumes could enter personnel compartments.

(b) Carburetors which are provided with vapor elimination connections shall be provided with a vent line to lead vapors back to one of the fuel tanks. The vents shall comply with the following:

(1) Provisions shall be incorporated in the vent system to avoid stoppage by ice.

(2) If more than one fuel tank is provided and it is necessary to use the tanks in a definite sequence, the vapor vent return line shall lead back to the fuel tank used for take-off and landing.

§ 7.427 *Fuel tank outlet.* A fuel strainer of 8 to 16 meshes per inch shall be provided either for the fuel tank outlet or for the booster pump. Strainers shall comply with the following:

(a) The clear area of the fuel tank outlet strainer shall not be less than 5 times the area of the fuel tank outlet line.

(b) The diameter of the strainer shall not be less than the diameter of the fuel tank outlet.

(c) Finger strainers shall be accessible for inspection and cleaning.

§ 7.428 *Pressure refueling and fueling provisions below fuel level in the tank.* Fueling connections located below the fuel level in a tank shall be provided with means to prevent the escape of hazardous quantities of fuel from the tank in the event of malfunctioning of the fuel entry valve. For systems intended for pressure refueling, in addition to the normal means provided in the rotorcraft for limiting the tank content, a means shall be installed to prevent damage to the tank in case of failure of the normal means.

FUEL SYSTEM COMPONENTS

§ 7.430 *Fuel pumps*—(a) *Main pumps.* (1) If the engine fuel supply is maintained by means of pumps which are not an integral part of the fuel control system certificated as part of the engine, at least one fuel pump for each engine shall be engine-driven.

(2) All positive displacement fuel pumps shall incorporate an integral bypass unless provision is made for a continuous supply of fuel to all engines in case of failure of any one pump. Engine fuel injection pumps which are approved as an integral part of the engine need not incorporate a by-pass.

(b) *Emergency pumps.* Emergency fuel pumps shall be available for immediate use in case of failure of any other fuel pump. No manipulation of fuel valves shall be necessary on the part of the crew to make an emergency fuel pump available to the engine which it is normally intended to serve when the fuel system is being operated in the configuration complying with the provisions of § 7.411.

§ 7.431 *Fuel pump installation.* (a) Provision shall be made to maintain the fuel pressure at the inlet to the carburetor within the range of limits established for proper engine operation.

(b) When necessary for the maintenance of the proper fuel delivery pressure, a connection shall be provided to transmit the carburetor air intake static pressure to the proper fuel pump relief valve connection. In such cases, to avoid erroneous fuel pressure reading, the gauge balance lines shall be independently connected to the carburetor inlet pressure.

(c) The installation of fuel pumps having seals or diaphragms which may be susceptible to leakage shall incorporate provisions for draining away leaking fuel. Drain lines shall terminate at points where discharge of fuel will not create a fire hazard.

§ 7.432 *Fuel system lines and fittings.* (a) Fuel lines shall be installed and supported to prevent excessive vibration and to withstand loads due to fuel pressure, valve actuation, and accelerated flight conditions.

(b) Fuel lines which are connected to components of the rotorcraft between which relative motion could exist shall incorporate provisions for flexibility.

(c) Flexible connections in fuel lines which may be under pressure or subjected to axial loading shall employ flexible hose assemblies rather than hose clamp connections.

(d) Flexible hose shall be of an approved type suitable for the application.

(e) Flexible hoses which might be adversely affected by exposure to high temperatures shall not be employed in locations where excessive temperature will exist during operation or after engine shut-down.

§ 7.433 *Fuel lines and fittings in designated fire zones.* Fuel lines and fittings in all designated fire zones (see § 7.480) shall comply with the provisions of § 7.483.

§ 7.434 *Fuel valves.* In addition to the requirements of § 7.482 for shut-off means, all fuel valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions, and they shall be supported so that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

§ 7.435 *Fuel strainer.* (a) A strainer incorporating a sediment trap and drain shall be provided in the fuel system between the fuel tanks and the engine and shall be installed in an accessible location.

(b) The strainer shall provide the necessary degree of protection for the fuel pumps, fuel controls, and the engine against dirt, sediment, and other foreign matter which might be present in the fuel. The screen or straining element shall be easily cleaned.

(c) The strainer shall be mounted in a manner not to cause its weight to be supported by the connecting lines or by the inlet or outlet connections of the strainer itself.

§ 7.436 *Fuel system drains.* Complete drainage of the system shall be accomplished by fuel strainer drains and other drains as provided in § 7.424 with the rotorcraft in its normal ground attitude. The following shall apply:

(a) Drains shall discharge clear of all portions of the rotorcraft and shall incorporate means for positive locking of the drain in the closed position, either manually or automatically.

(b) All fuel system drains shall be accessible.

(c) If drainage of the fuel strainer permits compliance with paragraphs (a) and (b) of this section, no additional drains need be provided unless it is possible for a hazardous quantity of water or sediment to be trapped therein. (See also § 7.483 (c).)

§ 7.437 *Fuel quantity indicator.* The fuel quantity indicator (see § 7.613) shall be installed to clearly indicate to the flight crew the quantity of fuel in each tank in flight. When two or more tanks are closely interconnected by a gravity feed system and vented, and it is impossible to feed from each tank

separately, only one fuel quantity indicator need be installed.

§ 7.438 *Low fuel warning device.* On rotorcraft with more than one fuel tank there shall be installed in addition to the fuel quantity indicator (see § 7.604), a warning device to indicate when the fuel in any tank becomes low.

NOTE: The fuel in any tank is considered to be low when there remains approximately a five-minute supply with the rotorcraft in the most critical sustained flight attitude.

OIL SYSTEM

§ 7.440 *General.* (a) Each engine shall be provided with an independent oil system capable of supplying the engine with an appropriate quantity of oil at a temperature not exceeding the maximum which has been established as safe for continuous operation. The oil system for components of the rotor drive system which require continuous lubrication shall be independent of the lubrication systems of the engines to whatever extent is necessary to assure the ability to operate with any engine inoperative and to assure the ability to autorotate safely. (For oil system instruments see §§ 7.604 and 7.735.)

(b) The usable oil capacity shall not be less than the product of the endurance of the rotorcraft under critical operating conditions and the maximum permissible oil consumption of the engine under the same conditions to which product a suitable margin shall be added to assure adequate circulation and cooling of the oil system. In lieu of a rational analysis of rotorcraft endurance and oil consumption, the total usable oil capacity of 1 gallon for each 40 gallons of usable fuel capacity, by volume, shall be considered acceptable.

(c) Oil-fuel ratios lower than those prescribed in paragraph (b) of this section shall be acceptable if substantiated by data on the actual oil consumption of the engine.

(d) The ability of the engine and rotor drive system oil cooling provisions to maintain the oil temperature at or below the maximum established value shall be demonstrated in accordance with pertinent provisions of §§ 7.450 through 7.455.

§ 7.441 *Oil tank construction.* The following requirements shall apply to the construction of the oil tank:

(a) *Oil tank expansion space.* (1) Oil tanks shall have an expansion space of not less than either 10 percent of the tank capacity or 0.5 gallon, whichever is the greater.

(2) Reserve oil tanks which have no direct connection to any engine shall have an expansion space which is not less than 2 percent of the tank capacity.

(3) It shall not be possible to fill the oil tank expansion space inadvertently when the rotorcraft is in the normal ground attitude.

(b) *Oil tank filler connection.* (1) Recessed oil tank filler connections which retain any appreciable quantity of oil shall discharge clear of all portions of the rotorcraft.

(2) The oil tank filler cap shall provide an oil-tight seal under the pressure expected to be encountered in operation.

(3) Category A: Oil tank filler caps or filler cap covers shall incorporate features which provide a warning indication when caps are not fully locked or seated on the filler connection.

(4) The oil filler shall be marked as prescribed in § 7.738 (b) (2).

(c) *Oil tank vent.* (1) Oil tanks shall be vented from the top portion of the expansion space in such a manner that venting of the tank is effective under all normal flight conditions.

(2) Oil tank vents shall be arranged so that condensation of water vapor which might freeze and obstruct the line cannot accumulate at any point. (See also § 7.483 (c).)

(d) *Oil tank outlet.* Provision shall be made either to prevent entrance into the tank itself or into the tank outlet of any foreign object which might obstruct the flow of oil through the system. The oil tank outlet shall not be enclosed by any screen or guard which would reduce the flow of oil below a safe value at any operating temperature condition.

(e) *Flexible oil tank liners.* Flexible oil tank liners shall be of an approved type or shall be shown to be suitable for the particular application.

§ 7.442 *Oil tank tests.* (a) Oil tanks shall be capable of withstanding without failure all vibration, inertia, and fluid loads to which they would be subjected in operation.

(b) The provisions of § 7.421 shall be applicable to oil tanks, except that the test pressure specified in § 7.421 (a) shall be 5 p. s. i.

§ 7.443 *Oil tank installation.* The oil tank installation shall comply with the provisions of § 7.422, except that the location of an engine oil tank in a designated fire zone shall be acceptable if the tank and its supports are of fireproof construction to the extent that damage by fire to any nonfireproof parts would not result in leakage or spillage of oil.

§ 7.444 *Oil lines and fittings*—(a) *General.* The provisions of § 7.432 shall be applicable to oil lines.

(b) *Lines and fittings in designated fire zones.* Oil lines and fittings in all designated fire zones (see § 7.480) shall comply with the provisions of § 7.483.

(c) *Breather lines.* (1) Breather lines shall be arranged so that condensation of water vapor which might freeze and obstruct the line cannot accumulate at any point.

(2) Breathers shall discharge in a location which will not constitute a fire hazard in case foaming occurs and in a manner so that the emitted oil will not impinge upon the pilot windshield.

(3) The breather shall not discharge into the engine air induction system. (See also § 7.483 (c).)

§ 7.445 *Oil valves.* (a) The requirements of § 7.482 for shut-off means shall be complied with. Closing of oil shut-off means shall not prevent autorotation of the rotors.

(b) All oil valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions, and they shall be supported so that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

§ 7.446 *Oil radiators.* (a) Oil radiators shall be capable of withstanding without failure all vibration, inertia, and oil pressure loads to which they would be subjected in operation.

(b) Oil radiator air ducts shall be located so that, in case of fire, flames cannot impinge directly upon the radiator with the air flow as it would exist either with the engine operating or inoperative.

§ 7.447 *Oil filters.* If the rotorcraft is equipped with an oil filter, the filter shall be constructed or installed in such a manner that complete blocking of the flow through the filter element will not prevent the safe operation of the engine or rotor drive oil supply systems.

§ 7.448 *Oil system drains.* Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate means for the positive locking of the drain in the closed position, either manually or automatically. (See also § 7.483 (c).)

COOLING SYSTEM

§ 7.450 *General.* The powerplant cooling provisions shall be capable of maintaining the temperatures of all powerplant components, engine and transmission fluids, and the carburetor intake air within safe values under all conditions of ground and flight operation. (For cooling system instruments see §§ 7.604 and 7.734.)

§ 7.451 *Cooling tests*—(a) *General.* Compliance with the provisions of § 7.450 shall be demonstrated by flight tests in which the temperatures of selected powerplant components, engine, and transmission fluids are obtained under critical ground, water, and flight operating conditions. If the tests are conducted under conditions which deviate from the maximum anticipated air temperature (see paragraph (b) of this section), the recorded powerplant temperatures shall be corrected in accordance with the provisions of paragraphs (c) and (d) of this section. The corrected temperatures determined in this manner shall not exceed the maximum established safe values. The fuel used during the cooling tests shall be of the minimum octane number approved for the engines involved, and the mixture settings shall be those used in normal operation. The test procedures shall be as outlined in §§ 7.452 through 7.455.

(b) *Maximum anticipated air temperature.* The maximum anticipated air temperature (hot day condition) shall be 100° F., at sea level, decreasing from this value at the rate of 3.6° F. per thousand feet of altitude above sea level until a temperature of −67° F. is reached above which altitude the temperature shall be constant at −67° F.

(c) *Correction factor for cylinder head, oil inlet, carburetor air, and engine and transmission coolant outlet temperatures.* The cylinder head, oil inlet, carburetor air, and engine coolant outlet temperatures shall be corrected by adding the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of maximum head, air, oil, or coolant temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

(d) *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures shall be corrected by adding 0.7 of the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

§ 7.452 *Climb cooling test procedure (multiengine rotorcraft only).* (a) The climb cooling test shall be conducted with the engine inoperative which produces the most adverse cooling conditions for the engines and powerplant components remaining in operation.

(b) All remaining engines shall be operated at their maximum continuous power or at full throttle when above the critical altitude.

(c) After stabilizing temperatures in flight, the climb shall be started at or below the lower of the two following altitudes and shall be continued until at least 5 minutes after the occurrence of the highest temperature recorded, or until the maximum altitude is reached for which certification is desired:

(1) 1,000 feet below the engine critical altitude,

(2) 1,000 feet below the maximum altitude at which the rate of climb is equal to 150 fpm.

(d) The climb shall be conducted at an air speed selected to represent a normal operational practice for the configuration being tested. However, if it is determined that characteristics of the cooling provisions make them sensitive to rotorcraft speed, the most critical air speed shall be used, but need not exceed the speed used in determining the rate of climb required in § 7.115 (c). It shall be acceptable to conduct the climb cooling test in conjunction with the take-off cooling test of § 7.453.

§ 7.453 *Category A; take-off cooling test procedure.* A take-off cooling test shall be conducted to demonstrate cooling during take-off and during subsequent climb with one engine inoperative. The following procedure shall be applicable:

(a) The take-off cooling test shall be commenced by stabilizing temperatures while hovering just above ground effect with all engines operating at necessary power with the appropriate cowl flap and shutter settings.

(b) After all temperatures have stabilized, the climb shall be started at the lowest practicable altitude and shall be conducted with one engine inoperative.

(c) The remaining engines shall be operated at take-off rpm and power (or at full throttle when above the take-off critical altitude) for the same time interval as take-off power is used during determination of the take-off flight path (see § 7.114).

(d) At the end of the time interval prescribed in paragraph (c) of this section the power shall be reduced to the maximum continuous power and the climb continued until at least 5 minutes after the occurrence of the highest temperature recorded.

(e) The speed used during take-off power operation (paragraph (c) of this section) shall be the speed used during determination of the take-off flight path (see § 7.114).

§ 7.454 *Category B; cooling test procedure (single engine rotorcraft).* This test shall be conducted as follows:

(a) The cooling test shall be commenced by stabilizing temperatures while hovering just above ground effect with necessary power and appropriate cowl flap and shutter settings.

(b) After all temperatures have stabilized, the climb shall be started at the lowest practicable altitude with take-off power.

(c) Take-off power shall be used for the same time interval as take-off power is used during determination of the take-off flight path (see § 7.114).

(d) At the end of the time interval prescribed in paragraph (c) of this section the power shall be reduced to the maximum continuous power and the climb continued until at least 5 minutes after the occurrence of the highest temperature recorded.

(e) The cooling test shall be conducted at an air speed corresponding to normal operational practice for the configuration being tested. However, if it is determined that characteristics of the cooling provisions make them sensitive to rotorcraft speed, the most critical air speed shall be used, but need not exceed the best rate-of-climb speed with maximum continuous power.

§ 7.455 *Hovering cooling test procedure.* Hovering cooling tests shall be conducted as follows:

(a) With all engines operating at the power required for hovering at maximum certificated weight just above the ground effect at sea level and still wind, until at least 5 minutes after the occurrence of the highest temperature recorded.

(b) With all engines operating at maximum continuous power, rotorcraft at maximum certificated weight, and the altitude resulting in zero rate-of-climb for this configuration, until at least 5 minutes after the occurrence of the highest temperature recorded.

INDUCTION AND EXHAUST SYSTEMS

§ 7.460 *General.* (a) The engine air induction system shall permit supplying the proper quantity of air to the engine under all conditions of operation.

(b) The induction system shall provide air for proper fuel metering and mixture distribution with the induction system valves in any position.

(c) Air intakes shall not open within the engine accessory section nor other areas of the powerplant compartment where emergence of backfire flame would constitute a fire hazard.

(d) Each engine shall be provided with an alternate air source.

(e) Alternate air intakes shall be so located as to preclude the entrance of rain, ice, or any other foreign matter.

§ 7.461 *Induction system de-icing and anti-icing provisions*—(a) *General.* The engine air induction system shall incorporate means for the prevention and elimination of ice accumulations.

(b) *Heat rise.* Unless it is demonstrated that other means will accomplish the intent of paragraph (a) of this section, compliance with the following heat-rise provisions shall be demonstrated in air free of visible moisture at a temperature of 30°F.

(1) Rotorcraft equipped with sea level engines employing conventional venturi carburetors shall have a preheater capable of providing a heat rise of 90°F. when the engine is operating at 60 percent of its maximum continuous power.

(2) Rotorcraft equipped with sea level engines employing carburetors which embody features tending to reduce the possibility of ice formation shall have a preheater capable of providing a heat rise of 70°F. when the engine is operating at 60 percent of its maximum continuous power.

(3) Rotorcraft equipped with altitude engines employing conventional venturi carburetors shall have a preheater capable of providing a heat rise of 120°F. when the engine is operating at 60 percent of its maximum continuous power.

(4) Rotorcraft equipped with altitude engines employing carburetors which embody features tending to reduce the possibility of ice formation shall have a preheater capable of providing a heat rise of 100°F. when the engine is operating at 60 percent of its maximum continuous power.

§ 7.462 *Carburetor air preheater design.* Carburetor air preheaters shall incorporate the following provisions.

(a) Means shall be provided to assure ventilation of the preheater when the engine is being operated with cold air.

(b) The preheater shall be constructed to permit inspection of exhaust manifold parts which it surrounds and also to permit inspection of critical portions of the preheater itself.

§ 7.463 *Induction system ducts.* Induction system ducts shall incorporate the following provisions:

(a) Induction system ducts ahead of the first stage of the supercharger shall be provided with drains to prevent hazardous accumulations of fuel and moisture in the ground attitude. The drains shall not discharge in locations which might cause a fire hazard.

(b) Sufficient strength shall be incorporated in the ducts to prevent induction system failures resulting from normal backfire conditions.

(c) Ducts which are connected to components of the rotorcraft between which relative motion could exist shall incorporate provisions for flexibility.

(d) Induction system ducts within any fire zone for which a fire-extinguishing system is required shall be of fire-resistant construction.

NOTE: Fireproof ducts are required in instances in which the duct may pass through a fire wall.

§ 7.464 *Induction system screens.* If induction system screens are employed,

they shall comply with the following provisions:

(a) Screens shall be located upstream from the carburetor.

(b) Screens shall not be located in portions of the induction system which constitute the only passage through which air can reach the engine, unless the screen is so located that it can be de-iced by heated air.

(c) De-icing of induction system screens by means of alcohol alone in lieu of heated air shall not be acceptable.

(d) It shall not be possible for fuel to impinge upon the screens.

§ 7.465 *Carburetor air cooling.* Installations employing two-stage superchargers shall be provided with means to maintain the air temperature at the inlet to the carburetor at or below the maximum established value. Demonstration of compliance with this provision shall be accomplished in acordance with § 7.451.

§ 7.466 *Inter-coolers and after-coolers.* Inter-coolers and after-coolers shall be capable of withstanding without failure all vibration, inertia, and air pressure loads to which they would be subjected in operation.

§ 7.467 *Exhaust system and installation components*—(a) *General.* (1) The exhaust system shall be constructed and arranged to assure the safe disposal of exhaust gases without the existence of a fire hazard or carbon monoxide contamination of air in personnel compartments.

(2) Unless appropriate precautions are taken, exhaust system parts shall not be located in hazardous proximity to portions of any system carrying flammable fluids or vapors nor shall they be located under portions of such systems where the latter could be subject to leakage.

(3) All rotorcraft components upon which hot exhaust gases might impinge, or which could be subjected to high temperatures due to proximity to exhaust system parts, shall be constructed of firepoof material. All exhaust system components shall be separated by means of fireproof shields from adjacent portions of the rotorcraft which are outside the engine compartment.

(4) Exhaust gases shall not discharge in a manner to cause a fire hazard with respect to any flammable fluid vent or drain.

(5) Exhaust gases shall not discharge at a location which will cause a glare seriously affecting pilot visibility at night.

(6) All exhaust system components shall be ventilated to prevent the existence of points of excessively high temperature.

(7) Exhaust shrouds shall be ventilated or insulated to avoid during normal operation a temperature sufficiently high to ignite any flammable fluids or vapors external to the shrouds.

(b) *Exhaust piping.* (1) Exhaust piping shall be constructed of material resistant to heat and corrosion, and shall incorporate provisions to prevent failure due to expansion when heated to operating temperatures.

(2) Exhaust pipes shall be supported to withstand all vibration and inertia loads to which they would be subjected in operation.

(3) Portions of the exhaust piping which are connected to components between which relative motion could exist shall incorporate provisions for flexibility.

(c) *Exhaust heat exchangers.* (1) Exhaust heat exchangers shall be constructed and installed to assure their ability to withstand without failure all vibration, inertia, and other loads to which they would be subjected in operation.

(2) Heat exchangers shall be constructed of materials which are suitable for continued operation at high temperatures and which are resistant to corrosion due to elements contained in exhaust gases.

(3) Provision shall be made for the inspection of all critical portions of exhaust heat exchangers.

(4) Heat exchangers shall incorporate cooling provisions wherever they are subject to contact with exhaust gases.

(5) Heat exchangers or muffs shall incorporate no stagnant areas or liquid trap which would increase the possibility of ignition of flammable fluids or vapors which might be present in case of failure or malfunctioning of components carrying flammable fluids.

(d) *Exhaust heating of ventilating air.* If an exhaust heat exchanger is used for heating ventilating air used by personnel, a secondary heat exchanger shall be provided between the primary exhaust gas heat exchanger and the ventilating air system, unless it is demonstrated that other means used preclude harmful contamination of the ventilating air.

POWERPLANT CONTROLS AND ACCESSORIES

§ 7.470 *Powerplant controls; general.* Same as corresponding section in Part 6 except add: "In addition, all powerplant controls shall comply with the following:

(a) Controls shall be so located that they cannot be inadvertently operated by personnel entering, leaving, or making normal movements in the cockpit.

(b) Controls shall maintain any set position without constant attention by flight personnel. They shall not creep due to control loads or vibration.

(c) Controls shall have strength and rigidity to withstand operating loads without failure and without excessive deflection."

§ 7.471 *Throttle and A. D. I. system controls.* (a) A separate throttle control shall be provided for each engine. Throttle controls shall be grouped and arranged to permit separate control of each engine and also simultaneous control of all engines in such a manner that proper synchronization of the power of all engines can be readily achieved.

(b) Same of § 6.471 (b).

(c) If an antidetonant injection system is provided, the control shall be incorporated in the throttle controls, except that a separate control may be provided for the antidetonant injection pump.

§ 7.472 *Ignition switches.* (a) Ignition switches shall provide control for each ignition circuit on each engine. Means shall be provided for quickly shutting off all ignition by the grouping of switches or by providing a master ignition control. If a master ignition control is provided, a guard shall be incorporated to prevent inadvertent operation of the control.

§ 7.473 *Mixture controls.* (a) Same as § 6.473.

(b) Any intermediate position of the mixture controls which corresponds with a normal operating setting shall be provided with a means of identification by feel and by vision.

§ 7.474 *Carburetor air preheat controls.* Separate carburetor air preheat controls shall be provided to regulate the temperature of the carburetor air for each engine.

§ 7.475 *Supercharger controls.* Supercharger controls shall be accessible to the pilots, except where a separate flight engineer station with a control panel is provided, in which case they shall be accessible to the flight engineer.

§ 7.476 *Rotor brake controls.* It shall be mechanically impossible to apply the rotor brake in flight.

(a) Means shall be provided to warn the crew if the rotor brake has not been completely released prior to take off.

§ 7.477 *Powerplant accessories.* (a) Same as § 6.474.

(b) Items of electrical equipment subject to arcing or sparking shall be installed in such a way as to minimize the possibility of their contact with any flammable fluids or vapors which might be present in a free state.

(c) If continued rotation of an engine-driven cabin supercharger or any remote accessory driven by the engine will constitute a hazard in case malfunctioning occurs, means shall be provided to prevent hazardous rotation of such accessory without interfering with the continued operation of the engine. (See also § 7.358 (c).)

NOTE: Hazardous rotation may involve consideration of mechanical damage or sustained air flows which may be dangerous under certain conditions.

§ 7.478 *Engine ignition systems.* (a) Battery ignition systems shall be supplemented with a generator which is automatically made available as an alternate source of electrical energy to permit continued engine operation in the event of the depletion of any battery.

(b) The capacity of batteries and generators shall be sufficient to meet the simultaneous demands of the engine ignition system and the greatest demands of any rotorcraft electrical system components which draw electrical energy from the same source.

(1) The design of the engine ignition system shall take into consideration the condition of an inoperative generator and the condition of a completely depleted battery when the generator is running at its normal operating speed.

(2) If only one battery is provided, the design of the engine ignition system shall take into consideration the condition in which the battery is completely depleted and the generator is operating at idling speed.

(3) Portions of magneto ground wires for separate ignition circuits which lie on the engine side of the fire wall shall be installed, located, or protected so as to minimize the possibility of simultaneous failure of two or more wires as a result of mechanical damage, electrical faults, etc.

(4) Ground wires for any engine shall not be routed through fire zones, except those associated with the engine which the wires serve, unless those portions of the wires which are located in such fire zones are fireproof or are protected against the possibility of damage by fire in a manner to render them fireproof. (See § 7.472 for ignition switches.)

(5) Ignition circuits shall be electrically independent of all other electrical circuits except circuits used for analyzing the operation of the ignition system.

(c) Means shall be provided to warn flight personnel if malfunctioning of any part of the electrical system is causing the continuous discharging of a battery which is necessary for engine ignition. (See § 7.472 for ignition switches.)

POWERPLANT FIRE PROTECTION

§ 7.480 *Designated fire zones.* (a) Designated fire zones shall comprise the following regions: (See also § 7.385.)

(1) Engine power section,

(2) Engine accessory section,

(3) Complete powerplant compartments in which no isolation is provided between the engine power section and the engine accessory section,

(4) Auxiliary power unit compartments,

(5) Fuel-burning heaters and other combustion equipment installations as defined by § 7.383.

(b) Designated fire zones shall be protected from fire by compliance with §§ 7.481 through 7.489.

NOTE: (Category B) For category B rotorcraft, the powerplant fire protection provisions are intended to insure that the main and auxiliary rotors and controls remain operable, the essential rotorcraft structure remains intact, and that the passengers and crew are otherwise protected for a period of at least 5 minutes after the start of an engine fire to permit a controlled autorotational landing.

§ 7.481 *Flammable fluids.* (a) No tanks or reservoirs which are a part of a system containing flammable fluids or gases shall be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank and its supports, the shut-off means, all connections, lines, and controls are such as to provide an equally high degree of safety.

(b) Fuel tanks shall be isolated from the engines by a fire wall or shroud. Not less than one-half inch of clear air space shall be provided between any tank or reservoir and a fire wall or shroud isolating a designated fire zone, unless other equivalent means are used to protect against heat transfer from the fire zone to the flammable fluid.

(c) No component of a flammable fluid-carrying system shall be located in close proximity to materials which can absorb such a fluid.

§ 7.482 *Shut-off means.* (a) Means for each individual engine and for each individual fire zone specified in § 7.480 (a) shall be provided for shutting off or otherwise preventing hazardous quantities of fuel, oil, de-icer, and other flammable fluids from flowing into, within, or through any designated fire zone, except that means need not be provided to shut-off flow in lines forming an integral part of an engine.

Category B: In installations using engines of less than 500 cu. in. displacement, shut-off means need not be provided for engine oil systems.

Category A: It shall be shown that no hazardous quantity of flammable fluid could drain into any designated fire zone after shutting off has been accomplished. Closing the fuel shut-off valve for any engine shall not make any of the fuel supply unavailable to the remaining engines.

(b) Operation of the shut-off means shall not interfere with the subsequent emergency operation of other equipment, such as declutching the engine from the rotor drive.

(c) The shut-off means shall be located outside of designated fire zones, unless an equally high degree of safety is otherwise provided (see § 7.481).

(d) Provision shall be made to guard against inadvertent operation of the shut-off means, and to make it possible for the crew to reopen the shut-off means in flight after it has once been closed.

§ 7.483 *Lines and fittings.* Same as § 6.485.

§ 7.484 *Fire extinguishing systems*—(a) *General.* (1) Fire extinguishing systems shall be provided to serve all designated fire zones.

Category B: In installations employing engines of 1,500 cu. in. or less displacement, fire extinguishing systems need not be provided.

(2) The fire extinguishing system, the quantity of extinguishing agent, and the rate of discharge shall be such as to provide two adequate discharges. It shall be possible to direct both discharges to any main engine installation. Individual "one-shot" systems shall be acceptable in the case of auxiliary power units, fuel-burning heaters, and other combustion equipment.

Category B: On single-engine rotorcraft, the quantity of extinguishing agent and the rate of discharge shall be such as to provide one adequate discharge for the engine compartment.

(3) The fire extinguishing system for a powerplant shall be capable of protecting simultaneously all zones of the powerplant compartment for which protection is provided,

(b) *Fire extinguishing agents.* Same as § 6.488 (b).

(c) *Extinguishing agent container pressure relief.* Same as § 6.488 (c).

(d) *Extinguishing agent container compartment temperature.* Same as § 6.488 (d).

(e) *Fire extinguishing system materials.* Same as § 6.488 (e).

§ 7.485 *Fire detector systems.* Quick-acting fire detectors of an approved type shall be provided in all designated fire zones, and they shall be sufficient in number and location to assure prompt detection of fire in such zones. Fire detectors shall comply with the following provisions:

(a) through (d) same as § 6.487 (a) through (d).

(e) Detector system components for any fire zone shall not pass through other fire zones, unless they are protected against the possibility of false warnings resulting from fires in zones through which they pass. This requirement shall not be applicable with respect to zones which are simultaneously protected by the same detector and extinguishing systems.

Category B: In installations employing engines of 900 cu. in. or less displacement, fire detectors need not be provided.

§ 7.486 *Fire wall.* Engines shall be isolated from personnel compartment by means of fire walls, shrouds, or other equivalent means. They shall be similarly isolated from the structure, controls, rotor mechanism, and other parts essential to controlled flight and landing of the rotorcraft, unless such parts are protected in accordance with the provisions of § 7.384. All auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the rotorcraft by means of fire walls, shrouds, or other equivalent means. In complying with the provisions of this section, account shall be taken of the probable path of a fire as affected by the air flow in normal flight and in autorotation. The following shall apply:

(a) through (c) same as § 6.483 (b) through (d) respectively.

§ 7.487 *Cowling.* (a) Same as § 6.484 (a).

(b) Cowling shall have drainage and ventilation provisions as prescribed in § 7.489.

(c) On rotorcraft equipped with a diaphragm complying with § 7.488, the parts of the accessory section cowling which might be subject to flame in the event of a fire in the engine power section of the powerplant shall be constructed of fireproof material and shall comply with the provisions of § 7.486.

(d) Same as § 6.484 (d).

(e) Category A: The rotorcraft shall be so designed and constructed that fire originating in any fire zone cannot enter, either through openings or by burning through external skin, into any other zone or region where such fire would create additional hazards. If the rotorcraft is provided with a retractable landing gear, this provision shall apply with the landing gear retracted. Fireproof materials shall be used for all skin areas which might be subjected to flame in the event of a fire originating in the engine power or accessory sections.

§ 7.488 *Category A; engine accessory section diaphragm.* Unless equivalent protection can be shown by other means, a diaphragm shall be provided on air-

cooled engines to isolate the engine power section and all portions of the exhaust systems from the engine accessory compartment. This diaphragm shall comply with the provisions of § 7.486.

§ 7.489 *Drainage and ventilation of fire zones.* (a) Provision shall be made for the rapid and complete drainage of all portions of designated fire zones in the event of failure or malfunctioning of components containing flammable fluids. The drainage provisions shall be so arranged that the discharged fluid will not cause an additional fire hazard.

(b) All designated fire zones shall be ventilated to prevent the accumulation of flammable vapors. Ventilation openings shall not be placed in locations which would permit the entrance of flammable fluids, vapors, or flame from other zones. The ventilation provisions shall be so arranged that the discharged vapors will not cause an additional fire hazard.

(c) Category A: Except with respect to the engine power section of the powerplant compartment, provision shall be made to permit the crew to shut off sources of forced ventilation in any fire zone, unless the amount of extinguishing agent and rate of discharge are based on maximum air flow through the zone.

SUBPART F—EQUIPMENT

GENERAL

§§ 7.600 through 7.602 Same as corresponding sections in Part 6.

§ 7.603 *Flight and navigational instruments.* (See § 7.612 for installation requirements.)

(a) Air-speed indicating system,
(b) Altimeter (sensitive),
(c) Clock (sweep-second),
(d) Free air temperature indicator,
(e) Gyroscopic bank and pitch indicator (non-tumbling type),
(f) Gyroscopic rate-of-turn indicator (with slip indicator),
(g) Gyroscopic direction indicator,
(h) Magnetic direction indicator,
(i) Rate-of-climb indicator (vertical speed).

§ 7.604 *Powerplant instruments.* (See § 7.613 for installation requirements.)

(a) Carburetor air temperature indicator for each engine.

(b) Cylinder head temperature indicator for each air-cooled engine, or coolant temperature for each liquid-cooled engine.

(c) (1) Category A: An individual fuel pressure indicator for each engine and either an independent warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuit from the master warning device.

(2) Category B: An individual fuel pressure indicator for each engine.

(d) Category A: Fuel flowmeter indicator or fuel mixture indicator for each engine not equipped with an automatic altitude mixture control.

(e) Fuel quantity indicator for each fuel tank (see § 7.437).

(f) Low fuel warning device for each tank if a multi-tank system is employed (see § 7.416).

(g) Manifold pressure indicator for each engine, if altitude engines are used.

(h) (1) Category A: An individual oil pressure indicator for each engine and either an independent warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuit from the master warning device.

(2) Category B: An individual oil pressure indicator for each engine.

(i) An oil pressure warning device for each pressure lubricated gear box to indicate when the oil pressure falls below a safe value.

(j) Oil quantity indicator for each oil tank and each rotor drive gear box, if lubricant is self-contained.

(k) Oil temperature indicator for each engine.

(l) An oil temperature warning device to indicate when the oil temperature in any rotor drive gear box exceeds a safe value.

(m) Tachometer for each engine. (These tachometers may be combined in a single instrument with that required by paragraph (n), except that such an instrument shall indicate rotor rpm during autorotation.)

(n) Tachometer(s) to indicate rotor rpm of the main rotor(s), or for each main rotor, the speed of which can vary appreciably with respect to another main rotor.

(o) Category A: Fire warning indicators (see § 7.485).

(o) Category B: Fire warning indicators when fire detection is required (see § 7.485).

(p) A device for each engine capable of indicating to the flight crew during flight any change in the power output, if the total engine cylinder displacement is more than 2,000 cubic inches.

§ 7.605 *Miscellaneous equipment.* There shall be installed:

(a) Approved seats for all occupants (see § 7.355).

(b) Approved individual safety belts for all occupants (see § 7.643).

(c) A master switch arrangement for electrical circuits other than ignition (see § 7.622 (c)).

(d) A source(s) of electrical energy (see § 7.620).

(e) Electrical protective devices (see § 7.624).

(f) Hand fire extinguishers (see §§ 7.380 (a) and 7.381 (e) and (f)).

(g) Windshield wiper or equivalent for each pilot (see § 7.351 (b)).

(h) Radio communication system (two-way).

(i) Ignition switch for each and all engines (see § 7.472).

§ 7.606 *Equipment, systems, and installations*—(a) *Functioning and reliability.* All equipment, systems, and installations, the functioning of which is necessary in showing compliance with the Civil Air Regulations shall be designed and installed to insure that they will perform their intended functions reliably under all reasonably foreseeable operating conditions.

(b) *Hazards.* All equipment, systems, and installations shall be designed to safeguard against hazards to the rotorcraft in the event of their malfunctioning or failure.

(c) *Category A; power supply.* Where an installation, the functioning of which is necessary in showing compliance with the Civil Air Regulations, requires a power supply, such installation shall be considered an essential load on the power supply, and the power sources and the system shall be capable of supplying the following power loads in probable operating combinations and for probable durations:

(1) All loads connected to the system with the system fuctioning normally;

(2) All essential loads after failure of any one prime mover, power converter, or energy storage device;

(3) All essential loads after failure of any one engine on two- or three-engine rotorcraft, or after failure of any two engines on rotorcraft with four or more engines.

(4) In determining the probable operating combinations and durations of essential loads for the partial power failure conditions prescribed in subparagraphs (2) and (3) of this paragraph, it shall be permissible to assume that the power loads are reduced in accordance with a monitoring procedure which is consistent with safety in the types of operations authorized. If a particular load is not required to maintain controlled flight, it need not be considered for the two-engine inoperative condition on rotorcraft with four or more engines as prescribed in subparagraph (3) of this paragraph.

INSTRUMENTS; INSTALLATION

§ 7.610 *General.* The provisions of §§ 7.611 through 7.613 shall apply to the installation of instruments in rotorcraft.

NOTE: It may be necessary to duplicate certain instruments at two or more crew stations for either of the following reasons:

(1) When necessary to meet the instrument visibility requirements specified in § 7.611, or

(2) When required by the operating rules for reliability or cross check purposes in particular types of operations. In this case independent operating systems are required in accordance with the provisions of § 7.612 (f).

§ 7.611 *Arrangement and visibility of instrument installations.* (a) Flight, navigation, and powerplant instruments for use by each pilot shall be plainly visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking out and forward along the flight path.

(b) The required instruments consisting of the airspeed indicator, gyroscopic direction indicator, gyroscopic bank and pitch indicator, gyroscopic turn and bank indicator, altimeter, rate of climb indicator, rotor tachometer(s) and manifold pressure indicator, shall be grouped and shall be centered as nearly as practicable about the vertical plane of the pilot's forward vision. Additional instruments considered of prime importance to the safe operation of the rotorcraft shall be included in the grouping.

(c) All other required powerplant instruments shall be closely grouped on the instrument panel.

(d) Identical powerplant instruments for the several engines shall be located to prevent any misleading impression as the engines to which they relate.

(e) Powerplant instruments vital to the safe operation of the rotorcraft shall be plainly visible to the appropriate crew members.

(f) The vibration characteristics of the instrument panel shall be such as not to impair seriously the accuracy of the instruments or to damage them.

§ 7.612 *Flight and navigational instruments*—(a) *Air-speed indicating systems.* (1) Air-speed indicating instruments shall be calibrated to indicate true air speed at sea level in the standard atmosphere with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are applied to the instrument.

(2) The air-speed indicating system shall be calibrated in flight to determine the system error, i. e., the relation between IAS and CAS.

(3) The air-speed error of the installation, excluding the air-speed indicator instrument calibration error, shall not exceed 3 percent or 5 mph, whichever is the greater, throughout the speed range at forward speeds of 10 mph or over.

(4) The air-speed indicating system shall be arranged insofar as practicable to preclude malfunctioning or serious error due to the entry of moisture, dirt, or other substances.

(5) The air-speed indicating system shall be provided with a heated pitot tube or equivalent means of preventing malfunctioning due to icing.

(b) *Static air vent and pressure altimeter systems.* (1) All instruments provided with static air case connections shall be vented to the outside atmosphere through an appropriate piping system.

(2) The vent(s) shall be so located on the rotorcraft that its orifices will be least affected by air flow variation, moisture, or other foreign matter.

(3) The installation shall be such that the system will be air-tight, except for the vent into the atmosphere.

(4) Pressure altimeters shall be of an approved type and shall be calibrated to indicate pressure altitude in standard atmosphere with a minimum practicable instrument calibration error when the corresponding static pressures are applied to the instrument.

(5) The design and installation of the altimeter system shall be such that the error in indicated pressure altitude at sea level in standard atmosphere, excluding instrument calibration error, does not result in a reading more than 10 feet high nor more than 30 feet low in the speed range 0 mph to 0.9 of V_H.

(c) *Magnetic direction indicator.* (1) The magnetic direction indicator shall be installed so that its accuracy will not be excessively affected by the rotorcraft's vibration or magnetic fields of a permanent or transient nature.

(2) After the magnetic direction indicator has been compensated, the calibration shall be such that the deviation in level flight does not exceed ±10° on any heading.

(3) A calibration placard shall be provided as specified in § 7.733.

(d) *Automatic pilot system.* If an automatic pilot system is installed, it shall be of an improved type, and the following shall be applicable:

(1) The system shall be so designed that the automatic pilot can either:

(i) Be quickly and positively disengaged by the human pilots to prevent it from interfering with their control of the rotorcraft, or

(ii) Be sufficiently overpowered by one human pilot to enable him to control the rotorcraft.

(2) A means shall be provided to indicate readily to the pilot the alignment of the actuating device in relation to the control system which it operates, except when automatic synchronization is provided.

(3) The manually operated control(s) for the system's operation shall be readily accessible to the pilots.

(4) The automatic pilot system shall be of such design and so adjusted that, within the range of adjustment available to the human pilot, it cannot produce hazardous loads on the rotorcraft or create hazardous deviations in the flight path under any conditions of flight appropriate to its use either during normal operation or in the event of malfunctioning, assuming that corrective action is initiated within a reasonable period of time.

(e) *Instruments utilizing a power supply.* Each required flight instrument utilizing a power supply shall be provided with two independent sources of power, a means of selecting either power source, and a means of indicating the adequacy of the power being supplied to the instrument. The installation and power supply system shall be such that failure of any flight instrument connected to one source, or of the energy supply from one source, or a fault in any part of the power distribution system, will not interfere with the proper supply of energy from the other source. (See also §§ 7.606, 7.620, and 7.658.)

(f) *Duplicate instrument systems.* If duplicate flight instruments are required by the regulations of this subchapter (see note under § 7.610), the operating system for a duplicate instrument shall be completely independent of the operating system for the duplicated instrument. Additional instruments shall not be connected to the first pitot system. If additional instruments are connected to the other system, provision shall be made to disconnect or isolate in flight such additional instruments.

§ 7.613 *Powerplant instruments*—(a) *Instrument lines.* (1) Powerplant instrument lines carrying flammable fluids or gases under pressure shall be provided with restricted orifices or equivalent safety devices at the source of the pressure to prevent the escape of excessive fluid or gas in case of line failure.

(2) The provisions of §§ 7.432 and 7.433 shall be made applicable to powerplant instrument lines.

(b) *Fuel quantity indicator.* Means shall be provided to indicate to the flight crew the quantity in gallons or equivalent units of usable fuel in each tank during flight. The following shall apply:

(1) Tanks, the outlets and air spaces of which are interconnected, shall be considered as one tank for the purpose of providing separate indicators.

(2) Exposed sight gauges shall be protected against damage.

(3) Fuel quantity indicators shall be calibrated to read zero during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply as defined by § 7.416 (see § 7.736).

(c) *Fuel flowmeter system.* When a flowmeter system is installed, the metering component shall include a means for by-passing the fuel supply in the event that malfunctioning of the metering component results in a severe restriction to fuel flow.

(d) *Oil quantity indicator.* (1) A stick gauge or other equivalent means shall be provided to indicate the quantity of oil in each tank and in each transmission gear box (see § 7.735).

ELECTRICAL SYSTEM AND EQUIPMENT

§ 7.620 *General.* The provisions of §§ 7.621 through 7.627 shall apply to all electrical systems and equipment (see also § 7.606).

§ 7.621 *Electrical system capacity.* The required generating capacity and the number and type of power sources shall be determined by an electrical load analysis and shall comply with § 7.606 (c) and (d).

§ 7.622 *Generating system.* (a) The generating system shall be considered to include electrical power sources, main power busses, transmission cables, and associated control, regulation, and protective devices.

(b) The generating system shall be so designed that the power sources function properly both when connected in combination and independently, and the failure or malfunctioning of any power source cannot create a hazard or impair the ability of the remaining sources to supply essential loads.

(c) Means accessible in flight to appropriate crew members shall be provided for the individual and collective disconnection of electrical power sources for the main bus.

(d) Means shall be provided to indicate to appropriate crew members those generating system quantities which are essential for the safe operation of the system.

NOTE: The voltage and current supplied by each generator are quantities considered essential.

§ 7.623 *Distribution system.* (a) The distribution system shall be considered to include all distribution busses, their associated feeders, and control and protective devices.

(b) Individual distribution systems shall be designed to insure that essential load circuits can be supplied in the event of reasonably probable faults or open circuits.

(c) Where two independent sources of electrical power for particular equipment or systems are required by the Civil Air

Regulations, their electrical energy supply shall be assured.

NOTE: Various means may be used to assure a supply, such as duplicate electrical equipment, throw-over switching, and multi-channel or loop circuits separately routed.

§ 7.624 *Electrical protection.* (a) Automatic protective devices shall be provided to minimize distress to the electrical system and hazard to the rotorcraft in the event of wiring faults or serious malfunctioning of the system or connected equipment.

(b) In the generating system, means shall be provided to automatically deenergize and disconnect from the main bus any power source which develops hazardous overvoltage.

(c) All resettable type circuit protective devices shall be so designed that, when an overload or circuit fault exists, they will open the circuit irrespective of the position of the operating control.

(d) Protective devices or their controls used in essential load circuits shall be accessible for resetting in flight.

(e) Circuits for essential loads shall have individual circuit protection.

NOTE: This provision does not necessarily require individual protection for each circuit in an essential load system, e. g., each position light in the system.

(f) If fuses are used, there shall be provided spare fuses for use in flight equal to at least 50 percent of the number of fuses of each rating required for complete circuit protection.

§ 7.625 *Electrical equipment and installation.* (a) In showing compliance with § 7.606 (a) and (b) with respect to the electrical system, equipment, and installation, consideration shall be given to critical environmental conditions.

NOTE: Critical environmental conditions may include temperature, pressure, humidity, ventilation, position, acceleration, vibration, and presence of detrimental substances.

(b) All electrical equipment, controls, and wiring shall be so installed that operation of any one unit or system of units will not affect adversely the simultaneous operation of any other electrical unit or system of units essential to the safe operation of the rotorcraft.

(c) Cables shall be grouped, routed, and spaced so that damage to essential circuits will be minimized in the event of faults in heavy current-carrying cables.

(d) Batteries and their installations shall provide for ventilation, drainage of fluids, venting of gases, and protection of other parts of rotorcraft from corrosive battery fluids.

§ 7.626 *Electrical system fire and smoke protection.* The design and installation of all components of the electrical system shall be in compliance with pertinent fire and smoke protection provisions of §§ 7.358 (c) and 7.385. All electrical cables, terminals and equipment which are necessary in emergency procedures and which are located in designated fire zones shall be fire resistant.

LIGHTS

§§ 7.630 and 7.631 Same as corresponding sections in Part 6.

§ 7.632 *Position light system installation*—(a) *General.* The provisions of §§ 7.632 through 7.635 shall be applicable to the position light system as a whole. The position light system shall include the items specified in paragraphs (b) through (g) of this section.

(b) *Forward position lights.* Forward position lights shall consist of a red and a green light spaced laterally as far apart as practicable and installed forward on the rotorcraft in such a location that, with the rotorcraft in normal flying position, the red light is displayed on the left side and the green light is displayed on the right side. The individual lights shall be of an approved type.

(c) *Rear position lights.* Rear position lights shall consist of a red and a white light mounted on the rotorcraft as far aft as practicable and located in close proximity to each other. Individual lights shall be of an approved type.

(d) *Fuselage lights.* Fuselage lights shall consist of two white lights installed approximately in the same vertical plane as the forward position lights. One of these lights shall be mounted on the top of the fuselage, the other on the bottom. The individual lights shall be of an approved type.

(e) *Flasher.* A position light flasher of an approved type shall be installed and shall comply with subparagraphs (1) through (3) of this paragraph.

(1) The flashing frequency shall not be less than 65 and not more than 85 flashes per minute.

(2) The sequence of position lights shall conform to either one of the following:

(i) The forward position lights and fuselage lights flashing simultaneously at the rate specified in subparagraph (1) of this paragraph, with the rear red position light flashing simultaneously with one flash of the forward position and fuselage lights and the rear white position light flashing simultaneously with the next flash of the forward position and fuselage lights, or

(ii) The forward position lights and fuselage lights flashing alternatively at the rate specified in subparagraph (1) of this paragraph, with the rear white light flashing simultaneously with the forward position lights and the rear red light flashing simultaneously with the fuselage lights.

(3) A switch shall be provided in the system to disconnect the flasher from the circuit so that continuous light can be supplied by the forward position lights and the white rear position light with the remaining lights unenergized.

(f) *Light covers and color filters.* Light covers or color filters used shall be of flame resistant material and shall be constructed so that they will not change color or shape or suffer any appreciable loss of light transmission during normal use.

§ 7.633 Same as corresponding section in Part 6.

§ 7.634 *Position light distribution and intensities*—(a) *General.* The intensities prescribed in this section are those to be provided by new equipment with all light covers and color filters in place. Intensities shall be determined with the light source operating at a steady value equal to the average luminous output of the light source at the normal operating voltage of the rotorcraft. The light distribution and intensities of position lights shall comply with the provisions of paragraphs (b) and (c) of this section.

(b) *Forward and rear position lights.* The light distribution and intensities of forward and rear position lights shall be expressed in terms of minimum intensities in the horizontal plane, minimum intensities in any vertical plane, and maximum intensities in overlapping beams, within dihedral angles L, R, and A, and shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) *Intensities in horizontal plane.* The intensities in the horizontal plane shall not be less than the values given in Figure A. (The horizontal plane is the plane containing the logitudinal axis of the rotocraft and is perpendicular to the plane of symmetry of the rotorcraft.)

(2) *Intensities above and below horizontal.* The intensities in any vertical plane shall not be less than the appropriate value given in Figure B, where I is the minimum intensity prescribed in Figure A for the corresponding angles in the horizontal plane. (Vertical planes are planes perpendicular to the horizontal plane.)

(3) *Overlaps between adjacent signals.* The intensities in overlaps between adjacent signals shall not exceed the values given in Figure C, except that higher intensities in the overlaps shall be acceptable with the use of main beam intensities substantially greater than the minima specified in Figures A and B if the overlap intensities in relation to the main beam intensities are such as not to affect adversely signal clarity.

(c) *Fuselage lights.* The illuminating intensity of the top and the bottom fuselage lights individually shall be equivalent to that which would be furnished by a 32-candlepower lamp installed in a reflector of high reflective properties. The lights shall have a clear cover and the light distribution shall be reasonably uniform throughout approximately a hemisphere.

Figure A

Minimum Intensities in the Horizontal Plane of Forward and Rear Position Lights

(See Figure 4b–18)

Figure B

Minimum Intensities in Any Vertical Plane of Forward and Rear Position Lights

(See Figure 4b–19)

Figure C

Maximum Intensities in Overlapping Beams of Forward and Rear Position Lights

(See Figure 4b–20 but add the following note:)

NOTE: Area A includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 10 degrees but less than 20 degrees. Area B includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 20 degrees.

§§ 7.635 and 7.636 Same as corresponding sections in Part 6.

§ 7.637 *Anti-collision light.* In addition to the position light system prescribed in §§ 7.632 through 7.635, an approved anti-collision light shall be installed.

SAFETY EQUIPMENT

§§ 7.640 through 7.642 Same as corresponding sections in Part 6.

§ 7.643 *Safety belts.* Safety belts shall be of an approved type (see § 7.355 (c) (2)). When means are provided to indicate to the passengers when seat belts should be fastened, the device shall be so installed that it can be operated from the seat of either the pilot or copilot.

§ 7.644 *Emergency flotation and signaling equipment.* When emergency flotation and signaling equipment is required by the operating rules of the Civil Air Regulations, such equipment shall comply with the provisions of paragraphs (a) through (d) of this section.

(a) *Life rafts.* Life rafts shall be of an approved type. Unless excess rafts of sufficient capacity are provided, the buoyancy and seating capacity beyond the rated capacity of the rafts shall be such as to accommodate all occupants of the rotorcraft in the event of a loss of one life raft of the largest rated capacity on board. Each life raft shall be equipped with a trailing line and with a static line, the latter designed to hold the raft near the rotorcraft but to release it in case the rotorcraft becomes totally submerged. Each raft shall contain obvious markings of instruction on its operation.

(b) *Life raft equipment.* Approved equipment intended for survival shall be attached to each life raft and marked for identification and method of operation.

NOTE: The extent and type of survival equipment will depend upon the route over which the rotorcraft is operated.

(c) *Long-range signaling device.* An approved long-range signaling device shall be provided for use in one of the life rafts.

(d) *Life preservers.* Life preservers shall be of an approved type. They shall be reversible and shall contain obvious markings of instruction on their use.

§ 7.645 *Stowage of safety equipment.* Special stowage provisions shall be made for all prescribed safety equipment to be used in emergencies. The stowage provisions shall be such that the equipment is directly accessible and its location is obvious. All safety equipment shall be protected against inadvertent damage. The stowage provisions shall be marked conspicuously to identify the contents and to facilitate removal of the equipment. In addition, the following shall specifically apply:

(a) *Emergency exit means.* The stowage provisions for the emergency exit descent device required by § 7.357 (d) (6) shall be located at the exits which they are intended to serve.

(b) *Life rafts.* Life rafts shall be stowed near exits through which the rafts can be launched during an unplanned ditching. Rafts automatically or remotely released on the outside of the rotorcraft shall be attached to the rotorcraft by means of the static line prescribed in § 7.644 (a).

(c) *Long-range signaling device.* The stowage provisions for the long-range signaling device required by § 7.644 (c) shall be located near an exit to be available during an unplanned ditching.

(d) *Life preservers.* Life preservers shall be so located that they are within easy reach of each occupant while seated.

§ 7.646 *Oxygen equipment and supply*—(a) *Protective breathing system.* When protective breathing equipment is required by the operating rules of the Civil Air Regulations, it shall be designed to protect the flight crew from the effects of smoke, carbon dioxide, and other harmful gases while on flight deck duty. The protective breathing equipment and the necessary supply of oxygen shall be in accordance with the following provisions:

(1) The protective breathing equipment shall include masks covering the eyes, nose, and mouth, or only the nose and mouth where accessory equipment is provided to protect the eyes.

(2) A supply of protective oxygen per crew member shall be of 10-minute duration at a pressure altitude of 8,000 feet and a respiratory minute volume of 30 liters per minute BTPD.

NOTE: When a demand type oxygen system is employed, a supply per crew member of 200 liters of free oxygen at 70° F. and 760 mm Hg. pressure is considered to be of 10-minute duration at the prescribed altitude and minute volume. BTPD refers to body temperature conditions, i. e., 37° F. at ambient pressure, dry.

MISCELLANEOUS EQUIPMENT

§ 7.650 *Hydraulic systems; strength*—(a) *Structural loads.* All elements of the hydraulic system shall be designed to withstand, without detrimental permanent deformation, all structural loads which may be imposed simultaneously with the maximum hydraulic loads occurring in operation.

(b) *Proof pressure tests.* All elements of the hydraulic system shall be tested to a proof pressure of 1.5 times the maximum pressure to which the part will be subjected in normal operation. In such test, no part of the hydraulic system shall fail, malfunction, or suffer detrimental deformation.

(c) *Burst pressure strength.* Individual hydraulic system elements shall be designed to withstand pressures which are sufficiently increased over the pressures prescribed in paragraph (b) of this section to safeguard against rupture under service conditions.

NOTE: The following pressures, in terms of percentage of maximum operating pressure for the particular element, in most instances are sufficient to insure against rupture in service: 250 percent in units under oil pressure, 400 percent in units containing air and oil under pressure and in lines, hoses, and fittings, 300 percent in units of system subjected to back pressure.

§ 7.651 *Hydraulic systems; design.* The provisions of § 7.606 shall apply to hydraulic systems and equipment.

(a) *Pressure indication.* A means shall be provided to indicate the pressure in each main hydraulic power system.

(b) *Pressure limiting provisions.* Provision shall be made to assure that pressures in any part of the system will not exceed a safe limit above the maximum operating pressure of the system and to insure against excessive pressures resulting from fluid volumetric changes in all lines which are likely to remain closed long enough for such changes to take place. In addition, consideration shall be given to the possible occurrence of detrimental transient (surge) pressures during operation.

(c) *Installation.* Hydraulic lines, fittings, and components shall be installed and supported to prevent excessive vibration and to withstand inertia loads. All elements of the installation shall be protected from abrasion, corrosion, and mechanical damage.

(d) *Connections.* Flexible hose, or other means of providing flexibility, shall be used to connect points in a hydraulic fluid line between which there is relative motion or differential vibration.

§ 7.652 *Hydraulic system fire protection.* When flammable type hydraulic fluid is used, the hydraulic system shall comply with the provisions of §§ 7.384 and 7.481 through 7.483.

§ 7.653 *Radio installation.* (a) Radio communication and navigation equipment installations in the rotorcraft should be free from hazards in themselves, in their method of operation, and in their effects on other components of the rotorcraft. In showing compliance with this requirement, consideration shall be given to critical environmental conditions.

NOTE: Critical environmental conditions may include temperature, pressure, humidity, ventilation, position, acceleration, vibration, and presence of detrimental substances.

(b) All radio communication and navigation equipment, controls and wiring shall be so installed that operation of any one unit or system of units will not affect adversely the simultaneous operation of any other radio or electronic unit or system of units required by the Civil Air Regulations.

§ 7.654 *Vacuum systems.* (a) Means, in addition to the normal pressure relief, shall be provided to relieve automatically the pressure in the discharge lines from the vacuum air pump if the delivery temperature of the air reaches an unsafe value.

(b) Vacuum air system lines and fittings on the discharge side of the pump which might contain flammable vapors or fluids shall comply with § 7.483 if they are located in a designated fire zone. Other vacuum air system components located in designated fire zones shall be fire resistant.

SUBPART G—OPERATING LIMITATIONS AND INFORMATION

GENERAL

§ 7.700 Same as corresponding section in Part 6.

OPERATING LIMITATIONS

§§ 7.710 through 7.713 Same as corresponding sections in Part 6.

§ 7.714 *Powerplant limitations.* The powerplant limitations set forth in paragraphs (a) through (c) of this section shall be established for the rotorcraft. They shall not exceed the corresponding limits established as a part of the type certification of the engine installed on the rotorcraft.

(a) *Take-off operation.* The take-off operation shall be limited by:

(1) The maximum rotational speed, which shall not be greater than the maximum value determined by the rotor design, nor greater than the maximum value demonstrated during type tests,

(2) The maximum permissible manifold pressure,

(3) The time limit for use of the power which corresponds with the values established in subparagraphs (1) and (2) of this paragraph,

(4) Where the time limit established in subparagraph (3) of this paragraph exceeds two minutes, the maximum allowable cylinder head or coolant outlet, and oil temperatures,

(5) Maximum cylinder head or coolant outlet and oil temperatures, if these differ from the maximum limits for continuous operation.

(b) *Continuous operation.* The continuous operation shall be limited by:

(1) The maximum rotational speed, which shall not be greater than the maximum value determined by the rotor design, nor greater than the maximum value demonstrated during type tests,

(2) Maximum permissible manifold pressure,

(3) Maximum allowable cylinder head or coolant outlet, and oil temperatures, and

(4) The minimum rotational speed demonstrated in compliance with the rotor speed requirements as prescribed in § 7.713 (b) (2).

(c) *Fuel octane rating.* The minimum octane rating of fuel required for satisfactory operation of the powerplant within the limitations prescribed in paragraphs (a) and (b) of this section.

(d) *Cooling limitations.* The maximum sea level temperature for which satisfactory cooling has been demonstrated.

§ 7.715 Change title from *"Limiting height for autorotative landing"* to *"Limiting height-speed envelope"*. Change references to read (see §§ 7.11 (a) (1), 7.111 (b), 7.741 (f)).

§§ 7.716 through 7.719 Same as corresponding sections in Part 6.

MARKINGS AND PLACARDS

§ 7.730 through 7.733 Same as corresponding sections in Part 6.

§ 7.734 *Powerplant instruments; general.* All required powerplant instruments shall be marked as follows:

(a) The maximum and the minimum (if applicable) safe operational limits shall be marked with red radial lines.

(b) The normal operating ranges shall be marked with a green arc not extending beyond the maximum and minimum safe operational limits.

(c) The take-off and precautionary ranges shall be marked with a yellow arc.

(d) Engine or rotor speed ranges which are restricted because of excessive vibration stresses shall be marked with red arcs.

§§ 7.735 through 7.738 Same as corresponding sections in Part 6.

ROTORCRAFT FLIGHT MANUAL

§§ 7.740 and 7.741 Same as corresponding sections in Part 6.

§ 7.742 Same as § 6.742 except add the following sentence at the end thereof: "If applicable, the procedure to be followed in the event of engine failure including minimum speeds, trim, operation of remaining engines, etc., shall be described."

§ 7.743 *Performance information (Category A)*—(a) *Performance data.* A summary of all performance data shall be given, including performance data necessary for the application of the operating rules of this subchapter, together with descriptions of the conditions, air speeds, etc., under which these data were determined.

(b) *Air speeds.* The calibrated air speeds corresponding with those determined for take-off shall be listed together with the procedures to be followed in the event the critical engine becomes inoperative during take-off (see § 7.742).

(c) *Limiting heights; complete failure of all power.* The range of heights and its variation with forward speed within which it is not possible to make a safe landing following complete power loss shall be shown (see § 7.111 (a) (2)).

(d) *Maximum allowable wind.* Information relative to the maximum allowable wind for safe operation near the ground shall be included (see § 7.121 (d)).

§ 7.743 *Performance information (Category B).* Information relative to the items of performance set forth in paragraphs (a) through (d) of this section shall be included.

(a) The take-off distance and the air speed at the 25-foot height together with any pertinent information defining the flight path with respect to the required autorotative landing in the event of an engine failure, including the calculated effect of altitude and temperature (see § 7.114).

(b) The steady rates of climb and hovering ceilings together with the corresponding air speeds and other pertinent information, including the calculated effect of altitude and temperature (see §§ 7.115 and 7.116).

(c) The landing distance and the type of landing surface together with any pertinent information which might affect this distance, including the calculated effect of altitude and temperature (see §§ 7.117 and 7.118).

(d) Maximum wind allowable for safe operation near the ground (see § 7.121 (d)).

[F. R. Doc. 55-3735; Filed, May 6, 1955; 8:50 a. m.]

[14 CFR Part 297]

[Order No. E-9179; Docket No. 7132]

INTERNATIONAL AIR FREIGHT FORWARDERS

ORDER OF INVESTIGATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of May 1955.

Part 297 of the Economic Regulations was promulgated by the Board after it found in the Air Freight Forwarder Case (International), 11 CAB 182 (1949), that the services of International Air Freight Forwarders should be authorized on a temporary basis and for a limited period during which experience could be developed upon which a permanent policy might be soundly determined. The trial period envisaged for such forwarders in the Air Freight Forwarder Case (International) is now drawing to a close since Part 297 of the Economic Regulations, and consequently the present authority of the International Air Freight Forwarders to operate, expires August 24, 1955.[1] This requires a thorough inquiry at this time into all matters relating to or affecting the services of indirect air carriers of property in overseas and foreign air transportation and an analysis of the record of forwarder experience under Part 297 with a view to determining a sound regulatory policy for the future with respect thereto.

The Board has concluded that it is not in the public interest to enforce against International Air Freight Forwarders section 401 of the Act which requires the issuance of certificates of public convenience and necessity after notice and hearing. The system of certificates of public convenience and necessity envisaged in the act for the regulation of direct air carriers becomes unnecessarily restrictive and burdensome when applied to indirect air carriers. Accordingly, the Board wishes to announce that while no party or other interested person is precluded from filing an application for a certificate of public convenience and necessity to engage indirectly in overseas and foreign air transportation of property, such authority, if any, as may be granted as a result of this proceeding will be the authority provided for under the exemption provisions of the act. In the event that the record to be made in this proceeding demonstrates that persons seeking authority to engage indirectly in overseas and foreign air transportation of property should be authorized to provide such services under certificates of public convenience and necessity, a further proceeding will be ordered to entertain and dispose of applications for such certificates.

The first formal application for a foreign air carrier permit to operate indirectly in foreign air transportation of property from the United States to a foreign country is pending before the Board in Docket No. 6523. The Board has received inquiries indicating a desire or intent by a substantial number of other foreign citizens to seek in the near future various indirect foreign air carrier of property authorizations. As a consequence, certain questions relating to its assertion of jurisdiction over the conduct of indirect air transportation of property by foreign citizens between the United States and foreign countries have assumed a practical significance. Since the Board does not possess the power to exempt or similarly relieve foreign air carriers from any of the economic provisions of the act as is the case with the United States air carriers, the Board may only authorize the conduct of such operations by foreign citizens through the issuance of a permit after hearing and presidential approval, as is provided in sections 402 and 801 of the act. However, as would be the case if the Board were to enforce the certificate requirements of section 401 of the act with respect to U. S. indirect air carriers, the enforcement of a system of foreign air carrier permits envisaged by the act for the regulation of direct foreign air carriers might become unnecessarily unwieldy and burdensome when applied to indirect foreign air carriers. The Board is therefore faced with the problem of balancing the detriments to U. S. indirect air carriers, U. S. direct air carriers and the public interest in general that might result if the Board does not regulate the conduct of indirect foreign air transportation of property by foreign citizens, against considerations of international comity, the difficulties of enforcing such requirements effectively and equitably, and the burdens to such foreign citizens and the Board which might result if the Board exercised jurisdiction thereover.

Many of the foreign citizens who contemplate the making of applications with the Board for foreign indirect air carrier permits appear to be engaged in foreign air transportation only to the extent of consolidating cargo in foreign countries for air shipment into the United States. It appears to the Board at this time that it would be unduly burdensome for such persons to comply with the hearing and other requirements of sections 402 and 801 of the act. If it became necessary to hold hearings outside the United States, it would impose upon the Board an exceedingly burdensome administrative problem. Also, the Board is not aware of any regulation by a foreign country of the air freight forwarding operations to such country by U. S. indirect air carriers and is therefore reluctant to take any action which might disturb the status quo in this respect unless and until it receives evidence to support a different policy. Moreover, no compelling facts have been presented to the Board by U. S. indirect air carriers or other persons which would establish that there are considerations in the public interest offsetting these circumstances so as to warrant our enforcing section 402 of the act against such foreign indirect air carriers at this time. Accordingly, the Board concludes that it is not in the public interest at this time for it to seek to exercise its jurisdiction under section 402 with respect to the authorization of foreign air carriers engaging indirectly in foreign air transportation of property solely from foreign countries to the United States.

Foreign citizens who are engaged within the United States in the business of solicitation and consolidation of air freight for shipment indirectly in foreign air transportation from the United States do not appear to pose substantial administrative or geographic problems such as are characteristic of those foreign indirect air carriers operating from foreign countries to the United States. Also, it is apparent that the conduct of forwarding operations from points in the United States constitutes an activity in which citizens of the United States engage to a substantial degree and which should be granted to foreign citizens only if they meet the requirements of section 402 of the act as to their individual fitness, willingness and ability to perform properly such air transportation and to conform to the provisions of the act and the rules, regulations and requirements thereunder and make the prerequisite showing that the transportation which each proposes will be in the public interest. Accordingly, we will continue to process applications and otherwise enforce the requirements of section 402 of the act with respect to such foreign indirect air carriers.

Our decision herein respecting the exercise of our jurisdiction over foreign indirect air carriers is a matter which may have an important effect upon the operations of U. S. International Air Freight Forwarders and direct air carriers. In the light of that decision, whether we should accord U. S. International Air Freight Forwarders any relief from restrictions heretofore applicable to them or otherwise take such decision into account should be investigated herein with a view to giving all persons interested an opportunity to be heard. Moreover, we should point out that our decision not to exercise jurisdiction at this time over indirect foreign air carriers will be subject to reexamination should the record in this proceeding indicate that such action is desirable.

Inasmuch as the renewal of the authority of every holder of a Letter of Registration under Part 297 will be in issue in this proceeding, we are making each such holder, and every applicant for such a letter, as of the date of the prehearing conference herein, a party to this proceeding. These persons need not file applications for renewal of their respective authorizations but will automatically be considered as applicants for authority as an air carrier to engage indirectly in overseas and foreign air transportation of property if they make a due showing respecting those matters in issue herein, and file an appropriate application covering relationships or changes in relationships not heretofore approved by the Board and within the purview of sections 408 and/or 409 of the act.

In order that we may have a complete record of all types of indirect air carriers, we are including Railway Express Agency, Inc. (REA) within the scope of this proceeding. This is not to be taken as an indication that we may not continue the present exemption under section 1 (2) of the act authorizing REA to engage as an indirect carrier in the transportation of property by air.

The Board, acting pursuant to sections 1 (2), 205 (a), 416 (a) and 1002 (b) of the Civil Aeronautics Act of 1938, as amended, and deeming its action necessary to carry out the provisions of said act, and to exercise and perform its powers and duties thereunder: *It is ordered,* That:

1. An investigation be and hereby is instituted by the Board into all matters relating to and concerning services of air carriers indirectly engaged in overseas and/or foreign air transportation of property. Such investigation shall include, inter alia, an inquiry into the following matters:

(a) The question of whether the public interest requires the renewal and/or amendment of Part 297 of the Economic Regulations;

(b) The extent to which there is or may be a general need for indirect air carrier services;

(c) The extent to which there is a need for the classification of indirect air carriers engaging in overseas and foreign air transportation of property, and the extent to which there is a need for subclassifications by areas of operation, or otherwise, within such possible indirect air carrier classifications e. g. air freight forwarders using direct air carriers; air freight forwarders using indirect air carriers; shippers' associations; air express forwarders, and other similar indirect air carrier services;

(d) The extent to which existing requirements of law should be modified in their application to such classifications;

(e) The types of operation best adapted to performance of the services required to meet such need;

(f) The extent to which other activities may be engaged in by such indirect air carriers to meet such need;

(g) The extent to which indirect air carrier operations should be subjected to restrictions to prevent discriminatory and destructive practices and the nature of any such restrictions;

(h) The extent to which the services and operations of air carriers of property indirectly engaged in foreign and/or overseas air transportation of property have been, are, or could be, affected by similar or related services and operations of foreign citizens;

(i) The extent to which any interdependence that may be established as a result of the inquiry in (h) next hereinabove should affect future regulation of air carriers engaging indirectly in overseas and/or foreign air transportation of property;

2. The following be and they hereby are made parties to this proceeding: (a) Every holder of an effective Letter of Registration as an International Air Feight Forwarder as of the date of the prehearing conference herein; (b) every applicant for a Letter of Registration as an International Air Freight Forwarder as of the date of the prehearing conference herein; (c) Railway Express Agency, Inc.;

3. This proceeding be and hereby is set down for hearing before an Examiner of the Board at a time and place here-

[1] The Board will shortly institute a rule making proceeding to extend the effectiveness of Part 297 until 60 days after disposition of the investigation contemplated herein.

after to be designated, at which all interested parties will be afforded an opportunity to present their views and any relevant data relating to the subject matter of this proceeding;

4. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-3732; Filed, May 6, 1955; 8:49 a. m.]

DEPARTMENT OF LABOR

Public Contracts Division

[41 CFR Part 202]

OFFICE MACHINERY INDUSTRY

NOTICE OF SUPPLEMENTAL HEARING ON PREVAILING MINIMUM WAGES

Pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35, et seq.) a hearing was held on October 25, 1950, in Room 1214, Department of Labor, Washington, D. C., for the purpose of determining the prevailing minimum wage in the office machines industry. Subsequent thereto no proposed determination was issued.

In order to provide interested parties an opportunity for the submission of evidence with respect to changes in prevailing minimum wages which have occurred since the October 1950 hearing, the hearings herein are reopened, and notice is hereby given that a supplemental hearing will be held on May 25, 1955, beginning at 10:00 a. m. in Room 5406, Department of Labor Building, Fourteenth and Constitution Avenue NW., Washington, D. C., at which hearing all interested parties may appear and submit data, views and argument (1) as to the propriety of the proposed definition of the industry; (2) as to what are the prevailing wages in the industry; (3) as to what changes in prevailing minimum wages in the industry have occurred since the October 1950 hearing; (4) as to whether there should be included in any determination for this industry provision for the employment of learners, beginners, or apprentices at subminimum rates and on what terms or limitations, if any, such employment should be permitted; (5) as to whether a single determination for all of the area in which the industry operates or a separate determination for each of several different geographic areas (including the appropriate limits of such areas) should be determined for this hearing.

Persons intending to appear are requested to notify the Office of the Administrator, Wage and Hour and Public Contracts Divisions, of their intention in advance of the hearing.

Written statements of position or argument may be filed with the Office of the Administrator at any time prior to the date of the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statements as contain factual matter shall be sworn to and will be offered in evidence at the hearing. If objection is made to any such offer, the statement will be received in evidence subject to the objection which will be considered to affect the weight rather than the admissibility of the statement.

The following information is particularly invited with respect to the subject matter of the testimony or statements of each witness: (1) The identity of any products not now included in the definition of the industry which should be included and of any products now included which should not be included; (2) the number of workers covered in the presentation; (3) the number and location of establishments in the industry; (4) the minimum job rates paid and the number of workers receiving such wages and the occupations in which they are employed; (5) the minimum wages paid to apprentices, learners or beginners; the scale of wages paid during the apprenticeship, learning or probationary period; the length of such periods; the number of workers receiving such wages and the occupations in which they are employed; and (6) the extent to which there is competition in this industry between plants in different geographical areas.

To the extent possible, data should be submitted in such a manner as to permit evaluation thereof on a plant by plant basis.

This hearing shall be conducted pursuant to the rules of practice set forth in Part 203, Subpart C (41 CFR Part 203).

Signed at Washington, D. C., this 5th day of May 1955.

JAMES P. MITCHELL, *Secretary of Labor.*

[F. R. Doc. 55-3748; Filed, May 6, 1955; 8:50 a. m.]

Wage and Hour Division

[29 CFR Part 655]

NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATES

On March 4, 1955, a notice of proposed decision in the above matter was published in the FEDERAL REGISTER (20 F. R. 1345). Interested parties were given 30 days from that date within which to file exceptions. Upon consideration of all of the exceptions which were duly filed within that time, in the light of the entire record, I concluded that I would be warranted in modifying the decision which was originally proposed only as to the corde and bonnaz embroidery and corde handbag division. My reasons for not modifying the decision in other respects are fully set forth in the minimum wage order[1] which is published in this issue of the FEDERAL REGISTER. I have also indicated there my general conclusion that reconsideration of the record as a whole justifies a modification as to that particular division, but because of the need for a more detailed statement in that connection than seemed appropriate for inclusion in the wage order I have set forth my decision as to that division in a document entitled "Supplement to Findings and Opinion of the Adminstrator in the Matter of the Recommendation of Special Industry Committee No. 15 for Minimum Wage Rates in the Needlework and Fabricated Textile Products Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding, that under the authority in section 8 of the Fair Labor Standards Act of 1938 (29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), General Order No. 45-A (15 F. R. 3290), and, the position of the Administrator being presently vacant, General Order No. 85 (20 F. R. 2066), I propose to approve the recommendations of the Committee for the corde and bonnaz embroidery and corde handbag division for a minimum wage rate of 51 cents an hour. I also propose to amend the wage order for the needlework and fabricated textile products industry in Puerto Rico, 29 CFR Part 655, which will be published in this issue of the FEDERAL REGISTER by changing the minimum wage specified in § 655.2 (n) to 51 cents an hour and deleting the explanatory note which appears in parentheses therein.

Within 15 days from the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed action above described. Exceptions should be addressed to the Office of the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Signed at Washington, D. C., this 5th day of May 1955.

STUART ROTHMAN, *Solicitor of Labor.*

[F. R. Doc. 55-3749; Filed, May 6, 1955; 8:50 a. m.]

[1] See Title 29, Chapter V, Part 655, *supra.*

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 55-18]

APPROVAL OF EQUIPMENT AND CHANGE IN MANUFACTURER'S ADDRESS

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authority cited with each item of equipment: *It is ordered,* That:

(a) All of the approvals listed in this document which extend approvals published in the FEDERAL REGISTER, except approvals for standard and non-standard buoyant cushions under Specifications Subparts 160.007 and 160.008, respectively, covered in paragraph (b) below, are prescribed and shall be in effect for a period of five years from the respective dates indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and,

(b) All the approvals for standard and non-standard buoyant cushions under Specifications Subparts 160.007 and 160.008, respectively, listed in this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect until October 1, 1955, from the respective dates indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and,

(c) All the approvals for standard kapok buoyant cushions under Specification Subpart 160.007 and for non-standard buoyant cushions under Specification Subpart 160.008 listed in this document (which are not covered by paragraph (b) above) are prescribed and shall be in effect until October 1, 1955, from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and,

(d) All the other approvals listed in this document (which are not covered by paragraphs (a) to (c), inclusive, above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and,

(e) The change in address of the manufacturer of approved equipment shall be made as indicated below.

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/93/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by the Elvin Salow Co., 31-33 South Street, Boston 11, Mass., for James Bliss & Co., Inc., 342 Atlantic Avenue, Boston 10, Mass. (Extension of the approval published in FEDERAL REGISTER March 25, 1950, effective March 25, 1955.)

Approval No. 160.007/94/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Chic's Manufacturing Co., Inc., 725 Asbury Avenue, Ocean City, N. J. (Extension of the approval published in FEDERAL REGISTER March 25, 1950, effective March 25, 1955.)

Approval No. 160.007/162/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y., for Revere Supply Co., Inc., 30 Front Street, New York 4, N. Y.

Approval No. 160.007/163/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Georgia Tent and Awning Co., 228 Margaret Street, SE, Atlanta, Ga.

Approval No. 160.007/164/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y., for The Durkee Company, Inc., 29-30 South Street, New York 4, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Rectangular kapok buoyant cushions manufactured by the Elvin Salow Co., 31-33 South Street, Boston 11, Mass., Dwg. No. 400, dated January 2, 1950, and Specifications dated January 2, 1950, in the following sizes with the amount of kapok indicated for each size:

Approval No.	Size (inches)	Kapok (ounces)
160.008/427/0	13 x 24 x 2	28
160.008/428/0	18 x 18 x 2	30
160.008/429/0	15 x 24 x 2	32
160.008/430/0	16 x 28 x 2	40
160.008/431/0	13 x 36 x 2	42
160.008/432/0	17 x 33 x 2	50
160.008/433/0	15 x 40 x 2	54
160.008/434/0	15 x 45 x 2	60
160.008/435/0	18 x 40 x 2	64

(Extension of the approvals published in FEDERAL REGISTER March 25, 1950, effective March 25, 1955.)

Approval No. 160.008/631/0, 15" x 15" x 3" rectangular buoyant cushion, 54 oz. fibrous glass, dwg. No. 1, dated February 1, 1955, manufactured by Jenkins & Frey, 1233 Northeast First Avenue, Miami 36, Fla.

Approval No. 160.008/632/0, 17" x 18" x 3" fishing chair design buoyant cushion, 64 oz. fibrous glass, dwg. No. 2, dated February 1, 1955, manufactured by Jenkins & Frey, 1233 Northeast First Avenue, Miami 36, Fla.

Approval No. 160.008/634/0, 15" x 26" x 2" rectangular buoyant cushion, 35 oz. kapok, dwg. No. BC-1, dated February 4, 1955, manufactured by Georgia Tent and Awning Co., 228 Margaret Street SE., Atlanta, Ga.

Approval No. 160.008/635/0, 15" x 29¾" x 2" rectangular buoyant cushion, 40 oz. kapok, dwg. No. BC-2, dated February 4, 1955, manufactured by Georgia Tent and Awning Co., 228 Margaret Street SE., Atlanta, Ga.

Approval No. 160.008/636/0, 15" x 27¼" x 28¾" x 2" trapezoidal buoyant cushion, 39 oz. kapok, dwg. No. BC-2, dated February 4, 1955, manufactured by Georgia Tent and Awning Co., 228 Margaret Street SE., Atlanta, Ga.

Approval No. 160.008/637/0, 14" x 19¾" x 2" rectangular buoyant cushion, 25 oz. kapok, dwg. No. BC-3, dated February 4, 1955, manufactured by Georgia Tent and Awning Co., 228 Margaret Street SE., Atlanta, Ga.

Approval No. 160.008/638/0, 14" x 17¾" x 19¾" x 2" trapezoidal buoyant cushion, 25 oz. kapok, dwg. No. BC-3, dated February 4, 1955, manufactured by Georgia Tent and Awning Co., 228 Margaret Street SE., Atlanta, Ga.

Approval No. 160.008/639/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, Iowa Fibre Products Inc., dwg. dated September 15, 1953, manufactured by Iowa Fibre Products Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co., Box 613, Des Moines, Iowa.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.008)

LIFEBOATS

Approval No. 160.035/230/2, 22.0' x 7.5' x 3.17' aluminum, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement dwg. No. 22-2D dated July 29, 1948, and revised February 25, 1955, manufactured by Marine Safety Equipment Corporation, Point Pleasant, N. J. (Supersedes Approval No. 160.035/230/1 published in FEDERAL REGISTER May 10, 1950.)

Approval No. 160.035/262/1, 26.0' x 8.33' x 3.54' steel, oar-propelled lifeboat, 46-person capacity, identified by construction and arrangement dwg. No. 26-6 dated February 3, 1949, and revised March 2, 1955, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/262/0 published in FEDERAL REGISTER May 10, 1950.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD, MODELS AK, CKM, CKS, AF, CFM, AND CFS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/23/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047,

manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio.

Approval No. 160.047/24/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Iowa Fibre Products Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co., P. O. Box 613, Des Moines, Iowa.

Approval No. 160.047/25/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Iowa Fibre Products Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.047/29/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.047/30/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.047)

BUOYANT CUSHIONS, KAPOK OF FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/3/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.048/4/0, group approval for rectangular and trapezoidal fibrous glass buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of fibrous glass filling to be as per Table 160.048–4 (c) (1) (ii), manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.048/5/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushion, 21 oz. kapok dwg. Nos. A–16 and B–245, dated February 15, 1955, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Approval No. 160.048/6/0, special approval for 14" x 19" x 2" rectangular ribbed-type kapok buoyant cushion, 24 oz. kapok, dwg. Nos. A–15 and B–245, dated February 15, 1955, manufactured by The American Pad & Textile Co., Greenfield, Ohio.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.048)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying pasengers for hire.

Approval No. 160.049/2/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U. S. C. G. Specification Subpart 160.049, sizes to be as per Table 160.049–4 (c) (1), manufactured by The American Pad & Textile Co., Greenfield, Ohio.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.049)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 160.005/12/1, Sound powered telephone station, selection ringing, common talking, 19 station maximum, bulkhead mounting, splash-proof, with internal hand generator bell, dwg. No. 1, Alt. 3, Type A, Model W, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and 3d Avenue., Brooklyn 32, N. Y. (Extension of the approval published in FEDERAL REGISTER March 25, 1950, effective March 25, 1955.)

(R. S. 4405, 4417a, 4418, 4426, 4491, 49 Stat. 1544, and 54 Stat. 346, as amended; P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 391a, 392, 404, 489, 1333; 46 CFR 113.30–25 (a))

BOILERS, HEATING

Approval No. 162.003/161/0, Model 4L, 517 lbs/hr. steel plate steam heating boiler, boiler subassembly dwg. No. 799002009, Rev. A dated February 14, 1955, dimensional data sheet dwg. No. 722203848 dated January 12, 1955, maximum design pressure 30 p. s. i. approval limited to bare boiler, manufactured by Orr & Sembower, Inc., Reading, Pa.

Approval No. 162.003/162/0, Model No. 16 cast iron hot water heating boiler, dwg. No. 122054A, maximum pressure 15 p. s. i., approval limited to bare boiler, manufactured by Elisha Webb & Son Co., 136 South Front Street, Philadelphia 6, Pa.

Approval No. 162.003/163/0, Model No. 350A cast iron hot water heating boiler, dwg. No. 122154A, maximum pressure 15 p. s. i., approval limited to bare boiler, manufactured by Elisha Webb & Son Co., 136 South Front Street, Philadelphia 6, Pa.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, as amended, secs. 1, and 2, 49 Stat. 1544, and sec. 3, 54 Stat. 346, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 46 CFR Part 52)

VALVES, PRESSURE-VACUUM RELIEF AND SPILL

Approval No. 162.017/79/0, Figure No. CG–AL–120, pressure only relief and spill valve, atmospheric pattern, weight-loaded poppets, aluminum alloy body and stainless steel poppets and fittings, dwg. No. CG–AL–120, dated Mar. 2, 1955, approved for sizes 3", 4", 6" and 8", manufactured by the Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N. Y.

Approval No. 162.017/80/0, Figure No. CG–AL–130, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppets, aluminum alloy body and stainless steel poppets and fittings, dwg. No. CG–AL–130, dated Mar. 2, 1955, approved for sizes 3", 4", 5" and 6", manufactured by the Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, and 4491, as amended; P. L. 569, 83d Cong.; 46 U. S. C. 391a, 489; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.017)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/28/2, Magic Chef Model No. GC–10 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–22–5.901 and Supplement Serial No. 13, manufactured by Magic Chef, Inc., 4931 Daggett Avenue, St. Louis 10, Mo. (Supersedes approval No. 162.020/28/1, published in the FEDERAL REGISTER December 7, 1951.)

Approval No. 162.020/29/2, Magic Chef Model No. GC–11 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–22–5.901 and Supplement Serial No. 13, manufactured by Magic Chef, Inc., 4931 Daggett Avenue, St. Louis 10, Mo. (Supersedes Approval No. 162.020/29/1, published in the FEDERAL REGISTER December 7, 1951.)

Approval No. 162.020/30/2, Magic Chef Model No. GC–16 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–22–5.901 and Supplement Serial No. 13, manufactured by Magic Chef, Inc., 4931 Daggett Avenue, St. Louis 10, Mo. (Supersedes Approval No. 162.020/30/1, published in the FEDERAL REGISTER December 7, 1951.)

Approval No. 162.020/42/2, Magic Chef Model No. GC–12 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–22–9.901 and Supplement Serial No. 7, manufactured by Magic Chef, Inc., 4931 Dagget Avenue, St. Louis 10, Mo. (Supersedes Approval No. 162.020/42/1, published in the FEDERAL REGISTER December 7, 1951.)

Approval No. 162.020/43/2, Magic Chef Model No. GC–14 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–22–5.901 and Supplement Serial No. 13, manufactured by Magic Chef, Inc., 4931 Daggett Avenue, St. Louis 10, Mo. (Supersedes Approval No. 162.020/43/1, published in the FEDERAL REGISTER December 7, 1951.)

Approval No. 162.020/44/2, Magic Chef Model No. GC–15 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–22–9.901 and Supplement Serial No. 7, manufactured by Magic Chef, Inc., 4931 Daggett Avenue, St. Louis 10, Mo. (Supersedes Approval No. 162.020/44/1, published in the FEDERAL REGISTER December 7, 1951.)

Approval No. 162.020/46/1, Magic Chef Model No. GC–17 roast oven for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–22–28.901 and Supplement Serial No. 3, manufactured by Magic Chef, Inc., 4931 Daggett Avenue, St. Louis 10, Mo. (Supersedes Approval No. 162.020/46/0, published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 162.020/91/0, Magic Chef Model GR–28 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 1–689–3.801, manufactured by Magic Chef, Inc., 4931 Daggett Avenue, St. Louis 10, Mo.

Approval No. 162.020/92/0, Magic Chef Model No. GC–29A deep fat fryer for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 13–(18–1.0 and –1.1) .001, manufactured by Magic Chef, Inc., 4931 Daggett Avenue, St. Louis 10, Mo.

Approval No. 162.020/93/0, Magic Chef Model No. GC–29–AS deep fat fryer for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 13–(18–1.0 and –1.1) .001, manufactured by Magic Chef, Inc., 4931 Daggett Avenue, St. Louis 10, Mo.

Approval No. 162.020/94/0, Magic Chef Model No. GC–26 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–22–5.901 and Supplement Serial Nos. 12 and 13, manufactured by Magic Chef, Inc., 4931 Daggett Avenue, St. Louis 10, Mo.

(R. S. 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, and sec. 2, 54 Stat. 1028, as amended; P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333; 46 CFR 55.16–10)

FIRE INDICATING AND ALARM SYSTEMS

"Detect-A-Fire," Type 7020–2, Fire Alarm Thermostat, having temperature ratings of 140° F., 160° F. and 225° F., for use with approved closed-circuit type Fire Indicating and Alarm Systems. Approved as affording protection of an area where no point on the overhead is more than 17.5 feet from the thermostat except that, where beams or girders of over 12 inches in depth are employed, the overhead on each side of the beam or girder shall be considered as separate areas for the purpose of this spacing limitation; the space limitation appearing on the drawing shall be disregarded for the purpose of this approval. Identified by drawing No. 27020–2, Revision GC, dated July 6, 1954, manufactured by Fenwal, Inc., Ashland, Mass. (Supersedes approval published in FEDERAL REGISTER December 7, 1951.)

"Detect-A-Fire," Type 7021–2, Fire Alarm Thermostat, having temperature ratings of 140° F., 160° F. and 225° F., for use with approved open-circuit type Fire Indicating and Alarm Systems. Approved as affording protection of an area where no point on the overhead is more than 17.5 feet from the thermostat except that, where beams or girders of over 12 inches in depth are employed, the overhead on each side of the beam or girder shall be considered as separate areas for the purpose of this spacing limitation; the space limitation appearing on the drawing shall be disregarded for the purpose of this approval. Identified by drawing No. 27021–2, Revision GC, dated July 6, 1954, manufactured by Fenwal, Inc., Ashland, Mass. (Supersedes approval published in FEDERAL REGISTER December 7, 1951.)

(R. S. 4405, and 4426, as amended, 49 Stat. 1544, 54 Stat. 346, 1028, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 375, 404, 367, 1333, 463a; 46 CFR 76.05, and 95.05)

CHANGE IN MANUFACTURER'S ADDRESS

The address of The American Pad & Textile Co. has been changed from New Orleans, La., to New Orleans, La., and Fairfield, Calif., for Approval Nos. 160.004/3/0 and 160.004/4/0 previously published in the FEDERAL REGISTER for Models 42 and 46, adult and child, balsa wood life preservers.

Dated: May 3, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55–3727; Filed, May 6, 1955; 8:49 a. m.]

[CGFR 55–19]

TERMINATIONS OF APPROVALS OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

BUOYANT CUSHIONS, NON-STANDARD

Termination of Approval No. 160.008/591/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. dated September 15, 1953, manufactured by Iowa Fibre Products Inc., 316 Court Avenue, Des Moines 9, Iowa. (Approved FEDERAL REGISTER December 15, 1953.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.008)

BOILERS, HEATING

Termination of Approval No. 162.003/109/0, Model 526 "C", bare fire tube heating boiler, welded steel plate construction, 30 pounds per square inch maximum pressure, dwg. No. 38–8817, dated January 17, 1950, manufactured by The International Boiler Works Co., East Stroudsburg, Pa. (Approved FEDERAL REGISTER March 25, 1950. Termination of approval effective March 25, 1955.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, as amended, secs. 1, and 2, 49 Stat. 1544, and sec. 3, 54 Stat. 346, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333; 46 CFR Part 52)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Termination of Approval No. 162.020/20/0, South Bend gas range, Model No. 1000–L, approved by the American Gas Association, Inc., under certificate No. 11–(44.0, –4.0 and –6.01).001, for liquefied petroleum gas service, manufactured by the Malleable Steel Range Manufacturing Co., South Bend 21, Ind. (Approved FEDERAL REGISTER March 25, 1950. Termination of approval effective March 25, 1955.)

Termination of Approval No. 162.020/21/0, South Bend gas range, Model No. 1002–L, approved by the American Gas Association, Inc., under Certificate No. 11–44–6.011, for liquefied petroleum gas service, manufactured by the Malleable Steel Range Manufacturing Co., South Bend 21, Ind. (Approved FEDERAL REGISTER March 25, 1950. Termination of approval effective March 25, 1955.)

Termination of Approval No. 162.020/22/0, South Bend gas range, Model No. 1003–L, approved by the American Gas Association, Inc., under Certificate No. 11–(44.0, –4.0 and –6.01).001, for liquefied petroleum gas service, manufactured by the Malleable Steel Range Manufacturing Co., South Bend 21, Ind. (Approved FEDERAL REGISTER March 25, 1950. Termination of approval effective March 25, 1955.)

Termination of Approval No. 162.020/23/0, South Bend gas range, Model No. 1020–L, approved by the American Gas Association, Inc., under Certificate No. 11–(44.0, –4.0 and –6.01).001, for liquefied petroleum gas service, manufactured by the Malleable Steel Range Manufacturing Co., South Bend 21, Ind. (Approved FEDERAL REGISTER March 25, 1950. Termination of approval effective March 25, 1955.)

Termination of Approval No. 162.020/24/0, South Bend gas range, Model No. 1022–L, approved by the American Gas Association, Inc., under Certificate No. 11–44–6.011, for liquefied petroleum gas service, manufactured by the Malleable Steel Range Manufacturing Co., South Bend 21, Ind. (Approved FEDERAL REGISTER March 25, 1950. Termination of approval effective March 25, 1955.)

Termination of Approval No. 162.020/25/0, South Bend gas range, Model No. 1023–L, approved by the American Gas Association, Inc., under Certificate No. 11–(44.0, –4.0 and –6.01) .001, for liquefied petroleum gas service, manufactured by the Malleable Steel Range Manufacturing Co., South Bend 21, Ind. (Approved FEDERAL REGISTER March 25, 1950. Termination of approval effective March 25, 1955.)

Termination of Approval No. 162.020/26/0, South Bend gas range, Model No. 1025–L, approved by the American Gas Association, Inc., under Certificate No. 11–(44.0, –4.0 and –6.01).001, for liquefied petroleum gas service, manufactured by the Malleable Steel Range Manufacturing Co., South Bend 21, Ind. (Approved FEDERAL REGISTER March 25, 1950. Termination of approval effective March 25, 1955.)

Termination of Approval No. 162.020/47/0, Magic Chef Model No. HD–18 deep fat fryer for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 13–9–1.011 and Supplement Serial No. 3, manufactured by Magic Chef, Inc., 4931 Daggett Ave., St. Louis 10, Mo. (Approved FEDERAL REGISTER June 26, 1951.)

(R. S. 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, and sec. 2, 54 Stat. 1028, as amended, P. L. 569, 83d Cong.; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333; 46 CFR 55.16–10)

Dated: May 3, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55–3728; Filed, May 6, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA AND TEXAS

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF CERTAIN COUNTIES IN THE DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.), the President determined on the dates indicated that a major disaster occasioned by drought existed in the following states:

Arizona: April 26th, 1955.
Texas: July 21st, 1954.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress certain counties in the State of Arizona were on April 27th, 1955 and certain counties in the State of Texas were on August 10th, 1954 (19 F. R. 5155), as amended (19 F. R. 5388; 19 F. R. 5957; 19 F. R. 6127; 19 F. R. 6417; 19 F. R. 6557; 19 F. R. 7547; 19 F. R. 8635; 20 F. R. 140; 20 F. R. 813 and 20 F. R. 1384) determined to be the areas affected by the major disaster by drought.

Pursuant to the aforesaid delegations, the counties set forth below were determined, on April 27th, 1955, to be the aforesaid major disaster area in the State of Arizona:

ARIZONA

Apache.	Greenlee.
Coconino.	Mohave.
Gila.	Navajo.
Graham.	Yavapai.

Pursuant to the aforesaid delegations, the delineation and certification of counties in the drought area in the State of Texas, as above described are herewith amended by adding the counties as set forth below on April 26th, 1955 to the major disaster area in the State of Texas:

TEXAS

Andrews.	Martin.
Howard.	Nueces.
Kleberg.	

Done at Washington, D. C., this 3d day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55–3722; Filed, May 6, 1955; 8:48 a. m.]

OFFICE OF THE GENERAL COUNSEL

DELEGATIONS OF AUTHORITY

The statement on delegations of authority made to the Soliictor and published in the FEDERAL REGISTER of April 2, 1949 (14 F. R. 923), is amended to read as follows:

The General Counsel, the Deputy General Counsel, the Assistant General Counsels, and the Staff Legal Officer, or persons acting in their stead, are authorized to certify documents as true copies of those on file in the Department pursuant to Title 28, United States Code, section 1733. The same officers and Attorneys in Charge of field offices of the Office of the General Counsel, or persons acting in their stead, are authorized to sign releases of claims of the United States against private persons for damage to or destruction of personal property of the Department. The General Counsel and the Staff Legal Officer, or persons acting in their stead, are authorized to allow or disallow claims pursuant to Title 28, United States Code, sections 2401 (b), 2671–2680.

Done at Washington, D. C., this 3d day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55–3721; Filed, May 6, 1955; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–6503, G–6624, G–6821, G–6823, G–6824, G–7771, G–7772, G–7407]

CONTINENTAL OIL CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

MAY 2, 1955.

In the matters of Continental Oil Company, Docket No. G–6503; Knox Oil Company, Docket No. G–6821; Wyopark Oil Company, Docket No. G–6823; Oxford Oil Company, Docket No. G–6824; Fred M. Manning, Docket No. G–7771; Estate of E. E. Brown, Docket No. G–7772; Fred Goodstein d/b/a Trigood Oil Company, Docket Nos. G–6624 and G–7407.

Upon consideration of the motion of Continental Oil Company, Knox Oil Company, Wyopark Oil Company, Oxford Oil Company, Fred M. Manning and Fred Goodstein d/b/a Trigood Oil Company, filed April 27, 1955, for continuance of the hearing in the above-designated matter, now scheduled for May 10, 1955;

Notice is hereby given that said hearing is postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3708; Filed, May 6, 1955; 8:45 a. m.]

[Docket No. G–6884]

HERMAN AND GEORGE R. BROWN

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 3, 1955.

Take notice that Herman and George R. Brown (hereinafter referred to as "Applicant"), a co-partnership whose address is 12th Floor, San Jacinto Building, Houston, Texas, filed an application on November 30, 1954, for a certificate of public convenience and necessity, pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Bloomington Field, Victoria County, Texas, to United Gas Pipe Line Company at 16.1968 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 26, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3709; Filed, May 6, 1955; 8:45 a. m.]

[Docket No. G–7285]

GEORGE E. OSTROM

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 3, 1955.

Take notice that George E. Ostrom (Applicant), an individual whose address is 200 Alworth Building, Duluth 2, Minnesota, filed an application on December 1, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced in Randolph County, West Virginia, to Cumberland and Allegheny Gas Company at 20 cents per Mcf, for transportation in interstate commerce for resale. The rate of delivery will be 30,000 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 24, 1955, at 9:35 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3711; Filed, May 6, 1955; 8:46 a. m.]

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 26, 1955, at 9:35 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3710; Filed, May 6, 1955; 8:45 a. m.]

[Docket No. G–8598]

MICHAELIS DRILLING CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 3, 1955.

Take notice that Michaelis Drilling Company, et al., (Applicant), a partnership whose address is 1019 East Second Street, Wichita, Kansas, filed an application on March 17, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Hugoton Field, Haskell and Seward Counties, Kansas, to Colorado Interstate Gas Company at 12 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 24, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3712; Filed, May 6, 1955; 8:46 a. m.]

[Docket No. G–8611]

SUNRAY OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 3, 1955.

Take notice that Sunray Oil Corporation (Applicant), a Delaware corporation whose address is Tulsa, Oklahoma, filed an application on March 17, 1955 for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Indian Lake Field, Madison Parish, Louisiana, to United Fuel Gas Company at 16 cents per Mcf, for transportation in interstate commerce for resale. The rate of delivery will be 4,760 Mcf per month.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 24, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in ac-

[Docket No. G–8609]

TEXAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 3, 1955.

Take notice that the Texas Company (Applicant), a Delaware corporation whose address is Houston, Texas, filed an application on March 17, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Hugoton Field, Morton, Seward and Stevens Counties, Kansas, to Northern Natural Gas Company at 12 cents per Mcf, for transportation in interstate commerce for resale. The rate of delivery will be 131,824 Mcf per month.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 24, 1955, at 9:40 a. m., e. d. s. t., in a Hearing

cordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3713; Filed, May 6, 1955; 8:46 a. m.]

[Docket No. G-8613]

CHAMPLIN REFINING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 3, 1955.

Take notice that Champlin Refining Company (Applicant), a New Mexico corporation whose address is 318 West Cherokee Avenue, Enid, Oklahoma, filed an application on March 18, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Greenwood Field, Morton County, Kansas, to Colorado Interstate Gas Company at 12 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 26, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3714; Filed, May 6, 1955; 8:46 a. m.]

[Docket No. G-8726]

JANET WHITE

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 3, 1955.

Take notice that Janet White (Applicant), an individual whose address is 3204 23d Avenue, Meridian, Mississippi, filed an application on April 6, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Pistol Ridge Field, Forrest and Pearl River Counties, Mississippi, to United Gas Pipe Line Company, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 24, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3715; Filed, May 6, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6786]

PIONEER AIR LINES; CERTIFICATE RENEWAL CASE

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of the application of Pioneer Air Lines under section 401 of the Civil Aeronautics Act of 1938, as amended, for a renewal of its temporary certificate.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned for May 13 is postponed to May 17, 1955. This conference will be held at 2:00 p. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., May 4, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-3734; Filed, May 6, 1955; 8:50 a. m.]

[Docket No. 7124]

LINEAS AEREAS COSTARRICENSES, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Lineas Aereas Costarricenses, S. A., for amendment of its foreign air carrier permit for authority to provide service between San Jose, Costa Rica and San Juan, Puerto Rico via Panama City.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 12, 1955, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., May 4, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-3733; Filed, May 6, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 4, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30588: Class rates from and to Boutte and Luling, La. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities moving under column exceptions ratings or rates made percentages of the docket 13535 first-class rates, between Boutte and Luling, La., on the one hand, and points in southwestern, western trunk line, official, southern, and Illinois territories, on the other.

Grounds for relief: Short-line distance formula, circuity and across country competition.

Tariff: Supplement 294 to Agent Kratzmeir's I. C. C. 3571, and two other tariffs.

FSA No. 30589: Moulding sand to Tonkawa, Okla. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on moulding sand, carloads, from Tishomingo, Miss., Camden, Hollow Rock, Lipe, Sawyers Mill, and Lexington, Tenn., to Tonkawa, Okla.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 16 to Agent Kratzmeir's I. C. C. 4135.

FSA No. 30590: Petroleum and related articles from Banquete, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum, petroleum products and related articles, carloads, from Banquete, Tex., to points in southwestern territory and adjacent points.

Grounds for relief: Short-line distance formula, circuity, and origin group relations.

Tariff: Supplement 55 to Agent Kratzmeir's I. C. C. 4086.

FSA No. 30591: Petroleum—Southwest to Illinois. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum and related articles, carloads, from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, to Ozark, Simpson, Grantsburg, Reevesville, Big Bay, Metropolis, and Brookport, Ill.

Grounds for relief: Short-line distance formula, circuity and maintenance of destination group relations.

Tariff: Supplement 241 to Agent Kratzmeir's I. C. C. 3825.

FSA No. 30592: Woodpulp to Bound Brook and South Bound Brook, N. J. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads, from Fernandina, Fla., to Bound Brook and South Bound Brook, N. J.

Grounds for relief: Shortline distance formula and circuity.

Tariff: Supplement 86 to Agent Spaninger's I. C. C. No. 1260.

FSA No. 30593: Woodpulp to Newark, Ohio. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads, from specified points in southern territory to Newark, Ohio.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 86 to Agent Spaninger's I. C. C. No. 1260.

FSA No. 30594: Woodpulp—Rosser, Ga., to Western Trunk Line Territory. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads, from Rosser, Ga., to specified points in western trunk line territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 86 to Agent Spaninger's I. C. C. 1260.

FSA No. 30595: Woodpulp—Foley, Fla., to Official Territory. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads, from Foley, Fla., to specified points in official territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 86 to Agent Spaninger's I. C. C. No. 1260.

FSA No. 30596: Soap compounds—Kansas City, Kans.-Mo., to Des Moines, Iowa, and Omaha, Nebr. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on soap, soap powders and compounds, cleaning, scouring and washing, carloads, from Kansas City, Kans.-Mo., to Des Moines, Iowa and Omaha, Nebr.

Grounds for relief: Circuitous routes.

Tariff: Supplement 144 to Agent Prueter's I. C. C. A-3748 and four other tariffs.

FSA No. 30597: Aluminum articles—Pacific Coast to Illinois and Missouri. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on aluminum and aluminum articles, carloads, from specified points in Pacific Coast territory to specified points in Illinois and Missouri.

Grounds for relief: Circuitous routes.

FSA No. 30598: Commodities from or to Claremont Center and West Claremont, N. H. Filed by Claremont and Concord Railway Company, for interested rail carriers. Rates on various commodities, carloads and less-than-carloads, between Claremont Center and West Claremont, N. H., on the one hand, and points in the U. S. and Canada, on the other.

Grounds for relief: New station.

Tariff: Claremont and Concord Railway tariff I. C. C. No. 2.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-3724; Filed, May 6, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1675]

AMERICAN MACHINE & FOUNDRY CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of May 1955.

The Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in Common Stock, $7 Par Value, of American Machine & Foundry Company, a security listed and registered on New York Stock Exchange and Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 18, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3716; Filed, May 6, 1955; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19281, Amdt.]

LOUISE BARBARA RICHTER KEHL ET AL.

In re: Interest in real property owned by Louise Barbara Richter Kehl and others; D-28-13133.

Vesting Order 19281, as amended, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567) 3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Louise Barbara Richter Kehl, Gottlieb Richter and Richard Albert, also known as Richard Albert Richter, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided eleven-twentieths (11/20ths) interest in certain real property situated in the City of Margate, County of Atlantic, State of New Jersey, particularly described as Lot Seven (7) and Lot Twelve (12), in Block 304B, on Map of Margate City, New Jersey, by W. I. Risley, C. E. and Surveyor, revised March 1926, filed November 8, 1945, File #1023, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to all insurance policies covering the premises described in subparagraph 2 hereof, and any and all extensions or renewals thereof.

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to

January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 4, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55-3726; Filed, May 6, 1955; 8:48 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 20 NUMBER 91

Washington, Tuesday, May 10, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3092

MOTHER'S DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS since the earliest days of our history American mothers have inspired our most exalted national ideals through their teachings and by example in their daily lives; and

WHEREAS it has become our felicitous custom to set aside one day each year for commemorating motherhood and for showing our reverence and love for all the mothers of the land; and

WHEREAS in recognition of the fitness of such commemoration, the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May of each year as Mother's Day and has requested the President to issue a proclamation calling for the observance of that day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby request that Sunday, May 8, 1955, be celebrated as Mother's Day; and I direct the appropriate officials of the Government to arrange for the display of the flag on all Government buildings on that day.

I also call upon the people of the Nation to give public and private expression to the esteem in which our country holds its mothers, through the display of the flag at their homes and other suitable places, through prayers at their places of worship, and through appropriate manifestations of respect and devotion.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of May in the year of our Lord nineteen hundred and fifty-five, [SEAL] and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-3846; Filed, May 9, 1955; 12:21 p. m.]

EXECUTIVE ORDER 10609

DELEGATING TO THE SECRETARY OF STATE AUTHORITY TO APPOINT ALTERNATE UNITED STATES COMMISSIONERS TO THE CARIBBEAN COMMISSION

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (65 Stat. 713), and as President of the United States, it is ordered that the Secretary of State be, and he is hereby, designated and empowered to exercise, without the approval, ratification, or other action of the President, so much of the authority vested in the President by the first section of the Joint Resolution of March 4, 1948, entitled "Joint Resolution providing for membership and participation by the United States in the Caribbean Commission and authorizing an appropriation therefor" (62 Stat. 66; 22 U. S. C. 280h) as consists of authority to appoint alternate United States Commissioners to the Caribbean Commission.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 7, 1955.

[F. R. Doc. 55-3821; Filed, May 9, 1955; 9:49 a. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplement is now available:

Titles 35–37 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 587, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.694 (Lemon Regulation 587; 20 F. R. 2919) are hereby amended to read as follows:

(ii) District 2: 550 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 5, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3760; Filed, May 9, 1955; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53792]

COMPTROLLER'S COPIES OF ENTRIES, MANIFESTS, AND MANIPULATION PERMITS ELIMINATED; FORM AND CONTENT OF WAREHOUSE WITHDRAWALS

On October 1, 1954, the Bureau of Customs established an on-the-site audit procedure for the examination of the accounts of collectors of customs and other customs accountable officers. As a result of this change, certain copies of many import and other customs documents which were formerly required for internal administration are no longer needed. In order to eliminate the requirement for these copies, the Customs Regulations are being amended to incorporate the following changes:

(1) Discontinue the requirement that the master of a vessel send a copy of his manifest to the comptroller.

(2) Eliminate one copy of each post entry; free consumption entry; warehouse and rewarehouse entry; temporary importation entry; application for destruction, abandonment, or manipulation; immediate exportation entry; transportation and exportation entry; inventory of supplies on international trains; entry of merchandise in transit through the United States, manifest of merchandise arriving in sealed vessels or vehicles; letter of diversion; report of discrepancies; and two copies of each immediate transportation entry; warehouse and rewarhouse withdrawal for transportation; manifest of baggage shipped in bond.

(3) Certificates regarding vessel repairs or no vessel repairs, on customs Forms 3415 and 3417, are to be presented to the boarding officer with the vessel manifest.

The Customs Regulations are also being amended to require quantity balances to be shown on certain types of warehouse withdrawals, in order to permit certain changes to be made in the control of merchandise in customs bonded warehouses.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. Section 4.7 is amended as follows:

a. Paragraph (b) is amended to read as follows:

(b) (1) The master shall deliver the original and one copy of the manifest to the boarding officer.[16] The original manifest shall list all the inward foreign cargo on board, regardless of the port of discharge, whereas the other copy is required to list only the cargo manifested for the port in question. The preceding sentence does not refer to sea or ships' stores or crews' purchases or curios.

(2) The master of a vessel documented under the laws of the United States to engage in the foreign or coasting trade, or intended to be employed in such trade, shall at each port of first arrival from a foreign country, certify on customs Form 3415 or 3417 as to whether or not any equipment, repair part, or material has been purchased for the vessel, or any expense for repairs has been incurred, in a foreign country,[16b] within the purview of section 466, Tariff Act of 1930, as amended. The certificate shall be ready for production on demand, and for inspection by the boarding officer, and shall be presented with the original manifest when making formal entry of the vessel.

b. A footnote is appended to paragraph (b) (2) to read:

[16b] See footnote 26, § 4.14 (a).

c. The citation of authority for § 4.7 is amended to read as follows:

(Secs. 431, 439, 465, 581, 583, 46 Stat. 710, as amended, 712, as amended, 718, 747, as amended, 748; 19 U. S. C. 1431, 1439, 1465, 1581, 1583)

2. Section 4.12 (c) is amended to read as follows:

(c) If there is on board any merchandise, including bulk merchandise and baggage, which is not included in, or does not agree with, the manifest,[24] the manifest shall be corrected by the execution of a post entry in original only on customs Form 3257, which shall be filed with the collector.

(Secs. 440, 624, 46 Stat. 712, as amended, 759; 19 U. S. C. 1440, 1624)

3. Section 4.14 is amended as follows:

a. Paragraph (a) is amended to read:

(a) The master's certificate on customs Form 3415 required by § 4.7 (b) (2), covering equipment, repair parts, or material acquired, or expense for repairs incurred, in a foreign country,[26] within the purview of section 466, Tariff Act of 1930, as amended,[27] shall be filed, whether or not the items, or any of them, may be exempt from entry as stated in paragraph (b) (1) of this section.

b. The citation of authority for § 4.14 is amended to read as follows:

(R. S. 3114, as amended, 3115, as amended, sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 257, 258, 1498)

4. Section 4.81 (f) is amended by deleting the fifth sentence.

5. Section 4.85 is amended by deleting from the third sentence of paragraph (c) ", each such list to show the port where and the date the vessel first entered in that comptroller district"; by transferring the citation of authority from the end of paragraph (f) to the end of paragraph (e); and by deleting the remainder of paragraph (f).

6. Section 4.87 (d) is amended by deleting from the second sentence ", each such list to show the port where and the date the vessel first entered in that comptroller district" and by deleting the third sentence.

(Secs. 435, 624, 46 Stat. 711, 759; 19 U. S. C. 1435, 1624)

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

1. Section 5.3 (a) is amended by substituting "(See §§ 4.7 (b) (2) and 4.14.)" for "(See § 4.14.)" at the end thereof.

2. Section 5.7 is amended as follows:

a. Paragraph (b) is amended by changing "triplicate" in the first sentence to "duplicate."

b. Paragraph (c) is amended by substituting "both" for "all" and "other copy" for "other copies."

c. Paragraph (d) is amended by substituting "copy" for "two copies" and "was" for "were."

(Sec. 465, 46 Stat. 718; 19 U. S. C. 1465)

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

1. Section 8.27 is amended to read as follows:

§ 8.27 *Form of entry.* Entry for consumption shall be made on customs Form 7501. Such entries shall be numbered in two separate series, one for dutiable consumption entries and the other for free consumption entries. The dutiable entries shall be made in triplicate and the free entries in duplicate.

(Sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

2. Section 8.30 (a) is amended by substituting "duplicate" for "triplicate".

3. Section 8.33 (a) is amended by substituting "duplicate" for "triplicate" in the second sentence.

4. Section 8.37 is amended by designating the present paragraph as "(a)"; by deleting the citation of authority; and by adding a new paragraph "(b)", as follows:

(b) Each withdrawal filed shall have indicated thereon, preferably in the top margin toward the right-hand corner, a summary statement of the account to which it is related. The statement shall indicate (1) the quantity (i. e., number of outer containers, or tons, etc.) in the warehouse account before the withdrawal, (2) the amount included on the particular withdrawal, and (3) the quantity remaining in warehouse after the withdrawal. The quantity in each instance aforementioned, although it may include a group of varied units, such as boxes, cases, or cartons, and may consist of more than one commodity, such as distilled spirits, chinaware, etc., may be shown as a cumulative total. When all or a portion of an original lot is transferred to a new owner, withdrawals by the transferee shall show only the quantity transferred, the quantity withdrawn by the transferee, and the transferred quantity remaining in warehouse. In such case, the quantity retained by the original importer and the quantity transferred shall be treated as separate accounts. (See § 8.39.)

(Sec. 557, 46 Stat. 744, as amended; 19 U. S. C. 1557)

5. Section 8.39 (d) is amended by adding the following at the end thereof: "Each withdrawal of any type filed by the transferee shall contain a summary statement thereon indicating the quantity on hand in the transferee's name before the withdrawal, the amount withdrawn on the particular withdrawal, and the quantity remaining in the warehouse to the credit of the transferee, if any. (See § 8.37.)"

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. Section 10.31 (a) is amended by substituting "in original only" for "in duplicate" in the first sentence.

2. Section 10.60 (a) is amended by inserting a new sentence following the first sentence to read: "Each withdrawal shall contain the statement prescribed for withdrawals in § 8.37 (b) of this chapter."

3. Section 10.80 is amended by inserting a new sentence following the fourth sentence to read: "Each withdrawal shall contain the statement prescribed for withdrawals in § 8.37 (b) of this chapter."

4. Section 10.91 (a) is amended by adding as the final sentence the following: "The withdrawal shall contain the statement prescribed for withdrawals in § 8.37 (b) of this chapter."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT-SHIPPED

Section 15.4 (a) is amended by deleting ", in duplicate," from the first sentence.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

1. The first sentence of § 18.2 (c) is amended to read as follows: "The manifest shall be filed in triplicate and, after the goods have been laden and the carrier has receipted all copies, one copy shall be delivered to the conductor, master, or person in charge to accompany the conveyance and be delivered to the collector at destination for his record."

2. Section 18.5 is amended as follows:

a. Paragraph (a) is amended by adding the following sentence at the end thereof: "An application to divert made under this section shall be furnished in the number of copies required for the purposes of local administration."

b. Paragraph (c) is amended by deleting therefrom "or a certificate of delivery has been issued".

c. Paragraph (d) is amended by deleting "forward a certificate of delivery to the port of origin", and substitute therefor "notify the port of origin".

3. Section 18.10 (b) is amended by deleting the second and third sentences and inserting the following in lieu thereof: "In the case of shipments to the Virgin Islands (U. S.) under subparagraph (3), (4), or (5), of paragraph (a) of this section, one additional copy of the entry or withdrawal on customs Form 7512 shall be filed and shall be mailed by the receiving collector to the collector of customs, Charlotte Amalie, St. Thomas, Virgin Islands (U. S.)."

4. Section 18.11 (i) is amended by substituting "seven" for "nine" in the first tentence.

5. Section 18.13 (c) is amended by substituting "quadruplicate" for "sextuple" in the first sentence.

6. Section 18.16 (a) is amended by substituting "eight copies" for "10 copies" in the second sentence.

7. Section 18.16 (b) is amended by inserting a new sentence following the second sentence to read: "Each withdrawal for transportation shall contain the statement prescribed for withdrawals in § 8.37 (b) of this chapter."

8. Section 18.19 is amended by deleting the citation of authority at the end of paragraph (b) and adding a new paragraph designated (c) to read:

(c) Each withdrawal for exportation or withdrawal for transportation and exportation shall contain the summary statement prescribed for withdrawals in § 8.37 (b) of this chapter.

(Sec. 557, 46 Stat. 744, as amended; 19 U. S. C. 1557)

9. Section 18.20 (a) is amended by substituting "seven" for "eight" therein.

10. Section 18.25 (a) is amended by substituting "quadruplicate" for "quintuple" therein.

11. Section 18.30 (a) is amended by substituting "seven" for "nine" therein.

12. Section 18.30 (d) is amended by substituting "three copies" for "four copies" therein.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

1. Section 19.11 (d) is amended by deleting "in duplicate" in the first sentence.

2. Section 19.11 (g) is amended by inserting after the first sentence a new sentence to read: "Each type of withdrawal filed shall contain a summary statement indicating the quantity in the warehouse account after manipulation and immediately before the withdrawal, the quantity withdrawn on the particular withdrawal, and the quantity remaining in the warehouse after the withdrawal."

3. Section 19.15 is amended by redesignating paragraphs (e) through (l) as (f) through (m), respectively, and inserting a new paragraph (e) to read as follows:

(e) Each withdrawal covering the items which are permitted to be withdrawn for consumption shall contain a summary statement thereon, showing for each class of merchandise the quantity on hand in the account, the quantity covered by the withdrawal presented, and the quantity remaining in the warehouse account, if any.

and by deleting the third sentence of redesignated paragraph (g).

(Sec. 311, 46 Stat. 691, as amended; 19 U. S. C. 1311)

4. Section 19.18 is amended by substituting "entry account" for "ledger entry" in the second sentence.

5. Section 19.20 (b) (2) is amended by inserting "and" before "the imported material" and by deleting ", and the credit on the warehouse ledger shall be made accordingly".

6. Section 19.23 is amended by substituting "entry" for "ledger" in the headnote; by deleting "and to each comptroller of customs concerned" at the end of the second sentence; and by amending the third and fourth sentences to read: "Such withdrawals shall designate the plant or plants which are to receive the credit, shall specify the warehouse entry number or numbers to which the credit is to be applied, and shall state the quantity of metal producible which is to be applied to each warehouse entry specified, and when any of the credits specified represent the last withdrawal against a particular warehouse entry, the words "final withdrawal" shall be shown on the withdrawal. When two or more plants in a given collection district are designated to receive credit, sufficient copies of the withdrawals shall be prepared to cover each such plant and entry."

(Sec. 312, 46 Stat. 692; 19 U. S. C. 1312)

7. Section 19.25 is amended by substituting "entry" for "ledger" in the first clause of paragraph (a) and in the second and third sentences of paragraph (c).

(Sec. 556, 46 Stat. 759; 19 U. S. C. 1556)

(R. S. 251, sec. 624, 46 Stat. 743; 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved:

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3752; Filed, May 9, 1955; 8:47 a. m.]

[T. D. 53790]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

WAIVER OR COASTWISE TOWING LAWS

MAY 4, 1955.

Upon the written recommendation of the Deputy Secretary of Defense in the interest of national defense and by virtue of the authority vested in me by the act of December 27, 1950 (64 Stat. 1120), and revised Treasury Department Order No. 165 (T. D. 53654), I hereby waive compliance with section 316, title 46, United States Code, to the extent necessary to permit the use of Canadian vessels in towing barges owned or chartered by Dwight W. Winkelman Co., Inc., between Oswego and the Grass River Bridge cofferdam site, a part of the St. Lawrence Seaway Development Project, and between Buffalo and the same site. This waiver shall be effective immediately and shall remain in effect until June 1, 1955.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 213)

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 55-3753; Filed, May 9, 1955; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circ. 1508]

PART 80—TOWNSITES

RIGHTS OF WAY

A new section to Part 80 is added as follows:

§ 80.14b *Rights of way.* Notwithstanding any other provisions of this part, the trustee is authorized to grant rights of way for public purposes across any unentered lands within the townsite. This authority is expressly limited to grants of rights of way to the townsite itself, or to the city after its incorporation.

(Sec. 11, 26 Stat. 1099; 48 U. S. C. 355)

DOUGLAS MCKAY,
Secretary of the Interior.

MAY 3, 1955.

[F. R. Doc. 55-3739; Filed, May 9, 1955; 8:45 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1142]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Air Force for military purposes:

Beginning at a point from which Triangulation Station "Sparr", established in September 1951 by the Corps of Engineers, in latitude 61°07'30" N., longitude 155°39'00" W., bears South, 4,580 feet, thence East, 10,360 feet; South, 4,000 feet; West 2,560 feet; South, 4,000 feet; West, 2,000 feet; South, 10,000 feet; West 6,000 feet; North, 10,000 feet; West, 2,000 feet; North, 8,000 feet; East, 2,000 feet to point of beginning.

The tract described contains approximately 3,462 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 4, 1955.

[F. R. Doc. 55-3738; Filed, May 9, 1955; 8:45 a. m.]

[Public Land Order 1143]

ALASKA

RESERVING LANDS FOR USE OF FOREST SERVICE AS ADDITIONS TO KETCHIKAN AND JUNEAU ADMINISTRATIVE SITES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands in Alaska are hereby reserved for use of the Forest Service, Department of Agriculture, in connection with the administration of the Tongass National Forest, as additions to administrative sites established by (a) Public Land Order No. 564 of February 21, 1949, and (b) No. 567 of February 25, 1949, and Executive Order No. 2412 of June 30, 1916:

(a) Ketchikan Marine Station:
Beginning at corner No. 1 M. C., U. S. Survey 1079, thence by meanders thereof, S. 55° 30' E., 106 feet; S. 69° 45' E., 46 feet; S. 60° 15' E., 248 feet.
Thence leaving meanders, S. 24° 04' W., 245 feet; N. 63° 58' W., 398 feet; N. 24° 04' E., 270 feet to point of beginning.

The tract described contains 2.34 acres.

(b) Juneau Administrative Site:
Beginning at corner No. 5 M. C., U. S. Survey 2313, thence S. 47° 00' W., 450 feet; N. 40° 15' W., 1,884 feet; N. 47° 00' E., 450 feet to corner No. 1 M. C., U. S. S. 2306.
Thence by meanders of U. S. S. 2306 and U. S. S. 2313, S. 38° 34' E., 1,023.7 feet; S. 50° 45' E., 229.0 feet; S. 38° 14' E., 450.0 feet; S. 42° 21' E., 181.1 feet to point of beginning.

The tract described contains 18.94 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 4, 1955.

[F. R. Doc. 55-3737; Filed, May 9, 1955; 8:45 a. m.]

[Public Land Order 1144]

OREGON

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS RECREATION AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas:

WILLAMETTE MERIDIAN

OCHOCO NATIONAL FOREST

Delintment Lake Recreation Area

T. 19 S., R. 26 E.,
Sec. 29, S½NE¼, E½SW¼, SE¼, SE¼ NW¼.

The areas described aggregate 360 acres.

Kings Reservoir Recreation Area

T. 13 S., R. 20 E.,
Sec. 21, NE¼, E½NW¼.

The areas described aggregate 240 acres.

DESCHUTES NATIONAL FOREST

Miller Lake Recreation Area

T. 27 S., R. 6½ E.,
Sec. 11;
Sec. 12, SW¼, SW¼SE¼;
Sec. 13, lots 1, 2, 3, 4, 5, 6 and 7, NW¼ SW¼;
Sec. 14, NE¼, NE¼NW¼.

The areas described aggregate 1,274.43 acres.

FREMONT NATIONAL FOREST

Dairy Creek Recreation Area

T. 36 S., R. 17 E.,
Sec. 2, SW¼NW¼, N½SW¼;
Sec. 3, lot 4, S½NE¼, S½NW¼, N½S½;
Sec. 4, E½SW¼, SE¼.

The areas described aggregate 723.28 acres.

MALHEUR NATIONAL FOREST

Beech Creek Recreation Area

T. 11 S., R. 30 E.,
Sec. 33, NW¼NE¼SW¼.

The area described contains 10.00 acres.

ROGUE RIVER NATIONAL FOREST

Woodruff Meadows Bridge Recreation Area

T. 31 S., R. 3 E.,
Sec. 19, NE¼SW¼NE¼, N½SE¼SW¼ NE¼, NW¼SE¼NE¼, N½SW¼SE¼ NE¼.

The areas described aggregate 30.00 acres.

SISKIYOU NATIONAL FOREST

Grayback Recreation Area

T. 39 S., R. 6 W.,
Sec. 30, E½E½ of lot 4, SE¼SW¼, S½S½ SE¼;
Sec. 31, E½E½ of lot 1, NW¼NE¼, N½ NE¼NE¼, SW¼NE¼NE¼, NE¼NW¼.

The areas described aggregate 250.97 acres.

SIUSLAW NATIONAL FOREST

Cape Perpetua Recreation Area

T. 15 S., R. 12 W.,
Sec. 2, lots 11, 12, 13 and 14;
Sec. 3, lots 2 and 3, SW¼ of lot 4, lots 5, 6 and 7.

The areas described aggregate 308.10 acres.

WALLOWA NATIONAL FOREST

Hurricane Creek Recreation Area

T. 3 S., R. 44 E.,
Sec. 3, lot 4, W½ of lot 5, NE¼NE¼SW¼, S½NE¼SW¼, SE¼SW¼, NW¼SE¼, N½SW¼SE¼, SW¼SW¼SE¼;
Sec. 10, NW¼NW¼NE¼, E½NW¼, E½ SW¼NW¼, E½W½SW¼, E½SW¼, SW¼NW¼SE¼, NW¼SW¼SE¼;
Sec. 15, W½E½NW¼, E½W½NW¼.

The areas described aggregate 530.00 acres.

WILLAMETTE NATIONAL FOREST

Shady Dell Recreation Area

T. 20 S., R. 2 E.,
Sec. 35, lot 11.

The area described contains 43.5 acres.

This order shall be subject to existing withdrawals for power transmission line purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 4, 1955.

[F. R. Doc. 55-3736; Filed, May 9, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

DISCHARGE OF INDEBTEDNESS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed under section 108 (relating to income from discharge of indebtedness) and section 1017 (relating to adjustment to basis in certain cases of discharge of indebtedness) of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953 and ending after August 16, 1954.

§ 1.108 (a) *Statutory provisions; income from discharge of indebtedness; special rule of exclusion.*

SEC. 108. *Income from discharge of indebtedness*—(a) *Special rule of exclusion.* No amount shall be included in gross income by reason of the discharge, in whole or in part, within the taxable year, of any indebtedness for which the taxpayer is liable, or subject to which the taxpayer holds property, if—

(1) The indebtedness was incurred or assumed—

(A) By a corporation, or

(B) By an individual in connection with property used in his trade or business, and

(2) Such taxpayer makes and files a consent to the regulations prescribed under section 1017 (relating to adjustment of basis) then in effect at such time and in such manner as the Secretary or his delegate by regulations prescribes.

In such case, the amount of any income of such taxpayer attributable to any unamortized premium (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income, and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction.

§ 1.108 (a)–1 *Income from discharge of indebtedness.* (a) Section 108 (a) provides a specific exclusion from gross income, at the taxpayer's election, of the amount of income attributable to the discharge of indebtedness, in whole or in part, within the taxable year. In order to take advantage of the exclusion, the taxpayer must file a consent to applicable regulations relating to the adjustment of basis, in accordance with § 1.108 (a)–2. This section applies to indebtedness incurred or assumed either (1) by a corporation, or (2) by an individual in connection with property used in his trade or business; and it covers any such indebtedness for which the corporate or individual taxpayer is liable or subject to which the taxpayer holds property.

(b) (1) If, as of the first day of the taxable year in which a discharge of indebtedness occurs, there is unamortized premium, the amount of the income attributable to such premium shall be excluded from gross income.

Example. On January 1, 1955, the M Corporation (which files its return on a calendar year basis) had outstanding an issue of A bonds of the face value of $10,000, and as of that day there was $100 unamortized premium on this bond issue. On September 1, 1955, the M Corporation purchased these bonds for $9,000. The total amount to be excluded from gross income under this section is $1,100.

(2) If, as of the first day of the taxable year in which a discharge of indebtedness occurs, there is unamortized discount, the amount of the deduction attributable to such discount shall be disallowed as a deduction.

Example. On January 1, 1955, the N Corporation (which files its return on a calendar year basis) had outstanding an issue of B bonds of the face value of $10,000, and as of that day there was $50 unamortized discount on this bond issue. On September 1, 1955, the N Corporation purchased these bonds for $9,000. The total amount to be excluded from gross income under this section is $950.

(c) Section 108 (a) and this section are inapplicable in the case of any discharge occurring in any proceeding under section 77B of the Bankruptcy Act (48 Stat. 912, repealed June 22, 1938), under Chapter X or X1 of such act (11 U. S. C., c. 10, 11), or under Chapter XV of such act (53 Stat. 1134, expired July 31, 1940) if the proceeding under such Chapter XV was initiated by a petition filed on or before July 31, 1940, and with respect to any discharge of indebtedness to which section 108 (b) applies.

§ 1.108 (a)–2 *Making and filing of consent.* In order to take advantage of the exclusion from gross income provided by section 108 (a), a taxpayer must file with his return for the taxable year a consent to have the basis of his property adjusted in accordance with the regulations prescribed under section 1017 which are in effect at the time of filing such return. See §§ 1.1017–1 and 1.1017–2. In special cases, however, where the taxpayer establishes to the satisfaction of the Commissioner reasonable cause for failure to file the necessary consent with his original return, he may file the consent with an amended return or claim for credit or refund; and in such cases, the consent shall be to the regulations which, at the time of filing the consent, are applicable to the taxable year for which such consent is filed. In all cases the consent shall be made by or on behalf of the taxpayer on Form 982, in duplicate, in accordance with these regulations and the instructions on the form or issued therewith.

§ 1.108 (b) *Statutory provisions; income from discharge of indebtedness; railroad corporations.*

SEC. 108. *Income from discharge of indebtedness.* • • •

(b) *Railroad corporations.* No amount shall be included in gross income by reason of the discharge, cancellation, or modification, in whole or in part, within the taxable year, of any indebtedness of a railroad corporation, as defined in section 77 (m) of the Bankruptcy Act (11 U. S. C. 205 (m)), if such discharge, cancellation, or modification is effected pursuant to an order of a court in a receivership proceeding or in a proceeding under section 77 of the Bankruptcy Act. In such cases, the amount of any income of the taxpayer attributable to any unamortized premium (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income, and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction. Subsection (a) of this section shall not apply with respect to any discharge of indebtedness to which this subsection applies. This subsection shall not apply to any discharge occurring in a taxable year beginning after December 31, 1955.

§ 1.108 (b)–1 *Income from discharge of indebtedness of railroad corporations.* (a) Under section 108 (b), the amount of any income attributable to the discharge, cancellation, or modification, in whole or in part, within the taxable year, of any indebtedness of a railroad corporation as a result of an order of a court in a receivership proceeding, or in a railroad reorganization proceeding under section 77 of the Bankruptcy Act (11 U. S. C. 205) is excluded from the gross income of the railroad corporation. The section is applicable only in a case where income accrues to a taxpayer from the discharge, modification, or cancellation of the corporate indebtedness (whether in whole or in part) pursuant to a court order.

(b) The railroad corporations to which this section and section 108 (b) apply are those defined in section 77 (m) of the Bankruptcy Act (11 U. S. C. 205 (m)), namely, any common carrier by railroad engaged in the transportation of persons or property in interstate commerce, except a street, a suburban, or interurban electric railway which is not opeated as a part of a general railroad system of transportation or which does not derive more than 50 percent of its operating revenues from the transportation of freight in standard steam railroad freight equipment.

(c) As used in section 108 (b) and this section, the term "indebtedness" means an obligation, absolute and not contingent, to pay on demand or within a given time, in cash or another medium, a fixed amount.

(d) If, as of the first day of the taxable year in which a discharge of indebtedness occurs, there is unamortized premium, the amount of the income attributable to such premium shall be excluded from gross income. If, as of the first day of the taxable year in which a discharge of indebtedness occurs, there is unamortized discount, the amount of the deduction attributable to such discount shall be disallowed as a deduction. See § 1.108 (a)–1 (b) for examples illustrating the application of this principle.

(e) The provisions of section 108 (b) and this section are applicable with respect to any discharge occurring in a taxable year beginning before January 1, 1956.

§ 1.1017 *Statutory provisions; basic rules of general application; discharge of indebtedness.*

SEC. 1017. *Discharge of indebtedness.* Where any amount is excluded from gross income under section 108 (a) (relating to income from discharge of indebtedness) on account of the discharge of indebtedness the whole or a part of the amount so excluded from gross income shall be applied in reduction of the basis of any property held (whether before or after the time of the discharge) by the taxpayer during any portion of the taxable year in which such discharge occurred. The amount to be so applied (not in excess of the amount so excluded from gross income, reduced by the amount of any deduction disallowed under section 108 (a)) and the particular properties to which the reduction shall be allocated, shall be determined under regulations (prescribed by the Secretary or his delegate) in effect at the time of the filing of the consent by the taxpayer referred to in section 108 (a). The reduction shall be made as of the first day of the taxable year in which the discharge occurred, except in the case of property not held by the taxpayer on such first day, in which case it shall take effect as of the time the holding of the taxpayer began.

§ 1.1017–1 *Adjusted basis; discharge of indebtedness; general rule.* (a) In addition to the adjustments provided in section 1016 and the regulations thereunder which are required to be made with respect to the cost or other basis of property, and except as otherwise provided in section 372 (a), 373 (b) (2), or 1018, a further adjustment shall be made in any case in which there shall have been an exclusion from gross income under section 108 (a) on account of a discharge of indebtedness during the taxable year. Such further adjustments shall, except as otherwise provided in § 1.1017–2, be made in the following manner and order:

(1) In the case of indebtedness incurred to purchase specific property (other than inventory or notes or accounts receivable), whether or not a lien is placed against such property securing the payment of all or part of such indebtedness, which indebtedness shall have been discharged, the cost or other basis of such property shall be decreased by an amount equal to the amount excluded from gross income under section 108 (a) and attributable to the discharge of the indebtedness so incurred with respect to such property;

(2) In the case of specific property (other than inventory or notes or accounts receivable) against which, at the time of the discharge of the indebtedness, there is a lien (other than a lien securing indebtedness incurred to purchase such property) the cost or other basis of such property shall be decreased by an amount equal to the amount excluded from gross income under section 108 (a) and attributable to the discharge of the indebtedness secured by such lien;

(3) Any excess of the total amount excluded from gross income under section 108 (a) over the sum of the adjustments made under subparagraphs (1) and (2) of this paragraph shall next be applied to reduce the cost or other basis of all the property of the debtor (other than inventory and notes and accounts receivable) as follows: The cost or other basis of each unit of property shall be decreased in an amount equal to such proportion of such excess as the adjusted basis (without reference to this section) of each such unit of property bears to the sum of adjusted bases (without reference to this section) of all the property of the debtor other than inventory and notes and accounts receivable; and

(4) Any excess of the total amount excluded from gross income under section 108 (a) over the sum of the adjustments made under subparagraphs (1), (2) and (3) of this paragraph shall next be applied to reduce the cost or other basis of inventory and notes and accounts receivable, as follows: The cost or other basis of inventory or notes or accounts receivable, as the case may be, shall be decreased in an amount equal to such proportion of such excess as the adjusted basis of inventory, notes receivable or accounts receivable, as the case may be, bears to the sum of the adjusted bases of such inventory and notes and accounts receivable.

In the application of subparagraphs (1), (2), (3) and (4) of this paragraph, no decrease in the cost or other basis of any property shall exceed the amount of adjusted basis of such property without reference to this section.

(b) For the purposes of this section:

(1) Except where the context otherwise requires, property means all of the debtor's property, other than money;

(2) The phrase "indebtedness incurred to purchase" includes (i) indebtedness for money borrowed and applied in the purchase of property and (ii) an existing indebtedness secured by a lien against the property which the debtor, as purchaser of such property, has assumed to pay;

(3) The phrase "amount excluded from gross income under section 108 (a)" means the amount of income excluded under that section reduced by any deduction disallowed under that section for unamortized discount;

(4) Adjustments to basis shall be made:

(i) In the case of property owned on the first day of the taxable year, as of that day;

(ii) In the case of property acquired after the first day of the taxable year, as of the date so acquired—

regardless of the time such property was subsequently sold, exchanged, or otherwise disposed of by the taxpayer;

(5) Whenever a discharge of indebtedness is accomplished by a transfer of the taxpayer's property in kind, the difference between the amount of the obligation discharged and the fair market value of the property transferred is the amount which may be applied in reduction of basis;

(6) Regardless of the amount excluded by the taxpayer from his gross income under section 108 (a) and so stated on Form 982, the maximum amount by which basis may be reduced in respect of the discharge of any indebtedness is the amount of income resulting from the discharge of such indebtedness.

(7) Any reduction in basis which remains to be taken (by reason of an exclusion from gross income under section 108 (a)) after the application of subparagraph (1) of paragraph (a) of this section shall be applied first against property of a character subject to the allowance for depreciation under section 167, property with respect to which a deduction for amortization is allowable under section 168 or 169, and property with respect to which a deduction for depletion is allowable under section 611 (but not including property specified in section 613), in the order in which such property is described in subparagraphs (2) and (3) of paragraph (a) of this section. Any further adjustment in basis required to be made under section 108 (a) shall be applied against other property in the order prescribed in subparagraphs (2), (3) and (4) of paragraph (a) of this section.

(c) The application of paragraph (a) of this section may be illustrated by the following examples:

Example (1). On January 1, 1954, the N Corporation owned an office building, which it sold in March 1954. In June 1954 it purchased a factory building. In October 1954 the N Corporation bought in its outstanding bonds at less than their face value. Assuming that there is a proper exclusion from gross income under section 108 (a), the basis of each building shall be adjusted under section 1017 for the taxable year 1954. (But see § 1.1017–2.)

Example (2). The M Corporation had outstanding an issue of A bonds which it had sold at a premium and an issue of B bonds which it had sold at a discount. In July 1954 the M Corporation purchased such outstanding bonds for less than face value. The amount of income attributable to the discharge of the A bonds is $1,000 and the amount of unamortized premium (as of the first day of the taxable year in which the discharge occurred) is $200. The amount of income attributable to the discharge of the B bonds is $1,000 and the amount of unamortized discount (as of the first day of the taxable year in which the discharge occurred) is $50. Each issue of bonds is regarded as a separate indebtedness and the M Corporation may elect under section 108 (a) with respect to each issue or both issues. If the M Corporation elects under section

108 (a) to have excluded from gross income the amount of income attributable to the discharge of the issue of A bonds, the total reduction in basis of property of the M Corporation shall not exceed $1,200. If the M Corporation elects with respect to the B bonds, the total reduction in basis shall not exceed $950. If the M Corporation elects with respect to both bond issues, the total reduction in basis shall not exceed $2,150.

§ 1.1017–2 *Adjusted basis; discharge of indebtedness; special cases.* (a) Section 1.1017–1 prescribes the general rule to be followed in adjusting basis of property where there is a proper exclusion from gross income under section 108 (a). The taxpayer may, however, have the basis of his property adjusted in a manner different from that set forth in § 1.1017–1 upon a proper showing to the satisfaction of the Commissioner. Such adjustment, however, shall be consistent with the principles of § 1.1017–1. Variations from such general rule may, for example, involve adjusting the basis of only part of the taxpayer's property or adjusting the basis of all the taxpayer's property, according to a fixed allocation.

(b) A request for variations from the general rule prescribed in § 1.1017–1 shall be filed by the taxpayer with his return for the taxable year in which the discharge of indebtedness occurred unless a consent is permitted (under § 1.108 (a)–2) after the original return has been filed, in which case such request shall be filed with the amended return or claim for credit or refund, as the case may be. Agreement between the taxpayer and the Commissioner as to any variations from such general rule shall be effected only by a closing agreement entered into under the provisions of section 7121. If no agreement is reached between the taxpayer and the Commissioner as to variations from the general rule prescribed in § 1.1017–1, then the consent filed on Form 982 shall be deemed to be a consent to the application of such general rule and such general rule shall prevail in the determination of the basis of the taxpayer's property. If no agreement is reached between the taxpayer and the Commissioner as to variations from the general rule and the taxpayer specifically states that he does not consent to the application of the general rule, then section 108 (a) and section 1017 shall not apply.

[F. R. Doc. 55–3754; Filed, May 9, 1955; 8:47 a. m.]

[26 CFR (1954) Part 270]

CIGARS AND CIGARETTES; MANUFACTURERS, IMPORTERS, AND DEALERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Preamble. 1. These regulations, 26 CFR Part 270, "Cigars and Cigarettes—Manufacturers, Importers, and Dealers," are promulgated to implement the Internal Revenue Code of 1954 and supersede 26 CFR (1939) Part 140, as last amended by Treasury Decision 6052, approved November 10, 1953, and Part 457, as added by Treasury Decision 4744, approved June 24, 1937, insofar as they relate to cigars and cigarettes.

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

Subpart A—Scope of Regulations

Sec.
270.1 Cigars and cigarettes; manufacturers, importers, and dealers.
270.2 Forms prescribed.

Subpart B—Definitions

270.10 Meaning of terms.
270.11 Assistant regional commissioner.
270.12 Black Fat.
210.13 Cigar.
270.14 Cigarette.
270.15 Clippings.
270.16 Commissioner.
270.17 Cuttings.
270.18 Dealer in tobacco materials.
270.19 Director, Alcohol and Tobacco Tax Division.
270.20 District director.
270.21 Factory.
270.22 Importer.
270.23 Inclusive language.
270.24 I. R. C.
270.25 Large cigarettes.
270.26 Large cigars.
270.27 Leaf tobacco.
270.28 Manufacturer of cigars and cigarettes.
270.29 Manufacturer of tobacco.
270.30 Package.
270.31 Parcel.
270.32 Perique.
270.33 Person.
270.34 Region.
270.35 Regional commissioner.
270.36 Removal or remove.
270.37 Revenue officer.
270.38 Scraps.
270.39 Siftings.
270.40 Small cigarettes.
270.41 Small cigars.
270.42 Stems.
270.43 Tobacco in process.
270.44 Tobacco materials.
270.45 Tobacco products.
270.46 U. S. C.
270.47 Waste.

Subpart C—Taxes

270.60 Cigar tax rates.
270.61 Classification of large cigars.
270.62 Cigarette tax rates.
270.63 Classification of cigarettes.
270.64 Liability for tax and method of payment.
270.65 Assessment.

Subpart D—General

270.70 Authority of revenue officers to enter premises.
270.71 Interference with administration.
270.72 Disposal of forfeited, condemned, and abandoned cigars, cigarettes, and tobacco materials.
270.73 Restamping packages from which the stamps have been lost or destroyed.
270.74 Variations from requirements.
270.75 Penalties and forfeitures.

Subpart E—Qualification Requirements for Manufacturers

270.80 Persons required to qualify.
270.81 Application for permit.
270.82 Corporate documents.
270.83 Articles of partnership or association.
270.84 Trade name certificate.
270.85 Bond.
270.86 Power of attorney.
270.87 Factory premises.
270.88 Additional information.
270.89 Investigation of applicant.
270.90 Issuance of permit.

Subpart F—Changes Subsequent to Original Qualification of Manufacturers

CHANGES IN NAME

270.100 Change in individual name.
270.101 Change in trade name.
270.102 Change in corporate name.

CHANGES IN OWNERSHIP AND CONTROL

270.103 Fiduciary successor.
270.104 Transfer of ownership.
270.105 Change in officers or directors of a corporation.
270.106 Change in stockholders of a corporation.

CHANGES IN LOCATION AND PREMISES

270.107 Change in location within same region.
270.108 Change in location to another region.
270.109 Change in factory premises.
270.110 Emergency premises.

Subpart G—Bonds and Extensions of Coverage of Bonds

270.120 Corporate surety.
270.121 Deposit of bonds, notes, or obligations in lieu of corporate surety.
270.122 Amount of bond.
270.123 Strengthening bond.
270.124 Superseding bond.
270.125 Extension of coverage of bond.
270.126 Approval of bond and extension of coverage of bond.
270.127 Termination of liability of surety under bond.
270.128 Release of bonds, notes, and obligations.

Subpart H—Operations by Manufacturers

270.140 Sign.
270.141 Inventories.
270.142 Records.
270.143 Reports.
270.144 Packages.
270.145 Class designation for large cigars.
270.146 Mark.
270.147 Dummy packages for display purposes.
270.148 Stamps.
270.149 Affixture of stamps.
270.150 Cigars and cigarettes furnished to employees for personal consumption.
270.151 Use of cigars and cigarettes for experimental purposes.

Sec.
270.152 Transfer of cigars and cigarettes.
270.153 Return of cigars and cigarettes to factory.
270.154 Reduction of cigars and cigarettes to tobacco materials.
270.155 Destruction of cigars and cigarettes.
270.156 Storage of tobacco materials.
270.157 Shipment or delivery of tobacco materials.
270.158 Fumigation of tobacco materials.
270.159 Samples of tobacco materials.
270.160 Destruction of tobacco materials.
270.161 Credit for loss of tobacco materials by theft or destruction.
270.162 Claim for remission of tax on cigars and cigarettes.
270.163 Claim for abatement of assessment.
270.164 Claim for refund of tax.
270.165 Claim for redemption, or refund of the value, of stamps.
270.166 Tobacco materials, cigars, and cigarettes released from customs custody.
270.167 Use of the United States.
270.168 Exportation.

Subpart I—Suspension and Discontinuance of Operations by Manufacturers

270.180 Discontinuance of operations.
270.181 Suspension and revocation of permit.

Subpart J—Operations by Importers

270.190 Packages.
270.191 Class designation for large cigars.
270.192 Stamps.
270.193 Affixture of stamps.
270.194 Stamps for affixture in foreign countries.
270.195 Stamps for affixture in Puerto Rico and the Virgin Islands.
270.196 Exemption of consular officers and employees of foreign states.
270.197 Claim for refund of tax.
270.198 Claim for redemption, or refund of the value, of stamps.

Subpart K—Operations by Dealers

270.210 Purchase, receipt, possession, or sale of cigars and cigarettes.
270.211 Sales at retail from packages.
270.212 Vending machines.
270.213 Restrictions relating to used stamps and packages.

AUTHORITY: §§ 270.1 to 270.213 issued under 68A Stat. 917; 26 U. S. C. 7805. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 270.1 *Cigars and cigarettes—manufacturers, importers, and dealers.* This part contains the regulations governing the manufacture, importation, and sale of cigars and cigarettes; the qualification of, and maintenence of records by, manufacturers of cigars and cigarettes; and the operations of manufacturers and importers of, and dealers in, cigars and cigarettes.

§ 270.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, permits, records, returns, and reports. Information called for thereon shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 270.10 *Meaning of terms.* The terms used in this part shall have the meanings ascribed in this subpart, unless the context otherwise indicates.

§ 270.11 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the Regional Commissioner.

§ 270.12 *Black Fat.* "Black Fat" shall mean tobacco which is normally treated with oil under pressure and results in black tobacco, and shall include all tobacco similarly treated and referred to by such other terms as Black Horse, etc.

§ 270.13 *Cigar.* "Cigar" shall mean any roll of tobacco wrapped in tobacco.

§ 270.14 *Cigarette.* "Cigarette" shall mean any roll of tobacco, wrapped in paper or any substance other than tobacco.

§ 270.15 *Clippings.* "Clippings" shall mean the tobacco which is clipped or cut off the ends of cigars in the manufacture thereof.

§ 270.16 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 270.17 *Cuttings.* "Cuttings" shall mean the tobacco remaining after the binders and wrappers for cigars are cut out of the leaf.

§ 270.18 *Dealer in tobacco materials.* "Dealer in tobacco materials" shall mean every person who handles tobacco materials for sale, shipment, or delivery solely to another qualified dealer in such materials, to a qualified manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States. Dealer in tobacco materials shall include every person who produces Perique or Black Fat for sale, shipment, or delivery, in accordance with Part 280 of this chapter. Dealer in tobacco materials shall not include (a) an operator of a warehouse who stores tobacco materials solely for a dealer in tobacco materials, for a manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; or (b) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm.

§ 270.19 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 270.20 *District director.* "District director" shall mean the District Director of Internal Revenue.

§ 270.21 *Factory.* "Factory" shall mean the premises of a manufacturer of cigars and cigarettes in which he carries on such business.

§ 270.22 *Importer.* "Importer" shall mean any person in the United States to whom nontaxpaid cigars or cigarettes manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned, and any person who smuggles or otherwise unlawfully brings such nontaxpaid products into the United States.

§ 270.23 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, partnerships, associations, companies, corporations, estates, and trusts.

§ 270.24 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 270.25 *Large cigarettes.* "Large cigarettes" shall mean cigarettes weighing more than three pounds per thousand.

§ 270.26 *Large cigars.* "Large cigars" shall mean cigars weighing more than three pounds per thousand.

§ 270.27 *Leaf tobacco.* "Leaf tobacco" shall mean:

(a) *Unstemmed.* Tobacco from which the stem or mid-rib has not been removed, and

(b) *Stemmed.* Tobacco from which the stem or mid-rib has been removed, also known as "strips."

§ 270.28 *Manufacturer of cigars and cigarettes.* "Manufacturer of cigars and cigarettes" shall mean every person who produces cigars or cigarettes, except for his own personal consumption.

§ 270.29 *Manufacturer of tobacco.* "Manufacturer of tobacco" shall mean every person who manufactures tobacco by any method of preparing, processing, or manipulating, except for his own personal consumption or use; or who packages any tobacco for consumption by smoking or for use in the mouth or nose; or who sells or delivers any tobacco, not exempt from tax under Chapter 52, I. R. C., to any person, contrary to the provisions of such chapter and regulations thereunder. The term "manufacturer of tobacco" shall not include (a) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm; or (b) a dealer in tobacco materials who handles tobacco solely for sale, shipment, or delivery, in bulk, to another dealer in such materials or to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States.

§ 270.30 *Package.* "Package" shall mean the container in which cigars or cigarettes are put up bearing the stamps, class designation, and mark, as required by this part.

§ 270.31 *Parcel.* "Parcel" shall mean a subdivision of a package of cigars or cigarettes.

§ 270.32 *Perique.* "Perique" shall mean tobacco, such as that produced in Louisiana, cured in its own juices and given other treatment peculiar to this type of tobacco.

§ 270.33 *Person.* "Person" shall mean and include an individual, partnership, association, company, corporation, estate, or trust.

§ 270.34 *Region.* "Region" shall mean the area, designated by the Secretary or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

§ 270.35 *Regional commissioner.* "Regional commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 270.36 *Removal or remove.* "Removal" or "remove" shall mean the removal of cigars or cigarettes or tobacco materials from the factory, or from customs custody, and shall also include the smuggling or other unlawful importation of such nontaxpaid products into the United States.

§ 270.37 *Revenue officer.* "Revenue officer" shall mean any officer or employee of the United States acting in connection with any internal revenue law of the United States.

§ 270.38 *Scraps.* "Scraps" shall mean portions of leaf tobacco.

§ 270.39 *Siftings.* "Siftings" shall mean the particles of tobacco salvaged in the process of sifting or screening the residue of tobacco.

§ 270.40 *Small cigarettes.* "Small cigarettes" shall mean cigarettes weighing not more than three pounds per thousand.

§ 270.41 *Small cigars.* "Small cigars" shall mean cigars weighing not more than three pounds per thousand.

§ 270.42 *Stems.* "Stems" shall mean the stems or mid-ribs of tobacco.

§ 270.43 *Tobacco in process.* "Tobacco in process" shall mean tobacco which has been, or is being, manipulated or processed, but is to undergo further manipulation, processing or handling, prior to removal for consumption by smoking or for use in the mouth or nose.

§ 270.44 *Tobacco materials.* "Tobacco materials" shall mean tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, dust, stems, and waste.

§ 270.45 *Tobacco products.* "Tobacco products" shall mean manufactured tobacco, cigars, and cigarettes.

§ 270.46 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 270.47 *Waste.* "Waste" shall mean tobacco, including dust, and foreign substances resulting from the handling, manipulation, or processing of tobacco, and which are worthless for use in the manufacture of tobacco products and have no market value for that purpose.

SUBPART C—TAXES

§ 270.60 *Cigar tax rates.* On cigars, manufactured in or imported into the United States, the following taxes are imposed by law:

(a) *Small cigars.* 75 cents per thousand.

(b) *Large cigars.* (1) If removed to retail at not more than 2½ cents each, $2.50 per thousand;

(2) If removed to retail at more than 2½ cents each and not more than 4 cents each, $3 per thousand;

(3) If removed to retail at more than 4 cents each and not more than 6 cents each, $4 per thousand;

(4) If removed to retail at more than 6 cents each and not more than 8 cents each, $7 per thousand;

(5) If removed to retail at more than 8 cents each and not more than 15 cents each, $10 per thousand;

(6) If removed to retail at more than 15 cents each and not more than 20 cents each, $15 per thousand; and

(7) If removed to retail at more than 20 cents each, $20 per thousand.

(68A Stat. 705; 26 U. S. C. 5701)

§ 270.61 *Classification of large cigars.* Large cigars are divided into seven classes, for tax purposes, corresponding with the rates of tax imposed by section 5701 (b) (2), I. R. C., and determined by the retail price intended by the manufacturer or importer for such cigars. The classes are designated, from the lowest to the highest rate of tax, as class A, class B, class C, class D, class E, class F, and class G, respectively. In determining the retail price, for tax purposes, regard shall be had to the ordinary retail price of a single cigar in its principal market. Where there is more than one price for the same cigar in its principal market, the tax to be paid shall be determined, at the time of removal, according to the price at which the majority are sold therein. Subsequent retail sale at a price in excess of the maximum for the class at which taxpaid will not, in itself, cause the manufacturer or importer to incur any additional tax liability.

(68A Stat. 705; 26 U. S. C. 5701)

§ 270.62 *Cigarette tax rates.* On cigarettes, manufactured in or imported into the United States, the following taxes are imposed by law:

(a) *Small cigarettes.* $4 per thousand.

(b) *Large cigarettes.* $8.40 per thousand. Where such cigarettes are more than 6½ inches in length, the rate of tax imposed is $4 per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(68A Stat. 705; 26 U. S. C. 5701)

§ 270.63 *Classification of cigarettes.* Small cigarettes are designated class A, for tax purposes. Large cigarettes are designated class B, for such purposes.

(68A Stat. 705; 26 U. S. C. 5701)

§ 270.64 *Liability for tax and method of payment.* The taxes imposed on cigars and cigarettes shall be determined at the time of removal of such products and shall be paid by the manufacturer or importer by the affixture of internal revenue tax stamps to each package of such products before removal.

(68A Stat. 707; 26 U. S. C. 5703)

§ 270.65 *Assessment.* Whenever any person required by law to pay tax on cigars and cigarettes fails to pay such tax in accordance with the provisions of this part, the tax shall be determined and assessed, subject to the limitations prescribed in section 6501, I. R. C., against such person. The tax so assessed shall be in addition to any penalties prescribed by law for failure to pay such tax: *Provided*, That, except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 30 days from the date of such notice to show cause, in writing, against such assessment.

(68A Stat. 707, 836; 26 U. S. C. 5703, 6862)

SUBPART D—GENERAL

§ 270.70 *Authority of revenue officers to enter premises.* Any revenue officer may enter in the daytime any premises where cigars or cigarettes are produced or kept, so far as it may be necessary for the purpose of examining such products. When such premises are open at night, any revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any revenue officer or permit him to examine such products shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7606)

§ 270.71 *Interference with administration.* Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation or intended violation of this part, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U. S. C. 7212)

§ 270.72 *Disposal of forfeited, condemned, and abandoned cigars, cigarettes, and tobacco materials.* When in the opinion of any officer having custody of forfeited, condemned, or abandoned cigars, cigarettes, or tobacco materials, upon which the Federal tax has not been paid, the sale thereof will not bring a price equal to such tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such products or materials for consumption in the United States. Where the products or materials are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for human consumption) or cause their destruction in the manner provided in §§ 270.155 and 270.160. Where such products or materials are sold, they shall not be released by the officer having custody thereof until they are properly packaged and internal revenue stamps (the cost of which stamps shall be considered as a portion of the sales price) are affixed to each package to denote the payment of tax. In the case of such products or materials held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the Regulations of the General Services Administration, Title 1, Personal Property Management.

(68A Stat. 716, 831; 26 U. S. C. 5753, 6807)

§ 270.73 *Restamping packages from which the stamps have been lost or destroyed.* Where the stamps originally affixed to packages of cigars or cigarettes have been lost or destroyed, after removal of such products, the manufacturer, importer, or dealer possessing such products shall make application, in duplicate, to the assistant regional commissioner for the region in which the products are held, for new stamps, without cost, to be used for restamping such packages. Such person shall state in detail the location and quantity of the packages, description of the contents, the kind, denomination, and class of the stamps lost or destroyed, and the nature of the applicant's interest in the products. The application shall be accompanied by affidavits of persons with knowledge of the facts, sufficient to establish the original affixture of stamps and the manner and extent of the loss or destruction of such stamps. Where the packages are in such condition as to require repacking before new stamps can be affixed, such repacking may be authorized by the assistant regional commissioner. The assistant regional commissioner may assign a revenue officer to supervise such repacking and restamping, or he may authorize the applicant to perform such functions.

§ 270.74 *Variations from requirements*—(a) *Construction and separation of premises.* The Director, Alcohol and Tobacco Tax Division, may approve a manner of construction and separation of factory premises in lieu of that specified in this part, where it is shown that it is impracticable to conform to the requirements, and the proposed construction and separation will afford as much or more security and protection to the revenue as is intended by the requirements in this part, and where such variation is not contrary to any provision of law. Where it is proposed to employ a manner of construction and separation of premises other than that provided for by this part, prior approval shall be obtained in accordance with the provisions of paragraph (c) of this section.

(b) *Methods of operation.* The Director, Alcohol and Tobacco Tax Division, may in case of emergency approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operation other than those provided for by this part, prior approval shall be obtained in accordance with the provisions of paragraph (c) of this section.

(c) *Application.* Any person, subject to the provisions of this part, who proposes to employ methods of operation, or of construction and separation of factory premises, other than as provided in this part, shall submit an application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the necessity therefor. With respect to variations in construction and separation of factory premises, where they cannot be adequately described in the application, drawings or photographs thereof shall also be submitted. The assistant regional comissioner shall make such inquiry as is necessary to ascertain the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

§ 270.75 *Penalties and forfeitures.* Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(68A Stat. 717, 718; 26 U. S. C. 5761, 5762, 5763)

SUBPART E—QUALIFICATION REQUIREMENTS FOR MANUFACTURERS

§ 270.80 *Persons required to qualify.* Every person who produces cigars and cigarettes, except for his own personal consumption, shall qualify as a manufacturer of cigars and cigarettes in accordance with the provisions of this part.

(68A Stat. 706; 26 U. S. C. 5702)

§ 270.81 *Application for permit*—(a) *Persons entering business.* Every person, before commencing business as a manufacturer of cigars and cigarettes, shall make application, on Form 2093, to the assistant regional commissioner for, and obtain, the permit provided for in § 270.90. All documents required under this part to be furnished with such application shall be made a part thereof.

(b) *Manufacturers operating on effective date.* Manufacturers of cigars and cigarettes operating on the effective day of this part shall also make application for permit in the manner required by paragraph (a) of this section within 30 days after such date. Such persons may continue their operations pending final action by the assistant regional commissioner with respect to such application.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.82 *Corporate documents.* Every corporation, before commencing business as a manufacturer of cigars and cigarettes, shall furnish with its application for permit required by § 270.81, a true copy of the corporate charter or a certificate of corporate existence or incorporation, executed by the appropriate officer of the State in which incorporated. The corporation shall also furnish, in duplicate, evidence which will establish the authority of the officer or other person who executes the application for permit to execute the same; the authority of persons to sign other documents, required by this part, for the corporation; and the identity of the officers and directors, and each person who holds more than ten percent of the stock of such corporation. Where a corporation has previously filed such documents or evidence with the same assistant regional commissioner, a written statement by the corporation, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.83 *Articles of partnership or association.* Every partnership or association, before commencing business as a manufacturer of cigars and cigarettes, shall furnish with its application for permit, required by § 270.81, a true copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality. Where a partnership or association has previously filed such documents with the same assistant regional commissioner, a written statement by the partnership or association, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.84 *Trade name certificate.* Every person, before commencing business under a trade name as a manufacturer of cigars and cigarettes, shall furnish with his application for permit, required by § 270.81, true copies, in duplicate, of the certificate or other document, if any, issued by a State, county, or municipal authority in connection with the transaction of business under such trade name. If no such certificate or other document is so issued, a written statement by such person, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.85 *Bond.* Every person, before commencing business as a manufacturer of cigars and cigarettes, shall file, in connection with his application for permit, a bond, Form 2100, in accordance with the applicable provisions of Subpart G of this part, conditioned upon compliance with the provisions of Chapter 52, I. R. C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection therewith for which he may become liable to the United States.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.86 *Power of attorney.* If the application for permit or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, company, or corporation, or by one of the partners for a partnership, or by an officer of an association or company, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 270.82, power of attorney

conferring authority upon the person signing the documents shall be manifested on Form 1534 and furnished to the assistant regional commissioner.

§ 270.87 *Factory premises*—(a) *Description and diagram.* The premises to be used by a manufacturer of cigars and cigarettes as his factory or plant shall be described, in the application for permit required by § 270.81, by number, street, and city, town, or village, and State. Such premises may consist of more than one building, which need not be contiguous, but shall be located in the same city, town, or village. Where such premises consist of less than an entire building, a diagram, in duplicate, shall also be furnished showing the particular floor or floors, or room or rooms, comprising the factory, and also showing any adjoining retail store, operated by such manufacturer, where tobacco products are sold.

(b) *Separation.* Where the factory premises consist of less than an entire building, the premises shall be completely separated from adjoining portions of the building, which separation shall be constructed of materials generally used in the construction of buildings and may include any necessary doors or other openings. The premises shall be accessible directly from the street, yard, or common passageway or means of entrance.

(c) *Factories established prior to effective date.* Factories established prior to the effective date of this part shall not be subject to the provisions of paragraph (b) of this section if, in the opinion of the assistant regional commissioner, the existing premises afford adequate protection to the revenue.

(d) *Restrictions.* Factory premises shall be used exclusively for the purposes of manufacturing and storing cigars and cigarettes; storing materials, equipment, and supplies related thereto or used or useful in the conduct of the business; and carrying on activities in connection with the business of the manufacturer.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.88 *Additional information.* The assistant regional commissioner may require such additional information as he may deem necessary in connection with the qualification of persons under this subpart.

§ 270.89 *Investigation of applicant.* The assistant regional commissioner shall promptly cause such inquiry or investigation to be made, as he deems necessary, to verify the information furnished in connection with an application for permit and to ascertain whether the applicant is, by reason of his business experience, financial standing, and trade connections, likely to maintain operations in compliance with Chapter 52, I. R. C., and regulations thereunder; whether such person has disclosed all material information required or made any material false statement in the application for such permit; and whether the premises on which it is proposed to establish the factory are adequate to protect the revenue. If the assistant regional commissioner has reason to believe that the applicant is not entitled to a permit, he shall promptly give the applicant notice of the contemplated disapproval of his application and opportunity for hearing thereon in accordance with 26 CFR (1939) Part 200, which part (including the provisions relating to the recommended decision and to appeals) is made applicable to such proceedings. If, after such notice and opportunity for hearing, the assistant regional commissioner finds that the applicant is not entitled to a permit, he shall, by order stating the findings on which his decision is based, deny the permit.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.90 *Issuance of permit.* If the application for permit, bond, and supporting documents, required under this part, are approved by him, the assistant regional commissioner shall issue a permit, Form 2095, to the manufacturer of cigars and cigarettes who shall keep it posted conspicuously at all times within his factory. Where the factory consists of more than one building, the permit shall be posted in the building in which the record, required by § 270.142, is kept. The permit shall bear a number and shall fully set forth where the business of the manufacturer is to be conducted.

(68A Stat. 712; 26 U. S. C. 5713)

SUBPART F—CHANGES SUBSEQUENT TO ORIGINAL QUALIFICATION OF MANUFACTURERS

CHANGES IN NAME

§ 270.100 *Change in individual name.* Where there is merely a change in the name of an individual operating as a manufacturer of cigars and cigarettes, he shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of his bond, in accordance with the provisions of § 270.125.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 270.101 *Change in trade name.* Where there is merely a change in the trade name of a manufacturer of cigars and cigarettes, he shall, within 30 days of the adoption of the new trade name, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of bond, in accordance with the provisions of § 270.125. The manufacturer shall also furnish true copies, in duplicate, of any new trade name certificate or document issued to him, or statement in lieu thereof, required by § 270.84.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 270.102 *Change in corporate name.* Where there is merely a change in the name of a corporate manufacturer of cigars and cigarettes, the manufacturer shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of the coverage of bond, in accordance with the provisions of § 270.125. The manufacturer shall also furnish such documents as may be reasonably necessary to establish that the corporate name has been changed.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

CHANGES IN OWNERSHIP AND CONTROL

§ 270.103 *Fiduciary successor.* If an administrator, executor, receiver, trustee, assignee, or other fiduciary, is to take over the business of a manufacturer of cigars and cigarettes, as a continuing operation, such fiduciary shall, before commencing operations, make application for permit and file bond as required by Subpart E of this part, furnish certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualification as such fiduciary, and make an opening inventory, in accordance with the provisions of § 270.141: *Provided,* That where a diagram has been furnished by the predecessor, in accordance with the provisions of § 270.87, the successor may adopt such diagram. However, where a fiduciary intends merely to liquidate the business, qualification as a manufacturer of cigars and cigarettes will not be required if he promptly files with the assistant regional commissioner a statement to that effect, together with an extension of coverage of the precedessor's bond, executed by the fiduciary, also by the surety on such bond, in accordance with the provisions of section 270.125.

(68A Stat. 711, 713; 26 U. S. C. 5711, 5712, 5721)

§ 270.104 *Transfer of ownership.* If a transfer is to be made in ownership of the business of a manufacturer of cigars and cigarettes (including a change in the identity of the members of a partnership or association), such manufacturer shall give notice, in writing, to the assistant regional commissioner, naming the proposed successor and the desired effective date of such transfer. The proposed successor shall, before commencing operations, qualify as a manufacturer of cigars and cigarettes, in accordance with the applicable provisions of Subpart E of this part: *Provided,* That where a diagram has been furnished by the manufacturer in accordance with the provisions of § 270.87, the proposed successor may adopt such diagram. The manufacturer shall give such notice of transfer, and the proposed successor shall make application for permit and file bond, as required, in ample time for examination and approval thereof before the desired date of such change. The predecessor shall make a closing inventory and closing report, in accordance with the provisions of §§ 270.141 and 270.143, respectively, and surrender, with such inventory and report, his permit, and the successor shall make an opening inventory, in accordance with the provisions of § 270.141.

(68A Stat. 711, 712, 713; 26 U. S. C. 5711, 5712, 5713, 5721, 5722)

§ 270.105 *Change in officers or directors of a corporation.* Where there is any change in the officers or directors of a corporation operating the business of a manufacturer of cigars and cigarettes, the manufacturer shall furnish to the assistant regional commissioner notice, in writing, of the election of the new officers or directors within 30 days after such election.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.106 *Change in stockholders of a corporation.* Where the issuance, sale, or transfer of the capital stock of a corporation, operating as a manufacturer of cigars and cigarettes, results in a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation, the corporate manufacturer shall, within 30 days after the change occurs, make application for a new permit; otherwise, the present permit shall be automatically terminated at the expiration of such 30 day period, and the manufacturer shall dispose of all tobacco materials, cigars, cigarettes, and stamps on hand, in accordance with this part, make a closing inventory and closing report, in accordance with the provisions of §§ 270.141 and 270.143, respectively, and surrender his permit with such inventory and report. If the application for a new permit is timely made, the present permit shall continue in effect pending final action by the assistant regional commissioner with respect to such application.

(68A Stat. 711, 712, 713; 26 U. S. C. 5712, 5713, 5721, 5722)

CHANGES IN LOCATION AND PREMISES

§ 270.107 *Change in location within same region*—(a) *Transfer to a new location.* Whenever a manufacturer of cigars and cigarettes contemplates changing the location of his factory within the same region, the manufacturer shall, before commencing operations at the new location, make application, on Form 2098, for an amended permit. The application shall be supported by an extension of coverage of the bond filed under this part, in accordance with the provisions of § 270.125.

(b) *Mere change in address.* Whenever any change occurs in the address, but not the location, of the factory of a manufacturer of cigars and cigarettes, as a result of action of local authorities, the manufacturer shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of the bond filed under this part, in accordance with the provisions of § 270.125.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 270.108 *Change in location to another region.* Whenever a manufacturer of cigars and cigarettes contemplates changing the location of his factory to another region, the manufacturer shall, before commencing operations at the new location, qualify as such a manufacturer in the new region, in accordance with the applicable provisions of Subpart E of this part. The manufacturer shall notify the assistant regional commissioner of the region from which he is removing of his qualification in the new region, giving the address of the new location of his factory and the number of the permit issued to him in the new region, make a closing inventory and closing report, in accordance with the provisions of §§ 270.141 and 270.143, respectively, and surrender, with such inventory and report, the permit for his old location.

(68A Stat. 711, 712, 713; 26 U. S. C. 5711, 5712, 5713, 5721, 5722)

§ 270.109 *Change in factory premises.* Where the premises of a cigar and cigarette factory are to be changed to an extent which will make inaccurate the description of such premises as set forth in the last application by the manufacturer for permit, or the diagram, if any, furnished with such application, the manufacturer shall first make an application, Form 2098, for an amended permit, to the assistant regional commissioner, describing the proposed change in such premises, and furnish a diagram thereof, if required under the provisions of § 270.87. The application shall be supported by an extension of coverage of bond in accordance with the provisions of § 270.125.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 270.110 *Emergency premises.* In cases of emergency, the assistant regional commissioner may authorize, for a stated period, the temporary use of a place for the temporary storage of tobacco materials, cigars, and cigarettes, without making the application or furnishing the extension of coverage required under §§ 270.109 and 270.156, or the temporary separation of factory premises by means other than those specified in paragraph (b) of § 270.87, where such action will not hinder the effective administration of this part, is not contrary to law, and will not jeopardize the revenue.

SUBPART G—BONDS AND EXTENSIONS OF COVERAGE OF BONDS

§ 270.120 *Corporate surety.* Surety bonds, required under the provisions of this part, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Form 356, revised. The surety shall have no interest whatever in the business covered by the bond.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 6)

§ 270.121 *Deposit of bonds, notes, or obligations in lieu of corporate surety.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by the manufacturer of cigars and cigarettes as security in connection with bond to cover his operations, in lieu of the corporate surety, in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). Such bonds or notes which are nontransferable, or the pledging of which will not be recognized by the Treasury Department, are not acceptable as security in lieu of corporate surety.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 15)

§ 270.122 *Amount of bond.* The amount of a manufacturer's bond to cover the manufacture of cigars and cigarettes shall be equal to the amount of the tax liability on such products manufactured in his factory during the twelve months preceding the month in which the bond is to be filed, divided by twelve. In the case of a manufacturer commencing business, his production shall be estimated for the purpose of this section. The amount of any such bond (or the total amount where original and strengthening bonds are filed) shall not exceed $200,000 nor be less than $1,000.

(68A Stat. 711; 26 U. S. C. 5177)

§ 270.123 *Strengthening bond.* Where the assistant regional commissioner determines that the amount of the bond, under which a manufacturer of cigars and cigarettes is currently carrying on such business, no longer adequately protects the revenue, the assistant regional commissioner may require the manufacturer to file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, in lieu of a superseding bond to cover the full liability on the basis of § 270.122. The assistant regional commissioner shall refuse to approve any strengthening bond where any notation is made thereon which is intended or which may be construed as a release of any former bond, or as limiting the amount of either bond to less than its full amount. Such strengthening bonds shall have placed thereon, by the obligors at the time of execution, the notation "Strengthening Bond."

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.124 *Superseding bond.* A manufacturer of cigars and cigarettes shall file a new bond to supersede his current bond, immediately when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, or (d) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.125 *Extension of coverage of bond.* An extension of the coverage of any bond filed under this part shall be manifested on Form 2105 by the manufacturer of cigars and cigarettes and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.126 *Approval of bond and extension of coverage of bond.* No person shall commence operations under any

bond, nor extend his operations, until he receives from the assistant regional commissioner notice of his approval of the bond or of an appropriate extension of coverage of the bond required under this part.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.127 *Termination of liability of surety under bond.* The liability of a surety on any bond required by this part shall be terminated only as to operations on and after the date of approval of a superseding bond, or the date of approval of the discontinuance of operations by the manufacturer of cigars and cigarettes, or otherwise in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the manufacturer while the bond is in force.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.128 *Release of bonds, notes, and obligations.* Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this part, shall be released only in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). When the assistant regional commissioner who has accepted such security is satisfied that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released. At any time prior to the release of such security, the assistant regional commissioner may, for proper cause, extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 15)

SUBPART H—OPERATIONS BY MANUFACTURERS

§ 270.140 *Sign.* Every manufacturer of cigars and cigarettes shall place and keep, on the outside of the building in which his factory is located, or at the entrance of his factory, where it can be plainly seen, a sign, in plain and legible letters, exhibiting the name under which he operates, and (a) the type of business ("Manufacturer of Cigars and Cigarettes," "Manufacturer of Cigars," or "Manufacturer of Cigarettes," as the case may be) or (b) the number of the permit issued to the manufacturer under this part. Such sign shall be in the English language.

§ 270.141 *Inventories*—(a) *General.* Every manufacturer of cigars and cigarettes shall make a true and accurate inventory, on Form 2131, to the assistant regional commissioner, of the quantity of tobacco materials, cigars, cigarettes, and stamps held by him at the times specified in this section, which inventory shall be subject to verification by a revenue officer.

(b) *Opening.* An opening inventory shall be made by the manufacturer at the time of commencing business. The date of commencing business under this part shall be the effective date indicated on the permit issued under § 270.90. A similar inventory shall be made by the manufacturer when he files a superseding bond. The date of such inventory shall be the effective date of such superseding bond as indicated thereon by the assistant regional commissioner.

(c) *Special.* A special inventory shall be made by the manufacturer whenever required by any revenue officer.

(d) *Closing.* A closing inventory shall be made by the manufacturer when he transfers ownership, or changes his location to another region, or concludes business. Such inventory at the time of transfer of ownership shall be made as of the day preceding the date of the opening inventory of the successor.

(68A Stat. 713; 26 U. S. C. 5721)

§ 270.142 *Record.* Every manufacturer of cigars and cigarettes shall keep a record and enter therein daily all (a) tobacco materials received (except with respect to samples as provided by § 270.159), shipped, and lost or destroyed, (b) cigars and cigarettes manufactured, received, removed, furnished for personal consumption by employees, used for experimental purposes, reduced to material, and lost or destroyed, and (c) stamps received, used, and lost or destroyed. Such record, with respect to large cigars, shall be kept on Form 2142 and, with respect to large and small cigarettes and small cigars, on Form 2143. The entries in the record for each day will be considered timely if made by the close of the business day following that on which occur the operations or transactions required to be recorded. Such record shall be retained for two years following the close of the year covered in the record, and made available for inspection by any revenue officer upon his request.

(68A Stat. 715; 26 U. S. C. 5741)

§ 270.143 *Reports*—(a) *General.* Every manufacturer of cigars and cigarettes shall make a monthly report, on Form 2136, to the assistant regional commissioner, of all (1) tobacco materials received (except with respect to samples as provided by § 270.159), shipped, used, and lost or destroyed, (2) cigars and cigarettes manufactured, rereceived, removed, furnished for personal consumption by employees, used for experimental purposes, reduced to material, and lost or destroyed, and (3) stamps received, used, and lost or destroyed. The report shall be made on or before the 20th day following the end of the month covered in the report. A copy of each such report shall be retained by the manufacturer for two years following the close of the year covered in such reports, and made available for inspection by any revenue officer upon his request.

(b) *Opening.* An opening report, covering the period from the date of the opening inventory, or inventory made in connection with a superseding bond, to the end of the month, shall be made on or before the 20th day following the end of the month in which the business was commenced.

(c) *Special.* A special report, covering the unreported period to the day preceding the date of any special inventory required by a revenue officer, shall be made with such inventory. Another report, covering the period from the date of such inventory to the end of the month, shall be made on or before the 20th day following the end of the month in which the inventory was made.

(d) *Closing.* A closing report, covering the period from the first of the month to the date of the closing inventory, or the day preceding the date of an inventory made in connection with a superseding bond, shall be made with such inventory.

(68A Stat. 713; 26 U. S. C. 5722)

§ 270.144 *Packages*—(a) *General.* All cigars and cigarettes shall, before removal, be put up by the manufacturer in packages which shall bear the stamps and mark, also the class designation in the case of large cigars, required by this subpart. Such packages shall be of such construction as will securely contain the cigars and cigarettes therein and maintain the stamps, class designation, and mark thereon: *Provided*, That cigars and cigarettes transferred to another manufacturer of such products, removed for export, furnished for consumption by employees, or used for experimental purposes, shall be exempt from the provisions of this paragraph.

(b) *Subdivision into parcels.* Packages may be subdivided into parcels which shall not bear the stamps, class designation, or mark.

(c) *Lottery features.* No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of cigars or cigarettes removed for domestic consumption.

(d) *Indecent or immoral material.* No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of cigars or cigarettes.

(68A Stat. 713; 26 U. S. C. 5723)

§ 270.145 *Class designation for large cigars.* Every package of large cigars subject to tax shall, before removal, have legibly imprinted thereon, or on a label securely affixed thereto, a class designation, for tax purposes, corresponding with the rate of tax imposed by section 5701 (b) (2), I. R. C., on the cigars contained therein. The class designation shall consist of the appropriate statement:

Class A. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be not more than 2½ cents each;

Class B. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 2½ cents each and not more than 4 cents each;

Class C. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 4 cents each and not more than 6 cents each;

Class D. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 6 cents each and not more than 8 cents each;

Class E. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 8 cents each and not more than 15 cents each;

Class F. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 15 cents each and not more than 20 cents each; or

Class G. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 20 cents each.

(68A Stat. 713; 26 U. S. C. 5723)

§ 270.146 *Mark.* Every package of cigars and cigarettes subject to tax shall, before removal, have legibly imprinted thereon, or on a label securely affixed thereto, the name and location of the manufacturer, or his permit number, and a warning reading "Law forbids the reuse of the Federal stamps hereon and requires the person who empties this package to destroy such stamps when the package is emptied."

§ 270.147 *Dummy packages for display purposes.* So-called "dummy" packages to be used for display purposes in advertising cigars and cigarettes, which do not contain such products, shall not bear the stamps required by this part.

(68A Stat. 716, 865; 26 U. S. C. 5752, 7271)

§ 270.148 *Stamps*—(a) *Classes and denominations provided.* Stamps for the payment of taxes on cigars and cigarettes are provided, for sale to manufacturers of such products, in the following classes and denominations:

(1) *For small cigars.* In denominations of 5, 8, 10, 12, 15, 16, 20, 24, 40, 50, 80, and 100.

(2) *For large cigars.* Classes A through G, in denominations of 3, 5, 7, 10, 12, 13, 20, 25, 50, 100, 200, 250, and 500.

(3) *For small and large cigarettes.* Classes A and B, in denominations of 5, 8, 10, 12, 15, 16, 20, 24, 40, 50, 80, and 100.

(b) *Method of purchase.* Manufacturers of cigars and cigarettes shall purchase stamps, for the payment of tax on such products, from the district director. Manufacturers shall use Form 485 in ordering stamps for small cigars and small and large cigarettes, and Form 168 in ordering stamps for large cigars. Each order form shall be accompanied by remittance in the proper amount. A copy of each such order form which has been marked paid by the district director shall be retained by the manufacturer for two years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request.

(68A Stat. 707; 26 U. S. C. 5703)

§ 270.149 *Affixture of stamps.* Every manufacturer of cigars and cigarettes shall, before removal subject to tax, securely affix to each package of such products one or more stamps of such proper class and denominations as will fully taxpay the contents of such package.

(68A Stat. 713; 26 U. S. C. 5723)

§ 270.150 *Cigars and cigarettes furnished to employees for personal consumption.* Manufacturers of cigars and cigarettes may furnish such products, without payment of tax, for personal consumption by employees in the factory, in such quantities as desired. Each employee may also be furnished, for off-factory personal consumption, not more than 5 large cigars or cigarettes, or 20 small cigars or cigarettes, by the manufacturer, without payment of tax, for each day the employee is at work. For the purpose of this section the term "employee" shall include all persons who work for and receive compensation from the manufacturer, or a parent, subsidiary, or auxiliary company or corporation of the manufacturer, in the city, town, or village, where the cigars or cigarettes so furnished to employees are produced. Such cigars or cigarettes furnished for off-factory consumption shall be taken from the factory by the employee on the day furnished. Employees shall not sell, offer for sale, or give away cigars and cigarettes so furnished to them.

(68A Stat. 708; 26 U. S. C. 5704)

§ 270.151 *Use of cigars and cigarettes for experimental purposes.* Manufacturers of cigars and cigarettes may use such products, without payment of tax, for experimental purposes in their factories, in such quantities as desired. Such manufacturers may also remove such products, under his bond, without payment of tax for experimental purposes outside their factories, when authorized by the assistant regional commissioner.

(68A Stat. 708; 26 U. S. C. 5704)

§ 270.152 *Transfer of cigars and cigarettes.* A manufacturer of cigars and cigarettes may transfer such products, under his bond, without the payment of tax, to any qualified manufacturer of such products.

(68A Stat. 708; 26 U. S. C. 5704)

§ 270.153 *Return of cigars and cigarettes to factory.* Cigars and cigarettes which have been removed from the factory may be returned thereto without internal revenue supervision when so authorized by the assistant regional commissioner. If the cigars or cigarettes are contained in packages to which stamps denoting the tax are affixed and the manufacturer desires to file claim for refund of the value of such stamps, the procedure in § 270.165 shall be followed.

§ 270.154 *Reduction of cigars and cigarettes to tobacco materials.* Manufacturers may reduce cigars and cigarettes to tobacco materials without internal revenue supervision. If the products have been entered in the factory record as manufactured, an entry shall be made in such record of the number of cigars or cigarettes to be reduced to material and an entry shall also be made of the quantity of tobacco resulting from the reduction to material. If the products to be reduced to material are contained in packages bearing stamps denoting the tax and the manufacturer desires to file claim for refund of the value of such stamps, the applicable procedure in § 270.165 shall be followed.

(68A Stat. 715; 26 U. S. C. 5741)

§ 270.155 *Destruction of cigars and cigarettes.* When a manufacturer desires to destroy cigars or cigarettes which have been entered in the factory record as manufactured, without salvaging the tobacco material, such destruction shall be accomplished under the supervision of a revenue officer. The cigars and cigarettes may be burned completely or they may be broken up and the resulting material destroyed in accordance with the provisions of § 270.160. If the products to be destroyed are contained in packages bearing stamps denoting the tax and the manufacturer desires to file claim for refund of the value of such stamps, the applicable procedure in § 270.165 shall be followed.

(68A Stat. 715; 26 U. S. C. 5741)

§ 270.156 *Storage of tobacco materials*—(a) *Within the factory.* Tobacco materials may be stored, under the provisions of this part, only within the premises of a cigar and cigarette factory, except as provided in paragraph (b) of this section.

(b) *Outside the factory.* Tobacco materials may be stored outside the premises of a cigar or cigarette factory, in the same region in which the factory is situated, if an extension of coverage of the bond for such purpose has been approved by the assistant regional commissioner.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.157 *Shipment or delivery of tobacco materials.* A manufacturer of cigars and cigarettes may ship or deliver tobacco materials, under his bond, without payment of tax, to (a) a qualified dealer in tobacco materials; (b) a qualified manufacturer of tobacco products; (c) a State institution; (d) a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States; or (e) any person for experimental or display purposes when authorized by the assistant regional commissioner. A manufacturer of cigars and cigarettes may similarly ship stems and waste to any person for use by him as fertilizer or insecticide or in the production of fertilizer, insecticide, or nicotine.

(68A Stat. 708; 26 U. S. C. 5704)

§ 270.158 *Fumigation of tobacco materials.* Tobacco materials held by, or released or in transit to, a manufacturer of cigars and cigarettes may be delivered, without payment of tax, to a person, who is not qualified as a dealer in tobacco materials or manufacturer of tobacco products, solely for purposes of fumigation by such peron and return or delivery to the manufacturer. Such tobacco materials shall be covered by the bond of the manufacturer and shall not be regarded as shipped by the manufacturer for purposes of §§ 270.142 and 270.143. Therefore, no entries shall be made in

the revenue record of the manufacturer showing delivery of the tobacco materials to the fumigator.

§ 270.159 *Samples of tobacco materials.* Samples of tobacco materials, received by a manufacturer of cigars and cigarettes, which are to be consumed, used or destroyed for purposes of sampling, testing, and experimenting, shall be exempt from the provisions of §§ 270.142 and 270.143.

(68A Stat. 715; 26 U. S. C. 5741)

§ 270.160 *Destruction of tobacco materials*—(a) *Stems and waste.* Where a manufacturer of cigars and cigarettes desires to destroy stems and waste, he shall do so by burning or by mixing thoroughly with lime, sulphur, bone dust, ashes, or other such substance.

(b) *Other materials.* Where a manufacturer of cigars and cigarettes desires to destroy tobacco in process, Perique, Black Fat, leaf tobacco, scraps, cuttings, clippings, and siftings, and obtain credit therefor in the record kept by him under § 270.142, he shall notify the assistant regional commissioner of the kind and quantity of such tobacco materials and the date on which he desires to destroy such tobacco materials. The assistant regional commissioner may assign a revenue officer to supervise the destruction of the tobacco materials, or he may authorize the manufacturer to destroy the tobacco materials in the manner provided in paragraph (a) of this section.

(68A Stat. 715; 26 U. S. C. 5741)

§ 270.161 *Credit for loss of tobacco materials by theft or destruction.* Every loss of tobacco materials by theft, or destruction by fire, casualty, or act of God, while in the possession or ownership of a manufacturer of cigars and cigarettes, shall be reported to the assistant regional commissioner and the facts of such loss shall be established to his satifaction, in order that credit therefor in the records of such manufacturer may be authorized.

(68A Stat. 715; 26 U. S. C. 5741)

§ 270.162 *Claim for remission of tax on cigars and cigarettes.* Every loss (otherwise than by theft) or destruction, by fire, casualty, or act of God, of cigars or cigarettes upon which the tax has not been paid and which are in the possession or ownership of the manufacturer of such cigars and cigarettes, shall be reported by the manufacturer to the assistant regional commissioner and the facts of such loss or destruction shall be established to his satisfaction. Claim for remission of such tax may be filed with the assistant regional commissioner. Such claim shall be in letter form, in duplicate, setting forth the reasons why such tax should be remitted, and shall be accompanied by evidence necessary to support the claim.

(68A Stat. 709; 26 U. S. C. 5705)

§ 270.163 *Claim for abatement of assessment.* Claim for abatement of the unpaid portion of the assessment of any tax on cigars and cigarettes, or any liability in respect of such tax, alleged to be excessive in amount, assessed after the expiration of the period of limitation applicable thereto, or erroneously or illegally assessed, shall be filed on Form 843, in duplicate, with the assistant regional commissioner. Such claim shall set forth the reasons why the claim shall be allowed, and shall be accompanied by evidence necessary to support the claim.

(68A Stat. 792; 26 U. S. C. 6404)

§ 270.164 *Claim for refund of tax.* The tax paid on cigars or cigarettes (otherwise than by stamp) may be refunded where the tax has been paid in error. Any person, who paid the tax (except an importer of such products who may file claim for refund of the tax under § 270.197) may file claim for refund thereof under this section. The claim for refund, Form 843, shall be filed in duplicate within three years from the date of payment of the tax, with the assistant regional commissioner for the region in which the tax was paid, and the claim shall be supported by evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(68A Stat. 709; 26 U. S. C. 5705)

§ 270.165 *Claim for redemption, or refund of the value, of stamps.* Stamps to denote the tax on cigars and cigarettes may be redeemed, or the value thereof may be refunded, subject to the following provisions:

(a) *Redemption of stamps.* Stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the manufacturer of such products may have no use, or which through mistake may have been improperly or unnecessarily used, or where the taxes represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected, may be redeemed by such manufacturer. Claim for redemption of such stamps shall be filed on Form 843, in duplicate, with the assistant regional commissioner, within three years after the stamps were purchased from the Government. Stamps may be destroyed under internal revenue supervision, or they may be presented with the claim, or satisfactory evidence submitted showing the reason why they cannot be so destroyed or presented. Where the stamps are to be destroyed under internal revenue supervision, a schedule on Form 178 shall be prepared by the manufacturer with respect to the stamps covered by the claim. When the schedule has been prepared, the manufacturer shall notify the assistant regional commissioner in order that he may detail a revenue officer to verify the schedule and supervise the destruction of the stamps. A copy of the verified schedule, returned to the manufacturer, shall be attached to his claim when filed. If required, the manufacturer shall satsifactorily trace the history of the stamps from their issuance to the filing of his claim.

(b) *Refund of the value of stamps.* The value of stamps affixed to packages of cigars or cigarettes may be refunded to the manufacturer thereof, where such products are withdrawn from the market by such manufacturer, or the products are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the manufacturer. Claim for refund of the value of such stamps shall be filed on Form 843, in duplicate, within three years from the date of payment of the tax.

(1) *Stamps affixed to packages of cigars or cigarettes completely lost or destroyed.* Where the packages of cigars or cigarettes to which stamps were affixed have been completely lost or destroyed beyond recognition by fire, casualty, or act of God, the claim for refund shall be filed with the assistant regional commissioner, for the region in which the stamps were affixed, and the claim shall be supported by such evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(2) *Stamps affixed to packages of cigars or cigarettes damaged or withdrawn from the market.* Where the packages of cigars or cigarettes to which stamps were affixed have been merely damaged by fire, casualty, or act of God, so that the identity of the products and the manufacturer thereof, and the rate of tax paid, can be established, or where the cigars or cigarettes are merely withdrawn from the market by the manufacturer, which would permit a similar identification and a determination of the tax paid, such cigars or cigarettes shall be assembled by the manufacturer in a suitable place in his factory or where such products are held or withdrawn from the market. The manufacturer shall group the cigars or cigarettes according to the kind of product, the rate of tax paid, and the sizes of packages, and shall prepare a schedule on Form 177, listing the cigars or cigarettes in each such group. Such cigars or cigarettes which are not taken back into the factory of the manufacturer shall be destroyed under internal revenue supervision, in which event the manufacturer shall so notify the assistant regional commissioner, for the region in which such products are assembled, and request the detail of a revenue officer to inspect the products, verify the schedule thereof, and supervise destruction of the stamps and products, and disposition of the packages as desired by the manufacturer. Upon completion of his detail, the revenue officer shall execute the certificate on both copies of the schedule of the cigars or cigarettes, to show the disposition of such stamps, and the packages involved, and return one copy to the manufacturer, which shall be attached to, and made a part of, his claim, which claim shall be filed with the assistant regional commissioner for the region in which the cigars or cigarettes were so destroyed. Where the cigars or cigarettes are returned to the factory of the manufacturer in accordance with the provisions of § 270.153, the manufacturer shall then notify the assistant regional commissioner, for the region in which the factory is situated, and request the detail of a revenue officer to inspect the products, verify the schedule thereof, and supervise the destruction of the stamps affixed to the packages of such products, and the proper disposition of the products and packages as desired by the manufacturer. Upon completion of his detail, the revenue officer shall properly execute his certificate on both copies of the schedule of such cigars or cigarettes. The revenue officer shall return one copy of the completed schedule to the manufacturer which shall be attached to, and make a part of, the manufacturer's claim, which shall be filed with the appropriate assistant regional commissioner.

(68A Stat. 709, 830; 26 U. S. C. 5705, 6805)

§ 270.166 *Tobacco materials, cigars, and cigarettes released from customs custody.* Tobacco materials, cigars, and cigarettes imported into the United States from a foreign country, or brought in from Puerto Rico, the Virgin Islands, or a possession of the United States, may be released from customs custody, without the payment of tax, for delivery to a qualified manufacturer of cigars and cigarettes under his bond, solely for receipt into premises covered by the manufacturer's bond. Before such tobacco materials, cigars, and cigarettes are released to him, the manufacturer shall furnish to the collector of customs having custody of the tobacco materials, cigars, and cigarettes, evidence that he operates as a qualified manufacturer of cigars and cigarettes. The manufacturer shall also prepare a notice of release of tobacco materials, Form 2146, or a notice of release of cigars and cigarettes, Form 2145, as the case may be. All copies of the applicable form shall be presented to the collector of customs who, after stamping the date of release of the tobacco materials or cigars and cigarettes described thereon, shall return one copy to the manufacturer, retain one copy for his records, and transmit one copy to the assistant regional commissioner shown thereon. The copy returned to the manufacturer shall be retained by him for two years after the close of the year of such release, and shall be made available for inspection by any revenue officer upon his request.

(68A Stat. 708; 26 U. S. C. 5704)

§ 270.167 *Use of the United States.* A manufacturer of cigars and cigarettes may remove such cigars and cigarettes, under his bond, without payment of tax, for use of the United States. Such removal shall be made in accordance with the provisions of Part 295 of this chapter.

(68A Stat. 708; 26 U. S. C. 5704)

§ 270.168 *Exportation.* A manufacturer of cigars and cigarettes may remove such cigars and cigarettes and tobacco materials, under his bond without payment of tax, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States, in accordance with the applicable provisions of Part 290 of this chapter.

(68A Stat. 708; 26 U. S. C. 5704)

SUBPART I—SUSPENSION AND DISCONTINUANCE OF OPERATIONS BY MANUFACTURERS

§ 270.180 *Discontinuance of operations.* Every manufacturer of cigars and cigarettes who desires to discontinue operations and close out his factory shall dispose of all tobacco materials, cigars, cigarettes, and stamps on hand, in accordance with this part, make a closing inventory and closing report, in accordance with the provisions of §§ 270.141 and 270.143, respectively, and surrender, with such inventory and report, his permit to the assistant regional commission as notice of such discontinuance and to permit the assistant regional commissioner to terminate the liability of the surety on the bond of the manufacturer.

(68A Stat. 713; 26 U. S. C. 5721, 5722)

§ 270.181 *Suspension and revocation of permit.* Where the assistant regional commissioner has reason to believe that a manufacturer of cigars and cigarettes has not in good faith complied with the provisions of Chapter 52, I. R. C., and regulations thereunder or with any other provision of the I. R. C. with intent to defraud, or has violated any condition of his permit, or has failed to disclose any material information required or made any material false statement in the application for the permit, or has failed to maintain his premises in such manner as to protect the revenue, the assistant regional commissioner shall issue an order, stating the facts charged, citing such manufacturer to show cause why his permit should not be suspended or revoked after hearing thereon in accordance with 26 CFR (1939) Part 200, which part (including the provisions relating to appeals) is made applicable to such proceedings. If the hearing examiner, or the Director, Alcohol and Tobacco Tax Division, on appeal, decides the permit should be revoked or suspended for such time as to him seems proper, the assistant regional commissioner shall by order give effect to such decision.

(68A Stat. 712; 26 U. S. C. 5713)

SUBPART J—OPERATIONS BY IMPORTERS

§ 270.190 *Packages*—(a) *General.* All cigars and cigarettes shall, before removal, be put up by the importer in packages which shall bear the stamps and, in the case of large cigars, the class designation thereof, required by this subpart. The packages shall be of such construction as will securely contain the cigars and cigarettes therein and maintain the stamps and necessary class designation thereon.

(b) *Subdivision into parcels.* Packages may be subdivided into parcels which shall not bear the stamps or class designation.

(c) *Lottery features.* No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of cigars or cigarettes removed for domestic consumption.

(d) *Indecent or immoral material.* No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of cigars or cigarettes.

(68A Stat. 713; 26 U. S. C. 5723)

§ 270.191 *Class designation for large cigars.* Every package of large cigars subject to tax shall, before removal, have legibly imprinted thereon, or on a label securely affixed thereto, a class designation, for tax purposes, corresponding with the rate of tax imposed by section 5701 (b) (2), I. R. C., on the cigars contained therein. The class designation shall consist of the appropriate statement:

Class A. The ordinary retail price of the cigars herein contained is intended by the importer to be not more than 2½ cents each;

Class B. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 2½ cents each and not more than 4 cents each;

Class C. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 4 cents each and not more than 6 cents each;

Class D. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 6 cents each and not more than 8 cents each;

Class E. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 8 cents each and not more than 15 cents each;

Class F. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 15 cents each and not more than 20 cents each; or

Class G. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 20 cents each.

(68A Stat. 713; 26 U. S. C. 5723)

§ 270.192 *Stamps*—(a) *Classes and denominations provided.* Stamps for the payment of taxes on cigars and cigarettes are provided, for sale to importers of cigars and cigarettes, in the following classes and denominations:

(1) *For small cigars.* In denominations of 5, 8, 10, 12, 15, 16, 20, 24, 40, 50, 80, and 100.

(2) *For large cigars.* Classes A through G, in denominations of 3, 5, 7, 10, 12, 13, 20, 25, 50, 100, 200, 250, and 500.

(3) *For small and large cigarettes.* Classes A and B, in denominations of 5, 8, 10, 12, 15, 16, 20, 24, 40, 50, 80, and 100.

(b) *Method of purchase.* Importers of cigars and cigarettes shall purchase stamps, for the payment of tax on such products, from the district director. Importers shall use Form 923, certified by the customs officer having custody of such products, in ordering such stamps, except as provided in §§ 270.194 and 270.195 with respect to the purchase of stamps for affixture to packages in foreign countries, Puerto Rico, and the Virgin Islands. Each order form shall be accompanied by remittance in the proper amount. A copy of each such order form which has been marked paid by the district director shall be retained by the importer for two years following

the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request.

(68A Stat. 707; 26 U. S. C. 5703)

§ 270.193 *Affixture of stamps.* Every importer of cigars and cigarettes shall, before removal subject to tax, securely affix to each package of such products one or more stamps of such proper class and denominations as will fully taxpay the contents of such package.

(68A Stat. 713; 26 U. S. C. 5723)

§ 270.194 *Stamps for affixture in foreign countries.* Stamps in payment of the tax on imported cigars and cigarettes may be affixed to such products in the foreign country in which manufactured, provided the laws of such foreign country grant a like privilege in respect of similar products manufactured in the United States and exported to such foreign country. An importer desiring to have the stamps in payment of the tax on imported cigars and cigarettes affixed to these products in such foreign country shall file with any district director an order for the necessary stamps. No particular form for such order is prescribed, but the order shall show (a) the name and address of the person by whom such products are to be imported, (b) the name of the foreign country, (c) the quantity of each such product to be imported, and (d) the number, class, and value of the stamps of each denomination, and the total value of all the stamps. Each order shall be accompanied by remittance in the proper amount.

§ 270.195 *Stamps for affixture in Puerto Rico and the Virgin Islands.* Stamps denoting the tax on cigars and cigarettes, manufactured in Puerto Rico and the Virgin Islands for shipment to the United States, may be affixed to packages of such products in Puerto Rico and the Virgin Islands. Such stamps may be purchased by the manufacturers from the Internal Revenue Service office in Puerto Rico.

(68A Stat. 829; 26 U. S. C. 6801)

§ 270.196 *Exemption of consular officers and employees of foreign states—*(a) *Rule of exemption.* No internal revenue tax shall be due with respect to cigars and cigarettes imported by a consular officer of a foreign state, or by an employee of a consulate of a foreign state, whether such products accompany the officer or employee to his post in the United States, its insular possessions, or the Panama Canal Zone, or are imported by him at any time during the exercise of his functions therein, if:

(1) Such officer or employee is a national of the state appointing him and is not engaged in any profession, business, or trade within the territory specified in this section;

(2) The cigars and cigarettes are imported by the officer or employee for his personal or official use; and

(3) The foreign state grants an equivalent exemption to corresponding officers or employees of the Government of the United States stationed in such foreign state.

(b) *Certificate by Secretary of State.* The Secretary of State shall certify to the Secretary of the Treasury the names of the foreign states which grant an equivalent exemption to the consular officers or employees of the Government of the United States stationed in such foreign states.

(68A Stat. 900; 26 U. S. C. 7511)

§ 270.197 *Claim for refund of tax.* The tax paid on cigars or cigarettes by the importer thereof (otherwise than by stamp) may be refunded where the tax has been paid in error. Only the importer who paid the tax may file claim for refund thereof under this section. The claim for refund, Form 843, shall be filed in duplicate within three years from the date of payment of the tax, with the assistant regional commissioner for the region in which the tax was paid, and the claim shall be supported by evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(68A Stat. 709; 26 U. S. C. 5705)

§ 270.198 *Claim for redemption, or refund of the value, of stamps.* Stamps to denote the tax on cigars and cigarettes may be redeemed, or the value thereof may be refunded, subject to the following provisions:

(a) *Redemption of stamps.* Stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the importer of such products may have no use, or which through mistake may have been improperly or unnecessarily used, or where the taxes represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected, may be redeemed by such importer. Claim for redemption of such stamps shall be filed on Form 843, in duplicate, with the assistant regional commissioner, within three years after the stamps were purchased from the Government. Stamps may be destroyed under internal revenue supervision, or they may be presented with the claim, or satisfactory evidence submitted showing the reason why they cannot be so destroyed or presented. Where the stamps are to be destroyed under internal revenue supervision, a schedule on Form 178 shall be prepared by the importer with respect to the stamps covered by the claim. When the schedule has been prepared, the importer shall notify the assistant regional commissioner in order that he may detail a revenue officer to verify the schedule and supervise the destruction of the stamps. A copy of the verified schedule, returned to the importer, shall be attached to his claim when filed. If required, the importer shall satisfactorily trace the history of the stamps from their issuance to the filing of his claim.

(b) *Refund of the value of stamps.* The value of stamps affixed to packages of cigars or cigarettes may be refunded to the importer thereof, where such products are withdrawn from the market by such importer, or the products are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the importer. Claim for refund of the value of such stamps shall be filed on Form 843, in duplicate. within three years from the date of payment of the tax.

(1) *Stamps affixed to packages of cigars or cigarettes completely lost or destroyed.* Where the packages of cigars or cigarettes to which stamps were affixed have been completely lost or destroyed beyond recognition by fire, casualty, or act of God, the claim for refund shall be filed with the assistant regional commissioner, for the region in which the stamps were affixed, and the claim shall be supported by such evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(2) *Stamps affixed to packages of cigars or cigarettes damaged or withdrawn from the market.* Where the packages of cigars or cigarettes to which stamps were affixed have been merely damaged by fire, casualty, or act of God, so that the identity of the products and the importer thereof, and the rate of tax paid, can be established, or where the cigars or cigarettes are merely withdrawn from the market by the importer, which would permit a similar identification and determination of the tax paid, such cigars or cigarettes shall be assembled by the importer in a suitable place in the city where such products are held or withdrawn from the market. The importer shall group the cigars or cigarettes according to the kind of product, the rate of tax paid, and the sizes of packages, and shall prepare a schedule on Form 177, listing the cigars or cigarettes in each such group. Such cigars or cigarettes, if not taken into a domestic factory, or repacked and restamped by the importer, or exported with drawback of tax, shall be destroyed under internal revenue supervision. The importer shall notify the assistant regional commissioner, for the region in which such products are assembled, and request the detail of a revenue officer to inspect the products, verify the schedule thereof, and supervise destruction of the stamps and the proper disposition of the products and packages as desired by the importer. Upon completion of his detail, the revenue officer shall properly execute his certificate on both copies of the schedule of such cigars or cigarettes. The revenue officer shall return one copy of the completed schedule to the importer, which shall be attached to, and made a part of, the importer's claim, which claim shall be filed with the appropriate assistant regional commissioner.

(68A Stat. 709, 830; 26 U. S. C. 5705, 6805)

SUBPART K—OPERATIONS BY DEALERS

§ 270.210 *Purchase, receipt, possession, or sale of cigars and cigarettes—*(a) *Restriction.* No person shall purchase, receive, possess, sell, or offer for sale cigars or cigarettes not exempt from tax, after removal, which are not put up in packages bearing stamps to denote the tax, and the class designation, and mark, required under this part: *Provided, however,* That this section is not intended to prevent the sale of cigars and cigarettes at retail directly from proper packages nor to apply to such cigars and cigarettes when so sold.

(b) *Liability to tax.* Any person who possesses cigars or cigarettes not exempt from tax after removal, which are not put up in packages bearing the stamps to denote the tax, is liable for the tax thereon, in addition to any other penalties prescribed by law for the offense.

(68A Stat. 716; 26 U. S. C. 5751)

§ 270.211 *Sales at retail from packages.* Cigars and cigarettes may be sold, or offered for sale, from proper packages, bearing the stamps, class designation, and mark, as required under this part, only by retail dealers. The cigars and cigarettes must remain in such packages until removed therefrom by the customer or in the presence of the customer.

(68A Stat. 716; 26 U. S. C. 5751)

§ 270.212 *Vending machines.* Vending machines may be used for vending only cigars and cigarettes which have been packed and stamped by the manufacturers of such products. The cigars and cigarettes may be vended either in such packages or directly from such packages. Such machines shall have panels through which the packages are plainly visible. Machines for vending cigars or cigarettes directly from a package shall have the panel so placed that the stamps, class designation, and mark, required under this part, are plainly visible. The mechanism for delivery shall provide for practically a direct feed of such product from the package.

(68A Stat. 716; 26 U. S. C. 5751)

§ 270.213 *Restrictions relating to used stamps and packages.* No person shall (a) empty any package of cigars or cigarettes without destroying the stamp affixed thereto to denote the tax; or (b) remove, or cause to be removed, any such stamp, or purchase, receive, possess, sell, or dispose of, by gift or otherwise, any such stamp which has been so removed; or (c) purchase, receive, possess, sell, or dispose of, by gift or otherwise, any such package which has been emptied, upon which such a stamp has not been destroyed.

(68A Stat. 716; 26 U. S. C. 5752)

[F. R. Doc. 55-3756; Filed, May 9, 1955; 8:48 a. m.]

[26 CFR (1954) Part 275]

MANUFACTURED TOBACCO; MANUFACTURERS, IMPORTERS, AND DEALERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Preamble. 1. The regulations in this part (26 CFR Part 275) "Manufactured Tobacco; Manufacturers, Importers, and Dealers," are promulgated to implement the Internal Revenue Code of 1954 and supersede 26 CFR (1939) Part 140, as last amended by Treasury Decision 6052, approved November 10, 1953, and Part 457, as added by Treasury Decision 4744, approved June 24, 1937, insofar as they relate to manufactured tobacco.

2. The regulations in this part shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of the regulations in this part.

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275.182 Affixture of stamps.
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275.184 Stamps for affixture in Puerto Rico and the Virgin Islands.
275.185 Exemption of consular officers and employees of foreign states.
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Subpart K—Operations by Dealers

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275.201 Sales at retail from packages.
275.202 Restrictions relating to used stamps and packages.

AUTHORITY: §§ 275.1 to 275.202 issued under 68A Stat. 917; 26 U. S. C. 7805. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 275.1 *Manufactured tobacco; manufacturers, importers, and dealers.* This part contains the regulations governing the manufacture, importation, and sale of manufactured tobacco; the qualification of, and maintenance of records by, manufacturers of tobacco; and the operations of manufacturers and importers of, and dealers in, such tobacco.

§ 275.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, permits, records, returns, and reports. Information called for thereon shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 275.10 *Meaning of terms.* The terms used in this part shall have the meanings ascribed in this subpart, unless the context otherwise indicates.

§ 275.11 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the Regional Commissioner.

§ 275.12 *Black Fat.* "Black Fat" shall mean tobacco which is normally treated with oil under pressure and results in black tobacco, and shall include all tobacco similarly treated and referred to by such other terms as Black Horse, etc.

§ 275.13 *Clippings.* "Clippings" shall mean the tobacco which is clipped or cut off the ends of cigars in the manufacture thereof.

§ 275.14 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 275.15 *Cuttings.* "Cuttings" shall mean the tobacco remaining after the binders and wrappers for cigars are cut out of the leaf.

§ 275.16 *Dealer in tobacco materials.* "Dealer in tobacco materials" shall mean every person who handles tobacco materials for sale, shipment, or delivery solely to another qualified dealer in such materials, to a qualified manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States. Dealer in tobacco materials shall include every person who produces Perique or Black Fat for sale, shipment, or delivery, in accordance with 26 CFR Part 280. Dealer in tobacco materials shall not include (a) an operator of a warehouse who stores tobacco materials solely for a dealer in tobacco materials, for a manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; or (b) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm.

§ 275.17 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 275.18 *District director.* "District director" shall mean the District Director of Internal Revenue.

§ 275.19 *Factory.* "Factory" shall mean the premises of a manufacturer of tobacco, in which he carriers on such business.

§ 275.20 *Importer.* "Importer" shall mean any person in the United States to whom nontaxpaid manufactured tobacco produced in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States is shipped or consigned, and any person who smuggles or otherwise unlawfully brings such nontaxpaid product into the United States.

§ 275.21 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, partnerships, associations, companies, corporations, estates, and trusts.

§ 275.22 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 275.23 *Leaf tobacco.* "Leaf tobacco" shall mean:

(a) Unstemmed—tobacco from which the stem or mid-rib has not been removed, and

(b) Stemmed—tobacco from which the stem or mid-rib has been removed, also known as "strips."

§ 275.24 *Manufactured tobacco.* "Manufactured tobacco" shall mean all tobacco, other than cigars and cigarettes, prepared, processed, manipulated, or packaged for consumption by smoking or for use in the mouth or nose. Any other tobacco not exempt from tax under Chapter 52, I. R. C., which is sold or delivered to any person contrary to such chapter and regulations thereunder shall be regarded as manufactured tobacco.

§ 275.25 *Manufacturer of cigars and cigarettes.* "Manufacturer of cigars and cigarettes" shall mean every person who produces cigars or cigarettes, except for his own personal consumption.

§ 275.26 *Manufacturer of tobacco.* "Manufacturer of tobacco" shall mean every person who manufactures tobacco by any method of preparing, processing, or manipulating, except for his own personal consumption or use; or who packages any tobacco for consumption by smoking or for use in the mouth or nose; or who sells or delivers any tobacco, not exempt from tax under Chapter 52, I. R. C., to any person, contrary to the provisions of such chapter and regulations thereunder. The term "manufacturer of tobacco" shall not include (a) A farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm; or (b) a dealer in tobacco materials who handles tobacco solely for sale, shipment, or delivery, in bulk, to another dealer in such materials or to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States.

§ 275.27 *Package.* "Package" shall mean the container in which manufactured tobacco is put up bearing the stamps and mark, as required by this part.

§ 275.28 *Parcel.* "Parcel" shall mean a subdivision of a package of manufactured tobacco.

§ 275.29 *Perique.* "Perique" shall mean tobacco, such as that produced in Louisiana, cured in its own juices and given other treatment peculiar to this type of tobacco.

§ 275.30 *Person.* "Person" shall mean and include an individual, partnership, association, company, corporation, estate, or trust.

§ 275.31 *Region.* "Region" shall mean the area, designated by the Secretary or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

§ 275.32 *Regional commissioner.* "Regional commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 275.33 *Removal or remove.* "Removal" or "remove" shall mean the removal of manufactured tobacco or tobacco materials from the factory, or from customs custody, and shall also include the smuggling or other unlawful importation of such nontaxpaid manufactured tobacco into the United States.

§ 275.34 *Revenue officer.* "Revenue officer" shall mean any officer or employee of the United States acting in connection with any internal revenue law of the United States.

§ 275.35 *Scraps.* "Scraps" shall mean portions of leaf tobacco.

§ 275.36 *Siftings.* "Siftings" shall mean the particles of tobacco salvaged in the process of sifting or screening the residue of tobacco.

§ 275.37 *Stems.* "Stems" shall mean the stems or mid-ribs of tobacco.

§ 275.38 *Tobacco in process.* "Tobacco in process" shall mean tobacco which has been, or is being, manipulated or processed, but is to undergo further manipulation, processing, or handling, prior to removal for consumption by smoking or for use in the mouth or nose.

§ 275.39 *Tobacco materials.* "Tobacco materials" shall mean tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, dust, stems, and waste.

§ 275.40 *Tobacco products.* "Tobacco products" shall mean manufactured tobacco, cigars, and cigarettes.

§ 275.41 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 275.42 *Waste.* "Waste" shall mean tobacco, including dust, and foreign substances resulting from the handling, manipulation, or processing of tobacco, and which are worthless for use in the manufacture of tobacco products and have no market value for that purpose.

SUBPART C—TAXES

§ 275.50 *Rate of tax.* On tobacco, manufactured in or imported into the United States, a tax of 10 cents per pound is imposed by law.

(68A Stat. 705; 26 U. S. C. 5701)

§ 275.51 *Liability for tax and method of payment.* The tax imposed on manufactured tobacco shall be determined at the time of removal of such tobacco and shall be paid by the manufacturer or importer by the affixture of internal revenue tax stamps to each package of such tobacco before removal.

(68A Stat. 707; 26 U. S. C. 5703)

§ 275.52 *Assessment.* Whenever any person required by law to pay tax on manufactured tobacco fails to pay such tax in accordance with the provisions of this part, the tax shall be determined and assessed, subject to the limitations prescribed in section 6501, I. R. C., against such person. The tax so assessed shall be in addition to any penalties prescribed by law for failure to pay such tax: *Provided*, That, except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 30 days from the date of such notice to show cause, in writing, against such assessment.

(68A Stat. 707, 836; 26 U. S. C. 5703, 6862)

SUBPART D—GENERAL

§ 275.60 *Authority of revenue officers to enter premises.* Any revenue officer may enter in the daytime any premises where manufactured tobacco is produced or kept, so far as it may be necessary for the purpose of examining such tobacco. When such premises are open at night, any revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any revenue officer or permit him to examine such tobacco shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7606)

§ 275.61 *Interference with administration.* Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation or intended violation of this part, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U. S. C. 7212)

§ 275.62 *Disposal of forfeited, condemned, and abandoned manufactured tobacco and tobacco materials.* When in the opinion of any officer having custody of forfeited, condemned, or abandoned manufactured tobacco or tobacco materials, upon which the Federal tax has not been paid, the sale thereof will not bring a price equal to such tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such tobacco or materials for consumption in the United States. Where the tobacco or materials are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for human consumption) or cause their destruction in the manner provided in §§ 275.144 and 275.149. Where such manufactured tobacco or tobacco materials are sold, they shall not be released by the officer having custody thereof until they are properly packaged and internal revenue stamps (the cost of which stamps shall be considered as a portion of the sales price) are affixed to each package to denote the payment of tax. In the case of such tobacco or materials held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the regulations of the General Services Administration, Title 1, Personal Property Management.

(68A Stat. 716, 831; 26 U. S. C. 5753, 6807)

§ 275.63 *Restamping packages from which the stamps have been lost or destroyed.* Where the stamps originally affixed to packages of manufactured tobacco have been lost or destroyed, after removal of such product, the manufacturer, importer, or dealer possessing such product shall make application, in duplicate, to the assistant regional commissioner for the region in which the product is held, for new stamps, without cost, to be used for restamping such packages. Such person shall state in detail the location and quantity of the packages, description of the contents, the kind, and denomination of the stamps lost or destroyed, and the nature of the applicant's interest in the product. The application shall be accompanied by affidavits of persons with knowledge of the facts, sufficient to establish the original affixture of stamps and the manner and extent of the loss or destruction of such stamps. Where the packages are in such condition as to require repacking before new stamps can be affixed, such repacking may be authorized by the assistant regional commissioner. The assistant regional commissioner may assign a revenue officer to supervise such repacking and restamping, or he may authorize the applicant to perform such functions.

§ 275.64 *Variations from requirements*—(a) *Construction and separation of premises.* The Director, Alcohol and Tobacco Tax Division, may approve a manner of construction and separation of factory premises in lieu of that specified in this part, where it is shown that it is impracticable to conform to the requirements, and the proposed construction and separation will afford as much or more security and protection to the revenue as is intended by the requirements in this part, and where such variation is not contrary to any provision of law. Where it is proposed to employ a manner of construction and separation of premises other than that provided for by this part, prior approval shall be obtained in accordance with the provisions of paragraph (c) of this section.

§ 275.65 *Penalties and forfeitures.* Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(68A Stat. 717, 718; 26 U. S. C. 5761, 5762, 5763)

(b) *Methods of operation.* The Director, Alcohol and Tobacco Tax Division, may in case of emergency approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operation other than those provided for by this part, prior approval shall be obtained in accordance with the provisions of paragraph (c) of this section.

(c) *Application.* Any person, subject to the provisions of this part, who proposes to employ methods of operation, or of construction and separation of factory premises, other than as provided in this part, shall submit an application so to

do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the necessity therefor. With respect to variations in construction and separation of factory premises, where they cannot be adequately described in the application, drawings or photographs thereof shall also be submitted. The assistant regional commissioner shall make such inquiry as is necessary to ascertain the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

SUBPART E—QUALIFICATION REQUIREMENTS FOR MANUFACTURERS

§ 275.70 *Persons required to qualify.* Every person who produces manufactured tobacco, except for his own personal consumption or use, shall qualify as a manufacturer of tobacco in accordance with the provisions of this part.

(68A Stat. 706; 26 U. S. C. 5702)

§ 275.71 *Application for permit*—(a) *Persons entering business.* Every person, before commencing business as a manufacturer of tobacco, shall make application, on Form 2093, to the assistant regional commissioner for, and obtain, the permit provided for in § 275.80. All documents required under this part to be furnished with such application shall be made a part thereof.

(b) *Manufacturers operating on effective date.* Manufacturers of tobacco operating on the effective date of this part shall also make application for permit in the manner required by paragraph (a) of this section within 30 days after such date. Such persons may continue their operations pending final action by the assistant regional commissioner with respect to such application.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.72 *Corporate documents.* Every corporation, before commencing business as a manufacturer of tobacco, shall furnish with its application for permit, required by § 275.71, a true copy of the corporate charter or a certificate of corporate existence or incorporation, executed by the appropriate officer of the State in which incorporated. The corporation shall also furnish, in duplicate, evidence which will establish the authority of the officer or other person who executes the application for permit to execute the same; the authority of persons to sign other documents, required by this part, for the corporation; and the identity of the officers, and directors, and each person who holds more than ten percent of the stock of such corporation. Where a corporation has previously filed such documents or evidence with the same assistant regional commissioner, a written statement by the corporation, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.73 *Articles of partnership or association.* Every partnership or association, before commencing business as a manufacturer of tobacco, shall furnish with its application for permit, required by § 275.71, a true copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality. Where a partnership or association has previously filed such documents with the same assistant regional commissioner, a written statement by the partnership or association, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.74 *Trade name certificate.* Every person, before commencing business under a trade name as a manufacturer of tobacco, shall furnish with his application for permit, required by § 275.71, true copies, in duplicate, of the certificate or other document, if any, issued by a State, county, or municipal authority in connection with the transaction of business under such trade name. If no such certificate or other document is so issued, a written statement by such person, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.75 *Bond.* Every person, before commencing business as a manufacturer of tobacco, shall file, in connection with his application for permit, a bond, Form 2099, in accordance with the applicable provisions of Subpart G of this part, conditioned upon compliance with the provisions of Chapter 52, I. R. C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection therewith for which he may become liable to the United States.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.76 *Power of attorney.* If the application for permit or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, company, or corporation, or by one of the partners for a partnership, or by an officer of an association or company, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 275.72, power of attorney conferring authority upon the person signing the documents shall be manifested on Form 1534 and furnished to the assistant regional commissioner.

§ 275.77 *Factory premises*—(a) *Description and diagram.* The premises to be used by a manufacturer of tobacco as his factory or plant shall be described, in the application for permit required by § 275.71, by number, street, and city, town, or village, and State. Such premises may consist of more than one building, which need not be contiguous, but shall be located in the same city, town, or village. Where such premises consist of less than an entire building, a diagram, in duplicate, shall also be furnished showing the particular floor or floors, or room or rooms, comprising the factory, and also showing any adjoining retail store, operated by such manufacturer, where tobacco products are sold.

(b) *Separation.* Where the factory premises consist of less than an entire building, the premises shall be completely separated from adjoining portions of the building, which separation shall be constructed of materials generally used in the construction of buildings and may include any necessary doors or other openings. The premises shall be accessible directly from the street, yard, or common passageway or means of entrance.

(c) *Factories established prior to effective date.* Factories established prior to the effective date of this part shall not be subject to the provisions of paragraph (b) of this section if, in the opinion of the assistant regional commissioner, the existing premises afford adequate protection to the revenue.

(d) *Restrictions.* Factory premises shall be used exclusively for the purposes of manufacturing and storing tobacco; storing materials, equipment, and supplies related thereto or used or useful in the conduct of the business; and carrying on activities in connection with the business of the manufacturer.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.78 *Additional information.* The assistant regional commissioner may require such additional information as he may deem necessary in connection with the qualification of persons under this subpart.

§ 275.79 *Investigation of applicant.* The assistant regional commissioner shall promptly cause such inquiry or investigation to be made, as he deems necessary, to verify the information furnished in connection with an application for permit and to ascertain whether the applicant is, by reason of his business experience, financial standing, and trade connections, likely to maintain operations in compliance with Chapter 52, I. R. C., and regulations thereunder; whether such person has disclosed all material information required or made any material false statement in the application for such permit; and whether the premises on which it is proposed to establish the factory are adequate to protect the revenue. If the assistant regional commissioner has reason to believe that the applicant is not entitled to a permit, he shall promptly give the applicant notice of the contemplated disapproval of his application and opportunity for hearing thereon in accordance with 26 CFR Part 200, "Rules of Practice in Permit Proceedings," which part (including the provisions relating to the recommended decision and to appeals) is made applicable to such proceedings. If, after such notice and opportunity for hearing, the assistant regional commissioner finds that the applicant is not entitled to a permit, he shall, by order stating the findings on which his decision is based, deny the permit.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.80 *Issuance of permit.* If the application for permit, bond, and supporting documents, required under this part, are approved by him, the assistant regional commissioner shall issue a permit, Form 2094, to the manufacturer of tobacco who shall keep it posted conspicuously at all times within his factory. Where the factory consists of more than one building, the permit shall be posted in the building in which the record, required by § 275.132, is kept. The permit shall bear a number and shall fully set forth where the business of the manufacturer is to be conducted.

(68A Stat. 712; 26 U. S. C. 5713)

SUBPART F—CHANGES SUBSEQUENT TO ORIGINAL QUALIFICATION OF MANUFACTURERS

CHANGES IN NAME

§ 275.90 *Change in individual name.* Where there is merely a change in the name of an individual operating as a manufacturer of tobacco, he shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of his bond, in accordance with the provisions of § 275.115.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 275.91 *Change in trade name.* Where there is merely a change in the trade name of a manufacturer of tobacco, he shall, within 30 days of the adoption of the new trade name, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of bond, in accordance with the provisions of § 275.115. The manufacturer shall also furnish true copies, in duplicate, of any new trade name certificate or document issued to him, or statement in lieu thereof, required by § 275.74.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 275.92 *Change in corporate name.* Where there is merely a change in the name of a corporate manufacturer of tobacco, the manufacturer shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of the coverage of bond, in accordance with the provisions of § 275.115. The manufacturer shall also furnish such documents as may be reasonably necessary to establish that the corporate name has been changed.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

CHANGES IN OWNERSHIP AND CONTROL

§ 275.93 *Fiduciary successor.* If an administrator, executor, receiver, trustee, assignee, or other fiduciary, is to take over the business of a manufacturer of tobacco, as a continuing operation, such fiduciary shall, before commencing operations, make application for permit and file bond as required by Subpart E of this part, furnish certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualification as such fiduciary, and make an opening inventory, in accordance with the provisions of § 275.131: *Provided,* That where a diagram has been furnished by the predecessor, in accordance with the provisions of § 275.77, the successor may adopt such diagram. However, where a fiduciary intends merely to liquidate the business, qualification as a manufacturer of tobacco will not be required if he promptly files with the assistant regional commissioner, a statement to that effect, together with an extension of coverage of the predecessor's bond, executed by the fiduciary, also by the surety on such bond, in accordance with the provisions of § 275.115.

(68A Stat. 711, 713; 26 U. S. C. 5711, 5712, 5721)

§ 275.94 *Transfer of ownership.* If a transfer is to be made in ownership of the business of a manufacturer of tobacco (including a change in the identity of the members of a partnership or association), such manufacturer shall give notice, in writing, to the assistant regional commissioner, naming the proposed successor and the desired effective date of such transfer. The proposed successor shall, before commencing operations, qualify as a manufacturer of tobacco, in accordance with the applicable provisions of Subpart E of this part: *Provided,* That where a diagram has been furnished by the manufacturer in accordance with the provisions of § 275.77, the proposed successor may adopt such diagram. The manufacturer shall give such notice of transfer, and the proposed successor shall make application for permit and file bond, as required, in ample time for examination and approval thereof before the desired date of such change. The predecessor shall make a closing inventory and closing report, in accordance with the provisions of §§ 275.131 and 275.133, respectively, and surrender, with such inventory and report, his permit, and the successor shall make an opening inventory, in accordance with the provisions of § 275.131.

(68A Stat. 711, 712, 713; 26 U. S. C. 5711, 5712, 5713, 5721, 5722)

§ 275.95 *Change in officers or directors of a corporation.* Where there is any change in the officers or directors of a corporation operating the business of a manufacturer of tobacco, the manufacturer shall furnish to the assistant regional commissioner notice, in writing, of the election of the new officers or directors within 30 days after such election.

(68A Stat. 711; 26 U. S. C. 5712)

§ 275.96 *Change in stockholders of a corporation.* Where the issuance, sale, or transfer of the capital stock of a corporation, operating as a manufacturer of tobacco, results in a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation, the corporate manufacturer shall, within 30 days after the change occurs, make application for a new permit; otherwise, the present permit shall be automatically terminated at the expiration of such 30 day period, and the manufacturer shall dispose of all tobacco materials, manufactured tobacco, and stamps on hand, in accordance with this part, make a closing inventory and closing report, in accordance with the provisions of §§ 275.131 and 275.133, respectively, and surrender his permit with such inventory and report. If the application for a new permit is timely made, the present permit shall continue in effect pending final action by the assistant regional commissioner with respect to such application.

(68A Stat. 711, 712, 713; 26 U. S. C. 5712, 5713, 5721, 5722)

CHANGES IN LOCATION AND PREMISES

§ 275.97 *Change in location within same region*—(a) *Transfer to a new location.* Whenever a manufacturer of tobacco contemplates changing the location of his factory within the same region, the manufacturer shall, before commencing operations at the new location, make an application, on Form 2098, for an amended permit. The application shall be supported by an extension of coverage of the bond filed under this part, in accordance with the provisions of § 275.115.

(b) *Mere change in address.* Whenever any change occurs in the address, but not the location, of the factory of a manufacturer of tobacco, as a result of action of local authorities, the manufacturer shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of the bond filed under this part, in accordance with the provisions of § 275.115.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 275.98 *Change in location to another region.* Whenever a manufacturer of tobacco contemplates changing the location of his factory to another region, the manufacturer shall, before commencing operations at the new location, qualify as such a manufacturer in the new region, in accordance with the applicable provisions of Subpart E of this part. The manufacturer shall notify the assistant regional commissioner of the region from which he is removing of his qualification in the new region, giving the address of the new location of his factory and the number of the permit issued to him in the new region, make a closing inventory and closing report, in accordance with the provisions of §§275.131 and 275.133, respectively, and surrender, with such inventory and report, the permit for his old location.

(68A Stat. 711, 712, 713; 26 U. S. C. 5711, 5712, 5713, 5721, 5722)

§ 275.99 *Change in factory premises.* Where the premises of a tobacco factory are to be changed to an extent which will make inaccurate the description of such premises as set forth in the last application by the manufacturer for permit, or the diagram, if any, furnished with such application, the manufacturer shall first make an application, Form 2098, for an amended permit, to the assistant regional commissioner, describing the proposed change in such premises, and furnish a diagram thereof, if required under the provisions of § 275.77. The application shall be supported by an extension of coverage of bond, in accordance with the provisions of § 275.115.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 275.100 *Emergency premises.* In cases of emergency, the assistant regional commissioner may authorize, for a stated period, the temporary use of a place for the temporary storage of tobacco materials and manufactured tobacco, without making the application or furnishing the extension of coverage required under §§ 275.99 and 275.145, or the temporary separation of factory premises by means other than those specified in paragraph (b) of § 275.77, where such action will not hinder the effective administration of this part, is not contrary to law, and will not jeopardize the revenue.

SUBPART G—BONDS AND EXTENSIONS OF COVERAGE OF BONDS

§ 275.110 *Corporate surety.* Surety bonds, required under the provisions of this part, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Form 356, revised. The surety shall have no interest whatever in the business covered by the bond.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 6)

§ 275.111 *Deposit of bonds, notes, or obligations in lieu of corporate surety.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by the manufacturer of tobacco as security in connection with bond to cover his operations, in lieu of the corporate surety, in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). Such bonds or notes which are nontransferable, or the pledging of which will not be recognized by the Treasury Department, are not acceptable as security in lieu of corporate surety.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S C. 15)

§ 275.112 *Amount of bond.* The amount of a manufacturer's bond to cover the manufacture of tobacco shall be equal to the amount of the tax liability on such product manufactured in his factory during the twelve months preceding the month in which the bond is to be filed, divided by twelve. In the case of a manufacturer commencing business, his production shall be estimated for the purpose of this section. The amount of any such bond (or the total amount where original and strengthening bonds are filed) shall not exceed $20,000 nor be less than $1,000.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.113 *Strengthening bond.* Where the assistant regional commissioner determines that the amount of the bond under which a manufacturer of tobacco is currently carrying on such business no longer adequately protects the revenue, the assistant regional commissioner may require the manufacturer to file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, in lieu of a superseding bond to cover the full liability on the basis of § 275.112. The assistant regional commissioner shall refuse to approve any strengthening bond where any notation is made thereon which is intended or which may be construed as a release of any former bond, or as limiting the amount of either bond to less than its full amount. Such strengthening bonds shall have placed thereon, by the obligors at the time of execution, the notation "Strengthening Bond."

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.114 *Superseding bond.* A manufacturer of tobacco shall file a new bond to supersede his current bond, immediately when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, or (d) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.115 *Extension of coverage of bond.* An extension of the coverage of any bond filed under this part shall be manifested on Form 2105 by the manufacturer of tobacco and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.116 *Approval of bond and extension of coverage of bond.* No person shall commence operations under any bond, nor extend his operations, until he receives from the assistant regional commissioner notice of his approval of the bond or of an appropriate extension of coverage of the bond required under this part.

(68A Stat 711; 26 U. S. C. 5711)

§ 275.117 *Termination of liability of surety under bond.* The liability of a surety on any bond required by this part shall be terminated only as to operations on and after the date of approval of a superseding bond, or the date of approval of the discontinuance of operations by the manufacturer of tobacco, or otherwise in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the manufacturer while the bond is in force.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.118 *Release of bonds, notes, and obligations.* Bonds, notes, and other obligations of the United States pledged and deposited as security in connection with bonds required by this part, shall be released only in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). When the assistant regional commissioner who has accepted such security is satisfied that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released. At any time prior to the release of such security, the assistant regional commissioner may, for proper cause, extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 15)

SUBPART H—OPERATIONS BY MANUFACTURERS

§ 275.130 *Sign.* Every manufacturer of tobacco shall place and keep, on the outside of the building in which his factory is located, or at the entrance of his factory, where it can be plainly seen, a sign, in plain and legible letters, exhibiting the name under which he operates, and (a) the type of business ("Manufacturer of Tobacco") or (b) the number of the permit issued to the manufacturer under this part. Such sign shall be in the English language.

§ 275.131 *Inventories*—(a) *General.* Every manufacturer of tobacco shall make a true and accurate inventory, on Form 2130, to the assistant regional commissioner, of the quantity of tobacco materials, manufactured tobacco, and stamps held by him at the times specified in this section, which inventory shall be subject to verification by a revenue officer.

(b) *Opening.* An opening inventory shall be made by the manufacturer at the time of commencing business. The date of commencing business under this part shall be the effective date indicated on the permit issued under § 275.80. A similar inventory shall be made by the manufacturer when he files a superseding bond. The date of such inventory shall be the effective date of such superseding bond as indicated thereon by the assistant regional commissioner.

(c) *Special.* A special inventory shall be made by the manufacturer whenever required by any revenue officer.

(d) *Closing.* A closing inventory shall be made by the manufacturer when he transfers ownership, or changes his location to another region, or concludes business. Such inventory at the time of transfer of ownership shall be made as of the day preceding the date of the opening inventory of the successor.

(68A Stat. 713; 26 U. S. C. 5721)

§ 275.132 *Record.* Every manufacturer of tobacco shall keep a record, on Form 2141, and enter therein daily all (a) tobacco materials received (except with respect to samples as provided by § 275.148), shipped, and lost or destroyed, (b) manufactured tobacco produced, received, removed, furnished for personal consumption or use by employees, used for experimental purposes, reduced to material, and lost or destroyed, and (c) stamps received, used, and lost or destroyed. The entries in the record for

each day will be considered timely if made by the close of the business day following that on which occur the operations or transactions required to be recorded. Such record shall be retained for two years following the close of the year covered in the record, and made available for inspection by any revenue officer upon his request.

(68A Stat. 715; 26 U. S. C. 5741)

§ 275.133 *Reports*—(a) *General.* Every manufacturer of tobacco shall make a monthly report, on Form 2134, to the assistant regional commissioner, of all (1) tobacco materials received (except with respect to samples as provided by § 275.148), shipped, used, and lost or destroyed, (2) manufactured tobacco produced, received, removed, furnished for personal consumption or use by employees, used for experimental purposes, reduced to material, and lost or destroyed, and (3) stamps received, used, and lost or destroyed. The report shall be made on or before the 20th day following the end of the month covered in the report. A copy of each such report shall be retained by the manufacturer for two years following the close of the year covered in such reports, and made available for inspection by any revenue officer upon his request.

(b) *Opening.* An opening report, covering the period from the date of the opening inventory, or inventory made in connection with a superseding bond, to the end of the month, shall be made on or before the 20th day following the end of the month in which the business was commenced.

(c) *Special.* A special report, covering the unreported period to the day preceding the date of any special inventory required by a revenue officer, shall be made with such inventory. Another report, covering the period from the date of such inventory to the end of the month, shall be made on or before the 20th day following the end of the month in which the inventory was made.

(d) *Closing.* A closing report, covering the period from the first of the month to the date of the closing inventory, or the day preceding the date of an inventory made in connection with a superseding bond, shall be made with such inventory.

(68A Stat. 713; 26 U. S. C. 5722)

§ 275.134 *Packages*—(a) *General.* All manufactured tobacco shall, before removal, be put up by the manufacturer in packages which shall bear the stamps and mark, required by this subpart. Such packages shall be of such construction as will securely contain such tobacco therein and maintain the stamps and mark thereon: *Provided,* That manufactured tobacco transferred to another such manufacturer, removed for export, furnished for consumption or use by employees, or used for experimental purposes, shall be exempt from the provisions of this paragraph.

(b) *Subdivision into parcels.* Packages may be subdivided into parcels which shall not bear the stamps or mark.

(c) *Lottery features.* No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of manufactured tobacco removed for domestic consumption or use.

(d) *Indecent or immoral material.* No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of manufactured tobacco.

(68A Stat. 713; 26 U. S. C. 5723)

§ 275.135 *Mark.* Every package of manufactured tobacco subject to tax shall, before removal, have legibly imprinted thereon, or on a label security affixed thereto, the name and location of the manufacturer, or his permit number, and a warning reading "Law forbids the reuse of the Federal stamps hereon and requires the person who empties this package to destroy such stamps when the package is emptied."

§ 275.136 *Dummy packages for display purposes.* So-called "dummy" packages to be used for display purposes in advertising manufactured tobacco, which do not contain such product, shall not bear the stamps required by this part.

(68A Stat. 716, 865; 26 U. S. C. 5752, 7271)

§ 275.137 *Stamps*—(a) *Kinds and denominations provided.* Stamps to denote the payment of tax on manufactured tobacco are provided, for sale to manufacturers of tobacco, in the following denominations: 1/8, 3/8, 1/2, 5/8, 3/4, 7/8, 1, 1 1/8, 1 1/4, 1 3/8, 1 1/2, 1 5/8, 1 3/4, 1 7/8, 2, 2 1/8, 2 1/4, 2 3/8, 2 1/2, 2 5/8, 2 3/4, 2 7/8, 3, 3 1/4, 3 1/2, 3 3/4, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 18 1/2 ounces; 1/2, 1, 1 1/4, 1 1/2, 1 3/4, 2, 2 1/2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 19, 20, 24, 29, 30, 39, 40, 49, 50, 59, 60, and 69 pounds.

(b) *Method of purchase.* Manufacturers of tobacco shall purchase stamps, for the payment of tax on such product, from the district director. Manufacturers shall use Form 173 in ordering stamps for snuff and Form 172 in ordering stamps for other kinds of manufactured tobacco. A copy of each such order form which has been marked paid by the district director shall be retained by the manufacturer for two years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request. Each order form shall be accompanied by remittance in the proper amount.

(68A Stat. 707; 26 U. S. C. 5703)

§ 275.138 *Affixture of stamps.* Every manufacturer of tobacco, shall, before removal subject to tax, securely affix to each package of manufactured tobacco one or more stamps of such denominations as will fully taxpay the contents of such package.

(68A Stat. 713; 26 U. S. C. 5723)

§ 275.139 *Manufactured tobacco furnished to employees for personal consumption or use.* Manufacturers of tobacco may furnish manufactured tobacco, without payment of tax, for personal consumption or use by employees in the factory in such quantities as desired. Each employee may also be furnished, for off-factory personal consumption or use, not more than one ounce of manufactured tobacco by the manufacturer, without payment of tax, for each day the employee is at work. For the purpose of this section the term "employee" shall include all persons who work for and receive compensation from the manufacturer, or a parent, subsidiary, or auxiliary company or corporation of the manufacturer, in the city, town, or village, where the manufactured tobacco so furnished to employees is produced. Such tobacco furnished for off-factory consumption or use shall be taken from the factory by the employee on the day furnished. Employees shall not sell, offer for sale, or give away manufactured tobacco so furnished to them.

(68A Stat. 708; 26 U. S. C. 5704)

§ 275.140 *Use of manufactured tobacco for experimental purposes.* Manufacturers of tobacco may use manufactured tobacco, without payment of tax, for experimental purposes, in their factories, in such quantities as desired. Such manufacturers may also remove such manufactured tobacco, under his bond, without payment of tax, for expermental purposes outside their factories, when authorized by the assistant regional commissioner.

(68A Stat. 708; 26 U. S. C. 5704)

§ 275.141 *Transfer of manufactured tobacco.* A manufacturer of tobacco may transfer manufactured tobacco, under his bond, without payment of tax, to any qualified manufacturer of tobacco.

(68A Stat. 708; 26 U. S. C. 5704)

§ 275.142 *Return of manufactured tobacco to factory.* Manufactured tobacco which has been removed from the factory may be returned thereto without internal revenue supervision when so authorized by the assistant regional commissioner. If the tobacco is contained in packages to which stamps denoting the tax are affixed and the manufacturer desires to file claim for refund of the value of such stamps, the procedure in § 275.154 shall be followed.

§ 275.143 *Reduction of manufactured tobacco to tobacco materials.* Manufacturers may reduce manufactured tobacco to tobacco materials without internal revenue supervision. If the product has been entered in the factory record as manufactured, an entry shall be made in such record of the quantity of manufactured tobacco to be reduced to material and an entry shall also be made of the resultant quantity of tobacco materials. If the products to be reduced to material are contained in packages bearing stamps denoting the tax and the manufacturer desires to file claim for refund of the value of such stamps, the applicable procedure in § 275.154 shall be followed.

(68A Stat. 715; 26 U. S. C. 5741)

§ 275.144 *Destruction of manufactured tobacco.* When a manufacturer desires to destroy manufactured tobacco which has been entered in the factory

record as manufactured, without salvaging the tobacco material, such destruction shall be accomplished under the supervision of a revenue officer, by burning completely or by mixing thoroughly with lime, sulphur, bone dust, ashes, or other such substance. If the products to be destroyed are contained in packages bearing stamps denoting the tax and the manufacturer desires to file claim for refund of the value of such stamps, the applicable procedure in § 275.154 shall be followed.

(68A Stat. 715; 26 U. S. C. 5741)

§ 275.145 *Storage of tobacco materials*—(a) *Within the factory.* Tobacco materials may be stored, under the provisions of this part, only within the premises of a tobacco factory, except as provided in paragraph (b) of this section.

(b) *Outside the factory.* Tobacco materials may be stored outside the premises of a tobacco factory, in the same region in which the factory is situated, if an extension of coverage of the bond for such purpose has been approved by the assistant regional commissioner.

(68A Stat. 711; 26 U. S. C. 5711)

§ 275.146 *Shipment or delivery of tobacco materials.* A manufacturer of tobacco may ship or deliver tobacco materials, under his bond, without payment of tax, to (a) a qualified dealer in tobacco materials; (b) a qualified manufacturer of tobacco products; (c) a State institution; (d) a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States; or (e) any person for experimental or display purposes when authorized by the assistant regional commissioner. A manufacturer of tobacco may similarly ship stems and waste to any person for use by him as fertilizer or insecticide or in the production of fertilizer, insecticide, or nicotine.

(68A Stat. 708; 26 U. S. C. 5704)

§ 275.147 *Fumigation of tobacco materials.* Tobacco materials held by, or released or in transit to, a manufacturer of tobacco may be delivered, without payment of tax, to a person, who is not qualified as a dealer in tobacco materials or manufacturer of tobacco products, solely for purposes of fumigation by such person and return or delivery to the manufacturer. Such tobacco materials shall be covered by the bond of the manufacturer and shall not be regarded as shipped by the manufacturer for purposes of §§ 275.132 and 275.133. Therefore, no entries shall be made in the revenue record of the manufacturer showing delivery of the tobacco materials to the fumigator.

§ 275.148 *Samples of tobacco materials.* Samples of tobacco materials, received by a manufacturer of tobacco, which are to be consumed, used, or destroyed for purposes of sampling, testing, and experimenting, shall be exempt from the provisions of §§ 275.132 and 275.133.

(68A Stat. 715; 26 U. S. C. 5741)

§ 275.149 *Destruction of tobacco materials*—(a) *Stems and waste.* Where a manufacturer of tobacco desires to destroy stems and waste, he shall do so by burning or by mixing thoroughly with lime, sulphur, bone dust, ashes, or other such substance.

(b) *Other materials.* Where a manufacturer of tobacco desires to destroy tobacco in process, Perique, Black Fat, leaf tobacco, scraps, cuttings, clippings, and siftings, and obtain credit therefor in the record kept by him under § 275.132, he shall notify the assistant regional commissioner of the kind and quantity of such tobacco materials and the date on which he desires to destroy such tobacco materials. The assistant regional commissioner may assign a revenue officer to supervise the destruction of the tobacco materials, or he may authorize the manufacturer to destroy the tobacco materials in the manner provided in paragraph (a) of this section.

(68A Stat. 715; 26 U. S. C. 5741)

§ 275.150 *Credit for loss of tobacco materials by theft or destruction.* Every loss of tobacco materials by theft, or destruction by fire, casualty, or act of God, while in the possession or ownership of a manufacturer of tobacco, shall be reported to the assistant regional commissioner and the facts of such loss shall be established to his satisfaction, in order that credit therefor in the records of such manufacturer may be authorized.

(68A Stat. 715; 26 U. S. C. 5741)

§ 275.151 *Claim for remission of tax on manufactured tobacco.* Every loss (otherwise than by theft) or destruction, by fire, casualty, or act of God, of manufactured tobacco upon which the tax has not been paid and which is in the possession or ownership of the manufacturer of such tobacco, shall be reported by the manufacturer to the assistant regional commissioner and the facts of such loss or destruction shall be established to his satisfaction. Claim for remission of such tax may be filed with the assistant regional commissioner. Such claim shall be in letter form, in duplicate, setting forth the reasons why such tax should be remitted, and shall be accompanied by evidence necessary to support the claim.

(68A Stat. 709; 26 U. S. C. 5705)

§ 275.152 *Claim for abatement of assessment.* Claim for abatement of the unpaid portion of the assessment of any tax on manufactured tobacco, or any liability in respect of such tax, alleged to be excessive in amount, assessed after the expiration of the period of limitation applicable thereto, or erroneously or illegally assessed, shall be filed on Form 843, in duplicate, with the assistant regional commissioner. Such claim shall set forth the reasons why the claim shall be allowed, and shall be accompanied by evidence necessary to support the claim.

(68A Stat. 792; 26 U. S. C. 6404)

§ 275.153 *Claim for refund of tax.* The tax paid on manufactured tobacco (otherwise than by stamp) may be refunded where the tax has been paid in error. Any person who paid the tax (except an importer of such products who may file claim for refund of the tax under § 275.186) may file claim for refund thereof under this section. The claim for refund, Form 843, shall be filed in duplicate within three years from the date of payment of the tax, with the assistant regional commissioner for the region in which the tax was paid, and the claim shall be supported by evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(68A Stat. 709; 26 U. S. C. 5705)

§ 275.154 *Claim for redemption, or refund of the value, of stamps.* Stamps to denote the tax on manufactured tobacco may be redeemed, or the value thereof may be refunded, subject to the following provisions:

(a) *Redemption of stamps.* Stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the manufacturer of such product may have no use, or which through mistake may have been improperly or unnecessarily used, or where the taxes represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected, may be redeemed by such manufacturer. Claim for redemption of such stamps shall be filed on Form 843, in duplicate, with the assistant regional commissioner, within three years after the stamps were purchased from the Government. Stamps may be destroyed under internal revenue supervision, or they may be presented with the claim, or satisfactory evidence submitted showing the reason why they cannot be so destroyed or presented. Where the stamps are to be destroyed under internal revenue supervision, a schedule on Form 178 shall be prepared by the manufacturer with respect to the stamps covered by the claim. When the schedule has been prepared, the manufacturer shall notify the assistant regional commissioner in order that he may detail a revenue officer to verify the schedule and supervise the destruction of the stamps. A copy of the verified schedule, returned to the manufacturer, shall be attached to his claim when filed. If required, the manufacturer shall satisfactorily trace the history of the stamps from their issuance to the filing of his claim.

(b) *Refund of the value of stamps.* The value of stamps affixed to packages of manufactured tobacco may be refunded to the manufacturer thereof, where such product is withdrawn from the market by such manufacturer, or the product is lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the manufacturer. Claim for refund of the value of such stamps shall be filed on Form 843, in duplicate, within three years from the date of payment of the tax.

(1) *Stamps affixed to packages of manufactured tobacco completely lost or destroyed.* Where the packages of manufactured tobacco to which stamps were affixed have been completely lost or destroyed beyond recognization by fire, casualty, or act of God, the claim for refund shall be filed with the assistant regional commissioner, for the region in which the stamps were affixed, and the claim shall be supported by such evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(2) *Stamps affixed to packages of manufactured tobacco damaged or withdrawn from the market.* Where the packages of manufactured tobacco to which stamps were affixed have been merely damaged by fire, casualty, or act of God, so that the identity of the product and the manufacturer thereof, and the amount of tax paid, can be established, or where the manufactured tobacco is merely withdrawn from the market by the manufacturer, which would permit a similar identification and a determination of the tax paid, such manufactured tobacco shall be assembled by the manufacturer in a suitable place in his factory or where such tobacco is held or withdrawn from the market. The manufacturer shall group such tobacco according to the sizes of packages, and shall prepare a schedule on Form 177, listing such packages of manufactured tobacco. Such manufactured tobacco which is not taken back into the factory of the manufacturer shall be destroyed under internal revenue supervision, in which event the manufacturer shall so notify the assistant regional commissioner, for the region in which such tobacco is assembled, and request the detail of a revenue officer to inspect the manufactured tobacco, verify the schedule thereof, and supervise destruction of the stamps and manufactured tobacco, and disposition of the packages as desired by the manufacturer. Upon completion of his detail, the revenue officer shall execute the certificate on both copies of the schedule of the manufactured tobacco, to show the disposition of such stamps, and the packages involved, and return one copy to the manufacturer, which shall be attached to, and made a part of, his claim, which claim shall be filed with the assistant regional commissioner for the region in which the manufactured tobacco was so destroyed. Where the manufactured tobacco is returned to the factory of the manufacturer in accordance with the provisions of § 275.142, the manufacturer shall then notify the assistant regional commissioner, for the region in which the factory is situated, and request the detail of a revenue officer to inspect the product, verify the schedule thereof, and supervise the destruction of the stamps affixed to the packages of such product, and the proper disposition of the product and packages as desired by the manufacturer. Upon completion of his detail, the revenue officer shall properly execute his certificate on both copies of the schedule of such manufactured tobacco. The revenue officer shall return one copy of the completed schedule to the manufacturer which shall be attached to, and made a part of, the manufacturer's claim, which shall be filed with the appropriate assistant regional commissioner.

(68A Stat. 709, 830; 26 U. S. C. 5705, 6805)

§ 275.155 *Tobacco materials and manufactured tobacco released from customs custody.* Tobacco materials and manufactured tobacco imported into the United States from a foreign country, or brought in from Puerto Rico, the Virgin Islands, or a possession of the United States, may be released from customs custody, without the payment of tax, for delivery to a qualified manufacturer of tobacco under his bond, solely for receipt into premises covered by the manufacturer's bond. Before such tobacco materials and manufactured tobacco are released to him, the manufacturer shall furnish to the collector of customs having custody of the tobacco materials and manufactured tobacco, evidence that he operates as a qualified manufacturer of tobacco. The manufacturer shall also prepare a notice of release of tobacco materials, Form 2146, or a notice of release of manufactured tobacco, Form 2145, as the case may be. All copies of the applicable form shall be presented to the collector of customs who, after stamping the date of release of the tobacco materials or manufactured tobacco described thereon, shall return one copy to the manufacturer, retain one copy for his records, and transmit one copy to the assistant regional commissioner shown thereon. The copy returned to the manufacturer shall be retained by him for two years after the close of the year of such release, and shall be made available for inspection by any revenue officer upon his request.

(68A Stat. 708; 26 U. S. C. 5704)

§ 275.156 *Use of the United States.* A manufacturer of tobacco may remove such manufactured tobacco, under his bond, without payment of tax, for use of the United States. Such removal shall be made in accordance with the provisions of 26 CFR Part 295.

(68A Stat. 708; 26 U. S. C. 5704)

§ 275.157 *Exportation.* A manufacturer of tobacco may remove such manufactured tobacco and tobacco materials, under his bond, without payment of tax, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption or use beyond the jurisdiction of the internal revenue laws of the United States, in accordance with the applicable provisions of 26 CFR Part 290.

(68A Stat. 708; 26 U. S. C. 5704)

SUBPART I—SUSPENSION AND DISCONTINUANCE OF OPERATIONS BY MANUFACTURERS

§ 275.170 *Discontinuance of operations.* Every manufacturer of tobacco who desires to discontinue operations and close out his factory shall dispose of all tobacco materials, manufactured tobacco, and stamps on hand, in accordance with this part, make a closing inventory and closing report, in accordance with the provisions of §§ 275.131 and 275.133, respectively, and surrender, with such inventory and report, his permit to the assistant regional commissioner as notice of such discontinuance and to permit the assistant regional commissioner to terminate the liability of the surety on the bond of the manufacturer.

(68A Stat. 713; 26 U. S. C. 5721, 5722)

§ 275.171 *Suspension and revocation of permit.* Where the assistant regional commissioner has reason to believe that a manufacturer of tobacco has not in good faith complied with the provisions of Chapter 52, I. R. C., and regulations thereunder, or with any other provisions of the I. R. C. with intent to defraud, or has violated any condition of his permit, or has failed to disclose any material information required or made any material false statement in the application for the permit, or has failed to maintain his premises in such manner as to protect the revenue, the assistant regional commissioner shall issue an order, stating the facts charged, citing such manufacturer to show cause why his permit should not be suspended or revoked after hearing thereon in accordance with 26 CFR Part 200, "Rules of Practice in Permit Proceedings," which part (including the provisions relating to appeals) is made applicable to such proceedings. If the hearing examiner, or the Director, Alcohol and Tobacco Tax Division, on appeal, decides the permit should be revoked or suspended for such time as to him seems proper, the assistant regional commissioner shall by order give effect to such decision.

(68A Stat. 712; 26 U. S. C. 5713)

SUBPART J—OPERATIONS BY IMPORTERS

§ 275.180 *Packages*—(a) *General.* All manufactured tobacco shall, before removal, be put up by the importer in packages which shall bear the stamps required by this subpart. The packages shall be of such construction as will securely contain the manufactured tobacco therein and maintain the stamps thereon.

(b) *Subdivision into parcels.* Packages may be subdivided into parcels which shall not bear the stamps.

(c) *Lottery features.* No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of manufactured tobacco removed for domestic consumption or use.

(d) *Indecent or immoral material.* No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of manufactured tobacco.

(68A Stat. 713; 26 U. S. C. 5723)

§ 275.181 *Stamps*—(a) *Kinds and denominations provided.* Stamps to denote the payment of tax on manufactured tobacco are provided, for sale to importers of such tobacco, in the following denominations: ⅛, ⅜, ½, ⅝, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1⅝, 1¾, 1⅞, 2, 2⅛, 2¼, 2⅜, 2½, 2⅝, 2¾, 2⅞, 3, 3¼, 3½, 3¾, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 18½ ounces; ½, 1, 1¼, 1½, 1¾, 2, 2½, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 19, 20, 24, 29, 30, 39, 40, 49, 50, 59, 60, and 69 pounds.

(b) *Method of purchase.* Importers of manufactured tobacco shall purchase

stamps, for the payment of tax on such product, from the district director. Importers shall use Form 923, certified by the customs officer having custody of such products, in ordering such stamps, except as provided in §§ 275.183 and 275.184 with respect to the purchase of stamps for affixture to packages in foreign countries, Puerto Rico, and the Virgin Islands. Each order form shall be accompanied by remittance in the proper amount. A copy of each such order form which has been marked paid by the district director shall be retained by the importer for two years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request.

(68A Stat. 707; 26 U. S. C. 5703)

§ 275.182 *Affixture of stamps.* Every importer of manufactured tobacco shall, before removal subject to tax, securely affix to each package of such product one or more stamps of such denominations as will fully taxpay the contents of such package.

(68A Stat. 713; 26 U. S. C. 5723)

§ 275.183 *Stamps for affixture in foreign countries.* Stamps in payment of the tax on imported manufactured tobacco may be affixed to such product in the foreign country in which manufactured, provided the laws of such foreign country grant a like privilege in respect of manufactured tobacco produced in the United States and exported to such foreign country. An importer desiring to have the stamps in payment of the tax on imported manufactured tobacco affixed to this product in such foreign country shall file with any district director an order for the necessary stamps. No particular form for such order is prescribed, but the order shall show (a) the name and address of the person by whom such product is to be imported, (b) the name of the foreign country, (c) the quantity of such product to be imported, and (d) the number and value of the stamps of each denomination, and the total value of all the stamps. Each order shall be accompanied by remittance in the proper amount.

§ 275.184 *Stamps for affixture in Puerto Rico and the Virgin Islands.* Stamps denoting the tax on manufactured tobacco, produced in Puerto Rico and the Virgin Islands for shipment to the United States, may be affixed to packages of such product in Puerto Rico and the Virgin Islands. Such stamps may be purchased by the manufacturers from the Internal Revenue Service office in Puerto Rico.

(68A Stat. 829; 26 U. S. C. 6801)

§ 275.185 *Exemption of consular officers and employees of foreign states—*(a) *Rule of exemption.* No internal revenue tax shall be due with respect to manufactured tobacco imported by a consular officer of a foreign state or by an employee of a consulate of a foreign state, whether such product accompanies the officer or employee to his post in the United States, its insular possessions, or the Panama Canal Zone, or is imported by him at any time during the exercise of his functions therein, if—

(1) Such officer or employee is a national of the state appointing him and not engaged in any profession, business, or trade within the territory specified in this section;

(2) The manufactured tobacco is imported by the officer or employee for his personal or official use; and

(3) The foreign state grants an equivalent exemption to corresponding officers or employees of the Government of the United States stationed in such foreign state.

(b) *Certificate by Secretary of State.* The Secretary of State shall certify to the Secretary of the Treasury the names of the foreign states which grant an equivalent exemption to the consular officers or employees of the Government of the United States stationed in such foreign states.

(68A Stat. 900; 26 U. S. C. 7511)

§ 275.186 *Claim for refund of tax.* The tax paid on manufactured tobacco by the importer thereof (otherwise than by stamp) may be refunded where the tax has been paid in error. Only the importer who paid the tax may file claim for refund thereof under this section. The claim for refund, Form 843, shall be filed in duplicate within three years from the date of payment of the tax, with the assistant regional commissioner for the region in which the tax was paid, and the claim shall be supported by evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(68A Stat. 709; 26 U. S. C. 5705)

§ 275.187 *Claim for redemption, or refund of the value, of stamps.* Stamps to denote the tax on manufactured tobacco may be redeemed, or the value thereof may be refunded, subject to the following provisions:

(a) *Redemption of Stamps.* Stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the importer of such product may have no use, or which through mistake may have been improperly or unnecessarily used, or where the taxes represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected, may be redeemed by such importer. Claim for redemption of such stamps shall be filed on Form 843, in duplicate, with the assistant regional commissioner, within three years after the stamps were purchased from the Government. Stamps may be destroyed under internal revenue supervision, or they may be presented with the claim, or satisfactory evidence submitted showing the reason why they cannot be so destroyed or presented. Where the stamps are to be destroyed under internal revenue supervision, a schedule on Form 178 shall be prepared by the importer with respect to the stamps covered by the claim. When the schedule has been prepared, the importer shall notify the assistant regional commissioner in order that he may detail a revenue officer to verify the schedule and supervise the destruction of the stamps. A copy of the verified schedule, returned to the importer, shall be attached to his claim when filed. If required, the importer shall satisfactorily trace the history of the stamps from their issuance to the filing of his claim.

(b) *Refund of the value of stamps.* The value of stamps affixed to packages of manufactured tobacco may be refunded to the importer thereof, where such product is withdrawn from the market by such importer, or the product is lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the importer. Claim for refund of the value of such stamps shall be filed on Form 843, in duplicate, within three years from the date of payment of the tax.

(1) *Stamps affixed to packages of manufactured tobacco completely lost or destroyed.* Where the packages of manufactured tobacco to which stamps were affixed have been completely lost or destroyed beyond recognition by fire, casualty, or act of God, the claim for refund shall be filed with the assistant regional commissioner, for the region in which the stamps were affixed, and the claim shall be supported by such evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(2) *Stamps affixed to packages of manufactured tobacco damaged or withdrawn from the market.* Where the packages of manufactured tobacco to which stamps were affixed have been merely damaged by fire, casualty, or act of God, so that the identity of the product and the importer thereof, and the amount of tax paid, can be established, or where the manufactured tobacco is merely withdrawn from the market by the importer, which would permit a similar identification and a determination of the tax paid, such manufactured tobacco shall be assembled by the importer in a suitable place in the city where such tobacco is held or withdrawn from the market. The importer shall group such tobacco according to the sizes of packages, and shall prepare a schedule on Form 177, listing such packages of manufactured tobacco. Such manufactured tobacco, if not taken into a domestic factory, or repacked and restamped by the importer, or exported with drawback of tax, shall be destroyed under internal revenue supervision. The importer shall notify the assistant regional commissioner, for the region in which such manufactured tobacco is assembled, and request the detail of a revenue officer to inspect the tobacco, verify the schedule thereof, and supervise destruction of the stamps and the proper disposition of the product and packages as desired by the importer. Upon completion of his detail, the revenue officer shall properly execute his certificate on both copies of the schedule of such manufactured tobacco. The revenue officer shall return one copy of the completed schedule to the importer, which shall be attached to, and made a part of, the importer's claim, which claim shall be filed with the appropriate assistant regional commissioner.

(68A Stat. 709, 830; 26 U. S. C. 5705, 6805)

SUBPART K—OPERATIONS BY DEALERS

§ 275.200 *Purchase, receipt, possession, or sale of manufactured tobacco—*(a) *Restriction.* No person shall purchase, receive, possess, sell, or offer for sale manufactured tobacco not exempt from tax, after removal, which is not put up in packages bearing stamps to denote the tax and mark, required under this part: *Provided, however,* That this section is not intended to prevent the sale of manufactured tobacco at retail directly from proper packages nor to apply to such tobacco when so sold.

(b) *Liability to tax.* Any person who possesses manufactured tobacco not exempt from tax after removal, which is not put up in packages bearing the stamps to denote the tax, is liable for the tax thereon, in addition to any other penalties prescribed by law for the offense.

(68A Stat. 716; 26 U. S. C. 5751)

§ 275.201 *Sales at retail from packages.* Manufactured tobacco may be sold, or offered for sale, from proper packages, bearing the stamps and mark, as required under this part, only by retail dealers. The manufactured tobacco must remain in such packages until removed therefrom by the customer or in the presence of the customer.

(68A Stat. 716; 26 U. S. C. 5751)

§ 275.202 *Restrictions relating to used stamps and packages.* No person shall (a) empty any package of manufactured tobacco without destroying the stamp affixed thereto to denote the tax; or (b) remove, or cause to be removed, any such stamp, or purchase, receive, possess, sell, or dispose of, by gift or otherwise, any such stamp which has been so removed; or (c) purchase, receive, possess, sell, or dispose of, by gift or otherwise, any such package which has been emptied, upon which such a stamp has not been destroyed.

(68A Stat. 716; 26 U. S. C. 5752)

[F. R. Doc. 55-3755; Filed, May 9, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 19, 1955.

The United States Department of Agriculture has filed an application, Serial No. Idaho 05883, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims. The applicant desires the land for public service sites within the Idaho National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

Red Top Meadow Public Service Site

Unsurveyed, but when surveyed will probably be:
T. 23 N., R. 9 E.,
Sec. 1, SE¼SE¼;
Sec. 12, N½NE¼.

Moose Meadows Public Service Site

Unsurveyed, but when surveyed will probably be:
T. 23 N., R. 11 E.,
Sec. 28, NW¼.

Dillinger Meadow Public Service Site

Unsurveyed, but when surveyed will probably be:
T. 25 N., R. 10 E.,
Sec. 24, SW¼.

Meadow of Doubt Public Service Site

Unsurveyed, but when surveyed will probably be:
T. 24 N., R. 11 E.,
Sec. 6, N½NW¼.

Whitebird Meadow Public Service Site

Unsurveyed, but when surveyed will probably be:
T. 25 N., R. 10 E.,
Sec. 11, SE¼SE¼.

Cottonwood Middle Meadow Public Service Site

Unsurveyed, but when surveyed will probably be:
T. 23 N., R. 13 E.,
Sec. 31, SE¼SE¼;
Sec. 32, W½SW¼.

Cottonwood Lower Meadow Public Service Site

Unsurveyed, but when surveyed will probably be:
T. 23 N. R. 13 E.,
Sec. 28, N½NW¼, N½NE¼.

Coyote Spring Public Service Site

Unsurveyed, but when surveyed will probably be:
T. 22 N., R. 13 E.,
Sec. 22, NW¼NE¼, NE¼NW¼.

Total area: 920 acres, more or less.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-3741; Filed, May 9, 1955; 8:45 a. m.]

[Docket No. DA-130]

WASHINGTON

RESTORATION ORDER UNDER FEDERAL POWER ACT

MAY 2, 1955.

Pursuant to determination DA-130, Washington, by the Federal Power Commission and in accordance with section 2.5 Part 2 of the Redelegation Order No. 541 approved April 21, 1954, by the Director, Bureau of Land Management, 19 F. R. 2473, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawal the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to location and entry for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended, and subject to the stipulation that if and when the lands are restored, and particularly as the restoration affects that portion or portions of the lands lying between the Cascade River and Cascade Wagon Road in Section 21, are required for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with such development shall be removed or so relocated as to eliminate interference therewith without expense to the United States, its power permittees or its licensees.

WILLAMETTE MERIDIAN, WASHINGTON

T. 35 N., R. 12 E.,
Sec. 21, Lot 8, SE¼NE¼, NE¼SE¼;
Sec. 22, W½SW¼ (unsurveyed).

The areas described aggregate 212.60 acres.

The subject lands are located in Power Site Classification No. 207 of November 13, 1928, and lie within the Mt. Baker National Forest, Washington.

The State of Washington has waived the usual 90-day preference period to make application for right-of-way for public highways or as a source of materials on the lands involved as provided by the act of May 28, 1948 (62 Stat. 275).

This order shall not otherwise affect the status of the lands until 10:00 a. m. on the thirty-fifth day after date of publication of the order in the FEDERAL REGISTER at which time the lands will become available to location and entry under the mining laws only, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable laws, and the reservations, stipulations and conditions herein provided.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 55-3740; Filed, May 9, 1955; 8:45 a. m.]

Bureau of Reclamation

MILK RIVER PROJECT, MONTANA

ORDER OF REVOCATION

MARCH 22, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of August 18 and 26, 1902, insofar as said orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

PRINCIPAL MERIDIAN, MONTANA

T. 30 N., R. 32 E.,
Sec. 21, SW¼NE¼, NE¼SW¼, W½SE¼.

The above area aggregates 160 acres.

N. B. BENNETT,
Acting Assistant Commissioner.

[Misc. 68613]

MAY 4, 1955.

I concur; the records of the Bureau of Land Management will be noted.

The lands are included in an allowed entry and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended granting a preference right of application to veterans and others.

EARL G. HARRINGTON,
Acting Associate Director,
Bureau of Land Management.

[F. R. Doc. 55–3742; Filed, May 9, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 6984, 6989]

GREAT LAKES AIRLINES, INC., AND CURREY AIR TRANSPORT LTD.

NOTICE OF PREHEARING CONFERENCE

In the matter of reduced fares filed by Great Lakes Airlines, Inc. and Currey Air Transport Limited.

Notice is hereby given that a prehearing conference in the above-entitled matters is assigned to be held on May 25, 1955, at 2:00 p. m., e. d. s. t., in Room E–210, Temporary Building No. 5 Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., May 6, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–3759; Filed, May 9, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1668]

TXL OIL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in The TXL Oil Corporation, Common Stock, $1 Par Value, File No. 7–1668.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of May 1955.

The Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of The TXL Oil Corporation, a security listed and registered on the New York Stock Exchange. Rule X-12F–1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 20, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–3746; Filed, May 9, 1955; 8:47 a. m.]

[File No. 70–3358]

PUBLIC SERVICE CO. OF OKLAHOMA AND CENTRAL AND SOUTH WEST CORP.

ORDER REGARDING ISSUANCE AND SALE BY SUBSIDIARY PUBLIC UTILITY COMPANY OF PREFERRED STOCK; ISSUANCE BY SUBSIDIARY PUBLIC UTILITY COMPANY TO PARENT REGISTRERD HOLDING COMPANY OF COMMON STOCK AS STOCK DIVIDEND; AND AMENDMENT BY PUBLIC UTILITY COMPANY OF ARTICLES OF INCORPORATION

MAY 4, 1955.

Central and South West Corporation ("Central"), a registered holding company, and its public-utility subsidiary, Public Service Company of Oklahoma ("Public Service"), an Oklahoma corporation, have filed a joint application-declaration and amendments thereto with this Commission pursuant to sections 6 (a), 6 (b), 7, 7 (e), 9 (a), 10 and 12 (e) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-50, U-62 and U-65 promulgated thereunder regarding the following proposed transactions:

Public Service will, by amendment of its Articles of Incorporation, increase the total number of authorized shares of its preferred stock from 203,500 shares, par value $100 per share, of which 148,500 shares are presently outstanding, to 350,000 shares, par value $100 per share, and thereupon issue and sell 100,000 shares of the authorized but unissued shares of its preferred stock. The price to be paid to the company for the preferred stock (which shall be not less than $100 nor more than $102.75 per share) and the dividend rate thereof (which shall be a multiple of 1/100 of 1 percent) will be determined by competitive bidding pursuant to Rule U-50.

The net proceeds to be received by Public Service from the sale of its preferred stock will be applied to its construction program, which for the calendar years 1955 and 1956 is estimated at approximately $52,500,000.

Public Service also will issue and deliver to Central, and Central will acquire, 300,000 shares of common stock, par value $10 per share, as a stock dividend. In connection therewith, Public Service will transfer on its books from earned surplus to stated capital the sum of $10 for each of said additional shares of common stock, or an aggregate of $3,000,000.

Public Service has, pursuant to an Order of the Commission dated April 14, 1955, solicited proxies from its stockholders (preferred and common) to be voted at a special meeting to be held on May 17, 1955 on amendments to its Articles of Incorporation, including an increase in the number of authorized shares of preferred stock from 203,500 shares to 350,000 shares and changes in the terms and provisions of said stock. The adoption of the proposed amendments of Public Service's Articles of Incorporation will require the affirmative vote of the holders of at least two-thirds of the outstanding shares of preferred stock and the affirmative vote of the holders of a majority of the common stock. Central, which owns all of Public Service's outstanding common stock, represents that it will vote said shares in favor of the adoption of the amendments.

The fees and expenses to be paid or incurred by Public Service in connection with the issue and sale of the additional shares of its preferred stock, exclusive of underwriting commissions, are estimated as follows:

S. E. C. Filing fee	$1,050
Federal issue stamp tax	11,000
Printing	8,000
Preparation of stock certificates	925
Fees:	
Arthur Andersen & Co., accountants	1,800
Illinois Stock Transfer Co., transfer agent	320
City National Bank & Trust Co. of Chicago, registrar	250
Middle West Service Co	4,000
Stevenson, Dendtler, Bailey & McCabe, counsel	[1] 5,000
Reimbursement of underwriters for "Blue Sky" expense	1,000
Miscellaneous	2,655
Total	36,000

[1] Estimated amount of annual retainer allocable to issue and sale of preferred stock.

The legal fee of Isham, Lincoln & Beale, independent counsel for the successful bidder or bidders for the preferred stock, estimated at $5,500, and related out-of-pocket expenses of $250 will be paid by the successful bidder or bidders.

Expenses in connection with the issue of 300,000 shares of common stock by Public Service to Central are estimated at $3,800, consisting of $3,300 Federal issue stamp tax and $500 miscellaneous expenses.

The issue and sale by Public Service of the additional shares of its preferred stock and the issue of the additional shares of its common stock as a dividend have been expressly approved by the Corporation Commission of the State of Oklahoma and no other State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over any of the transactions proposed herein.

Public Service has requested that there be no waiting period between the issuance of the Commission's order and the effective date thereof.

Due notice of the filing of said application-declaration having been given in the manner prescribed by Rule U-23 of the rules and regulations promulgated under the act and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder have been satisfied, and that the fees and expenses set forth above, if they do not exceed the estimates, are not unreasonable; and deeming it appropriate in the public interest and in the interest of investors and consumers that said amended application-declaration should be granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50, and to the additional condition that the transactions proposed by Public Service shall not be consummated unless and until the amendments of Public Service's Articles of Incorporation shall have been approved by its stockholders:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said amended application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50 and subject to the additional condition that the amendments of Public Service's Articles of Incorporation shall have been approved by its stockholders.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–3745; Filed, May 9, 1955; 8:46 a. m.]

[File No. 70–3363]

JERSEY CENTRAL POWER & LIGHT CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

MAY 3, 1955.

Jersey Central Power & Light Company ("Jersey Central"), a public utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder in respect of the following transactions:

Jersey Central proposes to issue and sell, pursuant to the competitive bidding provisions of Rule U-50, $20,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1985. The bonds will be issued and secured by the company's Mortgage Indenture dated March 1, 1946, as heretofore supplemented and as to be further supplemented by a Fourth Supplemental Indenture to be dated May 1, 1955.

The net proceeds from the sale of the bonds are to be used to the extent of $12,250,000 to prepay indebtedness of Jersey Central. This indebtedness, which is to be prepaid, consists of Jersey Central's outstanding First Mortgage Bonds, 4 percent Series due 1983, in the aggregate principal amount of $8,500,000 and Notes, issued under a Credit Agreement, in the face amount of $3,750,000. The redemption premium and accrued interest applicable to the bonds and the accrued interest on the Notes will be paid from Jersey Central's treasury funds. The balance of $7,750,000 will be applied by Jersey Central to its construction program which for the year 1955 contemplates the expenditure of $18,200,000.

The Board of Public Utility Commissioners of the State of New Jersey has authorized the issuance of the proposed mortgage bonds and the solicitation of competitive bids in connection with the sale thereof and has stated that when the interest rate, the price to the company, and other pertinent data in respect of the bonds have been determined by the bidding and found reasonable, it will issue a supplemental certificate authorizing the sale of the new bonds.

The fees and expenses paid or to be paid by Jersey Central in connection with the issuance and sale of its mortgage bonds have been estimated by it to be as follows:

Filing fees, SEC and New Jersey Commission		$2,560.00
Federal issue tax		22,000.00
Printing and engraving		29,000.00
Legal fees and expenses:		
Authenrieth & Rochester:		
Fee	5,500.00	
Expenses	250.00	
Berlack, Israels & Liberman:		
Fee	4,000.00	
Expenses	250.00	
Other counsel, various (title search and recording fees)	500.00	
Accounting Services, Lybrand, Ross Bros. & Montgomery:		
Fees	2,500.00	
Expenses	150.00	
Trustee's fee, including counsel fee		16,500.00
Reimbursement of underwriters for "Blue Sky" expense		200.00
Miscellaneous		4,590.00
Total		88,000.00

Beekman & Bogue, independent counsel for the successful bidder, have requested a fee of $5,000 for their services and have estimated their expenses at $100, such fees and expenses to be paid by the successful bidder.

Jersey Central has requested that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of said application and a hearing not having been requested of or ordered by the Commission; the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application as amended shall be granted forthwith, except that the Commission considers it inappropriate to approve or disapprove the proposed accounting treatment as described therein and as set forth in some detail in the Notice of Filing in this proceeding (Holding Company Act Release No. 12843):

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and hereby is, granted forthwith subject to the terms and conditions prescribed in Rules U-24 and U-50: *Provided, however,* That nothing herein contained shall be deemed to constitute approval or disapproval of the accounting treatment in respect of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–3744; Filed, May 9, 1955; 8:46 a. m.]

[File No. 70–3371]

BROCKTON EDISON CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING

MAY 3, 1955.

Notice is hereby given that an application has been filed with the Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by Brockton Edison Company ("Brockton"), a public-utility subsidiary of Eastern Utilities Associates, a registered holding company. Brockton has designated sections 6 and 12 of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Brockton proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $6,000,000 principal amount of First Mortgage and Collateral Trust Bonds, -- percent Series, due 1985. The bonds will be issued under an Indenture of First Mortgage and Deed of Trust, dated September 1, 1948, as last supplemented by a Second Supplemental Indenture, dated as of May 1, 1954, and to be further supplemented by a Supplemental Indenture to be dated June 1, 1955.

The interest rate on the bonds (which shall be a multiple of 1/8 of 1 percent) and the price to be paid the company (which shall be not less than the principal amount thereof and not more than 102¾ percent of such principal amount plus accrued interest) will be determined by competitive bidding. The proceeds from the sale of the bonds will be used to retire $4,100,000 principal amount of outstanding First Mortgage and Collateral Trust Bonds, 3⅝ percent Series, due 1983, to prepay without premium short-term promissory notes outstanding in the aggregate principal amount of $1,400,000, and to provide funds for the construction, completion and extension or improvement of Brockton's facilities.

The fees and expenses to be paid in connection with the proposed transactions are estimated by Brockton to aggregate $44,600 of which $6,000 is for company counsel fees and disbursements and $4,600 for the fee and expenses of counsel to the underwriters. It is stated in the application that the proposed sale of bonds is subject to the jurisdiction of the Department of Public Utilities of Massachusetts, the State Commission of the State in which Brockton is organized and doing business.

Brockton requests that this Commission's order to be entered herein become effective upon issuance.

Notice is further given that any interested person may, not later than May 16, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3743; Filed, May 9, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MONTSHIP LINES, LTD., AND NIAGARA LIJN N. V.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8270, between Montship Lines, Limited, and Niagara Lijn N. V., provides for the creation of a conference to be known as the Mediterranean-Great Lakes Westbound Conference, for the establishment and maintenance of agreed rates, charges and practices for or in connection with the transportation of cargo in the westbound trade from ports in the Mediterranean and on the Atlantic Coast of Morocco, Spain and Portugal, to ports of the Great Lakes of the United States and Canada.

(2) Agreement No. 8280, between Montship Lines, Limited and Niagara Lijn N. V., provides for the creation of a conference to be known as the Great Lakes-Mediterranean Eastbound Conference, for the establishment and maintenance of agreed rates, charges and practices for or in connection with the transportation of cargo in the eastbound trade from ports on the Great Lakes of the United States and Canada to ports in the Mediterranean and on the Atlantic Coast of Morocco, Spain and Portugal.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: May 4, 1955.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 55-3762; Filed, May 9, 1955; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

ACTIVITIES UNDER THE DEFENSE PRODUCTION ACT AS AMENDED

QUARTERLY REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS AS OF MARCH 31, 1955

Pursuant to section 4, Public Law 206, 83d Congress, the tabulation below details the quarterly and cumulative purchases under Purchase Regulation noted.

Regulation	Termination date	Units	Quantity		
			Program limitation	Purchases during quarter	Cumulative purchases through end of quarter
Asbestos	Oct. 1, 1957	Short tons, crude No. 1 and/or crude No. 2, asbestos	1,500	130	847
		Short tons, crude No. 3	1,500	51	384
Beryl	June 30, 1957	Short tons, beryl ore		69	626
Chrome	do	Long dry tons, chrome ore and/or chrome concentrates.	200,000	5,003	82,402
Columbium-Tantalum [1]	Dec. 31, 1958	Pounds contained combined pentoxide.	15,000,000	1,729,880	9,084,159
Manganese: Butte-Phillipsburg	June 30, 1958	Long dry ton units, recoverable, manganese.	6,000,000	276,319	1,440,006
Deming	do	do	6,000,000	536,769	2,307,346
Wenden	do	do	6,000,000	807,981	5,406,209
Domestic small producers.	do	Long dry ton units, contained, manganese.	19,000,000	449,689	2,725,306
Mica	June 30, 1957	Short tons, hand-cobbed mica or equivalent.	25,000	687	5,503
Tungsten	July 1, 1958	Short tons units, tungsten trioxide.	3,000,000	217,402	1,677,453

[1] Columbium-Tantalum Regulation provides for both Domestic and Foreign Purchases. Report includes both. Foreign purchases will terminate close of business December 31, 1956.

Dated: May 3, 1955.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 55-3730; Filed, May 9, 1955; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 5, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30599: Peanuts—Southern points to Jamestown, N. Dak. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on peanuts, in the shell, raw, carloads, from Albany, Ga., Suffolk, Va., and other specified points in the southern territory to Jamestown, N. Dak.

Grounds for relief: Circuity.

Tariff: Supplement 167 to Agent Spaninger's I. C. C. No. 887.

FSA No. 30600: Commodities from or to points in the Southwest. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities from specified points in southwestern, official, or southern territories to specified points in official, southern or southwestern territories, as the case may be.

Grounds for relief: Circuity.

FSA No. 30601: Abrasive grain from Niagara Frontier Points. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on abrasive grain, carloads, from Niagara Falls, N. Y., and other Niagara Frontier points in New York to specified points in Illinois, Indiana, Michigan, Ohio and Pennsylvania, also St. Louis, Mo.

Grounds for relief: Short-line distance formula, market competition, and circuity.

Tariff: Supplement No. 54 to B&O tariff I. C. C. No. 23244, and five other tariffs.

FSA No. 30602: Adipic acid to Belle and Charleston, W. Va. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on adipic acid, carloads, from Orange, Tex., to Belle and Charleston, W. Va.

Grounds for relief: Circuity.

Tariff: Supplement 32 to Agent Kratzmeir's tariff I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-3747; Filed, May 9, 1955; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 92

Washington, Wednesday, May 11, 1955

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN

MAY 17 1955

MAIN READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3093

CHILD HEALTH DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress, by a joint resolution of May 18, 1928 (45 Stat. 617), has authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day; and

WHEREAS the health we seek for our children includes their spiritual, emotional, and intellectual, as well as their physical, well-being; and

WHEREAS Child Health Day provides us with an occasion for dedicating ourselves to enlarging the opportunities of children for achieving such health; and

WHEREAS Child Health Day has been given added significance this year by the recently announced discovery of a means of protecting our children from the crippling scourge of poliomyelitis:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Sunday, the first day of May 1955, as Child Health Day; and I invite all citizens, meeting in their various places of worship and elsewhere on that day, to unite in observances that will emphasize the importance of abundant health for all children throughout the coming year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of April in the year of our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 55-3861; Filed, May 9, 1955; 4:46 p. m.]

EXECUTIVE ORDER 10610

ADMINISTRATION OF MUTUAL SECURITY AND RELATED FUNCTIONS

By virtue of the authority vested in me by the Mutual Security Act of 1954, including particularly sections 521 and 525 thereof (68 Stat. 855, 856), and as President of the United States, it is ordered as follows:

PART I. DEPARTMENT OF STATE; INTERNATIONAL COOPERATION ADMINISTRATION

SECTION 101. Exclusive of the functions transferred by the provisions of section 201 of this order, all functions conferred by law upon, or delegated or otherwise assigned by the President to, the Director of the Foreign Operations Administration, and all functions conferred by law upon, or otherwise placed under the jurisdiction of, the Foreign Operations Administration (including, subject to the provisions of sections 102 (b) and (c) of this order, all functions of agencies, officials, and employees of the Foreign Operations Administration), are hereby transferred to the Secretary of State and the Department of State, respectively.

SEC. 102. The following are hereby transferred to the Department of State:

(a) All offices of the Foreign Operations Administration, exclusive of the office of Director of the Foreign Operations Administration.

(b) The Institute of Inter-American Affairs and the functions vested in it by law, which functions shall remain therewith.

(c) The International Development Advisory Board (68 Stat. 842) and the functions vested in it by law, which functions shall remain therewith.

(d) The Office of Small Business, provided for in section 504 (b) of the Mutual Security Act of 1954 (68 Stat. 851), and in section 101 (d) of Executive Order No. 10575 of November 6, 1954 (19 F. R. 7251).

SEC. 103. (a) The Secretary of State shall establish, with the offices, personnel, and facilities transferred to the Department of State by or under section 102 (a) and 302 of this order, an agency

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS
(For use during 1955)

The following Supplement is now available:

Titles 35–37 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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in the Department of State which shall be known as the International Cooperation Administration. The agencies transferred by sections 102 (b), (c), and (d) of this order shall be made a part of or attached to the International Cooperation Administration. The International Cooperation Administration shall be headed by the Director of the International Cooperation Administration referred to in the first sentence of section 103 (b) of this order. The said Director shall report directly to the Secretary of State. Except as may be otherwise provided by the Secretary of State in respect of the matters referred to in section 104 of this order, the functions transferred by section 101 hereof shall be carried out by or under the International Cooperation Administration or the Director thereof. The said Administration, including all its officers and agencies, and all functions transferred by this Part shall be subject to the direction and control of the Secretary of State. To such extent as the Secretary of State shall prescribe, consistent with law and without diminishing assignments made or required to be made by this order to the International Cooperation Administration or the Director thereof, the said Administration and Director shall be deemed to be the successors of the Foreign Operations Administration and the Director thereof, respectively, in respect of transfers to the Department of State and the Secretary of State made by this order.

(b) The title of Deputy Director of the Foreign Operations Administration is hereby changed to Director of the International Cooperation Administration. The Director of the International Cooperation Administration may, as he deems proper, change the title of and utilize in connection with the functions transferred by this order any other office of the Foreign Operations Administration transferred hereby.

SEC. 104. (a) The Secretary of State, after consultation with the Secretary of Defense, shall make appropriate arrangements for carrying out the function of coordination referred to in section 102 (c) (1) of Executive Order No. 10575 of November 6, 1954.

(b) The Secretary of State or, if he shall so direct, the Director of the International Cooperation Administration shall (1) carry out the functions under the Mutual Defense Assistance Control Act of 1951 transferred by section 101 of this order, (2) carry out the functions under section 501 (a) (2) of the Mutual Security Act of 1951 (as continued by section 525 of the Mutual Security Act of 1954), (3) make the determinations authorized by the last sentence of section 524 (b) of the Mutual Security Act of 1954, and (4) coordinate the functions of the International Cooperation Administration and other affairs of the Department of State.

PART II. DEPARTMENT OF DEFENSE

SEC. 201. So much of the functions under chapter 2 of Title I of the Mutual Security Act of 1954 now vested in or delegated to or otherwise conferred upon the Director of the Foreign Operations Administration or the Foreign Operations Administration as consists of furnishing to recipients eligible under that chapter, equipment, materials, or services which are delivered or rendered directly to the military forces of the recipient country or its agent (including a civilian contractor with such force) for the exclusive use, or to be under the exclusive control, of such military forces and without entering into or being processed by the civilian economy of the recipient country except as above provided is hereby transferred to the Secretary of Defense and the Department of Defense, respectively.

SEC. 202. The determination of the value of the program for any country under so much of chapter 2 of Title I of the Mutual Security Act of 1954 as pertains to the functions transferred by section 201 of this order shall be made by the Secretary of State.

PART III. GENERAL PROVISIONS

SEC. 301. As used in this order, the term functions includes powers, duties, authority, responsibilities, and discretion.

SEC. 302. So much of the records, property, personnel, positions, and unexpended balances of appropriations, allocations, and other funds of the Foreign Operations Administration as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Defense. There are hereby transferred to the Department of State all other records, property, personnel, positions, and unexpended balances of appropriations, allocations, and other funds of the Foreign Operations Administration (including those of the Institute of Inter-American Affairs, the International Development Advisory Board, and the Office of Small Business, which shall be transferred with those agencies, respectively). Such further measures and dispositions as the Director of the Bureau of the Budget may deem necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 303. (a) The Foreign Operations Administration, including the office of Director of the Foreign Operations Administration but excluding all other offices of, and all agencies and positions of, the Foreign Operations Administration, and excluding also all functions transferred by the provisions of this order, is hereby abolished.

(b) The memberships of the Director of the Foreign Operations Administration on the following bodies, together with the functions of the said Director in his capacity as member of each thereof, are hereby abolished: (1) The National Security Council, (2) the Operations Coordinating Board, (3) the Council on Foreign Economic Policy, (4) the Interagency Committee on Agricultural Surplus Disposal, (5) the Defense Mobilization Board, and (6) the Interdepartmental Committee on Trade Agreements: *Provided*, That the Director of the International Cooperation Administration or his designated representative shall participate in the deliberations, and assist in connection with the affairs, of the bodies mentioned in items (2) to (6), inclusive, above, and of the Committee for Reciprocity Information.

SEC. 304. Nothing in this order shall be construed to derogate from the authority of the President, after the date of approval of this order, (1) to delegate functions conferred upon him by the Mutual Security Act of 1954 or by other law other than as transferred or otherwise assigned by this order, (2) to transfer to any agency or officer of the United States, or to modify or abolish, any function, office, or entity of the Foreign Operations Administration or the successor thereof or any officer or employee thereof, or (3) to transfer such personnel, property, records, and funds as may be necessary incident thereto.

SEC. 305. Except to the extent inconsistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, contracts, agreements, and other actions issued, undertaken, or entered into with respect to any function affected by this order and not heretofore revoked, superseded, or otherwise made inapplicable, shall continue in full force and effect until amended, modified, or terminated by appropriate authority; but any reference therein to any officer or agency abolished by this order shall hereafter be deemed to be a reference to the appropriate successor officer or agency under this order.

SEC. 306. This order shall become effective at the close of June 30, 1955.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 9, 1955.

[F. R. Doc. 55–3855; Filed, May 9, 1955; 3:51 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, paragraph (f) (10) is added to § 6.308 as set out below.

§ 6.308 *Department of Justice.* * * *

(f) *Criminal Division.* * * *

(10) Chief, Organized Crime and Racketeering Section.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-3809; Filed, May 10, 1955; 8:52 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (5) is added to § 6.309 as set out below.

§ 6.309 *Post Office Department.* * * *

(c) *Bureau of Transportation.* * * *

(5) One Deputy Assistant Postmaster General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-3811; Filed, May 10, 1955; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

NATIONAL LABOR RELATIONS BOARD

Effective upon publication in the FEDERAL REGISTER, paragraph (h) of § 6.338 is amended as set out below.

§ 6.338 *National Labor Relations Board.* * * *

(h) Two Special Assistants to the General Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-3810; Filed, May 10, 1955; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; WEST VIRGINIA

For the purpose of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

WEST VIRGINIA

County:	*Average value*
Barbour	$15,000
Mercer	15,000
Randolph	15,000
Ritchie	15,000
Roane	15,000
Summers	15,000
Tucker	15,000
Tyler	15,000
Upshur	15,000
Webster	15,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated this 5th day of May 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-3820; Filed, May 10, 1955; 8:55 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

PART 224—DISCOUNT RATES

MISCELLANEOUS AMENDMENTS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	1¾	Apr. 15, 1955
New York	1¾	Do.
Philadelphia	1¾	Apr. 22, 1955
Cleveland	1¾	Apr. 15, 1955
Richmond	1¾	Do.
Atlanta	1¾	May 2, 1955
Chicago	1¾	Apr. 22, 1955
St. Louis	1¾	Apr. 15, 1955
Minneapolis	1¾	Do.
Kansas City	1¾	Apr. 14, 1955
Dallas	1¾	Apr. 15, 1955
San Francisco	1¾	Apr. 22, 1955

2. Section 224.3 is amended to read as follows:

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	2¼	Apr. 15, 1955
New York	2¼	Do.
Philadelphia	2¼	Apr. 22, 1955
Cleveland	2¼	Apr. 15, 1955
Richmond	2¼	Do.
Atlanta	2¼	May 2, 1955
Chicago	2¼	Apr. 22, 1955
St. Louis	2¼	Apr. 15, 1955
Minneapolis	2¼	Do.
Kansas City	2¼	Feb. 12, 1954
Dallas	2¼	Apr. 15, 1955
San Francisco	2¼	Apr. 22, 1955

3. Section 224.4 is amended to read as follows:

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	3	Apr. 15, 1955
New York	3	Jan. 16, 1953
Philadelphia	3	Apr. 22, 1955
Cleveland	3	Aug. 17, 1953
Richmond	3	Jan. 23, 1953
Atlanta	3½	Feb. 9, 1954
Chicago	3	Apr. 22, 1955
St. Louis	3	May 18, 1953
Minneapolis	3	Jan. 26, 1953
Kansas City	3	Apr. 14, 1955
Dallas	3½	Apr. 15, 1955
San Francisco	3	Jan. 20, 1953

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply sec. 14, 38 Stat. 264, as amended; 12 U. S. C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 55-3812; Filed, May 10, 1955; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 54]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended after Tucson, Ariz., by deleting the portion which reads: "the intersection of the southeast course of the Tucson, Ariz., radio range and west course of the Cochise, Ariz., radio range;".

2. Section 600.211 *Red civil airway No. 11 (Enid, Okla., to Boston, Mass.)* is amended by deleting the portion which reads: "From the Erie, Pa., radio range station via the Bradford, Pa., nondirectional radio beacon; Elmira, N. Y., radio range station; Albany, N. Y., radio range station to the" and by changing the last portion to read: "From the Albany, N. Y., radio range station to the intersection of the northeast course of the Hartford, Conn., radio range and the west course of the Boston, Mass., radio range. From the Boston, Mass., radio range station to the intersection of the east course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass., (Navy) radio range."

3. Section 600.212 is amended to read:

§ 600.212 *Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.).* From the Joliet, Ill., radio range station via the intersection of the east course of the Joliet, Ill., radio range and the west course of the South Bend, Ind., radio range; South Bend, Ind., radio range station to the Detroit, Mich., radio range station. That airspace over United States territory from the Windsor, Ont., Canada, radio range station to the Erie, Pa., radio range station.

4. Section 600.219 *Red civil airway No. 19 (Detroit, Mich., to Norfolk, Va.)* is amended by deleting the portion which reads: "Akron, Ohio, radio range station; Morgantown, W. Va., radio range station to the intersection of the southeast course of the Morgantown, W. Va., radio range and the west course of the Front Royal, Va., radio range." and by changing the first portion to read: "From the Detroit, Mich., radio range station via the intersection of the southeast course of the Detroit, Mich., radio range and the west course of the Akron, Ohio, radio range to the Akron, Ohio, radio range station."

5. Section 600.221 is amended by changing caption to read: *"Red civil airway No. 21 (New York, N. Y., to Boston, Mass.)"* and by deleting the first portion which reads: "From the Selinsgrove, Pa., nondirectional radio beacon to the Wilkes-Barre, Pa., radio range station."

6. Section 600.226 *Red civil airway No. 26 (Syracuse, N. Y., to Allentown, Pa.)* is revoked.

7. Section 600.229 is amended by changing caption to read: *"Red civil airway No. 29 (Elmira, N. Y., to Baltimore, Md.)"* and by deleting the first portion which reads: "From the intersection of the southwest course of the Rochester, N. Y., radio range and the east course of the Buffalo, N. Y., radio range to the intersection of the southwest course of the Rochester, N. Y., radio range and the northwest course of the Elmira, N. Y., radio range."

8. Section 600.233 is amended to read:

§ 600.233 *Red civil airway No. 33 (Norfolk, Va., to Boston, Mass.).* From the intersection of the east course of the Langley, Va., AFB radio range and the north course of the Norfolk, Va., radio range via the Langley, Va., AFB radio range station, excluding the portion which overlaps the Plum Tree Island Restricted Area (R-49), to the Richmond, Va., radio range station. From the Gordonsville, Va., radio range station via the Arcola, Va., radio range station to the intersection of the northeast course of the Arcola, Va., radio range and the southeast course of the Harrisburg, Pa., radio range. From the intersection of the east course of the Poughkeepsie, N. Y., radio range and the southwest course of the Chicopee, Westover AFB, Mass., radio range via the Chicopee, Westover AFB, Mass., radio range station to the intersection of the northeast course of the Chicopee, Westover AFB, Mass., radio range and the west course of the Boston, Mass., radio range.

9. Section 600.279 is amended to read:

§ 600.279 *Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.).* That airspace over United States territory from the Neah Bay, Wash., radio range station via the Port Angeles, Wash., CGAS nondirectional radio beacon to the Dungeness, Wash., fan marker (located near the intersection of the south course of the Patricia Bay, B. C., radio range and the northwest course of the Seattle, Wash., radio range), excluding the portion below 6,000 feet which overlaps Restricted Area (R-236) and excluding the portion which conflicts with the Albert Head Restricted Area (R-407). From the intersection of the west course of the Everett, Wash., radio range and the northwest course of the Seattle, Wash., radio range to the Everett, Wash., radio range station.

10. Section 600.602 *Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.)* is amended by deleting the words which read: "From the Elkins, W. Va., radio range station via the Pittsburgh, Pa., radio range station;" and by changing the last portion to read: "From the Pittsburgh, Pa., radio range station via the Butler, Pa., nondirectional radio beacon; the intersection of the east course of the Youngstown, Pa., radio range and the south course of the Erie, Pa., radio range to the Erie, Pa., radio range station."

11. Section 600.615 is amended to read:

§ 600.615 *Blue civil airway No. 15 (Huntington, W. Va., to Youngstown, Ohio).* From the Huntington, W. Va., nondirectional radio beacon to the Columbus, Ohio, radio range station. From the Akron, Ohio, Akron-Canton County Airport ILS outer marker to the Hubbard, Ohio, nondirectional radio beacon.

12. Section 600.621 *Blue civil airway No. 21 (Pittsburgh, Pa., to Erie, Pa.)* is revoked.

13. Section 600.666 is amended to read:

§ 600.666 *Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.)* From the Bridgeport, Conn., radio range station to the intersection of the northwest course of the Bridgeport, Conn., radio range and the east course of the Poughkeepsie, N. Y., radio range.

14. Section 600.673 *Blue civil airway No. 73 (Pittsburgh, Pa., to Buffalo, N. Y.)* is revoked.

15. Section 600.6001 *VOR civil airway No. 1 (Charleston, S. C., to New York, N. Y.)* is amended by changing all before the Salisbury, Md., omnirange station to read: "From the Charleston, S. C., omnirange station to the Myrtle Beach, S. C., omnirange station. From the point of intersection of the Norfolk, Va., VAR northeast course and the Norfolk, Va., Navy radio range east course via the intersection of the Norfolk, VAR northeast course and the Salisbury omnirange 206° True radial; Salisbury, Md., omnirange station;".

16. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended by changing the portion between the St. Louis, Mo., omnirange station and the Evansville, Ind., omnirange station to read: "St. Louis, Mo., omnirange station, including a north and a south alternate; Troy, Ill., omnirange station; Centralia, Ill., omnirange station, including a south alternate from the St. Louis omnirange station to the Centralia omnirange station via the intersection of the St. Louis omnirange 128° True and the Centralia omnirange 279° True radials; Evansville, Ind., omnirange station, including a south alternate;".

17. Section 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.)* is amended by changing the portion between the Fort Smith, Ark., omnirange station and the Butler, Mo., omnirange station to read: "From the Fort Smith, Ark., omnirange station via the Fayetteville, Ark., omnirange station; Neosho, Mo., omnirange station; Butler, Mo., omnirange station, including a west alternate;".

18. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the portion between the Abilene, Tex., omnirange station and the Sulphur Springs, Tex., omnirange station to read: "Abilene, Tex., omnirange station, including

a south alternate; Mineral Wells, Tex., omnirange station, including a north alternate and also a south alternate via the intersection of the Abilene omnirange 096° True and the Mineral Wells omnirange 247° True radials; Fort Worth, Tex., omnirange station; Dallas Tex., omnirange station, including a south alternate via the intersection of the Fort Worth omnirange 109° True and the Dallas omnirange 247° True radials; Sulphur Springs, Tex., omnirange station, including a north alternate from the Fort Worth omnirange station to the Sulphur Springs omnirange station via the intersection of the Fort Worth omnirange 069° True and the Sulphur Springs omnirange 268° True radials;".

19. Section 600.6030 is amended by changing caption to read: *"VOR civil airway No. 30 (Milwaukee, Wis., to Nantucket, Mass.)"* and by changing the last portion to read: "From the Idlewild, N. Y., omnirange station via the point of intersection of the Idlewild omnirange 083° True and the Nantucket omnirange 252° True radials to the Nantucket, Mass., omnirange station."

20. Section 600.6031 is amended to read:

§ 600.6031 *VOR civil airway No. 31 (Baltimore, Md., to Syracuse, N. Y.).* From the Baltimore, Md., omnirange station via the Harrisburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Williamsport, Pa., omnirange station; Elmira, N. Y., omnirange station; to the Syracuse, N. Y., omnirange station.

21. Section 600.6035 *VOR civil airway No. 35 (Tallahassee, Fla., to Syracuse, N. Y.)* is amended by changing all after the Elmira, N. Y., omnirange station to read: "Elmira, N. Y., omnirange station; to the Syracuse, N. Y., omnirange station, including an east alternate via the intersection of the Elmira omnirange 048° True and the Syracuse omnirange 177° True radials."

22. Section 600.6037 is amended to read:

§ 600.6037 *VOR civil airway No. 37 (Elkins, W. Va., to Erie, Pa.).* From the Elkins, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; to the Erie, Pa., omnirange station.

23. Section 600.6038 is amended to read:

§ 600.6038 *VOR civil airway No. 38 (Chicago, Ill., to Elkins, W. Va.).* From the Peotone, Ill., omnirange station via the Fort Wayne, Ind., omnirange station; Findlay, Ohio, omnirange station; Columbus, Ohio, omnirange station, including a south alternate; Parkersburg, W. Va., omnirange station; to the Elkins, W. Va., omnirange station.

24. Section 600.6046 is amended to read:

§ 600.6046 *VOR civil airway No. 46 (New York, N. Y., to Nantucket, Mass.).* From the point of intersection of the Riverhead, N. Y., omnirange 262° True and the Wilton, Conn., omnirange 198° True radials via the Riverhead, N. Y., omnirange station; intersection of the Riverhead omnirange 085° True and the Nantucket omnirange 252° True radials to the Nantucket, Mass., omnirange station, including a south alternate from the Riverhead omnirange station to the Nantucket, Mass., omnirange station via the intersection of the Riverhead omnirange 109° True and the Nantucket omnirange 252° True radials. The portions of this airway and its associated south alternate below 7,950 feet above mean sea level which lie within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this Chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

25. Section 600.6053 *VOR civil airway No. 53 (Charleston, S. C., to Milwaukee, Wis.)* is amended by deleting the following words, "Louisville omnirange 309° True" and substituting in lieu thereof the following words, "Louisville omnirange 310° True".

26. Section 600.6056 is amended by changing the caption to read: *"VOR civil airway No. 56 (Montgomery, Ala., to Florence, S. C.)"* and by changing all before the Augusta, Ga., omnirange station to read: "From the Montgomery, Ala., omnirange station via the Columbus, Ga., omnirange station, including a north alternate via the intersection of the Montgomery omnirange 049° True and the Columbus omnirange 270° True radials; intersection of the Columbus omnirange 020° True and the Macon omnirange 272° True radials; Macon, Ga., omnirange station; Augusta, Ga., omnirange station;" and by adding a last portion to read: "The portions of this airway which conflict with the Fort Benning Restricted Area (R–129) are excluded."

27. Section 600.6058 *VOR civil airway No. 58 (Pittsburgh, Pa., to Hartford, Conn.)* is amended by changing all before the Wilkes-Barre-Scranton, Pa., omnirange station to read: "From the Pittsburgh, Pa., omnirange station via the Philipsburg, Pa., omnirange station; Williamsport, Pa., omnirange station; Wilkes-Barre-Scranton, Pa., omnirange station;".

28. Section 600.6063 is amended by changing the caption to read: *"VOR civil airway No. 63 (McAlester, Okla., to Milwaukee, Wis.)"* and by changing all before the Quincy, Ill., omnirange station to read: "From the McAlester, Okla., omnirange station via the Fayetteville, Ark., omnirange station; Springfield, Mo., omnirange station; Columbia, Mo., omnirange station; Quincy, Ill., omnirange station;".

29. Section 600.6069 *VOR civil airway No. 69 (Walnut Ridge, Ark., to Chicago, Ill.)* is amended to read: "From the Walnut Ridge, Ark., omnirange station via the Farmington, Mo., omnirange station; Troy, Ill., omnirange station; Springfield, Ill., omnirange station; Pontiac, Ill., omnirange station; Joliet, Ill., omnirange station; to the Chicago, Ill., Midway Airport terminal omnirange station."

30. Section 600.6072 is amended by changing the caption to read: *"VOR civil airway No. 72 (Vichy, Mo., to Albany, N. Y.)"* and by changing the first portion to read: "From the Vichy, Mo., omnirange station via the intersection of the Vichy omnirange 069° True and the Troy omnirange 246° True radials; Troy, Ill., omnirange station; Vandalia, Ill., omnirange station; Lafayette, Ind., omnirange station; to the point of intersection of the Lafayette omnirange 080° True and the Fort Wayne, Ind., omnirange 226° True radials."

31. Section 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.)* is amended by deleting the following words, "Lexington, Ky., omnirange station; Cincinnati, Ohio, omnirange station;" and substituting the following words in lieu thereof, "Lexington, Ky., omnirange station; intersection of the Lexington omnirange 347° True and the Cincinnati omnirange 175° True radials; Cincinnati, Ohio, omnirange station;".

32. Section 600.6103 is added to read:

§ 600.6103 *VOR civil airway No. 103 (Elkins, W. Va., to Cleveland, Ohio).* From the Elkins, W. Va., omnirange station via the Wheeling, W. Va., omnirange station; intersection of the Wheeling omnirange 313° True and the Mansfield, Ohio, omnirange 100° True radials; intersection of the Mansfield omnirange 100° True and the Cleveland omnirange 150° True radials; to the Cleveland, Ohio, omnirange station.

33. Section 600.6106 is amended by changing the caption to read: *"VOR civil airway No. 106 (Charleston, W. Va., to Kennebunk, Maine)"* and by changing all before the Philipsburg, Pa., omnirange station to read: "From the Charleston, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Johnstown, Pa., omnirange station, including a north alternate via the intersection of the Morgantown omnirange 021° True and the Johnstown omnirange 268° True radials; Philipsburg, Pa., omnirange station;".

34. Section 600.6108 *VOR civil airway No. 108 (Charleston, W. Va., to Richmond, Va.)* is revoked.

35. Section 600.6119 *VOR civil airway No. 119 (Huntington, W. Va., to Bradford, Pa.)* is amended by changing all after the Wheeling, W. Va., omnirange station to read: "Wheeling, W. Va., omnirange station; Fitzgerald, Pa., omnirange station; to the Bradford, Pa., omnirange station."

36. Section 600.6136 is amended to read:

§ 600.6136 *VOR civil airway No. 136 (Pulaski, Va., to Raleigh, N. C.).* From the Pulaski, Va., omnirange station via the intersection of the Pulaski omnirange 094° True and the Danville omnirange 298° True radials; Danville, Va., omnirange station; to the Raleigh, N. C., omnirange station.

37. Section 600.6140 *VOR civil airway No. 140 (Tulsa, Okla., to New York, N. Y.)* is amended by changing all before the Flippin, Ark., omnirange station to read: "From the Tulsa, Okla., omnirange station via the Fayetteville, Ark., omnirange station, including a north alternate via the intersection of the Tulsa

omnirange 065° True and the Fayetteville omnirange 287° True radials; Flippin, Ark., omnirange station;".

38. Section 600.6143 is amended to read:

§ 600.6143 *VOR civil airway No. 143 (Greensboro, N. C., to Washington, D. C.).* From the Greensboro, N. C., omnirange station to the Montebello, Va., omnirange station. From the Front Royal, Va., omnirange station to the intersection of the Front Royal omnirange 087° True and the Washington, D. C., terminal omnirange 319° True radials.

39. Section 600.6147 *VOR civil airway No. 147 (Allentown, Pa., to Rochester, N. Y.)* is amended by changing all after the Elmira, N. Y., omnirange station to read: "Elmira, N. Y., omnirange station; intersection of the Elmira omnirange 305° True and the Rochester omnirange 183° True radials; to the Rochester, N. Y., omnirange station, including an east alternate from the Elmira omnirange station to the Rochester omnirange station via the intersection of the Elmira omnirange 353° True and the Rochester omnirange 130° True radials."

40. Section 600.6149 is amended to read:

§ 600.6149 *VOR civil airway No. 149 (Allentown, Pa., to Utica, N. Y.)* . From the Allentown, Pa., omnirange station via the intersection of the Allentown omnirange 329° True and the Binghamton omnirange 167° True radials; Binghamton, N. Y., omnirange station; to the point of intersection of the Binghamton omnirange 023° True and the southwest course of the Utica, N. Y., radio range.

41. Section 600.6154 is amended by changing the caption to read: *"VOR civil airway No. 154 (Meridian, Miss., to Macon, Ga.)"* by putting a semicolon after the word "radials", and by deleting the worlds, "to the Montgomery, Ala., omnirange station." and substituting in lieu thereof the following words: "Montgomery, Ala., omnirange station; Columbus, Ga., omnirange station, including a north alternate via the intersection of the Montgomery omnirange 049° True and the Columbus omnirange 270° True radials; intersection of the Columbus omnirange 020° True and the Macon omnirange 272° True radials; to the Macon, Ga., omnirange station. The portions of this Airway which conflict with the Fort Benning Restricted Area (R–129) are excluded."

42. Section 600.6155 *VOR civil airway No. 155 (Gordonsville, Va., to Front Royal, Va.)* is revoked.

43. Section 600.6164 *VOR civil airway No. 164 (Canton, Pa., to New York, N. Y.)* is revoked.

44. Section 600.6164 is added to read:

§ 600.6164 *VOR civil airway No. 164 (Bradford, Pa., to New York, N. Y.).* From the Bradford, Pa., omnirange station via the intersection of the Bradford omnirange 097° True and the Williamsport omnirange 306° True radials; Williamsport, Pa., omnirange station; to the Caldwell, N. J., omnirange station.

45. Section 600.6174 is amended to read:

§ 600.6174 *VOR civil airway No. 174 (St. Louis, Mo., to Washington, D. C.).* From the St. Louis, Mo., omnirange station via the Troy, Ill., omnirange station; Scotland, Ind., omnirange station; Louisville, Ky., omnirange station; York, Ky., omnirange station; Elkins, W. Va., omnirange station; Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° True and the Washington terminal omnirange 245° True radials; to the Washington, D. C., terminal omnirange station.

46. Section 600.6182 is added to read:

§ 600.6182 *VOR civil airway No. 182 (Portland, Oreg., to Baker, Oreg.).* From the Portland, Oreg., omnirange station via the The Dalles, Oreg., omnirange station; to the Baker, Oreg., omnirange station.

47. Section 600.6184 is amended to read:

§ 600.6184 *VOR civil airway No. 184 (Erie, Pa., to Philipsburg, Pa.).* From the Erie, Pa., omnirange station via the Fitzgerald, Pa., omnirange station; to the Philipsburg, Pa., omnirange station.

48. Section 600.6188 is added to read:

§ 600.6188 *VOR civil airway No. 188 (Detroit, Mich., to New York, N. Y.).* From the Carleton, Mich., omnirange station via the Perry, Ohio, nondirectional radio beacon; Fitzgerald, Pa., omnirange station; Williamsport, Pa., omnirange station; to the Caldwell, N. J., omnirange station.

49. Section 600.6189 is added to read:

§ 600.6189 *VOR civil airway No. 189 (Pittsburgh, Pa., to Brookville, Pa.).* From the Pittsburgh, Pa., omnirange station to the point of intersection of the Pittsburgh omnirange 040° True and the Bradford, Pa., omnirange 210° True radials.

50. Section 600.6173 *VOR civil airway No. 173 (Springfield, Ill., to Chicago, Ill.)* is amended by deleting the following: "Roberts omnirange 013° True" and by substituting the following in lieu thereof: "Roberts omnirange 012° True".

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., May 19, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–3767; Filed, May 10, 1955; 8:46 a. m.]

[Amdt. 54]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.212 is amended to read:

§ 601.212 *Red civil airway No. 12 control areas (Joliet, Ill., to Erie, Pa.).* All of Red civil airway No. 12.

2. Section 601.221 is amended to read:

§ 601.221 *Red civil airway No. 21 control areas (New York, N. Y. to Boston, Mass.).* All of Red Civil airway No. 21.

3. Section 601.226 *Red civil airway No. 26 control areas (Syracuse, N. Y., to Allentown, Pa.)* is revoked.

4. Section 601.229 is amended to read:

§ 601.229 *Red civil airway No. 29 control areas (Elmira, N. Y., to Baltimore, Md.).* All of Red civil airway No. 29.

5. Section 601.279 is amended to read:

§ 601.279 *Red civil airway No. 79 control areas (Neah Bay, Wash., to Everett, Wash.).* All of Red civil airway No. 79.

6. Section 601.621 *Blue civil airway No. 21 control areas (Pittsburgh, Pa., to Erie, Pa.)* is revoked.

7. Section 601.673 *Blue civil airway No. 73 control areas (Pittsburgh, Pa., to Buffalo, N. Y.)* is revoked.

8. Section 601.1146 *Control area extension (New York, N. Y.)* is amended by adding the following to present control area extension to read: "In addition, that portion below 7,950 feet MSL which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control."

9. Section 601.1169 is amended to read:

§ 601.1169 *Control area extension (Idlewild, N. Y.).* That airspace within 5 miles either side of a direct line extending from the intersection of the southeast course of the Mitchel AFB, N. Y., radio range and the Riverhead, N. Y., omnirange 223° True radial to the Nantucket, Mass., nondirectional radio beacon excluding the airspace below 2000 feet. In addition, that portion below 7,950 feet MSL which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

10. Section 601.1186 is added to read:

§ 601.1186 *Control area extension (Tucson, Ariz.).* Within 5 miles either side of the west course of the Tucson radio range extending from the radio range station to a point 25 miles west.

11. Section 601.1217 is added to read:

§ 601.1217 *Control area extension (Kodiak, Alaska).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Kodiak, Alaska, radio range station to the circumference of a circle 10 miles in radius centered at the point of intersection of a line bearing 107° True from the Kodiak radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

12. Section 601.1218 is added to read:

§ 601.1218 *Control area extension (Homer, Alaska).* That airspace within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Homer, Alaska, radio range station to the circumference of a circle 10 miles in radius centered at the point of intersection of a line bearing 118° True from the Homer radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

13. Section 601.2211 is added to read:

§ 601.2211 *Beeville, Tex., control zone.* Within a 5-mile radius of NAAS Chase Field, Beeville, Tex., and within 2 miles either side of a line bearing 139° True from Chase Field extending to a point 8 miles south of Chase Field and within 2 miles either side of a direct line extending from Chase Field to the Normanna nondirectional radio beacon.

14. Section 601.4211 is amended to read:

§ 601.4211 *Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).* Springfield, Mo., radio range station; Vichy, Mo., radio range station; the intersection of the northeast course of the Westover AFB, Chicopee, Mass., radio range and the west course of the Boston, Mass., radio range.

15. Section 601.4212 is amended by changing caption to read: *"Red civil airway No. 12 (Joliet, Ill., to Erie, Pa.)."*

16. Section 601.4219 is amended to read:

§ 601.4219 *Red civil airway No. 19 (Detroit, Mich., to Norfolk, Va.).* No reporting point designation.

17. Section 601.4221 is amended by changing caption to read: *"Red civil airway No. 21 (New York, N. Y., to Boston, Mass.)."*

18. Section 601.4223 *Red civil airway No. 23 (United States-Canadian border to New York, N. Y.)* is amended after "the intersection of the northeast course of the Buffalo, N. Y., radio range and the southeast course of the Toronto, Ont., Canada radio range;" by adding the following reporting points: "Elmira, N. Y., radio range station; the intersection of the southeast course of the Elmira, N. Y., radio range and the north course of the Wilkes-Barre, Pa., radio range;".

19. Section 601.4226 *Red civil airway No. 26 (Syracuse, N. Y., to Allentown, Pa.)* is revoked.

20. Section 601.4229 is amended by changing caption to read: *"Red civil airway No. 29 (Elmira, N. Y., to Baltimore, Md.)."*

21. Section 601.4279 is amended by changing caption to read: *"Red civil airway No. 79 (Neah Bay, Wash., to Everett, Wash.)."*

22. Section 601.4621 *Blue civil airway No. 21 (Pittsburgh, Pa., to Erie, Pa.)* is revoked.

23. Section 601.4639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.)* is amended after "Paynesville, W. Va., nondirectional radio beacon;" by adding the following reporting point: "Morgantown, W. Va., radio range station;".

24. Section 601.4647 *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.)* is amended by adding the following reporting point: "Bradford, Pa., nondirectional radio beacon."

25. Section 601.4673 *Blue civil airway No. 73 (Pittsburgh, Pa., to Buffalo, N. Y.)* is revoked.

26. Section 601.5001 *Other reporting points* is amended by adding the following reporting points:

Granite Intersection: The intersection of a line bearing 118° True from the Homer, Alaska, radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

Marble Intersection: The intersection of a line bearing 107° True from the Kodiak, Alaska, radio range station with the northwestern boundary of the Anchorage Oceanic Control Area.

27. Section 601.6030 is amended to read:

§ 601.6030 *VOR civil airway No. 30 control areas (Milwaukee, Wis., to Nantucket, Mass.).* All of VOR civil airway No. 30 including a south alternate, but excluding all the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States.

28. Section 601.6035 is amended to read:

§ 601.6035 *VOR civil airway No. 35 control areas (Tallahassee, Fla., to Syracuse, N. Y.).* All of VOR civil airway No. 35, including an east alternate from the Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station but excluding the airspace between the main airway and this east alternate airway.

29. Section 601.6037 is amended to read:

§ 601.6037 *VOR civil airway No. 37 control areas (Elkins, W. Va., to Erie, Pa.).* All of VOR civil airway No. 37.

30. Section 601.6038 is amended to read:

§ 601.6038 *VOR civil airway No. 38 control areas (Chicago, Ill., to Elkins, W. Va.).* All of VOR civil airway No. 38, including a south alternate.

31. Section 601.6046 is amended to read:

§ 601.6046 *VOR civil airway No. 46 control areas (New York, N. Y., to Nantucket, Mass.).* All of VOR civil airway No. 46 including a south alternate and the airspace between the main airway and this south alternate, but excluding the airspace below 2,000 feet above mean sea level which lies beyond the continental limits of the United States. The airspace between the main airway and the south alternate below 7,950 feet above mean sea level which lies within the confines of the Montauk Point Restricted Area (R–487) and the Montauk Point Warning Area (W–487) (published in § 608.40 of this chapter) shall be used only after obtaining prior approval from the Civil Aeronautics Administration Air Traffic Control.

32. Section 601.6056 is amended to read:

§ 601.6056 *VOR civil airway 56 control areas (Montgomery, Ala., to Florence, S. C.).* All of VOR civil airway No. 56 including a north alternate.

33. Section 601.6063 is amended to read:

§ 601.6063 *VOR civil airway No. 63 control areas (McAlester, Okla., to Milwaukee, Wis.).* All of VOR civil airway No. 63, including west alternates.

34. Section 601.6072 is amended to read:

§ 601.6072 *VOR civil airway No. 72 control areas (Vichy, Mo., to Albany, N. Y.).* All of VOR civil airway No. 72.

35. Section 601.6103 is added to read:

§ 601.6103 *VOR civil airway No. 103 control areas (Elkins, W. Va., to Cleveland, Ohio).* All of VOR civil airway No. 103.

36. Section 601.6106 is amended to read:

§ 601.6106 *VOR civil airway No. 106 control areas (Charleston, W. Va., to Kennebunk, Maine).* All of VOR civil airway No. 106, including a north alternate.

37. Section 601.6108 *VOR civil airway No. 108 control areas (Charleston, W. Va., to Richmond, Va.)* is revoked.

38. Section 601.6136 is amended to read:

§ 601.6136 *VOR civil airway No. 136 control areas (Pulaski, Va., to Raleigh, N. C.).* All of VOR civil airway No. 136.

39. Section 601.6140 is amended to read:

§ 601.6140 *VOR civil airway No. 140 control areas (Tulsa, Okla., to New York, N. Y.).* All of VOR civil airway No. 140, including a north and a south alternate.

40. Section 601.6143 is amended to read:

§ 601.6143 *VOR civil airway No. 143 control areas (Greensboro, N. C., to Washington, D. C.).* All of VOR civil airway No. 143.

41. Section 601.6147 is amended to read:

§ 601.6147 *VOR civil airway No. 147 control areas (Allentown, Pa., to Rochester, N. Y.).* All of VOR civil airway No. 147, including an east alternate from the Elmira, N. Y., omnirange station to the Rochester, N. Y., omnirange station but excluding the airspace between the main airway and this east alternate airway.

42. Section 601.6149 is amended to read:

§ 601.6149 *VOR civil airway No. 149 control areas (Allentown, Pa., to Utica, N. Y.).* All of VOR civil airway No. 149.

43. Section 601.6154 is amended to read:

§ 601.6154 *VOR civil airway No. 154 control areas (Meridian, Miss., to Macon, Ga.).* All of VOR civil airway No. 154, including a north alternate.

44. Section 601.6155 *VOR civil airway No. 155 control areas (Gordonsville, Va., to Front Royal, Va.)* is revoked.

45. Section 601.6164 *VOR civil airway No. 164 control areas (Canton, Pa., to New York, N. Y.)* is revoked.

46. Section 601.6164 is added to read:

§ 601.6164 *VOR civil airway No. 164 control areas (Bradford, Pa., to New York, N. Y.).* All of VOR civil airway No. 164.

47. Section 601.6174 is amended to read:

§ 601.6174 *VOR civil airway No. 174 control areas (St. Louis, Mo., to Washington, D. C.).* All of VOR civil airway No. 174.

48. Section 601.6182 is added to read:

§ 601.6182 *VOR civil airway No. 182 control areas (Portland, Oreg., to Baker, Oreg.).* All of VOR civil airway No. 182.

49. Section 601.6188 is added to read:

§ 601.6188 *VOR civil airway No. 188 control areas (Detroit, Mich., to New York, N. Y.).* All of VOR civil airway No. 188.

50. Section 601.6189 is added to read:

§ 601.6189 *VOR civil airway No. 189 control areas (Pittsburgh, Pa., to Brookville, Pa.).* All of VOR civil airway No. 189.

51. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting points:

Lakeland, Fla., omnirange station.

LaBelle Intersection: The intersection of the Miami, Fla., omnirange 315° True and the Fort Myers, Fla., omnirange 036° True radials.

Pinehurst Intersection: The intersection of the Raleigh, N. C., omnirange 232° True and the Florence, S. C., omnirange 008° True radials.

by revoking the following reporting points:

Bradford Intersection: The intersection of the Buffalo, N. Y., omnirange 178° True and the Elmira, N. Y., omnirange 254° True radials.

Grottoes Intersection: The intersection of the Gordonsville, Va., omnirange 301° True and the Montebello, Va., omnirange 031° True radials.

Olean Intersection: The intersection of the Buffalo, N. Y., omnirange 178° True and the Elmira, N. Y., omnirange 269° True radials.

and by changing the following reporting point to read:

Belle Glade Intersection: The intersection of the Vero Beach, Fla., omnirange 192° True and the Miami, Fla., omnirange 338° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., May 19, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–3768; Filed, May 10, 1955; 8:46 a. m.]

[Amdt. 114]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.39, the Clovis, New Mexico, area (R–185 formerly D–185), published on February 21, 1952, in 17 F. R. 1612, is amended by substituting the name "Melrose, New Mexico" for "Clovis, New Mexico", and by changing the "Name and Location (Chart)" column to read: "Melrose (R–185) Albuquerque Chart", and by changing the "Designated Altitudes" column to read: "Unlimited."

2. In § 608.40, the Wilson, New York, area (R–11 formerly D–11), amended on September 7, 1951, in 16 F. R. 9070, is further amended by changing the "Designated Altitudes" column to read: "Surface to 10,000 feet MSL."

3. In § 608.40, the Lake Ontario, New York, area (R–94 formerly D–94), published on May 12, 1950, in 15 F. R. 2839, is amended by changing the "Time of Use" column to read: "Daylight Hours Annually."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 19, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–3766; Filed, May 10, 1955; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII–9]

DMO VII–9—ESTABLISHMENT OF MOBILIZATION PRODUCTION COMMITTEE

By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; and Executive Order 10480 of August 15, 1953, there is hereby established:

1. *Mobilization Production Committee.* The Mobilization Production Committee shall consist of the ODM Assistant Director for Production as Chairman, the ODM Deputy Assistant Director for Production as Vice Chairman, and a representative from each of the following functional areas:

a. Petroleum, gas, solid fuels, electric power;
b. Food and agriculture;
c. Transportation;
d. Communications;
e. Industrial production;
f. Construction;
g. Industrial manpower;
h. Civilian requirements;
i. Military requirements;
j. Foreign requirements.

The membership of the Committee may be increased from time to time, at the discretion of the Chairman, to include representatives of other functional areas with mobilization planning and production responsibilities or interests pursuant to ODM delegations.

2. *Operations of the Mobilization Production Committee.* a. The Mobilization Production Committee shall be used primarily to assure comprehensive review of plans and programs for dealing with mobilization problems relating to the production and distribution of production resources (basic production materials,[1] components, subassemblies, end items, capital equipment, facilities, power and fuels) among various civilian, industrial, foreign and military requirements. Findings with respect to the total supply of production resources and necessary proposals for bringing supply and demand for such resources into balance will be an initial responsibility of the delegate agencies. Such initial proposals will be developed in collaboration with the Office of the ODM Assistant Director for Production, and will be subject to review by the Mobilization Production Committee, by an appropriate sub-committee or both, as determined by the Chairman or upon request of a member of the Mobilization Production Committee.

b. The Mobilization Production Committee in the present situation shall review:

(1) Requirements and related mill set-asides under the Defense Materials System and current and proposed programs for the distribution of critical materials pursuant to section 101 b. of the Defense Production Act.

(2) Plans and programs for dealing with production problems in the event of a future mobilization.

c. In the event of mobilization, the Mobilization Production Committee, as an interim measure until such time as an emergency government organization is activated, shall evaluate requirements

[1] Excluding production of raw materials assigned to the ODM Assistant Director for Materials.

in relation to the available supply of production resources, review possible methods for balancing supply and demand and recommendations as to policies and programs to assure effective utilization of production resources found to be in short supply.

3. *Responsibilities of the Chairman of the Mobilization Production Committee.* The Chairman of the Mobilization Production Committee, after consulting with members of the Committee, shall make such determinations as he deems necessary and appropriate relative to:

a. Program decisions relative to production and distribution controls in operation pursuant to the Defense Production Act of 1950 as amended:

(1) Allotments of controlled materials to the Department of Defense and the Atomic Energy Commission for use under the Defense Materials System.

(2) Establishing the size of the "mill set-asides" of steel, copper and aluminum to be reserved to fill military and atomic energy requirements.

(3) Programs governing the distribution of critical materials pursuant to section 101 b. of the Defense Production Act of 1950, as amended.

b. Adequacy of plans and programs for dealing with production problems in the event of mobilization before submission to the Director of the Office of Defense Mobilization.

c. Program decisions in the event of mobilization:

(1) Allocation of available production resources among military, civilian, industrial and foreign demands.

(2) Approved levels of industrial production and related materials procurement authority.

(3) Programs to assure the most effective use of production resources found to be in short supply.

d. The Chairman shall communicate such determinations to the appropriate operating agencies for implementation in accordance with their respective responsibilities. He may also require reports of such implementations from the responsible agencies.

This order shall take effect on May 6, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-3807; Filed, May 6, 1955; 3:54 p. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11387; FCC 55-535]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606 *Table of assignments* rules governing Television Broadcast Stations; Docket No. 11387.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on December 31, 1954, by E. Anthony and Sons, Inc., New Bedford, Massachusetts, requesting an amendment of § 3.606 *Table of assignments*, rules governing Television Broadcast Stations, so as to assign Channel 6 to Nashaquitsa, Massachusetts.

3. In support of the requested amendment, petitioner urges that the assignment of Channel 6 to Nashaquitsa may be made in conformance with the Commission's rules and standards; that it would not affect any other assignment in the Table; that it would be in accord with the mandate of section 307 (b) of the Communications Act; and that it would provide a primary VHF service to southern Massachusetts. The Commission has received a number of letters from residents of Martha's Vineyard expressing opposition to the instant proposal.

4. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that all interested parties may submit their views to the Commission and the Commission may have the benefit of such views prior to taking further action. The petition of E. Anthony and Sons, Inc., is made part of this Docket.

5. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before June 4, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 4, 1955.

Released: May 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3763; Filed, May 10, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53793; Customs Delegation Order 9]

ASSISTANT COMMISSIONER OF CUSTOMS ET AL.

ORDER OF SUCCESSION OF PERSONS TO ACT AS COMMISSIONER OF CUSTOMS

MAY 5, 1955.

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, it is hereby ordered that the following officers of Customs, in the order of succession enumerated, shall act as Commissioner of Customs during the absence or disability of the Commissioner of Customs, or when there is a vacancy in such office:

1. The Assistant Commissioner of Customs.
2. The Deputy Commissioner of Customs for Investigations.
3. The Deputy Commissioner of Customs for Appraisement Administration.
4. The Deputy Commissioner of Customs for Management and Controls.
5. The Chief, Division of Classification and Drawbacks.
6. The Chief, Division of Entry, Value, and Penalties.
7. The Chief, Division of Marine Administration.
8. The Collector of Customs, Tampa, Fla.
9. The Assistant Collector of Customs, Tampa, Fla.
10. The Collector of Customs, Charleston, S. C.
11. The Assistant Collector of Customs, Charleston, S. C.
12. The Collector of Customs, Mobile, Ala.
13. The Collector of Customs, El Paso, Tex.
14. The Assistant Collector of Customs, El Paso, Tex.
15. The Collector of Customs, Savannah, Ga.

This order supersedes the order of succession established in paragraph C, Bureau of Customs, of Treasury Department Order No. 129, Revised, dated December 11, 1952, and amended March 15, 1954.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 55-3808; Filed, May 10, 1955; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[61417]

FLORIDA

NOTICE OF FILING OF PLATS OF SURVEY

MAY 5, 1955.

Notice is given that the plats of original survey of the following described lands, accepted November 23, 1954, will be officially filed in the Bureau of Land Management, effective at 10:00 a. m. on the 35th day after the date of this notice:

TALLAHASSEE MERIDIAN, FLORIDA

T. 65 S., R. 29 E.,
Sec. 36, lot 2, containing 2 acres.
T 66 S., R. 29 E.,
Sec. 5, lot 6, containing 0.38 acre.
Sec. 8, lot 2, containing 0.53 acre.
T. 66 S., R. 30 E.,
Sec. 6, lot 2, containing 8.78 acres.
Sec. 25, lot 4, containing 0.97 acre.
Sec. 29, lot 2, containing 0.28 acre.
Sec. 34, lot 4, containing 0.42 acre.
T. 66 S., R. 31 E.,
Sec. 20, lot 1, containing 0.68 acre.
Sec. 21, lot 1, containing 2.00 acres; lot 2, containing 0.10 acre.
Sec. 22, lot 1, containing 2.54 acres.
T. 65 S., R. 32 E.,
Sec. 36, lot 1, containing 7.91 acres.
T. 66 S., R. 32 E.,
Sec. 2, lot 7, containing 0.25 acre.
Sec. 3, lot 1, containing 0.12 acre.
Sec. 8, lot 3, containing 1.07 acres.
Sec. 9, lot 3, containing 1.15 acres; lot 4A, containing 0.70 acre; lot 4B, containing 0.15 acre; lot 4C, containing 0.05 acre; lot 5, containing 0.17 acre.
Sec. 10, lot 6, containing 0.06 acre; lot 7, containing 0.06 acre; lot 8, containing 0.10 acre; lot 9, containing 0.19 acre.
Sec. 22, lot 3, containing 0.74 acre.
Sec. 23, lot 2, containing 0.87 acre.
T. 65 S., R. 33 E.,
Sec. 26, lot 4, containing 0.44 acre; lot 5, containing 1.07 acres.
Sec. 31, lot 5, containing 0.16 acre.
Sec. 32, lot 2, containing 0.11 acre.
Sec. 33, lot 3, containing 0.32 acre.
Sec. 35, lot 3, containing 0.13 acre.
T. 65 S., R. 34 E.,
Sec. 20, lot 6, containing 1.35 acres.
T. 60 S., R. 39 E.,
Sec. 2, lot 1, containing 0.40 acre.

The plats of survey represent the survey of islands and keys within the Florida Key area which have not been included in any original plats of survey of the above-mentioned townships approved June 30, 1874, except the original survey of T. 60 S., R. 39 E., approved February 1, 1875, and T. 65 S., R. 29 E., approved January 21, 1874. T. 65 S., R. 32 E. has not heretofore been surveyed.

Available information indicates that the islands and keys are of two general types. Approximately half are of coral sand overlying a base coral formation and the other half are of solid coral with little or no appreciable soil coverage. Vegetation on the islands varies with the individual island, ranging from being completely bare to a dense tropical growth. The islands are stable in position and are from one to eight feet above mean high tide. They are situated offshore of the major keys at a distances from 100 feet to one-half mile. Access to all but one is only by boat, all being surrounded by navigable waters.

Lot 6 sec. 5, T. 66 S., R. 29 E., lot 2 sec. 36, T. 65 S., R. 29 E. and lot 2 sec. 6, T. 66 S., R. 30 E. were withdrawn by Executive Order No. 7993 on October 27, 1938, for the Great White Heron National Wildlife Refuge.

No application for the remaining lands may be allowed under the small tract laws unless the lands have already been classified as valuable or suitable for such application, or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257, of that title.

Inquiries concerning these lands shall be addressed to the Supervisor, Eastern States Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

For the Supervisor.

W. O. HANCOCK,
Chief, Lands Unit,
Adjudication Section.

[F. R. Doc. 55-3771; Filed, May 10, 1955; 8:46 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

MAY 3, 1955.

In Federal Register Document 55-3450, April 28, 1955, at page 2875, the description of the land involved is corrected as follows: The township now reading as Township 28 North, should read as Township 38 North.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 55-3770; Filed, May 10, 1955; 8:46 a. m.]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, the public lands described below, for lease and sale for homesite purposes only:

SMALL TRACT CLASSIFICATION ORDER CALIFORNIA NO. 456

MT. DIABLO MERIDIAN

T. 26 S., R. 32 E., Kern County, California,
Sec. 12, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 13, E½NW¼, W½NE¼, SE¼NE¼.

The lands comprise 160 small tracts and contain approximately 400 acres.

2. Classification of the above-described lands by this order segregates them from all forms of appropriation, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located on the crest of a rolling ridge, approximately four miles west of the small settlement of Isabella, and three miles west of the Isabella reservoir. The topography is gently to steeply rolling, with a generally southwesterly aspect. A gravelled county road passes east and west through the south half of Section 12. The only source of domestic water is a trough located just south of the road in the NE¼SE¼, Section 12, which is fed by a spring. There are no existing electric power facilities on or near the land. A school, various small stores, and other limited public facilities are available in several small communities in the Kern River Valley, east of the land. The tracts classified are not known to command a view of the Isabella reservoir. The native vegetation consists of brush and more or less open woodland, with digger pine, live oak and sagebrush predominating. The climate is hot and dry during the summer months, and warm during the winter.

4. No leases on the lands described in this order shall be issued until conflicting applications under the public land laws, and mineral claims under the mining laws, shall have been disposed of in accordance with established procedures.

5. The lands will be leased and sold in square tracts of 2½ acres each, being approximately 330 x 330 feet in size, and described as aliquot parts of the section. The tracts will be subject to all existing rights-of-way, and to rights-of-way not exceeding 33 feet in width on or as near as practicable to the boundary thereof for access road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is located, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to issuance of patent. If not so located, they may be subject to location after patent is issued.

6. Subject to the provisions of paragraph 4 above, this order will become effective upon the date of signature as to applications filed prior to 11:30 a. m., local time, California, on April 28, 1955, provided such applications are made to conform to the provisions of this order as to size of tract and type of use.

7. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m., local time, California, on the 35th day following the date of the order, which date shall be June 7, 1955. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) For a period of 91 days, commencing at the hour and on the date specified above, and extending to 10:00 a. m., local time, California, on September 6, 1955, the public lands affected by this order shall be subject to application by qualified veterans of World War II and the Korean Conflict. All applications filed under this paragraph either on or before 10:00 a. m., local time, California, on June 7, 1955, shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., local time, California on June 7, 1955, shall be considered in the order of filing.

(b) Commencing at 10:00 a. m., local time, California, on the 126th day after the date of this order, which date shall be September 6, 1955, any lands remaining shall become subject to application under the Small Tract Act by the public generally. All such applications filed either on or before 10:00 a. m., local time California, on the 126th day, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

8. A veteran shall accompany his application with a complete photostat, or other copy, (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in 43 CFR 181.36, or constitute evidence of any facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference right through settlement or otherwise and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

9. (a) Leases will issue to qualified applicants for a term of 3 years, at an annual rental of $5.00 per tract, payable in advance for the entire period of lease.

(b) Leases will contain an option to purchase at the appraised price of $150 per tract. Application to purchase may be filed at any time during the life of the lease, provided the terms and conditions of the lease have been complied with, and improvements as specified in paragraph 10 have been completed.

(c) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as specified in paragraph 10 shall have been made.

(d) Leases will not be renewable unless failure to construct the required improvements during the term of the lease is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

10. To qualify for purchase of lands classified by this order, each lessee will be required to construct in a workmanlike manner, a substantial dwelling built of appropriate materials affixed to a permanent foundation, and suitable to year-long use. Such improvements must conform to all health, sanitation and construction requirements of applicable local ordinances, and must, in addition, contain a minimum floor space of 400 square feet. Sale of tracts classified by this order will not be authorized unless adequate disposal and sanitary facilities are installed.

11. The lessees and/or their successors in interest shall comply with all Federal, State, County and municipal laws and ordinances, especially those governing health and sanitation, and failure to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

12. All inquiries relating to these lands should be addressed to the Manager, Land Office, Bureau of Land Management, Room 352 New Federal Building, Sacramento, California.

EUGENE L. SCHMIDT,
Officer in Charge,
Northern Field Group, Sacramento.

[F. R. Doc. 55-3774; Filed, May 10, 1955; 8:47 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 25, 1955.

An application, serial number New Mexico 018313, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws but not the mineral-leasing laws, of the lands described below was filed on March 15, 1955, by the United States Department of Agriculture.

The purposes of the proposed withdrawal: Administrative sites.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, New Mexico, Bureau of Land Management, Department of the Interior at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

GILA NATIONAL FOREST

Walnut Creek Administrative Site

T. 17 S., R. 14 W.,
Sec. 10, SW¼NE¼, NW¼, NW¼SE¼.

The areas described aggregate 240 acres.

APACHE NATIONAL FOREST

Reserve Administrative Site

T. 7 S., R. 19 W.,
Sec. 11, lots 8, 9, 16.

The areas described aggregate 109.55 acres.

A. S. BAKER,
Acting State Supervisor.

[F. R. Doc. 55-3775; Filed, May 10, 1955; 8:47 a. m.]

[Doc. 41]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The United States Department of Agriculture has filed an application, Serial No. Arizona 08582, for the withdrawal of the lands described below, from all forms of appropriation.

The applicant desires the land for administrative purposes in connection with the construction of and maintenance of public roads within Coconino County.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

COCONINO NATIONAL FOREST

T. 21 N., R. 7 E.,
Sec. 28: E½NE¼SW¼NW¼, W½NW¼SE¼NW¼, NW¼SW¼SE¼NW¼, NE¼SE¼SW¼NW¼.

Total area: 15 acres more or less.

E. A. TRAGITT,
Acting State Supervisor.

MAY 3, 1955.

[F. R. Doc. 55-3772; Filed, May 10, 1955; 8:47 a. m.]

[Doc. 42]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Public Roads has filed an application, Serial No. Arizona 06110, for the withdrawal of the lands described below, from all forms of appropriation.

The applicant desires the land for road construction materials for use on a portion of Arizona Forest Highway Route 9, Verde Valley—Roosevelt Dam Highway and a portion of Arizona Highway Route 11, Payson-Colcord Mountain Highway.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 10 E.,
Sec. 3: W½SW¼NW¼;
Sec. 4: E½SE¼NE¼.

Total area described: 40 acres.

E. A. TRAGITT,
Acting State Supervisor.

MAY 3, 1955.

[F. R. Doc. 55-3773; Filed, May 10, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11268-11270; FCC 55-537]

WISCONSIN TELEPHONE CO. AND OHIO BELL TELEPHONE CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Wisconsin Telephone Company, Milwaukee, Wisconsin, Docket No. 11268, File No. 5300-F1-P-H; for construction permit for new VHF Public Class III-B coast station; Ohio Bell Telephone Company, Docket No. 11269, File No. 5301-F1-P-H; Ohio Bell Telephone Company, Docket No. 11270, File No. 5745-F1-P-H; for construction permits for new VHF Public Class III-B coast stations at Cleveland, Ohio and Toledo, Ohio.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of May 1955;

The Commission having under consideration petitions to enlarge issues in the hearings on the above-entitled applications filed on March 11, 1955 by Lorain County Radio Corporation, oppositions to said petitions filed on March 31, 1955 by Wisconsin Telephone Company and on March 31, 1955 by The Ohio Bell Telephone Company, replies to said petitions filed on March 22, 1955 by the Chiefs of the Commission's Common Carrier Bureau and Safety and Special Radio Services Bureau, and reply to oppositions filed on April 7, 1955 by Lorain County Radio Corporation;

It appearing that by orders of February 10, 1955 the Commission designated for hearing on issues specified therein the above-entitled applications and named Lorain County Radio Corporation as a party respondent in each of these proceedings and Michigan Bell Telephone Company a party respondent in the proceeding on the application of the Ohio Bell Telephone Company for construction permit for new VHF Public Class III-B coast station at Toledo, Ohio and on this same date granted the applications of Michigan Bell Telephone Company for new VHF Public Class III-B coast stations at Hancock, Port Huron, Escanaba, East Tawas, and Marquette, Michigan and the application of Wisconsin Telephone Company for a new VHF Public Class III-B coast station at Green Bay (Glenlore), Wisconsin; and

It further appearing that on March 11, 1955 Loraine County Radio Corporation and Central Radio Telegraph Company filed protests to the said grants under the provisions of section 309 (c) of the Communications Act of 1934, as amended; and that the petition herein of Lorain County Radio Corporation incorporates by reference its said protest and requests that any issues which may be set for hearing as a result of this protest be added as issues in the hearings on the above-entitled applications; and

It further appearing that by order of April 27, 1955, the Commission granted the said protests of Loraine County Radio Corporation and Central Radio Telegraph Company, postponed the effective dates of the protested grants, designated the applications involved for hearing in a consolidated proceeding and named Lorain County Radio Corporation, Central Radio Telegraph Company, the Chief, Common Carrier Bureau and the Chief, Safety and Special Radio Services Bureau parties to the proceedings; and

It further appearing that the matters in issue in the said consolidated proceeding directly affect the determinations to be made in the hearings on the above-entitled applications and therefore the hearings on these applications should be consolidated with the protest hearing and the issues amended to include all issues therein;

It is ordered, That the said petition of Lorain County Radio Corporation is granted, and that the hearings on the above-entitled applications are consolidated with the hearing in Dockets Nos. 11375, 11376, 11377, 11378, 11379 and 11380; and

It is further ordered, That the issues previously specified in the orders designating the above-entitled applications for hearing are deleted and the following issues substituted therefor:

1. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant.

2. To determine the nature and amount of traffic to be handled by each of the proposed stations, and from what sources such traffic will be derived.

3. To determine the amount of revenues to be received by each of the proposed stations; the costs to each applicant for constructing and operating each proposed station, and the net operating revenues, if any, therefrom.

4. To determine the full scope and extent of the "coordinated move" by the Bell companies on the Great Lakes; namely, to determine Bell's complete plans with respect to applications for other and additional stations on the Great Lakes, and the reasons therefor.

5. To determine whether the existing public radio maritime service on the Great Lakes is adequate to serve the present and reasonably foreseeable future public need therefor.

6. To determine the full effect of the proposed service on the MF-HF-VHF service furnished by existing stations on the Great Lakes and upon the companies furnishing such service.

7. To determine whether the rates, charges, classifications, practices and regulations proposed to be made effective by the applicants for the instant service will result in the establishment of rates and charges which are compensatory to such applicants for such service.

8. If the answer to issue 7 is in the negative, to determine whether the establishment by the applicants of non-compensatory rates and charges for such service will result in unfair competition to Lorain County Radio Corporation or Central Radio Telegraph Company.

9. To determine whether the provisions of Section 314 of the Communications Act of 1934, as amended, are applicable to the instant mobile service.

10. If the answer to issue 9 is in the affirmative, to determine whether a grant of the instant applications will have the purpose or effect which may be to substantially lessen competition or to restrain commerce between any place in any state, territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

11. To determine whether the establishment of the proposed facilities will result in public benefit or advantage, and if so, the nature and extent of such benefit or advantage.

12. To determine the areas to be served by the stations proposed in the above-entitled applications, the areas served by Stations KSA740, KQA-761, KQB668, and KQB666 respectively, and the extent to which duplication of service may result from the establishment of the proposed stations.

13. To determine the need for such duplication of service, if any, as may be shown under Issue 12.

14. To determine, in the light of the provisions of § 7.308 (c) of the Commission's rules, whether the extent of the mutual interference which might occur from the use of the frequency 161.9 Mc by the proposed stations, as well as by Stations KSA740, KQA761, KQB668, and KQB666, respectively, would be such as to justify the assignment of the frequency 162.0 Mc, respectively to the proposed stations.

15. To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of any or all of the above-entitled applications.

It is further ordered, That, the burden of proof on issues 1, 2, 3, 4, 7, 11, 12, 13, 14, and 15 is placed upon the respective applicants and the burden of proceeding with the introduction of evidence on issues 5, 6, 8, 9, and 10 is placed upon Lorain County Radio Corporation and Central Radio Telegraph Company;

It is further ordered, That Lorain County Radio Corporation, Central Radio Telegraph Company, the Chief, Common Carrier Bureau, and the Chief, Safety and Special Radio Services Bureau are made parties to the proceeding herein.

It is further ordered, That, if not previously filed, the parties desiring to participate herein shall file their appearances not later than May 13, 1955.

Released: May 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3814; Filed, May 10, 1955; 8:53 a. m.]

[Docket No. 11382]

SOUTHWESTERN BELL TELEPHONE CO. AND DERBY TELEPHONE CO., INC.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11382, File No. P-C-3549; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Derby Telephone Company, Inc., Derby, Kansas.

The Commission having under consideration an application filed by Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by it of certain telephone plant and properties of Derby Telephone Company, Inc. furnishing telephone service in and around Derby, Kansas, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 4th day of May 1955, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 21st day of June 1955, and that a copy of this order shall be served upon Derby Telephone Company, Inc., the Governor of Kansas, Kansas State Corporation Commission, and the Postmaster of Derby, Kansas;

It is further ordered, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Derby and Sedgwick County, Kansas, and shall furnish proof of such publication at the hearing herein.

Released: May 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3815; Filed, May 10, 1955; 8:54 a. m.]

[Docket No. 11383; FCC 55-526]

PARAMOUNT TELEVISION PRODUCTIONS, INC.

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Paramount Television Production, Inc., Licensee of Station KTLA-TV & Auxiliaries, Los Angeles, California, Docket No. 11383; order to show cause why an order to cease and desist should not be issued against Paramount Television Productions, Inc., Licensee of Station KTLA-TV & Auxiliaries.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of May 1955;

The Commission having under consideration the matter of a television program called "Play Marco" presently being broadcast by Station KTLA-TV; and

It appearing that the licensee has been, and now is permitting the use of its station facilities for the broadcast of "Play Marco," which is a scheme offering prizes dependent in whole or in part upon lot or chance for a consideration; and

It further appearing that the broadcast of "Play Marco" is in violation of Title 18, U. S. Criminal Code, section 1304 and § 3.656 of the Commission's rules governing lotteries and give-away program.

It is ordered, Pursuant to the provision of section 312 (c) of the Communications Act of 1934, as amended, that the said Paramount Television Productions, Inc., show cause why an order should not be issued commanding it to cease and desist from broadcasting the "Play Marco" program in violation of Title 18, U. S. Criminal Code, Section 1304, and § 3.656 of the Commission's rules, and appear and give evidence with respect to this issue at a hearing[1] to be held before this Commission at Washington, D. C., at a time and date to be specified by the Chief Hearing Examiner; and

It is further ordered, That the Secretary send a copy of this order to the licensee by Registered Mail—Return Receipt Requested.

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

Released: May 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3816; Filed, May 10, 1955; 8:54 a. m.]

[Docket No. 11384; FCC 55-527]

WGNS, INC.

ORDER TO SHOW CAUSE

In the matter of WGNS, Incorporated, Murfreesboro, Tennessee, Docket No. 11384; order to show cause why the license of AM Radio Station WGNS should not be revoked.

There being under consideration the matter of a certain alleged violation of the cease and desist order issued by the Commission on the 25th day of March 1953 (FCC 53-327) in connection with the operation of AM Radio Station WGNS, licensed to WGNS, Incorporated, Murfreesboro, Tennessee.

It appearing that a certified copy of the cease and desist order issued by the Commission on the 25th day of March 1953, was sent to the licensee, WGNS, Incorporated, Murfreesboro, Tennessee, by Registered U. S. Mail on or about March 31, 1953, and received by said WGNS, Incorporated on April 2, 1953; and that said order stated, among other things:

It is ordered, Pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that WGNS, Inc., be and it is hereby commanded to cease and desist from • • • violating § 3.181 of the Commission's rules by failing to keep the required operating and program logs • • •

It further appearing that, despite the issuance of said cease and desist order, said licensee on January 31, 1955, and again on February 3, 1955, allowed Station WGNS to be operated in violation of § 3.181 of the Commission's rules in that on January 31, 1955, at 2:37 p. m. the last entry in the station operating log was made at 1:00 p. m. and on February 3, 1955, at 11:40 a. m. the last entry in said log was made at 11:00 a. m.

It further appearing that on the same dates, supra, that WGNS, Incorporated, licensee of Station WGNS, Murfreesboro, Tennessee, allowed its station to be operated with power calculated by the indirect method of 269 watts in violation of § 3.57 of the Commission's rules and failed to post the authority granted by the Commission on January 17, 1955, authorizing indirect measurement of power as required by § 3.164.

It is ordered, This 4th day of May 1955, pursuant to the provisions of section 312 (a) of the Communications Act of 1934, as amended, that the said licensee, WGNS, Incorporated, Murfreesboro, Tennessee, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 13th day of June, 1955.

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said WGNS, Incorporated, Murfreesboro, Tennessee.

Released: May, 5, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3817; Filed, May 10, 1955; 8:54 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[Docket No. 11385, 11386; FCC 55-528]

AMERICAN TELEVISION CO., INC., AND SOUTHWESTERN PUBLISHING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of American Television Company, Inc. (assignor) and Southwestern Publishing Company (assignee), Docket No. 11385, File No. BAPCT-136; for assignment of construction permit for Station KNAC-TV Fort Smith, Arkansas; American Television Company, Inc., Docket No. 11386, File No. BMPCT-2757; for extension of time to complete construction of Station KNAC-TV Fort Smith, Arkansas.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of May 1955;

The Commission having under consideration the above-entitled applications to assign the construction permit for and extension of time to complete construction of Station KNAC-TV, Channel 5, Fort Smith, Arkansas; and

It appearing, that the Commission on February 16, 1955, forwarded a notice to the applicants apprising them, pursuant to section 309 (b) of the Communications Act of 1934, as amended, of all objections to the above applications, particularly with respect to the amount of consideration to be received for the assignment of the construction permit; that the Commission was unable to determine that a grant of the said applications would be in the public interest; and that the applicants were afforded an opportunity to reply to the Commission's letter; and

It further appearing, that upon due consideration of the above-entitled applications, the Commission's letter of February 16, 1955, and the applicants' reply thereto filed March 22, 1955, the Commission finds that the above-entitled applicants are legally, technically and financially qualified except as to the matters specified in Issues 1 and 2 below;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the offices of the Commission in Washington, D. C., at a time and date to be specified by the Chief Hearing Examiner, upon the following issues:

1. To determine whether, in light of the consideration to be received by American Television Company, Inc., H. S. Nakdimen and George T. Hernreich from Southwestern Publishing Company for the assignment of the permit for Station KNAC-TV and the agreement of of said individuals not to re-enter the broadcasting field, the above-entitled applications involve "trafficking" in a construction permit, contrary to the public interest.

2. To determine whether, on the basis of the evidence adduced with respect to Issue 1 above, a grant of the above-entitled applications would serve the public interest, convenience and necessity.

Released: May 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3818; Filed, May 10, 1955; 8:54 a. m.]

[Docket No. 11227; FCC 55M-399]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM (WNYC) AND MIDWEST RADIO-TELEVISION INC. (WCCO)

ORDER CONTINUING HEARING

In re application of City of New York Municipal Broadcasting System (WNYC) New York, New York, for special service authorization to operate additional hours from 6:00 a. m., e. s. t., to sunrise New York City and from sunset Minneapolis, Minnesota to 10:00 p. m., e. s. t.; in repetition of Midwest Radio-Television, Inc. (WCCO) Minneapolis, Minnesota, to cancel SSA and deny or withhold action on application for extension of SSA without hearing: and, in any event, to hold any hearing on limited, noncomparative issues; Docket No. 11227; File No. BSSA-266.

The Hearing Examiner having under consideration a joint petition filed on April 29, 1955, by City of New York Municipal Broadcasting System (WNYC) and Midwest Radio-Television, Inc. (WCCO), requesting that the hearing in the above-entitled proceeding presently scheduled for May 23, 1955, be continued until September 7, 1955;

It appearing, that extensive preparations for the hearing by both petitioners are under way, but that, in spite of numerous meetings and discussions with each other in order to expedite presentation of their respective cases, it will not be possible to be ready for actual hearing by the presently scheduled date;

It further appearing, it has been agreed that:

(a) On May 23, 1955, WNYC and WCCO will exchange with each other, and will furnish the Hearing Examiner and all other parties, their respective proposed exhibits on the engineering issues;

(b) On June 23, 1955, WNYC will furnish to all other parties and the Hearing Examiner, its proposed exhibits on the non-engineering issues; and

(c) On July 23, 1955, WCCO will furnish to all other parties and the Hearing Examiner, its proposed exhibits on the non-engineering issues;

It further appearing, that all other counsel in the proceeding have informally agreed to a waiver of the so-called "four-day" rule and to an immediate consideration and grant of the instant petition;

It is ordered, This 3d day of May 1955, that the agreement for exchange of exhibits, as hereinabove set forth, is approved and the joint petition be and it is hereby granted; and that the hearing in the above-entitled proceeding be and it is hereby continued to September 7, 1955, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3764; Filed, May 10, 1955; 8:45 a. m.]

[Docket No. 11290; FCC 55M-400]

IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS (WOI)

ORDER CONTINUING HEARING

In re application of Iowa State College of Agriculture and Mechanic Arts (WOI) Ames, Iowa, Docket No. 11290, File No. BSSA-276; for special service authorization to operate additional hours from 6:00 a. m. to local sunrise CST with 1 kw.

The Hearing Examiner having under consideration a request for clarification of the procedural schedule heretofore set forth in an order dated March 17, 1955:

It appearing that an informal conference was held on the morning of May 4, at which the procedure to be followed in this case was discussed; and

It further appearing that a substantial amount of the respective direct cases of the parties will be submitted in written form, consisting of (a) affidavits which a party proposes to introduce in evidence without calling the identifying witness, and (b) exhibits which will be introduced through a witness; and

It further appearing that the parties will exchange all such written evidence which is part of their direct and affirmative cases on May 31, 1955, for the purpose of permitting other parties to examine it prior to the actual hearing; and

It further appearing that all such written evidence will be offered at a hearing session on June 7, 1955, excepting only such exhibits as will thereafter be identified by witnesses;

It is ordered, This 4th day of May 1955, that the date for the commencement of hearing is continued from May 31 to June 7, 1955, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-3765; Filed, May 10, 1955; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 6, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30603: Phosphates—Garfield, Utah, to Montana. Filed by Union Pacific Railroad Company, for interested rail carriers. Rates on superphosphate, and ammonium phosphate, carloads, from Garfield, Utah, to specified points in Montana.

Grounds for relief: Circuitous routes.

Tariff: Supplement 4 to Union Pacific Railroad tariff I. C. C. 5415.

FSA No. 30604: Woodpulp—Ontonagon, Mich., to Official Territory. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on woodpulp, carloads, from Ontonagon, Mich., to specified points in official territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 52 to Agent Prueter's I. C. C. A-3940.

FSA No. 30605: Sugar—Western Trunk Line to Official Territory. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on sugar, beet or cane, carloads, from specified points in Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Oregon, South Dakota, Utah and Wyoming to specified points in Indiana, Kentucky, Michigan, New York, Ohio and Pennsylvania.

Grounds for relief: Circuitous routes.

Tariff: Supplement 66 to Agent Prueter's I. C. C. A-3973.

FSA No. 30606: Cement—Laramie, Wyo., to Colorado Springs and Roswell, Colo. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on cement and related articles, carloads, from Laramie, Wyo., to Colorado Springs and Roswell, Colo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 72 to Agent Prueter's I. C. C. A-3815.

FSA No. 30607: Moulding sand—Alabama and Georgia to Texas. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on moulding sand, naturally bonded, carloads, from Riverside, Ala., and Tallapoosa, Ga., to Tyler and Swan, Tex.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 17 to Agent Kratzmeir's I. C. C. 4135.

FSA No. 30608: Roofing and Sheathing—Cincinnati, Ohio, to Houston, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing material and sheathing, carloads, from Cincinnati, Ohio to Houston, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 53 to Agent Kratzmeir's I. C. C. 4115.

By the Commission.

[SEAL] HAROLD D. MCKOY,
Secretary.

[F. R. Doc. 55-3795; Filed, May 10, 1955; 8:50 a. m.]

[Notice 59]

MOTOR CARRIER APPLICATIONS

MAY 6, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 252 Sub 5, filed April 25, 1955, MANNING FREIGHT LINES, INC., Post Office Box 1551, Yakima, Wash. Applicant's attorney: James T. Johnson, Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except commodities of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Portland, Oreg., and the junction of U. S. Highway 830 and The Dalles Bridge (known as The Dalles Dam), near North Dalles, Wash., from Portland, Oreg., over U. S. Highway 30 to The Dalles Bridge, near Seufert, Oreg., and thence over said bridge to junction U. S. Highway 830, and return over the same route, serving no intermediate points, and serving the junction of U. S. Highway 830 and The Dalles Bridge for joinder purpose only, as an alternate route, in connection with the carrier's regular route operation between Portland, Oreg., and Yakima, Wash. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 263 Sub 73, filed May 2, 1955, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a common carrier, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Henderson, Nev., and Las Vegas, Nev., over U. S. Highway 95, serving all intermediate points. Applicant is authorized to conduct operations in California, Idaho, Montana, Nevada, New Mexico, Oregon and Utah.

No. MC 623 Sub 11, filed April 13, 1955. H. MESSICK, INC., P. O. Box 214, Duquesne Rd., Joplin, Mo. Applicant's attorney: Stanley P. Clay, 209 First National Bank Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Blasting supplies, blasting materials*, and *blasting agents*, (1) from the plant site of the Hercules Powder Company, located approximately 5 miles southwest of Carthage, Mo., and the plant site of the Hercules Powder Company, located approximately 2 miles west of Webb City, Mo., to Collinsville, Ill., Hobbs and Tatum, N. Mex., and points in Arkansas, Kansas, Missouri, Oklahoma, Texas, Iowa, Nebraska, and Louisiana, and (2) from points in Jasper County, Mo., to points in Illinois, Michigan, Wisconsin, Minnesota, North Dakota, South Dakota, and Montana. Applicant is authorized to conduct operations in Montana, Illinois, New Mexico, Arkansas, Kansas, Missouri, Oklahoma, Texas, Iowa, Nebraska, Louisiana, Michigan, Wisconsin, Minnesota, North Dakota, and South Dakota.

No. MC 906 Sub 41, filed April 5, 1955. CONSOLIDATED FORWARDING CO., INC., 1300 No. 10th Street, St. Louis, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction U. S. Highways 71 and 160, near Lamar, Mo., and junction U. S. Highways 69 and 160, over U. S. Highway 160, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with regular route operations (a) between Kansas City, Mo., and junction U. S. Highways 69 and 66, north of Commerce, Okla., and (b) between Joplin, Mo., and Kansas City, Mo. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Kentucky, Missouri, Ohio, Oklahoma, Texas, and Wisconsin.

No. MC 954 Sub 47, filed April 22, 1955, MID-STATES FREIGHT LINES, INC., 5200 S. Pulaski Road, Chicago, Ill. Applicant's attorney: Lee Reeder, Suite 1010, 1012 Baltimore Ave., Kansas City 5, Mo. For authority to operate as a common carrier, serving Cumberland, Md. as an off-route point in connection with carrier's regular route operations between Chicago, Ill. and Boston, Mass., as described in Certificate No. MC 954, dated March 30 ,1949, wherein applicant is authorized to transport *general commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from Chicago over U. S. Highway 41 to junction Indiana Highway 8, thence over Indiana Highway 8 to junction Indiana Highway 53, thence over Indiana Highway 53 to Remington, Ind., thence over U. S. Highway 24 to Wolcott, Ind., thence over Indiana Highway 53 to Montmorenci, Ind., thence over U. S. Highway 52 to Indianapolis, Ind., thence over U. S. Highway 40 to Cambridge, Ohio, thence over U. S. Highway 22 to Harrisburg, Pa., thence over U. S. Highway 230 to Lancaster, Pa., thence over U. S. Highway 30 to Philadelphia, Pa., thence over U. S. Highway 1 to Boston, and return over the same route. Service is authorized to and from the intermediate points in Indiana, Pittsburgh and Philadelphia, Pa., New Haven, Conn., and Providence, R. I., and the off-route points of Kentland, Mulberry, and Crawfordsville, Ind., Dayton, Ohio, and Aliquippa, East Liberty, McKeesport, Charleroi, and Johnstown, Pa., unrestricted, and to and from points within one and one-half miles of North Wales, Pa., except with respect to shipments originating at or destined to points in Maryland, New York, New Jersey, Delaware and the District of Columbia; and from Chicago to Harrisburg, Pa., as specified above, thence over U. S. Highway 22 to Newark, N. J., for operating convenience only, thence as specified above to Boston, and return over the same route. Service is not authorized to or from Harrisburg, Pa., or intermediate points between Harrisburg, Pa. and Newark, N. J. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Missouri, New Jersey, New York, Ohio, and Pennsylvania.

No. MC 981 Sub 14, filed March 30, 1955, THE SAWYER LINES, INC., 114 East Court Ave., Winterset, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Bldg., Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fly spray* and *mange oil*, in cans and drums, *empty bags* and *empty sacks*, such as paper, cloth, and burlap, and *advertising material* used solely in connection with the sale and distribution of (a) animal feed and poultry feed and (b) fly spray and mange oil, from Burlington, Wis., to points in Keith, Perkins, Chase, Dundy, Logan, Lincoln, Hayes, Hitchcock, Frontier, Redwillows, Custer, Dawson, Gosper, Furnas, Valley, Sherman, Buffalo, Kearney, Phelps, Harlan, Webster, Adams, Hall, Greeley, Knox, Cedar, Dixon, Antelope, Wayne, Thurston, Madison, Stanton, Cuming, Boone, Burt, Nance, Platte, Colfax, Dodge, Washington, Polk, Hamilton, Clay, Nuckolls, Pierce, Merrick, Dakota, Franklin, Howard, Thayer, Fillmore, York, Butler, Seward, Saline, Jefferson, Gage, Lancaster, Saunders, Douglas, Sarpy, Cass, Otoe, Johnson, Nemaha, Richardson, and Pawnee Counties, Nebr., those in that part of Iowa on and west of U. S. Highway 65 and on and south of U. S. Highway 30, and those in that part of Missouri on and west of U. S. Highway 65 and on and north of U. S. Highway 36, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

NOTE: Applicant states the above-described commodities are to be transported at the same time and in the same vehicle in which the applicant herein transports animal feed and poultry feed, which it is now authorized to transport in Certificate No. MC 981, dated December 2, 1953, from Burlington, Wis., to the same territory covered by the instant application.

No. MC 1313 Sub 6, filed April 25, 1955, RIDGELY TRANSPORT, a corporation, doing business as PIONEER-RIDGELY FREIGHT LINES, 1509 Bent Avenue, Cheyenne, Wyo. Applicant's attorney: Louis A. Mankus, 410 Bell Building, Cheyenne, Wyo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Denver, Colo., and Scottsbluff, Nebr., from Denver over U. S. Highway 6 to Sterling, Colo., thence over U. S. Highway 138 to junction Colorado Highway 113, thence over Colorado Highway 113 to the Colorado-Nebraska State line, thence over Nebraska Highway 19 to junction U. S. Highway 26, thence over U. S. Highway 26 to Scottsbluff, and return over the same route, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in

connection with carrier's regular route operations between Denver, Colo., and Cheyenne, Wyo., over U. S. Highways 85 and 87, respectively, between Scottsbluff, Nebr., and Cheyenne, Wyo., and the applied-for alternate or connecting routes between Cheyenne, Wyo., and junction U. S. Highway 30 and Nebraska Highway 19 near Sidney, Nebr., and between Kimball, Nebr., and Scottsbluff, Nebr., (2) between Cheyenne, Wyo., and junction U. S. Highway 30 and Nebraska Highway 19 near Sidney, Nebr., over U. S. Highway 30, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between Denver, Colo., and Cheyenne, Wyo., over U. S. Highways 85 and 87, respectively, between Scottsbluff, Nebr., and Cheyenne, Wyo., and the applied-for alternate or connecting routes between Denver, Colo., and Kimball and Scottsbluff, Nebr., and (3) between Kimball, Nebr., and Scottsbluff, Nebr., over Nebraska Highway 29, serving no intermediate points, for operating convenience only, as an alternate or connecting route, in connection with carrier's regular route operations between Scottsbluff, Nebr., and Cheyenne, Wyo., and the applied-for alternate or connecting routes between Denver, Colo., and Scottsbluff, Nebr., and between Cheyenne, Wyo., and junction U. S. Highway 30 and Nebraska Highway 19, near Sidney, Nebr. Applicant is authorized to conduct operations in Colorado, Nebraska and Wyoming.

No. MC 1477 Sub 3, filed April 26, 1955, YORKOFF TRUCKING CORP., 180 Erie Street, Jersey City, N. J. Applicant's attorney: Bernard F. Flynn, Jr., Industrial Building, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Edible animal oils*, and *edible vegetable oils*, in bulk, in tank vehicles, from Newark, N. J., to Richmond, Va.

No. MC 2392 Sub 13, filed April 21, 1955 (Amended) published page 3001 issue of May 4, 1955, WHEELER TRANSPORT SERVICE, INC., Genoa, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Bldg., Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid fertilizers and liquid mixed fertilizers*, in bulk, in tank vehicles, and *dry fertilizers*, in packages and in bulk in appropriate equipment, from Omaha, Nebr.; to points in Iowa and South Dakota; *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 4405 Sub 263, filed March 21, 1955 (amended), DEALER'S TRANSPORT COMPANY, a corporation, 12933 S. Stony Island Ave., Chicago 33, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers, trailer chassis, semi-trailers*, and *semi-trailer chassis*, in initial movements, from the site of new Utility Trailer Manufacturing Company plant on Chestnut Street between Puente Road and Rowland Street, approximately two and one half miles South and East of the intersection of Valley Boulevard, Glendora Avenue (State Highway 39), and Main Street in the unincorporated community of Puente, Los Angeles County, Calif., in (a) both truckaway and driveaway service, to points in California, Colorado, Idaho, Missouri, Montana, New Mexico, Oklahoma, Texas, Utah, Washington, and Wyoming, and (b) truckaway service only, to points in Arizona, Nevada, and Oregon, and (2) *trailer bodies*, assembled and/or knocked down, from the site of new Utility Trailer Manufacturing Company plant, as specified under (1) above, to points in Arizona, California, Colorado, Idaho, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming. The applicant is authorized to conduct operations throughout the United States, including the District of Columbia.

No. MC 7246 Sub 1, MARY PHILLIPS, GEORGE PHILLIPS, AND ANDREW PHILLIPS, doing business as PHILLIPS BROS., 7712 Norbush Avenue, Dundalk, Baltimore 22, Md. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Corrugated shipping containers and solid fibre shipping containers, and interior packing* (such as dividers, liners or similar separators) set up and broken down or folded, from Baltimore, Md., to points in Cumberland, Delaware, Lebanon and Montgomery Counties, Pa., and *refused and returned shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Delaware, District of Columbia, Maryland and Pennsylvania.

No. MC 8752 Sub 2, filed April 4, 1955. COLLINS TRANSFER CO., INC., 214 Pearl Street, Sioux City, Iowa. Applicant's attorney: Donald R. Wigton, 1221 Badgerow Building, Sioux City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pianos*, not packed, *organs*, not packed, and *piano or organ benches or stools*, not packed, from Sioux City, Iowa, to points in Minnesota, Nebraska, and South Dakota and *traded-in, exchanged, or returned pianos, organs, or piano or organ benches or stools*, not packed, on return movement.

No. MC 10761 Sub 53, filed April 29, 1955, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Ave., Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier* over alternate or connecting routes, transporting: *General commodities*, except loose bulk commodities; livestock; explosives, excepting small arms ammunition; currency; bullion; commodities that are contaminating or injurious to other lading; and commodities exceeding ordinary equipment and loading facilities, between (1) Grand Rapids, Mich., and Benton Harbor, Mich., over Michigan Highway 21 from Grand Rapids to Holland, Mich., thence over U. S. Highway 31 to Benton Harbor, and return over the same route, serving no intermediate points, and (2) Grand Rapids, Mich., and Battle Creek, Mich., over Michigan Highway 37, serving no intermediate points, for operating convenience only in connection with regular route operations between (a) Chicago, Ill., and Detroit, Mich., (b) Chicago, Ill., and Flint, Mich., (c) Chicago, Ill., and Grand Rapids, Mich., and (d) Chicago, Ill., and Jackson, Mich. Applicant is authorized to conduct regular route operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin.

No. MC 10761 Sub 54, filed April 29, 1955, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Ave., Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier* transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the Ford Motor Co. plant located at the northeast intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich. one mile beyond the northern limits of the Detroit, Mich. Commercial Zone, as an off-route point, in connection with regular route operations to and from Detroit, Mich. and the commercial zone thereof over U. S. Highways 10, 12, 24, and 112, and Michigan Highway 53. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin.

No. MC 18112 Sub 18, filed April 29, 1955, HOLLYWOOD CARTAGE COMPANY, INC., 5858 Plumer Avenue, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Gibraltar, Mich. and points within two miles thereof (including the site of the McLouth Steel Company Plant) on the one hand, and, on the other, points in that part of Ohio bounded by a line beginning at Cleveland, Ohio, and extending along U. S. Highway 21 to Massillon, thence along U. S. Highway 62 to Salem, thence along Ohio Highway 14 to junction Ohio-Pennsylvania State line, thence along Ohio-Pennsylvania State line to junction U. S. Highway 422, and thence along U. S. Highway 422 to point of origin, including points on the indicated portions of the highways specified, (2) from Gibraltar, Mich. and points within two miles thereof (including the site of the McLouth Steel Company Plant) to Sharon, Pa., Toledo, Fostoria, Tiffin, Norwalk, Sandusky, Wellington, Ashland, Mansfield, Lorain, Hubbard, Elyria, Rittman, and Wooster, Ohio, and points within five miles of Cleveland, Ohio, except those on and east of U. S. Highway 21, and on and south of U. S. Highway 422; *iron and steel, iron and steel products, automobile parts, machinery, burlap* and *paper*, from Dover, Fostoria, and points within 10 miles of Youngstown, Ohio (not including Youngstown and points on and south of U. S. Highway 422), Ellwood City, New Castle, Pittsburgh and Sharon, Pa., and points within 10 miles of Sharon to Gibraltar, Mich. and points within two miles thereof (including the site of the McLouth Steel Company Plant). Applicant is authorized to conduct operations in Michigan, Ohio and Pennsylvania.

No. MC 20080 Sub 1, filed March 29, 1955 (Amended), MASKELYNE TRANSFER AND STORAGE, INC., 944 North Ninth Street, Walla Walla, Wash. Applicant's attorney: Charles Snyder, 301 Baker Building, Walla Walla, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Walla Walla, Wash., and Pomeroy, Wash., over U. S. Highway 410, serving the intermediate points of Huntsville, Dayton, Dumas, and Waitsburg, Wash., and the off-route point of Prescott, Wash., and (2) between Walla Walla, Wash., and Pendleton, Oreg., from Walla Walla over Washington Highway 3E to the Washington-Oregon State line, thence over Oregon Highway 11 to Pendleton, and return over the same route, serving the intermediate points of Milton-Freewater, Weston, and Athena, Oreg. RESTRICTION: (a) The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of rail service of the Union Pacific Railroad Company, and (b) Shipments transported by applicant shall be limited to those which it receives from or delivers to the railroad and which have received a prior or subsequent movement by rail. Applicant is authorized to conduct operations in Washington.

No. MC 24121 Sub 8, Filed April 22, 1955, WALTER TAPPER, doing business as WALTER TAPPER TRANSFER, 1532 2nd Street, P. O. Box 54, Webster City, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fly spray* and *mange oil* shipped in cans or drums, *empty bags and sacks*, that is paper, cloth and burlap, and *advertising material used solely in connection with the sale and distribution of animal and poultry feed and fly spray and mange oil*, from Burlington, Wis., to points in Buena Vista, Carroll, Cherokee, Clay, Crawford, Dickinson, Ida, Lyon, Monona, O'Brien, Osceola, Plymouth, Sac, Sioux, Woodbury, Emmet, Palo Alto, Pocahontas, Calhoun, Greene, Kossuth, Humboldt, Webster, Boone, Winnebago, Hancock, Wright and Hamilton Counties, Iowa, and those in that part of Cerro Gordo County, Iowa, west of U. S. Highway 65.

No. MC 26954 Sub 1, filed April 4, 1955, W. R. EDWARDS, Box 48, Elmhurst, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal*, from points in Lackawanna County, Pa., to Phillipsburg, Plainfield, Paterson and Arlington, N. J.; and *cinders*, from points in Lackawanna County, Pa., to Kingston, N. Y., and Riverdale, N. J.

No. MC 28573 Sub 7, filed April 26, 1955, GREAT NORTHERN RAILWAY COMPANY, a corporation, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: J. J. Burke, Jr., Great Northern Railway Company, Helena, Mont. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *commodities of unusual value*, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the junction of U. S. Highway 87 and Montana Highway 19 (Moore Junction, Mont.), and Billings, Mont., from the junction of U. S. Highway 87 and Montana Highway 19, over Montana Highway 19 to Harlowton, thence over Montana Highway 6 to junction unnumbered highway (near Lavina Junction, Mont.), and thence over said unnumbered highway to Billings, and return over the same route, serving no intermediate points, as an alternate route, in connection with the carrier's regular route operations (1) between Hobson and Lewistown, Mont. (via junction U. S. Highway 87 and Montana Highway 19), and (2) between Lewistown and Billings, Mont.

No. MC 29647 Sub 18, filed April 27, 1955, CHARLTON BROS. TRANSPORTATION COMPANY, INC., 552 Jefferson Street, Hagerstown, Md. Applicant's attorney: Spencer T. Money, Mills Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except Class A and B explosives, and except commodities of unusual value, and household goods as defined by the Commission, between Hancock, Md., on the one hand, and, on the other, points in that part of Pennsylvania within 100 miles of Keyser, W. Va. RESTRICTION: All traffic moving through this gateway shall originate at or be destined to points on and west of U. S. Highway 220. Applicant is authorized by Certificate No. MC 29647 dated October 9, 1944, to transport the above described commodities between Keyser, W. Va., points in Maryland within 15 miles of Keyser, and those in West Virginia within 35 miles of Keyser, on the one hand, and, on the other, Baltimore, Md., and points in that part of Maryland and Pennsylvania within 100 miles of Keyser. Applicant states the purpose of this application is to obtain the added gateway of Hancock, Md., on traffic moving to and from points in Pennsylvania within 100 miles of Keyser, and on and west of U. S. Highway 220 and thereby avoid the necessity of crossing five mountains between Hancock, Md., and Cumberland, Md., a distance of 39 miles. Applicant is authorized to conduct operations in Maryland, Pennsylvania, Virginia and West Virginia.

No. MC 30062, JOHN DAVID BARRICKS, doing business as BARRICKS MOTOR LINES, 112 South West Street, Petersburg, Va., *PETITION TO REOPEN, RECONSIDER AND MODIFY AUTHORITY IN DOCKET NO. MC 30062*. Applicant's attorney: Jno. C. Goddin, 1304 State-Planters Bank Bldg., Richmond 19, Va. For authority to operate as a contract carrier, over irregular routes, transporting: *Canned goods*, from Swedesboro, Vincentown, Bridgeton and Vineland, N. J.; Cambridge, Fruitland, Colora, Federalsburg, Salisbury, Preston, Hagerstown, Rising Sun, Adamstown, Gaithersburg, Church Creek, Cordova, Denton, Newbridge, Vienna, Williston, Willoughby, and Hebron, Md.; Bridgeville, Milford, Laurel, Newark, Oak Grove, and Townsend, Del.; and Hanover, Pa., to Petersburg, Va., and *Roofing*, from Philadelphia, Pa., to Petersburg, Va., and *Sugar*, from Philadelphia, Pa., and Baltimore, Md., to Petersburg, Va.

No. MC 30837 Sub 180, filed April 22, 1955, Kenosha Auto Transport Corporation, 4519–76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, 316–318 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, *motor trucks*, in initial movements, in driveaway and truckaway service, and *motor trucks*, in secondary movements, in truckaway service, from Denver, Colo., to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 30837 Sub 181, filed April 22, 1955, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, 316–318 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile power cranes, shovels, draglines*, and *excavating equipment*, including such commodities when truck mounted and moving in initial or secondary movements, in driveaway and truckaway service, from Milwaukee, Wis., to all points in the United States.

No. MC 31441 Sub 10, filed April 12, 1955, GEORGE F. DOCKHAM, doing business as LEDO TRUCKING CO., Box 146, Raymond, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sodium chloride* (common salt), loose, in bulk, from Boston, Charlestown, Chelsea, Everett, Quincy, Revere, and Somerville, Mass., to points in Maine, New Hampshire, and Vermont.

No. MC 34492 Sub 3, filed April 25, 1955, D. T. DODDS AND M. DODDS, doing business as DODDS TRUCK SERVICE, Salem, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the

Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between East St. Louis, Ill., and St. Louis, Mo., on the one hand, and, on the other, Licking, Mo., serving Rolla, Mo., as an intermediate point, over U. S. Highways 66 and 63, and (2) between Springfield, Mo., on the one hand, and, on the other, Steelville, Mo., over U. S. Highways 60 and 63, and over Missouri Highways 32 and 19 to Steelville, serving Cabool and Licking, Mo., as intermediate points.

NOTE: Applicant states that no duplication with present authority is sought, and that no authority is sought between Springfield, Mo., on the one hand, and, on the other, St. Louis, Mo., and East St. Louis, Ill. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 35536 Sub 48, filed April 6, 1955, SCOTT BROS., INCORPORATED, 1000 South Broad Street, Philadelphia, 46, Pa. Applicant's attorney: Gilbert Nurick, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities of unusual value, and commodities requiring special equipment*, but excluding Class A and B explosives, commodities in bulk, and household goods as defined by the Commission, in service auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company, (1) between Burlington, N. J., and Mount Holly, N. J., over New Jersey Highway 541, serving no intermediate points, and serving no additional points not otherwise authorized to be served, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between (a) Trenton, N. J., and Burlington, N. J., (b) Medford, N. J., and Columbus, N. J., (c) Philadelphia, Pa., and Mount Holly, N. J., (d) Philadelphia, Pa., and Burlington, N. J., and (e) carrier's alternate route operations between Burlington, N. J., and junction U. S. Highway 130 and unnumbered highway southwest of Kinkora, N. J. (2) Between junction New Jersey Highways 543 and 73 at or near Palmyra, N. J., and junction New Jersey Highways 73 and 537, over New Jersey Highway 73, serving no intermediate points, and serving no additional points not otherwise authorized to be served, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between Philadelphia, Pa., and Burlington, N. J., and between Philadelphia, Pa., and Mount Holly, N. J. Applicant is authorized to conduct operations in Delaware, Maryland, Pennsylvania, New Jersey, New York, Virginia, and the District of Columbia.

No. MC 35628 Sub 193, filed April 26, 1955, INTERSTATE MOTOR FREIGHT SYSTEM, a Michigan corporation, 134 Grandville, S. W., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Bldg., Grand Rapids 2, Mich. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *articles of unusual value*, and *commodities requiring special equipment*, but excluding Class A and B explosives, dangerous inflammables, household goods as defined by the Commission, and commodities in bulk, between junction Indiana Highway 57 and U. S. Highway 41, near Evansville, Ind., and junction Indiana Highways 57 and 67, over Indiana Highway 57, serving no intermediate points, but serving junction Indiana Highway 57 and U. S. Highway 41 and junction Indiana Highways 57 and 67 for the purpose of joinder only, as an alternate or connecting route for operating convenience only, in connection with applicant's regular route operations (1) between Evansville, Ind., and Vincennes, Ind., which is a portion of the route between Evansville, Ind., and Chicago, Ill., over U. S. Highway 41, and (2) between Vincennes, Ind., and Indianapolis, Ind., over U. S. Highway 67. Applicant is authorized to conduct operations in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

No. MC 42487 Sub 295, filed April 25, 1955, CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby Street, Portland, Oreg. Applicant's attorney: W. S. Pilling, P. O. Box 3618, Portland 8, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities requiring special equipment*, and *commodities in bulk* (except liquid petroleum products, in tank trucks), serving the site of the Aerojet General Corporation plant near Nimbus, Calif., as an off-route point in connection with carrier's regular route operations between San Francisco, Calif., and Wells, Nev., over U. S. Highway 40, which is a portion of carrier's regular route operations between San Francisco, Calif., and Twin Falls, Idaho. Applicant is authorized to conduct operations in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington and Wisconsin.

No. MC 43475 Sub 37, filed April 28, 1955, GLENDENNING MOTORWAYS, INC., 820 Hampden Ave., St. Paul, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis, Minn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, commodities requiring special equipment other than those requiring special handling because of weight or size, and those injurious or contaminating to other lading, serving the site of the United States Air Force Base and points within five miles thereof located fifteen to twenty-five miles northwesterly of Grand Forks, and Grand Forks, N. Dak., as off-route points in connection with carrier's regular route operations to and from Grand Forks, N. Dak., over U. S. Highway 2. Applicant is authorized to conduct operations in Illinois, Iowa, Indiana, North Dakota, South Dakota, Minnesota, Nebraska and Wisconsin.

No. MC 43600 Sub 1, filed April 29, 1955, APT MOVING & STORAGE CO., INC., 1065 New York Avenue, Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, between New York, N. Y., on the one hand, and, on the other, points in New York, Pennsylvania, Connecticut, Massachusetts, and Rhode Island. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 48479 Sub 4, filed April 5, 1955, FRIGIDWAYS, INC., Post Office Box 2503, 253 West Virginia Avenue, Memphis, Tenn. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products* and *meat by products*, as defined by the Commission, from Opelousas, La., to St. Louis, Mo., and Chicago, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement. Applicant is authorized to conduct operations in Alabama, Georgia, Iowa, Louisiana, Minnesota, Mississippi, Tennessee, and Texas.

No. MC 52858 Sub 44, filed February 3, 1955 (amended) Published on page 1162 of issue of February 24, 1955, (further amended) republished on page 1594 of issue of March 16, 1955, CONVOY COMPANY, a corporation, 3900 N. W. Yeon Ave., Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, and *damaged shipments thereof*, not including commercial or house trailers, in secondary movements, in truckaway service, between points in Minnesota, on the one hand, and, on the other, points in New Mexico, Arizona, California, Nevada, Utah, Colorado, Wyoming, Oregon, Washington, Idaho, and Montana, excepting no authority is sought to transport (a) new automobiles from Duluth, and Minneapolis, Minn., to points in Crook, Weston, Campbell, Johnson, Sheridan, Washakie, Hot Springs, Big Horn, Park, and Teton Counties, Wyo., and (b) automobiles, trucks, or trailers from Duluth, Brainerd, Hibbing, Minneapolis, and St. Paul, Minn., to Anaconda, Mont., or to points in that part of Montana east of the Continental Divide other than Helena, Butte, Dillon, Bozeman, and Sidney. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, North Dakota, New Mexico, Oregon, Utah, Washington, and Wyoming.

No. MC 52869 Sub 42, filed April 15, 1955, NORTHERN TANK LINE, a corporation 707 Fort Street, Miles City, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, from Pennington County, S. Dak., to points in Montana and North Dakota. Applicant is authorized to conduct operations in Montana, North Dakota, South Dakota and Wyoming.

No. MC 52869 SUB 43, filed April 15, 1955, NORTHERN TANK LINE, a corporation, 707 Fort Street, Miles City, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in pressurized tank trucks, from Williams and Morton Counties, N. Dak., to points in Minnesota. Applicant is authorized to conduct operations in Montana, North Dakota, South Dakota and Wyoming.

No. MC 52920 Sub 16, filed April 11, 1955, PACIFIC HIGHWAY TRANSPORT, INC., Sixth Avenue South and Holgate Street, Seattle 4, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Explosives, including Class A, B and C explosives*, between the plant of the Atlas Powder Company located at Giant, Wash., and points within five miles thereof, on the one hand, and, on the other, points in Oregon. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 52920 Sub 17, filed April 11, 1955, PACIFIC HIGHWAY TRANSPORT, INC., Sixth Avenue South and Holgate Street, Seattle 4, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Explosives, including Class A, B and C explosives*, between the plant of the Atlas Powder Company located at Giant, Wash., and points within five miles thereof, on the one hand, and, on the other, Tacoma and Seattle, Wash. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 58053 Sub 1, filed March 28, 1955 (Instant application directly related to MC–F 5928, published on page 1424, issue of March 9, 1955), TRIPLE X TRANSFER, INC., 201 E. Henshaw Road, P. O. Box 2003, Phoenix, Ariz. Applicant's attorney: Ronald Webster, Jr., Heard Bldg., Phoenix, Ariz. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *General commodities, including household goods* as defined by the Commission, but excluding those of unusual value, Class A and B explosives, petroleum products in bulk, and commodities requiring special equipment, between points within 25 miles of Phoenix, including Phoenix, Ariz. and (2) *Household goods* as defined by the Commission, between points in Arizona.

No. MC 59444 Sub. 1, filed April 21, 1955, JAMES R. DENTON, 214 N. Shaw Street, Richmond, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, fuels in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Lexington, Mo., and points within ten miles thereof, on the one hand, and, on the other, Kansas City, Kans. Applicant is authorized in Certificate No. MC 59444 dated September 21, 1951, to transport *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, liquid fuels in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Lexington, Mo., and points within ten miles thereof, on the one hand, and, on the other, points in Wyandotte County, Kans. Applicant seeks to limit his Kansas operations to Kansas City, Kans., rather than to the entire county of Wyandotte, Kans., in which Kansas City, Kans., is located. If and when the applied-for authority is granted, Certificate No. MC 59444 should be cancelled.

No. MC 60082 Sub 5, filed April 25, 1955, EDWARD C. EICHLER AND PEARL E. EICHLER, doing business as EICHLER TRANSFER, 922 W. Chicago Rd., R. F. D. No. 2, Sturgis, Mich. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between St. Joseph County, Mich., and points in Ohio, Illinois, Indiana, and Missouri, excepting those points in Ohio and Indiana within 75 miles of Sturgis, Mich., now authorized in Certificate No. MC 60082 Sub 2. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

No. MC 64932 Sub 177, filed April 25, 1955, ROGERS CARTAGE CO., a corporation, 1932 So. Wentworth Ave., Chicago, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products, coal tar products, acids and Chemicals* (including, but not limited to, those defined in Ex Parte No. MC 45), and *compressed gases*, in bulk, in tank vehicles, from Danville, Ill., to points in Illinois, Indiana, Minnesota, Ohio, Missouri, Wisconsin, Kentucky, Iowa, and Michigan. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 64932 Sub 178, filed April 27, 1955, ROGERS CARTAGE CO., a corporation, 1932 So. Wentworth Ave., Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products, coal tar products, acids* and *chemicals* (including, but not limited to, those defined in Ex Parte 45), in bulk, in tank vehicles, from points in Jefferson County, Mo., to points in Illinois, Indiana, Minnesota, Ohio, Missouri, Wisconsin, Iowa, Kentucky, and Michigan. Applicant is authorized to conduct operations in Indiana, Illinois, Missouri, Iowa, Kentucky, and Michigan.

No. MC 64994 Sub 16, filed April 22, 1955, HENNIS FREIGHT LINES, INC., P. O. Box 612, Winston-Salem, N. C. Applicant's Attorney: A. W. Flynn, Jr. 201–204 Jefferson Bldg., Greensboro, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, and Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in that portion of Eastern North Carolina that are more than 100 miles from Greensboro, N. C., to points in Ohio, Indiana, the Chicago, Ill., Commercial Zone, as defined by the Commission, and those in that part of Michigan on and south of Michigan Highway 21. Applicant is authorized to conduct operations in North Carolina, Virginia, Ohio, Michigan, Maryland, Pennsylvania, and South Carolina.

No. MC 66562 Sub 1231, filed April 25, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: O. R. Livinghouse, 617 Bankers Trust Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Evansville, Ind., and Danville, Ill., from Evansville, Ind., over U. S. Highway 41 to junction Indiana Highway 68, thence over Indiana Highway 68 to Haubstadt, and return to U. S. Highway 41, thence over U. S. Highway 41 to junction Indiana Highway 168, thence over Indiana Highway 168 to Fort Branch, and return to U. S. Highway 41, thence over U. S. Highway 41 to junction Indiana Highway 56, thence over Indiana Highway 56 to Hazelton, and return to U. S. Highway 41, thence over U. S. Highway 41 to junction unnumbered county highway, thence over unnumbered county highway to Decker, and return to U. S. Highway 41, thence over U. S. Highway 41 to junction unnumbered county highway, thence over unnumbered county highway to Oaktown, and return to U. S. Highway 41, thence over U. S. Highway 41 to junction Indiana Highway 63, thence over Indiana Highway 63 to junction unnumbered county highway, thence over unnumbered county highway to Hillsdale, and return to Indiana Highway 63, thence over Indiana Highway 63 to junction U. S. Highway 36, thence over U. S. Highway 36 to Montezuma, and return to Indiana Highway 63, thence over Indiana Highway 63 to junction Indiana Highway 234, thence over Indiana Highway 234 to Cayuga, and return to Indiana Highway 63, thence over Indiana Highway 63 to junction unnumbered county highway, thence over unnumbered county highway to Gessie, thence over unnumbered county highway to junction U. S. Highway 136, and thence over U. S. Highway 136 to Danville, Ill., and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 Sub 1233, filed April 28, 1955. RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd St., New York 17, N. Y. Applicant's attorney: J. H. Mooers (same address as applicant). For authority to operates as a *common carrier*, over regular routes, transporting: General commodities, including *Class A and B explosives*, moving in express service, between Harrisburg, Pa., and Marietta, Pa., from Harrisburg over U. S. Highway 230 to Middleton, Pa., thence over Pennsylvania Highway 441 to Mariette, and return over the same route. Applicant is authorized to conduct operations in all 48 States and the District of Columbia.

No. MC 66562 Sub 1234, filed April 28, 1955. RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd St., New York 17, N. Y. Applicant's attorney: J. H. Mooers (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including Class A and B explosives, moving in express service between Greenville, Pa., and Erie, Pa., thence over U. S. Highway 20 to Erie, and return over the same route. Applicant is authorized to conduct operations in all 48 States and the District of Columbia.

No. MC 66562 Sub 1235, filed April 28, 1955. RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: J. H. Mooers (Same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, between Painesville, Ohio, and Willoughby, Ohio, from Painesville, over U. S. Highway 20 to Willoughby, and return over the same route. Applicant is authorized to conduct operations in all 48 States and the District of Columbia.

No. MC 72231 Sub 1, filed April 13, 1955, THE J. W. JONES & SON COMPANY, a corporation, 5 East Woodland Avenue, Youngstown 2, Ohio. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products* and *articles distributed by meat-packing houses*, as defined by the Commission in Ex Parte No. MC 38, between Youngstown, Ohio, on the one hand, and, on the other, points in Ashtabula, Columbiana, Cuyahoga (except Cleveland, Ohio), Geauga, Lake, Lorain, Mahoning, Portage, Stark, Tuscarawas, and Wayne Counties, Ohio, and those in Beaver, Butler, Crawford, Erie, Lawrence, Mercer, and Venango Counties, Pa. Applicant is authorized to conduct operations in Ohio and Pennsylvania.

No. MC 78643 Sub 36, filed April 28, 1955, HART MOTOR EXPRESS, INC., 2600 University Ave., S. E., Minneapolis 14, Minn. Applicant's attorney: Donald A. Morken, Eleven Hundred First National-Soo Line Building, Minneapolis 2, Minn.. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) serving the site of the United States Air Force Installation and points within five (5) miles thereof, located approximately fifteen to twenty-five miles northwest of Grand Forks, N. Dak., as off-route points in connection with applicant's regular route operations to and from Grand Forks, N. Dak., over U. S. Highway 2, (2) serving the site of the United States Air Force Base and points within five (5) miles thereof, located approximately ten to twenty miles north of Minot, N. Dak., as off-route points in connection with applicant's regular route operations to and from Minot, N. Dak., over U. S. Highway 2, and (3) serving the site of the United States Air Force Base and points within five (5) miles thereof, located approximately ten to twenty miles north of Glasgow, Mont., as off-route points in connection with applicant's regular route operations to and from Minot, N. Dak., over U. S. Highway 2. Applicant is authorized to conduct operations in Illinois, Minnesota, Montana, North Dakota, and Wisconsin.

No. MC 78786 Sub 206, filed March 22, 1955, PACIFIC MOTOR TRUCKING COMPANY, a corporation, 65 Market Street, San Francisco 5, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Yuma, Phoenix and Tucson, Ariz., to (a) points in Gila, Greenlee, Pinal, Graham, Pima, Santa Cruz and Cochise Counties, Ariz.; (b) points in that part of Yuma County, Ariz., on and south of U. S. Highway 70, except no service may be rendered at points on U. S. Highway 70 between Hope and the intersection of U. S. Highway 70 with the Yuma-Maricopa County line; (c) points in that part of Maricopa County, Ariz., on, south and east of a line beginning at the junction of U. S. Highway 70 and the boundary between Yuma and Maricopa Counties, and extending along U. S. Highway 70 to Phoenix, Ariz., thence along Arizona Highway 69 north to the northern boundary of Maricopa County, thence along the northern boundary of Maricopa County to boundary between Maricopa and Gila Counties, except no service may be rendered at points on U. S. Highway 70 other than Phoenix, Ariz.; (d) points in that part of Navajo County, Ariz., on and south of Arizona Highway 73; and (e) points in that part of Apache County, Ariz., on and south of a line beginning at the junction of Arizona Highway 73 with Navajo County line and extending easterly along Arizona Highway 73 to its junction with U. S. Highway 60, thence along U. S. Highway 60 to the Arizona-New Mexico boundary.

No. MC 79577 Sub 27, filed April 25, 1955, OILFIELDS TRUCKING COMPANY, a corporation, P. O. Box 751, Bakersfield, Calif. Applicant's attorney: Phil Jacobson, Five Ten West Sixth Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank trucks and trailers, from points in San Bernardino and Imperial Counties, Calif., to points in Nevada and Arizona. Applicant is authorized to conduct operations in Arizona, California, and Nevada.

No. MC 73737 Sub 8, filed March 31, 1955, (Amended), SOUTHWESTERN TRANSPORTATION CO., INC., 816 Water Street, Canon City, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including household goods as defined by the Commission*, except those of unusual value, Class A and B explosives, commodities in bulk (other than petroleum products), and commodities requiring special equipment, between Canon City, Colo., and points within thirty-five miles thereof, on the one hand, and, on the other, points in Colorado.

No. MC 82331 Sub 13, filed April 20, 1955, WILLIAM F. CARTWRIGHT, doing business as SOUTH PROSPECT TRANSFER, 7209 Prospect, Kansas City, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri and Kansas, on the one hand, and, on the other, points in Georgia. Applicant is authorized to conduct operations in Oklahoma, Arkansas, Texas, Missouri, Kansas, Illinois, Iowa, Colorado, Indiana, Tennessee, Nebraska and Mississippi.

No. MC 86928 Sub 23, filed April 13, 1955, C. E. REYNOLDS, 2209 Range Line, P. O. Box 331, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 209 First National Bank Bldg., Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Phosphoric acid* and *sulphuric acid*, in bulk, in tank vehicles, from Atlas, Mo., to Perry, Iowa. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

NOTE: Applicant has pending common carrier, irregular route authority in MC 114890 and MC 114890 Sub 1—section 210 may be involved.

No. MC 86928 Sub 24, filed April 13, 1955, C. E. REYNOLDS, 2209 Range Line, P. O. Box 331, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 209 First National Bank Bldg., P. O. Box 578, Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Phosphoric acid*, in bulk, in tank vehicles, from Galena, Kans., and points in Jasper County, Mo., on the one hand, and, on the other, points in Missouri, Kansas, Oklahoma, and Arkansas. Applicant is authorized to conduct operations in Kansas, Missouri, and Oklahoma.

NOTE: Applicant has pending common carrier, irregular route authority in MC 114890 and MC 114890 Sub 1—section 210 may be involved.

No. MC 89697 Sub 15, filed April 1, 1955 (amended) KRAJACK TANK LINES, INC., 480 Westfield Ave., Roselle Park, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals* (including but not restricted to those classified in Ex Parte No. MC 45), in bulk, in tank vehicles, between points in Middlesex, Bergen, Essex, Hudson, and Union Counties, N. J., and Bound Brook and South Bound Brook, N. J., and Philadelphia, Pa., on the one hand, and, on the other, points in Chautauqua, Cattaraugus, Erie, Niagara, Genesee, Orleans, and Monroe Counties, N. Y., and those in New Hampshire.

NOTE: Applicant requests that any duplication in authority presently held with that sought herein be deleted from any grant of authority in this application. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and Rhode Island.

No. MC 92983 Sub 126, filed April 26, 1955, ELDON MILLER, INC., 330 E. Washington, P. O. Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Livingston, Lyon, and Marshall Counties, Ky., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Kentucky, Louisiana, Missouri, Oklahoma, Texas, West Virginia, Kansas, Ohio, Indiana, Arkansas, Colorado, Nebraska, North Dakota, South Dakota, Tennessee, Iowa, Wisconsin, and Minnesota.

No. MC 98243 Sub 2, Filed April 14, 1955, E. H. (ERNIE) NEFF AND MARIAN NEFF, doing business as NEFF TRUCKING, 622 North 2nd St., Sterling, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, except in connection with main or trunk pipe lines, (1) between points in Nebraska and those in that part of Colorado on and east of U. S. Highway 287, and (2) between points in Nebraska and those in Colorado on and east of U. S. Highway 287, on the one hand, and, on the other, points in Oklahoma and Texas. Applicant is authorized to conduct operations in Colorado.

No. MC 98625 Sub 1, filed February 24, 1955 (amended), W. C. SPRUILL, Box 743, Washington, N. C. Applicant's attorneys: Joseph C. Moore, Jr., and B. T. Henderson, II, Insurance Building, Raleigh, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *sugar;* and (2) *packing house products*, including *meats, meat products*, and *meat by-products, dairy products, articles distributed by meat-packing houses*, and *such commodities as are used by meat packers in the conduct of their business* when destined to and for use by meat packers, as described under Parts A, B, C, and D of Appendix I in Ex Parte No. MC–45, 61 M. C. C. 272; from Washington, N. C., to points in Martin, Beaufort, Hyde, Tyrrell, Washington, Hertford, Northampton, Edgecombe, Wilson, Greene, Wayne, Lenoir, Duplin, Jones, Onslow, Carteret, Pamlico, and Craven Counties, N. C. This application is a request for conversion of present contract carrier authority in Permit No. MC 104542 Sub 2, covering operations as described therein, to common carrier authority covering operations as described above, and request has been submitted for revocation of said present outstanding contract carrier authority if and when the applied for common carrier authority is granted. Applicant does not presently hold any common carrier authority from this Commission but does have a filing with this Commission in Docket No. MC 98625 covering operations in interstate or foreign commerce in North Carolina under section 206 (a) (1) of the Interstate Commerce Act.

No. MC 100846 Sub 3, filed April 25, 1955, BURTON NODORFT, 615 Magazine St., Platteville, Wis. Applicant's attorney: Glenn W. Stephens, 121 W. Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, in bags or bulk, from Fulton, Ill., to points in Grant, Lafayette, Iowa, and Crawford Counties, Wis.; *rejected shipments* on return. Applicant is authorized to conduct operations in Illinois and Wisconsin.

No. MC 102308 Sub 19, filed April 28, 1955, INLAND FREIGHT LINES, a Utah corporation, 1370 South Second West, Salt Lake City, Utah. Applicant's attorney: Lynn S. Richards, 716 Newhouse Bldg., Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives* and *ammunition*, but excluding commodities of unusual value, livestock, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, (1) between Fernley, Nev., and the Hawthorne Naval Ordnance Depot, Hawthorne, Nev., as follows: from Fernley over Alternate U. S. Highway 95 to Schurz, Nev., thence over U. S. Highway 95 to the Hawthorne Naval Ordnance Depot, Hawthorne (also from Fernley over U. S. Highway 95 to Schurz), and (2) between Reno, Nev., and the Sierra Army Ordnance Depot, near Herlong, Calif., as follows: from Reno over U. S. Highway 395 to junction unnumbered highway near Herlong, thence over said unnumbered highway to the Sierra Army Ordnance Depot, and return over the above routes, serving all intermediate points. Applicant is authorized to conduct operations in California and Utah.

No. MC 103019 Sub 5, filed February 11, 1955, F. A. GORMAN, 140 West Midwest Avenue, Post Office Box 1728, Casper, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, materials, supplies* and *equipment*, except complete drilling rigs, used in, or in connection with, the construction, development, operation and maintenance of facilities for the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, supplies* and *equipment*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of gathering or pipe lines, but not including the stringing and picking up of pipe in connection with main or trunk pipe lines, between points in Wyoming, South Dakota, Montana, Utah, and Colorado. Applicant is authorized to conduct operations in Colorado, Montana, South Dakota, Utah, and Wyoming.

No. MC 103880 Sub 143, filed April 25, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, (1) from East St. Louis, Ill., and Danville, Ill., to St. Louis, Mo. and points in Indiana, Ohio, Michigan, Kentucky, and Wisconsin; (2) from East St. Louis, Ill. to points in Missouri. Applicant is authorized to conduct operations in Michigan, Ohio, Illinois, Indiana, Wisconsin, Kentucky, New York, Pennsylvania, and West Virginia.

No. MC 105302 Sub 11, filed April 22, 1955, CLESS G. DAVIS, doing business as QUEEN CITY TRANSPORTS, 179 St. Paul Street, Burlington, Vt. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and "K" Streets, N. W., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between points in Vermont. Applicant is authorized to conduct operations in Maine, New York, and Vermont.

No. MC 106289 Sub 8, filed April 22, 1955. SKAGIT RIVER MOTOR LINES, INC., 441 Holgate St., Seattle, Wash. For authority to operate as a *common carrier*, over a regular route, transporting: *Commodities*, the transportation of which because of size or weight, require the use of special equipment, between Rockport, Wash., and Diablo Dam, Wash., from Rockport over Washington highway 17A to Marblemount, Wash., thence over Washington highway 17 to Newhalem, Wash., and thence over unnumbered highway to Diablo Dam, Wash., and return over the same route, serving the intermediate points of Marblemount, Faber Ferry, Newhalem, and Gorge Dam, Wash.

No. MC 106289 Sub 9, filed April 22, 1955. SKAGIT RIVER MOTOR LINES, INC., 441 Holgate St., Seattle, Wash. For authority to operate as a *common carrier*, over regular route, transporting: *Household goods*, as defined by the Commission, between Seattle, Wash., and Diablo Dam, Wash., from Seattle over U. S. Highway 99 to Burlington, Wash., thence over unnumbered highway to

Sedro Woolley, Wash., thence over Washington Highway 17A to Marblemont, Wash., and thence over Washington Highway 17 to Newhalem, Wash., thence over unnumbered highway to Diablo Dam., Wash., and return over the same route, serving the intermediate points of Rockport, Marblemount, Faber Ferry, Newhalem, and Gorge Dam, Wash.

No. MC 106524 Sub 4, filed March 3, 1955 (Amended), published March 23, 1955, page 1753, EASTERN CONTRACTORS, INC., 4800 Pulaski Highway, Baltimore, Md. Applicant's attorney: William J. Little, Fidelity Bldg., Baltimore 1, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crushed stone* and *stone dust*, in dump trucks and dump trailers, from Quarryville, Pa., and points within five (5) miles thereof, and from points within five (5) miles of junction U. S. Highway 222 and the Maryland-Pennsylvania State line, to points in Baltimore, Harford, Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset and Worcester Counties, Md.

No. MC 107107 Sub 66, filed February 28, 1955 (Amended), published March 23, 1955, page 1753, ALTERMAN TRANSPORT LINES, INC., 1091 N. W. 22nd St., Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat byproducts; dairy products; frozen foods; fresh fruits and processed fruits, vegetables, fish, seafood, and nuts; condiments; spices; bakery supplies, bakery materials, and bakery products; candy; confectionery; salad dressing; cocoa; coffee; pie filler; mince meat; cereals; olives; flavoring compounds, including syrups, and extracts; edible oils and cooking oils; macaroni; spaghetti;* and *rice*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, between Atlanta and Savannah, Ga., on the one hand, and, on the other, points in Florida. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, and the District of Columbia.

No. MC 107272 Sub 11, filed April 13, 1955, MONKEM COMPANY, INC., 601 N. High St., Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Bldg., Joplin, Mo. For authority to operate as a *contract* carrier, over irregular routes, transporting: *Flour*, in bags, barrels and other containers, and in bulk, between the plant of Flour Mills of America, Inc. at or near Alva, Okla., on the one hand, and, on the other, points in Montgomery, La Bette, and Crawford Counties, Kans.; Jasper, Shannon, Douglas, Phelps, Greene, Howell, Laclede, and Wright Counties, Mo.; and Washington, Sebastian, Benton, and Boone Counties, Ark.; *rejected* shipments of the above commodity on return.

No. MC 107295 Sub 44, filed April 13, 1955, (Amended) published page 3008 issue of May 4, 1955, PRE-FAB TRANSIT CO., Farmer City, Ill. Applicant's attorney: Mach Stephenson, First National Bank Bldg., Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Storage tanks*, from Galesburg, Ill. and Beardstown, Ill. to points in Indiana, Michigan, Ohio, Kentucky, Wisconsin, Missouri, Kansas, Iowa, Minnesota, North Dakota, South Dakota, and Nebraska.

No. MC 107295 Sub 45, filed April 27, 1955, PRE-FAB TRANSIT CO., Farmer City, Ill. Applicant's attorney: Mack Stephenson, First National Bank Building, Springfield, Ill. For authority to operate as a common carrier, over irregular routes, transporting: *Pipe, bridge flooring* and *guard rail*, from Wooster, Ohio, to points to Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 107403 Sub 201, filed April 22, 1955 E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Anhydrous ammonia, methylol urea, formaldehyde, methanol,* and *antifreeze preparations*, from South Point, Ohio, to points in Illinois, Michigan, Missouri, and Wisconsin, and (2) *anti-freeze preparations*, from South Point, Ohio, to points in Indiana, Kentucky, and Tennessee, and *contaminated shipments* of the above commodities on return. Applicant is authorized to conduct operations in Delaware, Georgia, Indiana, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

No. MC 107475 Sub 31, filed April 28, 1955, DANCE FREIGHT LINES, INC., 728 National Ave., Lexington, Ky. Applicant's attorney: William Kiel, Kentucky Home Life Bldg., Louisville 2, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cincinnati, Ohio, and Lexington, Ky., over U. S. Highway 27 as an alternate or connecting route for operating convenience only; serving no intermediate points, in connection with carrier's authorized regular route between Cincinnati, Ohio, and Columbus, Ga., over U. S. Highway 25. Applicant is authorized to conduct operations in Georgia, Illinois, Indiana, Kentucky, North Carolina, Ohio, South Carolina, and Tennessee.

No. MC 108207 Sub 38, filed April 27, 1955 (amended), FROZEN FOOD EXPRESS, a corporation, P. O. Box 5382, 318 Cadiz St., Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *meats, meat products,* and *meat byproducts, dairy products,* and *articles distributed by meat packing houses*, as described under Parts A, B, and C of Appendix I in Ex Parte No. MC-45, 61 M. C. C. 272, *bakery goods*, and *frozen foods*, between points in Texas, on the one hand, and, on the other, points in California, Arizona, and New Mexico, and (2) *nuts*, shelled, from points in Texas, to points in California, Arizona, and New Mexico. Applicant is authorized to conduct operations in Arkansas, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

No. MC 108298 Sub 16, filed April 11, 1955. ELLIS TRUCKING CO., INC., 430 Kentucky Ave., Indianapolis, Ind. Applicant's attorney: Harry E. Yockey, 108 East Washington St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between the junction of U. S. Highways 24 and 25, and Dayton, Ohio, from the junction of U. S. Highway 24 and U. S. Highway 25 (near Toledo, Ohio) over U. S. Highway 25 to Dayton, and return over the same route, serving no intermediate points, serving the junction of U. S. Highway 24 and U. S. Highway 25 for joinder purposes only. Applicant is authorized to conduct operations in Indiana, Michigan, and Ohio.

No. MC 109397 Sub 13, filed April 7, 1955, TRISTATE WAREHOUSING AND DISTRIBUTING CO., 315 East 7th Street, Post Office Box 113, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, Joplin, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Blasting materials, supplies* and *agents*, such as electrical blasting instruments, blasting tools, insulated copper wire, fuse lighter, electric squibs, safety blasting plugs, nitro-carbo-nitrate, cordeau detonant fuse, igniter cord, and empty boxes (re-packing), between points in Missouri, Kansas, Nebraska, Oklahoma, Arkansas, Texas, New Mexico, East St. Louis, Alton, East Alton, Belleville and Collinsville, Ill.

No. MC 109734 Sub 73, filed May 2, 1955, SYSTEM TANK LINES, INC., 299 Adeline Street, Oakland, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, between points in Kootenai, Shoshone, Bonner and Boundary Counties, Idaho, on the one hand, and, on the other, points in Montana on and west of U. S. Highway 91, and (2) between points is that portion of Washington on and east of U. S. Highway 97, and on and south of U. S. Highway 2, on the one hand, and, on the other, points in Oregon on and east of U. S. Highway 97 and in that portion of Idaho on and north of the southern boundary of Idaho County, Idaho. Applicant is authorized to conduct operations in California, Idaho, Montana, Oregon, and Washington.

No. MC 110098 Sub 13, filed April 27, 1955, ZERO REFRIGERATED LINES, a corporation, P. O. Box 4064 Sta. "A", Room 201 Administrative Building, 1500 So. Zarzamara St., San Antonio 7, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *oleomargarine*, and *cheese*, from points in Texas, and Oklahoma, to points in Oregon, and Washington, and (2) *frozen foods*, from points in Idaho, and Utah, to points in Texas, and Oklahoma. Applicant is authorized to conduct operations in California, Louisiana, Oregon, Texas, and Washington.

No. MC 110098 Sub 14, filed April 27, 1955, ZERO REFRIGERATED LINES, a corporation, P. O. Box 4064 Sta. "A", Room 201 Administrative Building, 1500 So. Zarzamara St., San Antonio 7, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) (a) *meats, meat products,* and *meat by-products, dairy products,* and *articles distributed by meat-packing houses*, as described under Parts A, B, and C of Appendix I in Ex Parte No. MC-45, 61 M. C. C. 272, and (b) *bakery goods*, between points in Texas, on the one hand, and, on the other, points in California, Washington, Oregon, Arizona, and New Mexico, (2) *nuts*, shelled, from points in Texas, to points in California, Washington, Oregon, Arizona, and New Mexico, and (3) *frozen foods*, between points in Texas, on the one hand, and, on the other, points in New Mexico, Arizona, and California. Applicant is authorized to conduct operations in California, Iowa, Louisiana, Minnesota, Oregon, Texas, Washington, and Wisconsin.

No. MC 111002 Sub 11, filed April 25, 1955, CLARA MILES SCHREYER, FRANCES H. MILES AND THOMAS M. MILES, doing business as T. M. MILES OIL COMPANY, 306 Railroad Avenue, Milton, Pa. Applicant's attorney: Preston B. Davis, Milton, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Potassium silicate*, in bulk in a semi-tank trailer or trailers, specially built and owned by Sylvania Electric Products, Inc., from Towanda, Pa., to Kalamazoo, Mich., and *empty shipper-owned tank vehicles*, from Kalamazoo, Mich., to Towanda, Pa. Applicant is authorized to conduct operations in Indiana, Massachusetts, New Jersey, New York, Ohio, and Pennsylvania.

No. MC 111183 Sub 1, filed April 27, 1955, J. OTTO ECK, WALTER A. ECK, AND JAMES W. ECK, a partnership, doing business as ECK BROTHERS, 820 Broad Street, Montoursville, Pa. Applicant's attorney: Christian V. Graf, 11 North Front St., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such commodities* as by reason of their size or weight require the use of special equipment, between those points in Pennsylvania bounded on the north by the New York-Pennsylvania State line, thence by highways beginning at junction said State line with U. S. Highway 11 over U. S. Highway 11 to junction U. S. Highway 522, thence over U. S. Highway 522 to junction with U. S. Highway 322, thence over U. S. Highway 322 to junction U. S. Highway 219, and thence over U. S. Highway 219 to the Pennsylvania-New York State line, including points on the indicated highways, on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, North Carolina, South Carolina, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Georgia, Florida, Michigan, Minnesota, and Wisconsin. Applicant is authorized to conduct operations in Pennsylvania, New York, New Jersey, Maryland, Virginia, Ohio, Delaware, West Virginia, and the District of Columbia.

No. MC 111320 Sub 20, filed April 25, 1955, CURTIS KEAL TRANSPORT COMPANY, INC., E. 54th St. & Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Earth moving and road building equipment and parts thereof*, in driveaway and truck-away method, between Ravenna, Ohio, and points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. Applicant is authorized to conduct operations in all states in the United States and the District of Columbia.

No. MC 111335 Sub 1, filed April 25, 1955, MacGREGOR TRIANGLE COMPANY, a corporation, 3507 Crescent Rim Drive, Boise, Idaho. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *commodities of unusual value, household goods* as defined by the Commission, *commodities in bulk*, and *those requiring special equipment*, but excluding class A and B explosives, between McCall, Idaho and Roosevelt and Big Creek, Idaho, (1) from McCall, west over an unnumbered highway via Yellow Pine and Stibnite, to Roosevelt, and return over the same route, and (2) from McCall over the above specified route to Yellow Pine, and thence north over an unnumbered highway to Big Creek, and return over the same route, serving all intermediate points on the above-described routes. Applicant is authorized to conduct operations in Idaho.

No. MC 111623 Sub 3, filed February 24, 1955 (Amended), Published on page 1597, issue of March 16, 1955, SCHWERMAN TRUCKING CO., OF OHIO, a corporation, 620 South 29th Street, Milwaukee, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a contract carrier, over irregular routes, transporting: *Cement* and *mortar*, from Superior, Ohio, to points in Kentucky located in counties lying east of Jefferson, Spencer, Nelson, Marion, Taylor, Adair, Russell, Wayne and McCreary Counties, and points in West Virginia except those located in Preston, Tucker, Pendleton, Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley and Jefferson Counties. Applicant is authorized to conduct operations in Ohio, Indiana and Kentucky.

No. MC 112871 Sub 1, filed April 25, 1955, DAN J. MORROW, doing business as MORROW TRANSFER CO., 531 W. Water St., Piqua, Ohio. Applicant's attorney: Noel F. George, 44 E. Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Oil mill tanks* and *oil mill machinery*, between Piqua, Ohio, on the one hand, and, on the other, points in Indiana. Applicant is authorized to conduct operations, over irregular routes, in the transportation of soya bean oil mill tanks and soya bean oil mill machinery, between Piqua, Ohio, on the one hand, and, on the other, points in Indiana; and rough metal castings between Piqua, Ohio and Muncie, Ind. Applicant states that this machinery is also used to process all vegetable oils and is used principally to process cotton seed, soya beans, peanuts, flax seed, cocoanuts, sesame seeds, etc. and that the commodity sought to be transported in this application is the same as that now being transported under the present permit with only the machinery description being changed.

No. MC 112914 Sub 10, filed April 28, 1955, HOLLOWAY TRANSFER COMPANY, INCORPORATED, 317 North 6th Street, East Gadsden, Ala. Applicant's attorney: D. H. Markstein, Jr., 620 Massey Building, Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, not in bulk, from Kansas City, Mo., and Kansas City, Kans., to points in Alabama, Mississippi, Tennessee, Georgia, Florida, and those in that part of Louisiana east of the Mississippi River, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement. Applicant is authorized to conduct operations in Alabama and Georgia.

No. MC 112962 Sub 5, filed April 1, 1955, and amended April 25, 1955, CRUPPER TRANSPORT CO., INC., 2908 North Plum St., Hutchinson, Kans. Applicant's attorney: Louise Mattox, 444 North Market St., P. O. Box 306, Wichita, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in packages and containers, from Wood River, Ill., to points in Kansas.

No. MC 113094 Sub 4, Filed April 26, 1955, R. A. GOULD, INC., 622 "I" St., P. O. Box 2001, Salt Lake City, Utah.

Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ores* and *ore concentrates*, in bulk, between points in Dolores County, Colo., on the one hand, and, on the other, Ridgway, Montrose and Durango, Colo., Gallup, N. Mex., and Thompson and Salt Lake City, Utah; *machinery, supplies and equipment incidental to or used in the construction, development and operation of facilities for the discovery, milling and mining of ores and minerals*, but not including dangerous explosives or petroleum products in bulk, between Gallup, N. Mex., Ridgway, Montrose and Durango, Colo., on the one hand, and, on the other, points in Dolores County, Colo.; and *acids*, in bulk, between points in Dolores County, Colo., on the one hand, and, on the other, points in New Mexico, Utah, Wyoming, Arizona and Colorado. Applicant is authorized to conduct operations in Colorado and Utah.

No. MC 113158 Sub 1, HARRY HARRINGTON TODD, doing business as TODD TRANSPORT CO., Secretary, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Worcester and Somerset Counties, Md., those in Kent and Sussex Counties, Del., and those in Accomac and Northampton Counties, Va. to points in New York on and north of New York Highway 7, and those in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U. S. Highway 15 to Lemoyne, Pa., thence along U. S. Highway 111 to the Pennsylvania-Maryland State line, and points in Connecticut, Rhode Island and Massachusetts. Applicant is authorized to conduct operations in Delaware, Virginia, Maryland, New Jersey, New York, Pennsylvania and the District of Columbia.

No. MC 113584 Sub 10, filed April 27, 1955, SHIPPERS SERVICE, INC., 251 18th Street, S. E., Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Poultry drugs and remedies*, and *livestock drugs and remedies* from Charles City, Iowa, to Wilmington, Del. Applicant is authorized to conduct operations in California, Georgia, Iowa, Missouri, Ohio, and Texas.

No. MC 113945 Sub 3, filed April 25, 1955. G. S. ADKINS, 822 Durham St., Burlington, N. C. Applicant's attorney: Vaughan S. Winborne, Security Bank Building, Raleigh, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Metal tanks*, all sizes, requiring special equipment, from Greensboro, N. C., to points in Virginia on and south of U. S. Highway 460, and (2) *Poles, crossarms* and *other wood products*, treated and untreated, used in the construction of electric and telephone lines, from Charleston, S. C., to points in North Carolina on and west of U. S. Highway 1.

No. MC 114123 Sub 6, filed April 26, 1955, HERMAN R. EWELL, East Earl (Lancaster County), Pa. Applicant's attorney: Andrew Wilson Green, 603 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Ohio. Applicant is authorized to conduct operations in New York and West Virginia.

No. MC 114668 Sub 1, filed April 27, 1955, DONALD W. WINLAND, doing business as DON WINLAND TRUCKING, Georgetown, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer* and *fertilizer products*, in bulk, in bags and containers, (1) between Danville, Ill., and points within five (5) miles thereof, on the one hand, and, on the other, points in Indiana, except those in Benton, Boone, Carroll, Cass, Clay, Clinton, Fountain, Fulton, Greene, Hamilton, Hendricks, Howard, Jasper, Lake, Miami, Morgan, Montgomery, Newton, Owen, Parke, Porter, Pulaski, Putnam, Starke, Sullivan, Tippecanoe, Tipton, Vermillion, Vigo, Warren, and White Counties, Ind., (2) between Danville, Ill., and points within five (5) miles thereof, on the one hand, and, on the other, points in Allegan, Berrien, Branch, Cass, Kalamazoo, and St. Joseph Counties, Mich. (3) between Indianapolis, Ind., on the one hand, and, on the other, points in Champaign, Edgar, and Vermillion Counties, Ill. (4) from Louisville, Ky., to points in Edgar, Champaign, and Vermillion Counties, Ill., and those in Indiana, and (5) from New Albany, Ind., to points in Champaign, Edgar, and Vermillion Counties, Ill. Applicant is authorized to conduct operations in Illinois, Indiana and Kentucky.

No. MC 114781 Sub 2, filed April 26, 1955, HYMAN D. ABRAMSON AND DONALD W. ABRAMSON, doing business as H. D. ABRAMSON AND SON, 131 Hess Boulevard, Lancaster, Pa. Applicants' representative: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Noninflammable petroleum products*, in containers, from Karns City, Butler County, Pa., to Baltimore, Md. Applicant is authorized to conduct operations in Pennsylvania.

No. MC 115239, filed March 15, 1955, A & R TRANSPORTATION COMPANY, a corporation, 1365 South 3rd West, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt and salt products*, from points in Salt Lake and Tooele Counties, Utah, to points in Nez Perce, Lewis and Clearwater Counties, Idaho, and all points in Idaho north thereof, points in Mineral, Sanders and Lincoln Counties, Mont., points in Washington on and east of U. S. Highway 97, and those in Oregon on and east of a line beginning at New Pine Creek, Oreg., and extending along U. S. Highway 395 to Pendleton, Oreg., thence along U. S. Highway 30 to Stanfield, Oreg., and thence along unnumbered Oregon highway to Umatilla, Oreg., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115252, filed March 17, 1955 (Amended), FRED L. WYATT, 837 W. Hanover Street, Marshall, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise* as is used or is useful in the manufacture and sale of mobile homes, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, between Marshall, Mich., on the one hand, and, on the other, Texarkana, Tex.-Ark., and Burbank, Calif.

No. MC 115275, filed March 29, 1955, and amended May 3, 1955, JAY CEE TRANSPORT CO., a corporation, 44 Cooper St., Woodbury, N. J. Applicant's attorney: Wadsworth Cresse, Jr., 44 Cooper St., Woodbury, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Sand and gravel*, in bulk, from points in Burlington, Camden, Gloucester, Salem, and Cumberland Counties, N. J., to points in Philadelphia, Chester, Delaware, Montgomery and Bucks Counties, Pa., New Castle County, Del., and Harford County, Md. (2) *Stone*, in bulk, from points in Philadelphia, Chester, Delaware, Montgomery and Bucks Counties, Pa., New Castle County, Del., and Harford County, Md., to points in Burlington, Camden, Gloucester, Salem, and Cumberland Counties, N. J.

No. MC 115293, filed April 7, 1955, and amended April 25, 1955. EDWIN REDLINGER, doing business as REDLINGER TRUCKING CO., Winner, South Dakota. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock and poultry feeds*, and *dry commercial fertilizer*, from Omaha, Elkhorn, and South Sioux City, Nebr., and Sioux City, Iowa, to points in Tripp County, S. Dak.

No. MC 115301, filed April 11, 1955, CLYDE BAIRD, doing business as ENUMCLAW TRANSFER & STORAGE CO., 1217 Griffin Avenue, Enumclaw, Wash. Applicant's attorney: Wallace Aiken, 977 Dexter Horton Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, and *used crated household goods*, between Enumclaw, Osceola, Boise, Black Diamond, Veazie, Buckley, Wilkeson and South Prairie, Wash., and points on U. S. Highway 410 between Enumclaw and Silver Springs, Wash., including Silver Springs, on the one hand, and, on the other, points in Idaho, Oregon, those in King and Pierce Counties, Wash., and all Ports of Entry in Washington on the United States-Canada International Boundary line.

No. MC 115313 Sub 1, filed April 26, 1955, CHARLES G. MACK, doing business as MACK'S PENN YAN MARINA, 100 E. Lake Road, Penn Yan, N. Y. Applicant's attorney: Norman M. Pinsky, 407 S. Warren St., Weiler Bldg., Syracuse 2, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Runabout boats* and *marine accessories*, from Penn Yan, N. Y., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, restricted to the season between December 1 and August 30.

No. MC 115319, filed April 20, 1955, D. C. TISDALE, doing business as TISDALE TRANSFER & STORAGE COMPANY, 246 W. Main St., Jackson, Tenn. Applicant's attorney: Roy Hall, 109 Main Street, Jackson, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Stone* and *marble*, from the stone quarries located in Pickens County, Ga., in the vicinity of Tate and Nelson, Ga., and the stone quarries located in Elbert County, Ga., in the vicinity of Elberton, Ga., to points in that part of Alabama and Tennessee bounded by a line beginning at the Alabama-Tennessee State line and extending along U. S. Highway 31 to Nashville, Tenn., thence along U. S. Highway 41 to the Kentucky-Tennessee State line, thence along the Kentucky-Tennessee State line to the Missouri-Tennessee State line and the Arkansas-Tennessee State line to Memphis, Tenn., thence along the Tennessee-Mississippi State line to the Mississippi-Alabama State line, thence along the Mississippi-Alabama State line to junction U. S. Highway 82, thence along U. S. Highway 82 to Tuscaloosa, Ala., thence along U. S. Highway 11 to Birmingham, Ala., thence along U. S. Highway 78 to the Alabama-Georgia State line, thence along the Alabama-Georgia State line to the Alabama-Tennessee State line, thence along the Alabama-Tennessee State line to point of beginning, including points on the indicated portions of the highways indicated.

No. MC 115322, filed April 22, 1955, J. M. BLYTHE, 1303 French Avenue, Sanford, Fla. Applicant's attorney: William C. Hutchison, Jr., Sanford, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh irridated citrus juices*, in cardboard containers, *farm seeds, edible seeds*, and *bird foods*, between points in Florida, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, and the District of Columbia.

No. MC 115323, filed April 22, 1955, KINDRED EDGAR, Sargeant, Minn. Applicant's representative: A. R. Fowler, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a common carrier, over irregular routes, transporting: *animal feed and poultry feed*, from New Richmond, Wis. to points in Minnesota in the Townships of Claremont, Wasioja, Mantorville, Ripley, Ashland, Canisteo, Westfield, Hayfield and Vernon, Dodge County; Kalmar, Salem, and Rockdell, Olmsted County; and Udolpho, Waltham, Sargeant, Pleasant Valley, Lansing, Red Rock, Dexter, and Grand Meadow, Mower County.

No. MC 115327, filed April 25, 1955, E. W. FRAZIER & J. H. FRAZIER, doing business as FRAZIER BROTHERS, McCool, Miss. Applicant's attorney: John C. Love, Kosciusko, Miss. For authority to operate as a *contract carrier*, over a regular route, transporting: *Feed*, from Memphis, Tenn., to Jackson, Miss., over U. S. Highway 51, and return over the same route.

No. MC 115328, filed April 25, 1955, H. A. MAHAN, Pearcy, Ark. Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Bldg., Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Garland, Hot Springs, Pike and Montgomery Counties, Ark., to points in that part of Missouri on and south of U. S. Highway 40, points in that part of Oklahoma on and east of U. S. Highway 81, and points in that part of Texas on and east of U. S. Highway 283 to Brady, Tex., and on and east of U. S. Highway 87 to San Antonio, Tex., and on and east of U. S. Highway 181 to Corpus Christi, Tex.

No. MC 115329, filed April 25, 1955, ROBERT M. McCOLGAN, doing business as R. W. McCALL TRANSPORTATION CO., 69 Garfield Ave., Norwood, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* (dressed), from South Portland, Maine, to points in Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.

No. MC 115330, filed April 25, 1955, WALTER REGLIN, Alma, Wis. Applicant's representative: A. R. Fowler, Agent, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul (14), Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed, agricultural implements, petroleum products*, in containers, *refrigerators, stoves*, and *electrical appliances*, from points in the Minneapolis-St. Paul, Minn, Commercial Zone, as defined by the Commission to Alma, Cochrane and Fountain City, Wis.

No. MC 115331, filed April 25, 1955, TRUCK TRANSPORT, INC., Highway 61, Crystal City, Mo. Applicant's attorney: H. B. La Tourette, Jr., Suite 1230 Boatmen's Bank Bldg., St. Louis 2, Mo. For authority to operates as a *common carrier*, over irregular routes, transporting: *Acids, chemicals*, and *fertilizers*, in bulk, in tank vehicles, from Selma, Mo. and points within five miles thereof to points in the states of Illinois, Kentucky, Tennessee, Iowa, Oklahoma, Kansas and Arkansas.

No. MC 115334, filed April 26, 1955. ROBERT J. LITTMANN, 131 Clearmeadow Drive, East Meadow, N. Y. Applicant's representative: Paul Somers, 40 Exchange Place, New York 5, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Materials and ingredients to be used in the manufacture of petfood, petfood* and *cans*, between New York, N. Y., and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Maryland.

No. MC 115335, filed April 28, 1955, BORTON LEASING, INC., R. R. #7, Lafayette, Ind. Applicant's attorney: Ferdinana Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over regular routes, transporting: *Building materials, electrical appliances, equipment, and parts, kitchen equipment*, as described in Ex Parte No. MC 45, and *air conditioners, dryers, washers*, and *humidifiers*, (1) between Lafayette, Ind., and Horseheads, N. Y., as follows: From Lafayette over Indiana Highway 25 to Logansport, Ind., thence over U. S. Highway 24 to junction U. S. Highway 224, thence over U. S. Highway 224 to Van Wert, Ohio, thence over U. S. Highway 30 to junction U. S. Highway 30N, thence over U. S. Highway 30N to junction Ohio Highway 4, thence over Ohio Highway 4 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction U. S. Highway 15, thence over U. S. Highway 15 to Corning, N. Y., thence over New York Highway 17 to Horseheads and (2) between Lafayette, Ind., and Tyler, Ind., as follows: from Lafayette over Indiana Highway 43 to junction U. S. Highway 40, thence over U. S. Highway 40 to St. Louis, Mo., thence over U. S. Highway 67 to Texarkana, Ark., thence over U. S. Highway 59 to junction U. S. Highway 80, thence over U. S. Highway 80 to junction U. S. Highway 271 thence over U. S. Highway 271 to Tyler, and return over the above routes, serving no intermediate points.

No. MC 115336, filed April 28, 1955, RICHARD ABBEY, Sinclairville, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Bldg., Jamestown, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from Hartland, N. Y., and Ellington, N. Y., to Alliance, Ohio, and Union City, Pa.

No. MC 115340, filed April 29, 1955, MARVIN C. BAUER, doing business as M. C. Bauer, Route 1, Faribault, Minn. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, from New Richmond, Wis., to points in Wells, Cannon City, Warsaw and Walcott Townships, Minn., and Faribault, Minn.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 3647 Sub 184, filed April 14, 1955, PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 80 Park Place, Newark, N. J. Applicant's attorney: Winslow B. Ingham, Law Department, Public Service Coordinated Transport, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, Between New Jersey points as follows: (1) From junction U. S. Highway 46 (formerly New Jersey Highway 6) and access roads leading to and from McBride Avenue and Paterson Avenue, Little Falls, N. J., over access roads to junction

McBride Avenue, thence over McBride Avenue to Hillery Street, West Paterson, N. J., thence over Hillery Street to junction Totowa Road, Totowa, N. J., thence over Totowa Road to junction St. James Place, thence over St. James Place to junction Union Boulevard. Return from junction St. James Place and Union Boulevard, Totowa, N. J., over Union Boulevard to junction Totowa Road, Totowa, N. J., and thence over the same route to points of origin, serving all intermediate points; (2) from junction U. S. Highway 46 (formerly New Jersey Highway 6) and access roads leading to and from Browertown Road, Little Falls, N. J., over access roads and Browertown Road to junction McBride Avenue, West Paterson, N. J., and return over the same route, serving all intermediate points.

No. MC 115177 Sub 2, filed March 31, 1955, HOBERT HULL AND ALICE HULL, doing business as HULL'S BUS LINE, 98 Market Street, Aberdeen, Ohio. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Aberdeen, Ohio, and Maysville, Ky., over U. S. Highway 68, serving no intermediate points.

No. MC 115277, filed April 25, 1955, THE BALTIMORE TRANSIT COMPANY, 1515 Washington Blvd., Baltimore 30, Md. Applicant's attorney: James J. Doherty, 733 Title Building, Baltimore 2, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip charter service, restricted to the season extending from September 1 to January 31, between Annapolis, Md., on the one hand, and, on the other, points in the states of Maryland, Pennsylvania, Virginia, New York, and the District of Columbia.

No. MC 115337, filed April 28, 1955, JOHN J. ANTONIO, Nelson, Pa. Applicant's attorney: James W. Hagar, Commerce Building (P. O. Box 432) Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, restricted to traffic originated in the territory indicated in charter operations, from Knoxville, Elkland, Lawrenceville, Westfield, and points in the Townships of Lawrence, Elkland, Osceola, Nelson, Deerfield, Brookfield, Westfield, and Farmington, Tioga County, Pa., to points in New York, New Jersey, Maryland, District of Columbia, West Virginia and Ohio, and return. *Passengers and their baggage*, in the same vehicle with passengers, in special operations, on round-trip, sightseeing, or pleasure tours, beginning and ending at Knoxville, Elkland, Lawrenceville, Westfield, and the Townships of Lawrence, Elkland, Osceola, Deerfield, Brookfield, Westfield, and Farmington, Tioga County, Pa., and points in New York, New Jersey, Maryland, District of Columbia, West Virginia and Ohio.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12625, filed March 14, 1955 (amended), WILLIAM J. LAUGHLIN, and A. H. THOMPSON, JR., doing business as LAUGHLIN TOURS, 530 West 6th St., Los Angeles 14, Calif. For a license (BMC 5) authorizing operations as a *broker* at Los Angeles, Calif., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in the same vehicle, in special round trip all expense tours, beginning and ending at points in California, and extending to points in the United States including the District of Columbia.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F–5810, published in the October 27, 1954 issue of the FEDERAL REGISTER, page 6895. Amendment filed May 2, 1955, for substitution of HYMAN TRANSPORTATION COMPANY (EUGENE PIKOVSKY, controlling stockholder) in lieu of RAYMOND MOTOR TRANSPORTATION, INC. (GORDON F. RAYMOND, controlling stockholder) in No. MC–F–5810, which, has been assigned for hearing along with No. MC–F–5941, at Minneapolis, Minn., on June 10, 1955. Hyman Transportation Company is authorized to operate as a *common carrier* in South Dakota and Minnesota; and as a *contract carrier* in Minnesota, Iowa and South Dakota. Under section 210 of the Interstate Commerce Act, dual operation as a motor carrier of property over the same route or within the same territory by a person or any person controlling, controlled by, or under common control with such person, is permitted only if the Commission shall find that both a certificate and a permit may be so held consistently with the public interest and with the National Transportation Policy declared in the act. To the extent that the evidence establishes any such situation, issues arising under section 210 are involved in this proceeding.

No. MC–F–5968. Authority sought for merger into THE MUSKINGUM VALLEY TRANSIT COMPANY, 714 East Broad St., Columbus, Ohio, of the operating rights and property of CAPITOL STAGES, INC., 714 East Broad St., Columburs, Ohio, and THE ZANESVILLE and MARIETTA TRANSPORTATION COMPANY, 714 East Broad St., Columbus, Ohio, and for acquisition by H. W. ARNOLD, and OHIO RAPID TRANSIT, INC., Columbus, Ohio, of control of the operating rights and property through the transaction. Person to whom correspondence is to be addressed: H. W. Arnold, 714 East Broad St., Columbus, Ohio. Operating rights sought to be merged: *Passengers*, as a *common carrier*, over regular routes, between Columbus, Ohio, and Coshocton, Ohio, (Capitol Stages, Inc.), between Zanesville, Ohio, and Woodsfield, Ohio, serving all intermediate points; and (The Zanesville and Marietta Transportation Company), between Zanesville, Ohio, and Marietta, Ohio, serving all intermediate points. The Muskingum Valley Transit Company is authorized to operate in Ohio. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5969. Authority sought for purchase by FRED M. MENEELY, Rural Route #4, Brazil, Ind., of a portion of the operating rights of W. L. THORNBURY, 854 W. Jefferson Ave., Grand Ledge, Mich. Applicants' attorney: W. L. Jordan, 201 Merchants Savings Bldg., Terre Haute, Ind. Operating rights sought to be transferred: *Clay products* and *sewer pipe joint compound*, as a *common carrier*, over irregular routes, from Brazil, Ind., and points within two miles thereof, to points in Wisconsin, those in Ohio east of U. S. Highway 23, and those in Michigan north of U. S. Highway 12, except points on the indicated highways. Vendee is authorized to operate in Indiana, Ohio, Illinois, Tennessee, Missouri, Michigan, Wisconsin, and Kentucky. Application has been filed for temporary authority under section 210a (b).

No. MC–F–5970. Authority sought for purchase by BAGGETT TRANSPORTATION COMPANY, 2 South 32nd St., Birmingham, Ala., of the operating rights and certain property of M. B. McLENDON, doing business as McLENDON MOTOR FREIGHT SERVICE, Union Springs, Ala., and for acquisition by W. D. SELLERS, JR., Birmingham, Ala., of control of said operating rights through the purchase. Applicant's attorney: Harold G. Hernly, 1624 Eye St., N. W. Washington 6, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Montgomery, Ala., and Eufaula, Ala, between Columbus, Ga., and Troy, Ala., and between Troy, Ala., and Clayton, Ala., serving all intermediate points. Vendee is authorized to operate as a common carrier, in Alabama, New York, Pennsylvania, New Jersey, Texas, and Florida, and as a *contract carrier*, in Iowa, Alabama, Indiana, Florida, Louisiana, Missouri, Texas, Illinois, Kentucky, New Jersey, Virginia, West Virginia, New York, Pennsylvania, Tennessee, Oklahoma, Mississippi, Arkansas, Georgia, Delaware, Kansas, North Carolina, Maryland, South Carolina, Michigan, Minnesota, North Dakota, Ohio, South Dakota, Wisconsin, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Nebraska, Colorado, Utah, Wyoming, New Mexico, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5971. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, P. O. Box 1216, Richmond, Va., of the operating rights and property of LEWIS & HOLMES MOTOR FREIGHT CORPORATION, 2100 North Main St., High Point, N. C., and for acquisition by J. H. COCHRANE, Richmond, Va., of control of the operating rights and property through the purchase. Applicants' attorney: Reuben G. Crimm, 805 Peachtree Street Bldg., Atlanta 5, Ga. Operating rights sought to be transferred: General commodities, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between High Point, N. C., and Atlanta, Ga., and between High Point, N. C., and Burlington and Winston-Salem, N. C., serving all intermediate points; *general commodities*, with exceptions as specified above, over irregular routes, between points on the regular routes between High Point, N. C., and Atlanta, Ga., on the one hand, and, on the other, points in South Carolina, those in North Carolina on and west of U. S. Highway 301, and those in Georgia on and north of U. S. Highway 80. Vendee is authorized to operate in Virginia, North Carolina, South Carolina, Tennessee and Georgia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5973. Authority sought for control by W. F. CAREY and BERT B. BEVERIDGE, 3401 N. Dort Highway, Flint, Mich., of the operating rights and property of SPECIAL DELIVERY, INC., 3401 N. Dort Highway, Flint, Mich. Applicants' attorney: James W. Wrape, Sterick Bldg., Memphis, Tenn. Operating rights sought to be controlled: *Uncrated new kitchen, laundry, heating, cooling, air conditioning and refrigerating equipment, as a contract carrier* over irregular routes, from Dayton, Ohio and Moraine, Ohio, to all points in the United States except the States of Washington, Oregon, California, Idaho, Utah, Nevada, and Arizona. Applicants hold no authority from the Commission, however, they control Automobile Carriers, Inc., which company controls C & J Commercial Driveway Co., Inc., and Dealers Transit, Inc., which controls Dealers Transport Co. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–3796; Filed, May 10, 1955; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

MAY 1955 DOMESTIC AND EXPORT SALES LISTS

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), and subject to the conditions stated therein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

MAY 1955 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales prices
Oats [1]	Price as determined by CCC.[2] Offerings may also be made on a written competitive bid basis as announced from time to time by the Minneapolis, Chicago, or Dallas CSS Commodity Offices.
Grain sorghums, bulk [1]	Price as determined by CCC.[2] Offerings may also be made on a written competitive bid basis as announced from time to time by the Dallas or Portland CSS Commodity Offices.
Wheat, bulk [1]	Sales made for export pursuant to Announcement GR 261 and 262 at prices announced daily. Available Dallas, Chicago, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Sales also made under GR 212 at market price at time of sale at point of delivery. Sales may be made on terms and conditions of GR 301. Sales under Title I, P. L. 480 Minneapolis, and Portland CSS Commodity Offices. Available Dallas, Chicago,
Barley [1]	Price as determined by CCC.[2] Offerings may also be made on a written competitive bid basis as announced from time to time by the Minneapolis, Chicago, Dallas, or Portland CSS Commodity Office.
Flaxseed [1] (as available)	Competitive bid basis may be announced by the Chicago and Minneapolis CSS Commodity Offices.
Cotton [1]	Sales at competitive bid basis at not less than the higher of (1) 105 percent of the current cotton support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Sales may also be made at the above pricing standards under the provisions of Title I of the Agricultural Trade Development and Assistance Act (P. L. 480, 83d Cong.). Detailed terms and conditions under which the cotton will be offered for sale will be issued by the New Orleans CSS Commodity Office. A catalog showing quantities, qualities and locations may be obtained for a nominal fee from the office.
Cottonseed oil,[1] crude (as available).	Competitive bid basis as announced by the New Orleans CSS Commodity Office. Announced offerings are subject to the terms and conditions of NO–CS–9. Sales under Title I, P. L. 480, may be made on terms and conditions of NO–CS–11. Available New Orleans CSS Commodity Office.
Cottonseed oil, refined [1] (limited quantities as announced).	Competitive bid basis as announced by the New Orleans CSS Commodity Office. Invitations to domestic processors may also be issued from time to time which will invite bids to be exported to designated areas. Announced offerings are subject to the terms and conditions of NO–CS–9. Sales under Title I, P. L. 480, may be made on terms and conditions of NO–CS–11. Available New Orleans CSS Commodity Office.
Cottonseed cake or meal [1] (as available).	Competitive bid basis as may be announced by the New Orleans CSS Commodity Office.
Linseed oil, raw [1] (limited quantities as announced).	Competitive bid basis as announced by the Cincinnati CSS Commodity Office. Sales under Title I, P. L. 480, may be made on terms and conditions of CT–OP–6. Available Cincinnati CSS Commodity Office.
Pink beans (as available)	Competitive bid basis as may be announced by the Portland CSS Commodity Office.
Baby lima beans (as available)	Competitive bid basis as may be announced by the Portland CSS Commodity Office.
Small red beans (as available)	Competitive bid basis as may be announced by the Portland CSS Commodity Office.
Pinto beans (as available)	Competitive bid basis as may be announced by the Kansas City, Dallas, Portland, and Minneapolis CSS Commodity Offices.

Commodity and approximate quantity available (subject to prior sale)	Domestic sales prices
Nonfat dry milk solids (in carloads only; spray, 98,000,000 pounds; roller, 10,000,000 pounds (includes 1,000,000 pounds of spray in 100-pound bags). For animal and poultry feed	Spray process, U. S. Extra Grade, 17 cents per pound. Roller process, U. S. Extra Grade, 15.25 cents per pound. (These prices will be reduced 0.85 cent per pound when product is available in 50-pound and 100-pound bags.) Prices apply "in store" at location of stocks.[3] 11½ cents per pound delivered in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Michigan. 12½ cents per pound delivered in all other States and in the District of Columbia. Sales to be made under Announcement LD–14 and Supplement. Available through Cincinnati and Portland CSS Commodity Offices.

See footnotes at end of table.

Commodity and approximate quantity available (subject to prior sale)	Export sales prices
Dairy products:	
Cheddar cheese [1] cheddars, flats, twins, and finished blocks (standard moisture basis in carloads only), 316,000,000 pounds.	F. a. s. U. S. port of export, or "in store" at location of stocks at f. a. s. price less export freight rate to agreed port of export. U. S. Grade A: 25.5 cents per pound basis port of export. U. S. Grade B: 24.5 cents per pound basis port of export.
Nonfat dry milk solids [1] (in carloads only), spray, 68,000,000 pounds; roller, 10,000,000 pounds (includes 1,000,000 pounds of spray in 100 pound bags).	Spray process: 11.75 cents per pound basis port of export. Roller process: 10 cents per pound basis port of export. (These prices will be reduced 0.85 cent per pound when product is available in 50-pound and 100-pound bags.)
Salted creamery butter [1] (in carloads only): 218,000,000 pounds	U. S. Grade A: Not less than 41 cents per pound basis port of export. U. S. Grade B: Not less than 39 cents per pound basis port of export. Offers to be considered each Monday until sold or program is terminated. Any of the above commodities are available through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C.
9,200,000 pounds	Competitive bid basis in accordance with Announcement LD–12. Available Cincinnati CSS Commodity Office.
Dry whey,[1] 48,500,000 pounds.	Written bid basis in accordance with Announcement LD–12. Available Cincinnati CSS Commodity Office.
Dry whey product,[1] 1,000,000 pounds.	Written bid basis in accordance with Announcement LD–12. Available Cincinnati CSS Commodity Office.
Condensed whey,[1] in barrels (includes 1,000,000 pounds).	Written bid basis in accordance with Announcement LD–12. Available Cincinnati CSS Commodity Office.
Corn, bulk [1] (as available), 4,000,000 pounds.	Price as determined by CCC.[2] Offerings may also be made on a written competitive bid basis as announced from time to time by the Kansas City, Minneapolis, Dallas, and Chicago CSS Commodity Offices.
Rye [1]	Price as determined by CCC.[2] Offerings may also be made on a written competitive bid basis as announced from time to time by the Minneapolis CSS Commodity Office.

See footnotes at end of table.

[1] These same lots also are available from the domestic list announced today. Where no quantity is specified, quantity available is indefinite.
[2] "In store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[3] Sales under Title I, P. L. 480, may be made on terms and conditions of GR 301.

MAY 1955 DOMESTIC SALES LIST

MAY 1955 DOMESTIC SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales prices
Wheat:[1] (Unrestricted use)	The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price, 1954 loan rate for class, grade quality and location, plus: (1) 43 cents per bushel if received by truck, or (2) 37 cents per bushel if received by rail or barge. Example of minimum price per bushel (ex rail or barge): Kansas City, No. 1, H. W. $2.91; Minneapolis, No. 1, D. N. S. $2.94; Chicago, No. 1, R. W. $2.91. Available Dallas, Kansas City, Chicago, Minneapolis, and Portland CSS Commodity Offices. Wheat not suitable for storage may be sold for feed at the market price. Small quantities may be available at Dallas and Chicago CSS Commodity Offices.
Barley, bulk:[1] (Unrestricted use)	The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price, 1954 loan rate for class, grade, quality, and location plus: (1) 37 cents per bushel if received by truck, or (2) 27 cents per bushel if received by rail or barge. Examples of minimum price per bushel (ex rail or barge): Minneapolis No. 2 barley, $1.61. Available Minneapolis, Chicago, Dallas, and Portland CSS Commodity Offices.
(For feed only) Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	Market price for feed, basis in store. Available Chicago and Dallas CSS Commodity Offices.
Rye, bulk:[1] (Unrestricted use)	The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price, 1954 applicable loan rate for class, grade, quality and location, plus: (1) 36 cents per bushel if received by truck, or (2) 30 cents per bushel if received by rail or barge. Example of minimum price per bushel (ex rail or barge): Minneapolis No. 2 or better, $1.84.
(For feed only)	Market price for feed only, basis in store. Available Minneapolis, Kansas City, Chicago, Portland, and Dallas CSS Commodity Offices.
Oats, bulk:[1] (Unrestricted use)	The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price, 1954 loan rate basis point of production for class, grade, and quality plus: (1) 22 cents per bushel if received by truck, or (2) 19 cents per bushel if received by rail or barge. Example of minimum price per bushel (ex rail or barge): Chicago, No. 3 oats or better, $1.07; Minneapolis No. 3 oats or better, $1.02. Market price for feed, basis in store. Available Chicago and Dallas CSS Commodity Offices.
(For feed only), Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Maine, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price, 1954 applicable loan rate for class, grade, quality, and location, plus: (1) 62 cents per hundredweight if received by truck, or (2) 51 cents per hundredweight if received by rail or barge. Example of minimum price per hundredweight (ex rail or barge): Kansas City No. 2or better, $3.26.
Grain sorghums, bulk,[1] 33,000,000 hundredweight.	Available Dallas and Kansas City CSS Commodity Offices. On LCL lots, market price on date of sale, basis in-store. On all other storable lots market price but not less than the 1954 support price. No sales will be made at a lower price through the period ending July 31, 1955. Available Minneapolis and Chicago CSS Commodity Offices.
Flaxseed, bulk[1] (for crushing only).	7.33 cents per pound of milk solids "in store" at location of stocks.[3] Above products available through the Cincinnati CSS Commodity Office. Market price, but not less than 15 cents per pound, prime, Valley basis, f. o. b. tankcars or tankwagons at producer's mills, subject to premiums or discounts comparable to those in Bulletin 3 of the 1954 Crop Cottonseed Price Support Program. Will be announced during period ending Aug. 31, 1955. Available New Orleans CSS Commodity Office.
Butter, creamery:[1] (in carloads only), 216,000,000 pounds.	U. S. Grade A and higher: 61.25 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 60.5 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at location of stocks.[3] Available Cincinnati and Portland CSS Commodity Offices.
Cheddar cheese:[1] cheddars, flats, twins and Unifloss blocks (standard grade only) in carloads only); 316,000,000 pounds.	U. S. Grade A and higher: 36½ cents per pound, New York, New Jersey, Pennsylvania, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States 35¾ cents per pound U. S. Grade B: 1 cent per pound less than Grade A prices. All prices are subject to usual adjustment for moisture content. Prices apply "in store" at location of stocks.[3] Available Cincinnati and Portland CSS Commodity Offices.
Dry whey,[1] 48,500,000 pounds. Dry whey product,[1] 1,000,000 pounds.	6.75 cents per pound "in store" at locations of stocks.[3] 7.5 cents per pound "in store" at locations of stocks.[3]
Condensed whey,[1] in barrels and drums, 4,000,000 pounds.	
Cottonseed oil,[1] crude as available).	Market price on date of sale, but not less than equivalent of the 1954 price support for flaxseed. No change in price for duration of the period ending July 31, 1955. Available New Orleans CSS Commodity Office.
Cottonseed oil,[1] refined, 200,000,000 pounds.	Market price but not less than the minimum crude price with appropriate adjustments for refining, location, and quality f. o. b. tankcars or tankwagons at points of storage locations. Price will not be reduced through period ending Aug. 31, 1955. Available New Orleans CSS Commodity Office and Oils and Peanut Division, CSS, USDA, Washington 25, D. C.
Cottonseed meal or cake:[1] (as available),	Competitive bid basis as may be announced by the New Orleans CSS Commodity Office. Current announcement, subject to change, offers 14 cars (approximately 640,000 pounds) per week. Announced offerings will be subject to the terms and conditions of CT–OP–5. Available through the Cincinnati CSS Commodity Office.
Tung oil (limited quantities as announced),	Competitive bid basis as may be announced by the Cincinnati CSS Commodity Office. Current announcement, subject to change, offers 3 cars (approximately 120,000 pounds) per week. Announced offerings will be subject to the terms and conditions of CT–OP–5. Available through the Cincinnati CSS Commodity Office.
Linseed oil, raw,[1] 32,000,000 pounds	Market price on date of sale, but not less than equivalent of the 1954 price support for flaxseed. No change in prices for duration of the period ending July 31, 1955. Available New Orleans CSS Commodity Office.
Wool, shorn and pulled, grease (including some scoured), 108,000,000 pounds.	Price as determined by the Boston CSS Commodity Office reflecting not less than 103 percent of the 1954 schedule of loan rates per pound, plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area. This policy will remain in effect through May 31, 1955. Sales will be made ex-warehouse where stored. Available Boston CSS Commodity Office.
Cotton,[1] 750,000 bales	Sales from CCC's inventory will be made from CCC's inventory of 1.75 million bales with total sales limited to 0.75 million bales, on a competitive bid basis, at not less than the higher of (1) 105 percent of the current cotton support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Detailed terms and conditions under which the cotton will be offered for sale will be issued by the New Orleans CSS Commodity Office. A catalog showing quantities, qualities, and locations may be obtained for a nominal fee from this office. Offer and acceptance basis, "as is" in the stated quantities and in the designated storage yards, subject to the prices, terms and conditions of Announcement TB–21 and Supplements thereto which will be issued from time to time but not more often than weekly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum rosin (in galvanized metal drums averaging 517 pounds net), 650,000 drums.	
Gum turpentine, bulk, in tanks, 51,000 barrels (50 gallons each).	Offer and acceptance basis "as is" in the stated quantities and in the designated TB–26 and Supplements thereto which will be issued from time to time but not more often than weekly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Corn, bulk,[1] 50,000,000 bushels	Commercial corn-producing area: The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price, 1954 loan rate basis point of production for class, grade, and quality, plus: (1) 30 cents per bushel if received by truck, or (2) 26 cents per bushel if received by rail or barge. Examples of minimum price per bushel (ex rail or barge): Chicago, No. 3 yellow, $2.07; Minneapolis, No. 3 yellow, $1.96; Kansas City, No. 3 yellow, $2.05. For other classes, grades, and quality, market differentials will apply. Available Chicago, Kansas City, and Minneapolis CSS Commodity Offices.[4] Non-commercial corn-producing area: The market price, basis in store,[2] but not less than 103 percent of applicable county loan rate plus 30 cents per bushel if received by truck, or (2) 26 cents per bushel if received by rail or barge.

See footnotes at end of table.

MAY 1955 DOMESTIC SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales prices
Hay and pasture seeds (bagged)---	All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the Commodity offices for qualities above or below basic specifications. On all seeds except ladino: Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Ladino clover seed (certified), 99,000 hundredweight.	$55 per 100 pounds. Available Portland CSS Commodity Office.
Birdsfoot trefoil seed, 980 hundredweight.	$70 per 100 pounds. Available Portland CSS Commodity Office.
Alfalfa seed northern, 47,200 hundredweight.	$35 per 100 pounds. Available Portland CSS Commodity Office.[4]
Alfalfa seed (certified), Ladak, 2,500 hundredweight; Grimm, 200 hundredweight; Buffalo, 21,000 hundredweight.	$40 per 100 pounds. Ladak available at Portland and Kansas City; Grimm and Buffalo at Portland CSS Commodity Offices.[4]
Tall fescue seed, (common), 32,000 hundredweight.	$20 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago CSS Commodity Offices.[4]
Tall fescue seed (certified), 86,000 hundredweight.	$22 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago CSS Commodity Offices.[4]
Winter cover crop seeds (bagged)--	All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Prices are for basic specification.
Crimson clover seed, 2,000 hundredweight.	$18 per 100 pounds. Available Portland CSS Commodity Office.
Hairy vetch seed, 261,000 hundredweight.	1953 county support rate, ranging from $11.65 to $12.40 plus $1 per 100 pounds. Available Portland CSS Commodity Office.

[1] These same lots also are available at export sales prices announced today. Where no quantity is specified, quantity available is indefinite.
[2] "In store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[3] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangement with warehousemen for storage documents.
[4] Prices for basic specifications will not be reduced through the period ending June 30, 1955.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: May 5, 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-3819; Filed, May 10, 1955; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6622]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

MAY 5, 1955.

Take notice that on May 2, 1955, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Gulf States Utilities Company (Gulf States), a corporation organized under the laws of the State of Texas and doing business in the States of Louisiana and Texas, with its principal business office at Beaumont, Texas, seeking an order authorizing the sale by Gulf States to Central Louisiana Electric Company, Inc. (Central) of its electric transmission facilities between the City of DeQuincy, Louisiana and the City of DeRidder, Louisiana. The facilities to be disposed of consist of a 69 kv electric transmission line beginning at DeQuincy, Louisiana and extending in a northerly direction for a distance of approximately 28.05 miles in length, a substation and underground and meter equipment at DeRidder, Louisiana. Central will purchase the properties at their original cost which is stated in the application to be $393,694.17 subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 25th day of May 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3797; Filed, May 10, 1955; 8:50 a. m.]

[Docket No. G-3598]

KANSAS NATURAL GAS, INC.

NOTICE OF POSTPONEMENT OF HEARING

MAY 4, 1955.

Upon consideration of the motion, filed April 28, 1955, by Kansas Natural Gas, Inc., for continuance of the hearing now scheduled for June 3, 1955, in the above-designated matter;

Notice is hereby given that said hearing is postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3798; Filed, May 10, 1955; 8:50 a. m.]

[Docket No. G-6865]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 5, 1955.

Take notice that United Fuel Gas Company (Applicant), a West Virginia corporation whose address is Charleston, West Virginia, filed an application on January 5, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 2 miles of 12¾-inch O. D. natural gas transmission pipeline extending from the present terminus of Applicant's Line UM–10 at Pollard, Boyd County, Kentucky, to a point of interconnection with Applicant's 8-inch Line G at the Ohio River.

The proposed facilities will replace the following facilities in the Ashland-Catlettsburg distribution area:

(1) Approximately 5 miles of Applicant's 8-inch Line G in Boyd County, Kentucky;

(2) A small segment of 10-inch Line F located in Ashland, Kentucky; and,

(3) 8,136 feet of 10-inch cross-over between Lines F and G in Ashland, Kentucky.

The facilities to be replaced are to be retired from transmission property and reclassified as distribution plant.

It is not anticipated that the volumes of natural gas delivered through the proposed facilities will be increased above previous estimates, although the maximum capacity of the proposed facilities will be increased. The increase in capacity will be utilized to increase operational efficiency.

The total estimated capital cost of the proposed facilities is $93,000, to be financed by the parent company of Applicant, The Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 6, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 24, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3799; Filed, May 10, 1955; 8:51 a. m.]

[Docket Nos. G–8688, G–8689]

LA GLORIA OIL AND GAS CO. AND CONTINENTAL OIL CO.

NOTICE OF CONTINUANCE OF HEARING

MAY 4, 1955.

In the matters of La Gloria Oil and Gas Company, Docket No. G–8688; Continental Oil Company, Docket No. G–8689.

Upon consideration of the telegraphic requests, filed May 3, 1955, by Counsel for the companies in the above-captioned matters and Counsel for the Texas Illinois Natural Gas Pipeline Company, Intervenor, for continuance of the hearing now scheduled for May 9, 1955, in the above-designated matters;

Notice is hereby given that the hearing now scheduled for May 9, 1955, is hereby postponed to 10:00 a. m., d. s. t., June 8, 1955, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–3800; Filed, May 10, 1955; 8:51 a. m.]

[Docket No. G–8728]

CITIES SERVICE GAS PRODUCING CO.

NOTICE OF CONTINUANCE OF HEARING

MAY 4, 1955.

Upon consideration of the motion of Staff Counsel, filed May 2, 1955, for continuance of the hearing now scheduled for May 16, 1955, in the above-designated matter;

Notice is hereby given that the hearing now scheduled for May 16, 1955, is hereby postponed to 10:00 a. m., d. s. t., June 27, 1955 in the the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–3801; Filed, May 10, 1955; 8:51 a. m.]

[Docket No. G–5259]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

By order issued November 26, 1954, the Commission provided that a hearing be held herein concerning the lawfulness of the rates, charges, classifications and services contained in FPC Gas Tariff, Sixth Revised Volume No. 1, filed on November 3, 1954, by Tennessee Gas Transmission Company (Tennessee), setting forth therein proposed increased rates and charges for sales by Tennessee in interstate commerce of natural gas for resale for ultimate public consumption, subject to the jurisdiction of the Commission. The tariff changes proposed by Tennessee involve an estimated annual increase of $8,616,000, based upon Tennessee's operations during the 12 months ended August 31, 1954, as adjusted, above the charges under rates made effective November 18, 1954.

The November 26, 1954, order also provided that, pending hearing and decision thereon, Second Revised Sheets Nos. 5, 10, 15, 20, 25, 28B, 30, 32, 35, 37, 40, 42, 45, 47, 50, 52, 53B, 53D, 55, 57, 57B, 58, 60, 62, 64, 66, 67A, 68, 70, 72, 74, 76, 77A, 77B, 77C, 77E, 77G, 77I, 77K, 79, 83 and 87 to Tennessee's FPC Gas Tariff, Sixth Revised Volume No. 1, be suspended and the use thereof deferred until December 15, 1954, and until such further time as such revised tariff sheets might be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

By order issued December 28, 1954, the Commission, upon consideration of the motion filed by Tennessee, permitted the proposed increase in rates and charges to become effective December 15, 1954, upon Tennessee first filing an undertaking to assure refund of charges found by the Commission to be not justified. By letter dated January 12, 1955, Tennessee was advised by the Secretary of the Commission that the agreement and undertaking tendered by Tennessee was considered satisfactory and had been accepted for filing.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that a public hearing be held in this proceeding at the time and place and at the date hereinafter designated, and to specify the order of procedure, as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held, commencing on June 1, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the matters involved and the issues presented by the above-entitled proceeding.

(B) At the hearing provided for by paragraph (A), Tennessee shall go forward first and shall present its complete case-in-chief.

(C) After Tennessee has concluded the presentation of its complete case-in-chief as provided by paragraph (B), the other parties to the proceeding, including Staff Counsel, may proceed with cross-examination respecting the matters and issues involved in the proceeding. Upon request of any party to the proceeding, including Staff Counsel, the hearing shall be recessed by the Presiding Examiner for such time or times as the Examiner may find appropriate and reasonable to permit proper preparation of such cross-examination.

(D) Following presentation by Tennessee, and cross-examination as provided in paragraph (C), opportunity shall then be afforded the other parties to present testimony and evidence with respect to the matters and issues involved in the proceeding. Any such testimony and evidence shall then be subject to cross-examination. Upon the conclusion of such cross-examination, opportunity shall be afforded to Staff Counsel (after recess, if requested) to present evidence respecting the matters and issues involved in the proceeding. Such testimony and evidence as the Staff offers will then be subject to cross-examination, after which an opportunity will be afforded to Tennessee to offer rebuttal evidence respecting such issues.

(E) Upon completion of the proceeding as provided for in paragraphs (B) through (D) hereof, the Presiding Examiner, if requested by any of the parties, including Staff Counsel, shall fix the dates for the filing of briefs.

(F) In the interest of expedition, Tennessee shall, on or before May 20, 1955, serve upon all parties to this proceeding copies of the testimony and exhibits Tennessee proposes to offer at the hearing, including five (5) copies thereof upon Staff Counsel.

(G) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 4, 1955.

Issued: May 5, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–3802; Filed, May 10, 1955; 8:51 a. m.]

[Docket No. G–4797]

CABELL OIL AND GAS CO.

NOTICE OF ORDER RESCINDING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 5, 1955.

Notice is hereby given that on April 15, 1955, the Federal Power Commission issued its order adopted April 14, 1955, rescinding certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–3803; Filed, May 10, 1955; 8:52 a. m.]

[Docket No. G–6870]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER

MAY 5, 1955.

Notice is hereby given that on April 18, 1955, the Federal Power Commission issued its order adopted April 14, 1955, authorizing sale of facilities and issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–3804; Filed, May 10, 1955; 8:52 a. m.]

[Project No. 137]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

MAY 5, 1955.

Notice is hereby given that on April 19, 1955, the Federal Power Commission issued its order adopted April 14, 1955, further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–3805; Filed, May 10, 1955; 8:52 a. m.]

[Project No. 2174]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

MAY 5, 1955.

Notice is hereby given that on April 19, 1955, the Federal Power Commission issued its order adopted April 14, 1955, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–3806; Filed, May 10, 1955; 8:52 a. m.]

[Docket No. G–8473]

AMERADA PETROLEUM CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1955.

Take notice that Amerada Petroleum Corporation (Applicant), a Delaware corporation whose address is Tulsa, Oklahoma, filed an application on February 14, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Eumont Field, Lea County, New Mexico, which it sells to El Paso Natural Gas Company in interstate commerce for resale. The initial price is stated to be 9½ cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 8, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 27, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–3776; Filed, May 10, 1955; 8:48 a. m.]

[Docket No. G–8566]

UNITED STATES SMELTING, REFINING AND MINING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1955.

Take notice that United States Smelting, Refining and Mining Company (Applicant), a Maine corporation whose address is Boston, Massachusetts, filed on March 10, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) at an initial rate of 10 cents per Mcf, which gas will be produced from the Headlee Field in Ector County, Texas. This gas will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 2, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–3777; Filed, May 10, 1955; 8:48 a. m.]

[Docket No. G–8567]

BRITISH-AMERICAN OIL PRODUCING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1955.

Take notice that The British-American Oil Producing Company (Applicant), a Delaware corporation whose address is Dallas, Texas, filed on March 10, 1955 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) at an initial rate of 10 cents per Mcf, which gas will be produced from the Headlee Field at Ector County, Texas. This gas will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 2, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–3778; Filed, May 10, 1955; 8:48 a. m.]

[Docket No. G-8570]

SEABOARD OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1955.

Take notice that Seaboard Oil Company (Applicant), a Delaware corporation whose address is Dallas, Texas, filed on March 11, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) at an initial rate of 10 cents per Mcf, which gas will be produced from the Headlee Field in Ector County, Texas. This gas will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 1, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3779; Filed, May 10, 1955; 8:48 a. m.]

[Docket No. G-8652]

HUMBLE OIL & REFINING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1955.

Take notice that Humble Oil & Refining Company (Applicant), a Texas corporation whose address is Houston, Texas, filed on March 23, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Hostetter Field, McMullen County, Texas, which it proposes to sell to Texas Eastern Transmission Corporation (Texas Eastern) in interstate commerce for resale. Delivery is proposed to be made into the facilities of Wilcox Trend Gathering System, Inc., which will transport the gas for the account of Texas Eastern. The sale is proposed to be made pursuant to Applicant's FPC Gas Rate Schedule #12 at an initial price of 10.200¢ per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 10, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 31, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3780; Filed, May 10, 1955; 8:48 a. m.]

[Docket Nos. G-8664, G-8665]

TRUNKLINE GAS CO. AND PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATIONS

MAY 3, 1955.

In the matters of Trunkline Gas Company, Docket No. G-8664, Panhandle Eastern Pipe Line Company, Docket No. G-8665.

Take notice that on March 25, 1955, Panhandle Eastern Pipe Line Company (Panhandle), a Delaware corporation with its principal office at 1221 Baltimore Avenue, Kansas City, Missouri, and Trunkline Gas Company (Trunkline), a Delaware corporation with its principal office at 5650 Kirby Drive, Houston, Texas, filed concurrent applications pursuant to the provisions of section 7 of the Natural Gas Act for certificates of public convenience and necessity authorizing them to construct and operate certain natural gas transmission facilities as described below, all as more fully described in their respective applications.

Trunkline in its application, Docket No. G-8664, seeks authorization for the construction and operation of eight new compressor stations aggregating 56,000 horsepower and two sections of 26 inch loop line, one section being 10.80 miles in length on the discharge side of its proposed Beeville compressor station and the other being 13.56 miles in length on the discharge side of its existing Edna compressor station. The total estimated cost of Trunkline's proposed expansion is approximately $18,700,000 of which approximately $1,000,000 is for gathering facilities for a new gas supply. Financing is proposed to be partially from funds on hand, partially from funds generated by operations, and partially by the issuance of approximately $15,000,000 in long-term securities.

Panhandle in its application, Docket No. G-8665, seeks authorization for the construction and operation of additional compressor capacity in its existing Montezuma, Zionsville and Edgerton compressor stations aggregating 16,000 horsepower. The estimated cost of the proposed facilities is $3,714,000 which it is proposed, will be financed out of cash on hand.

The facilities for which Trunkline seeks authorization are stated to raise its peak day capacity by 85,000 Mcf from 290,000 Mcf to 375,000 Mcf. The facilities Panhandle proposes to install will permit it to transport additional volumes in the amount of 80,000 Mcf which it proposes to purchase from Trunkline. The remaining 5,000 Mcf per day which Trunkline proposes to make available by reason of its expansion is apparently proposed to be sold to customers along the route of the pipe line.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of May 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3781; Filed, May 10, 1955; 8:48 a. m.]

[Docket No. G-8667]

HOLLANDSWORTH OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1955.

Take notice that Hollandsworth Oil Company (Applicant), a Delaware corporation whose address is City of Longview, Texas, filed on March 25, 1955 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Woodlawn Field, Harrison County, Texas, which it was authorized in Docket No. G-4012, to sell to Mississippi River Fuel Corporation in interstate commerce for resale. The instant application covers additional acreage which has been dedicated to the original contract. Delivery of the gas is proposed to be made at the rate of 15,000 Mcf per month. The sale is proposed to be made pursuant to Applicant's FPC Rate Schedule No. 4 at an initial price of 13¢ per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 10, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 31, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3782; Filed, May 10, 1955; 8:48 a. m.]

[Docket No. G-8675]

PHIL E. LAUGHLIN ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1955.

Take notice that Phil E. Laughlin, Phillip E. Laughlin and Gary B. Lauchlin (Applicant), whose address is Midland, Texas, filed on March 28, 1955 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to El Paso Natural Gas Company (El Paso) at an initial rate of 10 cents per Mcf, which gas will be produced from the Headlee Field in Ector County, Texas. This gas will be commingled with other gas and resold at markets in other states served by El Paso's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 1, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3783; Filed, May 10, 1955; 8:48 a. m.]

[Docket No. G-8757]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1955.

Take notice that East Tennessee Natural Gas Company (Applicant), a Tennessee corporation with its principal place of business in Knoxville, Tennessee, filed an application on April 13, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a physical connection with metering and regulating equipment for: (a) The purpose of delivering and selling to the Oak Ridge Utility District (ORUD) up to 5,000 Mcf of natural gas per day on a firm basis, and (b) for the purpose of delivering and selling to ORUD natural gas on an interruptible basis, pursuant to the provisions of Rate Schedule I-1 contained in Applicant's FPC Gas Tariff, Third Revised Volume No. 1, or any effective rate schedule superseding such Rate Schedule I-1. ORUD has been authorized by the State of Tennessee to construct and operate a gas distribution system for the resale of natural gas in the Federal area known as "Oak Ridge, Tennessee."

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission and open for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 23, 1955 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 19, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in commission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3784; Filed, May 10, 1955; 8:49 a. m.]

[Docket No. G-2373]

TOWN OF BYHALIA, MISSISSIPPI

NOTICE OF APPLICATION

MAY 4, 1955.

Take notice that the Town of Byhalia, Mississippi (Applicant), a municipal corporation, filed, on January 11, 1955, a motion to increase the maximum volume of natural gas which Trunkline Gas Company (Trunkline), pursuant to the provisions of section 7 (a) of the Natural Gas Act, is required to deliver to Applicant from 367 to 717 Mcf a day.

The Presiding Examiner, by a decision issued August 16, 1954, in a consolidated proceeding involving five applications in addition to that of Byhalia, ordered Trunkline to establish physical connection of its transmission main with the facilities proposed to be constructed by Applicant, and to sell and deliver a maximum of 367 Mcf of natural gas a day. This decision became effective on September 17, 1954, as the final decision and order of the Commission.

Applicant states that the additional volume of natural gas is needed to supply the requirements of a factory manufacturing ceramic products which will be constructed in or near the Town of

Byhalia if a sufficient supply of natural gas is available.

On January 31, 1955, Trunkline filed a letter stating that it has no objection to supplying the requested daily maximum volume of 717 Mcf, provided that Applicant enter into a service agreement with Trunkline.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of May 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3785; Filed, May 10, 1955; 8:49 a. m.]

[Docket Nos. G-3556—G-3563]

LLOYD H. SMITH, INC.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 4, 1955.

Take notice that Lloyd H. Smith, Inc., (Applicant), a Texas corporation whose address is Houston, Texas, filed on September 28, 1954, applications for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection .

Applicant produces natural gas in several fields, which is sold in interstate commerce for resale as follows:

Docket No.	Purchaser	(Cents per Mcf) price at time of filing	Location of Production
G-3556	Tennessee Gas Transmission Co.	13.37125	Southwest Hutchens Field, Wharton County, Tex.
G-3557	do.	13.15194	Mach Field, Wharton County, Tex.
G-3558	Louisiana Natural Gas Corp.	10	North Elton Field, Allen Parish, La.
G-3559	Texas Gas Products Corp.	8.491	Spraberry Trend Area Field, Regan County, Tex.
G-3560	El Paso Natural Gas Co.	10	Do.
G-3561	do.	10	Do.
G-3562	Texas Gas Products Corp.	6.049	Do.
G-3563	El Paso Natural Gas Co.	10	Do.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 8, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 27, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3786; Filed, May 10, 1955; 8:49 a. m.]

[Docket No. G-3618]

VAN BUREN LEASE, HOLLY NESTER, AGENT

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 3, 1955.

Take notice that Van Buren Lease, Holly Nester, Agent (hereinafter referred to as "Applicant"), an individual whose address is Millstone, West Virginia, filed an application on September 29, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Birch Field, Braxton County, West Virginia, to The Equitable Gas Company at 20 cents per Mcf, for transportation in interstate commerce for resale. The rate of delivery will be 100,000 Mcf per year, with summer volume at buyer's option.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 26, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3787; Filed, May 10, 1955; 8:49 a. m.]

[Docket Nos. G-3717—G-3743, G-4576]

TIDEWATER ASSOCIATED OIL CO.

NOTICE SEVERING PROCEEDINGS

MAY 4, 1955.

The above-entitled matters were consolidated for the purpose of hearing and May 16, 1955, was fixed as the date of such hearing by notice of applications and date of hearing issued by the Secretary, dated April 19, 1955.

It appears, after further study of the applications in Docket Nos. G-3717, G-3724, G-3725, and G-3741, that the matters involved and the issues presented by said applications should be severed from the other proceedings herein, and to that end:

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act and the Commission's rules and regulations, Docket Nos. G-3717, G-3724, G-3725, and G-3741 are severed from the other proceedings herein for the purpose of hearing, until such further time and place as the Commission may order.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3788; Filed, May 10, 1955; 8:49 a. m.]

[Docket No. G-6673]

GAS TRANSPORT, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1955.

Take notice that Gas Transport, Inc. (Applicant), a Delaware corporation with a principal office in Lancaster, Ohio, filed on December 22, 1954, an application and supplement thereto on January 27, 1955, for (a) a certificate of public convenience and necessity authorizing the Applicant to construct and operate approximately 5.6-miles of 6-inch pipeline extending from a new producing well in Jackson County, West Virginia, to Applicant's existing 3-inch pipeline in the Belleville area, West Virginia, (b) abandon and remove approximately 5.6-miles of 6-inch pipeline extending from a point in Wirt County, West Virginia, to a point of connection with an existing 14-inch pipeline in Jackson County, West Virginia, all pursuant to Section 7 of the Natural Gas Act, and subject to the jurisdiction of the Commission, as more fully represented in the application on file with the Commission, and open for public inspection.

The application recites that the facilities proposed to be constructed and operated will utilize the 6-inch pipe of the pipeline proposed to be abandoned and removed, and that the new line will connect Applicant's system with a new source of supply. The portion of line proposed to be abandoned and removed is no longer being used due to depletion of the natural gas source reached by the line.

The estimated cost of removal, construction and operation of the lines referred to in (a) and (b) is $23,364, which will be defrayed from current funds available.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 31, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 21, 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3789; Filed, May 10, 1955; 8:49 a. m.]

[Docket No. G-8338]

PURCELL-MULL DRILLING CO., INC., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1955.

Take notice that Purcell-Mull Drilling Company, Inc., et al. (Applicant), a Kansas corporation whose address is Wichita, Kansas, filed an application on January 11, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces gas from certain leases in Barber County, Kansas, which it proposes to sell to Cities Service Gas Company in interstate commerce for resale. The initial price at the time of filing is stated to be 12 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 8, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 27, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3790; Filed, May 10, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-872]

LACLEDE-CHRISTY CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MAY 4, 1955.

In the matter of Laclede-Christy Company, Common Stock, $5 Par Value; File No. 1-872.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Midwest Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The stock is inactive on the Midwest Stock Exchange, which accordingly has waived the voting requirements of its delisting rule,[1] and delisting will eliminate certain expenses.

2. The stock will remain listed and registered for the time being on the American Stock Exchange.

3. As of April 8, 1955, there remained only about 325 public holders of record, the issuer now being styled a division of H. K. Porter Co., Inc.

Upon receipt of a request, on or before May 20, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3791; Filed, May 10, 1955; 8:50 a. m.]

[File Nos. 812-928, 812-929]

COMPOSITE BOND AND STOCK FUND, INC., AND COMPOSITE FUND, INC.

NOTICE OF FILING OF APPLICATIONS FOR EXEMPTION OF PURCHASES OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE FOR SUCH SECURITIES

MAY 5, 1955.

Notice is hereby given that Composite Bond and Stock Fund, Inc. and Composite Fund, Inc. (hereinafter referred to as "Applicants"), both registered open end investment companies, have filed separate applications pursuant to section 10 (f) of the Investment Company Act of 1940 ("act") for orders of the Commission exempting from the provisions of section 10 (f) of the act, proposed purchases by the respective applicants of 3¼ percent Twenty-Five Year Convertible Debentures, due May 1, 1980, being issued and sold by Bethlehem Steel Corporation ("Bethlehem").

Bethlehem is offering $191,659,000 of such debentures pursuant to a rights offering to holders of its common stock;

[1] In addition, the question of withdrawal from the Midwest Stock Exchange was submitted to stockholders at the annual meeting on April 27, 1955, when 264,065 of the 328,570 shares were voted in favor of and none were voted against such withdrawal.

the subscription period expires on May 23, 1955. It is stated in the applications that Murphey Favre, Inc., the principal underwriter and distributor for the Applicants, is also an underwriter to the extent of 0.23 percent of the Bethlehem debenture issue.

It is recited in the applications that each of the Applicants proposes to purchase up to $150,000 principal amount of said debentures from brokers, dealers or underwriters other than Murphey Favre, Inc. It is represented that the purchase by each of the Applicants in the amounts proposed is well within the legal limit of each of the Applicants and a suitable investment for them.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person unless the Commission by order grants an exemption therefrom. Certain directors of each of the Applicants are also directors of Murphey Favre, Inc.

Notice is further given that any interested person may, not later than May 18, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, or fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3792; Filed, May 10, 1955; 8:50 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 111-53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, V. UNITED MAY DAY COMMITTEE, RESPONDENT

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong. 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the Respondent to register as a Communist front organization pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Monday, June 27, 1955, at 10 a. m., e. d. t., in Room 113, Lafayette Building, 811 Vermont Avenue, NW., Washington, D. C.

Dated at Washington, D. C., May 5, 1955.

[SEAL] THOMAS J. HERBERT,
Chairman.

[F. R. Doc. 55-3793; Filed, May 10, 1955; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ILSE GERTRUDE GENSHEIMER AND CARL PHILIP GENSHEIMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ilse Gertrude Gensheimer, also known as Ilse Gertrude Crusius and Ilse Gertrude Plum, Puetzchen bei Beuel/Rhein, Germany, Claim No. 58448; Carl Philip Gensheimer, also known as Karl Philipp Gensheimer, Irvington, New Jersey, Claim No. 58829, Vesting Order No. 12774; all right, title, interest and claim of any kind or character whatsoever of Karl Philipp Gensheimer and Ilse Gertrude Crusius and each of them, in and to and arising out of or under that certain trust indenture dated April 7, 1920, by and between Auguste Rustemeyer, also known as Auguste Gensheimer, settlor, and Hubert E. Rogers, trustee, and presently being administered by The New York Trust Company, as successor trustee.

Executed at Washington D. C., on May 5, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3813; Filed, May 10, 1955; 8:53 a. m.]

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TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6266]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GOLDIN-FELDMAN, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition;* § 3.1225 *History;* § 3.1260 *Nature;* § 3.1265 *Old, secondhand, reclaimed or reconstructed product as new;* § 3.1325 *Source or origin:* Maker or seller, etc.: *Fur Products Labeling Act;* Place: *Foreign, in general.* Subpart—*Misrepresenting oneself and goods*—Goods: § 3.1590 *Composition;* § 3.1650 *History of product;* § 3.1685 *Nature;* § 3.1695 *Old, secondhand, reclaimed or reconstructed as new;* § 3.1745 *Source or origin:* Maker or seller, etc.; Place: *Foreign, in general.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition:* Fur Products Labeling Act; § 3.1854 *History of product:* Fur Products Labeling Act; § 3.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 3.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; Place.* In connection with the introduction or manufacture for introducing into commerce, or the sale or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products; or in connection with the manufacturing for sale, sale, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act: (A) Misbranding fur products by: (1) Falsely or deceptively labeling or otherwise identifying such products as to the name of the country of origin of any imported furs contained in such fur products; (2) failing to affix labels to fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of used fur, when such is a fact; (c) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact; (d) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact; (e) the name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce; (f) the name of the country of origin of any imported furs used in the fur product; (B) falsely or deceptively invoicing fur products by: (1) Failing to furnish invoices to purchasers of fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of used fur, when such is the fact; (c) that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact; (d) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact; (e) the name and address of the person issuing such invoice; (f) the name of the country of origin of any imported fur or furs contained in a fur product; and by (2) using on invoices the name of any country of origin of fur or furs contained in any fur product other than the actual name of the country of origin of fur or furs contained in said fur product, or furnishing invoices which contain any form of misrepresentation or deception, directly or by implication, with respect to such fur product; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Goldin-Feldman, Inc., et al., New York, N. Y., Docket 6266, Mar. 18, 1955]

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplement is now available:

Titles 35–37 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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In the Matter of Goldin-Feldman, Inc., a Corporation; Morris Schilling and William Feldman, Individually and as Officers of Said Corporation, and Morris Schilling, William Feldman and Fred Goldin, Copartners Trading as A. Goldin-S. Feldman Co.

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission, which charged respondents with acts and practices in violation of the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act, and the rules and regulations promulgated under the latter; and upon a stipulation between the parties, which was filed with the Commission and appears of record, and provided for the entry of a consent order, and by the terms of which respondents admitted all the jurisdictional allegations set forth in the complaint, stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations, and stipulated that the agreement was for settlement purposes only and did not constitute an admission by respondents that they had engaged in any violation of law.

By the terms of such stipulation, the parties thereto expressly waived the filing of an answer; a hearing before the hearing examiner or the Commission; the making of findings of fact or conclusions of law by the hearing examiner or the Commission; the filing of exceptions or oral arguments before the Commission, and all other and further procedure before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

Such stipulation further provided that respondents agreed that the order to be entered should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon; specifically waived any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with the stipulation; and further provided that the stipulation, together with the complaint, constituted the entire record in the matter and that the complaint might be used in construing the terms of the aforesaid order, which order might be altered, modified, or set aside in the manner provided by the statute for orders of the Commission; and provided also that it was subject to approval in accordance with Rules V and XXII of the Commission's rules of practice and that said order should have no force and effect unless and until it became the order of the Commission.

Thereafter said examiner made his initial decision in which he set forth the aforesaid matters, concluded on the basis thereof that the proceeding was in the public interest, and in conformity with the action contemplated and agreed upon by such stipulation, made his order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on March 18, 1955.

Said order to cease and desist is as follows:

It is ordered, That respondent Goldin-Feldman, Inc., a corporation, and its officers; respondents Morris Schilling and William Feldman, individually and as officers of said corporation, and Morris Schilling, William Feldman and Fred Goldin, copartners trading as A. Goldin-S. Feldman Company, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introducing into commerce, or the sale or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products; or in connection with the manufacturing for sale, sale, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying such products as to the name of the country of origin of any imported furs contained in such fur products.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is the fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported fur or furs contained in a fur product.

2. Using on invoices the name of any country of origin of fur or furs contained in any fur product other than the actual name of the country of origin of fur or furs contained in said fur product, or furnishing invoices which contain any form of misrepresentation or deception, directly or by implication, with respect to such fur product.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6266, March 18, 1955, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 18, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-3839; Filed, May 11, 1955; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 142]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ABERDEEN, S. DAK. Aberdeen, 1,300'. SBRAZ-VDT. ABR-LFR. Procedure No. 1. Amendment No. 9. Effective date: June 11, 1955. Supersedes 8, dated March 10, 1954. Major changes: (1) Procedure revised in accordance with new format and criteria. Minor changes: (1) Changes courses to agree with Coast and Geodetic.	Aberdeen VOR	246—2.5	2,400	E side of S course: 162° outbound. 342° inbound. 2,400' within 10 miles.	1,900	342—2.6	2 engines or less T-dn C-dn S-dn 35 A-dn	 300-1 500-1 400-1 800-2	 300-1 500-1 400-1 800-2	Within 2.6 miles, climb to 2,800' on N course within 25 miles.
							More than 2 engines T-dn C-dn S-d 35 S-n 35 A-dn	 ---------- ---------- ---------- ---------- ----------	 200-½ 500-1½ 400-1 400-1½ 800-2	
ALTOONA, PA. Blair County 1,493'. SBMRAZ-VDT AOO. Procedure No. 1. Amendment No. 5. Effective date; June 11, 1955. Major changes: Revises missed approach altitude to conform to MEA. Reduces procedure turn altitude. Changes city name to Altoona to avoid confusion with Martinsburg, W. Va.	----------	----------	----------	W side of N course: 023° outbound. 203° inbound. 3,500' within 10 miles.	3,100	199—1.3	All aircraft T-dn C-d C-n A-dn	 1,000-1 1,000-1 1,000-2 1,500-2	 1,000-1 1,000-2 1,000-3 1,500-3	Within 1.3 miles climb to 4,500' on S course Altoona LFR within 12 miles. AIR CARRIER NOTES: Reductions in visibility not authorized below 1 mile for 75 miles per hour or less aircraft; not authorized below 2 miles for aircraft of more than 75 miles per hour.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
TUCSON, ARIZ. Tucson Municipal, 2,630'. SBRAZ-DTV TUS. Procedure No. 1. Original. Effective: June 11, 1955. Establish new procedure on relocated LFR.	TUS VOR	259—20	6,000	N side of W course: 6,000' within 10 miles. Beyond 10 miles not authorized. Terrain 6,536' and 6,875' 4 miles S of W course at 23 and 28 miles from LFR. Procedure turn N for more favorable terrain.	TUS LFR 5,000 Mission FM* 4,200	TUS LFR 081—11.8 Mission FM 081—4.0	All aircraft T-dn *C-dn *A-dn	 300-1 700-2 800-2	 300-1 700-2 800-2	Within 11.8 miles (TUS LFR) or 4 miles (mission FM), turn right climb on a heading of 200° to 4,700', then home on LFR, continuing climb to minimum of 6,000'. Alternate missed approach when directed by ATC, turn left climb on a heading of 350° to intercept TUS radial of 302° outbound, continuing climb to 7,000' outbound on radial 302. *If mission FM not received 4,200' mean sea level must be maintained and minimums are 1,600-2. SHUTTLE: To 6,000' on W course within 10 miles all turns S side of course.

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ABERDEEN, S. DAK. Aberdeen, 1,300'. BVOR-ABR. Procedure No. 1. Amendment No. 3. Effective date: June 11, 1955. Supersedes 2, dated August 15, 1953. Major changes: (1) Procedure revised in accordance with new format and criteria. Minor changes: (1) Revises courses and distances to agree with Coast and Geodetic.	Aberdeen LFR	066—2.5	2,400	E side of course: 120° outbound. 300° inbound. 2,400' within 10 miles.	1,900	300—3.2	2 engines or less T-dn C-dn S-dn 30 A-dn	 300-1 400-1 400-1 800-2	 300-1 500-1 400-1 800-2	Within 3.2 miles, climb to 3,500' on course of 300° within 25 miles.
							More than 2 engines T-dn C-dn S-d 30 S-n 30 A-dn	 ---------- ---------- ---------- ---------- ----------	 200-½ 500-1½ 400-1 400-1½ 800-2	
PRESCOTT, ARIZ. Municipal, 5,042'. BVOR-DTV PRC. Procedure No. 1. Amendment No. 2. Effective: June 11, 1955. Supersedes Amendment 1 dated August 15, 1954. Major changes: New format.	Prescott LFR	190—2.0	7,000	E side of course: 325° outbound. 145° inbound. 7,000' within 10 miles.	6,500	120—4.7	2 engines or less T-dn C-dn A-dn	 800-2 1,000-2 1,000-2	 800-2 1,000-2 1,000-2	Within 2 miles, turn left, climb to 8,000' on outbound course of 325° within 25 miles.
							More than 2 engines T-dn C-dn A-dn	 ---------- ---------- ----------	 1,000-2 1,500-2 1,500-2	

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from facility to airport	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
THERMAL, CALIF. Municipal, 117' below mean sea level. BVOR DTV TRM. Procedure No. 1. Amendment No. 4. Effective June 11, 1955. Supersedes Amendment 3, dated July 1, 1954.	Palm Springs Intersection	145–21.0	7,000	E side of course: 125° outbound. 305° inbound. 3,000' within 10 miles. Beyond 10 miles not authorized.	1,400	On airport	T–dn C–dn A–dn	All aircraft 300–1 1,500–3 1,500–3		Within 0 mile, turn right, climb to 9,000' on outbound course of 140°. SHUTTLE: To 4,000' on 125° outbound, 305° inbound, within 10 miles. All turns E of course.
	Salton Intersection	322–15.0	4,000							
WINSLOW, ARIZ. Municipal, 4,937'. BVOR I–NW. Procedure No. 1. Amendment No. 2. Effective June 11, 1955. Supersedes Amendment 1, dated August 17, 1954. Major changes: New format.	Winslow LFR	269–3.5	7,000	N side of course:* 300° outbound. 120° inbound. 7,000' within 10 miles.	6,000	107–4.3	T–dn C–dn S–dn A–dn	2 engines or less 300–1 500–2 400–1 800–2		Within 4.3 miles, turn left, climb to 7,000' on outbound course of 107°, within 25 miles. SHUTTLE: To 8,000' on 120° outbound, 300° inbound within 25 miles. *Procedure turn N for more favorable terrain.
							T–dn C–dn S–dn A–dn	More than 2 engines 200–½ 600–2 500–1 800–2		

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-3769; Filed, May 11, 1955; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 261—HOME REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO ELEVEN-FAMILY DWELLINGS

PART 263—MULTIFAMILY REHABILITATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

PART 268—MULTIFAMILY RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

MISCELLANEOUS AMENDMENTS

1. Section 261.3 is amended to read as follows:

§ 261.3 *Certificate by Administrator to Commissioner.* No mortgage may be insured until a redevelopment or urban renewal plan has been approved for the area by the governing body of the locality involved and by the Housing and Home Finance Administrator and the Administrator has certified to the Commissioner that:

(a) The redevelopment plan or the urban renewal plan conforms to a general plan for the locality as a whole, and

(b) There exist the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan.

2. Section 263.1 (a) is amended by adding to the listed provisions the following:

§ 263.1 *Incorporation by reference.* (a) * * *

§ 232.2 Issuance of commitment.
§ 232.23 Development of property.

* * *

3. Section 263.3 is amended to read as follows:

§ 263.3 *Certificate by Administrator to Commissioner.* No mortgage may be insured until a redevelopment or urban renewal plan has been approved for the area by the governing body of the locality involved and by the Housing and Home Finance Administrator and the Administrator has certified to the Commissioner that:

(a) The redevelopment plan or the urban renewal plan conforms to a general plan for the locality as a whole, and

(b) There exist the necessary authority and financial capacity to assure the completion of such redevelopment or urban renewal plan.

4. Part 263 is amended by adding a new § 263.4a as follows:

§ 263.4a *Issuance of commitment.* (a) Upon approval of an application a commitment will be issued setting forth the terms and conditions upon which the mortgage will be insured, including special requirements applicable to the project and requiring the submission in final form within a time specified of all appropriate documents, drawings, plans, specifications, and other instruments evidencing full compliance satisfactory to the Commissioner with the provisions of this part and with such terms and conditions.

(b) Such commitment may be on a form providing for advances of mortgage money during construction and the insurance of such advances as made, or it may be on a form providing for the insurance of the mortgage after completion of the improvements.

(c) No commitment shall be valid unless signed by the Commissioner or his agent authorized for that purpose, and shall, with respect to commitments to insure advances, be effective for a stated period, not in excess of 180 days: *Provided*, That the commitment fee shall have been paid as required. A commitment may be renewed in such manner as the Commissioner may from time to time specify.

(d) The mortgagee may collect from the mortgagor the amount of the application and commitment fees provided for in this section and may charge the mortgagor an initial service charge to reimburse itself for the cost of closing the transaction, in an amount not to exceed 1½ percent of the original principal amount of the mortgage. Any additional charges shall be subject to prior approval of the Commissioner.

(e) An inspection fee computed at the rate of $5.00 per thousand dollars of the face amount of the commitment shall be paid as provided for in the commitment.

5. Section 268.1 (a) is amended by adding to the listed provisions the following:

§ 268.1 *Incorporation by reference.* (a) * * *

§ 232.5 Maturity.

* * * * * *

6. Part 268 is amended by adding a new § 268.7a as follows:

§ 268.7a *Mortgage maturity.* The mortgage must have a maturity satisfactory to the Commissioner, not to be more than thirty years from the date of the insurance; or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., May 4, 1955.

[SEAL] NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 55-3854; Filed, May 11, 1955; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Correction

In Federal Register Document 55-3717, published at page 3106 of the issue for Saturday, May 7, 1955, the sixth line of § 146.26 (b) (25) (i) should read: "percent of 2,4-diamino-5-(*p*-chloro-".

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.256]

PART 75 — INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

INTRANSIT LICENSES

Section 75.20 of the regulations governing the international traffic in arms, ammunition, and implements of war issued on November 25, 1953, and amended on November 17, 1954, is further amended to read:

§ 75.20 *Intransit licenses.* (a) Articles to be moved intransit through the United States, its territories or possessions shall require an intransit license. The Secretary of State will refuse to issue intransit licenses if a proposed intransit shipment is considered contrary to the security and/or foreign policy of the United States.

(b) Collectors of customs are authorized, however, on presentation of satisfactory evidence, to permit arms, ammunition, and implements of war to enter or leave the United States without the presentation of an import, export or intransit license if such articles are consigned from any place in a foreign country whose territory is contiguous to that of the United States to any other place in the same country.

(c) Collectors of customs may also permit intransit shipments of sporting arms and ammunition, and of pistols and revolvers not larger than caliber .38, to enter and leave the United States without a license if such shipments are valued at not more than $300.00.

(Sec. 12, 54 Stat. 10; 22 U. S. C. 452)

For the Secretary of State:

Dated: May 9, 1955.

ROBERT F. CARTWRIGHT,
Acting Administrator,
Bureau of Security
and Consular Affairs.

[F. R. Doc. 55-3860; Filed, May 11, 1955; 8:52 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Office of Oil and Gas, Department of the Interior

PART 302—REPORTS AND INSPECTIONS OF FACILITIES AND AGENCIES FOR THE PRODUCTION, PROCESSING, STORAGE AND TRANSPORTATION OF PETROLEUM AND PETROLEUM PRODUCTS

CHANGE IN TERMINOLOGY

The heading of Chapter III is amended to read as set forth above, and the words "Oil and Gas Division" whereever they occur in Part 302 are changed to read "Office of Oil and Gas."

It was not deemed necessary to publish this amendment as a notice of proposed rule making in the FEDERAL REGISTER pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C., section 1003) because it only relates to a change in organizational nomenclature.

DOUGLAS MCKAY,
Secretary of the Interior.

MAY 6, 1955.

[F. R. Doc. 55-3836; Filed, May 11, 1955; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 532—PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT PERSONNEL

RETIREMENT PAY

Section 532.2 is revised to read as follows:

§ 532.2 *Retired and retirement pay—*(a) *General.* This section sets forth the operating procedures under which payment of retired pay may be made to designated trustees on behalf of mentally incompetent retired members.

(b) *Designation of person or persons to receive payments as trustee.* The Chief of Finance, by letter of redelegation, has redelegated the authority to designate a person or persons to receive funds due mentally incompetent retired members without the necessity for appointment in judicial proceedings of a committee, guardian, or other legal representative, to the Commanding General, Finance Center, U. S. Army, Indianapolis 49, Indiana. Any payments to the person or persons so designated trustees shall constitute a complete discharge of the obligation of the United States as to amounts so paid. Where a legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction, no other fiduciary or representative to receive payment shall be designated.

(c) *Persons who may be designated trustees.* The Commanding General, Finance Center, U. S. Army, may designate as trustee any of the following in order of preference indicated below.

(1) The lawful wife or husband, as appropriate.

(2) If there is no wife or husband, a legitimate son or daughter or legally adopted son or daughter, provided such person is 21 years of age or more.

(3) If there is no son, daughter, or legally adopted son or daughter, a parent of the member.

(4) If there is no parent, the head of an institution, or person designated by him, if the member is committed to the care of an institution.

(5) Any person or persons without regard to those listed in subparagraphs (1) through (4) of this section, and without regard to the order of preference if deemed by the Commanding General, Finance Center, U. S. Army, to be in the best interests of the mentally incompetent member.

(d) *Application for designation as trustee.* A written application requesting payment of amounts due a member who is mentally incompetent, will be made by the individual who believes he should be designated to receive payments as trustee on behalf of the alleged mental incompetent. Such application will be in letter form addressed to the Commanding General, Finance Center, U. S. Army, Indianapolis 49, Indiana; will be signed by the requesting individual; and will contain the following information:

(1) Name, grade, service number, service assignment, and present address of member declared mentally incompetent.

(2) Name, address, and relationship to member declared mentally incompetent, if any relationship, or person who believes he should be designated as trustee to receive payments on behalf of the person who is mentally incompetent. (Evidence of relationship may be submitted with application, if desired, but it is not necessary as the Commanding General, Finance Center, U. S. Army, will request any specific evidence required.)

(3) A statement as to whether or not a legal guardian has been or is to be appointed in the near future.

(4) A statement as to past and anticipated future financial relationship with the member who is mentally incompetent.

(e) *Bond required for trustee.* In any case wherein the payments may be reasonably expected to exceed $1,000, as determined by the Commanding General, Finance Center, U. S. Army, a suitable bond as prescribed by the Chief of Finance shall be provided by the designated trustee. The bond will be executed on DD Form 462 (Bond of Person Designated To Act on Behalf of Incompetent Member or Former Member of the Uniformed Services), which will be furnished to the designated trustee by the Commanding General, Finance Center, U. S. Army. The cost of such bond may be paid for out of sums due the mental incompetent. These forms are available only at the Finance Center, U. S. Army.

(f) *Assurance that payments are for benefit of mental incompetent.* The designated trustee will be required to furnish the Commanding General, Finance Center, U. S. Army, Indianapolis 49, Indiana, a satisfactory assurance, at least once a year, that amounts received have been and will be applied to the use and benefit of the mental incompetent.

If the Commanding General, Finance Center, U. S. Army, deems it necessary to request more frequent accounting he may do so; or if he should deem it necessary to require field investigations, he may request such investigation from the Veterans' Administration or any other public or private social agency which is willing and able to provide such investigation without cost. The Commanding General, Finance Center, U. S. Army, will prescribe the procedures and methods necessary to provide that satisfactory assurances are made by the designated trustee that amounts received have been and will be applied to the use and benefit of the mental incompetent. Should an examination of the reports submitted by the trustee indicate that such amounts have not been properly applied to the use and benefit of the mental incompetent, the Commanding General, Finance Center, U. S. Army, will submit the complete reports to the Judge Advocate General, Washington 25, D. C., for any action that may be necessary. The Judge Advocate General will examine the reports and take such action as may be required in the event of fraud or misappropriation.

(g) *Termination of payments to trustee.* Payments of amounts due mentally incompetent members to trustees shall cease upon the occurrence of any of the following:

(1) Death of the incompetent.

(2) Death or disability of the trustee.

(3) Receipt of notice that a committee, guardian, or other legal representative has been appointed for the mental incompetent by a court of competent jurisdiction.

(4) Failure of the trustee to render the reports required by paragraph (f) of this section.

(5) Whenever there is probable cause to believe that there is improper use of the moneys received on behalf of the mental incompetent.

(6) A finding by the Surgeon General that the heretofore mental incompetent is mentally capable of managing his own affairs.

(7) Whenever the Commanding General, Finance Center, U. S. Army, deems it to be advisable.

[AR 35-1361, 18 April 1955] (Sec. 3, 64 Stat. 249; 37 U. S. C. 353)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-3853; Filed, May 11, 1955; 8:51 a. m.]

Subchapter C—Military Education

PART 543—PROMOTION OF RIFLE PRACTICE

MISCELLANEOUS AMENDMENTS

Sections 543.1 and 543.2 are revised to read as follows:

§ 543.1 *Issues of rifles, ammunition, etc. to schools*—(a) *Purpose.* The regulations in §§ 543.1 to 543.3 prescribe the methods for implementing the program fostered by the National Board for the Promotion of Rifle Practice for promoting marksmanship training with military type small arms among able-bodied citizens of the United States outside the active services of the Armed Forces of the United States. See also § 543.4. The regulations in §§ 543.1 to 543.3 are not applicable to ROTC units.

(b) *General.* Under authority of Acts of Congress of April 27, 1914 and of August 29, 1916, and under the regulations in §§ 543.1 to 543.3, issues of rifles, appendages, accessories, ammunition, and other pertinent equipment will be issued to schools not authorized such issues under other existing laws such as section 40 or section 55c, National Defense Act, as amended. To draw this equipment a school must maintain during the active school year a uniformed Corps of Cadets at least 40 in number, above the age of 14 years, who receive military instruction and who must engage in target practice. Only articles listed in the regulations in §§ 543.1 to 543.3 will be issued. Arms will be issued only for the use of cadets who are receiving adequate military training determined as the result of an inspection made under direction of the adjutant general of the State, Territory, or the District of Columbia, and who will engage in target practice in accordance with the regulations prescribed by the National Board for the Promotion of Rifle Practice. Cadets who are 14 years of age or over may fire the Director of Civilian Marksmanship smallbore rifle course and/or the Army Qualification Course E, as well as the Army Qualification Courses, A, B, and C with the caliber .30 rifle marksmanship will receive appropriate certificates of qualification or badges (§§ 578.61 of this chapter) when the qualifications are submitted to the Director of Civilian Marksmanship (as indicated in paragraph (h) (2) and (5) of this section). The certificates of qualification available for issue are as follows: DA Form 1282 (Certificate of Qualification For Rifle, Civilian Rifle Clubs and Institutions), DA Form 1282-1 (Certificate of Qualification For Smallbore Rifle, Civilian Rifle Clubs and Institutions), DA Form 1282-2 (Certificate of Qualification for Pistol, Civilian Rifle Clubs and Institutions).

(c) *Kinds of equipment to be issued.* (1) The arms to be issued and the accessories, appendages, and pertaining equipment are as follows:

Articles	*Remarks. See paragraph (b) of this section*
Rifle, U. S., cal. .30 M1 and/or Rifle, U. S., cal. .30 M1903A3 with accessories.	1 per cadet above the age of 14 years.
Bayonet, M1	1 per rifle.
Cover, front sight	1 per rifle.
Rod, cleaning, cal. .30, M2A1	1 per 8 rifles, cal. .30.
Scabbard, bayonet, M7	1 per bayonet.
Screwdriver, rifle	1 per 8 rifles, cal. .30.
Sling, gun, M1	1 per rifle.
Belt, cartridge, cal. .30, dismounted	1 per rifle, cal. .30.
Rifle, cal. .22 [1]	10 per school.
Rod, cleaning, cal. .22 rifle	1 per 2 rifles, cal. .22.
Target, combination, sliding	2 per school.
Marker, target, short range	2 per school.
Marker, target, mid range	2 per school.
Flag, danger	1 per school.
Magazine assembly, extra	1 per .22 cal. rifle. [2]
Rack, arms, combination, M3	1 per 20 rifles.

[1] Rifle, U. S. caliber .22, M2 and/or any rifle, caliber .22 available at time of issue, every effort being made to ascertain that all caliber .22 rifles issued 1 school will be the same make and model.

[2] To fit model of .22 caliber rifle issued.

(2) Schools will submit DA Form 1289 (Requisition for Articles Authorized for Issue to Institutions), to the Director of Civilian Marksmanship for required quantities of items authorized above. DA Form 1289 will accompany formal application for enrollment, application for bond and related papers submitted by the school in letter form in accordance with paragraph (f) (2) (i) of this section. The accountable officer will be designated by the president or principal of the school.

(d) *Applications, to whom submitted.* Each application for issue of rifles and all non-expendable Ordnance property (paragraph (b) of this section) must be submitted to the Director of Civilian Marksmanship, Department of the Army, Washington 25, D. C., by the president or principal of the school through the adjutant general of the State, Territory, or District of Columbia, who will specify the actual number of informed cadets 14 years of age or older who receive military instruction and who will engage in small arms target practice. This application must have the approval of the adjutant general of the State, Territory, or District of Columbia, and that of the superintendent of schools of the city, town or district, or chairman of the board of trustees or other governing body of the school applying for the arms. Each application must indicate that a suitable instructor in small-arms marksmanship training is available to the cadets.

(e) *Bonds, care of property, fire insurance, and lost property surveys*—(1) *Bond.* As a condition precedent to the issue of any Government property under this section, each school will be required to file with the Director of Civilian Marksmanship a properly executed bond as prescribed in pertinent Army regulations.

(2) *Care and safekeeping of arms, equipment, etc.* The officials of institutions are responsible for the care and safekeeping of arms, ammunition, and equipment which have been issued to them and for seeing that proper precautions are taken to prevent these Government issues from being improperly used and from falling into the hand of irresponsible persons.

(3) *Fire insurance.* A school is not required to carry fire insurance. Whether or not the school carries insurance on its Government-loaned property will not modify its pecuniary obligations for losses by fire which may result from neglect or loss through the fault of the school.

(4) *Lost property surveys.* Government-loaned property, lost, destroyed, or damaged by fire, flood, theft, tornado, or other similar causes, without fault or neglect on the part of the school, its servants or employees, or any member of its student body receiving military training, will be replaced at the expense of the United States. To determine whether such loss, destruction, or damage was without fault or neglect on the part of the school, its servants or employees or members of its student body receiving military training, A Report of Survey (DD Form 46) will be made in accordance with pertinent Army regulations.

(f) *Ammunition and supplies*—(1) *Annual issues.* To each school, so far as funds made available annually to the National Board for the Promotion of Rifle Practice will permit, not more than the following:

Articles	*Remarks. See paragraph (b) of this section*
Cartridge, ball, cal. .30	To be issued to nearest full case on basis of 143 rounds per cadet above 14 years of age firing, but not to exceed 11,440 rounds per school.
Cartridge, ball, cal. .22 long rifle	To be issued to nearest full case on basis of 143 rounds per cadet above 12 years of age firing, but not to exceed 14,300 rounds per school.
Cloth, target, 72 inches wide	15 yards per school.
Disk, target, spotter, 3-inch	20 per school.
Disk, target, spotter, 5-inch	10 per school.
Spindles, target, spotter	30 per school.
Pasters, target, buff and black	20,000 per school.
Targets, paper, outdoor Centers, repair, target	As authorized by the Director of Civilian Marksmanship on basis of course of fire.
Targets, gallery, 50 feet	1,000 per school.
Cleaner, rifle bore, 1 qt. can	2 qts. per 20 rifles, cal. .30.
Compound, rust preventive, light	10 lbs. per school.
Oil, lubricating, preservative, spl	1 qt. per 20 rifles.
Patches, cut, canton flannel	100 patches per rifle.

(2) *Requisitions*—(i) *Initial requisitions.* Initial requisition will be submitted by the school at time formal applications and related papers are forwarded to the Director of Civilian Marksmanship. Regardless of date submitted, initial requisition will be submitted on DA Form 1289 and will specify full quantities of items, authorized above, that are required by the school. Adjustment of unexpended balances will be made on the annual requisition.

(ii) *Annual requisitions.* (a) Annual allowances are based upon fiscal year from 1 July of one year to 30 June of succeeding year or a school year substantially coinciding therewith. These allowances are not cumulative.

(b) Requisitions for items authorized by annual allowances and required by school for succeeding year will be based upon pertinent records as of the termination of the current fiscal or school year. These requisitions will show quantity on hand, and in column b, item 4, will show the desired quantities of authorized items required by school, in amounts which, when added to quantities on hand, will not exceed total authorized in (a) of this subdivison.

(iii) *Supplementary requisitions.* A supplementary requisition may be submitted during the year, if necessary, to meet conditions that differ from projection upon which the original requisition was based.

(iv) *Number of cadets.* The number of uniformed cadets receiving prescribed military instruction and participating in small arms marksmanship training must be stated in item 3, DA Form 1289.

(3) *Sales.* When ammunition and other expendable supplies listed in subparagraph (1) of this paragraph, are not available for free issue to educational institutions enrolled with the Director of Civilian Marksmanship, said items may be purchased from the Army Ordnance Corps in accordance with the provisions of pertinent Army regulations. As authorized or directed by the commanders of Ordnance Ammunition Command, Joliet, Illinois, Raritan Arsenal, Metuchen, New Jersey, or Ordnance Weapons Command, Rock Island, Illinois, sales of Ordnance expendable property necessary for the maintenance of the equipment listed in paragraph (c) of this section, or for the conduct required small arms marksmanship training as indicated in paragraph (b) of this section, may be made by commanders officers of any U. S. Army Ordnance installation located within the continental United States. All such sales will be for cash and without expense to the Government. Prices charged will be the standard list prices contained in Ordnance Pricing Guides, plus cost of packing, handling, transportation, and such excise taxes as are applicable. Requests for purchase of such Ordnance items will be forwarded by the State adjutant general, president or principal of the school, properly certified that "the requested material is required for the maintenance of issued arms or conduct of small arms marksmanship training pursuant to AR 920-20," direct to Ordnance Ammunition Command for ammunition items; to Raritan Arsenal for cleaning and preserving materials; and to Ordnance Weapons Command for all other items.

(g) *Rifles, appendages, and equipment*—(1) *Care.* The schools to which issues of Ordnance property are made will be required to keep said property in like good and serviceable condition as when issued by the Government. Rifles issued to schools are subject to recall in the event of any emergency.

(2) *Transportation.* The transportation of rifles, spare parts, appendages, and other supplies from the Government arsenals to recipient and back to the Government arsenal will be without expense to the United States.

(3) *Inspection.* Rifles, appendages, and equipment therefor which become unfit for use for any cause will be reported at once to the Director of Civilian Marksmanship, Department of the Army, by the responsible holder of such property. Upon receipt of such report, the Director of Civilian Marksmanship, Department of the Army, will issue shipping instructions direct to the school for the return of unserviceable arms, appendages, and equipment, to a designated arsenal, shipment to be made without expense to the Government.

Upon reaching an arsenal, they will be inspected by an officer of the Ordnance Corps, and if their condition is found to be due to the ordinary incidents of service, they may be replaced with serviceable stores of like specifications; but if their condition is found to be due to carelessness or to other than legitimate causes, the extent of damage including the value of all missing stores will be determined by the receiving officer and reported to the Director of Civilian Marksmanship, Department of the Army, who will require payment by the school (responsible party) under their surety bond prior to any new issue of rifles or appendages.

(4) *Return.* When any school fails to return the arms and appendages therefor in its charge within 30 days after demand made by the Secretary of the Army, or within such time as may be designated by him, claim will be made under the school's surety bond.

(h) *Annual reports.* (1) Each of the reports listed below will cover the period July 1 of one year to June 30 of succeeding year. Reports will be submitted so as to reach the office of the Director of Civilian Marksmanship, Department of the Army, as soon after the conclusion of the school year as possible. DA Forms for these reports will be furnished by the Director of Civilian Marksmanship on or about May 1 each year.

(2) Each school will submit its Annual Report Of Firing And Target Practice Of Institutions (DA Form 1288), through the adjutant general of the State, Territory, or District of Columbia, showing the full name of each student firing and the total score for the course fired for record.

(3) An annual inventory of property, issued by the Government to the school, will be submitted direct to the Director of Civilian Marksmanship, Department of the Army, by the official accountable for Government property held by the school.

(4) Annual report of inspection made under direction of the adjutant general of the State, Territory, or District of Columbia, covering qualifications of school to remain eligible for Government assistance, reported on DA Form 1276 (Annual Inspection of Institutions For Qualification With Director of Civilian Marksmanship), will be forwarded to the Director of Civilian Marksmanship, by the adjutant general of the State, Territory, or District of Columbia.

(5) Appropriate certificates of qualification (DA Forms 1282, 1282–1, or 1282–2) or badges will be issued to cadets qualifying in rifle marksmanship based upon information contained in record of qualification forms submitted. DA forms for submitting this report of qualification are as follows: DA Form 1278 (Record of Qualification For Junior Smallbore Rifle Course, Civilian Rifle Club), DA Form 1279 (Record of Qualification for Caliber .22 Rifle, Civilian Rifle Club), DA Form 1280 (Record of Qualification For Caliber .30 Rifle, Civilian Rifle Club), and DA Form 1281 (Record of Qualification For Caliber .45 Pistol Or Revolver, Civilian Rifle Club). These forms will be furnished upon request to the Director of Civilian Marksmanship.

(i) *Failure to comply with instructions.* Failure on the part of any school to pursue each year a prescribed course of rifle practice or to comply with the regulations of this section or with any others that may be prescribed by the Director of Civilian Marksmanship, for the use, care, preservation, or accountability of any rifles or appendages or ammunition therefor issued to it by the United States, will be considered sufficient cause for the prompt withdrawal of the Government property in its possession.

§ 543.2 *Issues of rifles, ammunition, etc., to civilian shooting clubs*—(a) *Authority for issue.* The Secretary of the Army is authorized, within the limits of funds made available annually to the National Board for the Promotion of Rifle Practice in accordance with reasonable rules and regulations approved by him upon the recommendation of the National Board for the Promotion of Rifle Practice, to assist civilian shooting clubs in conducting small arms marksmanship training with military type small arms, the support, maintenance, and management of matches or competitions in the use of such arms and the issuance in connection therewith of the necessary arms, ammunition, targets and other necessary supplies and appliances, and the award to competitors of trophies, medals, badges, and other insignia. See act June 7, 1924 (43 Stat. 510), as amended (32 U. S. C. 181).

(b) *Rules for organizing clubs.* Shooting clubs which are accredited by the National Rifle Association of America may receive Government assistance through the Director of Civilian Marksmanship, Department of the Army, which is the implementing agency for the National Board for the Promotion of Rifle Practice, by completing DA Form 1271 (Application For Enrollment of a Civilian Rifle Club) and DA Form 1274 (Description of Available Range Facilities For Civilian Rifle Club), and qualify in accordance with the following regulations:

(1) (i) A senior club will maintain a membership of at least 10 physically fit citizens of the United States, 17 years of age or older, who are not eligible to participate in practice with military type arms under other programs which are administered or assisted by the Government. All members of the Armed Forces of the United States, including members of the reserve components and Reserve Officers Training Corps are considered eligible for such participation through their service connections. Such persons may become club members but they may not be counted as club members so far as reports to the Director of Civilian Marksmanship are concerned.

(ii) A junior club will maintain a membership of at least 10 physically fit citizens of the United States who have reached 12 years and have not reached 19 years of age, residing in any locality.

(iii) A junior division of a senior club will maintain a membership of at least 10 physically fit citizens of the United States who have reached 12 years of age and have not reached 17 years of age, residing in any locality. It may receive the same issues and privileges as a junior rifle club, provided such sponsoring senior club will be responsible and accountable for all property issued, such property to be secured by the senior club's bond.

(iv) A college club will maintain a membership of at least 10 physically fit civilians enrolled in any university, college, or educational institution of higher learning not having an ROTC unit. Shooting clubs organized at colleges or universities having an ROTC unit may be enrolled with the Director of Civilian Marksmanship, but will not be authorized material aid under provisions of §§ 543.1 to 543.3. Government equipment issued for ROTC training at such institutions may be used by such clubs only with approval of the PMST (Professor of Military Science and Tactics) at that institution. The rules and regulations for such clubs will be that for senior clubs, as indicated in subdivision (i) of this subparagraph, except that the club must be approved by a responsible official of the institution.

(2) All clubs enrolled with the Director of Civilian Marksmanship, Department of the Army, will carry on small-arms marksmanship training in accordance with regulations prescribed by the National Board for the Promotion of Rifle Practice and make annual reports (paragraph (f) of this section) of such training to the Director of Civilian Marksmanship. National Rifle Association accredited clubs not desiring the loan of arms as authorized by §§ 543.1 to 543.3 may also enroll with the Director of Civilian Marksmanship. However, all clubs enrolled with the Director of Civilian Marksmanship, whether they receive Government assistance or not, will agree that not less than 75 percent of its eligible members (exclusive of those associated with the Armed Forces of the United States) will fire for qualification, annually, one of the courses currently prescribed for record firing by members of the Active Army or as required by the Director of Civilian Marksmanship (subparagraph 3 of this paragraph) and that a DA Form 1277 (Annual Report of Membership and Firing of Civilian Rifle Club) will be made annually to the Director of Civilian Marksmanship. DA Form 1277 for this report will be furnished senior clubs and junior divisions of senior clubs by the Director of Civilian Marksmanship not later than 30 November of each year; report forms will be sent to junior and college clubs not later than May 1. Qualifications scores, when reported to the Director of Civilian Marksmanship, will be recorded and appropriate certificates of qualification (DA Form 1282, 1282–1, or 1282–2) or qualification badges will be issued.

(3) Qualification courses to be fired are as follows:

(i) Members of each club enrolled with the Director of Civilian Marksmanship will fire annually for qualification purposes, one of the currently prescribed Army qualification courses, National Match courses or the Director of Civilian Marksmanship smallbore course as indicated in (a) through (c) of this subdivision.

(a) *Senior and college clubs.* Members of any age may fire the caliber .22 rifle course E, the caliber .30 course, A, B, or C, or the caliber .45 pistol. See also subparagraphs (4), (5) and (6) of this paragraph.

(b) *Junior divisions of senior clubs—(1) Ages 12 through 13.* Director of Civilian Marksmanship small bore rifle course only.

(2) *Ages 14 through 16.* Director of Civilian Marksmanship smallbore rifle course and/or the caliber .22 rifle course E, as well as the Army Qualification courses A, B, and C with the caliber .30 rifle. See also subparagraph (4), (5) and (6) of this paragraph.

(c) *Junior clubs—(1) Ages 12 through 13.* Director of Civilian Marksmanship smallbore rifle course only.

(2) *Ages 14 through 18.* Director of Civilian Marksmanship smallbore rifle course and/or the caliber .22 rifle course E.

(ii) Record practice firing of a club will be conducted in accordance with the procedures governing record practice and/or for the "DCM Junior Smallbore Rifle Course" as prescribed by the Director of Civilian Marksmanship, Department of the Army. Any caliber .30 military rifle (see National Rifle Association rule 3.2) or caliber .22 rifle as defined under National Rifle Association rule 3.2 may be used. Only metallic sights may be used. The aperture front sight may not be used, unless a blade insert is installed.

(iii) Within the Army, transition firing is required to confirm scores made in firing courses, A, B, and C as well as in firing the standard course. The selected known distance course A, B, or C will be considered complete in itself for firing by civilians.

(iv) The president of a senior civilian club will designate which courses of fire will be fired for record by the members of that club including those to be fired by members of any junior division sponsored by the club. The course or courses so designated may be fired as many times during the target season as the club president directs, but only the highest complete aggregate score of each individual with each arm will be reported (paragraph (f) of this section). See also subparagraphs (4) and (5) of this paragraph.

(v) (a) Annual allowances of ammunition will not be increased on account of any club firing record courses more than once.

(b) Except when participating in competitions in which credits towards distinguished designation may be achieved, no restrictions will be placed upon the type of ammunition which will be used by civilians when firing the various Army rifle and pistol marksmanship qualification courses for record practice.

(4) Where the course of fire of any programmed individual or aggregate rifle match in an NRA Approved or Registered tournament amounts to having fired one of the qualification courses currently prescribed for the United States Army or the National Match course, the scores attained in such a match may be counted as the annual record practice firing of individuals of a club.

(5) Where the National Match course of fire with either the service rifle or service pistol comprises the programmed match (NBPRP Approved Match) in an NRA Regional Championship or in a major command competition (includes Army Area matches) scores made in those matches may also be recorded as individual record practice scores of members of clubs participating in such competitions. Likewise, scores made in the NBPRP sponsored individual rifle and pistol matches of the annual National matches may be recorded as the individual record practice scores of members of clubs participating in those competitions.

(6) Scores attained in the competitions cited in subparagraph (4) of this paragraph, will entitle the individual to a certificate of qualification. Scores attained in the competitions to which reference is made in subparagraph (5) of this paragraph, will entitle the individual to award of the appropriate Army qualification badge as is provided by § 578.61 of this chapter. Participation in the matches referred to in subparagraph (5) of this paragraph, affords the individual an opportunity to achieve a credit toward distinguished designation.

(c) *Issues—(1) Arms, ammunition, and appendages.* Arms, ammunition, and appendages will be issued only to those National Rifle Association accredited clubs which are organized and conduct target practice under rules established by the National Board for the Promotion of Rifle Practice and to organizations sponsoring competitions with small arms which are deemed eligible for such aid by the National Board for the Promotion of Rifle Practice. All issues of expendable items authorized herein are dependent upon the amount of funds made available annually to the National Board for the Promotion of Rifle Practice to cover the procurement and issue thereof. No issues of non-expendable equipment will be made to any club until it has been issued a permanent National Rifle Association charter and has been accredited by the National Rifle Association with having at least one NRA certified Rifle Marksmanship or Assistant Rifle Marksmanship Instructor and, in addition, has filed with the Director of Civilian Marksmanship an approved and accepted surety bond in accordance with the requirements set forth in pertinent Army regulations. DA Form 1272 (Bond Application For Civilian Rifle Club) will be furnished by the Director of Civilian Marksmanship, Department of the Army.

(2) *Senior clubs.* To each senior club, so far as funds will permit will be issued not more than the following:

(i) *Initial issue.*

Articles	Remarks. See paragraph (c) (1) of this section
Rifle, U. S., cal. .30, M1 with accessories, or Rifle, U. S., cal. .30, M1903A3	4 per club.[1]
Rod, cleaning, cal. .30, M3	1 per club.
Sling, gun, M1	1 per rifle.
Clips, cartridge, 8 rd. M1	2 per rifle.
Rifle, cal. .22	4 per club.[2]
Rod, cleaning, cal. .22 rifle	1 per club.[3]
Target, combination, sliding	2 per club.
Marker, target, short range	2 per club.
Marker, target, mid range	2 per club.
Flag, danger	1 per club.
Magazine, assembly, extra	1 per rifle.[3]
Rod, cleaning, jointed, M10	1 per club.
Telephones, EE–8	2 per club.
Wire, W–110–B	As authorized by the Director of Civilian Marksmanship.
Rack, arms, combination, M3	1 per 20 rifles.[4]

[1] Where the members of any 1 club who participate in rifle practice in any 1 year does not exceed 25. If more than 25 members of any club participate in any 1 year, then 1 additional rifle may be authorized for each additional 10 of such members, or fraction thereof, the total of such rifles issued not to exceed 8 to any 1 club. Model of rifle to be determined by the Director of Civilian Marksmanship.

[2] Only when sufficient quantities are available above the needs of schools and junior rifle clubs.

[3] To fit model of .22 caliber rifle issued.

[4] A minimum of 5 rifles will be necessary to obtain 1 rack. Additional target carriers, marking disks, and flags may be issued when in the opinion of the Director of Civilian Marksmanship, the range facilities, the membership of the club, and its activities warrant such issue.

(ii) *Annual issue.*

Articles	Remarks. See paragraph (c) (1) of this section
Cartridges, ball, cal. .30	To be issued to nearest full case on basis of 135 rounds per member firing, but not to exceed 13,500 rounds per club.
Cloth, target, 72 inches wide	15 yards per club.
Disk, target, spotter, 3-inch	20 per club.
Disk, target, spotter, 5-inch	10 per club.
Spindles, target, spotter	30 per club.
Pasters, target, buff and black	20,000 per club.
Targets, paper, outdoor; Centers, repair, target	As authorized by the Director of Civilian Marksmanship on basis of course of fire.

Articles	Remarks. See paragraph (c) (1) of this section
Targets, gallery, 50-foot	1,000 per club.
Cleaner, rifle bore	2 qts. per club.
Grease, lubricating, rifle (RS), 5 cc. container	2 per M1 rifle.
Oil, lubricating, preservative, special (PS)	2 qts. per club.
Patches, cut, canton flannel	400 per weapon.
Soap, saddle	1 lb. per club.

(3) *Junior clubs.* To each junior rifle club, so far as funds will permit, will be issued not more than the following:

(i) *Initial issue.*

Articles	Remarks. See paragraph (c) (1) of this section
Rifle, cal. .22 [1]	2 per club.[2]
Rods, cleaning, cal. .22, M1, or M2	1 per 2 rifles.
Slings, gun, M1	1 per rifle.
Magazine, assembly, extra	1 per rifle.[3]
Rack, arms, combination, M3	1 per 20 rifles.[4]

[1] Rifle, U. S. caliber .22 and/or any rifle, caliber .22 available at time of issue, every effort being made to ascertain that all caliber .22 rifles issued to 1 club will be the same make and model.

[2] If more than 10 members of a junior rifle club participate in target practice in any 1 year then 1 additional rifle for each additional 5 of such members, the total of such rifles issued not to exceed 10 to any junior club.

[3] To fit model of caliber .22 rifle issued.

[4] A minimum of 5 rifles will be necessary to obtain 1 rack.

(ii) *Annual issue.*

Articles	Remarks. See paragraph (c) (1) of this section
Cartridges, ball, cal. .22 long rifle	To be issued to nearest full case on basis of 135 rounds per member firing, but not to exceed 13,500 rounds per club.
Targets, galley, 50 foot	As authorized by the Director of Civilian Marksmanship.
Cleaner, rifle bore	1 qt. per club.
Oil, lubricating, preservative, spl	1 qt. per club.
Patches, cut, canton flannel	2,000 per club.

(4) *Rifle clubs at educational institutions.* Issues to rifle clubs at educational institutions will be made only upon request of the instructor approved by the principal or president of the school.

(5) *Additional issues.* When considered by the Director of Civilian Marksmanship to be essential, issue of additional arms and appendages may be made to enrolled clubs, where needed for the purpose of participating in rifle and pistol competitions conducted within the intent and scope of AR 370–10 (Small Arms Competition) and the regulations of §§ 543.1 to 543.4 governing the promotion of small arms marksmanship training among civilian citizens. Funds permitting, additional issues also may be made of ammunition, target materials, and range supplies in types and quantities warranted by such activities approved by the Director of Civilian Markmanship.

(d) *Requisitions*—(1) *Annual issues.* All annual issues will be made on DA Form 1273 (Requisition for Articles Authorized for Issue to the Civilian Rifle Club), to the Director of Civilian Marksmanship.

(2) *Arms, appendages, and target material.* Issues of arms, target carriers, and other target material will be made upon requisition to the Director of Civilian Marksmanship, Department of the Army, submitted by the club secretary. DA Form 1273 must state the number of members of the club in good standing (items 3 of Form 1273) and, if an initial issue, must be accompanied by Form 1274 giving a description of the tract available for an outdoor range, including location and protection afforded nearby residents; whether owned or leased by club, and if leased the number of years covered by same. A similar report (on Form 1274) must be submitted as to an indoor range when requisition is made for material for such.

(e) *Property*—(1) *Care and safekeeping of arms and equipment.* (i) The officials together with each individual member of clubs are responsible for the care, use, and safekeeping of arms, ammunition, and equipment which have been loaned or issued to their club and for seeing that proper precautions are taken to prevent Government property from being improperly used and from falling into hands of irresponsible persons. Provision must be made for safe storage and use of arms, ammunition, and equipment. Rifles issued to civilian clubs are subject to recall in the event of an emergency.

(ii) The clubs to which issues of nonexpendable property are made will be required to keep said property in like good and serviceable condition as when issued by the Government, and for this purpose the repair parts, implements, and appendages necessary for that purpose will be sold to them at cost price.

(2) *Sales.* When ammunition and other expendable supplies indicated in paragraph (c) of this section are not available for free issue to clubs enrolled with the Director of Civilian Marksmanship, said items may be purchased from the Army Ordnance Corps in accordance with the provisions of pertinent Army regulations. As authorized or directed by the Commanders of Ordnance Ammunition Command, Joliet, Illinois, Raritan Arsenal, Metuchen, New Jersey, or Ordnance Weapons Command, Rock Island, Illinois, sales of Ordnance expendable property necessary for the maintenance of the equipment listed in paragraph (c) of this section, or for the conduct of required small arms marksmanship training as indicated in paragraph (a) of this section, may be made by commanding officers of any United States Army Ordnance installation located within the continental United States. All such sales will be for cash and without expense to the Government. Prices charged will be the standard list prices contained in Ordnance pricing guides, plus cost of packing, handling, transportation, and such excise taxes as are applicable. Requests for purchase of such Ordnance items will be forwarded by an officer of the club and countersigned by another responsible club official, properly certified that "the requested material is required for the maintenance of issued arms or conduct of marksmanship training pursuant to AR 920–20," direct to Ordnance Ammunition Command for ammunition items; Raritan Arsenal, for cleaning and preserving materials; and Ordnance Weapons Command for all other items. The sale of Ordnance non-expendable property will be made as directed only by the Commanding General, Ordnance Weapons Command, Rock Island, Illinois.

(3) *Transportation.* The transportation of rifles, spare parts, appendages, and other supplies from the Government arsenals to clubs and back to the Government arsenals will be without expense to the United States.

(4) *Inspection.* Rifles, appendages, and equipment therefor which become unfit for use for any cause will be reported at once to the Director of Civilian Marksmanship, Department of the Army, by the responsible holder of such property. Upon receipt of such report, the Director of Civilian Marksmanship, Department of the Army, will issue shipping instructions direct to the club for the return of the unserviceable arms, appendages, and equipment, to a designated arsenal, shipment to be made without expense to the Government. Upon reaching the arsenal, they will be inspected by an officer of the Ordnance Corps, and if their condition is found to be due to the ordinary incidents of service they may be replaced with serviceable stores of like specifications; but if their condition is found to be due to carelessness or to other than legitimate causes, the extent of damage including the value of all missing stores will be determined by the receiving officer and reported to the Director of Civilian Marksmanship, Department of the Army, who will require payment by the club (responsible party) under their surety bond prior to any new issue of rifles or appendages.

(5) *Return.* Whenever any club fails to return the arms and appendages therefor in its charge within 30 days after demand made by the Director of Civilian Marksmanship, or within such time as may be designated by him, claim will be made under the club's surety bond.

(f) *Annual reports.* Senior clubs and junior divisions of senior clubs will submit annually, as directed by the Director of Civilian Marksmanship, DA Form 1277 and DA Form 1275 (Annual Inventory of U. S. Property Held by Civilian Rifle Club), if it has been issued any Government property. These forms will be submitted no later than 30 days after the end of each calendar year by or through the club secretary of each club. DA Forms 1275 and 1277 will be supplied by the Director of Civilian Marksmanship on or about 30 November, annually. Junior and college clubs will submit annually the above-mentioned reports no later than 30 days after the end of the school or fiscal year. Appropriate certificates of qualification will be issued to those qualifying in rifle and pistol marksmanship based upon information contained in the Records of Qualification (DA Form 1278 through 1281) provided by the Director of Civilian Marksmanship.

(g) *Range facilities.* Any changes made in range facilities of a club over those submitted initially, will be prompty reported to the Director of Civilian Marksmanship. Range facilities will be constructed and operated in compliance with applicable safety regulations for the type ranges (both indoor and outdoor) and caliber of weapons being fired.

(h) *Failure to comply with regulations.* Failure on the part of any rifle club to comply with the regulations in this section, or with any others that may be prescribed by the Department of the Army, for the use, care, preservation, or accountability of any equipment issued to it by the United States will be considered sufficient cause for the prompt withdrawal of the Government property in its possession and removal of the club from the active rolls of the Director of Civilian Marksmanship.

(i) *Clubs located on military installations.* The National Board for the Promotion of Rifle Practice is not authorized to provide assistance to clubs established at any military installation unless such clubs have a minimum of 10 nonmilitary members (paragraph (b) of this section) and such clubs are located within the continental limits of the United States, Alaska, Guam, Hawaii, Panama Canal Zone, or the Commonwealth of Puerto Rico.

[AR 920–20, 5 April 1955] (38 Stat. 370, secs. 40, 113, 39 Stat. 191, as amended, 211 sec. 35, 41 Stat. 780, 43 Stat. 510, as amended; 10 U. S. C. 1180, 1181, 1185, 32 U. S. C. 181, 186. Interpret or apply sec. 2, 45 Stat. 786, as amended; 32 U. S. C. 181b)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–3826; Filed, May 11, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1909]

PART 194—POTASSIUM PERMITS AND LEASES

This part supersedes the regulations approved December 2, 1954, by the Secretary of the Interior, and is effective 30 days after approval hereof.

GENERAL

Sec.
194.1 Statutory authority.
194.2 Definitions.
194.3 Area and limitation on holdings.
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TRANSFER OF PERMITS AND LEASES

194.24 Transfers, including subleases.
194.25 Overriding royalties.

AUTHORITY: §§ 194.1 to 194.25 issued under sec. 32, 41 Stat. 450; 30 U. S. C. 189. Interpret or apply secs. 1–7, 44 Stat. 1057, 1058, as amended, 47 Stat. 151, 60 Stat. 957, 62 Stat. 292; 30 U. S. C. 281–287.

GENERAL

§ 194.1 *Statutory authority.* (a) Sections 1 to 7 of the act of February 7, 1927, as amended (44 Stat. 1057, 30 U. S. C. secs. 281–287), authorize the Secretary of the Interior to:

(1) Issue permits to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium in public lands or in public lands disposed of with a reservation of such deposits to the United States.

(2) Lease such lands containing valuable deposits of such substances.

(b) As authorized in section 4 of the act, potassium leases may also provide for the development of sodium, magnesium, aluminum, or calcium deposits, in any of the forms described in said section, associated with the potassium deposits.

§ 194.2 *Definitions.* The following terms, as used in this part or in any lease or permit approved under the regulations in this part, shall have the meanings here given:

(a) *Secretary.* The Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

(b) *Director.* The Director of the Bureau of Land Management or any person duly authorized to exercise the powers vested in that officer.

(c) *Land Office, or appropriate land office.* The land office of the Bureau of Land Management for the State or Territory in which the lands covered by a permit, lease, or application therefor, are situated; and for States in which there are no land offices, the Bureau of Land Management, Washington 25, D. C., except for North or South Dakota, the land office at Billings, Montana; for Nebraska or Kansas, the land office at Cheyenne, Wyoming; and for Oklahoma, the land office at Santa Fe, New Mexico.

(d) *Manager or Land Office Manager.* The Manager of the appropriate land office as defined in paragraph (c) of this section, and, as to the Washington, D. C., office, the Supervisor, Eastern States Office, Bureau of Land Management.

(e) *Mining Supervisor.* The Regional Mining Supervisor of the Geological Survey for the region in which the lands under permit or lease are situated.

§ 194.3 *Area and limitation on holdings.* (a) Except where the rule of approximation applies, a lease or permit may not include over 2,560 acres in reasonably compact form entirely within a 6-mile square. No person, association, or corporation may hold, either directly or indirectly, in any one State, permits for an area that exceeds in the aggregate 51,200 acres; and, except as hereinafter provided, leases for an area that exceeds in the aggregate 15,360 acres.

(b) Any person, association, or corporation holding acreage approximating 15,360 acres of Federal land in a single operating mining unit and refining development, upon a showing that the leased deposits extend into adjoining or adjacent Federal lands and that the lands containing such reserves are a necessary and normal part of the mining unit may file an application with the Manager to have such adjoining or adjacent Federal lands (including lands under lease, permit lands subject to lease, or unleased lands) designated as fringe acreage that will not be chargeable under paragraph (a) of this section to leasehold acreage holdings of the applicant. If the Manager shall determine, after consultation with the Mining Supervisor, that the application meets the above requirements and that such designation will result in conservation of natural resources and will provide for economical and efficient recovery as a part of the mining unit, he may designate specific tracts by legal subdivisions not to exceed 2,360 acres in all as nonchargeable to the applicant under paragraph (a) of this section. The intent of this provision is that fringe area deposits not to exceed 2,560 acres may be held without acreage charge upon acquisition of mining rights therein by the applicant. A designation of fringe acreage under this section shall not constitute a determination that the deposits therein shall be mined only by the applicant.

(c) The Manager, after consultation with the Mining Supervisor, may permit a lessee holding an active mining unit to hold leases for additional acreage not to exceed 10,240 acres in all as a separate mining unit when such permission is found to be in the public interest and will encourage prospecting for additional reserves. Such permission may be conditioned upon a requirement for construction of additional refining facilities.

§ 194.4 *Qualifications of applicant.* (a) As used in this section, "applicant" means an applicant for a permit under

§ 194.8, for a lease under § 194.13, for a noncompetitive lease under § 194.17, the successful bidder to whom a lease is awarded under § 194.20, or an assignee or transferee under § 194.24.

(b) Permits and leases may be issued to citizens of the United States, association of citizens, and corporations organized under the laws of the United States or of any State or Territory thereof.

(c) All applicants must file with the Manager statements and evidence as follows (unless previously filed, in which event a reference by serial number to the record and the land office in which filed, together with a statement as to any amendments, will be accepted):

(1) As to citizenship, whether native born or naturalized.

(2) If applicant is an association (including a partnership), it must submit a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(3) A corporation must submit a statement showing:

(i) The State in which it is incorporated.

(ii) That it is authorized to hold leases for potassium deposits and that the person executing an instrument on behalf of the corporation is authorized to act in such matters.

(iii) The percentage of voting stock and of all the stock owned by aliens for those having addresses outside of the United States. When the stock owned by aliens is over 10 percent, additional information may be required.

(iv) The name, address, citizenship, and acreage holdings of any stockholder owning or controlling 20 percent or more of the stock of any class, of the corporation.

(4) That holdings do not exceed the acreage limitations specified in § 194.3.

§ 194.5 *Completion of pending applications and prior claims.* (a) Section 6 of the act of February 7, 1927, supra, which repealed the act of October 2, 1917 (40 Stat. 297), excepts valid claims existing at the passage of the act and thereafter maintained in compliance with the law under which initiated, which claims may be perfected under such law, including discovery.

(b) As to potassium mining claims, only those claims may be patented which were initiated prior to and were valid existing claims on October 2, 1917, and have since been duly maintained as such.

§ 194.6 *Permits and leases for lands disposed of with reservation of potassium.* Where lands included in a permit or lease have been disposed of with reservation of potassium deposits, a permittee or lessee must make full compliance with the law under which such reservation was made. See the acts of July 17, 1914 (38 Stat. 509; 30 U. S. C. 121–123); December 29, 1916 (39 Stat. 862; 43 U. S. C. 291–301); June 17, 1949 (63 Stat. 201); June 21, 1949 (63 Stat. 215; 30 U. S. C. 54), and August 13, 1954 (68 Stat. 708), and other laws authorizing such reservations.

NOTE: As provided in paragraph 3 of notice of October 16, 1951, 16 F. R. 10669, potash permits and leases including renewals for "Potash Area lands" within Eddy and Lea Counties, New Mexico, shall contain special requirements for the protection of oil and gas deposits.

§ 194.7 *Requirements when lands are within a withdrawal.* Where any part of the lands embraced in an application for potassium permit or lease is within a withdrawal which does not preclude disposition of the potassium deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of a potassium permit or lease. Where he recommends that a special stipulation be required to protect the interests of the United States, an appropriate stipulation may be included in the lease or permit.

POTASSIUM PROSPECTING PERMITS

§ 194.8 *Application for permit.* An application for a permit must be filed in duplicate in the appropriate land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form of application is required, but the application should include the information and evidence called for in §§ 194.4 and 194.17 (a) (1) and (2).

§ 194.9 *Rights conferred.* Two-year permits issued on Form 4–128 [1] grant the permittee the exclusive right to prospect and explore the lands described therein to determine the existence of, or workability of, the potassium deposits. Only such material may be removed from the land as is necessary to experimental work or the demonstration of the existence of such deposits in commercial quantities.

§ 194.10 *Permit bond.* Prior to the issuance of a permit for lands entered or patented with a reservation of the potassium deposits to the United States, or lands within a reclamation project, the applicant must furnish an approved corporate surety bond of at least $1,000 (Form 4–1130) or a personal bond in similar amount (Form 4–1131) secured by negotiable Federal securities in the amount of the bond. The right is reserved to require the applicant, in any case where deemed necessary, to furnish a permit bond.

§ 194.11 *Extension of permits.* Potassium permits may be extended for a single period of two years if the permittee has drilled at least one adequate test well on the permit area or performed other comparable prospecting prescribed in the permit during the two-year period for which the permit was issued. This requirement may be waived, in the discretion of the Secretary, upon a satisfactory showing that the failure of permittee was directly attributable to the shortage of equipment or labor essential to the prescribed prospecting. The showing should consist of copies of timely correspondence or other evidence demonstrating the unsuccessful efforts to obtain the material or labor. The application for extension must be filed in duplicate in the appropriate land office within the period beginning 90 days prior to the date of expiration of the permit. Upon failure of permittee to file such an application within the specified period, the permit will expire without notice to the permittee, and the lands will be subject to new applications for potassium permits.

§ 194.12 *Cancelled permits.* Upon cancellation of a potassium permit for any reason, the land will not be open to potassium permit applications until the cancellation is noted on the records of the land office.

§ 194.13 *Reward for discovery.* (a) A permittee who discovers valuable potassium deposits in the land before the permit expires is entitled to a preference right lease of all or part of the lands in the permit, in a reasonably compact form as provided in § 194.3. An application for a preference right least must be filed in the appropriate land office not later than 30 days after the permit expires. The application must describe the lands desired, show any change in the information contained in the application for permit, specify fully the extent and mode of occurrence of the deposits as disclosed by the prospecting work, and show that valuable potassium deposits were discovered before the permit expired. The application must be accompanied by the first year's lease rental at the rate of 25 cents per acre or fraction thereof. The lease will be on Form 4–126 and will be dated the first day of the month following the date of the decision notifying the applicant that he is entitled to a preference right lease, unless otherwise specified therein. If the permit expires and the application for lease is finally rejected, royalty for the deposits mined will be charged at the permit rate and such mining will not constitute a trespass.

(b) If the lands are unsurveyed, the permittee, prior to the issuance of a lease, will be required to deposit with the appropriate State Supervisor the estimated cost of making a survey of the lands as officially determined by the Bureau of Land Management. This survey will be an extension of the public land surveys over the lands applied for, and the lands to be included in the lease will be conformed to the subdivision of such survey.

POTASSIUM LEASES

§ 194.14 *Form of Lease.* Leases shall be issued on Form 4–126.

§ 194.15 *Lease bond.* A compliance bond, in no event less than $5,000, with approved corporate surety (Form 4–1113) or the lessee's personal bond (Form 4–1114), will be required prior to the issuance of a lease. Personal bonds must be secured by negotiable Federal securities in the amount of the bond.

§ 194.16 *Minimum production.* Leases will require the payment of a royalty on a minimum annual production beginning with the sixth full calendar lease year, unless operations are interrupted by strikes, the elements, or casualties not attributable to the lessee, or unless, on application and showing made, lease operations are suspended by the Department of the Interior for the reasons specified in section 39 of the Mineral Leasing Act [2] (30 U. S. C. 209).

§ 194.17 *Application for lease.* [3] (a) An application for a lease must be filed in duplicate in the appropriate land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form is required, but the application should include the following:

(1) The applicant's name and address.

(2) If the requested lands are surveyed, they should be described by legal subdivisions, showing meridian, State, township, range, and section; if not surveyed, by metes and bounds connected by courses and distance with some corner of the public land survey. When possible, the approximate legal subdivision of unsurveyed lands should be stated.

(3) Evidence that the land is valuable for its potassium content, with a statement as to the character, extent and mode of occurrence of the potassium deposits.

(b) The application must be signed by applicant, or by his attorney-in-fact supported by the power of attorney.

(c) If it be found that the area applied for is not available for leasing, the applicant will be so informed.

(d) Lands determined to be available for leasing may be offered competitively in the manner specified in § 194.18 except that if the Manager, after consulting with the Mining Supervisor, determines that the potassium deposits in the lands applied for extend into an active mining unit held by the applicant, are a normal part of such mining unit, are lacking in sufficient reserves to warrant independent development as a single mining unit, and are not of competitive interest to holders of other active mining units in the area, he may, in the interest of conservation of natural resources, grant to such applicant a lease to mine and remove such adjoining deposits without competitive bidding. A noncompetitive lease granted under this subsection shall provide for a royalty on production equal to the highest rate of royalty in any Federal lease in the applicant's adjoining mining unit but not less than 5 percent of the gross value thereof at the point of shipment to market, and, at the option of the applicant to be exercised at the time of filing of his application, either a cash bonus of $15.00 per acre or fraction thereof or a production payment of one cent per mine run ton in addition to the royalty specified in the lease. Acreage bonuses must be paid at the time of filing of application. Production payments will be made in the manner prescribed in section 2 (c) of lease Form 4–126.

§ 194.18 *Notice of lease offer.* The advertised notice of the lease offer will state the place and time of sale, whether the sale will be at public auction or by sealed bids, the description of the land and the place where a detailed statement of the terms and conditions of the lease offer may be obtained. This notice will be published at Government expense, once a week for four consecutive weeks or for such other period as may be determined, in a newspaper of general circulation in the county in which the lands or deposits are situated. A copy of the advertised notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including rental, royalty, and minimum production, the manner in which bids may be submitted, and a statement that the Government reserves the right to reject any and all bids. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding, is unlawful. See 18 U. S. C. 1860.

§ 194.19 *Bid deposits.* The successful bidder at a sale by public auction must deposit with the Manager of the Land Office, or the officer conducting the sale, on the day of the sale, and each bidder at a sale by sealed bids must submit with his bid, certified check, cashier's check, bank draft, money order or cash for one-fifth of the amount of the bid.

§ 194.20 *Award of lease.* Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four copies of the lease will be sent to the successful bidder, who will be required to execute them within 30 days from receipt thereof, pay the balance of the bonus bid, the first year's rental, file a bond as required by § 194.15, and furnish evidence of qualifications as required by § 194.4. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act.

§ 194.21 *Readjustment of terms and conditions at end of twenty-year periods.* The terms and conditions of a lease are subject to reasonable readjustment at the end of each twenty-year period succeeding the date of the lease, unless otherwise provided by law at the time of the expiration of such periods. The lessee will be notified of the proposed readjustment of terms or that no readjustment is to be made. The effective date of readjustment shall be the end of the respective twenty-year period or the first of the month following receipt by the lessee of notice of readjustment, whichever is the later. Unless the lessee files objection to the proposed terms, or a relinquishment of the lease within 30 days after receipt of the notice, he will be deemed to have agreed to such terms.

§ 194.22 *Relinquishment of lease.* Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

§ 194.23 *Cancellation of lease.* If the lessee fails to comply with the general regulations in force at the date of the lease, or at the effective date of any readjustment of the terms and conditions thereof under section 194.21, or defaults with respect to any of the terms, covenants, or stipulations of the lease, and such failure or default continues for 30 days after service of written notice thereof by the lessor, then the lessor may bring appropriate court proceedings to forfeit and cancel the lease as provided in section 31 of the Mineral Leasing Act (30 U. S. C. 188). A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause, or for the same cause occurring at any other time.

TRANSFERS OF PERMITS AND LEASES

§ 194.24 *Transfers, including subleases.* (a) Permits and leases may be transferred in whole or in part. The approval of a transfer of part of the lands in a permit or lease will create a new permit or lease for the transferred portion. A discovery made before or after the partial assignment, either on the retained or the assigned portions will not inure to the benefit of the other, nor will approval of a transfer extend the life of the permit or the readjustment periods of the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed for approval in duplicate at the land office within 90 days after execution. Evidence of the qualifications of the assignee or transferee to hold the permit or lease, as required by § 194.4 must be submitted simultaneously. Before a transfer of a permit or lease will be approved, the consent of the surety to the substitution of the transferee as principal, or a new bond with the transferee as principal, must be submitted if the original permit or lease required the maintenance of a bond. If the transfer is for part of the land only, it must be for a legal subdivision and (1) the consent of the surety to the transfer and its agreement to remain bound as to the interest retained by the permittee or lessee must be submitted, as well as (2) a new bond with the transferee as principal covering the portion of the lands transferred. The account under the permit or lease must be in good standing before approval of transfer will be given. A

[1] A copy of this, as well as of every other form mentioned in this Part, may be obtained from any land office or from the Director, Bureau of Land Management, Washington 25, D. C. Copies of Forms 4–126 and 4–128 were filed with the Federal Register Division as part of the original document.

[2] See showing required under § 191.26 of this chapter, as amended.

[3] Potash lands and deposits in or adjacent to Searles Lake, California, are subject only to lease by competitive bidding, except as to potash mining rights included in sodium permits and leases issued under Part 195 of this chapter.

transfer will take effect the first day of the month following its approval, or if the transferee requests, the first day of the month of the approval.

(b) An application for approval of any instrument transferring a lease or permit, or interest therein, must be accompanied by a service fee of $10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

§ 194.25 *Overriding royalties.* (a) An overriding royalty interest may be created by assignment or otherwise: *Provided, however,* That if the total of the overriding royalty interest at any time exceeds one percent of the gross value of the output at the point of shipment to market, it shall be subject to reduction or suspension by the Secretary to a total of not less than one percent of such gross value, whenever, in the interest of conservation, it appears necessary to do so in order (1) to prevent premature abandonment, or (2) to make possible the economic mining of marginal or low grade deposits. Where there is more than one overriding royalty interest, any such suspension or reduction shall be applied to the respective interests in the manner agreed upon by the holders thereof or in the absence of such agreement, in the inverse order of the dates of creation of such interests.

(b) Any assignment, sublease, or other transfer or agreement which creates an overriding royalty interest, will not be approved unless the owner of that interest files his agreement in writing that such interest is subject to suspension or reduction as provided in paragraph (a) of this section. No overriding royalties shall be paid at a rate in excess of the rate to which they have been so reduced until otherwise authorized by the Secretary.

DOUGLAS MCKAY,
Secretary of the Interior.

MAY 6, 1955.

[F. R. Doc. 55-3830; Filed, May 11, 1955; 8:46 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1145]

ARKANSAS

REVOKING PUBLIC LAND ORDER NO. 834 OF MAY 23, 1952 WHICH RESERVED PUBLIC LANDS FOR FOREST MANAGEMENT PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 834 of May 23, 1952, reserving certain public lands in Arkansas for forest management purposes, which was partially revoked by Public Land Order No. 942 of February 17, 1954, is hereby revoked. The lands affected by this order are described as follows:

FIFTH PRINCIPAL MERIDIAN

Tps. 12 and 13 N., R. 8 W., South and West of White River.
T. 14 N., R. 8 W., West of White River.
Tps. 12, 13, 14, and 15 N., R. 9 W., South of White River.
Tps. 12, 13, 14, and 15 N., R. 10 W., South of White River.
Tps. 12 to 15 N., R., 11 W.
Tps. 12 to 15 N., R. 12 W.
Tps. 12 to 15 N., R. 13 W.
Tps. 12 and 13 N., R. 14 W.
Tps. 10 to 13 N., R. 15 W.
Tps. 10 to 13 N., R. 16 W.
Tps. 11 to 14 N., R. 17 W.
T. 15 N., R. 18 W.
T. 15 N., R. 24 W.
Tps. 13 to 15 N., R. 25 W.
T. 14 N., R. 26 W.
T. 13 N., R. 30 W.
T. 13 N., Rs. 31 and 32 W.

The public lands in the areas described aggregate approximately 44,000 acres.

The lands are rough and mountainous. The soils are sedimentary in origin and consist of consolidated and unconsolidated sand, clay and limestone. They have no value for agricultural use other than low value woodland grazing and are not suitable for small tract development due to rough terrain, lack of ready access, poor water supply, and remoteness.

No application for the lands may be allowed under the homestead, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans preference-right applications under the said act of September 27, 1944, may be filed on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries regarding the lands shall be addressed to the Supervisor, Eastern States Office, Bureau of Land Management, Washington 25, D. C.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 6, 1955.

[F. R. Doc. 55-3829; Filed, May 11, 1955; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

PROCEDURE OF MOTOR CARRIER BOARD

MAY 6, 1955.

Pursuant to action in conference on April 18, 1955, the Commission announces amendment of the special rules of practice governing the procedure of the Motor Carrier Board by adding thereto a rule to specify the number of copies required of pleadings, documents, or papers filed under those rules. The special rules, as amended are:

§ 1.225 *Special rules of practice governing the procedure of the Motor Carrier Board, as amended April 18, 1955.* (a) The proceedings of the Motor Carrier Board shall be informal. No transcription of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) Petitions for reconsideration of the action of the Motor Carrier Board may be filed by any interested party with the Commission for the attention of the designated appellate division within 30 days following service of notice of such action. In all other respects, except as otherwise provided by paragraph (c) of this section, such petitions and the answers thereto will be governed by the Commission's general rules of practice.

(c) The original and four copies of every pleading, document, or paper permitted or required to be filed under this section, shall be furnished for the use of the Commission.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-3845; Filed, May 11, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

CROW INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404, 79th Congress, 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5454–7), notice is hereby given of intent to modify §§ 130.13a, 130.13b and 130.13c of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Crow Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts.

Charges applicable to all irrigable lands of the Crow Indian Irrigation Project that are included in the irrigation district organizations and are subject to the jurisdiction of the three irrigation districts.

§ 130.13a *Big Horn Irrigation District, Crow Indian Reservation, Montana; charges.* Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $2.50 per acre is hereby fixed for the season of 1956 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment is applicable to an area of approximately 7,582 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

§ 130.13b *Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Reservation, Montana; charges.* (a) Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $2.50 per acre is hereby fixed for the season of 1956 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment is applicable to an area of approximately 2,463 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of ten cents ($0.10) per acre is hereby fixed for the season of 1956 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District.

§ 130.13c *Upper Little Horn Irrigation District, Crow Indian Reservation, Montana; charges.* (a) Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $2.50 per acre is hereby fixed for the season of 1956 and subsequent years until further notice for the operation and maintenance of the irrigation systems which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment includes an area of approximately 1,461 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of ten cents ($0.10) per acre is hereby fixed for the season of 1956 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

The foregoing proposed amendments are to become effective for the irrigation season of 1956 and continue in effect thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views, data or arguments in writing to the Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within thirty days from the date of publication of this notice in the daily issue of the FEDERAL REGISTER.

J. M. COOPER,
Area Director.

[F. R. Doc. 55-3827; Filed, May 11, 1955; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

SOLICITATIONS OF PROXIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration adoption of a proposed § 240.14b–1 (Rule X-14B–1) with regard to the circumstances under which certain members, brokers or dealers may give proxies, consents, or authorizations in respect of a security registered on a national securities exchange and carried for the account of a customer. The proposed action would be taken pursuant to the Securities Exchange Act of 1934, particularly sections 14 and 23 (a) thereof.

Section 14 (b) of the act provides that:

> It shall be unlawful for a member of a national securities exchange or any broker or dealer who transacts a business in securities through the medium of any such member to give a proxy, consent or authorization in respect of any security registered on a national securities exchange and carried for the account of a customer in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

The proposed rule would establish a number of conditions which would have to be satisfied before such a member, broker or dealer could give a proxy, consent or authorization with respect to such a security. These conditions would include a requirement that the proxy be given pursuant to written instructions received from the owner, except that if such instructions were requested but not received, a proxy could still be given, but only with respect to certain uncontested matters.

Other conditions would prevent the giving of a proxy unless all proxy soliciting material was forwarded to the owner, accompanied by a request for voting instructions. The rule would not affirmatively require the forwarding of this material, but would preclude the member, broker or dealer from soliciting a proxy or giving a proxy pursuant to such solicitation if this were not done. A proxy could be given without sending this material only pursuant to unsolicited request by the owner. The request for voting instructions provided for in the proposed rule would constitute a solicitation within the meaning of Regulation X-14 and accordingly would be subject to the conditions of § 240.14a2 (b).

Special provisions would be made for the situation where a member, broker or dealer had parted with possession or control of a security registered in his name.

A security would be deemed to be carried for the account of a customer if registered in the name of a member, broker or dealer who is neither the beneficial owner of the security nor a fiduciary holding it with power to vote in such capacity.

The rule would not relieve any member of a national securities exchange from compliance with exchange rules requiring the forwarding of proxy soliciting material, or imposing other conditions to the giving of proxies.

The text of the proposed rule is as follows:

§ 240.14b–1 *Giving of proxies by members, brokers or dealers*—(a) *General provisions.* (1) This section shall apply to every member of a national securities exchange and every broker or dealer who transacts a business in securities through the medium of any such member.

(2) It shall be unlawful for any member, broker or dealer subject to this section to give a proxy in respect of any security registered on a national securities exchange and carried for the account of a customer, unless such proxy is given in conformity with paragraphs (c) and (d) or with paragraph (e) of this section.

(b) *Definitions.* For the purposes of this section, the following terms shall have the meanings indicated unless the context clearly indicates otherwise:

(1) A security shall be deemed to be "carried for the account of a customer" if it is registered in the name of a member, broker or dealer subject to this section who is not the "owner" of the security, as hereinafter defined.

(2) The term "proxy" includes every proxy, consent, authorization, or revocation or a request not to give any of the foregoing.

(3) The term "give a proxy" includes instructions given to a nominee or causing a nominee to give a proxy and also includes voting in person at a meeting.

(4) The term "proxy material" includes all proxy statements and other written proxy soliciting material distributed by any person to security holders of record with respect to the subject matter or meeting for which a proxy is given pursuant to this section. The annual report referred to in § 240.14a–3 (Rule X-14A–3) shall be deemed to be proxy material for the purposes of this section.

(5) The term "owner" of a security means the beneficial owner or an executor, administrator, guardian, trustee or similar representative or fiduciary holding the security in such capacity with authority to vote.

(6) The term "member, broker or dealer" shall include any person acting as nominee for any of the foregoing.

(c) *Proxies.* A member, broker or dealer subject to this section may give a proxy with respect to a security carried for the account of a customer:

(1) To the owner, or pursuant to written instructions from the owner (or any custodian, other than the member, broker or dealer, having possession of the security and authority from the owner to request a proxy) given without request or solicitation by such member, broker or dealer, or

(2) Pursuant to written instructions received from the owner in response to an impartial request therefor made by the member, broker or dealer if proxy material has been transmitted by him to the owner, or

(3) Without written instructions from the owner if:

(i) The member, broker or dealer has transmitted proxy material to the owner and in addition has in writing impartially requested written voting instructions from the owner, accompanied by a statement that if such instructions are not received by the 10th day prior to the meeting (or the 15th day prior to the meeting, if the request for instructions is transmitted 25 days or more before the meeting), then the owner of record may give a proxy with respect to the security; and

(ii) The proxy given does not include authorization to vote on any matter if, to the knowledge of the member, broker or dealer, (*a*) any person other than the management is soliciting proxies with respect to such matter or a proposal with respect to such matter is included in the management's proxy statement pursuant to § 240.14a–8 (Rule X-14A–8) but is opposed by the management, or (*b*) information with respect to such matter is called for by any one or more of the following items in Schedule 14A of Regulation X-14; Items 9 through 17, except Item 15, or Items 19 or 20 excluding routine or formal matters; and

(iii) The proxy is not given by such member, broker or dealer contrary to oral instructions, if any, which may have been given by the owner.

(d) *Transmittal of proxy material.* (1) A member, broker or dealer subject to this section shall not give a proxy pursuant to paragraph (c) (2) or (3) of this section unless he sends promptly by first class mail; or otherwise promptly delivers, to the owner, a copy of all proxy material received by him (prior to or after the giving of a proxy) from any person who furnishes copies thereof for such purposes (and who, if requested, defrays the reasonable expenses to be incurred in forwarding such material) accompanied by an impartial written request for voting instructions.

(2) Whenever a member, broker or dealer who has given a proxy pursuant to this section receives additional voting instructions from the owner of the security, he shall take such action, including the revocation of such proxy in whole or in part or the giving of a new proxy if required, as may be necessary in order to comply with such additional instructions.

(e) *Special provisions.* In case any person subject to this section has relinquished possession or control of a security carried for the account of a customer, in giving a proxy with respect to the security such person may rely upon a written statement of any other member, broker, dealer or nominee that the applicable conditions of this section have been complied with. Such person shall not give a proxy unless or until he has received such written statement.

(f) *Validity of proxies.* Failure to comply with this section shall not invalidate any proxy: *Provided, however,* That this paragraph shall not be construed to prevent the granting of injunctions in any proper proceeding or to exempt any person from any proceeding, penalty or prohibition provided by the act in respect of violations of the act or any rules or regulations thereunder.

All interested persons are invited to submit views and comments on the proposed rule in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before June 1, 1955. Unless the person submitting any such comments or suggestions requests in writing that they be held confidential, they will be public records, available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MAY 5, 1955.

[F. R. Doc. 55–3843; Filed, May 11, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

PROCESSED RAISINS

UNITED STATES STANDARDS FOR GRADES; CORRECTIONS

In F. R. Doc. 55–3307, beginning on page 2769 of the issue for Tuesday, April 26, 1955, the following corrections have been made:

1. In § 52.1844, paragraphs (c) and (d) have been changed to read:

(c) "Fairly well-bleached color" (or "extra choice color") means that the raisins are fairly uniform in color and may range from yellow or greenish yellow to amber or light greenish amber and that not more than 6 percent, by weight, of all the raisins may be definitely dark berries.

(d) "Bleached color" (or "choice color") means that the raisins may be variable in color and may range from yellowish green to dark amber or dark greenish amber; that not more than 15 percent, by weight, of all the raisins may be definitely dark berries in Sulfur Bleached; that not more than 20 percent, by weight, of all the raisins may be definitely dark berries in Golden Bleached.

2. Section 52.1845, paragraph (c), line 3: Change spelling of last word to "varietal".

3. Section 52.1847, paragraph (a), line 6: Change spelling of fifth complete word to "reddish-brown".

4. Section 52.1847, subparagraph (8) of paragraph (a): Change the third word to "or" instead of "of".

5. Section 52.1847, in first line of both paragraph (b) (1) and paragraph (c) (1), insert the words "pieces of" preceding the word "stems".

6. Section 52.1849, in first line of paragraph (a) (1), insert the words "piece of" preceding the word "stem".

7. Section 52.1850, subparagraph (1) of paragraph (g), line 9: Change the last chemical symbol to HN_4OH.

Dated: May 9, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 55–3823; Filed, May 11, 1955; 8:45 a. m.]

[7 CFR Part 998]

HANDLING OF MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Correction

In Federal Register Document 55–3694, appearing at page 3070 of the issue for Friday, May 6, 1955, the last paragraph in the middle column on page 3078 should read:

This decision filed at Washington, D. C., on the 3d day of May 1955.

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

OCCUPATIONS PARTICULARLY HAZARDOUS FOR EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL BEING

OPERATION OF POWER DRIVE HOISTING APPARATUS

Pursuant to the authority contained in section 3 (1) of the Fair Labor Standards Act of 1938, as amended, (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 2 of 1946, adopted pursuant to the Reorganization Act of 1946 (59 Stat. 613), and in accordance with the Procedure Governing Determinations of Hazardous Occupations (29 CFR Part 4, Subpart D) (note § 4.45), notice is hereby given that the Secretary of Labor proposes to amend subparagraphs (1) and (2) of § 4.58 (a) (29 CFR Part 4, Subpart E) to permit minors between 16 and 18 years of age (1) to ride on and operate unattended automatic push-button freight elevators and (2) to ride on freight elevators operated by an assigned operator, and also proposes to amend subparagraph (1) of § 4.58 (b) (29 CFR Part 4, Subpart E) by the addition of a definition of automatic push-button elevators.

1. As proposed, subparagraphs (1) and (2) of § 4.58 (a) will read as follows:

(1) Work of operating an elevator, crane, derrick, hoist, or high-lift truck, except operating an unattended automatic push-button elevator or an electric or air-operated hoist not exceeding one ton capacity.

(2) Work which involves riding on a freight elevator, or on a manlift except riding on a freight elevator operated by an assigned operator or on an unattended automatic push-button freight elevator.

2. It is also proposed to amend subparagraph (1) of § 4.58 (b) by the addition of the following definition:

An unattended automatic push-button elevator is one that is operated by means of momentary pressure of push-buttons at the landings and in the car to start and automatically stop at the landing corresponding to the button pressed.

Interested persons may within 30 days from the date of publication of this notice in the FEDERAL REGISTER, submit in writing to the Secretary of Labor, their views in support of, or in opposition to the amendment as proposed.

Signed at Washington, D. C., this 6th day of May 1955.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 55–3838; Filed, May 11, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 6, 1955.

An application, serial number Fairbanks 010164, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on February 3, 1953, by Fish and Wildlife Service. The purposes of the proposed withdrawal: Administrative Site for game management purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at Corner No. 1 (not set) from which a 10" piling marked U. S. F. W. S., 9–16–52 bears N. 80° E. 75.0 feet, which piling is driven on the west bank of a small creek and the south bank of the Yukon River, thence meandering the Yukon River S. 80° W. 325 feet to Corner 2, thence S. 10° E. 140 feet to Corner No. 3, thence S. 73° 45' E. 362 feet to Corner 4, thence N. 10° W. 300 feet to Corner 1, the place of beginning.

Containing 1.64 acres more or less.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55–3833; Filed, May 11, 1955; 8:47 a. m.]

FLORIDA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 6, 1955.

The Fish and Wildlife Service, Department of the Interior has filed an application, Misc. No. 62646, for the withdrawal of the lands described below, from all forms of appropriation, including the mining but not the mineral-leasing laws. The applicant desires the land for an addition to the National Key Deer Refuge.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington, 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

TALLAHASSEE MERIDIAN

T. 66 S., R. 28 E.,
Sec. 23, lots 4 and 10.
T. 66 S., R. 29 E.,
Sec. 18, lot 4;
Sec. 20, lot 8.

C. R. DREXILIUS,
Supervisor, Eastern States Office.

[F. R. Doc. 55–3832; Filed, May 11, 1955; 8:47 a. m.]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS, CORRECTION

Order Providing for Opening of Public Lands, dated February 11, 1955, published in the FEDERAL REGISTER, dated February 19, 1955, Volume 20, Number 36, page 1076, is corrected to read as follows:

An order of the Bureau of Reclamation, dated January 31, 1949, concurred in by the Associate Director, Bureau of Land Management, February 8, 1949, revoked Departmental Order of January 24, 1917, insofar as it withdrew, under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the fol-

lowing-described land in connection with the Boise Project, Idaho, and provided that such revocation should not affect the withdrawal of any other lands by said orders or affect any order withdrawing the lands described:

BOISE MERIDIAN, IDAHO

T. 1 S., R. 2 W.
Sec. 22, W½NE¼, SE¼;
Sec. 23, E½NW¼, SW¼.

The areas described total 480 acres.

The lands described are located in Idaho Grazing District No. 1. Some of these lands contain areas of low hills, and the major portion of them is of fair quality for development under the desert-land law. Some of the areas require leveling and rock removal.

The W½NE¼, Sec. 22, is now occupied by Dean J. James, assignee of Harold G. Jensen, and the E½SE¼, Sec. 22, E½ NW¼, SW¼, Sec. 23, T. 1 S., R. 2 W., are occupied by R. Elizabeth McDonough, who have cultivated and improved the lands and who have the water rights necessary for their development. Any applicant under this order will be required to file evidence of a water right sufficient to irrigate all the irrigable portions of the lands. Any applicants adverse to the present entrymen, according to Departmental rules, will be required to reimburse the entrymen for all improvements which cannot be removed from the land without injury to the improvement or to the land.

The W½SE¼, Sec. 22, T. 1 S., R. 2 W. is patented.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time, the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended. All applications filed pursuant to the Veterans' Preference Act of 1944 on or before 10:00 a. m. of the 35th day after the date of this order shall be treated as though simultaneously filed at that time. All other applications under the public-land laws filed on or before 10:00 a. m. of the 126th day after the date of this order shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Box 2237, Boise, Idaho.

JOE T. FALLINI,
Acting State Supervisor.

[F. R. Doc. 55–3831; Filed, May 11, 1955; 8:47 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 6, 1955.

The United States Department of Agriculture has filed an application, Serial No. Idaho 05305, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims. The applicant desires the land for a recreation area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

CUNNINGHAM BAR RECREATION AREA (ADDITION)

T. 23 N., R. 14 E.,
(Unsurveyed, but what will probably be when surveyed:)
Sec. 1, SW¼SW¼NE¼, S½NW¼, N½ NW¼SW¼;
Sec. 2, E½SE¼NE¼, NE¼NE¼SE¼.

Total area: 140 acres, more or less.

JOE T. FALLINI,
Acting State Supervisor.

[F. R. Doc. 55–3835; Filed, May 11, 1955; 8:47 a. m.]

NEW MEXICO

CLASSIFICATION ORDER

MAY 6, 1955.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 541, dated April 21, 1954, 19 F. R. 2473, I hereby classify as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, the following described lands in the New Mexico land district, embracing approximately 200 acres.

NEW MEXICO SMALL TRACT CLASSIFICATION NO. 38

For lease and sale for business and home sites:

T. 29 N., R. 14 W., N. M. P. M.,
Sec. 11, NE¼SW¼, S½SW¼, W½SE¼.

The land lies about 3 miles west of Farmington, New Mexico, and can be reached via U. S. Highway No. 550. The land lies at an elevation of about 5,300 feet and receives an annual precipitation of 8 to 10 inches. Summers are hot and dry, and winter temperatures may fall to zero degrees or lower.

The topography is that of a gently rolling high river bench traversed in places by deep arroyos. The soil is shallow, gravelly, sandy loam overlying gravel substrata and is unsuited to cultivation.

The area is traversed by electric power and telephone lines. The nearest natural gas line is about 3 miles from the center of the tract, and installation would be expensive. Development of a satisfactory water supply will prove to be difficult. Water can be pumped from the San Juan River, but it would involve a lift of at least 150 feet and water treating process. Schools, churches, commercial and recreational facilities are readily available in the town of Farmington, New Mexico.

2. As to applications filed on those lands prior to 10:30 a. m., May 6, 1955, this order shall become effective upon the date it is signed, provided said applications are made to conform to the type of use and descriptions of lands specified in this order.

3. This order shall not otherwise become effective to change the status of such lands until 10:30 a. m. on June 11, 1955. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) Ninety-one day period for preference-right filings. For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject to applications under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph, either at or before 10:30 a. m. on June 11, 1955 shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:30 a. m. on June 11, 1955, shall be considered in the order of filing.

(b) Date for non-preference-right filings. Commencing at 10:30 a. m. on September 10, 1955, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:30 a. m. on September 10, 1955 shall be treated as though filed simultaneously at the hour specified on September 10, 1955. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 101.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claim.

5. The lands will be leased in tracts of approximately 5 acres, with the long axis north and south. However, if two lessees for adjacent tracts within one 10-acre subdivision mutually agree to an east-west orientation and so record their applications, they shall be acceptable. Leases will be for a period of 3 years at an annual rental of $5.00 per year payable for the entire lease period in advance of the issuance of the lease for homesites. The minimum rental for a business site shall be $20.00 per year payable for the entire lease period in advance of issuance of the lease. The lessee for a business site shall be obligated to pay additional rental at the rate fixed by the schedule of rentals in effect at the date of the approval of his lease.

6. Leases will contain an option to purchase clause at the appraised price. The lands included in the proposed area is appraised at $200.00 per tract for homesites, and $500.00 per tract for business sites.

(a) Applications for purchase may be filed during the term of the lease, but not more than 30 days prior to the expiration of one year from the date of the lease, provided that minimum improvements suitable for the purpose for which the lease is issued shall have been constructed prior to the date of application to purchase. Minimum improvements for a homesite shall consist of a neat substantial house with a minimum of 3 rooms and bath, occupying a floor space of not less than 400 square feet. Sanitation facilities shall include a sewage and water supply system which will comply with the requirements of the State Health Department. Business site lessees shall be required to construct neat, adequate buildings suitable to the purpose and to conform to State regulations pertaining to public health and safety.

(b) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as mentioned in (a) above shall have been constructed.

(c) Leases for lands upon which the improvements mentioned above shall not have been constructed at or before the expiration thereof, shall not be renewed.

7. Tracts will be subject to all existing rights-of-way and to rights-of-way for road purposes and public utilities as follows:

33 feet along the North boundary of the NE¼SW¼, S½NE¼SW¼, NW¼SE¼, SW¼ NW¼SE¼, SW¼SW¼, S½SW¼SW¼, SE¼ SW¼, S½SE¼SW¼, SW¼SE¼, S½SW¼ SE¼.

33 feet along the South boundary of the NE¼SW¼, N½NE¼SW¼, NW¼SE¼, NW¼ NW¼SE¼, SW¼SW¼, N½SW¼SW¼, SE¼ SW¼, N½SE¼SW¼, SW¼SE¼, N½SW¼ SE¼.

33 feet along the East boundary of the W½ NE¼SW¼, SE¼NE¼SW¼, SE¼NW¼SE¼, NW¼NW¼SE¼, SW¼SW¼, SE¼SW¼, SW¼SE¼.

33 feet along the West boundary of the E½ NE¼SW¼, SW¼NW¼SE¼, NE¼NW¼SE¼, SW¼SW¼, SE¼SW¼, SW¼SE¼.

The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of patent. If not so located, they may be subject to location after patent is issued. All rights-of-way herein mentioned and reserved, may be utilized by the Federal Government, or by the State, County or municipality in which the tract is situated, or by any agency thereof.

8. Lessees and/or their successors in interest, shall comply with all Federal, State, County and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

9. All inquiries relating to these lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

DONALD I. BAILEY,
Acting State Supervisor.

[F. R. Doc. 55–3828; Filed, May 11, 1955; 8:46 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 5, 1955.

An application, serial number Oregon 03791, for the withdrawal from all forms of appropriation under the public land laws, including the general mining laws and mineral leasing laws of the lands described below was filed on November 1, 1954, by Bureau of Land Management. The purposes of the proposed withdrawal: protection and preservation of scenic and recreational values of lands adjacent to the Rogue River and its tributaries.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at P. O. Box 3861, 1001 Northeast Lloyd Boulevard, Portland 8, Oregon. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 33 S., R. 8 W.,
Sec. 33: Lots 1–8 incl. N½N½, SW¼NW¼, SE¼SW¼, S½SE¼;
Sec. 35: Lots 8, 9, 10, SE¼SW¼, S½SE¼.
T. 33 S., R. 9 W.,
Sec. 17: Lots 1 to 8, incl., SW¼NE¼, N½S½, SW¼SW¼, SE¼SE¼;
Sec. 21: Lots 1, 2, 3, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 23: Lots 1, 2, 3, NE¼SW¼, S½NW¼, NW¼SE¼, S½SE¼;
Sec. 35: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, NE¼SE¼, W½SW¼, W½NE¼, SE¼ NE¼.
T. 33 S., R. 10 W.,
Sec. 9: Lot 2, N½NE¼, N½SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, SE¼SE¼;
Sec. 11: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, N½NE¼, NW¼NW¼, S½NW¼, N½SE¼, SW¼ SW¼;
Sec. 13: Lots 1 to 8 incl., S½NW¼, N½ SE¼;
Sec. 17: Lots 1, 2, 4, 5, 6, 8, 9, 10, 11, N½N½, SE¼NE¼;
Sec. 19: Lots 1, 2, 3, 5, 6, 7, 8, 9, 10, S½ NE¼, SE¼.
T. 33 S., R. 11 W.,
Sec. 25, Lots 2, 5, 6, NW¼NE¼, NW¼, N½SW¼, S½SE¼.
T. 34 S., R. 8 W.,
Sec. 1: Lots 1 to 13, incl., SW¼NE¼, NW¼ SE¼, SW¼;
Sec. 5: Lots 1, 2, 3, 4, 5, S½NW¼, N½ SW¼;
Sec. 13: Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, SE¼NE¼, W½SW¼;
Sec. 25: Lots 4, 5, 9, and 10.
T. 34 S., R. 9 W.,
Sec. 1: Lots 1 to 10, incl., N½SW¼, SE¼.
T. 34 S., R. 11 W.,
Sec. 3: Lots 1 to 10 incl., S½N½, W½ SW¼, NE¼SW¼, NW¼SE¼;
Sec. 8: Lots 1, 2, and 4;
Sec. 9: Lots 3, 9, N½NW¼, SW¼NW¼, E½SE¼, SW¼SE¼;
Sec. 17: Lots 1, 4, 5, 7, S½SW¼, SE¼, SE¼NE¼;
Sec. 19: Lots 5, 6, 7, 8, 9, 11, 14, NE¼SE¼, S½SE¼;
Sec. 30: Lot 2;
Sec. 31: Lots 1, 6, 7, 9, 10, 11, 12, NE¼, NE¼SE¼.
T. 35 S., R. 11 W.,
Sec. 6: Lots 8, 9, 10, 14, SE¼SW¼;
Sec. 7: Lots 1, 2, 9, 10, 11, 12, NE¼NW¼, SE¼NE¼, E½SE¼.

Total area, 9,962.93.

This proposed withdrawal will be subject to valid existing rights and also patented mining claims which may be included in some of the above subdivisions.

ELTON M. HATTAN,
Acting State Supervisor.

[F. R. Doc. 55–3834; Filed, May 11, 1955; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 55–18]

APPROVAL OF EQUIPMENT AND CHANGE IN MANUFACTURER'S ADDRESS

Correction

In Federal Register Document 55–3727, published at page 3139 of the issue for Saturday, May 7, 1955, the following change should be made: In the middle column on page 3140, under the headnote "Telephone Systems, Sound Powered," Approval No. 160.005/12/1 should read "Approval No. 161.005/12/1".

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CALIFORNIA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it is determined that in the following named counties in the State of California a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

CALIFORNIA

Butte.	Sutter.
Colusa.	Tehama.
Glenn.	Yuba.

Pursuant to the authority as set forth above, such loans will not be made in the above-named counties in the State of California after December 31, 1955, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 6th day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-3825; Filed, May 11, 1955; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. M-63]

COASTWISE LINE

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER A DRY-CARGO VESSEL

Pursuant to section 5 (e) of the Merchant Ship Sales Act of 1946, as amended (Public Law 591, 81st Congress), notice is hereby given that public hearing will be held at Washington, D. C., on May 19, at 10 a. m., Room 4519, New GAO Building, Fifth and G Streets NW., before an Examiner of the Hearing Examiner's Office upon the application of Coastwise Line to bareboat charter one Liberty cargo vessel for operation in the Pacific Coastwise/Alaska/British Columbia trade for a period of four to six months.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessel is proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately-owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence also will be received with respect to any restrictions or conditions that may under the statutes be included in the charter if the application should be granted.

All persons having an interest in the application will be given an opportunity to be heard if present.

The parties may have oral argument before the Examiner immediately following the close of the hearing, in lieu of briefs, and the Examiner will issue an initial decision. For good cause shown, and pursuant to rule 7 (d) of the Board's rules of practice and procedure, the time within which parties may file exceptions to the Examiner's initial decision will be limited to seven (7) days after service thereof. The Board reserves the right to determine whether oral argument on exceptions will be granted and whether briefs in connection therewith will be received.

Pursuant to rule 7 (d), the time within which to file petition for reconsideration of final Board action will be limited to seven (7) days after the date of service of the Board's final decision or order.

By order of the Federal Maritime Board.

Dated: May 10, 1955.

[SEAL] THOS. E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55-3895; Filed, May 11, 1955; 10:28 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Barad Lingerie Co., Salem, Mo., effective 4-25-55 to 4-24-56; 10 learners for normal labor turnover purposes (ladies' underwear).

Michael Berkowitz Co., Inc., Waynesburg, Pa., effective 5-12-55 to 11-11-55; 10 learners for plant expansion purposes (ladies' cotton and flannel pajamas).

Gross Galesburg Co., Canton, Ill., effective 5-6-55 to 5-5-56; 10 learners for normal labor turnover purposes (dungarees, one-piece work suits, work jackets).

Gross Galesburg Co., Charlton, Iowa, effective 5-6-55 to 5-5-56; 10 learners for normal labor turnover purposes (work pants and work shirts).

I. Janov Shirt Co., 489 West Broad Street, Hazleton, Pa., effective 5-3-55 to 5-2-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

The Kym Co., Jackson, Ga., effective 5-18-55 to 5-17-56; 10 learners for normal labor turnover purposes (men's single pants).

Mid-American Manufacturing Co., Inc., 304 South First Street, Ponca City, Okla., effective 4-29-55 to 10-10-55; 10 learners for plant expansion purposes (denim jeans) (replacement certificate).

Mid-American Manufacturing Co., Inc., 304 South First Street, Ponca City, Okla., effective 5-14-55 to 5-13-56; 10 learners for normal labor turnover purposes (denim jeans) (replacement certificate).

Mode O'Day Corp., Plant No. 9, 419 East South Street, Hastings, Nebr.; effective 4-29-55 to 4-28-56; 10 learners for normal labor turnover purposes (ladies' blouses).

Mor-Tan Dress Co., 434 South Main Street, Nazareth, Pa., effective 4-29-55 to 4-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's dresses).

Orchid Blouse Co., Inc., 1100 Penn Avenue, Lackawanna County, Scranton, Pa., effective 4-27-55 to 4-26-56; 10 learners for normal labor turnover purposes (blouses).

Plains Manufacturing Co., Inc., 61 Hudson Road, Plains, Pa., effective 5-2-55 to 5-1-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

San Dar Dress, 33 River Street, Carbondale, Pa., effective 4-29-55 to 4-28-56; 4 learners for normal labor turnover purposes (dresses).

The Ward-Stilson Co., 301 Sycamore Street, Anderson, Ind., effective 4-29-55 to 4-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's dresses).

Wilmer Fashion Co., Inc., Mary Ann Manufacturing Division, 268 West Broadway, Mauch Chunk, Pa., effective 4-29-55 to 4-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

Wells Lamont Corp., Eupora, Miss., effective 5-2-55 to 5-1-56; 10 percent of the total number of employees engaged in machine stitching operations, for normal labor turnover purposes (cotton and jersey work gloves).

Wells Lamont Corp., Hugo, Okla.; effective 5-1-55 to 10-31-55; 25 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43 as amended April 19, 1955, 20 F. R. 2304).

C. D. Jessup & Co., Claremont, N. C., effective 5-8-55 to 5-7-56; 5 learners for normal labor turnover purposes (seamless).

Rockwood Mills, Rockwood, Tenn., effective 5-2-55 to 5-1-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Puerto Rico Hosiery Mills, Inc., Arecibo, P. R., effective 4-25-55 to 10-24-55; 12 learners in the occupations of knitting and seaming; each 320 hours at 35 cents an hour, 320 hours at 40 cents an hour, and 320 hours at 45 cents an hour (full-fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 3d day of May 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-3837; Filed, May 11, 1955; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6606]

TELLURIDE POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF FIRST MORTGAGE BONDS

MAY 6, 1955.

Notice is hereby given that on April 21, 1955, the Federal Power Commission issued its order adopted April 20, 1955, authorizing issuance of first mortgage bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3847; Filed, May 11, 1955; 8:49 a. m.]

[Docket Nos. G-6010, G-6178, G-6308, G-7236, G-7442]

RUBY WATTS ET AL.

NOTICE OF FINDINGS AND ORDERS

MAY 6, 1955.

In the matters of Ruby Watts, and Elmine Watts, Docket No. G-6010; The Superior Oil Company, Docket No. G-6178; M. J. Mitchell, et al., Docket No. G-6308; Holly Nester, Agent for Van Buren Lease, Docket No. G-7236; Sinnett & Aldredge, Docket No. G-7442.

Notice is hereby given that on April 22, 1955, the Federal Power Commission issued its findings and orders adopted April 20, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3848; Filed, May 11, 1955; 8:50 a. m.]

[Docket Nos. G-6859, G-8110, G-8491]

MOBILE GAS SERVICE CORP. ET AL.

NOTICE OF DECLARATIONS OF EXEMPTIONS

MAY 6, 1955.

In the matters of Mobile Gas Service Corporation, Docket No. G-6859; Piedmont Natural Gas Company, Inc., Docket No. G-8110; State Fuel Supply Company, Docket No. G-8491.

Notice is hereby given that on April 21, 1955, the Federal Power Commission issued its declarations of exemptions from the provisions of the Natural Gas Act adopted April 20, 1955, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3849; Filed, May 11, 1955; 8:50 a. m.]

[Docket No. G-8599]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 6, 1955.

Take notice that Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation whose address is 1033 Quarrier Street, Charleston, West Virginia, filed an application on March 17, 1955, as supplemented on April 18, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection. In the same application, Applicant seeks permission to abandon certain service subject to the jurisdiction of the Commission.

Applicant proposes to acquire and operate the facilities of the Frankfort Kentucky Natural Gas Company (Frankfort Natural). Applicant would acquire approximately 41.7 miles of 2-inch to 8-inch transmission pipeline in Fayette, Anderson, and Franklin Counties, Kentucky, together with the distribution systems of Frankfort Natural located in Frankfort and vicinity and Versailles and Midway and vicinity, all in Franklin and Anderson Counties, Kentucky.

Upon acquisition of the facilities, Applicant would abandon its sale of gas to Frankfort Natural and assume its obligations in the sale and delivery of gas at retail in Frankfort, Versailles, and Midway.

Applicant would acquire the facilities of Frankfort Natural through an exchange of a maximum of 33,050 shares of the common stock of Columbia Gas System, Inc., parent of the Applicant, and the assumption by Applicant of substantially all the liabilities of Frankfort Natural.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 26, 1955, at 9:30 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 23, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3850; Filed, May 11, 1955; 8:50 a. m.]

[Docket Nos. ID-1156, ID-1254, ID-1259]

M. J. READY ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

MAY 6, 1955.

In the matters of W. J. Ready, Docket No. ID-1156; Erwin C. Withers, Docket No. ID-1254; Charles Ernest Oakes, Docket No. ID-1259.

Notice is hereby given that on April 22, 1955, the Federal Power Commission issued its orders adopted April 20, 1955, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3851; Filed, May 11, 1955; 8:50 a. m.]

[Project No. 2085]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF LAND WITHDRAWAL, CALIFORNIA

APRIL 27, 1955.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2085 for which completed amended application for license was filed March 14, 1955. Under said section 24 all lands of the United States lying within the boundaries of the project, as delimited upon the maps filed in support thereof; are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

T. 6 S., R. 24 E.,
Sec. 25, SE¼, SE¼SW¼, W½SW¼;
Sec. 35, E½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 36, E½, E½W½, NW¼NW¼, W½SW¼.
T. 7 S., R. 24 E.,
Sec. 1, lots 1, 2, 3, 4;
Sec. 2, lots 1, 2, S½NE¼, SE¼, S½SW¼;
Sec. 3, S½SE¼, SE¼SW¼;
Sec. 10, NE¼, E½SE¼, SW¼SE¼;
Sec. 11, NE¼NE¼, NE¼SE¼, W½E½, W½;
Sec. 14, W½NE¼, NW¼;
Sec. 15, NE¼, SE¼NW¼, N½SE¼, SW¼SE¼, E½SW¼;
Sec. 22, W½NE¼, N½SE¼, SE¼SE¼, E½W½;
Sec. 27, E½NE¼, SW¼NE¼, W½SE¼, E½W½;

Sec. 34, W½NE¼, E½NW¼, SW¼NW¼, W½SE¼, N½SW¼, SE¼SW¼.
T. 8 S., R. 24 E.,
Sec. 3, Lots 1, 2, 3, S½NE¼, SE¼NW¼, W½SE¼, SE¼SE¼, SW¼;
Sec. 10, N½NE¼, SW¼NE¼, N½NW¼, SW¼NW¼, NW¼SE¼, N½SW¼, SW¼SW¼;
Sec. 15, W½, S¼SE¼;
Sec. 16, SE¼NE¼;
Sec. 22, W½NE¼, SE¼NE¼, NW¼, N½SE¼, SE¼SE¼, NE¼SW¼;
Sec. 23, W½SW¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½NE¼, SW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 28, E½SE¼;
Sec. 32, S½NE¼, S½NE¼NE¼, N½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 33, S½N½NW¼, SW¼NW¼.
T. 9 S., R. 24 E.,
Sec. 5, NE¼, W½SE¼, E½SW¼ (unsurveyed);
Sec. 7, E½SE¼;
Sec. 8, N½NW¼, SW¼NW¼, NW¼SW¼ (unsurveyed);
Sec. 18, lots 3, 10.
T. 6 S., R. 25 E.,
Sec. 18, SE¼SE¼;
Sec. 19, lot 2, N½NE¼, SW¼NE¼, NW¼SE¼, E½SW¼;
Sec. 30, lots 1, 2, 3, 4, E½NW¼, NE¼SW¼.

The area reserved pursuant to the filing of this application is 2181.89 acres, of which approximately 1466.82 acres have been heretofore reserved in either Power Site Classification No. 138 or in connection with earlier projects nos. 67, 105 and 120.

On April 14, 1955 a further application for amendment was filed and pursuant thereto those portions of the following lands lying within the boundaries of the project as delimited upon a map designated "Exhibit K" and entitled "Access Roads and Borrow Area Sites, Mammoth Pool Project" are from said date likewise withdrawn under said section 24 of the Federal Power Act.

MOUNT DIABLO MERIDIAN

T. 6 S., R. 24 E.,
Sec. 33, S½SE¼SE¼;
Sec. 34, S½SW¼SW¼.
T. 7 S., R. 24 E.,
Sec. 2, S½NW¼, SW¼;
Sec. 3, lot 4, S½N½, S½;
Sec. 4, lot 1;
Sec. 10, W½NE¼, SE¼NE¼, NW¼, SE¼, E½SW¼;
Sec. 11, SW¼SW¼;
Sec. 14, W½NW¼;
Sec. 15, NE¼, E½NW¼, N½SE¼, NE¼SW¼;
Sec. 34, SW¼SW¼.
T. 8 S., R. 24 E.,
Sec. 3, lots 2, 3, 4, SW¼NE¼, S½NW¼, N½SW¼, NW¼SE¼;
Sec. 4, S½NE¼;
Sec. 15, SW¼NW¼, W½SW¼;
Sec. 16, SE¼SE¼;
Sec. 21, NE¼, N½SE¼;
Sec. 22, NW¼.

Of the 1362.77 acres reserved pursuant to the filing of this amendatory application approximately 160.6 acres have been heretofore reserved in connection with either earlier projects Nos. 67 and 120 or in Power Site Classification No. 138.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128) is applicable to those portions of the above described lands reserved for transmission line purposes only.

A photostatic copy of each of ten sheets of the amendatory project maps (F. P. C. 2085, sheets 15 to 23 inclusive, and 29) have been transmitted to the Bureau of Land Management, Geological Survey and Forest Service.

The subdivisions described above as being withdrawn by the amendatory applications are to a large extent duplications of those subdivisions referred to in the letter of withdrawal notification given to the Bureau of Land Management under date of August 6, 1951, pursuant to the filing of the original application for license for Project No. 2085 on June 4, 1951.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3852; Filed, May 11, 1955; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

ATTORNEY GENERAL

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS FOR THE PURCHASE OF ANIMALS REQUIRED BY THE BUREAU OF PRISONS FOR BREEDING PURPOSES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Attorney General to negotiate, without advertising, under section 302 (c) (9) of the act, contracts for the purchase of animals required by the Bureau of Prisons for breeding purposes.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304 and 307, and in accordance with the policies, procedures, and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any official or employee of the Department of Justice.

4. This delegation shall be effective as of the date hereof.

Dated: May 9, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-3880; Filed, May 10, 1955; 4:28 p. m.]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT THE FEDERAL GOVERNMENT IN THE MATTER OF ARKANSAS LOUISIANA GAS CO., INCREASED RATES 1955, BEFORE THE ARKANSAS PUBLIC SERVICE COMMISSION

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Arkansas Louisiana Gas Company, Increased Rates 1955, before the Arkansas Public Service Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration, and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective April 8, 1955.

Dated: May 9, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-3881; Filed, May 10, 1955; 4:29 p. m.]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT THE FEDERAL GOVERNMENT IN THE MATTER OF ATLANTA GAS LIGHT CO. INCREASE IN RATES BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Atlanta Gas Light Company, Increase in Rates, P. S. C. No. 785-U, before the Georgia Public Service Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. The delegation of authority shall be effective April 6, 1955.

Dated: May 6, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-3876; Filed, May 10, 1955; 4:30 p. m.]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT THE FEDERAL GOVERNMENT IN THE MATTER OF GAS LIGHT COMPANY OF COLUMBUS, INCREASE IN RATES, BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Gas Light Company of Columbus, Increase in Rates, P. S. C. No. 795-U, before the Georgia Public Service Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective April 6, 1955.

Dated: May 6, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-3877; Filed, May 10, 1955; 4:30 p. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

COMMUNITY FACILITIES COMMISSIONER

DELEGATION OF AUTHORITY WITH RESPECT TO THE PREFABRICATED HOUSING LOAN PROGRAM

1. The Community Facilities Commissioner (hereinafter called "Commissioner") is hereby delegated the authority to exercise the powers and functions relating to the Prefabricated Housing Loan Program vested in the Housing and Home Finance Administrator (hereinafter called "Administrator") under the provisions of Reorganization Plan No. 23 of 1950, 64 Stat. 1279-80; the Independent Offices Appropriation Act, 1952, 65 Stat. 268, 287-8 (1951), (12 U. S. C. 1701g-4); the Defense Housing and Community Facilities and Services Act of 1951, 65 Stat. 293, 295, 311-2 (1951), as amended, 42 U. S. C. 1591c, 12 U. S. C. 1701g, 1701g-1 to 1701g-3; and the Independent Offices Appropriation Act, 1955, 68 Stat. 272, 295-6 (1954), 12 U. S. C. 1701g-5; except the authority to:

a. Authorize new or increased commitments of loan funds;

b. Amend or modify loan authorizations or any requirement or condition therein where such action may materially affect adversely the interests of the Administrator;

c. Consent to the release or substitution of collateral where such action may materially affect adversely the interests of the Administrator;

d. Determine the rate of interest on loans;

e. Issue notes or other obligations to, or for purchase by, the Secretary of the Treasury; and

f. Exercise the powers under subsections 402 (a) or 402 (b) of the Housing Act of 1950, 64 Stat. 48, 78-9 (1950), 12 U. S. C. 1749a, granted to the Administrator by section 502 of the Defense Housing and Community Facilities and Services Act of 1951, 65 Stat. 312, as amended, 12 U. S. C. 1701g-2, or the powers to prescribe rules and regulations or to sue and be sued under subsection 402 (c) of the said Housing Act of 1950, 64 Stat. 79-80, 12 U. S. C. 1749a.

2. Any instrument or document executed by the Commissioner purportedly under the authority of this delegation shall be conclusive evidence of the authority of the Commissioner to act for the Administrator in executing such instrument or document.

3. This delegation of authority supersedes the delegations to the Commissioner, Community Facilities and Special Operations, and the Director, Special Operations Branch, effective December 22, 1951 (16 F. R. 12918, December 22, 1951).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1268, 1283-85 (1948), as amended, 12 U. S. C. 1701c; Reorg. Order, 1, 19 F. R. 9303-5, Dec. 29, 1954)

Effective as of the 12th day of May 1955.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 55-3858; Filed, May 11, 1955; 8:52 a. m.]

COMMUNITY FACILITIES COMMISSIONER

DELEGATION OF AUTHORITY WITH RESPECT TO THE ALASKA HOUSING PROGRAM

1. The Community Facilities Commissioner (hereinafter called "Commissioner") is hereby delegated the authority to execute the powers and functions relating to the Alaska Housing Program vested in the Housing and Home Finance Administrator (hereinafter called "Administrator") under the provisions of the Alaska Housing Act, 63 Stat. 57, 59-60 (1949), as amended, 48 U. S. C., 484-484c; and the Independent Office Appropriation Act, 1955, 68 Stat. 272, 295-6, (1954), 12 U. S. C. 1701g-5; except the authority to:

a. Authorize new or increased commitments of loan funds;

b. Amend or modify loan authorizations or any requirement or condition therein where such action may materially affect adversely the interests of the Administrator;

c. Consent to the release or substitution of collateral where such action may materially affect adversely the interests of the Administrator; and

d. Determine the rate of interest on any notes or other obligations which may be purchased from the Alaska Housing Authority.

2. Any instrument or document executed by the Commissioner purportedly under the authority of this delegation shall be conclusive evidence of the authority of the Commissioner to act for the Administrator in executing such instrument or document.

3. This delegation of authority supersedes the delegations to the Commissioner, Community Facilities and Special Operations, and the Director, Special Operations Branch, effective October 3, 1952 (17 F. R. 8885, October 3, 1952).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1268, 1283-85 (1948), as amended, 12 U. S. C. 1701c; Reorg. Order 1, 19 F. R. 9303-5, Dec. 29, 1954)

Effective as of the 12th day of May 1955.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 55-3859; Filed, May 11, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 9, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30609: Sugar—Louisiana points to Birmingham, Ala. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sugar, carloads, from Gramercy, Reserve, New Orleans, and Three Oaks, La., to Birmingham, Ala., and group points.

Grounds for relief: Motor truck competition, origin relationships, and circuity.

Tariff: Supplement 256 to Agent Emerson, Jr.'s I. C. C. No. 380.

FSA No. 30610: Fertilizer—Southwest to Alabama and Mississippi. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer compounds, fish scrap and castor pomace, carloads, from specified points in Arkansas, Kansas, Louisiana (west of the Mississippi River), Oklahoma, and Texas, to specified points in Alabama and Mississippi.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 57 to Agent Kratzmeir's I. C. C. No. 4112.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-3844; Filed, May 11, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3355]

NATIONAL FUEL GAS CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE OF NOTES TO BANK BY PARENT, AND ISSUANCE AND SALE TO PARENT OF NOTES BY SUBSIDIARY COMPANIES

MAY 6, 1955.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, Republic Light, Heat and Power Company, Inc., United Natural Gas Company,

Pennsylvania Gas Company, File No. 70–3355.

National Fuel Gas Company ("National"), a registered holding company, and its gas utility company subsidiaries, Iroquois Gas Corporation ("Iroquois"), Republic Light, Heat and Power Company, Inc. ("Republic"), United Natural Gas Company ("United") and Pennsylvania Gas Company ("Pennsylvania"), have filed with this Commission a joint application-declaration, and an amendment thereto, pursuant to section 6, 7, 9 (a), 10, 12 (b), and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-45 promulgated thereunder regarding the following proposed transactions:

National proposes to borrow from time to time to November 15, 1955, up to an aggregate amount not to exceed $12,000,000 from The Chase National Bank of the City of New York upon its unsecured promissory notes bearing interest at the rate of 3 percent per annum and being payable on July 15, 1957. National proposes to use the proceeds from these loans to prepay its presently outstanding notes payable to the same bank amounting to $1,700,000 and maturing July 15, 1955, and to make loans to its subsidiaries as described below.

National states that it is its intention to finance, on or before the maturity date, the payment of any of its outstanding bank loan notes, issued pursuant to this filing, by the issuance and sale of long-term debenture bonds and/or common stock.

Iroquois, Republic, United, and Pennsylvania propose to issue and sell to National from time to time during 1955 unsecured promissory notes aggregating in principal amount not in excess of the amounts shown and in series with the principal amount of each note, as follows:

	Aggregate principal amount	Principal amount of each note
Iroquois	$3,000,000	$200,000
Republic	3,300,000	150,000
United	4,400,000	200,000
Pennsylvania	2,700,000	[1] 100,000

[1] For the first 17 of such notes and $200,000 for the last 5 of such notes.

The first note in each of the series will mature on May 1, 1957 and each succeeding note in the series will mature May 1 of the following calendar year. Each note will bear interest at the rate of 3 percent per annum subject to adjustment as of the date of National's next debenture issue to a rate equal to the coupon rate that will apply to such issue.

Each of the subsidiary companies proposes to use the net proceeds from the notes proposed to be issued to provide its treasury with funds with which to make needed additions to its utility plant during 1955, and in the cases of Iroquois and Republic to replenish working capital depleted by extra capital expenditures made in 1954. Such additions to utility plant are estimated to cost $3,745,000 in the case of Iroquois, $2,000,000 for Republic, $2,830,000 for United, and $1,805,000 for Pennsylvania. Republic also proposes to discharge its outstanding short-term bank borrowings (in the amount of $944,296.20 as at December 31, 1954) while United and Pennsylvania further propose to convert their short-term notes payable to National ($1,800,000 for United and $750,000 for Pennsylvania) and maturing July 15, 1955, to long-term notes payable to National.

The New York Public Service Commission has authorized the proposed note issuances by Iroquois and Republic, and the Pennsylvania Public Utility Commission has authorized the proposed note issuances by United and Pennsylvania. According to the filing no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that the fees, commissions and expenses will total $11,950 for all of the companies including $6,200 for fees and expenses of counsel.

It is requested that the Commission's order herein be made effective forthwith upon the issuance thereof.

Due notice of the filing of said joint application-declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied and that the joint application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 of the applicable provisions of the act that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–3841; Filed, May 11, 1955; 8:48 a. m.]

[File No. 70–3362]

NATIONAL FUEL GAS CO.

ORDER AUTHORIZING ACQUISITION BY HOLDING COMPANY OF PROMISSORY NOTES TO BE ISSUED BY EXEMPT SUBSIDIARY

MAY 6, 1955.

National Fuel Gas Company ("National"), a registered holding company, has filed with this Commission an application-declaration pursuant to sections 9 (a), 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 thereunder regarding the following proposed transactions:

National proposes to purchase from Provincial Gas Company, Ltd. ("Provincial"), an exempt Canadian subsidiary, from time to time during 1955 promissory notes aggregating in principal amount not to exceed $300,000 in United States currency. Said purchases will be made pursuant to a credit agreement between National and Provincial dated March 25, 1955, which provides that National will make loans to Provincial in multiples of $20,000 to be evidenced by Provincial's unsecured promissory notes, the first of which will mature on June 1, 1956, and each succeeding note in the series will mature on June 1 of the calendar year following the maturity date of the next prior note in the series. The notes will bear interest at the rate of 3⅜ percent per annum, payable in United States funds semi-annually on June 1 and December 1 of each year until paid in full. Provincial reserves the right to prepay any of said notes at any time, or from time to time, in whole or in part, without premium, upon paying all the interest accrued to the date of such prepayment on the amount of principal then prepaid.

Provincial proposes to use the proceeds of such notes, together with funds available from current operations, to make needed plant additions and to increase its working capital.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–3840; Filed, May 11, 1955; 8:48 a. m.]

ATOMIC-ELECTRONICS FUND, INC. (MASSACHUSETTS) AND ATOMIC AND ELECTRONIC FUND, INC. (MARYLAND)

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

MAY 6, 1955.

In the matter of Atomic-Electronics Fund, Inc. (Massachusetts), File No. 811–655; Atomic and Electronic Fund, Inc. (Maryland), File No. 811–656.

Notice is hereby given that Atomic-Electronics Fund, Inc., a Massachusetts corporation ("Applicant"), a registered open-end investment company, has filed an application pursuant to section 8 (f) of the act for an order declaring that Applicant has ceased to be an investment company under the Investment Company Act of 1940.

Applicant was organized under the laws of Massachusetts on September 16, 1954, and registered under the act, on September 17, 1954, by filing a Notification of Registration on Form N-8A. Applicant filed a registration statement on Form N-8B–1 on December 9, 1954. Applicant has represented in its present application that it has no present intention of offering or selling shares of its stock or engaging in business as an investment company, and accordingly desires to discontinue its registration as an investment company under the act.

Section 8 (f) of the act provides in part that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the taking effect of such order the registration of such company shall cease to be in effect.

The Commission previously, on December 30, 1954, issued a Notice of and Order for Hearing concerning the corporate names of Applicant and of Atomic and Electronic Fund, Inc., a Maryland corporation pursuant to section 35 (d) of the act. Certain petitions for intervention and other relief were filed in response thereto by Atomic Development Mutual Fund, Inc. and Television-Electronics Fund, Inc. In the event that an order should be entered herein, as requested by Atomic-Electronics Fund, Inc. (Massachusetts), the issues raised in said Notice of and Order for Hearing may become moot, and an order may then be entered terminating the proceedings instituted by such Notice and Order for Hearing.

Notice is further given that any interested person may, not later than May 20, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–3842; Filed, May 11, 1955; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CLARA BARATZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY; AMENDMENT

Whereas, by Notice of Intention to Return Vested Property executed by the undersigned on June 21, 1954, filed with the FEDERAL REGISTER on June 25, 1954, 8:50 a. m. (F. R. Doc. 54–4869) and published in the FEDERAL REGISTER on June 26, 1954 (19 F. R. 3921), notice was given of intention to return vested property to Clara Baratz, Tel Aviv, Israel; Claim No. 58163;

Whereas, it appears that said Clara Baratz died on March 3, 1954, in Givatayim, Israel, leaving her surviving four children;

Now, therefore, the aforesaid Notice of Intention to Return Vested Property is hereby amended as follows:

By deleting the name of Clara Baratz as a claimant and by deleting under the heading "Property" the words:

$7,233.45 in the Treasury of the United States.

All right, title and interest of Clara Chaiki Brill in and to the estate of David S. Brill, deceased.

An undivided ⅛ part of real property known as 22799 Oakwood Avenue, Detroit, Michigan.

And substituting therefor as claimants Anna Sinder of Montreal, Canada; Fany Rosenhaupt, Sofia Baratz and Nathan Baratz of Givatayim, Israel, and substituting under the heading "Property" the words:

To each claimant:
$1,685.78 in the Treasury of the United States.

An undivided ¼ part of all right, title and interest of Clara Chaiki Brill in and to the estate of David S. Brill, deceased.

An undivided 1/20 part of real property known as 22799 Oakwood Avenue, Detroit, Michigan.

All other provisions of said Notice of Intention to Return Vested Property executed on June 21, 1954, are hereby ratified and confirmed.

Executed at Washington, D. C., on May 4, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55–3857; Filed, May 11, 1955; 8:51 a. m.]

SUSUMU IKEMIYA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Susumu Ikemiya, Branch Exchange No. 212, Camp Otsu, APO 9, San Francisco, California; Claim No. 62754, Vesting Order No. 13893; $862.00 in the Treasury of the United States.

Executed at Washington, D. C., on May 4, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55–3856; Filed, May 11, 1955; 8:51 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 94

Washington, Friday, May 13, 1955

THE NATIONAL ARCHIVES OF THE UNITED STATES

LITTERA SCRIPTA MANET

1934

UNIVER... OF MICH...

MAY 1...

MAIN READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3094

NATIONAL MARITIME DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the American Merchant Marine is today carrying on a long and honorable tradition of serving the trade and commerce of the world upon the high seas; and

WHEREAS American merchant ships and American seamen stand ready at all times to serve our Nation in the cause of freedom and justice; and

WHEREAS we have added to the United States Program for Peaceful Uses of Atomic Energy a proposal to build an atomic-powered merchant ship that will visit the ports of the world to demonstrate to people everywhere atomic energy harnessed to peacetime uses for the benefit of mankind; and

WHEREAS the Congress by a joint resolution approved May 20, 1933 (48 Stat. 73), designated May 22 as National Maritime Day, thus honoring the Merchant Marine by commemorating the departure from Savannah, Georgia, on May 22, 1819, of the *Savannah* on the first transoceanic voyage by any steamship, and requested the President to issue a proclamation annually calling for the observance of that day; and

WHEREAS since May 22 falls on Sunday this year, it is appropriate that National Maritime Day be observed on the following Monday:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby urge the people of the United States to honor our Merchant Marine on Monday, May 23, 1955, by displaying the flag of the United States at their homes or other suitable places; and I direct the appropriate officials of the Government to arrange for the display of the flag on all Government buildings on that day. I also request that all ships sailing under the American flag dress ship on Monday, May 23, in tribute to our Merchant Marine.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 10th day of May in the year of our Lord nineteen hundred and fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
Acting Secretary of State.

[F. R. Doc. 55-3950; Filed, May 11, 1955; 1:12 p. m.]

EXECUTIVE ORDER 10611

ESTABLISHING THE CIVIL DEFENSE COORDINATING BOARD AND DEFINING ITS DUTIES

By virtue of the authority vested in me by the Federal Civil Defense Act of 1950 (64 Stat. 1245), and as President of the United States, it is ordered as follows:

1. There is hereby established a Civil Defense Coordinating Board, hereinafter referred to as the Board, within the executive branch of the Government. The Board shall be composed of the Administrator of the Federal Civil Defense Administration, who shall be the Chairman of the Board, and seventeen other members, one of whom shall be designated by and represent each of the following-named officials, respectively:

The heads of the ten executive departments, the Chairmen of the Atomic Energy Commission and Federal Power Commission, the Directors of the Office of Defense Mobilization and the Bureau of the Budget, and the Administrators of the Housing and Home Finance Agency, the General Services Administration, and the Veterans' Administration.

2. The functions of the Board shall be:

(a) To assist in the development of an orderly, integrated plan for the participation of all Federal departments and agencies in the civil defense of the nation, taking into consideration other defense requirements, both economic and military.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplement is now available:

Titles 35–37 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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(b) To make recommendations to the President regarding specific arrangements involving the assumption of certain civil-defense responsibilities by the various departments and agencies.

(c) To facilitate the development and implementation of such arrangements with the Department of Defense and the Office of Defense Mobilization.

(d) To advise the President from time to time with respect to the progress of the integration of civil-defense activities into the various departments and agencies of the Government.

3. The Board shall meet with the President at his request, and shall meet at such other times as may be determined by its Chairman.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 11, 1955.

[F. R. Doc. 55-3967; Filed, May 11, 1955; 5:13 p. m.]

EXECUTIVE ORDER 10612

RESTORING CERTAIN LANDS RESERVED FOR MILITARY PURPOSES TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain hereinafter-described land in Waianae, District of Waianae, Island of Oahu, Territory of Hawaii, forming a part of the public lands ceded and transferred to the United States under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, was reserved for military purposes by Executive Order No. 801 of June 6, 1938, of the Governor of the Territory of Hawaii; and

WHEREAS such land is no longer needed for military purposes, and it is deemed advisable and in the public interest that it be restored to the possession, use, and control of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered that the following-described land, which is the same land as that described in Executive Order No. 801 of June 6, 1938, of the Governor of the Territory of Hawaii, be, and it is hereby, restored to the possession, use, and control of the Territory of Hawaii:

Being portion of the Nanakuli Forest Reserve, situated on the ridge dividing the lands of Nanakuli and Honouliuli, withdrawn therefrom by Proclamation of the Governor, dated May 2, 1938.

Beginning at a pipe in concrete marked No. 2 at the Southwest corner of this parcel of land and on the boundary between the lands of Nanakuli and Honouliuli (Land Court Application No. 1065), the coordinates of said point of beginning referred to Government Survey Trig. Station "Manawahua" being 1071.38 feet South and 1222.65 feet West as shown on Government Survey Registered Map 2535 and running by azimuths measured clockwise from true South:

1. 214° 50' 22" 1020.13 feet to a railroad spike;

2. 244° 30' 53" 584.00 feet to a point on the crest of the ridge dividing the lands of Nanakuli and Honouliuli, the true azimuth and distance from Government Survey Trig. Station "Manawahua" to said point on crest of ridge being 98° 40' 00" 114.00 feet;

3. Thence Southwesterly along the crest of the ridge dividing the lands of Nanakuli and Honouliuli to a pipe in concrete marked No. 1, the direct azimuth and distance being 53° 23' 45" 520.44 feet;

4. 41° 39' 00" 1041.50 feet along the boundary between the lands of Nanakuli and Honouliuli to the point of beginning.

Area, 2.28 acres.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 11, 1955.

[F. R. Doc. 55-3968; Filed, May 11, 1955; 5:13 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

[FHA Instruction 462.1]

PART 371—SECURITY SERVICING AND LIQUIDATIONS; OPERATING LOANS

RENEWALS AND EXTENSIONS OF OPERATING LOANS

Paragraph (d) of § 371.2, Title 6, Code of Federal Regulations (19 F. R. 3987) is revised to make it clear that the provisions thereof with respect to the extension or renewal of crop and chattel security instruments apply to all types of Operating loans, and to read as follows:

§ 371.2 *Taking additional security and keeping security instruments current.* * * *

(d) *Extension or renewal of crop and chattel security instruments.* (1) County Supervisors are responsible for seeing that security instruments are extended or renewed as necessary to protect the Government's security interests. This may be accomplished by obtaining new security instruments, or by the use of Form FHA–126, "Affidavit of Extension and Renewal," or similar form approved by the representative of the Office of the General Counsel for this purpose.

(2) In some states the original notes for Operating loans may not be scheduled for payment over the entire repayment period that has been agreed upon with borrowers because crop and chattel lien instruments in those states cannot be taken initially, or extended or renewed by action of the mortgage alone for that length of time. In such states, if a Form FHA–258, "Agreement to Extend Repayment Period," was obtained at the time the loan was made, steps will have to be taken to enforce or extend the lien immediately after the final installment due date on the original or additional note. In no event may an extension or renewal be approved which will cause the final repayment on any Operating loan to fall due after the repayment period originally agreed upon with the borrower or the statutory loan period, whichever is less. (In the case of a Production and Subsistence loan the statutory loan period is seven years from the date of the initial advance.)

(i) Before the additional note and security instrument are taken, a current lien search report will be obtained.

(ii) Additional notes will be obtained on Form FHA–124, "Renewal Promissory Note." The principal amount on the face of the additional note will be equal to the unpaid principal of the original note. The repayment schedule on the additional note will coincide with the unpaid installments on Form FHA–258 as to amounts and maturity dates except (*a*) when the mortgage taken to secure the additional note will not be valid over the entire balance of the repayment period shown on Form FHA–258, the last installment on the additional note will be scheduled to fall due at least 90 days prior to the expiration date of the additional mortgage and will be equal to amounts unpaid on installments as shown on Form FHA–258 which fall due on and after the final due date shown on the additional note, and (*b*) when the borrower is delinquent on the repayment schedule shown on Form FHA–258, the total amount of delinquent principal under Form FHA–258 will be scheduled for repayment on the day following the date of the additional note. The additional note will be dated the day it is executed. The space provided for the total amount of accrued unpaid interest will be left blank since this insertion will be made by the Finance Office. The note being extended will be described on the reverse side of the additional note. The original of Form FHA–124 will be executed by all the obligors who executed the original note. However, if it is not possible to obtain the signature of the original obligors, an additional note may be obtained if the State Director with the advice of the representative of the Office of the General Counsel determines that the Government's interests will not be jeopardized by such action. All notes being extended will be stamped "Not Paid, Renewed by Another Note," and retained in the Finance Office. New mortgages, describing the remaining security on the existing mortgage and any additional security that is available and needed will be taken to secure the additional note.

(3) State Directors in the states referred to in subparagraph (2) of this paragraph are authorized to accept properly executed additional notes (Form FHA–124) and related security instruments in cases in which Form FHA–258 was not executed at the time the loan was made and the security instrument is about to expire: *Provided, however,* That in no event may an extension or renewal be approved (i) which will cause the final repayment on any Operating loan to fall due after the repayment period originally agreed upon with the borrower or the statutory loan period, whichever is less (in the case of a Production and Subsistence loan the statutory loan period is seven years from the date of the initial advance), (ii) in a case in which the borrower is indebted for a Rural Rehabilitation, Emergency Crop and Feed, 1934–35 Drought Feed, Flood and Windstorm Restoration, Wartime Civilian Control Administartion, or Regional Agricultural Credit Corporation loan made prior to November 1, 1946. In cases in which additional notes and security instruments cannot be accepted because of such limitations, the loans must be paid in full or the security liquidated and the proceeds applied to the borrower's account prior to the expiration of the lien. However, these restrictions on extension and renewal of loans will not prevent the taking of new security instruments or the renewal or extension of the lien of existing security instruments needed to protect the interests of the Government, provided such extension or renewal can be accomplished without the renewal or extension of the maturity date of the loan itself. In cases in which additional notes and security instruments can be accepted, Form FHA–124 will be prepared in the same manner as outlined in subdivision (ii) of this subparagraph, except that any delinquent balance owing on the loan (or so much thereof as legally feasible under State law and still obtain the necessary additional security instrument) will be scheduled for repayment on the day following the date of the additional note. The authority contained in this subparagraph may be redelegated to County Supervisors.

(4) State Directors, with the advice of the representative of the Office of the General Counsel, will supplement subparagraph (3) of this paragraph, as necessary, to assure that proper action is taken to renew or extend security instruments, or to obtain additional notes and security instruments.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1), 60 Stat. 1066, 62 Stat. 1038, sec. 1 (a), (b), (d), 63 Stat. 43, 44, sec. 2 (a), 63 Stat. 44, sec. 2 (b), 67 Stat. 149; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (l), 12 U. S. C. 1148a–1 (a), (b), (d), 1148a–2 (a), (b). Interpret or apply sec. 44 (b), 60 Stat. 1069, sec. 2 (a), 63 Stat. 44, sec. 2 (b), 67 Stat. 149, sec. 2 (3), 50 Stat. 869, sec. 2, 62 Stat. 1192, sec. 1 (a) (1), 63 Stat. 43, 64 Stat. 414, 62 Stat. 1038, 63 Stat. 82, sec. 2 (f), 64 Stat. 100; 7 U. S. C. 1016 (b), 12 U. S. C. 1148a–1 (a) (1), 1148a–1 (a) (2), 1148a–2 (a), 1148a–2 (b), 16 U. S. C. 590s (3), 40 U. S. C. 440 (f))

Dated this 6th day of May 1955.

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55–3893; Filed, May 12, 1955; 8:51 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Flaxseed Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 TEXAS FLAXSEED PURCHASE PROGRAM

Sec.
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421.1527 Administration.
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421.1529 Basic purchase prices.
421.1530 Basis of purchase.
421.1531 Eligible producer.
421.1532 Eligible flaxseed.
421.1533 Authorized dealer.
421.1534 Purchase documents.
421.1535 Determination of quantity.
421.1536 Liens.
421.1537 Service charge.
421.1538 Set-offs.
421.1539 Payment.

AUTHORITY: §§ 421.1526 to 421.1539 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs., 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. 714c. 7 U. S. C. 1447, 1421.

§ 421.1526 *General.* This subpart states the requirements with respect to the 1955-crop Texas Flaxseed Purchase Program formulated for price support purposes by Commodity Credit Corporation (referred to in this subpart as CCC) and the Commodity Stabilization Service (referred to in this subpart as CSS). CCC, through designated Agricultural Stabilization and Conservation county committees, will stand ready to make direct purchases from eligible producers of eligible flaxseed delivered to authorized flaxseed dealers from the time of harvest through July 31, 1955. All such purchases shall be made in accordance with this subpart.

§ 421.1527 *Administration.* (a) This program will be administered in the field through the CSS Commodity Office, Dallas, Texas, the Texas State Agricultural Stabilization and Conservation Committee, and Agricultural Stabilization and Conservation county committees (referred to in this subpart as county committees). A producer desiring to sell flaxseed under this program must apply to the county committee of the county in which the flaxseed was produced for written delivery instructions on the quantity of flaxseed he wishes to sell to CCC.

(b) Such application must be made sufficiently in advance of the date of the intended delivery to enable the county committee to schedule deliveries in an orderly manner. Delivery instructions issued by the county committee will set forth the approximate quantity of flaxseed and the time and place of delivery for the account of CCC. All flaxseed delivered under such instructions must meet the eligibility requirements specified in § 421.1532. The county committee may authorize in writing, certain employees of the county committee to approve on behalf of the committee any forms and documents in connection with this program. State and county committees and CSS Commodity Offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 421.1528 *Period and area of operation.* This program will be available on eligible flaxseed from the time of harvest through July 31, 1955, in the Texas counties listed in § 421.1529 (a). Deliveries of flaxseed under this program must be completed on or before July 31, 1955.

§ 421.1529 *Basic purchase prices.* (a) The basic purchase price per bushel of flaxseed, grading No. 1, delivered under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. Texas counties authorized under this program and basic purchase rates are as follows:

TEXAS

County:	No. 1 flaxseed
Aransas	$2.75
Atascosa	2.68
Bastrop	2.65
Bee	2.74
Bell	2.63
Bexar	2.66
Blanco	2.63
Bowie	2.56
Brooks	2.67
Brown	2.60
Burnet	2.60
Caldwell	2.65
Calhoun	2.65
Cameron	2.62
Coleman	2.58
Collin	2.60
Colorado	2.71
Comal	2.65
Concho	2.58
De Witt	2.66
Dimmit	2.57
Duval	2.70
Frio	2.63
Galveston	2.75
Goliad	2.71
Gonzales	2.66
Guadalupe	2.65
Hamilton	2.57
Hays	2.65
Hidalgo	2.62
Jackson	2.65
Jim Hogg	2.66
Jim Wells	2.74
Karnes	2.69
Kimble	2.58
Kleberg	$2.73
La Salle	2.60
Lavaca	2.65
Lee	2.68
Live Oak	2.72
McCulloch	2.59
McMullen	2.69
Mason	2.60
Matagorda	2.68
Maverick	2.54
Medina	2.64
Milam	2.65
Nueces	2.76
Real	2.59
Red River	2.56
Refugio	2.70
Runnels	2.56
San Patricio	2.77
San Saba	2.60
Taylor	2.54
Travis	2.65
Uvalde	2.59
Victoria	2.65
Webb	2.63
Wharton	2.72
Willacy	2.64
Williamson	2.65
Wilson	2.68
Zapata	2.59
Zavala	2.57

(b) (1) The basic purchase price shall be $2.94 per bushel for No. 1 flaxseed delivered to authorized flaxseed dealers at the Corpus Christi and Houston terminal markets in carload lots which have been shipped by rail on a domestic interstate freight rate basis, from a country shipping point to the said terminal markets as evidenced by paid freight bills duly registered for transit privileges and other documents as required in this subpart: *Provided*, That, in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional freight rate from the aforesaid terminal markets, there shall be deducted from the applicable terminal purchase price the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional freight rate. The terminal warehouse receipt must be accompanied by a registered freight bill, or by a supplemental certificate signed by the warehousemen, containing data like that on such freight bills, in the form prescribed by the CSS Commodity Office, Dallas, Texas.

(2) The basic purchase price of flaxseed delivered at the aforesaid terminal markets by Rail in carload lots for which neither registered freight bills nor such freight certificates are presented, will be the terminal basic purchase price of $2.94 less 8 cents per bushel. Flaxseed delivered by truck at the designated terminals in the State of Texas will be purchased by CCC under this program on the basis of the terminal rate minus 12½ cents.

(c) The basic purchase price for No. 2 flaxseed shall in all instances be 6 cents per bushel less than the price indicated for No. 1 flaxseed.

(d) To compensate CCC for storage charges on flaxseed acquired under this program, the following deduction per bushel of flaxseed purchased shall be made from the basic purchase prices set forth in this section:

For flaxseed deposited in:	Deduction per bushel (cents)
April 1955	14
May 1955	13
June 1955	12
July 1955	11

§ 421.1530 *Basis of purchase.* Eligible flaxseed will be purchased on the basis of weight and grade. The grade shall be determined in accordance with the Official Grain Standards of the United States for flaxseed by a grain inspector licensed by the Secretary of Agriculture. Wherever the services of a licensed inspector are not available the CSS Commodity Office shall designate in writing a person qualified to determine the grade of flaxseed in accordance with the Official Grain Standards of the United States for flaxseed. Such designation may be revoked in writing by the CSS Commodity Office at any time.

§ 421.1531 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation or other legal entity which (a) has produced flaxseed in 1955 in one of the counties named in § 421.1529 as landowner, landlord, tenant, or sharecropper, and (b) has applied to the appropriate county office for delivery instructions.

§ 421.1532 *Eligible flaxseed.* Eligible flaxseed shall meet the following requirements:

(a) The flaxseed must be produced by an eligible producer in 1955 in one of the counties named in § 421.1529 (a).

(b) The beneficial interest in the flaxseed must be in the person tendering the flaxseed for purchase and must always have been in him or in him and a former producer whom he succeeded before the flaxseed was harvested.

(c) The flaxseed must grade No. 1 or No. 2. Sample grade flaxseed will not be purchased under this program.

§ 421.1533 *Authorized dealer.* An authorized dealer shall be any individual, partnership, association or corporation operating under a Flaxseed Dealer Agreement with CCC, which authorizes such dealer to accept delivery of eligible flaxseed under this program for the account of CCC. A list of authorized dealers to whom flaxseed may be delivered for the account of CCC under this program may be obtained from the offices indicated in § 421.1527.

§ 421.1534 *Purchase documents.* (a) The purchase documents shall consist of (1) the "Non-Negotiable Flaxseed Dealer's Receipt and Grade Certificate" (or other similar document if approved by CCC) issued to the producer for flaxseed delivered and in the case of a terminal warehouse receipt, the registered freight bill or warehouseman's supplemental certificate (2) the purchase settlement form, and (3) such other forms and documents as may be prescribed by CCC.

(b) The receipt must be issued in the name of the producer for the account of CCC and must be dated on or before July 31, 1955. Each receipt must show: (1) Gross weight or bushels, (2) grade, (3) test weight, (4) dockage, and (5) percentage of damage when such factor, and not test weight determine the grade. The receipt must show whether the flaxseed arrived by rail, truck or barge. In the case of warehouse receipts issued for flaxseed delivered by rail or barge, the grading factors on the receipt must agree with the inbound inspection certificates for the car or barge.

§ 421.1535 *Determination of quantity.* (a) The number of bushels of flaxseed delivered shall be determined by weight at time of delivery. A bushel shall be 56 pounds of flaxseed free of dockage.

(b) The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States for Flaxseed, and the weight of said dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity for purchase.

§ 421.1536 *Liens.* The flaxseed must be free and clear of all liens and encumbrances, or if liens and encumbrances exist on the flaxseed, proper waivers must be presented to the county committee at the time of application for delivery instructions.

§ 421.1537 *Service charge.* A service charge of one-half cent per bushel or a minimum of $1.50, whichever is greater, shall be charged the producer on each purchase of flaxseed made by CCC under this program. The amount of the service charge shall be deducted from the purchase price at the time of settlement.

§ 421.1538 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment, whether the note evidencing such loan is held by CCC or a lending agency, are past due or are payable or prepayable under the provisions of the farm-storage facility loan note or mobile drying equipment loan note out of the proceeds of the price support purchase, he must designate CCC or such lending agency as the payee of the proceeds of the purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.1539 *Payment.* Payment to the producer for flaxseed delivered under this program shall be made by the ASC county office by means of sight draft drawn on CCC, and on the basis of the purchase documents indicated in § 421.1534, subject to the provisions of set-offs and service charge.

Issued this 10th day of May 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55–3891; Filed, May 12, 1955; 8:50 a. m.]

[1955 C. C. C. Cottonseed Bulletin 1]

PART 443—OILSEEDS

SUBPART—1955 COTTONSEED LOAN PROGRAM

This bulletin states the requirements with respect to loans under the 1955 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Commodity Stabilization Service (hereinafter referred to as CSS). A separate bulletin or bulletins will cover purchases of cottonseed under the 1955 Cottonseed Price Support Program. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC.

Sec.
443.1101 Administration.
443.1102 Availability of loans.
443.1103 Approved lending agencies.
443.1104 Eligible producer.
443.1105 Eligible cottonseed.
443.1106 Approved storage.
443.1107 Approved forms.
443.1108 Determination of quantity.
443.1109 Liens.
443.1110 Service charges.
443.1111 Set-offs.
443.1112 Interest rate.
443.1113 Transfer of producer's equity.
443.1114 Safeguarding of the cottonseed.
443.1115 Insurance.
443.1116 Loss or damage to the cottonseed.
443.1117 Personal liability.
443.1118 Maturity and liquidation of loans.
443.1119 Release of the cottonseed under loan.
443.1120 Purchase of notes.
443.1121 Loan and settlement rates.
443.1122 Cooperative marketing associations.

AUTHORITY: §§ 443.1101 to 443.1122 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 443.1101 *Administration.* In the field, the program will be administered through Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") State and county committees (hereinafter referred to as "State" and "county committees") and the CSS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (hereinafter referred to as "the New Orleans office"). Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of cottonseed, the amount of the loan, and the value of the cottonseed delivered under the loan. Loan documents will be completed in the county ASC office and copies of such documents will be retained there. Loan documents shall be approved on behalf of the county ASC

committee by county ASC office employees who shall be specifically designated in writing by the committee. State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

§ 443.1102 *Availability of loans*—(a) *Area.* Farm-storage loans (hereinafter referred to as loans) shall be available on eligible cottonseed stored in approved storage in all cotton producing areas, except that loans will not be made in any area where the appropriate State committee determines that the damage hazard to farm-storage cottonseed would not warrant the making of loans.

(b) *Time.* Loans shall be available through January 31, 1956. Notes and chattel mortgages must be signed by the producer and delivered to the county office on or before such date.

(c) *Source.* Loans will be made available through the offices of county committees. Disbursements on loans will be made to producers through approved lending agencies under agreements with CCC or by means of sight drafts drawn on CCC by county committees in accordance with instructions issued by CSS to the State and county committees. Disbursements on loans will be made not later than February 15, 1956, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cottonseed are in existence and in good condition. If the cottonseed are not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer.

§ 443.1103 *Approved lending agencies.* An approved lending agency shall be a bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a lending agency agreement (Form CCC–322).

§ 443.1104 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision, producing cottonseed in 1955 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) Eligible producers who are members of cooperative marketing associations may act collectively through their associations in obtaining loans in accordance with the provisions of § 443.1122.

§ 443.1105 *Eligible cottonseed.* Eligible cottonseed shall be cottonseed that meet the following requirements:

(a) The cottonseed must have been produced in the United States in 1955 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for a loan, or by the person who delivered the cottonseed to the cooperative association tendering the cottonseed for a loan, and the beneficial interest in the cottonseed must be in such person and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for a loan must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for a loan must have the legal right to mortgage the cottonseed as security for the loan.

(c) Cottonseed must be sound and clean and must not contain more than 11 percent moisture. Cottonseed that are "off quality" or "below grade" as defined in the United States Official Standards for Grades of Cottonseed shall not be eligible. At the time of making the loan no grade determination will be made. If upon maturity of the loan the cottonseed are found to be "off quality" or "below grade", settlement will be made in accordance with § 443.1121.

(d) No warehouse receipts shall be outstanding on the cottonseed.

§ 443.1106 *Approved storage.* Approved storage shall consist of storage structures located on or off the farm which, as determined by the county office manager, are of such construction as to afford safe storage of cottonseed and afford protection against weather damage, poultry, livestock and rodents, and reasonable protection against fire and theft.

§ 443.1107 *Approved forms.* (a) The documents named in this section, together with the provisions of this subpart and any supplements or amendments thereto, govern the rights and responsibilities of the producers under this program. Loan documents executed by an administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing such documents. Documents must have State and documentary revenue stamps affixed when required by law.

(b) The following documents must be delivered by the producer in support of every loan: Producer's Note and Supplemental Loan Agreement (Commodity Loan Form A) and Commodity Chattel Mortgage (Commodity Loan Form AA) covering the cottonseed tendered as security for the loan both executed and delivered within the period prescribed in § 443.1102, and such other forms as may be prescribed by CCC.

§ 443.1108 *Determination of quantity.* The quantity of cottonseed at the time a loan is made shall be determined by actual weight or by an estimate based upon measurements. When the weight of cottonseed to be placed under loan is estimated by measurement, 90 cubic feet of cottonseed shall be considered the equivalent of one ton. The quantity delivered in liquidation of the loan shall be the net weight, which shall be the gross weight of the cottonseed less a deduction for any foreign matter in excess of 1 percent of the gross weight.

§ 443.1109 *Liens.* The cottonseed must be free and clear of all liens and encumbrances, including any claim the ginner may have against the cottonseed for his regular ginning charge. If liens, ginner's claims, or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 443.1110 *Service charges.* The producer shall pay a service charge of 35 cents per ton on the number of tons placed under a loan, or $3.00, whichever is greater. State committees are authorized to require prepayment of $3.00 of the service charges. No refund of any service charge will be made.

§ 443.1111 *Set-offs.* (a) If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due or are payable or prepayable, under the provisions of the note evidencing such loan, out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of amounts under paragraph (a) of this section.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 443.1112 *Interest rate.* Loans will bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment, except that in the case of default in satisfaction of loans, the deficiency will bear interest at the rate of 6 percent per annum from the date of default to the date of repayment.

§ 443.1113 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the cottonseed under loan or his remaining interest may be restricted by CCC.

§ 443.1114 *Safeguarding of the cottonseed.* The producer who places cottonseed under a loan is obligated to maintain the storage structure in good repair, and to keep the cottonseed in good condition.

§ 443.1115 *Insurance.* CCC will not require the producer to insure the cottonseed placed under a loan; however, if the producer does insure such cottonseed and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the cottonseed involved in the loss.

§ 443.1116 *Loss or damage to the cottonseed.* The producers shall be responsible for the quality and for any loss in quantity of the cottonseed placed under loan, except that, subject to the provisions of § 443.1115, any physical loss or damage other than shrinkage or natural deterioration, occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, and resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC to the extent of the loan plus interest, provided the producer or other person having control of the storage structure has given the county office immediate written notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement is made by check or draft the date of the check or draft shall constitute the date of disbursement of the funds.

§ 443.1117 *Personal liability.* The making of any fraudulent representations by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition by him of any portion of the cottonseed under loan, shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 443.1118 *Maturity and liquidation of loans.* (a) Settlement of loans, and delivery of the cottonseed covered by chattel mortgage shall be made in accordance with this section. All loans mature on demand but not later than March 1, 1956. If the producer does not repay his loan on or before maturity, the producer shall deliver the mortgaged cottonseed in accordance with instructions issued on behalf of the county committee. The producer may, however, pay off his loan and redeem his cottonseed at any time prior to the delivery of the cottonseed to CCC or removal of the cotton seed by CCC. In the event the farm is sold or there is a change of tenancy, the cottonseed may be delivered by the producer before the maturity date of the loan, after obtaining delivery instructions issued on behalf of the county committee, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the Executive Vice President, CCC. After a complete grade determination by a cottonseed chemist licensed by the U. S. Department of Agriculture, credit will be given at the applicable settlement rate, according to grade and/or quality (see § 443.1121), for the total quantity delivered, provided it is the identical cottonseed on which the loan was made.

(b) If the producer is directed by the county committee to deliver his cottonseed to a point other than the normal delivery point, the producer shall be allowed compensation (as determined by CCC) for the additional cost of hauling the cottonseed any distance greater than the distance from the point where the cottonseed are stored by the producer to the normal delivery point.

(c) If the settlement value of the cottonseed delivered under a loan exceeds the amount due on the loan by more than $3.00, such amount will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less, such amount will be paid only upon his request. Payments will be made by sight drafts drawn on CCC by county office employees designated by the county committee.

(d) If the settlement value of the cottonseed is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest, shall be paid to CCC by the producer and may be set off against any payment which would otherwise be due to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States: *Provided,* That, to avoid administrative costs of handling small accounts, a deficiency of $3.00 or less, including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

(e) If the loan is not liquidated upon maturity by payment or delivery, the holder of the note may remove the cottonseed and sell them in accordance with the provisions of the chattel mortgage (Commodity Loan Form AA).

§ 443.1119 *Release of the cottonseed under loan.* A producer may at any time obtain the release of cottonseed remaining under loan by paying to the holder of the note the principal amount thereof, plus accrued interest and any charges that may be due. Upon payment of a loan, the county office should be requested to release the mortgage by filing an instrument of release or by executing a marginal release on the county records. Partial release of the cottonseed prior to maturity of the loan may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the cottonseed to be released: *Provided, however,* No partial release of cottonseed shall include less than the total quantity of cottonseed stored in any single commingled mass unless the appropriate county committee determines that release of a portion of such commingled mass may be made.

§ 443.1120 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them and are required to remit interest to CCC computed according to the lending agency agreement.

§ 443.1121 *Loan and settlement rates*—(a) *Loan rates.* Loans on cottonseed shall be made at the rate of $46.00 per ton of eligible cottonseed as defined in § 443.1105.

(b) *Basic settlement rate.* The basic settlement rate for "basis grade" (100) cottonseed shall be $46.00 per net ton f. o. b. railroad cars or trucks at delivery points designated by CCC. The settlement rate for cottonseed grading above or below "basis grade" (100) shall be $46.00 per ton plus or minus a percentage of such price equal to the percentage by which the grade of such cottonseed is above or below 100. In the case of "off quality" or "below grade" cottonseed, as defined in the United States Official Standards for Grades of Cottonseed, CCC will sell such cottonseed at the current market price and the settlement rate shall be the market price per ton determined on the basis of such sale.

§ 443.1122 *Cooperative marketing associations.* (a) Cooperative marketing associations shall be eligible for loans: *Provided,* That (1) the cottonseed placed under loan are delivered to the association by eligible producers who are members of the association; (2) the association has been granted by such producer-members the legal right to mortgage the cottonseed as security for a loan; (3) the association keeps any cottonseed covered by a chattel mortgage segregated from all cottonseed not covered by the mortgage; and (4) the association undertakes to pay the CCC any amounts due it under the provisions of this program at the time of settlement.

(b) Cooperative associations desiring loans may obtain documents from the county office for the county in which the association is located. The loan and settlement rates to cooperative associations will be the same as those to individual producers, and loans with respect to such associations will otherwise be on substantially the same basis as loans with respect to individual producers.

Issued this 10th day of May 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55–3892; Filed, May 12, 1955; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

SUBPART D—ORDER OF DESIGNATION OF TOBACCO MARKETS

ALMA AND PEARSON, GEORGIA, TOBACCO AUCTION MARKETS

Upon referenda conducted, pursuant to prior notice (20 F. R. 1741–1742), during the period April 21, 1955–April 23, 1955, both dates inclusive, among tobacco growers, who, during the 1954

marketing season, sold tobacco at auction on the market at Alma, Georgia, and on the market at Pearson, Georgia, it is found that more than two-thirds of the growers voting in each such referendum favor the designation of each such market under section 5 of the Tobacco Inspection Act (7 U. S. C. 511 et seq.) for the free and mandatory inspection and certification of tobacco sold on each such market. Therefore, pursuant to the authority vested in the Administrator of the Agricultural Marketing Service, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR 29.601) are amended by adding thereto at the end thereof the following paragraph (rr):

§ 29.601 *Designation of tobacco markets.* • • •

(rr) *The tobacco markets at Alma and Pearson, Georgia.* Effective 30 days after May 13, 1955, no tobacco of any type shall be offered for sale at auction on the market at Alma, Georgia, and on the market at Pearson, Georgia, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under the Tobacco Inspection Act (7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service.

(Sec. 14, 49 Stat. 734; 7 U. S. C. 511m)

Issued this 10th day of May 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-3887; Filed, May 12, 1955; 8:49 a. m.]

PART 52—PROCESSED FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PEAS [1]

On March 19, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 1662) regarding a proposed revision of the United States Standards for Grades of Canned Peas.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Peas are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946. (60 Stat. 1087 et seq.; 7 U. S. C. 1621 et seq.).

IDENTITY, TYPES, AND GRADES

Sec.
52.2281 Identity.
52.2282 Types of canned peas.
52.2283 Grades of canned peas.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

FILL OF CONTAINER AND SIZES

Sec.
52.2284 Fill of container.
52.2285 Sizes of peas.

FACTORS OF QUALITY

52.2286 Ascertaining the grade.
52.2287 Ascertaining the rating of each factor.
52.2288 Liquor.
52.2289 Color.
52.2290 Defects.
52.2291 Maturity and tenderness.

METHODS OF ANALYSES

52.2292 Methods of analyses.

LOT CERTIFICATION TOLERANCES

52.2293 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2294 Score sheet for canned peas.

AUTHORITY: §§ 52.2281 to 52.2294 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

IDENTITY, TYPES, AND GRADES

§ 52.2281 *Identity.* (a) "Canned peas" means the canned product prepared from clean, sound, shelled, succulent peas as such product is defined in the Standards of Identity for Canned Peas (21 CFR 51.0) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2282 *Types of canned peas.* (a) "Early peas" means canned succulent peas of Alaska or other smooth skin varieties.

(b) "Sweet peas" means canned succulent peas of sweet, wrinkled varieties.

§ 52.2283 *Grades of canned peas.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned peas that possess similar varietal characteristics; that possess a good flavor; that possess a good liquor; that possess a good color; that are practically free from defects; that are tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided,* That the canned peas may possess a reasonably good liquor; and may possess a reasonably good color if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned peas that possess similar varietal characteristics; that possess a good flavor; that possess a reasonably good liquor; that possess a reasonably good color; that are reasonably free from defects; that are reasonably tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided,* That the canned peas may possess a fairly good liquor and a fairly good color if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned peas that possess similar varietal characteristics; that possess a fairly good flavor; that possess a fairly good liquor; that possess a fairly good color; that are fairly free from defects; that are fairly tender; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of canned peas that fail to meet the requirements of U. S. Grade C or U. S. Standard and that may or may not meet the Standard of Quality for Canned Peas issued pursuant to the Federal Food, Drug, and Cosmetic Act.

FILL OF CONTAINER

§ 52.2284 *The standard of fill of container.* The standard of fill of container for canned peas is not incorporated in the grade of the finished product, since fill of container, as such, is not a factor of quality for the purposes of these grades. Canned peas shall be considered standard in fill if they meet the standard of fill promulgated under the Federal Food, Drug, and Cosmetic Act (21 CFR 51.2). The standard is as follows: If the container is so filled that, when the peas and liquid are removed from the container and returned thereto, the leveled peas (irrespective of the quantity of the liquid), 15 seconds after they are so returned completely fill the container. A container with lid attached by double seam shall be considered to be completely filled when it is filled to the level 3/16 inch vertical distance below the top of the double seam; and a glass container shall be considered to be completely filled when it is filled to the level 1/2 inch vertical distance below the top of the container. Canned peas that do not meet this requirement are "Below Standard in Fill."

§ 52.2285 *Sizes of peas.* For the purpose of these grades, the sizes of peas are not considered in ascertaining the quality of the product except for the factor of defects in determining pieces of peas. The size of a pea is determined on the basis of the diameter of the circular opening(s) through which the pea will pass or will not pass without force or pressure. The size designations applicable to peas in canned peas and the diameters as aforesaid are shown in Table No. I of this section.

TABLE NO. I—SIZES OF PEAS IN CANNED PEAS

Size designation	Diameter of circular openings in inches	
	Will not pass through—	Will pass through—
Size 1		9/32
Size 2	9/32	10/32
Size 3	10/32	11/32
Size 4	11/32	12/32
Size 5	12/32	13/32
Size 6	13/32	14/32
Size 7	14/32	

FACTORS OF QUALITY

§ 52.2286 *Ascertaining the grade.* (a) The grade of canned peas is ascertained by considering the factors of quality which are not scored and those which are scored as follows:

(1) *Factors which are not scored.* (i) Varietal characteristics.

(ii) Flavor.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Liquor	10
Color	10
Defects	30
Maturity and tenderness	50
Total score	100

(b) "Good flavor" means that the product has a good characteristic normal flavor and odor for the maturity and is free from objectionable flavors and objectionable odors of any kind.

(c) "Fairly good flavor" means that the product may be lacking in good characteristic normal flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2287 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "27 to 30 points" means 27, 28, 29, or 30 points.)

§ 52.2288 *Liquor*—(a) (*A*) *classification.* Canned peas that possess a good liquor may be given a score of 9 or 10 points. "Good liquor" means that the color of the liquor is typical, may possess a slight cloudiness or slight tint of green, that not more than a slight quantity of suspended material or sediment may be present, and that the liquor is not viscous.

(b) (*B*) *classification.* If the canned peas possess a reasonably good liquor, a score of 8 points may be given. "Reasonably good liquor" means that the liquor may be cloudy but not off color; that not more than a moderate quantity of suspended material or sediment may be present and that the liquor may be not more than slightly viscous.

(c) (*C*) *classification.* If the canned peas possess a fairly good liquor, a score of 7 points may be given. "Fairly good liquor" means the liquor may be very cloudy, may possess a pronounced accumulation of sediment, may be dull but not off color, and may be viscous but not so viscous that the liquor will not separate from the peas.

(d) (*SStd.*) *classification.* Canned peas that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2289 *Color*—(a) (*A*) *classification.* Canned peas that possess a good color may be given a score of 9 or 10 points. "Good color" means that the canned peas possess a color typical of tender peas of similar varietal characteristics, are bright, and that the product is practically free from peas that materially detract from the overall color appearance (includes peas commonly referred to as "blond" or "cream colored" peas).

(b) (*B*) *classification.* If the canned peas possess a reasonably good color, a score of 7 or 8 points may be given. "Reasonably good color" means that the canned peas possess a color typical of reasonably tender peas of similar varietal characteristics, are reasonably bright, and that the appearance of the product is reasonably free from peas that materially detract from the overall color appearance (includes peas commonly referred to as "blond" or "cream colored" peas).

(c) (*C*) *classification.* Canned peas that possess a fairly good color may be given a score of 5 or 6 points. Canned peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a partial limiting rule). "Fairly good color" means that the canned peas possess a color typical of fairly tender peas of similar varietal characteristics, and that the appearance of the product is fairly free from peas that materially detract from the overall color appearance (includes peas commonly referred to as "blond" or "cream colored" peas).

(d) (*SStd.*) *classification.* Canned peas that are artificially colored or fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 4 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and, in addition, when artificially colored, the canned peas are "Below Standard in Quality—Artificially Colored."

§ 52.2290 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from harmless extraneous vegetable material, pieces of peas, minor discoloration, spotted or otherwise discolored peas, and other defects.

(1) "Harmless extraneous vegetable material" means:

(i) Green tender vegetable material common to the pea plant, such as leaves, pea pods, and stems;

(ii) Non-deleterious or non-poisonous type of thistle buds, nightshade berries, or other similar type buds or berries, from other plants; and

(iii) Other predominant spherical or cylindrical vegetable material from other plants which are tender and similar in color to canned peas.

(2) "Piece of pea" (broken pea)[2] means:

(i) A whole pea from which a cotyledon or a large portion thereof has become separated;

(ii) Two detached whole cotyledons;

(iii) Pieces of detached cotyledons aggregating the equivalent of an average size cotyledon; and

(iv) A whole detached skin or portions of detached skin aggregating the equivalent of an average size whole skin.

(3) "Minor discoloration" means discoloration which slightly affects but does not materially affect the appearance or eating quality of the pea.

(4) "Spotted or otherwise discolored" means a pea spotted or otherwise discolored to an extent that the appearance or eating quality of the pea is materially affected, such as vivid-green peas, or peas showing brown, yellow, or dark discolored areas. (Does not include peas commonly referred to as "blond" or "cream colored" peas which are scored under the factor of color.)

(b) (*A*) *classification.* Canned peas that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means:

(1) That for approximately each 100 ounces of net contents there may be present:

(i) One piece, or pieces, of vegetable material, common to the pea plant having an aggregate area of 1/4 square inch (1/2" x 1/2") on one surface of the piece, or pieces; or

(ii) One thistle bud or nightshade berry or other spherical piece of vegetable material from other plants, not exceeding the size of a No. 4 size pea; or

(iii) One cylindrical piece or pieces of vegetable material from other plants, not exceeding 1/2 inch in length in the aggregate.

(2) That 3 percent, by count, of the peas may be pieces of peas in sizes larger than size 2 or in blends of sizes, except that 5 percent, by count, of the peas may be pieces of peas in size 1 and size 2 or in blends of size 1 and size 2.

(3) That 1/2 of 1 percent, by count, of the peas may be spotted or otherwise discolored: *Provided,* That harmless extraneous vegetable material, pieces of peas, minor discoloration, spotted or otherwise discolored peas, and other defects individually or collectively do not more than slightly affect the appearance or eating quality of the product.

(c) (*B*) *classification.* If the canned peas are reasonably free from defects, a score of 24 to 26 points may be given. Canned peas that fall into this classification except for pieces of peas, shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means:

(1) That for approximately each 50 ounces of net contents there may be present:

(i) One piece, or pieces, of vegetable material, common to the pea plant having an aggregate area of 1/4 square inch (1/2" x 1/2") on one surface of the piece, or pieces; or

(ii) One thistle bud or nightshade berry or other spherical piece of vegetable material from other plants, not exceeding the size of a No. 4 size pea; or

(iii) One cylindrical piece or pieces of vegetable material from other plants, not exceeding 1/2 inch in length in the aggregate.

(2) That 7 percent, by count, of the peas may be pieces of peas; and

(3) That 2 percent, by count, of the peas may be spotted or otherwise discolored: *Provided,* That harmless extraneous vegetable material, pieces of peas, minor discoloration, spotted or otherwise discolored peas, and other defects individually or collectively do not materially affect the appearance or eating quality of the product.

[2] The "percent by count of peas" as pieces of peas is calculated by dividing the total number of pieces of peas by the total number of peas and pieces of peas. (A pea held together by its skin, even though the cotyledons are partly crushed or the skin split is considered an unbroken pea.)

(d) *(C) classification.* If the canned peas are fairly free from defects a score of 21 to 23 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means:

(1) That ½ of 1 percent of the drained weight of the peas may be harmless extraneous vegetable material; [2]

(2) That 10 percent of the drained weight of the peas may be pieces of peas,[2] and

(3) That 4 percent, by count, of the peas may be spotted or otherwise discolored: *Provided*, That harmless extraneous vegetable material, pieces of peas, minor discoloration, spotted or otherwise discolored peas, and other defects individually or collectively do not seriously affect the appearance or eating quality of the product.

(e) *(SStd.) classification.* Canned peas that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be "Below Standard in Quality—Good Food—Not High Grade" for the following applicable reasons: "Excessive Foreign Material," "Excessive Broken Peas," "Excessive Discolored Peas."

§ 52.2291 *Maturity and tenderness—*(a) *General.* The determination of maturity and tenderness in the (A) and (B) classifications in paragraphs (b) and (c) of this section is based on the brine flotation test as outlined herein and ruptured peas with respect to the (B) classification. The maturity and tenderness in the (C) classification is based on the brine flotation test outlined in this subpart, the alcohol-insoluble solids test and other tenderness test as outlined in the Standard of Quality for Canned Peas (21 CFR 51.1) promulgated under the Federal Food, Drug, and Cosmetic Act.

(b) *(A) classification.* Canned peas that are tender may be given a score of 45 to 50 points. "Tender" means that the peas comply with the requirements of Table No. II of this paragraph.

TABLE No. II

Type	Size	Maximum number of peas that sink in 10 seconds (percent by count)	Percentage of salt in solution
Sweet	All sizes	12 2	11 13
Early	All sizes	20 2	11 13½

(c) *(B) classification.* If the canned peas are reasonably tender, a score of 41 to 44 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means:

(1) That the skins of not more than 5 percent, by count, of the peas may be ruptured to a width 1/16 inch or more; and

(2) That in the brine flotation test the peas comply with the requirements shown in Table No. III of this paragraph.

TABLE No. III

Type	Size	Maximum number of peas that sink in 10 seconds (percent by count)	Percentage of salt in solution
Sweet	All sizes	15 4	13 15
Early	All sizes	30 8	13½ 15

(d) *(C) classification.* If the canned peas are fairly tender, a score of 37 to 40 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender" means:

(1) That the skins of not more than 25 percent, by count, of the peas may be ruptured to a width of 1/16 inch or more; [3]

(2) That not less than 90 percent, by count, of the peas are of such tenderness that they are crushable by a weight of not more than 907.2 grams (2 pounds); and [3]

(3) That the alcohol-insoluble solids of early type peas are not more than 23.5 percent and of sweet type peas not more than 21 percent.[3]

The following requirements shown in Table No. IV of this paragraph, with respect to the brine flotation test, provide a guide for scoring canned peas which are fairly tender:

TABLE No. IV

Type	Size	Maximum number of peas that sink in 10 seconds (percent by count)	Percentage of salt in solution
Sweet	All sizes	10	15
Early	All sizes	10	16

(e) *(SStd.) classification.* Canned peas that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 36 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule) and may also be "Below Standard in Quality—Good Food—Not High Grade," for the following applicable reasons: "Excessive Cracked Peas," "Not Tender," "Excessively Mealy."

METHODS OF ANALYSES

§ 52.2292 *Methods of analyses—*(a) *Brine flotation test.* The brine flotation test utilizes salt solutions of various specific gravities to separate the peas according to maturity. The brine solutions are based on the percentage by weight of pure salt (NaCl) in solution. In making the test a 250 ml. glass beaker is filled with the brine solution to a depth of approximately two inches. The brine equipment, solution and sample should be at the same temperature. Only peas that sink to the bottom of the receptacle within 10 seconds after immersion are counted as "peas that sink." Pieces of peas and loose skins should not be used in making the brine flotation test.

(b) *Alcohol-insoluble solids.* (1) Pour sample on 8-mesh screen, using 8-inch screen for containers of less than 3 pounds net weight, and 12-inch screen for larger quantities. Spread peas evenly and allow to drain. Transfer peas to white pan and remove any foreign material. Add volume of H_2O equal to double volume of original sample.

(2) Pour peas back on screen, spreading evenly; tilt screen as much as possible without shifting peas; and drain two minutes. With cloth wipe surplus moisture from lower surface of screen. Grind drained peas in food chopper until cotyledons are reduced to smooth homogeneous paste, stir, and weigh 20 grams of ground material into 600 ml. beaker. Add 300 ml. of 80 percent alcohol, stir, cover beaker, and bring to boil. Simmer slowly 30 minutes.

(3) Fit into Buchner funnel filter paper of appropriate size (previously prepared by drying in flat-bottom dish two hours at temperature of boiling H_2O, covering with tight-fitting cover, cooling in desiccator, and weighing at once). Apply suction and transfer contents of beaker to the Buchner funnel in such manner as to avoid running over edge of paper. Suck dry and wash material on filter with 80 percent alcohol until washings are clear and colorless.

(4) Transfer filter paper and alcohol-insoluble solids to dish used in preparation of filter paper, dry uncovered two hours at temperature of boiling H_2O, place cover on dish, cool in desiccator, and weigh at once. From this weight deduct weight of dish, cover, and paper. Calculate percent by weight of alcohol-insoluble solids.

(c) *Tenderness test.* Remove the skin of a pea, placing one of its cotyledons, with flat surface down on the approximate center of the level, smooth surface of a rigid plate, lowering a horizontal disc to the highest point of the cotyledon, and measuring the height of the cotyledon. The disc must be of rigid material and affixed to a rod held vertically by a support through which the rod can freely move upward or downward. The lower face of the disc must be a smooth, plane surface horizontal to the vertical axis of the rod. A device to which weight may be added is affixed to the upper end of the rod. Before lowering the disc to the cotyledon, adjust the combined weight of disc, rod, and device to 100 grams. After measuring the height of the cotyledon, and shifting the plate, if necessary, so that the cotyledon is under the approximate center of the disc, add weight to the device at a uniform, continuous rate of 12 grams per second until the cotyledon is pressed to one-fourth its previously measured height, or until the combined weight of disc, rod, and device is 907.2 grams (2 pounds). A pea so tested shall be considered to be crushed when its cotyledon is pressed to one-fourth its original height.

LOT CERTIFICATION TOLERANCES

§ 52.2293 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned peas, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2294 *Score sheet for canned peas.*

Size and kind of container	
Label	
Container mark or identification	
Net weight (in ounces)	
Vacuum readings (in inches)	
Type	
Size	

Factors		Score points		Average score
Liquor	10	(A)	9–10	
		(B)	8	
		(C)	7	
		(SStd.) [1]	0–6	
Color	10	(A)	9–10	
		(B)	7–8	
		(C)	[2] 5–6	
		(SStd.) [1]	0–4	
Defects	30	(A)	27–30	
		(B)	[2] 24–26	
		(C)	[2] 21–23	
		(SStd.) [1]	0–20	
Maturity and tenderness	50	(A)	45–50	
		(B)	[2] 41–44	
		(C)	[2] 37–40	
		(SStd.) [1]	0–36	
Total score	100			

Flavor and odor	
Grade	

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Effective time and supersedure. The United States Standards for Grades of Canned Peas (which is the sixth issue) contained in this subpart shall become effective on date of publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Grades of Canned Peas which have been in effect since April 4, 1942.

The Department finds that it is unnecessary and contrary to the public interest to give a 30-day notice of the effective date of the standards herewith published for the reasons that:

(1) The packing season for canned peas is about to begin;

(2) The canned pea industry has long been aware of the nature of these standards in that notice of proposed rule making in this regard was published in the FEDERAL REGISTER issues of January 1, 1954 (19 F. R. 13), and March 19, 1955 (20 F. R. 1662);

(3) Numerous and detailed discussions have been held with industry representatives relative to provisions included in the revised grade standards;

(4) The industry generally has expressed agreement with the revised provisions of the standards, and is in agreement that the revised grade standards be put into effect as soon as practicable; and

(5) No special preparation by the persons affected for the putting of these standards in effect will be necessary.

Dated: May 9, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-3822; Filed, May 12, 1955; 8:45 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[1061 (52)-1, Supp. 8]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1952

APPEALS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1952 National Agricultural Conservation Program, approved August 31, 1951 (16 F. R. 9006), as amended September 25, 1951 (16 F. R. 9859), December 3, 1951 (16 F. R. 12306), February 28, 1952 (17 F. R. 1931), March 7, 1952 (17 F. R. 2110), March 31, 1952 (17 F. R. 2885), April 17, 1952 (17 F. R. 3530), and December 17, 1952 (17 F. R. 11626), is further amended as follows:

Section 1101.394 is amended by adding the following at the end thereof: "Appeals considered under this section shall be decided in accordance with the provisions of this subpart and of the applicable State and county programs on the basis of the facts of the individual case: *Provided*, That the Secretary, upon the recommendation of the Administrator, ACPS, and the State and county committees, may waive the requirements of any such provision where not prohibited by statute if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer in reasonable reliance on any instruction or commitment of any member, employee, or representative of a State or county committee in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3889; Filed, May 12, 1955; 8:49 a. m.]

[3] Determined as outlined in the Standard of Quality for Canned Peas (21 CFR 51.1) promulgated under the Federal Food, Drug, and Cosmetic Act.

[1061 (53)-1, Supp. 7]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1953

APPEALS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1953 National Agricultural Conservation Program, approved July 28, 1952 (17 F. R. 6995), as amended July 28, 1952 (17 F. R. 7110), October 30, 1952 (17 F. R. 9921), July 24, 1953 (18 F. R. 4419), July 30, 1953 (18 F. R. 4592), March 19, 1954 (19 F. R. 1581), and March 1, 1955 (20 F. R. 1336), is further amended as follows:

Section 1101.494 is amended by adding the following at the end thereof: "Appeals considered under this section shall be decided in accordance with the provisions of this subpart and of the applicable State and county programs on the basis of the facts of the individual case: *Provided*, That the Secretary, upon the recommendation of the Administrator, ACPS, and the State and county committees, may waive the requirements of any such provision where not prohibited by statute if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer in reasonable reliance on any instruction or commitment of any member, employee, or representative of a State or county committee in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-3890; Filed, May 12, 1955; 8:50 a. m.]

[ACP-1954, Supp. 12]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1954

APPEALS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1954, the 1954 National Agricultural Conservation Program, approved August 3, 1953 (18 F. R. 4643), as amended August 3, 1953 (18 F. R. 4761), November 4, 1953 (18 F. R. 7024), January 6, 1954 (19 F. R. 160), February 15, 1954 (19 F. R. 972), March 3, 1954 (19 F. R. 1267), March 22, 1954 (19 F. R. 1639), March 26, 1954 (19 F. R. 1791), May 14, 1954 (19 F. R. 2894), June 17, 1954 (19 F. R. 3793), July 8, 1954 (19 F. R. 4298), and August 26, 1954 (19 F. R. 5576), is further amended as follows:

Section 1101.594 is amended by adding the following at the end thereof: "Appeals considered under this section shall be decided in accordance with the provisions of this subpart and of the applicable State and county programs on the basis of the facts of the individual case: *Provided*, That the Secretary, upon the recommendation of the Administrator, ACPS, and the State and county committees, may waive the requirements of any such provision where not prohibited by statute if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer in reasonable reliance on any instruction or commitment of any member, employee, or representative of a State or county committee in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–3888; Filed, May 12, 1955; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 55]

PART 600—DESIGNATION OF CIVIL AIRWAYS

BLUE CIVIL AIRWAY NO. 71 (TOLEDO, WASH., TO SEATTLE, WASH.)

The civil airway alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and is adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

Section 600.671 is amended to read:

§ 600.671 *Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).* From the Toledo, Wash., radio range station via the Shelton, Wash., nondirectional radio beacon to the Seattle, Wash., radio range station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–3878; Filed, May 12, 1955; 8:48 a. m.]

[Amdt. 55]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

GULFPORT, MISS.

The control zone appearing hereinafter is adopted to meet requirements of the Department of Defense for use in military operational training. This control zone has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel. It is adopted to become effective each year during the period of 0001 c. s. t. June 1 to 2400 c. s. t. September 15. The establishing of a control zone on an annual basis will eliminate the need of redesignating the zone each year. This amendment is adopted to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

Section 601.2344 is added to read:

§ 601.2344 *Gulfport, Miss., control zone.* The airspace within a 3-mile radius of the Gulfport Municipal Airport and within 3 miles either side of a direct line extending from the Gulfport Municipal Airport to the Keesler Air Force Base, Biloxi, Miss., excluding the portion which overlaps the Biloxi control zone, shall be designated a control zone during the period beginning at 0001 c. s. t. June 1 to 2400 c. s. t., September 15, 1955, and annually thereafter.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–3879; Filed, May 12, 1955; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5937]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FOSTER-MILBURN CO. AND STREET & FINNEY, INC.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, or distribution of Doan's Pills or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., the purchase in commerce, of said product, which advertisements represent, directly or through inference: (a) That said product, used as directed or otherwise, is a cure or remedy for or will have any therapeutic value in the treatment of any disease, disorder, or dysfunction of the kidneys or bladder or that it will relieve or have any beneficial effect upon any symptom or condition which may arise by reason of any disease, disorder, or dysfunction of such organs; and (b) that said product, used as directed or otherwise, will remove, or cause the kidneys to remove, poisonous waste matter or excess acids from the blood or have any beneficial effect upon any symptom or condition which may result therefrom; prohibited, subject to the proviso that nothing in the order contained or provided shall be construed as prohibiting respondents, or either of them, from disseminating or causing to be disseminated in commerce, as defined in the Federal Trade Commission Act, any and all claims and representations of the character set forth below, when made with respect to a product (whether sold under the name of "Doan's Pills" or under any other name (constituted and recommended for use as provided in Paragraphs "9" and "10" of the stipulation by which respondents have agreed that the order, of which such proviso is a part, may be entered in the disposition of the proceeding (and in which paragraphs "9" and "10", based on recitals set forth in the preceding paragraphs "6", "7", and "8", it was stipulated and agreed, among other things, that the requirements of the public interest would best be served and all the issues in the proceeding disposed of by the entry of the order in the form set out in conjunction with respondents' agreement that the theobromine sodium salicylate content and the sodium salicylate content of each pill would be increased, as there specified, from the present content, and the directions for use changed to provide a daily dosage of not less than 30 grains of the former, as compared with the present 12, and of not less than 30 grains of the latter, as compared with the present five, along with certain other specified ingredients, following

said increase); said claims and representations being as follows, to wit: "Factors often present in our daily lives such as over-exertion, the stresses and strains of active life and emotional upsets may be accompanied by such discomforts as backache, headache, dizziness, and muscular aches and pains. Also factors such as dietary indiscretions may contribute to mild bladder irritations. "When taken for the conditions described above Doan's Pills often help relieve such discomforts by their analgesic action, by a soothing effect to allay bladder irritation and by their mild diuretic action."

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Foster-Milburn Company (Buffalo, N. Y.), et al., Docket 5937, March 25, 1955]

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission, which charged respondent, Foster-Milburn Co., seller and distributor of Doan's Pills in commerce throughout the United States, and respondent, Street & Finney, Inc., which prepared and disseminated throughout the United States advertisements for various commodities, including said Doan's Pills, with misrepresenting the therapeutic qualities thereof, in violation of the provisions of the Federal Trade Commission Act; upon testimony, including that of certain experts called by counsel supporting the complaint and that of certain experts called by respondents and upon other evidence; and, following deferment of reception of further evidence in order to permit negotiations looking to the possibility of a consent settlement, upon such an agreed settlement, submitted in the form of a stipulation for consent order, signed by both corporate respondents, by counsel for respondents and by counsel supporting the complaint, and approved by the Director and the Assistant Director of the Commission's Bureau of Litigation, and accompanied by a memorandum of transmittal urging acceptance thereof, signed by counsel supporting the complaint and approved by said Director and Assistant Director, by the Chief of the Division of Scientific Opinions, Bureau of Investigation, of the Commission, and by counsel for respondents.

Said stipulation, which was thereafter amended as agreed, and which embodied the entire agreement of the parties, provided, among other things, that respondents admitted all the jurisdictional allegations set forth in the complaint and that the record in the matter might be taken as if findings of jurisdictional facts had been made in accordance with such allegations; that the answer to the complaint theretofore filed by respondents should be withdrawn; that the stipulation, together with the complaint, should constitute the entire record in the matter; that the complaint might be used in construing the order agreed upon, which might be altered, modified, or set aside in the manner provided by the statute for orders of the Commission; and that the signing of the stipulation was "for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint nor does it constitute a license or permission to respondents or either of them to represent either directly or indirectly that the Federal Trade Commission has approved any advertising heretofore used or proposed to be used".

Said stipulation further set forth that the order there provided for and to be included in the decision should have the same force and effect as if made after a full hearing, presentation of evidence and findings and conclusions thereon, and that all parties waived further hearings before the hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission, and other procedure before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of the Commission, including any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with the stipulation.

The other essential provisions of the agreement, embodied in paragraphs numbered "6" to "10", inclusive, of the stipulation, set forth the ingredients of each Doan's Pill, respondents' recommendations for use, and the dosage, among other things, of theobromine sodium salicylate thereby brought about; set forth that the challenge of the therapeutic value of the product in the complaint "goes to the product whether taken as directed or otherwise"; that the record shows differences of opinion among the expert witnesses with respect, among other things, to the relationship between kidney function and bladder irritation and factors and symptoms mentioned in the advertisements quoted in the complaint and in the circular packaged with the product, and with respect to the therapeutic actions and effectiveness thereof; and included a stipulation and agreement that the requirements of the public interest would best be served and all the issues in the proceeding disposed of by the entry of the order in the form, and with the proviso therein and hereinafter set out, in conjunction with respondents' agreement that the theobromine sodium salicylate content and the sodium salicylate content of each pill would be increased, as there specified, from the present content, and the directions for use changed to provide a daily dosage of not less than 30 grains of the former, as compared with the present 12, and of not less than 30 grains of the latter, as compared with the present five; and that certain other specified ingredients, following said increase, would be present.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters; his conclusion that the fact that evidence had been presented in the proceeding did not militate against approval and acceptance of the stipulation as amended, and that the order agreed upon covered all the issues raised in the complaint; the withdrawal, accordingly, of respondents' answer and the acceptance of the stipulation, as amended; his finding, based upon the complaint and the stipulation as amended, that the proceeding was in the public interest; and his issuance of cease and desist order as therein set out.

Thereafter, the Commission having extended until its further order the date on which said initial decision would otherwise become its decision under Rule XXII, the matter was disposed of by "Decision of Commission and Order to File Report of Compliance", Docket 5937, March 25, 1955, as follows:

This matter having come before the Commission upon the hearing examiner's initial decision herein filed January 10, 1955, accepting a stipulation for a consent cease and desist order theretofore submitted by the parties pursuant to Rule V of the Commission's rules of practice; and

The Commission, by order entered February 18, 1955, having extended until further order of the Commission the date on which said initial decision would otherwise become the Commission's decision under Rule XXII; and

The Commission having now determined that the initial decision is adequate and appropriate to dispose of this proceeding:

It is ordered, That the aforesaid initial decision shall, on March 25, 1955, become the decision of the Commission, it being understood, however, that the proviso contained in the order to cease and desist shall not be construed as an approval, express or implied, by the Commission of any of the claims or representations therein referred to, or of any other claims or representations, when made with respect to any product, whether constituted and recommended for use as provided in paragraphs 9 and 10 of the stipulation by which respondents agreed that the order of which said proviso was a part may be entered in disposition of this proceeding, or otherwise.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in said initial decision.

Said cease and desist order in said initial decision, thus adopted, subject to the foregoing understanding with respect to the proviso included therein, as the decision of the Commission, is as follows:

It is ordered, That Respondents Foster-Milburn Company, a corporation, and Street & Finney, Inc., a corporation, and their respective officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of Doan's Pills or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same

name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or through inference:

(a) That said product, used as directed or otherwise, is a cure or remedy for or will have any therapeutic value in the treatment of any disease, disorder or dysfunction of the kidneys or bladder or that it will relieve or have any beneficial effect upon any symptom or condition which may arise by reason of any disease, disorder or dysfunction of such organs.

(b) That said product, used as directed or otherwise, will remove, or cause the kidneys to remove, poisonous waste matter or excess acids from the blood or have any beneficial effect upon any symptom or condition which may result therefrom.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, which contains any of the representations prohibited in Paragraph 1 hereof.

Provided, however, That nothing in this order contained or provided shall be construed as prohibiting Respondents or either of them from disseminating or causing to be disseminated in commerce, as "commerce" is defined in the Federal Trade Commission Act, any and all claims and representations of the character set forth below, when made with respect to a product (whether sold under the name of Doan's Pills or under any other name) constituted and recommended for use as provided in Paragraphs 9 and 10 of the stipulation by which Respondents have agreed that the order, of which this proviso is a part, may be entered in the disposition of this proceeding. The claims and representations referred to above are as follows:

"Factors often present in our daily lives such as over-exertion, the stresses and strains of active life and emotional upsets may be accompanied by such discomforts as backache, headache, dizziness and muscular aches and pains. Also factors such as dietary indiscretions may contribute to mild bladder irritations.

"When taken for the conditions described above Doan's Pills often help relieve such discomforts by their analgesic action, by a soothing effect to allay bladder irritation and by their mild diuretic action."

Issued: March 25, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-3875; Filed, May 12, 1955; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1146]

WYOMING

RESERVING PUBLIC LANDS FOR USE OF THE STATE OF WYOMING IN CONNECTION WITH ACTIVITIES OF THE WYOMING NATIONAL GUARD AND FOR OTHER MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Wyoming are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the State of Wyoming in connection with activities of the Wyoming National Guard and for other military purposes:

SIXTH PRINCIPAL MERIDIAN

T. 28 N., R. 66 W.,
Sec. 5, Lots 1, 2, 3, 4;
Sec. 6, Lots 1, 2, 3, 5, 6, E½SW¼, W½SE¼;
Sec. 17, NW¼NE¼, W½SW¼, SE¼SW¼;
Sec. 20, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼, NE¼.

T. 27 N., R. 67 W.,
Sec. 1, SW¼NW¼;
Sec. 3, Lots 3, 4, W½SE¼;
Sec. 4, Lots 1, 2, 3, 4, S½N½;
Sec. 5, S½SW¼;
Sec. 7, Lot 1;
Sec. 13, SE¼NE¼;
Sec. 18, Lots 2, 3, NE¼SW¼;
Sec. 24, SE¼NE¼, NW¼SE¼.

T. 28 N., R. 67 W.,
Sec. 2, S½SW¼;
Sec. 3, NW¼SW¼, NE¼SE¼, S½S½;
Sec. 8, NW¼NE¼, S½NE¼;
Sec. 9, NW¼NE¼, NE¼NW¼, S½N½, N½S½;
Sec. 10, NW¼, N½SW¼, SE¼SW¼;
Sec. 14, N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 15, NE¼, SW¼SW¼, N½SE¼, SW¼SE¼;
Sec. 17, NE¼, NE¼SE¼;
Sec. 20, NE¼SE¼;
Sec. 21, W½SW¼;
Sec. 22, N½NW¼, SE¼SE¼;
Sec. 23, SW¼NE¼, NE¼NW¼, S½NW¼, SW¼;
Sec. 24, E½NW¼;
Sec. 25, NW¼SE¼;
Sec. 27, E½NW¼, NE¼SW¼;
Sec. 28, SW¼NE¼, SW¼, W½SE¼;
Sec. 29, NE¼SE¼;
Sec. 31, SE¼SE¼;
Sec. 33;
Sec. 35, NE¼.

The areas described aggregate 5,779.54 acres.

The Bureau of Land Management shall continue to administer the lands for grazing purposes pursuant to the act of June 28, 1934 (48 Stat. 1269) as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315 et seq.), and sections 2.91 and 2.92 of Departmental Order No. 2583 of August 16, 1950.

In the event the use of the lands or any part thereof by the Wyoming National Guard shall prevent its use for grazing, persons who on the date of this order hold grazing leases, permits or licenses for the use of such lands shall be paid by the State agency using the lands a fair and reasonable sum for the losses suffered by such persons as a condition precedent to the cancellation of such leases, permits or licenses.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

MAY 6, 1955.

[F. R. Doc. 55-3868; Filed, May 12, 1955; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 456]

MARKET AGENCIES AT UNION STOCK YARDS, OGDEN, UTAH

NOTICE OF PETITIONS FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq), an order was issued on May 8, 1953 (12 A. D. 467), authorizing assessment of the current rates and charges to and including June 19, 1955.

On April 26, 1955, respondents, except the respondent who sells by auction, filed a petition requesting authority to put into effect a proposed new schedule of rates and charges, a copy of which was filed with the petition, containing certain modifications of the current schedule. On April 29, 1955, the respondent who sells by auction filed a document requesting authority to continue assessing the current rates and charges for sales by auction, modified to include the proposed rates for sheep and the tariff provision relating to buying livestock out of a consignment when filling orders petitioned for by the other respondents. The proposed new schedule of rates and charges filed with the petition of April 26, 1955, reads as follows:

DEFINITIONS

Cattle are animals of the bovine species, weighed in drafts, the average weight of the animals in which is over 450 pounds.

Calves are animals of the bovine species, weighed in drafts, the average weight of the animals in which is 450 pounds or under.

Bulls are uncastrated male animals of the bovine species, weighed in drafts, the average weight of the animals in which is over 600 pounds.

Hogs are swine, weighed in drafts, irrespective of weight.

Sheep are animals of the ovine species, irrespective of weight, including lambs and goats.

A consignment, for the purpose of assessing selling charges, is all of the livestock of one species delivered in the name of one person to the market agency to be offered for sale during the trading hours of one day.

Purchase order, for the purpose of assessing buying charges, is all of the livestock of one species bought at one time but shipped or delivered to one person on one market day.

A Draft is all the animals in one consignment or purchase order weighed as a single sales or purchase classification.

A Person is either an individual, a partnership, a corporation or an association of any such acting as a unit.

ARTICLE II—SELLING COMMISSIONS

	Per head
Cattle and calves:	
Cattle:	
Consignments of one head	$1.20
Consignments of more than one head:	
1 to 15 head inclusive	1.00
Each head over 15	.90
Calves:	
Consignments of one head	.85
Consignments of more than one head:	
1 to 15 head inclusive	.65
Each head over 15	.50
Bulls:	
Over 600 pounds	1.50
Purebred bulls or cows any weight sold for breeding purposes	5.00
Hogs:	
Consignments of one head	.60
Consignments of more than one head:	
First 10 head	.50
Next 15 head	.45
Each head over 25	.35
Sheep:	
Consignments of one head	.50
Consignments of more than one head:	
First 10 in each 210 head	.40
Next 50 in each 210 head	.25
Next 60 in each 210 head	.15
Next 90 in each 210 head	.13

Exhibition Livestock: All livestock entered in a livestock show which is consigned to a commission firm for care and sold in regular Livestock Show Auction Sale or Exhibition Livestock:

	Per head
Calves or cattle	$1.50
Hogs	.85
Sheep	.50

ARTICLE III

SECTION A—EXTRA DRAFT CHARGE

Drafts: On consignments where more than three drafts are necessary or requested 25 cents per draft in excess of three, maximum of $3 will be charged.

SECTION B—BUYING CHARGES

The rates for buying livestock shall be the same as for selling like species with the following exception: When livestock out of a consignment received for sale on a commission basis by this company is used to fill, in whole or part, an order received from a buyer, this company will be presumed to be acting solely as an agent of the consignor and shall collect the regular selling charges from the consignor. Collection shall also be made from the buyer to cover expenses incurred of an amount equal to one-half the regular buying charge on cattle, calves and hogs and a flat rate of eight (8) cents per head on sheep.

SECTION C—NATIONAL LIVESTOCK AND MEAT BOARD

The following deductions will be made from the proceeds of sale of shippers but this deduction is to be optional with each shipper and to be refunded within sixty (60) days upon request:

	Cents per head
Cattle	0.02
Calves	.01
Hogs	.01
Sheep	⅔

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petitions and their contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 6th day of May 1955.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 55-3824; Filed, May 12, 1955; 8:45 a. m.]

[7 CFR Part 28]

AMERICAN COTTON LINTERS

OFFICIAL STANDARDS OF THE UNITED STATES

Notice is hereby given that the United States Department of Agriculture is considering a revision of the Official Standards for Grade and Color of American Cotton Linters (7 CFR 28.201–28.211, 28.251–28.257) pursuant to authority contained in the United States Cotton Standards Act (42 Stat. 1518, as amended; 7 U. S. C. 51 et seq.). It is proposed to make the revised standards effective July 1, 1956.

The present standards for the various grades and colors of American cotton linters were promulgated July 7, 1925, effective August 1, 1926 and October 31, 1927, effective October 31, 1928, respectively. The purpose of the proposed revision is to (1) have the standards reflect linters produced by the predominating flue and beater methods of linters production (the present standards are based on linters produced by the condenser method of production which predominated at the time the standards were promulgated); (2) incorporate in the standards samples from linters produced in the far western part of the Cotton Belt; and (3) incorporate improvements and refinements gained through experience with the present standards.

The proposed revisions consist of: (1) Physical standards (boxes of samples) for grade of felting linters; (2) one descriptive standard for chemical grade linters; and (3) changes to conform the regulations in accordance with the revised standards. The proposed standards in physical form standardize color and trash for the respective grades. Although as in the past each of the grade boxes illustrate staple normal for the grade, the Department plans to propose separate physical staple standards for linters at a later date.

Public meetings to discuss the proposed revised standards will be held according to the schedule listed below. All meetings will commence at 10:00 a. m.

Date, City and State, and Street Address

May 18: Atlanta, Ga.; USDA Cotton Classing Office, 1020 Crescent Avenue NE.

May 19: New Orleans, La.; USDA Cotton Classing Office, 940 Perdido Street.

May 23: Memphis, Tenn.; USDA Cotton Classing Office, 1328 Monroe Avenue.

May 24: Dallas, Tex.; USDA Cotton Classing Office, 1407 Ross Avenue.

May 25: Los Angeles, Calif.; Van Waters & Rogers, Inc., 1422 East Sixth Street.

May 27: Chicago, Ill.; Kauders-Steuber Co., 221 North LaSalle Street.

June 1: New York, N. Y.; Williamson, Northup Co., Inc., 15 Park Row.

Any interested person may inspect the proposed revised standards at one of the public meetings and present data, views, or arguments orally or in writing at the meeting. Written data, views, or arguments may also be submitted by interested persons by filing them in duplicate with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, 25, D. C., not later than June 15, 1955.

Done at Washington, D. C., this 10th day of May 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Agricultural Marketing Service.

[F. R. Doc. 55-3886; Filed, May 12, 1955; 8:49 a. m.]

[7 CFR Part 969]

[Docket No. AO-254-A1]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Homestead (Modello), Florida, on February 28, 1955, after notice thereof was published in the FEDERAL REGISTER (20 F. R. 866), on proposed amendments to Marketing Agreement No. 121 and Order No. 69 (7 CFR Part 969; 19 F. R. 3439), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of avocados grown in South Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of the evidence introduced at the hearing, and the record

thereof, the Deputy Administrator, Agricultural Marketing Service, on April 14, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 55–3201; 20 F. R. 2587). No exception to said recommended decision was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 55–3201; 20 F. R. 2587) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement Regulating the Handling of Avocados Grown in South Florida" and "Order Amending the Order Regulating the Handling of Avocados Grown in South Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the attached agreement amending the marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement are identical with those contained in the attached order amending the order which will be published with this decision.

Dated: May 10, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Avocados Grown in South Florida

§ 969.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Homestead (Modello), Florida, on February 28, 1955, upon proposed amendments to Marketing Agreement No. 121 and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended regulates the handling of avocados grown in South Florida in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, the amended marketing agreement and order upon which hearings have been held;

(3) The said order as hereby amended prescribed, so far as practicable, such different terms applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the avocados covered thereby;

(4) The said order as hereby amended is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of avocados which are grown in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, all handling of avocados grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order as hereby amended as follows:

1. Immediately preceding the closing of the parenthesis at the end of § 969.2 *Act* insert the following: "; 68 Stat. 906, 1047".

2. Revise § 969.4 *Production area* to read as follows:

§ 969.4 *Production area.* "Production area" means the counties of Brevard, Orange, Lake, Polk, Hillsborough, and Pinellas in the State of Florida, and all of the counties of that State situated south of such counties.

3. Delete from the first sentence of § 969.10 *Handle* the words "in the continental United States and Canada."

4. Add, after § 969.42 *Accounting* the following new section; preceded by a main heading entitled "Research and Development":

§ 969.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of avocados. The expense of such projects shall be paid from funds collected pursuant to § 969.41.

5. Delete the word "and" appearing at the end of subparagraph (1) of paragraph (a) of § 969.51 *Issuance of regulations* and insert the word "and" at the end of subparagraph (2) of such section after changing the period to a semicolon.

6. Add, after subparagraph (2) of paragraph (a) of § 969.51 *Issuance of regulations* the following new subparagraph:

(3) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, and the transportation, sale, shipment or other handling of avocados.

7. Delete paragraph (c) from § 969.55 *Avocados not subject to regulation* and redesignate paragraphs (d) and (e) as paragraphs (c) and (d), respectively.

Order Directing That Referendum Be Conducted; Designation of Referendum Agents To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1954, and ending March 31, 1955, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the Counties of Brevard, Orange, Lake, Polk, Hillsborough, and Pinellas in the State of Florida, and all of the Counties of that State situated South of such Counties, in the production of avocados for market, to ascertain whether such producers favor the issuance of an order amending Order No. 69, effective June 11, 1954, regulating the handling of avocados grown in South Florida; and said amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. M. F. Miller and W. R. Cleveland of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

Copies of the aforesaid annexed order, of Order No. 69, as amended, of the aforesaid procedure (15 F. R. 5176), and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D. C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at the said office, or from any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Dated: May 10, 1955.

[F. R. Doc. 55–3883; Filed, May 12, 1955; 8:48 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceeding to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 1001]

[Docket No. AO 267]

HANDLING OF LIMES GROWN IN FLORIDA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Homestead (Modello), Florida, from March 1 to March 3, 1955, both dates inclusive, after notice thereof published in the FEDERAL REGISTER (20 F. R. 744), on a proposed marketing agreement and order regulating the handling of limes grown in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on April 14, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 55–3202; 20 F. R. 2590, 2893). No exception to said recommended decision was filed.

Findings and conclusions. The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 55–3202; 20 F. R. 2590, 2893) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Limes Grown in Florida" and "Order Regulating the Handling of Limes Grown in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: May 10, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Regulating the Handling of Limes Grown in Florida

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1001.0 Findings and determinations.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

AUTHORITY: §§ 1001.0 to 1001.71 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047.

§ 1001.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Homestead (Modello), Florida, from March 1 to March 3, 1955, both dates inclusive, upon a proposed marketing agreement and a proposed marketing order regulating the handling of limes grown in Florida. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of limes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, the proposed marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by the said order that make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of limes grown in the production area, as defined herein, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, the handling of limes grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order; and the terms and conditions of said order are as follows:

DEFINITIONS

§ 1001.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1001.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1001.3 *Person.* "Person" means an individual, partnership, corporation, association or any other business unit.

§ 1001.4 *Production area.* "Production area" means all of the State of Florida, except the area west of the Suwannee River.

§ 1001.5 *Limes.* "Limes" means all varieties and clones of acid limes, grown in the production area, classified botanically as Citrus Aurantifolia (Christm.) Swingle, and includes the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) and the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties).

§ 1001.6 *Fiscal year.* "Fiscal year" means the twelve-month period ending March 31 of each year.

§ 1001.7 *Committee.* "Committee" means the Florida Lime Administrative Committee established pursuant to § 1001.20.

§ 1001.8 *Grower.* "Grower" is synonymous with producer and means any person who produces limes for market and who has a proprietory interest therein.

§ 1001.9 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting limes owned by another person) who handles limes or causes limes to be handled.

§ 1001.10 *Handle.* "Handle" means to sell, consign, deliver, or transport limes within the production area or between the production area and any point outside thereof: *Provided,* That such term shall not include: (a) The sale or delivery of limes to a handler, registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary, who has facilities within the production area for preparing limes for market; (b) the delivery of limes to such a handler solely for the purpose of having such limes prepared for market; or (c) the transportation of limes by a handler, so registered with the committee, from the grove to his packing facilities within the production area for the purpose of having such limes prepared for market. In the event a grower sells his limes to a handler who is not so registered with the committee, such grower shall be the first handler of such limes.

§ 1001.11 *District.* "District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1001.29 (n):

(a) "District 1" shall include Dade and Monroe counties.

(b) "District 2" shall include all of the production area except Dade and Monroe counties.

ADMINISTRATIVE BODY

§ 1001.20 *Establishment and membership.* There is hereby established a Florida Lime Administrative Committee consisting of nine members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Five of the members and their respective alternates shall be growers who shall not be handlers or employees of handlers. Four of the members and their respective alternates shall be handlers or employees of handlers. The five members of the committee who shall be growers and who shall not be handlers, or employees of handlers, are hereinafter referred to as "grower" members of the committee; and the four members who shall be handlers, or employees of handlers, are hereinafter referred to as "handler" members of the committee. Four of the five grower members shall be producers of limes in District 1, and one grower member shall be a producer of limes in District 2. Three of the four handler members shall be handlers, or employees of handlers, of limes in District 1, and one handler member shall be a handler, or an employee of a handler, of limes in District 2.

§ 1001.21 *Term of office.* The term of office of each member and alternate member of the committee shall begin April 1, and shall terminate March 31 of the following year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three terms.

§ 1001.22 *Nomination*—(a) *Initial members.* Nominations for each of the five initial grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date hereof. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1001.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than February 15 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers who are present at such nomination meetings, or who reside outside the production area and are represented at such nomination meetings by duly authorized agents, shall participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces limes. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers who are present at such nomination meetings, or represented at such meetings by duly authorized agents, shall participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles limes, which vote shall be weighted by the volume of limes shipped by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

§ 1001.23 *Selection.* From the nominations made pursuant to § 1001.22, or from other qualified persons, the Secretary shall select the five grower members of the committee, the four handler members of the committee, and an alternate for each such member.

§ 1001.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 1001.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1001.20.

§ 1001.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1001.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 1001.22 and 1001.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1001.20.

§ 1001.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1001.28 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1001.29 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to limes;

(i) To submit to the Secretary such available information as he may request;

(j) To notify, as provided in this part, producers and handlers of all meetings of the committee to consider recommendations for regulation;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided,* That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;

(m) To investigate compliance with the provisions of this part; and

(n) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in lime production within the districts and the production area.

§ 1001.30 *Procedure.* (a) Six members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes: *Provided,* That at least one handler member shall approve the action.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ 1001.31 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall also receive compensation, as determined by the committee, which shall not exceed $10.00 per day or portion thereof spent in performing such duties.

§ 1001.32 *Annual report.* The committee shall, prior to March 31 of each fiscal year, prepare and mail an annual report to the Secretary and to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations upon the lime industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 1001.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided for in § 1001.41.

§ 1001.41 *Assessments.* (a) Each person who first handles limes shall, with respect to the limes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of limes handled by him as the first handler thereof during the applicable fiscal year and the total quantity of limes so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any finding by the Secretary relative to the expense which may be incurred: *Provided,* That, in no case, shall the rate of assessment exceed 10 cents per bushel, or equivalent quantity, of limes. Such increase shall be applied to all limes handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then current fiscal year.

§ 1001.42 *Accounting.* (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ 1001.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of limes. The expense of such projects shall be paid from funds collected pursuant to § 1001.41.

REGULATIONS

§ 1001.50 *Marketing policy.* Each season prior to making any recommendations pursuant to § 1001.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to (a) the estimated total production of limes within the production area; (b) the expected general quality and size of limes in the production area and in other areas, including foreign competing areas; (c) the expected demand conditions for limes in different market outlets; (d) the expected shipments of limes produced in the production area and in other areas, including foreign competing areas; (e) supplies of competing commodities; (f) trend and level of consumer income; (g) other factors having a bearing on the marketing of limes; and (h) the type of regulations expected to be recommended during the season. In the event it becomes advisable, because of changes in the supply and demand situation for limes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The commit-

tee shall publicly announce the contents of each marketing policy report and copies thereof shall be maintained in the offices of the committee where they shall be available for examination by growers and handlers.

§ 1001.51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of limes in the manner provided in § 1001.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for limes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated, and such other available information as the Secretary may request.

(c) All meetings of the committee held for the purpose of formulating recommendations for regulations shall be open to growers and handlers. The committee shall give notice of such meetings to growers and handlers by mailing such notice to each grower and handler who has filed his address with the committee and requested such notice.

§ 1001.52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of limes whenever he finds, from the recommendations and information submitted by the committee or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Prohibit, during any specified period or periods, the handling of any variety or varieties of limes which do not meet such grade, size, and quality (including internal quality and juice content) standards as shall be prescribed;

(2) Prescribe minimum standards of quality for any variety or varieties of limes and limit the handling thereof to those meeting such minimum standards; and

(3) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, and the transportation, sale, shipment, or other handling of limes.

(b) The committee shall be informed immediately of any such regulations issued by the Secretary and the committee shall promptly give notice thereof to growers and handlers.

§ 1001.53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1001.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of limes in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 1001.54 *Exemption certificate.* In the event the handling of limes is regulated pursuant to § 1001.52, the committee shall issue one or more exemption certificates to any person who furnishes evidence satisfactory to the committee that, by reason of conditions beyond his control, he will be prevented, because of such regulation, from having as large a proportion of a particular variety of his limes handled as the average proportion of all such limes which may be handled. Such exemption certificates shall authorize the person to whom the certificates are issued to handle, or have handled, a percentage of his crop of the particular variety of limes equal to the percentage determined as aforesaid. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued and the limes covered thereunder may be handled. Exemption certificates shall be transferred to the handler of the limes covered by such certificates at the time the limes are delivered to such handler.

§ 1001.55 *Inspection and certification.* Whenever the handling of any variety of limes is regulated pursuant to § 1001.52, each handler who handles limes shall, prior thereto, cause each lot of limes handled to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided,* That such inspection and certification shall be required when the limes previously have been so inspected and certified only if such limes have been regraded, resorted, or repackaged after the prior inspection and certification. Promptly thereafter, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection with respect to such handling.

§ 1001.56 *Limes not subject to regulations.* Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1001.41, 1001.52, and 1001.55, and the regulations issued thereunder, handle limes (a) for consumption by charitable institutions; (b) for distribution by relief agencies; (c) for commercial processing into products; or (d) in such minimum quantities or types of shipments, or for such specified purposes as the committee, with the approval of the Secretary, may prescribe. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent limes handled under the provisions of this section from entering channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle limes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the limes will not be used for any purpose not authorized by this section.

REPORTS

§ 1001.60 *Reports.* (a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, the following: (1) The quantities of each variety of limes he received; (2) a complete record of the quantities disposed of by him, segregated as to varieties and as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such fruit; (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the fruit was handled, together with the destination of each such exempted disposition, and of all fruit handled pursuant to § 1001.56; and (5) the quantity of each variety held by him at the end of the period.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the limes received and disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 1001.61 *Compliance.* Except as provided in this part, no person shall handle limes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle limes except in conformity with the provisions of this part and the regulations issued under this part.

§ 1001.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 1001.63 *Effective time.* The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 1001.64.

§ 1001.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production of limes for market: *Provided,* That such termination is announced on or before March 15 of the then current fiscal year. The Secretary shall, as soon as practicable after the close of the fiscal year ending March 31, 1957, conduct a referendum of producers and a poll of handlers to determine whether the continuation of this part is favored by them. Producers entitled to vote in such referendum shall be those who, during the fiscal year ending March 31, 1957, were engaged in producing limes for market and the poll shall be confined to handlers who handled limes in that same fiscal year. If it develops from said referendum and poll that (1) less than two-thirds of the producers, by number or volume of production represented in said referendum, favor the continuance of this part, or (2) handlers representing more than one-half the volume of limes handled favor termination of this part, the Secretary shall thereupon terminate this part.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1001.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 1001.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1001.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 1001.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1001.69 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1001.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1001.71 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Order Directing That Referendum Be Conducted; Designation of Agents to Conduct Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1954, through March 31, 1955 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Florida, excluding the area west of the Suwannee River, in the production of limes for market to ascertain whether such producers favor the issuance of an order regulating the handling of limes grown in the aforesaid production area, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. M. F. Miller and W. R. Cleveland, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176; 19 F. R. 35).

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D. C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Dated: May 10, 1955.

[F. R. Doc. 55-3882; Filed, May 12, 1955; 8:48 a. m.]

NOTICES

POST OFFICE DEPARTMENT

EXECUTIVE ASSISTANT TO DEPUTY POSTMASTER GENERAL AND SPECIAL ASSISTANT TO DEPUTY POSTMASTER GENERAL FOR REGIONAL MANAGEMENT

TRAVEL ORDERS AND DELEGATION OF AUTHORITY

The following is an excerpt from Order of the Deputy Postmaster General, No. 55877, dated April 28, 1955:

(b) Pursuant to authority of Order No. 55507 of the Postmaster General, dated January 13, 1954, (19 F. R. 361) and section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), authority is hereby delegated to the Executive Assistant to the Deputy Postmaster General and to the Special Assistant to the Deputy Postmaster General for Regional Management (including the person acting as each such officer), as follows:

• • • • •

(2) To issue temporary travel credentials necessary for officers and employees under their respective supervision to obtain free transportation on railroad lines in the performance of their official duties. The travel credentials shall be in such form as may be prescribed by the Postmaster General.

(3) To redelegate the authority vested in them by subparagraph (2) of this paragraph to such officers under their respective supervision as they may designate.

• • • • •

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55–3871; Filed, May 12, 1955; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–2578]

ALBERT PLUMMER

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 9, 1955.

Take notice that Albert Plummer (Applicant), an independent producer with his principal place of business in Houston, Texas, filed, on August 26, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the proposed acts or operations hereinafter described.

Applicant proposes to produce natural gas from acreage located in the South Colleto Creek Field in Victoria County, Texas, has completed one well, and proposes to sell such gas to Tennessee Gas Transmission Company (Tennessee) at an initial base price of 10 cents per Mcf under the terms of a 20-year contract dated September 15, 1954. Daily deliveries are based on a ratio to the estimated recoverable reserves. Applicant will transport such gas a short distance to a point on Tennessee's lateral pipe line which was authorized in Docket No. G–1572.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 1, 1955, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of May 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3869; Filed, May 12, 1955; 8:47 a. m.]

[Docket No. G–8643]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 9, 1955.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed on March 21, 1955, an application for a certificate of public convenience and necessity authorizing the sale of natural gas to Willmut Gas & Oil Company for resale by the latter in McLaurin Heights, Rankin County, Mississippi, and the construction and operation of a necessary tap near Mile Post 1 on Applicant's 8-inch Jackson-Hattiesburg pipeline. Applicant states that it has been advised that Willmut estimates the requirements of and commercial consumers in McLaurin Heights will be 2,600 Mcf in the third year of operation and 25 Mcf on the peak day in that year.

Applicant proposes to finance the estimated cost of the proposed facility out of current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 24, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 17, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3870; Filed, May 12, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 10, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30611: Merchandise—Cleveland, Ohio, to Greensboro, N. C. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on freight, all kinds, in mixed carloads, from Cleveland, Ohio, to Greensboro, N. C.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 5 to Agent Hinsch's I. C. C. 4619.

FSA No. 30612: Canned or preserved foodstuffs to Pacific Coast. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads, from New Orleans, La., and Memphis, Tenn., to Pacific Coast points.

Grounds for relief: Circuitous routes.

Tariff: Supplement 39 to Agent Prueter's I. C. C. 1564.

FSA No. 30613: Cotton Factory Sweepings to Chicago, Ill., and Janesville, Wis. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton-factory sweepings and related articles, from specified points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee to Chicago, Ill., and Janesville, Wis.

Grounds for relief: Circuitous routes operating in part west of the Mississippi River.

FSA No. 30614: Commodities—Official Territory to Interstate Points. Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on commodities, various, in carloads, from specified points in official territory to specified points in southern and official territories.

Grounds for relief: Circuitous routes.

FSA No. 30615: Fertilizer Compounds to Natchez, Miss., and New Orleans, La. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer compounds, carloads, from Etter, Tex., to Natchez, Miss.

Grounds for relief: Circuitous routes.

Tariff: Supplement 58 to Agent Kratzmeir's I. C. C. 4112.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55–3874; Filed, May 12, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3682]

BAILEY SELBURN OIL & GAS LTD.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MAY 9, 1955.

In the matter of Bailey Selburn Oil & Gas Ltd., Class A Shares, $1 Par Value; File No. 1–3682.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Midwest Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The trading volume on the Midwest Stock Exchange has been negligible and the Company desires to save the expense of the listing on said Exchange.

2. The Executive Committee of the Midwest Stock Exchange has waived the provision of its delisting rule requiring stockholders' approval.

3. The stock will remain listed and registered on the American and San Francisco stock exchanges.

Upon receipt of a request, on or before May 27, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–3873; Filed, May 12, 1955; 8:48 a. m.]

[File No. 70–3367]

OHIO EDISON CO.

ORDER AUTHORIZING ISSUE AND SALE AT COMPETITIVE BIDDING OF FIRST MORTGAGE BONDS

MAY 9, 1955.

Ohio Edison Company ("Company"), a registered holding company and a public-utility company, has filed a declaration and amendments thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder regarding the following proposed transaction:

The Company proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $30,000,000 principal amount of First Mortgage Bonds, __ percent Series of 1955 due 1985 ("New Bonds"). The New Bonds will be issued under the Company's Indenture of Mortgage and Deed of Trust, dated as of August 1, 1930, as heretofore amended and supplemented and to be further supplemented by the Twelfth Supplemental Indenture dated as of May 1, 1955. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to the Company (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount, exclusive of interest from May 1, 1955, to date of delivery) will be determined by competitive bidding.

It is stated that the net proceeds to be received from the sale of the New Bonds will be used, along with other available funds, for the acquisition of property, the construction or improvement of facilities, the discharge of obligations, and other corporate purposes. Expenditures for property additions and improvements in 1955 are estimated at $45,500,000.

The issue and sale of said bonds have been expressly authorized by the Public Utilities Commission of Ohio, in which State the Company is organized and doing business. Such authorization is subject to the further approval of the State Commission with respect to the coupon rate and the price to be paid to the Company by the underwriters.

Due notice of the filing of the declaration having been given in the manner provided by Rule U-23 promulgated under the act, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder have been satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the provisions of Rule U-50 and Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–3872; Filed, May 12, 1955; 8:48 a. m.]

[File No. 70–3368]

OHIO VALLEY ELECTRIC CORP. ET AL.

NOTICE OF FILING REGARDING ISSUANCE OF INTERIM DEBT AND ALTERATION OF RIGHTS

MAY 10, 1955.

Notice is hereby given that Ohio Valley Electric Corporation ("OVEC"), a public utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, The West Penn Electric Company ("West Penn Electric"), a registered holding company, and Ohio Edison Company ("Ohio Edison"), a registered holding company, together with American Gas and three of its public utility subsidiaries, Appalachian Electric Power Company, Ohio Power Company, and Indiana & Michigan Electric Company, West Penn Electric and three of its public utility subsidiaries, Monongahela Power Company, The Potomac Edison Company and West Penn Power Company, Ohio Edison and its subsidiary, Pennsylvania Power Company, The Cincinnati Gas and Electric Company, a public-utility company and an exempt holding company, Kentucky Utilities Company, a public-utility company and an exempt holding company, and Louisville Gas and Electric Company, a public-utility company and an exempt holding company, have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 and 7 of said act as applicable to the proposed transactions, which are summarized as follows:

OVEC and its subsidiary, Indiana-Kentucky Electric Corporation, are engaged in the construction of generating and other facilities designed to supply power requirements of the Atomic Energy Commission ("AEC") at the Portsmouth Area project of the AEC. OVEC

has entered into a Power Agreement with AEC to supply to AEC at the Portsmouth project a contract demand of 1,800,000 kilowatts, for which AEC is obligated to pay, among other charges, an amount equal to a percentage of (i) the fixed charges of OVEC and (ii) amounts sufficient to produce a net return of 8 percent, after taxes, on the outstanding capital stock of OVEC.

The Commission, by its order dated November 7, 1952 (Holding Company Act Release No. 11578), authorized, among other things, the issuance to ten Participating Companies (named in the Power Agreement) of an aggregate of not to exceed 200,000 shares of $100 par common stock of OVEC for a cash consideration of $100 per share. Of the shares so authorized 100,000 shares thereof have been issued by OVEC for a cash consideration of $10,000,000.

On the 27th day of July 1953, the Commission issued its further order (Holding Company Act Release No. 12077) authorizing, among other things, (1) the issuance by OVEC of not in excess of $360,000,000 principal amount of first mortgage and collateral trust bonds ("Bonds") and the sale thereof to 39 institutional investors; (2) the issuance by OVEC of not in excess of $60,000,000 principal amount of unsecured notes ("Notes") to 14 financial institutions, including 12 banks; (3) the issuance by OVEC of not in excess of $8,000,000 principal amount of Subordinated Notes and the acquisition of such Subordinated Notes by such of the participating companies as were parties to that proceeding; and (4) certain contractual arrangements therein described and the performance by such of the companies as were parties to that proceeding, of the respective obligations of each company under such contractual arrangements.

In the present application-declaration OVEC proposes, after consultation with the AEC and with the holders of its Bonds, Notes and Subordinated Notes, a revision of its financing program so as to postpone the obligations of the participating companies to invest the remaining $10,000,000 in common stock of OVEC during such period of time as the equivalent amount of capital is invested in OVEC in the form of loans ("Interim Debt"). The 12 banking institutions which are participants under the bank credit agreement of OVEC have agreed to lend to OVEC from time to time prior to the date of the final completion of the facilities, amounts of Interim Debt not exceeding $10,000,000 in the aggregate. It is proposed that such Interim Debt be represented by notes which will mature 90 days after demand and will bear interest at a rate per annum which shall be the prime commercial loan rate from time to time of The First National City Bank of New York, agent for the lending banks, for 90-day maturities (presently 3 percent per annum). The proposed revision in financing arrangements also involves the assignment by OVEC to the lenders of such Interim Debt of certain of the obligations of the Participating Companies to supply equity capital to OVEC. This will result in effect in giving the Interim Notes a ranking prior to that of the $60,000,000 unsecured notes, and in creating a first lien in favor of the Interim Notes, ahead of the lien of the Bonds, on the obligations of the Participating Companies to supply in the future $10,000,000 of common stock equity capital.

In the event that at any time (1) any of such Interim Debt shall become due or payable or be prepaid, unless such Interim Debt is refunded with an equal principal amount of Interim Debt or (2) any of such Interim Debt shall be purchased or acquired for value by OVEC or by any affiliate of OVEC other than any of the Sponsoring Companies (as named in the Power Agreement) or Participating Companies, or (3) OVEC shall give notice of prepayment of all of the outstanding Interim Debt, in accordance with its covenant to do so following a termination of the AEC Power Agreement, it will become necessary for the Participating Companies to invest an amount, not exceeding $10,000,000, in the common stock of OVEC equal to the principal amount of the Interim Debt which shall so become due and payable or shall be so prepaid, purchased or acquired. In any such events, OVEC will issue to the extent required in consideration of cash payments of $100 per share, and the Participating Companies will acquire, shares of common stock of OVEC heretofore authorized by the Commission to be issued and acquired. Such an issuance of common stock may occur either prior to or after January 1, 1957.

In order to effectuate the revision of OVEC's financing arrangements it is proposed to amend the various documents underlying the Bonds, Notes and Subordinated Notes.

The application-declaration states that the proposed revision of OVEC's financing arrangements will reduce the power bills payable by AEC under the Power Agreement by approximately $1,200,000 per annum, without giving effect to reductions in taxes otherwise receivable by the United States of America.

It is further stated that the proposed transactions are subject to the approval of the Public Utilities Commission of Ohio, the State commission of the State in which OVEC is organized and doing business.

Notice is further given that any interested person may, not later than May 24, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3905; Filed, May 12, 1955; 9:01 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 029025]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 144; WYOMING NO. 18, REDUCED

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.5 (b) Order No. 541 dated April 21, 1954 (F. R. Doc. 54-3200), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, Departmental Orders of April 20, 1921, June 6, 1922, January 20, 1927, and August 7, 1929, establishing Stock Driveway No. 144, Wyoming No. 18, under section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300) are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN-WYOMING

T. 35 N., R. 81 W.,
Sec. 5: Lots 1, 2, 3, 4, S½N½.

The area described aggregates 324.04 acres.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g), by which the offered lands will benefit a Federal Land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, and the Korean Conflict, and others.

R. R. BEST,
State Supervisor.

[F. R. Doc. 55-3867; Filed, May 12, 1955; 8:46 a. m.]

Office of the Secretary

KLAMATH TRIBE OF INDIANS

NOTICE OF PROPOSED MEMBERSHIP ROLL

APRIL 29, 1955.

Pursuant to section 3 of the act of August 13, 1954 (68 Stat. 718), there is listed below the proposed roll of the members of the Klamath Tribe of Indians, who were living on August 13, 1954.

Appeals contesting the inclusion or omission of the name of any person on or from the proposed roll may be filed within 90 days from the date of publication of this notice. Appeals shall be filed in accordance with the regulations of the Department of the Interior appearing in 25 CFR, Part 55 (20 F. R. 336, January 14, 1955).

ORME LEWIS,
Assistant Secretary of the Interior.

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587

New roll No.	Old roll No.	Name—Surname; given; malden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
1	414	Allen, Letitia Kirk	Chiloquin, Oreg	525	F	45	Dec. 25, 1909	Head	5/8
2	416	Dumore, Willene	do		F	17	Sept. 3, 1937	Daughter	5/16
3	------	Dumore, Clayton W	do		M	14	July 13, 1940	Son	5/16
4	------	Dumore, Dayton D	do		M	14	July 13, 1940	Son	5/16
5	951	Allen, Marcella Lobert	do		F	27	May 9, 1927	Head	7/8
6	------	Gessner, Flora M	do		F	6	Oct. 9, 1948	Daughter	7/16
7	------	Gessner, Edith A	do		F	9	Dec. 6, 1945	Daughter	7/16
8	1	Allen, Robert	2527 Link St., Klamath Falls, Oreg	1347	M	65	1890	Head	1/4
9	------	Almquist, Vinette Smith	6510 Howard St., Dallas, Tex		F	26	Feb. 18, 1929	Head	1/4
10	697	Amos, Lila Huitt	General Delivery, Talent, Oreg		F	26	May 10, 1928	Head	1/2
11	------	Amos, Herbert R	do		M	9	Feb. 25, 1946	Son	1/4
12	------	Amos, Marjorie S	do		F	6	June 22, 1948	Daughter	1/4
13	------	Amos, Virginia N	do		F	5	Sept. 18, 1949	Daughter	1/4
14	------	Amos, Robert J	do		M	2	Apr. 15, 1953	Son	1/4
15	7	Anderson, Elva George	Beatty, Oreg	324	F	61	1894	Head	4/4
16	10	Anderson, George A	do		M	27	Feb. 16, 1928	Son	1/2
17	5	Anderson, James Quentin	do		M	32	Mar. 29, 1923	Head	1/2
18	192	Anderson, Marcia L. Chester	do		F	19	Oct. 6, 1935	Wife	4/4
19	------	Anderson, James Quentin, Jr	Route 1, Box 130B, Redwood Valley, Calif		M	7	Oct. 1, 1947	Son	1/4
20	------	Anderson, Richard Allen	do		M	5	Jan. 16, 1950	Son	1/4
21	11	Anderson, Norman Miller	Beatty, Oreg		M	24	June 8, 1930	Head	1/2
22	786	Anderson, Winifred Jackson	Sprague River, Oreg		F	23	Sept. 8, 1931	Wife	4/4
23	------	Anderson, Norman McKinley	do		M	7	May 22, 1947	Son	3/4
24	------	Anderson, Norman Miller, Jr	do		M	4	Sept. 20, 1950	Son	3/4
25	------	Anderson, Robert Wayne	do		M	2	Feb. 5, 1953	Son	3/4
26	9	Anderson, Oscar Tilden, Jr	Beatty, Oreg		M	29	Nov. 23, 1925	Head	1/2
27	1038	Anderson, Jessie Miller	do		F	28	Mar. 5, 1927	Wife	3/8
28	------	Miller, Cynthia	do		F	7	Dec. 23, 1947	Stepdaughter	3/16
29	------	Anderson, Jodean	do		F	4	June 7, 1950	Daughter	7/16
30	------	Anderson, Oskie	do		F	3	Feb. 21, 1952	Daughter	7/16
31	1382	Anderson, Virginia L. Walker	5328 13th Ave., Moline, Ill		F	27	Apr. 5, 1928	Head	3/8
32	922	Anthony, Bernice Lobert	16 Octavia St., San Francisco, Calif		F	45	May 4, 1910	Head	1/2
33	13	Applegate, Anna	Chiloquin, Oreg	652	F	80	1875	Head	1/2
34	14	Applegate, James C	Hotel Horton, 332 F St., San Diego, Calif	655	M	58	1897	Head	1/4
35	96	Ashworth, Alameda Lotches	Route 3, Box 141, Boring, Oreg	1187	F	54	1901	Head	4/4
36	154	Atchley, Cleo N. Burns	Tiller, Oreg		F	24	Apr. 11, 1931	Head	7/8
37	------	Atchley, Darcel R	do		M	4	Sept. 20, 1950	Daughter	1/8
38	------	Atchley, John Joseph	do		M	23 mos.	Apr. 13, 1953	Son	1/8
39	530	Avila, Joyce Miller	3952 Sunny Dunes, Palm Springs, Calif		F	32	July 25, 1922	Head	13/16
40	------	Barkley, Sharon Anita	do		F	12	Feb. 24, 1943	Daughter	23/32
41	------	Barkley, Loren Elmer	do		S	10	Jan. 23, 1945	Son	23/32
42	------	Avila, Julia Marie	do		F	7	Nov. 11, 1947	Daughter	13/32
43	------	Avila, Albert Mario	do		M	6	June 27, 1948	Son	13/32
44	------	Avila, Arlando Morris	do		M	5	June 7, 1949	Son	13/32
45	------	Avila, Antonio Marcus	do		M	3	Feb. 6, 1952	Son	13/32
46	------	Avila, Randolph Ynez	do		M	2	Jan. 21, 1953	Son	13/32
47	15	Baker, Blurton	Beatty, Oreg	1600	M	50	1905	Head	3/4
48	16	Baker, Nathaniel Paul	do		M	26	Aug. 3, 1928	Son	7/8
49	22	Baker, Lounita Crain	Box 179, Woodland, Calif	1601	F	48	1907	Head	3/4
50	24	Crain, James	Route 1, Box 1500, Annex Elk Grove, Calif.		M	27	Aug. 26, 1927	Son	5/8
51	------	Crain, Robert Wayne	do		M	12	Jan. 27, 1943	Grandson	5/16
52	27	Baker, Marion H. Godowa	Beatty, Oreg		F	41	Sept. 24, 1913	Head	4/4
53	26	Baker, Quincy	do		M	51	1904	Head	3/4
54	------	Baker, Jacqueline G. Baker	do		F	13	May 29, 1941	Granddaughter	15/16
55	28	Baker, Ruth Esther	Tacoma Indian Hospital, Tacoma, Wash		F	31	Sept. 22, 1923	Daughter	7/8
56	664	Ball, Capron Lyle	2605 Maple, Salem, Oreg		M	30	Feb. 26, 1925	Head	7/8
57	------	Ball, Wynona Lynn	do		F	1	May 9, 1953	Daughter	7/16
58	42	Ball, Eva Gallagher	Chiloquin, Oreg		F	40	June 1, 1914	Head	3/4
59	38	Ball, Frank Edward	do		M	19	Aug. 30, 1935	Brother	3/8
60	39	Ball, Lavina Gail	do		F	18	Mar. 10, 1937	Sister	3/8
61	41	Ball, Joseph B		1515	M	45	Apr. 2, 1910	Head	3/4
62	44	Ball, Joseph S	Chiloquin, Oreg		M	40	June 18, 1914	Head	1/2
63	45	Ball, Joseph Wayne Wright	do		M	22	May 22, 1932	Son	1/4
64	1350	Ball, Margaret Katherine	St. Aloysius Convent, 405E, Sinto, Spokane, Wash.		F	24	Aug. 17, 1930	Daughter	1/4
65	46	Ball, Maggie John	Chiloquin, Oreg	610	F	74	1881	Head	1/2
66	48	Ball, Osborne	do	959	M	48	Aug. 31, 1907	Head	3/4
67	1437	Ball, Frances Wilson (Barkley)	do		F	34	Sept. 27, 1920	Wife	4/4
68	------	Barkley, Dorothy Wilson	Ocean Lake, Oreg		F	13	Mar. 11, 1942	Stepdaughter	13/16
69	47	Ball, Woodrow Wilson	5824 N. Minnesota, Portland, Oreg		M	37	Sept. 25, 1917	Head	1/2
70	------	Ball, Evelyn Marthelle	do		F	12	May 13, 1942	Daughter	1/4
71	------	Ball, Peggy Joe	do		F	11	July 8, 1943	Daughter	1/4
72	------	Ball, Woodrow Lee	do		M	7	Jan. 11, 1948	Son	1/4
73	------	Ball, Thomas Jay	do		M	6	July 4, 1949	Son	1/4
74	------	Ball, Deborah Kay	do		F	3	June 14, 1951	Daughter	1/4
75	------	Ball, Michael Ray	do		M	1	Sept. 1, 1953	Son	1/4
76	51	Barfield, Henry Louis	Chiloquin, Oreg	1516	M	52	1903	Head	1/8
77	------	Barfield, Henry Louis, Jr	4808 Sacramento Blvd., Sacramento, Calif		M	14	May 18, 1940	Son	1/16
78	53	Barfield, Robert Louis	146 Farragut Ave., Vallejo, Calif		M	22	June 5, 1932	Head	1/16
79	1179	Barfield, Ruth Allen	Chiloquin, Oreg	7	F	68	1887	Head	1/4
80	1163	Barfield, Virginia Pompey	do		F	42	Mar. 16, 1913	Head	4/4
81	54	Barfield, William R	do	1517	M	50	Feb. 8, 1905	Head	1/8
82	55	Barfield, Patricia B	do		F	24	May 24, 1930	Daughter	1/16
83	56	Barfield, William Raymond, Jr	do		M	22	July 4, 1932	Son	1/16
84	58	Barkley, Clifford Keleford	do		M	42	Aug. 12, 1912	Head	1/2
85	59	Barkley, Retta W. Nelson	Modoc Point, Oreg		F	43	Dec. 14, 1911	Head	4/4
86	62	Barkley, Donald M	Beatty, Oreg		M	35	Sept. 21, 1919	Head	3/4
87	147	Barkley, Mary Chocktoot	do		F	32	Apr. 20, 1923	Wife	4/4
88	------	Barkley, Marie Elaine	do		F	13	Apr. 7, 1942	Daughter	7/8
89	------	Barkley, Donald, Jr	do		M	12	Feb. 28, 1943	Son	7/8
90	------	Barkley, Marylyn	do		F	9	June 26, 1945	Daughter	7/8
91	------	Barkley, Madeline	do		F	8	June 5, 1946	Daughter	7/8
92	------	Barkley, Maxine Elizabeth	do		F	7	May 27, 1947	Daughter	7/8
93	------	Barkley, Eunice Eileen	do		F	5	June 5, 1949	Daughter	7/8
94	------	Barkley, Gertrude Irene	do		F	4	Feb. 12, 1951	Daughter	7/8
95	60	Barkley, Effie John	Sprague River, Oreg	1442	F	76	1879	Head	4/4
96	68	Barkley, Melvin Leon	Chiloquin, Oreg		M	34	July 21, 1920	Head	5/8
97	75	Barkley, LeRoy William	do		M	30	Mar. 31, 1925	Head	1/2
98	750	Barkley, Sally A. Jackson	do		F	24	Dec. 22, 1930	Wife	1/2
99	------	Barkley, Debra Lynn	do		F	2	Feb. 23, 1953	Daughter	1/2
100	637	Barkley, Myron Louis	2601 N. Lombard, Portland, Oreg		M	23	Jan. 6, 1932	Brother	3/8
101	638	Hendron, Pauline	Route 1, Box 77, Heath, Ark		F	22	Feb. 6, 1933	Sister	5/16
102	640	Cress, Eldon James, Jr	Chemewa Indian School, Chemewa, Oreg		M	17	Feb. 12, 1938	Brother	1/4
103	67	Barkley, Robert Orville	Chiloquin, Oreg		M	36	Aug. 9, 1918	Head	5/8

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954 PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
104	------	Barkley, Lawrence Russell	Sprague River, Oreg	------	M	14	Feb. 3, 1941	Brother	7/8
105	------	Barkley, Raymond	----do	------	M	13	Dec. 17, 1941	Brother	7/8
106	------	Barkley, Lacqueline	----do	------	F	11	May 8, 1943	Sister	7/8
107	65	Barkley, Silas L	7912 SE. Carlton St., Portland, Oreg	1177	M	48	Feb. 12, 1906	Head	1/2
108	66	Barkley, Tena Hood	Chiloquin, Oreg	------	F	63	1892	Head	3/4
109	71	Barkley, John Alfred	10 SE. 7th, Pendleton, Oreg	------	M	28	Feb. 15, 1927	Head	5/8
110	72	Barkley, William	Chiloquin, Oreg	280	M	76	June 4, 1878	Head	1/2
111	74	Barkley, Wilma Gloria	2605 State St., Salem, Oreg	------	F	33	Mar. 3, 1922	Head	1/2
112	77	Barkley, Silas Ralph, Jr	Chiloquin, Oreg	------	M	24	Mar. 15, 1931	Head	5/8
113	78	Barney, Calvin	Sprague River, Oreg	------	M	41	July 28, 1913	Head	3/4
114	79	Barney, Wynona Crume	----do	1034	F	47	Mar. 30, 1908	Wife	3/4
115	83	Barney, Jackie Lee	----do	------	M	18	May 4, 1936	Son	3/4
116	84	Barney, Melvin Edward	----do	------	M	16	Nov. 12, 1938	Son	3/4
117	------	Barney, Warren Norman	----do	------	M	15	Apr. 16, 1940	Son	3/4
118	------	Barney, Judith Faye	----do	------	F	13	Sept. 16, 1941	Daughter	3/4
119	------	Barney, Elwyn Patrick	Sprague River, Oreg	------	M	10	Sept. 25, 1944	Son	3/4
120	87	Barney, Charles Curtis	----do	------	M	24	Jan. 22, 1931	Head	1/4
121	1259	Barney, Barbara Shadley	Chiloquin, Oreg	------	F	23	Oct. 6, 1931	Wife	3/8
122	------	Wilson, Sherman Jean	----do	------	M	3	Apr. 24, 1952	Stepsister	7/16
123	------	Barney, Charles Curtis, Jr	----do	------	M	1	Oct. 27, 1953	Son	5/16
124	89	Barney, Charlotte	Sprague River, Oreg	------	F	18	Oct. 13, 1936	Head	7/8
125	86	Barney, Finley R., Jr	----do	------	M	25	Sept. 5, 1929	Head	1/4
126	88	Barney, James	Beatty, Oreg	------	M	20	Oct. 4, 1934	Head	1/4
127	1,370	Barney, Louisa Unive	Chiloquin, Oreg	------	F	18	Dec. 29, 1936	Wife	1/4
128	91	Barney, Levi Richard	----do	------	M	36	June 25, 1918	Head	3/4
129	------	Barney, Richard Lee	----do	------	M	14	Sept. 16, 1940	Son	3/8
130	------	Barney, James Norman	----do	------	M	11	Mar. 19, 1944	Son	3/8
131	93	Barney, Theodore	Sprague River, Oreg	------	M	35	Sept. 15, 1919	Head	3/4
132	94	Barney, Anna Francis	----do	------	F	15	July 1, 1939	Daughter	7/8
133	------	Barney, Theodore Larry	----do	------	M	14	April 13, 1941	Son	7/8
134	------	Barney, Pamela Kay	----do	------	F	6	Sept. 8, 1948	Daughter	7/8
135	------	Barney, Donna Lee	----do	------	F	4	Jan. 17, 1951	Daughter	7/8
136	95	Barrera, Etta Charlie	General Delivery, Hood River, Oreg	995	F	50	June 28, 1904	Head	4/4
137	178	Castro, Cecelia	Portland, Oreg	------	F	18	Feb. 17, 1937	Daughter	1/2
138	179	Castro, Stewart Lynn	Chiloquin, Oreg	------	M	17	Mar. 10, 1938	Son	1/2
139	180	Castro, Rebecca	----do	------	F	16	Dec. 23, 1938	Daughter	1/2
140	------	Castro, Lucille G	----do	------	F	14	June 19, 1940	Daughter	1/2
141	480	Batiste, Wannish Foster	Beatty, Oreg	------	F	39	July 14, 1915	Head	4/4
142	101	Beal, Alvin	----do	------	M	37	June 30, 1917	Head	3/4
143	102	Beal, Lee I	807 SE. Morrison, Portland, Oreg	------	M	36	Jan. 20, 1919	Head	3/4
144	105	Beal, Wallace	Chiloquin, Oreg	------	M	31	Aug. 3, 1923	Head	7/8
145	888	Beal, Estella Kirk	----do	------	F	29	Apr. 10, 1926	Wife	3/4
146	------	Kirk, Lauretta L	----do	------	F	4	Aug. 7, 1950	Stepdaughter	3/8
147	104	Beal, Wilburma	4325 SE. Madison, Portland 15, Oreg	------	F	34	Oct. 23, 1921	Head	7/8
148	106	Beal, Betty Ruth	1730 SW 2d, Portland, Oreg	------	F	29	June 5, 1925	Head	7/8
149	------	Beal, Kenneth Allen	----do	------	M	3	Oct. 8, 1951	Son	7/16
150	------	Valesquez, Ivan Gene	----do	------	M	1	Jan. 3, 1954	Son	7/16
151	108	Bellm, Lawrence	Ashland, Oreg	------	M	42	Feb. 26, 1913	Head	1/2
152	109	Bellm, Barbara A	Roseburg, Oreg	------	F	17	Jan. 2, 1938	Daughter	5/16
153	110	Bellm, Paul	3806 Clinton Ave., Klamath Falls, Oreg	------	M	40	Nov. 12, 1914	Head	1/2
154	------	Bellm, Kenneth, Eugene	----do	------	M	15	Feb. 13, 1940	Son	5/16
155	------	Bellm, James Vernon	----do	------	M	14	Feb. 24, 1941	Son	5/16
156	------	Bellm, Paul Lewis, Jr	----do	------	M	12	Aug. 17, 1942	Son	5/16
157	657	Bettles, Priscilla Hoches	Chiloquin, Oreg	------	F	26	Jan. 27, 1929	Head	1/2
158	------	Bettles, Amory Joseph	----do	------	M	8	May 1, 1946	Son	1/4
159	------	Bettles, Cecil James	----do	------	M	7	Feb. 9, 1948	Son	1/4
160	------	Bettles, Robert Allen	----do	------	M	5	June 17, 1949	Son	1/4
161	------	Bettles, Gordon Wayne	----do	------	M	4	Aug. 25, 1950	Son	1/4
162	------	Bettles, Quinten John	----do	------	M	3	Jan 30, 1952	Son	1/4
163	------	Bettles, Judy Anne	----do	------	F	2	Apr. 12, 1953	Daughter	1/4
164	1,240	Bill, Zeta Pete Williams	Box 32, Bonanza, Oreg	------	F	31	May 31, 1923	Head	3/4
165	------	John, Marilyn June	----do	------	F	2	Mar. 13, 1953	Daughter	3/8
166	------	John, Marlys Jean	----do	------	F	8 mos.	July 31, 1954	Daughter	3/8
167	1237	Billyeu, Virginia Savage	Route 3, Box 1085, Klamath Falls, Oreg	------	F	26	Aug. 5, 1928	Head	1/4
168	------	Billyeu, Michael James	----do	------	M	3	Feb. 13, 1952	Son	1/8
169	115	Biss, Delia Chocktoot	Beatty, Oreg	297	F	74	1881	Head	4/4
170	116	Biss, Richard	----do	------	M	32	Jan. 3, 1923	Head	1/2
171	500	Biss, Bernice Lynch	----do	------	F	26	July 7, 1928	Wife	3/4
172	------	Riddle, Norman Leroy	Estacada, Oreg	------	M	11	Apr. 2, 1944	Stepson	3/4
173	117	Blair, Abraham	Chiloquin, Oreg	972	M	50	1905	Head	3/4
174	119	Blair, Carlos	----do	540	M	82	1873	Head	1/2
175	418	Blansett, Agnes Dumore	Myrtle Creek, Oreg	------	F	17	Mar. 4, 1938	Head	1/4
176	1029	Blunck, Lyalle Miller	350 Phelps St., Ashland, Oreg	------	F	24	Dec. 1, 1931	Head	7/16
177	------	Blunck, Bonny Alita	----do	------	F	3	Aug. 1, 1951	Daughter	7/32
178	------	Blunck, Richard Dale, Jr	----do	------	M	1	Oct. 26, 1953	Son	7/32
179	120	Bodner, Alfareta Skeen	Sprague River, Oreg	1253	F	48	July 5, 1906	Head	3/4
180	121	Bodner, Vincent S., Jr	----do	------	M	26	Mar. 25, 1929	Head	3/8
181	------	Bodner, Cheryl Ann	----do	------	F	4	June 10, 1950	Daughter	3/16
182	------	Bodner, David Vincent	----do	------	M	3	Apr. 13, 1952	Son	3/16
183	122	Bond, Mona Rose George	807 SE. Morrison, Portland, Oreg	------	F	41	Oct. 4, 1914	Head	7/8
184	123	Bond, Thomas Roger	Toppenish, Wash	------	M	18	Apr. 28, 1936	Son	5/8
185	------	Bond, Loren Miller	Salem, Oreg	------	M	8	Feb. 25, 1947	Son	5/8
186	696	Brown, Anna M. Huitt	79 High St., Ashland, Oreg	------	F	28	Mar. 1, 1927	Head	5/8
187	------	Brown, Margaret Ann	----do	------	F	7	Jan. 9, 1948	Daughter	1/4
188	------	Brown, Sharon Louise	----do	------	F	3	Dec. 31, 1951	Daughter	1/4
189	------	Brown, Carol Lee	----do	------	F	4	May 18, 1950	Daughter	1/4
190	------	Brown, Dorothy Marie	----do	------	F	1	May 14, 1953	Daughter	1/4
191	492	Brown, Armenia	Bonanza, Oreg	------	F	39	Mar. 2, 1916	Head	7/8
192	747	Brown, Crystal N. Jackson	General Delivery, Crannel, Calif	------	F	25	Sept. 29, 1929	Head	3/4
193	------	Brown, Bernita Anna	----do	------	F	5	Sept. 23, 1949	Daughter	1/4
194	------	Brown, Bernadette Lee	----do	------	F	4	Dec. 29, 1950	Daughter	1/4
195	------	Brown, Crystal Norene	----do	------	F	3	Apr. 7, 1952	Daughter	1/4
196	------	Brown, Jeanette Dearest	----do	------	F	2	Apr. 10, 1954	Daughter	1/4
197	124	Brown, Toy (Alaway)	McNeil Island, Steilacoom, Wash	690	M	58	1897	Head	4/4
198	130	Brown, Glen	Beatty, Oreg	------	M	26	June 25, 1929	Son	4/4
199	131	Brown, Wendell Noel	----do	------	M	23	May 1, 1931	Son	4/4
200	133	Brown, Frances Marie	----do	------	F	18	Sept. 11, 1936	Daughter	4/4
201	------	Brown, Gwendolyn Marie	----do	------	F	1	June 15, 1953	Granddaughter	1/2
202	------	Brown, Claudette Eileen	----do	------	F	8 mos.	July 15, 1954	Granddaughter	1/2
203	126	Brown, Rollo	----do	------	M	35	Mar. 13, 1920	Head	4/4
204	980	Brown, Estelle Henry	Sacramento, Calif	------	F	32	Nov. 21, 1922	Head	4/4
205	------	Henry, Beverly Lou	Klamath Falls, Oreg	------	F	7	May 27, 1947	Daughter	4/4
206	------	Tupper, Furman Watson	Klamath Falls, Oreg	------	M	6	Dec. 27, 1948	Son	4/4
207	------	Tupper, Valerie Eileen	----do	------	F	4	July 18, 1950	Daughter	4/4
208	137	Brown, Minerva Riddle	Bonanza, Oreg	840	F	57	Aug. 10, 1897	Head	2/4
209	139	Brown, Royse Lowell	----do	------	M	24	Feb. 9, 1931	Son	7/8

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
210	140	Brown, James	Beatty, Oreg	1418	M	73	1882	Head	4/4
211	700	Brown, Mary E. Huitt	Alturas, Calif	------	F	23	Sept. 16, 1931	Head	5/8
212	------	Brown, Maurice Chet	----do	------	M	7	Sept. 10, 1947	Son	1/4
213	------	Brown, Ralph David	----do	------	M	2	June 26, 1952	Son	1/4
214	835	Brown, Mary J. John	P. O. Box 622, Dinuba, Calif	------	F	38	Nov. 28, 1916	Head	4/4
215	146	Brown, Rena Chocktoot	2524 No. 3 Crest St., Klamath Falls, Oreg	1002	F	54	1901	Head	4/4
216	------	Chocktoot, Clayton Melvin	----do	------	M	15	Jan. 4, 1940	Son	1/2
217	------	Brown, Wesley Wendell	----do	------	M	12	Apr. 1, 1943	Son	1/2
218	1213	Burgdorf, Mary Rossl	Chiloquin, Oreg	------	F	32	June 11, 1923	Head	1/4
219	------	Borjorcas, Joy Ann	----do	------	F	12	May 28, 1942	Daughter	1/8
220	------	Borjorcas, Robert Vernon	----do	------	M	11	Aug. 3, 1943	Son	1/8
221	------	Burgdorf, Mary Jane	----do	------	F	8	July 11, 1946	Daughter	1/8
222	------	Burgdorf, Janice Sue	----do	------	F	5	Oct. 13, 1949	Daughter	1/8
223	------	Burgdorf, Sydney Lindsley	----do	------	M	7	June 25, 1947	Son	1/8
224	------	Burgdorf, Betty Lynn	----do	------	F	4	Jan. 22, 1951	Daughter	1/8
225	------	Burgdorf, Ethal Sedonia	----do	------	F	3	Mar. 3, 1952	Daughter	1/8
226	57	Busby, Barbara Barfield	1834 Wiard St., Klamath Falls, Oreg	------	F	20	May 24, 1934	Head	1/16
227	155	Burns, Alta Nonco	c/o Bare Ranch, Eagleville, Calif	1221	F	50	1905	Head	Full
228	157	Butler, Aggie Skellock	Chiloquin, Oreg	1372	F	59	1896	Head	Full
229	161	Butler, Alfred	----do	------	M	44	1911	Head	Full
230	158	Butler, Claude	----do	988	M	57	1898	Head	Full
231	159	Butler, Lincoln	----do	817	M	88	1867	Head	Full
232	160	Butler, Bybee	----do	985	M	50	1905	Son	Full
233	1115	Butler, Jeanette Norwest	Logsden, Oreg	------	F	24	Jan. 16, 1931	Head	3/8
234	------	Peone, Jesse P	----do	------	M	5	June 20, 1949	Son	3/16
235	------	Butler, Everett Vernon, Jr	----do	------	M	3	Feb. 29, 1952	Son	3/16
236	162	Butler, Rex Melrose	Chiloquin, Oreg	------	M	35	Oct. 20, 1919	Head	4/4
237	1223	Butler, Gladys Charles	----do	------	F	35	Apr. 8, 1920	Head	7/8
238	163	Campagna, Donald	Klamath Agency, Oreg	------	M	39	Sept. 11, 1915	Head	1/8
239	------	Campbell, Christine Adeline	----do	------	F	13	Sept. 1, 1941	Daughter	4/4
240	167	Campbell, Oskie Coburn	P. O. Box 664, Springfield, Oreg	708	M	57	1898	Head	1/4
241	168	Campbell, David Cliff	625 "C" St., Springfield, Oreg	------	M	35	Nov. 6, 1919	Head	1/8
242	------	Campbell, Terry Susan	----do	------	F	10	May 24, 1944	Daughter	1/16
243	------	Campbell, David John	----do	------	M	7	May 5, 1948	Son	1/16
244	593	Captain, Gerald	Klamath Agency, Oreg	------	M	29	Oct. 31, 1925	Head	4/4
245	170	Captain, Teddy	Beatty, Oreg	989	M	51	1904	Head	4/4
246	992	Carter, Charlotte Cole	Box 264, Route 2, Eugene, Oreg	1014	F	52	1903	Head	1/2
247	173	Carter, Don Valoyd	Klamath Falls, Oreg., 919 High St. Apt. No. 1,	------	M	25	Feb. 13, 1930	Head	1/8
248	174	Case, Cassie (Lalo)	Chiloquin, Oreg	------	F	36	Oct. 15, 1918	Head	Full
249	175	Case, Phyllis Francis	----do	------	F	18	Apr. 17, 1937	Daughter	7/8
250	176	Case, Cassie Lillian	----do	------	F	16	Mar. 3, 1939	Daughter	7/8
251	------	Case, Jessie Pauline	----do	------	F	13	Sept. 2, 1941	Daughter	7/8
252	------	Case, Edward Logan, Jr	----do	------	M	11	Oct. 6, 1943	Son	7/8
253	------	Case, Delores Alfreta	----do	------	F	5	Dec. 31, 1946	Daughter	7/8
254	------	Case, Jacqueline Ethel	----do	------	F	4	Jan. 6, 1951	Daughter	7/8
255	1002	Castellanos, Ruth (Herkshan)	----do	------	F	33	Nov. 12, 1921	Head	Full
256	------	McKenzie, Eleanor	----do	------	F	15	July 10, 1939	Daughter	1/2
257	------	McKenzie, Norma	----do	------	F	13	Nov. 18, 1941	Daughter	1/2
258	------	McKenzie, James Charles	----do	------	M	12	Feb. 20, 1943	Son	1/2
259	------	Castellanos, Linda May	----do	------	F	8	July 2, 1946	Daughter	1/2
260	------	Castellanos, Ester Jean	----do	------	F	6	Sept. 25, 1948	Daughter	1/2
261	------	Castellanos, Dinah Lee	----do	------	F	3	Jan. 25, 1952	Daughter	1/2
262	1479	Chavez, Tilda Baker (Choctoot)	Beatty, Oreg	------	F	38	July 19, 1916	Head	Full
263	18	Baker, Florence	----do	------	F	18	Oct. 22, 1936	Daughter	7/8
264	1480	Baker, Annabelle	Washington, D. C	------	F	16	July 29, 1938	Daughter	7/8
265	------	Wright, Irene	Ocean Lake, Oreg	------	F	14	Nov. 10, 1940	Daughter	13/16
266	------	Wright, Orville Elliott, Jr	----do	------	M	12	Apr. 14, 1943	Son	13/16
267	------	Chavez, Valleen Marie	Beatty, Oreg	------	F	3	Sept. 22, 1951	Daughter	1/2
268	------	Baker, Arnold	----do	------	M	3	Apr. 15, 1952	Grandson	7/16
269	------	Baker, Archie Emil	----do	------	M	1	Apr. 25, 1954	Grandson	7/16
270	183	Charlie, Jason	Klamath Agency, Oreg	109	M	57	1898	Head	Full
271	30	Charlie, Rebecca (John)	General Delivery Hood River, Oreg	993	F	52	May 28, 1902	Head	Full
272	34	Baldwin, Larry J	----do	------	M	18	Oct. 12, 1936	Son	1/2
273	------	Baldwin, Barbara Verline	----do	------	F	13	July 7, 1941	Daughter	1/2
274	181	Charles, Avery	Chiloquin, Oreg	------	M	41	May 13, 1914	Head	7/8
275	182	Charles, Teresa May	2322 I St., Bellingham, Wash	------	F	33	May 31, 1921	Head	1/4
276	------	Charles, Avery Chester, Jr	----do	------	M	14	July 26, 1940	Son	9/16
277	------	Charles, Marie Ellen	----do	------	F	13	Oct. 28, 1941	Daughter	9/16
278	------	Charles, Barbara Jean	----do	------	F	11	July 15, 1943	Daughter	9/16
279	------	Charles, Sandra Lee	----do	------	F	10	Oct. 20, 1944	Daughter	9/16
280	------	Charles, Terry Leon	----do	------	M	7	May 21, 1947	Son	3/8
281	------	Moore, Yvonne Sue	----do	------	F	6	June 25, 1948	Daughter	3/8
282	------	Moore, Charlotte Gale	----do	------	F	5	June 8, 1949	Daughter	3/8
283	------	Moore, Alfred L., Jr	----do	------	M	3	Aug. 18, 1951	Son	3/8
284	------	Moore, Nikki Joe	----do	------	F	1	May 23, 1953	Daughter	1/8
285	482	Charlie, Fleda (Foster)	525½ E. 25th St. Long Beach, Calif	------	F	34	Jan. 3, 1921	Head	Full
286	------	Charlie, Edith Louise	----do	------	F	5	Dec. 14, 1949	Daughter	1/2
287	------	Charlie, Nathan Homer	----do	------	M	3	Mar. 19, 1952	Son	1/2
288	207	Cheraldo, Evaline Lang	Chiloquin, Oreg	1547	F	54	1901	Head	Full
289	187	Chester, Luke	Beatty, Oreg	999	M	52	1903	Head	Full
290	189	Chester, Gerald	----do	------	M	24	Sept. 27, 1930	Son	Full
291	190	Chester, Delores A	----do	------	F	23	Mar. 21, 1932	Daughter	Full
292	191	Chester, Florence Deal	----do	------	F	21	Sept. 23, 1933	Daughter	Full
293	194	Chester, Harold R	----do	------	M	16	Feb. 10, 1939	Son	Full
294	------	Chester, Gary Leroy	----do	------	M	9	Aug. 25, 1945	Son	Full
295	------	Van Atter, Linda Diane	----do	------	F	6	Dec. 24, 1948	Grandaughter	1/2
296	------	Walker, William Dana	----do	------	M	2	July 4, 1952	Grandson	9/16
297	197	Chiloquin, Eveland	Chiloquin, Oreg	------	M	34	Dec. 19, 1920	Head	Full
298	198	Chiloquin, Edison Philmore	----do	------	M	31	Aug. 31, 1923	Brother	Full
299	199	Chiloquin, Winfield Glenn	----do	------	M	28	Oct. 31, 1926	Brother	Full
300	200	Chiloquin, Melvin Lee	General Delivery, Fallon, Nev	------	M	26	Feb. 14, 1929	Brother	Full
301	201	Chiloquin, Ruth Wanda	Chiloquin, Oreg	------	F	22	Aug. 1, 1932	Head	Full
302	------	Chiloquin, Velda Valine	----do	------	F	1	Dec. 20, 1953	Daughter	15/16
303	356	Chipman, Clarice Butler	----do	------	F	30	Jan. 17, 1925	Head	3/4
304	------	Dumont, Marlene G	----do	------	F	14	Aug. 8, 1940	Daughter	3/8
305	------	Dumont, Roberta Lee	----do	------	F	13	Feb. 12, 1942	Daughter	3/8
306	------	Dumont, Anthony L	----do	------	M	12	Nov. 28, 1942	Son	3/8
307	------	Dumont, James E	----do	------	M	11	Sept. 28, 1943	Son	3/8
308	------	Dumont, Robert	----do	------	M	10	Jan. 2, 1945	Son	3/8
309	206	Chipps, Alice Jackson	Sprague River, Oreg	1136	F	54	190	Head	7/8
310	846	Chipps, Calvin	Chiloquin, Oreg	------	M	35	Oct. 27, 1919	Head	Full
311	208	Chocktoot, David	Beatty, Oreg	299	M	75	1880	Head	Full
312	209	Chocktoot, Clara Brown	----do	1414	F	68	1887	Wife	Full
313	210	Chocktoot, Mabel	----do	1004	F	51	1904	Daughter	Full
314	217	Chocktoot, Geraldine	----do	------	F	20	Jan. 25, 1935	Sister	1/2

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
315	218	Chocktoot, Valeta Babe	Beatty, Oreg.	------	F	17	July 10, 1937	Sister	1/2
316	------	Watah (Taylor) Ione	----do----	------	F	13	Sept. 21, 1941	Niece	1/4
317	------	Chocktoot, Melva J	----do----	------	F	3	Aug. 20, 1951	Daughter	1/4
318	------	Chocktoot, Gerald Lee	----do----	------	M	2	Nov. 5, 1952	Son	1/4
319	------	Chocktoot, Lola	Portland, Oreg.	------	F	32	July 15, 1923	Head	1/2
320	------	Chocktoot, Dona Louise	Estacada, Oreg.	------	F	15	Mar. 23, 1940	Daughter	1/4
321	149	Chocktoot, Perry	Beatty, Oreg.	------	M	23	Apr. 18, 1932	Head	5/8
322	813	Chocktoot, Julia Jefferson	----do----	------	F	16	Mar. 30, 1938	Wife	5/8
323	1357	Chocktoot, Vivian M. Brown	----do----	982	F	46	Apr. 5, 1908	Head	Full
324	226	Chocktoot, Royde	----do----	1007	M	55	1900	Head	Full
325	229	Chocktoot, Hermand Lester	----do----	------	M	28	Aug. 12, 1926	Head	Full
326	830	Christensen, Alice John	Nixon, Nev.	------	F	24	July 3, 1930	Head	1/2
327	------	Christensen, Ronald Deane	----do----	------	M	1	Sept. 25, 1953	Son	1/4
328	------	Clark, Glenn A	Sprague River, Oreg.	------	M	4	June 3, 1950	Adopted son	13/16
329	------	Clark, Warren W	Box 116, Sprague River, Oreg.	------	M	2	Jan. 20, 1953	Adopted son	13/16
330	232	Clarkson, Grover	Chiloquin, Oreg.	1010	M	60	1895	Head	1/2
331	233	Clarkson, Minerva (Butler)	----do----	819	F	59	1896	Wife	Full
332	234	Clarkson, Harry	----do----	1473	M	56	1899	Head	1/2
333	238	Clinton, Clarence	Rt. 3, Box 633, Klamath Falls, Oreg.	1574	M	46	July 26, 1908	Head	1/2
334	448	Clinton, Viola (Cowen)	----do----	------	F	39	Nov. 7, 1915	Wife	3/4
335	450	Cowen, Franklyn M	----do----	------	F	16	May 22, 1938	Stepdaughter	3/8
336	------	Ferris, Shirley A	----do----	------	F	14	July 10, 1940	Stepdaughter	3/8
337	------	Ferris, Julia Dale	----do----	------	F	13	Nov. 15, 1941	Stepdaughter	3/8
338	------	Ferris, Freddy Allen	----do----	------	M	12	Mar. 20, 1943	Stepson	3/8
339	------	Ferris, Jerry Lee	----do----	------	M	8	Apr. 1, 1947	Stepson	3/8
340	------	Ferris, Charlene Faye	----do----	------	F	5	Apr. 25, 1950	Daughter	5/8
341	241	Coburn, Emma C	892 N. 21st St., Springfield, Oreg.	702	F	88	1867	Head	1/2
342	242	Coburn, Frank	Sprague River, Oreg.	705	M	63	1892	Head	1/4
343	244	Coburn, June Marie	233 S. Riverside, Medford, Oreg.	------	F	21	June 29, 1933	Sister	1/4
344	246	Coburn, Joseph F	Chemawa Indian School, Chemawa, Oreg.	------	M	17	Apr. 29, 1937	Brother	1/4
345	245	Coburn, James F	Box 336, Kodiak, Alaska	------	M	20	Nov. 30, 1934	Head	1/8
346	415	Coburn, Thelma (Jackson)	----do----	------	F	22	Dec. 3, 1932	Wife	5/16
347	252	Cole, Eda Jackson		794	F	63	1892	Head	Full
348	247	Cole, Edward R	Chiloquin, Oreg.	------	M	36	Oct. 10, 1918	Head	3/4
349	248	Cole, Florence (Shadley)	----do----	------	F	34	Mar. 27, 1921	Wife	1/2
350	------	Cole, Edward R., Jr	----do----	------	M	15	Feb. 3, 1940	Son	5/8
351	------	Cole, Johnny Allen	----do----	------	M	14	Feb. 17, 1941	Son	5/8
352	------	Cole, Flava May	----do----	------	F	13	Jan. 17, 1942	Daughter	5/8
353	------	Cole, Robert Harold	----do----	------	M	12	May 1, 1943	Son	5/8
354	------	Cole, Henry L	----do----	------	M	11	Dec. 24, 1944	Son	5/8
355	------	Cole, Harley D	----do----	------	M	8	Mar. 12, 1947	Son	5/8
356	------	Cole, Arvin V	----do----	------	M	5	Dec. 25, 1949	Son	5/8
357	------	Cole, Wonnie Jewel	----do----	------	F	3	July 19, 1951	Daughter	5/8
358	251	Cole, John	----do----	------	M	76	1879	Head	1/2
359	------	Cole, Margaret A. (Barkley)	----do----	------	F	7	Feb. 1, 1948	Adopted daughter	1/2
360	600	Colley, Claudia L. (Haymon)	8001 Loyola Blvd., Los Angeles, Calif.	------	F	34	Dec. 7, 1920	Head	1/4
361	------	Colley, Claude F	----do----	------	M	9	Dec. 28, 1945	Son	1/8
362	------	Colley, Cynthia D	----do----	------	F	8	Feb. 1, 1947	Daughter	1/8
363	------	Colley, Maryl Lee	----do----	------	F	11	Apr. 15, 1943	Daughter	1/8
364	------	Colley, Carl D	----do----	------	M	5	Aug. 23, 1949	Son	1/8
365	1233	Conney, Delbert	Sprague River, Oreg.	------	M	40	June 13, 1914	Head	5/8
366	909	Contreas, Thelma (Knight)	Chiloquin, Oreg.	------	F	19	Mar. 12, 1936	Head	1/8
367	256	Cook, Dibbon	Sprague River, Oreg.	1483	M	53	1902	Head	1/2
368	1234	Cook, Esther (Sargeant)	----do----	------	F	34	Mar. 27, 1921	Wife	3/16
369	------	Cook, Lou Ellen	----do----	------	F	15	Apr. 16, 1940	Daughter	3/8
370	519	Cook, Verna George	720 N. 25th, Corvallis, Oreg.	------	F	21	Aug. 17, 1933	Head	Full
371	258	Cookman, Eddie	Chiloquin, Oreg.	494	M	74	1881	Head	Full
372	259	Cookman, Barbara	----do----	------	F	21	Mar. 9, 1934	Daughter	3/4
373	950	Cooper, Verna Lobert	701 A Porter St., Vallejo, Calif.	------	F	29	Dec. 10, 1925	Head	7/8
374	------	Herron, James L	----do----	------	M	7	Mar. 24, 1948	Son	7/16
375	------	Cooper, Susan Blanche	----do----	------	F	2	Jan. 21, 1953	Daughter	7/16
376	263	Copeland, John H	516 Norway Ave., Silverton, Oreg.	------	M	45	Apr. 30, 1910	Head	1/4
377	264	Copeland, Gordon Lee	----do----	------	M	16	Feb. 19, 1939	Son	1/8
378	------	Copeland, Charles Donald	----do----	------	M	14	Oct. 30, 1940	Son	1/8
379	------	Copeland, Katherine Marie	----do----	------	F	13	Apr. 20, 1942	Daughter	1/8
380	------	Copeland, Shannon Roger	----do----	------	M	11	Mar. 17, 1944	Son	1/8
381	------	Copeland, Sharon Jessie	----do----	------	F	9	Dec. 22, 1945	Daughter	1/8
382	679	Copeland, Ralph R	799 S. 25th, Salem, Oreg.	------	M	19	Aug. 13, 1936	Head	5/16
383	265	Copperfield, Anna M. Riddle	Bonanza, Oreg.	835	F	73	1882	Head	3/4
384	267	Copperfield, Nathan	----do----	------	M	35	July 5, 1919	Son	7/8
385	268	Tupper, Birdie M	----do----	------	F	24	Aug. 28, 1930	Granddaughter	15/16
386	271	Corbell, Ida Skeen	Chiloquin, Oreg.	372	F	63	1892	Head	1/4
387	------	Cortez, Jose Clemente	----do----	------	M	10	Feb. 11, 1945	Adopted son	1/8
388	686	Cortez, Patricia Hoover	----do----	------	F	21	Apr. 23, 1934	Head	1/2
389	------	Norwest, Carmen Lea	----do----	------	F	5	Apr. 28, 1949	Daughter	7/16
390	------	Norwest, Marcellus John, Jr	----do----	------	M	4	Aug. 10, 1950	Son	7/16
391	------	Norwest, Andrew Merle	----do----	------	M	3	Jan. 28, 1952	Son	7/16
392	273	Courtney, Clarence V	Klamath Falls, Oreg.	------	M	30	Feb. 11, 1925	Head	1/8
393	------	Courtney, Jonathan Kim	----do----	------	M	9 mos.	June 18, 1954	Son	1/16
394	272	Courtney, Clandia Witt	Box 852, Klamath Falls, Oreg.	1334	F	49	1906	Head	1/4
395	275	Courtney, Laura M	----do----	------	F	18	Oct. 12, 1936	Daughter	1/8
396	------	Courtney, Bonnie M	----do----	------	F	9	Nov. 6, 1945	Daughter	1/8
397	281	Cowen, Amanda	Chiloquin, Oreg.	712	F	100	1855	Head	Full
398	282	Cowen, Ransom	----do----	714	M	59	1896	Son	3/4
399	283	Cowen, William McKinley	Beatty, Oreg.	715	M	57	1898	Son	3/4
400	284	Cowen, Hugh Wallace	Chiloquin, Oreg.	------	M	30	Aug. 15, 1924	Grandson	3/8
401	292	Crain, Carl Glenn	Beatty, Oreg.	------	M	26	Aug. 7, 1928	Head	3/4
402	298	Crain, Delford R	P. O. Box 396, San Pablo, Calif.	------	M	25	Aug. 19, 1929	Head	7/8
403	982	Crain, Mary Lynch	----do----	------	F	24	July 17, 1930	Wife	Full
404	------	Crain, Ray Eugene	Helena, Mont.	------	M	5	June 1, 1949	Son	7/16
405	------	Crain, Daron Lloyd	P. O. Box 396, San Pablo, Calif.	------	M	1	July 15, 1953	Son	15/16
406	288	Crain, Dice	1003 Delta St., Klamath Falls, Oreg.	1021	M	73	1882	Head	1/2
407	289	Crain, Alpha Pitt	----do----	1240	F	61	1894	Wife	Full
408	------	Henry, Margaret Elaine	----do----	------	F	10	Aug. 19, 1944	Granddaughter	1/2
409	------	Henry, Cornelius John	----do----	------	M	15	July 8, 1939	Grandson	1/2
410	------	Henry, Dwight Lee	----do----	------	M	12	May 7, 1942	Grandson	1/2
411	296	Crain, Lolana Merritt	Beatty, Oreg.	1,196	F	54	1901	Head	Full
412	295	Crain, Rosetta Mae	----do----	------	F	19	Sept. 15, 1935	Daughter	7/8
413	296	Crain, Furman	----do----	------	M	45	Mar. 29, 1910	Head	3/4
414	297	Crain, Marian Hecocta	----do----	------	F	44	Sept. 22, 1910	Wife	Full
415	301	Crain, Delores	----do----	------	F	18	Aug. 7, 1936	Daughter	7/8
416	302	Crain, Furman Jr	----do----	------	M	16	Mar. 3, 1939	Son	7/8
417	------	Crain, Cleora M	----do----	------	F	10	May 11, 1944	Daughter	7/8
418	303	Crain, George	----do----	472	M	69	Dec. 22, 1885	Head	1/2
419	25	Crain, John	----do----	------	M	26	Apr. 10, 1929	Head	5/8
420	215	Crain, Vernace, Choctoot	----do----	------	F	25	Oct. 16, 1929	Wife	Full

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
421	------	Crain, Anita Louisa	Beatty, Oreg.	------	F	8	July 2, 9146	Daughter	9/16
422	------	Crain, Anna M	----do----	------	F	7	Aug. 8, 1947	Daughter	9/16
423	------	Crain, Faye Della	----do----	------	F	5	Oct. 11, 1949	Daughter	9/16
424	304	Crain, Randolph	Chiloquin, Oreg.	------	M	35	July 25, 1919	Head	1/2
425	305	Crain, Naomi Jackson	----do----	------	F	35	Jan. 1, 1920	Daughter	Full
426	306	Crain, Juanite Louise (Jackson)	----do----	------	F	15	May 2, 1939	Daughter	3/4
427	------	Crain, Janice	----do----	------	F	14	Feb. 6, 1941	Daughter	3/4
428	------	Crain, Glenn	----do----	------	M	9	Nov. 12, 1945	Son	3/4
429	------	Crain, Randolph Alfred, Jr	----do----	------	M	8	Oct. 22, 1946	Son	3/4
430	------	Crain, Alan	----do----	------	M	4	Sept. 24, 1950	Son	3/4
431	309	Crawford, Billy Lee	Klamath Agency, Oreg.	------	M	28	Feb. 2, 1927	Head	1/4
432	------	Crawford, Joyce E	----do----	------	F	3	Jan. 5, 1952	Daughter	1/8
433	------	Crawford, Barkley Ann	----do----	------	F	1	May 21, 1953	Daughter	1/8
434	317	Crawford, Merle	----do----	------	M	41	July 17, 1913	Head	1/2
435	------	Crawford, Leon Merle	Salem, Oreg.	------	M	19	Dec. 17, 1935	Son	1/4
436	307	Crawford, Irving	1636 Halsey, Klamath Falls, Oreg.	1430	M	57	1898	Head	1/2
437	308	Crawford, Shirley Ruth	----do----	------	F	29	Jan. 21, 1926	Daughter	1/4
438	310	Crawford, Phyllis Ellen	----do----	------	F	27	Feb. 8, 1928	Daughter	1/4
439	1230	Crawford, Juanita	Klamath Falls, Oreg.	1026	F	51	Dec. 21, 1903	Head	1/2
440	311	Crawford, Wade	Chiloquin, Oreg.	1492	M	60	July 11, 1894	Head	1/2
441	312	Crawford, Ida Miller	----do----	1467	F	59	Oct. 27, 1895	Wife	1/4
442	313	Crawford, Coralie	----do----	------	F	21	July 6, 1933	Daughter	3/8
443	320	Crim, Hershel	6226 SE 122d Ave., Portland, Oreg.	1592	M	50	Apr. 15, 1904	Head	1/2
444	321	Crim, Wilbur	Chiloquin, Oreg.	1591	M	47	Aug. 14, 1907	Head	1/2
445	243	Crispen, Jessie Coburn	General Delivery, Milo, Oreg.	------	F	45	Nov. 10, 1929	Head	1/8
446	------	Jara, Marie Elaine	----do----	------	F	5	Oct. 13, 1949	Daughter	1/16
447	------	Crispen, Francis Robert	----do----	------	M	3	Mar. 2, 1952	Son	1/16
448	323	Crowley, Kate	Chiloquin, Oreg.	542	F	76	1879	Head	Full
449	329	Crume, Angeline Schonchin	Box 56, Maria, Oreg.	1346	F	51	July 6, 1903	Head	Full
450	333	Crume, Wayne P	----do----	------	M	15	Oct. 3, 1939	Son	7/8
451	334	Crume, Cinda Chipps	Sprague River, Oreg.	922	F	69	1885	Head	Full
452	335	Crume, Theodore Allen	----do----	------	M	34	June 7, 1920	Son	3/4
453	336	Crume, Howard Wallace	----do----	------	M	33	Dec. 16, 1921	Head	3/4
454	347	Crume, Irwin Lee	----do----	------	M	21	Oct. 22, 1933	Head	5/8
455	------	Crume, Irwin Lee, Jr	----do----	------	M	2	Jan. 23, 1953	Son	1/4
456	------	Crume, Carolyn Gale	----do----	------	F	1	Apr. 19, 1954	Daughter	1/4
457	340	Crume, Jonathan M	----do----	1520	M	45	Mar. 21, 1910	Head	3/4
458	413	Crume, Dorothy (Jackson)	----do----	------	F	34	Feb. 7, 1921	Wife	15/16
459	------	Woods, Geraldine	----do----	------	F	14	July 2, 1940	Stepdaughter	15/32
460	------	Woods, Fred Arnold	----do----	------	M	13	Jan. 11, 1942	Stepson	15/32
461	------	Woods, Muriel Edith	----do----	------	F	11	Feb. 14, 1944	Stepdaughter	15/32
462	------	Woods, William Nathan	----do----	------	M	9	Feb. 19, 1946	Stepson	15/32
463	------	Woods, Lawrence Marlowe	----do----	------	M	6	Sept. 14, 1948	Stepson	15/32
464	------	Crume, Roland J	----do----	------	M	13	Nov. 13, 1941	Adopted son	23/32
465	------	Melendres, Paul Garcia, Jr	----do----	------	M	8	June 18, 1946	Nephew	15/32
466	------	Hull, Alice E	----do----	------	F	7	July 9, 1947	Niece	15/32
467	------	Crume, Jola Gale	----do----	------	F	2	Mar. 28, 1953	Daughter	23/32
468	346	Crume, Patsy M	----do----	1032	F	24	May 21, 1930	Head	5/8
469	342	Crume, Sylvan	----do----	------	M	50	1904	Head	3/4
470	------	Crume, Sylvan B., Jr	----do----	------	M	11	Nov. 10, 1943	Son	3/8
471	348	Crystal, Cora (Miller)	Chiloquin, Oreg.	933	F	57	Oct. 2, 1897	Head	1/4
472	757	Cummins, Jacqueline (Jackson)	4110 N. 33d, Tacoma 7, Wash.	------	F	6	Nov. 6, 1930	Head	1/4
473	------	Cummins, Cynthia Caroll	----do----	------	F	42	Dec. 18, 1948	Daughter	1/8
474	340	Cunningham, Thelma (Gentry)	537 Bunker Hill Dr., San Bernardino, Calif.	------	M	13	May 16, 1912	Head	1/4
475	------	Cunningham, Allen Dale	----do----	------	F	43	Feb. 1, 1942	Son	1/8
476	1044	Curran, Melrose (Lawvor)	Sprague River, Oreg.	------	F	50	Mar. 16, 1912	Head	1/2
477	1428	Curtis, Azalia (Parazoo)	Box 87, Chiloquin, Oreg.	1233	F	73	1905	Head	1/2
478	------	Curtis, Barbara Elaine	----do----	------	F	13	Oct. 5, 1941	Daughter	1/4
479	355	David, Beryl (Butler)	----do----	1476	F	53	1902	Head	Full
480	358	Manning, Gordon Wayne	----do----	------	M	17	Mar. 23, 1938	Son	7/8
481	359	David, Beverly Faye	----do----	------	F	15	Sept. 8, 1939	Daughter	7/8
482	------	David, Linda Joyce	----do----	------	F	14	Sept. 3, 1940	Daughter	7/8
483	360	David, Randolph	----do----	------	M	44	Feb. 22, 1911	Head	3/4
484	362	David, Arlen V	----do----	------	M	16	Sept. 10, 1938	Son	3/8
485	361	David, Randolph Robert, Jr	----do----	------	M	20	Sept. 12, 1934	Head	3/8
486	365	David, Reid	707 W. Washington Blvd, Venice, Calif.	------	M	45	Jan. 27, 1910	Head	3/4
487	------	David, Ilene Aloma	----do----	------	F	13	Sept. 16, 1941	Daughter	1/2
488	------	David, Reid Sharkey, Jr	Bend, Oreg.	------	M	11	Sept. 28, 1943	Son	1/2
489	363	David, Robert	Chiloquin, Oreg.	115	M	78	1877	Head	Full
490	367	David, Lawrence	----do----	------	M	37	Dec. 6, 1917	Son	3/4
491	370	David, William McKinley	----do----	1622	M	56	1899	Head	Full
492	376	Davis, Harold Lloyd	Beatty, Oreg.	------	M	26	Oct. 8, 1925	Head	7/8
493	375	Davis, Elnathan	----do----	------	M	33	Mar. 11, 1922	Head	7/8
494	------	Davis, Helen Virginia	----do----	------	F	11	Dec. 16, 1943	Daughter	13/16
495	------	Davis, Marvin Leigh	----do----	------	M	10	Feb. 14, 1945	Son	13/16
496	------	Davis, Rita Louise	----do----	------	F	5	Sept. 6, 1949	Daughter	13/16
497	------	Davis, Elnathan Glen	----do----	------	M	3	Oct. 31, 1951	Son	13/16
498	------	Davis, Minnie Kay	----do----	------	F	1	May 7, 1953	Daughter	13/16
499	378	Davis, Orville	----do----	1042	M	51	1904	Head	3/4
500	380	Davis, Henrietta (John)	----do----	1148	F	51	1904	Head	Full
501	1384	Davis, Vernita (Riddle)	Chiloquin, Oreg.	1246	F	51	1904	Head	7/8
502	1390	Walker, Maxine	Oakland, Calif.	------	F	18	Oct. 29, 1936	Daughter	15/16
503	381	Dawson, Ellen C. (Shadley)	Trail, Oreg.	------	F	41	Aug. 22, 1913	Head	1/2
504	382	Dawson, Shirley Jean	----do----	------	F	20	Apr. 25, 1935	Daughter	1/4
505	383	Dawson, Beverly Nadine	----do----	------	F	18	Dec. 21, 1936	Daughter	1/4
506	384	Cole, Roger Wesley	----do----	------	M	16	June 1, 1938	Son	1/4
507	------	Dawson, Gwen Eileen	----do----	------	F	5	Jan. 22, 1950	Daughter	3/16
508	------	Dawson, Sharon Carlene	----do----	------	F	2	Mar. 5, 1953	Daughter	3/16
509	385	Decker, Alvin	Imlay, Nev.	------	M	37	Apr. 7, 1917	Head	1/2
510	386	Decker, Dora (Chipps)	Box 24, Holland, Oreg.	923	F	66	1889	Head	Full
511	388	Decker, Willard	Box 39, Cave Junction, Oreg.	------	M	32	Mar. 30, 1923	Head	1/2
512	------	Decker, Kelvin Willard	----do----	------	M	6	Aug. 22, 1948	Son	1/4
513	------	Decker, Yoland Renae	----do----	------	F	5	Apr. 17, 1950	Daughter	1/4
514	------	Decker, Melvin Perry	----do----	------	M	3	July 9, 1951	Son	1/4
515	257	Decker, Anita Hecocta	Sprague River, Oreg.	------	F	39	Mar. 24, 1946	Head	Full
516	------	Crume, Jonathan Wayne	----do----	------	M	8	Jan. 16, 1947	Son	3/4
517	------	Crume, Jacqueline Eileen	----do----	------	F	6	Apr. 13, 1949	Daughter	3/4
518	390	Decker, Roselda (Jackson)	----do----	------	F	36	Jan. 15, 1919	Head	4/4
519	389	Decker, Tommy	Box 93, Malin, Oreg.	------	M	36	Apr. 10, 1919	Head	1/2
520	1184	Decker, Christianna (Riddle)	----do----	------	F	28	Mar. 13, 1927	Wife	7/8
521	------	Decker, Nancy Rae	----do----	------	F	13	Sept. 23, 1941	Daughter	3/4
522	------	Decker, Tommy Turner	----do----	------	M	12	Mar. 3, 1943	Son	3/4
523	------	Decker, William Loren	----do----	------	M	7	June 3, 1947	Son	3/4
524	------	Decker, Marilyn Joan	----do----	------	F	5	Aug. 26, 1949	Daughter	3/4
525	------	Riddle, Janice Lynn	----do----	------	F	5	July 19, 1949	Stepdaughter	1/2
526	------	Riddle, Debra Lauren	----do----	------	F	4	Apr. 9, 1951	Stepdaughter	7/16
527	------	Riddle, Warren James	----do----	------	M	6	July 7, 1948	Stepson	7/16
528	------	Riddle, Jonathan Ray	----do----	------	M	8 mos.	July 15, 1954	Son	11/16

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
529	391	Decker, Woodrow	Malin, Oreg		M	40	1915	Head	1/2
530	392	Decker, Marjory Lorraine	do		F	18	Dec. 28, 1936	Daughter	1/4
531	393	Decker, Dallas Deane	do		M	16	June 5, 1938	Son	1/4
532	153	Delorme, Ethel (Barney)	General Delivery, Callente, Nev		F	42	Apr. 21, 1912	Head	3/4
533	------	Delorme, Joseph Alexander	do		M	13	Dec. 31, 1941	Son	5/8
534	1472	Delorme, Teresa (Wright)	Chiloquin, Oreg		F	30	Mar. 11, 1925	Head	5/8
535	------	Sargeant, Cynthia R	do		F	8	Sept. 3, 1946	Daughter	1/2
536	------	Sargeant, Susan Mary	do		F	5	Oct. 13, 1949	Daughter	1/2
537	------	Sorahan, Debra	do		F	2	July 14, 1952	Daughter	5/16
538	591	Dick, Myra (Captain)	do		F	35	Oct. 27, 1919	Head	Full
539	------	Dick, Bethel M	do		F	7	Apr. 11, 1947	Daughter	1/2
540	397	Dickens, Delmar Stewart	Box 396, San Pablo, Calif		M	26	Oct. 14, 1928	Head	Full
541	733	Dickens, Victoria (George)	2921 SE Morrison, Portland, Oreg		F	25	Dec. 3, 1929	Head	Ful
542	------	Dickens, Valerie Jean	do		F	6	Jan. 3, 1949	Daughter	1/2
543	------	Dickens, Elaine Frances	do		F	4	Apr. 21, 1950	Daughter	1/2
544	------	Dickens, Karen Louise	do		F	2	Feb. 21, 1953	Daughter	1/2
545	------	Dickens, Virginia Lynelle	do		F	9 mos.	June 26, 1954	Daughter	1/2
546	400	Dillstrom, Mae E (Vaughn)	Box 713, Klamath Falls, Oreg	1284	F	45	May 1, 1909	Head	1/8
547	401	Dillstrom, Belvie, Jr	Chiloquin, Oreg		M	25	July 29, 1929	Head	1/16
548	403	Dillstrom, Veraon Carl	Box 713, Klamath Falls, Oreg		M	21	Feb. 2, 1934	Head	1/16
549	404	Doak, Opal P. (Pearson)	Box 72, Chiloquin, Oreg	1237	F	51	1903	Head	1/4
550	405	Doak, Ivan R	Chiloquin, Oreg		M	28	Mar.10, 1927	Head	1/8
551	------	Doak, Bobbie Jaye	do		F	3	Dec. 10, 1951	Daughter	1/16
552	------	Doak, Lawana Jean	do		F	1	June 23, 1953	Daufhter	1/16
553	1284	Doggett, Shirle M. (Skeen)	Box 33, Thurston, Oreg		F	28	Oct. 2, 1926	Head	1/8
554	------	Doggett, William G	do		M	6	Sept. 13, 1948	Son	1/16
555	------	Doggett, Shirley Gayle	do		F	4	Aug. 4, 1950	Daughter	1/16
556	746	Donahue, Ethel (Jackson)	Route 1, Box 208, Arcata, Calif		F	27	May 9, 1927	Head	3/4
557	------	Donahue, Brad Stephen	do		M	9	June 9, 1945	Son	1/4
558	------	Donahue, Ronald Allen	do		M	8	July 27, 1946	Son	1/4
559	------	Donahue, Dawn Maudine	do		F	7	Sept. 10, 1947	Daughter	1/4
560	------	Donahue, Woodrow Zane	do		M	6	Aug. 24, 1948	Son	1/4
561	------	Donahue, Arlan Wayne	do		M	3	May 9, 1951	Son	1/4
562	------	Donahue, Gwen Arlette	do		F	1	July 22, 1953	Daughter	1/4
563	758	Drew, Darlene J	4210 Soule Ave., Eureka, Calif		F	21	Mar. 9, 1934	Head	1/4
564	------	Drew, Milton Joseph	do		M	1	Oct. 31, 1953	Son	1/8
565	------	Drew, Virginia Lee	do		F	2	Oct. 3, 1952	Daughter	1/8
566	410	Dufault, George	1851 West Pacific Coast Highway, Lomita, Calif.	1048	M	63	1892	Head	1/4
567	------	Dufault, David E	Albuquerque, N. Mex		M	15	June 29, 1939	Son	1/8
568	------	Dufault, Diane C	do		F	14	Jan. 15, 1941	Daughter	1/8
569	411	Dufault, Helen	3795 Market St., San Francisco, Calif	1049	F	57	1898	Head	1/4
570	412	Duffer, Calsie	Beatty, Oreg		M	40	Mar. 16, 1915	Head	Ful
571	870	Dunagan, Tiny Kimball	Box 1425, Medford, Oreg		F	23	Mar. 13, 1932	Head	1/4
572	------	Hatcher, Raymond Allen	do		M	6	Sept. 12, 1948	Son	5/16
573	------	Hatcher, William Ernest	do		M	3	Dec. 12, 1951	Son	5/16
574	417	Dumore, Willetta (Crain)	Box 114, Myrtle Creek, Oreg		F	43	Apr. 30, 1911	Head	1/2
575	394	Durham, Wilma (Mayfield)	115 Sutter Ave. S., San Francisco, Calif		F	33	May 21, 1921	Head	1/2
576	419	Duvall, Amos	Chiloquin, Oreg	1057	M	51	1904	Head	3/4
577	421	Duvall, George	Box 94A, Chiloquin, Oreg	128	M	84	1871	Head	1/2
578	422	Duvall, John	Modoc Point, Oreg	132	M	81	1874	Head	1/2
579	425	Effman, Betsy (Gray)	Klamath Agency, Oreg	1089	F	52	1903	Head	Full
580	426	Effman, George Gray	407 Foss St., Healdsburg, Calif		M	32	Sept. 28, 1922	Head	1/2
581	------	Effman, Francine Layne	do		F	10	Dec. 6, 1944	Daughter	1/4
582	------	Effman, Craig Forrest	do		M	4	Oct. 8, 1950	Son	1/4
583	------	Effman, Joy Paulette	do		F	2	Mar. 10, 1953	Daughter	1/4
584	429	Eggsman, Wilbur	Chiloquin, Oreg	1059	M	57	Dec. 1897	Head	Full
585	429	Eggsman, Mable (Schonchin)	do	1501	F	46	June 2, 1908	Wife	7/8
586	430	Eggsman, Walter James	do		M	27	July 8, 1927	Son	15/16
587	432	Eggsman, Worden Gale	do		M	21	Sept. 13, 1933	Son	15/16
588	433	Eggsman, Wendell Jack	do		M	18	Oct. 26, 1936	Son	15/16
589	------	Eggsman, Allen Lee	do		M	12	Aug. 10, 1942	Son	15/16
590	------	Eggsman, Arnold Guy	do		M	7	Apr. 4, 1947	Son	15/16
591	431	Eggsman, Wilbur Jr	do		M	24	Jan. 20, 1931	Head	15/16
592	668	Eggsman, Thelma (Hood)	do		F	17	Sept. 25, 1937	Wife	7/8
593	436	Engle Marie Ora	Star Route, Chiloquin, Oreg		F	44	Nov. 30, 1910	Head	1/8
594	435	Engle, Melvin, M	3893 Larchmond Pl., Riverside, Calif	1588	M	45	Dec. 8, 1909	Head	1/8
595	------	Engle, Bruce Hamilton	do		M	15	Aug. 8, 1939	Son	1/16
596	------	Engle, Marcia Ann	do		F	6	July 8, 1948	Daughter	1/16
597	92	Erickson, Grace (Barney)	Chiloquin, Oreg		F	30	July 26, 1924	Head	3/4
598	------	Erickson, Daphne Lavina	do		F	12	Apr. 3, 1942	Daughter	3/8
599	------	Erickson, Mary Ellen	do		F	11	Oct. 2, 1943	Daughter	3/8
600	------	Erickson, Daniel Erwin	do		M	9	July 17, 1945	Son	3/8
601	------	Erickson, Hazel Grace	do		F	8	Nov. 27, 1946	Daughter	3/8
602	438	Faithful, Monroe	Beatty, Oreg	1068	M	51	1904	Head	Full
603	439	Faithful, Pearl (McNair)	do	1223	F	54	1901	Head	1/2
604	445	Faithful, Raymond Monroe	do		M	21	Nov. 20, 1933	Son	3/4
605	446	Farnsworth, Mamie (Skeen)		373	F	62	1893	Head	1/4
606	1255	Farris, Ruth (Shadley)	829 Delaware Bend, Oreg		F	21	Oct. 5, 1923	Head	1/2
607	------	Farris, Bob Lloyd, Jr	do		M	12	Feb. 14, 1943	Son	3/16
608	------	Farris, Bert Dwayne	do		M	10	Oct. 31, 1944	Son	3/16
609	------	Farris, Christina Lee	do		F	8	Feb. 9, 1947	Daughter	3/16
610	------	Farris, Regina Rae	do		F	7	Mar. 3, 1948	Daughter	3/16
611	451	Fields, Corrine (Campagna)	Rt. 4, Box 171, Grants Pass, Oreg		F	34	Nov. 14, 1920	Head	1/8
612	452	Ortis, Arlene Marie	do		F	17	Oct. 19, 1937	Daughter	1/16
613	------	Fields, Robert Ray	do		M	14	Oct. 10, 1940	Son	1/16
614	453	Fields, Marie (Campagna)	734 Plum, Klamath Falls, Oreg		F	36	June 25, 1918	Head	1/8
615	454	Ortis, Joan Lee	do		F	19	Mar. 10, 1936	Daughter	1/16
616	455	Ortis, Shirley Lee	do		F	19	Mar. 10, 1936	Daughter	1/16
617	464	Fisher, Dora Mae (Foster)	Beatty, Oreg		F	30	Mar. 8, 1925	Head	Full
618	------	Fisher, Anna Lee	do		F	11	Apr. 18, 1944	Daughter	1/2
619	------	Fisher, John Arthur	do		M	8	Dec. 10, 1946	Son	3/4
620	------	Godowa, Merle	do		M	4	Sept. 19, 1950	Son	3/4
621	------	Godowa, Mary Elaine	do		F	2	July 25, 1952	Daughter	3/4
622	576	Fitzwater, Frances (Barney)	General Delivery, Ely, Nev		F	38	May 12, 1916	Head	3/4
623	------	Haskins, Richard Wayne	do		M	15	Feb. 2, 1940	Son	3/8
624	------	Hollinger, Gayle Marie	do		F	14	Jan. 26, 1941	Daughter	3/8
625	------	Hollinger, Geraldine	do		F	13	Mar. 7, 1942	Daughter	3/8
626	1283	Fleming, Annabelle (Skeen)	Box 397, Dorris, Calif		F	30	Sept. 15, 1924	Head	1/8
627	------	Fleming, Dennis George	do		M	8	Jan. 19, 1947	Son	1/16
628	------	Fleming, John Frederick	do		M	6	June 12, 1948	Son	1/16
629	------	Fleming, Charles Robert	do		M	5	May 29, 1949	Son	1/16
630	------	Fleming, Joanna Susan	do		F	4	June 11, 1950	Daughter	1/16
631	457	Follis, Evelyn (Walker)	33 "C" NW, Miami, Okla		F	41	Apr. 5, 1914	Head	3/8
632	458	Follis, Billie Gene	do		M	21	Apr. 24, 1933	Son	3/16
633	459	Follis, Phil Walker	do		M	18	Aug. 9, 1936	Son	3/16
634	------	Follis, Judy Kay	do		F	15	Feb. 10, 1940	Daughter	3/16
635	------	Follis, Karen Sue	do		F	11	Aug. 22, 1943	Daughter	3/16

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
636	337	Foreman, Nora (Crume)	Box 53A, Chiloquin, Oreg		F	31	Jan. 6, 1924	Head	3/4
637	------	Foreman, Allen Lee	do		M	7	Aug. 3, 1947	Son	3/8
638	481	Foster, Gladys	Beatty, Oreg		F	37	Feb. 21, 1918	Head	Full
639	461	Foster, Andrew	do		M	34	Oct. 17, 1920	Head	1/2
640	------	Foster, Lewellyn Daniel	do		M	2	Feb. 9, 1953	Son	1/4
641	465	Foster, Enna Jean	do		F	28	Jan. 12, 1927	Sister	Full
642	466	Foster, Joan Lou	do		F	23	May 24, 1931	Sister	Full
643	467	Foster, Alex	do		M	21	May 21, 1933	Brother	Full
644	469	Foster, Harry Aloysius	do		M	18	Dec. 17, 1936	Brother	Full
645	470	Foster, John Carl	do		M	17	Mar. 31, 1938	Brother	Full
646	474	Foster, Dan Adrian	do		M	24	Jan. 6, 1931	Head	1/2
647	300	Foster, Shirley Crain	do		F	21	Apr. 9, 1934	Wife	7/8
648	------	Kirk, Irvin Steve	do		M	5	May 23, 1949	Stepson	13/16
649	------	Kirk, Shirlene Ann	do		F	3	Aug. 16, 1951	Stepdaughter	13/16
650	------	Kirk, Martina Lou	do		F	2	Sept. 22, 1952	Stepdaughter	13/16
651	473	Foster, George Elmore	Bly, Oreg		M	26	Feb. 20, 1929	Head	1/2
652	1209	Foster, Anna (Robinson)	do		F	25	Jan. 24, 1930	Wife	7/8
653	------	Foster, Geo. Ann	do		F	8 mos.	July 20, 1954	Daughter	11/16
654	476	Foster, Eleanora	Klamath Agency, Oreg		F	20	Jan. 8, 1935	Sister	Full
655	477	Foster, Archie Emil	do		M	18	Jan. 21, 1937	Brother	Full
656	1422	Foster, Pearl (Allen)	Rt. 4, Box 171, Grants Pass, Oreg	1358	F	58	1897	Head	1/4
657	1344	Foster, Wilma (Thompson)	General Delivery, Redmond, Oreg		F	29	Nov. 9, 1925	Head	1/2
658	------	Foster, Ronald Harlan	do		M	7	Aug. 6, 1947	Son	1/2
659	------	Thompson, Latilda Joyce	do		F	9	Mar. 19, 1946	Daughter	1/4
660	------	Foster, Mary Louise	do		F	6	Feb. 19, 1949	Daughter	1/2
661	------	Foster, Jerald Lee	do		M	4	Feb. 28, 1951	Son	1/2
662	------	Foster, Sandra Louise	do		F	2	Sept. 16, 1952	Daughter	1/2
663	463	Foster, Raymond J	Beatty, Oreg		M	32	Apr. 22, 1923	Head	Full
664	230	Foster, Betty (Chocktoot)	do		F	27	Dec. 23, 1927	Wife	Full
665	------	Foster, Gloria Jeanne	do		F	10	May 19, 1944	Daughter	Full
666	------	Foster, Duane	do		M	9	Jan. 28, 1946	Son	Full
667	------	Foster, Patrick James	do		M	7	July 22, 1947	Son	Full
668	------	Foster, Wayne	do		M	6	Nov. 24, 1948	Son	3/4
669	------	Foster, Susan	do		F	4	Oct. 24, 1950	Daughter	3/4
670	------	Foster, Vince Ray	do		M	1	Nov. 2, 1953	Son	3/4
671	472	Foster, Vernon Fred	General Delivery Redmond, Oreg		M	27	July 14, 1927	Head	Full
672	1342	Foster, Josephine (Thompson)	Beatty, Oreg		F	33	Sept. 19, 1921	Wife	Full
673	------	Foster, Winona Mae	do		F	16	Sept. 11, 1948	Daughter	1/2
674	475	Foster, Wallace	do		M	22	Oct. 8, 1932	Head	1/2
675	478	Foster, Wernie	do	911	M	66	1889	Head	Full
676	479	Foster, Josie (Godowa)	do	747	F	60	1895	Wife	Full
677	484	Foster, Phoebe Lois	do		F	23	Aug. 5, 1931	Daughter	Full
678	485	Foster, Willetta	do		F	19	Oct. 31, 1935	Daughter	Full
679	486	Foster, Wilma	do		F	19	Oct. 31, 1935	Daughter	Full
680	487	Foster, Lucille	do		F	17	June 7, 1937	Granddaughter	Full
681	------	Foster, Robert Ray	do		M	2	Aug. 2, 1952	Grandson	1/2
682	488	Francis, Anna (Skeen)	Butte Falls, Oreg	371	F	66	1889	Head	1/4
683	489	Francis, Jesse Freddie	do		M	30	July 24, 1924	Head	1/8
684	------	Francis, Richard Henry	do		M	7	July 9, 1947	Son	1/16
685	------	Francis, Karen Elizabeth	do		F	5	June 16, 1949	Daughter	1/16
686	351	Frank, Ella Gentry	Box 502, Lewiston, Idaho		F	21	Jan. 20, 1934	Head	1/4
687	------	Frank, Robert John	do		M	23 mos.	Apr. 9, 1953	Son	1/8
688	------	Frank, Brenda Ann	do		F	11 mos.	Apr. 27, 1954	Daughter	1/8
689	491	Fredenburg, Dorothy (Hamilton)	Box 501, Klamath Falls, Oreg		F	41	Aug. 29, 1913	Head	1/8
690	------	Fredenburg, Dorothea Elvira	do		F	22	Dec. 27, 1932	Daughter	1/16
691	127	Frost, Amelia (Brown)	Beatty, Oreg		F	32	July 24, 1922	Head	Full
692	------	Brown, Annabel (Burnette)	do		F	13	May 9, 1941	Daughter	1/2
693	------	Burnette, Cheryl Christina	do		F	10	July 2, 1944	Daughter	1/2
694	------	Frost, Melvin James	do		M	6	Aug. 10, 1948	Son	1/2
695	------	Frost, Gary Duane	do		M	3	Sept. 6, 1951	Son	1/2
696	------	Frost, Curtis Lynn	do		M	1	July 7, 1953	Son	1/2
697	494	Fryatt, Andrew Clark	Seneca, Mo		M	35	June 2, 1919	Head	1/4
698	------	Fryatt, James Clark	do		M	11	Apr. 3, 1944	Son	1/8
699	------	Fryatt, Laura Lynn	do		F	8	July 4, 1946	Daughter	1/8
700	493	Fryatt, Viola Clark	do		F	56	July 2, 1898	Head	1/2
701	497	Gallagher, Inez (Cowen)	401½ "J" St. Sacramento, Calif	59	F	62	1893	Head	3/4
702	790	Gallagher, Lola Margaret	Chiloquin, Oreg		F	33	June 10, 1921	Head	3/4
703	------	Gallagher, Darelle Francis	do		M	12	Aug. 22, 1942	Son	3/4
704	------	Gallagher, Osborne Lee	do		M	11	Apr. 26, 1944	Son	3/4
705	------	Gallagher, Louis G	do		M	6	Aug. 1, 1948	Son	11/16
706	------	Gallagher, Madria Linn	do		F	3	June 28, 1951	Daughter	1/4
707	------	Gallagher, Arnold Lee	do		M	5	Jan. 13, 1950	Son	1/4
708	------	Gallagher, Debra Donita	do		F	2	Feb. 8, 1953	Daughter	1/4
709	1321	Gantenbein, Cornelia (Strawbridge)	340 Gradley Ave., San Jose, Calif		F	29	Dec. 1, 1925	Head	1/4
710	------	Gantenbein, Linda Lee	430 Gradley Ave., San Jose, Calif		F	10	May 6, 1944	Daughter	1/8
711	------	Gantenbein, Bruce Dee	do		M	5	Mar. 17, 1950	Son	1/8
712	1064	Garcia, Mildred (George)	730 NE. 155th, Portland 16, Oreg		F	44	Jan. 27, 1911	Head	7/8
713	1066	Moppen, Sherman Buddy	do		M	22	Aug. 26, 1932	Son	11/16
714	502	Garcia, Wallace C	Box 52, Lee, Nevada		M	23	Apr. 16, 1932	Head	1/2
715	------	Garcia, Rose Marie	do		F	3	Aug. 18, 1951	Daughter	1/4
716	------	Garcia, Marvin Leroy	do		M	2	Oct. 22, 1952	Son	1/4
717	504	Garcia, Walter Ernest	Beatty, Oreg		M	19	Nov. 17, 1935	Brother	1/2
718	505	Garcia, Corrine Ann	do		F	18	May 2, 1937	Sister	1/2
719	------	Garcia, Beatrice Irene	do		F	8 mos.	July 21, 1954	Daughter	1/4
720	507	Garrett, Millie Lenz	Box 92, Chiloquin, Oreg	234	F	56	1898	Head	1/4
721	1178	Garrett, Violet (Rambo)	Box 281, Prospect, Oreg		F	29	Oct. 7, 1925	Head	1/8
722	------	Blair, Stephen	do		M	11	Apr. 12, 1944	Son	7/16
723	------	Garrett, Sandra Ann	do		F	8	Aug. 11, 1946	Daughter	1/16
724	------	Garrett, James L., Jr	do		M	6	Jan. 7, 1949	Son	1/16
725	------	Garrett, Genell	do		F	6	Jan. 7, 1949	Daughter	1/16
726	1050	Garcia, Vera (Mitchell)	General Delivery, Banning, Calif		F	29	July 7, 1925	Head	5/8
727	------	Mitchell, Michael	do		M	9	Jan. 20, 1946	Son	5/16
728	------	Garcia, Marie Elaine	do		F	7	Aug. 18, 1947	Daughter	5/16
729	------	Garcia, Rosalie Arvonne	do		F	6	July 23, 1948	Daughter	5/16
730	1257	Gartin, Frances (Shadley)	Chiloquin, Oreg		F	28	June 11, 1926	Head	1/2
731	------	Gartin, Harold Richard, Jr	do		M	12	May 6, 1942	Son	1/4
732	------	Gartin, Calvin Theodore	do		M	11	Apr. 19, 1944	Son	1/4
733	------	Gartin, Margaret Marie	do		F	9	July 5, 1945	Daughter	1/4
734	------	Gartin, Betty Joan	do		F	8	July 21, 1946	Daughter	1/4
735	------	Gartin, Roberta Lynn	do		F	7	Apr. 28, 1948	Daughter	3/16
736	------	Gartin, James Gerald	do		M	5	May 29, 1949	Son	3/16
737	508	Gentry, Clarence M	do		M	40	July 7, 1914	Head	1/4
738	509	Gentry, Anabel (Charles)	do		F	38	Jan. 28, 1917	Wife	7/8
739	510	Charles, Gene C	do		M	19	May 16, 1935	Stepson	15/16
740	511	Charles, Nancy	do		F	17	Feb. 19, 1938	Daughter	9/16
741	------	Gentry, Donald Le Roy	do		M	15	Feb. 18, 1940	Son	9/16

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
742	------	Gentry, Clarence, Jr.	Chiloquin, Oreg.	------	M	13	Nov. 2, 1941	Son	9/16
743	------	Gentry, David Ray	---do---	------	M	9	Apr. 2, 1946	Son	9/16
744	------	Gentry, Ila Ann	---do---	------	F	5	Sept. 7, 1949	Daughter	9/16
745	515	George, Delores	Klamath Agency, Oreg.	------	F	16	June 26, 1938	Sister	4/4
746	------	George, Gloria Ann	---do---	------	F	14	May 23, 1940	Sister	4/4
747	1385	George, Clifford	Beatty, Oreg.	------	M	33	July 23, 1921	Head	15/16
748	924	George, Sadie Lobert	Klamath Agency, Oreg.	------	F	32	Mar. 24, 1933	Wife	5/8
749	516	George, Dean	Beatty, Oreg.	1075	M	48	Nov. 26, 1906	Head	4/4
750	520	George, Nadine Laura	---do---	------	F	19	July 15, 1935	Daughter	4/4
751	523	George, Joel Ray Barkley	Chiloquin, Oreg.	------	M	19	Nov. 18, 1935	Head	3/8
752	525	George, Mettie Weah	Beatty, Oreg.	337	F	80	1875	Head	4/4
753	526	George, Robert	---do---	------	M	42	Aug. 10, 1912	Head	4/4
754	527	George, Ralph McKinley	---do---	331	M	60	1895	Head	4/4
755	529	Gibbons, Grace Hill	Chiloquin, Oreg.	1387	F	56	1899	Head	3/4
756	535	Gibbons, Lewis Harvey	---do---	------	M	22	July 5, 1932	Son	3/8
757	536	Gibbons, Patricia Lou	---do---	------	F	20	May 19, 1934	Daughter	3/8
758	538	Gibbons, Jack Ernest	---do---	------	M	14	Aug. 19, 1938	Son	3/8
759	539	Gibbs, Carl Webster	Warm Springs, Oreg.	742	M	77	1878	Head	4/4
760	540	Givan, Melvina Smith	Beatty, Oreg.	1595	F	48	Mar. 31, 1907	Head	1/8
761	------	Smith, Lorraine Josephine	---do---	------	F	13	May 21, 1941	Niece	1/16
762	490	Givan, Ida Francis	---do---	------	F	24	Dec. 1, 1930	Head	1/8
763	------	Givan, Dallas Henry	---do---	------	M	1	Nov. 5, 1953	Son	1/16
764	541	Glenn, Lottie Clarkson	1722 SE. Taggart, Portland, Oreg.	1472	F	57	1898	Head	1/2
765	546	Glenn, Albert Winfred	---do---	------	M	17	July 14, 1937	Son	1/2
766	547	Glenn, Nathalie	---do---	------	F	16	Dec. 31, 1938	Daughter	1/2
767	1127	Godowa, Clara	Beatty, Oreg.	------	F	32	Dec. 15, 1922	Head	4/4
768	1128	Givens, Ramon Ricardo	---do---	------	M	15	Aug. 20, 1939	Son	1/2
769	228	Godowa, Clarence	---do---	------	M	35	Sept. 25, 1919	Head	4/4
770	142	Godowa, Tabitha Watah	---do---	------	F	43	Nov. 10, 1911	Wife	4/4
771	143	Brown, Carl Lloyd	---do---	------	M	21	Oct. 5, 1933	Stepson	4/4
772	144	Brown, Harding Andy	---do---	------	M	20	Feb. 16, 1935	Stepson	4/4
773	145	Brown, Alberta Louise	---do---	------	F	16	Feb. 21, 1939	Stepdaughter	4/4
774	------	Dickens, Randolph James	---do---	------	M	1	Jan. 6, 1954	Stepson	1/2
775	550	Godowa, Frank Morgan	---do---	1081	M	63	1892	Head	4/4
776	557	Godowa, LeRoy	---do---	------	M	24	Oct. 9, 1930	Son	4/4
777	551	Godowa, James Ethridge	---do---	------	M	38	July 26, 1916	Head	4/4
778	553	Godowa, James, Jr.	Klamath Agency, Oreg.	------	M	20	May 23, 1934	Brother	15/16
779	554	Godowa, Regina Joyce	---do---	------	F	18	Apr. 11, 1937	Sister	15/16
780	------	Riddle, Roxanne June	Klamath Agency, Oreg.	------	F	8	Oct. 31, 1946	Sister	7/16
781	558	Godowa, Lizzie	Beatty, Oreg.	1082	F	102	1853	Head	4/4
782	561	Godowa, Joseph, Jr.	---do---	748	M	56	1898	Head	4/4
783	564	Grafton, Ada Harrington	Box 264, Chiloquin, Oreg.	1097	F	54	1901	Head	1/2
784	836	Granillo, Rose Marie Fox	5540 Miller Ave., Klamath Falls, Oreg.	------	F	17	Nov. 14, 1937	Head	1/2
785	------	Granillo, Nancy	---do---	------	F	1	Mar. 27, 1954	Daughter	1/4
786	566	Greenback, Charles Alfonso	Route No. 2, Baxter Springs, Kans.	------	M	34	Dec. 7, 1920	Head	3/4
787	1388	Hall, Alverna George	Route No. 3, Box 1629, Oakdale, Calif.	------	F	28	Sept. 6, 1926	Head	15/16
788	------	Chandler, Dennice Rae	---do---	------	F	8	Jan. 12, 1947	Daughter	15/32
789	------	Hall, Inez Marie	---do---	------	F	6	June 20, 1948	Daughter	15/32
790	------	Hall, Therm Martin	---do---	------	M	5	Sept. 23, 1949	Son	15/32
791	------	Hall, Adrian Vaughn	---do---	------	M	4	Jan. 6, 1951	Son	15/32
792	------	Hall, Elliott Wayne	---do---	------	M	2	May 19, 1952	Son	15/32
793	1048	Hall, Marilyn Mitchell	Box 92, Chiloquin, Oreg.	------	F	32	Aug. 22, 1922	Head	5/8
794	------	Mitchell, Valeria Jean	Chiloquin, Oreg.	------	F	8	Feb. 11, 1946	Daughter	5/16
795	------	Hall, Lorraine Marie	---do---	------	F	3	June 6, 1951	Daughter	5/16
796	------	Hall, Louise Lynn	---do---	------	F	2	June 5, 1952	Daughter	5/16
797	------	Hall, Lloyd Lee	---do---	------	M	2	June 5, 1952	Son	5/16
798	------	Hall, Lawrence Allen	---do---	------	M	1	Jan. 24, 1954	Son	5/16
799	569	Hamilton, Alice Allen	1601 Wilford, Klamath Falls, Oreg.	5	F	73	1882	Head	1/4
800	570	Hamilton, Bertrand William	Rt. 3, Box 1180, Klamath Falls, Oreg.	------	M	37	Aug. 30, 1917	Head	1/8
801	571	Hamilton, Gerald William	---do---	------	M	16	June 13, 1938	Son	1/16
802	------	Hamilton, Richard Raymond	---do---	------	M	6	Dec. 17, 1948	Son	1/16
803	------	Hamilton, Patricia Darlene	---do---	------	F	2	Jan. 27, 1953	Daughter	1/16
804	------	Hamilton, Clarence Lewis	Klamath Falls, Oreg.	------	M	25	July 14, 1929	Head	1/8
805	------	Hamilton, Lance R	---do---	------	M	9 mos.	June 20, 1954	Son	1/16
806	496	Hamilton, Leonard Leroy	8774 Beck Pl., Oak Lawn, Ill.	------	M	35	Oct. 15, 1919	Head	1/8
807	------	Hamilton, Robert Leonard	---do---	------	M	10	June 10, 1944	Son	1/16
808	------	Hamilton, Gordon Allen	---do---	------	M	9	Sept. 6, 1945	Son	1/16
809	------	Hamilton, Barbara Lynne	---do---	------	F	8	Dec. 3, 1946	Daughter	1/16
810	572	Harney, Elsie Villard	Owyhee, Nev.	------	F	45	Oct. 1909	Head	4/4
811	868	Harrington, Richard W	Chiloquin, Oreg.	------	M	28	Jan. 19, 1927	Head	1/2
812	1226	Harrington, Ellen Ruff	---do---	------	F	28	July 2, 1926	Wife	3/4
813	------	Wright, John, Jr	---do---	------	M	10	May 15, 1944	Stepson	11/16
814	------	Ruff, Carl Warren	---do---	------	M	9	Oct. 10, 1945	Stepson	3/16
815	------	Wright, Diane Lee	---do---	------	F	7	Jan. 5, 1948	Stepdaughter	11/16
816	------	Harrington, Richard William, Jr	---do---	------	M	4	Sept. 24, 1950	Son	5/8
817	------	Harrington, Sharron Ellen	---do---	------	F	3	Oct. 29, 1951	Daughter	5/8
818	------	Harrington, Jean Duvall	---do---	------	F	2	Apr. 21, 1953	Son	7/16
819	------	Harrington, Emma Lou	---do---	------	F	10 mos.	June 1, 1954	Daughter	7/16
820	574	Harrington, Wilbur	---do---	1095	M	52	1903	Head	1/2
821	890	Harris, Lydia Mae Kirk	---do---	------	F	26	Jan. 3, 1929	Head	3/4
822	------	Kirk, Joseph Stephen	---do---	------	M	10	May 23, 1944	Son	3/8
823	------	Harris, Leonard Woodrow, Jr	---do---	------	M	8	Mar. 5, 1947	Son	3/8
824	------	Kirk, Shelia Ann	---do---	------	F	4	Aug. 31, 1950	Daughter	3/8
825	------	Kirk, Sharon Lee	---do---	------	F	1	Mar. 1, 1954	Daughter	7/8
826	577	Haskins, Buddy	Sprague River, Oreg.	------	M	23	May 11, 1931	Head	1/4
827	1116	Haskins, Mary Norwest	---do---	------	F	21	Sept. 14, 1933	Wife	3/8
828	------	Haskins, Bud John, Jr	---do---	------	M	2	Apr. 8, 1953	Son	5/16
829	875	Haskins, Annette Kirk	Chiloquin, Oreg.	------	F	22	Mar. 29, 1933	Head	7/8
830	579	Haskins, Glen	---do---	------	M	20	Jan. 6, 1935	Head	1/2
831	913	Haskins, Zelmarine Lang	---do---	------	F	26	Sept. 3, 1929	Wife	3/4
832	------	Lang, Elizabeth Marie	---do---	------	F	2	Jan. 26, 1953	Stepdaughter	3/8
833	578	Haskins, Robert Duane	Sprague River, Oreg.	------	M	22	Mar. 3, 1933	Head	1/4
834	587	Hatcher, Allen Ray	Chiloquin, Oreg.	------	M	24	Nov. 15, 1930	Head	3/8
835	------	Hatcher, Kathleen Rae	---do---	------	F	4	Feb. 21, 1951	Daughter	3/16
836	586	Hatcher, Gaylor Lee	---do---	------	M	26	Dec. 20, 1928	Head	3/8
837	583	Hatcher, Luetta Hicks	---do---	1098	F	54	1901	Head	3/4
838	589	Hatcher, Errol Dean	---do---	------	M	19	Dec. 18, 1935	Head	3/8
839	1040	Hatcher, Karen Miller	---do---	------	F	17	July 30, 1937	Wife	3/8
840	585	Hatcher, Wayne Edward	---do---	------	M	28	Apr. 17, 1927	Head	3/8
841	------	Hatcher, Robert Wayne	---do---	------	M	2	Nov. 16, 1952	Son	3/16
842	1142	Hatfield, Margaret Jane Crowder	Box 713, Klamath Falls, Oreg.	------	F	36	Apr. 24, 1919	Head	1/8
843	816	Hatfield, James Lee	---do---	------	M	11	July 8, 1943	Son	1/16
844	862	Hatfield, Ronald Joseph	Chiloquin, Oreg.	------	M	22	Apr. 9, 1933	Head	1/8
845	860	Hawk, Nora Merritt	Klamath Agency, Oreg.	249	F	66	1889	Head	4/4
846	996	Hawkins, Nora McAuliffe	General Delivery, Seneca, Oreg.	------	F	21	Sept. 24, 1933	Head	1/4
847	595	Haymon, Bertram	623 Joplin St., Neosha, Mo.	------	M	55	1900	Head	1/2

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
848	598	Haymon, Marion Corrine	1346 S. Florence Pl., Tulsa, Okla.	------	F	34	May 20, 1920	Head	1/4
849	599	Haymon, Marion Claude	Box 41, Chilocca, Okla.	------	M	59	1896	Head	1/2
850	603	Head, Lawrence Raymond	Chiloquin, Oreg.	------	M	20	May 14, 1934	Head	7/16
851	537	Head, Barbara Gibbons	---do---	------	F	19	Aug. 21, 1935	Wife	3/8
852	------	Head, Faith Marie	---do---	------	F	1	Aug. 15, 1953	Daughter	13/32
853	604	Hecocta, Cleve	Beatty, Oreg.	------	M	40	Jan. 1, 1914	Head	4/4
854	605	Hecocta, Juanita Williams	---do---	1510	F	48	Apr. 19, 1907	Wife	4/4
855	------	Hecocta, Calvin Reed	---do---	------	M	12	Dec. 7, 1942	Son	4/4
856	606	Hecocta, Samuel	---do---	751	M	67	1888	Head	4/4
857	607	Hecocta, Reba Weiser	---do---	1306	F	67	1888	Wife	4/4
858	610	Hecocta, Ellen Miller	Sprague River, Oreg.	565	F	81	1874	Head	4/4
859	611	Hendricks, Fred	274 Whitmore St., Oakland, Calif.	946	M	78	1877	Head	1/2
860	618	Henry, Lavina Chocktoot	Beatty, Oreg.	------	F	39	Feb. 13, 1916	Head	4/4
861	619	Henry, Richard, Jr	---do---	------	M	16	Jan. 28, 1939	Son	4/4
862	------	Henry, LaNew	---do---	------	F	13	July 5, 1941	Daughter	Full
863	------	Henry, Robert Leon	---do---	------	M	11	Sept. 25, 1943	Son	Full
864	622	Henthorne, Clarence Thomas	Chiloquin, Oreg.	------	M	18	Jan. 5, 1937	Head	1/4
865	468	Henthorne, Winnie (Foster)	---do---	------	F	19	Aug. 26, 1935	Wife	1/2
866	620	Hensley, Elvira (Mitchell)	22 Calle Vista Del Monte, Oakview, Calif.	------	F	38	Dec. 23, 1916	Head	1/4
867	------	Herkshan, Charles R	Chiloquin, Oreg.	------	M	5	July 3, 1949	Brother	1/4
868	------	Herkshan, Carmelita Mende	---do---	------	F	8	Dec. 18, 1946	Sister	1/4
869	------	Herkshan, Carol Ann	---do---	------	F	3	June 1, 1951	Sister	1/4
870	626	Herkshan, Enos Evan	---do---	------	M	32	Mar. 29, 1923	Head	Full
871	98	Herkshan, Marceline (Johnson)	1536 SW. 1st Ave., Portland, Oreg.	------	F	25	July 6, 1929	Wife	7/8
872	------	Herkshan, Sarah Helen	---do---	------	F	12	Oct. 8, 1942	Daughter	9/16
873	------	Herkshan, Enos, Jr	---do---	------	M	11	Sept. 17, 1943	Son	9/16
874	624	Herkshan, Tillie (Stokes)	Chiloquin, Oreg.	595	F	65	1890	Wife	Full
875	625	Herkshan, Hiram	Box 412, Tucson, Ariz.	------	M	43	Aug. 12, 1911	Head	Full
876	------	Herkshan, Lawrence Preston	---do---	------	M	15	Feb. 2, 1940	Son	1/4
877	------	Herkshan, Wilford Robert	---do---	------	M	11	July 23, 1943	Son	1/4
878	------	Herkshan, Walter Stephen	---do---	------	M	9	July 11, 1945	Son	1/4
879	------	Herkshan, James Nelson	---do---	------	M	7	Dec. 19, 1947	Son	1/4
880	------	Herkshan, Thomas Krek	---do---	------	M	5	Oct. 27, 1949	Son	1/4
881	588	Hescock, Jessie (Hatcher)	Chiloquin, Oreg.	------	F	22	Feb. 14, 1933	Head	3/8
882	------	Hescock, Keith Allen	---do---	------	M	2	Mar. 17, 1953	Son	3/16
883	632	Hess, Mona (Skeen)	Sprague River, Oreg.	1254	F	49	Sept. 13, 1905	Head	1/2
884	633	Hess, William Douglas	Box 141, Sprague River, Oreg.	------	M	22	Sept. 3, 1932	Head	1/4
885	------	Hess, Janice L	---do---	------	F	5	Nov. 6, 1949	Daughter	1/8
886	------	Hess, Stephen Douglas	---do---	------	M	4	Nov. 25, 1950	Son	1/8
887	------	Hess, Barbara Kay	---do---	------	F	2	Sept. 5, 1952	Daughter	1/8
888	584	Hicks, Harold W	Chiloquin, Oreg.	------	M	31	Jan. 12, 1924	Head	1/2
889	1112	Hicks, Carmelita (Garcia)	---do---	------	F	21	June 4, 1934	Wife	11/16
890	------	Hicks, Cheryl Lynn Hatcher	---do---	------	F	1	Oct. 30, 1953	Daughter	19/32
891	237	Hicks, Leroy Arnold	Box 22641, Steilacoom, Wash.	------	M	27	Dec. 30, 1927	Head	5/8
892	634	Hicks, Roland	Chiloquin, Oreg.	1100	M	51	1904	Head	3/4
893	236	Hicks, Roland James, Jr	---do---	------	M	20	Nov. 20, 1924	Head	5/8
894	350	Hicks, Hildegard (Gentry)	---do---	------	F	21	Feb. 8, 1924	Wife	1/4
895	------	Hicks, Roland J. III	---do---	------	M	12	Dec. 15, 1942	Son	7/16
896	------	Hicks, Beverly Ann	---do---	------	F	8	Nov. 13, 1946	Daughter	7/16
897	------	Hicks, Robert Allen	---do---	------	M	6	May 4, 1948	Son	7/16
898	641	Hicks, Rufus	Box 595, Chiloquin, Oreg.	1099	M	50	1905	Head	3/4
899	812	Hill, Celia J. (Jefferson)	Sprague River, Oreg.	------	F	37	Jan. 28, 1918	Head	1/2
900	------	Decker, Ernestine Fay	---do---	------	F	13	Nov. 22, 1941	Daughter	1/2
901	------	Decker, Everett Ray	---do---	------	M	11	Nov. 8, 1943	Son	1/2
902	------	Decker, Alvin Lee	---do---	------	M	8	Oct. 27, 1946	Son	1/2
903	------	Conney, Delbert, Jr	---do---	------	M	6	Oct. 25, 1948	Son	9/16
904	------	Jefferson, Avanna Alene	---do---	------	F	2	Sept. 2, 1952	Daughter	1/4
905	645	Hill, Evans E. Nelson Garcia	Klamath Agency, Oreg.	------	M	41	Nov. 25, 1913	Head	3/8
906	646	Hill, Veryl (Barkley)	---do---	------	F	33	June 16, 1921	Wife	1/2
907	647	Hill, Phillip W	---do---	------	M	16	Apr. 20, 1939	Son	7/16
908	------	Nelson, Evans Elmer, Jr	---do---	------	M	9	Apr. 29, 1945	Son	7/16
909	------	Nelson, Allen Keith	---do---	------	M	2	June 3, 1952	Son	7/16
910	------	Nelson, Verla Anne	---do---	------	F	1	Oct. 2, 1953	Daughter	7/16
911	655	Hill, Gerald Leroy	Box 47, Modoc Point, Oreg.	------	M	21	Aug. 29, 1933	Head	Full
912	------	Hill, Kathleen	---do---	------	F	3	June 23, 1951	Daughter	1/4
913	------	Hill, Gerald Leroy, Jr	---do---	------	M	1	Mar. 22, 1954	Son	1/4
914	648	Hill, Lawrence	Klamath Agency, Oreg.	------	M	45	May 18, 1910	Head	3/4
915	649	Hill, Roy Milton	---do---	------	M	18	June 29, 1936	Son	1/2
916	------	Hill, Carmen Lorraine	---do---	------	F	15	June 24, 1939	Daughter	1/2
917	------	Hill, Alissa Karen	---do---	------	F	12	May 22, 1942	Daughter	1/2
918	652	Hill, Harold Allen	Chiloquin, Oreg.	------	M	24	Apr. 9, 1931	Brother	Full
919	653	Hill, Phyllis Mae	---do---	------	F	18	Aug. 12, 1936	Sister	Full
920	654	Hill, Wilford Dean	---do---	------	M	17	Nov. 14, 1937	Brother	Full
921	------	Brown, Fred James, Jr	---do---	------	M	11	Nov. 10, 1943	Brother	1/2
922	------	Hill, Loretta M	---do---	------	F	2	June 19, 1952	Daughter	1/4
923	534	Hillaire, Phyllis (Miller)	Marietta, Wash.	------	F	25	Sept. 3, 1929	Head	13/16
924	------	Hillaire, Valdeen Lynn	---do---	------	F	4	June 14, 1950	Daughter	13/32
925	------	Hillaire, Richard Raymond, Jr	---do---	------	M	3	Nov. 5, 1951	Son	13/32
926	------	Hillaire, Doreen Eve	---do---	------	F	1	Nov. 13, 193	Daughter	13/32
927	------	Hixon, Lee Arlott	Beatty, Oreg.	------	M	34	Dec. 19, 1920	Head	1/4
928	441	Hixon, Wilbur Gordon	---do---	------	F	38	Apr. 1, 1917	Head	1/4
929	286	Hobbs, Alice M. (Gentry)	Box 27A, Chiloquin, Oreg.	------	M	4	Apr. 12, 1951	Adopted son	21/32
930	------	Hobbs, Joseph Daniel	---do---	------	F	1	Oct. 2, 1953	Adopted daughter	15/32
931	------	Hobbs, Clara Eileen	---do---	------	M	24	Aug. 2, 1930	Head	7/8
932	666	Hood, Charles, Jr	2921 SE. Morrison, Portland, Oreg.	------	F	22	Mar. 11, 1933	Wife	15/16
933	734	Hood, Mary A. (Jackson)	Klamath Agency, Oreg.	341	M	58	1897	Head	Full
934	659	Hood, Charles	Sprague River, Oreg.	567	F	56	1899	Wife	3/4
935	660	Hood, Thelma (Miller)	Klamath Agency, Oreg.	------	M	31	May 25, 1923	Stepson	7/8
936	663	Ball, Delwin Percy	PMH 8657 H, Springfield, Mo.	------	M	20	Dec. 15, 1934	Son	7/8
937	668	Hood, Julian Roland	Sprague River, Oreg.	------	M	16	Dec. 21, 1938	Son	7/8
938	670	Hood, Harvi	---do---	869	F	73	1882	Head	Full
939	671	Hood, Claudia (Weiser)	Chiloquin, Oreg.	------	M	19	Sept. 23, 1935	Head	13/16
940	676	Hood, Fred, Jr	---do---	------	M	35	Feb. 28, 1920	Head	Full
941	677	Hood, Lloyd L	---do---	------	F	43	Feb. 27, 1912	Head	1/4
942	581	Hood, Alice (O'Donovan)	---do---	------	M	42	Apr. 1, 1913	Head	Full
943	672	Hood, Vernie	---do---	------	F	28	July 23, 1926	Wife	Full
944	224	Hood, Betty M. Chocktoot	Beatty, Oreg.	------	M	6	June 9, 1948	Son	Full
945	------	Hood, Joseph James	---do---	------	M	4	Nov. 7, 1950	Son	Full
946	------	Hood, Warren Lee	---do---	------	M	3	Nov. 14, 1951	Stepson	1/2
947	------	Chocktoot, Phillip	---do---	------	F	2	Jan. 12, 1953	Stepdaughter	1/2
948	------	Chocktoot, Phyllis	---do---	1300	F	55	1900	Head	Full
949	681	Hoover, Leona Weeks	Chiloquin, Oreg.	------	M	38	Aug. 22, 1916	Head	3/4
950	683	Hoover, Franklin	---do---	------	M	29	Mar. 20, 1926	Head	3/4
951	685	Hoover, Leroy Merton	Route 3, Box 150, College Park, Ga.	------	M	23	Mar. 14, 1932	Head	3/4
952	1158	Hoover, Raymond D	Klamath Agency, Oreg.	------	F	21	Dec. 10, 1933	Wife	1/2
953	1457	Hoover, Laura Jackson	---do---	------					

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
954	177	Horton, Addie Weeks	Chiloquin, Oreg		F	40	Nov. 30, 1914	Head	Full
955	1035	Hoppe, Ida Miller	do		F	32	Nov. 24, 1922	Head	3/8
956	------	Wright, George Leroy	do		M	14	July 5, 1940	Son	1/2
957	------	Wright, Andrea Laverne	do		F	13	Feb. 27, 1942	Daughter	1/2
958	------	Hoppe, Deena Marie	do		F	1	Aug. 12, 1953	Daughter	3/16
959	960	Hubbard, Lauranda Lynch	Beatty, Oreg	812	F	57	1898	Head	Full
960	678	Hudson, Elva Tice	Salem, Oreg		F	42	Apr. 25, 1912	Head	3/8
961	------	Hood, Constance Faye	do		F	13	July 24, 1941	Daughter	11/16
962	691	Huff, Rose Hood	9013 N. Gilbert Ave., Portland 3, Oreg	1563	F	66	1889	Head	3/4
963	693	Huff, William Arnold	Chiloquin, Oreg		M	32	Jan. 5, 1923	Head	3/8
964	701	Huitt, Robert J	Klamath Falls, Oreg		M	21	Oct. 28, 1933	Head	1/2
965	------	Huitt, Fred	Talent, Oreg		M	16	July 16, 1938	Brother	1/2
966	------	Huitt, Donald	Ashland, Oreg		M	15	Dec. 23, 1929	Brother	1/2
967	696	Huitt, Walter Charles	Klamath Falls, Oreg		M	25	June 3, 1929	Head	5/8
968	------	Huitt, Linda	do		F	6	Apr. 11, 1949	Daughter	1/4
969	------	Huitt, Ramona Lee	do		F	4	Aug. 8, 1950	Daughter	1/4
970	------	Huitt, Michael	do		M	3	Nov. 26, 1951	Son	1/4
971	699	Huitt, Ralph David	Klamath Agency, Oreg		M	24	July 17, 1930	Head	1/2
972	449	Huitt, Lavenie Cowan	do		F	19	May 21, 1935	Wife	3/8
973	703	Hull, Jeff	do		M	37	Dec. 22, 1917	Head	1/2
974	704	Hull, Willard T	Chiloquin, Oreg		M	32	Aug. 15, 1922	Head	3/8
975	871	Hull, Edna Mae Kimball	c/o W. L. Dunagan, 905 Reddy St., Medford, Oreg.		F	18	Apr. 23, 1936	Wife	1/4
976	705	Hunt, Tressie Brown	Chiloquin, Oreg		F	36	May 1918	Head	Full
977	706	Hunt, Levi, Jr	do		M	19	May 14, 1935	Sister	1/2
978	707	Hunt, Vincent Jesepher	do		M	15	May 20, 1939	Sister	1/2
979	------	Hunt, Christine Sandra	do		F	3	May 27, 1951	Daughter	1/2
980	1377	Hunter, Beatrice Walker	Beatty, Oreg		F	30	Jan. 3, 1925	Head	1/8
981	------	Hunter, Richard Stephen	do		M	8	Aug. 3, 1946	Sister	1/16
982	708	Hunter, Inez Weeks	1112 Delta, Klamath Falls, Oreg	944	F	58	1897	Head	Full
983	402	Huntsinger, Margaret Dillstrom	Box 713, Klamath Falls, Oreg		F	23	Mar. 9, 1932	Head	1/16
984	395	Hurtado, Catherine Stokes	Chiloquin, Oreg	1273	F	47	June 11, 1907	Head	Full
985	1248	Hurtado, Roma Scott	Beatty, Oreg		F	29	Dec. 31, 1925	Head	3/4
986	------	Hurtado, Jorene Jean	do		F	9 mos.	June 3, 1954	Daughter	1/4
987	711	Hurtado, Rubina Scott	P. O. Box 283, Lewisville, Idaho		F	38	Sept. 2, 1916	Head	3/4
988	712	Hurtado, Roma Lee	do		F	16	May 1, 1938	Daughter	5/8
989	------	Hurtado, Ned Lewis	do		M	14	Dec. 11, 1940	Son	5/8
990	------	Hurtado, Nadyna Louise	do		F	10	Aug. 28, 1944	Daughter	5/8
991	------	Hurtado, Fadyna Kay	do		F	10	Aug. 28, 1944	Daughter	5/8
992	------	Hurtado, Frankie Kay	do		M	8	Aug. 1, 1946	Son	5/8
993	------	Hurtado, Ruby Louise	do		F	6	Aug. 8, 1949	Daughter	5/8
994	------	Hurtado, Rodney Lynn	do		M	2	Jan. 3, 1953	Son	5/8
995	713	Hutchinson, John	Beatty, Oreg	766	M	70	1885	Head	Full
996	714	Hutchinson, Ora George	do	338	F	58	1897	Wife	Full
997	715	Hutchinson, Francis Alvin	do		M	32	Jan. 11, 1923	Son	Full
998	718	Hutchinson, Louis Wallace	do		M	27	Mar. 17, 1928	Son	Full
999	719	Hutchinson, Calvin Milton	do		M	23	Sept. 27, 1931	Son	Full
1000	720	Hutchinson, Rudolph	do		M	21	Oct. 2, 1933	Son	Full
1001	721	Hutchinson, Velma Eleanor	do		F	18	May 9, 1937	Daughter	Full
1002	717	Hutchinson, John Bob	do		M	28	June 24, 1926	Head	Full
1003	113	Hutchinson, Madeline Riddle	do		F	28	Aug. 11, 1926	Wife	7/8
1004	------	Jackson, Bonna Faye	do		F	10	Nov. 19, 1944	Stepdaughter	15/16
1005	------	Hutchinson, Robert Leon	do		M	6	May 14, 1948	Son	15/16
1006	------	Hutchinson, Donna Lynn	do		F	14	Dec. 11, 1950	Daughter	15/16
1007	------	Hutchinson, Gary Duane	do		M	1	Aug. 3, 1953	Son	15/16
1008	716	Hutchinson, Lee Andrew	do		M	31	Apr. 5, 1924	Head	Full
1009	396	Hutchinson, Arlene Riddle	do		F	36	July 7, 1918	Wife	7/8
1010	------	Dickens, Bernadine June	do		F	13	Sept. 11, 1941	Stepdaughter	7/16
1011	------	Jackson, Charlene Maize	do		F	11	May 28, 1943	Stepdaughter	15/16
1012	------	Hutchinson, Vera Lee	do		F	8	Oct. 2, 1946	Daughter	15/16
1013	------	Hutchinson, Joyce Arline	do		F	7	Feb. 11, 1948	Daughter	15/16
1014	------	Hutchinson, Arlin Calvin	do		M	3	Dec. 25, 1951	Son	15/16
1015	722	Hutchinson, Lester Cleveland	do	770	M	61	1894	Head	Full
1016	726	Ide, John Harrison	735 Stony Ford Dr., Salma, Calif		M	22	Nov. 30, 1932	Brother	1/8
1017	727	Ide, Donald Ray	do		M	19	May 8, 1935	Brother	1/8
1018	1352	Ince, Josephine Tupper	Chiloquin, Oreg		F	38	July 27, 1916	Head	7/8
1019	728	Isaacs, Alfred	do		M	37	Sept. 25, 1917	Head	Full
1020	97	Isaacs, Marvin	do		M	35	Oct. 10, 1919	Head	Full
1021	1049	Jack, Delora Mitchell	do		F	31	Sept. 29, 1923	Head	5/8
1022	------	Jack, Cheryl Marie	do		F	9	Aug. 20, 1945	Daughter	5/16
1023	------	Jack, Reda Grace	do		F	8	Aug. 4, 1946	Daughter	5/16
1024	------	Cole, Geraldine Marie	do		F	15	Mar. 28, 1940	Cousin	5/8
1025	730	Jackson, Alvin	do	1593	M	46	Feb. 16, 1909	Head	Full
1026	222	Smith, Eda Chocktoot	do		F	33	Feb. 17, 1922	Wife	Full
1027	------	Chocktoot, Robert	do		M	11	Dec. 16, 1943	Stepsister	3/4
1028	------	Smith, Linda Lou	do		F	8	Nov. 22, 1946	Stepdaughter	Full
1029	------	Smith, Lida Mae	do		F	6	Sept. 18, 1948	Stepdaughter	Full
1030	------	Smith, Judy Yvonne	do		F	5	Mar. 18, 1950	Stepdaughter	Full
1031	------	Smith, Ida Mae	do		F	3	July 12, 1951	Stepdaughter	Full
1032	731	Jackson, Cordelia George	2717 S. Ash, Portland, Oreg	1076	F	51	1904	Head	Full
1033	735	Jackson, Alvin James	do		M	16	Apr. 20, 1938	Son	Full
1034	------	Jackson, Alberta Faye	do		F	15	Apr. 15, 1940	Daughter	Full
1035	------	Jackson, Ilene Marie	do		F	12	Apr. 22, 1942	Daughter	Full
1036	------	Jackson, Richard Allen	do		M	8	June 6, 1946	Son	Full
1037	------	Jackson, Marilyn May	do		F	10	May 6, 1944	Daughter	Full
1038	736	Jackson, Athos	Chiloquin, Oreg	1598	M	45	Mar. 12, 1910	Head	1/2
1039	737	Jackson, Tathema Ardith	Box 69, Wasquoit, Mass		F	24	Mar. 11, 1931	Daughter	11/16
1040	738	Jackson, Aramis Gray	Chiloquin, Oreg		M	21	Sept. 24, 1933	Son	11/16
1041	739	Jackson, Athos Gail	do		M	16	Dec. 2, 1938	Son	11/16
1042	------	Jackson, Dorothy Jeanette	do		F	14	Feb. 28, 1941	Daughter	1/4
1043	------	Jackson, Irene Louise	do		F	13	Jan. 17, 1942	Daughter	1/4
1044	------	Jackson, Brian Lee	do		M	12	Dec. 29, 1942	Son	1/4
1045	------	Jackson, Stanely Harlan	do		M	10	Oct. 28, 1944	Son	1/4
1046	------	Jackson, Walter Harley	do		M	9	Oct. 28, 1945	Son	1/4
1047	------	Jackson, Judith Claudia	do		F	5	Oct. 15, 1949	Daughter	1/4
1048	------	Jackson, Gary Alan	do		M	4	Oct. 22, 1950	Son	1/4
1049	------	Jackson, Rickey Warren	do		M	3	Apr. 16, 1952	Son	1/4
1050	------	Jackson, Kathryn April	do		F	1	Apr. 26, 1953	Daughter	1/4
1051	704	Jackson, Boyd J	Klamath Agency, Oreg	795	M	67	1888	Head	Full
1052	741	Jackson, Boyd J., Jr	do		M	36	Jan. 5, 1919	Head	3/4
1053	743	Jackson, Boyd J., III	do		M	16	Jan. 4, 1939	Son	13/16
1054	------	Jackson, Dennis Ray	do		M	2	Nov. 1, 1952	Son	1/4
1055	------	Jackson, Isaac Backarlab	do		M	1	Sept. 4, 1953	Son	1/4
1056	743	Jackson, Carol Fleming	Chiloquin, Oreg		M	25	Sept. 29, 1929	Head	1/2
1057	1065	Jackson, Loyette Moppen	do		F	24	July 19, 1930	Wife	7/16
1058	------	Jackson, Merris Lavonne	do		F	1	Nov. 1, 1953	Daughter	15/32

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
1059	760	Jackson, Edna Captain	1931 Wantland, Klamath Falls, Oreg		F	43	June 20, 1911	Head	Full
1060	762	Jackson, Julia Phyllis	do		F	17	Feb. 7, 1938	Daughter	Full
1061	766	Jackson, Harley	Chiloquin, Oreg		M	44	Sept. 8, 1910	Head	Full
1062	764	Jackson, Harry	do	521	M	75	July 10, 1880	Head	Full
1063	765	Jackson, Amy John	do	187	F	68	Nov. 1887	Wife	Full
1064	1412	Jackson, Ivey Beecher	Sprague River, Oreg		M	30	Nov. 17, 1924	Head	15/16
1065	974	Jackson, Yvonne Lugo	do		F	18	Oct. 30, 1936	Wife	1/2
1066	------	Lugo, Carmen Jean	do		F	2	Feb. 4, 1953	Stepdaughter	1/4
1067	------	Lugo, Roger Herbert	do		M	1	Apr. 16, 1954	Son	23/32
1068	774	Jackson, John, Jr	Chiloquin, Oreg		M	32	Apr. 2, 1921	Head	Full
1069	------	Jackson, Carrie Mae	do		F	4	Dec. 13, 1950	Daughter	1/2
1070	------	Jackson, Paul Thomas	do		M	3	Mar. 26, 1952	Son	1/2
1071	745	Jackson, Jonathan Adolph	Klamath Agency, Oreg		M	29	June 10, 1925	Head	3/4
1072	99	Jackson, Loraine Bazan	do		F	20	Aug. 3, 1934	Wife	1/2
1073	------	Jackson, Melford Harlan	do		M	3	July 21, 1951	Son	1/2
1074	------	Jackson, Janice Lee	do		F	2	July 8, 1952	Daughter	1/2
1075	------	Jackson, Veneta Anne	do		F	1	June 7, 1953	Daughter	1/2
1076	749	Jackson, Carl Stephen	Route 1, Box 208, Arcata, Calif		M	25	Sept. 29, 1929	Head	1/2
1077	1067	Jackson, Eloise Moppen	do		F	21	Feb. 10, 1934	Wife	7/16
1078	------	Jackson, Gloria Lynn	do		F	1	Dec. 30, 1953	Daughter	15/32
1079	777	Jackson, Joseph, Jr	Box 390, Boring, Oreg		M	32	Aug. 23, 1922	Head	7/8
1080	783	Jackson, Norma Weeks	Chiloquin, Oreg	1303	F	51	1904	Head	Full
1081	787	Jackson, Leon Isaacs	do		M	19	Oct. 5, 1935	Son	Full
1082	------	Jackson, Nancy Lee	do		F	14	July 20, 1940	Daughter	Full
1083	------	Jackson, Victoria	do		F	11	Dec. 10, 1943	Daughter	7/8
1084	788	Jackson, Patrick J	do	522	M	69	1886	Head	Full
1085	789	Jackson, Fanny O	do	547	F	64	Oct. 7, 1891	Head	Full
1086	767	Jackson, Patricia Pauline	do		F	26	Feb. 4, 1929	Head	Full
1087	------	Jackson, Thurman Joseph	do		M	6	June 23, 1948	Son	1/2
1088	795	Jackson, Larson Lee	Beatty, Oreg		M	31	May 19, 1923	Head	Full
1089	501	Jackson, Lorna N. Riddle	do		F	25	July 1, 1929	Wife	3/4
1090	------	Jackson, Rose Mary	do		F	14	Nov. 17, 1950	Daughter	7/8
1091	------	Jackson, Christman	do		M	3	Dec. 8, 1951	Son	7/8
1092	------	Jackson, Gilbert Lee	do		M	2	Jan. 24, 1953	Son	7/8
1093	------	Jackson, LaNell Lee	do		F	1	Dec. 20, 1953	Daughter	7/8
1094	796	Jackson, Lawrence Dale	do		M	29	Mar. 2, 1925	Brother	Full
1095	798	Jackson, Victor Henry	do		M	26	Feb. 12, 1929	Brother	Full
1096	799	Jackson, Raymond Mathew	do		M	24	Jan. 5, 1931	Brother	Full
1097	801	Jackson, Le Roy	do		M	19	Aug. 22, 1935	Brother	Full
1098	802	Jackson, Caledonia Pearl	do		F	17	Sept. 4, 1937	Sister	Full
1099	------	Jackson, Norman Harry	do		M	12	Feb. 1, 1943	Brother	Full
1100	63	Jackson, Phyllis Barkley	Box 344, Hitchcock, Tex		F	31	June 23, 1923	Head	5/8
1101	------	Jackson, Gloria Jeanne	do		F	16	Jan. 12, 1949	Daughter	5/16
1102	------	Jackson, Lestley, Jr	do		M	4	July 22, 1950	Son	5/16
1103	------	Jackson, Donald Thomas	do		M	1	Dec. 11, 1953	Son	5/16
1104	751	Jackson, Richard Marlan	Arcata, Calif		M	17	June 23, 1937	Brother	3/8
1105	752	Bailey, Sonya Dearest	do		F	16	Dec. 18, 1938	Sister	1/2
1106	800	Jackson, Robert Ernest	Beatty, Oreg		M	22	Apr. 1, 1933	Head	Full
1107	1261	Jackson, Nettie Shadley	Chiloquin, Oreg		F	17	Dec. 17, 1937	Wife	3/8
1108	------	Shadley, Beverly Arlene	do		F	1	Mar. 24, 1954	Daughter	11/16
1109	797	Jackson, Roland Charles	Beatty, Oreg		M	28	Feb. 23, 1927	Head	Full
1110	503	Jackson, Frances Garcia	do		F	21	Aug. 26, 1933	Wife	1/2
1111	568	Jackson, Gertrude Harrington	Box 246, Beatty, Oreg		F	29	Aug. 23, 1925	Head	1/2
1112	------	Jackson, Shirley Rose	Klamath Agency, Oreg		F	13	July 20, 1941	Daughter	3/4
1113	1413	Jackson, Virgil Durand	Eagle Point, Oreg		M	29	Apr. 2, 1926	Head	15/16
1114	1258	Jackson, Jessie Shadley	do		F	25	July 12, 1929	Wife	3/8
1115	------	Jackson, Holli Vern	do		M	2	Oct. 21, 1952	Son	15/32
1116	------	Jackson, Ivan Ivey	do		M	7	Feb. 14, 1948	Stepson	21/32
1117	------	Jackson, Ava June	do		F	5	June 10, 1949	Stepdaughter	21/32
1118	------	Jackson, William Ken	do		M	2	Dec. 25, 1952	Stepson	21/32
1119	------	Jackson, Virgil Durand, Jr	do		M	1	Mar. 7, 1954	Son	21/32
1120	809	James, Clyde L	Box 865, Taos, N. Mex		M	55	Mar. 9, 1900	Head	1/2
1121	810	James, Patricia Darlene	do		F	15	May 15, 1939	Daughter	1/4
1122	------	James, Clyde S	do		M	14	Dec. 28, 1940	Son	1/4
1123	------	James, Viola Darnell	do		F	12	Aug. 23, 1942	Daughter	1/4
1124	231	Jefferson, Eda Chester	General Delivery, Pilot Rock, Oreg		F	28	Apr. 25, 1926	Head	Full
1125	------	Thompson, Lorraine Joyce	do		F	7	Nov. 6, 1947	Daughter	3/4
1126	------	Thompson, Donna Leah	do		F	5	Mar. 12, 1949	Daughter	3/4
1127	------	Thompson, Maria Elaine	do		F	4	Oct. 28, 1950	Daughter	3/4
1128	------	Thompson, Marvin, Jr	do		M	3	Apr. 12, 1952	Son	3/4
1129	------	Jefferson, Lyman Chester	do		M	1	Jan. 3, 1954	Son	1/2
1130	1218	Jefferson, Florence Rossi	608 E. Holly, Bellingham, Wash		F	24	Mar. 22, 1931	Head	1/4
1131	------	Jefferson, Teresa Marie	do		F	11 mos.	Apr. 10, 1954	Daughter	1/8
1132	1177	Jepson, Earl Rambo	16 Miller Lane, Roseburg, Oreg		M	36	Nov. 28, 1918	Head	1/8
1133	------	Rambo, Richard Brian	do		M	6	Nov. 23, 1948	Son	1/16
1134	------	Rambo, Douglas Earl	do		M	4	Aug. 22, 1950	Son	1/16
1135	------	Rambo, Michael Lynn	do		M	1	Oct. 29, 1953	Son	1/16
1136	815	Jiminez, Ima Lotches	3011 Delaware, Klamath Falls, Oreg		F	43	Aug. 6, 1911	Head	Full
1137	818	Jiminez, Ramon	do		M	20	July 25, 1934	Son	1/2
1138	819	Jiminez, Modesto	do		M	18	Mar. 8, 1937	Son	1/2
1139	------	Jiminez, Madeline Antonia	do		F	13	Aug. 29, 1941	Daughter	1/2
1140	------	Jiminez, Linda Eloda	do		F	9	Aug. 29, 1945	Daughter	1/2
1141	------	Jiminez, Allen T	do		M	7	Nov. 19, 1947	Son	1/2
1142	817	Jiminez, Morris	Vets Village No. 17, Ashland, Oreg		M	22	Mar. 9, 1933	Head	1/2
1143	------	Jiminez, Dawn Lynette	do		F	1	Sept. 5, 1953	Daughter	1/4
1144	483	Joe, Bernice (Foster)	Beatty, Oreg		F	28	Mar. 30, 1927	Head	Full
1145	------	Joe, Woody A., Jr	do		M	6	Apr. 19, 1949	Son	1/2
1146	------	Joe, Eugene	do		M	3	Nov. 10, 1951	Son	1/2
1147	1025	Joe, Dorcas (Miller)	Chiloquin, Oreg		F	33	May 30, 1921	Head	Full
1148	------	Joe, Georgina Rosalie	do		F	8	Sept. 11, 1946	Daughter	1/2
1149	------	Joe, Ruth Elizabeth	do		F	7	Mar. 11, 1948	Daughter	1/2
1150	820	Joe, Ethel (Miller)	do		F	36	Jan. 29, 1919	Head	3/8
1151	821	Joe, Vernon Lee	do		M	18	Sept. 16, 1936	Son	3/16
1152	822	Joe, Georgiana	do		F	17	Oct. 17, 1937	Daughter	3/16
1153	823	Joe, Ivan	do		M	16	Jan. 10, 1939	Son	3/16
1154	833	John, Beatty	Beatty, Oreg	1147	M	58	Dec. 16, 1906	Head	Full
1155	827	John, Frank	Nixon, Nev	1152	M	64	1891	Head	Full
1156	829	John, Rollin	do		M	28	Feb. 6, 1926	Son	Full
1157	831	John, Nevel	do		M	21	Feb. 23, 1934	Son	Full
1158	832	John, Kate (Villard)	Beatty, Oreg	459	F	82	1873	Head	Full
1159	32	John, Richard Leroy	Portland, Oreg		M	28	July 30, 1926	Head	Full
1160	------	John, Karen Karlene	do		F	6	Jan. 28, 1949	Daughter	1/2
1161	------	John, Gloria Jean	do		F	4	Jan. 22, 1951	Daughter	1/2
1162	------	John, Richard Allen	do		M	2	May 11, 1952	Son	1/2

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
1163	1155	Johns, Virginia Pete	Pittsburg, Calif	------	F	36	June 13, 1918	Head	3/4
1164	1156	Pete, Carol Ann	----do	------	F	17	Apr. 25, 1938	Daughter	5/8
1165	------	Pete, Norman Virgil	----do	------	M	14	Apr. 4, 1941	Son	13/32
1166	------	Johns, Dorothy Marilyn	----do	------	F	11	June 7, 1943	Daughter	3/8
1167	------	Johns, Benjamin Daryl	----do	------	M	8	May 18, 1946	Son	3/8
1168	------	John, Ronald E	----do	------	M	7	July 26, 1947	Son	3/8
1169	------	Johns, Gerald Allan	----do	------	M	4	Sept. 2, 1950	Son	3/8
1170	837	Johnson, Adlai	Chiloquin, Oreg	203	M	68	1887	Head	Full
1171	839	Johnson, Buford	Tacoma, Wash	1583	M	45	Nov. 4, 1909	Head	3/4
1172	239	Johnson, Helen (Clinton)	Salem, Oreg	------	F	3	June 25, 1951	Daughter	3/8
1173	------	Johnson, Harriet Marie	----do	------	M	79	1876	Head	Full
1174	844	Johnson, James	Chiloquin, Oreg	204	M	60	1895	Wife	Full
1175	845	Johnson, Margaret M. (David)	----do	317	F	13	Oct. 10, 1941	Brother	3/4
1176	------	Johnson, Joseph, Jr	Gardenville, Nev	------	M	14	Apr. 22, 1940	Sister	3/4
1177	------	Johnson, Maxine Louise	----do	------	F	11	June 23, 1943	Brother	3/4
1178	------	Johnson, Robert Leroy	----do	------	M	42	Mar. 10, 1913	Head	3/4
1179	848	Johnson, Seda (Cowan)	Chiloquin, Oreg	------	F	15	Nov. 4, 1939	Daughter	1/2
1180	849	Johnson, Carolyn Faye	----do	------	F	11	Nov. 27, 1943	Son	3/8
1181	------	James, Michael Clay	----do	------	M	7	Apr. 30, 1947	Son	3/8
1182	------	Fivekiller, Lonny Patrick	----do	------	M	60	1895	Head	Full
1183	851	Jones, Blanche (Wilson)	----do	628	F	25	Sept. 10, 1929	Head	1/2
1184	853	Jones, Jack Howard	----do	------	M	3	Feb. 23, 1952	Son	1/4
1185	------	Jones, Ronald Jamie	----do	------	M	29	July 17, 1925	Head	15/16
1186	1387	Jordon, Louverna (George)	Roseburg, Oreg	------	F	7	June 20, 1947	Son	15/32
1187	------	Jordon, Vernon Dean	----do	------	F	5	Dec. 31, 1949	Daughter	15/32
1188	------	Jordon, Faydeen	----do	------	F	67	1888	Head	3/4
1189	856	Jourdain, Ormie Beal	Chiloquin, Oreg	42	F	49	Feb. 25, 1906	Head	1/2
1190	316	Karr, Rosetta (Crawford)	325 Martin, Klamath Falls, Oreg	1500	M	26	May 18, 1928	Head	1/8
1191	858	Keane, John Joseph	892 North 21st St., Springfield, Oreg	------	F	51	Jan. 20, 1904	Head	1/4
1192	857	Keane, Lyda (Coburn)	----do	1482	M	20	Jan 29, 1935	Son	1/8
1193	860	Keane, Maurice Eugene	----do	------	F	75	1880	Head	3/4
1194	861	Kerrigan, Rose (Miller)	Klamath Agency, Oreg	568	F	45	Nov. 24, 1909	Head	3/8
1195	863	Kidwell, Zilphy (Walker)	Box 243, Seneca, Mo	------	F	26	Sept. 6, 1928	Daughter	3/16
1196	864	Kidwell, Wanda Jean	Route 2, Box 905, Lakeside, Calif	------	M	20	May 6, 1934	Head	1/4
1197	872	Kimbol, Charles E	Chiloquin, Oreg	------	F	20	Dec. 27, 1934	Wife	1/2
1198	325	Kimbol, Harlene (Crume)	----do	------	M	2	May 13, 1952	Stepson	1/4
1199	------	Crume, Harley H	----do	------	M	1	June 29, 1953	Son	7/16
1200	------	Kimbol, Delbert Lee	----do	------	F	10 mos.	June 18, 1954	Daughter	7/16
1201	------	Kimbol, Vivian Norene	----do	------	F	49	June 21, 1905	Head	Full
1202	873	Kirk, Abner	----do	1167	M	46	Mar. 7, 1908	Wife	3/4
1203	874	Kirk, Dolly (Blair)	----do	973	F	54	May 11, 1900	Head	3/4
1204	877	Kirk, Francis	----do	1488	M	25	Nov. 19, 1929	Son	1/2
1205	879	Kirk, Donald Francis	----do	------	M	21	Mar. 31, 1934	Son	1/2
1206	880	Kirk, Robert Wayne	----do	------	F	18	Aug. 14, 1936	Daughter	1/2
1207	881	Kirk, Ruth Faye	----do	------	F	3	Mar. 30, 1952	Granddaughter	1/4
1208	------	Kirk, Roberta Lee	----do	------	F	16	Mar. 26, 1939	Daughter	1/2
1209	882	Kirk, Barbara Joyce	----do	------	M	43	Oct. 2, 1911	Head	3/4
1210	883	Kirk, Friedman	----do	------	F	19	Feb. 15, 1936	Daughter	11/16
1211	884	Kirk, Frieda	----do	------	M	13	Sept. 27, 1941	Son	11/16
1212	------	Kirk, Orin Gordon	----do	------	M	61	Aug. 28, 1894	Head	3/4
1213	885	Kirk, Jesse Lee	Beatty, Oreg	1166	F	42	Dec. 24, 1912	Wife	3/4
1214	1089	Kirk, Olivia (Robinson)	----do	------	M	10	Mar. 13, 1945	Son	7/8
1215	------	Kirk, John Edward	----do	------	F	8	Jan. 5, 1947	Daughter	7/8
1216	------	Kirk, Gloria Jean	----do	------	F	20	July 3, 1934	Stepdaughter	7/8
1217	1091	Nelson, Maxine Ray	----do	------	M	8	Jan. 13, 1947	Stepson	7/8
1218	------	Nelson, Erin Lee	----do	------	M	5	Feb. 5, 1950	Stepgrandson	7/16
1219	------	Nelson, Erik Ardean	----do	------	M	2	Apr. 22, 1952	Son	3/4
1220	------	Kirk, Leslie Herman	----do	------	M	27	Oct. 17, 1927	Head	3/4
1221	889	Kirk, Jesse Lee, Jr	----do	------	F	50	Feb. 19, 1905	Head	3/4
1222	886	Kirk, Lauretta (Skeen)	Chiloquin, Oreg	1257	F	13	July 26, 1941	Granddaughter	5/8
1223	------	Kirk, Letitia Josephine	----do	------	F	76	1879	Head	1/2
1224	895	Kirk, Lizzie (Knight)	----do	268	M	44	Apr. 23, 1911	Head	5/8
1225	892	Kirk, Luther Joseph	----do	------	F	37	1917	Wife	15/16
1226	893	Kirk, Gladys (Jackson)	Sprague River, Oreg	------	M	19	Dec. 27, 1935	Stepson	15/16
1227	894	Jackson, Phillip Duane	----do	------	M	16	Aug. 18, 1938	Stepson	23/32
1228	895	Jackson, Jerald	----do	------	M	1	Sept. 14, 1953	Stepdaughter	31/32
1229	------	Kirk, Carmelita R	----do	1224	F	45	July 29, 1909	Head	1/4
1230	878	Kirk, Rebecca (Orr)	Chiloquin, Oreg	554	M	70	Apr. 6, 1884	Head	3/4
1231	897	Kirk, Seldon	Klamath Ageney, Oreg	------	F	37	Oct. 1, 1918	Head	3/4
1232	899	Kirk, Lelia Constance	----do	------	M	1	Dec. 2, 1953	Son	3/8
1233	------	Kirk, Raymond Lyle	----do	------	M	24	Nov. 12, 1930	Head	3/4
1234	891	Kirk, Stephen Henry	Beatty, Oreg	------	F	24	June 24, 1930	Wife	7/8
1235	1090	Kirk, Geraldine (Nelson)	----do	------	M	3	Oct. 22, 1951	Son	13/16
1236	------	Kirk, Stephen Jesse	----do	------	M	58	1897	Head	3/4
1237	900	Kirk, William Henry	Chiloquin, Oreg	1447	F	44	May 15, 1910	Wife	3/4
1238	901	Kirk, Eleanor (Blair)	----do	------	M	26	Sept. 8, 1928	Son	3/4
1239	902	Kirk, William, Jr	----do	------	M	24	Nov. 5, 1930	Son	3/4
1240	903	Kirk, Richard Winfield	----do	------	M	22	June 28, 1932	Son	3/4
1241	904	Kirk, Leroy Jean	----do	------	M	32	May 14, 1922	Head	1/2
1242	906	Knight, Louis Theodore	----do	------	M	22	May 13, 1932	Brother	1/8
1243	908	Knight, Charles Blair, Jr	----do	------	F	17	May 6, 1937	Sister	1/8
1244	910	Knight, Verna Mary	----do	------	F	11	Oct. 5, 1943	Sister	1/8
1245	------	Knight, Judith Ann	----do	1171	M	52	1903	Head	1/4
1246	911	Knight, Hugh	----do	------	M	30	Aug. 29, 1924	Head	Full
1247	1016	Knoke, Alma (Merritt)	----do	------	F	5	June 19, 1949	Son	7/8
1248	------	Lobert, Stanley Elmo	----do	------	M	1	Dec. 26, 1953	Son	1/2
1249	------	Knoke, Donald Webster	----do	------	M	25	Jan. 3, 1930	Head	5/8
1250	76	Lahr, Barbara (Barkley)	----do	------	F	5	Aug. 25, 1949	Son	4/16
1251	------	Lahr, Harlan Reed	Klamath Ageney, Oreg	------	M	1	June 8, 1953	Daughter	5/8
1252	------	Summers, Michele Gay	Chiloquin, Oreg	------	F	40	July 4, 1914	Head	Full
1253	912	Lalo, Leon	----do	------	M	47	Apr. 9, 1907	Head	Full
1254	913	Lalo, Rowley	----do	1173	F	44	1911	Wife	Full
1255	914	Lalo, Grace (Brown)	----do	------	M	18	Aug. 24, 1936	Son	Full
1256	915	Lalo, Rowley Charles, Jr	----do	------	M	15	June 8, 1939	Son	Full
1257	916	Lalo, Gerald Ray	----do	------	M	58	1897	Head	1/2
1258	917	Lang, Delford	----do	579	M	39	May 24, 1915	Head	1/2
1259	919	Lang, Ellsworth	----do	------	F	34	July 29, 1920	Wife	1/2
1260	920	Lang, Inez, (Hull)	----do	------	M	14	Dec. 21, 1940	Son	1/2
1261	------	Lang, Ellsworth Gary	----do	------	M	13	Feb. 1, 1942	Son	1/2
1262	------	Lang, Stephen Lawrence	----do	------	M	11	May 16, 1943	Son	1/2
1263	------	Lang, Thomas Harry	----do	------	M	7	Sept. 13, 1947	Son	1/2
1264	------	Lang, Alan Duane	----do	------	F	31	Dec. 14, 1923	Head	1/2
1265	1053	Lang, Rose Marie	----do	------	F	13	Nov. 20, 1943	Daughter	5/8
1266	------	Jackson, Jane Marie	----do	------	F	9	May 9, 1945	Daughter	5/8
1267	------	Jackson, Caroline Theo	----do	------	M	8	Nov. 15, 1940	Son	5/8
1268	------	Jackson, Jonathan Darrell	----do	------	F	7	Feb. 3, 1948	Daughter	5/8
1269	------	Jackson, Alene Cheryl	----do	------	F	5	Aug. 5, 1949	Daughter	5/8
1270	------	Jackson, Videll	----do	------					

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
1271	103	Ladd, Thomasine (Smith)	Beatty, Oreg	------	F	32	Nov. 30, 1922	Head	Full
1272	925	Lang, Thomas	Chiloquin, Oreg	577	M	84	1871	Head	1/2
1273	926	Lang, Lulu (Phillips)	----do	578	F	76	1879	Wife	1/2
1274	927	Lara, Gertie (Duvall)	----do	130	F	59	1896	Head	3/4
1275	596	Lassiter, Margaret (Haymon)	1520 Chapman Ave., Orange, Tex	------	F	32	Dec. 22, 1922	Head	1/4
1276	------	Lassiter, Susan Malissa	----do	------	F	11	May 30, 1943	Daughter	1/8
1277	------	Lassiter, James Erick	----do	------	M	6	Apr. 10, 1949	Son	1/8
1278	929	Lawvor, Lela M	Sprague River, Oreg	1530	F	57	1898	Sister	1/2
1279	930	Lawvor, Luscombe	----do	1575	M	51	1904	Brother	1/2
1280	931	Lawvor, Lucille	----do	1576	F	46	1909	Sister	1/2
1281	932	Lawvor, Mary Magdalene	----do	------	F	41	Nov. 27, 1913	Sister	1/2
1282	934	Lawvor, Orville Benjamin	----do	------	M	38	July 20, 1916	Head	1/2
1283	936	Lawvor, Orville Benjamin, Jr	c/o Bacone College, Bacone, Okla	------	M	18	June 6, 1936	Son	11/16
1284	937	Lawvor, Edwin Wallace	Sprague River, Oreg	------	M	17	Oct. 3, 1937	Son	11/16
1285	------	Lawvor, Albert Allen	----do	------	M	12	Dec. 27, 1942	Son	11/16
1286	938	Lawvor (Shelby), Sylvas	----do	1582	M	56	1899	Head	1/2
1287	939	Lawvor, Jane (Schonchin)	----do	856	F	58	Aug. 10, 1896	Wife	Full
1288	942	Lee, Laverne (Chipps)	----do	------	F	26	May 1, 1928	Head	Full
1289	------	Walker, Gary Lee	----do	------	M	7	Nov. 25, 1947	Son	9/16
1290	------	Barlow, Loring Tyler	----do	------	M	8	Sept. 28, 1946	Son	1/2
1291	943	Lenz, Annie	Chiloquin, Oreg	1178	F	86	1869	Head	1/2
1292	944	Lenz, Carl Lewis	----do	1405	M	61	1894	Head	1/4
1293	945	Lenz, Barbara Jane	Box 776, Redding, Calif	------	F	30	July 16, 1924	Head	1/8
1294	946	Lewis, Mollie (Corbell)	Chiloquin, Oreg	1431	F	71	1884	Head	1/4
1295	947	Lobert, Billet	----do	1181	M	70	1885	Head	Full
1296	948	Lobert, Flora (Hill)	----do	150	F	60	1895	Wife	3/4
1297	952	Lobert, Lance Gardley	----do	------	M	22	Jan. 25, 1933	Son	7/8
1298	949	Lobert, Carl Stewart	----do	------	M	34	Mar. 17, 1921	Head	7/8
1299	------	Lobert, LaVonne Marie	----do	------	F	4	Sept. 18, 1950	Daughter	7/16
1300	------	Lobert, Shelley Ann	----do	------	F	3	Jan. 20, 1952	Daughter	7/16
1301	953	Lobert, Eddie	Klamath Agency, Oreg	1403	M	67	1888	Head	Full
1302	955	Lobert, Herman	----do	1180	M	56	1899	Head	Full
1303	957	Long, Robert	Chiloquin, Oreg	------	M	67	1888	Head	3/4
1304	614	Lopez, Elva Henry	Beatty, Oreg	1092	F	56	1899	Head	Full
1305	616	Lopez, Glen Sileo	----do	------	M	24	May 15, 1931	Son	1/2
1306	964	Lotches, Chauncey Miller	Chiloquin, Oreg	------	M	28	Mar. 11, 1927	Head	15/16
1307	965	Lotches, Dally Dean	----do	------	M	27	July 11, 1928	Head	15/16
1308	960	Lotches, Lloyd	----do	------	M	39	Oct. 26, 1915	Head	3/4
1309	962	Lotches, Martin	----do	230	M	62	1893	Head	Full
1310	963	Lotches, Clarice (George)	----do	1079	F	48	Sept. 25, 1906	Wife	7/8
1311	968	Lotches, Dorothy Maxine	----do	------	F	19	Mar. 11, 1936	Daughter	15/16
1312	969	Lotches, Mary Ada	----do	------	F	17	Dec. 5, 1937	Daughter	15/16
1313	------	Lotches, Susan Merle	----do	------	F	5	Mar. 1, 1950	Daughter	15/16
1314	816	Lotches, Milton Ernest	----do	------	M	29	Apr. 4, 1926	Head	3/4
1315	1456	Lotches, Betty (Hicks)	----do	------	F	23	Nov. 4, 1931	Wife	5/8
1316	------	Lotches, Ernest Noland	----do	------	M	8 mos.	Aug. 2, 1954	Son	11/16
1317	151	Loureiro, Ruby (Butler)	3487 16th St., San Francisco, Calif	------	F	39	Nov. 16, 1915	Head	4/4
1318	152	Buckskin, Justine M	Mount Angel Academy, Mount Angel, Oreg.	------	F	19	Feb. 14, 1936	Daughter	1/2
1319	------	Buckskin, Robert	3487 16th St., San Francisco, Calif	------	M	14	Aug. 7, 1940	Son	1/2
1320	------	Buckskin, Ronald James	----do	------	M	13	Jan. 15, 1942	Son	1/2
1321	------	Loureiro, Amelia Elaine	----do	------	F	3	May 22, 1951	Daughter	1/2
1322	970	Lugo, Doris (Schonchin)	Sprague River, Oreg	------	F	39	Nov. 24, 1915	Head	4/4
1323	972	Lugo, Carlos, Jr	----do	------	M	21	Feb. 1, 1934	Son	1/2
1324	973	Lugo, Alfred Leyoa	----do	------	M	19	July 22, 1935	Son	1/2
1325	976	Lugo, Vernon Lee	----do	------	M	15	Oct. 2, 1939	Son	1/2
1326	------	Lugo, Lawrence James	----do	------	M	13	Apr. 13, 1942	Son	1/2
1327	------	Lugo, Stanley Louis	----do	------	M	11	May 31, 1943	Son	1/2
1328	------	Lugo, Vera Tresa	----do	------	F	8	Oct. 26, 1946	Daughter	1/2
1329	------	Lugo, Carroll	----do	------	F	6	June 27, 1948	Daughter	1/2
1330	------	Lugo, Carolyn Louise	----do	------	F	5	Dec. 19, 1949	Daughter	1/2
1331	------	Lugo, Roberta Jean	----do	------	F	3	Oct. 18, 1951	Daughter	1/2
1332	------	Lugo, Aaron	----do	------	M	2	Jan. 13, 1953	Son	1/2
1333	975	Lugo, Leonard Marvin	----do	------	M	17	Feb. 2, 1938	Head	1/2
1334	1228	Lugo, Ethel (Ruff)	----do	------	F	25	Feb. 23, 1930	Wife	3/8
1335	------	Hatfield, Colleen Ann	----do	------	F	1	Oct. 27, 1953	Stepdaughter	1/4
1336	983	Lynch, Gertrude Leah	Arlington, Va	------	F	20	Sept. 14, 1934	Head	4/4
1337	989	Mack, Uma (Godowa)	Box 383, Burns, Oreg	------	F	64	1891	Head	4/4
1338	------	Mack, Dressie	Burns, Oreg	------	F	31	Aug. 5, 1923	Daughter	1/2
1339	332	Malone, Helen (Crume)	Box 56, Marian, Oreg	------	F	20	Sept. 9, 1934	Head	7/8
1340	------	Malone, Arlo Curtis	----do	------	M	1	Jan. 5, 1954	Son	7/16
1341	990	Mann, Rena Marie	Queen of Angels, Mount Angel, Oreg	------	F	38	Feb. 3, 1917	Head	1/8
1342	357	Manning, Christine Velda	Chiloquin, Oreg	------	F	23	Aug. 28, 1931	Head	1/2
1343	------	Manning, Gaylene Rae	----do	------	F	3	June 6, 1951	Daughter	3/8
1344	------	Manning, Duane Lowell	----do	------	M	2	June 10, 1952	Son	1/4
1345	------	Manning, Loren Shaw	----do	------	M	11 mos.	May 1, 1954	Son	3/8
1346	1287	Manual, Wilma (Skeen)	Box 33, Thurston, Oreg	------	F	21	Oct. 1, 1933	Head	1/8
1347	------	Manual, Steven Eugene	----do	------	M	1	May 14, 1953	Son	1/16
1348	1207	Martin, Laura (Willis)	Bly, Oreg	1328	F	47	May 20, 1908	Head	4/4
1349	1210	Robinson, Cynthia	----do	------	F	17	Jan. 8, 1938	Daughter	7/8
1350	660	Martindale, Vena (Ball)	Klamath Falls, Oreg	------	F	34	June 25, 1920	Head	7/8
1351	------	Harrington, Delwin Laverne	----do	------	M	12	July 13, 1942	Son	11/16
1352	1017	Martinez, Juanita (Merritt)	Chiloquin, Oreg	------	F	28	Jan. 12, 1927	Head	4/4
1353	------	Martinez, Cynthia Merle	----do	------	F	8	June 19, 1946	Daughter	1/2
1354	1339	Mayfield, James Ruben	200 Clay Ave., Winston Manor #2 S., San Francisco, Calif.	------	M	31	July 16, 1923	Head	1/2
1355	------	Mayfield, Elizabeth Ellen	----do	------	F	5	Dec. 29, 1949	Daughter	1/8
1356	495	McAnulty, Dorothea (Allen)	Klamath Falls, Oreg	6	F	62	1893	Head	1/4
1357	997	McAuliffe, John Daniel	Malin, Oreg	------	M	20	Apr. 3, 1935	Head	1/4
1358	993	McAuliffe, Marie Decker	----do	------	F	41	Oct. 23, 1913	Head	1/2
1359	998	McAuliffe, Daniel Thomas	----do	------	M	18	Sept. 6, 1936	Son	1/4
1360	------	McAuliffe, Marie	----do	------	F	15	Jan. 27, 1940	Daughter	1/4
1361	------	McAuliffe, Jerry Robert	----do	------	M	12	Apr. 29, 1942	Son	1/4
1362	999	McCullum, Theodore	11020 Phinney Ave., Seattle, Wash	------	M	44	June 14, 1910	Head	1/2
1363	1000	McCullum, Theodore Odell	P. O. Box 564, Miami, Okla	------	M	26	May 16, 1928	Head	1/4
1364	406	McEnespy, Rebecca (Drew)	Opa Locka, Fla	------	F	42	Apr. 14, 1923	Head	4/4
1365	------	McEnespy, Harold Weldon	----do	------	M	11	May 11, 1943	Son	1/2
1366	------	McEnespy, Rebecca June	----do	------	F	9	June 16, 1945	Daughter	1/2
1367	------	McEnespy, Susan Mae	----do	------	F	6	Sept. 21, 1948	Daughter	1/2
1368	------	McEnespy, Darold Lynn	----do	------	F	3	Jan. 11, 1952	Son	1/2
1369	1001	McKee, Mary (Villard)	Owyhee, Nev	------	F	41	1913	Head	4/4
1370	------	McKenzie, Billy Rogers	Chiloquin, Oreg	------	M	16	Jan. 26, 1938	Head	1/4
1371	1386	McKinney, Lavina (George)	2466 NW. Vaughn St., Portland, Oreg	------	F	32	Feb. 25, 1923	Head	15/16
1372	------	McKinney, Vernetta	----do	------	F	4	Nov. 13, 1950	Daughter	15/32
1373	------	McKinney, John Michael	----do	------	M	1	July 29, 1953	Son	15/32

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
1374	12	McLeod, Norma Anderson	Beatty, Oreg		F	22	Dec. 29, 1932	Head	1/2
1375	------	McLeod, Dennis Dion	do		M	4	Aug. 6, 1950	Son	1/4
1376	------	McLeod, Donald Gene, Jr	do		M	2	Apr 21, 1952	Son	1/4
1377	------	McLeod, Darcy Ann	do		F	1	May 11, 1953	Daughter	1/4
1378	1003	McNair, Alfred David	Sprague River, Oreg		M	27	Jan. 26, 1928	Head	1/2
1379	------	Jackson, Feral Jean	do		F	7	Dec. 11, 1947	Stepdaughter	15/32
1380	------	McNair, Randell Ray	do		M	4	Oct. 2, 1950	Son	1/4
1381	------	McNair, Diana Marie	do		F	3	Feb. 14, 1952	Daughter	1/4
1382	------	McNair, Tania Lee	do		F	11 mos.	Apr. 3, 1954	Daughter	1/4
1383	444	McNair, Dale Nathaniel	do		M	24	Apr. 25, 1930	Head	1/4
1384	156	McNair, Phyllis (Nonco)	do		F	27	1928	Wife	1/2
1385	------	McNair, John Lorne	do		M	2	Mar. 20, 1953	Son	3/8
1386	442	McNair, Vard Thoddeus	Modoc Point, Oreg		M	30	Nov. 25, 1924	Head	1/4
1387	1011	McNair, Mary (Merritt)	do		F	21	Oct. 14, 1933	Wife	1/2
1388	1005	McNoise, Eleanor (Butler)	Klamath Falls, Oreg		F	41	Apr. 11, 1914	Head	4/4
1389	1006	McNoise, Emelie	do		F	17	Oct. 21, 1938	Daughter	1/2
1390	------	McNoise, Haines Loren	do		M	15	Apr. 6, 1940	Son	1/2
1391	------	McNoise, Michele Agnes	do		F	13	Mar. 14, 1942	Daughter	1/2
1392	------	McNoise, Charles Benjamin	do		M	10	Feb. 25, 1945	Son	1/2
1393	------	McNoise, Charlene	do		F	7	Feb. 24, 1948	Daughter	1/2
1394	------	McNoise, Deborah Irene	do		F	4	Nov. 2, 1950	Daughter	1/2
1395	------	McNoise, Cletus Boswell	do		M	2	Aug. 27, 1952	Son	1/2
1396	1447	McWilliams, Lorraine (Wilson)	Olene, Oreg		F	31	June 17, 1923	Head	1/2
1937	------	McWilliams, Mural	do		F	8	Apr. 11, 1947	Daughter	1/4
1398	------	McWilliams, Marvel	do		F	6	Aug. 21, 1948	Daughter	1/4
1399	------	McWilliams, Maureen Mac	do		F	5	Dec. 5, 1949	Daughter	1/4
1400	------	McWilliams, Marvin Elton	do		M	2	Jan. 2, 1953	Son	1/4
1401	------	McWilliams, Marnell Dee	do		F	1	Apr. 14, 1954	Daughter	1/4
1402	1147	McWilliams, Patricia (Schonchin)	Hoopa, Calif		F	29	Feb. 12, 1926	Head	4/4
1403	1009	Merritt, Fred Sankey	Modes Point, Oreg	248	M	67	1888	Head	4/4
1404	1012	Merritt, Jettie Jean	do		F	18	Sept. 4, 1936	Daughter	4/4
1405	1013	Merritt, Darlene Evidene	do		F	15	Aug. 7, 1939	Daughter	4/4
1046	------	Merritt, Knowlton, Jr	do		M	13	Nov. 27, 1941	Grandson	11/16
1407	------	Merritt, Linda Lorea	do		F	11	June 18, 1943	Granddaughter	11/16
1408	1014	Merritt, George	Chiloquin, Oreg	1407	M	61	1894	Head	4/4
1409	1015	Merritt, Helen (Lotches)	do	1188	F	51	1904	Head	4/4
1410	1439	Mette, Minerva (Applegate)	do	952	F	56	1899	Head	1/4
1411	1018	Milhorn, Viola (Smith)	Blue River, Oreg		F	33	May 2, 1921	Head	1/16
1412	1019	Milkowski, Linnie (Morgan)	Gold Hill, Oreg	1535	F	47	Sept. 15, 1907	Head	1/8
1413	1022	Milkowski, Frances Loreen	do		F	24	Aug. 9, 1930	Daughter	1/16
1414	1020	Milkowski, Wayne Joseph	do		M	27	Feb. 4, 1928	Head	1/16
1415	531	Miller, Arlen Gordon	Chilaquin, Oreg		M	31	Sept. 21, 1923	Head	13/16
1416	------	Miller, Glenn Emerson	do		M	6	Aug. 26, 1948	Son	13/32
1417	------	Miller, Fay Mary	do		F	5	Sept. 10, 1949	Daughter	13/32
1418	------	Miller, Bernie Arlen	do		M	4	Jan. 29, 1951	Son	13/32
1419	------	Miller, Joy Ann	do		F	2	Dec. 17, 1952	Daughter	13/32
1420	1023	Miller, Ana Tuttle	do	1533	M	77	1878	Head	4/4
1421	1024	Miller, Dottie	Klamath Agency, Oreg		F	35	Aug. 31, 1919	Daughter	4/4
1422	1027	Miller, Dona Elizabeth	Chiloquin, Oreg		F	28	Jan. 4, 1926	Daughter	4/4
1423	------	Miller, Edward Denis	do		M	7	Aug. 17, 19147	Grandson	1/2
1424	------	Miller, Asa Tuttle	do		M	6	Aug. 29, 1948	Grandson	1/2
1425	443	Miller, Barbara (McNair)	Malott, Wash		F	28	Feb. 9, 1927	Head	1/4
1426	533	Miller, Bruce Donald	Chiloquin, Oreg		M	27	Oct. 26, 1927	Head	13/16
1427	1475	Miller, Catherine (Wright)	do		F	24	Apr. 17, 1931	Head	5/8
1428	------	Miller, Barbara Carol	do		F	7	Jan. 19, 1948	Daughter	23/32
1429	------	Miller, Janice Elaine	do		F	5	May 31, 1949	Daughter	23/32
1430	------	Miller, Romaine Dolan	do		M	3	May 10, 1951	Son	23/32
1431	------	Miller, Darcy Ann	do		F	2	Feb. 13, 1953	Daughter	23/32
1432	532	Miller, Elwood Horace	do		M	30	Apr. 19, 1925	Head	13/16
1433	1367	Miller, Lupe A. (Unive)	do		F	24	Mar. 24, 1931	Wife	1/4
1434	------	Miller, Cecelia Louise	do		F	7	Sept. 19, 1947	Daughter	17/32
1435	------	Miller, Videll Anne	do		F	6	Oct. 3, 1948	Daughter	17/32
1436	------	Miller, Florence Kay	do		F	5	Oct. 15, 1949	Daughter	17/32
1437	------	Miller, LaTonna Eileen	do		F	3	Oct. 17, 1951	Daughter	17/32
1438	------	Miller, Elwood Horace, Jr	do		M	1	Sept. 1, 1953	Son	17/32
1439	1037	Miller, Joseph Beal	do		M	29	Nov. 29, 1925	Head	3/8
1440	------	Miller, Oren Lee	do		M	8	Mar. 22, 1946	Son	3/16
1441	------	Miller, Erwin Joseph	do		M	7	Dec. 4, 1947	Son	3/16
1442	------	Miller, Sheri Kay	do		F	4	Feb. 12, 1951	Daughter	3/16
1443	1032	Miller, Elda Jean	Ashland, Oreg		F	17	Aug. 19, 1937	Sister	1/2
1444	------	Miller, Eldon Seldon, Jr	do		M	15	May 6, 1940	Brother	1/2
1445	------	Miller, Marilyn Claudette	do		F	12	Mar. 6, 1943	Sister	1/2
1446	1034	Miller, Ivy	Chiloquin, Oreg		F	34	Sept. 7, 1920	Head	3/8
1447	1033	Miller, Lottie Beal	do		F	64	1892	Head	3/4
1448	1039	Miller, Clarence Beal	do		M	25	Jan. 24, 1930	Son	3/8
1449	1036	Miller, Lyda	do		F	30	Oct. 15, 1924	Head	3/8
1450	1041	Miller, Clay Arnold	do		M	15	Dec. 30, 1939	Son	3/16
1451	1045	Mitchell, Ben Faye	Brookings, Oreg		M	24	Nov. 20, 1930	Head	1/4
1452	1269	Mitchell, Betty (Shuey)	do		F	19	Dec. 15, 1935	Wife	3/8
1453	------	Mitchell, Ben Faye, Jr	do		M	11 mos.	May 19, 1954	Son	5/16
1454	1046	Mitchell, Edward Isom	Klamath Falls, Oreg		M	22	Nov. 6, 1932	Head	1/4
1455	274	Molling, Beverly (Courtney)	do		F	27	Sept. 17, 1927	Head	1/8
1456	------	Molling, Michael Dean	do		M	1	Aug. 27, 1953	Son	1/16
1457	1303	Monteau, Lavena (Lalo)	Chiloquin, Oreg	1174	F	46	Oct. 10, 1908	Head	4/4
1458	31	Montes DeOca, Gladys (John)	6511 SE. 84th, Portland 66, Oreg		F	32	Jan. 24, 1923	Head	4/4
1459	------	Montes DeOca, Lucia, Jr	Portland, Oreg		M	8	July 28, 1946	Son	1/2
1460	------	Montes DeOca, Delores	do		F	5	Mar. 28, 1950	Daughter	1/2
1461	------	Montes DeOca, Darlene (Guadalupe	do		F	3	Nov. 25, 1951	Daughter	1/2
1462	81	Montgomery, Agatha (Schonchin)	Sprague River, Oreg		F	26	Oct. 17, 1928	Head	7/8
1463	------	Anderson, Lynn Joseph	do		M	8	Sept. 27, 1946	Son	11/16
1464	1465	Montgomery, Judith (Wright)	Chiloquin, Oreg		F	15	Nov. 26, 1939	Head	13/16
1465	1055	Moore, Newton Delford	do		M	27	Oct. 22, 1927	Head	1/2
1466	639	Moore, Mildred (Hendron)	do		F	19	Nov. 15, 1935	Wife	1/4
1467	------	Moore, Newton Delford, Jr	do		M	6	May 22, 1948	Son	3/8
1468	------	Moore, Janice Sue	do		F	3	Sept. 25, 1951	Daughter	3/8
1469	1051	Moore, Quimby Leonard	do	1206	M	54	1901	Head	1/2
1470	1052	Moore, Loutella (Lang)	do	1176	F	51	1904	Wife	1/2
1471	1054	Moore, Leroy Alfred	do		M	29	Jan. 7, 1926	Son	1/2
1472	1056	Moore, Betty Lou	do		F	22	July 13, 1932	Daughter	1/2
1473	1057	Moore, Babe Loujean	do		F	18	Sept. 21, 1936	Daughter	1/2
1474	1058	Moore, Leonard	do		M	15	May 18, 1939	Son	1/2
1475	1061	Moore, Elliott	do	1209	M	58	1897	Brother	1/2
1476	1062	Moore, Kenneth	do	1207	M	51	1904	Brother	1/2
1477	1063	Moore, Theodore	do	1208	M	47	Nov. 25, 1907	Brother	1/8
1478	------	Morris, Leonard Laverne	P. O. Box 1172, Phoenix, Ariz		M	26	Feb. 20, 1929	Head	1/4
1479	434	Moore, Marie (Mann)	Box 704, Crescent City, Calif	1194	F	63	1902	Head	

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
1480	1073	Morgan, Beulah (White)	Box 368, Cottage Grove, Oreg	1314	F	51	1904	Head	1/2
1481	1075	Morgan, Mark, Jr	do		M	25	Aug. 15, 1929	Son	1/4
1482	1071	Morgan, Donald Lee	116 W. 6th St., Crescent City, Calif		M	23	Jan. 29, 1932	Head	1/16
1483	1072	Morgan, Edwin Leon	do		M	21	May 19, 1933	Head	1/16
1484	1076	Moses, Arabella (Duvall)	Chiloquin, Oreg	1056	F	55	1900	Head	3/4
1485	1078	Moses, Lawrence Walter	do		M	16	July 7, 1938	Son	7/8
1486	1080	Moses, Eva	do	571	F	83	1872	Head	Full
1487	1081	Moses, Manuel	do		M	36	Feb. 10, 1919	Head	3/4
1488	658	Moses, Neva (Hoches)	Route 1, Box 250, Auburn, Wash		F	23	Aug. 30, 1931	Head	1/2
1489	------	Moses, Virginia Peggy	do		F	3	July 16, 1951	Daughter	1/4
1490	1082	Murphy, Mabel M. (Engle)	Star Route, Chiloquin, Oreg	1468	F	62	Dec. 27, 1892	Head	1/4
1491	1085	Navarro, Gladys (Hull)	4011½ J St., Sacramento, Calif		F	39	Nov. 23, 1915	Head	1/2
1492	1086	Hull, Gerald	do		M	18	Jan. 8, 1937	Son	3/4
1493	1087	Navarro, Joseline	do		F	17	July 23, 1938	Daughter	1/4
1494	------	Hull, Bethel	do		F	15	Sept. 21, 1940	Daughter	5/8
1495	69	Nealy, Irma C. (Barkley)	Los Angeles, Calif		F	32	Apr. 3, 1923	Head	5/8
1496	------	Nealy, Darlene	Hillcrest School, Salem, Oreg		F	14	Feb. 19, 1941	Daughter	5/16
1497	------	Barkley, Ahthony James	Klamath Agency, Oreg		M	6	Jan. 21, 1949	Son	5/16
1498	70	Nealy, Betty (Barkley)	1831 Fargo St., Klamath Falls, Oreg		F	28	Feb. 15, 1927	Head	5/8
1499	------	Nealy, Robert Leroy, Jr	do		M	9	Nov. 22, 1945	Son	5/16
1500	------	Nealy, Rose Marie	do		F	10	May 18, 1944	Daughter	5/16
1501	------	Nealy, Clarence Leon	do		M	7	May 25, 1947	Son	5/16
1502	------	Nealy, Ronald Larry	do		M	6	Jan. 24, 1949	Son	5/16
1503	172	Nealy, Ruby (Pearson)	220 N. 26th St., Springfield, Oreg		F	44	May 1, 1910	Head	1/4
1504	1088	Nelson, Gilbert	Chiloquin, Oreg	1218	M	48	Aug. 5, 1906	Head	Full
1505	852	Nelson, Florence (Jones)	do		F	27	July 4, 1927	Head	Full
1506	------	Hicks, Janice Florence	do		F	6	Aug. 29, 1948	Daughter	7/8
1507	------	Hicks, John Arlan	do		M	4	June 2, 1950	Son	7/8
1508	1092	Nelson, Herbert	Modoc Point, Oreg	259	M	82	1873	Head	Full
1509	1093	Nelson, Nlua (Eggsman)	do	260	F	82	1873	Wife	Full
1510	1094	Nelson, Marion	do	1219	M	57	Jan. 13, 1908	Son	Full
1511	1095	Nelson, Hector	do		M	40	Dec. 24, 1914	Son	Full
1512	1097	Nelson, Martha (Hill)	Klamath Agency, Oreg	148	F	64	Sept. 6, 1890	Head	3/4
1513	1098	Nelson, Victoria Alice	do		F	32	Dec. 6, 1922	Daughter	7/8
1514	1100	Newberry, Loretta (Bellm)	Wyandotte, Okla		F	46	1909	Head	1/2
1515	1101	Newberry, Lorena	do		F	17	May 30, 1937	Daughter	17/64
1516	------	Newberry, Patricia	do		F	14	May 16, 1940	Daughter	17/64
1517	------	Newberry, Betty Jo	do		F	12	Apr. 21, 1942	Daughter	17/64
1518	------	Newberry, Ruth Ann	do		F	5	Sept 11, 1949	Daughter	1/4
1519	------	Newberry, George Lee	do		M	1	June 10, 1953	Son	1/4
1520	287	Nicholson, Donna (Hobbs)	Fort Klamath, Oreg		F	18	July 31, 1936	Head	1/8
1521	------	Nicholson, Larry William	do		M	11 mos.	Apr 17, 1954	Son	1/16
1522	------	Nightpipe, Ilona Pearl	Klamath Agency, Oreg		F	2	Sept 4, 1952	Adopted daughter	1/2
1523	1102	Noneo, Chester	Fort Bidwell, Calif	1220	M	47	1907	Head	Full
1524	------	Noneo, William Truman	do		M	10	Feb. 9, 1945	Son	1/2
1525	------	Noneo, Gailyn Lavonna	do		F	8	Jan. 24, 1947	Daughter	1/2
1526	------	Noneo, Ramona	do		F	6	Jan. 9, 1949	Daughter	1/2
1527	------	Noneo, Nathan Lee	do		M	2	July 11, 1952	Son	1/2
1528	------	Noneo, Margie Susan	do		F	1	Apr. 2, 1954	Daughter	1/2
1529	1104	Noneo, Frank	Nixon, Nev	377	M	73	1880	Head	Full
1530	1106	Noneo, Emanuel	do		M	28	Aug. 20, 1926	Son	Full
1531	1107	Noneo, Richard Ferdinand	do		M	26	Oct. 19, 1928	Son	Full
1532	1108	Noneo, Henry	Beatty, Oreg	376	M	76	1879	Head	Full
1533	1111	Norris, Marie (Garcia)	Chiloquin, Oreg		F	35	Jan. 15, 1920	Head	3/8
1534	------	Norris, Marlene Faye	do		F	10	Aug. 26, 1944	Daughter	3/16
1535	------	Norris, Lynell Jane	do		F	8	Apr. 16, 1947	Daughter	3/16
1536	------	Norris, Leonard Oscar, Jr	do		M	3	Sept. 27, 1951	Son	3/16
1537	1021	Northey, Agnes (Milkowski)	Route 2, Box 455, Gold Hill, Oreg		F	26	Jan. 29, 1929	Head	1/16
1538	692	Norton, Ruby C. (Huff)	General Delivery, Springfield, Mass		F	34	Oct. 24, 1920	Head	3/8
1539	------	Norton, Forrest B	9013 N. Gilbert Ave., Portland 3, Oreg		M	13	Apr. 23, 1941	Son	3/8
1540	1114	Norwest, Marcellus	Sprague River, Oreg		M	25	May 28, 1929	Head	3/8
1541	82	Norwest, Pauline (Barney)	do		F	22	Dec. 13, 1932	Wife	5/8
1542	------	Norwest, Melvin Marce	do		M	1	May 24, 1953	Son	7/16
1543	1113	Norwest, Mary	1342 Lee St., Salem, Oreg	1055	F	50	Oct. 5, 1905	Head	3/4
1544	1117	Norwest, Richard Thomas	do		M	20	Dec. 16, 1934	Son	7/8
1545	1119	Norwest, Vernita Arleen	do		F	16	Aug. 15, 1938	Daughter	7/8
1546	------	Norwest, Marcella May	do		F	11	June 27, 1943	Daughter	7/8
1547	------	Norwest, Janice Loyette	do		F	9	Mar. 21, 1946	Daughter	7/8
1548	------	Norwest, Gregory George	do		M	7	Feb. 22, 1948	Son	7/8
1549	1118	Norwest, Oscar Thompson	Box 213, Ely, Nev		M	18	Mar. 29, 1930	Head	3/8
1550	580	Norwest, Shirley (Haskins)	do		F	18	Nov. 12, 1936	Wife	1/4
1551	1120	Ochoa, Myra (Herkshan)	Chiloquin, Oreg		F	39	July 2, 1915	Head	1/2
1552	------	Ochoa, Gloria Faye	do		F	19	Sept. 7, 1935	Daughter	1/4
1553	------	Ochoa, Manual, Jr	do		M	16	Aug. 1, 1938	Son	1/4
1554	------	Ochoa, Richard Brandon	do		M	15	Sept. 19, 1939	Son	1/4
1555	------	Ochoa, Juan	do		M	13	Mar. 10, 1942	Son	1/4
1556	------	Ochoa, Michael	do		M	11	May 1, 1943	Son	1/4
1557	------	Ochoa, Martine	do		M	8	July 17, 1946	Son	1/4
1558	------	Ochoa, Raquel	do		M	7	June 19, 1947	Son	1/4
1559	------	Ochoa, Arthur Eleno	do		M	3	Feb. 22, 1952	Son	1/4
1560	1121	O'Donovan, Richard	do		M	37	Mar. 22, 1918	Head	1/4
1561	518	Ogden, Helen (George)	720 N. 25th St., Corvallis, Oreg		F	25	Sept. 23, 1929	Head	Full
1562	------	Ogden, Donald Deane	do		M	3	Jan. 19, 1952	Son	1/2
1563	1123	Ohles, Lawrence	Box 426, Anderson, Calif		M	41	Oct. 23, 1913	Head	1/4
1564	1124	Ohles, Janice Lenora	do		F	17	July 27, 1937	Daughter	1/8
1565	1125	Ohles, Wallace Vincent	do		M	16	Nov. 19, 1938	Son	1/8
1566	------	Ohles, Laureen Mae	do		F	14	Mar. 15, 1941	Daughter	1/8
1567	------	Ohles, Norma Ann	do		F	6	Apr. 8, 1949	Daughter	1/8
1568	1122	Ohles, Pansy (Douglas)	Chiloquin, Oreg	1046	F	54	1901	Head	3/4
1569	1129	Ortis, Ernestine (Grafton)	do		F	35	Jan. 8, 1920	Head	1/4
1570	1130	Ortis, Leland Ernest	do		M	18	Aug. 5, 1936	Son	1/8
1571	1131	Ortis, Andrew John	do		M	16	Sept. 15, 1938	Son	1/8
1572	------	Ortis, Daryl Lee	do		M	4	Mar. 5, 1951	Son	1/8
1573	1225	Ortis, Ruby (Charles)	Klamath Agency, Oreg		F	32	Feb. 2, 1923	Head	7/8
1574	------	Castriotta, Nicholas V	do		M	3	Oct. 16, 1951	Son	7/16
1575	------	Castriotta, Theda Marie	do		F	2	Feb. 2, 1953	Daughter	7/16
1576	------	Castriotta, Margaret P	do		F	1	Feb. 7, 1954	Daughter	7/16
1577	------	Castriotta, Ruth E	Klamath Agency		F	1	Feb. 7, 1954	Daughter	7/16
1578	1133	Paddy, Jackson	Beatty, Oreg	432	M	65	1890	Head	Full
1579	828	Paddy, Retta (John)	Box 184, Fort Bidwell, Calif		F	33	Aug. 1921	Head	Full
1580	1134	Paddy, Jennie	3930 Shasta Way, Klamath Falls, Oreg		F	29	Feb. 5, 1926	Head	5/16
1581	------	Watah, Alward	do		M	9	Dec. 4, 1945	Son	31/32
1582	------	Watah, Katherine	do		F	8	Nov. 11, 1946	Daughter	31/32
1583	------	Watah, Lillian	do		F	7	Mar. 10, 1948	Daughter	31/32

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
1584	1140	Parazoo, Alfreda	Klamath Falls, Oreg		F	29	Mar. 27, 1926	Head	5/8
1585	------	Roach, Vincente A., Jr	do		M	11	May 18, 1943	Son	5/16
1586	------	Roach, Leland D	do		M	9	Apr. 13, 1946	Son	5/16
1587	1136	Parazoo, Cassie (Ball)	Chiloquin, Oreg		F	40	July 25, 1914	Head	3/4
1588	1137	Parazoo, Shirley Ann	do		F	16	Apr. 16, 1938	Daughter	3/8
1589	1138	Parazoo, Joseph Lee	do		M	15	July 21, 1939	Son	3/8
1590	------	Parazoo, Floyd	do		M	14	June 28, 1940	Son	3/8
1591	------	Parazoo, Yvonne Elaine	do		F	13	Aug. 25, 1941	Daughter	3/8
1592	------	Parazoo, Michael James	do		M	4	Mar. 14, 1951	Son	3/8
1593	------	Parazoo, Sherri Gayl	do		F	2	Apr. 6, 1953	Daughter	3/8
1594	1141	Parish, Florence (Dufault)	5795 Market St., San Francisco, Calif	1050	F	54	1901	Head	1/4
1595	345	Parrish, Ramona (Barkley)	Chiloquin, Oreg		F	28	Apr. 25, 1926	Head	1/2
1596	------	Parrish, Aloma Jean	do		F	11	Feb. 14, 1944	Daughter	1/4
1597	1332	Parker, Esther (Wata)	Beatty, Oreg		F	38	Jan. 20, 1917	Head	Full
1598	------	Swain, Wanda Mae	do		F	14	Dec. 24, 1940	Daughter	Full
1599	338	Parks, Francis (Barkley)	Sprague River, Oreg		F	36	Aug. 28, 1918	Head	1/2
1600	339	Crume, William G	do		M	17	Sept. 28, 1937	Son	5/8
1601	------	Crume, Frances	do		F	14	June 14, 1940	Daughter	5/8
1602	------	Schultz, Clayton S	do		M	13	Nov. 3, 1941	Son	9/32
1603	------	Parks, Deanna Ural	do		F	10	June 20, 1944	Daughter	1/4
1604	------	Parks, Delphine Gloria	do		F	9	Dec. 20, 1945	Daughter	1/4
1605	------	Parks, Michael Dennis	do		M	7	Feb. 9, 1948	Son	1/4
1606	------	Parks, Twyla Sue	do		F	3	Mar. 1, 1952	Daughter	1/4
1607	1149	Pearson, Harry Elmo	Chiloquin, Oreg		M	42	May 31, 1912	Head	1/4
1608	279	Pearson, Leon Gale	do		M	29	Nov. 16, 1925	Head	5/8
1609	319	Pearson, Zelda (Crim)	do		F	26	Aug. 1, 1928	Wife	5/8
1610	------	Wright, James Thomas	do		M	8	Aug. 27, 1946	Stepson	1/2
1611	------	Pearson, Gary Lee	do		M	5	Nov. 28, 1949	Son	1/4
1612	------	Pearson, Candace Eileen	do		F	2	Dec. 28, 1952	Daughter	7/16
1613	1322	Peixoto, Nancy (Strawbridge)	77 Hillside, Mill Valley, Calif		F	21	Feb. 8, 1934	Head	1/4
1614	118	Perez, Orpha (Schonchin)	1825 Wantland, Klamath Falls, Oreg		F	41	Apr. 3, 1914	Head	1/2
1615	------	Perez, Geneva	do		F	3	Jan. 4, 1952	Adopted daughter	1/16
1616	1154	Pete, Dolly (George)	81 DiMaggio Ave., Pittsburg, Calif	1416	F	65	1890	Head	Full
1617	1159	Poitras, June (Wright)	8016 N. Williamette, Portland, Oreg		F	42	June 25, 1912	Head	5/8
1618	------	Poitras, Diane Rae	do		F	4	Mar. 15, 1951	Adopted daughter	1/2
1619	1160	Pompey, Grover	Chiloquin, Oreg	20	M	79	1876	Head	Full
1620	1161	Pompey, Maude (Weeks)	do	619	F	76	1879	Wife	Full
1621	1165	Pompey, Lindsay	do	1243	M	48	Oct. 30, 1906	Son	Full
1622	1167	Ponina, Elva (Villard)	Beatty, Oreg	458	F	83	1872	Head	Full
1623	636	Pool, Patricia (Barkley)	905 E. 17th, Long Beach, Calif		F	24	July 9, 1930	Head	1/4
1624	1168	Ponina, Paul	Smith, Nev	1244	M	56	1899	Head	Full
1625	687	Porter, Marian (David)	208 N. Stockton St., Apt. 2, Lodi, Calif	1039	F	49	June 20, 1905	Head	Full
1626	1171	Porter, Ruby (Coburn)	1404 S. Lexington, Eugene, Oreg		F	42	Mar. 15, 1913	Head	1/8
1627	1173	Porter, Richard	do		M	18	June 5, 1936	Son	1/16
1628	1174	Porter, Beverly Jean	do		F	16	Oct. 18, 1938	Daughter	1/16
1629	1411	Powers, Diane (Jackson)	General Delivery, Santa Rosa, Calif		F	32	Dec. 3, 1922	Head	15/16
1630	------	Jackson, Sharon Merle	do		F	14	Oct. 29, 1940	Daughter	15/32
1631	------	Ruff, Bernice Linda	do		F	9	Nov. 15, 1945	Daughter	21/32
1632	------	Ruff, Billye Jean	do		F	8	Nov. 17, 1946	Daughter	21/32
1633	544	Pulido, Anna Wilson	1722 S. E. Taggert, Portland, Oreg		F	28	Dec. 20, 1926	Head	3/4
1634	------	Pulido, John Frank	do		M	7	Feb. 5, 1948	Son	3/8
1635	------	Pulido, Robert M	do		M	5	Jan. 1, 1950	Son	3/8
1636	------	Pulido, Cheryl Ann	do		F	3	Dec. 18, 1951	Daughter	3/8
1637	------	Pulido, Steven A	do		M	1	Jan. 4, 1954	Son	3/8
1638	729	Putt, Zelma (David)	Chiloquin, Oreg		F	33	July 9, 1921	Head	7/8
1639	129	Pratt, Harriet (Brown)	126 Division, Klamath Falls, Oreg		F	27	Sept. 8, 1927	Head	Full
1640	------	Pratt, Dwight E	do		M	9	June 30, 1945	Son	1/2
1641	------	Quiver, Bertha (Mack)	Burns, Oreg		F	36	May 13, 1918	Head	1/2
1642	------	Watah, Shirley Joyce	do		F	13	July 1, 1941	Daughter	1/2
1643	------	Brown, Phyllis Jacqueline	do		F	11	Apr. 1, 1944	Daughter	1/2
1644	------	Watah, Esther Louise	do		F	17	Oct. 10, 1937	Daughter	1/2
1645	1176	Rambo, Grace (Allen)	Chiloquin, Oreg	8	F	71	1884	Head	1/4
1646	1180	Rawlings, Ethel (White)	Touraine Apts., 665 Eddy St., San Francisco, Calif	614	F	63	1892	Head	1/2
1647	791	Ray, Pearl (Jackson)	Chiloquin, Oreg		F	35	Nov. 18, 1919	Head	7/8
1648	792	Jackson, Arlen James	do		M	16	Apr. 6, 1939	Son	7/8
1649	------	Ray, Eugene H., Jr	do		M	13	Jan. 15, 1942	Son	11/16
1650	------	Ray, William McKinley	do		M	11	Apr. 27, 1943	Son	11/16
1651	------	Weeks, Aileen Ann	do		F	4	July 22, 1950	Daughter	7/8
1652	1276	Ray, Johanna (Siemens)	1112 Eldorado St., Klamath Falls, Oreg		F	31	July 25, 1923	Head	1/8
1653	725	Reed, Joanna (Hutchinson)	117 I St., Eureka, Calif		F	19	Sept. 22, 1935	Head	Full
1654	------	Reed, Yvonne Elouise	do		F	2	May 24, 1953	Daughter	1/2
1655	------	Reed, Gregory Silas	do		M	9 mos.	July 18, 1954	Son	1/2
1656	601	Reed Mary (Hayman)	108 N. Madison, Siloam Springs, Ark		F	32	Dec. 9, 1922	Head	5/16
1657	------	Reed, Kathryn Elaine	do		F	10	Dec. 9, 1944	Daughter	1/8
1658	------	Reed, Bill Jim, Jr	do		M	8	Aug. 8, 1946	Son	1/8
1659	------	Reed, Roger Leroy	do		M	5	May 28, 1949	Son	1/8
1660	------	Reed, Claudia Rudelle	1008 N. Madison, Siloam Springs, Ark		F	3	May 29, 1951	Daughter	1/8
1661	------	Reed, Donna Jay	P. O. Box 623, Tulelake, Calif		F	9	May 21, 1945	Adopted daughter	7/16
1662	------	Reed, Ruby Ann	do		F	3	July 17, 1951	Adopted daughter	13/16
1663	1181	Reinhardt, Gladys (Siemens)	Box 7, Orchard, Wash	1251	F	46	Feb. 15, 1909	Head	1/8
1664	154	Reyes, Mary (John)	Klamath Agency, Oreg		F	38	Oct. 10, 1916	Head	3/4
1665	165	Campagna, James Warren	do		M	18	Nov. 10, 1936	Son	7/16
1666	166	Campagna, Donna Marie	do		F	16	June 3, 1938	Daughter	7/16
1667	------	Campagna, Merrynan	do		F	14	May 6, 1940	Daughter	7/16
1668	------	Campagna, Cheryl Ruth	do		F	9	Mar. 18, 1946	Daughter	7/16
1669	------	Campagna, Tod	do		M	3	May 25, 1950	Son	7/16
1670	------	Reyes, Manuel Angel, Jr	do		M	9 mos.	July 22, 1954	Son	3/8
1671	1278	Richards, Letha (Hamilton)	Sprague River, Oreg		F	39	June 14, 1915	Head	1/8
1672	------	Richards, Allan Linford	do		M	10	July 15, 1944	Son	1/16
1673	------	Richards, Cheryl Darlene	do		F	6	Sept. 9, 1948	Adopted daughter	3/8
1674	------	Richards, Deanna Dale	do		F	2	Aug. 15, 1952	Daughter	1/16
1675	1182	Riddle, Elsie (Noneo)	Beatty, Oreg	381	F	59	1896	Head	Full
1676	1189	Riddle, Delphine	do		F	17	Mar. 12, 1938	Granddaughter	7/8
1677	1186	Riddle, Simeon, Jr	do		M	24	Nov. 24, 1930	Son	7/8
1678	1187	Riddle, Raymond Louis	do		M	21	Nov. 1, 1933	Son	7/8
1679	1188	Riddle, Melba Ann	do		F	18	Oct. 19, 1936	Daughter	Full
1680	114	Billy, Andrew, Jr	do		M	21	May 3, 1933	Brother	7/8
1681	1183	Riddle, Rosalie	do		F	30	Apr. 26, 1924	Head	7/16
1682	------	Riddle, Darrold Alan	do		M	5	Dec. 31, 1949	Son	7/16
1683	------	Riddle, Darla Faye	do		F	1	Dec. 10, 1953	Daughter	1/4
1684	1191	Riddle, Mildred Alberta	do		F	10	Mar. 24, 1945	Daughter	3/4
1685	------	Riddle, Mildred (Lotches)	Chiloquin, Oreg		F	37	July 13, 1917	Head	1/4
1686	------	Riddle, Milburn Avery	do		M	7	June 17, 1947	Son	1/4
1687	------	Riddle, Sheila Anne	do		F	11	Dec. 8, 1943	Daughter	1/4
1688	------	Riddle, Steven Luke	do		M	4	Mar. 29, 1951	Son	1/4
1689	------	Riddle, James Lea	do		M	1	Mar. 31, 1954	Son	1/4

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
1690	1193	Riddle, Owen	Beatty, Oreg	1247	M	49	Feb. 19, 1906	Head	7/8
1691	1196	Riddle, Owen Charles	do		M	17	Feb. 11, 1938	Son	15/16
1692	1197	Robbins, Charles F	Box 334, Quapaw, Okla		M	55	1900	Head	Full
1693	1198	Robbins, Hiram R	Sprague River, Oreg	1537	M	51	1904	Head	1/2
1694	1199	Robbins, Winnie (Jackson)	do	796	F	59	1896	Wife	Full
1695	------	Lotches, Norman Lee	do		M	9	July 26, 1945	Stepgrandson	13/16
1696	------	Ortis, Darryl Gene	do		M	14	Aug. 4, 1940	Stepgrandson	1/2
1697	1203	Robbins, Minnie (Snyder)	do	1538	F	76	1879	Head	Full
1698	1208	Robinson, Leslie Bryant, Jr	Beatty, Oreg		M	27	Sept. 26, 1927	Head	7/8
1699	608	Robinson, Hazel (Hecocta)	do		F	30	July 15, 1924	Wife	Full
1700	------	George, Clifford, Jr	do		M	12	Nov. 27, 1942	Stepson	31/32
1701	------	Robinson, Samuel Bryant	do		M	8	Apr. 6, 1947	Son	15/16
1702	------	Williams, Wilma Hazel	do		F	10	Jan. 27, 1945	Stepdaughter	Full
1703	------	Robinson, Darlene Lulu	do		F	2	Oct. 12, 1952	Daughter	15/16
1704	1031	Roesler, Cecelia (Miller)	214 N. Harrison, Saginaw, Mich		F	19	Aug. 24, 1935	Head	7/16
1705	373	Roff, Lyda I. (Davis)	Applegate, Oreg		F	33	Feb. 19, 1922	Head	1/2
1706	------	Roff, Darrell Elden	do		M	13	Aug. 9, 1941	Son	1/4
1707	------	Roff, Sharon Fay	do		F	9	May 17, 1944	Daughter	1/4
1708	------	Roff, Cheryl Irene	do		F	8	July 22, 1946	Daughter	1/4
1709	753	Ross, Cynthia (Applegate)	Box 1172, Phoenix, Ariz		F	43	July 29, 1911	Head	1/4
1710	1214	Rossi, Nicholas, Jr	Chiloquin, Oreg		M	30	Jan. 11, 1925	Head	1/4
1711	1217	Rossi, Albert Joe	do		M	25	Dec. 31, 1929	Head	1/4
1712	1219	Royse, Amie (Lenz)	615 California, Klamath Falls, Oreg	233	F	68	1887	Head	1/4
1713	1220	Royse, Robert Charles	Box 729, Klamath Falls, Oreg		M	41	May 12, 1913	Head	1/8
1714	1221	Royse, Raymond	Klamath Falls, Oreg		M	36	Feb. 14, 1919	Head	1/8
1715	------	Royse, Roselyn	do		F	8	Jan. 5, 1947	Daughter	1/16
1716	------	Royse, Alida Diane	do		F	6	Sept. 22, 1948	Daughter	1/16
1717	865	Ruff, Viola (Knight)	Jacksonville, Oreg	217	F	61	June 9, 1893	Head	1/2
1718	869	Kimbol, Preston Howard	do		M	24	Dec. 8, 1930	Son	1/4
1719	1227	Ruff, Warren Maxmillian	General Delivery, South Coburn, Ky		M	26	Sept. 28, 1928	Head	3/8
1720	1427	Russell, Merle L. (Lange)	7935 SE. Sherman, Portland, Oreg		F	36	Nov. 13, 1918	Head	1/8
1721	------	Foster, William Stephen	do		M	13	May 15, 1941	Son	1/16
1722	1423	Ryan, Pat	Chiloquin, Oreg		M	31	Aug. 22, 1923	Head	1/8
1723	------	Ryan, Diana Marie Sari	do		F	3	Oct. 23, 1951	Daughter	1/16
1724	2	Samson, Teo L. Duvall	123 Third St., Yreka, Calif		F	37	Apr. 17, 1918	Head	3/4
1725	1417	Sampson, Carmelita Welser	1637 Sparks Ave., Sparks, Nev		F	21	May 3, 1933	Head	15/16
1726	------	Sampson, Contina Maude	do		F	4	Feb. 17, 1951	Daughter	15/32
1727	------	Sampson, Charlene Mona	do		F	2	July 19, 1952	Daughter	15/32
1728	------	Sampson, Phelan Harry, Jr	do		M	1	June 22, 1953	Son	15/32
1729	1231	Sanderville, Anna Phyllis Applegate	Klamath Agency, Oreg		F	37	Feb. 15, 1918	Head	1/4
1730	------	Sanderville, Oliver Thomas	do		M	3	June 8, 1951	Son	1/8
1731	------	Sanderville, James Joseph	do		M	2	Feb. 28, 1953	Son	1/8
1732	1232	Sandoval, Linda Herkshan	Chiloquin, Oreg		F	35	Mar. 8, 1920	Head	Full
1733	------	Sandoval, Paul, Jr	do		M	11	Apr. 28, 1943	Son	1/2
1734	------	Sandoval, Maxine Faye	do		F	9	Aug. 15, 1945	Daughter	1/2
1735	------	Sandoval, Munson Michael	do		M	16	Mar. 18, 1939	Son	1/4
1736	1235	Sargeant, Reginald F	do		M	30	July 2, 1924	Head	3/8
1737	------	Sargeant, Warren Leon	Sprague River, Oreg		M	12	Dec. 29, 1942	Son	3/16
1738	------	Sargeant, Reginald, Jr	do		M	11	Dec. 12, 1943	Son	3/16
1739	------	Sargeant, Lanny Lee	do		M	10	Jan. 10, 1945	Son	3/16
1740	1236	Savage, Meda Skeen	3337 Altamont Dr., Klamath Falls, Oreg	1594	F	45	Nov. 16, 1908	Head	1/2
1741	1252	Shadley, Louis Benjamin	Reedsport, Oreg		M	16	July 17, 1938	Brother	1/4
1742	1253	Shadley, Ramona Elaine	do		F	15	Dec. 11, 1939	Sister	1/4
1743	1241	Schonchin, Donald L	Beatty, Oreg		M	26	June 19, 1928	Head	Full
1744	398	Schonchin, Evangeline Dickens	do		F	24	Nov. 26, 1930	Wife	Full
1745	------	Schonchin, Donna Marie	do		F	5	Feb. 24, 1950	Daughter	3/4
1746	------	Schonchin, Sue Carol	do		F	3	July 27, 1951	Daughter	3/4
1747	------	Schonchin, Frederick Wayne	do		M	2	Sept. 22, 1952	Son	3/4
1748	------	Schonchin, Lauren Jean	do		F	1	Nov. 4, 1953	Daughter	3/4
1749	1148	Schonchin, Magdalene	Chiloquin, Oreg		F	27	Aug. 27, 1927	Head	Full
1750	330	Schonchin, Raymond Roger	Klamath Falls, Oreg		M	32	May 13, 1922	Head	1/2
1751	------	Schonchin, Rodney Roger	do		M	8	Nov. 13, 1946	Son	1/4
1752	1146	Schonchin, Willamia Theresa	Sprague River, Oreg		F	31	Nov. 1, 1923	Head	Full
1753	1150	Schwarzenback, Josephine O'Donovan	7114 N. Columbia Blvd., Portland, Oreg		F	41	Nov. 3, 1913	Head	1/4
1754	1245	Scott, Iva Smith	Klamath Agency, Oreg	693	F	60	1895	Head	Full
1755	1247	Scott, Walter Leroy	Beatty, Oreg		M	31	May 4, 1923	Son	3/4
1756	1249	Scott, Wayne Rodney	do		M	24	Dec. 17, 1930	Son	3/4
1757	1246	Scott, Joe, Jr	3002 Corvallis St., Klamath Falls, Oreg		M	33	July 1, 1921	Head	1/2
1758	565	Scott, Verna Grafton	do		F	28	July 4, 1926	Wife	1/4
1759	------	Jenkins, Clarence, Jr	do		M	11	June 29, 1943	Stepson	3/16
1760	------	Jenkins, Karen Lou	do		F	9	June 13, 1945	Stepdaughter	3/16
1761	------	Scott, Joseph George III	do		M	2	Sept. 24, 1952	Son	3/8
1762	------	Scott, Carol Lee	Box 70, Carson City, Nev		F	12	May 7, 1942	Daughter	11/16
1763	------	Scott, Jolene Lee	do		F	10	Nov. 12, 1944	Daughter	11/16
1764	------	Scott, Dalene	do		F	6	Mar 17, 1949	Daughter	11/16
1765	1256	Shadley, Calvin, Jr	Chiloquin, Oreg		M	30	Feb 10, 1925	Head	1/2
1766	------	Shadley, Calvin Henry	do		M	9	June 23, 1945	Son	3/16
1767	------	Shadley, Ronald Loren	do		M	6	May 11, 1948	Son	3/16
1768	------	Shadley, Laura Lee	do		F	6	Apr 18, 1949	Daughter	3/16
1769	------	Shadley, Johnny Lawrence	do		M	1	Sept 6, 1953	Son	3/16
1770	1260	Shadley, Carrol Lynn	do		M	20	Aug 2, 1934	Head	3/8
1771	80	Shadley, Blanche Schonchin	do		F	28	Mar 22, 1927	Wife	3/4
1772	------	Hatcher, Linda Jo	do		F	6	June 2, 1948	Stepdaughter	5/8
1773	------	Hatcher, Calvin Lee	do		M	5	Dec 28, 1949	Stepson	5/8
1774	1262	Shadwick, Wilma Bellm	Route 2, Box 404, Galena, Kans		F	38	Dec 2, 1916	Head	1/2
1775	1263	Shadwick, Jack, Wesley	do		M	17	Sept 13, 1937	Son	17/64
1776	1264	Shadwick, Billy Clarence	do		M	19	Apr 10, 1936	Son	17/64
1777	------	Shadwick, Katherine, Marie	do		F	15	Mar 10, 1940	Daughter	17/64
1778	------	Shadwick, George Marion	do		F	7	Oct 31, 1947	Son	1/4
1779	1083	Shelp, Gayle Copeland	General Delivery, Weaverville, Calif		M	40	Nov 3, 1914	Head	1/4
1780	1084	Murray, Patrick Erin	do		M	18	Aug 7, 1936	Son	1/8
1781	------	Shelp, Don Everton	do		M	14	Jan 19, 1941	Son	1/8
1782	1265	Sherman, Anna Anderson	White Salmon, Wash		F	33	Aug 6, 1921	Head	1/2
1783	------	Sherman, Rollen Steve	do		M	13	July 8, 1941	Son	1/4
1784	------	Sherman, Herman Gene	do		M	6	Aug 2, 1948	Son	1/4
1785	1266	Shore, James T	Chiloquin, Oreg	72	M	72	1883	Head	1/2
1786	995	Shuck, Joanna McAuliffe	Malin, Oreg		F	23	Apr 21, 1932	Head	1/4
1787	1267	Shuey, Mabel Ball	Box 694, Brookings, Oreg		F	38	Jan 14, 1917	Head	3/4
1788	1268	Shuey, Albert Dean	do		M	18	Mar 3, 1937	Son	3/8
1789	1270	Shuey, Doris Louise	do		F	16	Dec 23, 1938	Daughter	3/8
1790	------	Shuey, Douglas Gene	do		M	15	Apr 20, 1940	Son	3/8
1791	------	Shuey, Linda Kay	do		F	5	Mar 5, 1950	Daughter	3/8
1792	------	Shuey, Susan Ellen	do		F	9	Aug 5, 1945	Daughter	3/8
1793	------	Shuey, Craig Monroe	do		M	1	July 22, 1954	Son	1/4
1794	1271	Siemens, Holly H	4315 11th St. NE., Seattle, Wash	1343	M	66	1888	Head	

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
1795	1272	Siemens, Jesse J	c/o Cooper Store, Jacksonville, Oreg	1342	M	65	1887	Head	1/4
1796	1273	Siens, John	4318-11th St. NE., Seattle, Wash	966	M	64	1893	Head	1/4
1797	1274	Siemens, John Charles	Star Route, Chiloquin, Oreg		M	37	Apr 30, 1917	Head	1/8
1798	------	Silvers, Patrick	Chiloquin, Oreg	1500	M	47	Mar 17, 1908	Head	1/2
1799	1030	Simons, Phoebe Miller	624 Beach St., Ashland, Oreg		F	21	Sept 12, 1933	Head	7/16
1800	1275	Sinclair, Beverly Siemens	1782 Washington Pl., Seaside, Calif		F	34	Mar 1, 1921	Head	1/8
1801	1286	Skeen, Patricia June	Gateway, Oregon		F	23	June 22, 1931	Sister	1/8
1802	1288	Skeen, Robert Edward	do		M	18	July 15, 1936	Brother	1/8
1803	1289	Skeen, Charlotte Chloe	do		F	16	Jan 16, 1939	Sister	1/8
1804	1279	Skeen, David C	Sprague River, Oreg	1252	M	80	Dec 24, 1874	Head	1/2
1805	1280	Skeen, Dan	2625 Radcliff, Klamath Falls, Oreg		M	38	Oct. 6, 1916	Head	3/4
1806	------	Skeen, Stern Sterling	do		M	7	Mar. 23, 1948	Son	3/8
1807	1290	Skeen, William	Sprague River, Oreg	860	M	79	1875	Head	1/2
1808	1292	Skellock, Irene	Chiloquin, Oreg	77	F	67	1888	Head	Full
1809	621	Small, Orthelia (Crain)	do		F	39	June 23, 1915	Head	1/2
1810	623	Henthorne, Peggy Lorraine	do		F	16	May 25, 1938	Daughter	1/4
1811	------	Henthorne, Mary Kathryn	do		F	12	Feb. 12, 1943	Daughter	1/4
1812	1295	Smith, Augustine Robert	Klamath Agency, Oreg		M	34	Aug. 5, 1920	Head	Full
1813	755	Smith, Alfred	2523 SE. 87th Portland 66, Oreg		M	35	Nov. 10, 1919	Head	3/4
1814	------	Smith, Mark Alfred	do		M	6	Nov. 11, 1948	Son	3/8
1815	------	Smith, Maurine Frances	do		F	4	July 6, 1950	Daughter	3/8
1816	1309	Smith, Raymond Charles	Beatty, Oreg		M	25	Nov. 29, 1929	Brother	Full
1817	1310	Smith, Clifton J	do		M	23	June 17, 1931	Brother	Full
1818	1312	Smith, Milton Dewey	do		M	19	Apr. 6, 1935	Brother	Full
1819	------	Smith, Imogene Marcia	San Francisco, Calif		F	15	Oct. 6, 1939	Sister	Full
1820	1365	Smith, Mildred (Crain)	Klamath Agency, Oreg		F	41	June 8, 1913	Head	1/2
1821	1366	Unive, Antonio	Chiloquin, Oreg		M	25	Jan. 17, 1930	Son	1/4
1822	1368	Unive, Vernon Ray	do		M	22	Jan. 21, 1933	Son	1/4
1823	1371	Unive, Ramon	do		M	15	July 3, 1939	Son	1/4
1824	1304	Smith, Dell, Jr	Beatty, Oreg		M	22	July 14, 1932	Head	9/16
1825	------	Smith, Dell George, Jr	do		M	4	Dec. 31, 1950	Son	9/32
1826	------	Smith, Deborah Ann	do		F	1	May 8, 1953	Daughter	9/32
1827	------	Smith, Colleen Gayle	do		F	3	Dec. 30, 1951	Daughter	9/32
1828	216	Smith, Harriett (Chocktoot)	do		F	22	Sept. 5, 1932	Head	1/2
1829	------	Smith, Ernestine	do		F	4	May 3, 1950	Daughter	3/4
1830	1103	Smith, Marilyn (Nonco)	Nixon, Nev		F	23	Mar. 25, 1932	Head	Full
1831	------	Smith, Sharon Rafala	do		F	3	Aug. 22, 1951	Daughter	1/4
1832	------	Smith, Jenifer Drusella	do		F	2	Feb. 25, 1953	Daughter	1/4
1833	1302	Smith, Nettie (Chipps)	Route 3, Box 619, Klamath Falls, Oreg	1466	F	73	1882	Head	1/2
1834	1305	Smith, Sylvester	Box 55, Fall Creek, Oreg	1542	M	48	Apr. 28, 1906	Head	1/2
1835	------	Smith, Jonna Sue	do		F	8	Jan. 20, 1947	Daughter	1/8
1836	------	Smith, Marla Jo	do		F	6	Apr. 28, 1948	Daughter	1/8
1837	------	Smith, Chester John	do		M	5	Feb. 14, 1950	Son	1/8
1838	------	Smith, Darwin Duane	do		M	3	July 29, 1951	Son	1/8
1839	------	Smith, Howard Lee	do		M	11 mos.	Apr. 9, 1954	Son	1/8
1840	------	Smith, Charley Ray	do		M	2	Dec. 25, 1952	Son	1/8
1841	1300	Smith, Sylvester H., Jr	611 Cane, Dunsmuir, Calif		M	28	Nov. 20, 1926	Head	1/4
1842	1172	Sollars, Barbara (Porter)	Box 518, Browning, Mont		F	20	May 5, 1934	Head	1/16
1843	374	Soto, Florinda (Lynch)	5629 Independence, Klamath Falls, Oreg	1486	F	55	1900	Head	Full
1844	------	Soto, Ramona Edith	do		F	11	Feb. 6, 1944	Daughter	1/2
1845	366	Sortwell, Enid (David)	Chiloquin, Oreg		F	43	Mar. 13, 1912	Head	3/4
1846	368	David, James	do		M	21	Mar. 6, 1934	Son	1/2
1847	369	David, Clark Dick	do		M	15	June 14, 1939	Son	5/8
1848	------	Sortwell, Carrol Lea	do		F	9	Aug. 30, 1945	Daughter	3/8
1849	------	Sortwell, Shirley Anna	do		F	8	Sept. 17, 1946	Daughter	3/8
1850	------	Sortwell, Sandra Sue	do		F	6	Nov. 3, 1948	Daughter	3/8
1851	------	Sortwell, Deborah Kay	do		F	2	Nov. 23, 1952	Daughter	3/8
1852	1314	Sousa, Louise	Box 442, Dorris, Calif	1543	F	51	1904	Head	1/2
1853	1315	Sousa, Roland	do		M	40	Dec. 28, 1914	Head	1/2
1854	1316	Stanley, Leslie	Chiloquin, Oreg	1554	M	50	1905	Head	1/2
1855	285	Stanton, Edna (Cowen)	do		F	28	Feb. 6, 1927	Head	3/8
1856	------	Olvera, Marilyn Louise	do		F	10	Nov. 10, 1944	Daughter	3/16
1857	------	Stanton, Curtis Milton, Jr	do		M	7	Aug. 2, 1947	Son	3/16
1858	------	Stanton, Glenda Ruth	do		F	6	Sept. 26, 1948	Daughter	3/16
1859	------	Stanton, Ilene	do		F	8	May 1, 1946	Daughter	3/16
1860	------	Stanton, Christine May	do		F	4	May 17, 1950	Daughter	3/16
1861	------	Stanton, Rose Marie	do		F	3	Jan. 19, 1952	Daughter	3/16
1862	------	Stanton, Katherine Elizabeth	do		F	2	Jan. 2, 1953	Daughter	3/16
1863	994	Steward, Ellen (McAuliffe)	Malin, Oreg		F	24	Mar. 22, 1931	Head	1/4
1864	------	Steward, Myra Jean	do		F	4	Aug. 3, 1950	Daughter	1/8
1865	1319	Strowbridge, Lolana (Barkley)	Route 2, Box 264, Eugene, Oreg	965	F	55	1900	Head	1/2
1866	1320	Strowbridge, Raymond	P. O. Box 1832, Stockton, Calif		M	30	Apr. 6, 1924	Head	1/4
1867	------	Strowbridge, Ronald Ray	do		M	8	Sept. 5, 1946	Son	1/8
1868	1323	Summers, Frank	Chiloquin, Oreg	1544	M	57	1898	Head	1/2
1869	1324	Summers, Angeline (Walker)	do	1507	F	54	1901	Wife	Full
1870	1327	Summers, Albert Roy	do		M	25	July 4, 1929	Head	3/4
1871	------	Summers, Roylene Denice	do		F	4	Dec. 11, 1950	Daughter	3/8
1872	------	Summers, Mary Elizabeth	do		F	3	Dec. 20, 1951	Daughter	3/8
1873	------	Summers, Albert Roy, Jr	do		M	2	Aug. 2, 1953	Son	3/8
1874	1328	Summers, Ora	do	1545	M	54	1901	Head	1/2
1875	1329	Summers, Martha (Jim)	do	36	F	59	1896	Wife	Full
1876	1331	Summers, Robert	do	1546	M	56	1899	Head	1/2
1877	37	Swartsfager, Greta (Lang)	4102 Altamont Dr., Klamath Falls, Oreg		F	29	Jan. 27, 1926	Head	5/8
1878	------	Swartsfager, Johnnie Lee	do		M	9	Sept. 20, 1945	Son	5/16
1879	------	Swartsfager, Rosetta Marie	do		F	5	July 6, 1949	Daughter	5/16
1880	------	Swartsfager, Ernest Arnold, Jr	do		M	4	Sept. 24, 1950	Son	5/16
1881	------	Swartsfager, Bobby Dean	do		M	1	June 9, 1953	Son	5/16
1882	1334	Tecumseh, Lester	Beatty, Oreg		M	42	Apr. 12, 1913	Head	Full
1883	1335	Tecumseh, Angeline Riddle	do		F	40	Apr. 4, 1915	Wife	7/8
1884	1336	Tecumseh, Lester Jeff, Jr	do		M	18	June 3, 1936	Son	15/16
1885	1337	Tecumseh, Stanley Lewis	do		M	17	July 9, 1937	Son	15/16
1886	------	Tecumseh, Anthony Vernon	do		M	14	Oct. 27, 1940	Son	15/16
1887	------	Tecumseh, Angelena Rose	do		F	8	Nov. 16, 1946	Daughter	15/16
1888	1338	Thomas, Eva White	130 Menor Dr., San Francisco, Calif	1315½	F	56	1899	Head	1/2
1889	1346	Thompson, Alton Harlow	Beatty, Oreg		M	23	Oct. 9, 1931	Head	1/2
1890	193	Thompson, Pascuilta J. Chester	do		F	17	July 9, 1937	Wife	Full
1891	710	Thompson, Betty Hunter	6871 Foothill Blvd., Oakland, Calif		F	50	Aug. 31, 1924	Head	1/2
1892	1340	Thompson, Florence Choctoot	Beatty, Oreg	398	F	57	1898	Head	Full
1893	1345	Thompson, Glen R	do		M	26	Feb. 12, 1929	Son	1/2
1894	1347	Thompson, Rosalie	do		F	20	Mar 17, 1935	Daughter	1/2
1895	------	Thompson, Howard Clyde	do		M	3	Feb. 19, 1952	Grandson	1/2
1896	------	Thompson, Ilene	do		F	2	Jan. 24, 1953	Granddaughter	1/4
1897	1343	Thompson, Marvin	do		M	31	May 16, 1923	Head	1/2
1898	1446	Thrasher, Florine Wilson	Box 168, Prineville, Oreg		F	34	Mar. 27, 1921	Head	3/4
1899	------	Thrasher, Darla Rae	do		F	13	May 17, 1941	Daughter	3/8
1900	------	Thrasher, Bonnie Kaye	do		F	12	Sept. 16, 1942	Daughter	3/8
1901	------	Thrasher, Jack L	do		M	14	Apr. 22, 1940	Son	3/8

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
1902	262	Tice, Ralph, Jr	6 "M" South, Lakeview, Oreg	------	M	2	Feb. 24, 1932	Head	3/16
1903	1222	Tofthagen Melvira Duvall	Chiloquin, Oreg	131	F	57	1898	Head	3/4
1904	1351	Tupper, Beatrice House	do	1112	F	53	1902	Head	3/4
1905	1353	Tupper, James	1537 S. Emmerson Denver 10, Colo	------	M	22	Nov. 13, 1932	Grandson	7/8
1906	1354	Tupper, Benjamin	Chiloquin, Oreg	503	M	59	1896	Head	Full
1907	1358	Tupper, Bruce Elton	Salem, Oreg	------	M	25	June 5, 1929	Head	Full
1908	1356	Tupper Dolson	Beatty, Oreg	1279	M	47	Sept. 17, 1907	Head	Full
1909	1355	Tupper Randall	Chiloquin, Oreg	------	M	30	June 13, 1924	Head	Ful.
1910	1077	Tupper, Ramona Duvall	do	------	F	22	Oct. 22, 1932	Wife	7/8
1911	1359	Tupper, Watson	Beatty, Oreg	429	M	82	1873	Head	Full
1912	1360	Tupper, Edison	do	1277	M	49	Dec. 7, 1905	Head	Full
1913	1361	Tupper, Marvin	do	------	M	41	Nov. 25, 1913	Head	Full
1914	1362	Tupper, Filmore Henry	Sprague River, Oreg	------	M	26	Feb. 10, 1929	Head	15/16
1915	1201	Tupper, Rachel Robbins	do	------	F	31	Aug. 15, 1923	Wife	3/4
1916	------	Tupper, Rayson Colde	do	------	M	8	Jan. 14, 1947	Son	27/32
1917	------	Tupper, Clint Stormy	do	------	M	7	Jan. 4, 1948	Son	27/32
1918	------	Tupper, Tana Lee	do	------	F	6	Dec. 29, 1948	Daughter	27/32
1919	------	Tupper, Richard Kearn	do	------	M	4	Oct. 22, 1950	Son	27/32
1920	1363	Turvey, Helen Applegate	P. O. Box 201, Grants Pass, Oreg	654	F	61	1894	Head	1/4
1921	682	Uhler, Mary Hoover	Box 200 N. Gate Road, Concord, Calif	------	F	41	Dec. 26, 1913	Head	3/4
1922	------	Uhler, Joan Frances	do	------	F	10	Oct. 16, 1944	Daughter	3/8
1923	------	Uhler, James Marion	do	------	M	9	Oct. 30, 1945	Son	3/8
1924	------	Uhler, Martina Marie	do	------	F	5	Apr. 2, 1950	Daughter	3/8
1925	------	Uhler, Mark Franklin	do	------	M	3	July 16, 1954	Son	3/8
1926	------	Uhler, Matthew Luke	do	------	M	2	Nov. 20, 1952	Son	3/8
1927	1364	Ulrey, Beatrice Peters	629 "H" NW., Miami, Okla	------	F	52	1903	Head	Full
1928	1047	Underwood, Sylvia Mitchell	1403 S. New Haven, Tulsa, Okla	------	F	19	May 15, 1935	Head	1/4
1929	1369	Unive, Darold Gene	Chiloquin, Oreg	------	M	20	Oct. 2, 1934	Head	1/4
1930	1192	Unive, Karen Riddle	do	------	F	19	June 5, 1935	Wife	1/4
1931	1372	Vaughn, John Milson	5828 21st Ave., Sacramento, Calif	------	M	40	July 3, 1914	Head	1/8
1932	1373	Vaughn, Dorothy Lee	do	------	F	16	Apr. 17, 1938	Daughter	1/16
1933	277	Vasquez, Ada Bali	2329 Montgomery, Oroville, Calif	962	F	46	June 3, 1908	Head	1/2
1934	280	Bell, Geraldine Kay	do	------	F	16	Apr. 14, 1939	Granddaughter	1/8
1935	1166	Vigil, Joan Isaacs	Chiloquin, Oreg	------	F	22	Apr. 7, 1933	Head	15/16
1936	------	Ledema, Bruce Lee	do	------	M	1	Feb. 20, 1954	Son	15/32
1937	1143	Vincent, Margaret A. Parkhurst	Box 713, Klamath Falls, Oreg	------	F	17	June 17, 1937	Head	1/16
1938	629	Wahl, Elveda Anderson	3233 FallBrook Ave., Oroville, Calif	------	F	38	Nov. 24, 1916	Head	7/8
1939	------	Herrera, Elna C	do	------	F	12	Mar. 6, 1943	Daughter	7/16
1940	------	Herrera, Fernando D	do	------	M	8	June 26, 1946	Son	7/16
1941	------	Wahl, Joseph E., Jr	do	------	M	4	July 22, 1950	Son	7/16
1942	859	Waldrip, Nora Keane	212 N. Third, Klamath Falls, Oreg	------	F	25	Feb. 24, 1930	Head	1/8
1943	------	Waldrip, Suzanne Marie	do	------	F	5	June 8, 1949	Daughter	1/16
1944	------	Waldrip, John W., Jr	do	------	M	3	June 30, 1951	Son	1/16
1945	291	Walker, Charlotte Crain	Klamath Agency, Oreg	------	F	30	May 10, 1924	Head	3/4
1946	------	Crain, Carlotta Mae	do	------	F	3	Feb. 27, 1952	Adopted daughter	1/2
1947	1375	Walker, Edwin Joseph	Beatty, Oreg	------	M	33	May 19, 1921	Head	1/8
1948	------	Walker, Linda Ann	do	------	F	10	Mar. 26, 1945	Daughter	1/16
1949	------	Walker, Wayne Charles	do	------	M	8	Dec. 27, 1946	Son	1/16
1950	1374	Walker, Effie Coburn	do	704	F	65	1890	Head	1/4
1951	1379	Walker, Alma E	Queen of Angels Convent, Mount Angel, Oreg.	------	F	26	Dec. 18, 1928	Head	1/8
1952	1376	Walker, Marvin Jesse	Beatty, Oreg	------	M	31	Apr. 29, 1923	Head	1/8
1953	331	Walker, Melbern Harold	Chiloquin, Oreg	------	M	27	July 18, 1927	Head	Full
1954	966	Walker, Marjorie Lotches	do	------	F	25	Sept. 24, 1929	Wife	15/16
1955	1145	Walker, Vera Schonchin	do	------	F	34	June 1, 1920	Head	Full
1956	------	Sanders, Rueben, Jr	do	------	M	14	Sept. 15, 1940	Son	3/4
1957	------	Walker, James Howard	do	------	M	9	Dec. 15, 1945	Son	1/2
1958	------	Walker, Dale Ivan, Jr	do	------	M	7	Oct. 20, 1947	Son	1/2
1959	------	Walker, Donna Mae	do	------	F	4	May 17, 1950	Daughter	1/2
1960	------	Walker, David Oscar	do	------	M	3	Nov. 21, 1951	Son	1/2
1961	1381	Walker, Dora Grant	do	465	F	76	1879	Head	Full
1962	1391	Walker, Vernon	Seneca, Mo	------	M	49	1906	Head	3/8
1963	------	Walker, Ramona May	do	------	F	8	Jan. 30, 1946	Daughter	3/16
1964	------	Walker, Coleen Ann	do	------	F	4	Aug. 19, 1950	Daughter	3/16
1965	------	Walker, Maureen Gay	do	------	F	4	Aug. 19, 1950	Daughter	3/16
1966	1392	Walker, Virgil	do	------	M	51	1904	Head	3/8
1967	1378	Walker, William Coburn	Beatty, Oreg	------	M	28	Nov. 30, 1926	Head	1/8
1968	1326	Walker, Annabelle Summers	Chiloquin, Oreg	------	F	27	Sept. 9, 1947	Head	3/4
1969	------	Walker, Corrine Dee	do	------	F	4	Dec. 20, 1950	Daughter	7/16
1970	1894	Washington, Bertha Villard	Beatty, Oreg	460	F	76	1879	Head	Full
1971	213	Watah, Bertina	do	------	F	29	July 17, 1925	Head	1/2
1972	------	Davis, Idanell	do	------	F	8	June 11, 1946	Daughter	11/16
1973	1490	Watah, James Stephen	do	------	M	35	Dec. 18, 1919	Head	Full
1974	940	Watah, Charlotte Chipps	730 NE. 155th, Portland 16, Oreg	------	F	31	Jan. 3, 1924	Wife	Full
1975	1399	Watah, Judah Weah	Beatty, Oreg	875	F	70	1885	Head	Full
1976	1401	Watah, Chester A	Warm Springs, Oreg	------	M	33	Feb. 24, 1922	Head	Full
1977	214	Watah, Kenneth	Beatty, Oreg	------	M	28	Apr. 7, 1927	Head	Full
1978	1402	Watah, Roscoe	do	896	M	79	1876	Head	Full
1979	567	Watkins, Zelma Greenback	Route 1, Box 29, Blue Jacket, Okla	------	F	30	July 8, 1924	Head	3/4
1980	1164	Weeks, Bennett Merle	Klamath Agency, Oreg	------	M	30	May 16, 1924	Head	13/16
1981	1405	Weeks, Bennett	Chiloquin, Oreg	1301	M	49	Jan. 3, 1906	Head	3/4
1982	784	Weeks, Carmel Jackson	do	------	F	28	July 28, 1926	Wife	Full
1983	------	Weeks, Leon McKinley	do	------	M	9	July 28, 1945	Son	7/8
1984	------	Weeks, Carmel Mae	do	------	F	7	Nov. 13, 1947	Daughter	7/8
1985	------	Weeks, Bonnie Marie	do	------	F	4	May 24, 1950	Daughter	7/8
1986	------	Weeks, Donald Monte	do	------	M	3	Dec. 17, 1951	Son	7/8
1987	------	Weeks, Norma Miranda	do	------	F	1	Sept. 18, 1953	Daughter	7/8
1988	1406	Weeks, Daniel W	do	1297	M	67	1888	Head	Full
1989	1153	Weeks, Rhlyn	do	------	M	38	Jan. 10, 1916	Head	Full
1990	1408	Weeks, Eugene	1112 Delta, Klamath Falls, Oreg	943	M	60	1895	Head	Full
1991	709	Weeks, Lorenza Byford	2605 State St., Salem, Oreg	------	M	38	Mar. 13, 1916	Head	Full
1992	981	Weeks, Leatha Henry	Klamath Agency, Oreg	------	F	30	July 9, 1924	Head	Full
1993	------	Weeks, Larry Duane	do	------	M	11	Dec. 21, 1943	Son	Full
1994	------	Weeks, Claudette Elaine	do	------	F	10	Jan. 26, 1945	Daughter	Full
1995	409	Welmer, Marie L. Dufault	10231 Bonser Ave., Garden Grove, Calif	------	F	29	Jan. 23, 1926	Head	1/8
1996	------	Lane, Celia Ann	do	------	F	10	Dec. 1, 1944	Daughter	1/16
1997	------	Weimer, Lawrence George	do	------	M	5	Nov. 14, 1949	Son	1/16
1998	------	Weimer, Theresa Marie	do	------	F	4	Oct. 20, 1950	Daughter	1/16
1999	1409	Weiser, Irwin	Sprague River, Oreg	1307	M	45	Aug. 16, 1909	Head	Full
2000	1416	Weiser, Irwin, Jr	Beatty, Oreg	------	M	23	Apr. 28, 1931	Son	15/16
2001	1418	Weiser, Buddy Ken	do	------	M	19	Apr. 28, 1935	Son	15/16
2002	1419	Weiser, Wilda Mae	do	------	F	18	Jan. 26, 1937	Daughter	15/16
2003	------	Weiser, Bonnie Jean	Sprague River, Oreg	------	F	11	Jan. 23, 1944	Daughter	15/16
2004	------	Weiser, Merton Allen	do	------	M	2	Nov. 22, 1952	Grandson	15/32
2005	1415	Weiser, Lorentine	do	------	M	25	Dec. 21, 1929	Head	15/16
2006	1202	Weiser, Jessie Robbins	do	------	F	28	Apr. 30, 1926	Wife	3/4
2007	------	Weiser, Steve Loran	do	------	M	7	Mar. 31, 1948	Son	27/32

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
2008	1414	Weiser, Ralph S.	Beatty, Oreg.		M	26	June 28, 1928	Head	15/16
2009	1333	Weiser, Estella Swain	do		F	18	Jan. 23, 1937	Wife	1/4
2010	------	Swain, Ralph	do		M	10 mos.	June 30, 1954	Son	19/32
2011	132	Weiser, Carrie Brown	do		F	22	Nov. 19, 1932	Head	Full
2012	------	Weiser, Raleigh Sage	do		M	4	July 7, 1950	Son	31/32
2013	------	Weiser, Rodney	do		M	3	Oct. 15, 1951	Son	31/32
2014	------	Weiser, Carol	do		F	2	Nov. 23, 1952	Daughter	31/32
2015	------	Weiser, Catherine	do		F	10 mos.	June 8, 1954	Daughter	31/32
2016	1420	Weiser, Sarah Foster	do	910	F	73	1882	Head	Full
2017	1421	Weiser, Racine	do		M	44	Sept. 5, 1910	Head	Full
2018	1157	Welton, Angelita Hoover	2514 S. 6th St., Klamath Falls, Oreg		F	43	June 22, 1911	Head	1/2
2019	1425	White, Russell	Chiloquin, Oreg	1569	M	53	1903	Head	Full
2020	33	Whitefoot, Betty Baldwin	General Delivery, Celilo, Oreg		F	21	Mar. 13, 1934	Head	1/2
2021	------	Whitefoot, John Ellis	do		M	2	July 28, 1952	Son	3/16
2022	1426	Wickert, Nora Mann	1840 N. Capitol St., Salem, Oreg	1421	F	67	1888	Head	1/4
2023	1074	Williams, Betty J. Morgan	P. O. Box 368, Cottage Grove, Oreg		F	28	July 8, 1926	Head	1/4
2024	------	Williams, Morgan Lee	do		M	6	June 25, 1948	Son	1/8
2025	1430	Williams, Hilbert	Warm Springs, Oreg		M	45	Apr. 11, 1910	Head	Full
2026	1432	Williams, Marvin	Box 812, Lathrop, Calif	1323	M	56	1899	Head	1/4
2027	1431	Williams, Willard	Springfield, Mo		M	39	Mar. 3, 1916	Head	Full
2028	843	Wilson, Clifford Edgar	PMB Box 15482, Steilacoom, Wash		M	32	Oct. 27, 1922	Head	3/4
2029	1445	Wilson, Esther Tupper	Sprague River, Oreg	1504	F	55	1900	Head	Full
2030	1450	Wilson, Marlin Dale	do		M	19	Dec. 10, 1935	Son	1/2
2031	1439	Wilson, Harlan Floyd	1202 Division, National City, Calif		M	34	Jan. 13, 1921	Head	1/8
2032	------	Wilson, Harlan Ludwig	do		M	15	Oct. 9, 1941	Son	1/16
2033	------	Wilson, Christine June	do		F	10	July 17, 1944	Daughter	1/16
2034	353	Wilson, Irma	General Delivery, Smith River, Calif		F	41	June 7, 1913	Head	Full
2035	------	Norris, Vera Luella	do		F	2	June 21, 1952	Daughter	1/2
2036	1441	Wilson, Leander	Chiloquin, Oreg	1331	M	49	Aug. 10, 1905	Head	Full
2037	594	Wilson, Paul	Klamath Ageney, Oreg		M	25	Aug. 6, 1929	Head	Full
2038	1440	Wilson, Loren Richard	468 "J" St., Chula Vista, Calif		M	32	Oct. 1, 1922	Head	1/8
2039	------	Wilson, Raymond Arthur	do		M	7	May 13, 1947	Son	1/16
2040	------	Wilson, Donna Marie	do		F	6	Sept. 9, 1948	Daughter	1/16
2041	1444	Wilson, Delbert	Klamath Ageney, Oreg		M	34	Mar. 27, 1921	Head	3/4
2042	1449	Wilson, Ronald Ray	Sprague River, Oreg		M	27	Dec. 25, 1927	Head	3/4
2043	1195	Wilson, Millie Riddle	do		F	22	July 18, 1932	Wife	15/16
2044	------	Wilson, Aaron Roy	do		M	4	Mar. 3, 1951	Son	23/32
2045	------	Wilson, Lorene May	do		F	1	Apr. 2, 1954	Daughter	23/32
2046	542	Wilson, Vernie Lee	1722 S. E. Taggart, Portland, Oreg		M	35	Feb. 10, 1920	Head	3/4
2047	1250	Wilson, Leona Godowa	Tacoma Indian Hospital, Tacoma, Wash	1088	F	47	July 22, 1907	Head	Full
2048	1251	Seid, Shirley Mae	218 Mill St., Silverton, Oreg		F	20	Sept. 28, 1934	Daughter	Full
2049	------	Wilson, Lillian Laverne	Chiloquin, Oreg		F	12	Aug. 16, 1942	Daughter	7/8
2050	1452	Wilson, Virgil	do		M	40	Apr. 16, 1914	Head	3/4
2051	1453	Wilson, Eleanor Wright	do	1599	F	45	Apr. 5, 1910	Wife	1/2
2052	1455	Hicks, Rufus Leon	do		M	26	June 16, 1928	Stepson	5/8
2053	1454	Wilson, Virgil, III	do		M	18	Apr. 30, 1936	Son	5/8
2054	------	Wilson, Darrell James	do		M	13	June 23, 1941	Son	5/8
2055	------	Wilson, Eileen Kay	do		F	6	Dec. 31, 1948	Daughter	5/8
2056	------	Wilson, Darla Ann	do		F	4	Jan. 17, 1951	Daughter	5/8
2057	276	Witt, Lawrence Leroy	110 N. Carroll, Klamath Falls, Oreg		M	32	Dec. 10, 1922	Head	1/8
2058	------	Witt, Lari Barbara	do		F	8 mos.	July 8, 1954	Daughter	1/16
2059	------	Witt, Noris Verne	P. O. Box 647, Poulsbo, Wash		M	12	Jan. 17, 1943	Son	1/16
2060	------	Witt, Elsie Deane	do		F	11	Feb. 2, 1944	Daughter	1/16
2061	------	Witt, Lawrence Lee, Jr	do		M	9	Sept. 9, 1945	Son	1/16
2062	------	Witt, Jon William	do		M	7	Jan. 4, 1948	Son	1/16
2063	498	Wong, Mary Gallagher	401½ "J" St., Sacramento, Calif		F	25	Jan. 3, 1930	Head	5/8
2064	------	Wong, Ramona Jean	do		F	7	July 23, 1947	Daughter	5/16
2065	1460	Wright, George Emmitt	Chiloquin, Oreg		M	42	July 21, 1912	Head	1/2
2066	324	Wright, Alice Jackson	do		F	41	Nov. 1, 1913	Wife	3/4
2067	326	Crume, Marilyn Janette	do		F	18	Dec. 28, 1936	Stepdaughter	3/4
2068	327	Jackson, Jonathan Wayne	do		M	16	June 10, 1938	Stepson	3/4
2069	328	Jackson, Elaine Annette	do		F	15	Aug. 3, 1939	Stepdaughter	3/4
2070	------	Jackson, Dowd Harwood	do		M	14	Oct. 9, 1940	Stepson	5/8
2071	------	Jackson, Laverne Margaret	do		F	12	June 4, 1942	Stepdaughter	5/8
2072	------	Jackson, Delmar Stephen	do		M	3	June 10, 1951	Stepson	3/8
2073	------	Wright, Nadene Carroll	do		F	5	May 12, 1949	Daughter	1/2
2074	1463	Wright, Harold B	do		M	21	June 25, 1933	Head	13/16
2075	43	Wright, Maryetta Ball	do		F	23	July 27, 1931	Wife	5/8
2076	1467	Wright, Harry Frederick	do		M	37	1917	Head	5/8
2077	1224	Wright, Elmira J. Charles	do		F	33	June 9, 1921	Wife	7/8
2078	------	Charles, Patricia Ann	do		F	10	Mar. 9, 1945	Stepdaughter	7/16
2079	------	Wright, Geraldine Harriett	do		F	6	Oct. 14, 1948	Daughter	3/4
2080	------	Wright, Wanda Amelia	do		F	3	Feb. 10, 1952	Daughter	3/4
2081	------	Wright, Warran Wayne	do		M	5	Apr. 10, 1950	Son	3/4
2082	------	Wright, Floyd Harry	do		M	1	Nov. 3, 1953	Son	3/4
2083	1473	Wright, John	do		M	28	Aug. 29, 1926	Head	5/8
2084	768	Wright, Lorena Jackson	do		F	27	Dec. 17, 1927	Wife	Full
2085	------	Jackson, Faith	do		F	7	Feb. 22, 1948	Daughter	13/16
2086	------	Wright, Ruth Esther	do		F	5	Sept. 20, 1949	Daughter	13/16
2087	------	Wright, Gail Elizabeth	do		F	3	July 18, 1951	Daughter	13/16
2088	------	Wright, Sandra Lee	do		F	1	May 15, 1953	Daughter	13/16
2089	1470	Wright, May Silvers	do		F	51	1904	Head	1/2
2090	1477	Wright, Margaret Ann	do	1499	F	15	Nov. 4, 1939	Daughter	5/8
2091	------	Wright, Ralph	do		M	9	Oct. 7, 1945	Son	5/8
2092	------	Wright, James, Jr	do		M	11	May 10, 1943	Grandson	7/16
2093	1471	Wright, James	do		M	31	Nov. 28, 1923	Head	5/8
2094	1389	Wright, Theodona L. Walker	do		F	25	Mar. 13, 1930	Wife	15/16
2095	------	Wright, Eileen Susan	do		F	7	Apr. 3, 1948	Daughter	25/32
2096	------	Wright, Marcella Jean	do		F	6	Mar. 13, 1949	Daughter	25/32
2097	------	Wright, Doreen Janice	do		F	4	July 3, 1950	Daughter	25/32
2098	------	Wright, Theodore Harold	do		M	3	June 27, 1951	Son	25/32
2099	------	Wright, Lloyd James	do		M	2	Feb. 6, 1953	Son	25/32
2100	1215	Wright, Josephine Rossi	2322 I St., Bellingham, Wash		F	28	Jan 16, 1927	Head	1/4
2101	------	Summers, Madelon Rae	do		F	6	Mar. 11, 1949	Daughter	1/2
2102	------	Summers, Calvin Lee, Jr	do		M	4	Oct. 2, 1950	Son	1/2
2103	------	Wright, Pamela May	do		F	2	Dec. 15, 1952	Daughter	1/2
2104	612	Wright, Mabel O. Hendricks	2125 Auburn, Klamath Falls, Oreg		F	43	Mar. 14, 1912	Head	1/8
2105	------	Tullis, Howard L., Jr	do		M	14	Sept. 12, 1940	Son	1/16
2106	------	Wright, Harry Applegate	do		M	8	Mar. 10, 1947	Son	1/16
2107	1478	Wright, Orville Elliott	Beatty, Oreg		M	40	June 13, 1914	Head	5/8
2108	615	Wright, Mary Henry	do		F	26	Oct. 23, 1928	Wife	Full
2109	1462	Wright, Ruby White	Chiloquin, Oreg	1316	F	53	1902	Head	Full
2110	1464	Wright, Joseph E	do		M	19	Apr. 30, 1935	Son	13/16
2111	------	Wright, June Ruby	do		F	10	June 25, 1944	Daughter	13/16
2112	1254	Yates, Flava M. Wright	do	1512	F	59	1896	Head	3/4
2113	773	Youngblood, May Jackson	do		F	34	May 1, 1920	Head	Full

PROPOSED ROLL OF MEMBERS OF KLAMATH TRIBE, PREPARED BY THE SECRETARY OF THE INTERIOR PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 587—Continued

New roll No.	Old roll No.	Name—Surname; given; maiden	Residence	Allotment No.	Sex	Age	Date of birth	Family relationship	Degree of blood
2114	1216	Zamudio, Rose Rossi	Chiloquin, Oreg		F	26	July 2, 1928	Head	1/4
2115	------	Zamudio, Karen Lyle	do		F	9	Feb. 16, 1946	Adopted daughter	9/16
2116	------	Zamudio, Sharon Lynn	do		F	9	Feb. 16, 1946	Adopted daughter	9/16
2117	------	Zamudio, Ramon Jose, Jr	do		M	1	May 5, 1953	Son	1/8
2118	562	Zehe, Lois Godowa	Sprague River, Oreg		F	45	Oct. 16, 1909	Head	Full

[F. R. Doc. 55-3640; Filed, May 12, 1955; 8:45 a. m.]

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PART I

FEDERAL REGISTER

VOLUME 20 NUMBER 95

Washington, Saturday, May 14, 1955

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 35]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.335 *Valencia Orange Regulation 35*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on May 12, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 15, 1955, and ending at 12:01 a. m., P. s. t., May 22, 1955, is hereby fixed as follows:

(i) District 1: 196,350;

(ii) District 2: 184,800 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 13, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4020; Filed, May 13, 1955; 11:24 a. m.]

This issue is divided into two parts, Part II of which contains a notice of proposed rule making of the Interstate Commerce Commission relating to revised rules of procedure before the Commission. Other documents of the Interstate Commerce Commission are published in Part I of this issue.

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 14: Parts 1–399 ($2.25)
Titles 22–23 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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[Orange Reg. 279]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.738 *Orange Regulation 279*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 16, 1955. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until May 16, 1955; the recommendation and supporting information for continued regulation subsequent to May 15, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 10; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 16, 1955, and ending at 12:01 a. m., e. s. t., May 30, 1955, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 150 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 274 (§ 933.728, 20 F. R. 1359).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 11, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–3964; Filed, May 13, 1955; 8:56 a. m.]

[Grapefruit Reg. 224]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.739 *Grapefruit Regulation 224*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 7 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 16, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until May 16, 1955; the recommendation and supporting information for continued regulation subsequent to May 15, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 10; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 16, 1955, and ending at 12:01 a. m., e. s. t., May 30, 1955, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended mar-

keting agreement and order; and the terms "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 11, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3965; Filed, May 13, 1955; 8:56 a. m.]

[Lemon Reg. 588, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.695 (Lemon Regulation 588; 20 F. R. 3096) are hereby amended to read as follows:

(ii) District 2: 550 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 11, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-3966; Filed, May 13, 1955; 8:56 a. m.]

[Lemon Reg. 589]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.696 *Lemon Regulation 589*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 11, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 15, 1955, and ending at 12:01 a. m., P. s. t., May 22, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 575 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 12, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4001; Filed, May 13, 1955; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 40-14]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

EN ROUTE PERFORMANCE OPERATING LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of May 1955.

Currently effective § 40.74, pertaining to the transport category one-engine-inoperative en route performance operating limitations, provides that the airplane weight at take-off shall be such that, in the event of an engine failure at any point along the route, the airplane can meet a prescribed rate of climb at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. This amendment provides an alternative to this performance operating limitation under which, upon approval by the Administrator of Civil Aeronautics, a so-called "drift-down" procedure may be used. For some time a similar alternative has been permitted for the operation of nontransport category airplanes with no adverse effect on safety. The Board, therefore, considers that a properly planned and executed drift-down procedure would not jeopardize the safety of operation of transport category airplanes.

The Board is of the view that experience during recent years demonstrates that the jettisoning of fuel may be accomplished safely when adequate indoctrination of flight crew and other necessary precautions are provided. Accordingly, there is included a provision whereby fuel jettisoning may be used in showing compliance with this requirement if proper safeguards are taken.

Although consideration has been given to the inclusion of certain operational variables such as the incidence of downdrafts, turbulence, and icing conditions in the approval of drift-down procedures, the Board is of the view that these conditions are not sufficiently definitive and do not establish a clear criterion against which a particular drift-down procedure may be examined. They are, therefore, not included in this regulation. On the other hand, temperature and wind are measurable quantities which can be forecast with reasonable

accuracy. Accordingly, the Board is of the view that account should be taken of temperature and wind. However, in order to avoid placing an undue burden upon the air carrier in accounting for these conditions, this regulation permits the use of "declared" values or other such approved assumptions with respect to their probable magnitude.

Inasmuch as this regulation prescribes an operational procedure to be used in lieu of compliance with specific performance limitations, the Board has decided that the lateral and vertical clearances should be more nearly related to operating limitations generally in effect. Since minimum flight altitudes are normally predicated on a 5-mile lateral clearance, this value is also used in drift-down procedures. However, since a vertical clearance of 2,000 feet is normally required in mountainous terrain and since terrain elevations which are critical from the standpoint of the performance operating limitations are found only in mountainous areas, the Board believes it logical to apply a 2,000-foot terrain clearance provision in this requirement.

In order that a flight with one engine inoperative not be complicated unduly by navigational problems, the Board believes that the drift-down procedure normally should be related clearly to an approved radio navigational fix. The procedure will be so established that on either side of the governing fix a definite course will be prescribed to an alternate airport. In order to insure that these airports will, in fact, be usable under such circumstances, the Board is applying the same requirements for initial dispatch as are required currently with respect to any other alternate airport.

Although this amendment does not limit the application of a drift-down procedure to airplanes possessing reciprocating engines, the Board intends to continue its consideration of the special problems which may be raised by the introduction of turbine engines and, specifically, will consider whether any different conclusions need be reached with respect to the application of "drift down" to turbine-powered airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective May 9, 1955.

By amending § 40.74 to read as follows:

§ 40.74 *En route limitations; one engine inoperative.* (a) No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}{}^2$$

(when N is the number of engines installed and V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track, except that for transport category airplanes certificated under Part 4a of this subchapter, the rate of climb shall be $0.02\ V_{s_0}{}^2$.

(b) As an alternative to the provisions of paragraph (a) of this section, an air carrier may utilize an approved procedure whereby its airplanes are operated at an all-engine-operating altitude such that in the event of an engine failure the airplane can continue flight to an alternate airport where a landing can be made in accordance with the provisions of § 40.78, the flight path clearing all terrain and obstructions along the route within 5 miles on either side of the intended track by at least 2,000 feet. In addition, if such a procedure is utilized, subparagraphs (1) through (6) of this paragraph shall be complied with:

(1) The rate of climb (as presented in the Airplane Flight Manual for the appropriate weight and altitude) used in calculating the airplane's flight path shall be diminished by an amount, in feet per minute, equal to

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}{}^2$$

(when N is the number of engines installed and V_{s_0} is expressed in miles per hour) for airplanes certificated under Part 4b of this subchapter and by $0.02\ V_{s_0}{}^2$ for airplanes certificated under Part 4a of this subchapter.

(2) The all-engine-operating altitude shall be such that, in the event the critical engine becomes inoperative at any point along the route, the flight will be capable of proceeding to a predetermined alternate airport by use of this procedure. For the purpose of determining the take-off weight, the airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix: *Provided,* That the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(3) The airplane shall meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternate in this procedure.

(4) The procedure shall include an approved method of accounting for winds and temperatures which would otherwise adversely affect the flight path.

(5) In complying with this procedure fuel jettisoning shall be permitted if the Administrator finds that the air carrier has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The alternate airport shall be specified in the dispatch release and shall meet the provisions of § 40.390.

(c) For the purposes of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-3956; Filed, May 13, 1955; 8:54 a. m.]

[Civil Air Regs., Amdt. 41-1]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

EN ROUTE PERFORMANCE OPERATING LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of May 1955.

Currently effective § 41.30 (b), pertaining to the transport category one-engine-inoperative en route performance operating limitations, provides that the airplane weight at take-off shall be such that, in the event of an engine failure at any point along the route, the airplane can meet a prescribed rate of climb at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. This amendment provides an alternative to this performance operating limitation under which, upon approval by the Administrator of Civil Aeronautics, a so-called "drift-down" procedure may be used. For some time a similar alternative has been permitted for the operation of nontransport category airplanes with no adverse effect on safety. The Board, therefore, considers that a properly planned and executed drift-down procedure would not jeopardize the safety of operation of transport category airplanes.

The Board is of the view that experience during recent years demonstrates that the jettisoning of fuel may be accomplished safely when adequate indoctrination of flight crew and other necessary precautions are provided. Accordingly, there is included a provision whereby fuel jettisoning may be used in showing compliance with this requirement if proper safeguards are taken.

Although consideration has been given to the inclusion of certain operational variables such as the incidence of downdrafts, turbulence, and icing conditions in the approval of drift-down procedures, the Board is of the view that these conditions are not sufficiently definitive and do not establish a clear criterion against which a particular drift-down procedure may be examined. They are, therefore, not included in this regulation. On the other hand, temperature and wind are measurable quantities which can be forecast with reasonable accuracy. Accordingly, the Board is of the view that account should be taken of temperature and wind. However, in order to avoid placing an undue burden upon the air carrier in accounting for these conditions, this regulation permits

[1] Adams, Vice Chairman, dissenting.

the use of "declared" values or other such approved assumptions with respect to their probable magnitude.

Inasmuch as this regulation prescribes an operational procedure to be used in lieu of compliance with specific performance limitations, the Board has decided that the lateral and vertical clearances should be more nearly related to operating limitations generally in effect. Since minimum flight altitudes are normally predicated on a 5-mile lateral clearance, this value is also used in drift-down procedures. However, since a vertical clearance of 2,000 feet is normally required in mountainous terrain and since terrain elevations which are critical from the standpoint of the performance operating limitations are found only in mountainous areas, the Board believes it logical to apply a 2,000-foot terrain clearance provision in this requirement.

In order that a flight with one engine inoperative not be complicated unduly by navigational problems, the Board believes that the drift-down procedure normally should be related clearly to an approved radio navigational fix. The procedure will be so established, that on either side of the governing fix a definite course will be prescribed to an alternate airport. In order to insure that these airports will, in fact, be usable under such circumstances, the Board is applying the same requirements for initial dispatch as are required currently with respect to any other alternate airport.

Although this amendment does not limit the application of a drift-down procedure to airplanes possessing reciprocating engines, the Board intends to continue its consideration of the special problems which may be raised by the introduction of turbine engines and, specifically, will consider whether any different conclusions need be reached with respect to the application of "drift down" to turbine-powered airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective May 9, 1955.

By amending § 41.30 (b) to read as follows:

§ 41.30 *En route limitations.* • • •

(b) *All airplanes; one engine inoperative.* (1) No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}{}^2$$

(when N is the number of engines installed and V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track, except that for transport category airplanes certificated under Part 4a of this subchapter, the rate of climb shall be $0.02\ V_{s_0}{}^2$.

(2) As an alternative to the provisions of subparagraph (1) of this paragraph, an air carrier may utilize an approved procedure whereby its airplanes are operated at an all-engine-operating altitude such that in the event of an engine failure the airplane can continue flight to an alternate airport where a landing can be made in accordance with the provisions of § 41.34, the flight path clearing all terrain and obstructions along the route within 5 miles on either side of the intended track by at least 2,000 feet. In addition, if such a procedure is utilized, subdivisions (i) through (vi) of this subparagraph shall be complied with:

(i) The rate of climb (as presented in the Airplane Flight Manual for the appropriate weight and altitude) used in calculating the airplane's flight path shall be diminished by an amount, in feet per minute, equal to

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}{}^2$$

(when N is the number of engines installed and V_{s_0} is expressed in miles per hour) for airplanes certificated under Part 4b of this subchapter, and by $0.02\ V_{s_0}{}^2$ for airplanes certificated under Part 4a of this subchapter.

(ii) The all-engine-operating altitude shall be such that, in the event the critical engine becomes inoperative at any point along the route, the flight will be capable of proceeding to a predetermined alternate airport by use of this procedure. For the purpose of determining the take-off weight, the airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix: *Provided,* That the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(iii) The airplane shall meet the provisions of subparagraph (1) of this paragraph at 1,000 feet above the airport used as an alternate in this procedure.

(iv) The procedure shall include an approved method of accounting for winds and temperatures which would otherwise adversely affect the flight path.

(v) In complying with this procedure fuel jettisoning shall be permitted if the Administrator finds that the air carrier has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(vi) The alternate airport shall be specified in the dispatch release and shall meet the provisions of § 41.96.

(3) For the purposes of this paragraph it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-3957; Filed, May 13, 1955; 8:54 a. m.]

[1] Adams, Vice Chairman, dissenting.

[Civil Air Regs., Amdt. 42-2]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EN ROUTE PERFORMANCE OPERATING LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 9th day of May 1955.

Currently effective § 42.74, pertaining to the transport category one-engine-inoperative en route performance operating limitations, provides that the airplane weight at take-off shall be such that, in the event of an engine failure at any point along the route, the airplane can meet a prescribed rate of climb at an altitude at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. This amendment provides an alternative to this performance operating limitation under which, upon approval by the Administrator of Civil Aeronautics, a so-called "drift-down" procedure may be used. For some time a similar alternative has been permitted for the operation of non-transport category airplanes with no adverse effect on safety. The Board, therefore, considers that a properly planned and executed drift-down procedure would not jeopardize the safety of operation of transport category airplanes.

The Board is of the view that experience during recent years demonstrates that the jettisoning of fuel may be accomplished safely when adequate indoctrination of flight crew and other necessary precautions are provided. Accordingly, there is included a provision whereby fuel jettisoning may be used in showing compliance with this requirement if proper safeguards are taken.

Although consideration has been given to the inclusion of certain operational variables such as the incidence of downdrafts, turbulence, and icing conditions in the approval of drift-down procedures, the Board is of the view that these conditions are not sufficiently definitive and do not establish a clear criterion against which a particular drift-down procedure may be examined. They are, therefore, not included in this regulation. On the other hand, temperature and wind are measurable quantities which can be forecast with reasonable accuracy. Accordingly, the Board is of the view that account should be taken of temperature and wind. However, in order to avoid placing an undue burden upon the air carrier in accounting for these conditions, this regulation permits the use of "declared" values or other such approved assumptions with respect to their probable magnitude.

Inasmuch as this regulation prescribes an operational procedure to be used in lieu of compliance with specific performance limitations, the Board has decided that the lateral and vertical clearances should be more nearly related to operating limitations generally in effect. Since minimum flight altitudes are normally predicated on a 5-mile lateral clearance, this value is also used in drift-down procedures. However, since a vertical clearance of 2,000 feet is normally required in mountainous terrain and since terrain elevations which are critical from the standpoint of the performance operating limitations are found only in mountainous areas, the Board believes it logical to apply a 2,000-foot terrain clearance provision in this requirement.

In order that a flight with one engine inoperative not be complicated unduly by navigational problems, the Board believes that the drift-down procedure normally should be related clearly to an approved radio navigation fix. The procedure will be so established that on either side of the governing fix a definite course will be prescribed to an alternate airport. In order to insure that these airports will, in fact, be usable under such circumstances, the Board is applying the same requirements for initial dispatch as are required currently with respect to any other alternate airport.

Although this amendment does not limit the application of a drift-down procedure to airplanes possessing reciprocating engines, the Board intends to continue its consideration of the special problems which may be raised by the introduction of turbine engines and, specifically, will consider whether any different conclusions need be reached with respect to the application of "drift down" to turbine-powered airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective May 9, 1955.

By amending § 42.74 to read as follows:

§ 42.74 *En route limitations; one engine inoperative.* (a) No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}{}^2$$

(when N is the number of engines installed and V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track, except that for transport category airplanes certificated under Part 4a of this subchapter, the rate of climb shall be $0.02\ V_{s_0}{}^2$.

(b) As an alternative to the provisions of paragraph (a) of this section, an air carrier may utilize an approved procedure whereby its airplanes are operated at an all-engine-operating altitude such that in the event of an engine failure the airplane can continue flight to an alternate airport where a landing can be made in accordance with the provisions of § 42.78, the flight path clearing all terrain and obstructions along the route within 5 miles on either side of the intended track by at least 2,000 feet. In addition, if such a procedure is utilized, subparagraphs (1) through (6) of this paragraph shall be complied with:

(1) The rate of climb (as presented in the Airplane Flight Manual for the appropriate weight and altitude) used in calculating the airplane's flight path shall be diminished by an amount, in feet per minute, equal to

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}{}^2$$

(when N is the number of engines installed and V_{s_0} is expressed in miles per hour) for airplanes certificated under Part 4b of this subchapter, and by $0.02\ V_{s_0}{}^2$ for airplanes certificated under Part 4a of this subchapter.

(2) The all-engine-operating altitude shall be such that, in the event the critical engine becomes inoperative at any point along the route, the flight will be capable of proceeding to a predetermined alternate airport by use of this procedure. For the purpose of determining the take-off weight, the airplane shall be assumed to pass over the critical obstruction following engine failure at a point no closer to the critical obstruction than the nearest approved radio navigational fix: *Provided,* That the Administrator may authorize a procedure established on a different basis where adequate operational safeguards are found to exist.

(3) The airplane shall meet the provisions of paragraph (a) of this section at 1,000 feet above the airport used as an alternate in this procedure.

(4) The procedure shall include an approved method of accounting for winds and temperatures which would otherwise adversely affect the flight path.

(5) In complying with this procedure fuel jettisoning shall be permitted if the Administrator finds that the air carrier has an adequate training program, proper instructions are given to the flight crew, and all other precautions are taken to insure a safe procedure.

(6) The alternate airport shall be specified in the dispatch release and shall meet the provisions of § 42.55.

(c) For the purposes of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-3958; Filed, May 13, 1955; 8:54 a. m.]

[1] Adams, Vice Chairman, dissenting.

Chapter II—Civil Aeronautics Administration, Department of Commerce

Subchapter C—Aircraft Regulations

PART 501—AIRCRAFT REGISTRATION CERTIFICATES

REVISION OF PART

Part 501 of the Regulations of the Administrator is revised in its entirety, to make editorial changes and to provide a more specific statement of the several standards covering the application for, and issuance of, aircraft certificates of registration. The fees required are stated in §§ 501.3 (a) (4) and 501.4 (c) (2). The statutory definition of "conditional sale" contained in the Civil Aeronautics Act and already applicable by virtue of that Act is added to the first sentence of § 501.4 (b) (2) (ii) as footnote 6. Section 501.8 provides for a temporary certificate of registration pending receipt of a duplicate certificate required because the original was lost, stolen or mutilated. An additional obligation is imposed by § 501.11 in that aircraft owners are required to notify the Administration of any sale or export of the aircraft.

Part 501 appeared as a Notice of Proposed Rule Making in 19 F. R. 9292-9294 on December 29, 1954. All interested persons have been afforded an opportunity to submit written views, data or argument and consideration has been given all relevant data presented.

Part 501 is adopted to read as follows:

Sec.
501.1 Basis and purpose.
501.2 Scope.
501.3 Application.
501.4 Issuance of certificate of registration.
501.5 Effective date.
501.6 Transferability.
501.7 Duration.
501.8 Display.
501.9 Invalidation.
501.10 Surrender.
501.11 Notice of change of address or ownership.

AUTHORITY: §§ 501.1 to 501.11 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 501, 52 Stat. 1005, as amended; 49 U. S. C. 521.

§ 501.1 *Basis and purpose.* The basis for this part is found in sections 205 and 501 of the Civil Aeronautics Act of 1938, as amended. The purpose of this part is to prescribe the regulations under which persons may register aircraft in accordance with the requirements of section 501 of the Civil Aeronautics Act of 1938, as amended.[1]

[1] The certificate of registration issued by the Civil Aeronautics Administration is issued only to the owner of an aircraft. However, section 501 of the Civil Aeronautics Act of 1938, as amended, states that "registration shall not be evidence of ownership of aircraft in any proceeding in which such ownership by a particular person is, or may be, in issue." The Civil Aeronautics Administration does not issue any certificates of ownership, nor is information with respect to ownership endorsed on certificates of registration.

The records of aircraft ownership which are maintained by the Civil Aeronautics Administration are public records and are open for inspection at Temporary Building No. 4,

§ 501.2 *Scope.* Except as provided in Part 502 of this chapter with respect to Dealers' Aircraft Registration Certificates, the requirements for aircraft certificates of registration shall be as prescribed in this part.

§ 501.3 *Application*—(a) *Form.* Application for the registration of an aircraft shall be made upon the Form ACA–500–B furnished by the Administrator of Civil Aeronautics. The Form ACA–500 contains three parts: Part A, "Certificate of Registration"; Part B, "Application for Registration"; and Part C, "Bill of Sale." An applicant for a certificate of registration shall submit to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C., the following:

(1) An original and a duplicate of Part A;

(2) Signed duplicate of Part B;

(3) A signed and executed duplicate of Part C [2] or another bill of sale or other form of conveyance specified in § 501.4 (b) (2);

(4) A registration fee of $4.00, in the form of a check or money order made payable to CAA, Department of Commerce.

The name of the purchaser shall be identical on Parts A, B, and C. If a contract of conditional sale is submitted, an additional fee of $4.00 shall be enclosed to record it. The applicant shall retain the original of Part B in the aircraft as a temporary registration for 60 days, pending receipt of Certificate of Registration, Part A of the Form ACA–500.

(b) *Signatures.* All signatures on applications for registration shall be in ink and shall comply with the following, where applicable:

(1) *Agent.* If an instrument is signed by an agent, the name of the applicant for registration shall be shown above the signature. The agent shall indicate that he is signing as "agent" or "attorney in fact" and shall submit the signed and acknowledged power of attorney under which he is acting or a certified true copy thereof or other acceptable evidence of his authority.

(2) *Corporation.* The person signing on behalf of a corporation shall show his corporate title on the instrument. The signature of a person signing for a corporation other than the president, vice president, secretary, or treasurer will not be accepted unless there is submitted a certified copy of the authority granted him by the Board of Directors of the corporation to act in that capacity.

(3) *Partnership.* Where one partner signs for the entire partnership, the names of all partners shall be shown and the person signing shall indicate that he is signing on behalf of the partnership by showing the word "partner" beneath his signature.

(4) *Cotenants.* A document executed in connection with aircraft owned by several persons as cotenants or tenants in common shall be executed by each of the individuals who have title to the aircraft under that form of ownership.

(5) *Trade name.* Documents for aircraft owned by one or more persons doing business under a trade name may be executed in the trade name and the signer shall show the capacity (owner, partner, manager, etc.) under which he executed the documents.

§ 501.4 *Issuance of certificate of registration*—(a) *New or previously unregistered aircraft*—(1) *Application.* A certificate of registration will be issued by the Administrator of Civil Aeronautics for aircraft owned by citizens of the United States [3] and not previously registered under the provisions of the Civil Aeronautics Act of 1938, if the applicant

(i) Mails or delivers a duly executed application for registration, accompanied by the $4.00 registration fee, to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C.; and

(ii) Submits with the application proof satisfactory to the Administrator of Civil Aeronautics that the applicant is the owner of such aircraft.

(2) *Proof of ownership.* An aircraft will be registered only in the name of the owner. The applicant for registration of a new or a previously unregistered aircraft shall submit proof of his ownership. Part "C" of Form ACA–500, or its equivalent, may be used for this purpose.[4] Recognized manufacturers shall submit evidence from an official of the company setting forth the fact of ownership by reason of fabrication of component parts. The owner of home-built aircraft or of an aircraft assembled from parts shall submit his affidavit setting forth that the aircraft was built from parts and that the affiant is the owner of all right, title and interest therein.

(3) *Identification.* (i) The applicant for registration of an aircraft which has not previously been assigned a registration number shall obtain such a number from the nearest Civil Aeronautics Aviation Safety Agent in the field. In addition to the prefix "N", an aircraft identification number will not exceed five symbols, which may consist of 1 to 5 digits; 1 to 4 digits followed by 1 letter; or 1 to 3 digits followed by 2 letters.

(ii) If the owner of an aircraft desires the assignment of a number not available from the Aviation Safety Agent, or any change from the registration number on the aircraft, he shall apply directly to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C., and shall accompany his request with a check or money order made payable to CAA, Department of Commerce, in the amount of $10.00 for the special number desired.

(b) *Previously registered aircraft*—(1) *Application.* A certificate of registration will be issued by the Administrator of Civil Aeronautics for aircraft previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended, if

(i) The applicant submits a duly executed application for registration to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C., accompanied by the registration fee of $4.00;

(ii) The applicant submits with the application for registration a conveyance which meets the requirements prescribed in Part 503 of this chapter and evidence applicant's ownership of the aircraft; and

(iii) The conveyance submitted with the above application establishes, within the recordation system of the Administrator of Civil Aeronautics, ownership to the aircraft in the applicant: *Provided,* That this requirement shall not be applicable to contracts of conditional sale, in which the seller is the legal owner of the aircraft, if the purchaser is granted the right of possession: *And provided further,* That if for good reason an applicant for registration cannot comply with the provisions of subdivision (ii) of this subparagraph and this subdivision as specified in subparagraph (2) of this paragraph, title evidence satisfactory to the Administrator of Civil Aeronautics shall be submitted.[5]

(2) *Proof of ownership.* (i) If the applicant for registration purchased the aircraft from the last registered owner, he shall submit a conveyance executed by such person to him. If the applicant did not purchase the aircraft from the last registered owner, he shall submit documents showing consecutive transactions from the last registered owner, through all intervening owners, and thence to him. Part C of Form ACA–500 is a bill of sale which should be completed by the seller. Its use is not compulsory and any equivalent bill of sale is acceptable as proof of ownership provided it is acceptable for recording under the requirements outlined in § 503.1 of this chapter.

(ii) The purchaser of an aircraft under a contract of conditional sale is the owner for the purpose of registration and shall submit the contract of conditional sale as proof of ownership when applying for registration.[6] The contract of conditional sale shall meet the applicable requirements of Part 503 of this chapter. Where an equitable interest under a contract of conditional sale has been assigned, the assignee is the owner for the purpose of registration and shall submit the original contract of conditional sale (unless it has already been recorded with the Civil Aeronautics Administration), and an assignment from the original conditional purchaser to the applicant for registration. This assignment shall meet the applicable requirements of Part 503 of this chapter and there shall also be affixed the signature of the holder (conditional seller or his assignee) of the contract of conditional sale to show assent to the assignment of the equitable interest.

(iii) Where a person repossessing an aircraft desires registration in his name, he shall submit as evidence of his ownership his certificate of repossession, on Form ACA–909 or its equivalent, setting forth that the aircraft has been repossessed pursuant to the terms of the financing agreement involved and the pertinent local laws, together with an original or certified true copy of the financing agreement under which the aircraft was repossessed, unless such financing agreement has been previously recorded by the Civil Aeronautics Administration.

(iv) The purchaser of an aircraft at a foreclosure sale shall submit as evidence of his ownership: A bill of sale, which meets the applicable requirements of Part 503 of this chapter, executed by the officer, sheriff, auctioneer, or other person responsible for the conduct of such sale; an affidavit, on Form ACA–909 or its equivalent, by the holder of the encumbrance stating that the aircraft has been repossessed or otherwise seized, and sold pursuant to the terms of the financing agreement involved and the pertinent local laws; and an original or certified true copy of the financing agreement under which the aircraft was repossessed and sold, unless such financing agreement has been previously recorded by the Civil Aeronautics Administration.

(v) Where the applicant for registration purchased the aircraft at a sale to satisfy a lien for storage or repair, he shall submit as proof of his ownership a bill of sale from the officer, sheriff, auctioneer, or other person responsible for the conduct of such sale, which document shall state that the sale was conducted in accordance with the pertinent local laws.

(vi) In any case where the title to an aircraft has been in controversy and ownership has been determined by a court, the applicant for registration shall submit a properly certified order of the court.

(vii) If the applicant for registration is the administrator or executor of the estate of the deceased former owner, he shall submit with the application for registration a certified copy of the letters of administration or letters testamentary appointing the applicant administrator or executor. If the aircraft is sold to another party, the applicant for registration shall submit a bill of sale executed for the estate by the administrator or executor, together with a certified copy of the letters of administration or letters testamentary. When no executor or administrator has been or is to be appointed, the bill of sale shall be executed in the name of the estate of the former owner by the heir at law and shall be accompanied by an affidavit from the signer that no application has been made for the appointment of an executor or administrator, that in so far as the applicant can determine, no such application will be made, and that he is the person entitled to the aircraft under the laws of the state having jurisdiction, or that under such laws he or she has the right to dispose of the aircraft.

(c) *Aircraft previously registered in foreign countries*—(1) *Application.* A certificate of registration will be issued by the Administrator of Civil Aeronautics for aircraft which have been last registered under the laws of a foreign country if the applicant:

(i) Submits a duly executed application for registration and the $4.00 registration fee to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C.; and

(ii) Submits with the application a bill of sale from the foreign seller or other proof satisfactory to the Administrator of Civil Aeronautics that the applicant is the owner of the aircraft; and

(iii) Submits a statement signed by a proper official of the country of foreign registry to the effect that all holders of recorded rights against the aircraft have been satisfied or have consented to the transfer of registry; or

(iv) Submits evidence satisfactory to the Administrator of Civil Aeronautics, (*a*) if the country of foreign registry has not ratified the Convention on International Recognition of Rights in Aircraft, that the foreign registry has terminated or is invalid, or (*b*) if the country of foreign registry has ratified the Convention, that the foreign registry has terminated or is invalid, or that ownership in the country of export has been terminated by a sale in execution carried out in conformity with the provisions of the Convention, or that the country of foreign registry does not supply information with respect to recorded rights in aircraft.

(2) *Identification.* The purchaser of the aircraft shall apply to the Civil Aeronautics Aviation Safety Agent at the port of entry of the aircraft into the United States or to the CAA International Field Office for assignment of a registration number to the aircraft. If the purchaser desires the assignment of a number not available from the agent or field office, he shall apply directly to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C., and shall accompany his request with a check or money order made payable to CAA, Department of Commerce, in the amount of $10.00 for the special number desired.

§ 501.5 *Effective date.* An aircraft will be deemed to be registered upon the date the documents required by § 501.4 (a), (b), or (c), whichever is applicable, are submitted to the Administrator of Civil Aeronautics.

§ 501.6 *Transferability.* A certificate of registration is not transferable.

§ 501.7 *Duration.* Upon application for registration made upon the prescribed form, and submission of the required proof of ownership, an aircraft may be operated for a period of sixty (60) days pending registration by the Administrator of Civil Aeronautics. (See § 406.14 (c) of this chapter.) The certificate of registration issued by the Administrator of Civil Aeronautics pursuant thereto shall remain in effect indefinitely unless suspended or revoked: *Provided,* That such registration and certificate shall immediately expire on the date,

(a) The aircraft is registered under the laws of any foreign country; or

(b) The registration of the aircraft is cancelled at the written request of the owner; or

(c) The aircraft is totally destroyed or scrapped; or

(d) The ownership of the aircraft is transferred.

§ 501.8 *Display.* The certificate of registration issued for any aircraft shall be carried at all times in such aircraft and shall be presented upon request of any duly authorized representative of the Administrator of Civil Aeronautics, or any State or municipal official charged with enforcing local laws or regulations involving compliance with Federal law. If a certificate of registration is lost, stolen or mutilated, the person to whom such certificate was issued may apply for a duplicate to the Civil Aeronautics

17th Street and Constitution Avenue, NW., Washington, D. C. Individuals interested in such information may make a personal search of the records or may avail themselves of the services of an agent or an attorney or of one of the several private aircraft title search companies located in Washington, D. C. A list of such companies may be obtained by addressing a request to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C.

[2] A separate Part C (Bill of Sale) to Form ACA–500 has been provided for use when an additional bill of sale is required to complete the chain of ownership, or the execution of a new bill of sale is required to replace that submitted which did not meet the recording requirements of the Act or the Regulations of the Administrator. This form will also serve the aircraft manufacturers, dealers, distributors, and purchasers, who buy for immediate resale.

[3] As defined by section 1 (13) of the Civil Aeronautics Act of 1938, as amended, " 'Citizen of the United States' means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, Territory or possession of the United States, of which the president and two-thirds or more of the Board of Directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions."

[4] *Aircraft donated under Surplus Property Act.* Aircraft have been donated to public organizations and educational institutions for the purpose of carrying out public health and educational functions. The documentary evidence of ownership furnished these institutions was in varying forms and frequently contained restrictions regarding future disposition of the aircraft. Therefore, when registration of the aircraft is desired, all available documents and vouchers issued to the welfare institution should be submitted to the Administrative and Records Branch for decision regarding their acceptability.

[5] Acceptable evidence might consist of an affidavit from the applicant for registration setting forth the circumstances of his inability to obtain the required document and submitting therewith any available evidence he may have in support of the transaction.

[6] As defined by Section 1 (17) of the Civil Aeronautics Act of 1938, as amended, " 'Conditional sale' means (a) any contract for the sale of an aircraft, aircraft engine, propeller, appliance, or spare part under which possession is delivered to the buyer and the property is to vest in the buyer at a subsequent time, upon the payment of part or all of the price, or upon the performance of any other condition or the happening of any contingency; or (b) any contract for the bailment or leasing of an aircraft, aircraft engine, propeller, appliance, or spare part, by which the bailee or lessee contracts to pay as compensation a sum substantially equivalent to the value thereof, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner thereof upon full compliance with the terms of the contract. The buyer, bailee, or lessee shall be deemed to be the person by whom any such contract is made or given."

Administration, Administrative and Records Branch, W–240, Washington 25, D. C. A fee of one dollar ($1.00) will be charged for the issuance of a duplicate certificate of registration. If a duplicate certificate has been requested and need for operation of the aircraft arises before the duplicate certificate of registration can be received, on request from the owner, the Administrative and Records Branch will issue a temporary certificate in the form of a telegram to be carried in the aircraft, which will be good for a period not to exceed ten days.

§ 501.9 *Invalidation.* Any registration of an aircraft shall be null and void if at the time of registration:

(a) The aircraft was registered under the laws of a foreign country; or

(b) The person registered as owner was not the true and lawful owner of the aircraft; or

(c) The person registered as owner was not a citizen of the United States; or

(d) The person registered as owner was a citizen of the United States but the interest of such person in the aircraft was created by a transaction not entered into in good faith, being made rather for the purpose of avoiding, with or without the knowledge of the registered owner, the provision of the Civil Aeronautics Act of 1938, which prevents the registration of an aircraft in the name of a person not a citizen of the United States.

§ 501.10 *Surrender.* Upon the suspension, revocation, expiration, or invalidation of a certificate of registration, the owner of the aircraft shall, upon request, surrender such certificate to any authorized representative of the Administrator.

§ 501.11 *Notice of change of address or ownership.* The registered owner of any aircraft shall notify the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C., immediately of any change of permanent mailing address or of the sale or export of the aircraft.

This revision shall become effective June 15, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–3862; Filed, May 13, 1955; 8:45 a. m.]

PART 502—DEALERS' AIRCRAFT REGISTRATION CERTIFICATES

REVISION OF PART

Part 502 of the Regulations of the Administrator governing the application for, and issuance of, dealers' aircraft registration certificates, is revised in its entirety. With the exception of specifying the required fees in § 502.2, substantive revisions are made only in § 502.2 to provide that application for, and issuance of these certificates shall be administered in the CAA Washington Office rather than the several Regional Offices; in § 502.4 (a) (1) (ii), to make clear that these certificates may be employed for demonstration flights of single place aircraft flown by prospective purchasers and to specify certain prohibited uses; and § 502.4 (b) to notify aircraft dealers they are not required to submit documentary evidence of ownership of a particular aircraft prior to operation of the aircraft.

Part 502 appeared as a Notice of Proposed Rule Making in 19 F. R. 9295 on December 29, 1954. All interested persons have been afforded an opportunity to submit written views, data or argument and consideration has been given all relevant data presented.

Part 502 is adopted to read as follows:

Sec.
502.1 Basis and purpose.
502.2 Application.
502.3 Requirements.
502.4 Limitations.
502.5 Rules.
502.6 Notice.

AUTHORITY: §§ 502.1 to 502.6 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 501, 52 Stat. 1005, as amended; 49 U. S. C. 521.

§ 502.1 *Basis and purpose.* The purpose of the regulations in this part is:

(a) To prescribe regulations for the registration of aircraft by persons engaged in the business of manufacturing, distributing or selling of aircraft;

(b) To facilitate the operation, demonstration, and merchandising of aircraft moving in the ordinary trade channels from the manufacturer, distributor, or dealer to the ultimate purchaser without imposing upon the manufacturer, distributor, or dealer the burden of obtaining an individual certificate of registration for such aircraft with each transfer of ownership as required under the registration provisions of Part 501 of this chapter, and

(c) To permit manufacturers to conduct required production flight tests. A dealers' aircraft registration certificate is an alternate form for the registration of civil aircraft from that prescribed by Part 501. Persons engaged in the business of manufacturing, distributing or selling aircraft, upon application, may obtain one or more dealers' aircraft registration certificates issued under the provisions of this part. The basis for this part is found in section 501 of the Civil Aeronautics Act of 1938, as amended.

§ 502.2 *Application.* Application for a dealers' aircraft registration certificate shall be made upon the Form ACA–1706 furnished by the Administrator of Civil Aeronautics and shall be submitted to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C., with the required registration fee of $5.00 for the first certificate and $1.00 for each additional or subsequent certificate issued to the same dealer. An application containing current data shall be signed in ink and shall be submitted each time certificates are requested and may cover as many certificates as are desired at that time.

§ 502.3 *Requirements.* To be eligible for a dealers' aircraft registration certificate an applicant shall be a citizen of the United States[1] with an established place of business located in the United States or any Territory or possession of the United States, engaged in the following activities:

(a) The manufacture of aircraft, or

(b) The distribution or sale of new aircraft under authority of a franchise, license, letter of authority, agreement, or other arrangement from the manufacturer or his authorized agent, or

(c) The distribution or sale of used aircraft to ultimate purchasers through ordinary trade channels.

§ 502.4 *Limitations*—(a) *Operation.* (1) A dealers' aircraft registration certificate shall be valid for the navigation of an aircraft only by a person to whom such certificate was issued, his duly authorized agent or employee, or a prospective purchaser.

(2) A dealers' aircraft registration certificate is valid only for an aircraft owned by a person to whom such certificate was issued and which is being operated,

(i) In the ordinary trade channels between any two of the following persons: the manufacturer, the distributor, the dealer, or the purchaser from any of such persons, or

(ii) For demonstration purposes necessary to the sale of such aircraft (Single place aircraft may be flown by prospective purchasers for sales demonstration purposes under the direct supervision and control of the person or his agent to whom the dealers' aircraft registration certificate was issued, provided the prospective purchaser is a properly certificated airman. Charter flights or other flights which involve the carriage of passengers or property for hire are not permitted. The use of a dealers' aircraft registration certificate in an aircraft which is rented or leased under contract is prohibited.), or

(iii) To conduct required production flight tests.

(3) A dealers' aircraft registration certificate is valid for an aircraft only while the aircraft is operated within the United States and the territories and possessions of the United States, including the territorial waters and the overlying air space thereof.

(b) *Transfer of ownership.* Whenever the ownership of an aircraft is transferred to a person who is not the possessor of a valid dealers' aircraft registration certificate, the purchaser shall make application for registration of the aircraft in his name in accordance with the provisions of Part 501 of this chapter prior to the operation of the aircraft. Aircraft distributors or dealers, who are operating under the terms of a dealers' aircraft registration certificate are not required to submit documentary evidence of their ownership of a particular aircraft prior to operation of the aircraft.[2]

§ 502.5 *Rules*—(a) *Display.* The dealers' aircraft registration certificate shall be carried in the aircraft when operated by the person to whom the certificate was issued, or by his authorized agent or employee.

(b) *Duration.* A dealers' aircraft registration certificate shall expire one year from the date of issuance thereof.

(c) *Transferability.* A dealers' aircraft registration certificate is not transferable.

§ 502.6 *Notice.* The holder of a dealers' aircraft registration certificate shall notify the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C., immediately of any change which affects his status as a citizen of the United States as defined in section 1 (13) of the Civil Aeronautics Act of 1938, or otherwise affects his eligibility for a dealers' aircraft registration certificate.

This revision shall become effective June 15, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–3863; Filed, May 13, 1955; 8:46 a. m.]

[1] As defined by section 1 (13) of the Civil Aeronautics Act of 1938, as amended, " 'Citizen of the United States' means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, Territory, or possession of the United States of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions."

[2] If bill of sale is forwarded to Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C., by the dealer prior to sale of the aircraft, it will be recorded under section 503 of the Civil Aeronautics Act of 1938, as amended, and thus be safeguarded from loss or destruction. There is no fee for the recording of such document.

PART 503—RECORDATION OF AIRCRAFT OWNERSHIP

REVISION OF PART

Part 503 of the Regulations of the Administrator governing the recordation of documents affecting the title to, or interest in, aircraft, is revised in its entirety. While some editorial changes are made throughout and the fee is specified in § 503.3 (a) (6), the revision consists for the most part of the addition of express statements of the standards applicable to the recording of instruments under the part. A substantive revision is made in the definition of "conveyance" in § 503.2. This revision expressly provides for the recordation of such instruments affecting interests in aircraft as judicial decrees and notices of tax liens or of other liens.

Part 503 appeared as a Notice of Proposed Rule Making in 19 F. R. 9295–9296 on December 29, 1954. All interested persons have been afforded an opportunity to submit written views, data or argument and consideration has been given all relevant data presented.

Part 503 is adopted to read as follows:

Sec.
503.1 Basis and purpose.
503.2 Definitions.
503.3 Eligibility of conveyance.

AUTHORITY: §§ 503.1 to 503.3 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 501, 52 Stat. 1005, as amended; 49 U. S. C. 521.

§ 503.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for the recordation of conveyances affecting title to, or any interest in, any aircraft registered under the provisions of section 501 of the Civil Aeronautics Act of 1938, as amended, and Part 501 or Part 502 of this chapter.[1] The basis for this part is found in section 503 of the Civil Aeronautics Act of 1938, as amended.

§ 503.2 *Definitions.* As used in this part, "conveyance" means:

(a) A bill of sale, contract of conditional sale, assignment of contract of conditional sale, or assignment of equitable interest under contract of conditional sale, mortgage, assignment of mortgage, lease, judicial decree, notice of tax lien or of other lien, or other instrument affecting title to, or any interest in, aircraft; and

(b) Any release, cancellation, invalidation, discharge, or satisfaction relating to any instrument recorded under this part.

§ 503.3 *Eligibility of conveyance.* (a) A conveyance shall be eligible for recordation only if:

(1) It is executed upon the form prescribed by the Administrator of Civil Aeronautics for such type of conveyance, or upon a form deemed appropriate by the Administrator, and is submitted to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C.;

(2) It describes the aircraft by make, manufacturer's serial number and Civil Aeronautics registration number, or by other detail sufficient to enable identification;

(3) It is the original document or an executed duplicate thereof, with all signatures in ink;[2]

(4) It is accompanied by a duly executed application for registration and the required registration fee, and complies with the other provisions of § 501.4 (a), (b), or (c) of this chapter, whichever is applicable: *Provided*, That this paragraph shall not apply to conveyances affecting title to United States registered aircraft where such a conveyance does not transfer ownership of the aircraft from the United States citizen: *And provided further*, That a bill of sale or contract of conditional sale to the holder of a dealer's aircraft registration certificate will be recorded as set forth in § 502.4 of this chapter although not accompanied by an application for registration and registration fee;[3]

(5) It affects an aircraft registered under the terms of the Civil Aeronautics Act of 1938, as amended;

(6) It is accompanied by the required recordation fee of $4.00 in the form of a check or money order made payable to CAA, Department of Commerce, for each aircraft covered by the conveyance (See § 407.14 of this chapter): *Provided*, That this paragraph shall apply only to conveyances executed for security purposes, and not to any release, cancellation, invalidation, discharge, or satisfaction thereof; and

(7) It is acknowledged by the signer or signers before a notary public or other officer authorized by the law of the United States, or of a State, Territory or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

(b) Additional requirements: (1) Where the seller is not shown on the records of the Civil Aeronautics Administration as being the owner of the aircraft, the bill of sale shall be accompanied by a bill or bills of sale or similar instruments showing consecutive transactions from the last registered owner through all intervening owners and thence to him.

(2) A contract of conditional sale shall be signed and acknowledged by both the conditional seller and the conditional purchaser. If the conditional seller is not shown on the records of the Civil Aeronautics Administration as being the owner of the aircraft, the contract of conditional sale shall be accompanied by a bill or bills of sale or other documents establishing the fact that the conditional seller is the owner.

(3) An assignment of a contract of conditional sale shall be executed by the conditional seller (assignor) and contain a description of the aircraft unless it is attached to, and is a part of, the original contract of conditional sale.

(4) An assignment of equitable interest under a contract of conditional sale shall contain a description of the original contract so as to permit identification; shall be signed and acknowledged by the assignor (conditional purchaser under

[1] A recordable instrument is one which purports to be a "conveyance" as that term is defined by section 1 (18) of the Civil Aeronautics Act. Recordation of an instrument does not mean the instrument does, in fact, affect the title to, or any interest in, an aircraft.

[2] When return of the original conveyance to the sender is desired, a certified true copy thereof shall be submitted with the original document. After recording, the certified true copy will be retained and the original will be returned to the sender stamped with the date and hour of recordation. A certified true copy of an original document is a document which is a complete copy of the original in all respects, including the dates, signatures, and acknowledgments and to which is attached a certificate of a notary public stating that such officer has compared the copy with the original document and that it is a true and correct copy in all respects.

[3] Documents of this nature are recorded under the numbers assigned to aircraft by their manufacturers. No particular dealers' aircraft registration certificate is associated with a particular aircraft. This action of recordation provides information to those consulting the records as to the ownership of the aircraft. The question of whether the full benefits of the recording provisions of the Civil Aeronautics Act are thus acquired has not yet been the subject of judicial review.

the original contract) and also be signed by the holder (conditional seller or his assignee) of the contract of conditional sale to show assent to the assignment of the equitable interest.

(5) When the payments and conditions of the contract of conditional sale have been made or performed, the holder shall execute a release on the reverse side of Form ACA–818, which form is sent to the holder of the contract at the time of the recordation of the encumbrance, or its equivalent, and forward it for recordation.

(6) A chattel mortgage shall be eligible for recording if:

(i) It is signed by the mortgagor; and

(ii) It is executed in the name of the registered owner, or the mortgagor applies for registration as provided in Part 501 of this chapter; except that, a chattel mortgage may be recorded without the submission of an application for registration and registration fee if the mortgagor is the holder of a valid dealers' aircraft registration certificate and submits the documents establishing his ownership as outlined in § 501.4 of this chapter or if the mortgagor was the owner on the date of the execution of the mortgage and the documents recorded with this office establish that fact.

(7) An assignment of a chattel mortgage shall be signed by the mortgagee (assignor) and unless it is attached to, and made a part of, the original mortgage, it shall contain a description of the mortgage and be accompanied by the $4.00 recordation fee for each aircraft listed in the mortgage.

(8) A supplement to a chattel mortgage which has been previously recorded by the Civil Aeronautics Administration shall meet all of the requirements for recording an original mortgage, which shall be described in the supplement in sufficient detail so as to permit identification, and shall be accompanied by a $4.00 recordation fee for each aircraft listed therein.

(9) When a chattel mortgage has been satisfied or any of the mortgaged aircraft released from the terms of the mortgage, the holder of the mortgage shall execute the release on the reverse side of Form ACA–506 (which form is sent to the holder at the time of recordation of the mortgage) or its equivalent, and forward it for recordation. If the mortgage is secured by a number of aircraft and all of the collateral is released, it is not necessary that the collateral be described in detail in the release document. However, the mortgage shall be clearly identified through the names of the mortgagor, mortgagee, and/or assignee, the date of recording of the mortgage with the Civil Aeronautics Administration and the document number thereof.

This revision shall become effective June 15, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–3864; Filed, May 13, 1955; 8:46 a. m.]

PART 504—RECORDATION OF ENCUMBRANCES AGAINST SPECIFICALLY IDENTIFIED AIRCRAFT ENGINES

REVISION OF PART

Part 504 of the Regulations of the Administrator dealing with the recordation of encumbrances against specifically identified aircraft engines is revised in its entirety. Similar to the revision proposed in Part 503 of this chapter, § 504.2 expressly includes as recordable conveyances such instruments affecting interests in aircraft engines as judicial decrees and notices of tax liens or of other liens. In addition, the revision includes in § 504.3 (a) (3) a statement of the required fee and in § 504.3 (b) the standards which are applicable to the recording of releases of interests in aircraft engines.

Part 504 appeared as a Notice of Proposed Rule Making in 19 F. R. 9297 on December 29, 1954. All interested persons have been afforded an opportunity to submit written views, data or argument and consideration has been given all relevant data presented.

Part 504 is adopted to read as follows:

Sec.
504.1 Basis and purpose.
504.2 Definitions.
504.3 Eligibility of conveyances.

AUTHORITY: §§ 504.1 to 504.3 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 503, 52 Stat. 1006, as amended; 49 U. S. C. 523.

§ 504.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for the recordation of conveyances affecting the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated takeoff horsepower for each such engine or the equivalent of such horsepower. The basis for this part is found in section 503 of the Civil Aeronautics Act of 1938, as amended.

§ 504.2 *Definitions.* As used in this part, "conveyance" means:

(a) Any lease, mortgage, equipment trust, contract of conditional sale, judicial decree, notice of tax lien or of other lien, or other instrument executed for security purposes, which instrument affects the title to, or any interest in, any specifically identified aircraft engine or engines of seven hundred and fifty or more rated takeoff horsepower for each such engine or the equivalent of such horsepower; or

(b) Any assignment, amendment, or supplement of or to an instrument set forth in paragraph (a) of this section; or

(c) Any release, cancellation, discharge, or satisfaction relating to any of the instruments set forth in paragraphs (a) and (b) of this section.

§ 504.3 *Eligibility of conveyances.* (a) A conveyance shall be eligible for recordation only if:

(1) It affects an aircraft engine which is specifically identified by make, model and manufacturer's serial number;

(2) It affects an aircraft engine of seven hundred and fifty or more rated takeoff horsepower or the equivalent of such horsepower;

(3) It is accompanied by the required recordation fee of $2.00 in the form of a check or money order made payable to CAA, Department of Commerce, for each aircraft engine affected by the conveyance (see § 407.23 of this chapter): *Provided*, That this paragraph shall not apply to any release, cancellation, invalidation, discharge, or satisfaction relating to any conveyance recorded under this part;

(4) It is signed in ink and submitted to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C.; and

(5) It is acknowledged before a notary public or other officer authorized by the law of the United States, or of a State, Territory or possession thereof, or the District of Columbia, to take acknowledgment of deeds.

(b) Release: A release, of the collateral listed in the encumbrance, or any part thereof, shall be signed in ink and acknowledged by the holder of the encumbrance. This release shall be in form equivalent to the release Form ACA–506, and shall contain a description of the encumbrance, the recording data furnished the holder at the time of its recording, and the collateral released. If a number of engines were listed in the encumbrance and all of that collateral is released, it will not be necessary to list the engines by serial number, but the release shall set forth that all of the engines encumbered have been released. The original recorded document shall be clearly identified by the names of the parties to the transaction, the date of recording with the Civil Aeronautics Administration, and the document number thereof.

This revision shall become effective June 15, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–3865; Filed, May 13, 1955; 8:46 a. m.]

PART 505—RECORDATION OF ENCUMBRANCES AGAINST AIRCRAFT ENGINES, PROPELLERS, APPLIANCES, AND SPARE PARTS

REVISION OF PART

Part 505 of the Regulations of the Administrator governing the recordation of encumbrances against aircraft engines, propellers, appliances and spare parts is revised in its entirety. Section 505.2 expressly includes as recordable conveyances such instruments affecting interests in aircraft engines as judicial decrees and notices of tax liens or of other liens. In addition, the revision includes in § 505.3 (a) (3) a statement of the required fee and in § 505.3 (b) the standards which are applicable to the recording of releases of interests in aircraft engines.

Part 505 appeared as a Notice of Proposed Rule Making in 19 F. R. 9297–9298 on December 29, 1954. All interested persons have been afforded an opportunity to submit written views, data or argument and consideration has been given all relevant data presented.

Part 505 is adopted to read as follows:

Sec.
505.1 Basis and purpose.
505.2 Definitions.
505.3 Eligibility of conveyances.

AUTHORITY: §§ 505.1 to 505.3 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 503, 52 Stat. 1006, as amended; 49 U. S. C. 523.

§ 505.1 *Basis and purpose.* The purpose of this part is to prescribe regulations for the recordation of conveyances affecting the title to, or any interest in, any aircraft engines, propellers, or appliances maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended, for installation or use in aircraft, aircraft engines, or propellers, or any spare parts maintained by or on behalf of such an air carrier, which instrument need only describe generally by types the engines, propellers, appliances, and spare parts covered thereby and designate the location or locations thereof. The basis for this part is found in section 503 of the Civil Aeronautics Act of 1938, as amended.

§ 505.2 *Definitions.* As used in this part, "conveyance" means:

(a) Any lease, mortgage, equipment trust, contract of conditional sale, judicial decree, notice of tax lien or of other lien or other instrument executed for security purposes, which instrument affects the title to, or any interest in, any aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended; or

(b) Any assignment, amendment, or supplement of or to an instrument set forth in paragraph (a) of this section; or

(c) Any release, cancellation, discharge, or satisfaction relating to any of the instruments set forth in paragraphs (a) and (b) of this section.

§ 505.3 *Eligibility of conveyances.* (a) A conveyance shall be eligible for recordation if:

(1) It affects aircraft engines, propellers, appliances, or spare parts maintained by or on behalf of an air carrier certificated under section 604 (b) of the Civil Aeronautics Act of 1938, as amended;

(2) It specifically describes the location or locations of the aircraft engines, propellers, appliances, or spare parts covered thereby;

(3) It is accompanied by the required recordation fee of $2.00 in the form of a check or money order made payable to CAA, Department of Commerce, for each location. (See § 407.33 of this chapter): *Provided*, That this paragraph shall not apply to any release, cancellation, invalidation, discharge, or satisfaction relating to any conveyance recorded under this part;

(4) It is signed in ink, and submitted to the Civil Aeronautics Administration, Administrative and Records Branch, W–240, Washington 25, D. C.; and

(5) It is acknowledged before a notary public or other officer authorized by law of the United States, or of a State, Territory, or possession thereof, or the District of Columbia, to take acknowledgement of deeds.

(b) Release: A release of all of the collateral listed in the encumbrance or of all of the collateral at a particular location or location,[1] shall be signed in ink and acknowledged by the holder of the encumbrance releasing all of the collateral at the particular location or locations. This release shall be in form equivalent to the release Form ACA–506, and shall contain a description of the encumbrance, the recording data furnished the holder at the time of its recording, and the location or locations of the released collateral. If the collateral at all of the locations listed in the encumbrance is released, it will not be necessary to list the locations, but the release shall set forth that all of the collateral at all of the locations listed in the encumbrance has been released. The original recorded document shall be clearly identified by the names of the parties to the transaction, the date of recording with the Civil Aeronautics Administration, and the document number thereof.

This revision shall become effective June 15, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–3866; Filed, May 12, 1955; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter A—Procedures, Rules of Practice, and Orders

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

INITIAL DECISION AND APPEAL

The following changes in Title 16, Chapter I of the Code of Federal Regulations shall become effective May 21, 1955:

1. Paragraphs (a) and (b) of § 3.21 are revised to read as follows:

§ 3.21 *Initial decision*—(a) *When filed and when effective.* Within thirty days after the date of the order closing a proceeding before the hearing examiner or after the date of submission of an agreement containing a consent cease and desist order which is accepted, the hearing examiner shall make and file an initial decision which shall become the decision of the Commission thirty days after service thereof upon the parties unless prior thereto (1) an appeal is perfected under § 3.22; (2) the Commission by order stays the effective date of the decision; or (3) the Commission issues an order placing the case on its own docket for review: *Provided, however*, That the failure of an appellant to file an appeal brief within the time prescribed in § 3.22 (d), shall extend for ten days the period within which the Commission may place the case on its own docket for review. A copy of the initial decision in an adjudicative proceeding shall be served upon each counsel or other representative who has appeared pursuant to § 3.29.

(b) *Content.* An initial decision shall include a statement of (1) findings and conclusions, with the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record (except when waived under § 3.25) and (2) an appropriate order. Initial decisions (other than those issued under § 3.25) shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence.

2. Paragraph (d) of § 3.22 is revised to read as follows:

(d) *Time for filing.* The appeal brief shall be filed within thirty days after the service of the initial decision upon the party appealing, and the answering brief shall be filed within thirty days after service of the appeal brief. No further brief may be filed except by leave of the Commission.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

By direction of the Commission.

ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–3978; Filed, May 13, 1955; 8:57 a. m.]

Subchapter C—Regulations Under Specific Acts of Congress

[File No. 204–6]

PART 300—RULES AND REGULATIONS UNDER WOOL PRODUCTS LABELING ACT OF 1939

In the matter of amending Rule 8 of the regulations under the Wool Products Labeling Act, File No. 204–6.

On April 15, 1955, the Commission issued notice of proposed rule making in the above matter which notice was duly published in the FEDERAL REGISTER.

Such notice contained a copy of the proposed amendment to Rule 8 of the regulations under the Wool Products Labeling Act and provided that interested parties might participate by submitting to the Federal Trade Commission at its offices in Washington, D. C., on or before the 6th day of May 1955, in writing, their views, arguments or other data in relation to such proposed amendment.

All views, arguments and data submitted by interested parties pursuant to Commission notice have been made a part of the record herein.

Upon consideration of the matter, Rule 8 of the regulations under the Wool

Products Labeling Act of 1939 is amended by striking out § 300.8 and inserting in lieu thereof:

§ 300.8 *Common generic name of fiber.* (a) Except where another name is required or permitted under the act or regulations, the respective common generic name of the fiber shall be used when naming fibers in the required information; as for example, "wool", "reprocessed wool", "reused wool", "cotton", "rayon", "silk", "linen", "acetate", "nylon".

(b) (1) The term "fur fiber" may be used to describe the hair or fur fiber or mixtures thereof of any animal or animals other than the sheep, lamb, Angora goat, Cashmere goat, camel, alpaca, llama and vicuna. If the name or depiction of any animal producing the hair or fur fiber is used on the stamp, tag, label, or other means of identification applied or affixed to the wool product, the percentage weight of such hair or fiber in the total fiber weight of the wool product shall be separately stated in the required fiber content designation; as for example:

60% Wool
40% Fur Fiber
or
60% Wool
30% Fur Fiber
10% Beaver

(2) The purpose of the amended rule is to afford those subject to the provisions of the Wool Products Labeling Act relief from the hardships resulting from difficulty and impracticability of disclosing accurately on required wool product labels the respective percentages by weight of fur fibers which may be present in the wool product by 5 percentum or more. This relief is to be brought about by permitting the percentage content of the fur fibers to be designated on required labels in the aggregate with the generic description of "fur fibers".

(Sec. 6, 54 Stat. 1131; 15 U. S. C. 68d)

The amendment of this rule relieves the restrictions of the present rule, and shall be effective as of its date of publication in the FEDERAL REGISTER.

By direction of the Commission.

Issued: May 10, 1955.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-3894; Filed, May 13, 1955; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53797]

PART 9—IMPORTATIONS BY MAIL

MAIL; DELIVERY UNDER A RESIDENT'S $200 OR $300 EXEMPTION

When a mail parcel, for which an informal mail entry has been issued, arrives at the post office of destination (delivery), frequently the addressee makes claim, supported by a certified duplicate copy of a baggage declaration, for free entry under the $200 or $300 exemption provided for in paragraph 1798 (c) (2) (A) or (B) of the Tariff Act of 1930, as amended (19 U. S. C. 1201, par. 1798 (c) (2) (A) or (B)).

It is considered that in such a case the postmaster should be permitted to make conditional delivery of the parcel to the addressee without the collection of customs duties or taxes prior to the submission of the addressee's claim for free entry to the collector, if the description on such certified duplicate baggage declaration identifies the articles in the parcel.

Accordingly, § 9.10 of the Customs Regulations is hereby amended as follows:

1. The headnote is amended by inserting the following after the semicolon: *"delivery under a resident's $200 or $300 exemption;"*

2. Paragraph (a) is amended by changing the initial letter in the second sentence to lower case and inserting the following at the beginning of that sentence: "Except as provided for by paragraph (c),"

3. Paragraph (c) is redesignated paragraph (d) and a new paragraph (c) added to read:

(c) In support of a claim for free entry under the $200 or $300 personal exemption, the addressee of a mail parcel may present to the postmaster a copy of his baggage declaration on customs Form 6059 or 6063 bearing on its face the certification by a customs officer that it is a duplicate copy. In such a case, the addressee shall make claim in writing that the articles in the parcel are listed on the certified duplicate baggage declaration and are entitled to free entry under his $200 or $300 personal exemption, and shall include in his claim a statement that he will pay promptly on demand any customs duties or internal-revenue taxes that may be found to be due on any of the articles. If the description of the articles on such certified duplicate baggage declaration identifies the articles with those listed in the postal declaration, mail entry, or invoice attached to the parcel or mail entry, the postmaster may deliver the parcel to the addressee without the collection of customs duties or taxes. The postmaster will then forward the certified duplicate baggage declaration and claim, together with the mail entry, on which he will endorse a report of his action, to the collector of customs at the port where the mail entry was issued, for administrative review. If this procedure is not followed, the postmaster will withhold delivery of the parcel, forward the certified duplicate baggage declaration and claim, together with a report of the facts, to the collector of customs at the port where the mail entry was issued, and await advice from the collector of customs at such port concerning the conditions under which delivery of the parcel may be made.

(Sec. 624, 46 Stat. 759; 5 U. S. C. 1624. Interprets or applies sec. 514, 46 Stat. 734; 19 U. S. C. 1514)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: May 10, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3951; Filed, May 13, 1955; 8:52 a. m.]

[T. D. 53798]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO REDUCED RATE, ETC.

PUBLIC INTERNATIONAL ORGANIZATIONS

Under the authority of Public Law 357, 80th Congress, the same privileges and immunities extended to diplomatic envoys accredited to the United States have been extended to designated representatives of members to the United Nations, or to a Specialized Agency of the United Nations, and the staffs of such representatives as may be agreed upon in a manner provided for. Under authority of Public Law 486, 82d Congress, these privileges may also be extended to representatives of member states (other than the United States) on the Council of the Organization of American States and to the staffs of such representatives. In order that all such privileges and immunities may be accorded, as provided for, and at the same time leave no doubt that such privileges are applicable only to alien representatives and staff members, § 10.30b, Customs Regulations, is amended by deleting the present paragraph (c) and adding new paragraphs (c) and (d) as follows:

(c) In the absence of a special authorization from the Department prior to arrival of persons of the classes enumerated in paragraph (a) of this section, the privilege of admission free of duty and internal-revenue tax without entry or examination may be extended to their baggage and effects upon presentation of their credentials or other proof of their identity.

(d) Only the alien representatives and the alien members of staffs enumerated in paragraph (a) of this section shall be entitled to the privileges and immunities provided for by this section.

(Sec. 624, 46 Stat. 759; 5 U. S. C. 1624. Interprets or applies Art. V, Sec. 15, 61 Stat. 762, ch. 628, 66 Stat. 515, Sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 1498)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: May 10, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3952; Filed, May 13, 1955; 8:53 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

SAVINGS DEPOSIT

Effective May 16, 1955, Part 204 is amended in the following respects:

1. a. By adding at the end of § 204.1 (e) the following new undesignated paragraph and footnote reference:

The term "savings deposit" also means a deposit evidenced by a written receipt or agreement although not by a pass book, consisting of funds of the kind described above in this paragraph (e) and in respect to which deposit the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made, and withdrawals are permitted only through payment to the depositor himself but not to any other person whether or not acting for the depositor.[8a]

b. By adding the following new footnote to § 204.1 (e):

[8a] Payment may be made to the depositor over the counter, through the mails or otherwise.

2. Section 204.1 (e) requires that a "savings deposit" be evidenced by a pass book, except as otherwise permitted by the above amendments. The purpose of the amendments is to permit member banks of the Federal Reserve System, as an alternative to the above requirement, to classify a deposit as a "savings deposit," in certain circumstances and subject to certain limitations, although the deposit is not evidenced by a pass book.

The amendments set forth herein were the subject of a notice of proposed rule-making published in the FEDERAL REGISTER (20 F. R. 1853), and were adopted by the Board after consideration of all the relevant matter, including the data, views and arguments received from interested persons. The deferred effective date described in section 4 of the Administrative Procedure Act is not followed in connection with these amendments for the reasons and good cause found as stated in the Board's rules of procedure (12 CFR 262.2 (e)), and especially because in connection with these permissive amendments such procedure is unnecessary as it would not aid the persons affected and would serve no other useful purpose.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interprets or applies secs. 11, 19, 38 Stat. 261, 270, as amended; 12 U. S. C. 248 (c), (e), 461, 462, 462a-1, 462b, 464, 465)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 55-3962; Filed, May 13, 1955; 8:55 a. m.]

[Reg. F]

PART 206—TRUST POWERS OF NATIONAL BANKS

COLLECTIVE INVESTMENT OF TRUST FUNDS

Effective June 13, 1955, paragraph (c) of § 206.10 is amended to read as follows:

§ 206.10 *Investment of trust fund.* * * *

(c) *Collective investment of trust*[10] *funds.* Funds received or held by a national bank as fiduciary shall not be invested collectively[11] except that (1) such collective investments may be made in accordance with § 206.17, and (2) funds of a trust which forms part of a pension, profit-sharing, or stock bonus plan of an employer for the exclusive benefit of his employees or their beneficiaries and which is exempt from Federal income taxes under the Internal Revenue Code may be invested collectively with funds of other such pension, profit-sharing, or stock bonus plan trusts if such collective investment is specifically authorized by the instrument creating the trust or by court order.[11a]

The purpose of this amendment is to permit the collective investment of funds of trusts which are established under employers' pension, profit-sharing, or stock bonus plans, without requiring compliance with the provisions of § 206.17, provided each such trust is exempt from Federal income taxes and the collective investment is specifically authorized by the trust instrument or by court order.

The amendment set forth herein was the subject of a notice of proposed rule making published in the FEDERAL REGISTER (20 F. R. 1829), and was adopted by the Board after consideration of all relevant views and arguments received from interested persons.

(Sec. 11 (i), 38 Stat, 262; 12 U. S. C. 248 (i). Interprets or applies secs. 2–4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11 (k), 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30–33, 34 (a), 248 (k), 26 U. S. C. 169)

[10] Unless the context otherwise indicates, the term "trust," as used in this section or in any other part of this regulation, refers to any fiduciary relationship which a national bank is authorized to enter into under the provisions of section 11 (k) of the Federal Reserve Act.

[11] This does not prevent the bank from investing the funds of several trusts in a single real estate loan if the bank owns no participation in the loan and has no interest therein except in its capacity as fiduciary.

[11a] Section 584 of the Internal Revenue Code of 1954 provides that a common trust fund maintained in conformity with rules and regulations of the Board of Governors of the Federal Reserve System "pertaining to the collective investment of trust funds by national banks" and meeting certain other requirements shall not be subject to Federal income taxation. The rules and regulations of the Board of Governors for the purposes of section 584 are contained solely in § 206.17; and the permission contained in paragraph (c) (2) of § 206.10 is not intended to confer exemption from Federal income taxation under section 584.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 55-3899; Filed, May 13, 1955; 8:46 a. m.]

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

SAVINGS DEPOSIT

Effective May 16, 1955, Part 217 is amended in the following respects:

1. a. By adding at the end of § 217.1 (e) the following new undesignated paragraph and footnote reference:

The term "savings deposit" also means a deposit evidenced by a written receipt or agreement although not by a pass book, consisting of funds of the kind described above in this paragraph (e) and in respect to which deposit the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made, and withdrawals are permitted only through payment to the depositor himself but not to any other person whether or not acting for the depositor.[8a]

b. By adding the following new footnote to § 217.1 (e):

[8a] Payment may be made to the depositor over the counter, through the mails or otherwise.

2. Section 217.1 (e) requires that a "savings deposit" be evidenced by a pass book, except as otherwise permitted by the above amendments. The purpose of the amendments is to permit member banks of the Federal Reserve System, as an alternative to the above requirement, to classify a deposit as a "savings deposit," in certain circumstances and subject to certain limitations, although the deposit is not evidenced by a pass book.

The amendments set forth herein were the subject of a notice of proposed rule-making published in the FEDERAL REGISTER (20 F. R. 1853), and were adopted by the Board after consideration of all the relevant matter, including the data, views and arguments received from interested persons. The deferred effective date described in section 4 of the Administrative Procedure Act is not followed in connection with these amendments for the reasons and good cause found as stated in the Board's rules of procedure (12 CFR 262.2 (e)), and especially because in connection with these permissive amendments such procedure is unnecessary as it would not aid the persons affected and would serve no other useful purpose.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 264 (c) (7), 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 55-3963; Filed, May 13, 1955; 8:55 a. m.]

Chapter III—Federal Deposit Insurance Corporation

PART 327—ASSESSMENTS

ASSESSMENT DECISIONS

Sec.
327.100 General.
327.101 Assessment Decision No. 1; acceptances; bank owned.
327.102 Assessment Decision No. 2; acceptances; deposits made prior to maturity.
327.103 Assessment Decision No. 3; acceptances; purchases of.
327.104 Assessment Decision No. 4; accumulated checks of customers.
327.105 Assessment Decision No. 5; adjustment of errors on Certified Statements.
327.106 Assessment Decision No. 6; advices or authorizations issued for cash letters received.
327.107 Assessment Decision No. 7; assessment credits.
327.108 Assessment Decision No. 8; assessment credit adjustments on assessments applicable to prior years.
327.109 Assessment Decision No. 9; assigned accounts receivable collections.
327.110 Assessment Decision No. 10; automobile "paper" purchased.
327.111 Assessment Decision No. 11; availability schedule; cash items.
327.112 Assessment Decision No. 12; average or estimated deductions.
327.113 Assessment Decision No. 13; bank money orders.
327.114 Assessment Decision No. 14; bankruptcy and equity receivership funds.
327.115 Assessment Decision No. 15; base days.
327.116 Assessment Decision No. 16; bills of exchange.
327.117 Assessment Decision No. 17; branch items.
327.118 Assessment Decision No. 18; branches outside the States of the United States.
327.119 Assessment Decision No. 19; brokers loans.
327.120 Assessment Decision No. 20; capital stock funds.
327.121 Assessment Decision No. 21; cash funds received and held as security to indebtedness to the bank.
327.122 Assessment Decision No. 22; cash collateral; participated loans.
327.123 Assessment Decision No. 23; cash items eligible for deduction as exchanges.
327.124 Assessment Decision No. 24; cash items; methods of claiming deductions.
327.125 Assessment Decision No. 25; cash items paid by the reporting bank.
327.126 Assessment Decision No. 26; cash items charged against a deposit account not deductible by forwarding bank.
327.127 Assessment Decision No. 27; cash items deductions; local.
327.128 Assessment Decision No. 28; cash items deductions; outside.
327.129 Assessment Decision No. 29; cash items sent direct to a correspondent for collection.
327.130 Assessment Decision No. 30; cash items deductions; change in alternate method.
327.131 Assessment Decision No. 31; cash items processed by special handling.
327.132 Assessment Decision No. 32; cash letters received.
327.133 Assessment Decision No. 33; cashiers' and other officers' checks.
327.134 Assessment Decision No. 34; cashiers' or other officers' checks payable through another bank.
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AUTHORITY: §§ 327.100 to 327.267 issued under sec. 9, 64 Stat. 881; 12 U. S. C. 1819.

§ 327.100 *General.* Assessment decisions in § 327.101, et seq., are interpretative rulings of the Federal Deposit Insurance Act and rules and regulations in this chapter.

§ 327.101 *Assessment Decision No. 1; acceptances; bank owned.* Acceptances owned by the bank are not eligible for deduction as cash items or otherwise.

§ 327.102 *Assessment Decision No. 2; acceptances; deposits made prior to maturity.* (This proposed decision relates in part to issues now under submission to the United States District Court, Southern District of New York. The proposed decision will be made and sent to each insured bank after determination by the Court.)

§ 327.103 *Assessment Decision No. 3; acceptances; purchases of.* (a) An officer's check issued by the bank for the purchase in the open market of acceptances for the bank's own account, where the seller of the acceptance is not primarily or secondarily liable on the acceptance, need not be included as deposit liabilities. Such checks are construed to be issued in payment for investments for the bank's own account.

(b) Where the seller of the acceptance is either primarily or secondarily liable thereon, the officer's check must be included in the assessment base.

§ 327.104 *Assessment Decision No. 4; accumulated checks of customers.* Where a bank customer who daily draws numerous checks makes arrangements with his bank whereby the bank, instead of charging each individual check against the depositor's account, accumulates them for one or more days; and where at agreed intervals the customer gives the bank a check drawn on his deposit account therein in the amount of and in exchange for the accumulated items; and where these individual checks held as of the close of business on a base day have not been recorded to reduce deposit liabilities, they may be claimed as a deduction in their actual amount on the Certified Statement provided an overdraft in the customer's deposit account would not occur had the items been charged thereagainst. If an overdraft would have occurred, the maximum allowable deduction is limited to the amount of the checks not in excess of the depositor's balance.

§ 327.105 *Assessment Decision No. 5; adjustment of errors on Certified Statements.* (a) When errors are found in the computation of the assessment on the current Certified Statement, and the correct figures can be ascertained, a form letter in duplicate will be sent to the bank showing the corrected figures. If the corrected figures result in an underpayment of assessment, the bank is asked to return the copy of the form letter with a remittance in the amount of the underpayment. If the corrected figures result in an overpayment of assessment not in excess of $100, the assessment account of the bank on the books of the Corporation will be credited and the bank advised. If the overpayment is in excess of $100 the bank will be required to file a corrected Certified Statement for that period to establish and support such credit to its account.

(b) If the errors are such that the correct figures cannot be determined from the Certified Statement, the bank will be required to file an amended Certified Statement showing the correct assessment. If the corrected statement shows an underpayment, it should be accompanied by a remittance therefor. If it shows an overpayment, the assessment account of the bank on the books of the Corporation will be credited therefor.

(c) When errors are found in prior Certified Statements the bank will be required to file amended Certified Statements for all periods in which errors occurred within the Statute of Limitations set out in section 7 (g) of the FDI Act, and such amended Certified Statements should be accompanied by a remittance for underpayments. The assessment account of the bank will be credited with any overpayments.

(d) Immediately after the close of the calendar year, assessment credit adjustments will be computed on underpayments and overpayments for prior years on the basis of the applicable ratio for the year or years in which the underpayments or overpayments occurred and the bank will be advised of the credit or debit adjustments made to its account.

NOTE: See §§ 327.107 and 327.108, Assessment Decisions No. 7, Assessment Credits and No. 8, Assessment Credit Adjustments on Assessments Applicable to Prior Years.

§ 327.106 *Assessment Decision No. 6; advices or authorizations issued for cash letters received.* (a) The amount of any

advices or authorizations issued by a bank for cash letters received directing that its account in the sending bank be charged with the amount thereof may be excluded from deposits for the assessment base. This means that the amount of such advices or authorizations need not be included in deposits in computing assessments; it does not mean that they may be deducted from the total of other deposits. However, where they are included in the deposits, they may be deducted therefrom.

(b) To illustrate:

(1) Assume that on the base day a bank ("receiving" bank) receives a cash letter for $50,000 and on that day issues an advice directing the "sending" bank to charge the account of the "receiving" bank and the "receiving" bank credits the amount thereof to the account "due from" the "sending" bank. The "receiving" bank charges the respective depositors' accounts. Assume that the general ledger of the "receiving" bank at the close of business on the base day then shows the following:

Demand deposits	$1,000,000
Time deposits	400,000
Treasury tax and loan account	100,000
Cashiers' checks	40,000
Total	1,540,000

In tabulating deposits for the day the bank will show deposits of $1,540,000 because the amount of advices has been excluded.

(2) Assume that the amount of the advice is reflected in the deposits. This is often done when the liability for the cash letters received is evidenced by a deferred credit account. (See § 327.156 Assessment Decision No. 56, Deferred Credit Account.) If the advice directing that the account in the sending bank be charged has been issued and sent to the forwarding bank, the amount of the liability for the cash letter received represented by the deferred credit account need not be included in the assessment base. On the following day the deferred credit account is charged and the "due from" bank account is credited. In this case the amount of the deferred credit account would be included in deposits on the general books showing the following figures:

Demand deposits	$1,000,000
Time deposits	400,000
Treasury tax and loan account	100,000
Cashiers' checks	40,000
Deferred credit account	50,000
Total	1,590,000

(c) In the latter illustration the $50,000 deferred credit account representing the amount of the liability for cash letters received for which an advice had been issued directing that the account in the sending bank be charged may be subtracted from the deposits of $1,590,000 leaving a net of $1,540,000 for assessment purposes. This may be done by listing $1,540,000 as Total Deposit Liabilities on the Certified Statement but it is preferred that the $1,590,000 be listed as Total Deposit Liabilities and a deduction claimed on the Certified Statement described substantially as follows: "Advices for cash letters received included in reported deposits, $50,000."

(d) If the advice, authorization, or draft in payment of a cash letter received is not issued by the bank on the day the cash letter is received but, instead, is issued on a following day, the liability of the bank for the cash letters received is a deposit liability until the advice, authorization, or draft is issued. (See § 327.238 Assessment Decision No. 138, Remittance Account.)

(e) Advices, authorizations, or orders issued by the bank for other purposes, such as a transfer of customers' funds, are considered to be drafts within the meaning of the Federal Deposit Insurance Act and thus are exempt from assessment when issued against deposit accounts in other banks in the normal course of business. (See § 327.172 Assessment Decision No. 72, Drafts Outstanding Drawn on Other Banks.)

§ 327.107 *Assessment Decision No. 7; assessment credits.* (a) At the close of each calendar year 40 percent of the Corporation's net assessment income is transferred to its Capital Account and the balance of the net assessment income is credited pro rata to the insured banks based upon the assessments of each bank becoming due during said calendar year. The "net assessment income" is the income received by the Corporation from assessments less the operating costs and expenses, insurance losses, and reserves provided for insurance losses.

(b) As soon as possible after the close of each calendar year, the Corporation computes the assessment credit rate and promptly advises each bank of such rate. Then, prior to July 1 each year, each bank is informed of the amount of the assessment credit that will be applied to its assessment which becomes due the ensuing July 15. Any balance due on the assessment on July 15 in excess of this credit must be paid in cash. Any balance of the credit remaining after the payment of the assessment due July 15 may be deducted from the assessment due on subsequent Certified Statements.

(c) The year 1950 was the first calendar year for which assessment credits were computed. The assessment credits for the first five years have been as follows:

Assessment credit calendar year	Assessment credit rate	Date applicable on assessment due
	Percent	
1950	56.00377265	July 15, 1951
1951	56.50257427	July 15, 1952
1952	56.49787282	July 15, 1953
1953	56.73240442	July 15, 1954
1954	56.76433408	July 15, 1955

§ 327.108 *Assessment Decision No. 8; assessment credit adjustments on assessments applicable to prior years.* (a) When assessments are received which are due for years prior to the year in which collected, the assessment credit rate applied to such assessments are the rates applicable to the years in which the assessments were due.

(b) To illustrate, assume that in 1954 a bank filed an amended Certified Statement, Form 545AH, based upon deposits for March 31 and June 30, 1952, showing an additional assessment due of $100. This assessment was due for the calendar year 1952, and the assessment credit allowed insured banks on assessments due in that year was 56.49787 percent. The bank is requested to pay the full $100 to the Corporation. Immediately after the close of the calendar year 1954, the assessment credit adjustments are computed and the bank is thereupon informed that the assessment credit adjustment applicable to the $100 is being credited to its account in the amount of $56.50, which may be deducted from the assessment next becoming due.

(c) The same applies to assessment overpayments. To illustrate, assume that in 1954 a bank filed an amended Certified Statement, Form 545AI, based upon deposits for September 30 and December 31, 1952, showing an overpayment of $100. The $100 is credited to the bank's account to be applied upon future assessments but with the explanation that an assessment credit adjustment will be made later. This assessment was due in 1953 in which year the assessment credit rate was 56.7324 percent. When the assessment credit adjustments are computed immediately after the close of the calendar year 1954, the bank is requested to pay to the Corporation the amount of the assessment credit adjustment, in this case, amounting to $56.73.

NOTE: See §§ 327.105 and 327.107, Assessment Decisions No. 5, Adjustment of Errors on Certified Statements and No. 7, Assessment Credits.

§ 327.109 *Assessment Decision No. 9; assigned accounts receivable, collections.* (a) When accounts receivable are assigned to the bank as security to a liability to the bank and cash collections are received on said accounts and the cash is held as substituted security, such funds, up to the amount of the indebtedness secured, may be excluded from the assessment base provided they are held solely for the purpose of securing the liability to the bank, are not subject to withdrawal by the obligor, and are carried in a special non-interest-bearing account designated to properly show their purpose.

(b) The fact that the depositor has the right to withdraw funds from such a special account upon the substitution of accounts receivable therefor will not make the account assessable if it meets the statutory requirements in paragraph (a) of this section.

(c) A different situation exists if accounts receivable are assigned to the bank under an agreement to pay to the customer the amount of collections in excess of a required stipulated reserve. Any funds held by the bank in excess of the stipulated reserve must be included in deposits for the assessment base. (See § 327.152 Assessment Decision No. 52, Dealers Reserves.)

§ 327.110 *Assessment Decision No. 10; automobile "paper" purchased.* A cashier's or other officer's check issued by a bank for the purchase of automobile "paper" must be included in deposits for the assessment base if it is outstanding at the close of business on an assessment base day provided the payee is primarily or secondarily liable on the paper purchased. A cashier's or other officer's check issued in payment of the purchase of automobile or other "paper" without recourse on the seller is not subject to assessment.

§ 327.111 *Assessment Decision No. 11; availability schedule; cash items.* (a) No cash item may be considered as uncollected at the close of business on the base day if such item has been outstanding for a period in excess of the time necessary to send the item in due course to the Federal Reserve bank of the Federal Reserve district or branch thereof in which the reporting bank is located plus the time allowed for collection from the place where the item is payable as shown on the current Time Schedule of such Federal Reserve bank or branch thereof. Thus, when the alternate (bb) method is used in claiming deductions for cash items the maximum time a cash item may be considered as uncollected is limited to the Federal Reserve Time Schedule plus the time of transmittal to the Federal Reserve bank or branch, or the actual time required for collection, whichever is the lesser.

(b) The Federal Reserve Time Schedule is also applicable when the alternate (aa) method is used. For instance, if the base day is Monday and the bank is not open for business on the preceding Saturday, items received and forwarded for collection on Saturday or Sunday would be eligible for deduction on the Monday base day (see footnote 1) provided they remain uncollected at the close of business on Monday and have been outstanding for a time not in excess of the Federal Reserve Time Schedule.

(c) It should be noted that, although the Federal Reserve Time Schedule is used as the guide to the maximum time an item may be considered uncollected, there is no requirement that items be cleared through any Federal Reserve bank or branch thereof. When items are cleared through other banks, an item may be considered uncollected for the actual time required to collect it provided that this time may not exceed the time the item would be uncollected if it had been cleared through the Federal Reserve bank of the Federal Reserve district or branch thereof in which the reporting bank is located.

(d) A cash item drawn on a place not included in the Federal Reserve Time Schedule or an item which a Federal Reserve bank will not accept as a cash item but will handle only on a collection basis may be considered to be in the process of collection for the actual time required to collect it. This applies to items such as sight drafts or checks drawn on nonpar banks. The check or draft received by the reporting bank for such collection is not a cash item if the bank paid or gave credit for the original item or gave credit subject to final payment for the original item when received.

(e) In the case of an insured bank or branch located outside of any Federal Reserve district (see footnote 2), an item shall not be considered as uncollected at the close of business on the base day if such item has been outstanding for a period in excess of the time from the date the cash item is paid or credited to a deposit account and the date of receipt (in the usual course of business) by the correspondent bank to which the item is forwarded for collection plus the collection time allowed by the Federal Reserve Time Schedule for the district in which the correspondent bank is located. This paragraph applies only to banks located outside the States of the United States and the District of Columbia.

§ 327.112 *Assessment Decision No. 12; average or estimated deductions.* No method of averages or estimates may be used in computing deductions for cash items or any other deductions. The bank must maintain records to support and justify all deductions made for all assessment periods subsequent to January 1945, except that, where a field audit of the assessment records has been made and any adjustment of assessment required thereunder has been effected, the insured bank need not thereafter retain any assessment records in support of its Certified Statements through the date of the audit. (See § 327.234 Assessment Decision No. 134, Records Necessary.)

§ 327.113 *Assessment Decision No. 13; bank money orders.* Bank money orders issued by the reporting bank for money or its equivalent are subject to assessment, as they are in effect cashiers' or officers' checks; however, such money orders drawn in the normal course of business on deposit accounts in other banks are exempt from assessment as drafts.

§ 327.114 *Assessment Decision No. 14; bankruptcy and equity receivership funds.* (a) When a bank acts as receiver or trustee in bankruptcy, or receiver in equity, it must include the funds received and maintained in each of these capacities in its deposits for assessment purposes as such funds are trust funds as defined in the Federal Deposit Insurance Act (sec. 3 (p)). However, such funds need not be included in the assessment base if they are deposited in another insured bank, provided the provisions of paragraph (n) of § 327.1 are complied with.

(b) The proper procedure in such cases is for the reporting bank to include the funds in its total of reported deposits on Certified Statements and to claim a deduction for the trust funds deposited in other insured banks. If the funds are deposited by the reporting bank in uninsured banks, including banks located in foreign countries, the reporting bank must include the funds in its assessment base and may not claim a deduction therefor.

§ 327.115 *Assessment Decision No. 15; base days.* (a) The base days are specified in section 7 (a) of the Federal Deposit Insurance Act and are March 31, June 30, September 30 and December 31. The Certified Statements, which must be filed semiannually, that is, on or before July 15 and January 15 of each year, are based upon deposits as of the close of business on March 31 and June 30, and September 30 and December 31, respectively.

(b) If the base day is a nonbusiness day or a legal holiday, either national or State, the preceding business day shall be used. Thus, when the base day falls on Sunday, a bank shall use as its base day the preceding Saturday provided the bank is open for business on that day; or, if it is not open for business on Saturday, then the base day shall be the preceding business day.

(c) If the base day falls on a day when the bank is open for less than the normal number of hours, such as being open only until noon on Saturday, that day shall nevertheless be used as a base day provided the bank is open for the transaction of all business on such shorter business day.

(d) The fact that a bank may be open to the extent of receiving items by mail, or has open a few of its branches, does not mean that the bank is "open for business" as that term is used in this section.

(e) For interpretation of the base day from September 21, 1950, through the December 31, 1953, base day, see footnote 3.

§ 327.116 *Assessment Decision No. 16; bills of exchange.* Customers at times have arrangements whereby their bank will pay commodity drafts and similar instruments which are recorded by the bank as loans. When goods covered by these drafts are sold, the proceeds are often credited to a deposit account pending application toward the payment of the instruments. Such funds are not assessable if they are actually applied on the indebtedness as of the date received although such application is made at a later date, or if such funds are held as collateral security to the indebtedness, provided they are held

[1] Amended Rules and Regulations, § 327.1 (e), effective March 30, 1954, not applicable prior thereto.

[2] This means banks located outside of the States of the United States and the District of Columbia.

[3] For the period from the enactment of the Federal Deposit Insurance Act on September 21, 1950, through the December 31, 1953, base day, the base day was the calendar day, i. e., from midnight to midnight. Accordingly, if the base day was December 31 and the bank used the alternate (aa) method of claiming deductions for exchanges, only the cash items received on December 31, and forwarded for collection on that day between midnight of December 30 and midnight of December 31, and those items held for clearings at the close of business December 31, were eligible for deduction.

Beginning with the March 31, 1954 base day, in accordance with the amended rules and regulations effective March 30, 1954, the term "base day" was defined as the period of time beginning with the time of the closing of the books or the "cutoff" time on the last business day immediately preceding the assessment base day to the time of the closing of the books of the bank on the base day according to the normal practice of the bank. Holidays or other nonbusiness days intervening between the preceding business day and the base day are part of the base day. Thus, if the base day is on Monday and the bank was not open for business on Saturday, and Friday was the last preceding business day, then the base day will include all uncollected cash items received after the closing of the books or "cutoff" time on Friday to the closing of the books or "cutoff" time on Monday. This must be in the normal practice of the bank and no change in the closing of the books or "cutoff" time may be made on any day for the purpose of abnormally affecting the deposits or deductions for the base day.

solely for the purpose of securing the liability to the bank, are in an amount not in excess of such liability, are not subject to withdrawal by the obligor, and are carried in a special non-interest-bearing account designated to properly show their purpose. Any such funds in excess of the indebtedness must, of course, be included in the assessment base.

§ 327.117 *Assessment Decision No. 17; branch items.* (a) An item which is drawn against a deposit account maintained in the main office or branch office of the reporting bank and which is received by an office of the reporting bank other than the office where the deposit account is carried and which has been paid or credited to a deposit account is not eligible for deduction as a cash item. However, if the item is not reflected on the books of the bank on the base day as a charge against deposit liabilities it may be subtracted therefrom in its actual amount.

(b) To illustrate, assume that at the close of business on the base day a bank with one branch had deposits of $1,000,000 at the main office and $500,000 at the branch. Assume also that on the base day, the main office received deposits of $3,000 for credit at the branch office and received checks totaling $2,000 drawn against branch office deposit accounts. Assume further that the $3,000 branch deposits and $2,000 branch checks were accounted for in an interbranch, branch clearing, or a similarly named account on the bank's books. In this instance the $3,000 must be added to deposits for assessment purposes in Column A of the Certified Statement. The $2,000 of checks drawn on the branch office are ineligible as exchange deductions, but may be deducted in their actual amount on the Certified Statement. For assessment purposes the bank would report total deposit liabilities of $1,503,000 on their Certified Statement and take deductions of $2,000 resulting in net deposit liabilities of $1,501,000. Any checks or drafts received at the bank's office applicable to accounts maintained at the main office will be handled in exactly the same manner.

(c) For the definition of a cash item from September 21, 1950, through the December 31, 1953, base day, see footnote 4.

§ 327.118 *Assessment Decision No. 18; branches outside the States of the United States.* (a) Any obligation of a bank which is payable only at an office of the bank located outside the States of the United States, the District of Columbia, any Territory of the United States, Puerto Rico and the Virgin Islands, is not a deposit for any of the purposes of the Federal Deposit Insurance Act and need not be included in deposits for the assessment base. For instance, an obligation payable only at a branch in France is not subject to assessment.

(b) Any insured bank having its principal place of business in any of the States of the United States or in the District of Columbia which maintains a branch in any Territory of the United States or the Virgin Islands may elect to exclude from insurance its deposit obligations which are payable only at such branch, and upon so electing the insured bank with respect to such branch shall comply with the provisions of the Federal Deposit Insurance Act applicable to the termination of insurance by nonmember banks. Accordingly, if an insured bank wishes to exclude deposits from insurance in such a branch where the deposits are already insured, it is necessary to give notice to depositors at the branch and to pay assessments on the deposits in such branch for a period of two years from the termination of the insured status.

(c) Under Public Law 533 of the 82d Congress enacted July 14, 1952, the Federal Deposit Insurance Act was amended by striking out "Puerto Rico" from the branches outside the United States which could be excluded from insurance and from the assessment base. Thus, deposits in branches in Puerto Rico must be included in the assessment base.

§ 327.119 *Assessment Decision No. 19; brokers loans.* (a) Official checks issued by an insured bank representing the proceeds of brokers loans and which are issued in exchange for an agreement to pay, do not represent deposits within the meaning of the Federal Deposit Insurance Act and Regulations unless such agreement to pay constitutes a promissory note. This applies to loans commonly designated as brokers loans where the borrower executes the bank's general liability or loan agreement.

(b) Such loan agreements are not construed to be "money or its equivalent" as this term is used in the Federal Deposit Insurance Act and regulations. Accordingly, the official checks issued in exchange therefor are not deposits within the meaning of said act and need not be included in deposits for the assessment base.

§ 327.120 *Assessment Decision No. 20; capital stock funds.* Funds paid into the bank for the purchase of new capital stock in the bank and carried in an account pending the issuance of the stock need not be included in the assessment base unless, under the agreement, such funds are held as trust funds.

§ 327.121 *Assessment Decision No. 21; cash funds received and held as security to indebtedness to the bank.* (This proposed decision relates in part to issues now under submission to the United States District Court, Southern District of New York. The proposed decision will be made and sent to each insured bank after determination by the Court.)

§ 327.122 *Assessment Decision No. 22; cash collateral; participated loans.* (a) Cash funds received and held solely for the purpose of securing a liability to the bank need not be included in deposits for the assessment base provided all of the statutory requirements are met as set out in § 327.121 Assessment Decision No. 21, "Cash Funds Received and Held as Security to Indebtedness to the Bank".

(b) If the reporting bank issues participations in a loan to other banks or individuals, the pro rata share of the cash funds held as security applicable to the participations of others must be included in the assessment base.

(c) To illustrate, assume the reporting bank makes a loan of $500,000 to Company A, and holds cash funds as security in the amount of $50,000. Assume it sells participations in the loan to the amount of $100,000. If all of the requirements of the act are met (which exempts from assessment cash funds held as security), the reporting bank may exclude from the assessment base the sum of $40,000. It must include in the assessment base the $10,000 remainder of the cash collateral. As illustrated, the cash collateral eligible for deduction by the reporting bank is in direct proportion to their share of the total loan, in this instance 80 percent.

(d) It should be noted the act provides that the exemption applies only to cash funds held solely as security to indebtedness to the bank. This exemption does not extend to indebtedness held by the bank for the account of others.

§ 327.123 *Assessment Decision No. 23; cash items eligible for deduction as exchanges.* (a) The term "cash item" as used in the Federal Deposit Insurance Act and in the rules and regulations refers to items eligible for deduction under local and outside exchanges. Cash items eligible for deduction are defined in § 327.1 (b), effective March 30, 1954. A cash item eligible for deduction as defined therein must meet the following requirements:

(1) The instrument, check, or draft must provide for the payment of money.

(2) The instrument, check, or draft must have been received by the reporting bank in the regular course of business.

(3) The instrument, check, or draft must be in the process of collection.

(4) The instrument, check, or draft must be payable on presentation.

(5) In consideration therefor the reporting bank must have done one of the following:

(i) Given credit to a deposit account;

(ii) Issued a credit instrument;

(iii) Paid the item (see § 327.125 Assessment Decision No. 25, Cash Items Paid by the Reporting Bank);

(iv) Credited the amount thereof upon an indebtedness to the bank; or

(v) Received the instrument in payment for Series E bonds or other security (not an asset of the bank), or as a collection for public utility service, or in a like transaction: *Provided, however,* That an instrument received in payment of, or arising from, the sale or other disposition of any of the bank's assets is not a cash item.

[4] For the period July 1, 1950, to March 30, 1954, a check payable at a branch office or main office of the reporting bank other than the office where the item was received was included in the definition of a cash item. Thus, if such an item was received on the assessment base day and held for clearings with the other office at the close of business, such items could be multiplied by 2 under the alternate (aa) method of claiming deductions for cash items. Beginning with the March 31, 1954, base day the interbranch items can no longer be deducted, multiplied by 2, under any circumstances.

(6) The payer or drawee of the instrument, check, or draft, must be a bank or person other than the reporting bank.

(b) The following are examples which do not meet the requirements of a cash item eligible for deduction:

(1) Any instrument received in payment of or arising from the sale or other disposition of any of its assets.

(2) A draft payable at a future date such as upon arrival of a car.

(3) Any instrument, check, or draft received in payment of clearings.

(4) Any instrument, check, or draft received in payment for cash items paid or credited to a deposit account and forwarded for collection.

(5) Drafts issued to transfer its own funds.

(6) Any instrument, check, or draft drawn or delivered and exchanged for the purpose of reducing the assessment base.

(7) Any instrument, check, or draft drawn by an officer, director, stockholder or affiliate of the reporting bank, or any person or corporation at its, his, or their suggestion or direction for the purpose of abnormally increasing the deposits on the base day or for the purpose of obtaining abnormal deductions.

(8) Any instrument, check, or draft received by the reporting bank drawn on any branch or office of the reporting bank.

(9) Any instrument, check, or draft held by the reporting bank until made good by the maker or endorser.

(c) For definition of cash item for the base day from September 21, 1950, through the December 31, 1953, base day, see footnote 5.

[5] For the period based upon deposits from July 1, 1950, through the December 31, 1953, base day, the definition of a cash item appeared in § 327.1 (a) of the rules and regulations in effect to March 30, 1954. The elements 1, 2, 3 and 4 given above were the same for that period but items 5 and 6 were different so that the definition for said period included checks and drafts for which cash or other consideration was given and included instruments, checks, or drafts where the payer or drawee was a branch office or a main office of the reporting bank other than the office where the item was received.

The principal differences between cash items eligible for deduction prior to March 30, 1954, and those eligible for deduction thereafter are as follows:

(1) After July 1, 1950, and prior to March 30, 1954, but not thereafter, the bank could include in cash items eligible for deduction instruments drawn on other banks received in payment of or arising from the sale or other disposition of any of its assets.

(2) After July 1, 1950, and prior to March 30, 1954, but not thereafter, the reporting bank could include in cash items eligible for deduction instruments, checks, or drafts received by the reporting bank on the base days drawn on another branch or office of the reporting bank.

(3) After July 1, 1950, and prior to March 30, 1954, the reporting bank could not include in cash items eligible for deduction any instruments, other than checks or bank drafts for which it had given cash. This limitation was removed in the regulations effective March 30, 1954, so that thereafter instruments other than checks and bank drafts, such as postal money orders and interest coupons could be included in cash items eligible for deduction if cash were given therefor.

See §§ 327.127, 327.128, and 327.130, Assessment Decisions No. 27, Cash Items Deductions; Local, No. 28, Cash Items Deductions; Outside, and No. 30, Cash Items Deductions; Change in Alternate Method.

§ 327.124 *Assessment Decision No. 24; cash items; methods of claiming deductions.* (a) There are two alternate methods of claiming deductions for cash items designated as the (aa) and the (bb) methods. The bank has the option of using the alternate method which is to its greater advantage, but whichever method is chosen must be used for both base days in a semiannual period and must be used for computing both local and outside exchanges.

(b) The two alternate methods are as follows:

(1) Under the alternate (aa) method of deducting cash items, a bank may deduct twice the total of the cash items forwarded for collection on the assessment base day and cash items held for clearings at the close of business on said day, which are in the process of collection and which the bank has received and paid in the regular course of business or credited to deposit accounts on the base day, all in accordance with the normal procedure of the bank.

(2) Under the alternate (bb) method a bank may deduct the total of the cash items forwarded for collection on the assessment base day and cash items held for clearings at the close of business on said day which are in the process of collection and which the bank has received and paid in the regular course of business or credited to deposit accounts on the assessment base day plus the amount of the cash items paid or credited to deposit accounts on preceding days, which are in the process of collection and which remain uncollected at the close of business on the base day, all in accordance with the normal procedure of the bank.

NOTE: See §§ 327.123, 327.127, and 327.128, Assessment Decisions No. 23, Cash Items Eligible for Deduction as Exchanges, No. 27, Cash Items Deductions, Local, and, No. 28, Cash Items Deductions, Outside.

§ 327.125 *Assessment Decision No. 25; cash items paid by the reporting bank.* (a) Only items credited to deposit accounts or paid are eligible for deduction. (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges, for a definition of a cash item.)

(b) In the amended rules and regulations, effective March 30, 1954, the word "paid" is defined to include items for which the bank has given cash, received as a payment on a debt to the bank, received in payment for a Series E bond or other security (not an asset of the bank), and as a collection for public utilities service or in a similar transaction.

(c) It is specifically provided in said amended rules and regulations that an instrument received by the bank in payment of, or arising from, the sale or other disposition of any of its assets is not a cash item.

(d) Following are examples of items considered "paid" and eligible for deduction as cash items if they meet all the other requirements of a cash item:

(1) Items cashed over the counter.

(2) Items received and paid for in local clearings or paid for in cash letters received.

(3) Items received as a payment on, or in payment of, a note to the bank.

(4) Items received as a payment on principal or interest on a mortgage held by the bank, not arising from the sale of its own property.

(5) Items received in payment of rent to the bank on wholly owned real estate.

(e) Following are examples of items not within the definition of "paid" and ineligible for deduction:

(1) Items received for the sale or other disposition of securities owned by the bank. (See § 327.139 Assessment Decision No. 39, Checks and Drafts Received for the Sale or Other Disposition of the Bank's Own Assets.)

(2) Items received for the sale of notes or mortgages owned by the bank. (Note the distinction between an item received for the sale of a note or mortgage owned by the bank which is ineligible for deduction and an item received as a payment on a note or mortgage, not arising from the sale of its own property, which is an eligible deduction.) (See § 327.139 Assessment Decision No. 39, Checks and Drafts Received for the Sale or Other Disposition of the Bank's Own Assets.)

(3) Instruments received in payment for cash items previously paid or credited to deposit accounts and previously forwarded for collection. (See § 327.138 Assessment Decision No. 38, Checks or Drafts Received in Payment of Cash Items Forwarded for Collection.)

(4) Instruments received in payment of clearings. (See § 327.137 Assessment Decision No. 37, Checks or Drafts Received in Payment of Clearings.)

(5) Drafts drawn by the reporting bank to transfer its own funds. (See § 327.176 Assessment Decision No. 76, Drafts for Transfer of Bank's Own Funds.)

(6) Drafts drawn and delivered or exchanged for the purpose of reducing the assessment base or any instrument drawn by an officer, director, stockholder, or affiliate of the reporting bank or any person at their suggestion or direction for the purpose of abnormally increasing deductions. (See § 327.202 Assessment Decision No. 102, Instruments Drawn for the Purpose of Abnormally Increasing Deposits or Deductions.)

(f) For the definition of cash items for the base days from September 21, 1950, through December 31, 1953, see footnote 6.

[6] For the period from July 1, 1950, to March 30, 1954, the definition of "paid" was in § 327.1 (a) of the rules and regulations. For that period, the term "paid" was deemed to include checks or bank drafts for which the bank had given cash or other consideration. For that period the only nondeposit items eligible for deduction were checks and bank drafts. Thus, Series E bonds cashed or any coupons cashed were ineligible for deduc-

§ 327.126 *Assessment Decision No. 26; cash items charged against a deposit account not deductible by forwarding bank.* (a) When a "sending" bank charges the amount of an outgoing cash letter against the "due to" balance of the "receiving" bank, the "sending" bank may not thereafter claim deductions for such cash items because such charge results in the collection of such items. Upon receiving such a cash letter from the "sending" bank, the "receiving" bank may reduce its deposit liability in the amount of such cash items as of the date of the charge to its account by the sending bank.

(b) To illustrate, assume Bank A on March 31 forwarded a cash letter to Bank B and on the same day charged the account due to Bank B. Bank A may not claim a deduction for these items as being uncollected. Assume Bank B receives the letter on April 1. Bank B in tabulating its assessment base for March 31 may subtract the actual amount of the items in said letter which are drawn on deposit accounts in Bank B. It may not claim any deductions for items in the letter drawn on other banks or persons.

§ 327.127 *Assessment Decision No. 27; cash items deductions; local.* (a) Cash Items Held for Clearings, Local Exchanges, consist of items paid or credited to deposit accounts by the reporting bank which are drawn on banks, persons, or corporations in the same city or local clearing area where the reporting bank is located which are held for clearings at the close of the books on the assessment base day. (See § 327.123 Assessment Decision No. 23, for the definition of a cash item eligible for deduction.)

(b) A cash item is considered to be held for clearings at the close of the books on the base day if it has been received in such manner and within such time as is considered normal in accordance with the usual practices of the reporting bank, and is held for clearance or presentment at the time of the closing in conformity with the normal practice of the reporting bank. The payer or drawee of the instrument held for clearings must be a bank or person other than the reporting bank located in the same city or local clearing area or be a member of or affiliated with the same clearing house as the reporting bank or must regularly clear through the same clearing house or a member or an affiliate thereof.

(c) Thus, the items must be received on the base day after the normal time for effecting clearings on the base day. For instance, if the regular clearings are at 10:00 a. m., all items received prior to that hour, which it is physically possible to include in said clearings, must be included in said clearings, and only those received which cannot be cleared at the regular clearings on the base day may be held for clearings at the close of business. "Held for Clearings" also includes warrants, "payable through" items, sight drafts, and other similar instruments held for presentment and collection on the following day.

(d) The bank may use either the alternate (aa) or the (bb) method of claiming deductions for cash items provided the same method is used for both base days in a semiannual assessment period and provided the same method is used for both local and outside exchanges. The items eligible for deduction are exactly the same under either method but under the (aa) method, they may be multiplied by two whereas under the (bb) method only the actual amount may be deducted. (See § 327.124 Assessment Decision No. 24, Cash Items, Methods of Claiming Deductions.) See footnote 7.

§ 327.128 *Assessment Decision No. 28; cash items deductions; outside.* (a) Cash items forwarded for collection—outside exchanges, consist of cash items paid or credited to deposit accounts by the reporting bank which are drawn on banks, persons, or corporations in cities other than where the reporting bank is located. (See § 327.123 Assessment Decision No. 23, for the definition of a cash item eligible for deduction.)

(b) The bank may use either the alternate (aa) or (bb) method of claiming deductions for outside cash items, but whichever method is selected must be used for both base days in a semiannual period and must be used for computing both local and outside exchanges.

(c) If the alternate (aa) method of computing outside cash items is used, a bank may deduct twice the amount of the total of the cash items forwarded for collection on the base day which were received and reflected on the books as part of the business of the base day, all in accordance with the normal procedure of the bank. This includes those items received after the close of the books on the preceding business day to the time of the closing of the books on the base day, but there can be no variation in this time of the closing of the books from normal procedure for assessment purposes. When the base day is preceded by a nonbusiness day, or a holiday, any cash items received after the close of the books on the preceding business day which are forwarded for collection on the base day, or on the nonbusiness day or days preceding the base day, may be included in the deduction provided they remain uncollected at the close of business on the base day.

(d) "Forwarded for collection" is defined as including those cash items received on the assessment base day, which either have actually been forwarded for collection on the base day, or are in the process of forwarding in accordance with the normal procedure of the bank. To illustrate, assume the closing of the books occurs at 4:00 p. m. Any cash item received on the base day prior to 4:00 p. m. which is reflected on the books on said day, may be claimed as a deduction even though the actual forwarding cannot be completed on that day.

(e) No deductions may be claimed for any holdovers from the preceding business day. Thus, continuing the illustration of the closing of the books at 4:00 p. m., any cash item received by the reporting bank prior to 4:00 p. m. on the preceding business day, but where the forwarding process is not completed on the preceding business day, may not be included in the deductions for cash items on the base day.

(f) If the alternate (bb) method is used, exactly the same cash items as related above under the alternate (aa) method may be deducted, but they may not be multiplied by two or any other figure, but may be deducted only in their actual amounts. In addition, the bank may deduct the actual amounts of the cash items paid or credited on preceding days which are in the process of collection, and which remain uncollected at the close of the books on the assessment base day.

(g) If the alternate (bb) method is used, no cash item may be considered uncollected for any period in excess of that prescribed in the Federal Reserve Time Schedule plus the time of transmittal for sending the items in due course to the Federal Reserve bank of the Federal Reserve district or branch thereof in which the reporting bank is located. This time of transmittal is usually one day, but if the bank is located in an area where mail is slow, this time may be two or even more days. The Federal Reserve Time Schedule is shown in the bulletins sent out by each Federal Reserve bank. Any cash item not included in the Federal Reserve Time Schedule may be considered uncollected for the actual time required to effect collection. (See § 327.111 Assessment Decision No. 11, Availability Schedule, Cash Items.)

(h) In using the alternate (bb) method, it should be noted that the bank may deduct only the portion of the eligible cash items forwarded for collection on days preceding the base day which remains uncollected at the close of the books on the base day.

(i) To illustrate, assume the reporting bank forwarded cash items totaling $100,000 to its correspondent bank on the day preceding the base day. Assume further, $10,000 of the items were drawn on the correspondent bank, $15,000 on other banks in the city where the correspondent bank is located, $50,000 were drawn on other cities which were one day items under the Federal Reserve Time Schedule, and the remainder of $25,000 were drawn on other cities which were two day items under the Federal Reserve Time Schedule. The $10,000 drawn on the correspondent bank would be collected before the close of business on the base day and would be ineligible for deduction as uncollected items. Assuming that the correspondent bank received the letter early on the morning of the base day in time for local clearings, the $15,000 drawn on other local banks would also be considered collected since clearings would be effected by the correspondent on the base day. The remainder of the letter, or $75,000, would be eligible for deduction. If the same letter had been mailed out two days before the base day, the $50,000 included in the one day Federal Reserve Time Schedule would also be collected, so that only $25,000, or the two day items, would be eligible for deduction.

(j) It should be noted from the foregoing example that the actual time required for collection or the Federal Reserve Time Schedule, whichever is the lesser, is the maximum time for which an item may be considered uncollected. Therefore, the items drawn on the correspondent bank and other banks in the city where the correspondent is located were collected on the day after mailing by the forwarding bank and could not be considered as uncollected for any longer time. (See footnote 8.)

§ 327.129 *Assessment Decision No. 29; cash items sent direct to a correspondent for collection.* (a) In some cases, cash items are sent direct to a correspondent of the bank in which the sender is to receive credit. For instance, Bank A having an account with Bank B may send the items direct to Bank C for credit in Bank B. In such cases Bank C upon receipt of the items will credit the "due to" or "due from" account of Bank B and instruct Bank B to charge its account and credit Bank A.

(b) Bank C may claim deductions for any uncollected cash items in such deposits in the usual manner. Bank B although it does not actually receive the items may, if it credits the account of Bank A on the base day, claim a deduction for the items in such sendings which remain uncollected at the close of business on the base day. Thus, if it uses the alternate (aa) method it would consider as received by it on the base day the direct sending items received from Bank A by Bank C on the base day for its account. However, Bank B may not claim a deduction for any item which would have been collected at the close of business on the base day if it had received the items direct. To illustrate, if Bank A has an item drawn on Bank B which it forwards to Bank C in such direct sendings, Bank B may not claim a deduction therefor because the check would have been collected if sent by Bank A to Bank B.

§ 327.130 *Assessment Decision No. 30; cash items deductions; change in alternate method.* (a) A bank may use either the alternate (aa) or the (bb) method of claiming deductions for cash items provided it uses the same method for both local and outside exchanges for both base days on any one semiannual Certified Statement. It may make this selection for each semiannual period and thus may use the (aa) method for one period, the (bb) method for the next, and again change back to the (aa) method on the following Certified Statement.

(b) After the selection of the alternate method of claiming deductions for cash items is made and a Certified Statement has been filed, the bank may within two years from the date on which such Certified Statement was required to be filed, file an amendment of such Certified Statement for the purpose of changing to the other alternate method provided it has the records necessary to support the deductions under the other alternate method.

§ 327.131 *Assessment Decision No. 31; cash items processed by special handling.* (a) No two reporting banks may deduct the same cash items under the alternate (aa) method for computing deductible cash items unless one of the banks normally, and in the regular course of business, is a collecting and check clearing agent for the other bank. Cash items reaching another bank or banks by special handling on the base day, other than in the normal and regular practice, may not be deducted under the (aa) method by such other bank or banks but such other bank or banks may claim a deduction therefor in the actual amount if included in the reported deposit liabilities.

(b) This does not refer to the normal and day by day procedure where cash items are forwarded by one bank to another and reach the second bank on the same day. However, any items received on the base day which are forwarded to another bank by means of special handling not normally used on other days to make possible the claiming of duplicate deductions may not be multiplied by two by the bank to which forwarded by this special process, but if included in deposits may be deducted by such bank only in its actual amount.

§ 327.132 *Assessment Decision No. 32; cash letters received.* (a) Section 7 (a) (2) (i) of the Federal Deposit Insurance Act permits the reporting bank to exclude from its assessment base the amount of advices or authorizations issued by it for cash letters received directing that its account in the sending bank be charged with the amount thereof.

(b) This refers to cash letters received by the reporting bank on the base day. The items in the cash letter which are drawn on deposit accounts in the receiving bank will be charged against the respective depositor's accounts thereby reducing the deposit liability. If the bank issues a draft in payment of the letter, this draft is exempt from assessment under section 7 (a) (2) (i) of the Federal Deposit Insurance Act. The amount of an advice issued by the receiving bank directing that its account in the sending bank be charged may also be excluded from deposit liabilities. If a deferred credit account represents the amount of the liability of the bank for cash letters received it likewise need not be included in the assessment base to the extent that advices or drafts have been issued for the cash letters. This means that they need not be included in deposits; it does not mean they may be deducted from other deposits. If the drafts, advices, or deferred credit account are represented in the total of deposits on the Certified Statement, which is often the case with respect to the deferred credit account, the bank may claim a deduction therefor on the Certified Statement. (See §§ 327.106 and 327.156, Assessment Decisions No. 6, Advices or Authorizations Issued for Cash Letters Received and No. 56, Deferred Credit Account.)

(c) If the bank delays for one or more days the issuance of the draft or advice in payment of a cash letter received, its liability for the cash letters received must be included in the assessment base pending the issuance of such draft or advice. (See § 327.238 Assessment Decision No. 138, Remittance Account.)

§ 327.133 *Assessment Decision No. 33; cashiers' and other officers' checks.* (a) Cashiers' and other officers' checks must be included in the deposit liabilities until paid when issued under any of the following circumstances:

(1) For money or its equivalent received by the issuing bank,

(2) For a charge against a deposit account in the issuing bank,

(3) In settlement of checks, drafts, or other instruments forwarded to the issuing bank for collection,

(4) When issued in exchange for promissory notes upon which the person procuring the check is primarily or secondarily liable.

(b) Cashiers' checks issued for the bank's own purposes need not be included in the assessment base. Any checks issued for the bank's own uses will almost invariably fall within the following classifications:

(1) For the payment of expense items of the bank,

(2) For the purchase of securities for the bank's own portfolio.

(c) Treasurers' checks, tellers' checks, officers' checks, or any other designation given checks issued by the bank on itself, come within the same assessment requirements as "cashiers' checks".

§ 327.134 *Assessment Decision No. 34; cashiers' or other officers' checks payable through another bank.* The fact that a cashier's or other officer's check may be issued with a designation

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tion prior to March 30, 1954, but are eligible for deduction thereafter. From July 1, 1950, to March 30, 1954, the reporting bank could include in cash items eligible for deduction the checks and drafts drawn on other banks received in the sale of any of its assets. Such items are ineligible for deduction after March 30, 1954.

[7] After July 1, 1950, and prior to March 30, 1954, there could be included in local cash items eligible for deduction, instruments, checks, or drafts drawn on a branch office or main office of the reporting bank other than the office where the item was received. Effective March 30, 1954, under the amended rules and regulations, such interbranch items are no longer eligible for deduction as cash items. (See § 327.117 Assessment Decision No. 17, Branch Items.)

[8] After July 1, 1950, and prior to March 30, 1954, the base day included only the actual calendar base day and only the cash items actually received on said calendar base day and actually forwarded for collection on that day were eligible for deduction. Thus, during that period no deduction could be claimed for any cash item received and forwarded for collection prior to the base day such as those received and forwarded on Saturday when the bank is not open for business and when the base day was Monday. During that period no deduction could be claimed for cash items received prior to the base day which were forwarded for collection on the base day such as those received on Tuesday and held over and forwarded on the Wednesday base day (similarly under the rules and regulations, effective March 30, 1954, no deductions may be claimed for such items). During that period no deductions could be claimed for cash items received on the assessment base day which were not physically forwarded for collection on said day, i. e., had not left the custody of the reporting bank on the base day.

that it is payable or collectible through another bank does not change its character as an officer's check, and such check must be included in deposits for assessment purposes, when issued under any of the circumstances stated in § 327.133 Assessment Decision No. 33. Such a designation merely facilitates its negotiation and does not transform it into a draft.

§ 327.135 *Assessment Decision No. 35; certified checks and drafts.* (a) Checks drawn against a deposit account and certified by the drawee bank (the bank on which drawn) must be included in the assessment base of the drawee bank if outstanding at the close of business on a base day.

(b) Bank drafts drawn against a deposit account and certified by the drawee bank must likewise be included in the assessment base of the drawee bank if outstanding at the close of business on a base day.

§ 327.136 *Assessment Decision No. 36; Certified Statements to be filed.* (a) A newly insured bank must file a First Certified Statement (Form 645) based upon deposits for the last day of the semiannual period in which it became an insured operating member. The assessment to be paid is for the following six months' period.

(b) Each insured bank must file a Certified Statement semiannually on or before January 15 and July 15 of each year. The Certified Statement to be filed on or before January 15 is based upon deposits as of the preceding two base days September 30 and December 31. The Certified Statement required to be filed on or before July 15, is based upon deposits for the two preceding base days March 31 and June 30. The assessment to be paid is for the following six months' period. Thus, on the Certified Statement to be filed on or before January 15 the assessment is for the full six months ending the following June 30. On the report to be filed on or before July 15 the assessment is for the full six months' period ending December 31.

(c) A remittance must be forwarded with the Certified Statement for the assessment due. Assessment credits are allowed annually based upon the assessment net income for the preceding calendar year. Each insured bank is informed of the amount of such credit prior to July 1 of each year. The assessment credit may be applied upon the assessment due July 15 and a remittance should be forwarded for any balance due the Corporation. If the credit is sufficient to pay all of the assessment and an unused balance remains, such balance may be applied upon the assessment due on the next Certified Statement.

(d) A Final Certified Statement (Form 845) must be executed by each insured bank whose deposit liabilities are assumed by another operating insured bank. Special instructions may be obtained from the Fiscal Agent of the Corporation.

(e) Penalties for failure to file Certified Statements and pay assessments are provided in section 18 (b) and section 18 (h) of the Federal Deposit Insurance Act. (See § 327.182 Assessment Decision No. 82, Extension of Time for Filing Certified Statements.)

§ 327.137 *Assessment Decision No. 37; checks or drafts received in payment of clearings.* (a) Checks or drafts received in payment of the reporting bank's debit balances in clearings are ineligible for deduction as cash items or otherwise.

(b) To illustrate, assume that on the base day, March 31, the reporting bank has items totaling $100,000 drawn on other local banks which items are exchanged with said banks directly or at a clearing house. Assume further that at the clearings, the bank received $75,000 of items drawn on itself, and receives a check or draft for the $25,000 difference due it. This $25,000 check or draft may not be claimed as a deduction as a cash item or otherwise.

§ 327.138 *Assessment Decision No. 38; checks or drafts received in payment of cash items forwarded for collection.* (a) Checks or drafts received for cash items previously forwarded for collection are ineligible for deduction as cash items or otherwise.

(b) To illustrate, assume that on March 29 the reporting bank receives certain cash items which it pays or credits to deposit accounts and that it forwards said items to Bank A for collection. Assume that on the base day March 31 the reporting bank receives a draft from Bank A drawn on Bank B in payment of said items. This draft may not be claimed as a deduction. These cash items were paid or credited prior to the base day and having been paid or credited once, the bank cannot again pay or credit said items to deposit accounts. Therefore, since one of the requirements of a cash item is that it must be paid or credited to a deposit account by the reporting bank, it follows that the items received on March 29 are not eligible for deduction on the March 31 base day and the check or draft received in substitution therefor is likewise ineligible for deduction.

(c) A different situation exists in those relatively few instances where a bank accepts an item on a collection basis only. Thus, if it receives an item on March 29 which it does not pay or credit to a deposit account until receipt of the proceeds, the check or draft received for such an item which is thereupon paid to the depositor or credited to his account, may be included in deductions for cash items. (See § 327.143 Assessment Decision No. 43, Collection Items Left With The Bank.)

§ 327.139 *Assessment Decision No. 39; checks and drafts received for the sale or other disposition of the bank's own assets.* (a) Checks, drafts, or instruments drawn on persons or banks other than the reporting bank, received by the reporting bank in payment for the sale or other disposition of any of its assets are ineligible for deduction by the reporting bank as cash items or otherwise. (See footnote 9.)

(b) To illustrate, a check or draft received by the reporting bank in the sale of bonds, mortgages, or any of its other assets including a check or draft received for bonds owned by it which have been called for payment, is not a cash item and is not eligible for deduction.

(c) Although no deduction may be claimed for instruments received for the sale or other disposition of an asset of the bank, it is permissible to claim a deduction for instruments drawn on other banks which are received as a payment on indebtedness to the bank. Thus, a check drawn on another bank received by the reporting bank to be applied on a promissory note to the reporting bank is eligible for deduction.

§ 327.140 *Assessment Decision No. 40; Christmas Club accounts.* (a) Balances in Christmas Club, Vacation Club, and similar accounts must be included in deposit liabilities. Outstanding, unpaid checks issued and charged against such accounts must likewise be included in the assessment base.

(b) Various systems are sometimes used in connection with the operation of these club accounts. For instance, a customer may be given a check to which he may attach club stamps sold by the bank, and when all the spaces are filled the check will be honored. Such checks are deposits within the meaning of the Federal Deposit Insurance Act, so it is necessary for the bank to include in its deposit liability the amounts of all such stamps sold until they are redeemed.

§ 327.141 *Assessment Decision No. 41; clearing house checks.* (a) Outstanding cashiers' and other officers' checks issued in settlement of clearing house balances must be included by the issuing bank in its assessment base. If an officer's check is issued in payment of a cash letter received it must likewise be included in the assessment base if outstanding at the close of the base day.

(b) Although drafts and the amount of advices issued for cash letters received are exempt from assessment, the exemption does not apply to officers' checks.

§ 327.142 *Assessment Decision No. 42; collections made for customers.* (a) Collections are often made by banks on behalf of gas companies, insurance companies, electric companies, and similar companies and also for individuals. Such collections represent funds held in a fiduciary capacity and must be included in deposits for the assessment base. The remittances made to the customer representing such collections, if in the form of a cashiers' or other officers' checks, must be included in the assessment base, if outstanding on the base days.

(b) The checks and drafts drawn on other banks received by the reporting bank in making these collections on behalf of gas companies etc., are eligible for deduction as cash items.

§ 327.143 *Assessment Decision No. 43; collection items left with the bank.* (a) Items are sometimes left with the bank on a collection basis, that is, the bank receives them for collection and does not credit them to a deposit account until it receives the proceeds. Such collection items need not be included in deposits for assessment purposes and they are ineligible for deduction as cash items in the process of collection.

(b) When the proceeds from such collections are received in the form of checks or drafts drawn on other banks and the customer is either paid or given credit therefor, the checks or drafts so received are cash items.

§ 327.144 *Assessment Decision No. 44; commercial paper purchased.* A cashier's or other officer's check issued for the purchase of commercial paper on which the payee of the check is not primarily or secondarily liable need not be included as deposit liabilities in determining the assessment base. It is considered that such a check is issued for the bank's own account rather than being issued for money or its equivalent. If the procurer of the check is primarily or secondarily liable on the commercial paper, then the instrument must be included in the deposit liabilities until paid.

§ 327.145 *Assessment Decision No. 45; commitments for loans.* (a) Commitments for loans are sometimes recorded on the books of the bank among its deposit liabilities. Whether the recorded transaction is in legal effect merely a commitment to lend and nonassessable, or represents the proceeds of a loan and assessable, will depend upon the terms of the agreements under which they are held.

(b) The balance in such an account need not be included in the assessment base if it represents merely a commitment to make a loan and the customer is liable only for amounts as and when they are actually advanced from time to time; on the other hand, the balance in such account must be included in the assessment base if the borrower is liable for the full amount of the commitment, because such commitment then represents borrowed money which is maintained for the customer in the account pending disbursement.

(c) A criterion to determine whether the account represents a commitment to lend or the proceeds of a loan is whether interest is paid by the borrower on only such amounts thereof as are actually advanced to him from time to time, or on the entire balance of the commitment. If the former, then only the advances constitute assessable deposits; if the latter, then the entire account constitutes an assessable deposit.

NOTE: See § 327.148 Assessment Decision No. 48, Construction Loans.

§ 327.146 *Assessment Decision No. 46; computation of deductions for cash items by correspondent banks.* The Federal Deposit Insurance Act, section 7 (a), requires that each insured bank, as a condition to the right to make any deduction in determining its assessment base, shall maintain such records as will readily permit verification of the correctness thereof. Accordingly, the reporting bank must maintain its own records of uncollected cash items to support its deductions. The figures furnished by correspondents may not be used as a substitute therefor, but such figures may be used in support thereof.

§ 327.147 *Assessment Decision No. 47; conditional sales contracts; deposits and payments.* (a) Deposits made on conditional sales contracts in connection with the sale of property owned by the bank must be included in the deposit liabilities if such funds are held in a fiduciary capacity pending performance of any unfulfilled conditions. After such conditions have been met, only the bank has an interest in the funds and such funds need not, thereafter, be included in deposit liabilities.

(b) The general rule is that if funds are held by the bank in a fiduciary capacity they must be included in deposits for the assessment base, but if no person other than the bank has any interest therein, they need not be included in the base.

§ 327.148 *Assessment Decision No. 48; construction loans.* (a) In granting construction loans, banks often require the borrower to sign a note and mortgage for the estimated maximum amount of the loan before construction begins and the proceeds are then credited to a deposit account variously titled "construction loans", "incomplete mortgage loans", or some similar designation. In some instances the borrowers must add a certain proportion of their own funds to this account. As construction progresses payments of the various bills are made from this account.

(b) The balance in this account representing the borrowers' own funds must be included in deposit liabilities and may not be claimed as a deduction.

(c) The balance in this account representing the proceeds of a loan must be included in deposit liabilities and may not be claimed as a deduction if the borrower is liable for the full amount of such balance. The payment of interest on the full amount of the loan, at least from the time the proceeds are credited to the account, is conclusive evidence that the balance constitutes an assessable deposit.

(d) The balance in this account need not be included in deposit liabilities for the assessment base if it represents merely a commitment to make a loan and the borrower is liable only for the amounts actually advanced from time to time with interest thereon from the date of each advancement.

NOTE: See § 327.145 Assessment Decision No. 45, Commitments for Loans.

§ 327.149 *Assessment Decision No. 49; coupons and bonds.* (a) Coupons and bonds payable upon presentation and which are paid or credited to a deposit account subject to final payment are eligible for deduction as cash items provided all other requirements of a cash item are met.

(b) As a matter of convenience, some banks with large trust departments, for instance, will clip the coupons prior to their maturity date, credit the amount to a control account, and forward the items to be collected when they become due. Such coupons, accordingly, are not received and forwarded for collection on the base day and may not be multiplied by two in claiming a deduction. If the bank has included the amount of such unmatured coupons in its deposit liabilities, a deduction for the actual amount thereof may be claimed if the coupons are uncollected at the close of business on the base day.

(c) The foregoing refers to coupons and bonds paid by the reporting bank or credited to deposit accounts by the reporting bank. It does not refer to coupons and bonds owned by the bank which are ineligible for deduction because an item received for the sale or other disposition of an asset of the bank is not a cash item. (See § 327.150 Assessment Decision No. 50, Coupons or Bonds Owned by the Reporting Bank.)

§ 327.150 *Assessment Decision No. 50; coupons or bonds owned by the reporting bank.* (a) Coupons and bonds owned by the reporting bank are ineligible for deduction in any manner. Thus, coupons owned by the reporting bank which are forwarded for collection on the base day or any other time may not be included in deductions as cash items or in any other manner.

(b) Only cash items which the bank pays or credits to a deposit account are eligible for deduction and bonds and coupons owned by the reporting bank itself, or the remittance received in payment therefor, are not paid by the bank or credited to deposit accounts. Hence, such items are ineligible for deduction.

§ 327.151 *Assessment Decision No. 51; currency acquired for bank's own use.* (a) Officers' checks issued to another bank for the purchase of currency need not be included in deposit liabilities. It is considered that such a check is issued for the bank's own purposes. It should be noted, however, that an officer's check issued for currency received over the counter in the usual course of business is subject to assessment, because such a check is issued for money or its equivalent.

(b) The bank receiving a check or draft for currency furnished to another bank may include it in its deductions for cash items provided it is drawn on another bank and all requirements of a cash item are met as shown in § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges.

§ 327.152 *Assessment Decision No. 52; Dealers Reserves.* (a) Funds received and held as security in connection with discounted paper commonly known as "Dealers Reserves" may be excluded from the assessment base provided all requirements of cash funds received and held solely for the purpose of securing a liability to the bank are met. (See §§327.109 and 327.121, Assessment Decisions No. 9, Assigned Accounts Receivable, Collections and No. 21, Cash Funds Received and Held as Security to Indebtedness to the Bank.)

(b) These funds arise through the credit to the Dealers Reserve Account of a certain percentage of the purchase price or by the credit to the account of a portion of the interest or service charge and similar arrangements. The maxi-

* For the period from July 1, 1950, through the December 31, 1953, base day such items were eligible for deduction as cash items.

mum amount which may be excluded from the assessment base is the percentage of the unpaid balance on the contracts as provided in the agreements with the respective dealers and any amount in the Dealers Reserve Account in excess of this percentage (and in excess of delinquencies if the agreement provides for a full reserve therefor) must be included in the assessment base.

(c) Example: Contracts in the amount of $10,000 are purchased by the bank with an agreement to hold back 10 percent of the unpaid balance of the contracts as security in a reserve account. In addition, it provides for a full 100 percent reserve for contracts which have been delinquent for a specified period of time. The bank remits $9,000 to the seller and credits $1,000 to the Dealers Reserve Account. Assume that on the assessment base day the balance on the contracts is reduced to $7,000 of which $100 is delinquent and the Dealers Reserve Account has a balance of $850. The bank may exclude from the assessment base $790 of this Dealers Reserve Account, that is 10 percent of the $6,900 unpaid balance which is in current condition and 100 percent of the delinquent accounts of $100. It must include the remaining $60 of the Dealers Reserve Account in the assessment base.

§ 327.153 *Assessment Decision No. 53; deductions; in general.* (a) The assessment for deposit insurance is based upon the bank's liability for deposits. Certain deposits are exempt from assessment under specific provisions of the Federal Deposit Insurance Act and these exempt provisions are known as "exclusions". (See § 327.157 Assessment Decision No. 57, Deposit Exclusions, In General.)

(b) Certain deductions may be made from the total of reported deposits: *Provided, however,* That no deduction may be made unless the items deducted have been included in the total of the reported deposits with the exception of cash items paid. (See § 327.125 Assessment Decision No. 25, Cash Items Paid by the Reporting Bank.)

(c) The eligible deductions from reported deposits include the following:

(1) Cash items in the process of collection. (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges.)

(2) Trust funds deposited by the reporting fiduciary bank in other insured banks. (See § 327.263 Assessment Decision No. 163, Trust Funds Deposited in Other Banks.)

(3) Checks drawn against the reporting bank which it has paid or credited to deposit accounts but has not yet subtracted from the control account for deposits. (See § 327.104 Assessment Decision No. 4, Accumulated Checks of Customers.)

(4) Checks issued in payment for securities purchased for the bank's own portfolio. (See §§ 327.144 and 327.133, Assessment Decisions No. 44, Commercial Paper Purchased, and No. 33, Cashiers' and Other Officers' Checks.)

(5) Expense checks or cashiers' checks issued in payment of the bank's own expenses. (See § 327.133 Assessment Decision No. 33, Cashiers' and Other Officers' Checks.)

(6) Deposits representing the bank's own funds. (See § 327.162 Assessment Decision No. 62, Deposits Representing the Bank's Own Funds.)

(7) Checks issued in payment of dividends on the bank's own stock. (See § 327.165 Assessment Decision No. 65, Dividend Checks and Deposits.)

(8) An item drawn against a deposit account in the main office or branch office of the reporting bank which is received by an office of the reporting bank other than the office where the deposit account is carried and which has been paid or credited to a deposit account, if not subtracted from the control of deposits may be deducted therefrom. (See § 327.117 Assessment Decision No. 17, Branch Items.)

(9) Deposit accounts set up merely to record the amount of commitments for loans where interest is not payable on such commitments. (See § 327.145 Assessment Decision No. 45, Commitments for Loans.)

(d) Reciprocal bank balances with insured banks may also be deducted to the extent explained in § 327.233 Assessment Decision No. 133, Reciprocal Bank Balances.

§ 327.154 *Assessment Decision No. 54; deductions are optional.* (a) Banks are not required to claim deductions for items in the process of collection or for any other item eligible for deduction under the Federal Deposit Insurance Act and rules and regulations. However, if deductions are not claimed the bank cannot omit any assessable deposits from the assessment base to compensate for deductions not claimed.

(b) When a bank has elected not to claim any deductions for cash items in submitting a Certified Statement it may within two years from the date on which such Certified Statement was required to be filed, file an amendment of such Certified Statement claiming deductions for cash items.

(c) The reporting bank may select either of the two alternate methods (aa) or (bb) for claiming deductions for cash items provided the same method is used for both base days in a semiannual assessment period. (See § 327.124 Assessment Decision No. 24, Cash Items, Methods of Claiming Deductions.)

(d) After the selection of the alternate method of claiming deductions for cash items, the reporting bank may within two years from the date on which such Certified Statement was required to be filed, file an amendment of such Certified Statement for the purpose of changing to the other alternate method. (See § 327.130 Assessment Decision No. 30, Cash Items Deductions, Change in Alternate Method.)

§ 327.155 *Assessment Decision No. 55; deductions from employees' salaries.* Amounts deducted from bank employees' salaries for the purchase of War bonds, payment of Social Security taxes, and similar items must be included in deposits for the assessment base, and checks issued for the payment of these items must be included in the deposits until paid. (See § 327.267 Assessment Decision No. 167, Withholding Taxes.)

§ 327.156 *Assessment Decision No. 56; deferred credit account.* (a) The deferred credit account does not always represent the same transactions in all banks. It is therefore necessary to determine the nature of the items represented by the account in order to determine the requirements with respect to assessments.

(b) Usually the account is carried among the liabilities to record the liability for cash letters received by the reporting bank for which payment has not been effected. Upon receipt of the cash letter the amount thereof is credited to this account. A draft is issued by the reporting bank in payment for the letter or an advice is issued directing that its account in the sending bank be charged with the amount thereof, and on the day such draft or advice is received by the forwarding bank and charged against the account maintained by the reporting bank, the reporting bank debits the deferred credit account and credits its "due from" account maintained with the forwarding bank.

(c) Under the Federal Deposit Insurance Act drafts drawn by the reporting bank on deposit accounts in other banks in the regular course of business and the amount of advices or authorizations issued for cash letters received directing that the deposit account in the sending bank be charged need not be included in the assessment base. Therefore, if the reporting bank has issued a draft in payment of the cash letter received or has issued an advice or authorization directing that its account in the sending bank be charged for the cash letter received, the deferred credit account representing the amount of such cash letters need not be included in the assessment base. However, the amount of the deferred credit account must be included in the assessment base until the draft or advice is issued in payment of the cash letter. (See § 327.238 Assessment Decision No. 138, Remittance Account.)

(d) When such a deferred credit account is used to record the amount of the reporting bank's liability on cash letters received, it is usually included in the total of deposit liabilities. If it is included in deposit liabilities on the Certified Statement, it may be claimed as a deduction thereon to the extent that drafts, advices, or authorizations in respect thereto have been issued.

(e) A deferred credit account reflecting a debit balance is sometimes used for recording the amount of cash items forwarded to another bank for collection subject to final payment. Any cash items represented in such an account would be subject to rules governing deductions for cash items. (See §§ 327.123 and 327.128, Assessment Decisions No. 23, Cash Items Eligible for Deduction as Exchanges and No. 28, Cash Items Deductions, Outside, for details.)

(f) There are other types of "deferred credit accounts" and the assessability depends upon the nature of each individual account.

§ 327.157 *Assessment Decision No. 57; deposit exclusions; in general.* The assessment for deposit insurance is based upon the bank's liability for deposits. Some deposits are specifically exempt from assessment under the provisions of the Federal Deposit Insurance Act. These deposits which may be omitted from the assessment base are known as exclusions. It should be noted that while these "exclusions" may be omitted from the assessment base they may not also be deducted from the total of other deposits. For instance, although outstanding drafts may be excluded from the assessment base they may not be deducted from the total of other deposits in which they are not included. In general, the deposits which may be excluded, that is omitted, from deposits for assessment purposes are the following:

(a) Drafts drawn by a bank on its deposit accounts in other banks which are issued in the regular course of business. (See § 327.172 Assessment Decision No. 72, Drafts Outstanding Drawn on Other Banks.)

(b) The amount of advices or authorizations issued by the reporting bank for cash letters received directing that its deposit account in the sending bank be charged with the amount thereof. (See § 327.106 Assessment Decision No. 6, Advices or Authorizations Issued for Cash Letters Received.)

(c) Cash funds which are received and held solely for the purpose of securing a liability to the bank but not in an amount in excess of such liability and which are not subject to withdrawal by the obligor and are carried in a special non-interest-bearing account designated to properly show their purpose. (See § 327.121 Assessment Decision No. 21, Cash Funds Received and Held as Security to Indebtedness to the Bank.)

(d) Any obligation of a bank which is payable only at an office of the bank located outside the States of the United States, the District of Columbia, any Territories of the United States, and Virgin Islands. (See § 327.192 Assessment Decision No. 92, Foreign Countries, Obligations Payable In.)

§ 327.158 *Assessment Decision No. 58; deposits to be included in reported deposits for assessment purposes; in general.* (a) The assessment for deposit insurance is based upon the bank's liability for deposits with the exception of certain permissible exclusions. The permissible exclusions are deposits which under the act may be omitted from reported deposits in computing assessments. (See § 327.157 Assessment Decision No. 57, Deposit Exclusions, In General.)

(b) All deposit accounts of every nature, except for such exclusions, must be included in the assessment base. This includes, without being limited to, the following:

(1) Demand deposits of every kind and nature.

(2) Deposits of individuals, partnerships, and corporations.

(3) Deposits of U. S. Government, secured or unsecured. (See § 327.230 Assessment Decision No. 130, Public Funds.)

(4) Deposits of States and public political subdivisions. (See § 327.230 Assessment Decision No. 130, Public Funds.)

(5) Deposits due to other banks in the United States. (Gross.) (See § 327.161 Assessment Decision No. 61, Deposits Due to Other Banks.)

(6) Deposits due to banks in foreign countries. (See § 327.161 Assessment Decision No. 61, Deposits Due to Other Banks.)

(7) Savings accounts.

(8) Certificates of deposits.

(9) Travelers' checks. (See § 327.259 Assessment Decision No. 159, Travelers' Checks.)

(10) Letters of credit issued for money or its equivalent. (See §§ 327.209 and 327.210, Assessment Decisions No. 109, Letters of Credit, Commercial, and No. 110, Letters of Credit, Travelers.)

(11) Cashiers' checks. (See § 327.133 Assessment Decision No. 33, Cashiers' and Other Officers' Checks.)

(12) Officers' checks. (See § 327.133 Assessment Decision No. 33, Cashiers' and Other Officers' Checks.)

(13) Tellers' checks. (See § 327.133 Assessment Decision No. 33, Cashiers' and Other Officers' Checks.)

(14) Christmas Club deposits. (See § 327.140 Assessment Decision No. 40, Christmas Club Accounts.)

(15) Escrow funds. (See § 327.178 Assessment Decision No. 78, Escrow Funds.)

(16) Treasury Tax and Loan Account. (See § 327.261 Assessment Decision No. 161, Treasury Tax and Loan Account.)

(17) Trust funds. (See § 327.262 Assessment Decision No. 162, Trust Funds.)

(18) Taxes withheld. (See §§ 327.252, 327.220 and 327.267 Assessment Decisions No. 152, Social Security Taxes, No. 120, Old Age Benefits Account, and No. 167, Withholding Taxes.)

(19) Certified checks and drafts. (See § 327.135 Assessment Decision No. 35, Certified Checks and Drafts.)

§ 327.159 *Assessment Decision No. 59; deposit accounts in excess of $10,000.* Under the Federal Deposit Insurance Act the maximum amount of the insured deposit of any depositor in an insured bank is $10,000. However, all deposits subject to assessment must be included in the assessment base regardless of the amount in the deposit account or accounts without offset for any indebtedness of the depositor to the bank. Accordingly, the amount in excess of the $10,000 limitation must also be included in the assessment base, and assessments paid thereon.

§ 327.160 *Assessment Decision No. 60; deposits for bond subscriptions.* Customers often post with banks amounts as required in offering circulars in connection with cash subscriptions entered for their accounts for United States Treasury Securities. Such funds are held in a fiduciary capacity and are required to be included in deposits for assessment purposes.

§ 327.161 *Assessment Decision No. 61; deposits due to other banks.* (a) All deposits due to other banks must be included in the total of reported deposits opposite Item A. This includes balances due to banks with which a reciprocal relationship is maintained, although eligible deductions for reciprocal bank balances with insured banks may be claimed in accordance with § 327.233 Assessment Decision No. 133, Reciprocal Bank Balances.

(b) All balances on deposit in the reporting bank due to foreign banks must also be included in the reported deposit liabilities for assessment purposes.

§ 327.162 *Assessment Decision No. 62; deposits representing the bank's own funds.* (a) Accounts carried in the deposit ledger representing the bank's own funds need not be included in deposits for assessment purposes. An example of such an account is one representing rents received from wholly owned real estate. Another example is a reserve for the bank's own expenses such as a reserve for income taxes, or a reserve for a special contingency.

(b) An account maintained by the bank in the operation under an assignment of rents of property owned by others must be included in the assessment base. (See § 327.217 Assessment Decision No. 117, Mortgagee in Possession Funds.)

§ 327.163 *Assessment Decision No. 63; deposit to secure bid for securities.* (a) Cashiers' checks or similar instruments issued for use as good faith deposits when a bank bids on a new bond issue are considered to be issued for the bank's own purpose, and are not required to be included in the assessment base.

(b) For the assessability of funds held by the bank as syndicate manager see § 327.256 Assessment Decision No. 156, Syndicate Deposits.

§ 327.164 *Assessment Decision No. 64; deposits of wholly owned bank or corporation.* A deposit account in the reporting bank made by a corporation or another bank the capital stock of which is wholly owned by the reporting bank, its officers, or its stockholders, must be included in the deposit liabilities for the assessment base. From an assessment standpoint there is no difference between such a deposit and a deposit made by any other bank, company, or individual.

§ 327.165 *Assessment Decision No. 65; dividend checks and deposits.* Checks issued in payment of dividends on the bank's own stock are considered to be for the bank's own business and are not required to be included in the assessment base. If an account is set up as a liability for the amount of such dividend without segregation of funds for payment thereof the account need not be included in the assessment base; however, if funds for the payment of a dividend are set apart and segregated from the other assets of the bank, such funds would be trust funds subject to assessment until the dividend checks drawn thereagainst are paid.

§ 327.166 *Assessment Decision No. 66; dividends on stocks pledged as security or held in safekeeping.* (a) Dividends on stocks pledged to the reporting bank as collateral security to indebtedness to the reporting bank if retained by the bank as security to the indebtedness are exempt from assessment provided all requirements of the statute are met.

(See § 327.121 Assessment Decision No. 21, Cash Funds Received and Held as Security to Indebtedness to the Bank.) The funds to be exempt from assessment must be segregated in a special non-interest-bearing account which may be in the form of a cashier's check or officer's check designated to show its purpose. The fact that such funds may eventually be returned to the borrower or pledgor does not affect their former exempt status as security.

(b) An officer's check issued by the bank to the claimant in payment of dividends received on collateral security which is outstanding on the base day must be included in the assessment base.

(c) All dividends received by the reporting bank on securities held for safekeeping must be included in deposits for the assessment base as they constitute deposits held by the bank in a fiduciary capacity or for a special purpose.

§ 327.167 *Assessment Decision No. 67; dormant accounts.* (a) Balances in dormant accounts must be included in deposit liabilities for the assessment base. The fact that such deposit accounts may be placed in a special section of the ledger, or accumulated in a control account or otherwise carried on the books of the bank does not affect their status as deposits.

(b) When such accounts are reduced or eliminated by service charges, the service charges must have been legally made to be thenceforth exempt from assessment.

§ 327.168 *Assessment Decision No. 68; drafts with bills of lading attached not payable upon presentation.* Commodity drafts, that is, drafts with shipping documents attached which are not payable upon presentation including those payable upon arrival or inspection of certain goods, or those which are not customarily cleared or collected by the reporting bank as cash items, are ineligible for deduction as cash items.

§ 327.169 *Assessment Decision No. 69; drafts with bonds and coupons attached.* Drafts with bonds and/or coupons attached payable upon presentation which are paid by the reporting bank or credited to deposit accounts are eligible for deduction as cash items.

§ 327.170 *Assessment Decision No. 70; drafts or checks drawn by one office on another office of a branch bank.* (a) Any drafts or checks drawn by one office on another office in a branch banking system if issued for money or its equivalent, for a charge against a deposit account, or in settlement of checks, drafts, or other instruments forwarded to the issuing bank for collection must be included in deposits for the assessment base. Such so-called "drafts" are for all assessment purposes, the same as officers' checks.

(b) To illustrate, assume that on the base day a branch office receives a cash letter and draws a draft on the main office for the amount thereof. This so-called "draft" is an officer's check and must be included in the assessment base. The deposits represented by any type of instrument or advice directing the main office to pay for a cash letter received remain a deposit liability of the reporting bank until paid.

(c) The only "drafts" exempt from assessment are those issued by the reporting bank drawn on deposit accounts in other banks. A draft drawn by a branch on the main office is not drawn on another bank and therefore does not come within the exemption.

§ 327.171 *Assessment Decision No. 71; drafts drawn on deposits in the Federal Reserve banks.* Drafts drawn on deposit accounts in Federal Reserve banks if issued in the normal course of business are exempt from assessment in the same manner as drafts drawn on deposit accounts in other banks. (See § 327.172 Assessment Decision No. 72, Drafts Outstanding Drawn on Other Banks.)

§ 327.172 *Assessment Decision No. 72; drafts outstanding drawn on other banks.* (a) Drafts outstanding drawn by the reporting bank on its deposit accounts in other banks which are issued in the regular course of business may be excluded from deposits for the assessment base. Ordinarily, the amount of outstanding drafts is not represented in the bank's total of deposit liabilities on the general books and the bank need not report the drafts on the Certified Statement. However, it may not subtract the outstanding drafts from the total of other deposits.

(b) To illustrate:

(1) Assume that on the base day the deposits on the general ledger of the bank were as follows:

Demand deposits	$1,000,000
Time deposits	500,000
Treasury tax and loan account	50,000
Cashiers' checks	30,000
Total	1,580,000

(2) Assume that the bank had issued drafts in the total amount of $60,000 which remained outstanding at the close of business on the base day. When these drafts were drawn, customarily the "due from" bank account would be credited thus reducing the balance due from other banks and the $60,000 is not reflected in the above deposits of $1,580,000. Accordingly, for the base day the bank would record deposits of $1,580,000.

(c) If the bank includes outstanding drafts in its total of deposit liabilities then it is proper to subtract such drafts from the total of deposits which includes the amount of such drafts.

(d) For assessment purposes an order, advice, or authorization is treated the same as a draft. This refers to "orders" such as those issued by one bank directing another bank to charge its account and to credit a stated sum of money to a designated account. Such orders may be excluded from the assessment base since for assessment purposes they serve the same purpose as drafts.

(e) The drafts referred to herein may be drawn on deposit accounts in other banks whether those banks on which drawn are insured or noninsured.

(f) It should be noted that to be exempt from assessment the drafts must be drawn against existing funds in the drawee bank and the drafts must be drawn in the usual or normal course of business. Ordinarily, drafts are used as a means of effecting a payment. If a draft has been outstanding for a long period of time, the question would arise as to whether it was issued in the usual course of business or whether it was used as a means of carrying a deposit account. (See § 327.173 Assessment Decision No. 73, Drafts Outstanding For Extended Period.) If a draft is issued to represent a temporary deposit to avoid the assessment or for any other purpose where a draft is not normally used, it is not considered to have been issued in the usual course of business and must be included in the assessment base. A specific example of such a draft subject to assessment is the case where a company at the end of an accounting period deposits with the bank sufficient funds to make the payment of all its outstanding checks or buyers' drafts issued by its agents. If these funds are placed in the form of a draft which is rewritten daily as it is reduced by the payment of the outstanding checks and buyers' drafts it could not be considered as issued in the normal course of business and must be included in the assessment base.

§ 327.173 *Assessment Decision No. 73; drafts outstanding for extended period.* (a) Under the Federal Deposit Insurance Act drafts drawn on deposit accounts in other banks in the normal course of business may be excluded from deposits for the assessment base.

(b) If a draft is outstanding for an extended period the question arises as to whether it was issued in the normal course of business. The circumstances of its issuance would be the controlling factor. If the circumstances indicate that a draft was used as a means of representing a deposit in order to avoid assessment it must be included in the assessment base. (See § 327.172 Assessment Decision No. 72, Drafts Outstanding Drawn On Other Banks.)

§ 327.174 *Assessment Decision No. 74; drafts payable on presentation with bills of lading attached.* (a) Commodity drafts, that is, drafts with shipping documents attached, if payable upon presentation and if they have been paid or credited to deposit accounts subject to final payment, are eligible for deduction as cash items. For the purpose of claiming deductions, if the alternate (bb) method is used, they may be considered as uncollected for the time required to effect collection. If the collecting bank forwards a check or draft in payment, such check or draft received by the reporting bank is not a cash item eligible for deduction.

(b) Commodity drafts are known under many names, such as "livestock drafts," "cotton drafts," "documentary drafts," "peanut drafts," "fruits and vegetable drafts," etc. The procedure in handling all of these types of drafts is nevertheless, the same.

(c) Only drafts payable upon presentation may be claimed as a deduction. Accordingly, drafts payable at some future date or upon arrival of a car, etc., are ineligible for deduction. (See § 327.168 Assessment Decision No. 68, Drafts With Bills of Lading Attached Not Payable Upon Presentation.)

(d) Drafts, which are in fact loans, are not eligible for deduction.

§ 327.175 *Assessment Decision No. 75; drafts; sight.* (a) Sight drafts payable on presentation which the bank has paid or credited to deposit accounts are eligible for deduction as cash items. (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges.)

(b) The Federal Reserve Time Schedule is used as a maximum time for which an item may be considered as uncollected. (See §§ 327.111 and 327.257 Assessment Decisions No. 11, Availability Schedule, Cash Items, and No. 157, Time Schedule of Federal Reserve Bank.) Any sight drafts not handled as cash items by the Federal Reserve System may be considered as uncollected for the actual time required to effect collection. The check or draft received by the reporting bank in payment for a sight draft previously paid or credited to a deposit account is not a cash item eligible for deduction. (See § 327.138 Assessment Decision No. 38, Checks or Drafts Received in Payment of Cash Items Forwarded for Collection.)

§ 327.176 *Assessment Decision No. 76; drafts for transfer of bank's own funds.* Drafts drawn by the reporting bank for the purpose of transferring its funds from one bank to another are ineligible for deduction as cash items by the reporting bank. For instance, the reporting bank may draw a draft on Bank A payable to Bank B for the purpose of increasing its "due from" balance in Bank B and include such a draft in the cash letter forwarded to Bank B. This is not a cash item in the process of collection which the reporting bank has paid or credited to a deposit account and the reporting bank may not claim a deduction for it. It should be noted that such a draft does not affect the assessment in any way.

§ 327.177 *Assessment Decision No. 77; due bills for local cash items.* (a) Cash Items Held for Clearings, Local Exchanges, consist of items paid or credited to deposit accounts by the reporting bank which are drawn on banks, persons, or corporations in the same city or local clearing area where the reporting bank is located which are held for clearings at the close of the books on the assessment base day. (See § 327.127 Assessment Decision No. 27, Cash Items Deductions, Local.)

(b) The settlement with other local banks is customarily made at some designated hour(s) such as 10:00 a. m. The actual physical delivery of the cash items may have been at an earlier hour and possibly in the evening of the preceding day. When the local cash items are thus delivered to the drawee bank prior to the actual settlement, the delivering bank may receive some type of ticket or instrument which is commonly referred to as a "due bill".

(c) The physical delivery of local cash items to the banks on which drawn does not preclude such items from being considered as held for clearings and, thus, eligible for deduction provided the following factors are present:

(1) The items were received in the usual course of business on the base day before the close of the books on that day and paid or credited to deposit accounts.

(2) No change is made in the normal procedure on base days.

§ 327.178 *Assessment Decision No. 78; escrow funds.* (a) Funds held in escrow by the reporting bank must be included in the assessment base. These funds are held for a special purpose in a fiduciary capacity and are in the nature of trust funds. This includes all types of escrow funds.

(b) Examples of escrow funds subject to assessment:

(1) Funds received from mortgagors representing a certain portion of monthly payments which are to be used for the payment of taxes, special assessments, and insurance on the mortgaged property.

(2) Funds held pending clearing of title on property involved in a mortgage settlement.

(3) Funds held by the bank pending disbursement after certain construction has been completed.

§ 327.179 *Assessment Decision No. 79; estimate of assessment.* It is not permissible for a bank to estimate its assessment either tentatively or permanently. The Certified Statements must be accurately filled out in detail based on records maintained by the bank and forwarded to the Corporation by not later than the 15th of each January and July. A remittance must accompany the statement for the assessment computed to be due, less the amount of any credit in the account of the reporting bank.

§ 327.180 *Assessment Decision No. 80; estimate of deductions.* It is not permissible to make estimates of deductions when submitting Certified Statements. If deductions are claimed, they must be computed in accordance with the rules and regulations and proper records must be maintained to support them.

§ 327.181 *Assessment Decision No. 81; evening; open for business.* (a) It is the practice of some banks to reopen for business on one or more evenings a week as a convenience to its customers. If the base day falls on a day on which the bank is customarily open in the evening the bank should follow its normal practice for such a day for the determination of the assessment base.

(b) To illustrate, if the bank normally closes its books after the close of business, say at two o'clock, and the general ledger for the day is prepared from that closing hour, that will be the end of the base day. Under such circumstances the evening work will be part of the next business day.

(c) On the other hand, if the bank regularly has only a trial or partial closing at two o'clock and reopens its books to include the evening transactions and prepares its general ledger figures to include the evening business, then the evening business becomes part of that business day.

§ 327.182 *Assessment Decision No. 82; extension of time for filing Certified Statements.* (a) Under the Federal Deposit Insurance Act and regulations, Certified Statements must be filed on or before January 15 and July 15 of each year, and each such Certified Statement must be accompanied by a remittance for the assessment due shown thereon, less the amount of any credit to the account of the reporting bank on the books of the Corporation.

(b) Partial payments, advances or prepayments, or payments on estimated assessments will not be accepted.

(c) If the Certified Statement is placed in the United States mail in a sealed envelope postage prepaid, addressed to the Federal Deposit Insurance Corporation, Washington 25, D. C., on or before the day it is due, the statement will be considered as having been filed within the proper time.

(d) There are no provisions in the law for granting extensions of time for the filing of Certified Statements; however, in the case of an emergency, such as a fire, flood, or epidemic, the Corporation will make no objection to a late filing provided due diligence is exercised in the preparation and filing of the Certified Statement as soon thereafter as possible.

(e) The penalties imposed by law for the failure of a bank to meet its statutory requirements pertaining to Certified Statements are (1) that it may not pay dividends on its capital stock or distribute any of its capital assets while it remains in default, and for the violation thereof any participating officer or director may be fined up to $1,000 and/or imprisoned for one year; and (2) that, in case of willful failure or refusal to file a Certified Statement or pay any assessment, the bank is subject to a penalty in the amount of $100 for each day the failure continues. If the amount of the assessment is in dispute, these penalties are not applicable if the bank deposits its security satisfactory to the Corporation for payment upon final determination of the issue.

§ 327.183 *Assessment Decision No. 83; Federal Funds purchased and sold.* (a) The term "Federal Funds" means the title to reserve balances with the Federal Reserve banks. They are funds which are immediately available at the Federal Reserve banks. Member banks with excess reserve balances supply Federal Funds in the market; also nonbanking institutions such as Government security dealers supply such funds. The demand for Federal Funds comes mainly from member banks which need to adjust their reserve positions with the Federal Reserve banks and from dealers who buy Government securities from the Federal Reserve System and need Federal Funds in order to be able to make payment on the day the securities are delivered.

(b) The actual transfer of Federal Funds within a given locality usually involves an exchange of checks. The lender gives a draft on the Federal Reserve bank and receives a clearing house

check payable the following business day.

(c) Federal Funds purchased and sold have no part in the computation of the assessment base. Thus, any checks or drafts issued in such purchases and sales need not be included in the assessment base by the issuing bank and any checks or drafts received are ineligible for deduction as cash items or otherwise. The liability for Federal Funds purchased does not represent an assessable deposit.

§ 327.184 *Assessment Decision No. 84; Federal Housing Administration loans.* (a) Repayments of principal and interest on Federal Housing Administration loans carried in deposit accounts in the reporting bank, which are held as security for later application on the indebtedness to the bank, need not be included in the assessment base provided such funds are not subject to withdrawal by the mortgagor, are carried in special non-interest-bearing accounts designated to properly show their purpose and provided the amount of funds so held does not exceed the liability for which they are held as security.

(b) The portion of the payments on Federal Housing Administration loans representing the accumulation of funds held for the payment of taxes, insurance, and similar charges, are deposits and must be included in the assessment base. Such funds are trust funds under the Federal Deposit Insurance Act and may not be deducted from the assessment base regardless of whether they are held in the trust department or deposited in any other department of the bank: *Provided, however,* That where such funds are deposited in another insured bank such deposited trust funds are deductible in accordance with section 7 (1) of the act. (See § 327.263 Assessment Decision No. 163, Trust Funds Deposited in Other Banks.)

(c) Checks issued in payment of taxes, assessments, fire or mortgage insurance premiums, and charged against the funds accumulated for the payment of these items under Federal Housing Administration loans must be included in the assessment base if outstanding on the base day.

(d) The rule in paragraphs (a)–(c) of this section is equally applicable to Modernization loans.

§ 327.185 *Assessment Decision No. 85; Federal Housing Administration loans and promissory notes as deductions.* (a) Federal Housing Administration loans sold to other banks are occasionally included in cash letters sent to the purchasing bank for collection. These notes are not cash items as defined in § 327.1 (b) and are ineligible for deduction in any manner as they represent the bank's own business.

(b) Likewise, loans are sometimes made by one bank on behalf of another bank. As an illustration, Bank A unable to meet the borrowing requirements of its customer makes arrangements for its correspondent bank to make the loan. The note will be executed in the office of Bank A and it will give credit in the amount thereof to a deposit account of the borrower and the note will then be sent to the correspondent bank for collection. As explained in paragraph (a) of this section with respect to Federal Housing Administration loans, such notes are not cash items and are not eligible for deduction in any manner.

§ 327.186 *Assessment Decision No. 86; Federal Housing Administration Title I insurance premium account.* An account established for the payment of insurance premiums due from the bank to the Federal Housing Administration on Title I loans need not be included in deposits for the assessment base provided the borrower has no beneficial interest therein. Under these loans the bank is the insured rather than the borrower and if the bank segregates certain funds in an account to be used for the payment of insurance premiums due to the Federal Housing Administration it is considered to be an account payable or a reserve of the bank and exempt from assessment. It should be noted that this applies only to the insurance premiums due to the Federal Housing Administration on Title I loans. The payments received from the borrowers to be used for the payment of taxes, insurance, and similar charges against the mortgaged properties must be included in the assessment base. (See § 327.184 Assessment Decision No. 84, Federal Housing Administration Loans.)

§ 327.187 *Assessment Decision No. 87; fiduciary funds held.* Funds held by the reporting bank in any fiduciary capacity are trust funds and must be included in the deposits for the assessment base and may not be claimed as a deduction, unless deposited as trust funds in another insured bank. (See § 327.263 Assessment Decision No. 163, Trust Funds Deposited in Other Banks.)

§ 327.188 *Assessment Decision No. 88; float.* (a) "Float" is a broad term used in many different ways. It is most frequently used in reference to uncollected cash items. (See §§ 327.127 and 327.128, Assessment Decisions No. 27, Cash Items Deductions, Local and No. 28, Cash Items Deductions, Outside.)

(b) Cash letters received are sometimes referred to as "float". (See § 327.132 Assessment Decision No. 32, Cash Letters Received.)

(c) The term "float" is also used in relation to outstanding drafts. (See § 327.172 Assessment Decision No. 72, Drafts Outstanding Drawn on Other Banks.)

§ 327.189 *Assessment Decision No. 89; foreign bank collections.* (a) Cash letters and collections representing items payable on presentation which are paid or credited to a deposit account subject to final payment and forwarded for collection direct to foreign banks or to banks located outside the States of the United States and the District of Columbia, may be considered as uncollected until collection is actually effected. This time is not limited by the Federal Reserve Time Schedule.

(b) Accordingly, if the bank uses the alternate (bb) method of claiming deductions for exchanges it may deduct the amount of such eligible items paid or credited to deposit accounts which remain uncollected at the close of business on the base days. If the bank uses the alternate (aa) method it may multiply by two and claim as a deduction only the eligible items which are received on the assessment base day and forwarded for collection on that day. (See § 327.128 Assessment Decision No. 28, Cash Items Deductions, Outside.)

(c) A check or draft received in payment of such items is not eligible for deduction. (See § 327.138 Assessment Decision No. 38, Checks or Drafts Received in Payment of Cash Items Forwarded for Collection.)

§ 327.190 *Assessment Decision No. 90; foreign branch items.* (a) Section 3 (1) of the Federal Deposit Insurance Act provides that any obligation of a bank which is payable only at an office of the bank located outside the States of the United States, the District of Columbia, any Territory of the United States, Puerto Rico, and the Virgin Islands, shall not be a deposit for any of the purposes of the act or be included as a part of total deposits or of an insured deposit. Since deposits in a foreign branch are not deposits within the Federal Deposit Insurance Act, checks and drafts received in the foreign branches have no part in the computation of the assessment base. Accordingly, any check or draft received in such foreign branch may not be included in deductions for cash items under any circumstances.

(b) When any check or draft received in a foreign branch is collected and the proceeds credited to the branch account in an office of the bank in the United States, such a credit or account is not a deposit under the Federal Deposit Insurance Act or regulations and it follows than any check or draft credited to such account is not a cash item.

§ 327.191 *Assessment Decision No. 91; foreign branch office dollar accounts.* Checks issued in making payments against foreign branch office dollar accounts and charged thereto, where the checks are issued against letter or cable instructions received from the branch office which has received money or its equivalent for the issuance of the check, must be included in deposit liabilities. The same is true of a check issued by the home office in exchange for a draft on its foreign branch office because such checks are issued for money or its equivalent within the meaning of § 326.1 of this chapter.

§ 327.192 *Assessment Decision No. 92; foreign countries; obligations payable in.* Any obligation of a bank which is payable only at an office of the bank located outside of the States of the United States, the District of Columbia, any Territory of the United States, Puerto Rico, and the Virgin Islands, need not be included as a deposit liability in computing the assessment base. However, if any such obligation is also payable in the United States, the District of Columbia, any Territory of the United States, Puerto Rico, or the Virgin Islands, it must be included as a deposit liability in computing the asssesment base.

§ 327.193 *Assessment Decision No. 93; foreign currency deposits.* (a) Deposits carried on the books of a bank in the terms of a foreign currency such as in Canadian dollars or Mexican dollars are required to be included in deposits for the assessment base in the same manner as deposits carried in the terms of United States dollars.

(b) In tabulating the foreign currency deposits for assessment purposes, the amount thereof should be converted to the equivalent in the United States dollars.

§ 327.194 *Assessment Decision No. 94; foreign drafts.* (a) Drafts drawn on banks located in foreign countries or on its own branch offices in foreign countries need not be included in deposits for the assessment base regardless of whether or not the bank drawing the draft has a deposit account in the drawee bank.

(b) Included in this type of drafts is a draft drawn under the following circumstances: A customer of a New York bank requests the New York bank to provide a designated person in a foreign country with funds. The New York bank has no funds on deposit with its correspondent bank in the foreign country. However, the foreign correspondent has a deposit account in the New York bank. The New York bank issues a draft payable to the person designated drawn on the correspondent bank and notifies the correspondent of its issuance of the draft. The correspondent bank by prior arrangement pays the draft on presentation and then advises the New York bank of the payment. The New York bank receives cash from its customer at the time of the issuance of the draft or makes a charge against his deposit account in the amount of the draft. The funds received from the customer are held pending acceptance and payment of the draft either in a special account bearing a designation such as "Dollar Drafts" or, in some instances, are actually credited to the correspondent's account in the New York bank. Where funds are credited to the special account, the funds are transferred to the foreign correspondent's deposit account upon advice that the foreign correspondent has paid the draft.

(c) The funds received, in the above illustration, need not be included in deposits for the assessment base until receipt of advice of payment of the draft by the foreign correspondent. Therefore, the "Dollar Drafts" account as used as an illustration herein is not subject to assessment and where the funds are immediately credited to the foreign correspondent's deposit account with the New York bank such credit may also be excluded from the assessment base until payment of the draft is effected by the foreign correspondent.

§ 327.195 *Assessment Decision No. 95; foreign exchange purchased for bank's own account.* Where foreign exchange is purchased solely for the bank's own account the checks issued in payment therefor do not constitute a deposit liability and consequently need not be included in deposits in determining the assessment base.

§ 327.196 *Assessment Decision No. 96; foreign exchange transactions; checks received.* (a) A check or draft received in payment for foreign currency delivered over the counter, if it otherwise complies with the requirements of a cash item as shown in § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges, is eligible for deduction as a cash item.

(b) A check or draft received in payment for a draft or bill of exchange drawn on a bank located outside of the States of the United States, the District of Columbia, any Territory of the United States, Puerto Rico, and the Virgin Islands, is not eligible for deduction as a cash item or otherwise. This applies whether such a draft or bill of exchange is in the terms of foreign exchange or United States dollars.

§ 327.197 *Assessment Decision No. 97; foreign exchange brokers; commission due.* (a) Official checks issued to Foreign Exchange Brokers in payment of brokerage commissions for the bank's own account need not be included in the deposit liabilities as they represent expense items.

(b) Official checks issued in payment of brokerage commissions for the account of customers must be included in deposits for the assessment base.

§ 327.198 *Assessment Decision No. 98; funds received by a bank from the sale of any of its assets.* Funds received by an insured bank from the sale of any of its assets need not be included in the assessment base. For instance, if a group of mortgages are sold and the funds received are carried in a special account pending execution of assignments or other papers, such funds are not required to be included in the assessment base. However, if it is not certain that the sale will be completed and there is a possibility that the funds must be returned to the prospective purchaser, then it is considered that the funds are held in escrow and must be included in the assessment base.

§ 327.199 *Assessment Decision No. 99; guarantee deposit fund.* (a) Funds received by the bank on behalf of a customer as a guarantee for the return of a certain article or for compliance with a certain condition are required to be included in the assessment base.

(b) An illustration of such an account is where a city furnishes water meters to its customers and requires the customer to deposit a certain amount as a guarantee against loss or damage to the meter. Such funds paid into the bank by the customer or city and carried in a guarantee account are subject to assessment. This refers only to guarantee deposits for articles owned by customers. For deposits on articles owned by the bank itself see § 327.243 Assessment Decision No. 143, Safety Deposit Key Deposits.

§ 327.200 *Assessment Decision No. 100; holdovers.* (a) "Holdovers" is a general term covering a variety of items. The term usually refers to cash items which are not forwarded for collection on the day received, but instead are held by the bank overnight.

(b) Under the alternate (aa) method of claiming deductions for cash items such "holdovers" received on the business day or days preceding the base day are ineligible for deduction as cash items or otherwise. Under the alternate (bb) method the time an item may be considered as uncollected may not be extended by not forwarding it on date of receipt. (See § 327.111 Assessment Decision No. 11, Availability Schedule, Cash Items.) Such cash items received on the assessment base day which in accordance with the normal procedure of the bank are still in its possession at the time of the closing of the books on the base day are eligible for deduction as cash items. (See footnote 10.)

(c) Any checks held over at the close of business on the base day which are drawn on the reporting bank itself may be subtracted in their actual amount if represented in the total of reported deposits provided the charging of the items to the respective deposit accounts at the close of business on the assessment base day would not result in an overdraft.

§ 327.201 *Assessment Decision No. 101; hypothecated deposits.* The term "hypothecated deposits" often refers to payments on installment loans accumulated in deposit accounts pending application on the indebtedness. The term is sometimes used in a broader sense to include any deposits pledged as security for indebtedness. The deposits in either category are exempt from assessment if all requirements are met as fully described in § 327.121 Assessment Decision No. 21, Cash Funds Received and Held as Security to Indebtedness to the Bank.

§ 327.202 *Assessment Decision No. 102; instruments drawn for the purpose of abnormally increasing deposits or deductions.* (a) No deductions as cash items or otherwise may be claimed for drafts drawn and delivered or exchanged for the purpose of reducing the assessment base. This also applies to any cash item drawn by an officer, director, stockholder, or affiliate of the reporting bank or any person or corporation at its, his, or their suggestion or direction for the purpose of abnormally increasing the deposits on the base day or for the purpose of obtaining abnormal deductions.

(b) This applies to any abnormal transactions designed to increase deposits on the base days and/or to increase the deductions for cash items, reciprocal bank balances, or any other type of deduction. The length of time such funds remain on deposit will be a factor in determining the purpose.

§ 327.203 *Assessment Decision No. 103; insurance premium deposits.* (a) Funds received by the reporting bank representing premiums paid to it for

[10] This type of holdover received on the assessment base day and forwarded for collection on the following business day was ineligible for deduction as cash items or otherwise from July 1, 1950, to March 30, 1954.

insurance in which the customer or the insurance company, or both, have a beneficial interest must be included in the assessment base.

(b) Any funds in the account representing commissions due to the bank need not be included in the assessment base.

§ 327.204 *Assessment Decision No. 104; interbranch deposits.* The deposit liabilities of the bank as of the close of business on the base day must be recorded in the assessment base. Accordingly, this includes all deposits in accounts at the branches and the bank must employ the proper means to assure that all deposits made in one office where the account is maintained at another office are properly included in the base. The deposits made in one office where the account is maintained at another office may be recorded under "Suspense Liabilities", "Entry Letters", "Interbranch Account", or under other designations. The important point is that the true deposit liabilities of the bank as a whole must be reflected in the base. (See § 327.117 Assessment Decision No. 17, Branch Items.)

§ 327.205 *Assessment Decision No. 105; interdepartmental accounts.* If a bank has interdepartmental accounts such as the trust department having an account in the commercial department, the deposit liability should not be duplicated in computing the assessment base. Therefore, if the same deposits appear twice in the total of deposit liabilities, that is, once in the commercial department and once in the trust department, a deduction may be taken for the duplication.

§ 327.206 *Assessment Decision No. 106; interest or dividends on deposits.* (a) Interest, and dividends in mutual savings banks, allowed on deposit accounts must be included in deposits for the assessment base on and after the date the interest or dividend is due.

(b) Officers' checks issued in payment of interest or dividends due on deposits must be included in the assessment base.

(c) The mere pre-entry on the bank's books of such dividends or interest does not require the inclusion thereof in the assessment base unless the depositors have the right to withdraw the interest or dividends prior to the due date. To illustrate, if interest or dividends are payable on January 1, they must be in the assessment base on that date and thereafter. If the bank enters the interest or dividends on the respective depositors' accounts during the last days of December, the amount need not be included in the base for the December 31 base day unless the depositors have the right of withdrawal. If the bank permits any depositor to withdraw such interest or dividends entered on the books prior to January 1, the full amount of the accounts as of the close of business December 31 including interest and dividends must be included in the assessment base for December 31.

§ 327.207 *Assessment Decision No. 107; interest prepayment.* (This proposed decision relates in part to issues now under submission to the United States District Court, Southern District of New York. The proposed decision will be made and sent to each insured bank after determination by the Court.)

§ 327.208 *Assessment Decision No. 108; Items in Transit and Items in Process of Collection.* (a) "Items in Transit" and "Items in Process of Collection" are general terms usually referring to items forwarded by a bank for collection.

(b) Under the Federal Deposit Insurance Act there are two alternate methods of claiming deductions for cash items as explained in § 327.124 Assessment Decision No. 24, Cash Items, Methods of Claiming Deductions. The "items in transit" account, in itself, is not eligible for deduction. However, any cash item represented therein which is eligible for deduction under the alternate method used by the bank in claiming deductions for cash items, may be deducted in accordance with such method.

§ 327.209 *Assessment Decision No. 109; letters of credit; commercial.* (This proposed decision relates in part to issues now under submission to the United States District Court, Southern District of New York. The proposed decision will be made and sent to each insured bank after determination by the Court.)

§ 327.210 *Assessment Decision No. 110; letters of credit; travelers.* (a) Travelers' letters of credit on which the bank is primarily liable issued for money or its equivalent received by the issuing bank or for a charge against a deposit account in the issuing bank must be included in deposits for the assessment base.

(b) Travelers' letters of credit are almost invariably sold for cash or for a charge against a deposit account, and must be included in deposits for assessment purposes in the absence of proof to the contrary.

§ 327.211 *Assessment Decision No. 111; letters of credit; issued through another bank.* (a) Funds received by an insured bank to be held to meet drawings under letters of credit issued through another bank must be included in the assessment base.

(b) To illustrate, assume Bank A does not issue letters of credit. One of its customers, however, requests a letter of credit and deposits with Bank A the amount of the letter of credit requested. Bank A requests Bank B to issue the letter of credit. When drafts are drawn under such letters of credit the customary procedure is for Bank B to pay them and charge the deposit account of Bank A with advice to Bank A. Upon receipt of this advice, Bank A credits Bank B with the amount of the payment and charges the account representing the funds deposited by its customer.

(c) In this case the funds deposited in Bank A by its customer do not represent cash funds held solely for the purpose of securing indebtedness to the bank. Instead, Bank A holds the funds as a special deposit or as a fiduciary for the purpose of making payments to Bank B for drawings under the letter of credit and must include them in the assessment base.

§ 327.212 *Assessment Decision No. 112; life insurance premium payments.* (a) Funds received to apply on group life insurance premiums must be included in deposit liabilities. This includes deductions from employees' salaries to be used for the purchase of insurance or annuities and also premiums received from borrowers to obtain life insurance to be held as collateral to the loan.

(b) However, the above rule does not apply where life insurance is obtained on borrowers in the Personal Loan Department and the proceeds are used for the retirement of the loan if the borrower dies prior to the retirement of the note. In these cases the borrower or insured never receives any proceeds from the policy, the proceeds being used solely for the retirement of any unpaid balance on the obligation to the bank. In these cases where the bank obtains insurance on the lives of its borrowers in the amount of the unpaid balance of the loans and makes a charge against the borrower for this protection, the amount of the charge, when received by the bank, is not a deposit.

§ 327.213 *Assessment Decision No. 113; loans and discounts suspense account.* (a) Borrowers will occasionally make payments to be accumulated in a so-called suspense account to be held until the maturity of an obligation.

(b) The balance in such an account is considered to be held as collateral to the indebtedness and if it meets the requirements of cash funds held as collateral to indebtedness as described in § 327.121 Assessment Decision No. 21, Cash Funds Received and Held as Security to Indebtedness to the Bank, the account need not be included in the assessment base.

NOTE: See § 327.255 Assessment Decision No. 155, Suspense Account.

§ 327.214 *Assessment Decision No. 114; missorts.* (a) The term "missorts" is used by many reporting banks to denote either or both of the following:

(1) Items drawn on deposit accounts of the reporting bank, which have been improperly sorted preparatory to their posting to the accounts. These arise through an internal missort and are the bank's own items, often referred to as "Us" or "Own" items.

(2) Cash items drawn on other banks, intermingled with those drawn on the reporting bank, received in the in-clearings, or in cash letters, which are held for return to clearings, for collection from the drawee bank, or return to the sending bank. These arise through improper sorting by the sending bank which has unintentionally included checks drawn on other banks with checks drawn on the reporting bank.

(b) The items described under paragraph (a) (1) of this section may be deducted in their actual amount in computing the assessment base if they have not been recorded to reduce deposit liabilities.

(c) The items described under paragraph (a) (2) of this section are eligible for deduction as cash items. (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges.)

§ 327.215 *Assessment Decision No. 115; mortgage loan payments.* (a) Payments on principal and interest received by the reporting bank, on mortgages owned by it, and held in deposit accounts in the reporting bank as security for later application on the indebtedness, need not be included in the assessment base provided such funds are not subject to withdrawal by the mortgagor, are carried in a special non-interest-bearing account designated to properly show their purpose, and provided the amount of the funds so held do not exceed the liability for which they are held as security.

(b) The portion of payments received by the reporting bank on such mortgage loans accumulated for the purpose of paying taxes, insurance, and similar charges on the mortgaged property must be included in deposits for the assessment base. Such funds are held in a fiduciary capacity and are trust funds within the meaning of our act. However, if such funds are deposited by the reporting bank in a trust account in another insured bank, they are deductible in accordance with section 7 (i) of the Federal Deposit Insurance Act and § 327.1 (n). (See § 327.263 Assessment Decision No. 163, Trust Funds Deposited in Other Banks.)

(c) Checks issued in payment of taxes, insurance premiums, and similar charges, from the funds accumulated for the payment of these items under the mortgage loans must be included in the deposit liabilities until paid if the amounts thereof are charged against the account at the time the checks are issued. If such checks are not charged against the account until paid they need not be included in the deposit liabilities for in this case the entire amount of the account itself must be included in the deposit liabilities.

§ 327.216 *Assessment Decision No. 116; mortgage and loan payments held to apply on arrears.* Payments made to a bank by borrowers to be applied upon principal and interest in arrears are not deposits. However, if such payments include funds for the payment of taxes, insurance, etc., the portion of the funds so held must be included in deposit liabilities for assessment purposes.

§ 327.217 *Assessment Decision No. 117; mortgagee in possession funds.* (a) Where the bank operates a mortgaged property under an assignment of rents or operates it as mortgagee in possession or through any other means, all funds received are considered to be held in a fiduciary capacity and must be included in deposit liabilities until disbursed either for payment of expenses or for application on the indebtedness: *Provided, however,* That any portion thereof held solely as security for the mortgage indebtedness due to the bank may be excluded from deposits in computing the assessment base if such funds meet all the requirements of section 7 (a) (2) (ii) of the Federal Deposit Insurance Act. (See § 327.121 Assessment Decision No. 21, Cash Funds Received and Held as Security to Indebtedness to the Bank.)

(b) Officers' checks issued in payment of expenses and taxes against the mortgaged properties must be included in deposit liabilities until paid.

§ 327.218 *Assessment Decision No. 118; multiples of $100 and $1,000 in tabulating deposits and deductions.* A bank may report total deposit liabilities and deductions claimed in the nearest multiple of $100 or $1,000: *Provided, however,* That the method adopted must be consistently followed for both base days in the semiannual period covered by the Certified Statement and both deposit liabilities and deductions must be computed in the same manner.

§ 327.219 *Assessment Decision No. 119; nonpar point items.* (a) Cash items drawn on nonpar banks which are payable upon presentation and which the reporting bank has paid or credited to deposit accounts subject to final payment may be considered as uncollected for the actual time required for collection. An item which the Federal Reserve bank will not accept as a cash item but will handle only on a collection basis may likewise be considered as uncollected for the actual time required for collection.

(b) The check or draft received by the reporting bank for such collections is not a cash item if the bank paid or gave credit, subject to final payment for the original items when received. (See § 327.138 Assessment Decision No. 38, Checks or Drafts Received in Payment of Cash Items Forwarded for Collection.)

NOTE: See § 327.111 Assessment Decision No. 11, Availability Schedule, Cash Items.

§ 327.220 *Assessment Decision No. 120; Old Age Benefits Account.* The balance in a Federal Old Age Benefits Account derived from salaries of employees must be included in the assessment base. The bank's portion of these payments must be included in the assessment base from the time they become due. If the bank sets aside a reserve for its share of such payments before they are due, the amount of the reserve so provided need not be included in the assessment base until the payments are due. (See § 327.267 Assessment Decision No. 167, Withholding Taxes.)

§ 327.221 *Assessment Decision No. 121; overdrafts.* (a) If the ledger controlling accounts are reduced by the overdrafts, the amount by which the controlling accounts have been reduced by the overdrafts must be added to the total deposit liabilities at the close of the base day in determining the assessment base. For example, if depositors with credit balances have a total of $1,000,000 on deposit and total overdrafts amounting to $5,000 are deducted therefrom to arrive at a net deposit balance of $995,000 in the controlling account, it is necessary to add $5,000 to the controlling account to reflect the correct total deposit liabilities of $1,000,000.

(b) If a depositor has two or more accounts maintained in the same right and capacity, there must be added back to the total of deposits only the amount by which the overdraft exceeds the credit balance in the account or accounts carried in the same right and capacity.

§ 327.222 *Assessment Decision No. 122; participations; interest.* Cashiers' checks issued to customers and other banks representing interest collected and due them on their participations in loans allotted to them by the bank or acquired in any other manner must be included in the deposit liabilities.

§ 327.223 *Assessment Decision No. 123; payable if desired at another bank.* (a) Some customers draw checks on their bank with the check bearing the further notation that they are payable if desired at another bank. For instance, the check may be drawn on Bank A in Chicago, but also payable at Bank B in Los Angeles. In such cases, Bank A will have a deposit with Bank B and Bank B charges such checks to Bank A's deposit with them and forwards the checks to Bank A. When received by Bank A it charges its customer's account with the total amount thereof and credits its balance with Bank B.

(b) If at the close of business on a base day, in the example above, Bank B has paid checks on behalf of Bank A and has charged them against the deposit account maintained with it by Bank A, but Bank A has not reduced its deposit liability for said checks, Bank A may claim a deduction for them in the exact amount thereof. It is considered that when the funds of Bank A were used to pay the checks, that Bank A's deposit liability was discharged and it should, therefore, be permitted to reduce its deposit liability even though the "P. I. D." items have not been received by it at the close of business on the base day.

(c) The same arrangement applies to drafts drawn on a correspondent bank which are paid by a Federal Reserve bank and charged against the funds of the correspondent bank on deposit in the Federal Reserve bank. If the correspondent bank has not received the drafts as of the close of business on the base day but its funds have been used for the payment thereof it may, as in the illustration above, claim a deduction from its reported deposit liabilities for the actual amount of such drafts.

§ 327.224 *Assessment Decision No. 124; payable through items.* (a) Corporations in some cases draw drafts against an official of the company, usually its treasurer, which instruments are "payable through" a certain bank or banks. Usually the name or names of the bank or banks through which they are payable appear on the face of the instruments but in some cases they are listed on the back.

(b) Such "payable through" items are eligible for deductions as cash items if all of the requirements of a cash item are met. (See § 327.123 Assessment Decisions No. 23, Cash Items Eligible for Deduction as Exchanges, and No. 166, Warrants.)

§ 327.225 *Assessment Decision No. 125; personal loan repayments.* (a) Repayments on personal loans are generally credited to a deposit account pending application of the funds to the note

itself. These personal loans are made under a variety of names such as, Personal Loans, Industrial Loans, Small Loans, Budget Savings Loans, Thrift Loans, Systematic Savings Loans, etc., but the same rulings are applicable to all of such installment loans.

(b) Such repayments credited to a deposit account for application to the notes are considered to be held as security to the indebtedness and may, therefore, be excluded from the assessment base provided all statutory requirements are met. (See § 327.121 Assessment Decision No. 21, Cash Funds Received and Held as Security to Indebtedness to the Bank.)

§ 327.226 *Assessment Decision No. 126; post office money orders.* Post office money orders received and paid or credited to deposit accounts and which are held for clearings at the close of business on the assessment base days or which were forwarded for collection are eligible for deduction as cash items. (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges.)

§ 327.227 *Assessment Decision No. 127; Postal Savings deposits.* The Postal Savings Accounts, the Postmasters' Accounts, and any similar accounts must be included in deposit liabilities and may not be claimed as a deduction. This is true whether the accounts are secured or unsecured.

§ 327.228 *Assessment Decision No. 128; proceeds of loans.* (a) Cashiers' checks or other forms of deposits representing the proceeds of loans, when based upon promissory notes upon which the recipient is primarily or secondarily liable, must be included in the assessment base. This is true whether the loans are unsecured or are secured by stocks, bonds, mortgages, or any other type of security.

(b) The only exception is an official check issued for the proceeds of a loan based upon a loan agreement which does not constitute, or which is not accompanied by, a promissory note. (See § 327.119 Assessment Decision No. 19, Brokers Loans.)

§ 327.229 *Assessment Decision No. 129; promissory notes.* (a) Any promissory note owned by a bank is ineligible for deduction as a cash item or otherwise. If such a promissory note is included in clearings, or in a cash letter forwarded for collection, no deduction may be taken therefor.

(b) If, in the usual course of business, a reporting bank receives a promissory note and credits the same to a deposit account subject to collection and forwards it for collection as a cash item or holds it for clearings and treats it in all respects the same as any other cash item, such promissory note is eligible for deduction among exchanges provided all other requirements of a cash item are met. (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges.)

§ 327.230 *Assessment Decision No. 130; public funds.* (a) All public funds whether secured or unsecured and regardless of the amount thereof must be included in the deposits for the assessment base and may not be claimed as deductions. This is true of every type of public account regardless of their source or the fact that they represent funds transferred or deposited by the United States Treasury or any department, agency, instrumentality or official of the Government, or by a State, county, municipality, school, or any other political subdivision, including the Treasury Tax and Loan Account formerly known as War Loan Deposit Account.

(b) The fact that public funds are secured by collateral, by State guaranty, or otherwise, does not exempt them from assessment.

NOTE: See § 327.261 Assessment Decision No. 161, Treasury Tax and Loan Account.

§ 327.231 *Assessment Decision No. 131; real estate owned.* (a) Funds received by a bank in connection with the operation of its wholly owned real estate need not be included in the deposit liabilities, and, if included in reported deposits on the Certified Statement, may be deducted. The same is true of checks issued in the operation of the property.

(b) Funds received in connection with the operation of real estate not wholly owned by the bank must be included in deposit liabilities. (See § 327.217 Assessment Decision No. 117, Mortgagee in Possession Funds.)

§ 327.232 *Assessment Decision No. 132; rebate of discount on loans.* Checks issued for rebate of discount on loans paid off before maturity and charged to unearned discount need not be included in deposit liabilities because they represent checks issued in the conduct of the bank's own business.

§ 327.233 *Assessment Decision No. 133; reciprocal bank balances.* The reporting bank must include opposite Item A on its Certified Statements the gross amount of deposits due to all other banks as shown by its books at the close of business on the base days. It may deduct from the deposit balance due to an insured bank the deposit balance due from such insured bank (other than trust funds deposited by it in such bank) which is subject to immediate withdrawal. Such deduction may be made opposite the designation "Reciprocal Bank Balances" on the Certified Statement. An explanation of the computation of this deduction and examples follow:

(a) A reciprocal bank balance eligible for deduction arises in those instances where the reporting bank has a deposit balance due to another insured bank and a deposit balance due from the same insured bank, disregarding for this purpose balances representing deposits of trust funds. The reporting bank must include in the total of its deposit liabilities for assessment purposes the total of its deposit liabilities to the other insured bank at the time of the closing of its books on the base day. It may deduct from such total deposit liabilities the amount of the deposit balance due from such other insured bank but not in an amount in excess of the balance due to such insured bank. In other words, where the "due to" balance is the larger of the two balances, the deduction is limited to the amount of the "due from" balance; where the "due to" balance is the smaller of the two balances, the deduction is limited to the amount of the "due to" balance. For the purpose of computing the reciprocal bank balance deduction the balances used must be subject to immediate withdrawal. This means that items in the process of collection must be excluded from the computations of both the "due from" and "due to" balances as shown on the books of the reporting bank; any uncollected items charged to the "due from" account should be subtracted from the book balance; any uncollected items credited to the "due to" account should be subtracted from the book balance. Any outstanding unpaid draft credited to the "due from" account may be added back to the book balance to show the actual collected balance due from the other insured bank in computing this deduction.

(b) Illustrations of the computations of such balances and applicable deductions are given below:

Example I. Assume that Bank A, the reporting bank, shows on its books a balance due to Bank B, another insured bank, of $50,000. It also shows on its books a balance due from Bank B in the amount of $25,000. Bank A must include in its deposit liabilities on the Certified Statement the $50,000 due to Bank B and if both balances are subject to immediate withdrawal, a deduction of $25,000 may be claimed on the Certified Statement.

However, assume that included in the $50,000 balance in the "due to" account was a credit of $15,000 representing items drawn on other banks which remain uncollected at the close of the base day. In computing its eligible deduction for reciprocal bank balances, this $15,000 must be subtracted to arrive at the net balance subject to immediate withdrawal, of $35,000.

Assume further that Bank A drew a draft on Bank B in the amount of $5,000 which was outstanding on the base day and that this $5,000 had been credited to the "due from" account having a balance of $25,000. The $5,000 unpaid draft may be added to this $25,000 balance thus increasing it to the actual balance subject to immediate withdrawal of $30,000. The eligible deduction for reciprocal bank balances in this example is $30,000, that is, the lesser of the two balances subject to immediate withdrawal.

Example II. Assume that Bank A, the reporting bank, shows on its books a balance due to Bank B, another insured bank, in an amount less than the "due from" balance, the balance due to Bank B being $75,000. It also shows on its books a balance due from Bank B in the amount of $100,000. Bank A must include in its deposit liabilities on the Certified Statement the $75,000 due to Bank B and if both balances are subject to immediate withdrawal the bank may claim a deduction of $75,000 on the Certified Statement.

However, assume that included in the $75,000 due to Bank B was a credit made on the base day of $10,000 and a credit of $5,000 made on the previous day and that both credits represent items drawn on other banks which remain uncollected at the closing of the books on the base day. In computing its eligible deductions for reciprocal bank balances, this $15,000 must be subtracted to arrive at a net "due to" balance subject to immediate withdrawal of $60,000. The eligible deduction for reciprocal bank balances is $60,000, that is, the lesser of the two collected balances subject to immediate withdrawal.

§ 327.234 *Assessment Decision No. 134; records necessary.* (a) Section 7 (a) of the Federal Deposit Insurance Act of 1950, requires each insured bank, as a condition to the right to make any deduction or exclusion in determining its assessment base, to maintain such records as will readily permit verification of the correctness thereof. For this purpose the Corporation has prepared Form 555, entitled "Tabulation of Assessment Base". This form must be completed and maintained by every insured bank for the four assessment base days in each year and be supported by adequate records to permit verification of all figures.

(b) Included in the data which must be maintained are records supporting deductions for cash items. If the alternate (bb) method of claiming deductions for cash items is used the reporting bank must maintain records to show the portions of collection letters sent on days preceding the base days which remain uncollected at the close of business on the base day.

(c) Section 7 (g) of the Federal Deposit Insurance Act of 1950, provides that no action or proceeding may be brought for the recovery of any assessments on deposits for any year prior to 1945. Therefore, insofar as assessment requirements are concerned, an insured bank need not retain any assessment records for any year prior to the year 1945.

(d) The records necessary to support the assessment base for the year 1945, and subsequent years, should be retained indefinitely by the insured bank except where a field audit of the assessment records of an insured bank has been made by the Corporation, and the necessary adjustments of the assessment under such audit have been made, the insured bank need not thereafter retain any assessment records in support of its Certified Statements through the date of the audit.

§ 327.235 *Assessment Decision No. 135; records destroyed accidentally.* If the records of a bank are destroyed by fire, flood, or other causes beyond its control, the assessment base for the period or periods concerned must be determined from all available sources and supported by whatever evidence is available and pertinent.

§ 327.236 *Assessment Decision No. 136; redemption checks.* When a check previously taken to clearings by the reporting bank is returned to said reporting bank because of insufficient funds in the drawer's account in the receiving bank or for any other reason, and the reporting bank issues a redemption check on itself in payment therefor, such redemption check must be included in deposits for the assessment base. The bank which returns a check because of insufficient funds or for any other reason and receives a redemption check therefor may not treat such redemption check as a cash item or claim a deduction for it in any manner.

§ 327.237 *Assessment Decision No. 137; refunds of assessments.* (a) An overpayment of an assessment made by an insured bank is normally credited to its account and left to apply upon the assessment next becoming due. However, upon request from the bank a refund will be made of the overpayment of assessment.

(b) An assessment credit, that is, the statutory credit allowed annually based upon the net assessment income for the preceding calendar year, cannot be refunded to operating banks since section 7 (d) of the Federal Deposit Insurance Act specifically provides that assessment credits shall be applied upon future assessments. However, where the insured status of a bank has been terminated, refunds of all credits, including assessment credits, will be made to the insured bank after all requirements in respect to assessments and the termination of its insured status have been met. In lieu of a refund, a bank whose deposit liabilities have been assumed by another insured bank may assign its unused credits to the assuming bank after all requirements on assessments and the termination of its insured status are met.

§ 327.238 *Assessment Decision No. 138; remittance account.* (a) Under the Federal Deposit Insurance Act, the bank may exclude from its assessment base drafts drawn by it on deposit accounts in other banks when issued in the regular course of business and the amount of any advices or authorizations issued for cash letters received directing that its deposit account in the sending bank be charged with the amount thereof.

(b) It is sometimes the practice for a bank to receive a cash letter on one day, credit the amount thereof to a "remittance account" on that day, and the following day issue a draft or an advice in payment therefor. In such cases, the "remittance account" representing the liability of the bank for a cash letter received must be included in deposits for assessment purposes. It should be noted in this connection that the exemption under the act applies only to drafts and the amount of any advices issued in payment of the cash letters received; it does not extend to the bank's liability for such letters pending the issuance of the draft or advice.

(c) A similar situation exists where some of the items received by the bank are drawn on one of its branches and payment for the letter is delayed for one or more days pending determination of whether the items drawn on the branches will be finally paid. The liability of the bank for the cash letters received must be included in the assessment base pending the issuance of the draft or advice in payment therefor.

§ 327.239 *Assessment Decision No. 139; rent security deposits.* (a) Deposits made with the bank by a tenant for security under a lease on real estate owned by the bank must be included in the assessment base.

(b) If the funds deposited by the tenant secure past due rent and the funds are received solely for the purpose of securing such liability to the bank, are not subject to withdrawal by the obligor and are carried in a special non-interest-bearing account designated to properly show their purpose and the amount of the funds do not exceed the liability for which they are held as security they would be exempt from assessment. However, such funds would rarely meet these requirements because the deposit of money is usually made to protect the bank against loss on rent not yet due. Therefore, in the absence of any actual liability to the bank, the rent security deposits would be subject to assessment.

(c) Deposits made with the bank by a tenant for security for rental due on real estate operated by the bank as agent, mortgagee in possession, or any other capacity other than as owner must be included in deposits for assessment purposes under all circumstances.

§ 327.240 *Assessment Decision No. 140; retirement fund for bank employees.* (a) The contributions made by employees to a retirement fund, maintained by the bank, must be included in deposit liabilities for assessment purposes. The contributions to the fund made by the bank itself must also be included in the assessment base if the employees have a vested interest therein.

(b) Where a bank carries a reserve account for the purpose of increasing retirement payments to employees under certain conditions the balance in such an account need not be included in deposit liabilities unless the employees have a vested interest in the account. In the absence of such vested interest therein, the balance of the reserve account is considered to be the bank's own funds, as are other contingent reserves of the bank. Occasionally this type of a reserve is set up by banks out of their own funds to continue retirement payments to employees after their benefits from the regular retirement fund have been depleted.

(c) In some cases, the funds received from employees' salaries and from contributions by the bank are used for the payment of premiums to an insurance company for annuity policies for employees. The funds deducted from salaries of employees must be included in the assessment base. The portion of the premium payable by the bank need not be included in the assessment base as it constitutes expense of the bank and under such a type of retirement fund the employees do not have a vested interest in the money used by the bank for the payment of the premium. There may be cases where the bank has established a reserve fund with which to pay the premiums and the deductions from employees' salaries is a repayment to the bank of advances made on their behalf. In such a case, the reserve balance would not be subject to assessment except to the extent, if any, that it included funds belonging to employees to be used for the payment of premiums.

§ 327.241 *Assessment Decision No. 141; returned checks.* (a) Checks drawn on the reporting bank and received by it in clearings or in cash letters, and returned unpaid to the bank from which received, are not eligible for deduction as cash items or otherwise.

(b) An example of such a check is one received in a cash letter on the base day and which is returned to the sending bank because of "insufficient funds".

Such a check is ineligible for deduction by the reporting bank.

(c) Another example is a check received in clearings on the base day which is held at the close of business to be returned at the clearings the following day. Such a check is not eligible for deduction, nor is a redemption check received in lieu thereof eligible for deduction.

(d) When a check is returned directly to the bank of original credit or payment, through the use of a multiple draft and the original of such draft is sent through regular channels as a cash collection, such draft is not a cash item eligible for deduction by the issuing bank. (See § 327.255 Assessment Decision No. 155, Suspense Account.)

§ 327.242 *Assessment Decision No. 142; safety deposit box taxes.* Amounts collected as taxes on safety deposit boxes must be included in the deposits for the assessment base until paid to the United States Treasury or its Fiscal Agent.

§ 327.243 *Assessment Decision No. 143; safety deposit key deposits.* Funds paid into a bank as a deposit against keys for safety deposit boxes which actually represent the purchase price of the keys need not be included in deposit liabilities, even though the bank agrees to repurchase such keys by refunding the money on demand by the customer.

§ 327.244 *Assessment Decision No. 144; sale or other disposition of bank's own assets.* Any instrument received by a bank in payment of or arising from the sale or other disposition of any of its assets is ineligible for deduction as a cash item. This includes checks or drafts received from the sale of the bank's own securities, from the sale of mortgages owned by the bank, from the sale of bank owned real estate, and all similar transactions. It also refers to checks or drafts received for the redemption of any securities owned by the bank. (See footnote 11.) (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges.)

§ 327.245 *Assessment Decision No. 145; savings accounts; investment of trust funds.* Only trust funds deposited by the fiduciary bank in another insured bank may be claimed as a deduction from the deposits for the assessment base by the fiduciary bank. Any funds deposited in an uninsured bank must be included in the deposits for the assessment base, and may not be claimed as a deduction even if the deposits, under applicable law, are legal trust investments. Classification of such funds by a State as "investments" does not change their status as deposits for assessment purposes but merely places such deposits in the category of permissible investments for trust funds. (See § 327.263 Assessment Decision No. 163, Trust Funds Deposited in Other Banks.)

§ 327.246 *Assessment Decision No. 146; secured deposits.* A deposit secured by a pledge of securities, by a State guaranty, or in any other manner must be included in deposits for the assessment base and may not be claimed as a deduction. For the purpose of Federal Deposit Insurance assessments, no distinction is made between secured and unsecured deposits.

§ 327.247 *Assessment Decision No. 147; securities purchased for customers.* Funds received by a bank to be used for the purchase of securities for the account of customers must be included in the deposit liabilities for assessment purposes until disbursed by the bank in payment of said securities, except where the bank contracts to deliver specified securities at a certain price. In this case, the title to the funds would pass to the bank upon receipt thereof.

§ 327.248 *Assessment Decision No. 148; securities purchased for bank's own account.* Cashiers' and other officers' checks issued for the purchase of securities for the bank's own account need not be included in the deposit liabilities.

§ 327.249 *Assessment Decision No. 149; securities purchased for customers' collateral.* (a) Cashiers' and other officers' checks issued by the bank and charged against the customer's collateral funds for the purchase of securities to be held as substituted collateral to the indebtedness are exempt from assessment if the funds so used meet the requirements of cash funds held as security to indebtedness. (See § 327.121 Assessment Decision No. 21, Cash Funds Received and Held as Security to Indebtedness to the Bank.) Such checks acquire the exempt status of the collateral funds they represent pending transition into the substituted collateral.

(b) However, such an official check issued in returning cash collateral to the borrower must be included in the assessment base. In this case the funds are not in a transition state but, instead, have been released as collateral security.

§ 327.250 *Assessment Decision No. 150; securities sold for customers.* Net credit balances due to customers for securities sold in their behalf are held in a fiduciary capacity and must be included in deposits for the assessment base. This includes officers' checks or bond managers' checks issued representing the proceeds of such sales, which checks must be included in the assessment base if outstanding on base days.

§ 327.251 *Assessment Decision No. 151; Series E bonds paid or credited to deposit accounts.* (a) Series E bonds and similar bonds paid or credited to a deposit account by the reporting bank are eligible for deduction as cash items provided they meet all the requirements of a cash item. (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges.)

(b) However, no deduction may be claimed for bonds accumulated. For instance, if the bank uses the alternate (aa) method of claiming deductions for cash items, a deduction may be taken only for the bonds received on the assessment base day which are held for clearings at the close of business on said day or which are forwarded for collection on said day. No deductions may be taken for the bonds received on prior days and accumulated to be forwarded at the end of the month or at other intervals.

(c) The same rules apply to War Savings stamps paid or credited to deposit accounts.

§ 327.252 *Assessment Decision No. 152; Social Security taxes.* Social Security taxes deducted from employees' salaries, as well as contributions made by the reporting bank itself for its portion of the tax liability must be included in the assessment base. The contributions of the bank itself, however, are not subject to assessment until actually due from the bank, so any reserve of the bank for the payment of its share of the Social Security taxes when they become due is not subject to assessment.

§ 327.253 *Assessment Decision No. 153; special purpose deposits.* Deposits made for special purposes are required to be included in deposits for the assessment base. An example of a special purpose deposit is the deposit of funds by a company for the payment of a dividend on its stock or for the redemption of its bonds.

§ 327.254 *Assessment Decision No. 154; statute of limitations.* (a) The Federal Deposit Insurance Act provides a statute of limitations in respect to assessments (sec. 7 (g)). The statute prescribes a limitation of five years (1) on suits brought by the Corporation for the recovery of any assessment due it, and (2) on suits brought by a bank for the recovery of any overpayment of assessments. This statute of limitation begins to run against the Corporation at the time the assessment is due, except where the Certified Statement is intentionally false or fraudulent, then the statute does not begin to run until the Corporation has actual knowledge that the Certified Statement is false or fraudulent.

(b) The failure to claim a deduction for cash items, or to use the more favorable alternate method in claiming the deductions, does not constitute an overpayment within the meaning of the above statute. The regulations permit a bank, within two years from the date on which a Certified Statement was required to be filed, to file an amended Certified Statement for the purpose of changing to the other alternate method of claiming deductions for cash items, or to file an amended Certified Statement claiming deductions for cash items when none were claimed on the original Certified Statement (§ 327.1 (j)). (See § 327.130 Assessment Decision No. 30, Cash Items Deductions, Change in Alternate Method.)

§ 327.255 *Assessment Decision No. 155; Suspense account.* (a) The nature of the items comprising a "Suspense" account determines whether the account is subject to assessment. Frequently, the account represents a variety of items and the general test is whether the funds belong absolutely to the bank, in which case they are not subject to assessment, or whether they are customers' funds, in which case they must be included in the assessment base.

(b) There is a special type of Suspense account in use in some banks in connection with a plan for the direct return of unpaid items. The drawee bank returns an unpaid item direct to the originating bank, that is, the bank where the check was originally paid or credited to a deposit account. A multiple draft is drawn for the amount of the unpaid check and one copy is forwarded directly to the originating bank as a transmittal letter with the unpaid check attached. The original of this draft is forwarded for collection by the drawee bank through regular collection channels. Upon receipt of the unpaid check the originating bank reverses the credit which it gave to its customer or collects the amount of the check from its customer and credits the Suspense account with the amount thereof. This Suspense account which records the total amount of such unpaid checks until the collection draft is received and charged thereto, must be included in the assessment base. The collection draft drawn by the returning bank and sent through regular channels for collection is not a cash item eligible for deduction by the returning bank. (See § 327.241 Assessment Decision No. 141, Returned Checks.)

§ 327.256 *Assessment Decision No. 156; syndicate deposits.* (a) A syndicate deposit account is often maintained by large banks consisting of funds intended for use in group underwritings of security issues.

(b) The portion of the balance in this account representing funds deposited by others, such as investment concerns and other banks, for a participation in security issues, must be included in deposit liabilities until the funds are disbursed by the bank in the actual purchase of the securities. Likewise any undisbursed portion of the account belonging to participants must be included in the assessment base.

(c) Funds deposited by other participants in a proposed purchase of security issues are, from an assessment standpoint, no different than a deposit made in the bank for any other purpose.

(d) If the terms of the syndicate agreement provide that the bank in which the funds are deposited is also required to deposit its pro rata share to the credit of the syndicate, and the bank actually deposits such funds to the credit of the syndicate, the funds are then under the direction and control of the syndicate, and the funds contributed by the bank of deposit itself must also be included in deposit liabilities in the same manner as the funds deposited by others. However, if the agreement provides that the participating bank in which the funds are deposited is merely required to deposit such funds at a future date, then, and until such time as a deposit is actually made to the credit of the syndicate, the funds which it has agreed to furnish do not constitute a deposit liability for assessment purposes. Whether the portion of the funds contributed by the bank of deposit itself are assessable will depend upon the terms of the agreement in each case.

§ 327.257 *Assessment Decision No. 157; Time Schedule of Federal Reserve bank.* (a) A cash item shall not be considered as uncollected at the close of business on the base day if such item has been outstanding for a period in excess of the time from the date the cash item is paid or credited to a deposit account to the date of receipt in the usual course of business by the correspondent bank to which the item is forwarded for collection plus the collection time allowed by the Federal Reserve Time Schedule for the district in which the correspondent bank is located. Each Federal Reserve bank issues a Time Schedule and the items may not be considered as uncollected for longer than the time set out therein plus the time of transmittal to the Federal Reserve Bank.

(b) The bank is not required to clear its items through the Federal Reserve banks and the Federal Reserve Time Schedule is merely used as the maximum eligible deduction time. If collection is effected in less time than allowed by the Federal Reserve Time Schedule the actual time of collection is the maximum time for which the item may be considered uncollected. In other words, the time an item may be considered uncollected is the actual collection time or the Federal Reserve Time Schedule, whichever is the lesser.

(c) The Federal Reserve Time Schedule pertains only to items which the Federal Reserve banks will handle as cash items and which are drawn on banks on the par list. For any item drawn on nonpar banks or which the Federal Reserve bank will not handle as a cash item, the maximum time the item may be considered uncollected is the actual time required to effect collection.

§ 327.258 *Assessment Decision No. 158; transfer of funds.* (a) Drafts drawn on deposit accounts in other banks in the normal course of business are exempt from assessment under the Federal Deposit Insurance Act. Transfer drafts, therefore, are exempt from assessment under this provision in the act and they, and like instruments issued by the bank for the transfer of funds, represent items issued for the bank's own purposes and are exempt from assessment. The same is true of wire transfers of the bank's own funds from one correspondent bank to another.

(b) Transfer drafts and any other instruments used by the bank for transferring funds from one correspondent bank to another are ineligible for deduction as cash items or in any other manner.

§ 327.259 *Assessment Decision No. 159; travelers' checks.* (a) Outstanding travelers' checks on which the bank is primarily liable, issued for money or its equivalent, received by the issuing bank, or for a charge against a deposit account in the issuing bank, must be included in deposit liabilities.

(b) An officer's check issued by the reporting bank as agent for others in payment of travelers' checks sold to customers must be included in deposits for assessment purposes. (See § 327.260 Assessment Decision No. 160, Travelers' Checks Sold for Others.)

(c) Travelers' checks issued to bank officers for traveling expenses need not be included in the deposits for the assessment base, for they represent items issued for the bank's own purposes.

§ 327.260 *Assessment Decision No. 160; travelers' checks sold for others.* When an insured bank sells travelers' checks issued by others and holds the proceeds of such sales as agent, such proceeds are deposits and must be included in the assessment base. Officers' checks outstanding as of the close of business on base days issued in payment of the bank's obligation as such agent must be included in the assessment base.

§ 327.261 *Assessment Decision No. 161; Treasury Tax and Loan Account.* Effective January 1, 1950, the title of the War Loan Deposit Account was changed to Treasury Tax and Loan Account. This account must be included in deposit liabilities for the computation of assessments.

§ 327.262 *Assessment Decision No. 162; trust funds.* (a) Trust funds held by an insured bank in a fiduciary capacity, whether held in its trust department or deposited in any other department, or in another bank, must be included in the deposits for the assessment base. All of the uninvested funds of the trust, including the change fund, whether this change fund is held in cash or deposited in some account, such as a commercial account, must be included in the assessment base.

(b) "Trust funds" within the meaning of this decision, includes not only funds held under formal trust agreements but also includes, without being limited to, funds held as trustee, executor, administrator, guardian, or agent. It includes payments made by mortgagors to be held by the bank for the purpose of paying taxes, insurance, and other charges on mortgaged properties.

(c) Any trust funds deposited by the fiduciary bank in another insured bank, that is, a bank which is a member of the Federal Deposit Insurance Corporation, may be claimed as a deduction from deposits for the assessment base by the fiduciary bank. The proper procedure is to show the trust funds in the total of deposits on the Certified Statement and to claim a deduction in the space provided on the Certified Statement for the trust funds which are deposited in another insured bank. No deduction may be claimed for trust funds deposited by the fiduciary bank in a bank which is not a member of the Federal Deposit Insurance Corporation even though such deposited funds may be considered as a legal trust investment under applicable law. The depository bank must include such deposited trust funds in its assessment base. (See § 327.263 Assessment Decision No. 163, Trust Funds Deposited in Other Banks.)

§ 327.263 *Assessment Decision No. 163; trust funds deposited in other banks.* (a) The term "trust funds" means funds held by an insured bank in

[11] This was not the rule in computing assessments from July 1, 1950, through December 31, 1953, but is effective from the March 31, 1954, base day. See definition of cash item in the amended rules and regulations, effective March 30, 1954, § 327.1 (b), and footnote 5 to § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges.

a fiduciary capacity whether held in its trust department or deposited in any other department or in another bank and includes without being limited to, funds held as trustee, executor, administrator, guardian, or agent.

(b) The reporting bank must include in its total deposit liabilities for assessment purposes all trust funds held by it in a fiduciary capacity whether held in its own trust department or in another bank. It may deduct from the reported total deposit liabilities the following portion of such trust funds:

(1) Trust funds received by the reporting bank in its trust department which the reporting bank has deposited directly from its trust department to a depositary insured bank;

(2) Trust funds received by other departments of the reporting bank from sources other than the trust department which funds the reporting bank has deposited directly from such department or from its trust department to the depositary insured bank;

(3) Trust funds deposited directly to the account of the reporting bank in a depositary insured bank by a person or persons other than the reporting bank;

(4) Trust funds originating from a pre-existing deposit account in another insured bank to which the reporting bank has become entitled in its fiduciary capacity: *Provided*, That in each of the foregoing instances:

(i) The account is maintained in the depositary insured bank by the reporting bank as fiduciary and the account is appropriately entitled to show that the funds therein are trust funds;

(ii) The funds in such account are used exclusively for their trust purposes by the reporting bank; and

(iii) Records are kept which clearly show that the trust funds have been deposited and maintained in the manner above stated.

(c) It should be noted from the foregoing that no deduction may be made if the funds are deposited in a noninsured bank. This means that the fiduciary bank must include in its deposits for the assessment base the full amount of the uninvested trust funds deposited in a noninsured bank.

(d) It should also be noted that there is no distinction from an assessment standpoint between trust funds actually deposited by the trustee bank and trust funds already on deposit in another bank at the time of its appointment as trustee. Accordingly, any of such funds already on deposit in a noninsured bank must be included in the assessment base of the fiduciary bank. Such funds on deposit in an insured bank must be reported in the deposit liabilities on the Certified Statement but in such case may be claimed as a deduction on the Certified Statement.

§ 327.264 *Assessment Decision No. 164; trust department vouchers and drafts or checks.* (a) Trust funds held by an insured bank in a fiduciary capacity whether held in its trust department or deposited in any other department of the bank, are required to be included in deposits for the assessment base. When checks, vouchers, or drafts are issued against such funds, the funds continue to be subject to assessment until actually disbursed by the bank. Therefore, if the trust accounts are not charged upon the execution of the check, voucher, or draft, such check, voucher, or draft, need not be included in the assessment base but the accounts themselves must be included therein. However, if the respective trust accounts are charged, the amount of the outstanding check, voucher, or draft, or the account set up to record the amount thereof must be included in the assessment base.

(b) When such checks, drafts, or vouchers are drawn by the fiduciary bank against trust funds deposited in a bank which is not insured, the same rules apply; that is, the fiduciary bank is required to include the trust funds in its assessment base whether retained in the fiduciary bank or deposited in a noninsured bank: Therefore, it must include the trust funds in its assessment base until the check, voucher, or draft, drawn against the funds deposited in a noninsured bank are actually disbursed by the noninsured bank.

(c) When checks, drafts, or vouchers are drawn by the fiduciary bank against trust funds deposited in another insured bank, they need not be included in the assessment base.

§ 327.265 *Assessment Decision No. 165; trustee funds held for redemption of bonds.* A bank acting as a trustee under an indenture and holding funds for the payment of bonds matured or called for redemption, is required to include such funds in the deposit liabilities and may not claim them as a deduction.

§ 327.266 *Assessment Decision No. 166; warrants.* (a) A large variety of so-called warrants are issued by county, State, and municipal officials. Usually these warrants are drawn against the treasurer of the entity.

(b) Some warrants direct the treasurer to pay a certain sum of money to the payee with the charge to be made to some specific fund, others provide a space for the official to insert the notation that the warrant has been presented but not paid for want of funds, and still others appear to be more in the nature of an order directing the public official to issue a warrant to the stated payee for a certain amount of money.

(c) To be eligible for deduction as a cash item, the warrant must meet the requirements of a cash item as that term is defined in § 327.1 (b). (See § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges.) One of these requirements is that the item must be payable upon presentation. The fact that a warrant may not be paid on presentation does not make the item ineligible as a cash item if it otherwise meets the requirements of a cash item, and if the bank has no knowledge that the item will not be paid on presentation.

(d) If the receiving bank knows that a warrant will not be paid upon presentation as, for instance, it has knowledge that the paying municipality does not have sufficient funds at the time to make payment, and the warrant is not handled as a cash item, such a warrant is not eligible for deduction as a cash item either on the day of receipt or later when funds are available for payment. Such a warrant obviously would not meet the requirements that it must be payable on presentation and when it is presented later and paid, it would not meet the requirement of a cash item with respect to time of receipt by the reporting bank.

§ 327.267 *Assessment Decision No. 167; withholding taxes.* (a) Withheld taxes must be included in deposits for the assessment base. This is true whether the amounts are deducted from the employees' salaries or contributed by the bank itself, for it is considered that an employer or "withholding agent" is an agent of the Federal Government in the collection of taxes and that the funds so deducted are not the property of the withholding agent but are held in trust pending transmittal to the United States Treasury and the beneficial ownership thereof is the United States.

(b) The Treasury Tax and Loan Account originated January 1, 1950, and since that date the withheld taxes were included in that account. As this account must be included in the assessment base, the withheld taxes included therein are automatically included in the base.

(c) If a bank makes provision for payment of its share of any withholding taxes before such taxes are due to the government, the amount of reserve so provided for the payment of its share of taxes need not be included in the assessment base until the taxes become due.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 55-3953; Filed, May 13, 1955; 8:53 a. m.]

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

SAVINGS DEPOSIT

Effective May 16, 1955, Part 329 is amended:

1. By adding at the end of § 329.1 (e) the following new undesignated paragraph and new footnote reference:

The term "savings deposit" also means a deposit evidenced by a written receipt or agreement although not by a pass book, consisting of funds of the kind described above in this paragraph (e) and in respect to which deposit the depositor is required, or may at any time be required, by the bank to give notice in writing of an intended withdrawal not less than thirty (30) days before such withdrawal is made, and withdrawals are permitted only through payment to the depositor himself but not to any other person whether or not acting for the depositor.[5a]

2. By adding the following new footnote to said § 329.1 (e):

[5a] Payment may be made to the depositor over-the-counter, through the mails or otherwise.

The notice and public participation described in section 4 of the Administrative Procedure Act and Part 302, Title 12, Code of Federal Regulations, are found to be unnecessary because they would not aid the persons affected, would serve no useful purpose, and because these amendments do not diminish but enlarge the rights of depositors and insured nonmember banks.

(Sec. 9, 64 Stat. 881; 12 U. S. C. 1819. Interprets or applies sec. 18, 64 Stat. 891; 12 U. S. C. 1828)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 55-3954; Filed, May 13, 1955; 8:53 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950- ——)

SUBPART M—COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Subpart M of Regulations No. 4 (20 CFR 404.1201 et seq.) is amended to read as follows:

Sec.
404.1201 General effect of section 218 of the act.
404.1210 Scope of this subpart.
404.1220 Measure of contribution.
404.1221 Rate and computation of contributions.
404.1222 Liability of State for contributions.
404.1223 Manner and time of payment of contributions by State.
404.1224 When fractional part of a cent may be disregarded.
404.1225 Rate of interest.
404.1226 Addition of interest to contributions for delinquent contribution returns.
404.1227 Failure to make payments.
404.1230 Statements for employees.
404.1240 Identification numbers.
404.1241 Employees' account numbers.
404.1242 Duties of employee with respect to his account number.
404.1243 Duties of State with respect to employees' account numbers.
404.1250 Wage reports and contribution returns.
404.1251 When to report wages.
404.1252 Final reports.
404.1253 Execution of contribution returns and wage reports.
404.1254 Use of prescribed forms.
404.1255 Place and time for filing contribution returns and wage reports.
404.1256 Records.
404.1257 Employees as members of "retirement system" coverage group.
404.1260 Adjustments in general.
404.1261 Adjustment of underpayments of contributions.
404.1262 Adjustment of overpayment of contributions.
404.1263 Refund or recomputation of overpayments which are not adjustable.
404.1264 Credit and refund of contributions paid for period during which no liability existed under the Social Security Act.
404.1265 Opportunity to States to adjust underpayments.
404.1266 Adjustment of employee contributions.

AUTHORITY: §§ 404.1201 to 404.1266 issued under sec. 205, 49 Stat. 624, as amended, sec. 1102, 49 Stat. 647; 42 U. S. C. 405, 1302. Interpret or apply sec. 218, 64 Stat. 514; 52 U. S. C. 418.

§ 404.1201 *General effect of section 218 of the act*—(a) *States.* Under the provisions of section 218 of the act a State may request the Secretary of Health, Education, and Welfare to enter into an agreement with the State for the purpose of extending to certain employees of the State and its political subdivisions protection accorded other employees by the old-age and survivors insurance system embodied in the Social Security Act. Each State may signify its intention to extend the benefits of the system to certain groups of its employees and to certain groups of employees of its political subdivisions by requesting the Secretary of Health, Education, and Welfare to enter into an agreement with the State to provide for coverage under the old-age and survivors insurance system of any one or more groups of such employees.

(b) *Instrumentalities of two or more States.* The system may be extended also to services performed by individuals as employees of any instrumentality of two or more States if such instrumentality requests the Secretary of Health, Education, and Welfare to enter into an agreement with it to provide for the extension of the system to such employees. For the purposes of the regulations in this subpart and to the extent not inconsistent therewith, the provisions in this subpart, when they refer to a State, shall apply, as well, to an instrumentality of two or more States.

§ 404.1210 *Scope of this subpart*—(a) *Contribution with respect to wages paid after 1950.* The regulations in this subpart relate to contributions on wages paid and received on and after January 1, 1951, with respect to employment covered under agreements made pursuant to section 218 of the act.

(b) *Adjustments, settlements, and claims.* The regulations in this subpart also relate to adjustments, settlements, and claims made in connection with the contributions paid on wages paid and received on or after January 1, 1951, with respect to employment covered under agreements made pursuant to section 218 of the act.

(c) *Identification of States, political subdivisions, and employees thereof.* The regulations in this subpart also relate to the use after December 31, 1950, of account numbers assigned to employees, identification numbers assigned to States and to political subdivisions thereof included in agreements made pursuant to section 218 of the act, and to applications for and assignments of such numbers under agreements made pursuant to section 218 of the act.

§ 404.1220 *Measure of contribution.* The State's contribution is measured by the amount of wages actually or constructively paid on or after the effective date of an agreement entered into between the State and the Secretary with respect to services performed in employment by an employee in a coverage group included in such agreement. (See § 404.1003 relating to employment and §§ 404.1026 and 404.1027 relating to wages.)

§ 404.1221 *Rate and computation of contributions*—(a) *Contributions for calendar years prior to 1955.* The rates of taxes imposed on employees by section 1400 of the Internal Revenue Code of 1939 for the respective calendar years are as follows:

	Percent
For the calendar years 1951 to 1953, both inclusive	1½
For the calendar year 1954	2

The rates of taxes imposed on employers by section 1410 of the Internal Revenue Code of 1939 for the respective calendar years are as follows:

	Percent
For the calendar years 1951 to 1953, both inclusive	1½
For calendar year 1954	2

(b) *Contributions for calendar years after 1954.* The rates of taxes imposed on employees by section 3101 of the Internal Revenue Code of 1954 for the respective calendar years are as follows:

	Percent
For the calendar years 1955 to 1959, both inclusive	2
For the calendar years 1960 to 1964, both inclusive	2½
For the calendar years 1965 to 1969, both inclusive	3
For the calendar years 1970 to 1974, both inclusive	3½
For the calendar year 1975 and subsequent years	4

The rates of taxes imposed on employers by section 3111 of the Internal Revenue Code of 1954 for the respective calendar years are as follows:

	Percent
For the calendar years 1955 to 1959, both inclusive	2
For the calendar years 1960 to 1964, both inclusive	2½
For the calendar years 1965 to 1969, both inclusive	3
For the calendar years 1970 to 1974, both inclusive	3½
For the calendar year 1975 and subsequent years	4

(c) *Method of computation of contributions.* The tax is computed by applying to the wages actually or constructively paid to an employee the rate in effect at the time such wages are actually or constructively paid.

Example. During 1953, A is engaged in the performance of service in employment. In the following year, 1954, A receives $250 from his employer as remuneration for services which he performed in the preceding year. The applicable rate is the rate for the year 1954 (the year in which the wages are received), and not 1½ percent, the rate for the calendar year 1953 (the year in which the services were performed).

§ 404.1222 *Liability of State for contributions.* The State is liable for contributions with respect to the wages paid

to individuals performing services in employment as employees in any coverage group included in the agreement. The amount of the State's liability is equal to the sum of the taxes which would be imposed by sections 1400 and 1410 of the Internal Revenue Code of 1939 if the services of the employees covered by the agreement constituted employment as defined in section 1426 of such code, and the sum of the taxes which would be imposed by sections 3101 and 3111 of the Internal Revenue Code of 1954 if the services of the employees covered by the agreement constituted employment as defined in section 3121 of such code. With respect to service covered under the agreement and performed subsequent to the date of execution of the agreement, the liability of the State attaches at the time that the wages are either actually or constructively paid to individuals performing service in employment as employees in any coverage group included in the agreement, notwithstanding the fact that the wages are paid in media other than money (for example, wages paid in board or lodging; see § 404.1026 (a)). If the agreement is effective retroactively with respect to service in employment performed by individuals as members of any coverage group, the liability of the State with respect to wages paid during such retroactive period attaches as of the date of execution of the agreement, or the modification of the agreement pursuant to which the coverage group is included thereunder, as the case may be.

§ 404.1223 *Manner and time of payment of contributions by State.* Federal Reserve Banks are authorized to receive the contributions required to be paid to the Secretary of the Treasury by an agreement made pursuant to the Social Security Act, as amended. The contributions shall be paid in money to the Federal Reserve Bank, or any branch thereof, serving the district in which the State is located, without notice, at the time fixed for filing of its contribution returns. (For provisions relating to the filing of contribution returns, see § 404.1255.)

§ 404.1224 *When fractional part of a cent may be disregarded.* In payment of contributions to a Federal Reserve bank, a State may disregard a fractional part of a cent unless it amounts to one-half cent or more, in which case it shall be increased to one cent. Fractional parts of a cent shall not be disregarded in the computation of contributions.

§ 404.1225 *Rate of interest.* If the contribution is not paid to the Federal Reserve bank, or branch thereof, when due and is not adjusted under § 404.1261, interest accrues at the rate of 6 percent per annum.

§ 404.1226 *Addition of interest to contributions for delinquent contribution returns.* If a State fails to make and file any of the contribution returns required by the regulations in this subpart within the prescribed time, interest accrues at the rate of 6 percent per annum.

§ 404.1227 *Failure to make payments.* If any State which has entered into an agreement with the Secretary of Health, Education and Welfare pursuant to section 218 of the Social Security Act, as amended, does not pay the contributions at the time or times such contributions are due, the Secretary of Health, Education, and Welfare may deduct the amounts of such unpaid contributions plus interest from any amounts certified by him to the Secretary of the Treasury for payments to such State under title I, title IV, title V, title VI, or title X of the Social Security Act, as amended. The Secretary of Health, Education, and Welfare will notify the Secretary of the Treasury of the amounts so deducted and request him to credit such amounts to the Trust Fund. Amounts so deducted shall be deemed to have been paid to the State under such other provision of the Social Security Act, as amended. (See § 404.1223 relating to time of payment; see § 404.1225 relating to rate of interest.)

§ 404.1230 *Statements for employees.* Every State shall furnish or cause to be furnished to each individual performing services in employment as an employee in a coverage group included in an agreement, a written statement or statements, in a form suitable for retention by the employee, showing with respect to wages paid to the employee for such services on or after the effective date of the agreement: (a) The name, business address, and identification number of the State or political subdivision, as the case may be, in the employ of which such service was performed; (b) the name, address, and account number of the employee; (c) the period covered by the statement; (d) the total amount of wages subject to contributions under section 218 of the Social Security Act, as amended, paid during such period; and (e) if the State collects or causes to be collected contributions from individuals performing services in employment as employees in coverage groups included in the agreement, the amount of employees' contributions with respect to such wages not in excess of the amount of the tax which would be imposed by the Federal Insurance Contributions Act if the services performed by such employees constituted employment as defined in such act. If an adjustment of employees' contributions is made in accordance with § 404.1266, the amount set forth in paragraph (e) of this section shall be the adjusted amount of such contribution. If the State collects or causes to be collected employees' contributions from any individual performing services in employment as an employee in a coverage group included in an agreement, a statement (Internal Revenue Form W–2) furnished by a State or any political subdivision thereof in accordance with the provisions of section 1633 of the Internal Revenue Code of 1939 or section 6051 of the Internal Revenue Code of 1954 to such employee shall constitute the statement required for purposes of this section, if there is included in such statement all of the information required by this section. The statement shall be furnished to the employee not later than January 31 of the year following the calendar year covered by the statement, except that, if the employee leaves the employ of the State or of the political subdivision, so that he no longer performs services in employment as an employee in a coverage group included in an agreement, the final statement shall be furnished on the day on which the last payment of wages is made to the employee. (See § 404.1250 (b) relating to the performance of services in more than one coverage group.)

§ 404.1240 *Identification numbers*—(a) *Identification number for State and political subdivision.* Every State requesting the Secretary of Health, Education, and Welfare to enter into an agreement pursuant to section 218 of the act shall furnish a list of the political subdivisions included or to be included in the agreement. Such list shall indicate the title of the official responsible for preparing the report on Form OAR–S3 for the State and the title of each official responsible for filing with the State the report on Form OAR–S3 for each such political subdivision and the business address of each such official. Every State shall file such list with the regional office of the Department of Health, Education, and Welfare for the region in which the State is located at the time of requesting the Secretary of Health, Education, and Welfare to enter into an agreement pursuant to section 218 of the act. If any political subdivision is included in the agreement (with respect to any of its employees) as a result of a referendum held in accordance with section 218 (d) (3) of the act, the State shall include such political subdivision in such list, or shall furnish a supplemental list including such political subdivision at the time the political subdivision is first included under the agreement. Only one identification number will be assigned to the State and only one identification number will be assigned to each political subdivision included in the list. If an identification number has been assigned to any State or to any of its political subdivisions for purposes of reporting covered transportation services, the State shall nevertheless obtain a separate identification number and shall obtain a separate identification number for each political subdivision included in the list for purposes of reporting services covered under an agreement.

(b) *Coverage group number for coverage groups.* If a State or any political subdivision thereof shall designate the coverage groups of its employees to be included in the agreement, the list referred to in paragraph (a) of this section shall identify each coverage group under the listing of the State, with regard to individuals who perform services as employees of the State in each such coverage group, or of the political subdivision, with regard to the individuals who perform services as employees in each such coverage group of such political subdivision. Such list shall also indicate the title of the official responsible for preparing the report on Form OAR–S3 for each such coverage group and the business address of each such official. A coverage group number will be assigned to each coverage group of the State and each coverage group of such political subdivisions upon the basis of information furnished on the list. The term "coverage group," as used in this section, means a "coverage group," as defined in section 218 (b) (5) of the act, and shall not include a "coverage group" as defined in section 218 (d) (4) of the act.

(c) *Unit numbers for pay roll record units.* If a State or any political subdivision thereof maintains more than one pay roll record unit with respect to the employees in any one or more coverage groups included under the agreement, the lists referred to in paragraphs (a) and (b) of this section shall also indicate the agencies, departments, or other branches of the State and of such political subdivisions, the records for which are maintained in each such pay roll unit, the title of the official in charge of such pay roll unit and the business address of such official. A unit number will be assigned to each separate pay roll record unit within a State or within any political subdivision thereof.

(d) *Use.* The identification number (including coverage group numbers assigned to coverage groups and unit numbers assigned to payroll record units) shall be shown on the State's records, reports, returns, and claims to the extent required by §§ 404.1254, 404.1255 (a), 404.1256, and 404.1263 and by the instructions relating to Forms OAR–S1, OAR–S2, OAR–S3, OAR–S4, and Treasury Form 201 to be used by States for reporting wages, adjustments, and contributions.

§ 404.1241 *Employees' account numbers*—(a) *Assignment.*—Every individual who performs services in employment as an employee in a coverage group included in an agreement, and who previously has neither secured an account number nor made application therefor, shall make an application on Form SS–5 with any district office of the Social Security Administration on or before the seventh day after the date on which he first performs services in employment for wages as an employee in a coverage group included in an agreement, except that the application shall be made on or before the date the employee leaves the employ of the State or its political subdivision if such date of leaving precedes such seventh day. Copies of Form SS–5 may be obtained from any district office of the Social Security Administration or from any district director of internal revenue. An account number will be assigned to the employee on the basis of information reported on the application required under this section.

(b) *Change.* An employee may have his account number changed at any time by applying to a district office of the Social Security Administration and showing good reason for a change. With that exception, only one account number will be assigned to an employee. Any employee whose name is changed by marriage or otherwise, or who has stated incorrect information on Form SS–5 should report such change or correction to a district office of the Social Security Administration. Copies of the Form OAAN–7003 for making such reports may be obtained from any district office of the Social Security Administration.

§ 404.1242 *Duties of employee with respect to his account number*—(a) *Employee required to show his account number card.* Every individual who performs services in employment as an employee in a coverage group included in an agreement shall show his account number card to the State or political subdivision thereof by which he is employed so that his account number and his name can be recorded exactly as they are shown on his account number card as issued to him by the Social Security Administration. The employee shall show his account number card as soon as he first performs services in employment as an employee in a coverage group included in an agreement entered into by any State. The account number originally assigned to an employee (or the number as changed in accordance with § 404.1241 (b)) shall be used by him even though he enters the employ of other employers or performs services in employment as an employee in a coverage group included in an agreement entered into by any other State.

(b) *Duties if employee does not have an account number card in his possession*—(1) *Where employee has receipt for application for account number.* If, when an individual first performs services in employment for wages as an employee in a coverage group included in an agreement, such individual, for any reason, does not have an account number card in his possession, he shall, in every case, show his account number card in accordance with paragraph (a) of this section as soon as he receives it, whether or not at that time he is still performing services in employment for wages as an employee in a coverage group included in an agreement. However, if such individual has available a receipt issued to him by an office of the Social Security Administration, acknowledging that application for account number has been received, the individual shall show such receipt in lieu of an account number card. (For provisions related to the duties of the State when an individual shows such a receipt see § 404.1243 (a).)

(2) *Where employee has no receipt.* If the individual does not have an account number card or a receipt issued to him by an office of the Social Security Administration acknowledging that application for an account number has been received, he shall furnish to the State or political subdivision by which he is employed, as the case may be, an application on Form SS–5 completely filled in and signed by him. If a copy of Form SS–5 is not available, the individual shall in lieu thereof furnish the State or political subdivision by which he is employed, as the case may be, a statement in writing, signed by him setting forth the date of the statement, his full name, present address, date and place of birth, father's full name, mother's full name before marriage, and the individual's sex and color, including a statement as to whether he has previously filed application on Form SS–5, and if so, the date and place of such filing. The furnishing of an executed Form SS–5, or statement in lieu thereof, by the individual to the State or political subdivision, as the case may be, does not relieve such individual of his obligation to make application on Form SS–5 and file it with a district office of the Social Security Administration as required by § 404.1241. (For provisions related to the disposition to be made by the State of an executed Form SS–5 or a statement in lieu thereof furnished by the individual under this subparagraph, see § 404.1243 (b) (2).)

§ 404.1243 *Duties of State with respect to employees' account numbers*—(a) *Where employee has account number or receipt.* The State shall enter or cause the entry of the employee's name and account number exactly as shown on his account number card on all records, returns, reports, and claims to the extent required by §§ 404.1254, 404.1256, and 404.1265 of the regulations in this subpart and by the instructions relating to Form OAR–S3, for reporting wages, and Form OAR–S4, for reporting adjustments. Upon failure of an individual to show his account number card when he first performs services in employment as an employee in a coverage group included in an agreement, the State or the political subdivision by which he is employed, as the case may be, shall request the individual for such card. If he does not have an account number card and has not filed application for an account number with a district office of the Social Security Administration, the State or political subdivision, as the case may be, when the individual first performs services in employment as an employee in a coverage group included in an agreement, shall inform the individual of the provisions of § 404.1241 and § 404.1242. The State or political subdivision, as the case may be, shall also request him to show his account number card as soon as he receives it from the Social Security Administration. If the individual shows, as provided in § 404.1242 (b) (1), a receipt issued by the Social Security Administration acknowledging that application for account number has been received from him, the State or the political subdivision, as the case may be, shall enter in its records with respect to such individual the date of issue of the receipt, its termination date, the address of the issuing office, and the name and address of the individual exactly as shown in the receipt. The receipt shall be retained by the individual.

(b) *Where employee has no account number.* In any case in which the individual has not shown his account number to the State or political subdivision, as the case may be, prior to the time the State's report on Form OAR–S3 is filed for any quarter during which the employee receives wages from such State or political subdivision:

(1) If the individual has shown, as provided in § 404.1242 (b) (1), a receipt of the Social Security Administration acknowledging that application for account number has been received from him, the State shall enter or cause to be entered on the report with the entry with respect to such individual with the words "Temporary Receipt" together with the

name and address of the individual exactly as shown in the receipt, the date of issue of the receipt, address of the issuing officer; or

(2) If the individual has furnished, as provided in § 404.1242 (b) (2), an executed Form SS–5, or statement in lieu thereof, the State shall attach or cause to be attached a copy of such form or statement to the report. The State shall retain or cause to be retained the copy executed by the individual until he shows his account number card; or

(3) If the individual has not shown his account number or an executed Form SS–5, and does not submit a statement to the State or political subdivision by which he is employed, as provided in § 404.1242 (b) (2), the State or political subdivision shall file a statement in writing with a district office of the Social Security Administration, setting forth the date of the statement, full name of the employee, his present address, date and place of birth, father's full name, mother's full name before marriage, and the individual's sex and color, and, in lieu of the employee's signature, a notation that the employee refused to file application for account number. An account number will be assigned to the employee and communicated to the State or political subdivision furnishing such statement, and such account number will be entered on the wage reports filed with respect to the wages of such employee.

If the individual shows his account number card or receipt prior to the time the State's report on Form OAR–S3 is filed and the State enters or causes to be entered such name and number on the report, the State shall return or cause to be returned to the individual any executed Form SS–5 or statement in lieu thereof furnished by such individual to the State or political subdivision in accordance with § 404.1242 (b) (2).

(c) *Prospective employees.* While not mandatory, it is suggested that the State advise or cause to be advised any prospective employee who does not have an account number card as to the requirements of §§ 404.1241 and 404.1242.

§ 404.1250 *Wage reports and contribution returns*—(a) *In general*—(1) *Wage reports.* Every State that enters into an agreement shall make or cause to be made, with respect to individuals performing services in employment as employees in a coverage group included in an agreement, a wage report on Form OAR–S3 for each calendar quarter (whether or not wages are paid therein), beginning with the first calendar quarter with respect to which the agreement is effective, until it files a final report as required by the provisions of § 404.1252. Every State shall make such wage report on Form OAR–S3 with respect to employees of the State included in an agreement and shall obtain, with respect to employees in every other coverage group included in the agreement a complete and correct wage report on Form OAR–S3 for the employees of each such coverage group. The State shall prepare a recapitulation report, Form OAR–S2, identifying each political subdivision by the identification number assigned to each political subdivision, in accordance with instructions relating to Form OAR–S2, and shall file the original of the recapitulation report, along with the original of each wage report (Form OAR–S3), with the Department of Health, Education, and Welfare, Social Security Administration, Candler Building, Baltimore 2, Maryland.

(2) *Wage reports of remuneration for agricultural labor subject to $100 wage limitation.* If any State that enters into an agreement shall, in accordance with section 218 (c) (5) of the Social Security Act, exclude from such agreement with respect to any coverage group services the remuneration for which would be excluded from wages under paragraph (2) of section 209 (h) of the act, the State shall include or cause to be included in the wage report on Form OAR–S3 and on any report of adjustments on Form OAR–S4 for such coverage group any remuneration paid in any calendar quarter for such services subject to the limitation on wages for such services in said section 209 (h) (2) of the act; and the State shall identify or cause to be identified on the wage report (Form OAR–S3) and on any report of adjustments (Form OAR–S4) the individuals in such coverage group performing such services, in accordance with instructions relating to Form OAR–S3 and Form OAR–S4.

(3) *Contribution returns.* The State shall also file with the Federal Reserve Bank, or any branch thereof, serving the district in which the State is located, a quarterly contribution return (Form OAR–S1), and shall accompany such return with payment of the amount of contributions due and payable. A certificate of deposit (Treasury Form 201) shall be filed in quadruplicate, the first carbon copy of which shall be signed by the depositing officer of the State, and the third carbon copy of which shall be securely stapled to the Form OAR–S1. Checks for such contributions shall be made payable to the Treasurer of the United States. A copy of the contribution return (Form OAR–S1) shall be attached to the recapitulation report (Form OAR–S2) filed by the State with the Department of Health, Education, and Welfare. For the purposes of reports and returns under the act, the quarters shall each be three calendar months as follows: (i) January 1 to March 31, both dates inclusive; (ii) from April 1 to June 30, both dates inclusive; (iii) from July 1 to September 30, both dates inclusive; and (iv) from October 1 to December 31, both dates inclusive.

(b) *Employees performing services for more than one coverage group*—(1) *Employee of State in more than one coverage group.* Where an individual performs services in employment as an employee of the State in more than one coverage group included in an agreement, the aggregate wages paid to such employee by the State, not in excess of $3,600 paid in any calendar year prior to 1955 and not in excess of $4,200 paid in any calendar year subsequent to 1954 by the State, shall be reported in the report filed for only one such coverage group, in such manner as may be specified in the agreement.

(2) *Employee of political subdivision in more than one coverage group.* Where an individual performs services in employment as an employee of a political subdivision of the State in more than one coverage group included in an agreement, the aggregate wages paid to such employee by the political subdivision, not in excess of $3,600 paid in any calendar year prior to 1955 and not in excess of $4,200 paid in any calendar year subsequent to 1954 by the political subdivision, shall be reported in the report filed for only one such coverage group, in such manner as may be specified in the agreement.

(3) *Employee of State and of one or more political subdivisions.* Where an individual performs services in employment as an employee of the State in one or more coverage groups included in an agreement and as an employee of one or more political subdivisions of a State in one or more coverage groups included in an agreement, the aggregate wages paid to such employees by the State, not in excess of $3,600 paid in any calendar year prior to 1955 and not in excess of $4,200 paid in any calendar year subsequent to 1954 by the State, shall be reported by the State in accordance with subparagraph (1) of this paragraph, and the aggregate wages paid to such employee by each political subdivision of the State, not in excess of $3,600 paid in any calendar year prior to 1955 and not in excess of $4,200 paid in any calendar year subsequent to 1954 by each such political subdivision, shall be reported by each such political subdivision in accordance with subparagraph (2) of this paragraph.

(4) *Employee of more than one political subdivision.* Where an individual performs services in employment as an employee of one political subdivision in one or more coverage groups included in an agreement and as an employee of one or more other political subdivisions in one or more coverage groups included in an agreement, the aggregate wages paid to such employee by each such political subdivision, not in excess of $3,600 paid in any calendar year prior to 1955 and not in excess of $4,200 paid in any calendar year subsequent to 1954, by each such political subdivision, shall be reported by each such political subdivision in accordance with subparagraph (2) of this paragraph.

(c) *Filing of wage reports and contribution returns with district directors of internal revenue.* (1) Where a State or any of its political subdivisions has in its employ individuals performing services for the State or a political subdivision of the State as members of a coverage group included under an agreement and such individuals also regularly perform services identical in nature in the employ of employers who are subject to the provisions of subchapter A or E of Chapter 9 of the Internal Revenue Code of 1939 and the corresponding provisions of the Internal Revenue Code of 1954 with respect to the wages paid by such employers for such services to such individuals, and where, with the approval of the Internal Revenue Service, the payment of the taxes and the filing of information returns required of employers under subchapter A or E of Chapter 9 of the Internal Revenue Code of 1939 and the corresponding provisions of the Internal Revenue Code of 1954 are made for all such employers by an agent appointed by them, such State may, with respect to such individuals, elect to permit the agent of such employers to file tax and information returns with, and to make payment thereon to, a district director of internal revenue in the manner and according to the conditions prescribed in regulations of the Internal Revenue Service relating to the employees' tax and the employers' tax under subchapter A or E of Chapter 9 of the Internal Revenue Code of 1939 and the corresponding provisions of the Internal Revenue Code of 1954.

(2) Where the Secretary has been furnished with written evidence to the effect that a State has made such an election and that the Commissioner of Internal Revenue has agreed to permit a district director of internal revenue to accept and receive such contribution and information returns and payment of contributions, the filing of such tax and information returns with, and the payment of such contributions to, the district director shall be deemed to be compliance with the requirements imposed upon the State by paragraph (a) of this section, except that nothing contained in this paragraph shall relieve any such State of its obligations and responsibilities under its agreement and the regulations in this subpart relative to its liability for the payments required under its agreement.

§ 404.1251 *When to report wages.*—Wages shall be reported in the wage report (Form OAR–S3) for the calendar quarter in which they are actually paid unless they were constructively paid in a prior calendar quarter, in which case such wages shall be reported in the report for such prior quarter (see § 404.1001 (1) relating to constructive payment of wages).

§ 404.1252 *Final reports*—(a) *Termination of agreement.* A final report can be filed only by a State whose agreement with the Secretary has been terminated. The last report on Form OAR–S3 for each coverage group included in an agreement of any State whose agreement has been terminated shall be marked "final report." Such report shall be filed by the State in accordance with § 404.1250 (a) on or before the 30th day after the date on which the final payment of wages subject to the agreement is made for services in employment performed by an individual as an employee in a coverage group, and shall plainly show the period covered and also the date of the last payment of wages. There shall be executed as a part of each final report a statement giving the title and business address of the official of the State responsible for keeping the records of the State and the title and business address of each official of the State and each official of its political subdivisions responsible for keeping the records of any political subdivision included in an agreement for the periods covered by the agreement in the event that it is necessary to communicate with the State or any of its political subdivisions regarding such records.

(b) *Partial termination of agreement.* If an agreement is not terminated in its entirety, but is terminated only with respect to one or more coverage groups, the last wage report on Form OAR–S3 for each such coverage group shall be marked "final report," and there shall be attached to each such report a statement setting forth the title and business address of the official responsible for keeping the records with respect to such coverage group or groups for the periods covered by the agreement.

§ 404.1253 *Execution of contribution returns and wage reports.* Each contribution return on Form OAR–S1 and wage report on Form OAR–S2 shall be signed by a responsible and duly authorized officer of the State.

§ 404.1254 *Use of prescribed forms*—(a) *Procurement of forms.* Copies of prescribed return and report forms will, as far as possible, be regularly furnished the State by the Department of Health, Education, and Welfare without application therefor. A State will not be excused from making a return, or report, however, by the fact that no return or report form has been furnished to it. States or political subdivisions not supplied with the proper forms should make application therefor to the Department of Health, Education, and Welfare, Social Security Administration, Candler Building, Baltimore 2, Maryland, in ample time to have returns and reports prepared and verified, compiled and filed with the Department of Health, Education, and Welfare and Federal Reserve Banks on or before the due date (see § 404.1255 relating to the place and time for filing returns and reports, see also § 404.1252 relating to final reports).

(b) *Compliance with instructions.* Each contribution return and wage report, together with a copy thereof and any supporting data, shall be filled in and disposed of in accordance with the instructions and regulations applicable thereto. (See § 404.1255 relating to the place and time for filing returns and reports and § 404.1256 (c) and (e) relating to copies of returns, reports, schedules and statements, and to the place and period for keeping records.) The returns and reports should set forth fully and accurately the data therein called for. Returns and reports which have not been so prepared will not be accepted as meeting the requirements of the act nor the terms of the agreement under which the State is reporting. Only one wage report for a reporting period with regard to services covered under an agreement shall be filed by or for a State. Any supplemental wage report filed for such period in accordance with § 404.1261, § 404.1262, § 404.1263, or § 404.1264 of the regulations in this subpart shall constitute a part of such wage report. Individual wage reports of political subdivisions may not be filed directly with the Department of Health, Education, and Welfare by political subdivisions, but must be filed by the State as a part of the State's consolidated report.

(c) *Correction of errors.* If in a wage report or in any other manner the State fails to report or incorrectly reports to the Department of Health, Education, and Welfare the wages of an employee, the State shall fully advise the Department of Health, Education, and Welfare of the omission or error on a report of adjustments (Form OAR–S4). The State shall include in such report the identification number of the political subdivision involved, each calendar quarter for which the data were omitted or for which the incorrect data were furnished, the data incorrectly reported for each period, and the data which should have been reported. The State shall retain or cause to be retained a copy of each such form OAR–S4 as a part of its records.

§ 404.1255 *Place and time for filing contribution returns and wage reports*—(a) *In general.* Each wage report on Form OAR–S3, together with a recapitulation report (Form OAR–S2) shall be filed with the Department of Health, Education, and Welfare, Social Security Administration, Candler Building, Baltimore 2, Maryland. Contribution returns shall be filed in the manner prescribed in § 404.1250 (a) (2), together with the contribution payment, with the Federal Reserve Bank, or branch thereof, serving the district in which the State is located. Such returns shall be filed with respect to contributions for any wage payment or any supplemental wage payment reported on Form OAR–S3. Such returns shall also be filed if contributions are payable with respect to any adjustment of wages reported on Form OAR–S4. Except as provided in § 404.1252 and paragraph (b) of this section, the contribution return and wage report for any calendar quarter any part of which is in the first 12-month period following the date of acceptance of an agreement by the Secretary (but not including the date of acceptance of any modification thereof) shall be filed on or before the last day of the second month following the calendar quarter for which it is made; the contribution return and wage report for any subsequent calendar quarter shall be filed on or before the last day of the first month following the calendar quarter for which it is made: *Provided, however,* That the Secretary, for good cause shown, may, upon application by a State, allow such further time as he may deem proper for the filing of contribution returns and wage reports for the periods for which they are made. If wage reports on Form OAR–S3 for the State or for all the political subdivisions included in the agreement have not been received by the State in time to permit the State to file a completed consolidated wage report and the completed contribution return on or before the due date, the State shall indicate on the recapitulation report (Form OAR–S2) each political subdivision or coverage group with respect to which no report on Form OAR–S3 has been received for the calendar quarter for which the consolidated report is being submitted. The State, promptly upon receipt of the wage report for the delinquent political subdivision, shall file such report, with the Department of Health, Education, and Welfare and shall file with the Federal Reserve Bank,

or branch thereof, a contribution return with respect to wages reported in such report and shall pay the contributions thereon plus interest. If the last day for filing any contribution return or wage report falls on Sunday or a legal holiday, the return or wage report may be filed on the next following business day. If placed in the mails, the contribution return or wage report shall be posted in ample time to reach the Federal Reserve Bank, or branch thereof, or the Department of Health, Education, and Welfare under ordinary handling of the mails on or before the due date. (As to interest assessable for failure to file a contribution return within the prescribed time see § 404.1226.)

(b) *For periods prior to date of execution of agreement.* If the agreement provides for the coverage of employees performing services in employment for the State or any of its political subdivisions at the time the agreement is executed for calendar quarters during which such employees were in the employ of the State or any of its political subdivisions prior to the date of execution of the agreement, including the calendar quarter in which the agreement is executed, any contribution returns or wage reports for such prior calendar quarters shall be filed not more than 90 days after date of execution of the agreement. The Secretary, for good cause shown, may, upon application by a State, allow such further time for the filing of contribution returns and wage reports for periods prior to the date of execution of the agreement (or modification) as he may deem proper. (As to interest assessable for failure to file a contribution return within the prescribed time see § 404.1226.)

§ 404.1256 *Records*—(a) *Records of States.* Every State which enters into an agreement shall keep or cause to be kept accurate records of all remuneration (whether in cash or in a medium other than cash) paid to employees performing services in employment in a coverage group included in an agreement after the effective date of such agreement, for services covered by such agreement. Such records may be maintained by such State, or, with respect to employees of any political subdivision thereof, by such political subdivision. No particular form is prescribed for keeping the records required by this paragraph. Each State shall use or cause to be used such forms and systems of accounting as will enable the Secretary to ascertain whether the contributions for which the State is liable are correctly computed and paid. Such records shall show with respect to each employee:

(1) The name, address, and account number of the employee (see § 404.1243 relating to account numbers) and such additional information with respect to the employee as is required by § 404.1243 (a) when the employee does not show his account number card as issued to him by the Social Security Administration;

(2) The total amount (including any sum withheld therefrom as contribution or for any other reason) and date of each remuneration payment and the period of services covered by such payment;

(3) The amount of such remuneration payment which constitutes wages (see § 404.1026 for wages and § 404.1027 for exclusions from wages); and

(4) The amount of employees' contribution, if any, withheld or collected with respect to such payment, and if collected at a time other than the time such payment was made, the date collected. If the total remuneration payment (subparagraph (2) of this paragraph) and the amount thereof which is subject to contribution (subparagraph (3) of this paragraph) are not equal, the reason therefor shall be made a matter of record. Accurate records of the details of each adjustment or settlement made pursuant to § 404.1261 or § 404.1262 shall also be kept.

(b) *Records of employees.* While not mandatory, it is advisable for each employee to keep permanent, accurate records showing the name and address of the State or political subdivision for which he performs services in employment as an employee in a coverage group included in an agreement, the dates of beginning and termination of such services, the information with respect to himself which the State is required by paragraph (a) of this section to keep or cause to be kept, and the statements furnished in accordance with the provisions of § 404.1230. (See paragraph (d) of this section relating to records of claimants.)

(c) *Copies of returns, reports, schedules, and statements.* Every State which is required, by these regulations or by instructions applicable to any form prescribed under these regulations, to keep or cause to be kept any copy of any return, report, schedule, statement, or other document, shall keep such copy or cause it to be kept as part of its records.

(d) *Records of claims for refund or credit of contributions.* Any State claiming refund or credit of any contribution or interest shall keep or cause to be kept a complete and detailed record with respect to such contribution or interest.

(e) *Place and period for keeping records.* All records required by the regulations in this subpart shall be kept at one or more convenient and safe locations accessible to Social Security Administration officers. Such records shall at all times be open for inspection by such officers. Records required by paragraphs (a) and (c) of this section shall be maintained for a period of at least four years after the date of the contribution to which they relate became due or after the date the contributions were paid, whichever is later, whether or not, in the interim, the agreement has been terminated in whole or in part. Records required by paragraph (d) of this section (including any record required by paragraphs (a) or (c) which relates to a claim) shall be maintained for a period of at least four years after the date the claim is filed, whether or not, in the interim, the agreement has been terminated in whole or in part.

§ 404.1257 *Employees as members of "retirement system" coverage group*—(a) *Retirement system coverage group comprised of employees of the State or of a single political subdivision.* Where an agreement is made applicable to individuals performing services in employment as employees in a coverage group, as the term "coverage group" is defined in section 218 (d) (4) of the act, and all of the individuals in such coverage group are employees of the State, the State shall make a wage report with respect to employees of the State in such coverage group. If all of the individuals in such coverage group are employees of a single political subdivision, the State shall obtain a wage report for the individuals in such coverage group from the political subdivision. If employees of the State or of such political subdivision, other than individuals in such coverage group, are also included under the agreement, a single wage report shall be made or obtained with respect to all of the employees of the State, or all of the employees of the political subdivision, as the case may be, who are included under the agreement. The wage report shall be made and filed in the manner and form, and at the times, and subject to the requirements prescribed in the regulations in this subpart.

(b) *Retirement system coverage group comprised of employees of the State and political subdivisions or more than one political subdivision.* Where the agreement is made applicable to individuals performing services in employment as employees in a coverage group, as the term "coverage group" is defined in section 218 (d) (4) of the act, and some of the individuals in such coverage group are employees of the State and some of the individuals in such coverage group are employees of one or more political subdivisions of the State, or some of the individuals in such coverage group are employees of a political subdivision of the State and some of the individuals in such coverage group are employees of any other political subdivisions or political subdivisions of the State, the State shall make or cause to be made a single wage report with respect to all of the employees of the State to whom the agreement applies (including employees of the State in such coverage group) and shall make or cause to be made a single wage report with respect to all of the employees of each political subdivision of the State to whom the agreement applies (including employees of such political subdivision in such coverage group) in the manner and form, and at the times, and subject to the requirements prescribed in the regulations in this subpart.

(c) *Retirement system coverage group comprised of employees of institutions of higher learning which are not political subdivisions.* If an institution of higher learning is not a political subdivision of the State, individuals performing services for such institution of higher learning as employees in a coverage group (as the term "coverage group" is defined in section 218 (d) (4) of the act) included under the agreement pursuant to section 218 (d) (3) of the act, the wages paid to such individuals shall be reported in the wage reports made by the State. If such individuals are employees of a political subdivision of the State, the wages paid to such individuals shall be reported in the wage reports made by the political subdivision by which they are employed.

Such wage reports shall be made in the manner and form, and at the times, and subject to the requirements prescribed in the regulations in this subpart.

§ 404.1260 *Adjustments in general.* Errors in the payment of contributions must be adjusted in certain cases without interest. Not all corrections of erroneous payments of contributions, however, constitute adjustments within the meaning of the regulations in this subpart. The various situations under which such adjustments shall be made are set forth in §§ 404.1261, 404.1262, 404.1263, and 404.1264, the provisions of which also relate to settlement other than by adjustment under certain circumstances set forth therein. Errors in the payment of contributions must be reported to the Social Security Administration by the State (and not directly by any political subdivision of the State). Likewise, all claims shall be filed by the State. Refunds and credits will be made only to the State (and not directly to any political subdivision of the State).

§ 404.1261 *Adjustment of the underpayments of contributions*—(a) *Method of making adjustment.* (1) If a State shall file a quarterly contribution return and shall accompany such return with payment of contributions due and payable as reported on such return in accordance with § 404.1250 (a) (3) but the amount of the contributions reported and paid is less than the correct amount of contributions due and payable and the underpayment of contributions is attributable to an error in computing the contributions (other than an error in applying the rate of contributions in effect at the time the wages were paid), the State shall adjust the underpayment by reporting the additional amount due by reason of such underpayment either as an adjustment of total contributions due with the first quarterly wage report filed after notification of the underpayment by the Social Security Administration, or as a single adjustment of total contributions due with any contribution return filed prior to the filing of such quarterly wage report.

(2) If an underpayment of contributions is due to an underreporting of or a failure to report one or more employees on Form OAR–S3, a Form OAR–S4 shall be filed within 30 days after ascertainment of the error by the State together with a copy of the Form OAR–S1 prepared in accordance with the instructions contained therein. The Form OAR–S4 shall show the amount of wages, if any, erroneously reported for the calendar quarter and the correct amount of wages that should have been reported and the identification number of the State or the political subdivision for each employee who was omitted or erroneously reported. The filing of the Form OAR–S4 to correct an underreporting of or a failure to report one or more employee's wages shall not constitute an adjustment under this section unless the wages were erroneously omitted from or erroneously reported on the Form OAR–S3.

(b) *Payment.* The amount of each underpayment adjusted in accordance with this section shall be paid to the Federal Reserve Bank, or branch thereof, serving the district in which the State is located, without interest, at the time of reporting the adjustment. If an adjustment is reported pursuant to this paragraph but the amount thereof is not paid when due, interest thereafter accrues. (For interest accruing on amounts so reported, see § 404.1225.)

§ 404.1262 *Adjustment of overpayment of contributions*—(a) *In general.* If a State pays more than the correct amount of contributions, the State shall cause the adjustment of the overpayment by reporting such amount either as an adjustment of total contributions due with the first quarterly wage report filed after notification of the overpayment by the Social Security Administration or as a single adjustment of total contributions due with any contribution return filed prior to the filing of such quarterly wage report.

(b) *Overpayment due to overreporting of wages.* If the overpayment is due to an overreporting of the amount of wages paid to one or more employees during one or more calendar quarters, and such overpayment is not adjusted in accordance with paragraph (a) of this section, a report on Form OAR–S4 showing the amount or amounts of wages previously reported for the quarter or quarters and the correct amount or amounts of wages, if any, paid to such employee in such calendar quarter or quarters, shall be filed upon ascertainment of the error by the State, together with a copy of the Form OAR–S1 prepared in accordance with the instructions contained thereon.

§ 404.1263 *Refund or recomputation of overpayments which are not adjustable*—(a) *In general.* If more than the correct amount of contribution or interest is paid to the Federal Reserve Bank, or branch thereof, by any State, and such overpayment is not adjustable in accordance with § 404.1262, such State may file a claim for refund or recomputation of such overpayment.

(b) *Request for recomputation.* If more than the correct amount of contribution or interest is claimed by the Department of Health, Education, and Welfare, but not paid to the Federal Reserve Bank, or branch thereof, the State may file a request for recomputation of such claim.

(c) *Form of claims.* Each claim for refund or recomputation under this section shall be made in accordance with the regulations in this subpart. No special form is required for such claims. If a credit is taken pursuant to § 404.1262, a claim is not required. Whenever a claim for refund or recomputation is made with respect to remuneration which was erroneously reported on a wage report, such claim shall include a statement showing (1) the identification number of the State or the political subdivision which reported the employee or employees; (2) the name and account number of the employee or employees for whom such remuneration was so reported; (3) the calendar quarter covered by such wage report; (4) the amount of remuneration previously reported as wages paid in such calendar quarter for such employee or employees; and (5) the amount of wages which should have been reported for such employee or employees. This information should be reported on Form OAR–S4.

(d) *Claims improperly made.* Any claim which does not comply with the requirements of this section will not be considered for any purpose as a claim for refund or recomputation.

(e) *Proof of representative capacity.* If a report or return is made by a duly authorized official of the State who thereafter dies, is removed from office, or otherwise ceases to act in such official capacity and a refund claim is made by a successor official, a certified letter attesting such official authorization to make claim for and receive refund of contribution previously paid by such former official must be annexed to the claim to show the authority of such successor official. Such certified letter will not be necessary if such successor official has previously filed one or more reports or returns which contain the signature and official title of such official.

§ 404.1264 *Credit and refund of contributions paid for period during which no liability existed under the Social Security Act.* If any State pays any amount of contribution under an agreement entered into pursuant to section 218 of the act with respect to any period for which it is not liable for such contribution, and such State is liable for a contribution for some other period, the amount paid as contribution under such agreement shall be credited against such contribution for which the State is liable and the balance, if any, shall be refunded. Each claim for refund under this section shall be made in accordance with § 404.1263. Each claim for credit under this section shall be made in accordance with the applicable provisions of § 404.1262 of the regulations in this subpart.

§ 404.1265 *Opportunity to States to adjust underpayments.* If any contribution is not paid to the Federal Reserve Bank, or branch thereof, when due, the Department of Health, Education, and Welfare may afford the State the opportunity to adjust the underpayment pursuant to § 404.1261. Unpaid contributions are chargeable against the State. (See § 404.1225, relating to interest.)

§ 404.1266 *Adjustment of employee contributions.* If a State deducts or causes to be deducted employees' contributions with respect to remuneration paid to employees in coverage groups included in an agreement with the Secretary of Health, Education, and Welfare, the amount deducted or caused to be deducted from the remuneration of an employee or any correction in the undercollection or overcollection of such amount, is a matter for settlement between the employee and the State or political subdivision, as the case may be. Any correction of an undercollection or overcollection of an employee's contribution shall be shown on statements fur-

nished to the employee in accordance with § 404.1230.

[SEAL] CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: May 10, 1955.

O. C. HOBBY,
Secretary.

[F. R. Doc. 55-3897; Filed, May 13, 1955; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter E—Post Services

PART 858—SCHEDULE OF FEES AND CHARGES FOR COPYING, CERTIFYING AND SEARCHING RECORDS

A new Part 858 is added to Subchapter E as follows:

Sec.
858.1 Purpose and scope.
858.2 Definitions.
858.3 Policy.
858.4 Schedule of fees.

AUTHORITY: §§ 858.1 to 858.4 issued under sec. 501, 65 Stat. 290; 5 U. S. C. 140.

DERIVATION: AFR 11-6, Jan 10, 1955.

§ 858.1 *Purpose and scope.* This part prescribes fees to be collected for copying, certifying, and searching records. It applies to all staff offices performing these services for the public.

§ 858.2 *Definitions*—(a) *Public.* Any person or group, including associations, organizations, partnerships, corporations, businesses, municipalities, counties, or State governments. The term excludes agencies or branches of the Federal Government or Armed Forces sponsored activities.

(b) *Services.* Furnishing information on and certifying or searching records described in § 858.4.

§ 858.3 *Policy*—(a) *General.* Fees will be charged so that services rendered the public as prescribed in § 858.4 may be self-sustaining to the fullest extent practicable.

(b) *Services and fees.* Section 858.4 contains the types of services rendered the public for which a fee will be collected. These are subject to the exemptions in paragraph (c) of this section. Section 858.4 also contains the specific fees that will be imposed for such services. Whenever fees can be determined in advance, they will be collected prior to rendering the service. Exception will be made for urgent requests. Existing directives will be amended or revised to conform to this part.

(c) *Exemptions.* A fee will not be imposed for the following types of service when requested by the sources specified, provided that: Such service is consistent with established policy; the service does not interfere with the mission of the furnishing activity; and the cost of the service can be provided within the limitation of available funds:

(1) Any service requested by members of the Armed Forces who require the document or information requested in their capacity as members of the Armed Forces of the United States.

(2) Any service requested by the next of kin or legal representative of military personnel who were or are in a casualty status.

(3) Location or whereabouts information requested by next of kin or legal representative of military personnel who are on active duty as members of the Armed Forces.

(4) Any service involving a member or former member of the Armed Forces pertaining to:

(i) Requests for information required to obtain financial benefits. Exception: A fee will be imposed for furnishing information previously furnished.

(ii) Requests for information relating to a decoration or award.

(iii) Requests for review or change in type of discharge.

(iv) Requests for correction of records.

(v) Requests for personnel documents (for example, birth certificates) when the individual is required to furnish such documents for retention by an agency of the Department of Defense.

(5) Requests for information from or copies of medical and dental records of civilians and dependents of military personnel when:

(i) Such data is required for further medical or dental care in Government medical facilities or at Government expense and

(ii) Requests for such data are:

(*a*) Submitted through official medical channels;

(*b*) Approved by an appropriate Government medical authority; or

(*c*) For return of the data directly to a Government medical facility.

(6) Requests from courts for copies of documents or information, when furnishing them will serve as a substitute for the appearance of a Department of Defense representative.

(7) Any news service furnished press, magazine, radio, television, and newsreel representatives for dissemination to the general public.

(8) Any service that involves confirming employment and salaries of active or separated civilian or military personnel when requested by prospective employers or recognized sources of inquiry for credit or financial purposes.

(9) Any service requested by a Member of Congress for official use. (This exemption will be interpreted as authorizing that the services requested be furnished free of charge. However, if it becomes apparent that his constituents are using a Member of Congress to circumvent the paying of fees or charges prescribed herein, the Congressman will be advised of the Air Force policy on collecting fees.)

(10) Any service requested by a State, county, or municipal government which is carrying on a function that relates to or furthers a Department of Defense objective.

(11) Any service requested by a contractor, the cost of which he would ultimately charge to the Federal Government.

(12) Any service donor's request respecting their gifts.

(13) Any request resulting in an unsuccessful search of records, other than requests to determine if a record does or does not exist.

§ 858.4 *Schedule of fees.* This schedule applies to authorized services of copying, certifying, and searching records rendered the public by staff offices.

Requests involving:	Fee
(a) Training and education	$1.00
(Includes requests for transcripts, certificates, and verification of attendance course completion, and graduation from service schools and other facilities.)	
(b) Medical and dental records of civilians (does not include former members of the Armed Forces); and dependents of military personnel	2.00
(Includes requests for information from or copies of medical records such as clinical records, outpatient records, dental records, and loan of X-rays.)	
(c) Military service:	
(1) Location (whereabouts):	
Inquiries:	
Single name	1.00
Each additional name	.50
(2) Certificate in lieu of lost discharge	1.50
(3) Statement or verification of service	2.00
(4) Furnishing copies or extracts of orders or other documents relating to an individual's service; or miscellaneous factual data	1.00
(d) Photography:	
(1) Pictorial or documentary photographic prints:	
8 x 10 black and white only; not more than three prints may be sold from any individual negative on each order.	
Single weight glossy finish, each	.55
Double weight matte finish, each	.60
4 x 5 color transparencies in quantities not to exceed three, each	5.00
(2) Aerial photographic prints, contact prints, or exact negative size, single weight glossy or double weight semimatte:	
Size 7 x 9" or 9 x 9", in quantities:	
1–100	.65
101–1,000	.50
Over 1,000	.45
Size 9 x 18", in quantities:	
1–100	1.30
101–1,000	1.00
Over 1,000	.90
(3) Aerial photographic indexes and mosaic copies, in any number, size 20" x 24", each	1.10
(4) Reproduction to cover overlays:	
Ozalid transparent foil film overlays	1.50
Ozalid transparent paper overlays	.60
Ozalid transparent paper plot maps	[1].10
Photostat plot maps (maximum size 17½ x 23")	.65

[1] Per square foot used.

Requests involving—Continued	Fee
(d) Photography—Continued	
(5) Motion picture:	
Black and white unedited footage and/or sound track supplies, per foot	$0.10
Color unedited footage:	
16-mm, per foot	.15
35-mm, per foot	.20
Searching (includes overhead):	
Up to 2½ hours	5.00
Each additional hour	2.00
(e) Claims and litigation:	
(1) Requests from litigants pertaining to private litigation. (If not covered in 2 and 3 above):	
Searching per hour (includes overhead costs)	2.00
Each photocopy	.20
Certification and validation with seal	.50
Certification and validation without seal	.25
(2) Requests pertaining to cases in which the U. S. is party where court rules provide for reproduction of records without cost to the Government:	
Searching per hour (includes overhead costs)	2.00
Each photocopy	.20
Certification and validation with seal	.50
Certification and validation without seal	.25
(3) Furnishing information from investigative reports, that is, automobile collision investigations:	
Searches, overhead, analysis, and preparation of report (per hour)	2.00

(f) *Exemptions.* A fee will not be imposed when the following types of services are consistent with established policy; do not interfere with the mission of the furnishing activity; can be provided within the limitation of available funds:

(1) Requests by members of the Armed Forces in their capacity as members of the Armed Forces of the United States.

(2) Requests by the next of kin or legal representative of military personnel who were or are in a casualty status.

(3) Location information requested by next of kin or legal representative of military personnel on active duty as members of the Armed Forces.

(4) Requests involving a member or former member of the Armed Forces for:

(i) Information required to obtain financial benefits. Exemption: A fee will be imposed for information previously furnished.

(ii) Information relating to a decoration or award.

(iii) Review or change in type of discharge.

(iv) Correction of records.

(v) Personnel documents (for example, birth certificates) when the individual must furnish such documents to be retained by a Department of Defense agency.

(5) Requests for information from or copies of medical and dental records of civilians and dependents of military personnel when:

(i) Data is required for further medical or dental care in Government medical facilities or at Government expense and

(ii) Requests are:

(*a*) Submitted through official medical channels,

(*b*) Approved by an appropriate Government medical authority, or,

(*c*) For return of the data directly to a Government medical facility.

(6) Requests from courts for copies of documents or information as a substitute for the appearance of a Department of Defense representative.

(7) Any news service furnished press, magazine, radio, television, and newsreel representatives for dissemination to the public.

(8) Requests to confirm employment and salaries of active or separated civilian or military personnel, when made by prospective employers or recognized sources for credit or financial purposes.

(9) Requests by a Member of Congress for official use. (If it becomes apparent that his constituents are using a Member of Congress to circumvent the paying of fees or charges prescribed herein the Congressman will be advised of the Air Force policy on collecting fees.)

(10) Requests by a State, county, or municipal government that relate to or further a Department of Defense objective.

(11) Requests by a contractor that would ultimately be charged to the Federal Government.

(12) Requests by donors respecting their gifts.

(13) Requests resulting in an unsuccessful search of records, other than requests to determine if a record does or does not exist.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55-3885; Filed, May 13, 1955; 8:45 a. m.]

Subchapter F—Reserve Forces

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

INSTITUTIONAL PHASE

Sections 862.1 through 862.47 are rescinded and the following substituted therefor:

INSTITUTIONAL PHASE

Sec.
862.1 Mission.
862.2 Purpose.
862.3 Definitions.
862.4 Organization.
862.5 Establishment and disestablishment of AFROTC units.
862.6 Eligibility requirements.
862.7 Election of courses.
862.8 Categories of advanced course cadets.
862.9 Additional requirements for enrollment in advanced course.
862.10 Waivers for enrollment in advanced course.
862.11 Conditional enrollment in advanced course.
862.12 Students ineligible for enrollment as cadets or conditional cadets in advanced course.
862.13 Credit for previous military training.
862.14 Concurrent membership in Reserve component of an Armed Force.
862.15 Compression, curtailment, or concurrent pursuit of courses.
862.16 Transfer of AFROTC cadets.
862.17 Discharge.
862.18 Organization of program, textbooks, and substitution of academic courses.
862.19 Appointment as Reserves of the Air Force or award of certificate of completion.

AUTHORITY: §§ 862.1 to 862.19 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 40–47, 39 Stat. 191–192, as amended; 10 U. S. C. 381–390.

DERIVATION: AFR 45-48, April 16, 1954; AFR 45-48A, March 31, 1955.

INSTITUTIONAL PHASE

§ 862.1 *Mission.* The mission of the Air Force Reserve Officers' Training Corps is to select and prepare cadets, through a permanent program of instruction at civilian institutions, to serve as officers in the Reserve and Regular components of the Air Force, and to assist in discharging, where necessary, any institutional obligations to offer military training.

§ 862.2 *Purpose.* The AFROTC program is a major source of officers for the Air Force. The purpose and specific objectives of the program are:

(a) To develop in the cadet by precept, example, and participation the attributes of character, personality, and leadership which are essential to every officer of the Air Force.

(b) To develop in the cadet an interest in the Air Force and an understanding of its missions, organization, problems, and techniques.

(c) To provide the cadet with a course of training which, with his academic curriculum, will qualify him to discharge the duties and responsibilities required of him as an officer of the Air Force.

(d) To develop in the cadet the desire to make a career as an officer in a component of the Air Force.

(e) To motivate the cadet to obtain an aeronautical rating in the Air Force upon graduation.

§ 862.3 *Definitions.* For the purpose of §§ 862.1 to 862.19, the following definitions will apply:

(a) *Detachment.* Air Force personnel assigned to Headquarters Air Force ROTC with duty station at a civilian institution.

(b) *Unit.* The organization which includes the detachment and AFROTC cadets at an institution.

(1) *Standard unit.* The principal AFROTC unit at an institution.

(2) *Subunit.* That portion of a standard unit located at a subdivision of an institution which is physically separated from the parent campus.

(c) *Department of air science.* The integral academic subdivision of an educational institution which includes all AFROTC activities conducted at the institution as stipulated in the contract with the Air Force.

(d) *Air science.* The official designation of the AFROTC program of instruction.

(e) *Basic course.* The first- and second-year program of instruction in air science.

(f) *Advanced course.* The third- and fourth-year program of instruction in air science.

(g) *AFROTC summer training.* A period of training for the advanced course cadets conducted at an Air Force installation.

(h) *Professor of air science.* The senior commissioned officer of the Air Force assigned to duty with a standard unit of the AFROTC.

(i) *Institutional phase.* That portion of the entire AFROTC program conducted at civilian educational institutions, as distinguished from the AFROTC summer training phase.

(j) *Academic year.* The period that begins September 1 and ends August 31 the following year, except for the University of Puerto Rico, where the period begins the opening date of registration in August and ends the day before August registration the following year.

(k) *Cadet.* A student who has been admitted to full membership in the AFROTC and is entitled to all benefits authorized by law and regulations pertaining thereto.

(l) *Student.* A student who is permitted to pursue the AFROTC course for academic credit only.

(m) *Conditional cadet.* A student who is tentatively accepted and enrolled in the advanced course pending determination of his eligibility as a cadet.

(n) *Completed cadet.* A cadet who has completed the entire AFROTC course of instruction but is awaiting completion of degree requirements.

(o) *Category.* A classification of cadets based on flight aptitude, interest, academic background, prior military service.

(p) *AFROTC graduate.* A cadet who has successfully completed the AFROTC program prescribed by law and regulations, including the prescribed AFROTC summer training, and has been awarded a baccalaureate degree.

(q) *Graduating class.* Consists of cadets who initially qualify for appointment during the period of May 1 of any particular year through April 30 of the following year.

(r) *On-board year.* Fiscal year in which the commissioned members of the graduating class, as defined in paragraph (g) of this section, are brought on active duty. For example, the graduating class of 1955 is made up of cadets appointed during the period of May 1, 1955 through April 30, 1956. They are brought on active duty during FY 1956 (July 1, 1955 through June 30, 1956), which is the on-board year for that graduating class.

§ 862.4 *Organization.* (a) The AFROTC is organized as a subordinate command of the Air University with the procedural functions and responsibilities of a numbered air force. This command is composed of a headquarters, standard units, and certain subunits thereof.

(b) By Federal statutes, a senior division and a junior division of the ROTC are authorized. The Air Force establishes and maintains ROTC units of the senior divisions only.

§ 862.5 *Establishment and disestablishment of AFROTC units.* An AFROTC unit will not be established or disestablished without the approval of the Secretary of the Air Force.

§ 862.6 *Eligibility requirements*—(a) *Statutory.* At institutions where AFROTC units are established, enrollment is restricted to students who are:

(1) Citizens of the United States.

(2) Not less than 14 years of age.

(3) Physically qualified for military service, age requirement notwithstanding.

(b) *Character.* A student who has been convicted by any court-martial or by any civil court for other than a minor traffic violation will not be enrolled initially or continued in the advanced course, AFROTC; however, the Commander, Air University, is authorized to waive nonrecurrent minor violations not considered prejudicial to performance of duty as an officer of the Air Force. Waiver for offenses involving moral turpitude will not be granted.

(c) *Loyalty.* (1) If a student fails or refuses after instruction to fill out DD Form 98, "Loyalty Certificate for Personnel of the Armed Forces," in its entirety, the professor of air science will deny his enrollment as a cadet in the Air Force ROTC. If a student completes DD Form 98 with qualification or makes entries thereon which provide reason for believing that his enrollment is not clearly consistent with the interest of national security, the professor of air science will withhold his enrollment as a cadet. The professor of air science will forward all pertinent information, including DD Form 98, to the Director of Personnel Procurement and Training, Headquarters USAF, Washington 25, D. C., for action and decision.

(2) At his discretion and that of institution authorities, the professor of air science may accept such persons, whom the institution may require or permit to take military training and who are not accepted for enrollment as cadets, for instruction in the AFROTC basic course as students (see § 862.3 (l) for definition of "students").

(3) Professors of air science will make certain that United States citizens failing to fill out DD Form 98 are not permitted to wear the AFROTC uniform.

(d) *Age.* A student will not be enrolled initially or be allowed to reenroll in the AFROTC after a period of nonparticipation in AFROTC training, if his age is such that he will be unable to complete all requirements for appointment as a Reserve of the Air Force prior to reaching his 28th birthday.

§ 862.7 *Election of courses.* The AFROTC program is composed of two separate and distinct phases, a 2-year basic course and a 2-year advance course. Completion of the basic course does not guarantee acceptance into the advance course. As stipulated in the contract between the institution and the Air Force, each cadet who has enrolled in either course will complete that course as a prerequisite to his graduation from the institution unless he is relieved of this obligation under regulations prescribed by the Secretary of the Air Force.

§ 862.8 *Categories of advanced course cadets.* Four categories of cadets are established for the advanced course enrollees. Qualified students may be enrolled in the appropriate category within the quota furnished by Headquarters USAF. Cadets will be required to sign the appropriate category agreement (AF Form 1056, "Category I Agreement of Certain Members of the Air Force Reserve Officers' Training Corps (Flying Training Candidate)," AF Form 1056a, "Category II Agreement of Certain Members of the Air Force Reserve Officers' Training Corps (Technical)," AF Form 1056b, "Category III Agreement of Certain Members of the Air Force Reserve Officers' Training Corps (Non-Flying, Non-Technical)," or AF Form 1056c, "Category IV Agreement of Certain Members of the Air Force Reserve Officers' Training Corps (Veteran)," as appropriate). Advanced course cadets must meet the physical requirements set forth in current regulations. Service-obligated students who are physically qualified and selected must be enrolled in either category I or category II if they are to pursue the advanced course.

(a) *Category I.* Category I consists of cadets who qualify for flying training. They must meet the required physical, measured aptitude, and interest qualifications, and desire entry in this category. Service-exempt cadets accepted in this category will be required to serve the same active duty tour as that required of service-obligated graduates. For reporting purposes, category I is divided into two subcategories, I for pilot candidates, and IA for observer candidates.

(b) *Category II.* Category II consists of service-obligated cadets enrolled in college programs leading to baccalaureate degrees with majors in prescribed engineering and scientific fields of study, who meet physical standards for an Air Force commission, and are selected for the advanced course.

(c) *Category III.* Category III consists of service-obligated, non-technical cadets selected for the advanced course who meet physical standards for a commission but do not qualify physically for flight training.

(d) *Category IV.* Category IV consists of service-exempt cadets, other than those accepted in category I, selected for the advanced course.

§ 862.9 *Additional requirements for enrollment in advanced course.* (a) Each cadet accepted for enrollment in the advanced course must have successfully completed such general survey or screening tests as may be prescribed for entrance into each of the categories.

(b) Each cadet accepted for enrollment in the advanced course must have completed the basic course or must have received credit in lieu thereof as prescribed in § 862.13.

(c) Completion of the advanced course and award of the degree should coincide so that commissioning requirements may be fulfilled simultaneously. The professor of air science should not enroll a cadet until such time as he has only 2 academic years remaining before qualifying both for an academic degree and an appointment in the Air Force Reserve. When following such a policy causes problems which cannot be resolved in any other way, the professor of air science is authorized to enroll a cadet at the beginning of his third academic year. The professor of air science may grant him a period of non-attendance after completeion of AFROTC.

(d) With the exception of those cadets who are service exempt, each cadet who applies for the advanced course must sign a deferment agreement before he may be accepted as a cadet (see §§ 862.76 to 862.88).

(e) Priority consideration should be given to Civil Air Patrol members holding Civil Air Patrol certificates of proficiency.

(f) Graduate students may be enrolled in the advanced course provided that:

(1) Their selection is within category quotas.

(2) Selection is in competition with undergraduate students.

(3) The provisons of paragraph (c) of this section are fulfilled.

(g) The Commandant, AFROTC, may authorize cadets to postpone attendance at AFROTC summer training. The Commandant, AFROTC, will not authorize postponement of such attendance beyond the summer following the completion of academic work. Cadets who are authorized postponement will take the final-type medical examination for the category in which they are enrolled at the time postponement is authorized. The professor of air science will discharge those failing this examination under § 862.17 (b).

§ 862.10 *Waivers for enrollment in advanced course.* Waivers to permit enrollment of cadets in the advanced course are discouraged.

§ 862.11 *Conditional enrollment in advanced course.* (a) The purpose of conditional enrollment is to enable the professor of air science to accept, tentatively, a cadet for enrollment in the advanced course pending determination of his eligibility or notification of enrollment quotas.

(b) Before conditional enrollment, each cadet will sign the following:

I understand and agree that no rights or benefits will be made available to me, or in my behalf, unless and until it is determined by proper authority that I am fully qualified and selected for unconditional enrollment in the advanced course of the AFROTC; that, upon such determination being made by proper authority, I will be entitled to receive all rights and benefits I would have earned and accrued but for the conditional nature of my enrollment from the date upon which I began work of the advanced course under the terms of this agreement. I further understand and agree that, if I am found to be not fully qualified and selected for such enrollment, I will be considered as not having been an advanced course cadet and will not be entitled to any rights or benefits under the terms of this agreement.

(c) Cadets accepted for conditional enrollment are authorized deferment as outlined in §§ 862.76 to 862.88.

§ 862.12 *Students ineligible for enrollment as cadets or conditional cadets in advanced course.* (a) When approved by institutional authorities and the professor of air science, students who for any reason cannot be enrolled as cadets or conditional cadets may be permitted to pursue the advanced course. Additional personnel will not be assigned for the purpose of conducting instruction for such students. Such students will not be charged against enrollment quotas. Students accepted under this section are not entitled to commutation of subsistence or Government uniforms, or uniform allowance, but may use arms and equipment issued for instructional purposes. Arms and equipment will not be provided especially for the benefit of such students.

(b) A professor of air science will require such students to sign:

I, _____, do hereby agree and understand that, notwithstanding the fact that I am permitted to pursue the AFROTC course, the Air Force will not tender me a commission as a Reserve of the Air Force nor award me a certificate of completion based upon my successful completion of the institutional phase of the advanced course, nor will I be permitted to attend AFROTC summer training.

(c) Female students of the institution are not eligible for enrollment as cadets in the AFROTC; however, they may be permitted to pursue the AFROTC course of instruction as students.

(d) A professor of air science will not enroll as cadets persons eliminated for disciplinary reasons from an officer candidate school, from an aviation cadet training class of the Air Force or Navy, or from one of the service academies of the Armed Forces. He will not enroll in category I (pilot) any person eliminated from an aviation cadet pilot training class of the Air Force or Navy for flying deficiency. But he may, if recommended by the authority eliminating them, enroll these persons as cadets in category IA (observer) or other categories. The Commandant, AFROTC, is authorized to grant waivers for enrollment as cadets to persons eliminated for other reasons. The Commandant will not appoint such cadets until after the date of graduation of the class from which they were eliminated.

§ 862.13 *Credit for previous military training.* (a) An AFROTC cadet who transfers to another institution at which an AFROTC unit is also maintained will be given credit for that part of the AFROTC course which he successfully completed at the losing institution, as evidenced by the AFROTC student record form.

(b) On the basis of previous honorable active service in the Air Force, Army, Navy, Marine Corps, or Coast Guard, a cadet may request a waiver of the basic course, or any portion thereof, as a requirement for entrance into the advanced course. The professor of air science may then waive so much of the basic course as he considers equivalent to the active service training, provided that he does not waive any portion which the cadet can complete prior to entrance into the advanced course. To satisfy entrance requirements for the advanced course, veterans entering an institution at freshman or sophomore level who desire a commission through AFROTC will be required to take in phase with non-veteran contemporaries the portion of the basic program which remains.

(c) The professor of air science may waive on a year-for-year basis so much of the AFROTC program as he considers equivalent to previous training at the United States Military Academy, United States Naval Academy, United States Coast Guard Academy, or in the Senior Division of the Army ROTC or Naval ROTC.

(d) Advanced standing will not be granted for training received prior to the student's 14th birthday, nor for training received as a member of the Civil Air Patrol, nor for the training received as a member of a Reserve component of any of the Armed Forces of the United States when not in the active military service, nor for training received at an institution at which no commissioned officer of the active military forces is detailed by orders of the appropriate department as professor of military science and tactics, professor of naval science, or professor of air science, nor for training received as a member of the Junior Division, Army ROTC.

(e) By use of DD Form 785, "Record of Disenrollment From Officer Candidate-Type Training," the Armed Services may exchange information on persons disenrolled from officer training who subsequently apply for another officer program. When the professor of air science receives a request for information on a person who has been a member of the AFROTC, he will furnish one copy of DD Form 785 direct to the requesting service. At the time of this request, the professor of air science will also make an additional copy for the cadet record in the event of a subsequent inquiry from another service. If a professor of air science desires information from the other services, he will address his request to:

(1) *Department of Army.* The Adjutant General, Department of the Army, Attention: AGPB–O, Washington 25, D. C.

(2) *Department of Navy.* Chief of Naval Personnel, Department of the Navy, Washington 25, D. C., or Commandant, U. S. Marine Corps, Code DIG, Department of the Navy, Washington 25, D. C.

§ 862.14 *Concurrent membership in Reserve component of an Armed Force.* (a) Present and former commissioned officers of any component of the Army, Navy, Air Force, Marine Corps, or Coast Guard, and officers or former officers of the Public Health Service may not be enrolled in the AFROTC.

(b) Persons who are members of the Reserve components of the Army, Navy, Marine Corps, or Coast Guard may be enrolled in the basic course. However, such persons will not be enrolled as cadets in the advanced course until they have been discharged from such membership or transferred to the Air Force Reserve.

(c) Members of any component of the Armed Forces who are on active military duty may not be enrolled in the AFROTC.

(d) Reserve airmen who are otherwise qualified and accepted for enrollment in the basic or advanced course will be enrolled therein, and will not be discharged from their Reserve status for the purpose of undertaking such course. However, Reserve airmen who are affiliated with Air Force Reserve units, units of the Air National Guard, or who hold mobilization assignments or designations, may be enrolled as conditional cadets in the advanced course pending release from such affiliation, assignments, or designations. Subsequent to release, they may participate concurrently in Air Force Reserve point-earning activities on an unassigned or nonaffiliated status. A professor of air science will comply with §§ 864.31 to 864.43 if he has Reserve airmen enrolled.

§ 862.15 *Compression, curtailment, or concurrent pursuit of courses.* Under

Federal statute, the basic course may not be compressed or curtailed into a time period of less than 2 academic years. The entire AFROTC course of study is expected to cover 4 full academic years. However, the Commandant, AFROTC, may permit reduction of the entire course into not less than 3 full academic years, through concurrent enrollment or compression, under the following conditions:

(a) For cadets enrolled in an academic program involving less than 4 years of resident study for the degree.

(b) For cadets with outstanding leadership qualities who would otherwise be unable to complete the entire AFROTC course of study prior to the award of degree.

The academic phase of the AFROTC course of study will not be curtailed.

§ 862.16 *Transfer of AFROTC cadets.* Interservice transfer of AFROTC cadets is authorized under the Statements of Joint ROTC Policies.

§ 862.17 *Discharge*—(a) *From basic course.* With the concurrence of the institutional authorities, the professor of air science may discharge a basic cadet from the AFROTC. Such discharge relieves the institution of its obligation to require the cadet concerned to complete the basic course as a prerequisite for graduation.

(b) *From advanced course.* (1) The professor of air science may discharge a cadet from the advanced course. Each such discharge must receive the concurrence of the head of the institution or his designated representative.

(2) A cadet will be discharged from the advanced course for the "convenience of the Government." A refund of commutation of subsistence paid the cadet will not be required.

(3) A cadet who, for any reason, is unable to continue regular enrollment in the institution, will be discharged from the advanced course. Such cadet may be reenrolled in the advanced course upon his return to an institution having an AFROTC unit.

(4) A cadet who, under competitive criteria, falls below acceptable retention standards will be discharged from the advanced course. Such cadet may be reenrolled only upon approval of the Commandant, Air Force ROTC.

(5) The professor of air science may discharge a cadet because of inaptitude, indifference to training, incompatibility, willfully evading the terms of his advanced course agreement, for disciplinary reasons, or for reasons involving undesirable traits of character. A cadet so discharged will not be reenrolled in the advanced course.

(6) The professor of air science will establish such board or boards as required to consider the cases of cadets recommended for discharge for reasons stated in subparagraph (5) of this paragraph. The board will be composed of at least three Air Force officers. The institution will be invited to provide a representative for board membership.

(c) *With prejudice.* A discharge "with prejudice" is established to provide an elimination from the advanced course of a cadet whose conduct is or has been such as to bring dishonor on the corps and upon himself. The board may recommend the cadet for discharge "with prejudice." The professor of air science will forward the case, with a statement from the head of the institution, to the Commandant, Air Force ROTC, for review and final approval. A cadet discharged "with prejudice" is not eligible for enrollment in an Air Force officer procurement program or for appointment in any component of the Air Force.

§ 862.18 *Organization of program, textbooks, and substitution of academic courses.* (a) The AFROTC program of instruction is organized into the institutional phase which comprises the basic and advanced courses and the AFROTC summer training phase.

(b) Textbooks for authorized air science courses and instructor guides will be prepared and issued by the Commandant, Air Force ROTC, subject to directives and final approval of Headquarters USAF.

(c) The Commandant, Air Force ROTC, is authorized to approve requests for permission to substitute academic courses for a portion or portions of the AFROTC curriculum.

§ 862.19 *Appointment as Reserves of the Air Force or award of certificate of completion.* AFROTC graduates may either be appointed as Reserves of the Air Force or awarded certificates of completion, within the number prescribed by Headquarters USAF. An AFROTC graduate must have successfully completed the military training required by law and regulations, including AFROTC summer training, and have been awarded a baccalaureate degree from an accredited educational institution.

[SEAL] E. E. TORO,
Colonel, U. S. Force,
Air Adjutant General.

[F. R. Doc. 55-3884; Filed, May 13, 1955; 8:45 a. m.]

NOTICES

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3366]

CENTRAL OHIO COAL CO. AND OHIO POWER CO.

ORDER REGARDING AMENDMENT BY NON-UTILITY COMPANY OF ARTICLES OF INCORPORATION TO INCREASE AMOUNT OF AUTHORIZED COMMON STOCK; ISSUANCE AND SALE BY NON-UTILITY COMPANY OF COMMON STOCK AND ACQUISITION THEREOF BY PARENT COMPANY; AND ADVANCE BY PARENT COMPANY TO NON-UTILITY SUBSIDIARY OF FUNDS ON OPEN ACCOUNT

MAY 10, 1955.

Ohio Power Company ("Ohio"), an exempt holding company and a public-utility subsidiary of American Gas and Electric Company, a registered holding company, and Ohio's non-utility subsidiary company, Central Ohio Coal Company ("Central Ohio"), have filed a joint application-declaration with this Commission pursuant to the provisions of sections 6 (a), 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-45 of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

Central Ohio will (a) amend its Articles of Incorporation so as to increase the authorized number of shares of its capital stock from 40,000 shares of common stock, par value $100 per share, all of which is owned by Ohio, to 100,000 shares of common stock, par value $100 per share, and (b) issue and sell to Ohio not to exceed 15,000 additional shares of Central Ohio's common stock for cash at $100 per share from time to time prior to December 31, 1956 as funds are needed by Central Ohio. Ohio will (a) adopt a resolution approving the amendment of Central Ohio's Articles of Incorporation increasing the authorized number of shares of common stock from 40,000 shares to 100,000 shares, (b) acquire the 15,000 shares of common stock to be issued by Central Ohio, and (c) make advances to Central Ohio on open account, pro rata with the Central Ohio stock acquired, from time to time prior to December 31, 1956, of not to exceed $1,500,000 in the aggregate. The advances on open account will bear interest at the rate of 3.3 per cent per annum which is equivalent to the cost of money on Ohio's unsecured serial notes issued in 1951.

Central Ohio conducts strip mining operations on coal lands owned by Ohio adjacent to Ohio's Philo and Muskingum River generating stations where coal is produced for such stations. In order to meet the increased coal requirements resulting from the construction by Ohio of an additional unit at its Muskingum River generating station, Central Ohio will make capital expenditures of an estimated $3,000,000 for the purchase of stripping, loading and auxiliary equipment and the construction and equipping of additional rail haul facilities.

The fees and expenses incurred, or to be incurred, and paid in connection with the proposed transactions consist of legal fees of counsel in the State of Ohio, estimated not to exceed $200; State filing and recording fees, estimated not to exceed $725; and Federal issue stamp taxes, estimated at $1,650, all of which will be paid by Central Ohio.

No State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transactions.

Due notice of the filing of said application-declaration having been given in the manner prescribed by Rule U-23 under the act, and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that said application-declaration should be granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 promulgated under the act:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3900; Filed, May 13, 1955; 8:46 a. m.]

[File No. 70-3374]

GENERAL PUBLIC UTILITIES CORP.

ORDER PERMITTING EFFECTIVENESS TO DECLARATION REGARDING CASH CAPITAL CONTRIBUTION FROM PARENT REGISTERED HOLDING COMPANY TO SUBSIDIARY PUBLIC UTILITY COMPANY

MAY 10, 1955.

General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder regarding the following proposed transaction:

GPU proposes to make a cash capital contribution in the amount of $1,500,000 to its subsidiary Jersey Central Power & Light Company ("Jersey Central"), a public utility company. This cash capital contribution, which is to be credited to the capital surplus account of Jersey Central, will be used by that corporation for its general corporate purposes.

The fees and expenses of GPU, including legal fees of its counsel, will not exceed $500 in connection with this transaction.

No State commission or Federal commission (other than the Securities and Exchange Commission) has jurisdiction over this proposed transaction.

GPU has requested that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of said declaration in the manner prescribed by Rule U-23 and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary and the Commission deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-3901; Filed, May 13, 1955; 8:46 a. m.]

[File No. 70-3376]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE BY PARENT OF CAPITAL STOCK PURSUANT TO RIGHTS OFFERING AND BORROWING FROM BANKS; REFUNDING OF SUBSIDIARIES' SHORT-TERM NOTES OWING PARENT BY ISSUANCE AND SALE OF COMMON STOCK AND LONG-TERM NOTES; AND ISSUANCE AND SALE OF SHORT-TERM NOTES BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

MAY 10, 1955.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, The River Gas Company, File No. 70-3376.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly owned subsidiaries, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State") and The River Gas Company ("River"), have filed a joint application-declaration and an amendment thereto with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and rules thereunder. The companies have designated sections 6 (a), 6 (b), 7, 9 (a), 10 and 12 (f) of the act and Rules U-43 and U-45 thereunder as applicable to the proposed transactions which are summarized as follows:

Consolidated proposes to offer 738,721 shares of its capital stock, par value $10 per share, for subscription, at a price per share to be fixed at a later date by its board of directors, which price will be supplied by amendment, on warrants to be issued to the holders of its outstanding capital stock of record at the close of business on June 2, 1955. Each such holder will be granted the right to subscribe for shares of capital stock at the rate of one share for each ten shares held on such record date, the subscription offer to expire at 3:30 p. m., New York time, June 21, 1955.

The rights to subscribe will be evidenced by transferable subscription warrants. No fractional shares of capital stock will be issued. Rights may be purchased to entitle the holder of the warrant to subscribe to one or more full shares of capital stock or rights may be sold. For the convenience of stockholders and without charge to them for such service, The Hanover Bank will act as agent for the warrant holders in purchasing and selling rights, but not to exceed 9 rights for each warrant holder.

Consolidated anticipates that some shares of its capital stock offered for subscription will not be subscribed for, and, on the basis of past experience, estimates that this number of shares will amount to about 3 percent of the total offering. Shares for which subscriptions are not exercised, up to 5 percent of the issue, will be offered after the subscription date at the subscription price to Bankers Trust Company as Trustee of Consolidated's Annuity Trust, subject to call for the account of the Trustees under the Alternative Thrift Trust of Consolidated's Employees Thrift Plan. Any such shares not so subscribed or sold to Bankers Trust Company will thereafter be sold on the open market.

According to the filing, the primary purpose of the financing is to obtain funds to repay $20,000,000 of Consolidated's short-term bank loans made on March 15, 1955, the remaining funds realized to be used by Consolidated to finance in part the construction program of its subsidiaries during 1955.

Upon consummation of the stock financing by Consolidated as outlined above, Consolidated and its subsidiaries propose to replace the $22,500,000 short-term notes of the subsidiaries, owing the parent, and to carry out additional long-term financing for construction purposes by the issuance of long-term notes and shares of capital stock of the subsidiaries in the amounts as indicated in the following tabulation:

Company	Common	Notes
East Ohio		$3,500,000
Hope		4,500,000
New York State	$10,000,000	
Peoples	4,000,000	3,500,000
River		100,000
Total	14,000,000	11,600,000

The shares of capital stock of New York State and Peoples will be issued for cash equal to the par value thereof. The long-term notes of the subsidiaries will be non-negotiable promissory notes bearing an interest rate of 3 percent per annum payable semi-annually, which rate is the same as that borne by the debentures last issued by Consolidated.

The maturity dates of the proposed long-term notes are as follows:

East Ohio's notes will mature at the rate of $500,000 on July 31 in each of the years 1964 through 1970; Hope's notes will mature at the rate of $250,000 on July 31 in each of the years 1961 through 1974, and at the rate of $500,000 on July 31 in the years 1975 and 1976; Peoples' notes will mature at the rate of $250,000 on July 31 in each of the years 1960 through 1973, River's notes will mature at the rate of $5,000 on July 31 in each of the years 1959 through 1971, and $15,000 on July 31, 1972 and $20,000 on July 31, 1973.

Consolidated also proposes to borrow from banks a total of up to $20,000,000 during 1955, in order to finance the temporary cash requirements of subsidiaries in connection with the purchase of gas for underground storage. Consolidated's borrowings will be made, without collateral and without a commitment fee, at a 3 percent interest rate upon a promis-

sory note or notes having a maturity of not more than 12 months from the date of the first borrowing with the right of prepayment at any time without penalty. In turn, Consolidated will loan the $20,000,000 to the subsidiaries and in amounts as follows: East Ohio, $4,000,000; Hope, $4,000,000; New York State, $11,500,000 and Peoples, $500,000. These loans to subsidiaries will be on short-term promissory notes having a maturity date on or before the time of maturity of Consolidated's first borrowing and will bear a 3 percent interest rate.

It is stated that copies of the applications by Hope, Peoples, East Ohio and River to the State Commissions in West Virginia, Pennsylvania and Ohio and the orders of those Commissions to be issued in respect of the proposed transactions are to be supplied by amendment.

The fees and expenses to be incurred by the subsidiaries in connection with the above transactions are estimated to be $5,000 for New York State Franchise Tax and $15,400 for Federal Issue Tax on capital stock. The fees and expenses to to incurred in connection with the issuance and sale of capital stock by Consolidated are estimated to be as follows:

S. E. C. filing fee	$2,363
New York Stock Exchange listing fee	1,900
Federal stock issue taxes	13,000
Subscription agent fees	53,875
Subscription agent expenses	18,125
Transfer agent fees	15,180
Transfer agent expenses	7,520
Registrar fee	3,300
Printing of registration statement, prospectus, etc	65,000
Printing of warrants and stock certificates	6,500
Fees of counsel	8,500
Fees of independent accountants	7,500
Fees of engineers	7,500
Miscellaneous, including advertising, postage, etc	2,800
Total	213,063

Applicants-declarants request that the Commission's order or orders to be entered herein become effective upon issuance.

Notice is further given that any interested person may, not later than May 23, 1955 at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3902; Filed, May 13, 1955; 8:46 a. m.]

[File No. 70-3377]

JOHN H. WARE, 3D

NOTICE OF FILING REGARDING ACQUISITION BY AFFILIATE OF PUBLIC UTILITY COMPANIES OF OUTSTANDING CAPITAL STOCK OF NON-AFFILIATED GAS UTILITY COMPANY

MAY 10, 1955.

Notice is hereby given that John H. Ware, 3d ("Ware") has filed an application with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"). Applicant has designated sections 9 and 10 of the act as applicable to the filing.

All interested persons are referred to said application, which is on file in the offices of the Commission, for a statement of the transaction proposed therein, which is summarized as follows:

Ware is an affiliate of 14 gas utility companies organized and doing business in the State of Pennsylvania, which are subsidiaries of Penn Fuel Gas, Inc. ("Penn Fuel"), an exempt holding company all of whose common stock is owned by Ware, and of Salem Gas Company, a gas utility company which is not affiliated with Penn Fuel. Ware proposes to purchase for cash from four individuals all of the outstanding capital stock of Jersey Shore Gas & Heating Company ("Jersey Shore"), a Pennsylvania corporation and a gas utility company, consisting of 720 shares of common stock, par value $10 per share. The proposed price of $24,000 to be paid for the stock is represented as having been determined by arm's-length negotiation.

The filing states that Jersey Shore's service area is located approximately 11 miles west of the service area of Lock Haven Gas Company ("Lock Haven"), a subsidiary of Penn Fuel. It is represented that Lock Haven and Jersey Shore have made arrangements to obtain supplies of natural gas from a common source, which will be delivered through an existing transmission line of Trans-Penn Transit Company, a non-affiliated pipe line company; that connections will be constructed by Lock Haven and Jersey Shore with such line; and that, as a result of such connections, Lock Haven and Jersey Shore will be physically connected.

The filing also states that if Ware acquires the common stock of Jersey Shore it is anticipated that Penn Fuel will furnish management and related services to the company on the same basis (approximately at cost) that such services are presently rendered by Penn Fuel to its subsidiaries.

It is represented that no State commission and no Federal regulatory agency, other than this Commission, has any jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 24, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said application which he proposes to controvert, or he may request to be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after such date said application, as filed or as it may hereafter be amended, may be granted pursuant to Rule U-23 of the rules promulgated under the act, or the transaction proposed therein may be exempted pursuant to Rules U-20 (a) and U-100 thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3903; Filed, May 13, 1955; 8:46 a. m.]

[File No. 70-3378]

WISCONSIN SOUTHERN GAS CO., INC.

NOTICE OF FILING REGARDING ISSUANCE BY REGISTERED HOLDING COMPANY OF SHARES OF COMMON STOCK AS DIVIDEND

MAY 10, 1955.

Notice is hereby given that Wisconsin Southern Gas Company, Inc. ("Wisconsin"), a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"). Declarant has designated sections 6 and 7 of the act as applicable to said filing.

All interested persons are referred to said declaration, which is on file in the offices of the Commission, for a statement of the transaction proposed therein which is summarized as follows:

Wisconsin proposes to issue to its stockholders on or about June 1, 1955, as a dividend, 7,570 shares of authorized but unissued common stock, par value $10 per share, at the rate of one share for each ten shares held. The stock dividend will be issued in full shares only and transferable scrip certificates will be issued to stockholders entitled to receive fractional shares. Wisconsin states that it will assist stockholders to transfer or purchase and sell scrip representing fractional shares and that it will redeem, after July 1, 1955, at the rate of $11.30 per share, any scrip presented representing rights to less than one share of stock if arrangements cannot be made forthwith to transfer or sell such rights for not less than $11.30 per share.

Wisconsin states that the stock dividend is being issued for the purpose of capitalizing earned surplus of the company as a preliminary step to the merger of Wisconsin and its only subsidiary, Wisconsin Southern Gas Company, a public utility company.

Wisconsin proposes, upon the issuance of the stock dividend, to charge its Earned Surplus with the amount of $85,540, being at the rate of $11.30 per share, and to credit $75,700, the aggregate par value of the shares to be issued, to Common Capital Stock and to credit $9,840, or $1.30 per share of said stock dividend, to Capital Surplus. Wisconsin represents that the book value of its common stock is approximately $11.36 per share; and that there is no active market for the stock.

The filing states that no State commission and no Federal regulatory agency, other than this Commission, has any jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 24, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by the declaration which he proposes to controvert, or he may request to be notified if a hearing should be ordered thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after such date said declaration, as filed or as it may hereafter be amended, may be granted pursuant to Rule U-23 of the rules promulgated under the act, or the transaction proposed therein may be exempted as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-3904; Filed, May 13, 1955; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6771]

NORTH CENTRAL AIRLINES, INC.; CERTIFICATE RENEWAL CASE

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of the application of North Central Airlines, Inc., for a permanent certificate of convenience and necessity for Route 86.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned for May 17, 1955 is postponed indefinitely.

Dated at Washington, D. C., May 11, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-3961; Filed, May 13, 1955; 8:55 a. m.]

[Docket No. 6786]

PIONEER AIR LINES; CERTIFICATE RENEWAL CASE

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of the application of Pioneer Air Lines under section 401 of the Civil Aeronautics Act of 1938, as amended, for a renewal of its temporary certificate.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned for May 17, 1955 is postponed indefinitely.

Dated at Washington, D. C., May 11, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-3960; Filed, May 13, 1955; 8:55 a. m.]

[Docket No. 6916 et al.]

LAKE CENTRAL CERTIFICATE RENEWAL INVESTIGATION

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled investigation now assigned to be held on May 23 is postponed to June 13, 1955. This conference will be held at 10:00 a. m., e. d. s .t., in Room E-210, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C. before Examiner Paul N. Pfeiffer.

In order to facilitate the conduct of this conference interested parties are requested to present motions for consolidation or modification of the issues in this proceeding to Examiner Pfeiffer on or before June 6, 1955, with copies to other interested parties. It is also requested that any requests for evidence should be circulated at the same time.

Dated at Washington, D. C., May 11, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-3959; Filed, May 13, 1955; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA AND TEXAS

OIL AND GAS LEASE OFFER

MAY 11, 1955.

Pursuant to section 8 of the Outer Continental Shelf Lands Act (67 Stat. 462) and the regulations issued thereunder (43 CFR Part 201), sealed bids addressed to the Manager, Outer Continental Shelf Office, Bureau of Land Management, 608 Masonic Temple Building, New Orleans, Louisiana, will be received on or before July 12, 1955, at 10 a. m., c. s. t., for the lease of oil and gas in certain areas of the Outer Continental Shelf, Gulf of Mexico, adjacent to the States of Louisiana and Texas. Bids will be opened in the Court Room, U. S. District Court, Room 245, Main Post Office Building, 600 Camp Street, New Orleans, Louisiana. Bids may be delivered in person to the Office of the Manager or the Court Room between 8:30 a. m., c. s. t., and 10 a. m., c. s. t., July 12, 1955. Bids received by mail or delivered in person after 10 a. m., c. s. t., July 12, 1955, will not be considered.

All bids must be submitted in accordance with applicable regulations, particularly 43 CFR 201.20, 201.21 and 201.22. Bidders are warned against violation of section 1860, Title 18, U. S. Code, prohibiting unlawful combination or intimidation of bidders. Bidders must submit with each bid one-fifth of the amount bid in cash or by cashier's check, bank draft, certified check or money order payable to the order of the Bureau of Land Management. The leases will provide for a royalty rate of one-sixth, and a rental or minimum royalty of $3 per acre or fraction thereof.

Bids will be considered on the basis of the highest cash bonus offered for a tract but no total bid amounting to less than $15 per acre will be considered. Oil payment, overriding royalty, logarithmic or sliding scale bids will not be considered. No bid for less than a full tract, as listed below, will be considered. The tract numbers shown are assigned only for the purposes of this sale and are not the same as block numbers designated on the official leasing map. A separate bid, in a separate sealed envelope, must be submitted for each tract. The envelope should be endorsed "Sealed bid for oil and gas lease, Louisiana [or Texas] (insert number of tract), not to be opened until 10 a. m., c. s. t., July 12, 1955." The right is reserved to reject any or all bids. The tracts offered for bid are as follows:

I. OFF LOUISIANA

WEST CAMERON OFFICIAL LEASING MAP NO. 1

Tract No.	Description	Block	Acreage
La.-200	E½E½	66	1,250
La.-201	N½NW¼ and NW¼NE¼	66	937.5
La.-202	E½	67	2,500
La.-203	N½	68	2,500
La.-204	S½	68	2,500
La.-205	All	69	5,000
La.-206	N½	70	2,500
La.-207	S½	70	2,500
La.-208	All	103	5,000
La.-209	All	104	5,000

EAST CAMERON OFFICIAL LEASING MAP NO. 2

La.-210	All	11	5,000
La.-211	All	12	5,000
La.-212	All	110	2,114
La.-213	N½	111	2,500
La.-214	S½	111	2,500
La.-215	N½	112	2,500
La.-216	S½	112	2,500
La.-217	N½	125	2,500
La.-218	S½	125	2,500
La.-219	N½	126	2,500
La.-220	S½	126	2,500
La.-221	All	127	2,057.89
La.-222	All	128	2,001.79
La.-223	N½	129	2,500
La.-224	S½	129	2,500
La.-225	N½	130	2,500
La.-226	S½	130	2,500
La.-227	E½	147	2,500
La.-228	W½	147	2,500
La.-229	E½	148	2,500
La.-230	W½	148	2,500
La.-231	E½	149	2,500
La.-232	W½	149	2,500
La.-233	E½	160	2,500
La.-234	W½	160	2,500
La.-235	E½	161	2,500
La.-236	W½	161	2,500
La.-237	E½	162	2,500
La.-238	W½	162	2,500
La.-239	E½	165	2,500
La.-240	W½	165	2,500
La.-241	E½	166	2,500
La.-242	W½	166	2,500
La.-243	E½	167	2,500
La.-244	W½	167	2,500

VERMILION OFFICIAL LEASING MAP NO. 3

La.-245	All	25	5,000
La.-246	N½	34	2,500
La.-247	S½	34	2,500
La.-248	N½	35	2,500
La.-249	S½	35	2,500
La.-250	N½	36	2,500
La.-251	S½	36	2,500
La.-252	N½	37	2,500
La.-253	S½	37	2,500
La.-254	N½	44	2,500
La.-255	S½	44	2,500
La.-256	N½	45	2,500
La.-257	S½	45	2,500
La.-258	S½	46	2,500
La.-259	N½	47	2,500
La.-260	S½	47	2,500
La.-261	N½	55	2,500
La.-262	S½	55	2,500
La.-263	N½	56	2,500
La.-264	S½	56	2,500

I. Off Louisiana—Continued

VERMILION OFFICIAL LEASING MAP NO. 3—con.

Tract No.	Description	Block	Acreage
La.-265	N½	57	2,500
La.-266	S½	57	2,500
La.-267	N½	58	2,500
La.-268	S½	58	2,500
La.-269	N½	65	2,500
La.-270	S½	65	2,500
La.-271	N½	66	2,500
La.-272	S½	66	2,500
La.-273	N½	67	2,500
La.-274	S½	67	2,500
La.-275	N½	68	2,500
La.-276	S½	68	2,500
La.-277	N½	77	2,500
La.-278	S½	77	2,500
La.-279	N½	101	2,258.79
La.-280	S½	101	2,272.81
La.-281	N½	102	2,286.84
La.-282	S½	102	2,300.86
La.-283	N½	103	2,500
La.-284	S½	103	2,500
La.-285	N½	104	2,500
La.-286	S½	104	2,500
La.-287	N½	105	2,500
La.-288	S½	105	2,500
La.-289	N½	118	2,500
La.-290	S½	118	2,500
La.-291	N½	121	2,314.89
La.-292	S½	121	2,328.92
La.-293	N½	122	2,342.94
La.-294	S½	122	2,356.97
La.-295	N½	125	2,500
La.-296	S½	125	2,500

EUGENE ISLAND OFFICIAL LEASING MAP NO. 4

La.-297	E½	193	2,500
La.-298	W½	193	2,500
La.-299	E½	194	2,500
La.-300	W½	194	2,500
La.-301	E½	207	2,500
La.-302	W½	207	2,500
La.-303	E½	208	2,500
La.-304	W½	208	2,500
La.-305	E½	209	2,500
La.-306	W½	209	2,500
La.-307	E½	214	2,500
La.-308	W½	214	2,500
La.-309	E½	215	2,500
La.-310	W½	215	2,500
La.-311	E½	216	2,500
La.-312	W½	216	2,500

SHIP SHOAL OFFICIAL LEASING MAP NO. 5

La.-313	E½	110	2,500
La.-314	W½	110	2,500
La.-315	E½	111	2,500
La.-316	W½	111	2,500
La.-317	E½	116	2,445.28
La.-318	W½	116	2,445.28
La.-319	SE¼	117	1,250
La.-320	W½	120	2,500
La.-321	E½	121	2,500
La.-322	W½	121	2,500
La.-323	All	129	5,000
La.-324	E½	134	2,500
La.-325	W½	134	2,500
La.-326	E½	135	2,500
La.-327	W½	135	2,500
La.-328	N½	136	2,500
La.-329	S½	136	2,500
La.-330	N½	137	2,500
La.-331	S½	137	2,500
La.-332	E½	138	2,500
La.-333	W½	138	2,500
La.-334	E½	139	2,456.665
La.-335	W½	139	2,456.665
La.-336	E½	140	2,468.06
La.-337	W½	140	2,468.06
La.-338	E½	141	2,500
La.-339	W½	141	2,500
La.-340	All	176	5,000
La.-341	All	177	5,000
La.-342	All	178	5,000
La.-343	All	197	5,000
La.-344	All	198	5,000
La.-345	All	199	5,000

SOUTH TIMBALIER OFFICIAL LEASING MAP NO. 6

La.-346	S½	24	1,074.23
La.-347	All	35	5,000
La.-348	All	50	5,000
La.-349	E½	53	2,500
La.-350	N½	62	2,500
La.-351	S½	62	2,500
La.-352	N½	63	2,500
La.-353	S½	63	2,500

I. Off Louisiana—Continued

SOUTH TIMBALIER OFFICIAL LEASING MAP NO. 6—continued

Tract No.	Description	Block	Acreage
La.-354	N½	64	2,500
La.-355	S½	64	2,500
La.-356	E½	75	2,422.5
La.-357	W½	75	2,422.5
La.-358	E½	76	2,500
La.-359	W½	76	2,500
La.-360	N½	85	2,500
La.-361	S½	85	2,500
La.-362	N½	86	2,500
La.-363	S½	86	2,500
La.-364	N½	87	2,500
La.-365	S½	87	2,500
La.-366	E½	97	2,500
La.-367	W½	97	2,500
La.-368	E½	98	2,411.11
La.-369	W½	98	2,411.11

GRAND ISLE OFFICIAL LEASING MAP NO. 7

La.-370 [1]	All	38	4,539.89

[1] Tract La.-370 is within the area of the Grand Isle Cateo Unit Agreement (No. 14-08-001-2021), approved by the Assistant Secretary of the Interior on December 22, 1954. Continental Oil Company is the approved Unit Operator. The Unit Agreement and the Unit Operating Agreement prescribe the conditions for joinder and may be inspected in the offices of the U. S. Geological Survey, Washington, D. C. and New Orleans, Louisiana.

II. Off Texas

GALVESTON OFFICIAL LEASING MAP NO. 6

Tract No.	Description	Block	Acreage
Tex.-39	All	223	5,760
Tex.-40	All	224	5,760
Tex.-41	All	240	5,760
Tex.-42	All	241	5,760
Tex.-43	All	253	5,760
Tex.-44	N½	255	2,880

HIGH ISLAND OFFICIAL LEASING MAP NO. 7

Tex.-45	S½	A-53	2,880
Tex.-46	All	A-54	5,760
Tex.-47	All	A-55	5,760
Tex.-48	All	A-56	5,760
Tex.-49	All	A-57	5,760
Tex.-50	All	A-69	5,760
Tex.-51	All	A-70	5,760
Tex.-52	All	A-71	5,760
Tex.-53	All	A-72	5,760
Tex.-54	All	A-73	5,760
Tex.-55	All	A-74	5,760
Tex.-56	S½	A-75	2,880
Tex.-57	All	A-76	5,760
Tex.-58	All	A-77	5,760
Tex.-59	All	A-78	5,760
Tex.-60	All	A-79	5,760
Tex.-61	All	A-80	5,760
Tex.-62	All	A-81	5,760
Tex.-63	All	A-82	5,760
Tex.-64	All	A-95	5,760
Tex.-65	All	A-96	5,760
Tex.-66	All	A-97	5,760
Tex.-67	All	A-98	5,760
Tex.-68	All	A-99	5,760
Tex.-69	All	A-100	5,760
Tex.-70	All	A-101	5,760
Tex.-71	All	A-102	5,760
Tex.-72	All	A-103	5,760
Tex.-73	All	A-104	5,760
Tex.-74	All	A-105	5,760
Tex.-75	All	A-106	5,760
Tex.-76	All	A-107	5,760
Tex.-77	All	A-108	5,760

Bidders are requested to submit their bids in the following form:

Manager,
Outer Continental Shelf Office,
Bureau of Land Management,
Department of the Interior,
608 Masonic Temple Building,
New Orleans 12, Louisiana.

Oil and Gas Bid

The following bid is submitted for an oil and gas lease on land of the Outer Continental Shelf specified below:

Area..... Official Leasing Map No.....

Tract No.	Total amount bid	Amount per acre	Amount submitted with bid

(Signature)

(Address)

Important. The bid must be accompanied by one-fifth of the total amount bid. This amount may be in cash, money order, cashier's check, certified check, or bank draft.

A separate bid must be made for each tract.

Edward Woozley,
Director.

[F. R. Doc. 55-3955; Filed, May 13, 1955; 8:45 a. m.]

National Park Service

[Yellowstone National Park Order 1]

Assistant Superintendent and Supervising Purchasing Agent

Delegation of Authority to Execute and Approve Certain Contracts

April 21, 1955.

Section 1. *Assistant Superintendent.* The Assistant Superintendent may execute and approve contracts not in excess of $15,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent in behalf of any coordinated area.

Sec. 2. *Supervising Purchasing Agent.* The Supervising Purchasing Agent may execute and approve contracts not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Supervising Purchasing Agent in behalf of any coordinated area.

Sec. 3. *Appeals.* Any party aggrieved by any action or decision of the Assistant Superintendent or Supervising Purchasing Agent shall have a right of appeal to the Superintendent of the area. Any such appeal shall be in writing and shall be submitted to the Superintendent within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the Assistant Superintendent or Supervising Purchasing Agent.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region Two Order No. 2; (19 F. R. 8824))

[SEAL] Warren F. Hamilton,
Acting Superintendent,
Yellowstone National Park.

[F. R. Doc. 55-3898; Filed, May 13, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-6621]

Phillips Petroleum Co.

Notice of Order Making Effective Proposed Rate Changes Upon Filing of Undertaking to Assure Refund of Excess Charges

May 10, 1955.

Notice is hereby given that on April 21, 1955, the Federal Power Commission issued its order adopted April 20, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 55-3945; Filed, May 13, 1955; 8:52 a. m.]

[Docket No. G-7114]

El Paso Natural Gas Co.

Notice of Findings and Order

May 10, 1955.

Notice is hereby given that on April 21, 1955, the Federal Power Commission issued its findings and order adopted April 20, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 55-3946; Filed, May 13, 1955; 8:52 a. m.]

[Project No. 1218]

Georgia Power Co.

Notice of Order Amending License (Major)

May 10, 1955.

Notice is hereby given that on April 26, 1955, the Federal Power Commission issued its order adopted April 20, 1955, amending license (Major) in the above-entitled matter.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 55-3947; Filed, May 13, 1955; 8:52 a. m.]

[Project No. 1951]

Georgia Power Co.

Notice of Order Further Amending License (Major)

May 10, 1955.

Notice is hereby given that on April 26, 1955, the Federal Power Commission issued its order adopted April 20, 1955, further amending license (Major) in the above-entitled matter.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 55-3948; Filed, May 13, 1955; 8:52 a. m.]

[Project No. 1995]

City of Los Angeles

Notice of Order Permitting Withdrawal of Application for Preliminary Permit

May 10, 1955.

Notice is hereby given that on April 25, 1955, the Federal Power Commission issued its order adopted April 20, 1955, permitting withdrawal of application for preliminary permit in the above-entitled matter.

[SEAL] Leon M. Fuquay,
Secretary.

[F. R. Doc. 55-3949; Filed, May 13, 1955; 8:52 a. m.]

GENERAL SERVICES ADMINISTRATION

Secretary of the Interior

Delegation of Authority to Negotiate Contracts for Architect-Engineer Services

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated for a period of one (1) year from the date hereof to the Secretary of the Interior to negotiate without advertising, under section 302 (c) (4) of the act, contracts for architect-engineering services relating to construction required in connection with activities of the National Park Service at Blue Ridge Parkway located in Virginia and North Carolina.

2. This authority shall be exercised in accordance with the applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of the Interior.

4. This delegation shall be effective as of the date hereof.

Edmund F. Mansure,
Administrator.

May 10, 1955.

[F. R. Doc. 55-3999; Filed, May 12, 1955; 4:20 p. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 4926]

Allocation of Funds for Loans

April 1, 1955.

Inasmuch as Wheat Belt Electric Membership Association has transferred certain of its properties and assets to Rural Electric Company, and Rural Electric Company has assumed in part the indebtedness to United States of America, of Wheat Belt Electric Membership Association, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1830, dated February 9, 1949, as amended by Administrative Order No. 4781, dated November 5, 1954, by changing the project designation appearing therein as "Nebraska 95C Cheyenne" in the amount of $830,219.39 to read "Nebraska 95C Cheyenne" in the amount of $822,709.45 and "Wyoming 14TP1 Laramie (Nebraska 95C Cheyenne)" in the amount of $7,509.94.

[SEAL] Ancher Nelsen,
Administrator.

[F. R. Doc. 55-3906; Filed, May 13, 1955; 8:47 a. m.]

[Administrative Order 4927]

Louisiana

Loan Announcement

April 1, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 20P Concordia	$665,000

[SEAL] Ancher Nelsen,
Administrator.

[F. R. Doc. 55-3907; Filed, May 13, 1955; 8:47 a. m.]

[Administrative Order 4928]

Alabama

Loan Announcement

April 1, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alabama 22Y Butler	$380,000

[SEAL] Ancher Nelsen,
Administrator.

[F. R. Doc. 55-3908; Filed, May 13, 1955; 8:47 a. m.]

[Administrative Order 4929]

Texas

Loan Announcement

April 1, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 63T Navarro	$395,000

[SEAL] Ancher Nelsen,
Administrator.

[F. R. Doc. 55-3909; Filed, May 13, 1955; 8:47 a. m.]

[Administrative Order 4930]

OHIO

LOAN ANNOUNCEMENT

APRIL 1, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 42P Darke	$150,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3910; Filed, May 13, 1955; 8:47 a. m.]

[Administrative Order 4931]

VIRGINIA

LOAN ANNOUNCEMENT

APRIL 1, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 36P Prince George	$185,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3911; Filed, May 13, 1955; 8:48 a. m.]

[Administrative Order 4932]

ARKANSAS

LOAN ANNOUNCEMENT

APRIL 5, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 10 Y Pulaski	$50,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3912; Filed, May 13, 1955; 8:48 a. m.]

[Administrative Order 4933]

ILLINOIS

LOAN ANNOUNCEMENT

APRIL 5, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 44P Carroll	$245,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3913; Filed, May 13, 1955; 8:48 a. m.]

[Administrative Order 4934]

NORTH CAROLINA

LOAN ANNOUNCEMENT

APRIL 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 23AL Caldwell	$50,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3914; Filed, May 13, 1955; 8:48 a. m.]

[Administrative Order 4935]

COLORADO

LOAN ANNOUNCEMENT

APRIL 8, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 22R Boulder	$660,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3915; Filed, May 13, 1955; 8:48 a. m.]

[Administrative Order 4936]

IOWA

LOAN ANNOUNCEMENT

APRIL 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 19N Adams	$135,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3916; Filed, May 13, 1955; 8:48 a. m.]

[Administrative Order 4937]

INDIANA

LOAN ANNOUNCEMENT

APRIL 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 37M Jay	$595,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3917; Filed, May 13, 1955; 8:48 a. m.]

[Administrative Order 4938]

OKLAHOMA

LOAN ANNOUNCEMENT

APRIL 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 20R Garvin	$390,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3918; Filed, May 13, 1955; 8:48 a. m.]

[Administrative Order 4939]

TEXAS

LOAN ANNOUNCEMENT

APRIL 13, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 72R Lamar	$50,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-3919; Filed, May 13, 1955; 8:48 a. m.]

PART II

FEDERAL REGISTER

UNIVERSITY OF MICHIGAN

MAY 17 1955

MAIN READING ROOM

VOLUME 20 NUMBER 95

Washington, Saturday, May 14, 1955

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. I]

REVISED RULES OF PROCEDURE BEFORE THE COMMISSION

NOTICE OF PROPOSED RULE MAKING

EDITORIAL NOTE: The following is a proposed revision of the rules of practice and procedure now contained in 49 CFR Part 1 and related parts. The proposed revision does not follow the numbering system required for the Code of Federal Regulations. It also contains organizational material. In final form, organizational material will be separately stated, and the procedural material numbered in accordance with the Code of Federal Regulations style.

Ex Parte No. 195—Revised Rules of Procedure Before the Commission

At a General Session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 2d day of May A. D. 1955.

In the matter of considering suggested revised Rules of Procedure submitted by the Chairman of the Committee on Rules of Practice, Association of Interstate Commerce Commission Practitioners, on January 6, 1955.

By notice entered on August 6, 1952, in Ex Parte No. 55, *Proposed Revision of the Rules of Practice*, the Commission invited suggestions from all concerned therewith on revisions of its General Rules of Practice adopted July 1, 1942, as amended. [49 CFR Part 1, § 1.1 to § 1.102, inclusive.] In response, a large number of suggestions were received from individual members of the Commission, members of the Commission's staff, practitioners before the Commission including the Chairman of the Committee on Rules of Practice of the Association of Interstate Commerce Commission Practitioners, and other individuals. The responses dealt with all phases of the present rules.

In the notice referred to above, it was stated that if the changes emerging as a result of the suggested revisions were of such importance as to merit it, they would be made the subject of a proposed report to which exceptions might be filed and argument requested.

All of the proposals, except one, were of such a nature that in our considered judgment they may be disposed of within the framework of the present General Rules of Practice without the necessity of extensive public proceedings.

This issue is divided into two parts, Part II of which contains a notice of proposed rule making of the Interstate Commerce Commission relating to revised rules of procedure before the Commission. Other documents of the Interstate Commerce Commission are published in Part I of this issue.

The exception referred to in the preceding paragraph is a proposal submitted on January 6, 1955, to the Commission by the Chairman of the Committee on Rules of Practice, Association of Interstate Commerce Commission Practitioners, and embraces not only a complete revision of the Rules of Practice but certain changes in the Commission's organization and assignment of work. The text of the proposal is set forth in appendix A hereto. The changes contemplated in this proposal are of such a nature and magnitude as to warrant a separate proceeding for their consideration.

It is, therefore, ordered, That pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the proposed cancellation of the Commission's General Rules of Practice, adopted July 31, 1942, as amended (49 CFR Part 1, § 1.1 to § 1.102, inclusive), and the proposed adoption of revised rules of procedure submitted by the Chairman of the Committee on Rules of Practice, Association of Interstate Commerce Commission Practitioners, on January 6, 1955 [Authority: Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003] including the proposed modifications in the Commission's organization and assignment of work [Authority: 24 Stat. 385, 25 Stat. 861, 40 Stat. 270, 41 Stat. 492, 493, 47 Stat. 1368, 54 Stat. 913; 49 U. S. C. 17].

It is further ordered, That any interested party may file, on or before September 6, 1955, with this Commission, written statements containing data, views, or arguments concerning the proposed revised rules.

It is further ordered, That no oral hearing be held with respect to the proposed rules, but that, if deemed necessary or advisable, the matter may be

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assigned for informal conference at which those interested may discuss the proposed revised rules with designated officials of this Commission, and if deemed necessary or advisable assigned for oral argument before the Commission.

And it is further ordered, That notice to the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register. A copy of the proposed rules will be filed in the public docket in this proceeding, and available at the Commission for public inspection.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

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Chapter Zero—Administration

ARTICLE 0—COVERAGE OF THE RULES

RULE 01—SCOPE

These Rules of Procedure contain complete public information with respect to the organization and functioning of *The Agency*, the general course and method by which its functions are handled and determined, the formal and informal procedures by which substantive rules and statements of *Agency* policy are formulated and adopted and the Rules of Practice governing the conduct of *Proceedings* before it. These general rules are grouped into three chapters as follows:

(APA Section 3; ICC Rule 1; CAB 302.2, .200, .500, .600, .300; FPC 03.0, 02.0; MC 201.1)

01.0 *Chapter 1—Administration.* This chapter deals with the scope, legality, and objectives of the rules; with the methods by which interested persons are afforded the opportunity to participate in rule-making in proceedings for the establishment of interpretative rules, general statements of policy, agency organization, procedures and practices which are not addressed to and served upon named persons in accordance with law; with the definition of words and phrases frequently used in the rules; with the organization and duties of the several bureaus of the *Agency;* the field staff; with the powers, duties and functioning of hearing officers and joint boards and with practitioners authorized to represent others in proceedings before *The Agency.*

01.1 *Chapter 1—Procedural Instruments.* This chapter deals with the form, allegations, copies, time of *Filing* and *Serving* and supplementation of *Complaints, Applications, Petitions, Answers, Replies, Protests, Replications, Motions, Process, Notice, Appearance* and *Parties.*

01.2 *Chapter 2—Hearing.* This chapter deals with the processing of *Proceedings* after they have been initiated, the formulation of *Issues*, the sources, burden and production of proof, official notice, stipulations, admissions of record, presumptions; the production, competency, privileges, examination and right of witnesses; the competency and method of introducing testimony and documents; the rules of admission and exclusion of evidence; the order, method and reception of proof; and written or oral argumentation.

01.3 *Chapter 3—Decision.* This chapter deals with: *Summary Decisions;* the issuance and correction of *Initial Decisions; Final Decisions* and *Reconsideration* thereof; Relief from *Final Decisions;* judicial actions to enforce statutory provisions or *Agency Orders;* and judicial review of *Agency Orders.*

RULE 02—INTERPRETATION

Nothing contained in *These Rules* shall be interpreted to authorize or permit the imposition of a *Sanction* or the issuance of a substantive *Rule* or *Order* not within the jurisdiction delegated to *The Agency* or otherwise unauthorized by law; nor to diminish or limit in any way the rights, privileges and immunities of any person except as may be authorized by law. All provisions of *These Rules*, to the maximum degree possible, shall be interpreted as being wholly in consonance with the law and with their objective which is to secure just, speedy, and inexpensive determination of Proceedings before *The Agency.* If any Rule or any provision of any Rule hereof be held invalid for any reason whatever, the remainder of the Rule or the remaining Rules shall be unaffected.

(APA 9 (a), 12; ICC Rule 2)

RULE 03—RULE MAKING

Rules authorized to be made and promulgated by *The Agency* will be made as follows:

03.1 *Initiation. Rule Making* may be initiated by *The Agency* by order upon its own motion or upon a *Petition Filed* by any *Person* pursuant to Article 14 hereof.

(APA 4 (d); FTC Rule XXXI; SEC Rule XIX)

03.2 *Notice.* General notice of proposed *Rule Making* will be published in the Federal Register which will state the time, place and nature of the *Rule Making Proceeding;* refer to the authority under which the Rule is proposed; and state either the terms or substance of the proposed Rule or a description of the subject and issues involved, *except* that such notice may not be given when the Rule involves or relates to:

1. Military, naval or foreign affairs or functions of the United States;

2. Agency management or personnel or public property, loans, grants, benefits or contracts; or

3. Interpretative rules, general statements of policy, of *Agency* organization, or internal procedure or practice; or

4. Any situation in which *The Agency* for good cause finds (and incorporates the findings and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest; or

5. To a *Proceeding* wherein all *Persons* subject to the rule are named and either personally served or otherwise have actual notice thereof in accordance with law.

(APA 4 (a); FPC 1.19 (a); SEC XIX (b))

03.3 *Procedures.* In any *Proceeding* where Notice is required to be given as provided in Rule 03.2, *The Agency* by order will assign the Proceeding for hearing and determination pursuant to the Rules of Chapters 1, 2 and 3 hereof, if it be one where hearing is required by law and may do so in any case. Otherwise it will afford interested *Persons* an opportunity to participate in the Rule Making through submission of written data, views or argument, with or without opportunity to present the same orally, in any manner prescribed by the order. After consideration of all relevant matter presented, *The Agency* will incorporate in any Rules adopted, a concise statement of their basis and purpose.

(APA Section 4 (b); FPC 1.19 (a); MC 201.42, .43)

03.4 *Informal Hearings. The Agency* upon *Petition* by any *Person* or upon its own initiative will hold such informal hearings, of which notice will be given in the FEDERAL REGISTER, as it may deem necessary or helpful in the determination of its policies or the carrying out of its duty and may require the attendance of witnesses and the production of evidence as provided in the Rules of Chapter 2 hereof.

(FPC 1.801; MC 201.111)

03.5 *Effective Date.* The required publication or service of any substantive Rule, other than one authorized under Rule 04 hereof or, one granting or recognizing exemption or relieving restriction or one of interpretation or of statements of policy, shall be made not less than 30 days prior to the effective date thereof, except as otherwise provided by *The Agency* upon good cause found and published with the Rule.

RULE 04—EMERGENCY RULE MAKING

Upon Petition, or of its own initiative and without notice, reply, hearing or report, where *The Agency* is of the opinion that shortage of railroad movable equipment or congestion of railroad traffic or lack of adequate railroad facilities or similar emergency requiring immediate action, *The Agency* may:

04.1 *Suspension of Car Service Rules.* Suspend the operation of railroad Car Service rules;

(ICA 1 (15) (a))

04.2 *Substitute Car Service Rules.* Make such new Car Service rules without regard to ownership as will best promote service in the interest of the public and of commerce, and upon such terms as it may thereafter, upon hearing, find to be just and reasonable where the carriers are unable to agree upon the same; or

(ICA 1 (15) (b))

04.3 *Joint Use of Terminals.* Require the joint or common use of railroad terminals in the manner best fitted to meet the emergency and serve the public interest, and, in the event of disagreement thereafter, and after hearing, fix the just and reasonable terms for such joint or common use;

(ICA 1 (15) (c))

04.4 *Priorities.* Establish, police, enforce, modify, suspend or annul preferences or priorities in transportation, embargoes or permits for or restrictions upon, the recept, movement or delivery of traffic; or

(ICA 1 (15) (d))

04.5 *Inadequate Service.* Where *The Agency* is of the opinion that any carrier by railroad, for any reason, is unable properly and adequately to transport serviceably traffic offered to such railroad, *The Agency* may make such just and reasonable directions with respect to the handling, routing and movement of the traffic of such carrier and its distribution over other lines of railroad as will best promote service in the interest of the public and commerce of the people, and upon such terms as between the carriers as they may agree upon or, in the event of their disagreement, as *The Agency*, after subsequent hearing, may find to be just and reasonable.

(ICA 1 (16))

RULE 05—ACTION UPON THE AGENCY'S OWN INITIATIVE

Whenever it is provided in any of These Rules that *The Agency* upon *Motion, Complaint*, or *Petition* may take or may refrain from taking any action, *The Agency* may or will take, or refrain from taking, such action of its own initiative.

RULE 06—SPECIAL RULES

The Agency, upon *Motion* in any *Proceeding* in which it appears proper or necessary to attain the objections of *These Rules*, will, by *Order Served* upon all *Parties* and published in the FEDERAL REGISTER, suspend or waive the operation of any of *These Rules*, other than rules required by statute and establish special rules of procedure applicable to such *Proceeding* or to any class of *Proceedings.*

(FCC 1.701; MC 201.11)

RULE 07—SUPPLEMENTATION OF RULES

Information as to procedure under *These Rules* or interpretative instructions supplementing them in special instances will be furnished to any interested *Person* upon application to the Secretary of *The Agency* at its office in Washington, D. C.

(ICC 3; FPC 02.02; 02.14; 02.45; 6 (b), (c), (d); FTC XXIX)

RULE 08—AMENDMENT OR REVISION

The Rules of Articles 4, 5, 6, 7 and 20 may be amended or revoked in whole or in part, upon *Petition* or of *The Agency's* own initiative without prior notice thereof. Subsequent notice will be given promptly in the FEDERAL REGISTER of such action. All other rules hereof will be amended, revoked, or revised in whole or in part under the procedures provided in Rules 03.2 and 03.3 hereof.

(MC 201.11, 201.45)

RULE 09—COMMUNICATIONS

All communications and correspondence, including communications transmitting *Procedural Instruments* for *Filing*, shall be addressed to *The Agency* at its office in Washington 25, D. C. Such communications must state the sender's address, the *Party* represented and, in the case it is made by or for a *Person* not a *Party*, the interest or status of the sender in the *Proceeding.* If the communication contains an inquiry, it shall state whether the reply thereof shall be made by first class mail prepaid, or by telegram collect. If a reply by air mail is requested, a self-addressed envelope with the necessary postage must be enclosed.

(ICC 4; FPC 1.1; FTC 1; MC 201.2)

09.1 *Attention of a Particular Officer.* Where a communication is in reply to one received from any *Officer* of *The Agency* or where the *Proceeding* has been referred and is being processed or handled by any *Officer*, it shall be addressed to *The Agency* and marked on the outside cover of the communication for the attention of such *Officer*, naming him.

ARTICLE 2—DEFINITIONS: ADMINISTRATION AND PREHEARING

Defined Terms. When *capitalized* and *italicized*, the words and phrases defined in the Rules of this Article, will be respectively interpreted to have the defined denotation. Where a defined term is not so emphasized, it is used in accordance with its usual connotations, including, if the context permit or require, such defined denotation. In determining the meaning of terms denoting number, gender, mood or tense:

(a) The use of either the singular or plural number denotes either or both the singular and plural.

(b) A term used in one gender, whether masculine, feminine or neuter, denotes also either or both the other genders.

(c) A term used in one mood or tense denotes also either or all the other moods or tenses respectively.

(1 USC 1; ICC 6)

RULE 10—GENERALLY

Government. The legislative, executive, judicial and administrative authorities of the United States, its Possessions or Territories, several States of the United States, the District of Columbia or of any foreign State or Nation.

Act or Interstate Commerce Act. The Preamble (National Transportation Policy) Parts I, II, III, and IV, Sections 1 to 422 inclusive of the Act to Regulate Commerce as amended, or any thereof and all other statutes which grant power or jurisdiction to, or impose duties upon *The Agency.*

Administrative Procedure Act. "The Administrative Procedure Act" of June 11, 1946, as now or hereafter amended.

(5 USC 1001)

Agency. Each *Person*, body, department or group of *Persons* (whether or not within or subject to review by another *Agency*) authorized to administer or exercise any power, function, or jurisdiction of the *Government* of the United States (other than Congress or the courts) or the *Governments* of the Possessions, Territories or the District of Columbia.

(APA 5 USC 1001)

Authority (Government Agency). A *Person*, body, department or group of *Persons* authorized to exercise any power or function of a *Government* or of a municipal or other public corporation.

Court. Any tribunal which exercises judicial powers of any *Government*.

Federal Government. Government of the United States.

Part I. The original Act to Regulate Commerce of February 4, 1887, as now or hereafter amended, consisting of Sections 1 to 26 inclusive.

(49 USC 1 to 27 inclusive)

Part II. The Act of August 8, 1935, as now or hereafter amended, consisting of Sections 201 to 228 inclusive and sometimes called "The Motor Carrier Act."

(49 USC 301 to 327)

Part III. The Act of September 18, 1940, as now or hereafter amended, consisting of Sections 201 to 323 inclusive, and sometimes called "The Water Carrier Act."

Part IV. The Act of May 16, 1942, consisting of Sections 401 to 422 inclusive and sometimes called "The Freight Forwarder Act."

(49 USC 1001 to 1022)

Public Official. An officer, agent or other representative of a *Government* or *Agency* acting in the course of duty as such officer, agent or representative.

State. Any of the States or any *Government* thereof, which now or hereafter constitute the United States.

The Act. Interstate Commerce Act. *q. v.*

United States. The nation established by the "Constitution of the United States of America" and the *Government* thereof.

RULE 11—THE AGENCY

The Agency. The Commission created and established by the *Act* and known as the Interstate Commerce Commission, whether acting either en banc or by or through a *Division*.

(49 USC 11; Similar definitions—FPC 1.1 (3))

Board of Review. The Board of *General Examiners* of the Bureau of Hearings to whom is delegated the duty to review and recommend to *The Agency* with respect to: (a) *Initial Decisions* and (b) *Petitions* for *Reconsideration*.

Chairman. The Commissioner selected and appointed by *The Agency* as its chief executive officer.

Charge Examiner. A member of the Section of *Charges* of the Bureau of Hearings.

Chief of Section. A subordinate Officer of *The Agency* having charge of the administration of a *Section* or a bureau of *The Agency* and reporting to the *Director* of such bureau.

Commission. The Interstate Commerce Commission.

Commission En Banc. The entire Commission acting together in the consideration and determination of *Proceedings*.

Commissioner. Any duly appointed qualified and acting member of *The Agency*.

Director. Administrative head of one of the several bureaus of *The Agency*, its managing Director, Secretary and General Counsel.

Division. One of the divisions of *The Agency* duly constituted, acting in the consideration and determination of matters within its delegated powers and duties.

Employee. A *Person* duly authorized and regularly engaged in performing or assisting in performing at a fixed rate of pay work or business incident to the discharge of *The Agency's* powers, functions or duties.

Employee Board. A *Board* composed of Officers of *The Agency*.

(ICC 5 (*l*))

Examiner. An officer of *The Agency* duly appointed and qualified as a member of one of the sections of the Bureau of Hearings or as a Regional Hearing Officer.

(CAB 302.22)

Finance Examiner. A member of the Section of Finance of the Bureau of Hearings.

Fourth Section Board. A *Board* constituted by *The Agency* to which has been delegated and referred the power, duty and discretion to receive, investigate, hear and initially decide petitions by carriers for authority to charge less for the longer than for shorter distances for the transportation of passengers or property, pursuant to the first proviso of Section 4 (1) of the Act.

General Examiner. A member of the Section of General Examiners of the Bureau of Hearings.

Hearing Officer. A *Commissioner, Division, Examiner,* or *Board* to whom any *Proceeding* has been *Referred* for *Initial* or *Recommended Initial Decision*.

Joint Board. A special *Board* of State representatives constituted as provided in Section 205 of Part II of The Act.

Officer of The Agency. An *Officer* appointed by *The Agency* to whom certain powers and duties are delegated which include the *Chairman*, a *Commissioner*, a *Director*, an *Assistant Director*, a *Chief of Section*, an *Examiner* and a member of an *Employee Board*.

(ICC 5 (f))

Operations Examiner. A member of the Section of Operations of the Bureau of Hearings.

Rule. The whole or any part of any *Agency* statement of general or particular applicability and future effect designed to implement, interpret or prescribe law or policy or to describe the organization, procedure, or practice requirements of *The Agency* and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs or accounting or practices bearing upon any of the foregoing.

(APA 2 (c))

Staff. Members, Officers and *Employees* of *The Agency*.

Suspension Board. A *Board* constituted by *The Agency* to which has been delegated and *Referred* the power, duty and discretion to receive and consider complaints, *Petitions* or representations of interested *Persons* concerning the lawfulness of any schedule or *Tariff* stating a new *Charge* for the transportation of passengers or property by any *Common Carrier* or a *Charge* for a new service or a *Reduced Charge* by a *Contract Carrier* and upon same or upon its own motion to enter an order for *Investigation* or for *Investigation and Suspension* of such schedule or *Tariff*.

These Rules. Rules 01 to 297 inclusive hereof which prescribe the general course and method by which *The Agency's* functions are channeled and determined, the nature and requirements of all formal or informal procedures for the initiation, processing, hearing, consideration and disposition of all *Proceedings* before it.

(APA 3 (a))

RULE 12—TRAFFIC

Allowance. The amount payable, pursuant to *Tariffs* lawfully on file by a carrier, directly or by deduction from freight charges to the owner of property transported under the Act for any service rendered in connection therewith or for furnishing any instrumentality used therein.

(ICA 15 (13))

Article of Commerce. Any movable article which is capable of being bought, sold and which can be transported by a *Carrier*.

Charge. The act, result or product of establishing or collecting a sum of money to be paid for property or service, together with all rates, fares, prices, classifications, rules, regulations or tariffs incident to or relating to, or affecting the same.

Commodity. Any *Article of Commerce* included in any freight classification on file with *The Agency*.

Discriminate, Discrimination. By any means or device whatsoever to charge any *Person* a greater or less amount for any *Service* than that charged any other *Person* for a like or similar *Service* under substantially similar conditions or to give or cause any undue or unreasonable preference or advantage to any particular *Person*, locality, port, point, region, or territory, or to any particular *Traffic* to the undue or unreasonable prejudice or disadvantage of another *Person*, locality, port, point, region or territory, or *Traffic*.

Fare Structure. The basis upon which fares for the transportation of *Persons* from one point to another are interrelated to the fares for such transportation between other points.

Joint Charges. The aggregate *Charge* made by two or more *Carriers* for transportation of *Persons* or property over a connected route embracing the lines of each of such *Carriers*.

Prefer, Preference. To give an advantage in *Charges* or *Service* to one *Person*, locality, port, point, region, district, territory or particular description of *Traffic* over another *Person*, locality, port, point, region, district, territory, or particular description of *Traffic* under like or similar circumstances or conditions.

Preferential State Charges. A *Charge* made or imposed by the authority of any *State* which causes any undue or unreasonable advantage, preference, or prejudice as between *Persons* or localities in interstate commerce on the one hand, and interstate or foreign commerce on the other hand or against interstate or foreign commerce.

Rate. A charge provided by a *Tariff* for a stated unit of transportation service.

Ratemaking Agreement. An agreement between or among two or more *Carriers* relating to *Charges* or to procedures for the joint consideration, initiation or establishment thereof.

Rate Structure. The basis upon which *Rates* for transportation of property from one point to another are interrelated to the *Rates* for such transportation between other points.

Rate Territory. An area within which a common *Rate Structure* is maintained.

Released Rate. A *Rate* dependent upon and varying with the value of the shipment declared or agreed upon by the shipper in writing as the released value of the property shipped and limiting the liability of the *Carrier* of the amount of recovery for any loss, damage or injury to such property to the amount so declared, agreed upon and released.

Route. The *Carriers* and junctions of their lines at which the interchange is made over which a passenger or shipment is transported in the order of respective receipt and delivery thereof, or is to be transported.

Special Permission. An *Order* of *The Agency* for good cause shown authorizing a *Carrier* to depart from the requirements of *The Act* with respect to the time, notice, manner or method of publishing, posting or filing *Tariffs* or from any *Order, Rule* or regulation respecting same or from any *Tariff*.

Tariffs. A schedule naming the *Rates*, fares, *Charges*, and routes between different points on the lines of one or more *Carriers*.

Through Route. A route embracing and requiring transportation over the lines of two or more *Carriers*.

Traffic. Persons or property or the volume or amount thereof transported or to be transported by one or more *Carriers* or the business of providing such transportation.

RULE 13—OPERATIONS

Abandon, Abandonment. Voluntarily, intentionally, and affirmatively give up forever the right or franchise to own, maintain or operate facilities for the transportation of, or to transport, *Persons* or property over a particular *Line*.

Authority. The lawful right to do, perform, consummate, carry on, conduct or engage in anything, business, transaction or operation.

Barge. A non-powdered cargo vessel drawn or pushed by a power vessel and used for the transportation of property on inland waterways.

Boat. A self-powered vessel used for the transportation of *Persons* or property on inland waterways.

Brokerage. The business conducted and the services performed and the compensation received by a *Broker*.

Car. A wheeled vehicle designed and equipped for movement upon a Railroad for the purpose of transporting *Persons* or property.

Carriage. The transportation of *Persons* or property by a *Carrier*.

Car Service. The use, control, supply, movement, distribution, exchange, interchange, and return of locomotives, cars and other vehicles used in the transportation of property by *Railroad*.

(ICA 1 (10))

Depot. A building or platform adjacent to the *Line* of a *Railroad* or bus company at which trains or motor coaches regularly stop for the receipt or discharge of passengers, mail, baggage, express or freight.

Equipment. Railway, highway or marine vehicles or vessels used in or for the transportation of *Persons*, or property.

Exempt, Exemption. To release a *Person* otherwise subject thereto from a statutory duty, liability, obligation or restriction.

Exemption Proceeding. One initiated by a *Petition* of a *Person* subject to the jurisdiction of *The Agency* for an exemption of *Operations* or *Charges* from any provision of *The Act*.

Facilities. Anything used or useful in the transportation of *Persons* or property by a *Carrier*.

Franchise. The *Authority* granted by a *Government* to a *Carrier* to exercise the powers of a corporation and/or to engage in the transportation of *Persons* or property for hire between the points or within the area specified in such grant.

Highway. A way open to the use of the public, with or without tolls, for the movement of commercial-wheeled *Vehicles*, automotive or animal drawn, excluding *Railroads*.

Involved Operations. In an *Application* for an *Exemption*, the *Operations* which are sought to be *Exempted;* in an *Application* for the grant or issuance of a certificate, permit or license authorizing the institution, enlargement, extension, supplementation, transfer or abandonment of *Operating Authority*, the *Operation* sought to be exempted, instituted, enlarged, extended, supplemented, transferred or abandoned; in an *Application* for Authority to pool traffic, service or earnings, the *Operation* over which the pooled traffic is to be transported or the pooled service to be rendered or the pooled earnings to be earned; in an *Application* for the *Unification* of two or more *Carriers* the *Operations* of all *Carriers* to be *Unified;* in *Applications* for the acquisition of control of all or any part of one or more *Carriers* by transfer, lease, operating contract or arrangement or to acquire trackage rights, the *Operations* which are to be so controlled or acquired.

License. Whole or any part of a permit, certificate, approval, registration, charger, membership, statutory, exemption or other form of permission of *The Agency*.

(APA 2 (e))

Licensing. The Agency's process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a *License*.

(APA 2 (e))

Lighter. (Noun) A flat deck water craft, moved by towing used in loading, unloading vessels in a harbor or in moving freight or vehicles between wharves or docks in a harbor; (Verb) Load, unload or transport by a *Lighter*.

Lighterage. Verbal action or resulting service or the Charge therefor.

Line. A distinct or separate operating unit or route over which a *Carrier* regularly transports *Persons* and/or property.

Locomotive. A self-propelled wheeled vehicle used for the hauling or pushing of cars along a railroad track.

Management. The act or result of or the body of *Persons* having the duty of determining the policies and of controlling and directing their execution and the *Operations* of a *Carrier*.

Motor Vehicle. Any wheeled *Vehicle*, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power and used upon Highways in the transportation of *Persons* or property excluding local trolley buses.

(ICA 203 (a) (13))

Office Building. A permanent enclosed structure of wood, masonry or metal or any combination thereof used in whole or in part for the performance of executive, administrative, supervisory or clerical duties or work by officers or employees of a *Carrier*.

Operating Authority. The lawful right and power, or the official evidence thereof by certificate, license, permit, grant or order, to engage in the transportation of *Persons* or property or in *Brokerage*.

Operation. Any act, process, effect, method or way of functioning done, employed or resulting from the *Transportation* of *Persons* and/or property by a *Carrier* or of *Brokerage*.

Practice. The usual, customary or prescribed manner or method in which any act, power, right, or duty is done, exercised or performed.

Railroad. The *Facility* consisting of the *Right-of-Way, Roadbed* and *Track* used for the movement thereover of *Locomotives* and *Cars*.

Right of Way. The land over and upon which a *Railroad* company owns, constructs, maintains and operates its *Railroad* or any part thereof.

Roadway. The earthwork or the masonry, wood or metal structure and/or ballast upon which a *Railroad Track* is laid.

Service (*Transportation*). Any *Operation* of a *Carrier* or *Broker* which contributes to the advantage of any shipper, receiver or patron.

Station. A building of masonry, wood or metal, or any combination thereof, at which a *Carrier* holds itself out regularly to receive from shippers or to deliver to consignees shipments of freight of less than vehicle lots for or after transportation thereof by it.

Terminal Facility. A facility for the receipt, pickup, delivery, loading, unloading or transfer of passengers or shipments of freight; or for the assembly, classification, marshalling or breakup of *Cars* into or from *Railroad* trains.

Track. The superstructure consisting of two parallel lines of steel rail, spaced at a uniform distance apart, and laid transversely upon crossties of wood, metal or masonry.

Trailer. A wheeled non-powered vehicle designed to be pulled by an autotruck or truck-tractor over *Highways* and used for the transportation of property.

Train. A *Locomotive* connected with one or more *Cars* and moving over the *Railroad*, whether with or without passengers or freight.

Transportation. The act, result or product of conveying a *Person* or a shipment of freight from initial receipt at point of origin to final delivery at point of destination, including the utilization of all facilities and of all services rendered in connection therewith.

Vehicle. The *Facility* on or in which passengers or property is transported on the ground or in the water, such as wheeled vehicles (*Cars*, *Locomotives*, Buses, Motor Coaches, Motor Trucks, *Trailers*, Tractors, etc.) and water craft (*Boats*, Steamships, Steamboats, Barges, Lighters, Tankers and *Vessels*).

Vessel. A structure made to float upon the water, whether self-propelled or not, and used in the *Transportation* of *Persons* or property.

RULE 14—FINANCE

Affiliate (Verb). To bring or to come into a relation of Affiliation.

Affiliation. A relation between two or more *Persons* of such a nature as to make it reasonable to believe that the affairs of any of such *Persons* will be managed or conducted in the interest of or for the benefit to any or all of the others of such *Persons*, including, but not exclusively, relationships established or existing because of common directors, officers, or stockholders or because of the ownership or control of the *Securities* of any such *Persons* or because of contractual obligations.

Agreement. State, act, result, product, or a writing evidencing a common opinion, understanding, proposal, undertaking or operation or, if the context requires, the manifestation of an intentional and voluntary obligation by one competent *Person* to another for a valuable consideration to do or refrain from doing something of a legal subject matter.

Alteration. A change of modification of a particular provision, condition or obligation of any *Security* or of any mortgage, indenture, deed of trust, corporate charter or other instrument pursuant to which any *Security* shall have been issued or by which any class of obligation is secured pursuant to Section 20b of *The Act*.

(ICA 20 b (1))

Control (Verb). To possess, assert or exercise authority or power to cause someone or something to act as one wills him or it to act. (Noun) The right, authority, power or a rule, standard, agency or means to *Control* or to keep someone or something within prescribed or desired limits.

Corporate Reorganization. Reorganization of a *Railroad* engaged in interstate commerce pursuant to Section 77 of the Bankruptcy Act or of a public utility corporation pursuant to Chapter 10, Title 11 of the U. S. Code.

(11 USC 205; 11 USC 506, 577, 579 and 624)

Directorate. The Board of Directors of a Corporation or the office of a director of a corporation.

Indenture. An *Instrument* pursuant to which any *Security* shall have been issued or by which any corporate obligation is secured, including but not exclusively, a mortgage, contract, deed of trust, corporate charter, etc.

Issuance. The execution and authentication or the execution, authentication, negotiation and delivery of (a Security).

Issue (*of Securities*) (Verb) Execute and authenticate or execute, authenticate, negotiate and deliver (*a Security*). (Noun) The act of *Issuing* of the *Security* which is issued or the entire amount of such *Security*, either in number or in par or principal amount of dollars.

Pooling. The action, arrangement, agreement or transaction pursuant to which two or more *Carriers* (*except Forwarders*) aggregate or combine their individual *Traffic*, *Service*, revenues or net earnings and divide the same among themselves upon a pre-determined basis, excluding, however, agreements among *Carriers* for the establishment and maintenance of joint through charges and the divisions of the revenues upon an agreed basis between the *Carriers* participating in such transportation.

Reorganization. The reconstruction of the corporate and/or financial structure of a *Carrier* under Section 77 or Chapter 10 of the Bankruptcy Act.

Report (*Carrier*). A periodic or special account, description and statement of a *Carrier's* organization, *Management*, assets, liabilities, property, *Securities*, revenues, expenses, income, *Traffic*, *Service*, *Operations* or other acts or transactions as and in such form and detail may be prescribed by *The Commission* from time to time.

(ICA 20 (1))

Security. A share of capital stock, a bond or other evidence of interest in or of indebtedness of.

(ICA 20 a (2))

Statistics. Compilation, analysis, classification or collation of facts or data pertaining in any way to *Carriers*, *Traffic*, *Charges*, *Service*, *Operations*, *Finances* or accounts.

Transfer. (Verb) to make over or pass a right, title, property (tangible or intangible) possession or control to another. (Noun) The action, result or evidence of the verbal act.

Unify. To acquire control of, or to merge, consolidate, combine or amalgamate two or more *Carriers* or all or any part of their *Franchises*, properties or Operations into a single or common ownership, control, interest, management or operation; Unification; Verbal act or result.

(ICA 5 (2) (a))

RULE 15—ACCOUNTS

Account. Account means one of the primary or general accounts prescribed by *The Commission* in a "uniform System of Accounts" applicable respectively to the several classes of *Carriers* subject to its jurisdiction.

Advances. The furnishing of money, property or credit before it is due in aid of an *Affiliate*.

Capital. All the items of property, tangible or intangible, employed in the conduct of any business and constituting the resources of such business for the discharge of its liabilities and for distribution to its owners or stockholders.

Earned Surplus. That part of the surplus (excess of recorded investment in assets over the sum of recorded liabilities and capital stock) represented by the excess of net income after provision for income taxes over the sum of dividends and other charges against surplus over the entire history of the *Business Unit*.

Investment. Recorded expenditure for an item of property which constitutes a part of the *Capital* of a *Business Unit*.

Valuation. The act, proceeding and procedure of investigating, ascertaining and reporting the value of property owned or used by common carriers pursuant to Section 19 (a) of *The Act*.

RULE 16—PERSONS

Association. An unincorporated, or a non-profit incorporated, organization of two or more *Persons* for a business, commercial, professional, charitable, religious, social, educational, fraternal or other common purpose or activity among the members thereof, excluding, however, a partnership or "Massachusetts Trust."

Assumption or Obligation. The undertaking to pay, perform or discharge either primarily or secondarily any obligation imposed upon the maker by any *Security* of another *Person*.

Attorney. An individual who upon a showing of the requisite qualifications therefor (Rule 90) has been admitted to practice and is lawfully engaged in practicing before *The Agency* by pleading, or advocating the cause of a *Party* to a *Proceeding*.

(ICA 17 (3), (12))

Broker. A *Person*, other than a *Motor Carrier* or a bona fide employee of a *Motor Carrier*, who as principal or agent, sells or offers for sale transportation subject to Part II or who negotiates for or holds himself out by solicitation, advertisement or otherwise as one who sells, provides, furnishes, contracts or arranges for such transportation.

(ICA 203 (a) (18))

Business. The conduct, pursuit or operation of any public or private office, profession, industry, occupation or calling or of any commercial, service or utility enterprise or organization, and the performance or discharge of any duty in connection with, pursuant to or in furtherance of any of the same.

Business Unit. An individual, partnership, association, corporation, administrator, executor, receiver, guardian or trustee organized to engage or engaged in any *Business*.

Carrier. Includes *Railroads*, *Express Companies*, *Motor Carriers*, *Water Carriers*, and *Forwarders*.

Company. Includes Corporation, partnerships, *Associations* and *Business Units* of every kind.

Express Company. A *Person* other than a *Railroad*, which holds itself out to the general public to transport or provide transportation of property for compensation by utilization in whole or in part of the passenger train service of *Railroads*.

Forwarder or Freight Forwarder. A *Person* other than a *Railroad*, *Express Company*, *Motor Carrier* or *Water Carrier* who holds himself out to the general public as a common carrier to transport or to provide for the transportation of property for compensation in interstate commerce under the provisions of Part IV of *The Act*.

Individual. A man or woman *sui juris*.

Involved Persons. A *Person* who is a *Party* or an *Affiliate* of a *Party* to the transaction.

Licensee. A *Person* who by *Order* of *The Agency* has been granted a permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission.

(APA 26)

Motor Carrier. A *Person* engaged in the transportation by *Motor Vehicle* in interstate or foreign commerce of passengers or property for hire.

(ICA 203 (a) (14) (15))

Officer. Any *Person* authorized by law to perform the duties of an office, public, corporate or private.

(USC 1)

Person. Includes individuals, partnerships, corporation, *Associations*, or public or private organizations of any character including *Agencies*.

(APA 2 (b); FPC 1.1 (1))

Person Involved. One who is a *Party* or an *Affiliate* of a *Party* to the transaction.

Practitioner. An individual who upon a showing of the requisite qualifications therefor (Rule 90) has been admitted to practice and is lawfully engaged in practicing before *The Agency* by pleading or advocating the cause of a *Party* to a *Proceeding*.

(ICC 5 (e); FPC 1.1 (7))

Railroad (*as a Person*). A common carrier engaged in the transportation of property and/or passengers by means of a *Railroad*.

Self Insurer. A *Motor Carrier* who pursuant to Section 215 of *The Act* or a *Water Carrier* who pursuant to Section 403 (c), (d), has filed qualifications and agreements to pay within specified limits any final judgment recovered against him for bodily injury to or death of any *Person* resulting from the negligent operation, maintenance, or use of *Motor Vehicles*, or for loss or damage to the property of others; and to make compensation to shippers and/or consignees for any loss, damage or default for which such Carrier or a connecting *Common Carrier* is legally responsible, which qualifications and agreements have been approved by *The Commission*.

Water Carrier. A *Person*, except an *Express Company*, engaged in the transportation by water in interstate or foreign commerce of passengers or property for hire.

RULE 17—PARTIES

Affiliate (Noun). A Person who is related by *Affiliation* to a *Party* or to an *Involved Person*.

Alignment of Parties. The action of a Hearing Officer under Rule 215 hereof in assigning *Parties* to different *Sides* in accordance with their respective positions.

Appear. Formally become a *Party* to a *Proceeding* by *Filing* an *Initial* or *Defensive Pleading* or an *Intervention* therein.

Appearance. Verbal action or result.

Applicant. One who in a *Procedural Instrument* prays that a *License* be granted to him or that an act, status, relation or transaction be approved and authorized which otherwise may not be lawfully done, assumed or consummated.

(FPC 1.1 (8))

Capacity. The possession of the right and competency to act or refrain from acting in a given situation; or the status, relation or position of a person with respect to his duties or the qualifications necessary to perform same, or with respect to the *Proceeding*.

(CR 9 (a))

Complainant. One who files a complaint of anything done or omitted to be done by a carrier in contravention of *The Act* and praying the *Relief* therefor provided in *The Act*.

(FPC 1.1 (10))

Counsel. An attorney-at-law who has been admitted to practice before *The Agency* either generally or in a particular *Proceeding*.

Defendant. A Person against whom the Complaint has been filed.

(FPC 1.1 (12))

Discipline (Verb). To enforce compliance with *These Rules* and especially with the Canons of Professional Ethics herein prescribed by all *Practitioners* and other persons who *Appear* in *Proceedings* before *The Agency*, through admonition, censure, removal from a hearing room, suspension or termination of the right to practice or to represent others in *Proceedings* before *The Agency*.

Interest (in a Proceeding). A personal, representative, community, business or economic right, title, duty or liability which may be affected directly or indirectly by the *Decision*.

Intervener. A *Person* who pursuant to *These Rules* has become a *Party* to a *Proceeding*.

(FPC 1.1 (13)); (MC 201.31)

Opponent. A *Party* who prays, advocates or contends that *The Agency* by *Decision* should refuse to make, amend, supplement, modify or revoke a *Rule* or refuse to impose a *Sanction* (other than a *Sanction* withholding *Relief*).

Party. Any *Person* or *Agency* named or admitted as a Party, or properly seeking and entitled as of right to be admitted as a party in any *Proceeding*, or whose Interests are subject of *Decision* therein.

(APA 2 (b); (ALI 1 (2), (2)); (CAB 302.9); (FPC 1.1 (2)); (MC 201.31)

Party in Interest. A *Person* having a personal, representative, business or economic right, title, duty or liability which is affected directly or indirectly by a transaction, actual or proposed.

Petitioner. A *Person* who, by *Filing* and *Serving* a formal *Pleading* other than a *Complaint* or *Application* seeks *Relief*.

(FPC 1.1 (11); (MC 201.31))

Privy. A *Person* who by blood, marriage, mutual or successive interest, ownership or title in estate or property, or by contract, agency, or employment is so connected with a *Party* or a *Party in Interest* as to be identified with him in Interest, including (but not exclusively) agents, employees, servants, or attorneys.

Proponent. A *Party* who prays, advocates or contends that *The Agency* by *Decision* should make, amend, supplement, modify or revoke a *Rule* or should impose a *Sanction* (other than a *Sanction* withholding *Relief*).

Protestant. A *Party* who prays, advocates or contends that an *Application* should be denied or that a Tentative Valuation should not be made Final.

Respondent. A *Person* concerning the lawfulness of whose acts, omissions, *Accounts*, management, control, direction, *Licenses*, *Franchises*, *Insurance*, *Operations*, *Service*, *Business*, facilities, *Securities*, *Organization*, *Charges*, rules, regulations, practices or *Transportation*, *The Agency*, upon *Petition* or its own initiative has instituted an *Investigation*.

Side. One or more *Parties* whose interest in the *Proceeding* are not adverse to each other.

Status. The condition which causes a *Person* to be subject to or to be entitled to rights or relief under *The Act* as a *Railroad*, *Common Carrier* by *Motor Vehicle* or *Water*, *Contract Carrier* by *Motor Vehicle* or *Water*, *Broker*, *Person* in control of two or more *Carriers*, *Shipper*, *Receiver*, community, port, civic or commercial organization, etc.

RULE 18—PROCEEDINGS

Adjudicatory Jurisdiction. The statutory power of *The Agency* to hear and determine *Proceedings* which involve the imposition of a *Sanction* or the grant, denial or withholding of any *Relief*.

Adjudicatory Proceeding. Is one other than a *Rulemaking Proceeding*.

(APA 2 (d))

Adversary or Adverse. Characterizing *Proceedings*, *Parties*, *Witnesses*, *Attorneys*, *Rights*, *Interests*, *Claims*, contentions, positions, or *Evidence* of a *Proponent* upon one side and an *Opponent* upon the other.

Application Proceeding. Is one by a *Person* for the grant, approval or authorization of an act, franchise or operation or of the exercise of some privilege or power which *The Agency's* approval or authorization is required by law.

Complaint Proceeding. Is one initiated by a *Complaint.*

Emergency Proceeding. Is one initiated under Rule 144.

Ex Parte Proceeding. Is one initiated by *The Agency* for the formulation, amendment or repeal of a *Rule*, or *Rulemaking*, in which no *Persons* are named as *Respondents.*

Franchise Proceeding. Is one initiated by the *Application* of a Person for issuance of a certificate, permit or license for a new *Franchise* or the extension or modification of an existing *Franchise.*

Hear. Give a hearing to.

Hearing. The Agency process for the offer, introduction, reception of *Proof*, the submission of *Briefs, Memorandums* and arguments, oral or written, and the consideration of all *Issues* in the *Proceeding* of whatever kind; it implies the right to cross examine an *Adversary* witness orally either at a public session before the *Hearing Officer* or by *Deposition* but otherwise does not necessarily require a public session before the *Hearing Officer.*

Informal Proceeding. A *Proceeding Referred* to the *Charges Board* under Rule 202 hereof.

Investigation. Is a *Proceeding* initiated by *The Agency* upon *Petition* or upon its own initiative which may result in a *Sanction* against or with respect to *Persons* subject to the jurisdiction of *The Agency* and who are made *Respondents* to such *Proceeding.*

Investigation and Suspension. Is a *Proceeding* initiated by *The Agency* upon *Petition* or upon its own motion for the purpose of investigating the lawfulness of a *Tariff*, accompanied by an order requiring that the effective date of such *Tariff* be postponed to a date therein specified or as provided by *The Act.*

Non-Adversary Proceeding. Is one in which there is no *Opponent.*

Petitionary Proceeding. Is one initiated under Article 13 of *These Rules.*

Pooling Proceeding. Is one initiated by an *Application* for approval and authorization of the *Pooling* of *Traffic, Service* or gross or net earnings.

Rulemaking. Is a *Proceeding* for the formulation, amendment or repeal in whole or in part any statement of general or particular applicability and future effect designed to implement, interpret or prescribe law or policy without the imposition of any *Sanction* or to describe the organization, *Procedure* or practice requirements of *The Agency.* It does not include *Adversary Proceedings* for *Licensing* or the prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, *Facilities*, appliances, *Services* or *Allowances* or of *Valuations.*

Special Docket Proceeding. One initiated by a *Carrier*, or against a *Carrier* and confessed by it, for payment of damages or waiver of *Charges* suffered or incurred by reason of a violation of *The Act* by the *Carrier.*

Unification Proceeding. Is one initiated by the *Application* of a *Person* for approval and authorization of a transaction resulting in the ownership, control, *Management*, or *Operation* of two or more *Carriers* of any of the *Franchises* or property of either in a common interest by consolidation, combination, merger, amalgamation, acquisition, lease, purchase, contract or ownership of capital stock.

RULE 19—PREHEARING PROCEDURE

Affirmative Defense. A defense which expressly or by necessary implication admits the truth of an essential allegation of the *Initial Pleading* and sets up new matter which the *Proponent* is not bound to prove in the first instance which is relied upon to defeat the *Sanction* or *Relief* sought or contemplated by such *Initial Pleading.*

Allege. State the *Material Facts* which are offered in support of a claim or defense.

Allegation. The *Material Facts* which are *Alleged.*

Amended Pleading. A new *Pleading Filed* in substitution of a former *Pleading* which changes, revises, modifies, adds to or eliminates allegations or prayers in such former *Pleading.*

Amendment. A *Pleading* which adds to, revises, modifies, or eliminates allegations or prayers of a former *Pleading.*

Answer. A *Pleading Filed* by a *Defendant* which states the *Material Facts* offered in reply to the allegations of the *Complaint.*

Application. A *Pleading* by a *Person* for the grant, approval or authorization of an act, *Franchise* or operation or of the exercise of some power or privilege for which *The Agency* approval or authorization is required by law.

Attest. To certify impliedly by signature of a *Practitioner* in the case of a Procedural Instrument or to prove or authenticate by oath or in the manner and form required by law or *These Rules* to the genuineness, truth and validity of a document or the truth, accuracy and correctness of its contents.

Attestation. The writing, signature or verification resulting from the verbal action.

Claim (Verb). To declare to be true or to call for as one's right, property or due.

Claim (Noun). The act or subject matter of the verbal action.

(143 F. 2d 377)

Close of Pleading. The end of the period within which, under *These rules*, an *Answer, Reply, Intervention, Protest*, or *Replication* may be *Filed.*

Complaint. Is a *Pleading* which, consonant with *These Rules*, states all of the *Material Facts* necessary to show the jurisdiction of *The Commission*, the *Complainant's* right, the violation of such right by the *Defendant*, the *Complainant's* injury and the *Relief* prayed.

(104 F. 2d 960)

Conference. A meeting of the *Attorneys* for the *Parties* called by the *Hearing Officer* or *The Agency* at any stage of the *Proceeding* for the purpose of considering ways and means whereby the *Issues* may be simplified, taking unnecessary evidence avoided, the *Record* shortened and the *Hearing* and disposition of the *Proceeding* expedited.

Cross Complaint. A *Pleading* by a *Defendant* against any *Party* to the *Proceeding*, which is consonant with *These Rules*, states all of the *Material Facts* necessary to show the jurisdiction of *The Commission*, the *Defendant's* right, the violation of such right by such other *Party*, the *Defendant's* injury and the *Relief* prayed.

Cross Reference. A statement in a *Procedural Instrument* which incorporates as part of the content of such *Instrument* an *Allegation*, statement or *Prayer* made in another part of the same *Instrument* or in any other *Instrument* or *Document.*

Cross Relief. Affirmative *Relief* prayed in a *Defensive Pleading.*

Damages. Reparation in money for an injury sustained which *The Agency* is authorized to award by *The Act.*

(ICA Section 16 (1))

Defensive Pleading. An *Answer, Protest, Reply* or *Response.*

Definition of Issues. The *Direction* of the *Hearing Officer* stating the *Issues* to be tried in the *Proceeding* and the respective positions of the parties with respect thereto.

Discovery. The duty of a *Party* to disclose to an *Adversary Party* upon demand information, *Documents* and objects, not privileged, which are relevant to the subject matter involved in the *Proceeding*, which relate to the claim or defense of any *Party* to the *Proceeding*, which either constitute *Admissible Evidence* or appears reasonably calculated to lead to the discovery of *Admissible Evidence*, including, but not exclusively, the existence description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, which duty may be enforced by depositions pending the proceeding; interrogatories to *Parties;* production of *Documents* or *Objects* for inspection, copying or photographing; or request for admission of *Facts* and of genuineness of *Documents.*

File, Filing. The deposit in the office of *The Agency* in Washington, D. C., and in the appropriate regional office of *The Agency* of a *Procedural Instrument* in the manner and in the form and in the time required by *These Rules.*

File and Serve. To *File* a *Procedural Instrument* following personal delivery to, or deposit in the United States first class mail or in the office of a telegraph company of a confirmed copy thereof, with postage or telegraph tolls pre-paid and properly addressed to each *Person* who is required by *These Rules* to be furnished with such copy within the time required thereby.

Initial Disposition. Initial Disposition of a motion is the *Ruling* thereon made by the *Hearing Officer.*

Initial Pleading. A *Complaint, Petition, Application* or an *Order of Investigation* or to *Show Cause*, calling upon the *Persons* named therein to respond thereto.

Intervene. To become a *Party* to a *Proceeding* in the manner and form and within the time provided by *These Rules*, in which *Proceeding* the verbal actor was not originally a *Complainant, Defendant, Petitioner, Applicant* or *Respondent.*

Intervention. A *Petition* to *Intervene* which has been granted under Rule 141 hereof or a *Pleading Filed* by a *Person* entitled as of right to *Intervene* in a *Proceeding* under Rule 162.1 and 162.2 hereof which sets forth the matter required by such Rules.

Issue (Procedural). A *Material Fact*, the existence or non-existence of which is affirmed by the *Parties Aligned* on one *Side* and denied by those *Aligned* on the other *Side.*

Joinder. The statement of two or more causes of action, *Claims* or defenses in a single *Pleading* or the joining of two or more *Persons* as *Complainants, Petitioners, Applicants, Defendants, Protestants* or *Intervenors* in a single *Pleading.*

Motion. A *Pleading Filed* by a *Party* and requesting an order, rule, ruling, or *Direction* for the purpose of expediting the progress, consideration or disposition of the *Proceeding.*

Notice. Information as to the existence or non-existence of a *Fact*, action, *Document, Claim*, or defense communicated to, received by, or imputed to, a *Person* who is shown to be conscious of the means whereby such information can be obtained or a conformed copy of a *Writing* containing such information which is shown to have been *Served* upon such *Person.*

Oath. A solemn declaration before God, or a solemn affirmation made under the penalties of perjury by a person who conscientiously refrains from swearing before God, to the truth of a statement.

Opponent Pleading. Pleading Filed by an *Opponent.*

Petition. A *Pleading* seeking *Relief* other than the imposition of a *Sanction* or the grant of a *License.*

Pleading. A written instrument *Filed* by a *Party* alleging or denying the existence of *Facts* relied upon to establish or refute a *Claim* for *Relief* under *The Act.*

Prehearing Conference. A *Conference* called by the *Hearing Officer* before the taking of *Proof.*

Procedural Instrument. A *Pleading, Notice, Process, Brief, Memorandum, Reply Brief* or *Reply Memorandum* permitted or required to be *Filed* by *These Rules.*

Proceeding; or Agency Proceeding. The connected and sequential process or series of acts and events, which follow the *Filing* of an *Initial Pleading*, for the determination by *The Agency*, in the exercise of its statutory powers and jurisdiction, of the rights, privileges, authority, exemption or *Relief* to which a *Party* is entitled or the liability or *Sanction* to which a *Party* should be subjected or the *Rule* which should be made or prescribed.

(APA 2 (g))

Process. A statement and notice by *The Commission Served* upon a *Defendant* or *Respondent* notifying him of the *Complaint* which has been *Filed* or the order of investigation or to show cause which had been entered and calling upon him to satisfy or to *Answer* the *Complaint* in writing, or to respond to the order, as the case may be.

Protest. A *Pleading Filed* by a *Person* in the manner, form, and within the time provided by *These Rules*, setting forth *Material Facts* relied upon to show that an *Application* should be denied in whole or in part or that the *License* prayed for should be limited, conditioned or restricted.

Reference, Refer, Referred. The act of assigning a *Proceeding* to a *Hearing Officer* for formulation of the *Issues, Alignment* of *Parties*, disposition of *Petitions* to *Intervene* and *Motions, Reception of Proof* and argumentation, pursuant to a general or special *Order* or *Direction* of *The Agency.*

Replication. A *Pleading Filed* by *Proponent* setting forth *Material Facts* relied upon to refute, avoid or explain *Material Facts*, the existence or non-existence of which was first raised as an Issue in the *Proceeding* in the *Opponent Pleading* to which the *Replication* is in reply.

Reply (to a Petition). A *Pleading Filed* by an interested *Person*, in the manner, form, and within the time provided by *These Rules*, setting forth *Material Facts* relied upon to show that the prayer of a *Petition* should be denied in whole or in part or that the *Relief* prayed for should be limited, conditioned or otherwise restricted.

Reply (to a Motion). A *Pleading Filed* by a *Party*, orally or in writing, stating the *Material Facts* relied upon to show that a *Motion* should be overruled.

Response, Respond. A *Pleading Filed*, in the manner, form, and within the time provided by *These Rules* by a *Party* or *Person* called upon or permitted by an order of investigation or to show cause, setting forth the *Material Facts* respecting the subject matter of such *Investigation.*

Return. Proof of personal *Service* of an *Order, Notice, Process* or *Subpoena* by the certificate or verified statement of the person *Serving* the same.

Serve, Served. Deliver a conformed copy of a *Procedural Instrument, Notice, Order* or *Subpoena* to the individual, partner, officer or agent of the individual, partnership, corporation or association designated to receive same, either in person or to an adult person in his place of business or usual abode; or deposit such a copy in the office of a telegraph company or the United States first class mail, with all telegraph tolls and postage prepaid, properly addressed to *Person* designated to receive same at his office or usual place of abode.

Service (Process). The action of Serving a *Procedural Instrument, Notice, Order* or *Subpoena.*

Signature. The action of a *Person* in affixing his name in his own handwriting or in causing his name to be affixed by a duly authorized agent to a writing.

Supplemental Pleading. A *Pleading Filed* by a *Party* after leave therefor be first obtained, which sets forth transactions, occurrences or events which have happened since the date of the *Pleading* which is sought to be supplemented.

Uniform Exhibit. One of the Exhibits described in Rule 120.7 hereof.

Verify, Verification. To make *Oath* before an officer authorized to administer oaths at the place where the same is made that the statements in a writing are true to the best of the affiant's knowledge, information and belief.

Voluntary Petition. A *Petition Filed* by a *Person* of his own free will, without consideration, legal obligation, constraint or duress.

ARTICLE 2—DEFINITIONS: HEARING AND DECISION

RULE 20—PROOF

Burden of Producing Evidence, or of Going Forward. The burden of producing evidence, which together with any legally applicable Assumptions, is sufficient to support a *Finding* that a *Material Fact* does or does not exist.

(ALI Code of Evidence)

Burden of Proof. The duty to establish with reasonable and logical certainty the existence or non-existence of the fact or set of facts, which, under the law, must or must not exist as a predicate for the exercise of *The Agency's* power or discretion in the premises.

(266 I. 283)

Proof. Depending upon the context, (1) the act of establishing with reasonable and logical certainty, the existence or non-existence of a *Material Fact*, or (2) the mental persuasion or conviction which results from such act; or (3) the means by which such act is accomplished or sought to be accomplished, by tending reasonably and logically to persuade or convince the mind of the existence or non-existence of a *Material Fact.*

(39 R. I. 69; 97 A 484, 487; and 101 Ga. 9, 21, 29 S. E. 309)

Prove. Establish with reasonable and logical certainty the existence or non-existence of a *Material Fact.*

Record. Consists of all *Procedural Instruments*, statements of *Assumptions*, Evidence, Rulings, *Argument* and Decisions.

RULE 21—NON-EVIDENTIAL PROOF

Admission of Record. Either (1) a formal statement by a party or his attorney made in the course of a *Proceeding*, in a *Pleading* filed therein or at an *Oral Hearing* or *Conference* therein, expressly and unequivocally, that a *Material Fact* does or does not exist; or (2) the failure of a *Party*, by a *Defensive Pleading* filed or which could have been filed under *These Rules*, specifically and unequivocally to deny an express, clear and unequivocal allegation of a *Material Fact* in a prior *Pleading* of an *Adversary Party.*

(In open Court, 161 U. S. 361; Express statement in a pleading 237 Fed. 731; Failure to deny as conclusive, 50 Colo. 262, 116, P336; Present Rules: ICC Rule 19; FTC VIII (c))

Assumption or Non-Evidential Proof. The proof of a *Material Fact* by an *Admission of Record*, a *Stipulation, Official Notice* or a *Presumption.*

Official Notice. The cognizance by the Agency, for the purposes of the proceeding, of the matters set out in Rules 212 and 213.

(ICC Rule 81 (b); FPC Rule 1.26 (d); 71 Kan. 811 81 P 450)

Presumption. An inference as to the existence or non-existence of a *Material*

Fact drawn from other *Material Facts* in evidence unless or until the truth or validity of such inference is disproved.

(169 Cal. 658; 147 Pac. 972)

Stipulation. A formal agreement between the *Parties* to a *Proceeding* formally received and approved by *The Agency* or the *Hearing Officer*, that a *Material Fact* does or does not exist, either made in a *Writing* filed with *The Agency* and served upon all *Parties* or made orally and recorded at a *Hearing* or *Conference* in the *Proceeding*.

(100 Ga. 236, 28 S. E. 46; 269 Ill. 239, 109 N. E. 1035; Present Rules: ICC Rule 69; FPC Rule 1.24, 1.25)

RULE 22—WITNESSES

Adverse or Hostile Witness. An *Adversary Party*, his *Privies* or affiliates, or a person not a *Party* who has an *interest* which may be adversely affected by his answer to a question, or a *Witness* who by his manner and demeanor indicates that he bears such hostility to the *Party* calling him as to indicate that he will not reasonably and fairly respond to questions which do not require or permit of a categorical answer.

Cross Examination. Questions put to a witness by *Counsel Adverse* to the *Party* who offered the witness together with his answers thereto.

Leading Question. A question which suggests the answer which the interrogator wishes, or expects or apparently wishes or expects to receive, or suggesting disputed facts as to which the witness is to testify.

Official Information. Information not open or theretofore officially disclosed to the public relating to military or naval organization, plans or armament, international relations or internal affairs of the United States or any state thereof, or of information or documents obtained by any authority in the course of any examination or investigation which is not a public record and which such authority has held to be confidential.

(ALI Rules 227 and 228)

Personal Privilege. The right of a *Party* or *Witness* to be protected from unfair or unjust interrogations or from annoyance, embarrassment or oppression.

(CR 29 (b)

Privilege. Right to refuse to disclose information under Rule 224.

Subpoena. A writ of *The Agency* commanding the person designated in it to appear and give testimony either by Deposition or at an *Oral Hearing* as the writ shall specify.

Subpoena Duces Tecum. A subpoena which in addition to requiring the person to attend and testify requires him to bring with him and produce at the *Oral Hearing* books, papers, documents and objects in his hands which contain *Material Facts*.

Witness. A natural person competent under Rule 220 who appears voluntarily or under subpoena and under *Oath* asserts the existence or nonexistence of a *Material Fact* in the manner and subject to the provisions of *These Rules*.

RULE 23—TESTIMONY

Answers to Cross Interrgatories. Answers by a witness to written cross interrogatories pursuant to Rule 233 or 234.

Deponent. One who testifies as a witness upon deposition or interrogatories or who verifies a *Verified Statement* or any *Procedural Instrument*.

Deposition. Testimony of a witness given pursuant to Rule 233 or 234.

Direct Testimony or Examination. The *Verified Statement* of or the questions asked and answered by a witness before the *Cross Examination* upon examination by the counsel of the *Party* who called him or by counsel of *Parties* who are not *Adversary* to the *Party* who called him.

Oral Hearing. A *Hearing* presided over by the *Hearing Officer* held and conducted as provided in Rule 235.

Parole Evidence. Evidence which under Sub Rule 230.4 is not *Competent*.

Testimony. Statements under *Oath* of *Witnesses* offered in *Proof* of the existence or non-existence of Material Facts either in a *Verified Statement, Deposition*, or in an *Oral Hearing*.

Verified Statement. The written *Direct Testimony* of a witness given *Filed* and *Served* as provided in Rule 232.

RULE 24—DOCUMENTARY EVIDENCE

Autoptic Evidence. Proof by introduction of an object which can be perceived by the exercise of the human sense of sight, hearing, touch, taste or smell.

Best Evidence of a Document, its contents or its execution or of an *object* is the *Document* or the *object* except, if, when or as *Secondary Evidence* thereof is *Admissible* under Rule 240.

Document. Any matter expressed, described or depicted upon any substance by letters, figures or marks by any means whatsoever and intended to be used for recording that matter.

Documentary Evidence. Proof by introduction of *Documents Competent* to be proved under *These Rules*.

Exhibit. Documents, Writings, and *Objects Competent* under Rule 269 hereof.

Instrument. A writing which evidences a legal act, agreement, or obligation, including, but not exclusively, bills, notes, bonds, conveyances, sales agreements, deeds, powers, leases, licenses, mortgages, wills, indentures, etc.

Literary Publication. Any book, periodical, pamphlet, magazine or newspaper distributed, circulated or offered for sale to the public general.

Primary Evidence. (1) Of an *Object*, the *Object* itself; (2) Of a *Document*, an executed original or duplicate original thereof.

Unavailable As a Witness. Means the inability to testify because of a privilege, disqualification, death, physical or mental illness, permanent or temporary, or temporary or permanent absence where the *Hearing Officer finds* both: (1) that such inability was not caused by the procurement, wrong doing or lack of due diligence upon the part of the Party who requests the finding of unavailability; and (2) the importance of the issue or the added reliability of the *Witness'* Testimony over available *Proof* does not justify the expense and inconvenience of procuring his presence or taking his deposition.

(ALI Rule 1 (15))

Voluminous Evidence. A number of connected *Material Facts* contained in many Documents the results thereof, or the examination thereof, which are *Competent* under Rules 246 and 247.

Working Papers. Forms, instructions, questions, questionnaires, responses to questionnaires, procedures, formulas, compilations, summaries, tabulations, computations or calculations, whether manual or machine, used in the preparation of testimony or exhibits to be offered in *Evidence* in the *Proceeding*.

RULE 25—ADMISSIBILITY OF EVIDENCE

Admissible. Permitted to be received in *Evidence* under *These Rules*.

Admissibility. Quality of being *Admissible*.

Admission. A voluntary, unequivocal, certain and non-conjectural statement, oral or written, or conduct intended as or amounting to such a statement by a *Party* or his *Privy*, which tends or is claimed to tend to sustain a claim, contention or position of an *Adversary Party* with respect to the existence or non-existence of a *Fact*.

(Stephens Art. 15)

Amount. The result obtained by putting or aggregating together all of a given group or mass including (but not exclusively) number, quantity, volume, extent, distance, area, size, dimensions, range or scope.

Collateral Fact. A *Fact* incapable of affording a reasonable inference as to the existence or non-existence of a *Fact* in *Issue*.

(78A880)

Competency. Being of the kind and character of Proof which under the provisions of Articles 22, 23, and 24 are required to establish the existence or non-existence of a *Material Fact*.

Competent. Characterized by or having the quality of *Competency*.

(248 F 21, 23)

Conclusion. An opinion as to the existence or non-existence of a *Fact in Issue* or as to legal right, duty, liability, condition or status inferred from other *Facts*.

Conduct. Anything done or omitted which conveys or manifests, such as (but not exclusively) acts, omissions, words, or silence.

(27 A 529; 85 N. W. 595)

Cumulative Evidence. Evidence tending to prove substantially the same *Material Fact* as previously received *Evidence* tends to prove.

Declaration. A statement or conduct intended as or amounting to a statement relating to a transaction which is a *Material Fact* in the *Proceeding* by a *Person* who is a participant or interested in the *transaction* but who is not a *Party* or a *Privy* to a *Party*.

Direct Evidence. A statement of (1) a *Fact* personally *Perceived* by the *Witness*, or (2) an *Opinion* and the grounds therefor held by the *Witness* on those grounds.

Evidence. Testimony, Documents, or *Objects* which tend to establish the existence or non-existence of a *Fact*.

Fact. An Act, deed, transaction, event, occurrence, statement, condition or state (physical, tangible, or mental) the existence or non-existence of which is capable of being perceived by the exercise of any human sense.

Fact in Issue. A *Fact* the *Proof* of whose existence or non-existence is a lawful standard for the exercise of *The Agency's* power or discretion.

Hearsay Evidence. Is either a statement of (a) a *Fact* not personally *Perceived* by the witness, or (b) an *Opinion* or the grounds therefor not held by the witness on those grounds.

Indirect or Hearsay Evidence. Is either a statement of (a) a *Fact* not personally perceived by the *Witness;* or (b) of an *Opinion* or the grounds therefor not held by the *Witness* on those grounds.

Material. Characterizing a *Fact* which is both relevant and of such substantial import and significance as to be likely to influence the determination of a *Fact in Issue*.

(219 F 619; 59 N. H. 332, 338)

Material Fact. A *Fact in Issue* or a *Fact Competent Proof* of whose existence or non-existence is *Admissible* under the provisions of *These Rules*.

Materiality. Having the quality of being *Material*.

Material to Issue. Having quality of a *Material Fact*.

Object. Any animate or inanimate thing having actual and distinct body, substance, form or shape.

Official Publication. Any book, periodical, pamphlet, magazine or printed report issued and published by or for under an *Authority* pursuant to or in discharge or furtherance of any duty imposed upon it by law, copies of which are available to any citizen free or upon payment of such price therefor as shall be fixed or approved by such *Authority*.

Opinion. An inference or deduction as to the existence or non-existence of a *Fact* which was not *Perceived* by the Witness.

Perceive. Acquire knowledge of a *Fact* by the exercise of one's own senses.

Perception. Action or result of the action of the verb *Perceive*.

Rebuttal. Competent Evidence by any *Party* of a *Material Fact* to explain, repel, counteract or disprove an *Adversary's Proof*.

(13 F. 2d 820)

Relevant. Characterizing a *Fact* so related to a *Fact in Issue* that logically and according to the common course of events its existence or non-existence renders probable the existence or non-existence of the *Fact in Issue*.

(73 A 231; 83 A 626; 247 F. 795)

Relevancy. Having the Quality of being *Relevant*.

Secondary Proof of an *Object* means a photograph or similar reproduction of the exact image of the *Object* or a written oral description thereof by one who has perceived it.

Secondary Proof of a *Document* means an examined or certified copy, an exemplification, a photographic, or photostatic, carbon or other reproduction of exact image, any other kind of copy or an oral account of the contents of the *Document* given by a witness who has seen it and is familiar with substantially all of its contents.

Verbal. Consisting of words, whether oral or written.

(ALI Rule 1 (16))

Writing. Handwriting, typewriting, printing, photostating, photographing and every other means of recording upon any tangible thing, any form of communication or representation including letters, words, pictures, sounds or symbols, or combinations thereof.

RULE 26—RECEPTION OF EVIDENCE

Close of Proof or of Production of Proof. The end of the reception of *Evidence*.

Direct, Direction. An order or *Ruling* made by a *Hearing Officer* concerning any step in the *Hearing*.

Findings and Conclusions. A statement that a *Material Fact* exists or does not exist (Finding) and (a conclusion) that a *Fact in Issue* exists or does not exist.

Objection. A request for a *Ruling* that a particular (a) question to or answer of a witness or (b) document or object offered in evidence, or (c) *Assumption* requested to be made not *admissible* under *These Rules* with a succinct statement of the grounds for such request.

Offer of Proof. An offer of *Evidence* which has been excluded or rejected by a Ruling of the *Hearing Officer* pursuant to Rule 263.

Production of Proof. Either, depending upon the context: (1) the submission of *Proof* by *Assumption* or *Evidence* in the manner, under the conditions and within the time provided under *These Rules;* or (2) the period of time under *These Rules* within which such *Proof* may or must be submitted.

Ruling. Any determination or direction by the *Hearing Examiner* in the exercise of any discretion delegated to him; of any matter arising during the course of a *Proceeding* after reference to him and before and not including his *Initial Decision*, but including (not exclusively) determinations or directions during or with respect to the formulation or definitions of issues, the disposition of *Motions, Requests* or objections, the alignment of Parties, the making of *Assumptions* or the *Production* of Proof.

RULE 27—ARGUMENTATION

Abstract. The topical condensation of the *Record* described in Rule 274.

Brief. A document filed for or by a *Party* within the manner, form and time and having the content required by *These Rules*.

Memorandum. A short concise and documented statement of the reasons why a motion or Petition should or should not be sustained or granted.

Opening Brief. Initial Brief filed by a *Party* after the *Close* of *Proof* and prior to *Initial Decision*.

Oral Argument. A formal statement made by or for a *Party* before a *Hearing Officer* or *The Agency* in support of his position in the Proceeding.

Reargument. Any *argument* in a proceeding following the first argument therein.

Reply Brief. A *Brief* filed by or for a *Party* in answer to an *Adversary's Opening Brief*.

Reply Memorandum. A *Memorandum* filed by or for a *Party* in reply to an Adversary's *Memorandum*.

Statement of Facts. A concise, fair and complete statement of the *evidence* with respect to the *Material Facts*.

Supporting Memorandum. A *Memorandum* filed by or for a *Party* in support of a *Motion* or *Petition*.

RULE 28—ADMINISTRATIVE DECISION

Adjudication. Agency process for the formulation of an order.

Administrative Review. Reexamination by *The Agency* of a *Decision* either upon *Appeal* or upon a *Petition for Reconsideration* or upon *Reconsideration*.

Agency Action. Includes whole or any part of every *Agency, Direction, Rule, Ruling, Order, License, Sanction, Relief* or the equivalent or denial thereof or failure to act.

(APA (2) (9))

Appeal. A Procedural Instrument filed by or for a *Party* in the manner and form and within the time required by *These Rules* seeking the reversal or modification of an *Initial Decision*.

Appellant. A *Party* who takes an *Appeal*.

Assignment of Error. A precise statement of a particular *Direction, Ruling, Statement of Fact, Finding* or *Conclusion* of a *Decision* claimed to be erroneous in fact or unlawful with the grounds upon which such claim is made.

Cross Appeal. An *Appeal* taken by an *Adversary* of the *Appellant* in connection with his Reply to the *Exceptions* of the *Appellant*.

Cross Exceptions. Exceptions filed by the *Adversary* of an *Appellant* in support of his *Cross Appeal*.

Decision. Exercise by *The Agency* in a *Proceeding* of a power or discretion vested in it by either making a *Rule* or by an *Adjudication*.

Exception. A Pleading setting forth succinctly each *Ruling* of the *Hearing Officer*, other than his *Initial Decision* alleged by a Party to be erroneous and prejudicial to him accompanied by a concise non-argumentative statement of the grounds upon which error is alleged.

Final Decision. Decision by *The Agency* upon the *Appeal* from the *Initial Decision* where *Reconsideration* is not granted otherwise upon such *Reconsideration*.

Finding. Determination based upon the Record of the existence or non-existence of a *Material Fact*.

Initial Decision. A *Decision* of a *Proceeding* by the *Hearing Officer* to whom referred.

(APA 8 (a))

Initially Decide. Make an *Initial Decision.*

Initially Hear. Conduct the *Hearing* which precedes the *Initial Decision.*

Order means the whole or any part of the final disposition (whether affirmative, negative, injunctive or declaratory inform) of any *Agency*, in any matter other than *Rule Making*, but including *Licensing.*

Reconsideration. Review by the *Commission* en banc of a prior Decision to determine whether, and if so, what change should be made therein.

Rehearing. The reopening of the *Record* in a *Proceeding* after a *Decision* therein for the purpose of permitting the production of additional *Proof*, the submission of additional argument and the *Reconsideration* of the prior decision in the light of the new and complete *Record.*

Relief. The whole or any part of any agency: (1) Grant of money assistance, *License, Authority, Exemption,* exception, privilege or remedy; (2) Recognition of any claim, right, immunity, privilege, exemption or exception; or (3) taking of any other action upon the application or petition or complaint of and beneficial to any *Person.*

Reopening. An *Order* of *The Agency* reopening the *Record* for the production of further *Proof.*

Report (Administrative). A formal written Opinion by *The Agency* or a *Hearing Officer* which precedes or accompanies and explains its Decision, by the *Issues* involved, its Findings and conclusions with respect thereto, and the basis thereof.

Review. Consideration by the *Board of Review* of an *Initial Decision* in the light of the *Record* upon the *Exceptions, Replies* and *Cross Exceptions* thereto with its recommendation respecting same to the appropriate *Appellate Division* or of a *Decision* upon *Appeal* or upon *Reconsideration* in the light of the *Petition* for *Reconsideration, Reply* thereto and the *Record* with its recommendation respecting same to the Commission en banc.

Sanction includes the whole or part of any *Agency* (1) prohibition, requirement, limitation, or other condition affecting the freedom of any *Person;* (2) withholding of *Relief;* (3) *Imposition* of any form of penalty or fine; (4) destruction, taking, seizure or withholding of property; (5) assessment of damages, reimbursement, restitution, compensation, costs, charges or fees; (6) requirement, revocation, or suspension of a *License;* or (7) taking of other compulsory or restrictive action.

Summary Decision. A *Decision*, made with or without motion upon the undisputed *Material Facts.*

RULE 29—JUDICIAL REMEDIES

Court. Any tribunal which exercises the judicial powers of any *Government.*

Enforcement. Prosecution of a judicial proceeding, civil or criminal to compel obedience or enjoin violations of a *Decision* of *The Agency* or to recover penalties recoverable or damages suffered on account thereof.

Judicial Enforcement. Judgment or decree of a Court requiring obedience to a statutory provision or an *Order* or imposing fines, penalties or punishment for the violation thereof.

Judicial Review. A proceeding in a Court of competent jurisdiction (1) to enjoin, suspend, or set aside a *Decision* of *The Agency*, or (2) to compel *Agency Action* alleged to be unlawfully withheld or unreasonably delayed.

ARTICLE 3—THE AGENCY

RULE 30—ORGANIZATION

The Interstate Commerce Commission is an independent administrative agency composed of 11 Commissioners appointed by the President by and with the advice of the Senate, each for a term of seven years. The duties imposed upon *The Agency* by law are discharged by the *Commission en banc* as provided in Rule 35 hereof or by one or more of four *Divisions* of the Commission consisting of not less than three members whose assignment of work and functions are set forth in Rules 31 to 34, inclusive, hereof or by the *Chairman* whose duties are set forth in Rule 36 or by Boards of Employees whose duties are set forth in Rule 37 or by Bureaus of the Commission described in Article 4 hereof.

(Organization Minutes of February 15, 1954; FPC 2, 3; FTC 1)

30.1 *Authority of Divisions.* Each *Division* has authority to hear and determine, order, certify, or report or otherwise act as to any work, business or functions assigned or referred to it and with respect thereto has all of the jurisdiction and powers conferred by law upon *The Agency* and is subject to the same duties and obligations.

(ICA Section 17; O. M. 2–15–54 2.2)

30.2 *Reassignment.* Each *Division* with regard to any case or matter assigned to it or any question brought to it under its delegated duties and authority may call upon the *Commission en banc* for advice and counsel or for consideration of the same jointly with other *Commissioners. The Agency* en banc may recall and bring it any *proceeding;* matter or question theretofore assigned to any *Division*, Board or Officer and may either dispose of same or reassign or re-refer the same to the same *Division* or to another *Division* or *Officer.*

(O. M. 2–15–54 2.3)

30.3 *Transfers.* When a *Commissioner* is transferred from a *Division* he shall continue to serve thereon in lieu of his successor for the purpose of participating in the disposition of causes submitted on oral argument prior thereto or in which drafts of *Final Decisions* or Orders have been circulated and of other matters requiring official action which are under active consideration at the time of the transfer.

(O. M. 2–15–54 2.6)

30.4 *Legislative and Rules Committee.* There shall be a committee on legislation and rules consisting of the *Chairman* and two members appointed by the Commission. Duties of the Committee shall be to consider and recommend to the *Commission en banc* with respect to (a) proposed legislation by the Congress or Executive action by the President; and (b) proposals to amend, revise, interpret or supplement *These Rules* generally or specially.

(O. M. 2–15–54 5.1)

30.5 *Initial Action.* Except with respect to the initiation of *Rule Making* or of *Investigations* pertaining to the jurisdiction herein delegated to the several *Divisions* and except as may be otherwise specially or generally ordered by the *Division* or the *Commission en banc*, all *Initial Decisions* and actions of *The Agency* will be made or taken by a *Hearing Officer* or *Joint Board* as provided in *These Rules*, from which *Decisions Appeals* may be taken as provided herein to the appropriate *Division.*

RULE 31—DIVISION ONE—ADMINISTRATIVE

To this *Division* is delegated all of the jurisdiction and power of *The Agency* with respect to the following matters:

31.1 *Enforcement.* The *Investigation* or *Enforcement* of the following provisions of the Interstate Commerce Act, sections 1 (21); 5 (3); 6 (10); 10; 15 (11), (12); 16 (8) to (12), inclusive, 20a (11), (12); 25 (h); 204 (c); 222; 304 (e); 316 (b); 317; 403 (f); 417 (b); 421; and of the Elkins Act, as amended, and the Clayton Antitrust Act, as amended.

(O. M. 2–15–54 4.2 (e), (h), (k))

31.2 *Carrier Management.* Inquiries into and reports upon the management of carriers and brokers, et al. under sections 12 (1), 204 (a) (7), 304 (b) and 403 (e).

(O. M. 2–15–54 4.2 (l); 4.7 (e))

31.3 *Torts.* Claims arising under Federal Torts Claims Act, 28 USC 2671 et sec., except section 2672.

(O. M. 2–15–54 4.2 (k))

31.4 *Administration.* Matters coming from the Managing Director to the *Chairman* on which the *Chairman* seeks consultation before submission to the Commission.

(O. M. 2–15–54 4.2 (l))

31.5 *Practitioners.* The qualifications, admission to practice, professional conduct, professional ethics, discipline, suspension, and disbarment of persons authorized to practice before *The Agency.*

(O. M. 2–15–54 4.2 (m))

RULE 32—DIVISION TWO—CHARGES

To this *Division* is delegated all of the jurisdiction and power of *The Agency*, except the *Enforcement* of *The Act* as delegated in Rule 31.4, with respect to the following matters:

32.1 *Tariffs.* Schedules or *Tariffs*, classification of rates, fares and *Charges* of all common and contract *Carriers* under Sections 6, 217, 218, 306, 405, 220 (a).

(O. M. 2–15–54 4.3 (c) and (k))

32.2 *Investigations.* All *Investigations* authorized to be instituted by *The Agency* involving *Charges* under Sections 13; 15; 216; 307; 406 or 411, except initial orders of suspension and investigation of schedules and *Tariffs* made by the Suspension Board pursuant to Rule 38.8 hereof.

(O. M. 2–15–54 4.3 (e), (f))

32.3 *Fourth Section.* All matters arising under section 4 not delegated to the Fourth Section Board under Rule 38 hereof.

(O. M. 2–15–54 4.3 (a))

32.4 *Rate Making Agreements.* Agreements among *Carriers* under Section 5a.

(O. M. 2–15–54 4.3 (b))

32.5 *Released Rates.* Authorization of *Released Rates* and ratings under sections 20 (11), 219 and 413.

(O. M. 2–15–54 4.3 (h))

32.6 *Collection of Charges.* Delivery of freight and the collection of charges under sections 3 (2), 223, 318 and 414.

(O. M. 2–15–54 4.3 (i))

32.7 *Calamity Rates.* Reduction in charges on account of calamitious visitation or disaster.

(O. M. 2–15–54 4.3 (j))

32.8 *State Rates. Charges* of rail carriers and freight forwarders imposed by State authorities and alleged to discriminate against interstate *Charges* under sections 13 (3), (4) and 406 (f).

(O. M. 2–15–54 4.2 (f))

32.9 *Rate Cases.* All *Charge Proceedings* involving the interpretation or application of *Tariffs* or the lawfulness of *Charges.*

(O. M. 2–15–54 4.3 (o); 4.5 (a))

RULE 33—DIVISION THREE—OPERATIONS

To this *Division* is delegated all of the jurisdiction and power of *The Agency*, except the *Enforcement* of *The Act* as delegated in Rule 31.4, with respect to the following matters.

33.1 *Classification of Carriers.* The classification and reasonable rules and regulations and requirements in respect thereto of brokers, motor and water carriers under sections 204 (b) and 304 (c) together with identification of motor vehicles under Section 215.

(O. M. 2–15–54 4.6 (c); 4.7 (f), (n))

33.2 *Operating Authority.* The grant, enlargement, modification, transfer, surrender or revocation of *Operating Authority* to operate as a *Carrier* or *Broker* or to abandon or discontinue an operation or service previously exercised under sections 1 (18)–(20), inclusive, 206–210, 210 (a), 211, 212, 303 (1), 309–312, inclusive, 410, or *Exemptions* under sections 203, 204a (4a), 302 (e), 303 (b) to (h) inclusive, 304 (d).

(O. M. 2–15–54 4.3 (l), 4.5 (d), 4.6 (a), 4.7 (a), (g), (h), (i), (j), (k), (l), (m))

33.3 *Service.* All provisions of *The Act* relating to Adequacy of *Carrier* Facilities and Transportation:

33.31 *Facilities.* Compulsory construction or acquisition of additional facilities, switch connections, common use of terminals and physical connections between rail and water carriers, under section 1 (9); 3 (5); 6 (11) (a); Panama Canal Act, Section 11 (d), 49 USC 51; Trasportation Act of 1920, 201 (c), 49 USC 141 (c); Section 1 (21).

(O. M. 2–15–54 4.4 (d), (f), (g), (k))

33.32 *Car Service. Railway Car Service* and emergency directions with respect thereto under Section 1 (10) to (14) (a) and Section 1 (15) to (17).

(O. M. 2–15–54 4.4 (d))

33.33 *Transportation.* Establishment of reasonable requirements with respect to continuous and adequate service by motor carriers and freight forwarders under sections 204 (a) and 404 (e).

(O. M. 2–15–54 4.4 (m) and 4.7 (b))

33.34 *Protective Service.* Contracts of railroads and express companies for the furnishing of protective service against heat and cold under Section 1 (14) (b).

(O. M. 2–15–54 4.4 (c))

33.4 *Joint Loading.* Agreements between freight forwarders for the joint loading of traffic under Section 404 (d).

(O. M. 2–15–54 4.4 (m))

33.5 *Allowances.* Fixation of reasonable allowances to the owner of property transported for transportation services rendered under sections 15 (13); 225; 314; 415.

(O. M. 2–15–54 4.4 (l))

33.6 *Routing.* The direction of the routing of unrouted traffic under Section 15 (10).

(O. M. 4.4 (h))

33.7 *Safety.* The installation, maintenance and enforcement of safety devices of carriers by railroad; the qualifications and maximum hours of service of employees and safety of operation and equipment for common, contract and private carriers; the establishment of reasonable requirements for the safe transportation of explosives and other dangerous articles; matters arising under the Accident Reports Act, the Safety Appliance Act, Hours of Service Act, Locomotive Inspection Act, Medals of Honor Act, Ash Pan Act, Railroad Retirement Act, Railroad Unemployment Insurance Act, the Railway Labor Act and the Block Signal Resolution or under Section 25 (a) to (g), and Section 204 (a).

(O. M. 2–15–54 4.4 (j), (l), (r) and 4.7 (b))

RULE 34—DIVISION FOUR—FINANCE

To this *Division* is delegated all of the jurisdiction and power of *The Agency*, except the *Enforcement* of *The Act* as delegated in Rule 31.4, with respect to the following matters:

34.0 *Accounts and Statistics.* The reports, records and accounts of *Persons* subject to Section 20 (1) to (10), inclusive, 204 (a) (1), (2), and (4); Section 220 (a) to (f), inclusive; Section 222 (b), (d) and (g); Sections 313 and 412.

(O. M. 2–15–54 4.2 (a)–(d))

34.1 *Unifications.* Pooling, consolidation, merger, purchase, lease, operating contracts, acquisition of control, including matters of public convenience and necessity and consistency with the public interest directly related thereto; common control of railroads and common carriers by water and the unlawful control by or of forwarders under sections 5 (1) to (16), inclusive, and 411.

(O. M. 2–15–54 4.6 (b), (c) and (g))

34.2 *Securities.* All Provisions of *The Act* providing for *Issuance*, approval or voluntary *Alteration* or modification of *securities* or obligations (sections 20a, 20b and 214).

(O. M. 2–15–54 4.6 (j))

34.3 *Interlocking Officers.* Holding position as officer or director of more than one carrier under Section 20a (12).

(O. M. 2–15–54 4.6 (e))

34.4 *Insurance.* Security for the protection of the public and rules governing the filing of surety bonds, policies of insurance and self-insurance by motor carriers and freight forwarders under sections 215 and 403 (c), (d).

(O. M. 2–15–54 4.7 (m), (p))

34.5 *Bankruptcy and Reorganization.* Reorganization of railroads and motor carrier corporations under the Uniform Bankruptcy Act.

(O. M. 2–15–54 4.6 (i))

34.6 *Antitrust Acts.* Matters arising under the Clayton Antitrust Act.

(O. M. 2–15–54 4.6 (i))

34.7 *Miscellaneous Acts.* Matters arising under the Reconstruction Finance Corporation Act; under Section 20 of Title II of the Emergency Relief and Construction Act of 1932; under Section 22 (b) (9) of the Internal Revenue Code, and under Section 204 of the Transportation Act of 1920, as amended.

(O. M. 2–15–54 4.6 (k), (m), (n))

34.8 *Recordation.* The recordation of agreements and other documents relating to the sale, mortgage or lease of railroad equipment under Section 20c.

(O. M. 2–15–54 4.2 (g))

34.9 *Valuation.* Valuation of property of carriers under Section 19a.

(O. M. 2–15–54 4.3 (g))

RULE 35—COMMISSION EN BANC

The following jurisdiction and powers, except as they may be delegated by specific *Order*, are reserved for exercise by the entire Commission sitting en banc.

(O. M. 2–15–54 2.4)

35.1 *Residual Jurisdiction.* All jurisdiction and powers not expressly delegated to the several divisions, Rules 31 to 34, inclusive.

(O. M. 2–15–54 2.4)

35.2 *Reconsideration.* All *Petitions* for *Reconsideration, Rehearing, Reargument* or *Reopening* of a *Decision* by a *Division* or by the *Commission en banc.*

(O. M. 2–15–54 2.4)

RULE 36—THE CHAIRMAN

Annually on or before June 30th *The Agency* will elect one of its members as *Chairman* who shall serve for one year beginning the July 1st following and thereafter until his successor is appointed. The *Chairman* shall be the Executive Head of the Commission; preside at all of its sessions and see that every vote and official act of the Commission is accurately and promptly recorded by the Secretary or the person designated by the Commission for such purpose; in addition to his statutory duties, the following duties and responsibilities are delegated to the *Chairman* (or in his absence to the Acting Chairman, who shall be the available senior *Commissioner* in point of service).

(O. M. 2-15-54 3.1, 3.2, 3.3)

36.1 *Sessions.* Regular executive sessions of the Commission will be held, unless otherwise ordered by it, on the first and third Monday and Tuesday (or the next available business day) of each month except August and September. Special sessions will be called by the *Chairman* whenever in his opinion any matter or business of *The Agency* so requires or whenever requested so to do by a majority of the members of *The Agency*. Public sessions of *The Agency* for the hearing of causes or for oral argument or presentations will be held upon the call of the *Chairman*, who shall exercise general control over the Commission's argument calendar and conference agenda.

(O. M. 2-15-54 3.4, 3.5)

36.2 *Supervision.* The *Chairman* shall (a) bring to the attention of any *Commissioner*, *Division*, or *Board* any delay or failure in the work under his or its supervision, (b) report periodically, not less than once every six months, to the Commission on the state of the Commission's work, and (c) recommend to the Commission ways and means of correcting or preventing avoidable delays in the performance of any work or the disposition of any official matter which he is unable otherwise to have remedied.

(O. M. 2-15-54 3.7)

36.3 *Official Spokesman.* Except in instances where the duty is otherwise expressly delegated by the Commission or the *Chairman*, the *Chairman* shall act as correspondent and spokesman for the Commission in all matters where an official expression of the Commission is required.

(O. M. 2-15-54 3.6)

36.4 *Assignments.* He shall be ex officio *Chairman* of the Committee on Legislation and Rules and a member of Division One, and during his term shall be relieved of regular assignments as a member of any other *Division*.

(O. M. 2-15-54, 3.8, 3.9)

36.5 *Transfers.* Whenever it appears desirable the *Chairman* may designate an additional *Commissioner* or *Commissioners* to sit with a *Division* or a *Commissioner* to fill a vacancy on any committee until the Commission otherwise orders.

(O. M. 2-15-54 3.10, 3.11)

36.6 *Management.* Pursuant to the general objectives and broad policies, or to specific instructions of the Commission, the *Chairman* shall represent the Commission in supervising, guiding and directing the Managing Director, Secretary and General Counsel in the performance of their duties and shall serve as the channel through which they submit recommendations to the Commission.

(O. M. 2-15-54 3.12)

RULE 37—EMPLOYEE BOARDS

To Board of Employees are delegated *The Agency* functions, power and jurisdiction shown in sub-rules 37.1 to 37.2, respectively, hereof. Such delegation does not include *Proceedings* required to be *Initially Decided* by a *Joint Board*. Any Director of a Bureau, the General Counsel and any interested *Person* may *Appeal* from the *Decision* of a Board pursuant to the provisions of Rule 293 hereof to the Division as herein provided.

37.1 *Board of Inquiry,* which will recommend to Division One with respect to enforcement proceedings under sections 1 (21); 5 (3); 6 (10); 10; 15 (11), (12); 16 (8)-(12), inclusive; 20a (11), (12); (25) (h); 204 (c); 222; 304 (e); 316 (d); 317; 403 (f); 417 (b); 421 and of the Elkins and Clayton Antitrust Acts as respectively amended. *Appeals* from its decisions are to Division One.

37.2 *Charges Board* shall (a) consider and decide *Appeals* from any action of an Assistant Director with respect to *Applications* for *Voluntary Reparation* or for the publication of *Released Rates;* and (b) *Hear* and *Initially Decide Complaint Proceedings* referred to it. *Appeals* from its decisions are to Division Two.

37.3 *Operations Board* shall (a) consider and decide *Appeals* from any action of an Officer of the Bureau of Operations, except a recommendation to the Commission or the *Reference* of a *Proceeding;* and (b) shall *Hear* and *Initially Decide* any *Proceeding Referred* to it. Appeals from its decisions are to Division Three.

37.4 *Finance Board* shall (a) consider and decide *Appeals* from any action of an Officer of the Bureau of Finance, except a recommendation to the Commission or the *Reference* of a *Proceeding;* and (b) shall *Hear* and *Initially Decide* any *Proceeding* referred to it. *Appeals* from its decisions are to Division Four.

37.5 *Tariff Board* shall (a) consider and decide *Appeals* from the action of any Officer of the Bureau of Traffic under Rules 42.1 to 42.26, inclusive; and (b) *Hear* and *Initially Decide* any Proceeding involving tariff rules, the form, manner or content of tariffs or tariff publications or applications to publish tariffs upon less than statutory notice or for a temporary period. *Appeals* from its decision are to Division Two.

37.6 *Board of Reference* upon request of the Secretary or of the Director of any Bureau shall decide (a) to what *Hearing Officer* any proceeding shall be assigned or *Referred* and (b) whether in any matter or proceeding there is involved a substantial issue of *Material Fact. Appeals* from its decisions are to Division One.

37.7 *Fourth Section Board* shall initially decide matters arising under Section 4 relating to long-and-short-haul and to the aggregate of intermediate rates and relief therefrom, except when such matters arise as an incident to a *Charges Proceeding. Appeals* from its decisions are to Division Two.

37.8 *Suspension Board* shall initially dispose of *Petitions* or requests for suspension of schedules or *Tariffs* or parts thereof and for *Investigations* ancillary thereto arising under Section 15 (7), 216 (g), 218 (c), 307 (g), (i), and 406 (e), *Appeals* from its decisions are to Division Two.

37.9 *Accounting and Valuation Board* shall (a) consider and decide *Appeals* from any action of an Officer of the Bureau of Accounts and Valuation, except a recommendation to the Commission or the *Reference* of a *Proceeding*; and (b) shall make all tentative valuations required under Section 19a; and (c) *Hear* and *Initially Decide Investigation Proceedings* referred to it. *Appeals* from its decisions are to Division Four.

RULE 38—OFFICES

The principal office of the Commission is located in the Interstate Commerce Commission Building at the northwest corner of 12th Street and Constitution Avenue, N. W., Washington 25, D. C. Regional and field offices of the Commission are located as provided in Article 5 hereof. The offices are open on each day except Saturdays, Sundays, and holidays, from 8:30 a. m. to 5:00 p. m. Standard Time or Daylight Saving Time, whichever is currently in effect in the city in which such office is located. All final opinions and orders in all proceedings are available to public inspection in the Office of the Secretary during business hours.

(APA 3 (b); FPC 6 (a); FTC 1; SEC 1; MC 201.7)

RULE 39—PUBLIC RECORDS

Except as otherwise required by law or by general or special order of *The Agency* for good cause, all written or telegraphic communications, *Procedural Instruments*, depositions, transcripts of oral testimony or argument, exhibits of documents or objects offered or received in evidence, as well as all notices, directions or orders given or made in every *Proceeding*, and all Tariffs and schedules, and all regular, special, annual or periodic reports or *Documents* relating to the Sale, Mortgage or lease of Equipment, *filed* with *The Agency* pursuant to law, order or regulation are public records which may be inspected during business hours at the office of *The Agency* or the National Archives at the corner of Pennsylvania Avenue and 8th Street, N. W., in Washington, D. C.

(APA 3 (c); FPC 1.36; FTC XXIX; M. C. 201.7; S. E. C. XIII (f)-(j))

ARTICLE 4—CENTRAL STAFF

RULE 40—THE SECRETARY

The Secretary is an officer of *The Agency* appointed under authority of Section 18 (1). He is the keeper of its minutes, the custodian of its seal and of all records, reports and documents, public and private, of or filed with *The Agency* pursuant to the provisions of The Act. He is the official by and through whom all *Decisions*, opinions, notices, process, Orders or rules issued by *The Agency* or under its authority are signed, sealed, released, made public or *Served*. He reports to the Commission through the Chairman.

(ICA 18 (1); 16 (13); 204 (d); 316 (d); 417 (d); 17 (3), (4); 221 (a); 315 (a); 416 (a); FPC 1.2 (a), (b); 1.7 (a); FTC 1; M. C. 201.6; S. E. C. XVI)

40.1 *Dockets.* The Secretary shall maintain a docket for each *Proceeding* initiated before *The Agency* to which there shall be assigned appropriate designation. The docket shall be available for inspection and copying by the public during the office hours of *The Agency*. Insofar as consistent with the proper discharge of *The Agency's* duties, all *Procedural Instruments*, depositions, transcripts of testimony, documentary exhibits, requests for subpoenas, notices, *Decisions, Orders* or rules shall be maintained in chronological order in the official docket. The entries of appearance shall be maintained separately in an Appearance Docket which shall have the same designation as the official docket. All communications to the Commission or any *Officer* thereof from any *Person* outside of *The Agency* and all replies thereto by any Officer or employee of *The Agency* will be maintained in a separate correspondence docket having the same docket number. All dockets shall be available for inspection and copying by the public during the office hours of *The Agency* insofar as consistent with the proper discharge of *The Agency's* duties.

(FPC 1.14 (b), (c))

40.2 *Indices and Annotations.* The Chief of the Section of Indices and Annotations will supervise the current preparation of indexes to all Dockets, Orders, *Decisions* and Reports, the digest of all points decided therein, and the annotation of such points to the appropriate sections of *The Act* and laws supplementary thereto.

40.3 *Librarian.* The Librarian shall have charge of the Library of *The Agency* consisting of published reports and decisions of *The Agency*, Federal and State courts, Federal and State statutes, economic reports, statistics and analyses and works and treaties relating to the field of economics, business and law within which *The Agency's* jurisdiction operates.

40.4 *Mails and Files.* Section headed by a Chief.

RULE 41—MANAGING DIRECTOR

The Managing Director is the chief operating official of *The Agency* charged with the performance of all of its duties of an administrative nature not otherwise reserved by law. He is appointed by *The Agency* and reports through the Chairman to *The Agency* en banc. He is charged with the duty of planning for greater efficiency and economy in the administrative functions of *The Agency* (which do not cover its quasi-judicial or quasi-legislative work) and with supervising the operations of *The Agency's* Staff to assure the carrying out of those plans. He counsels with and makes recommendations to *The Agency* with respect to quasi-judicial and quasi-legislative decisions, orders, policies, rules or practices which may affect administrative policies. He supervises the work of the heads of *The Agency's* bureaus, offices, and field offices. He is responsible for formulating plans for improved work techniques and standards by which the work output is to be measured, as well as the form in which reports on the progress of the administrative work are to be made. *The Agency* has delegated to him the task of public relations with other *Agencies*, with carriers which it regulates, and with the public, except as to such duties as may be delegated to the Chairman or the Secretary. He is charged with the responsibility for reviewing addresses or speeches by any employee of *The Agency* before they are made public insofar as they touch on administrative matters or cover *Agency* operations and to clear with the Chairman any portion thereof which has to do with the policies, objectives or purposes of *The Agency*. He is charged with determining the advisability of additions to the staff and with planning and putting into effect organizational changes after they have been approved. He selects, appoints, relieves of duty or changes the duties of, the head of any bureau, office or field office of *The Agency*, except the General Counsel, Secretary or other employee whose appointment is otherwise provided by law, with the advice and consent of *The Agency* in accordance with civil service regulations. He supervises preparation of budget estimates, submits them to *The Agency* and, with the approval of *The Agency*, recommends them to the Bureau of the Budget and to the Congress. He is responsible for providing necessary working quarters, equipment and facilities and will approve plans for physical consolidation of administrative bureaus and field offices to promote efficiency and economy. He will name the personnel of boards of employees to which *The Agency* assigns work, and supervises the work of such boards without influencing quasi-judicial or quasi-legislative portions thereof. He prepares for *The Agency* or the Committee on Legislation and Rules special studies or replies or special requests and the annual report of *The Agency* to Congress or any committee thereof. He supervises and directs the following sections:

41.1 *Budget and Fiscal Affairs Section* headed by the Budget Officer.

41.2 *Personnel Section* headed by the Personnel Director.

41.3 *Stenography Section* headed by a Chief.

41.4 *Supplies and Publications Section* headed by the Purchasing Agent.

RULE 42—BUREAU OF TRAFFIC

The Bureau of Traffic receives, inspects and files or rejects all tariffs and schedules of *Charges* filed by all carriers. It receives, analyzes and recommends with respect to *Applications* for special permission to depart from the provisions of sections 6 (3), 20 (11), 217 (c), 218 (a), 306 (d), (e), 405 (d) and of *The Agency's* applicable tariff rule. It compiles, revises, amends and polices tariff rules governing the form and content of all tariffs and schedules of all carriers. It analyzes, reports and recommends with respect to *Petitions* for investigation of charges, *Complaints* respecting the lawfulness of charges, and *Applications* under Section 5a of *The Act* for approval of carrier rate making agreements.

42.0 *Office of Director* recommends to Division Two with respect to *Rule Making, Investigations* or *Petitions* or proposals therefor, which involve *Tariffs* or *Charges;* reviews and *Refers Orders* of *Investigations, Applications* for *Rate Making Agreements* and *Complaints* involving *Charges* with or without his recommendations with respect thereto.

42.1 *Rail, Water and Pipe Line Tariffs Section* administered by an Assistant Director, who grants or denies *Applications* for *Special Permission* and supervises functions of the following branches, each headed by a Chief of Branch: 42.11 Concurrences; 42.12 Passenger Tariffs; 42.13 Express Tariffs; 42.14 Freight Tariffs; 42.15 Freight Waybills; 42.16 Freight Rates.

42.2 *Motor and Forwarder Tariffs Section* administered by an Assistant Director, who grants or denies *Applications* for *Special Permission* and supervises functions of the following branches, each headed by a Chief of Branch: 42.21 Concurrences; 42.22 Passenger Tariffs; 42.23 Freight Tariffs; 42.24 Freight Rates; 42.25 Temporary Authority.

42.3 *Rate Cases Section* administered by an Assistant Director, who approves, grants or denies *Applications* for *Released Rate Orders* or to make voluntary reparations of unlawful *Charges* on *Special Docket*.

RULE 43—BUREAU OF OPERATIONS

This bureau investigates and recommends with respect to the classification of all types of carriers; the grant enlargement, *Unification*, surrender, revocation, *Abandonment* or discontinuance of their authority to operate; the adequacy of *Carrier Facilities*, equipment and *Service*, the *Allowances* to the owner of property transported for transportation services rendered by him; and safety and inspection of equipment; safety appliances, rules, methods and regulations of all types of carriers; and

the safe transportation of explosives and other dangerous articles.

43.0 *Office of Director* recommends to Division Three with respect to *Rule Making, Investigations,* or *Petitions* or proposals therefor which involve Carrier *Operations, Operating Authority, Service* or *Safety;* reviews and *Refers Orders* of *Investigations, Petitions,* and *Complaints* involving the same, with or without his recommendations with respect thereto.

43.1 *Operating Authority, Part II Section* headed by a Chief, receives, analyzes, and *Refers,* with or without recommendation, all *Applications* for certificates, permits and licenses of *Motor Carriers* and *Brokers.*

(O. M. 9.11 (c))

43.2 *Operating Authority, Parts I, III, IV Section* headed by a Chief, receives, analyzes, and *Refers,* with or without recommendation, all *Applications* for certificates, permits and licenses of *Railroads, Water Carriers* and *Forwarders.*

(O. M. 9.5 (a))

43.3 *Field Organization* headed by an Assistant Director supervises the field operations of *The Agency's* Regional Bureaus.

(O. M. 9.11 (a))

43.4 *Insurance Section,* headed by a Chief, enforces provisions of Parts II and IV requiring security for protection of the public and disposes initially of *Applications* to act as *Self-Insurer.*

(O. M. 9.11 (g), 9.16)

43.5 *Service Section,* headed by an Assistant Director, which investigates and recommends with respect to the adequacy of *Carrier Facilities,* and transportation service and *Allowances* to owners of property transported for transportation services rendered by them.

43.51 *Car Service.* The Assistant Director initially handles all duties under Part I relating to freight car Service.

43.6 *Locomotive Inspection Section,* headed by an Assistant Director who is also the Director of Locomotive Inspection, who directs the performance of the Commission's duties under the Locomotive Inspection Act and the Ash Pan Act.

43.7 *Railroad Safety Section,* headed by an Assistant Director, who directs the discharge of the following statutory duties of the Commission through the following branches, each headed by a Section Chief: 43.41 Signals and Train Control; 43.42 Safety Appliances; 43.43 Accident Investigations; 43.44 Hours of Service.

43.8 *Motor Carrier Safety Section,* headed by an Assistant Director, who directs the discharge of the following statutory duties through the following branches, each headed by a Section Chief: 43.51 Accident Investigations; 43.52 Hours of Service; 43.53 Other Motor Carrier Safety.

43.9 *Explosives and Dangerous Articles Section,* headed by a Chief, who supervises the discharge of the duties of the Commission under the "Explosives and Combustibles Act", 18 USC 835 and the Federal Explosives Act, 50 USC 123.

RULE 44—BUREAU OF FINANCE

The Bureau of Finance, headed by a Director, administers provisions of *The Act* relating to *Unification, Securities,* interlocking officers, annual, periodic and special *Carrier* reports and matters arising under the Bankruptcy, Reorganization, and Antitrust Acts. It analyzes and from time to time reports to the Commission through Division 4 with respect to *Carrier* finances, financing, financial condition, earnings, operations, traffic, accidents, and the cost of providing service for different kinds of traffic by different carriers in the several territories or by individual carriers.

(Compare similar "Division of Finance and Statistics of the Federal Power Commission", FPC 1.7 (b) (2); 02.24; 02.25; 1.7 (3) (4); 02.35)

44.0 *Office of Director* recommends to Division Four with respect to *Rule Making, Investigations* or *Petitions* or proposals therefor which involve *Carrier* reports, statistics, cost finding, *Unifications, Securities* or *Reorganizations* and reviews and *Refers Orders* for *Investigations, Petitions* and *Complaints* involving any of the same, with or without, his recommendations with respect thereto; disposes of *Applications* to hold interlocking offices or directorships in two or more carriers.

44.1 *Research Section,* headed by an Assistant Director, analyzes, studies, and reports to Division Four with respect to the finances, financing, financial condition, earnings, operations, traffic, accidents, and costs of *Carriers* subject to the Act.

(O. M. 9.15 (a))

44.2 *Annual Reports Section,* headed by a Chief, receives, edits, summarizes, compiles and abstracts annual reports of *Carriers* required to be filed with the Commission.

(O. M. 9.15 (c))

44.3 *Other Carrier Reports Section,* headed by a Chief, receives, edits, summarizes and compiles abstracts of other periodic and special *Carrier* reports required to be filed with the Commission.

(O. M. 9.15 (d))

44.4 *Waybill Statistics Section,* headed by a Chief, receives, edits, tabulates, summarizes, analyzes, and reports with respect to the traffic movement of commodities by railroad as revealed by a continuous one percent waybill sample.

44.5 *Accident Statistics Section,* headed by a Chief, collects, analyzes, summarizes and reports statistics of accidents upon *Carriers* subject to *The Act.*

(O. M. 9.15 (e))

44.6 *Cost Finding Section,* headed by a Chief, collects, studies, analyzes, compiles the costs of transporting passengers, baggage, mail, express and freight by carriers subject to *The Act.*

(O. M. 9.4 (c))

44.7 *Carrier Unification Section,* headed by a Chief, receives, analyzes and *Refers,* with or without recommendation all *Applications* for *Pooling* or *Unification,* subject to Section 5 of *The Act.*

(O. M. 9.5 (a))

44.8 *Securities and Reorganizations Section,* headed by a Chief, receives, analyzes, *Refers,* with or without recommendation, all *Applications* for issuance of *Securities* under Section 20a or *Alteration* or modification of *Securities* under Section 20b or for reorganization of *Carriers* under the Bankruptcy Act.

(O. M. 9.5 (b))

44.9 *Mechanical Tabulations Section,* headed by a Chief, receives, edits, card punches, verifies, sorts, classifies, tabulates and reports statistical data.

(O. M. 9.15 (f))

RULE 45—ACCOUNTS AND VALUATION

The Bureau of Accounts, headed by a Director, initially performs the work and recommends to the Commission through Division Four the Prescription, amendment and supplementation of uniform system of *Accounts* applicable to the several classes of *Carriers* and the prescription, modification or amendment of depreciable classes of property and the rates of depreciation applicable thereto, interprets the uniform systems of *Accounts* and audits, supervises and inspects the records, books and *Accounts* and memoranda required to be kept by *Carriers* and also recommends to the Commission Orders respecting the keeping and destruction of records as provided in Section 20 (3)–(6); 204 (a); 220; 313; 412. The Bureau also discharges the duties of *The Agency* except final *Orders* or *Decisions* thereunder respecting the valuation of property of *Carriers* subject to Part I under Section 19a.

(O. M. 9.4; FPC 1.7 (f), (1); 02.32, .33, .61, .62; 03.2)

45.0 *Office of Director,* recommends to Division Four with respect to *Rule Making, Investigations* or *Petitions* or proposals therefor which involve *Carrier Accounts,* accounting, depreciation and *Valuation.*

45.1 *Administrative Section,* headed by an Assistant Director, supervises the entire work of the Bureau.

(O. M. 9.4 (a))

45.2 *Accounting Section,* headed by the Chief Accountant interprets the Uniform System of Accounts and prescribes rates of depreciation.

(O. M. 9.4 (b))

45.3 *Valuation Section,* headed by an Assistant Director, initially discharges the duties of the Commission under Section 19a through the following branches:

45.31 *Engineering,* headed by a Head Valuation Engineer.

(O. M. 9.4 (d))

45.32 *Field Service,* headed by a Chief of Field Service.

(O. M. 9.4 (e))

45.33 *Land Valuations,* headed by Head Land Appraiser.

(O. M. 9.4 (f))

45.34 *Property Changes,* (Valuation Order 3), headed by Head Auditor of Property Changes.

RULE 46—BUREAU OF HEARINGS

This bureau, headed by a Director, conducts the *Hearings* in all *Adjudicatory Proceedings* and in all *Rule Making Proceedings* assigned for *Hearing* and determination pursuant to chapters 1, 2 and 3 hereof as provided in Rule 03.3, except *Proceedings Referred* hereunder to an *Employee* or *Joint Board.*

46.0 *Board of Review* consists of nine or more members, the chairman of which, designated by the Managing Director, shall be an Assistant Director of the Bureau.

46.01 *Qualifications.* All members of Board shall be attorneys at law who have had at least 5 years experience as a *General Examiner* of *The Agency* and who by examination have demonstrated complete familiarity with: (a) the statutory provisions, (b) judicial and administrative precedents covering every field of *The Agency's* jurisdiction and regulatory powers, (c) *These Rules,* (d) economic principles relating to the commerce and business of *Persons* subject to *The Act;* (e) the financial, executive, operating, traffic, accounting and statistical methods, practices, *Facilities* and equipment employed in providing transportation which is subject to *The Act.*

46.02 *Unappealed Initial Decisions by Hearing Officers* will be reviewed by one member of the Board of Review, from time to time assigned by the Chairman of such Board, who within 20 days after the *Filing* of such *Initial* Decision may recommend to the Division having jurisdiction of the *Proceeding* that the *Order* be stayed and the *Initial Decision* reviewed for reasons set out in such recommendation.

46.03 *Appealed Initial Decisions* will be reviewed by at least three members of the Board of Review, as from time to time assigned by the Chairman of the Board, who by a majority, within 30 days after the time for *Filing Replies* to *Exceptions* or *Replications* to such *Replies,* if any, or oral argument, if any, whichever is the later, shall submit a recommendation to the Division having jurisdiction of the *Proceeding* with respect to the *Appeal,* and if the recommendation be other than for unqualified affirmance, at the same time submit to said Division a complete draft of the *Final Decision* recommended by the Board.

46.04 *Petitions for Reconsideration* shall be referred to the Board for its recommendation to the Commission en banc.

46.05 *Upon Reconsideration* the Chairman of the Board shall designate five members thereof having no previous connection with the *Proceeding* to review the *Decision,* the *Petition* for *Reconsideration,* the *Reply* thereto, any further *Proof* introduced and any oral argument thereon and within 30 days after *Filing* of such *Reply* or additional *Briefs* or oral argument, whichever is the later, recommend and submit to the Commission en banc a revised Report and Order upon Reconsideration.

46.1 *General Examiners Section* headed by an Assistant Director and consisting of Examiners who have been certified by the Director of the Bureau with the approval of the Managing Director as qualified to *Hear* and *Initially Decide* any *Proceeding* arising under *The Act.* Any *Investigation* instituted by Division One will be *Referred* to a member of this Section for *Hearing* and *Initial Decision,* and the Director of the Bureau will from time to time assign members of this Section temporarily to other Sections of the Bureau where their services are required.

46.11 *Qualifications.* To be qualified as a General Examiner a person shall have been an Examiner of *The Agency* for at least 5 years and shall possess all Qualifications which are required for Examiners under Sub-Rules 46.2 to 46.5 hereof inclusive.

46.2 *Charges Examiners Section.* Headed by an Assistant Director and certified by the Director of the Bureau as qualified to hear and initially decide any *Proceeding* within the jurisdiction of Division Two. *Proceedings* within the jurisdiction of Division Two not otherwise *Referred* will be *Referred* to a member of this Section.

46.21 *Qualifications.* To be qualified as a *Charges Examiner* a person shall possess the general qualifications for all Examiners under Rule 46.5 and in addition shall be familiar with the administrative precedents covering the field of the jurisdiction delegated to Division Two, and with the economic principles governing *Charges,* with *Rate Making,* Tariffs, Tariff Rules, and have a general knowledge of the *Fare* and *Rate Structures* of all *Carriers.*

46.3 *Operations Examiners Section.* Headed by an Assistant Director and certified by the Director of the Bureau as competent to *Hear* and *Initially Decide* any *Proceeding* within the jurisdiction of Division Three. *Proceedings* within the jurisdiction of Division Three not otherwise *Referred* will be *Referred* to a member of this Section.

46.31 *Qualifications.* To be qualified as an *Operations Examiner,* a person shall possess the general qualifications for all Examiners under Rule 46.5 and in addition shall be familiar with the administrative precedents covering the field of the jurisdiction delegated to Division Three, (b) classification of each type of *Carrier;* (c) economic principles respecting the location of *Carrier* routes, the institution, extension or cessation of *Carrier Operations;* (e) the service requirements exacted of each type of *Carrier;* and (e) safe, efficient and serviceable *Facilities,* equipment, and transport operation and maintenance.

46.4 *Finance Examiners Section.* Headed by an Assistant Director and certified by the Director of the Bureau as competent to *Hear* and *Initially Decide* any *Proceeding* within the jurisdiction of Division Four. *Proceedings* within the jurisdiction of Division Four not otherwise *Referred* will be *Referred* to a member of this Section.

46.41 *Qualifications.* To be qualified as a *Finance Examiner* a person shall possess the general qualifications for all Examiners under Rule 46.5 and in addition shall be familiar with (a) the administrative precedents covering the field of the jurisdiction delegated to Division Four; (b) the legal, economic and business principles and practices relating to *Pooling,* merger, consolidation; corporate control and affiliation; and the issue, form, terms, conditions and obligation of *Securities;* (c) *The Agency's* system of uniform accounts and the methods and practices of *Carriers* in keeping *Accounts* thereunder and the form, content and significance of *Carrier* financial, traffic and operating reports and statistics; (e) the general principles and methods of cost finding and cost analysis of *Carrier Operations.*

46.5 *General Qualifications.* Except as otherwise prescribed by special order of the Commission en banc, a person shall not be deemed to be competent to be appointed an Examiner of any section of the Bureau of Hearings unless he shall show to the satisfaction of the Director of the Bureau and the Managing Director that he is of good moral character and reputation and a member in good standing of the Bar of the Supreme Court of the United States, and shall have demonstrated by examination oral and written that he can conduct Hearings in a dignified, orderly and impartial manner, determine credibility of witnesses; sift and analyze evidence and prepare with ease and celerity, in clear, concise and grammatical English, a sound and convincing report of facts determined after such analyses and the conclusions to be drawn therefrom, both legal and factual, and, in addition, that he has comprehensive knowledge and familiarity with the statutory provisions and judicial precedents covering every field of *The Agency's* jurisdiction and with administrative precedents covering the field of such jurisdiction embraced within the particular section of the Bureau of Hearings to which he is to be appointed or assigned; and with *These Rules* and with the practice and procedure in the trial of civil actions and the conduct of Judges and Attorneys therein.

RULE 47—DISCIPLINE OF EXAMINERS

Members of any section of the Bureau of Hearings will be promoted to a higher grade or office upon the certificate of the Director of the Bureau, approved by the Managing Director. They will be disciplined under the following Rules:

47.1 *Censure.* The Director of the said Bureau may at any time *Serve* upon the Examiner a written censure for any intentional deviation from any of the Canons of Ethics set forth in Rules 73 to 76 inclusive; for insubordination; failure promptly, expeditiously, and properly to discharge all of the duties of his office; contemptuous or contumacious conduct at any *Hearing* or *Conference* or with respect to any officer or employee of *The Agency;* or any other act unbecoming a *Hearing Officer.* Such

Hearing Officer, within 10 days thereafter, may *File* a verified *Response* to such censure and request a *Hearing*. The Secretary will *Refer* this request to Division One which will hold a *Hearing* with respect thereto promptly. After *Hearing* the Division may affirm or reverse the censure or, if it deems the facts warrant the same, direct the General Counsel to prefer charges as provided in Rule 47.2 hereof.

47.2 *Preferment of Charges.* Upon request of the Director of the Bureau of Hearings, with the approval of the Managing Director, the General Counsel will prefer charges before the Civil Service Commission seeking the demotion, suspension or removal of an Examiner whenever it shall appear that such Examiner has (a) shown a lack of the requisite qualifications to hold the office to which he has been appointed; (b) practice fraud, misrepresentation or chicanery in his dealings with the Commission, its officers or employees, *Practitioners* or other persons or *Parties* having business with the Commission; (c) intentionally made a false statement or representation in any report or in any Decision or at any *Hearing* or *Conference;* (d) has intentionally and persistently deviated from any of the Canons of Ethics set forth in Rules 73 to 76 after the same has been called to his attention; (e) has been guilty of any offense involving moral turpitude; (f) has been contemptuously or contumaciously insubordinate, disrespectful or insulting to any member or officer of *The Agency* or any other Examiner.

47.3 *Order.* If in the *Proceeding* before the Civil Service Commission, described in Rule 47.2, that Commission, after opportunity for *Hearing* and upon the *Record* thereof, shall determine that good cause has been established for the demotion, suspension or removal, as the case may be, of the Examiner, Division One will enter an *Order* to such effect.

RULE 48—OFFICE OF LAW

The Office of Law is directed by a General Counsel who is administrative head for all legal functions of *The Agency*. It serves as legal counsel to *The Agency*, the Managing Director and to the entire *Agency* organization. It is charged with the inquiry and enforcement of the provisions of *The Act* and of the Orders of *The Agency* and will represent *The Agency* in all judicial proceedings for the enforcement or review of *The Agency's Orders*. It is also authorized to intervene in its own behalf or upon behalf of any Bureau in any *Proceeding* which involves compliance with or enforcement of provisions of *The Act*. It will exercise functional authority over field investigators and attorneys.

(Compare Wolf Report, page 19, "Office of Law" O. M. 9.9)

48.0 *General Counsel*, furnishes legal opinion and advice to the Commission and its staff, and recommends to Division One with respect to the censure, discipline or disbarment of *Practitioners*.

(O. M. 9.9 (a))

48.1 *Court Proceedings Section*, composed of Associate General Counsel, who try all *Proceedings* for *Judicial Enforcement* or *Review*.

(O. M. 9.9 (a))

48.2 *Inquiry Section*, headed by Director of Inquiry, which receives, investigates and recommends with respect to violations of *The Act* or any *Order* of the Commission.

(O. M. 9.8 (a))

48.3 *Safety Enforcement Section*, headed by an Assistant Director, prosecutes all *Proceedings* before the Commission for enforcement of railroad and motor carrier safety.

48.4 *Motor Carrier Enforcement Section*, headed by an Assistant Director, prosecutes all *Proceedings* before the Commission involving enforcement of Part II other than safety.

(O. M. 9.8 (a))

48.5 *All Other Enforcement*, headed by an Assistant Director, prosecutes all *Proceedings* before the Commission involving enforcement of Parts I, III and IV other than safety.

(O. M. 9.8 (b))

ARTICLE 5—REGIONAL STAFF

RULE 50—ORGANIZATION

The field operations of *The Agency* are grouped into nine geographic regions corresponding closely to the rate-making regions of the country which are conducted by nine regional bureaus. The offices and the respective jurisdictions of each of the regional bureaus are as set out in sub rules 50.0 to 50.7 inclusive hereof.

50.0 *Regional Director*, is appointed by and for purposes of administration reports to the Managing Director, although he may be also one of the Associate Regional Directors described in Rules 50.1 to 50.7, inclusive. He acts as the supervisory executive of the regional office and is charged with its internal administration, office arrangement, hearing rooms, clerical aids, supplies and deportment of the field staff.

50.1 *Associate Law Director*, who shall act as the Regional Counsel and who discharges under the direction of the General Counsel duties of the Office of Law within the region and supervises under the direction of the Director of Inquiry investigations of reported violations of *The Act* or of *Orders* of *The Agency* within the region. He will be assisted by such additional attorneys and agents as the General Counsel, with the approval of the Managing Director, shall appoint.

50.2 *Associate Traffic Director*, who under the direction of the Director of the Bureau of Traffic performs the duties and exercises the jurisdiction of the Bureau over matters confined to the region, except matters delegated to the Fourth Section or Suspension Boards. He will be assisted by such additional traffic officers or personnel as the Director of the Bureau of Traffic, with the approval of the Managing Director, shall appoint.

50.3 *Associate Operations Director*, who under the direction of the Director of the Bureau of Operations performs the duties and exercises the jurisdiction of that Bureau over matters confined to the region. Also under the direction respectively of the Director of Locomotive Inspection and the Assistant Directors of Railroad and Motor Carrier Safety and of Service, supervises the work of Locomotive Inspectors, railroad and motor carrier Safety Inspectors and Service Agents located within the region. He will be assisted by such additional Service & Safety officers or personnel as the Director of the Bureau of Service and Safety, with the approval of the Managing Director, shall appoint.

50.4 *Associate Finance Director*, who under the direction of the Director of the Bureau of Finance performs the duties and exercises the jurisdiction of that Bureau with respect to the Annual and Periodic Reports of Carriers whose operations are confined to the region, a *Unification* of two or more *Carriers* the operations of which lie wholly within the region and cost finding with respect to operations wholly within the region. He will be assisted by such additional Finance Officers or personnel as the Director of, the Bureau of Finance, with the approval of the Managing Director, shall appoint.

50.5 *Associate Accounting and Valuation Director*, who under the direction of the Director of the Bureau of Accounts and Valuation performs the duties and exercises the jurisdiction of that Bureau over matters lying entirely within the region, and supervises the work of the Accounting and Valuation field personnel within the region. He will be assisted by such additional Accounting and Valuation officers and personnel as the Director of the Bureau of Accounts and Valuation, with the approval of the Managing Director, shall appoint.

50.6 *Associate Hearings Director*, who has the qualifications of a General Examiner under Rule 46.1 and who will *Initially Hear* and *Decide* all *Proceedings* other than those relating to the *Issuance* or *Alteration* of *Securities* or *Instruments;* or corporate *Reorganizations* or *Proceedings* referred to an *Employee Board* (Rule 37) or to a *Joint Board* (Article 6) hereof, which *Proceedings* relate exclusively to matters within the region, and such other *Proceedings* as shall be referred to him by the Director of the Bureau of Hearing. He also will advise with and assist Joint Boards in *Proceedings* involving matters entirely within the region and upon direction of the Director of the Bureau of Hearings in Proceedings which involve matters partly within the region. He will be assisted temporarily or permanently by such additional Examiners as the Director of the Bureau of Hearings, with the approval of the Managing Director, shall appoint.

50.7 *Documents Required To Be Filed.* A conformed copy of every communication, *Tariff*, schedule, *Procedural Instrument* or other document required or permitted to be *Filed* at the office of *The Agency* in Washington, D. C., which involves or relates to any matter within the jurisdiction of a regional bureau shall be *Filed* in the office of such regional bureau on or before the day upon which the same is *Filed* in the Washington office of *The Agency*.

50.8 *Public Records.* All papers *Filed* with the Regional Bureau under Rule 50.8 hereof will be currently *Filed* in appropriate Tariff and Report files and in Dockets of the *Proceedings* to which they relate and with copies of all *Agency Decisions, Reports* and *Orders* will be open to public inspection during regular business hours.

RULE 51—NEW ENGLAND REGIONAL BUREAU

The New England Region embraces the States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island. The office of the Bureau is located in Boston, Massachusetts. A branch field office is located at Portland, Maine.

RULE 52—EASTERN REGIONAL BUREAU

The Eastern Region embraces the States of Maryland, New Jersey, New York, Pennsylvania, West Virginia, and the District of Columbia. The office of the Bureau is located in Philadelphia, Pennsylvania. Branch field offices are located at New York City, Albany, and Buffalo, New York, and Pittsburgh, Pennsylvania.

RULE 53—CENTRAL REGIONAL BUREAU

The Central Region embraces the States of Ohio, Michigan, Indiana, Illinois, Ohio River points in Kentucky, Mississippi River points in Iowa and Missouri, that part of Wisconsin on and South of U. S. Highway 151. The office of the Bureau is located in Chicago, Illinois, and branch field offices at Cleveland, Columbus, Detroit, Indianapolis, Toledo and Louisville.

RULE 54—SOUTHERN REGIONAL BUREAU

The Southern Region embraces the States of Virginia, North and South Carolina, Tennessee, Mississippi, Alabama, Georgia, and Florida, points in Kentucky not on the Ohio River, and points in Louisiana and Arkansas on or east of the Mississippi River. The office of the Bureau is at Atlanta, Georgia, and branch field offices are maintained at Charlotte, North Carolina, Chattanooga, Memphis, and Nashville, Tennessee, Mobile, Alabama, Jacksonville, Florida and New Orleans, Louisiana.

RULE 55—NORTHWESTERN REGIONAL BUREAU

The Northwestern Region embraces the States of Minnesota, North and South Dakota, points in Wisconson north or west of U. S. Highway 151. The office of the Bureau is at Minneapolis, Minnesota, and a branch field office is maintained at Fargo, North Dakota.

RULE 56—MIDWEST REGIONAL BUREAU

The Midwest Region embraces the States of Nebraska and Kansas, points in the States of Iowa and Missouri west of the Mississippi River, points in Colorado east of the Continental Divide. The office of the Bureau is at Kansas City, Missouri, and branch field offices are maintained at St. Louis, Missouri, and Denver, Colorado.

RULE 57—SOUTHWESTERN REGIONAL BUREAU

The Southwestern Region embraces the States of Oklahoma, Texas, and New Mexico and points in Arkansas and Louisiana west of the Mississippi River. The office of the Bureau is at Fort Worth, Texas, and branch field offices are maintained at Shreveport, Louisiana, Houston and San Antonio, Texas, and Albuquerque, New Mexico.

RULE 58—ROCKY MOUNTAIN REGIONAL BUREAU

The Rocky Mountain Region embraces the States of Montana, Idaho, Wyoming, Utah, and Colorado west of the Continental Divide. The office of the Bureau is located at Salt Lake City, Utah, and a branch field office is located at Great Falls, Montana.

RULE 59—PACIFIC REGIONAL BUREAU

The Pacific Region embraces the States of Washington, Oregon, California, Nevada and Arizona. The office of the Bureau is located at San Francisco, and branch field offices at Portland, Oregon, and Los Angeles, California.

ARTICLE 6—JOINT BOARDS

RULE 60—ORGANIZATION

The Agency has constituted a number of Joint Boards as provided in Section 205 (b) and, whenever occasion therefor arises will create additional such Boards, consisting of a member from each State of not more than three States for the purpose of *Initially Hearing* and *Deciding Proceedings* in which the operations of *Motor Carriers* or *Brokers*, conducted or proposed to be conducted, involve not more than three States, and which *Proceedings* involve *Applications* respecting *Operating Authority* or *Unifications* or *Complaints* as to violations of Section 294 (a) or as to the rates, fares and *Charges* of *Motor Carriers* or *Brokers*.

(Sec. 205)

RULE 61—CHAIRMAN

After a Joint Board has been created it shall select one of its members to act as Chairman for all purposes concerning matters which may be *Referred* to it. In the event the member so selected is absent from any meeting of the Joint Board, the members attending shall select one of such members temporarily to act as Chairman.

(ICC Rule 14 (a))

RULE 62—FAILURE TO PARTICIPATE

The failure of a duly appointed member of a Joint Board to participate in any *Proceeding*, after notice thereof, on a matter *Referred* to such Joint Board constitutes a waiver by the State from which such member was appointed further to participate in the *Proceeding*.

(ICC Rule 14 (b))

RULE 63—RULINGS

If the members of a Joint Board or a majority thereof in actual attendance at a *Hearing* shall be unable to agree upon the disposition of a procedural question arising therein, the Chairman (or Acting Chairman) of the Board shall decide the question and rule direct or order accordingly.

(ICC Rule 14 (c))

RULE 64—INITIAL DECISION

The *Initial Decision* of the Joint Board shall be made as provided in Rule 281 and shall be of the form and have the content provided in Rule 282.1. It will be *Served* by *The Agency*.

(ICC Rule 14 (d))

RULE 65—REVIEW

Such *Decision* shall be subject to *Appeals* and *Exceptions* as provided in Rule 283 and to *Review* and recommendation by the Review Board as provided in Rule 46.0.

RULE 66—TERMINATION OF JURISDICTION

The jurisdiction of a Joint Board over a *Proceeding Referred* to it will be terminated as follows:

66.1 *By Initial Decision* in which case further *Proceedings* will be had as provided in Article 28;

66.2 *By Waiver of Participation* either by express or telegraphic writing from the appropriate authority of each State from which a member thereof is entitled to be appointed or by the failure of all members of the Board to appear at an oral hearing, in either of which events the *Proceeding* will be *Heard* and *Initially Decided* by the Hearing Examiner designated to sit with the Joint Board;

66.3 *By Failure of a Majority of the Board to Agree* in which event the *Proceeding* will be *Initially Decided* by the Examiner assigned to assist the Joint Board;

66.4 *By Failure to Submit Decision Conforming to Rule 282.1* in which event the *Initial Decision* will be made by the Examiner appointed to assist the Joint Board;

66.5 *By Vacation of Reference* in which case further *Proceedings* shall be as ordered or directed by *The Agency*.

(ICC Rule 14 (e))

ARTICLE 7—HEARINGS

RULE 70—BY WHOM CONDUCTED

Hearings under *These Rules*, except as otherwise provided in Rule 03 will be conducted by (1) the Commission en banc; (2) a Division; (3) one or more individual Commissioners; (4) an Employee Board; (5) a Joint Board; (6) or by an Examiner qualified as provided by law.

(APA 7 (a), 11; ICA 17, 205)

70.1 *Disqualification.* No member, officer or employee of the Commission shall participate in the *Hearing* of any *Proceeding* in which:

(a) he has any personal interest or is related by blood or marriage or pecuniary relationship to any *Party* or any *Privy*, or *Practioner* of a *Party;*

(b) he has such a personal bias, animus or prejudice for or against any *Party* or with respect to any contention lawfully made by a *Party* as will prevent

him from *Hearing* and *Deciding* the *Proceeding*, in a fair, just and impartial manner.

(FTC XIV)

70.2 *Withdrawal.* Any Hearing Officer at any time shall withdraw from participation in the *Hearing* if he feels that he is disqualified under the foregoing Rule 70.1.

(APA 7 (a); CAB 302.22; FPC 1.20 (d); FTC XV (d); MC 201.120; SEC V (d))

70.3 *Removal.* Any *Party* or *Practitioner* in good faith may *File* a timely and sufficient affidavit alleging personal bias, interest or other disqualification of any *Hearing Officer* who thereupon may (a) voluntarily withdraw from participation in the *Proceeding;* (b) *Reply* to the statement of facts in the affidavit and submit the affidavit and *Reply* affidavit for immediate disposition by the Division having jurisdiction of the *Proceeding* or (c) state his *Reply* upon the *Record* and proceed with the *Hearing* in which latter case the question will be determined by *The Agency* as a part of the *Record* and *Decision* in the *Proceeding.*

(APA 7 (a); CAB 302.22; FPC 1.20 (d); FTC XV; MC 201.120; SEC V (d))

RULE 71—REFERENCES

Proceedings arising under *The Act* shall be assigned for *Hearing* and *Initial Decision* to *Hearing Officers* as provided in the sub-rules of this Rule. If for any reason a *Reference* to a particular *Officer* is vacated and the matter *Referred* to a different *Officer* any *Proof* already produced in the *Proceeding* shall be a part of the *Record* to be considered with any *Proof* thereafter introduced.

(ICC Rule 85)

71.1 *Enforcement Proceedings.* Inquiries into alleged violations of *The Act*, of *Orders* of the Commission arising under Rules 48.2 to 48.5, inclusive, will be *Referred* by the Office of Law with or without recommendation to the Board of Inquiry for *Initial Hearing* and *Decision.*

71.2 *Practitioners. Proceedings* involving the *Discipline* of *Practitioners* shall be *Referred* by the General Counsel to Division One.

71.3 *Traffic Proceedings. Proceedings* arising under *The Act* which involve or relate to *Charges* or *Tariffs* shall be *Referred* as follows:

71.31 *Investigations of Charges and Rate Making Agreements* shall be *Referred* by the Director of the Bureau of Traffic to the appropriate Associate Hearings Director, if regional in scope, otherwise to the Section of Charges of the Bureau of Hearings.

71.32 *Complaints involving Charges will be Referred* by the Director of the Bureau of Traffic to the Charges Board, the Regional Associate Hearing Director, the Joint Board or to the Section of Charges Hearings as shall be appropriate under *These Rules.*

71.4 *Operations Proceedings. Proceedings* involving *Applications* for *Operating Authority* or *Insurance, Operations, Service* or *Safety* will be *Referred* by the Director of the Bureau of Operations to the Operations Board, regional associate director, Joint Board or Section of Operations of Hearings of the Bureau of Hearings as shall be appropriate under *These Rules.*

71.5 *Finance Proceedings. Proceedings* arising out of matters of which the Bureau of Finance has jurisdiction will be *Referred* as follows:

71.51 *Investigations and Unification Proceedings* will be *Referred* by the Director of the Bureau of Finance to the Finance Board, the Associate Hearings Director of the appropriate region, the Joint Board or the Section of Finance Hearings of the Bureau of Hearings as may be appropriate under *These Rules.*

71.52 *Securities and Reorganizations. Proceedings* involving the *Issuance* or *Alteration* of *Securities* or corporate Reorganizations will be Referred by the Director of the Bureau of Finance to the Finance Board or to the Section of Finance Hearings of the Bureau of Hearings.

71.6 *Accounting and Valuation Proceedings. Orders* of *Investigations* of *Accounts* and *Accounting* will be *Referred* by the Director of the Bureau of Accounts either to the Accounting and Valuation Board or to the Section of Finance Hearings of the Bureau of Hearings. Valuations will be Referred for *Initial Decisions* (tentative valuations) to the Accounting and Valuation Board.

71.8 *Assignment of Examiners.* So far as practicable the Examiners within each of the several sections of the Bureau of Hearings, other than the Board of Review, will be assigned to *Proceedings Referred* to such section in rotation, due consideration being given to the nature of the *Proceeding* to be *Heard*, the specialized experience of the Hearing Examiner and the extent of the Hearing Examiner's work load.

(FCC 1.48 (b))

71.9 *Duration of Reference.* A *Hearing Officer* shall be deemed to have charge of a *Proceeding Referred* to him under *These Rules* from the date of *Reference* of the *Proceeding* to the time when the *Initial Decision* is *Filed* or the *Reference* revoked by the Division within whose jurisdiction the *Proceeding* rests.

(CAB 302.22; MC 201.116)

RULE 72—POWERS OF HEARING OFFICERS

A *Hearing Officer*, and in the case of a Board or a Division, a majority thereof, during the term of a *Reference*, as provided in Rule 71.9, shall have and possess the power and jurisdiction of *The Agency* with respect to the initial:

72.1 *Procedural Instruments.* The rejection, correction, striking, amendment or supplementation of all or any part of a *Procedural Instrument.*

72.2 *Intervention.* Disposition of *Petitions* to *Intervene.*

72.3 *Appearance.* Determination of who has the right to *Appear*, joinder, substitution, severance of Parties, representation of a class or of a principal and default in an *Appearance* or *Pleading.*

72.4 *Motions.* Reception, *Hearing* and disposition of all *Motions.*

72.5 *Issues.* Formulation, definition of and simplification of *Issues* by amendment of *Pleadings, Pre-Hearing* or other *Conferences*, interrogatories, *Stipulations* and any other fair and reasonable means.

72.6 *Proof.* Determination of the method, means and burden of *Proof* and of going forward, approval of *Stipulations*, taking of *Official Notice* and making of *Presumptions.*

72.7 *Witnesses.* Issuance of subpoenas, ad testificandum and duces tecum, examination and determination of the rights and privileges of witnesses, and of the use of *Verified Statements* and protection of witnesses and *Parties* at Oral Hearings or in the taking of depositions.

72.8 *Evidence.* Determination of the *Competency, Materiality, Relevancy* and *Admissibility* of *Documentary* and testimonial evidence and control and determination of the offer of evidence or of *Proof, Ruling* upon objections thereto, and closing or reopening the *Record.*

72.9 *Decision.* Determination of whether the *Proceeding* is one for *Summary Decision* and the making and *Filing* of the *Initial Decision.*

(APA Section 7 (b); CAB 302.22; FCC 1.743, 1.8444; FPC 1.27 (b), (d); ICC 70; MC 201.118; SEC V (e), (f))

RULE 73—TIME OF ORAL HEARING

The *Hearing Officer*, with the approval of the Director of the Bureau of Hearings in cases where the *Hearing Officer* is an *Examiner*, shall assign the time and place for *Oral Hearing* and all adjournments or continuations thereof, causing at least 10 days' *Notice* thereof to be *Served.*

(ICC 55 (b); 89; MC 201.119)

RULE 74—BASIC OBLIGATIONS OF HEARING OFFICERS

All *Hearing Officers* who are members, officers or employees of *The Agency* must conform, as nearly as may be, to the standards of ethical conduct required of the judges of the courts of the United States, and particularly to the Canons of Administrative Ethics set out in *This Rule* and Rules 75, 76 and 77, which are based upon the Canons of Judicial Ethics of the American Bar Association, modified insofar as the nature of the Hearing Office requires. *This Rule* deals with Canons of Administrative Ethics relating to the essential nature of such office.

74.1 *Relations of Hearing Officers.* The assumption of the Hearing Office casts upon the incumbent duties in respect of his personal conduct which concern his relations to the Nation and its inhabitants, the *Parties* before him, *Practitioners*, and witnesses.

(Canon 1 of the Canons of Judicial Ethics)

74.2 *The Public Interest. The Agency* exists to administer and enforce *The Act* and to promote justly the national transportation policy in the public interest. Its administration should be speedy and careful. The *Hearing Officer* should at all times be alert in his *Rulings* in the conduct of *Proceedings* so far as he can to promote such administration and to obtain the objectives of *These Rules.* He should ever bear in mind that *The Agency* exists for the benefit of the public and the *Parties* entitled to bring matters before it and not for the promotion of the interests of either the *Hearing Officer of The Agency.*

(Canon 2 of Canons of Judicial Ethics)

74.3 *Constitutional Obligation. The Agency* is the creature of *The Act* and of the Congress which gave it life and it may not question the validity of any provision of *The Act.* However, it is the duty of a *Hearing Officer* to support the Federal Constitution and to that end obey and follow the decisions of the Supreme Court and *The Agency* with respect to the validity and interpretation of *The Act.* In the absence of such decisions he should interpret the provisions of *The Act* to the fullest extent possible to observe and apply the fundamental limitations and guarantees of the Constitution.

(Canon 3 of the Canons of Judicial Ethics)

74.4 *Independence.* A *Hearing Officer* should not act in any *Proceeding* where his own interests or those of a near relative is involved or where there are any other circumstances which would justify the impression that he would not act conscientiously, justly, impartially or fearlessly. He should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor or that he is affected by the kinship, rank, position or influence of any other person. Members of a Division should follow the controlling precedents of the Commission en banc until the same are reversed or modified. All other *Hearing Officers* should follow the controlling precedents of the Divisions of the Commission as well as of the Commission en banc. Otherwise a *Hearing Officer* should not be swayed by the demands of any person whatsoever regardless of rank in *The Agency* or in the Government or by public clamor or considerations of personal popularity or notoriety or by apprehension of unjust criticism or personal consequences to himself.

(Canons 13, 14 and 29 of the Canons of Judicial Ethics)

74.5 *Idiosyncrasies.* Administration of *The Act* should not be moulded by the individual idiosyncrasies of the *Hearing Officer.* He should adopt the usual and expected method and not seek to be extreme or peculiar in his judgment or spectacular or sensational in the conduct of *Hearings.*

(Canon 21 of the Canons of Judicial Ethics)

RULE 75—PERSONAL CONDUCT OF HEARING OFFICER

All *Hearing Officers* should conform to the following Canons of Administrative Ethics relating to their personal conduct:

75.1 *Avoidance of Impropriety.* A *Hearing Officer's* official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and his personal behavior not only in the performance of his official duties, but also in his everyday life should be beyond reproach.

(Canon 4 of the Canons of Judicial Ethics)

75.2 *Essential Conduct.* A *Hearing Officer* should be temperate, attentive, patient, impartial, and since he is to administer *The Act* and apply it to the facts, he should be studious of the principles of the law and diligent in endeavoring to ascertain the facts.

(Canon 5 of the Canons of Judicial Ethics)

75.3 *Inconsistent Obligations, Investments or Relations.* A *Hearing Officer* should not accept inconsistent duties; nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with the expeditious and proper discharge of his official functions and duties. He should abstain from making or maintaining personal investments in enterprises which are apt to be involved or affected by *Proceedings* before *The Agency.* So far as reasonably possible, he should refrain from all relations which would normally tend to arouse the suspicion that such relations would warp or bias his judgment or prevent his impartial attitude of mind in the discharge of his duties. He should not utilize information coming to him in an official capacity or from *Parties* or *Practitioners* for purposes of speculation.

(Canons 24 and 26 of Canons of Judicial Ethics)

75.4 *Business Promotions.* A *Hearing Officer* should avoid giving ground to any reasonable suspicion that he is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute to private business ventures or to charitable enterprises. He should not enter any private business, pursue any course of conduct or engage in any activity or business relationship which in the normal course of events reasonably to be expected might bring his personal interest into conflict with the impartial performance of his official duties.

(Canon 25 of the Canons of Judicial Ethics)

75.5 *Candidacy for Office.* A candidate for appointment to or promotion in a *Hearing Officer* position should not make or suffer others to make for him promises of conduct in office which appeal to cupidity or prejudice of persons who might influence the appointing or promoting powers. He should not announce in advance of *Hearing* his opinion with respect to disputed issues of law or fact while a candidate nor do anything else which would create the impression that if chosen or promoted he will administer his office with bias, partiality, partisanship or improper discrimination nor should he call upon or ask *Parties* or *Practitioners* to support his candidacy or to recommend his appointment or promotion.

(Canon 30 of the Canons of Judicial Ethics)

75.6 *Private Practice.* A *Hearing Officer* will not be permitted to practice before *The Agency* or any other *Hearing Officer* thereof with or without compensation and should refrain from accepting any professional employment while in office except that he may properly act as arbitrator or lecture or instruct in law or in matters arising under *The Act* or write upon such subjects and accept compensation therefor, if such course does not interfere with the due performance of his official duties.

(Canon 31 of the Canons of Judicial Ethics)

75.7 *Gifts and Favors.* A *Hearing Officer* should not accept presents or favors from *Parties, Practitioners* or others whose interests are likely to be submitted to him for judgment.

(Canon 34 of the Canons of Judicial Ethics)

75.8 *Social Relations.* It is not necessary to the proper performance of his official duties that a *Hearing Officer* should live in retirement or seclusion or continue to mingle in social intercourse. He should, however, in pending or prospective *Proceedings* before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships constitute an element in influencing his official conduct.

(Canon 33 of the Canons of Judicial Ethics)

RULE 76—CONDUCT IN DISCHARGE OF OFFICIAL DUTIES

In discharging their official duties, the *Hearing Officers* should conform to the following Canons of Administrative Ethics.

76.1 *Industry and Promptness.* A *Hearing Officer* must apply himself assiduously to the prompt and expeditious discharge of his official duties, recognizing that the time of *Parties*, witnesses and *Practitioners* is of value and that the lack of such qualities on his part will hinder and impede the discharge of the duties of *The Agency.*

(Canons 6 and 7 of the Canons of Judicial Ethics)

76.2 *Consideration, Courtesy and Civility.* A *Hearing Officer* must be considerate of and courteous to *Parties*, witnesses and *Practitioners* and other members, officers or employees of *The Agency.*

(Canons 9 and 10 of the Canons of Judicial Ethics)

76.3 *Unprofessional Conduct of Practitioners.* The *Hearing Officer* should courteously but firmly correct unprofessional conduct of *Practitioners* brought to his attention and where such conduct so justifies should send the matter at once to the General Counsel for the latter's investigation and recommendation, if any, to Division One. Where a *Practitioner* during a *Hearing* or *Pre-Hearing* or other *Conference* shall refuse to obey the proper directions of the *Hearing* Officer or refrain; after courteous warning, from disorderly

contemptuous or contumacious conduct at such *Hearing or Conference*, the *Hearing Officer*, if he deems the cause sufficient, shall exclude such *Practitioner* from further participation in such *Proceeding* as provided in Rule 97.5. In exercising this authority, the *Hearing Officer* shall avoid engaging in a personal controversy with the *Practitioner* so far as it is reasonably possible for him so to do.

(Canon 11 of the Canons of Judicial Ethics)

76.4 *Interference with Hearing. The Agency* is more than a tribunal for the settlement of controversies between private parties. Its primary obligation is to administer *The Act* in the public interest. If in any *Proceeding* the pertinent facts are not fully presented by the *Parties* it is the duty of the *Hearing Officer* to see that they are so developed. He should also intervene to promote expedition and prevent unnecessary waste of time or to bring out facts affecting the interests of the public or of others than the *Parties*. On the other hand, the *Hearing Officer* should not undertake the role of a *Practitioner* nor prevent a *Practitioner* from reasonably presenting his case in his own way. He should be studious to avoid controversies with *Practitioners*, *Parties* or witnesses, and should not be tempted to the unnecessary display of learning or a premature decision.

(Canon 15 of the Canons of Judicial Ethics)

76.5 *Ex Parte Communications.* A *Hearing Officer* should not permit private interviews, arguments or communications where all interests to be affected thereby are not present, and should refuse to accept any written communication from a *Practitioner* or *Party* intended or calculated to influence his actions unless he finds that such communication has been made known fully to the *Practitioners* of the *Adversary Parties*. In passing upon requests for postponement, adjournment or for extension of time within which to *File Procedural Instruments* the *Hearing Officer*, without being arbitrary, should endeavor to hold *Practitioners* to a proper appreciation of their public duties, always having in mind that a principal objective of *These Rules* is to obtain expeditious disposition of *Proceedings*.

(Canons 16, 17 and 18 of the Canons of Judicial Ethics)

76.6 *Reports and Decisions. Decisions* and reports of a *Hearing Officer* should be written in clear, concise, and idiomatic English and shall have the content and be in the form required by Rule 282.1. In making his *Decision* the *Hearing Officer* should bear in mind his obligations under Rule 74.3 and that ours is a Government of law and not of men and that he violates his duty as a minister of justice if he seeks to do what he may personally consider substantial justice in a particular *Proceeding* disregarding the law as he knows it to be binding upon him. He should administer his office with a due regard to the integrity of the system of the law itself, remembering that he is not a depositary of arbitrary power but an administrator of well defined duties. He has exceptional opportunity to observe provisions of the statute and of *These Rules* to ascertain whether they tend to impede the just disposition of controversies and he should from time to time advise the Legislative and Rules Committee of defects in procedure arising from his observation and experience.

(Canons 19, 20 and 23 of the Canons of Judicial Ethics)

76.7 *Review.* The *Hearing Officer* should scrupulously see to it that the *Record* clearly and fairly presents all of the *Proof* and contentions of all *Parties* with respect not only to the ultimate *Decision* but also with respect to all *Directions* and *Rulings* given or made by him so that every *Party* may secure the full benefit of the right of *Review* accorded by law and *These Rules*.

(Canon 22 of the Canons of Judicial Ethics)

76.8 *Conduct of Hearings and Conferences. Hearings* and *Conferences* should be conducted with fitting dignity and decorum so as to reflect the seriousness and importance of the *Proceedings*.

(Canons 35 and 36 of the Canons of Judicial Ethics)

76.9 *Improper Publicity.* A *Hearing Officer* should not directly or indirectly volunteer a statement to the press with respect to any pending or anticipated *Proceeding*. Upon an unsolicited inquiry by a representative of the press a *Hearing Officer*, but not anonymously, may make a statement with respect to the nature of the *Proceeding*, the issues involved and the procedure which will be followed in its determination. Such statement should be fair, unbiased, and, if circumstances permit, should be submitted to the *Practitioners* in the *Proceeding* prior to the time it is given to the press.

(Canon 35 of the Canons of Judicial Ethics)

RULE 79—CONSULTATION

In *Adversary Proceedings*, no *Hearing Officer* (except members of the Commission) shall consult or discuss with any *person, Counsel, Witness* or *Party* any issue of law or fact in such *Proceeding*, except:

(1) At a *Conference* called upon full notice and opportunity for all *Parties* to participate, or

(2) Upon the *Record* at an *Oral Hearing*, or

(3) With other members of the *Board* of *Employees* or *Joint Board* and with *Examiners* and officers of the Bureau of Hearings.

(APA Section 5 (c); FCC Act 409 (c) (2); FCC 1.858; FTC XXII; MC 201.94)

ARTICLE 8—INVESTIGATIONS

RULE 80—SUBJECTS OF INVESTIGATION

The jurisdiction of the Commission to investigate any matter arising under *The Act* is delegated to, and will be exercised by, the *Divisions* as follows:

80.1 *Enforcement. Investigation* of *Carrier* and *Broker* compliance, noncompliance or violation of statutory duties and into the management of *Carriers* and *Brokers* and into the professional conduct of *Practitioners* by Division One.

(O. M. 2–15–54, 4.2 (e), (h), (i), (k) and (m); 4.7 (e))

80.2 *Charges. Investigation* of *Carrier Charges*, through and Joint Routes intrastate rates, and *Carrier* agreements and procedures for joint rate making, by Division Two.

(O. M. 2–15–54 4.3 (e), (f), (b); 4.2 (f))

80.3 *Operations. Investigations* involving the classification of *Carriers, Exemptions, Operating Authority, Insurance*, adequacy of *Carrier Facilities, Car* and *Transport Service, Allowances*, routing of *Traffic* and *Safety* of *Carrier Facilities*, appliances, operating methods and practices by Division Three.

(O. M. 2–15–54; 4.3 (1); 4.4 (c)–(1), (r); 4.5 (d); 4.7 (a), (b), (f)–(n), (p); 4.6 (a), (c))

80.4 *Finances and Accounts. Investigation* respecting the reports, records and *Accounts* subject to the jurisdiction of the Commission, of *Unification* of *Carriers, Issuance* or *Alteration* of *Securities*, interlocking officers, or bankruptcy or *Reorganization*, or in connection with the *Valuation* of *Carriers* by Division Four.

(O. M. 2–15–54 4.2 (a)–(d); 4.6 (b), (c), (g), (e), (j), (l); 4.3 (g))

RULE 81—INSTITUTION

Investigations will be instituted by *Order* of the *Division* having jurisdiction of the subject matter, either of its own motion, upon recommendation of the General Counsel or the Director of any Bureau or by *Petition* of any interested person; such *Petitions* being governed by the Rules of Article 14 hereof.

(CAB 302.504; FCC 1.729; FTC III (a), (b))

RULE 82—ORDER TO SHOW CAUSE

Whenever it tentatively appears to a *Division* that facts or conditions exist which warrant the taking of any action which affect the right or liability of a person subject to the jurisdiction of such *Division*, the *Division* may enter an *Order* directing such person to show cause why it should not adopt the provisional findings and conclusion set forth in said *Order* and take the action therein specified. Such person may respond to such *Order* within the time and manner provided therein and in Rules 174 and 179 hereof and thereafter such *Proceeding* will be handled as other *Investigations*.

(CAB 302.304–.309; FCC 1.591; FPC 1.6 (d); MC 201.60; CR 8 (b))

ARTICLE 9—PRACTITIONERS

RULE 90—QUALIFICATIONS

An individual seeking to be licensed to practice before *The Agency* shall be a citizen of the United States of good moral character and shall possess the additional qualifications set out below for the three classes of practice:

(ICC 8; CAB 302.11; FCC 1.713; FPC 1.4 (4); FTC VII; SEC II (b), (c), (g))

90.1 *Casual Appearance.* A member of the Bar of the highest court of the State of his residence who does not intend to engage actively in general practice before *The Agency* may appear as *Counsel* with an associate general *Practitioner* without limitation and may appear without such an associate in not not more than any one *Proceeding* in any one year. An individual who is not an attorney but who is a responsible officer of a corporation or association may appear therefor in not more than three *Proceedings* in any one year. Persons appearing under this Rule will not be registered but a record of their Appearances shall be kept by the Secretary of the Commission.

90.2 *General Practice.* An attorney-at-law who is a member in good standing of the bar of the highest court of the State of his residence and who in addition possesses knowledge and familiarity with *These Rules* and the Code of Ethics therein contained will be admitted to general practice in all classes of *Proceedings* before the Commission upon the certificate of three general *Practitioners* that they are personally acquainted with the applicant and he has the foregoing qualifications.

90.3 *Specialized Technical Practice.* To obtain for the Commission the assistance of expert and technical knowledge and skill in the economic, commercial and industrial fields within the jurisdiction of the Commission, a person who is not an attorney-at-law may be admitted to practice upon:

90.31 *Education.* Showing that he has completed satisfactorily at least two years of a course leading to a Bachelors degree in Arts, Science, Engineering or other under graduate schools in a recognized institution of higher learning plus technical education, training or experience which is regarded by the Commission as the equivalent of two additional years of college education in equipping the applicant for practice before the Commission; and

90.32 *Examination.* Demonstrating by successfully passing a comprehensive written examination that he is experienced in the field of transportation and learned in and familiar with the principles of regulation, the laws governing it, the economic principles underlying it, *These Rules* and the Canons of Ethics of the Association of Interstate Commerce Commission Practitioners.

90.4 *Effectiveness.* The provisions of Rules 90.2 and 90.3 are not retroactive and do not apply to any person who is a licensed *Practitioner* upon the date *These Rules* become effective.

90.5 *Agency Personnel.* Members, officers and employees of *The Agency* possessing the qualifications required under Subrules 90.2 or 90.3 may be admitted to practice before the Commission under the provisions of such rules. Such persons except *Hearing Officers* may appear before The Agency in behalf of any Bureau with the approval, general or special, of the Chairman of the Commission.

90.6 *Former Agency Personnel.* No person who has been associated with *The Agency* as a member, officer or employee shall be permitted at any time to appear before *The Agency* in behalf of or to represent in any manner any *Party* in connection with any *Proceeding* or matter which such person has handled, investigated, advised or in any way participated in the consideration thereof while associated in any capacity with *The Agency*. No *Practitioner* appearing before *The Agency* in any matter or *Proceeding* shall in relation thereto knowingly accept assistance from or share fees with any person who would be precluded by this rule from appearing before *The Agency* in such matter or *Proceeding*.

(CAB 11 (b); FPC 1.4 (c); FTC VII; FCC 1.715)

RULE 91—ADMISSION TO PRACTICE

Procedures for the admission to practice before *The Agency* other than casual practice (Rule 90.1) shall be as follows:

91.1 *Application.* An application under oath for admission to practice shall be *Filed*, which shall state the following facts: (1) The name, residence, address and business address of the applicant; (2) The name of each court, if any, in which the applicant has been admitted to practice and the date of such admission; (3) Whether applicant's right to practice has ever been revoked by any court or Administrative Agency in any jurisdiction and, if so, the full facts with respect to such revocation and applicant's reinstatement if any; (4) A complete statement of the education, training and experience of the applicant relied upon by an applicant seeking to engage in Specialized Technical Practice under Rule 90.3; (5) A statement that the applicant has read the Interstate Commerce Act and *These Rules* of Practice in their entirety.

Such application shall be accompanied by a certificate of the clerk of the court in which applicant is admitted to practice to the effect that he has been so admitted and is in good standing, if by an applicant under Rule 90.2, or by certificates of the educational institutions, if any, in which applicant acquired in whole or in part the technical and expert skills claimed to qualify him under Rule 90.3. Each application shall be accompanied by a certificate signed by three or more *Practitioners* in good standing, reciting that they know the applicant, that he is a citizen of the United States of good moral character, that they have read the application and believe the facts therein stated to be true and that in their opinion applicant possesses the requisite qualifications to engage in general practice or in specialized technical practice, as the case may be, and that they recommend and move that applicant be admitted to practice pursuant to *These Rules*. The *Practitioners* making such certificate may be called upon for a full and complete statement of the nature and extent of their knowledge of the qualifications of the applicant.

(ICC 9, 10, 12)

91.11 *Oath.* Such application shall be accompanied by an oath or affirmation, separately subscribed to by applicant before a person authorized to administer oaths at the place where the same is made, that all of the facts stated in the application are true and that if the application be granted and he is admitted to practice that he will conduct himself as a *Practitioner* before *The Agency* uprightly and according to law and that he will support the Constitution and laws of the United States and conform to the rules and regulations of *The Agency* and the Ethics of Practitioners prescribed in *These Rules*.

91.2 *Application Fees.* An application for admission to practice under Rule 90.2 must be accompanied by a fee of $10 and an application for admission to practice under Rule 90.3 by a fee of $25. Payment must be made either in cash or by New York draft, certified check, or express or postal money order, payable to the order of the Treasurer of the United States. If an applicant for admission to practice under Rule 90.3 is denied permission to take the examination provided for in 91.3, the above fee will be returned to him.

(ICC 11)

91.3 *Examination.* If an application for admission to practice under Rule 90.3 shows that the applicant has the qualifications which permit him to take the written examination required for applicants under *This Rule* he will be so advised. Otherwise, he will be notified that his application is denied for that reason. The written examination which applicant under said Rule 90.3 is required to take is designed to test his knowledge of *These Rules* of Practice, of the Interstate Commerce Act, and the judicial and administrative precedents interpreting the same and also with respect to the specialized, expert technical knowledge and skill which the applicant claims to possess. These examinations will be held not oftener than twice in each year in the office of *The Agency* in Washington and at the regional offices of *The Agency* in those regions where persons desiring to take the examination reside. Information with respect to the time and place of these examinations may be obtained from the Secretary of *The Agency*.

91.4 *Admission.* If upon consideration of the papers *Filed* by the applicant, the statements submitted by his sponsors or by others, and upon his answers upon the examination, the Commission (Division One) is satisfied that the applicant possesses the qualifications required for admission to practice in the class for which the application is *Filed* it will enter an order of admission. Otherwise, it will deny the application and so notify the applicant by registered mail with the reasons therefor. Within 20 days after *Service* of such notice but not thereafter an applicant whose application has been rejected may controvert any of the reasons assigned therefor, except failure to pass the required examination satisfactorily, and submit in support of such controversion verified statements of himself and of others and authenticated documentary evidence. Upon receipt of such controversion Division One will reconsider

the application and affirm or reverse its former action. No *Appeal* from the action of Division One will be entertained.

(ICC Rule 10)

91.5 *Renewal of Application.* An applicant whose application for admission to practice has been denied may not earlier than one year after the date of such denial *File* a renewal of such application, setting forth any steps which applicant has taken to remove or cure the causes assigned in the notice denying the former application. Such renewal application will be handled and processed in the same manner as the original application and if the application be one to practice under Rule 90.3 and it appears that applicant has taken appropriate steps to acquire the knowledge in which he was formerly deficient, he will be permitted to take a new examination. Not more than two such renewal applications will be entertained.

RULE 92—PROFESSIONAL CONDUCT—RELATIONS WITH AGENCY

All *Practitioners* must conform to the standards of conduct required by the Canons of the Code of Ethics of the Association of Interstate Commerce Commission Practitioners. The following of those Canons deal with the conduct to which *Practitioners* must conform in their relations with *The Agency.*

(I. C. C. 71 (b))

92.1 *Canon 2—Attitude Toward the Commission.* It is the duty of the *Practitioner* to maintain toward the Commission a respectful attitude, not for the sake of the temporary incumbent of the office, but for the maintenance of the importance of the functions he administers. In many respects the Commission functions as a court, and *Practitioners* should regard themselves as officers of that court and strive to uphold its honor and dignity. The Commission, not being wholly free to defend itself, is peculiarly entitled to receive the support of the *Practitioners* against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a member or employee of the Commission it is the right and duty of the *Practitioner* to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

92.2 *Canon 3—Punctuality and Expedition.* It is the duty of the *Practitioner* not only to his client, but also to the Commission and to the public, to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

92.3 *Canon 4—Attempts to Exert Political Influence.* It is unethical for a *Practitioner* to attempt to sway the judgment of the Commission by propaganda, or by enlisting the influence or intercession of members of the Congress or other public officers, or by threats of political or personal reprisal.

92.4 *Canon 5—Attempts to Exert Personal Influence.* Marked attention and unusual hospitality on the part of a *Practitioner* to a Commissioner, examiner, or other representative of the Commission, uncalled for and unwarranted by the personal relations of the parties, subject both to misconstruction of motive and should be avoided. A self-respecting independence in the discharge of duty, without denial or diminution of the courtesy and respect due the official station is the only proper foundation for cordial personal and official relations between Commission and *Practitioners.*

92.5 *Canon 6—Selection of Commissioners.* The nomination of Commissioners is a duty of the President, and confirmation, of the Senate. It is the duty of the *Practitioners* in so far as they attempt to advise the appointing or confirming officers, to endeavor to prevent any consideration from out-weighing fitness in the selection.

92.6 *Canon 7—Practitioner's Duty in its Last Analysis.* No client, corporate or individual, however powerful, no cause, civil or political however important, is entitled to receive, and no *Practitioner* should render, any service or advice involving disloyalty to the law or disrespect of its official ministers, or corruption of any person or persons exercising a public office or employment or private trust, or deception or betrayal of the public. In rendering any such improper service or advice the *Practitioner* invites and merits stern and just condemnation. Correspondingly, he advances the honor of his calling and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, although until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all he will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

92.7 *Canon 8—Private Communications.* In the disposition of contested proceedings brought under the Interstate Commerce Act the Commission exercises quasi-legislative powers, but it is nevertheless acting in a quasi-judicial capacity. It is required to administer the Act and to consider at all times the public interest beyond the mere interest of the particular litigants before it. To the extent that it acts in a quasi-judicial capacity, it is grossly improper for litigants, directly or through any counsel or representative, to communicate privately with a commissioner, examiner or other representative of the Commission about a pending cause, or to argue privately the merits thereof in the absence of their adversaries or without notice to them. *Practitioners* at all times should scrupulously refrain in their communications to and discussions with the Commission and its staff from going beyond ex parte representations that are clearly proper in view of the administrative work of the Commission.

92.8 *Canon 37—Discovery of Imposition and Deception.* When a *Practitioner* discovers that some fraud or deception has been practiced, which has unjustly imposed upon the Commission or a party, he should endeavor to rectify it; first by advising his client to forego any advantage thus unjustly gained and, if his client refuses, by promptly informing the injured person or his Practitioner, so that appropriate steps may be taken.

92.9 *Canon 38—Upholding the Honor of the Calling. Practitioners* should expose without fear or favor before the proper tribunals corrupt or dishonest conduct and should accept without hesitation employment against a *Practitioner* who has wronged his client. The *Practitioner* upon the trial of a cause in which perjury has been committed owes it to the Commission and to the public to bring the matter to the knowledge of the prosecuting authorities. The *Practitioner* should aid in guarding the bar of the Commission against admission thereto of candidates unfit or unqualified because deficient in either moral character or education. A *Practitioner* should propose no person for admission to practice before the Commission unless from personal knowledge or upon reasonable inquiry he sincerely believes and is able to vouch that such person possesses the qualifications prescribed in the Commission's rules of practice. He should strive at all times to uphold the honor and maintain the dignity of his calling and to improve not only the law but the administration of justice.

RULE 93—RELATIONS WITH CLIENT

The standards of conduct to which a *Practitioner* must conform in his relationship with his client are prescribed in the following Canons of Ethics of the Association of Interstate Commerce Commission Practitioners.

93.0 *Canon 40—Retirement from Public Employment.* A *Practitioner,* having once held public office or having been in the public employ, should not after his retirement, accept employment as an advocate or adviser in the same proceeding or as to the same, or substantially the same facts, as were involved in any specific question which he investigated or passed upon in a judicial or quasi-judicial capacity while in such office or employ, whether the same or different parties are concerned.

93.1 *Canon 9—Adverse Influence and Conflicting Interests.* It is the duty of a *Practitioner* at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of the person to represent or assist him.

It is unethical to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon a *Practitioner* represents

conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

93.2 *Canon 10—Joint Association of Practitioners and Conflicts of Opinion.* A client's proffer of the assistance of additional *Practitioner* should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A *Practitioner* should decline association as colleague if it is objectionable to the *Practitioner* first retained, but if the client should relieve the *Practitioner* first retained, another may come into the case.

When *Practitioners* jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted by them unless the nature of the difference makes it impracticable for the *Practitioner* whose judgment has been overruled to cooperate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another *Practitioner* are unworthy of those who should be brethren, but, nevertheless, it is the right of any *Practitioner,* without fear or favor, to give proper advice to those seeking relief against an unfaithful or neglectful *Practitioner,* generally after communication with the *Practitioner* of whom the complaint is made.

93.3 *Canon 11—Withdrawal from Employment.* The right of a *Practitioner* to withdraw from employment, once assumed, arises only from good cause. Even the desire or consent of the client is not always sufficient. The *Practitioner* representing him should not throw up the unfinished task to the detriment of his client except for reasons of honor or self-respect. If the client insists upon an unjust or immoral course in the conduct of his case, or if he persists over the *Practitioner's* remonstrance in presenting frivolous defenses, or if he deliberately disregards an agreement or obligation as to fees or expenses, the *Practitioner* may be warranted in withdrawing on due notice to the client, allowing him time to employ another. So also when a *Practitioner* discovers that his client has no case and the client is determined to continue it; or even if he finds himself incapable of conducting the case effectively. Sundry other instances may arise in which withdrawal is to be justified. Upon withdrawing from a case after a retainer has been paid, he should refund such part of the retainer as has not been clearly earned.

93.4 *Canon 12—Advising Upon Merits of Client's Cause.* A *Practitioner* should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. He should beware of bold and confident assurance to clients, especially where employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

93.5 *Canon 13—Negotiations with Opposing Party.* A *Practitioner* should not in any way communicate upon the subject of controversy with a party represented by another *Practitioner* except upon express agreement with the *Practitioner* representing such party; much less should he undertake to negotiate or compromise the matter with him, but should deal only with the *Practitioner* who represents the other party. It is incumbent upon the *Practitioner* most particularly to avoid everything that may tend to mislead a party not represented by a *Practitioner,* and he should not undertake to advise him as to the law.

93.6 *Canon 22—Dealing with Trust Property.* Money of the client or other trust property coming into the possession of the *Practitioner* should be reported promptly, and, except with the client's knowledge and consent, should not be commingled with the *Practitioner's* private property or be used by him.

93.7 *Canon 23—How Far a Practitioner May Go in Supporting a Client's Cause.* Nothing will operate more certainly to create or foster popular prejudice against *Practitioners* as a class, and deprive them of that full measure of public esteem and confidence which belongs to the proper discharge of their duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the *Practitioner* to do whatever may enable him to succeed in winning his client's cause.

The *Practitioner* owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights, and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of the disfavor of the Commission or public unpopularity should restrain him from full discharge of his duty. The client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his counsel to assert every such remedy or defense. But it is to be steadfastly borne in mind that this great trust is to be performed within and not without the bounds of the law. Admission to the privilege of appearing before the Commission as representing another does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

93.8 *Canon 24—Restraining Clients from Improprieties.* A *Practitioner* should use his best efforts to restrain and to prevent his clients from doing those things which he himself ought not to do, particularly with reference to their conduct towards the Commission, other *Practitioners,* witnesses and suitors. If a client persists in such wrong-doing the *Practitioner* should terminate their relations.

93.9 *Canon 41—Confidences of a Client.* The duty to preserve his client's confidences in the course of his employment outlasts the *Practitioner's* employment, and extends as well to his employees. None of them should accept employment which involves the disclosure or use of these confidences, either for the private advantage of the *Practitioner* or his employees or to the disadvantage of the client, without knowledge and consent of the client even though there are other available sources of such information. A *Practitioner* should not continue employment when he discovers that this obligation prevents the performance of his full duty to his former or to his new client.

If a *Practitioner* is falsely accused by his client, he is not precluded from disclosing the truth in respect to the false accusation. The announced intention of a client to commit a crime is not included within the confidences which a *Practitioner* is bound to respect. He may properly make such disclosures as to prevent the act or protect those against whom it is threatened.

RULE 94—PRACTITIONERS' FEES

The standards of professional conduct to which the *Practitioner* must conform in receiving compensation for services rendered as a *Practitioner* are set out in the following Canons of Ethics of the Association of Interstate Commerce Commission Practitioners.

94.1 *Canon 14—Fixing the Amount of the Fee.* In fixing fees, *Practitioners* should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, although his poverty may require a less charge, or even none at all.

94.2 *Canon 15—Compensation, Commission and Rebates.* A *Practitioner* should accept no compensation, commissions, rebates, or other advantages from parties to the proceeding other than his client without the knowledge and consent of his client after full disclosure.

94.3 *Canon 16—Contingent Fees.* Contingent fees should be such only as are sanctioned by law. In no case, except a charity case, should they be entirely contingent upon success.

94.4 *Canon 17—Division of Fees.* No division of fees for services is proper, except with a member of the bar or with another *Practitioner,* based upon a division of service or responsibility. It is unethical for a *Practitioner* to retain laymen to solicit his employment in pending or prospective cases, and reward them by a division of fees, and such a practice cannot be too severely condemned.

94.5 *Canon 18—Suing Clients for Fees.* Controversies with clients concerning compensation are to be avoided in so far as compatible with self-respect and with the right to receive reasonable recompense for services; and lawsuits against clients should be resorted to only to prevent injustice, imposition or fraud.

94.6 *Canon 19—Acquiring Interest in Litigation.* The *Practitioner* shall not purchase or otherwise acquire any pecuniary interest in the subject matter of the litigation which he is conducting.

94.7 *Canon 20—Expenses.* A *Practitioner* may not properly agree with a client that the *Practitioner* shall pay or bear the expenses of litigation. He may in good faith advance expenses as a matter of convenience but subject to reimbursement by the client.

RULE 95—CONDUCT OF LITIGATION

The standards of professional conduct to which the *Practitioner* must conform in his conduct of litigation is governed by the following Canons of Ethics of the Association of Interstate Commerce Commission *Practitioners:*

95.1 *Canon 21—Witnesses.* A *Practitioner* shall not undertake that the compensation of a witness shall be contingent upon the success of the cause in which he is called. If the ascertainment of truth requires that a *Practitioner* should seek information from one connected with or reputed to be biased in favor of an adverse party, he is not thereby deterred from seeking to ascertain the truth from such person in the interest of his client.

95.2 *Canon 25—Ill-Feeling and Personalities Between Advocates.* Clients, not their representatives, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence *Practitioners* in their conduct and demeanor toward each other or towards suitors in the case. All personalities between *Practitioners* should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncracies of *Practitioners* on the other side. Personal colloquies between *Practitioners* which cause delay and promote unseemly wrangling should also be carefully avoided. Their statements should be addressed to the Commission.

95.3 *Canon 26—Treatment of Witnesses and Litigants.* A *Practitioner* should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudice of a client in the trial or conduct of a cause. The client cannot be made the keeper of the Practitioner's conscience in such matters. He has no right to demand that the *Practitioner* representing him shall abuse the opposing party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

95.4 *Canon 28—Discussion of Pending Litigation in Public Press.* Attempts to influence the action and attitude of the members and examiners of the Commission through propaganda, or through colored or distorted articles, in the public press, are more apt to react against than in favor of the parties resorting to such measures. On the other hand, it is not against the public interest or unfair to the Commission that the facts of pending litigation shall be made known to the public through the press in a fair and unbiased manner and in dispassionate terms. *Practitioners* should themselves avoid, and should counsel their clients against, giving to the public press any press notices or statements of a nature intended to inflame the public mind, to stir up possible hostility toward the Commission, or to influence the Commission's course and judgment as to pending or anticipated litigation. When the circumstances of a particular case appear to justify a statement to the public through the press, it is unethical to make it anonymously.

95.5 *Canon 29—Candor and Fairness.* The conduct of *Practitioners* before the Commission and with other *Practitioners* should be characterized by candor and fairness. The non-technical character and liberality of the Commission's practice call for scrupulous observance of the principles of fair dealing and just consideration for the rights of others.

It is not candid or fair for a *Practitioner* knowingly to misstate or misquote the contents of a paper, the testimony of a witness, the language or the argument of an opposing *Practitioner*, or the language or effect of a decision or a text book; or, with knowledge of its invalidity to cite as authority a decision which has been overruled or otherwise impaired as a precedent or a statute which has been repealed; or in argument to assert as a fact that which has not been proved, or to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

It is dishonorable to deal other than candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A *Practitioner* should not offer evidence, which he knows the Commission should reject, in order to get the same before the Commission by argument for its admissibility, or arguments upon any point not properly calling for determination. He should not introduce into an argument remarks or statements intended to influence the by-standers.

These and all kindred practices are unethical and unworthy of a *Practitioner*.

95.6 *Canon 30—Right of Practitioner to Control the Incidents of the Trial.* As to incidental matters pending the trial, not affecting the merits of the cause or working substantial prejudice to the rights of the client, such as forcing the opposing *Practitioner* to trial when he is under affliction or bereavement, forcing the trial on a particular day to the injury of the opposing *Practitioner* when no harm will result from trial at a different time, agreeing to extensions of time and the like, the *Practitioner* and not the client, must be allowed to judge. In such matters no client has a right to demand that his *Practitioner* shall be illiberal or do anything therein repugnant to the *Practitioner's* sense of honor and propriety.

95.7 *Canon 31—Taking Technical Advantage of Opposing Practitioner; Agreements with Him.* A *Practitioner* should not ignore known customs or practice of the Commission, even when the law permits, without giving timely notice to the opposing *Practitioner*. In so far as possible, important agreements affecting the rights of clients should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing.

95.8 *Canon 35—Justifiable and Unjustifiable Litigation.* The *Practitioner* must decline to conduct a cause or to make a defense when convinced that it is intended merely to harass or to injure the opposing party, or to work oppression or wrong. But otherwise it is his right, and having accepted retainer, it becomes his duty, to insist upon the judgment of the Commission as to the merits of his client's claim. His appearance should be deemed equivalent to an assertion upon his honor that in his opinion his client's case is one proper for determination.

95.9 *Canon 36—Responsibility for Litigation.* No *Practitioner* is obliged to act either as adviser or advocate for every person who may seek to become his client. He has the right to decline employment. Every *Practitioner* upon his own responsibility must decide what employment he will accept, what causes he will bring before the Commission for complaints, or contest for defendants or respondents. The responsibility for advising as to questionable transactions, for bringing questionable proceedings, for urging questionable defenses, is his alone. He cannot escape it by urging as excuses that he is only following his client's instructions, or that he is under a stated retainer or in the regular employment of his client.

RULE 96—PROMOTION OF LITIGATION OR EMPLOYMENT

The *Practitioner* must conform in his professional conduct to the following Canons of Ethics of the Association of Interstate Commerce Commission Practitioners which are designed to eliminate the promotion of litigation or of professional employment directly or indirectly by *Practitioners*.

96.1 *Canon 32—Advertising, Direct or Indirect.* The most worthy and effective advertisement possible is the establishment of a well-merited reputation for capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not improper. But solicitation of employment by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unethical. It is equally unethical to procure business by indirection through touters of any kind. Indirect advertisement for employment by furnishing or inspiring newspaper comments concerning causes in which the *Practitioner* has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the *Practitioner's* positions, and all other like self-laudation, lower the tone of the calling and are intolerable.

96.2 *Canon 33—Professional Card.* The simple professional card mentioned in Canon 32 may with propriety contain only a statement of the Practitioner's name (and those of his associates), occupation, address, telephone number, and special branch or branches of practice. Such cards may be inserted in reputable lists and may give authorized references, or name clients with their permission.

96.3 *Canon 34—Stirring Up Litigation, Directly or Through Agents.* It is unethical for a Practitioner to volunteer advice that a proceeding be brought before the Commission, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unethical but it is indictable at common law. It is disreputable for a *Practitioner* to hunt up defects or other causes of action and disclose them in order to be employed to bring complaint, or to breed litigation by seeking out those having claims for damages or any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office to seek his services. No complaint should be brought before the Commission by a *Practitioner* except with the distinct knowledge and specific consent of the client in the particular case. A duty to the public and to the Commission devolves upon every *Practitioner* having knowledge of such practices upon the part of any *Practitioner*, immediately to inform thereof to the end that the offender may be disciplined or disbarred.

96.4 *Canon 39—Intermediaries.* The services of a *Practitioner* should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and *Practitioner*. His responsibility and qualifications are individual. He should avoid all relations which direct the performance of his duties in the interest of such intermediaries. His relation to the client should be personal, and the responsibility should be direct to the client.

He may accept employment from any organization, such as an association, club or trade organization, authorized by law to be a party to proceedings before the Commission, to render services in such proceedings in any matter in which the organization, as an entity, is interested. This employment should only include the rendering of such services to the members of the organization in respect to their individual affairs as are consistent with the free and untrammeled performance of his duties to the Commission.

Nothing in this canon shall be construed as conflicting with canon 17 (Rule 94.4).

96.5 *Canon 42—Partnerships—Names.* Partnerships among *Practitioners* for the practice of their calling are very common and are not to be condemned. The rules of the Commission provide that corporations or firms will not be recognized. *Practitioners* before the Commission should therefore appear individually and not as members of partnerships. In the formation of partnerships care should be taken not to violate any law locally applicable; care should also be taken to avoid any misleading name or representation which would create a false impression as to the position or privileges of a member not locally admitted, or who is not duly authorized to practice, and as such amenable to discipline. No person should be held out as a *Practitioner* or member who is not so admitted. No *Practitioner* who is not admitted to practice in the courts should be held out in a way which will give the impression that he is so admitted. No false or assumed or trade name should be used to disguise the *Practitioner* or his partnership. The continued use of the name of a deceased or former partner is or may be permissible by local custom, but care should be taken that no imposition or deception is practiced through this use. If a member of the firm becomes a Commissioner, or an Examiner or other employee of the Commission his name should not be retained in the firm name, as such retention may give color to the impression that an improper relation or influence is continued or possessed by the firm.

This canon does not inhibit the association of a *Practitioner* with a mercantile, manufacturing, or other commercial institution, in the capacity of its representative or adviser.

RULE 97—DISCIPLINE OF PRACTITIONERS

The Agency will censure, suspend, disbar or revoke the right of any *Practitioner* to Appear before it as follows:

(I. C. C. Rule 13, F. C. C. 1.714; F. P. C. 1.4 (b); F. T. C. VII; S. E. C. II (e))

97.1 *Grounds for Disbarment.* The following shall be grounds for disbarment:

(a) Intentional concealment of fraudulent representations in his application for admission to practice;

(b) Lack of the requisite qualifications to represent others in *Proceedings* before the Commission;

(c) Practice of fraud, misrepresentation or chicanery in his dealings with the Commission, its officers or employees, his clients or with other *Practitioners* or *Parties;*

(d) Intentionally making a false statement or representation in any *Procedural Instrument;*

(e) Repetition of an offense for which he has theretofore been censured or suspended by the Commission.

(f) Disbarment by any court.

97.2 *Grounds for Censure or Suspension.* The following shall be grounds for the censure or suspension of a *Practitioner:*

(a) Intentional deviation from any of the Canons of Ethics set forth in Rules 92 to 96, inclusive;

(b) Contemptuous or contumacious conduct at any *Hearing* or at any *Prehearing* or other *Conference.*

97.3 *Order to Show Cause.* Whenever the Commission finds, either of its own initiative or upon motion, of any *Practitioner* that a *Practitioner* may be guilty of an offense warranting disbarment, censure or discipline, it will issue and *Serve* upon such *Practitioner* an *Order to Show Cause* why he should not be disbarred, censured or suspended, which *Order* shall set forth tentatively the charges upon which such action may be taken. Within the time fixed in such *Order* the *Practitioner* may respond thereto under oath, setting forth his answer or defense, if any, to such charges. If such response raises any issue of *Material Fact,* the Commission will set the matter down for *Hearing* before Division One.

97.4 *Final Order.* At or following the *Hearing* prescribed in sub-rule 97.3, if one be held, otherwise upon the *Order to Show Cause* and the *Response* thereto, if any, Division One will enter an *Order* of disbarment, censure, or suspension as may be appropriate if it finds that grounds therefor exist. Otherwise, it will enter an *Order* dismissing the charges and discontinuing the *Proceeding.*

97.5 *Exclusion from Proceeding.* In the event a *Practitioner* during a *Hearing,* or *Pre-hearing* or other *Conference* shall refuse to obey the proper directions of the *Hearing Officer* or shall otherwise be guilty of disorderly, contemptuous or contumacious conduct at such *Hearing* or *Conference* the *Hearing Officer,* for good reasons stated in the *Record,* may exclude such *Practitioner* from further participation in such *Proceeding* and *Direct* that the matter be submitted to Division One for further action. Such *Practitioner* may *Appeal* in writing or by telegram to the Chairman of Division One, which *Appeal* shall set forth the reasons given by the *Hearing Officer* upon the *Record* and such *Practitioner's Response* thereto. The Chairman of Division One will immediately review the action of the *Hearing Officer* and affirm, reverse or modify the same. Pending action upon such *Appeal,* unless the *Hearing Officer* otherwise directs, the *Practitioner* shall be excluded from the *Hearing* or *Conference* room.

(F. P. C. 1.4 (2); F. T. C. XIV; S. E. C. II (f))

97.6 *Reinstatement.* A Practitioner who has been suspended or disbarred as provided in this Rule, at any time may *File* with the Commission and *Serve* upon the Association of Interstate Commerce Commission Practitioners a verified application setting forth in detail any change in conditions which warrant his reinstatement as a *Practitioner.* The said Association or any *Practitioner* within 60 days thereafter, may *File* and

Serve upon such *Practitioner* a *Protest* against the granting of the application with the specific grounds therefor, which *Protest* shall be verified by one or more *Practitioners* in good standing who shall state in such verification the source of their knowledge of the facts stated therein.

The applicant, within 30 days thereafter, may *File* a verified *Reply* to such *Protest*. Division One thereafter will grant or deny the application upon such *Pleadings*, unless it finds that there exists an issue of *Material Fact*, the determination of which would warrant the granting or denial of the application in which case it shall set the application for *Hearing* and proceed as provided in sub-rules 97.3 and 97.4 hereof.

RULE 99—REGISTER OF PRACTITIONERS

A register is maintained by *The Agency* in which there is entered the name and address of all individuals entitled to practice before it, the date upon which they were admitted and the type of practice to which they were admitted. On and after the effective date of *These Rules* no *Practitioner* admitted for general practice and no *Practitioner* admitted for specialized technical practice will be permitted to practice in any *Proceeding* before the Commission unless he is listed upon such register and no *Practitioner* who has been admitted to practice for more than five years prior to the preceding January 1st will be listed unless such *Practitioner* either shall have re-registered upon the form provided therefor by *The Agency* and shall have paid a re-registration fee of $5.00 or shall be listed as a member in good standing on such January 1st of the Association of Practitioners before the Commission in the directory of the members of such Association duly certified by its Executive Secretary or Assistant Executive Secretary.

(I. C. C. Rule 7)

Chapter One—Prehearing Procedure

ARTICLE 10—PROCEDURAL INSTRUMENTS

RULE 100—ALLOWABLE PLEADINGS

The following *Pleadings* and, except by special permission, none other, may be filed as appropriate in *Proceedings* before *The Agency*:

100.0 *Complaint* by *Person* other than *The Agency* seeking imposition of a *Sanction* against a *Person* who under *The Act* is subject thereto.

(ICC 5 (b); CAB 302.200, .201; FCC 1.571, 572; FPC 02.44 (a), (b); MC 201.51)

100.1 *Application* for a *License* authorized by *The Act*.

(ICC 5 (b); FPC 1.5)

100.2 *Petition* for *Relief* other than the imposition of a *Sanction* or the grant of a *License*.

100.3 *Motion* by a *Party* for an order, rule, ruling or *Direction* designed to expedite the progress, consideration or disposition of the *Proceeding*.

100.4 *Answer* by a *Person* to the *Complaint* or *Cross Complaint* filed against him.

100.5 *Cross Complaint* by a *Defendant* against any *Party* for a *Sanction*, the right to which arises out of the subject matter of the *Complaint*.

100.6 *Protest* by an interested *Person* opposing in whole or in part the grant of a *License* for which an *Application* has been made.

100.7 *Reply* by an interested *Person* to a *Petition* or by a *Party* to a *motion*.

100.8 *Response* by a *Person* called upon to respond to an *Order*.

100.9 *Replication* by a *Proponent* but only to refute, avoid or explain a *Material Fact* raised as an issue for the first time in an *Opponent Pleading*.

RULE 101—CAPTION

The caption of each procedural *Instrument* shall show in the following order:

(1) The official title of *The Agency;*

(2) The docket number of the *Proceeding* if it has been docketed;

(3) The title of the *Proceeding*, if any;

(4) The name of the principal *Proponent* in the *Proceeding*, if any;

(5) The name of the principal *Opponent* in the *Proceeding*, if any;

(6) A description of the procedural *Instrument;*

(7) The name of the *Party* tendering the *Instrument*.

(ICC Form of Complaint; CR 10 (a); FPC 1.15 (a); FTC XII)

RULE 102—FORMAT

All procedural *Instruments* shall conform to the following typographical specifications:

(ICC 15; CAB 302.3 (b); FCC 1.762, 763; FPC 1.15 (c); FTC CCIII H; MC 201.91; SEC XV)

102.1 *Reproduction.* They shall be printed, multilithed, multigraphed, planographed, mimeographed or photostated on opaque, unglazed, durable paper, but if mimeographed or photostated, upon one side of the sheet;

102.2 *Size.* Each shall be 8½ x 11 inches in size, except that when necessary, statistical exhibits may be 11 x 14; 11 x 17; or 17 x 22 inches in size, and the original, facsimile or conformed copies of executed documents may be of the same size as the original;

102.3 *Binding.* Each shall be bound on the left-hand side (not at the top or bottom) of the page and shall have a left-hand margin of 1½ inches, a right-hand margin of 1 inch and top and bottom margin of not less than ½ inch each.

102.4 *Size of Type.* They shall be set in not less than 10 point type or pica typewriter type, except that footnotes and tabular matter may be set in not less than 8 point type or not less than elite typewriter type;

102.5 *Lineage.* The printing shall not be more than 5 lines to the inch, except that indented quotations, tabular matter and footnotes may be not more than 7 lines to the inch;

102.6 *Quotations.* Quotations of more than 3 lines shall be indented. An omission of a part of the quoted material shall be indicated by asterisks. If any explanatory words are inserted in the quotation, they shall be included within brackets. If emphasis is supplied, it shall be so indicated.

(ICC 15; CAB 3 (b), (c); FCC 1.762, 1.763; FPC 1.15 (c), (d); FTC XXIII (H); MC 201.91; SEC XV)

RULE 103—COPIES OF PROCEDURAL INSTRUMENTS

Exclusive of service copies, the original attested procedural *Instrument* and 6 conformed copies thereof shall be filed with *The Agency* for its use, except as provided in the following Sub-Rules:

(ICC 16 (a); 23 (b), 35 (c); 38 (b); 40 (c); 42 (c); 72 (d); 52; CAB 302.3 (c); FCC 5.27 (c); FPC 1.15 (b); 1.7 (f); 33.6; 34.23; 34.6; FTC VIII; XII; MC 201.96; SEC XIII)

103.1 *Service Copies.* In addition to the copies required by any Rule hereof to be *Served* upon other *Parties* and, in addition to the said copies *Filed* for the use of *The Agency*, sufficient additional copies of a procedural *Instrument* must be filed with *The Agency* to enable it to Serve all *Persons* which it is required to *Serve* by law or rule.

(ICC 25 (d); 26 (a), (b); 72 (d))

103.2 *Bankruptcy.* The original attested procedural *Instrument* and 19 conformed copies thereof shall be *Filed* if the *Proceeding* be one under Section 77 of the Bankruptcy Act.

(ICC 16 (b))

103.3 *Documents.* Except as provided in Rule 103.2, the original and one conformed copy of all documents offered or tendered in a *Proceeding* (stipulations, exhibits, depositions, verified statements) shall be filed for the use of *The Agency* and one additional copy for each member of the *Board*, if any before whom the *Proceeding* is heard.

(ICC 52; 77; 64; 66; 84 (c); 86; MC 201.128)

103.4 *Briefs.* Except as provided in Rule 103.2, the original and 19 conformed copies of every brief, memorandum, and in the case of memoranda filed in support of *Motions, Exceptions upon Appeal*, or *Petitions for Reconsideration*, shall be filed for the use of *The Agency*.

(ICC 16; FCC 1.764, 1.856; FPC 1.29, 1.31 (f); FTC XXX (G); SEC XI (e))

RULE 104—TIME AND PLACE OF FILING AND SERVICE

Procedural Instruments must be delivered by messenger, mail or express to the office of The Agency in Washington, D. C., within the periods respectively set out in the Sub-Rules hereof. Such periods will be computed to begin at 12:01 A. M. following the day of the act, event, or default from which the period runs and continuing until the first 12:01 P. M. upon which *The Agency* is open for the transaction of business after the elapse of the number of days specified for such period.

(ICC 4 (b); 21 (a), (c); CAB 302.15 (c) (2); 302.16; 302.3 (a); FCC 1.521, 1.703; FPC 1.13 (b); MC 201.3; SEC XIII (a), (c), (d))

104.0 *Time of Service.* Where a Procedural Instrument is required by these Rules to be *Served* upon any Person, the *Person Filing* the same must make such Service thereof by either; (1) Delivering a conformed copy of the same to an adult person in the office, if any, otherwise in the residence of such *Person;* or (2) by depositing a conformed copy thereof, properly addressed, with postage prepaid, in the United States first-class or air mail prior to the time when such *Procedural Instrument* is required to be Filed; or (3) by depositing with the Western Union Telegraph Company a complete telegraphic copy of such Instrument, properly addressed, with charges prepaid prior to the time when the same is required to be *Filed*.

104.1 *Motions and Replies Thereto.* Except when made at a prehearing conference or at an oral hearing, argument or presentation, a *Motion* must be made in writing and *Filed* at least 5 days before any action or event to which it relates or with which it is involved, is set or scheduled to occur, and a *Reply* to such *Motion* must be *Filed* within 4 days after the *Filing* and *Service* of such *Motion*. A *Reply* to a *Motion* made at a prehearing conference, oral hearing, argument or presentation shall be made orally on the record following the motion.

(CAB 12 (b); FCC 1.745)

104.2 *Petitions for Suspension of Tariffs and Replies Thereto.* A *Petition* for a suspension of a tariff shall be *Filed* within 18 days after the day upon which the tariff was *Filed*. A *Reply* to such a *Petition* must be filed 5 days before the day upon which a tariff is to become effective.

(ICC 42 (b), (d))

104.3 *Interventions. Petitions* for leave to *Intervene* in a *Proceeding* shall be Filed within 30 days after the *Pleading* or *Order* initiating the *Proceeding* is filed.

(ICC 72 (b); CAB 302.15 (c) (2) (iii))

104.4 *Opponent Pleadings. Answers, Protests, Responses* and *Replies* (except to a *Motion* or *Petition* for suspension of a tariff or to *Exceptions* or *Petitions for Reconsideration*) shall be *Filed* within 30 days after the *Pleading* or *Order* initiating the *Proceeding* is *Filed*.

(ICC 35 (c); 40 (b); 23 (a))

104.5 *Replication.* If permissible, must be Filed within 10 days after the *Opponent Pleading* which it purports to refute, avoid or explain.

(ICC 23 (a); 42 (d))

104.6 *Briefs, Memoranda and Replies Thereto. Briefs* of all *Parties* shall be *Filed* within 20 days after the close of *Proof* or, if there be an oral hearing or if the *Initial Decision* is not made following oral hearing, within 20 days after the filing of the transcript of such oral hearing by the official reporter. *Memoranda* shall be *Filed* contemporaneously with the *Motion* or *Reply* to the *Motion*, exceptions or *Petitions for Reconsideration* which they respectively support. A Reply shall be Filed within 10 days after the *Brief, Memorandum, Exceptions* or *Petitions for Reconsideration* to which it is in response is *Filed*.

(ICC 92, 93, 94)

104.7 *Exceptions on Appeal from an Initial Decision and Replies Thereto.* Shall be *Filed* within 20 days after such *Decision* is *Served*, and *Replies* thereto within 10 days after same are *Filed*.

(ICC 96)

104.8 *Petitions for Reconsideration* or *Rehearing of a Decision.* Shall be *Filed* within 30 days after the *Filing* of such *Decision* and *Replies* thereto within 20 days after the order granting *Reconsideration*.

(ICC 96 (f); 10 (e); FTC XXIII (b); SEC XII (e))

104.9 *Modification or Enlargement.* Except as to maximum time periods provided by law, the periods fixed in this Rule 104 and its Sub-Rules may be modified, reduced or enlarged by the *Hearing Officer* or *The Agency* on his or its own motion or upon request and for good cause. Such requests must be seasonably filed in writing or by telegram and need not be *Served*. If granted, the *Party* making the request shall promptly notify all Parties and so certify to *The Agency*. Such request, except in unusual cases, will not be granted unless such notice can be given at least 24 hours prior to the expiration of such period.

(ICC 21 (b); CAB 302.17; FCC 1.811; FPC 1.13 (a), (d); FTC XI (b); MC 201.117, 192, 198, 201.4; SEC VII; XI (f))

RULE 105—AMENDMENT OR SUPPLEMENTATION OF PLEADINGS

Pleadings may be amended, supplemented, dismissed or withdrawn as follows:

105.1 *Right.* A *Party* may *File* and *Serve* an amended *Pleading* as a matter or right at any time prior to 5 days in advance of the production of *Proof* by *Proponents*. Leave to amend thereafter will be given where justice so requires.

(ICC 20; CR 15 (a); FCC 1.766; FPC 1.11; MC 201.64; SEC IV (a), (b))

105.2 *Limitations.* All amended or supplemental *Complaints* must be *Filed* within the period required by law for the filing of the *Complaint* and they do not relate back to the filing of such orginal *Complaint*.

(ICC 33; FCC 1.504)

105.3 *Supplemental Pleading.* Upon *Motion* of a *Party* and upon such terms as are just, the *Hearing Officer* or *The Agency* may permit him to *File* and *Serve* a supplemental *Pleading* setting forth transactions, occurrences or events which have happened since the date of the *Pleading* sought to be supplemented.

(ICC 33; CR 15 (d); FCC 1.586)

105.4 *Amendments to Conform to Proof.* When issues not raised by the *Pleadings* are treated by express or implied consent of the *Parties*, they will be treated in all respects as if properly raised in the *Proceeding*, and upon *Motion* of any *Party* at any time the *Hearing Officer* or *The Agency* may direct that the *Pleadings* be amended to conform to the *Proof*. If *Evidence* is objected to upon the ground that it is not within the issues made by the *Pleading*, the latter will be permitted to be amended whenever justice so requires.

(CR 15 (b); FPC 1.11 (b); SEC IV (c)).

105.5 *Directed Amendments.* The *Hearing Officer* or *The Agency* upon his or its own motion or on the *Motion* of any *Party* may *Direct* a *Party* to *Amend* his *Pleading* in such manner as may be necessary to conform to these *Rules*.

(FPC 1.11 (c); 34.21)

105.6 *Adversary Pleadings.* Any *Adversary Party* to a *Proceeding* may file an *Answer, Protest, Response, Reply* or *Replication* as may be appropriate to an *Amended* or *Supplemental Pleading* within the time period respectively applicable to such *Pleading*.

(CR 15 (a); FPC 1.9 (g))

105.7 *Withdrawal.* A *Party* may withdraw his *Pleading* as of right at any time before an *Adversary Party* has pled thereto but thereafter only by *Direction* or by *Order* and for good cause shown.

(FCC 1.507 (a), (b); FPC 1.11 (d))

RULE 106—CONSTRUCTION OF PLEADING

All *Pleadings* shall be so construed as to do substantial justice.

(CR 8 (f))

RULE 107—JOINDER OF CLAIMS

Different claims or prayers for different kinds of *Relief* may be joined in a single *Procedural Instrument* under the following Sub-Rules:

107.1 *Complaints.* A *Complaint* or *Cross Complaint* may join either as independent or as alternate as many claims or prayers for *Relief* as the *Complainant* may have or believe himself entitled to. There may be a like joinder of claims where there are multiple *Parties* if the requirements of Rule 163 are satisfied.

(FPC 1.6 (c))

107.2 *Applications.* An *Applicant* may join in a single *Application;* prayers for the enlargement, modification, surrender, transfer or abandonment of one or more distinct and separate, lines, routes or *Operations;* or for two or more *Unifications*, whether of the same or different type; or of one or more *Applications* for the grant, enlargement, extension, supplementation, surrender, transfer or abandonment, with one or more *Applicants* for a *Unification* of the same or different types and/or with one or more *Applications* for the issue or alteration of *Securities* if all of such *Licenses* are a part of a single or connected transaction or relate to a common plan or connected with or supplement one another; one or more *Applications* for *Tariff Relief* of the same or of a different type or kind.

107.3 *Petitions.* A *Petitioner* may join in a single *Petition:* two or more prayers for *Investigations* other than a *Petition* for the *Investigation* and *Suspension* of a *Tariff* or *Charge;* and two or more prayers for *Declaratory Orders*.

RULE 108—JOINDER OF DIFFERENT PROCEEDINGS

A *Complaint* may be joined with an *Application* and/or a *Petition*, and an *Application* may be joined with a *Petition* where they are in respect of or arise out of the same transaction, occurrence or series of transactions or occurrences if any question of law or fact common to all of them will arise in the *Proceeding, provided* if such joinder is of *Proceedings* which involve different *Persons* there be asserted for or against such *Persons* claims or prayers for *Relief* in respect of or arising out of the same transaction, occurrence or series of transactions or occurrences and if any question of law or fact common to all of them will arise in the *Proceeding*.

RULE 109—IMPROPER PROCEDURAL INSTRUMENTS

Whenever a *Procedural Instrument* is filed which does not comply with these Rules or which contains redundant, immaterial, impertinent or scandalous matter the *Hearing Officer* or *The Agency* of his or its own motion or upon *Motion* of any *Party* will either (a) reject the same without filing, (b) strike the entire *Instrument* or any of the objectionable matter therein contained; (c) *File* same and direct appropriate amendment thereof.

(ICC 4 (c), (d); CAB 302.203, 302.405 (a), (b); 302.5; FCC 1.510; 1.506 (a), (b), (c); FPC 1.14 (2); 1.15 (f))

ARTICLE 11—COMPLAINTS

RULE 110—GENERAL REQUISITES

A *Complaint* must set forth fully and clearly the material facts which are relied upon to establish a violation of *The Act* or of any regulation or requirement made in pursuance thereof to the actual or potential injury of the Complainant; and particularly:

(ICC Rule 24 (a); 25 (a); 28; CR 8 (a); CAB 302.201; FCC 1.727; FPC 1.6 (a), (b); MC 201.51)

110.1 *Paragraphing.* The statements in a *Complaint* shall be made in successively numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single *Material Fact.* Each claim founded upon a separate transaction or occurrence unless arising from a continuing unlawful act or default shall be stated as a separate count of the *Complaint.* A paragraph may be referred to by number in any other paragraph and in any subsequent *Procedural Instrument.*

(CR 10 (b))

110.2 *Plaintiff.* An accurate, unabbreviated designation of all *Complainants,* their respective status, if any, under *The Act* and if the Proceeding be brought in a representative capacity, the capacity in which is is brought. The legal right to bring the *Proceeding* need not be averred but will be presumed unless brought in issue by the *Answer.*

(ICC 27 (d); CR 9 (a); 10 (a); CAB 302.4; FCC 1.502; 1.575; MC 1)

110.3 *Defendants.* The name, *Business Unit,* post office address, and status under *The Act* of each *Defendant* shall be stated.

110.4 *Statute.* A direct and specific reference to the provision of *The Act* or of the *Rule* alleged to be violated or by reason of which a right of action is claimed shall be stated, and if more than one provision of *The Act* is claimed to have been violated, a separate statement of the material facts showing the violation of each must be made. Where the *Complaint* is one which must be brought within a specified statutory period of limitation reference thereto must be made and facts clearly stated which show that the action is timely brought.

(ICC 28; 25 (a), (e), (f); FCC 1.574; 1.579; 1.585; MC 201.52)

110.5 *Style and Materiality.* Statements of the *Complaint* shall be simple, non-legalistic, concise, direct, non-redundant, non-argumentative and shall be made only as to facts (not conclusions) which are relevant and material to the issues involved and shall not be impertinent, scandalous or provocative.

(ICC 4 (d))

110.6 *Exhibit.* Whenever detailed facts, transactions, *Amounts,* statistics, etc., are required or permitted to be specified, they shall be set forth in an appropriately designated *Exhibit* to the *Complaint* and only a concise summary thereof stated in the body of the *Complaint.* Where a *Writing* is relevant and material, a summary statement thereof may be made in the body of the *Complaint* and the *Writing* or such portions thereof as are relevant and material made an Exhibit. All details and *Writings* shall be combined into a single Exhibit and wherever practical shall be bound in with the Complaint as an appendix thereto. If not practical, such material shall be firmly bound together into a single document designated as *"Exhibit* to the *Complaint"* which shall accompany the *Complaint.* Such *Exhibit* shall be captioned in the same manner as the Complaint and on its title page shall contain an index and description of the matters severally contained therein.

(ICC Rule 84; 49 (b); CR 10 (c))

110.7 *Adoption by Reference.* Statements in a *Complaint* shall not be reiterated in a subsequent paragraph of the *Complaint* but shall be adopted therein by reference.

(CR 10 (c))

110.8 *Relief.* The *Complaint* must contain a detailed statement of the exact relief prayed which may be in the alternative or of different types. Damages must be specifically prayed in the original *Complaint* and, if not, they will be conclusively deemed to have been waived by *Complainant* in that and any subsequent Proceeding.

(ICC 32 (a), (b); CR 8 (a); FCC 1.584)

110.9 *Attestation.* Every *Complaint* shall be signed in ink by one or more *Practitioners* or by one or more of the *Persons* upon whose behalf it is filed or by an authorized representative thereof, with the address of the signatory given in all cases; but

110.91 If signed by a *Practitioner* it need not be verified since his signature is an affirmation that: he has read the *Complaint;* prior to signature he made due inquiry as to the facts therein stated; he believes same to be true; there are good grounds therefor; it is not interposed for delay; and he has been duly authorized to file same.

110.92 A *Complaint* not signed by a *Practitioner* must be verified by oath or affirmation in judicial form with respect to all the matters and statements set forth as the *Practitioner's* affirmation in Sub-Rule 110.91.

(ICC 17 (a), (b); CR 11; CAB 302.202; FCC 1.501; 1.765; FPC 1.15 (e); 1.16 (a), (b); 33.7; 34.7; 34.24; FTC XII; MC 201.92; CAB 302.4 (b); SEC XV)

RULE 111—STATEMENT OF CLAIM

A *Complaint* or *Cross-Complaint* shall set out the *Material Facts* which tend to establish the ultimate finding, requisite under *The Act* to the grant of the relief prayed.

111.1 *Tariffs.* If the *Proceeding* involves the lawfulness of *Charges,* the *Complaint* must specifically refer to the *Tariffs* or schedules where the same are named.

(ICC Rule 31)

111.2 *States Involved.* The *Complaint* must specifically name the States in and through which the transportation giving rise to the *Complaint* is or was performed.

(ICC 31 (d))

111.3 *Damages.* A *Complaint* praying *Damages* must specify in detail: The name of each *Complainant* for whom *Damages* are sought; the name of each *Defendant* from whom *Damages* are claimed; a description individually or by groups of the shipments with respect to which *Damages* are claimed, showing the number, date on or period within which they moved, the commodity, rate, weight, charges, origin, destination, (or group of origin or destination taking the same rate); date or dates upon which or period within which the charges were paid, and by whom paid; the nature and amount claimed for each claimant and the basis on which the same is calculated and reference to any previous *Complaints* or *Proceedings* in which any of said shipments were involved.

(ICC 25 (b); 29; FCC 1.580, 1.581; MC 201.52; ICA 8, 9, 308 (b), (c))

RULE 112—UNREASONABLE CHARGES

A *Complaint* claiming the imposition of an unreasonable charge must state or exhibit specifically the rate, rating, charge, rule, classification, regulation, practice or allowance of which *Complaint* is made and the Material Facts tending to show that such *Charge* is unreasonable.

(FCC 1.578)

112.1 *Comparison with Other Movements.* If the *Charge* is claimed to be unreasonable as compared with the *Charge* upon the same article for transportation between other points, the physical fact with respect to the similarity of transportation, operating and traffic conditions must be shown.

(MC 110.7)

112.2 *Comparison with Other Articles.* If the *Charge* is claimed to be unreasonable as compared with the *Charge* for the transportation of other articles, the *Facts* with respect to the cost and value of the respective transportation services and the respective volume of the movement must be shown.

112.3 *History.* The history of the present and former *Charge,* the basis upon which it was established, if known, must be stated, with reference to the nature, pendency or disposition of other *Proceedings,* if any, in which the reasonableness of the *Charge* was involved.

RULE 113—UNLAWFUL PREFERENCE OR DISCRIMINATION

A *Complaint* seeking the removal of an alleged unlawful *Preference* or *Discrimination* must describe in detail: The *Charge, Service,* act or *Practice* which is claimed to be *Discriminatory* and that which is claimed to be *Preferential;* the particular *Person,* locality, port, district, gateway, transit point, region or *Traffic* claimed to have been subjected to *Discrimination* and that claimed to have been given a *Preference;* the manner, degree and extent, if any, in which the *Complainant* is injured, damaged or adversely affected.

(ICC 30 (a); FCC 1.582; 1.583; MC 10.9)

RULE 114—INADEQUATE THROUGH SERVICE

A *Complaint* seeking the establishment of new or additional *Through Routes* or *Joint Charges* shall specify: The exact *Through Route* involved, including all participating carriers and all intermediate junctions; the *Joint Charges* sought to be established; the existing *Through Routes* and *Joint Charges,* if any, applicable thereover between the same points, the participating carriers and the intermediate junctions thereof; the *Facts* which show the inadequacy of the existing *Through Routes* and *Joint Charges,* if any, or of the transportation service presently provided over such existing *Through Routes;* and the *Facts* which tend to show a special or peculiar need of *Complainant* or others for the additional new *Through Route* or *Joint Charges.*

RULE 115—INADEQUATE FACILITIES

A *Complaint* designed to require the provision of adequate carrier *Facilities* shall describe in detail the nature, location, purpose and present utilization of the present *Facilities* which are claimed to be inadequate and the particulars in which such *Facilities* fail to meet the reasonable demands and requirements of the traffic and the improvements which are necessary in order to make such *Facilities* adequate to meet such demands and requirements; and particularly:

115.1 *Switch Connection.* A *Complaint* under Section 1 (9) of *The Act* seeking an Order requiring a switch connection shall specify in detail: The lateral branch line of railroad or private siding which it seeks to have connected with respect to exact location and the nature and conditions of its grade, alignment, road bed, track, ties, ballast, culverts, bridges, trestles, drains, clearances, crossings, right-of-way and title thereto, and all other conditions likely to affect the practicability or safety of its operation; a similar description of the proposed connecting track and the part of the *Defendant's* railroad with which it is proposed to connect; the estimated original cost and annual maintenance of the proposed connecting track; the traffic and revenue to be derived by *Defendant* and the basis in detail upon which it is estimated; the prior requests, if any, which have been made upon *Defendant* to establish the connection and the reasons, if any, given by the *Defendant* for refusing so to do;

115.2 *Extension of Line.* A *Complaint* seeking an Order requiring a carrier under Section 1 (21) or 6 (11) of *The Act* to extend its line or lines shall specify in detail: A description of the proposed extension with respect to its approximate location, length, nature of the terrain to be traversed, value of the right-of-way necessary to be acquired, street, highway, railroad, street car line, river and creek crossings and the approximate cost of constructing and maintaining the same; the traffic which will be served by the proposed extension; the manner in and the means by which it is being presently transported, if any, and the estimated revenues which will accrue to *Defendant,* if any, by reason of such extension; the particular *Facts* which tend to show that such extension is required by public convenience and necessity; all prior requests, if any, which have been made upon *Defendant* for the construction of said extension and the reasons, if any, given for the refusal of such extension;

115.3. *Common Use of Terminals.* A *Complaint* under section 3 (5) of *The Act* seeking to obtain the right to use in common the *Terminal Facilities* of another railroad shall specify in detail: The location, size, condition of the *Terminal Facilities* presently used by *Complainant* and the particulars in which same are inadequate or uneconomical; a description of the *Terminal Facilities* which are sought to be used in common and of all the railroads presently using same; a description, supplemented by a map drawn to scale, of the lines of the *Complainant* and of all the railroads lation to said *Facilities;* the extent and nature of the proposed use of such *Facilities;* the volume of *Complainant's* traffic in motive power, cars and ton, to be handled therein; the *Facts* which tend to show that the joint use of such *Facilities* would be in the public interest, would be practicable, and would not substantially impair the ability of the present users thereof to enjoy the use of the same in handling their own business; terms and conditions proposed for the common use of such *Terminal.*

RULE 116—INADEQUATE TRANSPORTATION

A *Complaint* seeking an *Order* requiring the provision of additional or different or new transportation service shall specify in detail: The nature, movement, and location of the service claimed to be inadequate; the particular *Traffic,* points and routes involved in such transportation service; *Facts* tending to show the inadequacy, if any, of the present transportation service; the volume and movement of the *Traffic* with respect to which the present transportation service is claimed to be inadequate; the manner, degree and extent to which the claimed inadequacy affects, injures or damages the *Complainant;* the names, addresses, status and description of other *Persons* similarly affected by such alleged inadequate service; and the improvements or changes in the service which are required to make the same reasonably adequate, and particularly in a *Complaint* involving:

116.1 *Car Service.* Under Section 1 (11) to (14) (b) shall specify in detail: The rule, regulation, practice, rent, compensation, or arrangement with respect to *Car Service* claimed to be unjust or unreasonable; and the change in such rule or the new rule, regulation, practice, rent, compensation or arrangement necessary to make the same just and reasonable.

RULE 117—UNREASONABLE DIVISIONS

A *Complaint* seeking an *Order* establishing or prescribing just, reasonable, equitable, non-preferential and non-discriminatory divisions of *Joint Charges* for the transportation of persons or property shall specify in detail: A complete description of such *Charges,* showing the date established, the carriers and points between and the respective junctions through which the same apply; the short line distance between such origins and destinations and between such origins and destinations on the one hand and on the other the several and respective junctions; the nature and kind of the *Charges* involved, the *Traffic* upon which they apply and the minimum weights applicable thereto; the present divisions, the amount thereof, the date established and whether established voluntarily by agreement, and if not, reference to the *Order* of *The Agency* establishing the same and their basis; a complete description of the volume of *Traffic* carried by each *Complainant* with each *Defendant,* showing for a representative period the revenue received by each and in the case of passenger traffic the passengers and passenger miles carried by each, and in the case of freight traffic the number of shipments, tons and ton miles carried by each; a complete description of the nature, kind and amount of transportation service performed by each participant in the *Joint Charges* at terminals and in line haul; the revenue, expenses, rents, taxes, charges and appropriate traffic and service units of each participant for a representative period; any other *Material Facts* which touch upon the fair compensation of each of the participants; the divisions which *Complainant*

seeks to have established and the basis and justification therefor.

RULE 118—UNLAWFUL OPERATIONS, SERVICE, AGREEMENTS OR UNIFICATION

A Complaint seeking an Order requiring the discontinuance of any *Operation, Service,* agreement or *Unification* shall specify in detail: A complete description of the *Operation, Service,* agreement or *Unification* showing the location, nature, scope, history and duration thereof and the names, addresses, and status of all *Persons* participating therein; the provision of *The Act* or *Rule, Order* or regulation under which the same is claimed to be unlawful; the effect, injury or damage of the alleged unlawful *Operation, Service,* agreement, or *Unification* upon *Complainant* or upon its *Operations* or *Service.*

RULE 119—OTHER VIOLATIONS

A *Complaint* seeking an *Order* compelling compliance with any other provision of *The Act* or with any *Order,* rule, regulation or requirement not embraced within Rules 112 to 118 inclusive, shall specify in detail: The provision of *The Act, Order,* rule, regulation or requirement claimed to be violated; the *Material Facts* which show the violation by the *Defendant* of the same or its failure to comply therewith; the efforts, if any, made by *Complainant* or others to *Complainant's* knowledge to bring about voluntary compliance therewith by the *Defendant;* the manner and degree and extent to which the alleged violation affects, injures, or damages *Complainant* or impairs its *Operation* or service.

ARTICLE 12—APPLICATIONS FOR LICENSES

RULE 120—GENERAL REQUISITES

All *Applications* for *Licenses* will give the information in the manner and form as required by the Rules of this Article. This information must be stated factually and not argumentatively nor in the nature of legal conclusions or allegations. The Rules are designed to obtain all the *Facts* in the *Application* which are necessary for *The Agency* to grant or deny the *Application* under applicable statutory standards. The information should be stated concisely and if *Applicant* has reason to believe that it will be protested should be as complete as would be the *Applicant's Proof* at a hearing.

120.1 *Kind of License.* Every *Application* must show in its title the kind of *License* or *Authority* prayed and the section of the *Act* providing therefor.

120.2 *Persons Involved.* The Application shall state the name and post office address of every *Person Involved* and with respect to each: (a) The kind, date of formation and State of Domicile of its *Business Unit;* (b) Its status, with reference to the *Proceeding* where same was established; (c) The steps which have been taken and those necessary to be taken in the future for corporate authorization of the exercise of the *License;* and (d) A general description of the nature of its business activity or *Operation.*

120.3 *Correspondence.* After the information called for by each of the several sub-divisions and paragraphs of the *Rule,* the Application, under the paragraph number and heading of this paragraph shall show the name, title and post office address of the officer to whom correspondence in regard to the *Application* should be addressed.

(CFR 3.1 (f); 41.1 (k); 42.1 (f); 52.2 (a) (5); 55.1 (k); 55.3 (f); 56.1 (j); BMC Form: No. 44V; No. 45 VI; No. 76 (XII).

120.4 *Opinion of Counsel.* Unless specifically qualified in the last paragraph of each *Application,* which paragraph shall be numbered and headed as this paragraph, the signature to the *Application* by a *Practitioner* authorized to practice before *The Agency* is a certificate that he is familiar with the *Applicant's* organization, powers and duties and with the *Authority* requested by the *Application* and that in his opinion such *Authority* is within the *Applicant's* powers and purposes (individual, partnership, corporate, association, or fiduciary) and has been or, if not, will be duly authorized under the law by the *Applicant* upon the taking of acts, steps, or procedures specified in such statement, and that he is familiar with the facts stated in the *Application* and believes that the same are true and correct. If any of the foregoing certificate cannot be made by the signatory *Practitioner,* or if the *Application* be not signed by a *Practitioner,* such statement shall be made by a *Practitioner* in good standing who is familiar with such matters and attached to the *Application* as Exhibit Z.

(CFR 41.7 (g); 55.2 (d); BMC FORM: No. 45, Exhibit C 3)

120.5 *Other Applications.* Description of all other *Applications* for a *License,* supplementing, duplicating in whole or in part the *License* requested by the *Application,* its ultimate disposition, whether by grant, withdrawal, dismissal or denial, and, if granted, whether the *License* was exercised or the transaction approved, consummated and, if not, the reasons therefor, with appropriate reference to the docket number of *The Agency* given to said proceeding and the citation to the volume and page number of any published decision of *The Agency* respecting said *Application.*

(ICC Former Rule 18 (h) (5); CFR 53.6 (1); BMC Form: No. 72 V; No. 78 X; BWC Form: No. 4, Exhibit A 2)

120.6 *Verification.* The original *Application* shall be verified before a person authorized at the place of verification to administer oaths by the *Applicant,* if an individual, otherwise by a partners, officer or agent designated by the *Applicant* to verify and file the same, in which the affiant shall state: his name and address, and, if not the *Applicant,* the nature of his relations with and of the duties performed by him for *Applicant;* that he has read the *Application* and the Exhibits; that he has personal knowledge of the facts therein stated or, if he does not have personal knowledge, the source of his information with respect thereto; and that he believes all of said facts to be true. Where the *Application* is not verified by an accounting officer of the Applicant, the originals of Exhibits D, D–a to D–d, E, E–a inclusive, shall be certified as correct by a certified or other public accountant or the chief accounting officer of the *Applicant.*

(CFR 3.3 (a); 41.2 (a); 41.8; 42.3; 42.16; 42.19; 52.5; 53.7; 141.58 (e); 145.58; 186.14 (d); 187.45 (d); 147.31 (a); 311.7 (a); 312.7 (a); BMC Form: Nos. 4 and 5; 12 and 18; 0–5–1; 40, Exhibit C Footnote 5; 44; 45; 46; 72; 76; 78; BWC Form: Nos. 1, 2, 3, 4, 7, 8; FF Form: No. 1, 39, 39 Exhibit C 4; Former ICC Rule 18 (d) (2))

120.7 *Uniform Exhibits.* To facilitate processing and consideration, exhibits to all *Applications* will be uniformly lettered, as set forth in the subdivisions hereof. Whenever information can be given by the appropriate lettered exhibit or where the particular rule governing the *Application* calls for the same, such exhibit should be attached; provided that whenever information to be shown in an exhibit has heretofore been set forth in an exhibit previously filed with *The Agency* as a part of an *Application* under the same rule, in lieu of such exhibit, the *Application* shall make specific reference to such previous exhibit and *Application* or published decision of *The Agency* with respect to the same:

Exhibit 120.7A—Organization Papers. Duly authenticated copies of *Applicant's* (or in *Applications* for approval of rate making agreements, of the rate-making organization involved) charters, articles of association, articles of agreement or incorporation, indenture or trust agreement, decree or order of court, or probated testament, together with any governing by laws or code of regulations which evidence the powers and purposes of the organization.

(CFR 3.2 (b); 41.1 (c); 42.1 (g), (l); 52.2 (a), (b) (1)–(5); 52.3 (a) (1) (i), (ii), (iii), (iv); 55.1 (b); 55.2 (a); 56.1 (b); 56.2 (a) (1); 58.11 (b), (c); BMC Form: Nos. 4 and 5, Exhibit A (1) (e); 2 (c); 3 (e); Nos. 14 and 18 I B (iii); No. 40, Exhibit B; No. 44, Exhibit A 1; No. 45, Exhibit A9; FF Form: No. 39; Exhibit B)

Exhibit 120.7B—Authorization. A duly authenticated order of *Applicant's* principals, if *Applicant* is acting in a representative capacity; or if *Applicant* be an *Association* or corporation, a resolution of governing body (board of directors, counsel, stockholders or court) authorizing or directing the execution, signature and filing of the *Application,* and the execution, delivery and/or performance of any act or transaction for the approval or authorization for which the *Application* is filed.

(CFR 41.1 (j); 42.1 (h); 52.3 (b); 55.1 (j); 55.2 (c); 56.2 (b) (1)–(3); 58.11 (c); BMC Form: No. 40, Exhibit D, No. 44, Exhibit A 3, 4; B 2, 3; No. 45, Exhibit A 10, A 4, 5)

Exhibit 120.7C—Affiliation. Statement and chart showing name, address, business activities and operations of every *Person* with whom an *Applicant,* real *Party* in interest, or other *Person* involved in, or which is a *Party* to, or which will result from a proposed transaction, the approval of which is sought, giving nature, extent and duration of such *Affiliation* and the intercorporate, interlocking or contractual relations or dealings with such *Person.*

(CFR 41.1 (i); 41.6:3; 52.2 (b) (10); 52.3 (b) (10); BMC Form: No. 40, Exhibit E; FF Form: No. 39, Exhibit E)

Exhibit 120.7D—Balance Sheets. General Balance Sheet, certified as correct by the chief accounting officer of the *Person* for whom it is made or by a certified or other public accountant, as of the end of the previous calendar year and as of the latest practicable date in the current year.

(CFR 42.9:3; 52.3 (b) (8); 55.2 (k); 56.2 (g); BMC Form: No. 40, Exhibit C; No. 45, Exhibit A 10 A 6; Exhibit B 4 B 2; FF Form: No. 1, Exhibit C (1); No. 39, Exhibit C 1)

Exhibit 120.7D–a—Giving Effect Balance Sheet. A balance sheet similarly authenticated as of the latest available date, showing the changes which would result if the proposed License had been granted and exercised or the proposed transaction approved and consummated prior to the date thereof and the effect which such changes would have had upon the items in such current balance sheet.

(BMC Form: No. 44, Exhibit A 5; Exhibit C 5; No. 76 VIII; No. 78 VII)

Exhibit 120.7D–b—Asset Accounts. Detailed analysis of Balance Sheet Asset Accounts to show: Number, cost less accrued depreciation, of each kind or class of automotive equipment, garage and shop equipment, other equipment, structures, improvements to leasehold property, together with the cost of land; and *Investment* and *Advances* to *Affiliated* and *non-Affiliated Persons.*

(BMC Form: No. 40, Exhibit C 1; FF Form: No. 1, Exhibit C 1)

Exhibit 120.7D–c—Liability Accounts. Detailed analysis of Balance Sheet Accounts to show: Long Term Obligations by maturities separately, for equipment notes and other long term obligations; *Capital* between capital stock and capital surplus; Amount of *Earned Surplus* or deficit at the beginning of the period, adjustments applicable to prior years, current year profit and loss, miscellaneous profit and loss, credits and debits, appropriations for sinking fund, other reservations or dividends and surplus or deficit at the end of the period; Depreciation Reserves by classes of property and the rates thereof; Reserve for injuries, loss and damage; Other Reserves, a statement of the policy followed by *Applicant* with respect to each Reserve Account; *Unpaid Claims* for each class of risk, showing date of accident, claim number, date of claim, nature of injuries or damages, amount of damages claimed, amount of reserve, date of suit, if any, and name of court where suit is pending.

(BMC Form: No. 40, Exhibit C—Footnote; FF Form: No. 39, Exhibit C 1—Footnote)

Exhibit 120.7D–d—Contingent Liabilities. Number and amount of unpaid claims and judgments for injuries, loss or damage at date of *Application* not covered by policies of insurance companies in good standing and for which adequate reserves had not been made or shown on Balance Sheet; Amount of Special Reserve required adequately to provide for unpaid claims and judgments arising out of accidents occurring on or before date of current Balance Sheet but of which notice was not received until a subsequent date and for which no specific or special reserve has been included in the reserves shown on the Balance Sheet; Nature and amount of reserves required adequately to provide for all liabilities accrued as at date of current Balance Sheet, notice of which was not received until date subsequent thereto but prior to the date of *Application* and for which no reserve has been otherwise provided; Dividend arrears accumulated upon *Applicant's* stock, aggregate and per share; defaults in principal, interest, or sinking fund requirements, whether or not shown on the Balance Sheet, with amounts and full explanation thereof; securities pledged as collateral for any long term obligations or short term loans or to secure the performance of contracts, together with net book cost thereof;

(BMC Form: No. 40, Exhibit C and Footnote; F. F. Form: No. 39, Exhibit C 1 and Footnote)

Exhibit 120.7E—Earnings Statement. Income and Profit and Loss Accounts, certified by the chief accounting officer or a certified or other public accountant, for the previous calendar year and for current year to the latest available date.

(CFR 41.7 (F); 42.93; 52.3 (b) (9); 52.2 (1); 56.2 (h); BMC Form: No. 40, Exhibit C; No. 44; Exhibit A 7; Exhibit B 6; No. 45, Exhibit A 10—A 10; Exhibit B 4 B 6; FF Form: No. 1, Exhibit C 1; No. 39, Exhibit C 1)

Exhibit 120.7E–a—Giving Effect Earnings Statement. Supplementation of the income and profit and loss accounts for the current period to show the changes therein which would have been made had the proposed *License* or transaction been granted or consummated prior to the beginning of the period and the effect of such changes upon the several items of said accounts.

(BMC Form: No. 44, Exhibit C 7)

Exhibit 120.7F—Key Map of Operations. A key map, drawn to an exact scale, clearly depicting, in separate colors, *Applicant's* (and other involved *Persons*) present routes or lines, main and branch, territory served, and the principal points or localities presently served, which would be affected by the grant of the *License* or consummation of the proposed transaction, and the particular routes or lines, main or branch, and termini, construction or operations which are, or would be, involved in the granting of the *License* or the consummation of the transaction for which *Authority* is prayed in the *Application.*

(CFR 41.1 (e); 41.7 (c); 42.1 (j); 52.3 (b) (6); 55.2 (e); 56.2 (d); BMC Form: No. 44, Exhibit C 8; No. 45, Exhibit C 5; No. 78 IX)

Exhibit 120.7G—State Authority. An authenticated copy of the order, certificate, permit, license or franchise of competent authority authorizing: *Applicant's* operations and/or transportation in intrastate commerce over the routes, between the points, or within the territory of the particular classes of traffic therein authorized; or *Applicant* to act as a self-insurer.

(CFR 52.1 (a) (4); 55.1 (d); 56.1 (d); BMC Form: No. 12 IV; No. 44, Exhibit C 1; BWC Form: No. 1, Exhibit B 1 A)

Exhibit 120.7H—Evidence of Utilization. Abstract of delivery receipts, trip reports or manifests, drivers' logs, port of entry receipts, mileage tax receipts, route schedules or other documentary evidence showing the extent to which a carrier licensee has utilized its present license; and naming place where all of such documents will be kept in the order in which they were abstracted and held available for inspection by representatives of *The Agency* or any *Party* to the proceeding upon reasonable request and notice at reasonable times.

(BMC Form: No. 44, Exhibit B 7; BWC Form: No. 1, Exhibit B 1 B; No. 2, Exhibit A V A, B; B V A B; No. 8, Exhibit A V)

Exhibit 120.7I — Agreements. Facsimile copy of all agreements containing any terms and conditions relating to or affecting any proposed transaction for which *Authority* or approval is prayed.

(CFR 3.2 (a); 52.2 (c) (2); 52.3 (b) (7); BMC Form: No. 4, Exhibit B 4; No. 44, Exhibit C 1; No. 45, Exhibit C 1; No. 76 III (5))

Exhibit 120.7J—Specimens. Specimen copies of proposed *Securities,* proxies, contracts, billing, tickets, shipping papers or other agreements involved or connected with any *License* or *Authority* for which the *Application* prays.

(CFR 56.2 (e); 58.11 (a); 55.2 (f); 58.9 (r))

Exhibit 120.7K—Indentures. A copy of the mortgage, indenture, or other instrument by which notes, bonds, or other evidences of debt are, or are proposed, to be secured.

(CFR 56.2 (f); 55.2 (g))

Exhibit 120.7L—Property to be Acquired by Purchase With the Proceeds of Securities. An itemized statement, classified in accordance with *The Agency's* effective classification of accounts, of property to be acquired with the proceeds of a *Security* issue, showing (a) the name and post office address of the owner or vendor and, if equipment, the name of the builder, the unit price paid or to be paid, and, if purchased through competitive bidding at prices higher than the lowest bid, the reason for accepting the higher bid; and (b) general description of the property, showing the kind, character, size, location, construction, make, model, capacity, special devices, and if for second-hand equipment, the name of the builder, date, and former owner, and, if for equipment to be rebuilt, the date originally built, the original cost, a bill of material showing reusable material, the price at which it is to be taken into the rebuilt unit, any material and labor used in rebuilding.

(CFR 52.2 (l) (j))

Exhibit 120.7M—Additions and Betterments. A report, attested by a competent engineer, showing the quantities and prices, actual or estimated, and the disposition of total costs by the primary accounts of *The Agency's* applicable classification of accounts, together with an abstract of each Authority for Expenditure or of each completion report, as may be appropriate, of amounts for the construction, completion, extension or improvement of *Facilities* or additions and betterments thereto, whether completed or not, or expenditures, whether made or not, or for reimbursement of money expended for same from income or other monies in the treasury of the Applicant.

(CFR 56.2 (k) (m))

Exhibit 120.7N—Refunding. A statement containing a full description of the terms and conditions, principal amounts, accrued interest, maturities, call premiums, discounts, commissions, counsel fees, and all other expenses of sale or other disposition with respect to the discharge or refund of existing obligations, including notes maturing not more than two years after date thereof.

(CFR 52.2 (1); 55.2 (h))

Exhibit 120.7O—Other Investment. A statement containing the complete details of the purposes of a proposed issue or assumption of *Securities* with respect to purposes other than those comprised within Uniform Exhibits 130.7L, 130.7M, 130.7N.

(CFR 56.2 (n); 55.2 (l))

Exhibit 120.7P—Plan. A copy of proposed plan for the *Alteration of Securities* or for corporate reorganization.

(CFR 55.2 (b); 175.1 (a))

Exhibit 120.7Q—Securities Unaffected by Plan. A detailed statement of the carrier's creditor obligations not affected by a proposed plan for Alteration, showing the full title of the same, the title and date of indenture, if any, under which the same were issued, the name of the trustee under the indenture, the principal amount of *Securities* authorized and issued and the denomination of such *Securities,* the date of the *Securities,* interest rate or rates thereon, interest payment dates, the date or dates of

maturities, with the amounts respectively maturing on each date, if maturing serially.

(CFR 55.2 (j))

Exhibit 120.7R—Proposed Charges. A statement, with the appropriate tariff authority, of the exact rates, charges, fares, classifications, rule or regulation which it is desired to establish, the routes over, articles or classes upon which they apply, and the names or description of the points of origin and destination.

(CFR 141.58 (e); 147.31 (a); 186.14 (e) (1); 187.45 (d), (e), (1) (2); 311.7 (a); 312.7 (a); Former ICC Rule 18 (e) (3))

Exhibit 120.7S—Present Charges. A statement, with appropriate tariff authority, of the present *Charges*, rates, fares, classification, rules or regulations which it is desired to change, and the articles or classes upon which they apply, and the names or description of the points of origin and destination, and precise changes or cancellations indicated.

(CFR 141.58 (e); 147.3 (a); 186.14 (e) (3); 187.45 (d) (3); (e) (3); 311.7 (a); 312.7 (a))

Exhibit 120.7T—Fourth Section Departures. A statement of the names or description of intermediate points at which it is desired to maintain higher *Charges* than at further distant points, or a sufficient number of such points to illustrate the situation, including the points at which the highest and lowest *Charges* in excess of those at the more distant points would apply, distances between all points to be shown.

(Incorporate as Form 6 to Rules of Practice of I. C. C. prior to adoption of revised rules in 1942. Rule 18, paragraphs (3) (4) and (f) (3))

Exhibit 120.7U—Fourth Section Map. A map, drawn to scale, showing the relative location of the various lines or routes, the competitive points, the representative intermediate points at which higher *Charges* are to be made, and the delineation or indication of related or group points.

(Old Rule 18, I. C. C. Rules of Practice, paragraphs (h) (2) and (e) (3)).

Exhibit 120.7—Authentication of Damages. A certificate over the personal signature of the comptroller or general auditor of the Applicant carrier, and/or of any carrier making collection of any part of the *Charges* that he has read the *Application* and that the facts stated therein have been verified against the accounts of the company as audited under his direction, and the amount of the aggregate weight, freight charges collected and retained, and the refund to which the complainant is entitled on the basis of the reduced rate, and the present rate per hundred weight or per ton, and the statement of billing attached, corresponds to the checked billing as shown by the records of the company. In addition, the complainant or the person to whom the damages are to be paid, either personally or by authorized officer or agent, shall certify that the amount of *Charges* upon the shipments as shown in the *Application* were paid and borne by such *Person*.

(Form for Special Docket Application prescribed by the order of Division 2 of the I. C. C. on October 1, 1934)

120.8 *Detail Exhibits.* Detailed information called for in any of the Rules of Articles 12 and 13, which can be more clearly or concisely presented in exhibit or tabular form, shall be furnished in an attached supplemental exhibit and only a general statement or summary given in the *Application* proper; which, however, must specifically refer to such exhibit which shall be entitled "Detail Exhibit To Rule No. ----" (number of the rule or sub-rule which calls for the information). If more than one such statement is necessary to be put in exhibit form in response to a single rule or sub-rule, they shall be included as consecutively numbered parts of a single exhibit identified as above.

120.9 *Supplemental Exhibits.* Where prior to a hearing an *Applicant* is *Directed* to furnish additional information to supplement, correct or explain information given in the *Application*, he shall do so by separately and consecutively numbered exhibits which refer to the said *Direction* and which shall be entitled, "Supplemental Exhibit No. ----."

RULE 121—RATE MAKING AGREEMENTS

Applications under Section 5a of *The Act* for approval of carrier rate making agreements shall give the following information:

121.1 *The Applicant.* Name and post office address of *Applicant* and each *Carrier* in whose behalf the *Application* is filed, its kind of *Business Unit*, its business activities, and its status under *The Act*, making reference to the docket number of the Proceeding, if any, before The Agency in which same was recognized or established.

(CFR 3.1 (a), (b), (c))

121.2 *Authorization.* If the Application be filed upon behalf of non-signatory *Carriers* appropriate reference shall be made to the source of the signatory's authority to file same on behalf of such *Carriers*.

(CFR 3.3 (a))

121.3 *Affiliations.* If the agreement involved is implemented by a rate making organization (bureau, conference, or committee, incorporated or unincorporated) a full description of said organization and the name of any other similar organization with whom it is *Affiliated* or related by contract, agreement or otherwise and a complete description of such relationship, *Affiliation* or arrangement. (Attach Uniform Exhibits 120.7 A and C)

(CFR 3.1 (d))

121.4 *The Agreement.* A statement of the precise nature, terms and conditions of the rate making agreement for which approval is prayed. (Attach Uniform Exhibit 120.7 I)

(CFR 3.1 (d))

121.5 *Procedures.* A detailed and precise description of the rate making procedures established by such agreement or of any rate making organization (Rule 139.3 *supra*) through which said agreement is to be implemented.

(CFR 3.1 (d))

121.6 *Scope.* The territorial scope, Traffic and traffic movement covered by such agreement.

(CFR 3.1 (d))

121.7 *Expenses.* A detailed statement of the manner in which the expense of implementing the agreement or of such rate making organization is distributed among the parties to the agreement or among the members of such organization by assessments, dues or otherwise.

(CFR 3.2 (d))

RULE 122—TARIFF RELIEF

Applications for special permission to depart from the provisions of Sections 4 (1); 6 (3); 20 (11); 217 (c); 218 (a); 306 (d), (e); 405 (d), or of *The Agency's* applicable Tariff Rules will comply with the provisions of Rule 120 and give the following information:

(ICC 25 (e); FCC 1.523; FPC 45.8 (c), (h))

122.1 *Persons Involved.* The name and post office address of the *Applicant* and of each *Carrier* in whose behalf the *Application* is filed, its kind of *Business Unit*, its business activities and status under *The Act*, making reference to the docket number of the *Proceeding*, if any, before *The Agency* in which was recognized or established; *except* that if the *Application* be by the publishing agent of the tariffs involved such *Carriers* may be designated by reference to such tariffs; and if the *Application* be filed upon behalf of non-signatory carriers appropriate reference to the source, nature and evidence of the signatory's authority to file same in behalf of such carriers;

(CFR 137.31 (e), 141.58 (e), 145.48; 147.31 (a); 186.14 (d) (2); 187.45 (d) (2); 311.7 (e); 312.7 (e) Order Division 2, October 1, 1934; and Released Rates Order 331.1; Rule 18: (a) (e) (1))

122.2 *Relief Prayed.* The precise relief prayed with reference to the provisions of *The Act* or Rules relief upon to authorize same; the specific provision of *The Act* from which it is proposed to depart; and the business reason or purpose of the proposed departure;

(CFR 141.58 (e))

122.3 *Proposed Charges.* Identification of the tariff or supplement thereto and the item number thereof, present or proposed, containing the proposed *Charge* and a general statement of its traffic and territorial application; and the basis of or for the proposed *Charge;* (Attach Uniform Exhibit 130.7).

(CFR 141.58 (e); 145.58; 147.31 (a); 186.14 (e) (1), (20); 187.45 (e) (1), (2); 311.7 (a); 312.7 (a); Released Rates Order 331.2, 3)

122.4 *Present Charges.* Identification of the tariff, supplement and items providing for the present *Charge* which will be superseded or otherwise affected by the proposed change, and the general effect of such change; and particularly in: (Attach Uniform Exhibit 130.7S).

122.41 *Fourth Section Applications.* A statement generally describing the extent to which the *Charges* at the intermediate points will be higher than those at the more distant points and the basis upon which the *Charges* at the intermediate points were established and/or are maintained; (Attach Uniform Exhibits 130.7T and U).

(ICC Former Rule 18 (e) (4); (f) (3)

122.5 *Reasonableness. Material Facts* tending to show that the proposed *Charges* are just and reasonable, and particularly in:

122.51 *Special Docket Applications.* That, and in what respects the applicable tariff *Charge* from which it is sought to depart is expressly admitted to be unjust and unreasonable in the particular case;

122.52 *Fourth Section Applications.* That the proposed *Charges* at the more distant points are fully compensatory and that the higher *Charges* proposed to be maintained at the intermediate points are reasonable, with reference to the docket number of any *Proceeding* before *The Agency* in which the reasonableness of the latter is in issue;

(ICC Former Rule 18 (f) (2), (4), (5))

122.53 *The Relationship.* Between the points of origin or destination covered by the proposed change and points of origin or destination not covered thereby; and similarly the relationship, if any, of the *Traffic* covered by the proposed change to other like or similar *Traffic;* and in *Applications* for *Released Rates* based upon existing *Charges*, upon analogous commodities or apply in other localities or territories or upon other *Carriers*, full details with respect thereto must be given.

(CFR 141.58 (e); ICC Former Rule 18 (e) (3); Released Rates Order 331—Third)

122.6 *Competition.* Separately by types the names and addresses of all *Carriers* who publish *Charges* upon the same *Traffic* between the same points as those involved in the *Application*, with appropriate reference to the tariffs where same are published (or if a number of such *Carriers* participate in a joint tariff naming such *Charges* they may be described generally in referring to such tariff); the differences, if any, between the *Charges* of such *Carriers* and those proposed in the *Application;* details of any notice given by *Applicant* to such *Carriers* of its intention to file, or of the filing, of the *Application*, and the views of said *Carriers* with respect thereto if known; and particularly in Fourth Section *Applications* based upon:

(CFR 141.58 (e); 145.18; 147.31 (a); 186.14 (e); (4)–(6); 187.45 (e) (5); 311.7 (a); 312.7 (a))

122.61 *Carrier Competition.* Respective distances to the more distant points over routes of *Applicant* and those over which the competitive *Charge* applies; the comparative service given over such routes; relative volume of *Traffic* moving thereover; and the extent, if any, to which such competition applies at the intermediate points;

(ICC Old 18 (g) (1)–(3))

122.62 *Market Competition.* Name of the common market and the competitive producing points; *Carriers* operating over direct lines or routes from such producing points to the common market, and the distances via same; extent to which similar competition, if any, exists at the intermediate markets, if any, via such direct lines; extent to which *Charges* from competitive producing points conform to the Fourth Section of *The Act;* and the volume of *Traffic* respectively moved from the producing points.

(ICC Old Rule 18 (g) (4))

122.7 *Damages. Applications* for authority to pay damages or waive collection of undercharges arising by reason of an unjust or unreasonable *Charge* shall describe the shipments involved, showing number, commodity, aggregate weight, origin, destination, point of reconsignment, consignor, consignee, bill of lading, carrier, date, and point of issuance, route, aggregate freight charges collected, date when and by whom such charges were paid, carrier, date of delivery;

(Order of Division 2, October, 1934)

122.71 *Authentication.* The foregoing statement of Charges must be verified against the audited accounts of carrier collecting charges and certified in Uniform Exhibit 120.7 V)

(Order of Division 2, October, 1934)

RULE 123—OPERATING LICENSE

All *Applications* for: exemption of a *Carrier* or *Operation* from any provisions of *The Act* (ICA 204 (a), (4a), 303 (e), 306 (e); grant, enlargement, modification, transfer, surrender or revocation of an *Operating Authority* as a *Carrier* or *Broker* or to abandon or discontinue an operation or service previously performed (ICA 1 (18), 206–210, 210a (a), 212, 309, 310, 312, 410) will give the information, and in the manner and form, respectively required by the Rules of this Article 12.

(CAB 500.400, 401, 402; FCA 310 (b); FCC 1.525, 526; FPC 02.4; 1.527, 528; 6.1–6.5; 9.1–9.10; 33.2; 34.2 (q))

123.0 *Present Operations.* A description of the *Applicant's* present *Operations*, their nature and extent, the States within which they are located, a general description of the routes and termini thereof, with appropriate reference to the docket number of the *Proceeding*, if any, before *The Agency* in which to conduct said Operations was granted; and same may be applicable to the type of *License* applied for, the following additional information: (Attach Uniform Exhibit 120.7F).

(BWC Form: No. 2, Exhibit A II, A, B, E; Exhibit B I A; No. 8, Exhibit A I A, B; II C)

123.01 *Conduct.* Concise description of *Applicant's* organization, personnel, method of operation, and rules and regulations employed to comply with insurance, safety, accounting, and tariff requirements.

(BMC Forms: Nos. 4 and 5, Exhibit C 1–4, Exhibit E)

123.02 *Utilization.* The extent to which, during each of the preceding 12 months, *Applicant* or a proposed transferor has not fully utilized its *Authority* with respect to routes, territory, class, kind, description, type of *Traffic* or size or volume of shipments thereof, with a full explanation therefor;

(BMC Form: No. 44, Exhibit B (4); BWC Form: No. 2, Exhibit A I C)

123.03 *Points Served.* Names of all important points or ports (including all places having a population of 25,000 or more) served, designating at which points *Applicant* maintains a station;

(BWC Form: No. 1, Exhibit A II A–E)

123.04 *Service.* The kind, frequency, continuity, regularity of *Applicant's* service on its main and branch routes or lines respectively, and the seasons during which service is rendered;

(BWC Form: No. 2, Exhibit A I D, E, II G; Exhibit B I C; No. 8, Exhibit A I C–E, II F, G)

123.05 *Traffic.* The carload, truckload, less carload, or less truckload tons of freight, separately, respectively originated, terminated or received from connections at each point in which Applicant maintains a station.

123.1 *Exemption.* A complete and precise description of the routes, points served and termini of the *Operation* for which exemption is sought, its terminals and a specification of motor equipment owned, leased, or operated, separately by class and type of equipment, and marine equipment by the name or number, type of construction, size and tonnage.

(BMC Form: No. 72 III D; BWC Form: No. 4, Exhibit A 8)

123.11 *Local Exemptions.* In Applications for exemption under Section 203 (b) (8) of *The Act*, a description of the municipality or municipalities or zone commercially a part thereof, to which Applicant's Operation is confined and the arrangement or method, and with whom, under which it transports passengers or shipments which originate or terminate without such municipality or zone; and a description of the State or municipal *Authority*, certificate, permit, license or franchise, if any, which authorizes *Applicant* to transport passengers in intrastate commerce over the entire length of its interstate routes. (Attach Uniform Exhibit 120.7G.)

(BMC Form: Nos. 12 and 18, III, IV)

123.12 *Interchange.* In *Applications* involving exemption of motor carrier operations under Section 204 (a) (4a) of *The Act* or involving water carrier operations, the names and addresses of all carriers with whom the *Applicant* interchanges interstate *Traffic* and/or equipment; the arrangement under which such interchange is made and if the *Traffic* is interchanged under joint rates whether such rates were established by concurrence of *Applicant* in tariffs of the connecting carrier or by concurrence of the connecting carrier in tariffs of *Applicant*.

(BMC Form: No. 72 II C; BWC Form: No. 3, Exhibit A II E, No. 8, Exhibit A II H)

123.2 *New Rail, Motor or Water Operation.* In *Applications* for a new, enlarged, extended, supplemental or alternate operation or route, a particular description of the main and branch lines, the termini, port, routes or construction involved; the route or track miles, respectively, of new main or branch lines or routes; and more particularly:

(CFR 41.2 (d), (f); BMC Form: No. 76 II–IV; BWC Form: No. 2:3; Exhibit A II A, B; Exhibit B II A; No. 7: I. III; No. 8, Exhibit A II A–E)

123.21 *Purpose.* Its chief uses and purposes and whether primarily for a di-

rect profit from transportation thereon, or for the advantage of any other *Person*, and, if so, who, and the advantages thereto, and *Applicant's* corporate contractual or financial relations therewith;

(CFR 41.6:22)

123.22 *Territory.* The general character and terrain of the country which the proposed line will traverse, approximate area and population of the area which will be served, the kinds of industry carried on therein and the relative importance of each, including their age, growth, extent, and probable future growth and permanence; the name and population of each city, town, and village at which a *Station* would be established or maintained, and the name, area and population of each county through which the proposed line will extend;

(CFR 41.1 (f); 41.6:9, 16, 17, 18, 19)

123.23 *Present Service.* Names of places on proposed route now served by common carriers, railroad, motor carrier or water carrier, and the name of each such carrier maintaining a *Station* thereat; the names of places within the area to be served by such line that have no common carrier service, and the distance in miles of such places from the nearest *Station* of a common carrier and the character of the connecting highway;

(CFR 41.6:9–13)

123.24 *Coordination.* The routes or lines, main and branch, the territory and principal points presently served by *Applicant* or an *Affiliate* which would be affected by the proposed *Operation* and the manner in which such *Operation* will be conducted and coordinated with the *Applicant's* present *Operation;*

(BMC Form: No. 78 XI; BWC Form: No. 2, Exhibit B II A, B; No. 7 II, No. 8, Exhibit A I A, B)

123.25 *Railroad Construction.* Dates on which construction is expected to begin and be completed, the engineering work in full detail which has been done with respect to the same, including (a) the gauge and number of main line tracks, (b) the weight of rail and main line tracks, (c) the rate of maximum grade in each direction and whether and how compensated for curvature, (d) the rate of limiting grade fixing the train load in each direction and whether and how compensated for curvature, (e) the location, length, rate and direction of ascent for each helper grade, if any, (f) the average amount of curvature per mile, in degrees, and the maximum rate of curve, (g) the approximate length and height of wooden trestle or other temporary construction.

(CFR 41.1 (d); 41.6:32–34; 41.7 (a)–(e))

123.3 *Abandonment.* The line, route, operation or service to be abandoned; the miles in each county to be abandoned; and the extent to which continued operation by other carriers will supply the service to be abandoned by *Applicant*, and particularly:

123.31 *Service.* The names, in geographic order, of all points on the involved *Operation* at which the *Applicant* maintains a *Station*, the approximate population of each, and the names of all other carriers which maintain *Stations*, at each point to be served, or the distance by highway to the nearest *Station* of another carrier, the approximate population of the territory dependent for service upon the line, and the nature of industries therein, and the extent to which such industries are dependent upon the involved Operation for transportation;

(CFR 42.9:8, 11)

123.32 *Property.* A detailed description of the property to be abandoned, when and by whom, and for what purpose it was acquired or constructed, the present state of its maintenance and the estimated salvage value thereof, with the basis for such estimate.

(CFR 42.1 (c); 42.9:2, 4, 5)

123.4 *Forwarder.* The territory of the proposed operation, the origin points which will be served by *Stations;* and destination points to be served by *Stations;* the principal breakbulk points; and the terms and conditions of the bill-of-lading or shipping contract to be issued to shipper, and particularly:

(FF Form: No. 1, Exhibit A 3, 4)

123.41 *Service.* The class of the public to whom proposed service will be held out and the methods, manner and means of effecting pickup, assembly, consolidation, distribution and delivery of shipments;

(FF Form: No. 1 A (1), (2))

123.42 *Responsibility.* Extent to which *Applicant* assumes responsibility for the shipment from origin to destination.

(FF Form: No. 1, Exhibit A 4)

123.5 *Broker.* The class or classes of *Traffic* for which new or additional *Authority* is sought to make arrangement for transportation and whether for individual passengers, groups of passengers, baggage, newspapers or articles of commerce generally, or specified articles or commodities, and the territory and principal points to be served by the new or enlarged License; and particularly:

(BMC Forms: 4 and 5, Exhibit B 1, 2)

123.51 *Service.* The kinds of carrier service to be sold, procured, or arranged for; the methods and facilities to be employed in promoting sales thereof; and the nature, amount, terms and conditions of any insurance policy, bond or other security for the performance of its obligation which *Applicant* tenders;

(BMC Forms: 4 and 5, Exhibit C 5)

123.52 *Operations.* Description of officers and personnel employed or to be employed and of carriers who have been and will be employed in its *Operation* and their status under *The Act;* docket number of the *Proceeding*, if any, in which such status was recognized.

(BMC Forms: Nos. 4 and 5, Exhibit E)

123.6 *Transfer.* A precise description of the *Operations*, lines, routes, and property, tangible or intangible, to be transferred or leased, and a statement of all of the terms and conditions of any and all agreements covering the transaction. (Attach Uniform Exhibit 120.7I).

(BMC Form: No. 76 III (5), (9), (10))

123.7 *Self Insurance.* An *Application* for *Authority* to self-insure under Sections 215 or 403 (c) (d) of *The Act*, shall show the following information relating to:

123.71 *State Authority.* The States in which *Applicant* has qualified as a self-insurer and upon what terms and conditions, together with a full explanation of a denial of any *Application* to any State to so qualify, or for any revocation of its authority to self-insure in any State.

(BMC Form: No. 40, Exhibit A 1, 2, 3)

123.72 *Safety Organization.* The organization, method, operation, personnel, cost, and length of time maintained of *Applicant's* safety organization, if any.

(BMC Form: No. 40, Exhibit A 10, 33; FF Form: No. 39, Exhibit A 6)

123.73 *Claim Organization.* The organization, method of operation, personnel employed and length of time maintained of *Applicant's* claim department, if any.

(BMC Form: No. 40, Exhibit 40 A 11; FF Form: No. 39, Exhibit A 7)

123.74 *Property.* Description of *Carrier* property employed by *Applicant* in its operations; number, location, size and investment or annual rent of terminals; number and net book value of each class or type of equipment by age groups.

123.75 *Finances. Applicant's* capital structure, number of shares, and par or stated and book value of each class of capital stock; aggregate long term debt, annual fixed charges; amount of *Applicant's* net income or its Profit and Loss appropriated for Improvements and for dividends during each of the preceding five years; and particularly: (Attach Uniform Exhibits 120.7D and E).

123.76 *Current Position.* A detailed statement of the kind, nature, book and actual value of *Applicant's* current assets, degree of liquidity and the kind and amount of the several classes of current liabilities, those due, currently within the following 60 days and past due for 60 days or more, with an explanation for their nonpayment; number, size and investment in terminals, number, average age and net book value by classes of equipment.

123.77 *Present Insurance.* The names, addresses of Insurance Companies with whom *Applicant* has carried insurance during the past 5 years, covering liability for bodily injury, property damage and cargo, separately, the premiums earned, the loss expense incurred and loss ratios of each class of insurance, the amount of insurance of each class in each Company now carried, indicating the extent of limits, the primary or excess cover and *Applicant's* own net retention on each class of risk, and also a full explanation for any cancellation by any Insurance Company carrying any of the aforesaid classes of risks during the past 5 years.

(BMC Form: No. 40, Exhibit A 4–8; FF Form: No. 39, Exhibit A:1–4)

123.78 *Authority.* A statement of the precise *Authority* desired, the business purpose therefor; the classes of risks proposed to be self-insured by *Applicant* and the character and amount of insurance which will be carried in the future, if such *Authority* is granted.

(BMC Form: No. 40: 2, 3; Exhibit A 9; FF Form: No. 39: 2, Exhibit A 5)

RULE 124—FINANCE APPLICATIONS

All *Applications:* for *Issue, Assumption of Obligation*, and/or alteration or modification of *Securities* or the provisions of *Instruments* securing same; corporate reorganization under Bankruptcy Act or under Title 11, Chapter 10 of the United States Code; for ratification of appointment as Trustee in Bankruptcy; to solicit proxies or represent or act for *Security* holders; to hold the position as officer or director in more than one carrier; will give the information, and in the manner and form, respectively required by the Sub-Rules hereof:

124.1 *Security Issues.* In *Applications* involving *Issue* or *Assumption of Securities*, a precise and complete statement of the Securities to be issued or assumed and the uses and purposes thereof and of their proceeds; and more particularly: (Attach Uniform Exhibits 120.7D, 120.7E).

124.11 *Purposes.* A general description of the property to be acquired, the improvements, additions or betterments made or to be made, the obligations to be refunded, or other purposes or uses to which the proceeds of the *Securities* are to be put. (Attach Uniform Exhibits 120.7J, 120.7K.)

124.12 *Capital Stock.* The kind and class thereof, number of shares authorized, presently outstanding and proposed to be issued, the par or stated and book value of each share and in the aggregate, voting rights, preferences, conversion privileges, call provisions, and liquidation rights.

(CFR 55.1 (e))

124.13 *Other Securities.* The title and date thereof and of the *Indenture*, if any, under which same are to be issued, name of the Trustee thereunder, principal amount authorized, previously issued, presently outstanding, and to be issued, denomination of the *Securities* to be issued, date thereof, interest rate and payment dates, date and amount of each maturity with reference to the provision of said *Indenture* authorizing the proposed *Issue* and with respect to sinking fund, redemption and conversion duties, rights or privileges, if any.

(CFR 55.1 (e); 56.1 (e) Note 4)

124.2 *Alteration.* In *Applications* involving the *Alteration of Securities or Instruments*, a precise and complete statement of the *Securities, Instrument*, or any provision thereof, and of the reasons for and the purposes of such proposal and the effect upon the *Applicant's* capital structure if the *Authority* be granted and consummated; and more particularly: (Attach Uniform Exhibits 120.7D–a, J, K; 130.7N, P and Q)

(CFR 55.1 (e))

124.21 *Securities Affected.* Specification of each class of *Security* proposed to be affected thereby, the number of shares outstanding, the par or stated and book value, aggregate principal amount, the percentage thereof for which assurances of assent have been obtained from the holders, and whether 75 percent thereof is held by fewer than 25 holders.

(CFR 55.1 (1); (n))

124.22 *Pledged Securities.* Aggregate principal par or stated and book value amount of each class of such affected *Securities* pledged to secure other obligations of *Applicant* or any *Affiliate*, with details of such obligations, the amount thereof and the *Instrument* pursuant to or under which they were issued or by which they are secured, and the name of any Trustee therein.

(CFR 55.1 (o))

124.23 *Controlled Assent.* Of the aggregate principal amount, par or stated and book value of each class of affected *Securities;* and the amount held by a holder whose assent to the proposal is within the control of *Applicant* or an *Affiliate.*

(CFR 51.1 (q))

124.24 *Guarantors.* Designation of any *Person* who has undertaken or assumed any liability in respect of affected *Securities* and whether such Person has consented in writing to the proposal.

(CFR 51.1 (r))

124.3 *Terms and Conditions.* A complete and precise statement of all terms and conditions, agreements, contracts, underwritings, or other arrangements made or proposed for or in connection with the proposed *Issue, Assumption* or *Alteration;* how and by, to or through whom, it is proposed to issue the proposed *Securities* or to effect the proposed *Alterations;* the price or rate at which it is proposed to sell or otherwise dispose of the *Securities* to be issued; an estimate in detail of all costs, fees, expenses, commissions, and discounts to be paid, allowed or deducted in connection with such proposed *Issue, Assumption* or *Alteration;* and in: (Attach Exhibit 120.7I).

(CFR 55.1 (g), (1); 56.1 (g) (h))

124.31 *Applications for Alteration.* Extent, manner, medium, times and places and means and *Persons* by and to which *Applicant* proposes to give notice of the hearing upon the *Application;* the reasons for selecting same; procedures and methods to be used in procuring and verifying assents of holders of affected *Securities;* the character of *Proof* of same to be offered; and a description of the terms and conditions of any certificates of deposit to be issued by *Applicant* or others.

(CFR 55.1 (m) (s) (t))

124.5 *Unification.* Whether the transaction for which approval is sought is one (a) involving pooling of traffic, service, or gross or net earnings, or (b) for the consolidation or merger of the properties or franchises, or any part thereof, of two or more carriers, or (c) for the purchase, lease or contract by one or more carriers to operate the properties of another, or (d) for one or more carriers jointly to acquire control of another, or (e) for a *Person* which is not a carrier to acquire control of two or more carriers, or (f) for a carrier by railroad to acquire trackage rights over, or joint ownership in, or joint use of, a railroad line or lines operated by another, or (g) for a carrier to acquire control of, or have interest in, a common carrier by motor vehicle, water or vessel; and particularly:

(CFR 52.2 (c) (1))

124.51 *Routes and Property.* The routes, termini and mileage of the lines involved in the transaction, the principal points, ports and junctions, with main and branch line route mileage shown separately; and a description of any routes or property of any *Party* to the transaction which is not to be included therein. (Attach Uniform Exhibit 120.7F.)

(CFR 52.2 (c) (4); BMC Form: No. 44, Exhibit B3 (a), (b))

124.6 *Interlocking Officers.* An *Application* under Section 20a (12) to hold the position of officer* or director of more than one carrier subject to Part I of The Act shall give the following information:

(FCC 1.524; FPC 45.8)

124.61 *Applicant.* Full name, occupation, business address, place of residence, and post office address of the *Applicant.*

(CFR 53.6 (a))

124.62 *Securities Owned.* A specification of every *Carrier* of which *Applicant* holds stock, bonds, or notes individually or otherwise, and the amount, and an accurate description of the *Securities* owned or held by him of each *Carrier* for which he seeks authority to act; and if it is contemplated that *Applicant* will represent on the Board of Directors any other owner of any *Carrier Securities* the name of the beneficial owner, the general nature of its business activity, its status under *The Act* the character of the representation, and the kind and amount of such *Securities.*

(CFR 53.6 (b))

124.63 *Carrier.* Each and every position with any *Carrier* which is held by the *Applicant* at the time of the *Application* and each which he seeks authority to hold, the date upon which he first entered the performance of any duties of any such position, if he has entered

*A person who performs any duty which is ordinarily performed by a president, vice-president, secretary, treasurer, general counsel, general solicitor, general attorney, comptroller, general auditor, general manager, freight traffic manager, passenger traffic manager, chief engineer, general superintendent, general land or tax agent, or chief purchasing agent.

upon such performance, and the nature of the duties so performed.

(CFR 53.6 (c))

124.64 *Other Activities.* The name and description of every *Person*, other than a Carrier, of which *Applicant* is an officer or director, the business activities thereof, and any *Affiliation* or regular business dealings between such *Person* and any of the *Carriers* involved.

(CFR 53.6 (g))

124.65 *Carriers Involved.* Status of each *Carrier* covered by the requested authorization under *The Act*, and if it is a *Carrier* which does not make annual reports to *The Agency*, a full statement with respect to its capitalization, operations, *Trafic*, and earnings; and complete information of any *Affiliation* or relationship, operating, financial, competitive, or otherwise, between the several Carriers involved. (Attach Uniform Exhibit 120.7C.)

(CFR 53.6 (d), (e), (f))

124.7 *Corporate Reorganizations.* An *Application* submitting to *The Agency* a plan of reorganization under Section 77 of the Bankruptcy Act, or under Title 1, Chapter 10 of the U. S. Code, in addition, shall show the following information:

124.71 *Proceeding.* The name and title of the *Proceeding* in connection with which the plan or reorganization is filed, the court in which same is pending, name of the debtor by or against whom petition for reorganization was filed; the date of filing and of approval of the petition for reorganization.

(CFR 59.2 (a) (1), (2))

124.72 *Applicant.* Name and address of *Applicant* and his relation to or status or the capacity in which he appears in said bankruptcy proceeding.

124.73 *Debtor's Operation.* The manner in which debtor's properties are operated and if operated under lease or operating arrangement, individually or as a part of a general system of transportation, the name and address of such system, its status under *The Act*, and the character or terms of the lease or operating arrangement.

(CFR 59.2 (a) (3))

124.74 *Corporate Control.* If debtor is controlled by stock ownership or otherwise, the name of the *Person* exercising and the method, degree, and duration of such control and the status of such *Person* under *The Act*.

(CFR 29.2 (a) (4))

124.75 *The Plan of Reorganization.* A brief description of the nature of the plan and of the means proposed for its implementation.

124.76 *Operations.* A general description of any new or extended operation, or any acquisition of carrier operating authority, or of any proposed abandonment or discontinuance of a carrier operation or of any service thereover, as proposed in said plan.

(CFR 59.2 (a) (5))

124.77 *Transfer or Unification.* If any Transfer or lease of, or operating contract covering the debtor's property, or any *Unification* of the debtor with another *Person* is contemplated under the plan or reorganization, the name and address of such transferee, lessee or operator, or of any *Person* involved in such *Unification*, and of all *Affiliates* of any of the same shall be given, together with the status of each under *The Act*.

(CFR 59.2 (a) (6))

124.78 *Security Issues.* If the plan contemplates the *Issue* or *Assumption* of the obligation of *Securities* by said debtor or prospective transferee, as the case may be, outstanding, and of the *Securities* to be issued and obligations to be assumed, or altered, segregated by kinds and classes, and the principal amount of the debt *Securities* and the par or stated and book value of stock.

(CFR 59.2 (b) (5))

124.8 *Approval of Bankruptcy Trustee.* An *Application* asking for ratification by *The Agency* of *Applicant's* appointment as trustee under Section 77 of the Bankruptcy Act, in addition, shall give the following information:

(Bankruptcy Act Section 77 (c) (1))

124.80 *Proceeding.* Name and title of the *Proceeding* in which such appointment was made, the court in which it is pending, and the name of the debtor.

(CFR 58.51)

124.81 *Applicant.* The name and address of *Applicant*, date and place of birth, all past principal occupations, and the periods covered by each, all present occupations, and his intention with respect to the continuation thereof while serving as trustee.

(CFR 58.51 (a)-(d) inclusive.)

124.82 *Relations with Debtor.* A full description and explanation of any relationship as officer, director, employee, stockholder of the debtor or any *Affiliate* thereof within one year prior to the date of his appointment,

(CFR 58.51 (e))

124.83 *Other Relations.* *Applicant's* business relation, connection, or *Affiliation* with any *Person* and any relation, connection, or *Affiliation* between such *Person* and the debtor or any *Affiliate* thereof.

(CFR 58.51 (f))

124.84 *Investment.* Names and addresses of all *Persons* in which *Applicant* or any member of his immediate family has a financial interest, direct or indirect, beneficial, contingent, or otherwise; the nature of such interest and the *Security*, if any, by which it is evidenced.

(CFR 58.51 (g))

124.85 *Financial Obligations.* Names and addresses of each *Person* to which *Applicant* is financially obligated, directly, indirectly, absolutely, contingently, or otherwise, in excess of $4,000.00 to any one such *Person;* the nature of said obligation, and how or by what it is evidenced.

(CFR 58.51 (h))

124.9 *Solicitation of Proxies.* An *Application* for authority to solicit proxies or to represent or act for creditors or stockholders in *Proceedings* under Section 77 of the Bankruptcy Act shall give the following information:

(Bankruptcy Act, Section 77 (p))

124.90 *Proceeding.* Name, title and nature of the *Proceeding* in connection with which *Applicant* proposes to act, and name of the debtor, and the court in which the *Proceeding* is pending.

(CFR 58.9 (b) and (l))

124.91 *Applicant.* Full name and post office address of *Applicant*, and, if *Applicant* is:

(CFR 58.9 (a))

124.911 *Committee Member.* An individual who proposes to act as a member of a protective committee, partnership, *Association* or other unincorporated organization, its name and address and the date when he became a member thereof.

(CFR 58.9 (b) (1))

124.912 *Unincorporated Organizations.* A protective committee, partnership or *Association;* the names and addresses of the individual members and the secretary and counsel thereof, with date of its organization and when each became a member, secretary, counsel, or an officer thereof. (Attach Uniform Exhibit 120.7A.)

(CFR 58.9 (b) (2))

124.913 *Corporation.* A *Corporation*, the names and addresses of the officers, directors, and of the twenty stockholders having as of the latest available date the highest voting power in *Applicant*, together with that of the counsel, if any, date of incorporation, and when each officer or director was elected or appointed. (Attach Uniform Exhibit 120.7A.)

(CFR 58.9 (b) (3))

124.914 *Principal Occupations.* Principal *Occupation*, for the last ten years prior to the date of the *Application*, of *Applicant*, if an individual, of each member, the secretary, and counsel, if the *Applicant* is a committee, partnership, *Association*, or other unincorporated organization, and of each officer, director, and principal stockholder (not more than twenty) if *Applicant* is a corporation or joint-stock company.

(CFR 58.9 (c))

124.915 *Prior Solicitation.* Whether the *Applicant* made such solicitation, or used, employed, or acted under or pursuant to, such proxies, authorizations, or deposit agreements prior to the date of *Application*.

(CFR 58.9 (e))

124.92 *Affiliation.* Any present and prior connection of the *Applicant* and each of the Affiliates of the *Applicant* with the original issuer of the *Security* and each of its *Affiliates*, the debtor and each of its *Affiliates*, *Persons* who originally sold or underwrote or participated in the same or underwriting of the *Security*, the trustee of the debtor and of the original issuer, the trustee of the *Instrument*, if any, under and pursuant to which the *Security* was issued, the depositary under the proposed agreement, if any, under which the *Security* is to be deposited, and any other *Person* acting for the original issuer or of the debtor. (Attach Uniform Exhibit 120.7C.)

(CFR 58.9 (n))

124.93 *Ownership of Securities.* The number of shares of each class of stock and the principal amount of each class of debt, direct or indirect, of the debtor and of its *Affiliates* owned by the *Applicant* and any of his *Affiliates* and any member of his immediate family on or about the date of the *Application;* and an explanation of any purchase or sale by the *Applicant* or of any of his *Affiliates* or his immediate family for within six months prior to the date of the *Application* or any Securities of the debtor or any of its *Affiliates*.

(CFR 58.9 (o) (p))

124.94 *Authority Sought.* Whether authority is sought (a) to solicit, use, employ, or act under proxies of *Security* holders or (b) to solicit deposit by *Security* holders of claims against or interest in debtor under a deposit agreement; and/or to act for depositor under such agreement.

(CFR 58.9 (d))

124.95 *Involved Security.* The name of the *Security* involved, the date of default, if any, the principal amount or number of shares presently outstanding, the name of the original issuer, the name of the *Person* currently obligated to pay the principal and interest thereon and of all Persons involved in any controversy with respect to such obligation and the names and addresses of the original underwriters of the same.

(CFR 58.9 (f), (g), (m))

124.96 *Contracts.* The terms and provisions of all agreements by *Applicant* and each of its *Affiliates* with any other *Person* (including its own members and officers, directors or principal stockholders) representing or seeking to represent any creditor or stockholder of the debtor, whether as an individual, committee, *Association*, unincorporated organization, corporation, joint-stock company, or as a member, officer, director or principal stockholder of the *Applicant* or of any other *Person*. (Attach Uniform Exhibit 120.7 I.)

(CFR 58.9 (r))

124.97 *Utilization of Authority.* The manner in which the *Applicant* proposes to utilize or act under the authority, if granted; the name and addresses of the *Persons*, if known, to be employed or compensated, directly or indirectly, by *Applicant* in the solicitation for which authority is sought; the rates of compensation to be paid such employees; the estimated maximum amount required to pay each such employee for advances or reimbursement of expenses; the rate of *Applicant's* compensation for services; the estimated maximum amount required for reimbursement of *Applicant's* expenses; the arrangements contemplated by *Applicant* to obtain funds for such expenses prior to approval by the court and *The Agency;* the names of any depositaries with which *Applicant* has arranged or proposes to arrange for the deposit of *Securities;* the terms and provisions of all contracts and agreements entered into by the *Applicant* and the names of its *Affiliates* who are *Affiliated* with such depositary. (Attach Uniform Exhibits 120.7I and J.)

(CFR 58.9 (j), (k), (q))

124.98 *Other Committees.* The names and addresses of other *Persons*, including committees or other organizations in the process of formation, known to the *Applicant* to represent, or propose to represent, or have sought to represent holders of the *Security*.

(CFR 58.9 (l))

RULE 125—TERMS AND CONDITIONS

Every *Application* shall state the terms and conditions under which the proposed transaction is to be effected, including the manner in which it is proposed to consummate the same, and of all contracts or agreements involved relating to or affecting same; and particularly: (Attach Exhibit 120.7I.)

(CFR 52.2 (2); BMC Form: No. 44, Exhibit C 1; BMC Form: No. 45, Exhibit C 1; Form 46 III)

125.1 *Property.* A detailed description of all property, facilities, equipment, terminals, operating authority, or intangibles to be acquired or constructed in connection with or for the operation of any proposed new, enlarged, extended, supplemental or alternate operation, or any *Transfer* or *Unification;* and particularly:

125.11 *Value.* The book, and if desired, appraised value, of each class and principal unit of property involved; policy followed as to depreciation and other reserves and depreciation rate by classes of property; all incumbrances showing amount, maturities, and interest rate to be assumed by *Applicant;* the book value or cost, whichever is the lesser, of any intangible property involved and *Applicant's* proposed treatment of such intangibles.

(CFR 52.2 (c) (5), (9); 52.3 (b) (11), (12); BMC Form: No. 44 III, Exhibit A 6, B-5, C-2, 3, 6; No. 45 III; Exhibit A 10-A 7, 8; Exhibit B 4 B 3, 4; No. 76 III (1) (2) (IV); No. 78 VI)

125.2 *Cost.* The total cost to the *Applicant* for the acquisition or construction of property which will be necessary if the License is granted or the proposed transaction authorized and approved, and, in the case of *Transfers* or *Unifications*, an explanation of the amount of the consideration involved therein, the basis upon which such consideration was arrived at, and method of payment thereof;

(CFR 52.2 (d) (1) (ii); BMC Form: No. 44, Exhibit D-1, D-4; No. 45, Exhibit C-2; No. 76 III (1), (3))

125.3 *Financing.* The manner in which the cost or consideration involved in the transaction will be financed, the *Securities* which will be issued and any contracts or agreements for the underwriting of such *Securities*, and all aids, gifts or donations which have been given or agreed to be given in consideration of *Applicant's* undertaking the transaction or instituting the proposed *Operation*, and a statement of the over-all effect thereof upon *Applicant's* financial structure and stability;

(CFR 41.1 (i); 41.6 (27), (28); 52.2 (c) (10) (ii); BMC Form: No. 44, Exhibit C-4; No. 76 III (4); No. 78 (VII))

125.4 *Brokers.* Nature, terms and conditions of contracts, agreements, tickets and shipment papers with carriers and/or their patrons and the compensation or the basis thereof to be charged for the brokerage service. (Attach Uniform Exhibit 120.7J.)

(BMC Form: No. 4 and 5, Exhibit B-5)

RULE 126—SERVICE TO THE PUBLIC

An *Application* for an *Operating* or *Unification License* shall show the nature, class, kind and frequency of transportation service which will be rendered by the *Applicant* in the territory involved if the *License* sought, be granted or the transaction be approved; the manner in which the same will be coordinated with the present service; and any respects in which an improved or otherwise affected service will be rendered to the public; and particularly:

(CFR 41.6:6; 52.2 (d) (1) (iii); BMC Form: No. 44, Exhibit D-2; No. 78 V; BWC Form: No. 1, Exhibit A I; FF Form: No. 1, Exhibit D (1))

126.1 *Abandonment.* In *Applications* for abandonment the extent to which present service will be worsened or impaired, the transportation which will be available to the points served by the *Operation* to be abandoned; and any transportation service which *Applicant* proposes to substitute for that to be abandoned or discontinued;

(CFR 42.9:7, 17)

126.2 *Over-all Effect.* The over-all effect, if any, which the exercise of the License, if granted, or the consummation of the transaction, if approved, is likely to have upon the general territory within which the present and proposed *Operations* are located, and the States and principal cities located in such territory.

(CFR 41.1 (e))

RULE 127—TRANSPORTATION EFFICIENCY

The over-all effect which the proposed *Operation, Abandonment, Transfer* or *Unification* would have upon the efficiency and economy of *Applicant's* operation and the stability of its financial position shall be stated in any *Application* therefor; and in addition, particularly:

127.1 *Traffic.* A general description by classes of the volume of *Applicant's* present traffic, and an estimate, with the basis therefor, of any increase or decrease therein which is expected to result from the granting of the *Application* or approval of the transaction; and in *Applications* involving:

127.11 *New Operations.* An estimate, with basis thereof of the class, nature, kind and amount of *Traffic* expected to

be originated or terminated at points to be served by the proposed *Operation* annually, and, separately the amount of such *Traffic* to be handled over said line as a cut-off or bridge, and the revenue which *Applicant* estimates it will receive from each of said traffics, the amount of such *Traffic* now handled by *Applicant* and *Applicant's* revenue therefrom, the amount which will be created by the transaction and the amount diverted from existing carriers;

(CFR 41.6:8, 21, 22, 23, 29, 31)

127.12 *Abandonment.* The volume and revenue of *Traffic* transported by Applicant over the involved *Operation* in each of the past two calendar years and for that part of the calender year for which the information is available, of local and interline passengers and of local and interline freight originated and delivered at points on the line by principal commodities; and if there has been any marked decrease in the volume of such traffics within recent years, the explanation thereof.

127.2 *Economy.* A description of the transportation economies, if any, which are expected to be realized as a result of the exercise of the *License*, if granted, or of the transaction if approved, and an estimate, in detail, of the annual effect of such economies upon the operating expenses and net earnings available for the fixed charges of *Applicant*, with the bases for such estimates.

(CFR 52.2 (d) (1) (ii))

127.3 *Fixed Charges.* A detailed explanation of any decrease or increase in fixed charges expected to result from the exercise of the *License*, if granted, or from the consummation of the proposed transaction if approved; the sources of additional income with which to meet them, and *Applicant's* ability to pay and discharge them from present income.

(CFR 41.6:35; 52.2 (d) (1) (ii), (iv); BMC Form: No. 44, Exhibit D III)

127.4 *Earnings.* An estimate, in detail, of the increase or decrease in transportation revenues received by *Applicant* for transportation service performed during the preceding 12 calendar months and its operating expenses, rents, and taxes, and its net operating income before income taxes and net income after income taxes, which is expected to result if the *License* be granted and exercised or the proposed transaction authorized and consummated, with an explanation of the basis for such estimate; and in *Applications* involving: (Attach Exhibit 120.7 E–2.)

(CFR 41.6:29, 30; BMC Form: No. 72–III E; No. 76 VI)

127.41 *Abandonment.* An explanation in detail of the estimates with respect to the earnings of *Applicant*, and of any system of which it is a part, showing particularly: the total of each class of *Traffic* and revenue therefrom; *Traffic* originated or terminated at points on the line to be abandoned; the amount handled over such line as a bridge; the amount of *Traffic* and revenue therefrom which would be retained by the *Applicant* after the abandonment and of the net savings, by primary accounts in *Applicant's* and such system's operating expenses, rents and taxes, both incurred upon the line to be abandoned and incurred in transporting such *Traffic* over other lines of the *Applicant* and such system which are to continue to be operated.

(CFR 42.9:3, 14)

RULE 128—EFFECT ON OTHER PERSONS

The effect, if any, upon an *Application* for an *Operating* or *Finance License* of the exercise of the *License*, if granted, or the consummation of the transaction if approved; and particularly:

128.0 *Employees.* The effect of the transaction upon the interests of carrier employees who may be affected thereby and reasonable terms and conditions which are necessary adequately to protect such interests under the provisions of *The Act*.

(CFR 52.2 (d) (1) (v); 52.2 (d) (2) (ii); BMC Form: No. 44, Exhibit D 5)

128.1 *Present Connections.* The amount and revenue therefrom of *Traffic*, and the carriers involved, now interchanged with other carriers and the junction points thereof which would be affected, and the manner in which it would be affected, by the exercise of the *License*, if granted, or by approval and consummation of the proposed transaction.

(CFR 41.6:14; 42.9:6)

128.2 *New Connections.* The names of the connecting carriers and the junction at which such connection would be made, the estimated volume of *Traffic* which would be interchanged, and the amount thereof which is not and cannot be carried by existing carriers, and the facts concerning any agreement, tentative or otherwise, with such carriers covering such interchange with respect to the division of rates or trackage rights in connection with the proposed *Operation*.

(CFR 41.6:14, 24, 26)

128.3 *Competitive Service.* Name and address of every other *Carrier* serving each of the points located upon the proposed new or extended *Operation* having a population of 10,000 or more which are not now served by the *Applicant*, indicating whether or not such other *Carrier* now maintains a *Station* at such point, and the extent, *Traffic*, and territory to and within which each of said other *Carriers* would be competitive with the *Applicant* for *Traffic* originated or terminated at such point.

(CFR 41.6:10, 11, 13, 15, 20)

128.4 *Exemption Applications.* The extent, territory to or within which the *Operation* and transportation sought to be exempted is competitive with transportation by any common carrier by railroad, motor vehicle, water, pipeline, or express company, particularly with respect to the inherent nature of the *Traffic*, special equipment requirements, or the fact that the shipments are in bulk.

(BWC Form: No. 1, Exhibit A I A 1, 2, 3)

128.5 *Security Holders.* The effect of a proposed *Issue* or *Alteration* if any, upon the holders of each class of *Applicant's Securities*, affected and unaffected, or of any obligations which are secured by a pledge of any of *Applicant's Securities*.

RULE 129—JUSTIFICATION

Other *Material Facts* tending to show that the *License* applied for should be granted or the transaction for which approval is sought should be approved, and among other things, that same:

129.1 *Discretion.* Is within the statutory discretion of *The Agency*.

129.2 *Corporate Powers.* Is within *Applicant's* corporate powers and purposes.

129.3 *Appropriate.* Is necessary and appropriate for and consistent with the proper performance by *Applicant* of its duties under the law.

129.4 *Impairment.* Will not impair its ability to perform and discharge such duties.

129.5 *Cost.* Does not impose or entail an excessive, unreasonable or improvident cost or consideration upon *Applicant*.

129.6 *Competition.* Will not unduly or unreasonably restrain competition.

129.7 *Public Interest.* Is required by public convenience and necessity or is compatible or consistent with the public interest, as the provision of *The Act* applicable to the grant of the particular License shall require.

(CFR 41.1 (h); 42.1 (e); 52.2 (d); BMC Form: Nos. 4 and 5, Exhibit D; Nos. 12 and 18 V, No. 44, Exhibit D 6, 8; No. 45 V (a), (b); Exhibit D; No. 46 II, Exhibit A; No. 72 IV)

129.8 *Interest of Security Holders.* If an Alteration will be in the best interests of each class of *Applicant's* stockholders and of each class of obligations affected by such *Alteration* and not adverse to the interests of any creditor not affected thereby.

129.9 *Temporary Operation.* If for a temporary *Operation* there is an immediate and urgent need therefor not capable of being met by any existing *Carrier* service, that failure to grant *Liccnse* may result in destruction of or injury to *Lessor's* properties or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

ARTICLE 13—MOTIONS

RULE 130—GENERAL REQUISITES

Subject to the provisions of Article 10, a *Party* may *Move* for an *Order*, rule, ruling or *Direction* designed to expedite the progress, consideration or disposition of the *Proceeding*. Such *Motion* may be made orally, on the record, at a prehearing conference, an oral hearing, oral presentation or oral argument. If not so made, it shall be made in writing.

(CAB 302.18 (a), (b); FPC 1.12 (a), (b); FTC IX; SEC VI (a))

130.1 *Relief.* Every *Motion* or *Reply* oral or written shall refer to the Rule of this Article under which it is made and shall describe the particular *Relief* desired.

(CAB 302.18 (b); FPC 1.12 (a))

130.2 *Factual Justification. Material Facts* relied upon to justify the *Motion* or the *Reply* thereto, if of record, should be appropriately documented; if not of record, they should be concisely and accurately stated and the *Motion* or *Reply* verified by one or more *Persons* having knowledge of the *Facts*.

(CAB 302.18 (b))

130.3 *Supporting Memoranda.* Any *Motion* or *Reply* thereto, may be supported by *Memorandum*.

(FPC 1.12 (a); SEC VI (b))

RULE 131—TO MAKE DEFINITE AND CERTAIN

If a *Pleading* to which a *Responsive Pleading* is permitted is so vague or ambiguous that a *Party* cannot reasonably be required to frame a *Responsive Pleading*, he may *Move* for a more definite statement before interposing his *Responsive Pleading*. The *Motion* shall point out the defects complained of and the details desired. If the *Motion* is granted, and the *Direction* or *Order* is not obeyed within 10 days after *Service* thereof, the *Pleading* to which the *Motion* was directed may be struck or such other *Direction* or *Order* made as is deemed just.

(CR 12 (e); ICC 36 (a), (b))

RULE 132—TO STRIKE

Upon *Motion* made by a *Party* before responding to a *Procedural Instrument* or if no response is permitted by these Rules, within 10 days after *Service* of such *Procedural Instrument* upon him or upon the initiative of the *Hearing Officer* or *The Agency*, at any time, the *Hearing Officer* or *The Agency* may order stricken from any *Procedural Instrument* any insufficient defense or any redundant, immaterial, improper, impertinent or scandalous matter.

(ICC 4 (b); CR 12 (f))

RULE 133—MOTION FOR SUMMARY DECISION

After the *Pleadings* are closed but within such time as not to delay the *Proceeding*, any *Party* may *Move* for a *Summary Decision* upon the *Pleadings*. Upon consideration of such *Mottion* the *Hearing Officer* or *The Agency* may take as established uncontroverted *Material Facts* except new *Material Facts* stated in a *Replication*.

133.1 *At Close of Proponent's Proof.* Upon the close of *Proponent's Proof*, upon direct, if at an *Oral Hearing*, otherwise within 5 days after the close of such *Proof*, any *Party* may *Move* for a *Summary Decision* upon the *Pleadings* and the *Proponent's Proof*. In ruling upon such *Motion* the *Hearing Officer* or *The Agency* may take as established uncontroverted statements of *Material Facts* in the *Pleadings* (except of new matter in *Replications*) of all *Parties* and the *Proof* of the *Proponent*.

(CR 12 (c))

RULE 134—MOTION TO CONSOLIDATE OR JOIN

Upon *Motion* of any *Party* or upon his or its own initiative the *Hearing Officer* or *The Agency* may at any time consolidate or join two or more *Proceedings* which involve a common question of law or fact or may order a joint hearing and determination of any or all of the matters in issue in said *Proceeding*.

(CR 42 (a); CAB 302.12 (a); FCC 1.724 (a); FPC 1.20 (b); SEC XVIII)

RULE 135—SEVERANCE

Upon *Motion* of any *Party* or upon his or its own initiative, the *Hearing Officer* or *The Agency* in the furtherance of convenience or to avoid prejudice, unjust embarrassment, delay, or expense to any *Party* may *Order* separate hearings and disposition of any *Proceedings* wherein two or more *Proceedings* or *Parties* have been joined.

(CR 20 (b), 42 (b))

RULE 136—TO WITHDRAW OR DISMISS

Any *Party* at any time may *Move* to withdraw a *Procedural Instrument Filed* by him or to dismiss any *Proceedings* brought by him.

136.1 *Of Appearance.* Any *Person* who has entered an appearance in a *Proceeding* may *Move* at any time to withdraw such appearance. Any *Person* who has entered an appearance as a *Practitioner* or representative of a *Party* may at any time *Move* for leave to withdraw as such *Practitioner* or representative.

RULE 137—REPLIES TO MOTION

Within the time provided in Rule 104.1, any *Party* may *Reply* to a *Motion* made by any other *Party*.

(CAB 302.12 (c); .18 (c); FPC 1.12 (c); 1.33 (2))

RULE 139—DISPOSITION OF MOTIONS AND APPEALS THEREFROM

Unless otherwise *Directed* or *Ordered*, for good cause, a *Motion* will be disposed of by *Direction* or *Order* upon the *Motion* and *Reply* thereto and *Memoranda*, if any.

(FCC 1.741; .742; .747)

139.1 *Initial Disposition.* Initial disposition of *Motions* made prior to the *Initial Decision* by a *Hearing Officer* will be made by such *Hearing Officer*. The initial disposition in all other cases will be made by *The Agency*.

(CAB 302.18 (e); FCC 1.744; FPC 1.12 (b); FTC IX)

139.2 *Appeal.* A *Direction* by a *Hearing Officer* granting a *Motion* for *Summary Decision* may be *Appealed* by any *Party* except the *Movant* by filing interlocutory *Exceptions* thereto within 5 days after such *Direction*. *Replies* to such *Exceptions* will not be permitted and the *Motion* will be disposed of summarily by *The Agency*. In all other cases, the initial disposition of a *Hearing Officer* is not subject to interlocutory *Appeal* but will be reviewed upon *Exceptions*, if any, to the Initial Decision thereafter made upon the merits.

(CAB 302.18 (f); FCC 1.750; FTC IX)

139.3 *Reconsideration. Petitions* for *Reconsideration* of the initial disposition of a *Motion* or of *Decision* upon *Review* by *The Agency* are governed by the same *Rule* as *Petitions* to *Reconsider* other *Decisions* of *The Agency*.

ARTICLE 14—PETITIONS

RULE 140—GENERAL REQUISITES

This Article contains the Rules governing the content, notice (except constructive notice) of, replies to, and disposition of all *Petitions* for *Relief* other than that obtainable by *Complaint* or *Application*, excluding however *Petitions* for *Reconsideration* or *Rehearing*.

(FPC 1.7 (a))

140.0 *Paragraphing.* The statements in a *Petition* shall be made in successively numbered paragraphs, the contents of each of which shall be limited to the statement of a single *Material Fact*. The statements in a *Reply* to a *Petition* shall be made in paragraphs which bear the same number as the paragraph of the *Petition* which stated the *Material Fact* which the *Reply* admits, qualifies, conditions, avoids, or denies. If new *Material Facts* are set up in the *Reply*, they shall be stated in separate paragraphs consecutively numbered beginning with the next higher number after the highest number of the *Petition*. A paragraph in either the *Petition* or the *Reply* may be referred to by number in another paragraph thereof and in any subsequent *Procedural Instrument*.

140.1 *Parties.* The *Petition* or *Reply* thereto shall contain an accurate, unabbreviated designation of the *Person* upon whose behalf it is filed and his status, if any, under *The Act* and in the *Proceeding*, and if in a representative capacity, the capacity in which it is filed. The legal right to file a *Petition* or *Reply*, except in the case of one already a *Party* to the *Proceeding*, will not be presumed but must be established by statement of *Material Fact* which show such right.

140.2 *Interested Persons.* The name, *Business Unit*, post office address and status under *The Act* of each other *Person* known or believed by the *Petitioner* to have a proprietory or pecuniary interest which may be affected by the grant of the *Relief* sought shall be stated in the Petition unless such *Person* are numerous, in which they shall be accurately and definitely described by groups or classes of *Persons*.

140.3 *Style and Materiality.* Statements of a *Petition* or *Reply* shall be simple, non-legalistic, concise, direct, non-redundant, non-argumentative and shall be made only as to facts (not conclusions) which are relevant and material to the issues involved and shall not be impertinent, scandalous or provocative.

140.4 *Exhibit.* Only a concise summary of facts, transactions, amounts or statistics shall be stated in the body of a *Petition* or *Reply* and where required or permitted to be specified, the details thereof shall be set forth in an appropriately designated *Exhibit*. Where a writing is relevant and material a summary statement thereof may be made

in the body of the *Petition* or *Reply* and the writing or such portions thereof as are relevant and material made an *Exhibit*. All such details and writings shall be combined into a single *Exhibit* and wherever practical bound in with and as an appendix to the *Petition* or *Reply*. If not practical, such material shall be firmly bound together into a single document, designated as the *Exhibit* to the *Pleading* which it shall accompany. Such *Exhibit* shall be captioned in the same manner as such *Pleading* and on its title page shall contain an index and description of the matters severally contained therein.

140.5 *Adoption by Reference.* Statements in a *Petition* or *Reply* thereto shall not be reiterated in a subsequent paragraph of the *Pleading* but shall be adopted therein by reference.

140.6 *Relief.* The *Petition* must contain a detailed statement of the exact *Relief* prayed which may be in the alternative or of different type. *Damages* must be specifically prayed in the original *Petition* and if not they will be conclusively deemed to have been waived by the *Petitioner* in that and any subsequent *Proceeding*. The *Reply* must specify the extent, if any, that the *Relief* prayed should be granted, conditioned or varied and may suggest an alternative or different type of *Relief* or *Proceeding* as proper or lawful.

140.7 *Memoranda.* A *Petition*, *Reply* or *Replication* may be accompanied by a *Memorandum* in support thereof.

140.8 *Timeliness.* A *Petition* must be filed within the time required by law for the filing of *Complaints* or other *Pleadings* seeking the same *Relief*, and in the absence of statutory limitation shall set forth facts which negate unreasonable delay or laches in the filing thereof.

140.9 *Attestation.* Every *Petition* and a *Reply* to a *Petition* shall be signed in ink by one or more *Practitioners* or by one or more of the *Persons* upon whose behalf it is filed or by an authorized representative thereof, with the address of the signatory given in all cases; but

140.91 If signed by a *Practitioner* it need not be verified since his signature is an affirmation that: he has read the *Pleading;* prior to signature he made due inquiry as to the facts therein stated; he believes the same to be true; there are good grounds therefor; it has not been interposed for delay and he has been duly authorized to file same.

140.92 A *Petition* or *Reply* not signed by a *Practitioner* must be verified by oath or affirmation in judicial form with respect to all the matters and statements set forth as the *Practitioner's* affirmation in Sub-Rule 140.91.

RULE 141—PETITION TO INTERVENE

A *Person* who is not entitled to *Appear* as of right in a *Proceeding* (Rule 160) may file a *Petition* for leave to *Intervene* in such *Proceeding*, which *Petition*, if granted, will constitute and be treated as his *Complaint*, *Application*, *Answer*, or *Protest*, as the case may be, under the following Sub-Rules:

(ICC 72 (a); CR 24 (b), (c); CAB 302.15, 302.15 (c) (1); FCC 1.722 (b); FPC 1.8 (b); FTC IX; MC 201.81)

141.1 *Interest.* The *Petition* shall set forth facts which show that the *Petitioner* has a pecuniary interest which is not adequately represented by existing *Parties* and as to which *Petitioner* may be bound by the *Decision* in the *Proceeding* or any other interest of such nature that *Petitioner's* participation in the Proceeding will be in furtherance of the public interest or the national transportation policy.

(ICC 72; CR 24 (b); FCC 1.722 (b); FPC 1.8 (b) (2), (3); MC 201.81)

141.2 *Position.* A *Petition* for *Intervention* shall state clearly and unequivocably the position of the *Petitioner* in the *Proceeding* as a complainant, defendant, or real party in interest and whether or not he supports or opposes the Relief sought in whole or in part, or if in part, what part, or what different or alternative *Relief* he proposes.

(ICC 72; FCC 1.722 (b); FPC 1.8 (c); MC 201.81)

141.3 *Broadening Issues.* The *Petition* must specifically show in what respects, if any, the granting of the *Petition* will broaden the issues as then made by the *Pleadings*, with a statement of facts which justify such broadening.

(ICC 72 (c))

141.4 *Proponent.* If the position of the *Petitioner* be that of a *Proponent* he shall set forth the matters required of the original *Proponent* in the *Proceeding*, except that instead of repeating the statements made in the *Complaint* or *Application*, *Petitioner* may adopt same by reference to the paragraphs by number thereof in whole or in part, with such amendment, qualification or supplementation as may be deemed relevant and material.

141.41 *Damages.* If *Intervenor* seeks *Damages* as a *Complainant*, the *Petition* must specify in detail the matters set out in Rule 111 and its Sub-Rules.

(ICC 72 (a); MC 201.81)

141.42 *Licensing.* Where a *Petitioner* seeks the grant of a *License* similar to, in addition to or in lieu of the *License* prayed in the original *Application* in the *Proceeding* he shall set forth in the *Petition* all of the information required for an *Application* for such a *License* under the Rules of Articles 12 and 13 hereof, adopting by reference to the paragraphs of original *Application* such statements thereof as he desires to adopt. Facts set forth in the original *Application* should not be reiterated or paraphrased.

141.5 *Opponents.* If the position of the *Petitioner* be that of an *Opponent* he shall set forth the matters required to be set forth in an *Answer*, if to a *Complaint*, or in a *Protest* if to an *Application*, except that instead of reiterating or paraphrasing the statement of an *Answer* or *Protest* already filed in the *Proceeding* he shall adopt the same by reference to the paragraph by number thereof in whole or in part, with such amendment, qualification or supplementation as shall be deemed relevent and material.

141.6 *Timeliness.* If the *Petition* is not filed within 30 days after the initiation of the Proceeding good cause for the delay must be shown and in addition it must be shown that the granting of the *Petition* will not unduly delay the *Proceeding*.

(FPC 1.8 (d))

RULE 142—PETITION TO INVESTIGATE AND SUSPEND TARIFF

Petition seeking an *Order* of *Investigation* and *Suspension* of a *Tariff* or *Charge* shall set forth the following information:

(ICC Rule 42 (a); CAB 302.505; FCC 1.590; MC 201.61)

142.1 *Tariff and Charge.* The *Tariff* or *Schedule* sought to be suspended should be identified by name of the publishing carrier or agent, the tariff number of *The Agency* and the specific items or particular provision protested. Similar information with respect to the *Tariff* and *Charge* presently applicable and which the proposed *Tariff* and *Charge* would supersede, together with a concise statement of the effect of the proposed change, which may be supplemented by an *Exhibit* of these details.

(ICC 42; CAB 302.505; FCC 1.590; MC 201.61)

142.2 *Interest.* Facts showing the nature and extent of the *Petitioner's* interest in the *Traffic* involved and the pecuniary effect, if any, of the proposed change upon the *Petitioner*.

142.3 *Unlawfulness.* Facts which tend to show that the involved *Tariff* or *Charge* is unlawful, with reference to the particular section of *The Act* which it is claimed to be violated, and particularly:

142.31 *Unreasonableness.* If claimed to be unreasonable as compared with other *Charges* upon the same article for like transportation or upon other articles of like transportation characteristics, the facts therefor should be stated with reasonable definiteness.

142.32 *Preference or Discrimination.* If *Discrimination* is alleged, the comparable *Charge*, claimed to be *Preferential* and the particular *Person*, place or *Traffic* claimed to be *Preferred*.

142.33 *Uncompensatory Charge.* If it be claimed that the proposed *Charge* is non-compensatory, a comparison of the *Charge* with the cost should be shown (detailed in the accompanying *Exhibit*), with reference to the source, basis and formula upon which the statement of cost is made.

142.34 *Disruption of Rate Structure.* If it be claimed that the proposed *Charge* will injuriously disrupt the rate structure, facts respecting the nature, classification, and history of the proposed *Charge* must be given which tend to show the disruption and its effect upon the public interest.

142.35 *Destructive Competition.* If it be claimed that the proposed *Charge* is destructive of competition, a concise statement of the existing competition for the *Traffic*, the competitive *Charges* and services, the approximate volume of the *Traffic* carried by the various competitors and the effect of the *Charge* upon the several competitors respectively.

142.9 *Oral Hearing.* A request for an oral hearing upon the *Petition* should be made therein.

RULE 143—PETITION FOR OTHER INVESTIGATIONS

A *Petition* for any general or special investigation authorized under any provision of *The Act* shall show clearly and concisely: The subject matter and the alleged violations, acts or defaults sought to be investigated; the statutory authority for the investigation; the interests of the *Petitioner* in the subject matter and *Facts* which establish the need in the public interest for the investigation.

(FTC IV; CAB 302.206 (a) (b))

RULE 144—EMERGENCY CHARGES

A *Petition* by one or more *Carriers* or by their joint agent who publishes such *Charges*, to establish changes in *Charges* urgently demanded by an immediate emergency shall give the following information:

(CAB 302.303)

144.1 *Proposed Changes.* A concise statement of the proposed changes, with specific reference to the *Tariff* wherein such changes are contained, which *Tariff*, unless otherwise ordered by *The Agency* is to become effective not earlier than 75 days after the filing of the *Petition*.

144.2. *Present Charges.* A statement of the present *Charges* which are proposed to be changed and the general over-all effect thereof.

144.3 *Emergency.* A full and complete statement of the *Facts* which show the immediate need for the proposed *Charges* to become effective.

144.4 *Justification.* A complete statement of the *Facts* which tend to show that the proposed *Charges* are just, reasonable and fully consonant with the national transportation policy and the public interest.

144.5 *Oral Hearing.* Any request for an *Oral Hearing* or an *Oral Argument* should be made in the *Petition*.

RULE 145—PETITION FOR DECLARATORY ORDER

A *Petition* for a declaratory order under Section 5 (d) of the Administrative Procedure Act, in addition to the general requisites of Rule 140, shall set forth the following information:

(CR 57; FCC 1.728; FPC 1.7 (c))

145.1 *Controversy.* If the *Proceeding* be brought for the purpose of terminating a controversy between the *Petitioner* and any other *Person*, it shall set forth fully, distinctly, and fairly the subject matter of the controversy, the right, title, interest, liability or default involved and the respective claims of the *Parties* to the controversy.

145.2 *Removal of Uncertainty.* If the *Petition* be to remove uncertainty it shall set forth in *haec verba* the provision of the statute, *Decision*, *Rule* or regulation, judgment, decree or writing which is involved or a full and complete description of the act, action or failure to act which gives rise to the uncertainty.

145.3 *Relief.* A clear, succinct statement of the *Relief* prayed by the *Petitioner*.

145.4 *Justification.* A clear and succinct statement of the *Material Facts* relied upon to show that the *Relief* should be granted.

145.5 *Persons Affected.* The name and post office address and status under *The Act* of all *Persons* which *Petitioner* knows or believes will be affected by the declaratory order prayed for.

RULE 146—OTHER PETITIONS

A *Petition* for *Relief* which is not covered by Rules 141 to 145, inclusive, in addition to the general requisites of Rule 140, shall give the following information:

(ICC 102; FCC 1.21; MC 201.62)

146.1 *Interest.* A clear and succinct statement of the *Material Facts* which show *Petitioner's* interest in the subject matter for the *Relief* sought.

146.3 *Justification.* A concise statement of the *Material Facts* relied upon to establish the *Petitioner's* right to the *Relief* sought.

RULE 147—NOTICE

The *Petitioner* shall give *Notice* (for constructive *Notice* see Rule 154) of the *Filing* of a *Petition* by delivering to the *Persons* respectively described in the Sub-Rules hereof a conformed copy of such *Petition* or by depositing in the United States First Class Mail, with postage prepaid, a conformed copy thereof on or before the day upon which such *Petition* is *Filed* with *The Agency*, properly addressed to:

147.1 *Interventions.* All *Parties* then of record in the *Proceeding* in which *Intervention* is sought.

(FPC 1.8 (f) (1))

147.2 *Investigation and Suspension of Tariff.* The *Carrier* by or for whom the *Tariff* or *Charge* is published or the publishing agent, in the case of agency tariffs published for the account of two or more *Carriers*.

147.3 *Other Investigations.* Every *Person* whose alleged violations, acts or defaults are sought to be investigated.

147.4 *Emergency Charges.* Every State board of a State in which there is located one or more points to or from which the proposed charges will apply and every Person who prior to the *Filing* of the *Petition* has given notice to the *Petitioner* of his desire to be notified of the *Filing* of all such *Petitions* for emergency charges.

147.5 *Declaratory Orders.* All *Persons* whom *Petitioner* knows or believes are *Parties* to the controversy or who will be affected by the grant of the *Relief* prayed.

147.6 *Other Petitions.* All *Persons* whom *Petitioner* knows or believes will be affected by the *Relief* prayed.

147.7 *Certificate.* The original *Petition* shall contain the signed certificate of the *Practitioner Filing* the *Petition*, of the manner in which, the time at which, and the *Persons* upon whom the notice of the *Filing* of the *Petition* was given, and a conformed copy of such certificate shall be attached to or included in all copies of the same are so *Served*. If the *Petition* be not signed by a *Practitioner* the same information with respect to the notice shall be made under oath by the *Person Filing* the same and a conformed copy of such verification attached to or included in all *Service* copies.

RULE 148—REPLIES AND REPLICATIONS

Replies and *Replications* to *Petitions* are governed by Rule 140 and the following Sub-Rules:

148.1 *Who May Reply.* A *Person* entitled to notice under Rule 147 and any other *Person* who by a *Petition* for *Intervention* shows an interest in the subject matter may *File* a *Reply* to a *Petition*.

148.2 *Interest.* Every *Reply* shall state concisely and succinctly the interest in the *Proceeding* of the *Person* upon whose behalf the *Reply* is *Filed*.

148.3 *Statements of Fact.* The *Reply* shall be made in Paragraphs which bear the same paragraph number as the paragraph of the *Petition* which contains the *Material Facts* to which the *Reply* is directed. It shall state the parts, if any, of the *Material Facts* alleged in the *Petition* which are admitted to be true and with respect to all other parts thereof shall specifically qualify, condition, avoid, or deny the statement of the *Petition*. General denials will be treated as admissions.

148.4 *New Matter.* New *Material Facts* may be set up in separately numbered paragraphs of the *Reply* which tend to controvert, qualify, condition or avoid the *Facts* set up in the *Petition* or which tend to show that the Relief prayed for in the *Petition* should not be granted.

148.5 *Relief.* A *Reply* in which affirmative *Relief* is sought shall succinctly and fully describe same, together with the *Material Facts* relied upon to support the prayer therefor.

148.6 *Replication.* A *Petitioner* may File a *Replication* to, and only to, new matter set up in a *Reply*. The response to such new matter shall comply with the requirements of Rule 148.3 dealing with *Replies*.

148.7 *Oral Presentation.* A *Reply* or a *Replication* may request that the *Petition* and Reply be set down for oral hearing or argument or a *Petitioner* who has not filed a *Replication* may make such a request in writing in his *Petition* or following the *Filing* of a

Reply. Any such request should set forth concisely the reasons why it is necessary that the matter be orally heard or argued.

RULE 148—DISPOSITION AND APPEAL

Except as otherwise *Directed* or *Ordered* for good cause or as provided in the Sub-Rules hereof, a *Petition* will be disposed of by a *Direction* or an *Order* upon the *Petition, Replies, Replications, Oral Presentations* and Memoranda, if any.

(ICC 72 (e); CAB 302.15 (b) (c) (4); FPC 1.8 (f) (2); FTC IX; SEC XVII (d) (9))

149.1 *Transfer.* Wherever it shall appear that a *Petition* other than one for *Intervention* or for the *Investigation* and *Suspension* of a *Tariff* or for publication of an emergency charge, involves bona fide issues of *Material Fact, The Agency* will transfer the *Proceeding* to the formal *Hearing Docket,* in which case the *Proceeding* will be disposed of as if upon *Complaint* and *Answer.*

149.11 *Emergency Charges.* Wherever it shall appear that *Material Facts* have not been shown which justify the publication of any or all the proposed *Charges The Agency* will enter an *Order of Investigation* and *Suspension* and transfer the *Proceeding* to the *Formal Hearing Docket.*

149.2 *Initial Disposition.* The *Initial Disposition* upon *Petitions* to *Intervene* will be made by the *Hearing Officer* and upon *Petitions* for *Investigation* and *Suspension* of a *Tariff* or *Charge* by the Suspension Board. In all other cases the *Initial Disposition* will be made by *The Agency.*

(ICC 72 (e))

149.3 *Appeals.* A *Direction* of a *Hearing Officer* permitting an Intervention is not subject to interlocutory appeal but will be reviewed upon Exceptions, if any, to the *Initial Decision* of the *Proceeding* upon the merits thereafter made. A *Direction* by the *Hearing Officer* denying a *Petition* to *Intervene* may be appealed by the *Petitioner* by *Filing Interlocutory Exceptions* thereto within 5 days after such denial. *Replies* to such *Exceptions* will not be permitted and the *Appeal-Intervention* shall be decided summarily by *The Agency;* However, in:

149.31 *Suspension Proceedings. Appeals* from the *Direction* of the Suspension Board granting or denying a *Petition* for *Investigation* and *Suspension* of a *Charge* or Tariff will be reviewed by *The Agency* upon written or telegraphic request by either the *Petitioner* or the *Respondent* made within one day following such *Direction. Replies* to such request will not be entertained and the request will be decided summarily by *The Agency.*

149.5 *Petitions for Reconsideration. Petitions* for *Reconsideration* of the *Initial Disposition* of a *Petition* or of the *Decision* upon *Review* by *The Agency* in *Petition Proceedings* will be governed by the same rules as the *Petitions* to *Reconsider* other *Decisions* of *The Agency.*

ARTICLE 15—FILING AND SERVICE

RULE 150—FILING

The original and the requisite conformed copies of every *Procedural Instrument* permitted to be *Filed* under these *Rules* shall be *Filed* in the office of The Agency at Washington, D. C., within the time required for *Filing* under Rule 104 hereof.

RULE 151—METHOD AND TIME OF PERSONAL SERVICE

Whenever a *Direction, Order* or *Procedural Instrument* is required to be *Served,* other than by *Constructive Service,* upon any *Person* (Rule 153), such *Service* must be made by delivery of a conformed copy of the same to an adult *Person* in the office, otherwise in the residence, of such *Person,* if any, on or before the date when same must be *Filed,* or either: (1) By depositing a conformed copy thereof, properly addressed, with postage prepaid in the United States First Class Mail at least two days prior to the time when the same, if a *Procedural Instrument,* is required to be *Filed,* provided that if the office or residence of such *Person* is not within one thousand miles of the origin post office, such conformed copy shall either be deposited in the United States Air Mail; or (2) By depositing with the Western Union Telegraph Company a complete telegraphic copy of same, properly addressed, with charges prepaid, prior to the time when the same is required to be *Filed.*

(ICC Rule 22; APA Section 5 (a); CAB 302.7 (a), (b), (c), (d); FCC 1.767 (a), (c); FPC 1.17 (d); FTC VI; MC 201.94; SEC XIV (a), (b))

RULE 152—BY WHOM SERVICE IS MADE

The Agency will *Serve* all *Directions, Orders, Notices* and other papers issued by it. Every *Procedural Instrument* required to be *Served* shall be *Served* by the *Party Filing* same.

(ICC 22, 34; APA 6 (b); CAB 302.8 (1); FCC 1.577; FPC 1.17 (a), (b); FTC VI; MC 201.93; SEC III (a))

RULE 153—PERSONS WHO MUST BE SERVED

All *Directions, Notices, Orders* and *Procedural Instruments* shall be *Served* upon all counsel then of record and upon *Parties* who are not represented by counsel, and in addition:

(FCC 1.767 (a) (b); FPC 1.17 (c); MC 201.63; 155)

153.1 *Orders.* An *Order* opening an *Investigation* or an *Order* to show cause shall be *Served* upon the *Respondents* named therein and any *Order* imposing a *Sanction* shall be *Served* upon the *Person* upon which it is imposed, or in either case upon his *Agent,* specially or generally, designated by him or by law to receive *Service* of such *Order.*

(APA 6 (b))

153.2 *Defendants. Service* of a conformed copy of the *Complaint* must be made by the *Complainant* upon every *Person* named as a *Defendant.*

(ICC 34, 24 (b))

153.3 *Operative Licenses.* The *Applicant* for a *License* which involves the *Exemption,* grant, modification, extension, enlargement, supplementation, surrender, *Abandonment, Transfer* or *Unification* of *Operations* must serve a conformed copy of the same upon the Governors or State Boards of every State in which any part of the *Involved Operations* are conducted within the time required by Rule 151, and shall also, within one day after receipt of a copy of an *Intervention* in said *Proceeding, Serve* a conformed copy of the *Application* upon such *Intervenor.*

(ICC 39; CAB 302.403; FCC 1.527 (d))

153.4 *Securities.* In *Applications* involving the issuance *Alteration* of Securities or indentures under which *Securities* are issued or secured, the Governors and State Boards of all States in which the *Applicant* operates.

(ICA 20 (a) (b); 201 (a) (8))

RULE 154—CONSTRUCTIVE SERVICE

The Agency will cause *Notice,* giving the title of the *Proceeding,* the name of the *Applicant* or *Petitioner* and a description of the *Relief* sought to be published in the daily Federal Register of *Applications* involving *Operations* and *Petitions* other than *Petitions* to *Intervene* or *Petitions* for the *Investigation* and *Suspension* of a *Tariff.*

154.1 *Railroad Extensions and Abandonments. Notice* of an *Application* for a *Certificate of Convenience* and *Necessity* for the construction, extension or abandonment of a line of railroad as prepared by *The Agency* must be published by *Applicant* for 3 consecutive weeks in some newspaper of general circulation in each county in or through which said line is constructed or operates.

(ICA 1 (19))

RULE 159—PROOF OF SERVICE

The *Complainant, Cross Complainant, Applicant* or *Petitioner,* respectively, shall include in or attach to the attested *Complaint, Cross Complaint, Application* or *Petition* the names and post office addresses of all *Persons* upon whom a copy of the *Instrument* was personally delivered or the date upon which it was deposited in the United States Mail and the class of such mail, which certificate shall either be signed by a *Practitioner* or verified by the *Person* who deposited the same in the mail.

159.1 *Other Instruments.* Every other *Procedural Instrument* shall contain or have attached to it a certificate of a *Practitioner* that the same has been duly *Served* as required by these Rules upon all *Parties* then of record in the *Proceeding* or the verified statement of the *Person* who *Served* the *Instrument,* setting forth the name and post office address of each *Person* to whom a conformed copy of the Instrument was sent, the day upon which it was delivered personally, deposited either in the United States mail and the class of the mail in which it was deposited or with the Western Union Telegraph Company.

(ICC 22; CR 5 (d); CAB 302.7 (d) (e); FCC 7.67 (b); FPC 1.17 (e); FTC VI; MC 201.95)

ARTICLE 16—PARTIES

RULE 160—WHO ARE PARTIES

The *Parties* to a *Proceeding* consist of the *Complainant, Petitioner, Defendant, Applicant, Respondents* and *Intervenors.*

(CAB 302.210; 301)

RULE 161—APPEARANCE

A *Person* appears in a *Proceeding* by *Filing* a *Complaint, Application, Petition, Answer, Response, Notice* of *Intervention,* or *Petition* to *Intervene.*

161.1 *Representation.* A *Party* may *Appear* in *Person* or by a *Practitioner, Partner* or *Officer* if it be a corporation or unincorporated association.

(APA 6 (a); FTC VII; ICC 71 (a); MC 201.21, .22; FCC 1.711, .712; FTC VII; SEC II (a) (d))

161.2 *Entry of Appearance.* The *Person* who appears for a *Party* under Rule 161.1, at the time of *Filing* the *Procedural Instrument* constituting the appearance of such *Party* under Rule 160.1 shall also file on a single sheet of paper, 8½ x 11 inches in size, an entry of appearance, stating the name and address of the Party for whom the appearance is made, the name and address and relation to the *Party* of the Person filing the entry of appearance, and if the appearance be special a statement of the particular questions or issues to which the appearance is confined. Such entry of appearance shall also certify that a copy thereof was duly *Served* on the counsel of record of every *Party* of record as of the date of the certificate.

(MC 201.23)

161.3 *Kind of Appearance.* An appearance may be either general with respect to all issues involved or confined to a particular issue or question, in which latter case his entry of appearance shall state the questions or issues to which his appearance is confined; otherwise his appearance will be considered as general.

161.4 *Standards of Conduct.* All *Persons Appearing* must conform to the standards of conduct required by the Code of Ethics of the Interstate Commerce Commission Practitioners. He or a qualified associate or substitute shall be in continuous attendance at any oral hearing if his appearance was general or, if special, at any hearing at which the questions or issues to which his appearance is confined or set or scheduled to be considered, except as he may be otherwise permitted upon the record by the *Hearing Officer.*

161.5 *Absence from Oral Hearings.* If a *Person* by whom the appearance of a Party has been entered and the *Party* shall wilfully or contumaciously absent themselves or withdraw from an oral hearing without good cause or without the permission of the *Hearing Officer, The Agency* upon motion or of its own initiative may treat such absence or withdrawal as a default under Rule 168 hereof.

RULE 162—INTERVENTION

Interventions are of two kinds, those of right and those where leave to *Intervene* has been granted under Article 14.

162.1 *As of Right.* Any *Person* having a proprietary or pecuniary interest which may be affected by the granting of the Relief sought may Intervene in an *Application Proceeding* involving the exemption, grant, modification, enlargement, supplementation, surrender, abondonment, transfer, or *Unification* of *Operations* or in *Investigation Proceedings* by *Filing* and *Serving* a *Notice* of *Intervention* in such *Proceeding* within 15 days after publication of *Notice* of the *Filing* of the *Application* or *Petition* for or *Order* of *Investigation* and within 15 days thereafter *Filing* and *Serving* an *Intervention* therein supporting or protesting the *Application.*

(ICC Rule 73; FCA Section 309 (b); CAB 302.302, 302.214, 302.14; 15 (d); FTC IX; MC 201.82; SEC XVII (a), (b), (e))

162.11 *Designation.* The *Intervention* shall be captioned either as a *Proponent Intervention* or as a *Protest,* depending upon the position of the *Intervenor.*

162.12 *Proponent Intervention.* Shall set forth the matters required of the original *Proponent* in the *Proceeding* except instead of repeating statements made by such original *Proponent* he shall adopt the statements in the *Application* or *Petition* by reference to the paragraphs by number, with such amendment, qualification or supplementation as may be deemed relevant and material.

162.13 *New Matter.* New *Material Facts* may be set up in separately numbered paragraphs of the *Intervention* which tend to support, controvert, qualify, condition or avoid the facts set up in the *Application* or *Petition,* or which tend to show that the *Relief* prayed should or should not be granted or the *Order* suggested should or should not be made.

162.14 *Affirmative Relief.* Affirmative *Relief* will not be granted upon an *Intervention* filed as of right. If such *Relief* is desired it must be sought under Rule 141 by *Intervention.*

162.15 *Broadening the Issues.* An *Intervention Filed* as of right may not broaden the issues. If such *Relief* is desired it must be obtained by a *Petition* for *Intervention Filed* under Rule 141.

162.2 *Public Intervenors.* Any *Agency* of the United States, any State Board and any Bureau of *The Agency* with the approval of the *General Counsel* of *The Agency,* may *Intervene* as of right within 15 days after the publication of the *Notice* of the *Filing* of the *Application, Petition* or *Order* by *Filing* and *Serving* a *Notice* of *Intervention* if within 30 days after the publication of said *Notice* it shall *File* an *Intervention* setting forth the matters and in the form required by Sub-Rules 162.11–162.15, inclusive.

(SEC 17 (a))

RULE 163—JOINT PARTIES

Two or more *Persons* may join in one *Complaint, Application,* or *Petition* if they claim or seek *Relief* jointly, severally, or in the alternative, in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all of them will arise in the *Proceeding.* Two or more *Persons* may be joined as *Defendants* or *Respondents* if there is asserted against them jointly, severally, or in the alternative, any claim or prayer or suggestion of *Relief* in respect of or arising out of the same transaction, occurrence or series of transactions or occurrences, and if any question of law or fact common to all of them will arise in the *Proceeding.* A *Proponent* or *Opponent* need not be interested in obtaining or defending against all of the *Relief* which is sought.

(Identical with CR 20 (a); ICC 27 (b), (c); 48; FPC 1.6 (c); MC 201.53)

163.1 *Necessary Parties.* Except as to a *Person* constituting a class (Rule 166), *Persons* having a joint interest shall be made *Parties* and joined on the same side as *Proponents, Defendants* or *Respondents.* When a *Person* who should join as a *Proponent* he may be made an *Opponent* or in *Application* or *Petition Proceedings* an involuntary *Proponent.*

(CR 19 (a))

163.2 *Misjoinder and Nonjoinder.* Misjoinder of *Parties* is not ground for dismissal of a *Proceeding* or denial of the *Relief* sought. *Parties* may be dropped or added by order of *The Agency* on motion of any *Party* or of its own initiative at any stage of the *Proceeding* and on such terms as are just. Any claim against a *Party* may be severed and proceeded with separately.

(CR Rule 21)

RULE 164—SUBSTITUTION OF PARTIES

Upon motion or of its own initiative, *The Agency* upon finding that a *Party* has died, become incompetent, or has transferred an interest, may substitute the successors or representatives or transferee for the original *Party,* provided that a claim or prayer for *Relief* under an *Application* or *Petition* shall not be transferable unless the interest of the original *Applicant* or *Petitioner* which gave rise to the claim or prayer shall be transferred.

(CR 25 (a), (b), (c); CAB 302.10; MC 201.32)

164.1 *Public Officer. The Agency* upon motion of the successor to an officer of the United States, the District of Columbia, the Canal Zone, a Territory, insular possession, a State, county, city or other governmental agency who was a *Party* to any *Proceeding,* where it finds that during the pendency thereof such officer has died, resigned or otherwise ceased to hold such office, may substitute such successor for the original *Party.*

(CR 25 (d))

RULE 165—SEVERANCE OF PARTIES

The Agency upon motion or of its own initiative and upon finding that sepa-

rate hearing or disposition is desirable or necessary for the expedition of a *Proceeding* or to prevent a *Party* from being embarrassed, delayed or put to expense because of a joinder of *Parties* or of *Proceedings*, will sever the *Parties* and/or *Proceedings* as justice shall require.

(CR 20 (b); 21)

RULE 166—CLASS REPRESENTATION

Where the *Person* constituting a class are so numerous as to make it impracticable to make them individual *Parties*, such of them, one or more, as will fairly insure the adequate representation of all, on behalf of all, may file a *Complaint, Application* or *Petition* or be made *Defendants*, or *Respondents* to a *Complaint* or *Petition* when the character of *Relief* sought by or against the class is joint or common.

(CR 23 (a))

RULE 167—AGENCY REPRESENTATION

A joint agent for two or more *Persons* or an association of a number of *Persons* having a common status under *The Act* and a common interest, the protection or defense of which is within the scope of the agent's duty or within the scope of the objectives of the association, may *File* a *Complaint, Application*, or *Petition*, or may be made a *Defendant* or *Respondent* in any *Proceeding* affecting the common interest or *Relief* sought with respect thereto.

RULE 168—DEFAULT

Failure or refusal of a *Party* to plead, appear and *Produce Proof* in the manner, at the time and places required by these Rules may be deemed by *The Agency* as a waiver of any claim or prayer for *Relief* or of any defense, protest or objection to the *Complaint, Application* or *Petition* and *The Agency* upon motion or of its own initiative may dismiss the *Proceeding* insofar as it was instituted by such *Party* and may strike from the appearance docket the appearance of such *Party* who thereafter will not be permitted to participate in the *Proceeding*, provided that nothing in this Rule will relieve a *Proponent* from establishing the facts required by *The Act* to be found by *The Agency* as the basis for the granting of the action sought.

(CAB 302.208; FCC 1.508; SEC III (d))

RULE 169—DOCKETING

The Secretary of *The Agency* will maintain a separate appearance docket file in which the entries of appearance of each Party will be filed in the order of their receipt.

(FCC 1.711; FPC 1.20 (e))

ARTICLE 17—DEFENSIVE PLEADINGS

RULE 170—NATURE AND PURPOSE

Except to the extent that the *Material Facts* alleged in a *Complaint, Application* or an *Order* of *Investigation* are respectively denied, explained, qualified, conditioned or avoided by *Answer* of *Defendant, Response* of the *Respondent*, or *Protest* of the *Protestant*, such *Material Facts* may be treated by *The Agency* as true unless the entire record otherwise requires. The purpose of the defensive pleading is primarily to define the issues of *Material Fact* which it wil be necessary to determine in the *Proceeding*.

(ICC 19)

RULE 171—ANSWER

The *Defendant* shall *Answer* the *Complaint* within 30 days after *Filing* thereof and include therein his response to any amendments or supplements to the *Complaint* which have been *Filed* within 20 days after *Filing* of the *Complaint*. *Answers* to amendments or supplements to the *Complaint Filed* more than 20 days after the *Filing* of the *Complaint* shall be *Filed* within 20 days after such amendments or supplements were *Filed*. The *Answers* are subject to the following Sub-Rules:

(ICC 35, 49)

171.1 *Statement of Defense.* The *Answer* shall be confined to clear and concise statements of *Material Fact* (not legal conclusions) with redundancy or argument. Such statement shall be made in separate paragraphs, under the paragraph number of the *Complaint* to which they are in response. It shall state which, if any, of the *Material Facts* alleged in such paragraphs of the *Complaint* are true, and with respect to all other *Material Facts* shall specifically qualify, condition, or avoid or deny the statement thereof made in the *Complaint*. General denials will be treated as admissions.

(CAB 302.6; FCC 1.588, 1.589; FPC 1.9 (a); FTC VIII (a); MC 201.55)

171.2 *New Matter.* New *Material Facts* may be set up in separately numbered paragraphs of the *Answer* if they tend to controvert, qualify, condition, explain or avoid the facts set up in the *Complaint* or if they tend to show that the *Relief* prayed for should not be granted or that in lieu of such *Relief* other or different *Relief* should be granted.

(ICC 49; CR 8 (b), (c))

171.3 *General Admission.* The *Defendant* may admit, for the purposes of the *Proceeding* only, that the *Material Facts* alleged in the *Complaint* are true but deny that such *Facts* entitle *Complainant* to the *Relief* sought or to any *Relief*, in which case the *Proceeding* will be determined summarily upon *Complaint* and *Answer*, together with any memorandum *Filed* by any *Party* within 20 days after such *Answer* is *Filed*.

(FTC VIII)

RULE 172—SATISFACTION OF COMPLAINT

Upon *Filing* and *Service* of a stipulation signed by the *Complainant* and any *Defendant* that such Defendant has satisfied the *Complaint* against him, and setting forth when the manner in which such satisfaction was made, the *Complaint* with respect to such *Defendant* will be dismissed.

(ICC 37; CAB 302.6; FPC 1.9 (h); MC 201.54)

RULE 173—CROSS COMPLAINTS

A *Defendant* may *File* and *Serve* with or as a part of his *Answer* a *Cross Complaint* against any *Party* for a *Sanction*, the right to which arises out of the subject matter of the *Complaint;* which *Cross Complaint* will be governed by the provisions of Article 11 as if it were an original *Complaint*.

(ICC 35 (b); CR 13; FCC 1.587; FPC 1.9)

RULE 174—RESPONSE

A *Respondent* in any *Investigation Proceeding* may, and if required by the *Order* of *Investigation* shall, *File* and *Serve* a *Response* to such Order within 20 days after *Service* thereof. Such *Response* shall be confined to clear and concise statements of *Material Fact* (not legal conclusions) without redundancy or argument. It shall respond in separate paragraph, under the paragraph number of the *Order*, to each statement or tentative statement of *Material Fact* in the premises of such *Order*. It shall state which, if any, of such *Facts* are true and with respect to the other *Facts* shall specifically qualify, condition, avoid or controvert the same. General denials will be treated as admissions.

174.1 *New Matter.* New *Material Facts* may be set up in separately numbered paragraphs of the *Response* if they tend to controvert, qualify, condition, explain or avoid the *Material Facts* stated in the premises of the *Order*.

174.2 *General Admission.* The *Respondent* may admit for the purposes of the *Proceeding* only, that the *Material Facts* stated in the premises of the *Order* are true but deny that such *Facts* authorize or justify the making of a Rule or the imposition of any *Sanction* against him. If all *Respondents* join in such a general admission, the *Proceeding* will be determined summarily upon the *Order* of *Investigation*, the *Responses*, and such memoranda as are *Filed* by any *Party* within 20 days after such *Response* is filed; otherwise, *The Agency* may sever the *Proceeding* with respect to such *Respondent* and summarily determine same, or may make such other *Order* as shall be reasonable and just.

RULE 175—PROTESTS OF APPLICATIONS

The *Petition* to *Intervene* (Rule 141) of a *Protestant* who has been granted leave to Intervene will constitute his protest. An *Intervenor* as of right who has *Filed* and *Served* the *Notice* of *Intervention*, pursuant to Rule 162.1, within 15 days thereafter may *File* and *Serve* a *Protest* of an *Application*.

175.1 *Content.* Every *Protest* shall specify the statements, if any, of *Material Facts* set out in the *Application* in paragraphs numbered to accord with that of the paragraph in which such *Facts* are stated, which are admitted for the purposes of the *Proceeding* to be true, and shall specifically controvert, qualify, condition, explain or avoid all other statements of *Material Facts* therein.

175.2 *New Matter.* New *Material Facts* may be set up in separately numbered paragraphs of the *Protest* which tend to controvert, qualify, condition, explain or avoid the *Facts* set up in the *Application* or which tend to show that the *Relief* prayed should not be granted.

(FPC 1.10 (a)-(d))

RULE 176—PROTESTS OF TENTATIVE VALUATIONS

Any *Person* to whom *Notice* of a tentative valuation has been given pursuant to Section 19a (h) of *The Act* or who has been granted leave to *Intervene* in the *Proceeding* within 30 days after such *Notice* may *File* a *Protest* thereof.

176.1 *Content.* A *Protest* of a tentative valuation shall contain a concise statement of the essential elements of *Protest* with particular reference to the matters in the tentative valuation concerning which *Protest* is made and shall include a statement of the changes therein desired by *Protestant*. When practicable, each object of *Protest* should be set up as a separate item in a separately numbered paragraph. Each item of *Protest* against land values or areas must state the valuation section and zone on the Commission's maps in which the land is located. When *Protestant* claims that property owned or used has been omitted, a full description of such property and its location must be included in the *Protest*.

(ICC Rule 41; FCC 1.592)

RULE 177—REPLICATIONS

Any *Proponent* in a *Proceeding* may *File* a *Replication* denying, explaining, qualifying, conditioning or avoiding new *Material Facts* set up in a *Defensive Pleading* within 10 days after the pleading containing such new matter is *Filed*.

177.1 *Final Pleading.* Unless otherwise *Directed* or *Ordered*, solely upon the initiative of the *Hearing Officer* or *The Agency*, no *Reply* to a *Replication* will be permitted. However, *Material Facts* for the first time raised in the *Replication* will not be taken as true unless otherwise established by competent *Proof*.

RULE 179—DEFAULT

All *Persons* who admit or who fail specifically to controvert, explain, qualify, condition or avoid statements of *Material Fact* in an *Application* or tentative valuation or statements of new *Material Facts* set up in a *Defensive Pleading*, except for good cause shown, will not thereafter be permitted to produce *Proof* in contravention of such *Material Facts*.

ARTICLE 18—PROCESSING

RULE 180—DOCKETING

Upon receipt by the *Secretary*, a *Complaint, Application* or *Petition*, if in substantial consonance with *These Rules*, will be given an appropriate docket number and assigned for processing to the appropriate Bureau as provided in This Article and the *Parties Filing* the same so advised; otherwise, it will be returned to such *Party* with a statement of the reasons for such action. All *Procedural Instruments* thereafter *Filed* in the *Proceeding* thus commenced, will be *Filed* in such docket and referred to the Bureau to which such *Proceeding* has been assigned for handling.

RULE 181—ASSIGNMENT

All *Reports, Decisions, Orders* and *Notices* of *The Agency* will be *Served* by the Office of the Secretary. All communications, including *Procedural Instruments* received by the Secretary relating to *These Rules* will be handled by the Secretary, or, in his discretion, referred to the Legislative and Rules Committee. All other communications received by the Secretary will be assigned to the several offices for initial processing as follows:

181.1 *Administrative Matters.* Communications relating to public relations, budget and fiscal matters, personnel, stenography, and supplies and publications, will be assigned to the Office of Administration for handling by the Managing Director, Budget Officer, Personnel Director, Chief of Section of Stenography and Purchasing Agent, as respectively provided in Rule 41 and Sub-Rules 41.0 to 41.4 inclusive.

181.2 *Law and Enforcement.* All communications and documents relating to legal opinions or advice, court proceedings, inquiry into violations of provisions of *The Act* and *Orders* of *The Agency*, safety enforcement, motor carrier enforcement, other enforcement or discipline of *Practitioners*, will be assigned to the Office of Law for handling by the General Counsel, Associate Counsel, Director of Inquiry and attorneys as respectively provided in Rule 48 and Sub-Rules 48.0 to 48.5 inclusive.

181.3 *Rulemaking or Investigations.* All Communications or Documents relating to Proposal for or Proposed Rulemaking or Investigation, will be assigned to the General Counsel and the Directors of the several Bureaus for *Consideration* and to specific Bureaus for *Recommendation* as follows:

181.31 *Office of Law—Enforcement.*

181.32 *Bureau of Traffic.* If they involve *Tariffs, Rate-Making Agreements* or *Charges*.

181.33 *Bureau of Operations.* If they involve classification of *Carriers, Operating Authority, Insurance, Service,* Locomotive inspection, railroad or motor carrier safety, accident investigations, hours of service, or explosives and dangerous articles.

181.34 *Bureau of Finance and Statistics.* If they involve Carrier annual or other reports or statistics, cost finding, interlocking officers, *Unifications* of *Carriers, Issuance, Alteration* of *Securities*, or corporate *Reorganizations*.

181.35 *Bureau of Accounts and Valuation.* If they involve *Accounts, Accounting* or *Valuation*.

181.4 *Charges.* All communications and documents relating to orders of *Investigation, Rate Making Agreements* and *Charge Complaints* will be assigned to the Director of the Bureau of Traffic for *Reference* as provided in Rule 71.3; those relating to *Voluntary Reparation* and *Released Rates* will be assigned to the Assistant Director of the Bureau of Traffic for initial handling under Rule 42.3; those involving Fourth Section *Applications* will be *Referred* Directly to the Fourth Section Board under Rule 37.7 and those involving *Petitions* to Investigate and Suspend Tariffs, to the Suspension Board under Rule 37.8. *Orders* of *Investigation* and *Suspension* will be assigned to the Director of the Bureau of Traffic for *Reference* to the Assistant Director of Charges Hearings, the Associate Director, Regional Hearings, or the Joint Board as provided in Rule 71.32; those involving rail, water, pipe, motor or forwarder *Tariffs* will be *Referred* to the Assistant Director or Branch Chief as provided in Rules 42.1 to 42.26.

181.5 *Operations.* Communications and documents relating to *Proceedings* of which the Bureau of Operations has jurisdiction will be assigned to the Director of the Bureau of Operations and *Referred* by him as provided in Rule 71.4; all other communications or documents involving *Operations* will be assigned for handling or *Reference* by the Assistant Director, Director of Locomotive Inspection or Branch Chiefs as provided in Rules 43.3 to 43.9, inclusive.

181.6 *Finance Matters.* Communications or documents relating to *Proceedings* of which the Bureau of Finance has jurisdiction, will be initially assigned to the Director of that Bureau and by him *Referred* as provided in Rule 71.5; all other communications and documents relating to matters of which such Bureau has jurisdiction will be handled by the Director, Assistant Director, or a Section Chief thereof as provided in Rules 44.1 to 44.9, inclusive.

181.7 *Accounting and Valuation.* All communications and documents relating to *Proceedings* arising out of matters of which the Bureau of Accounts and Valuation has jurisdiction, will be assigned initially to the Director of that Bureau for *Reference* by him as provided in Rule 71.6.

RULE 182—PARTICIPATION IN PROCEEDINGS BY BUREAUS

Officers and employees of *The Agency*, except *Hearing Officers*, may actively participate under the direction of the General Counsel in any *Proceeding* in which *The Agency* or any Bureau or office thereof has *Filed* an *Intervention*. Participation in all other *Proceedings* by such officers or employees is limited as follows:

182.1 *Recommendation.* The head of any office or Bureau may *File* recommendations respecting any proposal for or proposed *Rule Making* or *Investigation* with the Director of the Bureau to which the same has been assigned for recommendation to a Division as provided in Rule 181.3. The Director of the latter Bureau will transmit these recommendations along with his own to the appropriate Division.

182.2 *Memorandum.* Within 10 days after a *Pleading* has been assigned to a Bureau for *Reference* as provided in Rules 181.4 to 181.7, inclusive, the Director of such Bureau may *File* and *Serve* a written memorandum with respect thereto which shall become a part of the *Record* in such *Proceeding*. The author of such memorandum may be cross-examined with respect to statements of *Fact* or of opinion, which state-

ment may be rebutted by any *Party*. (Rule 225)

182.3 *Intervention.* The General Counsel, upon his own motion or upon the request of the Director of any Bureau may *File* and *Serve* an *Intervention* upon behalf of any office or Bureau of *The Agency* subject to the same provisions and Rules as *Interventions* by other *Persons*.

182.4 *Institution of a Proceeding.* The Director of a Bureau or the General Counsel is authorized to *File* and *Serve* a *Petition* for the institution of a *Proceeding* which involves any matter within the scope of the duties of his office or Bureau.

RULE 183—INFORMAL PROCEEDINGS

The Director of the Bureau of Traffic shall Refer to the Charges Board any *Proceeding* assigned to him for *Reference* under *These Rules* which in his opinion should be handled informally with the *Parties*.

183.1 *Tentative Decisions.* Whenever the Charges Board, after mediation between the *Parties* in a *Proceeding Referred* to it under this Rule is unable to bring them into agreement, it shall investigate informally with respect to the *Material Facts* in dispute and *File* and *Serve* upon the *Parties* a tentative *Decision* which, if no objections are *Filed* thereto within 30 days thereafter, shall become the *Final Decision* of *The Agency*.

183.2 *Formal Hearing.* Any *Party* to such *Proceeding* within 30 days after the *Filing* of a tentative *Decision* under Rule 183.1 may *File* and *Serve* verified objections thereto which shall specify the finding alleged to be erroneous. Upon the *Filing* of such objection, the Charges Board will proceed to *Hear* such *Proceeding* in the manner provided by These Rules, but with respect only to the issues raised by such objection, all other findings of the tentative *Decision* being taken as agreed to by the *Parties*.

ARTICLE 19—FORMULATION OF ISSUES

RULE 190—STATEMENT BY PARTIES

Except as otherwise *Directed* by the *Hearing Officer* with notice to all *Parties*, on or before 40 days after the *Filing* and *Service* of the *Complaint, Application, Petition* or *Order* instituting a *Proceeding*, each *Party* may, and if *Directed* by the *Hearing Officer*, shall *File* and *Serve* without comment or argument, a concise statement of the *Material Facts* which he believes to be in issue and his position with respect to each.

190.1 *Failure to File.* If any *Party* shall fail to comply with the *Direction* of the *Hearing Officer* to *File* and *Serve* such a statement, the *Hearing Officer* in his discretion, may deny him the right thereafter to object to the *Definition* of *Issues*. (Rule 193)

RULE 191—DISCOVERY

It is the duty of each *Party* and each *Practitioner* to make available to *Adversary Parties Evidence* in their possession as follows:

191.1 *Interrogatories to Parties.* The *Hearing Officer* may *File* and *Serve* upon any *Party*, and any *Party* may *File* and *Serve* upon any *Adverse Party* written interrogatories to be answered by such *Party*, or if not an individual by an authorized officer or agent, at any time after 20 days following the *Filing* and *Service* of the *Initial Pleading* in the *Proceeding*. Such interrogatories shall be answered separately and fully in writing under oath, shall be signed and shall be *Filed* and *Served* within 10 days after *Service* thereof. Within 5 days after *Service* of interrogatories, the *Persons* to whom the interrogatories are directed may *File* and *Serve* objections thereto to which the interrogating *Party* may *Reply* within 5 days. Answers to interrogatories to which an objection is not sustained shall be made, *Filed* and *Served* within 5 days after the *Officer's Direction* with respect thereto is Filed and *Served*. *Interrogatories* may relate to any matters which can be inquired into under Rule 234 and the provisions of Rule 234.4 are applicable for the protection of *Parties* to whom interrogatories are *Directed*.

(Compare CR 33)

191.2 *Inspection and Copying.* Upon *Motion* of any *Party Filed* and *Served* showing good cause therefor, and subject to Rule 254.4, the *Hearing Officer* may: (1) *Direct* any *Party* to produce and permit the inspection and copying or photographing by or upon behalf of the moving *Party* which constitute or contain *Documentary* or *Autoptic Evidence*, which is not privileged and relates to any of the matters within the scope of the examination permitted by Rule 254 and which are in his possession, custody or control; or (2) *Direct* any *Party* to permit entry upon designated land or other property in his possession or control for the purpose of inspecting, measuring, surveying or photographing the property or any designated object or operation thereon within the scope of examination permitted by Rule 254; at such time and place and upon such reasonable and just terms and conditions as shall be fixed in said *Direction*.

(Compare CR 34)

191.3 *Request for Admission.* A *Party* may *File* and *Serve* upon any other *Party* a written request for the admission by the latter of the genuineness of any relevant documents described in and exhibited with such request or the truth of any relevant *Facts* set forth in said request. Each of the matters of which an admission is requested shall be deemed admitted unless, within 10 days after *Service* thereof, the *Party Files* and *Serves* either (1) A sworn statement denying specifically the matters of which an admission is requested or setting forth in detail the reasons why we cannot truthfully admit or deny those matters, or (2) Written objections with good cause therefor why he should not be required to make the requested admissions. The requesting *Party* may *Reply* to such within 5 days. The objecting *Party* may *File* and *Serve* a sworn answer to such request within 5 days after the *Hearing Officer* shall have over-ruled such objections. A denial shall fairly meet the substance of the requested admission and shall specify so much thereof as is true and deny only the part that is untrue. Any admission made under this Rule is for the purpose of the *Proceeding* only and neither constitutes an admission for any other purpose, nor may be used in any other *Proceeding*.

(CR 36; CAB 302.212; FTC XIII; MC 201.65)

RULE 192—PREHEARING CONFERENCE

The *Hearing Officer* on his own motion or upon the motion of any *Party*, (which need not be served) may make and *Serve* a call for *Conference* of *Parties* or *Counsel* for the purpose of formulating, clarifying, or simplifying issues, *Stipulating* respecting *Material Facts* or *Method* of *Proof*, number of *Witnesses*, or any other matter designed to facilitate or expedite the *Proceeding*, to be held at the time and place specified in such call.

(APA 5 (b); ICC 68; CR 16; CAB 302.211, 302.23, 302.33, 302.321; FCC 1.813; FPC 1.18; FTC VIII (a))

192.1 *Limitation of Issues.* Following such *Conference*, the *Hearing Officer* will make and *Serve* a *Direction* reciting the actions taken thereat, amendments allowed to the *Pleadings*, *Stipulations* as to any of the matters considered, and limiting the issues to those not disposed of by *Admissions* or *Stipulations*. Such *Direction* thereafter will control the course of the *Proceeding* except as it may be modified to prevent injustice. *Stipulations* agreed to at such *Conference* will be binding upon the *Parties* thereto and upon all other *Parties* who had notice of the *Conference* and without good cause failed to participate therein.

(CR 16; ICC 68 (c); CAB 302.23 (b); FPC 1.18 (d) (e); MC 201.137; SEC III (e))

RULE 193—DEFINITION OF ISSUES

In *Proceedings* where no *Prehearing Conference* is held under Rule 212, the *Hearing Officer*, within 20 days after the close of the *Initial Pleading*, will make and *Serve* a tentative *Definition* of the *Issues* which if no objections thereto are *Filed* and *Served* within 10 days, will become final and thereafter will control and limit the course of the *Proceeding* unless subsequently modified to prevent manifest injustice.

193.1 *Objections to Definition.* Any *Party*, within 10 days after *Service* of said tentative *Definition* of *Issues*, may *File* and *Serve* objections thereto specifying the errors therein complained of and setting forth the particular *Issues* desired to be stated. *Replies* to said objections are not permitted unless the *Hearing Officer* so directs. The *Hearing Officer* will promptly rule upon such objections and make and *Serve* a final *Definition* of the *Issues*, which will have the effect provided in Rule 213.

193.2 *Exceptions.* No interlocutory *Appeal* will be allowed to the final *Definition* of *Issues* as provided in Rules 213 and 213.1. Exceptions thereto may be *Filed* and *Served* as provided in Rule 284.

(ICC 68 (d); CAB 302.23 (b); FPC 1.725 (a) (b))

RULE 194—SUMMARY DECISIONS

If upon *Definition* of *Issues*, it appears either (a) That upon undisputed *Material Facts* the disposition of the *Proceeding* is governed by statute, or binding precedent or rule, administrative or judicial; or (b) That the only matter in dispute is as to the ultimate inference as to the *Facts* in *Issue*, to be drawn from other *Material Facts*, the existence or non-existence of which is not in dispute; the *Hearing Officer* shall decide the *Proceeding* summarily as provided in Article 30.

194.1 *Motion. Motions* for such a *Decision* and *Replies* thereto shall be Filed and Served as provided in Rules 164 and 168.

194.2 *Direction to Show Cause.* If no such *Motion* be *Filed* and *Served*, the *Hearing Officer* before making the *Finding* provided in clause (a) or (b) of Rule 194, shall enter and *Serve* a *Direction* requiring all *Parties* within such time as shall be fixed in said *Direction*, not less than 10 days, to show cause why such *Finding* should not be made.

194.3 *Reply to Direction.* Any *Party* within the time so fixed may respond to such Direction by a concise statement, argument, and citation of authority in support of or in opposition to the making of such *Finding*. No *Replications* to such *Replies* are permitted.

194.4 *Decision and Appeal.* Any such *Decision* will be subject to Article 28.

RULE 195—ALIGNMENT OF PARTIES

In the final *Definition* of *Issues* (Rule 193), the *Hearing Officer* will align the *Parties* between *Proponents* and *Opponents*. Where the interest of two or more *Proponents* or two or more *Opponents* are adverse to each other, the *Hearing Officer* shall align the *Parties* into three or more sides to give effect to such diversity of interest. Such alignment will govern all subsequent *Proceedings* including introduction of *Proof*, cross-examination of *Witnesses*, *Briefs*, and *Oral Arguments*. It may be modified for good cause at any time by *Direction* of the *Hearing Officer* prior to the *Initial Decision* or by order of *The Agency* thereafter.

Chapter Two—Hearing and Decision

ARTICLE 20—PROOF

RULE 200—SOURCES OF PROOF

A *Material Fact* may be *Proved* by either or both an *Assumption* (Article 21) or *Evidence* (Articles 22, 23 and 24 *infra*).

RULE 201—BURDEN OF PROOF

Except as statutes otherwise provide, the *Proponent* of a *Rule* or *Order* shall have the *Burden* of *Proof* from whom it never shifts.

(97 U. S. 237; APA 7 (c))

201.1 *In Complaint Proceedings*, it rests upon *The Complainant*.

(FTC XVIII; 232 Mass. 188; 122 N. E. 310, 238 U. S. 11)

201.2 *In Application Proceedings*, it rests upon *The Applicant* to prove *Facts requisite* for *Findings required* as a predicate for approval or authorizing of the proposed transaction.

201.3 *In Investigations of Charges* involving the lawfulness of existing carrier *Charges* or of proposed changes therein, it rests upon a Party who alleges either that the existing *Charges* are in any respect unlawful or alleges that proposed *Charges* are just, reasonable and lawful.

(CAB 302.506; ICC 15 (3) (7) (9), 216 (g), 218 (c), 307 (d), 370, 406 (e); M. C. 201.122)

201.4 *In Investigations of matters* other than *Charges*, or in *Ex Parte Proceedings*, it rests upon the *Party* who proposes a new *Rule* or *Order* or of any change in an existing *Rule* or *Order*, to prove the lawfulness, necessity and propriety thereof.

201.5 *In Other Petitionary Proceedings*, it rests upon *Petitioner* to show good cause for the exercise by *The Agency* of any statutory discretion.

201.6 *In Valuation Proceedings*, it rests upon *Protestant* to show that any statement, finding, appraisal, or valuation made in a tentative valuation is unlawful.

(ICC 16 (a) (h))

201.7 *In Making Affirmative Defenses*, a *Party* has the *Burden* of *Proving* the *Facts* essential to the establishment thereof.

(236 U. S. 397)

201.8 *In Making a Cross Complaint*, a *Party* has the *Burden* of *Proving* each of the essential allegations thereof.

(329 Mo 527, 92 ALR 641)

RULE 202—BURDEN OF PRODUCING EVIDENCE (GOING FORWARD)

The *Burden* to *Produce Evidence* at any particular state of *The Proceeding*, is upon the *Party* against whose contentions the *Order* would be made if no further *Evidence* were introduced except:

(240 U. S. 632)

202.1 *Control of Evidence.* The *Burden* of *Producing Evidence* is upon a *Party* who has peculiar knowledge or control thereof.

(139 U. S. 560)

202.2 *Investigations or Ex Parte Proceedings.* The initial *Burden* to *Produce Evidence* is upon the *Respondents*, if any, otherwise, upon the *Carriers Parties* to *The Proceeding*, except as otherwise provided by *Order* of *The Agency*.

RULE 203—RIGHT TO OPEN AND CLOSE

The *Party* who has the *Burden* of *Proof*, has the right and the duty to open and close the *Production* of *Proof*.

(FCC 1.842; FPC 1.20 (f); ICC 71)

RULE 204—ORDER OF PROOF

Unless otherwise *Directed* (Rule 235) the Parties in the order set out in the Sub-Rules hereof, shall submit *Proofs* in support of their respective positions, which may consist of any of the following: (1) a *Request* that a specified *Assumption* be made; (2) *Verified Statements* of *Direct Testimony* and *Documentary Evidence* identified therein (Rule 232); (3) *Depositions* taken by any *Party* (Rules 232–234); (4) answers to interrogatories or to demands for *Admissions* made upon an *Adversary Party* (Rule 191).

(ICC 51; M. C. 201.152)

204.1 *Proponents' Proof in Chief.* Within twenty days after final *Definition* of *Issues*, *Proponents* shall *File* and *Serve Direct Testimony* of all their *Witnesses* in the form of either *Verified Statements* or *Depositions*, together with all *Exhibits* and *Documentary Evidence* which they propose to offer in chief.

204.2 *Opponents' Proof in Chief.* Within thirty days after disposition of *Preliminary Motions* (Sub-Rule 204.5) if any, otherwise, within thirty days after submission of *Opponents' Proof in Chief*, *Opponents* shall *File* and *Serve* their *Direct Testimony* of all their *Witnesses* in the form of either *Verified Statements* or *Depositions*, together with (1) all *Exhibits* and *Documentary Evidence* which they propose to offer in chief, and (2) if there be no *Oral Hearing* (Rule 235) their cross examination of *Proponents' Witnesses* in chief (Sub-Rule 252.8);

204.3 *In Proponents' Rebuttal.* Where no *Oral Hearing*, *Proponents*, within thirty days after disposition of *Preliminary Motions* (Sub-Rule 204.5 if any, otherwise, within thirty days after submission of *Opponents' Proof*, shall *File* and *Serve* any *Proof* in *Rebuttal* thereof;

204.4 *In Other Rebuttal Where No Oral Hearing.* If and only if the *Rebuttal Proof* submitted by *Proponents* under *Sub-Rule 204.3 consists of new matter*, Opponents, within fifteen days after the submission thereof, may *File* and *Serve Proof* in *Rebuttal* of such new matter (and no other) which may consist of any of the *Documents* described in Rule 204. No further *Proof* will be received from any *Party* except as may be permitted by an *Order* made under Rules 205, 265 or 286, *infra;*

(I. C. C. 51; M. C. 201.154)

204.5 *Preliminary Motions.* Any *Party*, within ten days after the submission of the *Proof* of an *Adversary Party* under the preceding Sub-Rules hereof, may *File* and *Serve* any of the following *Motions*: (1) to strike inadmissible, impertinent, or scandalous matter therefrom (Rule 182), (2) for Summary Adjudication (Rule 185), (3) to inspect or copy data underlying such *Proof* (Rules 246 to 248 inclusive), (4) to cross examine a *Witness* whose *Direct Testimony* was given in a *Verified Statement*, either by cross interrogatories (Rule 233) or *Oral Deposition* (Rule 234) or (5) to take the *Deposition* of any *Witness* who has declined to make a *Verified Statement* (Rule 234). Any *Adversary Party* may *File* and *Serve* a *Reply* to such *Motion* within ten days after the same is filed;

204.6 *Proponents' Proof At Oral Hearing. Proponent*, unless otherwise agreed among themselves, shall in the order designated by the *Hearing Officer*, open the *Hearing* by first tendering for cross examination seriatim the *Witnesses*

whose *Verified Statements* were submitted as provided in Sub-Rule 204.1, together with any *Exhibits* offered in connection with such *Testimony*. Thereafter *Proponents* may offer *Testimony* of other *Witnesses* which has been taken by *Deposition;*

204.7 *Opponent's Proof At Oral Hearing.* Opponent unless otherwise agreed among themselves, shall in the order designated by the *Hearing Officer*, similarly tender the *Witnesses* whose *Verified Statements* were submitted under Sub-Rule 204.6, together with the *Exhibits* and *Documentary Evidence* offered in connection therewith, thereafter *Opponents* may offer the *Testimony* which has been taken by *Deposition;*

204.8 *Rebuttal At Oral Hearing. Proponents* may then offer *Rebuttal* which will close the *Production* of the *Proof* unless it embraces new matter. In the latter event, *Opponents* may offer *Rebuttal* of such new matter (and no other). No further *Proof* shall be offered by any *Party* except as may be permitted by the *Hearing Officer* for good cause, or under Rules 205, 265 or 286.

(FCC 1.842, 1.846; FPC 1.20 (f); ICC 74)

RULE 205—NON-PARTY EVIDENCE

It is the duty of the *Hearing Officer* fully to develop the *Record* in order that complete justice be done. To that end he will, with or without motion, (1) interrogate any *Witnesses* freely and fairly; (2) call upon the parties or any of them for further *Evidence* upon any *Material Fact;* (3) *Subpoena* and interrogate *Witnesses;* or (4) call upon any Bureau of *The Agency* not a *Party* for written opinion upon any *Material Fact* other than a *Fact* in *Issue*, which opinion shall be signed by the *Officer* of the *Bureau* who is the author thereof.

(FPC 1.20 (j); M. C. 201.124)

205.1 *Cross Examination.* If in response to the request of the *Hearing Officer*, any Bureau of *The Agency* submits a written opinion upon any *Material Fact*, a copy thereof will be served upon the *Parties* and within twenty days thereafter, any *Party* may cross examine the author of the opinion at such time and in such manner as the *Hearing Officer* shall direct.

205.2 *Rebuttal.* Within such time, in such manner and at such place as the *Hearing Officer* may *Direct*, any *Party* may offer evidence which is not cumulative in *Rebuttal* of such opinion.

RULE 209—RECORD—WHAT CONSTITUTES

All *Procedural Instruments, Statements* of *Assumptions, Evidence, Rulings, Arguments* and *Decisions*, filed or recorded in accordance with *These Rules* will constitute the exclusive Record for Decision by *The Agency*. Letters, communications or memoranda not filed in accordance with the Rules are not a part of the *Record* or be considered, but will be filed in the correspondence files of *The Agency*.

(APA 7 (d); FCC 1.559, 1.723; M. C. 201.134)

209.1 *Excluded Matter. Offers of Proof of Testimony, Exhibits* or *Depositions* excluded by the *Hearing Officer*, will accompany but will not constitute a part of the *Record*, unless so ordered by *The Agency* or the *Court* upon review.

(FTC VIII (f))

209.2 *Correction of Transcript.* Patent errors may be corrected on *Brief* if appropriate notation thereof be made. Latent errors will be corrected only where agreed to by the *Practitioners* for both *Parties* or by the *Witness* and the official reporter. Unless otherwise directed by the *Hearing Officer*, latent errors must be called to the attention of all *Parties*, within thirty days after the transcript is filed with *The Agency*.

(FCC 1.848; CAB 20 (1); FPC 1.20 (1); FTC XV (b); ICC 90 (b); M. C. 201.136)

209.3 *Copies of Record.* Copies of all or any part of the transcript of the *Testimony* can be had by timely application to the official reporter and payment of the contract rate per page therefor. *The Agency* will furnish photostatic copies of other parts of the *Record* upon payment of the costs thereof.

(APA 7 (d); CAB 24 (k))

ARTICLE 21—NON-EVIDENTIAL PROOF: "ASSUMPTIONS"

RULE 210—STIPULATIONS AND ADMISSIONS OF RECORD

The existence or non-existence of a *Material Fact*, as made or agreed in a *Stipulation* or in *Admission* of *Record*, will be conclusively presumed against any *Party* bound thereby, and no other evidence with respect thereto will be received by such *Party*, provided:

(ICC 19, 68, 69; FPC 1.24, 1.25; FTC VIII (c); 233 Fed. 547)

210.1 *Upon Whom Binding.* Such a *Stipulation* or *Admission* is binding upon the *Parties* by whom it is made, their *Privies* and upon all *Parties* to the *Proceeding* who do not expressly and unequivocably deny the existence or non-existence of the *Material Facts* so admitted or stipulated, upon the making thereof, if made on the *Record* at a *Conference, Oral Hearing* or *Oral Argument;* or by a *Writing Filed* and *Served* upon all *Parties* within five days after a copy of such *Stipulation* or Admission has been *Served* upon them.

210.2 *Recision or Withdrawal.* Any *Party* bound by a *Stipulation* or *Admission* of *Record* at any time prior to *Final Decision* may be permitted to rescind or withdraw the same in whole or in part by showing to the satisfaction of the *Hearing Officer* or *The Agency* that such *Stipulation* or *Admission* was made inadvertently or under a bona fide mistake of *Fact* contrary to the true *Fact* and that its recision or withdrawal at the time proposed will not unjustly prejudice the rights of other *Parties* to the *Proceeding*.

RULE 211—PRESUMPTIONS

Upon *Proof* of the predicate *Facts* specified in the Sub-Rules hereof without substantial dispute and by direct, clear and convincing *Evidence, The Agency*, with or without prior request or notice, may make the following *Presumptions*, where consistent with all surrounding *Facts* and circumstances.

(92 U. S. 284; 212 U. S. 429)

211.1 *Continuity.* That a *Fact* of a continuous nature, proved to exist at a particular time continues to exist as of the date of the *Presumption*, if the Fact is one which usually exists for at least that period of time;

(251 Fed. 83, 132; 62 Mich. 464, 474, 30 N. W. 84)

211.2 *Identity.* That Persons and Objects of the same name and description are identical;

(108 U. S. 32; 62 Fed. 920)

211.3 *Delivery.* Except in a *Proceeding* where the liability of the carrier for non-delivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed, and delivered respectively to the Post Office, Telegraph Cable, or Radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(165 U. S. 486; 100 N. Y. 446, 3 N. E. 485)

211.4 *Ordinary Course.* That a *Fact* exists or does not exist, upon *Proof* of the existence or non-existence of another *Fact* which in the ordinary and usual course of affairs, usually and regularly co-exists with the *Fact* presumed;

(106 Cal. 514, 39 P. 922; 219 U. S. 128)

211.5 *Acceptance of Benefit.* That a Person for whom an act is done or to whom a transfer is made has, does, or will accept same where it is clearly in his own self interest so to do;

(166 U. S. 557)

211.6 *Interference With Remedy.* That *Evidence*, with respect to a *Material Fact* which in bad faith is destroyed, eloigned, fabricated, suppressed or withheld by a *Party* in control thereof, would if produced, corroborate the *Evidence* of the *Adversary Party* with respect to such *Fact*.

(52 English Reprint 587; 207 Fed. 594; 97 Fed. 466; 103 Ill. 485; 160 U. S. 379; 18 Wall. 516)

RULE 212—OFFICIAL NOTICE OF MATTERS OF LAW

The Agency or its *Hearing Officer*, with or without prior request or notice will *Officially Notice*.

212.1 *Federal Law.* The Constitution; Treaties; Congressional Acts, Resolutions, Records, Journals and Committee Reports; Decisions of Federal Courts and Administrative Agencies; Executive Orders and Proclamations; and all rules, orders and notices published in the FEDERAL REGISTER;

(159 U. S. 651; 256 U. S. 368; 243 U. S. 592; 232 U. S. 487; 255 U. S. 1; 23 Wall. 307)

212.2 *State Law.* The public laws and the decisions of *Courts* of record of each State of the United States.

212.3 *Governmental Organization.* Organization, territorial limitations, officers, departments, and general administration of the Government of the United States, the several States and Foreign Nations;

(218 U. S. 487)

212.4 *Agency Organization. The Agency's* organization, administration, officers, personnel, official publications, and practitioners before the Bar.

RULE 213—OFFICIAL NOTICE OF MATERIAL FACTS

In the absence of controverting *Evidence, The Agency*, and its Hearing Officers, with or without prior notice or request, may *Officially Notice:*

213.1 *Agency Proceedings.* The pendency of, the *Issues* and the position of the *Parties* therein, and the disposition of any *Proceeding* then pending before or theretofore concluded by *The Agency*.

213.2 *Business Customs.* General customs and practices followed in the transaction of *Business;*

(250 U. S. 207; 258 U. S. 388)

213.3 *Notorious Facts. Facts* so generally and widely known to all well-informed persons as not to be subject of reasonable dispute, or specific *Facts* which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including, but not exclusively, *Facts* stated in any publication authorized or permitted by law to be made by any Federal or State *Officer*, department or *Agency*.

(292 U. S. 290; 197 U. S. 11; 269 U. S. 177)

213.4 *Technical Knowledge.* Matters within the technical knowledge of *The Agency* as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(245 U. S. 574; 219 U. S. 186)

213.5 *Public Records.* Matters contained in *Tariffs*, schedules, and annual or periodic *Reports* of *Persons* which are required to be filed with *The Agency*.

(ICC 81; See 265 U. S. 74)

RULE 214—REQUEST OR SUGGESTION THAT OFFICIAL NOTICE BE TAKEN

Any *Party* may request, or the *Hearing Officer*, or *The Agency* may suggest, that *Official Notice* be taken of a *Material Fact*, which shall be clearly and precisely stated, orally on the record, at any *Conference* or *Oral Hearing* or *Argument* or may make such request or suggestion by written *Notice*, any *Pleading, Motion, Memorandum*, or *Brief, Served* upon all *Parties*, at any time prior to a *Final Decision;*

RULE 215—STATEMENT OF A FACT OFFICIALLY NOTICED

Where an *Initial* or *Final Decision* of *The Agency* rests in whole or in part upon *Official Notice* of a *Material Fact*, such *Fact* shall be clearly and precisely in such *Decision*. In determining whether to take *Official Notice* of *Material Facts*, the *Hearing Officer* or *The Agency* may consult any source of pertinent information, whether or not furnished, as it may be, by any *Party*, and whether or not *Admissible* under the rules of *Evidence*.

RULE 216—CONTROVERSION OF FACTS OFFICIALLY NOTICED

Any *Party* may controvert a request or a suggestion that *Official Notice* of a *Material Fact* be taken at the time the same is made, if it be made orally; or by a *Pleading, Reply* or *Brief* in response to the pleading or brief or notice in which the same is requested or suggested. If any *Decision* is stated to rest in whole or in part upon *Official Notice* of a *Material Fact* which the *Parties* have not had a prior opportunity to controvert, any *Party* may controvert such *Fact* by appropriate *Exceptions* if such *Notice* be taken in an *Initial Decision* or by a *Petition* for *Reconsideration* if *Notice* of such *Fact* be taken in a *Final Decision*. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or non-existence of a *Material Fact* assumed or denied in the *Decision*.

ARTICLE 22—WITNESSES

RULE 220—COMPETENCY OF WITNESSES

Every natural person is qualified to be a *Witness* concerning any *Material Fact*, unless the *Hearing Officer* finds that:

220.1 *Unintelligible.* Such person is incapable of expressing himself so as to be understood by the *Hearing Officer* either directly or through the sworn interpretation of a *Witness* who can understand him, or

220.2 *Non-Intelligence.* Such person is incapable of understanding the duty of a *Witness* to tell the truth, or

(ALI 101)

220.3 *Incredibility.* No disinterested Person could reasonably believe that the *Witness* has personal knowledge of the *Material Fact* by his own sight, hearing or perception through any other sense.

(ALI 104; Stephens' Article 62)

RULE 221—VOLUNTARY APPEARANCE

A competent *Witness* who appears either of his own volition or at the request of any *Party* will be heard, examined, and cross-examined and have the same rights, *Privileges*, and duties as a *Witness* who appears under *Subpoena*.

RULE 222—SUBPOENAS

Subpoenas to compel the attendance of a *Witness* to give Testimony or to produce *Documentary Evidence* stating the name of *The Agency*, the name and address of the *Witness*, the books, papers, documents or tangible objects or things to be produced, the time and place at which the *Witness* is to appear and said *Documentary Evidence* produced, and the *Party* upon whose request the *Subpoena* is issued, will be issued under the seal of *The Agency*, signed by the *Secretary* or a member of *The Agency* or the *Hearing Officer*, on *The Agency's* own motion or upon request of any *Party* under the following conditions:

(C. R. 45 (a) (b) (d); APA Sec. 6 (c); ICA 12 (1), 205 (d), 316 (a) 417 (a), 17 (3); ICC 56 (a) (b); FCC 1.831; CAB 302.19 (a) (b); FPC 1.23 (a); FTC XVI; M. C. 201.101)

222.1 *Request.* Request for a *Subpoena* which may be filed and served by any *Party* or orally upon the *Record* at an *Oral Hearing* or *Pre-Hearing Conference* shall state: (1) the general *Relevance* and reasonable scope of the *Evidence* sought, (2) the time of and place where and the *Officer* before whom the *Deposition* is to be taken (Rule 234) or the time and place of the *Oral Hearing*, if one has been directed (Rule 235), (3) the exact residence or business address of the *Witness* and the distance therefrom to the place of *Hearing* or *Deposition*, and (4) whether the *Witness* has agreed, if subpoenaed, to travel to such place, (5) any *Facts* which require the attendance of the *Witness* at a place further distant than specified in Sub-Rule 221.2.

(APA Sec. 6 (c); C. R. 45 (a); ICC 56 (a); FCC 242)

222.2 *Place of Examination.* Unless otherwise directed by the *Hearing Officer* or *The Agency*, for good cause shown in the request, a *Witness*, without his consent, will not be required to attend a place of *Oral Hearing* which is not within one hundred (100) miles of his residence or place of business, nor a place for the taking of his *Deposition* outside the county of his residence or place of business and more than forty (40) miles from said residence or place of business.

(C. R. 45 (b) (e))

222.3 *Service.* Unless service of a *Subpoena* is acknowledged upon the face thereof by the *Witness*, as it may be, it shall be made by a *Person* who is not a *Party* or the *Privy* of a *Party* and who is not less than eighteen (18) years of age by delivering a copy thereof to the *Person* named therein, and by tendering to him the fees for one day's attendance and the mileage allowed by law. When the *Subpoena* is issued on behalf of the United States or an *Officer* or *Agency* thereof, fees and mileage need not be tendered.

(C. R. 45 (c); ICC 56 (c) (d); CAB 19 (f); FCC 1.834 (a) (b); FPC 1.20 (b); M. C. 201.103)

222.4 *Return.* After being served, the *Subpoena* accompanied by the required return, affidavit, statement or acceptance of service, shall be returned forthwith as directed therein to the *Secretary* of *The Agency*, the *Hearing Officer* or the officer before whom the *Deposition* is to be taken. If service is made by a person other than a United States Marshal or his deputy, he shall make affidavit thereof. Failure to make proof of service will not affect the validity of the service.

(C. R. 4 (9); ICC 56 (d); CAB 19; FPC 1.20; FCC 1.834 (b); M. C. 201.103)

222.5 *Quashing.* Upon motion made promptly, and in any event at or before the time specified in the *Subpoena* for compliance therewith, by any *Party* or the *Person* to whom the *Subpoena* is directed, the *Hearing Officer* may (1)

quash or modify the *Subpoena* if it is unreasonable and oppressive, or (2) condition denial of the motion upon such conditions as shall be just, reasonable, and unoppressive.

(C. R. 45 (b); CAB 19 (f))

RULE 223—FEES AND EXPENSES

A *Witness* who is *Subpoenaed* to give a *Deposition* orally or upon interrogatories and responds thereto, is entitled to the same fees and mileage as is provided by law for like service in the District Courts of the United States, which shall be advanced and paid by the *Party* at whose request the *Subpoena* is issued. No *Witness*, whether *Subpoenaed* or not, shall be paid any greater amount than such fees, except as provided in the Sub-Rules hereof, nor shall any payment of fees, mileage or expenses of any Witness under any circumstances, be based upon any contingency with respect to the nature, character or outcome, either of his *Testimony* or of *The Proceeding*, or any issue arising therein.

(ICC 57 (d) (e); CAB 302.21; FCC 1.833; FPC 1.20 (c); FTC XVII; M. C. 201.102 M. C. 201.102, 201.179; SEC V (9))

223.1 *Voluntary Reimbursement.* In lieu of statutory fees and mileage, a *Party* may, if agreed to by the *Witness*, reimburse a *Witness* whether or not *Subpoenaed*, for (1) salary, wages or compensation actually lost by the *Witness* on account of preparing to and giving his *Testimony*, and (2) traveling and incidental expenses actually paid by the *Witness* in connection therewith. Each *Party* before the *Close* of the *Production of Proof* shall file a statement of all amounts paid each *Witness* under this Sub-Rule.

223.2 *Expert Witnesses.* A person regularly engaged for hire in any technical or professional field or endeavor may be employed by a *Party* under a contract to make an investigation or study of any *Material Fact* which lies within such field, prepare *Exhibits* and *Documentary Evidence*, and give *Testimony* with respect thereto, and at just and reasonable rates of compensation commensurate with the amount of such work and the time required therefor.

223.3 *Effect of Violation.* The violation of this *Rule* or any Sub-Rule thereof, may adversely affect the weight of the *Testimony* of the *Witness* involved and any *Practitioner* who knowingly violates, acquiesces in the violation thereof, or who knowingly offers as a *Witness* a person who has been paid or agreed to be paid in violation thereof without making known that fact on the *Record*, will be subject to discipline and in aggravated cases will be disbarred from further practice before *The Agency*.

RULE 224—PRIVILEGE

A person whether or not a *Party*, has the *Privilege* to refuse to disclose and to prevent a *Witness* from disclosing the following information under the following conditions:

224.1 *Client and Lawyer.* A confidential communication between a client and lawyer, however obtained, upon the claim of either client or lawyer.

(ALI 210)

224.2 *Physician and Patient.* Confidential communications between a physician and patient or information acquired by the physician in a professional capacity, whether from his own observations or the statements of the patient or others, upon the claim of either the physician or the patient.

224.3 *Traffic Information.* Information acquired by an officer or employee of any common carrier concerning the nature, kind, quantity, consignee or routing of property tendered or delivered to such common carrier for interstate transportation which may be used to the detriment of the shipper or consignee thereof or which may improperly disclose the business transactions of either to a competitor, upon the claim of the Witness, the carrier, the shipper or consignee.

(ICA Sec. 15 (11), 222 (e), 317 (b), 421 (f))

224.4 *Trade Secrets.* Upon the claim of the owner of a trade secret or his agent or employee, such trade secret, if the Hearing Officer finds that the allowance of the privilege will not tend to conceal fraud or otherwise work injustice.

(ALI 226)

224.5 *Official Information.* Any matter of *Official Information* unless the *Hearing Officer* finds that disclosure thereof is not forbidden by statute, and that the officer of Government having custody thereof has consented to the disclosure and that the disclosure will not be harmful to the interests of the United States or of any State thereof.

(ALI 227, 228; CAB 302.39; FTC 29; SEC XIII)

224.6 *Self-Incrimination.* Upon claim of the *Witness* any matter which will incriminate him.

(ALI 203)

RULE 225—DIRECT EXAMINATION

The *Direct Testimony* of *Witnesses* which is not submitted in a *Verified Statement* (Rule 205) or in a *Deposition* taken upon written interrogatories (Rule 254) shall be taken orally in a *Hearing* or by *Deposition* upon direct, non-repetitious, concise, specific questions under the following rules:

225.1 *Prepared Statements.* The reading or recital of previously prepared statements or of written questions and answers will not be permitted, but such statements may be identified, verified and offered as *Exhibits*, subject to objection for inadmissibility, and the *Witness* tendered for Cross-Examination.

(ICC 77; FPC 1.20 (b) (g); FTC XV; M. C. 201.125)

225.2 *Number of Examiners.* Except where the interests or positions of parties are found by the *Hearing Officer* to be *Adversary*, a *Witness* upon direct examination, may be examined only by the *Counsel* who tenders him. Unless the *Hearing Officer* in his discretion otherwise permits, any other questions which any *Party* upon the same side desires to put, must be submitted to this *Counsel* and if he agrees be put by him.

225.3 *Leading Questions.* Except in the case of *Hostile Witnesses* (Sub-Rule 225.4) or with respect to items, dates, numerous details or where the memory ordinarily needs suggestions, *Leading Questions*, if objected to by the *Adverse Party* or by the *Hearing Officer*, will not be permitted to be asked upon direct examination.

225.4 *Hostile Witnesses.* Whenever a *Witness* is *Hostile*, unwilling or evasive, or is an *Adverse Party*, or his *Privy*, the *Party* calling him may interrogate by *Leading Questions* and contradict and impeach him in all respects as if he had been called by the *Adverse Party*.

(C. R. 43 (b); FTC XV)

225.5 *Refreshing Memory.* A *Witness*, while under examination, may refresh his memory by referring to a *Writing* whether or not made by himself, where (1) he is thereby enabled actually to recollect the *Facts* so that he can then testify in reality from memory, or (2) after referring to the *Writing* he does not recollect the *Facts* but does remember that he made or saw it when the *Facts* were fresh in his mind, and that it then stated the *Facts* correctly, (3) the memorandum is as to items, dates, names, amounts, places, statistics, calculations and similar details which he knows are correctly and accurately stated therein, (4) after referring to the writing he neither recollects the *Facts* nor remembers having seen it before and yet from seeing his handwriting therein or signature thereto he is able to testify to its genuineness, (5) the *Witness* is an expert and the *Writing* is a professional treatise.

(Stephens Article 136 Note 2; ALI 504)

225.6 *Inspection.* Before a *Witness* is permitted to testify from a memorandum under Sub-Rule 225.4, it must be shown to the *Adverse Party*, if he requires it, who at that time may cross examine with respect to the time and circumstances under which it was made, but not upon the statements therein contained. If demanded by the *Adverse Party*, the memorandum shall be offered in *Evidence*.

(Stephens Article 137)

RULE 226—CROSS EXAMINATION

Parties shall have the right to conduct such non-repetitious cross examination of *Witnesses* introduced by *Adversary Parties* as may be required for a full and true disclosure of the *Facts* subject to:

226.1 *Limitations.* Cross examination will be confined to specific *Material Facts* to which the Witness testified on direct examination or to matters covered in Sub-Rule 226.2 unless upon motion and for good cause, the *Hearing Officer* permits questions as to other *Material Facts*, in which latter case the cross examiner with respect to these *Facts* makes the *Witness* his own.

(Stephens Article 128, American Note 1)

226.2 *Collateral Matters.* A *Witness*, upon cross examination, may be asked questions irrevelant or Collateral to the issues which are designed to test his bias, accuracy, veracity, credibility or which tend to degrade or disgrace him. Where such questions do not relate to *Material Facts*, the *Witness* or *Counsel* who tendered him, may claim the privilege of declining to answer them and such claim may be considered in weighing his credibility. The *Hearing Officer* has the discretion with or without objection to limit the scope, range and extent of such questions, but in no event will a *Witness* be subjected to insult, abuse, bulldozing, bullying, threats or other intimidation.

(Stephens Article 129)

226.3 *Number of Cross Examiners.* Except where the interests or positions of the Parties on the same side are Adversary, all questions must be put through a single cross examiner, selected by such *Parties* if they can agree, otherwise by the *Hearing Officer*. The *Hearing Officer* has discretion to depart from this Sub-Rule in any case in which, and to the extent, he finds that the interests of any *Party* or the *Public* so requires.

RULE 227—IMPEACHMENT

Except in the case of a *Hostile Witness* (Sub-Rule 225.4), a *Party* cannot impeach his own *Witness*, but he may prove the truth by other *Witnesses*. A *Party* may impeach the *Testimony* of a *Witness* for an *Adversary Party* under the following conditions:

227.1 *Prior Inconsistent Oral Statement.* Where, under cross examination, the *Witness* upon being asked, has not distinctly and unequivocally admitted to having made a statement at a time and place and under circumstances specifically designated relative to a *Material Fact* inconsistent with his present *Testimony*, *Proof* may be introduced that he did, in fact, make such a statement.

(Stephens Article 131, American Note 1)

227.2 *Prior Inconsistent Written Statement.* Where a *Witness* under cross examination is shown a *Writing* purporting to contain a statement relative to a *Material Fact* inconsistent with his present *Testimony*, which he does not distinctly and unequivocally admit to having made, *Proof* may be introduced that he did make it. If, under such circumstances, he admits having made the statement, it may be read into the *Record* and the *Witness* may give such explanation thereof as he desires either at that time or upon redirect examination.

(Stephens Article 132, Note 1)

227.3 *Direct Impeachment.* The credit of any *Witness* for an *Adverse Party* may be impeached by *Testimony* of disinterested persons of their own knowledge that the general reputation of the *Witness* for truth and veracity is bad and that based upon such reputation, they believe him to be unworthy of credit upon his oath. Such *Witnesses* may not give specific reasons for their belief upon direct examination, but if required to do so, as they may be, on cross examination, may not be contradicted with respect thereto.

(Stephens Article 33, American Note 2)

RULE 228—RIGHTS OF WITNESSES

Any person compelled to testify or voluntarily testifying in a *Proceeding*, may be accompanied, represented and advised by Counsel and may obtain upon payment of the lawfully prescribed fees therefor a copy of the transcript of his *Testimony* and of all *Documentary Evidence* which he was compelled to produce.

(FPC 1.4 (2), 1.20 (b); FTC XXX C (3), III (c); SEC XX (b); M. C. 201.129)

ARTICLE 23—TESTIMONY

RULE 230—COMPETENCY

Except as otherwise provided in Rule 231, *Testimony* is admissible to Prove any *Material Fact*, subject to the following limitations:

230.1 *Direct Perception, Testimony* of an act, action, state, condition, occurrence, object, thing, or statement perceptible by any human sense, will only be received from a *Witness* who says that he saw, heard, felt or otherwise *Perceived* the same;

(43 N. Y. 279, Stephens Article 62)

230.2 *Direct Opinion, Testimony* of an *Opinion* or of the grounds on which an *Opinion* is held, will only be received from a *Witness* who holds the *Opinion* on those grounds.

(58 F. 945; 39 F. S. 957; Stephens Article 62)

230.3 *Cumulative*, where the *Testimony* is rejected as *Cumulative*.

(Rule 279)

230.4 *In Parole Evidence Rule*, as between the *Parties* (or their Privies) to the instrument, in the absence of fraud, accident or mistake, *Testimony* to vary, alter or contradict a valid written instrument upon which a civil right or liability depends and which is complete and unambiguous will not be received.

(1 F. 2d 614; 267 Mich. 270, 255 N. W. 587; 31 F. 2d 859; 55 F. 2d 110)

RULE 231—BEST EVIDENCE

Where the existence, execution, contents or condition of a *Document* or *Object* is a *Fact* in *Issue*, only the *Best Evidence* thereof within the power of the *Party* to produce, will be received.

(Rule applies only (1) to direct and not collateral issues—78 F. 460—and (2) to Documentary or Autoptic Evidence—316 Penn. 434, 175 A 422; 274 Mich. 470, 264 N. W. 868)

RULE 232—VERIFIED STATEMENTS

Except as otherwise ordered in a particular *Proceeding*, the *Direct Testimony* of a *Witness* may, and if required by Rules 204 or 205, must be given either by *Deposition* (Rule 234) or by a *Verified Statement* under the following Sub-Rules.

232.1 *Formal Requisites.* Each *Verified Statement* must be in writing and conform to the requirements of Sub-Rule 101.1 as to caption, 101.2 as to paragraphing, and 101.9 as to format. It shall also show in the caption and at the top of each of the pages (which shall be consecutively numbered) the name of the *Witness* and the *Party's identification number* of the *Verified Statement*.

232.2 *Identification.* The first paragraph of the *Verified Statement* must show the name, correct residence and business addresses, business or profession, employer if any, the relationship, if any, between the *Witness* and any *Party* to the *Proceeding* and the interest of the *Witness* and his employer in the *Proceeding*.

232.3 *Qualification.* The second paragraph of the *Verified Statement* must state the source of the knowledge of the *Witness* respecting the *Facts* to be stated and his experiential qualifications to give any opinions which are stated.

232.4 *Paragraphing and Content.* If in question and answer form, each question and otherwise each paragraph, shall be separately numbered and confined to the statement of a single subject or *Fact*. It shall state concisely, clearly and without repetition *Facts* or *Opinions* of the *Witness* dealing directly with a *Material Fact* respecting which *Testimony* is Competent and shall not contain statements of position, *Conclusions*, *Arguments* or improper, scandalous, impertinent or provocative language or accusations.

232.5 *Opinions.* If the *Witness* expresses an *Opinion* as to a *Material Fact*, he shall briefly, concisely and without argument give the grounds upon which he bases such *Opinion*.

232.6 *Verification and Attestation.* Each *Verified Statement* must be verified before an officer qualifed to administer oaths in the place where the statement is made and must affirmatively show that the facts stated are personally known to the *Witness*. The verification shall be attested by the signature, capacity and impression seal, if any, of the *Officer* administering the oath and the date thereof. The *Practitioner*, if any, of the *Party* submitting the *Verified Statement* must certify whether the *Verified Statement* was made or verified by the *Witness* in his presence.

232.7 *Filing and Service.* The original and two copies of each Verified Statement will be filed with *The Agency* within or at the time provided in Rules 204 or 205 and contemporaneously a copy served on each *Party*.

232.8 *Cross Examination.* An *Adversary Party* may cross examine (Rule 226) the *Deponent* of a *Verified Statement* either by a *Deposition* on cross interrogatories (Rule 233) or upon oral examination (Rule 234) or at an *Oral Hearing* if (1) the *Proceeding* shall have been directed to be heard by *Oral Hearing*, or (2) upon motion *Filed* and *Served* upon all *Parties*, and for good cause shown, the *Hearing Officer* so directs.

232.9 *Redirect Examination.* The *Party* tendering a *Witness* who has filed a *Verified Statement* and has been cross examined by cross interrogatories (Rule 233), within five days after answers to such cross interrogatories have been filed, may reexamine by *Deposition* upon oral examination or by redirect written interrogatories, a copy thereof being filed with *The Agency* and served upon all Parties. Any *Adversary Party* within five days thereafter, may send recross interrogatories to the Officer named in

the notice in the same manner as provided for cross interrogatories in Sub-Rule 233.1, but copies thereof need not be served on other *Parties*. All provisions of Rule 233 and its Sub-Rules, shall apply to redirect written interrogatories and recross written interrogatories, except the provisions (Sub-Rules 233.1, 233.2) for submission to and answer by the *Deponent* directly.

RULE 233—DEPOSITION UPON CROSS INTERROGATORIES

Within five days after the expiration of the time for filing a *Verified Statement* under Rules 204 or 205, any *Adverse Party* may cross examine a *Deponent* of a *Verified Statement* filed under either of said Rules by a *Deposition* upon cross interrogatories as follows:

233.1 *By Whom Taken.* An original and two copies of such cross interrogatories with each question separate and consecutively numbered, at the option of sender may be mailed under seal to the *Deponent* or to any person having an office in the metropolitan area of *Deponent's* residence or place of business, who is authorized to administer oaths, and who is not a *Party* or *Privy* to any *Party*, to or interested in the event of the *Proceeding;*

233.2 *Direct Answers.* Where the cross interrogatories are sent directly to the *Deponent*, he shall answer them personally in handwriting or typewriting without consultation with or advice from any person and verify them before any person authorized to administer oaths. Should he refuse or fail to do so within ten days, his *Verified Statement* will not be received in *Evidence;*

233.3 *Subpoena.* Except where the cross interrogatories are sent directly to the *Deponent*, the *Party* making same shall obtain from *The Agency* and forward with the cross interrogatories a *Subpoena* requiring the attendance of the *Deponent* before the *Officer* to whom sent at time and place named therein, which shall be served and returned as provided in Rule 227;

233.4 *Answers Before an Officer.* Where the cross interrogatories are forwarded to an *Officer* authorized to administer oaths as provided in Sub-Rule 233.1, the *Officer* taking the same after duly swearing the *Deponent*, shall read to him seriatim, one cross interrogatory at a time and cause the same and the answer thereto to be recorded in triplicate before the succeeding interrogatory is asked. No one except the *Deponent*, the *Officer* and the Court Reporter or stenographer recording and transcribing it shall be present during the interrogation.

(CAB 20 (f); SEC VIII (g); ICC 59 (b))

233.5 *Attestation and Return.* The *Officer* before whom cross interrogatories are verified (Sub-Rule 233.2) or answered (Sub-Rule 233.4) shall (1) certify under his official signature and seal that the *Deponent* was duly sworn by him, that the cross interrogatories and answers are a true record of the *Deponent's Testimony*, that no one except *Deponent*, the *Officer* and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a *Party, Privy* to a *Party*, or interested in the event of the *Proceedings*, and (2) promptly send by registered mail the original copy of the *Deposition* and *Exhibits* with his *Attestation* to the *Secretary* of *The Agency*, one copy to the *Counsel* who submitted the cross interrogatories and another copy to the *Deponent;*

233.6 *Notice.* The *Party* submitting the cross interrogatories at or before the date of transmitting them to the *Officer* (Sub-Rule 233.1) shall notify all *Parties* of the name and address of the *Officer* before whom they are to be taken, and any *Party* upon payment of the fees therefor shall be entitled to receive a copy of the *Testimony* and *Exhibits* of the *Deponent* at the same time the original is forwarded to *The Agency.*

233.7 *Fees and Expenses.* All fees and expenses of the *Witness* (Rule 223) of the *Officer* taking the *Deposition* and of the stenographer or *Court Reporter* recording it (except those described in Sub-Rule 233.6) shall be arranged for, advanced and paid by the Party submitting the cross interrogatories.

RULE 234—DEPOSITIONS

Except as otherwise provided, in an order made pursuant to Sub-Rule 234.4, any *Party* may take the *Testimony* of any person, including a *Party*, by *Deposition* upon oral examination or written interrogatories for the purpose of discovery or for use as *Evidence* in the *Proceeding* or for both purposes, except that leave, granted with or without notice, must be obtained if notice of the taking is served by a *Proponent* within thirty days after the filing of a *Complaint, Application*, or *Petition*. The attendance of witnesses may be compelled by the use of a *Subpoena* as provided in Rule 222. *Depositions* shall be taken only in accordance with this Rule and Rule 233.

(Identical with CR 26a. See ICA 12 (4) (6), 205 (d), 316 (a), 417 (a); ICC 57 (a) (c), 58; CAB 302.20 (a); FPC 1.24 (a) (b) (c); FTC XIX; M. C. 201.171, 201.172, 201.180)

234.1 *Scope.* Unless otherwise ordered as provided in Sub-Rule 234.4, the *Deponent* may be examined regarding any matter not *Privileged*, which is relevant to the subject matter involved in the *Proceeding*, whether it relates to the claim or defense of the examining *Party* or of any other *Party* including the existence, description, nature, custody, condition, and location of any books, documents or other tangible things and the identity and location of persons having knowledge of *Relevant Facts*. It is not ground for objection that the *Testimony* will be inadmissible if it appears reasonably calculated to lead to the discovery of *Admissible Evidence.*

(CR 26 (b); FPC 1.24 (g))

234.2 *Officer Before Whom Taken.* Within the United States or within a territory or insular possession subject to the dominion of the United States, Depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held; within a foreign country, *Depositions* shall be taken before a Secretary of an Embassy or Legation, Consul General, Vice Consul or Consular Agent of the United States, or a person designated by *The Agency*, or agreed upon by the *Parties* by *Stipulation* in writing filed with *The Agency.* Except by *Stipulation*, no *Deposition* shall be taken before a *Person* who is a *Party* or the *Privy* of a *Party*, or a *Privy* of any *Counsel* of a *Party*, or who is financially interested in the Proceeding.

(CR 29, ICA 12 (4); ICC 57 (b); FCC 1.822 (a); FPC 1.24; FTC XI (9))

234.3 *Notice or Agreement to Take.* A Party desiring the *Deposition* of any person upon oral examination shall give reasonable notice in writing to *The Agency* and all *Parties*. The notice shall state the time and place for taking the Deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a Party upon whom the notice is served, the *Hearing Officer* may for cause shown, enlarge or shorten the time. If the *Parties* so *Stipulate* in writing, *Depositions* may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other *Depositions;*

(CR 30 (a), 29 ICA 12 (4); ICC 58 (a); FCC 1.821 (a); FPC 1.24 (b); FTC XIX; M. C. 201.171; SEC VIII (a))

234.4 *Protection of Parties and Deponents.* After notice is served for taking a *Deposition* by oral examination, upon motion reasonably made by any *Party* or by the person to be examined and upon notice and for good cause shown, *The Agency* may make an order that the *Deposition* shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the *Parties* to the action and their officers or Counsel, or that after being sealed, the *Deposition* shall be opened only by order of *The Agency*, or that business secrets or secret processes, developments, or research need not be disclosed, or that the *Parties* shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by *The Agency;* or *The Agency* may make any other order which justice requires to protect the *Party* or *Witness* from annoyance, embarrassment, or oppression. At any time during the taking of the *Deposition*, on *Motion* of any *Party* or of the *Deponent* and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the *Deponent* or *Party, The Agency* or the District Court of the United States in the district where the *Deposition* is being taken, may order the officer conducting

the examination to cease forthwith from taking the *Deposition*, or may limit the scope and manner of the taking of the *Deposition* as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of *The Agency*. Upon demand of the objecting *Party* or *Deponent*, the taking of the *Deposition* shall be suspended for the time necessary to make a *Motion* for an order. In granting or refusing such an order, the District Court may impose upon either *Party* or upon the *Witness* the requirement to pay such costs or expenses as the Court may deem reasonable.

(CR 30 (b) (d); FCC 1.821 (b); FPC 1.24 (b))

234.5 *Examination and Cross Examination.* Examination and cross examination shall proceed as provided in Rules 225 and 226 except where the *Deposition* is taken pursuant to Sub-Rule 232.8, in which latter case the cross examination will begin first unless the *Party* who offered the *Verified Statement* desires to interrogate the *Deponent* further upon direct. In lieu of participating in the oral examination, any Party served with notice of taking a *Deposition* may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the *Direct Testimony* is complete shall propound them seriatim to the *Deponent* and record or cause the answers to be recorded verbatim.

(CR 26 (c), 30 (c); ICC 59 (b); FPC 1.24 (9); FTC XIX; M. C. 201.180)

234.6 *Recordation.* The officer before whom the *Deposition* is to be taken, shall put the *Witness* on oath and shall personally or by someone acting under his direction and in his presence, record the *Testimony* by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. *Objections* to the notice, qualifications of the officer taking the *Deposition*, or to the manner of taking it, or to the *Evidence* presented or to the conduct of the officer, or of any *Party*, shall be noted by the officer upon the *Deposition*. All objections by any *Party* not so made are waived. The *Deposition* shall be captioned and pages as provided in Sub-Rule 232.1 for *Verified Statements.*

(CR 30 (c); ICC 60; CAB 20 (b); FCC 1.822 (b); FPC 1.24 (e); M. C. 201.173; SEC VIII (b) (d) (e))

234.7 *Attestation and Return.* The officer shall certify on the *Deposition* that the *Witness* was duly sworn by him and that the *Deposition* is a true record of the *Testimony* given by the *Witness*. He shall then securely seal the *Deposition* in an envelope indorsed with the title of the *Proceeding* and marked "*Deposition* of (here insert name of *Witness*)" and shall promptly send it by registered mail to the *Secretary* of *The Agency* for filing. The *Party* taking the *Deposition* shall give prompt notice of its filing to all other *Parties*. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the *Deposition* to any *Party* or to the *Deponent.*

(CR 30 (b); ICC 63, 64, 65; FCC 1.824, 1.826; M. C. 201.175; M. C. 201.117; Deponent's signature required by CR 30 (e); ICC 62; FCC 1.823; M. C. 201.174)

234.8 *Use and Effect.* Subject to rulings by the *Hearing Officer* upon objections a *Deposition* taken and filed as provided in this Rule and its Sub-Rules shall be received but will not become a part of the Record in the *Proceeding* until received as provided in Article 26. A *Party* does not make a *Party*, or the *Privy* of a *Party*, or any hostile *Witness* his *Witness* by taking his *Deposition*. Any *Party* may rebut any *Relevant Evidence* contained in a *Deposition* whether introduced by him or any other *Party.*

(CR 26 (d) (f); ICC 67; CAB 20 (h))

234.9 *Fees of Officers and Deponents.* Deponents whose *Depositions* are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the District Courts of the United States, which fees shall be paid by the *Party* at whose instance the *Depositions* are taken.

(ICA 12 (7); ICC 57 (d); FPC 1.24)

RULE 235—ORAL HEARING

Whenever, because of the importance of the *Proceeding* to the public interest, or to the nature or complexity of the issues, or the desirability of observing the demeanor or conduct of *Witnesses* with respect to conflicting *Testimony*, or to guard against error or injustice, the *Hearing Officer* or *The Agency* finds that a *Proceeding* should be heard orally in whole or in part, either on its own initiative or upon the motion of any *Party*, it will be so ordered.

235.1 *Motion.* Any *Motion* for an *Oral Hearing* shall be promptly *Filed* and *Served* and shall set forth concisely, specifically and clearly the grounds upon which it is based.

235.2 *Reply.* Any *Party* within ten days thereafter, may *File* and *Serve* a *Reply* to such a *Motion* setting forth concisely, specifically and clearly the grounds of opposition to such *Motion*. No further *Pleadings* will be received.

235.3 *Order.* The order directing an *Oral Hearing* may (1) specify or limit the matters, or *Witnesses* to be orally heard, (2) prescribe special *Rules* of *Procedure* to govern such *Hearings*, (3) require that *Request* for *Findings* be filed or *Oral Arguments* be made at the conclusion of the *Testimony*, and (4) require that the *Initial Decision* of the *Hearing Officer* be rendered orally on the *Record* at the conclusion of the *Oral Hearing*, or on a specified day immediately thereafter.

(CAB 302.213, 302.408; FPC 1.20 (a), 1.22 (a); FTC XV, ICC 53 (a) (b); M. C. 201.112; SEC V (a) (b))

235.4 *Assignment.* *The Agency* at or after the order described in Sub-Rule 235.3, will assign a time and place for such *Oral Hearing* giving due regard to the convenience and necessity of the *Parties* so far as consistent with the proper, efficient and expeditious dispositions of its duties. Notice of such *Hearing* will be posted in the office of the *Secretary* of *The Agency* and served upon the *Parties.*

(CAB 302.24; FTC 1.803 (a) (b) (c); FTC XI; ICC 55 (a); M. C. 201.113; SEC III (b))

235.5 *Change in Assignment.* Upon its own motion, or for good cause shown, upon request of a *Party*, *The Agency* or *Hearing Officer* may change the time or place or continue or adjourn any *Oral Hearing.*

(ICC 55 (a); CAB 302.24; FCC 1.803 (a) (b) (c); FTC XI; M. C. 201.113; SEC III (b))

235.6 *Notice of Change of Assignment.* *The Agency* may confine the service of notice to a change of time or place assigned for *Hearing* (other than by publication or posting) or of any adjourned further or supplemental *Hearing* to *Complainants, Applicants, Petitioners, Defendants, Respondents*, and to such of the *Intervenors* only who have indicated to *The Agency* a desire to be notified at their own expense if telegraphic notice becomes necessary of any such changes, except that where an adjournment is made on the *Record*, no notice will be given.

(ICC 89 (b); FTC XV)

235.7 *Recordation.* The *Testimony* of *Witnesses* at *Oral Hearings* will be stenographically reported by the *Official Reporter* of *The Agency* under the direction of the *Hearing Officer*. A transcript thereof will be a part of the *Record* (Rule 209). Each question in said transcript will be separately and consecutively numbered. Corrections therein can be made as provided in Sub-Rule 209.2 and copies thereof obtained as provided in Sub-Rule 209.3.

(ICC 90 (a) (b) (c); FPC 1.20 (k); FTC XV; M. C. 201.135; SEC V (c))

RULE 236—EVIDENCE IN ANOTHER PROCEEDING

Evidence Competent under Rules 230 to 235 hereof and *Material* under Rule 250 given in another *Proceeding* or in any *Proceeding* in any court or *Authority* in the exercise of judicial or quasi-judicial powers will be received in *Evidence* only under the conditions prescribed in the Sub-Rules hereof:

(ICC 82)

236.1 *Stipulation.* Such *Evidence* may be received by *Stipulation.* (Rule 211)

236.2 *Unavailability of Witness.* Such *Evidence* will be received if the *Hearing Officer* finds that the *Person* who gave the *Evidence* is *Unavailable As A Witness* in the *Proceeding.*

(ICC 82 (c))

236.3 *Identity of Parties and Issues.* Such *Evidence* will be received if the *Hearing Officer* finds that the *Party Adversary* to the *Party* offering the *Evidence*, was a *Party* to the proceeding in which it was given; that the *Evidence* offered is for a purpose substantially identical with the purpose for which the *Evidence* was given; and that such *Party* had the opportunity to cross examine the *Witness* who gave the *Evidence.*

236.4 *Copy.* Such *Evidence*, if receivable under Sub-Rules 236.1 to 236.3 inclusive, will be limited to *Material* matter contained therein and all extraneous matter will be omitted. The *Party* offering the *Evidence* shall make available for inspection at a time and place fixed by the *Hearing Officer* a copy of the entire *Evidence* of the *Witness*, and if required by the *Hearing Officer*, with or without motion, include any or all of the omitted *Evidence*.

(ICC 82 (a) (b) (c))

236.5 *Authentication.* The copy of the *Evidence*, if receivable under Sub-Rules 236.1 to 236.4 inclusive, if the same be taken from the files of *The Agency*, may be proved as provided by Rule 241 and in all other cases as provided in Rule 262.

236.6 *Incorporation By Reference.* Except as may be directed by an order of *The Agency*, no such *Evidence* may be incorporated into the *Record* by reference.

(ICC 82 (d))

ARTICLE 24—DOCUMENTARY AND AUTOPTIC EVIDENCE

RULE 240—COMPETENCY

Where the existence, condition, form, execution or the contents, terms, or provisions of a *Document* or the existence or condition of an *Object* is a *Material Fact*, such *Document* or *Object*, subject to the *Rules* of this Article 24, will be received in evidence.

240.1 *Extraneous Matter.* Only *Material* matter contained in a *Document* will be received. Such matter must be separately offered as an *Exhibit*, but the entire *Document* be made available for inspection at the time and place fixed by the *Hearing Officer*.

(ICC 80; CAB 24 (h); FCC 1.874; FPC 1.26 (c); FTC XVIII; M. C. 201.127)

240.2 *Primary Evidence.* Except as otherwise provided in this Article 24, whenever the existence, condition, form or execution of a *Document* is a *Material Fact*, or the contents, terms or provisions thereof is a *Fact* in *Issue*, the executed original or an executed duplicate original of the *Document* itself, accompanied by such *Proof* of its lawful execution as may be required by law, must be produced.

240.3 *Secondary Evidence.* Where a term or provision of a *Document* is a *Material Fact*, but not a *Fact* in *Issue* or wherever in any case the *Party* offering the *Document* is unable in the utmost good faith and by due diligence to produce an original thereof, as provided in Sub-Rule 240.2, he may offer *Secondary Evidence* thereof.

240.4 *Foreign Language.* A *Document* written in any language other than English and any *Copies* thereof *Filed* and *Served*, shall be accompanied by an English translation thereof, the original or filed *Copy* of which shall be verified under oath by the translator.

(FCC 1.875; M. C. 201.9)

RULE 241—DOCUMENT IN AGENCY'S FILE

A *Copy* of any *Document* of which *The Agency* does not take *Official Notice* which is open to public inspection in the files of *The Agency*, if the matter therein be admissible under the *Rules* of *Evidence* (Article 25) may be proved by the *Testimony* of a person who made such *Copy* or who has compared it with the original *Document*.

(ICC 81; FCC 1.878; FPC 1.26 (2); M. C. 201.132)

241.1 *Records in Other Proceedings.* A *Copy* of any portion of a record (*Pleadings*, *Testimony*, *Documents*, or *Objects*) in another *Proceeding* before *The Agency*, if the matter therein be admissible under the *Rules* of *Evidence* (Article 25) may be proved by the *Testimony* of the *Person* who made the *Copy* or who has compared it with such record. Incorporation by reference will not be permitted.

(ICC 82; CAB 24 (i); FPC 1.26 (3); M. C. 201.131)

RULE 242—DOCUMENTS ON FILE WITH ANOTHER AGENCY OR GOVERNMENT

A Document on file with, or record entry of another *Agency*, or a Foreign State or Government, of which *The Agency* does not take *Official Notice* or the lack of record of same, if the matter therein be *Admissible* under These Rules, may be proved as follows:

242.1 *Official Publication.* If the Document purports to be an *Official Publication* of such Agency, it, without further Proof, will be taken as *prima facie* evidence that it is a true Copy thereof.

242.2 *Attested Copy.* By a *Copy* of such *Document* or record entry attested by an *Officer* of such Agency purporting to have legal custody of the original thereof.

242.3 *Foreign Government.* By a Copy of a Document or record of entry of a Foreign State or Government certified by an *Officer* of such Government who purports to have legal custody of the original thereof which latter fact is authenticated by the certificate under seal made by a Secretary of the Embassy or Legation, Consul General, Consul, Vice Consul, or any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept that the Copy has been certified by the lawful custodian thereof.

(28 USCA 1741)

242.4 *Lack of Record.* By a written Statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry.

(CR 44 (b))

242.5 *Other Proof.* By any other method of Proof authorized by the Federal Rules of Civil Procedure.

(CR 44; ICC 78; FCC 1.879; 1.880)

RULE 243—LITERARY PUBLICATIONS

A *Literary Publication* containing a statement of a *Material Fact* is *Competent* if *The Agency* or the *Hearing Officer* finds by *Official Notice* or from other *Proof* that:

243.1 *General Information.* Such *Fact* is one of public information, history, general literature, science, art or a public event and the *Publication* is generally recognized as a reliable source thereof or the author is recognized as an expert in the field, or

243.2 *Statistical Information.* Such *Fact* is one of statistics within a particular field of professional, business, educational, social or political endeavor or activity generally used and relied upon by persons engaged therein, or

243.3 *Technical Information.* Such *Fact* is one peculiar to the field within which *The Agency* functions and with respect to which it is deemed to be expert.

RULE 244—BUSINESS RECORDS

Any *Writing* or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, is *Competent Evidence* thereof if made in regular course of any *Business* and if it was the regular course of such *Business* to make such memorandum or record at the time of such act, transaction, occurrence, or event, or within a reasonable time thereafter.

(28 USCA 1732)

244.1 *Photographic Copies.* If any *Business* which has kept any such *Writing* or record as provided in this Rule 244 and in the regular course of *Business* has caused any or all of the same to be accurately recorded, copied or reproduced by photographic or photostatic process, such reproduction when satisfactorily identified is as *Competent* as the original itself, which also if in existence may also be introduced either in lieu of or in addition to such photographic reproduction.

(28 USCA 1732 as amended August 28, 1951)

RULE 245—PRIVATE DOCUMENTS

Private *Documents*, the existence, condition, form, execution, terms or provisions of which are admissible under Article 25 hereof, may be proved by *Primary Evidence* or *Secondary Evidence* as provided in Sub-Rules 240.2 and 240.3.

RULE 246—VOLUMINOUS EVIDENCE

Where the results of voluminous *Material Facts* contained in *Writings* or of an examination of many *Writings*, books, papers or records are to be proved, a *Witness* who examined or compiled them or supervised their examination or compilation may testify as to such results under the following conditions:

(20 Wall. 125; 86 SC 91; 67 SE 1069)

246.1 *Inspection.* If the existence, condition, form or execution thereof be a *Material Fact*, any *Party* by timely motion shall be entitled to examine, inspect and copy any of the original documents at such time and place and under such reasonable conditions as the *Hearing Officer* shall fix or the *Parties* agree upon by *Stipulation*.

(80 F. 32)

246.2 *Abstracts.* In any *Proceeding* in which an *Amount* is offered to be proved under this Rule 246, the *Party* offering the *Witness* may, and upon demand of any *Party* or the *Hearing Officer* shall concisely abstract the *Documents* or entries in which the details thereof apear and, if required by the *Hearing Officer*, with or without motion, such abstract or any specified parts thereof, shall be made an *Exhibit* if it appears that said details do not support or are in any way inconsistent or contrary to the *Testimony* of the *Witness*.

(ICC 83)

246.3 *Working Papers.* A *Party* offering a *Witness* under this Rule 246, at the time the *Testimony* is offered, may *File* and *Serve* upon the *Parties* copies of all or part of *Working Papers* used by the *Witness* in summarizing the *Documents* and in such event for good cause the *Hearing Officer* may direct that same be incorporated into the *Record* as an *Exhibit*. All such *Working Papers*, copies of which are not so furnished, shall be made available for examination, inspection or copying by any *Party* at reasonable times and notice at the office of the *Witness*, or the *Hearing Officer*, with or without motion, may direct that all or specified parts of said *Working Papers* be produced at such time and place as he shall designate for examination, inspection and copying by any *Party*.

RULE 247—SURVEYS

Whenever a *Material Fact* respecting the *Amount*, time, cost, market, life, age, nature, class, characteristics, conditions, methods, practices, facilities, *Operations*, *Service*, *Traffic*, *Business*, or *Articles* of *Commerce* is obtained from a number of different *Persons*, a summary analysis or compilation of their written answers to a uniform questionnaire calling for such information is *Competent* under the following conditions:

247.1 *Proof.* Such summary analysis or compilation must be offered by a *Witness* qualified as an expert in the particular field of inquiry who conducted or supervised the survey and made or supervised the summary analysis or compilation of the answers to the questionnaires.

247.2 *Signature.* The answers to each questionnaire must be signed by the person returning same.

247.3 *Instructions.* Uniform, clear, unequivocal written instructions or supplements thereto for answering the questionnaire must accompany it.

247.4 *Questions.* The questions must be concise, clear, direct, unequivocal and non-leading.

247.5 *Answers.* The answers must be direct, responsive and without the expression of opinion, comment or arguments.

247.6 *Abstracts.* The *Party* offering the *Witness* under Rule 247 may, and upon the demand of any *Party* or the *Hearing Officer* shall make available for inspection at reasonable times and places, which if not agreed to by the *Parties* will be fixed by the *Hearing Officer*, a concise abstract of the answers to the questionnaire separately for each person answering showing his name, occupation, relation to any *Party* and his home or business address, and the *Hearing Officer*, with or without motion, may require such abstract or specified parts thereof to be *Filed* and *Served* as an *Exhibit* if it appears that the information therein does not support or in any way is inconsistent or contrary to the *Testimony* of the *Witness*.

247.7 *Inspection.* Any *Party*, by timely motion, shall be entitled to examine, inspect the original of any of the questionnaires or answers thereto, together with all *Working Papers* used by the *Witness* in making his analysis, summary or compilation thereof, at such time and place and under such reasonable conditions as the *Hearing Officer* shall fix or the *Parties* agree upon *Stipulation*.

247.8 *Cross - Examination.* A n y *Party* may cross examine any person answering the questionnaire with respect to any answers made by him either by cross interrogatories (Rule 233). *Deposition* (Rule 234) or directed by the *Hearing Officer* at an *Oral Hearing* (Rule 235) but the *Hearing Officer*, with or without motion, will limit the number of the persons who may be so cross examined where so required under the *Cumulative Evidence Rule* (Rule 259).

RULE 248—AUTOPTIC EVIDENCE

Where the existence, body, form, shape, size, dimensions, nature, characteristics or condition of an *Object* is a *Material Fact*, such *Object* or *Secondary Proof* thereof is *Competent* under the following conditions:

(232 F. 613, 616)

248.1 *Exhibit.* Where the *Object* is identified by other *Competent Evidence* and is moveable, not too large, bulky, unwieldy or cumbersome, it may be made an *Exhibit*, otherwise, and as directed by the *Hearing Officer*, it may be presented at a time and place fixed by him for inspection and examination by the *Hearing Officer* and the *Parties* in which case *Secondary Proof* thereof may be offered by any *Party*.

248.2 *Motion Pictures or Recordings.* Upon motion, proper identification and for good cause, the *Hearing Officer* may permit motion pictures to be exhibited, with or without accompanying recorded speech, or other sounds recorded by phonograph, dictograph or similar devices, or means to be reproduced, and in such case *Secondary Proof* thereof may be offered by any *Party*.

(71 ALR 1.5, 12 ALR 352, 361; 275 NW 620)

248.3 *Secondary Proof.* In any case in which *Autoptic Evidence* is admissible under This Rule 248 or the foregoing Sub-Rules, *Secondary Proof* thereof is *Competent* by (but not exclusively) photographs, maps, plats, diagrams, sketches, X-Ray, skiagraphs, radiographs, models, casts, fingerprints, or by *Testimonial* description.

(FCC 1.877)

248.4 *Handwriting.* The admitted or proved handwriting of a person or any exact photographic reproduction thereof, is *Competent* for the purposes of comparison, to determine genuineness of other handwriting attributed to such person.

(USCA Title 28, Cap 115, SEC. 1731)

RULE 249—EXHIBITS

All *Competent Documents* and *Objects* under this Article 24 and *Verified Statements* (Rule 232), *Depositions* (Rule 233 and 234), and *Testimony* reduced to writing or tabular form (Sub-Rule 230.5) and *Evidence* in another *Proceeding* (Rule 236) will be received in *Evidence* as *Exhibits* under the following conditions:

249.1 *Formal Requisites.* Except in the case of original *Documents*, or as otherwise directed by the *Hearing Officer*, all *Exhibits* shall be printed on sheets 8½ inches from side to side and 11 inches from top to bottom and all other *Exhibits* on the same size sheet or a multiple thereof. In all other respects, *Exhibits* shall as far as possible conform to the requirements prescribed for *Procedural Instruments*. (Rule 101)

(ICC 84; FPC 1.26 (4); FTC XII)

249.2 *Identification.* All *Documents* produced by each *Witness* shall be assembled, bound together as a single *Exhibit* and consecutively paged beginning with Page 1. The title page shall show the correct style of *The Proceeding*, the name of the *Party* by whom tendered, the name of the *Witness*, a concise statement of the *Material Facts* to which the *Exhibit* relates, and an index which shall separately list each *Material Fact* discussed and the page number where discussed. Any *Exhibit* material offered by the *Deponent* of a Verified *Statement* or *Deposition* shall be made a part of the same *Exhibit* as such *Statement* or *Deposition* and any cross references shall be by page number. The *Exhibits* of each *Party* shall be consecutively numbered on the title page before filing or service.

(I. C. C. 84 (a); FTC XII)

249.3 *Documentation.* A statement in the textual part of a *Verified Statement* and in all tables of or references to *Charges*, Amounts, costs, prices of any *Material Fact* based upon anything except the personal knowledge of the Witness, shall be *Documented* by footnotes on the page or pages where the same appears, specifying the *Tariff*, schedule, or other authority or source of the information.

(I. C. C. 84 (b))

249.4 *Copies.* Unless for good cause shown, the *Hearing Officer* shall otherwise direct the original and three (3) exact *Copies* of each *Exhibit* shall be filed with *The Agency* and an exact *Copy* simultaneously served on each *Party*.

(I. C. C. 84 (c) (d); C. A. B. 24 (f); F. C. C. 1.876; F. P. C. 1.26 (5))

249.5 *Retention of Exhibits.* After an *Exhibit* has been filed and received in *Evidence*, it may not be withdrawn except by consent of the *Parties* and approval in *Writing* or upon the *Record* by the *Hearing Officer*. An *Exhibit* may be withdrawn by the *Party* who offers it at any time before it is received in *Evidence*. Unless the *Hearing Officer*, for good cause otherwise directs, an original or duplicate original executed instrument tendered for examination may be withdrawn if the *Party* offering it tenders an exact *Copy* thereof, or if so directed by the *Hearing Officer*, a photographic reproduction thereof.

(C. A. B. 302.7, 24 (g))

249.6 *Late Filed Exhibits.* Except for good cause and by an express order or direction of the *Hearing Officer*, or as provided in this Sub-Rule, neither the *Hearing Officer* nor *The Agency* will receive in *Evidence* any *Exhibit* or *Document* not filed and received in *Evidence* prior to the *Close of the Production of Proof*. In the event such an express order or direction be made, any *Party* by *Motion* filed within ten (10) days thereafter, for good cause, will be permitted to cross examine with respect to, or *Rebut* an *Exhibit* so permitted at such time and place and by such method of *Proof* as the *Hearing Officer* or *The Agency* shall direct. Before the *Close of the Production of Proof*, the *Hearing Officer* may, with or without Motion, but with consent of the *Parties*, direct a *Party* to furnish specific additional *Documentary Evidence* supplementary of the existing *Record* within a stated period of time.

(I. C. C. 66; C. A. B. 302.7; M. C. 201.133)

ARTICLE 25—ADMISSIBILITY OF EVIDENCE

RULE 250—MATERIALITY

Competent Evidence (Articles 22, 23 and 24) of a Material Fact Admissible under any provisions of this Article 25 or, unless expressly excluded by a provision of this Article, under the rules of *Evidence* governing *Proceedings* in matters not involving trial by jury in the courts of the United States, will be admitted in the *Proceeding*.

(I. C. C. 75; A. P. A. 7 (c); F. C. C. 1.871; F. P. C. 1.26; M. C. 201.121)

RULE 251—DIRECT EVIDENCE

Competent Evidence, which if true, directly without any inference or presumption, conclusively proves the existence or non-existence of a *Fact in Issue*, is *Admissible*.

RULE 252—CIRCUMSTANTIAL EVIDENCE

Competent Evidence of the existence or non-existence of a *Fact*, which if true, directly, certainly and without speculation, conjecture, qualification or exception, when taken together with other *Evidence*, renders probable the existence or non-existence of a *Fact in Issue*, is *Admissible*.

(73 A. 231, 33 A. 998; 59 N. H. 332, 338; 219 F. 619; 150 U. S. 57; 251 F. 25; 92 N. E. 774; 92 U. S. 281)

252.1 *Predicative Facts.* A *Fact* necessary to prove the predicate of a *Presumption* or to introduce, establish the identity, fix the time or place of, show the genuineness, relationship, cause or *Relevancy* of, or opportunity for the occurrence, existence, condition of a *Material Fact* is *Admissible*.

(27 N. E. 339; 695 S. E. 24; 117 N. W. 338; 82 A. 218; 143 F. 729)

252.2 *Explanatory Facts.* A *Fact* which explains, supplies a motive or constitutes preparation for, shows conduct apparently influenced by or in consequence of, or supports or rebuts an inference suggested by a *Material Fact*, is *Admissible*.

(16 How. 614; 117 U. S. 591; 22 P. 232; 246 F. 936; 111 U. S. 216)

RULE 253—RES GESTAE

Every *Fact* which is a part of the same transaction as a *Fact* in *Issue* is a *Material Fact*, *Competent Evidence* of which is *Admissible*.

(13 Wall. 3; 95 N. Y. 274)

253.1 *Attendant Circumstances.* Accompanying *Facts* showing the nature, condition, appearance, purpose, occasion or object of a *Fact* in *Issue*, are *Material Facts* which will be received in *Evidence*.

(56 N. Y. 95, 102; 79 N. Y. 546)

253.2 *Conspiracies.* Everything said, done, or written by any conspirator in the execution or furtherance of the common purpose is *Admissible* against all conspirators where the conspiracy, or its effects, consequences or results, is a *Material Fact*.

(65 P. 964; 113 F. 49)

253.3 *Spontaneous Reactions.* A spontaneous reaction, act or statement, reasonably appearing to have been evoked or prompted by the occurrence of a *Material Fact*, which it narrates, describes, qualifies, characterizes or explains, is *Admissible* if made while the reactor was (1) *Perceiving* such *Material Fact* or immediately thereafter, or (2) was under the stress of a nervous excitement caused by such *Perception*.

(116 U. S. 161; 100 F. 738)

RULE 254—SIMILAR FACTS

Evidence of a *Fact* similar to or resembling but not connected with a *Material Fact*, will not be received as *Evidence* of the existence or non-existence of such *Material Fact*, except as provided in the following Sub-Rules:

(C. A. B. 302.216)

254.1 *Causation.* Where the issue is as to the cause of a *Material* condition or occurrence, Evidence that similar occurrences or conditions under identical circumstances have been produced by a particular cause, is *Admissible*.

(177 F. 109)

254.2 *Knowledge or Intent.* Where the existence or nonexistence of intention, knowledge, good or bad faith, mental or physical state or feeling is *Material*, *Evidence* of similar *Facts* under like circumstances is *Admissible*.

(80 N. Y. 373; 132 Mass. 316; 56 F. 2d 700)

254.3 *Course of Conduct.* Evidence of the existence of a course of conduct or dealing of a Person is *Admissible* to show that a *Material* act was done in accordance therewith.

(145 F. 829)

254.4 *Habit or Custom. Evidence* of a course of behavior regularly repeated in like circumstances of a person or a group of persons is *Admissible* to prove that his or their behavior or a specified occasion conformed to the habit or custom.

(A. L. I. 307; 117 U. S. 591)

254.5 *Experiments. Evidence* of the result of an experiment in which the essential conditions of a *Material Fact* are precisely duplicated, is *Admissible*.

(10 How. 419; 241 F. 575)

RULE 255—INDIRECT EVIDENCE

Evidence of a *Fact* not *Perceived* by, or of an *Opinion* or the grounds therefor not held by the *Witness*, or of a *Document* or *Object* other than by the *Document* or *Object* itself, will not be received in *Evidence* except (1) as otherwise expressly provided in Rules 254 to 258 inclusive, or (2) where *Secondary Proof* is *Competent* under the provisions of Article 24, or (3) as expressly provided in one of the following Sub-Rules:

255.1 *Direct Hearsay.* A statement or *Conduct* amounting to or intended as a Statement of a *Material Fact* made by a person who claimed to have *Perceived* such *Fact*, is *Admissible* if such person is (1) *Unavailable As A Witness*, or (2) is present and subject to cross examination.

(A. L. I. Rule 503)

255.2 *Mental or Physical Condition.* A statement, reaction or conduct made in good faith by a person *Unavailable As A Witness* of such person's then existing state of mind, emotion or physical condition remembered or believed to have been produced by a *Material Fact* of which such person then had personal knowledge, is *Admissible*.

RULE 256—ADMISSIONS

Subject to the limitations of the Sub-Rules of this Rule 255, a voluntary, unequivocal, certain, non-conjectural statement, oral or written, or *Conduct* intended as or amounting to such a statement, by an *Adversary Party*, or his *Privy*, of a *Material Fact*, will be received in *Evidence* against such *Adversary Party*, but not in his favor or behalf.

(76 N. E. 551; 139 S. W. 292; 195 F. 715; 148 F. 399, 412; 219 F. 551)

256.1 *Authorized or Adopted.* Such a statement or *Conduct* of a third person is *Admissible* if such person was authorized by such *Party* to make statements for him concerning the subject matter of the statement or conduct, manifested his adoption or approval or belief in the truth thereof.

(A. L. I. 507)

256.2 *Vicarious Admissions.* Such a statement or *Conduct* by a third person is *Admissible* against such *Adversary Party* if the *Hearing Officer* finds that

(1) it was within the scope of and during the *Agency* or employment of such third person by such *Adversary Party*, or (2) such statement or *Conduct* relates to the plan or subject matter of during and before complete execution of a conspiracy in which such third person and such *Adversary Party* were participants, or (3) such statement or *Conduct* tends to establish a legal liability of such third person the existence of which is a *Material Fact*.

(A. L. I. 508; 3 Wall. 114; 250 F. 747; 179 U. S. 494; 72 N. Y. 70)

256.3 *Acquiescence.* Such a statement made in the presence or hearing of the *Adversary Party*, or in a *Writing* communicated to him, is *Admissible* against him only where the *Hearing Officer* finds that the nature of the statement and the circumstances under which it was made, heard, or communicated are such as to render a reply, natural or proper if he did not acquiesce therein.

(145 F. 664; 213 F. 763)

256.4 *Compromises.* A statement made by a *Party* with an express or implied qualification that it shall be without prejudice or offers or statements made during negotiations for a compromise of a claimed right or liability will not be received in *Evidence*.

(101 U. S. 263)

256.5 *Entire Statement.* In any case in which such statement or *Conduct* is *Admissible* under any of the provisions of this Rule 256 or its Sub-Rules, the entire statement or *Conduct* will also be received upon the offer of any *Party* or upon the direction of the *Hearing Officer*.

(88 A. 702, 119 F. 154)

RULE 257—DECLARATIONS

A *Declaration* not expressly *Admissible* by another Rule of this Article or of Article 24 made by a person who is not a *Party* or the *Privy* of a *Party*, will be received in Evidence only under the conditions set out in the Sub-Rules hereof:

257.1 *Regular Course of Business.* A *Declaration* of a *Material Fact* other than a *Fact in Issue*, made by a person shown to have knowledge thereof and to be without motive to misrepresent, made in the regular course of any *Business* when it was the regular course of such *Business* to make such *Declarations* will be received in *Evidence*.

257.2 *Against Interest.* A *Declaration* of a *Material Fact* made by a person shown to have knowledge thereof and to be without motive to misrepresent, is *Admissible* where the *Hearing Officer* finds to have been so far contrary to the declarant's pecuniary or proprietary interest, or so far subjected him to civil or criminal liability, or so far rendered invalid a claim by him against another or created such a risk of making him an object of hatred, ridicule or social disapproval in the community, that a reasonable man in his position would not have made the *Declaration* unless he believed it to be true.

(A. L. I. 509, 212 F. 278)

RULE 258—OPINION TESTIMONY

Except as expressly permitted under other Rules of Article 23, 24 and 25, the *Opinion* or *Conclusion* of a *Witness* with respect to a *Material Fact*, will be received in *Evidence*, only under the following conditions:

(111 U. S. 612; 88 F. 243, 249) *

258.1 *Testimony in Terms of Opinion.* In testifying to what he has *Perceived*, a *Witness* may give his *Testimony* in terms which include inferences and may state all *Relevant* inferences not embracing a conclusion as to a *Fact in Issue*, unless the *Hearing Officer* finds, with or without motion, either (1) that to draw such inferences requires a special knowledge, skill, experience or training which the *Witness* has not been shown to possess, or (2) that the *Witness* can readily and with equal accuracy and adequacy communicate what he has *Perceived* without testifying in terms of inferences of stating inferences and his use of inferences in testifying will be likely to mislead to the prejudice of the objecting *Party*.

(A. L. I. 401; 190 U. S. 548; 59 F. 75; 147 F. 140)

258.2 *An Expert Witness.* A *Witness* whom the *Hearing Officer* finds has special knowledge, skill, experience or training requisite to perceive, know or understand a *Material Fact* which requires special knowledge, skill, experience or training, will be permitted to testify as to his opinion respecting such *Material Fact, other than a Fact in Issue*, and the reasons or grounds upon which such *Opinion* is based.

(A. L. I. 402; 165 U. S. 373)

RULE 259—UNNECESSARY EVIDENCE

The public interest requires, and it is the duty of the *Hearing Officer*, of the *Parties* and of all *Practitioners* as officers of *The Agency*, to cooperate in every reasonable way to expedite the *Proceeding* by excluding and refraining from offering unnecessary, repetitious or cumulative *Evidence*.

259.1 *Uncontroverted Fact.* Except with respect to a *Fact in Issue*, *Evidence* of a *Material Fact* which is admitted of *Record* by the *Parties*, will not be received. Where a *Fact* in *Issue* is not disputed, *Evidence* of such *Fact* will not be received beyond that which, if true, is sufficient to prove such *Fact*, unless the *Hearing Officer* finds for reasons stated on the *Record*, that the public interest requires additional *Evidence* thereof.

259.2 *Cumulative Evidence.* After *Evidence* has been received which, if true, would prove the existence or non-existence of a *Material Fact*, no further *Evidence* will be received from the same *Party* or any other *Party* having substantially the same interest in the *Proceeding*, with respect to the existence or non-existence of such *Fact*, unless the weight or credibility of such original *Evidence* is challenged by an *Adversary Party*.

259.3 *Challenge.* Upon the introduction of such original *Evidence*, the *Party* offering the same, may, and if directed by the *Hearing Officer*, shall state whether or not he has other *Witnesses* who will testify to substantially the same *Fact* or to substantially similar *Facts* which are *Relevant* to the same *Fact in Issue* in which case any *Adversary Party* may specifically and in detail challenge the statement as to the existence of such *Evidence*, the weight to be given it or the credibility of the *Witness* or *Documentary Evidence* which is tendered.

259.4 *Corroboration After Challenge.* Where such original *Evidence* is so challenged, the *Party* offering the same, may introduce *Evidence* confined to *Facts* which tend to corroborate such Evidence or to establish the credibility thereof insofar as the same is so specifically challenged.

259.5 *Number of Witnesses.* Where the *Hearing Officer* finds that the existence or non-existence of a *Fact in Issue* may be inferred from specific *Relevant*, but collateral *Facts* identical or similar in nature to one another, he, with or without motion, shall limit the number of *Witnesses* as to such collateral *Facts* to such a number as will be sufficient, if believed, to warrant or rebut the drawing of such an inference, unless the *Parties Stipulate* that one *Witness* shall be produced and examined in support and one in rebuttal of such *Fact in Issue* and that each *Party* has available other *Witnesses* whose *Testimony* on both direct and cross-examination would be substantially to the same effect as that of the single *Witness* introduced by him.

ARTICLE 26—RECEPTION OF EVIDENCE

RULE 260—OFFER OF EVIDENCE

An offer of Evidence may be made by a Party at the time and in the manner provided in Articles 20, 22 and 23, by either (1) interrogation of a *Witness* at *an Oral Hearing* upon direct, cross, redirect or recross examination; (2) *Filing* and *Service* of the *Verified Statement* of a *Witness;* (3) *Filing* and *Service* of a *Deposition* of a *Witness*, or (4) *Filing* and *Service* of *Documentary Evidence* which is not required under these Rules to be verified by a *Witness*. *Evidence* introduced by a *Hearing Officer* by interrogation of *Witnesses* or by directing the *Filing* and *Service* of *Documentary Evidence* will be received without formal offer.

(F. P. C. 1.20 (j); M. C. 201.124)

260.1 *Depositions.* Where all of the questions and answers of a *Witness* upon *Deposition* are offered, the offer may be made by designating the name and address of the *Witness*, the time and place where, and the Officer before whom taken. In all other cases, the offer must be made by *Filing* and *Service* of each

* The general rule that facts, and not conclusions, should be stated, is a wise and salutary one, and cannot be too strictly followed. It tends to prevent fraud and perjury, and is one of the strongest safeguards of personal liberty and private rights. Whenever it is doubtful whether a case falls under the rule, or under one of its exceptions, the wise course is to place it under the rule.

question and answer, numbered as in the original document, and the number and title of any *Exhibits* thereto. In such latter case any other *Party* within five days thereafter, if no *Oral Hearing* is held, otherwise at such *Oral Hearing* may either (1) offer the entire Deposition, or (2) by *Filing* and *Service* of specified questions and answers or Exhibits identified as above provided.

(I. C. C. 67; F. C. C. 1.825, 1.873, 1.826; F. P. C. 1.24 (h); M. C. 201.134)

RULE 261—OBJECTIONS

Objections to the receipt in *Evidence* of *Testimony* or *Documentary* or *Autoptic Evidence*, shall be made at the time and manner as specified in the Sub-Rules hereof and unless so made, will be considered as waived unless the *Hearing Officer* or *The Agency* of his or its own motion, rejects the Evidence as inadmissible under these Rules.

(I. C. C. 87; C. R. 46; C. A. B. 20 (c) (d); F. C. C. 8.25 (b); F. T. C. XVIII; S. E. C. VIII (c))

261.1 *Form.* The ground of an objection shall be specific with citation of the Rule hereof under which it is claimed that the *Evidence* is inadmissible without argument or citation of other authority and unless so made, will be disregarded.

(C. A. B. 20 (c) (d); S. E. C. VIII (c))

261.2 *Reply.* The Party offering the *Evidence* may, and if called upon by the *Hearing Officer*, shall without argument, or debate, state the ground and cite the Rule hereof under which it is claimed that the *Evidence* is *Admissible*. If the objection be made at an *Oral Hearing*, such reply shall be immediately made on the *Record* following the objection, otherwise, it shall be made in writing within five (5) days after the objection or motion is *Filed* and *Served* as provided herein.

261.3 *Verified Statements.* Objections by an *Adversary Party* to *Evidence* contained in a *Verified Statement* shall specify the particular numbered question or paragraph to which it relates or the particular sentence, or clause thereof if it does not relate to the entire paragraph. Such objection shall be made at the time such *Adversary Party* is required to produce his *Proof* in answer or Rebuttal of such *Verified Statement*. The interrogation of the *Witness* by cross interrogatories or by *Deposition* will not waive the right to object to statements in such *Verified Statements* but if such objection is sustained, both the *Evidence* in the *Verified Statement* and in the cross-interrogatories or the answers thereto or cross questions and answers thereto in *Depositions* respecting such *Evidence*, shall be excluded.

261.4 *Depositions.* All objections to the taking of a *Deposition* or to the notice thereof or to the qualifications of the officer taking the same or to the manner of taking it or to the conduct of any *Party* at the taking or to errors of any kind which might be obviated, removed or cured, if promptly presented, or to a question or an answer are waived unless seasonable objection thereto is made at the time such error occurs. Such objections will be noted by the officer upon the *Deposition*. Objections to questions or answers in cross interrogatories may be made by the *Adversary Party*, either at the time the same are taken, in which case they shall be noted on the record by the officer taking the *Deposition*, or at the time such *Adversary Party* is required to produce *Proof* under the Rules hereof in answer or *Rebuttal* of the Evidence contained therein.

(I. C. C. 61; F. C. C. 1.825 (a) (b) (c); C. R. 32)

261.5 *Oral Testimony.* Objection to a question or answer given by a Witness at an *Oral Hearing*, shall be made at the time such question is asked, if the objection be to the question or at the time such answer is given if the objection be to the answer.

261.6 *Documentary or Autoptic Evidence.* Where *Documentary* or *Autoptic Evidence* is offered at an *Oral Hearing*, objection thereto may be made after the *Adversary Party* has had the opportunity of inspection and cross examination and at such time as the *Hearing Officer* shall call for objections thereto. Objections to *Documentary* or *Autoptic Evidence* offered in connection with *Verified Statements*, answers to cross interrogatories or *Depositions*, shall be made at the time that objections are required to be made to statements or questions and answers contained therein under the Sub-Rules of this Rule.

261.7 *Motion to Strike.* Any Party may move to strike as inadmissible any *Evidence* on any ground upon which an objection to the *Evidence* might have been seasonably made if the *Hearing Officer* finds either (1) that the ground of inadmissibility of the *Evidence* was offered or received, or (2) that for any other reason the movant in the exercise of due diligence was unable to make or was prevented from making seasonable objection thereto. In any event, such motion will be entertained only if promptly made with service of notice after the discovery of the claimed ground of inadmissibility.

261.8 *Continuing Objections.* Unless otherwise directed by the *Hearing Officer* an objection to a question which has been overruled will be deemed to be made to all succeeding questions of the same or different Witnesses and to have been overruled and such objection shall not be repeated.

RULE 262—RULINGS

The *Hearing Officer* will promptly rule upon both all objections to, or *Motions to Strike Evidence* at the time the same are made. Where such objection or motion is not made or required to be made at an *Oral Hearing* under these Rules, such ruling will be made within two (2) days and notice of such ruling given to all *Parties*. Such ruling shall cite the applicable Rule or Rules hereof upon the authority of which it is made. No interlocutory appeal from the *Ruling* of the *Hearing Officer* will be permitted. *The Agency* if proper *Exception* be taken thereto (Rule 265), will consider the objection upon petition for review.

(C. A. B. 24 (d); F. P. C. 1.26 (b), 1.28 (a), 2.20; F. T. C. XVIII; M. C. 201.126; S. E. C. X (h))

RULE 263—OFFER OF PROOF

A *Party* who has offered *Evidence* which has been rejected or excluded by Ruling of the *Hearing Officer*, may make an *Offer of Proof* consisting of a concise statement of the substance of the *Evidence* which would be adduced by oral *Testimony* or if the excluded *Evidence* consists of *Documentary* or *Autoptic Evidence*, the *Documents* or *Objects* properly marked for identification as offered and excluded, will accompany but not be made a part of the *Record* unless and until such *Ruling* is modified, revised or set aside. Such *Offer* at an *Oral Hearing* shall be made immediately following the announcement of the Ruling of the *Hearing Officer*. In other cases it shall be made in writing, *Filed* and *Served* within five days after the *Ruling* of the *Hearing Officer* has been served as provided in Rule 262.

(C. A. B. 24 (e); F. P. C. 1.28 (b); I. C. C. 84 (e))

RULE 264—EXCEPTIONS TO RULING ON ADMISSIBILITY

Within twenty days after the *Close* of the *Production of Proof* (Rules 204 and 205) any *Party* may file and serve an *Exception* to the *Ruling* of the *Hearing Officer* sustaining or overruling an objection to the receipt of or a motion to strike *Evidence* under the following Sub-Rules:

264.1 *Single Pleading.* If the *Party* takes *Exception* to more than one such *Ruling*, all shall be included in the same *Pleading*.

264.2 *Specification.* Such *Exception* shall refer specifically to the particular place in or *Document* of the *Record* in which such *Ruling* appears including, in the case of continuing objections, questions of like import permitted to be answered.

264.3 *Citation.* Such *Exception* shall not be argumentative but may contain, without comment, citation to authority deemed to support the *Exception*.

264.4 *Replies.* Reply to *Exceptions* will be permitted if and only if the *Hearing Officer* of his own motion shall be so direct, and if so permitted, shall be confined to a citation of authority deemed to support the *Ruling*, but without argument.

264.5 *Disposition of Exceptions.* The *Hearing Officer's* denial of the *Exceptions* within reasons thereof, will be made in the *Initial Decision*. If the *Exception* in whole or in part be sustained by the *Hearing Officer*, his action thereon will be taken pursuant to Rule 265.

264.6 *Waiver.* Failure of a *Party* to file an *Exception* to a *Ruling* of the *Hearing Officer* respecting the *Admissibility* of *Evidence*, will constitute a waiver of all objections to such *Ruling*.

RULE 265—REOPENING RECORD

After the *Close of the Production of Proof* but before the *Initial Decision* (Rules 204 and 205) the *Hearing Officer*, with or without motion, may reopen the *Record* to permit the *Production* of further *Proof* in such manner and at such times and places and limited to such *Facts* or matters, as he shall fix under the following conditions:

265.1 *Correction of Error.* Where such action is necessary to correct or avoid the consequences of an error in admitting or excluding *Evidence*.

265.2 *New Evidence.* To permit the introduction of new and non-cumulative *Evidence* which a *Party* in the exercise of due diligence was unable to or prevented from seasonably adducing.

(S. E. C. XII (d))

265.3 *Changed Conditions.* Where the *Facts* or law have so changed that the public interest or fairness and justice require that additional *Evidence* be taken.

(F. P. C. 1.33 (1) (2))

265.4 *Reply.* If the *Hearing Officer* so directs, but not otherwise, and upon such terms, conditions and times as he shall fix, the *Parties* may be permitted to reply to any *Motion* to reopen the *Record* made under this Rule.

265.5 *Appeal.* No interlocutory appeal from any action taken by the *Hearing Officer* under this Rule will be permitted.

ARTICLE 27—ARGUMENTATION

RULE 270—WHEN BRIEFS OR MEMORANDUMS ARE ALLOWABLE

Except, as may, for good cause, be otherwise *Directed:*

270.1 *Memorandums.* A written *Memorandum* in support of a *Motion* or a *Reply* to a *Motion* may be *Filed and Served* with such *Motion or Reply*.

270.2 *Briefs in Oral Hearings.* In *Proceedings* which are *Orally Heard* (Rule 235) *Briefs* of *Parties* may be *Filed and Served* within 20 days after the transcript of the evidence is filed by the Official Reporter and all Reply Briefs within 20 days thereafter.

270.3 *Briefs In Other Proceedings.* In all other *Proceedings Briefs* of all *Parties* may be *Filed and Served* within 20 days after the *Close* of the *Production of Proof* and *Reply Briefs* within 20 days thereafter.

270.4 *Briefs Upon Review.* The *Brief* of the *Party* petitioning for *Review* or for *Reconsideration* may be *Filed and Served* with the *Petition* and *Briefs* of any *Parties* opposing the granting of the *Petition* with their *Reply*.

270.5 *Multiple Briefs Not Permitted.* Only a single *Brief* or *Memorandum* may be filed upon behalf of all *Parties* aligned on a single side. (Rule 195.)

RULE 271—REQUISITES OF MEMORANDUMS

Except as may be otherwise *Directed*, each *Supporting* or *Reply Memorandum* shall conform to Rule 101, shall state upon the cover or title page its nature, upon whose behalf and by what *Practitioners* it is *Filed* and the date when it was required to be Filed, shall not consist of more than ten pages including cover and shall be arranged as follows:

271.1 *Supporting Memorandums* shall contain in the following order, a concise statement or: (1) the *Motion Exception* or *Objection* to which directed; (2) the circumstances under which the same arose, (3) the issue presented and (4) written argument documented by appropriate citation of authority or of evidence relief upon:

271.2 *Reply Memorandums* shall specifically admit, adopt or deny and correct statements of the *Supporting Memorandum* in respect to the *Motion, Exception* or *Objection*, the circumstances under which the same arose and may contain written argument documented by appropriate citation of authority or of evidence relied upon.

RULE 272—REQUISITES OF BRIEFS

Except as otherwise *Directed* each *Brief* or *Reply Brief* shall conform to Rule 101, shall state upon its cover or title page its nature, upon whose behalf and by what *Practitioners* it is *Filed* and the date upon which it was required to be *Filed*, shall consist of not more than 50 pages, including cover, but excluding the *Abstract* (Rule 274), and shall contain in the following order:

(1) If of more than ten pages in length, a Table of Contents together with a separate Table of Authorities alphabetically arranged, each with appropriate reference to the pages of the *Brief;*

(2) A Statement of Facts except insofar as the Statement of an Adversary's Brief or of a Report are accepted and adopted (Rule 273);

(3) Specification of *Issues* or Errors, Points and Authorities (Rule 295);

(4) Requested *Findings* (Rule 296);

(5) Written Argument (Rule 297); and

(6) *Abstract* of the Evidence (which may be printed as a separate volume) except insofar as the *Brief* of an *Adversary* is adopted (Rule 294).

(I. C. C. 91 (a), (b); F. P. C. 1.29, 1.29 (d), 1.31 (e); F. T. C. XXIII, XXXIII, M. C. 201.156 Sec. XI)

RULE 273—STATEMENT OF FACTS

Proponents *Opening Brief* shall contain a fair, complete, non-argumentative and concise statement of the *Material Facts* shown by the *Proof* of all *Parties* arranged in the topical order of the *Issues* as defined by the *Hearing Officer* (Rule 213). If the *Brief* contains or is accompanied by an *Abstract* (Rule 274), citations may be made to the appropriate paragraphs thereof, otherwise they shall be to the page of the *Record* where the fact stated is found. Paragraphs of the *Statement* of *Facts* shall be numbered as provided in Rule 101.2 and topically indexed in the Table of Contents. (Rule 292.)

(I. C. C. 91 (d), F. T. C. XXIII C (2), F. P. C. 1.29 (c)).

273.1 *Reply Briefs.* A *Reply Brief* shall accept and adopt the Statements of *Facts* in the *Opening Brief* to the extent that they are true and correct, but may specifically, concisely and non-argumentatively correct errors or omissions therein. In cases where *Counsel* certifies that the Statement of *Facts* in the *Opening Brief* is garbled, incomplete, unfair or contrary to the *Record* he may restate the *Facts* in the manner prescribed in Rule 273.

273.2 *Noncompliance. Briefs* which deliberately and prejudicially violate Rule 273 or 273.1 will be stricken and disregarded.

273.3 *Illustrations.* Where relative services, distances, routes or locations are *Material to the Issue*, the *Proponent's Brief* shall include a photograph, sketch, chart or map which accurately and fairly depicts the relative situations. To the extent that it is unfair or inaccurate the *Reply Brief* may modify or redraft the same. In either case appropriate reference shall be made to the evidence upon which the drawing is based.

(I. C. C. 91 (c))

273.4 *Exhibits.* The ultimate *Material Fact* which an exhibit purports to *Prove* and not the exhibit itself shall be included in the Statement of *Facts*.

(I. C. C. 91 (b))

273.5 *Case Stated.* Except insofar as there is a bona fide disagreement as to its accuracy, completeness and fairness the Statement of *Facts* of the *Opening Brief* will be treated as an agreed Statement of *Facts* and binding on all *Parties; provided* that for good cause shown any *Party* thereafter at any stage of the *Proceeding* may be permitted to *File* and *Serve* a written supplementation or correction thereof.

RULE 274—ABSTRACT

A Proponent's *Opening Brief* may, and where so *Directed*, shall contain or be accompanied by an Abstract which shall fairly, fully but non-cumulatively condense in narrative form all *Material Pleadings, Testimony, Exhibits, Stipulations, Directions* and *Rulings*, without argument, comment, coloring or emphasis. Such *Abstract* shall be arranged topically under the *Issues* as defined (Rule 193) and shall be paragraphed and numbered in such manner as to identify the *Issue* or subdivision thereof to which the matter relates. Supporting citations shall be made to the *Record*, transcript and exhibits (number and page).

(I. C. C. 91 (d), F. P. C. 1.29 (c))

274.1 *Exhibits.* Except where and then only to the extent necessary to explain their contents or method of construction, *Exhibits* shall not be reproduced in the *Abstract* but shall be summarized in such a manner as to clearly and succinctly show their import.

274.2 *Challenge.* A *Reply Brief* may challenge the *Abstract* upon the ground that specified paragraphs are incomplete, inaccurate, colored or false, and in such cases restate the contents of such paragraphs accurately and fairly.

274.3 *Use.* Except to the extent which an *Abstract* is justifiably chal-

lenged it will be treated as a full, accurate and true statement of the *Record*.

RULE 275—SPECIFICATION OF ISSUES, ERROR, POINTS AND AUTHORITIES

A *Brief* of more than 10 pages, upon a separate page shall succinctly set forth its position with respect to each of the *Defined Issues* or if the *Brief* be upon *Appeal* or *Reconsideration* of each *Assignment of Error*. Each such *Issue* or *Assignment* shall set forth the principle of general or administrative law relied upon to sustain same, with appropriate citation to the number and precise page (or numbered section or paragraph) of each authority relied upon as establishing such principle.

RULE 276—REQUESTED FINDINGS AND CONCLUSIONS

Every *Brief* shall set forth upon a separate page in serially numbered paragraphs, a clear, concise, nonargumentative and non-redundant statement of each *Finding* and *Conclusion* which the *Party* for whom the *Brief* is *Filed* desires to be made, with appropriate cross reference (by paragraphs number only) to the *Statement of Facts* (Rule 273) and specification of Points and Authorities (Rule 275) which warrant or require such *Finding* or *Conclusion*.

(A. P. A. 8 (b) (1); I. C. C. 91 (e); C. A. B. 302.26; F. C. C. 1.850; F. T. C. XXI; M. C. 201.191; S. E. C. IX (f))

276.1 *Waiver*. All contentions of a *Party* not specifically and clearly covered in his *Requested Findings* and *Conclusions* are waived.

RULE 277—WRITTEN ARGUMENT

The written argument shall be concise, non-redundant, specifically directed to a single *Requested Finding* or *Conclusion*, and confined to the discussion of *Material Facts* and applicable principles of law or of administrative discretion or procedure.

(F. T. C. XXII (4); S. E. C. XI (b))

277.1 *Tabular Matter*. Tabulations or compilations of *Amounts* shall not be included in the text but may be shown in appropriate footnotes.

277.2 *Citation to Proof*. Statements of *Material Facts* which are set out in the *Statement of Facts* (Rule 273) and are undisputed need not be documented. References to *Proof* of *Material Facts* which are in dispute shall be to the paragraph section of the *Abstract*, if any, otherwise to the page of the *Record*. Quotations of *Testimony* or from *Exhibits* shall be indented and if more than 5 lines in length shown in foot notes.

277.3 *Citation of Authority*. References to authorities relied upon shall be shown in foot notes. Quotations from authorities shall be indented and if more than 5 lines in length shall be shown in foot notes.

RULE 278—ORAL ARGUMENT

Oral Argument will be granted or Directed under the following Rules:

(F. C. C. Section 409 (b); M. C. 201.211; S. E. C. XII (a))

278.1 *At Oral Hearing. Oral Argument* will be heard before the *Hearing Officer* when *Directed* or when requested by any *Party* on or before the first day of such *Oral Hearing*.

(I. C. C. 88; C. A. B. 302.25 (a) (b); F. P. C. 1.29 (b), 1.31 (2); F. T. C. XXI; M. C. 201.130)

278.2 *In Other Proceedings*. In *Proceedings* where there is no *Oral Hearing Oral Argument* before the *Hearing Officer*, in his discretion, may be held at a time and place fixed by him, either upon his *Direction* or upon *Motion* of any *Party Filed and Served* within 10 days after the *Close of Proof*.

278.3 *Before The Agency. Oral Argument* before *The Agency* or an appellate Division thereof in its discretion, may be directed upon its own initiative or upon request therefor included in the *Exceptions* or *Petitions* for *Reconsideration* or in the *Brief* of any *Appellee* or *Party* opposing *Reconsideration*.

(I. C. C. 98 (a); C. A. B. 302.32 (a); F. C. C. 8.54 (c) (d); F. P. C. 1.31 (d); F. T. C. XXIV)

278.4 *Upon Reconsideration*. Requests for *Oral Argument* upon *Reconsideration* are not permitted. *The Agency*, however, in its discretion and upon its own initiative may *Direct Oral* Argument in such cases.

278.5 *Opening and Closing*. The duty and right to open and close an *Oral Argument*, if held prior to the *Initial Decision* rests on and in the *Party* who has the *Burden of Proof* (Rule 191); and if held upon *Appeal* or *Reconsideration* upon and in the *Party* who seeks such *Appeal* or *Reconsideration*.

278.6 *Number of Arguments*. Except as otherwise *Directed*, there will be but one *Opening* argument, one reply argument by each *Adverse Side* (Rule 195) and one closing argument.

278.7 *Designation of Counsel*. The *Parties* on each *Side* (Rule 195) shall agree upon Counsel to make the argument for that *Side*. If they are unable to do so prior to the time when requests for the allotment of time must be made (Rule 279.1) the *Hearing Officer Agency* or *Division* before whom the argument is to be made, upon the request of any *Party* on that *Side*, will designate the Counsel to make the argument for it.

278.8 *Nature and Scope*. Arguments shall be concise, non-redundant, free from personalities and directed to specific *Requests for Findings or Conclusions*. The opening argument shall be strictly limited to a reply to arguments of opposing *Counsel* without undue repetition of the opening argument.

278.9 *Writings*. Written in lieu of oral arguments may be *Filed* and *Served* at or before the beginning of the Argument. Arguments may not be read. Memoranda, charts, exhibits, and objects may be submitted if simultaneously copies of same are *Served* upon all *Counsel* participating in the argument. Citations of authority, without comment may be *Filed* and *Served* subsequent to the argument.

(C. A. B. 302.32 (b))

RULE 279—ALLOTMENT OF TIME FOR ORAL ARGUMENT

Except as otherwise Directed one hour will be allotted to each *Side*, of which not more than 30 minutes may be used for the closing argument. Where the Parties have been aligned into three or more *Sides* (Rule 195) the time will be equally divided between *Proponents* and *Opponents* and equitably apportioned among the *Sides* constituting each such group.

279.1 *Requests*. In *Oral Arguments* before the *Hearing Officer* following an *Oral Hearing* (Rule 278.1) requests for time shall be made on the first day of the *Oral Hearing*. In other arguments before the *Hearing Officer* (Rule 278.2) such requests shall be made at such time as shall be provided in the *Direction* for the *Oral Argument*. In *Oral Arguments* before *The Agency* or a *Division* requests for time must be made by telegram or letter at least 10 days prior to the time set for the argument.

(I. C. C. 98 (b); F. C. C. 1.854 (e); S. E. C. XII (b))

279.2 *Notice*. In *Oral Arguments* before *The Agency* or a *Division* at least 5 days notice of the final allotment of time will be given by publication in the FEDERAL REGISTER.

ARTICLE 28—ADMINISTRATIVE DECISIONS

RULE 280—SUMMARY DECISIONS

Where, at any time after the period, if any, for the *Filing* of *Answers, Replies, Interventions* and *Replications* has expired, it appears from the entire *Record* there is no *bona fide* substantial dispute with respect to the *Facts* in *Issue*, the *Hearing Officer*, if prior to his *Initial* or recommended *Initial Decision*, or *The Agency*, if thereafter, upon *Motion* or of his own initiative may summarily decide the *Proceeding*, which *Decision* shall be subject to Rules 282 to 289 of this Article 28.

RULE 281—INITIAL DECISION

A *Proceeding* shall be *Initially Decided* by the *Hearing Officer* to whom it has been referred unless:

(a) The *Parties* waive *Initial Decision* and/or recommended *Initial Decision* by such *Hearing Officer;* or

(b) *The Agency* otherwise directs by special or general *Order*.

(A. P. A. 8 (a); C. A. B. 302.27 (b); F. C. C. 1.85 (a); F. P. C. 1.30 (a), (c), (f), (j), (k); 8.51 (p); F. T. C. XXII; M. C. 201.157; S. E. C. IX (b))

281.1 *By Hearing Officer*. In a *Proceeding* in which an *Oral Hearing* is held or which is orally argued before the *Hearing Officer*, he shall make his *Initial Decision* or recommended *Initial Decision* orally upon the *Record* not later than the first business day following the conclusion of the taking of testimony or of the oral argument. In all other *Proceedings*, the *Initial Decision* or recommended *Initial Decision* shall be *Filed* and *Served* within 30 days after the expiration of the time for the Filing of briefs.

281.2 *By The Agency*. Where *The Agency* has presided at the reception of the evidence, it will make the *Initial Decision* within 60 days after final submission of the cause.

281.3 *Recommended Initial Decision*. Where a *Proceeding* has been referred to the *Hearing Officer* for a recommended *Initial Decision, The Agency*, upon the record, briefs, argument and recommended *Initial Decision*, will make and *File* the *Initial Decision* within 60 days after the expiration of time for *Filing Exceptions, Replies* and *Replications*.

RULE 282—FORM, CONTENT, SERVICE, AND EFFECTIVENESS

Every *Final, Initial*, or recommended *Initial Decision* shall contain or be contained in or be accompanied by a *Rule* or *Order* which establishes, amends, supplements, modifies, or rescinds a *Rule* or which grants, denies, limits, or extends a *License* or other *Relief* or which otherwise imposes a *Sanction*.

282.1 *Content*. Every such *Decision* shall recite in clear, certain and nonlegalistic language in the following order: (a) The correct caption of the *Proceeding;* (b) a description of the nature and status of the *Decision;* (c) designation of *Parties* and *Counsel;* (d) a statement of the nature and background of the *Proceeding;* (e) a statement of the *Facts*, but without recitation of evidence; and all such *Decisions*, except *Summary Decisions* when made by *The Agency, Commissioner*, or an *Examiner*, etc. shall also contain; (f) separately numbered synoptic headnotes of the points considered and decided; (g) a definition of the *Issues* decided; and (h) in separate sections, numbered respectively to agree with the headnotes, a discussion of each *Issue*, and the principles involved and the determination made thereof and the reasons and precedents for such determination.

(I. C. C. 14 (d); C. R. 53 (e); F. C. C. 8.51 (c); F. P. C. 1.30 (g), (h); F. T. C. XXII; M. C. 201.95)

282.2 *Service*. A true copy of every *Decision* shall be addressed to each *Counsel* of record and to each *Party* without *Counsel* of record and deposited in the United States mail. In addition, if the *Decision* imposes a *Sanction*, a true copy thereof either (a) will be delivered personally to each *Person* subjected to such *Sanction*, or his agent duly appointed and authorized to receive such *Service* or (b) will be sent by registered United States mail, with receipt demanded, to each said *Person*, or said agent. If the *Decision* establishes, amends, or rescinds a *Rule*, amendment, or rescission will be published in the Daily Federal Register.

282.3 *Review Upon Agency Initiative*. *The Agency* upon its own initiative, may provide, by an order *Filed* and *Served* at any time before the effective date of an *Initial Decision*, that such *Decision* shall not become final and that it shall be further reviewed, considered and determined by *The Agency*.

(F. C. C. 8.53 (b), (c); I. C. C. 97 (a))

RULE 283—APPEALS

Any *Party* to the *Proceeding* may Appeal from an *Initial Decision* or recommended *Initial Decision* of the *Hearing Officer* by *Filing* and *Serving:* (a) Written notice of such *Appeal* within 10 days after *Service* of such *Initial Decision* (which period will not be enlarged except to prevent manifest injustice or unjust hardship); and (b) *Exceptions* to said *Initial Decision* within 20 days after the *Filing* and *Service* thereof.

(I. C. C. 96 (a); C. A. B. 302.30; F. C. C. 1.853 (a), (b); F. P. C. 1.31 (a); M. C. 201.97, 201.241)

283.1 *Exceptions—Style and Arrangement. Exceptions* shall be written in clear, concise, non-legalistic nonrepetitious statements of fact or of conclusions, without argument. They shall be arranged in the same order and given the same numbers as the paragraphs of the *Initial Decision* to which they respectively relate.

283.2 *Exceptions—Content. Exceptions* must: (a) specify the particular provision in the Decision to which exception is taken; (b) point out with particularity the alleged error therein, and (c) submit a revised or correct provision, with appropriate citation to the record or of authority.

283.3 *Exceptions—Supporting Argument*. The *Exceptions* may be accompanied by a written argument, the parts thereof being arranged and numbered to correspond with the *Exceptions*. The argument and *Exceptions* shall be bound in a single document and shall not exceed 40 pages in length.

283.4 *Failure to File Exceptions*. Failure within the time provided to *File* a specific *Exception* to a statement, finding, conclusion, or provision in a *Rule* or *Order* of a *Decision* waives all objections to same. Leave to *File Exceptions* out of time will be granted only upon a showing of good cause and substantial doubt as to the correctness of the *Initial Decision*.

283.5 *Replies—Multiple*. If *Exceptions* are *Filed* by more than one *Adversary Party*, only one *Reply* may be *Filed*, which may be in *Answer* to any or all of the *Exceptions*. Where the *Parties* have been alligned (Rule 195), only a single *Reply* upon behalf of all *Parties* alligned on a single *Side* will be permitted.

283.6 *Replies—Content*. A *Reply* shall directly, clearly, non-repetitiously and non-argumentively deny, qualify, explain, condition, or avoid each *Exception*, in order, and with the same paragraph number. If made to *Exceptions Filed* by two or more *Parties*, the *Exceptions* of the several *Appellants* shall be grouped according to subject matter and a single *Reply* made. A *Party* may join with his *Reply, Cross Exceptions* which shall comply with the requirements of Rules 283.1 and 283.2 hereof.

283.7 *Replies—Argument*. A *Reply* may be accompanied by written argument in support thereof, with paragraphs numbered as in the *Reply*. The *Reply* and the accompanying argument shall not exceed 20 pages in length, with five pages additional for each separate *Exceptions* in excess of one, and five additional pages if there be a *Cross Appeal*, but in no event shall the *Reply* and argument exceed 50 pages.

283.8 *Replication*. An *Appellant*, within 10 days after the time for the *Filing* and *Service* of *Replies* to his *Exceptions* may File a single *Replication* to all of said *Exceptions* of not more than 10 pages in length and limited to controverting: (a) New matter contained in the *Reply* and not treated in *Appellant's Exceptions*, and (b) *Exceptions* of all *Cross-Appellants* when *Cross Appeals* are joined with one or more *Replies*.

283.9 *Effect of Appeal*. The timely *Filing* of *Exceptions* to an *Initial Decision* will operate to stay the provisions of a *Rule* or *Order* to which specific *Exception* is taken. *Filing* of *Exceptions* out of time upon leave as provided in Rule 283.4 will not affect the finality of the *Decision* or stay or postpone the effective date of the *Order* unless *The Agency* in its discretion otherwise orders.

RULE 284—DECISION UPON APPEAL

The Agency, upon the *Exceptions, Replies, Replications* and oral argument, if any, the recommendation of the *Hearing* or other *Officer*, as provided in the sub-rules hereof, together with such parts of the record as may be necessary to resolve the issues presented by the *Appeal*, will affirm, modify, or reverse the *Initial* or recommended *Initial Decision* of the *Hearing Officer* as to it seems best.

(A. P. A. 8 (a) (b); C. A. B. 302.27, .29, .36; F. C. C. 1.853 (c), 1.855, 1.857; F. P. C. 1.32 (d); F. T. C. XXV; S. E. C. IX (a), (b))

284.1 *Recommendation of Hearing Officer*. Within 20 days after the time for the *Filing* of all *Exceptions, Replies* and *Replications* has elapsed, the *Hearing Officer* shall *File* and *Serve* specific recommendations as to whether the *Initial Decision* should be amended, corrected, supplemented, revised or reversed, with the reasons for such recommendation, and thereafter shall not participate, consult with or advise further in the handling, consideration, disposition or *Decision* of the *Proceeding*. No exceptions, reply, or comment may be filed by the *Parties* to such recommendation, except as otherwise directed by *The Agency*.

(F. C. C. Act 409 (c); F. C. C. 1.851 (d); F. P. C. 1.30 (f); M. C. 201.99)

284.2 *Staff Review*. The *Initial Decision* from which an *Appeal* has been taken in any *Proceeding*, shall be referred to the *Board of Review* for its comment and recommendation, as provided in Rule 46.0. This comment and recommendation will be treated as a confidential communication and will not be made public.

RULE 285—EFFECTIVENESS OF FINAL DECISION

Except as otherwise provided in the *Decision* in Rule 306.7 or in the subrules hereof, a *Decision* by *The Agency*, either initially or upon appeal, will take effect on the 30th day following the *Service* thereof and shall continue in force for the period specified therein, if any, otherwise until it shall be rescinded, suspended, modified, stayed or set aside by *The Agency* or by a court of competent jurisdiction.

(I. C. A. 15 (2))

285.1 *Summary Decisions.* Unless otherwise provided therein, a *Summary Decision* in a *Non-Adversary Proceeding* will become effective one day after date thereof.

285.2 *Modification of Date or Period.* Not later than 10 days prior to the effective date of a *Decision*, any *Party* may *File* and *Serve* a written or telegraphic *Petition* praying the modification of the effective date thereof or of the period of notice or other period or date prescribed therein.

(I. C. C. 101 (c))

285.3 *Reply to Petition for Modification.* Any *Party* may *Reply* in writing or by telegraph to such a *Petition* for modification of a *Decision* within 5 days after *Service* of such *Petition*.

RULE 286—PETITION FOR RECONSIDERATION

Any *Party* desiring any change other than the modification of a date or period therein, within 30 days after the *Service* of a *Final Decision*, may *File* and *Serve* a *Petition for Reconsideration* thereof, subject to the following sub-rules.

(I. C. C. 110 (a); F. C. A. Sec. 405; C. A. B. 302.37; F. C. C. 1.892, 1.894; F. P. C. 1.30 (e))

286.1 *Final Decision Only. Petitions* will not be entertained for *Reconsideration* of, or to review, correct, or set aside, intermediate, interlocutory, or temporary orders or directions of *The Agency* or to review, correct or set aside the *Directions* of, or an *Initial Decision* by, a *Hearing Officer*, except where such *Initial Decision* has become the *Final Decision* of *The Agency*.

286.2 *To Reopen Record.* A *Petition* to reopen the *Record* after submission or *Decision* to permit the reception or introduction of further evidence must describe such evidence and the witnesses or documents by which it will be adduced with particularity, must show that the same is noncumulative and is material to a controlling issue in the *Proceeding*, and also must show good cause for such evidence not having been previously adduced.

(I. C. C. 101 (b))

286.3 *Correction of Erroneous Decision.* A *Petition* to reverse, vacate, suspend, or modify a *Final Decision* upon the ground that the same was erroneously made must (1) show that the *Decision* directly affects substantially all of the *Carriers* of the particular type or kind involved who operate in one or more of the *Rate Territories* or that it involves issues which are of general transportation importance; (2) specify the statement of fact, premise, conclusion, principle, reason or precedent claimed to be erroneous; (3) specify the error therein, and (4) state the true or correct fact, premise, principle, reason, or precedent. If the whole or any part of the *Decision* is claimed to be unlawful or beyond the power or jurisdiction of *The Agency* to make, the *Petition* shall specify with particularity the statutory provisions relied upon to establish such claim. If the *Petition* is grounded upon the fact that the issues involved are of general transportation importance, it must bear the written certificate to that effect of at least one member of *The Agency*.

(I. C. C. 101 (d); C. A. B. 302.57; F. C. C. 1.893 (a), (b); F. P. C. 1.34 (b); M. C. 201.231)

286.4 *Successive Petitions.* A successive *Petition* for *Reconsideration* by the same *Party* or by a *Party* having substantially the same interest as a prior *Petitioner* will not be entertained unless leave therefor be first obtained. Such leave will be granted only if (a) the errors alleged or the new evidence sought to be introduced were not known and in the exercise of reasonable diligence could not have been known to the *Petitioner* at the time the original *Petition* was *Filed*, or (b) manifest injustice and irreparable injury will result unless the *Petition* be granted.

286.5 *Argument. Petitions for Reconsideration* shall be written in clear, concise and non-legalistic language and restricted to non-repetitious statements of fact or of conclusions, without argument. They may be accompanied by a written argument in support thereof, the introductory paragraph of which shall succinctly state the nature of the relief sought and the basic grounds therefor. The *Petition* including supporting argument shall not exceed 50 pages.

286.6 *Findings of Fact.* A *Petition for Reconsideration* or correction of a finding of *Fact* in the *Initial Decision* which has been affirmed by *The Agency* upon *Appeal* will not be entertained.

286.7 *Stay of Order.* A *Petition for Reconsideration* of a *Decision* of a *Division* will postpone the effective date thereof pending the further *Order* of *The Agency*, but a *Petition for Reconsideration* of a *Decision* made by *The Agency sitting* en banc will not operate to stay or postpone the effective date thereof without further *Order* of *The Agency*.

(I. C. A. Sec. 17 (8); M. C. 201.232)

286.8 *Replies.* Except as otherwise directed by *The Agency*, *Replies* to a *Petition for Reconsideration* will not be entertained unless and until *The Agency* shall have entered an Order directing that the *Decision* be reconsidered.

(M. C. 201.234; F. C. C. 1.895)

RULE 287—RECONSIDERATION

Within 60 days after the *Filing* of a *Petition for Reconsideration The Agency* en banc will enter an order either denying or granting the *Petition*. Such an order is not subject to a petition for *Reconsideration*. If such order grants *Reconsideration* it will state precisely the questions or *Issues* to be reconsidered and fix a time, not less than 20 days, within which *Replies* to the *Petition* for *Reconsideration* in so far as they relate to such specified questions or issues may be *Filed* and *Served* by *Parties Adversary* to the petitioner.

287.1 *Further Evidence.* An order granting *Reconsideration* may direct that the record be opened for the taking or receipt of new or additional evidence either by verified statement, oral testimony or receipt of authenticated documentary evidence, but in any case *Adversary Parties*, upon demand, will be given the opportunity to cross examine the witnesses tendering the same and to produce rebutting evidence.

287.2 *Oral Argument.* An order granting *Reconsideration* may direct that the *Proceeding* be set down for oral argument before *The Agency* en banc at a time and place fixed therein.

287.3 *Rehearing.* An order granting *Reconsideration* may direct that the *Proceeding* be reopened for further hearing either generally or upon specified issues or questions, but, in either case, the evidence adduced at such further hearing will not be subject to an intermediate decision but will be considered along with the other evidence of record in the determination of the *Final Decision* upon *Reconsideration*.

287.4 *Decision Upon Reconsideration. The Agency*, en banc in its *Decision* upon *Reconsideration*, will affirm, modify, vacate or reverse the decision under *Reconsideration* and such *Decision* shall not be subject to a *Petition* for *Reconsideration*.

RULE 288—RELIEF FROM FINAL DECISION

At any time *The Agency*, upon petition or upon its own initiative for good cause may reopen, alter, modify, set aside, vacate, annul or supplement a *Final Decision* subject to the following sub rules:

288.1 *Clerical Mistakes. The Agency*, without notice, will correct clerical mistakes or typographical errors.

288.2 *Accident, Mistake or Fraud. The Agency* will set aside a *Decision* which appears to it to have been made as the result of accident, mistake or fraud and will reopen the *Proceeding* for further hearing and decision.

288.3 *Void Decisions.* Upon notice *The Agency* will vacate, set aside and annul any *Decision* or any part thereof which appears to it to be void as a matter of law.

288.4 *Changed Conditions. The Agency* may reopen a *Proceeding* in which there has been a *Final Decision* to determine whether or not conditions which led to or warranted such order have changed so that the same is manifestly unjust or is contrary to the public interest.

288.5 *Supplementation. The Agency* may from time to time enter such *Order* or *Orders* supplementing a *Final Decision* as justice shall require.

RULE 289—COMPLIANCE WITH DECISION

When in consequence of *Proceedings* under *The Act* any *Party* by *Order* directed, required, authorized or granted the right or *License* to do or to desist from doing anything such *Party* must notify *The Agency* on or before the date upon which such *Order* or requirement must be complied with, whether or not compliance has been made therewith and the manner in which such compliance has been made.

(I. C. C. 99; F. C. C. 1.509; F. P. C. 1.35, 33.3, 34.8, 34.20; F. T. C. XXVI; M. C. 201.5)

289.1 *Damages.* When the Commission finds that damages are due but that the amount cannot be ascertained upon the record before it, the complainant should immediately *File* and *Serve* separate statements for each route showing the date of shipment, date of delivery or tender of delivery, date charges were paid, car initial or name of vessel, car or voyage number, origin, destination, route, commodity, weight, the rate as charged, the charges as paid, the correct rate, the correct charges, the amount of reparation on basis of the Commission's decision, and the name of person paying charges in the first instance and his capacity as consignor, consignee or otherwise, and shall attach to the statement filed with the carriers who respectively collected the charge, the paid freight bills or true copies thereof. Within 30 days thereafter the General Accounting Officer of such collecting carrier must *File* and *Serve* a verification and certification of such shipments.

(I. C. C. 99; M. C. 201.221, .222)

ARTICLE 29—JUDICIAL REMEDIES

RULE 290—ENFORCEMENT SUITS

Whenever it appears that any *Person* subject to the Interstate Commerce Act is violating or failing fully to comply with any provision of said *Act* or any *Order* of *The Agency*, *The Agency* may apply to any district court of the United States of competent jurisdiction for enforcement of the provisions of *The Act* or of an *Order* of *The Agency*.

(I. C. A. Sec. 12 (1); 16 (12); 5 (8); 17 (9); 222 (b); 316 (b); 411 (e); 417; C. A. B. 302.205; F. T. C. V)

290.1 *Petitions.* Any *Person* having an interest therein may *File* a *Petition* with *The Agency* setting forth such interest; the name and address of the *Person* subject to the jurisdiction of *The Act* who is claimed to be in violation of a provision of *The Act* or of an *Order;* and a concise statement of the *Material Facts* relied upon by the *Petitioner* to show such violation.

290.2 *Service.* A copy of said *Petition* shall be *Served* upon the *Person* named in said *Petition* as in violation of said provision of *The Act* or of an *Order*.

290.3 *Reply.* A *Person* named in the *Petition* as being in violation of any provision of *The Act* or any *Order* within 30 days after *Service* of such *Petition* may Reply thereto.

290.4 *Intervention.* Any interested *Person* may, and the General Counsel shall, within 15 days after the *Filing* of said *Petition*, file a *Notice* of *Intervention* therein and within 30 days after the *Filing* of said *Petition* their respective *Interventions* therein setting forth their positions with respect to said *Petition*.

290.5 *Replies to Intervention.* Within 20 days after the *Filing* of said *Intervention* any *Party* may *File* a *Reply* thereto.

290.6 *Order.* Upon the *Petition, Replies* thereto, and the *Intervention* and *Replies* thereto, *The Agency*, if it appears that any provision of the Interstate Commerce Act or any of its *Orders* are being violated by the *Respondent*, will *Direct* the General Counsel to apply to the proper court for the judicial enforcement of the same. Otherwise, it will dismiss the *Petition* and discontinue the *Proceeding*. No *Petition* for *Reconsideration* of this *Order* will be entertained.

RULE 291—SUITS FOR JUDICIAL REVIEW

The Administrative Procedure Act (5 USC 1010 (a)) provided that except where *The Agency* action "is by law committed to agency discretion, any person suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute shall be entitled to judicial review thereof."

291.1 *Form of Action.* The Judicial Code (28 USC 1336) provides that "except as otherwise provided by act of Congress, the district courts shall have jurisdiction of any civil action to enforce, enjoin, set aside, annul or suspend in whole or in part any order of the Interstate Commerce Commission". The Administrative Procedure Act (5 USC 1009 (b)) provides that in the absence or inadequacy of any special statutory review proceeding "the form of proceeding for judicial review shall be * * * any applicable form of legal action (including action for declaratory judgment or writs of prohibitory or mandatory injunction or habeas corpus) in any court of competent jurisdiction". Said section further provides that "agency action shall be subject to judicial review in civil or criminal proceedings for judicial enforcement except to the extent that prior adequate and exclusive opportunity for such review is provided by law".

291.2 *Venue.* The Judicial Code (28 USC 1398) provides "except as otherwise provided by law, any civil action to enforce, suspend or set aside in whole or in part an order of the Interstate Commerce Commission shall be brought only in the judicial district wherein is the residence or principal office of any of the parties bringing such action".

291.3 *Process.* The Judicial Code (28 USC 2321) provides "* * * in actions to enforce, suspend, enjoin, annul, or set aside in whole or in part any order of the Interstate Commerce Commission other than for the payment of money or the collection of fines, penalties, and forfeitures * * * the orders, writs and process of the district court may run, be served and be returnable anywhere in the United States * * *"

291.4 *United States As Party.* The Judicial Code (28 USC 2322) provides that all actions to enforce, suspend, enjoin, annul or set aside in whole or in part an order of the Interstate Commerce Commission other than for the payment of money or the collection of fines, penalties, and forfeitures shall be brought by or against the United States.

291.5 *Intervenors.* The Judicial Code (28 USC 2323) provides that "the Interstate Commerce Commission and any party or parties in interest to the proceeding before the Commission in which an order or requirement is made may appear (in an action to enforce, suspend, enjoin, annul or set aside an order of the Interstate Commerce Commission other than for the payment of money or the collection of fines, penalties and forfeitures) as parties of their own motion and as of right, and be represented by their counsel, in any action involving the validity of such order or requirement or any part thereof, and the interest of said party." Said section further provides "communities, associations, corporations, firms and individuals interested in the controversy or question before the Commission * * * may intervene in said action at any time after commencement thereof."

RULE 292—REVIEWABLE ACTS

The Administrative Procedure Act (5 USC 1009 (c)) provides that "every agency action made reviewable by statute and every final agency action for which there is no other adequate remedy in any court shall be subject to judicial review. Any preliminary, procedural, or intermediate agency action or ruling not directly reviewable shall be subject to review upon the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final shall be final for the purposes of this subsection whether or not there has been presented or determined any application for a declaratory order, for any form of reconsideration, or (unless the agency otherwise requires by rule and provides that the action meanwhile shall be inoperative) for an appeal to superior agency authority."

RULE 293—SCOPE OF JUDICIAL REVIEW

The Administrative Procedure Act (5 USC 1009 (e)) provides "So far as necessary to decision and where presented the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action. It shall (A) compel agency action unlawfully withheld or unreasonably delayed; and (B) hold unlawful and set aside agency action, findings, and conclusions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; (5) unsupported by substantial evidence in any case subject to the requirements of sections 7 and 8 (of the Administrative Procedure Act) or otherwise reviewed on the record of an agency hearing provided by statute; or (6) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court. In making the foregoing determinations the court shall review the whole record or such portions thereof as may be cited by any party,

and due account shall be taken of the rule of prejudicial error."

RULE 294—STAY BY COMMISSION PENDING REVIEW

The Agency upon the written or telegraphic request of a Plaintiff in any suit to judicially review any order, at least 5 days notice of which shall have been given all *Adversary Parties* in the *Proceeding* before the Commission will postpone the effect of such order pending such review where it finds that justice so requires. Within 3 days after *Service* of notice of such request any *Adversary Party* may file written representations as to why the effective date of the order should not be postponed.

RULE 295—STAY OF ORDER BY COURT

The Administrative Procedure Act (5 USC 1009 (d)) provides "Upon such conditions as may be required and to the extent necessary to prevent irreparable injury, every reviewing court (including every court to which a case may be taken on appeal from or upon application for certiorari or other writ to a reviewing court) is authorized to issue all necessary and appropriate process to postpone the effective date of any agency action or to preserve status or rights pending conclusion of the review proceedings."

295.1 *Interlocutory Injunction.* The Judicial Code (28 USC 2324) provides "the pendency of an action to enjoin, set aside or suspend any order of the Interstate Commerce Commission shall not of itself stay or suspend the operation of the order but the court may restrain or suspend in whole or in part the operation of the order pending the final hearing and determination of the action."

RULE 296—THREE-JUDGE COURT

The Judicial Code (28 USC 2325) provides "an interlocutory or permanent injunction restraining the enforcement, operation or execution in whole or in part of any order of the Interstate Commerce Commission shall not be granted unless the application therefor is heard and determined by a district court of three judges under section 2284 of this title" which section provides for the constitution and composition of such court.

RULE 297—DIRECT APPEAL TO THE SUPREME COURT

The Judicial Code (28 USC 1253) provides that "except as otherwise provided by law any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any act of Congress to be heard and determined by a district court of three judges".

[F. R. Doc. 55-3725; Filed, May 13, 1955; 9:00 a. m.]

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THE NATIONAL ARCHIVES

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 472—WOOL

SUBPART—1955 PAYMENT PROGRAM FOR LAMBS AND YEARLINGS (PULLED WOOL)

The regulations in this subpart state the requirements with respect to the 1955 payment program for lambs and yearlings (pulled wool), formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Commodity Stabilization Service (hereinafter referred to as CSS). The regulations in this subpart may be referred to as the 1955 Payment Program for Lambs and Yearlings (Pulled Wool).

Sec.

472.651 Administration and general principle of program.
472.652 Rate of payment.
472.653 Marketing situations in which producers or slaughterers are entitled to payment.
472.654 Eligibility for payments on lambs and yearlings.
472.655 Sales involving more than one commission firm, dealer, or other person.
472.656 Sales in good faith.
472.657 Computation of payment.
472.658 Application for payment.
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472.670 Instructions and interpretations.
472.671 Forms of certification and letter of authorization.
472.672 Other forms.
472.673 Definitions.
472.674 Violation of program.

AUTHORITY: §§ 472.651 to 472.674 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446.

§ 472.651 *Administration and general principle of program*—(a) *Administration.* The program will be carried out by CSS under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the Agricultural Stabilization and Conservation (hereinafter referred to as ASC) State and County Offices. ASC State and county offices do not have authority to modify any of the provisions of this subpart or any of the amendments or supplements thereto. Neither are they authorized to waive any such provisions unless the power to waive is expressly included in the pertinent provision.

(b) *General principle of program.* The general principle of this pulled wool program is that if a producer's lambs or yearlings are sold, with the wool on them, to a slaughterer for slaughter, the producer shall receive a payment in relationship to the payment he would receive under the 1955 Incentive Payment Program for Shorn Wool (§§ 472.600 to 472.620) if he were to shear the animals and sell the wool (see § 472.652). Not more than one payment will be made to any person or persons on a sale or sales of the same lambs or yearlings under this program.

§ 472.652 *Rate of payment.* The National Wool Act of 1954 provides in section 703 that the support price for pulled wool shall be established at such a level, in relationship to the support price for shorn wool, as the Secretary determines will maintain normal marketing practices for pulled wool. The support price for shorn wool has been determined to be 62 cents per pound, grease basis (§ 472.601). Payments on shorn wool will be made on a percentage basis, by applying, to the net sales proceeds received by the producer, a percentage which is based on the difference between the national average price received by producers during the 1955 marketing year and the incentive price of 62 cents (§ 472.605). Payments under the pulled wool program will be made for wool on lambs and yearlings in accordance with this subpart and will be at a flat rate per hundredweight of live animals. The payments will be based on the average weight of wool per hundredweight of animals (5 pounds) multi-

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plied by 80 percent of the difference between the national average price received by producers for shorn wool and the 1955 incentive price of 62 cents per pound of shorn wool. Announcement of this method of determining the rate of payment on lambs and yearlings was made by the Department of Agriculture on January 7, 1955. The exact rate of payment will be determined after the end of the 1955 marketing year. For definition of "lambs," "yearlings," "producer," and "1955 marketing year," see § 472.673.

§ 472.653 *Marketing situations in which producers or slaughterers are entitled to payment.* Generally, the aim of various provisions of this subpart is to provide a method whereby the certification that the lambs and yearlings were purchased for slaughter can, through normal trade channels and as expeditiously as possible, be made available to the producer for his use in applying for payment. Procedure is established enabling the producer to apply for a payment in the various situations in which he markets his lambs and yearlings, and also enabling a slaughterer in his capacity as a producer under certain circumstances to do so, those situations being as follows: (a) A producer may sell his lambs or yearlings directly to a slaughterer (defined in § 472.673) for slaughter; (b) a producer may sell his lambs or yearlings, through a commission firm registered under the Packers and Stockyards Act, to a slaughterer for slaughter; (c) a producer may sell his lambs or yearlings to a dealer registered under the Packers and Stockyards Act, the dealer thereafter selling them to a slaughterer for slaughter; (d) a producer may sell his lambs or yearlings to or through another person, such other person selling the animals to a slaughterer for slaughter; (e) there may be two or more registered commission firms or dealers participating in the marketing process between the producer and the slaughterer; and (f) a slaughterer may slaughter lambs or yearlings, after feeding them for at least 30 days.

§ 472.654 *Eligibility for payments on lambs and yearlings.* Before payments under this program can be approved pursuant to an application covering any lot or lots of lambs or yearlings, the following requirements must be satisfied:

(a) *Fed or pastured in United States.* The animals must have been fed or pastured in the continental United States, its territories, or possessions.

(b) *Thirty days' ownership.* If a producer is to qualify for a payment he must have owned the animals for 30 days or more at any time prior to the sale for slaughter, and if a slaughterer is to qualify for a payment (§ 472.654 (f) (5)) he must have owned the animals for 30 days or more prior to slaughter.

(c) *Full wool pelts.* The animals must never have been sheared or, if sheared, must have had a growth of at least 1½ inches of wool at the time of sale to the slaughterer for slaughter or, in the case of an application by a slaughterer, at the time of slaughter. Animals described in the preceding sentence will be referred to in this subpart as having full wool pelts (§ 472.673).

(d) *Purchased for slaughter.* The slaughterer must have purchased the animals for slaughter.

(e) *Sold or slaughtered in 1955 marketing year.* The animals must have been sold within the 1955 marketing year for slaughter (as defined in § 472.673), or, in the case of an application by a slaughterer, must have been slaughtered within that marketing year.

(f) *Various marketing situations.* In addition to the general eligibility requirements hereinbefore enumerated, the following provisions contain special requirements applicable in various marketing situations:

(1) *Sale by producer directly to slaughterer.* In case the producer sells the lambs and yearlings directly to a slaughterer for slaughter, the slaughterer (i) must, either himself or through a properly authorized agent, certify that the lambs or yearlings were never shorn or that they were shorn at some time prior to his purchase; (ii) must not make application for payment with respect to the slaughter of these animals pursuant to this subpart or for an incentive payment with respect to the sale of wool shorn from these animals under the 1955 Incentive Payment Program for Shorn Wool; (iii) must not issue a certification in accordance with § 472.671 (b) to any person other than the producer, which may be a basis for application for payment under this subpart. To indicate compliance with these and other provisions of the program, the slaughterer shall furnish to the producer a certification in accordance with § 472.671 (b). As to the contents of the sales document (defined in § 472.673) issued by the slaughterer, see § 472.659 (a).

(2) *Sale through registered commission firm or to registered dealer*—(i) *Sale by one owner.* In case the producer or other owner sells the animals through a commission firm, registered under the Packers and Stockyards Act, to a slaughterer for slaughter, or the producer or other owner sells the animals to a dealer who is so registered, and the dealer sells them to a slaughterer for slaughter, the commission firm or the dealer, as the case may be, (a) must obtain from the slaughterer a letter of authorization, as prescribed in § 472.671 (d), which will authorize the issuance of certifications in behalf of the slaughterer as to the matters stated in that letter; and (b) must issue a certification, as prescribed in § 472.671 (c), pursuant to that letter of authorization. As to the contents of the sales document issued by the commission, firm or dealer to the producer, see § 472.659 (b). If more than one such commission firm or dealer are involved in the marketing of the animals, the commission firm or dealer who did not sell directly to the slaughterer will issue a certification on the basis of a certification by another commission firm or dealer, as prescribed in § 472.671 (c) (2) (iv).

(ii) *Sale by two or more owners.* In case two or more producers or other owners sell their lambs or yearlings to a dealer, registered under the Packers and Stockyards Act, and the dealer sells the animals to one or more slaughterers, and thereafter issues certifications to those previous owners, the total number of head covered by the certifications to all the owners shall not exceed the total number of head sold to the slaughterer or slaughterers. Each certification to such an owner shall state the number of head of animals which he sold and specify a slaughterer or slaughterers as purchasers of these animals. For instance, if a dealer purchased 300 animals from owner A, 200 from owner B, and 100 from owner C, commingled these animals, and sold 50 to slaughterer X, 75 to slaughterer Y, and 475 to slaughterer Z, he may indicate in his certification to owner A that A's 300 animals were all sold to slaughterer Z; or that 50 were sold to slaughterer X, 75 to slaughterer Y, and 175 to slaughterer Z; or he may apportion the sale of the 300 animals to the slaughterers in any other way. If two or more registered commission firms or dealers are involved in the marketing of the animals, the commission firm or dealer who did not sell directly to the slaughterer will issue a certification on the basis of a certification by another commission firm or dealer, as prescribed in § 472.671 (c) (2) (iv).

(3) *Sale by producer to or through other person.* In case the producer sells the animals to or through a person other than those specified in subparagraphs (1) and (2) of this paragraph, and such person sells them in behalf of the producer or on his own behalf to a slaughterer for slaughter, such person must obtain from the slaughterer a certification in accordance with § 472.671 (b). The contents of the sales documents issued by the slaughterer to such other person shall be as in the case of a direct sale by a producer to a slaughterer, see § 472.659 (a).

(4) *Sale by slaughterer after issuing certification.* If, after a certification has been issued by or on behalf of a slaughterer, he sells the animals covered by such certification instead of slaughtering them, he shall reimburse CCC for any payment which CCC may make to a producer on the basis of such certification. In addition, the slaughterer shall notify the purchaser, by a statement on the bill of sale or other writing, (i) that the purchaser will not be entitled to a payment on the sale of such animals or on the sale of the wool shorn from such animals, unless such sale or shearing occurs at least 12 months after the date of the sale by the slaughterer to such

purchaser, and (ii) that the purchaser shall in turn similarly notify his purchaser, and the latter and each subsequent purchaser in succession shall notify his purchaser, to the same effect. Any such notification shall contain the name of the slaughterer and the date on which he sold the animals. If the purchaser from the slaughterer or a subsequent purchaser applied for and obtained a payment contrary to such notification, CCC may recover the payment from the slaughterer or from the purchaser or from both. If a notification required by this paragraph was not made CCC may recover the payment from the slaughterer or from the person who failed to give the proper notification or from both.

(5) *Slaughterer.* If the application is made by a slaughterer who fed the animals prior to slaughter, the applicant (i) must not have issued to any person a certification described in § 472.671 (b) and must make certain that no commisson firm or dealer issues a certification in his behalf as described in § 472.671 (c); and (ii) must have no knowledge, information, or belief that any person has been given a certification as described in § 472.671 (b) or (c). As to supporting these applications by scale tickets, see § 472.659 (e).

§ 472.655 *Sales involving more than one commission firm, dealer, or other person.* Irrespective of how many commission firms, dealers, or other persons participate in the marketing process between the producer and the slaughterer, the producer may apply for a payment by submitting a properly executed application (§ 472.658) and proper sales documents, including certifications (§ 472.659), which have been properly transferred to him (§§ 472.660, 472.661) where such transfer is appropriate.

§ 472.656 *Sales in good faith.* Payments provided for under this program shall be made on the basis of sales executed in good faith, and no payment shall be made on that part of any sale which has been cancelled or on the basis of sales at weights increased in bad faith for the purpose of obtaining higher payments under this program. Application for payment on the basis of a sale in bad faith may also subject the parties involved to civil and criminal liability.

§ 472.657 *Computation of payment.* In order to determine the amount of the payment due to an applicant, the rate of payment, computed pursuant to § 472.652, will be applied to the liveweight of the lambs and yearlings sold for slaughter (as defined in § 472.673), or slaughtered (§ 472.654 (f) (5)), during the 1955 marketing year.

§ 472.658 *Application for payment*—(a) *Filing.* The application for payment shall be filed by the person entitled thereto with the ASC county office serving the area where the headquarters of the applicant's farm, ranch, or feed lot, as the case may be, is located. Applications by producers located in the territories or possessions shall be filed with the Washington State ASC office, Spokane, Washington. All applications should be filed as soon as possible after the sale for slaughter or, in accordance with § 472.654 (f) (5), after slaughter, and must not be filed later than 30 days after the close of the 1955 marketing year, that is, not later than April 30, 1956. The ASC county committee may waive this 30-day limitation on applications filed before July 31, 1956, if delayed filing is due to causes beyond the control of the applicant or other good causes.

(b) *Form.* The application for payment shall be made on CCC Wool Form 47, "Application for Payment—Lambs and Yearlings (Pulled Wool)." Copies of this form will be available in the ASC county offices. The application will be filed in the original only. It shall be supported by the original sales document, including certifications, as set forth in paragraphs (a) through (c) of § 472.659 or, in the case of application by a slaughterer, by the substitute document as set forth in paragraph (e) of § 472.659, and such other evidence as may show compliance with the program. If the original sales document has been lost or destroyed, the applicant may submit a copy certified by the person who issued the original, and such certified copy shall be treated like an original for the purposes mentioned in this paragraph. If the applicant does not wish the original sales document to remain with the ASC county office, he may submit photostats or similarly reproduced or carbon copies of the original documents. However, he must show the original documents to the ASC county office where the statements on the copies will be confirmed by comparison with the originals. The original sales documents will be appropriately stamped or marked to indicate that they had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain them in accordance with § 472.666. If it is the practice of the person or firm that prepares the sales document to furnish a carbon copy to the seller, the producer may submit that carbon copy in support of his application, provided the carbon copy bears an original signature of the person or firm that prepared the original sales document.

§ 472.659 *Contents of sales documents*—(a) *Sales by producer directly to slaughterer.* If the application is filed by a producer who sold his lambs or yearlings directly to a slaughterer, the sales document shall be prepared by the slaughterer and shall contain the following information and certification: (1) Name and address of seller; (2) date of sale; (3) number of lambs and yearlings sold for slaughter; (4) liveweight of lambs and yearlings sold for slaughter; (5) certification by the slaughterer in accordance with § 472.671 (b); and (6) name and address of the slaughterer with his signature, or that of his agent.

(b) *Sales by producer to slaughterer through registered commission firm or sales by producer to registered dealer.* (1) If the application is filed by a producer who sold his lambs or yearlings, through a commission firm registered under the Packers and Stockyards Act, to a slaughterer for slaughter, or by a producer who sold his lambs or yearlings to a dealer registered under that act, the dealer selling them to a slaughterer for slaughter, the sales document shall be prepared by the commission firm or the dealer, as the case may be, and shall contain the following information and certification: (i) Name and address of the seller; (ii) date of sale by the producer; (iii) number of lambs and yearlings sold by the producer; (iv) liveweight of lambs and yearlings sold by the producer; (v) name and address of slaughterer, if known when the sales document is issued; and (vi) a certification as set forth in § 472.671 (c) (2) (i), (ii), or (iii). When any provision in this subpart refers to a commission firm or dealer registered under the Packers and Stockyards Act, such provision shall apply only to those of his transactions which take place at a posted stockyard and therefore are subject to that act, and shall not apply to other transactions.

(2) If the application is filed by the producer who sold his lambs and yearlings, and they were ultimately sold to a slaughterer for slaughter, but more than one commission firm or dealer, registered under the Packers and Stockyards Act, participated in the marketing of these lambs and yearlings between the producer and the slaughterer, the sales document to be filed by the producer with his application shall be prepared by the commission firm through which, or by the dealer to whom, the producer sold his lambs and yearlings. The sales document shall contain the information and a certification as stated under subparagraph (1) of this paragraph, except that the certification shall be as prescribed in § 472.671 (c) (2) (iv).

(3) In lieu of preparing sales documents as prescribed in this paragraph, the commission firm or dealer may obtain sales documents from the slaughterer prepared in accordance with paragraph (a) of this section and furnish those documents to the producer (§ 472.660).

(c) *Sales to or through other person.* If a producer sold his lambs or yearlings to or through a person other than those specified in paragraphs (a) and (b) of this section, and such person sold them in behalf of the producer or on his own behalf to a slaughterer for slaughter, and wishes to transfer the sales document obtained from the slaughterer to the producer, in order to enable such producer to obtain a payment (§ 472.654 (f) (3)), the sales document shall be prepared by the slaughterer and shall contain information in accordance with paragraph (a) of this section.

(d) *When sales documents show that lambs and yearlings have been shorn.* The producer will be entitled to payment only if the lambs or yearlings sold by him had full wool pelts when they were purchased by the slaughterer for slaughter (§ 472.654 (c)), and he must certify to these facts in support of his application. If the slaughterer, commission firm, or dealer indicates in the certification pursuant to § 472.671 (b) or (c), that the lambs or yearlings had been shorn at some time prior to the purchase by the slaughterer, the producer may certify as above stated only if he has obtained reliable information in writing showing that these animals were not shorn after he sold them. The producer need not submit this evidence in support of his application but shall retain the evidence in accordance with § 472.666.

(e) *Substitute for sales document in case of slaughterer.* If the application is made by a slaughterer who fed the animals for 30 days or more prior to slaughter (§ 472.654 (f) (5)), it shall be supported by a scale ticket instead of being supported by a sales document. The scale ticket shall indicate that it covers lambs and yearlings that moved to slaughter and must show the information normally appearing on scale tickets issued by stockyards (that is, date, number of head and classification, weight, scale ticket number, if any, place of weighing, and name of weigher).

(f) *Sale 12 months after slaughterer sold animals covered by his certification.* If a producer or slaughterer, upon purchasing the animals, received a notification in accordance with § 472.654 (f) (4) and the 12 months' requirement referred to therein has been complied with, he shall submit such notification with his application for payment.

§ 472.660 *Transfer of sales document to producer.* If any person, not registered under the Packers and Stockyards Act, sold lambs or yearlings directly to a slaughterer for slaughter; or so sold them through a commission firm registered under the Packers and Stockyards Act; or sold them to a registered dealer, the latter selling them to a slaughterer for slaughter; and such person desires to transfer to a qualified producer who previously owned these animals the appropriate sales document (as defined in § 472.673), in order to enable the producer to apply for a payment under this subpart, such person shall place the following statement on the sales document, sign and date such statement: "This sales document is being furnished to (name and address of producer) for the purpose of enabling him to make application to CCC for payment on lambs and yearlings under the National Wool Act of 1954." By signing this statement, such person shall be deemed to waive and disclaim any right to a payment under this program. The sales document so transferred shall contain the information listed in § 472.659, except that the information required therein to be listed with reference to a producer shall be given with reference to such person, and payment under this program will be made on the liveweight sold by such person. If a commission firm or dealer registered under the Packers and Stockyards Act wishes to use the procedure described in this section, he may do so.

§ 472.661 *Transfer of sales document to two or more producers*—(a) *Form.* If any person who is not registered under the Packers and Stockyards Act, or is so registered and by a transaction which does not take place at a posted stockyard and therefore is not subject to that act, acquires lambs or yearlings either as buyer or as seller's agent for sale, and thereafter as owner of the animals or as the seller's agent, as the case may be, (1) sells them directly to a slaughterer for slaughter or (2) sells them, by a transaction taking place at a posted stockyard and therefore subject to the Packers and Stockyards Act, either through a commission firm to a slaughterer for slaughter or to a dealer, the latter selling them to a slaughterer for slaughter; and such person desires to transfer to two or more producers who previously owned these animals the appropriate evidence of sale for slaughter (as defined in § 472.673), in order to enable the producers to apply for a payment under this subpart, such person may do so as follows: He shall prepare CCC Wool Form 48, "Certification for a Prior Owner to Collect Payment on Lambs and Yearlings Sold for Slaughter," listing those previous producer-owners, with a copy for each of them. In preparing this form, the seller shall indicate as to the animals covered thereby that all either had never been shorn or had been shorn, but shall not indicate on the same form that some animals had and some had not been shorn. When evidence of sale for slaughter is transferred to previous producer-owners through the use of CCC Wool Form 48, the total number of head and liveweight of animals as to which evidence of sale for slaughter is transferred shall be equal to the number of head and liveweight of animals sold for slaughter as indicated on the sales document.

(b) *Distribution of form.* The original of the completed CCC Wool Form 48, supported by the original sales document or by a carbon copy with an original signature thereon, as provided in § 472.658 (b), shall be filed with the ASC county office serving the county in which is located the farm or ranch headquarters of the first listed producer-owner. A copy of the completed form shall be furnished to each previous producer-owner listed in the form. When the completed form is distributed as set forth in this paragraph, the ASC county office will accept a copy of it, in lieu of a sales document, in support of an application filed by any previous producer-owner listed in the form.

§ 472.662 *Signature of applicant.* No payment will be made unless an application for payment is signed. The ASC county office will determine with respect to each person who signs an application for payment, or other document on the basis of which payment is made, in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., whether he was properly authorized to sign in such capacity.

§ 472.663 *Payment.* After the ASC county office has reviewed the application and documents attached thereto and approved it for payment in whole or in part and after the appropriate rate of payment has been announced by the Department of Agriculture, the ASC county office will make payment by sight draft to the order of the applicant. Payment of $3.00 or less to an applicant will not be made. If the ASC county office determines that for any reason the application for payment should be rejected in whole or in part, including the reason that it was not filed within the 30-day period in accordance with § 472.658 (a), the ASC county office shall notify the applicant by mail that his application has been rejected for a specified reason and shall retain a copy of such notice.

§ 472.664 *Deductions for promotion.* If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, the rate of such deductions will be announced and deductions will be made by the ASC county office.

§ 472.665 *Appeals*—(a) *To ASC State Committee.* Within 15 days from the date of mailing of a notice that application has been rejected in whole or in part (see § 472.663), the applicant may appeal in writing to the ASC State Committee, stating the number of head and liveweight of the animals covered by the application, and such pertinent facts as he may deem proper, indicating in what respect the action of the ASC county office was erroneous. If the appeal is from the failure of the ASC county office to waive the 30-day limitation, the applicant shall also state the reason for his delay in filing the application.

(b) *To Washington office.* If the ASC State committee sustains the decision of the ASC county office, it shall notify the applicant by mail that his appeal has been denied and shall retain a copy of the notice. Within 15 days from the date of mailing such notice, the applicant may appeal in writing to the Director, Livestock and Dairy Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. On this appeal, a determination by the Director as to a question of fact shall be deemed final and conclusive, unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith or is not supported by substantial evidence.

§ 472.666 *Records and inspection thereof.* The applicant as well as the slaughterer, the commission firm or dealer registered under the Packers and Stockyards Act, or any other person who makes a certification or furnishes evidence to an applicant for the purpose of enabling him to receive a payment under this program, shall maintain books, records, and accounts which will cover the marketing and slaughtering of lambs and yearlings on which an application for payment may be based, until April 1, 1959, and CCC shall at all times during regular business hours have access to the premises of the applicant and of the person who makes such a certification or furnishes evidence, in order to inspect, examine, and make copies of their books, records, accounts, and other written data.

§ 472.667 *Death, incompetency or other disability of the applicant.* (a) In case of death, incompetency, or disappearance of an applicant entitled to

payment, application for any payment hereunder may be made by any person who would be entitled to payment under the regulations contained in ACP–122, as amended, 7 CFR Part 1108, "Payments of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent", except as follows: References in 7 CFR 1108.1 to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and to statutes authorizing parity payments, shall be deemed to refer to payments authorized pursuant to the National Wool Act of 1954. The reference in the last sentence of 7 CFR 1108.2 to the Agricultural Conservation Program Service shall be deemed to refer to Commodity Credit Corporation. The number and heading of Standard Form 1055 in the last sentence of 7 CFR 1108.7 shall be deemed to read, "Standard Form No. 1055—Revised, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor."

(b) In case of infancy, bankruptcy, dissolution, or other disability, payments will be made to a representative only in accordance with specific instructions issued by CCC.

§ 472.668 *Set-off.* (a) If the applicant for payment is indebted to CCC or any other agency within the United States Department of Agriculture on any accrued obligation, or is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, the ASC county office will set off such indebtedness against the payment due to the applicant. Such setoff shall not deprive the applicant of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(b) If the payment due to the applicant has been assigned by him, the ASC county office will approve the assignment subject to setting off such debts as exist at the time of approval by the ASC county office.

§ 472.669 *Assignments.* The producer may assign all payments which may be determined to be due him under this program for the 1955 marketing year by filing with the ASC county office the original and two copies of CCC Wool Form 49, "Assignment of Payment under National Wool Act of 1954," duly executed by both parties. Such assignment shall be null and void unless it is freely made and (a) is executed by the producer in the presence of at least two attesting witnesses, neither of whom shall be an employee or agent of, or by consanguinity or marriage related to, the assignee; or (b) is acknowledged by the producer before a notary public, member of the ASC county committee, the ASC county office manager, or a designated employee of such committee. This assignment may only be given as security for cash advanced or to be advanced by a financing agency on sheep or lambs. The producer shall not execute more than one assignment covering payments due him under this program for payments on lambs and yearlings. CCC will pay the assignee pursuant to an accepted assignment unless the ASC county office is furnished evidence of a mutual cancellation of the assignment by both parties thereto.

§ 472.670 *Instructions and interpretations.* CCC shall have the right to clarify any provision of this regulation by the issuance of instructions or interpretations.

§ 472.671 *Forms of certification and letter of authorization*—(a) *General.* The forms of certification set forth in this section shall be used to provide producers with evidence that their lambs or yearlings have been sold to a slaughterer for slaughter, and also as a basis for other certifications in accordance with the requirements of this subpart. A certification must be signed.

(b) *Certification by slaughterer or his agent*—(1) *General.* The forms set forth in this paragraph shall be used by slaughterers (§ 472.654 (f) (1) and (3)) or their agents. The slaughterer or his agent may use the form set forth in subparagraph (2) (i) or (ii) of this paragraph, that is, Certification Form 1 or 2, in his discretion. If he uses Certification Form 1, he shall insert in the blank spaces provided therefor (in ink, indelible pencil, or typewriter) figures showing the number of head and the weight of the animals which were never shorn and of the animals which were shorn at some time before purchase. If he uses Certification Form 2, he shall attach (in ink, indelible pencil, or by typewriter) the symbols stated in that certification to the appropriate items on the sales document in accordance with the meanings of the symbols as stated in the certification. The certification shall be inserted in the sales document by rubber stamp or otherwise, but shall not be attached thereto. If Certification Form 1 is to be used and it is not practicable to insert it in a sales document, an acceptable complete sales document, including the certification, may be prepared by including in Certification Form 1 the name of the seller and date of sale, and such other items of information as the slaughterer may wish to include.

(2) *Forms*—(i) Certification Form 1.

The undersigned, a commercial slaughterer or his authorized agent, hereby certifies with reference to the lambs or yearlings as set forth in the sales document of which this certification is a part, that he purchased such animals for slaughter; that ____ head thereof weighing ____ pounds were never shorn, and ____ head thereof weighing ____ pounds were shorn at some time prior to the purchase; that he has complied, to the best of his knowledge, information and belief, with all the requirements of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool); and that he will continue to comply therewith.

(Signature of slaughterer, or name of slaughterer and signature of agent)

(Date)

(ii) Certification Form 2.

The undersigned, a commercial slaughterer or his authorized agent, hereby certifies with reference to the lambs or yearlings as set forth in the sales document of which this certification is a part, that the following symbols on the sales document indicate as follows:

"sh–sl"—lambs and yearlings were purchased for slaughter and were shorn at some time prior to the purchase,

"un–sl"—lambs and yearlings were purchased for slaughter and were never shorn,

"other"—animals were purchased for feeding or other purposes; that he has complied, to the best of his knowledge, information, and belief, with all the requirements of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool); and that he will continue to comply therewith.

(Signature of slaughterer, or name of slaughterer and signature of agent)

(Date)

(3) *Effect.* By issuing the certifications hereinbefore described under subparagraph (2) of this paragraph that a commercial slaughterer or his authorized agent has complied and will continue to comply with all the requirements of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), such slaughterer or agent certifies that he has not made and will not make application for payment with respect to the slaughter of the animals purchased for slaughter pursuant to the 1955 Payment Program for Lambs and Yearlings (Pulled Wool) or for an incentive payment with respect to the sale of the wool shorn from these animals under the 1955 Incentive Payment Program for Shorn Wool; that he has not issued and will not issue either form of certification to any person, other than the seller of the animals for slaughter, which might be used as a basis for an application for a payment under this pulled wool program; that if he should sell the animals instead of slaughtering them, § 472.654 (f) (4) would apply to him; and that he does not know of any facts which would bar a qualified producer, applying for payment on the animals covered by the slaughterer's certification, from receiving such payment.

(c) *Certification by commission firm or dealer registered under the Packers and Stockyards Act*—(1) *General.* This paragraph contains four certification forms. Three are set forth in subparagraph (2) (i), (ii) and (iii) of this paragraph, are headed Certification Forms 3, 4, and 5, respectively, and are based on an authorization issued by the slaughterer in accordance with paragraph (d) of this section; and one is set forth in subparagraph (2) (iv) of this paragraph, is headed Certification Form 6, and is based on a certification issued by a registered commission firm or dealer. Certification Forms 3 and 4 are to be used by commission firms or dealers when they know the name of the slaughterer at the time they issue the sales documents to the producer or other prior owner. Such form shall be stamped on the sales document issued by the commission firm or dealer to the producer, or otherwise made a part of such sales document, and shall not be attached to such sales document; except that, if the use of a stamp or otherwise making the certification a part of the sales document is impracticable, the commission firm or dealer may use Certification Form 5. The provisions about filling out the blank spaces and the meaning of symbols, stated in paragraph (b) (1) of this section also apply here. Certification Form 5, set forth in subparagraph (2) (iii) of this paragraph, shall be used by a commission firm or dealer who has the authorization from a commercial slaughterer and learns the name of the slaughterer after such commission firm or dealer has issued a sales document to the producer or other prior owner, or when the use of a stamp or otherwise making the certification a part of the sales document is impractical, as previously stated. Certification Form 5 shall also be used in those cases where the commission firm or dealer issues its certification, based on the slaughterer's authorization, to another commission firm or dealer. Certification Form 6, set forth in subparagraph (2) (iv) of this paragraph, shall be used by a commission firm or dealer who does not have an authorization from the slaughterer and issues a certification to the producer or other prior owner, or issues a certification to another commission firm or dealer as a basis for the latter's certification. When Certification Form 5 or 6 is issued to a person other than a commission firm or dealer registered under the Packers and Stockyards Act, the last sentence in such form may be omitted. Certification Forms 5 and 6 may be attached to the sales documents.

(2) *Forms*—(i) *Certification Form 3.*

The undersigned, registered under the P. & S. Act, hereby certifies that he has the authorization from the commercial slaughterer prescribed in § 472.671 (d) of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), and he hereby makes all the certifications which he is therein authorized to make with reference to the lambs and yearlings sold to the slaughterer, as set forth in the sales document of which this certification is a part, including the certification that they were purchased for slaughter. With respect to such animals he further certifies that ____ head thereof weighing ____ pounds were never shorn, and ____ head thereof weighing ____ pounds were shorn at some time prior to the purchase by the slaughterer. The undersigned does not know of any facts which would bar a qualified producer, applying for payment on the animals covered by this certification, from receiving such payment.

(Signature)

(Date)

(ii) *Certification Form 4.*

The undersigned, registered under the P. & S. Act, hereby certifies that he has the authorization from the commercial slaughterer prescribed in § 472.671 (d) of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), and he hereby makes all the certifications which he is therein authorized to make with reference to the lambs and yearlings purchased by the slaughterer as set forth in the sales document of which this certification is a part; and that the following symbols on the sales document indicate as follows:

"sh–sl"—lambs and yearlings were purchased for slaughter and were shorn at some time prior to the purchase,

"un–sl"—lambs and yearlings were purchased for slaughter and were never shorn,

"other"—animals were purchased for feeding or other purposes.

The undersigned does not know of any facts which would bar a qualified producer, applying for payment on the animals covered by this certification, from receiving such payment.

(Signature)

(Date)

(iii) *Certification Form 5.*

(Date)

To: ---
(Name of Seller)

The undersigned, registered under the P. & S. Act, hereby certifies that he has the authorizations from the commercial slaughterers named below, prescribed in § 472.671 (d) of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), and he hereby makes all the certifications which he is authorized therein to make with reference to the lambs and yearlings sold to these slaughterers, including the certification that they were purchased for slaughter. Listed below are also the number of head of animals that were never shorn and of head of animals that were shorn at some time prior to sale to these slaughterers.

Name and address of slaughterer	Number of head never shorn	Number of head shorn some time prior to sale to slaughterer

If the undersigned is a commission firm, it sold these animals for your account, and if a dealer, he purchased them from you, on ---------, 195--. The undersigned does not know of any facts which would bar a qualified producer, applying for payment on the animals covered by this certification, from receiving such payment. If you are registered under the Packers and Stockyards Act, you are authorized to issue certifications in accordance with Certification Form 6, as set forth in § 472.671 (c) (2) (iv) of such program, on the basis of this certification.

(Signature)

(iv) *Certification Form 6.*

(Date)

To: ---
(Name of Seller)

Referring to the sale of your lambs and yearlings on ----------, 195--, the undersigned, registered under the P. & S. Act, hereby certifies that he has certification(s) on Certification Form 3, 4, 5, or 6, as set forth in § 472.671 (c) (2) of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), and on the basis of such certification(s), the undersigned certifies with reference to the said lambs and yearlings, that those of them that are hereinafter listed were sold to the slaughterers named below, that those animals were purchased by the slaughterers for slaughter, and that they were never shorn or that they were shorn at some time prior to purchase by the slaughterers, as follows:

Name and address of slaughterer	Number of head never shorn	Number of head shorn some time prior to sale to slaughterer

The undersigned does not know of any facts which would bar a qualified producer, applying for payment on the animals covered by this certification, from receiving such payment. If you are registered under the Packers and Stockyards Act, you are authorized to issue certifications in accordance with Certification Form 6, as set forth in § 472.671 (c) (2) (iv) of such program, on the basis of this certification.

(Signature)

(d) *Slaughterer's letter of authorization to registered commission firm or dealer.* The form of letter of authorization set forth in this paragraph shall be used by a slaughterer who authorizes a registered commission firm or dealer to certify to the slaughterer's compliance with the provisions of this subpart. The form is as follows:

(Date)

To: ---
(Name of Commission Firm or Dealer)

You are authorized to issue on our behalf the certifications as to whether the lambs or yearlings, we purchased (will purchase) from you at ------ during the period ------ to ------, were purchased for slaughter and whether they were shorn or unshorn, in order to enable producers to obtain payments under the 1955 Payment Program for Lambs and Yearlings (Pulled Wool).

You are authorized to issue the certifications on the basis of the information shown on the scale ticket for each transaction as agreed to by our buyer and your salesman when completing the transaction. Our buyer will advise whether the scale ticket should show that the purchase is for slaughter or for other purposes, and whether the lambs and yearlings are to be classified as shorn or unshorn. Your issuing the certifications referred to shall have the same effect as if we were to issue the certifications ourselves.

You may also certify on our behalf with respect to those same lambs and yearlings that we have not made and will not make application for payment with respect to the slaughter of these animals pursuant to the 1955 Payment Program on Lambs and Yearlings (Pulled Wool) or for an incentive payment with respect to the sale of any wool shorn from these animals under the 1955 Incentive Payment Program for Shorn Wool; that, if after buying these animals we should sell them rather than slaughter, we would reimburse CCC for any payment which CCC might make to a producer on the basis of our certification and, in addition, we would notify the purchaser that neither he nor subsequent purchasers would be entitled to a payment under the shorn or pulled wool program within 12 months after our sale to such purchaser, and that if any such payment should be made by CCC we would reimburse CCC in accordance with the provision of § 472.654 (f) (4) of the pulled wool program; that we have not issued Certification Form 1 or 2, as set forth in § 472.671 (b) of such program, with reference to animals as to which you will issue a certification pursuant to this authorization; and that, when you issue Certification Form 3, 4, or 5, as set forth in § 472.671 (c) (2) (i), (ii), or (iii) on the basis of this letter, we do not know of any facts which would bar a qualified producer, applying for payment on the animals covered by your certification, from receiving such payment. This letter also authorizes other commission firms or dealers registered under the Packers and Stockyards Act to issue, on the basis of your certification, Certification Form 6 as set forth in § 472.671 (c) (2) (iv) of said program, with reference to lambs and yearlings covered by this letter.

(Commercial slaughterer)

(e) *Different forms.* The requirements of this section as to specific forms in support of an application for payment may be waived as to transactions which took place between April 1 and June 30, 1955, both dates inclusive. Applications on the basis of such transactions, which are documented by forms differing from those contained in this section, may be promptly filed with the ASC county offices which will notify the applicant whether such forms contain acceptable evidence of a valid claim or whether additional evidence will be required.

§ 472.672 *Other forms.* CCC Wool Form 27, "Application for Payment—Lambs and Yearlings (Pulled Wool);" CCC Wool Form 48, "Certification for a Prior Owner to Collect Payments on Lambs and Yearlings Sold for Slaughter;" CCC Wool Form 49, "Assignment of Payment under National Wool Act of 1954" and other numbered forms issued by the United States Department of Agriculture for use in connection with this program may be obtained from the ASC county offices. These forms may be reproduced, provided they retain the same language, format, and size, except that the printer's identification shall not be reproduced.

§ 472.673 *Definitions.* As used in this subpart, the terms enumerated in this section have the following meaning:

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of sheep, lambs, or wool.

(b) "Full wool pelts" means pelts of lambs and yearlings that have never been shorn or, if shorn, that have a growth of wool of 1½ inches or longer at the time of sale to a slaughterer for slaughter or, in cases under § 472.654 (f) (5), at the time of slaughter.

(c) "Lamb" means a young ovine animal, the first pair of permanent teeth of which has not developed to the extent of being in full wear.

(d) "Liveweight," for the purposes of this program, is the weight of lambs and yearlings which a producer sells and as to which he submits proof, as a part of his application for payment, that they were sold by himself or another person to a slaughterer for slaughter; except that in §§ 472.660 and 472.661 it shall mean the liveweight sold by the person who desires to transfer the sales document in accordance with those sections.

(e) "Producer" under this program includes not only a breeder, but also a feeder or pasturer, of lambs and yearlings. A producer may be an individual, partnership, association, business trust, corporation, or any organized unincorporated group of persons, and includes a State and any subdivision thereof.

(f) "1955 marketing year" is the period beginning April 1, 1955, and ending March 31, 1956, both dates inclusive.

(g) The "1955 Payment Program for Lambs and Yearlings (Pulled Wool)" means the regulations contained in this subpart and identifies the program operating pursuant thereto.

(h) "Sale for slaughter," "sold for slaughter," or "selling for slaughter" refers to a sale by a producer of lambs and yearlings as to which he submits proof, as a part of his application, that they were sold by himself or another person to a slaughterer for slaughter; except that these terms, when used in connection with sales described in §§ 472.660 and 472.661, shall refer to the sale by the person who transfers his sales document to one or more prior producer-owners pursuant to those sections.

(i) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer on which he bases his application for payment, except that in §§ 472.660 and 472.661 it shall mean the document by which the person desiring to transfer it to one or more prior producer-owners, sold the animals.

(j) "Slaughterer" means a commercial slaughterer, that is, a person who slaughters for sale as distinguished from a person who slaughters for home consumption.

(k) "Yearling" means a young ovine animal with not more than one pair of permanent teeth in full wear.

§ 472.674 *Violation of program.* Whoever issues a false certification or otherwise acts in violation of the provisions of this program, shall become liable to CCC for any payment which CCC may have made in reliance on such certification or as a result of such other action in violation of the program, apart from any other civil or criminal liability he may incur by such action.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of May 1955.

[SEAL] TRUE D. MORSE,
Under Secretary of Agriculture and President of Commodity Credit Corporation.

[F. R. Doc. 55-4003; Filed, May 16, 1955; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1956–57 MARKETING YEAR

Sec.
728.601 Basis and purpose.
728.602 National marketing quota for wheat for the 1956–57 marketing year.
728.603 1956 National acreage allotment for wheat.

AUTHORITY: §§ 728.601 to 728.603 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 333, 335, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1333, 1335.

§ 728.601 *Basis and purpose.* (a) The regulations contained in §§ 728.601 to 728.603 are issued to proclaim the national marketing quota for wheat for the marketing year beginning July 1, 1956, and the 1956 national acreage allotment for wheat.

(b) Section 335 of the Agricultural Adjustment Act of 1938, as amended, provides that whenever in any calendar year the Secretary of Agriculture determines (1) that the total supply of wheat for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year by more than 20 per centum, or (2) that the total supply of wheat for the marketing year ending in such calendar year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year did not exceed 66 per centum of parity, the Secretary shall, not later than May 15 of such calendar year, proclaim such fact and a national marketing quota shall be in effect with respect to the marketing of wheat during the marketing year beginning July 1 of the next succeeding calendar year.

(c) Section 333 of the Act, as amended, provides that the national acreage allotment for any crop of wheat shall be that acreage which the Secretary determines will, on the basis of the national average yield of wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop and imports, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof, but such national acreage allotment cannot be less than 55 million acres.

(d) The findings and determinations by the Secretary contained in §§ 728.602 and 728.603 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from wheat producers and others as provided in the notice (20 F. R. 655) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(e) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of wheat producers who will be subject to the marketing quotas proclaimed on the 1956 crop not later than July 24, 1955, to determine whether such producers favor such marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referendum, it is hereby found that the proclamations contained herein shall become effective upon filing with the Director, Federal Register Division.

§ 728.602 *National marketing quota for wheat for the 1956–57 marketing year.* The total supply of wheat for the 1955–56 marketing year is determined to be 1,863 million bushels. The normal supply of wheat for such marketing year is determined to be 1,122 million bushels. This total supply exceeds the normal supply by more than 20 per centum. Therefore, a national marketing quota shall be in effect with respect to the marketing of wheat during the 1956–57 marketing year.

§ 728.603 *1956 National acreage allotment for wheat.* The estimated carry-over of wheat for the marketing year beginning July 1, 1956, is 950 million bushels. A normal year's domestic consumption and exports of wheat plus 30 per centum thereof are 1,241 million bushels. Imports of wheat during the marketing year beginning July 1, 1956, are estimated to be 3 million bushels. The national average yield of wheat is 15.5 bushels per acre. The national acreage allotment computed for the 1956 crop is 18,580,645 acres. Since this amount is less than the minimum provided for by law, the national acreage allotment for the 1956 crop of wheat shall be 55 million acres.

Issued at Washington, D. C., this 13th day of May, 1955.

[SEAL] EZRA TAFT BENSON,
Secretary.

[F. R. Doc. 55-4023; Filed, May 13, 1955; 1:04 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Avocado Order 6]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

§ 969.306 *Avocado Order 6*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 18, 1955. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until May 3, 1955; determinations as to the time of maturity of the varieties of avocados covered by this section were made at the meeting of said committee on May 3, 1955, after consideration of all available information relative to the time of bloom and growing conditions for such avocados, at which time the recommendations and supporting information for maturity regulation was submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions have been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) No handler shall handle any of the following varieties of the West Indian type of avocados prior to 12:01 a. m., e. s. t., June 13, 1955, namely: Fuchs, Pollocks, Simmonds, Hardee and Nadir.

(2) Insofar as varieties of the West Indian type of avocados not specified in subparagraph (1) of this paragraph are concerned, no handler shall handle any of such varieties except in accordance with the following terms and conditions:

(i) No such avocados shall be handled prior to 12:01 a. m., e. s. t., June 1, 1955;

(ii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., June 1, 1955, and ending at 12:01 a. m., e. s. t., July 4, 1955, the individual fruit in each lot must weigh at least 16 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 16 ounces but not less than 14 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance;

(iii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., July 4, 1955, and ending at 12:01 a. m., e. s. t., August 1, 1955, the individual fruit in each lot must weigh at least 14 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 14 ounces but not less than 12 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance; and

(iv) To be eligible for handling on or after 12:01 a. m., e. s. t., August 1, 1955, the individual fruit in each lot must weigh at least 12 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance.

(3) Insofar as any and all avocados not included in subparagraphs (1) and (2) of this paragraph are concerned, no handler shall handle any such avocados except in accordance with the following terms and conditions:

(i) No such avocados shall be handled prior to 12:01 a. m., e. s. t., September 5, 1955;

(ii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., September 5, 1955, and ending at 12:01 a. m., e. s. t., October 3, 1955, the individual fruit in each lot must weigh at least 14 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 14 ounces but not less than 12 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance; and

(iii) To be eligible for handling on or after 12:01 a. m., e. s. t., October 3, 1955, the individual fruit in each lot must weigh at least 12 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance.

(4) Notwithstanding the provisions of subparagraphs (2) and (3) of this paragraph, any handler may, on and after the applicable beginning date specified in subdivision (i) of each of such subparagraphs, handle any lot of avocados without regard to the minimum weight requirements specified when (i) the exterior seed coat of the individual fruit is of a brown color characteristic of a mature avocado, or (ii) such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(c) *Effective time.* The provisions of this section shall become effective at 12:01 a. m., e. s. t., May 18, 1955.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 12, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4002; Filed, May 16, 1955; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6235]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NEW YORK COFFEE AND SUGAR EXCHANGE, INC., ET AL.

Subpart—*Combining or conspiring:* § 13.397 *To control or restrict*[1] *marketing or trading*[1] *methods, practices and conditions.* In connection with the operation of a coffee futures market, and in connection with the formation, adoption, entering into, trading in or the fulfillment of contracts for the purchase or

[1] Amended to read as set forth above.

sale of coffee in any form for future delivery in commerce, and on the part of respondent New York Coffee and Sugar Exchange, Inc., and respondent New York Coffee and Sugar Clearing Association, Inc., and said corporations' respective successors, etc., and on the part of respondent Gustavo Lobo, Jr., as president and member of the Board of Managers of respondent Exchange, respondent Leon Israel, Jr., as vice president and member of said Board, respondent William F. Prescott, as treasurer and member of said Board for the year 1954, and respondent G. W. Knauth, as secretary of respondent Exchange for the year 1954, and on the part of the respective successors in each of the aforesaid offices, of said individuals; directly or indirectly, jointly or severally, or through any corporate or other means or device, entering into, continuing, cooperating in, or carrying out any agreement, understanding, or planned common course of action, whether express or implied, between any two or more of said respondents, or between any one or more of said respondents and others not parties, to: (1) Restrict or limit trading in coffee for future delivery exclusively to the contracts open for trading on the respondent Exchange as of the date of August 1, 1954; or (2) restrict or limit trading on respondent Exchange in coffee for future delivery to any contract or contracts which have the effect of excluding as deliverable thereunder Arabica coffee, other than grades or types which are not suitable for futures trading because of inferior quality, insufficient supply, or lack of uniformity, from any country which, during the initial three of the four preceding calendar years, exported to the United States a yearly average of 750,000 or more bags (adjusted to a weight of 132.276 pounds per bag) of Arabica coffee; prohibited, subject to the proviso, however, that it shall be a defense to any charge that respondents have violated the order by the use in any contract or contracts of premiums or discounts, if respondents show (1) that such premiums and discounts, when adopted, were realistically related to values in the spot market, and (2) that such premiums and discounts were re-examined and readjusted not less frequently than every six months to relate realistically to values in the spot market and that all such readjusted discounts and premiums were incorporated in the contract or contracts thereupon opened for trading for new delivery months; and to the further provision that in the event of any modification or change, or discontinuance of, any futures, contract open for trading on the respondent Exchange, nothing in the order shall be interpreted as prohibiting in any way the continued trading in any such futures contract only until the end of any delivery month for which an open interest has already been taken on such Exchange at the time of any such modification, change, or discontinuance.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, New York Coffee and Sugar Exchange, Inc., et al., New York, N. Y., Docket 6235, April 1, 1955.]

In the Matter of New York Coffee and Sugar Exchange, Inc., New York Coffee and Sugar Clearing Association, Inc., and Gustavo Lobo, Jr., President, Leon Israel, Jr., Vice President, William F. Prescott, Treasurer, as Officers, Members of the Board of Managers, and as Members of New York Coffee and Sugar Exchange, Inc., G. W. Knauth, as Secretary of New York Coffee and Sugar Exchange, Inc.; Jack R. Aron, Louis Blumberg, Alfred Boedtker, Adrian C. Israel, Chandler A. Mackey, Phillips R. Nelson, S. A. Schonbrunn, and Gustav Wedell, Individually as Members and Also as Representatives of Other Members of New York Coffee and Sugar Exchange, Inc.

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission which charged respondents with violation of the Federal Trade Commission Act through the use of contracts which unduly restricted and restrained trade on the respondent Exchange in coffee for future delivery, and upon a stipulation entered into by respondent Exchange, its four officers who were named as respondents, and respondent New York Coffee and Sugar Clearing Association, Inc., and counsel supporting the complaint.

Said stipulation provided, among other things, that respondents admitted all of the jurisdictional allegations in the complaint; that the filing of an answer to the complaint was waived, and that the complaint and stipulation should constitute the entire record in the proceeding; that the inclusion of findings of fact and conclusions of law in the decision disposing of the matter was waived, together with any further procedural steps before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; and that the order to be set forth might be entered in disposition of the proceeding.

Said stipulation further provided that such order should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, respondents specifically waiving any and all right, power, and privilege to challenge or contest the validity of such order; that the order might be altered, modified, or set aside in the manner provided by the Federal Trade Commission Act for other orders of the Commission; and that the signing of the stipulation was for settlement purposes only and did not constitute an admission by any respondent that he or it had violated the law as alleged in the complaint.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters; that he had considered such stipulation and the order therein contained and that the latter provided a proper basis for settlement and conclusion of the proceeding; and that, inasmuch as the order related to the forms of contract or contracts offered for trading on the respondent Exchange, the public interest was adequately safeguarded by an order against the respondents named in the cease and desist order contained in the stipulation and the dismissal of the complaint was appropriate as to the respondents named as individuals or as members of the Exchange or as representative of other members of the Exchange; accepted said stipulation and made the same a part of the record; made certain jurisdictional findings with respect to the respondents there named and found that the Commission had jurisdiction of the subject matter of the proceeding and of said respondents, and that the proceeding was in the interest of the public; and issued his order, including order to cease and desist, as to said respondents and order of dismissal as to certain respondents as individuals, etc., as therein set out.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on April 1, 1955.

Said order is as follows:

It is ordered, That respondents, New York Coffee and Sugar Exchange, Inc., a corporation, its successors, assigns, officers, directors, employees, agents and representatives; New York Coffee and Sugar Clearing Association, Inc., a corporation, its successors, assigns, officers, directors, employees, agents, and representatives; Gustavo Lobo, Jr., as President and member of the Board of Managers of respondent Exchange, his successors in each of said offices, Leon Israel, Jr., as Vice President and member of the Board of Managers of respondent Exchange, his successors in each of said offices; William F. Prescott, as Treasurer and member of the Board of Managers of respondent Exchange for the year 1954, and his successors in each of said offices; G. W. Knauth, as Secretary of respondent Exchange for the year 1954, and his successors in such office, directly or indirectly, jointly or severally, or through any corporate or other means or device, in connection with the operation of a coffee futures market, and in connection with the formation, adoption, entering into, trading in or the fulfillment of contracts for the purchase or sale of coffee in any form for future delivery in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any agreement, understanding or planned common course of action, whether express or implied, between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or practices:

1. Restricting or limiting trading in coffee for future delivery exclusively to the contracts open for trading on the respondent Exchange as of the date of August 1, 1954;

2. Restricting or limiting trading on respondent Exchange in coffee for future delivery to any contract or contracts which have the effect of excluding as deliverable thereunder Arabica coffee, other than grades or types which are not suitable for futures trading because of inferior quality, insufficient supply, or lack of uniformity, from any country which, during the initial three of the four preceding calendar years, exported to the United States a yearly average of 750,000 or more bags (adjusted to a weight of 132.276 pounds per bag) of Arabica coffee.

Provided, however, That it shall be a defense to any charge that respondents have violated this order by the use in any contract or contracts of premiums or discounts, if respondents show (1) that such premiums and discounts, when adopted, were realistically related to values in the spot market, and (2) that such premiums and discounts were re-examined and readjusted not less frequently than every six months to relate realistically to values in the spot market and that all such readjusted discounts and premiums were incorporated in the contract or contracts thereupon opened for trading for new delivery months.

Provided, further, however, In the event of any modification or change, or discontinuance of, any futures contract open for trading on the respondent Exchange, nothing in this order shall be interpreted as prohibiting in any way the continued trading in any such futures contract only until the end of any delivery month for which an open interest has already been taken on such Exchange at the time of any such modification, change or discontinuance.

It is further ordered, That the complaint herein be, and it is herewith, dismissed as to Gustavo Lobo, Jr., Leon Israel, Jr., William F. Prescott, G. W. Knauth, Jack R. Aron, Louis Blumberg, Alfred Boedtker, Adrian C. Israel, Chandler A. Mackey, Phillips R. Nelson, S. A. Schonbrunn and Gustav Wedell, as individuals, as members of the respondent Exchange and as representatives of other members of respondent Exchange but not as to Gustavo Lobo, Jr., Leon Israel, Jr., William F. Prescott and G. W. Knauth as officials of the respondent Exchange.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6235, April 1, 1955, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents, New York Coffee and Sugar Exchange, Inc., New York Coffee and Sugar Clearing Association, Inc., and Gustavo Lobo, Jr., Leon Israel, Jr., William F. Prescott, and G. W. Knauth as officials of the respondent New York Coffee and Sugar Exchange, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 1, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-3974; Filed, May 16, 1955; 8:45 a. m.]

[Docket 6286]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RECIPE FOODS, INC., ET AL.

Subpart—*Cutting off competitors' or others' access to customers or market:* § 13.585 *Removing or substituting products;* § 13.587 *Selling competitive product at reduced or below cost price.*[1] Subpart—*Selling below cost:* § 13.2180 *Selling below cost.* Subpart—*Subsidizing business:* § 13.2260 *Subsidizing business.* In connection with the offering for sale, sale, and distribution of beverage syrup in commerce, directly or indirectly: (1) Buying or exchanging or offering to buy or exchange the stocks of competitive beverage syrup stocked and handled by any wholesale grocers or retail chain store organizations either for cash or credit against purchases of beverage syrup from respondents; (2) guaranteeing or offering to guarantee to wholesale grocers or retail chain store organizations that if respondents' beverage syrup is stocked and handled exclusively in place of competitors' products, such wholesale grocers' or retail chain store organizations' profits during the year respondents' products are stocked exclusively will be equal to or will be more than or will double or will triple the total profits on all competitive beverage syrups stocked and sold in the previous year; or (3) selling or offering to sell beverage syrups which were purchased by respondents from any of its customers and which were manufactured by competitors of respondents at prices below the cost of such products to the respondents or at prices lower than the prices charged by respondents' competitors for the same products; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Recipe Foods, Inc., et al., Baltimore, Md., Docket 6286, April 1, 1955.]

In the Matter of Recipe Foods, Inc., a Corporation, Theodore Marks, and Isadore S. Rosen, Individually and as Officers of Said Corporation

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair methods of competition and unfair and deceptive acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act, and upon a stipulation, which was signed by the parties, providing for the entry of a consent order disposing of all the issues in the proceeding and was submitted to said hearing examiner for his consideration in accordance with Rule V of the Commission's rules of practice.

Respondents, pursuant to said stipulation, admitted all the jurisdictional allegations set forth in the complaint and agreed that the record therein might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations, and said stipulation further provided that all parties expressly waived the filing of answer, hearing before a hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission and all further and other procedure before the hearing examiner and the Commission to which respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

Respondents also agreed that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a full hearing, presentation of evidence and findings and conclusions thereon and specifically waived any and all right, power, or privilege to challenge or contest the validity of the order entered, and it was further stipulated and agreed that said stipulation, together with the complaint, should constitute the entire record in the matter and that the complaint in the matter might be used in construing the terms of the said order to cease and desist, as thereinafter set forth, which might be altered, modified, or set aside in the manner provided by the statute for the orders of the Commission, and that the signing of said stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Thereafter the proceeding having come on for final consideration by said hearing examiner on said Stipulation for Consent Order and the parties having expressly waived the filing of an answer, said hearing examiner made his initial decision in which he set forth the aforesaid matters; and his conclusion that said stipulation provided for an appropriate disposition of the proceeding and his acceptance of said stipulation, which was ordered filed as a part of the record in the matter; and in which he made certain jurisdictional findings with respect to the respondents involved and found that the Commission had jurisdiction over the subject matter of the proceeding and of said respondents; that the complaint stated a cause of action against said respondents under the Federal Trade Commission Act; and that the proceeding was in the interest of the public; and in which he issued his order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the

[1] New.

Commission's rules of practice, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII, became the decision of the Commission on April 1, 1955.

Said order to cease and desist is as follows:

It is ordered, That respondents Recipe Foods, Inc., a corporation, Theodore Marks, an individual and president, and Isadore S. Rosen, an individual and vice president of corporate respondent Recipe Foods, Inc., and any officers, representatives, agents and employees of corporate respondent, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of beverage syrup in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from doing, directly or indirectly, any of the following acts or practices or using any of the following methods:

1. Buying or exchanging or offering to buy or exchange the stocks of competitive beverage syrup stocked and handled by any wholesale grocers or retail chain store organizations either for cash or credit against purchases of beverage syrup from respondents.

2. Guaranteeing or offering to guarantee to wholesale grocers or retail chain store organizations that if respondents' beverage syrup is stocked and handled exclusively in place of competitors' products, such wholesale grocers' or retail chain store organizations' profits during the year respondents' products are stocked exclusively will be equal to or will be more than or will double or will triple the total profits on all competitive beverage syrups stocked and sold in the previous year.

3. Selling or offering to sell beverage syrups which were purchased by respondents from any of its customers and which were manufactured by competitors of respondents at prices below the cost of such products to the respondents or at prices lower than the prices charged by respondents' competitors for the same products.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6286, April 1, 1955, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 1, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-4005; Filed, May 16, 1955; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53799]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

REQUIREMENTS FOR CLEARANCE; DISCONTINUANCE OF ISSUANCE OF PORT SANITARY STATEMENTS

The foreign quarantine regulations of the Public Health Service, Department of Health, Education, and Welfare, have recently been amended to discontinue authority for issuance of port sanitary statements. Section 4.61 (e) of the customs regulations, providing for the issuance of such statements on Public Health Service Form 1964 in certain instances by collectors of customs, is therefore deleted, together with the parenthetical matter at the end thereof.

(R. S. 161, sec. 2, 23 Stat. 118, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624, 46 U. S. C. 2)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: May 10, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-3998; Filed, May 16, 1955; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 197—DRAWBACK ON DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

On December 15, 1954, a notice of proposed rulemaking with respect to regulations designated as Part 197 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (19 F. R. 8557). The purposes of the proposal were to adopt Regulations 29, 1953 edition (26 CFR (1939) Part 197, 18 F. R. 8613), Drawback of Tax on Distilled Spirits Used in the Manufacture of Nonbeverage Products, as amended, and to amend such adopted regulations (a) to implement the provisions of the Internal Revenue Code of 1954, (b) to implement administrative decisions, and (c) to delete certain administrative instructions which are to be incorporated in internal management documents. After consideration of all relevant matter presented by interested parties, regarding the regulations proposed, the regulations so published are hereby adopted subject to the changes set forth below:

PARAGRAPH 1. The "Preamble" is amended as follows:

(A) The first paragraph is amended.

(B) A new third paragraph is added.

PAR. 2. Subpart B is amended as follows:

(A) By renumbering §§ 197.10 and 197.11 to read "197.5" and "197.6", respectively.

(B) By inserting a new § 197.7.

(C) By renumbering §§ 197.12 to 197.18, inclusive, to read "197.8" through "197.14", respectively.

(D) By inserting a new § 197.15.

(E) By renumbering §§ 197.19 to 197.23, inclusive, to read "197.16" through "197.20", respectively.

PAR. 3. Subpart G is amended as follows:

(A) By revising the headnote of § 197.112 to read: *"Distilled spirits received in tank cars or tank trucks."*

(B) By revising the third sentence of § 197.117.

PAR. 4. Subpart H is amended by revising paragraph (c) of § 197.130.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: May 11, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

Preamble. 1. The regulations in this part shall supersede Regulations 29, 1953 edition (26 CFR Part 197, 18 F. R. 8613).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

Subpart A—Scope of Regulations

Sec.
197.1 Drawback of tax on spirits used in nonbeverage products.
197.2 Forms prescribed.

Subpart B—Definitions

197.5 Meaning of terms.
197.6 Assistant regional commissioner.
197.7 Commissioner.
197.8 Director, Alcohol and Tobacco Tax Division.
197.9 District director.
197.10 Domestic distilled spirits and distilled spirits.
197.11 Filed.
197.12 Intermediate products.
197.13 I. R. C.
197.14 Nonbeverage products.
197.15 Regional Commissioner.
197.16 Time distilled spirits are used.
197.17 Total annual withdrawals.
197.18 U. S. C.
197.19 Used.
197.20 Year.

Subpart C—Special Tax

197.25 Payment and rates of special tax.
197.26 Special tax for each place.
197.27 Date special tax due.
197.28 Filing of return and payment of special tax.

EXECUTION OF FORM 11

197.29 General.
197.30 Signature.
197.31 Verification of returns.

Subpart D—Special-Tax Stamps

197.40 Issuance of stamps.
197.41 Posting of stamps.
197.42 Corrections of errors on stamps.

CHANGE IN LOCATION

Sec.
197.43 General.
197.44 Removal in same internal revenue district.
197.45 Removal to another internal revenue district.
197.46 Failure of registration.
197.47 Certificates in lieu of lost stamps.

CHANGE IN CONTROL

197.48 General.
197.49 Persons eligible.
197.50 Failure of registration.
197.51 Certificates in lieu of lost stamps.

CHANGE IN NAME OR STYLE

197.52 General.
197.53 Change in capital stock.
197.54 Sale of stock.

ADJUSTMENT OF SPECIAL TAX RATE

197.55 Change to higher rate.
197.56 Change to lower rate.
197.57 Redemption of stamp.

REDEMPTION OF SPECIAL TAX STAMP

197.58 General.
197.59 Period for redemption of special tax stamp.

Subpart E—Bonds and Consents of Sureties

197.65 General.
197.66 Corporate surety.
197.67 Powers of attorney.
197.68 Deposit of collateral.
197.69 Consents of surety.
197.70 Approval required.
197.71 Authority to approve.
197.72 Additional or strengthening bonds.
197.73 New or superseding bonds.
197.74 Account with drawback bond.

TERMINATION OF BONDS

197.75 General.
197.76 Application of surety for release from bond.
197.77 Extent of release of surety from liability under bond.
197.78 Action by assistant regional commissioner.
197.79 Notice of termination.
197.80 Release of collateral.

Subpart F—Formulas and Samples

197.95 Products requiring formulas.
197.96 Products not requiring formulas.
197.97 Statement of process.
197.98 Samples.

Subpart G—Claims for Drawback

197.105 Drawback.
197.106 Claims.
197.107 Bond, Form 1730.
197.108 Date of filing claim.
197.109 Information to be shown by the claim.

SUPPORTING DATA

197.110 General.
197.111 Identification of special taxpayment.
197.112 Distilled spirits received in tank car or tank trucks.
197.113 Distilled spirits received in containers.
197.114 Distilled spirits received in bottles.
197.115 Use of distilled spirits.
197.116 Distilled spirits account.
197.117 Account of distilled spirits recovered in the manufacture of products eligible for drawback.
197.118 Account of distilled spirits recovered in the manufacture of intermediate products.
197.119 Account of intermediate products.

ACTION ON CLAIMS

197.120 Action on quarterly claims.
197.121 Action on monthly claims.

Subpart H—Records

Sec.
197.130 Nature of records.
197.131 Exception.
197.132 Form of record.

AUTHORITY: §§ 197.1 to 197.132 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply secs. 5131–5134, 68A Stat. 622–624; 26 U. S. C. 5131–5134. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 197.1 *Drawback of tax on spirits used in nonbeverage products.* The regulations in this part relate to obtaining drawback of internal revenue tax on distilled spirits used in the manufacture of certain nonbeverage products. The regulations cover the allowance of drawback of internal revenue tax on domestic distilled spirits used in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for beverage purposes; the payment of special (occupational) taxes in order to be eligible to claim drawback; claims; formulas and samples; losses; and records and reports of distilled spirits received and used in the manufacture of nonbeverage products.

§ 197.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 197.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this subpart.

§ 197.6 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of the regional commissioner of internal revenue.

§ 197.7 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 197.8 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 197.9 *District director.* "District director" shall mean a district director of internal revenue.

§ 197.10 *Domestic distilled spirits and distilled spirits.* "Domestic distilled spirits" and "distilled spirits" shall mean that substance known as ethyl alcohol produced at industrial alcohol plants operated under Part 182 of this subchapter, and those substances known as whisky, brandy, rum, or other spirits, produced at registered distilleries or fruit distilleries operated under Parts 220 and 221 of this subchapter.

§ 197.11 *Filed.* A claim for drawback shall be deemed to have been "filed" when it is delivered to the office of the proper assistant regional commissioner, and by that office received: *Provided*, That if the claim is delivered by United States mail after the prescribed 3 months period, the date of the United States postmark stamped on the cover in which the claim is mailed shall be deemed to be the date of delivery. This provision shall not apply unless the postmark is made by the United States Post Office and the postmark date falls within the prescribed time, and unless the claim is deposited in the mail in the United States in an envelope or other appropriate wrapper, postage prepaid, and properly addressed to the assistant regional commissioner with whom the claim is required to be filed. If the claim is sent by United States registered mail, the date of registration shall be deemed the postmark date.

(68A Stat. 895; 26 U. S. C. 7502)

§ 197.12 *Intermediate products.* "Intermediate products" shall mean products containing distilled spirits which are not subject to drawback until used in a nonbeverage product eligible for drawback.

§ 197.13 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 197.14 *Nonbeverage products.* "Nonbeverage products" shall mean medicines, medicinal preparations, food products, flavors, or flavoring extracts, in the manufacture or production of which distilled spirits are used under the provisions of sections 5131–5134, I. R. C., and this part, and which are unfit for use for beverage purposes.

§ 197.15 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue of each of the internal revenue regions.

§ 197.16 *Time distilled spirits are used.* The "time" at which distilled spirits shall be deemed to have been used is when the product contains the ingredients called for by an approved formula, or formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the Homeopathic Pharmacopoeia of the United States, as the case may be.

§ 197.17 *Total annual withdrawals.* The term "total annual withdrawals" shall mean the total quantity of distilled spirits (proof gallons), which are used in the manufacture or production of nonbeverage products during a year.

§ 197.18 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 197.19 *Used.* Distilled spirits shall be deemed to have been "used" in the manufacture of a product under this part, when such spirits are either consumed in such manufacture or are incorporated in the product: *Provided*, That spirits lost by causes such as spillage, leakage, breakage or theft, prior to or during the process of manufacture, shall not be deemed to be consumed in such manufacture.

§ 197.20 *Year.* "Year" shall mean the period which begins July 1 and ends on the following June 30.

SUBPART C—SPECIAL TAX

§ 197.25 *Payment and rates of special tax.* Each person who uses distilled spirits in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, in order to be eligible to claim the drawback on the distilled spirits so used, must pay special tax at the rate of $25 per annum for total annual withdrawals not exceeding 25 proof gallons of distilled spirits; $50 per annum for total annual withdrawals not exceeding 50 proof gallons; or $100 per annum for total annual withdrawals of more than 50 proof gallons. Where a claim is filed in the first quarter of a year, covering distilled spirits used during the last quarter of the preceding year, and special tax has not been paid for the preceding year, special tax for such preceding year must be paid in the appropriate amount prior to or at the time of filing the claim. Special tax, based upon estimated withdrawals, may be paid in advance of actual withdrawals. Adjustments of the special tax where improperly paid will be made in accordance with §§ 197.55 and 197.56. The manufacturer is not required to pay the special tax if he does not claim drawback on the distilled spirits used by him.

§ 197.26 *Special tax for each place.* A separate special tax must be paid for each place at which distilled spirits are used in the manufacture or production of nonbeverage products if a claim is filed for drawback of tax on distilled spirits so used at each such place.

§ 197.27 *Date special tax due.* The special tax must be paid prior to the filing of the first claim for drawback during any fiscal year commencing July 1 and ending with June 30 following. Notwithstanding the month of the fiscal year in which the claim is filed, the full annual special tax of $25, $50, or $100, as the case may be, must be paid.

§ 197.28 *Filing of return and payment of special tax.* Persons intending to file claims for drawback shall file returns on Form 11, with remittances, with the district director of internal revenue for the district in which the place of manufacture is located.

EXECUTION OF FORM 11

§ 197.29 *General.* Special-tax returns, Form 11, may be procured from any district director or collection officer and shall disclose, in the spaces provided, the following:

(a) The true name of the taxpayer, which may be followed by the words "trading as" and any trade name under which the business is conducted.

(b) The exact location of the place of business, as by name and number of building or street, and where these do not exist, by some particularization in addition to the post office address.

(c) The kind of business carried on.

(d) Except in the case of a corporation, the true names of all persons having a proprietary interest in the business. While it is not necessary that the names of all persons having a proprietory interest in the business appear on the special-tax stamp, the names must be disclosed on the return, Form 11.

§ 197.30 *Signature.* The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by an officer thereof. In each case, the person signing the return shall designate his capacity, as "individual owner," "member of firm," or, in the case of corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. Returns executed by persons as agents will not be accepted unless they file with the district director a power of attorney authorizing them so to act.

§ 197.31 *Verification of returns.* A return on Form 11 must be verified by a written declaration that it is made under the penalties of perjury.

(68A Stat. 749; 26 U. S. C. 6065)

SUBPART D—SPECIAL-TAX STAMPS

§ 197.40 *Issuance of stamps.* Upon receipt of a return on Form 11, properly executed, together with proper remittance, the district director of internal revenue will issue a special-tax stamp designated "Manufacturer of Nonbeverage Products." District directors and collection officers may not issue the special-tax stamp before the tax is fully paid. Such special-tax stamp may not be sold or otherwise transferred to another person.

§ 197.41 *Posting of stamps.* A special-tax payer shall conspicuously display his special-tax stamp in the place of business for which the special tax was paid. If such stamp is lost or accidentally destroyed, the taxpayer should immediately notify the district director of internal revenue from whom the stamp was purchased, who will issue to the taxpayer a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp," which must be kept in the same manner as the stamp.

(68A Stat. 831; 26 U. S. C. 6806 (a))

§ 197.42 *Corrections of errors on stamps.* On receipt of a special-tax stamp, the taxpayer will examine it to insure that the name and address are correctly stated thereon. If an error has been made, the stamp should be returned to the district director of internal revenue, with a statement showing the nature of the error and setting forth the proper name or address. The district director of internal revenue, on receipt of such stamp and statement, will compare the data with that on Form 11, and if an error on the part of the district director of internal revenue has been made, he will make the necessary correction and return the stamp to the taxpayer. If the Form 11 agrees with the data on the stamp, the district director of internal revenue will require the taxpayer to file a new Form 11, designated "Amended Return," disclosing the proper name and address, and, on receipt of the amended Form 11, will amend his Record 10 accordingly, attach the amended Form 11 to the original Form 11, make the proper correction on the stamp, and return it to the taxpayer.

CHANGE IN LOCATION

§ 197.43 *General.* A special-tax payer who, during the fiscal year for which special tax was paid, removes his place of manufacture to a place other than that specified in his special-tax stamp, must register the change with the district director of internal revenue from whom the special-tax stamp was purchased, within 90 days after he moves into the new premises, by executing a new return on Form 11, designated as "Amended Return," setting forth the time when and the place to which such removal was made, and shall surrender the special-tax stamp to the district director of internal revenue for indorsement of the change in location.

(68A Stat. 624; 26 U. S. C. 5144)

§ 197.44 *Removal in same internal revenue district.* When a special-tax payer removes his place of manufacture to another address within the same internal revenue district, the district director will enter on his Record 10 the new address and the date of removal into the new premises, and will note the change on the face of the special-tax stamp, stating clearly thereon the new location, and will return the special-tax stamp to the taxpayer.

§ 197.45 *Removal to another internal revenue district.* When a taxpayer removes his place of manufacture to a location within an internal revenue district other than that in which the special-tax stamp was issued, the district director who issued the special-tax stamp will enter on his Record 10 the new address and date of removal into the new premises, stating clearly the new location where the business is to be carried on, and will transmit the stamp to the district director of the district to which the taxpayer removed. The district director of that district will make entry on his Record 10, as in the case of a new registrant, and note the taxpayer's new address and the district director's name, title, and district, and the date of removal on the special-tax stamp, which will be returned to the taxpayer.

§ 197.46 *Failure of registration.* A person who removes his place of manufacture and fails to register such removal with the district director, as required by § 197.43, must pay a new special tax for the new location if a claim for drawback is filed by him during the fiscal year for which the original special tax was paid.

§ 197.47 *Certificates in lieu of lost stamps.* The provisions of §§ 197.43–197.46 shall apply to certificates issued in lieu of lost or destroyed special-tax stamps.

CHANGE IN CONTROL

§ 197.48 *General.* Certain persons other than the special-tax payer may, without paying additional special tax, be eligible to the same privileges granted by law to the taxpayer during the remainder of the fiscal year for which the special tax was paid. To secure such right, such person or persons must file with the district director from whom the special-tax stamp was purchased, within 90 days after the date on which the successor or successors assume control, a return on Form 11, showing the basis of the succession.

§ 197.49 *Persons eligible.* Under the conditions indicated in § 197.48, persons such as those listed below have the right of succession:

Death: The widow or child or executor, administrator, or other legal representative of the taxpayer.

Husband and wife: A husband or wife succeeding to the business of his or her spouse (living).

Insolvency: A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

Withdrawal from firm: The partner or partners remaining after death or withdrawal of a member.

§ 197.50 *Failure of registration.* A person so succeeding, who fails to register such succession with the district director, as required by § 197.48, must pay a new special tax if a claim for drawback is filed by him during the fiscal year for which the original special tax was paid.

§ 197.51 *Certificates in lieu of lost stamps.* The provisions of §§ 197.48–197.50 shall apply to certificates issued in lieu of lost or destroyed special-tax stamps.

CHANGE IN NAME OR STYLE

§ 197.52 *General.* A special-tax payer does not incur liability to additional special tax by reason of a mere change in the trade name or style under which such business is conducted, nor by reason of a change in management which involves no change in the proprietorship of the business.

§ 197.53 *Change in capital stock.* Additional special tax is not required by reason of a change of name or increase in the capital stock of a corporation if the laws of the State of incorporation provide for such changes without creating a new corporation.

§ 197.54 *Sale of stock.* No additional special tax is required by reason of the sale or transfer of all or a controlling interest in the capital stock of a corporation.

ADJUSTMENT OF SPECIAL TAX RATE

§ 197.55 *Change to higher rate.* A manufacturer of nonbeverage products who pays a special tax of $25 per annum and has filed or intends to file a claim or claims for drawback covering distilled spirits in excess of 25 proof gallons used during the year for which the special tax was paid, must pay special tax of $50 or $100, as the case may be, and obtain a stamp therefor. The manufacturer may thereupon submit the special-tax stamp of $25 to the district director of internal revenue to whom the special tax was paid with a claim on Form 843 for redemption. Similar procedure will govern in the case of a manufacturer of nonbeverage products who pays special tax of $50 and has filed or intends to file claim for drawback covering distilled spirits used in excess of 50 proof gallons.

(68A Stat. 830; 26 U. S. C. 6805)

§ 197.56 *Change to lower rate.* A manufacturer of nonbeverage products who pays special tax of $100 or $50 per annum, as the case may be, and, during the year for which the special tax was paid, files claim or claims for drawback covering the use of not more than 50 or 25 proof gallons of distilled spirits, as the case may be, may file a claim on Form 843 for redemption of the stamp in the amount of the difference between the special tax paid and the special tax due. The special-tax stamp shall be attached to the claim.

(68A Stat. 830; 26 U. S. C. 6805)

§ 197.57 *Redemption of stamp.* Redemption of the special tax stamp may be made if it is established that the taxpayer did not file a claim for drawback for the period covered by the special tax stamp. Where claim for drawback was filed, redemption of the special tax stamp may be made if it is established that no drawback was allowed or paid for the period covered by the stamp.

REDEMPTION OF SPECIAL TAX STAMP

§ 197.58 *General.* Claim for redemption of a special tax stamp shall be filed on Form 843 (original only) with the district director of internal revenue to whom the special tax was paid. The claim must set forth in detail and state each ground upon which it is made, and facts sufficient to apprise the assistant regional commissioner of the exact basis thereof. The special tax stamp shall be attached to the claim.

(68A Stat. 830; 26 U. S. C. 6805)

§ 197.59 *Period for redemption of special tax stamp.* No claim for redemption of the special tax stamp shall be allowed unless presented within three years next after the payment of such tax.

(68A Stat. 830; 26 U. S. C. 6805)

SUBPART E—BONDS AND CONSENTS OF SURETIES

§ 197.65 *General.* Every person required to file a bond or consent of surety under the provisions of this part shall prepare and execute it on the prescribed form, in triplicate, in accordance with the provisions in this part and the instructions printed on the form, and shall submit it to the assistant regional commissioner. The bonds required by the provisions in this part shall be given with corporate surety or collateral security. The surety may not have any interest, either direct or indirect, in the business of the principal on the bond.

§ 197.66 *Corporate surety.* Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356, Commissioner of Accounts, Surety Bonds Branch, and subject to such amendatory circulars as may be issued from time to time. A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided,* That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

§ 197.67 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, assistant regional commissioners. Powers of attorney or other evidence of appointment of agents and officers to execute bonds on behalf of the principal, must be filed on Form 1534, in triplicate, with the assistant regional commissioner with whom the bond is filed.

§ 197.68 *Deposit of collateral.* Except as provided in this section, bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of corporate sureties. Assistant regional commissioners, on receiving such bonds or notes, or other obligations, pledged and deposited by principals as collateral security in lieu of surety, shall deposit such securities as required by Department Circular No. 154, revised (31 CFR Part 225). United States Savings, Defense Savings, and War Savings Bonds issued under the authority of section 22 of the Second Liberty Bond Act, as amended, and other bonds and notes of the United States, which are nontransferable or the hypothecation of which will not be recognized by the Treasury Department, may not be pledged and deposited as security in lieu of corporate sureties.

(61 Stat. 646; 6 U. S. C. 15)

§ 197.69 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. The consent of the corporate surety may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate assistant regional commissioner, or the consent may be executed

by the home office officials of such corporate surety.

§ 197.70 *Approval required.* No person using distilled spirits in the manufacture of nonbeverage products may file monthly claim for drawback under the provisions of this part until bond on Form 1730 has been approved by the assistant regional commissioner.

§ 197.71 *Authority to approve.* Assistant regional commissioners are authorized to approve all bonds and consents of surety required by this part.

§ 197.72 *Additional or strengthening bonds.* In all cases where the penal sum of a bond on file and in effect is not sufficient, computed as prescribed by this part, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such additional or strengthening bonds, being filed to increase the bond liability of the principal and the surety, shall not be construed in any sense to be substitute bonds, and the assistant regional commissioner will refuse to approve an additional or strengthening bond where any notation is made thereon which may be construed as a release of any former bond or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond," as the case may be.

§ 197.73 *New or superseding bonds.* The principal on any bond filed pursuant to this part may, at any time, substitute a new bond therefor. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the assistant regional commissioner, the interests of the Government demand it or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. A new bond shall be required immediately in case of the insolvency of the surety. Where a bond is found to be not acceptable or for any reason becomes invalid or of no effect, the principal shall be required to file immediately a new and satisfactory bond. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by the obligors at the time of execution, "Superseding Bond." Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, the superseded bond shall be released as to transactions occurring wholly subsequent to the effective date of the superseding bond and notice of termination of the superseded bond may be issued as provided in § 197.78.

§ 197.74 *Account with drawback bond.* The assistant regional commissioner will keep an account with each bond governing the allowance of drawback on a monthly basis. The principal will be charged with the amount of drawback allowed on each monthly claim. Credit will be given on the account with the bond in the amount equal to the drawback found by audit and investigation to be allowable, under the provisions of this part.

TERMINATION OF BONDS

§ 197.75 *General.* Continuing bonds on Form 1730 will be terminated by the assistant regional commissioner as to liability on drawback allowed after a specified future date (a) pursuant to a notice by the surety as provided in § 197.76, (b) following approval of a superseding bond, as provided in § 197.73, or (c) following notification by the principal of his intent to discontinue the filing of claims on a monthly basis: *Provided*, That the bond will not be terminated until all outstanding liability thereunder has been discharged. Upon termination, the assistant regional commissioner will mark the bond "canceled" followed by the date of cancellation, and will issue a notice of termination, Form 1490, or a notice of release, Form 1491, as provided in § 197.79.

§ 197.76 *Application of surety for release from bond.* A surety on any bond required by this part may at any time, in writing, notify the assistant regional commissioner in whose office the bond is on file, and the principal, that he desires to be relieved of liability under the bond at a date not less than 60 days after the date of the notification. One copy of the notice must be delivered to the principal and two copies shall be delivered to the assistant regional commissioner. If the notice is given by an agent of the surety it must be accompanied by a power of attorney authorizing the agent to give such notice, or by a verified statement that such power of attorney is on file with the Treasury Department. The surety must also file with the assistant regional commissioner an acknowledgment or other proof of service of such notice on the principal.

§ 197.77 *Extent of release of surety from liability under bond.* If the notice required by § 197.76 is not withdrawn thereafter in writing, the rights of the principal as supported by the said bond shall be terminated on the date named in the notice, and the surety will be relieved from liability for drawback allowed subsequent to the date named. Liability for drawback allowed prior to the date named in the surety's notice will continue until the claims for such drawback have been properly verified by the assistant regional commissioner according to law and this part. Where the principal files a valid superseding bond, the surety on the bond superseded will be relieved from liability for drawback allowed wholly subsequent to the effective date of the superseding bond.

§ 197.78 *Action by assistant regional commissioner.* When an application by the surety for release from bond is filed with the assistant regional commissioner, or when a superseding bond has been approved, or when the principal has discontinued filing claims on a monthly basis, the assistant regional commissioner will make a complete examination of records to determine whether there is any liability then due and payable, or chargeable, outstanding against the bond. If it is found that liabilities chargeable against the bond have not been paid or credited or otherwise settled, no further action will be taken until all such liabilities have been settled. If the assistant regional commissioner finds that the bond may be properly terminated, he will issue notice of termination in accordance with the provisions of § 197.79.

§ 197.79 *Notice of termination.* Upon determining that the bond on Form 1730 may be terminated, the assistant regional commissioner will execute a notice of termination, Form 1490, where a superseding bond has been approved, or a notice of release, Form 1491, where the principal has discontinued filing monthly claims, or where the surety has made application for release from bond as provided in § 197.76. The notice of termination or the notice of release shall be prepared in quadruplicate where there is but one surety, and in quintuplicate where there are two sureties. The assistant regional commissioner will forward the original of the notice to the Director, Alcohol and Tobacco Tax Division, together with a copy of the surety's application, if any, furnish one copy to each obligor, and retain one copy of the notice and the surety's application, if any, on file with the bond to which it relates.

§ 197.80 *Release of collateral.* The release of collateral pledged and deposited to support bonds required by this part will be in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225), subject to the conditions governing issuance of notices on Forms 1490 and 1491 of the termination of such bonds. When the assistant regional commissioner determines that there is no outstanding liability against the bond, and has satisfied himself that the interests of the Government will not be jeopardized, the security may be released and returned to the principal.

(61 Stat. 646; 6 U. S. C. 15)

SUBPART F—FORMULAS AND SAMPLES

§ 197.95 *Products requiring formulas.* Manufacturers intending to file drawback claims are required to file quantitative formulas for all preparations except those covered by § 197.96. Such formulas should be sent direct to the Director, Alcohol and Tobacco Tax Division, Washington 25, D. C., on Form 1678, in quadruplicate, before or at the time of manufacture of the products. Upon receipt by the Director, Alcohol and Tobacco Tax Division, the formulas will be examined and if found to be medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes they will be approved. If the formulas do not meet the requirements of the law for drawback products, they will be disapproved. No drawback will be allowed on distilled spirits used in a disapproved product, unless such product is later used in the manufacture of an approved nonbeverage product. The formulas should be serially numbered, commencing with number one and continuing thereafter in numerical sequence. Amended or revised formulas will be considered as new formulas and serially numbered accordingly. One copy of each formula will be retained by the Director, Alcohol and Tobacco Tax Division, one copy returned to the manufacturer, and the original and one copy will be sent to the assistant regional commissioner for filing. The formulas returned to manufacturers shall be filed in serial order by the manufacturer and made available for examination by internal revenue officers in the investigation of drawback claims. The copies sent to assistant regional commissioners shall likewise be filed in serial order, available for examination by drawback audit clerks and laboratory chemists. In the case of food products, such as preserved fruits, cakes, buns, soups, etc., it will be sufficient if the formulas therefor show the quantity of proof gallons of distilled spirits used in the production of a given quantity of finished product.

§ 197.96 *Products not requiring formulas.* Quantitative formulas need not be submitted if the products are medicinal preparations, tinctures, or fluid extracts produced under formulas prescribed by the United States Pharmacopoeia, The National Formulary, or the Homeopathic Pharmacopoeia of the United States, and such products are identified in the supporting data by name and followed by the letters "U. S. P.," "N. F.," or "H. P. U. S.," as the case may be.

§ 197.97 *Statement of process.* The assistant regional commissioner, at his discretion, may at any time require any person claiming drawback under the regulations in this part to file a statement of process in addition to that required by Form 1678 and such other data as he may deem necessary for consideration of such person's claim for drawback. When such additional data are required, the statement of process should be submitted with copies of the commercial labels used on the finished products.

§ 197.98 *Samples.* The Director, Alcohol and Tobacco Tax Division, or assistant regional commissioner, at his discretion, may also at any time require any person claiming drawback under the regulations in this part to submit a sample of each nonbeverage product for examination. Where the applicant proposes to use a mixture of oil or other ingredients, the composition of which is unknown to him, a 1-ounce sample should be submitted with the sample of finished product when so required by the Director, Alcohol and Tobacco Tax Division, or assistant regional commissioner, as the case may be.

SUBPART G—CLAIMS FOR DRAWBACK

§ 197.105 *Drawback.* Drawback at the rate specified by law on each proof gallon of distilled spirits used in the manufacture of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes will be allowed to any person who has become eligible for such drawback and upon the filing of a claim therefor as provided in this subpart.

§ 197.106 *Claims.* The claim for drawback shall be filed on Form 843 (original only) with the assistant regional commissioner, for the region in which the place of manufacture is located, and shall pertain only to distilled spirits used in the manufacture or production of nonbeverage products during any one quarter of the year, and only one claim may be filed for each quarter: *Provided*, That where the manufacturer has notified the assistant regional commissioner, in writing, of his intention to file claims on a monthly basis, in lieu of a quarterly basis, and has filed a bond in compliance with the provisions of § 197.107, claims may be filed monthly in lieu of quarterly: *Provided further*, That any such election for the filing of monthly claims may be revoked upon filing of notice thereof, in writing, with the assistant regional commissioner.

§ 197.107 *Bond, Form 1730.* Every person desiring to file claims for drawback on a monthly basis shall, upon filing his notice of such intention as provided in § 197.106, execute a bond on Form 1730, in triplicate, in conformity with the provisions of Subpart E of this part, and file the same with the assistant regional commissioner. The penal sum of the bond must be sufficient to cover the amount of drawback which will, during any quarterly period, constitute a charge against the bond: *Provided*, That the penal sum of any bond shall not exceed $200,000 nor be less than $1,000. The bond shall be a continuing one, and the liability thereof subject to increase as successive monthly claims are allowed thereunder and to decrease as the verifications of such monthly claims are made. When the limit of liability under a bond given in less than the maximum penal sum has been reached, no further drawback on monthly claims will be allowed unless prior charges against the bond have been decreased, or a new, or additional, bond in sufficient penal sum is furnished.

§ 197.108 *Date of filing claim.* Quarterly claims for drawback must be filed with the assistant regional commissioner within the three months next succeeding the quarter in which the distilled spirits covered by the claim were used in the manufacture of nonbeverage products. Monthly claims for drawback may be filed at any time after the end of the month in which the distilled spirits covered by the claim were used in the manufacture of nonbeverage products, but must be filed not later than the close of the third month succeeding the quarter in which such spirits were used.

§ 197.109 *Information to be shown by the claim.* The claim must set forth the following:

(a) That the special tax has been paid.

(b) That the tax on the distilled spirits on which drawback is claimed has been paid and that such spirits were produced in a domestic registered distillery or an industrial alcohol plant.

(c) That the distilled spirits on which the drawback is claimed were used in the manufacture or production of nonbeverage products.

(d) That the nonbeverage products were manufactured in compliance with (1) quantitative formulas filed with the Director, Alcohol and Tobacco Tax Division, on Form 1678 prior to or at the time of manufacture, or (2) formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the Homeopathic Pharmacopoeia of the United States.

(e) That the data submitted in support of the claim are correct.

SUPPORTING DATA

§ 197.110 *General.* Each claim will be accompanied by statements of supporting data as provided by §§ 197.111–197.119.

§ 197.111 *Identification of special taxpayment.* Each claim will be accompanied by a statement showing, with respect to payment of special tax: (a) Serial number of special tax stamp, (b) denomination, (c) fiscal year for which issued, (d) date of issuance, and (e) internal revenue district where issued.

§ 197.112 *Distilled spirits received in tank cars or tank trucks.* Each claim covering distilled spirits received in tank cars or tank trucks will be accompanied by a statement showing: the date of receipt; the name and address of the vendor, whether taxpayment was evidenced by a certificate of taxpayment, Form 1595, or a wholesale liquor dealer's stamp; the serial number of the certificate of taxpayment (Form 1595), or the wholesale liquor dealer's stamp; the date of issuance of the certificate or wholesale liquor dealer's stamp; the name of the producer; and the kind, quantity, and proof of the spirits. (When a tank car or tank truck is emptied, the certificate of taxpayment, Form 1595, or the wholesale liquor dealer's stamp, as the case may be, affixed thereto shall be scalped by cutting out all of that portion of the certificate or stamp within the borders and the cut-out portion of the certificate or stamp shall be immediately forwarded to the assistant regional commissioner. If the tank car or tank truck is received without the certificate or stamp attached thereto, the vendee shall note such fact on the bill of lading, if any, or on Form 1440 or 1520, as the case may be, and immediately notify the assistant regional commissioner who will cause such inquiry to be made respecting the shipment and receipt of the conveyance as he may deem appropriate.)

§ 197.113 *Distilled spirits received in containers.* Each claim covering distilled spirits received in containers, such as barrels, drums, cans, or cases, bearing

internal revenue stamps will be accompanied by a statement showing: the date of receipt; the name and address of the vendor; the serial number of the stamp affixed to the container; the date of issuance appearing on the stamp; the serial number, if any, of the container; the name of the producer; and the kind, quantity, and proof of the spirits. (When the package is emptied, the stamp shall be scalped and attached to the next claim filed for drawback on the spirits which were in such package.)

§ 197.114 *Distilled spirits received in bottles.* Each claim covering distilled spirits received in bottles will be accompanied by a statement showing: the date of receipt; the name and address of the vendor; the serial number of the strip stamp affixed to the bottle; the name of the bottler; and the kind, quantity, and proof of the spirits.

§ 197.115 *Use of distilled spirits.* Each claim covering the use of distilled spirits in the manufacture of nonbeverage products will be accompanied by a statement showing the name, description, and formula number, if any, of each nonbeverage product in the manufacture of which distilled spirits were used, the alcoholic content by volume of each such product, the number of proof gallons and kind of distilled spirits used in manufacture thereof, and the quantity produced.

§ 197.116 *Distilled spirits account.* Each claim will be accompanied by a statement showing in proof gallons the quantity of all distilled spirits on hand at the beginning of the period, quantity in process beginning of the period, quantity received during the period, quantity used during the period in the manufacture of nonbeverage products subject to drawback, quantity used in the manufacture of intermediate products, quantity otherwise used not subject to drawback, quantity in process at the end of the period, and the quantity remaining on hand at the end of the period. Distilled spirits in process will include distilled spirits represented in unfinished nonbeverage products, mixtures, menstruums, etc. Any discrepancy between the amount of distilled spirits on hand at the end of the period as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof.

§ 197.117 *Account of distilled spirits recovered in the manufacture of products eligible for drawback.* Each claim will be accompanied by a summary statement showing in proof gallons the quantity of all recovered distilled spirits on hand at the beginning of the period, quantity in process beginning of the period, quantity recovered during the period, quantity used not subject to drawback, quantity in process at the end of the period, and the quantity remaining on hand at the end of the period. Any discrepancy between the amount of recovered distilled spirits on hand at the end of the period as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof. Distilled spirits recovered from dregs or marc of percolation or extraction of products eligible for drawback may be reused in the manufacture of medicines or flavoring extracts of the kind in which originally used, e. g., distilled spirits recovered from dregs or marc of percolation or extraction in the manufacture of one medicine may be reused in the manufacture of another medicine, but distilled spirits recovered from dregs or marc of percolation or extraction in the manufacture of medicine may not be reused in the manufacture of flavoring extracts. Such recovered distilled spirits are not eligible for drawback and may be reused only in the manufacture of nonbeverage products. This may not be used in the manufacture of intermediate products.

§ 197.118 *Account of distilled spirits recovered in the manufacture of intermediate products.* Each claim will be accompanied by a summary statement showing in proof gallons the quantity of all recovered distilled spirits on hand at the beginning of the period, quantity in process beginning of the period, quantity recovered during the period, quantity used during the period in the manufacture of nonbeverage products subject to drawback, quantity otherwise used, and the quantity remaining on hand at the end of the period. Any discrepancy between the amount of recovered distilled spirits on hand at the end of the period as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof. Any distilled spirits recovered from the dregs or marc of percolation, or extraction, of intermediate products as defined in § 197.16 are eligible for drawback of tax only when used in the manufacture of a nonbeverage product.

§ 197.119 *Account of intermediate products.* Each claim will be accompanied by a statement showing the quantity in wine gallons of each intermediate product and the quantity of distilled spirits (proof gallons) used therein on hand at the beginning of the period, produced during the period, and on hand at the end of the period, and showing the quantity in wine gallons of each intermediate product and the quantity of the distilled spirits contained therein (proof gallons) used during the period in eligible products, used during the period in other intermediate products, and otherwise disposed of during the period. Any discrepancy between the amount of intermediate products on hand at the end of the period as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the statement with an explanation of the cause thereof. Only the distilled spirits remaining in an intermediate product at the time of its use in the manufacture of an approved nonbeverage product, are eligible for drawback.

ACTION ON CLAIMS

§ 197.120 *Action on quarterly claims.* The assistant regional commissioner will date-stamp the claim and, after recording, will examine the claim for the purpose of determining whether it is properly executed and that all supporting data have been submitted and will conduct such inquiries and investigations as may be necessary to verify that drawback is allowable on the distilled spirits covered by the claim. After completion of such verification he will allow or disallow the claim in accordance with his findings and existing law and regulations.

§ 197.121 *Action on monthly claims.* The assistant regional commissioner will date-stamp the claim and, after recording, will examine the claim for the purpose of determining whether it is properly executed and that all required supporting data have been submitted. Where a bond in the maximum penal sum or, if less than such maximum, in a sufficient penal sum, is on file, the assistant regional commissioner will verify that the amount of drawback claimed is correctly calculated, based on the quantity of distilled spirits stated to have been used by the manufacturer, and, without investigation, allow or disallow the claim (including the final claim for any quarter) in accordance with existing law and regulations. Where the bond on file is not in a sufficient penal sum, action on the claim will be withheld pending completion of an investigation subsequent to the end of the quarterly period. When the final claim for a quarter is received, the assistant regional commissioner will conduct such investigation as may be necessary to verify, as to each claim filed for the quarter, that the drawback allowed, or claimed where bond was insufficient, was proper: *Provided*, That where the total charges outstanding against the manufacturer's bond are less than the penal sum of such bond, the assistant regional commissioner may, at his discretion, conduct such investigation at less frequent intervals. Upon completion of verification the assistant regional commissioner will credit the manufacturer's bond in an amount equal to the drawback on the spirits found to have been lawfully used.

SUBPART H—RECORDS

§ 197.130 *Nature of records.* Every person intending to claim drawback on distilled spirits used in the manufacture or production of nonbeverage products must keep a permanent record showing the following data:

(a) The quantity, proof, and kind of distilled spirits received.

(b) Name and address of the person from whom the spirits were received.

(c) Kind of container and serial number thereof, serial number of certificate of tax payment or wholesale liquor dealer's stamp (if tank car or tank truck), serial number of internal revenue stamp (if barrel, drum, can, or case), or serial number of strip stamp (if bottle).

(d) Date on which received.

(e) Number of proof gallons and kind of distilled spirits used in the manufacture of each product, and the date of use.

(f) Name of each product in the manufacture of which distilled spirits were used.

(g) Quantity of each product produced and the alcohol content thereof.

(h) Name and address of the purchaser.

(i) Quantity of each product sold to each purchaser.

(j) Date of sale of product to each purchaser.

§ 197.131 *Exception.* The manufacturer need not keep the records required by paragraphs (h), (i), and (j) of § 197.130 where the nonbeverage product contains less than 3 percent of distilled spirits by volume, nor shall such records be required where nonbeverage products are sold by the producer direct to the consumer in retail quantities. The assistant regional commissioner may at any time require the keeping of such records upon at least 5 days' notice to the taxpayer.

§ 197.132 *Form of record.* No particular form of record is prescibed, but the data required to be shown shall be readily ascertainable from the records kept by the manufacturer. Such records shall be kept complete and current at all times, and shall be retained by the manufacturer on the place covered by the special-tax stamp, and shall be open to inspection by internal revenue officers during regular business hours. Such records shall be retained by the manufacturer for a period of not less than 2 years.

[F. R. Doc. 55-3997; Filed, May 16, 1955; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter D—Regulations Pertaining to Military Justice

PART 61—UNIFORM RULES OF PROCEDURE FOR PROCEEDINGS IN AND BEFORE BOARDS OF REVIEW

RECONSIDERATIONS

Correction

In Federal Register Document 55-3684, 20 F. R. 3068, Friday, May 6, 1955, "Chapter IV—Joint Regulations of the Armed Forces" should read "Chapter I—Office of the Secretary of Defense", and the subchapter and part designations, reading "L" and "471" respectively, should have appeared as "D" and "61", as set forth above. Section 471.12 should be designated "§ 61.12."

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-17]

DMO I-17—FURTHER ASSIGNMENT OF DEFENSE MOBILIZATION AUTHORITY TO THE GENERAL SERVICES ADMINISTRATION

Pursuant to the authority vested in me by Executive Order 10480 of August 14, 1953, Reorganization Plan No. 3, effective June 12, 1953, and the Defense Production Act of 1950, as amended, it is hereby ordered:

There is hereby delegated to the General Services Administration authority to prepare the reports to the Congress required by section 304 of the Defense Production Act of 1950, as amended, and section 4 of the Strategic and Critical Materials Stock Piling Act.

The nature and contents of such reports shall be determined by the Director of the Office of Defense Mobilization. The General Services Administration shall prepare such reports on behalf of the Director of the Office of Defense Mobilization and shall forward them to him for transmittal to the Congress.

This order shall take effect on May 13, 1955.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-4030; Filed, May 13, 1955; 3:41 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 19—BOARD OF VETERANS APPEALS

1. The centerhead "Jurisdiction" immediately preceding the contents for Part 19 is hereby deleted.

2. Sections 19.0, 19.1, 19.2, 19.3, 19.5, 19.6 and 19.7 are revised; § 19.4 remains unchanged. As amended, Part 19 reads as follows:

Sec.
19.0 General appellate jurisdiction.
19.1 Subject matter of appeals.
19.2 Time within which appeals must be filed.
19.3 Right to a hearing.
19.4 Form of decision.
19.5 Finality of decisions of the Board of Veterans Appeals.
19.6 Jurisdiction to correct errors.
19.7 Administrative appeals; employees authorized to file appeals.

AUTHORITY: §§ 19.0 to 19.7 issued under sec. 7, 48 Stat. 9; 38 U. S. C. 707. Interpret or apply secs. 9, 20, 48 Stat. 10, as amended, 309, as amended; 38 U. S. C. 709, 722.

§ 19.0 *General appellate jurisdiction.* All questions on claims involving benefits under the laws administered by the Veterans Administration are subject to review on appeal to the Administrator of Veterans Affairs, decisions in such cases to be made by the Board of Veterans Appeals. Jurisdiction to render final decisions on questions so reviewed on appeal is vested in the Board of Veterans Appeals, in accordance with Part II, Veterans Regulation 2 (a) (38 U. S. C., ch. 12A).

§ 19.1 *Subject matter of appeals.* More specifically, the Board's appellate jurisdiction covers questions of entitlement to compensation for service-connected disabilities; pension for disability without regard to service-connection; death compensation and pension; vocational rehabilitation, including need therefor; education; insurance benefits, including maturity of contracts, waiver of premiums, and legal beneficiary; payment or reimbursement for unauthorized medical expenses; burial allowances; disability suffered as the result of examination, treatment or hospitalization or vocational training; emergency officers retirement benefits; basic eligibility to loans and unemployment compensation; adjusted compensation; waiver or recovery of overpayments; forfeiture of rights; and all related mixed questions of fact and law, such as character and type of service, attorney fees, marital relations, dependency, validity of claims, apportionment, reduction and increase in compensation or pension benefits, and similar questions.

§ 19.2 *Time within which appeals must be filed.* Applications for review on appeal to the Administrator of Veterans Affairs shall be filed within 1 year from the date of mailing notification of the result of initial review or determination, except in simultaneously contested claims where one is allowed and one rejected, in which event the time allowed for filing an application for review on appeal shall be 60 days from date of mailing notice of the original action to the claimant to whom the action is adverse.

§ 19.3 *Right to a hearing.* A claimant who has executed a formal appeal to the Administrator and whose appeal has been certified by the office of original jurisdiction shall be entitled to appear without expense to the Government at a formal hearing before a section of the Board of Veterans Appeals or, at his discretion, in a regional or district office before designated personnel acting as a hearing agency for the Board of Veterans Appeals, with such witnesses and representative as he may designate.

§ 19.4 *Form of decision.* Decisions of the board will be in written form setting forth specifically the question considered by the board, the essential facts and the reasons for the board's decision.

§ 19.5 *Finality of decisions of the Board of Veterans Appeals.* The Board's determinations are final except for the correction of error therein or when, in the opinion of the Board, a contrary conclusion is justified on the basis of additional official information furnished by the service department. Decisions of the Board of Veterans Appeals made while a section of the Board is sitting in a regional or district office shall have the same effect as those rendered by the Board in Washington. However, when a claim has been finally disallowed by the Board, a subsequent claim on the same factual basis, if supported by new and material evidence, shall have the attributes of a new claim.

§ 19.6 *Jurisdiction to correct errors.* The Board of Veterans Appeals has authority to correct errors in any question in issue. If the Board finds a clear and unmistakable error on any question not in issue, such error will be brought to the attention of the proper organizational element by a memorandum from the chairman of the Board. The failure so to do may not be taken as a certification or decision by the Board that error does not exist.

§ 19.7 *Administrative appeals; employees authorized to file appeals.* Pursuant to the authority contained in paragraph VI, Part II, Veterans Regulation 2 (a) (38 U. S. C. ch. 12A), a Deputy Administrator, the Chief Medical Director, an Assistant Deputy Administrator,

an Assistant Administrator or the General Counsel is hereby authorized to file an appeal from any decision within 1 year from the date of such decision, or within 1 year from the date of mailing of notice of such decision, whichever is the later date. The Managers and directors of the various services and chiefs of divisions of the Veterans Benefits Office—D. C., the Insurance Center—D. C., and the district offices, are authorized to file an appeal from any decision originating within their established jurisdiction within 6 months from the date of such decision or within 6 months from the date of mailing of notice of such decision, whichever is the later date. The Manager of a regional office, the adjudication officer, the chief medical officer, and the chief, vocational rehabilitation and education division, are authorized to file an appeal from any decision within 60 days from the date of such decision or within 60 days from the date of mailing of notice of such decision, whichever is the later date.

This regulation is effective May 17, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-4000; Filed, May 16, 1955; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 51—REGISTRY

FEES, SURCHARGES AND RETURN RECEIPTS

Section 51.4 *Fees, surcharges, and return receipts* (19 F. R. 7810) is hereby amended as follows:

a. Amend paragraph (a) by striking "No indemnity-------- $0.30" from the table under the caption "Liability limit:".

b. Amend paragraph (b) by striking "30 cents" in the first sentence, and by inserting in lieu thereof "40 cents".

The foregoing amendments shall be effective June 7, 1955, except that for the Washington, D. C. Post Office, they shall be effective June 6, 1955.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369; 39 U. S. C. 246f)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-4007; Filed, May 16, 1955; 8:50 a. m.]

PART 58—CERTIFIED MAIL

Part 58 containing the rules on certified mail, published as notice of proposed rule making (20 F. R. 1075), is hereby adopted without change effective June 7, 1955, except that for the Washington, D. C., Post Office they shall be effective June 6, 1955.

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

Sec.
58.1 Description.
58.2 Class of mail to which applicable.
58.3 Fees.
58.4 Mailing.
58.5 Delivery.
58.6 Inquiry.

AUTHORITY: §§ 58.1 to 58.6 issued under R. S. 161, 388, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 361, 369, 39 U. S. C. 246f.

§ 58.1 *Description.* Certified mail service provides for a receipt to the sender and a record of delivery at the office of address. No record is kept at the office at which mailed. It is handled in the ordinary mails and no insurance coverage is provided. The mail will be endorsed in the following manner:

CERTIFIED
MAIL
No. 286539

§ 58.2 *Class of mail to which applicable.* Only first-class letter mail having no value will be accepted as certified mail. This does not exclude articles of a nonnegotiable character and other matter which would involve a cost of duplication if lost or destroyed. The mail may be sent by air on payment of the required postage. Return receipt service requested at the time of mailing only, and special delivery services are available on payment of the prescribed fees.

§ 58.3 *Fees.*

	Cents
Fee in addition to postage	15
Return receipts:	
Showing to whom and when delivered	7
Showing to whom, when and address where delivered	31
Inquiry fee	10

§ 58.4 *Mailing*—(a) *Payment of fees and postage.* A certified mail stamp is available for the fee. However, the fee and postage may be paid by ordinary postage stamps, meter stamps, or by permit imprints.

(b) *Where to mail.* You may mail certified mail at the post office, branch or station, or give it to a rural carrier. It may also be deposited in mail drops in post offices or in street letter boxes, provided you follow specific directions in paragraph (c) of this section.

(c) *How to mail.* Obtain blank certified mail coupons (no charge) at your post office or from your rural mail carrier. Also obtain blank return receipt forms if needed. Following is the procedure:

(1) Enter on the receipt portion of the certified mail coupon the name and complete address of the person or firm to whom the mail is addressed. If return receipt service is wanted, check block on the receipt to show the fee. (See § 58.3.)

(2) If return receipt is wanted, enter the certified mail number on the return receipt card, address it to yourself and attach it to the back of the envelope. If you desire the return receipt to show the address where the letter was delivered, there is a block at the top of the form which must be checked by you.

(3) Be sure to attach to the envelope sufficient postage stamps to pay for the certified mail fee, first-class postage, return receipt fee, or special delivery fee.

(4) If you want a postmarked sender's receipt, attach the certified mail sticker to the letter and present the letter and the completed coupon to the postal employee. If given to a rural carrier he will bring the postmarked receipt back to you.

(5) If you do not want a postmarked receipt, attach the Certified Mail sticker to the address side of the envelope directly above the address, detach your receipt, and deposit the letter in the mail box. Mark your receipt to show the date.

(d) *Firm mailing books.* If you mail an average of three or more letters at one time, you may use mailing books Form 3877a which are furnished by the postal service without charge, or specially printed mailing bills. A series of numbers will be furnished you. The sheets of the book become the sender's receipts. Books must be presented with the letters to be mailed. You must also obtain at your expense a stamp for endorsing the certified letters, or you may have your envelopes overprinted with the endorsement. The endorsement must be a facsimile or proportionate enlargement of the official endorsement shown in § 58.1. Following are instructions for use of the forms:

(1) Insert the word "Certified" in the space provided at the top of the form.

(2) The mailer must endorse and number the letters. If return receipt or special delivery services are requested, mark the letters "Return Receipt Requested," "Return Receipt Requested Showing Address Where Delivered," or "Special Delivery." Prepare and attach return receipt to the back of the envelopes with the receipt side showing.

(3) Show on the bill the number of each article and the name and address of addressee.

(4) Enter only the amount of fees paid for return receipts.

(5) Affix necessary postage to the articles.

(6) The accepting employee will count the items, receipt the bill for the total number, and return the bill to you.

RECEIPT FOR CERTIFIED MAIL ---------- No. 286539

(Name and complete address)

To ----------

Return receipt | (Check one) 7¢ 31¢ | Postmark or date

SAVE THIS RECEIPT

Present it if you make inquiry

By ----------

POD Form 3800
January 1955

(See other side)

CERTIFIED MAIL NO. 286539

§ 58.5 *Delivery*—(a) *Procedure.* Mail for delivery by carriers is taken out on the first trip after it is received, unless the addressee has requested the postmaster to hold his mail at the post office. The mail will be delivered to the addressee or his authorized representative after the delivery receipt is obtained by the postal employee. Delivery rules are the same as for registered mail. (See § 51.7 (b).)

(b) *Notice of arrival.* The carrier will leave a notice of arrival if he cannot deliver the certified letter for any reason. The letter will be brought back to the post office and held for you. If the letter is not called for or its redelivery requested, it will be returned at the expiration of the period stated by the sender, or after 15 days if no period is stated.

(c) *Rural delivery.* Rural carriers will deliver certified mail to your residence if it is not more than ½ mile from the route and if there is a passable road leading to it. Otherwise, a notice will be left in your box so that you may either meet him at the box on his next trip, or call at the post office for the mail.

(d) *Star route delivery.* Star route carriers may deliver certified mail only when the addressee has authorized the postmaster in writing to give the mail to the carrier. The carrier will be required to sign for the mail and the responsibility of the postal service ends on delivery to the carrier.

(e) *Delivery records.* The delivery records will be held for six months. At the end of that period the records will be destroyed.

§ 58.6 *Inquiry.* Inquiry on Form 1510 concerning the loss of a certified letter may be made at the post office on payment of a fee of 10 cents. After a reasonable time has elapsed for the letter to have been received by the addressee, application for a duplicate return receipt may be made without charge. You must present your sender's receipt at the time an inquiry is filed or a request for a duplicate return receipt is made.

[F. R. Doc. 55-4006; Filed, May 16, 1955; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1909]

PART 194—POTASSIUM PERMITS AND LEASES

Correction

In Federal Register Document 55-3830, published at page 3229 of the issue for Thursday, May 12, 1955, "2,360 acres", appearing in the second sentence of § 194.3 (b), should read "2,560 acres".

Appendix C—Public Land Orders

[Public Land Order 1147]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 198 OF DECEMBER 20, 1943 (AIR NAVIGATION SITE WITHDRAWAL NO. 212)

By virtue of the authority contained in section 4 of the act of May 24, 1928, c. 728 (45 Stat. 729; 49 U. S. C. 214), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 198 of December 20, 1943, withdrawing the following described lands in Alaska for use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, as Air-Navigation Site Withdrawal No. 212, is hereby revoked:

From the terminal of the existing cable and rail tramway on the shore of a small cove on the east side of Forrester Island in latitude 54°48' N., longitude 133°31' W., by approximate bearings and distance to point of beginning as follows: S. 59° W., 2,300 feet, along tramway to winch shed; S. 10° W., 750 feet, to southeast corner of 21 ft. x 21 ft. concrete building foundation; South, 125 feet to the point of beginning of the tract; thence, West, 100 feet; North, 200 feet; East, 200 feet; South, 200 feet; West, 100 feet to the point of beginning.

The tract described contains 0.92 acre.

The lands are within the boundaries of the Tongass National Forest and the Forrester Island National Wildlife Refuge, established by Proclamation of August 20, 1902, and Executive Order No. 1458 of January 11, 1912, respectively.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 11, 1955.

[F. R. Doc. 55-3969; Filed, May 16, 1955; 8:45 a. m.]

[Public Land Order 1148]

ALASKA

PARTIALLY REVOKING EXECUTIVE ORDER OF MAY 4, 1907, AND EXECUTIVE ORDER NO. 5289 OF MARCH 4, 1930

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of May 4, 1907, reserving certain public lands in Alaska pending survey and segregation for educational purposes, is hereby revoked so far as it affects the lands in the following-described area:

QUINHAGAK (KWINHAGAK)

At the mouth of the Kuskokwim River, near latitude 60°, longitude 162°: Aggregating (not to exceed) 40 acres.

2. Executive Order No. 5289 of March 4, 1930, reserving certain public lands in Alaska pending survey and segregation for educational purposes, is hereby revoked so far as it affects the lands in the following-described area:

BUCKLAND

Near latitude 66° 5', longitude 161° 5' U. S. Survey No. 2018: Aggregating 26.68 acres.

The land at Buckland is located a short distance up the Buckland River off Eschscholtz Bay in Kotzebue Sound. It is in an isolated area typical of the Seward Peninsula tundra country and has little attraction for settlement in the foreseeable future. Many thousands of acres of open, unappropriated, public lands surround this parcel.

The land at Quinbagak (Kwinbagak) is situated on the Kanektok River near the mouth of the Kuskokwim where it enters Kuskokwim Bay on the Bering Sea. At the present time this area is sparsely settled with little attraction for settlement in the foreseeable future. It, also, is surrounded by vast area of open, unappropriated, public domain.

For a period of 91 days, commencing at 10:00 a. m. on the 35th day after the date of this order the public lands affected by this order shall, subject to valid existing rights, including the rights, if any, of the Natives of Alaska, and the provisions of existing withdrawals, be subject only to settlement under the homestead laws or the Alaska Home Site Act of May 26, 1934 (48 Stat. 809; 43 U. S. C. 461), or the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, by qualified veterans of World War II and the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, subject to the requirements of applicable laws.

Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to settlement, petition, location, selection or other appropriation by the public generally as may be authorized by the public land laws.

Settlement claims under the homestead laws shall be governed by the regulations contained in Parts 65 and 66, inclusive, of Title 43 of the Code of Federal Regulations, and such claims under the Alaska Home Site Act of May 26, 1934, and the Small Tract Act of June 1, 1938, as amended shall be governed by the regulations contained in §§ 64.6 to 64.10, inclusive, of that title.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 11, 1955.

[F. R. Doc. 55-3970; Filed, May 16, 1955; 8:45 a. m.]

[Public Land Order 1149]

WASHINGTON, ARIZONA, CALIFORNIA

REVOCATION OF EXECUTIVE ORDER OF DECEMBER 5, 1921, EXECUTIVE ORDER NO. 7504 OF DECEMBER 11, 1936, AND EXECUTIVE ORDER NO. 8004 OF NOVEMBER 12, 1938, WITHDRAWING LAND IN WASHINGTON AS RESERVOIR SITE RESERVE NO. 14; IN ARIZONA FOR USE BY BUREAU OF PLANT INDUSTRY, AND IN CALIFORNIA FOR USE OF DEPARTMENT OF THE NAVY, RESPECTIVELY

By virtue of the authority vested in the President by section 1 of the act of

June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of December 5, 1921, reserving the following-described lands in Washington as Reservoir Site Reserve No. 14, Ahtanum Creek, is hereby revoked:

WILLAMETTE MERIDIAN

T. 12 N., R. 14 E.,
Sec. 30, lots 1, 2, 3 and 4, E½.

The areas described aggregating 384.20 acres are within the Snoqualmie National Forest.

2. Executive Order No. 7504 of December 11, 1936, withdrawing the following-described land in Arizona for use by the Bureau of Plant Industry, Department of Agriculture, as an experiment station in the study of plant diseases, is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 8 W.,
Sec. 23, NW¼NW¼.

The area described contains 40 acres.

The area described lies west of Tonopah, Arizona, and is accessible over graded desert roads. It is grazing land containing typical southwest vegetation.

3. Executive Order No. 8004 of November 12, 1938, withdrawing the following described lands in California for use of the Department of the Navy for Naval purposes is hereby revoked:

SAN BERNARDINO MERIDIAN

T. 16 S., R. 10 E.,
Sec. 35.

The area described contains 640 acres.

The land described is sandy and gravelly, with an annual precipitation of two inches per year. It lies about four miles south of Plaster City and can be reached by desert motor trails. The land is not valuable for agricultural, timber or mineral purposes, and has only limited grazing value. Vegetation consists of ocotillo, creosote bush, cactus.

No application for the lands described in paragraphs 2 and 3 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands (in paragraphs 2 and 3) until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans preference-right applications under the said act of September 27, 1944, may be filed on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries concerning the lands in Arizona and California may be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona and Sacramento, California, respectively.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 11, 1955.

[F. R. Doc. 55-3971; Filed, May 16, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR BEETS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Beets, as recodified (7 CFR Part 51; 18 F. R. 7082), so as to revise certain of the provisions contained therein with respect to bunched beets and also to add standards to cover beets with short-trimmed tops and topped beets, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

STYLES

Sec.
51.375 Bunched beets.
51.376 Beets with short-trimmed tops.
51.377 Topped beets.

GRADES

51.378 U. S. No. 1.
51.379 U. S. No. 2.

UNCLASSIFIED

51.380 Unclassified.

TOLERANCES

51.381 Tolerances.

APPLICATION OF TOLERANCES

51.382 Application of tolerances.

STANDARD BUNCHING

51.383 Standard bunching.

DEFINITIONS

51.384 Well trimmed.
51.385 Firm.
51.386 Fairly smooth.
51.387 Fairly well shaped.
51.388 Fairly clean.
51.389 Damage.
51.390 Fresh.
51.391 Diameter.
51.392 Excessively rough.
51.393 Seriously misshapen.
51.394 Serious damage.

AUTHORITY: §§ 51.375 to 51.394 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

STYLES

§ 51.375 *Bunched beets.* "Bunched beets" means beets which are tied in bunches. The tops shall be full length or removed to not less than 6 inches.

§ 51.376 *Beets with short-trimmed tops.* "Beets with short-trimmed tops" means, unless otherwise specified, beets showing leafstems ranging to not more than 4 inches in length.

§ 51.377 *Topped beets.* "Topped beets" means beets with tops removed to not more than one-half inch in length.

GRADES

§ 51.378 *U. S. No. 1.* "U. S. No. 1" consists of beets of similar varietal characteristics the roots of which are well trimmed, firm, fairly smooth, fairly well shaped, fairly clean and free from soft rot and free from damage caused by cuts, freezing, growth cracks, disease, rodents or insects, or mechanical or other means. Bunched beets or beets with short-trimmed tops shall have tops which are fresh and free from decay and free from damage caused by discoloration, freezing, disease, insects, or mechanical or other means.

(a) Unless otherwise specified, the diameter of each beet shall be not less than 1½ inches. (See § 51.381.)

§ 51.379 *U. S. No. 2.* "U. S. No. 2" consists of beets of similar varietal characteristics the roots of which are well trimmed, firm, not excessively rough, not seriously misshapen and which are free from soft rot and free from serious damage caused by cuts, dirt, freezing, growth cracks, disease, rodents or insects, or mechanical or other means. Bunched beets or beets with short-trimmed tops shall have tops which are fresh and free from decay and free from damage caused by discoloration, freezing, disease, insects, or mechanical or other means.

(a) Unless otherwise specified, the diameter of each beet shall be not less than 1½ inches. (See § 51.381.)

UNCLASSIFIED

§ 51.380 *Unclassified.* "Unclassified" consists of beets which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.381 *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(a) *For bunched beets*—(1) *For defects of roots.* 10 percent, by count, for roots in any lot which fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for soft rot;

(2) *For defects of tops.* 10 percent, by count, for bunches with tops in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay;

(3) *For off-size roots.* 5 percent, by count, for roots in any lot which are smaller than the specified minimum diameter, and 10 percent, by count, for roots which are larger than any specified maximum diameter; and

(4) *For off-length tops.* 5 percent, by count, for bunches with tops in any lot which fail to meet the requirements of the style.

(b) *For beets with short-trimmed tops or topped beets*—(1) *For defects of roots.* 10 percent, by weight, for roots in any lot which fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for soft rot;

(2) *For defects of tops.* 10 percent, by weight for roots with tops in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay;

(3) *For off-size roots.* 5 percent, by weight, for roots in any lot which are smaller than the specified minimum diameter, and 10 percent, by weight, for roots which are larger than any specified maximum diameter; and,

(4) *For off-length tops.* 10 percent, by weight, for beets with tops in any lot which fail to meet the requirements of the style specified.

APPLICATION OF TOLERANCES

§ 51.382 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified except that at least one defective and one off-size specimen shall be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects and off-size: *Provided,* That not more than one beet which is frozen or affected by soft rot may be permitted in any package.

STANDARD BUNCHING

§ 51.383 *Standard bunching.* (a) Standard bunches of beets shall be fairly uniform in size and each bunch of beets shall weigh not less than 1 pound and contain at least 3 beets.

(b) Not more than 10 percent of the bunches in any lot may fail to meet the requirements for "Standard Bunching".

DEFINITIONS

§ 51.384 *Well trimmed.* "Well trimmed" means that unattractive secondary rootlets have been removed and that any objectionably long or coarse tail-like part of the root has been cut off.

§ 51.385 *Firm.* "Firm" means that the beet root is not soft, flabby or shriveled.

§ 51.386 *Fairly smooth.* "Fairly smooth" means that the root is not rough or ridged to the extent that the appearance is materially affected. Very slight roughness over the crown or very slight pitting caused by the shedding of dead leaves shall not be considered as materially affecting the appearance.

§ 51.387 *Fairly well shaped.* "Fairly well shaped" means that the root is not misshapen to the extent that the appearance is materially affected.

§ 51.388 *Fairly clean.* "Fairly clean" means that the individual root is reasonably free from dirt, stain or other foreign matter, and that the general appearance of the roots in the container is not more than slightly affected.

§ 51.389 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual beet root, or the general appearance of the beet roots in the container, or causes a loss of more than 5 percent, by weight, in the ordinary preparation for use, or which materially affects the appearance or shipping quality of the tops. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Growth cracks when not shallow and not smooth or when the appearance is materially affected; and,

(b) Discoloration when yellowing or other discoloration of the tops materially affect the appearance of the bunch. The appearance of bunches with tops having slight discoloration such as yellowing, browning, or other abnormal color affecting a few leaves shall not be considered materially affected.

§ 51.390 *Fresh.* "Fresh" means that the tops are not badly wilted.

§ 51.391 *Diameter.* "Diameter" means the greatest dimension of the root measured at right angles to a line running from the crown to the base of the root.

§ 51.392 *Excessively rough.* "Excessively rough" means that the root is rough or ridged to the extent that the appearance is seriously affected.

§ 51.393 *Seriously misshapen.* "Seriously misshapen" means that the root is misshapen to the extent that the appearance is seriously affected.

§ 51.394 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual beet, or the general appearance of the beets in the container, or causes a loss of more than 20 percent, by weight, in the ordinary preparation for use.

These proposed standards, if issued, will supersede the existing United States Standards for Bunched Beets (18 F. R. 7082) and also the following standards which have not heretofore been published in the FEDERAL REGISTER; namely: (1) United States Standards for Beets with Short-trimmed Tops, issued April 27, 1942, and reissued August 1, 1947; and (2) United States Standards for Topped Beets, issued April 23, 1934, and reissued March 15, 1946.

Dated: May 11, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 55-3975; Filed, May 16, 1955; 8:45 a. m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[7 CFR Part 51]

UNITED STATES STANDARDS FOR TURNIPS OR RUTABAGAS [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the consolidation and revision of existing separate standards relating respectively, to bunched turnips

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

and topped turnips or rutabagas which have not been published heretofore in the FEDERAL REGISTER. This action will be taken pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

STYLES

Sec.
51.2610 Bunched turnips.
51.2611 Turnips with short-trimmed tops.
51.2612 Topped turnips or rutabagas.

GRADES

51.2613 U. S. No. 1.
51.2614 U. S. No. 2.

UNCLASSIFIED

51.2615 Unclassified.

TOLERANCES

51.2616 Tolerances.

APPLICATION OF TOLERANCES

51.2617 Application of tolerances.

STANDARD BUNCHING

51.2618 Standard bunching.

DEFINITIONS

51.2619 Similar varietal characteristics.
51.2620 Well trimmed.
51.2621 Firm.
51.2622 Fairly smooth.
51.2623 Fairly well shaped.
51.2624 Fairly clean.
51.2625 Damage.
51.2626 Fresh.
51.2627 Diameter.
51.2628 Excessively rough.
51.2629 Seriously misshapen.
51.2630 Serious damage.

AUTHORITY: §§ 51.2610 to 51.2630 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

STYLES

§ 51.261 *Bunched turnips.* "Bunched turnips" means turnips which are tied in bunches. The tops shall be full length or removed to not less than 6 inches.

§ 51.2611 *Turnips with short-trimmed tops.* "Turnips with short-trimmed tops" means, unless otherwise specified, turnips showing leafstems ranging to not more than 4 inches in length.

§ 51.2612 *Topped turnips or rutabagas.* "Topped turnips or rutabagas" means turnips or rutabagas with tops removed to not more than three-fourths inch in length.

GRADES

§ 51.2613 *U. S. No. 1.* "U. S. No. 1" consists of turnips or rutabagas of similar varietal characteristics the roots of which are well trimmed, firm, fairly smooth, fairly well shaped, fairly clean, and free from soft rot and free from damage caused by cuts, discoloration, freezing, growth cracks, pithiness, woodiness, watercore, dry rot, other disease, insects or rodents, or mechanical or other means. Bunched turnips, or turnips with short-trimmed tops shall have tops which are fresh and free from decay and free from damage caused by discoloration, freezing, disease, insects, or mechanical or other means.

(a) Unless otherwise specified, the diameter of each turnip or tutabaga shall be not less than 1¾ inches. (See § 51.2616.)

§ 51.2614 *U. S. No. 2.* "U. S. No. 2" consists of turnips or rutabagas of similar varietal characteristics the roots of which are well trimmed, firm, not excessively rough, not seriously misshapen and which are free from soft rot and free from serious damage caused by cuts, dirt, discoloration, freezing, growth cracks, pithiness, woodiness, watercore, dry rot, disease, insects or rodents, or mechanical or other means. Bunched turnips or turnips with short-trimmed tops shall have tops which are fresh and free from decay and free from damage caused by discoloration, freezing, disease, insects, or mechanical or other means.

(a) Unless otherwise specified, the diameter of each turnip or rutabaga shall be not less than 1¾ inches. (See § 51.-2616).)

UNCLASSIFIED

§ 51.2615 *Unclassified.* "Unclassified" consists of turnips or rutabagas which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.2616 *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permited:

(a) *For bunched turnips*—(1) *For defects of roots.* 10 percent, by count, for roots in any lot which fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for soft rot;

(2) *For defects of tops.* 10 percent, by weight, for roots with tops in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay;

(3) *For off-size roots.* 5 percent, by weight, for roots in any lot which are smaller than the specified minimum diameter, and 10 percent, by weight, for roots which are larger than any specified maximum diameter; and,

(4) *For off-length tops.* 10 percent, by weight, for turnips or rutabagas with tops in any lot which fail to meet the requirements of the style.

APPLICATION OF TOLERANCES

§ 51.2617 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified except that at least one defective and one off-size specimen shall be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects and off-size: *Provided,* That not more than one turnip or rutabaga which is frozen or affected by soft rot may be permitted in any package.

STANDARD BUNCHING

§ 51.2618 *Standard bunching.* (a) Standard bunches of turnips shall be fairly uniform in size and each bunch of turnips shall weigh not less than 1 pound and contain at least 3 turnips.

(b) Not more than 10 percent of the bunches in any lot may fail to meet the requirements for "Standard Punching".

DEFINITIONS

§ 51.2619 *Similar varietal characteristics.* "Similar varietal characteristics" means that the turnips or rutabagas in any package shall be of similar color and shape. For example, yellow fleshed varieties shall not be mixed with white fleshed varieties, and flat, globe, or long varieties shall not be mixed in the same package.

§ 51.2620 *Well trimmed.* "Well trimmed" means that unattractive secondary rootlets have been removed, and that any objectionably long or coarse tail-like part of the root has been cut off.

§ 51.2621 *Firm.* "Firm" means that the root is not soft, flabby or shriveled.

§ 51.2622 *Fairly smooth.* "Fairly smooth" means that the root is not rough or ridged to the extent that the appearance is materially affected.

§ 51.2623 *Fairly well shaped.* "Fairly well shaped" means that the root is not misshapen to the extent that the appearance is materially affected.

§ 51.2624 *Fairly clean.* "Fairly clean" means that the individual root is reasonably free from dirt or other foreign matter, and that the general appearance of the roots in the container is not more than slightly affected.

§ 51.2625 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual turnip or rutabaga root or the general appearance of the turnips or rutabagas in the container, or causes a loss of more than 5 percent, by weight, in the ordinary preparation for use, or which materially affects the appearance or shipping quality of the tops. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cuts when discolored, rough or deep, or when materially affecting the appearance of the turnip or rutabaga;

(b) Growth cracks or air cracks when discolored or deep, or when the appearance is materially affected;

(c) Pithiness when the edible quality is materially affected by pith;

(d) Insects or rodents when the injury to the root materially affects the appearance of the turnip or rutabaga or causes a loss of more than 5 percent, by weight, or the edible quality of the root is materially affected; or when the tops are injured to the extent that the appearance of the bunch is materially affected; and

(e) Discoloration when yellowing or other discoloration of the tops materially affect the appearance of the bunch. The appearance of bunches of tops having slight discoloration such as yellowing, browning, or other abnormal color affecting a few leaves shall not be considered materially affected.

§ 51.2626 *Fresh.* "Fresh" means that the tops are of normal green color and are not badly wilted.

§ 51.2627 *Diameter.* "Diameter" means the greatest dimension of the root measured at right angles to a line running from the crown to the base of the root.

§ 51.2628 *Excessively rough.* "Excessively rough" means that the root is rough or ridged to the extent that the appearance is seriously affected.

§ 51.2629 *Seriously misshapen.* "Seriously misshapen" means that the root is forked or misshapen to the extent that the appearance is seriously affected.

§ 51.2630 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual turnip or rutabaga or the general appearance of the turnips or rutabagas in the container, or causes a loss of more than 20 percent, by weight, in the ordinary preparation for use.

These proposed standards, if issued, will supersede the following standards which have not heretofore been published in the FEDERAL REGISTER; Namely: (1) United States Standards for Bunched Turnips, issued August 9, 1927, and reissued January 18, 1943; and (2) United States Standards for Topped Turnips or Rutabagas, issued March 21, 1935, and reissued September 27, 1949.

Dated: May 11, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-3976; Filed, May 16, 1955; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF CHLOROBENZILATE (ETHYL 4,4'-DICHLOROBENZILATE)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d (1), 68 Stat. 512; 21 U. S. C. 348 (d) (1)), the following notice is issued:

A petition has been filed by Geigy Chemical Corporation, 89 Barclay Street, New York, New York, for the establishment of a tolerance of 8 parts per million for residues of the acaricide Chlorobenzilate (ethyl 4,4'-dichlorobenzilate) in or on apples, cantaloups, lemons, oranges, and pears.

An analytical method proposed in the petition for determining residues of Chlorobenzilate on apples, pears, and cantaloups, in the absence of residues of DDT, is based on the Schechter-Haller Method for DDT, in Industrial and Engineering Chemistry, Volume 17, page 704 (1945), with certain modifications. Essentially, it involves nitration of the compound and the subsequent interaction of the nitrated product with sodium methylate to produce a red color which is measured spectrophotometrically at 538 mμ.

An analytical method proposed in the petition for determining residues of Chlorobenzilate on apples, pears, and cantaloups in the presence of residues of DDT involves saponification of the Chlorobenzilate with alcoholic KOH, thereby converting the compound to the corresponding potassium salt of dichlorobenzilic acid, while at the same time the DDT is converted to its dehydrochlorinated derivative. The latter is removed by extraction with petroleum ether. The potassium salt, upon acidification, is converted to dichlorobenzilic acid and extracted with ethyl ether. The acid is then determined chlorometrically using the Schechter-Haller procedure and measuring spectrophotometric absorption of the colored complex at 538 mμ.

An analytical method proposed in the petition for determining residues of Chlorobenzilate on citrus fruit is published in Agricultural and Food Chemistry, Volume 2, pages 1080–1083 (1954).

Dated: May 13, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner
of Food and Drugs.

[F. R. Doc. 55-4008; Filed, May 16, 1955; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 40, 41, 42]

[Draft Release 55-13]

TRIAL OPERATION OF TRANSPORT CATEGORY AIRPLANES IN CARGO SERVICE AT INCREASED ZERO FUEL AND LANDING WEIGHTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of a Special Civil Air Regulation as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by June 13, 1955. Copies of such communications will be available after June 15, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On July 21, 1954, the Board issued Order No. S–630 granting the request of The Flying Tiger Line, Inc., for a waiver of certain structural provisions of Part 4b of the Civil Air Regulations. On November 19, 1954, and on January 24, 1955, the Board issued similar Orders Nos. S–653 and S–663, to Slick Airways, Inc., and American Airlines, Inc., respectively. These three orders permit, for a trial period ending June 30, 1955, the operation of DC–6A airplanes in cargo service at weights in excess of those permitted in passenger service. The weights involved are the zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight. The use of the higher weights was made contingent upon certain findings by the Administrator and upon certain conditions of operation and inspection.

In issuing the first waiver the Board considered that the results of the trial operations authorized on a limited scale thereby could serve to ascertain the validity of the evaluation used in justifying such trial operations and could contribute further information on whether the operating stress levels imposed on the airplane's structure are within safe limits for continued operations. The Board also envisaged that successful experience with such trial operations could eventually lead to the

establishment of a sound basis for differentiating between standards for passenger and cargo air carrier operations.

It is believed that a more extensive background of operating experience will be necessary to assure that the conditions in the waivers do in fact provide a sound basis for establishing future standards for airplanes in cargo operations at increased weights. In view of the variation in design and strength characteristics of the different types of transport category airplanes, it would be desirable if the experience gained were to include trial operations with several of the different types of airplanes to ascertain that these variations will not result in unsafe conditions. Experience to date with the one type of airplane operating under the conditions of the waivers has resulted in no indication of structural distress which would reflect adversely on these conditions. This experience is regarded as providing sufficient justification for permitting other types of transport category airplanes to engage in trial operations. In this regard, the Bureau has been advised by the manufacturers of their belief that most of the existing transport category airplanes meet satisfactorily the terms of the structural waiver in respect to strength, sudden fatigue failure, etc.

In order to facilitate the accumulation of the necessary operating experience, it is believed appropriate to extend the terms of the existing waivers so as to permit any number of any type of transport category airplane to be operated at increased weights in cargo service for a period of two years. During this period the Bureau expects interested persons to submit their evaluation of the trial operations and recommendations resulting therefrom with respect to future regulatory action.

It is envisioned that most of the airplanes taking advantage of this regulation will continue to be used in cargo service. However, if any of the airplanes operated under the provisions of this regulation are to be made eligible at any later time for passenger service, the provisions of this regulation require accomplishment of a special inspection and an evaluation of the fatigue limitations.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board the adoption of a Special Civil Air Regulation to read as follows:

Notwithstanding the applicable structural provisions of the Civil Air Regulations, subject to the extent and to the conditions set forth in this special regulation, any air carrier may operate transport category airplanes which were certificated under the provisions of Part 4a or 4b in cargo service only, subject to the conditions hereinafter set forth:

(1) The air carrier shall submit an application to the Administrator indicating its desire to operate its airplanes under the provisions of this special regulation, and indicating which airplanes would be involved.

(2) The air carrier shall furnish a statement from each manufacturer for each type of airplane involved indicating in each case that the airplane manufacturer approves the operation of such type of airplane under the provisions of this regulation and that the airplane manufacturer will establish the inspection procedure prescribed in paragraph (4) of this Special Civil Air Regulation and will supervise such inspection as is found necessary.

(3) The zero fuel weight (maximum weight of the airplane with no disposable fuel and oil) and the structural landing weight may be increased beyond the maxima approved in full compliance with the applicable Civil Air Regulations: *Provided*, That the Administrator of Civil Aeronautics finds that the increase in either such weight is not likely to reduce seriously the structural strength, that the probability of sudden fatigue failure is not noticeably increased, and that the flutter, deformation, and vibration characteristics do not fall below those required by the Civil Air Regulations: *And provided further*, That any increase in the zero fuel weight approved shall not exceed 5 percent and that the increase in the structural landing weight shall not exceed the amount, in pounds, of the increase in the zero fuel weight.

(4) Airplanes for which the increased weights become effective shall be subject to inspections in addition to those normally performed, such inspections to be established by the manufacturer of the type airplane concerned, subject to the approval of the Administrator of Civil Aeronautics and to be supervised as found necessary by that manufacturer, to safeguard against possible structural distress resulting from the higher operating stress levels. Results of such inspections shall be reported to the Administrator of Civil Aeronautics at such times as he shall establish.

(5) Airplanes for which the increased weights become effective shall be operated in accordance with the transport category performance operating limitations prescribed in Part 40, 41, or 42 of the Civil Air Regulations, whichever is applicable.

(6) The air carrier shall keep and make available, upon request, to the Civil Aeronautics Board, the Administrator of Civil Aeronautics, or the manufacturer of the type airplane concerned, records of all flights conducted with airplanes for which the increased weights become effective, such records to include the actual take-off, zero fuel, and landing weights.

(7) The Airplane Flight Manual of each airplane operating under the provisions of this special regulation shall be appropriately revised so as to include the necessary operating limitations and operating information.

(8) An airplane which has been operated at increased weights under the provisions of this regulation shall not be used for the carriage of passengers, except under the following conditions:

(a) Special inspections established by the manufacturer and approved by the Administrator of Civil Aeronautics shall have been accomplished.

(b) The effects of the operations at increased weights on structural fatigue shall have been evaluated by the airplane manufacturer and taken into account in any fatigue limitations established for the airplane.

This regulation will terminate on June 30, 1957, unless sooner superseded or rescinded.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 55–4004; Filed, May 16, 1955; 8:49 a. m.]

NOTICES

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 12, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30616: Phosphate Rock from Florida to Prairie Du Chien, Wis. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, crude, other than ground, as described in the application, carloads, from Bartow, Fla., and other points in Florida to Prairie du Chien, Wis.

Grounds for relief: Circuitous routes.

Tariff: Supplement 123 to Atlantic Coast Line Railroad I. C. C. B–3232; Supplement 113 to Seaboard Air Line Railroad I. C. C. A–8153.

FSA No. 30617: Phosphate Rock—Florida Mines to Oklahoma and Texas. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, as more fully described in the application, carloads, from Bartow, Fla., and other points in Florida to specified points in Oklahoma and Texas.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 123 to Atlantic Coast Line Railroad Company, I. C. C. B–3232; Supplement 113 to Seaboard Air Line Railroad Company, I. C. C. A–8153.

FSA No. 30618: Phosphate Rock—Florida to Mobile, Ala. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, crude, as more fully described in the application, carloads, from Bartow, Fla., and other Florida points to Mobile, Ala.

Grounds for relief: Rail-water competition and circuity.

Tariff: Supplement 123 to Atlantic Coast Line Railroad Company, I. C. C. B–3232; Supplement 113 to Seaboard Air Line Railroad Company, I. C. C. A–8153.

FSA No. 30619: Carbon refractory materials from Morganton, N. C. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on furnace lining, furnace lining blocks, cement or paste, fire brick and fire brick shapes, carloads, from Morganton, N. C. to Buffalo, N. Y., Wheeling, W. Va., Bessemer, Pa., and other specified points in Pennsylvania.

Grounds for relief: Short line distance formula and circuity.

Tariff: Supplements Nos. 118 and 126 to Agent C. A. Spaninger's I. C. C. Nos. 1324 and 1351, respectively.

FSA No. 30620: Copper rods—Fort Wayne, Ind., to Alabama and Georgia. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on unfinished copper rods, in boils, carloads, from Fort Wayne, Ind., to Birmingham and North Birmingham, Ala., Rome and North Rome, Ga.

Grounds for relief: Circuitous routes.

FSA No. 30621: Phosphate rock—Florida to Pennsylvania. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, as described in the application, carloads, from Bartow, Fla., and other Florida points to Ebensburg, Ironsides, and Kimberton, Pa.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 123 to Atlantic Coast Line Railroad Company tariff, I. C. C. B–3232; Supplement 113 to Seaboard Air Line Railroad Company tariff, I. C. C. A–8153.

FSA No. 20622: Phosphate rock—Florida to Kentucky and Ohio. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, as described in the application, carloads, from Bartow, Fla., and other Florida points to Covington, Newport, Vanceburg, Ky., and Cincinnati, Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 123 to Atlantic Coast Line Railroad Company tariff, I. C. C. B–3232; Supplement 113 to Seaboard Air Line Railroad Company tariff, I. C. C. A–8153.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55–3993; Filed, May 16, 1955; 8:48 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 48–A]

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY CO. ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 48 and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I. C. C. Order No. 48 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 6:00 a. m., May 11, 1955.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., May 10, 1955.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 55–3994; Filed, May 16, 1955; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

General Services Administration has filed an application, Serial No. Colorado–010775, for the withdrawal of the lands described below, from all forms of appropriations, including the mining and mineral leasing laws. The applicant desires the land for construction and maintenance of an antenna to be operated by the National Bureau of Standards.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior,

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 72 W.,
Section 21: E½NE¼; NE¼SE¼, exclusive of Patented Mineral Survey 539, Phillips Placer—120 acres approximately.

J. ELLIOTT HALL, *Acting State Supervisor.*

MAY 9, 1955.

[F. R. Doc. 55–3973; Filed, May 16, 1955; 8:45 a. m.]

NEVADA

SMALL TRACT CLASSIFICATION ORDER NO. 106, AMENDED

MAY 5, 1955.

Pursuant to the authority delegated to me by the Area Administrator, Area II, Bureau of Land Management, by Order No. 4, dated May 5, 1954, paragraph 9 of Nevada Small Tract Classification Order No. 106 dated March 11, 1955, is hereby amended to provide an annual rental of 1/20 of the appraised value of the land, payable for the entire lease period in advance of issuance of the lease in accordance with the regulations contained in 43 CFR 257.11. All lands described in column (1) of the schedule in paragraph 1 are affected by this amendment.

E. R. GREENSLET, *State Supervisor.*

[F. R. Doc. 55–3972; Filed, May 16, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–2557, G–3214]

ORANGE GROVE GAS GATHERING CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 11, 1955.

In the matter of Orange Grove Gas Gathering Company, et al., Docket No. G–2557; Natural Gas Pipeline Company of America, Docket No. G–3214.

Take notice that Orange Grove Gas Gathering Company, et al. (Applicants), independent producers with their principal places of business in the State of Texas, filed, on August 19, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the proposed acts or operations hereinafter described.

Orange Grove proposes to purchase and produce natural gas from acreage located in the Orange Grove and Wade City Field area in Jim Wells County, Texas, transport such gas by means of approximately 8 miles of pipe line, and sell such gas to Natural Gas Pipeline Company of America (Natural) at an initial base price of 12.5 cents per Mcf under the terms of a 20-year contract dated June 1, 1954. Daily deliveries are estimated at approximately 2,000 Mcf for the first 18 months, with a minimum of 25,000 Mcf a month thereafter.

The Applicants proposing to sell natural gas to Orange Grove are Southwestern Oil and Refining Company, Henry R. Smith, O. S. Wyatt, Jr. and A. A. Moore, a partnership doing business as Wymore Oil Company, Abe Epstein, Simon Grossman, Ellis Green, John J. Pichinson, B. T. Parr, J. H. Sterling, Milton Robinowitz, Morris D. Jaffe, Albert M. Rogers, Kabe Oil Corporation and Sterling Investment Company. Said gas is proposed to be sold under two contracts providing for an initial net price varying from 9 to 10.5 cents per Mcf.

Take notice that Natural, a Delaware corporation with its principal place of business in Chicago, Illinois, filed on September 27, 1954, as supplemented October 25, 1954, an application interdependent with that of Applicants in Docket No. G–2557 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing construction and operation of certain natural-gas facilities as hereinafter described.

Natural proposes to construct and operate a tap connection and metering facilities on its pipeline facilities in Jim Wells County, Texas, for the receipt of natural gas from Orange Grove, as set forth above.

Applicants were issued temporary authorization on August 25, 1954, to perform the acts or operations described herein.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 2, 1955, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of May 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3984; Filed, May 16, 1955; 8:47 a. m.]

[Docket Nos. G–2733, G–2936, G–3263, G–3612, G–3619, G–3621, G–3622, G–4587]

DEEDS OIL & GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 10, 1955.

In the matters of Deeds Oil & Gas Company, Docket No. G–2733; Little Indian Natural Gas Company, Docket No. G–2936; C. F. Engel & Charles O. Engel, Docket No. G–3263; Hawker Gas Company, Hanley Gas Company, and Moore Fling Gas Company, Docket No. G–3612; Bee Gas Company, Docket No. G–3619; Clyde D. & Carl D. Jackson d/b/a Jackson Brothers, Docket Nos. G–3621, G–3622; Eddie A. Kirby, Docket No. G–4587.

Take notice that the above-designated Applicants filed applications on September 13, 21, 27, and 29, and on October 27, 1954, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the Applicant in each respective docket to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in each respective application on file with the Commission, and open for public inspection.

Each Applicant produces natural gas from gas fields in West Virginia, which is sold in interstate commerce to Godfrey L. Cabot, Inc., for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 27, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) or § 1.32 (b) where requested, of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 16, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3979; Filed, May 16, 1955; 8:46 a. m.]

[Docket No. G–3864]

LEXIA BUCHANAN, ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 10, 1955.

Take notice that Lexia Buchanan, Morris Buchanan, and Hortense B. Skiles (Applicant), individuals whose address is San Antonio, Texas, filed on October 11, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces and sells natural gas for transportation in interstate commerce for resale as indicated below:

Field	Pruchaser	Contract date	Price per Mcf (cents)
Heyser Field, Calhoun County, Tex.	Tennessee Gas Transmission Co.	Mar. 7, 1949	10.925
Seven Sisters Field, Duval County, Tex.	Tennessee Gas Transmission Co.	Oct. 1, 1953	10.00
North Pettus-Burnell Field, Karnes, Bee, and Goliad Counties, Tex.	United Gas Pipe Line Co.	May 28, 1947	(1)
Alice Field, Jim Wells County, Tex.	The Altex Corp.	Apr. 21, 1954	8.75

[1] Average weighted price in San Antonio Market District.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 7, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3985; Filed, May 16, 1955; 8:47 a. m.]

[Docket Nos. G–4180, G–4181, G–4292, G–4293]

HEEP OIL CORP. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 10, 1955.

In the matters of Heep Oil Corporation and Herman F. Heep, Docket No. G–4180; Heep Oil Corporation, Herman F. Heep, Conroe Drilling Company, Gus S. Wortham, William A. Smith and H. C. Heldenfels, trustee, Docket No. G–4181; Heep Oil Corporation, Docket No. G–4292; Frank W. Michaux and Morris Cannan, Docket No. G–4293.

Take notice that there have been filed with the Commission applications as hereinafter specified:

Docket No.	Applicant	Address	Date filed
G–4180	Heep Oil Corp., et al.	Austin, Tex.	Oct. 5, 1954
G–4181	do	do	Do.
G–4292	Heep Oil Corp.	do	Oct. 8, 1954
G–4293	Frank W. Michaux, et al.		Do.

each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each Applicant to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in each application, each of which is on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.	Field	Purchaser	Contract date	Price per Mcf (cents)
G–4180	Plymouth and West Callaboose Fields, San Patricio County, Tex.	Tennessee Gas Transmission Co.	Jan. 7, 1954	7.02738
G–4181	Red Fish Bay Field, Nueces County, Tex.	Tennessee Gas Transmission Co.	Apr. 26, 1954	10.00
G–4292	Ray Field, Bee County, Tex.	Transcontinental Gas Pipe Line Corp.	Nov. 4, 1949	7.017964
G–4293	Kittie Field, Live Oak County, Tex.	Texas Eastern Transmission Corp.	Dec. 15, 1953	10.20

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 7, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3986; Filed, May 16, 1955; 8:47 a. m.]

[Docket No. G–4907]

DORCHESTER CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 10, 1955.

Take notice that Dorchester Corporation (Applicant), a Delaware corporation with its principal place of business in Dallas, Texas, filed on November 17, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Under a contract dated December 1, 1946, Applicant sells natural gas produced from the Hugoton Field, Texas County, Oklahoma, to Natural Gas Pipeline Company of America for transportation in interstate commerce for resale. The rate of delivery is approximately 76,000 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 10:20 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 7, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3988; Filed, May 16, 1955; 8:48 a. m.]

[Docket No. G–5619]

LOUISIANA NEVADA TRANSIT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 10, 1955.

Take notice that Louisiana Nevada Transit Company (Applicant), a Nevada corporation with its principal place of business in Ada, Oklahoma, filed on December 3, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 220 horsepower compressor station on its Haynesville Field (Louisiana) lateral to enable Applicant to continue to take natural gas from the field.

Applicant states that the estimated cost of $47,215 is to be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 10:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 7, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–3989; Filed, May 16, 1955; 8:48 a. m.]

[Docket Nos. G–4959—G–4961, G–5945, G–6305, G–6474—G–6476, G–6487, G–6522, G–6691, G–3160]

WELSH OIL AND GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 10, 1955.

In the matters of Welsh Oil and Gas Company, Docket No. G–4959; Goose Run Oil and Gas Company, Docket No. G–4960; Todd Oil and Gas Company, Docket No. G–4961; P. C. McKenzie Company, Docket No. G–5945; Henrietta Yerger Jones dba Edwin Jones Oil Company, Docket No. G–6305; Zeller Gas Company, Docket No. G–6474; Raychel Gas Company, Docket No. G–6475; Floyd Gas Company, Docket No. G–6476; Albert E. Rice, et al., Lease, Docket No. G–6487; John G. Cochran and Company, Docket No. G–6522; Idah Woods Johnson, Docket No. G–6691; Freshour Gas Company, Docket No. G–3160.

Take notice that the above-designated Applicants filed applications under the above-numbered dockets on the dates reflected in the tabulation attached hereto, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each Applicant to render service as re-

flected in the tabulation set forth below, subject to the jurisdiction of the Commission, all as more fully represented in the applications, which are on file with the Commission, and open for public inspection.

Applicants produce natural gas from fields in West Virginia, Texas, Oklahoma, and Pennsylvania which is sold in interstate commerce to the various purchasers shown in the tabulation set forth below, for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 28, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) or § 1.32 (b) where requested of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

Docket No.	Date of filing	Applicant	Authorized official	Purchaser	Location		
					Field	County or Parish	State
G-4959	11/18/54	Welch Oil & Gas Co.	W. H. Mossor...	Barron Kidd for resale to Hope Natural Gas Co.	Not stated..	Ritchie.....	W. Va.
G-4960	11/18/54	Goose Run Oil & Gas Co.	....do.....	....do.....	....do.....	....do.....	W. Va.
G-4961	11/18/54	Todd Oil & Gas Co.	....do.....	....do.....	....do.....	....do.....	W. Va.
G-5945	11/26/54	P. C. McKenzie Co.	P. C. McKenzie.	Equitable Gas Co	Grant District.	Wetzel.....	W. Va.
G-6251	11/29/54	Henrietta Yerger Jones d/b/a Edwin Jones Oil Co.	Van Lewis.....	Transcontinental Gas P. L. Co.	Greta.....	Refugio.....	Tex.
G-6305	11/29/54	Henrietta Yerger Jones d/b/a Edwin Jones Oil Co.	....do.....	Texas Eastern Trans. Corp.	Englehart...	Colorado....	Tex.
G-6474	11/29/54	Zeller Gas Co....	Webster Myers.	South Penn Natural Gas Co.	Not stated..	Putnam.....	W. Va.
G-6475	11/29/54	Raychel Gas Co..	....do.....	....do.....	....do.....	....do.....	W. Va.
G-6476	11/29/54	Floyd Gas Co....	....do.....	....do.....	....do.....	....do.....	W. Va.
G-6487	11/29/54	Albert E. Rice et al. lease.	Verle M. Stewart.	Godfrey L. Cabot.	Center District.	Gilmer.....	W. Va.
G-6522	11/29/54	John G. Cochran & Co.	John G. Cochran.	Pennsylvania Gas Co.	Middle.....	Warren and Forest.	Pa.
G-6691	11/30/54	Idah Woods Johnson.	W. E. Robertson.	Cities Service Gas Co.	West Edmond Lime Unit.	Logan Okla, Kingfisher & Canadian.	Okla.
G-3160	9/27/54	Freshour Gas Co.	T. W. Elliott...	Penova Interests for resale to Hope Natural Gas Co.	Murphy District.	Ritchie.....	W. Va.

[F. R. Doc. 55-3982; Filed, May 16, 1955; 8:47 a. m.]

[Docket No. G-5917]

LONE STAR PRODUCING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 10, 1955.

Take notice that Lone Star Producing Company (Applicant), a Texas corporation, with its principal place of business in Dallas, Texas, filed on November 26, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the East Panhandle Field, Wheeler County, Texas; Chickasha Field, Grady County, Oklahoma; Kelly-Snyder Field, Scurry County, Texas; McElroy-Wilshire Field, Upton County, Texas; and the Sheridan Field, Colorado County, Texas, and, under some 57 contracts, sells gas so produced to Lone Star Gas Company, El Paso Natural Gas Company, Fullerton Oil Company, and Iroquois Gas Company, as hereinafter described.

Under Contracts 1 through 52, Applicant sells natural gas produced from the East Panhandle Field to Lone Star Gas Company at a price of 4 cents per Mcf for Contracts 1 through 39, and 3.574 cents per Mcf for Contracts 40 through 52. Under Contract 54, dated January 1, 1953, Applicant sells its undivided ½ interest in gas produced from the Chickasha Field to Lone Star Gas Company at a price of 10 cents per Mcf.

Under Contracts 56 and 57 Applicant sells natural gas to Lone Star Gas Company and Fullerton Oil Company, respectively, at the outlet of the Kelly-Snyder Gasoline Plant operated by Barnsdall Oil Company. The gas is produced from wells in the Kelly-Snyder Field.

Pursuant to Contract 53, dated June 24, 1952, Applicant sells natural gas to El Paso Natural Gas Company at the outlet of its McElroy-Wilshire Gasoline Plant, located in the McElroy-Wilshire Field. The contract volume is 10,000 Mcf per day and price for such gas as of June 7, 1954, was 10 cents per Mcf.

Under Contract 55 Applicant sells natural gas produced in the Sheridan Field to Iroquois Gas Company, deliveries being made at the outlet of the Sheridan Gasoline Plant. The contract volume is 50,000 Mcf per day and the price is 16.5 cents per Mcf.

Applicant requests that the Commission enter an order disclaiming jurisdiction over Applicant's sales of gas in the Kelly-Snyder Field.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955 at 10:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 7, 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3990; Filed, May 16, 1955; 8:48 a. m.]

[Docket Nos. G-4564, G-4582, G-4583, G-4585, G-4586, G-4602, G-4603]

SOHIO PETROLEUM CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 10, 1955.

Take notice that Sohio Petroleum Company (Applicant), an Ohio corporation with its principal place of business in Cleveland, Ohio, filed applications in the above dockets[1] for certificates of

[1] The application in Docket No. G-4564 was filed October 25, 1954; in Docket Nos. G-4582, G-4583, G-4585, and G-4586 on October 27, 1954; and in Docket Nos. G-4602 and G-4603 on October 29, 1954. Also, the application in Docket No. G-4586 was supplemented on February 10, 1955.

public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces and sells natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.	Field	Purchaser	Contract date
G-4564	Fairbanks Area, Harris County, Tex.....	Texas Illinois Natural Gas Pipeline Co....	Nov. 15, 1952
G-4582	Delhi Processing Plant, Richland Parish, La.	Texas Eastern Transmission Corp.....	Apr. 15, 1948
G-4583	Hico-Knowles Field, Lincoln Parish, La....	Mississippi River Fuel Corp.....	June 1, 1951
G-4585	South Lewisburg Field, Acadia Parish, La..	Texas Northern Gas Corp.....	Oct. 30, 1953
G-4586	Ridgeway Field, Stephens County, Okla....	Lone Star Gas Co.....	Jan. 1, 1953
G-4602	South Lewisburg Field, Acadia Parish, La..	Texas Northern Gas Corp.....	July 3, 1952
G-4603	South Lewisburg Field, Acadia Parish, La..	Texas Northern Gas Corp.....	Apr. 1, 1952

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 10:10 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3987; Filed, May 16, 1955; 8:47 a. m.]

[Docket No. G-6872]

ARKANSAS FUEL OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 10, 1955.

Take notice that Arkansas Fuel Oil Corporation (Applicant), a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed on December 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Willow Springs Field, Gregg County, Texas, and Applicant proposes to sell gas so produced to Arkansas Louisiana Gas Company for transportation in interstate commerce.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 10:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 7, 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3991; Filed, May 16, 1955; 8:48 a. m.]

[Docket No. G-8553]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 10, 1955.

Take notice that United Fuel Gas Company (Applicant), a West Virginia corporation whose address is Charleston, West Virginia, filed an application on March 7, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant requests authorization for the installation of measuring and regulating facilities and for the sale of gas to Luther Lusher for resale to consumers at Wire Branch, Cabell County, West Virginia.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 27, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 26, 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-3980; Filed, May 16, 1955; 8:46 a. m.]

[Docket No. G-8568]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 11, 1955.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation whose address is 140 Stanwix Street, Gateway Center, Pittsburgh 22, Pennsylvania, filed an application on March 11, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate certain facilities hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate 20.9 miles of 20-inch transmission pipe line from a point near Portageville, Wyoming County, to The Craigs Connection in Livingston County, all in New York, connecting two portions of Applicant's existing Line No. 24. The proposed facilities will complete Applicant's Line No. 24 which loops its Line No. 14 extending from its State Line Compressor Station, Potter County, Pennsylvania, to a point of connection with Rochester Gas and Electric Corporation near Caledonia in Livingston County, New York.

Applicant represents that the proposed facilities are necessary to serve the increasing requirements of existing customers.

The total estimated cost of the proposed facilities is $1,225,000. Applicant intends to finance the proposed facilities in part from available company funds and in part from funds to be obtained by issuing notes or stock, or both, at face or par value to its parent corporation, Consolidated Natural Gas Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 3, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 31, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3992; Filed, May 16, 1955; 8:48 a. m.]

[Docket No. G-8736]

ROCKLAND LIGHT AND POWER CO., AND ROCKLAND ELECTRIC CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 10, 1955.

Take notice that Rockland Light and Power Company (Rockland Light) of Nyack, N. Y., and its wholly-owned subsidiary, Rockland Electric Company (Rockland Electric), of Closter, N. J., filed an application on April 7, 1955, supplemented on April 19, and 26, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application as supplemented, which is on file with the Commission and open for public inspection.

Applicants propose to construct about ½ mile of 6-inch pipeline and related metering and regulating facilities in order to sell and deliver gas to Ford Motor Company, Mahwah, New Jersey, for use in Ford's plant for a paint drying process and incidental purposes. Rockland Light will sell the required gas to Rockland Electric, which will sell and deliver such gas to Ford.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 27, 1955, at 9:40 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 26, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3981; Filed, May 16, 1955; 8:46 a. m.]

[Docket No. G-8883]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Phillips Petroleum Company (Applicant), on April 12, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Letter, dated Jan. 11, 1955	Consolidated Gas Utilities Corp.	Supplement No. 6 to applicant's FPC gas rate schedule No. 19.	May 13, 1955
Notice of change, dated Apr. 6, 1955.	Consolidated Gas Utilities Corp.	Supplement No. 7 to applicant's FPC gas rate schedule No. 19.	May 13, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated rate schedules and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedules and supplements be and the same hereby are suspended and the use thereof deferred until October 13, 1955, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 4, 1955.

Issued: May 11, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-3983; Filed, May 16, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF CERTAIN COUNTIES IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.), the President determined on July 21, 1954 that a major disaster occasioned by drought existed in the State of Texas.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties in the State of Texas were on August 10th, 1954 (19 F. R. 5155), as amended (19 F. R. 5388; 19 F. R. 5957; 19 F. R. 6127; 19 F. R. 6417; 19 F. R. 6557; 19 F. R. 7547; 19 F. R. 8635; 20 F. R. 140; 20 F. R. 813; 20 F. R. 1384 and 20 F. R. 3142), determined to be the areas affected by the major disaster by drought.

Pursuant to the aforesaid delegations, the delineation and certification of counties in the drought area in the State of Texas, as above described are herewith amended by adding the counties as set forth below on May 5th, 1955, to the major disaster area in the State of Texas:

TEXAS

Bee, Floyd, Hidalgo, Kenedy, Midland.

Done at Washington, D. C., this 11th day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-3977; Filed, May 16, 1955; 8:46 a. m.]

Rural Electrification Administration

[Administrative Order 4940]

MISSOURI

LOAN ANNOUNCEMENT

APRIL 15, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 58K Ste. Genevieve	$1,330,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-3920; Filed, May 13, 1955; 8:48 a. m.]

[Administrative Order 4941]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

APRIL 15, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 36E Edmunds	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-3921; Filed, May 13, 1954; 8:48 a. m.]

[Administrative Order 4942]

WEST VIRGINIA

LOAN ANNOUNCEMENT

APRIL 15, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
West Virginia 10V Harrison	$192,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-3922; Filed, May 13, 1955; 8:48 a. m.]

[Administrative Order 4943]

KANSAS

LOAN ANNOUNCEMENT

APRIL 15, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 34X Barton	$425,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-3923; Filed, May 13, 1955; 8:49 a. m.]

[Administrative Order 4944]

ARKANSAS

LOAN ANNOUNCEMENT

APRIL 15, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 28M Conway	$50,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-3924; Filed, May 13, 1955; 8:49 a. m.]

[Administrative Order 4945]

MINNESOTA

LOAN ANNOUNCEMENT

APRIL 19, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 75P Red Lake	$50,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3925; Filed, May 13, 1955; 8:49 a. m.]

[Administrative Order 4946]

MINNESOTA

LOAN ANNOUNCEMENT

APRIL 19, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 99M Lake of the Woods	$407,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3926; Filed, May 13, 1955; 8:49 a. m.]

[Administrative Order 4947]

MISSISSIPPI

LOAN ANNOUNCEMENT

APRIL 19, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 30U Jones	$560,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3927; Filed, May 13, 1955; 8:49 a. m.]

[Administrative Order 4948]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

APRIL 18, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 42D Lyman	$340,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3928; Filed, May 13, 1955; 8:49 a. m.]

[Administrative Order 4949]

ALLOCATION OF FUNDS FOR LOANS

APRIL 20, 1955.

Inasmuch as North Arkansas Electric Cooperative, Inc. has transferred certain of its properties and assets to Black River Electric Cooperative, and Black River Electric Cooperative has assumed in part the indebtedness to United States of America, of North Arkansas Electric Cooperative, Inc., arising out of loans made by United States of America pur-

suant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 850, dated August 8, 1944, as amended by Administrative Order No. 3607, dated February 20, 1952, by changing the project designation appearing therein as "Arkansas 26 Fulton (Louisiana 5019B1 Jefferson Davis)" in the amount of $10,562 to read "Arkansas 26 Fulton (Louisiana 5019B1 Jefferson Davis)" in the amount of $5,562 and "Missouri 38TP3 Reynolds (Arkansas 26 Fulton [Louisiana 5019B1 Jefferson Davis])" in the amount of $5,000.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3929; Filed, May 13, 1955; 8:49 a. m.]

[Administrative Order 4950]

ALLOCATION OF FUNDS FOR LOANS

APRIL 20, 1955.

Inasmuch as Glades Electric Cooperative, Inc., has transferred certain of its properties and assets to Okefenoke Rural Electric Membership Corporation, and Okefenoke Rural Electric Membership Corporation has assumed in part the indebtedness to United States of America, of Glades Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1298, dated June 5, 1947, by changing the project designation appearing therein as "Florida 35D Glades" in the amount of $90,000 to read "Florida 35D Glades" in the amount of $84,000 and "Georgia 92TP1 Brantley (Florida 35D Glades)" in the amount of $6,000.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3930; Filed, May 13, 1955; 8:50 a. m.]

[Administrative Order 4951]

WISCONSIN

LOAN ANNOUNCEMENT

APRIL 21, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 63S Bayfield	$30,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-3931; Filed, May 13, 1955; 8:50 a. m.]

[Administrative Order 4952]

MICHIGAN

LOAN ANNOUNCEMENT

APRIL 21, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Michigan 28AC Presque Isle	$375,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-3932; Filed, May 13, 1955; 8:50 a. m.]

[Administrative Order 4953]

ALLOCATION OF FUNDS FOR LOAN

APRIL 21, 1955.

Inasmuch as Grundy Electric Cooperative, Inc., has transferred certain of its properties and assets to N. W. Electric Power Cooperative, and N. W. Electric Power Cooperative has assumed in part the indebtedness to United States of America, of Grundy Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1316, dated August 18, 1947, by changing the project designation appearing therein as "Missouri 44K Grundy" in the amount of $545,000 to read "Missouri 44K Grundy" in the amount of $450,687.69 and "Missouri 72TP2 Gentry (Missouri 44K Grundy)" in the amount of $94,312.31.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-3933; Filed, May 13, 1955; 8:50 a. m.]

[Administrative Order 4954]

ALABAMA

LOAN ANNOUNCEMENT

APRIL 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alabama 28M Chambers	$420,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3934; Filed, May 13, 1955; 8:50 a. m.]

[Administrative Order 4955]

TEXAS

LOAN ANNOUNCEMENT

APRIL 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 121L Brazos	$2,310,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3935; Filed, May 13, 1955; 8:50 a. m.]

[Administrative Order 4956]

ARKANSAS

LOAN ANNOUNCEMENT

APRIL 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 33N Polk	$20,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3936; Filed, May 13, 1955; 8:50 a. m.]

[Administrative Order 4957]

ARKANSAS

LOAN ANNOUNCEMENT

APRIL 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 26Y Fulton	$100,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3937; Filed, May 13, 1955; 8:51 a. m.]

[Administrative Order 4958]

INDIANA

LOAN ANNOUNCEMENT

APRIL 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 27N Decatur	$165,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3938; Filed, May 13, 1955; 8:51 a. m.]

[Administrative Order 4959]

INDIANA

LOAN ANNOUNCEMENT

APRIL 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 27P Decatur	$50,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3939, Filed, May 13, 1955; 8:51 a. m.]

[Administrative Order 4960]

INDIANA

LOAN ANNOUNCEMENT

APRIL 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 44H Allen	$218,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3940; Filed, May 13, 1955; 8:51 a. m.]

[Administrative Order 4961]

LOUISIANA

LOAN ANNOUNCEMENT

APRIL 27, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 7V Grant	$500,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3941; Filed, May 13, 1955; 8:51 a. m.]

[Administrative Order 4962]

ARKANSAS

LOAN ANNOUNCEMENT

APRIL 27, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan Designation:	*Amount*
Arkansas 32H Benton	$1,230,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3942; Filed, May 13, 1955; 8:51 a. m.]

[Administrative Order 4963]

VIRGINIA

LOAN ANNOUNCEMENT

APRIL 27, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 11AF Rockingham	$275,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3943; Filed, May 13, 1955; 8:51 a. m.]

[Administrative Order 4964]

COLORADO

LOAN ANNOUNCEMENT

APRIL 27, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 50A Southeast	$3,500,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-3944; Filed, May 13, 1955; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HILDEGARD BOETTERN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hildegard Boettern, Rindogaten 6, Stockholm, Sweden; Claim No. 44068, Vesting Order No. 3973, Safe Keeping Account No. 19-100301; $4,258.86 in the Treasury of the United States.

Ten (10) shares no par value common stock of Hardman, Peck & Company, New York, with a stated value of $1.00 per share, being a one-half interest in the 20 shares represented by Certificate No. 127, registered in the name of the Alien Property Custodian, in the custody of the Federal Reserve Bank of New York.

One diamond brooch in Safe Keeping Account No. 19-100301.

Executed at Washington, D. C., on May 9, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3995; Filed, May 16, 1955; 8:49 a. m.]

HENDRICUS PLANT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Hendricus Plant, Wassenaar, The Netherlands; Claim No. 42754; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent No. 1,918,558.

Executed at Washington, D. C., on May 9, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-3996; Filed, May 16, 1955; 8:49 a. m.]

eference Room

FEDERAL REGISTER

VOLUME 20 NUMBER 97

Washington, Wednesday, May 18, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10613

AMENDMENT OF EXECUTIVE ORDER NO. 10393 [1] OF SEPTEMBER 4, 1952, ESTABLISHING THE CLEMENCY AND PAROLE BOARD FOR WAR CRIMINALS

By virtue of the authority vested in me by the Constitution and the Statutes, and as President of the United States and as Commander in Chief of the Armed Forces of the United States, paragraph numbered 2 of Executive Order No. 10393 of September 4, 1952 is amended to read as follows:

2. The Board is hereby designated and empowered to perform the following-described functions without the approval, ratification, or other action of the President: The necessary investigation and decision in those cases in which a decision of the Government of the United States is required on recommendation by the Government of Japan for reduction of sentence or parole with respect to sentences imposed on Japanese war criminals by tribunals established by the Government of the United States or by the International Military Tribunal for the Far East. In making its investigations, the Board may examine witnesses and take testimony to the extent deemed necessary or advisable.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 16, 1955.

[F. R. Doc. 55-4117; Filed, May 17, 1955; 11:52 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

ISLE ROYALE NATIONAL PARK

Section 20.38 *Isle Royale National Park* is amended by the addition of paragraphs (b) and (c), reading as follows:

(b) *Docking of commercial boats and watercraft.* No privately owned boat or other watercraft which is being used for commercial purposes shall dock or land at any Government-owned dock or pier of Isle Royale National Park, except in case of emergency, without a permit from the Superintendent who shall have authority to revoke the permit and require the immediate removal of such craft upon the failure of permittee to comply with terms and conditions of the permit.

(c) *Docking of commercial planes and aircraft.* No privately owned plane or other aircraft which is being used for commercial purposes shall dock or land at any Government-owned dock or pier of Isle Royale National Park, except in case of emergency, without a permit from the Superintendent who shall have authority to revoke the permit and require the immediate removal of such craft upon the failure of permittee to comply with terms and conditions of the permit.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 22d day of April 1955.

[SEAL] ROBERT F. GIBBS,
Superintendent,
Isle Royale National Park.

[F. R. Doc. 55-4012; Filed, May 17, 1955; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1955 crop of wheat. The 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support

(Continued on next page)

[1] 17 F. R. 8061; 3 CFR, 1952 Supp., p. 101.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Title 14: Parts 1–399 ($2.25)

Titles 22–23 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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operations for certain grains and other commodities produced in 1955 is supplemented as follows:

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421.1036 Purpose.
421.1037 Availability of price support.
421.1038 Eligible wheat.
421.1039 Warehouse receipts.
421.1040 Determination of quantity.
421.1041 Determination of quality.
421.1042 Maturity of loans.
421.1043 Determination of support rates.
421.1044 Warehouse charges.
421.1045 Settlement.

AUTHORITY: §§ 421.1036 to 421.1045 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.1036 *Purpose.* Sections 421.1036 to 421.1045 state additional specific requirements which together with the general regulations contained in the 1955 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1001 to 421.1021) apply to loans and purchase agreements under the 1955–Crop Wheat Price Support Program.

§ 421.1037 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever wheat is grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that wheat cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1956, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof, producing wheat in 1955 as landowner, landlord, tenant, or sharecropper: *Provided*, That a producer shall not be an eligible producer unless he is in compliance with the regulations pertaining to farm acreage allotments for the 1955 crop as determined in accordance with 1955 CCC Wheat Bulletin A, and any amendments thereto.

§ 421.1038 *Eligible wheat.* At the time the wheat is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The wheat must have been produced in the continental United States in 1955 by an eligible producer.

(b) (1) The beneficial interest in the wheat must be in the eligible producer tendering the wheat for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the wheat was harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the wheat was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Such wheat must be: (1) Wheat of any class grading No. 3 or better; or (2) wheat of any class grading No. 4 or 5 on the factor of "test weight" and/or because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; (3) wheat of the class Mixed wheat, consisting of mixtures of grades of eligible wheat as stated in subparagraph (1) or (2) of this paragraph provided such mixtures are the natural products of the field.

(d) Wheat containing more than 2 rodent pellets per pint, or comparable amounts of other filth, or containing 2 percent or more by weight of kernels visibly damaged by weevils or other insects, shall not be eligible.

(e) Wheat grading Tough, Weevily, Ergoty or Treated shall not be eligible, except that wheat represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that "Wheat grading Tough has been processed at the request of the eligible producer, and delivery will be made of the same country-run quality, quantity, grade and protein (if any), not tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(f) Except as provided in paragraph (e) of this section, wheat of the class hard red spring, durum, or red durum, shall not contain more than 14½ percent moisture, and wheat of any other class shall not contain more than 14 percent moisture.

(g) If offered as security for a farm-storage loan, the wheat must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

§ 421.1039 *Warehouse receipts.* Warehouse receipts, representing wheat in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the wheat is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show: (i) Gross weight or bushels, (ii) class and subclass, (iii) grade (including special grades), (iv) test weight, (v) dockage, (vi) protein content (where determined by protein analysis or station average), and (vii) any other grading factor(s) when such factor(s), and not test weight, determine the grade. Also, the warehouse receipt or the warehouseman's supplemental certificate must show whether the wheat arrived by rail, truck, or barge. In the case of wheat delivered by rail or barge, the grading factors, classes and subclasses, protein content (where determined by protein analysis) on the warehouse receipt must agree with the inbound inspection and protein certificates for the car or barge if such certificates are issued.

(2) If the warehouseman has processed the wheat as provided in § 421.1038 (e), the supplemental certificate must show the numerical grade and the grading factors changed because of the wheat being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) In the case of wheat delivered by rail or barge, the protein content, as determined by a recognized protein testing laboratory, must be shown on each warehouse receipt (or supplemental certificate acompanying the warehouse receipt) representing wheat of the classes of hard red spring and hard red winter and the varieties of Baart and Bluestem of the subclass hard white wheat, except that protein content need not be shown for the subclasses hard winter and yellow hard winter produced in States or areas tributary to markets where a showing of protein content is not customarily required.

(d) A separate warehouse receipt must be submitted for each grade and subclass of wheat.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1044.

(f) Warehouse receipts representing wheat which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

§ 421.1040 *Determination of quantity.* (a) The quantity of wheat placed under farm-storage loan may be determined either by weight or by measurement. The quantity of wheat placed under a warehouse-storage loan or delivered under a farm-storage loan or under a pur-

chase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 60 pounds of wheat free of dockage. In determining the quantity of sacked wheat by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of wheat is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 60-pound wheat:

For wheat testing:	Percent
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan or purchase.

§ 421.1041 *Determination of quality.* (a) The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Wheat, whether or not such determinations are made on the basis of an official inspection, *Provided*, That determinations with respect to sanitation requirements specified in § 421.1038 (d) shall be made in accordance with instructions issued by CCC and available for examination in the county office.

(b) In the States of California, Idaho, New Mexico, Nevada, Oregon, Utah, Washington, and the counties in Montana where it is a normal practice to determine smut on a percentage basis, the quantity of smut shall be stated in terms of half percent, whole percent, or whole and half percent, and the quantity of smut so determined in pounds shall be deducted from the weight of the wheat after deduction of dockage. Elsewhere the smut condition of the wheat shall be determined on a degree basis. Where applicable, the words "Light Smutty" or "Smutty" shall be added to, and made a part of, the grade determination.

(c) The garlicky condition of the wheat shall be made a part of the grade designation by addition of the words "Light Garlicky" or the word "Garlicky."

§ 421.1042 *Maturity of loans.* Loans mature on demand but not later than February 29, 1956, in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than March 31, 1956 in all other States. The maturity date for a loan shall be the maturity date for the State where the wheat is stored.

§ 421.1043 *Determination of support rates.* Basic support rates for wheat will be set forth in 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Wheat. Support rates will be established for wheat stored in approved warehouse storage at designated terminal markets, and for wheat stored in approved country warehouses and in approved farm storage. The support rate for the quality of wheat placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section and 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Wheat.

(a) *Support rates at designated terminal markets.* (1) (i) Wheat eligible for loan or purchase at the support rate established for designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any wheat shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(ii) The support rates established for designated terminal markets apply to wheat which has been shipped by rail or water from a country shipping point to one of the designated terminal markets as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(2) (i) When shipped by rail or water and stored at any designated terminal market, except the terminal markets listed in subparagraph (3) of this paragraph, wheat for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 8 cents per bushel.

(ii) For wheat received by truck and stored at any designated terminal market, except the terminal markets listed in subparagraph (3) of this paragraph, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal located in:	Amount of deduction (cents per bushel)
Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington	12½
Area II: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wis.)	12½
Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior)	13
Area IV: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia	14
Area V: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee	14

(3) (i) Wheat shipped by rail or water and stored at any of the following terminal markets and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate:

Los Angeles, San Francisco, Stockton, and Oakland, Calif.
New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston, Houston, and Corpus Christi, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma and Vancouver, Wash.
Superior, Wis.

(ii) For wheat received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal:	Amount of deduction (cents per bushel)
Los Angeles, San Francisco, Stockton, and Oakland, Calif.; Duluth, Minn.; Portland and Astoria, Oreg.; Seattle, Longview, Tacoma, and Vancouver, Wash.; Superior, Wis.	4½
New Orleans, La.; Baltimore, Md.; Philadelphia, Pa.; Galveston, Houston, and Corpus Christi, Tex.; Norfolk, Va.; Albany and New York, N. Y.	6

(b) *Support rates for wheat in approved warehouse storage at other than designated terminal markets.* (1) Except for the States designated in subparagraph (2) of this paragraph, the support rate for wheat stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if

any (plus tax) of the through-freight rate from point of origin for such wheat to such terminal market: *Provided*, That on any wheat shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such wheat to the point of storage: *And provided further*, That in the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing wheat in such position.

(2) In the States of Delaware, Kentucky, Maryland, New Jersey, North Carolina, Tennessee, Virginia, and West Virginia, the CSS commodity office shall upon request of the county committee, determine the support rate for wheat stored in approved warehouses (except those situated at designated terminal markets) which was shipped by rail in the movement of natural market direction as approved by CCC, by adding to the county rate for the county from which the wheat was shipped an amount per bushel equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement for the 1955 crop an amount equal to the transit value of the freight paid (plus tax) from points of origin to markets designated by CCC. The warehouse receipts must be accompanied by the original paid freight bills or a certificate signed by the warehouseman as set forth in § 421.1039 (f). If the wheat is stored in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of normal market movements, such penalty or other costs by reason of such movement, as determined by CCC shall be deducted from the support rates as determined in this paragraph.

(c) *Discounts and premiums.* The basic support rates shall be adjusted by all applicable premiums and discounts listed in 1955 CCC Grain Price Support Bulletin 1, Supplement 2, Wheat.

§ 421.1044 *Warehouse charges.* (a) Warehouse receipts and the wheat represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing wheat stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 29 or March 31, 1956, the applicable date to be determined in accordance with § 421.1042, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through February 29 or March 31, 1956, the applicable date to be determined in accordance with § 421.1042:

Amount of deduction (cents per bushel)	Area I [1] Date of deposit (all dates inclusive)	Area II [2] Date of deposit (all dates inclusive)	Area III [3] Date of deposit (all dates inclusive)	Area IV [4] For States having maturity dates not later than Mar. 31, 1956; date of deposit (all dates inclusive)	Area IV [4] For States having maturity dates not later than Feb. 29, 1956; date of deposit (all dates inclusive)	Area V [5] Date of deposit (all dates inclusive)
15				Prior to May 12, 1955		
14	Prior to Apr. 27, 1955	Prior to May 10, 1955	Prior to May 27, 1955	May 12-June 10, 1955	Prior to May 11, 1955	Prior to May 21, 1955.
13	Apr. 27-May 26, 1955	May 10-June 8, 1955	May 27-June 25, 1955	June 11-July 10, 1955	May 11-June 9, 1955	May 21-June 14, 1955.
12	May 27-June 25, 1955	June 9-July 10, 1955	June 26-July 25, 1955	July 11-Aug. 4, 1955	June 10-July 4, 1955	June 15-July 4, 1955.
11	June 26-July 25, 1955	July 11-Aug. 9, 1955	July 26-Aug. 24, 1955	Aug. 5-Aug. 24, 1955	July 5-July 24, 1955	July 5-July 24, 1955.
10	July 26-Aug. 24, 1955	Aug. 10-Sept. 8, 1955	Aug. 25-Sept. 13, 1955	Aug. 25-Sept. 13, 1955	July 25-Aug. 13, 1955	July 25-Aug. 13, 1955.
9	Aug. 25-Sept. 23, 1955	Sept. 9-Oct. 3, 1955	Sept. 14-Oct. 3, 1955	Sept. 14-Oct. 3, 1955	Aug. 14-Sept. 2, 1955	Aug. 14-Sept. 2, 1955.
8	Sept. 24-Oct. 23, 1955	Oct. 4-Oct. 23, 1955	Oct. 4-Oct. 23, 1955	Oct. 4-Oct. 23, 1955	Sept. 3-Sept. 22, 1955	Sept. 3-Sept 22, 1955.
7	Oct. 24-Nov. 12, 1955	Oct. 24-Nov. 12, 1955	Oct. 24-Nov. 12, 1955	Oct. 24-Nov. 12, 1955	Sept. 23-Oct. 12, 1955	Sept. 23-Oct. 12, 1955.
6	Nov. 13-Dec. 2, 1955	Nov. 13-Dec. 2, 1955	Nov. 13-Dec. 2, 1955	Nov. 13-Dec. 2, 1955	Oct. 13-Nov. 1, 1955	Oct. 13-Nov. 1, 1955.
5	Dec. 3-Dec. 22, 1955	Dec. 3-Dec. 22, 1955	Dec. 3-Dec. 22, 1955	Dec. 3-Dec. 22, 1955	Nov. 2-Nov. 21, 1955	Nov. 2-Nov. 21, 1955.
4	Dec. 23, 1955-Jan. 11, 1956.	Dec. 23, 1955-Jan. 11, 1956.	Dec. 23, 1955-Jan. 11, 1956.	Dec. 23, 1955-Jan. 11, 1956.	Nov. 22-Dec. 11, 1955	Nov. 22-Dec. 11, 1955.
3	Jan. 12-Jan. 31, 1956	Jan. 12-Jan. 31, 1956	Jan. 12-Jan. 31, 1956	Jan. 12-Jan. 31, 1956	Dec. 12-Dec. 31, 1955	Dec. 12-Dec. 31, 1955.
2	Feb. 1-Feb. 20, 1956	Feb. 1-Feb. 20, 1956	Feb. 1-Feb. 20, 1956	Feb. 1-Feb. 20, 1956	Jan. 1, 1955-Jan. 20, 1956	Jan. 1, 1955-Jan. 20, 1955.
1	Feb. 21-Mar. 31, 1956	Feb. 21-Mar. 31, 1956	Feb. 21-Mar. 31, 1956	Feb. 21-Mar. 31, 1956	Jan. 21-Feb. 29, 1956	Jan. 21-Feb. 29, 1956.

[1] Area I Includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.
[2] Area II Includes: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin).
[3] Area III Includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).
[4] Area IV Includes: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.
[5] Area V Includes: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the wheat represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rates for storage (not including elevation), which will accumulate from the date of deposit through February 29, or March 31, 1956, whichever date is applicable to the point of storage as determined in accordance with § 421.1042, unless written evidence has been submitted with the warehouse receipt that the storage charge has been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1045 *Settlement*—(a) *Settlement value.* (1) In the case of eligible wheat delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with § 421.1018 (e). The support rate shall be for the grade and quality of the total quantity of wheat eligible for delivery. If, upon delivery, the wheat under farm-storage loan is of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality of the wheat placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the wheat delivered, as determined by CCC: *Provided, however*, That if such wheat is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price and: *Provided further*, That if upon delivery, the wheat is of a quality which does not meet sanitation requirements of § 421.1038 (d), the wheat shall be sold to the highest bidder for feed, or for industrial uses other than food and beverages, and the basic settlement value, per bushel, shall be the same as the sales price.

(2) In the case of eligible wheat delivered to CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with § 421.1018 (e).

(b) *Storage deduction for early delivery.* Whenever farm-stored wheat under loan or purchase agreement is delivered to CCC prior to the loan maturity date for the State, a deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges (§ 421.1044), except that no such deduction shall be made if such early delivery is made because the loan is called solely for the convenience of

CCC, or if it is determined by CCC at the time of delivery that the wheat will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on wheat under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the wheat to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on wheat delivered to CCC on track at a country point.

Issued this 12th day of May 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4022; Filed, May 17, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—REGULATIONS PERTAINING TO RICE MARKETING QUOTAS FOR THE 1955 CROP OF RICE

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AUTHORITY: §§ 730.650 to 730.697 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 351–356, 362–368, 372–374, 376, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1351–1356, 1362–1368, 1372–1374, 1376.

GENERAL

§ 730.650 *Basis and purpose.* The regulations contained in §§ 730.650 to 730.697, inclusive, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of rice as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess rice by storage, by delivery to the Secretary of Agriculture, or, in a subsequent year, by underplanting the allotment or producing a less than normal crop; the records and reports required to be made by rice producers and handlers; and special provisions and exemptions applicable to farms on which the acreage of non-irrigated (dry land) rice is 3 acres or less, rice produced by publicly-owned experiment stations, and rice produced by Federal or State wildlife refuge farms. Prior to preparing §§ 730.650 to 730.697 inclusive, public notice (20 F. R. 1702) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations submitted by persons interested in the regulations in this subpart have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 730.651 *Definitions.* As used in this subpart and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Department" means the United States Department of Agriculture.

(b) "Act" means the Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(c) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(d) "Director" means the Director of the Grain Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committee" means according to context, one of the several committees defined as follows:

(1) "State Committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee of the Commodity Stabilization Service.

(2) "County Committee" means the persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(3) "Community Committee" means the persons elected within a community as a community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(4) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the act.

(f) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(g) "Treasurer of the county committee" means the county office manager or the person designated by him to act as treasurer of the ASC county committee.

(h) "State administrative officer" means the employee of the State committee who carries out its policies and the day-to-day operations of the ASC State office.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(j) "Landlord or owner" means a person who owns land.

(k) "Tenant" means a person other than a sharecropper who rents land from another person, whether or not he rents such land or part thereof to another person.

(l) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(m) "Operator" means the person who, as landlord or tenant, is in charge of the supervision and conduct of the farming operations on the entire farm.

(n) "Producer" means any person engaged in the production of rice as landlord, tenant, or sharecropper and includes a person owning and operating his own farm; a tenant operating a farm rented for cash; a tenant operating a farm under a crop share lease, contract, or agreement; a landlord leasing to share tenants; and a person or irrigation company furnishing water for a share of the crop. For purposes of the regulations in this subpart, the term "tenant" shall be deemed to include a person or irrigation company furnishing water for a share of the rice crop.

(o) "Buyer" means a person who buys rice.

(p) "Transferee" means a person who acquires rice from a producer or any other person by barter, exchange or gift.

(q) "Intermediate buyer" means any buyer or transferee who purchases or acquires any rice prior to the time the rice so purchased or acquired has been marketed either (1) to a warehouseman, mill operator, or processor or (2) to any other grain dealer who conducts his business in a manner substantially the same as a warehouseman or mill operator.

(r) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as part of the same unit in producing range livestock, or with respect to the rotation of crops and with workstock, farm machinery, and labor, substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(s) "Farm acreage allotment" means that rice acreage allotment established for the farm under § 730.610 through § 730.629 as published in the FEDERAL REGISTER under date of January 18, 1955 (20 F. R. 385).

(t) "Rice" as used in the regulations of this subpart means rough rice.

(u) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice (self seeded) which reaches maturity excluding, (1) any acreage of non-irrigated (dry land) rice of three acres or less, (2) any acreage planted to Mochi gomi rice, commonly known as sweet, glutenous, or candy rice, and (3) any excess rice acreage which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the date established by the county committee with the approval of the State committee so that rice cannot be harvested therefrom. Such date for each county or areas within the county shall be far enough (but not to exceed 30 days) in advance of the date the harvesting of rice normally begins in the county to permit sufficient time to remeasure the farms in the county and issue marketing cards to eligible producers prior to harvest. Notice of 1955 Acreage of Rice on Form CSS–598 shall be mailed to the operator of each farm on which there is excess rice acreage at least 15 days prior to such established date: *Provided,* That if such notice is not mailed at least 15 days prior to such established date the producer shall have 15 days from the date the Notice of 1955 Acreage of Rice is mailed to destroy or treat the excess rice acreage so that rice cannot be harvested therefrom. Each State committee shall furnish such established dates to the Director of the Grain Division.

(v) "Excess rice acreage" means the acreage of rice determined for the farm which is in excess of the farm acreage allotment, except that there shall be no excess rice acreage for any farm on which (1) the rice is grown for experimental purposes only by a publicly-owned experiment station, or (2) the rice is produced on a Federal or State wildlife refuge farm solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

(w) "Normal yield" means the number of pounds per acre of rice established as the normal yield per acre for the farm under § 730.653.

(x) "Actual yield" means the number of pounds of rice determined by dividing the number of pounds of rice produced on the farm in 1955 by the 1955 rice acreage on the farm.

(y) "Normal production" of any number of acres means the normal yield of rice for the farm times such number of acres.

(z) "Actual production" of any number of acres means the actual yield of rice per acre for the farm times such number of acres.

(aa) "Farm marketing quota" means the rice marketing quota established under the act for the farm for the 1955 crop.

(bb) "Farm marketing excess" means the amount of rice determined for any farm under § 730.659 or § 730.661, whichever is applicable.

(cc) "Marketing year" means the period beginning August 1, 1955, and ending July 31, 1956, both dates inclusive.

(dd) "Market" means to dispose of rice in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift.

(1) The term "sale" means any transfer of title to rice by a producer by any means other than barter, exchange, or gift. The penalty on excess rice is due regardless of what use is made of the excess rice.

(2) The terms "barter" and "exchange" mean transfer of title to rice by a producer in return for rice or any other commodity, service, or property, in cases where the value of the rice or such other commodity, service, or property is not considered in terms of money, or the transfer of title to rice by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of rice in lieu of a cash charge for harvesting or milling rice (commonly called "toll rice").

(3) The term "gift" means any transfer of title to rice accompanied by delivery of the rice by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(4) "Marketed", "marketing", and "for market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(ee) "Penalty" means the penalty provided in section 356 (a) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1356 (a)).

§ 730.652 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 730.653 *Normal yields—(a) Farms for which normal yields will be determined.* The Secretary, through the county committee, will determine a normal yield for each farm for which a farm marketing excess is determined for the 1955 crop.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield in pounds per acre for all of the 5 calendar years immediately preceding the calendar year for which the yield is determined are presented by the farmer or are available to the county committee, the normal yield per acre of rice for the farm shall be determined to be the average of such yields.

(c) *Appraised yields.* If for any year of such 5-year period records of the actual average yield are not available, or there was no actual yield, the normal yield in pounds per acre of rice for the farm shall be appraised by the county committee, taking into consideration the yields in years for which data are available, the State average yield when available, if considered representative of the

normal yield for the farm, the yields on farms in the same locality which are similar with respect to type of soil, availability of irrigation water, and farming practices associated with the production of rice, and abnormal weather conditions. State average yields in pounds per acre are as follows: Arkansas 2,175, California 3,075, Louisiana 2,052, Mississippi 2,432, Texas 2,480.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 730.654 *Identification of farms.* Each farm as operated for the 1955 crop of rice shall be identified by a farm serial number, assigned by the county committee, which shall not be changed, and all records pertaining to marketing quotas for the 1955 crop of rice shall be identified by the farm serial number.

§ 730.655 *Measurement of farms.* The county committee shall provide for the measurement of all farms in the county having a 1955 rice acreage allotment and any other farms in the county on which the committee has reasons to believe there is rice which could be available for harvest in 1955, regardless of its intended use, for the purpose of ascertaining with respect to each of such farms the acreage of rice and whether such acreage is in excess of the farm rice acreage allotment for 1955. A farm will be considered as being located in the county in which is located the county ASC office from which the 1955 rice farm acreage allotment notice was sent to the operator and shall be retained in such status until the next crop year. Measurement shall be made under the general supervision of the county committee in accordance with the following provisions:

(a) *Reporter.* The measurement on the farm shall be made by an employee of the county committee who has been designated as a reporter and determined to be qualified to carry out the duties of a reporter by the county office manager. A reporter may be assisted in measurement of a farm by another reporter, community, county or State committeeman, State committee representative, any employee of the county ASC office when authorized by the county office manager, or by any employee of the Department when authorized by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service. The reporter may request the operator or producer, or his representative, to designate all fields on the farm being utilized for growing rice and otherwise to assist in measuring the farm. If requested, the operator or producer, or his representative, shall so designate all fields being utilized for growing rice and may otherwise assist in measuring the farm. The reporter may utilize any such assistance from the operator or producer, or his representative.

(b) *Assignment.* The county office manager shall have the responsibility for assigning in writing the farms in the county to be measured by a reporter. Upon request of any interested producer the reporter shall obtain certification from the county office manager that the reporter is the county office representative appointed to determine the rice acreage on such producer's farm.

(c) *Farm visit.* A reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request he will exhibit to the farm operator, producer, or owner, his assignment to measure the farm.

(d) *Methods of measurement.* Measurement may be made by identification of fields or parts of fields by use of a map, aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measuring wheel when authorized by the Deputy Administrator, for Production Adjustment, Commodity Stabilization Service, or by a combination of one or more of the foregoing methods. The measurement will be entered by the reporter on the Form CSS–578 and filed in the county ASC office. Computations of acreages shall be made by an employee in the county ASC office from the data so obtained and the use of a planimeter or rotometer in connection therewith is authorized.

(e) *Measurement of rice acreage.* (1) Upon his first visit to the farm for purposes of measurement the reporter assigned thereto shall measure all fields on the farm growing rice.

(2) All farms measured under the provisions of subparagraph (1) of this paragraph which from such measurement are found to have acreage on which rice is growing in excess of the 1955 farm rice acreage allotment shall be revisited by the reporter for the purpose of a second measurement after the period for adjusting excess acreage prior to harvest has expired. On this visit all acreage devoted to rice and which has not been adjusted prior to harvest so as not to qualify as rice acreage in accordance with these regulations shall be measured. In making such measurements, measurement data acquired on the first visit may be utilized.

(f) *Water company measurements.* Notwithstanding other provisions of this § 730.655, acreage measurements made by employees of water or irrigation companies to determine water charges may be used in lieu of or in connection with measurements by a reporter, subject to the following conditions: (1) The State and county committees determine that such measurements are accurate and meet the standards for measurements set out in the regulations in this subpart and applicable instructions for internal management issued by the Assistant Administrator for Production Adjustment, Commodity Stabilization Service; (2) a visual inspection is made by a representative of the State or county committee in order to ascertain that all rice acreage on the farm has been included; (3) a spot check of at least 10 per centum of the farms so measured is made; and (4) the water or irrigation company does not share in the 1955 rice crop on the farm.

(g) *Prior measurements.* Measurements made prior to the effective date of this section and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1955 rice acreage and the rice acreage in excess of the 1955 farm rice acreage allotment.

§ 730.656 *Reports and records of farm measurements.* A record shall be kept in the ASC county office of the measurements made on all farms. There shall be filed with the ASC State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of the operator, (c) name of each producer, (d) the total acreage in cultivation, (e) the farm acreage allotment, (f) the rice acreage, and (g) the farm marketing excess in pounds.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 730.657 *Marketing quotas in effect.* Marketing quotas for the 1955 crop of rice shall be applicable in the continental United States. Such quotas shall be applicable to any rice of that crop notwithstanding that it may be available for market prior to the beginning of the marketing year or subsequent to the end of the marketing year.

§ 730.658 *Farm marketing quota.* The farm marketing quota for any farm for the 1955 crop of rice shall be that number of pounds of rice produced less the amount of the farm marketing excess for the farm.

§ 730.659 *Farm marketing excess.* The farm marketing excess for the 1955 crop of rice for any farm shall be the normal production of the rice acreage on the farm in excess of the farm acreage allotment therefor. The farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of rice on the farm exceeds the normal production of the farm rice acreage allotment if the producer establishes such actual production to the satisfaction of the Secretary.

§ 730.660 *Notice of farm marketing excess.* Written notice of the farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the 1955 rice crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same day to each other rice producer on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the ASC county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the rice produced in 1955 on the farm for which the notice is given. Each notice shall be on a form MQ–93—Rice (1955) prescribed by the Director and shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 730.661 *Farm marketing excess adjustment* — (a) *Adjustment in the amount of the farm marketing excess.* Any producer having an interest in the rice produced in 1955 on any farm for which there is a farm marketing excess may (1) within 60 days after the harvesting of rice is normally substantially completed in the county in which the farm is situated apply to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of rice produced in 1955 on the farm, or (2) apply to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production on the farm was not in excess of the normal production of the acreage allotment. The date on which the harvesting of rice is normally substantially completed in the county shall be determined by the State committee taking into consideration recommendations which the county committee may make and, unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date, or unless prior to the institution of court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for the farm, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess rice acreage for the farm shall be final as to the producers on the farm. The State committee shall notify the Director of the Grain Division of the date established for each county. The county office shall keep a record of each application so made and the date thereof. The county committee shall establish a time and a place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production of any farm shall be determined in view of the relevant facts, including the past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, and sales of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of rice on the farm and in the locality in which the farm is situated. In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the questions of fact, and (3) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A notice showing the result of the determination made as aforesaid shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

§ 730.662 *Publication of the farm acreage allotments, marketing quotas, and marketing excess.* A record of the farm acreage allotments, farm marketing quotas, and farm marketing excesses established for farms in the county shall be made and kept freely available for public inspection in the ASC county office.

§ 730.633 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 730.664 *Successors in interest.* Any person who succeeds to the interest of a producer in a farm or in a rice crop produced on a farm for which a farm marketing quota and farm marketing excess were established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of rice.

§ 730.665 *Review of quotas*—(a) *Right to review by review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him (except as provided in § 730.661), apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith: *Provided*, That if a review hearing has been held and determination made by a review committee with respect to the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, no application by a producer for further review by a review committee with respect to such determination may be filed. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (Form MQ–51) as issued by the Secretary (Part 711 of this chapter).

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS AND MARKETING CERTIFICATES

§ 730.666 *Issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (MQ–76—Rice (1955)) if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 730.678 or § 730.679, (3) the farm marketing excess is stored, as provided in § 730.683, or (4) the amount of the farm marketing excess has been delivered to the Secretary, as provided in § 730.684. Each marketing card shall be serially numbered and shall show the names of the State and county code number thereof and the serial number of the farm, the signature of the county office manager or his designee, the name and address of the producer to whom issued, and the countersignature of the producer to whom the card is issued, or his duly authorized agent, or a statement by the county office manager or his designee giving an explanation of the reason for which the countersignature cannot be made. The producers on a farm shall be ineligible to receive marketing cards if determination of the 1955 rice acreage is prevented by any producer on the farm.

(b) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a rice producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in

accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. However, only one rice marketing card need be issued to a producer who has an interest in the rice crop on more than one farm in the county, provided (1) the farm serial numbers of all such farms are entered on the marketing card, (2) the producer is eligible to receive a marketing card on each farm in the county in which he has an interest in the rice crop, and (3) the producer's liability has not been reduced to a proportionate share on any such farm. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of rice in more than one county (in the same State or in two or more States), the regulations outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties, or the State committee determines that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of rice, together with any other information deemed necessary to enforce the act.

(c) *Use of marketing cards.* The serial number of the farm or farms for which a marketing card is issued shall be entered on the marketing card. A marketing card shall not be used to identify rice produced on any farm the serial number of which is not entered on the certificate.

§ 730.668 *Lost, destroyed, or stolen marketing cards or marketing certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able immediately notify the ASC county office of the following: (1) The name of the operator of the farm for which such marketing card or marketing certificate was issued; (2) the name of the producer to whom the marketing card or marketing certificate was issued, if someone other than the operator; (3) the serial number of the marketing card or marketing certificate; and (4) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card or marketing certificate was in fact lost, destroyed, or stolen, it shall cause to be canceled such marketing card or marketing certificate and instruct the county office manager to give notice to the producer to whom the marketing card or marketing certificate was issued that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last-known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion in connection therewith on the part of the producer to or for whom the marketing card or marketing certificate was issued, it shall cause to be issued to or for him a marketing card or marketing certificate to replace the lost, destroyed or stolen marketing card or marketing certificate. Each marketing card or marketing certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case a marketing card or marketing certificate is canceled, as provided in this section, the county office manager or his designee shall immediately notify the buyers, mill operators, or warehousemen who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is canceled and of the issuance of any duplicate. Any person coming into possession of a canceled marketing card or marketing certificate shall immediately return it to the ASC county office from which it was issued.

§ 730.669 *Cancellation of marketing cards and marketing certificates issued in error.* Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of the error, be canceled by the county office manager. The producer to whom such marketing card or marketing certificate was issued shall be notified in the manner prescribed in § 730.668 (b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the ASC county office. Upon the return of such marketing card or marketing certificate, the county office manager shall cause to be endorsed thereon the notation "Canceled." In the event that such marketing card or marketing certificate is not returned immediately, the county office manager shall immediately notify the mill operators, warehousemen, and buyers who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is canceled. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing, shall be kept among the records of the ASC county office.

IDENTIFICATION OF RICE

§ 730.670 *Time and manner of identification.* Each producer of rice and each intermediate buyer shall, at the time he markets any rice, identify the rice to the buyer or transferee, in the manner hereinafter provided as being subject to or not subject to the penalty and the lien for the penalty.

§ 730.671 *Identification by marketing card.* A marketing card (MQ–76—Rice (1955)) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the rice for which the marketing card was issued may be purchased without the payment of any penalty by him and that such rice is not subject to the lien for penalty.

§ 730.672 *Identification by marketing certificate.* A marketing certificate (MQ–94—Rice) properly executed by the county office manager or his designee and the producer to whom it is issued, shall, when delivered to the buyer by the producer be evidence that the amount of rice shown thereon may be purchased without the payment of any penalty by him and that such rice is not subject to the lien for penalty.

§ 730.673 *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ–95—Rice (1955)), properly executed by the first intermediate buyer and the producer of the rice and any subsequent buyer in the manner outlined in §§ 730.687 (d) and 730.688, shall be evidence to any buyer that the rice covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (a) the MQ–95—Rice (1955) shows the serial number of the marketing card or marketing certificate by which the rice was identified and the signatures of the producer and intermediate buyer, or (b) the original MQ–95—Rice (1955) bears the endorsement "Penalty satisfied" and the signature and title of the treasurer of a county committee and the date thereof.

§ 730.674 *Rice identified as subject to the penalty and lien for the penalty.* All rice marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in § 730.671, § 730.672 or § 730.673 shall be taken by the buyer thereof as rice subject to penalty and the lien for the penalty and the buyer of such rice shall pay the penalty thereon at the rate prescribed in § 730.675.

PENALTY

§ 730.675 *Rate of penalty.* The rate of penalty shall be 50 percent of the parity price per pound of rice as of June 15, 1955.

§ 730.676 *Lien for penalty.* The entire amount of rice produced in 1955 on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the producers on the farm, in accordance with § 730.683, § 730.684, § 730.678, or § 730.679, store the farm marketing excess or deliver it to the Secretary or until the amount of the penalty is paid.

§ 730.677 *Interest on unremitted penalty.* The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 730.678 (b) or § 730.679 (c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 730.678 *Payment of penalties by producers*—(a) *Producers liable for payment of penalties.* Each producer having an interest in the rice produced in 1955 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess as provided in this section. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of rice produced on the farm.

(b) *Time when penalties become due.* The amount of the penalty on the farm marketing excess for any farm shall be remitted not later than 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county in which the farm is situated, as determined by the State committee in accordance with § 730.661 (a): *Provided, however,* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 730.684 shall not be remitted: *And provided further,* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 730.683 shall not be remitted until the time, and to the extent, of any depletion in the amount of rice so stored not authorized as provided in § 730.683 (g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for the remittance of the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes the facts that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 730.683 or § 730.684, that his share of the rice crop produced on the farm is marketed or disposed of by him separately, and that he exercises no control over the marketing or disposition of the shares of the other producers in the rice crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the rice produced in 1955 on the farm bears to the total amount of rice produced in 1955 on the farm. When the producer pays his proportionate share of the penalty, or, in accordance with § 730.683 or § 730.684, stores or delivers to the Secretary the number of pounds required to postpone or avoid the payment of the penalty on his proportionate share, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates, issued in accordance with § 730.667, to be used by him only in the marketing of his proportionate share of the rice crop produced in 1955 on the farm.

§ 730.679 *Payment of penalties by buyer*—(a) *Buyers liable for payment of penalties.* Each person within the United States who buys from the producer any rice subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Rice shall be taken as subject to the lien for the penalty unless the producer presents to the buyer a marketing card (MQ–76—Rice (1955)) or a marketing certificate (MQ–94—Rice) as prescribed in §§ 730.671 and 730.672.

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys rice which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon. Rice purchased from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale, the intermediate buyer delivers to the purchaser the original and a copy of an intermediate buyer's record and report, MQ–95—Rice (1955), properly executed by the producer of the rice and the first intermediate buyer, which show (1) the serial number of marketing card or marketing certificate by which the rice covered thereby was identified when marketed, or (2) on the reverse side the statement "Penalty satisfied" and the signature and title of the treasurer of a county committee and the date thereof.

(c) *Time when penalties become due.* The penalty to be paid by any buyer pursuant to paragraph (a) or (b) of this section shall be due at the time the rice is purchased and shall be remitted not later than 15 calendar days thereafter.

(d) *Manner of deducting penalties and issuance of receipts.* The buyer may deduct from the price paid for any rice an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) or (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the rice was purchased a receipt for the amount so deducted which shall be, in the case of rice purchased from the producer by an intermediate buyer, on MQ–95—Rice (1955), and, in all other cases, on MQ–81—Rice (1955).

§ 730.680 *Remittance of penalties to the treasurer of the county committee.* The treasurer of any county committee, for and on behalf of the Secretary, shall receive the penalty. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, and money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par. If the penalty is remitted by an intermediate buyer, the treasurer of the county committee shall show that the penalty is paid by entering on the reverse side of the original and first copy of the intermediate buyer's record and report, MQ–95—Rice (1955), the statement "Penalty satisfied" and his signature and title and the date thereof.

§ 730.681 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with penalties for rice shall be scheduled and transmitted by him on the day received or not later than the next succeeding business day, to the State committee, which shall cause such funds to be deposited to the credit of a special deposit account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (referred to in this subpart as "special deposit account") to be held in escrow. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such funds in the ASC county association bank account and issue a check in the amount thereof, payable to the order of the Treasurer of the United States. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the rice in connection with which the funds were remitted.

§ 730.682 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee upon their own motion or upon the request of any interested person shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess rice or the penalty due. Any excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than pro-

ducers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance, or security of the penalty on the farm marketing excess or (2) the amount which is in excess of the security required for stored excess rice and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the rice or for which he was liable.

(b) *Certification of refunds.* The county office manager or the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the treasurer of the county committee and transmitted by him to the State committee.

§ 730.683 *Stored farm marketing excess*—(a) *Amount of rice to be stored.* The number of pounds of rice in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined, at the time of storage, under § 730.659 or § 730.661, whichever is applicable.

(b) *Storage of excess rice.* Stored excess rice shall be kept in a place adapted to the storage of rice. The rice so stored shall be subject to the condition that it may be inspected at any time by officers or employees of the United States Department of Agriculture or members, officers, or employees of the State or county committees.

(c) *Deposit of warehouse receipts in escrow.* The storage of rice in a warehouse in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective when a warehouse receipt covering the amount of rice so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be a negotiable receipt or a nonnegotiable receipt as to which the warehouseman is notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the rice covered thereby is to be made under the terms of its deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the rice is stored shall be and shall remain liable for all charges incident to the storage of the rice and that the county committee and the United States in no way be responsible for or pay any such charges. Whenever the penalty with respect to rice covered by warehouse receipt is paid or satisfied from any cause, the warehouse receipt shall be returned to the person who deposited it.

(d) *Bond of indemnity.* The storage of excess rice in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when a good and sufficient bond of indemnity on a form prescribed for this purpose is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the rice and either (1) as sureties by two persons who are not producers on the farm each owning real property with an unencumbered value of double the principal sum of the bond, or (2) as surety by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds in favor of the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producer on the farm prevents the inspection of any rice so stored the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the treasurer of the county committee shall furnish the principal and the sureties with a written statement to that effect. A bond shall not otherwise be canceled or released. The bond of indemnity provided for in this paragraph may be waived by the county committee, with the approval of the State committee, if the excess rice was produced by a State or State institution or other agency of a State or Federal Agency: *Provided*, That as a condition of the waiver of the bond of indemnity the head of the State institution or other State agency or Federal agency shall agree in writing to comply with all other provisions of the regulations in §§ 730.650 to 730.697 with respect to the stored farm marketing excess.

(e) *Deposit of funds in escrow.* The storage of rice in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when an amount of money not less than the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty. Such funds shall be received subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producer on the farm prevents inspection of any rice so stored the penalty on the entire amount stored shall be paid forthwith.

(f) *Time of storage.* Storage of rice in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b), and (c), (d), or (e) of this section are complied with prior to the expiration of the period allowed, in accordance with § 730.678 (b), for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess rice.* The penalty on the amount of excess rice stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of rice stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess rice exceeds the farm marketing excess for the farm as determined in accordance with § 730.659 or § 730.661, (2) the amount by which the stored excess rice exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee, and (3) the amount of any rice destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him.

(h) *Underplanting the farm acreage allotment or a subsequent crop.* Whenever the rice acreage on any farm for the 1956 or subsequent crop of rice is less than the farm acreage allotment therefor, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any rice so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to rice is less than the farm acreage allotment. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to rice or in accordance with their agreement as to the apportionment to be made. A producer shall not be entitled to remove rice from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the end of the rice seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the rice crop which was or could have been planted on the farm. The acreage planted to rice for the purpose of this paragraph shall be the rice acreage on the farm.

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever in 1956 or any subsequent year the rice acreage does not exceed the farm acreage allotment and the actual production of rice on the farm is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the ASC county office, be entitled to remove from storage, without penalty, any rice so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section, exceeds the amount of rice produced on the farm in that year. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice to the extent of their need therefor in accordance with their proportionate shares in the rice crop planted on the farm or in accordance with their agreement as to the apportionment to be made. The determination of the amount of rice produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove rice from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the rice crop planted on the farm.

§ 730.684 *Delivery of the farm marketing excess to the Secretary*—(a) *Amount of the rice to be delivered.* The amount of rice delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined, at the time of delivery, in accordance with § 730.659 or § 730.661, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the treasurer of the county committee for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any rice tendered to avoid the payment of the penalty. The delivery of the rice for this purpose shall be effective only when the producers having an interest in the rice to be so delivered convey to the Secretary all right, title, and interest in and to the rice by executing a form provided for this purpose, and (1) deliver the rice to a warehouse and tender to the treasurer of the county committee the warehouse receipts for the amount of the rice, or (2) where the producer shows to the satisfaction of the county office manager that it is impracticable to deliver the rice to a warehouse and receive a warehouse receipt therefor, deliver the rice at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the rice so delivered shall be returned to the producer. Insofar as practicable, the rice so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any rice which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or county or municipal relief organization, Federal or State wildlife refuge project, or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the Foreign Operations Administration for shipment for relief overseas.

(c) *Time of delivery.* Excess rice may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county as determined by the State committee in accordance with § 730.661 (a). Excess rice may be delivered to the Secretary after such 60-day period only if the excess rice was stored in accordance with the provisions of § 730.683 (a) through (f), and the rice has not gone out of condition through any fault of the producer.

§ 730.685 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within two calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 730.686 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State Administrative Officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 730.678 through 730.680. It shall be the duty of the State Administrative Officer to report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture with a view to the institution of proceedings by the United States Attorney for the appropriate district under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 730.687 *Records to be kept and reports to be made by warehousemen, mill operators, or processors, and buyers other than intermediate buyers*—(a) *Necessity for records and reports.* Each warehouseman, mill operator, or processor, and each buyer other than an intermediate buyer, who buys, acquires, or receives rice from the producer or intermediate buyer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to rice the provisions of the act.

(b) *Nature and availability of records.* Each warehouseman, mill operator, or processor, and each buyer other than an intermediate buyer, shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the rice purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the rice, (2) the date of the transaction, (3) the amount of the rice, (4) the serial number of the marketing card (MQ–76—Rice (1955)), or marketing certificate (MQ–94—Rice), or intermediate buyer's record and report (MQ–95—Rice (1955)) by which the rice was identified, or the report and penalty receipt (MQ–81—Rice (1955)), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the rice purchased, acquired, or received by him. The record so made shall be kept available for examination by the county office manager or any authorized representative of the State administrative officer or of the Director, Compliance and Investigation Division, Commodity Stabilization Service, U. S. Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. The records shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies of MQ–97—Rice which may be

used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with rice subject to penalty or the lien for the penalty.* Each warehouseman, mill operator, or processor, and each buyer other than an intermediate buyer, who purchases any rice from the producer or intermediate buyer thereof which is not identified at the time the rice is purchased in the manner provided in §§ 730.671, 730.672, and 730.673, shall, with respect to each such transaction, execute the report and penalty receipt on MQ–81—Rice (1955) and report to the treasurer of the county committee the following information: (1) The name and address of the producer or intermediate buyer from whom the rice was purchased or acquired, (2) the date of the transaction, (3) the amount of the rice, and (4) the amount of the penalty incurred in connection with the transaction, and whether an amount equivalent to the penalty was deducted from the price or consideration paid for the rice. Each record and report on MQ–81—Rice (1955) shall be executed in triplicate. The person who executes MQ–81—Rice (1955) shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with rice and mail or deliver the remaining copy to the treasurer of the county committee. It shall be presumed that rice was not identified by MQ–76—Rice (1955) as provided in § 730.671, or MQ–94—Rice as provided in § 730.672, or MQ–95—Rice (1955) as provided in § 730.673, if the serial number of the marketing card or marketing certificate or intermediate buyer's record and report does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with rice identified by intermediate buyer's records and reports.* Whenever rice is identified by the intermediate buyer's record and report (MQ–95—Rice (1955)), executed in accordance with § 730.688 the warehouseman, mill operator, or processor, or the buyer other than an intermediate buyer, who purchases or acquires the rice covered thereby shall retain the first copy as a record of the transaction and forward the original to the treasurer of the county committee as a report on the transaction in every case where he purchases or acquires all or the remainder of the rice covered by the record and report. In all other cases, where the warehouseman, mill operator, or processor, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the rice covered by the intermediate buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of rice purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the rice.

(e) *Records in connection with rice identified by marketing certificates.* Whenever rice is identified by a marketing certificate (MQ–94—Rice), the warehouseman, mill operator, or processor, or the buyer other than an intermediate buyer, who purchases the rice so identified shall retain the marketing certificate as a record of the transaction.

(f) *Time and place of submitting reports.* Each report required by this section shall be submitted, not later than 15 calendar days next succeeding the day on which the rice was marketed to a warehouseman, mill operator, or processor, or a buyer other than an intermediate buyer, to the treasurer of the county committee for the county in which the rice was produced.

§ 730.688 *Records to be kept and reports to be made by intermediate buyers*—(a) *Necessity for records and reports.* Each intermediate buyer shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to rice, the provisions of the act.

(b) *Form of record and report in connection with rice purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any rice from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ–95—Rice (1955)) of the following information: (1) The name and address of the producer from whom the rice was purchased or acquired, (2) the names of the county and State in which the rice was produced, (3) the date of the transaction, (4) the number of pounds of rice, and (5) the serial number of the marketing card or marketing certificate by which the producer identified the rice at the time it was marketed, or if the rice is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the rice. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the MQ–95—Rice (1955). One copy of the MQ–95—Rice (1955) so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the rice. One copy of MQ–95—Rice (1955) so executed shall be retained by the intermediate buyer as his record in connection with the transaction. Whenever rice is identified by a marketing certificate (MQ–94—Rice), the intermediate buyer shall attach the original of the marketing certificate to the first copy of MQ–95—Rice (1955) to be delivered to the warehouseman, mill operator, or processor, or buyer other than an intermediate buyer, who finally acquires the rice covered by MQ–95—Rice (1955) and marketing certificate (MQ–94—Rice). Whenever the intermediate buyer markets or delivers a portion of the rice covered by a single MQ–95—Rice (1955) to another and retains a portion of the rice, the intermediate buyer shall obtain from the person to whom the portion of the rice is marketed or delivered an endorsement on the reverse side of both the original and first copy of MQ–95—Rice (1955) showing the name and signature of the person, the number of pounds of rice marketed or delivered to him, and the date of the transaction.

(c) *Manner of making reports.* The intermediate buyer shall deliver the original and copy of the intermediate buyer's record and report MQ–95—Rice (1955) to the warehouseman, mill operator, or processor, or the buyer other than an intermediate buyer, to whom all of the remainder of the rice covered thereby is marketed. When rice is marketed or delivered by one intermediate buyer to another intermediate buyer, the original and first copy of MQ–95—Rice (1955) shall be transmitted by one intermediate buyer to another and the last intermediate buyer shall deliver them to the warehouseman, mill operator, or processor, or buyer other than an intermediate buyer. If all or the remainder of the rice is not marketed or delivered to a warehouseman, mill operator, or processor, or buyer other than in intermediate buyer, the last intermediate buyer shall within 15 days mail or deliver the original and first copy of the intermediate buyer's record and report to the treasurer of the county committee.

(d) *Reports to the treasurer of the county committee.* Each intermediate buyer shall, within 15 days after all Forms MQ–95—Rice (1955) contained in a book have been executed or on February 29, 1956, whichever is the earlier, mail or deliver to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of Form MQ–95—Rice (1955) which were retained by him.

§ 730.689 *Buyer's special reports.* In the event that the county committee or State committee has reason to believe that any buyer has failed or refused to comply with this subpart, the buyer shall within 15 days after a written request therefor made by the county committee or State committee and deposited in the United States mails, registered and addressed to him at his last known address, make a report, verified as true and correct by affidavit, on MQ–97—Rice to such committee with respect to all rice purchased or acquired by him during the period of time as specified in the request. The report shall include the following information for each lot of rice purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the rice, (b) the date of the transaction, (c) the amount of the rice, (d) the serial number of the marketing card (MQ–76—Rice (1955)), marketing certificate (MQ–94—Rice), or intermediate buyer's record and report (MQ–95—Rice (1955)), or the report and penalty receipt (MQ–81—Rice (1955)), and (e) the amount of the lien for the penalty or the amount of penalty incurred in connection with the rice purchased or acquired.

§730.690 *Penalty for failure or refusal to keep records and make reports.* Any person required to keep the records or make the reports specified in § 730.687, § 730.688 or § 730.689 and who fails to keep any such record or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 730.691 *Records to be kept and reports to be made by producers.* Each producer with respect to the 1955 rice crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to rice the provisions of the act. Upon written request of the county committee any producer shall, within 15 days from the date the request was mailed to him, file with the treasurer of the county committee for the county in which the farm is situated a farm operator's report on MQ–98—Rice (1955) showing for the farm the following information: (a) The total number of pounds of rice produced thereon in 1955, (b) the name and address of each buyer or transferee of any rice, (c) the amount of rice marketed to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the rice, (e) the amount of unmarketed rice of the 1955 crop on hand, and (f) rice acreage for 1955.

§ 730.692 *Data to be kept confidential.* Except as otherwise provided in this subpart, all data reported to or acquired by the Secretary pursuant to and in the manner provided in this subpart shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agent's offices, and shall not be disclosed to anyone not having an interest in or responsibility for any rice, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under Title III of the act.

§ 730.693 *Enforcement.* It shall be the duty of the county office manager to report in writing to the State Administrative Officer forthwith each case of failure or refusal to make any report or keep any record as required by §§ 730.687 through 730.691 and to so report each case of making any false report of record. It shall be the duty of the State Administrative Officer to report each such case in writing, in quintuplicate, to the Office of the General Counsel of the United States Department of Agriculture, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 730.694 *Farms on which the only acreage of rice is non-irrigated rice not in excess of 3 acres*—(a) *Conditions of exception.* The farm marketing quota of rice for the 1955 crop shall not be applicable to any non-irrigated (dryland) farm on which the rice acreage for the 1955 crop is not in excess of 3 acres.

(b) *Issuing marketing cards.* The county office manager or his designee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 730.666 to 730.669, inclusive.

§ 730.695 *Experimental rice farms*—(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any rice of the 1955 crop grown for experimental purposes only on land owned or leased by any publicly owned agricultural experiment station, and is produced at public expense by employees of the experiment station, or to rice produced for experimental purposes only by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the rice and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Issuing marketing cards.* The county office manager shall, upon the written application of a responsible executive officer of any publicly-owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 730.666 to 730.669, inclusive.

§ 730.696 *Wildlife refuge farms.* The penalty shall not apply to the rice produced on any farm operated by any Federal or State wildlife refuge farm which is produced solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm. No marketing card or marketing certificate shall be issued to any producer on any such farm except under the provisions of §§ 730.666, 730.667, and 730.694, but the exemption from penalty shall be granted by the county office manager upon the written application of the operator or responsible executive officer on any such farm stating that the rice produced will be used solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

§ 730.697 *Redelegation of authority.* Any authority delegated to the State committee by §§ 730.650 to 730.697 may be redelegated by the State committee.

Issued this 12th day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–4024; Filed, May 17, 1955; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1954–55 FISCAL YEAR

Notice was published in the April 28, 1955, daily issue of FEDERAL REGISTER (20 F. R. 2870) that consideration was being given to the proposals regarding the expenses and the fixing of the rate of assessment for the 1954–55 fiscal year under Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said order), it is hereby found and determined that:

§ 922.202 *Expenses and rate of assessment for the 1954–55 fiscal year*—(a) *Expenses.* The expenses necessary to be incurred by the Valencia Orange Administrative Committee, established pursuant to the provisions of the order regulating handling (§§ 922.0 to 922.90), to enable such committee to perform its functions, in accordance with the provisions thereof, during the 1954–55 fiscal year (November 1, 1954, through October 31, 1955), will amount to $138,238.40.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles oranges shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said order is hereby fixed at one and one-tenth cents ($0.011) per box of oranges handled by such handler as the first handler thereof during the 1954–55 fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of oranges from Arizona and designated part of California are now being made; (2) the rate of assessment is applicable to all oranges handled during the 1954–55 fiscal year; (3) the provisions hereof do not impose any obligation on a handler until such handler handles oranges; and (4) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable the Valencia Orange Administrative Committee to perform its duties and functions in accordance with said order.

As used in this section, "handle," "handler," "oranges," "fiscal year," and "box" shall have the same meaning as is given to each such term in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 13, 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-4021; Filed, May 17, 1955; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 31]

PART 373—LICENSING POLICIES AND RELATED PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products*, paragraph (d) *Refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended in the following particulars:

a. Subdivision (i) of subparagraph (3) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended to read as follows:

(i) License applications to export copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300; copper-base alloy scrap (new and old) containing 40 percent or more copper, Schedule B No. 644000; and copper-base alloy ingots and other crude forms, including remelt ingots, Schedule B No. 644100, shall identify the foreign consumer by use of one of the applicable statements shown in subparagraph (2) (iii) of this paragraph and shall include the applicable certification of availability for export shown in subparagraph (2) (ii) of this paragraph. In addition, in order that the Bureau of Foreign Commerce may provide an equitable basis for distributing available export quotas for these materials, applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of these commodities on Form IT– or FC–821 in accordance with the procedure set forth in § 373.4. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number; broken down by countries of destination; and shall cover the quantity in Schedule B units of exports from the United States made during the fourth calendar quarter of 1953 and the calendar year 1954, where the total for such exports to all countries for each Schedule B number was $5,000 or over for the five quarters. In preparing Form IT– or FC–821, the heading above items (c) and (d) shall be changed to read "4th quarter 1953", and the heading above items (e) and (f) shall read "calendar year 1954".

b. Subdivision (iii) of subparagraph (3) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended to read as follows:

(iii) License applications covering copper scrap (new and old) containing less than 40 percent copper, Schedule B No. 641300, or copper-base alloy scrap (new and old) containing any percentage of copper, Schedule B No. 644000, shall include information as to the copper and nickel content of the material.

c. Subparagraph (6) *Time for submission of applications* of paragraph (d) is amended to read as follows:

(6) *Time for submission of applications.* Applications for licenses to export copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300; copper-base alloy scrap (new and old) containing 40 percent or more copper, Schedule B No. 644000; and copper-base alloy ingots and other crude forms, including remelt ingots, Schedule B No. 644100, shall be submitted in accordance with the time schedules set forth in § 373.71.

2. Section 373.71 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars: The entries for Schedule B No. 641300 and Schedule B No. 644000 are amended by revising the entries and adding a related footnote for Schedule B No. 644000 as follows:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, second quarter, 1955
641300	Copper scrap (new and old) containing 40 percent or more copper	Before June 1, 1955.
644000	Copper-base alloy scrap (new and old), containing 40 percent or more copper [2]	

[2] The submission dates for applications under the supplemental quota for West Germany for the second quarter of 1955 are June 1-15 inclusive.

This amendment shall become effective as of May 18, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-4031; Filed, May 17, 1955; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1150]

ARKANSAS

WITHDRAWING PUBLIC LANDS FOR FLOOD CONTROL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arkansas are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, for use in connection with the construction, operation and maintenance of the Norfork Dam and Reservoir under the supervision of the Department of the Army as authorized by the act of August 18, 1941 (55 Stat. 638):

FIFTH PRINCIPAL MERIDIAN

T. 20 N., R. 13 W.,
Sec. 12, SE¼NE¼, NE¼SE¼.

The areas described aggregate 80 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 12, 1955.

[F. R. Doc. 55-4010; Filed, May 17, 1955; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[General Order No. 20, Rev., Amdt. 1]

PART 272—POLICY AND PROCEDURE REGARDING CONDUCTING OF SUBSIDY CONDITION SURVEYS AND ACCOMPLISHMENT OF SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

MISCELLANEOUS AMENDMENTS

Part 272 published in the FEDERAL REGISTER issue of October 13, 1954, 19 F. R. 6581, correction October 28, 1954 (19 F. R. 6927) is hereby amended in reference to certain sections thereunder as follows:

1. Section 272.1 is hereby amended by deleting the words "Division of Ship Repair and Maintenance, Office of Ship Construction and Repair" and inserting after the word "accomplishment" the words "and reporting."

2. Section 272.2 is hereby amended as follows:

a. Subparagraph (1) of paragraph (a) is amended at the end thereof by deleting the period and adding the words "and at the commencement of the first voyage after resumption of subsidized operation following temporary withdrawal from subsidized operation."

b. Paragraph (b) is amended by deleting the words "Division of Operating Costs and Contracts, Office of National Shipping Administration and Government Aid" and substituting therefor the words "Division of Contracts, Office of Government Aid."

3. Section 272.6 is hereby amended as follows:

a. Subparagraph (2) of paragraph (a) is hereby deleted and superseded by the following new subparagraph (2):

(2) Subsidized operators shall in sufficient time, notify the representative of the Division of Ship Repair and Maintenance in the appropriate Maritime Administration field office as to the contemplated date and port of arrival of a subsidized vessel so that a Marine Surveyor of the Division of Ship Repair and Maintenance may, with the operator's representative make an inspection of required maintenance and repairs, and check repair lists as to the necessity for the work involved.

b. Subparagraph (4) of paragraph (a) is amended by deleting the words "Division of Operating Costs and Contracts" and substituting therefor the words "Division of Contracts, Office of Government Aid."

c. In paragraph (c) *Completion certificates*, the introductory portion of the paragraph preceding subparagraph (1) is deleted and the following language substituted therefor:

(c) *Completion certificates.* A responsible official of the subsidized operator's engineering staff or the vessel's appropriate officers having knowledge of the work involved, shall certify on the Completion Certificate that the work involved was necessary, was satisfactorily completed, and the prices for the work covered thereby are fair and reasonable, or state any exceptions thereto. Form MA–139 (10–53) "Certificate For Completion of Work," Exhibit I, shall be utilized for this purpose and it shall be the responsibility of each subsidized operator to reproduce and furnish his own required supply of these forms. The signature of the Marine Surveyor, Maritime Administration, is not required on this form. The work covered by any Completion Certificate not executed in accordance with the foregoing provisions of this paragraph will not be eligible for subsidy until such deficiency is corrected.

d. Subparagraph (3) of paragraph (c) is amended by deleting the words "submit evidence by appropriate written document to the Maritime Administration Marine Surveyor in attendance, who shall witness or obtain sufficient evidence of the actual delivery of the material specified to the contractor, or operator's repair shop or shore gang, and shall" and the words in the form at the end thereof below the signature line *"Marine Surveyor, Maritime Administration"* and substituting therefor the words *"Operator's representative."*

e. Subparagraph (3) of paragraph (d) is amended by deleting the word "Contracts" and substituting therefor the words "one copy to the Chief, Division of Ship Repair and Maintenance."

f. Subdivision (ii) of subparagraph (3) of paragraph (d) is hereby amended by inserting before the abbreviation "etc." the words "Property Removal Notices, scrap credit or other forms of credit memoranda indicating value of equipment."

g. Subdivision (vii) (b) of subparagraph (3) of paragraph (d) is amended by deleting the words "paragraph (c) of this section" and substituting therefor the words "(*a*) of this subdivision."

4. Paragraph (d) of § 272.7 is hereby amended by deleting the words "Director, Office of National Shipping Authority and Government Aid" and substituting the words "Office of Government Aid."

5. Section 272.8 is hereby amended by deleting subparagraph (1) of paragraph (l) and substituting therefor the following new subparagraph (1):

(1) Failure of an operator to notify the appropriate Ship Repair and Maintenance office in sufficient time of a vessel's arrival to permit the repair lists to be checked as to the necessity of the work and inspect the required maintenance and repairs.

(Sec. 204, 49 Stat. 1887; 46 U. S. C. 1114)

The foregoing is effective as of the date of publication in the FEDERAL REGISTER.

Dated: May 12, 1955.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 55-4044; Filed, May 17, 1955; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10798; FCC 55-547]

[Rules Amdt. 2-38]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 2 of the Commission's rules to establish a program for the certification of equipment acceptable for licensing; Docket No. 10798.

1. On January 7, 1955, the Commission released a Report and Order in the above-entitled matter, adopting rules for type acceptance and type approval of equipment, to become effective February 15, 1955. On February 11, 1955, the Commission released a Memorandum Opinion and Order in this matter which postponed the effective date of these rules until May 16, 1955, as requested in petitions filed by several parties. The purpose of the postponement was to provide additional time for the interested parties to develop and propose improvements in certain features of these rules, as was set forth in the foregoing Memorandum Opinion and Order.

2. The Commission now has under consideration a petition filed by the Radio-Electronics-Television Manufacturers Association (RETMA) requesting certain amendments in the rules for type acceptance of equipment. It appears that the amendments requested were developed by a committee of representatives of manufacturers and users of radio equipment, as contemplated in the Commission's Memorandum Opinion and Order of February 11, 1955. Members of the Commission's staff were present as observers at two of the committee meetings and participated in the discussions.

3. The amendments requested in the instant petition would provide the following changes in the type acceptance procedure:

(a) A definition of "type".

(b) A provision that the Commission act on type acceptance applications within 30 days of receipt.

(c) Certain changes in the requirements for technical data on equipment.

(d) Modification of the requirements concerning "permissive changes" in equipment.

(e) Certain changes of an editorial nature.

The need for a definition of "type" appears to have been established by the petitioner as basic to the proper application of the rules governing type acceptance. The definition proposed in the petition appears consistent with the intent of the rules and is being adopted herein. Changes in the technical data on equipment, as proposed by the petitioner, would provide for bandwidth and spurious emission measurements on non-broadcast equipment with 2500 cycle modulation only, and provide for specification of voltages and currents in the final amplifier tubes only. It appears that these changes will reduce the amount of data to be submitted without eliminating any information necessary to insure that the equipment complies with the Commission's rules; consequently, these and minor additional changes in the technical data requirements are being adopted. The requirements concerning permissive changes in type accepted equipment as proposed in the petition are more general than those previously adopted; they provide for notification to the Commission only of changes which bring the performance of the equipment outside the manufacturer's rated limits, as originally filed. These proposed provisions, together with the definition of "type", appear adequate for maintaining current the Commission files on equipment for purposes of identification, while at the same time assuring that the performance of type accepted equipment will remain within the requirements specified in the Commission's rules, and they are therefore being adopted.

4. The changes requested appear, in general, to be in the public interest and to constitute improvements in the type acceptance rules which would reduce the time and expense involved in preparing type acceptance applications and expedite Commission action thereon. In one particular, however, wherein the petitioner proposes notification to the applicant of Commission action by means of a public notice, it appears that it would be simpler and more expeditious if such notice to the applicant were by means of post card. Accordingly, with this exception the amendments requested by the petitioner are being adopted substantially as requested. In addition certain minor changes of an editorial nature are being adopted herein.

5. In addition to the amendments specified by the petitioner, the petition also requests a temporary waiver of the requirements of § 2.523 (b) (4) (iv) (*b*) for field intensity measurements of radiated spurious emissions. The petitioner proposes to develop by September 1, 1955, a standard measurement technique for field intensity measurement of spurious radiation, based on a correlation test program involving measurements of a given transmitter by several manufacturers and by the Commission's

laboratory. The Commission agrees that further development of measurement techniques in this area is needed and that the proposed test program offers promise of providing a generally acceptable measurement technique within a relatively short time. Accordingly, § 2.523 (b) (4) (iv) (*b*) is being amended so as to become effective November 15, 1955. The provisions of § 2.523 (b) (4) (iv) (*a*) requiring radio frequency voltage measurements of spurious emission at the antenna terminals of the equipment are not affected by this change.

6. The amendments under consideration herein are principally procedural or clarifying in nature and, insofar as they effect substantive changes, they are within the scope of the Notice of Proposed Rule Making in the instant docket and the comments previously filed by interested parties. Accordingly, pursuant to section 4 (a) of the Administrative Procedure Act, further notice of proposed rule making is not required prior to adoption of these amendments. Moreover, since the effect of these amendments insofar as they are not procedural or editorial in nature is to clarify or relax existing requirements, publication of these changes 30 days in advance of the effective date thereof is not required under section 4 (c) of the Administrative Procedure Act. In view of the foregoing considerations and pursuant to the authority contained in sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended: *It is ordered*, That, effective May 16, 1955, the Commission's rules, Part 2, are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: May 11, 1955.

Released: May 12, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Amend § 2.520 by adding thereto the following new paragraphs:

(c) In the event there is no Commission action on an application for type acceptance within thirty (30) days after the application is filed, or within 30 days after the applicant has submitted additional data at the request of the Commission, the equipment will be deemed approved in accordance with the Commission's type acceptance procedure. The term Commission action as used in this section means either issuance of a public notice, a listing of the accepted equipment on the equipment list or sending a letter or post card to the applicant.

(d) Notice to applicant of type acceptance will be by post card and public notice will be given by listing the accepted equipment on the Commission's equipment list. Notice that an application has been found unacceptable for type acceptance will be by letter to the applicant.

2. Amend § 2.522 (e) to read as follows:

(e) Any person affected by a refusal to grant type acceptance may file a petition for reconsideration within 30 days after written notice of such refusal has been issued, as provided in section 0.202 of the Commission's rules.

3. Amend § 2.523 (b) (3) to read as follows:

(3) Description of equipment: The description of equipment should include the type of emission, frequency range, power rating as defined in the applicable part of the rules, voltages applied to and currents into the several elements of the final amplifier tube or tubes for normal operation, function of each tube, circuit diagrams, instruction books when available, tune-up procedure, a description of the oscillator circuit and any devices installed for the purpose of frequency stabilization. When circuits or devices are employed for limiting modulation or suppression of spurious radiation a description of these should be included. The description should be sufficiently complete to develop all factors that may affect a determination as to whether the equipment will comply with the technical standards of the applicable rule parts.

4. Amend § 2.523 (b) (4) (i) to read as follows:

(i) Radio frequency power output at the RF output terminals when the transmitter is adjusted in accordance with the tune-up procedure to give the values of current and voltage on the circuit elements specified in subparagraph (3) of this paragraph. Give details of the radio frequency load attached to the output terminals when this test is made.

5. Amend § 2.523 (b) (4) (iii) to read as follows:

(iii) Bandwidth Occupied: The band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 percent of the total radiated power; measured under the following conditions as applicable:

(*a*) Telegraph transmitters for manual operation—when keyed at 16 dots per second.

(*b*) Other keyed transmitters—when keyed at the maximum machine speed.

(*c*) Voice modulated transmitters equipped with a device to prevent overmodulation when modulated by an input signal 16 db greater than that required to produce 50 percent modulation: test at 2500 cycles.

(*d*) Voice modulated transmitter without a device to prevent overmodulation when modulated by an input signal large enough to produce at least 85 percent modulation: Test at 2500 cycles.

(*e*) Standard broadcast transmitters—when modulated with a frequency of 7500 cycles at 85 percent modulation. FM broadcast transmitters, including TV aural transmitters, when modulated with a frequency of 15 kc at 85 percent modulation.

(*f*) Transmitters designed for other types of modulation—when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal used should be supplied.

6. Amend § 2.523 (b) (4) (iv) to read as follows:

(iv) Spurious emissions from the transmitting equipment for the following conditions:

(*a*) *Radio frequency voltage measurements at the antenna terminals.* The radio frequency voltages generated within the equipment and appearing on a spurious frequency shall be checked at the equipment output terminals when properly loaded with a suitable artificial antenna. Curves or equivalent data shall show the magnitude of each harmonic and other spurious emission that can be detected when the equipment is operated with a carrier modulated under the conditions specified above for determining the band width occupied. The amplitude of spurious emissions which are more than 20 db below the permissible value need not be shown.

(*b*) *Field intensity measurements of spurious radiations.* On and after November 15, 1955, a report of field intensity measurements made to detect spurious emissions that may be radiated shall be made for the following equipments:

(*1*) Those in which the spurious emissions are required to be 60 db or more below the carrier level.

(*2*) All equipment operating on frequencies higher than 25 Mc.

(*3*) Hand carried transmitters, or others, where the antenna is an integral part of and attached directly to the transmitter.

(*4*) Other types of equipment as required, when in the opinion of the Commission, there is need for such measurement.

In all of the foregoing measurements, the spectrum should be investigated from the lowest radio frequency generated in the equipment up to at least the tenth harmonic of the carrier frequency or to the highest frequency possible in the present state of the art of measuring techniques. Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those freqencies removed from the carrier by multiples of the oscillator frequency. Radiation at the frequencies of multiplier stages should also be checked. The amplitude of spurious emissions which are more than 20 db below the permissible value need not be reported.

7. Amend § 2.523 (b) (5) (i) to read as follows:

(i) The Commission will accept data in full accordance with established standards and measurement procedures as published by engineering societies and associations such as the Institute of Radio Engineers, American Institute of Electrical Engineers, the Radio-Electronics-Television Manufacturers Association and the American Standards Association. Specific reference should be made to the standards used. In lieu of such standards, the applicant will submit a description of each measurement procedure together with a listing of the actual test equipment used. The Commission will accept measurements made by a qualified engineer where the procedures employed are based upon sound engineering principles.

8. Amend § 2.540 to read as follows:

§ 2.540 *Identification and changes in equipment.* (a) Equipment of the same type is defined for the purposes of type acceptance as being equipment which is electrically and mechanically interchangeable. In addition, transmitters of the same type will have the same basic tube line up, frequency multiplication, basic oscillator circuit, basic modulator circuit, and maximum rated power input.

(b) Each type of equipment for which type approval, type acceptance, or filing for application reference purposes is requested shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of not more than a total of seventeen digits, letters, punctuation marks and spaces. The type number shall be shown on a name plate affixed in a conspicuous place to such equipment. All equipment used pursuant to type approval or type acceptance shall have affixed to it such indication of type approval or type acceptance as may be required in the service rules governing such equipment.

(c) No change whatsoever may be made in the design of type approved equipment without prior authorization from the Commission. When a change is requested, the Commission may authorize the change or require that the modified equipment be identified with a new number and be resubmitted for type approval tests.

(d) Permissive changes may be made in type accepted equipment without prior Commission approval. There are two classifications of permissive changes, neither of which may involve change of type as defined in paragraph (a) of this section. The first classification includes those modifications in type accepted equipment which do not change the equipment characteristics beyond the rated limits established by the manufacturer and accepted by the Commission when obtaining type acceptance. There is no requirement that the Commission be notified of such changes. The second classification of permissive changes includes those which bring the performance of the equipment outside the manufacturers' rated limits as originally filed but not below the minimum requirements of the applicable rules. The Commission shall be supplied with complete information and results of tests regarding this class of permissive changes, in accordance with § 2.520 (b), prior to the operation of the modified equipment under an authorization of the Commission.

(e) Changes in type accepted equipment, except permissive changes as set forth in paragraph (d) of this section, shall not be made except under prior authorization of the Commission. When such a change is requested the Commission may authorize the change or require that the modified equipment be identified with a new type number and that additional information be submitted for further consideration as to type acceptance.

(f) If the assignment of a different type number is required as a result of equipment modification, a new name plate bearing the new type number shall be affixed to the modified equipment.

(g) Users shall not modify their own equipment except as provided in paragraph (c) or (d) of this section, as applicable.

9. Amend § 2.541 to read as follows:

§ 2.541 *Radio equipment lists.* Lists of type approved and type accepted equipment are expected to be published monthly by the Commission when there are changes to be entered. Public notice of type acceptance and type approval will be by publication in the equipment list, a copy of which will be furnished each manufacturer of listed equipment. Epuipment which was listed prior to May 16, 1955, will be continued on the list unless it is removed by Commission action in accordance with the provisions of § 2.522. Copies of the Radio Equipment Lists are available for inspection at the Commission's Offices in Washington, D. C., and at each of its field offices. The Radio Equipment List is published in three parts:

Part A, Television Broadcast Equipment.
Part B, Aural Broadcast Equipment.
Part C, Other than Broadcast Equipment.

[F. R. Doc. 55-4035; Filed, May 17, 1955; 8:50 a. m.]

[Docket No. 11218; FCC 55-559]

[Rules Amdt. 3-42]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing Television Broadcast Stations; Docket No. 11218.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 54-1384) issued on November 4, 1954, and the notice of further proposed rule making (FCC 54-1544) issued on December 14, 1954. By these Notices the Commission announced that mutually exclusive proposals had been filed by Laurel Television Company to assign Channel 7 to Laurel, Mississippi; by Mississippi Broadcasting Company to assign Channel 7 to Pachuta, Mississippi; and by WGCM Television Corporation to assign Channel 9 to Gulfport, Mississippi, by substituting Channel 7 for Channel 9 at Hattiesburg, Mississippi. A counter-proposal was also filed seeking to assign Channel 9 to Bogalusa, Louisiana, by switching Channel 7 for Channel 9 in Hattiesburg.

2. Comments have been filed by Laurel Television Company, Mississippi Broadcasting Company, WGCM Television Corporation, and jointly by Messrs. Curt Siegelin and Bascom D. Talley, Jr.

3. This proceeding involves various proposals to assign a VHF channel to several communities in southern Mississippi and Louisiana. There is a large irregular-shaped area in the southern portion of Mississippi where Channel 7 may be assigned in accordance with the Commission's rules without making any other changes in the Table of Assignments. Laurel Television Company requests that Channel 7 be assigned to Laurel, a community of 25,038 persons located in this area about 25 miles northeast of Hattiesburg. Mississippi Broadcasting Company requests, on the other hand, that this assignment be made instead to Pachuta, a community of 273 persons located in this area approximately midway between Laurel and Meridian, Mississippi. If Channel 7 is substituted for Channel 9 in Hattiesburg, Channel 9 may be assigned within an area in southern Mississippi and Louisiana. WGCM Television Corporation requests that Channel 9 be assigned to Gulfport by making the substitution of Channel 7 for Channel 9 in Hattiesburg. Gulfport, located about 15 miles from Biloxi on the Gulf of Mexico, has a population of 22,659 persons. Finally, it has been proposed by Messrs. Siegelin and Talley in the proceeding that Channel 9 be assigned to Bogalusa, Louisiana, instead of Gulfport by making the switch of frequencies in Hattiesburg. Bogalusa has a population of 17,798 persons. Since Channel 7 cannot be assigned to Hattiesburg if it is also employed in either Laurel or Pachuta, the four proposals are all mutually exclusive.

4. UHF Channel 33 is assigned to Laurel, and there are no applications for this frequency. UHF Channel 56 is assigned to Gulfport, and no applications have been filed for this frequency. No assignments have been made to Pachuta. Two UHF channels, Channels 69 and 79, have been assigned to Bogalusa. There are no applications for either of these frequencies.

5. In addition to the immediate cities for which the assignments are requested, it would also be helpful to consider the assignments in nearby communities. Meridian, located about 25 miles from Pachuta, has a population of 41,893 persons and has three channels assigned, VHF Channel 11 and UHF Channels 30 and 36, with Channel 36 reserved for education. Station WTOK-TV operates on Channel 11. Petitioner Mississippi Broadcasting Company, which now seeks to assign Channel 7 to Pachuta, is authorized to operate UHF Station WCCC-TV on Channel 30 in Meridian, but this station is presently off the air. Hattiesburg, a city of 29,474 persons, located some 25 miles from Laurel, has two channels assigned, VHF Channel 9 and UHF Channel 17. A construction permit for a station on Channel 9 was recently granted to Lion Television Company. There are no applications for Channel 17. Biloxi has a population of 37,425 persons. Three channels are assigned, VHF Channel 13 and UHF Channels 44 and 50, with Channel 44 reserved for education. Two applications for Channel 13 are in hearing, and an Initial Decison was issued on July 7, 1954. There are no applications for either of the UHF channels.

6. In support of its request for the assignment of Channel 7 to Laurel, Laurel

Television Company submits that Laurel is the largest community in the area to which Channel 7 may be assigned; that it is furthest removed from communities which have operating or proposed television stations; and that a station in Laurel would provide a first VHF television service to a greater area and population than would a station in either Pachuta or Gulfport. Laurel Television contends that although Pachuta obtains Grade A service from Meridian and Gulfport will receive Grade A service from Biloxi, Laurel will obtain only Grade B service from a station at Hattiesburg. With respect to the UHF, Laurel Television points out that there are no operating UHF stations in the area and submits that it does not appear likely that any UHF stations will be established. It is stated that 30 percent of the homes in Laurel and the surrounding area are equipped with VHF receivers.

7. In support of its request to assign Channel 7 to Pachuta, Mississippi Broadcasting Company notes that it is the permittee of UHF Station WCOC–TV on Channel 30 at Meridian; that the station ceased operation because of economic difficulties; that it will apply for a station on Channel 7 in Pachuta if this frequency is assigned to that community; and that providing a competitive VHF service to the station on Channel 11 in Meridian would eliminate the intermixture of VHF and UHF stations in the area while Channel 7 in Laurel would create a new intermixture situation. Mississippi Broadcasting asserts that Pachuta is located in the center of a prosperous agricultural and industrial region in Mississippi and would thus be an ideal location for a station designed to serve the needs of the public residing within the area.[1] It is urged that a station at Pachuta would serve a greater area and population than would a station at Laurel; however, Mississippi Broadcasting Company does not set forth the basis upon which these allegations are made.

8. In support of its request to assign Channel 9 to Gulfport by substituting Channel 7 for Channel 9 at Hattiesburg, WGCM Television Corporation urges that Harrison County, in which Gulfport is situated, has a greater population than Jones County, in which Laurel is located; that a station on Channel 9 at Gulfport would provide a competitive VHF service to Biloxi; and that Gulfport is a more important community than either Laurel or Pachuta.

9. In their joint comment, Messrs. Siegelin and Talley offer a counterproposal suggesting that Channel 9 should be assigned to Bogalusa, Louisiana, rather than to Gulfport. They urge that Bogalusa is the third largest community in Louisiana now without a VHF assignment; that it is situated in a prosperous industrial and agricultural area; and that a VHF station in Bogalusa would serve a greater area and population than would this assignment in Gulfport. However, Channel 9 cannot be assigned to Bogalusa in conformance with the Commission's minimum separation requirements since the distance between the reference point in New Orleans, where adjacent Channel 8 is assigned, and Bogalusa is less than the required 60-mile minimum specified by the rules.

10. The Commission is presented with four requests to assign a first VHF channel to four communities—Laurel, Pachuta, and Gulfport, all in Mississippi, and Bogalusa, Louisiana. The four requests are mutually exclusive; only one may be granted in light of the relatively short distances between the cities involved. Channel 7 cannot be assigned for use in both Laurel and Pachuta simultaneously; and, similarly, Channel 9 cannot be assigned to both Gulfport and Bogalusa. Furthermore, in order to assign Channel 9 to either Gulfport or Bogalusa, it would be necessary to substitute Channel 7 in Hattiesburg; and this cannot be done if Channel 7 is employed in Laurel or Pachuta. The Commission believes that the public interest, convenience and necessity would be served by assigning a VHF channel in this area, thereby making possible an additional television service to the people in the area. We must therefore determine which of the conflicting proposals is to be preferred.

11. As noted above, Channel 9 cannot be assigned to Bogalusa in conformity with our Rules in the light of the short adjacent-channel spacing to Channel 8 in New Orleans. This proposal must therefore be rejected. This leaves for consideration three conflicting proposals for the assignment of a first VHF channel to three communities in Mississippi—Laurel, Pachuta, and Gulfport. Upon our careful consideration of all of the comments and evidence submitted in this proceeding, we have concluded that the public interest would be best served by assigning Channel 7 to the Laurel-Pachuta area. We believe that the assignment of Channel 7 in this area is to be preferred to the assignment of the frequency to Gulfport. In the first place, the population of Laurel alone is greater than that of Gulfport; and we find no merit in the contentions of WGCM that Gulfport should be preferred because of the greater population of the county in which it is situated. Further, Gulfport is only 15 miles from Biloxi where VHF Channel 13 is assigned and should receive Grade A service from a station in that city. Both Laurel and Pachuta, on the other hand, are at least 25 miles from the nearest community to which a VHF channel is assigned. The assignment of Channel 7 in the Laurel-Pachuta area would make possible the establishment of a VHF facility in an area in Mississippi presently without such a facility, and we believe that the assignment in this area would effectuate a more efficient use of the spectrum. A station on Channel 7 in either Laurel or Pachuta would provide Grade A service to the other community. We believe that rather than determining at this time in which community the frequency should be employed, we should assign Channel 7 to both Laurel and Pachuta jointly, making the frequency available upon application for use in either community. In assigning Channel 7 to Laurel-Pachuta, we wish to emphasize that the frequency is not assigned for any particular prospective applicant. If competing applications for the frequency are filed, they will be considered in an adjudicatory proceeding to consider the comparative merits of the applicants.

12. The present assignment of Channel 33 in Laurel will remain assigned to that community. The asignment of Channel 7 to Laurel-Pachuta requires a change in the offset carrier requirement of Channel 7 in Munford, Alabama, from 7 even to 7 minus.

13. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

14. In light of the foregoing: *It is ordered*, That effective June 15, 1955, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, in so far as the communities named below are concerned, as follows:

a. The assignment to the community of Munford, Alabama, is changed from *7 to *7–.

b. Add to the Table of Assignments under the State of Mississippi the following separate new listing in addition to the present assignment of Channel 33 to Laurel:

City:	*Channel No.*
Laurel-Pachuta	7

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: May 11, 1955.

Released: May 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4036; Filed, May 17, 1955; 8:51 a. m.]

[1] In its comments, Mississippi Broadcasting Company made reference to the qualifications of its own principals and to the qualifications of Laurel Television Company to own and operate a television station. However, the Commission does not, in assigning television channels, make assignments for any particular applicants; the assignments are made for all parties who wish to apply. The qualifications of any prospective applicants for the frequencies, therefore, are not a proper or relevant consideration in a rule-making proceeding to assign a channel to a particular community. The matter of qualification of applicants should be considered in adjudicatory proceedings involving applications rather than rule-making proceedings such as this.

[2] Dissenting opinion of Commissioner Hennock, filed as part of the original document.

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 11329; FCC 55–558]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of May 1955;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing that notice of proposed rule making (FCC 55–402) setting forth the above amendment was issued by the Commission on April 1, 1955, and was duly published in the FEDERAL REGISTER (20 F. R. 2194), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before April 29, 1955; and

It further appearing that no comments were received either favoring or opposing the proposed reallocation;

It further appearing that the immediate adoption of the proposed reallocation would facilitate consideration of a pending application requesting assignment of Channel No. 281 in Jackson, Tennessee;

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended,

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the cities of Jackson and Memphis, Tennessee:

General area	Channels	
	Delete	Add
Jackson, Tenn	284	281
Memphis, Tenn	282	

Released: May 12, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4037; Filed, May 17, 1955; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11361]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

1. On December 1, 1954, the Jacksonville Journal Company, Jacksonville, Florida, filed a petition requesting that the Table of Television Channel Assignments be amended by adding the assignment of Channel 10 to Bunnell, Florida. On January 23, 1955, the Suncoast Cities Broadcasting Corporation, St. Petersburg, Florida, filed a conflicting petition requesting that Channel 10 be assigned to New Port Richey, Florida. On April 14, 1955, the Commission issued a notice of proposed rule making with respect to these two conflicting proposals requesting the comments of interested parties on or before May 13, 1955, with replies to such comments ten days thereafter.

2. On May 11, 1955, the Jacksonville Journal Company filed a petition requesting aditional time to file comments in the proceeding. The Jacksonville Journal Company states that it is investigating means for satisfying the requests of each of the parties in the proceeding for a VHF channel in the communities indicated and that these studies can be completed if a two-week extension of time is allowed for the filing of comments. It is stated that Suncoast Cities Broadcasting Corporation has consented to the requested extension of time. Accordingly, it is requested that the time for filing comments in the proceeding be extended to May 27, 1955, and the time for replies to such comments to June 6, 1955.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for the filing of comments by interested parties in this proceeding.

4. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended from May 13, 1955, to May 27, 1955, with replies thereto due ten days thereafter.

Adopted: May 12, 1955.

Released: May 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4038; Filed, May 17, 1955; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1067]

PROHIBITIONS OF IMPORTED COMMODITIES; AVOCADOS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is giving consideration to the issuance of maturity requirements, effective at 12:01 a. m., e. s. t., June 1, 1955, regulating the importation of avocados into the United States, and to requiring inspection and certification of each such import by the Federal or Federal-State Inspection Service pursuant to the provisions of § 1060.153 of the General Regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of certain listed commodities (including avocados).

The requirements under consideration are to impose the same restrictions on imports of avocados that are imposed on the handlers of Florida avocados as set forth in the maturity regulation which is being made effective pursuant to the marketing agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida. The regulatory provisions of such regulation are contained in paragraph (b) thereof and are as follows:

(b) *Order.* (1) No handler shall handle any of the following varieties of the West Indian type of avocados prior to 12:01 a. m., e. s. t., June 13, 1955, namely: Fuchs, Pollocks, Simmonds, Hardee, and Nadir.

(2) Insofar as varieties of the West Indian type of avocados not specified in subparagraph (1) of this paragraph are concerned, no handler shall handle any of such varieties except in accordance with the following terms and conditions:

(i) No such avocados shall be handled prior to 12:01 a. m., e. s. t., June 1, 1955;

(ii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., June 1, 1955, and ending at 12:01 a. m., e. s. t., July 4, 1955, the individual fruit in each lot must weigh at least 16 ounces: *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 16 ounces but not less than 14 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance;

(iii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., July 4, 1955, and ending at 12:01 a. m., e. s. t., August 1, 1955, the individual fruit in each lot must weigh at least 14 ounces: *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 14 ounces but not less than 12 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance; and

(iv) To be eligible for handling on or after 12:01 a. m., e. s. t., August 1, 1955, the individual fruit in each lot must weigh at least 12 ounces: *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance.

(3) Insofar as any and all avocados not included in subparagraphs (1) and (2) of this paragraph are concerned, no handler shall handle any such avocados except in accordance with the following terms and conditions:

(i) No such avocados shall be handled prior to 12:01 a. m., e. s. t., September 5, 1955;

(ii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., September 5, 1955, and ending at 12:01 a. m., e. s. t., October 3, 1955, the individual fruit in each lot must weigh at least 14 ounces: *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 14 ounces but not less than 12 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance; and

(iii) To be eligible for handling on or after 12:01 a. m., e. s. t., October 3, 1955, the individual fruit in each lot must weigh at least 12 ounces: *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance.

(4) Notwithstanding the provisions of subparagraphs (2) and (3) of this paragraph, any handler may, on and after the applicable beginning date specified in subdivision (i) of each of such subparagraphs, handle any lot of avocados without regard to the minimum weight requirements specified when (i) the exterior seed coat of the individual fruit is of a brown color characteristic of a mature avocado, or (ii) such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals set forth in the preceding paragraph should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the fifth day after the publication of this notice in the FEDERAL REGISTER. Interested parties are particularly invited to submit, within the time specified, factual data concerning any differences in the characteristics of the avocados that are exported to the United States from other countries as compared to the Florida produced avocados, including information with respect to variations in the time of maturity of such avocados and the minimum sizes of mature fruit.

Dated: May 13, 1955.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4042; Filed, May 17, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1]

[No. MC-C-1811]

SPECIAL RULES GOVERNING NOTICE OF FILING OF APPLICATIONS BY MOTOR CARRIERS OF PASSENGERS AND PROPERTY UNDER SECTIONS 206, 209, AND 211 OF THE INTERSTATE COMMERCE ACT AND CERTAIN OTHER PROCEDURAL MATTERS WITH RESPECT THERETO

NOTICE OF PROPOSED RULE-MAKING

MAY 11, 1955.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given of the proposed establishment under sections 17 (3), 205 (e), 206, 209, and 211 of the following special rules, supplementing and amending the Commission's general rules of practice, and amending the special rules governing notice of the filing by motor carriers of passengers and property of applications under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. The proposed special rules are as follows:

RULE 1. *Scope of special rules.* These special rules govern the filing and handling of applications for certificates, permits, and licenses respecting the transportation of passengers and property under sections 206, 209, and 211 of the Interstate Commerce Act. Amendments to applications which broaden the scope of proposed operations will not be allowed if tendered after notice of the filing of an application has been published in the FEDERAL REGISTER.

RULE 2. *Notice to interested persons.* Notice to interested parties of the filing of such applications and the time and place of oral hearing or pre-hearing conference or the fact that an applicant has requested handling without oral hearing shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER. Such summaries will be prepared by the Commission. No other notice by applicants to interested persons of the filing of the applications is required, except that applicants are not relieved from the obligation to file copies of applications with Governors, State Boards, and District Directors of the Commission's Bureau of Motor Carriers, as required by the instructions which are a part of the prescribed form of application.

RULE 3. *Protests to applications assigned for hearing.* Anyone opposed to an application assigned for oral hearing or pre-hearing conference need not file a formal protest, but may become a party protestant at the oral hearing or pre-hearing conference. As soon as anyone interested determines that he will oppose an application at a hearing, he should inform the applicant or his counsel to that effect.

RULE 4. *Handling of applications without oral hearing.* (a) An applicant who believes his application is susceptible of handling without oral hearing may request such handling when the application is filed. If such a request is made, the applicant should submit with his application verified statements of fact to which the witnesses would testify at an oral hearing if one were held.

(b) Protests to the granting of an application in which handling without oral hearing is sought shall be filed with the Commission within 30 days after the date notice of the filing of the application is published in the FEDERAL REGISTER.

(c) Failure seasonably to file a protest in an application in which handling without oral hearing is sought will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held.

(d) In addition to other requirements of Rule 40 of the general rules of practice, protests to applications in which handling without oral hearing is sought shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected.

(e) Any request for an oral hearing shall be supported by an explanation as to why the evidence to be presented cannot reasonably be submitted in the form of affidavits. The Commission will determine whether or not assignment of the application for oral hearing is necessary or desirable.

RULE 5. *Requests for notice of changes in time or place of hearing.* Any interested person desiring to receive notice of any change in the time or place of any hearing or prehearing conference, shall notify the Commission by letter or telegram within 10 days from the date the notice of the filing of the application is published in the FEDERAL REGISTER.

No oral hearing on the proposed rules is contemplated, but anyone wishing to make representations in favor of or against the proposed rules may do so by the submission of written data, views, or arguments. An original and fourteen copies of such data, views, or arguments shall be filed with the Commission at its office in Washington, D. C., on or before June 30, 1955.

Notice to the general public shall be given by depositing a copy hereof in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-4028; Filed, May 17, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 51589]

ALASKA

RESTORING PORTIONS OF THE LANDS EXCLUDED FROM THE GLACIER BAY NATIONAL MONUMENT BY PROCLAMATION NO. 3089 OF MARCH 31, 1955; WITHDRAWING PART OF THE EXCLUDED LANDS FOR AIR NAVIGATION PURPOSES

MAY 9, 1955.

1. Proclamation No. 3089 of March 31, 1955 (20 F. R. 2103) excluded, among other lands, the following-described lands from the Glacier Bay National Monument and provided that the lands should not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws until further order of an authorized officer of the Department of the Interior:

GUSTAVUS AREA

COPPER RIVER MERIDIAN

T. 40 S., R. 58 E.,
Secs. 1 to 3 and 9 to 12, inclusive;
Fractional secs. 13 and 14;
Secs. 15 and 16;
Fractional secs. 21 to 23, inclusive.
T. 40 S., R. 59 E.,
Fractional sec. 3;
Secs. 4 to 8, inclusive;
Fractional secs. 9, 10, and 16 to 18, inclusive.

Also, a parcel of unsurveyed land described as follows:

Beginning at the northwest corner of sec. 1, T. 40 S., R. 58 E., C. R. M.; thence North 7,920 feet; East 2,640 feet; South 45°00' East to the northeast corner of sec. 6, T. 40 S., R. 59 E., C. R. M.; West, along the northern boundary of sec. 6, T. 40 S., R. 59 E., and sec. 1, T 40 S., R. 58 E., C. R. M., to the point of beginning.

Also, all water and islands lying directly south and offshore between the above-described lands and the center of Icy Passage.

The areas described, including both public and nonpublic lands, aggregate approximately 14,741 acres of land and 4,193 acres of water.

2. By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and in accordance with Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

(1) Subject to valid existing rights, the following-described public lands which are part of the lands described in paragraph 1 of this order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air navigation facilities:

COPPER RIVER MERIDIAN

T. 40 S., R. 59 E.,
Sec. 5, W½, SE¼;
Sec. 6, lot 1, E½NW¼, NE¼, E½SE¼;
Sec. 7, E½NE¼, NE¼SE¼;
Sec. 8, N½, N½SW¼, SW¼SW¼, E½SE¼;
Sec. 9, W½, SE¼;
Sec. 16, lots 1, 2, 3, N½NW¼;
Sec. 18, lots 6, 8, 9, NE¼SE¼.

A tract of unsurveyed land described as follows:

Beginning at the northeast corner of sec. 6, T. 40 S., R. 59 E., thence N. 45° 00' W., 11,200 feet; West, 2,640 feet; South, 7,920 feet; East, 10,560 feet to point of beginning.

The tracts described aggregate 3,464.40 acres.

(2) At 10:00 a. m. on the 35th day after the date of this order the unappropriated, unreserved, unsurveyed public lands described in paragraph 1 of this order and not re-withdrawn by paragraph 2 (1) shall, subject to valid existing rights and the provisions of existing withdrawals, be opened to settlement under the homestead laws, or, if nonmineral in character, under the Alaska Home Site Act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461) or the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, and to those forms of appropriation only by qualified veterans of World War II and the Korean Conflict for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations.

Veterans preference-right applications under the act of September 27, 1944, as amended may be filed under this paragraph on or before 10:00 a. m. on the 35th day after the date of this order and those covering the same lands shall be treated as though simultaneously filed at that time. Applications under the act filed after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, including the mineral leasing laws, filed on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time where the applications are for the same lands, otherwise priority of filing shall govern.

(3) At 10:00 a. m. on the 35th day after the date of this order the surveyed public lands described in paragraph 1 of this order and not re-withdrawn in paragraph 2 (1) shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the surveyed public lands affected by this order shall be subject only to (1) application under the homestead laws or the Alaska Home Site Act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461), or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, the Korean Conflict, and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws including the mineral leasing laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

3. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

4. Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 65 and 66, inclusive, of Title 43

of the Code of Federal Regulations, and applications under the said Alaska Home Site Act of May 26, 1934, and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in §§ 64.6 to 64.10 inclusive, and Part 257 of that title.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-4041; Filed, May 17, 1955; 8:52 a. m.]

MONTANA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

MAY 10, 1955.

Notice of proposed withdrawal and reservation of lands in connection with application of the United States Forest Service, Department of Agriculture, Serial No. Montana 014987, published in the FEDERAL REGISTER of April 21, 1955 (F. R. Doc. 55-3265; 20 F. R. 2670), is corrected, insofar as it pertains to the following campground and recreational areas, to read as follows:

MONTANA PRINCIPAL MERIDIAN

HELENA NATIONAL FOREST

Aspen Grove Campground

T. 14 N., R. 7 W.,
Sec. 7: NW¼ Lot 5, Lots 7, 8, S½N½N½ NW¼SE¼, S½N½NW¼SE¼, S½NW¼ SE¼, SE¼NE¼SW¼.

The area described contains approximately 136.22 acres.

McClellan Creek Recreational Area

T. 8 N., R. 2 W.,
Sec. 9: Lots 6, 7, N½NW¼SE¼, N½SW¼ NW¼SE¼.

The area described contains 56.12 acres.

KOOTENAI NATIONAL FOREST

Lake Creek Campground

T. 26 N., R. 30 W.,
Sec. 5: S½SW¼SE¼;
Sec. 8: N½NW¼NE¼.

The area described contains 40 acres.

FRANCIS A. RIORDAN,
Acting State Supervisor,
Bureau of Land Management.

MAY 10, 1955.

[F. R. Doc. 55-4009; Filed, May 17, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

WHEAT

NOTICE OF REFERENDUM FOR MARKETING QUOTAS, 1956-57

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for wheat for the marketing year beginning July 1, 1956. A referendum of farmers whose farms are located in the 1956 commercial wheat producing area and who will be engaged in the production of the 1956 crop of wheat will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations to determine whether such farmers are in favor of or opposed to such wheat marketing quota.

Registration. The operator of each farm located in the 1956 commercial wheat producing area on which the wheat acreage for 1956 will be more than 15 acres should inform a member of the county or community committee of the names and addresses of all producers who will share in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. Each farmer who is engaged in the production of wheat for harvest in 1956 on a farm located in the 1956 commercial wheat producing area who intends to harvest in any manner in excess of 15 acres of wheat for grain on the farm, and who is entitled to share in the proceeds of the 1956 wheat crop as owner, landlord (other than a landlord of a standing rent, cash rent or fixed rent tenant), tenant, or sharecropper shall be eligible to vote.

2. No wheat farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may be engaged in the production of wheat for harvest in 1956 on two or more farms in two or more communities, counties, or States.

3. Where a group of several persons, such as husband, wife, and children, will be participating in the production of wheat for harvest in 1956 under a single lease or cropping agreement, only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote.

4. In the event two or more persons are producing wheat for harvest in 1956, not as members of a partnership but as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote.

5. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he will be engaged in the production of wheat for 1956 may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he will be engaged in the production of wheat for 1956.

(b) Any person who is eligible to vote in a community in which there is no polling place shall be eligible to vote at the polling place designated for such community.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may obtain one ballot form, prior to or on the date of the referendum, from the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it (in a sealed envelope, postage paid, marked "absentee ballot") so that the ballot reaches the office of the county committee for the county in which he is eligible to vote not later than the hour for closing the polls on the date of the referendum, which shall not be earlier than 5 o'clock, p. m., local standard time.

6. There shall be not voting by mail (except as provided in paragraph 5 (c) above), by proxy or by agent, but a duly authorized officer of a corporation, firm, association, or other legal entity or a duly authorized member of a partnership may cast its vote.

Time and place for balloting. The wheat marketing quota referendum will be held on July 22, 1955. The place of voting and the hours which the polls will be open for voting in each community will be announced by the county ASC committee.

Done at Washington, D. C., this 13th day of May 1955.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 55-4043; Filed, May 17, 1955; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 777]

TRUCK LOADING AND UNLOADING OF WATERBORNE CARGO AT NEW YORK

INVESTIGATION OF RATES AND PRACTICES OF PARTIES TO AGREEMENT

Notice is hereby given that at a session of the Federal Maritime Board held at its office in Washington, D. C., on the 6th day of May 1955, the Board entered the following order:

It appearing that the parties named in Appendix A below have entered into an agreement known as the Truck Loading and Unloading of Waterborne Cargo Agreement in their capacity as terminal operators in the Port of Greater New York and vicinity which agreement has been approved by the Federal Maritime Board, as F. M. B. Agreement No. 8005, pursuant to section 15 of the Shipping Act, 1916, as amended (46 U. S. C. 814); and

It further appearing that pursuant to said Agreement No. 8005 the parties issued on April 25, 1955, their Tariff No. 1 to become effective May 1, 1955, under which they have jointly established rates, charges, rules and regulations with respect to services to truckers of loading or unloading, or assisting in loading or unloading of waterborne freight onto or from trucks at piers in the Port of Greater New York and vicinity; and

It further appearing that protests against the rates, charges, rules and regulations set forth in said Tariff No. 1 have been received from exporters, importers, and truckers, both individually and through their associations, alleging that the rates and charges specified therein are excessive and that the practices to be followed by the parties to this tariff are unjust and unreasonable and have been promulgated without adequate notice; and

It further appearing that the rates and charges specified in said Tariff No. 1 may be excessive and therefore detrimental to the commerce of the United States within the meaning of section 15 of said act (46 U. S. C. 814) and that the said tariff may have been promulgated without adequate notice which would constitute an unjust and unreasonable practice in violation of section 17 of said act (46 U. S. C. 816) (see Docket No. 555, Practices, etc., of San Francisco Bay Area Terminals, 2 U. S. M. C. 588) and that the practices resulting under said tariff may be unjust and unreasonable practices for or in connection with the receiving, handling or delivering of property within the meaning of said section 17 (46 U. S. C. 816) in that truckers, shippers and consignees or their representatives shall not place mechanical equipment on the dock without express permission of the terminal operator, and in that the services to be rendered in exchange for the stated charges are not defined with sufficient clarity to be readily understood, and further that duplicate and multiplicate charges may result;

It is ordered, That a proceeding of inquiry be instituted upon the Board's own motion, in the exercise of its powers and duties under sections 15, 17 and 22 of the Shipping Act, 1916, as amended (46 U. S. C. 814, 816 and 821) to determine (1) whether the rates, charges, rules and regulations set forth in Tariff No. 1 of the Truck Loading and Unloading Waterborne Freight Agreement (F. M. B. Agreement No. 8005) are detrimental to the commerce of the United States, (2) whether the said tariff has been promulgated without adequate notice, and (3) whether the practices resulting from the adoption of said tariff are unjust and unreasonable practices for or in connection with the receiving, handling or delivering of property;

It is further ordered, That all parties named in Appendix A be, and they are hereby, made respondents in this proceeding; and

It is further ordered, That this order be published in the FEDERAL REGISTER, and that a copy of such order be served upon each of said respondents; and

It is further ordered, That this proceeding be assigned for hearing before an examiner of the Hearing Examiner's Office at a date and place to be fixed by the Chief Examiner; and

It is further ordered, That a letter be addressed to Mr. W. L. Swain, Agent, Truck Loading and Unloading Waterborne Agreement (8005), 80 Broad Street, New York 4, N. Y., requesting the parties to hold the application of Tariff No. 1 in abeyance until completion of investigation and hearing in this matter.

Dated: May 12, 1955.

By the Board.

[SEAL] THOS. E. STAKEM, JR.,
Acting Secretary.

APPENDIX A

American Export Lines, Inc.; American President Lines, Ltd.; Bull-Insular Line, Inc.; Compagnie Generale Transatlantique (French Line); The Cunard Steam-Ship Company Limited; The East Asiatic Company, Inc.; Flota Mercante Grancolombiana, S. A., Transportadora Grancolombiana, Ltda.; Nederlandsch-Amerikaansche Stoomvaart Maatschappy; New York and Cuba Mail Steamship Company; Norwegian America Line Agency, Inc.; Packet Shipping Corporation; United States Navigation Co., Inc. for North German Lloyd Line, Hamburg American Line; West Coast Line, Inc.; American Stevedores, Inc.; Anchor Stevedoring Co., Inc.; Anchor Terminal Service Co., Inc.; The Associated Operating Co.; Atlantic Stevedoring Co., Inc.; Bay Ridge Operating Co., Inc.; John T. Clark and Son; Commercial Stevedoring Co., Inc.; Federal Stevedoring Co., Inc.; Huron Stevedoring Corporation; International Terminal Operating Co., Inc.; Maher Stevedoring Co., Inc.; Marra Bros., Inc.; John W. McGrath Corporation; Mersey & Hudson Wharfage Corp.; A. Pellegrino & Son, Inc.; Pittston Stevedoring Corp.; Seaboard Contracting Company, Inc.; Sealand Dock & Terminal Corp.; Jules S. Sottnek Company, Inc.; Sottnek Terminal Corp.; Sates Terminal Corporation; Transoceanic Terminal Corporation; Turner & Blanchard, Inc.; Universal Terminal & Stevedoring Corp.

[F. R. Doc. 55-4045; Filed, May 17, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11390; FCC 55-557]

NOBLE-DEKALB BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Charles R. Palmquist, Jr., d/b as Noble-DeKalb Broadcasting Company, Kendallville, Indiana, for construction permit; Docket No. 11390, File No. BP-9605.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of May 1955;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1570 kilocycles with a power of 250 watts, daytime only, at Kendallville, Indiana;

It appearing that the applicant is legally, technically, and otherwise qualified to operate the proposed station, but that the application may involve interference with Station WPTW, Piqua, Ohio; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated March 1, 1955, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a timely reply to the Commission's letter; and

It further appearing that in a letter dated March 7, 1955, the licensee of Station WPTW requested that the subject application be designated for hearing and that WPTW be made a party to the proceeding; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would be served by the subject proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the subject proposed operation would involve interference with Station WPTW, Piqua, Ohio, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to the areas in which WPTW would receive said interference.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the subject proposed operation would serve the public interest, convenience and necessity.

It is further ordered, That Miami County Broadcasting Co., Inc., licensee of Station WPTW, Piqua, Ohio, is made a party to the above-described hearing.

Released: May 12, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4039; Filed, May 17, 1955; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY, DEPARTMENT OF DEFENSE

DELEGATION OF AUTHORITY TO ADMINISTER MORTGAGE PROMISSORY NOTE AND TO ENFORCE CONDITIONS OF DEED AFFECTING PART OF BLYTHEVILLE ARMY AIRFIELD, BLYTHEVILLE, ARK.

1. Pursuant to the provisions of section 205 (d) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, hereinafter called the act, I hereby delegate to the Secretary of Defense: (a) The authority contained in section 204 (g) to administer the mortgage and promissory note which secures the payment by the Gosnell Methodist Church of Blytheville, Arkansas of the balance of the purchase price of 3.002 acres of land and a chapel, together with a road easement, right of way and rights of ingress and egress, which formerly comprised a portion of Blytheville Army Airfield, Blytheville, Arkansas, and to enforce, adjust, and settle any right of the Government with respect thereto in such manner and upon such terms as he deems in the best interest of the Government; and (b) the authority to undertake and perform any action necessary in the enforcement of the conditions contained in the Deed of January 18, 1949 pursuant to which, title to said property was conveyed to the

Gosnell Methodist Church by the War Assets Administration.

2. The authority herein delegated may be redelegated to any officer or employee of the Department of Defense.

3. This delegation of authority shall be effective as of the date hereof.

Dated: May 12, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-4073; Filed, May 16, 1955; 1:01 p. m.]

UNITED STATES TARIFF COMMISSION

[List No. D-71]

CORKBOARD

INVESTIGATION DISCONTINUED AND DISMISSED AND PUBLIC HEARING CANCELED

MAY 13, 1955.

The Tariff Commission ordered that the investigation instituted January 24, 1955, under the provisions of section 336 of the Tariff Act of 1930 with respect to cork insulation, wholly or in chief value of cork, cork waste, or granulated or ground cork, in blocks, slabs, boards, or planks (20 F. R. 630) be discontinued and dismissed, and accordingly canceled the public hearing in this investigation which was scheduled for June 1, 1955.

The foregoing action was taken by the Commission after consideration of representations made in a letter of May 12, 1955, by the Cork Institute of America (the applicants in the investigation), and of other pertinent factors.

I certify that the above action was taken by the Tariff Commission on the 12th day of May 1955.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-4040; Filed, May 17, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2668, G-3944, G-5930, G-5931, G-6052, G-6055, G-6190, G-6310, G-6710, G-6826, G-6873, G-6935, G-7299, G-7313, G-7392, G-8120, G-8153, G-8326, G-8456, G-8462, G-8468, G-8469, G-8552, G-8593, G-8653]

ARKANSAS FUEL OIL CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 10, 1955.

In the matters of Arkansas Fuel Oil Corporation, Docket Nos. G-2668 and G-6190; Spartan Well Service, Docket No. G-3944; Morgan & Norton, Docket No. G-5930; Sunray Oil Corporation, Docket Nos. G-5931, G-6052, G-6055, and G-6873; Edwin Neilsen, et al., Docket No. G-6310; L. B. Porter, Docket No. G-6710; Scurlock Oil Company, Docket No. G-6826; Tom McGlothlin, Docket No. G-6935; Charles F. Buckwalter, Docket No. G-7299; Crow Drilling Company, Inc., Docket No. G-7313; Seaboard Oil Company, Docket No. G-7392; Deposit Guaranty Bank & Trust Company, Trustee for Charles Hooper and Doris R. Hooper, Docket No. G-8120; W. C. Feazel, et al., Docket No. G-8153; Stanolind Oil and Gas Company, Docket No. G-8326; Dick D. Quin, Docket No. G-8456; George D. Hunt, et al., Docket No. G-8462; S. J. Hooper, Docket No. G-8468; Katharine Damare, Docket No. G-8469; Clyde H. Alexander, et al., Docket No. G-8552; Douglas Whitaker, Docket No. G-8593; R. H. Boteler, Docket No. G-8653.

The above-designated Applicants produce natural gas from gas fields in Texas, Louisiana, and Mississippi and each proposes to sell natural gas so produced to United Gas Pipe Line Company under contracts and at prices indicated in applications filed pursuant to section 7 of the Natural Gas Act for certificates of public convenience and necessity authorizing each Applicant to render the proposed service described, subject to the jurisdiction of the Commission, all as more fully represented in each application on file with the Commission and open for public inspection. The pertinent data reflected in each application are set forth below:

Docket No.	Date filed	Gas field	Contract date	Price (cents per Mcf)
G-2688	[1] 9- 7-54	Bourg Field, Terrebonne Parish, La	9- 2-54	
G-3944	10- 1-54	Old Refugio Field, Refugio County, Tex	6-21-54	5.1552
G-5930	[2] 11-26-54	Pistol Ridge and Maxie Fields, Forrest County, Miss	11-24-54	20.00
G-5931	11-26-54	McFaddin Field, Refugio County, Tex	2-26-52	
G-6052	11-26-54	Keeran and North Keeran Fields, Victoria County, Tex	1- 8-41	7.2237
G-6055	11-26-54	North McFaddin Field, Victoria County, Tex	4- 2-43	8.41698
G-6190	11-29-54	Elysian Fields Field, Harrison County, Tex	12-14-51	8.7788
G-6310	11-29-54	Koontz Field, Victoria County, Tex	10-15-46	5.00
G-6710	11-30-54	Pistol Ridge and Maxie Fields, Forrest and Pearl River Counties, Miss.	9- 6-54	15.00
G-6826	12- 2-54	North McFaddin Field, Victoria County, Tex	9-20-49	9.06
G-6873	12-17-54	South Porter Field, Karnes County, Tex	10- 1-54	
G-6935	11-30-54	Pistol Ridge Field, Forrest and Pearl River Counties, Miss	7-27-54	15.00
G-7299	12- 1-54	do	7-27-54	15.00
G-7313	12- 1-54	Maxie and Pistol Ridge Fields, Forrest, Lamar, and Pearl River Counties, Miss.	6-21-54	15.00
G-7392	12-27-54	South Porter Field, Karnes County, Tex	10- 1-54	
G-8120	[2] 12-23-54	Pistol Ridge Field, Forrest County, Miss	9-25-54	15.00
G-8153	12-13-54	Elysian Fields Field, Harrison County, Tex	12-14-51	8.7788
G-8326	1- 3-55	Greenwood Field, Caddo Parish, La	8- 5-53	8.5
G-8456	2- 7-55	Pistol Ridge and Maxie Fields, Forrest County, Miss	1-27-55	20.00
G-8462	2- 9-55	Pistol Ridge and Maxie Fields, Forrest and Pearl River Counties, Miss.	1-10-55	20.00
G-8468	2-11-55	Maxie and Pistol Ridge Fields, Forrest and Pearl River Counties, Miss.	1-17-54	20.00
G-8469	2-11-55	do	1-17-54	20.00
G-8552	3- 7-55	Emma Haynes Field, Goliad County, Tex	2- 9-55	6.5
G-8593	3-16-55	Maxie Field, Forrest County, Miss	1-14-55	20.00
G-8653	3-22-55	Maxie and Pistol Ridge Fields, Forrest and Pearl River Counties, Miss.	12-31-54	20.00

[1] Amended Oct. 25, 1954. [2] Supplemented Jan. 12, 1955. [3] Amended Apr. 5, 1955.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4025; Filed, May 17, 1955; 8:48 a. m.]

[Docket Nos. G-3012, G-3049, G-3197, G-3268, G-3601, G-3611, G-3689, G-3694, G-3839, G-3890, G-4000, G-4027, G-4029, G-4031, G-4032, G-4061, G-4083, G-4095, G-4096, G-4104, G-4137, G-4169, G-4220, G-4230, G-4291, G-4322, G-4324, G-4355, G-4584]

B. W. KLINGEMAN ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 10, 1955.

In the matters of B. W. Klingeman, et al., Docket No. G-3012; E. A. Gabriel, dba Gabriel Oil Company, Docket No. G-3049; The B & A Pipe Line Company, Docket No. G-3197; J. P. Evans, East-West Syndicate, Docket No. G-3268; John H. Crichton, et al., Docket No. G-3601; Glassell and Glassell, Docket No. G-3611; Dorothy Hewit Blakeney, et al., Docket No. G-3689; Winona H. Brinkoeter, et al., Docket No. G-3694; Joe W. Brown, Docket No. G-3839; Dan Russak, Docket No. G-3890; Hawn Bros., et al., Docket No. G-4000; Sam Sklar, Docket Nos. G-4027 and G-4169; Jay Simmons, et al., Docket No. G-4029; Leonard W. Phillips, Docket Nos. G-4031 and G-4220; August Erickson, et al., Docket No. G-4032; Republic National Bank of Dallas, Executor of the Estate of Harry J. Strief, Docket No. G-4061; States Oil Company, et al., Docket Nos. G-4083 and G-4096; States Oil Company, Docket No. G-4095; W. L. Pickens, Docket No. G-4104; C. R. Schuster, Docket No. G-4137; W. C. Woolf, Docket No. G-4230; Frank W. Michaux, Docket No. G-4291; Heep Oil Corporation, et al., Docket No. G-4322; Farrell and Company of Louisiana, Docket No. G-4324; Crow Drilling Company, Inc., Docket No. G-4355; Sohio Petroleum Company, Docket No. G-4584.

The above-designated Applicants produce natural gas from gas fields in Texas, Louisiana, and Mississippi and sell gas so produced to United Gas Pipe Line Company under contracts and at prices indicated in applications filed pursuant to section 7 of the Natural Gas Act for certificates of public convenience and necessity authorizing each Applicant to render the service described, subject to the jurisdiction of the Commission, all as more fully represented in each application on file with the Commission and open for public inspection. The pertinent data reflected in each application are set forth below:

Docket No.	Date filed	Gas field	Contract date	Price (cents per Mcf)
G-3012	9-23-54	Coy City Field, Karnes County, Tex	3-24-54	6.5
G-3049	9-24-54	Echo Field, Orange County, Tex	11-12-53	9.00
G-3197	9-27-54	Henderson Field, Rusk County, Tex	8- 1-52	9.00
G-3268	9-27-54	Baxterville Field, Marion County, Miss	4-18-47	10.2209
G-3601	9-29-54	Carthage Field, Panola County, Tex	3-13-45	8.6454
G-3611	9-29-54	do	8-10-45	8.645
G-3689	9-29-54	North Pettus and Burnell Fields, Bee, Karnes, and Goliad Counties, tex.	5-28-47	7.00
G-3694	9-29-54	Burnell Field, Bee and Karnes Counties, Tex	5-28-47	7.00
G-3839	9-30-54	Valentine Field, Lafourche Parish, La	1-21-52	10.00
G-3890	10- 1-54	Willaman Field, San Patricio County, Tex	6-16-54	6.00
G-4000	10- 1-54	Weesatche Field, Cabeza Creek Area, Goliad County, Tex	11-18-53	6.50
G-4027	10- 4-54	Sibley Field, Webster Parish, La	1-19-50	5.7993
G-4029	10- 4-54	Poehler Field, Goliad County, South Caesar Field, Bee County Tex.	11-17-50	7.00
G-4031	10- 4-54	Greenwood Area, Caddo Parish, La	3- 8-54	8.50
G-4032	10- 4-54	Sibley Field, Webster Parish, La	4-10-50	5.7993
G-4061	10- 4-54	Carthage Field, Panola County, Tex		8.6454
G-4083	10- 4-54	Greenwood-Waskom Field, Caddo Parish, La	8- 5-53	8.50
G-4095	10- 4-54	do	8- 5-53	8.50
G-4096	10- 4-54	do	8- 5-53	8.50
G-4104	10- 4-54	Carthage Field, Panola County, Tex	8-10-45	8.6454
G-4137	10- 4-54	Greenwood Field, East Greenwood Field, North Shreveport Field, Caddo Parish, La	[1] 12-21-51	
G-4169	10- 5-54	Rodessa Field, Cass County, Tex	4- 6-54	8.6454
G-4220	10- 7-54	Carthage Field, Panola County, Tex	[1] 2- 1-46	8.6454
G-4230	10- 7-54	Greenwood Field, Caddo Parish, La		8.50
G-4291	10- 8-54	Hordes Creek Area (Gladys Powell and River Fields), Goliad County, Tex	4- 4-51	6.111
G-4322	10-11-54	Red Fish Bay Field, Neuces County, Tex	5- 4-54	13.1714
G-4324	10-11-54	Monroe Field, Union and Morehouse Parishes, La	[1] 3-26-37	3.5688
G-4355	10-11-54	Greenwood-Waskom Field, Caddo Parish, La	8- 5-53	8.50
G-4584	10-27-54	Fields Field, Beauregard Field, La	7-10-51	

[1] Date of original contract.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before June 7, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4026; Filed, May 17, 1955; 8:48 a. m.]

[Docket No. G-8885]

P. G. LE GENDRE

ORDER SUSPENDING PROPOSED CHANGES IN RATES

P. G. Le Gendre (Applicant), on April 11, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Apr. 9, 1955.	Louisiana-Nevada Transit Co.	Supplement No. 4 to applicant's FPO gas rate schedule No. 2.	May 12, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

This proposed increase is but one of a number of other rate increases which have been suspended and which relate to sales of natural gas from the Cotton Valley Field, Webster Parish, Louisiana, to Louisiana-Nevada Transit Company.

The increased rate and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until October 12, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 11, 1955.

Issued: May 11, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4013; Filed, May 17, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 13, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30623: Motor-rail rates in the East; substituted service. Filed by The New York, New Haven and Hartford Railroad Company and the New England Transportation Company, and other interested motor carriers. Rates on semi-trailers, loaded or empty, on railroad flat cars, between Boston and Springfield, Mass., on the one hand, and New Haven, Conn., on the other; also between New Haven, Conn., on the one

hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

FSA No. 30624: Grain and grain products—Texas to Kansas and Oklahoma. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain, grain products and related articles, also seeds, carloads, from specified points in Texas to specified points in Kansas and Oklahoma.

Grounds for relief: Circuitous routes and grouping.

Tariff: Supplement 65 to Agent Kratzmeir's I. C. C. 3831.

FSA No. 30625: Water-rail commodity rates—Baltimore steam packet. Filed by W. J. Gray, Agent for Baltimore Steam Packet and other interested rail carriers. Rates on various commodities in straight or mixed carloads, as described in the tariff listed below, from (1) Baltimore, Md., Norfolk, Old Point (Fortress Monroe), Portsmouth, and West Point, Va., to specified points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, and (2) from specified points in Kentucky, North Carolina, Tennessee, Virginia, and West Virginia to Baltimore, Md.

Grounds for relief: Competition of all-rail carriers and circuity.

Tariff: Agent Gray's I. C. C. 314.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-4027; Filed, May 17, 1955; 8:48 a. m.]

[Notice 60]

MOTOR CARRIER APPLICATIONS

MAY 13, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 263 Sub 74, filed May 5, 1955, GARRETT FREIGHTLINES, INC., P. O. Box 349, 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, Post Office Box 1554, Boise, Idaho. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (A) between Denver, Colo., and Montpelier, Idaho, over U. S. Highway 87 (formerly Colorado Highway 185), to junction Colorado Highway 14, thence over Colorado Highway 14 to Fort Collins, Colo., thence over U. S. Highway 287 to Rawlins, Wyo., thence over U. S. Highway 30 to junction U. S. Highway 30N near Granger, Wyo., thence over U. S. Highway 30N to Montpelier, Idaho, and return over the same route, serving all intermediate points between Little America, Wyo., and Montpelier, Idaho, including Little America, and the off-route points of Westvaco Chemical Company plant and mine near Little America, Wyo., the plants and mines of the San Francisco Chemical Company at or near (a) Leaf, Wyo., (b) Montpelier, Idaho, and (c) Randolph, Utah, and those off-route points within 10 miles on either side of U. S. Highway 30N between the junction of U. S. Highways 30 and 30N near Granger, Wyo., and Montpelier, Idaho, and (B) from Grand Junction, Colo., to Denver, Colo., over U. S. Highway 6, serving all intermediate points, and (2) *Class A and B explosives*, including *ammunition*, between Denver, Colo., and Montpelier, Idaho, over route as described under (1) (A) above, serving no intermediate points, and serving the terminal point of Montpelier, Idaho, for joinder purposes only.

NOTE: Applicant is presently authorized to operate over U. S. Highway 6 from Denver, Colo., to Grand Junction, Colo., and the operations proposed under (1) (B) above will in effect be return movements in connection with said present operations. Applicant is authorized to conduct regular route operations in California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, and Utah, and irregular route operations in California, Idaho, Nevada, Oregon, and Washington.

No. MC 19201 Sub 80, filed April 22, 1955, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, Commerce Bldg., P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including commodities of unusual value, commodities in bulk, and commodities requiring special equipment*, but excepting Class A and B explosives, and household goods as defined by the Commission, in service auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company, between junction U. S. Highways 202 and 30 east of Paoli, Pa., and Norristown, Pa., over U. S. Highway 202, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Philadelphia, Pa., and Whitford, Pa., and between Philadelphia, Pa., and Oaks, Pa. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Indiana and West Virginia.

No. MC 19201 Sub 81, filed May 4, 1955, PENNSYLVANIA TRUCK LINES, INC., 110 S. Main St., W. E., Pittsburgh, Pa. Applicant's attorney: Gilbert Nurick, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including commodities of unusual value, commodities in bulk, and commodities requiring special equipment, but excluding Class A and Class B explosives and household goods as defined by the Commission, in service auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company, (1) between junction of U. S. Highway 220 and Pennsylvania Highway 350 at or near Bald Eagle, Pa., and Philipsburg, Pa., over Pennsylvania Highway 350, serving all points which are stations on the line of The Pennsylvania Railroad Company, and (2) between Sandy Ridge, Pa. and Philipsburg, Pa., from Sandy Ridge over Pennsylvania Highway 970 to Osceola Mills, and thence over Pennsylvania Highway 53 to Philipsburg, and return over the same route, serving all points which are stations on the line of The Pennsylvania Railroad Company. Applicant is authorized to conduct operations in Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

No. MC 23445 Sub 3, filed May 3, 1955, COMMUNITY & JOHNSON CORPORATION, a corporation, 227 Grand Ave., Palisades Park, N. J. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E St., N. W. Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, (a) between points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Missouri, Kentucky, Tennessee, West Virginia, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, and the District of Columbia, and (b) between points in the States specified under (a) above, on the one hand, and, on the other, points in Minnesota, Iowa, Nebraska, Kansas, Arkansas, Mississippi, and Louisiana. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

No. MC 25708 Sub 12, filed May 9, 1955, BEARD-LANEY, INC., W. DeKalb Street, Camden, S. C. Applicant's attorney: Frank A. Graham, Jr., 406-7 Palmetto Building, Columbia 1, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, from Doraville, Ga., to points in Oconee County, S. C. Applicant is authorized to conduct operations in Georgia, New Jersey, North Carolina, South Carolina and Virginia.

No. MC 30837 Sub 179, filed April 22, 1955, KENOSHA AUTO TRANSPORT CORPORATION, 4519 – 76th Street, Kenosha, Wis. Applicant's attorney: Louis E. Smith, 316-318 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor trucks*, in driveaway and truckaway service, and *trucks and tractors*, other than those designed to be used in the transportation of persons or property on the highways, from Littleton, Colo., to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 36587 Sub 1, filed April 14, 1955, Amended, Published on Page 3002, issue of May 4, 1955, H. M. WAGGONER, Homer, Ill. Applicant's attorney: John D. Carson, Champaign County Bank & Trust Bldg., P. O. Box No. One, Urbana, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand* and *gravel* from points in Vermillion and Warren Counties, Ind. to points in Champaign and Vermilion Counties, Ill.; *limestone* from points in Vermilion County, Ill. to points in Vermillion, Parke and Fountain Counties, Ind.; and *fertilizer* from Indianapolis, Ind. to points in Vermilion and Champaign Counties, Ill. Applicant is authorized to conduct operations in Indiana and Illinois.

No. MC 39952 Sub 3, filed April 15, 1955, (Amended) JAKE STOKES AND J. McMURPHY, doing business as SWANSON'S TRUCKING SERVICE, P. O. Box 227, Turlock, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Frozen TV dinners, frozen foods*, and *frozen fruits and vegetables*, between Modesto, Calif., on the one hand, and, on the other, Stockton, Sacramento, Oakland, Alameda, San Francisco and Los Angeles, Calif., and *paper products*, such as *waxed wrapping paper, in rolls, waxed wrapping paper, in boxes, pulpboard boxes, paper labels, paper bags, gummed tape, cellulose wrappers, paper ice cream can linings, paper napkins, pulpboard dishes, pulpboard pail*, and *other related paper articles*, between Modesto, Calif., and points in Yuba, Nevada, Placer, El Dorado, Sutter, Yolo, Napa, Sonoma, Marin, San Francisco, Santa Cruz, Monterey, San Benito, Santa Clara, Alameda, Contra Costa, Solano, Sacramento, Amador, San Joaquin, Calaveras, Stanislaus, Tuolumne, Mariposa, Merced, Madera and Fresno Counties, Calif.

No. MC 50029 Sub 6, filed April 19, 1955, UTAH-ARIZONA FREIGHT LINES, a corporation, 634 South 3rd West, Salt Lake City 4, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding articles of unusual value, petroleum products, in bulk, in tank vehicles, household goods as defined by the Commission, commodities requiring special equipment other than refrigeration equipment, and those injurious or contaminating to other lading, between junction U. S. Highway 89 and Arizona Highway 69 at or near Prescott, Ariz., and junction U. S. Highway 89 and Arizona Highway 69 at or near Phoenix, Ariz., over Arizona Highway 69, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between Salt Lake City, Utah, and Phoenix, Ariz. Applicant is authorized to conduct operations in Arizona and Utah.

No. MC 52920 Sub 18, filed May 2, 1955 (amended), PACIFIC HIGHWAY TRANSPORT, INC., 6th Avenue South and Holgate St., Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Explosives*, including *Class A, B, and C explosives*, between Grand Mound, Wash., on the one hand, and, on the other, points in Oregon, with service at Grand Mound being restricted to interchange of traffic with other motor carriers. Applicant is authorized to conduct operations in Oregon, and Washington.

No. MC 59127 Sub 1, filed January 12, 1955, amended April 14, 1955, published in the February 2, 1955 issue, page 725, FLOYD F. SCHUESSLER, doing business as L. W. TRANSFER, Altenburg, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) serving Shawneetown, New Wells, Pocahontas, Brazeau, Farrar, Crosstown, Menfro, Wittenberg and Neelys Landing, Mo., as off-route points in connection with carrier's regular route operations between Altenburg, Mo., and St. Louis, Mo., (2) between Altenburg, Mo., and Cape Girardeau, Mo., from Altenburg over presently authorized unnumbered highway to junction U. S. Highway 61, thence over U. S. Highway 61 to Cape Girardeau, Mo., and return over the same route, serving the intermediate point of Frohna, Mo., and the off-route points of Shawneetown, New Wells, Pocahontas, Brazeau, Farrar, Crosstown, Menfro, Wittenberg and Neelys Landing, Mo. RESTRICTION: With no authority for service between St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Cape Girardeau, Mo., and (3) between Altenburg, Mo., and St. Louis, Mo., from Altenburg over presently authorized unnumbered highway to junction U. S. Highway 61, thence over presently authorized U. S. Highway 61 (formerly Missouri Highway 25) to junction Missouri Highway 51, thence over Missouri Highway 51 to the Mississippi River, thence across the Mississippi River to Illinois Highway 150, thence over Illinois Highway 150 to Chester, Ill., thence over Illinois Highway 3 to junction Illinois Highway 159, thence over Illinois Highway 159 to Belleville, Ill., thence over U. S. Highway 460 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, and return over the same route, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between Altenburg, Mo., and St. Louis, Mo. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 64932 Sub 179, filed May 6, 1955, ROGERS CARTAGE CO., a corporation, 1932 So. Wentworth Ave., Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in Pennsylvania, West Virginia, and New York. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.

No. MC 68618 Sub 21, filed May 4, 1955, LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle 4, Wash. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading, (1) between San Francisco, Calif., and San Jose, Calif., over U. S. Highway 101 and By-Pass U. S. Highway 101, serving all intermediate points, and (2) between Oakland, Calif., and San Jose, Calif., over California Highways 17 and 9, serving all intermediate points.

NOTE: Applicant proposes to use the San Mateo and Dumbarton Bridges for operating convenience only. Applicant is authorized to conduct operations in California, Oregon, and Washington.

No. MC 70451 Sub 169, filed April 7, 1955, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. For authority to operate

as a *common carrier*, over a regular route, transporting: *Class A, B and C explosives*, between Marysville, Kans., and Atwood, Kans., over U. S. Highway 36, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) St. Joseph, Mo., and Lincoln, Nebr., (b) Kansas City, Mo., and Wheeler, Kans., (c) junction U. S. Highways 6 and 81 near Fairmont, Nebr., and Wichita, Kans., and (d) carrier's alternate route operations between Hastings, Nebr., and Goodland, Kans. Applicant is authorized to conduct regular route operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska and New Mexico, and irregular route operations in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska and Wyoming.

No. MC 70451 Sub 170, filed April 7, 1955, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A, B and C explosives*, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, and commodities in bulk, between Elmdale, Kans., and Pueblo, Colo., from Elmdale over Kansas Highway 50S to junction Kansas Highway 150, thence over Kansas Highway 150 to junction U. S. Highway 50N, thence over U. S. Highway 50N to Great Bend, thence over Kansas Highway 96 to junction Colorado Highway 96, thence over Colorado Highway 96 to Pueblo, and return over the same route, serving no intermediate points, with service at Elmdale, Kans., for the purpose of joinder only, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between junction U. S. Highways 6 and 81 near Fairmont, Nebr., and Wichita, Kans., and carrier's alternate route operations between Kansas City, Mo., and Pueblo, Colo. Applicant is authorized to conduct regular route operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska and New Mexico, and irregular route operations in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska and Wyoming.

No. MC 70451 Sub 171, filed April 11, 1955, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Monroe City, Mo., and Kansas City, Mo., over U. S. Highway 25, serving no intermediate points, with service at Monroe City, Mo., for the purpose of joinder only, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Kansas City, Mo., and Glenwood, Iowa, (b) Omaha, Nebr., and Kansas City, Mo., (c) Sioux City, Iowa, and Kansas City, Mo., (d) Des Moines, Iowa, and Kansas City, Mo., (e) Lincoln, Nebr., and Kansas City, Mo., (f) Kansas City, Mo., and Wheeler, Kans., (g) Cook County, Ill., and St. Joseph, Mo.; (which is a portion of the carrier's regular route operations between Cook County, Ill., and points in Buchanan, Andrew, Nodaway, Worth, Gentry, Harrison and De Kalb Counties, Mo., and Taylor and Page Counties, Iowa, over regular and irregular routes), and (h) carrier's applied-for alternate route between Kansas City, Mo., and Albuquerque, N. Mex. Applicant is authorized to conduct regular route operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska and New Mexico, and irregular route operations in Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska and Wyoming.

No. MC 74320 Sub 4, filed March 3, 1955, WINTHROP S. PORTER, Gilead R. F. D. No. 2, Andover, Conn. Applicant's representative: William L. Mobley, Rooms 317–319, 1694 Main Street, Springfield 3, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lime* and *limestone*, from Lee and West Stockbridge, Mass., to points in Fairfield, Litchfield, Middlesex and New Haven Counties, Conn. Applicant is authorized to conduct operations in Massachusetts and Connecticut.

No. MC 76032 Sub 93, filed April 22, 1955, NAVAJO FREIGHT LINES, INC., 381 So. Broadway, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ E. San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A, B, and C, explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration), and those injurious or contaminating to other lading, between junction U. S. Highway 85 and New Mexico Highway 3 and San Miguel, N. Mex., approximately three miles south of junction U. S. Highway 85 and New Mexico Highway 3 over New Mexico Highway 3, serving the intermediate point of Ribera, N. Mex., and the site of the Onega Corporation, which is located approximately one mile south of Ribera. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, New Mexico, and Texas.

No. MC 76032 Sub 94, filed May 4, 1955. NAVAJO FREIGHT LINES, INC., 381 So. Broadway, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ E. San Francisco St., Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the Jack Pyle Project of the Isbell Construction Company approximately nine miles north of Laguna, N. Mex., as an off-route point in connection with carrier's regular-route operations from Los Angeles, Calif., to Albuquerque, N. Mex. Applicant is authorized to conduct operations in California, New Mexico, Nevada, Arizona, Colorado, Nebraska, Missouri, Iowa, and Illinois.

No. MC 82874 Sub 4, filed May 6, 1955, RUSSELL N. MAGAW, doing business as AKRON CARTAGE, 790 West Wilbeth Road, P. O. Box 143, Akron 9, Ohio. Applicant's representative: Edwin C. Reminger, 1016 Standard Building, Cleveland 13, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission in Ex Parte No. MC–45, from Akron, Ohio, to points in Beaver County, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Ohio and Pennsylvania.

No. MC 85412 Sub 2, filed May 2, 1955, LAVERNE H. EIKAMP, Cochrane, Wis. Applicant's representative: A. R. Fowler, Agent, Associated Motor Carriers Tariff Bureau, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, to Alma, Fountain City and Cochrane, Wis. Applicant is authorized to conduct operations in Wisconsin and Minnesota.

No. MC 92983 Sub 125, filed April 25, 1955, and amended May 6, 1955. ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Kimball, Oliver, Owasoc, and Dix, Nebr., to points in Colorado, Iowa, Kansas, South Dakota, and Wyoming. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Nebraska, and Missouri.

No. MC 93144 Sub 6, filed May 6, 1955, W. I. WORSHAM, H. B. WORSHAM, AND D. A. WORSHAM, doing business as R. B. WORSHAM, 2100 E. Ninth Street Road, P. O. Box 307, Richmond, Va. Applicants' attorney: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New furniture*, in cartons, set up, from Richmond, Va., to points in Mississippi, and *damaged shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia and West Virginia.

No. MC 93713 Sub 8, filed May 5, 1955, JOSEPH LIEBERMAN, doing business as M. LIEBERMAN & SONS, 1693 St. Johns Place, Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between New York, N. Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, and Indiana. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, District of Columbia, Illinois, Michigan, Ohio, West Virginia, North Carolina, South Carolina, Georgia, and Florida.

No. MC 96498 Sub 10, filed April 18, 1955, FRED BONIFIELD, ALFRED BONIFIELD, AND REUBEN BONIFIELD, doing business as BONIFIELD BROTHERS TRUCK LINES, 2nd and Yasoda Streets, Metropolis, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Golconda, Ill., and Cave-In-Rock, Ill., from Golconda, over Illinois Highway 146 to junction Illinois Highway 1, thence over Illinois Highway 1 to Cave-In-Rock, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, and Missouri.

No. MC96498 Sub 11, filed April 18, 1955, FRED BONIFIELD, ALFRED BONIFIELD, AND REUBEN BONIFIELD, doing business as BONIFIELD BROTHERS TRUCK LINES, 2nd & Yasoda Sts., Metropolis, Ill. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Evansville, Ind., and Chicago, Ill., over U. S. Highway 41, serving no intermediate points, as an alternate or connecting route for operating convenience only in connection with applicant's regular route operations (1) between Chicago, Ill., and Paducah, Ky., and (2) between Benton, Ill., and Evansville, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, and Missouri.

No. MC 102567 Sub 47, filed May 2, 1955. EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La. Applicant's attorney: Jo E. Shaw, First National Bank Bldg., Houston, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bossier City, La., to Memphis, Tenn. Applicant is authorized to conduct operations in Louisiana, Mississippi, Arkansas, Texas, and Tennessee.

No. MC 103378 Sub 38, filed May 5, 1955, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank trucks, from Copperhill, Tenn., to points in Georgia.

No. MC 109126 Sub 4, filed May 5, 1955, LaSALLE TRUCKING COMPANY, a corporation, 2317 Newton Avenue, San Diego 13, Calif. Applicant's attorney: Phil Jacobson, Suite 723, 510 West Sixth Street, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank trucks and trailers, from points in San Bernardino and Imperial Counties, Calif., to ports of entry on the International Boundary line between the United States and Mexico, at or near Calexico, Tecate, and Andrade, Calif., and San Luis, Ariz. Applicant is authorized to conduct operations in Arizona and California.

No. MC 109451 Sub 48, filed May 2, 1955, ECOFF TRUCKING. INC., 112 Merrill St., Fortville, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Bldg., Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (1) between Anderson, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Ohio, and points in the lower peninsula of Michigan, and (2) between points in Clarksville Township, Clark County, and Jeffersonville, Clark County, Ind., on the one hand, and, on the other, points in Illinois, Ohio, Kentucky, and West Virginia. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, and Wisconsin.

No. MG 109734 Sub 73, filed May 2, 1955, amended May 5, 1955, published in the May 11, 1955 issue, page 3202, SYSTEM TANK LINES, INC., 299 Adeline Street, Oakland, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, as defined by the Commission in Ex Parte No. MC–45, in bulk, in tank vehicles, (1) between points in Kootenai, Shoshone, Bonner and Boundary Counties, Idaho, on the one hand, and, on the other, points in Montana on and west of U. S. Highway 91, and (2) between points in that portion of Washington on and east of U. S. Highway 97, on the one hand, and, on the other, points in Oregon on and east of U. S. Highway 97 and points in that portion of Idaho on and north of the southern boundary of Idaho County, Idaho. Applicant is authorized to conduct operations in California, Idaho, Montana, Oregon and Washington.

No. MC 109994 Sub 11, filed May 2, 1955, OREN M. SIZER, doing business as SIZER GRAIN SERVICE, 407—4th Ave., S. E., P. O. Box 92, Rochester, Minn. Applicant's representative: A. R. Fowler, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Hides, pelts*, and *skins*, green and green salted, including *switches* and *tails*, green salted, from Albert Lea, Alexandria, Blue Earth, Detroit Lakes, Duluth, Hutchinson, Mankato, Marshall, Thief River Falls, and Wadena, Minn., Bismarck, Grand Forks, Jamestown, and Minot, N. Dak., Lemmon, Mitchell, Sioux Falls, and Watertown, S. Dak., to Owatonna, Minn., Milwaukee, Wis., and Chicago, Ill., and (2) from Owatonna, Minn., to Milwaukee, Wis., and Chicago, Ill.

No. MC 110037 Sub 2, filed May 6, 1955, WILLIAM H. BOULTON, INC., 57 Mayflower Ave., Smithtown, L. I., N. Y. Applicant's attorney: Edward M. Alfano, 36 W. 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, between Suffolk and Nassau Counties, N. Y., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, and Florida. Applicant is authorized to conduct operations in New York, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, District of Columbia, Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island.

No. MC 110193 Sub 21, filed April 11, 1955, SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods, frozen juices and concentrates*, and *canned and preserved foodstuffs*, between Springdale, Ark., on the one hand, and, on the other, Erie and North East, Pa., and points in that part of New York, on and west of New York Highway 34 from the New York-Pennsylvania State line to junction New York Highway 38, and on and west of New York Highway 38 from said junction to Lake Ontario, at or near Sterling, N. Y. Applicant is authorized to conduct operations in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia.

No. MC 110270 Sub 4, filed May 4, 1955, BEVERAGE TRANSPORT, INC., East Bloomfield, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Exchange Street, Rochester 14, N. Y. For authority to operate as a *contract* carrier, over irregular routes, transporting: *Malt beverages*, in containers, from Newark, N. J., and Pittsburgh, Pa., to points in that part of New York bounded by a line beginning at the New York-Pennsylvania State line and extending north along U. S. Highway 11 to Binghamton,

thence north along New York Highway 12 to Clayton, thence west along the shores of the St. Lawrence River and Lake Ontario to the United States-Canada International Boundary line, thence south along said International Boundary line and the shore of Lake Erie, to the New York-Pennsylvania State line, and thence east along said state line to point of beginning, including points on the indicated portions of the highways specified, (except from Newark, N. J., to Rochester, Waterloo, and Buffalo, N. Y.), and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement. Applicant is authorized to conduct operations in New Jersey, New York, and Wisconsin.

No. MC 111401 Sub 58, filed May 9, 1955, GROENDYKE TRANSPORT, INC., 2204 North Grand, P. O. Box 632, Enid, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Oklahoma and points in New Mexico south of U. S. Highway 66, and points in Texas south of U. S. Highway 66 and west of U. S. Highway 83. Applicant is authorized to conduct operations in Colorado, Kansas, New Mexico, Oklahoma and Texas.

No. MC 111717 Sub 11, Filed May 9, 1955, TRACTOR TRANSPORT, INC., 684 So. 76th Street, Milwaukee, Wis. Applicant's attorney: Frank Coyne, Union Trust Building, 1 West Main Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Roadbuilding* and *construction machinery* and *tractors*, from Springfield, Ill. to points in Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas and the District of Columbia. Applicant is authorized to conduct operations in Illinois, Wisconsin, Michigan, Iowa, Minnesota, Indiana, North Dakota, South Dakota, Nebraska and Missouri.

No. MC 114056 Sub 3, filed May 5, 1955, FRANK S. DALZELL, JR., R. R. #3, Paris, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, (1) from Richmond, Ind., to Paris, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return, and (2) between Winchester, Ky., and Berea, Ky., and Lexington, Ky. Applicant is authorized to conduct operations in Kentucky and Ohio.

No. MC 114452 Sub 1, filed May 5, 1955, GEORGE KENNELL, 1798 Glenmore Ave., East Meadow, Long Island, N. Y. Applicant's attorney: Martin Werner, 295 Madison Ave., New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Homing pigeons*, in crates, and, in connection therewith, *equipment and supplies* used in the care of such pigeons, from points in Kings, Queens, Nassau, and Suffolk Counties, N. Y., to points in Ohio; *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Delaware, Maryland, the District of Columbia, Virginia, North Carolina, and South Carolina.

No. MC 114642, filed March 23, 1954 (reopened—further hearing), WM. F. PEDERSEN, doing business as PEDERSEN WELDING & HAULING CO., 444 Atlantic Avenue, Camden 4, N. J. Applicant's attorney: Joseph Varbalow, 603 Wilson Building, 130 North Broadway, Camden, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used house trailers*, by tow-away method, between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 114831 Sub 1, filed May 2, 1955, FRANK E. WRIGHTSMAN, 3904 – 69th St., Des Moines, Iowa. Applicant's attorney: William A. Landau, 1307 E. Walnut, Des Moines 16, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building brick*, from Des Moines, Iowa to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; *building brick, drain tile*, and *clay products*, from Redfield, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: Applicant has application pending in MC 114831 whereby authority is sought as a contract carrier, over irregular routes, transporting building brick from Des Moines, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; and building brick and drain tile, from Oskaloosa and Redfield, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin, with the restriction that applicant proposes to make only job site deliveries and no service is to be performed to destination points which are incorporated towns or cities.

No. MC 115080 Sub 1, filed March 3, 1955, WILLIAM PERKINS, doing business as MOBILE HOMES SERVICE COMPANY, 630 Third Avenue West, Birmingham, Ala. Applicant's attorney: C. Eugene Fowler, 912 South 21st Street, Birmingham 5, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial trailers; house trailers; cabin trailers, bungalow trailers; office trailers; trailers containing special equipment*, such as field laboratories, mobile X-ray or other scientific machinery or equipment; *special purpose trailers; sales display trailers;* and *any or all other or different type of mobile trailers* not used normally to transport passengers or freight, in both initial and secondary movements, in driveaway service, between Birmingham, Ala., and points within fifteen (15) miles thereof, on the one hand, and on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, points in that part of Minnesota bounded by a line beginning at Moorhead, Minn., and extending along U. S. Highway 10 to Motley, Minn., thence along U. S. Highway 210 to and including Duluth, Minn., thence along the Minnesota-Wisconsin State line to the Minnesota-Iowa State line, thence along the Minnesota-Iowa State line to the Minnesota-South Dakota State line, thence along the Minnesota-South Dakota State line to point of beginning, including points on the indicated portions of the highways indicated, and those in New Mexico on and east of U. S. Highway 85.

No. MC 115304 Sub 1, filed May 5, 1955, H. E. REYNOLDS, doing business as REYNOLDS TRANSPORTATION, P. O. Box 74, Branson, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade Building, Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cement*, in bulk, in hopper-bottom trucks and semi-trailers, from Fort Scott, Kans., and the site of the Fort Scott Hydraulic Cement Company plant near Fort Scott, Kans., to the Table Rock Dam site at or near Branson, and Gretna Siding, Mo.

No. MC 115349 Sub 1, filed May 6, 1955, LOUIS CORDI, doing business as SOUTHERN TIER GARMENT CARRIERS, 519 Fairmount Avenue, Endwell, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel* and *materials and supplies used in the manufacture of wearing apparel*, between New York, N. Y., and points in Hudson County, N. J., on the one hand, and, on the other, points in Broome, Chemung, Chenango, Cortland, Schuyler, Steuben, Tioga and Tompkins Counties, N. Y.

No. MC 115350, filed May 6, 1955, EXCEL TRUCKING CORPORATION, 391-20th Street, Brooklyn, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel pipes*, restricted to shipments having a prior movement by rail, from points in Queens County, N. Y., to points in Nassau and Suffolk Counties, New York.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1511 Sub 105, filed May 3, 1955, PACIFIC GREYHOUND LINES, a corporation, 371 Market St., San Francisco 5, Calif. Applicant's attorney: Earl A. Bagby, Greyhound Building, Market and Fremont, Sts., San Francisco 5, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in special seasonal operations extending from the 15th day of June to the 15th day of September, both inclusive, of each year, between Crescent-Diamond Lake Junction, Oreg., and Fort Klamath Junction, Oreg., over Oregon Highway 230 from junction U. S. Highway 97 at Crescent-Diamond Lake Junction to junction Oregon Highway 209, thence over Oregon Highway 209 to junction Oregon Highway 62, thence over Oregon Highway 62 to junction U. S. Highway 97 at Fort Klamath Junction, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Arizona, California, Nevada, New Mexico, Oregon, Texas, and Utah.

No. MC 3705 Sub 15, filed May 4, 1955. WESTWOOD TRANSPORTATION LINES, INC., 149 Liberty St., Little Ferry, N. J. Applicant's attorney: Robert E. Goldstein, 511 Sheraton Bldg., Washington, D. C. For authority to operate as a *common carrier* over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, in Ridgefield Park, N. J. as follows: (1) From the junction of U. S. Highway 46 and U. S. Highway 46 Ramp, thence over U. S. Highway 46 Ramp to junction Emerson Street, and (2) from the junction of Main Street and U. S. Highway 46 Underpass, thence over U. S. Highway 46 Underpass to junction Main Street, thence along Main Street to junction U. S. Highway 46, and return over the same routes serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 109736 Sub 6, filed May 3, 1955. CAPITOL BUS COMPANY, a corporation, 4th and Chestnut St., Harrisburg, Pa. Applicant's attorney: Harry H. Frank, Commerce Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, beginning at the intersection of 32nd Street (State Highway Legislative Route 21070) and U. S. Highway Route 15 on the boundary line between the Townships of East Pennsboro and Lower Allen, Cumberland County, Pa., thence on 32nd Street to its intersection with U. S. Highway 11 in the Borough of Camp Hill, Pa., thence over U. S. Highway 11, to the M. Harvey Taylor By-Pass and the M. Harvey Taylor Bridge to Harrisburg, Pa., and return over the same route, serving all intermediate points. The proposed route is to be used alternately in connection with carrier's authorized operations between Harrisburg, Pa., and Hanover, Pa. Applicant is authorized to conduct operations in Maryland and Pennsylvania.

No. MC 113012 Sub 5, filed May 6, 1955, RUSSELL SANDT, 45 W. 89th St., New York, N. Y. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *contract carrier*, over regular routes, transporting: *Passengers and their baggage*, in door-to-door service, under individual contracts or agreements with persons who operate summer camps for children, restricted to the season between June 1 and August 31, between New York, N. Y., and The Knights Summer Day Camp, Upper Saddle River, N. J., from New York City over the George Washington Bridge to New Jersey Highway 4, thence over New Jersey Highway 4 to intersection with New Jersey Highway 17, thence over New Jersey Highway 17 to traffic circle at intersection of New Jersey Highway 17 and East Saddle River Road, thence over East Saddle River Road to intersection with E. Allendale Avenue, thence over E. Allendale Avenue to intersection of East Saddle River Road, thence over East Saddle River Road to the Knights Summer Day Camp, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in New York and New Jersey.

No. MC 115337, filed April 28, 1955, amended May 6, 1955, published in the May 11, 1955 issue, page 3206, JOHN J. ANTONIO, Nelson, Pa. Applicant's attorney: James W. Hagar, Commerce Building (P. O. Box 432) Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, restricted to traffic originated in the territory indicated, in charter operations, from Knoxville, Elkland, Lawrenceville, Westfield, and points in the Townships of Lawrence, Elkland, Osceola, Nelson, Deerfield, Brookfield, Westfield, and Farmington, Tioga County, Pa., to points in New York, New Jersey, Maryland, District of Columbia, West Virginia and Ohio, and return. *Passengers and their baggage*, in the same vehicle with passengers, in special operations, on round-trip, sightseeing, or pleasure tours, beginning and ending at Knoxville, Elkland, Lawrenceville, Westfield, and points in the Townships of Lawrence, Elkland, Osceola, Nelson, Deerfield, Brookfield, Westfield, and Farmington, Tioga County, Pa., and points in New York, New Jersey, Maryland, District of Columbia, West Virginia and Ohio.

CORRECTIONS

No. MC 94265 Sub 38, filed February 28, 1955, published on page 3006 of issue of May 4, 1955, BONNEY MOTOR EXPRESS, INC., herewith clarified to show that the destination points specified under item (2) should also be shown as the destination points under item (1) of this application.

No. MC 115113, published on page 3010, issue of May 4, 1955, change name to read Iowa Packers Xpress, Inc., instead of Iowa Packers Express, Inc.

No. MC 39575 Sub 3, Cleatis G. Allen, doing business as Allen Motor Express, published on page 3002, issue of May 4, 1955, change third column, line 31, to read Martin County, instead of Marion County.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F–5974. Authority sought for purchase by MISSOURI PACIFIC FREIGHT TRANSPORT COMPANY, 1218 Olive St., St. Louis, Mo., of a portion of the operating rights of RALPH FAIRCHILD REDMON, doing business as KUHNS MOTOR FREIGHT, 719 W. 11th St., Hutchinson, Kans., and for acquisition by MISSOURI PACIFIC RAILROAD COMPANY (GUY A. THOMPSON, TRUSTEE), St. Louis, Mo., of control of said operating rights through the purchase. Applicants' attorney: Toll R. Ware, 210 N. 13th Street, St. Louis, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over a regular route, between Hutchinson, Kans., and Lyons, Kans., and the off-route points of Chase, Bushton, Claflin, Holyrood, Lorraine, Frederick, and Pollard, Kans. Vendee is authorized to operate in Texas, Louisiana, Arkansas, Mississippi, Tennessee, Missouri, Illinois, Kansas, and Nebraska. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5975. Authority sought for purchase by McCORMICK DRAY LINE, INC., Avis, Pa., of the operating rights and property of JOHN LOVELL, doing business as FUNSTON & SON, Muncy, Pa., and for acquisition by G. H. McCORMICK, Lock Haven, Pa., of control of the operating rights and property through the purchase. Applicants' attorney: Robert H. Shertz, 226 South 15th St., Philadelphia, Pa. Operating rights sought to be transferred: *Used household goods*, as a *common carrier*, over irregular routes, from Muncy, Pa., and points within 25 miles of Muncy, to points in New York, New Jersey, Ohio, Maryland, Delaware, and the District of Columbia; and from points in the above-specified destination territory, to Muncy, Pa., and points within 50 miles of Muncy; *wire rope, fillers and pigments, honey, bee's wax, pig iron, fertilizer, new furniture, materials and supplies, seed corn*, in bags, *empty seed corn bags, oil and grease*, in containers, *empty oil and grease containers, machinery* and *machinery parts, sheet steel, scrap metal, boilers, heaters*, and *castings*, from, to and between certain points in Ohio, Pennsylvania, Maryland, New York, New Jersey, Connecticut, Delaware, Massachusetts, Rhode Island, Virginia, West Virginia, and the District of Columbia. Vendee is authorized to operate in Pennsylvania, Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, West Virginia, Ohio, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5977. Authority sought for purchase by WILLIAM HENRY EDWARDS, AVERY J. HAWKINS, and LESTER R. MILLER, a partnership, doing business as NORTHERN NECK TRANSFER, Montross, Va., of the operating rights of VIRGINIA HAULING COMPANY, Mountain Road, Richmond, Va. Person to whom correspondence is to be addressed: William H. Edwards, Northern Transfer, Montross, Va. Operating rights sought to be transferred: *Lime, heavy machinery and equipment, building materials*, and *farm products*, as a *common carrier*, over irregular routes, between points in the Counties of Northumberland, Lancaster, Westmoreland, Richmond, and a portion of King George County, on the one hand, and, on the other, certain points in Maryland, West Virginia, North Caro-

lina, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia. Vendee is authorized to operate in Virginia, New Jersey, South Carolina, Georgia, Delaware, Maryland, Pennsylvania, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5978. Authority sought for purchase by L. C. JONES TRUCKING COMPANY, INC., 4300 S. E. 29th St., Oklahoma City, Okla., of a portion of the operating rights of J. C. STROUD and W. V. STROUD, a partnership, doing business as STROUD BROTHERS, Joinerville, Tex., and for acquisition by L. C. JONES, Oklahoma City, Okla., of control of the operating rights through the purchase. Applicants' attorney: W. T. Brunson, 502 Leonhardt Bldg., Oklahoma City, Okla. Operating rights sought to be transferred: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and *machinery, materials, equipment* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, as a *common carrier*, over irregular routes, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas. Vendee is authorized to operate in Colorado, Louisiana, Oklahoma, Wyoming, Illinois, Tennessee, Montana, Nebraska, South Dakota, West Virginia, Kansas, New Mexico, Texas, Arkansas, Missouri, Mississippi, Utah, North Dakota, and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5980. Authority sought for control by QUEEN CITY COACH COMPANY, 417 West Fifth St., Charlotte, N. C., of the operating rights and property of SMOKY MOUNTAIN STAGES, INC., 29 Spruce St., Asheville, N. C., and for acquisition by JOEL W. WRIGHT, W. E. SMITH, LILLIAN H. HARDISON, JAMES A. HARDISON, GUY D. CARPENTER, RUTH B. CARPENTER, BETTY BROWN MARTIN, JAMES F. MARTIN, C. H. BOST, E. E. BOST, and MATTIE D. MARTIN, Charlotte, N. C., of control of the operating rights and property through the transaction. Applicants' attorney: Shearon Harris, 417 West Fifth St., Charlotte, N. C. Operating rights sought to be controlled: Passengers, as a *common carrier*, over regular routes, including routes between Asheville, N. C., and Atlanta, Ga., between Chattanooga, Tenn., and Ranger, N. C., between Lovonia, Ga., and Anderson, S. C., between Topton, N. C., and Maryville, Tenn., between Franklin, N. C., and Madisonville, Tenn., between Fairplay, S. C., and Hiawassee, Ga., between Newport, Tenn., and Dellwood, N. C., and between Royston, Ga., and Carnesville, Ga., serving certain intermediate and off-route points. Queen City Coach Company is authorized to operate in Tennessee, North Carolina, South Carolina, Virginia, and Georgia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-4029; Filed, May 17, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-127]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING RECITALS

MAY 12, 1955.

The Commission having heretofore approved a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Electric Bond and Share Company ("Bond and Share"), a registered holding company, requiring, among other things, the disposition of a portion of its holdings of the common stock of United Gas Corporation ("United Gas"); and

Bond and Share having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations under the act of its intention to sell through a rights offering to its stockholders, without an underwriting, 525,036 shares of the common stock of United Gas.

The Commission having notified Bond and Share that no declaration need be filed with respect to this matter; and

Bond and Share having requested that the Commission enter an order containing recitals required by the Internal Revenue Code, and the Commission deeming it appropriate that such request be granted;

It is ordered and recited, That the distribution by Electric Bond and Share Company to its stockholders of rights to purchase 525,036 shares of common stock of United Gas Corporation and the sale and transfer of said shares of common stock of United Gas Corporation pursuant to the exercise of such rights are necessary or appropriate to the integration or simplification of the holding company system of which Electric Bond and Share Company is a member, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of sections 1081 to 1083, inclusive, and section 4382 (b) (2) of the Internal Revenue Code of 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4017; Filed, May 17, 1955; 8:46 a. m.]

[File No. 70-3184]

WEST PENN ELECTRIC CO. AND POTOMAC EDISON CO.

ORDER GRANTING EXTENSION OF TIME FOR CARRYING OUT PROPOSED TRANSACTION

MAY 12, 1955.

The Commission, by Order dated March 4, 1954 (Holding Company Act Release No. 12389), having approved the transfer by the West Penn Electric Company ("West Penn"), a registered holding company, of the common stock of White Star Lines, Inc., a non-utility subsidiary of West Penn, to the Potomac Edison Company ("Potomac") a public-utility subsidiary of West Penn;

The Commission having extended to May 16, 1955, the period during which the aforesaid transaction may be consummated;

West Penn and Potomac having filed a joint request for a further extension to November 14, 1955, of the period during which such proposed transaction may be consummated;

West Penn and Potomac, in support of their request, represent that the effective date of the order of the Interstate Commerce Commission ("ICC") authorizing the proposed transaction has been extended to November 14, 1955; that a requisite order of the ICC authorizing The Greyhound Corporation to acquire the West Penn system bus properties (which is the ultimate transaction in the plan for disposition of such properties) will not become effective until June 3, 1955; and that the acquisition must be approved by various State commissions; and

The Commission having considered said request and the reasons submitted in support thereof, and deeming it appropriate to grant such request:

It is hereby ordered, That the period during which the West Penn Electric Company may transfer the common stock of White Star Lines, Inc. to the Potomac Edison Company be, and the same hereby is, extended to November 14, 1955.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4014; Filed, May 17, 1955; 8:46 a. m.]

[File No. 70-3369]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING OPEN-ACCOUNT ADVANCES BY PARENT COMPANY TO FOUR OF ITS SUBSIDIARIES

MAY 12, 1955.

In the matter of the Columbia Gas System, Inc., Central Kentucky Natural Gas Company, the Ohio Fuel Gas Company, the Manufacturers Light and Heat Company, Home Gas Company, et al.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and certain of its wholly-owned subsidiaries, including Central Kentucky Natural Gas Company ("Central Kentucky"), the Ohio Fuel Gas Company ("Ohio"), the Manufacturers Light and Heat Company ("Manufacturers"), and Home Gas Company ("Home"), have filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b), 9, 10, 12 (b), and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-45 thereunder, including therein, inter alia, the following proposed transactions:

Columbia proposes to advance from time to time on open account to its four subsidiaries mentioned herein funds aggregating not in excess of $25,000,000 for the purchase during 1955 of inventory gas for storage in their underground storage facilities, as follows:

Central Kentucky	$500,000
Ohio	16,000,000
Manufacturers	7,000,000
Home	1,500,000
Total	25,000,000

Said open-account advances will bear interest at the rate of 3 percent per annum and will be repayable in three equal installments on February 25, March 25, and April 25, 1956, from revenues to be derived from the sale of stored gas during the coming winter season.

It is stated that no approval of these advances is required from any regulatory commission other than this Commission, and the order to be entered herein is requested to become effective forthwith. Other transactions proposed in said application-declaration, involving certain other open-account advances and the issuance and sale of securities, require approvals from State commissions which have not yet been secured.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that, with respect to the aforesaid advances to the subsidiaries mentioned herein, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith to the extent of such proposed advances:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended with respect to such proposed advances be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions of Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the remaining transactions proposed in said joint application-declaration as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4015; Filed, May 17, 1955; 8:46 a. m.]

[File No. 70-3370]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING SHORT-TERM FINANCING BY BANK LOANS

MAY 12, 1955.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed with this Commission a declaration and an amendment thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transaction:

Columbia proposes to borrow $50,000,000 in aggregate amount from nineteen commercial banks, half of such amount to be borrowed on or before June 30, 1955 and the balance on or before August 31, 1955. The loans will be evidenced by notes dated when issued and maturing April 30, 1956. Said notes will bear interest at the rate of 3 percent per annum and may be prepaid in whole or in part, without penalty, prior to the date of maturity on ten days' notice.

Columbia states that from the proceeds of said borrowings $15,000,000 will be advanced to its subsidiaries for construction and $35,000,000 for the purchase of storage gas for current inventory. These advances are the subject of a separate application-declaration, File No. 70-3369. It is estimated that during the current year the system will require additional funds up to an aggregate amount of $50,000,000, of which up to $25,000,000 will be for construction and $25,000,000 for the payment of presently outstanding bank loans, maturing August 31, 1955. Columbia has not developed definitive plans to provide the balance of the required funds. If the cash requirements remain substantially of the magnitude now estimated, Columbia expects to sell debentures in an amount which will depend upon market and other conditions. However, if the construction program and resulting cash requirements should be materially reduced, Columbia, instead of selling debentures this year, may postpone its long-term financing until 1956 and negotiate with the banks for new loans to complete this year's construction program and to repay the loans maturing August 31, 1955.

It is contemplated that $35,000,000 of the presently proposed bank loans, which is the amount proposed to be advanced during the year to the subsidiaries for the purchase of inventory gas, will be repaid on or before maturity with funds obtained from operations.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4016; Filed, May 17, 1955; 8:46 a. m.]

[File No. 70-3380]

NORTHERN PENNSYLVANIA POWER CO. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING REGARDING CASH CAPITAL CONTRIBUTIONS FROM PARENT REGISTERED HOLDING COMPANY TO SUBSIDIARY PUBLIC UTILITY COMPANY AND ISSUANCE AND SALE BY SUBSIDIARY COMPANY OF UNSECURED PROMISSORY NOTE OR NOTES TO COMMERCIAL BANKS

MAY 12, 1955.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary Northern Pennsylvania Power Company ("North Penn"), a public utility company, have made a joint filing with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (a), 7, and 12 (b) of the act and Rule U-45 thereunder as being applicable to the proposed transactions, which are summarized as follows:

GPU proposes to make cash capital contributions in an aggregate amount not to exceed $850,000 to North Penn, these capital contributions to be made by GPU from time to time but not later than December 31, 1955 as North Penn requires funds for construction purposes or to reimburse its treasury for expenditures made therefrom for construction purposes or to repay bank loans utilized for such purposes. Each contribution, upon receipt by North Penn, will be credited by North Penn to stated capital applicable to its common stock.

North Penn proposes to issue and sell to one or more commercial banks its unsecured promissory note or notes in the aggregate principal amount outstanding at any one time of not to exceed $2,000,000. This note or these notes may be issued from time to time but no note will be issued after December 31, 1955. Each note will mature by its terms not more than nine months after the date of issuance and will bear interest at the prime rate for commercial borrowings prevailing at the time each note is issued. The proceeds from this financing are to be used by North Penn to repay its unsecured short-term promissory note outstanding in the amount of $2,000,000 maturing September 29, 1955 and/or to pay for construction costs and/or to reimburse North Penn's treasury in part for expenditures therefrom for construction purposes and/or to repay other notes issued pursuant to this declaration.

There is pending before this Commission a proceeding concerned with a proposed merger of North Penn into Pennsylvania Electric Company, an associate company of North Penn (File No. 70-3050). GPU has stipulated and agreed that favorable disposition by this Commission of the proposed capital contribution by it to North Penn and the proposed note financing by North Penn will carry no implication favorable or unfavorable with respect to the disposition of the merger proceedings. The instant filing states that North Penn has been deferring the issuance of long-term debt to provide for its construction program pending disposition of the merger proceeding.

The filing contains estimates that GPU's expenses including legal fees will not exceed $750, and that North Penn's expenses including legal fees will not exceed $300.

It is represented in the filing that no State commission or Federal commission other than the Securities and Exchange Commission has jurisdiction in respect of the proposed transactions.

Notice is further given that any interested person may, not later than May 26, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this joint declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said joint declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as may be appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4019; Filed, May 17, 1955; 8:47 a. m.]

[File No. 70-3381]

ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING OF APPLICATION REGARDING ACQUISITION OF SECURITIES THROUGH TRADING TRANSACTIONS IN CONNECTION WITH SALE OF PORTFOLIO SECURITIES

MAY 12, 1955.

The Commission by orders of February 20, and July 15, 1953, issued pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") approved a plan, as modified, filed by Electric Bond and Share Company ("Bond and Share"), a registered holding company. The plan, among other things, requires Bond and Share, by July 16, 1955 (two years after the effective date of the plan) to dispose of sufficient of its holdings of common stock of United Gas Corporation ("United Gas") to reduce its holdings of such stock to less than 5 percent. Bond and Share now holds 1,275,040 shares (9.89 percent of United Gas common stock. As a step in the consummation of said plan, Bond and Share has filed, pursuant to Rule U-44 (c) promulgated under the act, a notice of intention to sell, through a rights offering to its common stockholders, and without an underwriting, 525,036 shares of the common stock of United Gas.

Notice is hereby given that Bond and Share has filed an application for approval of its acquisition for stabilization purposes of not to exceed 52,500 additional shares of United Gas common stock in connection with said proposed sale of 525,036 shares of common stock of United Gas. Bond and Share has designated sections 9 (a) (1) and 10 and Rule U-44 (b) (1) as applicable to the proposed stabilization transactions described below.

Bond and Share proposes, through stabilization transactions, to purchase on the New York Stock Exchange, at a price (exclusive of commissions) not in excess of the last preceding sale price thereof, not to exceed 52,500 shares of United Gas common stock, and to purchase and sell on the American Stock Exchange rights to purchase such stock. Such purchases and sales may commence on the day on which "when issued" trading in the rights to purchase such stock commences on the American Stock Exchange. No purchases or sales are to be made subsequent to the expiration of the period within which such rights may be exercised. Any shares of United Gas acquired by Bond and Share through such stabilization transactions will subsequently be disposed of as part of the shares required to be disposed of by the plan.

The only fees and expenses to be incurred and paid in connection with the proposed stabilization transactions are stated to be regular brokerage commissions and the fees and expenses of counsel for services in connection with such transactions, including the preparation and prosecution of the instant application.

Bond and Share requests that an order, to become effective upon its issuance, be entered not later than June 6, 1955, granting the application.

Notice is hereby further given that any interested person may not later than May 26, 1955, request the Commission in writing that a hearing be held in respect of the proposed stabilization transactions, stating the nature of his interest, the reasons for such hearing, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4018; Filed, May 17, 1955; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WALTER STEINKELLNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Walter Steinkellner, Vienna XV, Austria, Claim No. 42679; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 1,796,412.

Executed at Washington, D. C., on May 12, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-4032; Filed, May 17, 1955; 8:49 a. m.]

DOMENICO AICARDI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Domenico Aicardi, San Remo, Italy, Claim No. 40279, all interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Domenico Aicardi by virtue of an agreement dated June 10, 1934 (including all modifications thereof and supplements thereto, if any) by and between Domenico Aicardi and Jackson & Perkins Company, which agreement relates, among other things, to Plant Patent No. 349 to the extent owned by Domenico Aicardi immediately prior to vesting by Vesting Order No. 4251 (9 F. R. 14533, December 13, 1944), specifically reserving, however, to the Attorney General of the United States the sum of $3,698.36 in royalties paid to the Office of Alien Property by Jackson & Perkins Company, since said royalties have been determined to fall within Paragraph 3 (a) of the Memorandum of Understanding between the Government of the United States and the Government of Italy dated August 14, 1947, and will be retained by the United States Government pursuant thereto; and

$14,961.72 in the Treasury of the United States.

Executed at Washington, D. C., on May 12, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-4033; Filed, May 17, 1955; 8:50 a. m.]

Room

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 20 NUMBER 98

Washington, Thursday, May 19, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3095

FURTHER MODIFICATION OF RESTRICTIONS ON IMPORTS OF PEANUTS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U. S. C. 624), I issued Proclamation No. 3019 on June 8, 1953 (67 Stat. C 46), limiting to 1,709,000 pounds (aggregate quantity) the imports of peanuts, whether shelled, not shelled, blanched, salted, prepared, or preserved (including roasted peanuts, but not including peanut butter) which may be entered, or withdrawn from warehouse, for consumption in any 12-month period beginning July 1 in any year, which proclamation was amended by Proclamation No. 3025 of June 30, 1953 (67 Stat. C 54); and

WHEREAS on February 18, 1955, the United States Tariff Commission submitted to me a report of its findings and recommendation made in connection with a supplemental investigation conducted by the Commission with respect to peanuts, on the basis of which supplemental investigation and report I issued Proclamation No. 3084 on March 9, 1955 (20 F. R. 1549), modifying the said Proclamation No. 3019, as amended, so as to permit the entry, or withdrawal from warehouse, for consumption, during the remainder of the 12-month period ending June 30, 1955, of an additional quantity of not more than 51,000,000 pounds (aggregate quantity) of certain peanuts, subject to a fee of 2 cents per pound but not more than 50 per centum *ad valorem*, which fee was in addition to any other duties imposed upon the importation of such peanuts; and

WHEREAS, pursuant to section 22 (d) of the Agricultural Adjustment Act, as amended, the United States Tariff Commission has made a second supplemental investigation to determine whether the deficit in the domestic supply of peanuts is such as to require an increase in the quantity of peanuts, whether shelled, not shelled, blanched, salted, prepared, or preserved, which may be permitted to be entered, or withdrawn from warehouse, for consumption during the quota year ending June 30, 1955, and during the quota year beginning July 1, 1955, to meet essential requirements of domestic peanut users, and, if so, what additional quantity or quantities of such peanuts may be permitted to be so entered or withdrawn without materially interfering with or rendering ineffective the peanut program of the Department of Agriculture; and

WHEREAS the United States Tariff Commission has submitted to me a report of its findings and recommendations in connection with the said second supplemental investigation; and

WHEREAS, on the basis of the said second supplemental investigation and report of the Tariff Commission, I find that the deficit in the domestic supply of peanuts is such as to require the admission of an additional quantity of peanuts, as hereinafter proclaimed, to meet the essential requirements of domestic peanut users until supplies become available from the 1955 domestic crop; and

WHEREAS I find and declare that the admission of such additional quantity of peanuts under the conditions and subject to the fee hereinafter proclaimed is necessary in order that the entry of such peanuts will not render or tend to render ineffective, or materially interfere with, the said program of the Department of Agriculture with respect to peanuts, or reduce substantially the amount of any product processed in the United States from peanuts with respect to which such program is being undertaken:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the said Proclamation No. 3019, as amended and modified, is hereby further amended and modified so as—

(1) to extend the current quota year for peanuts through July 31, 1955;

(2) to permit an unlimited additional quantity of peanuts, shelled, blanched, salted, prepared, or preserved (including roasted peanuts, but not including peanuts not shelled or peanut butter), to be entered, or withdrawn from warehouse,

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Title 14: Parts 1–399 ($2.25)

Titles 22–23 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of May in the year of our Lord nineteen hundred and fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55–4158; Filed, May 18, 1955; 11:32 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

PART 361—ROUTINE

MODIFICATION OF INCONSISTENT PROVISIONS

CROSS REFERENCE: For provisions modifying or superseding the provisions of §§ 361.26–361.30 see § 372.129 of this chapter, *infra*.

Subchapter F—Security Servicing and Liquidations

[Administration Letter 389 (465)]

PART 372—FARM OWNERSHIP LOANS

SUBPART G—ASSIGNMENT OF INSURED MORTGAGES

ASSIGNMENT OF INSURED MORTGAGES TO GOVERNMENT AS TRUSTEE FOR NOTEHOLDERS

Subpart G, Part 372, Chapter III, Title 6, Code of Federal Regulations (20 F. R. 1045) is hereby amended by adding a new section, providing for assignment of insured Farm Ownership mortgages to the Government as trustee for the noteholders, to read as follows:

§ 372.129 *Assignment of insured mortgages to Government, as trustee, in trust for benefit of Transferees and any subsequent holders of secured notes*—(a) *General.* Insured Farm Ownership mortgages, including mortgages held by the Government for the Insurance Fund or as Trustee of a State Rural Rehabilitation Corporation, upon land in States designated by the Administrator, will be assigned, at the request of the Farmers Home Administration, on forms approved by it, to the Government as Trustee in trust for the benefit of the transferees and any subsequent holders of the secured notes, by the holders of the mortgages when they transfer the notes to transferees who agree to the transaction. Holders of the notes may thereafter, upon giving notice to the Farmers Home Administration, sell them separately by endorsement and delivery without further assignment of the mortgages.

(b) *Authority of Director, Finance Office.* The authority vested in the Director, Finance Office (referred to in this section as Director), by § 372.123 shall include authority to execute documents and perform other appropriate actions in connection with assignments of mortgages in trust, including the execution of releases, subordinations, satisfactions, and any other account servicing or security servicing instruments.

(c) *Procedure for assigning mortgages to Government in trust.* The holder of a mortgage being assigned to the Government in trust, after executing a trust assignment for each loan, will return it to the Finance Office along with the mortgage and related documents, such as previous assignments, supplemental agreements, and water stocks. The "Borrower-Insurer-Lender Triple Agreement," "Letter of Certification," and "Supplemental Purchase Agreement" will not be sent to the Finance Office but will be transferred to the buyer along with the note. The trust assignment after being recorded will be returned to the holder for attachment to the note.

(d) *Procedure for transferring notes to buyers.* Transfer of the note will be effected by endorsement "to the order of" and delivery to the buyer, together with the trust assignment and the Triple Agreement, Letter of Certification, and Supplemental Purchase Agreement. When the Director receives notice of sale or intention to sell a note, he will forward a copy of Form FHA–756, "Notice and Acknowledgment of Sale," and "Certified Statement of Account" to the holder, who will complete the portion of Form FHA–756 relating to the seller, execute the Form, and transmit it to the buyer, who will complete and execute the appropriate portion of the Form FHA–756 and transmit it to the Finance Office. Upon receipt of the form the Director will execute and date the acknowledgment section and will transmit to both seller and buyer a facsimile of the completed form listing any payments remitted to the seller between the date of the sale (or the statement of account, whichever is earlier) and the date of the acknowledgment of sale.

(e) *Transfer of notes to Government upon payment in full.* When a loan is paid in full, the holder upon request by the Director will transmit the note to the Director, who will in appropriate cases execute a mortgage satisfaction and have it delivered to the mortgagor or other party making payment, or recorded when required of the mortgagee by law.

(f) *Transfer of notes and assignment of mortgages to Government, for account of insurance fund, preparatory to liquidation of loans.* When the Farmers Home Administration determines that action must be taken to liquidate a loan through voluntary conveyance or foreclosure, the holder upon request by the

for consumption on or before July 31, 1955, subject to a fee of 2 cents per pound, but not more than 50 per centum *ad valorem: Provided,* that the said fee shall be in addition to any other duties imposed on the importation of such peanuts; and

(3) to establish hereafter as the quota year for peanuts the 12-month period beginning August 1 in any year.

The said Proclamation No. 3084 of March 9, 1955, is hereby terminated.

Director will endrose the note to the Government and deliver it and the original trust assignment to the Director, who will assign the mortgage to the Government for the account of the Insurance Fund.

(g) *Modification of inconsistent provisions.* As to insured mortgages assigned in accordance with this section, the provisions of this section modify or supersede any provisions of §§ 361.26 to 361.30 of this chapter and §§ 372.1 to 372.11, and 372.121 to 372.128 which are inconsistent with this section.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies secs. 12 (c) (7), 12 (f) (1), 12 (i), 13 (a), 13 (d), 60 Stat. 1076, 1077, 1078, sec. 5, 62 Stat. 535, sec. 2 (f), 64 Stat. 99; 7 U. S. C. 1005b (c) (7), (f) (1), (i), (j), 1005c (a), (d), 40 U. S. C. 440 (f))

Issued this 13th day of May 1955.

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-4065; Filed, May 18, 1955; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1956–57 MARKETING YEAR

STATE ACREAGE ALLOTMENTS FOR 1956 CROP AND 1956–57 COMMERCIAL WHEAT-PRODUCING AREA

§ 728.604 *Basis and purpose.* (a) The regulations contained in §§ 728.604, 728.605, and 728.625 are issued (1) to apportion among the several States the national acreage allotment for the 1956 crop of wheat proclaimed on May 13, 1955 (20 F. R. 3426), in accordance with the provisions of section 334 (a) of the Agricultural Adjustment Act of 1938, as amended, which provides for the apportionment of the 1956 national acreage allotment for wheat (less a reserve of not to exceed one per centum thereof for apportionment to counties in addition to county allotments made under section 334 (b) of the act on the basis of the relative needs of counties for additional allotment because of new areas coming into the production of wheat during the preceding ten years) among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1945 to 1954 (plus, in applicable years, the acreage diverted from wheat under agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period; and (2) to designate the 1956–57 commercial wheat-producing area.

(b) In making the findings and determinations contained in § 728.605 the State wheat acreage estimates of the Agricultural Marketing Service of this Department were used, adjusted where necessary to reflect the acreages of wheat used for wheat mixtures in States approved for this practice, for green manure, cover crop, hay, and silage, in all States, and the acreage planted to Durum Wheat (Class II) under Public Law 290 in the States of Minnesota, Montana, North Dakota, and South Dakota in excess of farm acreage allotments, as indicated by statistics of the Commodity Stabilization Service of this Department. For States for which wheat acreage estimates are not compiled by the Agricultural Marketing Service, statistics of the Commodity Stabilization Service were used. It is hereby found and determined that the statistics of the Agricultural Marketing Service, as so adjusted and supplemented by Commodity Stabilization Service data, constitute the latest available and most reliable statistics of the Federal Government.

(c) Prior to the apportionment of the national acreage allotment for the 1956 crop of wheat among the several States, and designation of the 1956–57 commercial wheat-producing area, public notice of the proposed action was given (20 F. R. 655) in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The views and recommendations received from wheat growers and other interested persons have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(d) Since a referendum of wheat producers who will be subject to the national marketing quota proclaimed on the 1956 crop of wheat must be held prior to July 25, 1955, to determine whether such producers favor or oppose such marketing quotas, and since the Agricultural Adjustment Act of 1938, as amended, requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators in sufficient time to be received prior to the date of the referendum, and since farm acreage allotments cannot be established until the national acreage allotment has been apportioned among States and counties, and the commercial wheat-producing area has been designated, it is hereby determined that the regulations herein shall become effective upon filing with the Director, Division of the Federal Register.

§ 728.605 *Apportionment of the national acreage allotment for the 1956 crop of wheat among the several States.* The national acreage allotment proclaimed in § 728.603, less a reserve of one-tenth of one per centum thereof for additional allotments to counties, is hereby apportioned among the several States as follows:

State:	*Acres*
Alabama [1]	14,505
Arizona [1]	17,533
Arkansas	47,433
California	455,719
Colorado	2,702,237
Connecticut [1]	626
Delaware	36,370
Florida [1]	1,329
Georgia	105,624
Idaho	1,159,816
Illinois	1,384,461
Indiana	1,166,484
Iowa	139,443
Kansas	10,587,206
Kentucky	219,495
Louisiana [1]	3,184
Maine [1]	1,347
Maryland	187,546
Massachusetts [1]	687
Michigan	969,478
Minnesota	726,503
Mississippi [1]	21,143
Missouri	1,163,686
Montana	4,002,138
Nebraska	3,200,332
Nevada [1]	11,616
New Hampshire [1]	71
New Jersey	55,141
New Mexico	465,924
New York	312,175
North Carolina	283,395
North Dakota	7,321,263
Ohio	1,594,233
Oklahoma	4,860,057
Oregon	819,522
Pennsylvania	620,185
Rhode Island [1]	603
South Carolina	133,488
South Dakota	2,749,275
Tennessee	199,261
Texas	4,227,136
Utah	314,994
Vermont [1]	432
Virginia	261,043
Washington	2,009,033
West Virginia	42,956
Wisconsin	45,147
Wyoming	303,725
Total	54,945,000
Reserve	55,000
Grand total	55,000,000

[1] Non-commercial wheat States.

§ 728.625 *Commercial wheat-producing area.* The State acreage allotment for each of the States, Alabama, Arizona, Connecticut, Florida, Louisiana, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, Rhode Island, and Vermont, as issued under § 728.605, was 25,000 acres or less. In order to promote efficient administration of the act, each of the States mentioned in this section is designated as outside the commercial wheat-producing area for the 1956–57 marketing year. Accordingly, the commercial wheat-producing area for the 1956–57 marketing year, in which the provisions of §§ 728.610 to 728.624 shall be applicable, shall consist of all States in the continental United States except the States herein above-mentioned.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 301, 334, 52 Stat. 38, 53, 67 Stat. 151; 7 U. S. C. 1301, 1334)

Issued at Washington, D. C., this 13th day of May 1955.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 55-4064; Filed, May 18, 1955; 8:49 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1955, Supp. 7]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION SUBPART—1955

ESTABLISHMENT OF ADDITIONAL ACREAGES OF VEGETATIVE COVER IN CROP ROTATION TO RETARD EROSION AND TO IMPROVE SOIL STRUCTURE, PERMEABILITY, OR WATER-HOLDING CAPACITY

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 National Agricultural Conservation Program, approved July 1, 1954 (19 F. R. 4138), as amended August 3, 1954 (19 F. R. 4953), September 15, 1954 (19 F. R. 6059), October 25, 1954 (19 F. R. 6910), March 1, 1955 (20 F. R. 1336), April 7, 1955 (20 F. R. 2414), and April 26, 1955 (20 F. R. 2881), is further amended as follows:

Section 1101.651 is amended by inserting a period after the word "capacity" in the first sentence of the text, and deleting the wording "and to types of cover which will protect the land for at least 18 months following seeding."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 16th day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4084; Filed, May 18, 1955; 8:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 242—ALIENS: APPREHENSION, CUSTODY AND DETERMINATION OF DEPORTABILITY

1. The first sentence of paragraph (d) *Application for discretionary relief* of § 242.54 *Contents of records; evidence* is amended to read as follows: "Except in the case of an alien who is prima facie deportable under section 242 (f) of the act, at any time during the hearing the respondent may apply for suspension of deportation on Form I–256A, for voluntary departure under section 244 of the act, or for both voluntary departure and preexamination."

2. The first sentence of paragraph (c) *Order of special inquiry officer* of § 242.61 *Decision of special inquiry officer* is amended to read as follows: "The order of the special inquiry officer shall be (1) that the alien be deported, or (2) that the proceedings be terminated, or (3) that the alien's deportation be suspended, or (4) that the alien be granted voluntary departure at his own expense in lieu of deportation within such period of time or authorized extension thereof and under such conditions as the district director or officer in charge having administrative jurisdiction of the office in which the case is pending shall direct, with the further order that, if he fails to depart, he be deported, or (5) that the alien be granted preexamination and voluntary departure at his own expense in lieu of deportation within such period of time or authorized extension thereof and under such conditions as the district director or officer in charge having administrative jurisdiction of the office in which the case is pending shall direct, with the further order that if he fails to depart, he be deported, or (6) that such other action be taken in the proceedings as may be required for the appropriate disposition of the case."

3. Subparagraph (2) of paragraph (f) *Appeals* of § 242.61 *Decision of special inquiry officer* is amended to read as follows:

(2) No appeal shall lie from an order of a special inquiry officer denying an application for voluntary departure or preexamination as a matter of discretion, where:

(i) The special inquiry officer has found the alien statutorily eligible for voluntary departure or eligible for preexamination pursuant to Part 485 of this chapter, and

(ii) The alien has been in the United States for a period less than five years at the time of the service of the warrant of arrest in deportation proceedings.

In all cases (except those covered by paragraph (e) (1) of this section) an appeal shall lie from an order of the special inquiry officer under this part to the Board of Immigration Appeals. The reasons for the appeal shall be stated briefly in the Notice of Appeal (Form I–290A). Where deportability is contested, the alien or his representative shall be required to indicate in the Notice of Appeal (Form I–290A), the particular findings of fact or conclusions of law with which he disagrees; and failure to do so may constitute a ground for dismissal of the appeal by the Board.

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

Subparagraph (2) of paragraph (b) *Stay of deportation* of § 243.3 *Execution of warranty of deportation* is amended to read as follows:

(2) In any case in which the request for stay of deportation is predicated upon a claim by the alien that he would be subject to physical persecution, if deported to the country designated, he shall be requested, upon notice, to appear before a special inquiry officer for interrogation under oath. The alien may have present with him, at his own expense, during the interrogation any attorney or representative authorized to practice before the Service. The alien may submit any evidence in support of his claim which he believes should be considered by the special inquiry officer. Upon completion of the interrogation, the special inquiry officer shall prepare a written memorandum of his findings and a recommendation which shall be forwarded to the regional commissioner together with all the evidence and information submitted by the alien or which may be applicable to the case. The alien shall be served with a copy of the special inquiry officer's memorandum and recommendation and shall be allowed five days from date of service within which to submit written representations to the regional commissioner. If the alien refuses to appear for interrogation before a special inquiry officer when requested to do so or waives his appearance, all the pertinent evidence and available information in the case shall immediately be submitted to the regional commissioner. The decision whether to withhold deportation and, if so, for what period of time shall be finally made by the regional commissioner upon consideration of all the evidence submitted by the alien and any other pertinent evidence or available information.

PART 264—REGISTRATION OF ALIENS IN THE UNITED STATES: FORMS AND PROCEDURE

Subparagraph (1) of paragraph (c) *Forms constituting alien-registration receipt cards under the Immigration and Nationality Act* of § 264.1 *Alien registration receipt card* is amended to read as follows:

(1) *Form I–151.* Form I–151 shall be issued as an alien-registration receipt card and as evidence of lawful admission for permanent residence to an alien who is lawfully admitted to the United States as an immigrant with an unexpired immigrant visa; who in any manner becomes a lawful permanent resident of the United States and is registered in the United States; or who was lawfully admitted for permanent residence and re-registers in the United States within 30 days after attaining his fourteenth birthday anniversary, if the Form I–151 originally issued to him does not contain his photograph.

PART 334—PETITION FOR NATURALIZATION

The second sentence of § 334.3 *Petitions for naturalization; numbering, indexing, binding* is amended to read as follows: "Each such volume shall, upon completion, be permanently bound by the clerk of court."

PART 344—FEES COLLECTED BY CLERKS OF COURT

1. Section 344.2 is amended to read as follows:

§ 344.2 *Fees in United States courts; remittance.* All fees collected for declarations of intention and petitions for naturalization by clerks of United States district courts (except in Alaska, and the District Courts of Guam and the Virgin Islands of the United States) shall be forwarded quarterly by a remittance payable to the order of the "Immigration and Naturalization Service, Department of Justice," to the regional commissioner having administrative jurisdiction over the place in which the court is located.

2. The first sentence in § 344.3 *Fees in other than United States courts; United States District Courts in Alaska; remittance* is amended by deleting the words "district director" and substituting therefor the words "regional commissioner".

3. The last sentence in § 344.4 *Fees in the District Courts at the Virgin Islands and Guam; remittance* is amended by deleting the words "district director" and

substituting therefor the words "regional commissioner".

4. Section 344.5 *Time for report of and accounting for fees collected* is amended by deleting the words "district director" and substituting therefor the words "regional commissioner".

PART 339—FUNCTIONS AND DUTIES OF CLERKS OF NATURALIZATION COURTS

Section 339.4 is amended to read as follows:

§ 339.4 *Binding of naturalization records.* Whenever a volume of petitions for naturalization, applications to take the oath of allegiance, declarations of intention, orders of court, or other documents affecting or relating to the naturalization of persons is completed, it shall be bound and locked by the clerk of court.

PART 450—FORMS

1. The list of forms in § 450.1 *Prescribed forms* is amended by deleting I–151 and I–151A and substituting therefor I–151 to read as follows:

I–151 Alien Registration Receipt and Border Crossing Card.

2. The list of forms in § 450.1 is further amended by deleting the following:

N–463 Letter Requesting Postmaster to Take Deposition in a Naturalization Proceeding.

3. The list of forms in § 450.1 is further amended by adding the following in numerical sequence:

I–63 Application for Preexamination in Continental United States.

Part 485 is added to read as follows:

PART 485—PREEXAMINATION OF ALIENS WITHIN THE CONTINENTAL UNITED STATES

Subpart A—Substantive Provisions

Sec.
485.1 Application.

Subpart B—Procedural and Other Non-Substantive Provisions

485.11 Disposition of case.

AUTHORITY: §§ 485.1 and 485.11 issued under sec. 103, 66 Stat. 173; 8 U. S. C. 1103.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 485.1 *Application.* Any alien, except a citizen of Canada, Mexico, or islands adjacent to the United States, who entered the United States prior to January 1, 1955, and has been continuously physically present in the United States since that date, may apply for preexamination on Form I–63 if he intends to apply to a consular officer of the United States in Canada for an immigrant visa and he believes that he will be admissible to the United States under all the provisions of the immigration laws if in possession of an immigrant visa; that he will be able to obtain the prompt issuance of an immigrant visa, and that he is a person of good moral character. Any alien who files Form I–63 shall be deemed to have thereby abandoned his nonimmigrant status in the United States. Form I–63 shall be submitted to the office of the Immigration and Naturalization Service having jurisdiction over the applicant's place of residence, and may be filed separately or in conjunction with a petition for nonquota or preference quota status under Part 204 or 205 of this chapter. If the applicant is under deportation proceedings, the application shall be made to the special inquiry officer during the hearing pursuant to § 242.54 (d) of this chapter. The applicant shall be notified of the decision, and, if the application is denied, of the reasons therefor and of his right to appeal under Part 6 or 7 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NON-SUBSTANTIVE PROVISIONS

§ 485.11 *Disposition of case.* If preexamination has been authorized, the applicant shall not be preexamined until he has presented written assurance from the consular officer of the United States in Canada that a visa will be promptly available if upon personal examination he is found eligible for a visa, and a report from a medical officer of the United States Public Health Service setting forth findings of the applicant's mental and physical condition. Any applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212 (a) of the act may appeal to a board of medical officers of the United States Public Health Service as provided in section 234 of the act and § 236.13 (c) of this chapter. Preexamination to determine the applicant's admissibility to the United States shall be conducted by an immigration officer. If it shall appear to the immigration officer that the applicant is not clearly and beyond a doubt admissible, the matter shall be referred to a special inquiry officer for disposition pursuant to section 236 of the Act and Part 236 of this chapter. If the applicant is found admissible, he shall be given a sealed letter addressed to the Canadian immigration officer at the port through which he will enter Canada, showing the purpose of the applicant's visit to Canada and guaranteeing that if admitted to Canada he will be readmitted to the United States. An applicant previously found admissible in preexamination proceedings, who, having proceeded to Canada, is found inadmissible at the time of seeking reentry into the United States, shall be paroled into the United States.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those that relate to matters of agency management or procedure, relieve restrictions and are clearly advantageous to persons affected thereby.

Dated: May 16, 1955.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 55–4086; Filed, May 18, 1955; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 380, Amdt. 5]

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

CHANGES IN AREA QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 72.5, Part 72, Title 9, Code of Federal Regulations, which quarantines certain portions of Texas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, is hereby amended to read:

§ 72.5 *Area quarantined in Texas.* The following portions of the specified Counties in Texas are quarantined:

(a) That portion of Cameron County lying south of the following-described line:

Beginning at a point where the Brownsville ship channel enters the Gulf of Mexico, following said ship channel in a southwestrly direction to where the large Hydrocol ditch enters the ship channel, approximately 16 miles; thence, following the ditch in a northerly direction to the intersection of this ditch and the Rancho Viejo Floodway, approximately 2 miles; thence, following the meanderings of the Rancho Viejo Floodway (part of which is known as Ranchito Viejo Resaca) to where the Rancho Viejo Floodway crosses a dirt road known as the Grove Park Highway, approximately 12 miles; thence, in a northerly direction along this road to the Olmito cut-off road, approximately 1 mile; thence, in a westerly direction along the Olmito cut-off road to the Barreda cut-off road, approximately 1 mile; thence, in a northerly direction along the Barreda cut-off road to the Ranchito Viejo Resaca, approximately ½ mile; thence, following the meanderings of the Ranchito Viejo Resaca in a northwesterly direction to Sam Houston Boulevard, approximately 10 miles; thence, in a southwesterly direction along this road to the intersection of Rangerville-Sam Benito road, approximately 3 miles; thence, in a northwesterly direction along this road to the intersection of the Rangerville-Harlingen Road, approximately 5¾ miles; thence, in a southerly direction along this road to the intersection of the SB & RGV (MP) Railroad, approximately 7/10 mile; thence, following this railroad in a westerly direction to the Cameron-Hidalgo County line, approximately 7½ miles;

(b) That portion of Hidalgo County lying south and west of the following-described line:

Beginning at a point where the SB & RGV (MP) Railroad intersects the Hidalgo-Cameron County line; thence, in a westerly direction along this railroad to where it intersects the east McAllen road, approximately 24 miles; continuing along this railroad for an additional one mile to where it intersects the townsite of Hidalgo; thence, in a northerly direction along this railroad to a curve, approximately 2 miles; thence, in a westerly direction along this railroad to where it intersects the Taylor road, approximately 1½ miles; thence, in a southerly direction along this road to where it intersects the International Boundary Commission levee, approximately ½ mile; thence, in a westerly direction along the north boundary of this levee to where it intersects the Granjeno Main canal, approximately 1½ miles; thence, in a westerly direction along the north boundary of this canal to where it intersects the Old Military road, approximately ¾ mile; thence, in a westerly direction along the north boundary of this road to where it intersects the Abram road, approximately 8 miles; thence, in a northerly direction along the east boundary of this road to where it intersects the U. S. Highway No. 83, approximately 2 miles; thence, in a westerly direction along U. S. Highway No. 83 to where it intersects the Hidalgo-Starr County line, approximately 10 miles;

(c) That portion of Kinney County lying west of the following-described line:

Beginning at a point where the U. S. Highway No. 277 intersects the Maverick-Kinney County line, following U. S. Highway No. 277 in a northerly direction to where it intersects the Kinney-Val Verde County line at Sycamore Creek, approximately 9½ miles.

(d) That portion of Maverick County lying west of the following-described line:

Beginning at a point where the Laredo-Eagle Pass River road intersects the Webb-Maverick County line, following this Laredo-Eagle Pass River road to where it intersects the north survey line of the Kifuri Overall Factory premise, approximately 43 miles; thence, west along the south fence line of the Southern Pacific Railroad to where it intersects the west fence line of the railroad property, which is located at the east end of Southern Pacific Railroad trestle leading to the bridge across the Rio Grande river, approximately 1¼ miles; thence, north along the S. P. R. R. west fence line to where it intersects the southwest corner of Fort Duncan Park, approximately ⅓ mile; thence, following the west fence line of Fort Duncan Park in a northerly direction to the northwest corner of the park, approximately ½ mile; thence, east along the north fence line of this park to its northeast corner, approximately ½ mile; thence, south along the east fence line of Fort Duncan Park to where it intersects Williamson Street, approximately 200 yards; thence, following Williamson Street east to where it intersects the Southern Pacific Railroad, approximately ⅓ mile; thence, following the Southern Pacific Railroad in a northerly direction to the north city limits of Eagle Pass Townsite, approximately 1½ miles; thence, following the north city limits of Eagle Pass Townsite west to where it intersects the west fence line of Highway No. 277 (Eagle Pass-Del Rio), approximately ½ mile; thence, north on Highway No. 277 to where it intersects the north fence line of the DeBona Estate property, approximately ½ mile; thence, east along the north fence line of this property to where it intersects the Southern Pacific Railroad, approximately ½ mile; thence, north along the S. P. Railroad to where it intersects the south fence of the DeBona Farm, approximately 7/10 mile; thence, west along the south fence of this farm to where it intersects U. S. Highway No. 277, approximately ½ mile; thence, north along Highway No. 277 to where it intersects the southeast corner of the L. L. Little Ranch, approximately 8⅘ miles; thence, following the south fence line of the L. L. Little Ranch in a westerly direction to the Maverick County Canal, approximately 2 miles; thence, following the meanderings of this canal in a northwesterly direction to where it intersects the Maverick County Quarantine fence, approximately 3 miles; thence, following this quarantine fence in a northwesterly direction to where it intersects the Everett Townsend Ranch fence, approximately 9 miles; thence, following the east fence of the Townsend Ranch in a northerly direction to where it intersects U. S. Highway No. 277, approximately ¾ mile; thence, following U. S. Highway No. 277 in a northerly direction to where it intersects the Maverick-Kinney County line, approximately 6 miles.

(e) That portion of Starr County lying south and west of the following-described line:

Beginning at a point on the Hidalgo-Starr County line where Highway No. 83 intersects this line and following Highway No. 83 in a northwesterly direction to the Rio Grande Brick Factory property, approximately 13 miles; thence, in a westerly direction along the south fence of the Will McMurray Ranch, approximately ¾ mile; thence, north on Will McMurray Ranch fence to where it intersects the Brazil Ranch fence, approximately 5 miles; thence, west on south fence of Brazil Ranch approximately ¾ mile; thence, in a northwesterly direction on Brazil Ranch fence approximately ¼ mile; thence, west on Brazil Ranch fence approximately ¼ mile; thence, north on Brazil Ranch fence approximately ½ mile; thence, west on Brazil Ranch fence approximately ⅛ mile; thence, south on Sagunada Ranch fence line approximately ¾ mile; thence, west on Sagunada Ranch fence line to where it intersects Luis Martinez Ranch fence line, approximately 1¼ miles (intersects at Highway No. 755); thence, in a northwesterly direction on the Luis Martinez fence line approximately ¼ mile; thence, west on Luis Martinez Ranch north fence line approximately ½ mile; thence, south on Luis Martinez Ranch fence line approximately ½ mile; thence, west on George Decker's Ranch south fence line approximately ½ mile; thence, north on George Decker's Ranch fence line approximately ⅛ mile; thence, in a northwesterly direction on George Decker's fence line, approximately 1¼ miles; thence, north on the west fence lines of the George Decker, Sagunada and Perdenal Ranches to where it intersects the Charco Blanco road, approximately 3¼ miles; thence, west along the Charco Blanco road to where it intersects E. G. Gonzalez east fence line, approximately 4 miles; thence, south on E. G. Gonzalez fence line to where it intersects the Rio Grande City-El Sauz road, approximately 6 miles; thence, in a northwesterly direction along the Rio Grande City-El Sauz road to where it intersects the west fence line of the E. G. Gonzalez Ranch approximately 5 miles; thence, north on E. G. Gonzalez west fence line to where it intersects Resendez Brothers fence line, approximately 5 miles; thence, west on Resendez Brothers fence line, to where it intersects Garceno-Hebbronville road, approximately 1½ miles; thence, south on Garceno-Hebbronville road to where it intersects La Gloria Ranch northeast fence line, approximately 1 mile; thence, southeast on La Gloria Ranch fence line approximately ¾ mile; thence, south on La Gloria and C. C. Gonzalez east fence line to the southeast corner of the C. C. Gonzalez Ranch, approximately 2 miles; thence, west on C. C. Gonzalez south fence line to where it intersects Garceno-Hebbronville road, approximately 1 mile; thence, south on Garceno-Hebbronville road to Las Ojas filling station, approximately 2 miles; thence, west on Moreno road to the west line of Porcion No. 73, approximately 5 miles; thence, north on the west line of Porcion No. 73 to where it intersects the south fence of the Juan Margo Ranch, approximately 3 miles; thence, west on the south fence of the Juan Margo Ranch to where it intersects the Hebbronville-Roma road, approximately 2 miles; thence, south on the Hebbronville-Roma road to where it intersects Highway No. 83, approximately 5 miles; thence, in a northwesterly direction along this Highway to the southwest corner of the H. P. Guerra Anaqua pasture, approximately 3 miles; thence, north along H. P. Guerra Anaqua pasture fence to where it intersects M. Ramirez fence, approximately 5¾ miles; thence, in a northwesterly direction along the M. Ramirez, F. Hinojosa and M. Gonzalez fences to the H. P. Guerra Sandia pasture fence, approximately 3 miles; thence, in a southwesterly direction along the H. P. Guerra fence to old Highway No. 83, approximately 3 miles; thence, in a northwesterly direction along old Highway No. 83 to the Starr-Zapata County line, approximately 1½ miles;

(f) That portion of Val Verde County lying south and west of the following-described line:

Beginning at a point where U. S. Highway No. 277 intersects the Kinney-Val Verde County line at Sycamore Creek, following U. S. Highway No. 277 to where it intersects the north fence of the W. L. Moody Ranch, adjacent to the Del Rio Townsite, approximately 11½ miles; thence, following the Moody Ranch north fence line in a westerly direction to where it intersects the South Loop road at a corner post, approximately 3 miles; thence, following the South Loop road or city boundary line in a northerly direction to where it intersects the Southern Pacific Railroad, approximately 3¼ miles; thence, following the Southern Pacific Railroad in a northerly direction to a point on the bank of the Rio Grande River known as the Hanging Rock of the Southern Pacific, approximately 10 miles.

(g) That portion of Webb County lying south and west of the following-described line:

Beginning at a point where the west fence of the Joe Amberson Ranch intersects the south fence of the Alejandro Viduarri Estate Ranch, approximately 25 miles south of Laredo, Webb County, Texas; thence, following said fence, south fence of Viduarri Ranch, in an easterly direction to the southeast corner of the Viduarri Ranch, approximately 1½ miles; thence, north along this fence to the northeast corner of this same pasture, approximately 3½ miles; thence, west along the Viduarri pasture north fence to where it intersects the Laredo-Zapata road, U. S. Highway No. 83, approximately 1½ miles; thence, following the east fence line of U. S. Highway 83 in a northerly direction to the La Pita Mangana road, approximately 14 miles; thence, following the north fence line of the La Pita Mangana road to where it intersects the east fence of the Richter trap, approximately ½ mile; thence, following the west fence lines of the Wormser, Vasquez, and Gill premises to where it intersects the Zapata-Hebbronville road, U. S. Highway No. 59, or the northwest corner of the Gill premise, approximately 2½ miles; thence, following Highway No. 59 (this is a by-pass of Laredo from Highway No. 83 into Highway No. 59) in an easterly direction to where it intersects the west fence of the A. M. Bruni Estate Target Range pasture, approximately 1½ miles; thence, north along said fence line to where it intersects the south line of the Rafael Saenz Ranch, approximately 1½ miles; thence, east along the south fence line of the Saenz Ranch to where it intersects the A. M. Bruni Ranch Colorado pasture fence, approximately 2⅓ miles; thence, north along Colorado pasture fence line to where it intersects the L. R. Ortiz Ranch south fence, approximately 1¼ miles; thence, west along the Ortiz fence line to where it intersects the southwest corner of the Winch pasture, approximately 1½ miles; thence, north along

the west fence of the Winch pasture to where it intersects the south fence line of the L. R. Ortiz Ranch, approximately 1 mile; thence, west along the Ortiz fence line to where it intersects the Laredo Army Airfield, approximately 2½ miles; thence, west along the north fence of the Laredo Army Airfield to where it intersects the paved army airfield road, approximately ½ mile; thence, following the paved army airfield road in a northerly direction to where it intersects the Quiote pasture fence at the Quiote pasture cattle guard, approximately 4¼ miles; thence, following the south fence line of the Quiote pasture to the southwest corner of this pasture, approximately 1½ miles; thence, following the west fence line of the Quiote pasture to where it intersects the south fence of the U. S. Target Range or Farias Porcion, approximately 1¾ miles; thence, following the south fence line of the Target Range or Farias Porcion in a westerly direction to where it intersects the east fence of Highway No. 81, approximately 3 miles; thence, following this Highway No. 81 in a northerly direction to where it intersects the south fence line of the L. R. Ortiz Ranch, approximately 1½ miles; thence, west along the south fence of the L. R. Ortiz Ranch to where it intersects the Laredo-Eagle Pass River road, approximately 1¾ miles; thence, following this road in a northerly direction to where it intersects the south fence of the Dolores Ranch of Charles W. Dick, approximately 14⅘ miles; thence, following the double south fence (this Dolores Ranch is double fenced, 60 foot dead space, on the south, west and north and east) of the Dolores Ranch in a westerly direction to where it turns north, approximately 1½ miles; thence, following the west double fence of this ranch in a northerly direction to where it turns east, approximately 3½ miles; thence, following the north double fence of this ranch in an easterly direction to where it intersects the Laredo-Eagle Pass River road, approximately 1¼ miles; thence, north along this road to where it intersects the Webb-Maverick County line, approximately 43⅗ miles.

(h) That portion of Zapata County lying west of the following-described line:

Beginning at a point where old Highway No. 83 intersects the Zapata-Starr County line and following the Starr-Zapata County line in a northeasterly direction approximately ⅗ of a mile; thence, following Yzaguirre Brothers and Guerra Brothers fence lines in a westerly direction to where it intersects old Highway No. 83, approximately ⅞ mile; thence, following Yzaguirre Brothers and Guerra Brothers fence in a northeasterly direction approximately ½ mile; thence, continuing along said fence in a northwesterly direction to where it intersects the Falcon Road, approximately 1⅕ miles; thence, continuing to follow the Yzaguirre Brothers and Ramos Brothers fence in a northwesterly direction to the L. Ramirez and Brothers fence line, approximately ⅞ mile; thence, following the L. Ramirez and Brothers fence line in a southwesterly direction to where it intersects old Highway No. 83, approximately ½ mile; thence, following old Highway No. 83 in a northwesterly direction to a cattle guard on the J. M. Sanchez fence line, approximately 3 miles; thence, following the J. M. Sanchez fence line in a northeasterly direction to a fence line of the Y. Ramirez Ranch, approximately 1½ miles; thence, following the J. M. Sanchez and Y. Ramirez fence line in a northwesterly direction to where it joins L. J. Ramirez fence line, approximately ⅞ mile; thence, following the J. M. Sanchez and L. J. Ramirez fence line in a southwesterly direction to where fence turns in a northwesterly direction, approximately 1 mile; thence, following said fence in a northwesterly direction to where it joins the Juan M. Vela fence line, approximately ⅘ mile; thence, following Juan M. Vela and L. J. Ramirez fence line in a northeasterly direction to a cross fence in the Juan M. Vela pasture, approximately 1 mile; thence, following cross fence line in a northwesterly direction to where it joins the L. J. Ramirez fence line, approximately 1 mile; thence, following L. J. Ramirez fence line and Juan M. Vela fence line in a southwesterly direction approximately ½ mile; thence, following cross fence of L. J. Ramirez pasture in a northwesterly direction to G. Flores fence, approximately 1 mile; thence, following the G. Flores and L. J. Ramirez fence line in a southwesterly direction to where said fence turns northwest, approximately ½ mile; thence, following said fence line in a northwesterly direction to where it turns southwest, approximately ⅘ mile; thence, following said fence in a southwesterly direction to where it intersects old Highway No. 83, approximately ½ mile; thence, following old Highway No. 83 in a northwesterly direction to the Juan Gutierrez Ranch fence, approximately 2 miles; thence, following the fence line of the Juan Gutierrez and Alejandros community in a northeasterly direction to where it intersects a cross fence in Alejandros Community pasture, approximately 1½ miles; thence, following said cross fence in a northwesterly direction to where it joins Serapio Vela fence line, approximately ⅞ mile; thence, following Serapio Vela fence line in a southwesterly direction to where it turns northwest, approximately ⅞ mile; thence, following Serapio Vela fence in a northwesterly direction to where it turns southwest, approximately ⅘ mile; thence, following said fence in a southwesterly direction to where it joins old Highway No. 83, approximately ⅞ mile; thence, following old Highway No. 83 in a northwesterly direction to where it intersects the north fence of the Serapio Vela pasture, approximately 1½ miles; thence, following the Serapio Vela and E. Vela Estate fence line in a northeasterly direction to where it intersects new U. S. Highway No. 83, approximately 5 miles; thence, following southwest right-of-way fence line of relocated Highway No. 83 in a northwesterly direction to the intersection of said right-of-way fence line with the Humberto Vela and E. Vela Estate fence line approximately ½ mile; thence, following the E. Vela Estate fence line in a southwesterly direction to old Highway No. 83, approximately 5 miles; thence, following old Highway No. 83 in a northwesterly direction to where it intersects the north fence of the Humberto Vela pasture, approximately ⅞ mile; thence, following the Humberto Vela and S. Garcia fence line in a northeasterly direction to the S. Garcia east field fence, approximately 1 mile; thence, following this east field fence in a northwesterly direction to where it intersects the C. Martinez south fence, approximately 1¼ miles; hence, following the C. Martinez south fence in a northeasterly direction to where it intersects the south fence of the E. Gonzales Ranch, approximately 3 miles; thence, following the C. Martinez and E. Gonzales fence line in a northwesterly direction to where it intersects the H. Salinas fence line, approximately ½ mile; thence, following H. Salinas and C. Martinez fence line in a southwesterly direction to old Highway No. 83, approximately 4 miles; thence, following old Highway No. 83 in a northwesterly direction to where it intersects the south fence line of the Lobo Ranch, a distance of approximately 7 miles; thence, following the Lobo Ranch and the Sabas Vasquez fence line in a northeasterly direction to a point where said fence intersects the south right-of-way fence line of new Highway No. 83, a distance of approximately 2½ miles; thence, northwesterly, following the south right-of-way fence line of new Highway No. 83 to the intersection of the Lobo Ranch and F. Cuellar fence, a distance of approximately 2½ miles; thence, following the said F. Cuellar east fence line in a southwesterly direction to the intersection of the said fence with the L. L. Haynes fence line, a distance of approximately 1¼ miles; thence, following the L. L. Haynes and F. Cuellar fence line in a northwesterly direction to where it turns southwest, approximately ¼ mile; thence, following said fence line in a southwesterly direction to where F. Cuellar fence line corners with Lee Gonzalez fence line, approximately 2 miles; thence, following the F. Cuellar and Lee Gonzalez fence line in a northwesterly direction to where said fence joins the G. Thatcher fence line, approximately ¼ mile; thence, following the F. Cuellar and G. Thatcher fence line in a northwesterly direction to where it turns southwest, approximately ¼ mile; thence, continuing to follow said fence line in a southwesterly direction to a cattle guard on the Old Zapata-Hebbronville road, approximately ¼ mile; thence, following the fence line of H. Cuellar, and Zapata Townsite (old Zapata) in a northwesterly direction approximately ⅛ mile and continuing on fence line of P. Ramirez and Zapata Townsite (old Zapata) in a northwesterly direction to where this fence joins the C. P. Flores Ranch fence line, approximately ⅛ mile; thence, following the C. P. Flores fence line in a southwesterly direction to where it turns northwest, approximately ½ mile; thence, following the C. P. Flores fence line in a northwesterly direction to the corner of the E. Cuellar field, approximately ⅛ mile; thence, following the E. Cuellar and C. P. Flores fence line in a southwesterly direction to cross fence in the C. P. Flores pasture, approximately ⅛ mile; thence, following cross fence in a northwesterly direction to where it joins the P. Ramirez pasture, approximately ⅜ mile; thence, following this same fence in a northwesterly direction through the P. Ramirez, M. Medina, Mike Cuellar, Manuel Cuellar and Brothers and C. Villareal ranches to where it intersects old Highway No. 83, approximately 1½ miles; thence, following old Highway No. 83 in a northwesterly direction to where it intersects the Uribeno Community pasture southeast corner, approximately 1¾ miles; thence, following the Uribeno Community pasture southeast fence in a northeasterly direction to where it intersects new U. S. Highway No. 83, approximately ½ mile; thence, following new U. S. Highway No. 83 in a westerly direction to where it intersects the north fence of the Uribeno Community pasture, approximately ¼ mile; thence, following the north fence of the Uribeno Community pasture in a southwesterly direction to where it intersects old Highway No. 83, approximately ⅛ mile; thence, following old Highway No. 83 in a northerly direction to where it intersects with new Highway No. 83, approximately ¼ mile; thence, following U. S. Highway No. 83 in a northerly direction to the La Perla Farm cattle guard, approximately 18 miles; thence, following the Joe Amberson Ranch west fence line in a northerly direction to where it intersects the Alejandro Viduarri Estate Ranch south fence line, approximately 5 miles.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes certain additional portions of Kinney, Maverick, Starr, Val Verde, and Zapata Counties within the area in Texas quarantined because of splenetic or tick fever. Hereafter, the restrictions pertaining to the interstate movement of certain animals and materials from or through such quarantined areas, contained in 9 CFR, and 1954 Supp., Part 72, apply to those portions of said counties.

The amendment also excludes certain portions of Cameron, Hidalgo, Starr, Webb, and Zapata Counties from the area in Texas quarantined because of that disease. Hereafter, the restrictions pertaining to the interstate movement of certain animals and materials from such quarantined areas, contained in 9 CFR, and 1954 Supp., Part 72, will not apply to those portions of said counties. However, the other restrictions on the interstate movement of certain animals and materials because of that disease, contained in said Part 72, will apply thereto.

The amendment imposes certain further restrictions necessary to prevent the spread of splenetic or tick fever, and relieves certain restrictions presently imposed. It must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, ch. 30, 45 Stat. 59; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 7, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 117, 112, 113, 123, 125)

Done at Washington, D. C., this 16th day of May 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-4085; Filed, May 18, 1955; 8:53 a. m.]

[B. A. I. Order 383, Revised, Amdt. 53]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881, 2973), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraph (11) of paragraph (a), relating to San Mateo County in California, is amended to read:

(11) SW. ¼ Sec. 7, T. 3 S., R. 5 W., MDBM; SW. ¼ Sec. 11, T. 3 S., R. 6 N., MDBM; NE. ¼ Sec. 26, T. 3 S., R. 6 W., MDBM; and NW. ¼ Sec. 28, T. 4 S., R. 6 W., MDBM, in San Mateo County.

2. Subparagraph (12) of paragraph (d), relating to Bergen County in New Jersey, is deleted.

3. A new subdivision (iv) is added to subparagraph (2) of paragraph (d), relating to Middlesex County in New Jersey, to read:

(iv) That part of Madison Township lying north of the Middlesex County line and Spring Valley Road, east of U. S. Route No. 9, south of Ticetown Road, and west of a line beginning at a point on Ticetown Road 310 feet west of the Jersey City Power and Light right-of-way, thence running south to the Middlesex County line, owned and operated by C. W. Higgins.

4. Subparagraph (6) of paragraph (d), relating to New Jersey, is amended to read:

(6) All of Atlantic County except the following:

(i) That part of Hamilton Township lying south and east of the Wrangleboro Road, west of County Route No. 575, and north of U. S. Route No. 40; and

(ii) That part of Egg Harbor Township lying north of Northwest Jersey Avenue, east of Fernwood Avenue, south of Black Horse Pike, and west of a line parallel to Ridge Avenue, 500 feet east of Ridge Avenue, owned and operated by Harry G. Hornikel.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 13th day of May 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-4063; Filed, May 18, 1955; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION FROM PRESCRIPTION REQUIREMENTS

The Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 701 (a); 65 Stat. 649, 52 Stat. 1055; 21 U. S. C. 353 (b) (3) and 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare by 21 CFR 1.108 (c) (19 F. R. 7347), and after having considered all written comments filed with respect to the notice of proposed rule making published in the FEDERAL REGISTER on January 22, 1955 (20 F. R. 524), hereby promulgates the following regulations:

§ 1.108 *Exemption from prescription requirements.* * * *

(f) *Exemption for certain drugs limited by new-drug applications to prescription sale.* The prescription-dispensing requirements of section 503 (b) (1) (C) of the act are not necessary for the protection of the public health with respect to the following drugs subject to new-drug applications:

(1) *N*-acetyl-*p*-aminophenol (*p*-hydroxy-acetanilid) preparations meeting all the following conditions:

(i) The *N*-acetyl-*p*-aminophenol is prepared with or without other drugs in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The *N*-acetyl-*p*-aminophenol and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.325 gram (5 grains) of *N*-acetyl-*p*-aminophenol per dosage unit.

(v) The preparation is labeled with adequate directions for use in minor conditions as a simple analgesic.

(vi) The dosages of *N*-acetyl-*p*-aminophenol recommended or suggested in the labeling do not exceed: For adults, 0.325 gram (5 grains) per dose or 1.0 gram (15 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against administration of the drug to children under 6 years of age and against use of the drug for more than 10 days, except as such uses may be directed by a physician.

(2) Sodium gentisate (sodium-2, 5-dihydroxybenzoate) preparations meeting all the following conditions:

(i) The sodium gentisate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium gentisate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.5 gram (7.7 grains) of anhydrous sodium gentisate per dosage unit.

(v) The preparation is labeled with adequate directions for use in minor conditions as a simple analgesic.

(vi) The dosages of sodium gentisate recommended or suggested in the labeling do not exceed: For adults, 0.5 gram (7.7 grains) per dose or 2.0 grams (31 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against administration of the drug to children under 6 years of age and against use of the drug for a prolonged period, except as such uses may be directed by a physician.

Effective date. This order shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 503 (b) (3), 65 Stat. 649; 21 U. S. C. 353 (b) (3))

Dated: May 9, 1955.

[SEAL] JOHN L. HARVEY,
Acting Commissioner of Food and Drugs.

[F. R. Doc. 55-4062; Filed, May 18, 1955; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 3]

MISCELLANEOUS AMENDMENTS

This subchapter is amended as follows:

PART 1—GENERAL PROVISIONS

SUBPART C—BASIC POLICIES

Delete § 1.307–1 and add new § 1.307–1, as follows:

§ 1.307 *Responsible prospective contractor.* • • •

§ 1.307–1 *Pre-award survey.* (a) A pre-award survey is a qualification check to determine that the prospective contractor is responsible. Such a survey need not cover all of the requirements of § 1.307 but may be limited to those requirements concerning which information readily available to the Contracting Officer is insufficient to support a determination. Preferably the survey should be made by technical and financial specialists in the appropriate fields, and may include an "on the spot" check of the facilities of the prospective contractor.

(b) If the Contracting Officer finds that readily available information is not sufficient to enable him to determine that the prospective contractor meets all of the applicable requirements of § 1.307, he shall request a pre-award survey. Where a procurement involves an extended production or delivery period, it may be necessary to request a pre-award survey with regard to § 1.307 (d), even though the contractor is known to be responsible in all other respects.

(c) Generally, a pre-award survey will not be necessary in determining that a prospective contractor is responsible when one or more of the following are applicable:

(i) The supplies required are off-the-shelf items to be obtained from a regular dealer or manufacturer.

(ii) The prospective supplier has proved his reliability and capability by satisfactory performance of an existing or recent similar contract or contracts.

(iii) The new purchase is an extension of a production or service currently being performed satisfactorily.

(iv) The purchase is to be made from a Federal Supply Schedule.

(d) Normally, where the dollar amount of a procurement is not sufficient to justify the cost of a pre-award survey, Contracting Officers will not request such a survey. However, where a Contracting Officer has reason to believe that a prospective Contractor may not be responsible, he may request a pre-award survey irrespective of the dollar amount of the procurement.

SUBPART F—DEBARRED, INELIGIBLE AND SUSPENDED BIDDERS

The headnote and contents of § 1.601–3 have been revised. Delete § 1.601–3 and insert in lieu thereof the following:

§ 1.601 *Establishment and maintenance of a list of firms or individuals debarred or ineligible.* • • •

§ 1.601–3 *Protection of list.* The list and all correspondence relating thereto shall be protected, in accordance with Departmental procedures, to prevent inspection of contents by non-Government personnel or by Government personnel who are not required to have access to such information.

PART 4—COORDINATED PROCUREMENT

SUBPART B—POLICIES AND GENERAL PRINCIPLES

Delete § 4.203–3 in its entirety, and add revised §4.203–3 in lieu thereof. A new § 4.203–6 has been added to this section, as follows:

§ 4.203 *General principles governing implementation of procurement assignments* • • •

§ 4.203–3 *Small dollar value purchases.* Requirements of small dollar value will be procured in accordance with the provisions of the approved implementing procedures covering the particular assignment. Such implementing procedures will normally provide a small dollar value limitation of $1,000 per line item; however, in special situations the limitation may vary depending upon the commodity area and may be expressed either in a higher or lower dollar value, by tonnage, less-than-carload lot quantities, or other units, as appropriate. Such implementing procedures will clearly state that requirements of a value or quantity less than the prescribed limitations will, wherever feasible, be procured by the Requiring Department. A MIPR for nonmilitary type items of a value or quantity less than the prescribed limitations will contain a notation that procurement by the Requiring Department was not considered to be feasible. A MIPR for a military type item need not contain such a notation. The Procuring Department will not return a MIPR submitted in accordance with the foregoing but will procure such items.

§ 4.203–6 *Local purchase as normal means of supply.* When local purchase of any nonmilitary type item has been authorized by a Requiring Department as the normal means of supply, such item may be obtained by that Department without regard to limitations prescribed in the procurement assignment implementing procedures. This authority will apply only while such item remains in "local purchase" status. For purposes of procurement and administrative planning, a Requiring Department will submit to the Procuring Department a list of the assigned items which have ben authorized for local purchase, identified by the commodity area in which such items are classified, and the dates on which such authorization for local purchase will be effective.

PART 7—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

Delete § 7.104–4 in its entirety. The contract clause set forth in this section will henceforth be deleted from contracts in view of the repeal of section 12 of the Neutrality Act of 1939 by Public Law 665, 83d Congress.

SUBPART B—CLAUSES FOR COST-REIMBURSEABLE TYPE SUPPLY CONTRACTS

Delete § 7.204–4 in its entirety. The contract clause set forth in this section will henceforth be deleted from contracts in view of the repeal of section 12 of the Neutrality Act of 1939 by Public Law 665, 83d Congress.

PART 12—LABOR

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

Sections 12.802 and 12.805–2, relating to applicability of requirements in connection with the non-discrimination in employment program, have been revised to conform with recent interpretations of the President's Committee on Government Contracts. Section 12.805–6 has also been revised to permit flexibility in the manner of processing complaints:

§ 12.802 *Applicability.* The nondiscrimination requirements are applicable to contracts and first-tier subcontracts as herein provided.

(a) Except as provided in this paragraph, the nondiscrimination clause, set forth in § 12.804, shall be included in all contracts involving the employment of labor.

(1) The clause shall not be included in—

(i) Contracts to be performed outside the continental United States where no recruitment of workers within the continental United States is involved;

(ii) Contracts to meet other special requirements or emergencies, if recommended by the Committee on Government Contracts (see § 12.803); and

(iii) Purchase orders on Standard Form 44.

(2) The last sentence of paragraph (a) and all of paragraph (b) of the clause shall be deleted from purchase orders for $5,000 or less which are not within the above exceptions.

(3) The Contracting Officer may delete the last sentence of paragraph (a) of the clause from contracts for $5,000 or less, other than purchase orders, when in his judgment administration of the posting requirement of the clause is impracticable. Examples of contracts where this deletion may be justified are contracts for off-the-shelf items and contracts requiring delivery of supplies or performance of services within 60 days from the date of the contract.

(b) Notwithstanding paragraph (b) of the nondiscrimination clause, by the terms of Executive Order 10557, a prime contractor is not required to insert any nondiscrimination clause in subcontracts of the kind described in paragraph (a) (1) (i) and (ii) of this section.

§ 12.805 *Administration.* • • •

§ 12.805–2 *Posting of notices.* In all instances, except where the nondiscrimination clause may have been modified as authorized by § 12.802, Contracting Officers shall provide to prime contractors copies of the notice entitled "Equal Economic Opportunity" (U. S. Government Printing Office: 1954 O–300378) which shall be obtained by Contracting Officers in accordance with Departmental procedures. Prime contractors shall be required to obtain from the Contracting Officer copies for first-tier subcontractors.

§ 12.805–6 *Processing of complaints.* Complaints may be submitted to the President's Committee on Government Contracts, the Secretary of Defense, or the Military Departments. Complaints submitted to the Military Department in accordance with § 12.805–4, and determined to involve a Government contract or subcontract, shall be processed in accordance with departmental procedures which will assure—

(a) Prompt investigation of statements and allegations contained in the complaint. Such investigations should include, where necessary, (1) a review of the pertinent personnel practice of the contractor or subcontractor concerned, (2) the circumstance under which the discriminatory action is alleged to have taken place, and (3) such other factors which may determine whether the contractor or subcontractor in the particular case complied with the provisions of the nondiscrimination clause set forth in the contract concerned.

(b) Resolution of complaints by conciliatory means whenever possible.

(c) The preparation and submission, through prescribed channels, of a report to the President's Committee on Government Contracts setting forth (1) a copy of the complaint together with a summary of the investigative action performed by the Department concerned, (2) corrective action taken or recommended by the Department where investigation discloses a need for such action, (3) recommendations or comments in connection with the complaints which investigation disclosed as unfounded, and (4) information that the Department considers should be brought to the attention of the President's Committee.

PART 13—GOVERNMENT PROPERTY

SUBPART A—GENERAL

Delete § 13.104 *Effective date* in its entirety. A new § 13.104, as follows, sets forth the respective responsibilities of prime and subcontractors where Government property is furnished or acquired by the prime contractor, but is in the custody or possession of a subcontractor. Certain relaxations of liability of the subcontractor are permissible with the approval of the Contracting Officer.

§ 13.104 *Responsibility and liability for Government property.*

§ 13.104–1 *Responsibility of prime contractors for Government property.* Except with respect to advertised fixed-price contracts, it is the basic policy of the Government not to hold the prime contractor responsible for loss of or damage to Government property caused by certain perils. This policy, as applied in facilities contracts, is set forth in § 13.411, and as implemented for use in other types of contracts, is contained in contract clauses set forth in Subpart E, of this part.

§ 13.104–2 *Liability of subcontractors for Government property.* The prime contractor shall be required to hold a subcontractor liable for loss or destruction of or damage to Government property in the possession or control of such subcontractor (the prime contractor, nevertheless, remaining responsible to the Government to maintain the records required by Appendix B or Appendix C of Part 30 of this subchapter: *Provided, however,* That—

(a) A prime contractor on a negotiated fixed-price basis may, with the prior approval of the Contracting Officer, include in any subcontracts thereunder provisions similar to those contained in § 13.502 (f) and designated for use in negotiated fixed-price contracts, with respect to Government property previously furnished to the prime contractor but in the possession or control of the subcontractor, and

(b) A prime contractor on a cost-reimbursement basis may, with the prior approval of the Contracting Officer, (1) include in any cost-reimbursement type subcontract thereunder provisions similar to those contained in § 13.503 (f), with respect to Government property in the possession or control of such subcontractor, and (2) include in any fixed-price subcontract thereunder provisions similar to those contained in § 13.502 (f) and designated for use in negotiated fixed-price contracts, with respect to Government property in the possession or control of such subcontractor: *Provided, however,* That whenever a fixed-price subcontract intervenes between the prime contractor and a subcontractor on a cost-reimbursement basis, the provisions so included shall be those referred to in (2) above.

Contracting Officers shall, prior to approving the inclusion in any subcontract of the provisions referred to in this section, satisfy themselves that the degree of protection and care to be afforded Government property in the possession or control of any such subcontractor is sufficient at all times to protect the interests of the Government.

SUBPART E—CONTRACT CLAUSES

1. Delete § 13.501 (a) and insert in lieu thereof the following:

§ 13.501 *Applicability.* (a) As used in this subpart, the term "fixed-price contract for supplies or services" shall mean any contract (1) entered into either by formal advertising or by negotiation, but excluding purchase orders for $5,000 or less, letter contracts, letters of intent, preliminary notices of award and amendments or modifications to contracts or purchase orders; (2) at a fixed-price (with or without provisions for price redetermination, escalation, or other form of price adjusement) as covered in §§ 3.402 to 3.404; inclusive; and (3) for supplies or services other than the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property.

• • • • • •

2. Several changes have been made to § 13.502 Government-furnished property clause for fixed-price contracts, as follows:

a. Delete paragraph (c) in its entirety, and insert in lieu thereof the following:

(c) Title to the Government-Furnished property shall remain in the Government. Title to Government-Furnished property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-Furnished property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor shall maintain adequate property control records of Government-Furnished property in accordance with the provisions of the "Manual for Control of Government Property in Possession of Contractors" (32 CFR, Part 30, App. B) as in effect on the date of this contract.

b. Delete the last paragraph in (f) (1), beginning with the words "The term 'contractor's managerial personnel'", and ending with the words "with the performance of this contract", and insert in lieu thereof, the following:

This clause shall not be construed as relieving a subcontractor from liability for

loss or destruction of or damage to the Government-Furnished property while in its possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, may provide for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government-Furnished property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

The term "Contractor's managerial personnel" as used herein means the Contractor's directors, officers and any of its managers, superintendents, or other equivalent representatives who have supervision or direction of (I) all or substantially all of the Contractor's business; (II) all or substantially all of the Contractor's operation at any one plant or separate location at which the contract is being performed; (III) a separate and complete major industrial operation in connection with the performance of this contract.

c. Delete (f) (vi) and insert in lieu thereof the following:

(vi) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government-Furnished property, caused by an excepted peril, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where a subcontractor has not been relieved from liability for any loss or destruction of or damage to the Government-Furnished property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government-Furnished property for the benefit of the Government.

3. Several changes have been made in § 13.503 *Government property clause for cost-reimbursement type contracts*, as follows:

a. Delete paragraph (c) in its entirety, and insert in lieu thereof the following:

(c) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any realty. The Contractor shall maintain adequate property control records of the Government property and shall identify the Government property as such in accordance with the provisions of the "Manual for Control of Government Property in Possession of Contractors" (32 CFR, Part 30, App. B) as in effect on the date of this contract, which is incorporated herein by reference.

b. Delete (f) (i), and insert in lieu thereof the following:

(f) (i) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto) (A) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of (I) all or substantially all of the Contractor's business, or (II) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (III) a separate and complete major industrial operation in connection with the performance of this contract; or (B) which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (A) above, (I) to maintain and administer, in accordance with sound industrial practice, the program for maintenance, repair, protection and preservation of Government property as required by paragraph (e) hereof, or (II) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (e) hereof; or (C) for which the Contractor is otherwise responsible under the express terms of clause(s) ---- of this contract, or of the clause or clauses designated in the Schedule; or (D) which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or (E) which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement; provided that, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. This clause shall not be construed as relieving a subcontractor from liability for loss or destruction of or damage to Government property in its possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, may provide for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

c. Delete (f) (iv), and insert in lieu thereof the following:

(iv) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, it shall use the proceeds to repair, renovate or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

4. Delete § 13.505 (f) and insert in lieu thereof the following:

§ 13.505 *Government-furnished property clause for fixed-price contracts (Non-profit research and development contracts).* • • •

(f) The provisions of Part III, Appendix C, Armed Services Procurement Regulation, Manual for Control of Government Property in possession of Non-Profit Research and Development Contractors (32 CFR, Part 30), as in effect on the date of this contract, insofar as they relate to Government-furnished property, are herein incorporated by reference. The Contractor agrees to comply with the provisions thereof relating to the keeping of property control records, identification and marking, segregation and commingling, taking of inventories, and control of salvage and scrap, and the Contractor also accepts the responsibilities set forth in said Part III with respect to Government-furnished property.

5. Several changes have been made to § 13.506 *Government property clauses for cost-reimbursement type contracts*, as follows:

A. Delete (g) in its entirety and insert in lieu thereof the following:

(g) The provisions of Part III, Appendix C, Armed Services Procurement Regulation, Manual for Control of Government Property in Possession of Non-Profit Research and Development Contractors (32 CFR, Part 30), as in effect on the date of this contract, are herein incorporated by reference. The Contractor agrees to comply with the provisions thereof relating to the keeping of property control records, identification and marking, segregation and commingling, taking of inventories, and control of salvage and scrap, and the Contractor also accepts the responsibilities set forth in said Part III with respect to Government property.

b. Delete (i) (i) (B) in its entirety, and insert in lieu thereof the following:

(B) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (A) above, (I) to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection and preservation of Government property as required by subparagraph (f) above, or (II) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under subparagraph (f) above; or

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Assistant Secretary of Defense (Supply & Logistics).

[F. R. Doc. 55-4075; Filed, May 18, 1955; 8:51 a. m.]

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 594—INTERDEPARTMENTAL PROCUREMENT

PART 596—CONTRACT CLAUSES AND FORMS

PART 601—LABOR

PART 602—GOVERNMENT PROPERTY

MISCELLANEOUS AMENDMENTS

1. In § 590.253-2, revise so much of list of purchasing offices as pertains to Army Medical Service and Ordnance Corps, as follows:

§ 590.253-2 *Principal purchasing offices.* • • •

ARMY MEDICAL SERVICE

Procurement Coordination Branch, Supply Division, Office of The Surgeon General, Washington 25, D. C.

Armed Services Medical Procurement Agency, Brooklyn, N. Y.

ORDNANCE CORPS

Ordnance Ammunition Command, Joliet, Ill.

Ordnance Tank-Automotive Command, Detroit, Mich.

Frankford Arsenal, Philadelphia, Pa.

Ordnance Weapons Command, Rock Island, Ill.

Raritan Arsenal, Metuchen, N. J.

Redstone Arsenal, Huntsville, Ala.

Watervliet Arsenal, Watervliet, N. Y.

Rossford Ordnance Depot, Toledo, Ohio.

Birmingham Ordnance District, Birmingham, Ala.

Boston Ordnance District, Boston, Mass.

Chicago Ordnance District, Chicago, Ill.

Cincinnati Ordnance District, Cincinnati, Ohio.

Cleveland Ordnance District, Cleveland, Ohio.

Detroit Ordnance District, Detroit, Mich.

Los Angeles Ordnance District, Pasadena, Calif.

New York Ordnance District, New York, N. Y.

Philadelphia Ordnance District, Philadelphia, Pa.

Pittsburgh Ordnance District, Pittsburgh, Pa.

Rochester Ordnance District, Rochester, N. Y.

St. Louis Ordnance District, St. Louis, Mo.

San Francisco Ordnance District, Oakland, Calif.

Springfield Ordnance District, Springfield Armory, Springfield, Mass.

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2. In § 590.301, revise paragraphs (a) (2) and (8) and (b) as follows:

§ 590.301 *Methods of procurement.*

(a) • • •

(2) The equitable distribution of procurement contracts among the maximum number of competent suppliers.

• • • • • •

(8) The placement of contracts with a view to economies in the use of transportation facilities.

• • • • • •

(b) Procurements effected under Title II of the First War Powers Act, 1941, as amended, Executive Order 10210, February 2, 1951, and regulations issued thereunder will be governed by basic policies and procedures set forth in Subpart D, Part 606 of this subchapter.

3. Add §§ 590.302-4 and 590.307, and revise § 590.305 as follows:

§ 590.302-4 *Firms performing contracts in labor surplus areas.* In order to carry out the purpose and policy objectives of Industry Notifications under Defense Manpower Policy No. 4 (implemented by § 1.302-4 of this title), Contracting Officers will take the following action with respect to each industry: *Provided*, That in no case shall price differentials be paid for the purpose of carrying out these policy objectives.

(a) *Textile industry; Notification No. 38.* (1) The textile industry, for the purposes of Notification No. 38, is defined as set forth in the Standard Industrial Classification Manual, with the following modification: includes all of Major Group 22—Textile Mill Products, and Industry Nos. 2391 and 2392 (curtains and draperies, and house furnishings). Excludes Industry No. 2274 (linoleum, asphalted-felt-base, and other hard-surface floor coverings not elsewhere classified) and Industry No. 2298 (cordage and twine).

(2) Contracting Officers will endeavor to place contracts with those manufacturers whose weaving operations (in case of weaving or integrated mills) or whose spinning operations (in case of spinning mills) during the period of performance of such contracts will not be in excess of 80 hours a week (not including other supporting activities).

(3) The Office of Defense Mobilization has directed that there be no preference on an area basis. Preferences under set-asides established under Chapter I of this title will therefore be limited to firms which meet the aforementioned hours of work criterion wherever located.

(b) *Shoe industry; Notification No. 39.* The shoe and footwear industry is subject to the general application of Defense Manpower Policy No. 4 as implemented by § 1.302-4 of this title and related sections. The Office of Defense Mobilization has directed that there be no special treatment of the shoe industry, and any set-asides established shall be offered to qualified firms in labor surplus areas in accordance with Chapter I of this title.

(c) *Apparel industry; Notification No. 53.* (1) The apparel industry, for the purposes of Notification No. 53, is defined as set forth in the Standard Industrial Classification Manual and includes all of the Major Group 23 except Group No. 239.

(2) Whenever feasible, under the same invitation, bids should be requested for jackets or coats and trousers as separate items, in order that if so desired bidders may bid in combinations of units and, to the extent that requirements warrant, at least an equal amount of trousers should be included.

(3) The Quality Clause in its present form should be retained and carefully administered.

(4) Since the Office of Defense Mobilization has directed that there be no preference on an area basis, there shall be no set-aside of items in this industry.

(d) *Shipbuilding industry; Notification No. 57.* (1) For the purposes of Notification No. 57, the shipbuilding industry is defined as establishments primarily engaged in building all types of ships, barges, canal boats, and lighters of 5 gross tons and over, whether propelled by sail and motor power or towed by other craft. Establishments primarily engaged in fabricating structural assemblies or components for ships, or subcontractors engaged in ship painting, joinery, carpentry work, electrical wiring installation, etc., are not classified in this industry.

(2) In the placement of shipbuilding contracts, preference should be given, wherever practicable, to firms which can meet their contract obligations without any substantial use of overtime labor and without the construction of new facilities.

(3) Whenever practicable, proposals should be invited and contracts awarded on a small-lot basis rather than on a large-lot basis. Small-lot procurements, which permit small yards to bid and spread the work among a larger number of private yards, should be employed to the maximum practicable extent.

(e) *Petroleum industry; Notification No. 58.* The petroleum industry is exempted from the application of Defense Manpower Policy No. 4, as implemented by § 1.302-4 of this title and related sections. There shall accordingly be no set-aside of items in this industry.

§ 590.305 *Specifications.* Every item procured either by formal advertising or negotiation shall be described by referencing the applicable specification(s) or, by a description containing the necessary requirements when exempted under the provisions in paragraph (b) of this section. This section does not apply to purchases falling under the provision of § 3.210-2 (m) of this title. Regulations covering the preparation and promulgation of specifications are contained in SR 715-50-1 (Army special regulations governing specifications and standards).

(a) *Mandatory use of Federal Military Specifications.* Applicable coordinated Federal and Military Specifications and those Interim Federal and Limited Coordination Military Specifications issued by Army technical services are mandatory for use by all procuring activities of the Department of the Army.

(b) *Exemptions.* Federal and Military Specifications need not be used for the following: (1) Purchase incident to research and development, (2) purchase of items for test or evaluation, (3) purchase of laboratory test equipment for use by Government laboratories, (4) purchase of items for authorized resale except military clothing, (5) purchase of items in an amount not to exceed $1,000 (multiple small purchases of less than $1,000 of the same item shall not be made for the purpose of avoiding the intent of this exemption), (6) purchase of one-time procurement items, (7) purchase of items for which it is impracticable or uneconomical to prepare a specification (repetitive use of a purchase description containing the essential characteristics or a specification will be construed as improper use of this exemption).

(c) *Purchase descriptions and "or equal."* (1) Items exempted under the foregoing provisions may be described in Invitations for Bids or Request for Proposals by use of a purchase description, providing such description adequately specifies all of the essential requirements. When a product cannot be adequately described because of its technically involved construction or composition, the name of one or preferably more commercial products may be used for the description followed by the words "or equal," to permit free and open competition and not limit bidding to the particular make or makes speci-

fied. Such reference to commercial products shall not be restrictive to the product of one manufacturer, but shall be for the sole purpose of providing a common basis for competitive bidding.

(2) Heads of Procuring Activities will insure that necessary discretion is exercised in preparation of purchase descriptions, evaluation of bids, and award of contracts when such descriptions are used. Repeated use of a purchase description for any item other than one of minor significance indicates a need for a specification. In these instances, necessary action will be taken to provide for issuance of adequate Military or Federal Specifications as appropriate. Special precaution will be exercised to prevent the phrase "or equal" being used to procure proprietary products under the guise of competitive bidding procedures, to the exclusion of other similar products at least of equal quality and performance that meet the actual needs. Use of the phrase "or equal" is not intended as a device to substantiate a determination that no other product is equal in quality and performance to the product specifically listed in the Invitation for Bids or Request for Proposal. In instances where a proper determination has been made that one, and only one, supplier can furnish the required item or items, procurement should be accomplished by negotiation in accordance with Part 3 of this title and Part 592 of this subchapter. Rejection of a low bid offering products "as equal" to the product or products listed in an Invitation for Bids or Request for Proposals followed by "or equal," will be based on factual determination of "equality."

(d) *Deviations and waivers.* All deviations and waivers to Federal and Military Specifications will be subjected to competent review as prescribed by the Heads of Procuring Activities. Significant deviations and waivers will be reported to the Deputy Chief of Staff for Logistics, Department of the Army ATTN: Chief, Standards Branch at the time such deviations or waivers are made. To avoid the need for repeated deviations and waivers, immediate action will be taken in accordance with procedure established in each technical service to amend or revise specifications.

(e) *Oversea purchases.* Contracting Officers are authorized to deviate from this paragraph, subject to any instructions which may be issued by the Head of the Procuring Activity involved, for procurement effected outside the United States, its Territories, and possessions, to the extent of using where necessary, such specifications, standards, and purchase descriptions of foreign governments and foreign trade associations, which will be understood readily by foreign vendors, provided that adequate measures are taken to insure satisfactory and acceptable products, including standard and interchangeable items, where required. Reports of deviation from Federal and Military Specifications will not be required for oversea purchases.

(f) *Supply of specifications to activities outside the Government.* A liberal attitude shall be taken in complying with requests for specifications from prospective bidders and possible manufacturers of supplies, whether for the purpose of broadening the peacetime market or for establishing new sources of supply in case of emergency.

(g) *Options permitted by specifications.* Many specifications cover several grades or types or provide for optional requirements. When such specifications are used in conformity with paragraph (a) of this section, the Invitation for Bids or Requests for Proposals shall specifically state the grade, type, or option on which bids or quotations are to be based.

§ 590.307 *Responsible prospective contractor.* In determining responsibility, primary emphasis will be placed upon the prospective Contractor's technical and financial ability to perform the contract successfully. Where a Contractor is not responsible, even though it is anticipated that a future event would make him responsible, an award contingent upon such future event is prohibited. For example, it would be improper to award a supply contract conditioned on the Contractor obtaining adequate financing within 30 days from the date of the award.

(a) A preaward qualification check or survey will be made of the technical and financial capabilities of the prospective Contractor in order to provide the basis for evaluating responsibility. Qualification checks or surveys may be curtailed to the extent the prospective Contractor's qualifications are known to be satisfactory or when not required in the judgment of the Contracting Officer. The contract file of the Contracting Officer will contain a record of his determination of the responsibility of the Contractor in all cases over $1,000, with such supporting evidence as is secured by him through qualification checks or surveys. In the event the Contracting Officer determines that a preaward survey need not be made, a statement to that effect with supporting reasons for the waiver on all contracts over $1,000 will be made a part of the contract file.

(b) In evaluating the responsibility of prospective Contractors, consideration will be given to the following factors, as well as to any others which may be deemed appropriate.

(1) Whether the Contractor qualifies as a "source of supply," as defined in § 1.201–9 of this title and § 590.201–9.

(2) Financial ability to perform the contract, including the availability of necessary working capital and credit, as determined from the following and any other appropriate sources:

(i) Balance sheets and profit and loss statements.

(ii) Credit reports of commercial- and financial-reporting agencies.

(iii) Data available at the prospective Contractor's banks.

(iv) Information concerning other contractual commitments.

(3) Financial aid furnished or required to be furnished by the Government.

(4) Business and financial reputation and integrity of the prospective Contractor, and where its reputation and integrity are not established, of the principal executives of the prospective Contractor, as determined by checks of the following sources:

(i) The prospective contractor's banks.

(ii) Trade creditors.

(iii) Any other source, governmental or private, which has had substantial previous dealings with the prospective Contractor.

(5) Business and manufacturing experience, including length of time in present business, production efficiency, and technical ability.

(6) Types of supplies, equipment, components, material, and services currently being manufactured, performed, or developed.

(7) Similarity between items currently being produced and items required by the proposed contract.

(8) Total amount of business on hand (military and commercial) as effecting the ability of the prospective Contractor to meet deliveries required under the contract.

(9) Prospective Contractor's past record of performance of Government contracts.

(10) Adequacy and availability of facilities, materials, and personnel for performance of the specific contract involved, including, when applicable, consideration of:

(i) Plant space.

(ii) Manufacturing equipment.

(iii) Testing, inspection, and laboratory facilities.

(iv) Training facilities.

(v) Materials and components.

(vi) Trained labor.

(vii) Key production and engineering personnel.

(viii) Subcontractors.

(11) Furnishing of a performance bond.

4. Sections 590.354 and 590.355 are revised, and §§ 590.354–1, 590.354–2, 590.354–3, 590.354–4, 590.354–5, 590.355–1, 590.355–2, 590.355–3, 590.355–4, 590.357 and 590.358 are revoked, as follows:

§ 590.354 *Manpower policy in placing procurement*—(a) *General policy.* Purchasing officers will give careful consideration to the adequacy of the local labor supply in placing contracts and in planning delivery schedules. From an economic and security standpoint, and when feasible, it is preferable to place procurement at the sources of labor supply rather than move the labor supply.

(b) *Procurements in Group I and Group II areas.* To the extent practicable, procurement will be avoided in labor market areas where manpower is in short supply or in approximate balance. These areas are designated Group I and Group II by the Department of Labor.

(1) The importance of avoiding procurements in such areas may be seen in relation to the criteria for designating a labor shortage area. Under these criteria the current and projected labor supply is expected to fall significantly short of meeting manpower requirements of essential activities, where essential activities account for at least 40 percent of the total nonagricultural workers in the area. Thus, not only would timely performance on the proposed contract be difficult, but timely performance on the large amount of essential work already in the area would be jeopardized.

(2) Before placing contracts involving significant additional manpower in labor shortage areas, Contracting Officers will obtain detailed information on labor market conditions. A net increase of two hundred above the current employment level will be considered "significant additional manpower."

(c) *Procurement in Group IV areas.* To the extent practical, procurement should be placed in labor market areas having surplus manpower (group IV areas). Sections 1.302–4, 2.205, 2.406–4, 3.105, and 3.219 of this title prescribe procedures applicable to procurement in group IV areas.

(d) *Government facilities.* Procedures set forth in paragraphs (b) and (c) of this section are similarly applicable to Government-owned and operated facilities. The procedures will be used in reaching decisions regarding the location, relocation, expansion, or contraction of such facilities when the decisions would involve significant changes in the current employment level. Construction manpower is not involved in this consideration. Commanding Officers will furnish local public employment offices timely information regarding civilian labor requirements at Government facilities.

(e) *Labor market-areas.* (1) Classification of labor areas are listed bimonthly by the Department of Labor, and interim notices are published as required. The listing appears in "Bimonthly Summary of Labor Market Development in Major Areas." Contracting Officers are responsible for utilizing this publication. It may be obtained by application to the Bureau of Employment Security, United States Department of Labor, Washington 25, D. C.

(2) At times it is necessary to determine whether there is an adequate labor supply in market areas in addition to the designated areas. In such cases, Contracting Officers will secure additional detailed manpower information direct from the Department of Labor and affiliated State Employment Offices.

(f) *Application of policy contractor.* (1) Small business specialists and Contracting Officers, should urge prime contractors to be guided by this policy.

(2) Prime contractors should be encouraged to advise their subcontractors to inform local public employment offices of anticipated labor requirements for fulfillment of Government orders.

§ 590.354–1 [Revoked.]

§ 590.354–2 [Revoked.]

§ 590.354–3 [Revoked.]

§ 590.354–4 [Revoked.]

§ 590.354–5 [Revoked.]

§ 590.355 *Use of certificates of necessity and expediting production funds.* It is the policy of the Department of the Army that Certificates of Necessity and the utilization of Expediting and Production Funds will be recommended for approval only in those instances where no other adequate facilities for the furnishing of the supplies or services exist which can be operated by responsible firms.

§ 590.355–1 [Revoked.]

§ 590.355–2 [Revoked.]

§ 590.355–3 [Revoked.]

§ 590.355–4 [Revoked.]

§ 590.357 [Revoked.]

§ 590.358 [Revoked.]

5. Paragraph (a) of § 591.204 is revoked, and §§ 591.206 and 591.206–2 are added as follows:

§ 591.204 *Bidders mailing list.* (a) [Revoked.]

§ 591.206 *Synopses of proposed procurements.*

§ 591.206–2 *Preparation and transmittal of synopses*—(a) *Instructions for teletyping of synopses.* Teletyped synopses will be prepared for transmission as follows:

(1) The first line of the text of the message will state the number of the synopsis being sent. Synopses will be numbered consecutively.

(2) The second line will state the name and location of the purchasing office straight across the page (not to exceed 70 typewriter spaces) continuing on the next line if necessary.

(3) The description of the item being procured will be set forth in capital letters, using the dash for commas, and will not exceed 31 typewriter spaces per line. The description will be clear, concise, abbreviated wherever possible, but in sufficient detail for clear understanding by interested parties; it will consist of a minimum general description of the item being procured and, when appropriate, will include commonly used names of supply items, basic materials from which fabricated, general size or dimensions, etc. Citations to specification, drawing numbers or other identifying data will be included, if such information will assist prospective suppliers in determining whether they are interested in the procurement.

(4) The column designating the quantity to be procured begins on typewriter space 32 and will not exceed 10 spaces per line. The quantity should be centered between spaces 32 and 41. Quantity to be procured will be indicated, except when purchasing offices deem it advisable, quantities may be published as "more than ---------."

(5) The column designating the invitation or request number begins on typewriter space 42 and will not exceed 16 spaces per line. Invitation for Bids numbers will be followed by the letter "B." Request for proposals or quotations will be indicated by the letter "Q" or, if numbered, the number will be followed by the letter "Q." The invitation or request number should be centered between spaces 42 and 57.

(6) The column designating the opening date (or last date of submission of proposals or quotations) begins on typewriter space 58 and will not exceed 13 spaces. The date should be centered between spaces 58 and 70.

(7) Columnar headings will be omitted.

(8) Receiving machines automatically cut stencils at the time the message is received, and any deviations will cause the format of the synopsis printed by the Department of Commerce to be out of line. Therefore each reporting office will adhere to these instructions.

(9) Each reporting office will discuss the instructions contained in this paragraph with its communications office so that the manner in which the message is to be transmitted is thoroughly understood by the office preparing the message and the communications office.

(b) *Alternate transmission media.* Where access to the Army Command and Administrative Network (ACAN) is not available, synopses will be dispatched via air mail to the following address:

Administrative Office, U. S. Department of Commerce, 433 West Van Buren Street, Chicago, 7, Ill.

(c) *Contents of synopses when not teletyped.* Synopses air mailed will contain the same information required for synopses which are teletyped in substantially the same form as prescribed in paragraph (a) of this section. In addition to this information, appropriate columnar headings will be used.

(d) *Information copies.* In addition to requirements of § 2.206–2 (a) of this title, a copy of the synopsis will be forwarded by mail to Procurement Information Center, Office of the Assistant Secretary of the Army (Logistics and Research and Development), Old Post Office Building, 12th and Pennsylvania Avenue NW., Washington 25, D. C.

6. Section 591.405 is revised, §§ 591.405–2, 591.405–3, 591.405–50, 591.405–51, 591.408, 591.408–1 and 591.408–2 are added, and § 591.451 is revoked, as follows:

§ 591.405 *Mistake in bids.*

§ 591.405–2 *Mistakes disclosed after opening and prior to award, other than obvious or apparent mistakes of a clerical nature.* (a) Authority has been granted the designees enumerated in § 2.405–2 (b) (1) of this title to make the determinations set forth in § 2.405–2 (a) of this title.

(b) Cases not encompassed by the delegation referred to above and those doubtful cases which the delegates elect to submit to higher authority for determination will be forwarded direct to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Purchases Branch (with copy to the Head of the Procuring Activity concerned), and will include, in addition to the supporting data required by Chapter I of this title, the Contracting Officer's statement of findings and recommendations as called for by § 2.405–2 (e) of this title, in triplicate as well as a clear statement that an award has not been made.

(c) Where circumstances require such prompt action as to preclude transmittal of the case by mail, Contracting Officers will use telegraphic, telephonic, or radio means of communicating with the appropriate higher authority, furnishing,

so far as possible, the information called for by § 2.405–2 (e) of this title.

(d) Notice to Contracting Officers of determinations made by higher authority and instructions based thereon will be issued by the head of a technical service when so authorized, or by the Deputy Chief of Staff for Logistics (Chief, Purchases Branch), to the Head of the Procuring Activity, except that in the latter instance Contracting Officers may be notified direct in cases requiring expeditious action and the Head of the Procuring Activity notified simultaneously.

§ 591.405–3 *Disclosure of mistakes after award.* When an alleged mistake in a bid has been disclosed after award has been made, the case will be forwarded through channels to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Purchases Branch, and will include, in addition to the supporting data enumerated in § 2.405–2 (e) of this title, a copy of the contract involved and a showing of the status of performance and payment under the contract.

§ 591.405–50 *Reports*—(a) *Determinations pursuant to delegated authority.* The Chief of Engineers, the Chief of Ordnance, and the Quartermaster General will furnish to the Chief, Purchases Branch, Office of the Deputy Chief of Staff for Logistics, by the 10th of each month the following information relative to each administrative determination made during the preceding calendar month under the delegation of authority referred to in § 591.405–2 (a): (1) Copy of the Contracting Officer's statement described in § 2.405–2 (e) (5) of this title; (2) copy of the determination referred to in § 2.405–2 (a) of this title; and (3) such additional data as is material to the determination.

(b) *To disbursing officer.* The Contracting Officer will furnish a copy of the administrative determination, or a copy of the decision of the Comptroller General, if any, respecting a mistake in bid, to the Disbursing Officer to support any payment made or to be made by him.

§ 591.405–51 *Title II of the First War Powers Act, 1941.* Mistake in bid cases processed under authority of Title II of the First War Powers Act, 1941, as amended, will be governed by Subpart D, Part 606 of this subchapter.

§ 591.408 *Synopses of contract awards.*

§ 591.408–1 *Statement of policy.* Awards of unclassified contracts, exceeding $25,000 in amount, entered into by any purchasing office in the continental United States, whether by formal advertising or negotiation, shall be published, as provided in § 2.408 of this title.

§ 591.408–2 *Preparation and transmittal of synopsis.* In addition to addressee specified in § 2.408–2 (a) of this title, copy of the synopsis will be forwarded by mail to the Procurement Information Center, Office of the Assistant Secretary of the Army (Logistics and Research and Development), Old Post Office Building, 12th and Pennsylvania Avenue NW., Washington 25, D. C.

§ 591.451 *Synopses of awards.* [Revoked.]

7. In § 592.650–7, paragraph (m) is added, as follows:

§ 592.650–7 *General instructions.*

* * *

(m) The certifying officer will enter quantity accepted and date of delivery in copies No. 1, 2, and 5 of DD Form 738 and accomplish the administrative certificate on copy No. 1.

8. Part 594, Interdepartmental Procurement, is revised to read as follows:

Sec.
594.000 Scope of part.

Subpart A—Procurement Under Federal Supply Schedule Contracts

594.101 Federal supply schedule contracts.
594.103 Mandatory use of Federal supply schedules.
594.103–1 Exceptions to mandatory use.

Subpart B—Procurement From Federal Supply Service Stores Depots

594.204 Procurement from Federal Supply Service Stores Depots.
594.204–1 Common administrative supplies.

Subpart F—Procurement of Printing and Related Supplies

594.601 Printing and related supplies.

AUTHORITY: §§ 594.000 to 594.601 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161.

§ 594.000 *Scope of part.* This part sets forth the policy with respect to (a) procurement under Federal Supply Schedule Contracts, (b) procurement from Federal Supply Service Stores Depots, and (c) Procurement of printing and related supplies.

SUBPART A—PROCUREMENT UNDER FEDERAL SUPPLY SCHEDULE CONTRACTS

§ 594.101 *Federal supply schedule contracts.* (a) "Delivery Orders" will be used to effect purchases under contracts of the Federal Supply Service.

(b) Delivery orders for supplies listed in the Federal Supply Schedule will be addressed and forwarded direct to the Contractor indicated and shall contain sufficient data to enable prompt identification (by disbursing and auditing agencies) of the correct listing in the proper Federal Supply Schedule. These data will include contract number, item number, and where applicable, supplement, region, or zone number.

(c) Each such delivery order will indicate the name of the Finance Officer who will make the payments.

(d) Each such delivery order will indicate on its face that prices, if shown, will be subject to the basic contract of the Federal Supply Service.

(e) In the case of service station deliveries of gasoline and lubricating oil under Federal Supply Schedule (Classes 7 and 14) by means of an identification card, the delivery ticket prepared by the service station and signed by identification card holder at the time of delivery constitutes a "Delivery Order." When such a delivery ticket is used as a "delivery order", the provisions of paragraph (c) and (d) of this section do not apply.

§ 594.103 *Mandatory use of Federal Supply Schedules.*

§ 594.103–1 *Exceptions to mandatory use*—(a) *Emergency procurement.* When purchase is made from the open market of supplies or services listed in Federal Supply Schedules and designated as mandatory on the Department of Defense, the voucher submitted to the Disbursing Officer for payment shall contain a finding that the purchase was justified because the supplies or services could not be furnished under Federal Supply Schedule contracts at the time such supplies or services were required. Such finding shall be final and conclusive. In each instance, the finding will set forth the specific reasons why the time element made the emergency purchase necessary. The determination that the supplier could not furnish such supplies or services by the time required can be made only if the suppliers in the applicable schedules have been given the opportunity to so state.

SUBPART B—PROCUREMENT FROM FEDERAL SUPPLY SERVICE STORES DEPOTS

§ 594.204 *Procurement from Federal Supply Service Stores Depots.*

§ 594.204–1 *Common administrative supplies.* The use of DD Form 738 (Order and Voucher for Purchase of Supplies and Services), for purchases not in excess of $1,000 constitutes another simplified small purchase method to be considered for use under § 5.204–1 (b) of this title.

SUBPART F—PROCUREMENT OF PRINTING AND RELATED SUPPLIES

§ 594.601 *Printing and related supplies.* Procedures applicable to the procurement of printing and related supplies are as follows:

(a) *Printing.* (AR 310–5, pertaining to printing, binding, and duplicating, and SR 310–5–1, pertaining to printing and production of military publications.)

(b) *Envelopes.* (AR 310–5 and Class 53, Federal Supply schedules.) Procurement procedure pertaining to mailing envelopes and related provisions applying to use of penalty markings are published in SR 340–10–20 (Mailing envelopes) and SR 340–10–1 (Penalty envelopes).

(c) *Related supplies.* Blank paper, ink, glues, and other related supplies carried in stock by the Government Printing Office shall be purchased from that office if required for use within the District of Columbia.

9. Section 596.103–21 is revised and § 596.104–4 is revoked, as follows:

§ 596.103–21 *Termination for convenience of the government.* Insert the contract clause appropriate for use in fixed-price supply contracts as set forth in Subpart G, Part 8, Chapter I of this title.

§ 596.104–4 *Neutrality Act of 1939.* [Revoked.]

10. Section 601.802 is revoked and § 601.803 is revised as follows:

§ 601.802 *Applicability.* [Revoked.]

§ 601.803 *Special requirements for emergencies.* Requests for authority to omit the nondiscrimination clause shall be transmitted in quadruplicate through channels to The Judge Advocate General, Department of the Army, ATTN: Chief, Industrial Relations Branch. Requests shall be in a form suitable for transmission to the President's Committee on Government contracts. Such requests shall set forth in detail the facts concerning the procurement in question, the need for an exemption, and the efforts made by the Contracting Officer and the Procuring Activity to effect the procurement without an exemption. Where appropriate, request should also set forth facts concerning general impact which would result from failure to secure contracts with the contractor concerning whom the request is made.

11. In § 601.805–6, paragraphs (a) and (b) (4) (xii) are revised to read as follows:

§ 601.805–6 *Processing of complaints.* (a) Any complaints and all requests for investigation as a result of compliance reviews (§ 601.805–3 (a)) shall be referred to the appropriate army or technical service Labor Compliance Officer. If it appears that complaint cannot be disposed of by education and where appropriate by mediation, conciliation or persuasion, such Labor Compliance Officer will direct an investigation of the case. If there is doubt as to the agency with primary interest, the case will be transmitted through channels to The Judge Advocate General, Department of the Army, ATTN: Chief, Industrial Relations Branch.

* * * * * *

(b) * * *
(4) * * *

(xii) Recommendations as to future action with respect to the Contractor.

* * * * * *

12. Section 602.1701–1 is revised to read as follows:

§ 602.1701–1 *Records of plant equipment.* The form of property records to be maintained for plant equipment shall be prescribed by the respective technical service, giving due consideration to the provisions of SR 715–5–25. In addition to the exceptions provided for in paragraph 304.3 (a) and (b) of the manual, the following exception also is applicable:

(a) *Records of plant equipment priced at $500 or less with the* exception provided for in § 602.1705 (g). Items of plant equipment of identical nomenclature and operating performance for which individual item accounting is not required may be recorded on a single record. In the event such items of property listed on a single record have serial numbers and/or manufacturer's number, these numbers will be listed on the appropriate record or on a single supporting list.

[304.3]

(b) *Description of equipment.* The description of accessory and auxiliary equipment specified by paragraph 304.3 (a) of the manual, to be entered on the plant equipment record of the item on which they are being used should not be construed to require records of motor serial numbers to be kept current during the life of a contract, reflecting changes between machines for maintenance purposes. The procedures of the Property Administrator and the Contractor will, however, upon receipt and inspection of equipment at contract completion or termination account for all accessory and auxiliary equipment which is attached to or otherwise a part of an item of plant equipment, and which is required for its normal operation.

[304.3a]

[C11, APP, April 12, 1955] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–4046; Filed, May 18, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11312; FCC 55–562]

[Rules Amdt. 3–44]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

1. The Commission has before it for consideration its notice of proposed rule making and order to show cause (FCC 55–353) issued in this proceeding on March 24, 1955 and published in the FEDERAL REGISTER on March 30, 1955 (20 F. R. 1991). The notice advised that Mt. Mansfield Television, Inc., permittee of television Station WMVT operating on Channel 3 at Montpelier, Vermont, had filed a petition requesting rule making to amend the table of assignments contained in § 3.606 of the Commission's rules and regulations so as to assign Channel 3 to Burlington, Vermont, instead of Montpelier, Vermont. Mt. Mansfield Television, Inc., was also ordered to show cause why its outstanding authorization should not be modified to specify operation on Channel 3 at Burlington in lieu of Montpelier.

2. No comments opposing the proposed amendment were filed. Mt. Mansfield filed comments in support of the amendment and in consent to the order to show cause.

3. In support of its requested amendment and show cause order, petitioner notes that Channel 3 is the only VHF assignment in the State of Vermont; that it is the permittee of Station WMVT on Channel 3 in Montpelier with temporary studios authorized at Burlington, and that its present transmitter site, located on Mt. Mansfield, 28 miles from Montpelier and 20 miles from Burlington provides greater than the required "principal-city" coverage over the entire City of Burlington. Petitioner urges adoption of the proposed amendment for the reasons that Burlington is the largest city in Vermont and the terminal for network programs; that Burlington affords greater opportunity for local programming than does Montpelier because of the number of educational, religious and farming organizations located there; that Burlington is more accessible to the majority of the people in Vermont than is Montpelier, and that operation of Station WMVT from studios in Burlington is more convenient and economical since only a one-hop STL is necessary between studios located in Burlington and the transmitter site whereas two such hops are needed for studios located in Montpelier.

4. The Commission is of the view that the amendment proposed by Mansfield would be in the public interest since it would provide a more effective use of the available facilities. In addition, since the amendment adopted herein involves an existing station, the Commission believes that the public interest would be served by making the amendment effective immediately.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b), and 316 of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered,* That, effective immediately, the outstanding authorization of Station WMVT is modified to specify operation on Channel 3 at Burlington, Vermont, instead of Montpelier, Vermont.

7. *It is further ordered,* That effective immediately, the table of assignments contained in § 3.606, rules governing television broadcast stations is amended, insofar as the cities named are concerned, as follows:

City:	*Channel No.*
Burlington, Vt	3, °16+, 22+
Montpelier, Vt	40

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: May 11, 1955.

Released: May 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4077; Filed, May 18, 1955; 8:51 a. m.]

[FCC 55–561]

[Rules Amdts. 3–43, 4–10]

PART 3—RADIO BROADCAST SERVICES

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

PERIOD FOR WHICH VARIOUS STATION RECORDS MUST BE RETAINED IN STATIONS' FILES

1. Parts 3 and 4 of the Commission's rules and regulations provide that broadcast stations must maintain various records with respect to station operations. However, in many instances, the rules do not specify the period of time such records must be retained by the stations. This lack of specificity has resulted in a burden on the part of the licensees in their record keeping. Accordingly, the Commission believes that the public interest, convenience and necessity would be served by amending its rules to specify the length of time such records must be retained in the stations' files.

2. Existing rules provide that program and operating logs of broadcast stations must be retained for a period of two years, with certain exceptions. Our experience indicates that this two-year

period is satisfactory and does not constitute an undue burden on the part of the broadcasters. The Commission has therefore decided that this two-year retention period should also be provided for other records which must be maintained by broadcast stations. Accordingly, the Commission is amending its rules and regulations with respect to the keeping of records by broadcast stations as set forth below.

3. Authority for the adoption of the amendments herein is contained in sections 4 (i) and (j), and 303 (r) of the Communications Act of 1934, as amended.

4. In light of the nature of the amendments adopted herein, prior publication of notice of proposed rule making is unnecessary and the amendments may be made effective immediately.

5. *It is ordered,* This 11th day of May 1955, that, effective immediately, Parts 3 and 4 of the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1062; 47 U. S. C. 303)

Released: May 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 3.47 is amended by deleting paragraph (b) and substituting the following:

(b) The above data together with a description of instruments and procedure signed by the engineer making the measurements shall be kept on file at the transmitter and retained for a period of two years and shall be made available during that time upon request to any duly authorized representative of the Federal Communications Commission.

2. Section 3.63 is amended by deleting paragraph (d) and substituting the following:

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in the case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) of this section is satisfactory. Tests shall be conducted only between midnight and 9 a. m., local standard time. A record shall be kept of the time and result of each test. Such records shall be retained for a period of two years.

3. Section 3.190 is amended by adding the following sentence at the end of paragraph (d): "Such records shall be retained for a period of two years."

4. Section 3.254 is amended by deleting paragraph (b) and substituting the following:

(b) The above data together with a description of instruments and procedure signed by the engineer making the measurements shall be kept on file at the transmitter and retained for a period of two years and shall be made available during that time upon request to any duly authorized representative of the Federal Communications Commission.

5. Section 3.255 is amended by deleting paragraph (d) and substituting the following:

(d) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition and that it is adjusted to the proper frequency, except that in the case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) of this section is satisfactory. Tests shall be conducted only between midnight and 6 a. m., local standard time. A record shall be kept of the time and result of each test. Such records shall be retained for a period of two years.

6. Section 3.290 is amended by adding the following sentence at the end of paragraph (d): "Such records shall be retained for a period of two years."

7. Section 3.555 is amended by adding the following sentence at the end of paragraph (d): "Such records shall be retained for a period of two years."

8. Section 3.590 is amended by adding the following sentence at the end of paragraph (d): "Such records shall be retained for a period of two years."

9. Section 3.638 is amended by deleting paragraph (d) and substituting the following:

(d) The auxiliary transmitters shall be tested at least once each week to determine that they are in proper operating condition and that they are adjusted to the proper frequency, except that in the case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) of this section is satisfactory. A record shall be kept of the time and result of each test. Such records shall be retained for a period of two years.

10. Section 3.657 is amended by adding the following sentence at the end of paragraph (d): "Such records shall be retained for a period of two years."

11. Section 3.757 is amended by deleting paragraph (d) and substituting the following:

(d) The auxiliary transmitters shall be tested at least once each week to determine that they are in proper operating condition and that they are adjusted to the proper frequency, except that in the case of operation in accordance with paragraph (c) of this section during any week, the test in that week may be omitted provided the operation under paragraph (c) of this section is satisfactory. A record shall be kept of the time and result of each test. Such records shall be retained for a period of two years.

12. Section 4.181 is amended by the addition of a new paragraph (c) as follows:

(c) Station records shall be retained for a period of two years.

13. Section 4.281 is amended by the addition of a new paragraph (c) as follows:

(c) Station records shall be retained for a period of two years.

14. Section 4.381 is amended by the addition of a new paragraph (c) as follows:

(c) Station records shall be retained for a period of two years.

15. Section 4.481 is amended by the addition of a new paragraph (c) as follows:

(c) Station records shall be retained for a period of two years.

16. Section 4.581 is amended by the addition of a new paragraph (c) as follows:

(c) Station records shall be retained for a period of two years.

17. Section 4.681 is amended by the addition of a new paragraph (c) as follows:

(c) Station records shall be retained for a period of two years.

[F. R. Doc. 55-4076; Filed, May 18, 1955; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53803]

PART 16—LIQUIDATION OF DUTIES

CUSTOMS COLLECTION OF INTERNAL-REVENUE TAXES ON BEER AND WINE

To correspond with the provisions of the Internal Revenue Code of 1954 and the regulations of the Internal Revenue Service thereunder applicable to the determination of the tax on imported beers and wines, the third and fourth sentences of § 16.2 (b), Customs Regulations, are amended to read as follows:

§ 16.2 *Procedure; notice of liquidation.* * * *

(b) * * *. The procedure for collecting internal-revenue taxes on wines shall be on the basis of a wine gallon of liquid measure equivalent to 231 cubic inches and shall be paid proportionately on all fractional parts of a wine gallon; fractions of less than one-tenth gallon being converted to the nearest one-tenth gallon, and five-hundredths gallon being converted to the next full one-tenth gallon. Internal-revenue taxes on beer, ale, porter, stout, and other similar fermented beverages, including sake, of any name or description containing one-half of 1 per centum or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor, shall be collected in accordance with I. R. C. section 5051 (a).

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: May 12, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-4082; Filed, May 18, 1955; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 143]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized minimums after passing facility, circle to land within specified sector, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SANTA ANA, CALIF. Orange County 53'. SMRATZ-V NZJ. Procedure No. 1. Amendment No. 3. Effective: June 18, 1955. Supersedes Amendment 2, dated February 3, 1954. Major changes: New format.	Intersection SE course LOB LFR and S course NZJ LFR.	340—12.0	On top not below 2,500	W side N course: 340° outbound. 160° inbound. 2,500' within 10 miles. Beyond 10 miles not authorized.	1,800	2 engines or less: T-dn	300-1	300-1	Within 3.7 miles, climb to on top on outbound track of 215° from NZJ. This procedure not authorized with tops above 2,500'. CAUTION: 207' water tank 1 mile WSW of airport and high terrain 4 miles SE of airport.
						C-dn	600-1	600-1	
						A-dn	800-2	800-2	
						More than 2 engines: T-dn	300-1	300-1	
						C-dn	600-1½	600-1½	
						A-dn	800-2	800-2	
	Intersection SE course LOB LFR and W course NZJ LFR.	070—10.0	On top not below 2,500						
SAN ANTONIO, TEX. International, 800'. SMRATZ-DTV SAT. Procedure No. 1. Amendment 12. Effective June 18, 1955. Supersedes Amendment 11, dated April 28, 1954. Major changes: New format.	Cibolo Creek FM (final)	174—10	1,900	W side N course: 354° outbound. 174° inbound. 2,500' within 10 miles. Beyond 10 miles not authorized.	Yates radiobeacon or SAT VOR 1,900 LFR 1,700	2 engines or less: T-dn	300-1	300-1	Within 2.6 miles climb to 2,500' on S course within 25 miles. #Descent below 1,900' not authorized if facility over Yates Radiobeacon or SAT VOR not determined. Straight-in minimums not authorized unless Yates Radiobeacon or SAT VOR received and altitude over LFR is 1,700'.
						C-dn	400-1	400-1	
						S-dn 17	400-1	400-1	
	Yates radiobeacon (final)	174—3.5	1,700			More than 2 engines: T-dn	200-½	200-½	
						C-dn	500-1½	500-1½	
						S-dn 17	400-1	400-1	
	SAT VOR	173—4.5	2,200			All aircraft: A-dn	800-2	800-2	

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
TUCSON, ARIZ. Municipal, 2,630'. "H" TUS. Procedure No. 1. Amendment No. 1, dated July 1, 1954.	CANCELED—EFFECTIVE ON COMMISSIONING DATE OF TUCSON LOW FREQUENCY RANGE, APPROXIMATELY MAY 19, 1955.									

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
AUSTIN, TEX. Mueller, 631'. BVOR-AUS. Procedure No. 1. Amendment 4. Effective June 18, 1955. Supersedes Amendment 3, dated Sept. 10, 1954. Major changes: New format.	Austin LFR	014—5.0	2,000	W side course: 355° outbound. 175° inbound. 2,100' within 10 miles. Beyond 10 miles not authorized.	AUS VOR 1,600 AUS FM or NE course AUS LFR 1,300	175—5.6	2 engines or less T-dn C-dn S-dn 16R More than 2 engines T-dn C-dn S-dn 16R All aircraft A-dn	300-1 400-1 400-1 ---------- ---------- ---------- 800-2	300-1 500-1 400-1 300-1 *200-½ 500-1½ 400-1 800-2	Within 5.6 miles turn left climb to 2,000' on radial 100° within 25 miles. (1) Descent below 1,300' authorized after passing AUS FM or NE course. AUS LFR. If AUS FM or NE course of AUS LFR not received, descent below 1,300' not authorized. CAUTION: Tank 855' mean sea level 1.2 miles. W final approach track 2.3 miles NW of airport. *Runways 16R, 34L, 12R, and 30L only.
HONOLULU, HAWAII. Honolulu International Airport, 10'. BVOR-HNL. Procedure No. 1. Amendment No. 5. Effective: June 18, 1955. Supersedes Amendment 0-4, dated November 1, 1953. Major changes: New format. Changes course Item 7. Lower minima.	Intersection bearing 127° to Lanai VOR and bearing 230° to HNL VOR (Kaneohe Intersection).	230—29	6,000	S side of course: 235° outbound. 055° inbound. 2,000' within 10 miles.	1,000	080—5.5	2 engines or less *T-dn C-dn S-dn 8 A-dn More than 2 engines *T-dn #C-dn S-dn 8 A-dn	400-1 400-1 400-1 800-2 ---------- ---------- ---------- ----------	400-1 500-1 400-1 800-2 400-1 500-1½ 400-1 800-2	Within 5.5 miles, climb to 2,000' on course 168° and proceed to Southgate Intersection. (Intersection SE course Port Allen LFR and bearing 348° to HNL VOR.) *All takeoffs to NW (32) will be restricted to 600-2, with left-hand turn recommended. AIR CARRIER NOTE: Sliding scale not authorized. #Landings on runway 14 restricted to 600-2.
	Intersection SE course Port Allen LFR and bearing 348° to HNL VOR (Southgate Intersection).	348—18	5,000							
	Intersection SE course Port Allen LFR and bearing 055° to HNL VOR (Makai Intersection).	055—17	2,000							
	Barbers Point FM (final)	055—5	1,000							

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SAN ANTONIO, TEX. International, 800'. BVOR-DTV SAT. Procedure No. 1. Amendment 3. Effective June 18, 1955. Supersedes Amendment M-2, dated Apr. 23, 1954. Major changes: New format.	SAT LFR	353—4.5	2,200	W side of Cibolo course: 354° outbound. 174° inbound. 2,500' within 10 miles. Beyond 10 miles not authorized.	FM 2,000 VOR 1,900 SAT LFR-Z 1,500	174-7.2	2 engines or less T-dn C-dn S-dn 17 More than 2 engines T-dn C-dn S-dn 17 All aircraft A-dn	300-1 400-1 400-1 ---------- ---------- ---------- 800-2	300-1 500-1 400-1 200-½ 500-1½ 400-1 800-2	Within 7.2 miles climb to 2,500' on radial 174° within 25 miles. #Altitude over VOR 2,000' if Cibolo Creek FM not received. Descent to minimum authorized only after passing SAT LFR-Z on final. If SAT LFR-Z not identified on final, descent below 1,500' not authorized and minimums are 700-2. SAT LFR-Z to airport 174° 2.6 miles.
	Cibolo Creek FM (final	174—5.0	1,900							

4. The instrument landing system procedures prescribed in § 601.11 are amend ed to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
ALBUQUERQUE, N. MEX. Kirtland AFB/MUN, 5,330'. Procedure No. 1. Amendment No. 11. Effective June 18, 1955. Supersedes Amendment 10, dated April 30, 1955. Major changes: Add transitions from Rice and Peralta Intersections; change Jemez Intersection to Aden Intersection; adds Rice Intersection and Peralta Intersection.	Albuquerque LFR	LOM	162—1.5	7,000	W side S course: 170° outbound. 350° inbound. 7,000' within 5 miles.	6,400	6,400—4.3	5,530—0.7	2 engines or less T-dn C-dn S-dn Runway 35 A-dn More than 2 engines T-dn C-dn S-dn Runway 35 A-dn	300-1 400-1 200-½ 600-2 ---------- ---------- ---------- ----------	300-1 500-1 200-½ 600-2 200-½ 500-1½ 200-½ 600-2	Turn left to 325° magnetic heading and climb to 8,000' on N course ABQ LFR or ABQ VOR course 010° within 25 miles. When directed by ATC turn left and climb 8,000' on 256° course. ABQ VOR within 25 miles. CAUTION: Terrain exceeding 8,000' in E sectors of ILS and LFR, all turns to be made W of course.
	Albuquerque VOR	LOM	104—12.0	7,000								
	La Joya Intersection (intersection 156° radial ABQ and 008° radial TCS).	LOM	355—30.0	7,500								
	Peralta FM (final) (intersection 135° radial ABQ and S course ILS).	LOM	350—10.0	6,400								
	Aden Intersection (intersection 240° radial SAF and N course ILS).	LOM	170—30.0	9,000								
	Weller Intersection (intersection 026° radial ABQ and ILS N course).	LOM	170—19.0	7,000								
	Rice Intersection (intersection 40° radial ABQ and N course ILS).	LOM	170—13.5	7,000								
	Kirtland Intersection 075° radial ABQ and ILS S course.	LOM	170—6.0	7,000								

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			Minimum altitude at glide slope intercept-tion inbound (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)	Outer marker	Middle marker	Condition	Type aircraft				
								75 m.p.h. or less	More than 75 m. p. h.			
1	2	3	4	5	6	7	10	11	12	7	6	13
DALLAS, TEX. Love Field, 487'. ILS-1DAL. LOM-DA. Combination ILS and ADF. Procedure No. 1. Amendment 1. Effective: June 18, 1955. Supersedes Amendment. Original, Jan. 15, 1955. Major changes: Add regular vector authority. Standard notes.	Dallas VOR	OM	265—13	1,800	1,920—4.8	775—0.7	2 engines or less: T-dn C-dn	300–1 400–1	300–1 500–1	ILS 2,000 ADF 1,200 over LOM	N side NW course: 307° outbound. 127° inbound. 2,000 within 10 miles.	Climb to 2,000' on SE course of ILS within 25 miles or turn left proceed to DAL VOR, climb to 2,000'. Within 4.8 miles LOM (ADF) climb to 2,000' on course of 127° within 25 miles. CAUTION: 1,250' radio tower 6.5 miles W NW of LOM. 905' tank 11.7 miles SE runway 31. Procedure turn nonstandard due ATC. AIR CARRIER NOTE: Takeoff runway 13 not authorized with ceilings less than 200'. Radar terminal area transition altitude 2,000' within 5 to 20 N. miles. Higher communications provide 3 N. miles or 1,000' vertical separation or 3 to 5 N. miles and 500 vertical separation from radio towers, 1,106' mean sea level 20 N. miles N; 2,349 mean sea level 16 N. miles SSW; 1,250' mean sea level 10 N. miles WNW of airport.
							S-dn 13 ILS	200–½	200–½			
							ADF	400–1	400–1			
							More than 2 engines: T-dn C-dn	200–½ 500–1½	200–½ 500–1½			
							S-dn 13 ILS		200–½			
							ADF		400–1			
							All aircraft: A-dn ILS	600–2				
							ADF	800–2				

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-3896; Filed, May 18, 1955; 10:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1151]

COLORADO

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR USE IN CONNECTION WITH AIR FORCE ACADEMY

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Air Force in connection with the Air Force Academy as authorized by the act of April 1, 1954 (68 Stat. 47):

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 67 W.,
Sec. 32, W½NW¼,SW¼.
T. 12 S., R. 67 W.,
Sec. 5, W½SE¼, SW¼NE¼, SW¼, W½NW¼;
Secs. 8, 17 and 20;
Sec. 21, NW¼;
Sec. 28, NW¼, N½SW¼;
Secs. 29 and 32;
Sec. 33, W½.

The areas described aggregate approximately 4,560 acres.

This order shall take precedence over but not otherwise affect the existing reservations of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 13, 1955.

[F. R. Doc. 55-4052; Filed, May 18, 1955; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A (formerly NPA Order M-11A), Amdt. 8 of May 17, 1955]

M-11A—COPPER AND COPPER-BASE ALLOYS

AMOUNT OF PRODUCTION CAPACITY TO BE RESERVED

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects BDSA Order M-11A (formerly NPA Order M-11A), as amended, by changing the amount of production capacity which producers of copper controlled materials must reserve for the acceptance of authorized controlled material orders.

Paragraph (b) of section 9 of BDSA Order M-11A, as amended by Amendment 7 of February 21, 1955, is hereby further amended to read as follows:

(b) The production capacity to be reserved by a copper controlled materials producer for the production of each copper controlled material product to be delivered pursuant to authorized controlled material orders for any such product for a particular month, shall be that capacity required to produce a quantity by weight of such product, computed by multiplying the average shipment of such product by the applicable percentage set opposite such product in the following list:

	Percentage for orders calling for delivery—	
	Prior to July 1, 1955	After June 30, 1955
Brass mill products:		
Unalloyed:		
Plate, sheet, strip, and rolls	7	8
Rod, bar, shapes, and wire	10	11
Seamless tube and pipe	5	6
Alloyed:		
Plate, sheet, strip, and rolls	8	6
Rod, bar, shapes, and wire	5	5
Seamless tube and pipe	20	20
Military ammunition cups and discs	40	30
Copper wire mill products:		
Copper wire and cable:		
Bare and tinned	7	8
Weatherproof	7	8
Magnet wire	7	8
Insulated building wire	7	8
Paper and lead power cable	7	8
Paper and lead telephone cable	7	8
Asbestos cable	7	8
Portable and flexible cord and cable	7	8
Communications wire and cable	7	8
Shipboard cable	7	8
Automotive and aircraft wire and cable	7	8
Insulated power cable	7	8
Signal and control cable	7	8
Coaxial cable	7	8
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	7	8
Copper foundry products	8	9
Unalloyed copper powder mill products	(1)	(1)
Copper-base alloy powder mill products	(1)	(1)

[1] No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of the DMS regulations and this order. However, section 7 (f) of this order does not apply to such authorized controlled material orders.

(64 Stat. 816, 67 Stat. 129; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect May 17, 1955.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 55-4090; Filed, May 18, 1955; 10:05 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11331]

TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS ON OPERATION OF CO-CHANNEL AMPLIFYING TRANSMITTERS IN CONJUNCTION WITH MAIN TRANSMITTER

In the matter of amendment of the Commission's rules and regulations governing Television Broadcast Stations to permit the operation of co-channel amplifying transmitters in conjunction with the main transmitter; Docket No. 11331.

1. On March 31, 1955, the Commission issued a notice of proposed rule making (FCC 55-404) instituting the subject rule making proceeding. The Notice provided that comments should be filed on or before May 20, 1955, and that reply comments should be filed on or before June 9, 1955.

2. On May 9, 1955, Radio-Electronics-Television Manufacturers Association (RETMA) filed a petition requesting the Commission to extend the time for filing comments to July 21, 1955.

3. In support of its request, RETMA states that during the last year its Satellite Television Committee has given intensive consideration to the subject matter of this proceeding and is presently preparing comments; that the Commission's Notice requests a considerable amount of technical data; and that although its Committee is presently accumulating this data, additional time is required to complete this undertaking.

4. The Commission believes that RETMA has established good cause for the extension of time for filing comments in this proceeding and that the additional time requested within which to file comments is warranted. The Commission has concluded, therefore, that extending the time for filing comments in this proceeding would serve the public interest, convenience and necessity.

5. In view of the foregoing: *It is ordered*, That the time for filing original comments in the above-entitled proceeding is extended to July 21, 1955, with replies thereto 20 days thereafter.

Adopted: May 13, 1955.

Released: May 16, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4079; Filed, May 18, 1955; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 11391; FCC 55-560]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments* rules governing Television Broadcast Stations; Docket No. 11391.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. Bi-States Company, permittee of television Station KHOL-TV operating on Channel 13 at Kearney, Nebraska, filed a petition on February 21, 1955, requesting rule making to amend the Table of Assignments contained in § 3.606, rules governing Television Broadcast Stations, so as to assign Channel 6 to Hayes Center, Nebraska, a community not presently listed in the Table.

3. In support of the requested assignment, petitioner urges that the southwestern portion of the State of Nebraska does not now have an operating television station; that there are no applications for the nearest assignments at McCook and North Platte; that the proposed assignment would conform to the Commission's rules; and that in the event the assignment is made final, an application will be filed for a new station at Hayes Center to be operated as a "satellite" of and duplicating for the most part, the programs of KHOL-TV at Kearney.

4. The Commission is of the view that rule-making proceedings should be instituted in this matter in order that interested parties may submit their views. The subject petition is made a part of this docket.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before June 15, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments before taking final action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 11, 1955.

Released: May 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-4080; Filed, May 18, 1955; 8:52 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

MARIA CONCETTA GUGLIELMI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Concetta Guglielmi, a/k/a Concetta Guglielmi Ferrante, Rome, Italy, Claim No. 57805; $3,815.31 in the Treasury of the United States.

Rosa Guglielmi, a/k/a Rose Guglielmi, Canneto, Italy, Claim No. 57806; $3,815.31 in the Treasury of the United States.

Filomena Guglielmi, a/k/a Philomena Guglielmi, Canneto, Italy, Claim No. 57807; $3,815.31 in the Treasury of the United States.

Antonio Iacobellis, Canneto, Italy, Claim No. 57808; $552.23 in the Treasury of the United States.

Domenico Iacobellis, Canneto, Italy, Claim No. 57809; $552.23 in the Treasury of the United States.

Bernardo Iacobellis, Canneto, Italy, Claim No. 57810; $552.23 in the Treasury of the United States.

Caterina Iacobellis, Canneto, Italy, Claim No. 57811; $552.23 in the Treasury of the United States.

Giuseppe Pontrelli, Cesaria Pontrelli, Nicolina Pontrelli, Regina Pontrelli, Michele Pontrelli, and Leopoldo Pontrelli, all residing in Canneto, Italy, Claim No. 57812; $552.24 in the Treasury of the United States.

Giuseppe Scuccimarri and Allegra Scuccimarri, Canneto, Italy, Claims Nos. 62857 and 62858, respectively; $3,815.31 in the Treasury of the United States, one-half thereof to each claimant.

Executed at Washington, D. C., on May 12, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-4034; Filed, May 17, 1955; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 13, 1955.

An application, serial number Anchorage 029464, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on March 23, 1955, by Department of the Air Force.

The purposes of the proposed withdrawal: Classified military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

COPPER RIVER MERIDIAN

T. 5 N., R. 1 W.,
Section 31: NE¼.

Containing 160 acres.

HAROLD T. JORGENSON, *Acting Area Administrator.*

[F. R. Doc. 55-4049; Filed, May 18, 1955; 8:46 a. m.]

[Doc. 43]

ARIZONA

REDELEGATIONS OF AUTHORITY TO SPECIFIED CLASSES OF EMPLOYEES

Pursuant to authority of Departmental Order 2583, as amended, and Order No. 541, of the Director of the Bureau of Land Management, as amended, the following redelegations of authority are made, to become effective immediately upon publication of this notice in the FEDERAL REGISTER. The authority delegated herein may not be redelegated.

[1] Dissenting opinion of Commissioner Hennock filed as part of the original document.

Part I—Government Contests

SECTION I. The State Lands and Minerals Staff Officer may initiate Government Contests against claims asserted to public lands and take all necessary actions involving the prosecution of such contests except the presentation of the Government's case at the hearings.

Part II—Classification and Withdrawals

SECTION I. The State Lands and Minerals Staff Officer may take all actions authorized by section 2.5 of Order 541 of Director of Bureau of Land Management.

Part III—Minerals

SECTION I. The State Lands and Minerals Staff Officer may take all actions authorized by section 2.6 of Order 541 of the Director of Bureau of Land Management.

E. I. ROWLAND, *State Supervisor.*

MAY 11, 1955.

[F. R. Doc. 55-4050; Filed, May 18, 1955; 8:46 a. m.]

[Doc. 44]

ARIZONA

STOCK DRIVEWAY NO. 164, ARIZONA NO. 6, MODIFIED

1. By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (43 U. S. C. 300), and in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315f), and pursuant to the authority delegated to me by the Director, Bureau of Land Management in Order No. 541 of April 21, 1954 (19 F. R. 2473), it is ordered as follows:

2. The order of the Secretary of the Interior, dated June 13, 1923, as amended July 29, 1924, February 27, 1952, January 29, 1954 and December 1, 1954, establishing and modifying Stock Driveway No. 164, Arizona No. 6, is hereby revoked insofar as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 22: NW¼.

The area described aggregates 160 acres.

3. The above described lands have been classified in Arizona Small Tract Classification Order No. 30, dated December 1, 1954, for lease and sale for homesites only under the small tract act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C., 682a).

4. Small tract lease applications have been filed for all of the lands involved and leases are currently being issued.

E. I. ROWLAND, *State Supervisor.*

MAY 12, 1955.

[F. R. Doc. 55-4051; Filed, May 18, 1955; 8:46 a. m.]

[Doc. 45]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 34

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totaling 1,919.12 acres in Pinal County, Arizona, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 4, 5, 6: All.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be isued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to June 29, 1948, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

E. I. ROWLAND, *State Supervisor.*

MAY 12, 1955.

[F. R. Doc. 55-4047; Filed, May 18, 1955; 8:45 a. m.]

NEW MEXICO

CLASSIFICATION ORDER

MAY 11, 1955.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 541, dated April 21, 1954, 19 F. R. 2473, I hereby classify as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, the following described lands in the New Mexico land district, embracing approximately 60 acres.

NEW MEXICO SMALL TRACT CLASSIFICATION No. 39

For lease and sale for homesites, business sites or combination home and business sites:

T. 29 N., R. 11 W., N. M. P. M.,
Sec. 27, E½SW¼SW¼;
Sec. 33, S½NE¼NE¼;
Sec. 34, S½NW¼NW¼.

These lands are situated in San Juan County, New Mexico, approximately 1 mile south of the Town of Bloomfield and one-half mile south of the San Juan River. State Highway No. 44 crosses part of the land from north to south. Business, educational, religious and recreational facilities are available at Bloomfield and at the nearby towns of Aztec and Farmington. Natural gas and electricity are available. Water is obtainable from the San Juan River, however it would involve a water treating process. Water may possibly be obtainable from wells of Southern Union Gas Company, but the responsibility of obtaining such water will devolve upon the lessee. The topography of the lands is rolling to hilly, the soil is a sandy clay and the elevation is approximately 6000 feet. Mean annual precipitation is 9.14 inches. Temperatures vary from an occasional low of 35° F. below zero in winter to an occasional high of 106° F. in summer.

2. As to applications filed on these lands prior to 8:30 a. m., November 14, 1949, this order shall become effective upon the date it is signed, provided said applications are made to conform to the type of use and descriptions of lands specified in this order.

3. This order shall not otherwise become effective to change the status of such lands until 10:30 a. m., on June 16, 1955. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject to applications under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph, either at or before 10:30 a. m. on June 16, 1955, shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:30 a. m. on June 16, 1955, shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:30 a. m., on September 15, 1955, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:30 a. m., September 15, 1955, shall be treated as though filed simultaneously at the hour specified on September 15, 1955. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 101.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany

their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. The land will be leased for a period of three years, in tracts of approximately 5 acres each, being approximately 330 feet by 660 feet. In the SE¼SW¼ SW¼, Sec. 27, W½SW¼NE¼NE¼, Sec. 33, SE¼NW¼NW¼ and E½SW¼NW¼ NW¼, Sec. 34, the longer dimensions of the tracts will extend north and south. In the NE¼SW¼SW¼, Sec. 27, the longer dimension of the tracts will extend east and west. The NE¼SW¼ NE¼NE¼ and the NW¼SE¼NE¼NE¼ Sec. 33 will be leased as one tract. The SE¼SW¼NE¼NE¼ and the SW¼SE¼ NE¼NE¼, Sec. 33 will be leased as one tract. The NE¼SE¼NE¼NE¼, Sec. 33 and the NW¼SW¼NW¼NW¼ Sec. 34 will be leased as one tract. The SE¼ SE¼NE¼NE¼, Sec. 33 and the SW¼ SW¼NW¼NW¼, Sec. 34, will be leased as one tract. Rental for homesites shall be $5.00 per year payable in advance for the entire lease period. Minimum rental for combination business and homesites shall be $25.00 per year payable in advance for the entire lease period. Minimum rental for business sites only shall be $20.00 per year payable in advance for the entire lease period. The lessee for a business site or combination home and business site shall be obligated to pay additional rental at the rate fixed by the schedule of rentals in effect at the date of the approval of his lease.

6. Leases will contain an option to purchase clause at the appraised price of $50.00 per tract.

(a) Applications for purchase may be filed during the term of the lease provided that minimum improvements suitable for the purpose for which the lease is issued shall have been constructed prior to the date of application to purchase. Minimum improvements for homesite shall consist of a habitable house of neat and sound construction. Each house must have adequate water, electricity, gas and sanitary facilities that will meet the requirements of the State or County Health Department. Lessees for business sites or combination home and business sites shall be required to contruct neat, adequate buildings suitable to the purpose and to conform to State regulations pertaining to public health and safety.

(b) Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as mentioned in (a) above shall have been constructed.

(c) Leases for lands upon which the improvements mentioned above shall not have been constructed at or before the expiration thereof, shall not be renewed.

7. Tracts will be subject to all existing rights-of-way and to rights-of-way for road purposes and public utilities as follows:

33 feet along the North and South boundaries of the NE¼SW¼SW¼, SE¼SW¼ SW¼, Sec. 27; S½NE¼NE¼, Sec. 33; S½ NW¼NW¼, Sec. 34.

33 feet along the East boundary of the E½SW¼SW¼, Sec. 27; E½ SW¼NW¼NW¼, Sec. 34; E½SE¼NW¼NW¼, Sec. 34.

33 feet along the West boundary of the E½SW¼SW¼, Sec. 27, W½SW¼NE¼NE¼, Sec. 33; W½SE¼NW¼NW¼, Sec. 34.

The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of patent. If not so located, they may be subject to location after patent is issued. All rights-of-way herein mentioned and reserved, may be utilized by the Federal Government, or by the State, county or municipality in which the tract is situated, or by any agency thereof.

8. Lessees and/or their successors in interest, shall comply with all Federal, State, county and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

9. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

ADLAI S. BAKER,
Acting State Supervisor.

[F. R. Doc. 55-4053; Filed, May 18, 1955; 8:47 a. m.]

NEW MEXICO

CLASSIFICATION ORDER

MAY 13, 1955.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 541, dated April 21, 1954, 19 F. R. 2473, I hereby classify as hereinafter indicated, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, the following described lands in the New Mexico land district, embracing approximately 235 acres.

NEW MEXICO SMALL TRACT CLASSIFICATION NO. 40

For lease and sale for homesites only:

T. 29 N., R. 13 W., N. M. P. M.,
Sec. 12, SW¼NE¼, E½NE¼SW¼, E½ NW¼NE¼SW¼, SW¼NE¼SW¼, SE¼ SW¼, W½SE¼, SE¼SE¼.

The land is situated on the peninsula between the Animas and San Juan Rivers east of and near the Town of Farmington, New Mexico. The area is approximately 2 miles east of the Town of Farmington and one mile north of State Highway No. 17. It is situated at two elevations which are described as follows:

The greater part of the area lies on top of and to the east of a high bluff. The topography is rolling, and in places, quite rough, but it can be used for the purpose of the proposed classification. A great part of this area is covered with scattered pinion and juniper with a sparse grass and sagebrush understory. There are intermingled patches of good soil and sand-rock outcroppings.

The NW¼SW¼NE¼ and the NE¼ SW¼ are situated below and to the west of the bluffs. Portions of the two tracts are below the main irrigation canal. One has been farmed in the past. The remainder of the area between the canal and the bluffs could be reclaimed for garden areas and irrigated with small pumping systems from the canal. It may be very difficult and quite costly to obtain a potable water supply. There are no utilities on the tract, but all are available. Natural gas can be obtained from existing pipelines situated less than one-fourth mile from the north boundary of the area. Electric power and telephone connections are available from one mile either to the west or south of the area. Schools, churches and recreational facilities are available in the Town of Farmington.

2. As to applications filed on these lands prior to 10:30 a. m., March 30, 1954, this order shall become effective upon the date it is signed, provided said applications are made to conform to the type of use and descriptions of lands specified in this order.

3. This order shall not otherwise become effective to change the status of such lands until 10:30 a. m. on June 18, 1955. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject to applications under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph, either at or before 10:30 a. m. on June 18, 1955, shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:30 a. m. on June 18, 1955, shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:30 a. m. on September 17, 1955, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:30 a. m., September 17, 1955, shall be treated as though filed simultaneously at the hour specified on September 17, 1955. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 101.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claim.

5. The lands will be leased in tracts of approximately 2.5 acres, 330 feet by 330 feet. Leases will be for a period of 3 years at an annual rental of $5.00 per year payable for the entire lease period in advance of the issuance of the lease.

6. Leases will contain an option to purchase clause at $400.00 per tract.

(a) Applications for purchase may be filed during the term of the lease, provided that minimum improvements suitable for the purpose for which the lease is issued shall have been constructed prior to the date of application to purchase. Minimum improvements shall consist of a modern 2 bedroom house with a minimum of 800 square feet of floor space. The houses should be permanent, sightly and constructed in accordance with good architectural practices. Adequate community sanitation standards shall be required. Requirements for improvements prior to application to purchase may be waived for those lessees who enter into binding agreements with their neighbors to observe acceptable building, sanitation and health standards.

Leases issued under the terms of this order shall not be subject to assignment unless and until improvements as mentioned in (a) above shall have been constructed.

(c) Leases for lands upon which the improvements mentioned above shall not have been constructed at or before the expiration thereof, shall not be renewed.

7. Tracts will be subject to all existing rights-of-way and to rights-of-way for road purposes and public utilities as follows:

33 feet along the North boundary of the NW¼SE¼, E½NE¼SW¼, E½W½NE¼ SW¼, SE¼SW¼, SW¼SE¼, SE¼SE¼.

33 feet along the South boundary of the SW¼NE¼, NW¼SE¼, NE¼SW¼, SE¼ SW¼, SW¼SE¼, SE¼SE¼.

33 feet along the East boundary of the W½E½SW¼NE¼, W½W½SW¼NE¼, W½ E½NW¼SE¼, W½W½NW¼SE¼, W½E½ NE¼SW¼, W½SW¼NE¼SW¼, W½E½ SE¼SE¼, W½W½SE¼SE¼, W½E½SW¼ SE¼, W½W½SW¼SE¼, W½E½SW¼SW¼, W½W½SE¼SW¼.

33 feet along the West boundary of the E½E½SW¼NE¼, E½W½SW¼NE¼, E½ E½NE¼SW¼, E½W½NE¼SW¼, E½E½ SE¼SE¼, E½W½SE¼SE¼, E½E½SW¼ SE¼, E½W½SW¼SE¼, E½E½SE¼SW¼, E½W½SE¼SW¼, E½E½NW¼SE¼, E½ W½NW¼SE¼.

The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of patent. If not so located, they may be subject to location after patent is issued. All rights-of-way herein mentioned and reserved, may be utilized by the Federal Government, or by the State, county or municipality in which the tract is situated, or by any agency thereof.

8. Lessees and/or their successors in interest, shall comply with all Federal, State, county and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized officer of the Bureau of Land Management.

9. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

ADLAI S. BAKER,
Acting State Supervisor.

[F. R. Doc. 55-4048; Filed, May 18, 1955; 8:45 a. m.]

Office of the Secretary

WALKER RIVER PAIUTE TRIBE OF NEVADA

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Public Law 277—83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Walker River Reservation was duly adopted by the Walker River Paiute Tribe of Nevada which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953 provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Walker River Indian Reservation: *Provided*, That such introduction, sale or possession is in conformity with the laws of the State of Nevada.

Be it further resolved, That any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 13, 1955.

[F. R. Doc. 55-4054; Filed, May 18, 1955; 8:47 a. m.]

SPOKANE TRIBE OF WASHINGTON

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Public Law 277—83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Spokane Reservation was duly adopted by the Spokane Tribe of Washington which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Spokane Tribe of Indians, Provided, that such introduction, sale or possession is in conformity with the laws of the State of Washington: *And provided further*, That packaged liquor only may be sold within the boundaries of the Spokane Indian Reservation.

Be it further resolved, That any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

Be it further resolved, That this ordinance may be amended when deemed necessary by the Spokane Tribal Business Council.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 13, 1955.

[F. R. Doc. 55-4055; Filed, May 18, 1955; 8:47 a. m.]

UTE INDIAN TRIBE OF UINTAH AND OURAY RESERVATION OF UTAH

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Public Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Uintah and Ouray Reservation was duly adopted by the Ute Indian Tribe of the Uintah and Ouray Reservation of Utah which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore be it enacted by the Uintah & Ouray Tribal Business Committee that the introduction, sale or possesssion of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Ute Indian Tribe of the Uintah & Ouray Reservation provided, that such introduction, sale or posession is in conformity with the laws of Utah.

Be it further enacted, that any Tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 13, 1955.

[F. R. Doc. 55-4056; Filed, May 10, 1955; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

PETER MEYNS AND PETER MEYNS & CO.

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

In the matter of Peter Meyns and Peter Meyns & Co., Borgfelderstrasse 16, P. O. Box 789, Hamburg, Germany; Respondents.

The respondents, Peter Meyns and Peter Meyns & Co. are the subject of an investigation concerning alleged transhipments to Hong Kong and China of commodities exported from the United States under General License to certain European destinations, and the Director, Investigation Staff, Bureau of Foreign Commerce, has applied for an order temporarily denying to them all export privileges pending completion of the investigation and determination of any charges which may be brought against them. The application was made pursuant to § 382.11 (b) of the export control regulations (15 CFR 382.11), and, in accordance with the practice thereunder was referred to a Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support of the application, has recommended that the application be granted.

Now, upon receipt of the Compliance Commissioner's recommendation after reviewing and considering the evidence submitted in support of the application and being of the opinion that there is reasonable ground to believe that the respondents have unlawfully transshipped to Hong Kong and China commodities exported from the United States under General License permitting their shipment to certain European destinations, and that they are soliciting orders from Communist Chinese buyers for commodities under General License not permitting shipment to Hong Kong or Communist China, which orders are being solicited upon representations that they will ship such commodities to such buyers in spite of regulations prohibiting such shipment, and having concluded (a) that it is advisable that all United States exporters be informed by publication of this order of the provisions hereafter set forth and (b) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act: *It is hereby ordered:*

(1) All outstanding validated export licenses held by or issued in the names of the Respondents, or any of them, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) The Respondents, and each of them, their successors or assigns, directors, officers, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondents' and such other persons' and firms' participation (a) as a party or as a representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) This denial of export privileges shall apply not only to the named Respondents, but also to any person, firm, corporation, or business organization with which they, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

(4) This order shall be published in the FEDERAL REGISTER, shall be effective forthwith and shall remain in effect until the completion of the investigation of the conduct of the respondents and until the final determination of any compliance proceeding which may be brought against these respondents, except insofar as this order may be amended or modified hereafter in accordance with the export control regulations;

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the fact to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereinabove have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served upon the named respondents by registered mail.

(7) In accordance with the provisions of § 382.11 (c) of the export control regulations, the Respondents, or any of them, may move at any time prior to the entry of a final order of suspension to vacate or modify this temporary suspension to vacate or modify this temporary suspension order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D. C., at the earliest possible date.

Dated: April 27, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-4087; Filed, May 18, 1955; 8:53 a. m.]

Federal Maritime Board

UNITED STATES ATLANTIC & GULF-PUERTO RICO CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 6120-6, between the member lines of the United States Atlantic & Gulf-Puerto Rico Conference, modifies the basic agreement of that conference (No. 6120) to provide, for the purpose of clarity, that the services of each of the member lines under the agreement will be only to and from ports actually served by them as recorded in the conference tariff.

(2) Agreement No. 7866-1 between the carriers comprising the Ivaran Lines-Far East Service joint service modifies approved joint service agreement No. 7866 to provide that Stockard Steamship Corporation shall act as general agents of the joint service in place of Stockard & Co., Inc., the present joint service general agents.

(3) Agreement No. 7867-1, between the carriers comprising the Ivaran Lines joint service modifies approved joint service agreement No. 7867 to provide that Stockard Steamship Corporation shall act as general agents of the joint service in place of Stockard & Company, Inc., the present joint service general agents.

(4) Agreement No. 8035, between Montship Lines Limited and Gestioni Esercizio Navi—G. E. N., provides for the establishment and maintenance of a joint cargo service under the trade name "Montship-Capo Great Lakes Service", in the trade between ports on the Great Lakes of the United States, on the one hand, and ports in the Mediterranean Sea, Iberian Peninsula and North Africa, on the other hand.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 16, 1955.

By order of the Federal Maritime Board.

[SEAL] THOS. E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55-4088; Filed, May 18, 1955; 8:53 a. m.]

[Docket No. S-56]

STATES STEAMSHIP CO.

NOTICE OF HEARING

A public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended, upon an application of States Steamship Company for an operating-differential subsidy agreement, under which it would be permitted to operate a minimum of 24 and a maximum of 30 subsidized sailings per year in the U. S. Pacific Coast/Far East service, described as Pacific Northwest ports and thence California ports to the Far East, returning to the Pacific Northwest with fortnightly sailings approximately alternatively to:

(a) Yokohama, other Japan ports, Okinawa, Keelung, Pusan, and return via Japan;

(b) Manila, other Philippine ports, Saigon, Bangkok, returning via Philippines and occasionally Japan/Korea; and

a minimum of 10 and a maximum of 16 subsidized sailings per year in its Pacific Northwest/Far East service, on Service 3 of Trade Route No. 30, with the privilege in both services of also calling at Alaska and Pacific Canada ports, and as to 12 sailings per year of returning from the Far East via California ports.

The purpose of the hearing is to receive evidence relevant to the following: (1) Whether the application is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the act additional vessels should be operated thereon; (2) whether the application is one with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the subsidy contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into such contract in order to provide adequate service by vessels of United States registry.

The hearing will be conducted before an Examiner at a time and place to be announced in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Board within ten (10) days from publication hereof and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

Dated: May 16, 1955.

By order of the Federal Maritime Board.

[SEAL] THOS. E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55-4089; Filed, May 18, 1955; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11268—11270, 11375—11380; FCC 55M-432]

WISCONSIN TELEPHONE CO. ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Wisconsin Telephone Company, Docket No. 11268, File No. 5300-F1-P-H; Ohio Bell Telephone Company, Docket No. 11269, File No. 5301-F1-P-H; Ohio Bell Telephone Company, Docket No. 11270, File No. 5745-F1-P-H; for construction permits for new VHF Public Class III-B coast stations at Milwaukee, Wisconsin, Cleveland, Ohio, and Toledo, Ohio, respectively; and Michigan Bell Telephone Company, Docket No. 11375, File No. 5832-F1-P-H; Michigan Bell Telephone Company, Docket No. 11376, File No. 5833-F1-P-H; Michigan Bell Telephone Company, Docket No. 11377, File No. 5834-F1-P-H; Michigan Bell Telephone Company, Docket No. 11378, File No. 5835-F1-P-H; Michigan Bell Telephone Company, Docket No. 11379, File No. 5836-F1-P-H; for construction permits for new VHF Public Class III-B coast stations at Hancock, Escanaba, East Tawas, Port Huron and Marquette, Michigan, respectively; and Wisconsin Telephone Company, Docket No. 11380, File No. 5299-F1-P-H; for construction permit for new VHF Public Class III-B coast station at Green Bay (Glenmore), Wisconsin.

It is ordered, This 13th day of May 1955, that a prehearing conference herein shall be held at 10:00 a. m., Friday, May 20, 1955, for the purpose of considering the matters specified in § 1.813 of the Commission's rules, and all parties and their attorneys shall attend.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4081; Filed, May 18, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6623]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

MAY 11, 1955.

Take notice that on May 6, 1955, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Gulf States Utilities Company, a corporation organized under the laws of the State of Texas and doing business in the States of Louisiana and Texas, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance of a promissory note or notes in the aggregate amount of $2,922,804.89. Said note or notes will be issued in June 1955 with a maturity not in excess of eleven months from the date of issue bearing interest at the lenders' prime rate in effect at the time of each borrowing. Applicant proposes to use the proceeds for general corporate purposes and to carry on its construction program; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 31st day of May 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4066; Filed, May 18, 1955; 8:49 a. m.]

[Docket Nos. G-2318, G-2320]

LATERAL GAS PIPELINE CO. AND IOWA ELECTRIC LIGHT AND POWER CO.

NOTICE OF JOINT PETITION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 12, 1955.

In the matters of Lateral Gas Pipeline Company, Docket No. G-2318; Iowa Electric Light and Power Company, Docket No. G-2320.

Take notice that on April 22, 1955, Lateral Gas Pipeline Company and Iowa Electric Light and Power Company filed a joint petition to amend the Commission's order, issued on July 12, 1954, issuing a certificate of public convenience and necessity which authorized the Lateral Gas Pipeline Company to construct and operate certain facilities. Applicants herein, by said joint petition referred to, seek authorization which would authorize the Lateral Gas Pipeline Company to construct and operate a town border station near the City of Villisca, Iowa, for the purpose of delivering natural gas to the Iowa Electric Light and Power Company for local distribution by it in the aforementioned city.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of June 1955. The petition is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4067; Filed, May 18, 1955; 8:49 a. m.]

[Docket No. G-2503]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE FOR ORAL ARGUMENT

The City of Pittsburgh on May 7, 1955, filed a request to present oral argument

in the above-entitled matter. Thereafter, on May 9, 1955, there were also motions filed by the River Company, Inc., Chotin Towing Corporation, Greenville Towing Company, Inc., and the American Pipe Line Corporation requesting that they, too, be permitted to present oral argument before the Commission in connection with the above-entitled matter.

The Commission orders:

(A) Oral argument be had before the Commission on June 2, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Each party to the proceeding desiring to participate in the oral argument shall notify the Secretary of the Commission, on or before May 23, 1955, of such intention and of the amount of time requested for presentation of their argument.

Adopted: May 11, 1955.

Issued: May 12, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4057; Filed, May 18, 1955; 8:48 a. m.]

[Docket No. G-3892]

UNITED CARBON CO., INC. (MARYLAND)

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 13, 1955.

Take notice that United Carbon Company, Inc. (Maryland) (Applicant) a Maryland corporation whose address is Baltimore, Maryland, filed on October 3, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant is engaged principally in the business of manufacturing carbon black and in the course of such business produces and purchases natural gas, some of which it sells in interstate commerce for resale. Applicant purchases from the Frank C. Henderson Trust No. 2 and the E. P. Henderson Trust No. 2, gas produced in the West Panhandle Field, Hutchinson County, Texas, which it resells to Colorado Interstate Gas Company at a price of 6 cents per Mcf. Applicant produces gas in the Hugoton Embayment area, Meade and Seward Counties, Kansas, and Cimarron, Beaver and Texas Counties, Oklahoma, which it proposes to sell to Panhandle Eastern Pipe Line Company at a price of 15 cents.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 10, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 31, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4068; Filed, May 18, 1955; 8:50 a. m.]

[Docket No. G-6510]

WESLEY WEST

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 13, 1955.

Take notice that Wesley West (Applicant), an individual whose address is P. O. Box 1656, Houston 1, Texas, filed an application on November 29, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Vienna Field, Lavaca County, Texas, to Texas Eastern Transmission Corporation, which transports and sells the gas in interstate commerce.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 8, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4069; Filed, May 18, 1955; 8:50 a. m.]

[Docket Nos. G-4308—G-4310, G-4314—G-4316, G-4328]

COLUMBIAN FUEL CORP. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

MAY 12, 1955.

In the matters of Columbian Fuel Corporation, Docket Nos. G-4308, G-4310; United Carbon Company, Inc. (Maryland), Docket Nos. G-4309 and G-4316; United Producing Company, Inc., Docket Nos. G-4314, G-4328; Coltexo Corporation, Docket No. G-4315.

Upon consideration of the motion, filed May 10, 1955, by Applicants in the above-designated matters for postponement of hearing now scheduled for May 18, 1955;

Notice is hereby given that the hearing now scheduled for May 18, 1955, is hereby postponed to 10:00 a. m., e. d. s. t., September 6, 1955, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4070; Filed, May 18, 1955; 8:50 a. m.]

[Docket Nos. G-6026, G-6107, G-6590, G-6909, G-6990, G-7050, G-7409]

CONTINENTAL OIL CO. ET AL.

NOTICE OF APPLICATIONS AND ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Continental Oil Company, Docket No. G-6590; Knox Oil Company, Docket No. G-7050; Wyopark Oil Company, Docket No. G-6909; Oxford Oil Company, Docket No. G-6990; Fred M. Manning, Docket No. G-6026; Estate of E. E. Brown, Docket No. G-6107; Fred Goodstein, Docket No. G-7409.

Take notice that on November 30, 1954, Continental Oil Company (Continental) filed an application in Docket No. G-6590 for a certificate of public convenience and necessity, authorizing the sale of natural gas in interstate commerce, subject to the jurisdiction of the Commission, as hereinafter described and as more fully described in the application which is on file with the Commission and open for public inspection.

Continental produces natural gas from the Cloverly-Morrison group of sands in the South Elk Basin Unit Area, Park County, Wyoming, which it sells to Montana Dakota Utilities Company (Montana Dakota). The gas is transported and sold in interstate commerce by Montana Dakota.

Concurrently with its certificate application, Continental filed a petition for a declaratory order, requesting a determination of the Commission's jurisdiction over the sales of natural gas by Continental to Montana Dakota.

Take notice further that similar applications for certificates of public convenience and necessity, authorizing the sale of natural gas in interstate commerce subject to the jurisdiction of the Commission, as hereinafter described and as more fully described in the applications which are on file with the Commission and open for public inspection, were filed by the following Applicants in the dockets and on the dates indicated:

Applicant	Docket No.	Date filed
Knox Oil Co.	G-7050	Nov. 30, 1954
Wyopark Oil Co.	G-6909	Do.
Oxford Oil Co.	G-6990	Do.
Fred M. Manning	G-6026	Nov. 26, 1954
Estate of E. E. Brown	G-6107	Do.
Fred Goodstein	G-7409	Dec. 2, 1954

The above-named Applicants also produce natural gas from the Cloverly-Morrison group of sands in the South Elk Basin Unit Area, Park County, Wyoming, which they sell to Montana Dakota. The gas is transported and sold in interstate commerce by Montana Dakota.

The Commission finds:

(1) It is reasonable in the public interest and in aid of administration of the Natural Gas Act that the certificate proceedings in Docket Nos. G-6590, G-7050, G-6909, G-6990, G-6026, G-6107, and G-7409 be consolidated for the purpose of hearing and that the consolidated proceedings should be set for June 14, 1955.

(2) It is reasonable in the public interest and in aid of administration of the Natural Gas Act that Continental's petition for a declaratory order filed November 30, 1954, in Docket No. G-6590, be set for hearing on June 14, 1955, together with the hearing upon its application for a certificate of public convenience and necessity.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), the proceedings in the above-entitled Docket Nos. G-6590, G-7050, G-6909, G-6990, G-6026, G-6107, and G-7409 and Continental's petition for a declaratory order filed on November 30, 1954, in Docket No. G-6590, are hereby consolidated for purposes of hearing, and, further, such hearing in the consolidated proceedings be set for hearing on June 14, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above-entitled proceedings and petition for declaratory order.

(B) Protests or petitions to intervene in the above-entitled proceedings may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 3, 1955.

(C) Interested State commission may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37 (f)).

Adopted: May 11, 1955.

Issued: May 13, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4072; Filed, May 18, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 13, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30626: Iron and steel articles from the north to Louisiana. Filed by C. W. Boin, Agent, for interested rail carriers. Rates on iron and steel articles, carloads, from specified points in states in official territory to Baton Rouge, North Baton Rouge, and New Orleans, La.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

Tariff: Supplement 6 to Agent Boin's I. C. C. A-1031.

FSA No. 30627: Plaster and related articles from Raney Spur and Willow Valley, Ind. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on plaster, plasterboard, and related articles, carloads, from Raney Spur and Willow Valley, Ind., to specified points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 18 to Agent Hinsch's I. C. C. 4469.

FSA No. 30628: Fertilizer and fertilizer materials to Virginia cities. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on ammoniacal liquor, aqua ammonia, beet slops, fertilizer ammoniating and nitrogen fertilizer solutions, carloads, from specified points in Kentucky, Ohio, and West Virginia to specified points in Virginia.

Grounds for relief: Circuitous routes.

Tariff: Supplement 118 to Agent Hinsch's I. C. C. 4542.

FSA No. 30629: Less than carload volume class rates within official territory. Filed jointly by C. W. Boin, and O. E. Swenson, Agents, for interested rail carriers. Rates on various commodities moving on less-than-carload volume class rates between points in official (including Illinois) territory, as described in the application.

Grounds for relief: Short-line distance formula, motor-carrier competition, and circuity.

Tariff: Supplement 4 to Agent Boin's I. C. C. 1051.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-4074; Filed, May 18, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-425]

DEVOE & REYNOLDS CO., INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MAY 13, 1955.

In the matter of Devoe & Reynolds Company, Inc., Class B Common Stock, $1 Par Value; File No. 1-425.

American Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

By prospectus dated January 27, 1955, holders of the subject issue were offered the privilege of exchanging each share into 1⅓ shares of Merritt-Chapman & Scott Corporation common stock. The offer finally expired April 15, 1955.

Exclusive of 176,638 shares acquired by the offerer and 37,932 shares in the treasury of the issuer, there remain only 5,387 shares held by 45 stockholders.

In the opinion of its Committee on Securities, the number of shares remaining in public hands has become so reduced as to make inadvisable further dealings therein upon the Exchange.

Upon receipt of a request, on or before May 31, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4061; Filed, May 18, 1955; 8:49 a. m.]

[File No. 7-1676]

UNION ELECTRIC CO. OF MISSOURI

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of May 1955.

The Midwest Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $10 Par Value, of Union Electric Company of Missouri, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to May 31, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4060; Filed, May 18, 1955; 8:48 a. m.]

[File Nos. 54-72, 54-173, 54-191, 54-199]

STANDARD GAS AND ELECTRIC CO., ET AL.

ORDER RELEASING JURISDICTION OVER FEE AND EXPENSES FOR LEGAL SERVICES

MAY 13, 1955.

The above-entitled proceedings involve plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") to enable the system of Standard Gas and Electric Company, a registered holding company, to effectuate compliance with section 11 (b) of the act. In each of the proceedings orders have been entered by the Commission reserving jurisdiction with respect to the fees and expenses paid or to be paid by the several companies concerned with these plans for services rendered in connection therewith and related proceedings.

Pursuant to due notice a public hearing was held with respect to an application for an allowance of a fee and reimbursement of expenses filed by the associated law firms of Guggenheimer & Untermyer; Guggenheimer, Untermyer, Goodrich & Amram; and Connolly, Cooch and Bove.

The Commission having considered the entire record and having this day made and filed its Findings and Opinion herein approving a proposed settlement of the aforesaid claim for a fee and expenses:

It is ordered, That the jurisdiction heretofore reserved with respect to the fee and expenses of the aforesaid law firms be, and the same is hereby, released on condition that the payment of $770,000 as a fee and $9,327.52 as expenses over and above the $91,000 heretofore paid by Standard Gas and Electric Company be made by said company only after approval of the proposed settlement by the United States District Court for the District of Delaware has been obtained and an order of enforcement entered and, further, on condition that out of such payment, or otherwise, said firms refund to their clients, Christian A. Johnson and W. Kent Cochran, the sum of $58,729.68.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4058; Filed, May 18, 1955; 8:48 a. m.]

[File No. 68-164]

PENNSYLVANIA ELECTRIC CO.

ORDER MAKING EFFECTIVE DECLARATION REGARDING INCREASE IN NUMBER OF AUTHORIZED SHARES OF STOCK

MAY 13, 1955.

Pennsylvania Electric Company ("Penelec"), a direct public utility subsidiary company of Associated Electric Company ("Aelec"), a registered holding company, and an indirect subsidiary company of General Public Utilities Corporation ("GPU"), also a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 (a) (2), 7, and 12 (e) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-62 and U-65 promulgated thereunder regarding certain proposed transactions which are summarized as follows:

Penelec proposes to increase its authorized capital stock from $99,000,000, consisting of 370,000 shares of authorized preferred stock of the par value of $100 per share, of which 315,000 shares are presently outstanding, and 3,100,000 shares of authorized common stock of the par value of $20 per share, of which 2,711,750 shares are presently outstanding, to $112,500,000, consisting of 475,000 shares of authorized preferred stock of the par value of $100 per share and 3,250,000 shares of authorized common stock of the par value of $20 per share, without other change in the rights of such two classes of stock.

The proposed transactions will be voted upon at a special meeting of stockholders of Penelec to be held on May 24, 1955. It is stated that the increase of the number of authorized shares of preferred stock requires the consent and approval of the holders of a majority of the outstanding preferred stock and also a favorable vote of the persons holding the larger amount in value of the total capital stock of Penelec, and that Aelec, as the owner of all the common stock of Penelec, has advised Penelec that it proposes to vote in favor of such increase. It is further stated that the increase in the number of shares of authorized common stock requires the consent and approval of Aelec as the only holder of Penelec's outstanding common stock, and that Aelec, as such holder, has advised Penelec that it proposes to vote in favor of such increase.

Penelec has solicited proxies from its preferred stockholders and has filed a declaration pursuant to section 12 (e) of the act and Rule U-62 promulgated thereunder regarding its proposed proxy solicitation material, which declaration the Commission by its order of May 2, 1955 permitted to become effective.

Penelec states that expenses in connection with the proxy solicitation other than ordinary expenses in connection with preparing, assembling and mailing the proxy material, should not be in excess of $1,000, and that no charges will be made by Penelec's counsel and independent auditors at this time, but that their compensation in connection with the subsequent issuance by Penelec of senior securities may include compensation for services rendered in connection with matters covered by the present filing.

Due notice of the filing of said declaration having been given in the manner prescribed in Rule U-23 promulgated under said act, and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, that the estimated expenses, if they do not exceed the estimates, are not unreasonable, and that the declaration, as amended, should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the foregoing transaction shall not be consummated unless and until the requisite vote of stockholders shall have been obtained.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4059; Filed, May 18, 1955; 8:48 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 20 NUMBER 99

Washington, Friday, May 20, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (l) of § 6.311 is revised and amended as follows: The headnote is amended to read "Commodity Stabilization Service", subparagraphs (8), (10), (11) and (15) are revoked, subparagraphs (2), (3), (4), (7), (9), (12), (13), (14), (16) and (17) are amended and subparagraphs (18) and (19) are added as set out below.

§ 6.311 *Department of Agriculture.* • • •

(l) *Commodity Stabilization Service.* • • •

(2) One Associate Administrator.

(3) Three Deputy Administrators.

(4) Two Assistant Deputy Administrators.

• • • • • •

(7) Director, Livestock and Dairy Division.

• • • • • •

(9) Director, Grain Division.

• • • • • •

(12) Director, Transportation and Warehousing Division.

(13) Director, Cotton Division.

(14) Director, Oils and Peanut Division.

• • • • • •

(16) Director, Sugar Division.

(17) Director, Tobacco Division.

(18) Director, Price Division.

(19) Director, Foods and Materials Requirements Division.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 55—4131; Filed, May 19, 1955; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (15) is added to § 6.342 as set out below.

§ 6.342 *Housing and Home Finance Agency.* • • •

(b) *Federal Housing Administration.* • • •

(15) One Confidential Assistant to the Assistant Commissioner for Programs.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 55-4116; Filed, May 19, 1955; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 465.8]

PART 372—FARM OWNERSHIP LOANS

SUBPART G—ASSIGNMENT OF INSURED MORTGAGES

ASSIGNMENT OF RESPONSIBILITY TO THE DIRECTOR, FINANCE OFFICE

In order to reflect assignment to the Director, Finance Office, of the responsibility for advising holders of insured Farm Ownership mortgages of the options available to them upon expiration of the agreed period of years during which the mortgage is not assignable to the Government unless the borrower is in default, § 372.124 in Title 6, Code of Federal Regulations (20 F. R. 1047), is hereby amended by revoking paragraph (g) (2) and adding paragraph (f) (6) as follows:

§ 372.124 *General policies.* • • •

(f) *Responsibilities of the Director, Finance Office.* • • •

(6) Advise the holder of the options available to him at the expiration of the

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(For use during 1955)

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Titles 22–23 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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having the mortgage purchased by the Government.

Issued this 16th day of May 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55–4143; Filed, May 19, 1955; 8:53 a. m.]

[FHA Instruction 465.12]

PART 373—FARM HOUSING LOANS

TERMS AND CONDITIONS OF TRANSFERS; REPAYMENT SCHEDULE

Section 373.25 (a), Title 6, Code of Federal Regulations (19 F. R. 6850) is revised to include accrued interest as part of the dept to be assumed and to provide for the repayment of any delinquency within a period of two years. The revision of paragraph (a) is as follows:

§ 373.25 *General terms and conditions of transfers*—(a) *Transferee's repayment schedule.* The Farm Housing debt, including principal and accrued interest, assumed by the transferee will be retired within the remaining period of time provided in the note(s), bond(s), or agreement(s) which were executed by the transferor in connection with his Farm Housing obligation.

(1) The annual installment on Form FHA–97 will be the amount of the annual installment provided by the note(s) of the transferor; however, the first installment, and where necessary the second installment, may be increased by an amount sufficient to pay a delinquency in compliance with subparagraph (2) of this paragraph. The first installment will be payable on the first December 31 following the date of Form FHA–97.

(2) Any delinquency of the transferor's account ordinarily will be collected by the County Supervisor prior to or at the time of the transfer; however, in an exceptional case if it is not possible to transfer the farm to a purchaser who will pay the delinquency on or before the date of the transfer, the transferee may be permitted to remove the delinquency within not more than one year from the first December 31 following the date of Form FHA–97. Normally the delinquency in such a case will be added to the first annual installment shown on Form FHA–97. When it is not possible for the transferee to pay the full amount of the delinquency with his first installment, any balance of the delinquency will be included in the second installment. In such a case, the following will be typed immediately below the second line on the reverse of Form FHA–97, "the second installment shall be in the amount of _____ dollars ($____), payable on or before December 31, 19____;".

(Sec. 510 (g), 62 Stat. 438; 42 U. S. C. 1480 (g). Interprets or applies sec. 510 (c), 63 Stat. 437; 42 U. S. C. 1480 (c))

Dated this 16th day of May 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55–4099; Filed, May 19, 1955; 8:46 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

SUBPART—1955 TOBACCO LOAN PROGRAM

Statement with respect to the tobacco price support loan program for the 1955–56 marketing year—1955 crop—formulated by the Commodity Credit Corporation and Commodity Stabilization Service (hereinafter referred to, respectively, as "CCC" and "CSS").

Sec.
464.701 Administration.
464.702 Level of loans.
464.703 Availability of price support.
464.704 Deduction from loans.
464.705 Interest rate, recourse, and distribution of net gains.
464.706 Maturity date.
464.707 Eligible producer.
464.708 Eligible tobacco.

AUTHORITY: §§ 464.701 to 464.708 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054, sec. 2, 59 Stat. 506; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1312 note.

§ 464.701 *Administration.* (a) This program will be administered by the Tobacco Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations or other responsible organizations (hereinafter referred to as "associations") under contract with CCC, acting for groups of producers. The names of such associations may be obtained from the Tobacco Division, CSS, United States Departmentof Agriculture, Washington 25, D. C.

(b) CCC will make loans to associations which in turn will make advances to eligible producers either directly or through auction warehouses. Loans made to associations will include not only the initial loan value of the tobacco, but also advances for services performed in receiving, packing, storing, and marketing of tobacco pledged for loan. Associations will be authorized to enter into contracts for these services through the usual trade channels.

§ 464.702 *Level of loans.* (a) As required by statute, the level of price support to eligible producers will be 90 percent of the respective parity prices on those types of tobacco for which marketing quotas are in effect, except that fire cured and dark air-cured (including Virginia sun-cured) tobacco will be supported at 75 percent and 66⅔ percent, respectively, of the level for Burley tobacco. There is shown below the percentage of the parity price and the cents-per-pound loan level for each type or kind of tobacco (except Puerto Rican) based on the parity price as of March 31, 1955, which were announced on April 1, 1955, as the minimum loan levels for the 1955 crop. The cents-per-pound loan levels will be computed again as of the beginning of the marketing year, which is July 1, 1955, for flue-cured, and October 1, 1955, for the other kinds of tobacco. Price support will be made available to eligible producers on the 1955 crop of each type or kind of tobacco at the higher of (1) the cents-per-pound level shown below, or (2) the level computed as of the beginning of the marketing year. Schedules of loan rates by grades for each type or kind of tobacco will be announced as supplements to this statement after the parity price as of the beginning of the marketing year is known.

(b) The loan level for Puerto Rican tobacco, type 46, will be determined as of October 1, 1955, the beginning of the marketing year. Price support will not be available on Pennsylvania Seedleaf tobacco, type 41, and Maryland tobacco, type 32, because marketing quotas have been disapproved by producers.

	1955 percent of parity level	1955 minimum loan level
Flue-cured, types 11–14	90	48.3
Burley, type 31	90	46.2
Fire-cured, types 21–23	75 percent of burley rate.	34.6
Dark air-cured, types 35–36	66⅔ percent of burley rate.	30.8
Virginia sun-cured, type 37	66⅔ percent of burley rate.	30.8
Puerto Rican, type 46	(1)	(1)
Cigar filler and binder	90	(38.9)
Ohio filler, types 42–44		24.7
Connecticut broadleaf, type 51.		53.9
Connecticut Havana seed, type 52.		50.8
New York and Pennsylvania Havana seed, type 53.		25.0
Southern Wisconsin, type 54		24.5
Northern Wisconsin, type 55		32.0

[1] The percent of parity and the cents-per-pound loan level for the 1955 crop of Puerto Rican tobacco, type 46, will be announced based on the supply and the parity price as of Oct. 1, 1955.

§ 464.703 *Availability of price support.* Price support to eligible producers will be made available in the following manner:

(a) *Auction market area.* The producer will deliver the tobacco to an auction warehouse in the usual manner. The producer generally will receive the advances from the warehouseman for any tobacco placed under loan by the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman, in turn, will be reimbursed by the association with funds borrowed from CCC.

(b) *Non-auction market area.* Producers in non-auction market areas will deliver tobacco to central receiving points designated by the appropriate association. The producer will receive the advance directly from the association for any tobacco pledged for loans after the tobacco has been graded by U. S. D. A. inspectors.

(c) *Period of loans.* No advances will be made to producers on tobacco tendered for loan prior to or after the dates set forth below:

	Earliest date	Latest date
Flue-cured	July 1, 1955	Feb. 28, 1956
Burley	Nov. 1, 1955	Apr. 30, 1956
Fire-cured	do	Do.
Dark air-cured	do	Do.
Virginia sun-cured	do	Do.
Puerto Rican	Feb. 1, 1956	Sept. 30, 1956
Cigar filler and binder	Sept. 1, 1955	July 31, 1956

fixed period. The Government may offer the holder a supplemental purchase agreement either on Form FHA–206, "Supplemental Purchase Agreement (Insured Mortgage—Fixed Period)," or on Form FHA–207, "Supplemental Purchase Agreement (Insured Mortgage—Automatic Renewal)," giving him an additional fixed period, determined by the Administrator, after which the holder again will have a one-year option for

§ 464.704 *Deduction from loans.* The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas will be authorized to charge the producer a fee of 12 cents per hundred pounds and such other deductions as may be authorized or approved by CCC. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehouseman under which he will collect such charges and remit to the association. In the nonauction market areas, the fee will be established at a rate commensurate with the relative cost of the services performed by the association.

§ 464.705 *Interest rate, recourse, and distribution of net gains.* The loans made to the associations will bear interest at the rate of 3½ percent per annum and be nonrecourse both as to principal and interest except in the case of misrepresentation, fraud, or failure to carry out the terms of the loan contract. Tobacco loses its identity as to original ownership through commingling in the packing process and individual producers may not redeem their tobacco once it has been pledged for loan. All proceeds of sales of the loan collateral will be applied to the loan account until the loan is repaid in full. After all of the tobacco of one crop year pledged for loan by an association is marketed and the loan fully repaid, any net gains will be distributed by the association to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

§ 464.706 *Maturity date.* Loans made under the program will mature on demand or on a date specified by CCC.

§ 464.707 *Eligible producer.* (a) An eligible producer is one for whom a "Within Quota" Marketing Card has been issued under the applicable regulations issued by the Secretary of Agriculture with respect to tobacco marketing quotas for the 1955–56 marketing year. (In general, these regulations provide for the issuance of a "Within Quota" Marketing Card where the tobacco acreage harvested for each kind of tobacco produced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for such farm, except that a "Within Quota" Marketing Card is not issued where the planted acreage of any kind of tobacco exceeds the farm acreage allotment established therefor unless a request for disposition of the excess acreage is filed promptly.)

(b) As Puerto Rican tobacco is not under U. S. marketing quotas, all producers of this type of tobacco are considered eligible producers for the purpose of this program.

§ 464.708 *Eligible tobacco.* Eligible tobacco shall be U. S. and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) of the 1955 crop which (a) has been properly identified in accordance with applicable tobacco Marketing Quota Regulations on a valid memorandum of sale issued from a "Within Quota" Marketing Card, where marketing quotas are in effect; (b) has been delivered to the association by the producer prior to sale to any other person; (c) is in sound and merchantable condition; (d) is of a type for which a loan level is provided in § 464.702; and (e) is free and clear of any and all liens and encumbrances.

Issued this 17th day of May 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4142; Filed, May 19, 1955; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

By virtue of the Authority contained in the Federal Crop Insurance Act, as amended, the "Regulations for the 1950 and Succeeding Crop Years", as amended (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082, 5933, 8206, 10537, 11257, 11379; 18 F. R. 151, 440, 3634, 4418, 6282, 6992, 7222, 8080, 8530; 19 F. R. 470, 509, 2287, 3017, 5604, 5983, 8233; 20 F. R. 1913), which shall continue in full force and effect for the 1955 crop year, are hereby amended for the 1956 and succeeding crop years to read as set forth below. The provisions of this subpart shall apply, until amended or superseded, to all continuous multiple crop contracts as they relate to the 1956 and succeeding crop years.

Sec.

420.1 Availability of multiple crop insurance.
420.2 Coverages, premium rates and fixed price.
420.3 Application for insurance.
420.4 Public notice of indemnities paid.
420.5 Creditors.
420.6 Type of loss settlement.
420.7 Riders to the policy.
420.8 The policy.

AUTHORITY: §§ 420.1 to 420.8 issued under secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509.

§ 420.1 *Availability of multiple crop insurance.* (a) Multiple crop insurance may be provided in counties designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the designated counties shall be published annually by appendix to this section.

(b) Insurance will not be provided in a county for any crop year unless the minimum participation requirement established by the Federal Crop Insurance Act, as amended, is met. For the purpose of determining whether the minimum participation requirement is met, an insurance unit shall be counted as one farm, except that the number of insurance units covered under contracts providing for Separate Crop Protection shall be determined in the same manner as if Combined Crop Protection applied (see § 420.6).

§ 420.2 *Coverages, premium rates and fixed price.* The Corporation shall establish coverage(s) and premium rate(s) per acre and the fixed price(s) used to value production, which shall be shown on the county actuarial table on file in the county office and may be revised from year to year.

§ 420.3 *Application for insurance.* Application for insurance on a form prescribed by the Corporation may be made by any person to cover his interest as landlord, owner-operator, tenant or sharecropper in all insurable crops in the county. For any crop year applications shall be submitted to the county office on or before the applicable closing date set forth below which follows the cancellation date for such crop year:

Colorado: December 31.
Kansas: September 30.
Oregon: November 30.
Pennsylvania: Somerset, September 30; others, March 31.
Texas: August 31.
West Virginia: September 30.
Wyoming: December 31.
All other States: March 31.

§ 420.4 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county court house of a list of the indemnities paid in the county.

§ 420.5 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract.

§ 420.6 *Type of insurance protection.* In any county in which multiple crop insurance is offered, insurance may be provided on the basis of (a) Separate Crop Protection under which insurance units shall be determined separately for each insured crop, (b) Combined Crop Protection under which insurance units shall include a combination of all insured crops, or (c) both Separate and Combined Crop Protection, the insured to elect the type to apply. Premium and indemnities shall be determined on the basis of the type of insurance unit applicable. The type(s) of insurance protection offered in a county shall be shown on the county actuarial table on file in the county office.

§ 420.7 *Riders to the policy.* A rider shall be issued for each county in which insurance is offered and shall include (a) a listing of the insurable crops, (b) a designation of the insurance period for each crop, (c) applicable coverage for unharvested acreage, (d) method of valuing production including the method, where applicable, of providing protection against loss of quality, (e) the manner in which losses shall be determined and claims submitted, (f) meaning of insurance unit, (g) the discount date and the cancellation date referred to in the policy, and (h) any other provisions considered necessary or advisable including (1) provisions specifying additional categories of acreage to which insurance shall not attach, (2) special provisions with respect to individual crops, (3) special provisions to cover insurance written on an irrigated basis and (4) additional definitions. The applicable rider shall be made a part of the policy of each insured.

§ 420.8 *The policy.* The provisions of the policy for the 1956 and succeeding crop years are as follows:

Pursuant to the provisions of the application upon which this policy is issued, which application together with this policy and applicable riders shall constitute the contract, and subject to the terms and conditions set forth herein, the Federal Crop Insurance Corporation (herein called the "Corporation") does insure the applicant (herein called the "insured"), subject to the acceptance of his application, against unavoidable loss of production on his insured crops due to drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, pole burn and plant disease. The contract shall not cover any loss due to the neglect or malfeasance of the insured, any member of his household, his tenants or employees, or failure to follow recognized good farming practices, or to any cause other than those specified above. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Crops insured.* The crops to be insured shall be those shown as insurable crops on the attached rider.

2. *Insured acreage and interest.* The insured acreage and interest for each crop year shall be that acreage in the county planted to the insurable crops shown on the attached rider in which the insured had an interest at the time of planting and his interest therein at such time as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That insurance shall not attach or be considered to have attached on acreage for which a coverage is not shown on the county actuarial table for the crop year or, in counties where a coverage(s) for a crop is established by farming practice(s), on acreage of such crop on which the farming practice followed is one for which a coverage is not established. *Provided further*, That insurance shall not attach or be considered to have attached on acreage on which it is determined by the Corporation that an insured crop is (a) destroyed and it is practical to replant to the same crop and such acreage is not replanted to the same crop, (b) initially planted too late to expect a normal crop to be produced, or (c) of a type or variety not adapted to the area. The Corporation reserves the right to limit the insured acreage of any crop or crops to the allotment or permitted acreage established under any act of Congress including the Agricultural Adjustment Act of 1938, as amended. For the purpose of determining the amount of loss, the insured interest shall not exceed the insured's interest at the time of loss or the beginning of harvest, whichever occurs first.

3. *Responsibility of the insured to report acreage and interest.* (a) Promptly after planting the insurable crops each year the insured shall submit to the county office, on a form prescribed by the Corporation, a report showing all acreage in the county planted to each insured crop in which he has an interest and his interest therein at the time of planting. If both winter and spring crops are insurable in a county, a separate report of acreage planted to winter crops shall be submitted promptly after completion of planting the insured winter crops. If the insured plants any part of his insurable crops for purposes other than that shown on the attached rider, he shall submit with his acreage report a designation of any acreage so planted. Upon approval of the Corporation, the acreage used in computing the premium and total coverage shall not include acreage so designated. If the insured does not have an interest in any insured acreage in the county for any year he shall nevertheless submit a report so indicating. Any acreage report submitted by the insured shall not be subject to change by the insured.

(b) If the insured fails to submit the above-mentioned acreage report(s) within 30 days after planting of the insured crops (winter or spring) is generally completed in the county, the Corporation may elect to determine the insured acreage and interest or to declare the insured acreage to be "zero".

4. *Coverage, premium rate and fixed price.* For each crop year of the contract the coverage(s) and premium rate(s) per acre established for the area in which the insured acreage is located, and the fixed price(s), used to evaluate production, shall be those established by the Corporation for such crop year and shown on the county actuarial table on file in the county office.

5. *Changes in contract.* The Corporation reserves the right to change the insurable crop(s), premium rate(s), coverage(s), fixed price(s), and other terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file in the county office at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Failure of the insured to cancel the contract as provided in section 12 shall constitute his acceptance of any such changes.

6. *Amount of annual premium.* (a) The annual premium for each insurance unit will be based upon (1) the insured acreage of each insurable crop, (2) the applicable premium rate(s), and (3) the insured interest(s) in the crop at the time of planting, and with respect to any insured acreage shall be earned and payable when the insured crop on such acreage is planted.

(b) Any amount of the premium which is not paid on or before the discount date, which shall be the November 30 of the calender year in which the insured crop(s) is normally harvested, shall be increased by ten percent, which increased amount shall be the premium balance, and thereafter, at the end of each 12 months' period, six percent simple interest shall attach to any amount of the premium balance which is unpaid.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) If in any year a premium is earned and totals less than $10.00 the amount shall be increased to $10.00.

(e) Any unpaid amount due the Corporation by the insured may be deducted from any indemnity payable to the insured by the Corporation or from any loan or any payment made to the insured under any act of Congress or program administered by the United States Department of Agriculture.

7. *Notice of loss or substantial damage.* (a) If, during the growing season, an insured crop on any insurance unit is substantially damaged the insured shall give immediate written notice of such damage to the Corporation at the county office.

(b) If an insured loss occurs on any insurance unit the insured shall give prompt written notice to the Corporation at the county office but in no event shall such notice be given later than (1) 15 days after threshing (harvesting in the case of any crop that is not threshed) is completed on the insurance unit, or (2) the latest date for the end of the insurance period for any insured crop on the unit, whichever is earlier.

(c) Any insured acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

(d) The Corporation may reject any claim for loss if any of the requirements of this section are not met.

8. *Released or damaged acreage.* (a) Any acreage of an insured crop may be released by the Corporation after it is too late to replant to such crop if (1) the Corporation determines that the crop on such acreage is destroyed, or (2) the insured requests a release of acreage which the Corporation determines is not destroyed and agrees to the appraisal by the Corporation of the potential production from such acreage. No insured acreage may be put to another use or planted to a substitute crop until the Corporation releases such acreage. However, in counties where corn or grain sorghum planted for harvest as grain are insured, such crops may be used for silage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield. If an insured crop on insured acreage is damaged but the acreage has not been released by the Corporation, proper measures shall be taken to care for the crop and protect it from further damage.

(b) Where released acreage is not put to another use, or is replanted to the same crop, the release may be disregarded by the Corporation.

(c) There shall be no abandonment of any crop or portion thereof to the Corporation.

9. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period for all insured crops planted on the insurance unit unless all the insured crops on the insurance unit were destroyed earlier in which event the loss shall be deemed to have occurred on the date of such destruction as determined by the Corporation.

10. *Payment of indemnity.* (a) Any indemnity will be payable within thirty days after a claim for loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damage on account of such delay.

(b) If the insured dies, is judicially declared incompetent or disappears, any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid.

11. *Avoidance of contract.* The Corporation may void the contract without affecting the insured's liability for premium(s) or waiving any right or remedy including the right to collect any unpaid premium(s) if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or (b) the insured fails to give any notice or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed. The Corporation may make such avoidance effective as of the beginning of any crop year with respect to which any act or omission referred to in (a) or (b) above occurred.

12. *Life of contract, cancellation or termination thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until cancelled by either the insured or the Corporation. Cancellation may be made for any crop year by either party giving written notice to the other party on or before the applicable cancellation date occurring (1) in the same calendar year in which the insurable crops are normally harvested for such crop year for all counties with a cancellation date between January 1 and March 1, or (2) in the calendar year preceding the year in which the insurable crops are normally harvested for such crop year for all other counties: *Provided, however,* That the contract shall terminate as if cancelled by the Corporation prior to such cancellation date (1) if by the March 31 following such cancellation date for all counties with a cancellation date between January 1 and March 1, any amount due the Corporation under this contract remains unpaid, or (2) if by such cancellation date for all other counties any amount due the Corporation under this contract, except the premium due on the crop harvested or to be harvested in the calendar year in which the cancellation date occurs, remains unpaid. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for multiple crop insurance in the county in the next succeeding crop year unless he subsequently applies for insurance on or before the cancellation date for such year.

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

(d) The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of planting of an insurable crop(s) in any crop year but before the end of the insurance period for such year, the contract shall (1) not terminate until the end of such insurance period, and (2) cover any additional insurable crops planted for the insured or his estate for that crop year.

13. *Transfer of interest.* If the insured transfers all or part of his insured interest in an insured crop before the beginning of harvest and the time of loss, the transferee may obtain the benefits of the contract for the current crop year on the interest transferred if within 15 days after the date of transfer he (1) submits to the county office such information concerning the transfer as may be required by the Corporation, and (2) makes arrangements satisfactory to the Corporation for the payment of any unpaid premium on the interest transferred. Upon approval of a transfer of interest by the Corporation, the transferee and transferor shall be jointly and severally liable for any unpaid premium on the interest transferred. Any transfer shall be subject to the conditions of the contract including any collateral assignment made by the transferor, and the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop(s) then if the transfer had not taken place.

14. *Collateral assignment.* The original insured may assign his right to an indemnity for any year under the contract by executing a form prescribed by the Corporation and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

15. *Subrogation.* The insured assigns to the Corporation all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and shall execute all papers required and take such other action as may be necessary to secure such rights.

16. *Other insurance.* If the insured has other insurance, whether valid or not, against (a) more than two of the risks insured against under this contract, or (b) damage by fire during the insurance period, and there is damage from a risk(s) so insured against, the Corporation shall not be liable, unless it otherwise elects, for a greater proportion of any loss under this contract than the coverage under this contract bears to the total of all coverages.

17. *Records and access to farm.* The insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all insured crops produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of insurable crops in the county in which he has an interest. Any person(s) designated by the Corporation shall have access to such records and the farm(s) for purposes related to the contract.

18. *Forms.* Copies of forms referred to in the contract are available at the county office.

19. *Meaning of terms.* For purposes of the multiple insurance program the terms:

(a) "County" means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

(b) "County actuarial table" means the form(s) and related materials (including the crop insurance maps) which are approved for the crop year by the Corporation and show the fixed price(s), the coverage(s) per acre, and the premium rate(s) per acre applicable in the county.

(c) "County office" means the Corporation's office for the county shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

(d) "Crop year" means the period within which the insured crop(s) is planted and normally harvested, and shall be designated by reference to the calendar year in which the crop(s) is normally harvested.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(f) "Sharecropper" means a person who works a farm in whole or part under the supervision of the operator, with workstock and equipment furnished by a person other than himself, and who is entitled to receive a share of the insured crop(s) produced thereon or of the proceeds therefrom.

(g) "Tenant" means a person (other than a sharecropper) who rents land from another person for a share of the crop(s) or proceeds therefrom produced on such land.

(h) "Substitute crop" means any crop planted on released acreage for harvest in the current crop year, other than an uninsured legume crop; except that soybeans, whether insured or uninsured, shall be considered as a substitute crop.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on May 6, 1955.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on May 17, 1955.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-4100; Filed, May 19, 1955; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[957.312 Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) shipments of potatoes grown in the production area have been subject to the provisions of the limitation of shipments regulation that became effective June 28, 1954 (§ 957.312; 19 F. R. 3792), pursuant to said marketing agreement and order, as amended, and, unless extended beyond May 31, 1955, will so continue through such date, (3) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes provided by this amendment during the effective time thereof, (4) ample notice will be provided by making the provisions of this amendment effective as soon as practicable upon publication in the FEDERAL REGISTER, (5) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (6) information regarding the committee's recommendation has already been made available to producers and handlers in the production area, and (7) this amendment extends the period of regulation from May 31, 1955, through June 30, 1955.

Order, as amended. The provisions of § 957.312 (b) (1) (19 F. R. 3792; June 22, 1954), are hereby amended by deleting therefrom the date "May 31, 1955" and inserting in lieu thereof the date "June 30, 1955."

(Sec. 5, Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 17th day of May 1955 to become effective upon publication in the FEDERAL REGISTER.

[SEAL] E. E. CONKLIN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4140; Filed, May 19, 1955; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

EFFECTIVE DATE OF ORDER

In the matter of amending the definitions and standards of identity for muenster cheese, munster cheese; monterey cheese; pasteurized process cheese food; pasteurized process cheese food with fruits, vegetables, or meats; pasteurized process cheese spread; pasteurized cheese spread; pasteurized process cheese spread with fruits, vegetables, or meats; pasteurized cheese spread with fruits, vegetables, or meats; cold-pack cheese food; and cold-pack cheese food with fruits, vegetables, or meats:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, as amended 68 Stat. 54, 55; 21 U. S. C. 341) and in accordance with authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (20 F. R. 1996), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of April 1, 1955 (20 F. R. 2058), relative to amending the definitions and standards of identity for the foods listed in the first paragraph of this notice. The amendments promulgated by that order will become effective May 31, 1955.

(Sec. 401, 52 Stat. 1046, as amended 68 Stat. 54, 55; 21 U. S. C. 341)

Dated: May 16, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-4136; Filed, May 19, 1955; 8:51 a. m.]

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1953 Supp., Part 141b; 19 F. R. 935, 1141) and certification of antibiotic and antibiotic-containing drugs (21 CFR, 1953 Supp., Part 146b; 19 F. R. 935, 1141, 6731) are amended as indicated below:

1. Section 141b.124 is amended by changing the headnote to read: "§ 141b.-124 *Streptomycin-hydrochloride solution oral veterinary; streptomycin sulfate solution oral veterinary.*"

2. In § 146b.112 *Streptomycin for inhalation therapy* * * *, paragraph (a) is changed to read as follows:

(a) Streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy are streptomycin or dihydrostreptomycin, with or without one or more suitable and harmless diluents. The streptomycin used conforms to the requirements of § 146b.101 (a), except § 146b.101 (a) (2) and (4), and except that if it is packaged with inert gases its moisture content is not more than 0.5 percent. The dihydrostreptomycin used conforms to the requirements of § 146b.-103 (a), except the standards for sterility and pyrogens, and except that if it is packaged with inert gases its moisture content is not more than 0.5 percent. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

3. In § 146b.119, the section headnote and the first sentence of paragraph (a) are amended to read as follows:

§ 146b.119 *Streptomycin hydrochloride solution oral veterinary; streptomycin sulfate solution oral veterinary*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin hydrochloride solution oral veterinary and streptomycin sulfate solution oral veterinary are aqueous solutions of streptomycin hydrochloride or streptomycin sulfate, with one or more suitable and harmless preservatives. The drug may also contain one or more suitable and harmless buffer substances and stabilizing agents. * * *

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: May 16, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-4137; Filed, May 19, 1955; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

APPOINTMENTS IN ARMY NURSE CORPS

In § 561.18 (k), subparagraph (1) (ii) is revised and subparagraph (3) is revoked, as follows:

§ 561.18 *Appointment as Reserve Commissioned Officers of the Army for assignment to Army Medical Service Branches.* * * *

(k) *Army Nurse Corps.* (1) Applicants qualifying for appointment and assignment to the Army Nurse Corps branch must meet the following requirements:

* * * * *

(ii) Be currently registered and/or licensed to practice professional nursing within the United States, Puerto Rico, Alaska, or Hawaii. Individuals who were previously appointed with waiver of registration and/or license to practice will be discharged on the first anniversary of date of appointment, if they fail to obtain professional registration and/or licensure within that time.

* * * * *

(3) [Revoked.]

* * * * *

[C3, SR 140-105-6, May 3, 1955] (Sec. 251, 66 Stat. 495; 50 U. S. C. 1002)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-4091; Filed, May 19, 1955; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

CHRISTINA RIVER, DEL.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.235 governing the operations of drawbridges across the Christina River, Delaware, is hereby revised to include special regulations for the Delaware State Highway Department bridge at Newport, Delaware, by the addition of paragraph (g), as follows:

§ 203.235 *Christina River, Del.; bridges.* (a) The owners of or agencies controlling the bridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient opening of the draws at any time during the day or night for the passage of any vessel or other watercraft which cannot pass under the closed draws.

(b) Except as otherwise provided in paragraph (g) of this section, the bridge tender upon hearing or perceiving the prescribed call signal shall immediately clear the drawspan and open the draw to its full extent for the passage of the vessel or other craft: *Provided,* That the draw of a railroad bridge need not be opened when there is a train in the bridge block approaching the bridge with the intention of crossing, nor within 5 minutes of the known time of passage of a scheduled passenger, mail, or express train; but in no event, except in case of breakdown of the operating machinery, shall the opening of the draw be delayed more than 5 minutes in the case of a highway bridge, nor more than 10 minutes in the case of a railroad bridge.

(c) *Signals*—(1) *Call signal for opening of draw.* Three blasts of a whistle or horn.

(2) *Acknowledging signal*—(i) *When the draw can be opened immediately.* Two blasts of a whistle or horn.

(ii) *When the draw cannot be opened immediately, or when it is open and is to be closed immediately.* One blast of a whistle or horn.

(d) Vehicles, street cars, locomotives, and trains shall not be stopped on the drawspan, nor shall locomotives or trains be stopped in the bridge blocks of railroad bridges in such manner as to delay the operation of the draws, except in case of urgent necessity, nor shall vessels be moored to the bridge fenders or so maneuvered as to unnecessarily hinder or delay the closing of the draw, but all passages over, through, or under the bridges shall be prompt, to avoid delay to either land or water traffic.

(e) The owners of, or agencies controlling, the bridges shall provide and keep in good legible condition two board gages painted white with black figures not less than 6 inches high, to indicate the headroom clearance under the closed span at all stages of the tide. These gages shall be so placed on the ends of the drawspan fenders that they will be plainly visible to the navigators approaching from either direction.

(f) The general regulations contained in paragraphs (a) to (e), inclusive, of this section shall apply to all bridges except as modified by the special regulations contained in paragraph (g) of this section, prescribed where local conditions require to govern the operation of a particular bridge.

(g) *Special regulations for highway bridge at Newport.* (1) The owner of this bridge will not be required to keep a draw tender in constant attendance.

(2) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of the bridge.

(3) Upon receipt of such advance notice, the authorized representative of the owner of the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(4) The owner of the bridge shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in subparagraph (2) of this paragraph may be reached.

(5) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

[Regs., April 19, 1955, 823.01 (Christina River, Del.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-4092; Filed, May 19, 1955; 8:45 a. m.]

PART 207—NAVIGATION REGULATIONS

KEY WEST HARBOR, FLORIDA

Pursuant to the provisions of Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 207.173 is hereby prescribed to govern the use and navigation of an area in Key West Harbor, Florida, comprising a dummy mine field to be used in training of naval personnel by the U. S. Naval Station, Key West, Florida, as follows:

§ 207.173 *Key West Harbor, Fla.; dummy mine field, U. S. Naval Station, Key West Florida*—(a) *The area.* The waters of Key West Harbor within a 500-yard square and marked by unlighted can buoys, the coordinates of which are as follows: Buoy No. 1, latitude 24°32'-17", longitude 81°48'07"; Buoy No. 2, latitude 24°32'32", longitude 81°48'07"; Buoy No. 3 latitude 24°32'32", longitude 81°47'50"; Buoy No. 4, latitude 24°32'-17", longitude 81°47'50". The northerly limits of the area are about 450 yards south of Key West Island.

(b) *The regulations.* (1) All craft shall proceed with caution when underway in the area taking particular care to stand well clear of all navigational aids.

(2) All craft underway in this area shall stay well clear of naval craft (LCPR) displaying the Seven flag and be particularly alert to detect and obey all signals from such vessels. The display of the Seven flag is an indication that divers are operating.

(3) Anchoring, grapneling, and fishing, including the use of lobster pots, are prohibited in the area.

(c) The regulations shall be enforced by the Commanding Officer, U. S. Naval School Underwater Swimmers, U. S. Naval Station, Key West, Florida, and such agencies as he may designate.

[Regs., April 25, 1955, 800.2121 (Key West Harbor, Fla.)-ENGWO] (40 Stat. 892; 33 U. S. C. 3)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-4093; Filed, May 19, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 8-21]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

GENERAL EXEMPTION ORDERS ISSUED EXEMPTING SHIPS FROM COMPULSORY RADIO PROVISIONS

In the matter of amendment of Part 8 of the Commission's rules for the purpose of making certain editorial changes therein to include a list of the current general exemptions issued by the Commission.

The Commission having under consideration the desirability of making certain editorial changes in Part 8 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature for the purpose of including in Part 8 of the Commission's rules a listing of the general exemptions issued by the Commission which are currently in force, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 16th day of May 1955, that, effective immediately, Part 8 of the Commission's rules is revised as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 5, 303, 66 Stat. 713, 48 Stat. 1082; 47 U. S. C. 155, 303)

Released: May 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Delete the text of § 8.804 and substitute the following therefor:

§ 8.804 *Appendix IV—General exemption orders issued exempting ships from compulsory radio provisions.*

(a) Order, April 26, 1955, granting exemption, pursuant to section 352 (b) (3) of the Communications Act of 1934, as amended, to:

(1) All United States passenger vessels of a tonnage of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, for an additional period not to extend beyond May 13, 1956, when navigated on voyages in the open sea in waters lying between:

Hog Island, Virginia and Fire Island Light, New York; or

Hillsboro Light and Triumph Reef Beacon, Florida; or

Naples, Florida and Brownsville, Texas; or

Point Conception, California and Point Descanso or the Coronado Islands, Mexico; or

Salt Point and Point Sur, California;

Provided, That during the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

(2) All United States passenger vessels of a tonnage up to and including 15 gross tons, not subject to the radio provisions of the Safety Convention, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, for an additional period not to extend beyond May 13, 1956; *Provided,* That during the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

(b) These exemptions may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

[F. R. Doc. 55-4132; Filed, May 19, 1955; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1003]

[Docket No. AO-269]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, covering proceedings to formulate marketing agreements and orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California. Such marketing agreement and order would be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C. Any such exceptions should be filed in quadruplicate and must be received prior to the close of business on May 30, 1955.

Preliminary statement. A public hearing, on the record of which the presently proposed marketing agreement and marketing order (hereinafter called the "order") were formulated, was held at Coachella, California, from March 23 to 24, 1955, both dates inclusive. Such hearing was held pursuant to a notice thereof which was published in the FEDERAL REGISTER (20 F. R. 1363) on March 5, 1955. Said notice contained the draft of a proposed order which had been presented to the Secretary of Agriculture (hereinafter called the "Secretary") by the Date Packers Council of California, the membership of which includes two producer cooperatives and the major packers of dates, with a petition for a hearing thereon. The objective of the order is to bring to the date industry the benefits of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter called the "act").

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance, and the extent to which such rights should be exercised;

(2) The need for the proposed regulatory program to effectuate the declared policy and purposes of the act;

(3) The provisions which should be incorporated in the order, such as:

(a) Defining such terms as "Secretary," "act," "person," "area of production," "dates," "crop year," "producer," "handler," "handle," "handler carryover," "trade demand," "marketable dates," "free dates," "restricted dates," "committee," "cooperative handler," and "part and subpart";

(b) Establishing and maintaining an administrative agency, to be known as the Date Administrative Committee, to conduct the program operations, granting powers and prescribing duties for such committee, and providing for its manner of conducting business;

(c) Provision for the formulation and adoption of a marketing policy for each crop year;

(d) Provision for the establishment of minimum standards of quality for whole and pitted dates handled irrespective of whether the season average price to producers for dates is or is not in excess of the parity price; provision for the establishment of additional grade regulation for dates; and provision for the inspection and identification of such dates;

(e) Authorization for the establishment of free and restricted percentages which would operate to limit the volume of dates sold in whole or pitted form;

(f) Provision for the disposition of other than free dates;

(g) Provision for the establishment of regulations applicable to the packaging of dates;

(h) Provision for the filing of reports and the keeping of records by handlers;

(i) Provision for the incurring of expenses by the Date Administrative Committee and the levying of assessments on handlers to cover such expenses; and

(j) Additional terms and conditions as set forth in §§ 1003.77 through 1003.84 and published in the FEDERAL REGISTER (20 F. R. 1363) on March 5, 1955, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in §§ 1003.87 through 1003.89 and also published in said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) As will appear in the discussion of the definition of "handler" under (3) (a) below it is intended to regulate under the proposed program the handling of dates, regardless of whether in the current of interstate, or foreign commerce. Dates are sold in practically all areas of the United States and some quantities are exported, primarily to Canada and the Latin American countries. Approximately two-thirds of California date production is sold directly in interstate commerce. Most of the remaining sales are made in the Los Angeles, California, market from which point an undeterminable additional tonnage is subsequently distributed in interstate commerce.

Dates are received and processed by packers without regard to whether they are ultimately to be distributed within or without the area of production. All such dates are co-mingled and processed together. There is no practical way of packing dates so as to distinguish between those which might be sold in the production area and those which are destined for interstate movement. The dates sold in Los Angeles are similar to, and freely competitive with, dates sold

and shipped to interstate and foreign destinations. Consequently the price of dates in Los Angeles markets has a direct and immediate effect on prices in and shipments to markets outside of the production area. Therefore, the handling of dates within the area of production directly burdens, obstructs and affects the handling of dates in interstate or foreign commerce to such an extent as to make necessary the regulation of intra-production area handlings in order to enable effective regulation of the interstate and foreign handling of dates.

(2) Of the total supply of dates available in domestic markets during the past five years, approximately 43 percent were produced in California. The remainder was made up of imports, primarily of pitted dates, from Iraq and Iran.

The commercial production of dates in California is limited to five counties. Approximately 94 percent of the bearing acreage is found in Riverside County where almost 100 percent of the domestic dates sold in channels of commerce are produced. Total bearing acreage has increased from an average of 2,356 acres during 1936–39 to 4,510 acres during 1950–53. During the same period production increased from an average of 3,432 tons to 15,900 tons. The increase in acreage was the result of heavy plantings at the end of World War II. However, total acreage has declined slightly each year since 1951 and there have been few new plantings in recent years.

The out-of-pocket cost of producing dates in California approximates six cents per pound. Prices to date producers have average only 5.75 cents per pound during the past four years. This compares with an average of 5.6 cents per pound received by date producers during the pre-war period, 1935–39. Thus, despite the high level of economic activity in the United States during recent years, date growers have not been recovering their costs of production.

A major factor in the cost of producing dates is the amount of hand-labor involved. Date palms are dioecious. The male and female blossoms are produced on different palms and pollination must be accomplished by manual operation. This involves taking the pollen from the male palm, drying, removing the powder, and tying it to the female palms. In some instances the powder can be blown in by air gun but generally it is a hand operation requiring a considerable amount of tree climbing. Thinning is another major hand operation. Normally two-thirds to three-quarters of the dates set are removed in order that the remaining fruit will develop properly. After the fruit has developed, the practice is to place a bag over the bunches to protect the fruit from rain and birds. In the harvesting operations, since all dates do not mature at the same time, it is generally necessary to pick each bunch two or three times in order to maintain the quality of the crop. With only limited possibilities for mechanization, the cost of producing dates can be expected to remain high in the future. Unless corrective action is taken to improve producer returns, the economic condition of the domestic date industry can be expected to further deteriorate.

One of the major problems in the date industry has been the availability of low-quality dates in domestic markets at low prices. These offerings have had a price-depressing effect on, and have reduced the sales of, good-quality dates. Another problem has been that of the size of the carryover of dates from one crop year into the next. This carryover, which has often in the past been more than is required to meet trade requirements until new crop dates become available, has been sold in direct competition with new crop dates and has been responsible for price weakness in new crop offerings. For example, at the beginning of the 1954 season, the price for whole dates opened at $5.25 per case of 24/1 pound packs. Within a few weeks this price declined to $4.60, or approximately three cents per pound. Testimony at the hearing indicated that this price break was caused by the offering for sale of the large carryover of 1953 crop dates in packers' hands.

The proposed order would tend to alleviate these conditions by prohibiting the sale of low-quality dates in normal outlets and by providing for the setting aside of excessive supplies of whole dates and their diversion into export or date product outlets. It would also serve to spread the burden of the allocation of supplies equitably among all handlers.

As is indicated above, returns to date producers have been low in recent years. During the past four years they have averaged only 26 percent of the effective parity price. One of the expressed primary objectives of Congress in enacting the Agricultural Marketing Agreement Act of 1937, as amended, is that a program of this nature shall regulate the particular commodity with a view to raising the prices to the growers thereof to a level as near the parity level as is practicable and consistent with interests of consumers. The proposed order is designed and intended to accomplish this objective.

(3) (a) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties vested in him by law, any other officer or employee of the United States Department of Agriculture who is or who may hereafter be authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which orders of this nature are operated and avoids the need for referring to these citations thereafter.

The definition of "person" follows the definition of that term as set forth in the act and will assure that it will have the same meaning as it has in the act.

The "area of production" should include the counties of Riverside and Los Angeles in California. Although there is some production of dates in Arizona, dates produced there are generally sold in local markets in Arizona and do not at the present time affect the marketing of California dates. The failure to control the marketing of these dates will not interfere with the marketing of dates produced in California. As is indicated above, practically all California dates are produced in Riverside County. However, large volumes of dates are processed and sold through handlers located in Los Angeles County although produced elsewhere. Of the minor quantities of commercially acceptable dates produced in other counties of California, practically all are handled either in Riverside or Los Angeles counties. Under these conditions inclusion of these two counties in the area of production will assure that the order will regulate effectively the commercial date production of California. It is concluded that Riverside and Los Angeles counties constitute the smallest regional production area which is practical for coverage by the order, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act.

The term "dates" should include the Deglet Noor, Zahidi, and Khadrawy varieties of domestic dates produced or packed in the area of production. These varieties constitute practically all of the dates acquired by the chain store and wholesale trade at the present time. Although the notice of hearing included all varieties within the definition of dates, testimony by the proponents of the order indicated that there was no present intention to regulate in any manner varieties other than Deglet Noor, Zahidi, and Khadrawy. At the hearing the proponents suggested that the term "dates" include only the Deglet Noor and Zahidi varieties but that a provision be added whereby additional varieties could be included upon the recommendation of the committee and with the approval of the Secretary. The testimony indicated that it is not anticipated that regulation of the so-called soft or sugared varieties will be necessary within the next four or five years. In view of this situation and the possibility that Khadrawy dates may need to be regulated, it is concluded that initially the order should be applicable only to Deglet Noor, Zahidi, and Khadrawy varieties, and that the order could be amended at a later date if conditions so change as to make regulation of additional varieties necessary in order to promote the objectives of the act. The representative of the service which will be performing the inspection required under the order testified that the inspectors would have no difficulty in distinguishing these varieties from other varieties of dates.

As stated previously, although all California dates are not produced in the production area defined in the order, practically all are either produced or packed in such area. Dates produced in other counties of California are indistinguishable from those produced in Riverside County. There is no practical way to determine whether a given lot of dates was produced in Riverside County or elsewhere. Therefore, if the dates to

be regulated were limited to those produced in the production area, the way would be open for evasion of the regulation upon the claim of a handler within the area that the particular dates sought to be brought under regulation were produced outside of the production area. Such a situation would make effective control impossible and would tend to result in inequities among handlers. Therefore, it is necessary to include in the definition of dates, all dates produced or packed in the area of production.

The term "crop year" should be defined to mean the twelve-month period beginning August 1 of any year and ending July 31 of the following year. This twelve-month crop year designation is one which is generally recognized and followed in the date industry. Some new crop dates are received by packers during the month of August. Since the marketing policy is to be effective as of the beginning of the crop year, the crop year should begin early enough to cover any dates which might be harvested from the then current crop.

The term "producer" should be defined to mean any person engaged in a proprietary capacity in the production of dates for sale. The primary purpose of this definition is to determine the eligibility of persons for membership as producer members of the committee and to determine the persons eligible to vote for nominees for producer members and alternate members of the committee. This definition would include as producers those growers of dates in other counties in California whose dates are sold to handlers in the counties of Riverside or Los Angeles, since their dates so sold will be regulated the same as dates produced in the two counties last referred to and they should have the same benefits and privileges. Since the order is designed to improve the marketing of dates through commercial channels only those growers who produce dates for sale should be included in the definition.

The term "handler" should mean any person handling dates which have not been inspected and certified for handling in the hands of a previous holder. This definition is necessary in order to identify those persons upon whom the responsibility falls for meeting the requirements of the order, such as the quality and volume regulations and the payment of assessments. A sales agent who disposes of dates which had not previously been inspected and certified for handling should be considered a handler since his operations in that capacity are identical to any other handler's.

Since this definition will also identify those persons who are eligible to serve as handler members and alternate members of the committee, and those who are eligible to vote for nominees for these positions on the committee, the definition should be qualified so as to include, with respect to committee membership and voting under §§ 1003.22 and 1003.24, only those persons who acquired dates directly from producers. It is believed that those who acquired dates directly from producers are more closely associated with grower problems in the date industry and by reason of that fact are in a better position to determine the methods by which the order can operate to improve producer returns. It is not intended that a handler who receives dates from both producers and other handlers will be ineligible for membership on the committee, but in the weighting of such a handler's vote for membership on the committee consideration should be given only to that tonnage which he acquired directly from producers. For this purpose the acquisition of dates from an assembler should be considered as acquiring dates directly from producers.

The term "handle" should include those acts which, when performed by any person not specifically exempted, brings that person within the category of handler and makes him subject to regulation under the order. The term should mean to sell, consign, transport or ship, or in any other way to put dates into the current of commerce. The shipment by a common or contract carrier of dates owned by another person should not be considered to be handling by the carrier because the carrier has no proprietary interest in such dates and merely transports them for hire. It is customary for producers to sell and deliver their dates to packers who have facilities for processing and performing the handling functions. It is intended that the order restrictions will ordinarily be applied to the receiving handler who subsequently places the dates in the channels of commerce since this would facilitate administration of and compliance with the order. The sale or delivery of dates by a producer to a handler within the area of production, therefore, should not be considered as handling. However, the sale or delivery of dates by a producer to a person outside the area of production should be subject to regulation and any producer engaging in such activity should be considered a handler subject to regulation with respect to the dates so handled, the same as any other handler. It is intended that the phrase "current of commerce" shall include movement of dates within the production area, from such area to destinations outside thereof, or from outside points to other destinations.

The term "handler carryover" is used in the order in connection with the committee determination of a marketing policy and in connection with handler reports to the committee. It should include, as of any date, all marketable dates then held by a handler or for his account, whether or not sold, plus the estimated quantity of marketable dates in ungraded or unprocessed lots then held by such handler. It is important that the handler carryover reports include all dates held by a handler whether or not sold, since sold but undelivered tonnages have an important bearing on the total tonnage which can be expected to be shipped in the future. It is not intended that quantities which might be held by wholesalers, chain stores, or retailers be included in the handler carryover reports.

"Trade demand" should be defined to mean that quantity of marketable dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States. This term is used by the committee in establishing its marketing policy and is intended to reflect the volume of dates which it is expected will be shipped in whole or pitted form during the crop year. Since this is the tonnage which will determine, when compared with anticipated supplies, whether a restricted percentage should be established during a particular crop year, consideration should be given to the estimated quantity the committee believes will be absorbed by foreign countries at prices comparable to those in the United States. Canada has traditionally been considered a part of the domestic market and should be considered a normal market for free dates every year. Since the volume controls under the order will be applicable only to whole and pitted dates the estimate of trade demand should also be limited to whole and pitted dates.

"Marketable dates" should be defined to mean, for any crop year, whole or pitted dates which are certified as equal to or higher than the minimum grade permitted to be handled by the regulations imposed under the order. The term "marketable" is one which is in common use in the date industry and the use of the term provides a means of distinguishing those dates from the total supply of dates regardless of quality.

"Free dates" should be those dates which are free to be handled pursuant to any free percentage established by the Secretary in accordance with §§ 1003.44 of the order. They are marketable dates which may be disposed of by handlers without restriction and will form the basis on which assessments will be levied.

"Restricted dates" should be those marketable dates which must be withheld by handlers pursuant to any restricted percentage established by the Secretary in accordance with § 1003.44 of the order.

"Committee" should mean the Date Administrative Committee established pursuant to § 1003.21 of the order. It is defined merely to provide a convenient reference wherever the term is used in the order.

"Cooperative handler" should mean any handler which is a cooperative marketing association of growers organized under the laws of the State of California and includes all cooperative handlers within the date industry.

The term "part" should be defined to mean the order regulating the handling of domestic dates produced or packed in Riverside and Los Angeles counties of California, and all rules, regulations and supplementary orders issued thereunder. The order regulating the handling of domestic dates produced or packed in Riverside and Los Angeles counties of California should be a "subpart", which is a subdivision of such part. The rules, regulations and supplementary orders would also be subparts of that part. The use of such terms having those meanings is in conformance with the requirements

of the Federal Register Division for orders of this nature.

(b) An agency designated as the Date Administrative Committee should be established to administer the order. The committee should be composed of seven members of whom three should represent producers. A membership of seven on the committee is based on giving equitable representation to all segments of the date industry. There would be adequate representation of producers since, in addition to the three producer members, one handler member is from an organization of cooperative producers and another handler member represents persons of combined producer and handler interests. The provision for an odd number of members would preclude a situation where there would be a tie vote on the committee, assuming that all members or their alternates are present and voting at a meeting.

In order that all segments of the date industry shall have adequate representation on the committee, committee membership should be on the basis of specified groups of handlers and producers. The handler membership should be on the following basis: One member to represent producer-handlers, each of whom produced not less than 40 percent of the volume he handled; one member to represent cooperative handlers; and two members to represent handlers not included in the first two groups. Handler membership on this basis should provide each group with representation commensurate with the tonnages presently handled by each such group. In other words, under present conditions, the first and second mentioned groups each handle approximately 25 percent of the total tonnage of dates handled, and third mentioned group accounts for approximately 50 percent of the total handlings. Producer membership on the committee should consist of one member to represent producers who are members of a cooperative marketing association and two members to represent those producers who are not members of a cooperative marketing association. This distribution would tend to reflect adequately producer sentiment since at the present time, approximately one-third of all date producers are members of a cooperative. In order to assure that representation on the committee will continue to be reflective of the relative importance of each group in the industry, provision should be made for realignment of the four handler members and the three producer members on the committee in the event that there are major changes in the quantities handled by the aforementioned handler groups and in the number of producers who market their dates through a cooperative marketing association. Any such realignment should be based on a finding by the Secretary that the membership on the committee does not provide adequate representation for all groups in the industry and that a new basis of representation, as determined by the Secretary, will be more reflective of current marketing conditions. Upon such a finding by the Secretary, nominations and selection of committee members thereafter should be on such new basis. This provision is not intended to permit a change in the total number of handler or producer members on the committee.

Except for the initial members and alternate members, the term of office for committee members should be two years. This would provide for some continuity in committee membership and would permit an election each year without the possibility of having a complete change in membership from one year to the next. A longer term of office would introduce rigidity in the membership and would not permit replacement within a reasonable time of a member who no longer is reflective of the thinking of the group he represents. Moreover, since provision is made for a realignment of committee membership as conditions in the industry change, a longer term of office might unduly delay a desirable shift in committee representation. Committee elections should be held each year but in order to provide continuity of membership, each election should be limited to approximately one-half of the total committee membership. This would be accomplished by having the terms of office for one handler member, one noncooperative producer member, and the cooperative handler member expire on April 15 of even-numbered years and by having the terms of office for the other members expire on April 15 of odd-numbered years. Thus, of the initial members, three would hold office until April 15, 1956, and four would hold office until April 15, 1957. Notwithstanding the above procedure, all members and alternate members should serve until their respective successors have been selected and have qualified in order that there will always be a full seven-man membership on the committee. It is desirable that the terms of office terminate on April 15 of any year so that a newly elected member will have sufficient time to acquaint himself with the duties and responsibilities of the office prior to the beginning of a new crop year.

Nominations for initial members and alternate members of the committee should be submitted to the Secretary not later than the effective date of the order so that the committee can be activated without delay. Although it is expected that the various groups will get together to decide on nominees, provision should be made for initial nominations to be made by any producer or handler. In the event that no nominations are submitted to the Secretary by the effective date of the order, provision should be made for the selection of initial members and alternate members by the Secretary without regard to nominations. This procedure will assure that the committee membership will be filled at the earliest practicable date following the effective date of the order.

A procedure should be adopted whereby successor members and alternate members of the committee can be selected by the various groups. This should be done by means of a nomination meeting for each group to be held by the committee management or by a representative of the Secretary. Some preference was expressed at the hearing that such meetings be held by the committee management. However, in the event it should be impracticable for the management to do this, the meetings should be held by a representative of the Secretary. In order to permit successor members to prepare and to qualify themselves to assume their duties by April 15, the termination date for incumbent members, these nomination meetings should be held not later than March 15 of any crop year. At such meetings each person should be entitled to one vote for each position to be filled from the group in which he is included. Since the purpose of establishing the various groups is to insure representation to all segments of the date industry, no person should be permitted to vote in more than one group and he should be permitted to vote only in that group which has been set up to represent his particular type of activity. For example, a date producer who is not a member of a cooperative marketing association might also be a handler who produced more than 40 percent of the volume he handled. However, he should not be permitted a choice as to whether he will vote for the member to represent the group in paragraph (a) or (e) of § 1003.22. Since his activities place him in group (a) he must cast his vote in that group. To permit a choice under such conditions would tend to defeat the equitable representation for all groups intended to be established on the committee.

In voting by handlers the vote of each handler should be weighted by the tonnage of dates acquired from producers and certified for handling by him through February 28 of the crop year in which the nominations are made. The nominee for each handler member and alternate position should be the person receiving the highest number of votes cast for that particular position by all handlers in the group. It is customary in programs of this nature to weight the votes of handlers by the volumes of the particular commodity which they handle during a specified period reasonably current with the time at which the voting takes place. In the present instance, since the nomination meetings are to be held not later than March 15, it would be appropriate to use for weighting purposes the quantity certified for handling by each handler as of February 28. This is sufficiently late in the crop year to include the bulk of the crop and would be more representative of current conditions than would be the use of certifications during the preceding crop year.

In voting for the cooperative producer member and alternate member positions, the cooperative should be permitted to cast the vote on behalf of its membership. In such an event, the vote should be weighted by the number of producers who are members of the cooperative. Producers who are not members of a cooperative marketing association and cooperative producers in instances where the vote is not cast for all members by the association should have one vote for each position to be filled and every vote should have equal weight. The nominee for each producer member and alternate position should be the person receiving the highest number of votes cast for that particular position by all producers in the group.

Immediately after the completion of the nomination meetings, the committee should report to the Secretary the nominee for each position to be filled together with a certificate of all necessary tonnage data and other information deemed by the committee to be pertinent or which is requested by the Secretary. It should be provided that if nominations for any position are not received by the Secretary within a reasonable time following such meetings, he may select members or alternate members without nomination. However, any such selection should be on the same basis as that prescribed in § 1003.22. Each person selected by the Secretary as a committee member or alternate should, prior to serving on the committee, qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether the selectee will serve and so that appropriate action to fill the position can be taken promptly if the selectee does not qualify. In order to maintain the representation established under § 1003.22, any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him should, upon ceasing to be such member or employee, become disqualified to serve further and his position on the committee should be deemed vacant. Appropriate provision should be made for the filling of vacancies on the committee and the procedure followed should be that prescribed for the nomination and selection of previous incumbents of the vacant positions. Nominees for any vacant position should be submitted to the Secretary within 30 calendar days after such vacancy occurs.

Alternate members should be provided to act in the place and stead of the members in the event of their absence, removal, resignation, disqualification or death until a successor for such member's unexpired term has been selected and has qualified. Such alternate member should be a representative of the same group as the member for whom he is alternate. When an alternate member is serving as a member, he should have the same authority and privileges as a member. Members of the committee and alternate members, when acting for members, should serve without compensation but should be allowed their necessary expenses as approved by the committee. Experience has shown that date producers and handlers give freely of their time for the benefit of the industry and, therefore, would serve on the committee without compensation. However, they should be reimbursed by the committee for expenses incurred in rendering such service.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee duties as set forth in the order are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the committee will be confined to those which are reasonably necessary to carry out its responsibilities as prescribed in the order. It should be recognized, however, that these specified duties are not necessarily all inclusive in that it may develop that there are other duties which the committee may need to perform.

The committee should select a chairman from among its members, and such other officers as may be appropriate. Not less than five members, including alternate members acting in the place and stead of members, should constitute a quorum of the committee. This requirement would insure that committee actions would be taken by a more fully representative group than if a quorum consisted of a simple majority of four. No action should be taken by the committee except on a concurring vote of at least five members or alternate members acting in the place and stead of members. These requirements would contribute toward the avoidance of possible domination of the committee by any particular group. The committee should be permitted to vote by mail, telephone (when confirmed in writing) or telegram, upon due notice and full and identical explanation to all members, but one dissenting vote should prevent the adoption of any proposition submitted to vote by these methods. This would enable the board to conduct routine or emergency business with a minimum expenditure of time and funds, but these methods of conducting business should require unanimous vote in the absence of full opportunity for discussion. At all assembled meetings of the committee, all votes should be cast in person. This is desirable because one who is not physically present at a meeting does not have the benefit of full discussion of the matter to be voted upon.

The Agricultural Marketing Agreement Act of 1937, as amended by the Agricultural Act of 1954, permits the authorizing of administrative committees under marketing agreements and orders to establish, or provide for the establishment, of marketing research and development projects designed to assist, improve or promote the marketing, distribution and consumption of the commodity covered by the order. The Date Administrative Committee should be authorized, with the prior approval of the Secretary, to undertake or contract for such research. One of the major problems in the date industry has been the poor keeping quality of packed dates. Under the authority contained in the order, the committee could arrange for study of the possibilities of increasing the shelf-life of dates by means of the use of spoilage inhibitors, materials used in the packaging of dates, and the effects of moisture content. Other fields which might be investigated would include studies of the size and shape of package and analyses of the nutritive value of dates to be used as guides to handlers in directing their promotional activities. It is not intended that committee efforts under this provision would be limited to the activities mentioned above, but that it would have broad discretion in determining the types of research which it believes will be beneficial to the date industry. Committee action under this provision would require the prior approval of the Secretary. The handling of administrative details, including payments of individual items of expense, should be left to the committee. Such general approval authority is necessary in order that the Secretary may remain in a position to exercise the general supervisory authority which is imposed upon him by law.

It is not intended that the proposed authorization, if adopted, would be used to conduct advertising programs for dates, either by radio, television, or through other media, nor is it expected that the funds likely to become available from assessments will be sufficient to enable the committee to conduct large research and development projects directly. However, the authorization would permit the committee to cooperate more effectively in projects conducted by Federal and State agencies, educational institutions, and private research organizations, through contract or other appropriate means.

Inasmuch as there is a need for greater effort and participation of the industry as a whole in the solution of its common problems, and the authority to conduct research can be expected to contribute to more orderly marketing of dates and enhance producer returns, it is concluded that such a provision should be included in the order.

(c) As early as practicable, prior to the beginning of each crop year, the committee should meet to prepare and submit to the Secretary a report of its marketing policy for the ensuing crop year. The purpose of this marketing policy meeting would be to afford the committee an opportunity to meet together and discuss the marketing conditions with which the industry is expected to be faced during the crop year and to consider what action should be taken under the order to facilitiate the marketing of new crop dates. Early determination of a marketing policy would also serve to inform producers and handlers regarding the intentions of the committee for program activity during the year. It is desirable that the policy be established as soon as sufficient information is available to the committee with respect to the probable size and make-up of the coming date crop.

Testimony indicated that a reasonably good indication of the size of the crop could be had during the latter part of June by means of an estimate of the number of bunches of dates that had been pollinated and a determination of the set of the fruit. Any such estimate, of course, would be subject to change as a result of weather conditions which follow. However, flexibility should be provided in the order so that the marketing policy could be modified as crop conditions change.

The marketing policy report to the Secretary should contain recommendations for the regulation of dates during the coming crop year. In order to form a basis for its recommendations, the committee should give consideration to the estimated production of dates, including the estimated production of marketable dates. Under normal conditions, these factors will have the greatest bearing on the policy to be adopted by the committee. They would not only indicate whether excessive supplies could be expected, but also whether the establishment of grade regulations in excess of minimum standards should be made effective for the crop year. A situation might arise wherein the total quantity of dates expected to be produced would indicate that volume regulation is desirable, but where a further examination into the quality of the crop would show that production of marketable dates was not in excess of trade demand.

The committee should also consider the size of the handler carryover as of July 31. Since the dates carried over into the next crop year will form a part of the marketable supply during that year, the extent of the carryover will affect the committee's recommendations with respect to regulation of new crop dates. It is also necessary that the committee estimate the quantity of nonmarketable dates held by handlers as of that date. This information will serve to guide the committee in approving additional outlets for and facilitating early disposal of such dates.

Another major consideration for the committee in establishing its marketing policy would be the estimated trade demand for dates for the crop year. This estimate, when considered along with the indicated total supply of marketable dates, would determine whether the volume regulation provisions of the order should be applied. In order to arrive at this estimated trade demand, the committee should consider the probable volume of dates which will be imported during the crop year since the quantity imported can be expected to have a direct effect on the total quantity of domestic dates which the trade will acquire. General economic conditions in the United States will also directly affect the trade demand. Dates may be considered a luxury item in that they are not normally included among the basic items purchased by consumers. Any curtailment in economic activity and consequent reduction in consumer spendable income can be expected to affect adversely the total demand for dates. Conversely, high levels of economic activity and incomes should provide greater opportunity for increasing date consumption.

Although it is not intended that the committee determine and fix prices for the sale of dates it should, in a general way, consider the probable average level of whole date prices in arriving at an estimate of the tonnage which the trade will acquire during the crop year. One of the requirements of the act is that no volume regulation or quality regulation in excess of the proposed minimum standards shall be operative which would result in producer prices for the commodity regulated above the parity level. Although it is not likely that this factor will be of major concern in the date industry in the foreseeable future, it is important that the committee recognize and consider this limitation.

Since it may not be necessary to regulate the marketing of all varieties of dates in every crop year, or of all varieties on a uniform basis during any crop year, the committee should consider the above factors as they apply to each of the varieties included under the order.

As soon as the committee has agreed upon a marketing policy it should submit to the Secretary a report, including its recommendations with respect to volume and grade controls, and the data upon which such policy was based.

It is desirable that the marketing policy be established prior to the beginning of the crop year, even though estimates upon which such policy is based are subject to change. In the event that marketing conditions change subsequent to the initial marketing policy determination, the committee should modify its policy to reflect current conditions. It is expected that any such policy change would be made early in the crop year and before the fall holiday season.

In order to assure that producers and handlers are informed regarding the policy adopted by the committee, announcement of the marketing policy, or any modification thereof, should be made through newspapers having general circulation in the area of production or through other means reasonably calculated to reach producers and handlers. In addition, copies of all marketing policy reports should be maintained in the office of the committee and made available for examination by producers and handlers.

(d) One of the major problems confronting the date industry has been the availability of low-quality dates in normal markets at prices considerably below those of the standard-quality packs. This has resulted in a disruption of normal markets since buyers generally are hesitant to purchase the better grade dates at the higher prices and then be faced with the price competition afforded by the low-priced, poor-quality dates. It is the intention of the industry to establish minimum standards which would prohibit the marketing of dates below a specified minimum quality. It is hoped by this means to establish a minimum quality below which, due to defects in appearance, texture and flavor, dates are unsatisfactory for human consumption in whole or pitted form. There is, at the present time, an industry proposal before the Department to modify the U. S. Standards for Dates. The proposed modifications provide for a realignment of grades which would be more reflective of present conditions in the date industry. It is intended that initially the minimum standard would be equivalent to the recommended new Grade C of the U. S. Standards for Dates. The practical effect of these changes would be to include in Grade C a portion of those dates which are now included in Grade D. The proposed Grade C represents the line which the industry feels ought to be established below which it is believed consumer reaction to California dates would be adverse.

Since there is no assurance that the proposed modified date standards will be in effect by the time this order becomes effective, the order should provide that the committee may, with the approval of the Secretary, prescribe minimum standards which differ from Grade C of the presently effective U. S. Standards. To aid the Secretary in prescribing such different minimum standards the committee should furnish to the Secretary the data upon which it based its recommendations. Those dates which would not meet the minimum standards established under the order are deemed to be of a quality which, if permitted to be sold to the trade, would have a detrimental effect on the demand for dates. The restrictions on the marketing of such dates, therefore, should continue in effect regardless of whether or not the estimated price to producers during a crop year exceeds the parity price for dates. Notice of the minimum standard regulation should be sent to all handlers of record with the committee in order that they may adjust their operations accordingly.

In addition to the minimum standards which might be established, it might be desirable under certain conditions to establish such other grade regulations which, in the opinion of the committee and the Secretary, would tend to effectuate the declared policy of the act. It is desirable that provision for these additional grade regulations be included in the order because in years of excessive supplies it might be possible to channel off a portion of the supply by means of withholding from market dates which may meet the minimum quality standards established, but the marketing of which would interfere with the sale of higher quality dates. These additional grade regulations should be by varieties since the anticipated grade-out of the crop may be different for each variety. Such additional grade regulation should be put into effect by the Secretary upon the recommendation of the committee or as a result of other information available to the Secretary. Notice, including the effective date, of each such additional regulation should be sent to all handlers of record with the committee. This is necessary in order to enable handlers to adjust their operations to the new regulations with a minimum of interference and to permit them to certify dates which have already been packed under the previous grade regulations. Additional grade regulations may be applied to date products, as well as dates in whole or pitted form.

Prior to the shipment of packed dates, each handler should be required to cause an inspection to be made in order to determine whether or not such dates meet the applicable grade regulations for the crop year. In the case of dates which are sold to another handler for further processing, the shipping handler should be required to cause an inspection to be made. Since the dates so shipped will be subject to outgoing inspection on the part of the receiving handler, it should not be required that such dates meet the applicable grade regulations, but they should meet the minimum grade standards of dates permitted to be handled except for characteristics which are associated with moisture content. This inspection requirement should not be applicable to interhandler transfers of field-run dates within the area of production since such dates would be subject to the inspection and certification requirements before they could be placed in the current of commerce. Where there is an interhandler transfer of packed dates, the buying handler should be subject to the inspection requirement unless such requirements has been met by the selling handler.

Any inspection required to be performed under this order should be performed by inspectors of the United States Department of Agriculture's Processed Products Standardization and Inspection Branch, or such other inspection agency as may be recommended by the committee and approved by the Secretary. The above-named inspection agency has had long experience in the inspection of dates and has indicated that it is capable of performing the inspection required under the order. In some instances, such as the inspection required by a receiving handler of dates shipped out of the area for further processing, inspection by the above-named agency may not be available. It is therefore necessary to provide for the approval of a different inspection agency to perform the required inspection and certification. Any such other agency, of course, should be one adequately equipped to provide the services required. The cost of all such inspections should be borne by the handlers. This would be in line with the present practices in the industry and would not create any hardship for handlers. If such inspection were to be paid for by the committee it would be necessary to increase the rate of assessment, not only to cover the direct inspection costs, but also to provide funds for the machinery which would have to be set up by the committee in order to operate in that manner. Handlers should be required to cause a copy of each inspection certificate to be furnished to the committee in order to enable it to maintain records necessary to check compliance with the order. All dates so inspected should have affixed thereto seals, stamps or other marks, as prescribed by the committee, so that the dates may be identified readily. This identification should be affixed by the handler under the supervision of the committee or its designated inspectors.

(e) If the committee should conclude that the supply and demand for any variety or varieties of marketable dates for any crop year make it advisable to limit the quantity of dates which may be sold in whole or pitted form, it should recommend free and restricted percentages to the Secretary. These percentages should be applied only to marketable dates, since dates below that quality would be prohibited from being shipped in whole or pitted form by reason of the quality restrictions. The free percentage would release a supply for the whole or pitted market and the restricted percentage would determine the volume which must be disposed of in alternate outlets for marketable dates. It is necessary that there be authorization for separate free and restricted percentages for each variety because it may happen that excess supplies of dates of one variety will exist while supplies of other varieties will be less than, or in balance with, trade demand. The committee should submit to the Secretary, along with its recommendation, the information used as a basis for its recommendation for use by him in fixing the free and restricted percentages. The original recommendation of the committee should be submitted to the Secretary at the same time as the marketing policy report so that the volume regulation, if any, can be based on the latest information which will be available and still permit the percentages to become effective near the beginning of the crop year.

Whenever the Secretary should find, on the basis of the committee recommendation or from any other available information, that to designate, for any or all varieties, the percentage of dates handled during any crop year which should be free and restricted would tend to effectuate the declared policy of the act, he should designate such percentages. The sum of the free and restricted percentages for any crop year should equal 100 percent.

The free percentage is intended to be such that its application would result in an adequate quantity which could be sold in whole or pitted form at prices which would tend to effectuate the declared policy of the act. The free portion should not be a quantity so small as to result in a scarcity of dates and excessively high prices nor should it be an excessive quantity which would result in depressed prices.

Dates shipped by a handler in accordance with the provisions of the order should be that handler's quota fixed by the Secretary within the meaning of section 8a (5) of the act. The act provides that any handler wilfully exceeding such quota shall forfeit to the United States a sum equal to three times its current market value. Whenever a restricted percentage has been established for any variety during any crop year, each handler, before or upon shipping dates of that variety, should be required to withhold from shipment a quantity of marketable dates of that variety, or their equivalent in graded dates, having a weight equal to the restricted percentage referable to such shipment. For the purpose of meeting the restricted obligation a handler may withhold graded dates which meet the then applicable requirements for marketable dates except for characteristics associated with moisture. It is desirable that handlers be permitted to withhold in satisfaction of their withholding obligation, graded dates in addition to, or in lieu of, marketable dates. Graded dates can be made marketable by further processing and since the intent of the order is to restrict from marketing a given quantity of marketable dates, the withholding of graded dates in an amount equivalent to the quantity of marketable dates required to be withheld would serve the same purpose as would the withholding of marketable dates.

In order to provide a formula which is readily adaptable to industry operations, the Secretary should announce a withholding percentage. This withholding percentage should be calculated by dividing the restricted percentage by the free percentage. To provide ease in operations such withholding percentage should be rounded to the nearest one-tenth of one percent. The withholding obligation of any handler should be determined by applying the withholding percentage to the weight of dates shipped. Since the pitting of dates results in a weight loss of approximately 10 percent, the withholding obligation on shipments of pitted dates should be calculated by first dividing the weight of pitted dates shipped by 0.90 and then applying the withholding percentage to the adjusted weight of the dates shipped.

The committee should have the authority to defer the fulfilling by a handler of his restricted tonnage obligation for a specified period ending not later than January 31 of the crop year. As a condition, the handler should meet such reasonable requirements as are prescribed by the committee, including, but not limited to, the filing of a performance bond. Deferment of the meeting of such obligation may be desirable because the withholding of appreciable quantities of dates from early season shipments might curtail the movement of dates in normal channels. The peak in date shipments is during the holiday season preceding Christmas. The deferment of withholding restricted dates by handlers would enable them to ship dates freely during this period, thus taking advantage of the active market. Handlers could, at a later date, compute the obligations which had accrued on their respective shipments and physically set aside their restricted dates. This would also enable handlers to market the highest qualities included in their marketable supplies and to set aside for disposition as restricted dates those dates which are in the lower range in terms of quality of their marketable supply. Fulfillment of a handler's restricted obligation should not be deferred beyond January 31 because, by that time the peak of shipments is past and handlers will have the opportunity to satisfy their withholding obligations from later acquisitions. In order to insure, insofar as is practicable, that a handler who is granted such deferment will subsequently satisfy his restricted obligation, the committee should require that he file with it an appropriate written undertaking secured by a performance bond. Since the committee will be in the production area and will be administering the order it is proper that the committee should administer the approving of such bonds. In exercising this function, it should determine what sureties, corporate or private, are satisfactory for acceptance as bondsmen. Since any unaccounted for restricted tonnage would presumably be disposed of as free tonnage, the amount of such a bond should be based upon the then current market value of free dates, as established by the committee, for the variety and quantity for which the deferment is granted. Such bond should run in favor of the

committee and the Secretary so that they can perform their respective duties required in connection with any default. Any sums collected by the committee as the result of default by a handler on his bond should be used by the committee to purchase dates from handlers to the extent of the violated restricted obligation. Dates so purchased should be from the free tonnage supplies of other handlers, since the purpose of the order is to limit the total supply of free dates to the free percentage of the marketable supply. Any expenses incurred by the committee relative to the default should be deducted by it from the funds received. If any funds remain after deducting committee expenses and the cost of purchasing such dates they should be refunded to the defaulting handlers. Since the purchase of such dates and their subsequent disposition into channels for restricted dates would fulfill such handler's obligations under the order, any dates purchased by the committee under this procedure should be turned over to the defaulting handler for disposition in accordance with the requirements of the order. In the event that the committee is unable to purchase a poundage of free dates equal to the defaulted volume, the sums collected by the committee, after deduction for committee expenses, should be distributed among all handlers other than the defaulting handler in proportion to the volume of certified dates handled during the crop year in which the default occurred. The act of the defaulting handler in handling more than his quota would have a detrimental effect on the returns received by nondefaulting handlers on their free dates. It is proper, therefore, that where the violated obligation cannot be filled by the purchase of other dates, the money collected upon default go to the other handlers.

Handlers should be permitted to have their dates inspected and certified for handling or further processing at any time during the crop year. This would enable handlers to obtain inspection and certification on large lots and have them available for subsequent shipment in smaller quantities with a minimum of delay. If this were not permitted, a handler would be required to cause an inspection to be made each time he made a shipment of dates. At the time of such inspection and certification for handling, the dates should be identified and the withholding and assessment obligations on such dates should accrue at that time. Any dates so certified and carried over into the next crop year should not be subject to the assessment and withholding obligations of the new crop year.

All dates withheld in satisfaction of a handler's restricted obligation should be stored by the handler at his own expense and disposed of in accordance with § 1003.55. Such dates should be inspected and identified in order to assure that they will not subsequently be shipped in normal channels as free dates. It was testified that the date industry desires that each handler dispose of his restricted dates into authorized outlets and that the returns therefrom accrue to him. Therefore, it should be the responsibility of handlers to determine the method of storage of dates so withheld.

Upon the recommendation of the committee made prior to January 31 of any crop year, or on the basis of other available information, the Secretary should be authorized to increase the free percentage to conform with such new relation as may be found to exist between trade demand and available supply. Supply and marketing conditions may change significantly between the time of the original establishment of free and restricted percentages and the active marketing season. In the event that subsequent conditions indicate that the free percentage as originally established will not result in there being available in whole and pitted markets a sufficient quantity of dates of any variety, provision should be made in the order to release that quantity of restricted dates which it is found is required to meet the trade demand, and to increase the free percentage, accordingly. However, any committee recommendation for an increase in the free percentage should be made prior to January 31 of the crop year, because by that date sufficient information will be available to enable the committee to estimate the supply and demand for the crop year. It is expected that handlers will not have disposed of appreciable quantities of their restricted dates by that time. An increase in the free percentage late in the crop year, and after handlers had already disposed of substantial tonnages of restricted dates, might result in inequities among the handlers in that those who had refrained from disposing of their restricted dates could benefit fully from the increased free percentage, while those who had disposed of most of their restricted dates could not benefit to the same extent. Since the order contemplates the disposition of restricted dates as soon as practicable after it is known that they will not be needed to supplement the free supply, it is desirable that handlers know that there will be no subsequent change in the free and restricted percentages. It is contemplated that the Secretary will take action on any such recommendation as soon as practicable.

Upon any revision in the free and restricted percentages for any crop year the withholding obligations of each handler with respect to dates handled or certified for handling by him should be recomputed in accordance with such revised percentages. This procedure would tend to assure that the new percentages which are based upon estimated total supplies for the season will result in the availability in normal market channels of the desired quantity of dates. Upon an increase in the free percentage, insofar as is practicable, each handler should be permitted to select, under the supervision and direction of the committee, the particular dates to be removed from dates withheld by him as restricted dates.

Provision should be made whereby the committee, upon the written request of any handler, might assist such handler in obtaining storage facilities for restricted dates withheld by him or in acquiring marketable dates from other handlers to be used in satisfaction of his withholding obligation. This should not be construed as being a mandatory obligation to be assumed by the committee, but the committee should assist handlers in these matters if it is in a position to do so. The situation may arise where a small handler finds himself in a position where he does not have on hand or available to him sufficient quantities of marketable dates to meet his restricted obligation. In that case, upon written request by him to the committee, the committee should inform him of any such dates which it knows are available for sale by other handlers. Similarly, if a handler is unable to obtain storage facilities for his restricted dates, and the committee has knowledge of the availability of such facilities, it should so inform him.

Although it is expected that the marketing policy report and the issuance of regulations by the Secretary for any crop year will be put into effect at the beginning of the crop year the situation might arise where such action has not been taken until after the start of the new crop year. In such an event, the quality and volume regulations and the bonding rates established for any crop year should continue in effect with respect to all dates for which control obligations have not been previously met until regulations and bonding rates are established for the new crop. However, it should be permissible to specify a termination date in any regulation. Upon the establishment by the Secretary of new volume regulations and bonding rates, appropriate adjustments should be made with respect to all handling of dates since the beginning of the new crop year which would result in the application of the new regulations and rates for the entire crop year.

It is contemplated that, in the normal course of operations, dates will be transferred from one handler to another. In order to assure that the committee will have complete control of such dates these transfers should be made only upon notice to and with approval of the committee. If any such transfer occurs wholly within the area of production the withholding and assessment obligations should be placed upon either handler as they may specify. In the event the committee is not notified of any such agreement to assume the above-mentioned obligation the buying handler should be held accountable. Regulation of the handling of dates is intended to assure that no dates are moved into consumptive channels without having previously met the control obligations. It is, therefore, logical that in the absence of an agreement any such obligations should be assumed by the buying handler. In the case of an inter-handler transfer of dates which involves movement of dates into a point outside the area of production, the assessment and withholding obligations should be assumed by the handler within the production area. This would facilitate enforcement of the order by the committee.

Provision should be made for an individual handler to be granted exemption from any or all regulations established under the order on sales of dates to consumers through roadside stands, local date shops, mail order or specialty outlets. Such exemptions, however, should be based on a finding by the committee that the particular type of sale is not likely to interfere materially with the objectives of the order. Any request for such a exemption should be made in writing by the producer or handler seeking the exemption. In order to enable the committee to maintain a record of exempt shipments, they should be reported to the committee in such manner and such form as the committee may specify. To inform producers and handlers of the type of handling which would qualify for exemption, the committee should issue, with the approval of the Secretary, appropriate rules and regulations establishing the bases on which the exemptions may be claimed. It is contemplated that prior to the issuance of such regulation the committee will receive and consider suggestions from interested persons regarding the types of handlings which should be exempt. In order that the committee will have flexibility in operation it is necessary that the final determination with respect to any request for exemption be vested in the committee.

(f) The order should provide for the disposition of all dates other than free dates in order to assure they do not interfere with the marketing of free dates. The types of dates to be withheld fall generally into two categories: (1) those dates which are of standard quality but which are not free dates due to the grade or volume regulations in effect for the crop year and (2) those dates which are of substandard quality or culls. By reason of the differences in the quality of the dates in the above two categories provision for disposition of these dates should result in the sale of the better quality dates for date products for human consumption and of the low quality dates for non-food uses.

Disposition of dates in the category numbered (1) should be limited to exportation in any form to such countries as the committee may approve or for diversion into such forms as rings, chunks, pieces, butter, macerated, paste or other products which the committee determines to be appropriate and which will result in the dates moving into consumption in a form other than that of whole or pitted dates. In approving countries eligible for exportation of whole and pitted dates the committee should give consideration to the countries included in its estimate of trade demand and the possibility of reimportation into the United States of dates so exported. It is not intended that any country which is included in the trade demand estimate will be an eligible country of destination for the exportation of restricted tonnage or standard grade non-marketable dates. In regard to reimportation, the committee should consider the rates of import duties and other factors which would affect the price of dates sought to be reimported. The products listed above for disposition of non-marketable standard grade dates are being produced in significant volume at the present time. These products are being manufactured from dates which are of comparable quality to those included in this category. Provision should be made, however, for the addition of other products which the committee finds to be appropriate.

The disposition of substandard grade dates should be limited to feed, nontable syrup, alcohol, brandy, macerated dates or such other outlets as the committee finds are non-competitive with the outlets for free dates. With the exception of macerated dates, these products are non-food items. Since the date industry is desirous of developing markets for date food products, dates used in the manufacture of such products should meet the minimum quality standards established under the order. The exception, which would permit the use of substandard fruit in the production of macerated dates, is based upon the fact that they have proven satisfactory for such use. It is important that the disposition of cull dates be limited to products not destined for human consumption as food, so that a market may be developed for date products produced from good quality dates.

There was considerable discussion at the hearing regarding the desirability of establishing a fixed date by which all dates withheld from marketing in normal channels under the order must be converted from the whole or pitted form. It is desirable that any such dates be disposed of as soon as practicable following the end of the crop year in which they were produced. Although the use of such dates is restricted under the order, their mere presence could affect adversely the marketing of new crop dates. Several proposals were advanced which would tend to accomplish this objective, among which were (1) the establishment of a fixed date in the order and the requirement that all such dates be converted by such fixed date, (2) the establishment of a fixed date in the order and the requirement that all such dates be either converted or sold under firm contracts to manufacturers of approved products by such fixed date, and (3) the establishment of a fixed period in the order with authority in the committee to determine each crop year a final date for conversion or sale within such fixed period. Although it is recognized that the inclusion of a period and provision for year to year changes in the final date of disposition would provide flexibility in the order, it is concluded that, in this instance, the introduction of flexibility might create more problems than it would solve. In order that dates withheld from market will not burden the market in the new crop year, a fixed date for disposition is desirable. It should be provided that all dates covered by §§ 1003.55 and 1003.56 shall be converted from their whole or pitted form or sold under firm contracts to manufacturers of approved products by September 30 of the subsequent crop year. This will give handlers sufficient time to arrange for the disposition of dates withheld and would not create any serious burden, since the sale of the dates for use in authorized outlets would tend to minimize problems due to lack of processing facilities.

The committee should be permitted to prescribe, with the approval of the Secretary, such rules, regulations and safeguards as are necessary to prevent dates withheld from interfering with the objectives of the order. These regulations might include, but should not be limited to, reports on exportation of dates withheld, a standard contract form which would provide safeguards against reimportation, and provision for indemnity bonds where necessary to assure proper disposition of dates withheld.

(g) There was set forth in the notice of hearing a proposal that the committee should have authority, with the approval of the Secretary, to restrict the types of containers and to require the use of spoilage inhibitors where necessary to promote the declared policy of the act. It was the intention of the proponents that such a provision would result in greater acceptability of dates by consumers generally, thereby increasing consumer demand for dates and improving producer prices. Opposition to this provision was raised by several handlers who held that any such regulation might deprive them of markets they are now enjoying or force them into marketing practices which they felt would cause them injury. Particular concern was expressed with respect to the possible requirement of the use of spoilage inhibitors in the processing of dates. It was held that such a requirement would alienate present consumers of dates of the so-called "natural food" category.

In view of the apprehension expressed by these handlers, the proponents of this provision subsequently withdrew their recommendation that it be included in the order. Since the removal of this provision would not affect the authority of the committee to engage in research in order to promote the distribution and consumption of dates, and since the results of any such research which would indicate that date consumption could be increased by the adoption of new processing or packaging techniques would in all likelihood be adopted voluntarily by most handlers of dates, it is concluded that the provision for packaging regulations should not be proposed for adoption.

(h) Each handler should file with the committee a written report of his carryover of dates as of January 1 and May 15 of any crop year and at such other times as the committee might prescribe. The information contained in these reports would be needed by the committee in its appraisal of the current market situation in determining marketing policy. These reports should be filed by handlers within 15 days following the date for which the information is required. The annual May 15 report, therefore, should be in the hands of the committee by June 1. Since it is expected that the marketing policy meeting will be held sometime in June, a carryover report as of the indicated date would furnish them with the latest information available

and enable them to estimate the probable carryover at the end of the crop year. The report to be submitted as of January 1 would be needed by the committee when it meets to determine whether changes in the free and restricted percentages are justified. The January 1 report, which would be received by the committee not later than January 15 would furnish it with the latest available information as of that time. The committee should also be authorized to require handler carryover reports when necessary so that it might be in a position to review the supply situation at any given time.

In order that the committee be informed as to the movement of dates during the crop year, each handler should report to the committee, upon its request, the quality of dates which he has handled during a crop year. The committee should have the authority to specify the form and the interval of such reports as it deems necessary. In addition to these reports on the handling of free dates, each handler should be required to furnish to the committee reports with respect to the restricted dates withheld by him. Through the use of these reports the committee would be in a position to determine whether or not handlers were withholding sufficient dates to meet their obligations.

Each handler should report to the committee, prior to the date of planned disposition, a notice of intention to dispose of restricted dates. Upon completion of disposition of restricted dates each handler should provide the committee with all pertinent data with respect to such disposition. These reports would permit the committee to check on the proposed outlets for the dates withheld in order to determine whether or not such disposition is in accordance with the order restrictions. The report on final disposition would enable the committee to determine the amount of restricted tonnage remaining in handlers' inventories.

Upon the request of the committee each handler should furnish such other reports and information as may be needed to enable the committee to perform its functions. It is impracticable to anticipate every type of report or kind of information which the committee may need, but it should have the authority to obtain such reports and information needed for that purpose.

By reason of the nature of the reports which a handler would be required to file with the committee and the records he would need to keep, some of the information obtained might be such as would disclose his trade secrets or affect adversely his trade position or business operations if known by a competitor. Therefore, insofar as is reasonably consistent with the necessary use of such information in connection with the administration of the order, each handler should be protected against disclosure of the confidential information furnished by him. This objective would be attained by having the information furnished to one or more employees of the committee charged especially with the responsibility of keeping such information confidential, and disclosing to no person other than the Secretary information which would reveal the circumstances of any individual handler. Nevertheless, such information should be revealed to any extent necessary when a question of compliance with the order is involved. The limitation on disclosure of such information should not be construed as prohibiting in any way the making of reports to the committee and the industry which summarize the information.

Since verification of the reports is necessary to check their correctness, the committee, through its authorized representatives, should have access during reasonable business hours, to any handler's premises wherein dates are held and should be permitted to examine any dates held and any and all records with respect to dates held or disposed of by handlers. Handlers should furnish all necessary labor and equipment to make such examination at no expense to the committee. Handlers should maintain complete records on the handling, withholding, and disposition of dates. Since it is possible that a question might arise with respect to compliance with the order after the crop year in which dates were shipped, the records required to be maintained under the order should be kept by handlers for at least two years after the end of the crop year.

(i) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions of the order, determine to be appropriate. The committee's recommendation as to expenses for each crop year, together with all data supporting such recommendations, should be filed with the Secretary within a reasonable time after the marketing policy for each crop year is recommended. The committee would have determined its marketing policy for the ensuing crop year and would be in a position to estimate its expenses at that time. This would also enable the Secretary to take action on the committee recommendation near the beginning of the new crop year. Since the proposed order might be made effective before the beginning of the 1955 crop year, any expenses incurred by the committee prior to August 1, 1955, should be paid from funds collected during the crop year beginning August 1, 1955.

Funds to pay expenses of the committee during a crop year should be obtained through the levying of assessments on handlers. The act requires that each marketing order contain provisions requiring handlers to pay pro rata the necessary expenses. The rate of assessment should be fixed by the Secretary at a level which would bring into the committee sufficient funds to cover their expenses. In the event that for any reason the assessment rate fixed for any crop year should prove to be insufficient to cover such expenses, the Secretary should increase the assessment rate to the extent necessary to cover such expenses. In order to prevent inequities among handlers in this respect, any increase in the assessment rate during the crop year should apply to all dates handled during the crop year. For practical administration the assessment obligation should accrue at the time of certification.

In order to provide operating funds for the committee at the earliest practicable date it is desirable that the initial assessment rate be fixed in the order. The proponents of the order have recommended that the initial rate be set at 15 cents per hundredweight. It is believed that the 15 cent rate would provide adequate funds for operation from the effective date hereof until the end of the 1955 crop year. It has been pointed out that the pitting operation is accompanied by a loss of approximately 10 percent in the weight of the dates processed. In order to bring the assessment on pitted dates into relation with the assessment for non-pitted dates the assessment weight for pitted dates should be determined by dividing the shipping weight by 0.90. In order to enable the committee to operate prior to the time of shipment of dates during any crop year the committee should be authorized to accept payments of assessment in advance and to borrow money in an amount not to exceed 10 percent of its budgeted expenses for that crop year. The 10 percent limitation is designed to prevent the committee from assuming the obligations of a large debt.

Each handler should pay to the committee upon demand, with respect to all dates handled or certified for handling by him, his pro rata share of the committee expenses. Each handler's pro rata share of these expenses should be equal to the ratio between the total quantity of dates handled or certified for handling by him, to the total quantity of dates handled or certified for handling by all handlers during each crop year. In this way, payment of assessments would be proportionate to the respective quantities of dates handled or certified for handling by each handler.

It should be provided that any money collected as assessments during the crop year and not expended in connection with that year's operations may be used by the committee in paying its expenses for a period not in excess of the first four months of the next crop year. It should further be provided that within a reasonable time thereafter the committee should credit, or upon demand refund, the aforesaid excess to each handler on the basis of the ratio of the total amount of assessments paid by him to the total amount paid by all handlers.

These provisions for the use of excess funds are necessary because unforeseen delays may be encountered in approval of a budget of expenses and the establishment of an assessment rate for the new crop year. It should be permissible for the committee to use such excess funds from the previous crop year to meet expenses incurred during the first four months of the new crop year. To the extent that these funds are available, the committee would not need to request that handlers make advance payments. It is contemplated that the committee will confine the use of any such excess funds to such period of time as may be necessary in case their use for the full four-month period is not needed.

(j) The provisions of §§ 1003.77 through 1003.84, as hereinafter set forth, are provisions similar to those which are usually included in other marketing agreements and orders now operating. The provisions of §§ 1003.87 through 1003.89, as hereinafter set forth, are also included in other marketing agreements now operating. All these provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the recommended marketing agreement and order, identified by both section number and heading are as follows: § 1003.77 *Personal liability;* § 1003.78 *Separability;* § 1003.79 *Derogation;* § 1003.80 *Duration of immunities;* § 1003.81 *Agents;* § 1003.82 *Effective time; suspension or termination;* § 1003.83 *Effect of termination or amendment* and § 1003.84 *Amendments.*

Those provisions which are applicable to the recommended marketing agreement only, identified by both section number and heading, are as follows: § 1003.87 *Counterparts;* § 1003.88 *Additional parties* and § 1003.89 *Order with marketing agreement.*

At the conclusion of the hearing the presiding officer set April 8, 1955 as the time by which briefs would have to be filed by interested parties with respect to facts presented in evidence and the conclusions which should be drawn. No such briefs have been filed within the prescribed time.

General findings. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) This marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This marketing agreement and order will regulate the handling of dates produced or packed in Riverside or Los Angeles counties located within the State of California in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activities specified in, the proposed marketing agreement and order upon which a hearing has been held;

(3) The marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the production area would not carry out the declared policy of the act effectively;

(4) There are no differences in the production and marketing of dates in the production area covered by the marketing agreement and order which would require different terms applicable to different parts of such area; and

(5) The handling of all dates produced or packed in Riverside and Los Angeles counties located within the State of California is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following proposed marketing agreement and order[1] are recommended as the detailed means by which the foregoing conclusions may be carried out.

DEFINITIONS

§ 1003.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1003.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1003.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1003.4 *Area of production.* "Area of production" means the counties of Riverside and Los Angeles located within the State of California.

§ 1003.5 *Dates.* "Dates" means the Deglet Noor, Zahidi, and Khadrawy varieties of domestic dates produced or packed in the area of production.

§ 1003.6 *Crop year.* "Crop year" means the 12 months from August 1 to the following July 31, both inclusive.

§ 1003.7 *Producer.* "Producer" is synonymous with grower and means any person engaged in a proprietary capacity in the production of dates for sale.

§ 1003.8 *Handler.* "Handler" means any person handling dates which have not been inspected and certified for handling in the hands of a previous holder: *Provided,* That for the purposes of §§ 1003.22 and 1003.24 such person shall qualify as a handler only if he has acquired the dates directly from producers.

§ 1003.9 *Handle.* "Handle" means to sell, consign, transport or ship (except as a common or contract carrier of dates owned by another person) or in any other way to put dates into the current of commerce, except that sales or deliveries by producers to a handler within the area of production shall not be considered as handling.

§ 1003.10 *Handler carry-over.* "Handler carry-over" means, as of any date, all marketable dates then held by a handler or for his account (whether or not sold), plus the estimated quantity of marketable dates in ungraded or unprocessed lots then held by said handler.

§ 1003.11 *Trade demand.* "Trade demand" means the quantity of marketable dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States.

§ 1003.12 *Marketable dates.* "Marketable dates" means, for any crop year, whole or pitted dates which are certified as equal to or higher than the minimum grade permitted to be handled by the regulations imposed by this part.

§ 1003.13 *Free dates.* "Free dates" means those dates which are free to be handled pursuant to any free percentage established by the Secretary in accordance with § 1003.44.

§ 1003.14 *Restricted dates.* "Restricted dates" means those dates which must be withheld by handlers pursuant to any restricted percentage established by the Secretary in accordance with § 1003.44.

§ 1003.15 *Committee.* "Committee" means the Date Administrative Committee established pursuant to § 1003.21.

§ 1003.16 *Cooperative handler.* "Cooperative handler" means any handler which is a cooperative marketing association of growers organized under the laws of the State of California.

§ 1003.17 *Part and subpart.* "Part" means the order regulating the handling of domestic dates produced or packed in Los Angeles and Riverside counties of California, and all rules, regulations, and supplementary orders issued thereunder. The aforesaid order shall be a "subpart" of such part.

DATE ADMINISTRATIVE COMMITTEE

§ 1003.21 *Establishment of Date Administrative Committee.* A Date Administrative Committee consisting of seven members, with an alternate member for each such member, is hereby established to administer the terms and conditions of this part.

§ 1003.22 *Membership representation.* Members and alternates shall be selected by the Secretary from each of the following groups and on the following basis:

(a) One to represent handlers each of whom produced not less than 40 percent of the volume he handled.

(b) One to represent cooperative handlers.

(c) Two to represent handlers not included in paragraph (a) or (b) of this section.

(d) One to represent producers who are members of a cooperative marketing association.

(e) Two to represent producers who are not members of a cooperative marketing association.

The foregoing representation is based on each handler member representing approximately 25 percent of the tonnage handled and each producer member representing approximately one-third of the total number of commercial producers. Whenever the Secretary finds that changes in tonnage handled or producer membership in cooperatives is such as

[1] The provisions identified with an asterisk (*) apply only to the proposed marketing agreement and not to the proposed order.

to warrant a realignment of the four handler members or the three producer members, he shall notify the committee and thereafter nominations and selections of members and alternates shall be on such new basis as the Secretary may determine.

§ 1003.23 *Term of office.* In the groups specified in § 1003.22, one member and his alternate in the groups in paragraphs (c) and (e) and the member and alternate in the group in paragraph (b) shall serve until April 15 of even-numbered years and the others shall serve until April 15 of odd-numbered years but all shall serve, unless disqualified, until their respective successors have been selected and have qualified.

§ 1003.24 *Nominations*—(a) *Initial members.* Nominations for each of the initial members, together with nominations for the initial alternate members, may be submitted to the Secretary by individual, or groups of, producers, producer-handlers, or handlers. Such nominations, if made, shall be received by the Secretary no later than the effective date of this subpart. In the event such nominations are not received as prescribed, the Secretary may select such initial members and alternate members without regard to nominations.

(b) *Successor members.* Each of the groups specified in § 1003.22 may nominate members and alternates for such members at nomination meetings to be held on or before March 15 of each year. At such meetings each person shall be entitled to cast one vote for each position to be filled except that the votes cast in the groups in § 1003.22 (a), (b) and (c) shall be weighted by the tonnage of dates acquired from producers and certified for handling through February 28 of the current crop year. The individual receiving the highest number of votes shall be the nominee. Immediately after the completion of such meetings the committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the committee to be pertinent or which is requested by the Secretary. In the event nominations for any position on the committee are not received within a reasonable time, the Secretary may select members or their alternates without regard to nominations but such selections shall be on the basis prescribed in § 1003.22.

§ 1003.25 *Qualification.* Each person selected as a member or alternate member of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance after receiving notice of his selection. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, upon ceasing to be such member or employee, become disqualified to serve further and his position on the committee shall be deemed vacant.

§ 1003.26 *Vacancies.* In the event of any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify or by the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated within thirty calendar days after such vacancy occurs and selected in the manner, and subject to the conditions, provided in this subpart.

§ 1003.27 *Alternates.* An alternate for a member of the committee shall act in the place and stead of such member during his absence or in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 1003.28 *Expenses.* The members of the committee shall serve without compensation but shall be allowed their necessary expenses.

§ 1003.29 *Powers.* The committee shall have the following powers:

(a) To administer the terms and provisions of this subpart.

(b) To make rules and regulations to effectuate the terms and provisions of this subpart.

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart, and

(d) To recommend to the Secretary amendments to this subpart.

§ 1003.30 *Duties.* The committee shall have, among other things, the following duties:

(a) To act as intermediary between the Secretary and any producer or handler.

(b) To keep minutes, books, and records which will clearly reflect all of its transactions and such minutes, books, and other records shall be subject to examination by the Secretary at any time.

(c) To investigate the growing, handling, and marketing conditions with respect to dates, to assemble data in connection therewith.

(d) To furnish to the Secretary such available information as may be deemed pertinent to the administration of this subpart or as he may request and to give to the Secretary the same notice of meetings of the committee as is given to the members of the committee.

(e) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and where desirable fix the bonds of such employees.

(f) To cause the books of the committee to be audited by a certified public accountant at least once each crop year and at such other times as the committee may deem necessary or the Secretary may request. The report of each such audit shall show among other things the receipt and expenditure of funds pursuant hereto. Two copies of such audit shall be submitted to the Secretary, and

(g) To investigate compliance and to use means available to the committee to prevent violations of this part.

§ 1003.31 *Procedure.* The members of the committee shall select a chairman from their membership and shall select such other officers and adopt such rules for conduct of its business as it may deem advisable. All decisions of the committee shall be by at least five affirmative votes. The presence of five members shall be required to constitute a quorum. The committee may vote by mail, telephone when confirmed in writing, or telegram, upon due notice and full and identical explanation to all members, but one dissenting vote shall prevent the adoption of any proposition presented to voting by this method. At all assembled meetings of the committee all votes shall be cast in person.

RESEARCH AND DEVELOPMENT

§ 1003.33 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of dates. The expense of such projects shall be paid from funds collected pursuant to § 1003.72.

MARKETING POLICY

§ 1003.34 *Development.* As early as practicable, but no later than August 1, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy, including the data on which it is based, for the regulation of dates in the ensuing crop year. In developing the marketing policy the committee shall give consideration to the following factors by varieties:

(a) Its estimate of the total production separated as to marketable and other grades, which will be produced in such crop year;

(b) Its estimate of handler carry-over as of July 31 and of any non-marketable dates held by handlers or users;

(c) Its estimate of the trade demand, taking into consideration imports, economic conditions and the anticipated market price, within the limitations of the act;

(d) Its recommendation with respect to the free and restricted percentages to be fixed; and

(e) Its recommendations as to grade regulations.

§ 1003.35 *Modifications.* In the event the committee subsequently determines that the marketing policy should be modified due to changing supply or demand conditions, it shall formulate and submit to the Secretary its modified marketing policy along with the data which it considered in connection with such modification.

§ 1003.36 *Notice.* The committee shall give notice through newspapers having general circulation in the area of production or by other means of communication to producers and handlers of the contents of each marketing policy report submitted to the Secretary and of each report modifying such marketing policy. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by producers and handlers.

GRADE REGULATION

§ 1003.39 *The establishment of minimum standards.* In order to effectuate the declared policy of the act all whole and pitted dates handled under this subpart shall meet the requirements of U. S. Grade C, of the effective United States Standards for Grades of Dates: *Provided,* That the Secretary may, upon recommendation of the committee, prescribe other minimum standards of quality. To aid the Secretary in prescribing such other minimum standards, the committee shall furnish to the Secretary the data upon which it acted in recommending such standards. The provisions hereof relating to minimum standards of quality and to inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions relating to the administration and enforcement thereof shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2 (1) of the act. Notice of the minimum standard regulation shall be sent by the committee to all handlers of record, and thereafter no handler shall handle dates except in accordance with such minimum standards.

§ 1003.40 *Additional grade regulation.* Whenever the committee deems it advisable to establish grade regulations for any variety in addition to those provided by the minimum standards, to govern shipments of dates, it shall recommend to the Secretary controls based on the effective United States Standards for Grades of Dates or any modification thereof. If the Secretary finds upon the basis of such recommendation or other information available to him, that such additional grade regulation would tend to effectuate the declared policy of the act he shall establish such regulations, and notice thereof, showing the effective date, shall be sent by the committee to all handlers of record. Thereafter no handler shall handle dates except in accordance with such grade regulations.

§ 1003.41 *Inspection*—(a) *Packed dates.* Prior to shipment each handler shall, at his own expense, cause an inspection to be made of all dates packed for handling in order to ascertain if such dates meet the grade regulations provided for in this part.

(b) *Dates for further processing.* Prior to shipment each handler shall, at his own expense, cause an inspection and certification to be made that dates handled by him for further processing are equal to the minimum grade standard except for character associated with moisture: *Provided,* That this inspection and certification requirement shall not apply to interhandler transfers of field run dates within the area of production.

(c) *Identification and agency.* All dates shipped shall be identified by seals, stamps, or other means prescribed by the committee and affixed to the containers by the handlers under the supervision of the committee or the designated inspectors. Inspection shall be performed by inspectors of the United States Department of Agriculture's Processed Products Standardization and Inspection Branch or such other inspection agency as may be recommended by the committee and approved by the Secretary. Handlers shall cause a copy of each inspection certificate to be furnished to the committee.

VOLUME REGULATION

§ 1003.44 *Free and restricted percentages.* (a) Whenever the committee finds that the available supply of marketable dates for any crop year exceeds or is likely to exceed the total trade demand therefor, and that limiting the volume to be sold in whole or pitted form of any or all varieties through establishing free and restricted percentages applicable to such supply would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. If the Secretary finds, upon the basis of the committee's recommendation and supporting data or other information available to him, that the establishment of such percentages would tend to effectuate the declared policy of the act, he shall establish such percentages. The sum of the free and restricted percentages for any crop year shall equal 100 percent.

(b) The dates shipped by any handler in accordance with the provisions hereof shall be determined to be that handler's quota fixed by the Secretary within the meaning of section 8a (5) of the act. The terms of said section prescribe that any person wilfully exceeding such a quota and any other person knowingly participating or aiding in such action shall forfeit to the United States a sum equal to three times the then current market value of such excess.

§ 1003.45 *Withholding restricted dates.* (a) Whenever a regulation has been established for a crop year by the Secretary in accordance with § 1003.44, each handler, before or upon shipping dates, shall have withheld from shipment a quantity of marketable dates, or their equivalent in graded dates, having a weight equal to the restricted percentage referable to such shipment. The weight to be set aside shall be determined by dividing the restricted percentage by the free percentage and applying the resultant withholding percentage, rounded to the nearest one-tenth of one percent, to the weight of dates shipped. The withholding percentage shall be established by the Secretary. The restricted weight of pitted dates shall be determined by dividing the shipping weight by 0.90 and applying the withholding percentage.

(b) Compliance by any handler with the withholding of restricted dates may be deferred to any date not later than January 31 of any crop year, upon request to the committee and when accompanied by a written undertaking that on or prior to such date, he will have fully satisfied his withholding obligation. Such undertaking shall be secured by a bond or bonds to be filed with, and acceptable to, the committee and with a surety or sureties acceptable to the committee, running in favor of the committee and the Secretary in an amount conditioned upon full compliance with such undertaking. The amount shall be determined by multiplying the poundage of the deferred restricted obligation by a bonding rate per pound which would provide funds estimated to be sufficient for the committee to purchase on the open market a volume of dates equivalent to the deferred obligation. Such bonding rate shall be established annually, and modified as necessary, by the committee. Any sums collected through default by a handler on his bond shall be used by the committee to purchase dates to meet the violated restricted obligation, reimburse the committee for expenses relative to the default, and any excess money remaining shall be refunded to the defaulting handler. The dates so purchased by the committee shall be turned over to the defaulting handler for disposition as restricted dates. In the event the committee is unable to purchase a poundage of dates equal to the defaulting volume, the sums collected shall, after reimbursement of committee expenses in connection with the default, be distributed among all handlers other than the defaulting handler in proportion to the volume of certified dates handled during the crop year in which the default occurred.

(c) Dates may be certified for handling or for further processing at any time during a crop year and at the time of certification shall be inspected and identified by appropriate seals, stamps, or tags to be furnished by the committee and to be affixed to the containers by the handler under the direction and supervision of the committee or its designated inspectors at which time the assessment requirements provided in § 1003.72 and the restricted obligation with respect to such dates shall be met. Dates so certified may thereafter be carried over into the new crop year and need not pay the assessment nor meet the requirements of any free or restricted percentages established for such year.

(d) Dates withheld to meet the restricted obligation shall be stored at the expense of the handler, in storage of his own choosing and disposed of in accordance with § 1003.55. All such dates shall be inspected and identified by appropriate seals, stamps, or tags to be furnished by the committee and to be affixed to the containers by the handler under the direction and supervision of the committee or its designated inspectors. All withholding and movement of restricted dates shall be subject to the supervision and accounting control of the committee and reports shall be filed as required by this part.

§ 1003.46 *Revisions of percentages.* The Secretary may, on recommendation of the committee submitted prior to January 31 of the crop year, or on the basis of other information available to him, increase the free percentage to conform with such new relation as may be found to exist between trade demand and available supply. Upon any revision in the free and restricted percentages the control obligation of each handler with respect to dates handled or certified for handling by him for the entire crop year shall be recomputed in accordance with such revised control percentages. The handler shall be permitted to select, insofar as practicable, under the super-

vision and direction of the committee, the particular dates to be removed from any dates withheld.

§ 1003.47 *Assistance to handlers.* The committee, on written request, may assist handlers in obtaining storage for restricted dates, in accounting for their control obligations or in acquiring dates to meet any deficiency in a handler's control obligation.

QUALIFICATIONS TO REGULATION

§ 1003.50 *Application after end of crop year.* Unless otherwise specified the regulations and the bonding rates established for any crop year shall continue in effect with respect to all dates for which control obligations have not been previously met, until regulations and bonding rates are established for the new crop year. Thereupon the withholding obligations for all dates handled or certified for handling during such crop year shall be adjusted to the newly established percentages and a similar adjustment shall be made in any bond or bonds already given for that crop year.

§ 1003.51 *Interhandler transfers.* Transfers of dates may be made from one handler to another upon notice to and permission of the committee. If such transfer is wholly within the area of production, the assessment and withholding obligations shall be placed on the handler agreeing to assume them: *Provided,* That in the absence of the committee receiving notice of a specific agreement on such obigations, the buying handler shall be held accountable. If such transfer is from within the area of production to any point outside thereof, the assessment and withholding obligations shall be met by the handler within the area of production.

§ 1003.52 *Exemption.* The committee may exempt from regulation, upon written request of any producer or handler, the dates he sells to consumers through roadside stands, local date shops, mail order or specialty outlets, if it determines that the particular request is not likely to materially interfere with the objectives of this part. All dates handled pursuant to exemptions under this section shall be reported to the committee in such manner and in such form as the committee may prescribe. The committee shall issue, with the approval of the Secretary, appropriate rules and regulations establishing the bases on which exemptions may be granted.

DISPOSITION OF OTHER THAN FREE DATES

§ 1003.55 *Outlets for restricted or standard.* Restricted dates and any standard grade but non-marketable dates may be disposed of through exportation to such countries as the committee may approve or by diversion in such form as rings, chunks, pieces, butter, macerated, paste, or other products which the committee determines to be appropriate and which will result in the dates moving into consumption in a form other than that of whole or pitted dates.

§ 1003.56 *Outlets for substandard and culls.* Substandard grade dates shall be disposed of in feed, non-table syrup, alcohol, brandy, macerated dates or such other outlets as the committee finds are non-competitive with the outlets for free dates. Disposition of cull dates shall be limited to products not destined for human consumption as food.

§ 1003.57 *Terminal date.* Dates covered by §§ 1003.55 and 1003.56 shall be converted from their whole or pitted form or sold under firm contracts to manufacturers of approved products by September 30 of the subsequent crop year.

§ 1003.58 *Safeguards.* The committee may prescribe, with the approval of the Secretary, such rules, regulations and safeguards as are necessary to prevent dates covered by §§ 1003.55 and 1003.56 from interfering with the objectives of this part.

REPORTS AND RECORDS

§ 1003.61 *Reports of handler carryover.* Each handler shall file with the committee a written report of his carryover of dates as of January 1 and May 15 of any crop year and at such other times as the committee may prescribe. Such reports shall be filed within 15 days of the aforesaid dates.

§ 1003.62 *Reports of dates shipped.* Each handler who ships dates during a crop year shall submit to the committee, in such form and at such intervals as the committee may prescribe, reports showing the net weight of dates shipped by him and such other information pertinent thereto as the committee may specify.

§ 1003.63 *Reports on restricted dates withheld.* Each handler from time to time, on demand of the committee, shall file with it a report of the restricted dates withheld by him in satisfaction of his withholding obligation. Such reports shall show such information as the committee may require and may be in such form as the committee may prescribe.

§ 1003.64 *Reports on disposition of restricted.* Each handler disposing of any quantity of restricted dates held by him shall give the committee the following reports:

(a) Prior to the date of planned disposition, a notice of intention to dispose.

(b) Upon completion of disposition, a notice, including pertinent data, of the completion of disposition.

§ 1003.65 *Other reports.* Upon request of the committee each handler shall furnish to it in such manner and at such times as it prescribes, such other information as will enable the committee to perform its duties and exercise its powers hereunder.

§ 1003.66 *Certification of reports.* All reports submitted to the committee as required in this part shall be certified to the United States Department of Agriculture and to the committee as to the completeness and correctness of the information therein.

§ 1003.67 *Confidential information.* All data or other information constituting a trade secret or disclosing a trade position or business condition shall be received by, and kept in the custody of, one or more designated employees of the committee and information which would reveal the circumstances of a single handler shall be disclosed to no person other than the Secretary.

§ 1003.68 *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the committee, through its designated employees, shall have access to handler premises wherein dates are held and, at any time during reasonable business hours, shall be permitted to examine any dates held and any and all records with respect to dates held or disposed of by such handlers. Handlers shall furnish labor necessary to facilitate such examinations at no expense to the committee. All handlers shall maintain complete records on the handling, withholding and disposition of dates. Such records shall be retained by handlers for not less than two years subsequent to the termination of each crop year.

EXPENSES AND ASSESSMENTS

§ 1003.71 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes determined to be appropriate. The recommendation of the committee as to total expenses and allocation thereof for each crop year, together with all data supporting such recommendation, shall be submitted to the Secretary within a reasonable time after the marketing policy for each crop year is recommended. Expenses incurred prior to August 1, 1955 shall be paid from funds collected during the crop year beginning August 1, 1955.

§ 1003.72 *Assessments.* The Secretary shall fix rates of assessments for each crop year to be paid by each handler with respect to dates handled or certified for handling. At any time during or after a crop year the Secretary may increase such assessment rates to secure sufficient funds to cover the expenses authorized in § 1003.71. Any such increase shall apply to all dates handled during the crop year. The rate of assessment for the initial crop year is hereby established at fifteen (15) cents per hundredweight. The committee may accept the payments of assessments in advance and may borrow money in any amount not to exceed ten percent of the estimated expenses set forth in its budget for the then crop year. The assessment weight of pitted dates shall be determined by dividing the shipping weight by 0.90.

§ 1003.73 *Requirement for payment.* Each handler shall pay his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred during each crop year. Each handler's share of such expenses shall be based on the ratio of the total quantity of dates handled or certified for handling by him to the total quantity of such dates handled or certified for handling by all handlers during each crop year.

§ 1003.74 *Refunds.* Excess funds held by the committee at the conclusion of a crop year may be used to defray expenses for no more than the ensuing four months and thereafter, within a reasonable time, the committee shall credit or, upon demand, refund the aforesaid excess to each handler on the basis of the ratio of the total amount paid by him to the total amount paid by all handlers.

MISCELLANEOUS PROVISIONS

§ 1003.77 *Personal liability.* No member or alternate member of the committee, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent, or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ 1003.78 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability of this part to any other person, circumstance, or thing shall not be affected thereby.

§ 1003.79 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1003.80 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon its termination except with respect to acts done under and during its existence.

§ 1003.81 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1003.82 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions of this part, as well as any amendments hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways hereinafter specified in this section.

(b) *Suspension or termination*—(1) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(2) *When favored by growers.* The Secretary shall terminate the provisions of this part at the end of any crop year whenever he finds that such termination is favored by a majority of the growers of dates who, during that crop year, have been engaged in the production for market of dates in the area of production: *Provided,* That such majority have, during such period, produced for market more than 50 percent of the volume of such dates produced for market within said area; but such termination shall be effective only if announced on or before June 1 of the then current crop year.

(3) *If enabling legislation is terminated.* The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination*—(1) *Designation of trustees.* Upon the termination of the provisions hereof, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all funds and property then in the possession or under the control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) *Duties of trustees.* Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all funds, property, and claims vested in the committee or the joint trustees pursuant hereto.

(3) *Obligations of persons other than committee members and trustees.* Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon the said joint trustees.

§ 1003.83 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not—

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or

(b) Release or extinguish any violation of this part or of any regulation issued hereunder, or

(c) Affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 1003.84 *Amendments.* Amendments hereto may be proposed, from time to time, by any person or by the committee.

SPECIAL AGREEMENT PROVISIONS

§ 1003.87 *Counterparts.** This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 1003.88 *Additional parties.** After the effective date of this agreement, any handler may become a party hereto if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 1003.89 *Order with marketing agreement.** Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California in the same manner as is provided for in this agreement.

Dated: May 17, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-4141; Filed, May 19, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. R-129]

ANNUAL CHARGES

NOTICE OF DATE OF HEARING

MAY 16, 1955.

In the matter of amendment to Part 11 of Subchapter B of the regulations relating to annual charges prescribed for licensees under the provisions of the Federal Power Act.

Pursuant to application for rehearing filed by South Carolina Public Service Authority, licensee for water-power Project No. 199, and pursuant to section 313 (a) of the Federal Power Act, the Commission by order issued August 30, 1954, granted a rehearing in this matter at such time as may later be found convenient.

Take notice that, pursuant to the authority contained in section 10 (e), 308 and 313 of the Federal Power Act and the Commission's rules of practice and procedure, a hearing will be held on July 19, 1955 at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the aforesaid application for rehearing and the Commission's order issued August 30, 1954.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4130; Filed, May 19, 1955; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF CAPTAN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act as amended (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 348 (d) (1)), the following notice is issued:

A petition has been filed by California Spray-Chemical Corporation, Richmond, California, and Stauffer Chemical Company, Chauncey, New York, proposing establishment of tolerances for captan as follows:

Proposed tolerance of 15 parts per million on:

Citrus fruits (grapefruit, lemons, limes, oranges, tangerines).
Pineapples.
Beans (green beans, lima beans, black-eyed peas).
Peas.
Potatoes.

Proposed tolerance of 20 parts per million on:

Apples, pears, quinces.
Grapes.
Strawberries.
Cucumbers, summer squash.
Eggplant, peppers.
Melons (cantaloupes, watermelons).
Pumpkins, winter squash.
Tomatoes.

Proposed tolerance of 25 parts per million on:

Peaches, nectarines, apricots, mangoes.
Plums, prunes.
Celery.
Collards, spinach.
Lettuce.

Proposed tolerance of 40 parts per million on:

Cherries (sweet and sour).

The analytical method proposed in the petition for determining residues of captan is a modification of that published in Analytical Chemistry, Vol. 24, page 1173 (1952).

Dated: May 16, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-4138; Filed, May 19, 1955; 8:52 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Dunhill Shirt Co., El Dorado Springs, Mo., effective 5-3-55 to 5-2-56; 10 learners for normal labor turnover purposes (men's shirts).

Dunhill Shirt Co., El Dorado Springs, Mo., effective 5-22-55 to 11-21-55; 10 learners for plant expansion purposes (men's shirts).

East End Fashions, 1008 Union Avenue, Scranton, Pa., effective 5-4-55 to 5-3-56; 5 learners for normal labor turnover purposes (dresses).

Hebson Garment Co., Inc., 25 East G Street, Anniston, Ala., effective 5-9-55 to 5-8-56; 5 learners for normal labor turnover purposes (pajamas and nightgowns).

Hollywood Corset Co., East Main Street, Eastland, Tex., effective 5-19-55 to 5-18-56; 10 learners for normal labor turnover purposes (brassieres).

David Lee Sportswear Co., Inc., Wayne Street and Clay Avenue, West Hazleton, Pa., effective 5-4-55 to 5-3-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Pettibelle, Inc., East Liberty Street, Sumter, S. C., effective 5-3-55 to 5-2-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's cotton dresses).

Sharon Manufacturing Co., New Sharon, Iowa, effective 5-4-55 to 5-3-56; 4 learners for normal labor turnover purposes (work clothes and jackets).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

Indianapolis Glove Co., Inc., Glenwood, Ark., effective 5-11-55 to 5-10-56; 10 learners for normal labor turnover purposes (canton flannel and leather-palm work gloves and all leather work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43 as amended April 19, 1955, 20 F. R. 2304).

Bland Hosiery Mills, Inc., Bland, Va., effective 5-9-55 to 5-8-56; 5 learners for normal labor turnover purposes (full fashioned).

Renfro Hosiery Mills Co., 304 Willow Street, Mt. Airy, N. C., effective 5-12-55 to 5-11-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following special learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

V. I. Jewelry Manufacturing Corp., St. Thomas, Virgin Islands, effective 5-3-55 to 11-2-55; 15 learners to be employed in the occupations of stone setting, layout, and soldering; each 160 hours at 30 cents an hour (costume jewelry).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 11th day of May 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-4094; Filed, May 19, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4091]

EASTERN AIR LINES, INC.; COLUMBIA-FLORENCE, S. C., RESTRICTION CASE

NOTICE OF HEARING

In the matter of the application of Eastern Air Lines, Inc., under section 401 of the Civil Aeronautics Act, as amended, for the amendment and extension of certain of its existing routes. (Removal of Florence-Columbia, S. C., Restriction.)

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held May 23, 1955, at 1:30 p. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., May 17, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-4139; Filed, May 19, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

MAY 17, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30630: Perlite rock—Colorado to Official Territory. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on perlite rock, carloads, from Antonito, Del Norte, Florence, South Fork, Colo., to specified points in official territory.

Grounds for relief: Short-line distance formula, market competition, and circuity.

Tariff: Supplement 67 to Agent Prueter's I. C. C. A-3972.

FSA No. 30631: Grain and grain products—Western Points to Gulf Ports for Export. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, and related articles, also seeds, carloads, from specified points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Oklahoma, South Dakota and Wyoming, to Alabama, Louisiana, Mississippi and Texas gulf ports.

Grounds for relief: Circuitous routes through competing transit points, and port relations.

Tariff: Supplement 12 to AT&SF Railway Company tariff I. C. C. No. 14774 and eight other tariffs.

FSA No. 30632: Livestock—Illinois to Southern Territory. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on livestock, carloads, from specified points in Illinois territory to specified points in southern territory.

Grounds for relief: Circuitous routes operating in part west of the Mississippi River.

FSA No. 30633: Soda ash—Michigan and Ohio to Valleyfield, Quebec. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on soda ash, including modified ash, carloads, from Detroit and Wyandotte, Mich., Barberton, Fairport Harbor, Painesville and Perry, Ohio, to Valleyfield, Quebec, Canada.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 61 to Agent Hinsch's I. C. C. 4460.

FSA No. 30634: Fence posts—Arkansas and Oklahoma to Kansas and Missouri. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fence posts, wooden, carloads, from specified points in Arkansas and Oklahoma to specified points in Kansas and Missouri.

Grounds for relief: Short-line distance formula, motor truck competition, and circuity.

Tariff: Supplement 57 to Agent Kratzmeir's I. C. C. 3985.

FSA No. 30635: Coal—Kentucky and Tennessee to Sumter, S. C. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on coal, lump and fine, carloads, from Mines in eastern Kentucky and Tennessee on Louisville and Nashville Railroad to Sumter, S. C.

Grounds for relief: Circuitous route.

Tariff: Supplement 59 to Louisville and Nashville Railroad Company tariff I. C. C. No. A-16745.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-4118; Filed, May 19, 1955; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11272, 11273; FCC 55M-426]

TENNESSEE VALLEY BROADCASTING CO. (WAGC) AND E. WEAKS MCKINNEY-SMITH

ORDER SCHEDULING PRE-HEARING CONFERENCE

In re applications of Gordon W. Gambill, Hubert M. Martin, Humphrey B. Heywood & R. T. Russell d/b as Tennessee Valley Broadcasting Co. (WAGC), Fort Oglethorpe, Georgia; Docket No. 11272, File No. BP-9106; E. Weaks McKinney-Smith, Paducah, Kentucky, Docket No. 11273, File No. BP-9268; for construction permits.

In accordance with §§ 1.841 and 1.813, and on the Hearing Examiner's initiative: *It is ordered*, This 10th day of May 1955, that counsel are directed to appear at a pre-hearing conference in Room 1710, Temporary T Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., on June 7, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4133; Filed, May 19, 1955; 8:51 a. m.]

[Docket No. 11388]

HERB'S TAXI

ORDER TO SHOW CAUSE

In the matter of Herbert W. Farrar, d/b as Herb's Taxi, Gardner, Massachusetts, Docket No. 11388; Order To Show Cause Why the License for Taxicab Radio Station KCC 420 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Taxicab Radio Station, call sign KCC 420, licensed to Herbert W. Farrar, d/b as Herb's Taxi, 32 Connors Street, Gardner, Massachusetts; and

It appearing that notices of violations of the Commission's rules in the operation of the station were given the licensee as follows:

(a) Notice dated January 17, 1955, specifying that said licensee had violated § 16.160 of the Commission's rules by failing to maintain a record of transmitter measurements for the preceding 6 months; and

(b) Notice dated February 10, 1955, specifying that said licensee had violated § 16.159 of the Commission's rules by failing to respond to the above-mentioned Violation Notice, dated January 17, 1955; and

It further appearing that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 16.159 of the Commission's rules, no explanation or other response has been received from the licensee:

It is ordered, This 10th day of May 1955 pursuant to the provisions of section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, that the said Herbert W. Farrar show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 18th day of July 1955; and

It is further ordered, That the Secretary send a copy of this Order by Registered Mail—Return Receipt Requested to the said Herbert W. Farrar D/b as Herb's Taxi, 32 Connors Street, Gardner, Massachusetts.

Released: May 11, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4134; Filed, May 19, 1955; 8:51 a. m.]

[Change List 93]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

MAY 3, 1955.

Notification under the provisions of part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

containing assignments of Canadian Broadcast Stations (Mimeograph 47214–3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of commencement of operation
		550 kilocycles				
CHLN	Three Rivers, Quebec	5	DA-2	U	III	Now in operation.
		650 kilocycles				
CKYL	Peace River, Alberta	1	DA-N	U	III	Do.
		850 kilocycles				
CKVL	Verdun, Quebec	10	DA-2	U	II	Do.
		980 kilocycles				
CKVL	do	1	DA-1	U	III	Delete assignment vide 850 kc.
CBV	Quebec, Quebec	5	DA-1	U	III	Now in operation.
		1320 kilocycles				
CKNW	New Westminster, British Columbia	5	DA-1	U	III	Do.
		1400 kilocycles				
CKBC	Bathurst, New Brunswick	0.25	ND	U	IV	Do.
		1510 kilocycles				
CKOT	Tillsonburg, Ontario	0.25	ND	D	II	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4135; Filed, May 19, 1955; 8:51 a. m.]

POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL, BUREAU OF FACILITIES

DELEGATION OF CERTAIN FUNCTIONS AND AUTHORITY

The following is the text of Order No. 55884 of the Postmaster General, dated April 28, 1955:

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066) the functions and authority vested in me, to the extent such redelegation is authorized, by the act of July 22, 1954 (68 Stat. 518) including any delegation of authority now or hereafter received from the Administrator of General Services relating to the operation of the Post Office Department under the act of July 22, 1954, are hereby delegated to the Assistant Postmaster General, Bureau of Facilities (including the person acting as such officer), and all or part of such authority may be redelegated by him to such officers or employees under his jurisdiction as he shall designate.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55–4095; Filed, May 19, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6612]

SOUTHERN UTAH POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PREFERRED STOCK

MAY 16, 1955.

Notice is hereby given that on April 27, 1955, the Federal Power Commission issued its order adopted April 27, 1955, authorizing issuance of preferred stock in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4119; Filed, May 19, 1955; 8:49 a. m.]

[Docket No. E–6617]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

MAY 16, 1955.

Notice is hereby given that on May 3, 1955, the Federal Power Commission issued its order adopted May 2, 1955, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4120; Filed, May 19, 1955; 8:49 a. m.]

[Docket Nos. G–2260, G–2576]

COLORADO INTERSTATE GAS CO.

NOTICE OF ORDER PERMITTING REVISED GAS TARIFF AND SERVICE AGREEMENT TO TAKE EFFECT

MAY 16, 1955.

Notice is hereby given that on April 29, 1955, the Federal Power Commission issued its order adopted April 27, 1955, permitting revised gas tariff and service agreement to take effect in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4121; Filed, May 19, 1955; 8:49 a. m.]

[Docket No. G–2447]

TOWN OF SOMMERVILLE, TENN.

NOTICE OF ORDER DIRECTING CONNECTION OF FACILITIES AND SALE OF GAS

MAY 16, 1955.

Notice is hereby given that on April 29, 1955, the Federal Power Commission issued its order adopted April 27, 1955, directing physical connection of facilities and sale of natural gas in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4122; Filed, May 19, 1955; 8:49 a. m.]

[Docket No. G–2558]

ED HOLLYFIELD ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 16, 1955.

Take notice that Ed Hollyfield, Eulalie M. Nobles and Adele McFarlane (Applicants), independent producers with their principal place of business at 305 Armstrong Building, El Dorado, Arkansas, filed, on August 20, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the proposed acts or operations hereinafter described.

Applicants propose to sell casinghead gas produced by one well located in the Lisbon Field in Claiborne Parish, Louisiana, to United Gas Pipeline Company (United) at an initial base price of 7.5 cents per Mcf under a contract dated August 17, 1954. Annual deliveries are estimated at 73,000 Mcf. United states that the facilities necessary to receive and transport such gas, other than a meter station, were authorized in Docket Nos. G–232, G–549 and G–1869.

Applicants were issued temporary authorization on August 24, 1954, to perform the acts or operations described herein.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 7, 1955, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street N. W., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of June 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4128; Filed, May 19, 1955; 8:50 a. m.]

[Docket Nos. G–2583, G–4371, G–6500, G–6863]

SOUTHERN PRODUCTION CO., INC., ET AL.

NOTICE OF FINDINGS AND ORDERS

MAY 16, 1955.

In the matters of Southern Production Company, Inc., Docket No. G–2583; El Paso Natural Gas Company, Docket No. G–4371; Atlantic Seaboard Corporation, Docket No. G–6500; Gulf Interstate Gas Company, Docket No. G–6863.

Notice is hereby given that on April 29, 1955, the Federal Power Commission issued its findings and orders adopted April 27, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4123; Filed, May 19, 1955; 8:49 a. m.]

[Docket No. G–6750]

PANOLA-QUITMAN NATURAL GAS DISTRICT

NOTICE OF FINDINGS AND ORDER

MAY 16, 1955.

Notice is hereby given that on April 29, 1955, the Federal Power Commission issued its findings and order adopted April 27, 1955, directing sale and delivery of natural gas in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4124; Filed, May 19, 1955; 8:49 a. m.]

[Docket No. G–7181]

TOWN OF BYHALIA, MISS.

NOTICE OF APPLICATION; CORRECTION

MAY 16, 1955.

The docket number in the Notice of Application, dated May 4, 1955, in the above-designated matter, published in the FEDERAL REGISTER, on May 11, 1955 (20 F. R. 3213–4), was erroneously designated as G–2373 and should be corrected to read as noted above.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4127; Filed, May 19, 1955; 8:50 a. m.]

[Docket No. G–8711]

SUNRAY OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 16, 1955.

Take notice that Sunray Oil Corporation (Applicant), a Delaware corporation whose address is Tulsa, Oklahoma, filed on April 1, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to Colorado Interstate Gas Company (Colorado Interstate) at an initial rate of 12.15 cents per Mcf, which gas will be produced from the Keyes Field in Cimarron County, Oklahoma. This gas will be commingled with other gas and resold at markets in other states served by Colorado Interstate's transmission pipeline system.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 15, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 10, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4129; Filed, May 19, 1955; 8:50 a. m.]

[Docket No. ID–1151]

WALTER J. OTT

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

MAY 16, 1955.

Notice is hereby given that on April 28, 1955, the Federal Power Commission issued its order adopted April 27, 1955, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4125; Filed, May 19, 1955; 8:49 a. m.]

[Project Nos. 175, 1988]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR) AND ISSUING LICENSE (MAJOR)

MAY 16, 1955.

Notice is hereby given that on April 28, 1955, the Federal Power Commission issued its order adopted April 27, 1955, further amending license (Major) for Project No. 175, and issuing license (Major) for Project No. 1988 in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4126; Filed, May 19, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31–620, 54–139, 59–100, 70–3315]

MIDDLE SOUTH UTILITIES, INC., ET AL.

NOTICE OF FILING OF PETITION TO OPEN RECORD IN PREVIOUS PROCEEDING AND TO HOLD PUBLIC HEARINGS IN RESPECT OF OPENED RECORD AND ON PENDING APPLICATIONS AND DECLARATIONS

MAY 16, 1955.

In the matter of Middle South Utilities, Inc., Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, New Orleans Public Service, Inc., Respondents, File No. 59–100; Electric Power & Light Corporation, File No. 54–139; Louisiana Power & Light Company, Louisiana Gas Service Corporation, File No. 70–3315; Louisiana Power & Light Company, File No. 31–620.

Notice is hereby given that Louisiana Public Service Commission ("Public Service Commission") has filed a petition, supplemental petition, offer of proof, and brief requesting this Commission to open the record in the consolidated proceeding "In the Matter of Middle South Utilities, Inc., et al., File No. 59–100" and "In the Matter of Electric Power & Light Corporation, File No. 54–139" and to hold a public hearing thereon and also in respect of pending applications-declarations of Louisiana Power & Light Company ("Louisiana Power"), a public utility subsidiary of Middle South Utilities, Inc. ("Middle South"), a registered holding company, and a pending application-declaration of Louisiana Gas Service Corporation ("Louisiana Gas"), a subsidiary of Louisiana Power, these applications-declarations having been filed with this Commission on November 10, 1954, and having been described in a Notice of Filing heretofore issued by the

Commission on December 13, 1954 (Holding Company Act Release No. 12740).

I. *Background.* On January 29, 1953, this Commission issued a notice and order directed, *inter alia*, to Middle South and Louisiana Power, concerned with a public hearing, pursuant to section 11 (b) (1) and section 11 (e) of the act (File Nos. 59–100 and 54–139). Among the issues enumerated in that Notice and Order as being the subject matter of the hearing was the following:

> Whether Middle South and Louisiana [Power] should be required to take action to dispose of the gas utility assets and non-utility assets of Louisiana [Power] and, if so, what terms and conditions should be imposed in connection therewith.

A copy of this notice of and order for hearing was served on Public Service Commission by registered mail.

The order convening the hearing directed Respondents to answer the allegations set forth in the notice and order. In their answer, Middle South and Louisiana Power claimed that the gas properties of Louisiana were retainable as a public-utility system additional to the integrated electric utility system of Middle South. Neither the Public Service Commission nor the representative of any other public body or of public security holders appeared at the public hearing with respect to the retainability of the gas properties of Louisiana Power. Briefs and oral argument before this Commission were waived by all parties.

On March 20, 1953, this Commission issued its findings and opinion and order in which it was concluded, among other things, that Louisiana Power and Middle South should divest themselves of all non-electric properties. The Commission stated:

> The general framework of the act as well as its legislative history demonstrates the intention of permitting the retention of additional systems only where such additional system is so small that it could not operate economically under separate management. [Citing Cong. Report on S. 2796, H. R. No. 1903, 74th Cong., 1st Sess. p. 71; 79 Cong. Rec. 14479 (Aug. 24, 1935) and The North American Company v. S. E. C., 327 U. S. 686, 696–697 (1946).] It is clear that the gas properties of Louisiana [Power] are capable of effective and economical operation as a separate entity, and are, in fact, larger than many completely independent systems. We note in this connection that two of Louisiana [Power's] sister companies, Arkansas and Mississippi, have disposed of their gas properties which are now independently operated.
>
> We have previously pointed out that the separation of electric and gas utility systems from common control frequently results in some increase in operating expenses due to the elimination of certain types of savings which common control has permitted. [Citing Engineers Public Service Company, 12 S. E. C. 41 (1942); The Philadelphia Company, Holding Company Act Release No. 8242 (June 1, 1948); The North American Company, 11 S. E. C. 194 (1946).] However, the statutory criterion for retention stated in section 11 (b) (1) (A) of the Act is not whether there is some additional expense. For the loss of economies to be "substantial" they must be "important" in the sense that they are of such magnitude as to cause a serious economic impairment of the system. [Citing General Public Utilities Corporation, Holding Company Act Release No. 10982.] There is no evidence in this case to warrant the conclusion that separation of the gas and electric properties of Louisiana [Power] would cause the serious economic impairment of the gas system or that the gas properties could not operate effectively and efficiently under separate ownership.

The order directed "* * * Middle South and its subsidiary [to] dispose or cause the disposition of their direct or indirect ownership in the non-electric properties owned by * * * Louisiana [Power] * * * in any appropriate manner not in contravention of the applicable provisions of the Act or the Rules and Regulations promulgated thereunder; * * *" (Holding Company Act Release No. 11782.)

Thereafter, pursuant to an application of Louisiana Power, the Commission extended until March 20, 1955, the period of time by which Middle South and Louisiana Power were required to dispose of their interests in the non-electric properties of Louisiana Power.

As hereinbefore stated, on November 10, 1954, Louisiana Power and Louisiana Gas filed a joint application-declaration with this Commission proposing the divestment by Louisiana Power to Louisiana Gas of all the non-electric properties of Louisiana Power and the issuance of common stock and debt securities by Louisiana Gas. In this filing, Louisiana Power also sought an order of this Commission declaring, pursuant to section 3 (a) (4) of the act, that Louisiana Power was only temporarily a holding company, the filing indicating that while no definitive program had at that time been developed in respect of the divestment of the common stock of Louisiana Gas by Louisiana Power it was its intention to effect the divestment within a period of 18 months from the date of acquisition.

This Commission on December 13, 1954, issued its Notice of Filing in respect of this joint application-declaration and notified any interested person that, no later than December 27, 1954, he could request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest and the issues of fact or law raised by the joint filing which he desires to controvert. By telegram dated December 22, 1954, Public Service Commission requested a public hearing in this matter and, in addition thereto, asked that the Commission open the record in the prior proceedings which had resulted in the divestment order of March 20, 1953. Thereafter Public Service Commission filed a petition and supplemental petition containing, among other things, a consent on the part of Louisiana Power to a reopening of the record in the prior proceedings.

II. *Position of Louisiana Public Service Commission.* Generally speaking, Public Service Commission states that all of the physical properties of Louisiana Power, both gas and electric, are located in the State of Louisiana. Public Service Commission further states that it is empowered to regulate and control public-utility companies, including the transfer of the ownership of the assets of such companies (a power asserted by General Order of that Commission adopted and published June 16, 1953), that "Louisiana State policy favors the retention of gas distribution systems by electric utilities," that fourteen of the fifteen Parishes of the State of Louisiana served by Louisiana Power and all of the thirty-one communities served have officially expressed themselves as favoring the retention of the gas properties by Louisiana Power, and that both the gas and electric consumers of Louisiana Power will best be served by the continued operation of both the gas and electric properties by Louisiana Power.

III. *Description of material filed by Louisiana Public Service Commission in support of its position.* All interested persons are referred to the petition, supplemental petition, offer of proof, exhibits attached thereto, and brief of Public Service Commission, which are on file in the office of this Commission. The pertinent portions of these documents may be summarized as follows:

The offer of proof outlines six general matters which Public Service Commission would propose to establish at a public hearing in these proceedings. These six items are concerned primarily with the following considerations: (i) On the basis of a separation study of Louisiana Power for the year 1954 prepared by the members of the staff of Public Service Commission which allegedly "* * * shows that the total additional cost of such separation to Louisiana [Power's] utility customers would be $957,000 of which $684,337 would be additional cost to Louisiana [Power's] electric customers, [and] $272,816 would represent additional cost to the nonelectric customers," the gas system of Louisiana Power cannot be operated as an independent system without the loss of substantial economies; (ii) the electric and gas systems of Louisiana Power are located entirely within the State of Louisiana; (iii) the continued combination of such systems will not impair the advantages of localized management, efficient operation or the effectiveness of regulation; (iv) no law of the State of Louisiana prohibits the joint ownership or operation of gas and electric utility assets; (v) the public interest and the interest of consumers will best be served by the continued joint operation by Louisiana Power of gas and electric utility assets, and (vi) it is the desire of all governmental agencies of the territory served by Louisiana Power (except Jefferson Parish) that the joint operation of these properties by Louisiana Power be continued.

The brief of Public Service Commission submitted in support of the offer of proof outlines five general propositions as follows: (a) Public Service Commission proposes to present facts and arguments not considered by this Commission at the hearing which resulted in its order dated March 20, 1953. These facts and arguments, generally speaking, are concerned with the separation study prepared by the staff of Public Service Commission in respect of the loss of economies hereinbefore referred to; information in respect of the difference in interest rates between mortgage bonds sold by Louisiana Power on October 19, 1954, resulting in a net cost of money

of 3.11 percent per annum and the proposed debt securities of Louisiana Gas with a cost of money of 3.55 percent per annum; a comparison of the seasonal variations in the sales of gas and electric energy purporting to demonstrate that these variations tend to complement each other; a comparison of the operations of Louisiana Power with Arkansas Power & Light Company and Mississippi Power & Light Company, two affiliated companies of Louisiana Power, which pursuant to orders of this Commission have divested themselves of their gas properties, purporting to show an increase in operating expenses per customer for Arkansas Power & Light Company and Mississippi Power & Light Company in 1954 as compared with 1949 exceeding the increase during this same period for Louisiana Power; (b) that the foregoing additional evidence establishes that the requirements of section 11 (b) (1) of the act would permit the retention by Louisiana Power of its non-electric properties; (c) that the legislative history of the act demonstrates that State policy primarily determines whether gas and electric properties should be retained in a general operating company; (d) that the public interest will best be served by the retention of the gas properties by Louisiana Power; and (e) that from an "over all" point of view it would appear that the act has accomplished its purpose with respect to this utility and that further "disintegration" would only prove harmful.

IV. Notice is further given that Middle South and Louisiana Power and any other interested person may file a statement in support of or in opposition to the position of Public Service Commission setting forth in such statement the nature of his interest therein, the allegations in the petition of Public Service Commission which he controverts and the reasons and conclusions in support of his position. This Statement of Position with supporting arguments should be submitted on or before June 13, 1955, at 5:30 p. m., e. d. s. t., and should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. Thereafter, on June 20, 1955, at 10:30 a. m., e. d. s. t., the Commission will hear oral argument thereon.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–4096; Filed, May 19, 1955; 8:46 a. m.]

[File No. 70–3353]

COLUMBIA GAS SYSTEM, INC., AND CENTRAL KENTUCKY NATURAL GAS CO.

ORDER WITH RESPECT TO PROPOSED ACQUISITION BY SUBSIDIARY OF ASSETS OF NON-AFFILIATE, ASSUMPTION OF LIABILITIES BY SUBSIDIARY, ISSUE AND SALE OF COMMON STOCK BY PARENT AND SUBSIDIARY AND ACQUISITION OF COMMON STOCK OF SUBSIDIARY BY PARENT

MAY 16, 1955.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned public utility subsidiary, Central Kentucky Natural Gas Company ("Central Kentucky"), have filed a joint application-declaration and amendments thereto with this Commission pursuant to sections 6 (b), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder regarding the following proposed transactions:

Under the provisions of a Reorganization Agreement and Plan dated February 14, 1955 among Columbia, Central Kentucky and Frankfort Kentucky Natural Gas Company ("Frankfort"), a non-affiliate, all of the assets of Frankfort are to be acquired by Central Kentucky in consideration for shares of capital stock of Columbia and the assumption by Central Kentucky of the liabilities of Frankfort. Central Kentucky will issue additional shares of its common stock to Columbia. Upon the acquisition of the stock of Columbia, Frankfort will distribute the same to its shareholders and liquidate and dissolve.

Specifically, said Reorganization Agreement and Plan provides for the acquisition by Central Kentucky, not later than May 31, 1955, of all of the assets of Frankfort as at the date of closing, which assets, as of December 31, 1954, were recorded almost entirely at original cost in the aggregate amount of $1,069,871.

As part of the consideration, Central Kentucky will assume the current and miscellaneous liabilities of Frankfort, in the estimated amount of $106,012, and the latter's outstanding 3¾ Percent First Mortgage Notes due October 1, 1969, in the principal amount of $528,000. The balance of the consideration will consist of not in excess of 33,050 shares of newly issued common stock of Columbia. It is stated that the number of such shares was determined at arm's-length and is based primarily on the respective book values of the common stocks of Columbia and Frankfort. For each share of its 4,000 shares of stock outstanding Frankfort will receive 8¼ shares of Columbia's stock. This number of shares of Columbia stock (33,000) is subject to increase by such number of shares, not exceeding 50, as may be necessary to enable Frankfort to distribute to each of its stockholders full shares of Columbia's stock. Provision is also made for an adjustment of the number of shares in the event any Frankfort stockholder requests his statutory appraisal rights. The new common stock to be issued by Columbia will be recorded on its books at approximately $13.20 per share, or $435,859 in the aggregate assuming 33,000 shares are issued, which is approximately equal to the average book value of each of the Columbia shares presently outstanding.

Central Kentucky will issue additional shares of its common stock to Columbia in an aggregate par amount equal to the book value of the net assets of Frankfort being acquired. As of December 31, 1954 this would have required 17,435 full shares of $25 par value stock, or an aggregate of $435,875.

The filing states that it is contemplated that Central Kentucky will redeem the assumed First Mortgage Notes as soon as practicable after consummation of the proposed transactions.

Frankfort purchases its entire supply of natural gas from Central Kentucky, at Lexington, Kentucky, transports it through its own pipe lines and distributes it in the Cities of Frankfort, Versailles and Midway and to isolated customers in the Counties of Fayette, Franklin and Woodford, Kentucky. After acquisition of the Frankfort assets, Central Kentucky intends to continue retail service to the market areas now being served by Frankfort.

The Public Service Commission of Kentucky has approved (i) the acquisition by Central Kentucky of the assets of Frankfort; (ii) the issuance and sale by Central Kentucky of its additional common stock to Columbia; and (iii) the assumption by Central Kentucky of the liabilities of Frankfort.

It is stated that the Federal Power Commission ("FPC") has jurisdiction over the acquisition by Central Kentucky of the gas transportation facilities of Frankfort and over the abandonment of wholesale service presently being rendered by Central Kentucky to Frankfort and that an application for authorization of such acquisition and abandonment has been filed with the FPC by Central Kentucky.

It is estimated that fees and expenses to be incurred by Columbia will not exceed $23,350. Included in this amount are legal fees of $17,500, services of Columbia Gas System Service Corporation, $4,000, Federal Original Issue tax $850 and miscellaneous expenses $1,000. Fees and expenses to be incurred by Central Kentucky are estimated not to exceed $4,500, including $1,000 for services of Columbia Gas System Service Corporation, $500 for Federal Original Issue tax and $3,000 for miscellaneous expenses.

Applicants-declarants request that this Commission's order become effective upon issuance.

Due notice of filing of said application-declaration having been given pursuant to the provisions of Rule U-23 promulgated under the act and no hearing having been requested of or ordered by the Commission; the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied; and that said application-declaration, as amended, should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVIL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–4098; Filed, May 19, 1955; 8:46 a. m.]

[File No. 70-3372]

ALABAMA POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF FIRST MORTAGE BONDS

MAY 16, 1955.

Alabama Power Company ("Company"), a public utility subsidiary of The Southern Company, a registered holding company, has filed with this Commission an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder regarding the following proposed transaction:

The Company proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1985. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to the Company (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount, exclusive of accrued interest to date of delivery) will be determined by competitive bidding. The new bonds will be issued under the Company's Indenture dated as of January 1, 1942, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture dated as of June 1, 1955.

The Company proposes to use the net proceeds from the sale of the new bonds for the construction or acquisition of permanent improvements, extensions and additions to its property and for the payment of short-term bank loans in the amount of $6,000,000 incurred or to be incurred for such purpose. The Company estimates that its total construction expenditures for 1955 will aggregate approximately $35,355,000 and it expects to raise the additional funds required from internal sources and the sale (prior to the end of the year) of additional common stock to its parent company.

The issue and sale of said bonds have been expressly authorized by the Public Service Commission of Alabama, in which State the Company is organized and doing business.

Due notice of the filing of the application having been given in the manner provided in Rule U-23 promulgated under the act, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the Rules thereunder have been satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application as amended be, and hereby is, granted, effective forthwith, subject to the provisions of Rule U-50 and Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4097; Filed, May 19, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order T-595]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

APRIL 18, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Midstate Telephone Company, South Dakota 524-A	[1] $873,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-4101; Filed, May 19, 1955; 8:47 a. m.]

[Administrative Order T-596]

MINNESOTA

LOAN ANNOUNCEMENT

APRIL 19, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Halstad Telephone Company, Minnesota 555-A Halstad	[1] $494,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-4102; Filed, May 19, 1955; 8:47 a. m.]

[Administrative Order T-597]

NORTH CAROLINA

LOAN ANNOUNCEMENT

APRIL 19, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Lower Cape Fear Telephone Membership Corporation, North Carolina 526-A	[1] $346,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-4103; Filed, May 19, 1955; 8:47 a. m.]

[Administrative Order T-598]

MISSOURI

LOAN ANNOUNCEMENT

APRIL 20, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Silex and Eolia Telephone Company, Missouri 521-A Silex	[1] $183,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-4104; Filed, May 19, 1955; 8:47 a. m.]

[Administrative Order T-599]

TENNESSEE

LOAN ANNOUNCEMENT

APRIL 20, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Friendship Telephone Company, Tennessee 550-A Friendship	[1] $450,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-4105; Filed, May 19, 1955; 8:47 a. m.]

[Administrative Order T-600]

WISCONSIN

LOAN ANNOUNCEMENT

APRIL 20, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Coon Valley Farmers Telephone Company, Wisconsin 533-A Coon Valley	[1] $364,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-4106; Filed, May 19, 1955; 8:47 a. m.]

[Administrative Order T-601]

MONTANA

LOAN ANNOUNCEMENT

APRIL 21, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mid-Rivers Telephone Cooperative, Montana 512-B Mid-Rivers	$81,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4107; Filed, May 19, 1955; 8:47 a. m.]

[Administrative Order T-602]

GEORGIA

LOAN ANNOUNCEMENT

APRIL 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Progressive Rural Telephone Cooperative, Inc, Georgia 545-A Progressive	[1] $464,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-4108; Filed, May 19, 1955; 8:47 a. m.]

[Administrative Order T-603]

KENTUCKY

LOAN ANNOUNCEMENT

APRIL 27, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Brandenburg Telephone Company, Kentucky 524-D Brandenburg	$271,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-4109; Filed, May 19, 1955; 8:47 a. m.]

[Administrative Order T-604]

LOUISIANA

LOAN ANNOUNCEMENT

MAY 3, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Lafourche Telephone Company, Inc., Louisiana 506-E	$36,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-4110; Filed, May 19, 1955; 8:47 a. m.]

[Administrative Order T-605]

ARKANSAS

LOAN ANNOUNCEMENT

MAY 3, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Northern Arkansas Telephone Company, Arkansas 516-A Flippin	[1] $166,000

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-4111; Filed, May 19, 1955; 8:47 a. m.]

[Administrative Order T-606]

FLORIDA

LOAN ANNOUNCEMENT

MAY 4, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Santa Fe Telephone Company, Inc., Florida 505-D Santa Fe	$237,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4112; Filed, May 19, 1955; 8:47 a. m.]

[Administrative Order T-607]

KENTUCKY

LOAN ANNOUNCEMENT

MAY 5, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Elmore Telephone Company, Kentucky 504-C Elmore	$557,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4113; Filed, May 19, 1955; 8:48 a. m.]

[Administrative Order T-608]

ALLOCATION OF FUNDS FOR LOANS

MAY 5, 1955.

I hereby amend:

(a) Administrative Order No. T-297, dated May 13, 1953, by rescinding the loan of $175,000 therein made for "Rutherford Home Telephone Company—Tennessee 538-A Rutherford".

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4114; Filed, May 19, 1955; 8:48 a. m.]

[Administrative Order T-609]

VIRGINIA

LOAN ANNOUNCEMENT

MAY 6, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Piedmont Telephone Company, Virginia 502-A Revised and B Piedmont	$202,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4115; Filed, May 19, 1955; 8:48 a. m.]

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FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 20 NUMBER 100

Washington, Saturday, May 21, 1955

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED KADOTA FIGS

LIQUID MEDIA

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.), the Brix measurements and sirup designations for canned Kadota figs set forth below are established for use in the inspection and certification of canned Kadota figs on and after June 15, 1955. Such use will be in connection with the United States Standards for Grades of Canned Kadota Figs, which have been in effect since November 15, 1945. The Brix measurements and sirup designations, which shall become effective on and after June 15, 1955, are as follows:

§ 52.2823 *Recommended designations of liquid media and Brix measurements for canned Kadota figs.* "Cut-out" requirements for liquid media in canned Kadota figs are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of ascertaining the grade of canned Kadota figs. It is recommended that canned Kadota figs have the following "cut-out" Brix measurement for the applicable designation:

Designations	*Brix measurement*
"Extra heavy sirup"	26° or more but not more than 35°.
"Heavy sirup"	21° or more but less than 26°
"Light sirup"	16° or more but less than 21°.
"In water"	Packed in water.

Notice of proposed rule making, public procedure thereon, and the delaying of the making of this document effective later than June 15, 1955, (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary, and contrary to the public interest because: (1) This matter has been discussed with the Kadota fig industry generally, and it has expressed agreement therewith; (2) no preparation for conformity therewith which may not be completed by June 15, 1955, will be needed; and (3) it is very desirable that it be made effective well in advance of the next fig packing season, which will begin in July 1955.

(Sec. 205, 60 Stat. 1090, 7 U. S. C. 1624)

Dated: May 18, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-4160; Filed, May 20, 1955; 8:48 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 728—WHEAT

SUBPART—MARKETING QUOTAS FOR 1955 CROP

RATE OF PENALTY

The purpose of this amendment is to establish the monetary rate of penalty for any farm marketing excess determined in connection with the 1955 wheat marketing quota program at 45 percent of the May 1, 1955, parity price of wheat as required by Public Law 117, 83d Congress.

Since the only purpose of this amendment is to announce the penalty in dollars and cents calculated in accordance with a mathematical formula prescribed by statute, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date is unnecessary, and the amendment herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 728.575 of the 1955 wheat marketing quota regulations is hereby amended to read as follows:

§ 728.575 *Rate of penalty.* The rate of penalty applicable to 1955 crop wheat shall be $1.13 per bushel, which is 45 per centum of the parity price per bushel of

(Continued on next page)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Title 14: Parts 1–399 ($2.25)

Titles 22–23 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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wheat as of May 1, 1955, which is determined to be $2.51.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies 55 Stat. 203, as amended, sec. 3, 67 Stat. 151; 7 U. S. C. 1340)

Done at Washington, D. C., this 18th day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–4167; Filed, May 20, 1955; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 36]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.336 *Valencia Orange Regulation 36*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on May 19, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 22, 1955, and ending at 12:01 a. m., P. s. t., May 29, 1955, is hereby fixed at follows:

(i) District 1: 219,450 boxes;

(ii) District 2: 219,450 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 20, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–4209; Filed, May 20, 1955; 11:18 a. m.]

[Lemon Reg. 590]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.697 *Lemon Regulation 590*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 18, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 22, 1955, and ending at 12:01 a. m., P. s. t., May 29, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 550 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 19, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–4206; Filed, May 20, 1955; 9:07 a. m.]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY REGULATIONS

Notice was published in the FEDERAL REGISTER issue of April 21, 1955 (20 F. R. 2666), that the Department was giving consideration to the proposed amendment of the supplementing rules and regulations (7 CFR 969.110 et seq.; Subpart—Rules and Regulations; 19 F. R. 5439) currently in effect pursuant to the marketing agreement and Order No. 69 (7 CFR 969; 19 F. R. 3439), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

§ 969.130 *Quality regulations.* Quality regulations recommended and established pursuant to § 969.50 shall be on the basis of the following specifications or appropriate modifications thereof:

(a) *No. 1 grade.* "No. 1 grade" consists of avacados of similar varietal characteristics which are mature but not overripe, well formed, clean, well colored, well trimmed, and which are free from decay, anthracnose, freezing injury and free from damage caused by bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, or mechanical or other means. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade: *Provided.* That not more than one-half of this amount, or 5 percent, may be affected by anthracnose or decay, including therein not more than 1 percent for decay. (See application of tolerances and size requirements.)

(b) *Combination grade.* Any lot of avocados may be designated "Combination grade" when not less than 60 percent, by count, of the avocados in each container meet the requirements of the No. 1 grade and the remainder meet the requirements of the No. 2 grade. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of the No. 2 grade: *Provided,* That not more than one-half of this amount, or 5 percent, may be affected by anthracnose or decay, including therein not more than 1 percent for decay. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of No. 1 fruit required or specified in the combination, but individual containers may have not more than 10 percent less than the percentage of No. 1 fruit required or specified. (See application of tolerances and size requirements.)

(c) *No. 2 grade.* "No. 2 grade" consists of avocados of similar varietal characteristics which are mature but not overripe, fairly well formed, clean, fairly well colored, well trimmed and which are free from decay, freezing injury and free from serious damage caused by anthracnose, bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, or mechanical or other means. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage by anthracnose or decay, including therein not more than 1 percent for decay. (See application of tolerances and size requirements.)

(d) *No. 3 grade.* "No. 3 grade" consists of avocados of similar varietal characteristics which are mature but not overripe, which are not badly misshapen, and which are free from decay and free from serious damage caused by anthracnose and from very serious damage caused by freezing injury, bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars, or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, dirt, or mechanical or other means. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade, including therein not more than 2 percent of decay. (See application of tolerances and size requirements.)

(e) *Unclassified.* "Unclassified" consists of avocados which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade, as used herein, but is provided as a designation to show that no grade has been applied to the lot.

(f) *Size requirements.* (1) The size of avocados may be specified in terms of count, minimum weight or a range in weights. When counts or minimum weights are specified for the avocados in a container, the weight of the smallest fruit shall be not less than 75 percent of the weight of the largest fruit.

(2) In order to allow for variations incident to proper sizing, not more than 5 percent of the avocados in any lot may fail to meet the size requirements: *Provided,* That when the minimum and maximum weights are both specified, an additional 5 percent tolerance shall be allowed for avocados which are larger than the specified maximum weight.

(g) *Application of tolerances.* The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 20 avocados and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 20 avocados and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

(2) For packages which contain 20 avocados or less, individual packages shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

(h) *Definitions*—(1) *Similar varietal characteristics.* "Similar varietal characteristics" means that the avocados in any container are similar in shape, texture and color of skin and flesh.

(2) *Mature.* "Mature" means that the avocado has reached a stage of growth which will insure a proper completion of the ripening process.

(3) *Overripe.* "Overripe" means that the avocado is dead ripe with flesh soft or discolored and past commercial use.

(4) *Well formed.* "Well formed" means that the avocado has the normal shape characteristic of the variety.

(5) *Clean.* "Clean" means that the avocado is practically free from dirt, staining or other foreign material.

(6) *Well colored.* "Well colored" means that the avocado has the color characteristic of the variety.

(7) *Well trimmed.* "Well trimmed" means that the stem, when present, is cut off fairly smoothly at a point not more than one-fourth inch beyond the shoulder of the avocado.

(8) *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual fruit, or the general appearance of the fruits in the container. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Cuts or other skin breaks when not healed and penetrating beneath the epidermis or the aggregate area exceeds the area of a rectangle one inch in length and one-eigth inch in width; or when healed and the appearance is materially affected.

(ii) Pulled stems when the exposed stem cavity is excessively deep, or when skin surrounding the stem cavity is more than slightly torn.

(iii) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown surface discoloration aggregating 5 percent of the fruit surface.

(iv) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 5 percent of the fruit surface.

(v) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has yellow colored sunburn aggregating 5 percent of the fruit surface.

(vi) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 5 percent of the fruit surface.

(9) *Fairly well formed.* "Fairly well formed" means that the avocado may be slightly abnormal in shape but not to the extent that the appearance is seriously affected.

(10) *Fairly well colored.* "Fairly well colored" means that the avocado shows a shade of color which is fairly characteristic of the variety.

(11) *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual fruit, or the general appearance of the avocados in the container. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Anthracnose when any spot exceeds the area of a circle one-fourth inch in diameter, or when more than 3 spots each exceeding the area of a circle three-sixteenths inch in diameter.

(ii) Cuts or other skin breaks when not healed and the aggregate area exceeds the area of a rectangle one inch in length and one-fourth inch in width, or when not healed and penetrating into the flesh of the fruit, or when healed and the appearance is seriously affected.

(iii) Pulled stems when the skin surrounding the exposed stem cavity is torn more than an aggregate area of a circle one-fourth inch in diameter, or when flesh is torn.

(iv) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown surface discoloration aggregating 25 percent of the fruit surface.

(v) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 25 percent of the fruit surface.

(vi) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has yellow colored sunburn aggregating 25 percent of the fruit surface.

(vii) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 25 percent of the fruit surface.

(12) *Badly misshapen.* "Badly misshapen" means that the avocado is so badly curved, constricted, pointed or otherwise deformed that the appearance is very seriously affected.

(13) *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the avocado. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Cuts or other skin breaks when not healed and penetrating into the flesh of the fruit, or any skin break very seriously affecting the appearance, or the edible or shipping quality.

(ii) Pulled stems when the skin surrounding the exposed stem cavity is torn more than an aggregate area of a circle one-half inch in diameter, or when the flesh is torn.

(iii) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown surface discoloration aggregating 50 percent of the fruit surface.

(iv) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 50 percent of the fruit surface.

(v) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has yellow colored sunburn aggregating 50 percent of the fruit surface.

(vi) Sunscald or sprayburn when not well healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has brown superficial scars aggregating 50 percent of the fruit surface.

(Sec. 5, 49 Stat. 753, as amended, 68 Stat. 906, 1047; 7 U. S. C. 608c)

It is hereby further found that delaying the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) is unnecessary since (1) the provisions of said amendment do not impose any restrictions on any person; (2) such amendment is preliminary to the issuance of quality regulations, pursuant to the said marketing agreement and order, for the marketing season beginning about June 1, 1955, and is for the purpose of facilitating the specification of such quality regulations; and (3) handlers have been notified of the adoption, and recommendation to the Secretary, by the said committee of the aforesaid amendment and were afforded opportunity to submit data, views, and arguments with respect thereto.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Issued this 18th day of May 1955, to be effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-4159; Filed, May 20, 1955; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-404A]

PART 20—PILOT CERTIFICATE

SPECIAL CIVIL AIR REGULATION; ISSUANCE OF STUDENT GLIDER PILOT CERTIFICATES TO PERSONS THIRTEEN YEARS OF AGE RECEIVING INSTRUCTION AT THE MISSISSIPPI STATE COLLEGE GLIDER CLUB

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of May 1955.

Mississippi State College, by letter of Mr. August Raspet, Head of the Aerophysics Department, has requested an extension of currently effective Special Civil Air Regulation No. SR-404 which permits the issuance of student glider pilot certificates to persons thirteen years of age who are to receive glider training at the Mississippi State College Glider Club. This regulation became effective May 19, 1954, and terminates May 18, 1955.

The Mississippi State College Glider Club, an organized extra curricular activity at Mississippi State College, has a definite glider training syllabus, a glider instructor who has a commercial glider rating, and a single place glider for training. All students are trained under the personal supervision of the instructor and complete records are kept of all flights.

As part of their training program, the club has been investigating the potential of glider training as a means of indoctrinating young persons into the medium of flight. In order to carry out this project the club requested the authority granted by SR-404, since it was considered desirable that high school students, many of whom are thirteen years of age, be able to participate. The Board concurred, and in adopting SR-404 indicated that the knowledge gained through such a program would be beneficial in the future revision of Civil Air Regulations.

During the period that SR-404 has been in effect, only one student thirteen years of age received glider training under the program conducted by the Mississippi State College Glider Club. This is not a sufficient sampling to be of use to the Board. However, Mr. Raspet has requested that SR-404 be extended for the reason that he foresees an increase in the enrollment of thirteen-year-old students in the Spring of 1955. The Board believes that, if such an increase in enrollment does occur, the knowledge gained through such a program will be of value in formulating Board policy concerning the airman requirements of the Civil Air Regulations. The Board, therefore, finds that it is in the public interest to extend the provisions of SR-404. Notice of this extension was published in the FEDERAL REGISTER on May 4, 1955, at 20 F. R. 2988.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective May 19, 1955:

Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may issue or authorize the issuance of a student glider pilot certificate to a person of thirteen years of age who is to receive glider training at the Mississippi State College Glider Club: *Provided,* (1) That the training shall be conducted under the personal supervision of a holder of a commercial glider rating or flight instructor rating for gliders and (2) That the certificate shall bear the following limitation on its face, "Valid only for receiving glider instruction given by the Mississippi State College Glider Club."

This regulation supersedes Special Civil Air Regulation No. SR-404, and unless sooner superseded or rescinded by the Board, shall terminate on May 18, 1956.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-4172; Filed, May 20, 1955; 8:51 a. m.]

Subchapter A—Civil Air Regulations

[Supp. 15]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

MISCELLANEOUS AMENDMENTS

The following amendments are made to the interpretations and policies issued by the Administrator relative to Part 40 of the Civil Air Regulations to add new material and correct 14 CFR, 1953 Supp., §§ 40.51-1 and 40.72-1. A new interpretation (§ 40.390-2) permits lower landing minimums to be approved at alternate airports having an ILS or GCA as the only instrument approach aid. The date, November 1, inadvertently

omitted from § 40.51–1 (e) (2) (ii) is added to indicate the calendar period during which 165 pounds may be used as an average adult passenger weight. In § 40.72–1 (a), "figure 1" is changed to read, "diagram 1" to correct an erroneous reference; and the diagram is included.

The following amendments are hereby adopted:

1. Section 40.51–1 (e) (2) (ii) is amended by adding the date "November 1" between the words "period" and "through."

2. Section 40.72–1 (a) is amended by changing the words "Figure 1" to "Diagram 1" and adding the following diagram:

TAKE-OFF AIRPORT LIMITATIONS

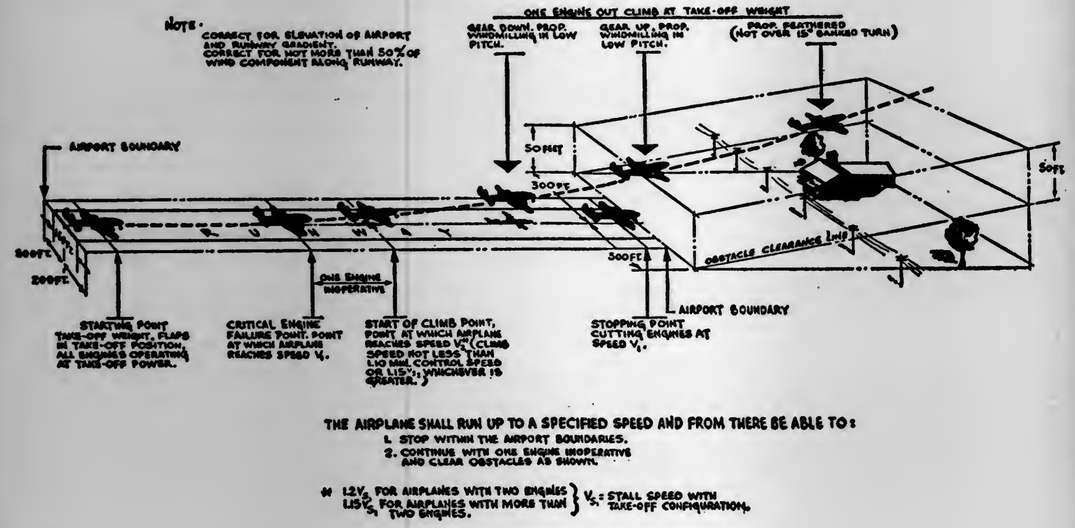


DIAGRAM 1.

3. Section 40.390–2 is added to read as follows:

§ 40.390–2 *Establishment of alternate airport landing minimums at airports where ILS or GCA only available instrument approach aids (CAA interpretations which apply to § 40.390 (a)).* Alternate airport landing minimums as low as 600–2, 700–1½, or 800–1 may be approved at airports where an ILS or GCA is the only instrument approach aid serving such airport: *Provided*, That adequate radio facilities are available to accomplish transition to the ILS or GCA.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective June 15, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–4083; Filed, May 20, 1955; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 138]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

Correction

In F. R. Document 55–2860, appearing in the issue for Thursday, April 14, 1955, at page 2453, make the following change in paragraph 3 (§ 609.11): In column 8, the entry "1,640—4.9" should read "1,650—4.9".

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, Further Amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950– ——)

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 55–3170, published at page 2649 of the issue for Thursday, April 21, 1955, the following changes should be made in Appendix 2:

1. In column 1, page 2655, the figure in Column II on the line following the line on which appears "27.20" should read "27.30" instead of "37.30".

2. In column 1, page 2656, the figures in Columns II, III, and IV on the line following the line on which appear "55.80", "60.80", and "112.00" should read "55.90", "60.90", and "112.00" instead of "56.80", "61.80", and "117.00", respectively.

3. In column 3, page 2656, the figure in Column I on the line following the line on which appears "$43.69–$43.76" should read "$43.77–$43.89" instead of "$33.77–$43.89."

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (3) is added to § 6.104 as set out below.

§ 6.104 *Department of Defense*—(a) *Office of the Secretary.* * * *

(3) Positions assigned to or in support of special classified training activities.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–4165; Filed, May 20, 1955; 8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (o) is added to § 6.357 as set out below.

§ 6.357 *Federal Civil Defense Administration.* * * *

(o) One Deputy Assistant Administrator, Civil Defense Planning Staff.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–4166; Filed, May 20, 1955; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

On December 4, 1954, a notice of proposed rulemaking with respect to regulations designated as Part 251 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (19 F. R. 8017). The purposes of the proposal were to adopt Regulations 21, 1951 edition (26 CFR (1939) Part 191, 16 F. R. 8530), Importation of Distilled Spirits, Wines, and Fermented Liquors, as amended, and to amend such adopted regulations (a) to implement the provisions of the Internal Revenue Code of 1954, and (b) to implement administrative decisions. No data, views, or arguments relating thereto having been received during the period of 15 days from the date of publication of said notice, the regulations so published are hereby adopted, subject to the changes set forth as below:

PARAGRAPH 1. The preamble is amended as follows:

(A) Paragraph 1 is amended by striking the phrase "as to facts and circumstances arising on and after January 1, 1955," and the comma immediately preceding such phrase.

(B) A new paragraph 3 is added.

PAR. 2. Subpart B is amended as follows:

(A) By striking the phrase "of internal revenue" at the end of § 251.6 and placing a period after the word "Commissioner".

(B) Sections 251.9 through 251.18 are renumbered as §§ 251.10 through 251.19, respectively.

(C) By adding a new § 251.9.

(D) Sections 251.19 through 251.21 are renumbered as §§ 251.21 through 251.23, respectively.

(E) By adding a new § 251.20.

PAR. 3. Subpart D is amended by inserting in § 251.42, immediately following the first sentence, two new sentences.

PAR. 4. The date "April 1, 1955" wherever it appears in §§ 251.40, 251.41, 251.42 and 251.45 was changed by Public Law 18, 84th Congress (69 Stat. 14) and should read "April 1, 1956".

PAR. 5. Subpart E is amended as follows:

(A) By striking in § 251.56, the word "under" in the phrase "under customs regulations", and substituting in lieu thereof the words "in accordance with".

(B) By striking in § 251.57, the word "under" in the phrase "under customs regulations", and substituting in lieu thereof the words "in accordance with".

(C) By striking in § 251.61, the word "or" immediately following the semicolon in paragraph (b), and adding a new paragraph (c), immediately following paragraph (b).

(D) By changing the designation of the last paragraph of § 251.61 from "(c)" to "(d)".

(E) By revising § 251.62.

(F) By revising the last sentence of § 251.68.

(G) By inserting a new § 251.73 immediately following § 251.72.

(H) By redesignating "§ 251.73" as "§ 251.74" and inserting a new phrase "(b) on which no internal revenue tax is required to be paid on or before withdrawal from customs custody;" immediately after the phrase beginning "(a) not for sale" in the first sentence, and redesignating "(b)" and "(c)" as "(c)" and "(d)", respectively.

PAR. 6. Subpart G, consisting of §§ 251.100, 251.101, 251.102, 251.103 and 251.104, is deleted.

PAR. 7. Subpart H is amended as follows:

(A) By redesignating the title to read: "Subpart G—Red Strip Stamps Affixed. Under Customs Supervision".

(B) By revising § 251.110 by striking the words "in a bonded warehouse" at the end of the first sentence, and placing a period after the word "officer"; by striking the phrase "of the district in which the bonded warehouse is located," in the second sentence, which begins "Stamps procured"; and by striking the third sentence which begins "At ports where".

PAR. 8. Subparts I, J, K and L are redesignated as Subparts H, I, J and K, respectively.

PAR. 9. Subpart J, redesignated as Subpart I, is amended as follows:

(A) By revising § 251.132 by striking the ordinal number "5th" in the second sentence, which begins "On or before", and substituting in lieu thereof the ordinal number "tenth".

(B) By revising § 251.135 by striking the ordinal number "fifth" in the sixth sentence, which begins "The monthly transcript", and substituting in lieu thereof the ordinal number "tenth".

(C) By revising § 251.140 by striking the ordinal number "5th" in the third sentence, which begins "If in any case", and substituting in lieu thereof the ordinal number "tenth", and by striking the ordinal number "5th" in the fifth sentence, which begins "Monthly summary reports", and substituting in lieu thereof the ordinal number "tenth".

PAR. 10. Subpart L, redesignated as Subpart K, is amended by revising § 251.160.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.
RALPH KELLY,
Commissioner of Customs.

Approved: May 18, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

Preamble. 1. The regulations in this part shall supersede Regulations 21, 1951 Edition (26 CFR (1939) Part 191; 16 F. R. 8530), and Treasury Decisions 5896 (17 F. R. 3641), 6063 (19 F. R. 733), and 6088 (19 F. R. 5055).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

Subpart A—Scope of Regulations

Sec.
251.1 Imported distilled spirits, wines, and beer.
251.2 Forms prescribed.

Subpart B—Definitions

251.5 Meaning of terms.
251.6 Assistant regional commissioner.
251.7 Beer.
251.8 Bottler.
251.9 Commissioner.
251.10 Container.
251.11 Director, Alcohol and Tobacco Tax Division.
251.12 Distilled spirits.
251.13 District director.
251.14 Importer.
251.15 Including.
251.16 Inclusive language.
251.17 I. R. C.
251.18 Person.
251.19 Red strip stamps.
251.20 Regional Commissioner.
251.21 United States.
251.22 U. S. C.
251.23 Wine.

Subpart C—Special (Occupational) Taxes

251.30 Liquor dealers' special taxes.
251.31 Warehouse receipts covering distilled spirits.

Subpart D—Tax on Imported Distilled Spirits, Wines, Beer, and Imported Perfumes Containing Distilled Spirits

DISTILLED SPIRITS AND PERFUMES

251.40 Distilled spirits.
251.41 Perfumes containing distilled spirits.

WINES

251.42 Wines.

LIQUEURS, CORDIALS, AND OTHER COMPOUNDS AND PREPARATIONS

251.43 Liqueurs, cordials, and similar compounds.
251.44 Other compounds and preparations.

BEER

251.45 Rate of tax.
251.46 Computation of tax.
251.47 Tolerance for containers.

COLLECTION OF INTERNAL REVENUE TAXES

251.48 Imported distilled spirits, wines, and beer.

Subpart E—General Requirements

PERMIT FOR IMPORTATION OF DISTILLED SPIRITS AND WINES

251.55 Federal Alcohol Administration Act permit.

MARKING AND STAMPING OF DISTILLED SPIRITS

251.56 Containers of 1 gallon or less.
251.57 Containers in excess of 1 gallon.

LABELING OF DISTILLED SPIRITS

251.58 Containers of 1 gallon or less.

MARKING AND LABELING OF WINES AND BEER

251.59 Wines.
251.60 Beer.

RED STRIP STAMPS FOR CONTAINERS OF DISTILLED SPIRITS

Sec.
251.61 Containers of distilled spirits to bear red strip stamps.
251.62 Persons authorized to affix red strip stamps.
251.63 Denominations of red strip stamps.
251.64 Requisition, Form 428.
251.65 Statement, Form 1627.
251.66 Approval of requisition.
251.67 Procurement of red strip stamps.
251.68 Overprinting of red strip stamps.
251.69 Manner of affixing red strip stamps.
251.70 Concealing or obscuring red strip stamps.
251.71 Affixing red strip stamp over cup or cap.
251.72 Exportation of imported distilled spirits; red strip stamps.
251.73 Withdrawal without payment of tax; red strip stamps.

EXEMPTIONS

251.74 Exemption from stamping, marking, bottling, and labeling requirements.

Subpart F—Red Strip Stamps To Be Affixed in a Foreign Country

251.80 Conditions.
251.81 Requisition, Form 428.
251.82 Approval of requisition.
251.83 Procurement and overprinting of red strip stamps.
251.84 Marking of cases.
251.85 Endorsement of warehouse and consumption entries.
251.86 Credit of red strip stamps against requisition on arrival of distilled spirits at specified port.
251.87 Credit of red strip stamps against requisition on diversion of spirits to other than specified port.
251.88 Irregularities or discrepancies in shipments.
251.89 Unused red strip stamps.
251.90 Credit for red strip stamps affixed to containers returned to a foreign bottler or exporter.
251.91 Credit for red strip stamps affixed to containers diverted by the imported for exportation.
251.92 Breach of regulations, or failure to use red strip stamps.

Subpart G—Red Strip Stamps Affixed Under Customs Supervision

251.110 Conditions.
251.111 Requisition, Form 428.
251.112 Expense of affixing red strip stamps.
251.113 Marking of cases.

Subpart H—Importation of Distilled Spirits in Bulk

251.120 Persons authorized to receive distilled spirits imported in bulk.
251.121 Containers.
251.122 Red strip stamps.

Subpart I—Importer's Records and Reports

RECORD AND REPORT OF RED STRIP STAMPS

251.130 Monthly record and report, Form 96.
251.131 Monthly record, part I, Form 96.
251.132 Monthly report, parts II and III, Form 96.
251.133 Separate record for each place of business.

RECORD AND REPORT OF IMPORTED DISTILLED SPIRITS

251.134 Record and report, Form 52E.
251.135 Record of warehouse receipts to be kept by importer.
251.136 Place where Form 52F shall be kept.
251.137 Record 52.
251.138 Time of making entries.
251.139 Separate record of serial numbers of cases.
251.140 Reports.

ADDITIONAL REQUIREMENTS

Sec.
251.141 Where importer ships direct to consignee.
251.142 Where importer ships to a consignee on the order of another wholesale liquor dealer.
251.143 Where importer keeps Record 52.
251.144 Forms to be provided by users at own expense.

Subpart J—Reports of Collectors of Customs

251.155 Semiannual reports of collectors of customs.

Subpart K—Disposition of Red Strip Stamps

251.160 Disposition of strip stamps.

AUTHORITY: §§ 251.1 through 251.160 issued under 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCE: For regulations with respect to distilled spirits, wines, and beer arriving in the United States from Puerto Rico and the Virgin Islands, see Part 250 of this subchapter.

SUBPART A—SCOPE OF REGULATIONS

§ 251.1 *Imported distilled spirits, wines, and beer.* This part, "Importation of Distilled Spirits, Wines and Beer", contains procedural and substantive requirements relative to the importation of distilled spirits, wines, and beer into the United States from foreign countries including special (occupational) and commodity taxes, permits, marking, branding, labeling, and stamping of containers and packages, and records and reports.

NOTE: Distilled spirits, wines, and beer arriving in the United States from Puerto Rico and the Virgin Islands are governed by the provisions of Title 26, Code of Federal Regulations, Part 250.

§ 251.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 251.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 251.6 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the regional commissioner.

§ 251.7 *Beer.* "Beer" shall mean all beer, ale, porter, stout and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

§ 251.8 *Bottler.* "Bottler" shall mean a distiller, rectifier, and proprietor of an internal revenue bonded warehouse, taxpaid bottling house, taxpaid wine bottling house, industrial alcohol plant, industrial alcohol bonded warehouse, or a class 8 bonded warehouse qualified under the customs laws, and an agency of the United States or any State or political subdivision thereof.

§ 251.9 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 251.10 *Container.* "Container" when used in connection with imported distilled spirits shall mean a liquor bottle or other authorized container of a capacity of one-half pint to 1 gallon, inclusive, conforming to Part 175 of this title, and, in so far as red strip stamp and labeling requirements are concerned, also any container of less than one-half pint. "Container" when used in connection with imported wines or beer shall mean any bottle, cask, or other closed receptacle, irrespective of size or of the material from which made.

§ 251.11 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division", shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 251.12 *Distilled spirits.* "Distilled spirits" shall mean (a) ethyl alcohol, hydrated oxide of ethyl, and spirits of wine, from whatever source derived or by whatever process produced, and (b) any alcoholic distillate fit for beverage purposes, such as whisky, brandy, gin, rum, liqueurs, cordials and bitters, and all compounds, by whatever name called, containing distilled spirits and fit for beverage purposes, but shall not include wine, as defined in § 251.23, containing 24 per centum or less of alcohol by volume.

§ 251.13 *District director.* "District director" shall mean the district director of internal revenue.

§ 251.14 *Importer.* "Importer" shall mean any person who imports distilled spirits, wines, or beer into the United States.

§ 251.15 *Including.* The term "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 251.16 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, associations, partnerships, and corporations.

§ 251.17 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 251.18 *Person.* "Person" shall mean and include natural persons, associations, partnerships, and corporations.

§ 251.19 *Red strip stamps.* "Red strip stamps" shall mean the stamps prescribed under authority of section 5008 (b), I. R. C.

§ 251.20 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue in each of the internal revenue regions.

§ 251.21 *United States.* "United States" includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

§ 251.22 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 251.23 *Wine.* "Wine" shall mean (a) still wine, including vermouth or other apertif wine, artificial or imitation wines or compounds sold as still wine, champagne or sparkling wine, and artificially carbonated wine, and (b) flavored or sweetened fortified or unfortified wines, by whatever name sold or offered for sale, containing not over 24 percent alcohol by volume.

SUBPART C—SPECIAL (OCCUPATIONAL) TAXES

§ 251.30 *Liquor dealers' special taxes.* Every person engaged in business as an importer within the meaning of the term as defined in § 251.13, who sells, or offers for sale, distilled spirits, wines, or beer, must file Form 11 with the district director of internal revenue and pay special (occupational) taxes as wholesale dealer or retail dealer in liquor, or both, or, if beer only is dealt in, as wholesale beer dealer, or retail beer dealer, or both, in accordance with the law and regulations governing the payment of such special taxes. See Part 194 of this title.

(68A Stat. 618, 620, 621; 26 U. S. C. 5111, 5112, 5121, 5122)

§ 251.31 *Warehouse receipts covering distilled spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every person engaged in business as an importer of distilled spirits, who sells, or offers for sale, warehouse receipts for distilled spirits stored in customs bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where the warehouse receipts are sold or offered for sale, and must file return and pay occupational tax as provided in § 251.30.

(68A Stat. 618, 620, 621; 26 U. S. C. 5111, 5112, 5121, 5122)

SUBPART D—TAX ON IMPORTED DISTILLED SPIRITS, WINES, BEER, AND IMPORTED PERFUMES CONTAINING DISTILLED SPIRITS

DISTILLED SPIRITS AND PERFUMES

§ 251.40 *Distilled spirits.* Distilled spirits in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of $10.50 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. On and after April 1, 1956, the rate of tax shall be $9 in lieu of $10.50.

(68A Stat. 595; 26 U. S. C. 5001)

§ 251.41 *Perfumes containing distilled spirits.* Imported perfumes containing distilled spirits are subject to an internal revenue tax, when withdrawn, at the rate of $10.50 per wine gallon and a proportionate tax at a like rate on all fractional parts of such wine gallon. On and after April 1, 1956, the rate of tax shall be $9 in lieu of $10.50.

(68A Stat. 595; 26 U. S. C. 5001)

WINES

§ 251.42 *Wines.* All wines, including imitation, substandard or artificial wine, and compounds sold as wine, having not in excess of 24 percent of alcohol by volume, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax at the rates shown below, such taxes to be determined at the time of removal from customs custody for consumption or sale. Tax computed on the basis of a wine gallon (a U. S. wine gallon of liquid measure equivalent to the volume of 231 cubic inches) will be paid proportionately on all fractional parts of a wine gallon. Fractions of less than one-tenth gallon will be converted to the nearest one-tenth gallon, and five-hundredths gallon will be converted to the next one-tenth gallon.

(a) On still wines containing not more than 14 percent of alcohol by volume, 17 cents per wine gallon, except that on and after April 1, 1956, the rate shall be 15 cents per wine gallon;

(b) On still wines containing more than 14 percent and not exceeding 21 percent of alcohol by volume, 67 cents per wine gallon, except that on and after April 1, 1956, the rate shall be 60 cents per wine gallon;

(c) On still wines containing more than 21 percent and not exceeding 24 percent of alcohol by volume, $2.25 per wine gallon, except that on and after April 1, 1956, the rate shall be $2.00 per wine gallon;

(d) On champagne and other sparkling wines, $3.40 per wine gallon, except that on and after April 1, 1956, the rate shall be $3.00 per wine gallon;

(e) On artificially carbonated wines, $2.40 per wine gallon, except that on and after April 1, 1956, the rate shall be $2.00 per wine gallon;

(f) All wines containing more than 24 percent of alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(68A Stat. 609; 26 U. S. C. 5041)

LIQUEURS, CORDIALS, AND OTHER COMPOUNDS AND PREPARATIONS

§ 251.43 *Liqueurs, cordials, and similar compounds.* Liqueurs, cordials, and similar compounds, containing distilled spirits, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rates applicable to distilled spirits. Fortified or unfortified wines, containing not over 24 percent alcohol by volume, to which sweetening or flavoring materials, but no distilled spirits, have been added are not classified as liqueurs, cordials, or similar compounds, but are considered to be flavored wines only and are subject to internal revenue tax at the rates applicable to wines.

(68A Stat. 595, 609; 26 U. S. C. 5001, 5041)

§ 251.44 *Other compounds and preparations.* Compounds and preparations, other than those specified in § 251.43 containing distilled spirits, which are fit for beverage purposes, in customs bonded warehouse or imported into the United States are subject to internal revenue tax at the rates applicable to distilled spirits. Compounds and preparations, containing fortified or unfortified wine, but no distilled spirits, which are fit for beverage purposes and which are sold as wine, are subject to internal revenue tax at the rates applicable to wines.

(68A Stat. 595, 609; 26 U. S. C. 5001, 5041)

BEER

§ 251.45 *Rate of tax.* All beer as defined in §251.7, imported into the United States, is subject to an internal revenue tax of $9 for every barrel containing not more than 31 gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. On and after April 1, 1956, the tax shall be at the rate of $8 in lieu of $9. The tax on beer shall be determined on sale or removal for consumption or sale and shall be paid by the importer, in accordance with customs requirements.

(68A Stat. 611, 613, 614; 26 U. S. C. 5051, 5055, 5061)

§ 251.46 *Computation of tax.* In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eights; and, except as provided in § 251.47, any fractional part of a barrel, containing less than one-eighth, shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead. The tax on any other quantity, as for example, bottled beer, will be computed on the basis of actual quantity at the rate prescribed by law.

(68A Stat. 611; 26 U. S. C. 5051)

§ 251.47 *Tolerance for containers.* The provisions of § 251.46 requiring the accounting of barrels and fractional parts of barrels at the next higher quantity shall not apply where the contents of any wooden barrel containing more than 31 gallons do not exceed 31 gallons by more than one-half gallon, and a proportionate quantity as to fractional wooden containers; nor where the contents of any metal barrel containing more than 31 gallons do not exceed 31 gallons by more than one-quarter gallon, and a proportionate quantity as to fractional metal containers; and no tax shall be collected on any excess which is within the limits of such tolerance.

(68A Stat. 611; 26 U. S. C. 5051)

COLLECTION OF INTERNAL REVENUE TAXES

§ 251.48 *Imported distilled spirits, wines, and beer.* Internal revenue taxes payable on imported distilled spirits, including perfumes containing distilled spirits, and on wines and beer, are col-

lected, accounted for, and deposited as internal revenue collections by collectors of customs in accordance with customs requirements.

SUBPART E—GENERAL REQUIREMENTS

PERMIT FOR IMPORTATION OF DISTILLED SPIRITS, WINES AND BEER

§ 251.55 *Federal Alcohol Administration Act permit.* Under the Federal Alcohol Administration Act and the regulations issued pursuant thereto (Regulations 1, 27 CFR Part 1), any person except an agency of a State or political subdivision thereof, or any officer or employee of any such agency, intending to engage in the business of importing distilled spirits, wines or beer for nonindustrial use is required to procure a permit (Form 1631) therefor.

(49 Stat. 978, as amended; 27 U. S. C. 203)

MARKING AND STAMPING OF DISTILLED SPIRITS

§ 251.56 *Containers of 1 gallon or less.* Imported containers of distilled spirits of 1 gallon or less, and empty containers imported for the bottling of imported distilled spirits of 1 gallon or less, are required to be marked in accordance with customs regulations (19 CFR Parts 11 and 12) and containers of one-half pint to 1 gallon are required to be marked under Part 175 of this subchapter, and stamped in accordance with this part.

§ 251.57 *Containers in excess of 1 gallon.* Imported containers of distilled spirits in excess of 1 gallon are required to be marked and stamped in accordance with customs regulations (19 CFR Parts 11 and 12).

LABELING OF DISTILLED SPIRITS

§ 251.58 *Containers of 1 gallon or less.* Labels on imported containers of distilled spirits, and on containers of imported distilled spirits bottled in customs custody, for sale at retail, are required to be covered by a certificate of label approval (Form 1649) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 5, 27 CFR Part 5). Containers of imported distilled spirits bottled after taxpayment and withdrawal from customs custody are required to be covered by a certificate of label approval (Form 1649) or a certificate of exemption from label approval (Form 1650) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 5, 27 CFR Part 5). When distilled spirits are to be labeled under a certificate of exemption from label approval, the labels affixed to containers are required to conform to Part 175 of this subchapter.

MARKING AND LABELING OF WINES AND BEER

§ 251.59 *Wines.* All imported wines containing not less than 7 percent and not more than 24 percent of alcohol by volume are required to be packaged, marked, branded, and labeled in conformity with the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 4, 27 CFR Part 4), prior to their removal from customs custody. Containers of imported wine bottled or packaged after taxpayment and withdrawal from customs custody are required to be covered by a certificate of label approval (Form 1649) or a certificate of exemption from label approval (Form 1650) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 4, 27 CFR Part 4). Imported containers of wine are required also to be marked, branded and labeled in accordance with customs regulations (19 CFR Parts 11 and 12).

§ 251.60 *Beer.* All imported beer is required to be released from customs custody in conformity with the Federal Alcohol Administration Act and regulations thereunder. The attention of all concerned is directed, in this connection, to the provisions of Regulations 7 (27 CFR Part 7) relating to the labeling and advertising of malt beverages, issued under the Federal Alcohol Administration Act. Imported containers of beer are required to be marked and labeled in accordance with customs regulations (19 CFR Parts 11 and 12).

RED STRIP STAMPS FOR CONTAINERS OF DISTILLED SPIRITS

§ 251.61 *Containers of distilled spirits to bear red strip stamps.* The immediate containers of imported distilled spirits are required to bear red strip stamps indicating the payment of all internal revenue taxes thereon, with the following exceptions:

(a) Distilled spirits in bond or in customs custody;

(b) Distilled spirits not intended for sale or for use in the manufacture or production of any article intended for sale;

(c) Distilled spirits on which no internal revenue tax is required to be paid; or

(d) Any regularly established common carrier receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.62 *Persons authorized to affix red strip stamps.* Red strip stamps shall be affixed to imported containers of distilled spirits as follows: (a) By the bottler or exporter in a foreign country, as prescribed by Subpart F; or (b) by the importer or owner under customs supervision as prescribed by Subpart G. The bottler of distilled spirits imported in bulk shall affix stamps to the containers, as prescribed by Subpart H of this part.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.63 *Denominations of red strip stamps.* Red strip stamps will be provided in the following denominations only: 1 gallon, ½ gallon, 1 quart, ⅘ quart, ¾ quart, 1 pint, ⅘ pint, ¾ pint, ½ pint, and less than ½ pint. When containers for which standards of fill are not prescribed are of sizes for which no stamps are provided, the person required to affix the stamps shall use those of the denomination next under the actual quantity of spirits in the containers, as, for instance, a stamp of the ½ pint denomination for a container of more than ½ pint and less than ¾ pint, and shall block or strike out the original denomination and write or print on the stamps immediately above the blocked or stricken out denomination the exact quantity of spirits in the containers. Stamps of the denomination of "less than ½ pint" need not be changed to show the exact quantity in the containers.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.64 *Requisition, Form 428.* Requisition for red strip stamps shall be made by the importer, or his duly authorized agent, or by the subsequent purchaser of the distilled spirits as provided in this section, on Form 428, in triplicate. Where an importer has given a bottler or another agent power of attorney to sign Form 428, the importer's name must be given, followed by the signature of the person authorized and the words "Attorney in Fact." A copy of the power of attorney must be filed with the collector of customs. The local address of the importer, or his agent, must be given on Form 428 before approval by the collector of customs. The importer must present and file (if he has not already done so) with the collector of customs a certified or photostatic copy of his permit issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder at the time he presents his first Form 428 for approval. All Forms 428 shall be submitted to the collector of customs of the district in which the place of business of the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be is located.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.65 *Statement, Form 1627.* The importer, or his duly authorized agent, shall submit with Form 428 for stamps to be sent to a foreign country a sworn statement on Form 1627, that the stamps requisitioned on Form 428 are required to supply existing orders and/or anticipated requirements within 30 days from the date of the requisition and will be used for the quantity of distilled spirits to be imported through the designated port (or other port or ports to be designated subsequently on Form 1627A as provided by §§ 251.86 and 251.87) at which warehouse or consumption entries will be filed. All of the information indicated by the headings of the columns and lines and the instructions printed on the form, shall be entered thereon.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.66 *Approval of requisition.* The collector of customs will approve Form 428 if he is satisfied that the importer is the holder of an I permit issued pursuant to the Federal Alcohol Administration Act and the regulations promulgated thereunder and that the red strip stamps are required for distilled spirits to be imported, or to be removed from customs custody, as prescribed in this part. The collector of customs will retain Form 1627 and one copy of Form 428 and return the original and remaining copy of Form 428 to the applicant for submission to the proper district director of internal revenue.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.67 *Procurement of red strip stamps.* Red strip stamps shall be procured by the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, from the district director of internal revenue of the district in which the place of business of such applicant is located. The applicant shall forward to the district director of internal revenue the original and copy of the approved Form 428. The district director of internal revenue may issue the exact number of stamps requisitioned thereon even though it is necessary to use portions of sheets. The district director of internal revenue will enter the serial numbers of the stamps issued and stamp the date of issue on both copies of Form 428. He will retain the original copy and send the remaining copy to the proper assistant regional commissioner.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.68 *Overprinting of red strip stamps.* The importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, shall have indelibly overprinted in plain and legible letters on each of the red strip stamps, at his expense, the name and address of the importer, which shall, for example, be as follows: "John Doe & Co., Baltimore, Md." He shall submit the stamps to the collector of customs, who will verify the overprinting and make an endorsement showing the verification on the retained original Form 1627 submitted with Form 428. The collector of customs will then (a) deliver the stamps to the importer or his duly authorized agent, for transmission to the bottler or exporter abroad, as provided by Subpart F; or (b) deliver them to the importer, or his duly authorized agent, or the subsequent purchaser of the distilled spirits, as the case may be, for affixing to the container under customs supervision, as prescribed by Subparts G and H.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.69 *Manner of affixing red strip stamps.* The red strip stamps must be securely affixed to the containers with the use of a good adhesive. The adhesive used must be in proper liquid condition. Care must be taken to insure secure adherence of the stamp to the container. The stamp must be affixed in such a manner that it will be broken when the container is first opened, but so placed that a portion of the stamp will remain attached to the opened container.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.70 *Concealing or obscuring red strip stamps.* No part of the red strip stamp shall be concealed or obscured by any label or other covering, except that a cup may be placed over the opening of the container or the container may be placed in a carton, as provided in this section. Seals made of cellulose or other material which are shrunk or otherwise fitted over the necks of the containers and cover the stamps must be sufficiently transparent to permit the stamps to be plainly seen and the data thereon easily read. No cup or cap may be placed over the opening of a container and cover the stamp, unless such cup or cap is transparent or is so placed on the container that it may be readily removed at any time without injury to the stamp and the arrangement is such that the ends of the stamp will be plainly visible when the cap or cup is in place. Cartons or other coverings of containers of distilled spirits are permitted, if so made that they may be opened and closed without being torn or broken. Sealed cartons or other coverings may not be used unless transparent or unless openings therein permit the data on the stamp and the indicia and penalty clause required by Part 175 of this subchapter on the container to be plainly seen and read.

(68A Stat. 602, 639; 26 U. S. C. 5008, 5214)

§ 251.71 *Affixing red strip stamp over cup or cap.* The red strip stamp may be affixed over a cup or cap placed over the opening of the container, provided the arrangement is such that the stamp will be broken when the cup or cap is unscrewed or removed. Where it is desired to affix the stamp over a removable cup or cap, the cup or cap must be securely screwed or fastened over the opening of the container. The stamp must be securely affixed, with a strong adhesive, to both the cup or cap and the container. Where it is desired to affix the stamp over a cap or seal made of cellulose or other similar adhesive material which is so shrunk or otherwise fitted over the neck of the container as to be unremovable without being destroyed, it will not be necessary for the ends of the stamp to be affixed to the surface of the container, but the cap or seal and stamp must be so affixed that a portion of each will remain attached to the container when it is opened. In any case where there is doubt as to the propriety of the use of any cup or cap, the container and cup or cap should be submitted to the assistant regional commissioner for a determination thereon.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.72 *Exportation of imported distilled spirits; red strip stamps.* Red strip stamps affixed to imported distilled spirits prior to arrival in the United States, which spirits are diverted by the importer for exportation purposes, shall be effectively destroyed by the exporter, under customs supervision, prior to exportation. Red strip stamps affixed to distilled spirits originating in the United States, evidencing the tax or indicating compliance with the provisions of chapter 51, I. R. C., shall not be removed at or prior to the time of exportation.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.73 *Withdrawal without payment of tax: red strip stamps.* The provisions of § 251.72, in regard to destruction of strip stamps on bottled spirits exported, shall be applicable to spirits withdrawn from customs custody free of tax for entry into the United States.

(68A Stat. 602; 26 U. S. C. 5008).

EXEMPTIONS

§ 251.74 *Exemption from stamping, marking, bottling, and labeling requirements.* The provisions of this part relating to the affixing of red strip stamps, the indicia requirements of containers prescribed by Part 175 of this subchapter, and the labeling of containers as prescribed by regulations promulgated under the Federal Alcohol Administration Act (Regulations 5, 27 CFR Part 5) are not applicable to imported distilled spirits (a) not for sale or for any other commercial purpose whatever; (b) on which no internal revenue tax is required to be paid on or before withdrawal from customs custody; (c) for use as ship stores; or (d) for personal use. Samples of distilled spirits imported for any purpose are not exempt from the stamping, marking, bottling, and labeling requirements. Exemptions from the requirement that imported distilled spirits, wines and beer be marked to indicate the country of origin are set forth in customs regulations (19 CFR Part 11).

(68A Stat. 602, 639; 26 U. S. C. 5008, 5214)

SUBPART F—RED STRIP STAMPS TO BE AFFIXED IN A FOREIGN COUNTRY

§ 251.80 *Conditions.* Red strip stamps to be affixed to containers of distilled spirits may, in accordance with the procedure prescribed in this subpart, be procured by importers to be affixed to the containers by the bottler or exporter in a foreign country.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.81 *Requisition, Form 428.* The importer, or his duly authorized agent, shall make requisition on Form 428, in accordance with § 251.64, and submit a sworn statement on Form 1627, as prescribed by § 251.65, for red strip stamps to be sent to the foreign bottler or exporter.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.82 *Approval of requisition.* The collector of customs will approve Form 428 if he is satisfied that the importer is the holder of an importer's basic permit (Form 1631) issued pursuant to the Federal Alcohol Administration Act and regulations promulgated thereunder (Regulations 1, 27 CFR Part 1) and that the red strip stamps are required for distilled spirits to be imported to supply existing orders and/or anticipated requirements within 30 days from the date of the requisition. He will dispose of Forms 428 and Form 1627 in accordance with § 251.66.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.83 *Procurement and overprinting of red strip stamps.* The importer, or his duly authorized agent, shall procure the red strip stamps from the district director of internal revenue as provided by § 251.67 and have them overprinted and verified as provided by § 251.68. After verification of the overprinting and the prescribed endorsement on Form 1627, the collector of customs will deliver the stamps to the importer, or his duly authorized agent, for transmission to the bottler or exporter abroad.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.84 *Marking of cases.* The foreign bottler or exporter will plainly and legibly mark the following legend on each case of containers of distilled spirits to which red strip stamps are attached:

The red strip stamps required by section 5008, I. R. C., are affixed to the containers of distilled spirits in this case, consisting of ----------, bearing stamps of
(Number of containers)
---------- denomination.

(Name of bottler or exporter)

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.85 *Endorsement of warehouse and consumption entries.* Upon arrival of the distilled spirits in this country, warehouse entries and consumption entries shall have endorsed thereon by the importer, or his duly authorized agent, the following legend:

Red strip stamps required by section 5008 I. R. C., were affixed abroad. These stamps were procured by----------
(Name of importer)
requisition Form 428, Importer's No.-------, approved by the Collector of Customs at ---------- on
(Port where Form 428 was approved)

(Date of approval of Form 428)

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.86 *Credit of red strip stamps against requisition on arrival of distilled spirits at specified port.* Where warehouse and consumption entries are filed at the port where the requisition was approved, the collector of customs who approved the requisition will credit the Form 428 described in the endorsement on the entry referred to in § 251.85 with the number and denomination of red strip stamps shown by the usual customs examination to have been attached to the container.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.87 *Credit of red strip stamps against requisition on diversion of spirits to other than specified port.* In the event of diversion of all or part of the spirits to a port or ports other than the port specified in Form 1627 filed with the Form 428, the importer shall submit a supplemental statement in duplicate on Form 1627A, for each such port. He shall submit them to the collector of customs who approved the Form 428, who will retain the copy and transmit the original to the collector of customs at the designated port. Where a warehouse or consumption entry is filed at a specified port other than the port where the requisition was approved, the collector of customs of the port at which the warehouse or consumption entry is filed will promptly notify, on Form 1627A, the collector of customs who approved the Form 428 of the number and denomination of stamps shown by the usual customs examination to have been attached to the containers. The collector of customs who approved the requisition will credit the Form 428 accordingly. He will stamp on the copy of Form 1627A "Strip stamps credited", and send the copy to the importer who filed the application. Such importer may then take credit for the stamps on Form 96. Such diverted spirits may not be released from customs custody until Form 1627A has been received at the port of diversion or the collector of customs who approved Form 428 has authorized such release.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.88 *Irregularities or discrepancies in shipments.* In case any irregularities or discrepancies are found, the collector of customs at the port of entry will make demand for redelivery of unexamined packages, and will not release examined or redelivered packages until satisfactory explanation and/or proper corrections have been made.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.89 *Unused red strip stamps.* Unused red strip stamps returned to the importer by the bottler or exporter abroad, shall be submitted to the collector of customs who approved the original requisition Form 428, for noting such fact on the requisition. After proper notation has been made, the collector of customs will return the stamps to the importer (who will acknowledge receipt), and notify the proper assistant regional commissioner. If subsequently the importer desires to send such stamps to a bottler or exporter abroad, he must submit them with Form 1627 properly modified, in duplicate, to the collector of customs, who will note approval on the copy of Form 1627 and return it with the stamps to the importer. He will retain the original Form 1627. Where the distilled spirits are to be imported through more than one port, Form 1627A shall be submitted by the importer to such collector, for each port of entry, for certification and transmittal of a copy to the collector of customs at each of the ports at which warehouse or consumption entries will be filed. The importer shall make appropriate entries on his monthly report, Form 96, of the receipt and disposition of unused stamps covered by this section.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.90 *Credit for red strip stamps affixed to containers returned to a foreign bottler or exporter.* When for any reason containers of distilled spirits bearing red strip stamps are returned from customs custody to the foreign bottler or exporter, the importer may be given credit for such stamps, provided he obtains an affidavit from an excise official of the foreign government concerned to the effect that the stamps were removed from the containers and destroyed under his supervision. The importer shall submit such affidavit to the collector of customs who will credit the original requisition accordingly. The importer shall make appropriate entries on his monthly report, Form 96.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.91 *Credit for red strip stamps affixed to containers diverted by the importer for exportation.* The importer may be given credit for red strip stamps which were affixed to imported distilled spirits diverted by the importer for exportation purposes and which were effectively destroyed by the exporter under customs supervision, provided he obtains an affidavit from the customs officer to the effect that the stamps were removed from the containers and destroyed under his supervision. The importer shall submit such affidavit to the collector of customs who approved the original requisition for proper credit. The importer shall make appropriate entries on his monthly report, Form 96.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.92 *Breach of regulations, or failure to use red strip stamps.* Any breach of the provisions of this part, or failure to use the red strip stamps for the purpose for which they were procured within a period of six months, or within such additional extension of time as may be granted by the collector of customs, not satisfactorily explained to the collector of customs, will be grounds for denial of approval of further requisitions for stamps.

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART G—RED STRIP STAMPS AFFIXED UNDER CUSTOMS SUPERVISION

§ 251.110 *Conditions.* Distilled spirits in containers imported without having red strip stamps attached may not be released from customs custody until a stamp has been affixed to each container, under the supervision of a customs officer. Stamps procured for such containers but not affixed within 48 hours after entry shall be placed in the custody of the collector of customs until such time as they are to be affixed to containers prior to removal from customs custody.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.111 *Requisition, Form 428.* Requisition for red strip stamps shall be made by the original importer or his duly authorized agent: *Provided,* That if the importer has gone out of business the requisition shall be made by the person having title to the distilled spirits. The requisition shall be submitted in accordance with § 251.64. Subsequent procedure shall conform to applicable provisions of §§ 251.66, 251.67, and 251.68.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.112 *Expense of affixing red strip stamps.* Expenses of cartage, storage, repacking, handling, or other labor connected with the opening of cases and affixing of red strip stamps to the containers, shall be borne by the importer, or by the subsequent purchaser of the distilled spirits referred to in § 251.111, as the case may be.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.113 *Marking of cases.* There shall be indelibly stamped upon each case by the customs officer supervising the affixing of red strip stamps to containers, the following legend:

Port of----------, ----------
(Month)
---------, 19--.
(Day)
This is to certify that on this date the red strip stamps required by Section 5008 I. R. C., were affixed, under my supervision, to the containers of distilled spirits in this case, consisting of ----------, ----------,
(Number of containers)
bearing stamps of ------ denomination.

(Name)

(Official designation)

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART H—IMPORTATION OF DISTILLED SPIRITS IN BULK

§ 251.120 *Persons authorized to receive distilled spirits imported in bulk.* Distilled spirits imported in bulk (i. e., in containers having a capacity in excess of 1 gallon) may be entered into a class 8 customs bonded warehouse for bottling, or may be withdrawn from customs custody only if entered for exportation or if withdrawn by a person to whom it is lawful to sell or otherwise dispose of distilled spirits in bulk pursuant to the Federal Alcohol Administration Act (49 Stat. 985, as amended; 27 U. S. C., 206) and Regulations 3 (27 CFR Part 3). The importation and disposition of distilled spirits imported in bulk shall be reported as prescribed by § 251.134.

(68A Stat. 619, 639, 681; 26 U. S. C. 5114, 5214, 5555)

§ 251.121 *Containers.* Imported distilled spirits may be bottled in either domestic or imported containers conforming to the provisions of Part 175 of this subchapter.

(68A Stat. 639; 26 U. S. C. 5214)

§ 251.122 *Red strip stamps.* Red strip stamps overprinted with the name and address of the original importer as prescribed by § 251.68 or stamps without any overprinting prescribed for domestic use (Part 230 of this subchapter), may be affixed to containers of imported distilled spirits bottled in a class 8 customs bonded warehouse. Stamps without any overprinting prescribed for domestic use (Part 230 of this subchapter) shall be affixed by the bottler to containers of imported distilled spirits bottled after withdrawal from customs custody.

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART I—IMPORTER'S RECORDS AND REPORTS

Record and Report of Red Strip Stamps

§ 251.130 *Monthly record and report, Form 96.* Importers of distilled spirits shall keep records and render reports of red strip stamps on Form 96.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.131 *Monthly record, part I, Form 96.* Importers shall keep a record of red strip stamps procured and used daily on part I of Form 96. A separate page in single copy is required for each denomination of stamps. Entries shall be made on Form 96 daily, as indicated by the headings of the various columns and lines, and in accordance with the instructions on the form. The record shall be kept in bound form for a period of two years, and during such period shall be available during business hours for inspection by internal revenue officers.

(68A Stat. 612, 619; 26 U. S. C. 5008, 5114)

§ 251.132 *Monthly report, parts II and III, Form 96.* At the close of the month, importers shall prepare parts II and III of Form 96, in triplicate, reporting on part II the red strip stamps procured and used during the month, and on part III the stamps shipped abroad to importer's agents. On or before the tenth day of the succeeding month, one copy shall be forwarded to the assistant regional commissioner, of the region in which the business of the importer is conducted, and one copy to the collector of customs, who approved the importer's requisitions. The remaining copy shall be retained in bound form with the importer's copies of part I, Form 96, for the same month, available for inspection by internal revenue officers.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.133 *Separate record for each place of business.* Where an importer has more than one place of business, a separate record on part I of Form 96 shall be maintained on the premises of each place of business. A separate monthly report (parts II and III) shall also be rendered for each place of business. Where an agent procures stamps for several importers, the agent shall keep a separate record for each importer on part I of Form 96 of all stamps sent abroad or retained on his premises for the account of the importer. Separate monthly reports (parts II and III) shall be rendered by the agent in the name of each importer, to the assistant regional commissioner of the region in which the stamps are procured.

(68A Stat. 602, 681; 26 U. S. C. 5008, 5555)

Record and Report of Imported Distilled Spirits

§ 251.134 *Record and report, Form 52E.* Every importer who imports and sells distilled spirits in bulk shall keep at the place of business covered by his wholesale liquor dealer special tax stamp, Form 52E, of all distilled spirits, both bulk and bottled, imported and disposed of by him: *Provided,* That, if the importer so desires, he may keep Form 52E for bulk spirits only and Record 52 for bottled spirits only. If only bottled spirits are imported, he shall keep Record 52. The receipt of imported distilled spirits, both bulk and bottled, shall be entered on part 1, of Form 52E or bottled distilled spirits on Record 52, as the case may be, as of the time of making the customs entry. The disposition of such distilled spirits shall be entered on part 2 of Form 52E or Record 52, as the case may be, as of the time of their sale or their taxpayment and withdrawal from customs custody. If the importer enters the distilled spirits into a class 8 customs bonded warehouse for bottling, he shall note such temporary disposition of the distilled spirits in bulk on part 2 of Form 52E and, upon completion of their bottling, enter the bottled distilled spirits on part 1 of Form 52E or Record 52, as the case may be. He shall then report the disposition of the bottled distilled spirits on part 2 of Form 52E or Record 52, as the case may be, at the time of their sale or their taxpayment and withdrawal from customs custody. Wholesale liquor dealers who import or purchase in customs bond distilled spirits for exportation, or who acquire distilled spirits in a foreign country for direct shipment to a foreign customer, are not required to keep Form 52E or Record 52 and need not submit transcripts or monthly summaries thereof as to such operations.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.135 *Record of warehouse receipts to be kept by importer.* Every importer who sells, or offers for sale, distilled spirits by warehouse receipts shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts on Form 52F. There need not be entered on Form 52F transactions in warehouse receipts not involving the purchase or sale of distilled spirits, such as the receipt from a warehouseman of warehouse receipts covering the deposit or bottling of spirits in his warehouse or the surrender of warehouse receipts for the bottling of the spirits in bond or their transfer in bond to another warehouse. Entries on Form 52F shall be made as indicated by the headings of the columns and lines on the form and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The provisions of § 251.138 with respect to the time of making entries, and of § 251.144 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The provisions of § 251.139 with respect to a separate record of serial numbers of cases are hereby made applicable to Form 52F with respect to serial numbers of packages and cases purchased or sold by warehouse receipts. The monthly transcript on Form 52F shall be forwarded to the assistant regional commissioner on or before the tenth day of the succeeding month. The importation of distilled spirits, and the disposition of such spirits from customs custody at the time of their sale or withdrawal therefrom, shall continue to be reported on Form 52E or Record 52, as the case may be, in accordance with the provisions of § 251.134. The physical receipt and disposition of distilled spirits at the importer's wholesale liquor dealer premises shall continue to be reported on Record 52 in accordance with the provisions of § 251.137.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.136 *Place where Form 52F shall be kept.* Every importer shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.137 *Record 52.* Every importer who maintains wholesale liquor dealer premises where bottled distilled spirits are received and stored, shall keep Record 52 of all bottled distilled spirits received and disposed of thereat (including bottled spirits transferred from customs custody) in accordance with Part 194 of this subchapter, in addition to a record on Form 52E or Record 52, as the case may be, as prescribed by § 251.134.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.138 *Time of making entries.* Daily entries shall be made on Record 52 and Form 52E, as indicated by the headings of the various columns, and in accordance with instructions printed thereon, before the close of the business

day next succeeding the day on which the transactions occur. Where the importer defers the making of the entries to the next business day, as authorized in this section, he shall keep a separate record, such as invoices, of the removals of distilled spirits showing the removal data required to be entered on Record 52 and Form 52E, and appropriate memoranda of other transactions required to be entered on such records, for the purpose of making the entries correctly.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.139 *Separate record of serial numbers of cases.* Serial numbers of cases of distilled spirits disposed of need not be entered on Record 52 or Form 52E, provided the respective proprietor keeps in his place of business a separate record, approved by the assistant regional commissioner, showing such serial numbers, with necessary identifying data, including the date of removal and the name and address of the consignee. Such separate record may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of two years and in such a manner that the required information may be ascertained readily therefrom, and during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by internal revenue officers. Entries shall be made on such separate approved record before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The importer, whose separate record has been approved by the assistant regional commissioner, shall note in the column for reporting serial numbers that, "Serial numbers shown on commercial records per authority, dated -----."

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.140 *Reports.* Except as otherwise provided in this section, the importer shall file, daily, full and complete transcripts of Form 52E (parts 1 and 2) or Record 52, as the case may be, on Forms 52E (parts 1 and 2) or 52A and 52B with the assistant regional commissioner, by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided,* That in any case in which the assistant regional commissioner shall direct, the transcripts shall be so filed with the supervisor in charge, Alcohol and Tobacco Tax, instead of with the assistant regional commissioner. The transcripts shall bear the following certification signed by the person or officer authorized to sign Form 52E or 338:

I hereby certify that these transcripts consisting of -------- pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the assistant regional commissioner shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the tenth day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Form 52E and Record 52 in accordance with the provisions of § 251.138. Monthly summary reports on Form 52E (part 3) and Form 338 (where Record 52 is kept) shall be prepared in duplicate, one copy of which will be retained on file and the original forwarded to the assistant regional commissioner on or before the tenth day of the month succeeding the month in which the transactions in distilled spirits occurred. Records kept on Form 52E and Record 52 shall be preserved for a period of two years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by any internal revenue officer.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

ADDITIONAL REQUIREMENTS

§ 251.141 *Where importer ships direct to consignee.* The importer shall report, on Form 52E, part 2, and when Record 52 is kept, on part 2 and on transcript, Form 52B, the name and address of each consignee, in the column now designated "Name". In the column now designated "Address", there will be reported the name and address of the person, firm or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The heading of both columns will be amended accordingly.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.142 *Where importer ships to a consignee on the order of another wholesale liquor dealer.* Where the importer ships or delivers distilled spirits to a consignee on the order of another wholesale liquor dealer, detailed records of the transactions shall be kept on Form 52E by the importer making the shipment or delivery, on Record 52 by the wholesale liquor dealer giving the order, and on Record 52 by the consignee if he is a wholesale liquor dealer. For example, assuming that importer (A) ships or delivers the distilled spirits to consignee (C) on the order of wholesale dealer (B), entries will be made on the prescribed forms as follows:

(a) Importer (A) will show in his Form 52E the name and address of wholesale dealer (B) who ordered the distilled spirits, as well as the name and address of consignee (C), the person to whom the distilled spirits are actually shipped or delivered;

(b) Wholesale dealer (B) will show in his Record 52 that the distilled spirits were purchased from importer (A), giving both the name and address of (A), and will at the same time make an entry showing that the distilled spirits were shipped or delivered by (A) to consignee (C) giving the name and address of (C); and

(c) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (B) and received by him from importer (A), giving name and address of both. A copy of Form 52E and transcripts of Record 52 on Forms 52A and 52B, required to be filed with the assistant regional commissioner, will similarly show the details of such transactions.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.143 *Where importer keeps Record 52.* Where the importer keeps Record 52 and is a party to transactions similar to those described in § 251.142, he shall make similar entries of such transactions in Record 52; and the transcripts on Forms 52A and 52B required to be filed with the assistant regional commissioner, will likewise show the details of the transactions.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

§ 251.144 *Forms to be provided by users at own expense.* Form 52E, Record 52, and Forms 52A, 52B, 52F, and 338 shall be provided by importers at their own expense, but must be in the form prescribed: *Provided,* That with the approval of the Director, Alcohol and Tobacco Tax Division, they may be modified to adapt their use to tabulating or other mechanical equipment: *Provided further,* That where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the fly leaf of the book instead of on the individual form.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

SUBPART J—REPORTS OF COLLECTORS OF CUSTOMS

§ 251.155 *Semiannual reports of collectors of customs.* Collectors of customs will furnish the assistant regional commissioner as of June 30 and December 31 of each year a consolidated report showing the name of the importer, and the number and denomination of red strip stamps procured on requisitions, Form 428, approved by them, and not credited against such requisitions.

(68A Stat. 602; 26 U. S. C. 5008)

SUBPART K—DISPOSITION OF RED STRIP STAMPS

§ 251.160 *Disposition of strip stamps.* The importer who discontinues or sells his business shall recall from his agents abroad all unused stamps in their custody. He shall submit his entire stock of unused stamps, accompanied by a report, in triplicate, of inventory, by denominations, serial numbers, and quantity, to the collector of customs for crediting of the respective Forms 428. The collector of customs will then destroy the stamps and after such destruction, will note the action taken on all copies of the inventory. He shall retain one copy of the inventory, return one copy to the importer, and forward the original copy to the assistant regional commissioner. The importer will note the disposition of the stamps on Form 96, will mark the report "Final", and submit the report to the assistant regional commissioner within five days of the return and destruction of the stamps.

(68A Stat. 602; 26 U. S. C. 5008)

[F. R. Doc. 55-4164; Filed, May 20, 1955; 8:50 a. m.]

PART 295—REMOVAL OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR USE OF THE UNITED STATES

Preamble. 1. These regulations, 26 CFR Part 295, "Removal of Tobacco Products and Cigarette Papers and Tubes Without Payment of Tax, for Use of the United States," supersede 26 CFR (1939) Part 140, Subpart P, "Tax-Free Shipment of Tobacco, Snuff, Cigars, Cigarettes, and Cigarette Papers and Tubes, for Use of United States," and are promulgated in order to implement the Internal Revenue Code of 1954.

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

Subpart A—Scope of Regulations

Sec.
295.1 Removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.
295.2 Forms prescribed.

Subpart B—Definitions

295.10 Meaning of terms.
295.11 Assistant regional commissioner.
295.12 Cigar.
295.13 Cigarette.
295.14 Cigarette paper.
295.15 Cigarette papers.
295.16 Cigarette tube.
295.17 Commissioner.
295.18 Director, Alcohol and Tobacco Tax Division.
295.19 Factory.
295.20 Inclusive language.
295.21 I. R. C.
295.22 Manufactured tobacco.
295.23 Manufacturer of cigarette papers and tubes.
295.24 Manufacturer of cigars and cigarettes.
295.25 Manufacturer of tobacco.
295.26 Person.
295.27 Region.
295.28 Regional commissioner.
295.29 Removal or remove.
295.30 Revenue officer.
295.31 Tobacco products.
295.32 U. S. C.

Subpart C—General

295.40 Authority of revenue officers to enter premises.
295.41 Interference with administration.
295.42 Unlawful diversion of tobacco products or cigarette papers or tubes.

Subpart D—Restrictions and Requirements

295.50 Removal restricted.
295.51 Federal requisition.
295.52 Notice of removal.
295.53 Packages, and label or notice.
295.54 Mark.
295.55 Class designation for large cigars.
295.56 Records and reports of removals.
295.57 Removal in bond.
295.58 Certificate of receipt.
295.59 Tax liability.

AUTHORITY: §§ 295.1 to 295.59 issued under 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 295.1 *Removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.* This part contains the regulations governing the removal of manufactured tobacco, cigars, cigarettes, cigarette tubes, and taxable cigarette papers, without payment of tax, for shipment to Federal agencies and institutions for use of the United States.

§ 295.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part. Information called for thereon shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 295.10 *Meaning of terms.* The terms used in this part shall have the meanings ascribed in this subpart, unless the context otherwise indicates.

§ 295.11 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the Regional Commissioner.

§ 295.12 *Cigar.* "Cigar" shall mean any roll of tobacco wrapped in tobacco.

§ 295.13 *Cigarette.* "Cigarette" shall mean any roll of tobacco, wrapped in paper or any substance other than tobacco.

§ 295.14 *Cigarette paper.* "Cigarette paper" shall mean paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

§ 295.15 *Cigarette papers.* "Cigarette papers" shall mean taxable packages, books, or sets, of cigarette paper.

§ 295.16 *Cigarette tube.* "Cigarette tube" shall mean cigarette paper made into a hollow cylinder for use in making cigarettes.

§ 295.17 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 295.18 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division," shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 295.19 *Factory.* "Factory" shall mean the premises of a manufacturer of tobacco, cigars and cigarettes, or cigarette papers and tubes in which he carries on such business.

§ 295.20 *Inclusive language.* Words in the plural form shall include the singular, and vive versa, and words in the masculine gender shall include the feminine, partnerships, associations, companies, corporations, estates, and trusts.

§ 295.21 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 295.22 *Manufactured tobacco.* "Manufactured tobacco" shall mean all tobacco, other than cigars and cigarettes, prepared, processed, manipulated, or packaged for consumption by smoking or for use in the mouth or nose. Any other tobacco not exempt from tax under Chapter 52, I. R. C., which is sold or delivered to any person contrary to such chapter and regulations thereunder, shall be regarded as manufactured tobacco.

§ 295.23 *Manufacturer of cigarette papers and tubes.* "Manufacturer of cigarette papers and tubes" shall mean every person who makes up cigarette paper into packages, books, or sets, on which tax is imposed, or into tubes, except for his own personal use or consumption or solely for use by him in the manufacture of cigarettes.

§ 295.24 *Manufacturer of cigars and cigarettes.* "Manufacturer of cigars and cigarettes" shall mean every person who produces cigars or cigarettes, except for his own personal consumption.

§ 295.25 *Manufacturer of tobacco.* "Manufacturer of tobacco" shall mean every person who manufactures tobacco by any method of preparing, processing, or manipulating, except for his own personal consumption or use; or who packages any tobacco for consumption by smoking or for use in the mouth or nose; or who sells or delivers any tobacco, not exempt from tax under Chapter 52, I. R. C., to any person, contrary to the provisions of such chapter and regulations thereunder. The term "manufacturer of tobacco" shall not include (a) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm; or (b) a dealer in tobacco materials who handles tobacco solely for sale, shipment, or delivery, in bulk, to another dealer in such materials or to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States.

§ 295.26 *Person.* "Person" shall mean and include an individual, partnership, association, company, corporation, estate, or trust.

§ 295.27 *Region.* "Region" shall mean the area, designated by the Secretary or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

§ 295.28 *Regional commissioner.* "Regional commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 295.29 *Removal or remove.* "Removal" or "remove" shall mean removal of tobacco products or cigarette papers or tubes from the factory.

§ 295.30 *Revenue officer.* "Revenue officer" shall mean any officer or employee of the United States acting in connection with any internal revenue law of the United States.

§ 295.31 *Tobacco products.* "Tobacco products" shall mean manufactured tobacco, cigars, and cigarettes.

§ 295.32 *U. S. C.* "U. S. C." shall mean the United States Code.

SUBPART C—GENERAL

§ 295.40 *Authority of revenue officers to enter premises.* Any revenue officer may enter in the daytime any premises where tobacco products or cigarette papers or tubes removed under this part are kept, so far as it may be necessary

for the purpose of examining such articles. When such premises are open at night, any revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any revenue officer or permit him to examine the articles removed under this part shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7606)

§ 295.41 *Interference with administration.* Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation or intended violation of this part, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U. S. C. 7212)

§ 295.42 *Unlawful diversion of tobacco products or cigarette papers or tubes.* Any person who diverts, for purposes of taxable consumption or use, tobacco products or cigarette papers or tubes removed under this part, without payment of tax, shall be liable for the tax thereon and may also be subject to other penalties prescribed by law for such offense. Such articles, as well as any other property possessed with intent to defraud the United States or intended for use in violating the provisions of this part, are subject to forfeiture to the United States.

(68A Stat. 716, 717, 718; 26 U. S. C. 5751, 5761, 5762, 5763)

SUBPART D—RESTRICTIONS AND REQUIREMENTS

§ 295.50 *Removal restricted.* Tobacco products and cigarette papers and tubes may be removed, without payment of tax, in accordance with this part for shipment only to Federal agencies and institutions for gratuitous distribution (but not for sale) in the United States.

(68A Stat. 708, 900; 26 U. S. C. 5704, 7510)

§ 295.51 *Federal requisition.* Whenever tobacco products or cigarette papers or tubes are purchased by a Federal agency or institution for the use of the United States, and it is proposed to remove such tobacco products or cigarette papers, or tubes without payment of tax, under this part, the agency or institution desiring the articles shall prepare a requisition on Form 7996 for each separate shipment of such articles. Each such requisition shall be assigned a number by the agency or institution preparing the form. The agency or institution shall retain one completed copy of the requisition, which shall be made available for inspection by any revenue officer upon his request, and transmit two such copies to the manufacturer concerned at the time of placing the order. One copy of this requisition shall be retained by the manufacturer at the factory from which the tobacco products or cigarette papers or tubes are removed, as a part of his records, for one year after the close of the year in which such articles are removed, and shall be made available for inspection by any revenue officer upon his request. The manufacturer shall forward one copy of the requisition to the assistant regional commissioner as required by § 295.52.

§ 295.52 *Notice of removal.* For each shipment of tobacco products or cigarette papers or tubes removed, without payment of tax, under this part, the manufacturer shall prepare a notice of such removal on Form 7997. The manufacturer shall enter on each such notice of removal a number in a series beginning with number 1 with respect to the first removal made under this part, and beginning again with number 1 with respect to the first removal made on January 1 of each year thereafter, which number shall be the same on all copies of the respective notice. Immediately after removal of the tobacco products or cigarette papers or tubes, as described on the notice of removal, the manufacturer shall forward a copy of such notice, with a copy of the related requisition, Form 7996, as required by section 295.51, to the assistant regional commissioner for the region in which is located the factory from which the tobacco products or cigarette papers or tubes were removed. One copy of the notice of removal shall be retained by the manufacturer at the factory, as a part of his records, for one year after the close of the year in which the tobacco products or cigarette papers or tubes are removed, and shall be made available for inspection by any revenue officer upon his request.

§ 295.53 *Packages, and label or notice.* All tobacco products and cigarette papers and tubes shall, before removal under this part, be put up by the manufacturer thereof in packages similar to packages of like articles removed for taxable purposes, as required by Parts 270, 275, and 285 of this subchapter. Every such package shall bear a label or notice containing in legible letters the words "Tax-exempt. For Use of U. S. Not to be sold." Such label or notice shall be readily distinguishable from a tax stamp, or a stamp, label, or notice, required on packages of similar articles to evidence tax. The manufacturer may include any additional words, inscription, or legend on such label, or in such notice, when approved by the appropriate assistant regional commissioner.

§ 295.54 *Mark.* Every package of tobacco products and cigarette papers and tubes shall, before removal under this part, identify the manufacturer of such tobacco products and cigarette papers and tubes by having legibly imprinted thereon, or on the label or notice required by § 295.53, either the name and location of the manufacturer, or his permit number.

§ 295.55 *Class designation for large cigars.* Every package of large cigars removed under this part shall have legibly imprinted thereon, or on a label securely affixed thereto, the class designation of such cigars similar to that required by Part 270 of this subchapter with respect to such cigars.

§ 295.56 *Records and reports of removals.* Tobacco products and cigarette papers and tubes removed under this part shall be accounted for in the factory records and reports of the manufacturer thereof as prescribed in the regulations requiring such records and reports (Parts 270, 275, 285 of this subchapter).

§ 295.57 *Removal in bond.* Each removal of tobacco products or cigarette papers or tubes under this part shall be made under the bond filed by the manufacturer thereof to cover the operation of his factory from which the tobacco products or cigarette papers or tubes were removed.

§ 295.58 *Certificate of receipt.* The officer responsible for receiving a shipment of tobacco products or cigarette papers or tubes delivered to an agency or institution under this part shall, upon receipt of the shipment, inspect it in order that he may certify as to the quantity, kind, and class of articles actually received and date of receipt. Such certificate shall be executed on Form 7998. The receiving officer shall retain one completed copy of such certificate, which shall be made available for inspection by any revenue officer upon his request, and he shall transmit two such copies promptly to the manufacturer who shipped the tobacco products or cigarette papers or tubes. The manufacturer shall keep one copy of the certificate, Form 7998, at the factory from which the tobacco products or cigarette papers or tubes were removed, for his records and for inspection by any revenue officer upon his request. The manufacturer shall promptly forward the other completed copy of the Form 7998 to the assistant regional commissioner for the region in which such factory is located, in order that the manufacturer may be relieved of liability to tax on the tobacco products or cigarette papers or tubes actually received by the agency or institution.

§ 295.59 *Tax liability.* Responsibility for the tax on tobacco products or cigarette paper or tubes removed under this part shall rest upon the manufacturer making the removal until proper evidence to remove such liability is furnished by the manufacturer. Where there is a shortage between the quantity or number of tobacco products or cigarette papers or tubes removed, as described on the notice of removal, and that received by the Federal agency or institution to which such tobacco products or cigarette papers or tubes were consigned, as evidenced by the certificate of receipt, Form 7998, executed by the agency or institution, the manufacturer shall be responsible for payment of the tax on such shortage.

Effective date. These regulations shall be effective on the date of publication in the FEDERAL REGISTER.

Because the changes made by these regulations are either of a liberalizing nature or relate merely to form and not substance, it is found that it is unnecessary to issue these regulations with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: May 17, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 55-4163; Filed, May 20, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 701, 705, 713]

PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATES

On September 14, 1954, pursuant to section 5 of the Fair Labor Standards Act, as amended (hereinafter called the act), the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 440, as amended by Administrative Order No. 442, dated November 1, 1954, appointed Special Industry Committee No. 16-C for Puerto Rico (hereinafter called the Committee) and directed the Committee to investigate conditions in the plastic products industry in Puerto Rico (hereinafter called the industry), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industry.

For purposes of investigating conditions in and recommending minimum wages for the plastic products industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico with due regard to the geographical regions in which the industry is carried on.

After investigating economic and competitive conditions in the Industry, as defined in Administrative Order No. 440, the Committee filed with the Administrator a report containing the following recommendations: (1) That the plastic products industry in Puerto Rico should be divided in separable divisions for the purpose of fixing minimum wage rates and that these separable divisions should be entitled and defined as (a) the sprayer and vaporizer division, (b) the wall tile, dinnerware, and phonograph records division, and (c) the general division; and (2) that a minimum wage of 75 cents an hour should be paid in the sprayer and vaporizer division, a minimum wage of 60 cents an hour should be paid in the wall tile, dinnerware, and phonograph records division, and a minimum wage of 53 cents an hour should be paid in the general division, to employees who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on January 8, 1955 (20 F. R. 229) and circulated to all known interested parties, a public hearing upon the Committee's recommendations was held before Hearing Examiner E. West Parkinson, as presiding officer, on February 14, 1955 in Washington, D. C., at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all of the evidence adduced in this proceeding, and giving due consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for division of the plastic products industry in Puerto Rico into separate and distinct divisions to be known as the sprayer and vaporizer division, the wall tile, dinnerware and phonograph records division, and the general division, together with the recommendations of the Committee for a minimum wage rate of 75 cents an hour in the sprayer and vaporizer division, a minimum wage rate of 60 cents an hour in the wall tile, dinnerware and phonograph records division, and a minimum wage rate of 53 cents in the general division, as hereinafter defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the matter of the Recommendations of Special Industry Committee No. 16-C for Puerto Rico for Minimum Wage Rates in the Plastic Products Industry in Puerto Rico", a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding that (1) I propose to amend 29 CFR, Parts 701 and 705 to the extent that it applies to the Plastic Products Industry in Puerto Rico, as hereinafter defined, and (2) I propose to issue a wage order for the Plastic Products Industry in Puerto Rico to be contained in 29 CFR Part 713, as follows:

PART 713—PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

Sec.
713.1 Approval of recommendations of industry committee.
713.2 Wage rates.
713.3 Notice of order.
713.4 Definitions of the plastic products industry in Puerto Rico, and divisions thereof.

AUTHORITY: §§ 713.1 to 713.4 issued under sec. 8, 52 Stat. 1054, as amended; 29 U. S. C. 208.

§ 713.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 713.2 *Wage rates.* (a) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the sprayer and vaporizer division of the plastic products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the wall tile, dinnerware, and phonograph records division of the plastic products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 53 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the plastic products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 713.3 *Notice of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the plastic products industry in Puerto Rico shall post in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notices as the Division may prescribe.

§ 713.4 *Definition of the plastic products industry in Puerto Rico, and divisions thereof.* (a) (1) The plastic products industry in Puerto Rico to which this part shall apply is hereby defined as follows: The manufacture of molded or other fabricated plastic products: *Provided, however,* That the definition shall not include (i) the manufacture of primary materials such as sheets, rods, tubes, granules, powders, or liquids, (ii) the sawing, cutting, grinding, polishing, and other processing of synthetic jewels for industrial use, (iii) the manufacture of buttons, buckles, and jewelry (including rosaries), and jewelry findings (including beads), (iv) the manufacture from pliable plastics in sheet form of ornaments and decorations for Christ-

mas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in character; (v) or any activity included in the leather, leather goods, and related products industry; the paper, paper products, printing, publishing and related industries; the shoe manufacturing and allied industries; the textile and textile products industry; the needlework and fabricated textile products industry; the men's and boy's clothing and related products industry; or the corsets, brassieres, and allied garments industry, as defined in the wage orders for these industries in Puerto Rico. This definition supersedes the definition for the decorations and party favors industry with respect to the manufacture of plastic articles other than those made from pliable sheet or film.

(2) The definition contained in subparagraph (1) of this paragraph supersedes the definitions contained in any and all wage orders issued heretofore for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry defined in paragraph (a) (1) of the section, to which this part shall apply are hereby defined as follows:

(1) *Sprayer and vaporizer division.* This division consists of the manufacture of plastic sprayers, vaporizers, and atomizers.

(2) *Wall tile, dinnerware, and phonograph records division.* This division consists of the manufacture of plastic wall tiles, dinnerware, and phonograph records.

(3) *General division.* This division consists of all products and activities included in the plastic products industry as defined in Administrative Order No. 440, except products and activities included in the sprayer and vaporizer division, and the wall tile, dinnerware, and phonograph records division as defined herein.

Within fifteen days from the date of publication of this notice in the FEDERAL REGISTER interested persons may submit written exceptions to the proposed actions described. Exceptions should be submitted in quadruplicate to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., and should include supporting reasons therefor.

Signed at Washington, D. C., this 17th day of May 1955.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 55-4161; Filed, May 20, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FLORIDA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 17, 1955.

The Fish and Wildlife Service, Department of the Interior, has filed an application, Misc. No. 1949862, for the withdrawal of the lands described below, from all forms of appropriation, subject to valid existing rights. The applicant desires the land for Sanibel National Wildlife Refuge.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned officials of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

TALLAHASSEE MERIDIAN

T. 46 S., R. 21 E.,
Sec. 12, lots 3 and 4.
T. 46 S., R. 22 E.,
Sec. 7, lots 1 and 2;
Sec. 8, lots 2 and 3;
Sec. 17, lot 6;
Sec. 18, lots 3 and 6;
Sec. 23, SE¼SE¼;
Sec. 24, SW¼SW¼.
T. 46 S., R. 23 E.,
Sec. 19, NW¼NE¼, NE¼NW¼.

C. R. DREXILIUS,
Supervisor,
Eastern States Office.

[F. R. Doc. 55-4144; Filed, May 20, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

WHEAT

NOTICE OF REFERENDUM FOR MARKETING QUOTAS, 1956-57

Correction

In Federal Register Document 55-4043, published on page 3478 of the issue for Wednesday, May 18, 1955, the date "July 22, 1955," appearing in the last paragraph, should read "June 25, 1955."

FEDERAL POWER COMMISSION

[Docket No. G-2460]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 17, 1955.

Take notice that on May 2, 1955, Northern Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at Omaha, Nebraska, filed an application to amend the Commission's order of August 27, 1954, issuing a certificate of public convenience and necessity for the construction of certain temporary facilities pertaining to a proposed gas storage reservoir near Redfield, Iowa. Applicant now seeks authority to construct and operate additional facilities for the limited purpose of large-scale testing of the proposed reservoir. It is anticipated that the facilities proposed will inject gas at a rate of at least 200 million cubic feet per day.

The cost of the facilities is estimated to be $4,816,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) on or before the 3d day of June 1955. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4145; Filed, May 20, 1955; 8:45 a. m.]

[Docket No. G-4653]

B. J. CROWLEY

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 17, 1955.

Take notice that B. J. Crowley (Applicant), an individual whose address is Box 581, Belpre, Ohio, filed an application on November 1, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced in Calhoun County, West Virginia, to Manufacturers Light and Heat Company and to Godfrey L. Cabot, Inc., at 20 cents and 12 cents per Mcf, respectively, for transportation in interstate commerce for resale.

Applicant, on March 8, 1955, requested permission to withdraw that portion of its application herein relating to its sale of natural gas to Ohio Fuel Gas Company, stating that such gas is sold and consumed within the State of Ohio and, therefore, is not subject to the jurisdiction of the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 6, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4146; Filed, May 20, 1955; 8:45 a. m.]

[Docket No. G-5144]

H. S. COLE, JR., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 17, 1955.

Take notice that H. S. Cole, Jr., et al., (Applicant), an individual whose address is 1404 City National Bank Building, Houston 2, Texas, filed an application on November 19, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the South Lewisburg Field, Acadia Parish, Louisiana, to Texas Northern Gas Corporation at 8.9970 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 9:35 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 6, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4147; Filed, May 20, 1955; 8:46 a. m.]

[Docket Nos. G-7586, G-8433]

CLINCHFIELD COAL CORP. AND KENTUCKY WEST VIRGINIA GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 17, 1955.

In the matter of Clinchfield Coal Corporation, Docket No. G-7586; Kentucky West Virginia Gas Company, Docket No. G-8433.

Take notice that there have been filed with the Federal Power Commission applications as indicated below:

Applicant	Address	Date filed	Docket No.
Clinchfield Coal Corp.	Dante, Va.	Jan. 18, 1955, and supplemented Mar. 23, 1955.	G-7586
Kentucky West Virginia Gas Co.	Ashland, Ky.	Feb. 2, 1955	G-8433

each for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the respective applicants to construct and operate facilities and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Clinchfield Coal Corporation (Clinchfield) proposes to sell up to 12,750 Mcf per day of natural gas produced from acreage it controls in Dickenson, Buchanan and Wise Counties, Virginia, to Kentucky West Virginia Gas Company (Kentucky West Virginia) at $2.50 demand charge and an 18 cent commodity charge. Any surplus gas over and above the 12,750 Mcf per day will be sold to Kentucky West Virginia at a price of 26.22 cents per Mcf.

Clinchfield proposes to build a gathering system and a 16.2 mile 12-inch transmission line from its producing area to a connection with a proposed line of Kentucky West Virginia at the Virginia-Kentucky state line. It estimates the total cost of its facilities at $785,000.

Kentucky West Virginia requests authority to construct and operate 32 miles of 12-inch transmission line extending from the proposed Clinchfield 12-inch line at the Virginia-Kentucky state line to a connection with its existing system near Maytown, Kentucky. In addition, Kentucky West Virginia proposes to build 4 miles of 12-inch line connecting its existing Shelby Creek producing properties in Kentucky to the proposed new 12-inch line in order to provide a new outlet for its Shelby Creek gas and increase the deliverability therefrom.

Kentucky West Virginia will use the gas purchased from Clinchfield and the facilities herein proposed, principally for replacing the shrinkage in volume of gas resulting from the operation of a proposed new hydrocarbon extraction plant to be built and operated by a new subsidiary of Kentucky West Virginia, called the Kentucky Hydrocarbon Company (Hydrocarbon). The extracted liquid hydrocarbons will be sold by Hydrocarbon to Union Carbide and Carbon Company at Institute, West Virginia for use in the manufacture of chemical products useful to the national defense.

The estimated capital cost of the facilities proposed by Kentucky West Virginia is $1,455,000 to be financed by its issuance of not in excess of $1,500,000 of promissory notes to the Mellon National Bank and Trust Company at 3⅜ percent.

Applicants have requested that their respective applications be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32) of the Commission's rules of practice and procedure.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 9, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.7 or 1.10) on or before June 3, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4148; Filed, May 20, 1955; 8:46 a. m.]

[Docket No. G–8789]

COLORADO OIL AND GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 17, 1955.

Take notice that Colorado Oil and Gas Corporation (Applicant), a Delaware corporation whose address is 10th Floor, Denver Club Building, Denver 2, Colorado, filed an application on April 25, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Greenwood Field, Morton and Stanton Counties, Kansas, and in Baca County, Colorado, to Colorado Interstate Gas Company at 15 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 6, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4149; Filed, May 20, 1955; 8:46 a. m.]

[Docket No. G–8902]

G. H. VAUGHN

ORDER SUSPENDING PROPOSED CHANGES IN RATES

G. H. Vaughn (Applicant), on April 18, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated...	Louisiana-Nevada Transit Co.	Supplement No. 3 to applicant's FPC gas rate schedule No. 3.	May 19, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

This proposed increased is but one of a number of other rate increases which have been suspended and which relate to sales of natural gas from the Cotton Valley Field, Webster Parish, Louisiana, to Louisiana-Nevada Transit Company.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until October 19, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 11, 1955.

Issued: May 17, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4150; Filed, May 20, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

TRI-CONTINENT SERVICE

NOTICE OF FINAL DETERMINATIONS OF ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that the Maritime Administrator has considered the views and comments submitted by interested persons, firms and corporations with respect to his tentative determinations regarding the essentiality and United States flag service requirements of the Tri-Continent Service as published in the FEDERAL REGISTER of January 13, 1955 (20 F. R. 317) and, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, has affirmed those determinations and directed that his action with respect thereto be published in the FEDERAL REGISTER.

Dated: May 19, 1955.

By order of the Maritime Administrator.

[SEAL] THOS. E. STAKEM, Jr., *Acting Secretary.*

[F. R. Doc. 55–4204; Filed, May 19, 1955; 4:06 p. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF INTERIOR

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS IN CONNECTION WITH ACTIVITIES OF THE FISH AND WILDLIFE SERVICE

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, herein called the act, authority is hereby delegated for a period of one (1) year from the date hereof to the Secretary of the Interior to negotiate without advertising, under section 302 (c) (4) of the act, contracts for surveyors, appraisers and architect-engineering services required in connection with the administration of the programs of the Fish and Wildlife Service.

2. This authority shall be exercised in accordance with the applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any officer or employee of the Department of the Interior.

4. This delegation shall be effective as of the date hereof.

EDMUND F. MANSURE, *Administrator.*

MAY 17, 1955.

[F. R. Doc. 55–4197; Filed, May 19, 1955; 3:07 p. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 18, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30636: Citrus pomace—Florida to Southwest. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on citrus pomace, pelletized or compressed, carloads, from specified points in Florida to specified points in Kansas, Louisiana, Missouri, and Oklahoma.

Grounds for relief: Analogous commodity and circuitous routes.

Tariff: Supplement 99 to Agent Kratzmeir's I. C. C. No. 4090 and four other tariffs.

FSA No. 30637: Petroleum and products between points in Texas. Filed by J. F. Brown, Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads between points in Texas included in schedule named below.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 42 to Agent Brown's I. C. C. 845.

FSA No. 30638: Commodity rates from and to Ladson, Ga. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on various commodities, other than coal and coke, carloads, between Ladson, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Additional station.

FSA No. 30639: Commodities—Official territory to the South. Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on commodities, various, in carloads, from specified points in official territory to specified points in southern territory.

Grounds for relief: Circuitous routes.

FSA No. 30640: Fertilizer compounds between points in southern territory. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on fertilizer compounds (manufactured fertilizers) noibn, dry, less-than-carloads, between points in southern territory.

Grounds for relief: Short-line distance formula, truck competition and circuity.

Tariff: Supplement 84 to Agent Spaninger's I. C. C. 1221.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55–4157; Filed, May 20, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 22–227]

PUBLIC FINANCE SERVICE, INC.

NOTICE OF APPLICATION

MAY 16, 1955.

Notice is hereby given that Public Finance Service, Inc. (applicant) has filed an application under clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship by Girard Trust Corn Exchange Bank, Philadelphia (Girard) successor trustee to National Bank of Germantown and Trust Company, Philadelphia (National) under an indenture dated December 1, 1942 (which indenture was heretofore qualified under the Trust Indenture Act of 1939) and trusteeship by said company under a proposed indenture to be dated as of June 1, 1955 (not to be qualified under the act) is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said trustee from acting as such under the qualified indenture.

The application states:

(1) That applicant now proposes to authorize the issuance of debentures in the aggregate principal amount of not more than $1,000,000 (maturing December 1, 1972), to be known as its 6 percent Cumulative Debentures, 1955 Series, subject to a certain Debenture Agreement to be dated as of June 1, 1955, between the applicant and Girard, limiting the entire principal amount of securities at any time outstanding thereunder to $1,000,000 issuable thereunder and that the new indenture is exempted from qualification under the act by section 304 (a) (9) thereof;

(2) That applicant has outstanding $2,000,000 principal amount of unsecured 20 year 6 percent Cumulative Debentures due December 1, 1962, issued under the indenture dated December 1, 1942, which indenture was qualified under the act;

(3) That the applicant has outstanding an additional issue of $1,000,000 principal amount of unsecured 6 Percent Cumulative Debentures due December 1, 1962 issued under the indenture dated June 1, 1950 as to which the Commission issued an order pursuant to section 310 (b) (1) (ii) of the Trust Indenture Act finding that trusteeship by National under the 1942 indenture and under the 1950 indenture was not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify National from acting as such under the 1942 indenture and National continued to act as trustee under such indentures until its merger into Girard;

(4) That on September 11, 1953, National, by merger, was acquired by, and became a branch of Girard, a banking corporation organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business in Philadelphia, Pennsylvania, and Girard became successor trustee under both indentures referred to above and has continued to act, and is currently acting, as such successor trustee;

(5) That the 1942 and 1950 indentures are, and the new indenture will be, wholly unsecured and that the provisions of the new indenture will be identical with the provisions of the 1942 indenture except that the new indenture will make appropriate changes in respect to dates and the aggregate principal amount of securities to be outstanding thereunder at any one time, that provisions of the act will be incorporated in the new indenture to the extent that they are considered by applicant to be reasonably applicable to an indenture exempted from the act's provisions and except for other inconsequential and largely formal differences as specified in the application; and

(6) That differences existing between the 1942 and the new indenture are not likely to involve a material conflict of interest in the trusteeship.

For a more detailed statement of the matters of fact and law asserted all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington 25, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time after May 26, 1955, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939. Any interested person may, not later than May 24, 1955 at 5:30 p. m., e. d. s. t., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–4151; Filed, May 20, 1955; 8:46 a. m.]

[File No. 54–156]

CENTRAL PUBLIC UTILITY CORP.

MEMORANDUM OPINION AND ORDER APPROVING PAYMENT OF A FEE AND EXPENSES

MAY 17, 1955.

This matter involves a fee claim. On September 5, 1947, we approved an amended plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by Central Public Utility Corporation ("Central Public"), a registered holding company (Holding Company Act Release No. 7691). This plan was concerned primarily with a reorganization of Consolidated Electric and Gas Company ("Consolidated"), then a registered holding company and a direct subsidiary of Central Public, and, among other things, provided for the distribution by Consolidated of the common stock of Atlanta Gas Light Company ("Atlanta") to the public holders of Consolidated's $6 Cumulative Preferred Stock. In our order approving the plan, we reserved jurisdiction with respect to the reasonableness and allocation of fees, expenses and other remuneration in connection with the plan.

On August 25, 1948, we issued our memorandum findings, opinion and order releasing jurisdiction over certain fees and expenses in this matter except for the fees and expenses of the Protective Committee for Consolidated's $6 Cumulative Preferred Stock ("Committee") and its counsel, Central Public Utility Corporation, __ S. E. C. __ (1948), Holding Company Act Release No. 8468. The fees and expenses requested by this

Committee, its counsel and experts aggregate $38,140 and $2,573.91, respectively. At that time we said:

> • • • These fees are very large in relation to the fees sought by the others in the proceeding except for counsel to Central Public whose role was of course of a very different and more comprehensive nature. We have been unable to discern in the record, to date, what, if any, benefits have resulted from the participation of the Committee and its counsel and are not in a position to approve the requested amount or, indeed, any amount, without a further showing. We shall accordingly retain our jurisdiction with respect to their fees and disbursements while releasing it as to the others.

Subsequent to this decision, we had occasion to consider in broad outline our policy with respect to allowances to committees participating in Section 11 (e) reorganization. In New England Power Association, __ S. E. C. __ (1948), Holding Company Act Release No. 8751, we stated:

> If such committees are duly organized and function diligently and in good faith, and not merely for the purposes of obstruction or to obtain compensation, we think they are entitled to compensation out of the estate for their reasonable fees and expenses. It may be that, however faithful and capable their representation, the plan will have been approved without substantial alteration. In such case, if the service rendered was only exploratory or "watchdog" service and did not effect any substantial change in the plan, the fee allowance would of course be quite modest, and the time and effort expended efficiently and in good faith would be the principal criteria. • • • As to protective committees duly organized and efficiently and properly functioning, reasonable fees and expenses will be allowed out of the estate whether or not we can point to any particular provision of the approved plan as directly due to their participation.

The Committee and its counsel thereafter reduced their original request and have agreed to accept the sum of $7,500 as a fee for their services plus expenses. On April 14, 1955, Central Public advised us that it consents to the issuance of an order approving the payment of not more than $7,500 as a fee and $2,573.91 for expenses in full satisfaction of the claim of the Committee, its counsel and experts for services rendered in this proceeding.

We have reconsidered the applicants' claim in the light of the full record and our announced policy in this regard. We believe that applicants' services and the compensation presently requested fall within the intendment of our decision in the New England Power Association case referred to above.

Accordingly, it is ordered, That the payment by Central Public to the Committee and its counsel and experts of $7,500 and $2,573.91 as a fee and expenses, respectively, be, and the same hereby is, approved and the jurisdiction heretofore reserved herein with respect thereto be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4155; Filed, May 20, 1955; 8:47 a. m.]

[File No. 54-209]

STANDARD POWER AND LIGHT CORP.

SUPPLEMENTAL ORDER WITH RESPECT TO FEES

MAY 17, 1955.

Wellerstein & Rosier, and Seibert & Riggs, counsel for Standard Power and Light Corporation ("Power"), a registered holding company, having on April 14, 1955 filed applications for approval of fees of $20,000 and $10,500, respectively, for legal services rendered by said firms in the above-entitled proceeding relating to Power's plan, dated January 22, 1953, filed under section 11 (e) of the Public Utility Holding Company Act of 1935 and involving the retirement of Power's then outstanding $7 Preferred stock; and

The Commission having heretofore approved said plan by orders dated May 18, June 3 and June 26, 1953 (Holding Company Act Release Nos. 11921, 11967 and 12024) subject to the condition that only such fees and expenses in connection with said plan and the transactions incident thereto shall be paid by Power as the Commission may approve on appropriate application made to it; and

The Commission having reviewed the record with respect to said applications and being of the opinion that the amounts requested are reasonable and are for necessary services and that an order should be entered approving the payment thereof:

It is ordered, That said applications hereby are approved and the jurisdiction heretofore reserved herein with respect thereto be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4156; Filed, May 20, 1955; 8:47 a. m.]

[File No. 70-3371]

BROCKTON EDISON CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING

MAY 17, 1955.

Brockton Edison Company ("Brockton"), a public-utility subsidiary of Eastern Utilities Associates, a registered holding company, has filed an application and amendments thereto with this Commission pursuant to sections 6 (b) and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 (b) (2) and U-50 thereunder with respect to the following proposed transactions:

Brockton proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $6,000,000 principal amount of First Mortgage and Collateral Trust Bonds, __ percent Series, due 1985. The bonds will be issued under an Indenture of First Mortgage and Deed of Trust, dated September 1, 1948, as last supplemented by a Second Supplemental Indenture, dated as of May 1, 1954, and to be further supplemented by a Supplemental Indenture to be dated June 1, 1955.

The interest rate on the bonds (which shall be a multiple of ⅛ of 1 percent) and the price to be paid the company (which shall be not less than the principal amount thereof and not more than 102¾ percent of such principal amount plus accrued interest) will be determined by competitive bidding. The proceeds from the sale of the bonds will be used to retire $4,100,000 principal amount of outstanding First Mortgage and Collateral Trust Bonds, 3⅝ percent Series, due 1983, to prepay without premium short-term promissory notes outstanding in the aggregate principal amount of $1,400,000, and to provide funds for the construction, completion and extension or improvement of Brockton's facilities.

The fees and expenses paid or to be paid by Brockton in connection with the issuance and sale of its mortgage bonds have been estimated by it to be as follows:

Filing fee, SEC	$630.00
Federal issue tax	6,600.00
Printing and engraving	17,700.00
Legal fees and expenses:	
Gaston, Snow, Rice & Boyd:	
Fee	4,500.00
Expenses	100.00
Keith, Reed & Wheatley:	
Fee	900.00
Expenses	
Fee for accounting services, Patterson, Teele & Dennis	1,200.00
Trustee's fee, including counsel fee of $1,750	4,600.00
Qualification of new bonds under Blue Sky Laws	1,500.00
Miscellaneous	1,770.00
Total	39,500.00

Ropes, Gray, Best, Coolidge & Rugg, independent counsel for the underwriters, have requested a fee of $4,000 for their services and have estimated their expenses at $100, such fees and expenses to be paid by the successful bidder.

The Department of Public Utilities of Massachusetts, the State commission of the State in which Brockton is organized and doing business, has authorized the issuance and sale of the bonds.

Brockton has requested that this Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of said application and a hearing not having been requested of or ordered by the Commission; the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4154; Filed, May 20, 1955; 8:47 a. m.]

[File No. 812-931]

ADAMS EXPRESS CO. AND AMERICAN INTERNATIONAL CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

MAY 17, 1955.

Notice is hereby given that The Adams Express Company ("Adams") and its majority owned subsidiary, American International Corporation ("American"), both registered, closed-end diversified companies, have filed a joint application pursuant to section 10 (f) and 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of sections 10 (f) and 17 (a) the proposed purchase by Adams or American or both from certain underwriters, as described below, of 3½ Percent Convertible Subordinate Debentures due May 15, 1975 of W. R. Grace & Co. ("Grace") which is to be publicly offered in the near future.

The application states that Grace proposes to issue and sell $30,000,000 of said debentures and that Adamex Securities Corporation ("Adamex") and Hallgarten & Co. will be among the principal underwriters of the debentures. Adamex, a wholly owned subsidiary of Adams, is primarily engaged in the business of underwriting and distributing securities issued by other persons. It is represented that Maurice Newton, a partner in Hallgarten & Co., is a member of the board of managers (similar to board of directors) of Adams and a member of the board of directors of American.

The application recites that Adams or American or both may determine to purchase some of the debentures to be offered, not to exceed in the case of Adams $300,000 principal amount and in the case of American, not to exceed $200,000 principal amount. It is further represented that such purchase may be made from Adamex or from Hallgarten & Co. or from any other underwriter of the debentures and will be at the public offering price of the debentures. The underwriter or underwriters selling the debentures to Adams or American will receive the same discounts or commissions in connection therewith as in the case of debentures sold to the general public.

It is further represented in the application that the decision by either applicant to purchase any of the debentures will be based upon the opinion of its management that such purchase at the public offering price will constitute a good investment for such applicant.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of an underwriting or selling syndicate any securities (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director or member of an advisory board of such registered investment company is an affiliate, unless the Commission by order upon application grants an exemption therefrom.

Section 17 (a) (1) of the act prohibits, among other things, an affiliated person of a registered investment company or an affiliated person of such a person, from selling any securities to such registered investment company, subject to certain exceptions not applicable here, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a).

Since Adams and American are affiliates of Adamex as defined in the act, and since Newton is an affiliated person as defined in the act, of Hallgarten & Co., the proposed transactions are subject to the provisions of sections 10 (f) and 17 (a).

Notice is further given that any interested person may, not later than May 31, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL DUBOIS, *Secretary.*

[F. R. Doc. 55-4152; Filed, May 20, 1955; 8:47 a. m.]

[File No. 70-3382]

MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF BANK LOAN NOTES

MAY 17, 1955.

Notice is hereby given that Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a non-utility subsidiary of American Natural Gas Company ("American Natural"), a registered holding company, has made a filing with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"). Michigan Wisconsin has designated the third sentence of section 6 (b) of the act as applicable to said filing.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the transaction proposed therein, which is summarized as follows:

Michigan Wisconsin proposes to enter into a credit agreement with four banks pursuant to which it would borrow, from time to time on and after July 1, 1955, sums aggregating up to $20,000,000 and to issue its notes maturing July 1, 1956 as evidence of such borrowings. The banks which are to be parties to the credit agreement and their respective commitments thereunder are as follows:

The First National City Bank of New York	$6,000,000
The Hanover Bank, New York	6,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa	6,000,000
National Bank of Detroit	2,000,000
Total	20,000,000

Said notes will bear interest at the prime interest rate prevailing at The First National City Bank of New York for commercial loans on the date of each borrowing. It is represented that the initial borrowing will be made on July 1, 1955, and that further borrowings may be made from time to time as required.

The proposed credit agreement will provide that the company shall pay as a commitment fee an amount equivalent to one-fourth of one percent per annum on the average daily unused balance of any amount not borrowed under the credit agreement from July 1, 1955, until the entire $20,000,000 shall have been taken down, except that the company may reduce the amount to be borrowed under the credit agreement at any time without penalty.

The proposed credit agreement will provide that the company shall have the right to prepay at any time without penalty, in amounts of $300,000 or multiples thereof, notes issued pursuant to the credit agreement, except that a prepayment premium of one-fourth of one percent will apply in case of prepayment from the proceeds of borrowings from banks other than those participating in the credit agreement.

The proceeds from the proposed note will be applied, to the extent necessary, to the retirement of $12,500,000 of presently outstanding notes due July 1, 1955, and the balance to interim financing of necessary construction pending the development of a permanent financing program for the American Natural system and integration of Michigan Wisconsin's financing proposals with those of said system.

Said application states that no State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 2, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by the application which he proposes to controvert, or he may request to be advised if a hearing should be held thereon. Any such request should be addressed: Secretary,

Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as it may hereafter be amended, may be granted pursuant to Rule U-23 of the rules and regulations promulgated under the act, or the transaction may be exempted as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4153; Filed, May 20, 1955; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

FILOMINA PIGNATELLO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Filomina Pignatello, Foggia, Italy, Claim No. 59638, Vesting Order No. 1542; $578.87 in the Treasury of the United States.

Executed at Washington, D. C., on May 16, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 55-4162; Filed, May 20, 1955; 8:49 a. m.]

Reference Room

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 20 NUMBER 101

Washington, Tuesday, May 24, 1955

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1955-56 MARKETING YEAR

ADDITIONAL COUNTIES FOR INCREASED DURUM WHEAT (CLASS II) ALLOTMENTS

The amendment herein is issued pursuant to and in accordance with Public Law 8, 84th Congress, for the purpose of adding to the list of counties previously designated for increased farm wheat acreage allotments for the production of Durum Wheat (Class II) the counties of Lewis and Clark, and Golden Valley in the State of Montana. Since Durum Wheat (Class II) producers in these two counties are currently preparing land and making plans for seeding wheat, it is imperative that they be notified of this amendment as soon as possible. Therefore, it is hereby found and determined that compliance with the notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and this amendment shall become effective upon filing of this document with the Director, Division of the Federal Register.

Section 728.529 is amended by adding in paragraph (b) in the list of counties in Montana the language "Lewis and Clark," following the language "Judith Basin," and adding the language "Golden Valley," following the language "Big Stone,".

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 334, 52 Stat. 53, as amended, Pub. Law 8, 84th Cong., 7 U. S. C. 1334)

Done at Washington, D. C., this 18th day of May 1955.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 55-4189; Filed, May 23, 1955; 8:49 a. m.]

[Amdt. 3]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR THE 1955 CROP

DELIVERY OF THE FARM MARKETING EXCESS TO THE SECRETARY

The purpose of this amendment is to correctly state the name of the advisory committee on foreign relief with which any relief organization must be registered in order to be eligible to receive excess wheat for shipment for relief overseas delivered by producers in satisfaction of penalties.

Since the only purpose of this amendment is to correctly state the name of the advisory committee on foreign relief, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date is unnecessary, and the amendment herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 728.583 (b) is amended by striking out in the last sentence thereof "Advisory Committee for Foreign Relief of the State Department" and substituting in lieu thereof "Advisory Committee on Voluntary Foreign Aid of the Foreign Operations Administration."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies 55 Stat. 203; 7 U. S. C. 1340)

Done at Washington, D. C., this 18th day of May 1955.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 55-4188; Filed, May 23, 1955; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6264]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

KNOMARK MANUFACTURING CO., INC.

Subpart—*Bribing customers' employees:* § 13.325 *To purchase or push donor's*

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Title 14: Parts 1–399 ($2.25)

Titles 22–23 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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goods. Subpart—*Cutting off competitors' or others' access to customers or market:* § 13.585 *Removing or substituting products;* § 13.587 *Selling competitive product at reduced or below cost price.* Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for Services or Facilities for Processing or Sale Under 2 (d): § 13.825 *Allowances for services or facilities;* [Discriminating in price, etc.] Furnishing Services or Facilities for Processing, Handling, Etc., Under 2 (e): § 13.830 *Furnishing services or facilities;* § 13.835 *"Demonstrators";* § 13.843 *Promotional enterprises.*[1] I. In or in connection with the sale of shoe polishes and related products or of any other related products, in commerce, as defined in the Clayton Act as amended: (A) Making or contracting to make any payment to or for the benefit of any customer unless a payment is offered to be made or otherwise made available to each of all other competing customers; (B) making or contracting to make, to or for the benefit of competing customers, any payments in amounts which are not determined by a percentage of dollar volume of purchases or by some other measurable basis; (C) making, or contracting to make, to or for the benefit of any customer, any payments in an amount equal to and determined by any percentage of dollar volume of purchases or of any other measurable base unless such a payment, in an amount equal to and determined by the same percentage of dollar volume, or of such other measurable base, as the case may be, is offered to be made or otherwise made available to each of all other competing customers; and (D) making, or contracting to make, to or for the benefit of any customer, any payment, unless such a payment is made available on proportionally equal terms to each of all other competing customers; and II, in or in said connection: (A) Discriminating between or among competing purchasers by furnishing any service or facility to any of them unless a service or facility is offered to be furnished or otherwise accorded to each of all of the others; (B) discriminating between or among competing purchasers by furnishing any service or facility without charge to any of them unless a service or facility is offered to be furnished or otherwise accorded without charge to each of all of the others; (C) discriminating between or among competing purchasers by furnishing them any service or facility in amounts which are not determined by a percentage or dollar volume of purchases or of some other measurable base; (D) discriminating between or among competing purchasers by furnishing any service or facility to any of them in amounts equal to and determined by any percentage of dollar volume of purchases or of any other measurable base unless such service or facility in an amount equal to and determined by the same percentage of dollar volume of purchases or of other measureable base, as the case may be, is offered to be furnished or otherwise made available to each of all of the others; and (E) discriminating between or among competing purchasers by furnishing any service or facility to them upon terms not accorded to all of them on proportionally equal terms; and III, in or in connection with the sale of shoe polishes and related products or of any other related products in commerce, as defined in the Federal Trade Commission Act, as amended: (A) Offering to buy or buying and taking over stocks of shoe polishes and related products sold and distributed by competitors to retail sellers; (B) offering to sell or selling shoe polishes and related products mentioned immediately in "(A)" above to jobbers at prices lower than the prices at which competitors ordinarily offer for sale and sell such products to jobbers; and (C) offering to give and making gifts of cash payments to buyers of its customers without the knowledge of such customers or employers of said buyers; prohibited, it being further provided, that "payment", as used in Part "I" of the order means the payment of anything of value as compensation, or in consideration for any services or facilities furnished by or through any customer of respondent in connection with his handling, offering for sale, or sale of products sold to him by respondent; and that "service or facility", as used in Part "II" of the order means any services or facilities connected with the handling, offering for sale, or sale of respondent's products by purchasers who bought them from respondent; and that "furnishing", as there used, means furnishing, contracting to furnish, or contributing to furnish.

[1] New.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 45, 13) [Cease and desist order, Knomark Manufacturing Company, Inc., Brooklyn, N. Y., Docket 6264, April 7, 1955]

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which charged respondent with violating sections 2 (d) and 2 (e) of the Clayton Act as amended by the Robinson-Patman Act, and with violating section 5 of the Federal Trade Commission Act; in connection with the offer and sale of shoe polishes and related products, including those sold under respondent's brand name "Esquire"; upon respondent's answer; and upon a stipulation which was entered into by counsel for the parties, appears of record, and provides for entry of a consent order.

By the terms of said stipulation, respondent admitted all of the jurisdictional allegations set forth in the complaint; stipulated that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance with such allegations; expressly waived a hearing before a hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission and all other and further procedures before the hearing examiner and the Commission to which respondent might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

By the terms of said stipulation, respondent also withdrew its answer, theretofore filed by it; agreed that the order to be set forth should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon; specifically waived any and all right, power, or privilege to challenge or contest the validity of said order; agreed that the stipulation, together with the complaint, should constitute the entire record in the matter; agreed that the complaint therein might be used in construing the terms of said order, which order might be altered, modified, or set aside in the manner provided by the statute for the orders of the Commission; and agreed that the stipulation was subject to approval in accordance with Rules V and XXII of the Commission's rules of practice and that said order should have no force and effect unless and until it became the order of the Commission; and said stipulation further provided that it was made for settlement purposes only and did not constitute an admission by the respondent that it had violated the law as alleged in the complaint.

Thereafter said hearing examiner made his initial decision in which he set forth the foregoing matters, and, on the basis thereof, concluded that the proceeding was in the public interest and in conformity with the action therein contemplated and agreed upon made his cease and desist order.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated April 7, 1955, became, on that date, pursuant to Rule XXII of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Knomark Manufacturing Company, Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of shoe polishes and related products or of any other related products, in commerce, as "commerce" is defined in the aforesaid Clayton Act as amended, do forthwith cease and desist from:

I. A. Making or contracting to make any payment to or for the benefit of any customer unless a payment is offered to be made or otherwise made available to each of all other competing customers.

B. Making or contracting to make, to or for the benefit of competing custo-

mers, any payments in amounts which are not determined by a percentage of dollar volume of purchases or by some other measurable basis.

C. Making, or contracting to make, to or for the benefit of any customer, any payments in an amount equal to and determined by any percentage of dollar volume of purchases or of any other measurable base unless such a payment, in an amount equal to and determined by the same percentage of dollar volume, or of such other measurable base, as the case may be, is offered to be made or otherwise made available to each of all other competing customers.

D. Making, or contracting to make, to or for the benefit of any customer, any payment, unless such a payment is made available on proportionally equal terms to each of all other competing customers.

As used in Part I of this order, "payment" means the payment of anything of value as compensation, or in consideration for any services or facilities furnished by or through any customer of respondent in connection with his handling, offering for sale or sale of products sold to him by respondent.

II. A. Discriminating between or among competing purchasers by furnishing any service or facility to any of them unless a service or facility is offered to be furnished or otherwise accorded to each of all of the others.

B. Discriminating between or among competing purchasers by furnishing any service or facility without charge to any of them unless a service or facility is offered to be furnished or otherwise accorded without charge to each of all of the others.

C. Discriminating between or among competing purchasers by furnishing them any service or facility in amounts which are not determined by a percentage of dollar volume of purchases or of some other measurable base.

D. Discriminating between or among competing purchasers by furnishing any service or facility to any of them in amounts equal to and determined by any percentage of dollar volume of purchases or of any other measurable base unless such service or facility in an amount equal to and determined by the same percentage of dollar volume of purchases or of such other measurable base, as the case may be, is offered to be furnished or otherwise made available to each of all of the others.

E. Discriminating between or among competing purchasers by furnishing any service or facility to them upon terms not accorded to all of them on proportionally equal terms.

As used in Part II of this order:

1. "Service or facility" means any services or facilities connected with the handling, offering for sale, or sale of respondent's products by purchasers who bought them from respondent.

2. "Furnishing" means furnishing, contracting to furnish, or contributing to furnish.

It is further ordered, That respondent Knomark Manufacturing Company, Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of shoe polishes and related products, or of any other related products in commerce as commerce is defined in the aforesaid Federal Trade Commission Act as amended, do further cease and desist from:

A. Offering to buy or buying and taking over stocks of shoe polishes and related products sold and distributed by competitors to retail sellers.

B. Offering to sell or selling shoe polishes and related products mentioned immediately in "A" above to jobbers at prices lower than the prices at which competitors ordinarily offer for sale and sell such products to jobbers.

C. Offering to give and making gifts of cash payments to buyers of its customers without the knowledge of such customers or employers of said buyers.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 7, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-4183; Filed, May 23, 1955; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

YORK RIVER, VIRGINIA

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.166 prescribing naval anchorages in the York River, Virginia, is hereby amended revoking the anchorage described in subparagraph (1) of paragraph (a), and revising the title of the section and designation of the remaining anchorage, as follows:

§ 202.166 *York River, Va., naval anchorage*—(a) *The anchorage grounds.* Between Yorktown and the Naval Mine Depot, beginning at latitude 37°15'34", longitude 76°31'25"; thence to latitude 37°15'25", longitude 76°31'39.5"; thence to latitude 37°16'21.5", longitude 76°-32'46"; thence to latitude 37°17'07.5", longitude 76°34'17"; thence to latitude 37°17'55", longitude 76°35'14.5"; thence to latitude 37°18'05", longitude 76°35'01"; thence to latitude 37°17'20", longitude 76°34'07"; thence to latitude 37°16'33.5", longitude 76°32'34", and thence to the point of beginning.

(b) *The regulations.* This anchorage is reserved for the exclusive use of naval vessels and except in cases of emergency, no other vessel shall anchor therein without permission from the local naval authorities, obtained through the Captain of the Port, Norfolk, Virginia. Movement of vessels through the anchorage will not be restricted.

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 207.128 prescribing naval mine service testing areas in the York River, Virginia, is hereby amended adding thereto a naval minesweeping practice area, a naval drill mine field area, and a restricted naval anchorage area, as follows:

§ 207.128 *York River, Va.; naval restricted areas*—(a) *The areas*—(1) *Naval mine service-testing area (prohibited).* A 300-foot square area whose northwesterly side is an extension of the southeasterly side of Pier No. 1, Naval Mine Depot, at approximately latitude 37°15'06", longitude 76°31'38".

(2) *Naval mine service-testing area (restricted).* A rectangular area adjacent to Pier No. 1, Naval Mine Depot, beginning at latitude 37°15'16", longitude 76°31'47"; thence to latitude 37°15'36", longitude 76°31'18"; thence to latitude 37°15'14", longitude 76°30'54", thence to latitude 37°14'56", longitude 76°31'22", and thence to the point of beginning.

(3) *Naval mine-sweeping practice area (restricted).* Between Tue Marshes Light and Yorktown, beginning at latitude 37°14'11"; longitude 76°30'15", thence to latitude 37°13'30", longitude 76°28'00", thence to latitude 37°13'47", longitude 76°25'12", thence to latitude 37°14'07", longitude 76°23'30"; thence to latitude 37°14'52", longitude 76°23'30"; thence to latitude 37°14'23", longitude 76°25'50"; thence to latitude 37°14'24", longitude 76°29'12"; thence to latitude 37°14'41", longitude 76°30'15"; and thence to the point of beginning.

NOTE: All vessels are warned that the Navy periodically conducts mine sweeping operations in this area. Mine sweepers with gear streamed have greatly reduced maneuverability, being unable to make sharp turns, stop, or back down, and have the right of way. All vessels must be alert to take timely action to avoid passing within 500 yards of any mine sweeper with gear streamed. The Commanding Officer, Naval Schools, Mine Warfare, Yorktown, Virginia, will insofar as possible regulate mine sweeping practice operations so as to cause minimum interference and delay to merchant vessels, upon 24 hours' advance notice from the agencies operating such vessels. The notice should give the approximate time of arrival, departure, or transit of such vessels to or from terminals on York River.

(4) *Naval drill mine field area (restricted).* An area within the naval mine sweeping practice are described in subparagraph (3) of this paragraph, beginning at latitude 37°14'23", longitude 76°28'20"; thence to latitude 37°13'52", longitude 76°28'20"; thence to latitude 37°13'52", longitude 76°26'00"; thence to latitude 37°14'00", longitude 76°25'50"; thence to latitude 37°14'23", longitude 76°25'50"; and thence to the point of beginning.

NOTE: Non-explosive drill mines are periodically laid in this area, during periods to be announced in advance in local "Notice to Mariners". Mine cases and recovery floats present a hazard to vessels for a period of 5 days after laying.

(5) *Naval anchorage area (restricted).* Between Tue Marshes Light and Yorktown, beginning at latitude 37°14'57", longitude 76°23'03.5", thence to latitude 37°14'27", longitude 76°23'03"; thence to latitude 37°13'54", longitude 76°25'39"; thence to latitude 37°13'42.5", longitude 76°27'40.5"; thence to latitude 37°14'11", longitude 76°29'11.5"; thence to latitude 37°14'23", longitude 76°29'11.5"; thence to latitude 37°14'22.5", longitude 76°25'43.5"; and thence to the point of beginning.

(b) *The regulations.* (1) All vessels other than naval craft are forbidden to enter the prohibited area described in paragraph (a) (1) of this section.

(2) Anchoring, trawling, dragging, and net fishing are prohibited in the area described in paragraph (a) (2) of this section.

(3) Except in case of emergency, no vessel shall anchor in the area described in paragraph (a) (3) of this section, without the permission of the Commanding Officer, Naval Schools, Mine Warfare, Yorktown, Virginia, and no vessel moving in the area shall pass within 500 yards of any minesweeper with gear streamed.

(4) No structures or obstacles such as fish traps, beacons, buoys, piles, or dolphins shall be placed in the area described in paragraph (a) (3) of this section without prior approval of the Commanding Officer, Naval Schools, Mine Warfare, Yorktown, Virginia.

(5) During periods announced in advance in local "Notice to Mariners", vessels with a draft of 10 feet or more when passing through the area described in paragraph (a) (4) of this section shall be confined to a channel 300 yards wide, the center line of which is marked by range lights located at latitude 37°13'35", longitude 76°29'16", and latitude 37°13'31.5", longitude 76°29'36". Trawling or dragging in the drill mine field area during announced periods is prohibited.

(6) The naval anchorage described in paragraph (a) (5) of this section is reserved for the exclusive use of naval vessels and except in cases of emergency no other vessel shall anchor therein without the permission of the Commanding Officer, Naval Schools, Mine Warfare, Yorktown, Virginia. Whenever the area is being used as a naval anchorage, movement of vessels through the anchorage will not be restricted.

(7) The regulations of this section shall be enforced by the Commanding Officer, Naval Schools, Mine Warfare, Yorktown, Virginia, and such agencies as he may designate.

[Regs., 3 May 1955, 800.212, 800.2121 (York River, Va.)—ENGWO] (38 Stat. 1053, 40 Stat. 266, 892; 33 U. S. C. 1, 3, 471)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-4175; Filed, May 23, 1955; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 115]

PART 608—RESTRICTED AREAS

GUERNSEY, WYO., TEMPORARY AREA

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.58, a Guernsey, Wyoming, temporary area is added to read:

Name and location	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
GUERNSEY (Casper Chart).	Beginning at latitude 42°28'00", longitude 104°50'00"; thence to latitude 42°28'00", longitude 104°50'00"; thence to latitude 42°20'00", longitude 104°44'00"; thence to latitude 42°18'00", longitude 104°44'00"; thence to latitude 42°18'00", longitude 104°50'30"; thence to latitude 42°22'00", longitude 104°53'30"; thence to point of beginning.	16,000 feet mean sea level.	Daily 0800 to 2200 June 13 to June 25, 1955, inclusive.	Wyoming National Guard.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 13, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-4176; Filed, May 23, 1955; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter I—Transport

PART 632—CHARTER AND REDELIVERY OF VESSELS

PART 633—TRANSPORTATION OF INDIVIDUALS

REVOCATION OF SECTIONS

1. In Part 632 the following sections are revoked:

§ 632.14 *General.*
§ 632.15 *Letter of notification.*
§ 632.16 *Prompt redelivery.*
§ 632.17 *Notification of redelivery.*
§ 632.18 *Inventory board.*
§ 632.19 *Board of survey.*

2. In Part 633, the following sections are revoked:

§ 633.1 *Dependents.*
§ 633.2 *Applicants for enlistment, and recruits.*
§ 633.3 *Civilian witness before military courts; not in Government employ.*
§ 633.4 *Enlisted persons, upon retirement.*
§ 633.5 *Enlisted personnel upon discharge or relief or release from active duty.*
§ 633.5a *Cadets discharged from United States Military Academy.*
§ 633.5b *Military personnel separated from active service under conditions other than honorable.*
§ 633.7 *Checkable personal baggage.*
§ 633.8 *Transportation of household goods.*
§ 633.15 *Sleeping car and similar accommodations.*

[Cir. 310-16, April 12, 1955; AR 55-50, April 15, 1955; AR 55-112, January 24, 1952; Joint Travel Regulations, December 22, 1950] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-4174; Filed, May 23, 1955; 8:46 a. m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

COMMISSIONED OFFICERS

A new paragraph (e) is added to § 1101.2, as follows:

§ 1101.2 *Appointment.* • • •

(e) *Appointment of individuals drawing disability compensation from the United States.* (1) Applicants for appointment who are drawing disability compensation from the United States Government are eligible for Federal recognization in the National Guard, providing they are otherwise qualified and provided further that they waive, in advance, for the fiscal year, that portion of their disability compensation pay for the days for which they receive Federal pay for services of the federally recognized National Guard.

(2) Each applicant will be advised that it is his responsibility to preclude dual payment to him of compensation from the Veterans Administration and Federal pay for his services in the National Guard for the same period of time, including armory drills, field training and other inactive or active duty for training.

[C2, NGR 20-1, February 18, 1955] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-4173; Filed, May 23, 1955; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Amdt. 3, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP CORN RESEAL LOAN PROGRAM

STORAGE PAYMENT

The regulations issued by the Commodity Credit Corporation and Commodity Stabilization Service, published in 18 F. R. 5359 and 6983 and 19 F. R. 1595, 2712, 5591, and 6809 and containing the specific requirements for the 1953-Crop Corn Reseal Loan Program, are hereby amended as follows:

Section 421.72 (a) (1) (i) is amended to correct a typographical error in the date contained therein so that the amended subparagraph (1) reads as follows:

§ 421.72 *Storage and track-loading payments*—(a) *Storage payment.* • • •

(1) Storage payment for full reseal period: A storage payment computed at the rate of 15 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1955, (ii) delivers corn to CCC on or after July 31, 1955, or (iii) delivers corn to CCC prior to July 31, 1955, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC if the corn was not damaged or otherwise impaired due to negligence on the part of the producer.

Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 19th day of May 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4207; Filed, May 23, 1955; 8:52 a. m.]

[1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1955-crop of barley. The 1955, C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1955 is supplemented as follows:

Sec.
421.1076 Purpose.
421.1077 Availability of price support.
421.1078 Eligible barley.
421.1079 Warehouse receipts.
421.1080 Determination of quantity.
421.1081 Determination of quality.
421.1082 Maturity of loans.
421.1083 Support rates.
421.1084 Warehouse charges.
421.1085 Settlement.

AUTHORITY: §§ 421.1076 to 421.1085 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714, 7 U. S. C. 1447, 1421.

§ 421.1076 *Purpose.* Sections 421.1076 to 421.1085 state additional specific regulations which, together with the general regulations contained in the 1955 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1001 to 421.1021), apply to loans and purchase agreements under the 1955-Crop Barley Price Support Program.

§ 421.1077 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever barley is grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that barley cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1956, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and whenever applicable a State, political subdivision of a State, or any agency thereof, producing barley in 1955, as landowner, landlord, tenant, or sharecropper.

§ 421.1078 *Eligible barley.* At the time the barley is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The barley must have been produced in the continental United States in 1955 by an eligible producer.

(b) (1) The beneficial interest in the barley must be in the person tendering the barley for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the barley was harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the barley was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The barley must be of any class grading No. 4 or better (or No. 4 Carlicky or better), except that Class III Western Barley shall have a test weight of not less than 40 pounds per bushel.

(d) Barley grading Tough, Weevily, Stained, Blighted, Bleached, Ergoty or Smutty shall not be eligible, except that barley represented by warehouse receipts grading Tough will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that barley grading "Tough" has been processed at the request of the eligible producer, and delivery will be made of eligible barley not grading "Tough," and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

(e) If offered as security for a farm-storage loan, the barley must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

§ 421.1079 *Warehouse receipts.* Warehouse receipts representing barley in approved warehouse-storage to be placed under a loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the barley is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show: (i) Gross weight or bushels, (ii) class, (iii) grade (including special grades), (iv) test weight, (v) dockage, and (vi) any other grading factor(s) when such factor(s) and not test weight determine the grade. The warehouse receipt or the supplemental certificate must show whether the barley arrived by rail, truck or barge. In the case of warehouse receipts issued for barley delivered by rail or barge, the grading factors on the warehouse receipts must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(2) If the warehouseman has processed the barley as provided in § 421.1078 (d), the supplemental certificate must show the numerical grade and the grading factors changed because of the barley being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade and class of barley.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1084.

(e) Warehouse receipts representing barley which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be a part of the supplemental certificate.

§ 421.1080 *Determination of quantity.* (a) The quantity of barley placed under farm-storage loan may be determined either by weight or by measurement. The quantity of barley placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 48 pounds, of clean barley free of dockage. In determining the quantity of sacked barley by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 48-pound barley:

For barley testing:	Percent
48 pounds or over	100
47 pounds or over, but less than 48 pounds	98
46 pounds or over, but less than 47 pounds	96
45 pounds or over, but less than 46 pounds	94
44 pounds or over, but less than 45 pounds	92
43 pounds or over, but less than 44 pounds	90
42 pounds or over, but less than 43 pounds	88
41 pounds or over, but less than 42 pounds	85
40 pounds or over, but less than 41 pounds	83

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the barley in determining the net quantity available for loan or purchase.

§ 421.1081 *Determination of quality.* The grade, class, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Barley, whether or not such determinations are made on the basis of an official inspection.

§ 421.1082 *Maturity of loans.* Loans mature on demand but not later than February 29, 1956, in the States of Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than April 30, 1956, in all other States. The maturity date for a loan shall be the maturity date for the State where the barley is stored.

§ 421.1083 *Support rates.* Basic support rates for barley placed under loan and for barley delivered under purchase agreement are set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for barley of the Classes I, II, and III grading No. 2 or better, and stored in approved warehouses at the terminal markets listed below are as follows:

Terminal markets:	Rate per bushel
Albany, N. Y.	$1.24
Astoria, Oreg.	1.20
Baltimore, Md.	1.24
Chicago, Ill.	1.17
Duluth, Minn.	1.14
Galveston, Tex.	1.21
Houston, Tex.	1.21
Kansas City, Mo.	1.13
Longview, Wash.	1.20
Los Angeles, Calif.	1.19
Memphis, Tenn.	1.17
Milwaukee, Wis.	1.17
Minneapolis, Minn.	1.14
New Orleans, La.	1.21
New York, N. Y.	1.24
Norfolk, Va.	1.24
Oakland, Calif.	1.19
Omaha, Nebr.	1.13
Philadelphia, Pa.	1.24
Portland, Oreg.	1.20
Saint Joseph, Mo.	1.13
Saint Louis, Mo.	1.17
San Francisco, Calif.	1.19
Seattle, Wash.	1.20
Sioux City, Iowa	1.13
Stockton, Calif.	1.19
Superior, Wis.	1.14
Tacoma, Wash.	1.20
Vancouver, Wash.	1.20

(2) Barley eligible for loan or purchase at the support rates shown in the above schedule must have been shipped on a domestic interstate freight rate basis. On any barley shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for designated terminal markets apply to barley which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided,* That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) When shipped by rail or water and stored at any designated terminal market, barley for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 7 cents per bushel.

(5) When received by truck and stored at any designated terminal market, the support rate shall be the terminal rate minus 10½ cents per bushel.

(b) *Support rates for barley in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for barley stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through freight rate from point of origin for such barley to such terminal market: *Provided,* That on any barley shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such barley to the point of storage: *And provided further,* That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing barley in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 421.1079.

(c) *Basic county support rates.* (1) The following basic county support rates per bushel are established for barley of the Classes I, II, and III grading No. 2 or better. Farm-storage loans and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section, will be based on the support rate established for the county in which the barley is stored:

If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestice interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	Rate per bushel
All counties	$1.01

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$0.70	Mohave	$0.80
Cochise	.87	Navajo	.70
Coconino	.70	Pima	.91
Gila	.70	Pinal	1.01
Graham	.77	Santa Cruz	.88
Greenlee	.68	Yavapai	.83
Maricopa	1.01	Yuma	1.04

ARKANSAS

County	Rate per bushel
All counties	$0.93

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$1.09	Sacramento	$1.06
Amador	1.04	San Benito	1.06
Butte	1.02	San Bernardino	1.06
Colusa	1.03	San Diego	1.04
Contra Costa	1.09	San Joaquin	1.07
El Dorado	1.02	San Luis Obispo	1.02
Fresno	1.03	San Mateo	1.09
Glenn	1.02	Santa Barbara	1.03
Imperial	1.02	Santa Clara	1.08
Kern	1.03	Santa Cruz	1.05
Kings	1.03	Shasta	.98
Lake	1.04	Sierra	.92
Lassen	.91	Siskiyou	.92
Los Angeles	1.08	Solano	1.08
Madera	1.04	Stanislaus	1.06
Merced	1.06	Sutter	1.04
Modoc	.89	Tehama	1.01
Monterey	1.05	Tulare	1.03
Napa	1.08	Ventura	1.07
Orange	1.07	Yolo	1.06
Placer	1.05	Yuba	1.05
Plumas	.92		
Riverside	1.06		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$0.85	Kit Carson	$0.87
Alamosa	.78	La Plata	.72
Arapahoe	.85	Larimer	.85
Archuleta	.72	Las Animas	.85
Baca	.86	Lincoln	.85
Bent	.86	Logan	.85
Boulder	.85	Mesa	.72
Chaffee	.75	Moffat	.72
Cheyenne	.87	Montezuma	.64
Conejos	.77	Montrose	.72
Costilla	.78	Morgan	.85
Crowley	.85	Otero	.85
Custer	.81	Ouray	.72
Delta	.72	Phillips	.87
Denver	.85	Pitkin	.72
Dolores	.58	Prowers	.87
Douglas	.85	Pueblo	.85
Eagle	.72	Rio Blanco	.72
Elbert	.85	Rio Grande	.77
El Paso	.85	Routt	.72
Fremont	.82	Saguache	.77
Garfield	.72	San Miguel	.60
Grand	.75	Sedgwick	.87
Gunnison	.72	Summit	.75
Huerfano	.84	Washington	.85
Jackson	.50	Weld	.85
Jefferson	.85	Yuma	.86
Kiowa	.86		

CONNECTICUT

County	Rate per bushel
All counties	$1.05

DELAWARE

County	Rate per bushel
All counties	$1.05

FLORIDA

County	Rate per bushel
All counties	$1.07

GEORGIA

County	Rate per bushel
All counties	$1.07

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$0.86	Bear Lake	$0.79
Adams	.84	Benewah	.93
Bannock	.78	Bingham	.77
Blaine	.80	Jefferson	.77
Boise	.86	Jerome	.82
Bonner	.92	Kootenai	.93
Bonneville	.77	Latah	.93
Boundary	.90	Lemhi	.76
Butte	.77	Lewis	.91
Camas	.80	Lincoln	.81
Canyon	.87	Madison	.77
Caribou	.79	Minidoka	.81
Cassia	.80	Nez Perce	.93
Clark	.75	Oneida	.77
Clearwater	.93	Owyhee	.86
Custer	.77	Payette	.88
Elmore	.85	Power	.79
Franklin	.77	Shoshone	.91
Fremont	.77	Teton	.77
Gem	.87	Twin Falls	.79
Gooding	.83	Valley	.85
Idaho	.92	Washington	.88

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$0.99	Lee	$1.01
Alexander	1.01	Livingston	1.01
Bond	1.02	Logan	1.01
Boone	1.02	McHenry	1.03
Brown	.99	McLean	1.01
Bureau	1.01	Macoupin	1.03
Calhoun	1.01	Madison	1.03
Carroll	1.00	Marion	1.01
Cass	1.01	Marshall	1.01
Champaign	1.01	Mason	1.01
Christian	1.01	Massac	1.00
Clay	1.01	Mercer	.99
Clinton	1.03	Monroe	1.02
Cook	1.04	Montgomery	1.01
Crawford	.99	Morgan	1.01
Cumberland	1.01	Moultrie	1.01
De Kalb	1.03	Ogle	1.01
De Witt	1.01	Peoria	1.01
Douglas	1.01	Perry	1.01
Du Page	1.04	Pike	1.00
Edgar	1.01	Pope	.97
Edwards	.99	Pulaski	1.01
Effingham	1.01	Putnam	1.01
Fayette	1.01	Randolph	1.01
Ford	1.01	Richland	1.00
Franklin	1.01	Rock Island	.99
Fulton	1.00	Saint Clair	1.03
Gallatin	.97	Saline	.97
Greene	1.02	Sangamon	1.01
Grundy	1.02	Schuyler	1.00
Hamilton	1.00	Scott	1.01
Hancock	.98	Shelby	1.01
Henry	1.00	Stark	1.01
Iroquois	1.01	Stephenson	1.00
Jackson	1.01	Tazewell	1.01
Jasper	1.00	Union	1.01
Jefferson	1.01	Vermilion	1.01
Jersey	1.03	Wabash	.98
Jo Daviess	1.00	Warren	.99
Johnson	.96	Washington	1.01
Kane	1.03	Wayne	.99
Kankakee	1.03	White	.98
Kendall	1.03	Whiteside	1.00
Knox	1.00	Will	1.04
Lake	1.04	Williamson	1.01
La Salle	1.02	Winnebago	1.00
Lawrence	1.00	Woodford	1.01

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$0.97	Franklin	$0.95
Allen	.98	Fulton	1.00
Bartholomew	.96	Gibson	1.00
Benton	1.03	Grant	.99
Boone	.98	Greene	1.00
Carroll	1.01	Hamilton	.99
Cass	1.00	Hancock	.97
Clark	.97	Harrison	.93
Clay	1.02	Hendricks	.99
Crawford	.94	Henry	.98
Daviess	.97	Huntington	.98
Dearborn	.94	Jackson	.97
De Kalb	.98	Jasper	1.04
Delaware	.97	Jefferson	1.00
Dubois	.94	Jennings	.97
Elkhart	.99	Johnson	.99
Fayette	.96	Knox	1.00
Floyd	1.00	Kosciusko	.99
Lagrange	$0.98	Randolph	$0.98
Lake	1.04	Ripley	.94
La Porte	1.03	Rush	.96
Lawrence	.99	Saint Joseph	1.00
Madison	.98	Scott	1.00
Marion	.98	Shelby	.96
Marshall	1.00	Spencer	.90
Martin	.95	Starke	1.03
Miami	1.00	Steuben	.98
Monroe	1.01	Sullivan	1.02
Montgomery	1.01	Switzerland	.94
Morgan	1.01	Tippecanoe	1.01
Noble	.98	Tipton	.99
Ohio	.94	Union	.96
Orange	1.00	Vanderburgh	1.02
Owen	1.00	Vermillion	1.03
Parke	.98	Wabash	.99
Perry	.90	Warrick	.93
Pike	.95	Washington	1.00
Porter	1.04	Wayne	.98
Posey	1.02	Wells	.97
Pulaski	1.03	White	1.03
Putnam	1.00	Whitley	.99

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$0.97	Jefferson	$0.96
Adams	.98	Johnson	.97
Allamakee	.95	Jones	.98
Appanoose	.97	Keokuk	.95
Audubon	.98	Kossuth	.95
Benton	.97	Lee	.98
Black Hawk	.95	Linn	.97
Boone	.96	Louisa	.98
Bremer	.95	Lucas	.95
Buchanan	.96	Lyon	.95
Buena Vista	.95	Madison	.95
Butler	.95	Mahaska	.95
Calhoun	.96	Marion	.95
Carroll	.98	Marshall	.95
Cass	.97	Mills	1.00
Cedar	.98	Mitchell	.96
Cerro Gordo	.96	Monona	.99
Cherokee	.96	Monroe	.96
Chickasaw	.95	Montgomery	.99
Clarke	.96	Muscatine	.98
Clay	.95	O'Brien	.98
Clayton	.96	Osceola	.95
Clinton	.99	Page	.99
Crawford	.98	Palo Alto	.95
Dallas	.96	Plymouth	.97
Davis	.97	Pocahontas	.95
Decatur	.94	Polk	.95
Delaware	.97	Pottawattamie	1.00
Des Moines	.98	Poweshiek	.95
Dickinson	.95	Ringgold	.95
Dubuque	.98	Sac	.96
Emmet	.96	Scott	.99
Fayette	.96	Shelby	.99
Floyd	.96	Sioux	.96
Franklin	.95	Story	.95
Fremont	1.00	Tama	.95
Greene	.96	Taylor	.97
Grundy	.95	Union	.97
Guthrie	.97	Van Buren	.97
Hamilton	.95	Wapello	.96
Hancock	.96	Warren	.95
Hardin	.94	Washington	.97
Harrison	1.00	Wayne	.95
Henry	.97	Webster	.95
Howard	.96	Winnebago	.96
Humboldt	.95	Winneshiek	.95
Ida	.97	Woodbury	.97
Iowa	.96	Worth	.96
Jackson	.99	Wright	.95
Jasper	.94		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$0.97	Cheyenne	$0.88
Anderson	.97	Clark	.89
Atchison	.99	Clay	.94
Barber	.92	Cloud	.94
Barton	.92	Coffey	.97
Bourbon	.97	Comanche	.90
Brown	.97	Cowley	.93
Butler	.93	Crawford	.97
Chase	.95	Decatur	.90
Chautauqua	.95	Dickinson	.93
Cherokee	.96	Doniphan	.97

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Douglas	$0.99	Morton	$0.86
Edwards	.92	Nemaha	.97
Elk	.95	Neosho	.97
Ellis	.92	Ness	.91
Ellsworth	.93	Norton	.92
Finney	.89	Osage	.97
Ford	.91	Osborne	.93
Franklin	.99	Ottawa	.93
Geary	.95	Pawnee	.92
Gove	.90	Phillips	.92
Graham	.91	Pottawatomie	.97
Grant	.88	Pratt	.92
Gray	.90	Rawlins	.89
Greeley	.88	Reno	.93
Greenwood	.95	Republic	.94
Hamilton	.88	Rice	.93
Harper	.93	Riley	.96
Harvey	.93	Rooks	.92
Haskell	.89	Rush	.92
Hodgeman	.91	Russell	.92
Jackson	.97	Saline	.93
Jefferson	.99	Scott	.89
Jewell	.93	Sedgwick	.93
Johnson	.99	Seward	.88
Kearny	.88	Shawnee	.97
Kingman	.93	Sheridan	.90
Kiowa	.92	Sherman	.88
Labette	.96	Smith	.93
Lane	.90	Stafford	.92
Leavenworth	.99	Stanton	.88
Lincoln	.93	Stevens	.88
Linn	.97	Sumner	.93
Logan	.89	Thomas	.89
Lyon	.96	Trego	.91
McPherson	.93	Wabaunsee	.96
Marion	.93	Wallace	.88
Marshall	.96	Washington	.95
Meade	.89	Wichita	.88
Miami	.99	Wilson	.96
Mitchell	.93	Woodson	.97
Montgomery	.96	Wyandotte	.99
Morris	.95		

KENTUCKY

County	Rate per bushel
All counties	$0.99

LOUISIANA

County	Rate per bushel
All counties	$0.92

MAINE

County	Rate per bushel
All counties	$1.05

MARYLAND

County	Rate per bushel
All counties	$1.05

MASSACHUSETTS

County	Rate per bushel
All counties	$1.05

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.87	Gartiot	$0.96
Alger	.91	Hillsdale	.97
Allegan	.97	Houghton	.90
Alpena	.87	Huron	.92
Antrim	.88	Ingham	.97
Arenac	.91	Ionia	.96
Baraga	.93	Iosco	.88
Barry	.97	Iron	.92
Bay	.95	Isabella	.94
Benzie	.95	Jackson	.97
Berrien	.99	Kalamazoo	.99
Branch	.97	Kalkaska	.88
Calhoun	.97	Kent	.96
Cass	.99	Lake	.92
Charlevoix	.87	Lapeer	.96
Cheboygan	.86	Leelanau	.88
Chippewa	.88	Lenawee	.96
Clare	.95	Livingston	.97
Clinton	.96	Luce	.88
Crawford	.88	Mackinac	.88
Delta	.93	Macomb	.96
Dickinson	.93	Manistee	.92
Eaton	.97	Marquette	.92
Emmet	.87	Mason	.92
Genesee	.96	Mecosta	.92
Gladwin	.93	Menominee	.94
Gogebic	.95	Midland	.95
Grand Traverse	.90	Missaukee	.92
		Monroe	.97

MICHIGAN—Continued

County	Rate per bushel	County	Rate per bushel
Montcalm	$0.95	Roscommon	$0.93
Monmorency	.86	Saginaw	.96
Muskegon	.94	Saint Clair	.96
Newaygo	.94	Saint Joseph	.99
Oakland	.96	Sanilac	.94
Oceana	.92	Schoolcraft	.88
Ogemaw	.93	Shiawassee	.96
Ontonagon	.91	Tuscola	.93
Osceola	.93	Van Buren	.98
Oscoda	.93	Washtenaw	.97
Otsego	.87	Wayne	.97
Ottawa	.97	Wexford	.92
Presque Isle	.86		

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.99	Martin	$0.96
Anoka	1.01	Meeker	1.00
Becker	.95	Mille Lacs	1.00
Beltrami	.95	Morrison	.98
Benton	.99	Mower	.97
Big Stone	.95	Murray	.96
Blue Earth	.98	Nicollet	.99
Brown	.98	Nobles	.95
Carlton	1.00	Norman	.94
Carver	1.01	Olmsted	.98
Cass	.97	Otter Tail	.96
Chippewa	.97	Pennington	.93
Chisago	1.00	Pine	.99
Clay	.94	Pipestone	.95
Clearwater	.95	Polk	.93
Cottonwood	.97	Pope	.97
Crow Wing	.98	Ramsey	1.02
Dakota	1.01	Red Lake	.94
Dodge	.98	Redwood	.97
Douglas	.97	Renville	.98
Faribault	.96	Rice	1.00
Fillmore	.96	Rock	.94
Freeborn	.98	Roseau	.92
Goodhue	.99	Saint Louis	.98
Grant	.96	Scott	1.01
Hennepin	1.02	Sherburne	1.00
Houston	.96	Sibley	.99
Hubbard	.96	Stearns	.99
Isanti	1.00	Steele	.98
Itasca	.98	Stevens	.97
Jackson	.95	Swift	.97
Kanabec	.99	Todd	.97
Kandiyohi	.99	Traverse	.95
Kittson	.91	Wabasha	.99
Koochiching	.92	Wadena	.97
Lac Qui Parle	.96	Waseca	.98
Lake of the Woods	.93	Washington	1.01
Le Sueur	1.00	Watonwan	.97
Lincoln	.96	Wilkin	.95
Lyon	.96	Winona	.98
McLeod	1.00	Wright	1.00
Mahnomen	.94	Yellow Medicine	.97
Marshall	.92		

MISSISSIPPI

County	Rate per bushel
All counties	$1.01

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.98	Clay	$1.00
Andrew	.98	Cole	.99
Audrain	1.00	Cooper	.98
Barry	.95	Crawford	1.01
Barton	.97	Dade	.96
Bates	.99	Dallas	.95
Benton	.97	Daviess	.98
Bollinger	1.00	De Kalb	.98
Boone	.99	Dent	.99
Buchanan	.99	Douglas	.93
Butler	.98	Dunklin	.96
Caldwell	.98	Franklin	1.03
Callaway	1.00	Gasconade	1.01
Camden	.97	Gentry	.97
Cape Girardeau	.99	Greene	.95
Carroll	.98	Harrison	.96
Carter	.92	Henry	.99
Cass	.99	Hickory	.97
Cedar	.99	Holt	.97
Charlton	.98	Howard	.99
Christian	.95	Howell	.92
Jackson	$1.00	Phelps	$1.00
Jasper	.96	Pike	1.00
Jefferson	1.04	Platte	1.00
Johnson	.98	Polk	.96
Knox	.98	Pulaski	.93
Laclede	.97	Putnam	.95
Lafayette	.99	Ralls	1.00
Lawrence	.95	Randolph	.99
Lewis	.99	Ray	.99
Lincoln	1.03	Reynolds	.98
Linn	.97	Ripley	.97
Livingston	.98	Saint Charles	1.05
McDonald	.95	Saint Clair	.98
Macon	.98	Saint Francois	1.01
Madison	1.00	Sainte Genevieve	1.01
Marion	1.00	Saint Louis	1.05
Miller	.98	Saline	.98
Mississippi	.97	Scotland	.98
Moniteau	.98	Scott	.93
Monroe	.99	Shannon	.92
Montgomery	1.01	Stoddard	.93
Morgan	.97	Stone	.94
New Madrid	.97	Taney	.93
Newton	.95	Texas	.93
Nodaway	.97	Vernon	.97
Oregon	.92	Warren	1.03
Osage	.99	Washington	1.01
Ozark	.93	Wayne	.99
Pemiscot	.97	Webster	.95
Perry	1.01	Worth	.96
Pettis	.97	Wright	.93

MONTANA

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.73	Madison	$0.81
Big Horn	.74	Meagher	.81
Blaine	.76	Mineral	.84
Broadwater	.81	Missoula	.83
Carbon	.78	Musselshell	.80
Carter	.81	Park	.81
Cascade	.81	Petroleum	.81
Chouteau	.81	Phillips	.76
Custer	.80	Pondera	.81
Daniels	.78	Powder River	.79
Dawson	.81	Powell	.81
Deer Lodge	.81	Prairie	.80
Fallon	.81	Ravalli	.82
Fergus	.81	Richland	.81
Flathead	.84	Roosevelt	.81
Gallatin	.81	Rosebud	.77
Garfield	.79	Sanders	.85
Glacier	.82	Sheridan	.80
Golden Valley	.80	Silver Bow	.81
Granite	.82	Stillwater	.80
Hill	.81	Sweet Grass	.80
Jefferson	.81	Teton	.81
Judith Basin	.81	Toole	.81
Lake	.84	Treasure	.76
Lewis and Clark	.81	Valley	.78
Liberty	.81	Wheatland	.81
Lincoln	.86	Wibaux	.82
McCone	.79	Yellowstone	.80

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$0.95	Dawes	$0.86
Antelope	.95	Dawson	.93
Arthur	.89	Deuel	.88
Banner	.85	Dixon	.97
Blaine	.92	Dodge	.99
Boone	.97	Douglas	.99
Box Butte	.88	Dundy	.89
Boyd	.93	Fillmore	.96
Brown	.91	Franklin	.94
Buffalo	.95	Frontier	.92
Burt	.99	Furnas	.92
Butler	.99	Gage	.98
Cass	.99	Garden	.88
Cedar	.95	Garfield	.94
Chase	.89	Gosper	.93
Cherry	.90	Grant	.89
Cheyenne	.86	Greeley	.96
Clay	.95	Hall	.96
Colfax	.99	Hamilton	.96
Cuming	.99	Harlan	.93
Custer	.93	Hayes	.89
Dakota	.97	Hitchcock	.90

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Holt	$0.94	Pierce	$0.96
Hooker	.90	Platte	.98
Howard	.96	Polk	.97
Jefferson	.97	Red Willow	.91
Johnson	.98	Richardson	.97
Kearney	.94	Rock	.92
Keith	.89	Saline	.98
Keya Paha	.92	Sarpy	.99
Kimball	.85	Saunders	.99
Knox	.94	Scotts Bluff	.86
Lancaster	.99	Seward	.99
Lincoln	.91	Sheridan	.88
Logan	.92	Sherman	.95
Loup	.94	Sioux	.85
McPherson	.90	Stanton	.97
Madison	.97	Thayer	.96
Merrick	.97	Thomas	.91
Morrill	.87	Thurston	.98
Nance	.97	Valley	.94
Nemaha	.98	Washington	.99
Nuckolls	.95	Wayne	.96
Otoe	.99	Webster	.94
Pawnee	.97	Wheeler	.96
Perkins	.89	York	.97
Phelps	.93		

NEVADA

All counties $0.90

NEW HAMPSHIRE

All counties $1.05

NEW JERSEY

All counties $1.05

NEW MEXICO

County	Rate per bushel	County	Rate per bushel
Bernalillo	$0.78	Mora	$0.78
Catron	.72	Otero	.80
Chaves	.86	Quay	.87
Colfax	.80	Rio Arriba	.72
Curry	.89	Roosevelt	.87
De Baca	.85	Sandoval	.78
Dona Ana	.78	San Juan	.57
Eddy	.85	San Miguel	.78
Grant	.68	Santa Fe	.76
Guadalupe	.82	Sierra	.78
Harding	.84	Socorro	.78
Hidalgo	.68	Taos	.77
Lea	.88	Torrance	.80
Lincoln	.80	Union	.86
Luna	.68	Valencia	.75
McKinley	.68		

NEW YORK

All counties $1.05

NORTH CAROLINA

All counties $1.05

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.85	McLean	$0.87
Barnes	.92	Mercer	.86
Benson	.89	Morton	.87
Billings	.85	Mountrail	.88
Bottineau	.86	Nelson	.91
Bowman	.84	Oliver	.87
Burke	.86	Pembina	.90
Burleigh	.89	Pierce	.89
Cass	.93	Ramsey	.90
Cavalier	.89	Ransom	.92
Dickey	.92	Renville	.86
Divide	.84	Richland	.94
Dunn	.85	Rolette	.88
Eddy	.90	Sargent	.93
Emmons	.88	Sheridan	.89
Foster	.91	Sioux	.87
Golden Valley	.83	Slope	.83
Grand Forks	.92	Stark	.86
Grant	.86	Steele	.92
Griggs	.92	Stutsman	.91
Hettinger	.86	Towner	.89
Kidder	.90	Traill	.92
La Moure	.91	Walsh	.91
Logan	.90	Ward	.86
McHenry	.88	Wells	.90
McIntosh	.89	Williams	.85
McKenzie	.83		

OHIO

County	Rate per bushel	County	Rate per bushel
Adams	$0.96	Lawrence	$0.96
Allen	.97	Licking	.98
Ashland	.98	Logan	.96
Ashtabula	1.00	Lorain	.98
Athens	.97	Lucas	.97
Auglaize	.97	Madison	.96
Belmont	.98	Mahoning	1.00
Brown	.96	Marion	.97
Butler	.96	Medina	.98
Carroll	.98	Meigs	.96
Champaign	.96	Mercer	.97
Clark	.96	Miami	.97
Clermont	.96	Montgomery	.98
Clinton	.96	Morgan	.98
Columbiana	.99	Morrow	.97
Coshocton	.98	Muskingum	.98
Crawford	.97	Noble	.98
Cuyahoga	.98	Ottawa	.97
Darke	.97	Paulding	.97
Defiance	.97	Perry	.97
Delaware	.97	Pickaway	.97
Erie	.97	Portage	.98
Fairfield	.97	Preble	.98
Fayette	.96	Putnam	.97
Franklin	.97	Richland	.98
Fulton	.96	Ross	.96
Gallia	.96	Sandusky	.97
Geauga	1.00	Scioto	.96
Greene	.96	Seneca	.97
Guernsey	.98	Shelby	.97
Hamilton	.96	Stark	.98
Hancock	.97	Summit	.98
Hardin	.97	Trumbull	1.00
Harrison	.98	Tuscarawas	.98
Henry	.97	Union	.97
Highland	.96	Van Wert	.97
Hocking	.97	Vinton	.97
Holmes	.98	Warren	.96
Huron	.97	Washington	.98
Jackson	.96	Wayne	.98
Jefferson	.99	Williams	.97
Knox	.98	Wood	.97
Lake	.99	Wyandot	.97

OKLAHOMA

County	Rate per bushel	County	Rate per bushel
Adair	$0.92	Le Flore	$0.88
Alfalfa	.91	Lincoln	.88
Atoka	.86	Logan	.89
Beaver	.86	Love	.86
Beckham	.86	McClain	.86
Blaine	.87	McIntosh	.91
Bryan	.86	Major	.88
Caddo	.86	Marshall	.86
Canadian	.86	Mayes	.94
Carter	.86	Murray	.86
Cherokee	.93	Muskogee	.92
Cimarron	.85	Noble	.91
Cleveland	.86	Nowata	.96
Coal	.86	Okfuskee	.89
Comanche	.86	Oklahoma	.86
Cotton	.86	Okmulgee	.92
Craig	.96	Osage	.93
Custer	.86	Ottawa	.95
Delaware	.95	Pawnee	.92
Dewey	.86	Payne	.89
Ellis	.86	Pittsburg	.88
Garfield	.91	Pontotoc	.86
Garvin	.86	Pottawatomie	.86
Grady	.86	Roger Mills	.86
Grant	.91	Rogers	.94
Greer	.86	Sequoyah	.91
Harmon	.86	Stephens	.86
Harper	.88	Texas	.85
Haskell	.90	Tillman	.86
Hughes	.89	Tulsa	.94
Jackson	.86	Wagoner	.93
Jefferson	.86	Washington	.95
Johnston	.86	Washita	.86
Kay	.92	Woods	.91
Kingfisher	.88	Woodward	.87
Kiowa	.86		

OREGON

County	Rate per bushel	County	Rate per bushel
Baker	$0.92	Crook	$1.04
Benton	1.05	Deschutes	1.04
Clackamas	1.07	Douglas	.99
Clatsop	1.04	Gilliam	1.05
Columbia	1.06	Grant	1.04
Coos	.98	Harney	.83

OREGON—Continued

County	Rate per bushel	County	Rate per bushel
Hood River	$1.08	Multnomah	$1.09
Jackson	.94	Polk	1.06
Jefferson	1.05	Sherman	1.06
Josephine	.95	Umatilla	.99
Klamath	.94	Union	.92
Lake	.86	Wallowa	.92
Lane	1.03	Wasco	1.08
Linn	1.05	Washington	1.09
Malheur	.87	Wheeler	1.04
Marion	1.07	Yamhill	1.08
Morrow	1.04		

PENNSYLVANIA

All counties $1.05

RHODE ISLAND

All counties $1.05

SOUTH CAROLINA

All counties $1.05

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.92	Jackson	$0.85
Beadle	.93	Jerauld	.92
Bennett	.88	Jones	.87
Bon Homme	.94	Kingsbury	.94
Brookings	.95	Lake	.94
Brown	.93	Lawrence	.83
Brule	.91	Lincoln	.05
Buffalo	.92	Lyman	.89
Butte	.83	McCook	.94
Campbell	.89	McPherson	.91
Charles Mix	.93	Marshall	.93
Clark	.94	Meade	.83
Clay	.96	Mellette	.90
Codington	.94	Miner	.93
Corson	.87	Minnehaha	.94
Custer	.85	Moody	.94
Davison	.93	Pennington	.84
Day	.93	Perkins	.85
Deuel	.95	Potter	.90
Dewey	.86	Roberts	.94
Douglas	.93	Sanborn	.92
Edmunds	.91	Shannon	.88
Fall River	.85	Spink	.93
Faulk	.92	Stanley	.89
Grant	.95	Sully	.89
Gregory	.93	Todd	.90
Haakon	.86	Tripp	.91
Hamlin	.94	Turner	.95
Hand	.92	Union	.97
Hanson	.93	Walworth	.89
Harding	.85	Washabaugh	.85
Hughes	.90	Yankton	.95
Hutchinson	.94	Ziebach	.85
Hyde	.91		

TENNESSEE

All counties $1.01

TEXAS

County	Rate per bushel	County	Rate per bushel
Anderson	$1.02	Cass	$0.94
Archer	.90	Castro	.90
Armstrong	.90	Chambers	1.06
Atascosa	.96	Cherokee	1.02
Austin	1.09	Childress	.90
Bailey	.90	Clay	.91
Bandera	.95	Cochran	.90
Baylor	.90	Coke	.90
Bee	.99	Coleman	.94
Bell	1.01	Collin	.95
Bexar	.97	Collingsworth	.90
Blanco	1.00	Comal	1.00
Borden	.90	Comanche	.94
Bosque	.97	Concho	.93
Bowie	.94	Cooke	.94
Brazoria	1.10	Coryell	.99
Brazos	1.07	Cottle	.90
Brewster	.84	Crane	.87
Briscoe	.90	Crockett	.88
Brown	.94	Crosby	.90
Burleson	1.06	Dallam	.86
Burnet	.97	Dallas	.96
Callahan	.91	Dawson	.90
Cameron	.88	Deaf Smith	.90
Camp	.96	Delta	.94
Carson	.90	Denton	.95

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
De Witt	$1.03	Martin	$0.89
Dickens	.90	Mason	.94
Donley	.90	Medina	.97
Eastland	.94	Menard	.93
Ector	.88	Midland	.88
Edwards	.89	Milam	1.04
Ellis	.97	Mills	.96
El Paso	.84	Mitchell	.90
Erath	.94	Montague	.91
Falls	1.02	Montgomery	1.09
Fannin	.94	Moore	.88
Fayette	1.06	Morris	.95
Fisher	.90	Motley	.90
Floyd	.90	Nacogdoches	1.03
Foard	.90	Navarro	.99
Fort Bend	1.10	Newton	1.03
Franklin	.94	Nolan	.90
Freestone	1.01	Ochiltree	.88
Gaines	.90	Oldham	.90
Garza	.90	Orange	1.07
Gillespie	.94	Palo Pinto	.94
Goliad	1.02	Panola	.99
Gonzales	1.03	Parker	.95
Gray	.90	Parmer	.90
Grayson	.94	Pecos	.85
Gregg	.97	Polk	1.08
Grimes	1.08	Potter	.90
Guadalupe	1.00	Presidio	.84
Hale	.90	Rains	.96
Hall	.90	Randall	.90
Hamilton	.96	Reagan	.88
Hansford	.87	Red River	.92
Hardeman	.90	Reeves	.85
Hardin	1.07	Roberts	.88
Harris	1.10	Robertson	1.04
Harrison	.96	Rockwall	.96
Hartley	.88	Runnels	.90
Haskell	.90	Rusk	.97
Hays	1.01	Sabine	1.00
Hemphill	.88	San Augustine	1.00
Henderson	.97	San Jacinto	1.09
Hidalgo	.89	San Saba	.96
Hill	.97	Schleicher	.88
Hockley	.90	Scurry	.90
Hood	.95	Schackelford	.90
Hopkins	.94	Shelby	1.01
Houston	1.05	Sherman	.87
Howard	.90	Smith	.98
Hudspeth	.84	Somervell	.95
Hunt	.95	Starr	.85
Hutchinson	.88	Stephens	.90
Irion	.88	Sterling	.88
Jack	.93	Stonewall	.90
Jackson	1.06	Sutton	.88
Jasper	1.05	Swisher	.90
Jeff Davis	.84	Tarrant	.96
Jefferson	1.08	Taylor	.90
Jim Wells	.96	Terrell	.84
Johnson	.96	Terry	.90
Jones	.90	Throckmorton	.90
Karnes	1.00	Titus	.95
Kaufman	.98	Tom Green	.90
Kendall	.94	Travis	1.01
Kenedy	.94	Trinity	1.07
Kent	.90	Tyler	1.05
Kerr	.94	Upshur	.96
Kimble	.94	Upton	.86
King	.90	Uvalde	.92
Kinney	.89	Val Verde	.85
Knox	.90	Van Zandt	.96
Lamar	.93	Victoria	1.04
Lamb	.90	Walker	1.08
Lampasas	.96	Waller	1.09
Leon	1.04	Ward	.87
Liberty	1.09	Washington	1.08
Limestone	1.02	Wharton	1.08
Lipscomb	.88	Wheeler	.90
Live Oak	.96	Wichita	.90
Llano	.98	Wilbarger	.90
Loving	.85	Willacy	.90
Lubbock	.90	Williamson	1.02
Lynn	.90	Wilson	.99
McCulloch	.94	Winkler	.88
McLennan	1.00	Wise	.94
Madison	1.07	Wood	.96
Marion	.96	Young	.90

UTAH

All counties $0.83

VERMONT

All counties $1.05

VIRGINIA

All counties $1.05

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.94	Lewis	$1.04
Asotin	.93	Lincoln	.94
Benton	1.00	Mason	1.00
Chelan	.93	Okanogan	.90
Clallam	.85	Pacific	1.00
Clark	1.09	Pend Oreille	.92
Columbia	.98	Pierce	1.01
Cowlitz	1.07	San Juan	.97
Douglas	.92	Skagit	.97
Ferry	.88	Skamania	1.08
Franklin	.97	Snohomish	.98
Garfield	.98	Spokane	.94
Grant	.94	Stevens	.91
Grays Harbor	1.02	Thurston	1.02
Island	.98	Walla Walla	.99
Jefferson	.85	Whatcom	.96
King	1.00	Whitman	.94
Kittitas	.99	Yakima	.99
Klickitat	1.06		

WEST VIRGINIA

All counties $1.02

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.97	Marathon	$0.95
Ashland	.97	Marinette	.94
Barron	.97	Marquette	.97
Bayfield	.97	Milwaukee	1.04
Brown	.97	Monroe	.97
Buffalo	.98	Oconto	.96
Burnett	1.00	Oneida	.94
Calumet	.98	Outagamie	.98
Chippewa	.97	Ozaukee	1.00
Clark	.95	Pepin	.98
Columbia	.98	Pierce	1.00
Crawford	.96	Polk	1.00
Dane	.99	Portage	.96
Dodge	.99	Price	.95
Door	.95	Racine	1.04
Douglas	1.00	Richland	.97
Dunn	.98	Rock	1.00
Eau Claire	.98	Rusk	.97
Florence	.94	Saint Crcix	1.00
Fond du Lac	.99	Sauk	.98
Forest	.94	Sawyer	.97
Grant	.97	Shawano	.96
Green	.99	Sheboygan	.99
Green Lake	.98	Taylor	.95
Iowa	.97	Trempealeau	.96
Iron	.95	Vernon	.96
Jackson	.96	Vilas	.92
Jefferson	1.00	Walworth	1.01
Juneau	.97	Washburn	.98
Kenosha	1.04	Washington	1.00
Kewaunee	.96	Waukesha	1.00
La Crosse	.96	Waupaca	.97
Lafayette	.93	Waushara	.97
Langlade	.95	Winnebago	.98
Lincoln	.94	Wood	.96
Manitowoc	.98		

WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	$0.74	Campbell	$0.79
Big Horn	.74	Carbon	.72

WYOMING—Continued

County	Rate per bushel	County	Rate per bushel
Converse	$0.79	Park	$0.73
Crook	.80	Platte	.83
Fremont	.70	Sheridan	.77
Goshen	.85	Sublette	.72
Hot Springs	.74	Sweetwater	.72
Johnson	.77	Teton	.77
Laramie	.85	Uinta	.73
Lincoln	.72	Washakie	.74
Natrona	.75	Weston	.82
Niobrara	.83		

(2) Where the State Committee determines that State or district weed control laws affect the barley crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this paragraph. If upon delivery of the barley to CCC the producer supplies a certificate indicating that the barley complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(d) *Discounts.* The discount for barley which grades No. 3 shall be 3 cents per bushel, and for No. 4, 6 cents per bushel. The support rates for "mixed barley" (Class IV) shall be 2 cents per bushel less than the support rates for barley of the Classes I, II, and III. In addition to any other applicable discounts, a discount of 10 cents per bushel shall be applied to barley grading "Garlicky".

§ 421.1084 *Warehouse charges.* (a) Warehouse receipts and the barley represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing barley stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 29, 1956, or April 30, 1956, the applicable date to be determined in accordance with § 421.1082, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through February 29, 1956, or April 30, 1956, the applicable date to be determined in accordance with § 421.1082:

Amount of deduction (cents per bushel)	For States having a maturity date not later than April 30, 1956; date of deposit (all dates inclusive)	For States having a maturity date not later than Feb. 29, 1956; date of deposit (all dates inclusive)
15	Prior to May 27, 1955	
14	May 27–June 25, 1955	
13	June 26–July 25, 1955	Prior to May 26, 1955.
12	July 26–Aug. 24, 1955	May 26–June 24, 1955.
11	Aug. 25–Sept. 23, 1955	June 25–July 24, 1955.
10	Sept. 24–Oct. 13, 1955	July 25–Aug. 13, 1955.
9	Oct. 14–Nov. 2, 1955	Aug. 14–Sept. 2, 1955.
8	Nov. 3–Nov. 22, 1955	Sept. 3–Sept. 22, 1955.
7	Nov. 23–Dec. 12, 1955	Sept. 23–Oct. 12, 1955.
6	Dec. 13, 1955–Jan. 1, 1956	Oct. 13–Nov. 1, 1955.
5	Jan. 2–Jan. 21, 1956	Nov. 2–Nov. 21, 1955.
4	Jan. 22–Feb. 10, 1956	Nov. 22–Dec. 11, 1955.
3	Feb. 11–Mar. 1, 1956	Dec. 12–Dec. 31, 1955.
2	Mar. 2–Mar. 21, 1956	Jan. 1–Jan. 20, 1956.
1	Mar. 22–Apr. 30, 1956	Jan. 21–Feb. 29, 1956.

(b) Warehouse receipts and the barley represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through February 29, 1956, or April 30, 1956, whichever date is applicable, to the point of storage as determined in accordance with § 421.1082, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1085 *Settlement*—(a) *Settlement value.* (1) In the case of eligible barley delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1083 and 421.1018 (e). The support rate shall be for the grade and quality of the total quantity of barley eligible for delivery. If, upon delivery, the barley under farm-storage loan is of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality of the barley placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the barley delivered, as determined by CCC: *Provided, however,* That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(2) In the case of eligible barley delivered to CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1083 and 421.1018 (e).

(b) *Storage deduction for early delivery.* Whenever farm-stored barley under loan or purchase agreement is delivered to CCC prior to the loan maturity date for the State, a deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges (§ 421.1084) except that no such deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the barley will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on barley under loan or purchase agreement, stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the barley to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on barley delivered to CCC on track at a country point.

Issued this 18th day of May 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4171; Filed, May 23, 1955; 8:46 a. m.]

[1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for 1955 crop oats. The 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1955 is supplemented as follows:

Sec.
421.1276 Purpose.
421.1277 Availability of price support.
421.1278 Eligible oats.
421.1279 Warehouse receipts.
421.1280 Determination of quantity.
421.1281 Determination of quality.
421.1282 Maturity of loans.
421.1283 Support rates.
421.1284 Warehouse charges.
421.1285 Settlement.

AUTHORITY: §§ 421.1276 to 421.1285 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 62 Stat. 1053; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421.

§ 421.1276 *Purpose.* Sections 421.1276 to 421.1285 state additional specific requirements which, together with the general regulations contained in the 1955 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1001 to 421.1021), apply to loans and purchase agreements under the 1955 Crop Oats Price Support Program.

§ 421.1277 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever oats are grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that oats cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1956, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing oats in 1955 as landowner, landlord, tenant, or sharecropper.

§ 421.1278 *Eligible oats.* At the time the oats are placed under loan or delivered under a purchase agreement, the oats must meet the following requirements:

(a) The oats must have been produced in the continental United States in 1955 by an eligible producer.

(b) (1) The beneficial interest in the oats must be in the eligible producer tendering the oats for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the oats were harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the oats were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The oats must grade No. 3 or better. Feed oats and mixed feed oats will not be eligible.

(d) Oats grading Tough, Weevily, Smutty, Ergoty, Garlicky, Bleached or Thin, or oats otherwise of low quality will not be eligible, except that oats represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that "Oats grading Tough have been processed at the request of the eligible producer, and delivery will be made of the same country run quality, quantity and grade, not Tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt."

(e) If offered as security for a farm-storage loan, the oats must have been stored in the granary at least 30 days prior to their inspection for measurement, sampling and sealing, unless otherwise approved by the State committee.

§ 421.1279 *Warehouse receipts.* Warehouse receipts representing oats in approved warehouse-storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement, which indicate that the oats are insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipts must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, and (5) any other grading factor(s) when such factor(s) and not test weight determine the grade.

(c) A separate warehouse receipt must be submitted for each grade of oats.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1284.

(e) If the warehouseman has processed the oats as provided in § 421.1278 (d), the supplemental certificate must show the numerical grade and the grading factors changed because of the oats being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

§ 421.1280 *Determination of quantity.* (a) The quantity of oats placed under farm-storage loan may be determined either by weight or by measurement. The quantity of oats placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 32 pounds of oats. In determining the quantity of sacked oats by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) When the quantity of oats is determined by measurement, a bushel shall be 1.25 cubic feet of oats testing 32 pounds per bushel. The quantity so determined shall be adjusted for test weight by applying the applicable percentage as shown in the following table.

For oats testing:	Percent
40 pounds or over	125
39 pounds or over, but less than 40 pounds	121
38 pounds or over, but less than 39 pounds	118
37 pounds or over, but less than 38 pounds	115
36 pounds or over, but less than 37 pounds	112
35 pounds or over, but less than 36 pounds	109
34 pounds or over, but less than 35 pounds	106
33 pounds or over, but less than 34 pounds	103
32 pounds or over, but less than 33 pounds	100
31 pounds or over, but less than 32 pounds	96
30 pounds or over, but less than 31 pounds	93
29 pounds or over, but less than 30 pounds	90
28 pounds or over, but less than 29 pounds	87
27 pounds or over, but less than 28 pounds	84

(d) Since the percentage of dockage is not a grade factor in the case of oats, the quantity of oats will be determined without reference to dockage.

§ 421.1281 *Determination of quality.* The grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Oats, whether or not such determinations are made on the basis of an official inspection.

§ 421.1282 *Maturity of loans.* Loans mature on demand but not later than February 29, 1956, on oats stored in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia, and not later than April 30, 1956, on oats stored in all other States.

§ 421.1283 *Support rates.* (a) Loans will be made, and oats delivered under purchase agreements will be purchased at the support rates set forth in this section. Both farm-storage and warehouse-storage loans will be based on the support rate established for the county in which the oats are produced. Support rates per bushel for oats grading No. 3 or better, are set forth below:

ALABAMA	
County	Rate per bushel
All counties	$0.78

ARIZONA	
All counties	$0.78

ARKANSAS	
All counties	$0.72

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$0.80	Madera	$0.78
Alpine	.76	Marin	.80
Amador	.77	Mariposa	.78
Butte	.76	Mendocino	.77
Calaveras	.77	Merced	.78
Colusa	.77	Modoc	.70
Contra Costa	.80	Mono	.77
Del Norte	.75	Monterey	.78
El Dorado	.76	Napa	.79
Fresno	.78	Nevada	.73
Glenn	.76	Orange	.79
Humboldt	.77	Placer	.75
Imperial	.78	Plumas	.73
Inyo	.78	Riverside	.78
Kern	.78	Sacramento	.77
Kings	.78	San Benito	.78
Lake	.77	San Bernardino	.78
Lassen	.73	San Diego	.78
Los Angeles	.80		

CALIFORNIA—Continued

County	Rate per bushel	County	Rate per bushel
San Francisco	$0.80	Solano	$0.80
San Joaquin	.79	Sonoma	.79
San Luis Obispo	.78	Stanislaus	.79
San Mateo	.80	Sutter	.77
Santa Barbara	.78	Tehama	.75
Santa Clara	.80	Trinity	.77
Santa Cruz	.79	Tulare	.78
Shasta	.73	Tuolumne	.77
Sierra	.73	Ventura	.79
Siskiyou	.70	Yolo	.78
		Yuba	.76

COLORADO	
All counties	$0.63

CONNECTICUT	
All counties	$0.71

DELAWARE	
All counties	$0.72

FLORIDA	
All counties	$0.82

GEORGIA	
All counties	$0.78

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$0.64	Gem	$0.64
Adams	.62	Gooding	.63
Bannock	.62	Idaho	.61
Bear Lake	.62	Jefferson	.60
Benewah	.63	Jerome	.63
Bingham	.60	Kootenai	.63
Blaine	.62	Latah	.64
Boise	.64	Lemhi	.61
Bonner	.61	Lewis	.63
Bonneville	.60	Lincoln	.63
Boundary	.61	Madison	.60
Butte	.62	Minidoka	.63
Camas	.63	Nez Perce	.64
Canyon	.64	Onelda	.62
Caribou	.61	Owyhee	.64
Cassia	.63	Payette	.64
Clark	.60	Power	.62
Clearwater	.63	Shoshone	.61
Custer	.62	Teton	.60
Elmore	.64	Twin Falls	.63
Franklin	.62	Valley	.62
Fremont	.60	Washington	.63

ILLINOIS

Adams	$0.61	Henry	$0.61
Alexander	.64	Iroquois	.61
Bond	.62	Jackson	.64
Boone	.61	Jasper	.63
Brown	.61	Jefferson	.64
Bureau	.61	Jersey	.62
Calhoun	.62	Jo Daviess	.61
Carroll	.61	Johnson	.64
Cass	.61	Kane	.61
Champaign	.61	Kankakee	.61
Christian	.61	Kendall	.61
Clark	.62	Knox	.61
Clay	.63	Lake	.62
Clinton	.63	La Salle	.61
Coles	.61	Lawrence	.63
Cook	.63	Lee	.61
Crawford	.63	Livingston	.61
Cumberland	.62	Logan	.61
DeKalb	.61	McDonough	.61
De Witt	.61	McHenry	.61
Douglas	.61	McLean	.61
Du Page	.61	Macon	.61
Edgar	.61	Macoupin	.62
Edwards	.64	Madison	.63
Effingham	.62	Marion	.63
Fayette	.62	Marshall	.61
Ford	.61	Mason	.61
Franklin	.64	Massac	.64
Fulton	.61	Menard	.61
Gallatin	.65	Mercer	.61
Greene	.62	Monroe	.64
Grundy	.61	Montgomery	.62
Hamilton	.64	Morgan	.61
Hancock	.61	Moultrie	.61
Hardin	.65	Ogle	.61
Henderson	.61	Peoria	.61

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Perry	$0.64	Stark	$0.61
Piatt	.61	Stephenson	.61
Pike	.61	Tazewell	.61
Pope	.65	Union	.64
Pulaski	.64	Vermilion	.61
Putnam	.61	Wabash	.64
Randolph	.64	Warren	.61
Richland	.63	Washington	.64
Rock Island	.61	Wayne	.64
Saint Clair	.64	White	.64
Saline	.65	Whiteside	.61
Sangamon	.61	Will	.62
Schuyler	.61	Williamson	.64
Scott	.61	Winnebago	.61
Shelby	.61	Woodford	.61

INDIANA

Adams	$0.62	Lawrence	$0.64
Allen	.62	Madison	.62
Bartholomew	.63	Marion	.62
Benton	.61	Marshall	.62
Blackford	.62	Martin	.64
Boone	.62	Miami	.62
Brown	.64	Monroe	.64
Carroll	.62	Montgomery	.62
Cass	.62	Morgan	.62
Clark	.64	Newton	.61
Clay	.62	Noble	.62
Clinton	.62	Ohio	.65
Crawford	.64	Orange	.64
Daviess	.64	Owen	.62
Dearborn	.65	Parke	.61
Decatur	.63	Perry	.64
De Kalb	.62	Pike	.64
Delaware	.62	Porter	.62
Dubois	.64	Posey	.64
Elkhart	.63	Pulaski	.62
Fayette	.62	Putnam	.62
Floyd	.64	Randolph	.62
Fountain	.61	Ripley	.65
Franklin	.64	Rush	.62
Fulton	.62	Saint Joseph	.63
Gibson	.64	Scott	.65
Grant	.62	Shelby	.62
Greene	.64	Spencer	.64
Hamilton	.62	Starke	.62
Hancock	.62	Steuben	.63
Harrison	.64	Sullivan	.63
Hendricks	.62	Switzerland	.65
Henry	.62	Tippecanoe	.62
Howard	.62	Tipton	.62
Huntington	.62	Union	.62
Jackson	.64	Vanderburgh	.64
Jasper	.61	Vermillion	.61
Jay	.62	Vigo	.62
Jefferson	.65	Wabash	.62
Jennings	.65	Warren	.61
Johnson	.62	Warrick	.64
Knox	.64	Washington	.64
Kosciusko	.62	Wayne	.62
Lagrange	.63	Wells	.62
Lake	.62	White	.62
La Porte	.63	Whitley	.62

IOWA

Adair	$0.60	Crawford	$0.58
Adams	.60	Dallas	.59
Allamakee	.61	Davis	.61
Appanoose	.60	Decatur	.60
Audubon	.59	Delaware	.61
Benton	.60	Des Moines	.61
Black Hawk	.60	Dickinson	.58
Boone	.59	Dubuque	.61
Bremer	.60	Emmet	.58
Buchanan	.60	Fayette	.61
Buena Vista	.59	Floyd	.59
Butler	.59	Franklin	.59
Calhoun	.59	Fremont	.60
Carroll	.59	Greene	.59
Cass	.60	Grundy	.59
Cedar	.61	Guthrie	.59
Cerro Gordo	.59	Hamilton	.59
Cherokee	.58	Hancock	.59
Chickasaw	.60	Hardin	.59
Clarke	.60	Harrison	.59
Clay	.59	Henry	.61
Clayton	.61	Howard	.60
Clinton	.61	Humboldt	.59

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Ida	$0.58	Palo Alto	$0.59
Iowa	.60	Plymouth	.58
Jackson	.61	Pocahontas	.59
Jasper	.59	Polk	.59
Jefferson	.61	Pottawattamie	.60
Johnson	.61	Poweshiek	.59
Jones	.61	Ringgold	.60
Keokuk	.60	Sac	.59
Kossuth	.59	Scott	.61
Lee	.61	Shelby	.59
Linn	.61	Sioux	.57
Louisa	.61	Story	.59
Lucas	.60	Tama	.59
Lyon	.57	Taylor	.60
Madison	.60	Union	.60
Mahaska	.60	Van Buren	.61
Marion	.60	Wapello	.60
Marshall	.59	Warren	.60
Mills	.60	Washington	.61
Mitchell	.59	Wayne	.60
Monona	.58	Webster	.59
Monroe	.60	Winnebago	.59
Montgomery	.60	Winneshiek	.61
Muscatine	.61	Woodbury	.58
O'Brien	.58	Worth	.59
Osceola	.57	Wright	.59
Page	.60		

KANSAS

Allen	$0.63	Linn	$0.63
Anderson	.63	Logan	.64
Atchison	.63	Lyon	.63
Barber	.66	McPherson	.64
Barton	.64	Marion	.64
Bourbon	.64	Marshall	.62
Brown	.62	Meade	.66
Butler	.65	Miami	.63
Chase	.64	Mitchell	.62
Chautauqua	.65	Montgomery	.65
Cherokee	.65	Morris	.63
Cheyenne	.63	Morton	.66
Clark	.66	Nemaha	.62
Clay	.62	Neosho	.64
Cloud	.62	Ness	.64
Coffey	.63	Norton	.62
Comanche	.66	Osage	.63
Cowley	.65	Osborne	.62
Crawford	.64	Ottawa	.62
Decatur	.62	Pawnee	.64
Dickinson	.63	Phillips	.61
Doniphan	.63	Pottawatomie	.62
Douglas	.63	Pratt	.65
Edwards	.64	Rawlins	.63
Elk	.64	Reno	.64
Ellis	.63	Republic	.61
Ellsworth	.63	Rice	.64
Finney	.65	Riley	.62
Ford	.65	Rooks	.62
Franklin	.63	Rush	.64
Geary	.63	Russell	.63
Gove	.64	Saline	.63
Graham	.63	Scott	.64
Grant	.65	Sedgwick	.65
Gray	.65	Seward	.66
Greeley	.64	Shawnee	.63
Greenwood	.64	Sheridan	.63
Hamilton	.65	Sherman	.63
Harper	.66	Smith	.61
Harvey	.64	Stafford	.64
Haskell	.65	Stanton	.65
Hodgeman	.64	Stevens	.66
Jackson	.63	Sumner	.66
Jefferson	.63	Thomas	.63
Jewell	.61	Trego	.63
Johnson	.64	Wabaunsee	.63
Kearny	.65	Wallace	.64
Kingman	.65	Washington	.61
Kiowa	.65	Wichita	.64
Labette	.65	Wilson	.64
Lane	.64	Woodson	.63
Leavenworth	.64	Wyandotte	.64
Lincoln	.62		

KENTUCKY

All counties	$0.73

LOUISIANA

All counties	$0.76

MAINE

All counties	$0.71

MARYLAND

All counties	$0.72

MASSACHUSETTS

All counties	$0.71

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$0.62	Keweenaw	$0.63
Alger	.64	Lake	.64
Allegan	.64	Lapeer	.62
Alpena	.62	Leelanau	.63
Antrim	.63	Lenawee	.63
Arenac	.62	Livingston	.63
Baraga	.63	Luce	.64
Barry	.64	Mackinac	.64
Bay	.62	Macomb	.63
Benzie	.63	Manistee	.64
Berrien	.63	Marquette	.63
Branch	.63	Mason	.64
Calhoun	.63	Mecosta	.63
Cass	.63	Menominee	.63
Charlevoix	.63	Midland	.62
Cheboygan	.63	Missaukee	.63
Chippewa	.64	Monroe	.63
Clare	.63	Montcalm	.63
Clinton	.63	Montmorency	.62
Crawford	.62	Muskegon	.64
Delta	.63	Newaygo	.64
Dickinson	.63	Oakland	.63
Eaton	.63	Oceana	.64
Emmet	.63	Ogemaw	.62
Genesee	.62	Ontonagon	.63
Gladwin	.62	Oceola	.63
Gogebic	.63	Oscoda	.62
Grand Traverse	.63	Otsego	.63
Gratiot	.63	Ottawa	.64
Hillsdale	.63	Presque Isle	.62
Houghton	.63	Roscommon	.62
Huron	.62	Saginaw	.62
Ingham	.63	Saint Clair	.63
Ionia	.63	Saint Joseph	.63
Iosco	.62	Sanilac	.62
Iron	.63	Schoolcraft	.64
Isabella	.63	Shiawassee	.62
Jackson	.63	Tuscola	.62
Kalamazoo	.64	Van Buren	.64
Kalkaska	.63	Washtenaw	.63
Kent	.64	Wayne	.63
		Wexford	.64

MINNESOTA

Aitkin	$0.56	Kittson	$0.52
Anoka	.58	Koochiching	.54
Becker	.53	Lac Qui Parle	.54
Beltrami	.52	Lake	.58
Benton	.56	Lake of the Woods	.52
Big Stone	.54	Le Sueur	.57
Blue Earth	.57	Lincoln	.54
Brown	.56	Lyon	.54
Carlton	.57	McLeod	.57
Carver	.58	Mahnomen	.53
Cass	.54	Marshall	.52
Chippewa	.54	Martin	.56
Chisago	.58	Meeker	.56
Clay	.53	Mille Lacs	.56
Clearwater	.53	Morrison	.55
Cook	.58	Mower	.57
Cottonwood	.55	Murray	.54
Crow Wing	.55	Nicollet	.57
Dakota	.58	Nobles	.55
Dodge	.57	Norman	.53
Douglas	.54	Olmsted	.57
Faribault	.57	Otter Tail	.54
Fillmore	.58	Pennington	.53
Freeborn	.57	Pine	.57
Goodhue	.57	Pipestone	.54
Grant	.54	Polk	.53
Hennepin	.58	Pope	.54
Houston	.58	Ramsey	.58
Hubbard	.53	Red Lake	.53
Isanti	.57	Redwood	.55
Itasca	.54	Renville	.55
Jackson	.56	Rice	.57
Kanabec	.57	Rock	.55
Kandiyohi	.56		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Roseau	$0.52	Wabasha	$0.57
Saint Louis	.57	Wadena	.54
Scott	.58	Waseca	.57
Sherburne	.57	Washington	.58
Sibley	.57	Watonwan	.56
Stearns	.56	Wilkin	.53
Steele	.57	Winona	.58
Stevens	.54	Wright	.57
Swift	.54	Yellow Medicine	.54
Todd	.55		
Traverse	.53		

MISSISSIPPI

All counties	$0.77

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$0.63	Linn	$0.63
Andrew	.62	Livingston	.63
Atchison	.61	McDonald	.65
Audrain	.62	Macon	.63
Barry	.65	Madison	.65
Barton	.64	Maries	.65
Bates	.63	Marion	.61
Benton	.63	Mercer	.62
Bollinger	.65	Miller	.64
Boone	.64	Mississippi	.64
Buchanan	.64	Moniteau	.64
Butler	.65	Monroe	.62
Caldwell	.64	Montgomery	.64
Callaway	.64	Morgan	.64
Camden	.64	New Madrid	.65
Cape Girardeau	.64	Newton	.64
Carroll	.63	Nodaway	.61
Carter	.65	Oregon	.66
Cass	.63	Osage	.65
Cedar	.63	Ozark	.66
Chariton	.63	Pemiscot	.65
Christian	.65	Perry	.64
Clark	.61	Pettis	.64
Clay	.64	Phelps	.65
Clinton	.64	Pike	.61
Cole	.64	Platte	.64
Cooper	.64	Polk	.63
Crawford	.65	Pulaski	.64
Dade	.63	Putnam	.62
Dallas	.64	Ralls	.61
Daviess	.63	Randolph	.63
De Kalb	.63	Ray	.64
Dent	.65	Reynolds	.65
Douglas	.65	Ripley	.66
Dunklin	.65	Saint Charles	.63
Franklin	.65	Saint Clair	.63
Gasconade	.65	Sainte Genevieve	.64
Gentry	.62	St. Francois	.65
Greene	.64	Saint Louis	.64
Grundy	.62	Saline	.63
Harrison	.62	Schuyler	.62
Henry	.63	Scotland	.61
Hickory	.63	Scott	.64
Holt	.62	Shannon	.65
Howard	.64	Shelby	.62
Howell	.66	Stoddard	.65
Iron	.65	Stone	.65
Jackson	.63	Sullivan	.62
Jasper	.64	Taney	.66
Jefferson	.64	Texas	.64
Johnson	.63	Vernon	.63
Knox	.62	Warren	.64
Laclede	.64	Washington	.65
LaFayette	.63	Wayne	.65
Lawrence	.64	Webster	.64
Lewis	.61	Worth	.61
Lincoln	.63	Wright	.64

MONTANA

Beaverhead	$0.58	Dawson	$0.50
Big Horn	.54	Deer Lodge	.56
Blaine	.50	Fallon	.52
Broadwater	.54	Fergus	.52
Carbon	.54	Flathead	.56
Carter	.53	Gallatin	.54
Cascade	.54	Garfield	.50
Chouteau	.51	Glacier	.53
Custer	.52	Golden Valley	.53
Daniels	.50	Granite	.57

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Hill	$0.51	Powell	$0.56
Jefferson	.55	Prairie	.51
Judith Basin	.53	Ravalli	.58
Lake	.57	Richland	.50
Lewis and Clark	.55	Roosevelt	.50
Liberty	.52	Rosebud	.52
Lincoln	.59	Sanders	.59
McCone	.50	Sheridan	.50
Madison	.56	Silver Bow	.56
Meagher	.54	Stillwater	.54
Mineral	.59	Sweet Grass	.54
Missoula	.57	Teton	.52
Musselshell	.53	Toole	.52
Park	.54	Treasure	.54
Petroleum	.52	Valley	.50
Phillips	.50	Wheatland	.53
Pondera	.52	Wibaux	.51
Powder River	.53	Yellowstone	.54

NEBRASKA

Adams	$0.59	Jefferson	$0.59
Antelope	.56	Johnson	.60
Arthur	.57	Kearney	.59
Banner	.57	Keith	.58
Blaine	.56	Keya Paha	.55
Boone	.57	Kimball	.58
Box Butte	.55	Knox	.56
Boyd	.55	Lancaster	.59
Brown	.56	Lincoln	.58
Buffalo	.58	Logan	.57
Burt	.58	Loup	.56
Butler	.58	McPherson	.57
Cass	.59	Madison	.57
Cedar	.57	Merrick	.57
Chase	.60	Morrill	.57
Cherry	.55	Nance	.57
Cheyenne	.58	Nemaha	.59
Clay	.59	Nuckolls	.59
Colfax	.58	Otoe	.59
Cuming	.58	Pawnee	.60
Custer	.57	Perkins	.59
Dakota	.58	Phelps	.59
Dawes	.54	Pierce	.57
Dawson	.58	Platte	.57
Deuel	.58	Polk	.57
Dixon	.58	Red Willow	.60
Dodge	.59	Richardson	.60
Douglas	.59	Rock	.56
Dundy	.61	Saline	.59
Fillmore	.59	Sarpy	.59
Franklin	.59	Saunders	.59
Frontier	.59	Scotts Bluff	.56
Furnas	.60	Seward	.58
Gage	.60	Sheridan	.55
Garden	.57	Sherman	.57
Garfield	.56	Sioux	.55
Gosper	.59	Stanton	.57
Grant	.56	Thayer	.59
Greeley	.57	Thomas	.56
Hall	.58	Thurston	.58
Hamilton	.58	Valley	.57
Harlan	.59	Washington	.59
Hayes	.60	Wayne	.57
Hitchcock	.61	Webster	.59
Holt	.56	Wheeler	.56
Hooker	.56	York	.58
Howard	.57		

NEVADA

All counties	$0.75

NEW JERSEY

All counties	$0.71

NEW MEXICO

All counties	$0.70

NEW YORK

All counties	$0.70

NORTH CAROLINA

All counties	$0.78

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.51	Billings	$0.50
Barnes	.53	Bottineau	.51
Benson	.52	Bowman	.51

NORTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Burke	$0.50	Mountrail	$0.50
Burleigh	.52	Nelson	.53
Cass	.53	Oliver	.51
Cavalier	.52	Pembina	.52
Dickey	.53	Pierce	.51
Divide	.50	Ramsey	.52
Dunn	.50	Ransom	.53
Eddy	.53	Renville	.51
Emmons	.52	Richland	.53
Foster	.53	Rolette	.51
Golden Valley	.50	Sargent	.53
Grand Forks	.53	Sheridan	.52
Grant	.52	Sioux	.52
Griggs	.53	Slope	.50
Hettinger	.50	Stark	.50
Kidder	.52	Steele	.53
La Moure	.53	Stutsman	.53
Logan	.52	Towner	.52
McHenry	.51	Traill	.53
McIntosh	.52	Walsh	.52
McKenzie	.50	Ward	.51
McLean	.51	Wells	.50
Mercer	.51	Williams	.50
Morton	.52		

OHIO

Adams	$0.68	Licking	$0.65
Allen	.64	Logan	.65
Ashland	.65	Lorain	.66
Ashtabula	.69	Lucas	.64
Athens	.69	Madison	.65
Auglaize	.64	Mahoning	.69
Belmont	.70	Marion	.65
Brown	.67	Medina	.67
Butler	.64	Meigs	.69
Carroll	.69	Mercer	.63
Champaign	.65	Miami	.64
Clark	.65	Monroe	.70
Clermont	.66	Montgomery	.64
Clinton	.66	Morgan	.69
Columbiana	.69	Morrow	.65
Coshocton	.67	Muskingum	.68
Crawford	.65	Noble	.69
Cuyahoga	.67	Ottawa	.65
Darke	.63	Pauilding	.63
Defiance	.63	Perry	.67
Delaware	.65	Pickaway	.65
Erie	.65	Pike	.68
Fairfield	.65	Portage	.68
Fayette	.65	Preble	.63
Franklin	.65	Putnam	.64
Fulton	.64	Richland	.65
Gallia	.69	Ross	.66
Geauga	.68	Sandusky	.65
Greene	.65	Scioto	.68
Guernsey	.69	Seneca	.65
Hamilton	.65	Shelby	.64
Hancock	.64	Stark	.68
Hardin	.64	Summit	.67
Harrison	.69	Trumbull	.69
Henry	.64	Tuscarawas	.68
Highland	.67	Union	.65
Hocking	.67	Van Wert	.63
Holmes	.67	Vinton	.68
Huron	.65	Warren	.65
Jackson	.68	Washington	.70
Jefferson	.70	Wayne	.67
Knox	.65	Williams	.64
Lake	.68	Wood	.64
Lawrence	.68	Wyandot	.65

OKLAHOMA

Adair	$0.67	Cotton	$0.67
Alfalfa	.66	Craig	.65
Atoka	.69	Creek	.67
Beaver	.67	Custer	.67
Beckham	.67	Delaware	.66
Blaine	.67	Dewey	.67
Bryan	.69	Ellis	.67
Caddo	.67	Garfield	.67
Canadian	.68	Garvin	.68
Carter	.68	Grady	.68
Cherokee	.67	Grant	.66
Choctaw	.70	Greer	.67
Cimarron	.67	Harmon	.67
Cleveland	.68	Harper	.67
Coal	.69	Haskell	.69
Comanche	.67	Hughes	.69

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$0.67	Okmulgee	$0.67
Jefferson	.68	Osage	.65
Johnston	.69	Ottawa	.65
Kay	.66	Pawnee	.66
Kingfisher	.68	Payne	.67
Kiowa	.67	Pittsburg	.69
Latimer	.70	Pontotoc	.69
Le Flore	.70	Pottawatomie	.68
Lincoln	.68	Pushmataha	.70
Logan	.68	Roger Mills	.67
Love	.68	Rogers	.66
McClain	.68	Seminole	.68
McCurtain	.70	Sequoyah	.68
McIntosh	.68	Stephens	.68
Major	.67	Texas	.67
Marshall	.69	Tillman	.67
Mayes	.63	Tulsa	.67
Murray	.68	Wagoner	.67
Muskogee	.68	Washington	.65
Noble	.67	Washita	.67
Nowata	.65	Woods	.66
Okfuskee	.68	Woodward	.67
Oklahoma	.68		

OREGON

Baker	$0.66	Lake	$0.70
Benton	.72	Lane	.71
Clackamas	.72	Lincoln	.72
Clatsop	.71	Linn	.71
Columbia	.72	Malheur	.66
Coos	.72	Marion	.72
Crook	.70	Morrow	.69
Curry	.72	Multnomah	.72
Deschutes	.70	Polk	.72
Douglas	.71	Sherman	.70
Gilliam	.70	Tillamook	.72
Grant	.69	Umatilla	.68
Harney	.69	Union	.67
Hood River	.72	Wallowa	.66
Jackson	.71	Wasco	.70
Jefferson	.70	Washington	.72
Josephine	.71	Wheeler	.70
Klamath	.70	Yamhill	.72

PENNSYLVANIA

All counties	$0.70

RHODE ISLAND

All counties	$0.71

SOUTH CAROLINA

All counties	$0.78

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Armstrong	$0.52	Jackson	$0.52
Aurora	.53	Jerauld	.53
Beadle	.53	Jones	.52
Bennett	.52	Kingsbury	.53
Bon Homme	.54	Lake	.53
Brookings	.54	Lawrence	.51
Brown	.53	Lincoln	.55
Brule	.53	Lyman	.52
Buffalo	.53	McCook	.53
Butte	.51	McPherson	.52
Campbell	.52	Marshall	.53
Charles Mix	.53	Meade	.51
Clark	.53	Mellette	.52
Clay	.56	Miner	.53
Codington	.53	Minnehaha	.54
Corson	.52	Moody	.54
Custer	.52	Pennington	.51
Davison	.53	Perkins	.51
Day	.53	Potter	.52
Deuel	.54	Roberts	.53
Dewey	.52	Sanborn	.53
Douglas	.53	Shannon	.52
Edmunds	.52	Spink	.53
Fall River	.52	Stanley	.52
Faulk	.52	Sully	.52
Grant	.54	Todd	.52
Gregory	.53	Tripp	.53
Haakon	.52	Turner	.55
Hamlin	.53	Union	.56
Hand	.53	Walworth	.52
Hanson	.53	Washabaugh	.52
Harding	.51	Washington	.52
Hughes	.52	Yankton	.55
Hutchinson	.54	Ziebach	.52
Hyde	.52		

TENNESSEE

County	Rate per bushel
All counties	$0.75

TEXAS

County	Rate per bushel	County	Rate per bushel
Anderson	$0.70	Gillespie	$0.68
Andrews	.69	Glasscock	.69
Angelina	.72	Goliad	.71
Aransas	.71	Gonzales	.71
Archer	.67	Gray	.67
Armstrong	.67	Grayson	.69
Atascosa	.69	Gregg	.71
Austin	.73	Grimes	.72
Bailey	.68	Guadalupe	.70
Bandera	.69	Hale	.67
Bastrop	.71	Hall	.67
Baylor	.67	Hamilton	.69
Bee	.70	Hansford	.67
Bell	.70	Hardeman	.67
Bexar	.69	Hardin	.74
Blanco	.69	Harris	.74
Borden	.69	Harrison	.72
Bosque	.69	Hartley	.67
Bowie	.71	Haskell	.67
Brazoria	.73	Hays	.69
Brazos	.71	Hemphill	.67
Brewster	.70	Henderson	.70
Briscoe	.67	Hidalgo	.70
Brooks	.70	Hill	.69
Brown	.68	Hockley	.69
Burleson	.71	Hood	.69
Burnet	.69	Hopkins	.70
Caldwell	.70	Houston	.71
Calhoun	.71	Howard	.69
Callahan	.67	Hudspeth	.70
Cameron	.70	Hunt	.69
Camp	.70	Hutchinson	.67
Carson	.67	Irion	.68
Cass	.71	Jack	.67
Castro	.68	Jackson	.72
Chambers	.74	Jasper	.74
Cherokee	.71	Jeff Davis	.70
Childress	.67	Jefferson	.74
Clay	.67	Jim Hogg	.69
Cochran	.69	Jim Wells	.70
Coke	.68	Johnson	.69
Coleman	.68	Jones	.67
Collin	.69	Karnes	.70
Collingsworth	.67	Kaufman	.69
Colorado	.73	Kendall	.69
Comal	.69	Kenedy	.70
Comanche	.68	Kent	.68
Concho	.68	Kerr	.69
Cooke	.68	Kimble	.68
Coryell	.69	King	.68
Cottle	.67	Kinney	.69
Crane	.69	Kleberg	.70
Crockett	.68	Knox	.67
Crosby	.68	Lamar	.70
Culberson	.70	Lamb	.68
Dallam	.67	Lampasas	.69
Dallas	.69	La Salle	.69
Dawson	.69	Lavaca	.72
Deaf Smith	.67	Lee	.71
Delta	.70	Leon	.70
Denton	.69	Liberty	.74
De Witt	.71	Limestone	.70
Dickens	.68	Lipscomb	.67
Dimit	.69	Live Oak	.70
Donley	.67	Llano	.68
Duval	.69	Loving	.69
Eastland	.67	Lubbock	.68
Ector	.69	Lynn	.69
Edwards	.68	McCulloch	.68
Ellis	.69	McLennan	.70
El Paso	.70	McMullen	.69
Erath	.68	Madison	.71
Falls	.70	Marion	.71
Fannin	.69	Martin	.69
Fayette	.72	Mason	.68
Fisher	.68	Matagorda	.73
Floyd	.67	Maverick	.69
Foard	.67	Medina	.69
Fort Bend	.73	Menard	.68
Franklin	.70	Midland	.69
Freestone	.70	Milam	.70
Frio	.69	Mills	.69
Gaines	.69	Mitchell	.68
Galveston	.74	Montague	.68
Garza	.69	Montgomery	.73

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Moore	$0.67	Somervell	$0.69
Morris	.70	Starr	.69
Motley	.67	Stephens	.67
Nacogdoches	.72	Sterling	.68
Navarro	.70	Stonewall	.68
Newton	.74	Sutton	.68
Nolan	.68	Swisher	.67
Nueces	.70	Tarrant	.69
Ochiltree	.67	Taylor	.67
Oldham	.67	Terrell	.69
Orange	.74	Terry	.69
Palo Pinto	.67	Throckmorton	.67
Panola	.72	Titus	.70
Parker	.68	Tom Green	.68
Parmer	.68	Travis	.70
Pecos	.69	Trinity	.72
Polk	.73	Tyler	.73
Potter	.68	Upshur	.70
Presidio	.70	Upton	.69
Rains	.70	Uvalde	.69
Randall	.67	Val Verde	.68
Reagan	.69	Van Zandt	.70
Real	.69	Victoria	.71
Red River	.70	Walker	.72
Reeves	.69	Waller	.73
Refugio	.71	Ward	.69
Roberts	.67	Washington	.72
Robertson	.70	Webb	.69
Rockwall	.69	Wharton	.73
Runnels	.68	Wheeler	.67
Rusk	.71	Wichita	.67
Sabine	.73	Wilbarger	.67
San Augustine	.73	Willacy	.70
San Jacinto	.73	Williamson	.70
San Patricio	.70	Wilson	.70
San Saba	.68	Winkler	.69
Schleicher	.68	Wise	.68
Scurry	.68	Wood	.70
Shackelford	.67	Yoakum	.69
Shelby	.73	Young	.67
Sherman	.67	Zapata	.69
Smith	.70	Zavala	.69

UTAH

All counties	$0.70

VIRGINIA

All counties	$0.72

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.66	Lewis	$0.70
Asotin	.66	Lincoln	.66
Benton	.67	Mason	.70
Chelan	.68	Okanogan	.68
Clallam	.70	Pacific	.70
Clark	.72	Pend Oreille	.65
Columbia	.66	Pierce	.71
Cowlitz	.71	San Juan	.70
Douglas	.67	Skagit	.70
Ferry	.67	Skamania	.71
Franklin	.66	Snohomish	.70
Garfield	.66	Spokane	.66
Grant	.67	Stevens	.66
Grays Harbor	.70	Thurston	.70
Island	.70	Wahkiakum	.70
Jefferson	.70	Walla Walla	.66
King	.71	Whatcom	.70
Kitsap	.70	Whitman	.66
Kittitas	.68	Yakima	.68
Klickitat	.68		

WEST VIRGINIA

All counties	$0.73

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.61	Crawford	$0.62
Ashland	.61	Dane	.62
Barron	.59	Dodge	.61
Bayfield	.60	Door	.60
Brown	.60	Douglas	.59
Buffalo	.59	Dunn	.60
Burnett	.59	Eau Claire	.60
Calumet	.60	Florence	.62
Chippewa	.60	Fond du Lac	.60
Clark	.60	Forest	.62
Columbia	.61	Grant	.62

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Green	$0.62	Polk	$0.59
Green Lake	.61	Portage	.61
Iowa	.63	Price	.61
Iron	.62	Racine	.63
Jackson	.61	Richland	.62
Jefferson	.62	Rock	.62
Juneau	.61	Rusk	.60
Kenosha	.63	Saint Croix	.59
Kewaunee	.60	Sauk	.62
La Crosse	.60	Sawyer	.60
Lafayette	.63	Shawano	.61
Langlade	.61	Sheboygan	.61
Lincoln	.61	Taylor	.61
Manitowoc	.60	Trempealeau	.60
Marathon	.61	Vernon	.61
Marinette	.62	Vilas	.62
Marquette	.61	Walworth	.62
Milwaukee	.63	Washburn	.59
Monroe	.61	Washington	.62
Oconto	.61	Waukesha	.63
Oneida	.62	Waupaca	.61
Outagamie	.60	Waushara	.61
Ozaukee	.62	Winnebago	.60
Pepin	.59	Wood	.61
Pierce	.59		

WYOMING

All counties	$0.60

(b) Where the State committee determines that State or district weed control laws affect the oats crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in paragraph (a) of this section. If upon delivery of the oats to CCC, the producer supplies a certificate indicating that the oats comply with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

§ 421.1284 *Warehouse charges.* (a) Warehouse receipts and the oats represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing oats stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 29, 1956, or April 30, 1956, the applicable date to be determined in accordance with § 421.1282, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through February 29, 1956, or April 30, 1956, the applicable date to be determined in accordance with § 421.1282:

Amount of deduction (cents per bushel)	For States having a maturity date not later than April 30, 1956; date of deposit (all dates inclusive)	For States having a maturity date not later than Feb. 29, 1956; date of deposit (all dates inclusive)
11	Prior to May 17, 1955	
10	May 17–June 25, 1955	
9	June 26–Aug. 4, 1955	Prior to June 5, 1955.
8	Aug. 5–Sept. 8, 1955	June 5–July 9, 1955.
7	Sept. 9–Oct. 8, 1955	July 10–Aug. 8, 1955.
6	Oct. 9–Nov. 7, 1955	Aug. 9–Sept. 7, 1955.
5	Nov. 8–Dec. 7, 1955	Sept. 8–Oct. 7, 1955.
4	Dec. 8, 1955–Jan. 6, 1956	Oct. 8–Nov. 6, 1955.
3	Jan. 7–Feb. 5, 1956	Nov. 7–Dec. 6, 1955.
2	Feb. 6–Mar. 6, 1956	Dec. 7, 1955–Jan. 5, 1956.
1	Mar. 7–Apr. 30, 1956	Jan. 6–Feb. 29, 1956.

(b) Warehouse receipts and the oats represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through February 29 or April 30, 1956, whichever date is applicable, to the point of storage as determined in accordance with § 421.1282, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1285 *Settlement*—(a) *Settlement value.* (1) In the case of eligible oats delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1283 and 421.1018 (f). The support rate shall be for the grade and quality of the total quantity of oats eligible for delivery. If, upon delivery, the oats under farm-storage loan are of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality of the oats placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the oats delivered, as determined by CCC: *Provided, however,* That if such oats are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price.

(2) In the case of eligible oats delivered to CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1283 and 421.1018 (f).

(b) *Storage deduction for early delivery.* Whenever farm-stored oats under loan or purchase agreement are delivered to CCC prior to the loan maturity date for the State, a deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges (§ 421.1284) except that no such deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the oats will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on oats under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the oats to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on oats delivered to CCC on track at a country point.

Issued this 18th day of May 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4170; Filed, May 23, 1955; 8:46 a. m.]

[1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1955 crop of rye. The 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017), issued by the Commodity Credit Corporation and containing regulations of a general nature with respect to price support operations for certain grains and related commodities produced in 1955 is supplemented as follows:

Sec.
421.1376 Purpose.
421.1377 Availability of price support.
421.1378 Eligible rye.
421.1379 Warehouse receipts.
421.1380 Determination of quantity.
421.1381 Determination of quality.
421.1382 Maturity of loans.
421.1383 Support rates.
421.1384 Warehouse charges.
421.1385 Settlement.

AUTHORITY: §§ 421.1376 to 421.1385 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.1376 *Purpose.* Sections 421.1376 to 421.1385 state additional specific regulations which, together with the general regulations contained in the 1955 C. C. C.

Grain Price Support Bulletin 1 (§§ 421.1001 to 421.1021) apply to loans and purchase agreements under the 1955-Crop Rye Price Support Program.

§ 421.1377 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever rye is grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determined that rye cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1956, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and whenever applicable a State, political subdivision of a State, or any agency thereof, producing rye in 1955 as landowner, landlord, tenant, or sharecropper.

§ 421.1378 *Eligible rye.* At the time the rye is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The rye must have been produced in the continental United States in 1955 by an eligible producer.

(b) (1) The beneficial interest in the rye must be in the eligible producer tendering the rye for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rye was harvested.

(b) (2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the rye was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Such rye must be rye grading No. or better, or rye grading No. 3 on the factor of "test weight" only, but otherwise grading No. 2 or better.

(d) The rye must not grade Tough, Light Smutty, Smutty, Light Garlicky, Garlicky, or Weevily, or contain in excess of 1 percent ergot, except that rye represented by warehouse receipts grading Tough will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt "Rye grading Tough has been processed at the request of the eligible producer, and delivery will be made of the same country-run quality, quantity, and grade not Tough and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(e) If offered as security for a farm-storage loan, the rye must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

§ 421.1379 *Warehouse receipts.* Warehouse receipts, representing rye in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the rye is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (i) Gross weight or bushels, (ii) grade (including special grades), (iii) percentage of ergot for rye containing in excess of 3/10 of 1 percent of ergot, (iv) test weight, (v) dockage, and (vi) any other grading factor(s) when such factor(s) and not test weight determine the grade. The warehouse receipt or supplemental certificate must show whether the rye arrived by rail, truck or barge. In the case of warehouse receipts issued for rye delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(2) If the warehouseman has processed the rye as provided in § 421.1378 (d), the supplemental certificate must show the numerical grade and the grading factors changed because of the rye being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade of rye.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1384.

(e) Warehouse receipts representing rye which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

§ 421.1380 *Determination of quantity.* (a) The quantity of rye placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rye placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 56 pounds of rye free of dockage. In determining the quantity of sacked rye by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound rye:

For rye testing:	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	92

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the rye in determining the net quantity available for loan or purchase.

§ 421.1381 *Determination of quality.* (a) The grade, grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Rye, whether or not such determinations are made on the basis of an official inspection.

(b) The quantity of ergot shall be stated in terms of tenths of one percent and where applicable, the word "Ergoty" shall be added to, and made a part of, the grade designation.

§ 421.1382 *Maturity of loans.* Loans mature on demand but not later than February 29, 1956, in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than April 30, 1956, in all other States. The maturity date for a loan shall be the maturity date for the State where the rye is stored.

§ 421.1383 *Support rates.* Loans will be made, and rye delivered under purchase agreements will be purchased, at the support rates set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for rye grading No. 2 or better, or grading No. 3 on the basis of test weight only, but otherwise grading No. 2 or better, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	*Rate per bushel*
Omaha, Nebr	$1.37
Sioux City, Iowa	1.37
Duluth, Minn	1.39
Minneapolis, Minn	1.39
Superior, Wis	1.39
Kansas City, Mo	1.40
St. Joseph, Mo	1.40
Chicago, Ill	1.44
Milwaukee, Wis	1.44
Memphis, Tenn	1.45
St. Louis, Mo	1.45
Galveston, Tex	1.48
Houston, Tex	1.48
Astoria, Oreg	1.50
Longview, Wash	1.50
Los Angeles, Calif	1.50
Portland, Oreg	1.50
San Francisco, Calif	1.50
Seattle, Wash	1.50
Tacoma, Wash	1.50
Vancouver, Wash	1.50
Albany, N. Y	1.59
Baltimore, Md	1.59
New York, N. Y	1.59
Norfolk, Va	1.59
Philadelphia, Pa	1.59

(2) Rye eligible for loan or purchase at the support rates shown in the above schedule must have been shipped on a domestic interstate freight rate basis. On any rye shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for designated terminal markets will apply to rye which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) When shipped by rail or water and stored at any designated terminal market, rye for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate shall have a support rate equal to the applicable terminal rate minus 8 cents per bushel.

(5) For rye received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the applicable terminal rate as follows:

Terminal located in:	*Amount of deduction (cents per bushel)*
Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington	12½
Area II: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wis.)	12½
Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior)	13
Area IV: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia	14
Area V: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee	14

(b) *Support rates for rye in approved warehouse storage at other than designated terminal markets.* (1) The support rate for rye stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax), of the through-freight rate from point of origin for such rye to such terminal market: *Provided*, That on any rye shipped at other than the domestic interstate freight rate the support rate shall be further reduced by the difference between the rate of freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such rye to the point of storage: *And provided further*, That in the case of rye stored at any railroad transit point, taking a penalty by reason of out-of-line movement or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing rye in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 421.1379.

(c) *Basic county support rates.* The following basic county support rates per bushel are established for rye grading No. 2 or better, or rye grading No. 3 on the factor of test weight only, but otherwise grading No. 2 or better.

Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section, will be made at the support rate established for the county in which the rye is stored.

If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

Alabama

County	*Rate per bushel*
All counties	$1.33

Arizona

All counties	$1.21

Arkansas

All counties	$1.19

California

County	*Rate per bushel*	*County*	*Rate per bushel*
Colusa	$1.32	Plumas	$1.19
Contra Costa	1.38	Riverside	1.33
Glenn	1.30	San Joaquin	1.36
Kern	1.31	Shasta	1.25
Lassen	1.19	Sierra	1.19
Marin	1.38	Siskiyou	1.17
Merced	1.34	Sonoma	1.37
Modoc	1.14	Stanislaus	1.35
Mono	1.12	Yuba	1.33

Colorado

Adams	$1.07	Las Animas	$1.07
Arapahoe	1.07	Lincoln	1.07
Baca	1.08	Logan	1.07
Bent	1.07	Morgan	1.07
Boulder	1.07	Otero	1.07
Cheyenne	1.09	Phillips	1.09
Crowley	1.07	Prowers	1.09
Douglas	1.07	Pueblo	1.07
Elbert	1.07	Sedgwick	1.07
El Paso	1.07	Washington	1.07
Jefferson	1.07	Weld	1.07
Kiowa	1.08	Yuma	1.08
Kit Carson	1.09	All other counties	1.06
Larimer	1.07		

Connecticut

All counties	$1.31

Delaware

All counties	$1.31

Florida

All counties	$1.41

Georgia

All counties	$1.41

Idaho

County	*Rate per bushel*	*County*	*Rate per bushel*
Ada	$1.11	Gem	$1.11
Adams	1.08	Gooding	1.06
Bannock	1.01	Idaho	1.17
Bear Lake	1.02	Jefferson	.99
Benewah	1.19	Jerome	1.05
Bingham	.99	Kootenai	1.18
Blaine	1.03	Latah	1.19
Boise	1.10	Lemhi	.99
Bonner	1.17	Lewis	1.17
Bonneville	1.00	Lincoln	1.04
Boundary	1.15	Madison	1.00
Butte	1.00	Minidoka	1.04
Camas	1.03	Nez Perce	1.19
Canyon	1.11	Oneida	1.00
Caribou	1.02	Owyhee	1.11
Cassia	1.03	Payette	1.12
Clark	.97	Power	1.03
Clearwater	1.19	Shoshone	1.16
Custer	1.00	Teton	1.00
Elmore	1.09	Twin Falls	1.02
Franklin	1.00	Valley	1.09
Fremont	1.00	Washington	1.12

Illinois

Adams	$1.23	Crawford	$1.22
Alexander	1.25	Cumberland	1.25
Bond	1.27	De Kalb	1.27
Boone	1.26	De Witt	1.25
Brown	1.23	Douglas	1.25
Bureau	1.24	Du Page	1.28
Calhoun	1.26	Edgar	1.25
Carroll	1.23	Edwards	1.24
Cass	1.25	Effingham	1.25
Champaign	1.25	Fayette	1.25
Christian	1.25	Ford	1.25
Clark	1.25	Franklin	1.25
Clay	1.25	Fulton	1.25
Clinton	1.28	Gallatin	1.22
Coles	1.25	Greene	1.27
Cook	1.28	Grundy	1.26

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Hamilton	$1.24	Montgomery	$1.26
Hancock	1.22	Morgan	1.25
Hardin	1.18	Moultrie	1.25
Henderson	1.22	Ogle	1.25
Henry	1.23	Peoria	1.24
Iroquois	1.25	Perry	1.25
Jackson	1.25	Piatt	1.25
Jasper	1.24	Pike	1.24
Jefferson	1.25	Pope	1.25
Jersey	1.28	Pulaski	1.25
Jo Daviess	1.23	Putnam	1.24
Johnson	1.20	Randolph	1.25
Kane	1.27	Richland	1.24
Kankakee	1.27	Rock Island	1.23
Kendall	1.27	Saint Clair	1.28
Knox	1.23	Saline	1.21
Lake	1.28	Sangamon	1.25
La Salle	1.26	Schuyler	1.24
Lawrence	1.24	Scott	1.25
Lee	1.25	Shelby	1.25
Livingston	1.25	Stark	1.24
Logan	1.25	Stephenson	1.23
McDonough	1.23	Tazewell	1.25
McHenry	1.27	Union	1.25
McLean	1.25	Vermilion	1.25
Macon	1.25	Wabash	1.23
Macoupin	1.28	Warren	1.23
Madison	1.28	Washington	1.25
Marion	1.25	Wayne	1.24
Marshall	1.24	White	1.22
Mason	1.25	Whiteside	1.24
Massac	1.24	Will	1.28
Menard	1.25	Williamson	1.25
Mercer	1.22	Winnebago	1.24
Monroe	1.27	Woodford	1.25

INDIANA

Adams	$1.22	Lawrence	$1.22
Allen	1.22	Madison	1.22
Bartholomew	1.19	Marion	1.21
Benton	1.26	Marshall	1.23
Blackford	1.22	Martin	1.16
Boone	1.21	Miami	1.22
Brown	1.16	Monroe	1.23
Carroll	1.24	Montgomery	1.23
Cass	1.23	Morgan	1.23
Clark	1.19	Newton	1.27
Clay	1.25	Noble	1.20
Clinton	1.23	Ohio	1.15
Crawford	1.15	Orange	1.22
Daviess	1.19	Owen	1.23
Dearborn	1.21	Parke	1.21
Decatur	1.21	Perry	1.11
De Kalb	1.22	Pike	1.17
Delaware	1.22	Porter	1.27
Dubois	1.15	Posey	1.24
Elkhart	1.22	Pulaski	1.26
Fayette	1.22	Putnam	1.23
Floyd	1.22	Randolph	1.22
Fountain	1.21	Ripley	1.20
Franklin	1.23	Rush	1.22
Fulton	1.23	Saint Joseph	1.23
Gibson	1.22	Scott	1.22
Grant	1.21	Shelby	1.18
Greene	1.23	Spencer	1.16
Hamilton	1.21	Starke	1.26
Hancock	1.22	Steuben	1.22
Harrison	1.15	Sullivan	1.25
Hendricks	1.20	Switzerland	1.11
Henry	1.22	Tippecanoe	1.24
Howard	1.21	Tipton	1.21
Huntington	1.20	Union	1.22
Jackson	1.19	Vanderburgh	1.25
Jasper	1.27	Vermillion	1.26
Jay	1.22	Vigo	1.26
Jefferson	1.22	Wabash	1.22
Jennings	1.19	Warren	1.25
Johnson	1.21	Warrick	1.14
Knox	1.22	Washington	1.22
Kosciusko	1.21	Wayne	1.22
Lagrange	1.21	Wells	1.22
Lake	1.27	White	1.26
La Porte	1.26	Whitley	1.21

IOWA

Adair	$1.17	Appanoose	$1.21
Adams	1.18	Audubon	1.19
Allamakee	1.18	Benton	1.20

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Black Hawk	$1.18	Keokuk	$1.19
Boone	1.16	Kossuth	1.17
Bremer	1.17	Lee	1.22
Buchanan	1.19	Linn	1.20
Buena Vista	1.16	Louisa	1.21
Butler	1.17	Lucas	1.18
Calhoun	1.17	Lyon	1.15
Carroll	1.19	Madison	1.17
Cass	1.18	Mahaska	1.18
Cedar	1.21	Marion	1.18
Cerro Gordo	1.17	Marshall	1.17
Cherokee	1.17	Mills	1.22
Chicasaw	1.17	Mitchell	1.18
Clarke	1.18	Monona	1.20
Clay	1.16	Monroe	1.19
Clayton	1.19	Montgomery	1.20
Clinton	1.22	Muscatine	1.21
Crawford	1.19	O'Brien	1.16
Dallas	1.16	Osceola	1.16
Davis	1.21	Page	1.20
Decatur	1.18	Palo Alto	1.17
Delaware	1.20	Plymouth	1.17
Des Moines	1.22	Pocahontas	1.15
Dickinson	1.17	Polk	1.17
Dubuque	1.21	Pottawattamie	1.22
Emmet	1.18	Poweshiek	1.18
Fayette	1.19	Ringgold	1.17
Floyd	1.17	Sac	1.17
Franklin	1.16	Scott	1.22
Fremont	1.21	Shelby	1.20
Greene	1.17	Sioux	1.17
Grundy	1.17	Story	1.17
Guthrie	1.17	Tama	1.18
Hamilton	1.16	Taylor	1.18
Hancock	1.17	Union	1.17
Hardin	1.17	Van Buren	1.21
Harrison	1.21	Wapello	1.20
Henry	1.21	Warren	1.18
Howard	1.18	Washington	1.20
Humboldt	1.16	Wayne	1.19
Ida	1.17	Webster	1.16
Iowa	1.19	Winnebago	1.18
Jackson	1.22	Winneshiek	1.18
Jasper	1.18	Woodbury	1.18
Jefferson	1.20	Worth	1.18
Johnson	1.21	Wright	1.16
Jones	1.21		

KANSAS

Allen	$1.20	Harper	$1.16
Anderson	1.21	Harvey	1.17
Atchison	1.23	Haskell	1.12
Barber	1.15	Hodgeman	1.14
Barton	1.15	Jackson	1.21
Bourbon	1.21	Jefferson	1.23
Brown	1.21	Jewell	1.16
Butler	1.17	Johnson	1.23
Chase	1.18	Kearny	1.11
Chautauqua	1.18	Kingman	1.16
Cherokee	1.20	Kiowa	1.15
Cheyenne	1.11	Labette	1.20
Clark	1.11	Lane	1.13
Clay	1.18	Leavenworth	1.23
Cloud	1.17	Lincoln	1.16
Coffey	1.21	Linn	1.21
Comanche	1.13	Logan	1.12
Cowley	1.17	Lyon	1.20
Crawford	1.20	McPherson	1.16
Decatur	1.13	Marion	1.17
Dickinson	1.17	Marshall	1.20
Doniphan	1.21	Meade	1.12
Douglas	1.23	Miami	1.23
Edwards	1.15	Mitchell	1.16
Elk	1.18	Montgomery	1.20
Ellis	1.15	Morris	1.18
Ellsworth	1.16	Morton	1.08
Finney	1.12	Nemaha	1.20
Ford	1.13	Neosho	1.20
Franklin	1.23	Ness	1.14
Geary	1.18	Norton	1.15
Gove	1.13	Osage	1.21
Graham	1.14	Osborne	1.16
Grant	1.11	Ottawa	1.17
Gray	1.12	Pawnee	1.15
Greeley	1.11	Phillips	1.15
Greenwood	1.19	Pottawatomie	1.20
Hamilton	1.11	Pratt	1.15

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Rawlins	$1.12	Smith	$1.16
Reno	1.16	Stafford	1.15
Republic	1.17	Stanton	1.10
Rice	1.16	Stevens	1.10
Riley	1.20	Sumner	1.17
Rooks	1.15	Thomas	1.12
Rush	1.15	Trego	1.14
Russell	1.15	Wabaunsee	1.20
Saline	1.16	Wallace	1.11
Scott	1.12	Washington	1.18
Sedgwick	1.17	Wichita	1.11
Seward	1.10	Wilson	1.20
Shawnee	1.21	Woodson	1.20
Sheridan	1.13	Wyandotte	1.23
Sherman	1.11		

KENTUCKY

All counties $1.31

LOUISIANA

All counties $1.21

MARYLAND

All counties $1.31

MAINE

All counties $1.31

MASSACHUSETTS

All counties $1.31

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.14	Keeweenaw	$1.10
Alger	1.12	Lake	1.17
Allegan	1.19	Lapeer	1.22
Alpena	1.14	Leelanau	1.13
Antrim	1.12	Lenawee	1.24
Arenac	1.15	Livingston	1.21
Baraga	1.13	Luce	1.09
Barry	1.19	Mackinac	1.08
Bay	1.19	Macomb	1.25
Benzie	1.16	Manistee	1.16
Berrien	1.22	Marquette	1.12
Branch	1.20	Mason	1.17
Calhoun	1.20	Mecosta	1.17
Cass	1.22	Menominee	1.16
Charlevoix	1.12	Midland	1.16
Cheboygan	1.13	Missaukee	1.15
Chippewa	1.09	Monroe	1.26
Clare	1.16	Montcalm	1.16
Clinton	1.18	Montmorency	1.14
Crawford	1.15	Muskegon	1.16
Delta	1.14	Newaygo	1.15
Dickinson	1.15	Oakland	1.24
Eaton	1.19	Oceana	1.17
Emmet	1.12	Ogemaw	1.15
Genesee	1.22	Ontonagon	1.12
Gladwin	1.15	Osceola	1.16
Gogebic	1.15	Oscoda	1.15
Grand Traverse	1.14	Otsego	1.13
Gratiot	1.18	Ottawa	1.19
Hillsdale	1.23	Presque Isle	1.13
Houghton	1.10	Roscommon	1.15
Huron	1.20	Saginaw	1.20
Ingham	1.19	Saint Clair	1.24
Ionia	1.18	Saint Joseph	1.21
Iosco	1.15	Schoolcraft	1.09
Iron	1.13	Shiawassee	1.20
Isabella	1.17	Tuscola	1.22
Jackson	1.21	Van Buren	1.21
Kalamazoo	1.21	Washtenaw	1.24
Kalkaska	1.14	Wayne	1.25
Kent	1.18	Wexford	1.15

MINNESOTA

Aitkin	$1.22	Chisago	$1.23
Anoka	1.24	Clay	1.16
Becker	1.16	Clearwater	1.16
Beltrami	1.17	Cottonwood	1.19
Benton	1.21	Crow Wing	1.20
Big Stone	1.17	Dakota	1.24
Blue Earth	1.21	Dodge	1.20
Brown	1.20	Douglas	1.19
Carlton	1.23	Faribault	1.18
Carver	1.24	Fillmore	1.18
Cass	1.19	Freeborn	1.20
Chippewa	1.19	Goodhue	1.21

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Grant	$1.18	Pine	$1.21
Hennepin	1.25	Pipestone	1.17
Houston	1.18	Polk	1.15
Hubbard	1.17	Pope	1.19
Isanti	1.22	Ramsey	1.24
Itasca	1.20	Red Lake	1.15
Jackson	1.18	Redwood	1.20
Kanabec	1.21	Renville	1.20
Kandiyohi	1.21	Rice	1.22
Kittson	1.12	Rock	1.16
Koochiching	1.13	Roseau	1.13
Lac Qui Parle	1.18	Saint Louis	1.21
Lake of the Woods	1.14	Scott	1.24
Le Sueur	1.22	Sherburne	1.23
Lincoln	1.18	Sibley	1.22
Lyon	1.18	Stearns	1.21
McLeod	1.22	Steele	1.20
Mahnomen	1.15	Stevens	1.19
Marshall	1.14	Swift	1.19
Martin	1.18	Todd	1.20
Meeker	1.22	Traverse	1.17
Mille Lacs	1.22	Wabasha	1.21
Morrison	1.20	Wadena	1.19
Mower	1.19	Waseca	1.21
Murray	1.18	Washington	1.24
Nicollet	1.22	Watonwan	1.19
Nobles	1.16	Wilkin	1.17
Norman	1.15	Winona	1.20
Olmsted	1.20	Wright	1.23
Otter Tail	1.18	Yellow Medicine	1.19
Pennington	1.14		

MISSISSIPPI

All counties $1.32

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.22	Jasper	$1.20
Andrew	1.22	Jefferson	1.29
Atchison	1.19	Johnson	1.22
Audrain	1.24	Knox	1.22
Barry	1.18	Laclede	1.21
Barton	1.20	Lafayette	1.23
Bates	1.23	Lawrence	1.18
Benton	1.21	Lewis	1.24
Bollinger	1.25	Lincoln	1.28
Boone	1.24	Linn	1.21
Buchanan	1.23	Livingston	1.22
Butler	1.22	McDonald	1.18
Caldwell	1.22	Macon	1.22
Callaway	1.24	Madison	1.25
Camden	1.22	Maries	1.25
Cape Girardeau	1.24	Marion	1.24
Carroll	1.22	Mercer	1.19
Carter	1.15	Miller	1.22
Cass	1.23	Mississippi	1.21
Cedar	1.23	Moniteau	1.22
Chariton	1.22	Monroe	1.24
Christian	1.18	Montgomery	1.26
Clark	1.22	Morgan	1.21
Clay	1.24	New Madrid	1.21
Clinton	1.22	Newton	1.18
Cole	1.23	Nodaway	1.20
Cooper	1.22	Oregon	1.15
Crawford	1.25	Osage	1.24
Dade	1.20	Ozark	1.16
Dallas	1.19	Pemiscot	1.21
Daviess	1.22	Perry	1.25
De Kalb	1.22	Pettis	1.21
Dent	1.23	Phelps	1.24
Douglas	1.17	Pike	1.25
Dunklin	1.20	Platte	1.25
Franklin	1.28	Polk	1.20
Gasconade	1.25	Pulaski	1.22
Gentry	1.21	Putnam	1.19
Greene	1.18	Ralls	1.24
Grundy	1.21	Randolph	1.24
Harrison	1.20	Ray	1.23
Henry	1.23	Reynonds	1.22
Hickory	1.20	Ripley	1.22
Holt	1.21	Saint Charles	1.31
Howard	1.23	Saint Clair	1.22
Howell	1.15	Saint Francois	1.26
Iron	1.25	Sainte Genevieve	1.26
Jackson	1.24		

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Saint Louis	$1.31	Taney	$1.17
Saline	1.22	Texas	1.16
Schuyler	1.21	Vernon	1.21
Scotland	1.22	Warren	1.28
Scott	1.22	Washington	1.26
Shannon	1.15	Wayne	1.24
Shelby	1.23	Webster	1.19
Stoddard	1.23	Worth	1.20
Stone	1.17	Wright	1.17
Sullivan	1.19		

MONTANA

Beaverhead	$0.95	Madison	$1.04
Big Horn	.91	Meagher	1.04
Blaine	.99	Mineral	1.08
Broadwater	1.04	Missoula	1.07
Carbon	1.01	Musselshell	1.03
Carter	1.01	Park	1.04
Cascade	1.04	Petroleum	1.04
Chouteau	1.04	Phillips	.98
Custer	.99	Pondera	1.04
Daniels	.97	Powder River	.93
Dawson	1.00	Powell	1.04
Deer Lodge	1.04	Prairie	1.00
Fallon	1.01	Ravalli	1.05
Fergus	1.04	Richland	1.00
Flathead	1.08	Roosevelt	1.01
Gallatin	1.04	Rosebud	.96
Garfield	.98	Sanders	1.09
Glacier	1.05	Sheridan	.99
Golden Valley	1.03	Silver Bow	1.04
Granite	1.05	Stillwater	1.03
Hill	1.04	Sweet Grass	1.03
Jefferson	1.04	Teton	1.04
Judith Basin	1.04	Toole	1.04
Lake	1.08	Treasure	.98
Lewis and Clark	1.04	Valley	.97
Liberty	1.04	Wheatland	1.04
Lincoln	1.10	Wibaux	1.01
McCone	.99	Yellowstone	1.03

NEBRASKA

Adams	$1.16	Holt	$1.15
Antelope	1.16	Hooker	1.10
Arthur	1.08	Howard	1.16
Banner	1.05	Jefferson	1.18
Blaine	1.12	Johnson	1.19
Boone	1.17	Kearney	1.15
Box Butte	1.07	Keith	1.08
Boyd	1.14	Keya Paha	1.12
Brown	1.11	Kimball	1.07
Buffalo	1.15	Knox	1.15
Burt	1.20	Lancaster	1.20
Butler	1.20	Lincoln	1.10
Cass	1.20	Logan	1.12
Cedar	1.16	Loup	1.14
Chase	1.09	McPherson	1.10
Cherry	1.09	Madison	1.17
Cheyenne	1.07	Merrick	1.17
Clay	1.17	Morrill	1.06
Colfax	1.20	Nance	1.18
Cuming	1.20	Nemaha	1.19
Custer	1.13	Nuckells	1.17
Dakota	1.18	Otoe	1.20
Dawes	1.05	Pawnee	1.20
Dawson	1.14	Perkins	1.10
Deuel	1.07	Phelps	1.15
Dixon	1.17	Pierce	1.17
Dodge	1.20	Platte	1.18
Douglas	1.20	Polk	1.18
Dundy	1.09	Red Willow	1.13
Fillmore	1.18	Richardson	1.20
Franklin	1.15	Rock	1.12
Frontier	1.12	Saline	1.19
Furnas	1.14	Sarpy	1.20
Gage	1.19	Saunder	1.20
Garden	1.07	Scotts Bluff	1.05
Garfield	1.14	Seward	1.20
Gosper	1.14	Sheridan	1.07
Grant	1.08	Sherman	1.15
Greely	1.16	Sioux	1.04
Hall	1.16	Stanton	1.18
Hamilton	1.17	Thayer	1.16
Harlan	1.15	Thomas	1.11
Hayes	1.10	Thurston	1.19
Hitchcock	1.11	Valley	1.14

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Washington	$1.20	Wheeler	$1.17
Wayne	1.16	York	1.18
Webster	1.16		

NEVADA

All counties $1.11

NEW HAMPSHIRE

All counties $1.31

NEW JERSEY

All counties $1.31

NEW MEXICO

All counties $1.06

NEW YORK

All counties $1.32

NORTH CAROLINA

All counties $1.36

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$1.05	McLean	$1.08
Barnes	1.14	Mercer	1.06
Benson	1.10	Morton	1.07
Billings	1.05	Mountrail	1.06
Bottineau	1.07	Nelson	1.12
Bowman	1.04	Oliver	1.08
Burke	1.06	Pembina	1.11
Burleigh	1.10	Pierce	1.09
Cass	1.15	Ramsey	1.11
Cavalier	1.10	Ransom	1.14
Dickey	1.13	Renville	1.06
Divide	1.04	Richland	1.16
Dunn	1.05	Rolette	1.09
Eddy	1.11	Sargent	1.15
Emmons	1.09	Sheridan	1.10
Foster	1.12	Sioux	1.07
Golden Valley	1.02	Slope	1.02
Grand Forks	1.13	Stark	1.06
Grant	1.06	Steele	1.14
Griggs	1.13	Stutsman	1.12
Hettinger	1.06	Towner	1.10
Kidder	1.10	Traill	1.14
La Moure	1.12	Walsh	1.12
Logan	1.11	Ward	1.06
McHenry	1.08	Wells	1.11
McIntosh	1.10	Williams	1.05
McKenzie	1.03		

OHIO

Adams	$1.25	Hocking	$1.26
Allen	1.25	Holmes	1.27
Ashland	1.27	Huron	1.26
Ashtabula	1.29	Jackson	1.25
Athens	1.26	Jefferson	1.28
Auglaize	1.25	Knox	1.27
Belmont	1.27	Lake	1.27
Brown	1.25	Lawrence	1.25
Butler	1.25	Licking	1.27
Carroll	1.27	Logan	1.25
Champaign	1.25	Lorain	1.27
Clark	1.25	Lucas	1.25
Clermont	1.25	Madison	1.25
Clinton	1.25	Mahoning	1.29
Columbiana	1.28	Marion	1.26
Coschocton	1.27	Medina	1.27
Crawford	1.26	Meigs	1.25
Cuyahoga	1.27	Mercer	1.25
Darke	1.24	Miami	1.25
Defiance	1.25	Monroe	1.27
Delaware	1.26	Montgomery	1.25
Erie	1.26	Morgan	1.27
Fairfield	1.26	Morrow	1.26
Fayette	1.25	Muskingum	1.27
Franklin	1.26	Noble	1.27
Fulton	1.25	Ottawa	1.26
Gallia	1.25	Paulding	1.25
Geauga	1.29	Perry	1.26
Greene	1.25	Pickaway	1.25
Guernsey	1.27	Pike	1.25
Hamilton	1.25	Portage	1.27
Hancock	1.26	Preble	1.25
Hardin	1.26	Putnam	1.25
Harrison	1.27	Richland	1.27
Henry	1.25	Ross	1.25
Highland	1.25	Sandusky	1.26

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Scioto	$1.25	Van Wert	$1.25
Seneca	1.26	Vinton	1.26
Shelby	1.25	Warren	1.25
Stark	1.27	Washington	1.27
Summit	1.27	Wayne	1.27
Trumbull	1.29	Williams	1.25
Tuscarawas	1.27	Wood	1.26
Union	1.26	Wyandot	1.26

OKLAHOMA

Adair	$1.14	Le Flore	$1.09
Alfalfa	1.13	Lincoln	1.10
Atoka	1.07	Logan	1.10
Beaver	1.07	Love	1.06
Beckham	1.06	McClain	1.06
Blaine	1.06	McCurtain	1.06
Bryan	1.06	McIntosh	1.13
Caddo	1.06	Major	1.09
Canadian	1.07	Marshall	1.06
Carter	1.06	Mayes	1.16
Cherokee	1.15	Murray	1.06
Choctaw	1.06	Muskogee	1.14
Cimarron	1.06	Noble	1.13
Cleveland	1.07	Nowata	1.18
Coal	1.07	Okfuskee	1.11
Comanche	1.06	Oklahoma	1.07
Cotton	1.06	Okmulgee	1.14
Craig	1.18	Osage	1.14
Creek	1.13	Ottawa	1.18
Custer	1.06	Pawnee	1.13
Delaware	1.17	Payne	1.11
Dewey	1.06	Pittsburg	1.10
Ellis	1.07	Pontotoc	1.07
Garfield	1.13	Pottawatomie	1.07
Garvin	1.06	Pushmataha	1.06
Grady	1.06	Roger Mills	1.05
Grant	1.13	Rogers	1.16
Greer	1.06	Seminole	1.09
Harmon	1.06	Sequoyah	1.13
Harper	1.10	Stephens	1.06
Haskell	1.12	Texas	1.06
Hughes	1.10	Tillman	1.06
Jackson	1.06	Tulsa	1.16
Jefferson	1.06	Wagoner	1.16
Johnston	1.06	Washington	1.18
Kay	1.14	Washita	1.06
Kingfisher	1.09	Woods	1.12
Kiowa	1.06	Woodward	1.09
Latimer	1.10		

OREGON

Baker	$1.17	Lake	$1.11
Benton	1.32	Lane	1.30
Clackamas	1.35	Lincoln	1.27
Clatsop	1.32	Linn	1.32
Columbia	1.34	Malheur	1.12
Coos	1.24	Marion	1.35
Crook	1.31	Morrow	1.31
Curry	1.23	Multnomah	1.37
Deschutes	1.31	Polk	1.33
Douglas	1.26	Sherman	1.33
Gilliam	1.32	Tillamook	1.37
Grant	1.31	Umatilla	1.25
Harney	1.07	Union	1.18
Hood River	1.36	Wallowa	1.17
Jackson	1.20	Wasco	1.36
Jefferson	1.32	Washington	1.36
Josephine	1.21	Wheeler	1.31
Klamath	1.20	Yamhill	1.34

PENNSYLVANIA

All counties $1.31

RHODE ISLAND

All counties $1.31

SOUTH CAROLINA

All counties $1.41

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.12	Brule	$1.12
Beadle	1.14	Buffalo	1.12
Bennett	1.08	Butte	1.01
Bon Homme	1.15	Campbell	1.10
Brookings	1.16	Charles Mix	1.13
Brown	1.14	Clark	1.15
Clay	$1.18	Lincoln	$1.16
Codington	1.16	Lyman	1.09
Corson	1.07	McCook	1.15
Custer	1.04	McPherson	1.12
Davison	1.14	Marshall	1.14
Day	1.15	Meade	1.03
Deuel	1.16	Mellette	1.10
Dewey	1.07	Miner	1.15
Douglas	1.14	Minnehaha	1.15
Edmunds	1.12	Moody	1.16
Fall River	1.04	Pennington	1.03
Faulk	1.13	Perkins	1.06
Grant	1.16	Potter	1.10
Gregory	1.14	Roberts	1.16
Haakon	1.06	Sanborn	1.13
Hamlin	1.16	Shannon	1.08
Hand	1.13	Spink	1.14
Hanson	1.14	Stanley	1.10
Harding	1.05	Sully	1.10
Hughes	1.11	Todd	1.10
Hutchinson	1.14	Tripp	1.11
Hyde	1.12	Turner	1.16
Jackson	1.04	Union	1.18
Jerauld	1.13	Walworth	1.10
Jones	1.07	Washabaugh	1.04
Kingsbury	1.15	Yankton	1.16
Lake	1.15	Ziebach	1.05
Lawrence	1.02		

TENNESSEE

All counties $1.33

TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	$1.10	Hockley	$1.10
Armstrong	1.10	Hood	1.16
Bailey	1.10	Hunt	1.16
Baylor	1.10	Jack	1.14
Bosque	1.18	Johnson	1.18
Bowie	1.15	Jones	1.10
Briscoe	1.10	Knox	1.10
Brown	1.15	Lamb	1.10
Callahan	1.12	Lampasas	1.18
Carson	1.10	Limestone	1.24
Cass	1.15	Lipscomb	1.07
Castro	1.10	Lubbock	1.10
Childress	1.10	Lynn	1.10
Clay	1.12	McCulloch	1.15
Cochran	1.10	McLennan	1.22
Collin	1.16	Mason	1.15
Collingsworth	1.10	Montague	1.12
Comanche	1.15	Moore	1.08
Concho	1.14	Motley	1.10
Coryell	1.20	Nolan	1.10
Cottle	1.10	Ochiltree	1.07
Dawson	1.10	Oldham	1.10
Dallam	1.06	Palo Pinto	1.15
Deaf Smith	1.10	Parker	1.16
Denton	1.16	Parmer	1.10
Dickens	1.10	Potter	1.10
Donely	1.10	Randall	1.10
Eastland	1.14	Roberts	1.06
Fannin	1.15	Runnels	1.10
Floyd	1.10	San Saba	1.17
Foard	1.10	Sherman	1.06
Gaines	1.10	Smith	1.19
Gillespie	1.14	Stonewall	1.10
Gray	1.10	Swisher	1.10
Grayson	1.15	Tarrant	1.17
Hale	1.10	Taylor	1.10
Hall	1.10	Terry	1.10
Hamilton	1.17	Wheeler	1.10
Hansford	1.07	Wichita	1.10
Hardeman	1.10	Wilbarger	1.10
Hartley	1.08	Wise	1.15
Haskell	1.10	Yoakum	1.10
Hemphill	1.08	Young	1.10

UTAH

All counties $1.06

VERMONT

All counties $1.31

VIRGINIA

All counties $1.31

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.21	Klickitat	$1.33
Asotin	1.19	Lewis	1.32
Benton	1.26	Lincoln	1.20
Chelan	1.24	Mason	1.27
Clallam	1.26	Okanogan	1.19
Clark	1.37	Pacific	1.27
Columbia	1.24	Pend Oreille	1.17
Cowlitz	1.35	Pierce	1.37
Douglas	1.20	San Juan	1.23
Ferry	1.12	Skagit	1.33
Franklin	1.23	Skamania	1.36
Garfield	1.24	Snohomish	1.34
Grant	1.21	Spokane	1.20
Grays Harbor	1.29	Stevens	1.16
Island	1.34	Thurston	1.32
Jefferson	1.26	Walla Walla	1.25
King	1.36	Whatcom	1.31
Kitsap	1.36	Whitman	1.20
Kittitas	1.27	Yakima	1.26

WEST VIRGINIA

All counties $1.31

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.20	Marathon	$1.18
Ashland	1.19	Marinette	1.18
Barron	1.19	Marquette	1.21
Bayfield	1.19	Milwaukee	1.28
Brown	1.21	Monroe	1.20
Buffalo	1.20	Oconto	1.19
Burnett	1.22	Oneida	1.17
Calumet	1.22	Outagamie	1.21
Chippewa	1.19	Ozaukee	1.24
Clark	1.17	Pepin	1.21
Columbia	1.22	Pierce	1.22
Crawford	1.19	Polk	1.22
Dane	1.23	Portage	1.20
Dodge	1.23	Price	1.17
Door	1.18	Racine	1.28
Douglas	1.23	Richland	1.21
Dunn	1.20	Rock	1.24
Eau Claire	1.20	Rusk	1.19
Florence	1.17	Saint Croix	1.22
Fond du Lac	1.23	Sauk	1.21
Forest	1.17	Sawyer	1.20
Grant	1.20	Shawano	1.20
Green	1.23	Sheboygan	1.23
Green Lake	1.23	Taylor	1.17
Iowa	1.21	Trempealeau	1.18
Iron	1.16	Vernon	1.19
Jackson	1.19	Vilas	1.14
Jefferson	1.24	Walworth	1.25
Juneau	1.21	Washburn	1.20
Kenosha	1.29	Washington	1.24
Kewaunee	1.19	Waukesha	1.24
La Crosse	1.19	Waupaca	1.20
Lafayette	1.21	Waushara	1.21
Langlade	1.18	Winnebago	1.23
Lincoln	1.17	Wood	1.20
Manitowoc	1.22		

WYOMING

All counties $1.06

(2) Where the State Committee determines that State or district weed control laws affect the rye crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this paragraph. If, upon delivery of the rye to CCC the producer supplies a certificate indicating that the rye complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(d) *Discount for ergot.* Rye containing more than 3/10 of 1 percent, but not more than 1 percent ergot, shall be discounted 1 cent per bushel for each 1/10 of 1 percent in excess of 3/10 of 1 percent ergot.

§ 421.1384 *Warehouse charges.* (a) Warehouse receipts and the rye represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges not to exceed the Uniform Grain Storage Agreement rates from the date the rye is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing rye stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 29 or April 30, 1956, the applicable date to be determined in accordance with § 421.1382, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence is submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges have been prepaid through February 29 or April 30, 1956, the applicable maturity date to be determined in accordance with § 421.1382.

Amount of deduction (cents per bushel)	Area I [1]	Area II [2]	Area III [3]	Area IV [4]		Area V [5]
	Date of deposit (all dates inclusive)	Date of deposit (all dates inclusive)	Date of deposit (all dates inclusive)	For States having maturity dates not later than Apr. 30, 1956; date of deposit (all dates inclusive)	For States having maturity dates not later than Feb. 29, 1956; date of deposit (all dates inclusive)	Date of deposit (all dates inclusive)
16				Prior to May 12, 1955		
15		Prior to May 12, 1955	Prior to May 27, 1955	May 12–June 10, 1955		
14	Prior to May 27, 1955	May 12–June 10, 1955	May 27–June 25, 1955	June 11–July 10, 1955	Prior to May 11, 1955	Prior to May 21, 1955.
13	May 27–June 25, 1955	June 11–July 10, 1955	June 26–July 25, 1955	July 11–Aug. 9, 1955	May 11–June 9, 1955	May 21–June 14, 1955.
12	June 26–July 25, 1955	July 11–Aug. 9, 1955	July 26–Aug. 24, 1955	Aug. 10–Sept. 8, 1955	June 10–July 4, 1955	June 15–July 4, 1955.
11	July 26–Aug. 24, 1955	Aug. 10–Sept. 8, 1955	Aug. 25–Sept. 23, 1955	Sept. 9–Oct. 8, 1955	July 5–July 24, 1955	July 5–July 24, 1955.
10	Aug. 25–Sept. 23, 1955	Sept. 9–Oct. 8, 1955	Sept. 24–Oct. 13, 1955	Oct. 9–Nov. 2, 1955	July 25–Aug. 13, 1955	July 25–Aug. 13, 1955.
9	Sept. 24–Oct. 23, 1955	Oct. 9–Nov. 2, 1955	Oct. 14–Nov. 2, 1955	Nov. 3–Nov. 22, 1955	Aug. 14–Sept. 2, 1955	Aug. 14–Sept. 2, 1955.
8	Oct. 24–Nov. 22, 1955	Nov. 3–Nov. 22, 1955	Nov. 3–Nov. 22, 1955	Nov. 23–Dec. 12, 1955	Sept. 3–Sept. 22, 1955	Sept. 3–Sept. 22, 1955.
7	Nov. 23–Dec. 12, 1955	Nov. 23–Dec. 12, 1955	Nov. 23–Dec. 12, 1955	Dec. 13, 1955–Jan. 1, 1956	Sept. 23–Oct. 12, 1955	Sept. 23–Oct. 12, 1955.
6	Dec. 13, 1955–Jan. 1, 1956	Dec. 13, 1955–Jan. 1, 1956	Dec. 13, 1955–Jan. 1, 1956	Jan. 2–Jan. 21, 1956	Oct. 13–Nov. 1, 1955	Oct. 13–Nov. 1, 1955.
5	Jan. 2–Jan. 21, 1956	Jan. 2–Jan. 21, 1956	Jan. 2–Jan. 21, 1956	Jan. 22–Feb. 10, 1956	Nov. 2–Nov. 21, 1955	Nov. 2–Nov. 21, 1955.
4	Jan. 22–Feb. 10, 1956	Jan. 22–Feb. 10, 1956	Jan. 22–Feb. 10, 1956	Feb. 11–March 2, 1956	Nov. 22–Dec. 11, 1955	Nov. 22–Dec. 11, 1955.
3	Feb. 11–March 2, 1956	Feb. 11–March 2, 1956	Feb. 11–March 2, 1956	March 3–March 22, 1956	Dec. 12–Dec. 31, 1955	Dec. 12–Dec. 31, 1955.
2	March 3–March 22, 1956	March 3–March 22, 1956	March 3–March 22, 1956	March 23–Apr. 30, 1956	Jan. 1–Jan. 20, 1956	Jan. 1–Jan. 20, 1956.
1	March 23–Apr. 30, 1956	March 23–Apr. 30, 1956	March 23–Apr. 30, 1956		Jan. 21–Feb. 29, 1956	Jan. 21–Feb. 29, 1956.

[1] Area I—Includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.
[2] Area II—Includes: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin).
[3] Area III—Includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).
[4] Area IV—Includes: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.
[5] Area V—Includes: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the rye represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through February 29 or April 30, 1956, whichever date is applicable to the point of storage as determined in accordance with § 421.1382, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1385 *Settlement*—(a) *Settlement value.* (1) In the case of eligible rye delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1383 and 421.1018 (e). The support rate shall be for the grade and quality of the total quantity of rye eligible for delivery. If, upon delivery, the rye under farm-storage loan is of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality of the rye placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the rye delivered, as determined by CCC: *Provided, however,* That if such rye is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price.

(2) In the case of eligible rye delivered to CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with § 421.1383 and § 421.1018 (e).

(b) *Storage deduction for early delivery.* Whenever farm-stored rye under loan or purchase agreement is delivered to CCC prior to the loan maturity date for the State, a deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges (§ 421.1384), except that no such deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or it is determined by CCC at the time of delivery that the rye will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on rye under loan or purchase agreement, stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the rye to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on rye delivered to CCC on track at a country point.

Issued this 18th day of May 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4168; Filed, May 23, 1955; 8:46 a. m.]

[1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1955 crop of flaxseed. The 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1955 is supplemented as follows:

Sec.
421.1476 Purpose.
421.1477 Availability of price support.
421.1478 Eligible flaxseed.
421.1479 Warehouse receipts.
421.1480 Determination of quantity.
421.1481 Determination of quality.
421.1482 Maturity of loans.
421.1483 Support rates.
421.1484 Warehouse charges.
421.1485 Settlement.

AUTHORITY: §§ 421.1476 to 421.1485 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.1476 *Purpose.* Sections 421.1476 to 421.1485 state additional specific regulations which, together with the general regulations contained in the 1955 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1001 to 421.1021), apply to loans and purchase agreements under the 1955-Crop Flaxseed Price Support Program.

§ 421.1477 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever flaxseed is grown in the continental United States, except in Texas counties designated under the 1955-Texas Flaxseed Purchase Program (§§ 421.1526 to 421.1539). Farm-storage loans will not be available in areas where the State committee determines that flaxseed cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through October 31, 1955, in Arizona and California, and from the time of harvest through January 31, 1956, in all other States; the applicable documents must be signed by the producer and delivered to the county committee not later than such final dates. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing flaxseed in 1955 as landowner, landlord, tenant, or sharecropper.

§ 421.1478 *Eligible flaxseed.* At the time the flaxseed is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The flaxseed must have been produced in the continental United States (excluding the Texas counties designated under the 1955-Texas Flaxseed Purchase Program) in 1955 by an eligible producer.

(b) (1) The beneficial interest in the flaxseed must be in the producer tendering the flaxseed for loan or for delivery under a purchase agreement, and must always have been in him or must have been in him and a former producer whom he succeeded before the flaxseed was harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the flaxseed was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The flaxseed must grade No. 1 or No. 2.

(d) If offered as security for a farm-storage loan, the flaxseed must have been stored in the bin or granary at least 30 days prior to its inspection, measurement, sampling, and sealing unless otherwise approved by the State committee.

§ 421.1479 *Warehouse receipts.* Warehouse receipts, representing flaxseed in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the flaxseed is insured, or must be issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the be submitted for each grade of flaxseed. warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) grade, (3) test weight, (4) dockage, and (5) percentage of damage when such factor, and not test weight, determines the grade. The warehouse receipt or the warehouseman's supplemental certificate must show whether the flaxseed arrived by rail, truck or barge. In the case of flaxseed delivered by rail or barge, the grading factors on the warehouse receipt or warehouseman's supplemental certificate must agree with the inbound inspection certificate for the car or barge if such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade of flaxseed.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1484.

(e) Warehouse receipts representing flaxseed which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

§ 421.1480 *Determination of quantity.* (a) The quantity of flaxseed placed under farm-storage loan may be determined either by weight or by measurement. The quantity of flaxseed placed under warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 56 pounds of flaxseed free of dockage. In determining the quantity of sacked flaxseed by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of flaxseed is determined by measurement, a bushel shall be 1.25 cubic feet of flaxseed testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound flaxseed:

For flaxseed testing:	Percentage
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	94
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	90
50 pounds or over, but less than 51 pounds	88
49 pounds or over, but less than 50 pounds	85
48 pounds or over, but less than 49 pounds	83
47 pounds or over, but less than 48 pounds	81

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity available for loan or purchase.

§ 421.1481 *Determination of quality.* The grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Flaxseed, whether or not such determinations are made on the basis of an official inspection.

§ 421.1482 *Maturity of loans.* Loans mature on demand but not later than January 31, 1956, on flaxseed stored in Arizona and California, and not later than April 30, 1956, on flaxseed stored in all other States.

§ 421.1483 *Support rates.* Basic support rates for flaxseed placed under loan or delivered under a purchase agreement will be set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for No. 1 flaxseed stored in approved warehouses at terminal markets listed below are as follows:

Terminal market:	Rate per bushel for No. 1
Los Angeles, Calif	$3.44
San Francisco, Calif	3.38
Chicago, Ill	3.19
Duluth, Minneapolis, and St. Paul, Minn	3.19
Superior, Wis	3.19
Fredonia, Kans	2.94
Corpus Christi and Houston, Tex	2.94

(2) Flaxseed eligible for loan or purchase at the support rates shown in the above schedule must have been shipped on a domestic interstate freight rate basis. On any flaxseed shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for the designated terminal markets apply to flaxseed which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided,* That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) When shipped by rail or water and stored at any designated terminal market, flaxseed for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 8 cents per bushel.

(5) For flaxseed received by truck and stored at any designated terminal market, the support rate shall be the terminal rate minus 12½ cents per bushel.

(b) *Support rates for flaxseed in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for flaxseed stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax), of the through-freight rate from point of origin for such flaxseed to such terminal market: *Provided,* That on any flaxseed shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such flaxseed to the point of storage: *And provided further,* That in the case of flaxseed stored at any railroad transit point taking a penalty by reason of out-of-line movement to the appropriated designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing flaxseed in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 421.1479.

(c) *County support rates.* (1) The basic county support rates for No. 1 flaxseed are as follows: (Farm-storage loans and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section, will be based on the support rate established for the county in which the flaxseed is stored. If two or more approved warehouses are located in the same or adjoining towns, villages, or cities having the same interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.)

ARIZONA

County	Rate per bushel	County	Rate per bushel
Cochise	$2.93	Pinal	$3.19
Graham	2.83	Yavapai	2.95
Maricopa	3.19	Yuma	3.24
Pima	3.07		

CALIFORNIA

Alameda	$3.24	Napa	$3.24
Colusa	3.19	Riverside	3.24
Fresno	3.23	Sacramento	3.22
Imperial	3.23	San Benito	3.22
Kern	3.24	San Joaquin	3.22
Kings	3.24	San Mateo	3.24
Los Angeles	3.30	Santa Clara	3.23
Madera	3.21	Santa Cruz	3.21
Merced	3.21	Sutter	3.19
Modoc	2.96	Yolo	3.22

GEORGIA

All counties	$2.38

IDAHO

Bingham	$2.49

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$2.86	Howard	$2.96
Adams	2.87	Humboldt	2.94
Allamakee	2.94	Ida	2.91
Appanoose	2.83	Iowa	2.91
Audubon	2.89	Jackson	2.95
Benton	2.93	Jasper	2.91
Black Hawk	2.93	Jefferson	2.91
Boone	2.91	Johnson	2.93
Bremer	2.94	Jones	2.94
Buchanan	2.93	Keokuk	2.91
Buena Vista	2.93	Kossuth	2.95
Butler	2.94	Lee	2.94
Calhoun	2.93	Linn	2.93
Carroll	2.91	Louisa	2.94
Cass	2.87	Lucas	2.89
Cedar	2.94	Lyon	2.92
Cerro Gordo	2.95	Madison	2.89
Cherokee	2.92	Mahaska	2.90
Chickasaw	2.94	Marion	2.94
Clarke	2.87	Marshall	2.93
Clay	2.94	Mills	2.88
Clayton	2.93	Mitchell	2.96
Clinton	2.95	Monona	2.91
Crawford	2.90	Monroe	2.89
Dallas	2.91	Montgomery	2.87
Davis	2.90	Muscatine	2.94
Decatur	2.87	O'Brien	2.93
Delaware	2.93	Osceola	2.94
Des Moines	2.94	Page	2.87
Dickinson	2.94	Palo Alto	2.94
Dubuque	2.94	Plymouth	2.91
Emmet	2.96	Pocahontas	2.93
Fayette	2.94	Polk	2.91
Floyd	2.95	Pottawattamie	2.88
Franklin	2.94	Poweshiek	2.91
Fremont	2.88	Ringgold	2.86
Greene	2.91	Sac	2.92
Grundy	2.93	Scott	2.95
Guthrie	2.91	Shelby	2.90
Hamilton	2.93	Sioux	2.92
Hancock	2.95	Story	2.92
Hardin	2.93	Tama	2.93
Harrison	2.90	Taylor	2.85
Henry	2.93	Union	2.87
Van Buren	2.91	Winnebago	2.96
Wapello	2.90	Winneshiek	2.94
Warren	2.89	Woodbury	2.91
Washington	2.92	Worth	2.96
Wayne	2.89	Wright	2.94
Webster	2.93		

KANSAS

Allen	$2.74	Leavenworth	$2.68
Anderson	2.72	Lincoln	2.65
Atchison	2.68	Linn	2.68
Bourbon	2.69	Lyon	2.71
Brown	2.63	McPherson	2.68
Butler	2.71	Marion	2.68
Chase	2.69	Marshall	2.63
Chautauqua	2.72	Miami	2.71
Cherokee	2.71	Mitchell	2.63
Clay	2.65	Montgomery	2.76
Cloud	2.63	Morris	2.69
Coffey	2.72	Nemaha	2.62
Cowley	2.71	Neosho	2.75
Crawford	2.72	Osage	2.72
Dickinson	2.68	Osborne	2.62
Douglas	2.72	Ottawa	2.66
Doniphan	2.63	Pawnee	2.63
Elk	2.75	Pottawatomie	2.66
Ellis	2.62	Reno	2.68
Ellsworth	2.66	Republic	2.63
Finney	2.59	Rice	2.66
Ford	2.64	Riley	2.67
Franklin	2.72	Russell	2.63
Geary	2.68	Saline	2.66
Greenwood	2.74	Sedgwick	2.69
Harper	2.68	Shawnee	2.70
Harvey	2.68	Stafford	2.65
Jackson	2.66	Sumner	2.69
Jefferson	2.70	Wabaunsee	2.68
Jewell	2.63	Washington	2.83
Johnson	2.72	Wilson	2.77
Kingman	2.68	Woodson	2.75
Kiowa	2.63	Wyandotte	2.72
Labette	2.73		

MICHIGAN

Alpena	$2.81	Mackinac	$2.81
Benzie	2.85	Menominee	2.89
Cass	2.93	Midland	2.85
Cheboygan	2.81	Monroe	2.87
Chippewa	2.81	Ontonagon	2.86
Crawford	2.83	Saint Clair	2.85
Iosco	2.83	Sanilac	2.84
Luce	2.81	Wayne	2.86

MINNESOTA

Aitkin	$3.00	Kittson	$2.89
Anoka	3.03	Koochiching	2.90
Becker	2.94	Lac qui Parle	2.95
Beltrami	2.94	Lake of the Woods	2.91
Benton	2.99	Le Seur	3.00
Big Stone	2.94	Lincoln	2.95
Blue Earth	2.98	Lyon	2.96
Brown	2.98	McLeod	3.00
Carlton	3.01	Mahnomen	2.92
Carver	3.02	Marshall	2.91
Cass	2.97	Martin	2.96
Chippewa	2.97	Meeker	3.00
Chisago	3.01	Mille Lacs	3.00
Clay	2.93	Morrison	2.98
Clearwater	2.94	Mower	2.97
Cottonwood	2.96	Murray	2.95
Crow Wing	2.98	Nicollet	3.00
Dakota	3.02	Nobles	2.94
Dodge	2.98	Norman	2.92
Douglas	2.97	Olmstead	2.98
Faribault	2.96	Otter Tail	2.96
Fillmore	2.95	Pennington	2.91
Freeborn	2.98	Pine	2.99
Goodhue	2.99	Pipestone	2.94
Grant	2.96	Polk	2.92
Hennepin	3.03	Pope	2.97
Houston	2.95	Ramsey	3.03
Hubbard	2.95	Red Lake	2.92
Isanti	3.00	Redwood	2.97
Itasca	2.98	Renville	2.98
Jackson	2.95	Rice	3.00
Kanabec	2.99	Rock	2.93
Kandiyohi	2.99		

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Roseau	$2.90	Wabasha	$2.99
St. Louis	2.99	Wadena	2.97
Scott	3.02	Waseca	2.98
Sherburne	3.01	Washington	3.03
Sibley	3.00	Watonwan	2.97
Stearns	2.99	Wilkin	2.94
Steele	2.98	Winona	2.98
Stevens	2.96	Wright	3.01
Swift	2.97	Yellow Medicine	2.96
Todd	2.97		
Traverse	2.94		

MONTANA

Beaverhead	$2.49	Liberty	$2.64
Big Horn	2.58	McCone	2.74
Blaine	2.67	Musselshell	2.67
Broadwater	2.64	Park	2.64
Carbon	2.64	Petroleum	2.64
Carter	2.76	Phillips	2.69
Cascade	2.64	Pondera	2.64
Chouteau	2.64	Powder River	2.73
Custer	2.74	Prairie	2.75
Daniels	2.72	Richland	2.76
Dawson	2.75	Roosevelt	2.76
Deer Lodge	2.60	Rosebud	2.70
Fallon	2.76	Sheridan	2.75
Fergus	2.64	Stillwater	2.64
Gallatin	2.64	Sweet Grass	2.64
Garfield	2.73	Teton	2.64
Glacier	2.64	Toole	2.64
Golden Valley	2.64	Treasure	2.69
Hill	2.64	Valley	2.72
Judith Basin	2.64	Wheatland	2.64
Lewis and Clark	2.63	Wibaux	2.77
		Yellowstone	2.64

NORTH DAKOTA

Adams	$2.81	McLean	$2.84
Barnes	2.91	Mercer	2.82
Benson	2.87	Morton	2.83
Billings	2.81	Mountrail	2.82
Bottineau	2.83	Nelson	2.88
Bowman	2.80	Oliver	2.84
Burke	2.82	Pembina	2.88
Burleigh	2.86	Pierce	2.86
Cass	2.92	Ramsey	2.87
Cavalier	2.87	Ransom	2.91
Dickey	2.90	Renville	2.82
Divide	2.80	Richland	2.93
Dunn	2.81	Rolette	2.85
Eddy	2.88	Sargent	2.92
Emmons	2.85	Sheridan	2.86
Foster	2.89	Sioux	2.83
Golden Valley	2.78	Slope	2.78
Grand Forks	2.90	Stark	2.82
Grant	2.82	Steele	2.91
Griggs	2.90	Stutsman	2.89
Hettinger	2.82	Towner	2.86
Kidder	2.87	Traill	2.91
La Moure	2.89	Walsh	2.88
Logan	2.87	Ward	2.83
McHenry	2.85	Wells	2.87
McIntosh	2.87	Williams	2.81
McKenzie	2.78		

OKLAHOMA

Alfalfa	$2.65	Marshall	$2.58
Caddo	2.59	Mayes	2.68
Canadian	2.59	Murray	2.58
Choctaw	2.56	Muskogee	2.65
Comanche	2.58	Noble	2.66
Cotton	2.56	Nowata	2.72
Craig	2.69	Okfuskee	2.61
Delaware	2.68	Okmulgee	2.63
Garfield	2.66	Osage	2.68
Grady	2.59	Ottawa	2.68
Grant	2.66	Pittsburg	2.61
Haskell	2.62	Pontotoc	2.59
Hughes	2.61	Pushmataha	2.58
Johnston	2.58	Rogers	2.69
Kay	2.68	Seminole	2.61
Kingfisher	2.61	Sequoyah	2.62
Latimer	2.59	Tillman	2.56
Le Flore	2.60	Tulsa	2.69
Love	2.57	Wagoner	2.68
McCurtain	2.54	Washington	2.70
McIntosh	2.63	Woods	2.65
Major	2.61	Woodward	2.61

OREGON

County	Rate per bushel	County	Rate per bushel
Multnomah	$2.47	Polk	$2.47

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$2.87	Jackson	$2.80
Beadle	2.91	Jerauld	2.90
Bennett	2.77	Jones	2.81
Bon Homme	2.88	Kingsbury	2.93
Brookings	2.94	Lake	2.93
Brown	2.91	Lawrence	2.76
Brule	2.85	Lincoln	2.92
Buffalo	2.88	Lyman	2.83
Butte	2.76	McCook	2.92
Campbell	2.86	McPherson	2.88
Charles Mix	2.86	Marshall	2.91
Clark	2.93	Meade	2.79
Clay	2.91	Mellette	2.79
Codington	2.93	Miner	2.92
Corson	2.84	Minnehaha	2.93
Custer	2.76	Moody	2.93
Davison	2.90	Pennington	2.79
Day	2.92	Perkins	2.82
Deuel	2.94	Potter	2.87
Dewey	2.83	Roberts	2.93
Douglas	2.87	Sanborn	2.90
Edmunds	2.89	Shannon	2.76
Fall River	2.70	Spink	2.91
Faulk	2.89	Stanley	2.86
Grant	2.94	Sully	2.86
Gregory	2.83	Todd	2.79
Haakon	2.82	Tripp	2.80
Hamlin	2.93	Turner	2.92
Hand	2.90	Union	2.91
Hanson	2.91	Walworth	2.87
Harding	2.81	Washabaugh	2.80
Hughes	2.87	Yankton	2.90
Hutchinson	2.89	Ziebach	2.81
Hyde	2.88		

TEXAS

Carson	$2.53	Glasscock	$2.53
Culberson	2.46	Hockley	2.53
Deaf Smith	2.53	Moore	2.51
Floyd	2.53	Pecos	2.47

WISCONSIN

Adams	$2.93	Marathon	$2.93
Ashland	2.96	Marinette	2.90
Barron	2.97	Marquette	2.93
Bayfield	2.97	Milwaukee	3.01
Brown	2.93	Monroe	2.94
Buffalo	2.97	Oconto	2.91
Burnett	3.00	Oneida	2.89
Calumet	2.94	Outagamie	2.94
Chippewa	2.96	Ozaukee	2.96
Clark	2.94	Pepin	2.99
Columbia	2.94	Pierce	3.00
Crawford	2.93	Polk	3.00
Dane	2.96	Portage	2.92
Dodge	2.96	Price	2.94
Door	2.90	Racine	3.02
Douglas	3.01	Richland	2.93
Dunn	2.98	Rock	2.97
Eau Claire	2.97	Rusk	2.96
Florence	2.88	St. Croix	3.00
Fond du Lac	2.95	Sauk	2.94
Forest	2.92	Sawyer	2.97
Grant	2.93	Shawano	2.92
Green	2.96	Sheboygan	2.95
Green Lake	2.94	Taylor	2.94
Iowa	2.93	Trempealeau	2.95
Iron	2.94	Vernon	2.94
Jackson	2.96	Vilas	2.89
Jefferson	2.97	Walworth	2.98
Juneau	2.93	Washburn	2.98
Kenosha	3.02	Washington	2.96
Kewaunee	2.91	Waukesha	2.97
La Crosse	2.94	Waupaca	2.93
Lafayette	2.94	Waushara	2.93
Langlade	2.90	Winnebago	2.94
Lincoln	2.89	Wood	2.93
Manitowoc	2.95		

(2) Where the State committee determines that State or district weed control laws affect the flaxseed crop, the support rate will be 15 cents below the applicable county support rate set forth in the schedule under subparagraph (1) of this paragraph. If upon delivery of the flaxseed to CCC, the producer supplies a certificate indicating that the flaxseed complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(d) *Discount.* The support rate for No. 2 flaxseed shall be 6 cents per bushel less than the support rate for No. 1 flaxseed.

§ 421.1484 *Warehouse charges.* (a) Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the flaxseed is deposited in the warehouse for storage.

(1) In Arizona and California, where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement is on or before January 31, 1956, there shall be deducted in computing the loan rate or purchase price the storage charges per bushel as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the maturity date, January 31, 1956.

Date of deposit (all dates inclusive):	Amount of deduction (cents per bushel)
Prior to May 17, 1955	13
May 17–June 5, 1955	12
June 6–June 25, 1955	11
June 26–July 15, 1955	10
July 16–Aug. 4, 1955	9
Aug. 5–Aug. 24, 1955	8
Aug. 25–Sept. 13, 1955	7
Sept. 14–Oct. 3, 1955	6
Oct. 4–Oct. 23, 1955	5
Oct. 24–Nov. 12, 1955	4
Nov. 13–Dec. 2, 1955	3
Dec. 3–Dec. 22, 1955	2
Dec. 23, 1955–Jan. 31, 1956	1

(2) In all other States, where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement is on or before April 30, 1956, there shall be deducted in computing the loan or purchase price the storage charges per bushel as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the maturity date, April 30, 1956.

Date of deposit (all dates inclusive):	Amount of deduction (cents per bushel)
Prior to May 27, 1955	16
May 27–June 25, 1955	15
June 26–July 25, 1955	14
July 26–Aug. 14, 1955	13
Aug. 15–Sept. 3, 1955	12
Sept. 4–Sept. 23, 1955	11
Sept. 24–Oct. 13, 1955	10

Date of deposit (all dates inclusive):	Amount of deduction (cents per bushel)
Oct. 14–Nov. 2, 1955	9
Nov. 3–Nov. 22, 1955	8
Nov. 23–Dec. 12, 1955	7
Dec. 13, 1955–Jan. 1, 1956	6
Jan. 2–Jan. 21, 1956	5
Jan. 22–Feb. 10, 1956	4
Feb. 11–Mar. 1, 1956	3
Mar. 2–Mar. 21, 1956	2
Mar. 22–Apr. 30, 1956	1

(b) Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan rate or in computing the purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the program maturity date, unless written evidence has been submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1485 *Settlement*—(a) *Settlement value.* (1) In the case of eligible flaxseed delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1483 and 421.1018 (e). The support rate shall be for the grade and quality of the total quantity of flaxseed eligible for delivery.

(2) If, upon delivery, the flaxseed under farm-storage loan is of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the flaxseed delivered, as determined by CCC: *Provided, however,* That if such flaxseed is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price.

(3) In the case of eligible flaxseed delivered to CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1483 and 421.1018 (e).

(b) *Storage deduction for early delivery.* Whenever farm-stored flaxseed under loan or purchase agreement is delivered to CCC prior to January 31, 1956, in Arizona and California, or prior to April 30, 1956, in all other States, a deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges (§ 421.1484), except that no such deductions shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the flaxseed will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on flaxseed under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the flaxseed to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on flaxseed delivered to CCC on track at a country point.

Issued this 18th day of May 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4169; Filed, May 23, 1955; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

MISCELLANEOUS AMENDMENTS

1. Section 36.4380 is revised to read as follows:

§ 36.4380 *Establishment of Loan Guaranty Committee on Waivers and Compromises.* There is established in central office and in each regional office a Loan Guaranty Committee on Waivers and Compromises. The committee will be comprised of three members, one of whom is to be designated as chairman. The regional office committee shall be appointed by and function under the jurisdiction of the regional Manager. The central office committee shall be appointed by the Administrator and function under the jurisdiction of the Deputy Administrator for Veterans Benefits.

2. In § 36.4381, the headnote and paragraph (a) and (d) are amended to read as follows:

§ 36.4381 *Jurisdiction of regional office Loan Guaranty Committee on Waivers and Compromises.* (a) The regional office committee will have original jurisdiction to adjudicate all cases in its area involving an indebtedness by a veteran to the United States of $2,500 or less, resulting from payment of the gratuity, or as the result of a direct loan, or the guaranty or insurance of a loan under Title III of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th Congress), as amended (section 694, et seq., 38 U. S. C.).

* * * * *

(d) The regional office committee, subject to current Veterans Administration regulation and instructions, shall have jurisdiction to authorize the release of any right, title, claim, lien, or demand, however acquired, against any person obligated on a loan guaranteed, insured, or made by the Veterans Administration pursuant to the provisions of Title III of the Servicemen's Readjustment Act of 1944, as amended.

3. In § 36.4382, paragraphs (a) (3), (c), and (d) are amended to read as follows:

§ 36.4382 *Jurisdiction of central office Loan Guaranty Committee on Waivers and Compromises.* (a) * * *

(3) All cases in which an appeal has been filed from the decision of the regional office Loan Guaranty Committee involving an indebtedness by the veteran to the United States resulting from a direct loan or the guaranty or insurance of a loan—under Title III of the Servicemen's Readjustment Act of 1944, as amended.

* * * * *

(c) The decision of the majority members of the central office committee in any matter within its jurisdiction shall, subject to an administrative appeal, by the Deputy Administrator for Veterans Benefits or the General Counsel, be final and conclusive. However, the committee may review and modify its decision upon the submission of new and material evidence. An administrative appeal must be filed by the Deputy Administrator for Veterans Benefits or the General Counsel within 90 days from the date of the decision of the central office committee.

(d) The central office committee, subject to current Veterans Administration regulations and instructions, shall have jurisdiction to authorize the release of any right, title, claim, lien, or demand, however acquired, against any person obligated on a loan guaranteed, insured, or made by the Veterans Administration pursuant to the provisions of Title III of the Servicemen's Readjustment Act of 1944, as amended.

4. Section 36.4383 is revised to read as follows:

§ 36.4383 *Authority to execute necessary documents.* Each of the employees enumerated in §§ 36.4342 (b) and 36.4520 (b) is authorized upon the advice of the General Counsel or the Chief Attorney of the regional office to execute on behalf of the Administrator of Veterans Affairs releases or other documents necessary to effectuate a decision of the central office or a regional office Loan Guaranty Committee on Waivers and Compromises.

5. In § 36.4384, paragraphs (a), (c), and (d) (4) are amended to read as follows:

§ 36.4384 *Principles to be followed by Loan Guaranty Committee for Waivers and Compromises.* (a) In determining

whether an indebtedness or any part thereof shall be waived, the general equitable principles of section 28, World War Veterans' Act, 1924 (Public Law 242, 68th Congress), as amended (38 U. S. C. 453), as explained in §§ 5.1 through 5.3 of this chapter, will be applied. The indebtedness may be waived in whole or in part: (1) When the veteran was not at fault in the creation of indebtedness which is being considered by the committee, and (2) where recovery of the whole or the part concerned (i) would defeat the purposes of the benefits otherwise authorized under the laws administered by the Veterans Administration, or (ii) would be against equity and good conscience.

* * * * * *

(c) In determining whether recovery in whole or in part from other Veterans Administration benefits would defeat the purpose of benefits otherwise authorized under the laws administered by the Veterans Administration, the real purpose of the benefit is the basic criterion. Thus, while recovery in whole or in part might defeat benefits, it might not defeat the purpose of such benefits. The primary purpose of most of the benefits under the laws administered by the Veterans Administration is to furnish a measure of support, or means of obtaining a support, for veterans and their dependents. (See § 5.3 (d) of this chapter.)

(d) * * *

(4) If the debt, or a part thereof, is due to the fault of the Veterans Administration, the veteran being without fault, it would be inequitable to require payment thereof. (See §§ 5.1 and 5.3 (e) of this chapter.)

* * * * * *

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective May 24, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-4205; Filed, May 23, 1955; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter F—Color of Title and Riparian Claims

[Circular No. 1910]

PART 141—COLOR OF TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

ERRONEOUSLY MEANDERED LANDS, WISCONSIN

Sections 141.19 to 141.24 are completely revised to read as follows:

Sec.
141.19 Statutory authority.
141.20 Qualifications of applicants.
141.21 Applications.
141.22 Publication and protests.
141.23 Price of land; other conditions.

AUTHORITY: §§ 141.19 to 141.23 issued under R. S. 2478; 43 U. S. C. 1201.

§ 141.19 *Statutory authority.* The act of August 24, 1954 (68 Stat. 789) directs the Secretary of the Interior to issue patents for public lands which lie between the meander line of an inland lake or river in Wisconsin as originally surveyed and the meander line of that lake or river as subsequently resurveyed, under certain terms and conditions. The act of February 27, 1925 (43 Stat. 1013; 43 U. S. C. 994), authorized the Secretary of the Interior to sell such public lands under certain other terms and conditions. These acts are cited as "the act of 1954" and "the act of 1925," respectively, in §§ 141.20 to 141.23.

§ 141.20 *Qualifications of applicants.* (a) To qualify under the act of 1954, a person, or his predecessors in interest, (1) must have been issued, prior to January 21, 1953, a patent for lands lying along the meander line as originally determined, and (2) must have held in good faith and in peaceful, adverse possession since the date of issuance of said patent adjoining public lands lying between the original meander line and the resurveyed meander line.

(b) To qualify under the act of 1925, a person must either (1) be the owner in good faith of land, acquired prior to February 27, 1925, shown by the official public land surveys to be bounded in whole or in part by such public lands or (2) be a citizen of the United States who, in good faith under color of title or claiming as a riparian owner, had, prior to February 27, 1925, placed valuable improvements upon or reduced to cultivation any of such public lands.

§ 141.21 *Applications.* (a) Claimants under the act of 1925 have a preferred right of application for a period of 90 days from the date of filing of the plat of survey of lands claimed by them. Applications for public lands under the act of 1954 must be filed within one year after August 24, 1954, or one year from the date of the official plat or resurvey, whichever is later. All applications must be filed in duplicate with the Bureau of Land Management, Washington 25, D. C.

(b) Every application must be accompanied by a filing fee of $10, which is not returnable.

(c) No particular form is required but the applications must be typewritten or in legible handwriting and must contain the following information: [1]

(1) The name and post office address of the applicant.

(2) The legal description and acreage of the public lands claimed or desired.

(3) The legal description of the lands owned by the applicant, if any, adjoining the public lands claimed or desired. If the claim is based on ownership of such adjoining lands, the application must be accompanied by a certificate from the proper county official or by an abstractor, showing the date of acquisition of the lands by the applicant and that the applicant owns the lands in fee simple as of the date of application.

(4) If the applicant is a color-of-title applicant under the act of 1925, a statement whether or not the applicant is a citizen of the United States.

(5) If the application is based on color of title or riparian claim under the act of 1925, a statement fully disclosing the facts of the matter; or if the application is based on peaceful, adverse possession under the act of 1954, a similar statement showing peaceful, adverse possession by the applicant, or his predecessors in interest, since the issuance of the patent to the lands adjoining the claimed lands.

(6) A statement showing the improvements, if any, placed on the public lands applied for including their location, nature, present value, date of installation, and the names of the person or persons who installed them.

(7) A statement showing the cultivation, if any, of the lands applied for, including the nature, location, and dates of such cultivation.

(8) The names and post office addresses of any adverse claimants, settlers, or occupants of the public lands applied for or claimed.

(9) The names and post office addresses of at least two disinterested persons having knowledge of the facts relating to the applicant's claim.

(10) A citation of the act under which the application is made.

§ 141.22 *Publication and protests* (a) The applicant will be required to publish once a week for five consecutive weeks in accordance with § 106.18 of this chapter, at his expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to file with the Bureau of Land Management, Washington 25, D. C., their objections to issuance of patent under the application. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service.

(b) The applicant must file a statement of the publisher, accompanied by a copy of the notice published, showing that publication has been had for the required time.

§ 141.23 *Price of land; other conditions.* (a) Persons entitled to a patent under the act of 1954 must, within 30 days after request therefor, pay, under the same terms and conditions, the same price per acre as was paid for the land included in their original patent.

(b) Persons entitled to a patent under the act of 1925, within 30 days after request therefor, must pay the appraised price of the lands, which price will be the value of the lands as of the date of appraisal, exclusive of any increased value resulting from the development or improvement of the lands for agricultural purposes by the applicant or his predecessors in interest but inclusive of the stumpage value of any timber cut or removed by them.

The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1952.

DOUGLAS MCKAY,
Secretary of the Interior.

MAY 17, 1955.

[F. R. Doc. 55-4178; Filed, May 23, 1955; 8:46 a. m.]

[1] Title 18, U. S. C., sec. 1001, makes it a crime for any person knowingly and willfully to make any false, fictitious, or fraudulent statements or representations to any department or agency as to any matter within its jurisdiction.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 55-580; Rules Amdts. 7-15, 8-22]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

FREQUENCIES AVAILABLE FOR TELEGRAPHY IN CERTAIN BAND

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make frequencies for telegraphy in the band 2035–2107 kc available to ship and coast stations without restriction.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of May 1955;

The Commission having under consideration the above-captioned matter; and

It appearing that the Commission's rules presently provide that frequencies in the coast telegraph band 2035–2065 kc and the ship telegraph band 2065–2107 kc are available for assignment to coast and ship stations, respectively, on a "day only" basis, subject to the condition that harmful interference will not be caused to stations which, in the discretion of the Commission, may have priority on the frequency involved; and

It further appearing that these frequency bands have been cleared to permit full time use beginning June 1, 1955, and no harmful interference is expected to be caused to other stations by the full time use of frequencies within the respective bands and, for these reasons, the "day only" and non-interference conditions may now be deleted from the rules; and

It further appearing that since all frequency conflicts with respect to these frequency bands have been resolved, the amendments herein ordered merely bring the rules into conformity with the operational use intended under the frequency assignment plan, and therefore, compliance with the public notice and rule making procedures prescribed by sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendments herein ordered relieve existing restrictions, and, therefore, compliance with section 4 (c) of the Administrative Procedure Act is not required; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective June 1, 1955, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: May 19, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. Section 7.206 is amended by deleting the text of paragraph (b) (1) and inserting in lieu thereof the word "Reserved".

B. Part 8 is amended as follows:

1. Section 8.323 is amended by deleting the Note at the end thereof.

2. Section 8.324 (e) (1) is amended by deleting table footnote designators 2 and 3 and by deleting table footnotes 2 and 3.

3. Section 8.324 (e) (2) is amended by deleting table footnote designator 1 and by deleting footnote 1.

[F. R. Doc. 55-4198; Filed, May 23, 1955; 8:51 a. m.]

[Docket No. 11240; FCC 55-544]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

REVISION OF PART

In the matter of amendment of Part 14 of the rules to revise the provisions thereof with respect to the allocation and methods of use of radio frequencies by stations in the fixed and maritime services in the Territory of Alaska and with respect to station equipment and operating requirements.

1. The Commission instituted the above captioned proceeding by adoption of a Notice of Proposed Rule Making on December 22, 1954. The Notice provided a period until February 14, 1955, for the submission of written comments.

2. The proposed amendment is directed toward the improvement of point-to-point, ship-shore and ship-to-ship telegraph and telephone radio communication for the public and for industries in the Alaskan area. Certain of its provisions would serve also the purpose of aiding the United States in its implementation of the International Radio Regulations (Atlantic City, 1947) in accordance with the Geneva Agreement (1951).

3. Comments in this proceeding were filed by a group of 47 companies and 3 associations "representing the fishing industry and other commercial radio licensees in Alaska", hereinafter referred to as the Industry Group. Although this group concurred with many provisions of the proposed rules, it also set forth in its comments several proposals for changes in other provisions of these rules in the belief that such revisions would be "in the best interest of the group as a whole." It admitted, however, that it "has limited interest in zones 6 and 7", as these zones were defined in proposed § 14.3. One of the members of this group, the Alaska Steamship Company, filed additional comment in respect to a particular subject not specifically covered in the group comments.

4. Comments were filed also by the Alaska Aeronautics and Communications Commission acting for and in behalf of the Territorial Government of Alaska (hereinafter referred to as the AACC), by the American Telephone and Telegraph Company on behalf of the Bell Telephone Companies, and by the Alaska Communications System (hereinafter referred to as the ACS).

5. Concurrence was expressed with many of the proposed rules. Objections, some in conflict with others, were raised to certain rules with both general and specific changes requested, recommended or suggested. In the following paragraphs, only those provisions of the proposed rules to which objection was stated, or in which revision was indicated as appropriate to a particular purpose, are discussed and reasons are set forth in respect to the Commission's findings and action in disposing of each.

Alaska Zones for Frequency-Assignment Purposes

6. In Appendix I of its Notice of Proposed Rule Making, the Commission stated its belief that in Alaska appropriate geographical separation should be provided between areas of use of closely adjacent frequencies, and that some of the available frequencies could be used more effectively under a geographic zone plan of allocation. Accordingly, it was proposed to establish seven clearly defined zones within the Alaska area for these purposes.

7. The Industry Group recommended that (a) proposed Zones 1 and 2 be combined, (b) the western boundary of proposed Zone 4 and the eastern boundary of proposed Zone 5 be changed to 155 degrees west longitude, and (c) no change be made in the boundaries of proposed Zones 3, 6 and 7. With respect to the consolidation of proposed Zones 1 and 2, the Industry Group points out that Southeastern Alaska is an area of integrated operations, involving in particular widespread fishing and lumbering activities, with many interested parties having operations in both Zones 1 and 2 as originally proposed in this docket. The belief is expressed that "it would be generally highly advantageous" that these activities, in reference to radio communication, "be embraced in a single radio zone." In support of its recommended change in the respective areas of Zones 4 and 5, the Industry Group states that the originally proposed Zone 4 "encompassed too large a territory" and that the new zone areas recommended "would more evenly divide the fishing and other commercial operations into zones containing approximately equal volumes of radio traffic."

8. Comments submitted by the AACC expressed objection to the proposed division of Alaska into zones for frequency assignment purposes, contending that the interference problem in Southeast Alaska would be increased under provisions of the proposed rules, which would

allocate fewer frequencies to this particular area than the number of frequencies provided by the present rules. One of its comments was that "the best we could do on the zoning plan would be to combine SE Alaska into one zone and the two frequency blocks." The AACC stated further, however, that the only geographic division of Alaska for frequency assignment purposes which it would approve would be the separation of Alaska into two parts, the meridian of 141 degrees west longitude being the dividing line.

9. The Commission points out that the zoning plan set forth in the proposed rules was developed after extensive study with the following considerations in mind: (a) certain frequencies could be assigned for use only in certain parts of Alaska; (b) zone assignments were planned and coordinated to reduce, insofar as possible, interference to and from other radio services (both government and non-government) having co-channel or adjacent channel assignments; (c) zone assignments were chosen in such a manner as to reduce the likelihood of interference among non-government stations located in adjacent areas in Alaska; and (d) with respect to the use of frequencies, more effective group coordination should be feasible among licensees in a particular zone or region, many of whom have similar interests in the use of the commonly available zone frequencies, than among the licensees of stations located throughout the entire Alaska area. Although the proposed rules in Part 14 would provide fewer frequencies for a particular zone than the present rules, it would appear that most frequencies available in any given zone should be subject to substantially less interference from other areas. Further, if Alaska were to be divided into two large zones only, as recommended by the AACC, it is apparent that the very purpose of one of the other AACC comments (to establish methods whereby frequency coordination among licensees can be facilitated) would be affected adversely.

10. Upon due consideration of all of the foregoing comments together with the factors originally considered by the Commission, the rules provide for six zones, defined in § 14.3 as finalized. As recommended by the Industry Group, final Zone 1 includes the originally proposed Zones 1 and 2, and final Zones 3 and 4 (originally proposed Zones 4 and 5) are divided on the west and on the east respectively by the meridian of 155 degrees west longitude. Originally proposed Zones 3, 6, and 7 are unchanged but are designated finally as Zones 2, 5, and 6, respectively.

Frequencies Assigned to Particular Zones

11. Because of "the limited usefulness of the lower frequencies" (such as 1646, 1652, 1712, and 2006 kc) "in the mountainous terrain of southeastern Alaska," as well as the stated fact that "past experience on 1708 kc in the Cordova area has demonstrated a very limited value of these lower frequencies," the Industry Group recommended certain changes in assignments of the lower frequencies to particular zones. The Industry Group further recommended modification of the proposed zone allocation plan in respect to certain frequencies between 2100 kc and 2700 kc; the reasons stated were (a) "night interference from CZO, Vancouver, B. C., on 2538 kc" which makes this channel "almost completely unusable" in the Cook Inlet and Kodiak areas and precludes "the possible use of this frequency" in Southeastern Alaska; (b) "there are extensive integrated fishing and canning operations between the Cook Inlet and Cordova areas, which at times include Kodiak area vessels"; (c) "the very strong signals from Station KOU, San Pedro, California, on 2566 kc * * * makes for an intolerable situation * * * especially in Southeastern Alaska"; and (d) to meet the frequency requirements of proposed Zones 4, 5, 6, and 7 (final zones 3, 4, 5, and 6).

12. Revision of the zone boundaries as announced in preceding paragraph 10 obviously necessitates reconsideration of the proposed zone frequency assignments. The reasons given by the Industry Group in support of its specific recommendations appear to be generally sound; such recommendations being made "after considerable deliberation and consideration of the proposed rules" as explained in the comments submitted by that Group. Although the Commission notes the Group's expression of need for assignment of frequencies such as 2006 kc and 2616 kc for use in zones additional to final zone 1, it does not believe that public interest would be served by such assignments where, as a result, harmful interference would be caused to, or received from, stations of the federal government operating on the same or closely adjacent frequencies in the same area. Coordination of the zone frequency plan with certain Government agencies reveals that this is the situation with respect to the recommended non-Government use of 2006 kc and 2616 kc in areas of Alaska outside final Zone 1. Further, the Commission finds no facts set forth in comments submitted by the Industry Group which would justify the latter's recommendation to withdraw 1646 kc from availability for maritime mobile service in final Zone 6, and to withdraw 2118 kc from availability to the fixed service in final Zone 3; both of these actions being reflected by the Group's "Exhibit B" attached to its comments. Accordingly, the Commission is adopting a modified frequency zone plan (final rule §§ 14.204 (a) (3), 14.205 (a) and 14.264 (a)) otherwise as recommended by the Industry Group, including the conditional assignment of 2118 kc for maritime mobile service in addition to its availability for fixed service in final Zones 2 and 4.

Hourly and Seasonal Limitations Imposed Upon the Use of Particular Frequencies

13. Both the Industry Group and the AACC commented unfavorably upon the hourly and seasonal limitations that would be imposed on the use of certain frequencies by the proposed rules. The AACC flatly protested the adoption of any rules that would "impose monthly time-use limitations on any frequencies new or old in the Fixed, Coastal, and ship classifications of service". Apparently its protest is based upon the position that use of the lower frequencies (apparently those in the band 1600 kc to 2000 kc) is not effective in many instances except for the shorter distances, and that more frequencies in the 2000 to 3500 kc band are needed than the number now available or proposed in order "to handle the traffic load which will be generated by industrial developments in the next 5 or 10 years." The AACC points out that "the need for frequencies does not decrease with the closure of the canning industry", (seasonal) and that even though "the traffic volume drops somewhat—the day-to-day frequency requirements are the same." The communication needs of important industries in Alaska, with emphasis on the expanding activities of the pulp and oil industries there, are mentioned in support of this need for additional radio-channels. On the other hand, the AACC states that: "We are far from being overcrowded with radio stations in any one classified group. * * * We know approximately 400 land stations may exist. On this basis, we have one station in every 1400 square miles. Actually, of this number, 20 percent are on a standby basis and roughly 50 percent of the balance are inactive six months of the year."

14. The Industry Group recommended more specifically that "the daily time and annual date limitations imposed upon 2006 kc, 2430 kc, 2450 kc, 2482 kc, 2566 kc, and 2616 kc (by the proposed rules) be liberalized in zones whose limitations apply, so as to read "6 a. m. to 12 p. m. midnight local standard time, April 1 to October 31 annually." In support thereof, this Group explained that "The seasonal preparatory activity (fishing and canning) begins approximately April 1st annually and the fishing and processing season may extend to as late as November 1st." Further, "a minimum of 18 hours daily communication time is an absolute necessity in order to properly coordinate all phases of the fishing and processing operation."

15. The American Telephone and Telegraph Company invited attention to the proposed use of certain frequencies in Alaska which it believed "may impair their usefulness for maritime services in certain parts of the United States * * * with the thought that further consideration may point the way to the clearing of the conflicts." The "conflicts" mentioned would be "harmful interference through shared operation" as proposed between stations in Alaska and those in other areas employing certain designated frequencies, particularly frequencies which have "long range propagation properties." Suggestions were made specifically for modification of the permissible degree of use of 2430 kc in proposed Zone 3 (final Zone 2) and 2482 kc in proposed Zone 4 (final Zone 3) so as to limit the use of these frequencies in these particular Alaskan zones to those "hours when daylight transmission conditions obtain between Alaska and Seattle," or to avoid any use of these frequencies in "the southern Alaska

zones." The A. T. & T. Company was "particularly concerned" regarding the use of these two frequencies in Alaska as proposed, for the reason that the Commission, in its final action in Docket 10444 on February 10, 1954, assigned 2430 kc for use by ship stations transmitting by telephony to public coast stations in the vicinity of Seattle, Washington, and 2482 kc for transmission by telephony to ships from such public coast stations, each on a 24-hour use basis beginning on a date to be designated by the Commission. Although the limitations on the use of 2430 kc and 2482 kc in Alaska suggested by the A. T. & T. Company are intended to avoid mutual interference between Alaskan stations and the ship-shore telephone service to be rendered to and from the Seattle area (existing coast station near Seattle licensed for operation by the Pacific Telephone and Telegraph Company of the Bell System), they conflict directly with the recommendation made by the Industry Group (see preceding paragraph 14) that the proposed time and date limitations in respect to use of 2430 kc and 2482 kc in Alaska, be liberalized because a minimum of 18 hours daily communication time is required by the Alaskan fishing and canning industry. The A. T. & T. Company's comments in this respect conflict also with those submitted by the AACC wherein the latter is opposed to any hourly and seasonal limitations on the use of such frequencies in Alaska. These comments by the AACC, the Industry Group, and the A. T. & T. Company were on file in this docket at the Commission's offices at Washington, D. C., not later than February 14, 1955. Opportunity was provided in this proceeding for the filing of "comments in reply to the original comments" at any time within the 15-day period following February 14, 1955. It is observed that none of these parties filed any comments in reply to any of the foregoing direct comments pertinent to the subjects herein discussed.

16. The A. T. & T. Company also commented upon the possibility of interference during hours of darkness between the proposed use of 2512 kc and 4434.5 kc in the Alaska area, and the existing use of the latter frequency and the frequency 2514 kc for telephony in the maritime mobile service on the Great Lakes. In this respect, it is observed that 2512 kc has been actively used in southeastern Alaska for a considerable period of time and no reports of interference to or from the Great Lakes service on 2514 kc have come to the attention of the Commission. Because of the distances, radio propagation factors, and limited power involved, as well as the seasonal element in the Great Lakes operations, the Commission believes that harmful interference concerning this situation of 2512 kc vs. 2514 kc is improbable. In reference to 4434.5 kc, however, the Commission recognizes the possibility of interference (not necessarily "harmful") during those hours of permissible use of this frequency in the Alaska area (6:00 a. m. to 9:00 p. m. local standard time) when the radio path between Alaska and the Great Lakes area is in darkness (approximately 10:00 p. m. to 1:00 a. m., c. s. t., in mid-spring and mid-fall). In consideration of this possibility, a conditional clause governing the use of this frequency in the Alaska area is included in finalized § 14.264 (k) (1) which is intended to protect the use of this frequency on the Great Lakes from any harmful interference caused by Alaskan stations.

17. The Commission is aware of the particular need for adequate radio communication circuits in the frequency band 2000 kc to 3400 kc both in Alaska and for public ship-shore telephony on the Pacific seaboard. The needs of both regions must be served to an extent that is possible and practicable in utilizing with best effectiveness the limited number of assignable radio channels. For purposes of clarity in respect to this conclusion, the Commission points out that the specific frequencies in this band proposed to be assigned in this docket upon which it proposed to place hourly and seasonal restrictions are of two categories: (a) frequencies already available under Part 14 which are proposed to be shared between the Alaska area and the States; and (b) frequencies which have not as yet been available for use by non-government stations in Alaska.

18. With respect to category (a), the Commission's proposal was made in consideration of the expectation that night-time interference between stations in Alaska and those along the Pacific seaboard of the states would occur at least during certain parts of the sunspot cycle. Hence, utilization of the involved frequencies was proposed in areas of Alaska as far removed from the states as practicable. It seemed probable that because of differences in antenna power and efficiency, the more serious interference is likely to be received by Alaskan stations rather than by those in the States. It appeared that because of the characteristics of the involved services in each area, stations in Alaska would be less affected adversely by hourly and seasonal limitations than stations in the States area. Consequently, certain hourly and seasonal limitations were proposed to be placed on the use of these frequencies in Alaska in order to minimize such interference. In the event interference should become intolerable, technical remedies such as the use of directional antennas or reductions in power may become necessary in each region, either as voluntary action or as the result of possible future regulatory measures.

19. Regarding the frequencies of category (b), in almost every instance certain restrictions must be imposed upon the use of frequencies newly assigned to Part 14 services in Alaska. Such restrictions are necessary because of cochannel or adjacent channel use by existing stations in Alaska, Canada, or the States. In the portion of the radio spectrum between 2000 kc and 3400 kc, it is virtually impossible for the Commission at this time to assign additional frequencies to Part 14 services for use on an unlimited basis without endangering other radio services. The Commission has endeavored to make available the additional frequencies in this band as well as those in other bands with only those limitations imposed which are deemed necessary to avoid mutual harmful interference with stations of the federal government and with certain foreign stations. In the opinion of the Commission, the rather difficult situation in respect to the use in Alaska of frequencies in the band 1600 kc to 3400 kc can be substantially improved by voluntary coordination of use among the licensees themselves and by the use of very high frequencies wherever possible in that area. Nevertheless, the Commission, in coordination with other agencies of the federal government who operate radio stations in Alaska, has given full consideration to all pertinent comments received and has reached the conclusion that the proposed hourly and seasonal restrictions upon the use of certain frequencies in Alaska can and should be somewhat reduced. Accordingly the finalized Part 14 rules contain no restrictions in respect to hourly or seasonal use of the frequencies 2450 kc and 2566 kc in Alaska; and permissible daily and seasonal periods of use of the frequencies 2006 kc, 2430 kc, 2482 kc and 2616 kc in the involved Alaskan zones are increased over those originally proposed in this Docket (§§ 14.205 (a), (d), (k) and 14.264 (a), (d), (n)).

Conditions, Other Than Hourly and Seasonal Restrictions, Which Limit the Use of Certain Frequencies

20. The AACC objected to the proposed sharing between government and non-government stations of the fixed service frequencies designated in proposed § 14.206 (a) for transmission by Alaska-public fixed stations to fixed stations of the ACS. This provision of the proposed rules was based upon a recommendation made by the ACS, primarily to reduce the number of radio-channels on which a watch must be maintained by ACS stations. However, no other U. S. Government agencies have indicated a need for use of these frequencies for transmission to ACS. Therefore, the designation of these frequencies to be shared in use with U. S. Government stations (except for ACS use of 149.6 kc and 1666 kc in communicating with non-government stations) is not incorporated in the finalized rules (§§ 14.204 (a) (1) and 14.206 (a) (1) (2)). In the event that future developments indicate that sharing of certain frequencies in this group with U. S. Government stations would be in the public interest, the matter will then be reconsidered.

21. To assure that frequencies in the band 3000 to 9000 kc to be available for communication between fixed points would not be employed for short distance circuits the proposed rules provided that regularly assigned frequencies in this band would not be authorized [1] for communication over less than specified minimum distances. Since it is quite practicable to utilize for the shorter distances other available frequencies less valuable for long distance communication, the Commission's purpose in this proposal was that of preventing inter-

[1] Except that this limitation was not to apply to the use of 3201 kc and 3261 kc in emergency situations.

ference from local communication on these frequencies to their more appropriate use to cover the longer distances. Comment submitted by the AACC, however, states that "we fail to see the advantages gained by placing the 50 and 100 mile limitations on 3201, 5167.5 (kc)" and recommended that the Commission "assign 3201 (kc) to Fixed and/or Fixed and Coastal services without limitation to all of Alaska." Further consideration of its proposal in this respect leads the Commission to believe that a specific minimum distance prohibition on the use of 3201 kc, and likewise on 3261 kc, may be undesirable in preventing at least the exchange of brief signals between nearby stations when using either of these frequencies primarily for long distance communication. Hence the applicable rules, as finalized, do not include any minimum distance prohibition against the use of these frequencies but instead contain a conditional clause that is construed to place the burden of their judicious use upon the licensees themselves (§§ 14.204 (a) (5), 14.205 (a), (j) and 14.264 (a), (j)). Also with the same purpose in mind, the finalized rules provide that the minimum distance over which communication is to be effected on the fixed service frequency 5167.5 kc, and on the maritime frequencies 4386.2, 4406.9 and 4434.5 kc on a secondary basis between coast stations, shall be 50 miles instead of 100 miles as propoed (§§ 14.204 (a) (7), 14.259 (a) (3) (ii) (A), and 14.264 (k) (2)). In consequence of these modifications of its original proposal, the Commission fully expects the responsible station licensees to utilize these frequencies mostly for long distance communication and to avoid, in so far as is practicable, their use for the shorter distances as set forth in the applicable rules.

22. Comment submitted by the Industry Group referred to existing assignment of the frequency 2538 kc to coast station CZO, Vancouver, British Columbia, and recommended that this matter be investigated with respect to international arrangements. It is pointed out that this seemingly incompatible use of the frequency 2538 kc by both Canadian and Alaskan stations has existed for some time. The existing Region 2 International Frequency List continues the "status quo" in this respect. The Commission is aware of the existing interference conditions reported by the Industry Group and therefore provides for the use of 2538 kc in Alaska as far north as is practicable under the adopted zoning plan. No frequency is available at this time for designation by the Commission as a substitute for 2538 kc in Alaska. Although the interference may continue at certain times, the Commission believes that Alaskan licensees will find it practicable to adapt their operation to the situation so as to obtain some use of this frequency, at least on an intermittent basis or for relatively short distance communication.

23. The Industry Group complained of interference received daily, especially in southeast Alaska, from public coast station KOU, San Pedro, California on the frequency 2566 kc, beginning early each evening. This group recommended that the Commission require the licensee of Station KOU to provide for attenuation of its emission on 2566 kc in a generally north-northwesterly direction during evening hours to reduce this interference. However, any regulatory action looking toward a reduction of the intensity of emission from Station KOU as recommended would be necessarily a separate proceeding not within the purview of this Docket. Nevertheless, the Commission will continue to study the problem and will endeavor to arrive at a possible satisfactory solution.

Fixed Service Frequencies for Communication With ACS Stations

24. In its comments, the AACC included the recommendation that "a more flexible non-Government to Government frequency allocation" be adopted so as to provide "for a minimum 500 miles or more separation of said frequencies at main ACS stations thereby providing a minimum of two or more non-Government to Government net frequencies at any one ACS location." A specific frequency-assignment plan "to illustrate a more flexible and workable non-Government to Government frequency allocation throughout Alaska" was included in the AACC comments. In formulating the frequency assignments proposed for this service as set forth in proposed § 14.206, the Commission necessarily coordinated the specifically designated frequencies and locations with the ACS and other agencies of the Federal government whose radio operations in Alaska were involved from the point of view of possible interference. Frequency assignments of stations in Canada also were considered for the same reason. In so far as the Commission is aware, the plan submitted by the AACC has not been so coordinated. In view of the numerous technical complexities involved in developing the plan set forth in the proposed rules which is mutually acceptable to the Commission, the ACS, and other Federal agencies operating radio stations in Alaska, and because the alternate plan submitted by the AACC is not, as a matter of fact, shown to be clearly more effective than the Commission's proposal, the Commission believes that its originally proposed frequency assignment plan for this purpose as set forth in § 14.206 of the proposed rules should be adopted without change.

Frequencies Available for Both Intership and Public Ship-Shore Communication

25. Comment submitted by the AACC protested the proposed assignment under § 14.259 (a) (2) of the frequency 1622 kc to ship stations under 500 gross tons, and the frequency 2382 kc to ship stations of 500 gross tons or more. This protest apparently has reference to such assignments for ship-to-ship communication since both of these frequencies would be available under § 14.259 (a) (1) of the proposed rules for public ship stations on board any vessels regardless of tonnage, for communication with public coast stations located anywhere in the Alaska area. Conversely, with respect to 2382 kc, the separate comments filed in this proceeding by the Alaska Steamship Company express agreement with the proposed § 14.259 (a) (1) (2) and anticipate the use of this frequency by its public coast stations at Sitka, Cordova, Valdez, Seward and Nome, as well as by its vessels and those of the Coastwise Steamship Company, Standard Oil, "MSTS", and others.

26. Judging from several statements on this subject included in the AACC comments, its protest in effect is apparently directed toward preference for a frequency of the order of 2382 kc instead of 1622 kc for the smaller vessels. Its pertinent comments state in effect that the use of a frequency of the order of 1622 kc by ship stations on board vessels under 50 tons would be "very much against the best practices of good engineering" apparently because of "poor antenna efficiency on small craft" and because "standard transmitters would require extra loading and additional tank capacity." In general, the Commission does not question these engineering factors, but emphasizes the point that the proposed assignment of 1622 kc for ship-to-ship communication in this instance is intended to fulfill an apparent need by hundreds of small boats in Alaskan waters for a reliable short distance communication channel over salt water as free as possible from long distance skywave interference. It is this objective that is sought by the proposed rule (in consideration of the practically total absence at this time of very high frequency installations on these vessels) and not the attainment of the best engineering practice nor a high antenna efficiency. Use of an alternate frequency of the order of 2382 kc by stations on small vessels would not substantially improve the engineering performance, and sky-wave signals would be transmitted more effectively over the longer distances thereby increasing the probability of long distance interference. Ship station licensees who are interested in good engineering practice and high antenna efficiency with respect to stations on small vessels have immediate recourse to the use of frequency-modulation (FM) on very high frequencies such as 156.8 Mc, 156.3 Mc and 157.4 Mc (§§ 14.257, 14.258 (b) and 14.260 (b) of the rules), which efficiently provide very effective circuits for short-distance communication. In effect, the use of 1622 kc for this purpose may be regarded as a permissible expedient pending the eventual installation and use of the very high frequencies. For those ship station licensees who are unable to immediately utilize very high frequencies, the use of 1622 kc, even on small boats, should provide the necessary short distance communication in Alaskan waters regardless of the facts that antenna efficiency would be relatively low and some transmitters may require modification that is believed to be practicable.

27. With reference to the proposed use of 2382 kc for ship-to-ship communication by ships of 500 gross tons or more exclusively, the following relevant factors were considered. Public ship-shore telephone communication utilizing frequencies in the band 2000–3000 kc in the States is established on a national scale and serves most of the principal sea ports, the Great Lakes and the Mississippi River System. A similar service is provided on frequencies within this band by a number of foreign coast stations, and numerous foreign ship stations, some of which communicate with stations in the United States, are equipped for public telephone service in this band. The coast stations normally provide direct connection with the public telephone system on land. Under the governing rules of the Commission the frequencies employed in the States are not shared with the fixed service or any other service within harmful interference range. In Alaska, under existing Part 14 of the rules and by arrangement with the ACS, only one public ship-shore channel in this band is available exclusively for public ship-shore telephony (2134 kc ship-to-shore; 2300, 2312 or 2784 kc shore-to-ship). While the type of public service provided thereon is comparable to that supplied in the States, it appears that a single radiotelephone channel in this band may, in the future, be insufficient to carry all public message traffic without intolerable delays. Judging by the growth of this service in the States, this assumption is believed to be appropriate from a regulatory point of view. Hence, the proposed rules would make available the frequency 2382 kc as an additional channel exclusively for public ship-shore maritime service for any vessel operating in this frequency band in Alaskan waters for communication with public coast stations at any location in the Alaska area. Although ship-to-ship communication for the larger class of ships would at this time be authorized on this frequency under proposed Part 14, it is deemed not improbable that the authority for such communication, if the latter becomes extensive enough to prevent the use of 2382 kc for effective ship-shore public telephone service may, at some future date, have to be withdrawn, and ship-to-ship communication transferred to some other frequency, possibly 1622 kc. It follows that the number of vessels that might then be affected by the loss of intership communication on this 2382 kc channel should be kept to a minimum. The latter objective should be attained to a reasonable degree by confining intership communication on 2382 kc to ships of 500 gross tons and above. At the same time, a fair volume of traffic, both ship-shore and ship-to-ship, may be expected on this frequency in the near future, thus assuring its continued active use in Alaska for the maritime mobile service.

28. It was recommended further by the AACC that the Commission allocate either 2382 kc, 2538 kc, or a similar frequency solely for intership use (presumably for telephony) by ships "under 500 tons" exclusively in Alaskan waters. The Commission necessarily considered this recommendation in relation to other needs and comparable facilities already available in Alaska as well as in other areas. Similar recommendations have been made in other proceedings in reference to U. S. areas outside Alaska. Upon consideration of all relevant factors, the Commission has found it appropriate to provide not more than two primary intership message channels for telephony in the band 2000 kc to 3000 kc in each major geographic region frequented by U. S. ships. These are necessarily made available to all classes of vessels. In the Pacific area, including Alaska, these frequencies are 2638 kc and 2738 kc in accordance with existing rules in Part 8 and international agreement. Proposed Part 14 would, in § 14.258 (a), clearly affirm the fact that these two frequencies are available for intership use in Alaska by all classes of ships, regardless of tonnage. If additional or more effective intership channels are desired, recourse should be made to the use of the available very high frequencies. Consequently, the proposed rules in respect to assignment and use of the frequencies 1622 kc, 2382 kc, 2638 kc and 2738 kc for maritime mobile service are being finalized as proposed (§§ 14.258 (a) and 14.259 (a) (1) (2)).

Use of Government Frequencies by Non-Government Stations

29. Paragraph (a) of proposed rule § 14.207 would permit Alaska-public fixed stations to transmit on a U. S. Government frequency for communication with a Government fixed station in Alaska, subject to prescribed conditions, "when authorized or directed to do so by the government station responsible or by the government department or agency for which the radio-channel is authorized." In consideration of comment on this proposal received from the ACS which requests that certain portions of the text of this paragraph be deleted, because the provisions of this paragraph may conflict with established administrative and executive procedures in authorizing the use of Government frequencies, and in view of the absence of any expressed need for this paragraph, it is deleted from § 14.207 as finalized.

Frequencies Available for Use By Forest Products Industry

30. The Industry Group recommended that "fixed stations and vessels of the forest products industries" in Alaska "be required to use" the frequencies 1676 kc, 1700 kc and 2398 kc "specifically allocated for that industry", so as to eliminate operation on Part 14 frequencies by such stations. Apparently, this recommendation, if adopted, would make the licensees of stations operating in behalf of forest products industries in Alaska ineligible to receive station authorizations under Part 14 of the rules. Any possible regulatory action with respect to prohibiting the use of available Part 14 frequencies by the forest products industry or any other industry in Alaska is not within the purview of this docket. Nevertheless, the Commission recognizes and will study the problem presented by the submission of this recommendation.

Periods of Time During Which Currently Licensed Stations May Temporarily Continue Operation on Frequencies at Variance With Part 14 of the Rules, as Finalized in This Docket

31. Upon the effective date of the finalized Part 14 rules as proposed in this docket, the frequencies on which existing ship, coast, and fixed stations in the Alaska area are currently licensed to operate would fall into four general categories as described herewith:

(a) Frequencies which can continue to be used in accordance with their regularly assigned purpose as set forth in amended Part 14 (example 2134 kc under § 14.260 (a));

(b) Frequencies which can continue to be used under special provisions of amended Part 14 for the purpose for which they are currently licensed (even though such operation, with respect to station location, nature of service, or class of station would be at variance with the regular use of such frequencies as prescribed by amended Part 14) temporarily until not later than a designated date which—

(1) For one group of frequencies would be May 1, 1957 (examples 3201 kc under § 14.263 (a) (4) and 2422 kc under § 14.264 (o)), and

(2) For a different group of frequencies would be September 15, 1955 (examples 2466 kc under § 14.263 (b) (1), 5167.5 kc under § 14.263 (a) (1), and 8070 kc under § 14.263 (b) (2)).

(c) Frequencies which can continue to be used under special provisions of amended Part 14 for the purpose for which they are currently licensed, temporarily until not later than a designated date—after which date they would no longer be authorized for any use or assignment under amended Part 14 (these are 3092.5 kc until June 1, 1955 and 3265 kc until September 15; 1955, §§ 14.204 and 14.263).

(d) One frequency 8070 kc which can continue to be used for fixed service, but for communication with non-government stations instead of U. S. Government stations.

Certain comments were submitted which indicated that it would be appropriate to change the designated limiting dates relative to some of the involved frequencies as described in the following paragraph.

32. Comment submitted by the ACS in reference to frequency group (b) (1) stated that "The retention of frequencies 2466, 2474, and 2632 kc for coast and ship station use until 1 May 1957 will result in a continuance of the interference ACS has noted in the past from shared use of these frequencies, notwithstanding the limitations as set forth in subparagraph (1) (of § 14.263 (b)). ACS feels strongly that these frequencies should be withdrawn from such use at an earlier date preferably by 1 October 1955". The Industry Group's comment in reference apparently to frequency groups (b) and (c) was "It is intended that the presently allocated frequencies be principally used during the 1955 season since it is expected that the effective date of the proposed new rules will be too late to permit the change-over this year." Comments submitted by the AACC, in reference to frequency group (b) (1) were as follows:

> We recommend the immediate adoption of all parts in Docket 11240 relating directly to the following:
>
> The removal of inter-Alaska boat use of all Coastal and Fixed frequencies by June 1, 1955.

The removal of all secondary use of non-Government to Government frequencies by June 1, 1955.

Moving the availability time and implementation of those frequencies effected from May 1, 1957 to September, 1956 because it can be done and would materially benefit all concerned.

Upon due consideration of these comments and related factors involved such as conditions affecting travel and transportation in Alaska, the Commission is finalizing the proposed rules so as to modify appropriately the involved dates as set forth herewith:

(a) With respect to frequency group (b) (1) described in preceding paragraph 31, the limiting date is changed (except for 2466, 2474 and 2632 kc) to January 1, 1957: with provision for continued operation beyond that date (if renewal license application is on file with the Commission not later than such date) until date of receipt of renewed license [2] or until May 1, 1957, whichever date first occurs. (Sections 14.204 (a) (2) (4), 14.205 (1), 14.263 (a) (4), 14.264 (o), 14.208 and 14.266.) In line with this change in date, section 14.152 (b) is finalized with the limiting date for the use of class A–2 emission on frequencies in the bands from 1605 kc to 9000 kc changed from May 1, 1957 to January 1, 1957.

(b) With respect to frequency group (b) (1) described in preceding paragraph 31, the limiting date in reference to the secondary use of 2466, 2474 and 2632 kc under the provisions of § 14.263 (b) (1) is changed to September 15, 1955.

Although the AACC further recommended that use of the frequency 3265 kc of group (c) be not authorized after June 1, 1955, the rules, as adopted, designate the date September 15, 1955, originally proposed by the Commission for deletion of this frequency. Although the number of stations licensed to operate on 3265 kc is relatively small, the Commission believes that a reasonable period of time, until September 15, 1955, should be allowed for these stations to adjust to this change. In the event the use of this frequency can be discontinued at an earlier date the rules will not prevent such appropriate action. While no comments were received in reference to the inadvertent omission of any provision in proposed Part 14 for the continued temporary use of 1622 kc and 2382 kc by ship stations (regardless of vessel tonnage) in Alaskan waters to which one or both of these frequencies may currently be licensed for intership communication, the Commission believes that such stations should be permitted to continue their presently authorized operation on either frequency until September 15, 1955. Final rule § 14.259 (a) (2) is revised accordingly.

Technical Requirements Concerning Radio Transmitters

33. Proposed rule § 14.153 (c) would specifically apply existing § 8.134 (c) (2) of Part 8 of the Commission's Rules to ship stations in the Alaska area. This would mean that all radio transmitters for operation on board ships in Alaskan waters after June 30, 1959, could not be licensed in conformity with this provision of Part 14 for transmission by telephony on any frequency between 2000 and 25000 kc unless such transmitter were capable of operating at not less than the minimum power prescribed in Part 8, or unless the applicant or station licensee desires to use frequencies in the 2000–4000 kc band only, and establishes that the transmitter produces a certain minimum field intensity in this band as prescribed in that part of the rules.

34. In reference to this proposal, the Industry Group stated in its comments that "Extensive successful use is at present being made in Alaska of transmitters of slightly less than 15 watts anode input power to their final amplifiers,[3] especially in the Wrangell, Cook Inlet, and Kodiak area. This small equipment is successfully fulfilling the short distance communication requirements of its users aboard vessels. Accordingly, this Group recommended that the proposed rule "be changed so as to permit [4] the licensing and use of transmitters of a minimum of 10 watts anode input power to the final amplifier."

35. Section 8.134 (c) (2) of Part 8 of the rules as originally proposed in Docket No. 11011 on April 21, 1954, would have applied only to operation on those frequencies authorized for transmission by ship stations to public coast stations. The objective was to minimize the loss of circuit-time on busy ship-shore radiochannels that can occur when the strength of the ship station signals is too low (especially when atmospheric interference is present) for clearly understandable telephone conversation. This is particularly important when the coast station provides direct electrical connection between the ship-shore radio channel and a public service land-wire telephone system. The large majority of public coast stations in the States do provide service of this kind and their ship-shore circuits carry heavy volumes of telephone calls directly between ships and land-line subscribers. As the result of certain supporting comments that were filed in Docket No. 11011, as well as the absence of any objection to the regulatory principle involved, § 8.134 (c) (2) was adopted, with some revision, on September 22, 1954. Among changes made in the proposed rule was the extension of its applicability to frequencies which are authorized for purposes other than ship-shore public telephony, such as ship-to-ship communication. This action was taken primarily because certain submitted comments pointed out, as stated in the Commission's Report, that "the distinction" between ship-shore frequencies and other frequencies used by ship stations for telephony "is more apparent than real in view of the equipment installed aboard most vessels."

36. In Alaska, the situation with respect to telephone communication between ship stations and public coast stations is quite different in that the majority of such coast stations in that territory which are licensed by the Commission do not provide direct connection with any public land-line telephone system. Telephone messages to or from ships which originate at or are destined to points on land other than in the immediate vicinity of the coast station are relayed over point-to-point circuits, mainly radio-telephone or radiotelegraph, the use of which are shared in common by numerous fixed stations in Alaska. Hence any delay or difficulty encountered by reason of relatively low signal-intensity from ship stations does not, under these circumstances, "tie up" telephone land-wire circuits while exchanging prior radio operating signals. Also the problem of receiving from the ship station a signal of "commercial grade" satisfactory for use on the better type of land-lines does not exist in such cases. Further, the average strength of atmospheric interference in the 2000 kc to 5000 kc band in the northern latitudes is somewhat less than that in the States area; hence relatively lower signal strengths can be more effective in the Alaska area than in the States. Therefore, the same widespread need for assuring the use of a minimum power for ship-shore public telephone service that exists in the States is not as yet present in Alaska; also ship-to-ship telephony should be more effective with low power in Alaskan waters than it is in the States. Consequently, the Commission is finalizing §§ 14.153 (c) and 14.258 of proposed Part 14 so as to now apply the minimum power requirement set forth in existing § 8.134 (c) (2) of Part 8 to ship stations in Alaskan waters only when they are communicating with public coast stations providing direct electrical connection with a public land-line telephone system.

37. Additionally in reference to technical requirements concerning transmitting apparatus, comment received from the AACC requested that serious consideration be given its recommendation that the Commission should, apparently by appropriate regulatory action, "Provide a means whereby transmitter frequencies may be measured in the shop when under normal operating conditions and before installation in the field where accurate frequency measuring equipment may be difficult to transport and/or provide." The action thus recommended by the AACC would appear to necessitate either amendment of existing §§ 7.109 and 8.109 of Parts 7 and 8 of the Commission's rules or the adoption of substitute rule provisions to be contained in Part 14. Changes in existing rules to accomplish the objective sought by the AACC were not proposed in this Docket and any action to that effect by the Commission must be preceded by due notice of proposed rule-making. The Commission, however, is cognizant of a possible need to permit the required measurement of transmitter frequencies at places in Alaska more convenient or practicable than the actual radio station locations, and the subject is receiving further study by its engineering staff.

[2] In accordance with the provisions of amended Part 14 as then effective.

[3] Presumably a type that is plate, or plate and screen-grid modulated.

[4] After June 30, 1959, since that is when the requirement would become effective.

Rules Relating to Administrative Procedures

38. Comments of the AACC suggested that documents proposed to be required for Alaskan fixed, coast and ship stations should be limited to current publications which are obtainable directly from the Commission or from the U. S. Government Printing Office, because of difficulty and expense to licensees in obtaining the necessary documents from other sources. The Commission points out that (a) the basic document requirements specified for ship stations in § 14.108 are minimum treaty requirements as set forth in the Atlantic City Radio Regulations, (b) those specified in § 14.107 for coast stations are parallel requirements as set forth in Part 7 of the rules, and (c) those prescribed for fixed stations in § 14.106 are not at variance with the situation desired by the AACC. To somewhat alleviate the problem of cost and procurement, certain of these rule provisions would permit the acceptance of alternative documents that could be voluntarily provided (by licensees or by any interested party in behalf of the licensees) in lieu of the basic documents specified. Accordingly, these sections of the proposed rules are finalized without change.

39. The Industry Group recommended that the license for each station in the fixed service in Alaska include all frequencies to be allocated under the rules for use in the fixed service in the zone in which the particular station is located. This group requested also that provision be made for licensing of each ship station for the maritime service frequencies available to ship stations in all zones in which the particular vessel is expected to be operated. A somewhat similar recommendation was made by the AACC. These recommendations concern administrative procedures to which attention is being given; they do not at this time involve the adoption or amendment of Part 14 rules.

40. Certain rule provisions with respect to the processing of license applications and other administrative matters, as well as editorial changes, have been incorporated in the final Part 14 rules. (For examples, see §§ 14.21 (b), 14.22 (b) (c) (d) (e) and 14.61.) Included in these is amendment of proposed § 14.61 so as to provide for a four-year license term. Since the rule provisions mentioned in this paragraph are procedural and editorial in nature, prior publication of Notice of Proposed Rule Making and public procedure thereon under the provisions of sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary.

41. Comment filed by the Industry Group invited attention to the "many ramifications involved" in the proposed Part 14 and that, if adopted, it would "be a radical departure from the present rules governing Alaskan radio matters". In consequence, this Group recommended that "if possible the proposed Part 14 be made effective on a temporary basis at the earliest practicable date, and to be made permanent at a later date, such as May 1, 1957. During this interim period, certain changes, amendments, or deletions may be found desirable and could then be incorporated into the final and permanent Part 14." In reference to this comment, it is not normally the practice of the Commission to adopt "temporary" rules to regulate established radio services since no purpose is served by the "temporary" element. The Commission fully realizes that appropriate amendments to Part 14 as finalized herewith may be necessary in due course as the result of experience to be obtained from the actual operation of stations under its various provisions, and anticipates that no unusual difficulties will arise in processing such future amendments even though the rules herein adopted are not labelled temporary".

TABULATION OF PART 14 FREQUENCY ACTIONS—FREQUENCY ASSIGNMENT ZONE MAP

Frequency	Prior status	Current status	Remarks
Kc 149.6	Fixed stations for radiotelegraph communication among themselves and with ACS fixed stations.	Same as present, except ACS would transmit, as well as receive on this frequency for communication with non-Government fixed stations.	All zones.
1 416	Coast, telegraphy only	Coast, telegraphy only	Do.
1 438	do	do	Do.
1622	Ship; coast; fixed	Ship; coast	All zones. Ship-to-ship use limited to ship stations on board vessels of less than 500 gross tons.
1646	do	Ship; coast; fixed	Zones 1, 4, 6.
1652	Not available under existing Part 14.	do	Zones 2, 5, -.
1660	Ship; coast; fixed	Fixed	Zones 4 and 6.
1666	Assigned to U. S. Government stations only.	Fixed. Station locations in any zone as designated by ACS.	Communication by telegraphy with ACS stations located at Ketchikan and Naknek.
1708	Ship; coast; fixed	Ship; coast; fixed	Zones 3 and 4.
1712	Not available under existing Part 14.	do	Zones 1 and 5. In Zone 1: Not to be used by ship stations west of 138°. In zone 5: Use limited to area north of 62° (to avoid interference with 1708 kc).
2006	do	do	Zone 1: 7 a. m. to 11 p. m.; May 15 to Sept. 15, and 8 a. m. to 9 p. m., local standard time, Apr. 1 to May 14 and Sept. 16 to Oct. 31.
2052.5	Coast, telegraphy A–1 only.[3]	Coast, telegraphy A–1 only.	All zones.
2118	Not available under existing Part 14.	{Fixed / Ship and coast	Do.
2134	Ship stations for communication primarily with ACS coast stations.	Ship stations exclusively for transmission to ACS coast stations.	Zones 2 and 4. All zones. ACS coast stations reply on different frequencies—as designated by ACS. Public correspondence.
2256	Not available under existing Part 14.	Fixed. Station locations in any zone as designated by ACS.	Transmission to ACS stations located at Anchorage and Ketchikan.
2292	Ship; coast vicinity of fixed Circle, Alaska, only.	Delete from Part 14	No present need for this frequency in the vicinity of Circle and its use in other areas of Alaska would result in interference to or from U. S. Government stations.
2382	Ship; coast; fixed	Ship; coast	All zones. Ship-to-ship use limited to ship stations on board vessels of 500 gross tons or more.
2422	do	Ship; coast; fixed	Zones 1 and 3.
2430	do	do	Zones 2, 4, and 5. In Zone 2: 6 a. m. to 11 p. m., local standard time; Apr. 1 to Sept. 30 only. Not to be used for transmission south of 59° (to minimize interference to reception at Seattle).
2450	do	do	Zones 3, 4, and 6.
2466	Fixed—primarily. Ship; coast—secondarily.	Fixed. Station locations in any zone as designated by ACS.	Transmission to ACS at Wrangel, Petersburg, Naknek and Kotzebue. (Existing secondary use by ship and coast stations seriously interferes with primary use by fixed stations.) Additional comparable frequencies in the band 1600–3400 kc are made available for ship and coast stations.
2474	do	do	Transmission to ACS stations located at Sitka, Kodiak, Nome and Barrow. (Existing secondary use by ship and coast stations seriously interferes with primary use by fixed stations.) Additional comparable frequencies in the band 1600–3400 kc are made available for ship and coast stations.
2482	Ship; coast; fixed	Ship; coast; fixed	Zones 3, 4 and 6. In Zone 3: 6 a. m. to 11 p. m., local standard time; Apr. 1 to Sept. 30 only.
2506	Not available under existing Part 14.	do	Zones 5 and 6. On condition of no interference to the service of any coast station transmitting on this frequency in the vicinity of San Francisco or Eureka, Calif.
2512	Ship; coast; fixed	do	Zones 1, 2, 3 and 4.
2538	Ship; coast	do	Zones 2 and 3. Not to be used by ship stations south of 56° (to reduce interference to and from CZO-Vancouver).
2566	Ship; coast; fixed	do	Zones 1, 4 and 5.
2616	Not available under existing Part 14.	do	Zone 1: 7 a. m. to 11 p. m., local time; May 15 to Sept. 15 and 8 a. m. to 9 p. m., local standard time, Apr. 1 to May 14 and Sept. 16 to Oct. 31.
2632	Fixed—primarily. Ship; coast—secondarily.	Fixed. Station locations in any zone as designated by ACS.	Transmission to ACS stations located at Cordova, Fairbanks, Bethel and Unalaska. (Existing secondary use by ship and coast stations seriously interferes with primary use by fixed stations.) Additional comparable frequencies in the band 1600–3400 kc are made available for ship and coast stations.
2694	Not available under existing Part 14.	do	Transmission to ACS stations located at Juneau and Cold Bay.
2776	do	do	Regarded as comparable to 2986 kc recently deleted in Docket No. 10915. For transmission to ACS station located at Ketchikan.
2986	Not available but previously: Fixed—primarily. Ship; coast—secondarily.	Not available under final Part 14.	Previously available primarily for fixed stations for transmission to ACS, and secondarily for coast and ship stations. Deleted recently in Docket No. 10915. The frequency 2776 kc proposed to be assigned is regarded as a comparable frequency for fixed stations. (See above.)

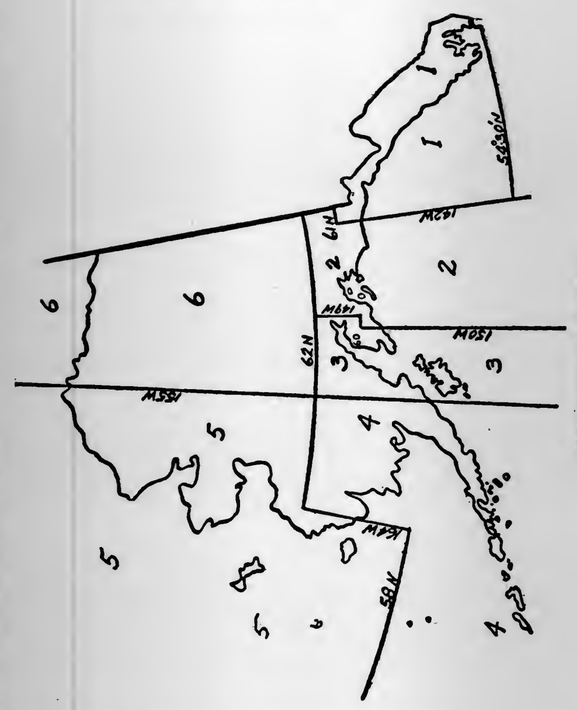
See footnotes at end of table.

TABULATION OF PART 14 FREQUENCY ACTIONS—FREQUENCY ASSIGNMENT ZONE MAP—Continued

Frequency	Prior status	Current status	Remarks
Kc			
3092.5	Ship; coast	Delete from Part 14	Under new international regulations this frequency is not assignable to ship, coast or fixed stations.
3201	Ship; coast; fixed	Fixed	All zones.
3281	Not available under existing Part 14.	Ship; coast; fixed	Zones 1, 4 and 5. This is a comparable frequency to 3263 kc which has been deleted. (See following line for frequency.)
3265	Ship; coast; fixed. Where authorized prior to Mar. 1, 1937.	Delete from Part 14	Use under proposed plan would cause harmful interference.
3357	Not available under existing Part 14.	Fixed. Station locations in any zone as designated by ACS.	Transmission to ACS stations located at Fairbanks and Juneau.
3365	....do	....do	Transmission to ACS station at Unalaska.
4368.2	....do	Ship; coast	All zones. Telephony only; 6 a. m. to 9 p. m., local standard time only.
4408.9	....do	....do	Transmission to ACS stations located at Anchorage and Ketchikan. ACS stations serving Juneau, Ketchikan and Anchorage are cautioned to avoid using this frequency in areas where use by ship and coast stations seriously interferes with primary use by fixed stations.) Under new international regulations, this frequency is not assignable to ship or coast stations. Comparable frequency in the band 4000-5000 kc is made available for ship and coast stations using telephony. Hours of availability increased by three hours and expressed to advantage in local time instead of Pacific standard time.
4434.5	....do	....do	Zones 1, 2 and 3. Telephony only; 6 a. m. to 9 p. m., local standard time only.
			Zones 4, 5 and 6. Telephony only; 6 a. m. to 9 p. m., local standard time only. On condition of no interference to service of any coast station in the Great Lakes area transmitting on this frequency.
5137.5	Fixed—primarily, Ship; coast — secondarily. Hours of use from 6 a. m. to 6 p. m. P. s. t.	Fixed. Station locations in any zone as designated by ACS. Hours of use: 6 a. m. to 9 p. m., local time.	Transmission to ACS stations located at Anchorage and Ketchikan. ACS stations serving Juneau, Ketchikan and Anchorage are cautioned to avoid using this frequency in areas where use by ship and coast stations seriously interferes with primary use by fixed stations.) Under new international regulations, this frequency is not assignable to ship or coast stations. Comparable frequency in the band 4000-5000 kc is made available for ship and coast stations using telephony. Hours of availability increased by three hours and expressed to advantage in local time instead of Pacific standard time.
5167.5	Fixed—primarily. Ship; coast—additionally. Hours of use from 6 a. m. to 6 p. m., P. s. t.	Fixed. Hours of use: 6 a. m. to 9 p. m., local time.	All zones for distances not less than 50 miles. Under new international regulations, this frequency is not assignable to ship or coast stations. Comparable frequency in the band 4000-5000 kc is made available for ship and coast stations using telephony. Hours of availability increased by three hours and expressed to advantage in local time instead of Pacific standard time.
8207.5	Fixed—primarily. Ship; coast—secondarily. Hours of use from 6 a. m. to 6 p. m., P. s. t. except, unlimited in the Aleutian Islands west of 165° west longitude.	Fixed. Station locations in any zone as designated by ACS. Hours of use: 6 a. m. to 9 p. m., local time, except unlimited in zone 4 west of 165° west longitude.	Transmission to ACS stations located at Juneau, Fairbanks and Kodiak. (Existing secondary use by ship and coast stations seriously interfere with primary use by fixed stations.) Under new international regulations this frequency is not assignable to ship or coast stations. Comparable frequency in the band 4000-5000 kc is made available for ship and coast stations using telephony. Hours of availability increased by three hours and expressed to advantage in local time instead of Pacific standard time.
8070	Fixed—primarily, Ship; coast—secondarily. Hours of use from 6 a. m. to 6 p. m., P. s. t. only, except unlimited in the Aleutian Islands west of 165° west longitude.	Fixed—non-Government only. Solely for communication with ACS fixed stations. Hours of use from 6 a. m. to 6 p. m., local time, except in Zone 4 west of 165° west longitude, where hours would be unlimited.	All zones for distances not less than 200 miles. Under new international regulations, this frequency is not assignable to ship or coast stations. (Available information indicates frequency will be used for communication with ACS fixed stations.) Change of specific hours from Pacific standard time to local time should be advantageous.
Mc			
156.3	See Part 8 of Rules	Ship to ship	All zones. General intership. See Part 8 of rules.
156.4	....do	Ship and limited coast stations.	All zones. Business and operation of ships.
156.5	....do	....do	Do.
156.6	....do	....do	All zones. Port operations.
156.7	....do	....do	All zones. Primary use must relate to maritime radiolocation service. Where not required for that service, it is available secondarily for business and operation of ships.
156.8	....do	Calling and safety. Ship-ship and ship-shore	All zones. See Part 8 of rules.

[1] Associated frequencies in this portion of the spectrum for ship stations (telegraphy only) are designated in § 8.321 of this chapter.

[2] Associated frequencies in this portion of the spectrum for ship stations (telegraphy A-1 only) are designated by §§ 8.323 (d) and 8.324 (c) (1) of this chapter.



In view of the foregoing and pursuant to sections 303 (a) (b) (c) (f) (h) (j) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conference, Atlantic City, and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva) 1951: *It is ordered,* That, effective June 20, 1955:

1. Part 14 of the Commission's rules is amended as set forth below.

2. The proceedings in Docket No. 11240 are terminated.

Adopted: May 11, 1955.

Released: May 13, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[1] Chairman McConnaughey not participating.

Sec.

14.1 Basis and purpose.

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14.265 Rules in other parts applicable.
14.266 Extended interim use of conditional maritime service frequencies.
14.267 Temporary frequencies for treaty implementation.

AUTHORITY: §§ 14.1 to 14.267 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

§ 14.1 *Basis and purpose.* (a) The basis for the rules following in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions, to issue licenses for radio stations, and to regulate common carriers of interstate and foreign communication.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which frequencies may be made available for radio-communication, including public correspondence, in the maritime mobile service for the Territory of Alaska and between fixed points on land within that Territory.

SUBPART A—DEFINITION OF TERMS

§ 14.2 *General definitions*—(a) *Alaska Communications System or ACS.* The telecommunication system within Alaska and between Alaska and other areas which is operated by the United States Army Signal Corps.

(b) *Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

(c) *Fixed service.* A service of radio-communication between specified fixed points.

(d) *Fixed station.* A station in the fixed service.

(e) *Alaska-public fixed station.* A fixed station in the Territory of Alaska, which is open to public correspondence and is licensed by the Commission for radio-communication between specified fixed points in Alaska exclusively.

(f) *Developmental fixed station.* A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency (or frequencies) of the developmental fixed station.

(g) *Point of communication.* This term, when applied to an Alaska-public fixed station, means a specified fixed station or specified geographic location with which such station is authorized to communicate.

(h) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service, or obstructs or repeatedly interrupts a radio service operating in accordance with applicable laws, treaties, and regulations.

NOTE: Any radio service, the operation of which is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property, shall be considered as a safety service.

§ 14.3 *Geographic definitions*—(a) *Alaska area.* For the purpose of frequency assignments to radio services and stations governed by this part, the Alaska Area is defined as follows:

The area bounded by a line extending due west—from the end of the southernmost boundary line between Canada and the mainland of southeastern Alaska—to 131 degrees west longitude, thence due south to 54 degrees and 30 minutes north latitude, thence due west to 142 degrees west longitude, thence due south to 50 degrees north latitude, thence due west to 165 degrees west longitude, thence due south to 47 degrees north latitude, thence due west to the boundary line between Regions 2 and 3 (as this line is established by the Atlantic City Radio Regulations, 1947), thence generally northward along this boundary line to 80 degrees north latitude, thence due east to 135 degrees west longitude, thence due south to 70 degrees north latitude, thence due west to 140 degrees west longitude, thence generally southwest to the northern end of the boundary line between the mainland of northern Alaska and Canada, thence following the boundary line between Alaska and Canada to the southernmost point of this line in southeastern Alaska.

NOTE: Reference hereafter in this part to the "Alaska area" includes all of the "Zones" defined in paragraph (b) of this section.

(b) *Alaska zones.* For the same purpose expressed in paragraph (a) of this

section, the Alaska area is subdivided into six zones, defined as follows:

Zone 1. That portion of the Alaska area east of 142 degrees west longitude and south of 61 degrees north latitude.

Zone 2. That portion of the Alaska area bounded on the east by a line south of 61 degrees north latitude which coincides with 142 degrees west longitude, and by a line north of 61 degrees north latitude which coincides with the boundary line between Alaska and Canada, and by a line coinciding with 61 degrees north latitude which joins those two lines; and bounded on the west by a line south of 62 degrees north latitude which coincides with 149 degrees west longitude, thence running due south to 60 degrees and 30 minutes north latitude, thence due west to 150 degrees west longitude, thence due south to the southern limit of the Alaska area, and bounded on the north by a line coinciding with 62 degrees north latitude.

Zone 3. That portion of the Alaska area bounded on the north by a line which coincides with 62 degrees north latitude and extends eastward from 155 degrees west longitude to 149 degrees west longitude, thence due south to 60 degrees and 30 minutes north latitude, thence due west to 150 degrees west longitude, thence due south to the southern limit of the Alaska area, thence westward to 155 degrees west longitude, thence due north to 62 degrees north latitude.

Zone 4. That portion of the Alaska area west of 155 degrees west longitude which is bounded on the north by a line coinciding with 62 degrees north latitude extending due west to 164 degrees west longitude, thence bounded on the west by a line coinciding with 164 degrees west longitude extending due south to 58 degrees north latitude, thence bounded on the north by a line coinciding with 58 degrees north latitude extending due west to the western boundary of the Alaska area.

Zone 5. That portion of the Alaska area west of 155 degrees west longitude which is not included in Zone 4.

Zone 6. That portion of the Alaska area east of 155 degrees west longitude and north of 62 degrees north latitude.

§ 14.4 *Definitions in other parts applicable.* (a) The definitions set forth in the rules and regulations governing stations in the maritime services (Subpart A of Parts 7 and 8 of this chapter) shall apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) The definitions set forth in the following sections of Subpart A of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.2 (a) to and including 7.2 (o), 7.2 (q), 7.7 (a) to and including 7.7 (h), 7.7 (j), 7.7 (m), 7.7 (n) and 7.8.

SUBPART B—APPLICATIONS

§ 14.21 *Authorization required for operation of a radio station.* (a) Radio stations in the Alaska area required by the Communications Act to be licensed shall not be operated in the fixed service, in the maritime mobile service, or in the maritime radio-location service (including the maritime navigation service) except under and in accordance with a valid station authorization therefor granted by the Commission. Further, the operation of such apparatus shall be in conformity with the provisions of statute, international treaty or agreement, and the rules of the Commission relative to the licensing of operators.

NOTE: The Commission has exempted certain low power radio devices from its general licensing requirements. The extent of this exemption and related matters are set forth in Part 15 of this chapter, Restricted Radiation Devices. Licensing procedures and exemptions applicable to radio apparatus used for medical purposes, industrial heating, and other miscellaneous purposes not involving radio-communication are set forth in part 18 of this chapter, Industrial, Scientific and Medical Service.

(b) No license shall be issued by the Commission for the operation of any station on land subject to this part for which a permit for construction is required unless such permit has first been granted by the Commission upon written application therefor: *Provided,* That when applications for related construction permit and station license are filed under and in accordance with the provisions of § 7.39 (a) (2) of this chapter, a construction permit and station license for a fixed or coast station subject to this part may be granted at the same time.

§ 14.22 *Application precedent to authorization.* (a) Except as otherwise provided in §§ 7.26 and 7.41 of this chapter in respect to stations on land (including Alaska-public fixed stations), and in §§ 8.26, 8.41, and 8.42 of this chapter in respect to radio stations on board ship, no authorization will be granted for use or operation of any radio station subject to this part, nor for any change in station control, services, or transmitting apparatus, unless formal written application therefor in proper form first is filed with the Commission. Except as otherwise permitted by § 14.23 or by applicable rules in Parts 7 and 8 of this chapter (including such rule sections applicable to Alaska-public fixed stations as are designated in § 14.24), a separate application shall be filed in respect to each station and service subject to this part. Except as otherwise provided in §§ 7.32, 7.36 and 7.41 of this chapter in respect to stations on land (including Alaska-public fixed stations), and in §§ 8.35, 8.41, and 8.42 of this chapter in respect to radio stations on board ship, an application in writing should be filed at least sixty days prior to the earliest date on which it is desired that the requested authorization (or change in authorization) be granted by the Commission in order that action thereon may be taken by that date. Each application shall be specific and complete with regard to the information requested in the application form or otherwise specifically requested by the Commission.

(b) All applications, except those for renewal of station license, for authority to establish or operate stations (other than ship stations) in the Alaska area subject to this part, including correspondence relating thereto, shall be filed in triplicate with the Commission's Engineer in Charge at Seattle, Washington. The provisions of this paragraph shall apply to each application for construction permit, license, or modification of construction permit or license.

(c) All applications for renewal of station license (when continued operation without change is desired) shall be filed direct with the Commission at its offices at Washington 25, D. C.

(d) All applications for authority to operate ship stations, including correspondence relating thereto, shall be filed direct with the Commission at its offices in Washington 25, D. C., or with respect to applications for interim ship station licenses made pursuant to § 8.35 of this chapter, at a Field Engineering Office of the Commission. Unless otherwise specified in a particular case or for a particular form, each application shall be filed in original only. The provisions of this paragraph shall apply to each application for license, modification of license, or renewal of license.

(e) When an application for construction permit for an Alaska-public fixed station or a public coast station is filed by a corporation, a copy of the applicant's articles of incorporation certified by the Secretary of the State or Territory of the place of incorporation, or certified otherwise by an appropriate public official, shall, unless previously filed with the Commission, be submitted with such application.

(f) With reference to the provisions of § 7.25 of this chapter, applications for station authorizations submitted from any location in Alaska may be signed by the attorney for the applicant in case of (1) physical disability of the applicant or (2) absence of the applicant from Alaska.

NOTE: Standard forms are prescribed in applicable rule sections of Parts 7 and 8 of this chapter for use in connection with the majority of applications submitted for Commission consideration under the provisions of this part. These forms may be obtained without cost from the Commission at Washington 25, D. C., or from any of its engineering field offices. With reference to the required signature of applications under oath or affirmation, postmasters in Alaska are authorized by Act of Congress (Public Law 294, 76th Congress, approved August 5, 1939) to administer oaths and affirmations.

§ 14.23 *One application for fixed and coast station.* (a) In addition to the provisions of § 7.40 (a) (3), (4) and (b) of this chapter, one application may be submitted by the same applicant to cover an Alaska-public fixed station and a public coast station at the same location in the Alaska area in the following categories:

(1) Application for construction permit;

(2) Application for license;

(3) Application for modification of construction permit or license when the desired modification will apply similarly to both classes of station;

(4) Application for renewal of license.

(b) The provisions of paragraph (a) of this section shall apply on condition that the respective fixed and coast stations covered by each application are clearly identified therein and all of the required information in respect to each class of station is included therein.

§ 14.24 *Affirmative showing of need for service.* Only one Alaska-public fixed or public coast station will be authorized to serve any area whose point-to-point or ship-shore communication needs can be adequately served by a single radio-communication facility, either government (ACS) or non-government.

§ 14.25 *Rules in other parts applicable.* (a) The rules relating to applications set forth in the rules and regulations governing stations in the maritime services (Subparts B or Parts 7 and 8 of this chapter) shall apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) So far as they are consistent with this part, the following rule sections contained in Subpart B of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.23, 7.25 to and including 7.37, 7.39 (a), 7.40 (a) (3), (4) and (b), 7.41 to and including 7.45, 7.47, and 7.48.

SUBPART C—STATION AUTHORIZATION

§ 14.61 *License period of fixed, coast and ship stations.* Unless otherwise specified in the license, the normal license period (including renewed licenses) for each Alaska-public fixed station, each coast station in Alaska, and each ship station operated primarily in the Alaska area, shall be four years from the effective date of grant.

NOTE: The license period of the other classes of stations in the maritime services is designated in Subpart C of Parts 7 and 8 of this chapter.

§ 14.62 *One authorization for fixed and coast stations.* (a) Unless otherwise determined by the Commission, one construction permit or one station license may be issued to authorize the construction, or use and operation, respectively, of an Alaska-public fixed station and a public coast station in the Alaska area when—

(1) The licensee or permittee of each class of station is the same;

(2) The location of each class of station is identical;

(3) The conditions which establish and maintain control of each class of station by the permittee or the station licensee are the same.

(b) Whenever a single station authorization is issued in accordance with paragraph (a) of this section, distinction will be shown in each such document as may be necessary in respect to the details of authorization for each service and each class of station except as these may be otherwise established by applicable rules and regulations of the Commission. Unless the station authorization provides otherwise, the same radio transmitting apparatus may be used for both fixed service and maritime mobile service whenever it is capable, by reason of frequency tuning range, technical adjustment, power, frequency stability, emission, etc. of being so used.

§ 14.63 *Dispatch points.* Any dispatch point in connection with an Alaska-public fixed station or a coast station in the Alaska area may be installed and used without obtaining any authorization from the Commission: *Provided,* That information relative to the location of each regularly used dispatch point, which is not located at an authorized control point and is located more than 500 feet from the authorized radio transmitting apparatus, shall be submitted by the station licensee to the Commission for record purposes at the earliest practicable date after such dispatch point is established.

NOTE: The term "dispatch point" is defined in § 7.7 (n) of this chapter.

§ 14.64 *Discontinuance of operation of a station on land.* (a) When the operation of a station on land in the Alaska area subject to this part, or Part 7 of this chapter, is permanently discontinued, the licensee shall, as soon as practicable, notify the Commission's engineer in charge at Anchorage, Alaska.

(b) If the station license covers authorization only for the particular station whose operation has been permanently discontinued, the licensee shall, without undue delay, forward the station license to the Commission's engineer in charge at Seattle, Washington, for cancellation by the Commission at its Washington, D. C., office.

(c) If the station license also covers authorization for a different class of station at the same location whose operation is not being permanently discontinued, the licensee shall, without undue delay, file with the Commission's engineer in charge at Seattle, Washington, a formal application for appropriate modification of license.

(d) With respect to stations on land in the Alaska area, including Alaska-public fixed stations, the provisions of this section shall apply in lieu of § 7.76 of this chapter.

§ 14.65 *Rules in other parts applicable.* (a) The rules relating to station authorizations set forth in the rules and regulations governing stations in the maritime services (Subparts C of Parts 7 and 8 of this chapter) shall, except paragraphs (b) and (c) of § 7.72 and subparagraphs (1) and (2) of § 7.63 (b), apply to stations of these services in the Alaska area so far as they are consistent with this part. Further, with respect to the use of telegraphy on frequencies exclusively within the band 156.25–157.05 Mc, by limited coast stations in the Alaska area, the provisions of §§ 7.351, 7.352, 7.354, and 7.355 of this chapter shall apply to such operation, and the provisions of §§ 7.203, 7.204, and 7.205 shall not apply thereto.

(b) So far as they are consistent with this part, the following rule sections contained in Subpart C of Part 7 of this chapter shall apply to stations of the fixed service subject to this part: §§ 7.61, 7.62, 7.64, 7.66, 7.67, 7.69, 7.70, 7.71 (a), and (b) and 7.73. Section 7.63, except subparagraphs (1) and (2) of paragraph (b), shall apply to stations of the fixed service subject to this part.

SUBPART D—STATION AND OPERATING REQUIREMENTS

§ 14.101 *Priority of distress and other signals.* (a) Stations operating in the fixed service or the maritime mobile service in the Alaska area shall, at all times, give absolute priority to radio communications or signals relating to any ship or aircraft in distress. When any distress signal or communication is anticipated or intercepted by any station, it shall cease all transmission on any frequency or frequencies which may interfere with any station hearing such radio communication or signal of distress except when engaged in answering or aiding the ship or aircraft in distress, and shall assist the vessel or aircraft in distress, so far as possible, by complying with its instructions.

(b) Stations of the maritime mobile service shall observe priority of communications in accordance with the requirements of §§ 7.180, 7.181, 8.176 and 8.177 of this chapter. Alaska public fixed stations, when operating on an assigned frequency which is used also by the maritime mobile service, shall, at all times, give priority on such frequency to distress signals or communications as set forth in paragraph (a) of this section, and to urgent or safety signals, or any communication preceded by one of these signals.

NOTE: The type of signals to which reference is made in § 14.101 are defined in §§ 7.7 (d), (e), (f) and (g) and 8.6 (d), (e), (f) and (g) of this chapter.

§ 14.102 *Practices concerning transmission of public correspondence.* (a) Pending Commission implementation of the tariff filing requirements of section 203 of the Communications Act and Part 61 of this chapter with respect to common carriers in Alaska, any charges made by an Alaskan public fixed station, or any public coast station or public ship station in the Alaska area, for interstate or foreign communication service, should conform to the applicable regulations and tariffs issued by the Alaska Communications System. Information regarding charges of any such station or any changes therein should be furnished promptly to the Tariff Manager of the Alaska Communications System, Seattle, Washington.

(b) Except in event of an emergency concerning the immediate safety of life or property, no Alaska-public fixed station, public ship station, or public coast station in the Alaska area shall transmit any communication in behalf of any person other than the licensee to any other station licensed by the Commission under circumstances wherein such telecommunication can be transmitted effectively by, or to, readily available facilities of the Alaska Communications System which are open to public correspondence and are capable of effectively forwarding (via connecting facilities if and when required) such telecommunication to the designated recipient.

§ 14.103 *Hours of service of fixed stations.* (a) The hours of service of each Alaska-public fixed station shall, within the scope of its normal operations, be such as to adequately meet the requirements of the particular region served by the station and, unless otherwise specified by the Commission for individual stations, shall be determined by the station licensee subject to such applicable conditions and limitations as are imposed by the rules of the Commission.

(b) Each Alaska-public fixed station whose hours of service are not continuous shall not suspend operation before having concluded, when possible within the scope of its normal operations, all

communications of an emergency nature.

(c) The Commission, as public interest, convenience, or necessity requires, may order, at any time, the licensee of an Alaska-public fixed station not authorized for continuous hours of service to increase the hours of service of such station as may, in the discretion of the Commission, be required to provide adequate public service: *Provided,* That such requirement shall not be prescribed without the consent of the station licensee unless, after hearing, the Commission shall determine that such requirement will promote public convenience or interest or will serve public necessity, or the provisions of the Communications Act will be more fully complied with.

NOTE: The hours of service of public coast stations and ship stations are regulated by §§ 7.186 and 8.183 of this chapter.

§ 14.104 *Coast station facilities for 2182 kc.* Each public coast station in the Alaska area licensed to transmit by telephony on any radio-channel within the band 1600 kc to 3500 kc shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on the radio-channel of which 2182 kc is the authorized carrier frequency, with a transmitter plate input power not less than the maximum plate input power capable of being used for telephony in accordance with Subpart E of this part for transmission by such station on any other radio-channel authorized for maritime mobile service within this band. This requirement shall apply to public coast stations in the Alaska area in lieu of the provisions of § 7.104 (b) (1) of this chapter.

§ 14.105 *Fixed and coast station operating arrangements.* (a) The requirements of § 7.106 (a), (b), (c), (d), and (e) (2) of this chapter, applicable to coast stations and providing for certain operating controls to expedite communication and conserve the use of frequencies, shall apply to Alaska-public fixed stations and coast stations subject to this part: *Provided,* That for these stations the date of required compliance with paragraphs (c) and (d) and (e) (2) of that section shall be not later than May 1, 1957.

(b) The requirements of § 7.106 (e) (1), (f), (g) and (h) of this chapter concerning certain operating controls shall apply to coast stations subject to this part: *Provided,* That the date of required compliance with paragraph (g) (1) of that section shall be not later than May 1, 1957.

(c) The radio equipment of each station subject to this part must be capable of permitting reception of the class or classes of emission on the frequency or frequencies used in accordance with the provisions of this part for the service carried on by the particular station. The technical arrangement of the station apparatus shall be such that the necessary reception of emissions can be readily effected prior to the transmission of any signals or communications by the station.

§ 14.106 *Documents required for fixed stations.* (a) Each Alaska-public fixed station shall be provided with the following documents:

(1) A valid station license, available in accordance with the provisions of § 7.102 (a) and (b) of this chapter;

(2) The necessary operator license or licenses, available in accordance with § 7.155 of this chapter;

(3) The station log as designated in § 14.109;

(4) This part and part 7 of this chapter.

(b) These documents shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

NOTE: This part will not be required until after September 15, 1955.

§ 14.107 *Documents required for coast stations.* (a) Each public coast station in the Alaska area using telegraphy shall be provided with this part and the documents prescribed in § 7.213 (a) of this chapter: *Provided,* That in public coast stations authorized to use telegraphy on frequencies solely within the band 1605–5000 kc, the following documents may be substituted in lieu of the documents specified by paragraph (a) (4), (5) and (6) of § 7.213 of this chapter:

(1) A complete list of coast stations (including call signs) located in the Alaska area (including coast stations of the ACS), open to public correspondence, and authorized to transmit on frequencies within the band 1605–5000 kc;

(2) A list, as complete as is practicable, of ship stations (including call signs) known to operate regularly in the Alaska area and authorized to transmit on frequencies within the band 1605–5000 kc;

(b) Each limited coast station in the Alaska area authorized to use telegraphy on a frequency or frequencies below 30 Mc shall be provided with this part and the documents prescribed in § 7.213 (b) of this chapter.

(c) Each public coast station in the Alaska area using telephony shall be provided with this part and the documents prescribed in § 7.313 of this chapter: *Provided,* That in Class II public coast stations that provide communication with ocean-going vessels, the documents specified in paragraph (a) (1) and (2) of this section may be substituted in lieu of the international "Alphabetical List of Call Signs" and the international "List of Coast Stations and Ship Stations."

(d) Each limited coast station in the Alaska area using telephony on any authorized frequency, and/or authorized to use telegraphy on frequencies solely above 30 Mc, shall be provided with this part and with the documents prescribed in § 7.369 of this chapter.

(e) The documents prescribed in this section shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

NOTE: This part will not be required until after September 15, 1955.

§ 14.108 *Documents required for ship stations.* (a) Each ship station in the Alaska area using telegraphy shall be provided with this part and the documents listed in § 8.329 of this chapter; except that in any ship station using telegraphy and located on board a vessel not compulsorily fitted with a radiotelegraph installation while in the Alaska area or while engaged on voyages solely between Alaska and other places on the Pacific seaboard of the continental United States or Canada:

(1) The following documents may be substituted in lieu of those specified in paragraph (a) (4) and (5) of § 8.329 of this chapter if the ship station uses telegraphy on frequencies solely within the band 1605–5000 kc, or solely within the latter band and the band 156.35–156.95 Mc;

(i) A complete list of coast stations (including call signs) which are authorized to transmit on frequencies within the band 1605–5000 kc, which are open to public correspondence, or which maintain watch on 2182 kc or 2091 kc and are located in the Alaska area (including coast stations of ACS) and on the Pacific seaboard of the continental United States and Canada;

(ii) A list, as complete as is practicable, of ship stations (including call signs) known to operate regularly in the Alaska area and/or on voyages between Alaska and other places on the Pacific seaboard of the continental United States or Canada, and authorized to transmit on frequencies within the band 1605–5000 kc;

(2) The documents specified in paragraph (a) (4) and (5) of § 8.329 of this chapter or the substitutes therefor specified in subparagraph (1) of this paragraph need not be provided if the ship station uses telegraphy on frequencies solely within the band 156.35–156.95 Mc.

(b) Each ship station in the Alaska area using telephony only (except telegraphy for calling and operating signals incidental to the use of telephony) shall be provided with this part and the documents set forth in § 8.367 of this chapter: *Provided,* That ship stations on vessels engaged on international voyages solely between Alaska and other places on the Pacific seaboard of the continental United States and Canada (either within or outside inland waters of the United States or Canada) must, if they operate on frequencies within the band 1605–5000 kc, be provided with the documents specified in paragraph (a) (1) (iv) and (v) of § 8.367 of this chapter or in lieu thereof the documents prescribed in subparagraph (1) of paragraph (a) of this section.

(c) The documents prescribed in this section shall be continuously and readily available to the licensed operator on duty during the hours of service of the station.

NOTE: This part will not be required until after September 15, 1955.

§ 14.109 *Fixed and coast station records.* (a) Each Alaska-public fixed station and each public coast station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as required for public coast stations by §§ 7.214 (a) and 7.314, respectively, of this chapter: *Provided,* That coast stations, with respect to operation on frequencies within the bands 1605–5000 kc and 156.35–162.05 Mc, and all Alaska-public fixed stations, may express the time of making each log entry in local standard time in the same manner as is permitted by those sections for coast stations which communicate exclusively with vessels on inland waters of the United States.

(b) Each limited coast station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as required by §§ 7.214 (b) and 7.370, respectively, of this chapter.

§ 14.110 *Ship station records.* Each ship station in the Alaska area shall maintain an accurate radiotelegraph and/or radiotelephone log as required by §§ 8.330 and 8.711 for telegraphy, and 8.368 for telephony, of this chapter: *Provided,* That with respect to operation on frequencies within the bands 1605–5000 kc and 156.25–157.45 Mc, ship stations in the Alaska area and on board vessels engaged on voyages solely between Alaska and other places on the Pacific seaboard of the continental United States or Canada may express the time of making each log entry in local standard time in the same manner as is permitted by §§ 8.330 (d) and 8.368 of this chapter for ship stations navigated on inland waters of the United States.

§ 14.111 *Coast station communication.* (a) Except as otherwise stated in paragraphs (b) and (c) of this section, the provisions of § 7.302 of this chapter shall apply to public coast stations subject to this part.

(b) In lieu of the provisions set forth in paragraph (a) (3) and (4) of § 7.302 of this chapter, public coast stations in the Alaska area using telephony are authorized to communicate with public ship stations, government ship stations, aeronautical public service stations on board aircraft, and government aircraft stations for the transmission or reception of public correspondence when the mobile station uses telephony on a radio-channel below 5000 kc designated in this part for ship-shore public correspondence by means of telephony and used by the coast station with which it communicates. Under this condition, the mobile station and the coast station transmit alternately on the same radio-channel.

(c) In lieu of the requirement of paragraph (b) (2) (i) of § 7.302 of this chapter, the station with which communication is carried on shall transmit to the coast station on a radio-channel below 5000 kc designated in this part for ship-shore public correspondence by means of telephony and used by the coast station with which it communicates. Under this condition, the fixed station and the coast station transmit alternately on the same radio-channel.

§ 14.112 *Coast station working frequency required.* Coast stations in the Alaska area using telephony shall be regarded as complying with paragraph (c) (1) of § 7.104 of this chapter when the particular coast station is capable also of transmitting and receiving (and is licensed to transmit) class A3 emission (modulation by voice frequencies) on at least one other radio-channel authorized for working with ship stations in the band 1605 to 3500 kc in lieu of the band 2000 to 3500 kc.

§ 14.113 *Suspension of coast station watch.* If, for any reason, a watch on 500 kc or 2182 kc maintained by a coast station, licensed for continuous or definite hours of service, is suspended, impaired, or discontinued during the regular season of operation of that station, notification thereof shall be given at the earliest practicable time by the station licensee to the nearest station or office of the U. S. Coast Guard or the Alaska Communications System that can be contacted via available channels of communication (preferably by wire or radio) and to the Commission's engineer in charge at Anchorage, Alaska. This notification shall include a statement of any estimated time of resumption of such watch if it has been suspended only, and shall state the reason for suspension, impairment, or discontinuance of the watch. When such watch is resumed after being suspended, or when impairment thereof no longer exists, notification of this fact likewise shall be given at the earliest practicable time. The provisions of this section shall apply to coast stations in the Alaska area in lieu of the provisions of §§ 7.74 and 7.75 of this chapter.

§ 14.114 *Use of developmental fixed stations.* (a) Developmental fixed stations subject to this part shall be constructed and used in such manner as to conform with all applicable technical and operating requirements contained in this part, unless deviation therefrom is specifically provided in the station authorization.

NOTE: Such requirements are those applicable to the corresponding established class of station including provisions relating to operator requirements, station records, station documents, assignment of call signs.

(b) Communication with any station of a country other than the United States is prohibited unless specifically authorized by the terms of the station authorization.

(c) The operation of a developmental station is subject to the condition that harmful interference is not caused to the operation of stations licensed in an established service under any part of the Commission's rules.

NOTE: The rules applicable to developmental coast stations and developmental stations on board ship are contained in Subpart M of Part 7 and Subpart Q of Part 8, respectively, of this chapter.

§ 14.115 *Rules in other parts applicable.* (a) The rules relating to station and operating requirements and other rules set forth in the rules and regulations governing stations in the maritime services (Subpart D and Subparts F through P of Part 7 of this chapter, and Subpart D and Subparts F through V of Part 8 of this chapter) shall, except as otherwise specifically provided in this part, apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) So far as they are consistent with this part, the following rule sections contained in Subparts D, F, G, H, I, M, O and P of Part 7 of this chapter shall apply to stations of the fixed service subject to this part:

7.101	7.155	7.310
7.102 (a) (b)	7.171	7.311
7.107 (a)	7.173	7.501
7.108	7.174	7.502
7.109	7.175	7.503 (a)
7.110	7.179 (e)	7.505
7.111	7.190	7.506
7.115	7.191	7.507
7.116	7.192	7.551
7.151	7.209	7.552
7.152	7.210	7.601
7.154	7.211	7.602

SUBPART E—STANDARD TECHNICAL REQUIREMENTS

§ 14.151 *Authorized frequency tolerance.* (a) Unless the particular station authorization specifically provides otherwise, the frequency tolerance authorized for coast stations and fixed stations subject to this part shall be as prescribed in paragraphs (b) and (c) of this section. This section shall apply to coast stations subject to this part, in lieu of § 7.131 of this chapter except as to coast station operation within any frequency band not designated in this section.

(b) *Authorized frequency tolerances.*

Assigned frequencies	Class of station	Percent tolerance
From 50 to 515 kc	Fixed or coast	0.02
From 1605 to 3400 kc	do	.01
On frequencies within the band from 5000 to 9000 kc.	Fixed	.01
On frequencies within the band from 4000 to 9000 kc.	Coast	.005
From 156.35 to 162.05 Mc	do	.005

NOTE: The authorized frequency tolerances applicable to ship stations are set forth in § 8.131 of this chapter.

(c) Fixed stations which, in exceptional cases are authorized to use plate (anode) input power in excess of the respective value specified below shall, when using such higher power, maintain the respective frequency tolerance designated below:

Class of emission in use	Class of radio frequency amplifier used in last stage of transmitter	Plate (anode) input power in use	Frequency band	Percent tolerance
A0, A1, A2, A2a, A2b	Any class for telegraphy	More than 300 watts	1605–3400 kc	0.005
		More than 750 watts	5000–9000 kc	.003
	Class C; plate, or plate and screen-grid modulated.	More than 300 watts	1605–3400 kc	.005
		More than 750 watts	5000–9000 kc	.003
	Class C; control, screen, or suppressor-grid modulated.	More than 600 watts	1605–3400 kc	.005
		More than 1,500 watts	5000–9000 kc	.003
A2, A2a, A2b, A3, A3a, A3b; also A0 or A1 as produced by the unmodulated carrier or by the keyed unmodulated carrier, respectively.	Class C; cathode modulated	More than 480 watts	1605–3400 kc	.005
		More than 1,200 watts	5000–9000 kc	.003
	Class B; linear	More than 600 watts	1605–3400 kc	.005
		More than 1,500 watts	5000–9000 kc	.003
	Class BC; high efficiency	More than 360 watts	1605–3400 kc	.005
		More than 900 watts	5000–9000 kc	.003
	Other classes; primarily for telephony.	As specified in the station authorization.	1605–3400 kc	.005
			5000–9000 kc	.003

NOTE: For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2, and to Subparts E of Parts 7 and 8 of this chapter.

§ 14.153 *Authorized transmitter power.* (a) Each fixed station and each coast station subject to this part, and each ship station when in the Alaska area, may use such antenna power as is necessary to carry on the service for which the station is licensed, on condition that the respective maximum authorized transmitter power as set forth herein shall not be exceeded (subject to the provisions of §§ 7.110 (a) and 8.110 (a) of this chapter and the provisions of paragraph (b) of this section) when transmitting on any frequency, assigned by this part for use by such station, which is within any frequency band set forth herein. The maximum authorized transmitter power for this purpose is designated in column 5 of the following table in relation to the respective controlling elements designated in columns 1, 2, 3 and 4:

1	2	3	4	5
Class of emission in use	Class of radio frequency amplifier used in the last radio stage of transmitter	Frequency band	Class of station	Maximum authorized transmitter power
A0, A1	Any class for telegraphy.	From 50 to 200 kc. From 400 to 515 kc.	Fixed. Coast or ship.	650 watts. 265 watts; with or without modulation.
A0, A1, A2, A2a, A2b	Any class for telegraphy.	From 1605 kc to 9000 kc.	Fixed, coast or ship.	150 watts; with or without modulation. 150 watts when no modulation is present. 300 watts when no modulation is present. 240 watts when no modulation is present. 300 watts when no modulation is present. 180 watts when no modulation is present. As specified in the station authorization.
A2, A2a, A2b, A3, A3a, A3b; also A0 and A1 provided the amplitude of the carrier shall not exceed its effective amplitude as used for telephony with the class of amplifier specified.	Class C—plate, or plate and screen-grid modulated. Class C—control, screen or suppressor-grid modulated. Class C—cathode modulated. Class B—linear.	From 1605 kc to 9000 kc.	Fixed, coast or ship.	
	Class BC—high efficiency.			
	Other classes: primarily for telephony.			
F0, F1, F2, F3	Any class for frequency-modulated transmission.	From 156.25 to 157.45 Mc. From 161.85 to 162.05 Mc.	Ship. Coast. Public. Coast.	100 watts. Limited—100 watts. Public—250 watts. 1,000 watts.

NOTE: As used in this part the terms "last radio stage", "plate (anode) input power", "antenna power", and "authorized transmitter power" are defined in Subparts A of Parts 7 and 8 of this chapter. See §§ 7.8 (gg), (hh), (ii), (kk), and 8.7 (ee), (ff), (gg), and (ii).

(b) The limitations governing the maximum authorized transmitter power set forth in paragraph (a) of this section may be exceeded when necessary:

(1) By a ship or coast station to expedite communication concerning a ship or aircraft in distress;

(2) To enable a ship station using a radio installation required for safety purposes by treaty or statute to satisfy the applicable transmitter power or communication range (distance) stipulated by such treaty or statute; or

(3) To provide effective communication, under exceptional conditions, on an assigned frequency or frequencies within the band 1605 kc to 6000 kc between an Alaska-public fixed station and one or more fixed stations of the Alaska Communications System. Such exceptional power, however, must be specifically requested in each case by the applicant or licensee and, before being used must be specifically authorized by the Commission. Except as may be otherwise determined by the Commission, such authorization will not be granted unless concurred in by the ACS. Each request for such authority must show at least that the local representative of the ACS has been fully informed thereof, and that technical means are available and can be used to reduce the power to not more than that permitted by paragraph (a) of this section when operating on assigned frequencies which would not be covered by such exceptional authorization.

(c) Unless the station license specifically provides otherwise, ship stations in the Alaska area shall, in addition to the provisions of this section, be subject to § 8.134 (c) (2) of this chapter in respect to minimum authorized transmitter power on frequencies between 2000 kc and 25000 kc authorized for telephony, only when transmitted by telephony to a public coast station which is providing a direct electrical connection between the ship-shore radio channel in use and a public land-telephone system.

§ 14.154 *Modulation limiter for fixed and coast stations.* Except for transmitters used solely for developmental stations, each radiotelephone transmitter licensed for use and operation on a frequency or frequencies below 30 Mc in a fixed or coast station subject to this part shall, at the earliest practicable date and in no event later than May 1, 1957, always be used with a device that will automatically prevent modulation in excess of 100 percent. With respect to operation on frequencies below 30 Mc only, this section shall apply to coast stations located in the Alaska area in lieu of § 7.137 (a) of this chapter.

NOTE: For a similar requirement applicable to ship stations, reference is made to § 8.137 (a) of this chapter.

§ 14.155 *Rules in other parts applicable.* (a) The rules relating to standard technical requirements set forth in the rules and regulations governing stations in the maritime services (Subparts E of Parts 7 and 8 of this chapter) shall, except § 7.137 (a), apply to stations of these services in the Alaska area so far as they are consistent with this part.

(b) So far as they are consistent with this part, §§ 7.133 and 7.136 of this chapter shall apply to stations of the fixed service subject to this part.

SUBPART F—ASSIGNMENT AND USE OF FIXED SERVICE FREQUENCIES

§ 14.201 *Cooperative use of frequency assignments.* Unless provided otherwise by this part, or by the particular station authorization, each radio-channel authorized for use by a fixed station subject to this part is available for use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 14.202 *Protection of government services.* Notwithstanding other provisions of this part, the assignment and use of any of the frequencies designated in this subpart shall be subject to the express condition that any individual assigned frequency may not be authorized for transmission by a fixed station at any specific location in the Alaska area where its use could cause harmful interference to a United States Government radio service which, in the discretion of the Commission, must be protected from such interference.

§ 14.203 *Alternate transmission on same radio-channel.* Except for communication between licensed fixed stations and fixed stations of the Alaska Communications System as hereinafter specifically designated in this Subpart, all transmission, on each radio-channel assigned by this subpart, by two or more stations engaged in any one exchange of signals or communications with each other, shall take place on only one radio-channel. For this purpose, the stations communicating with each other shall transmit and receive on the same radio-channel: *Provided,* That this requirement is waived in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single-channel communication cannot be used.

§ 14.204 *Frequencies assigned for use in all zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by Alaska-public fixed stations in accordance with Subpart E of this part. These frequencies are authorized for use by stations located in any zone of the Alaska area, for communication with other licensed Alaska-public fixed stations located in any zone of the Alaska area:

(1) 149.6 for telegraphy only; the use of this frequency by non-government stations shall be shared with government stations of the ACS in accordance with §§ 14.201 and 14.206.

(2) 1622 for telegraphy and/or telephony; available (on a shared basis with maritime mobile service) for fixed service until not later than January 1, 1957, only to fixed stations licensed to transmit on this frequency before the effective date of this section: *Provided,* That after September 15, 1955, at each location where the use of this frequency by a fixed station causes harmful interference to the maritime mobile service, the fixed station shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

(3) 2118 for telegraphy and/or telephony; available on a shared basis with maritime mobile service. The use of this frequency by fixed stations shall be coordinated with ship-to-shore communication on 2134 kc in the Alaska area so as to avoid harmful interference.

(4) 2382 for telegraphy and/or telephony; available (on a shared basis with maritime mobile service) for fixed service until not later than January 1, 1957, only to fixed stations licensed to transmit on this frequency before the effective date of this section: *Provided,* That after September 15, 1955, at each location where the use of this frequency by a fixed station causes harmful interference to the maritime mobile service, the fixed station shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

(5) 3201 for telegraphy and/or telephony; in so far as is practicable, fixed stations shall limit their use of this frequency to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc or above 70 Mc.

(6) 3265 for telegraphy and/or telephony; available for use where originally authorized prior to March 1, 1937, until not later than September 15, 1955, only to stations licensed to transmit on this frequency before the effective date of this section; and subject to the requirement that its use shall be coordinated with use of the frequency 3261 kc by Alaska-public fixed stations and public coast stations located in zones 1, 4 and 5, so as to avoid harmful interference to the service of those stations.

(7) 5167.5 for telegraphy and/or telephony; to be used exclusively for communication over distances of not less than 50 miles and only during the hours from 6:00 a. m. to 9:00 p. m. local standard time.

(8) 8070 for telegraphy and/or telephony; to be used exclusively for communication over distances of not less than 200 miles and only during the hours from 6:00 a. m. to 6:00 p. m. local standard time, except in zone 4 west of 165 degrees west longitude where the hours of its use shall not be limited.

§ 14.205 *Frequencies assigned for use in particular zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by Alaska-public fixed stations employing telegraphy and/or telephony in accordance with Subpart E, of this part. These frequencies are authorized for use (on a shared basis—except 1660 kc—with stations of the maritime mobile service) exclusively by stations located in the zone or zones designated herein opposite the respective frequency; for use, subject to the specific conditions and limitations designated herein by identifying reference placed opposite the respective frequency in each column, for communication with other Alaska-public fixed stations. In so far as is practicable, each station, when transmitting on any of these frequencies, shall communicate only with a station or stations located in its own zone or in a contiguous zone.

Zones in which transmission on the particular frequency is authorized subject to the limiting conditions specified by references to following paragraphs of this section:

NOTE: See § 7.8 (hh) of this chapter for definition of plate (anode) input power.

§ 14.152 *Authorized classes of emission.* (a) Unless the particular station authorization specifically provides otherwise, the classes of emission authorized for coast stations and fixed stations subject to this part and ship stations when in the Alaska area shall, with respect solely to frequencies within the following limits assigned in this part for use by such stations, be as set forth in the following paragraphs of this section.

Class of station	Frequency range	Class of emission
Fixed	From 50 to 200 kc and on 1666 kc	A–1, and for brief testing A–0.
	From 1605 to 1800 kc (except 1666 kc)	A–1, and for brief testing A–0; A–2 until Jan. 1, 1957 only.
Do	From 2000 to 2035 kc	
	From 2107 to 3400 kc	
	From 5000 to 9000 kc	
Coast and ship	From 400 to 515 kc	A–1, A–2, A–2a, A–2b, and for brief testing A–0.
	From 1605 to 1800 kc	A–1, and for brief testing A–0; A–2 until Jan. 1, 1957 only.
Do	From 2000 to 2035 kc	
	From 2107 to 3400 kc	
	From 5000 to 9000 kc	
Do	From 2035 to 2107 kc	A–1, and for brief testing A–0.
Do	On 156.4, 156.5, 156.7, and 156.9 Mc	F–1, F–2, and for brief testing F–0.

(c) For stations authorized by this part to use telephony on a frequency or frequencies within the respective frequency ranges designated in this paragraph, the authorized classes of emission for telephony on such frequencies shall be as follows:

Class of station	Frequency range	Class of emission
Fixed	From 1605 to 1800 kc	A–3, A–3b, and for brief testing A–0; also for brief operating signals A–1, A–2, A–2a, A–2b.
	From 2000 to 2035 kc	
	From 2107 to 3400 kc	
	From 5000 to 9000 kc	
Coast and ship	From 1605 to 1800 kc	A–3, A–3b, and for brief testing A–0; also for brief operating signals A–1, A–2, A–2a, A–2b.
	From 2107 to 3400 kc	
	From 4000 to 9000 kc	
Do	From 156.25 to 162.05 Mc	F–3, and for brief operating signals F–1 and F–2; also for brief testing F–0.

(d) As used in paragraphs (b) and (c) of this section, the letter "a" following class "A2" or "A3" emission means the emission of a single side band, with reduced carrier. The letter "b" following class "A2" or "A3" emission means the emission of two independent side bands, with reduced carrier. For radiotelegraph communication, the use of class A2, A2a, or A2b emission is permissible only when the modulated emission is keyed. In telegraph communication, keying only the modulating audio frequency is not authorized except when used in connection with radiotelephone communication solely for transmitting brief operating signals. On assigned frequencies from 1605 kc to 9000 kc, any form of A2 emission for radiotelegraph communication shall not be permissible after May 1, 1957.

(e) Classes of emission not authorized in paragraphs (b) and (c) of this section may be authorized by the Commission in special circumstances, subsequent to a satisfactory showing by the applicant of a need therefor and provided harmful interference will not result from the use thereof. Each application requesting such special authorization shall fully describe the emission desired to be used, shall indicate the emission-bandwidth required for effective operation, and shall state the purpose for which such emission is required.

This section shall, solely in reference to such frequencies as are duly assigned in this part, apply to coast stations subject to this part in lieu of § 7.132 of this chapter and to ship stations in the Alaska area in lieu of § 8.132 of this chapter.

(b) For stations authorized by this part to use telegraphy on a frequency or frequencies within the respective frequency ranges designated in this paragraph the authorized classes of emission for such frequencies shall be as follows:

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
1646			1646		1646.
	1652			1652	
			1660 (b)		1660 (b).
		1708	1708		
1712				1712 (c)	
2006 (d) (e)					
2422		2422			
	2430 (k) (c)		2430 (e)	2430 (e)	
		2450 (e) (f)	2450 (f)		2450 (f).
		2482 (e) (k) (g)	2482 (e) (g)		2482 (e) (g).
				2506 (h)	2506 (h).
2512	2512	2512	2512		
	2538	2538			
2566 (e)			2566	2566	
2616 (d) (e) (i)					
3261 (j)			3261 (j)	3261 (j)	

(b) Use of the frequency 1660 kc shall be coordinated as necessary with use of the frequency 1666 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

(c) To minimize interference to the service of stations in zone 4 operating on 1708 kc, use of the frequency 1712 kc in zone 5 is authorized only for stations located north of 62 degrees north latitude.

(d) To minimize interference to or from the operation of stations outside the Alaska area or United States Government stations within Alaska, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (d) is applied, is authorized for use annually in the respective zone only during the hours from 7:00 a. m. to 11:00 p. m. local standard time from May 15 to September 15 inclusive; and from 8:00 a. m. to 9:00 p. m. local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(e) To provide for the most effective use of assigned frequencies available under this part and to minimize interference to or from the operation of stations outside the Alaska area, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (e) is applied is authorized for use in the respective zone for fixed service, exclusively by coast station licensees who operate a public coast station at the same location and on the same frequency for maritime mobile service; and, in order to serve adequately an industry in Alaska, have an established requirement for a radio-communication system of fixed service and maritime mobile service on a radio-channel common to both of these services.

(f) Use of the frequency 2450 kc shall be coordinated as necessary with use of the frequency 2466 kc by other fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(g) Use of the frequency 2482 kc shall be coordinated as necessary with use of the frequencies 2466 kc and 2474 kc by other fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(h) Use of the frequency 2506 kc for fixed service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, California, to which this frequency is assigned as a carrier frequency for transmission.

(i) Use of the frequency 2616 kc shall be coordinated as necessary with use of the frequency 2632 kc by other fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(j) In so far as is practicable, fixed stations shall limit their use of the frequency 3261 kc to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc or above 70 Mc.

(k) To minimize interference to or from the operation of stations outside the Alaska area, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (k) is applied, is authorized for use annually in the respective zone only during the hours from 6:00 a. m. to 11:00 p. m. local standard time, from April 1 to September 30 inclusive.

(l) To provide for continuance of existing fixed service in the Alaska area for a temporary period in which necessary changes in the frequency assignments of certain stations may be effected, any fixed station at any authorized location in Alaska, which, before the effective date of this section, was licensed to transmit on one or more of the frequencies listed in paragraph (a) of this section for communication with any other fixed station in Alaska, may continue to transmit on such frequency or frequencies for the same purpose (without regard to the specific limitations and requirements set forth in paragraphs (a) through (k) of this section) until January 1, 1957. After that date, such station shall operate only in conformity with the provisions of those paragraphs: *Provided*, That after September 15, 1955, at each station location where such operation at variance with any of the provisions of paragraphs (a) through (k) causes harmful interference to the service of a licensed station operating in conformity with those paragraphs, or to any authorized government service, the station which is operating not in conformity with those paragraphs shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

NOTE: The frequencies designated in paragraph (a) of § 14.205 are additionally available (except 1660 kc) for maritime mobile service as provided in Subpart G of this part. This dual allocation is primarily for the purpose of providing a group of frequencies for radio station licensees in the Alaska area whose industrial operations require an integrated system of point-to-point and shipshore communication.

§ 14.206 *Frequencies for communication with ACS.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by Alaska-public fixed stations in accordance with Subpart E of this part, for communication with fixed stations of the Alaska Communications System which are located in the Alaska area and are open to public correspondence: *Provided*, That to to assure necessary coordination each Alaska-public fixed station when communicating with a fixed station of the ACS shall transmit only on a frequency listed in this section which is specifically designated for such use by that station in a written notification to the respective station licensee from the ACS in response to a written request therefor received by the ACS from that licensee. Likewise, the periods of time during which the licensed station may transmit on such frequency shall be those which are designated in such notification from the ACS. The particular ACS station(s) with which the licensed station may communicate and the specific ACS frequency or frequencies to be used for transmitting to the licensed station are designated by the ACS in its written notice to the station licensee:

(1) 149.6 for telegraphy only; normally for use at any appropriate location in the Alaska area.

NOTE: The frequency 149.6 kc may be used also for transmission by ACS fixed stations to public fixed stations.

(2) 1666 for telegraphy only; normally for communication with ACS stations located at Ketchikan and Naknek. The use of this frequency shall be coordinated as necessary with use of the frequency 1660 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

NOTE: The frequency 1666 kc may be used also for transmission by ACS fixed stations to public fixed stations.

(3) 2256 for telegraphy and/or telephony; for communication with ACS stations located at Anchorage and Ketchikan.

(4) 2466 for telegraphy and/or telephony; normally for communication with ACS stations located at Wrangell, Petersburg, Naknek and Kotzebue. The use of this frequency shall be coordinated as necessary with use of the frequencies 2450 kc, 2474 kc and 2482 kc by other stations in the Alaska area so as to avoid harmful interference.

(5) 2474 kc for telegraphy and/or telephony; normally for communication with ACS stations located at Sitka, Kodiak, Nome and Barrow. The use of this frequency shall be coordinated as necessary with use of the frequencies 2466 kc and 2482 kc by other stations in the Alaska area so as to avoid harmful interference.

(6) 2632 for telegraphy and/or telephony; normally for communication with ACS stations located at Cordova, Fairbanks, Bethel and Unalaska. The use of this frequency shall be coordinated as necessary with use of the frequency 2616 kc by other stations in the Alaska area so as to avoid harmful interference.

(7) 2694 for telegraphy and/or telephony; for communication with ACS stations located at Juneau and Cold Bay.

(8) 2776 for telegraphy and/or telephony; for communication with ACS station located at Ketchikan.

(9) 3357 for telegraphy and/or telephony; for communication with ACS stations located at Fairbanks and Juneau. The use of this frequency shall be coordinated as necessary with use of the frequency 3365 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

(10) 3365 for telegraphy and/or telephony; for communication with ACS station located at Unalaska. The use of this frequency shall be coordinated as necessary with use of the frequency 3357 kc by other fixed stations in the Alaska area so as to avoid harmful interference.

(11) 5137.5 for telegraphy and/or telephony; normally for communication with ACS stations located at Anchorage and Ketchikan. The use of this frequency shall be limited to the hours from 6:00 a. m. to 9:00 p. m. local standard time.

(12) 5207.5 for telegraphy and/or telephony; normally for communication with ACS stations located at Juneau, Fairbanks and Kodiak. The use of this frequency (except in zone 4 west of 165 degrees west longitude) shall be limited to the hours from 6:00 a. m. to 9:00 p. m. local standard time.

(13) Frequencies shown herein which are designated for transmission to particular ACS stations shall be utilized only for transmission to those stations except with respect to the frequencies 2466, 2474, 2632, 5137.5 and 5207.5 kc. In the case of these five frequencies, the ACS may designate other station locations depending upon operational requirements.

(b) When transmitting to any ACS fixed station on any frequency above 2000 kc authorized in paragraph (a) of this section, each Alaska-public fixed station shall use any class of emission permissible under applicable provisions of § 14.152 which is designated by the ACS; when such designation is not made by the ACS, the station licensee shall select the class of emission to be used in accordance with the provisions of § 14.152. In so far as is practicable when transmitting by means of telegraphy on any of these frequencies above 2000 kc, and subject to designation by the ACS as herein provided, class A1 emission only shall be used; after January 1, 1957, the use of class A2 emission on these frequencies above 2000 kc, under the provisions of § 14.152 is not permissible.

§ 14.207 *Use of United States Government frequencies.* Frequencies assigned to United States Government radio stations are assignable by specific action of the Commission to Alaska-public fixed stations for communication with other licensed stations of this class when such communication is necessary in connection with activities performed in coordination with or in behalf of the Federal Government and where the Commission determines, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

§ 14.208 *Extended interim use of conditional fixed service frequencies.* With respect to each assigned frequency authorized by this subpart to be used by certain fixed stations until not later than January 1, 1957, those stations may, if the respective station licensee has made proper application not later than January 1, 1957 for renewal of the respective fixed station license, continue to transmit on such frequency for fixed service until the date on which the licensee receives the renewed license, or pending Commission action on the respective application until May 1, 1957, whichever date first occurs.

§ 14.209 *Temporary frequencies for treaty implementation.* In addition to the frequencies specifically assigned in this subpart, other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

SUBPART G—ASSIGNMENT AND USE OF MARITIME SERVICE FREQUENCIES

§ 14.251 *Cooperative use of frequency assignments.* Unless provided otherwise by this part, or by the particular station authorization, each radio-channel authorized for use by a ship or coast station subject to this part is available for use on a shared basis only and shall not be construed as available for the exclusive use of any one station or any one station licensee. All station licensees shall cooperate in the use of their respective frequency assignment in order to minimize interference and obtain the most effective use of the authorized radio-channels.

§ 14.252 *Protection of government services.* Notwithstanding other provisions of this part, the assignment and use of any of the frequencies designated in this subpart shall be subject to the express condition that any individual assigned frequency may not be authorized for transmission by a ship or coast station at any specific location in the Alaska area where its use could cause harmful interference to a United States Government radio service which, in the discretion of the Commission, must be protected from such interference.

§ 14.253 *Alternate transmission on same radio-channel.* Except for communication between coast stations of the Alaska Communications System and licensed ship stations as hereinafter specifically designated in this subpart, all transmission, on each radio channel within the frequency-band 1605 kc–2035 kc, 2107 kc–9000 kc, or 156.25 Mc–157.25 Mc assigned by this subpart, by two or more stations engaged in any one exchange of signals or communications with each other, shall take place on only one radio-channel. For this purpose the stations communicating with each other shall transmit and receive on the same radio-channel: *Provided*, That this requirement is waived in an emergency affecting the safety of life or property when, by reason of interference or limitation of equipment, this method of single-channel communication cannot be used.

§ 14.254 *Frequencies to be used for distress signals.* (a) In case of distress in the maritime service, the frequency to be used shall be the international radiotelegraph distress frequency 500 kc with maximum power obtainable; the class of emission to be used if possible shall be A2. Stations which cannot transmit on 500 kc or use A2 emission shall, if possible, use their normal calling frequency and normal class of emission with maximum power obtainable.

(b) The frequency 2182 kc is the international radiotelephone distress frequency for the maritime mobile service. It may be used for this purpose by ship or aircraft stations employing telephony in the band 1605 to 2850 kc when requesting assistance from the maritime services.

(c) No provision of the International Radio Regulations shall prevent a mobile station in distress from using any means available to it for drawing attention, signalling its position, and obtaining help. No provision of this part shall prevent a mobile station in distress from using any frequency assigned by this part for the transmission of distress signals or distress communications in the event it is impossible, impracticable, or ineffective for such station to use the frequency 500 kc or 2182 kc to draw attention, signal its position and obtain help.

NOTE: To determine the detailed procedure to follow in case of distress in the maritime mobile service, refer to Subpart J of Part 8 and § 7.187 of this chapter.

§ 14.255 *Ship station frequencies for use in all zones for telegraphy only.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by ship stations in any zone of the Alaska area when transmitting by means of telegraphy, in accordance with Subpart E of this part, for communication with other stations of the maritime mobile service using telegraphy:

500—for calling and distress as provided in §14.254 of this subpart and in Subparts J and N of Part 8 of this chapter.

425, 448, 454, 468, 480—for working as provided in Subpart N of Part 8 of this chapter.

410—for maritime radionavigation service (radio direction-finding) as provided in Subpart P of Part 8 of this chapter. In addition to the transmission of specific signals for direction-finding, this frequency may be used for communication by telegraphy with direction-finding stations in connection with established international operating procedure relative to radiolocation by means of direction-finding.

444—exclusively for communication with United States Government stations; the use of this frequency for any other communication (except distress) is not authorized. The use of this frequency shall not cause harmful interference to the service of any coast station.

(b) (1) The frequency 2091 kc is the Region 2 (including the Alaska area) international calling frequency for ship stations using telegraphy within the band 2065–2107 kc. This frequency shall be used for call, reply and signals preparatory to traffic by all ship stations using telegraphy to establish communication with other ship stations operating in the band 2065–2107 kc or with coast stations using telegraphy and operating

within the band 2035–2065 kc. Additionally in the Alaska area, this frequency may be used as a calling frequency to establish communication with ship or coast stations using telegraphy and operating within the band 1605–2035 kc or 2107–3400 kc. Transmission by ship stations for the purposes herein set forth on any calling frequency within the band 2088.5–2093.5 kc is permissible as a practical operating procedure to minimize interference, in lieu of transmission on the frequency 2091 kc. (These alternative calling frequencies are 2089, 2089.5, 2090, 2090.5, 2091.5, 2092, 2092.5 and 2093 kc.) The use of the frequency 2091 kc or any other calling frequency within the band 2088.5–2093.5 kc by ship stations for purposes other than those set forth herein (except for distress traffic) is not authorized. A ship station, after establishing communication on a calling frequency within this band, shall change to an authorized telegraph working frequency for the transmission of message traffic by means of telegraphy.

(2) Working frequencies within the band 2065–2107 kc designated in Subpart N of Part 8 of this chapter for use by ship stations employing telegraphy are authorized for use as assigned frequencies by ship stations using telegraphy in the Alaska area in accordance with the applicable provisions of Part 8 of this chapter: *Provided*, That the authorized class of emission and the authorized transmitter power shall, with respect to ship stations in the Alaska area, be in conformity with Subpart E of this part.

NOTE: Use of frequencies in the band 2065–2105 kc by ship stations is authorized on a day only basis and subject to the condition that harmful interference will not be caused to stations which, in the discretion of the Commission, may have priority on the frequency used by the station to which interference is caused. The term "day", for this and other purposes, is defined in § 8.2 (l) (1) of this chapter.

(c) Assigned calling and working frequencies below 405 kc and within the band 4000–25000 kc designated in Subpart N of Part 8 of this chapter for use by ship stations employing telegraphy are available for use by ship stations in the Alaska area using telegraphy and operating in accordance with applicable provisions of Part 8 of this chapter, including provisions therein governing the class of emission and the authorized transmitter power.

§ 14.256 *Coast station frequencies for use in all zones for telegraphy only.* Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by public coast stations in all zones of the Alaska area when transmitting by means of telegraphy, in accordance with Subpart E of this part, for communication with ship and aircraft stations, and with other public coast stations using telegraphy in the Alaska area, in accordance with § 7.202 of this chapter:

500—for calling and distress as provided in §§ 7.187, 7.207 (a), 7.208 (b), and 7.212 of this chapter.

416 and 438—for working as provided in Subpart H of Part 7 of this chapter.

2052.5—calling and working frequency for communication with ship stations when such stations are using telegraphy within the band 2065–2107 kc. This frequency is authorized on a day only basis and subject to the condition that harmful interference will not be caused to stations which, in the discretion of the Commission, may have priority on the frequency used by the station to which interference is caused.

NOTE: The term "day" in reference to use of 2052.5 kc, and for other purposes, is defined in § 7.2 (m) of this chapter.

§ 14.257 *Safety frequencies for ship and coast stations in all zones using telephony.* Each of the following frequencies is authorized as an assigned frequency for telephony for use by ship and coast stations in all zones of the Alaska area in accordance with the provisions of Subparts I and J of Part 7 and Subpart O of Part 8 of this chapter: *Provided*, That the authorized class of emission and the authorized transmitter power shall be in conformity with the provisions of Subpart E of this part:

2182—for distress, calling and safety purposes; ship-shore and ship-to-ship;

156.8 Mc—primarily for calling and safety purposes; ship-shore and ship-to-ship;

156.7 Mc—primarily for communication between ship stations and limited coast stations for the exchange of information essential to maritime radiolocation service.

§ 14.258 *Frequencies for ship-to-ship communication in all zones by telephony.* (a) The assigned frequencies 2638 kc and 2738 kc designated in Subpart O of Part 8 of this chapter for ship-to-ship communication by means of telephony are available for use by ship stations on board any class of vessel in all zones of the Alaska area using telephony and operating in accordance with applicable provisions of Part 8 of this chapter: *Provided*, That the authorized class of emission and the authorized transmitter power shall be governed by Subpart E of this part in lieu of the particular provisions of Part 8 of this chapter relative to emission and power authorized for these two frequencies.

NOTE: Except for test purposes, the frequency 2738 kc may not be used or assigned unless certification regarding attenuation of emission on the related second harmonic frequency (5476 kc) has been submitted to the Commission's office at Washington, D. C., as required by applicable provisions of Part 8 of this chapter.

(b) The assigned frequency 156.3 Mc designated in Subpart O of Part 8 of this chapter for ship-to-ship communication by means of telephony is available for use by ship stations on board any class of vessel in all zones of the Alaska area using telephony and operating in accordance with the applicable provisions of Part 8 of this chapter: *Provided*, That the authorized class of emission and the authorized transmitter power shall, with respect to ship stations in the Alaska area, be in conformity with Subpart E of this part.

§ 14.259 *Frequencies for ship-shore and ship-to-ship communication by telegraphy or telephony in all zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use, in accordance with Subpart E of this part, by coast and ship stations in all zones of the Alaska area, as designated herewith:

(1) For communication by telegraphy and/or telephony between public coast stations and public ship stations on board any type of vessel—1622, 2382.

(2) For ship-to-ship communication (for business, operational and safety purposes) by telegraphy and/or telephony—1622 and 2382, except that after September 15, 1955, the use of these frequencies shall be—

(i) Between ship stations on board vessels of less than 500 gross tons—1622 only; and

(ii) Between ship stations on board vessels of 500 gross tons or more—2382 only.

(3) (i) Primarily for communication by telephony between public coast stations and public ship stations on board any type of vessel, during the hours from 6:00 a. m. to 9:00 p. m. local standard time only—4386.2;

(ii) Additionally the frequency 4386.2 kc may be used on a secondary basis for communication by telephony, during the hours from 6:00 a. m. to 9:00 p. m. local standard time only—

(*a*) Between public coast stations, separated not less than 50 miles, for the exchange of public correspondence under conditions which make it necessary to use this frequency for this purpose in lieu of an assigned frequency specifically designated in Subpart F of this part for fixed service; on condition that ship-shore communication shall be given priority at all times;

(*b*) Between ship stations on board any type of vessel for business, operational and safety purposes, on condition that harmful interference shall not be caused to the service of any coast station using telephony. In so far as is practicable, the use of this frequency for this purpose shall be limited to the relatively longer distances over which the use of frequencies below 2400 kc or above 156 Mc would not be effective.

§ 14.260 *Frequencies for ship-shore public telephone service in all zones.* (a) The frequency 2134 kc is authorized as an assigned frequency for use in all zones of the Alaska area by public ship stations, in accordance with Subpart E of this part, for communication exclusively with coast stations of the Alaska Communications System which are located in the Alaska area and are open to public correspondence. When transmitting on this frequency to any ACS coast station, ship stations normally shall employ class A3 emission for telephony; they may employ telegraphy if desired, with class of emission designated by the ACS, when the particular ACS coast station is capable of using telegraphy. The associated frequency to be used for transmission from the coast station to the ship station shall be within the frequency-band 1605–3400 kc and shall be designated for each location by the ACS.

NOTE: The ACS coast station transmitting frequency and the hours of service of each ACS coast station at the respective locations in the Alaska area at which this service is available may be obtained upon request made to the ACS or to the Commission's Engineer in Charge at Anchorage, Alaska, or Seattle, Washington. These frequencies are listed herewith as of April 6, 1955, for the information of ship station licensees.

ACS coast station location:	*Respective transmitting frequency (kc)*
Anchorage	2312
Barrow	2312
Cold Bay	2312
Cordova	2300
Craig	2312
Juneau	2784
Ketchikan	2300
Kodiak	2784
Naknek	2312
Nome	2784
Petersburg	2312
Seward	2312
Sitka	2312
Skagway	2312
Unalaska	2312
Valdez	2300
Whittier	2312
Wrangell	2312

(b) (1) The provisions of this paragraph shall apply to public coast stations in the Alaska area in lieu of the provisions of §§ 7.307 and 7.308 of this chapter, and to ship stations when communicating with public coast stations in the Alaska area in lieu of § 8.356 of this chapter.

(2) Each of the following frequencies in megacycles is authorized for use as an assigned frequency, in accordance with Subpart E of this part, for the exchange of public correspondence by means of telephony between public coast stations and ship stations, in all zones of the Alaska area, as designated herewith:

For coast station transmission: 161.9; for ship station transmission: 157.4. These two frequencies comprise one radio telephone circuit.

For coast station transmission: 162.0; for ship station transmission: 157.3. These two frequencies comprise one radio telephone circuit.

When alternate transmission by the coast station and the ship station on the same assigned frequency is required, either 157.4 Mc or 157.3 Mc shall be used by each class of station.

(3) At locations where one public ship-shore radiotelephone circuit in this frequency-band is sufficient to provide satisfactory public telephone service, the frequencies 161.9 Mc and 157.4 Mc for a two-frequency circuit or the frequency 157.4 Mc for a single-frequency circuit shall be used.

(4) The assigned frequency 162.0 Mc or 157.3 Mc normally may be authorized for use by a public coast station only when a satisfactory showing is made by the applicant for such authorization that such station under its outstanding license is utilizing the frequency 161.9 Mc or 157.4 Mc at maximum capacity to provide public ship-shore telephone service and there is a need by that station for an additional circuit to adequately serve users or prospective users of the station's service.

(c) Frequencies within the band 4000 kc–30 Mc designated in §§ 8.354 and 8.355 of this chapter for use by ship stations employing telephony for communication with public coast stations located in the vicinity of specified geographic locations (outside the Alaska area) are available for use by ship stations, at sea in the Alaska area, using telephony and operating in accordance with applicable provisions of Part 8 of this chapter, including provisions therein governing the class of emission and the authorized transmitter power.

§ 14.261 *Frequencies above 156 Mc for business and operational purposes.* (a) The provisions of this section shall, in respect to use of the assigned frequencies 156.4, 156.5, 156.6, 156.7, 156.9 and 157.0 Mc for business and operational purposes, apply to limited coast stations in the Alaska area in lieu of related provisions of §§ 7.356 and 7.361 of this chapter and to ship stations in the Alaska area in lieu of related provisions of § 8.360 of this chapter.

(b) Each of the following frequencies in megacycles is authorized as an assigned frequency for communication, in accordance with Subpart E of this part, between ship stations and limited coast stations and between ship stations in all zones of the Alaska area to serve the business and operational needs of ships, subject to the conditions herein set forth. These frequencies are not authorized for the handling of public correspondence, nor for communication of a personal nature not relative to safety or the business or operational needs of ships.

(1) (i) 156.4, 156.5 and 156.9—for telegraphy and/or telephony. The use of these frequencies by ship stations shall be limited to such stations on board commercial transport vessels, vessels of municipal governments in Alaska, and vessels of the territorial government of Alaska.

(ii) Additionally, limited coast stations authorized to transmit on one or more of these frequencies may communicate thereon with other limited coast stations in any zone of the Alaska area as may be necessary to facilitate the business or operation of ships in the Alaska area, or for transmission of any emergency messages relating to the safety of life or property.

(2) 156.7—for the same use and purposes and under the same conditions as are prescribed for 156.4, 156.5 and 156.9 Mc in subparagraph (1) of this paragraph; upon the express condition that its use, at the particular location and at the particular time, is not required for any maritime radio-location service as provided in §§ 7.356 (a) (1) and 8.359 (f) (1) of this chapter.

(3) 156.6—for telephony only; for communication solely in connection with harbor or port operations, including docking, lighterage, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, and for communication concerning the passage of vessels through locks under governmental control. This frequency may be used for such purposes by limited coast stations and by ship stations on board any class of vessel.

(c) The frequency 157.0 Mc is authorized as an assigned frequency exclusively for use by ship stations in all zones of the Alaska area for ship-to-ship communication by means of telephony in accordance with Subpart E of this part; on condition that such ship stations are capable of transmitting and receiving (and are authorized to transmit) on the ship-to-ship frequency 156.3 Mc also. This frequency shall be used only by ship stations on board commercial transport vessels, vessels of municipal governments in Alaska, and vessels of the territorial government of Alaska, to serve the business and operational needs of such vessels. This frequency is not authorized for the handling of public correspondence, nor for communication of a personal nature not relative to safety or the business or operational needs of ships.

NOTE: The term "commercial transport vessel" is defined in § 8.2 (o) (3) of this chapter.

§ 14.262 *Use of marine utility stations.* Licensed marine-utility stations are authorized to be used on land and on board ship in all zones of the Alaska area on each of the frequencies 156.3, 156.4, 156.5, 156.6, 156.7, 156.8, 156.9 and 157.0 Mc, in conformity with the provisions of this part which are applicable to the use of these frequencies in the Alaska area, and subject further to such provisions of Parts 7 and 8 of this chapter that apply to this class of station which are not inconsistent with the applicable provisions of this part.

§ 14.263 *Frequencies for temporary use in all zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use, in accordance with Subpart E of this part, temporarily for a limited period as designated herewith; for public coast stations in Alaska and for ship stations in Alaskan waters employing primarily telephony (telegraphy also is permissible) for ship-shore and ship-to-ship communication upon the condition that no interference will result to other services:

(1) 3265 and 5167.5—available under the respective provisions of subparagraphs (2) and (3) of this paragraph until not later than September 15, 1955, only to ship and coast stations licensed to transmit on the respective frequency before the effective date of this section;

(2) The frequency 3265 kc may be used where originally authorized prior to March 1, 1937, on a shared basis with fixed service subject to the requirement that its use shall be coordinated with use of the frequency 3261 kc by Alaska-public fixed stations located in zones 1, 4, and 5, so as to avoid harmful interference to the service of those stations;

(3) The frequency 5167.5 kc is available on a shared basis with the fixed service, for use during the hours from 6:00 a. m. to 6:00 p. m., P. s. t. only;

(4) 1660 and 3201—available for maritime mobile service (on a shared basis with fixed service) under the respective provisions of subparagraphs (5) and (6) of this paragraph until not later than January 1, 1957, only to ship and coast stations licensed to transmit on the respective frequency before the effective date of this section;

(5) Use of the frequency 1660 kc shall be coordinated as necessary with use of the frequency 1666 kc by fixed stations in the Alaska area so as to avoid harmful interference;

(6) At locations where use of the frequency 1660 kc or 3201 kc for maritime mobile service after September 15, 1955,

causes harmful interference to the service of a licensed fixed station or stations operating in accordance with applicable provisions of this part, or to any authorized government service, the station using either of these frequencies for maritime mobile service shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference;

(7) 3092.5—available until not later than June 1, 1955, to ship and coast stations licensed to transmit on the frequency before the effective date of this section.

(b) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use temporarily, in accordance with Subpart E of this part, for a limited period as designated herewith (on a secondary basis in relation to their primary use by fixed stations pursuant to §§ 14.204 (a) (8) and 14.206) for public coast stations in Alaska and for ship stations in Alaskan waters employing primarily telephony (telegraphy also is permissible) for ship-shore and ship-to-ship communication upon the condition that no interference will result to other services:

(1) 2466, 2474 and 2632 kc—available for maritime mobile service until not later than September 15, 1955, only to ship and coast stations licensed to transmit on the respective frequency before the effective date of this section. At locations where the use of any of these frequencies for maritime mobile service as provided herein causes harmful interference to the service of a licensed fixed station or stations operating in accordance with applicable provisions of this part, or to any authorized government service, the station using the respective frequency involved shall, except in an emergency concerning the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

(2) 5137.5, 5207.5 and 8070—available, during the hours from 6:00 a. m. to 6:00 p. m., P. s. t. only, for maritime mobile service until not later than September 15, 1955, only to ship and coast stations licensed to transmit on the respective frequency before the effective date of this section, and subject to the requirement that use of these frequencies shall be coordinated with their use by fixed stations in the Alaska area so as to avoid harmful interference: *Provided,* That the limitation in hours of use of 5207.5 and 8070 kc herein prescribed shall not apply to use of these two frequencies in the Aleutian Islands and contiguous regional waters west of 165 degrees west longitude.

§ 14.264 *Frequencies assigned for use in particular zones.* (a) Each of the following frequencies in kilocycles is authorized as an assigned frequency for use by public coast stations and ship stations employing telegraphy and/or telephony in accordance with Subpart E of this part: *Provided,* That telephony only shall be employed on the frequencies 4406.9 and 4434.5 kc. With respect to the operation of coast stations, these frequencies are authorized for use (below 3400 kc on a shared basis with Alaska-public fixed stations) by coast stations located only in the zone or zones designated herein opposite the respective frequency; and for use in accordance with paragraph (l) of this section, subject to the specific conditions and limitations designated herein by identifying reference placed opposite the respective frequency in each column.

Zones in which transmission on the particular frequency is authorized subject to the limiting conditions specified by references to following paragraphs of this section, including paragraph (l) in reference to each frequency:

Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
1646			1646		1646.
	1652			1652	
		1708	1708		
1712 (b)				1712 (b)	
2066 (d)					
	2118 (m)		2118 (m)		
2422		2422			
	2430 (c) (n)		2430	2430	
		2450 (f)	2450 (f)		2450 (f).
		2482 (n) (g)	2482 (g)		2482 (g).
				2506 (h)	2506 (h).
2512	2512	2512	2512		
	2538 (e)	2538 (e)			
2566			2566	2566	
2616 (d) (l)					
3261 (j)			3261 (j)	3261 (j)	
4406.9 (k)	4406.9 (k)	4406.9 (k)			
			4434.5 (k)	4434.5 (k)	4434.5 (k).

(b) To minimize interference to the service of stations in zone 3 or 4 operating on 1708 kc, ship stations in zone 1 shall not transmit on 1712 kc when west of 138 degrees west longitude, nor in zone 5 when south of 62 degrees north latitude; also coast stations in zone 5 south of that latitude shall not transmit on 1712 kc.

(c) To minimize interference to the service of ship stations transmitting on 2430 kc to any public coast station in the vicinity of Seattle, Washington, ship stations in zone 2 shall not transmit on 2430 kc when south of 59 degrees north latitude.

(d) To minimize interference to or from the operation of stations outside the Alaska area or United States Government stations within Alaska, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (d) is applied, is authorized for use annually in the respective zone only during the hours from 7:00 a. m. to 11:00 p. m. local standard time from May 15 to September 15 inclusive, and from 8:00 a. m. to 9:00 p. m. local standard time from April 1 to May 14 inclusive and from September 16 to October 31 inclusive.

(e) To minimize interference to or from the service of any coast station transmitting on 2538 kc and located in the vicinity of Vancouver, British Columbia, ship stations in zones 2 and 3 shall not transmit on 2538 kc when south of 56 degrees north latitude.

(f) Use of the frequency 2450 kc shall be coordinated as necessary with use of the frequency 2466 kc by fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(g) Use of the frequency 2482 kc shall be coordinated as necessary with use of the frequencies 2466 kc and 2474 kc by fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(h) Use of the frequency 2506 kc for maritime mobile service in the Alaska area is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the vicinity of San Francisco or Eureka, California, to which this frequency is assigned as a carrier frequency for transmission.

(i) Use of the frequency 2616 kc shall be coordinated as necessary with use of the frequency 2632 kc by fixed stations in the Alaska area as authorized in § 14.206, so as to avoid harmful interference.

(j) In so far as is practicable, ship and coast stations shall limit their use of the frequency 3261 kc to communication over distances which cannot be effectively covered by the use of a frequency below 2700 kc or above 156 Mc.

(k) (1) The frequencies 4406.9 and 4434.5 kc are authorized for telephony exclusively; for use during the hours from 6:00 a. m. to 9:00 p. m. local standard time only. Such use of the frequency 4434.5 kc is authorized on condition that harmful interference shall not be caused to the service of any coast station located in the Great Lakes area to which this frequency is assigned as a carrier frequency for transmission.

(2) Additionally, public coast stations may communicate, on a secondary basis, during the hours from 6:00 a. m. to 9:00 p. m. local standard time only, on 4406.9 kc or 4434.5 kc for the exchange of public correspondence with other public coast stations within not less than 50 miles; under conditions which make it necessary to use either of these frequencies for this purpose in lieu of an assigned frequency specifically designated in Subpart F of this part for fixed service; and on condition that priority shall be given at all times to ship-shore communication.

(l) (1) When operating on any frequency designated in paragraph (a) of this section, a ship station shall transmit only on an assigned frequentcy which is specifically authorized by that paragraph for transmission in the zone in which the ship station then is located: *Provided,* That for communication with a ship or coast station located in a contiguous zone which uses a frequency in accordance with paragraph (a) but not designated by that paragraph for use in the zone in which the ship station then is located, such ship station may transmit on the contiguous zone frequency when, by reason of conditions not under its control, such operation becomes necessary.

(2) Ship stations are authorized generally to communicate on each frequency designated in this section with public coast stations using the same frequency, in accordance with § 14.253. A ship station may communicate on any of these frequencies with another ship station only when requested to do so by a public coast station which operates on the same frequency in accordance with paragraph (a) of this section and is within communication range of the ship station.

(m) Use of the frequency 2118 kc for maritime mobile service is subject to interference from transmission by ship stations on frequencies within the band 2065 to 2107 kc. Use of 2118 kc shall be coordinated as necessary with use of the frequency 2134 kc as authorized in § 14.260 (a) so as to avoid harmful interference.

(n) To minimize interference to or from the operation of stations outside the Alaska area, each of the frequencies listed in paragraph (a) of this section, to which this paragraph designator (n) is applied, is authorized for use annually in the respective zone only during the hours from 6:00 a. m. to 11:00 p. m. local standard time, from April 1 to September 30 inclusive.

(o) To provide for continuance of existing maritime mobile service in the Alaska area for a temporary period in which necessary changes in the frequency assignments of certain stations may be effected, any coast or ship station at any authorized location in Alaska, which, before the effective date of this section, was licensed to transmit on one or more of the frequencies listed in paragraph (a) of this section for communication with stations of the maritime mobile service in Alaska, may continue to transmit on such frequency or frequencies for the same purpose (without regard to the specific limitations and requirements set forth in paragraphs (a) through (n) of this section) until January 1, 1957. After that date, the station shall operate only in conformity with the provisions of those paragraphs: *Provided,* That after September 15, 1955, at each station location where such operation at variance with any of the provisions of paragraphs (a) through (n) causes harmful interference to the service of a licensed station operating in conformity with those paragraphs or to any authorized government service, the station which is operating not in conformity with those paragraphs shall, except in an emergency involving the immediate safety of life or property, limit its transmissions to such periods of time as will not cause such interference.

NOTE: The frequencies designated in paragraph (a) of § 14.264 are additionally available (except 4406.9 and 4434.5 kc) for Alaska-public fixed stations as provided in Subpart F of this part. This dual allocation is primarily for the purpose of providing a group of frequencies for radio station licensees in the Alaska area whose industrial operations require an integrated system of ship-shore and point-to-point communication.

§ 14.265 *Rules in other parts applicable.* The rules relating to the assignment and use of frequencies for ship, aircraft, marine-utility, and coast stations operating in the maritime mobile service and for stations operating in the maritime radiolocation service which are set forth in Parts 7 and 8 of this chapter (except §§ 7.307, 7.308 and 8.356) shall, except as otherwise specifically provided in this part, apply to stations of these services (including developmental stations) in the Alaska area so far as they are consistent with this part.

§ 14.266 *Extended interim use of conditional maritime service frequencies.* With respect to each assigned frequency authorized by this subpart to be used by certain coast stations until not later than January 1, 1957, those stations may, if the respective station licensee has made proper application not later than January 1, 1957 for renewal of the respective coast station license, continue to transmit on such frequency for maritime mobile service until the date on which the licensee receives the renewed license, or pending Commission action on the respective application until May 1, 1957, whichever date first occurs.

§ 14.267 *Temporary frequencies for treaty implementation.* In addition to the frequencies specifically assigned in this subpart, other assigned frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

[F. R. Doc. 55-4078; Filed, May 23, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON AND WASHINGTON

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900, 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments of the marketing agreement and order, as amended (19 F. R. 4214), regulating the handling of walnuts grown in California, Oregon, and Washington (hereinafter referred to as the "order"). That order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.; 68 Stat. 906, 1047), (hereinafter referred to as the "act"), and any amendments which may be adopted as a result of this proceeding also will be effective pursuant to said act. Interested persons may file exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112A, Administration Building, Washington 25, D. C., not later than the 12th day after publication of this recommended decision in the FEDERAL REGISTER, except that if such 12th day should fall on a Saturday, Sunday, or holiday, they may be filed not later than the next work day. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the presently recommended amendments of the order are formulated, was held in San Francisco, California, on March 30, 1955, pursuant to a notice thereof which was published in the FEDERAL REGISTER (20 F. R. 1701) on March 22, 1955. The notice contained amendments to the order which had been proposed to the Secretary of Agriculture (hereinafter referred to as the "Secretary") by the Walnut Control Board, the administrative agency for operations under the order (hereinafter referred to as the "Board") with the request for a hearing thereon. The Board's proposals were designed principally to effect changes in the order intended to correct inequities and to improve, clarify, and simplify provisions which experience in 1954–55, the first marketing year of operations under the present order, indicated to be desirable. The notice also contained a proposal by Rosenberg Brothers and Company of San Francisco, California, which the proponent stated was designed to eliminate the substantial inequity which now exists with respect to export sales, in the event of a reduction in or the complete elimination of a surplus percentage.

The material issues presented on the record of the hearing in connection with the proposed amendments are as follows:

(1) The amendment of the provisions of § 984.11 of the order by modifying the definition of "to handle" so as to include the purchase within the area of production of walnuts from growers for use in commercial manufacturing, and so as to exclude certain types of sales and deliveries by growers and handlers which are presently included as handling transactions;

(2) The amendment of § 984.54 of the order so as to include therein a provision that any handler may declare to the Control Board his intention to handle specified quantities of shelled walnuts which he owns and has on hand, and withhold walnuts equal to the then applicable surplus percentage thereon, thus satisfying his surplus obligation on the walnuts declared for handling;

(3) The amendment of § 984.61 (b) and § 984.62 (a) of the order so as to provide that sales of merchantable restricted walnuts and surplus walnuts, respectively, may not be shipped or exported to Canada or Cuba when such countries are included in the trade demand estimate;

(4) The amendment of § 984.61 (b) so as to permit the transfer from one handler to another handler of any part or all of the first handler's surplus export credits in the Board's account;

(5) The amendment of § 984.61 of the order so as to provide for the crediting against the surplus obligation of a handler of the sound kernel weight of walnuts exported unless such handler advises the Board that he does not desire such credit;

(6) The amendment of § 984.62 (b) (2) of the order so as to prohibit accepting by the Board of surplus walnuts for pooling or distribution prior to a determination by the Board in the period December 1–15 as to the percentage of surplus withheld which may be accepted prior to February 15 of the marketing year, and the further amendment of such section so as to provide that on or after February 15 the Board shall not accept for pooling and disposition any surplus walnuts in excess of a handler's accumulated surplus obligation;

(7) The amendment of § 984.82 (a) of the order so as to change March 31 to February 15 as the date prior to which requests and recommendations to the Secretary in respect to changing the control percentages must be made;

(8) The amendment of § 984.68 so as to change from January 15 to January 31 as the date by which January 1 inventory reports to the Board by handlers must be filed;

(9) The amendment of § 984.34 so as to make its wording consistent with the provisions of the order authorizing a two-year term of office for Board members and alternates, and so as to specify June 15 instead of June 1 as the date by which nominations must be reported to the Secretary;

(10) The amendment of § 984.82 (a) so as to provide that in no event shall the surplus percentage be reduced below a percentage calculated by dividing the quantity actually exported to the date of the reduction by the quantity subject to regulation; and

(11) The making of such other changes in the order as are necessary to make the entire order conform with the amendments thereof, which are herein proposed for adoption, and the rearrangement and rewording of various provisions so as to clarify the meaning.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof.

(1) The term "to handle" as defined in § 984.11 of the order should be amended so as to provide specific authority for the regulation of walnuts which are purchased directly from growers for use in commercial manufacturing within the area of production. Such use would include the manufacture of confectionery, bakery, and ice cream products or any edible product in which walnut kernels or pieces thereof are an ingredient. Unless grower sales and deliveries of walnuts to such manufacturers are regulated, it would be unfair to handlers whose sales and deliveries to such outlets are regulated. There was testimony that substantial quantities of walnuts are sold by growers in the area of production directly to commercial manufacturers. In the case of walnuts purchased directly from growers by commercial manufacturers outside the area of production, which is of negligible volume, such walnuts would be handled at the time they are shipped out of the area of production by the growers, and such growers would be responsible for meeting all order obligations thereon. Because of the large number of growers who make sales of walnuts to commercial manufacturers in the area of production and the small quantities usually sold in such outlets by individual growers, it would be unduly burdensome and costly to regulate the growers as handlers in respect to such transactions. If growers were regulated as handlers in such transactions within the area of production, they would be required to submit reports to the Board such as are required of commercial handlers and would also be required to comply with the withholding and assessment obligations. Inspections of surplus withheld would be required and these inspections of very small lots would in most instances have to be made at the farms. Arrangements would have to be made for delivery of very small lots of surplus to the Board for pooling, or the growers would have to arrange for disposition directly into export outlets. Therefore, the selling and delivering of walnuts by growers to commercial manufacturers within the area of production should not, except as provided in § 984.73, be considered as handling. On the other hand, it would be practicable and desirable to regulate walnuts so purchased directly from growers for use in commercial manufacturing by considering the purchase of such walnuts a handling operation and requiring those manufacturers to comply with the withholding, assessment, reporting, and any other regulations. The proposal in the notice of hearing was that the "use" of walnuts in commercial manufacturing be considered a handling function. Testimony of the proponents changed the proposal to specify "purchase for use" instead of "use." This change was proposed so that regulation would apply at the time of purchase rather than at some later indefinite time when the walnuts would be used in commercial manufacturing. Any such manufacturer who purchases walnuts directly from growers should be considered the handler of those walnuts, subject to responsibility for meeting all applicable order requirements. A handler who makes sales or deliveries to a commercial manufacturer should continue to be considered as the responsible handler in respect to such transactions.

The provisions of § 984.73 of the order, other proposed changes in which are discussed under the issue numbered 11, would require reports to the Board of any shipments by growers to manufacturers which involve an interstate shipment within the area of production other than from Washington to Oregon. The proponents testified that this reporting requirement is necessary in maintaining identity of the walnuts involved in such movements so that the withholding percentages applicable to walnuts in the originating State could be applied at time of subsequent handling established pursuant to § 984.48 or § 984.53 or both. This type of movement should be retained as a handling movement for reporting purposes.

The definition should also be amended to exclude sales made within the area of production by handlers to packers or shellers for packing, shelling, further processing or handling. Such dispositions would be made by the last receiving handlers, and they should be held responsible for meeting the order obligations. Under this change it is contemplated that the regulation would be imposed on handlers in respect to transactions in which the walnuts are disposed of to the "trade." Except as indicated above, it is unnecessary to impose regulations prior to the time when sales and deliveries are made to the trade. Under the present definition sales and deliveries of walnuts within the area of production by handlers to packers or shellers for packing, shelling, further processing or other handling are considered as handling operations. In this connection "further processing" would mean further grading or sorting, chopping, or slicing of kernels, or any other operation which involves further work in preparing the walnuts for sale. The changing of the definition to exclude as handling operations sales and deliveries by handlers prior to sale and delivery to the "trade" should simplify order operations. Some rewording of the definition should be made for the purpose of clarification and simplification. For example, the words "area of production" should be substituted for the words "States of California, Oregon, or Washington."

(2) Section 984.54 of the order should be amended so as to include a provision whereby a handler of shelled walnuts may declare to the Control Board his intention to handle such walnuts and may by so doing incur the current marketing year's obligations with respect to such walnuts. Adoption of this provision would tend to equalize the position of the handler of shelled walnuts with that of the handler of unshelled walnuts in regard to the obligations which may be assumed on walnuts carried over from one marketing year to the next. Under present order provisions, the handler of unshelled walnuts has the option during a particular marketing year of having his prospective carryover of merchantable walnuts certified for handling. By exercising this option he is permitted to incur the obligations on such walnuts which are in effect for that marketing year instead of those in effect for the subsequent marketing year in which they may actually be sold and shipped to market. He may on the other hand elect to carry the walnuts over into the subsequent marketing year as uncertified walnuts and thus incur the obligation in effect for the subsequent marketing year, when the walnuts are certified for handling. This method of operation is of long standing under the order which, until last year, was concerned with the regulation only of unshelled walnuts. The present order, however, contains no similar provision for the certification of shelled walnuts for handling. Therefore, a handler who desires to assume the current marketing year's obligation on shelled walnuts in his prospective carryover must actually handle the walnuts. The evidence indicates that it may be inconvenient and costly for the handler to handle shelled walnuts at the time he would normally desire to assume the current year's obligations. The proposed procedure would obviate the need for him to handle the walnuts during a particular marketing year. Handlers who elect to declare shelled walnuts for handling should be required to file their intentions prior to the end of the marketing year to enable the Board to make proper verification and to keep proper accounts. They should be required further to file such declarations with the Board in writing so that the matter may be administered in a businesslike manner and so as to reduce the possibility of error and misunderstanding regarding the handler's intentions. The declaration of intent should be applicable only to shelled walnuts and only to those walnuts which the declaring handler then owns and has on hand. The proposed provision should be limited to shelled walnuts, and should not include unshelled walnuts intended for shelling, because of the possible misunderstanding which might arise between the Board and handlers concerning kernel yield of unshelled walnuts intended for shelling. The evidence indicates that this restriction to shelled walnuts will not result in undue hardship to shellers, since their carryovers of shelling stock are usually relatively small. The declaring handler should own the shelled walnuts; otherwise the possibility would exist that the same lot would be declared for handling by more than one handler. The handler also should be required to have the walnuts on hand, so that they can be checked and properly identified by a representative of the Board to indicate their category. A handler who has declared shelled walnuts for handling should be permitted to cancel such declaration prior to the end of the then current marketing year. This would afford a handler of shelled walnuts the same privilege as is afforded a handler of unshelled walnuts. The latter is permitted, under provisions of § 984.80, to cancel stock certificates covering inspections of unshelled walnuts. These changes should be effected by including them in a new paragraph (b) in § 984.54, and by changing the designations of present paragraphs (b) and (c) to (c) and (d) respectively.

(3) Paragraph (b) of § 984.61 and paragraph (a) of § 984.62 should be amended so as to clarify the status of Canada and Cuba as outlets for restricted and surplus walnuts. These paragraphs presently state that sales of merchantable restricted or surplus walnuts, as the case may be, to destinations outside the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone should be made only by the Board. Since Canada and Cuba are obviously outside the United States these provisions standing alone would appear to indicate that these two countries are at all times eligible outlets for restricted and surplus walnuts. The evidence shows, however, that the aforesaid provisions must be considered in the light of the action which the Board may take under the authority of § 984.20 (a) and (b) of the order with respect to the inclusion or exclusion of these countries in its estimate of trade demand for merchantable or shelled walnuts, respectively. In operating the agreement and order the eligibility of Canada or Cuba as outlets for restricted and surplus walnuts is necessarily dependent upon whether the Board, with the approval of the Secretary, includes either or both of these countries in its estimates of trade demand. This has been an interpretation of long standing insofar as merchantable restricted walnuts are concerned and this same interpretation is being applied to the shipment or export of surplus walnuts. The Board for a number of years has included Cuba but has excluded Canada in its estimate for trade demand. Some confusion arose during the 1954–55 marketing year as to whether or not Cuba was an eligible outlet for restricted and surplus walnuts and, in view of this situation and the possibility that a similar situation might develop with respect to Canada if that country was to be included in the trade demand estimate, the proposed amendment should be adopted. It should be clearly set forth that when either or both Canada or Cuba are included in the trade demand estimate, they should be regarded in the same category as the United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone in respect to sales of merchantable restricted and surplus walnuts.

(4) The order should be amended by also including, at the end of § 984.62 (a), a provision permitting any handler who is an authorized export agent of the Board to transfer all or any part of his excess export credits in the Board's accounts to such other handler as he may designate. It was proposed that such provision be inserted at the end of § 984.61 (b). This paragraph, however, relates to the export of merchantable restricted walnuts. Since it is intended that the transfer of credits be applicable only to exports of surplus the provision properly belongs in paragraph (a) of § 984.62 which relates to the disposition of surplus by export. Such provision should tend to prevent oversatisfaction of the total surplus obligation in case some handlers exported in excess of their surplus obligations. The evidence was to the effect that export sales must be consummated early in the marketing year, before the supply and demand factors for walnuts may be appraised accurately, in order to take advantage of the demand in the early fall for holiday use. Handlers without export connections who had surplus obligations to meet would be able, to the extent of exporting handlers' excess surplus credits, to acquire credits in satisfaction of such obligations. This would probably be a more profitable alternative for such handlers than pooling their surpluses with the Board for diversion into the oil outlet. It is contemplated that the Board will act as a clearing house of information in this connection with a view of affording all handlers an opportunity to dispose of or acquire such excess credits. It is anticipated that the terms of transfer of such credits would be through bargaining of the handlers concerned. The requests for transfer of credits should be filed with the Board on or before July 31 of the marketing year since the accounts of the Board should be kept in proper order in relation to the surplus obligations for the marketing year. Such requests should be in writing to avoid misunderstandings and to place the procedure on a businesslike basis.

(5) The order should be amended so as to provide that the sound kernel weight of merchantable restricted walnuts and shelled walnuts which are exported shall be credited against the surplus obligation of the exporting handler unless such handler advises the Board, on or before July 31 of the marketing year, that he does not desire such credits. It was proposed that such amendment be incorporated in § 984.61 (b) of the order, which relates to the export of merchantable restricted walnuts. Since credits against a handler's surplus obligations may be secured by exporting shelled walnuts as well as merchantable restricted walnuts it appears that it would be desirable to include the proposed provision under § 984.62 (a) which relates to the disposition of surplus walnuts by export.

The language of the proposed amendment also was not clear as to whether the privilege of the exporting handler to reject credits should be on an all or nothing basis. The proponent testified that the intent of the proposal was that the exporting handler should have maximum discretion in this regard; that is, to select the quantities and lots with respect to which he does not wish to accept credits. The proponent also proposed substitute language for incorporation in the amendment to clarify that intent. This substitute language, which reads "of the quantities and lots of such exported walnuts that he does not wish to have so credited", should be adopted and has been substituted in the proposed revision of the amendment.

For practical operational purposes a handler should be required to take affirmative action to inform the Board of his desire not to accept credits and to specify the quantities and lots exported for which he does not desire credit. This proposal if adopted would not en-

able a handler to evade meeting his control obligations. Evidence was presented that, due to uncertainties of supply and demand factors early in a marketing year, a handler may have exported in relatively large volume, and may later decide that he does not want to use all of the sound kernel weight of his exports in satisfaction of his surplus obligation.

(6) The order should be amended by deleting the present provisions of § 984.62 (b) (2) and substituting in lieu thereof provisions under which the Board could not accept delivery of any surplus walnuts for pooling and disposition prior to a determination by the Board during the period December 1–15 of any marketing year as to the percentage of surplus walnuts withheld which it will accept for pooling prior to February 15 of such marketing year; and to provide further that on and after February 15 of any marketing year the Board shall not accept for pooling and disposition any surplus walnuts in excess of a handler's accumulated surplus obligation. Under present order operations, upon request of a handler, the Board may accept delivery of surplus walnuts for pooling early in the marketing year before the situation regarding crop production and trade demand may be determined with much precision.

Experience during the 1954–55 marketing year indicates the desirability of deferring acceptance by the Board of surplus walnuts for pooling and disposition until the Board can determine what proportion of the total surplus obligation may reasonably be considered as irrevocably surplus. The Board accepted more than 300,000 pounds sound kernel weight of surplus during the early part of the 1954–55 marketing year, for which a surplus percentage of eight had been established, and had them delivered for bulk storage at an oil mill preparatory to their being crushed into oil. Subsequent to such delivery, it became evident that the walnuts so delivered for pooling would have brought higher returns if they had not been delivered to the oil mill, but instead had been shelled and sold in the domestic market after the surplus percentage had been reduced to zero. Since under present operating procedure both cooperative and independent growers receive the amount obtained for surplus less the handling costs, it is desirable not to dispose of more walnuts in low cost surplus outlets than necessary to satisfy the surplus obligation.

The evidence is to the effect that during the period December 1–15 of any marketing year the Board will have, or can obtain, fairly reliable information as to merchantable and shelled walnut productions and can project with considerable accuracy total exports and sales in domestic trade outlets for the marketing year. It is logical to assume, therefore, that during this period the Board can estimate with reasonable accuracy the probable surplus position of the industry for the marketing year. Should crop production in a marketing year when a surplus percentage is in effect turn out to be greater, or trade demand to be less, than originally expected (thus indicating that no change probably would be made in the surplus percentage), the Board would be justified in fixing a high percentage for acceptance after its determination and prior to February 15. If, on the other hand, the reverse situation should prevail, the Board would be justified in adopting a conservative policy in accepting delivery of surplus during the indicated period. In view of the possibility of changed supply and demand conditions which may not be evident until December, it appears desirable that the Board be precluded from accepting surplus for pooling prior to its determination. The Board should be required to take affirmative action in regard to the percentage of withholdings to accept after its determination and prior to February 15, so that the industry may have definite knowledge of the Board's policy in this regard.

For the purpose of operating these proposed provisions, a handler's surplus should be considered as the total quantity of surplus for which he has become obligated up to the particular time minus any quantity disposed of in surplus outlets on which he had not declined surplus credit.

The determination by the Board as to the percentage of surplus withholdings to accept for pooling should be made as early in the marketing year as reasonably precise information regarding actual production and sales prospects is available. Such information should be available during the first half of December and the Board therefore should make its determination during the period December 1–15. Expenses should not have to be incurred in storing and caring for surplus any longer than is necessary to afford reasonable assurance that walnuts delivered will be within the final surplus percentage.

The proposed provision that subsequent to February 15 of any marketing year, the Control Board shall not accept for pooling and disposition any surplus walnuts in excess of a handler's accumulated surplus obligation is desirable in order to prevent overdeliveries of surplus. However, the word "subsequent" in the proposal should be changed to "on or after" in order to make it conform with provisions in § 984.82 requiring Board action prior to February 15 as recommended herein. Since it is difficult to anticipate what a handler's surplus obligation will be at any time during the remainder of a marketing year it is possible that an advance delivery of surplus by a handler might place him in a position of having overdelivered surplus. This provision should therefore tend to prevent such a situation from arising.

The present provisions of § 984.62 (b) (2) preclude the Board from disposing of more than 50 percent of the surplus prior to March 31 of any marketing year except in export. As indicated, the present provisions are intended to be superseded by the provisions which are discussed above under this issue. It is concluded that the present provisions should be deleted because the proposed provisions cover the same matter and are more detailed and restrictive.

(7) The order should be amended by substituting "February 15" for "March 31" where the latter date appears in § 984.82. This section provides in effect that the Secretary may decrease the merchantable restricted or surplus percentage under certain conditions, pursuant to a request by the Board made prior to March 31 of any marketing year, or if the Board fails to make a request, on request, prior to the same date, of two or more handlers who handled at least 10 percent of the tonnage handled in the preceding marketing year. The aforesaid section also requires that the Board review the control percentages prior to March 31 in years when such percentages have been established, on the basis of production in each of the two districts provided for in the order, and recommend to the Secretary such changes in the control percentages for each district as are necessary to give reasonable effect to the standards prescribed in §§ 984.47 (b) and 984.53 (b). It is further provided that if the Board fails to make such recommendation, then two or more handlers, in the aforementioned category, may request the Secretary, not later than March 31, to change the percentages.

It was testified that the presently specified date of March 31 is too early to make an estimate of new crop production. The earliest date by which an estimate of walnut production has been found to be practicable is June 1. Insofar as availability of information in respect to the new crop is concerned, an earlier date would be as satisfactory as March 31. Supply and demand factors for the marketing year may be appraised satisfactorily well in advance of March 31. It is desirable to have the control percentages finally established as early as practicable in the marketing year, since such action will contribute to market stability and trade confidence. The final establishment of the control percentages at an earlier date would place handlers in a better position to conduct their affairs efficiently, and would make possible final settlements by handlers with their growers at an earlier date. Board statistics on walnut shipments and stocks as of January 1 would be available by January 31 under another proposed amendment recommended herein, instead of by January 15 as presently required. It would, therefore, be practicable to advance the specified date of March 31 to February 15. This would give the Board and handlers sufficient time in which to analyze the statistical data as a basis for the recommendation or request to the Secretary.

(8) The provisions of § 984.68 of the order should be amended by deleting the date "January 15" and substituting in lieu thereof the date "January 31." This section of the order requires filing with the Board by each handler on or before January 15 each year of specified reports in respect to walnut inventories. It was testified that more time is needed by handlers to prepare accurate inventory reports for this period, since January 15 follows closely the most active phase of the walnut shipping season and shipping still may be active at that time in some marketing years. The later date for filing reports for that period would be more convenient for handlers. Its adoption would probably save the Board time and expense in contacting handlers in respect to filing the reports and making corrections, since the extension in time allowed for their preparation should encourage punctuality and accuracy. Inasmuch as the January 31 date would be 15 days before the proposed final date on which revisions of the control percentages may be recommended by the Board, sufficient time will intervene for the Board to summarize inventory data from the reports for consideration at its meeting.

(9) Section 984.34 of the order should be amended so as to be consistent with the provisions of § 984.33 which establishes beginning on July 1, 1955, a two year term of office for members and alternate members of the Board. The change from a one year to a two year term of office was among the amendments to the order made effective in July 1954. The provisions of § 984.34 in regard to the frequency of nominations should be made to conform to the increase in the length of the term of office. The present provisions of § 984.34 indicate that a new Board is to be nominated and selected each marketing year. These provisions are obviously inconsistent with the provisions of § 984.33 which provide for a two year term, and should be changed so as to prescribe that nominations and selections be made only in each nomination year. The date of June 1 was included in the notice of hearing as the final date for submission of nominations to the Secretary for the nine members and their alternates. Evidence was introduced at the hearing indicating that June 15 would be a more appropriate final date for the submission of such nominations and this change should be adopted. It was testified that the cooperative association which handles a large part of the California walnut crop holds its annual meeting on the second Thursday in June and that it would be convenient and desirable for it to take action in regard to nominations at that meeting in nomination years.

(10) Provision is made in § 984.82 (a) of the order for action by the Secretary to decrease the surplus percentage which previously had been established for the marketing year to conform to a finding, that the walnuts available for sale will not be sufficient to supply the trade demand therefor and provide an adequate carryover. Evidence was presented in support of a proposed amendment to § 984.82 (a) to read as follows: *"Provided, however,* That in no event shall the surplus percentage be reduced below that percentage calculated by dividing the total tonnage actually exported by all handlers, to the date of reduction of the surplus percentage, by tonnage of total supply subject to regulation as used by the Control Board in making its recommendation to the Secretary for revision of the surplus percentage. For the purposes of the foregoing proviso all tonnages shall be expressed in terms of sound kernel weight."

It was argued that this proposal together with the proposed amendment authorizing transfer of export credits discussed herein as issue (4), if made effective, would remove some of the inequities inherent in the power of the Secretary to reduce the initial surplus percentage established at the commencement of a marketing year, and that it would encourage the expansion of the export market. The argument, in substance, was that if the reduction of the surplus percentage were limited as proposed, a demand for surplus credits by handlers who needed them to satisfy their obligations represented by the finally established surplus percentage, would create a market for the excess surplus credits of handlers whose exports exceeded their surplus obligations as finally established.

The returns on exported walnuts are usually substantially lower than on domestic sales. Handlers with excess export credits would therefore have an opportunity of reducing losses on excess exports by sales of such credits to handlers who needed more surplus credits, and the latter would probably be able to purchase the credits at a price which would reduce their losses in disposing of walnuts in surplus outlets. In this respect it was argued that the proposal would be mutually advantageous to handlers in the two positions mentioned.

It was testified that if foreign outlets are to be fully utilized and developed, sales in export must be made early in the marketing year in response to the holiday demand. Therefore, if there is a possibility of the surplus percentage being eliminated or reduced below the percentage represented by exports to the approximate date of reduction, handlers may not take full advantage of the export demand, since they would probably incur losses on the quantities exported in excess of the finally established surplus percentage. Experience in the current marketing year was mentioned by the proponent. In 1954–55 exports through December 31 exceeded the surplus obligations of all handlers as of that date. Although the Board's recommendation to reduce the surplus percentage to zero was made on December 8, and the Secretary's action in that respect became effective on December 22, 1954, it is unlikely that any reduction would have been possible if the proposed amendment had been in effect.

Testimony in opposition to the proposal was presented on the basis that conditions as ascertained in September, when the Walnut Control Board makes its recommendation in respect to the surplus percentage, may change because of the actual outturn of the crop, unforeseen changes in competition with other nuts as pecans, and changes in world conditions and other conditions affecting supply and demand. It was argued that the provisions of the present order should remain flexible so that the surplus percentage can be reduced or eliminated as justified by developments.

The limitation proposed could restrict the Secretary's obligation under the act to change the percentages so as to tailor the existing supply to the then estimated trade demand.

The provision in the present order which permits handlers, acting as agents of the Board, to export their walnuts in satisfaction of their control obligations and retain the proceeds was approved on the basis of testimony at the promulgation hearing. Some handlers have well established export outlets to which they sell surplus and they retain the proceeds from such sales. In years when handlers do not make exports in excess of the finally established surplus percentage they are likely to obtain returns which are higher than the returns obtainable through domestic pooling of surplus. It is, therefore, not unfair to require them to assume the risk of exporting in excess of the finally established surplus percentage.

The marketing situation occurring in 1954–55 resulted in the elimination of the walnut surplus percentage on December 22, 1955. The fall of 1955 was unusual in that practically all changes in supply and demand factors tended to strengthen the walnut market. These included reductions in the production estimates of all four domestic tree nut crops. Walnut demand was stimulated particularly by the extremely short pecan crop. Domestic and foreign demand conditions strengthened and pressure on the domestic tree nut market from imports was not strong.

The adoption of the provision discussed herein as material issue (4) which would authorize transfer of export credits among handlers, and which is recommended for adoption, would afford exporting handlers some protection except in an occasional year when the surplus percentage would be eliminated. However, individual handlers may protect themselves by taking note of conditions indicating an exceptional year prior to the time when group action by the Board is taken. The opportunity to dispose of excess export credits to other handlers would of course depend on the quantity of such export credits and the quantity represented by the finally established surplus percentage.

A large majority of the walnut industry, including both cooperative and most of the independent segments, are opposed to the proposal or prefer to give further study to it or other procedures which might tend to accomplish the stated objective. It is concluded that the evidence does not justify the proposed amendment and it should not be adopted.

(11) It was testified at the hearing that changes should be made in certain provisions of the order to clarify their meaning and also to make any existing provisions conform with any specific amendments which are adopted.

A proposal was included in the notice of hearing to amend § 984.18 so as to clarify that the lot tolerances provided in the United States Standards for Shelled English Walnuts do not apply to individual kernels or portions thereof. The evidence indicates that the application of lot tolerances is not intended in determining the sound kernel weight of such walnuts and to avoid any possible confusion regarding this point the proposal in this regard should be adopted.

The provisions of §§ 984.49 (a) and 984.54 (a) of the order should be amended, as proposed in the notice of hearing, so as to conform to the pro-

posed deletion of § 984.74. The adoption of the change in the handling definition proposed herein which would remove from the ambit of that definition transactions in walnuts between handlers where subsequent handling is involved will require as a conforming change to the deletion of § 984.74. As a consequence of this deletion the provisos at the end of the above mentioned paragraphs should be amended to remove the references therein to the reporting requirements of said § 984.74.

Section 984.54 (b) of the order should be amended so as to clarify that the handler delivering surplus to the Board is responsible for placing the walnuts aboard cars or trucks at the place of delivery, i. e., handler's warehouse or storage. The present provisions state that such delivery shall be f. o. b. such place of delivery and although the term "f. o. b." is generally accepted as being inclusive of the cost of loading, the order provisions should be perfectly clear in regard to the handler's responsibility for loading. The evidence indicates that handlers were required to perform the loading operation in connection with surplus delivered to the Board during the 1954–55 marketing year and the proposed amendment would not involve any change in the accepted procedure.

Sections 984.75, 984.76, 984.77, and 984.78 should be renumbered as 984.74, 984.75, 984.76, and 984.77, respectively, to conform to the proposed deletion of the provisions presently designated as § 984.74.

Changes should be made in §§ 984.54 (a), 984.55 (b), and 984.66 (a) and (b) so that they will conform to the proposal herein recommended for adoption which would permit a handler to satisfy his surplus obligation with respect to shelled walnuts by declaring his intention to handle such walnuts and satisfying the then current obligations with respect to them.

The reference in § 984.61 (a) (1) (v) to § 984.75 should be changed to § 984.74 in accordance with renumbering of § 984.75 herein recommended.

Changes herein recommended in the definition of "to handle" require conforming changes in § 984.73. This section in the present order requires reports to the Board by the shipper and the consignee in respect to interstate shipments of unshelled walnuts other than merchantable, within the area of production, excepting shipments from Washington to Oregon. It was testified that this reporting requirement should be retained so that the State of origin of the shipment would be known to the Board and enable it to apply the withholding obligations for the originating district to the walnuts contained in such shipments when they are handled. This is necessary, since under the present order different control percentages may be established for district 1, California, and district 2, Oregon and Washington. Since it has been proposed, and is herein recommended, that control obligations be met at the time the walnuts are shipped to the trade, it is desirable for the Board to have a record, in respect to interstate movement within the area of production, of all categories of walnuts, rather than only of unshelled walnuts other than merchantable. Changes in § 984.73 should therefore be made so that the reports will be required in respect to all walnuts. The term "packer" should therefore be changed to "handler," and the heading of the section should be appropriately worded.

Rulings on proposed findings and conclusions. At the conclusion of the hearing, the presiding officer set April 15, 1955, as the time by which briefs from interested parties with respect to testimony presented in evidence at the hearing and the conclusions to be drawn therefrom must be mailed to the hearing clerk of the Department. A brief was filed on behalf of Rosenberg Brothers and Co., Inc., by Heller, Herman, White, and McAuliffe, attorneys-at-law. This brief in support of proposed amendment No. 16, as set forth in the hearing record, contained arguments and a proposed conclusion in respect thereto. Every point covered in such brief was considered carefully along with the testimony in the record in making the findings and reaching the conclusions set forth above. To the extent that the suggested conclusion contained in this brief is inconsistent with the findings and conclusions contained herein the request to reach such conclusion is denied on the basis of the facts found and stated in connection with this decision.

General findings. (a) The findings hereinafter set forth are supplementary and in addition to the findings and determinations (13 F. R. 4344) which were made in connection with the issuance of the marketing agreement and order, and the amendment thereof in July 1954 (19 F. R. 4214). All of said previous findings and determinations are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(b) The marketing agreement and order, as hereby proposed to be further amended, and all of the terms and conditions hereof, will tend to effectuate the declared policy of the act;

(c) The marketing agreement and order, as hereby proposed to be further amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held.

Recommended further amendment of the amended marketing agreement and order. The following further amendments to the amended marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Delete the provisions of § 984.11 and substitute therefor the following:

§ 984.11 *To handle.* "To handle" means to sell, consign, transport or ship (except as a common or contract carrier of walnuts owned by another person), or in any other way to put walnuts, unshelled or shelled, in the current of commerce either within the area of production, or from such area to any point outside thereof, or within the area of production to purchase directly from a grower for use in commercial manufacturing. Except as provided in § 984.73, the term "to handle" shall not include sales and deliveries within the area of production, by growers to handlers or manufacturers, or by handlers to packers or shellers for packing, shelling, further processing, or handling, and shall not include the authorized disposition of merchantable restricted or surplus walnuts.

2. Delete the provisions of § 984.18 and substitute therefor the following:

§ 984.18 *Sound kernel.* "Sound kernel" means a kernel or portion of kernel which will not pass through a round opening one-eighth inch in diameter and which otherwise meets the requirements of U. S. Commercial Grade as set forth in the United States Standards for Shelled English Walnuts (19 F. R. 817). The lot tolerances provided in such standards shall not apply to individual kernels or portions thereof. This definition may be revised or amended by the Secretary, upon recommendation of the Control Board.

3. Delete the last three sentences of § 984.34 and substitute therefor the following: "Nominations received in the foregoing manner by the Control Board shall be reported to the Secretary on or before June 15 of 1955 and each second year thereafter, together with a certificate of all necessary tonnage data and other information deemed by the Control Board to be pertinent or requested by the Secretary. If the Control Board fails to report nominations to the Secretary in the manner hereinbefore specified on or before June 15 of any nomination year, the Secretary may select the member or alternate without nomination. If nominations for the tenth member or alternate are not submitted on or before August 1 of any such year, the Secretary may select such member or alternate without nomination."

4. Delete the provisions of § 984.49 (a) and substitute the following:

(a) Except as otherwise provided in § 984.81, whenever a regulation has been established by the Secretary under the provisions of § 984.48, each handler, before or upon handling any unshelled walnuts, shall have withheld from handling a quantity of merchantable walnuts equal to the merchantable allocation percentage, by weight, of such quantity handled or certified for handling by him: *Provided,* That this provision shall not apply to any lot of merchantable walnuts which is sold or delivered within the area of production to a handler for subsequent handling.

5. Delete the provisions of § 984.54 (a) and substitute the following:

(a) Except as otherwise provided in § 984.81, whenever a regulation has been established for a marketing year by the Secretary under the provisions of § 984.53, each handler, before or upon handling any walnuts, unshelled or shelled, shall have withheld from handling a quantity of walnuts having a sound kernel weight equal to the diversion percentage of the sound kernel weight of all unshelled walnuts handled or certified for handling, and the actual net weight of all shelled walnuts handled or declared for handling by him: *Provided,* That this provision shall not apply to any lot of walnuts which is sold or delivered within the area of production to a handler for subsequent handling.

6. Redesignate the paragraphs presently lettered (b) and (c) of § 984.54 as paragraphs (c) and (d), respectively, and insert a new paragraph lettered (b) to read as follows:

(b) Any handler may, at any time prior to the end of the marketing year, satisfy his surplus obligation with respect to shelled walnuts by declaring to the Control Board his intention to handle a specified quantity of shelled walnuts which he then owns and has on hand and by withholding a quantity of walnuts having a sound kernel weight equal to the diversion percentage of the actual net weight of shelled walnuts so declared for handling. Such declaration and withholding may be canceled by the handler prior to the end of the marketing year.

7. Delete the provisions of redesignated paragraph (c) of § 984.54 and substitute therefor the following:

(c) Walnuts withheld as surplus shall be set aside and thereafter held for the account of the Control Board at the expense of the handler and, from the date of withholding, at all times thereafter shall be held by the handler, available for inspection by the Control Board or its agents. Such walnuts shall be stored in such manner as to maintain them in the same condition as when certified for surplus, except for loss through fire, acts of God, acts of war, riot, or other conditions beyond the handler's control. Upon demand of the Control Board, they shall be delivered to the Control Board f. o. b. rail car or truck at handler's warehouse or point of storage. All such surplus walnuts so withheld by the handler shall be at the time of withholding placed by the handler, at his own expense, in suitable containers, which may be prescribed by the Control Board, and identified by appropriate seals or stamps and tags to be furnished by the Control Board and to be affixed to the containers by the handler under the direction and supervision of the Control Board or its designated inspectors.

8. Delete the provisions of § 984.55 (b) and substitute therefor the following:

(b) *For shelled walnuts handled.* All shelled walnuts handled or declared for handling by any handler during a marketing year shall be included in the total sound kernel weight for such handler at the actual net weight thereof, as shown by the reports submitted by him pursuant to § 984.71, or as shown by such handler's records.

9. Delete the provisions of § 984.61 (a) (1) (v) and substitute therefor the following:

(v) Pursuant to the provisions of § 984.74, report to the Control Board the receipt of any lot of merchantable restricted walnuts; and

10. Delete the provisions of § 984.61 (b) and substitute therefor the following:

(b) *By export.* Sale or shipment of merchantable restricted walnuts, withheld pursuant to § 984.49, for export to destinations outside (1) the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone and, (2) Canada or Cuba when included in the trade demand estimate, shall be made only by the Control Board. The Control Board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory outlets. Sales for export shall be made by the Control Board only on execution of an agreement to prevent reimportation into the United States; and, in the case of export to Canada or Mexico, such walnuts shall be sold only on the basis of a delivered price, duty paid. A handler, at his request, shall be authorized to act as agent of the Control Board upon such terms and conditions as the Control Board may specify in negotiating export sales from merchantable restricted walnuts withheld by him, or a handler may be so authorized with respect to merchantable restricted walnuts withheld by others; and when so acting, shall be entitled to receive a commission of 5 percent of the export sales price, f. o. b. area of production. The proceeds of any such export sales by a handler, after deducting all expenses actually and necessarily incurred, shall be paid to the handler withholding the walnuts so sold by the Control Board.

11. Delete the provisions of § 984.62 (a) and substitute therefor the following:

(a) *By export.* Sale or shipment of surplus walnuts, withheld pursuant to § 984.54, for export to destinations outside (1) the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone and, (2) Canada or Cuba when included in the trade demand estimate, shall be made only by the Control Board and shall be governed by the provisions of § 984.61 (b). The sound kernel weight of merchantable restricted walnuts and shelled surplus walnuts so exported shall be credited against the surplus obligation of the exporting handler who is acting as agent for the Control Board, unless such exporting handler shall advise the Control Board, on or before July 31, of the quantities and lots of such exported walnuts that he does not wish to have so credited. At any time on or before July 31, upon written request of any handler who is an authorized export agent of the Control Board, the Board shall transfer any part or all of such handler's export credits in the Board's accounts to such other handler as he may designate.

12. Delete the present provisions of § 984.62 (b) (2) and substitute therefor the following:

(2) The Control Board shall not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination, in the period December 1 to December 15 of any marketing year, as to the percentage of surplus walnuts withheld which may be accepted for pooling and disposition prior to February 15 of the same marketing year. On or after February 15 of any marketing year, the Control Board shall not accept for pooling and disposition any surplus walnuts in excess of a handler's accumulated surplus obligation.

13. Delete the provisions of § 984.66 (a) and (b) and substitute therefor the following:

(a) *Establishment of assessment rates by the Secretary.* The Secretary shall fix separate rates of assessments for each marketing year to be paid by each handler with respect to merchantable walnuts handled or certified for handling and with respect to shelled walnuts handled or declared for handling. At any time during or after a marketing year, the Secretary may increase either or both of these rates of assessment to apply respectively to all merchantable walnuts handled or certified for handling during the marketing year or to all shelled walnuts handled or declared for handling during such year to secure sufficient funds to cover the expenses authorized by § 984.65, or any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board upon demand. The Control Board shall include with its recommendation of expenses pursuant to § 984.65, its recommendation in respect to the separate assessment rates to be fixed by the Secretary.

(b) *Requirement for payment.* Each handler of merchantable walnuts and shelled walnuts shall, with respect to the merchantable walnuts handled or certified for handling by him and the shelled walnuts handled or declared for handling by him, pay to the Control Board, upon demand, his pro rata share of the expenses which the Secretary finds are reasonable and are likely to be incurred during each marketing year. Each handler's share of such expenses shall be: For merchantable walnuts handled or certified for handling during the applicable marketing year, the ratio between the total quantity of merchantable walnuts handled or certified for handling by him and the total quantity of such walnuts handled or certified for handling by all handlers during such marketing year; for shelled walnuts handled or declared for handling the ratio of the weight of shelled walnuts handled or declared for handling by him during the applicable marketing year and the weight of all shelled walnuts handled or declared for handling during such marketing year by all handlers.

14. Delete the provisions of § 984.68 preceding paragraph (a) and substitute therefor the following:

§ 984.68 *Reports of handler carryovers.* Each handler, on or before August 15 and January 31 of each marketing year, shall file with the Control Board a written report of:

15. Delete the provisions of § 984.73 and substitute therefor the following:

§ 984.73 *Reports of interstate handling within the area of production.*

Within the area of production, any shipment of walnuts from California to Oregon or Washington, from Oregon to Washington, and from Oregon or Washington to California, for sale or delivery to a handler shall be reported to the Control Board by the shipper at time of shipment and by the handler immediately upon receipt of such shipment. The report by the shipper shall show the date of shipment, the quantities shipped, whether orchard run, merchantable, or shelled, and the identity of the consignee. The report by the consignee shall show the date of receipt of the walnuts so shipped, the quantities and categories of the walnuts so received, the identity of the shipper, and shall include a certification to the United States Department of Agriculture and to the Control Board that the walnuts so received will be handled in accordance with regulations established pursuant to the provisions of § 984.48 or § 984.53.

16. Delete the provisions of § 984.74.

17. Remember §§ 984.75, 984.76, 984.77 and 984.78, as §§ 984.74, 984.75, 984.76 and 984.77, respectively.

18. Delete the provisions of § 984.82 and substitute therefor the following:

§ 984.82 *Revision of control percentages.* (a) The Secretary, on request of the Control Board made at any time prior to February 15 of any marketing year (or if the Control Board shall fail so to request, on request within like time of two or more handlers who have handled during the immediately preceding marketing year at least 10 percent of the total tonnage of merchantable walnuts or of shelled walnuts, respectively, handled by all handlers during such marketing year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable walnuts or shelled walnuts, respectively, available for sale will not be sufficient to supply the respective trade demand therefor and provide an adequate carryover, may decrease the merchantable restricted percentage or the surplus percentage, respectively, to conform to such finding.

(b) The Control Board prior to February 15 of each year for which a control percentage has been established, shall review on the basis of actual production in each of the two districts the control percentages established for that year, and shall recommend to the Secretary on or before that date such changes of the control percentages established for each district as are necessary in order to give reasonable effect, on the basis of such actual production, to the standards prescribed in § 984.47 (b) and § 984.53 (b). The Secretary, on such recommendation by the Control Board (or if the Control Board shall fail to make a recommendation then on request not later than February 15 of two or more handlers who have handled during the immediately preceding marketing year at least 10 percent of the total tonnage of merchantable walnuts or of shelled walnuts, respectively, handled by all handlers in their district during such marketing year) and after a finding of fact that the merchantable restricted or surplus percentage established for that marketing year as to walnuts produced in either district is too high for that district in relation to said standards, the Secretary shall decrease accordingly such percentage for that district: *Provided, however*, That in no event shall the merchantable restricted or surplus percentage of one district, as thus changed, be less than one-half of such percentage as established for the other district.

Dated: May 19, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-4187; Filed, May 23, 1955; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 25]

ACCESS TO RESTRICTED DATA

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing, within 30 days after publication of this notice in the FEDERAL REGISTER.

GENERAL PROVISIONS

Sec.
25.1 Purpose.
25.2 Scope.
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25.5 Communications.
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ENFORCEMENT

25.16 Violations.

AUTHORITY: §§ 25.1 to 25.16 issued under sec. 161 (q), 68 Stat. 951; 42 U. S. C. 2201.

GENERAL PROVISIONS

§ 25.1 *Purpose.* The regulations in this part are promulgated by the Atomic Energy Commission to establish procedures and criteria for permitting persons to have access to Confidential or Secret Restricted Data relating to civilian uses of atomic energy. Restricted Data which is primarily of military significance is not within the scope of this part.

§ 25.2 *Scope.* The regulations in this part apply to any person within or under the jurisdiction of the United States who desires access to the Restricted Data described in § 25.1 for use in his business, profession, or trade.

§ 25.3 *Definitions.* As used in this part:

(a) "Commission" means the Atomic Energy Commission or its duly authorized representatives.

(b) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any state or any political subdivision, of, or any political entity within a state, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

§ 25.4 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than by the General Manager, the General Counsel, or the Director, Division of Licensing, in writing, will be recognized to be binding upon the Commission.

§ 25.5 *Communications.* All communications concerning the regulations in this part, and applications filed under them, should be addressed to the United States Atomic Energy Commission, 1901 Constitution Avenue NW., Washington 25, D. C., Attention: Director, Division of Licensing.

§ 25.6 *Applications.* (a) All persons requesting access to Confidential or Secret Restricted Data, pursuant to this part, shall file an application for an Access Permit with the Commission on the Application Form AEC ----, in accordance with instructions accompanying the form.

(b) The Application Form, AEC ----, will require the applicant to set forth the following information: (1) Name of applicant; (2) business address of applicant; (3) description of business or occupation of applicant; (4) (i) if applicant is an individual indicate citizenship; age; (ii) if applicant is a corporation or other entity, indicate: (*a*) the State where it was incorporated or organized; (*b*) the names, addresses, and citizenship of its principal officers; (*c*) whether it is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government, and if so give details; (iii) indicate whether applicant is acting as agent with respect to this application; if so identify principal and furnish information required under subdivisions (i) and (ii) of this subparagraph with respect to principal; (5) total number of full-time employees; (6) familiarity with atomic energy technology (describe briefly extent of knowledge of classified and unclassified data and any work previously done in this field including work under AEC contract or subcontract); (7) classification of Restricted Data for which access is requested; (8) potential use of the Restricted Data in the applicant's business, profession or trade; (9) if Secret Restricted Data is requested, the specific area of this data and the detailed reasons why it is needed by the applicant, including length of time; (10) estimated number of individual AEC clearances which will be required; (11) principal location at which Restricted Data will be used.

(c) All statements made in an application for an Access Permit shall be deemed to be incorporated in and made a part of the permit issued thereon.

§ 25.7 *Additional information.* The Commission may, at any time after the filing of the original application and before the termination of the permit, require additional information in order to enable the Commission to determine whether the permit should be granted or denied or whether it should be modified or revoked.

§ 25.8 *Requirements for approval.* (a) Any applicant who executes the Application Form, AEC ----;

(1) May be granted an Access Permit for Confidential Restricted Data if he has evidenced a potential use or application of such data in his business, profession, or trade; and

(2) May be granted an Access Permit for Secret Restricted Data if he has evidenced a need, limited to a definite period of time, for specific information having an immediate or significant effect upon his business, profession, or trade.

(b) Any person who is a citizen or national of a foreign country, and any person who the Commission knows, or has reason to believe, is owned, controlled, or dominated by, or is acting as agent with respect to an application hereunder for, an alien, foreign corporation, or foreign government, shall be ineligible to obtain an access permit pursuant to this part.

§ 25.9 *Terms and conditions of access.* (a) Neither the Commission nor persons acting on behalf of the Commission will make any warranty with respect to any information made available pursuant to an Access Permit.

(b) The Commission will waive, under section 152 of the Atomic Energy Act of 1954, (1) its rights in inventions and discoveries made or conceived in the course of, in connection with, or resulting from access to confidential restricted data provided under the terms of an Access Permit, and (2) its rights, except an irrevocable, royalty-free, non-exclusive license for Governmental purposes, in inventions and discoveries made or conceived as a result of access to Secret Restricted Data obtained in the course of, in connection with, or under the terms of an Access Permit.

(c) The Applicant must agree:

(1) To conform to Part 95 of this chapter and all other applicable regulations and requirements of the Commission;

(2) To pay all established charges for personnel security clearances, and for such publication, reproduction, and other services as the Commission may furnish in connection with the Access Permit;

(3) To waive all claims for damages under section 183 of Title 35 U. S. Code by reason of the imposition of any secrecy order on any patent application, and all claims for just compensation under section 173 of the Atomic Energy Act of 1954, with respect to any invention or discovery made or conceived in the course of, in connection with, or under the terms of the Access Permit granted by the Commission;

(4) To grant to the Commission, for Governmental purposes, an irrevocable, royalty-free, non-exclusive license in, and to report to the Commission, any invention or discovery made or conceived as the result of access to secret restricted data made available in the course of, in connection with, or under the terms of the Access Permit;

(5) To waive any and all claims against the Commission and persons acting on its behalf that might arise in connection with the use, by the applicant, of any and all information supplied by them under the terms of the Access Permit;

(6) To obtain agreements from all individuals who will have access under the Access Permit to give effect to subparagraphs (1), (3), (4), and (5) of this paragraph.

§ 25.10 *Issuance.* Upon a determination that an application meets the requirements of the act and the regulations of the Commission, the Commission will issue to the applicant an Access Permit on Form AEC ----.

NOTE: An Access Permit is not a security clearance and does not authorize any individual not having an appropriate AEC security clearance to receive Restricted Data. See § 25.11 and Part 95 of this chapter.

§ 25.11 *Administration.* The Commission office designated to administer an Access Permit will:

(a) Process all personnel security clearances requested in connection with the permit; and

(b) Review the procedures submitted by the applicant, in accordance with Part 95 of this chapter, for the safeguarding of restricted data.

§ 25.12 *Term and renewal.* Each Access Permit shall continue in effect for a one year term unless otherwise stated in the permit, and may be renewed by the Commission upon the filing by the applicant, in accordance with § 25.6, of an application for renewal showing that he still satisfies the requirements of § 25.8.

§ 25.13 *Assignment.* An Access Permit is non-transferable and non-assignable.

§ 25.14 *Modification.* (a) An Access Permit may be modified from time to time upon application by the person to whom it is issued. An application for modification shall be filed in accordance with § 25.6 and shall specify the nature of and the basis for the modification requested.

(b) The Commission may modify an Access Permit from time to time, as it deems necessary in accordance with Commission regulations.

§ 25.15 *Termination.* The Commission may terminate or suspend any Access Permit for cause, including, but not limited to, a material false statement in the application, revealed conditions or facts which would have warranted a refusal to grant the Authorization in the first instance, or for violation of or failure to observe any of the terms and conditions of the Atomic Energy Act of 1954 or Commission regulations.

ENFORCEMENT

§ 25.16 *Violations.* An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued by the Commission under the act.

Dated at Washington, D. C., this 19th day of May 1955.

K. E. FIELDS,
General Manager.

[F. R. Doc. 55-4208; Filed, May 23, 1955; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1955. 107th Supp.]

STATE FIRE AND CASUALTY CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $41,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: Florida; State Fire and Casualty Company, Miami.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 55-4195; Filed, May 23, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 19, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30641: Iron and steel articles from Kansas City, Mo.-Kans. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel arti-

cles, carloads, from Kansas City, Mo.-Kans., to specified points in Illinois territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 27 to Agent Prueter's I. C. C. A-3821.

FSA No. 30642: Canned goods between Baltimore, Md., and Plant City, Fla. Filed by J. G. Kerr, Agent, for Baltimore Steam Packet Company and interested rail carriers. Rates on canned goods, carloads, between Baltimore, Md., and Plant City, Fla., over water-rail and rail-water routes via Hampton Roads ports.

Grounds for relief: Competition with all-rail routes and circuity.

Tariff: Supplement 54 to Agent Spaninger's I. C. C. No. 1354.

FSA No. 30643: Vegetable oil cake or meal to Florida. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on cottonseed oil cake meal and hulls, in mixed carloads with cottonseed oil cake or oil cake meal, from points in Alabama, Florida, Georgia, and South Carolina to points in Florida.

Grounds for relief: Analogous commodity. Short-line distance formula and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-4196; Filed, May 23, 1955; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY

NOTICE OF PROPOSED MEMBERSHIP ROLL

MAY 12, 1955.

Pursuant to section 3 of the act of August 13, 1954 (68 Stat. 724), there is listed below the proposed roll of the members of the Confederated Tribes of the Grand Ronde Community who were living on August 13, 1954.

Appeals contesting the inclusion or omission of the name of any person on or from such roll may be filed within 90 days from the date of publication of this notice. Appeals shall be filed in accordance with the regulations of the Department of the Interior appearing in 25 CFR Part 55 (20 F. R. 336, January 14, 1955).

FRED G. AANDAHL, *Assistant Secretary of the Interior.*

CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY, GRAND RONDE, OREGON

MARCH 26, 1955.

Proposed Census Roll. I certify that the following Proposed Census Roll for the Confederated Tribes of the Grand Ronde Community is, to the best of my knowledge and belief, an accurate and complete roll of all members of the said Confederated Tribes of the Grand Ronde Community, as of the 13th day of August, 1954:

VINCENT M. MERCIER, *Secretary, Confederated Tribes of Grand Ronde Community.*

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY

Roll No.	Name—Surname; given; maiden	Sex	Date of birth	Tribe	Degree of blood
1	Allen, Cordelia Tom	F	July 9, 1924	Klicktat, Rogue River, Umpqua, Shasta.	7/8
2	Allen, Pauline E	F	Aug. 26, 1943	do	11/16
3	Allen, John M., Jr	M	Sept. 19, 1944	do	11/16
4	Allen, Patricia G	F	Jan. 19, 1947	do	11/16
5	Allen, Cheryle Ann	F	Apr. 3, 1948	do	11/16
6	Allen, Le Roy Dale	M	June 29, 1949	do	11/16
7	Allen, Deborah Lee	F	July 1, 1951	do	11/16
8	Baker, Dollie Pichette	F	May 20, 1883	Umpqua, Rogue River	5/8
9	Ash, Matilda Lafferty	F	Dec. 31, 1908	Clackamas, Rogue River	F
10	Banke, Ethel M	F	Jan. 25, 1900	Santiam, Clackamas	F
11	Banke, Hazel M	F	Oct. 24, 1924	Santiam, Clackamas, except Shasta	F
12	Bean, Fremond F	M	Dec. 14, 1914	Calapooya, Tillamook, Chinook	1/2
13	Bean, Donna Marie	F	Sept. 14, 1938	do	1/4
14	Bean, Frances Earl	M	Apr. 2, 1940	do	1/4
15	Bean, Ellen Dianne	F	Sept. 9, 1943	do	1/4
16	Bean, Thomas Joseph	M	Sept. 14, 1945	do	1/4
17	Bean, Linda Margaret	F	July 23, 1947	do	1/4
18	Bean, Joyce Ann	F	Nov. 1, 1949	do	1/4
19	Bean, Margaret	F	Jan. 28, 1891	do	F
20	Beebe, Abraham J	M	June 16, 1923	Kakmuit	1/2
21	Beebe, Robert J	M	Dec. 7, 1950	Kakmuit, except Chicokee	3/8
22	Beebe, Douglas R	M	Jan. 10, 1951	Kakmuit	3/8
23	Beebe, Sharon M	F	Jan. 23, 1952	do	3/8
24	Bellinger, Maude	F	Nov. 20, 1896	Umpqua, Rogue River	F
25	Bennett, Rose M. Peters	F		Calapooya, Clatsop, Wasco, Chinook	1/4
26	Bennett, Donald B. (Day)	M	May 3, 1947	do	3/8
27	Bennett, Lonnie D	M	Aug. 13, 1950	do	1/8
28	Bennett, Everett L	M	July 13, 1951	do	1/8
29	Blair, Harold W	M	June 29, 1920	Clackamas, Flathead	3/8
30	Blair, Jessie R	F	Apr. 6, 1923	Clatsop, Wasco, Chinook	5/16
31	Bloom, Agatha Howe	F	Aug. 16, 1904	Tualatin, Santiam, Mollala	F
32	Bloom, Bernice (Howe)	F	June 2, 1923	do	1/2
33	Bobb, Wilson	M	Jan. 2, 1891	Tillamook, Klicktat, Wapato	F
34	Bobb, Lena Norwest	F	Sept. 23, 1892	Rogue River, Santiam	F
35	Bobb, Russel	M		Tillamook, Klicktat, Wapato	F
36	Bobb, Wilson Jr	M		do	F
37	Bobb, Edna	F		do	F
38	Bobb, Emerson	M		do	F
39	Bobb, Isaac	M		do	F
40	Bobb, Donica J. (Gardner)	F	June 9, 1936	Umpqua, Calapooya	1/2
41	Bobb, Delila F. (Gardner)	F	Feb. 26, 1934	do	1/2
42	Bobb, Steven Lee	M	Apr. 7, 1949	Umpqua, Rogue River, Tillamook, Klicktat, Wapato, Mollala.	F
43	Brooks, Nadine Mercier	F	May 15, 1920	Rogue River, Clackamas, Santiam, Yoncalla, Umpqua.	1/2
44	Brooks, Gregory	M	1945	do	1/4
45	Brooks, Jeffrey	M	1948	do	1/4
46	Brooks, Victor	M	1950	do	1/4
47	Brooks, Mary Gale	F	1953	do	1/4
48	Brown, Thomas P	M	Aug. 1, 1917	Clackamas	1/8
49	Brown, Jack Mercier	M	Sept. 23, 1919	do	1/8
50	Brown, John Jr	M	Sept. 20, 1947	do	1/16
51	Brown, Tommy	M		do	1/16
52	Brandon, Myrna L	F	June 6, 1932	Rogue River, Umpqua, Klicktat	3/8
53	Brandon, Linda	F	Nov. 17, 1949	Rogue River, Umpqua, Klicktat, except Sioux.	3/8
54	Brandon, Loraine	F	Aug. 30, 1951	Rogue River, Umpqua, Klicktat	3/8
55	Brandon, Johnny Lee	M	Feb. 16, 1953	do	3/8
56	Brandon, Jerry Wayne	M	March 14, 1954	do	3/8
57	Burr, May H. (Petito)	F	May 24, 1918	Chinook, Clackamas, Wasco, Mollala, Rogue River.	13/32
58	Burr, Patricia	F	Aug. 17, 1940	do	13/32
59	Butler, Lois (Leno)	F	April 18, 1934	Rogue River, Umpqua, Shasta	3/4
60	Bueno, Lavina V. (Bobb)	F	Sept. 1, 1917	Tillamook, Klicktat	5/8
61	Bueno, Rudolph	M	June 29, 1941	do	5/8
62	Chandler, Geneva Haller	F	Dec. 20, 1921	Calapooya, Tillamook	5/8
63	Chandler, Grace Ellen	F	Feb. 24, 1939	do	1/2
64	Chandler, Le Roy Mac	M	Oct. 25, 1940	do	1/2
65	Chandler, Dennis Carl	M	July 24, 1942	do	1/2
66	Chandler, Joyce Ann	F	Jan. 19, 1943	do	1/2
67	Cataffa, Josephine Tito	F	July 11, 1911	Clackamas, Mollala	3/4
68	Chaver, Lizzie	F	1895	do	3/4
69	Conrad, Esther	F	June 38, 1902	Chinook, Mollala, Wasco	1/4
70	Countryman, Mary Susie	F	Aug. 9, 1876	do	1/2
71	Countryman, Herman	M	Oct. 9, 1908	do	1/4
72	Countryman, John	M	Nov. 29, 1909	do	1/4
73	Countryman, Iva M	F	Feb. 23, 1913	do	1/4
74	Countryman, Samuel C	M	Feb. 21, 1904	do	1/4
75	Countryman, Rita M	F	Feb. 22, 1948	do	1/8
76	Cook, Elise Mercier	F	Sept. 30, 1895	Clackamas	1/4
77	Cook, Ivanetta	F	Dec. 4, 1920	Rogue River, Clackamas	9/32
78	Cook, Lynn C	M		do	9/64
79	Cook, Patrick G	M		do	9/64
80	Cook, Michael K	M		do	9/64
81	Cook, Marcus K	M		do	9/64
82	Cook, Pamela Jane	F		do	9/64
83	Misfeldt, Thomas L	M		do	9/64
84	Copeland, Alvina	F	Mar. 10, 1902	Wasco, Chinook	1/16
85	Copeland, Veronica	F	Apr. 27, 1921	do	1/32
86	Copeland, Josephine	F	Mar. 1, 1923	do	1/32
87	Copeland, Teresa	F	Jan. 12, 1927	do	1/32
88	Crowley, Lorraine Leno	F	July 4, 1929	Rogue River, Umpqua, Chinook	7/32
89	Crowley, James	M	Mar. 7, 1948	do	7/64
90	Crowley, Jean	F	July 2, 1949	do	7/64
91	Cunningham, Kate	F	Mar. 4, 1883	Chinook, Mollala, Wasco	1/2
92	Cureton, Phyllis Haller	F	June 25, 1930	Calapooya, Tillamook	5/8
93	Cureton, Laura Lee	F	July 9, 1950	do	5/16
94	Cureton, Victor A	M	Nov. 6, 1951	do	5/16
95	Cureton, Corean Fae	F	Apr. 5, 1953	do	5/16
96	Cureton, Vonnie G	F	May 28, 1954	do	5/16
97	Curl, Irene Hoffer	F	Jan. 21, 1904	Calapooya, Clackamas	F
98	Carlton, Nellie Shinville	F		Mollala, Wasco	1/4
99	Carlton, Gene	M		do	1/8
100	Carlton, Raymond	M		do	1/8
101	Craig, Will	M	Jan. 13, 1887	do	1/4
102	Craig, Thomas I	M	Dec. 11, 1908	do	1/8

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY—Continued

Roll No.	Name—Surname; given; maiden	Sex	Date of birth	Tribe	Degree of blood
103	Craig, Joyce	F	Feb. 6, 1936	Mollala, Wasco	1/16
104	Craig, Robert	M	Aug. 22, 1937	do	1/16
105	Craig, Theodore	M	Jan. 29, 1910	do	1/8
106	Crowe, Clarice Holmes	F	Nov. 11, 1927	Tillamook, Calapooya	1/4
107	Crowe, Joyce Lynn	F	Dec. 1, 1953	do	1/8
108	Croy, Daniel E	M	Aug. 4, 1937	Calapooya, Yoncalla, Shasta, Umpqua	1/2
109	Croy, Marie	F		do	1/4
110	Croy, Delmer, Jr	M		do	1/4
111	Curl, Juanita Norwest	F		Rogue River, Santiam	7/32
112	Darling, Gwendolyn Leno	F	July 21, 1930	do	7/64
113	Darling, Larry		1949	Rogue River, Santiam, Moncalla, Umpqua, Clackamas.	1/2
114	Davidson, Opal Mercier	F	Apr. 19, 1915	do	1/4
115	Davidson, Terrilee	F	Dec. 5, 1946	do	1/4
116	Davidson, Gene	M	Dec. 5, 1947	do	1/4
117	Davidson, Harry	M	Nov. 28, 1948	do	1/4
118	Davidson, April	F	Apr. 19, 1952	Umpqua, Rogue River, Wasco, Clackamas.	1/2
119	Davis, Dorothy Lafferty	F	Jan. 1925	do	1/4
120	Davis, Marvin	M		do	1/4
121	Davis, Howard	M	Mar. 23, 1931	Mollala, Wasco	1/16
122	Dowd, Thomas F	M	Sept. 11, 1886	do	1/8
123	Dowd, George B	M	Oct. 28, 1913	do	1/16
124	Dowd, Vincent J	M	Sept. 21, 1941	do	1/32
125	Dowd, Mary Louise	F	Dec. 9, 1942	do	1/32
126	Dowd, Patrick Vincent	M	Dec. 30, 1944	do	1/32
127	Dowd, Jo Ann	F	Apr. 30, 1953	do	1/32
128	Dowd, Michael	M	Oct. 28, 1913	do	1/32
129	Dowd, Vilas G	M	Jan. 8, 1912	do	1/32
130	Dowd, Michael V	M	June 19, 1940	do	1/32
131	Dowd, Mary Patricia	F	July 13, 1943	do	1/32
132	Dowd, Kathleen M	F	Jan. 3, 1946	do	1/32
133	Dowd, Elizabeth Ann	F	Oct. 31, 1949	do	1/32
134	Dowd, Barbara Jean	F	Dec. 22, 1952	do	1/32
135	Dowd, Phillip Vincent	M	Jan. 3, 1915	do	1/32
136	Dowd, Daniel Rex	M	May 15, 1915	do	1/16
137	Dowd, Drew Rex	M	May 25, 1944	do	1/32
138	Dowd, Judy Dawn	F	July 6, 1945	do	1/32
139	Dowd, George William	M	Oct. 27, 1953	do	1/32
140	Ducharme, Hattie Riggs	F	June 16, 1914	Umpqua, Calapooya, Chinook, Klicktat.	5/8
141				do	5/16
142	Ducharme Violet	F	Mar. 3, 1936	do	5/16
143	Ducharme, Harvey D	M	Dec. 31, 1938	do	5/16
144	Ducharme, Yvonne R	F	July 31, 1941	do	5/16
145	Dowd, Dorothy	F	Apr. 28, 1908	Ojibwa, Mollala, Wasco	1/2
146	Dowd, Joseph	M	June 10, 1903	Tunnini, Wasco, Mollala	1/4
147	Dowd, Ila Hudson	F	Nov. 25, 1908	Rogue River, Santiam, Yoncalla, Umpqua.	3/4
148	Downs, Bertha Menard	F	Jan. 20, 1908	Chalapooya, Tillamook, Chinook	F
149	Drake, Goldie Florence	F	May 16, 1911	Umpqua, Calapooya, Chinook	5/8
150	Durschmidt, Bill, Jr	M	Sept. 19, 1905	Umpqua, Rogue River, Chinook	5/16
151	Durschmidt, Catherine	F	Sept. 2, 1926	do	5/16
152	Durschmidt, Catherine	F	Jan. 1, 1930	do	5/16
153	Dugan, Francis Snider	M	Dec. 31, 1935	Chinook, Klicktat, Umpqua	1/8
154	Dugan, Clark	M	Jan. 13, 1922	Calapooya	F
155	Emery, Zelda Dick	F	May 24, 1922	Umpqua, Wasco, Chippewa	1/4
156	Engelhardt, Grace R	F	Aug. 18, 1912	Calapooya, Wasco, Chinook	5/16
157	Erickson, Dolores J	F	Feb. 15, 1921	Clatsop, Wasco, Chinook	5/32
158	Erickson, Sharon M	F	Dec. 30, 1940	do	5/32
159	Erickson, Richard L	M	Feb. 21, 1942	do	5/32
160	Erickson, Richard L	M	Dec. 6, 1943	do	5/32
161	Foster, Lauretta H	F	May 12, 1931	Umpqua, Santiam, Yoncalla, Rogue River, Chinook.	1/2
162	Foster, Esther B	F	Nov. 27, 1951	do	1/4
163	Foster, Deborah M	F	Sept. 9, 1952	do	1/4
164	Foster, Darrallne L	F	Dec. 23, 1949	do	1/4
165	Forster, Marion Mercier	F	Dec. 5, 1917	Clackamas, Rogue River, Santiam, Yoncalla, Umpqua.	1/2
166	Forster, Sharon	F		do	1/4
167	Forster, Dorothy Mercier	F	Mar. 14, 1916	do	1/2
168	Forster, Frances Louise	F	Dec. 21, 1937	do	1/4
169	Forster, Marie Pichette	F	Nov. 4, 1939	do	1/4
170	Gaston, Mary Pichette	F	May 20, 1911	Umpqua, Rogue River, Chinook	5/8
171	Gaston, Richard E	M	Sept. 6, 1936	Umpqua, Rogue River, Chinook, except Walla Walla.	7/16
172	Gaston, Elaine D	F	Apr. 5, 1940	do	7/16

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY—Continued

Roll No.	Name—Surname; given; maiden	Sex	Date of birth	Tribe	Degree of blood
173	Giffin, Arlene Houck	F	Dec. 15, 1928	Umpqua, Yoncalla, Santiam, Rogue River.	1/2
174	Giffin, Michael D	M	Apr. 2, 1950	do	1/4
175	Giffin, Jack M	M	Sept. 28, 1951	do	1/4
176	Giffin, Dianne Linton	F	Jan. 30, 1932	Clackamas, Umpqua, Rogue River, Wasco.	5/32
177	Giffin, Deborah D	F	Jan. 29, 1953	do	5/64
178	Gilman, Archie F. T	M	June 7, 1900	Mollala, Wasco	3/16
179	Gilman, Lizzie Dowd	F	June 7, 1937	do	3/32
180	Gilman, Charles O. F	M	Feb. 10, 1876	do	1/8
181	Gleason, Cleo Sulkey	F	Apr. 2, 1899	do	3/16
182	Bennett, Ramona	F	Apr. 1, 1938	Umpqua	3/4
183	Gleason, Harold	F	Sept. 7, 1941	Umpqua, except Chehalis	3/8
184	Gleason, Arline	F	Apr. 5, 1944	Umpqua	3/8
185	Gleason, James E	M	Aug. 20, 1918	Umpqua, Rogue River	3/8
186	George, Lloyd A, Jr	M	Jan. 21, 1939	do	1/2
187	George, Ronald V	M	Nov. 13, 1940	do	1/2
188	George, Anthony A	M	Jan. 1, 1943	do	1/2
189	George, Diana Lee	F	Sept. 21, 1941	do	1/2
190	George, Carmen D	F	Oct. 18, 1946	do	1/2
191	George, Monte	M	July 19, 1948	do	1/2
192	Graham, Carolyn Riggs	F	July 27, 1914	Umpqua, Calapooya, Chinook, Klicktat.	7/16
193				Umpqua, Calapooya, Chinook, Klicktat, except Walla Walla.	7/16
194				Umpqua, Calapooya, Chinook, Klicktat.	7/16
195	Graham, Leslie Lee	M	Apr. 2, 1936	Umpqua, Calapooya, Chinook, Klicktat, except Walla Walla.	7/16
196	Graham, Gale Louise	F	July 29, 1937	Umpqua, Calapooya, Chinook, Klicktat.	7/16
197	Graham, Robert Duane	M	July 9, 1939	do	7/16
198	Graham, Andrew Jack	M	Dec. 15, 1943	do	7/16
199	Graham, Charles G	F	Sept. 29, 1917	do	1/2
200	Greg, Grace La Chance	F	Apr. 3, 1896	Umpqua, Mollala, Chinook	1/4
201	Greg, Clarence	M	Apr. 9, 1918	do	1/4
202	Gregg, Nancy	F	October 1947	do	1/4
203	Gregg, Earl, Jr	M	Feb. 14, 1924	do	1/4
204	Gregg, John K	M	1947	do	1/4
205	Gregg, Clifford	M	1949	do	1/4
206	Gregg, Robert	M	Nov. 13, 1926	Umpqua, Chinook	1/8
207	Gregg, Ruth E	F	1943	do	1/8
208	Gregg, Elaine A	F	1944	do	1/8
209	Gregg, Eva F	M	1948	do	1/8
210	Gregg, Bobby M	M	1949	do	1/8
211	Gregg, Eva	F	Aug. 8, 1897	Umpqua, Mollala, Chinook	1/2
212	Gregg, Karen Lee	F	Mar. 7, 1939	do	1/8
213	Gregg, Kathleen Menard	F	1906	Calapooya, Tillamook, Chinook, Warm Springs.	1/2
214	Haller, Adeline Menard	F	Oct. 4, 1905	do	1/8
215	Haller, Daniel Le Roy	M	Feb. 29, 1936	do	5/8
216	Haller, Robert Delano	M	Mar. 28, 1939	do	5/8
217	Haller, Hazel Lorraine	F	Mar. 13, 1941	do	5/8
218	Haller, Donald Edwin	M	Aug. 11, 1943	do	5/8
219	Haller, Charles Thomas	M	May 24, 1945	do	5/8
220	Haller, Charles Gordon	M	Sept. 28, 1945	do	5/8
221	Haller, Carol Ann	F	Mar. 14, 1947	do	5/8
222	Haller, Kenneth Lee	M	Mar. 11, 1949	do	5/8
223	Haller, Wilbur Norman	M	Mar. 18, 1924	do	5/8
224	Haller, Daniel Norman	M	Jan. 29, 1952	do	5/8
225	Haller, Linda Diane	F	Mar. 2, 1953	do	5/8
226	Haller, Dustin Lee	M	Jan. 21, 1953	do	5/8
227	Haller, Thomas	M	Feb. 20, 1870	Wasco	1/4
228	Hamilton, Josephine	F	Dec. 29, 1875	Mollala, Wasco	1/8
229	Hamilton, Frank A	M	Sept. 27, 1896	do	3/16
230	Hamilton, George Mc	M	Sept. 12, 1902	do	3/16
231	Harrison, Kathryn Jones	F	Mar. 28, 1924	Santiam, Mollala	3/4
232	Harrison, Patricia Joan	F	June 8, 1944	Santiam, Mollala, Chippewa	1/2
233	Harrison, Frank Le M	M	May 1, 1946	do	1/2
234	Harrison, Thomas E	M	Jan. 15, 1918	do	1/2
235	Harson, Susanna Mitchell	F	Apr. 2, 1905	Calapooya, Clackamas, Tillamook	F
236	Hibbs, Thelma Warren	F	Sept. 19, 1913	Umpqua, Rogue River, Clackamas, Chinook	3/4
238	Warren, William J	M	Jan. 18, 1944	Umpqua, Rogue River, Clackamas, Chinook, except Calapooya, Tillamook.	1/2
239	Hofer, Henry	M	Sept. 7, 1900	Clackamas, Calapooya	F
240	Hofer, Ernest	M	Jan. 6, 1917	do	F

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY—Continued

Roll No.	Name—Surname; given; maiden	Sex	Date of birth	Tribe	Degree of blood
241	Holmes, Abraham	M	Dec. 6, 1886	Calapooya, Tillamook	F
242	Holmes, Mildred Fullum	F	June 10, 1902	Calapooya	1/2
243	Holmes, Lester	M	May 30, 1922	do	3/4
244	Holmes, Merle	M	Dec. 9, 1934	do	3/4
245	Holmes, Earl	M	Jan. 18, 1936	do	3/4
246	Holmes, Elmer	M	Jan. 12, 1940	do	3/4
247	Holmes, Arnold P	M	Nov. 27, 1919	Calapooya, Tillamook	3/4
248	Holmes, Melvin Owen	M	Mar. 22, 1946	do	3/8
249	Haller, Edward Ronald	M	July 1, 1934	Calapooya, Tillamook, Chinook, Warm Springs.	5/8
250	Haller, Edward, Jr.	M	June 7, 1953	do	5/16
251	Holmes, David	M	Apr. 3, 1894	Calapooya, Tillamook	F
252	Holmes, Vida Smith	F	Feb. 16, 1904	Rogue River, Shasta	F
253	Holmes, Paul D	M	Mar. 3, 1931	do	F
254	Holmes, Loren F	M	Dec. 15, 1937	do	F
255	Holmes, Priscilla	F	Dec. 24, 1939	do	F
256	McCoy, Vivian Alice	F	Dec. 24, 1925	do	F
257	Holmes, Arthelia	F	July 27, 1927	Calapooya, Tillamook, Rogue River	F
258	Holmes, David L. Clark	M	Dec. 24, 1952	do	1/2
259	Holmes, Catherine	F	1893	Calapooya, Tillamook	F
260	Holmes, Mervin J	M	Apr. 5, 1923	do	1/2
261	Holmes, Arline Mary	F	July 18, 1924	do	1/2
262	Holmes, Hazel May	F	May 7, 1932	do	1/2
263	Houck, De Walt	M	Oct. 23, 1910	Umpqua, Rogue River	1/2
264	Houck, Arvella Hudson	F	May 19, 1909	Santiam, Rogue River, Umpqua, Yoncalla.	3/4
265	Houck, Valarene	F	May 16, 1931	do	3/4
266	Houck, Leslie J	M	Dec. 5, 1945	do	3/4
267	Houck, Arnold	M	May 16, 1931	Santiam, Rogue River, Umpqua, Yoncalla.	4/4
268	Houck, Theodore John	M	June 8, 1909	Umpqua, Rogue River	1/2
269	Houck, Annabell May	F	Aug. 30, 1934	Same, except Tillamook	1/2
270	Hudson, Abraham J	M	June 1, 1879	Santiam, Yoncalla, Umpqua	F
271	Hudson, Maude Warren	F	Dec. 13, 1876	Umpqua, Rogue River	1/2
272	Hudson, John	M	Mar. 28, 1917	do	3/4
273	Hudson, Kenneth G	M	May 16, 1927	do	3/4
274	Hamm, Joyce Dowd	F	Apr. 25, 1931	Tututni, Wasco, Mollala, Rogue River, Santiam, Yoncalla.	3/4
275	Hamm, Allen	M	Dec. 27, 1951	do	3/8
276	Hamm, Daniel Raymond	M	Feb. 6, 1953	do	3/8
277	Hudson, Emanuel	M	Dec. 8, 1901	Santiam, Yoncalla, Rogue River, Umpqua.	3/4
278	Hudson, Carol Ann	F	1941	do	3/8
279	Hudson, Eugene	M	Mar. 29, 1921	Umpqua, Rogue River, Santiam, Yoncalla.	3/4
280	Hudson, Herman	M	July 9, 1903	do	3/4
281	Hudson, Herman, Jr	M	Jan. 4, 1925	do	3/8
282	Hudson, Catherine	F	Oct. 26, 1951	do	3/16
283	Hudson, Michael T	M	Jan. 22, 1953	do	3/16
284	Hudson, John Boselle	M	Aug. 1, 1868	Santiam, Yoncalla, Umpqua	F
285	Hudson, Magdeline (Hattie)	F	Dec. 27, 1870	Rogue River	1/2
286	Hudson, Stanford	M	June 15, 1928	Umpqua, Santiam, Yoncalla, Chinook	1/2
287	Hughes, Ethel V. Peters	F	July 17, 1917	Calapooya, Clatsop, Wasco, Chinook	1/4
288	Hughes, Stephen Douglas	M	Apr. 14, 1935	do	1/8
289	Hughes, Larry Lee	M	Nov. 18, 1944	do	1/8
290	Hyde, Anna H. La Chance	F	Dec. 13, 1925	Mollala, Umpqua, Wasco, Chinook	1/4
291	Isaac, Joseph G	M	Oct. 29, 1899	Umpqua, Shasta	F
292	Isaac, Helen	F	Jan. 5, 1910	do	F
293	Jackson, Bertha E	F	Oct. 23, 1913	Clatsop, Wasco, Chinook	5/16
294	Jackson, David Allen	M	Aug. 8, 1933	do	5/32
295	Jackson, Charlotte Ann	F	Aug. 2, 1935	do	5/32
296	Jackson, Florence A	F	May 2, 1937	do	5/32
297	Jackson, Jessie A	F	Oct. 5, 1940	do	5/32
298	Jackson, Charles Albert	M	Sept. 12, 1942	do	5/32
299	Jackson, Robert Aline	M	Feb. 20, 1944	do	5/32
300	Jackson, Clara Alice	F	July 6, 1945	do	5/32
301	Jamison, Ivy Mc Kinney	F	Aug. 16, 1919	Clackamas	1/2
302	Jamison, Mazie Marie	F	July 3, 1942	do	1/4
303	Jamison, Jeanne Lois	F	Apr. 28, 1943	do	1/4
304	Jeffries, Benajamin	M	May 29, 1885	Chinook	1/4
305	Jeffries, Fred	M		do	1/8
306	Jeffries, Edward	M		do	1/8
307	Rogars, Mrs. William	F		do	1/8
308	Jefferies, Russell	M	Oct. 16, 1907	do	1/4
309	Jefferies, Mary Louise	F		do	1/8
310	Jefferies, James L	M		do	1/8
311	Jefferies, Shirley Ann	F		do	1/8
312	Jefferies, Ira	M	Mar. 4, 1893	do	1/4
313	Jefferies, Leo D	M		do	1/4
314	Jefferies, Mildred Lynch	F		do	1/4

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY—Continued

Roll No.	Name—Surname; given; maiden	Sex	Date of birth	Tribe	Degree of blood
315	Jefferies, Edith Cunningham	F		Chinook	1/4
316	Jefferies, Doris Lynch	F		do	1/4
317	Jefferies, Clarence B	M		do	1/4
318	Jefferies, Betty M	F		do	1/4
319	Jefferies, Alta M. Blomquist	F		do	1/4
320	Jefferies, Harry A	M		do	1/4
321	Jefferies, Donald G	M		do	1/4
322	Jefferies, Lenora M	F		do	1/4
323	Jefferies, Evelyn J	F		do	1/4
324	Johnson, Pauline Cora	F	Apr. 28, 1905	Umpqua, Rogue River	1/2
325	Johnson, Mary Snider	F	June 27, 1925	Chinook, Klicktat, Umpqua	1/4
326	Johnson, Louise Clarice	F	July 24, 1947	do	1/8
327	Johnson, Roy Jr	M	6, 1948	do	1/8
328	Johnson, Donna Rae	F	Nov. 6, 1949	do	1/8
327	Johnson, Regina	F	Apr. 9, 1950	do	1/8
330	Jones, Harold William	M	Dec. 23, 1917	Santiam, Molels	3/4
331	Jones, Naomi Kathryn	F	Dec. 5, 1945	Santiam, Molels, Cayuse, Nezperce	7/8
332	Jones, Harold W., Jr	M	Aug. 27, 1948	do	7/8
333	Jones, Dorothy J	F	Mar. 11, 1950	do	7/8
334	Jones, Robert	M	Sept. 27, 1929	Santiam, Molels	3/4
335	Jones, Vera Cline	F	Aug. 28, 1952	do	3/8
336	Jones, Norma	F	Feb. 9, 1933	do	3/4
337	Kenworthy, Mary Petite	F	Jan. 19, 1898	Rogue River, Clackamas	9/16
338	Kessell, Zelda McKnight	F	Dec. 12, 1917	Rogue River, Umpqua, Wasco	1/4
339	Schmidt, Robert L	M	May 28, 1938	do	1/8
340	Schmidt, Kenneth G	M	Oct. 29, 1939	do	1/8
341	Schmidt, Richard P	M	May 17, 1941	do	1/8
342	Lockwood, Betty Lou	F	Mar. 5, 1947	do	3/4
343	Kinsey, Nora Warren	F	Dec. 2, 1908	Umpqua, Rogue River	3/8
344	Kinsey, Marvin Loren	M	Feb. 27, 1935	do	F
345	Knighton, Mary	F	1899	Umpqua	F
346	Knighton, Clifford	M	1901	do	F
347	Knighton, Clissie	F	1905	do	F
348	Michelle, Mabel K	F	1907	do	F
349	Michelle, Nora M	F	Apr. 9, 1922	do	5/8
350	Knight, Delores Haller	F	Oct. 31, 1931	Calapooya, Chinook Tillemook, Warm Springs.	5/16
351	Knight, Brenda Sue	F	Sept. 7, 1953	do	5/16
352	Knight, Loretta Ann	F	June 28, 1952	do	
353					
354	Kipp, Ethel Miller	F		Rogue River, Chinook	1/4
355	Kipp, Gail	F		do	1/8
356	Kipp, Keven	M		do	1/8
357	LaBonte, Esther	F	1895	Mollala	F
358	LaBonte, Gus	M	June 26, 1896	Mollala, Wasco, Chinook	3/8
359	LaBonte, Joseph A	M	June 9, 1916	Umpqua, Chinook, Calapooya, Yoncalla.	1/2
360	LaBonte, Eugene	M	July 7, 1941	Umpqua, Chinook, Calapooya, Yoncalla except Suiattle.	1/2
361	LaBonte, Floyd	M	Dec. 10, 1942	Umpqua, Chinook, Calapooya, Yoncalla.	1/2
362	LaBonte, Carol	F	Mar. 9, 1944	do	1/2
363	LaChance, Benjamin H	M	May 15, 1899	Umpqua, Wasco, Chincok	1/2
364	LaChance, Benjamin J	M	Sep. 11, 1928	Umpqua, Wasco, Chinook except Chippewa.	3/8
365	LaChance, Carmine J	M	Feb. 18, 1913	Umpqua, Wasco, Chinook	3/16
366	LaChance, David	M	Jan. 1, 1892	Umpqua, Wasco, Chimook, Mollala	1/4
367	LaChance, Edwin	M	Aug. 21, 1889	do	1/2
368	LaChance, Harvey	M	May 6, 1915	do	1/4
369	LaChance, Thomas Le Roy	M	May 23, 1939	do	1/8
370	LaChance, Sharon Gale	F	Mar. 12, 1941	do	1/8
371	LaChance, Gary R	M	Aug. 12, 1947	do	1/8
372	LaChance, Joseph R	M	Apr. 18, 1895	do	1/4
373	LaChance, Narcisse	M	Aug. 5, 1875	Wasco, Mollala	1/4
374	LaChance, Dora H	F	Oct. 12, 1900	Wasco, Mollala, except Calapooya, Tillamook.	1/4
375	LaChance, Nora T	F	July 17, 1909	Wasco, Mollala	1/4
376	LaChance, Marie	F		do	1/4
377	LaChance, Prosper	M	Oct. 11, 1865	do	1/4
378	LaChance, Ralph	M	Apr. 9, 1914	Wasco, Umpqua, Chinook, Chippewa	9/32
379	LaChance, Stella	F	Apr. 6, 1915	Santiam, Rogue River, Umpqua, Yoncala.	3/4
380	LaChance, Alfred	M		do	33/64
381	LaChance, Alvin	M		do	3/8
382	LaChance, Alvin Jr	M		do	3/16
383	LaChance, Christine	F		do	3/16
384	LaChance, Elinore	F		do	33/64
385	Lafferty, Elizabeth	F	Mar. 10, 1949	Umpqua, Rogue River, Wasco	3/8
386	Lafferty, James Chantell	M	Jan. 25, 1920	do	1/4

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY—Continued

Roll No.	Name—Surname; given; maiden	Sex	Date of birth	Tribe	Degree of blood
387	Lafferty, Norma	F	Mar. 1, 1926	Umpqua, Rogue River, Wasco, except Clackamas.	1/2
388	Lafferty, Gerald A	M	Mar. 9, 1931	Umpqua, Rogue River, Wasco	1/2
389	Lafferty, Kenneth	M		do	1/2
390	Landan, Dolores	F	Sept. 17, 1922	Mollala, Umpqua, Chinook	1/4
391	Landan, Carl	M	Mar. 24, 1944	do	1/4
392	Landan, Darlene	F	Aug. 2, 1945	do	1/4
393	Landan, Charles	M	Apr. 24, 1947	do	1/4
394	Landan, Robert	M	Aug. 3, 1948	do	1/4
395	Landan, Mary Ann	F	Nov. 3, 1949	do	1/2
396	Langley, Clinton	M	May 5, 1905	Chinook, Klicktat, Umpqua	1/2
397	Langley, Joseph	M	July 6, 1899	do	1/2
398	Langley, Francis W	M	Dec. 15, 1912	do	1/2
399	Langley, Sharon Elene	F	July 13, 1941	Chinook, Klicktat, Umpqua, except Calapooya, Tillamook.	7/16
400	Langley, Dale	M	Nov. 25, 1931	Umpqua, Wasco, Klicktat, Mollala, Chin.	3/8
401	Langley, Michael	M	Mar. 4, 1950	do	3/16
402	Langley, Catherine Ann	F	June 24, 1952	do	3/16
403	Langley, Ivan	M	Jan. 21, 1903	Chinook, Klicktat, Umpqua	1/2
404	Langley, Ivan, Jr	M	Oct. 27, 1929	Chinook, Klicktat, Umpqua, Mollala, Chin.	3/8
405	Langley, Shella Diane	F	Mar. 4, 1951	do	3/16
406	Langley, Oral	M	July 6, 1911	Umpqua, Chinook, Klicktat, Wasco	7/16
407	Langley, Royal	M	Nov. 1, 1908	do	7/16
408	Langley, William	M	June 3, 1926	do	7/16
409	Langley, Roy N	M	Nov. 1, 1907	do	15/32
410	Langley, Beryle Rose	F	Aug. 19, 1936	do	15/32
411	Langley, Leonard Le Roy	M	July 10, 1937	do	15/32
412	Langley, Ellis Jack	M	June 3, 1941	do	3/8
413	Day, Alexander	M	1920	Umpqua, Clackamas	3/8
414	Day, Clifford	M	July 22, 1918	do	3/8
415	Day, Floyd Joseph	M	1921	do	1/2
416	Langley, Roscoe Earl	M	Aug. 4, 1909	Wasco, Mollala, Umpqua	3/4
417	Langley, Rosella Leno	F	Apr. 15, 1914	Calapooya, Tillamook	5/8
418	Langley, Roscoe, Jr	M	Dec. 30, 1932	do	5/8
419	Langley, Erwin William	M	Oct. 14, 1934	do	5/8
420	Langley, Norita Mary	F	Mar. 18, 1936	do	5/8
421	Langley, Myrna Jean	F	Jan. 27, 1938	do	5/8
422	Langley, Marvin John	M	Feb. 20, 1940	do	5/8
423	Langley, Sandra Lois	F	Apr. 8, 1947	do	5/8
424	Langley, Jody	F	Sept. 30, 1951	do	5/8
425	Langley, Joni	F	Sept. 25, 1953	do	1/2
426	Langley, Sadie Johnson	F		Tillamook	7/16
427	Langley, Franklin	M	1928	Wasco, Chinook	3/8
428	Larsen, Edward E	M	Mar. 24, 1910	Chinook, Rogue River	1/2
429	Larsen, Verna Riggs	F	July 8, 1916	Umpqua, Rogue River	7/16
430	Larsen, Edward Jr	M	Dec. 4, 1943	do	7/16
431	Larsen, Jeanne L	F	Mar. 30, 1946	do	7/16
432	Larsen, Carol Ann	F	Feb. 11, 1946	do	7/16
433	Larsen, Michael J	M	Aug. 6, 1948	do	7/16
434	Larsen, Susan Rose	F	Oct. 28, 1951	do	3/4
435	Lash, Vera Leno	F	Feb. 22, 1924	Rogue River, Umpqua, Shasta	3/8
436	Lash, Linda Marcia	F	May 13, 1947	do	3/8
437	Lash, Sanda Mae	F		do	3/8
438	Lash, Betty Ann	F		do	3/8
439	Lash, Jack W	M	Apr. 13, 1953	do	1/4
440	Lawe, Dorthy McKnight	F	Mar. 11, 1920	Chinook, Klicktat, Umpqua	1/2
441	Lawe, Renee	F	Feb. 22, 1940	do	1/2
442	Lawe, Dianne	F	Nov. 16, 1941	do	F
443	Lawney, Abe (Tome)	M	Apr. 5, 1891	Shasta, Mary's River	3/4
444	Lawney, Elmer (Tom)	M	Mar. 13, 1908	do	3/4
445	Leno, Arnold	M	Mar. 14, 1924	Rogue River, Umpqua	1/4
446	Leno, Maxine McKnight	F	Jan. 24, 1922	Umpqua, Klicktat, Chinook	1/2
447	Leno, David Arnold	M	Oct. 27, 1942	do	1/2
448	Leno, Thomas Elery	M	Mar. 25, 1949	do	1/2
449	Leno, Robert M	M	June 5, 1951	do	1/2
450	Leno, Dorothy R	F	May 19, 1954	do	1/2
451	Leno, David	M	Dec. 8, 1892	Rogue River, Umpqua	F
452	Leno, Emma	F	Sept. 15, 1893	do	3/4
453	Leno, Merle	M		do	7/16
454	Leno, Edwin B	M	May 20, 1910	Rouge River, Umpqua, Chinook	17/32
455	Leno, Edwin Michael	M		Rogue River, Umpqua, Chinook, except Puyallup.	17/32
456	Leno, Patricia K	F		do	1/2
457	Leno, George	M	May 24, 1885	Umpqua, Rouge River, Wasco	F
458	Leno, Adeline Robinson	F	Apr. 14, 1888	Rouge River, Tillamook, Calapooya	3/4
459	Leno, Russel	M		Rouge River, Umpqua	1/2
460	Leno, Gus	M	Apr. 2, 1900	Rouge River, Umpqua, Wasco	

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY—Continued

Roll No.	Name—Surname; given; maiden	Sex	Date of birth	Tribe	Degree of blood
461	Leno, Mildred Isaac	F	June 17, 1902	Shasta, Umpqua	F
462	Leno, Hattie	F	May 4, 1881	Calapooya, Tillamook	F
463	Leno, Nathan	M	Mar. 11, 1909	Calapooya, Tillamook, Umpqua, Rogue River.	3/4
464	Leno, Michael Harvey	M	May 5, 1946	do	3/8
465	Leno, Charles R	M	Apr. 18, 1951	do	3/8
466	Leno, Tillman	F	June 22, 1859	Wasco, Mollala	1/4
467	Leno, Orville A	M	Jan. 9, 1919	Rogue River, Umpqua	3/4
468	Leno, Ramona McKnight	F	Oct. 25, 1929	Umpqua, Klicktat, Chinook	1/4
469	Leno, Darlene Marie	F	Nov. 25, 1943	do	1/2
470	Leno, Reynold	M	Nov. 00, 1950	do	1/2
471	Leno, Wilmer A	M	Sept. 6, 1921	Rogue River, Umpqua	3/4
472	Leno, Colleen	F	Nov. 14, 1949	do	3/8
473	Leno, Deborah Lynn	F	May 2, 1953	do	3/8
474	Lewis, Norma Mercier	F	Nov. 22, 1922	Clackamas, Rogue River, Santiam, Yoncalla, Umpqua.	1/2
475	Lewis, Karen Lee	F	Aug. 13, 1941	do	1/4
476	Lewis, Gary Wayne	M	Mar. 2, 1943	do	1/4
477	Lewis, Deborah	F		do	1/4
478	Lewis, Larry	M		do	1/4
479	Lewis, Thomas	M		do	1/4
480	Lillard, Blanche Ford	F	Apr. 8, 1918	Calapooya, Santiam	1/2
481	Lillard, Norma Jean	F	July 3, 1944	do	1/4
482	Lillard, John August	M	Feb. 20, 1949	do	1/4
483	Lillard, Yvonne Rose	F	Sept. 12, 1953	do	1/4
484	Warren, Shirley Anne	F	July 1, 1937	Calapooya, Santiam, except Umpqua, Rogue River, Clackamas.	7/8
485	Warren, Donna Lee	F	June 10, 1940	Calapooya, Santiam	7/8
486	Warren, Phillip Leland	M	Feb. 4, 1942	do	7/8
487	Linton, Geraldine Mercier	F	Aug. 3, 1913	Clackamas, Umpqua, Rogue River, Wasco.	5/16
488	Linton, Thomas Leslie	M	Jan. 11, 1939	do	5/32
489	Linton, Gordon W	M	Nov. 3, 1933	Clackamas, Umpqua, Rogue River, Wasco.	5/32
490	Linton, Carolyn Marie	F	Mar.	Calapooya, Clatsop, Chinook, Wasco	1/4
491	Linton, Christine	F	Mar. 19, 1952	do	3/16
492	Lockwood, Rose Larsen	F		Chinook, Rogue River	1/2
493	Logsden, Rachel	F	June 3, 1896	Umpqua, Clackamas	3/4
494	Logsden, John A	M	Apr. 4, 1921	Umpqua, Clackamas, except Rogue River.	3/4
495	Logsden, Maxine Belgard	F	Jan. 4, 1926	Umpqua, Clackamas	3/4
496	Logsden, Ernestine D	F	May 19, 1933	do	3/4
497	Logsden, Theodore M	M	Feb. 7, 1936	do	3/4
498	Long, Cedric	M	Mar. 2, 1909	Rogue River, Umpqua	3/4
499	Long, Cora Voutrin	F	Sept. 8, 1904	Calapooya, Chinook, Shasta, Mary's River.	1/2
500	McGee, Fredrick A	M	Nov. 3, 1929	Calapooya, Tillamook	1/2
501	McGee, Arthur R	M	Jan. 17, 1950	do	1/4
502	McGee, Billy	M	Apr. 26, 1952	do	1/4
503	McGee, Joseph	M	Apr. 10, 1951	do	1/4
504	McGee, David	M	May 16, 1953	do	1/4
505	McGee, Richard Melvin	M	June 3, 1916	do	1/2
506	McGee, Richard I	M		do	3/4
507	McGee, Dennis M	M		do	1/4
508	McGee, Ronald S	M		do	1/4
509	McGee, Edna Tom	F	June 12, 1922	Shasta, Santiam	F
510	McGee, Laura Jean	F	Apr. 30, 1945	Umpqua, Rogue River, Shasta, Clackamas, Santiam.	F
511	McGee, Wilfred	M		Calapooya, Tillamook	1/2
512	McKnight, Elvira	F	Mar. 21, 1901	Chinook, Klicktat, Umpqua	1/2
513	McKnight, Wayne	M	June 24, 1933	do	1/4
514	McKnight, Robert	M	June 19, 1932	do	1/4
515	McKnight, Beverly	F	Aug. 27, 1935	do	1/4
516	McKnight, Melvin	M	Dec. 5, 1937	do	1/4
517	McKnight, Barbara	F	May 4, 1940	do	1/4
518	McKnight, Judith	F	Oct. 2, 1944	do	1/4
519	McKnight, Richard	M	Jan. 1, 1947	do	1/4
520	McKnight, Cleo G	M	May 15, 1922	Rogue River, Umpqua, Wasco	1/4
521	McKnight, Leslie James	M	Dec. 2, 1948	do	1/8
522	McKnight, Lory Glen	M	Nov. 23, 1952	do	1/8
523	McKnight, Myrtle	F	June 28, 1898	do	1/2
524	McKnight, Ray L	M	May 29, 1924	do	1/4
525	McKnight, June Drake	F	June 9, 1930	Umpqua, Calapooya, Klicktat, Chinook.	5/16
526	McKnight, Steven La Verne	M	Sept. 8, 1951	do	9/32
527	McKnight, Rae Ann	F	Oct. 1, 1952	do	9/32
527A	McCarthy, Lillian	F		Mollala, Wasco	1/4
528	McCarthy, Jeral	F		do	1/8
529	McCarthy, Terrance	M		do	1/8

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY—Continued

Roll No.	Name—Surname; given; maiden	Sex	Date of birth	Tribe	Degree of blood
530	McEachran, Priscilla Howe	F	Apr. 20, 1922	Tualatin, Mollala, Santiam	1/2
531	McEachran, Barbara Jean	F	Aug. 8, 1947	do	1/4
532	McEachran, George W	M	July 6, 1948	do	1/4
533	McEachran, Richard D	M	Aug. 13, 1949	do	1/4
534	McKinney, Josephine	F	Apr. 17, 1901	Clackamas, Klicktat, Wapato	F
535	Menard, Lindsey	M	Sept. 2, 1893	Calapooya, Tillamook, Chinook	F
536	Mercier, Arthur J	M	June 10, 1884	Clackamas	1/4
537	Mercier, Agnes Leno	F	Feb. 27, 1889	Umpqua, Rogue River, Wasco	3/8
538	Mercier, Darrel L	M	Sept. 23, 1929	Clackamas, Umpqua, Rogue River, Wasco, Santiam, Yoncalla.	17/32
539	Mercier, Constance	F	June 1, 1950	do	17/64
540	Mercier, Carmen M	F	Aug. 7, 1951	do	17/64
541	Mercier, Mark A	M	Oct. 27, 1952	do	17/64
542	Mercier, Harold	M	Feb. 12, 1909	Rogue River, Clackamas, Wasco, Umpqua.	5/16
543	Mercier, Velma Hudson	F	Jan. 5, 1907	Rogue River, Santiam, Yoncalla	3/4
544	Mercier, Beverly	F	Sept. 3, 1931	do	17/32
545	Mercier, Harold D., Jr	M	Apr. 18, 1930	Rogue River, Clackamas, Wasco, Calapooya, Santiam, Yoncalla.	17/32
546	Mercier, Harold D., III	M	Jan. 10, 1950	do	17/64
547	Mercier, Jacqueline	F	Aug. 10, 1951	do	17/64
548	Mercier, Cheryll	F	Feb. 22, 1953	do	17/64
549	Mercier, Harry V	M	Jan. 6, 1890	Clackamas	1/4
550	Mercier, Pearl Hudson	F	Sept. 7, 1895	Rogue River, Santiam, Yoncalla, Umpqua.	3/4
551	Mercier, Blanche	F	Sept. 30, 1918	do	1/2
552	Mercier, Joseph A	M	Dec. 10, 1922	Umpqua, Rogue River, Wasco, Clackamas.	5/16
553	Mercier, Blandine Holmes	F	Feb. 15, 1924	Calapooya, Tillamook, Umpqua, Rogue River.	3/4
554	Mercier, Robert J	M	Apr. 14, 1943	do	17/32
555	Mercier, Darlene	F	Nov. 27, 1946	do	17/32
556	Mercier, Carol Ann	F	Feb. 21, 1948	do	17/32
557	Mercier, Gertrude Hudson	F	Sept. 12, 1896	Rogue River, Santiam, Yoncalla, Umpqua.	3/4
558	Mercier, Hubert	M	Sept. 22, 1910	Clackamas, Umpqua, Rogue River	5/16
559	Mercier, Martha Hudson	F	Apr. 11, 1910	Rogue River, Santiam, Yoncalla, Umpqua.	3/4
560	Mercier, Crystal M	F	Nov. 5, 1941	do	17/32
561	Mercier, Francis L	M	May 12, 1944	do	17/32
562	Mercier, Lennis H	M	Oct. 27, 1948	do	17/32
563	Mercier, Dennis H	M	Oct. 27, 1948	do	17/32
564	Mercier, David M	M	June 13, 1949	Clackamas, Umpqua, Rogue River, Wasco.	5/32
565	Mercier, Joan	F	1951	do	5/32
566	Mercier, Bruce	M	1953	do	5/32
567	Mercier, Marian	F	July 1954	do	5/32
568	Mercier, Vernon B	M	July 27, 1913	Clackamas, Rogue River, Santiam, Yoncalla, Umpqua.	1/2
569	Mercier, Vincent M	M	Nov. 25, 1916	do	1/2
570	Mercier, Carmel M	F	Feb. 10, 1947	do	1/4
571	Mercier, Lonnell J	M	July 19, 1949	do	1/4
572	Mercier, Michael G	M	Feb. 7, 1951	do	1/4
573	Mercier, Winston J	M	Mar. 19, 1931	Clackamas, Umpqua, Rogue River, Santiam, Yoncalla, Wasco.	17/32
574	Mercier, Brice	M	Sept. 1953	do	17/64
575	Metcalf, Edward	M	Apr. 15, 1878	Shasta	F
576	Michelle, Joseph (Corner)	M	June 16, 1868	Calapooya, Clackamas	F
577	Michelle, Mary Ann	F	Jan. 6, 1871	Clackamas, Klamath	F
578	Michelle, Clarence	M	May 1, 1897	Clackamas, Santiam	F
579	Michelle, Norma (Carmaine)	F	Apr. 19, 1922	do	F
580	Michelle, Francis C., Jr	M	Dec. 27, 1924	do	F
581	Michelle, Orville V	M	Dec. 25, 1936	do	F
582	Michelle, Dolores R	F	July 16, 1944	do	F
583	Michelle, Jacqueline	F	Aug. 2, 1951	do	F
584	Miller, Tenie Smith	F	Mar. 20, 1919	Rogue River, Chinook	1/2
585	Miller, Ethel M. (Kipp)	F		do	1/4
586	Miller, Gail	F		do	1/4
587	Miller, Keven	M		do	1/4
588	Mutfal, Betty Carlton	F		Mollala, Wasco	1/8
589	McKay, Joseph	M	Sept. 15, 1886	Cascade	1/4
590	McKay, Joseph D	M	Mar. 25, 1938	do	1/8
591	Nelson, Mary Arcino	F	Mar. 30, 1876	Umpqua, Chinook	1/2
592	Nichols, Georgianna	F	Dec. 27, 1923	Mollala, Umpqua, Wasco, Chinook	1/4
593	Nichols, Kenneth Dale	M	May 9, 1946	do	1/8
594	Nichols, Donald Lee	M	Apr. 14, 1947	do	1/8
595	Nichols, Richard Dean	M	Jan. 6, 1949	do	1/8
596	Nichols, Linda Darlene	F	Apr. 30, 1952	do	1/8
597	Norwest, Alpheus	M	July 19, 1899	Rogue River, Santiam	F
598	Norwest, Leo	M	Sept. 25, 1894	do	F

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY—Continued

Roll No.	Name—Surname; given; maiden	Sex	Date of birth	Tribe	Degree of blood
599	Neault, Margie Lafferty	F	May 15, 1927	Umpqua, Rogue River, Wasco, Clackmas.	1/2
600	Neault, Marylene	F		do	1/4
601	Neault, Sharon	F		do	1/4
602	Norwest, Alex	M	Jan. 6, 1876	Rogue River	F
603	Pearsall, Betty Haller	F	May 14, 1929	Calapooya, Tillamook	5/8
604	Pearsall, Edward M	M	Jan. 10, 1948	do	5/16
605	Pearsall, Ronnie Daniel	M	Feb. 1, 1950	do	5/16
606	Olney, John Kane	M		Mollala, Wasco	1/16
607	Pellum, Marie Sorenson	F	June 8, 1908	Umpqua, Rogue River	1/4
608	Peters, Mary	F	Mar. 13, 1900	Calapooya, Clatsop, Wasco, Chinook	1/2
609	Peters, Mrs. Adrey J	F	Feb. 18, 1926	Rogue River, Umpqua, Wasco	1/4
610	Becker, Terrilee	F	Nov. 17, 1946	do	1/8
611	Peters, Albert B	M	Mar. 8, 1921	Calapooya, Clatsop, Wasco, Chinook	1/4
612	Peters, Wayne Larry	M	Aug. 6, 1946	do	1/8
613	Peters, Audrie Marie	F	Jan. 31, 1951	do	1/8
614	Peters, Henry D., Jr	M	June 20, 1924	Wasco, Chinook, Clatsop, Calapooya	1/4
615	Peters, Margaret Leno	F	May 7, 1925	Rogue River, Umpqua	3/4
616	Peters, Nona M	F	Apr. 4, 1948	do	1/2
617	Peters, Marsha L	F	June 27, 1949	do	1/2
618	Peters, Lavern C	F	May 18, 1951	do	1/2
619	Peters, Marlene A	F	Dec. 22, 1952	do	1/2
620	Petite, Edward	M	July 2, 1876	Clackamas	1/2
621	Petite, Ethel	F	May 17, 1898	Chinook, Wasco, Mollala	1/4
622	Petite, Lovey G	F	Apr. 19, 1937	Chinook, Wasco, Mollala, Rogue River.	13/32
623	Petite, Annabelle C	F	July 12, 1939	do	13/32
624	Petite, Ben Gene	M	May 28, 1932	do	13/32
625	Petite, Dormalee	F	1953	do	13/64
626	Petite, Edwin Paul	M	Jan. 18, 1906	Rogue River, Clackamas	9/16
627	Petite, Eula Hudson	F	Nov. 27, 1911	Rogue River, Santiam, Yoncalla, Umpqua.	3/4
628	Petite, James	M	May 22, 1896	Rogue River, Clackamas	9/16
629	Petite, Delores	F	June 17, 1926	do	9/32
630	Petite, Patricia	F		do	14/32
631	Petite, Cheri	F		do	14/32
632	Petite, Melvin	M	Oct. 19, 1927	Rogue River, Clackamas, Chinook, Mollala, Wasco.	13/32
633	Petite, Amelia Isaac	F	Mar. 15, 1912	Umpqua, Shasta	F
634	Petite, James Alvin	M	May 24, 1923	Chinook, Clackamas, Rogue River, Mollala, Wasco.	13/32
635	Petite, Yvonne	F	Jan. 17, 1944	do	13/64
636	Petite, Jeanne	F	Feb. 13, 1947	do	13/64
637	Petite, Pete	M	May 7, 1910	Rogue River, Clackamas	9/16
638	Petite, Henry Dwight	M	Sept. 29, 1948	Rogue, except Sioux	13/32
639	Petite, Alice Jane	F	May 29, 1950	Rogue River, Clackamas	13/32
640	Petite, Raymond	M		Chinook, Clackamas, Rogue River	13/32
641	Petite, Violet	F		do	13/64
642	Petite, Gladys	F		do	13/64
643	Petite, Raymond, Jr	M		do	13/64
644	Petite, Ernest Earl	M		do	13/64
645	Pichette, David L	M	Mar. 28, 1908	Umpqua, Chinook, Tututni	5/8
646	Pichette, Barbara	F	Apr. 20, 1934	do	5/16
647	Pichette, Lenard	M	Dec. 11, 1936	do	5/16
648	Pichette, Judy Dale	F	Aug. 24, 1942	do	5/16
649	Pichette, Jimmy J	M	Aug. 24, 1942	do	5/16
650	Pichette, Earl R	M	July 20, 1919	Umpqua, Chinook, Rogue River	5/8
651	Pichette, John B., Jr	M	Apr. 27, 1921	do	5/8
652	Pichette, Oren G	M	Apr. 7, 1913	do	5/8
653	Pichette, Oren Jack	M	Sept. 17, 1941	do	5/16
654	Pichette, Carol Jo	F	Jan. 31, 1944	do	5/16
655	Phillips, Nettie Smith	F	Apr. 7, 1913	Rogue River, Chinook	1/2
656	Phillips, Joelene	F		do	1/2
657	Phillips, Carolene	F		do	1/2
658	Phillips, Jaxine	F		do	1/2
659	Porter, Frances Houck	F	Nov. 28, 1891	Rogue River, Umpqua, Wasco	1/2
660	Provost, Margaret June	F	June 11, 1930	Umpqua, Rogue River	3/8
661	Provost, Kathleen L	F	Apr. 14, 1950	do	3/16
662	Provost, Jaqueline E	F	Oct. 14, 1951	do	3/16
663	Quenelle, Fabian	M	Mar. 25, 1880	Chinook, Klicktat, Umpqua	F
664	Quenelle, Leonard J	M	Jan. 4, 1905	Umpqua, Clackamas, Chinook, Klicktat.	3/4
665	Quenelle, Lyette	F	Dec. 14, 1911	Umpqua, Rogue River, Clackamas	3/4
666	Quenelle, Leonard L	M	July 4, 1935	do	3/4
667	Quenelle, Carol E	F	Apr. 10, 1939	do	3/4
668	Quenelle, Delores E	F	Dec. 15, 1940	do	3/4
669	Quenelle, Donald J	M	Dec. 11, 1942	do	3/4
670	Quenelle, Evelyn T	F	Apr. 15, 1945	do	3/4
671	Quenelle, Larry J	M	Aug. 11, 1947	do	3/4
672	Quenelle, Eileen S	F	Dec. 15, 1952	do	3/4

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY—Continued

Roll No.	Name—Surname; given; maiden	Sex	Date of birth	Tribe	Degree of blood
673	Ramoz, Betty Riggs	F	Dec. 29, 1925	Umpqua, Calapooya, Chinook, Klicktat.	5/8
674	Ramoz, Victoria J	F	1947	do	5/16
675	Ramoz, Iola Marie	F	Jun 19, 1951	do	5/16
676	Ramoz, Rodney D	M	Aug. 23, 1952	do	5/16
677	Ray, Florene Boydston	F	Feb. 10, 1917	Clackamas	1/8
678	Ray, Judith Ann	F	Jul 25, 1945	Clackamas, except Flathead	7/32
679	Reed, Clementine	F	1925	Umpqua, Wasco, Chinook	1/8
680	Reed, Deanna	F		do	1/16
681	Reed, Janet	F		do	1/16
682	Relbach, Harris J	M	Apr. 6, 1911	Calapooya, Tillamook, Rogue River	1/2
683	Relbach, Vicki F	F	Feb. 27, 1943	do	1/4
684	Relbach, Jan Denton	M	Nov. 25, 1944	do	1/4
685	Relbach, Michael Harris	M	Mar. 30, 1949	do	1/4
686	Relbach, Vernon A	M	May 1, 1913	Tillamook, Calapooya, Rogue River	1/2
687	Relbach, Gary	M		do	1/4
688	Relbach, Wesley Arnold	M	Mar. 29, 1915	do	1/2
689	Renfrow, Georgia Jeffreys	F	Sept. 10, 1887	Chinook	1/4
690	Renfrow, Bernice Leaton	F		do	1/8
691	Renfrow, Floyd Howell	M		do	1/8
692	Renfrow, Eloisa Caball	F		do	1/8
693	Renfrow, Luella Ames	F		do	1/8
694	Renfrow, Berdell Howell	F		do	1/8
695	Riddle, Lucielle Gardner	F		do	1/8
696	Riggs, Andrew	M	Dec. 8, 1880	Umpqua, Chinook, Klicktat	F
697	Riggs, Amanda Jeffreys	F	Sept. 3, 1889	Chinook, Calapooya	1/2
698	Riggs, John B	M	July 8, 1907	do	3/4
699	Riggs, Roger C	M	Feb. 17, 1917	do	3/4
700	Riggs, Floyd G	M	Apr. 1, 1928	do	3/4
701	Riggs, Wilmadena	F	Feb. 20, 1934	do	3/4
702	Riggs Lloyd E	M	July 28, 1928	do	3/4
703	Riggs, Alfreda F	F	Oct. 21, 1927	Umpqua, Chinook, Calapooya, Klicktat.	3/4
704	Riggs, Cheryl Jean	F	Jan. 28, 1953	do	3/4
705	Riggs, Allie	F	1877	Shasta, Rogue River	F
706	Riggs, Boyd J	M	June 2, 1910	Umpqua, Chinook, Calapooya, Klicktat.	3/4
707	Riggs, Laura M	F	Aug. 24, 1908	Chinook, Wasco, Mollala	1/4
708	Riggs, Iva Jean	F	Aug. 20, 1936	do	1/2
709	Riggs, Darlene	F	Oct. 24, 1939	do	1/2
710	Riggs, Gloria	F	Jan. 1, 1946	do	1/2
711	Riggs, Lewis L	M	May 24, 1920	Umpqua, Rogue River	1/2
712	Riggs, Louise La Verne	F	Nov. 11, 1939	Umpqua, Rogue River, except Shoshone, Bannock.	1/2
713	Riggs, Frances Lena	F	May 25, 1941	Umpqua, Rogue River	1/2
714	Riggs, Lewis L., Jr	M	Jan. 22, 1943	do	1/2
715	Riggs, Georgene Lee	F	Oct. 24, 1947	do	1/2
716	Riggs, Una Ianne	F	Aug. 23, 1949	do	1/2
717	Riggs, Jacque Mardell	F	Aug. 21, 1950	do	1/2
718	Riggs, Co-Anne	F	Aug. 21, 1953	do	1/2
719	Riggs, Samuel	M	Jan. 28, 1888	Umpqua, Chinook	F
720	Riggs, Clara	F	Feb. 21, 1892	Rogue River, Tillamook, Calapooya	F
721	Russie, Archie	M	Jan. 19, 1920	Calapooya, Tillamook	3/8
722	Russie, Harold James	M	Oct. 20, 1927	do	3/8
723	Russie, Harold James, Jr	M	Oct. 17, 1950	do	3/16
724	Russie, Robert E. M	M	Feb. 23, 1953	do	3/16
725	Russie, Richard	M	Dec. 13, 1921	Calapooya, Tillamook	3/8
726	Russie, Judy	F	Nov. 18, 1942	do	3/16
727	Russie, Eugene Bernard	M	Mar. 31, 1929	do	3/8
728	Russie, Gena G	F	Feb. 23, 1950	do	3/16
729	Rowland, Virginia	F	Apr. 12, 1928	Umpqua, Rogue River, Chinook	5/8
730	Rowland, Kimm O	M		do	5/16
731	Rowland, Mark A	M		do	5/16
732	Rowland, Susan C	F		do	5/16
733	Rutherford, Frances	F	Sept. 1, 1920	Umpqua, Mollala, Chinook	1/4
734	Purchase, Michael P	M	May 3, 1942	do	1/8
735	Bowman, Patricia	F	Dec. 4, 1944	do	1/4
736	Schmidt, Marie Jones	F	Sept. 24, 1926	Santiam, Mollala	3/4
737	Scheese, Marjorie LaChance	F	Nov. 13, 1920	Mollala, Umpqua, Wasco, Chinook	1/4
738	Scheese, Allan Ray	M	Jan. 10, 1940	do	1/8
739	Scheese, Anna Kathleen	F	Jan. 27, 1941	do	1/8
740	Scheese, Larry David	M	Nov. 16, 1945	do	1/8
741	Scheese, Jerry Lee	M	Nov. 16, 1945	do	1/8
742	Seward, Mary L. (Hoffer)	F	Feb. 18, 1908	Calapooya	1/2
743	Schlappi, Josephine La Bonte	F	June 11, 1921	Mollala, Chinook	5/8

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY—Continued

Roll No.	Name—Surname; given; maiden	Sex	Date of birth	Tribe	Degree of blood
744	Shaw, Genevieve Lafferty	F	June 14, 1928	Umpqua, Rogue River, Wasco, Clackmas.	1/2
745	Shaw, Paul Leon	M		do	1/4
746	Shaw, Juanita	F	Jan. 24, 1934	do	1/2
747	Shaw, Le Roy	M		do	1/4
748	Simmons, William	M	June 15, 1867	Rogue River	1/2
749	Simmons, Sylvester	M	Oct. 24, 1906	do	3/4
750	Simmons, Edgar	M	Nov. 4, 1907	do	3/4
751	Simmons, Sampson	M	Oct. 2, 1908	do	3/4
752	Simmons, William Edward	M	Oct. 29, 1938	do	3/8
753	Simmons, Sampson, Jr	M	Nov. 7, 1939	do	3/8
754	Simmons, Walter F	M	Sept. 2, 1941	do	3/8
755	Simmons, Donald H	M	Sept. 16, 1942	do	3/8
756	Simmons, Muriel Claudia	F	Nov. 29, 1943	do	3/8
757	Simmons, Le Roy David	M	Mar. 25, 1947	do	3/8
758	Simmons, Deborah Jean	F	Oct. 25, 1952	do	3/8
759	Sell, Emaline La Bonte	F	Dec. 12, 1917	Umpqua, Moncalla, Calapooya, Chinook.	1/2
760	Sell, Nancy Helen	F	July 6, 1942	do	5/16
761	Sell, Wayne Le Roy	M	Sept. 19, 1943	do	5/16
762	Sell, Le Veta May	F	Oct. 20, 1945	do	5/16
763	Sell, Nellie June	F	May 3, 1948	do	5/16
764	Sell, Marlene J	F	Aug. 17, 1951	do	5/16
765	Smith, Jane	F	1863	Chinook	1/2
766	Smith, Ralph	M	Aug. 22, 1905	Shasta, Rogue River	F
767	Smith, Vernon H	M	Apr. 13, 1920	do	F
768	Smith, Jesse B. Bahr	M	Jan. 27, 1922	do	F
769	Smith, Lawrence	M	Sept. 2, 1896	do	F
770	Smith, Rosemary	F	Apr. 27, 1921	do	F
771	Smith, Lorene Belle	F	Mar. 19, 1925	do	F
772	Smith, Celia (Tenie)	F	June 14, 1901	Umpqua, Rogue River	3/8
773	Smith, Thelma Ruth	F		do	3/16
774	Smith, Lillian L	F		do	3/16
775	Smith, Lawrence, Jr	M	Mar. 1, 1919	Shasta, Rogue River	F
776	Smith, Jennifer	F	Sept. 13, 1950	do	F
777	Smith, Michael L	M	Aug. 29, 1951	do	F
778	Smith, Faye M	F	Oct. 4, 1952	do	F
779	Smith, Gerald L	M	Sept. 11, 1953	do	F
780	Smith, James H	M	Jan. 20, 1920	Umpqua, Rogue River	3/16
781	Smith, Loretta Jean	F	Feb. 18, 1947	do	3/32
782	Smith, Rodney J	M	Mar. 7, 1949	do	3/32
783	Smith, Ronald Crosby	M	Dec. 26, 1934	Mollala	1/4
784	Smith, Irene Lawson	F	July 17, 1895	Umpqua, Wasco, Mollala, Chinook	1/4
785	Snider, Mayme Langley	F	Mar. 27, 1907	Chinook, Klicktat, Umpqua	1/2
786	Soderburg, Clarinda	F	Nov. 23, 1907	Umpqua, Clackamas, Chinook	3/4
787	Soderburg, Arthur F	M	Feb. 1, 1933	do	3/8
788	Soderburg, William J	M	Dec. 29, 1933	do	3/8
789	Spohn, Mary La Chance	F	Jan. 7, 1903	Wapato	1/2
790	Sorenson, Clyde	M	Mar. 3, 1926	Umpqua, Rogue River	1/8
791	Strom, Jo Ann Dee	F	Mar. 25, 1950	Umpqua, Calapooya, Chinook, Klicktat.	5/16
792	Strom, Joyce Lee	F	Mar. 25, 1950	do	5/16
793	Strom, Judy G	F	Jun. 25, 1951	do	5/16
794	Strong, Caroline Sutton	F	Dec. 11, 1910	Wapato, Mollala	F
795	Strong, Le Roy	M	Oct. 7, 1933	do	F
796	Strong, Simon	M	Nov. 18, 1936	do	F
797	Strong, Ramon	M	Feb. 8, 1942	do	F
798	Strong, Laura	F	Sept. 6, 1944	Wapato, Mollala (children may be en. at Yakima).	F
799	Sulkey, Peter	M	Jan. 11, 1921	Umpqua	3/4
800	Sutton, Clarinda Peters	F	Nov. 8, 1907	Wapato, Mollala	F
801	Sutton, Mary K. Wacheno	F	Feb. 25, 1924	do	F
802	Sutton, Odessa Alfreda	F	Aug. 25, 1932	do	F
803	Surber, Arlene Holmes	F	July 18, 1924	Calapooya, Tillamook	1/2
804	Surber, Marie	F	Mar. 11, 1943	do	1/4
805	Surber, Gerald	M	Apr. 5, 1944	do	1/4
806	Surber, Betty	F	Feb. 14, 1946	do	1/4
807	Surber, Dorothy	F	Sept. 26, 1947	do	1/4
808	Surber, Nancy	F	Nov. 22, 1948	do	1/4
809	Summerlin, Mina Riggs	F	Jun. 28, 1918	Umpqua, Calapooya, Klicktat, Chinook.	5/8
810	Summerlin, Dwight	M	Oct. 20, 1944	do	5/16
811	Ritchie, Delight E	F	Jun. 20, 1947	do	5/16
812	Ritchie, Tyrone F	M	Oct. 2, 1948	do	5/16
813	Severin, Leona Mc Gee	F	May 18, 1915	Calapooya, Tillamook	1/4

CONFEDERATED TRIBES OF GRAND RONDE COMMUNITY—Continued

Roll No.	Name—Surname; given; maiden	Sex	Date of birth	Tribe	Degree of blood
814	Tanner, Charlotte Quenelle	F	Feb. 28, 1937	Umpqua, Rogue River	3/4
815	Tanner, Fredrick E	M	Oct. 4, 1952	do	1/2
816	Tanner, Mary Knighton	F	Feb. 3, 1900	Klicktat, Mollala, Umpqua	F
817	Tanner, William	M	July 11, 1921	do	1/2
818	Taylor, Beatrice Knighton	F	Mar. 7, 1922	do	1/2
819	Taylor, Thomas	M		do	1/4
820	Tipton, Lilli	F	Jan. 7, 1877	Umpqua, Coquille	F
821	Tipton, Gerald O	M	July 30, 1905	Umpqua, Coquille, Santiam	F
822	Tom, Leon C	M	July 15, 1928	Shasta, Mary's River, Umpqua, Calapooyia, Chinook.	5/8
823	Tom, Victoria M	F	May 28, 1949	do	5/16
824	Tom, Patricia A	F	July 6, 1950	do	5/16
825	Tom, Michael L	M	Oct. 16, 1952	do	5/16
826	Tom, Kathleen M	F	Jan. 13, 1953	do	5/16
827	Thomas, Barbara Mercier	F	May 26, 1927	Clackamas, Rogue River, Yoncalla, Santiam, Umpqua.	1/2
828	Thomas, Linda	F	Feb. 28, 1948	do	1/4
829	Thomas, Rodney	M	June 11, 1949	do	1/4
830	Thomas, Bruce	M		do	1/4
831	Thomas, Kent, James	M	May 1954	do	1/4
832	Thomas, Mathilds	F	May 25, 1918	Clatsop, Wasco, Chinook	5/16
833	Thomas, Ilene Shirley	F	Feb. 8, 1936	do	5/32
834	Thomas, Mary K	F	Mar. 11, 1937	do	5/32
835	Thomas, Frankie Allen	M	Mar. 12, 1938	do	5/32
836	Thomas, Delecie Mae	F	Mar. 1, 1941	do	5/32
837	Thomas, Lanny Le Roy	M	Aug. 3, 1943	do	5/32
838	Thomas, Lana Lee	F	Feb. 24, 1944	do	5/32
839	Tito, Josephine	F		Mollala, Rogue River	F
840	Tito, Henry	M		do	F
841	Track, Roy C., Jr (Jones)	M	Dec. 14, 1941	Santiam, Mollala	3/4
842	Tronson, Ethel Quenelle	F	Nov. 27, 1909	Umpqua, Clackamas, Chinook	3/4
843	Thomas, Mary E	F	Sept. 25, 1921	Umpqua, Chinook	1/4
844	Thomas, Donald Le Roy	M	Feb. 1944	do	1/8
845	Thomas, Candis Lloyd	F	1947	do	1/8
846	Thomas, David G	M	1951	do	1/8
847	Voutrin, Caroline	F	Aug. 6, 1874	Clatsop, Chinook, Wasco	5/8
848	Voutrin, Bart	M	Mar. 28, 1898	Clatsop, Chinook, Wasco, except Calapooya.	1/2
849	Voutrin, Donald	M	Sept. 12, 1916	Clatsop, Chinook, Wasco	1/2
850	Voutrin, Everett	M	Oct. 23, 1911	do	1/2
851	Voutrin, Nancy Jo	F		do	1/4
852	Warren, John Phillip	M	June 5, 1915	Umpqua, Rogue River, Clackamas	3/4
853	Warren, Phyllis	F	Apr. 15, 1928	do	3/4
854	Warren, Raymond Walter	M	Feb. 17, 1924	do	3/4
855	Warren, William	M	Feb. 12, 1917	do	3/4
856	White, Evelyn June	F	June 25, 1924	Umpqua, Wasco, Chippewa	1/4
857	White, Pasquella A	M	Mar. 24, 1943	do	1/4
858	White, Sharon D	F	May 26, 1946	do	1/4
859	White, Sandra E	F	May 30, 1949	do	1/4
860	White, Orrin O	M	Aug. 20, 1913	Rogue River, Calapooya, Tillamook	1/2
861	White, JoAnn K	F	June 15, 1946	do	1/4
862	White, Sue Ann Gail	F	Aug. 6, 1947	do	1/4
863	White, Julie Ann Marian	F	Mar. 14, 1949	do	1/4
864	White, Thomas J	M	July 9, 1950	do	1/4
865	White, Murch	M	May 3, 1936	Rogue River, Calapooya, Tillamook except Umpqua.	1/2
866	White, Orrin Jr	M	May 24, 1938	Rogue River, Calapooya, Tillamook	1/2
867	Wheeler, Edwin (Edmond)	M	1876	Lakmuit	F
868	Wheeler, Elvina	F	Nov. 16, 1901	do	F
869	Palmer, Mabel	F		do	F
870	Whiteaker, May Mercier	F	1891	Clackamas	1/4
871	Willing, Charles	M	Mar. 21, 1919	Umpqua, Rogue River	5/8
872	Winslow, Jerome Norman	M	Dec. 27, 1914	Clackamas, Wasco	1/4
873	Winslow, Edwina La Chance	F	Jan. 14, 1917	Mollala, Wasco, Umpqua, Chinook	1/4
874	Winslow, Jerry	M	Aug. 29, 1935	do	1/4
875	West, Marian W. Haller	F	Apr. 27, 1923	Clackamas	1/4
876	West, Joyce Marie	F	Aug. 28, 1941	do	1/8
877	West, Wesley Wheaton	M	Oct. 1, 1942	do	1/8
878	West, Gloria Jean	F	Jan. 20, 1944	do	1/8
879	West, June Lorraine	F	Jan. 1, 1948	do	1/8
880	West, Judith K	F	Apr. 12, 1953	do	1/8
881	Williams, Goldie Day	F	1911	Umpqua, Yakima	5/8
882	Zavodski, Theresa Holmes	F	Nov. 1, 1891	Calapooya, Tillamook	1/2

[F. R. Doc. 55-4011; Filed, May 23, 1955; 8:45 a. m.]

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 17, 1955.

An application, serial number Anchorage 026583, for the withdrawal from all forms of appropriation under the public land laws, including the general mining laws of the lands described below was filed on April 30, 1954, by Territorial Department of Lands. The purposes of the proposed withdrawal: Public service sites for recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SUCKER LAKE

T. 7 N., R. 11 W., S. M.,
Sec. 17: When surveyed will be S½NW¼NW¼, SW¼NE¼NW¼, W½SE¼NW¼, and lots which will be a portion of SW¼NW¼ (unsurveyed).

Containing approximately 70 acres.

UNNAMED LAKES

T. 7 N., R. 11 W., S. M.,
Sec. 5: Lots which will be when surveyed portions of W½SW¼SW¼, SE¼SW¼SW¼ (unsurveyed).
Sec. 8: Lots which will be when surveyed portions of N½NW¼NW¼, NW¼NE¼NW¼ (unsurveyed).

Containing approximately 40 acres.

UNNAMED LAKES

T. 7 N., R. 11 W., S. M.,
Sec. 2: Lot which will be when surveyed a portion of N½NW¼NW¼ (unsurveyed).
Sec. 3: Lot which will be when surveyed a portion of N½NE¼NE¼ (unsurveyed).
T. 8 N., R. 11 W., S. M.,
Sec. 34: Lots which will be when surveyed portions of S½SE¼, S½NE¼SE¼ (unsurveyed).

Containing approximately 60 acres.

TWIN LAKES

T. 8 N., R. 11 W., S. M.,
Sec. 36: Lots which will be when surveyed portions of NW¼SW¼, S½SW¼NW¼, S½SE¼NW¼, W½NE¼SW¼ (unsurveyed).

Containing approximately 85 acres.

DANIELS LAKE

T. 8 N., R. 11 W., S. M.,
Sec. 22: Lots 2 and 3.
Sec. 27: Lots which will be when surveyed portions of NW¼NE¼NW¼, NE¼NW¼NW¼ (unsurveyed).

Containing approximately 79.77 acres.

UNNAMED LAKES

T. 8 N., R. 11 W., S. M.,
Sec. 22: E½NE¼NE¼.
Sec. 23: Lots 2, 3 and 4.

Containing approximately 66.40 acres.

PORCUPINE LAKE

T. 2 N., R. 12 W., S. M.,
Sec. 9: Lots 2 and 5.

Containing approximately 93.05 acres.

OSCAR LAKE

T. 16 N., R. 4 W., S. M.,
Sec. 1: Lots which will be when surveyed portions of NE¼NE¼NW¼, NW¼NW¼NE¼, SW¼NE¼ (unsurveyed).

Containing approximately 35 acres.

WILLOW CREEK

T. 19 N., R. 4 W., S. M.,
Sec. 1: Lot 3 (east 19.95 acres).
Sec. 5: Lot 1 (south 20.00 acres), Lot 2 (southeast 10.00 acres), E½SW¼NE¼, SW¼SW¼NE¼, N½NW¼SE½, SE¼SE¼NW¼.

Containing approximately 110 acres.

LAKE LEILA

Beginning at a point at the outlet of Lake Leila, Alaska, approximately latitude 61°53' 12" N., longitude 147°19'09" W.; thence west approximately 38 chains to the east boundary of the Glenn Highway right-of-way; thence southerly along the east boundary of the Glenn Highway right-of-way approximately 30 chains; thence east approximately 24 chains to the west shore of Lake Leila; thence by meander at mean high water of Lake Leila in a northeasterly direction approximately 39 chains to place of beginning containing approximately 80 acres.

SOURDOUGH CREEK

Beginning at the east corner of a T & M site filed by William J. Krause, Anchorage 014639, which will be when surveyed, the east corner of U. S. Survey No. 3170; thence by metes and bounds southerly 19 chains along the west boundary of the Richardson Highway right-of-way; thence west approximately 5 chains to the left limit of Sourdough Creek; thence downstream by meander along the left limit of Sourdough Creek approximately 60 chains to a point on the left limit of the Gulkana River; thence upstream with meanders of the left limit of the Gulkana River 35 chains; thence east approximately 25 chains to the west corner of U. S. Survey No. 3170 when surveyed; thence southeastward 10 chains along the southwest boundary of U. S. Survey No. 3170 when surveyed to the south corner of said survey; thence northeastward 5 chains along the southeast boundary of U. S. Survey No. 3170 when surveyed to the east corner of said survey and the point of beginning, containing approximately 110 acres.

Aggregating a total of 829.22 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-4181; Filed, May 23, 1955; 8:47 a. m.]

UTAH

NOTICE OF FILING OF PLATS OF SURVEY

MAY 11, 1955.

Notice is given that the plats of survey of the following described lands will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10:00 a. m. on the 35th day after the date of this notice:

SALT LAKE MERIDIAN, UTAH

T. 26 S., R. 14 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,592.64 acres.
Plat of survey accepted March 2, 1955.

T. 28 S., R. 14 E.,
Section 36.

Area surveyed: 640 acres.
Plat of survey accepted April 11, 1955.

T. 28 S., R. 21 E.,
Sections 2, 16, 31, 32, and 36.

Area surveyed: 3,219.88 acres.
Plat of survey accepted April 11, 1955.

T. 29 S., R. 21 E.,
Sections 1, 2, 16, 32, 33, 34, 35, and 36.

Area surveyed: 5,122.08 acres.
Plat of survey accepted April 11, 1955.

T. 29½ S., R. 22 E.,
Sections 31, 32, 33, 34, 35, and 36.

Area surveyed: 3,853.37 acres.
Plat of survey accepted April 11, 1955.

T. 30 S., R. 16 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,558.36 acres.
Plat of survey accepted February 24, 1955.

T. 30 S., R. 22 E.,
Sections 1, 2, 3, 16, 32, and 36.

Area surveyed: 3,835.04 acres.
Plat of survey accepted April 11, 1955.

T. 33 S., R. 6 E.,
Sections 1, 2, 3, 16, 32, and 36.

Area surveyed: 3,578.92 acres.
Plat of survey accepted April 11, 1955

T. 34 S., R. 6 E.,
Sections 1, 2, 3, 16, 31, 32, 33, and 36.

Area surveyed: 5,097.96 acres.
Plat of survey accepted April 11, 1955.

The primary purpose of these surveys was to accommodate the right of the State of Utah under Grant for Common Schools in the Act of July 16, 1894 (28 Stat. 107).

It is presumed that the right of the State of Utah attached to sections 2, 16, 32, and 36 of the above described lands on the date of acceptance of plat of survey, subject to valid existing rights and the provisions of existing withdrawals. Therefore, preference rights of veterans of World War II and the Korean conflict, and others, as provided for by the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, does not attach to these sections.

No application for any of the lands described in any of the other sections may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Room 312 Federal Building, Salt Lake City, Utah.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-4179; Filed, May 23, 1955; 8:47 a. m.]

[Misc. 1002818, 699023]

CALIFORNIA AND ARIZONA

PARTIAL REVOCATION OF ORDERS OPENING LANDS UNDER THE FOREST HOMESTEAD ACT

MAY 18, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the orders described below opening lands in the following national forests for entry under the act of June 11, 1906 (34 Stat. 233; 16 U. S. C. 506–509) as amended, are hereby revoked as to the following-described lands:

LOS PADRES NATIONAL FOREST

(Formerly Santa Barbara National Forest)

[1002818]

CALIFORNIA

SAN BERNARDINO MERIDIAN

Forest List No. 5–2819. Date of order of opening: January 29, 1917.

T. 6 N., R. 24 W.,
Sec. 13, NE¼SW¼SE¼.

The area described contains 10.00 acres.

Forest List No. 5–1734. Date of order of opening: June 17, 1913.

T. 6 N., R. 24 W.,
Sec. 13, N½SE¼SE¼, NW¼SW¼SE¼, E½SE¼SW¼;
Sec. 24, W½NE¼NE¼, NW¼NE¼, NE¼NE¼NW¼.

The areas described aggregate 120.00 acres.

[699023]

SITGREAVES NATIONAL FOREST
ARIZONA
GILA AND SALT RIVER MERIDIAN

Forest List No. 3–3987. Date of order of opening: May 10, 1917.

T. 11 N., R. 19 E.,
Sec. 3, SE¼NW¼ and lots 1, 2, and 3.

The area described contains 161.20 acres.

EARL G. HARRINGTON,
Acting Associate Director.

[F. R. Doc. 55–4180; Filed, May 23, 1955; 8:47 a. m.]

Bureau of Reclamation

MISSOURI RIVER BASIN PROJECT, WYOMING

ORDER OF REVOCATION

DECEMBER 16, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of March 15, 1946, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 94 W.,
Sec. 4, Lots 1 to 4 incl., S½N½, N½S½, NW¼SW¼SW¼, NE¼SE¼SW¼, N½S½SE¼, SE¼SE¼SE¼;
Sec. 5, Lots 1, 2, 3, N½SW¼NE¼, SE¼SW¼NE¼, SE¼NE¼, NE¼SE¼, E½NW¼SE¼, NE¼SW¼SE¼, N½SE¼SE¼;
Sec. 9, E½NE¼NE¼, NE¼SE¼NE¼;
Sec. 10, N½NE¼, SE¼NE¼, NW¼;
Sec. 29, S½NW¼NW¼, S½NW¼, NE¼SW¼, W½SW¼, NW¼SE¼.
T. 39 N., R. 94 W.,
Sec. 5, Lots 1, 2, S½NE¼, E½SE¼NW¼;
Sec. 8, NE¼NE¼NE¼, E½E½SE¼;
Sec. 17, NE¼NE¼SE¼, S½NE¼SE¼;
Sec. 21, NE¼, N½SE¼, N½SW¼SE¼, SE¼SE¼;
Sec. 28, NE¼NE¼, S½NW¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 29, SE¼NE¼SW¼, E½SE¼SW¼, SW¼NE¼SE¼, S½NW¼SE¼, S½SE¼;
Sec. 32, NE¼, E½E½NW¼, S½.
T. 40 N., R. 94 W.,
Sec. 31, Lot 1;
Sec. 32, N½NW¼, NE¼SW¼SW¼, SE¼SW¼, E½.

The above areas aggregate 3560.84 acres.

FLOYD E. DOMINY,
Acting Asst. Commissioner.

[Misc. 2092921]

I concur. The records of the Bureau of Land Management will be noted accordingly.

MAY 18, 1955.

The land is located in the vicinity of Shoshone, Wyoming, along the east boundary and above the high water line of the Boysen Reservoir. The land is generally rolling, to rough and broken, and supports a native stand of salt brush and sagebrush. Soils are a shallow and upland type. The land is grazing land and is not considered suitable for farming. Substantial portions of the lands are withdrawn in Power Site Classification No. 375.

No application for the restored land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not otherwise become effective to change the status of the restored land until 10:00 a. m. on the 35th day after the date of this order. At that time the said land shall become subject to application, petition and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference-right applications under the said act of September 27, 1944, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, including the mineral-leasing laws, on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same land; otherwise, priority of filing shall govern.

Inquiries regarding the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

EARL G. HARRINGTON,
Acting Associate Director,
Bureau of Land Management.

[F. R. Doc. 55–4182; Filed, May 23, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10335, 10378; FCC 55M–424]

WESTERN UNION TELEGRAPH CO. ET AL.

ORDER CONTINUING HEARING

In the matter of The Western Union Telegraph Company, Complainant, v. All America Cables and Radio, Inc., The Commercial Cable Company, MacKay Radio and Telegraph Company, Inc., Defendants; Docket No. 10378. In the matter of The Western Union Telegraph Company, Complainant, v. RCA Communications, Inc., Defendant; Docket No. 10335.

The Hearing Examiner having under consideration the date of hearing herein, now scheduled for May 16, 1955; the motion of The Western Union Telegraph Company to dismiss the proceeding; the replies of the other parties to the motion, and the statement of the Common Carrier Bureau in regard to the motion; and

It appearing that the Commission may not be able to act on the motion before May 16, 1955; and it may be desirable for the hearing to be deferred until the Commission has time to act;

It is ordered, This 10th day of May 1955, upon the Hearing Examiner's own motion, that the hearing is continued to a date to be scheduled in a later order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4199; Filed, May 23, 1955; 8:51 a. m.]

[Docket Nos. 10844, 10845; FCC 55M–456]

RADIO ASSOCIATES, INC., AND WLOX BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Radio Associates, Inc., Biloxi, Mississippi, Docket No. 10844, File No. BPCT–1150; WLOX Broadcasting Company, Biloxi, Mississippi, Docket No. 10845, File No. BPCT–1157; for construction permits for new commercial television broadcast stations (Channel 13).

The Commission having under consideration the motion of WLOX Broadcasting Company, filed May 13, 1955, that hearing in the above-entitled proceeding be continued, and the opposition thereto in behalf of Radio Associates, Inc.;

It appearing that by reason of (a) the pendency of an appeal to the Commission from a ruling of the Examiner denying a request to remove the hearing to the city of Biloxi, Mississippi, and (b) other business commitments of one of the principals of the moving party and the illness of members of his family, it is proposed by this pleading that the commencement of hearing await the Commission's action with regard to the appeal aforementioned; and

It appearing further that public interest considerations require that the proceedings in this matter be expedited in every way possible, since the applications involved have been in hearing status since January 6, 1954; and

It appearing further that, although the motion fails to state good cause and must be denied, present field hearing commitments of the Examiner assigned to the case are such that he will be unable to undertake the hearing herein on May 24, 1955, as presently scheduled, and that a brief continuance is necessary;

Accordingly, it is ordered, this 18th day of May 1955, that the instant motion is denied: *And it is further ordered,* On the Chief Hearing Examiner's own motion, that hearing in the above-entitled proceeding is continued to a date in the near future to be specified by the Examiner designated to preside therein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4200; Filed, May 23, 1955; 8:51 a. m.]

[Docket Nos. 10931, 10933; FCC 55M–448]

MERCER BROADCASTING CO. ET AL.

THIRD STATEMENT CONCERNING PRE-HEARING CONFERENCES AND ORDER CONTINUING HEARING

In re applications of Mercer Broadcasting Co., Trenton, New Jersey, Docket No. 10931, File No. BP–8714; Drew J. T. O'Keefe, Jack J. Dash & William F. Waterbury, Levittown-Fairless Hills, Pennsylvania, Docket No. 10933, File No. BP–8964; for construction permits.

1. A further pre-hearing conference was held herein on April 28, 1955, pursuant to direction of the Hearing Examiner. Max M. Leon, Inc., licensee of Station WDAS, was not represented.

2. Agreements were reached among the parties and were stated on the record, as reflected in the transcript which is incorporated herein by reference. Such agreements are found to be acceptable and approved by the Hearing Examiner. They include the following subjects:

(a) New engineering exhibit to be furnished by May 5, 1955, by Mercer (tr. 234–5; 243).

(b) Memorandum brief to be submitted in connection with request for ruling on admissibility of certain engineering measurements (tr. 228, 240–4; 254–7); reply (tr. 242–3); oral argument waived (tr. 241, 243–4).

(c) Procedure for reaching agreement on objections to lay evidence (tr. 244–8); list of unresolved objections to lay evidence to be served and filed by June 1, 1955 (tr. 255).

(d) Statement of basis for arriving at boundaries of Levittown and Fairless Hills to be submitted by June 1, 1955 unless a stipulation can be arrived at previously (tr. 257–9).

(e) Substitute engineering testimony, if required by Hearing Examiner's ruling on (b) above, to be exchanged by June 13, 1955 (tr. 254).

(f) Hearing scheduled for 10:00 a. m., June 15, 1955 (tr. 253).

It is ordered, This 18th day of May 1955, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Examiner for cause or by the Commission upon review of the Examiner's ruling, and the hearing herein is scheduled for June 15, 1955, at 10:00 a. m., at the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4201; Filed, May 23, 1955; 8:51 a. m.]

[Docket Nos. 11055, 11056; FCC 55M–440]

AIRCALL, INC., AND TELEPHONE ANSWERING SERVICE

ORDER CONTINUING HEARING

In re application of Aircall, Inc., Detroit, Michigan, Docket No. 11055, File No. 744–C2–P–54; John W. Bennett, d/b as Telephone Answering Service, Flint, Michigan, Docket No. 11056, File No. 276–C2–P–54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 13th day of May 1955, on the Hearing Examiner's own motion, that the hearing now scheduled for May 18, 1955, is continued until June 10, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4202; Filed, May 23, 1955; 8:51 a. m.]

[Docket No. 11371; FCC 55M–445]

DEEP SOUTH BROADCASTING CO. (WSLA)

ORDER CONTINUING HEARING

In re application of Deep South Broadcasting Company (WSLA), Selma, Alabama, for modification of construction permit; Docket No. 11371, File No. BMPCT–2100.

The Hearing Examiner having under consideration a date for the commencement of hearing in the above-entitled proceeding which will accomodate the requirements of all parties and the Hearing Examiner:

It is ordered, This 16th day of May 1955, that the date for commencement of the hearing is continued from May 27 to June 1, 1955, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4203; Filed, May 23, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–4372, G–6501, G–7112, G–7356, G–8229, G–8305, G–8381, G–8382, G–8387, G–8408, G–8517]

EL PASO NATURAL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

MAY 18, 1955.

In the matters of El Paso Natural Gas Company, Docket No. G–4372; Michigan Gas Storage Company, Docket No. G–6501; El Paso Natural Gas Company, Docket No. G–7112; G. Stratton, Jr., et al., Docket No. G–7356; Claud E. Aikman, Docket No. G–8229; American Gas Production Company, Docket No. G–8305; William E. Snee, et al., Docket No. G–8381; William Graham Oil Company, Docket No. G–8382; P. O. Burgy Drilling and Producing Company, Docket No. G–8387; Associated Oil & Gas Company, Docket No. G–8408; Kenneth Murchison, Docket No. G–8517.

Notice is hereby given that on May 6, 1955, the Federal Power Commission issued its findings and orders adopted May 4, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4191; Filed, May 23, 1955; 8:50 a. m.]

[Docket Nos. G–6067—G–6077, G–6813]

SUPERIOR OIL CO. ET AL.

NOTICE OF FINDINGS AND ORDER

MAY 18, 1955.

In the matters of the Superior Oil Company, Docket No. G–6067; Kerr-McGee Oil Industries, Inc., Docket No. G–6068; British-American Oil Producing Co., Docket No. G–6813; Stanolind Oil & Gas Company, Docket Nos. G–6069, G–6070, G–6071, G–6072, G–6073, G–6074, G–6075, G–6076, and G–6077.

Notice is hereby given that on May 9, 1955, the Federal Power Commission issued its findings and order adopted May 6, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4192; Filed, May 23, 1955; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DIRECTOR OR ACTING DIRECTOR OF COMMODITY OFFICE

DELEGATION OF AUTHORITY WITH RESPECT TO COMMODITY CREDIT CORPORATION'S INVENTORY AND PROCUREMENT IN CASE OF NATIONAL DEFENSE EMERGENCY

In the event of a declaration of civil defense or other national defense emergency, if a Director or Acting Director of a Commodity Office of the Commodity Stabilization Service is unable to ascertain whether the Administrator of the Commodity Stabilization Service or any other official authorized to act in his stead is able to perform the duties of the Administrator, such Director or Acting Director is hereby authorized to exercise, within his geographic area, the authority of such Administrator (including authority vested in him in his capacity as Executive Vice President of the Commodity Credit Corporation), under authorities available to the Commodity

Credit Corporation, with respect to the protection and disposition of Commodity Credit Corporation inventories and with respect to the procurement of agricultural commodities.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

Approved: May 18, 1955.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4190; Filed, May 23, 1955; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 53—DPAV-46(c)]

BARBER OIL CORP.

DELETION FROM LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the following deletion from the list of companies which have accepted the request to participate in the voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply," dated May 1, 1953, as amended. The request and original list of acceptances were published in 19 F. R. 2278 on April 20, 1954.

Barber Oil Corp., 30 Rockefeller Plaza, New York 20, N. Y.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: May 20, 1955.

ARTHUR S. FLEMING,
Director.

[F. R. Doc. 55-4222; Filed, May 20, 1955; 12:47 p. m.]

LAS CRUCES, N. MEX., AREA

DESIGNATION OF COMMUNITY FACILITIES PROJECT

By virtue of the authority vested in me by Executive Order 10296 of October 2, 1951, as amended by Executive Orders No. 10433 of February 4, 1953, and No. 10593 of January 27, 1955, and pursuant to the provisions of section 104 (b) of the Defense Housing and Community Facilities and Services Act of 1951, as amended, I hereby designate the following project for which agreements may be made to extend assistance for the provision of community facilities or services under Title III of said act:

In the Las Cruces, New Mexico, Critical Defense Housing Area, which was determined to be a critical defense housing area on October 5, 1951 (16 F. R. 10206)—additions and improvements to the existing waterworks system, consisting of (a) deep well, pumping equipment and pump house, (b) storage reservoir, (c) new arterial and supply mains and (d) installation of altitude valve at existing reservoir.

Dated: May 20, 1955.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-4225; Filed, May 20, 1955; 3:37 p. m.]

MOAB, UTAH AREA

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS

Upon a review of specific data presented to me, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951, as amended, exist in the:

Moab, Utah Area. The area consists of the Precincts of East Moab and West Moab in Grand County and the Precinct of La Sal in San Juan County, Utah.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by Executive Order 10206 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Dated: May 20, 1955.

ARTHUR S. FLEMMING,
Director of Defense Mobilization.

[F. R. Doc. 55-4226; Filed, May 20, 1955; 3:37 p. m.]

MOAB, UTAH AREA

DESIGNATION OF COMMUNITY FACILITIES PROJECT

By virtue of the authority vested in me by Executive Order 10296 of October 2, 1951, as amended by Executive Orders No. 10433 of February 4, 1953, and No. 10593 of January 27, 1955, and pursuant to the provisions of section 104 (b) of the Defense Housing and Community Facilities and Services Act of 1951, as amended, I hereby designate the following project for which agreements may be made to extend assistance for the provision of community facilities or services under Title III of said act:

In the Moab, Utah Critical Defense Housing Area, which was determined to be a critical defense housing area on the date hereof. Additions and improvements to the existing city-owned waterworks and sewer systems, comprising the development of additional sources of water supply, water mains, trunk sewers, manholes, etc.

Dated: May 20, 1955.

ARTHUR S. FLEMING,
Director.

[F. R. Doc. 55-4227; Filed, May 20, 1955; 3:37 p. m.]

CITY OF FORT WALTON BEACH, ELGIN FIELD AIR FORCE BASE, FLA.

DESIGNATION OF COMMUNITY FACILITIES PROJECT

By virtue of the authority vested in me by Executive Order 10296 of October 2, 1951, as amended by Executive Orders No. 10433 of February 4, 1953, and No. 10593 of January 27, 1955, and pursuant to the provisions of section 104 (b) of the Defense Housing and Community Facilities and Services Act of 1951, as amended, I hereby designate the following project for which agreements may be made to extend assistance for the provision of community facilities or services under Title III of said act:

In the City of Fort Walton Beach in the Eglin Field Air Force Base, Florida Critical Defense Housing Area, which was determined to be a critical defense housing area on January 11, 1952 (17 F. R. 406)—additions and improvements to the existing sanitary sewage system, consisting of (a) lift station, (b) force main, (c) sewer mains, (d) man holes, and (e) pavement replacement.

Dated: May 20, 1955.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-4228; Filed, May 20, 1955; 3:37 p. m.]

TOWN OF KINGSTON, OAK RIDGE, TENN., AREA

DESIGNATION OF COMMUNITY FACILITIES PROJECT

By virtue of the authority vested in me by Executive Order 10296 of October 2, 1951, as amended by Executive Orders No. 10433 of February 4, 1953, and No. 10593 of January 27, 1955, and pursuant to the provisions of section 104 (b) of the Defense Housing and Community Facilities and Services Act of 1951, as amended, I hereby designate the following project for which agreements may be made to extend assistance for the provision of community facilities or services under Title III of said act:

In the Town of Kingston in the Oak Ridge, Tennessee Critical Defense Housing Area, which was determined to be a critical defense housing area on October 31, 1952 (17 F. R. 9906)—(1) additions and improvements to existing water works facilities, consisting of a raw water intake, storage reservoir, supply mains, including valves and other appurtenances; (2) improvements and additions to existing sewage system, consisting of an ejector station, sewer pipes, together with pavement replacement and other appurtenant work.

Dated: May 20, 1955.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-4229; Filed, May 20, 1955; 3:37 p. m.]

ALTUS, OKLA. AREA

DESIGNATION OF HOUSING PROJECT

By virtue of the authority vested in me by Executive Order 10296 of October 2, 1951, as amended by Executive Orders No. 10433 of February 4, 1953, and No. 10593 of January 27, 1955, and pursuant to the provisions of section 104 (b) of the Defense Housing and Community Facilities and Services Act of 1951, as amended, I hereby designate the following housing project for which mortgages may be insured under Title IX of the National Housing Act, as amended:

In the Altus, Oklahoma Critical Defense Housing Area, which was determined to be a critical defense housing area on February 18, 1952 (17 F. R. 1539)—200 family dwelling units.

Dated: May 20, 1955.

ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-4230; Filed, May 20, 1955; 3:37 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-164, 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF PETITION FILED BY INTERIM BOARD OF DIRECTORS FOR APPROVAL OF MAXIMUM AMOUNTS OF INTERIM FEES AND EXPENSES

MAY 18, 1955.

Notice is hereby given that the Interim Board of Directors of International Hydro-Electric System ("IHES"), a registered holding company now in process of reorganization pursuant to sections 11 (d) and 11 (f) of the Public Utility Holding Company Act of 1935 ("act"), has filed with this Commission a petition and an amendment thereto for the issuance of an order pursuant to Rule U-63 promulgated under the act approving maximum amounts which may be paid by Bartholomew A. Brickley, Trustee of IHES, or his agent, to defray the reasonable and necessary costs and expenses of the Board in performing the duties entrusted to it, as follows:

On December 8, 1954, the United States District Court for the District of Massachusetts entered an order provisionally approving the nine persons reported by the Trustee as having received the highest number of votes at the meeting of the Class A stockholders held April 27–28, 1954, pursuant to Part III (First Amendment) of the Trustee's Second Plan, namely, Cameron Biewend, James Bruce, John L. Burns, Justin Haynes, William K. Jacobs, Jr., Christian A. Johnson, Robert J. Marony, Alfred A. Romney, and Paul H. Todd, "as interim directors, constituting the Board of Directors of International Hydro-Electric System to serve until further order of this Court with only the authority and for the sole purpose of representing the Class A stockholders in all proceedings before the Securities and Exchange Commission and this Court and in particular with reference to the formulation of proposals for the consummation of Part IV (First Amendment) of the Trustee's Second Plan * * *"

Pursuant to said order of the Court, the Interim Board held its first meeting on December 20, 1954, at which it elected a chairman and temporary secretary; authorized the payment to each Director of $100 for attendance at each meeting of the Board together with expenses incidental to attending such meetings; selected Messrs. Purcell & Nelson of Washington, D. C. as counsel; and appointed a committee to formulate a plan for converting IHES into an investment company.

On January 13, 1955, at a special meeting, the Interim Board authorized the payment to each Director of $100 for attendance at each meeting of any committee of which he is a member together with expenses incurred in connection with attending committee meetings, and authorized the payment to counsel of a retainer of $2,000 per month, plus expenses and disbursements in connection with their representation of the Board (such payments to counsel to be subject to final Commission and Court review and determination of fee and expense allowances). The Board further authorized counsel to retain Messrs. Ropes, Gray, Best, Coolidge & Rugg of Boston on matters of Massachusetts law, and George E. Cleary, Esq. of Cleary, Gottlieb, Friendly & Hamilton, of New York City, on tax questions.

The Interim Board has formulated and filed with the Commission a definitive plan for the reorganization of IHES and for its continuation as a registered investment company, together with an application for modification of the Commission's order of July 21, 1942, requiring the liquidation and dissolution of IHES and for exemption of IHES pursuant to section 3 (a) (5) of the act.

Hearings have been held with respect to the plan and the application filed by the Interim Board, and with respect to plans filed by other interested persons.

The petition alleges that, in discharging their duties as directors, the members of the Interim Board have incurred and will continue to incur substantial costs and expenses chargeable to the estate of IHES.

The petition requests that the Commission enter an order approving the transfer by the Trustee from the treasury of IHES to a special account in a bank or trust company in the City of Boston, Massachusetts, of the sum of $50,000, and authorizing the Treasurer of IHES (or such other person as the aforesaid Court may approve) to make disbursements from such account in payment of fee and expense vouchers submitted by the Interim Directors, the Secretary and Assistant Secretary of the Interim Board, and counsel retained by the Interim Board, as to their respective fees, charges and expenses, all such vouchers to be submitted in a form satisfactory to the Treasurer or such other person as may be approved by the aforesaid Court and by the Interim Board; provided that such order shall not be deemed to limit the authority of the Commission or the Court with regard to the final determination of all fee and expense allowances (including those covered by the aforesaid petition) to any and all persons in connection with the reorganization of IHES pursuant to the provisions of the act.

In an amendment to the petition counsel to the Interim Board have supplied an itemized statement of fees and expenses requested to be paid from said fund, applicable to the period from December 20, 1954, to April 30, 1955, as follows:

Fees and estimated expenses of interim directors (4 board meetings and 1 committee meeting)	$4,900.00
Expenses and disbursements of secretary and assistant secretary (for mimeographing, photostats, stenography, etc.)	256.13
Counsel to the interim board, retainer for 5 months (representing 1,204 hours of lawyers' time)	10,000.00
Expenses and disbursements of counsel	5,812.03
Total to Apr. 30, 1955 (estimated in part)	20,968.16

Notice is further given that any interested person may, not later than May 31, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said petition which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said petition may be granted, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-4186; Filed, May 23, 1955; 8:48 a. m.]

[File No. 54-191, File No. 54-173]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER THE SALE OF STOCK BY DISTRIBUTION AGENT

MAY 18, 1955.

Standard Gas and Electric Company ("Standard"), a registered holding company now in process of liquidation pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act"), has requested that the Commission release the jurisdiction reserved in its Order of December 10, 1954 (Holding Company Act Release No. 12735) with respect to certain incidental sales of common stock of Duquesne Light Company ("Duquesne") by the Distribution Agent ("Agent") as provided for in Step III–A of its amended plan for compliance with section 11 of the act.

Step III–A provided, among other things, for the distribution to Standard's common stockholders of 216,260.7 common shares of Duquesne on the basis of one-tenth share of such stock for each common share of Standard. No fractional shares were issued but prior to April 27, 1955, all persons entitled to fractional share interests could either sell such fractional interests or buy additional interests sufficient to make a full share. Thereafter, the Distribution Agent was directed to convert into cash all shares of Duquesne stock then held in respect of the unclaimed fractional

interests and remit the proceeds of such sale to the stockholders entitled thereto.

Standard has notified the Commission that it is necessary for the Agent to sell 527 Duquesne common shares in order to comply with the above-referred to provision. Standard has further notified Commission that if the jurisdiction heretofore reserved by the Commission is released, the Agent will sell said shares of Duquesne stock by means of ordinary brokers' transactions on the New York Stock Exchange, with no expenses involved except customary brokers' commissions and transfer taxes, if any, which costs will be paid by Standard.

In view of the manner in which the proposed sales of Duquesne shares to provide for the fractional shares will be conducted, and the limited nature thereof:

It is ordered, That the jurisdiction heretofore reserved with respect thereto be, and the same hereby is, released.

It is further ordered, That the jurisdiction heretofore reserved in all other respects be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-4185; Filed, May 23, 1955; 8:48 a. m.]

[File No. 70-3383]

CENTRAL POWER AND LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSAL TO BORROW FROM BANKS ON SHORT-TERM NOTES

MAY 18, 1955.

Notice is hereby given that Central Power and Light Company ("Central"), a public-utility company subsidiary of Central and South West Corporation, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") regarding a proposal to borrow from banks not in excess of $9,000,000. Central designates sections 6 (a), 6 (b), and 7 of the act and Rule U-50 (a) (2) promulgated thereunder as applicable to the following proposed transactions:

Central states that by virtue of the exemption provided by the first sentence of section 6 (b) of the act, it is presently entitled to issue notes maturing not more than nine months from issuance in principal amounts not to exceed $6,319,900 in the aggregate. Central proposes to borrow from time to time an aggregate of not in excess of $9,000,000, and to issue its notes therefor. The $6,319,900 of notes which may be issued by Central pursuant to said exemption shall be regarded as a part of the total amount ($9,000,000) of notes herein proposed to be issued.

The proposed borrowings are to be made from the banks and in the amounts shown below:

The Corpus Christi National Bank	$200,000
State National Bank of Corpus Christi	150,000
The First State Bank of Corpus Christi	100,000
Corpus Christi Bank & Trust Co	200,000
Citizens State Bank of Corpus Christi	50,000
Union National Bank of Laredo	50,000
The Laredo National Bank	62,500
Victoria Bank & Trust Co	250,000
The Victoria National Bank	250,000
The First National Bank of Chicago	7,687,500
Total	9,000,000

The borrowings are to be evidenced by promissory notes to be dated the date of the respective borrowings, will mature on or before February 28, 1956, and will bear interest at the rate of 3 percent per annum, payable monthly. The notes are to be prepayable by the Company at any time and from time to time without premium or penalty. It is contemplated that the first borrowing will be made on or about June 10, 1955. The proceeds from the borrowings will be used by Central to finance temporarily a portion of its construction expenditures during the nine months beginning June 1, 1955. It is contemplated that the notes will be paid at or before maturity through the issuance and sale by Central of such securities as may be considered most appropriate in the light of market conditions existing at the time and as may be approved by the Commission to the extent required by the act.

It is stated that no commitment or other fees are proposed to be paid by Central in connection with the proposed borrowings; and that the expenses to be incurred in connection with the proposed transactions, consisting primarily of telephone, incidental and miscellaneous expense, are estimated at not to exceed $300.

It is also stated that no Federal Commission other than the Securities and Exchange Commission, and no State commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 31, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held in respect of the declaration, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may permit the declaration as filed, or as amended, to become effective as provided by Rule U-23 promulgated under the act, or the Commission may exempt such transactions pursuant to Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-4184; Filed, May 23, 1955; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

LEOPOLD BISSINGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Leopold Bissinger, Laupheim, Wurttemberg, Germany, Claim No. 37097; ½ of $8,453.91 in the Treasury of the United States.

Executed at Washington D. C., on May 17, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4193; Filed, May 23, 1955; 8:50 a. m.]

ADRIAAN J. SCHIPPER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Adriaan J. Schipper, Kapelle near Goes, The Netherlands, Claim No. 42747; property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent No. 2,279,596.

Executed at Washington, D. C., on May 17, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4194; Filed, May 23, 1955; 8:50 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 20 NUMBER 102

Washington, Wednesday, May 25, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

WAREHOUSE CHARGES

In Federal Register Document 55-4022 published on page 3459 of the issue for Wednesday, May 18, 1955, the following changes should be made in the table in § 421.1044 (a):

1. In second to last line of the second column for Area IV, the dates, now reading "January 1, 1955–January 20, 1956," should read "January 1, 1956–January 20, 1956."

2. In the second to the last line of the column for Area V, the dates now reading "January 1, 1955–January 20, 1956," should read "January 1, 1956–January 20, 1956."

Issued this 23d day of May 1955.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4285; Filed, May 24, 1955; 9:04 a. m.]

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

[Accounting Systems Memorandum 38]

PART 11—CERTIFICATE TO BE USED BY CONTRACTORS AND VENDORS ON INVOICES OR BILLS

CERTIFICATION OF PUBLIC UTILITY BILLS

Section 11.6 is added as follows:

§ 11.6 *Certification of public utility bills.* Effective March 9, 1955, and until further notice, the General Accounting Office will not require that invoices or bills submitted by public utility companies, whose rates are fixed or adjusted by Federal, State, or other regulatory body, be certified by the vendor. It should be understood that the omission of the certificate from the bills or invoices submitted for public utility services to the Government agencies does not, in any manner, lessen the responsibility of the public utility companies in complying with all statutory requirements applicable to transactions with the Government, nor will it be understood as mitigating their liability for asserting false, fictitious and fraudulent claims against the Government, penalties for which are set forth in 18 U. S. C. 287.

(Secs. 309, 311, 42 Stat. 25; 31 U. S. C. 49, 52)

[SEAL] JOSEPH CAMPBELL,
Comptroller General,
of the United States.

[F. R. Doc. 55-4245; Filed, May 23, 1955; 1:07 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

[970.301, Amdt. 4]

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970; 19 F. R. 5469), regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Title 14: Parts 1–399 ($2.25)

Titles 22–23 ($0.75)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish thereunder.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area, (5) this amendment relieves restrictions on the handling of potatoes, and (6) the benefits to be derived from this amendment should be made available to producers and handlers as soon as practicable.

c. *Order, as amended.* The provisions of § 970.301 (b) (1) (19 F. R. 7284, 8556, 9171; 20 F. R. 1360) are hereby amended to read as follows:

(b) *Order.* (1) During the period May 25, 1955, to June 30, 1955, both dates inclusive, no handler shall ship:

(i) Potatoes of the round white varieties or of the red skin varieties unless the potatoes meet the requirements of the U. S. No. 1 grade, size A, and are of a size not smaller than 2 inches minimum diameter; or

(ii) Potatoes of the long varieties (including, but not being limited to, the Russet Burbank variety) unless the potatoes meet the requirements of the U. S. No. 2 grade, and are of a size not smaller than 1⅞ inches minimum diameter or 3 ounces minimum weight.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 23d day of May 1955, to become effective May 25, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–4240; Filed, May 24, 1955; 8:51 a. m.]

Subchapter B—Prohibitions of Imported Commodities

[Amdt. 4]

PART 1066—IRISH POTATOES

POTATO REGULATION NO. 1

Pursuant to the authority vested in me under section 8e of the Agricultural Adjustment Act of 1933, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 907, 1047), § 1066.1 Potato Regulation No. 1 (20 F. R. 175, 484, 1761, 2055) is hereby amended to read as follows:

§ 1066.1 *Potato Regulation No. 1.* During the period May 25, 1955, to June 30, 1955, both dates inclusive, and subject to the general regulations (19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section, no person shall import any potatoes, other than certified seed potatoes, (a) of the round white or red skin varieties unless such potatoes meet the requirements of the U. S. No. 1 or better grade, Size A, 2 inches minimum diameter; and (b) of the long white varieties (including, but not limited to Russet Burbank variety) unless such potatoes meet the requirements of U. S. No. 2 or better grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Findings. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (a) the requirements established by this import regulation are issued pursuant to section 8e of the act which makes such regulation mandatory; (b) an amendment to grade, size, and quality regulations in effect on domestic shipments of potatoes pursuant to Order No. 70 (7 CFR 970.301; 19 F. R. 7284, 8556, 9171; 20 F. R. 1360) will become effective on May 25, 1955; (c) such regulations and those applicable pursuant to Order No. 57 (7 CFR 957.312; 19 F. R. 3792; 20 F. R. 3528) will terminate on June 30, 1955; (d) this amendment relieves restrictions on imports of potatoes.

Done at Washington, D. C., this 23d day of May 1955, to become effective May 25, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–4239; Filed, May 24, 1955; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 116]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.51, the Matagorda Island, Texas, area (R–224 formerly D–224), amended on November 28, 1951, in 16 F. R. 11954, is further amended by changing the "Controlling Agency" column to read: "Headquarters, Second Air Force, Barksdale AFB, Shreveport, Louisiana".

2. In § 608.51, the Waco, Texas, area (R–374 formerly D–374), amended on April 26, 1952, in 17 F. R. 3724, is rescinded.

3. In § 608.51, the Waco, Texas, area (R–375 formerly D–375), published on September 7, 1951, in 16 F. R. 9070, is rescinded.

4. In § 608.51, the Waco, Texas, area (R–376 formerly D–376), published on September 7, 1951, in 16 F. R. 9070, is rescinded.

5. In § 608.32, the Black Creek, Mississippi, area (R–451 formerly D–451), published on May 20, 1954, in 19 F. R. 2943, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of use	Controlling agency
BLACK CREEK (R-451) (Mobile).	NW. corner: latitude 31°12'54", longitude 89°11'03"; NE. corner: latitude 31°11'48", longitude 89°00'00"; SE. corner: latitude 31°04'36", longitude 89°00'00"; SW. corner: latitude 31°04'36", longitude 89°11'03".	Surface to 13,000 feet mean sea level.	Continuous	National Guard, Camp Shelby, Miss.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 25, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–4231; Filed, May 24, 1955; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6181]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CLEAN-RITE VACUUM STORES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service;* § 13.200 *Sample, offer or order conformance.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.2060 *Sample, offer or order conformance.* In connection with the offering for sale, sale, and distribution of vacuum cleaners or other similar merchandise in commerce: (1) Representing, directly or by implication, that said merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered; (2) using any sales plan or procedure involving the use of false, deceptive, or misleading statements or representations in advertising which are designed to obtain leads or prospects for the sale of other or different merchandise; or (3) representing, directly or by implication, that vacuum cleaners which have little or no value as cleaning devices will, in fact, do a satisfactory job of cleaning; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 45. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Clean-Rite Vacuum Stores, Inc., et al., Washington, D. C., Docket 6181, April 6, 1955]

In the Matter of Clean-Rite Vacuum Stores, Inc., a Corporation, and Samuel Berenson, and Etta Berenson, Individually

This proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair and deceptive acts and practices and unfair methods of competition in the advertising of their products, and upon respondents' answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions pre-

sented by counsel; and said hearing examiner, having duly considered the matter and being fully advised in the premises, found that such proceeding, thus before him for final consideration, was in the interest of the public, and made his initial decision comprising certain findings as to the facts and conclusion drawn therefrom, and order to cease and desist.

Thereafter, respondents having filed their appeal from said initial decision and the Commission having heard said matter and having concluded, for the reasons set forth in its decision on said appeal, that said initial decision was correct, that respondents' exceptions thereto were without merit, and that respondents' appeal should be denied, the matter was disposed of by the Commission's "Final Order", Docket 6181, April 8, 1955, as follows:

Respondents Clean-Rite Vacuum Stores, Inc., a corporation, and Samuel Berenson and Etta Berenson, individually, having filed, on August 4, 1954, their appeal from the intial decision of the hearing examiner in this proceeding; and the matter having been heard by the Commission on briefs and oral argument; and the Commission having rendered its decision denying the appeal and affirming the initial decision:

It is ordered, That the aforesaid respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

The cease and desist order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That respondents Clean-Rite Vacuum Stores, Inc., a corporation, and its officers and respondents Samuel Berenson and Etta Berenson, individually and as officers of the corporate respondent, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of vacuum cleaners or other similar merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that said merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered.

2. The use of any sales plan or procedure involving the use of false, deceptive or misleading statements or representations in advertising which are designed to obtain leads or prospects for the sale of other or different merchandise.

3. Representing, directly or by implication, that vacuum cleaners which have little or no value as cleaning devices will, in fact, do a satisfactory job of cleaning.

Issued: April 8, 1955.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-4224; Filed, May 24, 1955; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order IX-1, Amdt. 3]

DMO IX-1—REESTABLISHMENT OF TELECOMMUNICATIONS PLANNING COMMITTEE

PROVIDING FOR REPRESENTATIVES OF UNITED STATES ATOMIC ENERGY COMMISSION AND DEPARTMENTS OF THE ARMY, NAVY AND AIR FORCE TO BE INCLUDED IN MEMBERSHIP

The list of agencies in section 1 of Defense Mobilization Order IX-1 is hereby amended to read as follows:

Department of State.
Department of the Treasury.
Department of Defense.
Department of the Army.
Department of the Navy.
Department of the Air Force.
Department of Justice.
Department of Commerce.
Atomic Energy Commission.
Federal Civil Defense Administration.
Central Intelligence Agency.
U. S. Information Agency.
Bureau of the Budget (Observer).

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55-4264; Filed, May 23, 1955; 2:57 p. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

COMMERCIAL AUTOMOBILES AND BUSES

CROSS REFERENCE: For exceptions to the prohibition against the admission of commercial automobiles and buses to Crater Lake National Park, see § 20.2 of this chapter, *infra*.

PART 20—SPECIAL REGULATIONS

CRATER LAKE NATIONAL PARK

Section 20.2 *Crater Lake National Park* is amended by the addition of paragraph (d), reading as follows:

(d) *Commercial automobiles and buses.* The prohibition against the admission of commercial automobiles and buses to Crater Lake National Park, contained in § 1.36 of this chapter, shall be subject to the following exceptions: Commercial passenger carrying vehicles will be accorded admission to the Park upon establishing to the satisfaction of the Superintendent that said vehicles are operated from such places and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the transportation services provided for the public at or outside of the Park pursuant to contract authorization with the Secretary. Admission to the Park will be accorded such motor vehicles upon payment of a special tour permit fee of $1.00 per passenger-carrying seat in the vehicle.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 27th day of April 1955.

[SEAL] THOMAS J. WILLIAMS,
Superintendent, Crater Lake National Park.

[F. R. Doc. 55-4211; Filed, May 24, 1955; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 701—METAL, PLASTICS, MACHINERY, INSTRUMENT, TRANSPORTATION EQUIPMENT, AND ALLIED INDUSTRIES IN PUERTO RICO

MINIMUM WAGE ORDER

CROSS REFERENCE: For amendment to Part 701 to the extent that it applies to the metal, machinery, transportation equipment, and allied industries in Puerto Rico, see Part 712 of this chapter, *infra*.

PART 712—METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED INDUSTRIES IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the provisions of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on April 27, 1955 (20 F. R. 2821) of the Administrator's proposed decision to approve the recommendations of Special Industry Committee No. 16-B for the Metal, Machinery, Transportation Equipment, and Allied Industries in Puerto Rico, together with the wage order which he proposed to issue to carry such decision into effect.

As indicated in the notice, the Administrator's findings and conclusions in this matter were set forth in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 16-B for Puerto Rico for Minimum Wage Rates in the Metal, Machinery, Transportation Equipment, and Allied Industries in Puerto Rico."

Interested parties were given an opportunity to file exceptions to the proposed decision within fifteen days of the date of publication. One objection has been filed together with a request for additional time to file data in support thereof. The request for an extension has been denied and I find the objection insufficient to justify a change in my decision as proposed.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), General Order No. 45-A (15 F. R. 3290), and, the position of the Administrator being presently vacant, General Order No. 85 (20 F. R. 2066), the said decision is affirmed and made final; the recommendations of Special Industry Committee No. 16-B for minimum wage rates in the metal, machinery, transportation equipment, and allied industries in Puerto Rico are hereby approved and the wage order contained in 29 CFR, Part 701 is hereby amended, to the extent that it applies to the metal, machinery, transportation equipment, and allied industries in Puerto Rico, as hereinafter defined.

Sec.
712.1 Approval of recommendations of industry committee.
712.2 Wage rates.
712.3 Notices of order.
712.4 Definition of the metal, machinery, transportation equipment and allied industries in Puerto Rico, and divisions thereof.

AUTHORITY: §§ 712.1 to 712.4 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208.

§ 712.1 *Approval of recommendations of industry committee.* The committee's recommendations are hereby approved.

§ 712.2 *Wage rates.* (a) Wages at a rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the fabricated wire products, steel spring, and slide fastener division of the metal, machinery, transportation equipment, and allied industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the metal, machinery, transportation equipment, and allied industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 712.3 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the metal, machinery, transportation equipment, and allied industries in Puerto Rico shall post in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 712.4 *Definition of the metal, machinery, transportation equipment, and allied industries in Puerto Rico, and divisions thereof.* (a) (1) The metal, machinery, transportation equipment, and allied industries in Puerto Rico to which this part shall apply is hereby defined as follows: The mining or other extraction of metal ore and the further processing of such ore into metal; the manufacture (including repair) of any product or part made wholly or chiefly of metal; and the manufacture from any material of machinery, tools, transportation equipment, and ordnance: *Provided, however*, That the definition shall not include (i) the production of any basic material other than metal; (ii) the further processing of any basic material other than metal except when done by an establishment producing from such materials a product of these industries or subassembly of such product; (iii) the building and repairing (including painting) of ocean-going ships when performed in drydocks or shipyards; (iv) any activity included within the button, buckle, and jewelry industry, or the shoe manufacturing and allied industries as defined in the wage orders for those industries; (v) or any activity included within the electrical, instrument, and related manufacturing industries as defined in Administrative Order No. 440 appointing Special Industry Committees Nos. 16-A, 16-B, and 16-C for Puerto Rico. The definition supersedes the definition of the decorations and party favors industry with respect to the manufacture of (metal) articles other than those made from metallic chenille, foil, or tinsel.

(2) The definition contained in subparagraph (1) of this paragraph supersedes the definitions contained in any and all wage orders issued heretofore for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industries defined in paragraph (a) (1) of this section, to which this part shall apply are hereby defined as follows:

(1) *Fabricated wire products, steel spring, and slide fastener division.* This division consists of the drawing of wire and rod and the fabrication of wire and rod products including, but without limitation, nails, brads, spikes, staples, chain, fencing, bare wire rope and cable, barbed wire, bale ties, and garment hangers; the manufacture of steel springs; and the manufacture of slide fasteners.

(2) *General division.* This division consists of all products and activities included in the metal, machinery, transportation equipment, and allied industries, except products and activities included in the fabricated wire products, steel spring, and slide fastener division, as defined in this part.

The wage order above shall become effective June 27, 1955.

Signed at Washington, D. C., this 20th day of May 1955.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 55-4232; Filed, May 24, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Better Maid Apparel Co., 707 River St., Peckville, Pa., effective 5-16-55 to 5-15-56, 5 learners for normal labor turnover purposes (ladies' dresses).

Brookfield Manufacturing Co., Warrensburg, Mo., effective 5-11-55 to 5-10-56, 10 learners for normal labor turnover purposes (men's work clothing).

Decatur Shirt Corp., Decatur, Miss., effective 5-16-55 to 11-15-55, 25 learners for plant expansion purposes (boys' sport shirts).

Frackville Manufacturing Co., Broad Mountain Avenue, Frackville, Pa., effective 5-28-55 to 5-27-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pajamas, etc.).

Fuhrman-Levitt, Inc., 39 Woodland Avenue, Pitman, N. J., effective 5-24-55 to 5-23-56, 4 learners for normal labor turnover purposes (children's cotton dresses).

Indiana Rayon Corp., Greenfield, Ind., effective 5-22-55 to 5-21-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (knitted polo shirts).

Miller Manufacturing Co., Inc., Tenth and Virginia Streets, Joplin, Mo., effective 5-13-55 to 5-12-56, 10 percent of the total number of factory production workers for normal labor turnover (men's and boys' clothing).

Mitchell Garment Co., Inc., 119 West Third Street, Farmville, Va., effective 5-16-55 to 5-15-56, 5 learners for normal labor turnover purposes (children's dresses).

Mode-O'Day Corp., No. 2 Plant, 146 Southwest Temple, Salt Lake City, Utah, effective 5-22-55 to 5-21-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

The Newton Co., Newton, Miss., effective 5-9-55 to 5-8-56, 10 percent of the total number of factory production workers engaged in the production of men's slacks, for normal labor turnover purposes (men's slacks).

The Newton Co., Newton, Miss., effective 5-9-55 to 5-8-56, 10 percent of the total number of factory production workers engaged in the production of ladies' slacks, for normal labor turnover purposes (ladies' slacks).

Star Union Co., of Tenn., Manchester, Tenn., effective 5-16-55 to 5-15-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pajamas).

United Garment Manufacturing Co., 316 West Lake Street, Chisholm, Minn., effective 5-18-55 to 5-17-56, 10 learners for normal labor turnover purposes (outerwear).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 16th day of May 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-4212; Filed, May 24, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3051 et al.]

NEW YORK-FLORIDA PROCEEDING

NOTICE OF HEARING

In the matter of the proceeding known as the New York-Florida Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of that act, that a hearing in the above-entitled proceeding is assigned to be held on June 6, 1955, at 10:00 a. m., e. d. s. t., in the Burgundy Room of the Sheraton-Park Hotel, Connecticut Avenue and Woodley Road NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Notice is further given that any person not a party to the proceeding desiring to be heard in opposition to the matters set forth in the case must file with the Board on or before June 6, 1955, a statement setting forth issues of fact or law which he desires to contest. Any person filing such a statement may appear and participate at the hearing in accordance with 14 CFR 302.14 of the Procedural Regulations under Title IV of the Civil Aeronautics Act, as amended.

For further details of the proceeding and issues involved, interested persons are referred to the applications consolidated in the proceeding by Order Nos. E-8882 and E-9011 and to the reports of the prehearing conference in the case on file with the Civil Aeronautics Board.

Dated at Washington, D. C., May 19, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-4236; Filed, May 24, 1955; 8:50 a. m.]

[Docket No. 7108]

SLICK AIRWAYS, INC., AND AIRWORK LIMITED

NOTICE OF HEARING

In the matter of the application of Slick Airways, Inc. and Airwork Limited for approval of an agreement pursuant to section 408 of the Civil Aeronautics Act, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 31, 1955, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., May 20, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-4237; Filed, May 24, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2063, G-2399, G-2409, G-2458, G-2465, G-2491, G-4259, G-4261]

NORTHERN NATURAL GAS CO. AND NORTH CENTRAL PUBLIC SERVICE CO.

NOTICE OF PETITION; DENIAL OF MOTION TO DISMISS; ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Northern Natural Gas Company, Docket Nos. G-2063, G-2399, G-2409, G-2458, G-2465, G-2491, G-4259, G-4260, G-4261; North Central Public Service Co., Docket No. G-8654.

Notice is hereby given that North Central Public Service Co. (North Central), successor to Perry Gas Company and Key City Gas Company, filed on March 21, 1955, a petition entitled "Petition for Emergency Relief", in which it alleges, among other things:

(1) Pursuant to the Company's request in Docket No. G-2063, it was allocated 10,000 Mcf of natural gas per day from Northern Natural Gas Company's system to meet estimated requirements for Dubuque, Iowa, and thereafter on April 15, 1954, it entered into a service agreement with Northern for a contract demand of 10,000 Mcf per day, beginning October 27, 1954.

(2) The requirements for Dubuque, Iowa, were overstated by 5,000 Mcf per day, due to the inability of Northern Central to connect and sell natural gas to all of the anticipated customers,

(3) If North Central is not relieved of its obligation to the extent of 5,000 Mcf per day, grave financial difficulties will occur, which will impair its ability to render service.

(4) Northern Natural Gas Company has refused to relieve North Central from its obligation by reducing the contract amount, even though other customer companies of Northern desire additional volumes of gas.

On April 20, 1955, Northern Natural Gas Company filed an answer to the above petition of North Central Public Service Co. that the request of North Central be denied and that the petition be consolidated for hearing with the presently pending matters in the consolidated Docket Nos. G-2399, et al., as such consolidation will expedite determination of the issues.

On April 4, 1955, Northern Natural Gas Company filed a motion to reconvene the hearing in the above Docket Nos. G-2063, et al., in which it alleges:

The public interest would be best served by a reconvening of these consolidated proceedings for the purpose of receiving testimony and evidence bearing upon the following issues: (1) What is the economic and proper construction program to be undertaken by Northern in 1955 to satisfy the needs of gas consumers; (2) how should such increased daily system sales capacity of Northern be allocated among the many claimants therefor; (3) what does the present or future public convenience and necessity require as to construction of additional facilities by Northern and the sale of its increased system salable capacity.

On April 14, 1955, Intervenors, National Coal Association, United Mine Workers of America, Fuels Research Council, Inc., Western States Fuel Policy Council, Anthracite Institute, and Chesapeake and Ohio Railway Company, filed an answer to the request for reconvening the hearing and a motion to again dismiss Northern's applications in Dockets Nos. G-2399 et al.

Certain other Intervenors filed answers objecting to and in support of Northern's motion to reconvene the hearings, and also in reply to the motion to dismiss by National Coal Association, et al.

The Commission finds:

(1) It is appropriate and in the public interest that the motion to dismiss be denied and the proceedings on the above applications as filed by Northern be concluded, and to this end Northern and other parties should be permitted to introduce such further evidence relating to the applications as they may determine advisable.

(2) The petition by North Central Public Service Co. in Docket No. G-8654 is so interrelated and dependent upon the above applications filed by Northern that consolidation for hearing therewith is necessary.

(3) If Northern desires to restrict its requests for authorization as set forth in the above applications, all parties should be so advised.

The Commission orders:

(A) The aforesaid motion to dismiss and other objections to reconvening the above entitled hearings be and they are hereby denied.

(B) That Northern Natural Gas Company shall file, at least ten days prior to the date herein fixed for hearing, a plan for disposition of all volumes of natural gas available for allocation.

(C) The above entitled proceeding in Docket No. G-8654 be and it hereby is consolidated for a hearing with Docket Nos. G-2063, G-2399, G-2409, G-2458, G-2465, G-2491, G-4259, G-4260, and G-4261.

(D) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on June 6, 1955, commencing at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the matters involved and the issues presented by the above-entitled proceedings.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 18, 1955.

Issued: May 19, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4216; Filed, May 24, 1955; 8:46 a. m.]

[Docket Nos. G-3505, G-8756]

PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 19, 1955.

Take notice that Phillips Petroleum Company (Phillips), an independent producer with its principal place of business in Bartlesville, Oklahoma, filed, on September 27, 1954, an application in Docket No. G-3505 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the acts or operations hereinafter described.

Applicant sells natural gas produced by two wells located in the Panhandle Field, Moore County, Texas, to Skelly Oil Company (Skelly) at a price of approximately 3.5 cents per Mcf under a contract dated November 14, 1947, as amended. Annual deliveries total approximately 132,000 Mcf. Such gas is resold by Skelly to Panhandle Eastern Pipeline Company.

Take notice that Phillips filed, on April 12, 1955, an application in Docket No. G-8756 for permission and approval pursuant to section 7 (b) of the Natural Gas Act to abandon the above-described service rendered Skelly, or, alternatively, a declaratory order that such authorization is not required. Phillips proposes to deliver and sell such natural gas to El Paso Natural Gas Company (El Paso) under the terms of a contract dated October 13, 1945, as amended (Phillips' FPC Gas Rate Schedule No. 32), at a price of 9.3 cents per Mcf. Phillips states that the acreage from which the gas involved is produced is part of the acreage subject to preferential purchase by El Paso under said contract, and that the gas was sold to Skelly on a short-term basis because it was then uneconomical for Phillips to transport such gas. Skelly has agreed to the proposed termination of service.

By order issued March 11, 1955, Phillips' notice of termination of its rate schedule covering the above-described sale to Skelly (No. 222) was rejected for lack of prior Commission approval pursuant to the provisions of section 7 (b) of the act.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of June 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4213; Filed, May 24, 1955; 8:46 a. m.]

[Docket No. G-6960]

F. WILLIAM CARR ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 19, 1955.

Take notice that F. William Carr et al. (Applicant), individuals whose address is Corpus Christi, Texas, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell 500 Mcf per day of natural gas produced from the Weesatche Field, Goliad County, Texas, to United Gas Pipe Line Company at 6.5¢ per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 11:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 7, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4214; Filed, May 24, 1955; 8:46 a. m.]

[Docket Nos. G-8695—G-8697, G-8919]

STANOLIND OIL AND GAS CO. ET AL.

ORDER FOR HEARING, CONSOLIDATING PROCEEDINGS, AND DENYING APPLICATIONS TO VACATE OR MODIFY SUSPENSIONS

In the matters of Stanolind Oil and Gas Company (Operator) et al., Docket No. G-8697; Phillips Petroleum Company, Docket No. G-8695; Continental Oil Company, Docket No. G-8696; Gulf Oil Corporation, Docket No. G-8919.

On April 1, 1955, the Commission issued orders suspending proposed changes in rate filings made by Stanolind Oil and Gas Company (Operator) et al., (Stanolind) in Docket No. G-8697, Phillips Petroleum Company (Phillips) in Docket No. G-8695, and Continental Oil Company (Continental) in Docket No. G-8696, all related to sales of natural gas made in interstate commerce by the foregoing companies to Mississippi River Fuel Corporation in the Woodlawn Field, Harrison County, Texas.

On February 4, 1955, Gulf Oil Corporation (Gulf) filed its Notice of Change in Rate Schedule, designated as Supplement No. 5 to Gulf's FPC Gas Rate Schedule No. 22, pertaining to sales of natural gas in interstate commerce to Mississippi River Fuel Corporation in the Woodlawn Field, Harrison County, Texas, which sales are related to or are made simultaneously with the same sales made by Stanolind, Phillips, and Continental to Mississippi River Fuel Corporation. By letter dated April 6, 1955, Gulf was notified that Supplement No. 5 to its FPC Gas Rate Schedule No. 22 would be permitted to become effective.

On May 19, 1955, the Commission issued its Order of Investigation into the lawfulness and reasonableness of the rates, charges and classifications of or pertaining to Supplement No. 5 to Gulf's FPC Gas Rate Schedule No. 22, in Docket No. G–8919.

On April 29, 1955, Continental filed in Docket No. G–8696 its Application for Rehearing and Reconsideration of the aforesaid Order Suspending Proposed Changes in Rates, and on May 2, 1955, Stanolind filed in Docket No. G–8697 an Application to Vacate or Modify the aforesaid Order Suspending Change in Rate Schedule.

The Commission finds:

(1) It is proper and in the public interest that the proceedings in Docket Nos. G–8695, G–8696, G–8697, and G–8919 should be consolidated for hearing.

(2) Upon consideration of the Orders of Suspension of Changes in Rate Schedules in the Stanolind proceeding, Docket No. G–8697, and the Continental proceeding, Docket No. G–8696, the applications to vacate or modify the said Orders of Suspension, or in the alternative for a rehearing, set forth no new facts and no principles of law which either were not fully considered by the Commission when it adopted said orders, or which having now been considered warrant any change in, or modification of said suspension orders.

The Commission orders:

(A) The proceedings in Docket Nos. G–8695, G–8696, G–8697, and G–8919 be and they hereby are consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15, and 16, a public hearing be held, commencing June 15, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in these proceedings.

(C) The application filed by Stanolind in Docket No. G–8697 to vacate or modify Suspension Order, or in the alternative for a Rehearing, and the application filed by Continental in Docket No. G–8696 for Rehearing and Reconsideration of the Order Suspending Proposed Changes in Rates be and the same are hereby denied.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 18, 1955.

Issued: May 19, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4217; Filed, May 24, 1955; 8:46 a. m.]

[1] Commissioner Digby dissenting.

[Docket No. G–8718]

TEXAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 19, 1955.

Take notice that The Texas Company (Applicant), a Delaware corporation whose address is Houston, Texas, filed an application on April 4, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Magnolia City Field, Jim Wells County, Texas, and sell the gas to Tennessee Gas Transmission Company, which will transport and resell the gas in interstate commerce. Delivery will be made at Tennessee Gas Transmission Company's lateral line serving the Magnolia City Field. The proposed deliveries are estimated at approximately 14,290 Mcf per month at 14.65 psia. The initial price is stated at 12.12268 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 17, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 9, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4215; Filed, May 24, 1955; 8:46 a. m.]

[Docket No. G–8921]

ARKANSAS FUEL OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Arkansas Fuel Oil Corporation (Applicant), on April 18, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, undated.....	United Gas Pipeline Co.....	Supplement No. 2 to applicant's FPC gas rate schedule No. 13.	June 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until November 1, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 18, 1955.

Issued: May 19, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4219; Filed, May 24, 1955; 8:47 a. m.]

[1] Commissioners Smith and Digby dissenting.

[Docket No. G–8919]

GULF OIL CORP.

ORDER INSTITUTING INVESTIGATION

Gulf Oil Corporation (Gulf) is an independent producer of natural gas and as such, among other operations, is an owner of partial interests in gas well operations in an unitized area of the Woodlawn Field, Harrison County, Texas.

On February 4, 1955, Gulf filed with the Federal Power Commission a proposed Change in Rate Schedule, designated as Supplement No. 5 to Gulf's FPC Gas Rate Schedule No. 22, applicable to sales made by Gulf to Mississippi River Fuel Corporation, St. Louis, Missouri, and proposed to be and which became effective April 3, 1955.

On the basis of data available to the Commission, the rates, charges, services or classifications for or in connection with such sales of natural gas subject to the jurisdiction of the Commission, as described in Supplement No. 5 to Gulf's FPC Gas Rate Schedule No. 22, may be unjust, unreasonable, unduly discriminatory or preferential.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission into and concerning any rate, charge, service or classification demanded, observed, charged or collected by Gulf Oil Corporation for or in connection with the sale of natural gas by Gulf to Mississippi River Fuel Corporation in accordance with Supplement No. 5 to Gulf's FPC Gas Rate Schedule No. 22.

The Commission orders:

(A) Pursuant to the authority contained in and subject to its authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15, and 16, an investigation be and it hereby is instituted for the purpose of enabling the Commission to determine whether any rate, charge, service, or classification demanded, observed, charged, or collected by Gulf Oil Corporation for or in connection with the sale of natural gas subject to the jurisdiction of the Commission in accordance with Supplement No. 5 to Gulf's FPC Gas Rate Schedule No. 22, or any related rule, regulation, practice or contract affecting such rate, charge, service or classification, is unjust, unreasonable, unduly discriminatory or preferential.

(B) If, after hearing, it shall find that any such rates, charges, services, classifications, rules, regulations, practices or contracts related to Supplement No. 5 to Gulf's FPC Gas Rate Schedule No. 22 are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders, just, reasonable, non-discriminatory or non-preferential rates, charges, services, classifications, rules regulations, practices or contracts to be thereafter observed and in force.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 18, 1955.

Issued: May 19, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4218; Filed, May 24, 1955; 8:47 a. m.]

[Docket No. G–8925]

HUMBLE OIL & REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Humble Oil & Refining Company (Applicant), on April 21, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Apr. 20, 1955.	United Gas Pipe Line Co....	Supplement No. 2 to applicant's FPC gas rate schedule No. 35.	June 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until November 1, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 18, 1955.

Issued: May 19, 1955.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4223; Filed, May 24, 1955; 8:48 a. m.]

[1] Commissioner Digby dissenting.

[2] Commissioners Smith and Digby dissenting.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 20, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30644: Fertilizer and fertilizer materials—Canada to Western points. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, from Calgary and Ft. Saskatchewan, Alta., Kimberley and Warfield, B. C., Canada to points in Colorado, Illinois, Iowa, Kansas, Michigan (upper peninsula), Missouri, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming.

Grounds for relief: Short-line distance formula, market competition, and circuity.

Tariffs: Canadian National Railway tariff I. C. C. No. W. 672; Canadian Pacific Railway Company tariff I. C. C. No. W. 1045.

FSA No. 30645: Iron and steel articles—Gadsden, Ala., to Ohio River crossings. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on iron and steel articles, carloads, from Gadsden, Ala., and grouped origins to Cairo and Metropolis, Ill., Evansville, Ind., Louisville and Paducah, Ky.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 105 to Agent Spaninger's I. C. C. 1258.

FSA No. 30646: Fertilizers from, to, and between points in the southwest. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, from, to, and between points in southwestern

and western trunk-line territories as described in the application.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 64 to Agent Kratzmeir's I. C. C. 4112, and one other tariff.

FSA No. 30647: Pressure pipe— Birmingham, Ala., to Louisiana. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on cast iron pressure pipe, fittings and related articles, carloads, from Birmingham, Ala., and grouped origins to Shreveport, La., and other specified Louisiana points intermediate to Shreveport.

Grounds for relief: Circuitous routes.

Tariff: Supplement 42 to Agent Spaninger's I. C. C. 1374.

FSA No. 30648: Alcohol and related articles—Southwest to Official and Illinois Territories. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on industrial alcohols, and related articles, carloads, also kindred alcohols, carloads, from points in southwestern territory as defined to points in official and Illinois territories as described in the application.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 9 to Agent Kratzmeir's I. C. C. 4129.

FSA No. 30649: Ingot molds—Neville Island, Pa., to Alabama City, Ala. Filed by C. W. Boin, Agent, for interested rail carriers. Rates on ingot molds, ingot molds stools, and bottom plates (sprue plates), carloads, from Neville Island, Pa., to Alabama City, Ala.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 75 to Agent Boin's I. C. C. A–968.

FSA No. 30650: Motor rail rates—St. Louis-San Francisco Railway. Filed by Middlewest Motor Freight Bureau, for the St. Louis-San Francisco Railway Company, Frisco Transportation Company and other interested motor carriers. Rates on various commodities, truck loads and less-truck loads, loaded on railroad flat cars, between St. Louis, Mo., and Tulsa, Okla.

Grounds for relief: Competition with other motor carriers.

Tariff: Supplement 23 to Middlewest Motor Freight Bureau tariff MF–I. C. C. No. 223.

FSA No. 30651: Motor-rail rates—Chicago Great Western Railway. Filed by Middlewest Motor Freight Bureau, for the Chicago Great Western Railway Company, the Raymond Motor Transportation, Inc., and other interested motor carriers. Rates on commodities, various, truck loads and less-than-truck loads on highway trailers loaded on railroad flat cars, between Chicago, Ill., and St. Paul, Minn.

Grounds for relief: Motor carrier competition.

Tariff: Supplement 23 to Middlewest Motor Freight Bureau tariff, MF–I. C. C. No. 223.

FSA No. 30652: Motor-rail rates—Missouri-Kansas-Texas Railroad. Filed by Middlewest Motor Freight Bureau, Agent, for Missouri-Kansas-Texas Railroad Company, Be-Mac Transport Company, Inc., and other interested motor carriers. Rates on commodities, various, truck loads and less-than-truck loads, in highway truck or trailers loaded on railroad flat cars, between (a) St. Louis, Mo., and Oklahoma City, Okla., and (b) between Kansas City, Kans., and Oklahoma City and Tulsa, Okla.

Grounds for relief: Motor carrier competition.

Tariff: Supplement 23 to Middlewest Motor Freight, tariff MF–I. C. C. No. 223.

FSA No. 30653: Iron and steel articles to Genoa, Tex. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel articles, carloads, from various interstate origins in the United States to Genoa, Tex.

Grounds for relief: Maintenance of destination rate relations with Galveston, Tex.

Tariffs: Supplement 185 to Agent Kratzmeirs I. C. C. 3443; Supplement 59 to Agent Kratzmeir's I. C. C. 4115.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–4220; Filed, May 24, 1955; 8:47 a. m.]

[Notice 61]

MOTOR CARRIER APPLICATIONS

MAY 20, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 200 Sub 178, filed March 14, 1955, amended May 9, 1955, published in the April 20, 1955 issue, page 2634, RISS & COMPANY, INC., Riss building, 15 West 10th Street, Kansas City, Mo. Applicant's representative: M. W. Van Cleave (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, but excluding livestock, between Pueblo, Colo., and Kit Carson, Colo., from Pueblo over Colorado Highway 96 to junction U. S. Highway 287, thence over U. S. Highway 287 to Kit Carson, and return over the same route, serving the intermediate point of Pueblo Ordnance Depot, Colo. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virgina, and the District of Columbia.

No. MC 263 Sub 75, filed May 13, 1955, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, P. O. Box 349, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier* over a regular route, transporting: *Class A and B explosives*, including *ammunition*, between the Wingate Ordnance Depot, near Gallup, N. Mex., and Cortez, Colo., from the Wingate Ordnance Depot over U. S. Highway 66 to Gallup, thence over U. S. Highway 666 to Cortez, (also from Shiprock, N. Mex., over U. S. Highway 550 to Durango, Colo., thence over U. S. Highway 160 to Cortez), and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in California, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming.

No. MC 1129 Sub 4, Filed May 9, 1955, INTERSTATE FREIGHT LINES, INC., 1700 First Avenue South, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *Class A, B and C explosives*, serving Grand Mound, Wash., as an intermediate point for the purpose of interchanging traffic with other motor carriers, in connection with carrier's regular route operations between Portland, Oreg. and Seattle Wash., over U. S. Highway 99. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 2986 Sub 16 filed March 18, 1955, INDIANAPOLIS & SOUTHERN MOTOR EXPRESS, INC., P. O. Box 491, Vincennes, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. REGULAR ROUTES: (1) Between Loogootee, Ind., and junction U. S. Highway 50 and Indiana Highway 37, from Loogootee over U. S. Highway 50 to junction Indiana Highway 37, and return over the same route, serving all intermediate points, and off-route points in Martin County, Ind. The carrier is authorized this regular route in Certificate No. MC 2986 Sub 12, but service is authorized to and from the intermediate point of Shoals, Ind., only, therefore, duplication with present authority should be eliminated. (2) Serving all off-route points in Martin County, Ind., in connection with carrier's regular route operations between junction U. S. Highways 50 and 150 at or near Shoals, Ind., and junction U. S. Highway 150 and Indiana Highway 56 at or near Prospect, Ind., over U. S. Highway 50. IRREGULAR ROUTES: Between points in Martin County, Ind. Applicant is authorized to conduct operations in Illinois, Indiana and Ohio.

No. MC 8253 Sub 2, filed May 12, 1955, ED. WELLESTAT, INC., 2641 South Wells Street, Chicago, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock*, other than ordinary, *attendants*, and in connection therewith, *personal* effects of attendants, *supplies* and *equipment*, used in the care and exhibition of such animals, (1) between points in Colorado, Arizona, Nevada, California, Utah, New Mexico, Idaho, Montana, Washington, Oregon, and Wyoming, and (2) between points in Colorado, Arizona, Nevada, California, Utah, New Mexico, Idaho, Montana, Washington, Oregon, and Wyoming, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 9895 Sub 82, filed May 12, 1955, R. B. "DICK" WILSON, INC., P. O. Box 838, East 59th Ave. and Highway 6, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Molasses*, in bulk, in tank trucks, between points in Colorado, Wyoming, those in Nebraska on and west of U. S. Highway 183, and those in Kansas on and west of U. S. Highway 183.

No. MC 11185 Sub 88, filed May 16, 1955, J–T TRANSPORT COMPANY, INC., 6504 E. 37th St., Kansas City, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Airplane fuel tanks*, uncrated, between Beech Aircraft Corporation plant located approximately eleven (11) miles northeast of Herington, Kans. and Farmingdale, Long Island, N. Y. Applicant is authorized to conduct operations throughout the United States.

No. MC 13026 Sub 3, filed May 10, 1955, ARTHUR A. FREDA, doing business as FREDA'S TRUCKING COMPANY, 318 Talbot Avenue, Braddock, Pa. Applicant's attorney: Arthur J. Diskin, 924 Frick Bldg., Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick, tile*, and *stone*, from points in Ohio on and east of U. S. Highway 23, to points in Allegheny, Washington, Beaver, Butler, Lawrence, Westmoreland, Armstrong, Fayette, Greene, and Indiana Counties, Pa. Applicant is authorized to conduct operations in Ohio, Pennsylvania, and West Virginia.

No. MC 18320 Sub 3, filed May 9, 1955, YORK TRANSPORTATION COMPANY, INC., 1007 E. Boundary Ave., York, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between York, Pa. and junction of State Highway No. 43 (Schuylkill Expressway) and U. S. Highway No. 1, from York, Pa. over U. S. Highway 30 to Paoli, Pa., thence over U. S. Highway 202 to junction Pennsylvania State Highway No. 43 (Schuylkill Expressway) and thence to its junction with U. S. Highway No. 1, and return over the same route, as an alternate or connecting route for operating convenience only, serving no intermediate points, in connection with carrier's authorized regular route between York, Pa. and New York, N. Y. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, New York, and Connecticut.

No. MC 18639 Sub 6, filed May 16, 1955, EARL BUTTERWORTH, doing business as BUTTERWORTH MOTOR FREIGHT LINES, 809 1st Avenue, N., Humboldt, Iowa. Applicant's representative; William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, in containers, from LaCrosse, Wis., to Algona, Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movement. Applicant is authorized to conduct operations in Illinois, Iowa and Minnesota.

No. MC 25643 Sub 32, filed May 2, 1955, EVERTS' COMMERCIAL TRANSPORT, INC., 920 18th Place West, Eugene, Oreg. Applicant's attorney: Earle V. White, 1401 Northwest 19th Avenue, Portland 9, Oreg. For authority to operate as a *common carrier*, over irregular routes transporting: Methanol (Methyl alcohol), in bulk, in tank trucks, from points in Solano, Marin, Contra Costa, Alameda, San Francisco, San Mateo and Santa Clara Counties, Calif., to Springfield and Portland, Oreg., and Seattle, Wash.

No. MC 31378 Sub 1, filed March 31, 1955, W. C. GEISMAN, INC., 250 Freeman Street, Brooklyn 22, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick* and *hollow tile*, between points in Nassau, Suffolk, Westchester, Putnam, Rockland and Orange Counties, N. Y.; Fairfield and New Haven Counties, Conn.; and Bergen, Essex, Passaic, Hudson, Union, Middlesex, Monmouth, Morris, Sommerset, Sussex and Hunterdon Counties, N. J., restricted to shipments having a prior or a subsequent movement by rail. Applicant is authorized to conduct operations in Connecticut, New Jersey and New York.

No. MC 32474 Sub 16, filed May 12, 1955, C. A. CONKLIN TRUCK LINE, INC., 247 Pearl St., Adrian, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *Empty trailers*, between Milwaukee, Wis., and Rockford, Ill., from Milwaukee over Wisconsin Highway 15 to junction Wisconsin Highway 140, thence over Wisconsin Highway 140 to the Wisconsin-Illinois State line, thence over Illinois Highway 76, to junction Illinois Highway 173, thence over Illinois Highway 173 to Rockford, and return over the same route, serving no intermediate or off-route points, for operating convenience only in connection with applicant's regular-route operations between (1) Monroe, Wis., and Rockford, Ill., and (2) between Chicago, Ill., and Milwaukee, Wis. Applicant is authorized to conduct operations in Illinois, Michigan, Indiana, Ohio, Wisconsin, and Iowa.

No. MC 38170 Sub 10, filed May 9, 1955, WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the Ford Motor Company, Sterling Plant, located at or near the intersection of Mound Road and 17-Mile Road, Sterling Township, Macomb County, Mich., an off-route point in connection with the carrier's regular route operations between Detroit, Mich., and Flint, Mich., over U. S. Highway 10. Applicant is authorized to conduct operations in Ohio and Michigan.

No. MC 44443 Sub 2, filed March 30, 1955, PACKAGE DELIVERY COM-

PANY, a corporation, 320 South 2d Avenue, Sioux Falls, S. Dak. Applicant's attorney: H. Lauren Lewis, Morrell Building No. 50, Post Office Box 707, Sioux Falls, S. Dak. For authority to operate as a common carrier, over irregular routes, transporting: *New furniture*, uncrated, from Sioux Falls, S. Dak., to points in that part of Minnesota on and west of U. S. Highway 71 and on and south of U. S. Highway 14, and those in that part of Iowa on and west of U. S. Highway 71 and on and north of Iowa Highway 3.

No. MC 50002 Sub 24, (amended) published on page 1594, issue of March 16, 1955. T. CLARENCE BRIDGE AND HENRY W. BRIDGE, doing business as BRIDGE BROTHERS, 610 West Elm Street, Post Office Box 588, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita, 2, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied chemical fertilizer*, in bulk, in tank vehicles, between points in Colorado, Kansas, Nebraska, Wyoming, that portion of Oklahoma on and north of U. S. Highway 60 and on and west of U. S. Highway 183, Pryor, Okla., and points within fifteen (15) miles thereof, and Etter, Tex., and points within five (5) miles thereof, and points in Missouri on and north of U. S. Highway 40, and on and west of Missouri Highway 23 to junction with U. S. Highway 65, and on and west of U. S. Highway 65 to the Missouri-Iowa State line.

No. MC 35211 Sub 1, filed May 9, 1955, FRANK MURPHY, 730 Richmond Terrace, New Brighton, Staten Island, N. Y., Applicant's attorney: August W. Heckman, 880 Bergen Ave., Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Building materials*, other than cement, lumber, and brick, as listed in the application, from the facilities of the United States Gypsum Company at the Towns and Townships of Stony Point and Haverstraw (Rockland County), N. Y. (a) to points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New Jersey; (b) Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess, Ulster, Sullivan, Columbia, Greene, Delaware, Albany, Rensselaer, Schoharie, Broome, Tioga, Chemung, Cortland, Tompkins, Chenango, Otsego, Cayuga, Onondaga, Madison, Oneida, Herkimer, Montgomery, Fulton, Schenectady, Saratoga, Washington, Warren, Hamilton, Lewis, Oswego, Jefferson, Essex, Clinton, Franklin and St. Lawrence Counties, New York, and New York, N. Y.; (c) Philadelphia, Delaware, Chester, Lebanon, Montgomery, Bucks, Lehigh, Northampton, Berks, Dauphin, Schuylkill, Northumberland, Montour, Columbia, Luzerne, Carbon, Monroe, Pike, Wayne, Lackawanna, Wyoming, Susquehanna, Bradford, Sullivan, Lycoming and Tioga Counties, Pa.; (2) *gypsum board paper*, from the facilities of the United States Gypsum Company at Clark Township (Union County), N. J., to the facilities of the United States Gypsum Company at the Towns and Townships of Stony Point and Haverstraw (Rockland County), N. Y.; (3) *lime and lime products*, (a) from the facilities of the United States Gypsum Company at Falls Village (Canaan Township, County of Litchfield), Conn., and (b) from Farnams (Berkshire County), Mass., to the facilities of the United States Gypsum Company at the Towns and Townships of Stony Point and Haverstraw (Rockland Co.), N. Y.; (4) *pulpboard*, from the facilities of the United States Gypsum Company at Jersey City (Hudson Co.), N. J., to the facilities of the United States Gypsum Company at the Towns and Townships of Stony Point and Haverstraw (Rockland Co.), N. Y.; (5) *pallets* used in transporting the above-named commodities on return. Applicant is authorized to conduct operations in Connecticut, New Jersey and New York.

No. MC 59310 Sub 42, filed May 9, 1955, SPROUT & DAVIS, INC., 2500 Indianapolis Blvd., Whiting, Ind. Applicant's representative: George S. Mullins, 4704 W. Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from East Chicago and Whiting, Ind., to points in Wisconsin, except points in Dane, Columbia, Rock, Green, Jefferson, Sheboygan, Racine, Walworth, Green Lake, Dodge, Milwaukee, Marquette, Washington, Ozaukee, Fond du Lac, Kenosha, and Waukesha Counties, Wis. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Missouri, and Wisconsin.

No. MC 59925 Sub 2, filed May 12, 1955, and amended May 18, 1955, JOHN PETER GARRISON, doing business as GARRISON, Branchville, N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Humus*, in bulk, in bags, and loose, from points in Sussex and Warren Counties, N. J., except those within five miles of Newton, N. J., to Philadelphia, Pa., points in Wayne, Pike, Monroe, Northampton, Bucks, and Montgomery Counties, Pa., New York, N. Y., and points in Nassau, Suffolk, Orange, Westchester, Rockland, Sullivan and Ulster Counties, N. Y.

No. MC 60253 Sub 18, filed May 13, 1955, AGNES METZ, doing business as ARLINGTON TRUCK COMPANY, 940 Toronto Avenue, Toledo, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plate glass, laminated glass*, and *glass building materials* and *fittings therefor*, from Toledo, Ohio, and points within five miles thereof, to points in that part of New York west of U. S. Highway 15 (except Buffalo), and points in that part of Pennsylvania west of a line beginning at the New York-Pennsylvania State line and extending along U. S. Highway 15 to Williamsport, Pa., thence along U. S. Highway 220 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, and *empty containers* and *bucks and blocking* used in connection with the transportation of the above-specified commodities, from the above-specified destination points to Toledo, Ohio, and points within five miles thereof. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, New York, Ohio, Pennsylvania, West Virginia and Wisconsin.

No. MC 64110 Sub 17, Filed April 15, 1955 (Amended), GRANT J. MEAD AND ALBERT L. MEAD, doing business as MEAD TRUCK LINES, 36 Gardeau Street, Perry, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, (Mailing address: P. O. Box 382), Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packinghouse products* and *commodities used by packing-houses*, as defined by the Commission in Ex Parte No. MC 45, *frozen meats* and *frozen foods*, from points in New York on and west of U. S. Highway 11, Albany, N. Y. and North East, Pa. to points in Alabama, Florida, Georgia, North Carolina and South Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement. Applicant is authorized to conduct operations in New York, Florida, Alabama and Georgia.

No. MC 65772 Sub 9, Filed May 6, 1955 (amended), EARL D. CHANEY, doing business as CHANEY TRANSPORTATION CO., 23 Howard St., Cumberland, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Glass, materials, supplies, equipment* and *machinery* used in the manufacture of glass, between points in Allegany County, Md., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Connecticut, Rhode Island, Massachusetts, Maryland and the District of Columbia.

No. MC 68807 Sub 23, Filed May 11, 1955, BENJAMIN H, HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plumbers' goods*, (1) from Ellwood City, Pa., to Zanesville, Ohio, (2) from Zanesville, Ohio, to points in Maine, New Hampshire, Vermont, Pennsylvania, Connecticut, the District of Columbia, Massachusetts, New York, (except points in the New York, N. Y., Commercial Zone as defined by the Commission), Virginia (except points in that portion on, south and west of a line beginning at the Virginia-West Virginia State line, thence extending along U. S. Highway 60 to Buena Vista, Va., thence along U. S. Highway 501 to the Virginia-North Carolina State line), Wilmington, Del., Frederick, Cumberland, Prince Frederick, Cambridge, and Rockville, Md., Paterson, Passaic, Newton, Red Bank, Freehold, Asbury Park, Egg Harbor City, and Haddon Heights, N. J., and Providence, R. I., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return movements. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and the District of Columbia.

NOTE: Applicant has common carrier, irregular route authority under Certificate No. MC 105461, dated August 24, 1950—section 210 may be involved.

No. MC 73756 Sub 4, filed March 25, 1955, DAVID GINSBURG, SARAH GINSBURG, SINGER, TILLIE MOORE AND MORRIS SINGER, a partnership, doing business as WASTE MOTOR HAULAGE COMPANY, South Brandywine Ave., Downingtown, Pa. Applicant's attorney: Paul F. Barnes, 801 I. B. M. Bldg., Phila., Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper board, fibre board*, and *pulp board*, from Downingtown, Pa., to points in Rhode Island, North Carolina, South Carolina, West Virginia, New York, Detroit, Mich., Cincinnati, Columbus, and Youngstown, Ohio, St. Louis, Mo., and Chicago, Ill., and *waste paper*, and *empty skids* used in the transportation of the commodities specified above on return movements. Applicant is authorized to conduct operations in Washington, D. C., Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Ohio, Massachusetts and Pennsylvania.

NOTE: Applicant is agreeable to the revocation of all duplicating authority if and when the authority herein applied for is granted.

No. MC 76032 Sub 94, filed May 4, 1955, published May 18, 1955, on page 3484, and amended May 17, 1955, NAVAJO FREIGHT LINES, INC., 381 So. Broadway, Denver, Colo. Applicant's attorney: O. Russell Jones, 54½ E. San Francisco St., Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, including *Class A, B and C explosives, ammunition*, not included in Class A, B and C explosives, and *component parts* of explosives and ammunition, but excluding those of unusual value, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the Jack Pyle Project of the Isbell Construction Company approximately nine miles north of Laguna, N. Mex., as an off-route point in connection with carrier's regular-route operations between Amarillo, Tex., and Los Angeles, Calif. Applicant is authorized to conduct operations in California, New Mexico, Nevada, Arizona, Colorado, Nebraska, Missouri, Iowa, and Illinois.

No. MC 76177 Sub 258, filed May 13, 1955, BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, NW., Washington, D. C. For authority to operate as a *common carrier*, serving the intermediate point of Bynum, Ala., including the Site of the Anniston Ordnance Depot located at Bynum, in connection with carrier's authorized regular route operations between Birmingham and Gadsden, Ala., transporting *General commodities*, except those of unusual value, Class A and B explosives, blasting materials, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading, operating from Birmingham over U. S. Highway 78 to Anniston, Ala., thence over U. S. Highway 241 to Gadsden (also from Anniston over Alabama Highway 11 to Piedmont, Ala., and thence over Alabama Highway 74 to Gadsden), and return over these routes. Service is authorized to and from the intermediate points of Leeds, Pell City, and Anniston, Ala., and those on Alabama Highways 11 and 74. Applicant is authorized to conduct operations in Alabama.

NOTE: Applicant states: The only purpose of instant application is to secure the right to serve Bynum (including the Anniston Ordnance Depot), Ala., as an intermediate point in connection with its authorized operations as above-described, contained in Certificate No. MC 76177 dated October 18, 1948.

No. MC 91306 Sub 5, filed May 16, 1955, JOHNSON BROTHERS TRUCKERS, INC., Box 189, Elkin, N. C. Applicant's attorney: James E. Wilson, Continental Bldg., 14th Street at K, NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture* and *new furniture parts*, from Elkin, Ronda, and North Wilkesboro, N. C., to points in New York, New Jersey, and Delaware, those in Pennsylvania on and east of U. S. Highway No. 11, and those in Maryland and Virginia east of Chesapeake Bay beginning at Chesapeake City, Md., and continuing south along Chesapeake Bay to the Atlantic Ocean. Applicant is authorized to conduct operations in North Carolina, New Jersey, Tennessee, Delaware, Maryland, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 92983 Sub 128, filed May 16, 1955, ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, vegetable oil products*, and *blends thereof*, in bulk, in tank vehicles, (1) from points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Ohio, and Tennessee, to St. Louis, Mo., and (2) between St. Louis, Mo., on the one hand, and, on the other, points in Iowa, Minnesota, and Wisconsin. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

No. MC 98707 Sub 2, filed May 5, 1955, MILES MOTOR TRANSPORT SYSTEM, a corporation, P. O. Box 510, Stockton, Calif. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: REGULAR ROUTES: *General commodities, including commodities in bulk*, but excluding household goods as defined by the Commission, Class A and B explosives, petroleum products in bulk, livestock, articles of extraordinary value, poultry and unprocessed agricultural commodities, and commodities requiring refrigerated equipment, (1) between Los Angeles, Calif., and Sacramento, Calif., over U. S. Highway 99, (2) between Los Angeles, Calif., and San Francisco, Calif., from Los Angeles over U. S. Highway 99 to junction California Highway 120, thence west over California Highway 120 to junction U. S. Highway 50, thence over U. S. Highway 50 to San Francisco (also from Los Angeles over U. S. Highway 99 to Sacramento, Calif., and thence west over U. S. Highway 40 to San Francisco) and return over the same route, (3) between Los Angeles, Calif., and Eureka, Calif., from Los Angeles over U. S. Highway 101 to Eureka, Calif. (also from Los Angeles over U. S. Highway 101 Alternate to Oxnard, Calif., thence over U. S. Highway 101 to San Jose, Calif., thence over U. S. Highway 101 By-Pass to San Francisco, Calif., thence over U. S. Highway 101 to Eureka), and return over the same route, serving all intermediate points, and off-route points within 25 miles of the above routes. RESTRICTIONS: (1) No shipments of iron and steel articles and tinplate having origin or destination at Pittsburg, Calif., shall be transported, (2) No shipments shall be transported having both origin and destination (a) between San Francisco, Calif., and San Jose, Calif., inclusive; (b) between San Francisco, Richmond, Albany, El Cerrito, Oakland, Emeryville, Berkeley, Alameda, San Leandro, and Hayward, Calif., and (c) between points located within ten miles of Los Angeles, Calif. (3) No shipments of less than 20,000 pounds or subject to a charge lower than applicable on 20,000 pounds shall be transported (except that between San Francisco and Eureka shipments shall be 30,000 pounds or more or bear a charge applicable to 30,000 pounds) except that in the case of empty containers applicant shall not transport any such shipment of less than 5,000 pounds or subject to a charge lower than applicable on 5,000 pounds. IRREGULAR ROUTES: *Cement*, in bulk, and in sacks, (1) from points in San Mateo, Santa Clara, Santa Cruz, San Joaquin, Alameda and Calaveras Counties, Calif., to points in Oregon and Nevada, and (2) from Gold Hill, Oreg., to points in California north of the northern boundaries of San Luis Obispo, Kern and San Bernardino Counties, Calif. If and when this application is granted the carrier should request that the second proviso filing in Docket No. MC 98707 be dismissed. Applicant is authorized to conduct operations in California under the second proviso of section 206 (a) of the Interstate Commerce Act.

No. MC 103947 Sub 28, filed May 9, 1955, TERMINAL TRANSPORT CO., a corporation, 2330 West County Road "C", St. Paul, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid synthetic resin, surface coating resin compound*, and *ester gums*, in bulk, in tank trucks, from Minneapolis and St. Paul, Minn., to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin.

No. MC 106020 Sub 14, filed May 16, 1955, G. L. ALLEN COMPANY, a corporation, 5850 Pardee Road, Dearborn, Mich. Applicant's representative: G. H.

Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pig iron, scrap, iron* and *steel*, between Detroit, Mich., and points in the Detroit, Mich. Commercial Zone as defined by the Commission, to points in Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement.

No. MC 107128 Sub 6, filed May 4, 1955, FAST FREIGHT, INC., 2612 W. Morris Street, Indianapolis 21, Ind. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glass containers and accessories therefor*, in cartons and knocked-down paper board boxes, *fillers* and *advertising matter*, moved in connection therewith, from points in that portion of West Virginia on and west of a line commencing at the West Virginia-Ohio State line at or near Waverly, W. Va., and extending along West Virginia Highway 2 to Parkersburg, W. Va., to points in that part of Wisconsin on and south of Wisconsin Highway 54 and on and east of Wisconsin Highway 80. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, Pennsylvania, West Virginia and Wisconsin.

No. MC 107403 Sub 202, filed May 10, 1955, E. BROOKE MATLACK, INC., 33d & Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 801–804 I. B. B. Bldg., 226 South 15th Street, Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids, chemicals*, and *resins*, in bulk, in tank vehicles, from Bristol and Philadelphia, Pa., to points in Louisiana. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Maryland, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 107515 Sub 176, filed May 12, 1955, REFRIGERATED TRANSPORT CO., INC., 290 University Ave. SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Bldg., Atlanta 3, Georgia. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods, including frozen fruits and vegetables*, from Independence, La., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee. Applicant is authorized to conduct operations in Arkansas, Alabama, Tennessee, Georgia, Louisiana, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Minnesota, Oklahoma, Iowa, Florida, Mississippi, Texas, Wisconsin, Kansas, North Carolina and South Carolina.

No. MC 107515 Sub 177, filed May 13, 1955, REFRIGERATED TRANSPORT CO., INC., 290 University Ave. SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prepared dough* or *prepared bakery products*, requiring refrigeration, from Denison, Texas, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee, except Memphis. Applicant is authorized to conduct operations in Arkansas, Alabama, Florida, Georgia, Iowa, Mississippi, Louisiana, Tennessee, North Carolina, South Carolina, Illinois, Indiana, Missouri, Kentucky, and Virginia.

No. MC 108141 Sub 1, filed May 9, 1955, ARVIE M. BURCHETT, Prestonsburg, Ky. Applicant's attorney: Woodrow W. Burchett, Prestonsburg, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal mine machinery, equipment, materials and supplies*, between points in Kentucky, Ohio, and West Virginia. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement.

No. MC 109084 Sub 4, filed May 9, 1955, STANLEY A. WESTGOR, Wittenberg, Wis. Applicant's attorney: Solie and Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to conduct operations as a *contract carrier*, over irregular routes, transporting: *Lumber*, from points in Minnesota on and south of U. S. Highway 14 to Marshfield and Park Falls, Wis. Applicant has authority to operate in Michigan, Wisconsin, and Illinois.

No. MC 109478 Sub 23, filed May 9, 1955, WORSTER MOTOR LINES, INC., East Main Road, R. D. #1, North East, Pa. Applicant's attorney: William W. Knox, 1101–5 Palace Hardware Bldg., Erie, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Returned pallets*, as used outbound in transporting the commodities specified in applicant's present authority in MC 109478, MC 109478 Sub 13, and MC 109478 Sub 17, between points authorized to be served in Indiana, Illinois, Ohio, West Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, the lower peninsula of Michigan, and the District of Columbia.

No. MC 109806 Sub 2, filed May 12, 1955, IRVING C. FEIN, doing business as STORE FIXTURE MOVERS, 330 South Alameda, Los Angeles, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Store fixtures, store furniture* and *store equipment*, (1) between points in California, and (2) between points in Los Angeles County, Calif., on the one hand, and, on the other, points in Oregon, Washington, Montana, Idaho, Wyoming, Utah, Colorado, New Mexico and Texas. Applicant is authorized to conduct operations in California, Arizona and Nevada.

No. MC 109811 Sub 6, filed February 21, 1955, amended May 11, 1955, published in the March 9, 1955 issue, page 1422, VIRGIL E. LEONHARDT, doing business as LEONHARDT TRUCKING, 214 Wyandot Building, Galion, Ohio. Applicant's attorney: D. H. Armstrong, 16 East Broad Street, Columbus, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Truck bodies, accessories*, and *parts therefor, ice control spreaders, concrete mixers and parts thereof; trailers* and *semi-trailers*, in initial and secondary movements, *fifth wheels, fifth wheel cranes, industrial tractors, excavating machinery, crushing and screening machinery, parts* and *accessories*, from Galion, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *truck bodies, accessories* and *parts therefor*, from Wapakoneta, Ohio, to the above-specified destination points, *materials, parts, supplies* and *equipment* used in the manufacture of the machines, articles and commodities named in this application, from Galion, Ohio, to the above-specified destination points, and from the above-specified destination points to Galion, Ohio. *Damaged shipments* of the commodities specified in this application, from the above-specified destination points to Galion and Wapakoneta, Ohio. Applicant is authorized to conduct operations in all States and the District of Columbia, except Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

No. MC 110252 Sub 34, filed May 13, 1955, JAMES J. WILLIAMS, INC., North 1108 Pearl Street, Spokane, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals* as defined by the Commission in Ex Parte No. MC–45, in bulk, in tank vehicles, between points in that portion of Idaho on and north of the southern boundary of Idaho County, Idaho, and points in that portion of Washington on and east of U. S. Highway 97.

No. MC 112272 Sub 2, filed May 9, 1955, REISS TRANSPORTATION, INC., 24–60 28th Street, Long Island City, N. Y. Applicant's attorney: Max A. Bratt, 16 E. 52d St., New York 22, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Grease*, in bulk, in tank trucks and tank semi-trailers, from New York, N. Y., on the one hand, and, on the other, Newark, N. J. and Kearny, N. J.

No. MC 114489 Sub 1, filed May 6, 1955, SNOWDEN OIL TRANSPORT COMPANY, 2960 Bianchette Street, Beaumont, Texas. Applicant's attorney: John H. Benckenstein, Beaumont, Texas. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Asphalt* and *road oils*, in bulk, in tank trucks, and tank trailers, from points in Jefferson County, Tex., to points in Louisiana.

No. MC 114901 Sub 1, filed April 25, 1955, AUGUST VAROLI AND RAYMOND F. VAROLI, doing business as VAROLI AND SON, 973 Ridge Road, Bridgeville, Pa. Applicant's attorney: Frank C. Roney, Washington Trust Bldg., Washington, Pa. For authority to operate as a contract carrier, over irregular routes, transporting: *Concrete pipe, slabs* and *cribbing* for the Universal Concrete Pipe Company, from Collier Township, Allegheny County, Pa., to points in Hancock, Brooke, Ohio, Marshall, Wetzel, Monongalia, Preston, Marion, Harrison, Taylor, Wood, Tyler, and Pleasants Counties, W. Va.; Ashtabula, Lake, Geauga, Summit, Cuyahoga, Lorain, Medina, Wayne, Holmes, Trumbull, Portage, Mahoning, Stark, Columbiana, Noble, Monroe, Washington, Vinton, Jackson, Carroll, Jefferson, Harrison, Tuscarawas, Guernsey, Belmont, Morgan, Athens, and Meigs Counties, Ohio; *empty containers or other such* incidental facilities (not specified) used in transporting the commodities specified in this application, *returned shipments* of the above-named commodities, and *materials and equipment* used in the manufacture of concrete products, from points in the above-specified West Virginia and Ohio Counties to the plant of the Universal Concrete Pipe Company, Collier Township, Allegheny County, Pa.

No. MC 115197 Sub 1, filed April 21, 1955, (Amended), published May 4, 1955, on Page 3010, AMERICAN TRANSPORT, INC., 1727 East Division St., P. O. Box 623, Springfield, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank trucks, from the pipe line terminal on the Cherokee Pipe Line, located approximately seven (7) miles northeast of Mount Vernon, Mo., to Ava, Mo., and all points in that part of Missouri bounded by a line beginning at the Missouri-Kansas State line and extending along U. S. Highway 36 to junction U. S. Highway 63, thence along U. S. Highway 63 to junction U. S. Highway 60, thence along U. S. Highway 60 to the Missouri-Oklahoma State line, thence along the Missouri-Oklahoma State line to the Missouri-Kansas State line, and thence along the Missouri-Kansas State line to point of beginning, including points on the indicated portions of the highways specified.

NOTE: Applicant has contract carrier, irregular route authority in MC 111147, MC 111147 Sub 1 and MC 111147 Sub 2—section 210 may be involved.

No. MC 115221, filed March 1, 1955, FRANK S. BAKER, JR., doing business as BAKER'S EXPRESS, Post Office Box 138, Elkins, N. H. Applicant's attorney: Joseph Kovner, 88 North Main Street, Concord, N. H. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Manchester, N. H., and Hanover, N. H., (1) from Manchester, over U. S. Highway 3 to Boscawen, thence over U. S. Highway 4 to Potter Place, thence over New Hampshire Highway 11 to Claremont, thence over New Hampshire Highway 12 to junction New Hampshire Highway 12A, thence over New Hampshire Highway 12A to junction U. S. Highway 4, thence over U. S. Highway 4 to Lebanon, and thence over New Hampshire Highway 120 to Hanover, and return over the same route; (2) from Manchester, over New Hampshire Highway 3A to Concord, thence over U. S. Highway 202 to Hopkinton, thence over New Hampshire Highway 103 to Newport, thence over New Hampshire Highway 10 to Lebanon, thence over U. S. Highway 4 to West Lebanon, and thence over New Hampshire Highway 10 to Hanover, and return over the same route. Service is proposed to and from all intermediate points on the above described routes, the off-route points of Franklin, East Andover, West Andover, Wilmot, Enfield Center, Mascoma, and Springfield, N. H., and all off-route points located between the two described routes.

No. MC 115344, filed May 2, 1955, TANNER–BRICE COMPANY, INC., Railroad Ave., Vidalia, Ga. Applicant's attorney: Duncan Graham, Vidalia, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Foodstuffs*, from points in Tennessee, Florida, and South Carolina to Vidalia, Ga., and *Empty containers* or other such incidental facilities (not specified) used in transporting the commodities specified in this application on return.

No. MC 115345, filed May 2, 1955, C. C. MURPHY, Kirkland St., Abbeville, Ala. Applicant's attorney: John W. Rish, First National Bank Bldg., Dothan, Ala. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum products*, including *gasoline, kerosene, tractor fuel, diesel fuel*, and *cleaning fluid*, between Albany, Ga., Pensacola, Fla., Panama City, Fla., and Abbeville, Ala.

No. MC 115353, filed May 11, 1955, LOUIS J. KENNEDY, 342 Schuyler Ave., Kearny, N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Building materials*, exclusive of cement, lumber, and brick, including but not restricted to those listed in the application, from the facilities of the United States Gypsum Company, Town and Townships of Stony Point and Haverstraw, N. Y. (Rockland Co.) (a) to points in New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, and New Jersey; (b) New York, N. Y.; (c) Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess, Ulster, Sullivan, Columbia, Greene, Delaware, Albany, Rensselaer, Schoharie, Broome, Tioga, Chemung, Cortland, Tompkins, Chenango, Otsego, Cayuga, Onondaga, Madison, Oneida, Herkimer, Montgomery, Fulton, Schenectady, Saratoga, Washington, Warren, Hamilton, Lewis, Oswego, Jefferson, Essex, Clinton, Franklin, and St. Lawrence Counties, N. Y.; (d) Philadelphia, Delaware, Chester, Lancaster, Lebanon, Montgomery, Bucks, Lehigh, Northampton, Berks, Dauphin, Schuylkill, Northumberland, Montour, Columbia, Luzerne, Carbon, Monroe, Pike, Wayne, Lackawanna, Wyoming, Susquehanna, Bradford, Sullivan, Lycoming, and Tioga Counties, Pa. (2) *gypsum board paper*, from the facilities of the United States Gypsum Company at Clark Township (Union County), N. J., to the facilities of the United States Gypsum Company, Town and Townships of Stony Point and Haverstraw, N. Y. (Rockland Co.) (3) *lime and lime products*, (a) from the facilities of the United States Gypsum Company at Falls Village, Canaan Township (Litchfield Co.), Conn., and (b) from Farnams (Berkshire Co.), Mass. to the facilities of the United States Gypsum Company, Town and Townships of Stony Point and Haverstraw (Rockland Co.), N. Y.; (4) *pulpboard*, from the facilities of the United States Gypsum Company at Jersey City (Hudson Co.), N. J., to the facilities of the United States Gypsum Company, Town and Townships of Stony Point and Haverstraw (Rockland Co.), N. Y.; (5) *pallets* used in transporting the above-named commodities on return.

No. MC 115355, filed May 12, 1955, FRANK TALBOT, doing business as DESERT OUTPOST, Vidal, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *Wrecked and disabled motor vehicles and trailers*, in a towaway service, from points on U. S. Highway 95 between Needles and Blythe, Calif., and points on unnumbered Metropolitan Aqueduct Highway between Desert Center, Calif., and Parker, Ariz. to Parker, Ariz.

No. MC 115358, filed May 13, 1955, DARRYL PERKINS, doing business as PERKINS MOTOR TRANSPORT, Old Town Site, P. O. Box 52, Mankato, Minn. Applicant's attorney: Hoyt Crooks, 842 Raymond Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Hardwood millwork*, such as *panelling, molding, stair parts, door and window frames and sills, flooring and commodities described as building woodwork*, from Little Rock and Ft. Smith, Ark., to points in Minnesota and points in Iowa located on and north of U. S. Highway 6, and *exempt commodities*, on return.

No. MC 115362, filed April 21, 1955, (instant application erroneously published on page 3002, issue of May 4, 1955, as a *common carrier* under Docket No. MC 19000 Sub 3). DENNIS J. LOUGHMAN, doing business as WAYNESBURG-PITTSBURGH LOCAL EXPRESS, Waynesburg, Pa. Applicant's attorney: Frank C. Roney, Washington Trust Bldg., Washington, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cloth, rags, cloth and rag waste materials, textile fabrics, clothing and wearing apparel*, from points in Greene County, Pa., to points in the Baltimore, Md., commercial zone, as defined by the Commission; and, *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *empty milk containers*, and *coca cola syrup*, on return. Applicant is authorized to conduct operations in Pennsylvania.

No. MC 115364, filed May 16, 1955, GOODMAN MOTOR TRANSPORT CO., LTD., 6838 Yew Street, Vancouver 14, British Columbia, Canada. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. For authority to operate as a *contract carrier*, over a regular route, transporting: *Lumber*, from the International Boundary line between the United States and Canada at or near Blaine, Wash., to Bellingham and Seattle, Wash., over U. S. Highway 99.

No. MC 115365, filed May 16, 1955, KENNETH W. KREMPEL, Chadwick, Ill. Applicant's attorney: Edward Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Insecticides, fungicides, herbicides, rodenticides, insect repellents, vermin exterminators, animal feeds and tonics*, and *poultry feeds and tonics*, from Omaha, Nebr. to farms in Illinois and Wisconsin.

No. MC 115354, filed May 12, 1955, HERMAN COLUSSY, doing business as COLUSSY ICE COMPANY, 647 Baldwin Street, Bridgeville, Pa. Applicant's attorney: M. J. Barron, 1023 North Keystone Avenue, River Forest, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Baking pans for cleaning and glazing purposes*, between Bridgeville, Pa., on the one hand, and, on the other, points in that part of Pennsylvania, Ohio, New York, West Virginia, and Maryland, bounded by a line beginning at a point on U. S. Highway 20 east of Erie, Pa., and extending east and north along U. S. Highway 20 through Buffalo, N. Y., to junction U. S. Highway 15, near Avon, N. Y., thence south along U. S. Highway 15, via Frederick, Md., to junction U. S. Highway 50, thence west along U. S. Highway 50 to junction U. S. Highway 19, thence south along U. S. Highway 19 to junction West Virginia Highway 4, thence west along West Virginia Highway 4 to Charleston, W. Va., thence west and north along U. S. Highway 35 to Chillicothe, Ohio, thence north along U. S. Highway 23 through Columbus, Ohio to junction U. S. Highway 42, thence north and east along U. S. Highway 42 to junction U. S. Highway 20, thence east along U. S. Highway 20 to point of beginning, including points on the indicated portions of the highways specified.

No. MC 115343, filed May 2, 1955, and amended May 13, 1955, LESTER THIEL AND LEONARD J. GORECKI, doing business as TEMPCO DISTRIBUTING CO., 1326 South 15th St., Manitowoc, Wis. Applicant's attorney: Arden A. Muchin, First Floor Union Bldg., 1004 Washington St., Manitowoc, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Commodities or items made of styrofoam or expanded polystyrene and combined with other materials*, such as Snowballs, canes, styrofoam blocks, acrosses, floral wreaths and decorations, table center-pieces, styrofoam snow, and decorative items of styrofoam which are used to form figures or displays, from Manitowoc, Wis., to Chicago, Ill., over U. S. Highway 141 to junction Wisconsin Highway 144, thence over Wisconsin Highway 144 to Wisconsin Highway 57, thence over Wisconsin Highway 57 to junction U. S. Highway 141, thence over U. S. Highway 141 to Milwaukee, Wis., thence over U. S. Highway 41, to Chicago, and *Supplies, consisting of unfabricated styrofoam, setup boxes and containers*, and *sequins*, on return.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1501 Sub 103, filed May 9, 1955, GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago, Ill. Applicant's attorney: Linwood C. Major, Jr., 2001 Massachusetts Avenue, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, from junction U. S. Highway 27 and Tennessee Highway 61, near Harriman, Tenn., to Rockwood, Tenn., over Tennessee Highway 61, via Emory Gap and Cardiff, Tenn., a distance of approximately eight (8) miles, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F–5972. Authority sought for purchase by GARDEN CITY TRANSPORTATION CO., LTD., P. O. Box 857, San Jose, Calif., of the operating rights and property of VINCENT LIPPOLIS and DAVID L. DITTO, a partnership, doing business as V. LIPPOLIS DRAYAGE CO., 330 Keyes St., San Jose, Calif., and for acquisition by JOSEPH MINARDI, VERNON CRISTINA, ROBERT A MINARDI, NATHAN MARTIN, and FRANK PETERS, San Jose, Calif., of control of the operating rights and property through the purchase. Applicants' attorney: J. Richard Townsend, 1700 Mills Tower, San Francisco, Calif. Operating rights sought to be transferred: *Canned fruits and vegetables and dried fruit, supplies used in the operation of canneries and fruit packing plants, flour, olive oil, cheese and canned food, such articles as are dealt in by retail and wholesale hardware concerns*, as a common carrier, over irregular routes, from, to and between certain points in California. Vendee is authorized to operate as a common carrier in California. Application has been filed for temporary authority under section 210a (b).

No. MC–F–5981. Authority sought for control by WEST END TRUCK SALES, INC., 300 Lunenburg St., Fitchburg, Mass., of the operating rights and property of A B & C MOTOR TRANSPORTATION CO., INC., 300 Lunenburg St., Fitchburg, Mass., and for acquisition of IAN S. MURDOCH, 145 Pinckney St., Boston, Mass., and ALVIN R. HOLMES, 306 Belmont St., Worcester, Mass., of control of the operating rights and property through the transaction. Applicants' attorney: Kenneth B. Williams, 89 State St., Boston, Mass. Operating rights sought to be controlled: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, including routes between Fitchburg, Mass., and New York, N. Y., between Worcester, Mass., and New Haven, Conn., between Greenfield, Mass., and Springfield, Mass., between Boston, Mass., and Worcester, Mass., between Greenfield, Mass., and Fitchburg, Mass., between Providence, R. I., and Lowell, Mass., serving certain intermediate and off-route points; between Boston, Mass., and Albany, N. Y., serving all intermediate points and certain off-route points; *general commodities*, with certain exceptions, including household goods, over alternate regular routes for operating convenience only, including routes between Holyoke, Mass., and junction U. S. Highway 202 and Massachusetts Highway 2; between Providence, R. I., and junction U. S. Highway 20 and Massachusetts Highway 131 near Sturbridge, Mass., between Concord, Mass., and junction Massachusetts Highway 12 and Massachusetts Highway 2, near Leominster, Mass.; *general commodities*, with exceptions as specified above, over irregular routes, between Springfield and Boston, Mass., and points in Massachusetts within ten miles of Boston, and Albany and Saugerties, N. Y., and points in New York within 15 miles of Albany, on the one hand, and, on the other, points in Massachusetts; *paper and paper products, hot water heaters, machine rolls, machinery, oil*, in containers, *rugs, malt beverages, empty malt beverage containers, iron and steel wire, new furniture*, from, to and between certain points in Massachusetts, Rhode Island, New York and Connecticut. West End Truck Sales, Inc., is not a motor carrier, but is controlled by Ian S. Murdoch and Alvin R. Holmes. The latter is a motor carrier and controls other motor carriers. Mr. Murdoch is in control of Murdoch & Hatch Motor Transport, Inc., these carriers operate in numerous states along the Eastern Seaboard. Application has been filed for temporary authority under section 210a (b).

No. MC–F–5982. Authority sought for purchase by INTERSTATE MOTOR LINES, INC., 235 West Third Street, South, Salt Lake City, Utah, of a portion of the operating rights and certain property of ARROWHEAD FREIGHT LINES, LTD., 2222 East 38th Street, Los Angeles, Calif., and for acquisition by T. S. CARTER, Salt Lake City, Utah, of control of said operating rights through the purchase. Applicants' attorney: Edward M. Berol, 100 Bush St., San Francisco 4, Calif. Operating rights sought to be transferred: *General commodities*, with no exceptions, as a *common carrier*, over regular routes, between Jerome, Idaho, and Gooding, Idaho, serving no intermediate points; *general commodities*, moving in express service, between Weiser, Idaho, and Salt Lake City, Utah, serving certain intermediate and off-route points; *general commodities*, with certain exceptions, including household goods, over regular routes, including routes between Paris, Idaho, and Randolph, Utah, between Salt Lake City, Utah, and Paris, Idaho, and between Mills Junction, Utah, and Eureka, Utah, serving certain intermediate and off-route points; *general commodities*, with certain exceptions, not including household goods, over regular routes, including routes between Los Angeles Harbor, Calif., and Ogden, Utah, and between Barstow, Calif., and Davis Dam Site, Nev., serving certain intermediate and off-route points; *general commodities*, with certain exceptions, including household goods, over and alternate regular route for operating convenience only, between Preston, Idaho, and McCammon, Idaho; *such materials and supplies* as are used in the maintenance and operation of Civilian Conservation Corps Camps, over irregular routes, between Pocatello, Idaho, and Civilian Conservation Corps Camps within 30 miles of Afton, Wyo. Vendee is authorized to operate in Colorado, Utah, Wyoming, Nevada, California, Illinois and Nebraska. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5983. Authority sought for purchase by RALPH G. SMITH, INC., 239 Market St., West Chester, Pa., and DELAWARE VALLEY TRUCKING COMPANY, INC., 15 Exchange Place, Jersey City, N. J., of the operating rights and property of RALPH G. SMITH, JR., 239 Market St., West Chester, Pa., and for acquisition by RALPH G. SMITH, JR., of control of the operating rights and property through the purchase. Applicants' attorney: Robert H. Shertz, 226 South Fifteenth St., Philadelphia, Pa. Operating rights sought to be transferred: (Ralph G. Smity, Inc.) *Household goods*, as a *common carrier*, over irregular routes, between points in Chester, Delaware, Lancaster, and Montgomery Counties, Pa., on the one hand, and, on the other points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Ohio, and the District of Columbia; *Livestock*, other than ordinary livestock, and in connection therewith, *personal effects* of their attendants, and *supplies and equipment*, including mascots, used in the care or exhibition of such livestock, between points in Connecticut, Delaware, Florida, Illinois, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; *horses*, (other than ordinary livestock), and *equipment*, and *paraphernalia incidental to the care, transportation, and exhibition of such horses*, between points in Ohio, Kentucky, Michigan, Illinois, Indiana, Missouri, Louisiana, Arkansas, Virginia, West Virginia, Maryland, Pennsylvania, and New York; (Delaware Valley Trucking Company, Inc.), *milk and milk products*, requiring refrigeration, in containers (not in tank trucks), between Mechanicsburg, Pa., and points within 25 miles of Mechanicsburg, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, North Carolina, South Carolina, Indiana, Virginia, and the District of Columbia. Neither vendee holds any authority from the Commission. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5984. Authority sought for control by PACIFIC INTERMOUNTAIN EXPRESS CO., 299 Adeline St., Oakland, Calif., of the operating rights and property of ORANGE TRANSPORTATION COMPANY, INC., 758 West 14th North, Salt Lake City, Utah, and COLLETT TANK LINES, 758 West 14th North, Salt Lake City, Utah. Applicants' attorneys: A. S. Glikbarg, 155 Sansome St., San Francisco, Calif., Edward M. Berol, 100 Bush St., San Francisco, Calif., and Lynn S. Richards, 716 Newhouse Bldg., Salt Lake City, Utah. Operating rights sought to be controlled: (Orange Transportation Company, Inc.), *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, including routes between Sugar, Idaho, and Victor, Idaho, serving the intermediate and off-route points of Teton, Newdale, Clementsville, Tetonia, Driggs, Drummond, and Felt, Idaho; and between Idaho Falls, Idaho, and Ammon, Idaho, serving all intermediate points; *general commodities*, with certain exceptions, not including household goods, including routes between Salt Lake City, Utah, and Boise, Idaho, between Tremonton, Utah, and St. Anthony, Idaho, between Brigham, Utah, and Downey, Idaho, between Boise, Idaho and Lucky Peak Dam, Idaho, between Wendell, Idaho and Bliss, Idaho, between Jerome, Idaho and Idaho Falls, Idaho, and between Salmon, Idaho, and Missoula, Mont., serving certain intermediate and off-route points. Orange Transportation Company, Inc., is also authorized to operate over several regular routes for operating convenience only: *Such materials, supplies and equipment* as are necessary to the maintenance and operation of Civilian Conservation Corps Camps, over irregular routes, between certain points in Idaho; (Collett Tank Lines), *petroleum and/or petroleum products*, as a *common carrier*, over regular routes, including routes between Billings, Mont., and Boise, Idaho, between Great Falls, Mont., and Boise, Idaho, between Parco, Wyo., and Salt Lake City, Utah, between Boise, Idaho and Weiser, Idaho, between Boise, Idaho and Emmett, Idaho, between Pocatello, Idaho and La Barge, Wyo., between Cedar City, Utah and St. George, Utah; *petroleum and/or petroleum products*, over regular and irregular routes, including routes between Powder Wash, Colo., and Woods Cross, Utah; *petroleum and/or petroleum products*, over irregular routes, from, to and between certain points in Montana, Oregon, Idaho, Colorado, Utah, Wyoming, Nevada, and New Mexico. Pacific Intermountain Express Co., is authorized to operate in Colorado, Utah, Wyoming, California, Nevada, Idaho, Missouri, Kansas and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5985. Authority sought for purchase by PATERSON TRUCK LINE, INC., 600 Roosevelt St., Houma, La., of the operating rights and property of HERMAN C. POLK, doing business as H. C. POLK TRUCKING COMPANY, Front St., Prentiss, Miss., and for acquisition by RUTH C. PATTERSON and CHARLES R. PATTERSON, JR., Houma, La., of control of the operating rights and property through the purchase. Applicants' attorney: H. Minor Pipes, P. O. Box 326, Houma, La. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment*, incidental to or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier*, over irregular routes, between points in Louisiana, Arkansas, Mississippi, Oklahoma, and Texas. Vendee is authorized to operate in Louisiana under the Second Proviso of section 206 (a) (1). Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F. R. Doc. 55–4221; Filed, May 24, 1955; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 9 (A III)]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 17, 1955.

In exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the lands described hereafter have been reconveyed to the United States. The area reconveyed and the serial number identifying the exchange are as indicated:

DENVER–051542

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 92 W.,
Section 15: W½NW¼.

80 acres.

PUEBLO–058314

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 18 S., R. 73 W.,
Section 16: All;
Section 36: N½NE¼.
T. 19 S., R. 73 W.,
Section 16: All.

1,360 acres.

DENVER–053568

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 9 S., R. 76 W.,
Section 13: W½W½;
Section 15: SE¼SE¼;
Section 22: E½NE¼; NE¼SE¼;
Section 23: W½NW¼.

400 acres.

DENVER–053348

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 14 S., R. 91 W.,
Section 2: S½SW¼;
Section 11: N½NW¼.

160 acres.

DENVER–053048

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 80 W.,
Section 3: Lots 3 and 4, S½NW¼; SW¼.
T. 1½ N., R. 80 W.,
Section 34: Lots 1, 2, 3, 4.
T. 2 N., R. 80 W.,
Section 34: S½SW¼; SW¼SE¼.

495.60 acres.

The minerals in the above described lands were wholly or partly reserved by the grantor or by prior grantors, and any person acquiring any of these lands must accept title subject to such reservations. Information as to any mineral rights reconveyed to the United States is of record in the Colorado Land Office, 437 Post Office Building, Denver, Colorado.

This order is subject to any withdrawals, reservations, rights-of-way or easements which may now affect the land, and to any withdrawals, reservations, rights-of-way or easements which may hereafter be affected.

The lands embraced in this order are situated in central and western Colorado and are rolling to very steep, with generally thin rocky soils unsuited for farming.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) Ninety-one day period for preference-right filings. For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) Date for non-preference-right filings. Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Colorado Land Office, 437 Post Office Building, Denver, Colorado, shall be acted upon in accordance with the regulations contained in 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Land Office Manager, Colorado State Office, 429 Post Office Building, Box #1018, Denver 1, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 55–4210; Filed, May 24, 1955; 8:45 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 9a]

RYE

NOTICE OF INVESTIGATION AND PUBLIC HEARING

Investigation instituted. By direction of the President, dated May 20, 1955, the United States Tariff Commission, on the 20th day of May 1955, instituted, and hereby gives notice of, an investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether rye, rye flour, and rye meal are practically certain to be imported into the United States after June 30, 1955, under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price-support program for rye undertaken by the United States Department of Agriculture pursuant to sections 301 and 401 of the Agricultural Adjustment Act of 1949, as amended, or to reduce substantially the amount of products processed in the United States from domestic rye with respect to which such program is being undertaken.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Tariff Commission Building, 8th and E Streets NW., Washington, D. C., beginning at 10 a. m., e. d. s. t., on the 14th day of June 1955.

Request to appear at hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing, at the Commission's offices in Washington, D. C., at least three days in advance of the hearing.

I hereby certify that the above investigation was instituted and hearing was ordered on the 20th day of May 1955.

Issued: May 20, 1955.

DONN N. BENT,
Secretary.

[F. R. Doc. 55–4235; Filed, May 24, 1955; 8:49 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 20 NUMBER 103

Washington, Thursday, May 26, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

[FHA Instruction 411.3]

PART 316—APPLICANTS

[FHA Instructions 421.2, 421.3, 421.4]

PART 321—SELECTION OF FARMS

[FHA Instruction 443.1]

PART 331—PROCESSING DIRECT LOANS

[FHA Instruction 443.2; Administration Letter 383 (440)]

PART 332—PROCESSING INITIAL LOANS

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 462.1]

PART 371—OPERATING LOANS

MISCELLANEOUS AMENDMENTS

1. In § 311.23 of this chapter (19 F. R. 1363) reference to §§ 321.41 to 321.44 of this chapter is changed to § 332.3 of this chapter.

2. Subpart C of Part 316 of this chapter, consisting of §§ 316.41 and 316.42 (13 F. R. 9395), is revoked.

3. Section 321.22 (a) (3) of this chapter (15 F. R. 4885) is revised to read as follows:

§ 321.22 *Preparation of option*—(a) *Use of option.* * * *

(3) When the option has been signed by the seller and the buyer, the County Supervisor will determine whether it is satisfactory and unless corrections are required it will be held in the applicant's file pending action upon the loan application.

4. Subpart C of Part 321 of this chapter, consisting of §§ 321.41 to 321.44 (14 F. R. 3913), is revoked.

5. In § 321.65 of this chapter (13 F. R. 9400) reference to §§ 331.1 to 331.11 and §§ 332.1 to 332.10 of this chapter are changed to Part 332 of this chapter.

6. Subchapter B of this chapter is amended to revoke Parts 331 and 332, consisting of §§ 331.1 to 331.13 (13 F. R. 9410, 16 F. R. 10920, 17 F. R. 1409), §§ 332.1 to 332.10 (13 F. R. 9413, 17 F. R. 1079, 8375), and §§ 332.21 to 332.23 (14 F. R. 2161, 17 F. R. 1081), and to add a new Part 332, Processing Initial Loans, as follows:

Sec.
- 332.1 General.
- 332.2 Loan approval authority.
- 332.3 County committee certification.
- 332.4 Deferred payments.
- 332.5 Second mortgage direct loans.
- 332.6 Preparation of loan dockets.
- 332.7 Action by loan approval official.
- 332.8 Accepting option and requesting title service.
- 332.9 Cancellation of loans.
- 332.10 Increase or decrease in amount of loan.
- 332.11 Occupancy of farms by Tenant Purchase and Farm Enlargement borrowers.
- 332.12 Action by State Office after approval of loan.
- 332.13 Action by County Supervisor following receipt of closing instructions.
- 332.14 Loans to homestead entrymen.

AUTHORITY: §§ 332.1 to 332.14 issued under sec. 41 (1), 60 Stat. 1066, sec. 4 (c), 64 Stat. 100; 7 U. S. C. 1015 (1), 40 U. S. C. 442 (c) § 332.14 also issued under R. S. 161, 5 U. S. C. 22. Interpret or apply sec. 44 (b), 62 Stat. 1069, 7 U. S. C. 1018 (b). Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 332.1 *General.* (a) This part prescribes the authorities, policies, and procedures for processing initial insured and direct Farm Ownership loans.

(b) As used in this part, "preliminary title evidence" includes preliminary title insurance binder or other preliminary report of title from the title insurance company, or in appropriate cases, the abstract of title, attorney's preliminary opinion of title, or certificate of title. "Final evidence of title" means a mortgagee's policy of title insurance, the attorney's final opinion or certificate of title after loan closing, or the abstract of title extended to the date of loan closing. "Local representative furnishing title evidence" means the local representative of the title company, the abstracter, or the closing attorney as the case may be.

§ 332.2 *Loan approval authority.* The State Field Representative is au-

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FEDERAL REGISTER

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(For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end ($2.25)

Title 8 ($0.45)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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thorized to approve or disapprove initial direct and insured loans in accordance with Farmers Home Administration procedures, except that individual loans in connection with a subdivision will not be approved by the State Field Representative until prior approval of the subdivision has been received from the State Director.

§ 332.3 *County committee certification.* The County Supervisor will arrange for a meeting of the County Committee to make a final determination as to the eligibility of the applicant for a Farm Ownership loan, to inspect the farm, and to make the necessary determinations with respect to the applicant and the farm. He will make available to the Committee for all loans except a Building Improvement loan completed Forms FHA–596, "Earning Capacity Report," FHA–5968, "Map of Farm," FHA–643, "Farm Development Plan," FHA–14, "Farm and Home Plan," and FHA–14A, "Long-Time Farm and Home Plan." For Building Improvement loans he will make available completed Forms FHA–440, "Farm Appraisal Report," FHA–596B, FHA–643 and Form FHA–197A, "Report on Application for Loan." However, when a Building Improvement loan is being made to an active borrower who already is receiving supervision, existing Forms FHA–14 and FHA–14A will be revised at the time the Building Improvement loan is developed to show significant changes in the financial statement and the plan of operation. These Forms will be made available to the County Committee instead of Form FHA–197A.

(a) *Certification as to applicant.* The County Committee is responsible for certifying as to the eligibility of each applicant to receive the benefits of Title I of the Bankhead-Jones Farm Tenant Act, as amended; that, in the opinion of the Committee, the applicant by reason of his character, ability, industry, and experience honestly will endeavor to, and successfully will carry out undertakings and obligations required of him under a Farm Ownership loan; and that credit, sufficient in amount to finance the actual needs of the applicant, is not available to him at the rates (but not exceeding the rate of 5 percent per annum) and terms prevailing in the community in or near which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source.

(b) *Certification as to farm.* The County Committee is responsible for certifying that the farm is of such character that there is a reasonable likelihood that the making or insuring of the loan with respect thereto will carry out the purposes of Title I. The County Committee is also responsible for certifying as to the fair and reasonable value of the farm based upon its normal earning capacity. The County Committee's certification as to the fair and reasonable value of the farm should represent its actual bona fide determination with respect to the particular farm under consideration after personally inspecting the farm and reviewing Form FHA–596 or Form FHA–440. The Committee should not be influenced by the amount of the proposed loan or the county average value in making its determination of the fair and reasonable value of the farm. Usually the inspection of the farm will be accomplished by the Committee as a group in order to obtain the benefit of group discussion. For Building Improvement loans, the County Committee in determining the fair and reasonable value of the farm should be largely governed by Form FHA–440 and the facts it discloses concerning the value of the real estate security.

NOTE: The fair and reasonable value will not be based on the normal market value.

(1) A fair and reasonable value higher than the value recommended by the appraiser may be justified when the following conditions exist.

(i) The farm or tract is particularly desirable because of its present high state of development or productivity, or development substantially greater than that contemplated by the appraiser is provided for in the Farm Development Plan.

(ii) The long-time farm and home plan shows definite possibilities of net income substantially greater than shown in the appraisal report. This may result from the system of farming outlined in the plan being more intensive and more profitable than the system outlined in the appraisal report. It is essential in such instances that the planned operation be sound and that the farming system planned be one that is established and successful in the area. (This item does not apply to Building Improvement loans except when made to an active borrower who already is receiving supervision.)

(iii) The applicant has outstanding managerial ability and experience which indicates that he will be successful under the system of farming planned.

(2) A fair and reasonable value less than the appraiser's recommended value should be determined when:

(i) The planned operation is less intensive or less profitable than the one outlined in the earning capacity report; or

(ii) Adequate provisions are not made in the farm development plan or farm and home plans for carrying out the improvements recommended by the appraiser.

(3) If the fair and reasonable value of the farm, as determined by the Committee, should exceed by as much as 5 percent the value as determined by the appraiser, a specific justification signed by the Committee must be attached to Form FHA–491, "County Committee Certification."

(4) In case of a load to a disabled veteran for a less than an efficient family-type farm-management unit, the County Committee, in certifying as to the suitability of the farm, will consider the factors listed in § 321.3 of this chapter. The fair and reasonable value will not be in excess of the normal market value of the farm and the amount of loan recommended will not exceed the debt-paying ability of the application considering both his farm income and non-farm income.

(c) *Execution of Form FHA–491.* The County Committee will certify to the above determinations on Form FHA–491 if they recommend that a loan be made. If the County Committee does not execute Form FHA–491, the County Supervisor will notify the applicant as to the reason why a loan cannot be made.

(Secs. 1 (c), 2 (a), (b) and (d), 42 (c) and (d), 44 (a) (2) and (3), 60 Stat. 1073, 1074, 1067, 1068; 7 U. S. C. 1001 (c), 1002 (a), (b) and (d), 1016 (c) and (d), 1018 (a) (2) and (3))

§ 332.4 *Deferred payments.* (a) Except for a Building Improvement Loan the initial payment on a Farm Ownership loan may be deferred until the end of the second full crop year from the date of the loan. Such payments may be deferred only when the farm and home plan covering the first full crop year clearly demonstrates that for the period for which deferment is proposed there will be insufficient income to meet a regular annual installment on the loan after farm operating, family living, and other essential expenses are paid. Further, in the judgment of the loan approval official, there must be adequate evidence that income in subsequent years will be sufficient to meet the requirements of the loan. The initial payment must always be more than a nominal payment. Deferred payments will not be used to permit the accelerated repayment of other debts, to purchase an unusually large amount of capital goods, or to perform major items of land development. Deferment will be justified only when:

(1) There is a conversion of the farming system from an unsound, ill-balanced farm organization to a sound, well-balanced farm organization, adequate returns from which will be delayed for one or two full crop years; or

(2) There is being established a system of farming requiring substantial investments in land clearing, draining, leveling, irrigating, basic fertilizing, and seeding, or other land development or soil improvement operations, adequate returns from which will be delayed for one or two full crop years.

(3) The conversion of the farming system or the performance of major land development provided above are clearly outlined in Forms FHA–14A and FHA–643.

(b) For an insured loan, in addition to the above requirements, the initial payment may be deferred only when the lender has agreed to such deferment and the deferment does not violate State or local laws or regulations to which the lender may be subject.

(Sec. 48, 60 Stat. 1070, sec. 4, 65 Stat. 198; 7 U. S. C. 1022)

§ 332.5 *Second mortgage direct loans.* When a direct loan is to be secured by a second mortgage the following items will apply.

(a) Form FHA–446, "Agreement with Prior Lienholder," will be used when the loan approval official considers, in view of the repayment terms or other objectionable provisions of the prior mortgage, or for any other reason, that it would be unduly hazardous to make a second mortgage loan without the additional protection which the agreement is designed to afford.

(b) The applicant will be required to furnish the County Supervisor, before the docket is assembled, a copy of any note and mortgage held by the prior lien holder so that a proper determination can be made as to whether it should be refinanced. In addition, the County Supervisor will be furnished a current statement from the mortgagee showing (1) the correct outstanding principal balance of the existing mortgage(s), (2) the amount of any accrued interest, (3) whether the account(s) is (are) current or delinquent, and (4) rate of interest if not shown in the mortgage. Any cost incident to securing such copy of mortgage or current statement will be paid by the applicant.

(c) In States where a prior mortgage holder may foreclose his mortgage without giving the Government actual notice of foreclosure, the closing of loans to be secured by second mortgages will be conditioned on the prior mortgage holder's executing an agreement whereby the Government will be given actual notice of the commencement of foreclosure proceedings. The State Director will furnish the appropriate form of notice agreement and will issue a State Instruction regarding its use. If the recordation of such an agreement is necessary to bind assignees of the prior mortgage holder, the cost of recordation will be paid by the borrower.

(Par. (a), 68 Stat. 525; 7 U. S. C. 1003 (a))

§ 332.6 *Preparation of loan dockets.* Forms required in loan processing will be prepared in the County Office. The County Supervisor will assemble the loan docket when the County Committee has signed Form FHA–491 and will submit the loan docket to the loan approval official.

§ 332.7 *Action by loan approval official*—(a) *Effective docket development.* While it is not a requirement that the loan approval official interview all applicants and visit all farms, he will do so with sufficient frequency to discharge properly his responsibility for seeing that (1) loans are sound, (2) dockets are properly developed, and (3) that basic policies of the Farm Ownership program are being carried out in each County Office area under his jurisdiction.

(b) *Examination of loan.* Before approving any Farm Ownership loan, the loan approval official will make a comprehensive and objective study of the proposed loan, utilizing all available information regarding the family, the farm, and the plans of operation. The study is to determine the soundness of the loan, to see if the docket is correctly prepared, and to ascertain if it is within the loan limits as prescribed in Subpart B of Part 311 of this chapter. In the case of a direct loan where the property is subject to an existing mortgage, the loan approval official must determine whether the loan is to be secured by a first or second mortgage. If the loan approval official's findings do not concur with the County Supervisor's recommendation, the docket will be returned to the County Supervisor for revision. For the efficient family-type farm-management unit, the loan approval official before approving the loan will determine that:

(1) The applicant is eligible, and the proper loan (insured or direct) has been selected.

(2) The farm is, or can be developed into, an efficient family-type farm-management unit.

(3) If the fair and reasonable value of the farm exceeds the recommendation of the appraiser by 5 percent or more, the County Committee Certification is supported by a narrative justification.

(4) The farm and home plans provide for a sound system of farming which can be carried out by the family.

(5) The planned improvements are adequate for the planned operations and meet minimum construction standards and minimum land development standards.

(6) The planned improvements will put the farm in livable and operable condition at the outset, and the amount of work to be done by the family in connection with the improvements is within the capacity of the family and will not seriously interfere with their farming operations.

(7) The family's resources are such as reasonably to assure that the family can meet debt obligations and become successful owner-operators of the farm. Careful consideration should be given to the amount of chattels and equipment owned, the amount of debts outstanding, and cash available for operations.

(8) In case of a Farm Enlargement or a Farm Development loan, the unit is not an efficient family-type farm before enlargement or development, but will be an efficient family-type farm when the planned enlargement or development is completed.

(c) *Special requirements for Building Improvement loans.* The loan approval official will determine that the period of the loan is consistent with the debt-paying ability of the applicant and the security interest of the Government and that the amount of the loan is not in excess of the debt-paying ability of the applicant or the fair and reasonable value of the farm, less any prior lien not to be refinanced, whichever is less. The loan approval official will recognize that the only buildings to be improved are those that were mutually agreed upon by the applicant and the County Supervisor; moreover, a determination will be made that such improvements are essential to the farm and meet minimum construction standards insofar as is practicable.

(d) *Special requirements for a loan to a veteran.* (1) For each loan to a veteran the loan approval official will check the evidence of discharge or release. After the loan has been approved or disapproved the evidence of discharge will be returned to the applicant.

(2) In the case of a veteran with pensionable disability, the written evidence of disability will be checked to verify the amount of the pension and the type of disability. Special attention will be necessary with respect to an application for a loan to a disabled veteran who desires a Farm Ownership loan on less than an efficient family-type farm-management unit. The loan approval official will make the same determinations as for any other loan except the farm may be less than an efficient family-type farm-management unit. For such a loan he will determine that the farming operations to the extent undertaken are sound, and, together with the pensionable income, will provide a reasonable standard of living and meet required expenditures.

(e) *Approval or disapproval of a loan.* (1) If the loan is approved, the loan approval official will:

(i) Indicate approval of the loan and sign the certificate on Form FHA–476, "Record of Actions."

(ii) Sign Form FHA–643, "Farm Development Plan."

(iii) Sign Form FHA–5, "Loan Authorization," for a direct loan or an insured loan when the United States as trustee for a State Rural Rehabilitation Corporation is the lender.

(2) If the loan is disapproved, the loan approval official will explain on Form FHA–476 the reasons therefor and initial and date the original. The County Supervisor will notify the applicant, giving the reasons for the disapproval of the loan.

(Secs. 1, 3 (a) and (b) (4), 12 (a) and (c) (4), 60 Stat. 1072, 1074, 1076, sec. 2 (f), 64 Stat. 99; 7 U. S. C. 1001, 1003 (a) and (b) (4), 1005b (a) and (c) (4), 40 U. S. C. 440 (f))

§ 332.8 *Accepting option and requesting title service.* (a) Subject to the provisions of paragraph (b) of this section, when the County Supervisor receives Form FHA–476 indicating approval of the loan, he will: (1) In case of a Tenant Purchase or Farm Enlargement loan prepare the acceptance of option letter, Form FHA–191, "Acceptance of Option (Vendor to Furnish Abstract)," or Form FHA–191B, "Acceptance of Option (Vendor to Furnish Title Insurance)." The original of the option acceptance letter will be signed by the applicant as "Buyer," and by his wife if she is named in the option, and mailed to the seller. Form FHA–191B also will be signed by the County Supervisor. If it is necessary that the seller submit a deposit for furnishing an abstract in connection with placing the order for title insurance, information to that effect will be added to the option acceptance letter, and it will be the responsibility of the County Supervisor to see that the necessary action is taken by the seller; and (2) see that title service is requested in accordance with Part 327 of this chapter. For all types of loans he will stamp or type "Insured" or "Direct" on the signed application for title insurance and forward it to the representative of the title insurance company or to the office of the company whichever is customary. When forwarding the application for title insurance or requesting title clearance other than title insurance, the County Supervisor will request that the preliminary title evidence be sent to the Farmers Home Administration County Office. He will also request that the mortgagee policy of title insurance and owner's policy of title insurance, if any, be sent to the Farmers Home Administration County Office. In the case of an insured loan, the County Supervisor will request that the mortgagee title insurance policy be made payable to the mortgagee and/or the United States of America.

(b) For an insured loan, no acceptance of option letter will be prepared and no title service will be requested until the County Supervisor ascertains the name and address of the lender who will make the specific loan.

§ 332.9 *Cancellation of loans.* (a) Loans may be cancelled before loan closing upon request of the applicant or upon order of the County Supervisor through the use of Form FHA–903, "Request for Cancellation of Loan," and approval of such cancellation by the loan approval official. For an insured loan, any checks advanced will be returned promptly to the lender with an explanatory letter.

(b) If title insurance has been ordered, the title insurer's representative with whom the order was placed and, if possible, the local representative responsible for examining the title will be promptly notified of the cancellation by the County Supervisor. If title insurance is not used, the abstracter or attorney likewise will be notified. Actual cancellation of the order for title insurance or title examination is a matter between the party who ordered the services and the party rendering the services. The Government will not be liable for charges made for services performed.

§ 332.10 *Increase or decrease in amount of loan.* If it becomes necessary that the amount of the loan be increased or decreased, the County Supervisor will request that all distributed docket forms be returned to the County Office. The loan docket will be revised accordingly and reprocessed.

§ 332.11 *Occupancy of farms by Tenant Purchase and Farm Enlargement borrowers.* Upon acceptance of the option the contract of sale of the farm becomes complete, conditional upon delivery of satisfactory title by the seller. When the acceptance of option letter, Form FHA–191 or FHA–191B, has been mailed to the seller, the borrower will arrange with the seller, in consultation with the Supervisor, to occupy and operate the farm as soon as practicable. Agreements will be in writing and cover such subjects as disposition of growing crops, rentals, payment of maintenance costs, and other pertinent points. The following Forms will be used for this purpose, as appropriate:

(a) Form FHA–189, "Short-Term Lease of Optioned Land".

(b) Form FHA–198, "Short-Term Lease (Between Purchaser and Seller)".

(c) Form FHA–129, "Temporary Cropping License".

(d) Form FHA–199, "Agreement (Between Seller, Purchaser, and Tenant)".

(Secs. 3 (b) (4), 12 (c) (4), 60 Stat. 1074, 1076; 7 U. S. C. 1003 (b) (4), 1005b (c) (4))

§ 322.12 *Action by State Office after approval of loan.* (a) For an insured loan if the lender was not previously known, the State Office will inform the County Supervisor as soon as the lender is known.

(b) Upon receipt of Form FHA–971, "Request for Check," the State Director, or other authorized person whose "Signature Card" has been submitted to the National Office, will examine the Form and if the Form is correctly prepared the State Director or other authorized person will sign and date the attestation to the signature of the County Supervisor. Form FHA–971 will then be immediately forewarded to the lender.

§ 332.13 *Action by the County Supervisor following receipt of closing instructions.* When closing instructions have been received by the County Supervisor from the Attorney in Charge, the County Supervisor will provide a copy of the closing instructions for the local representative furnishing title evidence, and they will discuss the closing instructions and determine the date on which the loan will be closed. The borrower and seller, if any, will be notified of the loan closing date. The loan will be closed in accordance with the closing instructions and the following appropriate actions will be taken prior to and after loan closing.

(a) *Insured loan.* When the proposed date for loan closing has been determined the County Supervisor will prepare and sign Form FHA–971 and forward it to the State Director except when the United States as trustee for a State Rural Rehabilitation Corporation is the lender. In a case where the seller is to become the lender, the amount of the check requested will be only the amount of cash he will advance. In those cases where it appears probable that the bank handling the supervised bank account will require the lender's personal check to clear before checks can be drawn on the supervised bank account, the word "certified" should be inserted before "check" in the first line of Form FHA–971.

(b) *Deposit of check.* The loan check will be deposited in a supervised bank account on the date of loan closing in accordance with procedures outlined in Part 303 of this chapter.

(c) *Assignment of income from property to be mortgaged.* Assignments will be taken when income is to be received by the borrower from royalties, leases, or other existing agreements under which the value of the security will be depreciated. Such assigned income will be applied as an extra payment on the loan. When the County Supervisor deems it advisable, assignments may also be taken for all or a portion of the income derived from nondepleting items such as bonus payments or annual delay rentals. Such assigned income will be applied as a regular payment. When a direct second mortgage loan is made, the written consent of the prior lienholder to the assignment will be obtained either by a letter or written approval by the lienholder on the assignment form.

(1) In cases in which income is to be received by the borrower from a mineral lease or other existing agreement pertaining to the property at the time of purchase, a Form FHA–253A, "Assignment of Income From Property to be Mortgaged," will be prepared and executed by the borrower and his wife at the time of loan closing. The original and one copy will be forwarded to the lessee with the request that the original be signed and returned to the County Office.

(2) If he deems it advisable, the County Supervisor, upon advice of the Attorney in Charge, may require the acknowledgment and recordation of the assignment. Any cost incident thereto will be borne by the borrower.

(d) *Collection of appraisal fee and initial mortgage insurance charge for insured loans.* (1) The County Supervisor will collect a $20 appraisal fee from each applicant at the time of loan closing. This fee may be included in the loan. Form FHA–37, "Receipt for Payment," will be prepared for the appraisal fee payment.

(2) The initial mortgage insurance charge will be collected from an insured mortgage applicant at the time of loan closing. The amount of such charge will be computed at the rate of one percent of the principal amount of the loan for the period from the date of loan closing to the first January 1 thereafter. Such charge must be paid from the applicant's personal funds. The amount of the initial mortgage insurance charge will be included on the same Form FHA–37 prepared for the appraisal fee payment. If the first installment on the loan, or any portion thereof, is collected at the time of loan closing, it will be entered as a regular payment on the same Form FHA–37.

(e) *Preparation of note.* The date of the note will be the date of loan closing.

(1) When determining the amount of the first installment, the County Supervisor will consider the borrower's financial circumstances and the extent to which he will receive income from the farm during the calendar year preceding the date of the first installment. The amount of the first installment may be less but not more than a regular annual installment. If the borrower will not receive income from the farm during the calendar year preceding the date of the first installment, a nominal first installment will be sufficient, unless the borrower desires to pay more.

(2) The regular amortized installment will be the amount of principal and interest which if paid annually will retire the full amount of the note plus interest within the amortization period of the loan.

(3) When a loan is closed between December 1 and January 1 the first installment will be collected at the time of loan closing.

(4) The promissory note will be signed by the borrower and his wife, if married, at the time of loan closing.

(f) *Mortgage forms.* Real estate mortgage forms in series FHA–187 will be used for direct loans and forms in series FHA–363 will be used for insured loans.

(g) *Insurance endorsement for insured loan.* The County Supervisor is authorized to insert the effective date and to execute the insurance endorsement on the reverse of Form FHA–360, "Promissory Note (Insured Loan)," or 360A, "Bond (Insured Loan)." The effective date of the insurance endorsement will be the date of loan closing. Execution of the insurance endorsement constitutes the Government's insurance of the loan.

(h) *Other closing actions.* (1) When there are insurable buildings on the farm, the County Supervisor will see that adequate insurance is provided, effective as of the time of loan closing.

(2) For an insured loan, when the mortgage is returned by the recording official, the County Supervisor will forward it to the lender immediately.

(3) If the borrower secures an owner's policy of title insurance, the County Supervisor will deliver it to the borrower as soon as it is received from the title insurance company.

(4) The original deed of conveyance, if any, and conformed copy of the mortgage will be delivered to the borrower.

(5) Immediately after loan closing, the original Form FHA–190, "Promissory Note," will be sent to the Finance Office.

(6) Immediately after loan closing, the original Form FHA–360 will be sent to the lender, except that when the United States as trustee for a State Rural Rehabilitation Corporation is the lender the original Form FHA–360 and the original mortgage will be forwarded to the State Director for safe keeping.

(7) Any abstract of title will be delivered to the borrower for safe keeping. The County Supervisor will obtain a receipt from the borrower at the time the abstract is delivered to him. The receipt will be signed and dated by the borrower and the abstract will be identified in the receipt by showing the name of the abstracter who prepared the abstract, the number, if any, assigned by the abstracter; and the period covered by the abstract.

(8) When the County Supervisor receives the final opinion from the Attorney in Charge, he will place the remaining loan documents, including the mortgagee title insurance policy, in the borrower's County Office case folder. The County Supervisor promptly will send to the lender Form FHA–38, certifying that the Farmers Home Administration has custody of the property insurance policy, mortgagee title insurance policy or other title evidence, and appraisal report.

(9) A Farm Ownership loan is considered closed when the mortgage is filed for record.

(Secs. 3 (a) and (b) (1), (3) and (4), 12 (a), (c) (4), (d) and (e) (1), 48, 60 Stat. 1074, 1076, 1070, sec. 3, 62 Stat. 534, sec. 2 (f), 64 Stat. 99; 7 U. S. C. 1003 (a) and (b) (1), (3) and (4), 1005b (a), (c) (4), (d) and (e) (1), 1022, 40 U. S. C. 440 (f))

§ 332.14 *Loans to homestead entrymen*—(a) *General.* This section provides additional policies and procedures applicable to the making of insured and direct Farm Ownership loans to homestead entrymen.

(1) *Authority.* Public Law 361, 81st Congress, authorizes the insuring and making of Farm Ownership loans to eligible homestead entrymen on unpatented public lands, including public lands within Federal reclamation projects and in Alaska, in accordance with the provisions of Title I of the Bankhead-Jones Farm Tenant Act, as amended.

(2) *Cooperation between the Department of Agriculture and the Department of the Interior.* The extension of financial assistance authorized in subparagraph (1) of this paragraph will be facilitated through the cooperation of the Farmers Home Administration, the Bureau of Land Management, and the Bureau of Reclamation.

(3) *Special policy applicable to Farm Ownership borrowers.* Farm Ownership loans to homestead entrymen will include sufficient funds to put the farm in livable and operable condition at the outset, to provide needed water facilities, and, when necessary, to provide for refinancing (i) the outstanding balances of any existing mortgages against the entryman's interest in the farm, (ii) any construction or operation and maintenance charges or irrigation district charges against the land which are due at the time of loan closing, (iii) the outstanding balance of any land leveling contract between the entryman and the Bureau of Reclamation, and (iv) any taxes legally assessed against the farm which are due at the time of loan closing. If any items other than those specified are to be refinanced, the prior approval of the Administrator will be required on an individual case basis.

(4) *Patent requirements.* All homestead entrymen will be expected to comply promptly and fully with pertinent laws and regulations of the Department of the Interior relating to the issuance of a patent for a homestead entry. When applicable, reclamation proof must be filed by the borrower at the earliest possible date.

(i) *Residence requirements.* The entryman must establish residence upon the land entered within six months from the date of allowance of entry. When he has established residence, he should notify the Manager of the District Land Office by mail or otherwise. Under certain conditions additional time, not exceeding six months, may be allowed by the Bureau of Land Management. Residence must be maintained for a period of at least seven months during each of the first three years, except where credit is allowed for residence on account of military or naval service.

(ii) *Final homestead proof.* Final proof must be filed within 5 years from the date of allowance of entry issued to the entryman by the Bureau of Land Management. A patent will not be issued by the United States until the entryman has submitted final proof. Final proof must show that a habitable house is on the land at the time proof is submitted, that residence requirements have been met, that the improvements are of such character as to show good faith, and that the entryman is a citizen of the United States. A habitable dwelling within the meaning of the homestead laws is any permanent building or structure erected on the land entered which is suitable for, and actually occupied as, a dwelling as distinguished from other buildings. When the entryman borrower is ready to submit final proof, he should notify the District Land Office and request instructions regarding the procedure to be followed.

(iii) *Reclamation proof.* Reclamation proof may be submitted with, or at any time after, the submission of homestead proof. In addition to the final homestead proof mentioned in subdivision (ii) of this subparagraph, the filing of reclamation proof is required as a condition in obtaining a patent to any entry within a reclamation project. Reclamation proof must show reclamation and cultivation of at least one-half of the irrigable area in the entry for two years immediately preceding the date of submission of proof and the payment of all reclamation charges due at that time. Reclamation proof, in proper form, must be submitted to the District Land Office accompanied by the payment of final homestead commissions.

(b) *Loan processing.* Existing Farm Ownership policies, procedures, and loan authorities will be followed, except as follows:

(1) *Applications* — (i) *Applications from homestead entrymen not in a Federal reclamation project.* An application for a Farm Ownership loan from a homestead entryman entering public land not within a Federal reclamation project will be considered only after the entryman has selected a farm and received his allowance of entry from the Bureau of Land Management. The original document showing allowance of entry must be attached to Form FHA–197 "Application for FHA Services."

(ii) *Applications from homestead entryman in a Federal reclamation project.* An application for a Farm Ownership loan from a homestead entryman entering public land within a Federal reclamation project will not be considered until after the entryman has received a certificate of eligibility from the Bureau of Reclamation and has selected a farm. If at the time of making application the entryman has received his allowance of entry from the Bureau of Land Management, he will attach the original of such document to Form FHA–197. If the entryman has not received his allowance of entry, a copy of his certificate of eligibility must be attached to Form FHA–197. However, the docket will not be approved until the original document showing allowance of entry has been received from the applicant and placed in the loan docket.

(iii) *Supplemental information on applicant.* At the time of making application for a Farm Ownership loan, the homestead entryman may be requested to authorize the Farmers Home Administration to secure from the Bureau of Land Management or the Bureau of Reclamation any available information concerning his application for homestead or reclamation entry which may be used by the Farmers Home Administration in determining his eligibility for the loan.

(2) *Special items in development of Farm Ownership dockets.* Loan dockets for loans to homestead entrymen will be prepared and distributed in accordance with §§ 332.1 to 332.13, except as modified by this subparagraph.

(i) *Development plan.* As used in this subdivision the term "plan" refers to Form FHA–643, "Farm Development Plan." When the entryman's farm is located in a Federal reclamation project, any development items listed on the plan must be consistent with the over-all plans for development of the reclamation project. If the development plans for the unit conflict with the over-all plans for the development of the Federal reclamation project, officials of the Bureau of Reclamation will so advise the County Supervisor. The processing of the loan will not be delayed while awaiting such advice from the Bureau of Reclamation.

(3) *Title clearance.* The entryman applicant will be required to furnish and pay for a certified statement prepared by a qualified title examiner (including designated attorneys) or abstracter which will include findings with respect to any outstanding land leveling contracts and any other claims of any kind on record against the entry. When there is an outstanding land leveling contract, the applicant's copy of such contract also will be included in the loan docket and returned to the borrower when the loan is closed.

(4) *Loan closing.* Except as provided by this section, Farm Ownership loans will be closed in accordance with §§ 332.1 to 332.13. Real estate mortgage forms in series FHA–186 will be used for direct loans and forms in series FHA–443 will be used for insured loans.

(Sec. 1, 63 Stat. 883; 7 U. S. C. 1006a)

7. Section 333.6 (b) of this chapter (14 F. R. 6327) is revoked.

8. In § 333.7 of this chapter (14 F. R. 6327) reference to Part 331, Subpart A of this subchapter is changed to Part 332 of this chapter.

9. In § 371.15 (a) of this chapter (19 F. R. 3991) reference to Part 343 of this chapter is changed to Part 342 of this chapter, and item 11 of the miscellaneous amendments to this chapter dated January 12, 1955 (20 F. R. 398), is hereby corrected accordingly.

Issued this 23d day of May 1955.

[SEAL] R. B. McLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55–4283; Filed, May 25, 1955; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter V—Commodity Stabilization Service (Surplus Property), Department of Agriculture

PART 503—HANDLING COTTON UNDER PUBLIC LAW 480

REVOCATION OF PART

In view of the enactment of Public Law 25, 84th Congress, the regulations contained in this part relating to the handling of upland cotton under Public Law 480, 83d Congress, and published in 20 F. R. 943, are hereby terminated as of April 25, 1955.

Issued this 23d day of May 1955.

[SEAL] F. MARION RHODES,
Director,
Cotton Division.

[F. R. Doc. 55–4282; Filed, May 25, 1955; 8:54 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.498 *Plum Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 26, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 18, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 18, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about May 30, 1955, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 26, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship from any shipping point during any day any package or container of Beauty plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning

as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 23, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4277; Filed, May 25, 1955; 8:53 a. m.]

[Plum Order 2]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.499 *Plum Order 2*—(a) *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 18, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 18, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 7, 1955, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship from any shipping point during any day any package or container of Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 23, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4278; Filed, May 25, 1955; 8:53 a. m.]

[Plum Order 3]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.500 *Plum Order 3*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 18, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 18, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 7, 1955, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship from any shipping point during any day any package or container of Formosa plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 23, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4279; Filed, May 25, 1955; 8:53 a. m.]

[Plum Order 4]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.501 *Plum Order 4*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agriculture Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 18, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 18, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 7, 1955, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship from any shipping point during any day any package or container of Climax plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 23, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4280; Filed, May 25, 1955; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 21]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

AVERAGE ADULT PASSENGER WEIGHT; CORRECTION

The purpose of this supplement is to correct 19 F. R. 7342, published on November 13, 1954. The date indicating the beginning of the calendar period during which 165 pounds may be used as an average adult passenger weight was inadvertently omitted from § 41.41-1. Section 41.41-1 (e) (2) is corrected by adding the date "November 1" between the words "period" and "through."

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-4244; Filed, May 25, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6251]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SOUTHERN NATIONAL INSURANCE CO.

Subpart—*Advertising falsely or misleadingly:* § 13.260 *Terms and conditions;* § 13.275 *Undertakings, in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.2080 *Terms and conditions;* § 13.2090 *Undertakings, in general.* In connection with the offering for sale, sale, and distribution in commerce, of any accident, health, hospital, or surgical insurance policy, representing, directly or by implication: (1) That said policy may be continued in effect indefinitely or for any period of time, when, in fact, said policy provides that it may be cancelled by respondent or terminated under any circumstances over which insured has no control, during the period of time represented; (2) that no medical examination is required or that applicant's health is not a factor in securing insurance, unless the representation is clearly and conspicuously limited in immediate connection therewith to insurance on claims not caused by previous conditions of health of the insured; (3) that said policy provides for indemnification to insured in cases of sickness or accident generally or in any or all cases of sickness or accident, when such is not the fact; or (4) that said policy will pay in full or in any specified

amount or will pay up to any specified amount for any medical, surgical, or hospital service unless the policy provides that the actual cost to the insured for that service will be paid in all cases up to the amount represented; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Southern National Insurance Company, Little Rock, Ark., Docket 6251, April 14, 1955]

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission which charged respondent with misrepresenting various provisions of the insurance policies which it issued, and upon a Stipulation for Consent Order which was entered into between said respondent and counsel supporting the complaint, and was approved by the Director and Assistant Director of the Commission's Bureau of Litigation and transmitted to the hearing examiner.

Said stipulation provided, among other things, that respondent admitted all the jurisdictional allegations set forth in the complaint and that the record therein might be taken as if findings of jurisdictional facts had been made in accordance with such allegations; that the stipulation, together with the complaint, should constitute the entire record in the matter; that the complaint might be used in construing the order agreed upon, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission; that the signing of the stipulation was for settlement purposes only and did not constitute an admission by respondent that it had violated the law as alleged in the complaint; and that the order provided for in the stipulation and to be included in the decision should have the same force and effect as if made after a full hearing, presentation of evidence and findings and conclusions thereon.

All parties further waived the filing of answer, hearings before a hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission, and all further and other procedure before the hearing examiner and the Commission to which respondent might be entitled under the Federal Trade Commission Act or the rules of the Commission, including any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with the stipulation.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters, found that the order agreed upon conformed in substance to that contained in the notice accompanying the complaint, and disposed of all the issues raised therein, accordingly accepted the Stipulation for Consent Order, found the proceeding to be in the public interest, and issued his order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated April 14, 1955, became, on that date, pursuant to Rule XXII of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent Southern National Insurance Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any accident, health, hospital or surgical insurance policy, do forthwith cease and desist from representing, directly or by implication:

1. That said policy may be continued in effect indefinitely or for any period of time, when, in fact, said policy provides that it may be cancelled by respondent or terminated under any circumstances over which insured has no control, during the period of time represented;

2. That no medical examination is required or that applicant's health is not a factor in securing insurance, unless the representation is clearly and conspicuously limited in immediate connection therewith to insurance on claims not caused by previous conditions of health of the insured;

3. That said policy provides for indemnification to insured in cases of sickness or accident generally or in any or all cases of sickness or accident, when such is not the fact;

4. That said policy will pay in full or in any specified amount or will pay up to any specified amount for any medical, surgical or hospital service unless the policy provides that the actual cost to the insured for that service will be paid in all cases up to the amount represented.

By said "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondent Southern National Insurance Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 14, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-4263; Filed, May 25, 1955; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53804]

PART 3—DOCUMENTATION OF VESSELS

YACHT PRIVILEGES AND OBLIGATIONS

T. D. 53606, approved September 28, 1954 (19 F. R. 6375, amended certain sections of the customs regulations in view of changes in existing law made by section 501 of the Customs Simplification Act of 1954 (68 Stat. 1140), relating to entry, clearance, and manifesting requirements for certain yachts and undocumented American pleasure vessels. However, § 3.53 (c) of the customs regulations, requiring entry at the customhouse on return of a yacht to the United States, was not amended through an inadvertence.

Section 3.53 (c) is therefore amended to read as follows:

(c) On the return to the United States of any yacht so commissioned, such commission shall be surrendered to the customs officer to whom the required report of arrival is made.

(R. S. 161, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended; 5 U. S. C. 22, 19 U. S. C. 1624, 46 U. S. C. 2. Interprets or applies secs. 433, 441, 46 Stat. 711, 712, as amended, R. S. 4217, as amended; 19 U. S. C. 1433, 1441, 46 U. S. C. 105)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: May 19, 1955.

H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

[F. R. Doc. 55-4262; Filed, May 25, 1955; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

APPOQUINIMINK RIVER, DEL.; NIAGARA RIVER, N. Y.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.236 is hereby prescribed to govern the operation of the Delaware State Highway Department bridge across Appoquinimink River at Fennimores, Delaware, as follows:

§ 203.236 *Appoquinimink River, Del.; Delaware State Highway Department bridge at Fennimores, Del.* (a) The owner of this bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of the bridge.

(c) Upon receipt of such advance notice, the authorized representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.708 governing the operation of the Canadian National Railways bridge between Buffalo, New York, and Fort Erie, Ontario, is hereby amended by the addition of a paragraph advising navigation that the easterly channel is closed to navigation when the draw is open and all vessels shall proceed through the westerly opening of the bridge draw, as follows:

§ 203.708 *Niagara River; Canadian National Railway bridge (International Bridge) between Buffalo, New York, and Fort Erie, Ontario, Canada.* (a) The owner of or agency controlling the bridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such advance notice, the said authorized representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) Whenever the bridge is opened for the passage of a vessel, the navigator of such vessel shall fix his course so as to proceed through the westerly opening of the bridge draw.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

[Regs., May 9 and May 19, 1955, 823.01-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 55-4241; Filed, May 25, 1955; 8:45 a. m.]

PART 203—BRIDGE REGULATIONS

TURNER CREEK, TYBEE (BULL) RIVER, LAZARETTO CREEK, AND WILMINGTON RIVER, GA., AND NECHES RIVER, TEX.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.404 governing the operation of State Highway Department of Georgia highway drawbridges across Turner Creek, Tybee (Bull) River, and Lazaretto Creek on U. S. Route 80 between Thunderbolt and Savannah Beach, Georgia, is hereby amended to relieve existing hazards resulting from congestion of summer traffic, effective on publication in the FEDERAL REGISTER due to the necessity for effective measures at the earliest possible date, as follows:

§ 203.404 *Turner Creek, Tybee (Bull) River, and Lazarreto Creek, Ga.; highway bridges on U. S. Highway 80 between Savannah Beach and Thunderbolt, Ga.* (a) The owner or agency controlling the above described bridges may keep the drawspans closed to navigation between 7:00 a. m. and 10:00 a. m., and between 4:00 p. m. and 7:00 p. m., except on the hour, when the bridges shall be opened to allow all accumulated vessels to pass, with the exception that on Saturdays, Sundays, and holidays, during the period 1 April to 30 September, both dates inclusive, the drawspans will remain closed to navigation between 7:00 a. m. and 10:00 p. m., except on the hour, when the bridges shall be opened to allow all accumulated vessels to pass.

(b) The draws shall be opened at any time to allow the passage of a tow, common carrier, Air Force Crash Boat, or vessel in distress.

(c) The owner of or agency controlling the bridges shall keep a copy of these regulations conspicuously posted on both the upstream and downstream sides of the bridges in such manner that it can easily be read at any time.

[Regs., May 10, 1955, 823.01-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.405 governing the operation of the swing highway bridge across Wilmington River at Thunderbolt, Georgia, is hereby amended, effective on publication in the FEDERAL REGISTER due to existing hazards resulting from congestion of summer traffic, as follows:

§ 203.405 *Wilmington River, Ga.; swing highway bridge on U. S. Route 80, at Thunderbolt, Ga.* (a) During the period 1 May 1955 through 30 September 1955 the owner of or agency controlling this bridge will not be required to open the drawspan between the hours of 7:00 a. m. and 10:00 p. m., on Saturdays, Sundays, and holidays, except on the hour, when the bridge shall be opened to allow all accumulated vessels to pass.

(b) The draw shall be opened at any time for the passage of a tow, common carrier, or Air Force Crash Boat, or a vessel in distress.

(c) The owner of or agency controlling this bridge shall place appropriate signs, indicating the nature of the regulations, at such locations upstream and downstream from the bridge and in such manner as may be directed by the District Engineer, Savannah District, Corps of Engineers, Savannah, Georgia.

[Regs., May 10, 1955, 823.01-ENGWO] (Sec. 5, 29 Stat. 362; 33 U. S. C. 499)

3. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.523 governing the operation of the Texas Highway Department drawbridge across the Neches River at Beaumont, Texas, is hereby revoked, the bridge having been replaced by a fixed bridge.

§ 203.523 *Neches River at Beaumont, Tex.; bridge (highway) at Ash Street.* [Revoked]

[Regs., April 25, 1955, 823.01 (Neches River, Tex.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 55-4242; Filed, May 25, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11020; FCC 55-591]

[Rules Amdts. 3-45, SGEP-AM-21]

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 3 of the Commission's rules and regulations (Radio Broadcast Services) and the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, Docket No. 11020.

1. The Commission has under consideration its notice of proposed rule making issued on May 6, 1954 (FCC 54-588), and published in the FEDERAL REGISTER on May 12, 1954 (19 F. R. 2734), proposing to amend Part 3 of its rules and regulations governing the Broadcast Service and the Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

2. The purpose of this proceeding is to revise certain of the Commission's rules relating to the broadcast service in order to bring them up to date and, where appropriate, to shift certain of the provisions now in the Standards to the rules. Interested parties have been afforded the opportunity of submitting their comments to the Commission with respect to the proposed changes, and we have afforded such comments careful consideration in reaching our final Report and Order in this proceeding. The comments filed by the various parties in the proceeding are discussed below.

3. The second paragraph appearing after Table V in section 1 of the AM Standards deals with the minimum separation of standard broadcast stations. The Commission stated in its notice of proposed rule making issued in this proceeding that it believed the material contained in this paragraph should more appropriately appear in the rules and therefore proposed to delete this paragraph from the Standards and to add it, with editorial changes, as § 3.37 in the rules, to read as follows:

§ 3.37 *Minimum separation between stations.* A license will not be granted for the operation of a station on a frequency of ±30 kc from that of another station, if the area enclosed by the 25 mv/m ground wave contours of the two stations overlap, nor will a license be granted for the operation of a station on a frequency of ±20 kc or ±10 kc from the frequency of another station if the area enclosed by the 25 mv/m ground wave contour of either one overlaps the area enclosed by the 2 mv/m ground wave contour of the other.

4. John H. Poole, tr/as John Poole Broadcasting Company, filed comments directed to this proposal. Mr. Poole urges that the Commission's purpose would be better served if the proposed rule were modified by substituting the words "construction permit" for the term "license" as used in the rule. He notes that the proposed section would contain substantially the same provisions which now appear in the Standards and that the Commission made clear in its notice of proposed rule making that the purpose of the rule was not to modify the Commission's policy; rather it was merely intended to transfer certain provisions relating to the minimum separations of stations from the Standards to the rules. Mr. Poole submits, however, that since the Standards were established as a flexible guide to assist the Commission in the allocation of broadcast stations, transferring the provisions to the rules constitutes a significant change. He contends that even though some provisions of the Standards have been strictly applied by the Commission, other provisions in the Standards have been deviated from in numerous instances; while the rules, on the other hand, are generally regarded as rigid requirements to be adhered to in all but very special and extraordinary circumstances. Mr. Poole asserts that while the minimum separation provisions of the Standards have only been applied in the construction permit stage, § 3.37 as proposed would also be applicable at the license and renewal stages. He contends that there are existing licensed operations which do not conform to the terms of the proposed rule and that, accordingly, adoption of the rule would cast doubt on the validity of such authorizations. Mr. Poole argues that while the Commission may not intend to apply the rule to such existing situations, the mere existence of the rule would cause uncertainty. Mr. Poole notes that in interpreting the Standards, the Commission has made it clear that it realizes that interference will not necessarily exist in all cases where there is 25 mv/m overlap. He argues, therefore, that the overlap requirements have been designed to avoid interference problems which may but do not necessarily always arise when adjacent-channel stations are assigned in the same general area, and urges that such a precautionary rule must be applied strictly only at the construction permit stage. He argues, further, that where an existing, previously authorized overlap situation is discovered, the matter should be considered in the light of the particular facts of the case. He suggests that in many instances the imposition of a condition in the license that the station must satisfy all complaints of interference due to overlap would be a sufficient precaution. Mr. Poole concedes that in some cases the interference might be so severe as to require modification of the permits or licenses involved. In light of the foregoing, Mr. Poole suggests that the proposed Section be revised to specify "construction permit" rather than "license".

5. The Commission in shifting certain provisions from the Standards to the rules in this proceeding is not intending to modify its allocation policy and practices. The Commission has merely proposed to transfer requirements with regard to minimum separation of stations from the Standards to the rules since it is of the view that provisions such as these more appropriately should appear in the rules. The suggestions advanced by Mr. Poole, however, are directed toward the Commission's allocation policy in connection with the implementation of its minimum separation requirements. In shifting these provisions to the rules the Commission is not changing their manner of implementation. We do not believe that the public interest would be served by adopting the changes in wording suggested by Mr. Poole at this time.

6. Section 2B of the Standards deals with field intensity measurements necessary to establish performance of directional antennas. The Commission has proposed in this proceeding to incorporate the provisions of section 2B of the Standards into the rules as § 3.151. In this connection, the Commission has also proposed that photographs of monitoring points be submitted as an aid to both the licensee and the Commission in identifying such points in the future, and it was proposed that the various directions in which radial measurements are to be made be specified. Mid-America Broadcasting Corporation (WKLO), Louisville, Kentucky, and Salt Lake City Broadcasting Company, Inc. (KALL), Salt Lake City, Utah, filed comments directed to § 3.151 (a) (3), as proposed, which relates to the location and description of the monitoring points for stations using directional antennas. Mid-America and Salt Lake City Broadcasting Company suggests that in addition to furnishing photographs of the monitoring points, a rough sketch be furnished depicting the approach to each monitoring point. They point out that photographs might be useless in some instances in view of a lack of outstanding background identification of objects within the range of the camera. In its experience in this field the Commission has discovered that a word description of a location of a monitoring point may in many cases be insufficient for purposes of locating the exact location of the monitoring point at some future date. The Commission, therefore, in its notice of proposed rule making proposed to require that photographs of the monitoring points be submitted with the license application. The Commission is also of the view that a further requirement such as suggested—a rough sketch or map depicting the route of approach to the monitoring point—would be of assistance in the future identification of the monitoring points both by the licensees and the Commission. In this connection, it should be pointed out that a number of licensees have already submitted this type of information in connection with their license applications. We have therefore adopted the suggested changes of WKLO and KALL and have modified § 3.151 to reflect their proposal.

7. Section 14 of the AM Standards and section 13 of the FM Standards set forth requirements for Type Approval of transmitters. The Commission advised in its notice that instead of requiring type approval it was proposing instead that transmitters, including television transmitters, would be accepted for licensing by the Commission. It was noted that Type Acceptance was a form of approval given by the Commission based on an examination of certified test data submitted by the manufacturer of the transmitter or by a licensee employing the transmitter. The Commission noted that the general matter of Type Acceptance is the subject of proposed rule making in Docket 10798. The Commission proposed to delete section 14 of the AM Standards and Section 13 of the FM Standards and to add to Part 3 of the rules new §§ 3.48, 3.250, 3.550, and 3.640 dealing with acceptability of transmitters for licensing.

8. Comments were filed by the Radio Corporation of American in connection with the above proposed new Sections dealing with the acceptability of broadcast transmitters for licensing. RCA notes that the proposed rules include provision for the Type Acceptance of broadcast transmitters and that transmitters accepted under these provisions would be included in a published list. RCA notes, also, that the proposed rules would provide that prospective licensees specifying transmitters not included on the list could submit data to the Commission in order to obtain conditional Type Acceptance upon applying for a construction permit, but that the rules would make no provision for transmitter manufacturers themselves to seek such conditional acceptance prior to obtaining Type Acceptance. RCA therefore urges that manufacturers, as well as prospective licensees, be permitted to submit data in order to obtain conditional acceptance of transmitters. By such a provision, RCA submits, prospective licensees would be relieved of the burden of filing voluminous transmitter data with their applications and the Commission would be relieved of the task of repeated examination of similar material.

9. In proposing the new provisions in the Rules dealing with the acceptance for licensing of transmitters not on the accepted list, the Commission intended to provide for the acceptance of "composite" transmitters. The suggestion advanced by RCA comports with the present practice followed by the Commission, and we believe that it would be appropriate to modify the sections dealing with Type Acceptance of transmitters for licensing to permit a prospective licensee to specify a transmitter not on the Type Accepted List but for which Type Acceptance has been requested by the manufacturer. In such a case, the technical details of transmitters need not be submitted with the construction permit. However, the submission and acceptance of equipment performance measurements would be required prior to the granting of a license. A manufacturer that has submitted a request for Type Acceptance may defer the submission of the required performance data until such time as the measurements may be taken at an actual installation. However, before such a transmitter may be placed on the Type Accepted List, the manufacturer must submit the required measurements. Such measurements may be the same as those furnished by the permittee but must be filed separately from those furnished with the license application.

10. The Association of Federal Communications Consulting Engineers (the Association) filed comments directed to several of the proposed rules, opposing certain of them. The Association states that, as a general matter, it is opposed to any proposal which would result in substituting "experienced engineering judgment pertaining to a specific problem [by] a rule." The Association submits that rules cannot be drafted specifying how certain engineering tests shall be carried out and opposes the transfer of a defined procedure from the Standards—intended to be a medium expressing accepted engineering practice—to the rules, which are intended as rigid requirements.

11. It should be understood, in the first place, that the Standards of Good Engineering Practice are a part of the rules. The Standards, since the adoption of the Administrative Procedure Act, have been amended only in appropriate rule making proceedings. Certain Standards, in light of their nature, have been applied as rigidly as rules; while others have been deviated from as the public interest required in individual cases. Thus, it is the nature of the pertinent provisions of the Standards, rather than the fact that the provisions are set out in the Standards, which determines the flexibility with which the provisions are to be applied by the Commission. We see no merit, therefore, to the contentions advanced by the Association with respect to shifting certain provisions of the Standards to the rules. Those portions of the Standards which are susceptible to the exercise of engineering judgment, moreover, are being retained in the Standards.

12. The Association agrees that the provisions of the Standards relating to separations of stations on adjacent channels (proposed § 3.37) should be placed in the rules. It recommends, however, that the prohibition against the granting of such applications be eased in those cases where the stations involved do not serve the same communities.

13. The reason for the rule is that a determination of interference solely in accordance with the appropriate interference ratio does not realistically portray the potential interference that might result in such a case.[1] The Commission has held in all cases that the prohibition is not limited to stations in the same city or in very close proximity. The recommendation of the Association that the overlap rule be eased when the stations concerned do not serve the same community would be extremely difficult to implement since it would require determining in each case what constituted the same community. We do not believe that this suggestion has merit and it is not being adopted.

14. The Association states that it favors the adoption of "acceptability of broadcast transmitters for licensing" rule, provided the Commission does not require that transmitter performance measurements be submitted in connection with the license application for standard broadcast stations. The Type Acceptance rule which we have proposed provides that applicants for standard broadcast station licenses utilizing transmitters on the Accepted List would not be required to submit performance measurements with the license application. Applicants proposing to employ transmitters not on the Type Accepted List would be required to submit equipment performance measurements with their license applications. The present AM and FM rules require that equipment performance measurements be made at yearly intervals, whether or not the transmitter is on the Type Accepted List.

15. Section 3.54 of the rules relates to direct measurement of operating power and refers in a footnote to section 7 of the Standards. In its Notice the Commission proposes, for the sake of compactness and convenience, to transfer the provisions of section 7 from the Standards to § 3.54 of the rules. The Association contends that § 3.54 as proposed continues an inconsistency now present in the Standards since from 10 to 12 antenna resistance measurements for non-directional antenna are required to be made covering a band of frequencies 50 to 60 kc wide, whereas resistance measurements on a directional antenna system are required to be made at 5, 10, 15, and 20 kc on each side of the carrier frequency. The Commission believes that the Association's comment has merit and that the inconsistency should be eliminated. We have therefore changed the rule with respect to non-directional antennas to require that measurements be made over the same group of frequencies each side of the authorized carrier frequency for both directional and non-directional antennas.

16. Section 3 of the Standards sets forth the data required to be filed with applications involving directional antenna systems. In its Notice the Commission proposed that the provisions of this section be shifted to the rules as § 3.150. The Association in its comments suggests that in connection with the data required with applications for directional antennas, the word "exact" be deleted from the showing required for calculated horizontal patterns because the exact location of the minima in many arrays is not always susceptible of calculation. The Commission agrees that the term "exact" should be deleted from § 3.150 (b) (5) as suggested by the Association and this provision has been revised accordingly.

17. The Association urges, further, that if in submitting calculations with respect to directional antennas, the formulas employed are also required to be submitted, it should not be necessary to furnish the detailed arithmetic employed in computing the patterns. It is the Commission's intent to require the filing of only the tabulation of the values used in plotting the patterns since other portions of the rules provide for the submitting of sample calculations. The Commission has re-worded this section in order to make clear that only the tabulations of the results of the final calculated data used in plotting the patterns are required to be furnished.

18. The Association suggests in connection with proposed § 3.150 (c) that the Commission make clear that the minor lobe details between the 5 degree elevation intervals need not be submitted since such a requirement would not be consistent with the use of the highest value of the field in the interval to calculate interference as set forth in section 1, Annex 11 of the Standards with respect to the use of figure 6A. As the Commission states in its proposed rule, the minor lobe and null details occurring between the 5 degree intervals need not be calculated or submitted, since the calculated value of the field intensity in any portion of the 5 degree interval would, in most instances, vary only slightly from the value obtained from a curve drawn through the calculated value for each 5 degree interval, and such deviations will not be considered in allocation problems. We believe that such minor nulls and lobes less than 5 degrees broad and appearing between the 5 degree intervals are of insufficient significance to be considered in station allocation matters.

19. Section 2B of the Standards deals with field intensity measurements to establish performance of directional antennas. In its Notice the Commission proposed to delete section 2B from the Standards and to incorporate its provisions in the rules as § 3.151. The Association urges that the requirements for approving performance of directional antennas should not be in the rules since such a proof requires application of considerable engineering judgment not permitted by the precise, rigid requirements inherent in rules. In this connection it should be noted that § 3.33 of the rules presently requires the filing of proof of performance of directional antennas and refers to section 2B of the Standards. This section of the Standards, which we now propose to incorporate with minor changes into the rules as § 3.151, sets forth only the specific data that is to be submitted and does not treat the manner of taking measurements and analyzing the results of such measurements. These matters are covered by section 2A of the Standards. After such judgment has been made and the final results determined, however, the submission of the data requested in § 3.151 as proposed is necessary in order to determine that the provisions of the construction permit have been complied with and that the directional antenna is operating properly. We see no basis, therefore, for re-

[1] Such as cross modulation, etc. See "Report of the Commission, In the matter of amendment of Standards of Good Engineering Practice Concerning Standard Broadcast Stations" (Docket No. 8089) dated June 7, 1947.

taining the provisions of section 2B in the Standards and believe that these provisions should appropriately be set forth in the rules.

20. The Association objects to the proposed requirement in § 3.151 (b) which would provide for the submission of the measured 25, 10, and 5 mv/m field intensity contours in connection with the submission of data relating to performance of directional antennas. The Association submits that the requirement to determine the location of certain field intensity contours does not relate to the determination of radiated field. Concededly, the location of the 25, 10, and 5 mv/m contours is not related to the primary proof of performance of directional antennas. The Commission's experience in this field indicates that in certain cases, such as the instance where a station's operation is limited by interference within its 5 mv/m contour, no useful purpose would be served by the delineation of this contour. We are of the view, however, that the nighttime interference-free contour should be plotted if it is encountered within the measuring distances provided for under section 2 of the Standards; and if the 25 and 5 mv/m contours are encountered in these distances and lie within the interference-free contours, they should similarly be indicated. We believe that we should retain the present requirements that measurements be made to distances in excess of 20 miles in pertinent directions when the borders of a city in which the main studio is located lie beyond this distance. With respect to daytime directional antenna measurements, it is our view that in addition to the 25 mv/m contour, only the highest field intensity contours enclosing the city need be shown when such signal intensity is greater than 5 mv/m. If, however, the 5 mv/m contour does not encompass the city, then the 5 mv/m contour must be shown together with the highest field intensity that does encompass the city. Upon further consideration of these requirements and the suggestions advanced by the Association, we have concluded that the showing of the measured 10 mv/m contour need not be plotted or submitted and the rule has been altered accordingly.

21. The Association suggests that the requirement for determining the inverse field in all minor lobes and nulls by radial measurements is not desirable. They urge that the present practice of measuring along a number of radials and filling in the gaps by cross radial measurements affords more information than that obtained with any reasonable number of measured radials. In a multielement array there might be several minor lobes and nulls, and the Commission agrees that the proposed requirement for the measurement of each null and lobe would constitute an unnecessary burden. We have therefore revised § 3.151 to provide that measurements be made on those radials specified by the instrument of authorization and on at least three radials in the major lobe and along a sufficient number of other radials necessary to establish the effective field and pattern shape. The location of other radials to establish the effective field and pattern shape is left to the discretion of the permittee.

22. The Commission's notice points out that when field intensity measurements are taken for use by parties in hearing, Section 2C of the Standards requires that detailed reports on the measurements of antenna resistance shall also be presented if the station is owned by the party on whose behalf the measurements are made. The Commission stated that it believed the submission of such data has in the past been burdensome and unnecessary and therefore proposed to eliminate this requirement. The Commission proposed to remove section 2C from the Standards and to incorporate its provisions in the rules as § 3.152. The Association suggests, however, that § 3.152 as proposed may conflict with the last sentence of paragraph 5B of the proposal to amend the Standards in Docket 8333, which appears to prohibit the establishment of contours by field intensity measurements. The Association also submits that it is unnecessary to establish the inverse field at one mile in order to establish the location of the contour. The Association recommends that § 3.152 not be adopted as proposed and that section 2C be deleted from the Standards.

23. The Commission has not yet reached its final determination in the proceedings of Docket 8333. Moreover, we see no conflict between our proposal in that proceeding and § 3.152 as proposed in the instant proceeding since this section only provides that groundwave measurements take precedence over theoretical values. The proposal in Docket 8333 which provides that interference shall be determined by the use of the groundwave versus distance curves in the Standards continues the provisions presently contained in the Standards, whereby these curves are to be used whether in conjunction with actual field intensity measurements or the theoretical conductivity values given in Figure M–3. The Association contends that field intensity measurements need not be sufficiently complete as to reveal the radiated fields in particular directions in order to afford the requisite information, i. e., the location of pertinent field intensity contours. In the allocation of standard broadcast stations the Commission has, in the past, required the submission of complete measurements, and we see no basis for modifying these requirements in this proceeding. We have considered that full field intensity data is necessary to establish not only the location of contours but to provide the basis for determining why the contours are so located. Information of this nature, which can be made available to the Commission without imposing an undue burden on the licensee, represents a useful addition to the Commission's ever-increasing fund of information relating to propagation. Without such information, for example, we would have been unable to accomplish effectively the recent revision of our Ground Conductivity Map; nor would other valuable information with respect to groundwave propagation have been made available to the Commission. We have concluded that the submission of such information serves the public interest, and that the slight burden imposed upon the stations in submitting this data is warranted.

24. In view of the foregoing, the Commission has concluded that the public interest, convenience and necessity would be served by the adoption of the amendments herein as set forth below. Authority for the adoption of the amendments is contained in sections 4 (i), 301, and 303 (b), (f), and (r) of the Communications Act of 1934, as amended.

25. *It is ordered*, That effective June 30, 1955, the Standards of Good Engineering Practice Concerning Standard Broadcast Stations and Part 3 of the Commission's rules and regulations, are amended, as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: May 19, 1955.

Released: May 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

I. Delete from the parenthetical expression at the end of paragraph (a) of § 3.28 the expression "Sec. C".

II. Section 3.33 is amended by the deletion of the parenthetical expression at the end of paragraphs (a) and (b).

III. A new § 3.37 is added to read as follows:

§ 3.37 *Minimum separation between stations.* A license will not be granted for a station on a frequency of ±30 kc from that of another station if the area enclosed by the 25 mv/m groundwave contours of the two stations overlap, nor will a license be granted for the operation of a station on a frequency ±20 kc or ±10 kc from the frequency of another station if the area enclosed by the 25 mv/m groundwave contour of either one overlaps the area enclosed by the 2 mv/m groundwave contour of the other.

IV. Section 3.41 is amended by deleting the text preceding the table and substituting the following:

§ 3.41 *Maximum rated carrier power; tolerances.* The maximum rated carrier power of a transmitter shall be an even power step as recognized by the Commission's plan of allocation (100 watts, 250 watts, 500 watts, 1 kw., 5 kw., 10 kw., 25 kw., 50 kw.,) and shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

* * * * *

V. Section 3.42 is amended by deleting paragraphs (a), (b), and (c).

VI. A new § 3.48 is added to read as follows:

§ 3.48 *Acceptability of broadcast transmitters for licensing.* (a) In order to facilitate the filing of an action on applications for station authorizations, transmitters will be accepted for licensing by the Commission under one of the following conditions:

(1) A transmitter may be Type-Accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2 of this subchapter, provided that the data and information submitted indicates that the transmitter meets the requirements of section 12 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(2) An application specifying a transmitter not included on the Radio Equipment List, Part B may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file". Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

(3) A transmitter shown on an instrument of authorization by manufacturer and type number, or as a composite, and which was in use prior to June 30, 1955 may continue to be used by the licensee, his successors or assignees, provided such transmitter continues to comply with the rules and regulations.

(b) Additional rules with respect to withdrawal of type-acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2 of this subchapter.

VII. Section 3.51 is amended to read as follows:

§ 3.51 *Operating power; how determined.* (a) Except as provided in paragraph (b) of this section, the operating power shall be determined by the direct method (the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency).

(b) Operating power shall be determined on a temporary basis by the indirect method:

(1) In case of an emergency where the licensed antenna system has been damaged by causes beyond the control of the licensee (see § 3.45), or (2) Pending completion of authorized changes in the antenna system, or (3) If any change is made in the antenna system or any other change is made which may affect the antenna system. (See § 3.45.)

VIII. Section 3.52 is amended to read as follows:

§ 3.52 *Operating power; indirect measurement.* (a) The operating power determined by indirect measurement from the plate input power of the last radio stage is the product of the plate voltage (Ep), the total plate current of the last radio stage (Ip), and the proper factor (F) given in paragraph (b) of this section: That is

Operating power = $Ep \times Ip \times F$

Factor (F)	Method of modulation	Maximum rated carrier power	Class of amplifier
0.70	Plate	0.1–1.0 kw.	
.80	Plate	5 kw and over	
.35	Low Level	0.1 kw and over	B
.65	Low Level	0.1 kw and over	B O [1]
.35	Grid	0.1 kw and over	

[1] All linear amplifier operation where efficiency approaches that of Class C operation.

(c) In computing operating power by the indirect method, the factor in paragraph (b) of this section shall apply in all cases, and no distinction will be recognized due to the operating power being less than the maximum rated carrier power.

IX. Section 3.53 is deleted.

X. Section 3.54 is amended to read as follows:

§ 3.54 *Operating power; direct measurement.* (a) Applications to determine the operating power by the direct method shall be made on FCC Form 302.

(b) The resistance variation method, substitution method and bridge method are acceptable methods of measuring the total antenna resistance.

(c) A determination of the resistance of an omni-directional antenna shall be made by taking a series of measurements at 5, 10, 15, and 20 kc on each side of the operating frequency. The values measured should be plotted with frequency as abscissa and resistance in ohms as ordinate and a smooth curve drawn. The point on the ordinate where this curve intersects the operating frequency gives the value of the antenna resistance.

(d) Antenna resistance for a directional antenna system shall be measured at the point of common radio frequency input to the directional antenna system. The following conditions shall obtain:

(1) The antenna shall be finally adjusted for the required pattern.

(2) The reactance at the operating frequency and at the point of measurement shall be adjusted to zero or as near thereto as practical.

(3) Suitable radio-frequency bridge or other method shall be employed to determine the resistance and reactance at the point of common radio frequency input.

(4) Resistance and reactance measurements at approximately 5, 10, 15, and 20 kc. on each side of the operating frequency shall be made. The values measured shall be plotted and the resistance at the operating frequency determined in the same manner as set forth in paragraph (c) of this section.

(5) A permanently installed antenna ammeter shall be placed in each element of the system as well as at the point of measurement of resistance.

(e) The license for a station of power of 5 kw or under which employs a directional antenna will specify the antenna resistance as 92.5 percent of that determined at the point of common input. The resistance specified for stations of a power over 5 kw will be 95 percent of that determined at the point of common input.

XI. Section 3.56 is amended by the addition of a note to paragraph (a) as follows:

NOTE: Approved modulation monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Copies of this list are available for inspection at the Commission's office in Washington, D. C. and at each of its field offices.

XII. Section 3.60 is amended by the addition of a note to paragraph (a) as follows:

NOTE: Approved frequency monitors are included on the Commission's Radio Equipment List, Part B, Aural Broadcast Equipment. Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

XIII. Section 3.62 is amended by the deletion of the parenthetical expression "(See Approved Equipment)".

XIV. Footnote 17 to § 3.63 is amended by deleting the parenthetical expression at the end of the footnote.

XV. New §§ 3.150, 3.151, 3.152, 3.153 are added immediately following the undesignated centerheading which reads General Rules Applicable to Standard Broadcast Stations, to read as follows:

§ 3.150 *Data required with applications for directional antenna systems.* (a) The following engineering data shall be submitted with the application for authority to install a directional antenna:

(1) Complete description of the proposed system showing:

(i) Number of elements,

(ii) Type of each element (i. e., guyed or self-supporting, uniform cross section or tapered (specifying base width), grounded or insulated, etc.),

(iii) Complete engineering details of top loading or sectionalizing, if any,

(iv) Height of vertical lead of each element in feet (height above base insulator or base, if grounded),

(v) Overall height in feet of each element above ground,

(vi) Details including sketches of ground system for each element (length and number of radials, dimensions of ground screen, if used, and depth buried) and outlines of property,

(vii) Ratio of fields from elements (identifying elements).

(2) Calculated horizontal (ground) plane field intensity patterns for each mode of operation plotted to the largest scale possible on standard letter-size polar coordinate paper (main engraving approximately 7" x 10") using only

scale divisions and subdivisions having values of 1, 2, 2.5, or 5 times 10^{n} and showing:

(i) Inverse field intensity at 1 mile and effective field intensity (RMS).

(ii) Direction true north shall be shown at zero azimuth.

(iii) Direction and distance to each existing station with which interference may be involved. (All directions shall be determined by accurate calculation or from Lambert Conformal Conic Projection Map such as United States Coast and Geodetic Survey Map, No. 3060a, or map of equal accuracy, and all distances shall be determined by accurate calculation or from United States Albers Equal Area Projection Map scale 1/2,500,000 or map of equal accuracy. These may be obtained from the United States Coast and Geodetic Survey and the United States Department of Interior, Geological Survey.)

(iv) Orientation of array with respect to true north and time phasing of fields from elements (specifying degrees leading [+] or lagging [−]) and space phasing of elements (identifying elements). (Space phasing should be given in feet as well as in degrees.)

(v) The location of all the minima in the pattern.

(3) Calculated field intensity vs azimuth patterns for every 5 degrees of elevation through 60 degrees. These may be plotted in polar or rectangular coordinates but shall be submitted one to a page. Minor lobe and null detail occurring between the 5 degree intervals need not be submitted.

(4) Data used in computing the patterns in subparagraphs (2) and (3) of this paragraph including:

(i) Formula used for calculating the horizontal patterns, sample calculations. (Derivation of formula if other than standard is used.)

(ii) All assumptions made and basis therefor, including electrical height, current distribution and efficiency of each element, and ground conductivity.

(iii) Complete tabulation of final calculated data used in plotting patterns, including data for determination of RMS value of pattern.

(5) Values of field intensity less than 10 percent of the effective field intensity of the patterns in subparagraphs (2) and (3) of this paragraph shown on an enlarged scale.

(6) In the event actual inverse distance field intensities expected to be determined in practice (that is, the values determined from actual measurements, particularly in sharp nulls) are different from the calculated values in subparagraphs (2) and (3) of this paragraph, the maximum expected operating values (MEOV) as well as the calculated values shall be shown on both the full patterns and the enlarged sections.

(7) Any additional information required by the application form.

§ 3.151 *Field intensity measurements to establish performance of directional antennas.* (a) In addition to the information required by the license application form, the following showing must be submitted to indicate that the pattern obtained for each mode of directional operation is essentially the same as that predicted by the application and required by terms of the authorization and that any specific requirements set out are fully met:

(1) Horizontal field intensity pattern(s) showing the inverse field intensity at 1 mile and effective field intensity (RMS) as determined from field intensity measurements taken and analyzed in accordance with section 2 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations in at least the following directions:

(i) Those specified in the instrument of authorization.

(ii) In major lobes. Generally at least three radials are necessary to establish a major lobe; however, additional radials may be required.

(iii) Along sufficient number of other radials to establish the effective field. In the case of a relatively simple directional antenna pattern, approximately five radials in addition to those in subdivisions (i) and (ii) of this subparagraph are sufficient. However, when more complicated patterns are involved, that is, patterns having several or sharp lobes or nulls, measurements shall be taken along as many radials as may be necessary, to definitely establish the pattern(s).

(2) Pattern(s) plotted with direction true north as zero azimuth and showing the orientation of array with respect to true north, time and space phasing of elements and both calculated and measured parameters. (Specify degrees leading [+] or lagging [−] and space phasing in feet as well as in degrees.)

(3) Pattern(s) plotted to the largest scale possible on standard letter-size polar coordinate paper (main engraving approximately 7" x 10") using divisions and subdivisions having values of 1, 2, 2.5, or 5 times 10^{n} (no other values shall be used). All values of field intensity less than 10 percent of the RMS field intensity of the pattern shown on an enlarged scale.

(4) Complete tabulation of all data used in plotting the above pattern(s).

(5) The 25 and 5 mv/m field intensity contours and the nighttime interference-free contour, when the pattern is for nighttime operation, as well as any other contours specified by the instrument of authorization, plotted on a map which has the largest practical scale. These contours need not be shown for distances greater than 20 miles from the antenna except that the field intensity contours on the far side of the business and residential areas of the city in which the main studio is located shall be shown. When the station is limited by interference within the 5 mv/m contour the latter contour need not be shown. In the event the 5 mv/m contour includes and extends beyond the city and beyond 20 miles, the highest signal intensity contour that entirely includes the city may be plotted in lieu of the 5 mv/m contour; in the event that the 5 mv/m contour does not include the city, the contour of highest signal intensity encompassing the city shall be plotted in addition to the 5 mv/m contour.

(6) The actual field intensity measured at each monitoring point established in the various directions for which a limiting field was specified in the instrument of authorization together with accurate and detailed description of each monitoring point together with ordinary snapshots, clear and sharp, taken with the field intensity meter in its measuring position and with the camera so located that its field of view takes in as many pertinent landmarks as possible. In addition, the directions for proceeding to each monitoring point together with a rough sketch or map upon which has been indicated the most accessible approaches to the monitoring points should be submitted.

§ 3.152 *Field intensity measurements in support of applications or evidence at hearings.* In the determination of interference, groundwave field intensity measurements will take precedence over theoretical values, provided such measurements are properly taken and presented. When measurements of groundwave signal intensity are presented, they shall be sufficiently complete in accordance with section 2 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations to determine the field intensity at 1 mile in the pertinent directions for that station.

NOTE: The antenna resistance measurements required by section 2 of the Standards need not be taken or submitted.

§ 3.153 *Use of frequency and modulation monitors at auxiliary transmitters.* (a) The following shall govern the installation of approved frequency and modulation monitors at auxiliary transmitters:

(1) In case the auxiliary transmitter location is at a site different from that of the main transmitter, an approved frequency monitor shall be installed at the auxiliary transmitter, except when the frequency of the auxiliary transmitter can be monitored by means of the frequency monitor at the main transmitter.

(2) The provision that the frequency monitor may be located at the site of the main transmitter shall not relieve the obligation that the frequency deviation of the auxiliary transmitter shall be maintained within 20 cycles.

(3) Installation of an approved modulation monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond 2 calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter. The monitor (if taken from the main transmitter) shall be reinstalled at the main transmitter immediately upon resumption of operation of the main transmitter.

(4) In all cases where the auxiliary transmitter and the main transmitter have the same location, the same frequency and modulation monitor may be used for monitoring both transmitters, provided they are so arranged as to be switched readily from one transmitter to the other.

XVI. Section 3.181 is amended by deleting paragraph (b) (4) (iv).

XVII. A new § 3.250 is added to read as follows:

§ 3.250 *Acceptability of broadcast transmitters for licensing.* (a) In order to facilitate the filing of and action on applications for station authorizations, transmitters will be accepted for licensing by the Commission under one of the following conditions:

(1) A transmitter may be Type-Accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2 of this subchapter, provided that the data and information submitted indicates that the transmitter meets the requirements of section 8 of the Appendix to Subpart B. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(2) An application specifying a transmitter not included on the Radio Equipment List, Part B, may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmittter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file". Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

(3) A transmitter shown on an instrument of authorization by manufacturer and type number, or as a composite, and which was in use prior to June 30, 1955 may continue to be used by the licensee, his successors or assignees, provided such transmitter continues to comply with the rules and regulations.

(b) Additional rules with respect to withdrawal of type-acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2 of this subchapter.

XVIII. Section 3.252 is amended by the addition to paragraph (a) of a note as follows:

NOTE: Approved frequency monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

XIX. Section 3.253 is amended by the addition to paragraph (a) of a note as follows:

NOTE. Approved modulation monitors are included on the Commission's "Radio Equipment List, Part B. Aural Broadcast Equipment." Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

XX. Section 3.254 is amended by the deletion of the parenthetical expression (sections 8 and 13) in paragraph (a).

XXI. Section 7–I of the Appendix to Subpart B of Part 3 is amended to read as follows:

I. Information regarding data required in connection with standard broadcast directional antenna systems may be found in § 3.150 of this chapter. (See also Standards of Good Engineering Practice Concerning Standard Broadcast Stations.)

XXII. Paragraph D (2) of section 8 of the Appendix to Subpart B of Part 3 is amended to read as follows:

(2) Since an operator must be on duty at the transmitter control point during operation, suitable facilities for his welfare and comfort shall be provided at the control point.

XXIII. Footnote 2 of section 8 of the Appendix to Subpart B of Part 3 is deleted.

XXIV. Sections 13, 16, 17, and 18 of the Appendix to Subpart B of Part 3 are deleted.

XXV. A new § 3.550 is added to read as follows:

§ 3.550 *Acceptability of broadcast transmitters for licensing.*

(a) In order to facilitate the filing of an action on applications for station authorizations, transmitters will be accepted for licensing by the Commission under one of the following conditions:

(1) A transmitter may be Type-Accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2 of this subchapter, provided that the data and information submitted indicates that the transmitter meets the requirements of section 8 of the Appendix to Subpart B. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(2) An application specifying a transmitter not included on the Radio Equipment List, Part B, may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file". Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

(3) A transmitter shown on an instrument of authorization by manufacture and type number, or as a composite, and which was in use prior to June 30, 1955, may continue to be used by the licensee, his successors or assignees, provided such transmitter continues to comply with the rules and regulations.

(b) Additional rules with respect to withdrawal of type-acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2 of this subchapter.

XXVI. Section 3.552 is amended by the addition to paragraph (a) of a note as follows:

NOTE: Approved frequency monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

XXVII. Section 3.553 is amended by the addition to paragraph (a) of a note as follows:

NOTE: Approved modulation monitors are included on the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment". Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

XXVIII. A new § 3.640 is added to read as follows:

§ 3.640 *Acceptability of broadcast transmitters for licensing.* (a) In order to facilitate the filing of and action on applications for station authorizations, transmitters will be accepted for licensing by the Commission under one of the following conditions.

(1) A transmitter may be Type-Accepted upon the request of any manufacturer of transmitters built in quantity by following the type acceptance procedure set forth in Part 2 of this subchapter, provided that the data and information submitted indicates that the transmitter meets the requirements of § 3.687. If accepted, such transmitter will be included on the Commission's "Radio Equipment List, Part A, Television Broadcast Equipment." Applicants specifying transmitters included on such a list need not submit detailed descriptions and diagrams where the correct type number is specified, provided that

the equipment proposed is identical with that accepted. Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(2) An application specifying a transmitter not included on the Radio Equipment List, Part A, may be accepted upon the request of a prospective licensee submitting with the application for construction permit a complete description of the transmitter, including the circuit diagram, listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube, a description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization and the means of varying output power to compensate for power supply voltage variations. However, if this data has been filed with the Commission by a manufacturer in connection with a request for type acceptance, it need not be submitted with the application for construction permit but may be referred to as "on file." Measurement data for type acceptance made in accordance with subparagraph (1) of this paragraph shall be submitted with the license application.

(3) A transmitter shown on an instrument of authorization by manufacturer and type number, or as a composite, and which was in use prior to June 30, 1955, may continue to be used by the licensee, his successors or assignees, provided such transmitter continues to comply with the rules and regulations.

(b) Additional rules with respect to withdrawal of type-acceptance, modification of type-accepted equipment and limitations on the findings upon which type acceptance is based are set forth in Part 2 of this subchapter.

XXIX. The second paragraph appearing after Table V in section I of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations is deleted.

XXX. Subsections B and C of section 2 and sections 3, 7, 8, 9, 10, 14, 17, 20, 21, 22 and 23 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations are deleted.

XXXI. Footnote 19 to section 2A of the AM Standards is amended to read as follows:

[19] See § 3.54 and "Indicating instruments pursuant to § 3.58."

XXXII. Subparagraph (5) of section 2A of the AM standards is amended by the deletion of the parenthetical expression (see subsection B5a, b, and C.).

XXXIII. Paragraph A (9) a2 of section 12 of the AM Standards is amended by the deletion of footnote 32.

XXXIV. Paragraph D (2) of section 12 of the AM Standards is amended to read as follows:

(2) Since an operator must be on duty at the transmitter control point during operation, suitable facilities for his welfare and comfort shall be provided at the control point.

[F. R. Doc. 55-4265; Filed, May 25, 1955; 8:50 a. m.]

[Docket No. 11305; FCC 55-579]

[Rules Amdt. 7-16]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

FACILITIES REQUIRED FOR PUBLIC COAST STATIONS

In the matter of amendment of Part 7 of the Commission's rules with respect to the transmitter power requirement on 2182 kc for public coast stations licensed in the band 1600 kc to 3500 kc employing telephony, Docket No. 11305; Rules Amdt. 7-16.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of May 1955;

The Commission having under consideration its notice of proposed rule making in the above-entitled matter; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, the aforementioned notice of proposed rule making which made provision for the submission of written comments by interested parties was duly published in the FEDERAL REGISTER on March 23, 1955 (20 F. R. 1743) and that the period provided for the filing of comments has now expired; and

It further appearing, that Inland Navigation Company, American Waterways Operators, Inc., and American Telephone & Telegraph Company filed comments in support of the Commission's proposal; and

It further appearing, that the Southern California Marine Radio Council submitted comments to the effect that the adoption of the proposal might be detrimental to the effectiveness of 2182 kc with respect to safety of life at sea, that there should be no general relaxation of safety requirements at this time, that meritorious cases might be handled on an individual basis, and that, generally, an applicant financially qualified to operate a coast station should be willing and able to fully assume the obligations that go with such a public trust; and

It further appearing, that Southern California Marine Radio Council's concern with respect to the instant proposal is unwarranted for the reasons that (1) the amendment does not constitute a general relaxation of safety requirements since it makes no change in the 2182 kc antenna power requirement for those public coast stations subject to the present rule which operate with 100 watts or more antenna power on authorized working frequencies, and therefore, the requirement is not altered for the great majority of coast stations; and (2) public coast stations affected by the amendment are those serving areas where apparently satisfactory coverage on authorized working frequencies is being afforded with less than 100 watts antenna power and which may be expected to afford at least as much and as satisfactory coverage on the frequency 2182 kc using the same amount of power; and

It further appearing, that in the absence of amendment to the present rule, licensees of public coast stations, which are not equipped with as much as 100 watts antenna power, would be required to install additional equipment at a substantial cost despite the fact that users of the service would not appreciably benefit thereby; and

It further appearing, that the public interest, convenience and necessity will be served by the amendment herein ordered, the authority for which is contained in section 303 (c) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective June 27, 1955, Part 7 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Released: May 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 7.104 (b) (1) of the Commission's Rules is amended to read:

(1) Each coast station licensed to transmit by telephony on any radiochannel within the band 1600 kc to 3500 kc shall be capable of transmitting and receiving (and shall be licensed to transmit) class A3 emission (modulation by voice frequencies) on the radio-channel of which 2182 kc is the authorized carrier frequency, with antenna power not less than the maximum antenna power which it is capable of using for transmission by telephony on any other authorized radio frequency in this band; except that in any event the required antenna power on 2182 kc need not be more than 100 watts when no modulation is present.

[F. R. Doc. 55-4266; Filed, May 25, 1955; 8:51 a. m.]

[Docket No. 11263; FCC 55-578]

[Rules Amdt. 12-11]

PART 12—AMATEUR RADIO SERVICE

NOVICE CLASS OPERATOR PRIVILEGES

In the matter of petition for amendment of Part 12, rules governing Amateur Radio Service, concerning Novice Class operator privileges; Docket No. 11263; Rules Amdt. 12-11.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of May 1955;

The Commission having under consideration its notice of proposed rule making in the above-entitled matter in which it was proposed to amend § 12.23 (e) (2) (ii) of Part 12 of the Commission's rules to provide for an expansion in the Novice Class operator privileges in the 7 Mc frequency band from 7175-7200 kc to 7150-7200 kc; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, the above-mentioned notice of proposed rule making was duly published in the FEDERAL REGISTER on February 3, 1955 (20 F. R. 748), and that the time provided therein for the submission of written comments by interested parties has now expired; and

It further appearing, that the majority of comments received in response to the above-mentioned notice of proposed rule making were in favor of the proposed amendment and expressed a general opinion that the frequency space presently available to the Novice Class amateur operator in the 7 Mc frequency band is too crowded and inadequate to permit necessary training essential to meeting the objectives of the Novice Class license; and

It further appearing, that the few comments submitted in opposition to the proposed amendment claiming (1) that the present Novice space was adequate for local contacts; (2) that the present crowded condition of the Novice band encourages increased operating skill; (3) that more space would lower Novice operating standards; and (4) that only a few Novices would benefit from the proposed additional space whereas higher class amateur operators would lose frequency space, have been found unsupported by sufficient evidence to justify dismissal of the proposed amendment; and

It further appearing, that it is in the public interest to encourage the Novice Class amateur radio operator to qualify, through improvement of his operating proficiency, for a higher class of amateur radio operator license by making available the additional operating space which would be provided by the proposed amendment;

It is ordered, That under authority contained in section 4 (i) and 303 (f), (g), and (r) of the Communications Act of 1934, as amended, that effective June 22, 1955, § 12.23 (e) (2) (ii) of Part 12 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Released: May 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 12.23 (e) (2) (ii) of Part 12, rules governing Amateur Radio Service, is amended as follows:

(ii) 7150-7200 kc. radiotelegraphy using only type A1 emission.

[F. R. Doc. 55-4267; Filed, May 25, 1955; 8:51 a. m.]

[Docket No. 11315; FCC 55-575]

[Rules Amdt. 64-9]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

CHARGES FOR U. S. GOVERNMENT TELEGRAPH COMMUNICATIONS

In the matter of charges for United States Government Telegraph Communications, amendment of Part 64 of the Commission's rules and regulations (Miscellaneous Rules Relating to Common Carriers); Docket No. 11315; Rules Amdt. 64-9.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of May 1955;

The Commission, having under consideration the matter of the amendment of Section 64.310 ("Term") of Subpart C (United States Government Foreign and Overseas Telegraph Communications), of Part 64 of the Commission's rules and regulations; and also having under consideration its notice of proposed rule making adopted herein on March 30, 1955, and published in the FEDERAL REGISTER on April 7, 1955 (20 F. R. 2202), in accordance with Section 4 (a) of the Administrative Procedure Act;

It appearing, that the period in which interested persons were afforded an opportunity to submit comments expired on April 29, 1955, and that no comments were received;

It further appearing, that it is in the public interest to amend Subpart C in order to extend the term thereof;

It further appearing, that the amendments herein ordered are issued under authority of sections 4 (i) and 601 (b) of the Communications Act of 1934, as amended, and pursuant to the provisions of the permits or licenses granted by the President of the United States, giving the Postmaster General authority to fix rates and charges for United States Government telegraph communications transmitted by any carrier or carriers subject to the terms of such permits or licenses, which authority was transferred to the Commission by section 601 (b) of the Communications Act;

It is ordered, That, effective July 1, 1955, § 64.310 of Subpart C of Part 64 of the Commission's rules and regulations is amended to read as follows:

§ 64.310 *Term.* The provisions of this subpart shall continue in effect through June 30, 1956, unless changed by order of the Commission.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 601, 48 Stat. 1101, 47 U. S. C. 601)

Released: May 20, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4268; Filed, May 25, 1955; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 562, Amdt. 7]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of May A. D. 1955.

Upon further consideration of the provisions of Revised Service Order No. 562 (14 F. R. 2697), as amended (15 F. R. 3105; 8651; 16 F. R. 4551; 17 F. R. 4675; 18 F. R. 3048; 19 F. R. 2966), and good cause appearing therefor: *It is ordered*, That:

Section 97.562 *Rerouting of traffic; appointment of agent*, of Revised Service Order No. 562 be, and it is hereby, further amended by substituting the following paragraphs (a) and (d) hereof for paragraphs (a) and (d) thereof:

(a) Charles W. Taylor, Director, Bureau of Safety and Service, Interstate Commerce Commission, Washington 25, D. C., is hereby designated and appointed an Agent of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever in his opinion an emergency exists whereby any railroad is unable to move traffic currently over its lines.

(d) Expiration date: This order shall expire at 11:59 p. m., May 25, 1956, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 11:59 p. m., May 25, 1955; that a copy of this order and direction be served upon the state railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agrement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the FEDERAL REGISTER.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, sec. 15, 24 Stat. 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-4259; Filed, May 25, 1955; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

EXPENSES AND FIXING OF RATES OF ASSESSMENT FOR 1955–56 SEASON

Consideration is being given to the following proposals submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the provisions thereof:

(a) That the Secretary of Agriculture find, with respect to Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches, that expenses not to exceed the following amounts are likely to be incurred, during the season beginning March 1, 1955, and ending February 29, 1956, both dates inclusive, by the Control Committee for the maintenance and functioning of such committee and the respective commodity committees established under the aforesaid amended marketing agreement and order:

(1) Bartlett pears, $25,861.04;

(2) Early varieties of plums, $17,132.71;

(3) Late varieties of plums, $18,359.75; and

(4) Elberta peaches, $20,631.50.

(b) That the Secretary of Agriculture fix, as each handler's pro rata share of such expenses, the following rates of assessment which each handler shall pay in accordance with the provisions of said amended marketing agreement and order:

(1) 8½ mills ($0.0085) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 9 mills ($0.009) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 9 mills ($0.009) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk; and

(4) 4 mills ($0.004) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 20, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4276; Filed, May 25, 1955; 8:53 a. m.]

[7 CFR Part 987]

HANDLING OF MILK IN CENTRAL MISSISSIPPI MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, regulating the handling of milk in the Central Mississippi marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 112 Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the third day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on the record of which the proposed marketing agreement and the proposed order amending the order were formulated was held at Jackson, Mississippi, on May 9, 1955, pursuant to notice thereof issued May 3, 1955 (20 F. R. 3028).

The material issues of record related to:

(1) Payments to cooperative associations, and

(2) Classification of milk transferred from supply plants to distributing plants.

Findings and conclusions. The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. Provision should be included in the order to require a handler to make payment to a cooperative association for milk received from members of such association. Provisions should also be made to require payment by handlers at the appropriate class prices of the order for milk received from cooperative associations which are also handlers.

The Central Mississippi order presently contains no provisions for payments by handlers to cooperative associations for milk received either from member producers of such association or from plants operated by cooperatives. Recent developments in the Central Mississippi market make such provisions necessary for orderly marketing procedures.

Three cooperative associations are presently marketing milk of their members in the Central Mississippi market. The largest of these represents a substantial majority of the producers whose milk is received at the plants of proprietary handlers. This association operates no plant of its own. Two smaller associations each operate a plant at which milk is physically received from member producers and from which it is disposed of to other handlers or to unregulated plants.

Handlers have recently discontinued receiving the milk of a number of the member producers of the bargaining association. Under the handler pooling provisions of the Central Mississippi order, this association has no means whereby it can return to such member producers any share of the fluid milk market unless it is in position to blend the returns of all or a part of its membership so that fluid milk sales of other producer members are pooled with the returns that can be received for milk of the "cut off" producers delivered to manufacturing plants. It is probable that milk of the producers who have lost their market during the current flush production period may be needed for fluid use later in the year. Such producers cannot be expected to maintain facilities for Grade A milk production unless they receive more than manufacturing prices for the period until the milk is needed on the market for fluid use. The cooperative association will be unable to fulfill its obligations to such members unless it can include in their returns some share of the fluid milk market.

The proponent bargaining cooperative incorporated in the record its by-laws and membership agreement as evidence of authority to collect payment for milk of its members. It also showed that it had arrangements with the operators of milk manufacturing plants to market milk of its members at prices in excess of the Class II price of the order and to collect payment for such milk. The cooperative must collect payment from handlers for milk of other members before it can so pool or blend proceeds of its sales that the producers in question can share in the fluid milk market.

No testimony was received in opposition to requiring payment to a cooperative association for milk of its members. Handler testimony related solely to administrative details and need for assurance that payments to the cooperative association would be in full satisfaction for the milk received. Handlers understandably do not wish to become involved in any dispute that might arise between a cooperative association and a producer. In the amendment herein proposed the authority of a cooperative association to collect payment and the producers to whom such authority applies is made a matter of determination by the market administrator, as an appropriate public administrative authority whose determination should avoid controversy.

Certain items of information are required by a cooperative association to check the accuracy of the total payment received and to compute and transmit appropriate payment to its members. Payment to the cooperative should be at such time as to permit it to distribute payment to its members on the date specified for payments by handlers to individual producers. In order that this may be accomplished in a minimum of time after announcement of the uniform price, computation of the payment due the cooperative is specified as a lump sum rather than the sum of the individual payments otherwise due producers.

The cooperative associations which operate plants have recently become handlers under the order when such plants qualified as supply plants. The order should require that handlers receiving milk from cooperative associations which are also handlers pay such associations for such milk not less than the applicable class prices of the order, including charges and differentials prescribed by the order. Such payment should be by the same date as payment is required to other cooperative associations.

While no provision is made to require payment of the handling or processing charges which operating cooperatives normally add for services they have performed with respect to milk received at their plants, the required payment of class prices will assure such cooperatives that they will receive the minimum prices provided for direct shipped milk and will insure that proprietary handlers pay at least minimum prices for all milk of producers that is used in their plants.

2. Milk transferred from a supply plant to a distributing plant should be classified pro rata with receipts of producer milk at the distributing plant.

The Central Mississippi order presently provides that when milk is transferred from one regulated plant to another the handlers operating such plants may agree upon the classification of such milk subject only to the limitations necessary to insure priority in classification of producer milk over other source milk.

When the order first became fully effective in November 1954 the only supply plants associated with the market were receiving stations of handlers who also operated distributing plants at which Class I milk was bottled and from which routes were operated in the marketing area. More recently, however, plants of the operating cooperatives mentioned earlier in this decision have qualified as supply plants from which bulk milk is furnished to distributing plants of other handlers. The ability to determine classification of milk so moved by agreement with the receiving handler, while direct receipts of producer milk are classified by rules of the order, has resulted in a situation whereby the Class I sales of certain plants are shared disproportionately between separate groups of producers supplying such plants. Under the handler pool distribution of returns to producers set forth in the Central Mississippi order, the classification agreement determines which producers are paid for the Class I milk.

It appears appropriate to provide that the Class I business of a distributing plant shall be shared pro rata among the milk supplied by supply plants and that supplied by producers whose milk is received directly at the distributing plants. It was suggested at the hearing that such division be modified during the months of March through July by providing a base for each supply plant comparable to that established for each producer. Such a procedure should not be adopted until further experience under the order shows the seasonal nature of shipments required from supply plants.

In order that there may be no ambiguity concerning the interplant movements to which the proposed rules of classification shall apply, the definition of a supply plant is modified to exclude any plant which also qualifies as a distributing plant.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which a hearing has been held.

Rulings. A brief was filed on behalf of producers. The proposed findings and conclusions and the arguments contained in this brief were considered in making the findings and reaching the conclusions in this decision. To the extent that any proposed findings and conclusions in the brief are at variance with the findings and conclusions of this decision, such proposed findings and conclusions are denied for the reasons set forth in support of the findings and conclusions of this decision on the issue to which the proposed findings and conclusions related.

Recommended marketing agreement and order. The following amendments to the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as proposed to be further amended:

1. Amend § 987.8 to read as follows:

§ 987.8 *Supply plant.* "Supply plant" means (a) any plant other than a distributing plant from which Grade A milk, skim milk or cream is shipped during the month to a distributing plant in any of the months of January through July, or (b) any plant other than a distributing plant from which not less than 50 percent of the Grade A milk received from dairy farmers during the month is shipped in such month as milk, skim milk or cream to distributing plants during the months of August through December.

2. Add the following § 987.31 (c):

(c) Each handler who receives producer milk for which payment is to be made to a cooperative association pursuant to § 987.90 (e) shall report to such cooperative association with respect to each such producer as follows:

(1) On or before the 20th day of each month the total pounds of milk received during the first 15 days of the month;

(2) On or before the 10th day after the end of each month:

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions.

3. Delete § 987.44 (a) and substitute therefor the following:

(a) As follows if transferred in the form of products designated as Class I milk in § 987.41 (a) (1) to the fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 987.30, subject in any event to the conditions set forth in subparagraph (3) of this paragraph:

(1) As Class I milk, if transferred from a distributing plant to a fluid milk plant or from a supply plant to a supply plant;

(2) Pro rata to the amounts of skim milk and butterfat, respectively, remaining in each class in the plant(s) of the transferee handler after subtraction pursuant to § 987.46 (a) (4) and the corresponding step of paragraph (b) thereof of any skim milk or butterfat classified pursuant to subparagraph (1) of this paragraph, if transferred from a supply plant to a distributing plant;

(3) (i) In no event shall the skim milk or butterfat assigned to Class II milk exceed the amount thereof remaining in Class II milk in the plant(s) of the trans-

feree handlers after subtraction of other source milk pursuant to § 987.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk; and

(ii) If either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to producer milk of both handlers.

4. Add the following as § 987.90 (e):

(e) In lieu of payments pursuant to paragraphs (a), (b) and (c) of this section each handler shall make payment to a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines that such cooperative association is authorized to collect payment, as follows:

(1) On or before the 26th day of each month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received during the first 15 days of the month from such producers; and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable uniform price(s) pursuant to §§ 987.71 and 987.72, multiplied by the hundredweight of milk received from such producers to which each such price is applicable, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92, less payment made such cooperative association pursuant to subparagraph (1) of this paragraph, and proper deductions authorized in writing by such producers or such cooperative associations.

5. Add the following as § 987.90 (f):

(f) On or before the 13th day after the end of the month each handler shall pay to each cooperative association which is also a handler for milk received from it not less than the value of such milk as classified pursuant to § 987.44 (a) at the applicable respective class prices, including charges and differentials prescribed by the order.

Filed at Washington, D. C., this 23d day of May 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–4281; Filed, May 25, 1955; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 11396; FCC 55–588]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; Docket No. 11396.

1. Notice is hereby given of further proposed rule making in the above entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Leaksville, N. C.		247
Greensboro, N. C.	247	
Danville, Va.	250	

3. The purpose of the proposed amendment is to provide a Class B channel in Leaksville, North Carolina, to facilitate consideration of a pending application for a Class B assignment there.

4. Authority for adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before June 17, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed before or on the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 18, 1955.

Released: May 20, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4269; Filed, May 25, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

COMMERCIAL ZONES

REDEFINITION OF BOUNDARY OF NEW ORLEANS, LA.

MAY 18, 1955.

Revision of definition of boundary of New Orleans, La., commercial zone heretofore defined in Ex Parte No. MC–37, Commercial Zones and Terminal Areas, 48 M. C. C. 95, 48 M. C. C. 441, 62 M. C. C. 151.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given that, for the purpose of including additional points and areas, which by reason of industrial and other developments and growth have become a part thereof, within the defined limits of the zone which is adjacent to and commercially a part of New Orleans, La., within the meaning of section 203 (b) (8) of the Interstate Commerce Act, the Interstate Commerce Commission, informed by experience and by an informal investigation, proposes to modify and redefine, as hereinafter indicated, the limits of the zone adjacent to and commercially a part of New Orleans, La., as heretofore defined in the eighth supplemental report in Commercial Zones and Terminal Areas, 62 M. C. C. 151, and to revise the description of such zone limits in 49 CFR 170.27 to read as follows:

All points in the area bounded by a line as follows: Commencing at a point on the shore of Lake Pontchartrain where it is crossed by the Jefferson Parish-Orleans Parish line; thence easterly along the shore of Lake Pontchartrain to the Rigolets; thence through the Rigolets in an easterly direction to Lake Borgne; thence southwesterly along the shore of Lake Borgne to the Bayou Bienvenue; thence in a general westerly direction along the Bayou Bienvenue (which also constitutes the Orleans Parish-St. Bernard Parish line) to Paris Road; thence in a southerly direction along Paris Road and beyond it in the same direction to the middle of the Mississippi River; thence along the middle of the Mississippi River to the Augusta Canal; thence in a westerly direction along the Augusta Canal to the Gulf Intracoastal Waterway; thence in a northeasterly direction along the middle of the Gulf Intracoastal Waterway to the crossing of Louisiana Highway 31; thence along Louisiana Highway 31 in a northwesterly direction to a point approximately 2 miles south of Gretna where a high tension transmission line crosses Louisiana Highway 31; thence in a westerly direction following such transmission line to the intersection thereof with U. S. Highway 90; thence westerly along U. S. Highway 90 to the Jefferson Parish-St. Charles Parish line; thence north along such parish line to the middle of the Mississippi River; thence westerly along the middle of the Mississippi River to a point 1 mile west of the Jefferson Parish-St. Charles Parish line; thence north to the shore of Lake Pontchartrain; thence along the shore of Lake Pontchartrain in an easterly direction to the Jefferson Parish-Orleans Parish line, the point of beginning.

No oral hearing is contemplated, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the defined boundary of the New Orleans, La., commercial zone, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before June 30, 1955.

Notice to the general public of the action herein taken shall be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55–4258; Filed, May 25, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF ARMY, NAVY, AND AIR FORCE

REDELEGATION OF AUTHORITY WITH RESPECT TO PROVIDING FOR TEMPORARY USE BY CIVILIANS OF RESERVE COMPONENT FACILITIES AS HEREIN DEFINED, AND TO ESTABLISH A UNIFORM PROCEDURE FOR MANAGEMENT AND CONTROL THEREOF

I. The term "Reserve Component facility" as used herein means any entire structure or part thereof, including any interest in land together with any improvements thereon, and any storage or other facility which is currently used or is to be used for the administration and training of one or more units of any Reserve Component of the Armed Forces of the United States and which either is owned in fee simple by the Federal Government or over which the Federal Government has an exclusive possessory interest.

II. Pursuant to section 5 of the National Defense Facilities Act of 1950 (P. L. 783, 81st Congress, approved September 11, 1950), there is hereby delegated to the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, and to such individuals as they may designate, the authority granted the Secretary of Defense under said act to take the following specific actions in addition to those actions heretofore delegated (16 F. R. 9863, September 28, 1951):

1. Administer, operate, maintain and equip, subject to policy guidance by the Assistant Secretary of Defense (Properties and Installations), those Reserve Component facilities over which they exercise control and accountability.

2. Issue licenses or permits for use of Reserve Component facilities over which they exercise control and accountability, to persons and organizations identified in b. below. Licenses or permits so issued shall be subject to the following conditions and restrictions and to such additional conditions and restrictions as are deemed essential by the licensing department to protect the interests of the Government:

a. The license or permit shall be revokable at will by the Government and shall provide for payment by the licensee or permittee of an amount that is commensurate with the actual or estimated pro rate cost of utilities and services furnished by the Government during such period of usage, including the wages of guards, charworkers and other personnel, plus the amount of additional costs resulting directly from such usage, which shall include but not be limited to the replacement cost of items of personal property or fixtures destroyed or damaged and the cost of repairs for damage to the real and personal property in excess of damage occasioned by normal wear and tear, provided that monetary charges may be waived when the amount determined is less than the estimated cost of collection. In any event provision shall be made in the license or permit for payment for property damaged or destroyed.

b. Licensees or permittees shall be restricted to persons and organizations promoting or providing public entertainment, social functions, recreation, amateur athletic contests or activities, and demonstrations or enterprises of an educational, religious or civic welfare nature.

c. Licensees or permittees may make an admission charge for functions conducted in the Reserve Component facilities and engage in the sale of goods or merchandise therein, provided all net profits derived from such charges and sales inure only to non-profit organizations or charitable purposes and further provided that such charges and sales do not constitute unfair competition with local commercial enterprises.

III. No use of the Reserve Component facilities herein specified shall be permitted which will interfere with the use thereof for the administration and training of units of the Reserve Components of the Armed Forces of the United States, or in time of war or national emergency by other units of the Armed Forces of the United States or any other use by the Government.

IV. Security of Government property such as training equipment, explosives, vehicles and administrative materials during use of the Reserve Component facilities by individuals and organizations is essential, and the officer having immediate jurisdiction over the Reserve Component facility so used shall exert every effort to safeguard such property against loss, damage or unlawful removal.

V. The redelegation of authority of March 3, 1953 (18 F. R. 1187), is hereby superseded and canceled.

C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 55–4238; Filed, May 25, 1955; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KARL HERSCHMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Karl Herschmann, IV Operngasse 26, Vienna, Austria, Claim No. 62379, Vesting Order No. 19311; $67.50 in the Treasury of the United States.

One (1) Kingdom of Denmark 4½%, bearer gold bond, due April 15, 1962, No. 16731, of $1,000.00 face value, presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on May 19, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55–4275; Filed, May 25, 1955; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 46, Arizona State Office]

ARIZONA

SMALL TRACT CLASSIFICATION 35

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totaling 670 acres in Yavapai County, Arizona, as suitable for lease and sale for residence and/or business purposes, under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 2 E.
Sec. 14: Lots 1 to 52 incl.; 59 to 66 incl.; SE¼NE¼, NE¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼;
Sec. 15: NE¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. These lands are located about 60 miles north of Phoenix and about 40 miles southeast of Prescott, at the junction of the Prescott and Verde Valley branches of the new Black Canyon Highway, State Highway No. 69 and 70. The location is known as Cordes Junction and the area is considered suitable for development under the Small Tract Act. The topography varies from gently rolling to rough and broken. The soil grades from a fine sandy loam to coarse gravel with rocky outcrops. There is no certainty that an adequate supply of domestic water can be developed from wells but one well in the area, 326 feet deep, produces about 3,000 gallons per day. Electric power is available in the area.

4. (a) The individual tracts vary in size from 1.13 acre to 7.19 acre, however, the greater number are approximately 5 acres. Plats showing the size and location of tracts designated as lots are on file in the Land Office, Room 251, Main Post Office Building, Phoenix, Arizona.

(b) The legal subdivisions will be leased by aliquot parts in tracts of approximately 5 acres with the longer di-

mension either east-west or north-south provided each tract is contained in a single sixty-fourth subdivision.

(c) Rights-of-way 66 feet in width, for street and road purposes and for public utilities, will be reserved on the section lines and quarter, sixteenth and sixty-fourth subdivision lines on lot boundaries except between Lots 64 and 65, and Lots 52 and 59.

(d) The appraised value of the tracts varies from $200 to $350 per tract, as shown below.

Sec. 14: Lots 1 to 16 incl.; 35, 43, SE¼NE¼, NE¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼, appraised at $200 per tract. Advance 3 year rental, $30; Lots 27, 33, 34, 38 to 40 incl., 44, 47 to 50 incl., 61, 62, appraised at $250 per tract. Advance 3 year rental, $37.50; Lots 19 to 26 incl., 28 to 31 incl., 41, 42, 45, 46, 51, 63, appraised at $300 per tract. Advance 3 year rental, $45; Lots 17, 18, 32, 36, 37, 52, 59, 60, 64, 65, 66, appraised at $350 per tract. Advance 3 year rental, $52.50.

Sec. 15: NE¼, appraised at $200 per tract. Advance 3 year rental, $30.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either, (a) construct the improvements specified in paragraph 6, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) to file a copy of an agreement with their neighbors binding them to construct substantial improvements on their land. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards: The home must be suitable for year-round use, on a permanent foundation and with a minimum of 500 square feet of floor space. The homes must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Applicants must file, in duplicate, with the Manager, Land Office, 251 Main Post Office Building, Phoenix, Arizona, application Form 4–776 filled out in compliance with instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The applications must be accompanied by a filing fee of $10.00, plus the advance rental specified above. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The lands are now subject to application under the Small Tract Act.

(a) All valid applications for lands in Lots 1 to 52 incl., and 59 to 66 incl., in said Sec. 14, filed prior to February 21, 1951, will be granted preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans preference filed after February 21, 1951, and prior to 10:00 a. m., June 22, 1955, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after 10:00 a. m., June 22, 1955, will be considered in the order of filing. All valid applications from other persons filed after February 21, 1951, and prior to 10:00 a. m., September 21, 1955, will be considered as simultaneously filed at that time. All valid applications filed after 10:00 a. m., September 21, 1955, will be considered in the order of filing.

(b) All valid applications for lands in SE¼NE¼, NE¼SE¼, N½SE¼SE¼, SW¼SE¼SE¼ of said Section 14 and NE¼ of said Section 15, filed prior to 10:30 a. m., August 6, 1954, will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after 10:30 a. m., August 6, 1954, and prior to 10:00 a. m., June 22, 1955, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after 10:00 a. m., June 22, 1955, will be considered in the order of filing. All valid applications from other persons filed after 10:30 a. m., August 6, 1954, and prior to 10:00 a. m., September 21, 1955, will be considered as simultaneously filed at that time. All valid applications filed after 10:00 a. m., September 21, 1955, will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to: Manager, Land Office, 251 Main Post Office Building, Phoenix, Arizona.

E. I. Rowland,
State Supervisor.

May 17, 1955.

[F. R. Doc. 55–4247; Filed, May 25, 1955; 8:46 a. m.]

Colorado

Notice of Proposed Withdrawal and Reservation of Lands

The United States Air Force has filed an application, Serial No. Colo. 09006, amended, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for use in the establishment of the Air Force Academy authorized under Public Law 325, 83d Congress.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

6th Principal Meridian, Colorado

T. 11 S., R. 67 W.,
Sec. 31: All.
T. 12 S., R. 67 W.,
Sec. 6: All;
Sec. 7: All;
Sec. 18: All;
Sec. 19: N½NE¼, SE¼NE¼, Lots 1, 2, 3, 4, E½NW¼, SE¼SW¼, S½SE¼;
Sec. 30: All;
Sec. 31: All.

Max Caplan,
State Supervisor.

May 19, 1955.

[F. R. Doc. 55–4248; Filed, May 25, 1955; 8:46 a. m.]

Colorado

Restoration Order No. 8 (Area III) Under Federal Power Act

May 19, 1955.

Pursuant to determination DA–346, Colorado, of the Federal Power Commission, and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473–2476), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, commencing at 10:00 a. m., local time, Colorado, on the ninety-first day after the date of this order, be open to location under the United States Mining Laws only, subject to the stipulation quoted below, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors, and assigns, and recorded in the County records and in the United States Land and Survey Office at Denver, Colorado, before locations are made:

Sixth Principal Meridian, Colorado

T. 3 N., R. 73 W.,
Sec. 12: SW¼SE¼;
Sec. 13: W½NE¼; E½NW¼; and NE¼SW¼;
Sec. 24: E½SW¼ and SE¼;
Sec. 25: NE¼.

The areas described total 640 acres.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required in whole or in part for power development purposes, any structure or improvement placed thereon which may be found to obstruct or interfere with such development, shall, without cost, expense or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development, and subject to the further condition that the locator or locators shall use and occupy the lands so located for mining purposes only and no facility or activity shall be erected or conducted thereon for other purposes until such time as compliance with the United States Mining laws has been made and patent issued.

The lands described shall be subject to application by the State of Colorado for a period of 90 days from the date of publication of the order in the Federal Register for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act (16 U. S. C. 818), as amended, and the special stipulations provided in the preceding paragraph.

The lands described in this order are within the Roosevelt National Forest, and therefore, not subject to provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting a preference right of application to veterans of World War II and others.

Inquiries concerning these lands shall be addressed to the Land Office Manager, 437 Post Office Building, Post Office Box #1018, Denver 1, Colorado.

Max Caplan,
State Supervisor.

[F. R. Doc. 55–4249; Filed, May 25, 1955; 8:46 a. m.]

Idaho

Order Providing for Opening of Lands; Correction

May 18, 1955.

Order providing for opening of public lands, dated February 21, 1955, published in the Federal Register, dated March 2, 1955, 20 F. R. 1294, is corrected to read as follows:

The State of Idaho has certified that the hereinafter-described lands patented to the State under the provisions of section 4 of the act of August 18, 1894 (28 Stat. 422; 43 U. S. C. sec. 641), as amended, commonly known as the Carey Act, have not been reclaimed, as required by the Carey Act, and that water is not available for the irrigation of these tracts. The State of Idaho, therefore, has reconveyed the lands to the United States:

Boise Meridian, Idaho

T. 11 S., R. 13 E.
Sec. 34, NE¼, E½SW¼, SE¼;
Sec. 35, E½, W½NW¼, W½SW¼;
T. 12 S., R. 13 E.
Sec. 1, Lot 4, SW¼NW¼, W½SW¼;
Sec. 2, Lots 1, 2, 4, SW¼NE¼, S½SE¼;
Sec. 3, E½W½, W½E½, W½NW¼, NW¼SW¼, NE¼NE¼;
Sec. 4, Lot 1, SE¼NE¼, E½SE¼;
Sec. 10, NW¼, W½NE¼;
Sec. 11, NW¼, E½SE¼, SW¼SE¼;
Sec. 12, N½NW¼, SW¼NW¼, S½;
Sec. 13, W½, N½SE¼, E½NE¼, SW¼NE¼;
Sec. 14, SE¼SE¼, SE¼SW¼;
Sec. 15, SE¼;
Sec. 24, NE¼NW¼, SE¼SW¼, W½SE¼, SW¼NE¼;
Sec. 25, W½NE¼;
Sec. 26, SW¼SW¼;
Sec. 27, SW¼NE¼, N½SE¼, SE¼SE¼.

The areas described total 4,115.02 acres.

The lands described are located in Idaho Grazing District No. 1. The lands are located at distances of from about 8 to 13 miles southerly from Castleford, Idaho, via a hard-surfaced county road and in part by little-improved connecting roads. Situated on a bench of nearly level to gently undulating surface, the elevations of the lands range from about 4,300 feet to approximately 4,500 feet. There are some low outcrops of basaltic lava, which have resulted in some minor knolls. Slopes are generally northerly and northeasterly and are of low gradients.

Although these lands, more or less, are of somewhat arable quality, most of them contain areas of outcropping lava, of shallow soils, or of lava fragments. Their receipt of annual precipitation is insufficient to permit the economic production of agricultural crops thereon by ordinary or by dry-farming methods. There is no known water supply for their adequate irrigation on a permanent basis. They were reconveyed to the United States because of the fact that under the local Carey Act Project (as to State Segregation List No. 26), there was no project water available for their irrigation. Available information is to the effect that local ground waters are at economically unfeasible depths. It is thus very doubtful that any or these lands could be favorably classified for entry under the agricultural land disposal acts.

The S½SW¼, Sec. 13; SE¼SW¼, SE¼SE¼, Sec. 14; NE¼NW¼, Sec. 24, T. 12 S., R. 13 E., B. M., Idaho, are now occupied by William Bell Arness, and the E½SE¼, SW¼SE¼, Sec. 11, T. 12 S., R. 13 E., B. M., Idaho, are occupied by Otto L. Mitton, who have cultivated and improved the lands and who have the water rights necessary for their development. Any applicant under this order will be required to file evidence of a water right sufficient to irrigate all the irrigable portions of the lands. Any applicants adverse to the present entrymen, according to Departmental rules, will be required to reimburse the entrymen for all improvements which cannot be removed from the lands without injury to the improvements or to the lands.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m., on the 35th day after the date of this order. At that time, the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m., of the 35th day after the date of this order, shall be treated as though simultaneously filed at that time. All other applications under the public-land laws filed on or before 10:00 a. m., of the 126th day after the date of this order shall be treated as simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Box 2237, Boise, Idaho.

Nolan F. Keil,
Acting State Supervisor.

[F. R. Doc. 55–4246; Filed, May 25, 1955; 8:46 a. m.]

[Misc. 64226, 65650]

New Mexico and California

Partial Revocation of Departmental Orders of December 3, 1907, and February 24, 1908, Which Reserved Lands for Use of Forest Service as Administrative Sites

May 18, 1955.

Upon the request of the Department of Agriculture and pursuant to Departmental Order No. 2583 of August 16, 1950, section 2.22 (a), as amended, it is ordered as follows:

1. The order of the Secretary of the Interior of December 3, 1907, reserving lands in the Big Burros National Forest (now Gila National Forest) for use of the Forest Service, Department of Agriculture, as administrative sites is hereby revoked so far as it refers to the following described lands:

New Mexico

[64226]

Big Burros Administrative Site

New Mexico Principal Meridian

T. 19 S., R. 15 W.,
Sec. 29, NW¼, NW¼NE¼.

The area described contains 199 acres.

2. The order of the First Assistant Secretary of the Interior of February 24, 1908, withdrawing lands in the Sierra National Forest (now Sequoia National Forest), for use of the Forest Service, Department of Agriculture, for use as administrative sites, is hereby revoked so far as it refers to the following-described lands:

California

[65650]

Cain Spring Administrative Site

Mount Diablo Meridian

T. 23 S., R. 30 E.,
Sec. 16, SW¼NE¼ and W½SE¼NE¼.

The area described contains 60 acres.

Earl G. Harrington,
Acting Associate Director.

[F. R. Doc. 55–4250; Filed, May 25, 1955; 8:47 a. m.]

Oregon

Notice of Proposed Withdrawal and Reservation of Lands

May 18, 1955.

The Department of Agriculture, Forest Service, has filed an application, Serial No. Oregon 04043, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws and mineral leasing laws except oil and gas leasing.

The applicant desires the land for: administrative sites.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

SIUSLAW NATIONAL FOREST

Cummins Peak Administrative Site

T. 15 S., R. 11 W.,
Sec. 22: E½SW¼, W½SE¼;
Sec. 27: W½NE¼, E½NW¼.

Total area, 320 acres.

Klickitat Mountain Administrative Site

T. 15 S., R. 10 W.,
Sec. 29: S½N½, N½S½.

Total area, 320 acres.

Tenmile Creek Administrative Site

T. 15 S., R. 11 W.
Sec. 35: N½SE¼, E½SW¼SE¼, SE¼SE¼;
Sec. 36 Lots 1, 2, 3, SW¼.

Total area, 382.32 acres.

West Fork Indian Creek Administrative Site

T. 16 S., R. 10 W.,
Sec. 22: E½E½.

Total area, 160 acres.

Arnold Bear Creek Administrative Site

T. 14 S., R. 11 W.,
Sec. 11: E½.

Total area, 320 acres.

Buck Creek Administrative Site

T. 15 S., R. 9 W.,
Sec. 27: SE¼.

Total area, 160 acres.

Cape Creek Administrative Site

T. 16 S., R. 11 W.,
Sec. 31: NE¼.

Total area, 160 acres.

Klickitat Administrative Site

T. 13 S., R. 10 W.,
Sec. 13, Lots 1, 2, 3, 4, W½E½.

Total area, 329.06 acres.

Eckman Creek Administrative Site

T. 14 S., R. 11 W.,
Sec. 5, Lots 7 and 15.

Total area, 81.24 acres.

Indian Creek Administrative Site

T. 17 S., R. 9 W.,
Sec. 17: N½.

Total area, 320 acres.

Harlan Administrative Site

T. 12 S., R. 8 W.,

Sec. 5: NE¼SW¼SE¼, E½E½NW¼SW¼ SE¼, S½SW¼SE¼, SE¼SE¼.

Total area, 72.5 acres.

Eckman Creek Administrative Site

T. 13 S., R. 11 W.,
Sec. 33: E½SW¼.

Total area, 80 acres.

Grass Creek Administrative Site

T. 13, S., R. 10 W.,
Sec. 36, Lot 7, S½SW¼.

Total area, 98.07 acres.

Bear Creek Administrative Site

T. 14 S., R. 9 W.,
Sec. 3: NW¼.

Total area, 160 acres.

Big Creek-Blodgett Administrative Site

T. 14 S., R. 12 W.,
Sec. 12: N½.

Total area, 320 acres.

Yachats Administrative Site

T. 14 S., R. 11 W.,
Sec. 30, Lots 3, 4, E½SW¼, SE¼.

Total area, 320.69 acres.

North Fork Yachats Administrative Site

T. 14 S., R. 12 W.,
Sec. 25: S½.

Total area, 320 acres.

Rock Creek Camp Administrative Site

T. 16, S., R. 12 W.,
Sec. 10; E½.

Total area, 320 acres.

Buck Creek Administrative Site

T. 15 S., R. 10 W.,
Sec. 15: N½NW¼, N½SW¼NW¼.

Total area, 100 acres.

Bauer Creek Administrative Site

T. 13 S., R. 9 W.,
Sec. 31, Lots 11, 12, and 14.

Total area, 113.58 acres.

ROGUE RIVER NATIONAL FOREST

Diamond Lake Administrative Site

T. 28 S., R. 5 E., W. M.,
Sec. 28: E½SE¼.

Total area, 80 acres.

The total area of the above sites amounts to 4,528.46 acres. The withdrawal when made, will be subject to valid existing rights.

VIRGIL F. HEATH,
State Supervisor.

[F. R. Doc. 55-4251; Filed, May 25, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LOUISIANA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it is determined that in the following named additional parishes in the State of Louisiana a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF LOUISIANA

St. Helena. Tangipahoa.

Pursuant to the authority as set forth above, such loans will not be made in the above-named parishes in the State of Louisiana after December 31, 1955, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 20th day of May 1955.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 55-4253; Filed, May 25, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 23, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30654: Motor-rail rates—Pennsylvania Railroad. Filed by Eastern Central Motor Carriers Association, Agent, for Pennsylvania Railroad Company, Interstate Motor Freight System and other interested motor carriers. Rates on various commodities, in truck loads and less-than-truck loads, in highway truck trailers loaded on a railroad flat cars, between Chicago, Ill., and Philadelphia, Pa., and Kearny, N. J.

Grounds for relief: Motor-carrier competition.

Tariff: Eastern Central Motor Carriers Association tariff I. C. C. No. 4.

FSA No. 30655: Motor-rail rates—Pennsylvania Railroad. Filed by Eastern Central Motor Carriers Association, Agent, for Pennsylvania Railroad Company and interested motor carriers. Rates on various commodities, truckloads and less-truck-loads, in highway truck trailers loaded on railroad flat cars, between East St. Louis, Ill., and Philadelphia, Pa., and Kearny, N. J.

Grounds for relief: Motor-carrier competition.

Tariff: Eastern Central Motor Carriers Association tariff I. C. C. No. 4.

FSA No. 30656: Sand—Ohio to South Carolina and Tennessee. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sand, ground or pulverized, carloads, from Glass Rock and Howard, Ohio to Anderson, S. C., and from Glass Rock, Ohio, to Chattanooga and Nashville, Tenn.

Grounds for relief: Short-line distance formula, market competition, and circuity.

Tariff: Supplement 70 to Agent Hinsch's I. C. C. 4510.

FSA No. 30657: Cement—Houston, Tex., to southern territory. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on portland cement, carloads, from Houston, Tex., to specified destinations in southern territory.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 19 to Agent Kratzmeir's I. C. C. No. 4050.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-4257; Filed, May 25, 1955; 8:48 a. m.]

[No. 31786]

DELAWARE, LACKAWANNA AND WESTERN RAILROAD CO.

INVESTIGATION INSTITUTED AND HEARING ORDERED ON INTRASTATE COMMUTATION FARES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 13th day of May A. D. 1955.

It appearing that by petition filed April 20, 1955, The Delaware, Lackawanna and Western Railroad Company alleges that its intrastate commutation fares between points in the State of New Jersey, made or imposed by the authority of that State, through its Board of Public Utility Commissioners, cause and will continue to cause undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable, and unjust discrimination against interstate commerce, in violation of section 13 (4) of the Interstate Commerce Act;

It further appearing that a copy of the petition was sent to the New Jersey Board which asks that it be denied, or in the alternative that a date be set for hearing on the said petition with notice of said hearing to all interested parties;

It further appearing that the lawfulness of the commutation fares of numerous railroads in northern New Jersey are in issue in Dockets Nos. 31663, 31474, 31107, and Investigation and Suspension Docket No. 6260, the latter proceeding dealing with the interstate commutation fares of this petitioner between points in New Jersey and New York, N. Y., which proceedings are now set for oral argument before the entire Commission on June 14, 1955;

It further appearing that on November 10, 1954, a joint hearing was held by this Commission and the New Jersey Board in I. & S. Docket No. 6260 and related State proceedings dealing, respectively, with the interstate and intrastate commutation fares of this petitioner, at which all interested parties were given an opportunity to be heard;

And it further appearing that Docket No. 31107, which deals with the lawfulness of the intrastate commutation fares of certain other railroads in northern New Jersey, was submitted on further hearing on the record made in No. 31663:

It is ordered, That, in response to said petition, an investigation be, and it is hereby, instituted, for the purpose of giving all interested persons an opportunity to present evidence to determine whether the said intrastate commutation fares of this petitioner cause or will cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce, and to determine what commutation fares, if any, or what maximum or minimum or maximum and minimum fares should be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, as may be found to exist;

It is further ordered, That The Delaware, Lackawanna and Western Railroad Company be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon respondent; and that the State of New Jersey be notified of this proceeding by sending copies of this order and of the said petition by registered mail to the Governor of said State and to the Board of Public Utility Commissioners at Trenton, N. J.;

It is further ordered, That a copy of the order be sent to all parties of record in Investigation and Suspension Docket No. 6260 and related State proceeding, and notice given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

And it is further ordered, That this proceeding be, and it is hereby, assigned for hearing at the office of the Board of Public Utility Commissioners of the State of New Jersey, 1060 Broad Street, Newark, N. J., on June 20, 1955, at 11:00 o'clock, a. m., U. S. Standard Time, or 11:00 a. m., Daylight Saving Time, if that time is observed, before Examiner Fuller: *Provided, however*, That if parties of record in I. & S. No. 6260, Commutation Fares Between New York and New Jersey, (and the related State case) who may be parties in interest in the instant investigation, notify this Commission, on or before June 3, 1955, that they are willing to submit the issues herein on the record hertofore made in those proceedings; and that no objection to such procedure, and no request for an opportunity to present evidence by any other persons, is received by the Commission, on or before that date, such oral hearing will be dispensed with, and the matter will stand submitted on the record made in I. & S. No. 6260 (and the related State proceeding); and will be assigned for oral argument with that proceeding, docket No. 31663, and the proceedings consolidated therewith.

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. D. Doc. 55-4260; Filed, May 25, 1955; 8:49 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 50]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the St. Louis-San Francisco Railway Company, due to high water, washouts and bridge out of service, between Oklahoma City, Oklahoma, and Quannah, Texas, and between Vernon, Texas, and Snyder, Oklahoma, is unable to transport traffic routed over its lines between these points.

It is ordered, That:

(a) Rerouting traffic: The St. Louis-San Francisco Railway Company is hereby authorized to reroute or divert traffic moving over its lines between Oklahoma City, Oklahoma, and Quannah, Texas, and between Vernon, Texas, and Snyder, Oklahoma, due to high water, washouts and bridge out of service, over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., May 20, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., May 31, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., May 20, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-4261; Filed, May 25, 1955; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7173]

OFF-ROUTE CHARTER RIGHTS FOR FOREIGN AIR CARRIERS

ORDER INSTITUTING INVESTIGATION

In the matter of a proceeding to amend the permits held by various for-

eign air carriers so as to provide that said carriers may make charter trips without regard to points named in their permits, under regulations prescribed by the Board; Docket No. 7173.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of May 1955.

Section 401 (f) of the act provides that any United States air carrier may make charter trips without regard to the points named in its certificate under regulations prescribed by the Board. Pursuant thereto the Board has established in Part 207 of the Economic Regulations the general framework under which charter trips might be encouraged and wasteful practices therein curtailed so as to fulfill the basic policy of the Act as set forth in section 2 thereof.

There is no comparable provision in the Civil Aeronautics Act for foreign air carriers. At the present time, a foreign air carrier desiring to make a charter flight without regard to the points named in its permit (issued under section 402 of the act) must secure a permit from the Board under section 6 (b) of the Air Commerce Act of 1926, as amended, if the proposed flight does not fall within the definition of "foreign air transportation" as set forth in section 1 (21) of the act. On the other hand, if the proposed flight is deemed to be "foreign air transportation", the foreign air carrier must secure an amendment by the Board of its permit which can be done only after notice and hearing, and approval by the President of the United States. See sections 402 (g) and 801 of the act.

Recently, the Board has been in receipt from foreign air carriers of a number of applications for permits under section 6 (b) of the Air Commerce Act of 1926, as amended, to conduct charter flights without regard to the points named in their section 402 permits, where the flights appeared to involve "foreign air transportation" as defined in section 1 (21) of the act. Since the Air Commerce Act does not empower the Board to grant permits for such purposes, the Board has been constrained to deny these applications and to require the applicants to comply with the provisions of sections 402 (g) and 801 of the act (relating to the amendment of permits held by foreign air carriers), even though it was apparent that to subject the applicants to those requirements would be an undue burden upon them. However, the Board has no power, as is the case with United States carriers under section 416 (b) of the act, to exempt foreign air carriers from the requirements of Title IV of the act.

Upon further consideration of the problem, we are convinced that, in most instances, it may not be in the public interest to subject foreign air carriers to the hardship, expense and delays incident to a permit amendment proceeding whenever they desire to operate an off-route charter flight which is deemed to be "foreign air transportation". Also, it has been suggested that we should be in a position to grant expeditiously off-route charter authorizations to any foreign air carrier whose government affords similar consideration to United States air carriers. Accordingly, we have concluded that the soundest way to resolve these matters is to institute an investigation with a view to amending the section 402 permit held by each foreign air carrier so as to provide that the carrier named in such permit may make charter trips without regard to the points named in its permit under regulations prescribed by the Board. We also contemplate that upon the record made in this proceeding we will be enabled to promulgate regulations concurrently with the amendment of the permits, covering the performance of charter trips by foreign air carriers.

The Board, acting pursuant to sections 205 (a), 402 (g), and 1002 (b) of the act:

It is ordered, That:

1. An investigation be and it hereby is instituted to determine (a) whether it is in the public interest to alter, modify or amend, and whether the Board should order the alteration, modification or amendment of, the section 402 permits now held by foreign air carriers and the section 402 permits which may be issued to those foreign air carriers made respondents herein by ordering paragraph 2, so as to provide that the foreign air carrier named in such permit (now held, or to be issued, as the case may be) may make charter trips, without regard to the points named in its permit, under regulations prescribed by the Board; (b) whether the public interest requires, and whether the Board should order the promulgation of regulations to govern the performance of charter trips by foreign air carriers;

2. The following be and they hereby are made parties to this proceeding: (a) every holder of a permit under section 402 of the act as of the date of the prehearing conference herein; (b) every applicant for a permit under section 402 of the act whose application, as of the date of the prehearing conference herein, has progressed procedurally beyond the prehearing conference;

3. This proceeding be set down for hearing before an Examiner of the Board at a time and place hereafter to be designated.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-4284; Filed, May 25, 1955; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10722, 11395; FCC 55-587]

ALVARADO BROADCASTING CO., INC. (KOAT)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Alvarado Broadcasting Company, Inc. (KOAT), Albuquerque, New Mexico, Docket No. 10722, File No. BP-8782, for construction permit; Alvarado Broadcasting Company, Inc. (KOAT), Albuquerque, New Mexico, Docket No. 11395, File No. BL-5399, for license to cover construction permit.

1. The Commission has before it (1) a protest filed on March 8, 1954, pursuant to section 309 (c) of the Communications Act, as amended, by Metropolitan Television Company, licensee of Station KOA, Denver, Colorado (850 kc, 50 kw, unlimited time), directed against the Commission's action of February 4, 1954 (released February 5, 1954), granting the above-entitled application of Alvarado Broadcasting Company, Inc., licensee of Station KOAT, Albuquerque, New Mexico, to change the facilities of Station KOAT from 1240 kc to 860 kc and increase power from 250 watts unlimited time to 1 kw day and 500 watts night with a directional antenna at night; and (2) an opposition to said protest filed by the applicant, Alvarado Broadcasting Company, Inc., on March 12, 1954.

2. In a Memorandum Opinion and Order adopted on March 18, 1954, the Commission concluded that KOA was not a party in interest within the meaning of section 309 (c) of the Communications Act and dismissed KOA's protest (10 RR 382 (a)). KOA appealed the Commission's Opinion and Order to the United States Court of Appeals for the District of Columbia Circuit and, in an opinion rendered on April 14, 1955, that Court reversed the Commission. Metropolitan Television Company v. Federal Communications Commission, —— U. S. App. D. C. ——, —— F. 2d ——, 12 RR 2001.

3. KOA in its protest had specified the following issues on which it asked for an opportunity to present evidence:

1. To determine the areas and populations which will receive primary service from the operation of Station KOAT, as proposed, and the other primary service available to those areas and populations.

2. To determine whether the proposed operation would involve interference to the primary and secondary service areas of Station KOA, Denver, Colorado, and, if so, the areas and population affected thereby and the other services available to those areas and populations.

3. To determine the nature of the program service provided by KOA to the areas of interference, if any, the nature of the program service provided by other stations to such areas, and, in light thereof, to determine whether the public interest would be served by the destruction of KOA service in the areas affected.

4. To determine whether the operation of Station KOAT, as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice, with particular reference to the interference which would be received by such operation and to the coverage which would be provided to the City of Albuquerque.

4. Issues 1 and 2 pertain to the coverage and interference areas of the proposed KOAT operation in question. In its protest KOA alleges, and the Commission agrees, that the proposed KOAT operation will cause interference to KOA in an area beyond KOA's protected contour as defined by the Commission's Engineering Standards. Since this interference area is beyond KOA's normally protected contour the significance of this interference area, with respect to the grant in question, is something that will be determined first by the Examiner and then by the Commission in light of the evidence adduced at the hearing. Thus KOA has specified facts, matters and things relied upon so as to warrant the designation of the KOAT application for hearing, upon the issues of coverage and interference.

5. With respect to Issue 3, we believe it necessary, in view of Issues 1 and 2 that evidence also be taken on the program service being rendered by Station KOA and the other stations serving the interference areas. See Democrat Printing Company v. Federal Communications Commission, 91 U. S. App. D. C. 72; 202 F. 2d 298.

6. With respect to Issue 4, KOA claims that the KOAT nighttime limitation would be 14.5 mv/m rather than 12 mv/m as assumed by KOAT. In its opposition, KOAT did not dispute KOA's allegation as to KOAT's nighttime limiting contour. The exact placement of KOAT's interference-free nighttime contour is pertinent in this case because it seriously affects KOAT's ability to comply with the provisions of the Commission's "10 Per Cent Rule" that was in effect at the time, February 4, 1954, the Commission granted the construction permit in issue and to provide the required coverage to the City of Albuquerque as specified by the Commission's Engineering Standards. Thus KOA has specified facts, matters and things relied upon so as to warrant the designation of the KOAT application for hearing upon the issue of compliance with the Commission's rules and Standards of Good Engineering Practice.

7. Moreover, since Station KOAT was not an existing facility on 860 kilocycles at the time when the above-entitled application was granted by the Commission on February 4, 1954, the stay of the effective date of the 860 kilocycle grant as ordered below will make it necessary for Station KOAT to return to its licensed facility, i. e., 1240 kilocycles with 250 watts power, unlimited time. In order, however, that KOAT's listening audience be not completely deprived of KOAT's program service for any substantial period, some time within which to resume operations on 1240 kilocycles should be provided.

8. One further matter remains to be disposed of. While KOA was perfecting its appeal from the Commission's order dismissing its protest of the KOAT grant, KOAT constructed the facility in question and on July 27, 1954, filed an application for license to cover the 860 kilocycle construction permit. Simultaneously, KOAT requested authority to commence program tests. On August 5, 1954, KOAT was granted program test authority. On August 6, 1954, KOA filed a petition to designate the KOAT application for license for hearing and to deny the request for program test authority. On August 9, 1954, KOA filed a petition for reconsideration of the Commission's action in granting KOAT program test authority. On August 17, 1954, KOAT filed oppositions to the KOA pleadings of August 6 and August 9, 1954. On December 17, 1954 KOA filed a petition requesting the Commission to dismiss the KOAT license application. A reply thereto was filed by KOAT on December 27, 1954. Action on all these petitions has been withheld pending the Court's decision on KOA's appeal from the Commission's action in dismissing KOA's protest of March 8, 1954.

9. In addition to the engineering considerations raised by KOA in its protest, KOA claims, in its various pleadings filed with respect to the KOAT license application, that KOAT prematurely constructed a portion of its 860 kilocycle facility in violation of section 319 (a) of the Communications Act and that KOAT made certain misrepresentations of material facts concerning the financing of the proposed 860 kilocycle operation. Since allegations as to premature construction and possible misrepresentations were not included in KOA's March 1954 protest, KOA is not entitled to a hearing on KOAT's license on these issues as a matter of right. Benton Broadcasting Service, 9 RR 586. However, because of the conflicting allegations by KOA and KOAT concerning these charges, the Commission, in the interest of the proper dispatch of its business, is including these two issues in the hearing ordered below. In doing so, the Commission will have full and complete facts concerning these matters and thus will be able to take final action on the protest and license application at the same time.

10. In view of the foregoing: *It is ordered*, That the subject KOA protest is granted and that pursuant to section 309 (c) of the Communications Act, as amended, effective midnight, May 31, 1955, the effective date of the grant of the above-entitled application for construction permit is postponed pending a final determination by the Commission with respect to the hearing ordered below, and that the above-entitled applications are designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine the areas and populations which will receive primary service from the operation of Station KOAT, as proposed, and the other primary service available to those areas and populations.

2. To determine whether the proposed operation would involve interference to the primary and secondary service areas of Station KOA, Denver, Colorado, and, if so, the areas and population affected thereby and the other services available to those areas and populations.

3. To determine the nature of the program service provided by KOA to the areas of interference, if any, the nature of the program service provided by other stations to such areas, and, in the light thereof, to determine whether the public interest would be served by the destruction of KOA service in the areas affected.

4. To determine whether the operation of Station KOAT, as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice, with particular reference to the interference which would be received by such operation and to the coverage which would be provided to the City of Albuquerque.

5. To determine whether construction of the 860 kilocycle facility proposed by Alvarado Broadcasting Company had begun, within the meaning of section 319 of the Communications Act of 1934, as amended, before the Commission on February 4, 1954, granted Alvarado Broadcasting Company a construction permit for the 860 kilocycle facility.

6. To determine whether Alvarado Broadcasting Company made any misrepresentations of material facts in its application for construction permit, File No. BP-8782 and application for license to cover construction permit BL-5399.

11. The burden of proof as to Issues 1 and 4 is placed on Alvarado Broadcasting Company, Inc. The burden of proof on Issues 2 and 3 is placed on Metropolitan Television Company because the interference alleged by KOA is not normally protected against under the Commission's Rules and Engineering Standards. The burden of proof on Issues 5 and 6 is placed on Metropolitan Television Company because the matters raised by these issues are ones we might not set for hearing at all, except for the convenience of disposing of them as part of the hearing already ordered on the protest.

It is further ordered, That Metropolitan Television Company and the Chief, Broadcast Bureau are made parties to the proceeding herein and that; (a) the hearing of the above issues will commence at 10:00 a. m. on June 23, 1955, before an examiner to be specified by the Commission; and (b) the parties to the proceeding shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exception; and (c) the appearance by the parties intending to participate in the above hearing shall be filed not later than June 13, 1955.

It is further ordered, That Station KOAT cease operation on 860 kilocycles as of midnight June 17, 1955, and that Station KOAT resume operation on its regularly licensed facilities of 1240 kilocycles with 250 watts power, unlimited time on or after June 18, 1955.

Adopted: May 18, 1955.

Released: May 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4270; Filed, May 25, 1955; 8:51 a. m.]

[Docket Nos. 11372, 11373; FCC 55M-457]

AIRCALL, INC., AND TELEPHONE MESSAGE BUREAU, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In the matter of Aircall, Inc., Cleveland and Akron, Ohio, Docket No. 11372, File No. 1314-02-P-55; the Telephone Message Bureau, Inc., Cleveland, Ohio, Docket No. 11373, File No. 1330-C2-R-55; for construction permit and license

renewal, respectfully, in the Domestic Public Land Mobile Radio Service.

It is ordered, This 19th day of May 1955, that a pre-hearing conference herein shall be held at 10:00 a. m., Friday, May 27, 1955, at Washington, D. C., to consider the matters specified in § 1.813 of the Commission's rules and the parties, or their attorneys, shall attend.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4271; Filed, May 25, 1955; 8:52 a. m.]

[Docket No. 11394; FCC 55-586]

IREDELL BROADCASTING CO. (WDBM)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Walter A. Duke, d/b as Iredell Broadcasting Company (WDBM), Statesville, North Carolina, Docket No. 11394, File No. BP-9527; for construction permit.

1. The Commission has before it a protest filed on April 22, 1955, by the Statesville Broadcasting Company, licensee of Station WSIC, Statesville, North Carolina (1400 kc, 250 w, Unl.) pursuant to section 309 (c) of the Communications Act of 1934, as amended, protesting the Commission's action of March 23, 1955 (released March 23, 1955), granting without hearing the above-entitled application of the Iredell Broadcasting Company for a new standard broadcast station (WDBM) to operate on 550 kilocycles with a power of 500 watts, daytime only, at Statesville, North Carolina; and an opposition to the said protest filed by WDBM on May 9, 1955.

2. In support of its protest, WSIC alleges that it will suffer economic injury as a result of the Commission's action in granting the above-entitled application and, therefore, is a party in interest within the purview of section 309 (c) of the Communications Act of 1934, as amended. WSIC alleges that it will suffer economic injury because it is the only existing station in the same town where WDBM proposes to operate and that any revenue obtained by the new station will be at WSIC's expense; and because there is not sufficient advertising to support two radio stations in Statesville, according to an economic survey submitted with the WSIC protest. WSIC further alleges, as facts, matters and things relied upon, that the said economic survey, prepared by two professors of economics and market analysis at Lenoir Rhyne College, Hickory, North Carolina, "demonstrates that Statesville, North Carolina, cannot support a second radio station unless both stations conduct a marginal operation"; and that WSIC is entitled, therefore, to an evidentiary hearing as a matter of law in light of the Sanders Brothers Radio Station case,[1] in which the United States Supreme Court said, "• • • the unavailability of economic support has a bearing upon the ability of the applicant to adequately serve the public or when all stations, the existing and the proposed, would fail or would be compelled to render an inadequate service". It is averred by WSIC that "definite and absolute proof is not the criterion which the Supreme Court intended the Commission to use in such circumstances", that "reasonable probability can be the only true test". WSIC alleges that such a reasonable probability that both stations could not survive is amply demonstrated by the said economic survey. WSIC contends that under the Act, as now constituted, the Commission cannot determine ex parte or at an oral argument en banc the invalidity of WSIC's factual allegations that Statesville cannot support a second radio station. WSIC's protest also contained an affidavit by the station manager in which he stated that if a second station were established in Statesville, WSIC would be forced to render an inferior service. The protestant further specifies that WDBM is not financially qualified to construct and operate the proposed station and that it could not construct the station for the amount estimated by WDBM.

3. WSIC has specified the following issues on which it requests an opportunity to present evidence:

1. To determine whether the Statesville market area will provide sufficient revenue to the proposed station to enable it to adequately operate in the public interest.

2. To determine whether, because of the lack of advertising potential in the Statesville market, competition between the existing station and the proposed station may force one or both to fail for lack of financial support, with the result that the public of Statesville will be without a local radio outlet.

3. To determine whether the competition of a second station, which will operate daytime only, may force the existing full-time station to fail, thus depriving the public of Statesville of its only nighttime radio outlet.

4. To determine whether the advertising potential of the Statesville market is so inadequate that the operation of a second station may cause either or both stations to render an inadequate service to the people of Statesville.

5. To determine whether the applicant can build the proposed station for the sum of $13,400.

6. To determine whether the applicant is financially qualified to construct, own and operate the proposed station.

4. In view of the fact that the protestant is licensee of standard broadcast station WSIC, Statesville, North Carolina; that the grant herein protested establishes a second standard broadcast station in Statesville in direct competition with protestant's existing and operating station; and that protestant has alleged that it has been and will continue to be financially injured by the grant in question, we are constrained to conclude that protestant is a "party in interest" which may protest under section 309 (c). See T. E. Allen and Sons, 9 Pike and Fischer RR 197; Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 407 (9 RR 2008).

5. Issues 1, 2, 3, and 4 as specified by the protestant relate to economic injury. These issues, designed to show that the public interest would suffer by the establishment of a second station in Statesville, North Carolina, in all likelihood, are not pertinent because of considerations already set out by the Commission in In re Voice of Cullman, 6 RR 164 (1950).[2] However the Commission, in cases very similar to the subject case, recently afforded the protestants an oral argument on the legal and policy questions raised by protestants seeking hearing issues on the competitive aspects of new stations, In re Application of American Southern Broadcasters (WPWR), 11 RR 1054; and In re Application of Radio Tifton (WTIF), 11 RR 1167. Consequently, the instant protestant will be afforded a similar oral argument on the legal and policy questions raised by the requested economic injury issues.

6. With respect to Issue 5, protestant states that to "justify WDBM's estimated 'low' figure of $13,400 for cost of construction of the station, the Commission has been asked by WDBM to make three assumptions: (1) That a used transmitter can be obtained for $3,700; (2) that a combined studio and transmitter building can be constructed for $1,500; and (3) that certain unlisted equipment was already in the possession of the applicant." The protestant claims that no evidence was submitted to support (1) and (3) and that according to an attached affidavit of a Statesville contractor it cost $7.25 a square foot to construct a wooden building in the Statesville area and that for $1,500 WDBM would be limited to a studio and transmitter building approximately 20 x 10 feet, which would be inadequate. WDBM in its application stated that the cost of its transmitter would be $3,700, and in Exhibit No. 6 therewith, specified the type and stated that it is a used transmitter. The figure quoted appears reasonable for a used transmitter of this type. It is further stated in Exhibit No. 6 that a studio console has already been obtained. The above statements in the application of WDBM are under oath, and the application form does not require further evidence to support these sworn statements. Moreover, in another part of its application, WDBM states that the estimated cost of "Acquiring, remodeling, or constructing buildings" is $1,500. The protestant assumes that WDBM will construct a new building at $7.25 a square foot, rather than "acquiring" or "remodeling", in contending that this amount is inadequate. In view of the foregoing, the Commission is of the opinion that the information submitted by the protestant is not sufficient to warrant adoption as its own the issue as to whether the grantee can build the proposed station for $13,400. Therefore, the burden of proof upon this issue is being left with the protestant.

7. With respect to Issue 6, the protestant alleges that WDBM is not financially qualified to construct and operate the proposed station. This claim is based on grounds that the station cannot be constructed for the amount estimated, that the resources indicated are not available to WDBM, and that WDBM cannot show a profit the first year and to exist must have a total income of $20,000 the first year, which a survey submitted with the protest indicates cannot be obtained. The question of whether WDBM can be constructed for the amount estimated is treated in paragraph 6, above. WSIC claims that WDBM's estimated annual operating cost of $36,000 and WSIC's annual operating costs of $72,000, or a total of $108,000, are $16,000 more than the present income of WSIC; that the said survey shows there is no real expectation that the total advertising income from radio in Statesville can be increased; and that WDBM, therefore, cannot operate at a profit during the first year. This reasoning is based on the assumption that WSIC's revenues and expenses would remain static and that only WDBM would suffer. It is not impossible that a different situation would obtain and competition would reduce the total revenue or profit available to WSIC and the protest itself urges that WSIC would suffer economically. Since there is no assurance that it would not be WSIC which would falter in the competition between the two stations, it cannot be concluded that WDBM could not show a profit the first year of operation even if the Statesville radio advertising income is not increased.

8. WSIC further states that WDBM "estimates that it will cost $13,400 to construct the proposed station and $36,000 to operate it the first year, or a total expenditures of $49,000. In addition, payment on the deferred contract for equipment will exceed $4,000 a year, making a total cost of $53,400. The alleged resources available to the applicant are as follows:

Cash	$1,142.83
Bank Loan	15,000.00
Profits	3,000.00
Deferred payments	10,000.00
	29,142.83

Therefore, the applicant will have to secure a total income of $20,000 to exist for one year. The economic analysis attached hereto also shows that it is highly improbable that such revenue will be available to the applicant". In computing WDBM's cost of operation for the first year, the protestant has included the total cost of construction, whereas the deferred credit will extend the total cost of construction over approximately three years. Accordingly, the necessity of a total income of $20,000 the first year does not follow. Protestant further alleges that the $10,000 deferred credit was on an equipment order of $16,000, but that in Exhibit No. 6 of its application WDBM indicated that only $10,700 worth of equipment would be purchased, and that, therefore, "there is no showing that any deferred credit is available, or at most, only a substantially reduced credit". While the deferred credit arrangement for purchase of equipment amounting to $10,700 would be less than that for the estimated $16,000 purchase, this reduced credit is nonetheless an asset in the determination of WDBM's financial qualification.

9. WDBM shows other assets of $1,142.83 cash, $15,000 bank loan and $3,000 profits, or a total of $19,142.83. The estimated cost of construction of WDBM is $13,400, of which $10,700 in equipment will be purchased on deferred payments, leaving a total of $2,700 to be met the first year. Adding to that the payments on the deferred credit of approximately $4,000 the first year, the cost of construction would require an outlay of $6,700 the first year. WDBM's assets of $19,142.83 appear ample to meet the first year construction costs and maintain the early operation of the station. The protestant further alleges that WDBM's commitment for a bank loan of $15,000 expired on April 9, 1955. The subject application was granted on March 23, 1955. The commitment had not expired at the time of the grant, and the protestant makes no showing that the loan was not actually made before April 9, 1955, or that an extension was not granted. In view of the foregoing, the Commission is of the opinion that the information submitted by the protestant is not sufficient to warrant adoption as its own the issue as to whether the grantee is financially qualified to construct and operate the proposed station. Therefore, the burden of proof upon this issue is being left with the protestant.

10. In view of the foregoing: *It is ordered,* That, insofar as the subject protest requests reconsideration of the Commission's action of March 23, 1955, it is granted to the extent provided herein; that pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission with respect to the hearing described below, and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether the Statesville market area will provide sufficient revenue to the proposed station to enable it to adequately operate in the public interest.

2. To determine whether, because of the lack of advertising potential in the Statesville market, competition between the existing station and the proposed station may force one or both to fail for lack of financial support, with the result that the public of Statesville will be without a local radio outlet.

3. To determine whether the competition of a second station, which will operate daytime only, may force the existing full-time station to fail, thus depriving the public of Statesville of its only nightime radio outlet.

4. To determine whether the advertising potential of the Statesville market is so inadequate that the operation of a second station may cause either or both stations to render an inadequate service to the people of Statesville.

It is further ordered, That the Statesville Broadcasting Company and the Chief, Broadcast Bureau, are made parties to the proceeding and that:

1. The hearing shall commence at 10:00 a. m., on June 7, 1955, and shall be held before the Commission en banc.

2. The hearing shall consist of oral argument, upon the basis that the facts alleged in the protest are true, to determine the legal and policy considerations presented by the above four issues.

3. The parties shall have fifteen days after the hearing to file proposed findings of fact and conclusions of law, and briefs as desired. Thereafter the Commission will issue a decision on each of the above issues, either dismissing it or designating it for evidentiary hearing before an Examiner together with issues to be designated at that time under paragraphs 6, 7, 8 and 9 of this opinion. The parties shall have fifteen days after the close of the evidentiary hearing to file proposed findings of fact and conclusions, and such briefs as are desired, and they shall have fifteen days after the issuance of the Examiner's decision to file exceptions thereto and to the Commission's decision made after the hearing before it en banc, and seven days thereafter to file replies to any such exceptions.

4. The parties intending to participate in this proceeding shall file their appearances not later than May 31, 1955.

Adopted: May 18, 1955.

Released: May 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4273; Filed, May 25, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-6505]

DORCHESTER CORP.

ORDER FIXING DATE OF HEARING

Natural Gas Pipeline Company of America (Natural) on April 21, 1955, filed a petition requesting reconsideration of paragraph (D) of the Commission's order making effective proposed rate changes upon filing of bond to assure refund of excess charges in the above matter, issued April 7, 1955.

Paragraph (D) provides in pertinent part as follows:

By said corporate bond, Applicant, its surety, and their successors and assigns, jointly and severally, shall be held and firmly bound unto the Federal Power Commission, for the use and benefit of those entitled thereto, in the sum of $41,000; • • •

---

[1] Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470, 476, 60 S. Ct. 693, 698 (1940).

[2] See also In re Van Curler Broadcasting Corporation, 11 RR 215, where the Commission states "there is grave doubt as to whether a showing of economic injury on the part of a protestant would entitle him to a hearing on an issue related to the competition which the protestant would suffer from the operation of another station in his community".

[3] Commissioner Hennock dissenting and voting for an evidentiary hearing.

Dorchester Corporation (Dorchester) on October 28, 1954, tendered for filing, pursuant to Order No. 174–A, the basic contract and certain supplements providing for the sale in interstate commerce to Natural of natural gas produced in the Guymon-Hugoton Field, Texas County, Oklahoma. The tendered filings were designated as Dorchester Corporation, FPC Gas Rate Schedule No. 2, and Supplement Nos. 1 through 3 thereto.

Gas Rate Schedule No. 2 is a contract dated December 1, 1946, (a) between Harrington & Marsh, a predecessor of Dorchester, and (b) Natural, providing a price of 7 cents per Mcf at 16.4 psia for gas purchased by Natural under the basic contract. Supplement No. 1 thereto is a letter dated February 25, 1948, from Natural to Harrington & Marsh agreeing to a modification of the basic contract. Supplement No. 2 is an amendment of the basic contract dated October 1, 1949, between Natural and Panoma Corporation (Panoma). Panoma is also a predecessor of Dorchester, having succeeded to the rights of Harrington & Marsh. Neither supplement, however, altered the basic contract price for the natural gas.

Supplement No. 3 is a copy of Order No. 26096 of the Corporation Commission of the State of Oklahoma entered July 29, 1952, in its Cause CD No. 3628 fixing a minimum price of 9.8262 cents per Mcf at the wellhead at pressure of 14.65 psia for gas produced from any well located in the Guymon-Hugoton Field.

In our order allowing the rate schedule and supplements to take effect, issued November 30, 1954, we stated as follows:

To protect the respective rights of both Dorchester and Natural, it is appropriate to carry out the provisions of the Natural Gas Act that we permit the filing by Dorchester of the tenders of October 28, 1954, subject to the express understanding and condition that such filing is proper only if Order No. 26096 is valid as to the sale by Dorchester to Natural covered by the filings, but not otherwise.

By our order issued December 29, 1954, we suspended until March 1, 1955 Supplement No. 4, to Dorchester's FPC Gas Rate Schedule No. 2 providing for an increase from 9.8262 cents per Mcf to 10¢ per Mcf, and by order issued April 7, 1955 we permitted the supplement to become effective as of March 1, 1955, subject to the filing of the $41,000 bond, referred to above.

On April 11, 1955, the Supreme Court of the United States, in a per curiam opinion entered in Causes Nos. 191 and 321, held Order No. 26096 of the Corporation Commission of the State of Oklahoma to be invalid insofar as it related to the sale of natural gas by Dorchester to Natural here in question.

In its petition for reconsideration Natural alleges that:

The Supreme Court of the United States having held that said order No. 26096 is not valid as applied to the sale by Dorchester (and its predecessor Panoma Corporation) to Natural, the lawful rate or charge for gas sold thereunder as of June 7, 1954, as contemplated by the Commission's Order No. 174–A, as amended, was that provided under the terms of said contract dated as of December 1, 1946; namely, 7 cents per Mcf at 16.4 psia (6.2 cents per Mcf at 14.65 psia) and, under the provisions of the Commission's order adopted November 24, 1954, such rate or charge was the only lawful rate or charge prior to March 1, 1955.

The Commission finds: It is necessary and appropriate in the public interest and for the purpose of carrying out the provisions of the Natural Gas Act, particularly sections 4, 14, 15, and 16 thereof that the Commission hold a public hearing, as hereinafter provided, on the issues presented in the petition for reconsideration filed by Natural in this matter on April 21, 1955.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15, and 16, a public hearing be held, commencing July 11, 1955, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the petition for reconsideration filed by Natural in this matter on April 21, 1955.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 19, 1955.

Issued: May 20, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4256; Filed, May 25, 1955; 8:48 a. m.]

[Docket No. G–8678]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 20, 1955.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at 2223 Dodge Street, Omaha, Nebraska, filed, on March 28, 1955, as supplemented April 11, 1955, an application for permission and approval pursuant to Section 7 (b) of the Natural Gas Act to abandon certain facilities, as hereinafter described.

The facilities which Applicant proposes to abandon consist of the following, located in Morton and Stevens Counties, Kansas: (a) Approximately 14.9 miles of 4½ inch pipeline; (b) approximately 4.1 miles of 2⅜ inch pipeline; and (c) the Rolla, Kansas, town border station. Applicant states that the above-described facilities were formerly used to provide natural-gas service to the communities of Rolla and Elkhart, Kansas, but that such facilities are no longer used or needed since the same service is being rendered by other facilities. Applicant proposes to remove all the above-described facilities and to re-use the 4½ inch pipe.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 16, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of June 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4254; Filed, May 25, 1955; 8:47 a. m.]

[Project No. 78]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF POSTPONEMENT OF HEARING

MAY 19, 1955.

Upon consideration of requests of the Attorney General of California on behalf of California Department of Fish and Game, the Acting Regional Solicitor, Department of Interior and Pacific Gas and Electric Company, for postponement of the hearing in the above-designated matter now scheduled for June 1, 1955;

Notice is hereby given that the hearing now scheduled for June 1, 1955, is hereby postponed to 10:00 a. m. P. d. s t., June 20, 1955, in Room 539, Appraisers Building, 630 Sansome Street, San Francisco, California.

[SEAL] LEON M. FUQUAY, *Secretary,*

[F. R. Doc. 55–4255; Filed, May 25, 1955; 8:47 a. m.]

Reference Room

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 20 — 1934 — NUMBER 104

Washington, Friday, May 27, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10614

REGULATIONS GOVERNING THE PAYMENT OF GENERAL-AVERAGE CONTRIBUTIONS IN CONNECTION WITH THE TRANSPORTATION OF CERTAIN BAGGAGE AND HOUSEHOLD GOODS AND EFFECTS OF MILITARY AND CIVILIAN PERSONNEL OF THE UNITED STATES

By virtue of the authority vested in me by section 4 of the act of June 4, 1954, 68 Stat. 176, I hereby prescribe the following regulations governing the payment of general-average contributions in connection with the transportation of certain baggage and household goods and effects of military and civilian personnel of the United States:

SECTION 1. *Definitions.* As used in these regulations:

(a) The term "military personnel" means members and former and deceased members of the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (63 Stat. 804).

(b) The term "civilian employees" means civilian officers and employees of a department, including Foreign Service personnel, and former and deceased civilian officers and employees.

(c) The terms "military personnel" and "civilian employees" shall also include those individuals enumerated under the term "person" as defined in section 1 of the Missing Persons Act, as amended (50 U. S. C. App. 1001).

(d) The term "department" means an executive department, independent establishment, or other agency of the Federal Government, including wholly-owned or controlled Government corporations.

(e) The term "general-average contribution" means the contribution by all parties to a sea venture (1) to make good the loss sustained by any one of their number on account of voluntary sacrifices made of part of the ship or cargo to save the residue or the lives of those on board from impending peril, or (2) for extraordinary expenses necessarily incurred for the common benefit and safety of all.

(f) The term "household goods" means such baggage, household goods, and effects, including privately-owned automobiles and professional books, papers, and equipment, of military personnel and civilian employees as are authorized to be transported at Government expense by law or regulation pursuant to law.

SEC. 2. *Allowance of general-average contributions.* Whenever military personnel or civilian employees of a department are liable for general-average contributions arising out of shipments of household goods (as defined in section 1 (f) hereof), authorized or approved under law or regulations pursuant to law, disbursements shall be made, under rules and regulations prescribed by the head of the department concerned, from appropriations chargeable for the transportation of baggage and household goods and effects (a) for the payment of the general-average contributions for which such military personnel or civilian employees are liable, or (b) for the reimbursement of such military personnel or civilian employees in the amounts of their general-average liability paid by them and for which receipts are furnished, subject to the limitations set forth in section 3 hereof.

SEC. 3. *Limitations.* The provisions of section 2 hereof shall not apply:

(a) In case the shipment of household goods is made under law or regulation pursuant to law which provides for reimbursement to the military person or civilian employee concerned on a commuted basis in lieu of payment by the Government of the actual costs of the shipment; or

(b) In case the military person or civilian employee concerned has himself selected the means of shipment; or

(c) To quantities of household goods (excluding automobiles) shipped in excess of quantities authorized to be transported by law or regulation pursuant to law. In any case of such excess shipment, the liability of the Government for

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end ($2.25)
Title 8 ($0.45)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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the employee's general-average contribution shall not exceed the proportion that the applicable limitation, by weight or volume, bears to the total quantity, by weight or volume, of the household goods shipped.

SEC. 4. *Effective date.* This order shall be effective in any case in which the loss involved occurs, or has occurred, on or after June 4, 1954.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
May 25, 1955.

[F. R. Doc. 55-4341; Filed, May 26, 1955; 9:22 a. m.]

RULES AND REGULATIONS

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1152]

NEW YORK

REVOCATION OF EXECUTIVE ORDER NO. 7941, OF AUGUST 2, 1938, ESTABLISHING THE FORT TYLER MIGRATORY BIRD REFUGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 7941, of August 2, 1938, reserving the following-described area, on Gardiners Island, Suffolk County, New York, for use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife, to be known as the Fort Tyler Migratory Bird Refuge, is hereby revoked:

The property known as the Fort Tyler Military reservation bounding on Gardiners Bay, and more definitely described as follows:

All that part of the north point of Gardiners Island lying northwest of a line described and running as follows: Starting from a stake on a sand ridge and running thence north 56 degrees east, and south 56 degrees west, to the waters on each side of said point, or beach, respectively, and bounded north, east, and west by the waters of Gardiners Bay, and southeasterly by the beach at the aforesaid line.

The area as described contains approximately 14 acres.

The land has been transferred by the General Services Administration to the Department of the Navy pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, 41 U. S. C. sup. 211) as amended.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 23, 1955.

[F. R. Doc. 55-4288; Filed, May 26, 1955; 8:46 a. m.]

[Public Land Order 1153]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriaton under the public-land laws, including the mining and the mineral-leasing laws, and reserved for the use of the Department of the Army in connection with the lands withdrawn by Public Land Order No. 255 of December 15, 1944:

Beginning at U. S. C. & G. S. Station "Big Delta Airport"; thence N. 4° 55' 47.300" E., 11,997.64 feet; thence East 10,560.00 feet; thence South 18,680.00 feet to the True Point of beginning, thence, east 1,000 feet; south 7,000 feet; west 1,000 feet; north 7,000 feet.

The tract described contains 160 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 23, 1955.

[F. R. Doc. 55-4288; Filed, May 26, 1955; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

SPECIAL RULES OF PRACTICE GOVERNING PROCEDURE OF BOARD OF SUSPENSION AND FOURTH SECTION BOARD

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 16th day of May A. D. 1955.

There being under consideration § 1.200 *Special rules of practice governing the procedure of the Board of Suspension and Fourth Section Board:* It is ordered, that said section be amended as follows:

1. After the first sentence of § 1.200 (b) add the following sentence: "The original and six copies of every pleading, document, or paper permitted or required to be filed under this section shall be furnished for the use of the Commission."

2. As amended, § 1.200 (b) will read as follows:

(b) Petitions for reconsideration of the action of the Board of Suspension when tariffs or schedules have been suspended, and petitions for reconsideration of any action taken by the Fourth Section Board, may be filed by any interested party with the Commission for the attention of the designated appellate division within 30 days following receipt of notice of such action. The original and six copies of every pleading, document, or paper permitted or required to be filed under this section shall be furnished for the use of the Commission. In all other respects, such petitions and the answers thereto will be governed by the Commission's general rules of practice.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-4298; Filed, May 26, 1955; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1955 crop of grain sorghums. The 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for grains and certain other commodities produced in 1955 is supplemented as follows:

Sec.
421.1226 Purpose.
421.1227 Availability of price support.
421.1228 Eligible grain sorghums.
421.1229 Warehouse receipts.
421.1230 Determination of quantity.
421.1231 Determination of quality.
421.1232 Maturity of loans.
421.1233 Support rates.
421.1234 Warehouse charges.
421.1235 Settlement.

AUTHORITY: §§ 421.126 to 421.1235 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714; 7 U. S. C. 1447, 1421.

§ 421.1226 *Purpose.* Sections 421.1226 to 421.1235 state additional specific regulations which, together with the general regulations contained in the 1955 C. C. C. Grain Price Support Bulletin 1, apply to loans and purchase agreements under the 1955 Crop Grain Sorghums Price Support Program.

§ 421.1227 *Availability of price support—(a) Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever grain sorghums are grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that grain sorghums cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program record for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1956 and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing grain sorghums in 1955 as landowner, landlord, tenant, or sharecropper.

§ 421.1228 *Eligible grain sorghums.* At the time the grain sorghums are placed under loan or delivered under a purchase agreement, they must meet the following requirements:

(a) The grain sorghums must have been produced in the continental United States in 1955 by an eligible producer.

(b) (1) The beneficial interest in the grain sorghums must be in the eligible producer tendering the grain sorghums for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the grain sorghums were harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the grain sorghums were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Grain sorghums of any class grading No. 4 or better, or No. 4 "Smutty" or better, and containing not in excess of 13 percent moisture shall be eligible.

(d) Grain sorghums represented by warehouse receipts which indicate that the grain sorghums are ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that "the grain sorghums have been processed at the request of the eligible producer, and delivery will be made of eligible grain sorghums containing not in excess of 13 percent moisture content and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(e) The grain sorghums must not grade discolored, or weevily.

(f) If offered as security for a farm-storage loan, the grain sorghums must have been stored in the bin or granary at least 30 days prior to inspection for measurement, sampling, and sealing unless otherwise approved by the ASC State committee.

§ 421.1229 *Warehouse receipts.* Warehouse receipts, representing grain sorghums in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the grain sorghums are insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show (i) gross weight, (ii) class, (iii) grade (including special grades), (iv) test weight, (v) moisture, (vi) dockage, and (vii) any other grading factor(s) when such factor(s) and not test weight, determine the grade.

(2) The warehouse receipt or the warehouseman's supplemental certificate also must show whether the grain sorghums arrived by rail, truck or barge. In the case of warehouse receipts issued for grain sorghums delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade, class, and subclass of grain sorghums.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1234.

(e) Warehouse receipts representing grain sorghums which have been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS Commodity office which shall be signed by the warehousemen and which may be a part of the supplemental certificate.

(f) If the warehouseman has processed the grain sorghums as provided in § 421.1228 (d), the supplemental certificate must show the numerical grade and grading factors changed because of the grain sorghums being processed. When the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

§ 421.1230 *Determination of quantity.* (a) The quantity of grain sorghums placed under farm-storage loan may be determined either by weight or by measurement. The quantity of grain sorghums placed under a warehouse storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When a quantity is determined by weight, a unit of 100 pounds shall be determined to be 100 pounds of grain sorghums free of dockage. In determining the quantity of sacked grain sorghums by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) When the quantity of grain sorghums is determined by measurement, 100 pounds shall be 2.25 cubic feet of grain sorghums testing 56 pounds per bushel. The quantity determined by measurement of grain sorghums having a test weight of less than 56 pounds per bushel shall be adjusted by applying the applicable percentage as shown in the following table:

For grain sorghums testing:	Percent
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	93
51 pounds or over, but less than 52 pounds	91
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the grain sorghums in determining the net quantity available for loan or purchase.

§ 421.1231 *Determination of quality.* The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Grain Sorghums, whether or not such determinations are made on the basis of an official inspection.

§ 421.1232 *Maturity of loans.* Loans mature on demand but not later than March 31, 1956.

§ 421.1233 *Support rates.* Basic support rates for grain sorghums placed under loan or delivered under a purchase agreement will be as set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per 100 pounds for grain sorghums of the Classes I to IV inclusive, grading No. 2 or better, and containing not in excess of 13 percent moisture, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per 100 pounds
Omaha, Nebr.	$2.14
Sioux City, Iowa	2.14
Kansas City, Mo.	2.22
St. Joseph, Mo.	2.22
Corpus Christi, Tex.	2.29
Galveston, Tex.	2.29
Houston, Tex.	2.29
New Orleans, La.	2.29
Port Arthur, Tex.	2.29
St. Louis, Mo.	2.43
Memphis, Tenn.	2.48
Los Angeles, Calif.	2.63
San Francisco, Calif.	2.63

(2) Grain sorghums eligible for loan or purchase at the support rates shown in the above schedule must have been shipped on a domestic interstate freight rate basis. On any grain sorghums shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for designated terminal markets apply to grain sorghums which have been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) When shipped by rail or water and stored at any designated terminal market, grain sorghums for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 14 cents per 100 pounds.

(5) For grain sorghums received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal market:	Amount of deduction (cents per 100 pounds)
Los Angeles, Calif., San Francisco, Calif.	22
Omaha, Nebr., Sioux City, Iowa, Kansas City, Mo., St. Louis, Mo., Saint Joseph, Mo.	23
Corpus Christi, Tex., Galveston, Tex., Houston, Tex., Port Arthur, Tex., New Orleans, La., Memphis, Tenn.	25

(b) *Support rates for grain sorghums in approved warehouse storage at other than designated terminal markets.* (1) The support rates for grain sorghums stored in approved warehouses (other than those situated in the designated terminal markets) which are shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such grain sorghums to such terminal market: *Provided*, That on any grain sorghums shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such grain sorghums to the point of storage: *And provided further*, That in the case of grain sorghums stored at any railroad transit point taking a penalty by reason of out-of-line movement, oar or any other reason to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing grain sorghums in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 421.1229.

(c) *Basic county support rates.* (1) (i) The following basic county support rates are established per 100 pounds of grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better and containing not in excess of 13 percent moisture. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section, will be based on the support rate established for the county in which the grain sorghums are stored.

(ii) If two or more warehouses are located in the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

County	Rate per hundredweight
All counties	$1.87

ARIZONA

County	Rate per hundredweight	County	Rate per hundredweight
Apache	$1.60	Mohave	$1.82
Cochise	1.96	Navajo	1.60
Coconino	1.60	Pima	2.04
Gila	1.62	Pinal	2.26
Graham	1.75	Santa Cruz	1.98
Greenlee	1.57	Yavapai	1.88
Maricopa	2.26	Yuma	2.31

ARKANSAS

County	Rate per hundredweight
All counties	$1.87

CALIFORNIA

County	Rate per hundredweight	County	Rate per hundredweight
Alameda	$2.41	Colusa	$2.30
Amador	2.32	Contra Costa	2.41
Butte	2.28	El Dorado	2.27
Fresno	$2.29	San Bernardino	$2.36
Glenn	2.27	San Diego	2.31
Imperial	2.27	San Joaquin	2.37
Inyo	1.99	San Luis Obispo	2.28
Kern	2.30	San Mateo	2.42
Kings	2.29	Santa Barbara	2.29
Lake	2.32	Santa Clara	2.40
Lassen	2.04	Santa Cruz	2.34
Los Angeles	2.40	Shasta	2.19
Madera	2.33	Sierra	2.08
Merced	2.35	Siskiyou	2.05
Modoc	1.95	Solano	2.39
Mono	1.95	Stanislaus	2.35
Monterey	2.32	Sutter	2.32
Napa	2.40	Tehama	2.25
Orange	2.37	Tulare	2.29
Placer	2.34	Ventura	2.39
Plumas	2.07	Yola	2.35
Riverside	2.32	Yuba	2.33
Sacramento	2.36		
San Benito	2.35		

COLORADO

County	Rate per hundredweight	County	Rate per hundredweight
Adams	$1.63	Kiowa	$1.65
Alamosa	1.47	Kit Carson	1.66
Arapahoe	1.63	La Plata	1.35
Archuleta	1.35	Larimer	1.63
Baca	1.65	Las Animas	1.62
Bent	1.64	Lincoln	1.63
Boulder	1.63	Logan	1.63
Chaffee	1.42	Mesa	1.35
Cheyenne	1.66	Moffat	1.35
Conejos	1.46	Montrose	1.35
Costilla	1.47	Morgan	1.63
Crowley	1.63	Otero	1.63
Custer	1.54	Ouray	1.35
Delta	1.35	Phillips	1.67
Denver	1.63	Pitkin	1.35
Dolores	1.35	Prowers	1.66
Douglas	1.63	Pueblo	1.63
Eagle	1.37	Rio Blanco	1.35
Elbert	1.63	Rio Grande	1.46
El Paso	1.63	Routt	1.35
Fremont	1.56	Saguache	1.46
Garfield	1.35	San Miguel	1.10
Grand	1.42	Sedgwick	1.63
Gunnison	1.35	Summit	1.42
Huerfano	1.60	Washington	1.63
Jackson	.90	Weld	1.63
Jefferson	1.63	Yuma	1.65

FLORIDA

County	Rate per hundredweight
All counties	$1.72

GEORGIA

County	Rate per hundredweight
All counties	$1.77

ILLINOIS

County	Rate per hundredweight
All counties	$1.74

INDIANA

County	Rate per hundredweight
All counties	$1.92

IOWA

County	Rate per hundredweight
All counties	$1.87

KANSAS

County	Rate per hundredweight	County	Rate per hundredweight
Allen	$1.87	Decatur	$1.73
Anderson	1.89	Dickinson	1.80
Atchison	1.92	Doniphan	1.88
Barber	1.77	Douglas	1.92
Barton	1.77	Edwards	1.77
Bourbon	1.88	Elk	1.84
Brown	1.89	Ellis	1.77
Butler	1.80	Ellsworth	1.79
Chase	1.84	Finney	1.71
Chautauqua	1.84	Ford	1.74
Cherokee	1.86	Franklin	1.92
Cheyenne	1.70	Geary	1.84
Clark	1.71	Gove	1.73
Clay	1.82	Graham	1.76
Cloud	1.81	Grant	1.70
Coffey	1.87	Gray	1.73
Comanche	1.74	Greeley	1.70
Cowley	1.80	Greenwood	1.84
Crawford	1.87	Hamilton	1.70

KANSAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Harper	$1.79	Pawnee	$1.77
Harvey	1.80	Phillips	1.77
Haskell	1.71	Pottawatomie	1.87
Hodgeman	1.75	Pratt	1.77
Jackson	1.88	Rawlins	1.71
Jefferson	1.92	Reno	1.79
Jewell	1.80	Republic	1.81
Johnson	1.92	Rice	1.79
Kearny	1.70	Riley	1.86
Kingman	1.79	Rooks	1.77
Kiowa	1.77	Rush	1.77
Labette	1.86	Russell	1.77
Lane	1.73	Saline	1.80
Leavenworth	1.92	Scott	1.71
Lincoln	1.79	Sedgwick	1.80
Linn	1.88	Seward	1.69
Logan	1.71	Shawnee	1.88
Lyon	1.86	Sheridan	1.73
McPherson	1.79	Sherman	1.70
Marion	1.80	Smith	1.79
Marshall	1.86	Stafford	1.77
Meade	1.71	Stanton	1.69
Miami	1.92	Stevens	1.69
Mitchell	1.80	Sumner	1.80
Montgomery	1.86	Thomas	1.71
Morris	1.83	Trego	1.76
Morton	1.66	Wabaunsee	1.86
Nemaha	1.87	Wallace	1.70
Neosho	1.87	Washington	1.83
Ness	1.75	Wichita	1.70
Norton	1.76	Wilson	1.86
Osage	1.88	Woodson	1.87
Osborne	1.79	Wyandotte	1.92
Ottawa	1.80		

KENTUCKY

All counties $1.87

LOUISIANA

All counties $1.87

MINNESOTA

All counties $1.67

MISSISSIPPI

All counties $1.87

MISSOURI

All counties $1.87

NEBRASKA

County	Rate per hundredweight	County	Rate per hundredweight
Adams	$1.79	Garfield	$1.74
Antelope	1.76	Gosper	1.75
Arthur	1.63	Grant	1.62
Banner	1.60	Greeley	1.77
Blaine	1.69	Hall	1.77
Boone	1.79	Hamilton	1.79
Box Butte	1.61	Harlan	1.77
Boyd	1.72	Hayes	1.68
Brown	1.68	Hitchcock	1.70
Buffalo	1.75	Holt	1.74
Burt	1.84	Hooker	1.65
Butler	1.83	Howard	1.77
Cass	1.85	Jefferson	1.84
Cedar	1.76	Johnson	1.85
Chase	1.67	Kearney	1.78
Cherry	1.65	Keith	1.63
Cheyenne	1.63	Keya Paha	1.69
Clay	1.80	Kimball	1.63
Colfax	1.83	Knox	1.74
Cuming	1.83	Lancaster	1.85
Custer	1.72	Lincoln	1.67
Dakota	1.80	Logan	1.69
Dawes	1.57	Loup	1.73
Dawson	1.72	McPherson	1.66
Deuel	1.63	Madison	1.79
Dixon	1.79	Merrick	1.79
Dodge	1.84	Morrill	1.59
Douglas	1.84	Nance	1.79
Dundy	1.67	Nemaha	1.85
Fillmore	1.83	Nuckolls	1.80
Franklin	1.77	Otoe	1.85
Frontier	1.73	Pawnee	1.86
Furnas	1.75	Perkins	1.68
Gage	1.85	Phelps	1.77
Garden	1.61	Pierce	1.78

NEBRASKA—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Platte	$1.81	Sioux	$1.55
Polk	1.80	Stanton	1.80
Red Willow	1.73	Thayer	1.82
Richardson	1.87	Thomas	1.67
Rock	1.69	Thurston	1.82
Saline	1.84	Valley	1.74
Sarpy	1.84	Washington	1.84
Saunders	1.84	Wayne	1.77
Scotts Bluff	1.56	Webster	1.79
Seward	1.83	Wheeler	1.78
Sheridan	1.60	York	1.80
Sherman	1.75		

NEW MEXICO

County	Rate per hundredweight	County	Rate per hundredweight
Bernalillo	$1.49	Mora	$1.49
Catron	1.25	Otero	1.49
Chaves	1.61	Quay	1.61
Colfax	1.50	Rio Arriba	1.33
Curry	1.67	Roosevelt	1.64
De Baca	1.60	Sandoval	1.49
Dona Ana	1.49	San Juan	1.03
Eddy	1.59	San Miguel	1.49
Grant	1.23	Santa Fe	1.49
Guadalupe	1.49	Sierra	1.49
Harding	1.56	Socorro	1.49
Hidalgo	1.72	Taos	1.44
Lea	1.65	Torrance	1.49
Lincoln	1.49	Union	1.61
Luna	1.49	Valencia	1.49
McKinley	1.49		

NORTH CAROLINA

All counties $1.92

NORTH DAKOTA

All counties $1.62

OKLAHOMA

County	Rate per hundredweight	County	Rate per hundredweight
Adair	$1.82	Le Flore	$1.84
Alfalfa	1.74	Lincoln	1.74
Atoka	1.77	Logan	1.74
Beaver	1.65	Love	1.74
Beckham	1.70	McClain	1.74
Blaine	1.74	McCurtain	1.77
Bryan	1.75	McIntosh	1.81
Caddo	1.74	Major	1.74
Canadian	1.74	Marshall	1.74
Carter	1.74	Mayes	1.80
Cherokee	1.79	Murray	1.74
Choctaw	1.77	Muskogee	1.81
Cimarron	1.62	Noble	1.74
Cleveland	1.74	Nowata	1.83
Coal	1.77	Okfuskee	1.77
Comanche	1.74	Oklahoma	1.74
Cotton	1.74	Okmulgee	1.77
Craig	1.83	Osage	1.77
Creek	1.75	Ottawa	1.83
Custer	1.73	Pawnee	1.75
Delaware	1.82	Payne	1.74
Dewey	1.71	Pittsburg	1.81
Ellis	1.70	Pontotoc	1.76
Garfield	1.74	Pottawatomie	1.74
Garvin	1.74	Pushmataha	1.81
Grady	1.74	Roger Mills	1.70
Grant	1.74	Rogers	1.80
Greer	1.70	Seminole	1.76
Harmon	1.70	Sequoyah	1.82
Harper	1.68	Stephens	1.74
Haskell	1.82	Texas	1.63
Hughes	1.77	Tillman	1.74
Jackson	1.74	Tulsa	1.79
Jefferson	1.74	Wagoner	1.78
Johnston	1.74	Washington	1.82
Kay	1.76	Washita	1.74
Kingfisher	1.74	Woods	1.73
Kiowa	1.74	Woodward	1.70
Latimer	1.82		

SOUTH CAROLINA

All counties $1.92

SOUTH DAKOTA

All counties $1.67

TENNESSEE

All counties $1.87

TEXAS

County	Rate per hundredweight	County	Rate per hundredweight
Anderson	$1.94	Goliad	$2.01
Andrews	1.67	Gonzales	1.96
Angelina	1.98	Gray	1.69
Aransas	2.05	Grayson	1.79
Archer	1.70	Gregg	1.86
Armstrong	1.69	Grimes	2.01
Atascosa	1.98	Guadalupe	1.94
Austin	2.04	Hale	1.69
Bailey	1.69	Hall	1.69
Bandera	1.95	Hamilton	1.83
Bastrop	1.94	Hansford	1.64
Baylor	1.69	Hardeman	1.70
Bee	2.04	Hardin	1.99
Bell	1.93	Harris	2.06
Bexar	1.96	Harrison	1.83
Blanco	1.92	Hartley	1.64
Borden	1.69	Haskell	1.69
Bosque	1.87	Hays	1.94
Bowie	1.88	Hemphill	1.65
Brazoria	2.06	Henderson	1.89
Brazos	1.99	Hidalgo	1.93
Brewster	1.56	Hill	1.90
Briscoe	1.69	Hockley	1.69
Brooks	1.99	Hood	1.82
Brown	1.81	Hopkins	1.79
Burleson	1.98	Houston	1.98
Burnet	1.88	Howard	1.69
Caldwell	1.94	Hudspeth	1.50
Calhoun	1.99	Hunt	1.84
Callahan	1.75	Hutchinson	1.65
Cameron	1.92	Irion	1.58
Camp	1.83	Jack	1.77
Carson	1.69	Jackson	1.98
Cass	1.85	Jasper	1.98
Castro	1.69	Jeff Davis	1.50
Chambers	1.98	Jefferson	2.00
Cherokee	1.94	Jim Hogg	1.99
Childress	1.69	Jim Wells	2.04
Clay	1.74	Johnson	1.89
Cochran	1.69	Jones	1.71
Coke	1.69	Karnes	1.99
Coleman	1.77	Kaufman	1.87
Collin	1.85	Kendall	1.96
Collingsworth	1.69	Kenedy	2.03
Colorado	2.01	Kent	1.69
Comal	1.94	Kerr	1.95
Comanche	1.81	Kimble	1.78
Concho	1.77	King	1.69
Cooke	1.76	Kinney	1.87
Coryell	1.89	Kleberg	2.04
Cottle	1.69	Knox	1.69
Crane	1.59	Lamar	1.77
Crockett	1.57	Lamb	1.69
Crosby	1.69	Lampasas	1.89
Culberson	1.50	La Salle	1.92
Dallam	1.63	Lavaca	1.98
Dallas	1.85	Lee	1.98
Dawson	1.69	Leon	1.96
Deaf Smith	1.69	Liberty	2.04
Delta	1.78	Limestone	1.95
Denton	1.85	Lipscomb	1.64
De Witt	1.98	Live Oak	2.02
Dickens	1.69	Llano	1.87
Dimmit	1.87	Loving	1.52
Donley	1.69	Lubbock	1.69
Duval	2.02	Lynn	1.69
Eastland	1.78	McCulloch	1.79
Ector	1.65	McLennan	1.92
Edwards	1.62	McMullen	2.00
Ellis	1.89	Madison	1.99
El Paso	1.49	Marion	1.83
Erath	1.80	Martin	1.65
Falls	1.94	Mason	1.81
Fannin	1.79	Matagorda	2.00
Fayette	1.99	Maverick	1.86
Fisher	1.69	Medina	1.96
Floyd	1.69	Menard	1.77
Foard	1.69	Midland	1.65
Fort Bend	2.05	Milam	1.97
Franklin	1.83	Mills	1.89
Freestone	1.93	Mitchell	1.69
Frio	1.93	Montague	1.74
Gaines	1.69	Montgomery	2.04
Galveston	2.07	Moore	1.65
Garza	1.69	Morris	1.83
Gillespie	1.95	Motley	1.69
Glasscock	1.69	Nacogdoches	1.94

TEXAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Navarro	$1.91	Sherman	$1.63
Newton	1.97	Smith	1.87
Nolan	1.69	Somervell	1.83
Nueces	2.07	Starr	1.91
Ochiltree	1.62	Stephens	1.75
Oldham	1.69	Sterling	1.59
Orange	1.99	Stonewall	1.69
Palo Pinto	1.77	Sutton	1.57
Panola	1.87	Swisher	1.69
Parker	1.82	Tarrant	1.86
Parmer	1.69	Taylor	1.72
Pecos	1.51	Terrell	1.69
Polk	2.01	Terry	1.69
Potter	1.69	Throckmorton	1.72
Presidio	1.49	Titus	1.83
Rains	1.79	Tom Green	1.69
Randall	1.69	Travis	1.94
Reagan	1.57	Trinity	2.00
Real	1.92	Tyler	1.97
Red River	1.82	Upshur	1.85
Reeves	1.52	Upton	1.54
Refugio	2.01	Uvalde	1.92
Roberts	1.66	Val Verde	1.83
Robertson	1.95	Van Zandt	1.79
Rockwall	1.85	Victoria	2.00
Runnels	1.75	Walker	2.02
Rusk	1.87	Waller	2.04
Sabine	1.92	Ward	1.59
San Augustine	1.92	Washington	2.01
San Jacinto	2.03	Webb	1.95
San Patricio	2.07	Wharton	2.02
San Saba	1.81	Wheeler	1.69
Schleicher	1.59	Wichita	1.73
Scurry	1.69	Wilbarger	1.70
Shackelford	1.72	Willacy	1.93
Shelby	1.92	Williamson	1.95

TEXAS—Continued

County	Rate per hundredweight	County	Rate per hundredweight
Wilson	$1.98	Yoakum	$1.69
Winkler	1.65	Young	1.77
Wise	1.79	Zapata	1.91
Wood	1.81	Zavala	1.87

VIRGINIA

All counties $1.92

WASHINGTON

All counties $1.81

WYOMING

All counties $1.67

(2) Where the State committee determines that State or district weed control laws affect the grain sorghums crop the support rate will be 15 cents per cwt. below the applicable county support rate set forth in the schedule in subparagraph (1) of this paragraph. If upon delivery of the grain sorghums to CCC, the producer supplies a certificate indicating that the grain sorghums comply with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(d) *Discounts.* (1) The discount for grain sorghums which grade No. 3 and contain not in excess of 13 percent moisture shall be 8 cents per 100 pounds; and for grain sorghums which grade No. 4 and contain not in excess of 13 percent moisture, 16 cents per 100 pounds.

(2) Grain sorghums which grade "smutty" shall be discounted 5 cents per 100 pounds.

(3) The support rates for mixed grain sorghums (Class V) shall be 3 cents per 100 pounds less than the support rates for grain sorghums of the classes I to IV inclusive.

(4) The discounts in this paragraph shall be cumulative.

§ 421.1234 *Warehouses charges.* (a) Warehouses receipts and the grain sorghums represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing grain sorghums stored in warehouses operating under the Uniform Grain Storage Agreement is on or before March 31, 1956 there shall be deducted in computing the amount of the loan or purchase price the storage charges per hundredweight as shown in the following table unless written evidence is submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges have been prepaid through March 31, 1956:

Amount of deduction (cents per hundred weight)	Date of deposit (all dates inclusive)				
	Area I [1]	Area II [2]	Area III [3]	Area IV [4]	Area V [5]
27		Prior to Apr. 16, 1955	Prior to May 1, 1955	Prior to May 11, 1955	Prior to May 21, 1955.
26	Prior to Apr. 17, 1955	Apr. 16-May 1, 1955	May 1-May 16, 1955	May 11-May 26, 1955	May 21-June 5, 1955.
25	Apr. 17-May 2, 1955	May 2-May 17, 1955	May 17-June 1, 1955	May 27-June 11, 1955	June 6-June 21, 1955.
24	May 3-May 18, 1955	May 18-June 2, 1955	June 2-June 17, 1955	June 12-June 27, 1955	June 22-July 7, 1955.
23	May 19-June 3, 1955	June 3-June 18, 1955	June 18-July 3, 1955	June 28-July 13, 1955	July 8-July 18, 1955.
22	June 4-June 19, 1955	June 19-July 4, 1955	July 4-July 19, 1955	July 14-July 29, 1955	July 19-July 29, 1955.
21	June 20-July 5, 1955	July 5-July 20, 1955	July 20-Aug. 4, 1955	July 30-Aug. 9, 1955	July 30-Aug. 9, 1955.
20	July 6-July 21, 1955	July 21-Aug. 5, 1955	Aug. 5-Aug. 20, 1955	Aug. 10-Aug. 20, 1955	Aug. 10-Aug. 20, 1955.
19	July 22-Aug. 6, 1955	Aug. 6-Aug. 21, 1955	Aug. 21-Aug. 31, 1955	Aug. 21-Aug. 31, 1955	Aug. 21-Aug. 31, 1955.
18	Aug. 7-Aug. 22, 1955	Aug. 22-Sept. 6, 1955	Sept. 1-Sept. 11, 1955	Sept. 1-Sept. 11, 1955	Sept. 1-Sept. 11, 1955.
17	Aug. 23-Sept. 7, 1955	Sept. 7-Sept. 22, 1955	Sept. 12-Sept. 22, 1955	Sept. 12-Sept. 22, 1955	Sept. 12-Sept. 22, 1955.
16	Sept. 8-Sept. 23, 1955	Sept. 23-Oct. 3, 1955	Sept. 23-Oct. 3, 1955	Sept. 23-Oct. 3, 1955	Sept. 23-Oct. 3, 1955.
15	Sept. 24-Oct. 9, 1955	Oct. 4-Oct. 14, 1955	Oct. 4-Oct. 14, 1955	Oct. 4-Oct. 14, 1955	Oct. 4-Oct. 14, 1955.
14	Oct. 10-Oct. 25, 1955	Oct. 15-Oct. 25, 1955	Oct. 15-Oct. 25, 1955	Oct. 15-Oct. 25, 1955	Oct. 15-Oct. 25, 1955.
13	Oct. 26-Nov. 5, 1955	Oct. 26-Nov. 5, 1955	Oct. 26-Nov. 5, 1955	Oct. 26-Nov. 5, 1955	Oct. 26-Nov. 5, 1955.
12	Nov. 6-Nov. 16, 1955	Nov. 6-Nov. 16, 1955	Nov. 6-Nov. 16, 1955	Nov. 6-Nov. 16, 1955	Nov. 6-Nov. 16, 1955.
11	Nov. 17-Nov. 27, 1955	Nov. 17-Nov. 27, 1955	Nov. 17-Nov. 27, 1955	Nov. 17-Nov. 27, 1955	Nov. 17-Nov. 27, 1955.
10	Nov. 28-Dec. 8, 1955	Nov. 28-Dec. 8, 1955	Nov. 28-Dec. 8, 1955	Nov. 28-Dec. 8, 1955	Nov. 28-Dec. 8, 1955.
9	Dec. 9-Dec. 19, 1955	Dec. 9-Dec. 19, 1955	Dec. 9-Dec. 19, 1955	Dec. 9-Dec. 19, 1955	Dec. 9-Dec. 19, 1955.
8	Dec. 20-Dec. 30, 1955	Dec. 20-Dec. 30, 1955	Dec. 20-Dec. 30, 1955	Dec. 20-Dec. 30, 1955	Dec. 20-Dec. 30, 1955.
7	Dec. 31, 1955-Jan. 10, 1956	Dec. 31, 1955-Jan. 10, 1956	Dec. 31, 1955-Jan. 10, 1956	Dec. 31, 1955-Jan. 10, 1956	Dec. 31, 1955-Jan. 10, 1956.
6	Jan. 11-Jan. 21, 1956	Jan. 11-Jan. 21, 1956	Jan. 11-Jan. 21, 1956	Jan. 11-Jan. 21, 1956	Jan. 11-Jan. 21, 1956.
5	Jan. 22-Feb. 1, 1956	Jan. 22-Feb. 1, 1956	Jan. 22-Feb. 1, 1956	Jan. 22-Feb. 1, 1956	Jan. 22-Feb. 1, 1956.
4	Feb. 2-Feb. 12, 1956	Feb. 2-Feb. 12, 1956	Feb. 2-Feb. 12, 1956	Feb. 2-Feb. 12, 1956	Feb. 2-Feb. 12, 1956.
3	Feb. 13-Feb. 23, 1956	Feb. 13-Feb. 23, 1956	Feb. 13-Feb. 23, 1956	Feb. 13-Feb. 23, 1956	Feb. 13-Feb. 23, 1956.
2	Feb. 24-Mar. 5, 1956	Feb. 24-Mar. 5, 1956	Feb. 24-Mar. 5, 1956	Feb. 24-Mar. 5, 1956	Feb. 24-Mar. 5, 1956.
1	Mar. 6-Mar. 31, 1956	Mar. 6-Mar. 31, 1956	Mar. 6-Mar. 31, 1956	Mar. 6-Mar. 31, 1956	Mar. 6-Mar. 31, 1956.

[1] Area I includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.
[2] Area II includes: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin).
[3] Area III includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).
[4] Area IV includes: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.
[5] Area V includes: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through March 31, 1956 unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1235 *Settlement*—(a) *Settlement value.* (1) (i) In the case of eligible grain sorghums delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1233 and 421.1018 (e). The support rate shall be for the grade and quality of the total quantity of grain sorghums eligible for delivery.

(ii) If, upon delivery, the grain sorghums under farm-storage loans are of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the

grade and/or quality of the grain sorghums placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the grain sorghums delivered, as determined by CCC: *Provided, however,* That if such grain sorghums are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price.

(2) In the case of eligible grain sorghums delivered to CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1233 and 421.1018 (e).

(b) *Storage deduction for early delivery.* Whenever farm-stored grain sorghums under loan or purchase agreement are delivered to CCC prior to March 31, 1956, a deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges (§421.1234), except that no such deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the grain sorghums will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charge.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on grain sorghums under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the grain sorghums to CCC be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track-loading.* A track-loading payment of 6 cents per 100 pounds will be made to the producer on grain sorghums delivered to CCC on track at a country point.

Issued this 19th day of May 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4234; Filed, May 26, 1955; 8:45 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

MISCELLANEOUS AMENDMENTS TO CHAPTERS

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (sec. 10 (b) 4, 50 Stat. 315; 45 U. S. C. 228j) §§ 203.6, 204.11, 208.1 (a), 208.7 (a), 208.27, 208.29, 208.31, 209.1 (k), 209.3, 209.12, 210.2 (a), 214.1, 214.2, 214.4, 214.6, 217.1, 217.2, 220.2, 220.3 (d), (e), (f), (g), (h), (i), 222.1, 222.3, 222.4, 225.1, 225.5, 225.6, 225.7, 225.8, 225.9, 234.2, 236.2, 237.101, 237.102 (a), (d), 237.103, 237.201, 237.202 (b), 237.203, 237.301, 237.302, 237.303, 237.304, 237.305, 237.306, 237.307, 237.308, 237.401, 237.501, 237.502 (a), (c), 237.503 (a), (b), 237.504 (a), 237.601, 237.603, 237.604, 237.701 237.702, 237.801, 237.806, 237.808, 237.901, 237.904, 237.905, 238.1, 238.2 (a), (d), 238.4, 239.1, 239.2, 239.2 (b), 239.3 (a), 239.5 (a), 239.6, 239.7, 239.8, 239.9, 239.10, 240.1, 240.3, 262.12, 262.15, 262.16 (c), (d), (f), (g), (j), 266.6 are amended; former §§ 237.402, 237.403, 237.404, 237.405 and 237.406 are redesignated §§ 237.406, 237.408, 237.409, 237.410 and 237.411, respectively, and amended; Part 232 and the following sections are added: §§ 209.13, 210.6, 225.11, 237.104, 237.204, 237.205, 237.404, 237.405, 237.407, 237.607, 262.6, 262.7; and §§ 262.22 and 262.24 are repealed by Board Order 55-89, dated March 16, 1955. The above amendments to the regulations of the Railroad Retirement Board under such act (4 F. R. 1477; 5 F. R. 297; 5 F. R. 772; 5 F. R. 3392; 5 F. R. 1194; 5 F. R. 4330; 5 F. R. 4735; 6 F. R. 298; 6 F. R. 5871; 7 F. R. 2811; 7 F. R. 5266; 8 F. R. 5701; 10 F. R. 7159; 10 F. R. 11284; 11 F. R. 6820; 11 F. R. 13866; 12 F. R. 466; 12 F. R. 859; 12 F. R. 1133; 12 F. R. 2017; 12 F. R. 2907; 13 F. R. 264; 13 F. R. 7239; 15 F. R. 796; 19 F. R. 2160; 20 F. R. 422) are as follows:

PART 203—EMPLOYEES UNDER THE ACT

§ 203.6 *Age, citizenship, and other factors.* The age, citizenship, or residence of an individual, or his designation as other than an "employee" shall not be controlling in determing whether or not such individual is an employee within the meaning of the act, except that an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required by the laws of the place where the service is performed to employ, in whole or in part, citizens or residents thereof and the laws in force therein on August 29, 1935, shall be deemed to have been in force at all times prior to that date.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interprets or applies sec. 1, 49 Stat. 967, as amended; 45 U. S. C. 228a)

PART 204—EMPLOYMENT RELATION

§ 204.11 *Evidence of disability.* The term "physical or mental disability" as used in this part relates to the ability of the individual to perform the duties of his regular occupation in accordance with the standards customarily recognized within the industry. Determinations of disability will be made on the basis of medical evidence furnished by the employer and by the employee as well as by other circumstances which are indicative of the individual's ability to render service in his usual occupation.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j)

PART 208—ELIGIBILITY FOR AN ANNUITY

§ 208.1 *Statutory provisions.*

(a) The following-described individuals, if they shall have been employees on or after the enactment date, and shall have completed ten years of service, shall, subject to the conditions set forth in subsections (b), (c), and (d), be eligible for annuities after they shall have ceased to render compensated service to any person, whether or not an employer as defined in section 1 (a) (but with the right to engage in other employment to the extent not prohibited by subsection (d)):

* * * * * *

(5) Individuals whose permanent physical or mental condition is such that they are unable to engage in any regular employment.

Such satisfactory proof shall be made from time to time as prescribed by the Board, of the disability provided for in paragraph 4 or 5 and of the continuance of such disability (according to the standards applied in the establishment of such disability) until the employee attains the age of sixty-five. If the individual fails to comply with the requirements prescribed by the Board as to proof of the continuance of the disability until he attains the age of sixty-five years, his right to an annuity by reason of such disability shall, except for good cause shown to the Board, cease, but without prejudice to his rights to any subsequent annuity to which he may be entitled. If before attaining the age of sixty-five an employee in receipt of an annuity under paragraph 4 or 5 is found by the Board to be no longer disabled as provided in said paragraphs his annuity shall cease upon the last day of the month in which he ceases to be so disabled. If after cessation of his disability annuity the employee will have acquired additional years of service, such additional years of service may be credited to him with the same effect as if no annuity had previously been awarded to him.

(b) An annuity shall be paid only if the applicant shall have relinquished such rights as he may have to return to the service of an employer and of the person by whom he was last employed; but this requirement shall not apply to the individuals mentioned in subdivision 4 and subdivision 5 of subsection (a) prior to attaining age sixty-five.

(c) * * *

(2) Not more than twelve months before the filing of the application. (Sec. 2, 50 Stat. 309, 310, as amended; 45 U. S. C. 228b.)

§ 208.7 *Annuities for employees.* (a) Subject to the provisions of paragraphs (b) and (c) of this section, an individual who has been an employee on or after August 29, 1935, has completed 10 years of service, and has ceased to render service for compensation to any person, whether or not an employer under the act, is eligible for an annuity if:

* * * * * *

(4) The physical or mental condition of the individual is such that he is unable to engage in any regular employment.

(b) No annuity shall be certified for payment to an individual until such time as he has filed with the Board a duly executed application form, has established by proof satisfactory to the Board that he possesses all the qualifications therefor, and, except for an individual whose eligibility for an annuity is determined in accordance with paragraph (a) (3) or (4) of this section, has relinquished rights to return to service as required by Part 216 of this chapter. In no case shall an annuity begin to accrue earlier than (1) twelve months prior to the date upon which the application therefor was filed with the Board, or (2) the day following the last day of the applicant's compensated service: *Provided, however,* That where such date falls on the thirty-first day of any month the annuity shall begin to accrue on the first day of the following month. An individual whose eligibility for an annuity is determined in accordance with paragraph (a) (3) or (4) of this section, shall relinquish rights to return to service as required by Part 216 of this chapter upon his attainment of age 65.

(c) Except as provided in § 208.31 and in section 407 of the 1946 amendments to the Railroad Retirement Act, enacted as Public Law 572, 79th Cong., after an annuity has been awarded to an individual, he shall not be eligible for a new or additional annuity, by reason of acquiring, after the annuity awarded him began to accrue, any additional eligibility qualifications.

§ 208.27 *Disability annuitant to notify of recovery from disability, and of performance of service for hire and of self-employment.* It shall be the duty of an individual awarded an annuity upon the basis of total and permanent disability for regular employment for hire, or upon the basis of permanent disability for work in his regular occupation, to notify the Board before he attains age 65 of his recovery from such disability and of any service for hire and self-employment in a period and to the extent described in § 208.29 (c).

§ 208.29 *Cessation or non-payment of disability annuities.* (a) An annuity awarded to an individual upon the basis of his having become totally and permanently disabled for regular employment for hire, or upon the basis of his having become permanently disabled for work in his regular occupation, shall cease before the individual attains age 65 as of the last day of:

(1) The month in which he recovers from such disability; or

(2) The month preceding the month in which he dies, regardless of his age; or

(3) The month following the month in which a notice was mailed to him requiring him to furnish additional proof of the continuance of his disability, if he failed to comply with such notice; or

(4) The month in which the Board receives notice of his failure to appear for, or submit to, a required examination; or

(5) The month in which he was required to furnish the Board with any information relating to employment, earnings and his physical or mental condition, if he failed to furnish such information.

(b) The annuity of an individual, based upon either the disability described in § 208.7 (a) (3) or (4) who fails to relinquish rights to return to service in accordance with Part 216 of this chapter shall be suspended as of the end of the month in which he attains age 65. Annuity payments which ceased by reason of noncompliance with the provisions of one or more of paragraph (a) (3) to (5) of this section shall be restored if within a reasonable time the annuitant shows good cause for such noncompliance.

(c) The annuity of an individual based upon either the disability described in § 208.7 (a) (3) or (4) shall not be paid with respect to any month in which the individual is under age 65 and is paid more than $100 in earnings from employment and self-employment of any form. Any such individual under the age of 65 shall report to the Board any such payment of earnings for such employment and self-employment before receipt and acceptance of an annuity for the second month following the month of such payment: *Provided,* That the Board may at any time require compliance with § 208.25.

§ 208.31 *Cessation or non-payment of disability annuity not prejudicial to further eligibility.* The cessation or non-payment pursuant to § 208.29 of a disability annuity shall not prejudice any rights of the individual, formerly in receipt of such annuity, to any annuity to which he may thereafter become entitled; and for such purpose, years of service acquired by such an individual whose annuity shall have so ceased or shall not have been paid prior to age 65 may be credited with the same effect as if no annuity had previously been awarded.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interpret or apply sec. 2, 49 Stat. 968, as amended; 45 U. S. C. 228b)

PART 209—MILITARY SERVICE

§ 209.1 *Statutory provisions.* * * *

(k) No person shall be entitled to an annuity, or to an increase in an annuity, based on military service unless a specific claim for credit for military service is filed with the Board by the individual who rendered such military service, and in no case shall an annuity, or an increase in an annuity, based on military service begin to accrue earlier than six months prior to the date on which such claim for credit for military service was filed with the Board nor before October 8, 1940: *Provided,* That this subsection shall not be construed to prevent payment of annuities with respect to accruals, not based on military service, prior to the date on which an annuity based on military service began to accrue.

* * * * * *

§ 209.3 *Application for annuities based on military service.* No individual shall be entitled to an annuity, or to an increase in an annuity, based on military service unless he has in the manner provided in Part 210 of this chapter, filed an application claiming credit for military service, in such form as the Board may prescribe. The application shall be filed within twelve months from the date on which such annuity or increase in an annuity is to begin to accrue, and may be filed by any individual, including individuals whose claims for annuities not based on military service have theretofore been granted or denied. In no event shall an annuity or increase in an annuity based on military service begin to accrue before October 8, 1940.

§ 209.12 *War service period.* A war service period includes, with respect to any individual:

(a) Any period during which the individual was required by call of the President, or by any act of Congress or regulation, order, or proclamation pursuant thereto, to enter and continue in military service, and

(b) Any period of military service in a war period, providing the individual entered military service in such war period, and

(c) Any period of military service immediately following a war period, whether or not such service was entered upon voluntarily, and prior to discharge from such service or reenlistment therein, providing the individual entered military service in such war period, and

(d) Any period after September 7, 1939, with respect to which a state of national emergency was duly declared to exist which requires a strengthening of the national defense.

§ 209.13 *War period.* A war period begins on the date on which the Congress of the United States declared war, or on the date as of which the Congress of the United States declared a state of war to have existed, or on the date on which war was declared by one or more foreign states against the United States, or on the date on which any part of the United States or any territory under its jurisdiction was invaded or attacked by any armed force of one or more foreign states, or on the date on which the United States engaged in armed hostilities for the purpose of preserving the Union or of maintaining in any State of the Union a republican form of government, whichever date is the earliest. A war period ends on the date on which hostilities shall have ceased.

(a) *Spanish-American War.* The war period of the Spanish-American War began April 21, 1898, and ended August 13, 1898.

(b) *Philippine Insurrection.* The war period of the Philippine Insurrection began February 4, 1899, and ended April 27, 1902.

(c) *World War I.* The war period of the World War began April 6, 1917, and ended November 11, 1918.

(d) *World War II.* The war period of World War II began December 7, 1941, and ended December 31, 1946.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interpret or apply sec. 3, 49 Stat. 969, as amended; 45 U. S. C. 228c)

PART 210—EXECUTION AND FILING OF AN APPLICATION FOR AN ANNUITY

§ 210.2 *Application to be filed.* (a) No individual, irrespective of his qualifications, shall receive an annuity unless he has, on or before the date of his death, either (1) filed with an office of the Board a duly executed application, upon such form as the Board may from time to time prescribe, or (2) delivered for the purpose of transmission to the Board's main office in Chicago, Ill., such a duly executed application to any field agent of the Board specifically authorized by a regional director to receive custody thereof in the district where

delivery is made: *Provided, however,* That a claim or application filed with the Social Security Administration, whether before or after the adoption of this section, for a lump-sum payment under section 204 (a) of Title II of the Social Security Act, as approved August 14, 1935, or for old-age insurance benefits under section 202 (a) of the Social Security Act, as amended to September 1, 1950, based in whole or in part on service with an employer under the Railroad Retirement Act, shall be considered an application for an annuity duly filed with the Railroad Retirement Board.

* * * * * *

§ 210.6 *Application filed with the Social Security Administration.* The date on which an individual files a claim or application with the Social Security Administration for old-age insurance benefits based on less than ten years (120 months) of railroad service shall be considered the date on which an application is filed with the Railroad Retirement Board if the individual subsequently acquires 120 months of railroad service. In any such case, receipt of the following information from the Social Security Administration shall denote the filing of an application under the Railroad Retirement Act: the name and address of the applicant; the name of each employer involved who may be covered by the Railroad Retirement Act; the amount of benefits, if any, paid by the Social Security Administration on the basis of service with such employers; and the date the claim or application was filed with the Social Security Administration. In determining the date on which a claim or application was filed with the Social Security Administration, the provisions of the proviso in § 210.3 shall be applied. The payments made by the Social Security Administration on the basis of compensation which had been used as wages are not erroneous for months prior to the time the individual acquired his 120th month of railroad service; such payments, however, if any, made for and subsequent to the individual's 120th month of railroad service are to be recovered from accrued annuities under the Railroad Retirement Act.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interpret or apply sec. 2, 49 Stat. 968, as amended; 45 U. S. C. 228b)

PART 214—ANNUITY BEGINNING DATE

§ 214.1 *Statutory provisions.*

An annuity shall begin to accrue as of a date to be specified in a written application (to be made in such manner and form as may be prescribed by the Board and to be signed by the individual entitled thereto), but—

(1) Not before the date following the last day of compensated service of the applicant, and

(2) Not more than twelve months before the filing of the application. (Section 2 (c), 50 Stat. 310, as amended; 45 U. S. C. 228b).

Any individual who, prior to the date of the enactment of this Act, relinquished all rights to return to the service of a carrier as defined in the Railroad Retirement Act of 1935 or ceased to be an employee representative as defined in such Act, and who is not eligible for an annuity under that Act but who would have been eligible for an annuity under the Railroad Retirement Act of 1937 had such Act been in force from and after August 29, 1935, shall have his right to an annuity adjudicated under the Railroad Retirement Act of 1937: *Provided, however,* That no such annuity shall begin prior to the date of the enactment of this Act. (Section 203, 50 Stat. 318; 45 U. S. C. 215 Note.)

§ 214.2 *Annuity beginning date.* An annuity shall begin to accrue as of the date specified in the application: *Provided,* That such date is not earlier than that permitted by sections 2 (c) (1), 2 (c) (2), and 203 of the act quoted in § 214.1, nor prior to the date upon which the applicant attains eligibility for an annuity: *Provided further,* That no joint and survivor annuity shall begin to accrue prior to the date on which a joint and survivor annuity election was made in accordance with Part 230 of this chapter. The filing of an application in accordance with the proviso contained in § 210.2 of this chapter shall be the specification, as an annuity beginning date, of the date following the last day of compensated service, or of the date twelve months prior to the filing date, whichever date is the later: *Provided, however,* That where such date falls on the thirty-first day of any month the annuity shall begin to accrue on the first day of the following month; and that where an application is filed on February 28 or 29 the annuity may begin as early as February 28 of the preceding year.

§ 214.4 *Clarification of beginning date.* In any case wherein an applicant has made an unintelligible designation of the beginning date of his annuity, he shall be notified of the earliest beginning date permitted by law. Non-action in response to the notification from the Board of the earliest permissible beginning date for a period of 30 days after the date of the notification shall operate to designate the earliest permissible date specified in such notification.

§ 214.6 *Beginning date following cancellation of application.* In the event an annuity beginning date is designated and, because of a cancellation of the application, such date becomes ineffective, the annuity thereafter cannot begin to accrue earlier than twelve months prior to the receipt of the request to renew the application, nor until the date following the last day of compensated service, whichever date is later: *Provided, however,* That the applicant may, in renewing such application, designate a later date.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j)

PART 217—LOSS OF ANNUITY FOR ANY MONTH BY REASON OF COMPENSATED SERVICE

§ 217.1 *Statutory provisions.*

No annuity shall be paid with respect to any month in which an individual in receipt of an annuity hereunder shall render compensated service to an employer or to the last person by whom he was employed prior to the date on which the annuity began to accrue. Individuals receiving annuities shall report to the Board immediately all such compensated service. No annuity under paragraph 4 or 5 of subsection (a) of this section shall be paid to an individual with respect to any month in which the individual is under age sixty-five and is paid more than $100 in earnings from employment or self-employment of any form: *Provided,* That for purposes of this paragraph, if a payment in any one calendar month is for accruals in more than one calendar month, such payment shall be deemed to have been paid in each of the months in which accrued to the extent accrued in such month. Any such individual under the age of sixty-five shall report to the Board any such payment of earnings for such employment or self-employment before receipt and acceptance of an annuity for the second month following the month of such payment. A deduction shall be imposed, with respect to any such individual who fails to make such report, in the annuity or annuities otherwise due the individual, in an amount equal to the amount of the annuity for each month in which he is paid such earnings in such employment or self-employment, except that the first deduction imposed pursuant to this sentence shall in no case exceed an amount equal to the amount of the annuity otherwise due for the first month with respect to which the deduction is imposed. (Sec. 2 (d), 50 Stat. 310, as amended; 45 U. S. C. 228b)

§ 217.2 *Loss of annuity for month in which compensated service is rendered.* If an individual in receipt of an annuity renders compensated service, he shall not be paid an annuity with respect to any month in which such service is rendered to:

(a) An employer;

(b) Any person whether or not an employer by whom he was most recently employed when his annuity begins to accrue;

(c) Any person with whom he held, at the time the annuity begins to accrue, any rights to return to service;

(d) Any person with whom he ceased service in order to have his annuity begin to accrue.

(See also § 208.29 (c) of this chapter.)

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interpret or apply sec. 2, 49 Stat. 968, as amended; 45 U. S. C. 228b)

PART 220—DEFINITION AND CREDITABILITY OF SERVICE

§ 220.2 *What constitutes a month and a year of service.* Any calendar month in which an individual renders service for compensation or for which he receives remuneration for time lost as an employee, constitutes a month of service, irrespective of the amount of such service or of the amount of time for which such remuneration is received. Twelve such months, consecutive or otherwise, shall be a year of service: *Provided, however,* That in totaling the service of an employee who has performed 126 months or more of creditable service, an ultimate fraction of 6 months or more shall constitute a year of service. In all other cases, ultimate fractions shall be taken at their actual value.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interprets or applies sec. 1, 45 U. S. C. 228a)

§ 220.3 *Creditability of service.* * * *

(d) *Service prior to January 1, 1937.* If an individual was not an employee on August 29, 1935, no service prior to January 1, 1937, shall be creditable.

(e) *Service prior to January 1, 1937, where individual was employee on August 29, 1935.* Service performed prior to January 1, 1937, by an individual who was an employee on August 29, 1935, shall be creditable in the manner and to the extent provided in paragraph (f) of this section but not so as to cause the total years of service to exceed 30: *Provided, however,* That with respect to any such individual who rendered service to any employer after January 1, 1937, and who on August 29, 1935, was not an employee of an employer conducting the principal part of its business in the United States no greater proportion of his service rendered prior to January 1, 1937, shall be included in his "years of service" than the proportion which his total compensation (without regard to any limitation on the amount of compensation otherwise provided in the act) for service after January 1, 1937, rendered anywhere to an employer conducting the principal part of its business in the United States or rendered in the United States to any other employer bears to his total compensation (without regard to any limitation on the amount of compensation otherwise provided in the act) for service rendered anywhere to an employer after January 1, 1937.

(f) *Service subsequent to December 31, 1936.* All service rendered as an employee after December 31, 1936, including service performed after age 65 is attained, shall be creditable even in excess of 30 years: *Provided, however,* That in any case in which both service prior to January 1, 1937, and service subsequent to December 31, 1936, are to be credited, all service subsequent to December 31, 1936, shall first be credited, and if it be less than 30 years, then service prior to January 1, 1937, shall be included, but only to an extent sufficient to bring the total of all years of service to 30: *Provided further,* That whenever service prior to January 1, 1937, is to be included it shall be taken in reverse order.

(g) *Service performed subsequent to the beginning date of an annuity.* Service rendered as an employee after the beginning date of an annuity shall be creditable toward any annuity under Part 208 of this chapter, and such annuity may be recomputed because of such additional service: *Provided,* That an application for recomputation is filed as prescribed in § 225.11 (a) of this chapter: *Provided further,* That such recomputation will not result in a decrease in such annuity. If such annuity was granted upon the basis of disability and the disability annuity ceased before the annuitant attained age 65, an application for recomputation shall not be required.

(h) *Service as employee representative.* Service rendered as an employee representative, as defined in § 205.2 of this chapter, shall be creditable in the same manner and to the same extent as though the organization by which he was employed were an employer.

(i) *Service after December 31, 1936, to a local lodge or division.* Service rendered in any month after December 31, 1936, to a local lodge or division of a railway-labor-organization employer with respect to which service an individual would be an employee within the meaning of § 203.7 of this chapter shall not be creditable unless rendered for compensation which is creditable within the provisions of Part 222 of this chapter, and particularly § 222.3 (d) of this chapter.

(Sec. 10, 49 Stat. 973, as amended; 15 U. S. C. 228j. Interprets or applies secs. 1, 3, 49 Stat. 967, 969, as amended; 45 U. S. C. 228a, 228c)

PART 222—DEFINITION AND CREDITABILITY OF COMPENSATION

§ 222.1 *Statutory provisions.*

The term "compensation" means any form of money remuneration paid to an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of any tax now or hereafter imposed with respect to the compensation of such employee. For the purposes of determining monthly compensation and years of service and for the purposes of subsections (a), (c), and (d) of section 2 and subsection (a) of section 5 of this Act, compensation earned in the service of a local lodge or division of a railway-labor-organization employer shall be disregarded with respect to any calendar month if the amount thereof is less than $3 and (1) such compensation is earned between December 31, 1936, and April 1, 1940, and taxes thereon pursuant to section 2 (a) and 3 (a) of the Carriers Taxing Act of 1937 or sections 1500 and 1520 of the Internal Revenue Code are not paid prior to July 1, 1940; or (2) such compensation is earned after March 31, 1940. A payment made by an employer to an individual through the employer's pay roll shall be presumed, in the absence of evidence to the contrary, to be compensation for service rendered by such individual as an employee of the employer in the period with respect to which the payment is made. An employee shall be deemed to be paid, "for time lost" the amount he is paid by an employer with respect to an identifiable period of absence from the active service of the employer, including absence on account of personal injury, and the amount he is paid by the employer for loss of earnings resulting from his displacement to a less remunerative position or occupation. If a payment is made by an employer with respect to a personal injury and includes pay for time lost, the total payment shall be deemed to be paid for time lost unless, at the time of payment, a part of such payment is specifically apportioned to factors other than time lost, in which event only such part of the payment as is not so apportioned shall be deemed to be paid for time lost. Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 8, the period during which such compensation will have been earned. In determining the monthly compensation, the average monthly remuneration, and quarters of coverage of any employee, there shall be attributable as compensation paid to him in each calendar month in which he is in military service creditable under section 4 the amount of $160 in addition to the compensation, if any, paid to him with respect to such month. Compensation for service as a delegate to a national or international convention of a railway labor organization defined as an "employer" in subsection (a) of this section shall be disregarded for purposes of determining eligibility for and the amount of benefits pursuant to this Act if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his "years of service". (Section 1 (h), 50 Stat. 309, as amended; 45 U. S. C. 228a)

* * * In computing the monthly compensation, no part of any month's compensation in excess of $300 for any month before July 1, 1954, or in excess of $350 for any month after June 30, 1954, shall be recognized. If the employee earned compensation in service after June 30, 1937, and after the last day of the calendar year in which he attained age sixty-five, such compensation and service shall be disregarded in computing the monthly compensation if the result of taking such compensation into account in such computation would be to diminish his annuity. (Section 3 (c), 50 Stat. 311, as amended by 68 Stat. 1038; 45 U. S. C. 228c)

§ 222.3 *Creditability of compensation—*(a) *Maximum creditable compensation for one month.* In no case shall compensation in excess of $300 for any month of service before July 1, 1954, or in excess of $350 for any month of service after June 30, 1954, be recognized.

(b) *Compensation dependent upon creditability of service.* All compensation paid to an individual for service creditable in accordance with § 220.3 of this chapter, including compensation received for service performed after age 65, or after the beginning date of an annuity, shall be credited: *Provided, however,* That the crediting of such compensation shall be limited to the maximum prescribed in paragraph (a) of this section: *Provided further,* That if the individual earned compensation in service after June 30, 1937, and after the calendar year in which he attained age 65 such compensation and service shall be disregarded in computing the monthly compensation if the result of taking such compensation into account in such computation would be to diminish his annuity.

(c) *Employee representative compensation.* (1) If an individual occupies the position or office of employee representative as defined in section 1 (b) of the 1937 act and is paid remuneration in that position or office, all such remuneration is paid for services rendered as an employee representative within the meaning of section 1 (h) of the act, even though the individual performs either in connection with or outside of that position or office some services which are not related to the representation of employees in negotiations with employers regarding wages, hours, working conditions, etc. However, any other remuneration which the individual receives is not paid for service rendered as an employee representative within the meaning of section 1 (h).

(2) If an individual does not occupy the position or office of employees representative and is paid remuneration in another position or office, none of such remuneration is paid for services rendered as an employee representative

within the meaning of section 1 (h) of the 1937 act, even though the individual performs either in connection with or outside of the non-employee representative position some services which are related to the representation of employees in negotiations with employers regarding wages, hours, working conditions, etc. Likewise, if the individual does occupy the position or office of employee representative in addition to his other position or office, but is paid remuneration only in the non-employee representative position or office or for services not related to the representation of employees in negotiations with employers, none of such remuneration is paid for service rendered as an employee representative within the meaning of section 1 (h).

(d) *Compensation earned after December 31, 1936, for service rendered to a local lodge or division.* Compensation earned in any month after December 31, 1936, for service rendered to a local lodge or division of a railway-labor-organization employer shall be disregarded unless (1) it is $3.00 or more, or (2) if less than $3.00 it was earned prior to April 1, 1940, and with respect thereto the income and excise taxes prescribed in the Railroad Retirement Tax Act were paid prior to July 1, 1940.

(e) *Compensation for service as a delegate to a convention of a railway labor organization.* Compensation received on or after April 1, 1954, as a delegate to a national or international convention of a railway labor organization defined as an "employer" in section 1 (a) of the act shall be disregarded in determining an individual's eligibility for benefits and the amount of such benefits if the individual has not previousy rendered service, other than as such a delegate, which may be included in his "years of service."

(f) *When compensation earned will be deemed compensation paid.* Compensation earned in any calendar month before 1947 shall be deemed paid in such month regardless of whether or when payment will have been in fact made, and compensation earned in any calendar year after 1946 but paid after the end of such calendar year shall be deemed to be compensation paid in the calendar year in which it will have been earned if it is so reported by the employer before February 1 of the next succeeding calendar year or, if the employee establishes, subject to the provisions of section 8 of the act, the period during which such compensation will have been earned.

(g) *Compensation; payment.* Compensation is deemed to be paid:

(1) When it is actually paid; or

(2) When it is constructively paid, that is, credited to the account of or set apart for an employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and made available to him so that it may be drawn upon at any time and its payment brought within his own control and disposition.

(h) *Allowances in lieu of vacation.* Compensation shall include allowances in lieu of vacations. If an employee dies, or ceases service for the purpose of receiving an annuity, and a vacation allowance is thereafter paid, the Board may, in the interest of the employee, credit the allowance to the last day of service or allocate the compensation to a period during his life following the last day of service equivalent to the entire vacation period.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interprets or applies sec. 1, 49 Stat. 967, as amended; 45 U. S. C. 228a)

§ 222.4 *Amount of compensation attributable to each calendar month of military service creditable.* In determining the "monthly compensation" of any employee who performed military service which is creditable under Part 209 of this chapter and section 4 of the act, there shall be attributable as compensation for each such month of creditable military service the amount of $160 in adition to the compensation, if any, paid him with respect to such month: *Provided, however,* That the compensation so credited shall not exceed the maximum prescribed in § 222.3 (a).

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j)

PART 225—COMPUTATION OF ANNUITY

§ 225.1 *Formula for computing annuity.* The annuity shall be computed by multiplying an individual's "years of service" by the following percentages of his "monthly compensation": 2.76 percent of the first $50; 2.07 percent of the next $100; and 1.38 percent of the next $200.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interprets or applies sec. 3, 49 Stat. 969, as amended; 45 U. S. C. 228c)

§ 225.5 *Minimum amount of annuity.* In the case of an individual having a current connection with the railroad industry as defined in section 1 (o) of the act and § 208.5 of this chapter, the minimum annuity payable for any month after October 1951 shall, except as provided in § 225.6 and prior to any reduction pursuant to §§ 225.7, 225.8, and 225.9, be whichever of the following is the least:

(a) $4.14 multiplied by the number of the individual's "years of service," or

(b) $69, or

(c) The individual's "monthly compensation" as determined under § 225.3.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interprets or applies sec. 3, 49 Stat. 969, as amended; 45 U. S. C. 228c)

§ 225.6 *Over-all minimum based on Social Security Act formula.* (a) When the total amount of annuity payable to an individual for an entire month, before any reduction under §§ 225.7 and 225.8, plus the amount, if any, of the spouse's annuity payable for such month to the spouse of such individual, is less than the amount, or the additional amount, which would have been payable for such month under the Social Security Act to the individual, his spouse, and his children, if any, the amount of the annuity or annuities shall be increased proportionately to such amount or additional amount.

(b) For the purpose of this section, (1) the individual's service as an employee after 1936 shall be deemed to have been "employment" as that term is defined in the Social Security Act, (2) quarters of coverage shall be determined in accordance with section 5 (1) (4) of the Railroad Retirement Act (see § 237.101 of this chapter), and (c) the amount of any possible deductions for failure to report an event causing a deduction as provided in subsections (f) and (g) (2) of section 203 of the Social Security Act shall be disregarded.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interprets or applies sec. 3, 49 Stat. 969, as amended; 45 U. S. C. 228c)

§ 225.7 *Annuities subject to reduction where individual is under age 65.* Where eligibility for an annuity is based on age 60 to 65 and service, the amount of the annuity, as computed under §§ 225.1 to 225.6, shall in the case of male applicants be reduced by one one-hundred-and-eightieth for each calendar month during all of which the individual is less than 65 years of age when the annuity begins to accrue.

§ 225.8 *Effect of election of joint and survivor annuity.* If a joint and survivor election is operative, the value of the annuity, as computed under §§ 225.1 to 225.7, shall be applied to the payment of two annuities, a joint and survivor annuity to the individual during life, and a survivor annuity to the surviving spouse during life; the amounts of both annuities shall be such that their combined actuarial value as determined by the Board shall be the same as the actuarial value of the annuity computed under §§ 225.1 to 225.7: *Provided, however,* That such joint and survivor annuity shall upon revocation of the election or death of the spouse be increased to the amount that would have been payable had an election not been made, such increased annuity to begin to accrue, subject to the provisions of § 214.1 of this chapter, on the first of the calendar month following the calendar month in which the election was revoked or the spouse died, but not before November 1, 1951.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interprets or applies sec. 2, 49 Stat. 968, as amended; 45 U. S. C. 228b)

§ 225.9 *Reduction because of military service used for other benefits.* When any other gratuitous benefit is payable on a periodic basis under another act of Congress on the basis of military service included in an individual's years of service, the annuity of such individual for all or part of a month for which such other benefit is payable, shall be reduced by

(a) The proportion that the number of years of service by which such military service increases the years of service bears to the total years of service, or

(b) The aggregate amount of such other benefit for that month, whichever results in the smaller reduction; however, where eligibility for the annuity exists without the crediting of the military service on the basis of which such other benefit is payable, the annuity shall not be reduced below the amount which would be payable without the crediting of the military service.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interprets or applies sec. 4, 49 Stat. 969, as amended; 45 U. S. C. 228c–1)

§ 225.10 [Reserved.]

§ 225.11 *Annuity subject to recomputation*—(a) *Recomputation of retirement annuity.* Subject to the provisions of paragraph (b) of this section, the retirement annuity of an individual shall be recomputed and recertified to include service rendered by such individual as an employee after such annuity began to accrue if the individual has, on or before the date of his death, filed with an office of the Board a duly executed application for such recomputation subject to the same conditions and limitations prescribed in § 210.2 of this chapter relating to the execution and filing of an application for an annuity. A recomputation under this section shall be made according to the provisions of section 3 of the act, as amended, and shall take into account all the individual's service rendered as an employee up to the date the application for recomputation is filed with the Board.

(b) *Cessation of service and relinquishment of rights as conditions for recomputation.* An individual shall be entitled to have his retirement annuity recomputed under paragraph (a) of this section only if he shall have ceased to render service for compensation to an employer as defined in Part 202 of this chapter, and shall have relinquished all rights which he may have had to return to the service of any such employer; but the requirement of relinquishment of rights shall not apply to an individual entitled to an annuity described in § 208.7 (a) (3) or (4) of this chapter, prior to attaining age 65.

(c) *Filing date of application for recomputation.* An application for recomputation of a retirement annuity, filed in the manner and form prescribed in paragraph (a) of this section and § 210.2 of this chapter, shall be considered filed as of the date prescribed in § 210.3 of this chapter.

(d) *Signature on application for recomputation.* An application for recomputation of a retirement annuity shall be signed in the manner prescribed in § 210.4 of this chapter. In addition, the conditions prescribed in that section with respect to re-executed or corrected applications shall also apply to such an application.

(e) *Presumptions from application; application where individual is incompetent; alteration; cancellation and effect of cancellation of application.* Sections 210.5, 210.7, 210.10, 210.11, and 210.12, respectively, of this chapter shall govern the presumptions which shall be made from a duly executed application for recomputation of a retirement annuity received on or prior to the date of death of the applicant, the execution and filing of such an application in the event the individual is mentally incompetent, the restrictions governing the alteration of such an application, the cancellation of such an application, and the effect of a cancellation.

(f) *Effective date of increase where retirement annuity is recomputed to include service rendered after annuity began to accrue.* Any increase in a retirement annuity resulting from a recomputation to include service rendered after the annuity has begun to accrue shall be effective as of the latest of the following dates: (1) twelve months before the filing date of the application for recomputation, or (2) the first day of the month following the last month in which the employee worked for an employer under the act: *Provided, however,* That no such increase in annuity shall be effective before November 1, 1951.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interprets or applies sec. 3, 49 Stat. 969, as amended; 45 U. S. C. 228c)

PART 232—SPOUSES' ANNUITIES

Subpart A—Definitions

Sec.
232.101 Statutory provisions.
232.102 Definition of "spouse".
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AUTHORITY: §§ 232.101 to 232.403 issued under sec. 10, 49 Stat. 753, as amended; 45 U. S. C. 228j.

SUBPART A—DEFINITIONS

§ 232.101 *Statutory provisions.*

For the purposes of this Act, the term "spouse" shall mean the wife or husband of a retirement annuitant or pensioner who (i) was married to such annuitant or pensioner for a period of not less than three years immediately preceding the day on which the application for a spouse's annuity is filed, or is the parent of such annuitant's or pensioner's son or daughter, if, as of the day on which the application for a spouse's annuity is filed, such wife or husband and such annuitant or pensioner were members of the same household, or such wife or husband was receiving regular contributions from such annuitant or pensioner toward her or his support, or such annuitant or pensioner has been ordered by any court to contribute to the support of such wife or husband; and (ii) in the case of a husband, was receiving at least one-half of his support from his wife at the time his wife's retirement annuity or pension began. (65 Stat. 684; 45 U. S. C. 228b)

§ 232.102 *Definition of "spouse."* The term "spouse" means a wife or husband of a retirement annuitant or pensioner as defined in section 2 of the act and in §§ 232.103 and 232.104.

§ 232.103 *Definition of "wife."* An individual is a "wife," as that term is used in section 2 of the act, when such an individual is the wife of a retirement annuitant or pensioner under the law of the state of his domicile and when:

(a) She has been married to such annuitant or pensioner for at least 3 years preceding the date on which an application for a spouse's annuity is filed, or is the natural mother of his son or daughter, and

(b) As of the date on which an application for a spouse's annuity is filed, she was a member of the same household as such annuitant or pensioner, or he was contributing toward her support regularly, or he had been ordered by any court to contribute to the support of such wife.

§ 232.104 *Definition of "husband."* An individual is a "husband," as that term is used in section 2 of the act, when such individual is the husband of a retirement annuitant or pensioner under the law of the state of her domicile and when:

(a) He had been married to such annuitant or pensioner for at least 3 years preceding the date on which an application for a spouse's annuity is filed, or is the natural father of her son or daughter, and

(b) As of the date on which an application for a spouse's annuity is filed, he was a member of the same household as such annuitant or pensioner, or she was contributing toward his support regularly, or she had been ordered by any court to contribute to the support of such husband, and

(c) He was receiving at least one-half of his support from such annuitant or pensioner on the day her annuity or pension began to accrue.

SUBPART B—CONDITIONS OF ENTITLEMENT

§ 232.201 *Statutory provisions.*

The spouse of an individual, if—

(i) Such individual has been awarded an annuity under subsection (a) or a pension under section 6 and has attained the age of 65, and

(ii) Such spouse has attained the age of 65 or in the case of a wife, has in her care (individually or jointly with her husband) a child who, if her husband were then to die, would be entitled to a child's annuity under subsection (c) of section 5 of this Act,

Shall be entitled to a spouse's annuity • • •.

(65 Stat. 683; 45 U. S. C. 228b, 228f, 228e)

An annuity shall be paid only if the applicant shall have relinquished such rights as he may have to return to the service of an employer and of the person by whom he was last employed • • • (Sec. 2 (b), 50 Stat. 310; 45 U. S. C. 228b)

An annuity shall begin to accrue as of a date to be specified in a written application (to be made in such manner and form as may be prescribed by the Board and to be signed by the individual entitled thereto), but—

(1) Not before the date following the last day of compensated service of the applicant, and

(2) Not more than twelve months before the filing of the application.

(Sec. 2 (c), 50 Stat. 310, as amended; 45 U. S. C. 228b)

§ 232.202 *Eligibility for an annuity.* The spouse of a retirement annuitant or pensioner shall be eligible for a spouse's annuity when such annuitant or pensioner has attained the age of 65 if:

(a) The spouse has also attained the age of 65, or

(b) The spouse is a woman under age 65 who has in her care, individually or jointly with her husband, a child, who if the anuitant or pensioner were then to die, would be entitled to a child's insurance annuity under section 5 (c) of the act.

§ 232.203 *Relinquishment of rights.* A spouse's annuity may not be certified for payment until the applicant has established to the satisfaction of the Board that he or she has relinquished all rights which such applicant may have had to return to the service of:

(a) An employer;

(b) Any person whether or not an employer by whom he or she was most recently employed when the annuity begins to accrue;

(c) Any person with whom he or she held, at the time the annuity begins to accrue, any rights to return to service;

(d) Any person with whom he or she ceased service in order to have the annuity begin to accrue.

§ 232.204 *Filing of application.* (a) No spouse, irrespective of his or her qualifications, shall receive an annuity unless he or she has, on or before the date of his or her death, filed with an office of the Board a duly executed application, upon such form as the Board may from time to time prescribe.

(b) An application shall be considered filed with the Board as of the date that it is received at an office of the Board, or the date that it is delivered into the custody of a duly authorized field agent: *Provided, however,* That where it is determined that the applicant died on a Sunday or a day observed by the Board as a legal holiday and the application is received through the mails at an office of the Board on the first business day following such Sunday or such legal holiday, the application shall be deemed to have been filed with the Board on such Sunday or such legal holiday, if it is established to the satisfaction of the Board that the application was mailed in sufficient time to have been received by the Board in the ordinary course of the mails on such Sunday or such legal holiday had it been a business day.

§ 232.205 *Annuity beginning date.* (a) A spouse's annuity shall begin to accrue as of the date specified in the application: *Provided, however,* That such date is not earlier than the latest of the following dates:

(1) November 1, 1951.

(2) The date following the last day of compensated service.

(3) The date on which all eligibility requirements are met.

(4) Twelve months prior to the filing date of the application.

(5) September 1, 1954, if the entitlement of a wife is based on having in her care a disabled child 18 years of age or older.

(b) Where the date on which the annuity could otherwise begin falls on the thirty-first day of any month, the annuity shall begin to accrue on the first day of the following month.

SUBPART C—COMPUTATION OF ANNUITY

§ 232.301 *Statutory provisions.*

The spouse of an individual, • • • shall be entitled to a spouse's annuity equal to one-half of such individual's annuity or pension, but not more than $40: *Provided, however,* That if the annuity of the individual is awarded under paragraph 3 of subsection (a), the spouse's annuity shall be computed or recomputed as though such individual had been awarded the annuity to which he would have been entitled under paragraph 1 of said subsection: *Provided further,* That, if the annuity of the individual is awarded pursuant to a joint and survivor election, the spouse's annuity shall be computed or recomputed as though such individual had not made a joint and survivor election: *And provided further,* That any spouse's annuity shall be reduced by the amount of any annuity and the amount of any monthly insurance benefit, other than a wife's or husband's insurance benefit, to which such spouse is entitled, or on proper application would be entitled, under subsection (a) of this section or subsection (d) of section 5 of this Act or section 202 of the Social Security Act; except that if such spouse is disentitled to a wife's or husband's insurance benefit, or has had such benefit reduced, by reason of subsection (k) of section 202 of the Social Security Act, the reduction pursuant to this third proviso shall be only in the amount by which such spouse's monthly insurance benefit under said Act exceeds the wife's or husband's insurance benefit to which such spouse would have been entitled under that Act but for said subsection (k). (65 Stat. 683; 45 U. S. C. 228b)

§ 232.302 *Amount of annuity.* (a) A spouse's annuity for a month shall be equal to one-half of the annuity or pension of the retired employee up to a maximum of $40: *Provided, however,* That the maximum may be exceeded where the employee's annuity is computed as prescribed in § 225.6 of this chapter.

(b) Where the annuity of the retired employee was awarded on a reduced basis because such individual had not attained the age of 65, the spouse's annuity shall be computed as though the employee's annuity had been awarded under section 2 (a) 1 of the act after such annuitant had attained age 65.

(c) Where the annuity of the retired employee was awarded and reduced pursuant to a joint and survivor election, the spouse's annuity shall be computed as though such joint and survivor election had not been made.

§ 232.303 *Reduction because of other benefits.* The spouse's annuity of an individual who is entitled, or upon application would be entitled, to a retirement annuity or parent's insurance annuity under the Railroad Retirement Act, or to any benefit under the Social Security Act, other than a wife's or husband's benefit, shall be reduced by the amount of such other benefits: *Provided, however,* That where the entitlement to an old-age insurance benefit or to a parent's benefit under the Social Security Act causes disentitlement to a wife's or husband's benefit to which such individual would otherwise be entitled, the reduction shall be limited to the amount by which such old-age insurance benefit or parent's benefit exceeds the wife's or husband's benefit to which the spouse would otherwise be entitled.

SUBPART D—PAYMENT OF ANNUITIES

§ 232.401 *Statutory provisions.*

The sopuse's annuity provided in subsection (e) shall, with respect to any month, be subject to the same provisions of subsection (d) as the individual's annuity, and, in addition, the spouse's annuity shall not be payable for any month if the individual's annuity is not payable for such month (or, in the case of a pensioner, would not be payable if the pension were an annuity) by reason of the provisions of said subsection (d). Such spouse's annuity shall cease at the end of the month preceding the month in which (i) the spouse or the individual dies, (ii) the spouse and the individual are absolutely divorced, or (iii), in the case of a wife under age 65, she no longer has in her care a child who, if her husband were then to die, would be entitled to an annuity under subsection (c) of section 5 of this Act. (65 Stat. 684; 45 U. S. C. 228b)

§ 232.402 *Loss of annuity with respect to any month.* A spouse's annuity shall not be paid with respect to any month in which an individual in receipt of an annuity under section 2 (e) of the act shall:

(a) Render compensated service to an employer or to the last person by whom such spouse annuitant was employed prior to the date on which the annuity began to accrue, or

(b) The retirement annuity of the employee annuitant is not payable, or in the case of a pensioner such pension would not be payable if it were an annuity subject to the provisions of section 2 (d) of the act.

§ 232.403 *Entitlement ends.* Entitlement to a spouse's annuity awarded under section 2 (e) of the act shall cease at the end of the month preceding the month in which any of the following events occur:

(a) The spouse annuitant dies.

(b) The wife or husband of the spouse annuitant dies.

(c) The marriage of the spouse annuitant and the annuitant or pensioner is ended by absolute divorce.

(d) A spouse annuitant under age 65 no longer has in her care a child who, if her husband were then to die, would be entitled to an annuity under section 5 (c), of the act.

PART 234—ANNUITIES DUE BUT UNPAID AT DEATH

§ 234.2 *Annuities due but unpaid at death; to whom payable.* Employee annuities, survivor annuities, and insurance annuities which will have become due an individual but will not yet have been paid at death, if such death shall have occurred on or after January 1, 1947, shall be paid to the following person (or if more than one there shall be distributed among them) whose relationship to the deceased employee will have been determined by the Board, and who will have been living on the date of such determination: To the widow or widower; if no such widow or widower be then living, to any child or children and to any other person or persons who, under the intestacy law of the State where the deceased will have been domiciled, will have been entitled to share as distributees with such children, in such proportions as are provided by such law; if no such widow, widower, child or other person or parent be then living, to brothers and sisters in equal shares. If none of the persons described above be living on the date of such determination, accrued and unpaid employee annuities shall be paid to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of burial of the employee. If there be no individual to whom payment can thus be made, such accrued employee annuity payments shall escheat to the credit of the Railroad Retirement Account. Accrued spouse's annuities which will have become due a spouse but will not yet have been paid at death shall be paid to the employee if he or she is living on the date payment is to be made. If the employee is not living on the date payment is to be made, the accrued spouse's annuities shall be paid to the person or persons described above who would be entitled to any amount due but unpaid at the death of the employee. A person who has paid an employee's burial expenses is not equitably entitled to any accrued survivor and insurance annuities, and if no person or persons of the relationship described above to the employee were living on the date of such determination, any accrued survivor and insurance annuities shall escheat under the last sentence of section 3 (f) of the act.

(Sec. 10, 49 Stat. 753, as amended; 45 U. S. C. 228j. Interprets or applies sec. 3, 49 Stat. 969, as amended; 45 U. S. C. 228c)

PART 236—PAYMENTS OF BENEFITS OF $1,000 OR LESS

§ 236.2 *Waiver and release by creditor.* If, in the judgment of the Board, any creditor of the estate of the deceased possesses rights superior to those of his surviving spouse or kindred, payment shall not be made without formal administration unless and until such creditor has, on a form prescribed by the Board, waived and released his claim against such estate with the same effect as if it had heretofore been paid and fully satisfied: *Provided, however,* That payment may be made to a creditor or creditors, on a proportionate basis, for burial expenses or medical expenses of the last illness of the deceased in the order of priority under the applicable law: *Provided further,* That where several persons are creditors by virtue of having contributed small amounts of $25 or less each to a fund administered by a custodian for payment of the burial expenses of the deceased, payment may be made to such custodian without requiring formal assignments or waivers signed by each such person.

(Sec. 10, 49 Stat. 753, as amended; 45 U. S. C. 228j)

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

SUBPART A—INSURED STATUS

§ 237.101 *Statutory provisions.*

An employee will have been "completely insured" if it appears to the satisfaction of the Board that at the time of his death, whether before or after the enactment of this section, he will have completed ten years of service and will have had the qualifications set forth in any one of the following paragraphs:

(i) A current connection with the railroad industry; and a number of quarters of coverage, not less than six, and at least equal to one-half of the number of quarters, elapsing in the period after 1936, or after the quarter in which he will have attained the age of twenty-one, whichever is later, and up to but excluding the quarter in which he will have attained the age of sixty-five years or died, whichever will first have occurred (excluding from the elapsed quarters any quarter which is not a quarter of coverage and during any part of which a retirement annuity will have been payable to him); and if the number of such elapsed quarters is an odd number such number shall be reduced by one; or

(ii) A current connection with the railroad industry, and forty or more quarters of coverage; or

(iii) A pension will have been payable to him; or a retirement annuity based on service of not less than ten years (as computed in awarding the annuity) will have begun to accrue to him before 1948. (60 Stat. 734; 45 U. S. C. 228e)

An individual shall be deemed to have "a current connection with the railroad industry" at the time an annuity begins to accrue to him and at death if, in any thirty consecutive calendar months before the month in which an annuity under section 2 begins to accrue to him (or the month in which he dies if that first occurs), he will have been in service as an employee in not less than twelve calendar months and, if such thirty calendar months do not immediately precede such month, he will not have been engaged in any regular employment other than employment for an employer in the period before such month and after the end of such thirty months. For the purposes of section 5 only, an individual shall be deemed also to have a "current connection with the railroad industry" if he is in all other respects completely insured but would not be fully insured under the Social Security Act, or if he is in all other respects partially insured but would be neither fully nor currently insured under the Social Security Act, or if he has no wage quarters of coverage. (60 Stat. 726; 45 U. S. C. 228a)

The term "quarter of coverage" shall mean a compensation quarter of coverage or a wage quarter of coverage, and the term "quarters of coverage" shall mean compensation quarters of coverage, or wage quarters of coverage, or both: *Provided,* That there shall be for a single employee no more than four quarters of coverage for a single calendar year. (60 Stat. 733; 45 U. S. C. 228e)

The term "compensation quarter of coverage" shall mean any quarter of coverage computed with respect to compensation paid to an employee after 1936 in accordance with the following table:

Months of service in a calendar year	Total compensation paid in the calendar year				
	Less than $50	$50 but less than $100	$100 but less than $150	$150 but less than $200	$200 or more
1–3	0	1	1	1	1
4–6	0	1	2	2	2
7–9	0	1	2	3	3
10–12	0	1	2	3	4

If upon computation of the compensation quarters of coverage in accordance with the above table an employee is found to lack a completely or partially insured status which he would have if compensation paid in a calendar year were presumed to have been paid in equal proportions with respect to all months in the year in which the employee will have been in service as an employee, such presumption shall be made. (60 Stat. 733; 45 U. S. C. 228e)

The term "wage quarter of coverage" shall mean any quarter of coverage determined in accordance with the provisions of title II of the Social Security Act. (60 Stat. 734; 45 U. S. C. 228e)

§ 237.102 *Completely insured status—(a) Payments based upon, and existence of, completely insured status.* (1) All insurance annuities and lump sums for survivors are conditioned upon an employee's insured status. This status is determined by his service, compensation, and wage history. Unless an employee was completely insured at death, his widow cannot become entitled to a widow's insurance annuity, her widower cannot become entitled to a widower's insurance annuity, and his surviving parent cannot become entitled to a parent's insurance annuity, on the basis of his earnings. For the purpose of determining whether an employee was completely insured at death, it is immaterial whether his death occurred before, on, or after the enactment date of section 5 of the act.

(2) An employee was completely insured at death if (i) he had completed 10 years of service, had acquired the number of quarters of coverage specified in paragraph (d) of this section and had a current connection with the railroad industry at the time of his death, or (ii) there had been payable to him a pension under section 6 of the act, or (iii) there had begun to accrue to him, before 1948, a retirement annuity based on not less than 10 years of service (as computed in awarding the annuity).

• • • • • •

(d) *Determination of completely insured status on basis of quarters of coverage and current connection.* An employee, whether or not he was completely insured at death by virtue of having been a pensioner or an annuitant, could have been completely insured at the time of his death if at that time he had completed 10 years of service, had a current connection with the railroad industry, and had at least 40 quarters of coverage. Even if he had less than 40 quarters of coverage, he could have been completely insured at the time of his death if at that time he had completed 10 years of service, had a current connection with

the railroad industry, and had a required number of quarters of coverage, not less than six, as provided in this paragraph. If such an employee did not have, at the time of his death, a current connection with the railroad industry, or if he had less than six quarters of coverage, he was not a completely insured employee under the provisions of this paragraph. In the case of an employee who, at the time of his death, had completed 10 years of service, had a current connection with the railroad industry, and had at least six, but less than 40, quarters of coverage, the determination of whether he had a completely insured status under the provisions of this paragraph is made as follows:

(1) *Elapsed quarters.* Take the number of calendar quarters which have elapsed after 1936, or after the quarter in which the employee attained the age of 21 if he attained such age after 1936, and up to but excluding the quarter in which the employee attained the age of 65 or died, whichever occurred first. Subtract from that number of elapsed quarters the number of such quarters which is not a wage quarter of coverage and during any part of which a retirement annuity was payable to the employee. If the resulting number of elapsed quarters is an odd number, subtract one. Take one-half of the number of elapsed quarters thus obtained, and the resulting number, if six or more, is the number of quarters of coverage required; if the resulting number is less than six, the number of quarters of coverage required is six.

* * * * *

§ 237.103 *Partially insured status—*(a) *Payments based upon partially insured status.* An employee who was not completely insured at death may nevertheless have had a service, compensation, and wage history which, upon his death, will give him the status of a partially insured employee. Unless he was either completely insured or partially insured at death, his widow cannot become entitled to a widow's current insurance annuity, his surviving child cannot become entitled to a child's insurance annuity, and no person can become entitled to a lump-sum payment under section 5 (f) (1) of the act, on the basis of his earnings. For the purpose of determining whether an employee was a partially insured employee at death it is immaterial whether his death occurred before, on, or after the enactment date of section 5 of the act.

(b) *Determination of partially insured status.* (1) An employee was a partially insured employee at death if he had completed 10 years of service, had a current connection with the railroad industry, and had at least six quarters of coverage in a prescribed period. That period consists of the three calendar years preceding the year in which the employee died or in which a retirement annuity will have begun to accrue to him, and those calendar quarters of the year in which such event occurs.

(2) Quarters of coverage need not be consecutive and no particular order of their acquisition is required.

§ 237.104 *Alternative method of determining insured status.* Where application of the table in section 5 (1) (4) of the act (see § 237.101) does not result in an employee's having a completely or partially insured status, it shall be presumed that the compensation paid him in a calendar year was paid in equal proportions with respect to all months in the year and at last line of the table applied to the result. This alternative method shall be applied to the most recent calendar year in which the employee received compensation and each preceding calendar year until an insured status is obtained, if at all, but not beyond 1937. This alternative method is to be applied only with respect to benefits accruing under the 1951 amendments, that is, in determining the insured status of a deceased employee and in determining whether a child would be otherwise entitled to a child's insurance annuity.

SUBPART B—BASIC COMPUTATION

§ 237.201 *Statutory provisions.*

The term "basic amount" shall mean—

(1) For an employee who will have been partially insured, or completely insured solely by virtue of paragraph (7) (i) or (7) (ii) or both: the sum of (A) 40 per centum of his average monthly remuneration, up to and including $75; plus (B) 10 per centum of such average monthly remuneration exceeding $75 and up to and including $350, plus (C) 1 per centum of the sum of (A) plus (B) multiplied by the number of years after 1936 in each of which the compensation, wages, or both, paid to him will have been equal to $200 or more; if the basic amount, thus computed, is less than $14 it shall be increased to $14;

(ii) For an employee who will have been completely insured solely by virtue of paragraph (7) (iii): the sum of 40 per centum of his monthly compensation if an annuity will have been payable to him, or, if a pension will have been payable to him, 40 per centum of the average monthly earnings on which such pension was computed, up to and including $75, plus 10 per centum of such compensation or earnings exceeding $75 and up to and including $300. If the average monthly earnings on which a pension payable to him was computed are not ascertainable from the records in the possession of the Board, the amount computed under this subdivision shall be $33.33, except that if the pension payable to him was less than $25, such amount shall be four-thirds of the amount of the pension or $13.33, whichever is greater. The term "monthly compensation" shall, for the purposes of this subdivision, mean the monthly compensation used in computing the annuity;

(iii) For an employee who will have been completely insured under paragraph (7) (iii) and either (7) (i) or 7 (ii): the higher of the two amounts computed in accordance with subdivisions (i) and (ii). (60 Stat. 734; 45 U. S. C. 228e)

An employee's "average monthly remuneration" shall mean the quotient obtained by dividing (A) the sum of (i) the compensation paid to him after 1936 and before the quarter in which he will have died, eliminating any excess over $300 for any calendar month before July 1, 1954, and any excess over $350 for any calendar month after June 30, 1954, and (ii) if such compensation for any calendar year is less than $3,600 and the average monthly remuneration computed on compensation alone is less than $350 and the employee has earned in such calendar year "wages" as defined in paragraph (6) hereof, such wages, in an amount not to exceed the difference between the compensation for such year and $4,200, by (B) three times the number of quarters elapsing after 1936 and before the quarter in which he will have died: *Provided,* That for the period prior to and including the calendar year in which he will have attained the age of twenty-two there shall be included in the divisor not more than three times the number of quarters of coverage in such period: *Provided, further,* That there shall be excluded from the divisor any calendar quarter which is not a quarter of coverage and during any part of which a retirement annuity will have been payable to him: *And provided further,* That if the exclusion from the divisor of all quarters beginning with the first quarter in which the employee was completely insured and had attained the age of sixty-five and the exclusion from the dividend of all compensation and wages with respect to such quarters would result in a higher average monthly remuneration, such quarters, compensation and wages shall be so excluded.

With respect to an employee who will have been awarded a retirement annuity, the term "compensation" shall, for the purposes of this paragraph, mean the compensation on which such annuity will have been based. (60 Stat. 734; 45 U. S. C. 228e)

The term "wages" shall mean wages as defined in section 209 of the Social Security Act (except that for the purposes of section 5 (1) (1) (ii) of this Act such wages shall be determined without regard to subsection (a) of said section 209). In addition, the term shall include (i) "self-employment income" as defined in section 211 (b) of the Social Security Act (and in determining "self-employment income" the "net earnings from self-employment" shall be determined as provided in section 211 (a) of such Act and charged to correspond with the provisions of section 203 (e) of such Act), and (ii) wages deemed to have been paid under section 217 (a) or (e) of the Social Security Act on account of military service which is not creditable under section 4 of this Act. (60 Stat. 734; 45 U. S. C. 228e. 64 Stat. 492, 42 U. S. C. 409)

§ 237.202 *Basic amount.* * * *

(b) *Computation of basic amount.* * * *

(1) *Employee partially insured, or completely insured solely because of current connection and quarters of coverage.* In these cases:

(i) If the employee's average monthly remuneration does not exceed $75, take 40 percent of such average monthly remuneration. If the average monthly remuneration exceeds $75, take 40 percent of $75 and add thereto 10 percent of the amount by which the average monthly remuneration exceeds $75 and does not exceed $350.

* * * * *

(iii) Add the figure computed under subdivision (i) of this subparagraph and the figure computed under subdivision (ii) of this subparagraph. The sum so obtained is the basic amount. If such sum is less than $14, it is increased to $14.

(2) *Employee completely insured solely because of being a pensioner.* In these cases:

(i) If the average monthly earnings on which the pension was computed are ascertainable from the records in the possession of the Board, and if such average monthly earnings do not exceed $75, take 40 percent of such average monthly earnings. If such average monthly earnings exceed $75, take 40 percent of $75 and add thereto 10 percent of the amount by which the average monthly earnings exceed $75 and do not exceed $300. This sum is the basic amount.

(ii) If the average monthly earnings on which the pension was computed are not ascertainable from the records in the possession of the Board, and if the pension was $25 or more, the basic amount is $33.33, but if the pension was less than $25, the basic amount is four-thirds of the amount of the pension which was payable before July 1948, or $13.33, whichever is greater.

(3) *Employee completely insured solely because of being an annuitant.* In these cases: If the employee's monthly compensation does not exceed $75, take 40 percent of such monthly compensation. If the monthly compensation exceeds $75, take 40 percent of $75 and add thereto 10 percent of the amount by which the monthly compensation exceeds $75 and does not exceed $300. This sum is the basic amount. For the purposes of this subparagraph, "monthly compensation" means the monthly compensation which was used in computing the employee's annuity.

* * * * *

§ 237.203 *Average monthly remuneration.* A deceased employee's average monthly remuneration is computed by dividing his total compensation and wages by three times the number of his divisor quarters. The total compensation and wages and the number of divisor quarters are determined as follows:

(a) *Total compensation and wages.* (1) All compensation paid to the employee, including compensation attributable to military service, after 1936 and before the quarter of computation, excluding any excess over $300 for any calendar month before July 1, 1954, and any excess over $350 for any calendar month after June 30, 1954.

(2) Where the compensation, including compensation attributable to military service, for any calendar year after 1936 and through 1954 and before the quarter of computation is less than $3,600, wages as defined in section 5 (1) (6) of the act in an amount not to exceed the difference between such compensation for a year and $3,600 are to be included. Where such compensation for any calendar year after 1954 and before the quarter of computation is less than $4,200, such wages in an amount not to exceed the difference between such compensation for a year and $4,200 are to be included.

(b) *Divisor quarters.* Take the number of calendar quarters which have elapsed after 1936 or after the year in which the employee attained age 22, whichever is later, and before the quarter of computation. Add to such elapsed quarters the number of quarters of coverage credited the employee before the year in which he attained age 23. Subtract from the number of quarters thus arrived at the number of such quarters which is not a wage quarter of coverage and during any part of which a retirement annuity was payable to the employee. The result is the divisor quarters. If the exclusion from the divisor of all quarters beginning with the first quarter in which the employee was completely insured and had attained the age of 65 and the exclusion from the dividend of all compensation and wages with respect to such quarters would result in a higher average monthly remuneration, such quarters, compensation, and wages shall be so excluded.

§ 237.204 *Quarter of computation.* (a) Where the employee attained age 65 and was completely insured before the quarter of death, the basic amount is computed as of:

(1) The first calendar quarter in which the employee was completely insured and had attained age 65, and

(2) The calendar quarter in which the employee died.

The award is based on the highest basic amount computed.

(b) Where the employee had not attained age 65 and/or was not completely insured prior to the quarter of death, the basic amount is computed as of the calendar quarter in which the employee died.

§ 237.205 *Reduction because of military service used for other benefits.* When any other gratuitous benefit is payable on a periodic basis under another act of Congress on the basis of military service which has been credited in determining the quarters of coverage of an individual, a survivor insurance annuity, based on the insured status of the individual, which is payable for all or part of a month for which such other benefit is payable, shall be reduced by

(a) The proportion which the increase, by reason of the inclusion of military service, in the quarters of coverage used in determining the amount of benefits bears to the total of such quarters, or

(b) The aggregate amount of such other benefit for that month, whichever results in the smaller reduction; however, where eligibility for the insurance annuity exists without the crediting of the military service on the basis of which such other benefit is payable, the insurance annuity shall not be reduced below the amount which would be payable without the crediting of the military service.

SUBPART C—FAMILY RELATIONSHIPS

§ 237.301 *Statutory provisions.*

For the purposes of this section * * *

(1) The qualifications for "widow," "widower," "child," and "parent" shall be, except for the purposes of subsection (f), those set forth in section 216 (c), (e), and (g), and section 202 (h) (3) of the Social Security Act, respectively; and in addition—

(i) A "widow" or "widower" shall have been living with the employee at the time of the employee's death; a widower shall have received at least one-half of his support from his wife employee at the time of her death or he shall have received at least one-half of his support from his wife employee at the time her retirement annuity or pension began. (60 Stat. 733, as amended; 45 U. S. C. 228e)

(ii) A "child" shall have been dependent upon its parent employee at the time of his death; shall not be adopted after such death by other than a step parent, grand parent, aunt, or uncle; shall be unmarried; and shall be less than eighteen years of age, or shall have a permanent physical or mental condition which is such that he is unable to engage in any regular employment: *Provided,* That such disability began before the child attains age eighteen; and (60 Stat. 733, as amended; 45 U. S. C. 228e)

(iii) A "parent" shall have received, at the time of the death of the employee to whom the relationship of parent is claimed, at least one-half of his support from such employee. (60 Stat. 733, as amended; 45 U. S. C. 228e)

A "widow" or "widower" shall be deemed to have been living with the employee if the conditions set forth in section 216 (h) (2) or (3), whichever is applicable, of the Social Security Act are fulfilled. A "child" shall be deemed to have been dependent upon a parent if the conditions set forth in section 202 (d) (3), (4), or (5) of the Social Security Act are fulfilled (a partially insured mother being deemed currently insured). In determining for purposes of this section and subsection (f) of section 2 whether an applicant is the wife, husband, widow, widower, child, or parent of an employee as claimed, the rules set forth in section 216 (h) (1) of the Social Security Act shall be applied. Such satisfactory proof shall be made from time to time, as prescribed by the Board, of the disability provided in clause (ii) of this paragraph and of the continuance, in accordance with regualtions prescribed by the Board, of such disability. If the individual fails to comply with the requirements prescribed by the Board as to the proof of the continuance of the disability his right to an annuity shall, except for good cause shown to the Board, cease. (60 Stat. 433, as amended; 45 U. S. C. 228e)

The term "widow" (except when used in section 202 (i)) means the surviving wife of an individual, but only if she (1) is the mother of his son or daughter, (2) legally adopted his son or daughter while she was married to him and while such son or daughter was under the age of eighteen, (3) was married to him at the time both of them legally adopted a child under the age of eighteen, or (4) was married to him for a period of not less than one year immediately prior to the day on which he died. (Section 216 (c), 64 Stat. 510; 42 U. S. C. 416)

The term "child" means (1) the child of an individual, and (2) in the case of a living individual, a stepchild or adopted child who has been such stepchild or adopted child for not less than three years immediately preceding the day on which application for child's benefits is filed, and (3) in the case of a deceased individual, (A) an adopted child, or (B) a stepchild who has been such stepchild for not less than one year immediately preceding the day on which such individual died. In determining whether an adopted child has met the length of time requirement in clause (2), time spent in the relationship of stepchild shall be counted as time spent in the relationship of adopted child. (Section 216 (e), 64 Stat. 511; 42 U. S. C. 416)

The term "widower" (except when used in section 202 (i)) means the surviving husband of an individual, but only if he (1) is the father of her son or daughter, (2) legally adopted her son or daughter while he was married to her and while such son or daughter was under the age of eighteen, (3) was married to her at the time both of them legally adopted a child under the age of eighteen, or (4) was married to her for a period of not less than one year immediately prior to the day on which she died. (Section 216 (g), 64 Stat. 511; 42 U. S. C. 416)

As used in this subsection, the term "parent" means the mother or father of an individual, a stepparent of an individual by a marriage contracted before such individual attained the age of sixteen, or an adopting parent by whom an individual was adopted before he attained the age of sixteen. (Section 202 (h) (3), 64 Stat. 487; 42 U. S. C. 402)

In determining whether an applicant is the wife, husband, widow, widower, child, or parent of a fully insured or currently insured individual for purposes of this title, the Administrator shall apply such law as would be applied in determining the devolution of intestate personal property by the courts of the State in which such insured individual is domiciled at the time such applicant files application, or, if such insured individual is dead, by the courts of the State in which he was domiciled at the time of his death, or if such insured individual is or was not so domiciled in any State, by the courts of the District of Columbia. Applicants who according to such law would have the same status relative to taking intestate personal property as a wife, husband, widow, widower, child, or parent shall be deemed such. (Section 216 (h) (1), 64 Stat. 511; 42 U. S. C. 416)

• • • a widow shall be deemed to have been living with her husband at the time of his death if they were both members of the same household on the date of his death, or she was receiving regular contributions from him toward her support on such date, or he had been ordered by any court to contribute to her support. (Section 216 (h) (2), 64 Stat. 511; 42 U. S. C. 416)

• • • a widower shall be deemed to have been living with his wife at the time of her death if they were both members of the same household on the date of her death, or he was receiving regular contributions from her toward his support on such date, or she had been ordered by any court to contribute to his support. (Section 216 (h) (3), 64 Stat. 512; 42 U. S. C. 416)

A child shall be deemed dependent upon his father or adopting father • • • unless • • • such individual was not living with or contributing to the support of such child and—

(A) such child is neither the legitimate nor adopted child of such individual, or

(B) such child had been adopted by some other individual, or

(C) such child was living with and was receiving more than one-half of his support from his stepfather. (Section 202 (d) (3), 64 Stat. 484; 42 U. S. C. 402)

A child shall be deemed dependent upon his stepfather • • • if • • • the child was living with or was receiving at least one-half of his support from such stepfather. (Section 202 (d) (4), 64 Stat. 484; 42 U. S. C. 402)

A child shall be deemed dependent upon his natural or adopting mother • • • if such mother or adopting mother was a currently insured individual. A child shall also be deemed dependent upon his natural or adopting mother, or upon his stepmother, • • • if • • • (A) she was living with or contributing to the support of such child, and (B) either (i) such child was neither living with nor receiving contributions from his father or adopting father, or (ii) such child was receiving at least one-half of his support from her. (Section 202 (d) (5), 64 Stat. 484; 42 U. S. C. 402)

§ 237.302 *Applicable state law and status*—(a) *Applicable state law defined.* "Applicable state law" is the law which the courts of the domicile of the deceased employee, on the basis of whose insured status an individual claims an insurance annuity or lump sum under this part, would apply in deciding who is a widow, widower, child, or parent, when determining the devolution of intestate personal property. The deceased employee's domicile is determined as of the time of his death. If the deceased employee was not domiciled in any state, applicable state law is the law which the courts of the District of Columbia would apply when determining the devolution of such property.

(b) *Status under applicable state law.* An individual who is not a widow, widower, child, or parent under applicable state law, but who is treated as such under such law for the purpose of determining the devolution of intestate personal property, has the same "status" as a widow, widower, child, or parent. For example, under the law of some states, an individual who is not a widow because her supposed marriage was void, may nevertheless be treated as a widow under such law, under certain strictly limited conditions. Such an individual has the "status" of a widow.

§ 237.303 *Definition of "widow."* An individual is the "widow" of an employee, as that term is used in section 5 of the act (except as stated in § 237.504 (b) under section 5 (f) of the act), if she meets the following requirements:

(a) She is the widow of the employee, or has the same status as a widow, under applicable state law, and

(b) She either (1) is the mother of the deceased employee's son or daughter, or (2) was married to the employee (became his wife, or acquired the status as such, under applicable state law) for a period of not less than 1 year immediately prior to the day on which he died, or (3) legally adopted the deceased employee's son or daughter while she was married to him and before the child attained age 18, or (4) was married to the deceased employee at the time both of them legally adopted a child under 18 (an individual is the mother of a deceased employee's son or daughter, within the meaning of this paragraph, if a son or daughter was born to her and such deceased employee, even though such son or daughter died before an application was filed which involved the determination of whether such individual is a "widow," and even though such son or daughter was born after the death of such employee), and

(c) She was living with her husband employee at the time of his death.

§ 237.304 *Definition of "widower."* An individual is the "widower" of an employee, as that term is used in section 5 of the act (except as stated in § 237.504 (b) under section 5 (f) of the act), if he meets the following requirements:

(a) He is the widower of the employee, or has the same status as a widower, under applicable state law, and

(b) He either (1) is the natural father of the deceased employee's son or daughter, or (2) was married to the employee (became her husband, or acquired the status as such, under applicable state law) for a period of not less than 1 year immediately prior to the day on which she died, or (3) legally adopted the deceased employee's son or daughter while he was married to her and before the child attained age 18, or (4) was married to the deceased employee at the time both of them legally adopted a child under 18 (an individual is the father of a deceased employee's son or daughter, within the meaning of this paragraph, if a son or daughter was born to him and such deceased employee, even though such son or daughter died before an application was filed which involved the determination of whether such individual is a "widower"), and

(c) He was living with his wife employee at the time of her death, and

(d) He was receiving at least one-half of his support from his wife employee at the time of her death or at the time her retirement annuity or pension began.

§ 237.305 *Definition of "living with."* A widow shall be deemed to have been living with her husband at the time of his death and a widower living with his wife at the time of her death if, at such time, any one of the three following conditions existed:

(a) If the husband and wife were at such time members of the same household.

A husband and wife were members of the same household if they were living together, and customarily lived together, in the same place of abode.

A husband and wife who customarily lived together in the same place of abode but who were not actually doing so at such time, may nevertheless be members of the same household, if they were apart only temporarily and intended to resume living together in the same place of abode.

(b) If, at such time, the wife was receiving regular contributions from her husband toward her support or the husband receiving regular contributions from his wife toward his support.

Contributions must be substantial, and may be made in cash or other medium. In determining the sufficiency of contributions under this paragraph, the surrounding circumstances with respect to both the time when contributions are made and the amount thereof shall be taken into consideration.

(c) If, at such time, the husband had been ordered by any court to contribute to his wife's support or the wife ordered by any court to contribute to her husband's support.

This condition is met if the husband was legally obligated to contribute to the support of his wife or the wife to the support of her husband at such time by virtue of any order, judgment, or decree of a court of competent jurisdiction, regardless of whether he or she actually made any such contribution. In determining the existence of such a legal obligation, any such order, judgment, or decree shall be considered as in full force and effect unless it had expired or had been vacated.

§ 237.306 *Definition of "child."* An individual is a "child," as that term is used in section 5 of the act (except as stated in § 237.504 (b) under section 5 (f) of the act), if he falls in one of the three classes described in paragraph (a) of this section, and if he meets all four of the requirements set out in paragraph (b) of this section.

(a) *Classes.* For the purposes of this section, individuals are classified as follows:

(1) *Children.* A son or daughter (by blood) of a deceased employee, who is the child of such deceased employee, or has the same status as a child, under applicable state law, is a "child" of such employee.

(2) *Stepchildren.* An individual who is the stepchild of a deceased employee by virtue of a marriage valid under applicable state law, which was contracted not less than 1 year immediately preceding the day on which the employee died, is a "child" of such employee.

(3) *Adopted children.* An individual who was legally adopted by a deceased employee, in accordance with applicable state law, is a "child" of such employee.

(b) *Requirements.* An individual must meet all four of the following requirements in order to be a "child" for the purposes of this section:

(1) The individual must have been dependent upon his parent employee at the time of the employee's death.

(2) The individual shall not have been adopted after the employee's death by other than a stepparent, grandparent, aunt, or uncle.

(3) The individual shall be unmarried.

(4) The individual shall be less than 18 years of age, or shall have a permanent physical or mental condition which is such that he is unable to engage in any regular employment: *Provided,* That such disability began before the child attains age 18.

§ 237.307 *Definition of "dependent upon"*—(a) *Dependency upon a father or adopting father.* (1) An individual who has filed an application for a child's insurance annuity based on the insured status of a deceased father or adopting father, who was an employee, is deemed to have been dependent upon such employee at the time of the employee's death if, at such time, such employee was either living with or contributing to the support of such individual.

(2) Even though the employee was not living with or contributing to the support of the individual at the time of the employee's death, the individual is deemed to have been dependent upon such employee at such time if the individual:

(i) Was either the legitimate or adopted child of such employee; and

(ii) Was not then the adopted child of someone else; and

(iii) Was not living with and receiving more than one-half his support from his stepfather.

(b) *Dependency upon a mother, adopting mother, or stepmother.* An individual who has filed an application for a child's insurance annuity based on the insured status of a deceased mother, adopting mother, or stepmother, who was an employee, is deemed to have been dependent upon such employee at the time of the employee's death if, at such time:

(1) The employee contributed one-half of the child's support; or

(2) The employee was living with or contributing to the support of the child and the child was neither living with nor receiving contributions from his natural or adopting father; or

(3) The employee, if the child's natural or adopting mother, was a partially insured individual.

(c) *Dependency upon a stepfather.* An individual who has filed an application for a child's insurance annuity based on the insured status of a deceased stepfather, who was an employee, is deemed to have been dependent upon such employee at the time of the employee's death if, at such time, the individual was either living with or receiving at least one-half of his support from such employee.

§ 237.308 *Definition of "parent."* An individual is a "parent," as that term is used in section 5 of the act (except as stated in § 237.504 (b) under section 5 (f) of the act), if he falls in one of the three classes described in paragraph (a) of this section, and if he meets the requirement set out in paragraph (b) of this section.

(a) *Classes.* For the purposes of this section, individuals are classified as follows:

(1) *Parents.* A mother or father (by blood) of a deceased employee, who is the parent of such employee, or has the same status as a parent, under applicable state law, is a "parent" of such employee.

(2) *Stepparents.* An individual who is a stepparent of a deceased employee by reason of a marriage valid under applicable state law, which was contracted before such employee attained the age of 16, is a "parent" of such employee.

(3) *Adopting parents.* An individual by whom a deceased employee was legally adopted, in accordance with applicable state law, before the employee attained the age of 16, is a "parent" of such employee.

(b) *Requirement.* An individual, to be entitled to parent's insurance annuity payments, must have received, at the time of the employee's death, at least one-half of his support from such employee.

SUBPART D—INSURANCE ANNUITY PAYMENTS TO SURVIVORS

§ 237.401 *Statutory provisions.*

Widow's and widower's insurance annuity. A widow or widower of a completely insured employee, who will have attained the age of sixty, shall be entitled during the remainder of her or his life or, if she or he remarries, then until remarriage to an annuity for each month equal to such employee's basic amount: *Provided, however,* That if in the month preceding the employee's death the spouse of such employee was entitled to a spouse's annuity under subsection (e) of section 2 in an amount greater than the widow's or widower's insurance annuity, the widow's or widower's insurance annuity shall be increased to such greater amount. (60 Stat. 729, as amended; 45 U. S. C. 228e)

Widow's current insurance annuity. A widow of a completely or partially insured employee, who is not entitled to an annuity under subsection (a) and who at the time of filing an application for an annuity under this subsection will have in her care a child of such employee entitled to receive an annuity under subsection (c) shall be entitled to an annuity for each month equal to the employee's basic amount. Such annuity shall cease upon her death, upon her remarriage, when she becomes entitled to an annuity under subsection (a), or when no child of the deceased employee is entitled to receive an annuity under subsection (c), whichever occurs first: *Provided, however,* That if in the month preceding the employee's death the spouse of such employee was entitled to a spouse's annuity under subsection (e) of section 2 in an amount greater than the widow's current insurance annuity, the widow's current insurance annuity shall be increased to such greater amount. (60 Stat. 729, as amended; 45 U. S. C. 228e.)

Child's insurance annuity. Every child of an employee who will have died completely or partially insured shall be entitled, for so long as such child lives and meets the qualifications set forth in paragraph (1) of subsection (1), to an annuity for each month equal to two-thirds of the employee's basic amount. (60 Stat. 729, as amended; 45 U. S. C. 228e)

Parent's insurance annuity. Each parent, sixty years of age or over, of a completely insured employee, who will have died leaving no widow, no widower, and no child, shall be entitled, for life, or, if such parent remarries after the employee's death, then until such remarriage, to an annuity for each month equal to two-thirds of the employee's basic amount. (60 Stat. 729, as amended, 45 U. S. C. 228e)

When there is more than one employee with respect to whose death a parent or child is entitled to an annuity for a month, such annuity shall be two-thirds of whichever employee's basic amount is greatest. (60 Stat. 729, as amended; 45 U. S. C. 228e)

Correlation of payments. (1) An individual, entitled on applying therefor to receive for a month before January 1, 1947, an insurance benefit under the Social Security Act on the basis of an employee's wages, which benefit is greater in amount than would be an annuity for such individual under this section with respect to the death of such employee, shall not be entitled to such annuity. An individual, entitled on applying therefor to any annuity or lump sum under this section with respect to the death of an employee, shall not be entitled to a lump-sum death payment or, for a month beginning on or after January 1, 1947, to any insurance benefits under the Social Security Act on the basis of the wages of the same employee.

(2) If an individual is entitled to more than one annuity for a month under this section, such individual shall be entitled only to that one of such annuities for a month which is equal to or exceeds any other such annuity. If an individual is entitled to an annuity for a month under this section and is entitled, or would be so entitled on proper application therefor, for such month to an insurance benefit under section 202 of the Social Security Act, the annuity of such individual for such month under this section shall be only in the amount by which it exceeds such insurance benefit.

(3) In the case of any individual receiving or entitled to receive an annuity under this section on the day prior to the date of enactment of the provisions of this paragraph, the application of paragraph (2) of this subsection to such individual shall not operate to reduce the sum of (A) the annuity under this section of such individual, (B) the retirement annuity, if any, of such individual, and (C) the benefits under the Social Security Act which such individual receives or is entitled to receive, to an amount less than such sum was before the enactment of the provisions of this paragraph. (60 Stat. 730; 45 U. S. C. 228e)

When annuities begin and end. No individual shall be entitled to receive an annuity under this section for any month before January 1, 1947. An application for any payment under this section shall be made and filed in such manner and form as the Board prescribes. An annuity under this section for an individual otherwise entitled thereto shall begin with the month in which eligibility therefor was otherwise acquired, but not earlier than the first day of the twelfth month before the month in which the application was filed. No application for an annuity under this section filed prior to three months before the first month for which the applicant becomes otherwise

entitled to receive such annuity shall be accepted. No annuity shall be payable for the month in which the recipient thereof ceases to be qualified therefor. (60 Stat. 732; 45 U. S. C. 228e)

§ 237.404 *Only one insurance annuity to an individual.* If an individual is entitled to more than one kind of insurance annuity for a month, he shall be entitled to only one of such annuities. The amount of the annuity to which such individual is entitled shall not be less than any other insurance annuity to which he would be entitled except for this section.

§ 237.405 *Where individual is entitled to an insurance benefit.* (a) If an individual is entitled to an insurance annuity and is or upon application would be entitled to an insurance benefit under the Social Security Act for the same month or months, such insurance annuity shall be only in the amount, if any, by which it exceeds such insurance benefit.

(b) Where an individual was receiving or entitled to receive on October 29, 1951, an insurance annuity, retirement annuity, if any, and insurance benefit, paragraph (a) of this section shall not operate to reduce the sum of such annuities and benefit to an amount less than such sum was before October 30, 1951. For this purpose, a survivor is considered "entitled to receive" an insurance annuity, retirement annuity, or insurance benefit on October 29, 1951, if (1) an actual payment thereof is made for that day or month, or would be made except for the work restriction or other circumstances requiring a temporary suspension of payments, and (2) an application therefor was filed before October 30, 1951.

§ 237.406 *Widow's insurance annuity*—(a) *Conditions of entitlement.* Subject to the provisions of § 237.411, an individual is entitled to a widow's insurance annuity if she:

(1) Is the widow, as defined in § 237.303, of an employee who, at the time of his death, was completely insured; and

(2) Was not entitled, and would not have been entitled even if she had applied therefor, to receive, for a month before January 1, 1947, an insurance benefit under the Social Security Act based on the deceased employee's wages and in an amount greater than the widow's insurance annuity would be; and

(3) Has attained the age of 60; and

(4) Has not remarried.

(b) *Duration of annuity.* Subject to the provisions of § 237.411, an individual is entitled to a widow's insurance annuity for each month beginning with the first month after December 1946 in which all of the conditions of entitlement are satisfied. The last month for which she is entitled to such annuity is the month immediately preceding the first month in which either of the following events occurs:

(1) She remarries; or

(2) She dies.

(c) *Rate of annuity.* A widow's insurance annuity for a month is equal to the basic amount of the deceased employee, except that if in the month preceding the employee's death she was entitled to a spouse's annuity which, before any increase under § 225.6 of this chapter, was in an amount greater than her insurance annuity, her insurance annuity shall be increased to such greater amount. The rate shall be adjusted as provided in §§ 237.205 and 237.404 and Subpart F of this part.

§ 237.407 *Widower's insurance annuity*—(a) *Conditions of entitlement.* Subject to the provisions of § 237.411, an individual is entitled to a widower's insurance annuity if he:

(1) Is the widower, as defined in § 237.304, of an employee who, at the time of her death, was completely insured; and

(2) Has attained the age of 60; and

(3) Has not remarried.

(b) *Duration of annuity.* Subject to the provisions of § 237.411, an individual is entitled to a widower's insurance annuity for each month beginning with the first month after October 1951 in which all of the conditions of entitlement are satisfied. The last month for which he is entitled to such annuity is the month immediately preceding the first month in which either of the following events occurs:

(1) He remarries; or

(2) He dies.

(c) *Rate of annuity.* A widower's insurance annuity for a month is equal to the basic amount of the deceased employee, except that if in the month preceding the employee's death he was entitled to a spouse's annuity which, before any increase under § 225.6 of this chapter, was in an amount greater than his insurance annuity, his insurance annuity shall be increased to such greater amount. The rate shall be adjusted as provided in §§ 237.205 and 237.404 and Subpart F of this part.

§ 237.408 *Widow's current insurance annuity*—(a) *Conditions of entitlement.* Subject to the provisions of § 237.411, an individual is entitled to a widow's current insurance annuity if she:

(1) Is the widow, as defined in § 237.303, of an employee who, at the time of his death, was completely insured or partially insured; and

(2) Was not entitled, and would not have been entitled even if she had applied therefor, to receive, for a month before January 1, 1947, an insurance benefit under the Social Security Act based on the deceased employee's wages and in an amount greater than the widow's current insurance annuity would be; and

(3) Has not remarried; and

(4) Is not entitled to a widow's insurance annuity; and

(5) Has in her care, at the time of filing her application, a child of her deceased husband entitled to receive a child's insurance annuity.

(b) *Duration of annuity.* Subject to the provisions of § 237.411, an individual is entitled to a widow's current insurance annuity for each month beginning with the first month after December 1946 in which all of the conditions of entitlement are satisfied. The last month for which she is entitled to such annuity is the month immediately preceding the first month in which any of the following events occurs:

(1) No child or her deceased husband is entitled to a child's insurance annuity; or

(2) She becomes entitled to a widow's insurance annuity; or

(3) She remarries; or

(4) She dies.

(c) *Rate of annuity.* A widow's current insurance annuity for a month is equal to the basic amount of the deceased employee, except that if in the month preceding the employee's death she was entitled to a spouse's annuity which, before any increase under § 225.6 of this chapter, was in an amount greater than her insurance annuity, her insurance annuity shall be increased to such greater amount. The rate shall be adjusted as provided in §§ 237.205 and 237.404 and Subpart F of this part.

(d) *Meaning of "in her care."* A widow has a child "in her care" within the meaning of paragraph (a) (5) of this section if she takes parental responsibility for the welfare and care of such child, even though she does not live in the same home with the child.

§ 237.409 *Child's insurance annuity*—(a) *Conditions of entitlement.* Subject to the provisions of § 237.411, an individual is entitled to a child's insurance annuity if he:

(1) Is a child, as defined in § 237.306, of an employee who, at the time of his death, was completely insured or partially insured; and

(2) Was not entitled, and would not have been entitled even if he had applied therefor, to receive, for a month before January 1, 1947, an insurance benefit under the Social Security Act based on the deceased employee's wages and in an amount greater than the child's insurance annuity would be.

(b) *Duration of annuity.* Subject to the provisions of § 237.411, an individual is entitled to a child's insurance annuity for each month beginning with the first month after December 1946 in which all of the conditions of entitlement are satisfied. If the child is born after the death of the employee on whose insured status the child's insurance annuity is based, the first for which the child may be entitled to such an annuity is the month in which such child is born. The last month for which an individual is entitled to a child's insurance annuity is the month immediately preceding the first month in which any of the following events occur:

(1) He marries; or

(2) He is adopted by other than a stepparent, grandparent, aunt, or uncle; or

(3) He attains age 18, unless he shall have a permanent physical or mental condition which is such that he is unable to engage in any regular employment and which condition began before he became age 18; or

(4) He dies.

(c) *Rate of annuity.* A child's insurance annuity for a month is equal to two-thirds of the basic amount of the deceased employee. If the child is entitled to a child's insurance annuity with respect to more than one deceased employee, his child's insurance annuity shall be two-thirds of the basic amount of whichever employee's basic amount is greatest. The rate shall be adjusted in accordance with §§ 237.205 and 237.404 and Subpart F of this part.

§ 237.410 *Parent's insurance annuity*—(a) *Conditions of entitlement.* Subject to the provisions of § 237.411, an individual is entitled to a parent's insurance annuity if such individual:

(1) Is the parent, as defined in § 237.308, of an employee who, at the time of his death, was completely insured and was not survived by a widow, a widower, or a child as defined in §§ 237.303, 237.304, 237.306, respectively; and

(2) Was not entitled, and would not have been entitled even if he had applied therefor, to receive, for a month before January 1, 1947, an insurance benefit under the Social Security Act based on the deceased employee's wages and in an amount greater than the parent's insurance annuity would be; and

(3) Has attained the age of 60; and

(4) Has not remarried since the death of the deceased employee.

Each parent of a deceased employee who had a completely insured status may become entitled to insurance annuities under this section.

(b) *Duration of annuity.* Subject to the provisions of § 237.411, an individual is entitled to a parent's insurance annuity for each month beginning with the first month after December 1946 in which all of the conditions of entitlement are satisfied. The last month for which such individual is entitled to such annuity is the month immediately preceding the first month in which either of the following events occurs:

(1) He remarries; or

(2) He dies.

(c) *Rate of annuity.* A parent's insurance annuity for a month is equal to two-thirds of the basic amount of the deceased employee. If the parent is entitled to a parent's insurance annuity with respect to more than one deceased employee, his parent's insurance annuity shall be two-thirds of whichever employee's basic amount is greatest. The rate shall be adjusted in accordance with §§ 237.205 and 237.404 and Subpart F of this part.

§ 237.411 *Beginning and ending of insurance annuities*—(a) *Beginning.* An insurance annuity under this subpart shall begin with the first month after December 1946, or in the case of a widower's insurance annuity with the first month after October 1951, with respect to which all of the conditions of entitlement for such annuity, as set out in the preceding sections of this subpart, are satisfied, if the individual shall have filed an application for such annuity, as prescribed in Subpart H of this part:

(1) In such month; or

(2) In the 3 months immediately preceding such month; or

(3) In the 12 months immedately succeeding such month.

Otherwise, such annuity shall begin with the month after December 1946, or after October 1951 in the case of a widower's insurance annuity, in which the individual files an application therefor, as prescribed in Subpart H of this part, and with respect to which month all the conditions of entitlement for such annuity, as set out in the preceding sections of this subpart, are satisfied.

(b) *Ending.* No insurance annuity under this subpart shall be payable for the month in which the conditions of entitlement for such annuity, as set out in the preceding sections of this subpart, cease to be satisfied.

SUBPART E—LUMP-SUM DEATH PAYMENTS

§ 237.501 *Statutory provisions.*

Lump-sum payment. Upon the death, on or after January 1, 1947, of a completely or partially insured employee who will have died leaving no widow, widower, child, or parent who would on proper application therefor be entitled to receive an annuity under this section for the month in which such death occurred, there shall be paid a lump sum of ten times the employee's basic amount to the following person (or if more than one there shall be distributed among them) whose relationship to the deceased employee will have been determind by the Board, and who will have been living on the date of such determination: to the widow or widower of the deceased; or, if no such widow or widower be then living, to any child or children of the deceased and to any other person or persons who, under the intestacy law of the State where the deceased will have been domiciled, will have been entitled to share as distributees with such children of the deceased, in such proportions as is provided by such law; or, if no widow or widower and no such child and no such other person be then living, to the parent or parents of the deceased, in equal shares. A person who is entitled to share as distributed with an above-named relative of the deceased shall not be precluded from receiving a payment under this paragraph by reason of the fact that no such named relative will have survived the deceased or of the fact that no such named relative of the deceased will have been living on the date of such determination. If none of the persons described in this paragraph be living on the date of such determination such amount shall be paid to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the expenses of burial of the deceased. If a lump sum would be payable to a widow, widower, child, or parent under this paragraph except for the fact that a survivor will have been entitled to receive an annuity for the month in which the employee will have died, but within one year after the employee's death there will not have accrued to survivors of the employee, by reason of his death annuities which, after all deductions pursuant to paragraph (1) of subsection (1) will have been made, are equal to such lump, a payment to any then surviving widow, widower, children, or parents shall nevertheless be made under this paragraph equal to the amount by which such lump sum exceeds such annuities so accrued after such deductions. No payment shall be made to any person under this paragraph, unless application therefor shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of two years after the date of death of the deceased employee, except that if the deceased employee is a person to whom section 2 of the Act of March 7, 1942 (56 Stat. 143, 144), is applicable such two years shall run from the date on which the deceased employee, pursuant to said Act, is determined to be dead, and for all other purposes of this section such employee, so long as it does not appear that he is in fact alive, shall be deemed to have died on the date determined pursuant to said Act to be the date or presumptive date of death. (60 Stat. 312, as amended; 45 U. S. C. 228e)

§ 237.502 *Lump-sum death payments*—(a) *Conditions of payment.* • • •

(2) Such deceased employee was not survived by a widow, widower, child, or parent (see § 237.504 (a)), who, upon application therefor, would be entitled to receive a widow's insurance annuity, a widower's insurance annuity, a widow's current insurance annuity, a child's insurance annuity, or a parent's insurance annuity, upon the basis of the insured status of such employee, for the month in which such employee died; and

• • • • •

(c) *Amount of payment.* The lump sum to which a widow, widower, child (or distributee with a child), or parent, is entitled under paragraph (b) of this section is an amount equal to ten times the basic amount of the deceased employee. Where there is more than one child or person entitled to share as distributee with a child, the lump sum shall be divided among them in the proportions provided by the intestacy laws of the state where the deceased employee was domiciled. Where there is more than one parent the lump sum shall be divided equally between such parents.

Where an applicant (other than a person named in paragraph (b) (1) of this section) is equitably entitled to a lump sum under paragraph (b) (2) of this section, the amount payable to him will be determined as follows:

(1) If no person other than such applicant is, or becomes, equitably entitled under paragraph (b) (2) of this section, the amount payable will be an amount equal to the amount of burial expenses paid by the applicant, or ten times the basic amount of the deceased, whichever is less.

(2) If two or more persons are, or become, equitably entitled under paragraph (b) (2) of this section, the amount payable to any such applicant is an amount equal to that proportion of ten times the basic amount of the deceased which the amount of burial expenses paid by such applicant bears to the total amount of burial expenses paid by all persons equitably entitled, but in no event shall the amount paid to such applicant exceed the amount of burial expenses paid by him.

§ 237.503 *Payment when lump sum exceeds insurance annuities accrued*—(a) *Conditions of payment.* • • •

(1) A lump sum would have been payable to a widow, widower, child, or parent (see § 237.504 (b)) under § 237.502, except for the fact that a survivor was entitled to receive an insurance annuity for the month in which the employee died (see § 237.502 (a) (2)); and

• • • • •

(b) *Persons entitled to receive payment.* The payment provided for in this section shall be made to the widow, widower, children, or parents of the deceased employee surviving at the expiration of 1 year after the employee's death.

• • • • •

§ 237.504 *Meaning of terms.* (a) The terms "widow," "widower," "child," and "parent" as they first appear in section 5 (f) of the act (see § 237.502 (a) (2)), are used as defined in §§ 237.303, 237.304, 237.306, and 237.308, respectively.

• • • • •

SUBPART F—MAXIMUM AND MINIMUM INSURANCE ANNUITY TOTALS

§ 237.601 *Statutory provisions.*

Maximum and minimum annuity totals. Whenever according to the provisions of this section as to annuities, payable for a month with respect to the death of an employee, the total of annuities is more than $30 and exceeds either (a) $160, or (b) an amount equal to two and two-thirds times such employee's basic amount, whichever of such amounts is the lesser, such total of annuities shall, prior to any deductions under subsection (i), be reduced to such lesser amount or to $30, whichever is greater. Whenever such total of annuities is less than $14, such total shall, prior to any deductions under subsection (i), be increased to $14. (60 Stat. 731, as amended; 45 U. S. C. 228e)

In the case of an individual having a current connection with the railroad industry, • • • if for any entire month • • • the total of survivor annuities under this Act deriving from the same employee, is less than the amount, or the additional amount, which would have been payable to all persons for such month under the Social Security Act (deeming completely and partially insured individuals to be fully and currently insured, respectively, individuals entitled to insurance annuities under subsections (a) and (d) of section 5 to have attained age sixty-five, and individuals entitled to insurance annuities under subsection (c) of section 5 on the basis of disability to be less than eighteen years of age, and disregarding any possible deductions under subsections (f) and (g) (2) of section 203 of the Social Security Act) if such employee's service as an employee after December 31, 1936, were included in the term "employment" as defined in that Act and quarters of coverage were determined in accordance with section 5 (i) (4) of this Act, such annuity or annuities, shall be increased proportionately to a total of such amount or such additional amount. (Section 3 (e), 50 Stat. 311, as amended; 45 U. S. C. 228c)

§ 237.603 *Reduction*—(a) *Conditions requiring reduction.* Reductions are made only when there are two or more insurance annuities for a month based upon the insured status of a deceased employee, and when the total amount of such annuities for such month, as calculated under Subpart D of this part, is more than $30 and exceeds either (1) $160, or (2) an amount equal to two and two-thirds times the basic amount of the employee.

(b) *Amount of reduction.* If the conditions described in paragraph (a) of this section exist, each of the insurance annuities must be proportionately reduced so that the total of the insurance annuities will be whichever is the least of the amounts stated in paragraph (a) (1) and (2) of this section. If, however, such least amount is under $30, the total is reduced only to $30.

§ 237.604 *Increase*—(a) *Conditions requiring increase.* An increase is made when the insurance annuity or total of insurance annuities for a month calculated under Subpart D of this part on the basis of the insured status of a deceased employee is less than $14.

(b) *Amount of increase.* If the condition described in paragraph (a) of this section exists, the insurance annuity or total of insurance annuities is increased to $14.

§ 237.607 *Over-all minimum based on the Social Security Act formula.* (a) When the total amount of insurance annuities payable for an entire month, based on the insured status of a deceased individual, is less than the total amount of insurance benefits which would be payable for that month under the Social Security Act if the individual's service as an employee after 1936 were included with "employment" as defined in the Social Security Act, the amount of such insurance annuities shall be increased proportionately to the total of such greater amount.

(b) In making determinations under this section, (1) quarters of coverage shall be determined in accordance with section 5 (1) (4) of the Railroad Retirement Act (see § 237.101); (2) completely an partially insured individuals shall be deemed to be fully and currently insured, respectively, under the Social Security Act; (3) an individual who has attained the age of 60 but not the age of 65 and is entitled to a widow's, widower's or parent's insurance annuity shall be deemed to have attained the age of 65; (4) an individual entitled to a child's insurance annuity when 18 years of age or over shall be deemed to be less than 18 years of age; and (5) the amount of any deduction which would be applied under subsections (f) and (g) (2) of section 203 of the Social Security Act for failure to report an event which would cause a deduction under that act shall be disregarded.

SUBPART G—DEDUCTIONS

§ 237.701 *Statutory provisions.*

Deductions from annuities. (1) Deductions shall be made from any payments under this section to which an individual is entitled, until the total of such deductions equals such individual's annuity or annuities under this section for any month in which such individual—

(i) Will have rendered compensated service within or without the United States to an employer;

(ii) Will have been under the age of seventy-two and for which month he is charged with any earnings under section 203 (e) of the Social Security Act or in which month he engaged on seven or more different calendar days in noncovered remunerative activity outside the United States (as defined in section 203 (k) of the Social Security Act); and for purposes of this subdivision the Board shall have the authority to make such determinations and such suspensions of payment of benefits in the manner and to the extent that the Secretary of Health, Education, and Welfare would be authorized to do so under section 203 (g) (3) of the Social Security Act if the individuals to whom this subdivision applies were entitled to benefits under section 202 of such Act; or

(iii) if a widow otherwise entitled to an annuity under subsection (b) will not have had in her care a child of the deceased employee entitled to receive an annuity under subsection (c);

(2) The total of deductions for all events described in paragraph (1) occurring in the same month shall be limited to the amount of such individual's annuity or annuities for that month. Such individual (or anyone in receipt of an annuity in his behalf) shall report to the Board the occurrence of any event described in paragraph (1).

(3) Deductions shall also be made from any payments under this section with respect to the death of an employee until such deductions total—

(i) any death benefit, paid with respect to the death of such employee, under sections 5 of the Retirement Acts (other than a survivor annuity pursuant to an election);

(ii) any lump sum paid, with respect to the death of such employee, under title II of the Social Security Act, or under section 203 of the Social Security Act in force prior to the date of the Social Security Act Amendments of 1939;

(iii) any lump sum paid to such employee under section 204 of the Social Security Act in force prior to the date of the enactment of the Social Security Act Amendments of 1939, provided such lump sum will not previously have been deducted from any insurance benefit paid under the Social Security Act; and

(iv) an amount equal to 1 per centum of any wages paid to such employee for services performed in 1939, and subsequent to his attaining age sixty-five, with respect to which the taxes imposed by section 1400 of the Internal Revenue Code will not have been deducted by his employer from his wages or paid by such employer, provided such amount will not previously have been deducted from any insurance benefit paid under the Social Security Act.

(4) The deductions provided in this subsection shall be made in such amounts and at such time or times as the Board shall determine. Decreases or increases in the total of annuities payable for a month with respect to the death of an employee shall be equally apportioned among all annuities in such total. • • •

(60 Stat. 731; 45 U. S. C. 228e)

§ 237.702 *Deductions because an individual works or a widow fails to have a child in her care.* Section 5 (i) (1) of the act provides for deductions from an individual's insurance annuity or annuities upon the occurrence of certain events, which are enumerated in paragraphs (a), (b), and (c) of this section.

(a) *Employer service.* Deductions are to be made from any annuity or annuities payable to an individual under this part for any month in which such individual renders compensated service (see Parts 220 and 222 of this chapter) within or without the United States to an "employer" (see Part 202 of this chapter). The amount to be deducted is equal to the amount of such individual's insurance annuity or annuities for the month in which the compensated service was rendered.

(b) *Work other than employer service*—(1) *When deductions imposed.* Deductions are to be made from any annuity or annuities payable to an individual under this part for any month:

(i) After October 1951 and prior to September 1952, in which such individual renders services for wages, as defined in section 209 of the Social Security Act, of not less than $50; or

(ii) After August 1952 and prior to the first month of the individual's first taxable year beginning after 1954, in which such individual renders services for wages, as defined in section 209 of the Social Security Act, of more than $75; or

(iii) In which such individual is charged, in accordance with the provisions of subparagraph (3) of this paragraph, with net earnings from self-employment of more than $50 or $75, as the case may be; or

(iv) In which such individual is charged, in accordance with the provisions of subparagraph (3) of this paragraph, with earnings; or

(v) After December 1954, in which such individual is under age 72 and on seven or more different calendar days in which he is engaged in noncovered remunerative activity outside the United States (see subparagraph (7) of this paragraph).

For the purposes of determining whether under subdivision (i) or (ii) of this subparagraph an individual has rendered services for wages of not less than $50 or more than $75, whichever is applicable, the provisions of section 209 of the Social Security Act which, for other purposes, limits the wages in a calendar year prior to 1951 to $3,000, after 1950 and prior to 1955 to $3,600, and after 1954 to $4,200, do not apply.

(2) *Amount of deductions.* The amount to be deducted shall be equal to the annuity or total of annuities payable to the individual in the month in which the event specified in any of the subdivisions of subparagraph (1) of this paragraph occurred.

(3) *Charging of earnings and net earnings from self-employment.* Prior to the amendment of section 5 (i) (1) (ii) of the Railroad Retirement Act by section 401 (d) of Public Law 761, 83d Congress, an individual was charged only on the basis of his "net earnings from self-employment" as that term is defined in section 211 (a) of the Social Security Act. Enactment of such amendment eliminated such charging and provided for charging on the basis of his "earnings" which term is defined in subparagraph (6) of this paragraph.

Subdivisions (i), (ii), and (iii) of this subparagraph provide the method by which an individual will be charged with either earnings or net earnings from self-employment, as the case may be.

(i) *For taxable years ending prior to September 1952.* The following rules will apply in determining the amount of an individual's net earnings from self-employment that are to be charged to a particular month for purposes of deductions under this section with respect to taxable years ending prior to September 1952:

(*a*) If the individual's net earnings from self-employment for the taxable year are not more than $50 times the number of months in such taxable year, each month in such year shall be charged with $50 or less; or

(*b*) If his net earnings from self-employment exceed that amount, each month of such year is first charged with $50. The first $50 of the excess (or the whole of the excess if it is less than $50) is charged to the latest month of the taxable year. The next $50 of the excess, if any (or the whole of the excess if it is less than $50), is charged to the next preceding month and so forth until all of the excess is charged or every month to which a portion of the excess is chargeable has been charged with a part of such excess.

(ii) *For taxable years ending after August 1952 and prior to the beginning of the individual's first taxable year after 1954.* The rules for charging net earnings from self-employment appearing in subdivision (i) of this subparagraph shall apply with respect to taxable years ending after August 1952 and prior to the beginning of the first taxable year after 1954, except that such charging shall be on the basis of $75 per month rather than $50 per month. Where an individual's taxable year ends in 1955 (other than the taxable year ending on December 31, 1955) and he has net earnings from self-employment by reason of section 101 (g) (1), (2), or (4) or section 101 (d) of the Social Security Amendments of 1954, his net earnings from self-employment for his taxable year ending in 1955 shall be credited equally to the last quarter of such taxable year and the three preceding quarters. Only that amount of net earnings from self-employment credited to quarters after 1954 shall be chargeable under this subdivision, but in no event will such net earnings from self-employment be charged to months prior to 1955.

(iii) *For taxable years beginning after 1954.* With respect to taxable years beginning after 1954 and for purposes of deductions under this section an individual will be charged only on the basis of his earnings and then only if such earnings in his taxable year exceed $100 times the number of months in such year. Where there is such an excess, the first $80 of such excess (or the whole of the excess if it is less than $80) is charged to the latest month in the taxable year. The next $80 of the excess, if any (or the whole of the excess if it is less than $80), is charged to the next preceding month and so forth until all of the excess is charged or every month to which a portion of the excess is chargeable has been charged with a part of such excess.

(4) *Months to which earnings and net earnings from self-employment cannot be charged*—(i) *Net earnings from self-employment.* Notwithstanding the provisions of subparagraph (3) of this paragraph, net earnings from self-employment in excess of $50 times the number of months in the taxable year, if such taxable year ended prior to September 1952, or $75 times the number of months in the taxable year, if such taxable year ended after August 1952 and prior to the individual's first taxable year beginning after 1954 shall not be charged to any month:

(*a*) In which the individual was not entitled to an annuity;

(*b*) In which the individual performed employer service for which he suffered deductions under paragraph (a) of this section;

(*c*) In which the individual performed services for wages for which he suffered deductions under subparagraph (1) of this paragraph;

(*d*) In which the individual is a widow who suffered a deduction because of the occurrence of the event specified in paragraph (c) of this section;

(*e*) In which the individual was 72 years of age or over with respect to months after 1954; or

(*f*) In which the individual did not engage in self-employment.

(ii) *Earnings.* Notwithstanding the provisions of subparagraph (3) of this paragraph, earnings in excess of $100 times the number of months in the individual's taxable year beginning after 1954 shall not be charged to any month:

(*a*) In which the individual was not entitled to an annuity;

(*b*) In which the individual performed employer service for which he suffered a deduction under subparagraph (a) of this section;

(*c*) In which the individual was engaged in noncovered remunerative activity outside the United States for which he suffered a deduction under subparagraph (1) of this paragraph;

(*d*) In which the individual is a widow who suffered a deduction because of the occurrence of the event specified in paragraph (c) of this section;

(*e*) In which the individual was 72 years of age or over; or

(*f*) In which the individual did not engage in self-employment and did not render services for wages, as defined in subparagraph (6) (ii) of this paragraph, of more than $80.

An individual shall be deemed to have engaged in self-employment in any month if in such month he renders substantial services, as defined in subparagraph (5) of this paragraph, in operating a trade or business as owner or partner, even though there may be no earnings or net earnings from self-employment attributable to his services for such month. For purposes of subdivision (ii) (*f*) of this subparagraph, an individual will be presumed with respect to any month to have rendered services for wages, as defined in subparagraph (6) (ii) of this paragraph, of more than $80 until it is shown to the satisfaction of the Board that such individual did not render services in such month for more than such amount.

(5) *Definition of "substantial services."* For the purposes of subparagraph (4) of this paragraph, an individual is presumed to have rendered substantial services in each month in his taxable year. However, he may submit evidence to establish that in any month in such taxable year he did not render substantial services with respect to any trade or business the net income or loss of which is includible in computing his net earnings from self-employment for any taxable year if such taxable year ends prior to his first taxable year beginning after 1954, or in computing his earnings (but without regard to subparagraph (6) (ii) of this paragraph) for any taxable year if such taxable year begins after 1954. In determining whether an individual has rendered such substantial services in a month, the particular facts in his case will be examined. The following factors, among others, will be considered in making the determination:

(i) The amount of time devoted to the trade or business;

(ii) The amount of capital invested in the trade or business;

(iii) The nature of the services rendered by the individual;

(iv) The seasonal nature of the trade or business;

(v) The presence or absence of a paid manager, a partner, or a family member who manages the business; and

(vi) The type of business establishment that is involved.

(6) *Definition of earnings.* When the term "earnings" is used in this paragraph and not as a part of the phrase "net earnings from self-employment," it shall mean an individual's earnings with respect to a taxable year beginning after 1954 and includes the sum of his wages, as defined in subdivision (ii) of this subparagraph, for services rendered in such year and his net earnings from self-employment, as defined in subdivision (i) of this subparagraph, for such year minus any net loss from self-employment, as defined in subdivision (i) of this subparagraph, for such year.

(i) *Net earnings from self-employment and net loss from self-employment.* An individual's net earnings from self-employment and his net loss from self-employment for the purposes of this subparagraph and subparagraph (5), shall be determined under the provisions of section 211 of the Social Security Act (but without regard to the provisions in paragraphs (1), (4), and (5) of subsections (c) of such section); any excess of income over deductions so resulting from such computation shall be his net earnings from self-employment and any excess of deductions over income so resulting shall be his net loss from self-employment.

(ii) *Wages.* For purposes of this subparagraph, and subparagraph (4) (ii) of this paragraph, an individual's wages shall be determined under section 209 of the Social Security Act (but without regard to the limitations as to amounts of remuneration specified in subsections (a), (g) (2), (g) (3), (h) (2) and (j) of such section); and in making such computation, services which do not constitute "employment" as that term is defined in section 210 of the Social Security Act performed within the United States by an individual as an employee shall be deemed to be employment as so defined if the remuneration for such services is not includible in computing his net earnings from self-employment or net loss from self-employment, as defined in subdivision (i) of this subparagraph.

(iii) *Presumptions concerning wages.* For purposes of this subparagraph, wages, as determined under subdivision (ii) of this subparagraph, which according to reports received by the Board are paid to an individual during a taxable year shall be presumed to have been paid to him for services rendered in such year until it is shown to the satisfaction of the Board that they were paid for services rendered in another taxable year. If such reports with respect to an individual show his wages for a calendar year, such individual's taxable year shall be presumed to be a calendar year for purposes of this section until it is shown to the satisfaction of the Board that his taxable year is not a calendar year.

(7) *Definition of noncovered remunerative activity outside the United States.* An individual shall be considered to be engaged in noncovered remunerative activity outside the United States if he performs services outside the United States as an employee and such services do not constitute "employment" as that term is defined in section 210 of the Social Security Act, or if he carries on a trade or business outside the United States (other than the performance of his services as an employee) the net income or loss of which is not includible in computing his net earnings from self-employment, as defined in section 211 (a) of the Social Security Act, for a taxable year and would not be excluded from net earnings from self-employment, if carried on in the United States by any of the numbered paragraphs of such section 211 (a). When used in the preceding sentence with respect to a trade or business (other than the performance of services as an employee) the term "United States" does not include Puerto Rico or the Virgin Islands in the case of an alien who is not a resident of the United States (including Puerto Rico and the Virgin Islands); and the term "trade or business" shall have the same meaning as when used in section 162 of the Internal Revenue Code of 1954.

(c) *Failure of widow to have a child in her care.* (1) Deductions are to be made from any annuity or anuities payable to a widow under this part for any month in which such widow does not have in her care a child of her deceased husband entitled to a child's insurance annuity for such month. The amount to be deducted is equal to the amount of the widow's curent insurance annuity to which she was entitled for the month in which she did not have such a child in her care.

(2) The fact that a child's insurance annuity for a particular month is withheld to effect a deduction under any of the other paragraphs of this section, or under § 237.703, or an adjustment under Part 255 of this chapter, does not affect the right of a widow, who has the child in her care, to a widow's current insurance annuity, since the child is nevertheless "entitled" to a child's insurance annuity.

(d) *Manner of making deductions.* (1) Deductions as provided for in this section are made by withholding insurance annuities in whole or in part, depending upon the amount to be deducted. If the amount to be deducted is not withheld from the insurance annuity or annuities for the month in which the event occurred which occasioned the deduction (if, for example, the occurrence has not been brought to the attention of the Board), such amount will be withheld from the insurance annuity or annuities for one or more subsequent months. The total amount to be deducted may, therefore, at the time of withholding, be greater or less than any insurance annuity or annuities for a month from which such amount is to be withheld.

(2) When it is determined that a deduction is required under paragraph (a), (b), or (c) of this section, no insurance annuity to which the individual in question is entitled for any month will be paid until a total amount equal to the amount to be deducted has been withheld. If the amount of the required deduction is less than any such insurance annuity, or the total of such insurance annuities, for a month, the amount to be deducted will be withheld from such insurance annuity or annuities.

(e) *Deductions where more than one deduction event in a month occurs.* Section 5 (i) (2) of the act prevents duplication of deductions described in paragraphs (a), (b) and (c) of this section, by reason of the occurrence of more than one of the events enumerated in such paragraphs in a particular month. If more than one such event occurs in a month, the total amount of the deduction is the same as if only one such event had occurred. Section 5 (i) (2) of the act has no application to any other deductions or adjustments under the act (see paragraph (h) of this section).

(f) *Total amount to be deducted.* If, however, any of the events occasioning the deduction under paragraphs (a), (b), or (c) of this section occurs in more than one month, the total amount to be deducted is equal to the sum of the deductions for all months in which any such event occurred. With respect to net earnings from self-employment under paragraph (b) (1) (iii) of this section and earnings under paragraph (b) (1) (iv) of this section, a deduction event is deemed to have occurred in any month to which any excess of net earnings from self-employment or earnings, as the case may be, is charged (see paragraph (b) (3) of this section).

(g) *Relation to maximum and minimum insurance annuity totals.* In effecting a deduction, no amount can be considered as having been withheld from an insurance annuity for a particular month which is in excess of the amount of such insurance annuity as reduced or increased (if required) under section 5 (h) of the act (see Subpart F of this part). Likewise, the amount of an insurance annuity by which a deduction is measured (i. e., an insurance annuity for the month in which the event occasioning the deduction occurred) is the amount of such insurance annuity as so reduced or increased.

(h) *Relation to other provisions for deductions and adjustments.* A deduction required under section 5 (i) (1) of the act is made prior to and in addition to any deductions under section 5 (i) (3) of the act (see § 237.703), and prior to and in addition to any adjustments under Part 255 of this chapter.

(i) *Reports to the Board of certain events occasioning deductions.* Section 5 (i) (2) of the act imposes upon an individual the obligation to report to the Board the occurrence of any of the events enumerated in paragraph (a), (b), or (c) of this section if such individual is in receipt of an insurance annuity or annuities (on his own behalf or on behalf of another) from which a deduction is to be made under such paragraphs.

SUBPART H—APPLICATION FOR INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

§ 237.801 *Statutory provisions.* (See section 5 (j) of the act, quoted in §237.401, and the last sentence of section 5 (f) (1) of the act, quoted in § 237.501.)

§ 237.806 *Filing of application—(a) With Social Security Administration.* The claim or application of an individual, filed with the Social Security Administration on or after October 1, 1946, for an insurance benefit or a lump-sum death payment under subsection (c), (d), (e), (f), or (g) of section 202 of Title II of the Social Security Act, as amended August 10, 1946, based upon the death of an individual who has had service covered under the Railroad Retirement Act, as amended July 31, 1946, shall be deemed to be an application for the corresponding survivor benefit under subsection (a), (b), (c), (d), or (f) of section 5 of the Railroad Retirement Act, and shall be deemed filed with the Railroad Retirement Board on the date as of which the Social Security Administration certifies that such application is deemed filed with that agency.

(b) *At foreign service office.* Applications or written requests from individuals outside the United States will be given effect as of the time they are received in a United States foreign service office. The time of filing will be shown by a date-stamp or similar evidence of receipt in the foreign service office. If the claims material is not sent via a foreign service office, the date received by the Railroad Retirement Board will be the filing date.

§ 237.808 *Application by individual who was in receipt of a spouse's annuity or a widow's current insurance annuity.* The widow or widower of an employee shall be deemed to have filed an acceptable application for an annuity under §§ 237.406, 237.407, or 237.408, as the case may be, in accordance with §§ 237.802, 237.803, and 237.805, in the month in which the employee died, or, in the case of a widow in receipt of an annuity under § 237.408, in the month in which such widow attained age 60, if for the month next preceding such month the widow or widower will have been, on the basis of the employee's employment, in receipt of an annuity under Part 232 of this chapter or § 237.408 (disregarding the application of § 232.402 of this chapter or § 237.702): *Provided, however,* That the annuity shall not continue to be paid to the widow or widower for more than 6 months by reason of this section and her or his receipt of a spouse's annuity for the month preceding the employee's death.

SUBPART I—MISCELLANEOUS

§ 237.901 *Statutory provisions.* (See last sentence of section 5 (f) (1) of the act, quoted in § 237.501.)

• • • An annuity under this section which is not in excess of $5 may, in the discretion of the Board, be paid in a lump sum equal to its commuted value as the Board shall determine. (60 Stat. 732; 45 U. S. C. 228e)

§ 237.904 *Meaning of "retirement annuity."* As used in this part, the term "retirement annuity" means an annuity under section 2 of the act awarded before or after its amendment, but not including an annuity to a survivor pursuant to an election of a joint and survivor annuity.

§ 237.905 *Proof of continuance of disability of child age 18 or over.* (a) A child age 18 or over whose entitlement to a child's insurance annuity is based, in part, on his having a permanent physical or mental condition which is such that he is unable to engage in any regular employment, which disability began before he attained age 18, shall, as and whenever notified by the Board, submit additional proof of the continuance of his disability.

(b) The Board may at any time or times, while the child is in receipt of such an annuity, require that he submit to an examination to be made by a physican, or physicians, or a board of physicians, designated by the Board.

(c) The Board may also at any time or times, while the child is in receipt of such an annuity, require that he submit information relating to his employment, including self-employment, and earnings therefrom.

(d) If, while in receipt of an annuity, such individual fails to comply with the requirements prescribed in paragraphs (a) and (b) of this section, his right to an annuity shall, except for good cause shown to the Board, cease.

(Sec. 10, 49 Stat. 923, as amended; 45 U. S. C. 228j. Interpret or apply sec. 3, 49 Stat. 969, as amended; 45 U. S. C. 228c)

PART 238—RESIDUAL LUMP-SUM PAYMENTS

§ 238.1 *Statutory provisions.*

Whenever it shall appear, with respect to the death of an employee on or after January 1, 1947, that no benefits, or no further benefits, other than benefits payable to a widow, widower, or parent upon attaining age sixty at a future date, will be payable under this section or, pursuant to subsection (k) of this section, upon attaining age sixty-five at a future date, will be payable under section 202 of the Social Security Act, as amended, there shall be paid to such person or persons as the deceased employee may have designated by a writing filed with the Board prior to his or her death, or if there be no designation, to the person or persons in the order provided in paragraph (1) of this subsection or, in the absence of such person or persons, to his or her estate, a lump sum in an amount equal to the sum of 4 per centum of his or her compensation paid after December 31, 1936, and prior to January 1, 1947, and 7 per centum of his or her compensation after December 31, 1946 (exclusive in both cases of compensation in excess of $300 for any month before July 1, 1954, and in the latter case in excess of $350 for any month after June 30, 1954), minus the sum of all benefits paid to him or her, and to others deriving from him or her, during his or her life, or to others by reason of his or her death, under this Act, and pursuant to subsection (k) of this section, under section 202 of the Social Security Act, as amended: *Provided, however,* That if the employee is survived by a widow, widower, or parent who may upon attaining age sixty be entitled to further benefits under this section, or pursuant to subsection (k) of this section, upon attaining age sixty-five be entitled to further benefits under section 202 of the Social Security Act, as amended, such lump sum shall not be paid unless such widow, widower, or parent makes and files with the Board an irrevocable election, in such form as the Board may prescribe, to have such lump sum paid in lieu of all benefits to which such widow, widower, or parent might otherwise become entitled under this section or, pursuant to subsection (k) of this section, under section 202 of the Social Security Act, as amended. Such election shall be legally effective according to its terms. Nothing in this section shall operate to deprive a widow, widower, or parent making such election of any insurance benefits under section 202 of the Social Security Act, as amended, to which such widow, widower, or parent would have been entitled had this section not been enacted. The term "benefits" as used in this paragraph includes all annuities payable under this Act, lump sums payable under paragraph (1) of this subsection, and insurance benefits and lump-sum payments under section 202 of the Social Security Act, as amended, pursuant to subsection (k) of this section, except that the deductions of the benefits which, pursuant to subsection (k) (1) of this section, are paid under section 202 of the Social Security Act, during the life of the employee to him or to her and to others deriving from him or her, shall be limited to such portions of such benefits as are payable solely by reason of the inclusion of service as an employee in "employment" pursuant to said subsection (k) (1). (62 Stat. 577; 45 U. S. C. 228e)

§ 238.2 *Residual lump-sum payments—(a) Conditions of payment.*

• • •

(2) No benefits, or no further benefits, will, by reason of the employee's death, be payable (i) under Part 237 of this chapter, or (ii) under section 202 of the Social Security Act, as amended, on the basis of combined credits: *Provided, however,* That if the employee is survived by a widow, widower, or parent who may be entitled to such benefits under the Railroad Retirement Act upon attaining age 60 or under the Social Security Act upon attaining age 65, the residual lump sum may nevertheless be paid if such widow, widower, or parent files an election in accordance with the provisions of § 238.4; and

• • • • • •

(d) *Meaning of terms.* As used in this section

(1) The term "percentage of compensation" means, with respect to an employee, the sum of the following:

(i) 4 percent of the compensation paid him after December 31, 1936, and prior to January 1, 1947, exclusive of compensation in excess of $300 for any month; and

(ii) 7 percent of the compensation paid him after December 31, 1946, exclusive of compensation in excess of $300 for any month before July 1, 1954, and in excess of $350 for any month after June 30, 1954.

(2) The term "benefits deductible" means, with respect to an employee, the sum of the following:

(i) All benefits paid to the deceased employee and to others deriving from him during his lifetime under the Railroad Retirement Act, and under the Social Security Act to the extent that such benefits are based on his service in the railroad industry; and

(ii) All annuities or parts of annuities waived by the employee and/or others deriving from him under the Railroad Retirement Act; and

(iii) All benefits paid to others on account of his death under the Railroad Retirement Act, whether or not on the basis of combined railroad and social security service, and under the Social

Security Act if based on combined railroad and social security service.

§ 238.4 *Election to have residual lump-sum payment awarded—(a) Conditions of filing.* If an employee is survived by a widow, widower, or parent who may, upon attaining age 60, be entitled, by reason of the employee's death, to benefits, or further benefits, (1) under Part 237 of this chapter, or (2) upon attaining age 65, under section 202 of the Social Security Act, as amended, on the basis of combined credits, such widow, widower, or parent may file with the Board an election to have the residual lump-sum payment awarded, except that an election cannot be made by the widower of an employee who died before October 30, 1951.

(b) *Form and contents.* An election to have the residual lump-sum payment awarded must be made on the form prescribed by the Board for that purpose, and must contain an irrevocable election to have the residual lump sum paid in lieu of all the benefits specified in paragraph (a) of this section to which the widow, widower, or parent might otherwise become entiled.

(c) *Time of filing.* An election to have the residual lump-sum payment awarded must be filed before the widow, widower, or parent attains age 60, except that if a widow, widower or parent would be entitled to future benefits under the Social Security Act at age 65, instead of under the Railroad Retirement Act at age 60, the election must be filed before attainment of age 65.

(d) *Deterred from filing election.* Where an individual has notified the Board in writing, prior to his attaining age 60 or age 65, whichever is applicable, of his intention or desire to file an election to have the residual lump sum awarded, but has been deterred to his detriment by action of the Board or of its employees from filing an election upon the form prescribed by the Board, such writing of the individual shall be considered by the Board as a proper and sufficient election: *Provided, however,* That the action of the Board or of its employees in deterring the individual shall have consisted of failure to advise properly as to the necessity for filing an election on such prescribed form, or failure to furnish such prescribed form: *Provided further,* That the individual, upon being correctly advised by the Board as to the necessity for filing an election on the prescribed form and/or upon being furnished with such prescribed form, shall file said form with the Board during his lifetime and within 3 months after the date on which such correct advice was given him and/or such form was mailed to him (whichever is the later), or within such additional time as the Board may deem reasonable.

(e) *Effect.* An election to have the residual lump-sum payment awarded, filed in accordance with the provisions of this section, is legally effective according to its terms, and is not subject to revocation or to change in any respect. It does not affect any right which the widow, widower, or parent may otherwise have to benefits under section 202 of the Social Security Act, as amended, not based on combined credits.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j)

PART 239—PROOFS REQUIRED IN SUPPORT OF CLAIMS FOR BENEFITS

§ 239.1 *Proof of age.* (a) Except when the Board, on the basis of information in its records, is satisfied that the date of birth stated in the application is substantially correct, an applicant for an employee annuity shall file supporting evidence showing the date of his birth if his age is a condition of entitlement or is otherwise relevant to payment of benefits. Such evidence shall also be required by the Board as to the age of any other individual when such other individual's age is relevant to the determination of the applicant's entitlement. Evidence submitted to establish the age of a dependent (husband, wife and/or child as participants in a spouse's annuity) or of a survivor must have been recorded at least 5 years before the date of submission or the filing date of such dependent's or survivor's application, whichever occurred first, to be acceptable, except that evidence submitted to establish the age of a child under 5 years of age must have been recorded at or near the time of the child's birth to be acceptable.

(b) In determining the weight to be given to evidence offered to prove age, consideration shall be given to its general probative value and to its position in the following enumeration:

(1) Civil record of birth;
(2) Church record of birth or baptism;
(3) Notification of registration of birth;
(4) Hospital birth record or certificate;
(5) Physician's or midwife's birth record;
(6) Bible or other family record;
(7) Naturalization record;
(8) Immigration record;
(9) Military record;
(10) Passport;
(11) School record;
(12) Vaccination record;
(13) Insurance record;
(14) Labor union or fraternal record;
(15) Employer's record;
(16) Marriage record;
(17) Census age record; or
(18) Other evidence of probative value.

In lieu of the original of any record, except a Bible or other family record, there may be submitted a copy of such record or a statement as to the date of birth shown by such record, duly certified by the custodian of such record or by an individual designated by the Board. If the proof submitted is of recent origin or is not convincing, additional proof may be required.

If proof is not obtainable, the reason therefor should be stated and the applicant may submit the sworn statements of two other persons having knowledge of the age in question.

A date of birth may be fixed by the Board where proof to establish age or birth date cannot be obtained.

§ 239.2 *Proof of death.* An applicant for annuities due but unpaid at the death of an individual or for any benefit payable upon the death of an individual shall file proof of such individual's death and of the time and place of such death unless such proof has already been received by the Board. Such proof may also be required by the Board in the case of any other individual when such other individual's death is revelant to the determination of an applicant's entitlement. Such proof shall be of the following character:

* * * * * *

(b) A certified copy of an official report or finding of death made by any agency or department of the United States which is authorized or requested to make such report or finding in the administration of any law of the United States: *Provided, however,* That a finding of presumptive death made pursuant to section 5 of Public Law 490, 77th Congress, shall be accepted only as proof of the fact of death and not of the date of death; or

* * * * * *

§ 239.3 *Proof of marriage.* An applicant for any benefit as the spouse of a retirement annuitant or pensioner or as the widow or widower of a deceased employee, annuitant, or pensioner shall file proof as to marriage to such individual, and as to the time and place of marriage. Proof of marriage may also be required by the Board as to the marriage of any other individual when such a marriage is relevant to the determination of an applicant's entitlement.

(a) Proof of a ceremonial marriage shall be of the following character:

(1) A copy of the public record of marriage, duly certified by the custodian of such record; or

(2) A copy of the church record of marriage, duly certified by the custodian of such record; or

(3) The original certificate of marriage.

If none of the proofs described in subparagraphs (1), (2), and (3) of this paragraph is obtainable, the reason therefor should be stated and the applicant may submit:

(4) The sworn statement of the clergyman or official who performed the marriage ceremony; or

(5) Other evidence of probative value.

* * * * * *

§ 239.5 *Proof of relationship.* (a) An applicant for any benefit as the child of an individual shall submit proof of relationship as specified in this paragraph.

(1) If the relationship is by blood, one of the forms of documentary evidence described in § 239.1 (b) should be submitted (in the order of priority therein provided), showing the relationship between the parent and child in question: *Provided, however,* That a birth record which shows the name of the child but does not give the names of the parents and their relationship to the child may be accepted as supporting evidence of relationship if the surname of the child shown thereon is the same as that of the parent at the time of the birth of the child, and if none of the information available or furnished to the Board is inconsistent with the existence of the relationship.

If no documentary type of evidence is obtainable, the reason therefor should be stated and the applicant may submit the sworn statements of two disinterested persons showing the name of the child and the name of the parent in question, and that to their own knowledge such person is the child of such parent, and stating the source of their knowledge.

* * * * * *

(3) If the relationship is that of stepparent and stepchild and the child is the blood child of a parent to whom such a stepparent is married, one of the forms of documentary evidence described in § 239.1 (b) should be submitted (in the order of priority therein provided), showing the relationship between the child and such blood parent: *Provided, however,* That a birth record which shows the name of the child but does not give the names of the parents and their relationship to the child may be accepted as supporting evidence of relationship between the child and the child's blood parent to whom the stepparent is married if the surname of the child shown thereon is the same as that of the blood parent at the time of the birth of the child, and if none of the information available or furnished to the Board is inconsistent with the existence of the relationship. If the child is the adopted child of the parent to whom such stepparent is married, proof of adoption in accordance with subparagraph (2) of this paragraph shall be submitted. Proof shall be submitted as described in § 239.3 (in the order of priority therein provided) as to the marriage of the child's blood parent (or adopting parent) and such stepparent.

If no documentary proof of relationship of the applicant to the blood parent is available, the reason therefor should be stated and the applicant may submit the sworn statements of two disinterested persons showing the name of the child and the blood parent and that to their knowledge such person is the child of such parent, and stating the source of their knowledge.

* * * * * *

239.6 *Proof of "living with."* A widow or widower who applies for an insurance annuity shall file proof that she or he was living with the employee at the time of the employee's death and a wife or husband who applies for a spouse's annuity shall file proof that she or he was living with the retirement annuitant or pensioner as of the day on which her or his application was filed. The proof shall be of the following character:

(a) A signed statement by the applicant for an insurance annuity or a spouse's annuity that at the time of the employee's death or as of the date on which spouse's application was filed, they were living together at the same place of abode. If they were temporarily living apart, the statement should state the places of residence of each at such time or date, the reason for their separation, the length of time they had been separated, and the expected duration of the separation; or

(b) A signed statement by the applicant for an insurance annuity or a spouse's annuity that the deceased employee or retirement annuitant or pensioner was making regular contributions to her or his support, and describing the amount, time or times, and manner of making such contributions; or

(c) A certified copy of an order or decree of a court of competent jurisdiction directing the employee to contribute to his wife's or her husband's support and a certification by the proper official of the court that such order had not expired or had not been vacated prior to the death of the employee or prior to the date on which spouse's application was filed.

If any information required under paragraph (a) or (b) of this section, as the case may be, is not furnished in the application, it shall be submitted in the form of a sworn statement.

§ 239.7 *Proof of having the care of a child.* An applicant for a spouse's annuity who is under age 65 and an applicant for a widow's current insurance annuity shall file a signed statement as to whether she has in her care a child of the retirement annuitant or pensioner or of her deceased husband upon the basis of whose insured status she claims benefits. If such information is not furnished in the appliction, it shall be submitted in the form of a sworn statement. If the child is not living with the spouse or the widow, she shall also submit a sworn statement disclosing the reason for the separation, the present length and expected duration thereof, and how and to what extent she cares for the child, and upon request of the Board, a sworn statement by the individual with whom the child is living (or official of the institution where the child is living), which states the source of the child's support and how and to what extent the spouse or the widow has cared for the child.

§ 239.8 *Proof of dependency of a child.* An application for a child's insurance annuity shall be supported by proof as to the child's dependency upon the deceased employee, and an applicant under age 65 for a spouse's annuity shall submit proof of dependency of the child in her care upon the retirement annuitant or pensioner. Such proof shall be of the following character:

(a) If the deceased employee, retirement annuitant, or pensioner is the father or adopting father of such child, there shall be submitted a signed statement by a person having knowledge thereof, that at the time of the employee's death, or at the time application for a spouse's annuity was filed:

(1) The employee and the child were living together at a common place of abode, and giving the address of such place; or

(2) The employee was contributing to the support of the child, and describing the amount, time or times, and manner of making such contributions; or

(3) The child: (i) Was the legitimate or adopted child of such employee; and (ii) had not been adopted by another individual; and (iii) was not living with and receiving more than one-half his support from his stepfather.

(b) If the deceased employee is the mother or the adopting mother, and she is not partially insured, or if she is the stepmother of the child, there shall be submitted a signed statement by a person having knowledge thereof, that at the time of the employee's death, the employee (1) was providing one-half the child's support, or (2) was living with the child or contributing to its support and that the child was not living with its father or adopting father and that no contributions in any medium were being made for the support of the child by such child's father or adopting father. If any contributions were being made by the father or adopting father, the time, amount, and manner of making such contributions should be stated.

(c) If the deceased employee, retirement annuitant, or pensioner is the stepfather of the child, there shall be submitted a signed statement by a person having knowledge thereof, that at the time of the employee's death, or at the time application for a spouse's annuity was filed, the child was either living with or receiving at least one-half his support from such employee.

If any information required under paragraph (a), (b), or (c) of this section, as the case may be, is not furnished in the application, it shall be submitted in the form of a sworn statement.

If the proof designated in paragraph (a), (b), or (c) of this section, as the case may be, is not obtainable, the reason therefor should be stated and the applicant may submit other evidence of probative value.

§ 239.9 *Proof of support.* A husband who claims to have received at least one-half of his support from his spouse at the time her retirement annuity or pension began, and a widower who claims to have received at least one-half of his support from the employee at the time of her death or at the time her retirement annuity or pension began, shall file proof of such support. The information shall be submitted in the form of a signed statement.

§ 239.10 *Proof of the dependency of a parent.* A parent who claims to have received at least one-half of his support from a deceased employee shall file proof of such support. The information shall be submitted in the form of a signed statement. The statement shall also describe any other income (including contributions from other children and relatives) received by the parent and the amount and source of such income.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j)

PART 240—PENSIONS

§ 240.1 *Statutory provisions.*

All pensions due in months following the first calendar month after the month of enactment hereof shall be increased by 15 per centum. (Public Law 234, 82nd Congress, 1st Session, approved October 30, 1951) (65 Stat. 691; 45 Stat. 228f)

Nothing in this Act or the Railroad Retirement Act of 1935 shall be taken as restricting or discouraging payment by employers to retired employees of pensions or

gratuities in addition to the annuities or pensions paid to such employees under such Acts, nor shall such Acts be taken as terminating any trust heretofore created for the payment of such pensions or gratuities. (50 Stat. 313; 45 U. S. C. 228g)

§ 240.3 *Rate and time at which pension is payable.* Any individual establishing the above qualifications shall be paid a monthly pension on the first day of July 1937, and on the first day of each calendar month thereafter during his lifetime, in the same amount as he was receiving, or would have received had he been on the pension or gratuity roll of his employer, on December 31, 1930, or on the earliest date that such rolls were commenced, whichever date shall be later: *Provided, however,* That if the pension or gratuity has been reduced by reason of a special (not general) reduction or readjustment made subsequent to December 31, 1930, the pension shall be at such reduced rate: *Provided further,* That a pension due in months after July 1948 and before December 1951 shall equal the amount of the pension paid on the first day of July 1937, plus 20 percent of such amount, and that a pension due in months after November 1951 shall equal the amount of the pension paid on the first day of August 1948, plus 15 percent of such amount: *And provided further,* That a pension payable under section 6 of the act shall in no case exceed $120 when due in months prior to August 1948, or $144 when due in months following July 1948 and prior to December 1951, or $165.60 when due in months following November 1951. A pension payment does not accrue or become payable until the first day of a month, and only if the pensioner be alive on that date.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j)

PART 262—MISCELLANEOUS

§ 262.6 *Waiver; statutory provisions.* Any person awarded an annuity or pension under this Act may decline to accept all or any part of such annuity or pension by a waiver signed and filed with the Board. Such waiver may be revoked in writing at any time, but no payment of the annuity or pension waived shall be made covering the period during which such waiver was in effect. Such waiver shall have no effect on the amount of the spouse's annuity, or of a lump sum under section 5 (f) (2), which would otherwise be due, and it shall have no effect for purposes of the last sentence of section 5 (g) (1). (Section 20 of the act) (60 Stat. 1040; 45 U. S. C. 288s)

§ 262.7 *Waiver of annuity or pension payments.* (a) Any individual who has been awarded an annuity or pension under the act shall have the right to waive such annuity or pension in whole or in part by filing with the Board either a statement to that effect signed by him or a duly executed waiver form prescribed by the Board.

(b) Such a waiver shall be effective as of the date specified therein, but not before September 1, 1954: *Provided, however,* That if an annuity or pension has been awarded, a waiver shall not be effective before the first day of the month in which the waiver form is received at an office of the Board.

(c) Covering the period during which a waiver is in effect, no payment of the amount of the annuity or pension waived can ever be made to any person. Such waiver in such period shall not, however, have any effect on the amount of a spouse's annuity otherwise payable or on a lump sum under section 5 (f) (2) of the act otherwise due, nor shall it serve to make such individual eligible for a lump-sum death benefit or any insurance benefits under the Social Security Act on the basis of the wages of the same deceased employee.

(d) A waiver once made shall continue in effect until such time as of which, but not earlier than the month in which, the annuitant or pensioner requests in a writing signed by him and filed with the Board that it be terminated.

§ 262.12 *Representatives of claimants*—(a) *Power of attorney.* A claimant shall not be required to hire, retain or utilize the services of an attorney, agent, or other representative in any claim filed with the Board. In the event a claimant desires to be represented by another person, he shall file with the Board prior to the time of such representation a power of attorney signed by him and naming such other person as the person authorized to represent the claimant with respect to matters in connection with his claim: *Provided, however,* That without requiring such power of attorney the Board may recognize as the duly authorized representative of the claimant a member of Congress or a person designated by the claimant's railway labor organization to act in behalf of members of that organization on such matters when it appears that such recognition is in the interest of the claimant.

(b) *Payment of claim.* The Board will not certify payment of any awarded claim to or through any person other than the claimant for the reason that a power of attorney for such person to represent such claimant has been filed.

§ 262.15 *Offices of the Board.* The Board hereby establishes as offices of the Board its main office in Chicago, Ill., all regional offices, all district offices, all branch offices, and all other offices maintained by the Board as necessary for the proper discharge of its functions under the Railroad Retirement Acts and the Railroad Unemployment Insurance Act.

§ 262.16 *Records and other papers of the Board; disclosure; service of process.* * * *

(c) When any document described in paragraph (a) of this section is called for by a subpena duces tecum or other judicial order upon the Board for production, inspection, or disclosure thereof, issued by a court of competent jurisdiction in a proceeding in which such document is relevant, a copy of such document, certified by the Secretary of the Board as a true copy, will be produced, disclosed or delivered, unless the Board finds that such production, disclosure, or delivery would be prejudicial to the public interest. In determining whether such production, disclosure, or delivery would be prejudicial to the public interest, the Board will consider, together with such other considerations as it deems relevant, the probable effect of such production, disclosure, or delivery upon the furnishing of complete and accurate information requested by the Board.

(d) When pursuant to paragraph (c) of this section the Board determines that the production, disclosure, or delivery of any document described in paragraph (a) of this section would be prejudicial to the public interest, no member, officer, agent, or employee of the Board shall make any disclosure or testify with respect to such document. Refusal to make such disclosure or so to testify shall be based upon the authority of this section.

* * * * *

(f) No officer, agent, or employee of the Board is authorized to accept or receive service of subpenas, summons, or other judicial process addressed to the Board except as the Board may from time to time delegate such authority by power of attorney. The Board has issued such power of attorney to the General Counsel and to no one else.

(g) Subject to the limitation expressed in paragraph (j) of this section, disclosure of documents and information is hereby authorized, in such manner as the Board may by instructions prescribe, in the following cases:

(1) To any employer, employee, applicant or prospective applicant for an annuity, pension, or death benefit under the 1937 act or the 1935 act, or his duly authorized representative, as to matters directly concerning such employer, employee, applicant or prospective applicant in the administration of such acts.

(2) To any employer, employee, applicant or prospective applicant for benefits under the Railroad Unemployment Insurance Act, or his duly authorized representative, as to matters directly concerning such employer, employee, applicant or prospective applicant in the administration of such act.

(3) To any officer or employee of the United States lawfully charged with the administration of the Railroad Retirement Tax Act, the Social Security Act, or acts or executive orders administered by the Veterans Administration, and for the purpose of such administration only.

* * * * *

(6) To any officer or employee of any state of the United States lawfully charged with the administration of any law of such state concerning unemployment compensation, as to the amounts payable to payees or beneficiaries under the Railroad Retirement Acts and the Railroad Unemployment Insurance Act.

(7) To any court of competent jurisdiction in which proceedings are pending which relate to the care of the person or estate of an incompetent individual, as to amounts payable under the Railroad Retirement Acts to such incompetent individual but only for the purpose of such proceedings.

* * * * *

(j) Notwithstanding any other provision of this section, no disclosure of information may be made by the Board or any member, officer, agent, or employee of the Board, if the disclosure of such information is prohibited by law.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j. Interprets or applies sec. 12, 52 Stat. 1107, as amended; 45 U. S. C. 362)

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j)

PART 266—INCOMPETENCE

§ 266.6 *Cases in which the Board shall recognize a person to act in behalf of another under section 19 (a) of the act.* In the absence of a written notice of the appointment of a guardian or other person legally vested with the care of the person or estate of an incompetent or minor, the Board shall, except where special circumstances appear, recognize a person to act in behalf of the incompetent or minor under the following circumstances: (a) When the individual has been adjudged mentally incompetent by a court having jurisdiction; (b) when the individual has been committed to a mental institution by a court having jurisdiction; (c) when the individual is an inmate of a mental institution; (d) when the individual has become physically or mentally disabled to handle his own affairs; (e) when the minor is less than 16 years of age; (f) when the minor is between 16 and 18 years of age and is in the care of any person and does not have capacity to act on his own behalf.

(Sec. 10, 49 Stat. 973, as amended; 45 U. S. C. 228j)

Dated: May 20, 1955.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F. R. Doc. 55-4252; Filed, May 23, 1955; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 4]

MISCELLANEOUS AMENDMENTS

This subchapter is amended as follows:

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART C—DETERMINATIONS AND FINDINGS

The references in § 3.303 (b) and § 3.304 have been changed, as follows:

§ 3.303 *Determinations and findings by the head of a procuring activity signing as "a chief officer responsible for procurement".* * * *

(b) The determinations required by §§ 3.403-4, 3.404, 3.404-3 and 3.404-4 with respect to the use of a cost or a cost-plus-a-fixed-fee contract or an incentive-type contract.

§ 3.304 *Determinations and findings by a contracting officer.* To the extent that the authority has been or may be granted by procedures prescribed by each respective Department, the determinations required by §§ 3.403-4, 3.404, 3.404-3, and 3.404-4 with respect to the use of a cost or a cost-plus-a-fixed-fee contract or an incentive-type contract may be made by a contracting officer: *Provided,* That any such determination shall be based upon written findings made by the Contracting Officer. Any other determinations or findings called for by this subchapter, but not required by this subchapter to be made by higher authority, may be made by a Contracting Officer in accordance with procedures prescribed by each respective Department.

(R. S. 161; 5 U. S. C. 22)

2. The following subpart has been revised in its entirety. It describes and defines approved types of contracts for procurement by negotiation, defines the areas of applicability in which each type of contract may be used appropriately and sets forth considerations and policies governing the choice of type of contract, and imposes conditions on the use of certain of the available types of contracts.

SUBPART D—TYPES OF CONTRACTS

Sec.
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3.405-4 Basic agreement.
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3.405-6 Open end contract. [Reserved.]

AUTHORITY: §§ 3.400 to 3.405-6 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161.

§ 3.400 *Scope of subpart.* This subpart (a) describes and defines approved types of contracts for procurement by negotiation, (b) defines the areas of applicability in which each type of contract may be used appropriately and sets forth considerations and policies governing the choice of type of contract, and (c) imposes conditions on the use of certain of the available types of contracts.

§ 3.401 *Types of contracts.* Pursuant to the authority of section 4 of the act, contracts negotiated under this part may be of any of the types or combination of types described herein, which will promote the best interests of the Government subject to the restrictions described below. The cost-plus-a-percentage-of-cost system of contracting shall not be used. In furtherance of this policy all prime cost-reimbursement type contracts, letter contracts, fixed-price type contracts providing for the redetermination of price and fixed-price incentive type contracts shall by an appropriate clause prohibit cost-plus-a-percentage-of-cost subcontracts.

§ 3.402 *Selection of contract type.* (a) The firm fixed-price contracts shall be used unless, under the Applications and Limitations contained in this subpart, the use of another type of contract is more appropriate. However, the selection of contract type is generally a matter for negotiation. The proper selection of an appropriate type of contract is of primary importance in obtaining fair and reasonable prices under all of the circumstances. The type of contract therefore has a direct effect upon the resulting price or cost to the Government. Type of contract and pricing are interrelated and should be so considered together in negotiation.

(b) In determining the type of contract to be utilized consideration should be given to such factors as (1) type and complexity of the item; (2) urgency of the requirement; (3) the period of contract performance and the length of the production run; (4) degree of competition present; (5) difficulty of estimating performance costs due to such factors as the lack of firm specifications, the lack of production experience, or the instability of design; (6) availability of comparative price data, or lack of firm market prices or wage levels; (7) prior experience with the contractor; (8) extent and nature of subcontracting contemplated; (9) assumption of business risk; (10) technical capability and financial responsibility of the contractor; and (11) administrative costs of both parties. Early agreement should be reached between the Government and the contractor on the type of contract best suited to the procurement.

(c) Except in the case of a firm fixed-price contract, contract files shall include documentation to show the reasons why the particular contract type was utilized.

§ 3.403 *Fixed-price-type contracts.* The fixed-price-type contract generally provides for a firm price, or under appropriate circumstances may provide for an adjustable price, for the supplies or services which are being procured. Fixed-price contracts are of several types so designed as to facilitate proper pricing under varying circumstances.

§ 3.403-1 *Firm fixed-price contract*—(a) *Description.* The firm fixed-price contract provides for a price which is not subject to any adjustment by reason of the cost experience of the contractor in the performance of the contract. This type of contract, when appropriately applied as set forth in paragraph (b) of this section, places the maximum risk and responsibility upon the contractor and affords him the greatest incentive for efficient performance with the resultant benefits in earnings. Utilization of the firm fixed-price contract imposes a minimum administrative burden on the contracting parties.

(b) *Applicability.* The firm fixed-price contract is suitable for use in procurements when stable and reasonably definite specifications are available and when fair and reasonable pricing can be achieved, such as where (1) adequate

competition has made initial quotations effective; (2) prior purchases of the same or similar supplies or services provide reasonable price comparison; (3) experienced cost information or sound estimates of the probable cost of performance are available in the negotiation of contract prices; or (4) any other reliable basis for proper pricing can be utilized consistent with the purpose of this type of contract. The firm fixed-price contract is particularly suitable in the purchase of standard commercial items, modified commercial items, or military items for which adequate information on production and cost is available.

(c) *Limitation.* The firm fixed-price contract shall not be used when contingencies proposed in the contract price are considered unreasonable.

§ 3.403–2 *Fixed-price contract with escalation*—(a) *Description.* The fixed-price contract with escalation provides for the upward and downward revision of the stated contract price upon the occurrence of certain contingencies which are specifically defined in the contract. These contingencies should be limited to those beyond the normal control of the contractor. The business risk of the contractor in a fixed-price contract is reduced by the inclusion of escalation provisions in which the Government agrees to revise the stated price upon the happening of the prescribed contingency. Where escalation is agreed upon, upward adjustments shall be limited by the establishment of a reasonable ceiling, and provisions will be included for downward adjustments in those instances where the prices or rates fall below the base levels provided in the contract. In the establishment of the base levels from which escalation will operate, contingency allowances shall be eliminated from the base to be set forth in the contract to the extent that escalation is provided for any particular contingency. Generally, escalation provisions are of two broad types:

(1) Price escalation provides for adjustment of the contract price on the basis of increases or decreases from an agreed upon level in published or established prices of specific items or in price levels of the contract end items.

(2) Labor and material escalation provides for adjustment of the contract price on the basis of increases or decreases from agreed standards or indices in wage rates, specific material costs, or both.

(b) *Applicability.* Use of this type of contract is appropriate where serious doubt exists as to the stability of market and labor conditions which will exist during an extended period of production and contingencies which would otherwise be included in a firm fixed-price contract are identifiable and can be covered separately by escalation. Its usefulness is limited by the difficulties inherent in its administration.

(1) Price escalation may be used under the conditions stated above when the items to which escalation will be applied are standard materials or articles normally sold at "established" or "published" prices in a competitive commercial market or are modifications thereof the prices of which can be reasonably related to the prices of such standard materials or articles.

(2) Labor and material escalation generally is suitable for use when the types and kinds of labor and material that the contractor intends to use in the performance of a contract that covers an extended period of time prevents him from accepting the full risk of possible cost increases and the Government is unwilling to accept the proposed contingency factors.

(c) *Limitation.* Escalation shall not be used to provide protection against contingencies arising from the lack of accurate estimates of the quantities of labor or material required for performance of the contract.

§ 3.403.3 *Fixed-price contract providing for the redetermination of price*—(a) *General*—(1) *Description.* The fixed-price contract providing for the redetermination of price calls for the subsequent negotiated adjustment, in whole or in part, of the initially negotiated (base) price. Consistent with the particular form of price redetermination clause selected, the contract price should be adjusted upward or downward at times prescribed in the contract or at the demand of either party either during or after the period of contract performance and such adjusted price may be prospective, retroactive, or both. Price redetermination clauses provide a contractual method for shifting certain risks from the contractor to the Government in order to eliminate or minimize the inclusion of contingency allowances in the price. Five types of redetermination clauses are available in accordance with the criteria for their use set forth in paragraph (b) of this section.

(2) *Applicability.* These price redetermination clauses are suitable for use in varying degrees in negotiated contracts where (i) adequate estimates of quantities of material and labor are not initially available; (ii) specifications adequate for a firm fixed-price are not initially available; (iii) sound initial estimates of total cost of performance cannot be made; (iv) effective competition or other reasonable justification of price is not available; or (v) where the use of price redetermination would otherwise materially assist in effecting fair and reasonable pricing.

(3) *Limitations.* This type of contract should not be used unless—

(i) It has been determined through negotiation that the particular type price redetermination contract fulfills more completely than any other type of contract the requirements established by the conditions surrounding the procurement.

(ii) There is at the outset, or will be available at a point early in contract performance, sufficient pricing information available to negotiate a prospective fixed or target price.

(iii) The initial price is substantially free of contingency allowances.

(iv) A firm fixed price can be established at a point substantially in advance of contract completion, except as to retroactive adjustment as provided in paragraph (b) (5) of this section.

(v) Reasonable assurance exists that contract price redetermination can be accomplished on a timely basis.

(vi) The contractor's accounting system is adequate for contract price redetermination purposes.

(vii) Cost of administration is not prohibitive.

(b) *Types of price redetermination clauses*—(1) *Prospective periodic price redeterminations at stated intervals*—(i) *Description.* This clause provides for a firm fixed price for an initial period of contract deliveries or performance and for prospective price redeterminations either upward or downward at stated intervals during the performance of the contract.

(ii) *Applicability.* This clause is appropriate for use in procurements calling for quantity production or services where it is possible to negotiate fair and reasonable firm fixed prices for the initial period but not for subsequent stated periods of contract performance. This initial period should be reasonably long so as to include the maximum deliveries and cover the longest period of contract performance for which it is possible to establish fair and reasonable prices at the time of original negotiation. The length of the prospective pricing periods should depend on the circumstances of each case and should generally range from 6 to 12 months each.

(iii) *Limitations.* This clause should be used only when the prospective pricing periods can be made to conform with the operation of the contractor's accounting system. A price ceiling may be established for this type of contract in accordance with the policy set forth in paragraph (c) of this section when appropriate.

(2) *Prospective price redeterminations on request*—(i) *Description.* This clause provides for a fixed price for the entire contract subject to limited demands by either party for prospective price redetermination either upward or downward.

(ii) *Applicability.* This clause is appropriate for use in procurements calling for quantity production or service where it is possible to negotiate fair and reasonable firm fixed prices for the entire contract but the length of contract performance makes it desirable for the parties to reserve the option to adjust price prospectively due to unforeseen causes beyond the normal risks inherent in a firm fixed-price contract.

(iii) *Limitations.* This clause should be used only when (*a*) the procurement is susceptible of being firm fixed priced for the entire contract except for contingencies due to the length of contract performance; (*b*) the initially negotiated price shall remain in effect without change for a substantial period of performance, but only in exceptional cases shall this period be less than 6 months; and (*c*) the first redetermined price and any subsequent redetermined prices shall remain in effect for a substantial portion of the remaining period of contract performance but only in exceptional cases shall price redetermination requests be provided for more frequently than every 6 months after the initial price redetermination. A price ceiling may be established for this type of contract in accordance with the policy set forth in paragraph (c) of this section when appropriate.

(3) *Retroactive and prospective price redetermination at a stated time prior to completion*—(i) *Description.* This clause provides for retroactive and prospective redetermination of prices either (*a*) upward or downward, or (*b*) downward only, at a designated time prior to completion of the contract, expressed in terms of deliveries, shop completion, a percentage of total contract performance on a cost incurred basis or any other reasonable basis. Generally, the time designated as the cutoff point for price redetermination purposes should be the earliest practicable and generally should not exceed 20 percent of deliveries, 20 percent of shop completion, or 40 percent of cost of performance on a cost incurred basis, as compared with the initial estimates. The redetermined price may apply to all supplies or services delivered under the contract.

(ii) *Applicability.* This clause is appropriate for use in contracts when it is impracticable to establish firm fixed prices at the time of contract negotiation but the contracting parties are reasonably certain that firm fixed prices can be negotiated prior to the performance of 60 percent of the contract on a cost incurred basis.

(iii) *Limitations.* This clause should be used only when (*a*) the initial negotiated price is a reasonable estimate sufficient to establish a billing price; (*b*) there is sufficient time of contract performance to accomplish the price redetermination prior to completion of 60 percent of the contract on a cost incurred basis, and (*c*) the estimated value of the procurement is in excess of $100,000. A price ceiling shall be established for this type of contract in accordance with the policy set forth in paragraph (c) of this section.

(4) *Retroactive and prospective price redetermination including further prospective redetermination on request*—(i) *Description.* This clause provides all the features and is subject to the same repricing limitations of the clause described in subparagraph (3) of this paragraph with the additional provision for limited further prospective price redetermination upon written demand by either contractual party. Such further price redetermination is applicable only to supplies or services furnished after the effective date as specified in the request or the date of receipt of the request which ever is later. This clause also provides a limitation on the frequency of these additional requests.

(ii) *Applicability.* This clause is appropriate for use when it is impracticable to establish firm fixed prices at the time of contract negotiation, but when the contracting parties are reasonably certain that fair and reasonable firm fixed prices can be negotiated for the entire contract prior to the performance of 60 percent of the contract on a cost incurred basis.

(iii) *Limitations.* Subject to the same limitations contained in subparagraph (3) (iii) of this paragraph this clause should be used only when subsequent prospective price redeterminations may occur no more frequently than every 6 months after the initial price redetermination. Under this type of contract a price ceiling shall be provided for the period covered by the initial (i. e., retroactive and prospective) repricing action. After the initial repricing action the use of a price ceiling is optional. Any price ceiling shall be in accordance with the policy set forth in paragraph (c) of this section.

(5) *Retroactive price redetermination after completion*—(i) *Description.* This clause provides for a ceiling price and retroactive price redetermination after completion of the contract.

(ii) *Applicability.* This clause is designed for use in contracts where, but for special or unusual circumstances, a cost reimbursement type contract would normally be used. This clause should ordinarily be used only where the amount involved is relatively small or the time for performance is relatively short and then only after negotiation of an initial price as fair and reasonable as circumstances of the particular procurement will then permit.

(iii) *Limitation.* This clause shall only be used upon the written approval of (*a*) Headquarters, Air Materiel Command, for the Air Force; (*b*) Office of the Deputy Chief of Staff for Logistics, for the Army; and (*c*) Office of Naval Material, for the Navy. The criteria for the use and submitting of requests for approval within each respective Department shall be the responsibility of the aforementioned offices. A price ceiling shall be established for this type of contract in accordance with the policy set forth in paragraph (c) of this section.

(c) *Ceiling price provisions.* (1) Ceiling prices should be established at levels which provide reasonable risk assumption by the contractor. The ceiling to be used should be determined for each individual contract after giving consideration to such factors as the state of the art of the item being contracted for and the ability or inability to estimate accurately the labor or material costs involved in performance.

(2) The ceiling price so established is not to be construed as applying to price changes or adjustments which arise solely from the operation of the Changes clause of the contract.

§ 3.403–4 *Fixed-price incentive contract*—(a) *Description.* The fixed-price incentive contract is a fixed-price type of contract with provision for the adjustment of profit and price by a formula based on the relationship which final negotiated total cost bears to negotiated target cost.

(1) *Initially firm target.* Under this type of contract there is negotiated initially a firm target cost, a target profit, a price ceiling and a final profit and price adjustment formula. The formula may also include a ceiling on final profit. After performance of the contract, final cost is negotiated and a final price is then established in accordance with the formula. Where the final negotiated cost is less than the firm target cost, the formula provides for an increase in final profit above target profit; conversely, where the final negotiated cost is more than the firm target cost, the formula provides for a decrease in final profit below target profit. This formula provides for a sharing between the contractor and the Government of both the cost savings below firm target cost and, within the total price ceiling, the excess of final negotiated cost above firm target cost. The increase or decrease in the actual profit included in the final price is thus designed to provide in advance a calculable incentive to the contractor for efficiency in performance.

(2) *Delayed firm target.* Under an alternate form of this type of contract there is negotiated at the outset an initial price, and a production point, generally prior to initial delivery or shop completion of the first item, at which time a firm target cost, target profit and a final profit-and-price adjustment formula and price ceiling will be negotiated.

(3) *Billing price.* In either of the above forms, provision is made for a billing price. The purpose of a billing price is to establish an interim basis for payment. This billing price may be adjusted within the ceiling limits upon request when it becomes apparent during the course of the performance that final negotiated costs will be substantially different from the target cost.

(b) *Applicabiilty.* The fixed-price incentive type contract is appropriate for use only in those circumstances where targets reasonably free of contingencies and providing a fair and reasonable incentive can be established (1) at the time of initial contract negotiation, or (2) at an early point in the performance of the contract and in either case there is a sufficiently long period of performance thereafter to permit achievement of substantial cost reductions.

(c) *Limitations.* This type of contract should not be used unless the contractor's accounting system is adequate for price redetermination purposes and permits satisfactory application of the profit-and-price adjustment formula. In no case should this type of contract be used when (i) reliable cost estimates are not available at the time of initial contract negotiation or at a very early point in the production, or (ii) the sole or principal purpose is to shift substantially all of the risk of performance to the Government. Neither the target profit nor the profit-and-price adjustment formula shall be established prior to the establishment of the firm target cost. The fixed-price incentive contract shall be used only after a determination, in accordance with the requirements of Subpart C of this part, that:

(1) Such method of contracting is likely to be less costly than other methods, or

(2) It is impractical to secure supplies or services of the kind or quality required without the use of such type of contract.

§ 3.404 *Cost reimbursement-type contract*—(a) *Description.* The cost-reimbursement type of contract provides for

payment to the contractor of allowable costs incurred in the performance of the contract, to the extent prescribed in the contract. This type of contract establishes an estimate of total cost for the purpose of (1) obligation of funds, and (2) establishing a ceiling which the contractor may not exceed (except at his own risk) without prior approval or subsequent ratification of the contracting officer. A cost-reimbursement type contract may also provide for predetermined fixed overhead rates, usually to be redetermined at stated intervals.

(b) *Applicability.* The cost-reimbursement type contract is suitable for use when the nature and complexity of the procurement is such that costs of performance cannot be estimated with reasonable accuracy. In addition, it is essential that (1) the contractor's cost accounting system is adequate for the determination of costs applicable to the contract and (2) appropriate surveillance by Government personnel during performance will give reasonable assurance that inefficient or wasteful methods are not being used. While cost-reimbursement contracts are particularly useful for procurements involving substantial amounts, i. e., estimated cost of $25,000 or more, the Contracting Officer may determine in a given case to utilize this type of contract to cover transactions in which the estimated costs are less than $25,000.

(c) *Limitations.* The cost-reimbursement type contract may be used only after a determination, in accordance with the requirements of Subpart C of this part, that:

(1) Such method of contracting is likely to be less costly than other methods, or

(2) It is impractical to secure supplies or services of the kind or quality required without the use of such type of contract.

§ 3.404–1 *Cost contract*—(a) *Description.* The cost contract is a cost-reimbursement type contract under which the contractor receives no fee.

(b) *Applicability.* The following are illustrative situations in which the use of this type of contract may be appropriate.

(1) Research and development work particularly with nonprofit educational institutions or other nonprofit organizations.

(2) Facilities contracts.

(3) Initial small quantity procurements of new items with anticipated subsequent large production runs.

§ 3.404–2 *Cost-sharing contract*—(a) *Description.* A cost-sharing contract is a cost-reimbursement type contract under which the contractor receives no fee but is reimbursed only for an agreed portion of its allowable costs.

(b) *Applicability.* A cost-sharing contract is suitable for use for those procurements which cover production or research projects which are jointly sponsored by the Government and the contractor with benefit to the contractor in lieu of full monetary reimbursement of costs. In consideration of this benefit, the contractor agrees to absorb a portion of the costs of performance. The following are illustrative situations in which this type of contract is generally desirable.

(1) Jointly sponsored research and development work with nonprofit educational institutions or other nonprofit organizations.

(2) Other research and development work where the results of the contract may have commercial benefit to the contractor.

§ 3.404–3 *Cost-plus-a-fixed-fee contract*—(a) *Description.* The cost-plus-a-fixed-fee contract is a cost reimbursement type of contract which provides for the payment of a fixed fee to the contractor. The fixed fee once negotiated does not vary with actual cost, but may be adjusted as a result of any subsequent changes in the work or services to be performed under the contract.

(b) *Applicability.* The cost-plus-a-fixed-fee contract is suitable for use when a cost-reimbursement type of contract is appropriate, as provided in § 3.404 (b), and when the parties agree that the procurement should be profit bearing in the form of a fixed fee. The following are illustrative situations in which this type of contract may be appropriate:

(1) Research and development work where the scope and nature thereof cannot be definitely specified.

(2) Definite specifications exist but the contractor lacks a valid basis for estimating costs because the supplies called for are not items regularly manufactured, or the services called for have not been previously performed, or partial experience will not reveal a proper pricing level for the remainder of the production.

(3) Production or construction contracts where the specifications are not complete or where major changes substantially affecting the scope of the work are expected.

(4) Work to be performed in a Government-owned plant with the use of Government-owned facilities.

(c) *Limitations.* Section 4 (b) of the act provides that in the case of a cost-plus-a-fixed-fee contract the fee shall not exceed 10 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Department concerned at the time of entering into such contract (except that a fee not in excess of 15 per centum of such estimated cost is authorized in any such contract for experimental, developmental, or research work and that a fee inclusive of the contractors cost and not in excess of 6 per centum of the estimated cost, exclusive of fees, as determined by the Secretary of the Department concerned at the time of entering into the contract, of the project to which such fee is applicable is authorized in contracts for architectural or engineering services relating to any public works or utility projects). The Head of a procuring activity in the Departments of the Army and Navy and the Director of Procurement and Production of a Major Command in the Department of the Air Force or their duly authorized representatives are authorized to approve fixed fees not in excess of (1) ten per centum (10) of the estimated costs, exclusive of fee, of any contract for experimental, developmental, or research work or (2) seven per centum (7) of the estimated cost, exclusive of fee, of any other contract except that in contracts for architectural or engineering services the fixed fee shall not exceed that authorized by the terms of the act as set forth above. In appropriate cases, fees above the prescribed limits in the authorizations granted herein but within the limitations of the Act may be authorized by the Secretary of the Department concerned or his designees.

§ 3.404–4 *Cost-plus-incentive-fee contract*—(a) *Description.* The cost-plus-incentive-fee contract is a cost-reimbursement-type contract with provision for a fee which is adjusted by formula in accordance with the relationship which total allowable costs bear to target costs. Under this type of contract, there is negotiated initially a target cost, a target fee, a minimum and maximum fee, and a fee adjustment formula. After performance of the contract, the fee payable to the contractor is determined in accordance with the formula. The formula provides, within limits, for increases in fee above target fee when total allowable costs are less than target costs, and decreases in fee below target fee when total allowable costs exceed target costs. The provision for increase or decrease in the fee is designed as an incentive to the contractor to increase the efficiency of performance.

(b) *Applicability.* The cost-plus-incentive-fee contract is suitable for use where a cost-reimbursement-type of contract is found necessary and where there is a probability that its use will result in lower costs to the Government than other forms of cost-reimbursement-type contracts through cost reduction incentive to the contractor.

(c) *Limitation.* The target and the maximum fee shall be subject to the administrative limitations stated in § 3.404–3 (c).

§ 3.405 *Other types of contracts.*

§ 3.405–1 *Time and materials contract*—(a) *Description.* The time and materials type of contract provides for the procurement of supplies or services on the basis of (1) direct labor hours at specified fixed hourly rates (which rates include direct and indirect labor, overhead, and profit) and (2) material at cost. Material handling costs may be included in the charge for "material at cost," to the extent they are clearly excluded from any factor of the charge computed against direct labor hours. This type of contract may establish either a price ceiling, or a ceiling amount which the contractor may not exceed (except at his own risk).

(b) *Applicability.* The time and materials contract is used only in those situations where it is not possible at the time of placing the contract to estimate the extent or duration of the work or to anticipate costs with any substantial accuracy. Particular care should be exercised in the use of this type contract since its nature does not encourage efficiency. Thus it is essential that this type of contract be used only where provision is made for adequate controls, including appropriate surveillance by Government personnel during performance, to give reasonable assurance that inefficient or wasteful methods are not being used. This type of contract may be used in the procurement of (1) engineering and design services in connection with the production of supplies; (2) the engineering, design and manufacture of dies, jigs, fixtures, gauges, and special machine tools; (3) repair, maintenance or overhaul work, and (4) work to be performed in emergency situations.

(c) *Limitation.* This type of contract may be used only after determination that no other type of contract will suitably serve.

§ 3.405–2 *Labor-hour contract*—(a) *Description.* The labor-hour type of contract is a variant of the time and materials type contract differing only in that materials are not involved in the contract or are not supplied by the contractor.

(b) *Applicability.* The labor-hour type of contract is applicable in those procurements described for the time and materials type contract, but in situations in which contractor-furnished materials are not involved.

(c) *Limitations.* This type of contract may be used only after determination that no other type of contract will suitably serve.

§ 3.405–3 *Letter contract.* [Reserved.]

§ 3.405–4 *Basic agreement*—(a) *Description.* A basic agreement is a written instrument of understanding executed between a Department or procuring activity and a contractor which sets forth the negotiated contract clauses which shall be applicable to future procurements entered into between the parties during the term of the basic agreement. The use of the basic agreement contemplates the coverage of a particular procurement by the execution of a formal contractual document which will provide for the scope of the work, price, delivery, and additional matters peculiar to the requirements of the specific procurement involved, and shall incorporate by reference or append the contract clauses agreed upon in the basic agreement, as required or applicable.

(b) *Applicability.* (1) Basic agreements are appropriate for use when (i) past experience and future plans indicate that a substantial number of separate contracts may be entered into with a contractor during the term of the basic agreement, and (ii) substantial recurring negotiating problems exist with a particular contractor.

(2) *Amendment or supersession.* A basic agreement shall be amended only by an amendment of the basic agreement itself and shall not be modified or superseded by individual contracts or purchase orders entered into under and subject to the terms of such basic agreement. To minimize amendments, revisions to this subchapter involving changes in authorized contract clauses utilized in basic agreements will provide appropriate direction with respect to any required amendments of basic agreements and to the extent possible, amendments will be required only in matters resulting from changes in statutes, or executive orders. As a minimum, basic agreements will be reviewed annually on the anniversary of their effective date and revised at that time to conform with the current requirements of this subchapter. Amendments shall not have retroactive effect.

(3) *Discontinuance of basic agreement.* Basic agreements shall provide for discontinuance of their future application upon 30 days written notice by either party. Discontinuance of basic agreement will not affect any individual contract referencing the basic agreement (or the clauses appended thereto) entered into prior to the effective date of discontinuance.

(c) *Limitations.* (1) Basic agreements shall neither cite appropriations to be charged nor be used alone for the purpose of obligating funds.

(2) Basic agreements shall not in any manner provide for or imply any agreement on the part of the Government to place future orders or contracts with the contractor involved. Basic agreements shall not be used in any manner to restrict competition.

(3) Basic agreements shall be utilized only in connection with negotiated contracts.

§ 3.405–5 *Call contract.* [Reserved.]

§ 3.405–6 *Open end contract.* [Reserved.]

PART 4—COORDINATED PROCUREMENT

SUBPART B—POLICIES AND GENERAL PRINCIPLES

1. Section 4.201 has been revised so as to clarify the application of procurement assignments outside of the continental limits of the United States. Single department procurement assignments in such areas will be determined by the respective Unified Commanders, irrespective of which funds may be utilized. Section 4.201, as revised, reads as follows:

§ 4.201 *Application of procurement assignment.* Single procurement in the form of single department, joint agency, or plant cognizance procurement shall be effected whenever it will result in net advantages to the Department of Defense as a whole, except so far as it can be demonstrated that use of such a procurement method will adversely affect military operations. Single department procurement assignments outside the continental limits of the United States, regardless of funds utilized, will be determined by the respective Unified Commanders. Implementation of such assignments will be effected within the unified commands under the direction of the Unified Commander.

2. In § 4.202–1, paragraphs (g) and (h) have been deleted in their entirety. The revised section reads as follows:

§ 4.202–1 *Single department procurement.* The Procuring Department is generally responsible for the following, under single department procurement (for specific assignment of procurement responsibilities, see DOD publication "Procurement Assignments, List of Commodities"):

(a) Operational phases of procurement planning (phasing the submission of requirements, consolidating requirements, analyzing the market, and determining patterns for the phased placement of orders in such a manner as to assure meeting the needs of the Departments at the lowest possible price to the Government, and at the same time avoiding unnecessary peaks and valleys of production).

(b) Purchasing.

(c) Contract Administration, including arrangements for followup and expediting.

(d) Acquisition of licenses under patents or other proprietary rights covering the subject matter of the procurement and the settlement of patent infringement claims arising out of the procurement. Approval of the Department or Departments whose funds are to be charged for the acquisition of licenses or settlement of claims will be obtained.

(e) Arrangement for inspection.

(f) Arrangement for transportation.

PART 5—INTERDEPARTMENTAL PROCUREMENT

SUBPART A—PROCUREMENT UNDER FEDERAL SUPPLY SCHEDULE CONTRACTS

The list of Federal Supply Contracts which are mandatory upon the Department of Defense has been brought up to date. Notwithstanding the correction made in § 5.103–2 (a) under the item "Class 35, Periodicals and Law Books", the section on Periodicals will remain mandatory upon the Department of Defense until 30 June 1955. The revised list follows:

§ 5.103–2 *List of Federal Supply schedule contracts which are mandatory upon the Department of Defense*—(a) *Mandatory nationally.*

Class	*Title of Schedule*
7, 14	Gasoline and Lubricating Oil—Service Station Deliveries.
8	Tires and Tubes (Other Than Aircraft), Part II (Commercial tires and tubes only).
8, 45, 60	Brake Lining, Clutch Facings, Oil Filter Elements, and Tire Chains, Etc., Part IV. (Selected items only are mandatory upon DOD.)
17	Spark Plugs, Part II.
17	Electric Lamps, Part VI.
17	Household and Quarters Lamps, Part VII.
18	Purchase, Maintenance, Repair, and Rental of Micro-Photographic Equipment, and Supplies, Part IV.
26	Household and Quarters Furniture, Part I; and Part I, Supplement A.
26	Household and Quarters Furniture, Part II.
26	Household and Quarters Furniture, Part III.
26	Household and Quarters Furniture, Part IV.
26	Office Furniture, Wood and Steel, Including Steel Insulated Filing Cabinets, Part V.

Class	Title of Schedule
27	Floor Coverings, Part I.
28	Marginally Punched Continuous Forms.
35	Books, Part I, Sections A and B. (Section A only is mandatory upon DOD.)
35	Periodicals and Law Books, Part II. (Law Books Section only is mandatory upon DOD.)
53	Drafting-Room and Office Supplies, Part I.
53	Envelopes, Printed and Plain, Part V.
54, 104	Typewriters (Manual and Electric); Purchase, Exchange, Allowances, and Repair Parts; Maintenance and Reconditioning of Electric Typewriters, Part I.
54	Office Equipment, Part III, Sections A and B.
54	Offset Duplicating Blankets and Plates, Direct Image and Photographic (Metal and Paper Type), Part IV.
66	Vacuum Cleaners and Repair Parts, Accessories and Attachments, Part II.
83	Aircraft Tires (Casings and tubes).
103	Recording and Transcription Service, Part I.

(b) *Mandatory in Washington, D. C., and contiguous area.*

Class	Title of Schedule
16, 17	Dry Batteries.
18, 51, 53	Photographic Paper and Film, and Other Sensitized Materials and Photographic Chemicals, Classes 18 and 51, Part II, and Class 53, Part III. (Class 51 and 53 items only are mandatory upon DOD.)
26	Executive Type Furniture, Class 26, Part VI. Also Class 25, Smoking Stands, Class 53, Desk Trays and Class 54, Baskets, Wastepaper.
27	Window Coverings, Part III.
42	Abrasives, Casters, Door Closers, Padlocks, Steel Strapping, etc.
51	Drugs, Medicinal, Laboratory, and Industrial Chemicals, Part I.
51	Gases, Industrial, Medicinal, and Refrigeration; Part III.
53	Rubber Stamps, Part IV.
56	Groceries and Other Provisions, Part II.
56	Ice, Part III.
57	Laboratories and Special Apparatus and Supplies, Section C.
58	Fire Extinguishers, Repair Parts, and Accessories.
67	Feed and Forage, Part I.
67	Seed, Part II.
70	Agricultural Materials (Fertilizers, peat, and soil conditioners).
103	Correct Time Service.
103	Regraining of Offset Duplicating Plates, Part III.
103	Wiping Cloth Service, Part IV.

PART 7—CONTRACT CLAUSES

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

1. The references to §§ 3.402 and 3.404 have been deleted in § 7.102, and a new reference to § 3.403 substituted in lieu thereof, as follows:

§ 7.102 *Applicability.* As used throughout this subpart, the term "fixed-price supply contract" shall mean any contract (a) entered into either by formal advertising or by negotiation, other than (1) purchase orders for $5,000 or less, (2) letter contracts, (3) preliminary notices of award, and (4) amendments or modifications to contracts or purchase orders; (b) at a fixed price (with or without provisions for price redetermination, escalation or other form of price revision as covered by § 3.403 of this subchapter; and (c) for supplies other than (1) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property, (2) experimental, developmental, or research work, or (3) facilities to be provided by the Government under a "Facilities Contract" as defined in Part 13 of this subchapter (but see §§ 7.104–15 and 7.104–16 with respect to purchase orders).

2. The contract clause relating to Bills of Materials has been revised and the paragraph in which it appears renumbered from § 7.105–7 to § 7.105–6. Revision of the clause is editorial in nature. However, the instructions now provide that the contractor shall not be required to obtain data for the Bill of Materials in greater detail from a subcontractor than he himself is required to furnish under the clause in the prime contract. It now reads as follows:

§ 7.105–6 *Bill of Materials.* A Bill of Materials consists of a report by a supplier which specifies the quantities of various materials required to produce a designated quantity of supplies of a particular kind. A Bill of Materials, with respect to all or part of the supplies to be furnished pursuant to a contract, shall be required only if the Contracting Officer, in accordance with the procedures of the Department concerned, shall determine that such bill is necessary to develop materials or components requirements for production and maintenance programs, for industrial mobilization purposes, or for other specified purposes. In such event, the contract shall specify, with respect to such bill, the following:

(a) The supplies or parts thereof to be covered by the Bill of Materials;

(b) The type of bill or bills (Detailed, Modified, Expanded Summary, or Abbreviated Summary) to be furnished, with applicable instructions;

(c) The compensation to be paid the contractor for furnishing such bill and any revisions thereto, or a statement that the price of the item to which the bill relates includes compensation for the furnishing of such bill;

(d) The number and kind of copies of such bill to be furnished; and,

(e) Delivery dates.

In such event, the contract shall also include the following clause:

BILL OF MATERIALS

(a) With respect to the supplies to be delivered pursuant to the contract, for which a Bill of Materials is required, the Contractor shall furnish a Bill of Materials in the required number of copies on Department of Defense Forms 346, and 347 if applicable, or authorized reproductions thereof, in accordance with the instructions specified in the Schedule.

(b) The Contractor shall furnish to the Government, at such intervals as designated in the Schedule, revised pages of the Bill of Materials incorporating the effect of any changes, pursuant to the clause hereof entitled "Changes," in the quantity of any material or part, or any other information contained in the Bill of Materials, or a statement that no revision is necessary. A final revision, or statement that no revision is necessary, shall be furnished upon completion of performance of the contract.

(c) The Bill of Materials and all revisions or statements subsequent thereto shall be subject to inspection and acceptance by the Government.

Where a Bill of Materials is procured by contract separate from the supplies to which such Bill of Materials relates, such contract shall include such of the terms mentioned above as may be appropriate and shall specify that the Bill of Materials shall be furnished on DD Forms 346, and 347 if applicable, or authorized reproductions thereof. The contractor shall not be required to obtain data for the Bill of Materials in greater detail from a subcontractor than he is to furnish under the terms of the above clause.

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

The reference in § 7.202 to § 3.406 has been eliminated, as follows:

§ 7.202 *Applicability.* As used throughout this subpart, the term "cost-reimbursement type supply contract" shall mean any contract (other than a letter contract, letter of intent, preliminary notice of award, or amendment or modification to a contract) entered into on a cost or cost-plus-a-fixed-fee basis as covered in § 3.404 for supplies other than (a) the construction, alteration or repair of buildings, bridges, roads, or other kinds of real property, (b) experimental, developmental, or research work, or (c) facilities to be provided by the Government under a "facilities contract" as defined in Part 13 of this subchapter.

PART 8—TERMINATION OF CONTRACTS

SUBPART G—FORMS

The references in § 8.702 to §§ 3.405 and 3.406 have been deleted and a new reference to § 3.404 has been added in lieu thereof, as follows:

§ 8.702 *Termination clause for cost-type contracts.* The following standard clause shall be used in any cost-type contract, as defined in § 3.404, for supplies and experimental, developmental, or research work other than (a) construction, alterations, or repair of buildings, bridges, roads, or other kinds of real property, or (b) experimental, developmental, or research work with educational or nonprofit institutions, where no fee is contemplated.

* * * * * *

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
Assistant Secretary of Defense
(Supply and Logistics).

[F. R. Doc. 55–4299; Filed, May 26, 1955; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 144]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one. Where the new procedure is to be placed in appropriate alphabetical sequence within the section amended, where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
	1	2	3	4	5	6	7	8
HONOLULU, HAWAII. Honolulu International Airport, 10	Barbers Point FM (final).....	055–8	600	8 side of SW course: 235° outbound. 055° inbound. 2,000' within 10 miles.	2 engines or less: •T–dn	400–1	400–1	Within 2.6 miles, climb to 2,000' on 8 course (59R) and proceed to Southgate Intersection. •All takeoffs to NW (32) will be restricted to 600–2, with left hand turn recommended.
					C–dn	500–1	500–1	
					S–dn 8	400–1	400–1	
					A–dn	800–2	800–2	
					More than 2 engines: •T–dn	400–1	400–1	
					#C–dn	500–1½	500–1½	
					S–dn 8	400–1	400–1	
					A–dn	800–2	800–2	

AIR CARRIER NOTE: Sliding scale not authorized.
#Landings on runway 14 restricted to 600–2.

PART 72–FINL
Procedure No. 1
Amendment No. 0–8
Effective: June 25, 1955
Supersedes Amendment No. 0–7, dated November 1, 1953.
Major changes: New format. Lower minima.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
TONOPAH, NEV. Municipal, 5,426'. SBRAZ-DTV TPH. Procedure No. 1. Amendment No. 3. Effective: June 25, 1955. Supersedes Amendment No. 2, dated July 15, 1954. Major changes: New format; add required note for uncontrolled area.	----------	----------	----------	W side of N course: 348° outbound. 168° inbound. 9,500' within 10 miles.	8,000	168—2.6	All aircraft T-d T-n C-d C-n A-dn	 1,000-1 1,000-2 2,500-2 2,500-3 2,500-3	 1,000-1 1,000-2 2,500-2 2,500-3 2,500-3	Within 2.6 miles, climb to 10,000' on S course within 25 miles of LFR. CAUTION: No control area. Pilots using this facility shall, as soon as practicable, advise TPH INSAC of position, altitude, ETA, and intentions, and thereafter determine that adequate separation exists from other reported users of navigational facilities in the area. When other aircraft have previously contacted TPH INSAC, hold between facility and a point 2 minutes out on final approach course at least 1,000' above procedure turn altitude and 1,000' above previously reported traffic until advised that aircraft making approach has landed. Keep TPH INSAC advised at all times of changes in altitude and position in order that other aircraft may also receive this information.

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
HANKSVILLE, UTAH. CAA Site 54, 4,480'. BVOR-DPVJ HVE. Procedure No. 1. Amendment No. 1. Effective: June 25, 1955. Supersedes original dated Nov. 19, 1953. Major changes: New format.	----------	----------	----------	S side of course: 090° outbound. 270° inbound. 7,500' within 10 miles.	5,700	270—0.2	All aircraft T-dn C-dn A-dn	 600-2 1,200-2 1,200-2	 600-2 1,200-2 1,200-2	Within 0 mile, climb to 11,000' on the 050° radial within 25 miles.
MILFORD, UTAH. CAA Site 45, 5,040'. VORW-MLF. Procedure No. 1. Amendment No. 2. Effective: June 25, 1955. Supersedes Amendment No. 1, dated November 19, 1953. Major changes: New format.	----------	----------	----------	W side of course: 180° outbound. 360° inbound. 8,000' within 15 miles. Beyond 15 miles not authorized.	6,000	345—4.2	All aircraft T-d T-n C-d C-n S-d Runway 34 S-n A-dn	 300-1 1,000-2 1,000-2 NA 1,000-1 NA NA	 300-1 1,000-2 1,000-2 NA 1,000-1 NA NA	Within 4.2 miles, climb to 9,000' on outbound track of 007° within 25 miles. Emergency procedure only, weather observation 0530-2030 only. No field attendant 2030-0530.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept inbound (ft.)	Altitude of glide slope and distance to approach end of runway at— Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
HARRISBURG, PA. State, 347'. ILS-HAR. Procedure No. 1. Amendment No. 1. Effective date: June 25, 1955. Supersedes Amendment Originally dated April 28, 1955. Major changes: Night straight-in landing minimums revised. Obstruction lighting incomplete.	Harrisburg LFR	LOM	253—8	2,600	S side of W course: 259° outbound. 079° inbound. 2,600' within 10 miles.	Minimum altitude over LOM 2,600	No glide slope 8.2	2.0	2 engines or less T-d T-n	500-1 500-2	500-1 500-2	Climb to 2,500' on back course ILS within 15 miles. CAUTION: Circling minimums do not provide standard clearance over 1,136' ridge and tower 1.6 miles S of airport. AIR CARRIER NOTES: Landing on Runway 2 authorized only during daylight hours with ceiling 1,500' or better. Takeoff on Runway 20 not authorized. ADF approach not authorized. CAUTION: Nonstandard Instrument Landing System. Approaches not authorized with any commissioned component inoperative.
									S-8 d		600-1½	
									n	1,000-2	1,000-2	
									C-dn A-dn	1,000-2 1,000-2	1,000-2 1,000-2	
	Harrisburg VOR	LOM	185—4.5	2,600					More than 2 engines T-d T-n	 ----------	 500-1 500-2	
									S-8 d	 ----------	 600-1½	
									n	----------	1,000-2	
									C-dn A-dn	---------- ----------	1,000-2 1,000-2	
	New Kingstown FM	LOM	146—6.0	2,600								
	Intersection Harrisburg VOR radial 173° and W course ILS.	LOM	259—1.0	2,600								
NEW YORK, N. Y. LaGuardia, 20'. ILS-LOA. LOM-LO. Combination ILS-ADF. Procedure No. 1. Amendment No. 10. Effective date: June 25, 1955. Supersedes Amendment 9, dated June 15, 1954. Major change: Procedure published under Part 609.	LaGuardia LFR	LOM	223—9	2,500	S side SW course: 223° outbound. 043° inbound. 1,500' within 10 miles.	ILS 1,500 ADF 1,200 over LOM	1,310—4.5	295—0.8	2 engines or less T-dn C-dn	300-1 500-1	300-1 600-1	Within 4.5 miles after passing LOM, climb to 1,500' (or at a higher altitude when requested by ATC) on NE course LaGuardia ILS or LFR. LaGuardia LFR must be monitored during ADF approach. *500-1 required with any component of the ILS inoperative. The above procedure and airport minimums do not provide standard clearance over the following obstructions: 968' building 4 miles W of LOM, 299' tower 1.7 miles SW of airport, Empire State Building 3.8 miles W of LOM, 578' building 3 miles SW of LOM, 422' tank 2 miles N of airport.
	Glen Cove Intersection	LOM	251—17	2,500					*S-dn 4 ILS	 400-¾	 400-¾	
	Ridgewood Intersection	LOM	162—17.2	2,500					ADF	500-1	500-1	
	Flatbush MHW (final)	LOM	043—7	1,500					A-dn ILS	 600-2	 600-2	
	Colts Neck VOR	Flatbush MHW.	032—23	1,500					ADF	800-2	800-2	
									More than 2 engines T-dn C-dn	 ---------- ----------	 200-½ 600-1½	
									*S-dn 4 ILS	 ----------	 400-¾	
									ADF	----------	500-1	
									A-dn ILS	 ----------	 600-2	
									ADF	----------	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
NEW YORK, N. Y. LaGuardia, 20'. Using back course LaGuardia ILS and New Rochelle MHW RWC. Procedure No. 2. Combination ILS-ADF. Amendment No. 4. Effective date: June 25, 1955. Supersedes Amendment 3, dated June 15, 1954. Major changes: Procedure published under Part 609.	Port Chester Intersection	RWC MHW	222—14	1,500	W side: NE course: 043° outbound. 223° inbound 1,500' within 10 miles of New Rochelle MHW.	No glide slope or markers. Final approach altitudes and distances to Runway 22 RWC MHW 1,000' 8.9 miles LGA LFR 800' 3.2 miles.			2 engines or less			Within 3.2 miles after passing LaGuardia LFR climb to 1,500' (or higher altitude when requested by ATC) on SW course LaGuardia ILS or LFR. LaGuardia LFR must be monitored during ADF approach. The above procedure and airport minimums do not provide standard clearance over the following obstructions: 299' tower 1.7 miles SW of airport, 930' broadcast tower 10 miles NW of range station, 383' bridge towers 2.2 miles NE of airport, 422' tank 2 miles N of airport.
	Ridgewood Intersection	RWC MHW	112—16.3	1,900					T-dn	300–1	300–1	
	LaGuardia LFR	RWC MHW	042—6	1,500					C-dn	500–1	600–1	
	Port Chester FM (final)	RWC MHW	222—10	1,000					S-dn 22 ILS	400–1	400–1	
	Glen Cove Intersection	RWC MHW	305—8	1,500					ADF	500–1	500–1	
									A-dn ILS	600–2	600–2	
									ADF	800–2	800–2	
									More than 2 engines			
									T-dn	----------	200–½	
									C-dn	----------	600–1½	
									S-dn 22 ILS	----------	400–1	
									ADF	----------	500–1	
									A-dn ILS	----------	600–2	
									ADF	----------	800–2	
SAN ANTONIO, TEX. International, 800'. ILS-ISAT. LOM-SA. Combination ILS and ADF. Procedure No. 1. Amendment 10. Effective: June 25, 1955. Supersedes amendment 9, dated August 30, 1954. Major changes: New format.	San Antonio VOR	OM	186—12.0	2,200	W side SW course: 211° outbound. 031° inbound. 2,200' within 10 miles. Beyond 10 miles not authorized.	ILS 2,100 ADF over LOM 2,000	2,050—4.4	1,000—0.7	2 engines or less			Climb to 2,500' on NE course ILS or within 4.4 miles after passing LOM (ADF) climb to 2,500' on course of 031° or when directed by ATC turn left, climb to 2,500' on N course LFR within 25 miles. NOTE: 400–¾ required when glide slope not utilized.
	San Antonio LFR	ILS SW course	174—4.0	2,200					T-dn	300–1	300–1	
	Kelly LFR	LOM	039—8.0	2,200					C-dn	400–1	500–1	
	Wetmore Intersection	OM	211—9.0	2,200					S-dn 3 ILS	200–½	200–½	
	San Antonio LFR	LOM	194—8.0	2,200					ADF	400–1	400–1	
	Medina Intersection	LOM	103—21.0	2,700					More than 2 engines			
	Losoya Intersection	LOM	345—18.0	2,200					T-dn	----------	200–½	
									C-dn	----------	500–1½	
									S-dn 3 ILS	----------	200–½	
									ADF	----------	400–1	
									All aircraft			
									A-dn ILS	600–2	600–2	
									ADF	800–2	800–2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
SYRACUSE, N. Y. Hancock, 419'. ILS-SYR. LOM-SY. Procedure No. 1. Amendment No. 10. Combination ILS-ADF. Effective date: June 25, 1955. Supersedes Amendment 9 dated April 21, 1955. Major changes: Glide slope and markers relocated; runway extended.	Syracuse LFR	LOM	099—14	1,900	N side of E course: 098° outbound. 278° inbound. 1,600' within 10 miles	ILS 1,600 ADF 1,100 over LOM	1,600—4.7	610—0.7	2 engines or less			Within 4.7 miles after passing LOM (ADF), climb to 2,000' on W course ILS or course of 278° from LOM within 25 miles. #Standard clearance not provided over 833' radio mast 1.3 miles SE of airport. *600–1 required for takeoff to SE. AIR CARRIER NOTES: No reduction in minimums or sliding scale authorized for takeoff to the SE. ##After interception of localizer course inbound, descent on glide slope to cross the outer marker at 1,600' on final approach is authorized.
	Syracuse VOR	LOM	123—11	1,900					*T-dn	300–1	300–1	
	Intersection E course Syracuse LFR and SW course Utica LFR.	E course ILS	310—13	##2,500					C-dn	#600–1	700–1	
	Intersection E course Syracuse LFR and bearing 335° to LOM.	LOM	335—3.5	1,900					S-dn 28 ILS	300–¾	300–¾	
	Intersection S course Syracuse LFR and bearing 045° to LOM.	LOM	045—22	3,000					ADF	#600–1	700–1	
									A-dn	800–2	800–2	
									More than 2 engines			
									*T-dn	----------	200–½	
									C-dn	----------	700–1½	
									S-dn 28 ILS	----------	300–¾	
									ADF	----------	700–1	
									A-dn	----------	800–2	

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Precision approach (PAR): 75 m. p. h. or less	Ceiling and visibility minimums: Precision approach (PAR): More than 75 m. p. h.	Ceiling and visibility minimums: Surveillance approach (ASR): 75 m. p. h. or less	Ceiling and visibility minimums: Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
NEW YORK, N. Y. LaGuardia, 20'. Procedure No. 1. Amendment No. 5. Effective date: June 25, 1955. Supersedes Amendment No. 4, dated February 1, 1953. Major changes: Procedure published under Part 609.		4	2 engines or less					Climb to 1,500' (or higher altitude when requested by ATC) on NE course LaGuardia LFR. CAUTION: Circling minimums do not provide standard clearance over 422' tank 2 miles N of airport. *500–1 required with approach lights inoperative.
			T-dn	300–1	300–1	----------	----------	
			C-dn	500–1	600–1	----------	----------	
			*S-dn	400–¾	400–¾	----------	----------	
			A-dn	600–2	600–2	----------	----------	
			More than 2 engines					
			T-dn	----------	200–½	----------	----------	
			C-dn	----------	600–1½	----------	----------	
			*S-dn	----------	400–¾	----------	----------	
			A-dn	----------	600–2	----------	----------	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–4177; Filed, May 26, 1955; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter G—Enrollment and Reallotment of Indians

PART 57—ENROLLMENT OF CONFEDERATED TRIBES OF SILETZ INDIANS

Sec.
57.1 Definitions.
57.2 Purpose.
57.3 Eligibility.
57.4 Proposed roll.
57.5 Appeals.
57.6 Final roll.
57.7 Special instructions.

AUTHORITY: §§ 57.1 to 57.7 issued under sec. 3, 68 Stat. 724.

§ 57.1 *Definitions.* As used in this part:

(a) "Secretary" means "Secretary of the Interior or his authorized representative".

(b) "Commissioner" means "Commissioner of Indian Affairs."

(c) "Director" means "Area Director, Portland Area Office."

(d) "Tribe" means "Confederated Tribes of Siletz Indians."

§ 57.2 *Purpose.* The regulations in this part are to govern the compilation of the membership roll of the Tribe pursuant to the act of August 13, 1954 (68 Stat. 724; 25 U. S. C. 691 et seq.).

§ 57.3 *Eligibility.* (a) There shall be eligible for enrollment in the Tribe any Indian, living on August 13, 1954:

(1) Whose name appears on the Tribe's per capita payment roll as of July 15, 1949; or

(2) Who is of one-eighth or more Indian blood and is a descendant of an Indian whose name appears on the Tribe's per capita payment roll as of July 15, 1949; or

(3) Who has been allotted on the Siletz Indian Reservation; or

(4) Who is of one-eighth or more Indian blood and is a descendant of an Indian allotted on the Siletz Indian Reservation; or

(5) Who is of one-sixteenth or more Indian blood and was adopted into membership in the Tribe subsequent to July 15, 1949, and prior to August 14, 1954.

(b) Indians enrolled with any Indian tribe or band other than the Confederated Tribes of Siletz Indians shall not be eligible for enrollment under this section, except that the enrollment of an Indian on one of the payment rolls prepared pursuant to the act of August 30, 1954 (68 Stat. 979; 25 U. S. C. 771 et seq.), and 25 CFR 56 (20 F. R. 1552; March 15, 1955) shall not render such Indian ineligible for enrollment under this section.

§ 57.4 *Proposed roll.* The Secretary, after consultation with the Tribe, will prepare a proposed roll of members of the Tribe comprising the names of those Indians who are eligible for enrollment pursuant to § 57.3. Said names shall be listed on the roll in alphabetical order, and the roll shall set forth the following information with respect to each such name: Old and new roll numbers, sex, date of birth, marital status, degree of Indian blood, provision or provisions of § 57.3 (a) pursuant to which the Indian is enrolled, and, if enrollment is pursuant to § 57.3 (a) (2) or (4) the name of the descendant's enrolled or allotted ancestor. The Secretary will publish the proposed roll in the FEDERAL REGISTER.

§ 57.5 *Appeals.* Within 90 days from the date of publication of the proposed roll in the FEDERAL REGISTER, appeals may be filed in protest against the inclusion or omission of the name of any person on or from the proposed roll. Regulations governing the filing and disposing of such appeals are set forth in Part 55 of this subchapter (20 F. R. 336; January 14, 1955). The Secretary will designate a representative to file appeals in accordance with § 55.6 of this subchapter.

§ 57.6 *Final roll.* Upon the disposition of all appeals, the Secretary will prepare a final roll of the members of the Tribe, which shall comprise the names of the persons on the proposed roll published pursuant to § 57.4, with the exception of the names of such persons whom the Secretary has, on the basis of such appeals, stricken therefrom, and with the addition of the names of such persons whom the Secretary has, on the basis of such appeals, added thereto. The names on the final roll shall be listed in alphabetical order, and said roll shall also contain the information prescribed by § 57.4. The Secretary will publish the final roll in the FEDERAL REGISTER.

§ 57.7 *Special instructions.* To facilitate the work incident to the compilation of the above rolls the Commissioner may issue special instructions not inconsistent with this part.

DOUGLAS MCKAY,
Secretary of the Interior.

MAY 23, 1955.

[F. R. Doc. 55-4287; Filed, May 26, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Parts 1, 36]

CONTRACT COVERAGE OF EMPLOYEES OF FOREIGN SUBSIDIARIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 3121 (l) and 7805 of the Internal Revenue Code of 1954, as amended (68 Stat. 1094; 68A Stat. 917; 26 U. S. C. 3121 (l), 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

The following regulations are hereby prescribed under section 176 and section 3121 (l) of the Internal Revenue Code of 1954, as added by Public Law 761, 83d Congress, approved September 1, 1954:

INCOME TAX REGULATIONS

§ 1.176 *Statutory provisions; payments with respect to employees of certain foreign corporations.*

SEC. 176. *Payments with respect to employees of certain foreign corporations.* In the case of a domestic corporation, there shall be allowed as a deduction amounts (to the extent not compensated for) paid or incurred pursuant to an agreement entered into under section 3121 (l) with respect to services performed by United States citizens employed by foreign subsidiary corporations. Any reimbursement of any amount previously allowed as a deduction under this section shall be included in gross income for the taxable year in which received.

(Sec. 176 as added by sec. 210, Social Security Amendments 1954)

PART 36—CONTRACT COVERAGE OF EMPLOYEES OF FOREIGN SUBSIDIARIES

Sec.
36.3121 (l)–0 Introduction.
36.3121 (l) (1) Statutory provisions; agreements entered into by domestic corporations with respect to foreign subsidiaries.
36.3121 (l) (1)–1 Agreements entered into by domestic corporations with respect to foreign subsidiaries.
36.3121 (l) (1)–2 Amendment of agreement.
36.3121 (l) (1)–3 Effect of agreement.
36.3121 (l) (2) Statutory provisions; effective period of agreement.
36.3121 (l) (2)–1 Effective period of agreement.
36.3121 (l) (3) Statutory provisions; termination of period by a domestic corporation.
36.3121 (l) (3)–1 Termination of agreement by domestic corporation or by reason of change in stock ownership.

Sec.
36.3121 (l) (4) Statutory provisions; termination of period by Secretary.
36.3121 (l) (4)–1 Termination of agreement by Commissioner.
36.3121 (l) (5) Statutory provisions; no renewal of agreement.
36.3121 (l) (5)–1 Effect of termination.
36.3121 (l) (6) Statutory provisions; deposits in trust fund.
36.3121 (l) (7) Statutory provisions; overpayments and underpayments.
36.3121 (l) (7)–1 Overpayments and underpayments.
36.3121 (l) (8) Statutory provisions; definition of foreign subsidiary.
36.3121 (l) (8)–1 Definition of foreign subsidiary.
36.3121 (l) (9) Statutory provisions; domestic corporation as separate entity.
36.3121 (l) (9)–1 Domestic corporation as separate entity.
36.3121 (l) (10) Statutory provisions; regulations.
36.3121 (l) (10)–1 Requirements in respect of liability under agreement.
36.3121 (l) (10)–2 Identification.
36.3121 (l) (10)–3 Returns.
36.3121 (l) (10)–4 Payment of amounts equivalent to tax.

§ 36.3121 (l)–0 *Introduction.* (a) The regulations in this part deal with the circumstances under which a domestic corporation may enter into an agreement with the district director for the purpose of extending the insurance system established by title II of the Social Security Act to certain services performed outside the United States by citizens of the United States as employees of a foreign subsidiary of the domestic corporation, and with the obligations of a domestic corporation which enters into such an agreement. The provisions of the Internal Revenue Code of 1954, as amended, to which the regulations in this part pertain are contained in section 3121 (l). The liabilities assumed under an agreement entered into pursuant to such section are based on the remuneration for services covered by the agreement. Such agreement may not be effective prior to January 1, 1955.

(b) Although the obligations incurred under an agreement entered into pursuant to section 3121 (l) of the Internal Revenue Code of 1954, as amended, must be distinguished from the obligations imposed on employers with respect to the taxes under the Federal Insurance Contributions Act, the two are similar in many respects. Accordingly, the regulations in this part are prescribed as a supplement to the regulation (26 CFR (1954), Part 31, Subpart B) relating to the employee tax and the employer tax imposed by the Federal Insurance Contributions Act. The terms used in the regulations in this part have the same meaning, unless otherwise provided, as when used in the regulations relating to the taxes imposed by such act.

(c) The regulations in this part constitute Part 36 of Title 26 of the Code of Federal Regulations. As used in the regulations in this part, the word "Code" means the Internal Revenue Code of 1954, as amended, and the term "Federal Insurance Contributions Act" means chapter 21 of such Code. Each section of the regulations is preceded by the provision of the Code which it interprets. All references to sections of law are references to the Code unless otherwise indicated. The number of each section of the regulations begins with 36 followed by a decimal point (36.). Numbers which do not begin with 36 followed by a decimal point are numbers of sections of law unless otherwise indicated. In identifying sections of regulations, the symbol "§" is used.

§ 36.3121 (l) (1) *Statutory provisions; agreements entered into by domestic corporations with respect to foreign subsidiaries.*

SEC. 3121. *Definitions.* • • •

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries*—(1) *Agreement with respect to certain employees of foreign subsidiaries.* The Secretary or his delegate shall, at the request of any domestic corporation, enter into an agreement (in such form and manner as may be prescribed by the Secretary or his delegate) with any such corporation which desires to have the insurance system established by title II of the Social Security Act extended to service performed outside the United States in the employ of any one or more of its foreign subsidiaries (as defined in paragraph (8)) by all employees who are citizens of the United States, except that the agreement shall not be applicable to any service performed by, or remuneration paid to, an employee if such service or remuneration would be excluded from the term "employment" or "wages", as defined in this section, had the service been performed in the United States. Such agreement may be amended at any time so as to be made applicable, in the same manner and under the same conditions, with respect to any other foreign subsidiary of such domestic corporation. Such agreement shall be applicable with respect to citizens of the United States who, on or after the effective date of the agreement, are employees of and perform services outside the United States for any foreign subsidiary specified in the agreement. Such agreement shall provide—

(A) That the domestic corporation shall pay to the Secretary or his delegate, at such time or times as the Secretary or his delegate may by regulations prescribe, amounts equivalent to the sum of the taxes which would be imposed by sections 3101 and 3111 (including amounts equivalent to the interest, additions to the taxes, additional amounts, and penalties which would be applicable) with respect to the remuneration which would be wages if the services covered by the agreement constituted employment as defined in this section; and

(B) That the domestic corporation will comply with such regulations relating to payments and reports as the Secretary or his delegate may prescribe to carry out the purposes of this subsection.

(Sec. 3121 (l) (1) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (1)–1 *Agreements entered into by domestic corporations with respect to foreign subsidiaries*—(a) *In general.* (1) Any domestic corporation having one or more foreign subsidiaries may request the district director to enter into an agreement for the purpose of extending the Federal old-age and survivors insurance system established by title II of the Social Security Act to certain services performed outside the United States by all citizens of the United States who are employees of any such foreign subsidiary. See § 36.3121 (l) (8)–1, relating to the definition of foreign subsidiary. Except as provided in § 36.3121 (l) (5)–1, relating to the effect of the termination of an agreement entered into pursuant to the provisions of section 3121 (l), the district director shall, at the request of a domestic corporation, enter into such an agreement on Form 2032 in any case where a Form 2032 is executed, and submitted to the district director, by the domestic corporation in the manner prescribed in this section. A domestic corporation may not have in effect at the same moment of time more than one agreement on Form 2032.

(2) An agreement authorized in section 3121 (l) (1) may not be made applicable to any services performed outside the United States which would not constitute employment, for purposes of the taxes imposed under the Federal Insurance Contributions Act, if the services were performed within the United States. Thus, such an agreement shall have no application with respect to any services performed outside the United States which, if performed within the United States, would be specifically excepted from employment under any of the numbered paragraphs of section 3121 (b), or which, although not so excepted, would be deemed not to be employment by application of section 3121 (c), relating to included and excluded services. Further, an agreement may not be made applicable with respect to any services performed outside the United States which constitute employment, as defined in section 3121 (b). Thus, an agreement may not be made applicable to services for any employer performed by any employee on or in connection with an American vessel or American aircraft when outside the United States, if (i) performed under a contract of service which is entered into within the United States or (ii) during the performance of which and while the employee is employed on the vessel or aircraft it touches at a port in the United States, because such services constitute employment as defined in section 3121 (b). An agreement may not be made applicable to remuneration which would not constitute wages, as defined in section 3121 (a), even if the services to which such remuneration is attributable had constituted employment.

(3) The terms "corporation", "domestic", and "foreign", as used in the regulations in this part, have the meaning assigned by paragraphs (3), (4), and (5), respectively, of section 7701 (a). Section 7701 (a) (3), (4), and (5) provides as follows:

SEC. 7701. *Definitions.* (a) When used in this title [Internal Revenue Code of 1954], where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

• • • • • •

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

(4) *Domestic.* The term "domestic" when applied to a corporation • • • means created or organized in the United States or under the law of the United States or of any State or Territory.

(5) *Foreign.* The term "foreign" when applied to a corporation * * * means a corporation * * * which is not domestic.

(b) *Form and contents of agreement.* Form 2032 is the form prescribed for the agreement authorized in section 3121 (l) (1). The agreement shall include provisions substantially as follows:

(1) That the agreement shall apply to all services performed outside the United States by all citizens of the United States who are in the employ of the foreign subsidiary or subsidiaries to which the agreement is made applicable, but only to the extent that the remuneration paid each employee for such services would constitute wages if paid by one employer for services performed in the United States;

(2) That the agreement shall not apply to any services which constitute employment within the meaning of section 3121;

(3) That the agreement shall become effective on the first day of the calendar quarter in which the Form 2032 is signed by the district director or on the first day of the next succeeding calendar quarter, whichever is specified in the agreement;

(4) That the domestic corporation will pay, as required by the regulations in this part, amounts equivalent to the sum of the taxes which would be imposed by sections 3101 and 3111, respectively, if the remuneration for the services covered by the agreement constituted wages;

(5) That the domestic corporation will pay, in accordance with written notification and demand therefor to the domestic corporation, amounts equivalent to the interest, additions to the taxes, additional amounts, and penalties which would be applicable if the remuneration for services covered by the agreement constituted wages; and

(6) That the domestic corporation will comply with all provisions of the regulations in this part.

(c) *Execution and filing of Form 2032.* The request of any domestic corporation that the district director enter into an agreement with the corporation on Form 2032 shall be signified by the corporation by executing and filing Form 2032 in triplicate with the district director for the district in which is located the principal place of business in the United States of the domestic corporation. Such form shall be executed in accordance with the regulations in this part and the instructions relating to the form. Each copy of the form shall be signed and dated by the officer of the corporation authorized to enter into the agreement, shall show the title of such officer, and shall have the corporate seal affixed thereto. A certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing the authority of such officer so to act shall accompany the form. Form 2032 executed and filed as provided in this paragraph shall be signed and dated by the district director and, upon such signing, the Form 2032 so executed and filed will constitute the agreement authorized in section 3121 (l) (1). The district director will return one copy of the agreement to the domestic corporation, will transmit one copy to the Department of Health, Education, and Welfare, and will retain one copy (together with all related papers).

§ 36.3121 (l) (1)–2 *Amendment of agreement.* (a) An agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 may be amended so as to be made applicable, in the same manner and under the same conditions, with respect to any one or more of the foreign subsidiaries of the domestic corporation not previously named in the agreement. See paragraph (b) of § 36.3121 (l) (2)–1, relating to the effective period of an amendment of an agreement.

(b) Form 2032 Supplement is the form prescribed for use in amending an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1.

(c) A domestic corporation shall signify its desire to amend an agreement entered into by the corporation as provided in § 36.3121 (l) (1)–1 by executing and filing Form 2032 Supplement in triplicate with the district director for the district in which is located the principal place of business in the United States of the domestic corporation.

(d) Form 2032 Supplement shall be executed and filed in the manner and in conformity with the requirements prescribed in paragraph (c) of § 36.3121 (l) (1)–1 in respect of an agreement on Form 2032. Form 2032 Supplement executed and filed as provided in this paragraph shall be signed and dated by the district director, and, upon such signing, the Form 2032 Supplement so executed and filed will constitute an amendment of the agreement entered into on Form 2032. The district director will return one copy of the amendment to the domestic corporation, will transmit one copy to the Department of Health, Education, and Welfare, and will retain one copy (together with all related papers).

§ 36.3121 (l) (1)–3 *Effect of agreement*—(a) *Liability for amounts equivalent to tax*—(1) *In general.* A domestic corporation which has entered into an agreement (as provided in § 36.3121 (l) (1)–1), or any amendment thereof (as provided in § 36.3121 (l) (1)–2), incurs liability under the agreement in respect of certain remuneration paid by each foreign subsidiary named in the agreement, or any amendment thereof. Liability is incurred in respect of the remuneration paid to all those employees of the foreign subsidiaries who are citizens of the United States and who perform services outside the United States (other than services which constitute employment) for the foreign subsidiaries. However, liability is incurred only with respect to that portion of such remuneration paid by the foreign subsidiary which is attributable to services performed during the period for which the agreement is in effect with respect to such subsidiary, and then only to the extent that the remuneration would constitute wages if the services to which the remuneration is attributable were performed in the United States. Liability with respect to such remuneration is incurred in an amount equivalent to the sum of the employee and employer taxes which would be imposed by sections 3101 and 3111, respectively, if such remuneration constituted wages. If an individual performs services for more than one of the foreign subsidiaries named in an agreement, including any amendment thereof, such services are regarded as being performed in the employ of a single employer for purposes of determining the amount of the remuneration for such services which would constitue wages if the services were performed in the United States. See § 36.3121 (l) (9)–1, relating to the treatment of a domestic corporation as a separate entity in its capacity as a party to an agreement.

(2) *Examples.* The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). P, a domestic corporation, has entered into an agreement as provided in § 36.3121 (l) (1)–1, effective with respect to services performed on and after January 1, 1955. Three foreign subsidiaries, S–1, S–2, and S–3 are named in the agreement. A, a citizen of the United States, is employed during 1955 by S–1, S–2, and S–3, for the performance outside the United States of services covered by the agreement. In 1955 A is paid remuneration of $2,500 for such services by each of the foreign subsidiaries. The circumstances are such that the entire $7,500 would constitute wages if the services had been performed in the United States. However, only $4,200 of such remuneration would constitute wages if the services had been performed in the United States for a single employer, and it is with respect to this amount only that P incurs liability under its agreement.

Example (2). On August 1, 1955, P, the domestic corporation in the preceding example, amends its agreement to include therein its foreign subsidiary S–4. The amendment is in effect with respect to S–4 for the period beginning with October 1, 1955. B, a citizen of the United States, is employed by S–4 throughout 1955 for the performance of services outside the United States. B is paid remuneration of $500 in each month of 1955 for these services. The circumstances are such that the first $4,200 of such remuneration would constitute wages if the services had been performed in the United States, and, except for the $4,200 limitation, the remainder of such remuneration would constitute wages if the services had been so performed. P incurs no liability with respect to remuneration paid B for services performed for S–4 prior to October 1, 1955. However, P incurs liability under its agreement with respect to the $1,500 paid B in October, November, and December 1955, for services performed in these months. Since the remuneration paid to B for services performed during the first nine months of 1955 is not covered by the agreement, such remuneration is not taken into account in computing the $4,200 limitation or the liability under the agreement.

Example (3). Assume the same facts as in example (2) except that B's services for S–4 during December 1955 are performed in connection with the production or harvesting of crude gum (oleoresin) and that such services if performed within the United States would be excepted from employment. See section 3121 (b) (1) (A). Accordingly, P incurs no liability under the agreement with respect to the $500 paid in December 1955 for such services.

(3) *Determination of liability.* The amount of the liability referred to in subparagraph (1) of this paragraph incurred by a domestic corporation for any period shall be determined in the same manner as liability for the employee tax and for the employer tax imposed by the Federal Insurance Contributions Act is determined, pursuant to regulations relating to the taxes under such act as in effect for the same period, with respect to wages paid by an employer to an employee.

(b) *Liability for amounts equivalent to interest or penalties.* A domestic corporation which has entered into an agreement as provided in § 36.3121 (l) (1)–1 also incurs liability under the agreement for amounts equivalent to the amount of interest, additions to the taxes, additional amounts, and penalties which would be applicable if the remuneration for services covered by the agreement constituted wages.

(c) *Deductions from employees' remuneration.* There is no obligation to deduct, or cause to be deducted, from the remuneration of any employee of a foreign subsidiary any part of the amount due from a domestic corporation under its agreement. Whether such deduction shall be made is a matter for settlement between the employee and the domestic corporation or such other person as may be concerned.

(d) *Cross reference.* For other obligations of a domestic corporation under an agreement, see § 36.3121 (l) (10)–1.

§ 36.3121 (l) (2) *Statutory provisions; effective period of agreement.*

SEC. 3121. *Definitions.* * * *

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* * * *

(2) *Effective period of agreement.* An agreement entered into pursuant to paragraph (1) shall be in effect for the period beginning with the first day of the calendar quarter in which such agreement is entered into or the first day of the succeeding calendar quarter, as may be specified in the agreement, but in no case prior to January 1, 1955; except that in case such agreement is amended to include the services performed for any other subsidiary and such amendment is executed after the first month following the first calendar quarter for which the agreement is in effect, the agreement shall be in effect with respect to service performed for such other subsidiary only after the calendar quarter in which such amendment is executed.

(Sec. 3121 (l) (2) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (2)–1 *Effective period of agreement*—(a) *In general.* An agreement entered into as provided in § 36.3121 (l) (1)–1 shall be in effect for the period beginning with the first day of the calendar quarter in which the agreement is signed by the district director, or the first day of the calendar quarter following the calendar quarter in which the agreement is signed by the district director, whichever is specified in the agreement. In no case, however, shall the agreement be effective for any calendar quarter which begins prior to January 1, 1955.

(b) *Amendment of agreement.* If an amendment on Form 2032 Supplement (filed by a domestic corporation to include in its agreement services performed for a foreign subsidiary not previously named therein) is signed by the district director within the quarter for which the agreement is first effective or within the first calendar month following such quarter, the agreement shall be effective with respect to the subsidiary named in the amendment as of the date such agreement first became effective. However, if the amendment is signed by the district director after the last day of the fourth month for which the agreement is in effect, such agreement shall be in effect with respect to the subsidiary named in the amendment for the period beginning with the first day of the calendar quarter following the calendar quarter in which the amendment is signed by the district director.

§ 36.3121 (l) (3) *Statutory provisions; termination of period by a domestic corporation.*

SEC. 3121. *Definitions.* * * *

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* * * *

(3) *Termination of period by a domestic corporation.* The period for which an agreement entered into pursuant to paragraph (1) of this subsection is effective may be terminated with respect to any one or more of its foreign subsidiaries by the domestic corporation, effective at the end of a calendar quarter, upon giving two years' advance notice in writing, but only if, at the time of the receipt of such notice, the agreement has been in effect for a period of not less than eight years. The notice of termination may be revoked by the domestic corporation by giving, prior to the close of the calendar quarter specified in the notice of termination, a written notice of such revocation. Notice of termination or revocation thereof shall be filed in such form and manner as may be prescribed by regulations. Notwithstanding any other provision of this subsection, the period for which any such agreement is effective with respect to any foreign corporation shall terminate at the end of any calendar quarter in which the foreign corporation, at any time in such quarter, ceases to be a foreign subsidiary as defined in paragraph (8).

(Sec. 3121 (l) (3) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (3)–1 *Termination of agreement by domestic corporation or by reason of change in stock ownership*—(a) *Termination by domestic corporation.* (1) A domestic corporation which has entered into an agreement under section 3121 (l) (1) with respect to one or more of its foreign subsidiaries may terminate such agreement in part or in its entirety by giving (to the district director for the district in which is located the principal place of business in the United States of the domestic corporation) 2 years' advance notice in writing of its desire so to terminate the agreement at the end of a specified calendar quarter: *Provided*, That, at the time of the receipt of such notice by the district director, the agreement has been in effect with respect to the subsidiary or subsidiaries covered by the notice for at least 8 years. The notice of termination shall be signed and dated and shall show (i) the title of the officer authorized to sign the notice, (ii) the name, address, and identification number of the domestic corporation, (iii) the district director with whom the agreement was entered into, (iv) the name and address of each foreign subsidiary with respect to which the agreement is to be terminated, (v) the date on which the agreement became effective with respect to each such foreign subsidiary, and (vi) the date on which the agreement is to be terminated with respect to each such foreign subsidiary. The notice shall be submitted in duplicate and shall be accompanied by a certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing authorization for the notice of termination. No particular form is prescribed for the notice of termination. The district director will transmit one copy of the notice of termination to the Department of Health, Education, and Welfare.

(2) A notice of termination given by a domestic corporation in respect of any one or more of its foreign subsidiaries may be revoked by the corporation with respect to any such subsidiary or subsidiaries by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of revocation. The notice of revocation shall be filed with the district director with whom the notice of termination was filed. Such notice of revocation shall be signed and dated and shall show (i) the title of the officer authorized to sign the notice of revocation, (ii) the name, address, and identification number of the domestic corporation, (iii) the name and address of each foreign subsidiary with respect to which the notice of termination is revoked, and (iv) the date of the notice of termination to be revoked. The notice shall be submitted in duplicate and shall be accompanied by a certified copy of the minutes of the meeting of the board of directors of the domestic corporation, or other evidence, showing authorization for the notice of revocation. No particular form is prescribed for the notice of revocation. The district director will transmit one copy of the notice of revocation to the Department of Health, Education, and Welfare.

(b) *Termination by reason of change in stock ownership.* (1) The period for which an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 is in effect with respect to a foreign corporation is automatically terminated at the end of the calendar quarter in which the foreign corporation ceases, at any time in such quarter, to be a foreign subsidiary of the domestic corporation. See § 36.3121 (l) (8)–1, relating to definition of foreign subsidiary.

(2) A domestic corporation which has entered into an agreement as provided in § 36.3121 (l) (1)–1 shall furnish to the district director for the district in which is located its principal place of business in the United States written notification in the event that a foreign corporation named in the agreement, including any amendment thereof, as a foreign subsidiary of the domestic corporation ceases to be its foreign subsidiary. The written notification shall be furnished in duplicate on or before the last day

of the first month following the close of the calendar quarter in which the foreign corporation ceases, at any time in such quarter, to be a foreign subsidiary of the domestic corporation. Such notification shall be signed and dated by the president or other principal officer of the domestic corporation. The written notification shall show (i) the title of the officer signing the notice, (ii) the name, address, and identification number of the domestic corporation, (iii) the district director with whom the agreement was entered into, (iv) the date on which the agreement was entered into, (v) the name and address of the foreign corporation with respect to which the notification is furnished, and (vi) the date on which the foreign corporation ceased to be a foreign subsidiary of the domestic corporation. No particular form is prescribed for the written notification. The district director will transmit one copy of the written notification to the Department of Health, Education, and Welfare.

§ 36.3121 (l) (4) *Statutory provisions; termination of period by Secretary.*

SEC. 3121. *Definitions.* • • •

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* • • •

(4) *Termination of period by Secretary.* If the Secretary or his delegate finds that any domestic corporation which entered into an agreement pursuant to this subsection has failed to comply substantially with the terms of such agreement, the Secretary or his delegate shall give such domestic corporation not less than sixty days' advance notice in writing that the period covered by such agreement will terminate at the end of the calendar quarter specified in such notice. Such notice of termination may be revoked by the Secretary or his delegate by giving, prior to the close of the calendar quarter specified in the notice of termination, written notice of such revocation to the domestic corporation. No notice of termination or of revocation thereof shall be given under this paragraph to a domestic corporation without the prior concurrence of the Secretary of Health, Education, and Welfare.

(Sec. 3121 (l) (4) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (4)–1 *Termination of agreement by Commissioner*—(a) *Notice of termination.* The period for which an agreement entered into with a domestic corporation as provided in § 36.3121 (l) (1)–1 is in effect may be terminated by the Commissioner, with the prior concurrence of the Secretary of Health, Education, and Welfare, upon a finding by the Commissioner that the domestic corporation has failed to comply substantially with the terms of the agreement. The Commissioner shall give the corporation not less than 60 days' advance notice in writing that the period for which the agreement is in effect will terminate at the end of the calendar quarter specified in the notice of termination.

(b) *Revocation of notice of termination.* A notice of termination given to a domestic corporation by the Commissioner may be revoked by the Commissioner, with the prior concurrence of the Secretary of Health, Education, and Welfare, by giving written notice of revocation to the corporation prior to the close of the calendar quarter specified in the notice of termination.

§ 36.3121 (l) (5) *Statutory provisions; no renewal of agreement.*

SEC. 3121. *Definitions.* • • •

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* • • •

(5) *No renewal of agreement.* If any agreement entered into pursuant to paragraph (1) of this subsection is terminated in its entirety (A) by a notice of termination filed by the domestic corporation pursuant to paragraph (3), or (B) by a notice of termination given by the Secretary or his delegate pursuant to paragraph (4), the domestic corporation may not again enter into an agreement pursuant to paragraph (1). If any such agreement is terminated with respect to any foreign subsidiary, such agreement may not thereafter be amended so as again to make it applicable with respect to such subsidiary.

(Sec. 3121 (l) (5) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (5)–1 *Effect of termination*—(a) *Termination of entire agreement.* (1) If the effective period of an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 is terminated by the domestic corporation, pursuant to paragraph (a) of § 36.3121 (l) (3)–1, with respect to all foreign subsidiaries named in the agreement, including any amendment thereof, an agreement may not again be entered into by the domestic corporation under the provisions of section 3121 (l) (1).

(2) If the effective period of an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 is terminated by the Commissioner, pursuant to paragraph (a) of § 36.3121 (l) (4)–1, an agreement may not again be entered into by the domestic corporation under the provisions of section 3121 (l) (1).

(3) If the effective period of an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 is terminated automatically by reason of a change in stock ownership (see paragraph (b) of § 36.3121 (l) (3)–1) with respect to all foreign corporations named in the agreement, including any amendment thereof, a new agreement may be entered into by the domestic corporation, as provided in § 36.3121 (l) (1)–1, with respect to any foreign corporation which is a foreign subsidiary of the domestic corporation.

(b) *Partial termination of agreement.* (1) If the effective period of an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 is terminated by the domestic corporation, pursuant to paragraph (a) of § 36.3121 (l) (3)–1, with respect to one or more foreign subsidiaries named in the agreement, including any amendment thereof, the period for which the agreement is in effect will continue with respect to any other foreign subsidiary or subsidiaries named in the agreement (or amendment). However, the agreement may not thereafter be amended to include any foreign subsidiary with respect to which the effective period of the agreement has been terminated.

(2) If the effective period of an agreement entered into by a domestic corporation as provided in § 36.3121 (l) (1)–1 is terminated automatically by reason of a change in stock ownership (see paragraph (b) of § 36.3121 (l) (3)–1) with respect to a foreign corporation which has ceased to be a foreign subsidiary of the domestic corporation, but the period for which the agreement is in effect continues with respect to one or more other foreign subsidiaries, the agreement may not thereafter be amended to include such foreign corporation even though the foreign corporation may again become a foreign subsidiary of the domestic corporation.

§ 36.3121 (l) (6) *Statutory provisions; deposits in trust fund.*

SEC. 3121. *Definitions.* • • •

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* • • •

(6) *Deposits in trust fund.* For purposes of section 201 of the Social Security Act, relating to appropriations to the Federal Old-Age and Survivors Insurance Trust Fund, such remuneration—

(A) Paid for services covered by an agreement entered into pursuant to paragraph (l) as would be wages if the services constituted employment, and

(B) As is reported to the Secretary or his delegate pursuant to the provisions of such agreement or of the regulations issued under this subsection, shall be considered wages subject to the taxes imposed by this chapter [chapter 21, I. R. C. 1954].

(Sec. 3121 (l) (6) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (7) *Statutory provisions; overpayments and underpayments.*

SEC. 3121. *Definitions.* • • •

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* • • •

(7) *Overpayments and underpayments.* (A) If more or less than the correct amount due under an agreement entered into pursuant to this subsection is paid with respect to any payment of remuneration, proper adjustments with respect to the amounts due under such agreement shall be made, without interest, in such manner and at such times as may be required by regulations prescribed by the Secretary or his delegate.

(B) If an overpayment cannot be adjusted under subparagraph (A), the amount thereof shall be paid by the Secretary or his delegate, through the Fiscal Service of the Treasury Department, but only if a claim for such overpayment is filed with the Secretary or his delegate within two years from the time such overpayment was made.

(Sec. 3121 (l) (7) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (7)–1 *Overpayments and underpayments*—(a) *Adjustments*—(1) *In general.* Errors in the payment of amounts for which liability equivalent to the employee and employer taxes with respect to any payment of remuneration is incurred by a domestic corporation pursuant to its agreement are adjustable by the domestic corporation in certain cases without interest. However, not all corrections made under this section constitute adjustments within the meaning of the regulations in this part. The various situations in which such corrections constitute adjustments are set forth in subparagraphs (2) and (3) of this paragraph. All corrections in respect of underpayments and all adjustments or credits in respect of overpayments made under this section must be reported on a return filed by the domestic corporation under the regulations in this part and not on a return filed with respect to the employee and employer taxes imposed by sections 3101 and 3111, respectively. Every return on which such a correction (by adjustment, credit, or otherwise) is reported pursuant to this section must have securely attached as a part thereof a statement explaining the error in respect of which the correction is made, designating the calendar quarter in which the error was ascertained, and setting forth such other information as would be required if the correction were in respect of an overpayment or underpayment of taxes under the Federal Insurance Contributions Act. An error is ascertained when the domestic corporation has sufficient knowledge of the error to be able to correct it. An underpayment may not be corrected under this section after receipt from the district director of written notification of the amount due and demand for payment thereof, but the amount shall be paid in accordance with such notification.

(2) *Underpayments.* If a domestic corporation fails to report, on a return filed under the regulations in this part, all or any part of the amount for which liability equivalent to the employee and employer taxes is incurred under its agreement with respect to any payment of remuneration, the domestic corporation shall adjust the underpayment by reporting the additional amount due as an adjustment on a return or supplemental return filed on or before the last day on which the return for the return period in which the error is ascertained is required to be filed. The amount of each underpayment adjusted in accordance with this subparagraph shall be paid to the district director, without interest, at the time fixed for reporting the adjustment. If an adjustment is reported pursuant to this subparagraph but the amount thereof is not paid when due, interest thereafter accrues.

(3) *Overpayments.* If a domestic corporation pays more than the amount for which liability equivalent to the employee and employer taxes is incurred under its agreement with respect to any payment of remuneration, the domestic corporation may correct the error, subject to the requirements and under the conditions stated in this paragraph, by deducting the amount of the overpayment from the amount of liability reported on a return filed by the domestic corporation, except that—

(i) A correction may not be made in respect of any part of an overpayment which was collected from an individual by reason of the agreement unless the domestic corporation (*a*) has repaid the amount so collected to the individual, has secured the written receipt of the individual showing the date and amount of the repayment, and retains such receipt as a part of its records, or (*b*) has reimbursed the individual by reducing the amounts which otherwise should have been deducted from his remuneration by reason of the agreement; and

(ii) A correction may not be made in one calendar year in respect of any part of an overpayment which was collected from an individual in a prior calendar year unless the domestic corporation has secured the written statement of the individual showing that he has not claimed and will not claim refund or credit of the amount so collected, and retains such receipt as a part of its records. See § 31.6413 (c)–1 of this chapter, relating to claims for special credit or refund.

The correction constitutes an adjustment under this subparagraph only if it is reported on the return for the period in which the error is ascertained or on the return for the next following period, and then only if the correction is reported within the statutory period of limitation upon refund or credit of overpayments of amounts due under the agreement. See paragraph (b) (2) (iii) of this section relating to such statutory period. A claim for credit or refund may be filed in accordance with the provisions of paragraph (b) (2) of this section for any overpayment of an amount due under the agreement which is not adjusted under this subparagraph.

(b) *Errors not adjustable*—(1) *Underpayments.* If a domestic corporation fails to report all or any part of the amount for which liability equivalent to the employee and employer taxes is incurred under its agreement with respect to any payment of remuneration, and such underpayment is not reported as an adjustment within the time prescribed by paragraph (a) (2) of this section, the amount of such underpayment shall be reported on the domestic corporation's next return, or shall be reported immediately on a supplemental return for the return period in which such payment of remuneration was made. The reporting of an underpayment under this subparagraph does not constitute an adjustment without interest.

(2) *Overpayments.* (i) If more than the correct amount due from a domestic corporation pursuant to its agreement (including the amount of any interest or addition) is paid to the district director and the amount of the overpayment is not adjusted under paragraph (a) (3) of this section, the domestic corporation may file a claim for refund or credit. Except as otherwise provided in this subparagraph, such claim shall be made in the same manner and subject to the same conditions as to allowance of the claim as would be the case if the claim were in respect of an overpayment of taxes under the Federal Insurance Contributions Act. Refund or credit of an amount erroneously paid by a domestic corporation under its agreement may be allowed only to the domestic corporation.

(ii) Any claim filed under this subparagraph shall be plainly marked "Claim under section 3121 (l)."

(iii) No refund or credit of an overpayment of the amount due from a domestic corporation under its agreement will be allowed after the expiration of 2 years after the date of payment to the district director of such overpayment, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such 2-year period.

(c) *Deductions from employees' remuneration.* If a domestic corporation deducts, or causes to be deducted, from the remuneration of an individual for services covered by the agreement amounts which are more or less than the employee tax which would be deductible therefrom if such remuneration constituted wages, any repayment to the individual (except to the extent otherwise provided in this section), or further collection from the individual, in respect of such deduction is a matter for settlement between the individual and the domestic corporation or such other person as may be concerned.

§ 36.3121 (l) (8) *Statutory provisions; definition of foreign subsidiary.*

SEC. 3121. *Definitions.* • • •

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* • • •

(8) *Definition of foreign subsidiary.* For purposes of this subsection • • • a foreign subsidiary of a domestic corporation is—

(A) A foreign corporation more than 50 percent of the voting stock of which is owned by such domestic corporation; or

(B) A foreign corporation more than 50 percent of the voting stock of which is owned by the foreign corporation described in subparagraph (A).

(Sec. 3121 (l) (8) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (8)–1 *Definition of foreign subsidiary.* (a) A foreign corporation is a foreign subsidiary of a domestic corporation, within the meaning of the regulations in this part, if—

(1) More than 50 percent of the voting stock of the foreign corporation is owned by the domestic corporation; or

(2) More than 50 percent of the voting stock of the foreign corporation is owned by a second foreign corporation and more than 50 percent of the voting stock of the second foreign corporation is owned by the domestic corporation.

(b) The application of paragraph (a) of this section may be illustrated by the following examples:

Example (1). P, a domestic corporation, owns 51 percent of the voting stock of S–1, a foreign corporation. S–1 owns 51 percent of the voting stock of S–2, a foreign corporation. S–2 owns 51 percent of the voting stock of S–3, a foreign corporation. S–1 and S–2 are foreign subsidiaries of P for purposes of the regulations in this part. Since neither P nor S–1 owns more than 50 percent of the voting stock of S–3, S–3 is not a foreign subsidiary of P within the meaning of these regulations.

Example (2). Assume the same facts as those stated in example (1) except that S–1 transfers to P one-half of its ownership of the voting stock of S–2, P owns no other voting stock of S–2. Accordingly, after the transfer, P and S–1 together own more than 50 percent of the voting stock of S–2, but neither P nor S–1 alone owns more than 50 percent of such stock. S–2 ceases to be a foreign subsidiary of P when such transfer is effected.

(c) The term "stock", as used in the regulations in this part, has the meaning assigned by paragraph (7) of section

7701 (a). Section 7701 (a) (7) provides as follows:

SEC. 7701. *Definitions.* (a) When used in this title [Internal Revenue Code of 1954], where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

• • • • • •

(7) *Stock.* The term "stock" includes shares in an association, joint-stock company, or insurance company.

(d) Ownership of the voting stock of a foreign corporation which is a foreign subsidiary of a domestic corporation may be transferred from the domestic corporation to another foreign subsidiary of the domestic corporation, from one foreign subsidiary of the domestic corporation to another, or from a foreign subsidiary of the domestic corporation to the domestic corporation itself without affecting the status of the foreign corporation as a foreign subsidiary of the domestic corporation, provided that more than 50 percent of the voting stock of such foreign corporation is at all times owned either (1) by the domestic corporation, or (2) by a foreign corporation more than 50 percent of the voting stock of which is owned by the domestic corporation.

§ 36.3121 (l) (9) *Statutory provisions; domestic corporation as separate entity.*

SEC. 3121. *Definitions.* • • •

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* • • •

(9) *Domestic corporation as separate entity.* Each domestic corporation which enters into an agreement pursuant to paragraph (1) of this subsection shall, for purposes of this subsection and section 6413 (c) (2) (C), relating to special refunds in the case of employees of certain foreign corporations, be considered an employer in its capacity as a party to such agreement separate and distinct from its identity as a person employing individuals on its own account.

(Sec. 3121 (l) (9) as added by sec. 209, Social Security Amendments 1954)

§ 36.3121 (l) (9)–1 *Domestic corporation as separate entity.* A domestic corporation which enters into an agreement as provided in § 36.3121 (l) (1)–1 shall, for purposes of the regulations in this part and for purposes of section 6413 (c) (2) (C), relating to special credits or refunds, be considered an employer in its capacity as a party to such agreement separate and apart from its identity as an employer incurring liability for the employee tax and employer tax on the wages of its own employees. Thus, if a citizen of the United States performs services in employment for the domestic corporation and at any time within the same calendar year performs services covered by the agreement as an employee of one or more foreign subsidiaries named therein, the limitation on wages provided in section 3121 (a) (1) has application separately as to the wages for employment performed in the employ of the domestic corporation and as to the remuneration for services covered by the agreement performed in the employ of such foreign subsidiary or subsidiaries. All services covered by the agreement whether performed in the employ of one or more than one such foreign subsidiary are regarded for purposes of the wage limitation as having been performed in the employ of the domestic corporation in its separate capacity as a party to the agreement. Similarly, any remuneration for such services which, if the services were performed in the United States, would be excluded from wages unless a certain amount of such remuneration is paid by a single employer within a specified period (for example, remuneration for agricultural labor) is regarded, for purposes of determining whether the domestic corporation incurs liability under its agreement with respect to such remuneration, as having been paid by the domestic corporation in its separate capacity as a party to the agreement. All remuneration received by an employee for services covered by the agreement is deemed, for purposes of the special credit or refund provisions contained in section 6413 (c), to have been received from the domestic corporation as an employer in its separate capacity as a party to the agreement.

§ 36.3121 (l) (10) *Statutory provisions; regulations.*

SEC. 3121. *Definitions.* • • •

(l) *Agreements entered into by domestic corporations with respect to foreign subsidiaries.* • • •

(10) *Regulations.* Regulations of the Secretary or his delegate to carry out the purposes of this subsection shall be designed to make the requirements imposed on domestic corporations with respect to services covered by an agreement entered into pursuant to this subsection the same, so far as practicable, as those imposed upon employers pursuant to this title [Internal Revenue Code of 1954] with respect to the taxes imposed by this chapter [chapter 21, I. R. C. 1954].

(Sec. 3121 (l) (10) as added by sec. 209, Social Security Amendments, 1954)

§ 36.3121.(l) (10)–1 *Requirements in respect of liability under agreement.* To the extent not inconsistent with, or otherwise provided in, the regulations in this part, the requirements and duties (relating to identification number, account numbers, wage information statements to employees, record keeping, etc.) imposed on an employer for any period with respect to the taxes imposed by the Federal Insurance Contributions Act are hereby made applicable to a domestic corporation with respect to its obligations and liabilities, for the same period, under an agreement entered into as provided in § 36.3121 (l) (1)–1.

§ 36.3121 (l) (10)–2 *Identification*—(a) *Domestic corporation.* A domestic corporation which has secured, or is required to secure, an identification number as an employer having in its employ one or more individuals in employment for wages is not required to secure an identification number under the regulations in this part.

(b) *Employees.* Every employee performing services covered by an agreement shall have the same duties in respect of an account number as would be the case if the employee were performing services in employment for the domestic corporation.

§ 36.3121 (l) (10)–3 *Returns.* (a) The forms prescribed for use in making returns of the taxes imposed by the Federal Insurance Contributions Act (except any forms particularly prescribed for use by household employers or by employers filing returns in Puerto Rico or the Virgin Islands) shall be used by a domestic corporation in making returns of its liability under an agreement entered into as provided in § 36.3121 (l) (1)–1. Returns of such liability shall be made separate and apart from any returns required of the domestic corporation in respect of the taxes imposed by the Federal Insurance Contributions Act. The domestic corporation shall plainly mark "3121 (l) Agreement" at the top of each return, each detachable schedule thereof, and each paper or document constituting a part of the return, filed by the domestic corporation pursuant to the regulations in this part. Returns required under the regulations in this part shall be made by the domestic corporation as if all services covered by the agreement, whether performed in the employ of one or more than one foreign subsidiary, were performed in the employ of the domestic corporation as an employer in its separate capacity as a party to the agreement.

(b) Each return required under the regulations in this part must be filed on or before the last day of the month following the period for which the return is made.

§ 36.3121 (l) (10)–4 *Payment of amounts equivalent to tax.* A domestic corporation which has entered into an agreement as provided in § 36.3121 (l) (1)–1 is not required to make deposits with a Federal Reserve bank or authorized commercial bank of any amount for which liability is incurred under its agreement.

[F. R. Doc. 55–4296; Filed, May 26, 1955; 8:48 a. m.]

Office of the Secretary

[31 CFR Part 54]

GOLD REGULATIONS

RECORD RETENTION REQUIREMENT

Notice is hereby given that the Secretary of the Treasury proposes to amend the Gold Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting their views and data or arguments in writing to the Director of the Mint, Treasury Department, Washington 25, D. C., prior to June 27, 1955. All communications should be submitted in quadruplicate.

The amendment will provide that persons holding licenses or acquiring, holding, or disposing of gold, pursuant to the general authorizations in §§ 54.18 and 54.21 of the Gold Regulations, shall retain the records which they are required to keep for five years instead of three years as is presently the requirement. This amendment will conform the regulations to the act of September

14, 1954, which extended the general statute of limitations, which is applicable to offenses resulting from violations of the Gold Regulations, from three years to five years. The amendment is as follows:

The first sentence of § 54.26 (b) of the Gold Regulations as amended effective July 14, 1954, is amended to read as follows:

(b) Every person holding a license issued under § 54.25 (a), or acquiring, holding or disposing of gold pursuant to the authorizations in §§ 54.18 and 54.21, shall keep full and accurate records of all his operations and transactions with respect to gold, and such records shall be available for examination by a representative of the Treasury Department until the end of the fifth calendar year (or if such person's accounts are kept on a fiscal year basis, until the end of the fifth fiscal year) following such operations or transactions. • • •

Dated: May 23, 1955.

[SEAL] H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55–4315; Filed, May 26, 1955; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 201]

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE FEDERAL SEED ACT

NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

Pursuant to the provisions of section 402 of the Federal Seed Act approved August 9, 1939 (53 Stat. 1275), notice is hereby given of intention to promulgate amendments to the rules and regulations of the Secretary of Agriculture. There are under consideration amendments proposed by the United States Department of Agriculture and amendments proposed by the American Seed Trade Association. Public hearings with reference thereto will be held on June 20, 1955, in the conference room, fourth floor, Ross Building, 209 Southwest Fifth Avenue, Portland, Oregon; June 24, 1955, in room 200, Hotel Peabody, Memphis, Tennessee; and July 8, 1955, in the auditorium of the South Building, United States Department of Agriculture, Fourteenth and Independence Avenue SW., Washington, D. C., beginning at 9:30 in the morning of these days.

Interested persons are invited to attend these hearings and to offer comments or suggestions with reference to said proposals. Any comments or suggestions bearing on the proposals which cannot be made or presented in person at the hearings may be transmitted by mail, addressed to the Seed Branch, Grain Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and will be considered if received on or before the 15th day of July 1955.

Mr. W. A. Davidson, Seed Branch, Grain Division, Agricultural Marketing Service, is hereby designated as the presiding officer who shall conduct the aforesaid hearings in the place and stead of the Secretary, with power to do all things necessary and appropriate to the proper conduct of such hearings, and Mr. Clyve Jackson, Grain Division, Agricultural Marketing Service, will serve as his alternate.

Amendments proposed by the United States Department of Agriculture:

1. Section 201.2 *Terms defined* is amended in the following respects:

a. Paragraph (h) is amended to read as follows:

(h) *Agricultural seeds.* The term "agricultural seeds" means the following kinds of grass, forage, and field crop seeds:

Alfalfa—Medicago sativa L.
Alfilerla—Erodium cicutarium (L.) L'her.
Alyceclover—Alsycarpus vaginalis (L.) DC.
Bahiagrass—Paspalum notatum Fluegge.
Barley—Hordeum vulgare L.
Bean, adzuki—Phaseolus angularis Willd.
Bean, field—Phaseolus vulgaris L.
Bean, mung—Phaseolus aureus Roxb.
Bean—(see Velvetbean).
Beet, field excluding sugar beet—Beta vulgaris L.
Beggarweed—desmodium tortuosum (Sev.) DC.
Bentgrass or
Bentgrass, colonial—Agrostis tenuis Sibth.
Bentgrass, creeping—Agrostis palustris Huds.
Bentgrass, velvet—Agrostis canina L.
Bermuda-grass—Cynodon dactylon (L.) Pers.
Bluegrass, annual—Poa annua L.
Bluegrass, bulbous—Poa bulbosa L.
Bluegrass, Canada—Poa compressa L.
Bluegrass, Kentucky—Poa pratensis L.
Bluegrass, Nevada—Poa nevadensis Vasey.
Bluegrass, rough—Poa trivialis L.
Bluegrass, Texas—Poa arachnifera Torr.
Bluegrass, wood—Poa nemoralis L.
Bluestem, big—Andropogon furcatus Muhl.
Bluestem, little—Andropogon scoparius Michx.
Bluestem, sand—Andropogon hallii Hack.
Bluestem, yellow—Andropogon ischaemum.
Brome, mountain—Bromus marginatus Nees.
Brome, smooth—Bromus inermis Leyss.
Broomcorn—Sorghum vulgare var. technicum (Koern.) Jav.
Buckwheat — Fagopyrum esculentum Moench (F. culgare Hill.).
Buffalograss—Buchloe dactyloides (Nutt.) Engl.
Buffelgrass—Pennisetum ciliare (L.) Link.
Bur-clover, California—Medicago hispida Gaertn.
Bur-clover, spotted—Medicago arabica (L.) DC.
Burnet, little—Sanguisorba minor Scop.
Buttonclover—Medicago orbicularis (L.) All.
Canarygrass—Phalaris canariensis L.
Canarygrass, reed—Phalaris arundinacea L.
Carpetgrass—Axonopus affinis Chase.
Castorbean—Ricinum communis (L.)
Chickpea—Cicer arietinum L.
Clover, alsike—Trifolium hybridum L.
Clover, berseem—Trifolium alexandrinum L.
Clover, cluster—Trifolium glomeratum L.
Clover, crimson—Trifolium incarnatum L.
Clover, large hop—Trifolium procumbens L.
Clover, small hop (suckling)—Trifolium dubium Sibth.
Clover, ladino—Trifolium repens L.
Clover, lappa—Trifolium lappaceum L.
Clover, Persian—Trifolium resupinatum L.
Clover, red or
Red clover, mammoth—Trifolium pratense L.
Red clover, medium—Trifolium pratense L.
Clover, rose—Trifolium hirtum All.
Clover, strawberry—Trifolium fragigerum L.
Clover, sub (subterranean)—Trifolium subterraneum L.
Clover, white—Trifolium repens L. (also see Clover, ladino).
Clover, (also see Alyceclover, Bur-clover, Buttonclover, Sourclover, Sweetclover).
Corn, field—Zea mays L.
Corn, pop—Zea mays var. everta (Sturt.) Bailey.
Cotton—Gossypium spp.
Cowpea—Vigna sinensis (Torner) Savi.
Crested dogtail—Cynosurus cristatus L.
Crotalaria, lance—Crotalaria lanceolata E. Mey.
Crotolaria, showy—Crotalaria spectabilis Roth.
Crotalaria, slenderleaf—Crotolaria intermedia Kotschy.
Crotalaria, striped—Crotalaria striata DC.
Crotalaria, Sunn—Crotalaria juncea L.
Dallisgrass—Paspalum dilatatum Poir.
Dichondra repens Forst.
Dropseed, sand—Sporobolus cryptandrus (Torr.) A. Gray.
Emmer—Triticum dicoccum Schrank.
Fescue, Chewings—Festuca rubra var. commutata Gaud.
Fescue, hair—Festuca capillata Lam.
Fescue, meadow—Festuca elatior L.
Fescue, red—Festuca rubra L.
Fescue, sheep—Festuca ovina L.
Fescue, tall—Festuca arundinacea Schreb.
Flax—Linum usitatissimum L.
Grama, blue—Bouteloua gracilis (H. B. K.) Lag.
Grama, side-oats—Bouteloua curtipendula (Michx.) Torr.
Guineagrass—Panicum maximum Jacq.
Hardinggrass—Phalaris tuberosa var. stenoptera (Hack.) Hitche.
Hemp—Cannabis sativa L.
Indiangrass, yellow—Sorghastrum nutans (L.) Nash.
Indigo, hairy—Indigofera hirsuta (L.)
Japanese lawngrass—Zoysia japonica Steud.
Johnsongrass—Sorghum halepense (L.) Pers.
Kudzu—Pueraria thunbergiana (Sieb. and Zucc.) Benth.
Lespedeza, Korean—Lespedeza stipulacea Maxim.
Lespedeza, sericea or Chinese—Lespedeza cuneata Dumont) D. Don. [L. sericea (Thunb.) Miq.]
Lespedeza, Siberian—Lespedeza hedysaroides (Pallas) Ricker.
Lespedeza, striate—Lespedeza striata (Thunb.) Hook. and Arn.
Lovegrass, sand—Eragrostis trichodes (Nutt.) Wood.
Lovegrass, weeping—Eragrostis curvula (Schrad.) Nees.
Lupine, blue—Lupinus angustifolius L.
Lupine, white—Lupinus albus L.
Lupine, yellow—Lupinus luteus L.
Manilagrass—Zoysia matrella (L.) Merr.
Meadow foxtail—Alopecurus pratensis L.
Medick, black—Medicago lupulina L.
Millet, browntop—Panicum ramosum L.
Millet, foxtail—Setaria italica (L.) Beauv.
Millet, Japanese—Echinochloa crusgalli var. frumentacea (Roxb.) Wight.
Millet, pearl—Pennisetum glaucum (L.) R. Br.
Millet, proso—Panicum miliaceum L.
Molassesgrass—Melinis minutiflora Beauv.
Mustard, black—Brassica nigra Koch.
Mustard, white—Brassica hirta Moench.
Napiergrass—Pennisetum purpureum Schumach.
Oat—Avena spp.
Oatgrass, tall—Arrhenatherum elatius (L.) Mert. and Koch.
Orchardgrass—Dactylis glomerata L.
Panicgrass, blue—Panicum antidotale Retz.
Peanut—Arachis hypogaea L.
Pea, field—Pisum sativum var. arvense (L.) Poir.
Poa trivialis—(see Bluegrass, rough).
Rape, annual—Brassica napus var. annua Koch.
Rape, bird—Brassica campestris L.

Rape, turnip—Brassica campestris vars. L.
Rape, winter—Brassica napus var. biennis (Schubl. and Mart.) Reichb.
Redtop—Agrostis alba L.
Rescuegrass—Bromus catharticus Vahl.
Rhodesgrass—Chloris gayana Kunth.
Rice—Oryza sativa L.
Ricegrass, Indian—Oryzopsis hymenoides (Roem. and Schult.) Ricker.
Roughpea—Lathyrus hirstus L.
Rye—Secale cereale L.
Ryegrass or
Ryegrass, Italian—Lolium multiflorum Lam.
Ryegrass, perennial—Lolium perenne L.
Safflower—Carthamus tinctorius L.
Sainfoin—Onobrychis viciaefolia Scop.
Sesame—Sesamum orientale L.
Sesbania—Sesbania exaltata (Raf.) Torr.
Smilo—Oryzopsis miliacea (L.) Benth. and Hook.
Sorghum—Sorghum vulgare Pers.
Sourclover—Melilotus indica (L.) All.
Soybean—Glycine max (L.) Merrill [Soja max (L.) Piper].
Spelt—Triticum spelta L.
Sudangrass—Sorghum vulgare var. sudanense (Piper) Hitchc.
Sunflower—Helianthus annuus L.
Sweetclover or
Sweetclover, white—Melilotus alba Desr.
Sweetclover, yellow—Melilotus officinalis (L.) Lam.
Sweet vernalgrass—Anthoxanthum odoratum L.
Switchgrass—Panicum virgatum L.
Timothy—Phleum pratense L.
Trefoil, big—Lotus uliginosus Schkuhr.
Trefoil, birdsfoot—Lotus corniculatus L.
Vaseygrass—Paspalum urvillei Steud.
Veldtgrass—Ehrharta calycina J. E. Smith.
Velvetbean—Stizolobium deeringianum Bort.
Velvetgrass—Holcus lanatus L.
Vetch or
Vetch, common—Vicia sativa L.
Vetch, hairy—Vicia villosa Roth.
Vetch, Hungarian—Vicia pannonica Grantz.
Vetch, monantha—Vicia articulata Hornem. (V. monantha Desf.)
Vetch, narrowleaf—Vicia angustifolia (L.) Reich.
Vetch, purple—Vicia athopurpurea Desf.
Vetch, woolypod—Vicia dasycarpa Ten.
Wheat or
Wheat, common—Triticum aestivum L. (T. vulgare Vill.)
Wheat, club—Triticum compactum Host.
Wheat, durum—Triticum durum Desf.
Wheat, Polish—Triticum polonicum L.
Wheat, poulard—Triticum turgidum L.
Wheatgrass, crested or fairway crested—Agropyron cristatum (L.) Gaertn.
Wheatgrass, crested or standard crested—Agropyron desertorum (Fisch.) Schult.
Wheatgrass, intermediate—Agropyron intermedium (Host) Beauv.
Wheatgrass, pubescent—Agropyron trichophorum (Link) Richt.
Wheatgrass, slender—Agropyron pauciflorum (Schwein.) Hitchc. (A. Trachycaulum Steud.).
Wheatgrass, tall—Agropyron elongatum (Host) Beauv.
Wheatgrass, western—Agropyron smithii Rydb.
Wild-rye, Canada—Elymus canadensis L.
Wild-rye, Russian—Elymus junceus Fisch.
Zoysia japonica—(see Japanese lawngrass)
Zoysia matrella—(see Manila grass)

b. Paragraph (i) is amended to read as follows:

(i) *Vegetable seeds.* The term "vegetable seeds" means the seeds of the following kinds that are or may be grown in gardens or on truck farms and are or may be generally known and sold under the name of vegetable seeds:

Artichoke—Cynara scolymus L.
Asparagus—Asparagus officinalis L.
Asparagusbean—Vigna sesquipedalis (L.) Fruwirth.
Bean—Phaseolus vulgaris L.
Bean, lima—Phaseolus lunatus var. macrocarpus Van Eseltine.
Bean, runner—Phaseolus coccineus L.
Beet—Beta vulgaris L.
Broadbean—Vicia faba L.
Broccoli—Brassica oleraca var. botrytis L.
Brussels sprouts—Brassica oleracea var. gemmifera Zenker.
Cabbage—Brassica olearacea var. capitata L.
Cantaloupe—(see muskmelon)
Cardoon—Cynara cardunculus L.
Carrot—Daucus carota L.
Cauliflower—Brassica oleracea var. botrytis L.
Celeriac—Apium graviolens var. rapaceum DC.
Celery—Apium graveolens var. dulce (Mill.) Pers.
Chard, Swiss—Beta vulgaris var. cicla L.
Chicory—Cichorium intybus L.
Chinese cabbage—Brassica pekinensis (Lour.) Rupr.
Citron—Citrullus vulgaris Schrad.
Collards—Brassica oleracea var. acephala DC.
Corn, sweet—Zea mays L.
Cornsalad—Valerianella locusta var. olitoria Pall.
Cowpea—Vigna sinensis (Torner) Savi.
Cress, garden—Lepidium sativum L.
Cress, water—Rorippa nasturtium-aquaticum (L.) Britt. and Rendle.
Cucumber—Cucumis sativus L.
Dandelion—Taraxacum officinale Weber.
Eggplant—Solanum melongena var. esculentum Nees.
Endive—Cichorium endivia L.
Kale—Brassica oleracea var. acephala DC.
Kale, Chinese—Brassica oleracea var. alboglabra (Bailey) Musil.
Kohlrabi—Brassica oleracea var. gongylodes L.
Leek—Allium porrum L.
Lettuce—Lactuca sativa L.
Muskmelon—Cucumis melo L.
Mustard—Brassica juncea (L.) Coss.
Mustard, spinach—Brassica perviridis Bailey.
Okra—Hibiscus esculentus L.
Onion—Allium cepa L.
Onion, Welsh—Allium fistulosum L.
Pak-choi—Brassica chinensis L.
Parsley—Petroselinum hortense Hoffm.
Parsnip—Pastinaca sativa L.
Pea—Pisum sativum L.
Pepper—Capsicum spp.
Pumpkin—Cucurbita pepo L., C. maschota Duchesne and C. maxima Duchesne.
Radish—Raphanus sativus L.
Rhubarb—Rheum rhaponticum L.
Rutabaga—Brassica napus var. napobrassica (L.) Reichb.
Salsify—Tragopogon porrifolius L.
Sorrel—Rumex acetosa L.
Soybean—Glycine max (L.) Merrill [Soja max (L.) Piper].
Spinach—Spinacia oleracea L.
Spinach, New Zealand—Tetragonia expansa Thunb.
Squash—Cucurbita Pepo L., C. moschata Duchesne and C. maxima Duchesne.
Tomato—Lycopersicon asculentum Mill.
Tomato, husk—Physalis pubescens L.
Turnip—Brassica rapa L.
Watermelon—Citrullus vulgaris Schrad.

c. Paragraph (y) is amended to read as follows:

(y) *Hybrid.* The term "hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining (1) two, three, or four inbred lines; (2) one inbred or a single cross with an open-pollinated variety; or (3) two varieties or species, except open-pollinated varieties of corn (Zea mays). The second generation and subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.

2a. In § 201.5 (a) insert "orchardgrass," after "alfalfa," and insert "white clover," after "red clover,".

b. Delete paragraph (c) thereof.

3. In § 201.7 delete the phrase "received from the grower" from the first sentence and the phrase "and the sample" from the last sentence, and add the following additional sentence: "A copy of the grower's declaration and a sample of the seed shall be retained by the grower."

4. Amend § 201.12 to read as follows:

§ 201.12 *Name of kind and variety.* The representation of kind or kind and variety shall be confined to the name of the kind or kind and variety determined in accordance with § 201.34. The name shall not have affixed thereto words or terms that create a misleading impression as to the history or characteristics of the kind or variety.

5. In § 201.14 (a) insert "orchardgrass," after "alfalfa," and insert "white clover," after "red clover,".

6. Amend § 201.16 by adding at the end of the section the following sentence: "If in the course of such transportation, or thereafter, the seed is diverted to another State of destination, the person or persons responsible for such diversion shall cause the seed to be relabeled with respect to noxious-weed seed content, if necessary, to conform to the laws and regulations of the State to which the seed is diverted."

7. Amend § 201.20 by adding at the end of the section the following proviso: "*Provided,* That this shall not apply to the seed of Kentucky bluegrass during the months of August and September of the year in which the seed is produced."

8. Amend § 201.26 to read as follows:

§ 201.26 *Kind and variety.* The label shall bear the name of the kind and variety determined in accordance with § 201.34. The name shall not have affixed thereto words or terms that create a misleading impression as to the history or characteristics of the kind or variety.

9. In § 201.31 rearrange the names of kinds of vegetable seeds in the list in alphabetical order in accordance with § 201.2 (i) and insert in proper alphabetical order the following additional kinds and germination standards:

Kale, Chinese	75
Onion, Welsh	75

10. Amend § 201.34 to read as follows:

§ 201.34 *Kind and variety; designation as hybrid*—(a) *Indistinguishable seed.* Proper precautions to insure that the kind or variety or type of indistinguishable agricultural or vegetable seeds is properly stated shall include the maintaining of the records described in § 201.7. The examination of the seed and any pertinent facts may be taken into consideration in determining whether proper precautions have been taken to insure the kind, variety, or type to be that which is shown.

(b) *Name of kind.* The name of each kind of agricultural or vegetable seed is the name listed in § 201.2 (h) or (i), respectively.

(c) *Hybrid designation.* Seed shall not be designated in labeling as "hybrid" seed unless it comes within the definition of "hybrid" in § 201.2 (y).

(d) *Name of variety.* The name of each variety of agricultural or vegetable seed is the name determined in accordance with the following considerations:

(1) The variety name shall represent a subdivision of a kind, which is characterized by growth, plant, fruit, seed, or other characters by which it can be differentiated from other sorts of the same kind.

(2) Except as otherwise provided in this section, the name of a new variety shall be the name given by the originator or discoverer of the variety, except that in the event the originator or discoverer of a new unnamed variety, at the time seed of the variety is first introduced into channels of commerce of the United States for sale to the public, can not or chooses not to name the variety, the name of the variety shall be the first name under which the seed is introduced into such commerce. However if the variety name so provided is in a language not using the Roman alphabet, the variety shall be given a name, by the person authorized under this paragraph to name the variety, in a language using the Roman alphabet.

(3) The variety name shall not be misleading.

(4) The status under the Federal Seed Act of a variety name is not modified by the registration of such name as a trademark.

(5) Names of varieties which through broad general usage prior to the effective date of this section were recognized variety names, except for hybrid seed corn, shall be considered variety names without regard to the principles stated in paragraph (b) of this section.

(6) The variety name for any variety of hybrid seed corn first introduced into commercial channels in the United States for sale prior to October 20, 1951, shall be any name used for such variety in such channels prior to that date. The variety name for any variety of hybrid seed corn first introduced into commercial channels of the United States for sale on or after October 20, 1951, shall be the name assigned in accordance with this section.

(e) *List of variety names.* Variety names for the kinds listed include the following: (Names enclosed in parentheses are synonyms.

(1) *Beans (vegetable snapbeams).*

Asgrow Black Valentine (Stringless Black Valentine; Black Valentine Stringless).
Bountiful (Improved Six Weeks).
Brittle Wax (Burpee's Brittle Wax; Round Pod Kidney Wax).
Cherokee (Black Valentine Wax; Cherokee Wax; Valentine Wax).
Commodore Improved (Improved Commodore).
Contender.
Davis Stringless Wax (Davis Stringless White Wax; Stringless Davis Wax).
Florida Belle.
Full Measure.
Giant Stringless Green Pod.
Idagreen.
Idaho Refugee.
Improved Kidney Wax (Improved Stringless Kidney Wax; Kidney Wax; Stringless Kidney Wax).
Keystonian.
Kinghorn Special.
Logan.
Longreen.
Pencil Pod Black Wax.
Plentiful (Black Seeded Bountiful; Ferry's Plentiful).
Puregold Wax.
Ranger.
Rival.
Sensation Refugee—1066.
Sensation Refugee—1071.
Sensation Wax No. 1.
Slendergreen.
Streamliner (Granda; World's Fair).
Stringless Green Pod (Burpee's Stringless Green Pod; Landreth's Stringless Green Pod).
Stringless Red Valentine (Landreth's Extra Early Stringless Red Valentine; Red Valentine Stringless).
Supergreen.
Sure Crop (Bountiful Wax; Sure Crop Black Wax; Sure Crop Stringless Wax; Sure Crop Wax; Yellow Bountiful Wax).
Tendergreen (Asgrow Stringless Green Pod; New Stringless Green Pod).
Tenderlong 15.
Tender Pod.
Tennessee Green Pod (Brown Bunch; Field's First Early; Knife Blade; Mayo's Brown Bunch).
Topcrop.
Top Notch Golden Wax (Landreth's Top Notch Golden Wax).
Unrivalled Wax.
U. S. No. 5 Refugee.
Wade.

(2) *Cabbage.*

All Head Early (Burpee's All Head Early).
All Head Select (Wisconsin All Head).
American Drumhead Savoy (Improved American Savoy; Long Island Savoy; Perfection Drumhead Savoy; Perfection Late Savoy).
Badger Market.
Bonanza.
Bugner.
Charleston Wakefield (Charleston; Large Charleston Wakefield; Large Jersey; Large Wakefield).
Chieftain Savoy.
Copenhagen Market Early (Condon's Cannon Ball; Copenhagen Market; Extra Early Copenhagen Market; Viking Copenhagen).
Copenhagen Market Medium.
Danish Ballhead.
Danish Ballhead, Harris Special.
Donk's Danish Ballhead.
Early Jersey Wakefield (Extra Early Wakefield; Jersey Wakefield).
Ferry's Hollander.
Ferry's Round Dutch (Early Round Dutch).
Globe.
Glory of Enkhuizen (Enkhuizen Glory).
Golden Acre (Peerless Special; Premier).
Green Acre (Dark Green Copenhagen).
Improved Danish No. 22.
Improved Wisconsin All Seasons.
Improved Wisconsin Ballhead.
Jersey Queen.
Mammoth Rock Red (Mammoth Red Rock).
Marion Market.
Midseason Market.
Morse's Large Red.
Oakview Ballhead.
Penn State Ballhead.
Pennvalley.
Premium Late Flat Dutch (Large Late Flat Dutch; Late Flat Dutch).
Racine Market.
Red Acre.
Resistant Detroit (Detroit Resistant).
Red Danish.
Resistant Glory.
Resistant Golden Acre (Golden Acre Resistant).
Resistant Red Hollander.
Round Red Dutch.
Seneca Ballhead.
Stein's Flat Dutch (Early Flat Dutch; Stein's Early Flat Dutch).
Succession (All Season; Henderson's Succession).
Wisconsin Copenhagen.
Wisconsin Golden Acre.
Wisconsin Hollander (Wisconsin No. 8; Wisconsin Hollander No. 8).

(3) *Onions, hybrid.*

Abundance.
Aristocrat.
Asgrow B46.
Asgrow B47.
Asgrow B45.
Asgrow Y40.
Asgrow Y41.
Asgrow Y42.
Asgrow Y43.
Asgrow Y44.
Autumn Brown.
Autumn Chief.
Autumn Glory.
Autumn Spice.
Autumn Star.
Bonanza.
Brown Beauty.
Burpee Crystal Wax Hybrid.
Burpee Yellow Globe Hybrid.
California Hybrid Red No. 1.
Castilian.
Champion.
Contender.
Crystal Hybrid.
Early Harvest.
Elite.
Encore.
Epoch.
Fiesta.
Granex.
Magnifico.
Pioneer.
Surprise.
Vaughan's Hybrid Sweet Spanish No. 1.

(4) *Soybeans.*

Acadian.
Adams.
Agate.
Aoda.
Arisoy.
Arkan.
Arksoy (Early Wood's Yellow).
Arksoy 2913.
Amredo.
Avoyelles.
Bansei.
Barchet.
Bavender Special.
Biloxi (Brown Biloxi).
Blackhawk.
Boone.
Capital.
Cayuga.
Chame.
Charles.
Cherokee.
Chief.
Chusei.
Clemson.
C. N. S.
Creole.
Cypress No. 1.
Delsoy (Edsoy).
Delsta.
Dorman.
Dortchsoy No. 2.
Dortchsoy No. 31.
Dortchsoy No. 67.
Dunfield.
Earlyana.

Easycook.
Ebony.
Emperor.
Etum (Soy Good).
Flambeau.
Funk Delicious.
Gatan.
Georgian.
Giant Green.
Gibson.
Goldsoy.
Granger.
Habaro.
Haberlandt.
Hahto (Lima Soy).
Hakote.
Harman.
Harosoy.
Hawkeye.
Hayseed.
Herman.
Hidatsa.
Higan.
Hokkaido.
Hongkong.
Illini (Green Field).
Imperial.
Improved Pelican.
JEW 45.
Jogun.
Kabott.
Kanro.
Kanum.
Kingwa (Pekwa).
Korean (Early Korean).
Kura.
Laredo.
Lincoln.
L. Z.
Macoupin.
Magnolia.
Majos.
Mamloxi.
Mammoth Brown (Brown; Giant Brown; Large Brown; Tarheel Brown).
Mammoth Yellow (Large Yellow; Late; Late Yellow; Mammoth; Southern; Yellow).
Mamotan.
Mamredo.
Manchu.
Manchu No. 3.
Manchu No. 606.
Manchukota.
Mandarin (Early Mandarin).
Mandarin No. 507.
Mandarin (Ottawa).
Mandell.
Mendota.
Mingo.
Minsoy (Minnsoya).
Missoy.
Monetta.
Monroe.
Montreal Manchu.
Morse (Siegenthaler).
Mount Carmel.
Mukden.
Nanda.
Nanking.
Norsoy.
Ogden.
Ontario.
Otootan.
Pagoda.
Palmetto.
Patoka.
Peking (Black Champion; Black Sable; Essex; Extra Select Sable; Pedigreed Sable; Red Sable; Sable; Wings Royal).
Pelican.
Pennsoy.
Perry.
Pridesoy No. 57.
Ralsoy.
Richland.
Roanoke.
Rokusun.
Rose Non Pop.
S-100.
Sac.
Scioto.
Seminole.
Seneca.
Sioux.
Sousei (Super Quick).
Tanner (Brown Otootan; Red Otootan; Red Tanner).
Tastee.
Tennessee Non Pop.
Tokyo (Austrian Green; Ita Mame; Late Ita Mame; Mamotoc; Medium Ita Mame; Southern Medium Green).
Viking.
Virginia (Early Virginia Brown; Virginia Brown; Virginia Early Brown).
Volstate.
Wabash.
Willomi.
Wilson (Early Wilson; Early Wilson Black; Wilson Black; Wilson Early; Wilson Early Black).
Wisconsin Black (Early Black; Early Wisconsin Black; Extra Early Black; Wisconsin Early Black).
Wolverine.
Woods Yellow.
Yelnando.
Yelredo.

(5) *Striate lespedeza.*

Common.
Kobe.
Tennessee 76.

11. Amend § 201.36b to read as follows:

§ 201.36b *Name of kind and variety; designation as hybrid.* (a) The representation of the name of a kind or kind and variety of seed in any advertisement subject to the act shall be confined to the name of the kind or kind and variety determined in accordance with § 201.34. The name shall not have associated therewith words or terms that create a misleading impression as to the history or characteristics of the kind or kind and variety. Descriptive terms and firm names may be used in kind or variety names provided the descriptive terms or firm names are a part of the name of the kind or variety of seed; for example, Stringless Green Pod, Detroit Dark Red, Black Seeded Simpson and Henderson Bush Lima. Seed shall not be designated as hybrid seed in any advertisement subject to the act unless it comes within the definition of "hybrid" in § 201.2 (y).

(b) Terms descriptive as to color, shape, size, habit of growth, disease-resistance, or other characteristics of the kind or variety may be associated with the name of the kind or variety provided it is done in a maner which clearly indicates the descriptive term is not a part of the name of the kind or variety; for example, Oshkosh pepper (yellow), Copenhagen Market (round head) cabbage, and Kentucky Wonder pole bean.

(c) Terms descriptive of quality or origin, terms descriptive of the basis for representations made, and terms taken from trade-marks may be associated with the name of the kind or variety of seed provided the terms are clearly identified as being other than part of the name of the kind or variety; for example, Fancy quality redtop, Idaho origin alfalfa, Growers' affidavit of variety Atlas sorgo, and Ox brand Golden Cross corn.

(d) Terms descriptive of the manner or method of production or processing the seed (for example, certified, registered, delinted, scarified, treated, and hulled), may be associated with the name of the kind or variety of seed, provided such terms are not misleading.

12. Amend § 201.42 to read as follows:

§ 201.42 *Small containers.* In Sampling seed in small containers which it is not practical to sample as required in § 201.41, entire unopened containers may be taken in sufficient number to supply a minimum size sample as required in § 201.43. The sample may consist of the contents of one container, or two or more containers when combined.

13. Amend § 201.45 (b) to read as follows:

(b) The sample shall be repeatedly divided to the weight to be used for the working sample. Some form of efficient mechanical divider should be used. In case the proper mechanical divider cannot be used or is not available, the sample shall be thoroughly mixed and placed in a pile and the pile shall be repeatedly divided into halves until a sample of the desired weight remains.

14. Amend § 201.46 as follows:

a. Change the introductory paragraph to read:

For the detailed purity analysis and noxious-weed seed examination the working samples shall be at least the weights set forth in table 1. In mixtures the weight of the sample for purity analysis and the weight of the sample for noxious-weed seed examination shall be determined by the kind (or group of kinds of similar size) which comprises the major proportion of the sample.

b. In table 1 make the necessary changes and amendments in the names for the indicated kinds of seed so the names will be the same as those appearing in table 2, § 201.58. Also arrange the order of the kinds of seeds in table 1 to correspond with the order in which they are listed in table 2.

c. In table 1 change the existing information in the various columns for the indicated kinds to read as follows:

Bahia grass—Paspalum notatum:			
Var. Pensacola	5	50	----
All other varieties	10	50	366
Flax—Linum usitatissimum	15	100	178
Oatgrass, tall meadow—Arrhenatherum elatius	5	50	330
Cornsalad (Fetticus)—Valerianella locusta var. olitoria:			
Vars. Full Hearted and Dark Green Fullhearted	5	50	----
All other varieties	10	50	380

d. In all instances where the figure in the column "Minimum weight for purity analysis" in table 1 is 2 grams, change the corresponding figure in the column "Minimum weight for noxious-weed seed examination" from 50 to 35.

e. Amend table 1 by inserting the following kinds and information in their appropriate alphabetical position:

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
	Gm	*Gm*	
Bluestem, yellow—Andropogon ischaemum	2	35	--------
Buffel grass—Pennisetum ciliare	10	50	--------
Burnet, little—Sanguisorba minor	25	150	108
Buttonclover—Medicago orbicularis	10	50	337
Castor bean—Ricinus communis	500	500	5
Dichondra—Dichondra repens	5	50	472
Indigo, hairy—Indigofera hirsuta	10	50	437
Lovegrass, sand—Eragrostis trichodes	1	25	3,550
Rose clover—Trifolium hirtum	5	50	358
Safflower—Carthamus tinctorius	100	500	29
Sesame—Sesamum indicum	10	50	360
Veldtgrass—Ehrharta calycina	2	35	655
Wheatgrass, pubescent—Agropyron tricophorum	10	50	180
Wheatgrass, intermediate—Agropyron intermedium	10	50	230
Wheatgrass, tall—Agropyron elongatum	10	50	140
Wild-rye, Russian—Elymus junceus	10	50	400
Chinese kale—Brassica oleracea var. alboglabra	10	50	--------
Onion, Welsh—Allium fistulysum	10	50	--------

f. In table 1, delete footnotes 1, 2, and 4, including the reference designations in the table, and renumber footnote No. 3 as No. 1.

15. Amend § 201.47 to read as follows:

§ 201.47 *Separation.* (a) The working sample shall be weighed in grams to four significant figures, and shall then be separated into four parts: (1) Kind or variety to be considered pure seed; (2) other crop seed; (3) weed seed; and (4) inert matter. Each of these four component parts shall be weighed in grams to four significant figures, and the percentage by weight of each part (based on the sum of the weights of the component parts and not on the original weight) shall be determined. The sum of the weights of the component parts shall be compared with the original weight of the working sample as a check against loss of material or other error.

(b) In the case of other crop seed and weed seed, the seeds of each species shall be separated when possible and the number or the weight of each kind determined. The separation of the seed of the kind or variety considered pure seed must be on such a basis that the separation can be made definitely by seed characteristics.

(c) When samples of seed contain two or more similar kinds of seeds the separation of which in the entire working sample would be very difficult, it is permissible to separate and weigh the similar seeds as a group. From the purity working sample at least 400 seeds are to be taken indiscriminately and the separation made on this portion. The proportion of each kind is then determined by weight or, if the seeds are of similar weight, the proportion may be determined by count, and from this the percentage in the entire sample is calculated.

(d) With reference to classification of pure seed, other crop seed, and inert matter, applicable methods of determination may include visual examination, use of reflected light or specific gravity. This has reference particularly to insect-damaged, broken or diseased seeds, or sterile grass florets.

16. Following § 201.47 insert two new undesignated sections to read as follows:

§ 201.— *Seed unit.* The seed unit is the structure usually regarded as a seed in agricultural practices and in commercial channels. The seed unit may consist of one or more of the following structures:

(a) True seeds;

(b) Caryopses and florets in the grass family. In this family the pure seed unit also includes the following structures for the indicated kinds:

(1) Spikelet or paired spikelets with at least one caryopsis in the bluestems (Andropogon) and yellow Indiangrass (Sorghastrum nutans),

(2) Spikelet with at least one caryopsis in the gramas (Bouteloua), or spike with at least one caryopsis in side-oats grama (B. curtipendula),

(3) Bur or fertile floret of buffalo grass (Buchloe dactyloides),

(4) Fascicle of buffel grass (Pennisetum ciliare),

(5) Bulblet of bulbous bluegrass (Poa bulbosa);

(c) Dry indehiscent fruits in the following plant families: Buckwheat (Polygonaceae), sunflower (Compositae), geranium (Geraniaceae), goosefoot (Chenopodiaceae), and valerian (Valerianaceae);

(d) One- and two-seeded pods of small-seeded legumes, burs of the bur clovers, and pods of peanuts. (This does not preclude the shelling of small-seeded legumes for purposes of identification);

(e) Fruits or half fruits in the carrot family (Umbelliferae);

(f) Nutlets in the following plant families: Borage (Boraginaceae), mint (Labiateae), vervain (Verbenaceae);

(g) "Seed balls" or portions thereof in beets (Beta), and fruits with accessory structures such as occur in New Zealand spinach (Tetragonia expansa).

§ 201.— *Working samples.* The purity working sample is the sample on which the purity analysis is made. The noxious-weed seed working sample is the sample on which the noxious-weed seed examination is made.

17. Amend § 201.48 to read as follows:

§ 201.48 *Kind or variety considered pure seed.* The pure seed shall include all seeds of each kind or each kind and variety under consideration present in excess of 5 percent of the whole, and may include kinds and varieties present to an extent of 5 percent or less of the whole. The following shall be included with the pure seed:

(a) Seeds that are immature, shriveled, cracked, insect-damaged or otherwise injured. (Seeds of legumes and crucifers with the seedcoat entirely removed shall be classified as inert matter. See § 201.51);

(b) Pieces of broken seeds that are larger than one-half the original size;

(c) Seeds that have started to germinate;

(d) Seeds of Cucurbitaceae and Solanaceae consisting principally of seedcoat (usually referred to as empty seed);

(e) Empty fruits (seed units) of species belonging to the following families: Sunflower (Compositae), buckwheat (Polygonaceae), carrot (Umbelliferae), valerian (Valerianaceae), mint (Labiateae), and other families in which the seed unit may be a dry, indehiscent, one-seeded fruit;

(f) All seed units of grasses in which a caryopsis can be detected either by light pressure or by reflected light;

(g) Multiple florets, or spikelets, of the following kinds of seeds when one or more of the florets contain a caryopsis: Bluegrass (Poa), tall meadow oatgrass (Arrhenatherum elatius), Rhodes grass (Chloris gayana), bluestems (Andropogon), gramas (Bouteloua), and oats (Avena), and spikes of side-oats grama (Bouteloua curtipendula) that contain one or more caryopses; in the case of orchard grass (Dactylis glomerata) all empty florets may be removed and classed as inert matter; or alternatively, all multiple florets may be weighed without detaching the empty florets in which case four-fifths (⅘) of the weight is added to the pure seed and one-fifth (⅕) to the inert matter;

(h) Diseased seeds, except ergots, smut balls, and other fungus bodies which are to be classed as inert matter. (See § 201.51);

(i) Insect-damaged seeds, except (1) broken pieces that are one-half or less than the orginal size and (2) chalcid-damaged seeds of alfalfa, red clover, and similar kinds of small-seeded legumes;

(j) Seed units of New Zealand spinach and beets regardless of whether they contain true seeds: *Provided,* That in the case of segmented beet balls, small fragments which obviously do not contain true seeds shall be classified as inert matter.

18. Amend § 201.49 to read as follows:

§ 201.49 *Other crop seed.* Seeds of plants grown as crops (other than the kind or variety included in the pure seed) shall be considered other crop seeds, unless recognized as weed seeds by applicable laws, or regulations, or by general usage. All interpretations and definitions for "pure seed" in § 201.48 shall also apply in determining whether seeds are other crop seed or inert matter.

19. Amend § 201.50 to read as follows:

§ 201.50 *Weed seed.* Seeds, bulblets, or tubers of plants recognized as weeds by applicable laws or regulations, or general usage shall be considered weed seeds. Badly injured weed seeds and empty, seedlike structures, including those of noxious-weed seeds, as described in § 201.51, shall be considered inert matter and not weed seeds. When seeds of Juncus tenuis, or other species of Juncus having seeds of a similar size, are present they may be included with the inert matter. However, clusters of Juncus seeds shall be included with the weed seeds.

20. Amend § 201.51 to read as follows:

§ 201.51 *Inert matter.* Inert matter shall include seeds and seedlike structures from both crop and weed plants and other material not seeds as follows:

(a) Crop plants—

(1) Broken seeds: Pieces of broken seeds one-half the original size or less;

(2) Seeds of legumes and crucifers with the seedcoats entirely removed;

(3) Glumes and empty florets except when considered pure seed or other crop seed under §§ 201.48 and 201.49;

(b) Weed plants—

(1) Damaged seeds (other than caryopses of grasses) with over one-half of the embryo missing;

(2) Damaged caryopses of grasses, with over one-half of the root shoot axis missing (the scutellum excluded); and glumes and empty florets of grasses;

(3) Seeds of legumes and species of Brassica with the seedcoats entirely removed;

(4) Empty fruits (seeds) such as occur in the following plant families: Sedge (Cyperaceae), buckwheat (Polygonaceae), morning-glory (Convolvulacreae), and sunflower (Compositae). (This is to be determined by visual examination, which may include dissection or the use of reflected light);

(5) Bulblets of wild onion and wild garlic (Allium) which are devoid of the husk and pass through a 10 x 10 mesh screen (10 mesh per inch) made of 26 gage (0.020 inch diameter) stainless steel wire; bulblets which are devoid of the husks and are retained on 10 x 10 mesh screen, but which show injury to the basal end; bulblets which show evident damage to the basal end and have part of the husk removed;

(6) Immature florets of quackgrass (Agropyron repens) in which the caryopses are less than one-third the length of the palea;

(7) Dodder (Cuscuta): Seeds which are either (i) fragile, (ii) ashy gray to creamy white in color, or (iii) badly shriveled;

(8) Buckhorn (Plantago lanceolata): Black seeds, with no brown color evident, whether shriveled or plump; (The color of questionable seeds should be determined under a magnification of approximately 10 X with strong light);

(9) Ragweed (Ambrosia): Seed with both the involucre and pericarp absent;

(c) Other matter—

(1) Nematode galls, including galls enveloped by the lemma and palea of grass florets;

(2) Fungus bodies, such as ergot and other sclerotia, and smut balls;

(3) All inert matter such as soil particles, sand, stones, chaff, stems, and leaves.

21. Amend § 201.52 to read as follows:

§ 201.52 *Noxious-weed seeds.* The determination of the number of seeds, bulblets, or tubers of individual noxious weeds present per unit weight should be made on at least the minimum quantities listed in table 1: *Provided,* That if the following indicated numbers of a single kind of seed, bulblet, or tuber are found in the pure-seed analysis (or noxious-weed seed examination of a like amount) the occurrence of that species in the remainder of the bulk examined for noxious-weed seeds need not be noted: ½-gram purity working sample, 16 or more seeds; 1-gram purity working sample, 23 or more seeds; 2-gram purity working sample or larger, 30 or more seeds.

22. In § 201.53 change paragraph "(c)" to read as follows:

(c) When only a germination test is required and the pure seed is found to be less than 98 percent, the seed for the test shall be obtained by separating the sample into two components as follows: (1) Pure seed and (2) other crop seed, weed seed, and inert matter. In making this separation at least ¼ of the quantity required for a regular purity analysis shall be used. The whole sample must be well mixed and divided in such a manner as to get a completely representative subsample.

23. Amend § 201.55 to read as follows:

§ 201.55 *Retests.* (a) In considering whether a retest is required a difference of 10 percent between any two 100-seed replicates is permitted when the average is 80 percent or above, and a difference of 15 percent when the average is below 80 percent. When all 4 replicates are in agreement (i. e., do not exceed the 10 and 15 percent limits) the average shall be used and a retest is not required. If three replicates are in agreement the median of the four replicates shall be used and a retest is not required. (The median of four replicates is the average of the two middle values). When no more than two replicates are in agreement, a retest is necessary. If, at the time of the prescribed final count there are indications that a satisfactory germination has not been obtained, such as the presence of firm ungerminated seeds, a retest should be made.

(b) Samples showing injury as a result of chemical treatments shall be retested in soil. The result of the soil test will be regarded as authentic.

(c) When one or more retests, or concurrent tests, are made in the same laboratory in accordance with this part by either (1) the same method, or (2) alternate methods, the results of all tests within tolerance shall be averaged. When the results obtained by different methods are not within tolerance of each other, the higher result shall be used.

24. Following § 201.55, insert a new undesignated section to read as follows:

§ 201.— *Moisture and aeration of substratum.* (a) The substratum must be moist enough to supply the needed moisture to the seeds at all times. Excessive moisture which will restrict aeration of the seeds should be avoided. Except as provided for those kinds of seeds requiring high moisture levels of the germination media, the substrata should never be so wet that a film of water is formed around the seeds. For most kinds of seeds blotters or other paper substrata should not be so wet that by pressing, a film of water forms around the finger.

(b) The following formula may be used as a guide in the preparation of sand for germination tests:

$$\frac{118.3 \text{ cc. (1 gill) sand}}{\text{Its weight in grams}} \times 20.2 - 8.0 = \text{The number of cc. of water to add to each 100 grams of air-dry sand.}$$

(c) The amount of water provided by this formula is satisfactory for seeds the size of clovers and will have to be modified slightly, depending on the kind of seed being tested and the kind of sand used. For example, slightly more moisture should be added when the larger seeds are to be tested.

(d) In preparing soil tests water should be added to the soil until it can be formed into a ball when squeezed in the palm of the hand but will break freely when pressed between two fingers. After the soil has been moistened it should be rubbed through a sieve and put in the seed containers without packing.

(e) The addition of water subsequent to placing the seed in test will depend on the evaporation from the substrata in the germination chambers. Since the rate of evaporation will depend upon the relative humidity of the air, it is desirable to keep water in the germination chambers or to provide other means of supplying a relative humidity of approximately 95 percent. Germination tests should be observed at frequent intervals to insure an adequate moisture supply of the substrata at all times.

25. Amend § 201.56 to read as follows:

§ 201.56 *Interpretation.* (a) A seed shall be considered to have germinated when it has developed those essential structures which, for the kind of seed under consideration, are indicative of its ability to produce a normal plant under favorable conditions. Seedlings possessing those essential structures are referred to as normal seedlings. Abnormal seedlings, consisting of those which are broken, devoid of roots, malformed, or weak, and other types not possessing essential structures, shall not be considered to have germinated.

(b) Sand and/or soil tests may be used as a guide in determining the classification of questionable seedlings and the evaluation of germination tests made on approved artificial media. This is intended to provide a method of checking the reliability of tests made on artificial substrata when there may be doubt as to the proper evaluation of such tests.

(c) Seedlings infected with fungi or bacteria should be regarded as normal if all essential structures are present. A seedling that has been seriously damaged by bacteria or fungi from any source other than the specific seed should be regarded as normal if it is determined that all essential structures were present before the injury or damage occurred. Germination counts should be made on samples where contamination and decay are present at approximately 2-day intervals between the usual first count and the final count. During the progress of the germination test, seeds which are obviously dead and moldy and which may be a source of contamination of healthy seeds should be removed at each count and the number of such dead seeds should be recorded. When symptoms of certain diseases develop which can be readily recognized and identified, their presence should be noted.

(d) Seed units containing more than one seed or embryo, such as New Zealand spinach seed, Beta seed, and seed units of grasses consisting of multiple florets, shall be tested as a single seed and shall be regarded as having germinated if they produce one or more normal seedlings.

(e) Standard guides for seedling interpretation shall include the photographs of normal and abnormal seedlings[1] identified by photo numbers in table 2 in § 201.58 and the following descriptions for specific kinds and groups.

26. Following § 201.56, insert 11 new sections to read, respectively, as follows:

§ 201.56–1 *Goosefoot family (Chenopodiaceae) and Carpetweed family (Aizoaceae).* (a) Kinds of seed: Beet, swiss chard, mangel, spinach, and New Zealand spinach.

(b) A completely normal seedling of the kinds specified in paragraph (a) of this section should have a long, slender root with root hairs, a long, well-developed hypocotyl, two attached leaflike cotyledons and an intact but small epicotyl. Normal seedlings shall include those that have: (1) A well-developed, long, slender root with root hairs; (2) a stubby primary root provided the secondary roots are strong and the hypocotyl is near normal length, as in spinach; (3) at least one attached cotyledon, provided the seedling is otherwise normal; (4) slight infection by fungi, provided none of the essential seedling structures have been damaged; (5) normal seedlings structures of Beta that have been discolored from toxic substances in the seed balls or other causes; or (6) at least one normal seedling from a seed ball, regardless of whether abnormal seedlings also emerge from the same fruit.

(c) Abnormal seedlings include those that have: (1) No root or a stubby primary root with poor secondary root development, usually associated with a shortened hypocotyl; (2) a malformed, shortened, twisted, watery, or stubby hypocotyl, usually associated with a stubby root but not necessarily so; (3) deep grainy lesions or cracks in the hypocotyl if they appear to interfere with the conducting tissues; (4) both cotyledons absent as in samples of "sheared" beets and occasional samples of spinach; (5) two large cotyledons, but a malformed, short hypocotyl, usually with a stubby root; (6) decayed cotyledons or hypocotyl, provided they are not the result of improper test conditions (if there is decay of beet seedlings in blotter tests the results from a properly conducted soil or sand test should be accepted as correct); or (7) various combinations of the above-described abnormalities.

[1] These photographs may be purchased from the Office of Information, United States Department of Agriculture, Washington 25, D. C.

§ 201.56–2 *Sunflower family (Compositae).* Kinds of seed: Artichoke, cardoon, chicory, dandelion, endive, lettuce, safflower, salisfy, and sunflower.

By the end of the germination test, a perfectly normal seedling belonging to the sunflower family should have a well-developed root with root hairs, a long and well-developed hypocotyl, two leaflike cotyledons, and a small but visible epicotyl.

(a) Lettuce: The interpretations of lettuce seedlings are made only at the end of the test period.

(1) Normal seedlings include those that have: (i) A well-developed, long, slender root with root hairs; (ii) a well-developed long hypocotyl with no deep lesions which might interfere with the conducting tissues; (iii) two green cotyledons with some blackened or reddish brown areas, provided the hypocotyl and roots have developed normally or approximately so; or (iv) slight inflections by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No roots or very stubby or shortened roots, which are usually associated with a shortened hypocotyl; (ii) shortened hypocotyl which are usually associated with stubby roots; (iii) a malformed hypocotyl, severely twisted or having grainy areas or cracks extending into the conducting tissues; (iv) cotyledons with large areas of blackish or reddish brown tissue, usually appearing along the midrib, associated with a short hypocotyl and root (the seedcoats are often attached to the cotyledons, adhering to the darkened areas and can be easily removed if lightly sprinkled with water); (v) cotyledons with a gray cast over their entire area, usually darker at the midrib section (hypocotyl and roots invariably shortened and seedcoats usually attached to the cotyledons); (vi) swollen, blackened cotyledons with only vestiges of hypocotyl and root, the seedcoats usually remaining attached to the cotyledons; (vii) decayed cotyledons; or (viii) various combinations of the above-described abnormalities.

(b) Other kinds in the sunflower family: This group includes artichoke, cardoon, sunflower, safflower, salsify, dandelion, chicory, and endive.

(1) Normal seedlings include those that have: (i) A well-developed, long, slender primary root with root hairs; (ii) a stubby root if there are one or more strong secondary roots, provided the seedling is otherwise normal; (iii) a well-developed, long hypocotyl with no prominent breaks or deep lesions which might interfere with the conducting tissues; (iv) at least one uninjured cotyledon, provided the epicotyl is also present; or (v) slight infection of the roots or hypocotyl with fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No root or a stubby root with weak secondary roots, usually associated with a shortened hypocotyl; (ii) a malformed hypocotyl, which may be curled, shortened, or thickened, usually associated with a stubby root; (iii) deep, unhealed cracks or grainy areas on the hypocotyl, extending into the conducting tissues; (iv) both cotyledons entirely broken off; (v) one cotyledon broken off, provided the epicotyl is also absent; (vi) two normal cotyledons with a short malformed hyopcotyl, usually with a stubby root; (vii) decayed cotyledons, provided the infection is not caused by improper test conditions; or (viii) various combinations of the above-described abnormalities.

§ 201.56–3 *Mustard family (Cruciferae).* Kinds of seed: Broccoli, brussels sprouts, cabbage, Chinese cabbage, cauliflower, collards, garden cress, water cress, kale, Chinese kale, kohlrabi, mustard, pakchoi, radish, rape, rutabaga, and turnip.

By the end of the germination test, a perfectly normal cruciferious seedling should have a well-developed root, usually with root hairs, a long hypocotyl, two intact green leaflike cotyledons and a small but visible epicotyl or growing point.

(a) *Radish and brassica.* (1) Normal seedlings include those that have: (i) A well-developed, long, slender primary root with root hairs; (ii) a well-developed, long hypocotyl with no prominent breaks or deep lesions which might interfere with the conducting tissues; (iii) one or two cotyledons not decayed at the point of attachment to the hypocotyl, provided the epicotyl is also present; (iv) slight decay at the base of one cotyledon, provided the epicotyl is not infected; (v) less than 50 percent of the area of the cotyledons covered with spots or darkened areas; or (vi) slight infection of roots or hypocotyl with fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No root or a stubby root, usually associated with a shortened hypocotyl; (ii) a malformed hypocotyl, which may be curled, shortened, or thickened and usually associated with a stubby root; (iii) deep, unhealed cracks or lesions (often grainy) on the hypocotyl, extending into the conducting tissues; (iv) decay at the point of attachment of both cotyledons to the hypocotyl which may or may not involve the terminal bud; (v) decay at the point of attachment of one cotyledon to the hypocotyl, provided the terminal bud is also decayed; (vi) 50 percent or more of the area of the cotyledons covered with spots or darkened areas; (vii) decayed roots or hypocotyl, provided the infection was not caused by improper test conditions; (viii) watery hypocotyl (usually associated with some other abnormality of the seedlings) provided this condition is not caused by excessive moisture of the substratum; or (ix) various combinations of the abnormalities described in this subparagraph.

(b) *Garden cress and water cress.* (1) Normal seedlings include those that have: (i) A well-developed, slender root with root hairs; (ii) a long, well-developed hypocotyl with no prominent breaks

or deep lesions which might interfere with the conducting tissues; (iii) intact cotyledons; or (iv) slight infection with fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No root, or a stubby root, usually associated with a shortened hypocotyl; (ii) a malformed hypocotyl, which may be curled, twisted, shortened, or thickened and frequently associated with a stubby root; (iii) deep, unhealed cracks or grainy lesions on the hypocotyl, extending into the conducting tissues; (iv) watery hypocotyls, usually associated with stubby roots or decayed cotyledons; (v) cotyledons entirely broken off; (vi) decayed cotyledons, provided the infection was not caused by improper test conditions; or (vii) various combinations of the above-described abnormalities.

§ 201.56–4 *Cucurbit family (Cucurbitaceae).* (a) Kinds of seed: Citron, cucumber, muskmelon or cantaloup, pumpkin, squash, and watermelon.

(b) By the end of the germination test a perfectly normal seedling should have a well-developed primary root with several secondary roots, a long hypocotyl, two intact cotyledons, and an epicotyl or terminal growing bud.

(1) Normal seedlings include those that have: (i) A well-developed primary root with or without secondary roots; (ii) a stubby primary root with at least two strong and vigorous adventitious roots, provided the hypocotyl is not shortened very much; (iii) a long well-developed hypocotyl; (iv) two intact cotyledons; or (v) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No primary root, a stubby primary root only, or a stubby primary root with weak secondard roots which are usually associated with a short hypocotyl; (ii) a malformed hypocotyl which may be shortened or thickened; (iii) a thickened and shortened hypocotyl and roots owing to injury from chemical treatment, provided the injury is still apparent in a soil or sand check test; (iv) decayed cotyledons or other essential seedling structures, provided the decay was not the result of improper test conditions; or (v) various combinations of the above-described abnormalities.

§ 201.56–5 *Grass family (Gramineae).* Kinds of seed: Bentgrasses, bluegrasses, bluestems, bromes, cereals, fescues, millets, orchard grass, redtop, ryegrass, sorghum, timothy, wheatgrass, and all other grasses listed in § 201.1 (h).

In the grass family a perfect seedling should have a well-developed primary root system, an intact cotyledon or scutellum, seed free from serious decay and long, well-developed green leaves within the coleoptile. One or more leaves may have broken through the coleoptile by the end of the test period.

(a) *Barley, oats, rye, and wheat.* (1) Normal seedlings include those that have: (i) At least one primary or seminal root, but preferably two or three seminal roots, provided the shoot is well-developed and the grain is not badly decayed; (ii) well-developed leaves, green in color, and long enough to extend more than half way up into the sheath or coleoptile at the time the seedling is evaluated; (iii) spiral twisting or bending of the shoot, provided it is green in color, has normal length, and is not frost damaged; or (iv) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No primary root, (ii) only one or two short or spindly seminal roots which are usually accompanied by weakened shoots and decayed grains; (iii) no green leaves, but only the white sheath or coleoptile formed, which may or may not be grainy, spirally twisted, split, or shortened; (iv) a shortened shoot, extending no more than one-half the way up through the coleoptile; (v) a thin, spindly, or watery shoot usually accompanied by weak root development and decayed grains; (vi) badly shattered or longitudinally split leaves, with or without splitting of the coleoptile; (vii) thickened and shortened shoot (leaves and coleoptile) often the result of overtreatment of seed with chemicals; (viii) decayed shoots (usually weak and show decay near the point of attachment to the grain which has often decayed) provided the decay is not the result of improper test conditions; (ix) bad frost-damage characterized by grainy coleoptiles and spirally twisted leaves and coleoptiles; (x) coleoptiles developed without the leaves (in soil tests, some of the longest of the spirally twisted seedlings will appear fairly strong but most of them break off just above the attachment of the plumule and coleoptile to the grain; the shortest of the seedlings do not emerge in soil tests); or (xi) various combinations of the abnormalities described in this subparagraph.

(b) *Rice.* (1) Normal seedlings include those that have: (i) One primary root, usually with numerous lateral roots (several permanent roots arising from the first node should be present if seedlings are not removed until the end of the test); (ii) well-developed green leaves which ordinarily should have broken through the coleoptile at the time the seedling is evaluated; or (iii) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No roots; (ii) a spindly primary root with very little or no branching or secondary development; (iii) no green leaves, but only the white sheath or coleoptile; (iv) a spindly and sometimes watery shoot which is usually associated with decay of the rice grain; (v) a short leaf, extending no more than one-half the distance up through the coleoptile; (vi) shattered or longitudinally split plumules with or without splitting of the coleoptile; (vii) decayed plumules (usually appear weak and show decay near the point of attachment to the grain) provided the decay is not the result of improper test conditions; or (viii) various combinations of the above-described abnormalities.

(c) *Corn.* (1) Normal seedlings include those that have: (i) One primary root, usually with secondary roots present; (ii) no primary root, but with at least two vigorous secondary roots, provided the grain is not badly decayed, and the shoot is well-developed; (iii) well-developed green leaves, usually broken through the coleoptile by the end of the test period; (iv) twisted and curled shoots bound by the tough seedcoat, provided the shoot is not decayed; or (v) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No primary or secondary roots; (ii) no primary roots but small and weak secondary roots; (iii) no plumule, but only the white sheath or coleoptile; (iv) a shortened plumule, extending no more than one-half the way up through the coleoptile; (v) a thickened and shortened shoot, often the result of overtreatment of seed with chemicals; (vi) a spindly and pale shoot usually associated with moldy seeds; (vii) albino (entirely white) seedlings, which will not develop into plants because of lack of chlorophyll; (viii) shattered or longitudinally split leaves, with or without splitting of the coleoptile; (ix) decayed shoots of which the plumules usually appear weak and show decay near the point of attachment to the grain and the scutellum is usually rotten, provided the decay is not the result of improper test conditions; or (x) various combinations of the abnormalities described in this subparagraph.

(d) *Sorghum and Sudan grass.* (1) Normal seedlings include those that have: (i) One primary root, usually with well-developed secondary roots and root hairs if left for final counts in soil tests; (ii) well-developed, green leaves, usually broken through the coleoptile by the end of the test period; (iii) slight infection by fungi, provided none of the essential seedling structures have been damaged; or (iv) red coloration on the roots and on the coleoptile of the shoot, caused by natural pigments, provided the seedling is otherwise normal.

(2) Abnormal seedlings include those that have: (i) No roots; (ii) a weak, spindly, and usually shortened primary root, which is often associated with decay of the grain; (iii) no plumule, but only the white sheath or coleoptile; (iv) a shortened plumule, extending no more than one-half the way up through the coleoptile; (v) a spindly and pale plumule, usually associated with moldy seeds; (vi) shattered and longitudinally split plumules, with or without splitting of the coleoptile; (vii) decayed plumules, provided the decay is not the result of improper test conditions (the plumules usually appear weak and show decay near the point of attachment to the grain which is usually rotten); or (viii) various combinations of the abnormalities described in this subparagraph.

(e) *Grasses and millets.* (1) Normal seedlings include those that have: (i) A well-developed primary root, usually with root hairs; (ii) a well-developed green plumule which has usually broken through the coleoptile by the end of the test period; (iii) slight infection by fungi, provided none of the essential seedling structures have been damaged; (iv) spirally coiled roots held within the tightly enveloping glumes as in certain samples of Bermuda grass; or (v) poor root development resulting from injury caused by use of a potassium nitrate solution (if many roots are so affected, a retest should be made on top of soil in closed Petri dishes).

(2) Abnormal seedlings include those that have: (i) No root; (ii) a weak, stubby, or spindly root, usually short and watery, associated with a decayed seed; (iii) no plumule, but only the white sheath or coleoptile which is often short and thick; (iv) a shortened plumule, extending only one-half the distance up through the coleoptile; (v) a spindly plumule, usually pale and watery; (vi) a shattered longitudinally split plumule with or without splitting of the coleoptile; (vii) decayed plumules, provided the decay is not the result of improper test conditions (the plumules usually appear weak and show decay near the point of attachment to the seed, which is usually rotten); or (viii) various combinations of the abnormalities described in this subparagraph.

§ 201.56–6 *Legume or pea family (Leguminosae).* Kinds of seed: Alfalfa, alyceclover, asparagusbean, beans (Phaseolus spp.), beggarweed, black medic, broadbean, bur-clovers, button-clover, chickpea, clovers (Trifolium spp.), cowpea, crotalarias, hairy indigo, kudzu, lespedezas, lupines, peas, peanut, rough pea, sainfoin, sesbania, sourclover, soybean, sweetclover, trefoils, velvetbean, and vetches.

(a) *Beans; adzuki, field, garden, lima, mung, and asparagusbean.* Seedling interpretation for all these beans is similar as they all have the same type of development.

(1) Normal seedlings include those that have: (i) a terminal bud or epicotyl, and at least one primary leaf, even though one or both cotyledons may be present; (ii) a primary root or adventitious or secondary roots sufficient to anchor the seedling when grown in soil or sand, provided the hypocotyl is approximately of normal length; (iii) a fairly well-developed hypocotyl with no prominent breaks or deep lesions (Healed breaks, sometimes referred to as knees, are to be considered as normal, provided the seedling is not spindly); (iv) spirally twisted and curled roots and hypocotyl held within the tough seedcoat, causing delayed development, but are otherwise normal; (v) slight infection caused by fungi or bacteria, provided the essential structures have not been seriously damaged and appear to be able to carry on their normal functions at the time of evaluation. (If a few seedlings with total or partial decay of the plumule are found, they may be counted as normal, provided the hypocotyl and root are well-developed. The plumules on such seedlings usually do not decay when grown under greenhouse conditions where the cotyledons open up naturally and are exposed to a dry environment and sunlight. However, if there are many seedlings with decayed plumules in a test, a retest should be made and such seedlings evaluated cautiously).

(2) Abnormal seedlings include those that have: (i) No primary leaves or terminal bud (baldheads); (ii) no primary leaves, but with a terminal bud (snakeheads or partial baldheads); (iii) no primary leaves, but terminal bud present and axillary buds in one or both of the cotyledons (partial baldheads); (iv) a malformed hypocotyl, which may be characterized by open splits, or one that appears curled, shortened, or thickened; (v) no primary root or well-developed set of adventitious or secondary roots; or various combinations of the abnormalities described in this subparagraph.

(b) *Broadbean, runner bean, velvetbean, chickpea, field pea, garden pea, roughpea, and vetches.* In this group a perfectly normal seedling should have a well-formed root, with or without secondary or adventitious development, a strong epicotyl with fairly long stem, a well-developed epicotyl with the leaves and terminal bud intact, and attached cotyledons.

(1) Normal seedlings include those that have: (i) A primary root or a set of secondary or adventitious roots sufficient to anchor the seedling when grown in soil or sand, provided the stem is not badly shortened; (ii) a fairly well-developed stem with no prominent breaks or deep lesions which might interfere with the conducting tissues; (iii) a terminal bud with at least one first leaf and an intact growing point; (iv) two shoots, provided the seedling appears vigorous and at least one of the shoots has a normal epicotyl and root; or (v) slight infection by fungi, provided the essential seedling parts have not been seriously damaged and appear to be able to carry on their normal functions at the time of evaluation.

(2) Abnormal seedlings include those that have: (i) No primary root or well-developed secondary or adventitious roots; (ii) a malformed stem, which may be characterized by severe open splits, and curled, shortened, or thickened development; (iii) no epicotyl, or an epicotyl without the terminal bud; (iv) shoots both of which appear weak and spindly, often partially broken away from the cotyledons; (v) decay caused by the spread of organisms from the cotyledons of the developing seedling; or (vi) various combinations of the abnormalities described in this subparagraph.

(c) *Cowpeas, lupines, peanuts, and soybeans.* A completely normal seedling of the above-mentioned kinds should have a well-formed root with or without secondary or adventitious roots, a strong and fairly long hypocotyl with two attached and open cotyledons, two well-developed primary leaves, and an intact terminal bud or epicotyl.

(1) Normal seedlings include those that have: (i) A primary root or a set of secondary or adventitious roots sufficient to anchor the seedling when grown in soil or sand, provided the hypocotyl is normal; (ii) a fairly well-developed hypocotyl with no prominent breaks or deep lesions which might interfere with the conducting tissues; (iii) a plumule with at least one leaf and an intact growing point; or (iv) slight infection by fungi, provided the essential seedling parts have not been seriously damaged and appear to be able to carry on their normal functions at the time of evaluation.

(2) Abnormal seedlings include those that have: (i) No primary root or no well-developed secondary or adventitious roots; (ii) a malformed hypocotyl which may be curled, shortened, or thickened or have severe open splits; (iii) no epicotyl, or one without the growing point, with or without leaves; (iv) decayed epicotyl, provided the decay has spread from the rotted cotyledons of the developing seedling; or (vi) various combinations of the abnormalities described in this subparagraph.

(d) *Alfalfa, alyceclover, beggarweed, black medic, burclovers, buttonclover, clovers, crotalarias, hairy indigo, kudzu, lespedezas, sainfoin, sesbania, sourclover, sweetclovers, trefoils.* By the end of the germination test a perfectly normal seedling should have a long, slender root, usually with root hairs, a long hypocotyl, two attached cotyledons which have opened, and an intact epicotyl or growing point.

(1) Normal seedlings include those that have: (i) A long, slender root, usually with root hairs; (ii) slightly stubby roots on blotter tests of sweetclovers, provided the seedling is otherwise normal; (iii) roots slightly stubby from being held back by the attached seedcoat, provided the seedling is otherwise normal; (iv) short splits on the roots, provided the split does not extend into the central conducting tissues of the hypocotyl, and provided further that root hairs are present and the seedling is normal in other respects; (v) a long, well-developed hypocotyl which may have slight cracks or breaks, provided they do not extend into the conducting tissues; (vi) at least one cotyledon, provided the epicotyl is also present; or (vii) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) Stubby roots, usually associated with shortened hypocotyl; (ii) longitudinal, deep splits on the roots, extending into the conducting tissues of the hypocotyls; (iii) deep cracks or breaks in the hypocotyl which extend into the conducting tissues; (iv) both cotyledons broken off; (v) one cotyledon broken off if the epicotyl is also absent; (vi) rotted cotyledons, provided the decay did not spread to the seedling from an adjacent seed or was not the result of improper test conditions; (vii) A spindly, watery hypocotyl, provided it is not the result of excess moisture in the substrata (usually seedlings of this type have one or more abnormalities of the essential structures, such as broken cotyledons or deep splits in the hypocotyl); or (viii) various combinations of the abnormalities described in this subparagraph.

§ 201.56–7 *Lily family (Liliaceae).* Kinds of seed: Asparagus, leek, onion, and Welsh onion.

(a) *Onion, Welsh onion, and leek.* By the end of the test period a perfectly normal onion or leek seedling should have a long, slender root with a thickened area where it is joined to the base of the hypocotyl, a fairly long hypocotyl,

and a long, green cotyledon with a definite loop or bend, often referred to as the "knee."

(1) Normal seedlings include those that have: (i) A well-developed, long, slender root, with or without root hairs; (ii) a fairly long hypocotyl; (iii) a long, green, leaflike cotyledon, with a well-developed bend or "knee" or (iv) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) A thickened area at the base of the hypocotyl with no root, or a stubby root; (ii) a very short hypocotyl, usually associated with a poorly developed root and cotyledon; (iii) a poorly developed leaflike cotyledon without a definite bend or "knee"; (iv) a spindly, watery hypocotyl, often associated with slowness in sprouting, and one or more other abnormalities; (v) a rotted cotyledon, provided the decay is not the result of improper test conditions; or (vi) various combinations of the abnormalities described in this subparagraph.

(b) *Asparagus.* By the end of the test period a normal asparagus seedling should have a long, slender root, a fairly long epicotyl, an intact terminal bud, and the seedling should not be broken away from the cotyledon.

(1) Normal seedlings include those that have: (i) A long, slender root; (ii) a long, well-developed epicotyl with terminal growing point; (iii) the cotyledon attached to the seedling; or (iv) slight infestation by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) No root, or a very stubby root with weak secondary root development; (ii) a malformed epicotyl, which may be thickened, shortened, or twisted; (iii) no terminal growing point or bud; (iv) cotyledon broken away from the seedling; (v) decayed epicotyl, provided the decay is not the result of improper test conditions; or (vi) various combinations of the abnormalities described in this subparagraph.

§ 201.56–8 *Flax family (Linaceae).* (a) Kind of seed: Flax.

(b) By the end of the germination test a normal flax seedling should have a well-developed primary root, a long hypocotyl, two intact cotyledons, and a small epicotyl.

(1) Normal seedlings include those that have: (i) A long, slender root, usually with root hairs; (ii) a short or stubby primary root, provided secondary root development is strong and the hypocotyl is of normal length or approximately so; (iii) a long, well-developed hypocotyl with no breaks or lesions extending into the conducting tissues; (iv) at least one attached cotyledon, provided the epicotyl is not injured; (v) variously broken or cracked cotyledons, provided the other seedling parts appear normal; or (vi) slight infection by fungi, provided none of the essential seedling structures have been damaged.

(2) Abnormal seedlings include those that have: (i) A stubby or no primary root, provided the secondary root development is weak, a condition usually associated with a shortened hypocotyl; (ii) a malformed hypocotyl, which may be twisted, thickened, or shortened; (iii) deep cracks or lesions on the hypocotyl, extending into the conducting tissues; (iv) both cotyledons broken off; (v) one cotyledon broken off if the epicotyl is also injured (vi) decayed cotyledons or other essential seedling structures, provided the decay is not the result of improper test conditions; or (vii) various combinations of the abnormalities described in this subparagraph.

§ 201.56–9 *Mallow family (Malvaceae).* (a) Kinds of seed: Cotton and okra.

(b) By the end of the germination test a perfectly normal seedling should have a long, well-developed root with root hairs, a long hypocotyl, two attached green leaflike cotyledons, and a small epicotyl.

(1) Normal seedlings include those that have: (i) A well-developed, long, slender root, usually with root hairs; (ii) no primary root but strong secondary roots, provided the hypocotyl is of normal or approximately normal length; (iii) a long, well-developed hypocotyl with no breaks or deep grainy lesions which might interfere with the conducting tissues; (iv) at least one cotyledon and intact epicotyl; (v) slight infection by fungi, provided none of the essential seedling structures have been damaged; or (vi) a yellowish hypocotyl or roots of cotton which may appear diseased, provided the cotyledons are free of infection (the seedcoat must be peeled back on young seedlings to determine this condition of the cotyledons).

(2) Abnormal seedlings include those that have: (i) No root or very stubby roots, usually associated with a shortened hypocotyl; (ii) stubby roots and a thickened hypocotyl resulting from chemical treatment of seed, such as often occurs on delinted cottonseed; (iii) malformed hypocotyl, which may be curled, thickened, or shortened; (iv) deep cracks or grainy lesions on the hypocotyl which appear to interfere with the conducting tissues; (v) epicotyl absent, even though one or both cotyledons are attached; (vi) decayed cotyledons and hypocotyl, provided the decay did not spread from another seed or was not the result of improper test conditions; or (vii) various combinations of the abnormalities, described in this subparagraph.

§ 201.56–10 *Spurge family (Euphorbiaceae).* Kind of seed: Caster bean.

(a) Normal seedlings include those that have: (1) A primary root or a set of secondary or adventitious roots sufficient to anchor the seedling when grown in soil or sand, provided the hypocotyl is not badly shortened; (2) a fairly well-developed hypocotyl with no prominent breaks or stem lesions which might interfere with the conducting tissues; (3) an epicotyl with terminal bud; or (4) slight infection by fungi or bacteria, provided the essential seedling parts have not been seriously damaged and appear to be able to carry on their normal functions at the time of evaluation.

(b) Abnormal seedlings include those that have: (1) No primary root or well-developed adventitious or secondary roots; (2) a malformed stem, which may be characterized by severe open splits, and curled, shortened or thickened hypocotyl; (3) no epicotyl, or an epicotyl without the terminal bud; (4) decay caused by microorganisms carried by the individual seed or seedling being evaluated; or (5) various combinations of the abnormalities described in this subparagraph.

§ 201.56–11 *Miscellaneous plant families.* Kinds of seed by families:

Benne family (Pedaliaceae)—Sesame.
Carrot family (Umbelliferae)—carrot, celery, celeriac, parsley, parsnip.
Dichondra family (Dichondraceae)—Dichondra.
Knotweed family (Polygonaceae)—Buckwheat, sorrel, rhubarb.
Nightshade family (Solanaceae)—Eggplant, pepper, tomato, husk tomato.
Geranium family (Geraniaceae)—Alfilaria.
Hemp family (Cannabiaceae)—Hemp.
Rose family (Rosaceae)—Little burnet.
Valerian family (Valerianaceae)—Cornsalad.

(a) In this group of plant families, normal seedlings include those that have: (1) A well-developed primary root, usually with root hairs; (2) a stubby root or no primary root, provided the secondary root development is strong and the hypocotyl is near normal length as is frequently encountered in tomato seedlings; (3) a long, well-formed hypocotyl, with no prominent breaks or lesions, extending into the conducting tissues; (4) at least one attached cotyledon, provided the epicotyl is intact and the seedling is otherwise normal (a tiny epicotyl may be observed in seedlings left in test for final evaluation); or (5) slight infection by fungi, provided none of the essential seedling structures have been damaged (infection is likely to occur in rhubarb in which case retests may be advisable).

(b) Abnormal seedlings include those that have: (1) A stubby root or no primary root, provided there is weak secondary root development; (2) a malformed hypocotyl, which may be twisted, thickened, or shortened; (3) deep cracks or lesions on the hypocotyl extending into the conducting tissues; (4) both cotyledons, or one cotyledon and epicotyl, broken off; (5) two enlarged cotyledons, but hypocotyl short and usually malformed; (6) decayed cotyledons or hypocotyl, provided they are not the result of improper test conditions; or (7) various combinations of the abnormalities described in this subparagraph.

27. In the second sentence of § 201.57 delete the words "and asparagus" and insert the words "cotton and dichondra."

28. Following § 201.57, insert a new undesignated section to read as follows:

§ 201.— *Dormant seeds; firm ungerminated seeds.* Dormant seeds means seeds, other than hard seeds, which fail to germinate when provided the specific germination conditions for the kind of seed in question. Firm ungerminated seeds means seeds, other than hard seeds, which neither germinate nor decay during the prescribed test period and under the prescribed test conditions.

29. Amend § 201.58 to read as follows:

§ 201.58 *Substrata, temperature, duration of test, and certain other specific directions for testing for germination and hard seed.* Specific germination requirements are set forth in table 2 to which the following paragraphs (a) and (b) are applicable:

(a) *Definitions and explanations applicable to table 2*—(1) *Duration of tests.* The following deviations are permitted from the specified duration of tests: Any test may be terminated prior to the number of days listed under "Final Count" if the germination of the sample has then been determined. The number of days stated for the first count is approximate and a deviation of 1 to 3 days is permitted. (Also, see subparagraph (5) of this paragraph and § 201.57.)

(2) *Light.* When light is required the intensity for nondormant seed may be as low as 25 foot-candles. In the case of dormant seed of grasses such as occur in Agrostis tenuis, Poa compressa, and Lolium multiflorum the light intensity should approximate 100 foot-candles.

(3) *Moisture-on-dry-side.* This term means that the moistened substratum should be pressed against a dry absorbent surface such as a dry paper towel or blotter to remove excess moisture. The moisture content thus obtained should be maintained throughout the germination test period.

(4) *Potassium nitrate* (KNO_3). These terms mean a two-tenths (0.2) percent solution of potassium nitrate (KNO_3) shall be used in moistening the substratum. Such solution is prepared by dissolving 2 grams of KNO_3 in 1,000 ml. of distilled water. The grade of the potassium nitrate shall meet A. C. S. specifications.

(5) *Prechill.* The term "prechill" means to place the seed on, or in, a moist substratum at a specified low temperature for a designated period of time. The prechilling period is not included in the duration of tests given in table 2, unless otherwise specified.

(6) *Predry.* The term "predry" means to place the seed in a shallow layer at a temperature of 35° to 40° C. for a period of 5 to 7 days, with provisions for circulation of the air.

(7) *Substrata* (Kinds). The symbols used for substrata are:

B= between blotters
TB= top of blotters
T= paper toweling, used either as folded towel tests or as roll towel tests in horizontal or vertical position
S= sand or soil
TS= top of sand or soil
P= covered Petri dishes: with two layers of blotters; with one layer of absorbent cotton; with five layers of paper toweling; with three thicknesses of filter paper; or with sand or soil
C= creped cellulose paper wadding (0.3-inch thick Kimpak or equivalent) covered with a single thickness of blotter through which holes are punched for the seed that are pressed for about one-half their thickness into the paper wadding
RB= blotters with raised covers, prepared by folding up the edges of the blotter to form a good support for the upper fold which serves as a cover, preventing the top from making direct contact with the seeds.

(8) *Temperature.* A single numeral indicates a constant temperature. Two numerals separated by a dash indicate an alternation of temperature, the test to be held at the first temperature for approximately 16 hours and at the second temperature for approximately 8 hours per day. If tests are not subjected to alternating temperatures over weekends and on holidays they are to be held at the lower temperature during this time. In cases where two temperatures are indicated (separated by a semicolon) the first temperature shall be regarded as the regular method and the second as an alternate method.

(9) *Toxicity of substrata.* If there is question as to whether a paper substratum is toxic to developing seedlings, check tests should be made on Whatman's No. 2 filter paper or its equivalent. Seeds of celery, celeriac, chicory, dandelion, endive, timothy, and Bermuda grass are particularly sensitive to toxic substrata. If root injury is evident on a substratum moistened with potassium nitrate, retests should be made on a substratum moistened with water or on soil.

(b) *Special procedures and alternate methods for germination referred to in table 2*—(1) *Alyce clover (Alysicarpus vaginalis); Swollen seeds.* At the conclusion of the 21-day test period carefully pierce the seedcoat with a sharp instrument and continue the test for 5 additional days.

Alternate method: The swollen seeds may be placed at 20° C. for 48 hours and then at 35° C. for 3 additional days.

(2) *Bahia grass (Paspalum notatum); removal of glumes*—(i) *Vars. Common and Argentine.* Remove the glumes with the aid of a sharp scalpel. If the seed is fresh or dormant scratch the surface of the caryopsis lightly and use potassium nitrate.

(ii) *Var. Pensacola.* The glumes shall not be removed for the germination test.

(3) *Beet, Swiss chard (Beta); preparation of seed for test.* Before placing the seeds on the germination substratum they shall be soaked in water for 2 hours, using at least 250 ml. of water per 100 seeds, then washed in running water and the excess water should be blotted off. Samples producing darkened radicles should be retested in soil or by washing in running water for 3 hours and tested on "Kimpak," keeping the seed covered with slightly moist blotters.

(4) *Buffel grass (Pennisetum ciliare); alternate method for dormant seed.* The caryopses shall be removed from the fascicles and placed on blotters moistened with a 0.2 percent potassium nitrate solution, in Petri dishes. The seeds from a fascicle should be arranged so they will not be confused with seeds from other fascicles during the test. The seeds are then prechilled at 50° C. for 7 days and tested at 30° C. in light for 21 additional days. Firm ungerminated seeds remaining at the conclusion of the test should be scratched lightly and left in test for 7 additional days.

(5) *Cotton (Gossypium spp.); dormant samples.* Samples of cottonseed which do not respond to the usual method should be placed in a closed container with water and shaken until the lint is thoroughly wet. The excess moisture should then be blotted off.

(6) *Endive (Cichorium endivia); dormant samples.* Add about ⅛ inch of tap water at the beginning of the test and remove excess water after 24 hours.

(7) *Lettuce (Lactuca sativa); light exposure.* All samples should be given at least ½ hour of light after being placed on the moist substratum. Additional light during the test period is desirable for dormant samples and facilitates seedling interpretation for samples of low vigor.

(8) *Fescue grass (Bromus catharticus); dormant samples.* Wash for 48 hours in running water, or soak for 48 hours, changing the water and rinsing each morning and night.

(9) *Rice (Oryza sativa); flood test.* The seed is planted in moist sand. On the seventh day of the test add water to a depth of ¼ inch above the sand level and leave for the remainder of the test. Only a final count is made.

(10) *Ryegrass (Lolium); fluorescence test.* The germination test for fluorescence of rye grass shall be conducted in light (not to exceed 100 foot-candles) with white filter paper as a substratum. The test shall be conducted in a manner that will prevent the contact of roots of different seedlings.

(11) *Trifolium, Nadicago, Melilotus,* and *Vicia faba; temperature requirements.* The temperature for Trifolium spp., Medicago spp., Melilotus spp., and Vicia faba should never exceed 20° C. and a temperature of 17° to 18° is desirable.

(c) *Table 2; germination requirements for indicated kinds.*

TABLE 2—GERMINATION REQUIREMENTS FOR INDICATED KINDS

Name of seed	Substrata	Temperature	First count	Final count	Additional directions	
					Specific requirements and photo numbers	Fresh and dormant seed
Agricultural seed		°C.	*Days*	*Days*		
Alfalfa—Medicago sativa	B, S	20	4	[1] 7	Photos 2481, 2486; see par. (b) (11)	
Alfilaria—Erodium cicutarium	B	20–30	3	14	Clip seeds	
Alyceclover—Alysicarpus vaginalis	B	35	4	[1] 21	See par. (b) (1) for swollen seeds	
Bahiagrass—Paspalum notatum:						
Var. Pensacola	P, S	30–35	7	[2] 28	Light; see par. (b) (2)	
All other vars	P	30–35	3	21	Light; remove glumes; see par. (b) (2).	Scratch caryopses; KNO_3.
Barley—Bordeum vulgare	B, T, S	20; 15	4	7		Prechill 5 days at 5° or 10° C. or predry.
Bean:						
Adzuki—Phaseolus angularis	T, S	20–30	4	[1] 10		
Field—Phaseolus vulgaris	T, S	20–30; 25	5	[1] 8		
Mung—Phaseolus aureus	T, S	20–30	3	[1] 7		
Beet, field—Beta vulgaris	B, S	20–30	3	14	Photos 19557, 19558; see par. (b) (3)	
Beggarweed, Florida—Desmodium tortuosum	B	30	5	[1] 28		
Bentgrass:						
Colonial (including Astoria and Highland)—Agrostis tenuis.	P	15–30; 10–30	7	28	Light; KNO_3	Prechill at 5° or 10° C. for 7 days; see par. (a) (2).
Creeping—Agrostis palustris	P	15–30; 10–30	7	28	Light; KNO_3	Prechill at 5° or 10° C. for 7 days.
Velvet—Agrostis canina	P	20–30	7	21	Light; KNO_3	
Bermuda grass—Cynodon dactylon	P	20–35	7	21	Light; KNO_3, photo 2518; see par. (a) (9).	
Bluegrass:						
Annual—Poa annua	P	20–30	7	21	Light	
Bulbous—Poa bulbosa	P, S	10	10	35	KNO_3 or soil	Prechill all samples at 5° C. for 7 days.
Canada—Poa compressa	P	15–30; 10–30	10	28	Light; KNO_3, see par. (a) (2).	
Kentucky (including var. Merion)—Poa pratensis.	P	15–30; 10–30	10	28	Light; KNO_3	Prechill at 10° C. for 5 days.
Nevada—Poa nevadensis	P	20–30	7	21	Light; KNO_3	
Rough—Poa trivialis	P	20–30	7	21	Light	
Texas—Poa arachnifera	P	20–30	7	28	Light; KNO_3	Prechill at 5° C. for 2 weeks.
Wood—Poa nemoralis	P	20–30	7	28	Light	
Bluestem:						
Big-Andropogon gerardi	P, TS	20–30	7	28	Light; KNO_3	Prechill at 5° C. for 2 weeks.
Little-Andropogon scoparius	P, TS	20–30	7	28	do	Do.
Sand—Andropogon hallii	P, TS	20–30	7	28	do	Do.
Yellow—Andropogon ischaemum	P, TS	20–30	5	21	do	Do.
Brome:						
Mountain—Bromus marginatus	P	20–30	6	14	Light	
Smooth—Bromus inermis	P, B, TB	20–30	6	14	Light optional	Prechill at 5° or 10° C. for 7 days.
Broomcorn—Sorghum vulgare var. technicum	B, S	20–30	3	10		
Buckwheat—Fagopyrum esculentum	B, T	20–30	3	6		
Buffalograss—Buchloe dactyloides:						
(Burs)	P, TB, TS	20–35	7	28	Light; KNO_3	Prechill at 5° C. for 6 weeks; test 14 additional days.
(Caryposes)	P	20–35	5	14	Light; KNO_3	
Buffalograss—Pennisetum ciliare	S	30	7	28	Light; press fascikes into well-packed soil and prechill at 5° C. for 7 days.	See par. (b) (4).
Bur-clover, California—Medicago hispida	B, T	20	4	[1] 14	Remove seeds from bur; see par. (b) (11).	
Bur-clover, spotted—Medicago arabica	B, T	20	4	[1] 14	do	
Burnet, little—Sanguisorba minor	B	15	5	14		
Buttonclover—Medicago orbicularis	B	20	4	[1] 10	See par. (b) (11)	15° C.
Canarygrass—Phalaris canariensis	B	20–30	3	7		
Canarygrass, reed—Phalaris arundinacea	P	20–30	5	21	Light	KNO_3.
Carpet grass—Axonopus affinis	P	20–35	10	21	Light	KNO_3.
Castorbean—Ricinus communis	T, S	20–30	7	14	Remove caruncle if mold interferes with test.	
Chickpea—Cicer arietinum	T, S	20–30	3	7		
Clover:						
Alsike—Trifolium hybridium	B, S	20	3	[1] 7	See par. (b) (11)	15° C.
Berseem—Trifolium alexandrinum	B, S	20	3	[1] 7	do	Do.
Cluster—Trifolium glomeratum	B	20	4	[1] 10	do	Do.
Crimson—Trifolium incarnatum	B, S	20	4	[1] 7	See par. (b) (11). Photos 2479, 2482	Do.
Ladino—Trifolium repens	B, S	20	3	[1] 7	See par. (b) (11)	Do.
Lappa—Trifolium lappaceum	B	20	3	[1] 7	do	Do.
Large hop—Trifolium procumbens (T. campestre).	B	20	4	[1] 14	do	Do.
Persian—Trifolium resupinatum	B	20	3	[1] 7	do	Do.
Red—Trifolium pratense	B, S	20	4	[1] 7	See par. (b) (11). Photos 2483, 2484	Do.
Rose—Trifolium hirtum	B	20	4	[1] 10	See par. (b) (11)	Do.
Small hop (Suckling)—Trifolium dubium	B	20	4	[1] 14	do	Do.
Strawberry—Trifolium fragiferum	B	20	3	[1] 7	do	Do.
Sub—Trifolium subterraneum	B	20	4	[1] 14	do	Do.
White—Trifolium repens	B, S	20	3	[1] 7	do	Do.
Corn:						
Field—Zea mays	T, S	20–30; 25	4	7	Photos 2510, 2511, 2512, 2514	
Pop—Zea mays var. everta	T, S	20–30; 25	4	7		
Cotton—Gossypium spp	T, S	20–30	4	[1] 12	Photos 19553, 19554	Test by alternate method; see par. (b) (5).
Cowpea—Vigna sinensis	T, S	20–30	5	[1] 8	Photos 1989, 1990, 2377.	
Crested dogtail—Cynosurus cristatus	P	20–30	10	21	Light	Prechill for 3 days at 5° or 10° C.
Crotalaria:						
Lance—Crotalaria lanceolata	B, S	20–30	4	[1] 10		
Showy—Crotalaria spectabilis	B, S	20–30	4	[1] 10	Photos 2496, 2497	
Slenderleaf—Crotalaria intermedia	B, S	20–30	4	[1] 10		
Striped—Crotalaria mucronata	B, S	20–30	4	[1] 10		
Sunn—Crotalaria juncea	B, S	20–30	4	[1] 10		
Dallis grass—Paspalum dilatatum	P	20–35	7	21	Light; KNO_3	
Dichondra—Dichondra repens	B	20–30	7	[2] 28		
Dropseed, and—Sporobolus cryptandrus	P	15–35	5	42	Light; ENO_3	Prechill at 5° C. for 4 to 8 weeks and test for 28 days.
Emmer—Triticum dicoccum	B. T. S	20, 15	4	7		Prechill at 5° C. or 10° C. for 5 days or predry.

[1] Hard seeds often present. [2] Firm ungerminated seeds frequently present.

TABLE 2—GERMINATION REQUIREMENTS FOR INDICATED KINDS—Continued

Name of seed	Substrata	Temperature	First count	Final count	Additional directions	
					Specific requirements and photo numbers	Fresh and dormant seed
Agricultural seed—Continued						
Fescue:		°C.	*Days*	*Days*		
Chewings—Festuca rubra var. commuta	P	15–25	7	21		
(Alternate method	P	20–30	7	28	Light)	
Hair—Festuca capillata	P	10–25	10	28	KNO_3	
Meadow—Festuca elatior	P	20–30	5	14	Light and KNO_3 optional	
(Alternate method	P	15–25	5	14)		
Red—Festuca rubra	P	15–25	7	21		
(Alternate method	P	20–30	7	28	Light)	
Sheep—Festuca ovina	P	15–25	7	21		
(Alternate method	P	20–30	7	28	Light)	
Tall—Festuca arundinacea	P	20–30	5	14	Light and KNO_3 optional	
(Alternate method	P	15–25	5	14)		
Flax—Linum usitatissimum	B, T, S	20–30	3	7	Photos 2003, 2008, 2485, 2487	
Grama:						
Blue—Bouteloua gracilis	P, TB	20–30	7	28	Light	KNO_3.
Side-oats—Bouteloua curtipendula	P	15–30	7	28	Light; KNO_3	
Guineagrass—Panicum maximum	P	20–30	10	28	Light	
Hardinggrass—Phalaris tuberosa var. stenoptera	P	10–30	7	28	Light	KNO_3.
Hemp—Cannabis sativa	B, T	20–30	3	7		
Indiangrass, yellow—Sorghastrum nutans	P, TS	20–30	7	28	Light; KNO_3	Prechill at 5° C. for 2 weeks.
Indigo, hairy—Indigofera hirsuta	B	20–30	5	[1] 14		
Japanese lawngrass—Zoysia japonica	P	35–20	10	28	Light; KNO_3	
Johnsongrass—Sorghum halepense	P	20–35	7	35	Light	KNO_3.
Kudzu—Pueraria thunbergiana	T	20–30	5	[1] 14		
Lespedeza:						
Korean—Lespedeza stipulacea	B, S	20–35	5	[1] 14		
Sericea or Chinese—Lespedeza cuneata (L. sericea).	B, S	20–35	7	[1] 28	Photo 2494	
Siberian—Lespedeza hedysaroides	B, S	20–35	7	[1] 21		
Striate (Common, Kobe, Tenn. 76)—Lespedeza striata.	B, S	20–35	7	[1] 14		
Lovegrass, sand—Eragrostis trichodes	P	20–35	5	14	Light, KNO_3	Prechill at 5° or 10° C. for 6 weeks.
Lovegrass, weeping—Eragrostis curvula	P	20–35	5	14	Light	KNO_3.
Lupine:						
Blue—Lupinus angustifolius	T, S	20	4	[1] 10	Photos 14535–14542	
White—Lupinus albus	T	20	3	[1] 10		
Yellow—Lupinus luteus	T	20	7	[1] 10		
Maniagrass—Zoysia matrella	P	35–20	10	28	Light; KNO_3	
Meadow foxtail—Alopecurus pratensis	P	20–30	7	14	Light	
Medick, black—Medicago lupulina	B, S	20	4	[1] 7	See par. (b) (11).	
Millet:						
Browntop—Panicum ramosum	B	20–30	4	14	Light; KNO_3	Predry at 35° or 40° C. for 7 days; or test at 30° C.
Foxtail—Such as common, white wonder, German, Hungarian, Siberian, or Golden—Setaria italica.	B	20–30	4	10		
Japanese—Echinochloa crusgalli var. frumentacea.	B	20–30	4	10		
Pearl—Pennisetum glaucum	B	20–30	3	7		
Proso—Panicum miliaceum	B	20–30	3	7		
Molassesgrass—Melinis minutiflora	P	20–30	7	21	Light	
Mustard:						
Black—Brassica nigra	P	20–30	3	7	Light	KNO_3 and prechill at 10° C. for 3 days.
White—Brassica hirta	P	20–30	3	5	Light	
Napiergrass—Pennisetum purpureum	B	20–30	3	10		
Oat—Avena spp	B, T, S.	20; 15	5	10	Photos 2407, 2408, 2524–2527, 19545, 19546.	Prechill at 5° or 10° C. for 5 days and conclude test on 7th day or predry.
Oatgrass, tall—Arrhenatherum elatius	P	20–30	6	14	Light	
Orchardgrass—Dactylis glomerata	P, TS	20–30	7	21	Light; germination more rapid on soil.	
Panicgrass, blue—Panicum antidotale	P, TS	20–30	7	28	Light	
Peanut—Arachis hypogaea	T, S	20–30	5	10	Remove shells; Photos 19541, 19542	Test at 30° C.
Pea, field—Pisum sativum var. arvense	T, S	20	3	[1] 8	Photos 2503, 2506, 14543–14547	
Rape:						
Annual—Brassica napus var. annua	B	20–30	3	7		
Bird—Brassica campestris	P	20–30	3	10	Light	KNO_3.
Turnip—Brassica campestris vars	B	20–30	3	7		
Winter—Brassica napus var. biennis	B	20–30	3	7		
Redtop—Agrostis alba	P, TB	20–30	5	10	Light	KNO_3.
Rescuegrass—Bromus catharticus	P, S	10–30	7	28	Light; see par. (b) (8) for alternate method.	In soil at 15° C.
Rhodesgrass—Chloris gayana	P	20–30	6	14	Light; KNO_3	
Rice—Oryza sativa	T, S	20–30	5	14	Photos 19549, 19550; see par. (b) (9) for alternate method.	
Ricegrass, Indian—Oryzopsis hymenoides	P	15	7	42		Prechill at 5° C. for 4 weeks and test for 21 additional days.
Roughpea—Lathyrus hirsutus	T	20	7	[1] 14		
Rye—Secale cereale	B, T, S	20; 15	4	7	Photos 2403, 2406, 2528–2531	Prechill at 5° or 10° C. for 5 days, or predry.
Ryegrass:						
Italian—Lolium multiflorum	P, TB	20–30; 10–30	5	14	Light; KNO_3; see par. (b) (10) for fluorescence test.	Prechill at 5° C. for 5 days; see par. (a) (2).
Perennial—Lolium perenne	P, TB	20–30; 10–30	5	14	do	Do.
Safflower—Carthamus tinctorius	T, S	20	4	8		
Sainfoin—Onobrychis viciaefolia	B, T	20–30	4	[1] 14		
Sesame—Sesamun orientale	P	20–30	3	6		
Sesbania—Sesbania exaltats	T	20–30	5	[1] 7		
Smilo—Oryzopsis miliacea	P	20–30	7	42	Light	Prechill at 5° C. for 2 weeks.
Sorghum:						
Grain and Sweet—Sorghum vulgare	B, T, S	20–30	4	10	Photos 2413–2416	Prechill at 5° or 10° C. for 5 days.
Sourclover—Melilotus indica	B	20	3	[1] 14	See paragraph (b) (11)	
Soybean—Glycinemax	T, S	20–30; 25	5	[1] 8	Photos 2371, 2372, 2378	
Spelt—Triticum spelta	B, T, S	20; 15	4	7		Prechill at 5° or 10° C. for 5 days, or predry.
Sudangrass—Sorghum sudanense	B, T, S	20–30	4	10	Photos 2449–2452	Prechill at 10° C. for 5 days.
Sunflower (Cult.)—Helianthus annuus	T, B	20–30	3	7		
Sweetclover:						
White—Melilotus alba	B, S	20	4	[1] 7	Photos 2374, 2375, 2376, 2381; see par. (b) (11).	
Yellow—Melilotus officinalis	B, S	20	4	[1] 7	do	
Sweet vernalgrass—Anthexzathum odoratum	P	20–30	6	14	Light	
witchgrass—Panicum virgatum	P, TS	15–30	7	28	Light; KNO_3	Prechill at 5° C. for 2 weeks.

[1] Hard seeds often present.

TABLE 2—GERMINATION REQUIREMENTS FOR INDICATED KINDS—Continued

Name of seed	Substrata	Temperature	First count	Final count	Additional directions: Specific requirements and photo numbers	Additional directions: Fresh and dormant seed
Agricultural seed—Continued		°C.	Days	Days		
Timothy—Phleum pratense	P, TH	20–30	5	10	Light; photo 2399; see par. (a) (9)	KNO_3.
Trefoil:						
Big—Lotus uliginosus (L. major)	B	20	5	[1] 10		
Birdsfoot—Lotus corriculatus	B	20	5	[1] 10	Photos 19531, 19532	
Vazeygrass—Paspalum urvillei	P	20–35	7	21	Light	KNO_3.
Veldtgrass—Ehrharta calycina	P	10–30	7	28	Light	
Velvetbean—Stizolabium deeringianum	T, S, C	20–30	3	[1] 14	Photos 19539, 19540	
Velvetgrass—Holcus lanatus	P	20–30	6	14	Light	
Vetch:						
Common—Vicia sativa	T	20	5	[1] 10		
Hairy—Vicia villosa	T	20	5	[1] 14		
Hungarian—Vicia pannonica	T	20	5	[1] 10		
Monantha—Vicia articulata (V. menantha)	T	20	5	[1] 10		
Narrowleaf—Vicia angustifolia	T	20	5	[1] 14		
Purple—Vicia atropurpurea	T	20	5	[1] 10		
Woollypod—Vicia dasycarpa	T	20	5	[1] 14		Prechill at 10° C. for 5 days and test at 15° C.
Wheat:						
Common—Triticum aestivum	B, T, S	20;15	4	7	Photos 2507, 2522	Prechill at 5° or 10° C. for 5 days, or predry.
Club—Triticum compactum	B, T, S	20;15	4	7	do	Do.
Durum—Triticum durum	B, T, S	20;15	4	10	do	Do.
Polish—Triticum polonicum	B, T, S	20;15	4	7	do	Do.
Poulard—Triticum turgidum	B, T, S	20;15	4	7	do	Do.
Wheatgrass:						
Fairway created—Agropyron cristatum	P, TB	20–30	5	14	do	KNO_3 and prechill at 5° or 10° C. for 7 days.
(Alternate method	P, TB	15–25	5	14	do	
Standard crested—Agropyron desertorum	P, TB	20–30	5	14	do	KNO_3 and prechill at 5° or 10° C. for 7 days.
(Alternate method	P, TB	15–25	5	14	do	
Intermediate—Agropyron intermedium	P	20–30	5	28	Light	
Pubescent—Agropyron tricophorum	P	20–30	5	28	do	
Slender—Agropyron trachycaulum	P, TB	20–30	5	14	do	
Tall—Agropyron elongatum	P	20–30	5	21	do	
Western—Agropyron smithii	P, B	15–30	7	28	Light optional	KNO_3 or soil.
Wild-rye:						
Canada—Elymus canadensis	P	15–30	7	21	Light	Prechill at 5° C. for 2 weeks.
Russian—Elymus junceus	P	20–30	5	14		
Vegetable seed						
Artichoke—Cynara scolymus	T	20–30	7	21	Photos 19533, 19534	
Asparagus—Asparagus officinalis	T, S	20–30	7	21		
Asparagusbean—Vigna sesquipedalis	T, S	20–30	5	[1] 8		
Beans:						
Garden—Phaseolus vulgaris	T, S	20–30;25	5	[1] 8	Photos 1834, 1835, 1846, 1854, 1855	
Lima—Phaseolus lunatus var. macrocarpus	T, C, S	20–30	5	[1] 9	Photos 2380, 2400, 2401	
Runner—Phaseolus coccineus	T, S	20–30	5	[1] 9		
Beet—Beta vulgaris	B, S	20–30	3	14	See par. (b) (3); photos 19557, 19558	Prechill at 10° C. for 3 days.
Broadbean—Vicia faba	S, C	20	4	14	See para. (b) (11)	Prechill at 5° or 10° C. for 3 days; KNO_3 and light.
Broccoli—Brassica oleracea var. botrytis	B, P	20–30	3	10		Do.
Brussels sprouts—Brassica oleracea var. gessifera	B, P	20–30	3	10		Do.
Cabbage—Brassica oleracea var. capitata	B, P	20–30	3	10	Photos 19551, 19552	
Cabbage, Chinese—Brassica pekinensis	B	20–30	3	7		
Cardoon—Cynara cardunculus	T	20–30	7	21	Photos 19547, 19548	
Carrot—Daucus carota	B	20–30	6	21	Photo 19561	
Cauliflower—Brassica oleracea var. botrytis	B, P	20–30	3	10		Prechill at 5° or 10° C. for 3 days; KNO_3 and light.
Celeriac—Apium graveolens var. rapacoum	P, TB	10–20;20	10	21	Light at 20° C. constant; see par. (a) (9).	
Celery—Apium graveolens var. dulce	P, TB	10–20;20	10	21	do	KNO_3 and prechill at 10° C. for 3 days.
Chard, Swiss—Beta vulgaris var. cicla	B, S	20–30	3	14	See par. (b) (3)	
Chicory—Cichorium intybus	P, TS	20–30	5	14	Light; KNO_3 or soil; photo 2504; see par. (a) (9).	
Citron—Citrullus vulgaris	T	20–30	7	14	Soak seeds 6 hours	Test at 30° C.
Collards—Brassica oleracea var. acephala	B, P	20–30	3	10		Prechill at 5° or 10° C. for 3 days; KNO_3 and light.
Corn, sweet—Zea mays	T, S	20–30; 25	4	7	Photos 2510–2512, 2514	
Cornsalad (Fetticus)—Valerianella locusta var. olitoria	B	20	7	28		Test at 10° or 15° C.
Cowpea—Vigna sinensis	T, S	20–30	5	[1] 8	Photos 1989, 1990, 2377	
Cress:						
Garden—Lepidium sativum	B, P	20	4	10		Test at 15° C. and light.
Water—Horippa nasturtium-aquaticum	P	20–30	4	14	Light	
Cucumber—Cucumis sativus	B, T, S	20–30	3	7	Keep substratum on dry side; see par. (a) (3); photos 19535, 19536.	
Dandelion—Taraxacum officinale	P, TB	20–30	7	21	Light; see par. (a) (9)	Light; KNO_3.[1]
Eggplant—Solanum melongena var. esculentum	P, TB, HB	20–30	7	14		See pars. (a) (9) and (b) (6).
Endive—Cichorium endivia	P, TS	20–30	5	14	Light; KNO_3 or soil	Prechill at 5° or 10° C. for 3 days; KNO_3 and light.
Kale—Brassica oleracea var. acephala	B, P	20–30	3	10		Light; KNO_3; Prechill at 5° or 10° C. for 3 days.
Kale, Chinese—Brassica oleracea var. alboglabra	P, B	20–30	3	10		Prechill at 5° or 10° C. for 3 days; KNO_3 and light.
Kohlrabi—Brassica oleracea var. gongylodes	B, P	20–30	3	10		
Leek—Allium porrum	B	20	6	14		
Lettuce—Lactuca sativa	P	20	none	7	Light for at least ½ hour [par. (b) (7)]; photos 2417, 2418, 19559, 19560.	Prechill at 10° C. for 3 days or test at 15° C.
Muskmelon (cantaloup)—Cucumis melo	B, T, S	20–30	4	10	Keep substratum on dry side [par. (a) (3)].	
Mustard—Brassica juncea	P	20–30	3	7	Light	Prechill at 10° C. for 7 days and test for 5 additional days; KNO_3.
Mustard, spinach—Brassica perviridis	B	20–30	3	7		
Okra—Hibiscus esculentus	T	20–30	4	[1] 14	Photos 19543, 19544	
Onion—Allium cepa	B	20	6	10	Photos 1962, 2253, 2254, 2328, 2330, 2340, 2341, 2469.	
(Alternate method	S	20	6	12)		
Onion, Welsh—Allium fistulosum	B	20	6	10		
Pak-choi—Brassica chinensis	B	20–30	3	7		
Parsley—Petroselinum hortense (P. crispum)	B, TS	20–30	11	28		

[1] Hard seeds often present.

TABLE 2—GERMINATION REQUIREMENTS FOR INDICATED KINDS—Continued

Name of seed	Substrata	Temperature	First count	Final count	Additional directions: Specific requirements and photo numbers	Additional directions: Fresh and dormant seed
Vegetable seed—Continued		°C.	Days	Days		
Parsnip—Pastinaca sativa	B, TS	20–30	6	28		
Pea—Pisum sativum	T, S	20	5	[1] 8	Photos 2492, 2498–2500	
Pepper—Capsicum spp	P, TB, RB	20–30	6	14		Light and KNO_3.
Pumpkin—Cucurbita pepo	T, S	20–30	4	7	Keep substratum on dry side [par. (a) (3)].	
Radish—Raphanus sativus	B	20	4	6	Photos 2554, 19555, 19556	
Rhubarb—Rheum rhaponticum	TB, TS	20–30	7	21	Light	
Rutabaga—Brassica napus var. napobrassica	B	20–30	3	14		Prechill at 10° C. for 3 days.
Salsify—Tragopogon porrifolius	T	20	5	10		Test at 15° C.
Sorrel—Rumex acetosa	P, TB, TS	20–30	3	14	Light	
Soybean—Glycine max	T, S	20–30; 25	5	[1] 8	Photos 2371, 2372, 2378	
Spinach—Spinacia oleracea	TB	15; 10	7	21	Keep substratum on dry side [par. (a) (3)].	
Spinach, New Zealand—Tetragonia expansa	TS	10–30	5	28	Keep substratum on dry side [par. (a) (3)].	
(Alternate method	B	15	5	21	Remove pulp from "seeds").	
Squash—Cucurbita moschata and C. maxima	T, S	20–30	4	7	Keep substratum on dry side [par. (a) (3)]; photos 19537, 19538.	
Tomato—Lycopersicon esculentum	B, P, RB	20–30	5	14	Photo 2513	Light; KNO_3.
Tomato, husk—Physalis pubescens	P, TB	20–30	7	28	Light; KNO_3	
Turnip—Brassica rapa	B	20–30	3	7		
Watermelon—Citrullus vulgaris	T, S	20–30; 15	4	14	Keep substratum on dry side [par. (a) (3)].	Test at 30° C.

[1] Hard seeds often present.

30. In § 201.59 delete the first two words in the first sentence and amend the second sentence to read: "Tolerances for purity percentages and germination percentages provided for in §§ 201.60 and 201.61 shall be determined from the mean of (a) the results being compared, or (b) the result found by test and the figures shown on a label, or (c) the result found by test and a standard. All other tolerances, including tolerances for pure-live seed, tolerances for pure seed based on 400- to 1000-seed tests, and tolerances for field and greenhouse tests for determination of kind, variety, or type shall be determined from the result or results found in the administration of the act."

31. Section 201.60 is amended as follows:

a. Change the first sentence in the second undesignated paragraph to read: "An additional tolerance shall be allowed for the following kinds of seeds (a) when any one kind constitutes the principal component of the sample, (b) in mixtures containing these kinds, singly or combined, in excess of 50 percent of the whole, and (c) in mixed and unmixed seeds wherein the chaffy seed plus the empty florets and/or spikelets exceed 50 percent of the sample."

b. Add to the list of subject kinds of seed the following: "Buffel grass, Hairy intermediate wheatgrass, Intermediate wheatgrass, Tall wheatgrass, and Veldtgrass."

32. In the list in § 201.61 delete the heading "Found by test" and insert therefor the following:

Mean (See § 201.59)

33. In § 201.64a change the section heading and the first sentence to read as follows:

§ 201.64a *Pure seed percentages based on 400- to 1000-seed tests.* Tolerances for pure seed percentages based on 400- to 1000-seed separations and fluorescence tests shall be: (a) Those set forth in the following table plus (b) one-half the regular pure seed tolerances determined in accordance with § 201.60. The sum of these two tolerances shall be applied to the result or results obtained in the administration of the act.

34. Following § 201.64a, insert a new undesignated section to read as follows:

§ 201.— *Field and greenhouse tests for determination of kind, variety, or type.* The following table of tolerances shall be used for field and greenhouse tests for determination of kind and variety:

[Tolerance]

Percentage purity found by test [1]	Number of plants—50–74	75–99	100–149	150–199	200–249	250–299	300–349	350–399	400–799	800 or more
	Tolerance in percent									
95–100	10.0	9.5	8.5	8.0	7.5	7.0	6.5	6.0	5.5	5.0
90–94	10.5	10.0	9.0	8.5	8.0	7.5	7.0	6.5	6.0	5.5
85–89	11.0	10.5	9.5	9.0	8.5	8.0	7.5	7.0	6.5	6.0
80–84	11.5	11.0	10.0	9.5	9.0	8.5	8.0	7.5	7.0	6.5
75–79	12.0	11.5	10.5	10.0	9.5	9.0	8.5	8.0	7.5	7.0
70–74	12.5	12.0	11.0	10.5	10.0	9.5	9.0	8.5	8.0	7.5
65–69	13.0	12.5	11.5	11.0	10.5	10.0	9.5	9.0	8.5	8.0
60–64	13.5	13.0	12.0	11.5	11.0	10.5	10.0	9.5	9.0	8.5
55–59	14.0	13.5	12.5	12.0	11.5	11.0	10.5	10.0	9.5	9.0
50–54	14.5	14.0	13.0	12.5	12.0	11.5	11.0	10.5	10.0	9.5

[1] The tolerance for any value below 50 percent is the tolerance on the difference between 100 percent and the figure for which the tolerance is being determined. Thus, the tolerance on 45 percent for 400 plants would be: 100−45=55; tolerance equals 9.5 percent.

35. Amend § 201.65 as follows:

a. In the formula for "percent perennial ryegrass," under paragraph (a), delete "percent fluorescence + percent nonfluorescence" and substitute therefor the words "percent germination."

b. Amend paragraph (b) *Sweetclover* to read as follows:

(b) *Sweetclover.* In determining the percentage of yellow blossom biennial sweetclover in a mixture of yellow and white blossom biennial sweetclover, at least 400 seeds shall be examined to determine the percentage of mottled seed. The percentage of mottled seed shall be multiplied by four and this product multiplied by the percentage of sweetclover in the sample. The product shall be construed as representing the percentage of yellow blossom sweetclover.

36. Renumber the sections of the regulations to the extent necessary to permit the insertion of new sections following §§ 201.47, 201.55, 201.57 and 201.65, as proposed above; the assignment to present section 201.64a of a full section number immediately after present § 201.60; and the insertion of present §§ 201.65 and 201.66 immediately before present § 201.59.

37. In the list in § 201.101 insert in the proper alphabetical order the following:

Castorbean.
Lettuce.
Rape, winter.
Safflower.
Sesame.

38. Amend § 201.102 by adding to the tabulation in proper alphabetical order the following names and percentages:

Bluestem, yellow	25
Buffelgrass	50
Lovegrass, sand	50
Veldtgrass	35
Wild-rye, Russian	60

39. Amend § 201.107 as follows:

a. In paragraph (a) add to the list of plant families in proper alphabetical order, the following:

Piperacoae—Pepper.

b. In paragraph (b) add to the list of incidental weed seeds in proper alphabetical order, the following:

Alfilleria—Erodium cicutarium (L.) L'Her.
Beggarweed—Desmodium tortuosum (Sev.) DC.
Bluegrass, annual—Poa, annua L.
Burnet, little—Sanguisorba minor Scop.
Dichondra—Dichondra repens Forst.
Sesbania—Sesbania exaltata (Raf.) Torr.

Amendments proposed by the American Seed Trade Association:

40. In § 201.22 delete the numeral "5" and insert in lieu thereof the numeral "8."

41. In § 201.31 delete the words "Beans, garden (varieties other than Rival, Topcrop, and Logan)—75" which appear as the 4th item in the list of germination standards, and delete from the 5th item the words "(varieties Rival, Topcrop, and Logan)."

Done at Washington, D. C., this 20th day of May 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-4233; Filed, May 26, 1955; 8:45 a. m.]

[7 CFR Part 945]

[AO-265]

TOMATOES GROWN IN FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT NO. 125 AND ORDER NO. 45

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed Marketing Agreement No. 125 and Order No. 45, regulating the handling of tomatoes grown in the State of Florida, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112 Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the twentieth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed marketing agreement and marketing order were formulated was held at West Palm Beach, Florida, on March 7–10, 1955, pursuant to notice thereof which was published February 10, 1955, in the FEDERAL REGISTER (20 F. R. 862). Such notice set forth the proposed marketing agreement and order which were sponsored by producers and handlers of tomatoes in the State of Florida, as represented by officials of the Florida Fruit and Vegetable Association.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the proposed marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority for the committee to incur expenses and to levy assessments on shipments;

(d) The need for establishment of tomato marketing research and development projects;

(e) The method for limiting the handling of tomatoes grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The methods for authorizing special regulations applicable to the handling of tomatoes for specified purposes or to specified outlets which may be handled under special regulations that are modifications or amendments to grade, size, and quality regulations;

(h) The necessity for inspection and certification of shipments;

(i) The relaxation of regulation in hardship cases and the methods and procedures applicable thereto;

(j) The procedure for establishing reporting requirements upon handlers;

(k) The requirements of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in §§ 945.82 through 945.95 and published in the FEDERAL REGISTER (20 F. R. 862) on February 10, 1955, which are common to marketing agreements and orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The major portion of the tomatoes grown in the Florida production area enter commercial market channels with the great bulk of such movement going to destinations outside Florida. 1954–55 Florida tomato production is estimated at 4,965,000 bushels for the late fall and winter crops. Estimates of early spring production were not available at the time of the hearing. The 1953–54 Florida crop of tomatoes was estimated at 8,718,000 bushels out of which 19,068 carlot equivalents (including trucks), or approximately 7,627,200 bushels, were shipped in interstate or foreign commerce. The distribution of Florida tomatoes for the 1952 and 1953 calendar years was also widespread. Shipments were made in 1952 and 1953 to 34 States, the District of Columbia, the Provinces of Quebec, Ontario, Manitoba, and British Columbia, as well as to points within Florida. The major portion of the market for tomatoes in fresh form lies outside the production area.

Any handling of tomatoes grown in the State of Florida exerts a direct influence upon all other handling of tomatoes. It is a primary objective of tomato handlers, as it is also of all handlers of other commodities, to seek the highest return they can get for the tomatoes or other commodities they have to sell. In assessing the market outlook and in making sales, sellers survey all accessible markets with a view to accepting the most advantageous opportunities and offers to market their tomatoes. Successful handlers are forced by competition to maintain and keep abreast of all possible market information, particularly the level and trend of prices in specific markets both within the State of production and beyond the State border. Markets within the production area provide opportunities for handlers to effect sales the same as markets outside the State. The opportunity for advantageous sales are eagerly sought by handlers and such opportunities are accepted regardless of whether the tomatoes are sold at the shipping point, or at destination, or in consuming markets within the State of Florida, or in Boston, New York, Chicago, Atlanta, or any other market beyond the production area. Both buyers and sellers use the latest and most modern forms of communication not only to keep up with their competitors, but also to maintain the closest possible association with market conditions at every point where there may be a potential sale. Both shipping point handlers and receiving market handlers through close attention and modern communications quote, offer, bargain, buy, and sell tomatoes and thereby create an institution commonly referred to in the trade as "the tomato market." The tomato market is a combination of all the phenomena that relate to the supply of and demand for tomatoes in the producing area, the supply that is available for immediate marketing, the supply for marketing later, the quality of such supply, the supply of tomatoes in competing areas with various ramifications of quality and availability, prices quoted by sellers at shipping point and in receiving markets as well as at sundry points between, and a great variety of additional factors that influence both buyers and sellers in helping them to arrive at a

meeting of minds, a closing of contracts of sale, and a final consummation of contract through exchange of tomatoes and consideration.

These factors are interdependent as between shipping point and receiving markets. A factor or factors which influence the market at shipping point soon are reflected in prices in terminal markets, subject to the effect of location factors, and, in turn, factors influencing prices in receiving markets are soon reflected in the market at shipping point. For example, bad weather at shipping point may slow down the rate of grading and loading to such an extent that buyers will experience difficulty in filling orders and they will bid higher than otherwise for remaining supplies. In turn, the increase in price of tomatoes at shipping point will soon be reflected in the market at receiving points outside the production area. An alternative to the above example may involve a similar set of circumstances at shipping point, with bad weather holding up grading and loading, but if competing supplies in terminal markets take advantage of such situation by increasing the amount available the price of tomatoes in the terminal markets may not increase appreciably, if at all, and in turn prices at shipping point may also fail to rise. It is a well established fact, and well recognized in the tomato market, that a sale of a particular quantity of tomatoes in a market within that portion of the State of Florida comprising the production area exerts a direct influence upon all other sales of such tomatoes, as also does a sale of tomatoes in a market within any other State. The movement and sale of tomatoes grown in Florida, whether to a market within or outside the production area, affects the price structure for all tomatoes grown in Florida.

Changes in the supply of tomatoes being marketed at any particular time and changes in estimates of tomato supplies available for market affect the price of tomatoes. Changes in the supply of tomatoes grown in the Florida production area, or any part thereof, have a direct effect on both terminal market and shipping point prices for all tomatoes. Tomatoes grown in any portion of the production area and marketed at any given season complete with other tomatoes marketed during such season whether such other tomatoes are grown in other portions of or outside of such production area.

Public agencies supply daily information relative to terminal tomato markets such as Boston, New York, Chicago, Atlanta, etc. and, during the active shipping season the same agencies supply similar information relevant to market information at shipping points in Florida, as well as shipping point prices for tomatoes grown in other producing areas. This published market information, and information which handlers receive through private communication, are closely followed by all handlers in an effort to keep up with competition and to maintain particular advantage to themselves so that they may continue to operate successfully.

Few, if any tomatoes grown within the production area, are produced specifically for any outlet other than the fresh market. However, a substantial tonnage of Florida tomatoes is moved to canning plants within the production area. During the 1953–54 season, for example, more than one million bushels or 11.5 percent of total Florida tomato production went for canning. Such tomatoes are those that remain in the fields after the salable fresh market crop has been picked and repicked and consist mostly of fruit considered too ripe for handling in fresh market channels. Sale of tomatoes to canners is a salvage operation by the industry. Such salvage operation is performed by picking crews hired by other than the producers. After the producer has picked all acceptable fresh market fruit, he usually sells the remaining fruit, on the vines, to a cannery or to a huckster on a per acre or other similar bulk basis. Although prices paid by canners are relatively low, such prices have a direct effect on the total returns to tomato producers. When prices of tomatoes moving into fresh market channels reach a point that picking for fresh market is no longer profitable, the reurns to growers for canning tomatoes are extremely small.

It is a common practice for handlers to load tomatoes at shipping points within the State and to ship such tomatoes to markets within the State, particularly Jacksonville or Tampa, and before or upon arrival at such markets to divert the shipments to markets outside the State. Conversely, shipments originally directed to markets outside the State may be diverted to markets within the State for final disposition. This diversion from intended destination outside the State to markets within the State is a common practice, especially among truckers who are able to divert quickly in response to attractions from local prices. It is impossible in many cases at the time tomatoes are sold to a trucker to determine finally whether such tomatoes will be marketed by the trucker within the production area or at a point, or even several points outside the production area. The sale and movement of tomatoes grown within the production area are directly related whether such sale or such movement is within the production area or outside thereof.

The phenomena of sale and movement constitute the market for tomatoes and the interdependence of the markets both within and outside the State directly burdens, obstructs and affects interstate commerce. Phenomena making up the market for tomatoes constitute commerce which is so inextricably intermingled that all sale and movement of such tomatoes are either in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce and therefore all such movement and sale of tomatoes grown in the production area should be subject to the authority of the act and of the marketing agreement and order which may be issued pursuant thereto.

(2) Prices for tomatoes grown in Florida have fluctuated rather widely during the past several years, reflecting disorderly marketing conditions that have adversely affected growers' returns. Production and price statistics for Florida tomatoes are reported by the Agricultural Marketing Service, United States Department of Agriculture, on the basis of three seasons within each crop year; namely, late fall, winter, and early spring. During the past 6 crop years, 1948–49 to 1953–54, the average farm price paid for Florida tomatoes has exceeded the Florida parity equivalent price in only one season. The farm price for the 1954–55 late fall season for Florida tomatoes averaged $4.85 per bushel reflecting 95 percent of parity. During the 1953–54 early spring season, the average price paid was $4.40 per bushel or 90 percent of parity. The comparable price reported for the 1953–54 winter crop was $4.55 or 84 percent of parity. Late fall average farm prices for Florida tomatoes have varied from $4.20 to $6.60 per bushel for the past ten seasons, 1945–54. Prices during this 10-season span have reflected returns to farmers ranging from 77 percent to 117 percent of parity. Even greater fluctuation is reported in the season average farm prices paid for Florida winter-season tomatoes. For the last nine seasons, the per bushel price has varied from $3.75 to $7.20 or from 63 to 126 percent of parity. Similar price data for the past nine early spring seasons show average prices ranging from a low of $4.15 per bushel up to $6.00; this reflects parity levels of 77 to 122 percent.

Volume shipments of Florida tomatoes usually begin in November and continue into June of each crop year. During this marketing period, there is a rather wide range in prices with sharp, short time fluctuations in such prices within seasons, from season to season, and among different grades and sizes of tomatoes. 1953–54 season f. o. b. shipping point data in the Fort Pierce section bear out the above. Tomatoes of 70–85 percent or more U. S. No. 1 quality in 60-pound crates, 6 x 6's or larger, brought $14.00–16.00 for the week ending November 27, 1953. During the same week 6 x 7's realized $13.00–15.00; 7 x 7's, $11.00–12.00; and 7 x 8's $8.00–9.00. Comparable prices for the Fort Pierce early spring crop were considerably lower. In May 1954, 6 x 6's were $7.00–8.50; 6 x 7's $5.00–7.50; 7 x 7's, $3.00–5.00; 7 x 8's $2.00–3.50. During the height of the Dade County shipping season (mid-March 1954) the price paid for 6 x 6's of the above mentioned quality was $7.50–8.50; 6 x 7's brought $5.00–6.00; 7 x 7's, $3.00–4.00; and 7 x 8's $1.50–2.25 per 60 pound-crate. For the 1953–54 winter "deal" in the Fort Myers-Immokalee section, 6 x 6's and larger were $7.00–8.00 with 6 x 7's a dollar less. During April 1954 tomatoes from the same section were $8.00–9.00 for 6 x 6's; 6 x 7's were $7.00 to 8.00. During May 1954 in the Manatee-Ruskin Section, 6 x 6's closed out at $8.50 to 9.00 with 6 x 7's a dollar cheaper.

Examination of the records of a growers' cooperative which were submitted at the hearing clearly indicates the advantage accruing to the grower who sells

high quality produce and shows the penalty suffered when such produce is of less acceptable grade and sizes. For example, the records disclosed that, during May 1952, No. 1 6 x 6's in 60-pound wire bound crates netted the grower $4.16, No. 2 6 x 6's realized $2.54, and No. 2 7 x 7's returned only 20 cents. Similar data for the April 30-May 3, 1953, period show a greater spread in such prices with No. 1 6 x 6's bringing $4.56, No. 2 6 x 6's realized only $1.65 while the grower suffered a net loss of 10 cents per package on the No. 2 7 x 7's. Again, during the following season (May 1954), there was a wide price spread ranging from $6.42 for No. 1 6 x 6's to $0.90 for No. 2 7 x 7's. All of these prices reflect net returns paid to growers by the cooperative during a short period in each of the last three seasons.

The quantity of tomatoes available on the market at any given time, either daily or seasonally, has a direct effect upon the price which producers receive for their tomato crops. Florida producers grow a major portion of the domestically grown tomatoes during the late fall, winter, and early spring seasons covering the period November through May. The quantity of tomatoes put on the market by Florida producers or handlers also has a direct effect upon the price of all tomatoes, particularly the price which Florida growers receive for their crop. The price of tomatoes in the market is a direct function not only of the total quantity of tomatoes being marketed, but also of the quality of tomatoes as reflected by the different prices paid by grades and sizes for such tomatoes. Certain grades and sizes of tomatoes return higher prices to producers than other grades and sizes. For example, U. S. No. 1 quality tomatoes normally return a higher price than U. S. No. 2 grade tomatoes, and a considerably higher price than tomatoes which are of lower quality than U. S. No. 2. Such low quality tomatoes are commonly referred to in trade circles as "No. 3's" and sometimes as "culls." Small sized tomatoes, such as 8 x 8's and 7 x 8's, also return less to the grower than the usual preferred sizes; 6 x 7's, 6 x 6's, and larger.

Shipments of immature and over-ripe tomatoes have the same detrimental effect on returns to growers as do poor quality or undesirable sizes of tomatoes.

It is a common and usual practice among the great majority of handlers to eliminate the small size tomatoes, culls, and over-ripe stock, and in many cases the "No. 3's" also, when they are grading tomatoes for market. Such poor quality tomatoes and discounted sizes and undesirable maturity are removed. These handlers have found from experience it pays them to do so because the adulteration of the better packs, which constitute the bulk of their crop, with the poorer grades, maturity, and sizes forces the price down on all of their sales. However, some handlers continue to sell culls and off-sizes because they frequently are able to buy them at exceptionally low prices from the grower and to sell them at a small discount from average prices, thereby giving the handler as much or even a greater margin than they could expect from handling usual good quality and the more desirable sizes of tomatoes. The withholding of poor grades and undesirable maturities and sizes of tomatoes from markets in effect reduces the available market supply of such tomatoes. By reducing the quantity being marketed as well as eliminating discounts from average price, growers' prices for tomatoes are thereby improved.

The sale of cull tomatoes tends, not only to return discounted prices to growers, but also give only limited satisfaction to consumers and such sale operates against repeat sales. It is not in the public interest to sell cull tomatoes under normal conditions because the evidence shows that consumers fail to obtain proper value for their expenditures as compared with purchases of good quality tomatoes, and the returns to growers are adversely affected thereby tending to destroy the value of agricultural assets which support the national credit structure, and these conditions, in turn affect transactions in agricultural commodities with a national public interest.

Prices to Florida tomato producers and total returns of such producers could be augmented by handling only the more preferred grades, sizes, and maturities of such tomatoes. Voluntary efforts have been made and practiced by individual producers and handlers in Florida to eliminate some of the "culls" or "No. 3's", especially when the average price level to Florida tomato producers was low, but such voluntary efforts have not raised producers' prices and returns appreciably when other handlers continue to ship culls and small sizes to the detriment of all other tomato producers and handlers and contrary to the public interest of the Florida tomato industry.

The orderly marketing of tomatoes grown in Florida has been disrupted and the purchasing power of the producers thereof has been impaired by reason of the handling of certain grades, sizes, qualities, and maturities of such tomatoes which have adversely affected prices returned to tomato producers.

A marketing agreement and order is necessary to authorize regulation of the sale and transportation of tomatoes grown in Florida so that more orderly marketing conditions for such tomatoes may be established. The establishment of more orderly marketing conditions as brought about by marketing agreement and order regulations will tend to establish parity prices for tomatoes grown in Florida. A marketing agreement and order authorizing regulation of the handling of tomatoes will assist the Florida industry in establishing and maintaining such minimum standards of quality and maturity and such grading and inspection requirements for tomatoes grown in the production area which will effectuate such orderly marketing of such tomatoes as will be in the public interest. The adoption of a marketing agreement and order program by handlers of Florida tomatoes and the approval of such an order by Florida tomato producers will tend to promote more orderly marketing of such tomatoes and it will be in the public interest. It is hereby found that the marketing agreement and order as hereinafter set forth will promote more orderly marketing of Florida tomatoes and the operation of such a program will tend to establish and maintain such orderly marketing conditions for Florida tomatoes as will establish, as the price to farmers, parity prices for such tomatoes.

(3) The term "tomatoes", as used in the marketing agreement and order, identifies the agricultural commodity referred to therein and distinguishes it from other agricultural commodities. The term "tomatoes" should be defined to mean all varieties of the edible fruit (lycopersicon esculentum) which are commonly referred to as tomatoes in the production area as well as throughout the United States. Tomatoes are one of the principal vegetable crops grown by producers in the production area. Reference to "tomatoes" has a common and specific meaning to all growers and handlers in the production area as well as in other parts of the country. The definition of tomatoes, as set forth in the marketing agreement and order, establishes the identity of the agricultural commodity for which regulation is authorized. This definition establishes the commodity to which the handling activities related thereto are subject to the authority of the marketing agreement and order. The act authorizes marketing agreements and orders applicable to tomatoes, or to any regional or market classification thereof. Tomatoes of all varieties which are grown in the production area constitute a regional classification of tomatoes and regulation of the handling of such tomatoes as authorized by the marketing agreement and order will tend to effectuate the declared policy of the act. Tomatoes therefore should be defined in the marketing agreement and order to mean all varieties of tomatoes grown in the production area.

The term "production area" should be incorporated in the marketing agreement and order as a means of specifying the area within which tomatoes must be produced before the handling thereof is subject to regulation thereunder. Production area is defined to include all territory within the State of Florida south or east of the Suwanee River. The production area thus defined contains all of the tomato producing counties of commercial importance within Florida. No tomato acreage is reported for the 1953–54 crop year in any of the Florida counties outside of the production area. Although tomatoes are not now grown commercially in some of the counties within the production area, especially among some of the northern counties, such counties contain land areas capable of supporting commercial production of tomatoes and, as such, are potential growing areas.

There may be minor variations in practices and methods of production, harvesting, and marketing of tomatoes from growing section to growing section within the production area; perhaps one variety of tomatoes may be preferred for growing in the Fort Pierce section, another in the Immokalee area. Nevertheless, grading and quality standards

for commercial sales are the same throughout the production area. No producing section has a marketing season which is entirely separate and apart from the other sections' marketing seasons as shown by the tabulation of monthly rail and truck shipments for the various Florida tomato producing areas. Each section within the production area has to share and compete in common markets at the same time as one or more other sections. Undesirable grades, sizes, qualities, and maturities of tomatoes have the same effect in a market on the prices paid for Florida tomatoes irrespective of the producing section or sections. To divide the production area as defined would tend to defeat the purpose of a marketing agreement and order in that poor quality tomatoes from a section outside the area would depress the price of the tomatoes regulated and would have a similar effect on price as an illegal shipment from the regulated area.

Natural geographic and political boundaries favor the establishment of the production area as defined. The production area consists largely of the peninsula portion of the State of Florida bounded on the east, south, and west by the Atlantic Ocean and the Gulf of Mexico, on the northwest by the Suwannee River, and on the north by the State of Georgia. The Suwannee River and the State boundary do not bisect a tomato producing area. In addition, enforcement of regulations is favored by the fact that road guard stations, operated by the Citrus and Vegetable Division, Florida State Department of Agriculture, are strategically located at a number of highway outlets leading out of the production area. Also the number of rail outlets from such area is limited. There is no reasonable method or basis of dividing the production area into two or more areas for purposes of separate marketing agreements and orders. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the production area, therefore, should be defined as hereinafter set forth.

(4) The term "handler" and "shipper" are synonymous and they should be defined to identify those persons who handle tomatoes in the manner described and set forth in the definition of "handle" because such persons are subject to the regulations authorized by the marketing agreement and order. Any person who is engaged in the act or acts of handling or shipping tomatoes, or who causes tomatoes to be handled or shipped, is a handler. Such persons are responsible for the grade, size, quality, and maturity of tomatoes delivered to transportation agencies, or which are transported or sold in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce, and such persons are handlers.

Common or contract carriers transporting tomatoes which are owned by another person are performing a handling function but such handling should not be regulated under the marketing agreement and order because such carriers are not responsible for the grade, size, quality, and maturity of the tomatoes being transported. Neither are they responsible for the introduction of such tomatoes into the stream of interstate commerce. Also the sole interest of common or contract carriers in such tomatoes is to transport them for a service charge to destinations selected by others. The responsibility for the grade, size, quality, and maturity of such tomatoes delivered to a common or contract carrier should be borne solely by the person or persons responsible for delivering such tomatoes to the carriers.

Therefore, the term handler or shipper should be defined to mean any person (except a common or contract carrier of tomatoes owned by another person) who handles tomatoes or causes tomatoes to be handled.

The term "handle" is defined in the marketing agreement and order to determine those transactions by handlers which fall within the authority for regulation under this program. Handle or ship are synonymous. Handle should include the act of shipping and the activities by handlers which are included within these terms. The handling of tomatoes under the marketing agreement and order begins with the movement of such tomatoes from the field where grown and continues to follow such tomatoes until they reach the local retailer or leave the production area. Handle also means the sale of tomatoes grown in the production area at any point between the time that they begin to move from the field until they reach the local retailer or leave the production area.

The growing and harvesting of tomatoes in the production area are producer functions and should be construed as operations of the producer in his capacity as a producer. The picking is a harvesting activity normally performed as a grower function, even though it is an essential preliminary to the marketing of tomatoes.

It is common practice during the harvest season for some tomatoes grown in the production area to move directly from the field to market. However, the great bulk of tomatoes picked are eventually subjected to grading and packing operations prior to movement to market.

The initial handling activities which start with the packing and loading of tomatoes at the time they begin to move from the field should apply to all tomatoes moving into market for fresh consumption except tomatoes being transported, sold, or delivered (i) to registered packing houses within the production area or (ii) to auction markets designated by the committee. In the case of the two exceptions the tomatoes are not being transported to market for immediate consumption and such tomatoes upon sale at auction or upon delivery to packing houses are then subjected to preparation for market, i. e., washing, grading and packing. The auction buyer and the packing house operator are handlers because each is responsible for preparation for market; each determines the grade, size, quality, and maturity of tomatoes entering market channels. No useful purpose would be served by attempting to include within the definition of handle the activities leading up to and including sale of tomatoes at auction markets or to delivery of tomatoes to registered packing houses within the production area because such tomatoes are not in the usual form in which the bulk of the crop is marketed; they have not yet been graded or prepared for market; most sellers and buyers do not consider them as usual or appropriate products for commercial transactions, and as such they have not yet entered the stream of commerce. In order to maintain control of such handling it is necessary that grading be performed within the production area.

Some growers who sell tomtatoes from the field at the "end of the row" are handlers and, as such, should be held responsible for compliance with any rules and regulations issued pursuant to the marketing agreement and order. If, however, such grower should make a sale of tomatoes at the end of the row to a handler registered with the committee such registered handler should be the first handler of tomatoes and the grower would have no obligations under the marketing agreement and order. Such registered handler should assume any regulatory burdens with respect to such items as payment of assessments, inspection and certification, and compliance with grade and size regulations. This registration of handlers may be desirable, because some tomatoes are prepared for market at or near the fields where grown in locations which would impose a problem of enforcement and in the collection of assessments. The committee should have authority to register each handler-applicant who, according to committee determination, is responsible and who will conduct his packing and handling operations in accordance with program requirements. Persons making sales from the field to handlers not registered with the committee have not transferred any regulatory responsibilities but are still liable as handlers for program compliance. Each subsequent handler of such tomatoes should be held responsible for seeing to it that such tomatoes are properly inspected and certified and that they meet the applicable grade and size regulations. It has been common practice to ship tomatoes as they are picked from the field to repacking plants within Florida or occasionally to repacking plants outside the production area. This practice constitutes handling. The picking, packing, loading, hauling, or any other handling or movement of such tomatoes from the spot where grown places them in commerce by virtue of such movement and, in addition, such activities, with the exception of the activities heretofore indicated, cause the tomatoes to become a part of the visible supply of tomatoes which are available for market, and which directly burdens, obstructs, or affects interstate commerce. The sale of such tomatoes at any time during these initial marketing activities continues

such tomatoes in commerce because such sale constructively moves the tomatoes in the stream of commerce from the seller to the buyer or consignee and actual movement of such tomatoes in the stream of commerce pursuant to the instructions to the buyer or consignee constitutes sale or transportation, or both.

All tomatoes grown in the production area, which are produced for fresh market, are graded or prepared for market and such processing activities are handler functions in the marketing of such tomatoes which are included in the definition of handle.

The running of such tomatoes over a mechanical grader, or the preparation of such tomatoes for market by any other means, comes within the definition of handle because such activities determine the various outlets to which tomatoes can go and they have a direct effect upon the price which tomato growers shall receive for their crop. The matter of compliance with regulations which are authorized by the marketing agreement and order can be determined by the handler who is grading or preparing such tomatoes for market. The primary responsibility for the grade, size, and quality of tomatoes in any given unit, or in any given lot rests with the person or persons responsible for the grading operation and for the kind of tomatoes which are put in the crate or the shipping unit.

The act of selling such tomatoes makes the person who effects such sale a handler because such sale directly affects the market for tomatoes. The transportation of tomatoes also has a direct bearing on the market and the movement and sale of tomatoes, regardless of whether such sale or movement is within or outside the production area, is so inextricably intermingled that such activities cause such tomatoes to become a part of the stream of interstate commerce.

With the exception of the processes or activities specifically excluded from the definition of the term handle, all such activities, from the time tomatoes grown in the production area are picked until they are offered for retail sale within the production area by a person in his capacity as a retailer, or they move outside of the production area, are included in the process of handling. The definition of handle in the marketing agreement and order does not include the sale at retail of tomatoes by a person in his capacity as a retailer. The activities of the producer, including the growing and the harvesting of tomatoes, are not included in the definition of handle because such activities are construed as falling within the capacity of a producer as such.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the recommended marketing agreement and order. Those terms should be defined for the purpose of designating specifically their applicability, and establishing approximate limitations of their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative, and makes it unnecessary to refer to such citations thereafter.

The definition of "person" follows the definition of that term as set forth in the act, and will ensure that it will have the same meaning as used in the act.

"Producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of tomatoes within the production area and who is producing such tomatoes for market. A definition of the term producer is necessary for appropriate determinations as to eligibility to vote for, and to serve as a member or alternate member of the committee, and for other reasons. The term should be limited to those who have an ownership interest in tomatoes produced in the production area. It should not include laborers or others who perform work for a fee or for hire in producing tomatoes.

Considerable controversy developed during the hearing with respect to the interpretation of the definition of producer. Numerous credit and financial arrangements are currently existent among persons connected with the growing and marketing of tomatoes in the production area which complicates the problem of determining who is a producer and who is not a producer for the purposes of the marketing agreement and order. A producer is any "person" who produces in a proprietary capacity tomatoes for market. "Person" is defined as an individual, partnership, corporation, association, or any other business unit—each of which should be considered a legal entity. Each legal entity, whether an individual, a partnership or "joint venture", or a corporation, so engaged in the production of tomatoes for market should have, for example, one voice in selecting committee members and alternates in one district.

The appropriate test for determining whether or not a person is entitled to be called a producer is whether he has the title to the particular tomatoes. A person who owns and farms land resulting in his ownership of the tomatoes produced on such land should clearly be considered as the producer of such tomatoes. The same is true with respect to a person who rents and farms land resulting in his ownership of all or a portion of the tomatoes produced thereon. Likewise, a person who owns land which he does not farm but, as rental for such land, obtains the ownership of a portion of the tomatoes produced thereon should be regarded as the producer of that portion, and the tenant on such land should be regarded as the producer of the remaining portion produced on such land. In each of the above situations, where the person acquires ownership of all of the particular tomatoes, such person, regardless of whether an individual, partnership, association, corporation, or other business unit, should be considered as one producer and entitled to one vote. However, in cases where the ownership is divided, i. e., where one person obtains ownership of only a portion of the particular production and another person obtains ownership of the other portion of such production, each such person should be considered as a producer and entitled to one vote.

There is considerable variation in the types of partnerships, including the so-called "joint ventures". The most common type appears to be the arrangement whereby one person puts up all or a part of the capital and another contributes machinery and/or skill. Another arrangement provides that one person is responsible for selling the crop, another with growing and harvesting the tomatoes. Capital, machinery, and labor may be contributed in varying degrees by each of the partners. Nevertheless, the partnership is an entity, the producer, and thus should have only one vote, the same as an individual or corporation. Any action with respect to such an organization regarding voting matters depends, therefore, on the partnership agreement and action by the partners pursuant thereto, irrespective of whether the partnership is composed of individuals, corporations, or combinations thereof.

Numerous persons are engaged in tomato growing operations who are paid for their services on a wage or per unit of production basis. As heretofore indicated, if such persons do not have title to any of the tomatoes, they are merely laborers working for a stated fee and as such should not have a producer status under the marketing agreement and order.

"Grading" and "preparation for market" are synonymous and mean the sorting of tomatoes by hand or mechanical means, or both, so that such tomatoes are separated into grade, size, maturity, and pack. Such classifications are determined by the handler who directs, in person or through his agent, how and in what number of classes the particular lot of tomatoes shall be separated. Grading may vary from an operation performed entirely by hand in which certain tomatoes are picked out when they are being loaded at the field to a production line operation whereby tomatoes are carried by mechanical conveyor for washing and waxing thence to a series of moving belts and tables, where sizes are determined and good quality, as represented by grades, sizes, and maturities, or any combination thereof, is separated from bad so that the tomatoes which are to go to preferred price outlets are separated from those going to discounted price outlets. The grading or preparation for market is an operation which applies to all tomatoes grown in the production area, even though the extent to which tomatoes are separated into market classes may vary considerably among the types of ultimate outlets. For example, sales of tomatoes in some fresh market outlets usually result in a lot of tomatoes being carefully graded so that only the preferred qualities and sizes are shipped to such outlets while the off grades and off sizes may go to less discriminating markets or canning plants which do not require such careful separation into market classifications.

Definitions of "grade" and "size" are incorporated in the marketing agreement and order to enable persons affected thereby to determine the basis for application of grade and size limitations to the product they handle. Grade and size, the essential terms in which regulations are issued, should be defined as comprehending the equivalents of the meanings assigned to these terms in (i) the official U. S. Standards for Fresh Tomatoes issued by the United States Department of Agriculture, (ii) the U. S. Consumer Standards for Fresh Tomatoes issued by the United States Department of Agriculture, and (iii) to modifications or amendments of such standards, and to variations of such standards by regulations under the marketing agreement and order. Regulations under the order can then use such terms (grade, size, and maturity) with the constant meaning assigned thereto in such standards, or in such modified or amended standards, or such regulation can vary such terms by prescribing, for example a percentage of grade, as may be required at the time of issuing such regulation. Official inspectors are qualified to certify to the grade, size, and maturity of tomatoes grown in the proposed production area, in terms of any one of the aforesaid standards, or modification, amendment, or variation thereof.

The U. S. Standards for Fresh Tomatoes are generally used for shipments of tomatoes from producing areas. However, it was testified that, in some instances, Florida tomatoes are graded in terms of the consumer standards and latitude for the application of the latter standards should be afforded.

"Pack" should be defined as the basis for distinguishing among the various units in which tomatoes are prepared for market and shipped. The term pack is commonly used throughout the tomato trade and refers to a combination of factors relating to grade, size, and maturity of the tomatoes and to the type of container. For example, 85 percent U. S. No. 1 grade tomatoes, 6 x 6's, when put in 60 pound wirebound crates may be referred to as a specific pack. U. S. No. 2, 6 x 7's, also may be termed a specific pack and with additional differentiation when packed in various types of containers. "Pack" should mean any pack of tomatoes as set forth in the U. S. Standards for Fresh Tomatoes and, in addition, should include any other packs recommended by the committee and approved by the Secretary. Since the trend in merchandising Florida tomatoes is toward the "jumble pack" as opposed to the place-pack, the committee should be permitted, under its rules and regulations, to define and establish such packs in addition to the U. S. Standard Packs as set forth in the official standards.

"Maturity" should be defined as included in the marketing agreement and order. Although the bulk of Florida tomatoes are marketed as "mature green", the so-called "pink deal" and vine ripened tomatoes are assuming a more important place in the market for Florida tomatoes. The application of different maturity stages to any regulations recommended by the committee would permit different regulations for the mature green tomatoes without inequitable regulation of the handling of either. Mature green tomatoes are firmer and less susceptible to bruising, growth cracks, and other injury or defects than are tomatoes shipped as "pinks" or vine ripened. Also local Florida markets, such as Tampa or Miami, prefer, and are better able to handle, more mature tomatoes than are such markets as New York and Boston because such tomatoes moving long distances are subjected to additional handling, which is more liable to cause damage in the case of more mature fruit. The sale of tomatoes with certain stages of maturity, such as the immature or overripe fruit, have price depressing effects on good quality tomatoes the same as do undesirable grades and sizes of tomatoes. Inspectors are qualified to inspect and certify as to maturity levels which may be recommended for handling and shipment by the committee on the same basis as they can for grade and size.

"Container" is defined in the marketing agreement and order as a basis for differentiating among the numerous shipping units in which tomatoes move to market and for the permissive application of different regulation to such different shipping units. Authority for regulation by type of container was enacted by the 83rd Congress as an amendment to the Agricultural Marketing Agreement Act of 1937, as amended. The Florida tomato industry, as represented by growers and shippers at the hearing, indicated that certain undesirable practices in the marketing of tomatoes relating to net weights and to numerous container types and sizes tend toward market disturbances. Use of the authority enacted in the recent container amendment to the act will provide a basis for alleviation of the problems associated with containers.

It is common practice in the production area for tomatoes to be moved from fields where grown to markets, packing houses, auctions, or other outlets in loose form within a truck body, herein termed bulkload. In many instances, such movement would be free of regulation in that the transportation thereof would be to registered handlers or to auction markets designated by the committee. However, in order that the term "bulk load" may be included within the definition of container and to preclude the handling thereof contrary to the purpose of the marketing agreement and order, the committee should have the authority to treat bulkloads as being subject to regulation under the container provisions. It was testified at the hearing that such a way of transportation often caused special damage to the tomatoes, much of which did not become apparent until after they had reached market, and that there should be authority to prohibit the use of such a method. Any such regulation, however, may be effected by confining permissible containers for use in handling to other specified containers of specified sizes and dimensions.

The term "varieties" is included in the marketing agreement and order so that the committee may recognize the real differences in the characteristics of different varieties and the differences in types of regulations which might be considered and recommended therefor. The great bulk of tomatoes now being produced in Florida fall within the general varietal grouping known as the Globe-type. Among the more common names associated with this type are the Jefferson, Homestead, Manalucie, Rutgers, Grothen's Globe and Manasota. Certain of these varieties are preferred and may be more adaptable within particular sections of the production area. In another case, a particular variety may be more satisfactory than others when grown especially for the "pink" deal. Although the inspection service does not now ordinarily certify as to a particular variety but only as to general type, such would be possible should the committee establish a descriptive varietal basis for use by inspectors. The marketing agreement and order should authorize different regulations so that special treatment may be given to particular varieties or no regulation need be issued in the case of newly developed or other specified varieties because of the different marketing characteristics of particular varieties which committee members and others can recognize and distinguish. The means set forth in the definition of varieties is appropriate for determining different varieties of tomatoes grown in the production area.

The definition of "committee" is incorporated in the marketing agreement and order to identify the administrative agency which is responsible for assisting the Secretary in the administration of the program. Such committee is authorized by the act and the definition thereof minimizes the use of words in the marketing agreement and order.

A definition of "fiscal period" is incorporated in the marketing agreement and order to establish the beginning and end for an operating period. The establishment of such period which should comprise a full twelve months, is necessary for business-like administration of the marketing agreement and order and is desirable as a basis for establishing the term of office of committee members and alternates. The date marking the end of one fiscal period and the beginning of the new should fall at a time of little or no activity in the marketing of the tomato crop and should allow sufficient time for the committee to organize and be prepared to function prior to the start of the new marketing season. July 31 is after the end of the spring tomato deals in Florida and August 1 is the beginning of the fall planting season. There are no reported commercial shipments of tomatoes being made from Florida during this between-season time

of year. It is, therefore, appropriate that fiscal period should be defined as set forth in the marketing agreement and order.

"District" should be defined in the marketing agreement and order as referring to each of the geographical sections or divisions of the production area, either as initially established or as later reestablished, in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The proposed division into districts is adequate and equitable and it provides a practical basis for the purposes for which intended.

"Export" should be defined in the marketing agreement and order to include all shipments of tomatoes beyond the boundaries of the continental United States. Separate treatment for export shipments may be desirable and necessary because the nature of the demand for tomatoes in export markets may differ from the requirements in the domestic markets and, therefore, different or special regulations, or even no regulations, might be justified with respect to such shipments.

Canada is the most important export market for Florida tomatoes. Cuba also provides a market for a relatively minor quantity of tomatoes grown in the production area. Customarily Canadian consumers have preferred smaller sizes of tomatoes than are sold in many domestic markets. Also, in order that handlers of Florida tomatoes may be able to meet competition in export markets, and especially in Canada, sufficient flexibility should be allowed the committee in the regulation of such exports, or to provide that relaxation of or no regulations be applicable to shipments destined to export outlets.

It was testified that territories and possessions of the United States should be included under the term "export" because of the insignificant quantity shipped thereto and the fact that the situation in that connection is analagous to shipments to foreign countries.

(b) The marketing agreement and order should provide for the selection by the Secretary of an administrative committee, called the Florida Tomato Committee composed of 15 producer members. Establishment of this committee is desirable and necessary to aid the Secretary in carrying out the declared policy of the act and such committee is authorized by the act. Inasmuch as most producers within the production area also perform handler functions and are familiar with marketing conditions for tomatoes, no useful purpose would be served by providing for handler representation, as distinct from producer representation, on the committee.

The committee membership of 15 producers would be equitable and practicable. Evidence supports the finding that this plan of representation has received intensive study by the industry and that, after thorough consideration, such division of responsibility among 15 producers is appropriate.

Each producer member of the committee should be a producer, or an officer or employee of a corporate producer, of tomatoes in the district for which selected and each such person should be a resident of the production area. A person with such qualifications should be intimately acquainted with the problems of producing or marketing tomatoes grown in such district and each may be expected to present accurately the problems incident to production or marketing of tomatoes grown in that district. The qualifications for each alternate should be the same as for the respective member for whom he may act. Such qualifications should help to assure that the interests of the group from which each is selected will be adequately represented in committee deliberations.

Each committee member and his respective alternate should serve a one year term of office ending July 31, and for any additional period needed for the selection and qualification of his successor. Such term of office is reasonable and will allow the tomato industry to express its approval or disapproval of the committee's membership at the end of any season and prior to the opening of a new season. Committee members and alternates should be selected for the fiscal period during which they are to serve and until their successors are selected and have qualified.

Districts are established to provide a basis for selection of committee members. The districts as initially established were worked out by a committee of industry spokesmen and they represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee.

The districts as set forth in the marketing agreement and order constitute what are generally known and recognized by the tomato trade as separate and distinct production sections. For example, District No. 1 is generally known as The Dade County section; District No. 2 includes the Fort Pierce "deal"; District No. 3 contains the Immokalee-Fort Myers area; District No. 4 is commonly referred to as the Manatee-Ruskin area, and includes also the Plant City-Wauchula section, and District No. 5 is known as North Central Florida, including the Marion and Sumter County "deals".

The provision for redistricting is desirable because it allows the committee to consider from time to time whether the basis for representation could be improved and how such improvements should be made. The guides as set forth in the marketing agreement and order which the committee should keep in mind in considering redistricting are appropriate and desirable points of reference that relate directly to the welfare of tomato producers and handlers.

It is practical and equitable that selection of committee members and alternates should be on the basis of districts as provided for in the marketing agreement and order. This would provide a geographical basis for selection of such members. Such geographical basis should be, and for purpose of initial membership has been, related to the number of producers and the production of tomatoes within the production area so that a practical basis for establishing equity has been reached. Although the preponderance of tomato acreage or production may exist in 2 or 3 districts, other districts may contain a numerical superiority of producers. The evidence at the hearing indicates that, in view of the above, a balanced administrative committee would be selected should each district be initially provided with the same number of committee members. In this manner both small and large producers would receive equitable treatment. The provision that three producers should be initially selected as committee members and three producers should be initially selected as committee alternates from each district is equitable and it meets with the wishes of the industry as shown by the evidence. The provision that there should be three producers selected as alternate committee members provides a practical working basis for having full representation when any member from a district is absent.

A procedure for the election by producers of nominees for membership on the committee should be prescribed in the marketing agreement and order. Such provision is intended to provide for assistance by the tomato industry to the Secretary in his selection of members and alternates on the committee. It is customary in the Florida tomato industry for producers to conduct meetings to establish their preference for positions of trust and responsibility in the tomato industry. The nomination of prospective members and alternates at meetings of producers in the respective districts is a customary and practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee. In order to obtain an indication of the industry's preference for membership on the initial committee, meetings of producers may be sponsored by the United States Department of Agriculture, or by any agency or group requested to do so by the Department. This provides a practical and an expedient means of initiating movement whereby the industry may express its wishes and preferences with respect to committee membership.

Nomination meetings for the purpose of electing nominees for members or alternates on the committee after the initial committee should be held prior to June 15 of each year. Such meetings, should be held by the committee or by persons or groups requested by such committee to hold such meetings.

At least two nominees should be designated for each position as member and each position as alternate so that the Secretary will have a choice in making his selection. In addition, if a selectee declines to serve, the Secretary would also have the name of another prospective member or alternate from which to make a selection. It is the desire of the industry, and it is appropriate that producers voting at such industry meetings may ballot for nominees to indicate the ranking of their choice for each position to be filled. Nominees lists should be supplied to the Secretary in the form and manner prescribed by him so as to establish administrative uniformity in the handling of such matters. Such nominations for committee members and alternates should be supplied to the Secretary not later than July 15 of each year.

Only producers should participate in nominating members and alternates on the committee because the committee will be composed entirely of producer members.

If a person produces tomatoes in more than one district, such person should select the district in which he wishes to cast his vote for nominees on the committee. Any other procedure would tend to give such person a greater voice than other producers in the nomination of committee members.

Each producer participating in the industry meetings for election of nominees to the committee should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives in designating nominees. Voting on any other basis would not provide for equitable representation because it would give the producers with interest in more than one district a greater voice in election of nominees than producers operating in only one district. The plan of one vote for each producer should be so construed that the person eligible to vote in a nomination meeting shall be allowed to cast one vote for each position which is to be filled in the district with which he affiliates. For example, at meetings for election of nominees to the initial committee each person voting as a producer in a given district would be allowed to cast one vote each for each of the three member nominees and one vote for each of the three alternate member nominees.

In order that there will be an administrative agency in existence at all times to administer the marketing agreement and order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed therein. Such selection should, of course, be on the basis of the representation provided in the marketing agreement and order so that the composition of the committee will at all times continue as prescribed therein.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed within 10 days after the notification of appointment so that the composition of the committee will not be delayed unduly.

It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies without regard to nominations if the names of nominees to fill any such vacancy are not made available to the Secretary within thirty days after such vacancy occurs. The Secretary should have recourse to such means of filling vacancies in order to maintain continuity of administrative agency operation and to insure that all portions of the production area are adequately represented in the conduct of committee business.

Each alternate should be authorized to act in the place and stead of a member for whom he is an alternate during such member's temporary absence. Continuity of operation of the marketing agreement and order is best assured by such authorization. An alternate should be authorized to act in a member's absence when such absence is due to death, removal, resignation, or disqualification of the member. Alternates acting in the place and stead of members may continue to act in such capacity until a successor for the member has been selected and has qualified.

A quorum of the committee should consist of at least ten members. This would not only insure that two more than a majority of the members must be in attendance at committee meetings but also would require that representation be present from at least four of five districts. Committee decisions should, therefore, reflect an accurate and representative cross section of industry thought and attitudes.

Not less than ten members of the committee should be required to concur in any committee action in order for it to pass. Such a voting requirement, constituting a minimum of two-thirds of the membership, is deemed reasonable and adequate.

The committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any votes cast at other than an assembled meeting should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

Committee members and alternates should be reimbursed for necessary expenses incurred in the performance of service to the committee. Expenses for services by committee members should be allowed only for those specifically requested or directed by the committee. Such expenses might include travel, hotel accommodations, and meals. Reimbursement for reasonably necessary expenses is required to offset actual out-of-pocket expense incurred in performing duties in connection with the marketing agreement and order.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act, because such powers are authorized to be granted by the enabling statutory authority and they are necessary so that an agency of the character set forth in the marketing agreement and order can function.

The committee's duties, as set forth in the marketing agreement and order, are necessary for the discharge of its responsibilities.

The duties established for the committee are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by members or alternates of the committee will be necessary for the committee to carry out its responsibilities as prescribed in the marketing agreement and order. It should be recognized that these specified duties are not necessarily all inclusive in that it may develop that there are other duties which are incidental to, and not inconsistent with, the terms and conditions of the marketing and order which the committee may need to perform.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal period for the maintenance and functioning of such committee and for such other purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate. The expenses so incurred should be shared by handlers on the basis of the ratio of each handler's total shipments to the total shipments by all handlers during specified fiscal periods. The basis for determination of the ratio of shipments by individual handlers should be based upon the total shipments by first handlers thereof.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the marketing agreement and order for such period. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee.

The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by administrative agencies, such as the Florida Tomato Committee, and the statute also requires that each marketing agreement and order issued pursuant to the act should contain provisions requiring handlers to pay their pro rata shares of the necessary expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers should be permitted to be required irrespective of whether particular provisions of the marketing agreement and order are suspended or become inoperative.

Each handler should pay the committee upon demand his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of tomatoes handled by him as the first handler thereof during a specified fiscal period and the total quantity of tomatoes so handled by all handlers during the same fiscal period. It is necessary that responsibility for the payment of the assessment on each lot of tomatoes be fixed and it is logical to

impose such liability on the first handler of such tomatoes. In most instances the first handler and the applicant for inspection are the same person. However, in the event the first handler fails to apply for and obtain inspection, this does not in any way cancel his obligation with respect to the payment of assessments. Except in the case of movements to registered handlers and to designated auction markets, first handling should apply to tomatoes when they have been subjected to grading or preparation for market. Assessment rates should be recommended by the committee and applied by the Secretary to a specific unit of shipment. For example, assessment rates may apply to carlot shipments, or they may be applied on a crate basis, or by any other unit of shipment commonly used in marketing tomatoes grown in the production area. However, such assessments for a fiscal period should be applied on a uniform rate basis.

At any time during or subsequent to a given fiscal period the committee should be authorized to recommend the approval of an amended budget and the fixing of an increased rate of assessment to balance necessary committee expenses and revenues. Upon the basis of such recommendations, or other available information the Secretary should be authorized to approve amended budgets and, if he finds that the then current rate of assessment is insufficient to cover committee administration of the marketing agreement and order he should be authorized to increase the rate of assessment. The marketing agreement and order should authorize the application of such increased rate of assessment to all tomatoes previously handled by first handlers during the specified fiscal period so as to avoid inequities among handlers.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administration of the marketing agreement and order, including appropriate research and development projects. The committee should be required to maintain books and records clearly reflecting the true up-to-date operations of its affairs so that its administration may be subject to inspection at any time by appropriate parties. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority, at any time, to ask for such accounting. Whenever any person ceases to be a member or alternate of the committee, he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such persons should also be required to execute assignments or such other instruments which may be appropriate to vest in their successor or agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the committee should recommend that the operations of the marketing agreement and order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend as a practical measure that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby the committee's business affairs could be taken care of during periods of relative inactivity with a minimum of difficulty and expense to the industry and to the Secretary. This does not mean, however, that such a procedure would have to be followed in such a situation. If the circumstances would seem to call for such way of handling, the committee and its personnel would continue to operate, possibly in a curtailed fashion, as usual.

The committee should provide periodic reports on its fiscal operations. It is expected that audit reports shall be requested by the Secretary at appropriate times, such as the end of each marketing season, or at such other times as might be necessary to maintain appropriate supervision and control of the committee's affairs. Handlers should be entitled to a proportionate refund of the excess assessments which remain at the end of a fiscal period, or at the end of such other period as may be deemed appropriate by reason of suspension or termination. Such refund should be credited to each such handler against the operations of the following fiscal period, unless he should demand payment thereof, in which event such proportionate refund shall be paid to him.

If and when the committee is required to wind up its affairs upon termination of a marketing agreement and order authorizing such agency, considerable expense is involved in the liquidation process. The affairs of the committee which are to be liquidated usually result from a number of years' operations. It is appropriate, therefore, for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of final liquidation in the event that the marketing agreement and order are terminated. It is not anticipated that any such reserve will be accumulated in an amount in excess of what might be the reasonable costs of such a liquidation action.

Any funds remaining after liquidation has been effected should be refunded to handlers on a pro rata basis. In some cases, however, individual handler's accounts will be of such small amounts as to make impracticable the return thereof. Funds of such insignificant nature should be permitted for use by the committee for purposes of liquidation.

(d) The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes was authorized by amendments to the act in Public Law 690, known as the Agricultural Act of 1954, enacted by the 83d Congress. Such authorization should be included in the marketing agreement and order.

Through the medium of research investigation, the committee may be able to evaluate in detail grade and size composition of the tomato crop in each of the various producing sections. More complete data in this regard would enable the committee and the Secretary to determine with a greater degree of accuracy the effect of specific regulations on the market.

Projects designed to evaluate preferences among markets and localities in terms of grade, size, quality, maturity, pack, containers, and other factors would be of considerable value in determining what regulations in those regards should be established for such markets and localities. The aid of marketing research and development projects may assist in a determination as to the effect and value of private and industry promotion of Florida tomatoes.

Research into market development, transportation, handling methods, and containers, and studies on the relative merits of different stages of maturity at which tomatoes are marketed are examples of aspects which the committee may at some time consider worthy of investigation.

As the tomato industry and the committee become more aware of the value of and need for marketing research and development, other projects will undoubtedly be initiated, the need for which will not have been foreseen early in committee operations. Therefore, the committee should have the authority to recommend the establishment of such projects which are in the best interest of tomato marketing and which will assist, improve, and promote the marketing, distribution, and consumption of Florida tomatoes. The committee should be empowered to engage in or contract for such projects, to spend funds for such purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(e) The declared policy of the act is to establish and maintain such orderly conditions for tomatoes among other commodities, as will tend to establish parity prices for such tomatoes. The regulation of the handling of tomatoes by grade, size, quality, or maturity as authorized in the marketing agreement and order provides a means of carrying out such policy and is one of the ways authorized by the act (in section 8c (6)) for achieving that objective.

The procedures and methods which are outlined in the marketing agreement and order for the development and institution of marketing policies relating to grade, size, quality, or maturity regulation provides a practical basis for the committee to obtain appropriate and adequate information relating to tomato marketing problems. Also members of the industry, including both growers and handlers, should be provided with the

information regarding the policies and regulations recommended by the committee. The factors set forth in the marketing agreement and order which the committee should take into consideration in developing its marketing policies are the ones commonly and usually taken into account by growers and handlers in their day to day evaluation of the market outlook with respect to tomatoes.

In order that the Secretary may effectively carry out his responsibilities in connection with the marketing agreement and order, the committee should prepare and submit to the Secretary a report on its proposed marketing policy, or amendments thereto, relating to the marketing of tomatoes during each season. The initial marketing policy offered each season by the committee should be prepared and submitted to the Secretary prior to or simultaneous with its initial recommendations for regulations. This will give all interested parties the maximum notice of probable regulations. Reports on marketing policy and regulations recommended should be submitted to the Secretary and presented to the industry by the committee.

The committee ,which has responsibility for recommending grade, size, and quality regulations, as well as modifications, suspensions, amendments thereto, or terminations thereof, should be authorized to consider and recommend any or all methods of regulations which are authorized by the marketing agreement and order for the Secretary to issue thereunder. Evidence shows that authority should be established in the marketing agreement and order to issue regulations with respect to grade, size, quality, or packs in any or all portions of the production area during any period.

The limitation of the handling of poorer grades, off qualities, and less desirable sizes and maturities of tomatoes grown in the production area will tend to increase prices of more desirable grades, qualities, sizes, and maturities and to promote more orderly marketing and increase the returns to producers of such tomatoes. The two standards for fresh tomatoes issued by the U. S. Department of Agriculture would provide a common and acceptable means of determining grade, size, quality and maturity of tomatoes grown in the production area. Such standards are widely used throughout the production area, and both producers and shipping point handlers, as well as buyers, are generally acquainted with such standards and commonly use them in their market transactions. Authority should be provided for limiting the grade and size of tomatoes which may be placed in any given pack or container. The poorer grades and off qualities include not only the unclassified tomatoes as set forth in the Federal standards for tomatoes, which are commonly referred to as culls, but also other tomatoes which show defects as set forth and described in such standards and in any modifications or amendments thereto which may be considered desirable to the Secretary. The limitation of the handling by prohibiting movement of poorer grades, off qualities, and less desirable sizes of tomatoes will help to improve orderly marketing conditions for such tomatoes by enhancing the long run demand for and competitive position of tomatoes grown in the production area.

The orderly marketing of tomatoes grown in the production area, with the objective of increasing returns to producers of such tomatoes, will be promoted by authorizing the regulation of handling of particular grades, sizes, qualities, or packs of tomatoes, differently for different varieties, differently for different stages of maturity, differently for different portions of the production area, differently for different containers, differently for different markets, differently for different purposes to which modification or suspension of regulation may be applied, or differently for any combination of these groups, during any period. Demand for different varieties of tomatoes establishes price preferences for different grades or sizes, or both, of such varieties. For example, evidence establishes a basis for varietal preference at the market place. A lot of Grothen's Globe tomatoes packed in 40-pound containers realized the same or better returns as tomatoes of any other variety packed in 60-pound crates, according to the record, and the Grothen's Globes were of generally poorer quality than most of the other varieties, often failing to make grade only because of shape. Another variety was pointed out as preferred for production in connection with the vine-ripened or pink "deal." Certain varieties are preferable, or perhaps more adaptable, for growing in certain producing sections.

Different regulations in terms of different stages of maturity may provide the committee with additional flexibility of operation. Emergence of the vine-ripened and pink "deal", repacking operations in the production area, and the preference in intrastate markets for more mature fruit than is ordinarily moved to out-of-state outlets would seem to dictate the need for this type of authority in the hands of the committee.

Unusual weather conditions may arise during a crop year in one portion of the production area as compared with other portions of such area. This possibility is particularly true with respect to such things as hail, wind, and violent rain storms. Hazards of these natures are obviously beyond the control or reasonable expectation of the tomato growers in such localities. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulation under the marketing agreement and order are concerned, authority should be provided for the committee to consider such differences, to make appropriate recommendations in that regard to the Secretary, and for the Secretary to issue different regulations to accommodate any such differences in the crop arising out of actions beyond human control. It is contemplated, however, that any such relaxation for a portion of the production area in those circumstances will still require that the tomatoes shipped will be the best quality available. It has been a common practice in the production area for some years to prepare specific packs of tomatoes for market. For example, the standard packs, as specified in the U. S. Standards for Fresh Tomatoes, have been in common usage for years. Since the trend in recent years has been toward the "jumble" packs (a pack without any particular arrangement of individual fruit) which are not spelled out in the standards, the committee may wish to establish and define the packs for which the handling thereof may be permitted. It is presumed that the establishment and definition of such packs, to be set forth in rules and regulations, will spell out the grades and ranges of sizes permitted to be handled in conjunction with specified containers. Certain combinations of grade, size, and containers, which factors constitute packs, should be kept out of specified market channels, at the discretion of the committee with the approval of the Secretary, because such packs contribute to disorderly marketing of tomatoes. For example, it might be desirable to withhold a shipment of pack "A", containing large ripe tomatoes in field crates, from interstate outlets because such pack would reach destination in a condition tending to demoralize the prices of tomatoes of superior packs and condition. The committee should be empowered to recommend both maximum and minimum sizes and minimum grades with respect to the handling of certain packs. The marketing agreement and order should authorize different regulations for different packs so that this part of the marketing program may help to assist the industry in furthering present merchandising approaches if they are found to be sound.

The marketing agreement and order should permit regulations differently for different types of containers. The establishment of such regulation is authorized by virtue of an amendment to the act in Public Law 690, known as the Agricultural Act of 1954, enacted by the 83d Congress. Numerous types and sizes of containers are in current use in the handling of tomatoes within the production area. Types of shipments may range from the bulk load of loose fruit to the 8-pound fibre-board box used in the pink "deal" and may also include individual consumer-size cartons containing three, four, or five tomatoes. Should the use of certain of these containers, when moved into commercial market channels, be deemed by the committee, with approval of the Secretary, as contributing to disorderly marketing of Florida tomatoes, then the Secretary should be empowered to fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of such tomatoes. For the same reason, the committee should be permitted to recommend different regulation for different containers. For example, the committee may desire to prohibit the sale or shipment of tomatoes in field crates to interstate markets while not prohibiting the movement of such containers within the production area. The committee may make a determination that certain types

of containers are unsuitable for the handling of vine-ripened tomatoes, especially to interstate markets, because their advanced state of maturity, as compared to mature green tomatoes, may subject such fruit to excessive damage. Authority for container regulation should also be provided to permit standardization of containers where deemed feasible and in the best interests of the tomato industry. The permissive use of the authority to fix the size, weight, capacity, dimensions, and pack of containers will allow the committee and the Secretary to reduce and eliminate any deceptive practices which a few members of the tomato industry may be inclined to follow. Such misleading merchandising practices, which have tended to confuse buyers and disrupt orderly marketing of tomatoes grown in the production area, include methods of misrepresenting net weight or contents of containers. The addition of cleats, variation in size of bulge, and other such practices tend to deceive buyers and to disrupt orderly marketing. Therefore, the provisions relating to container regulation should be included in the marketing agreement and order as set forth.

The marketing agreement and order should provide authority for regulation of the handling of Florida tomatoes differently for different markets. Market requirements differ as to grade, size, quality, maturity, and other factors and, therefore, different regulations should be permitted for different markets, e. g., intrastate, interstate, and foreign. For instance, evidence indicates Canadian receivers prefer small tomatoes, and Tampa consumers desire large, ripe fruit. These market preferences should be recognized and flexibility in committee operations should be permitted to give effect to such preferences.

The marketing agreement and order should authorize different regulations during any period so that the committee and the Secretary may take account of different supply and demand conditions as they may arise and become apparent.

No evidence was introduced to substantiate the proposal relating to the prohibition of unfair methods of competition and unfair trade practices in the handling of tomatoes and no further consideration can be given to it in this proceeding. It was testified that after further consideration of this proposal, it was decided that it should be abandoned.

(f) The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity, and such grading and inspection requirements, during any and all periods when tomato prices are above parity as will be in the public interest. Some tomatoes are of such low quality that they do not give consumer satisfaction at any time because of the large amount of waste and the time consumed in preparing them. Consumers do not receive proper value for their expenditures for such low quality tomatoes, as culls, and even when prices are above parity it is not in the public interest, either of the producers, handlers, or of consumers to permit shipments of such poor quality. The shipment of immature or overripe tomatoes also tends to disrupt general market conditions for the commodity and the discounted prices received for such immature or overripe tomatoes adversely affects grower prices. The marketing agreement and order should authorize the establishment of minimum standards of quality and maturity as will be in the public interest. It is also necessary that such authority should include grading and inspection requirements so that such minimum standards of quality and maturity may be determined whenever such regulations are in effect.

It was testified at the hearing that, in many Southern markets (Knoxville, Nashville, Birmingham, Columbia, and San Antonio were given as examples), a few handlers, in order to obtain temporary price advantage, have flooded such markets with poor quality and sizes and undesirable maturities of tomatoes. This practice has permitted such handlers to undercut prices of good quality tomatoes and has forced many other handlers to discontinue purchase of good quality Florida tomatoes and substitute therefore poor quality in order to remain on a competitive basis. In some instances separate lots of good and poor quality tomatoes have been bought at shipping point, transported to various Southern markets, and there have been commingled. The effect of these practices has been to reduce the total quantity of good quality tomatoes consumed in many markets, especially in the South, by the substitution of poor qualities and maturities. Such practices are undesirable under any set of demand and price conditions because (i) the market for good quality Florida tomatoes has been demoralized thereby reducing the total returns to the producers of such tomatoes and (ii) consumers have been denied the opportunity to purchase good edible fruit and, being offered only poor quality tomatoes, they buy none at all.

Most shipments of Florida tomatoes are made in carlots or in trucklots. Although some small shipments are made, they constitute only a minor percentage of total production. Some growers pick small quantities and peddle these to local stores, to tourists, or to other similar outlets. In addition, the sale of a few crates of tomatoes to accommodate friends or to take care of special purposes oftentimes is desirable. Problems of inspecting such small lots, or other problems in complying with regulations on such lots, may make it uneconomical, undesirable, and impracticable to require that such small shipments comply with any or all regulations required of the larger commercial shipments. The administrative difficulties in checking upon such shipments to see that they are inspected, or that they meet grade, size, quality, or maturity restrictions, or that they pay assessments may be such that it would be impracticable for the committee to attempt to do so. It might be necessary to permit the maintenance of one or more regulatory requirements on such minimum quantities while relaxing other regulations applicable to them. It is contemplated, of course, that any such relaxations of regulations will be applied uniformly.

(g) The Secretary, upon the basis of recommendations and information submitted by the committee, or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations with respect to the handling of tomatoes for purposes other than disposition in normal domestic fresh markets. The committee should be well qualified, because of the experience and knowledge of individual members, to recommend such modifications, suspensions, or terminations as will be in the best interests of the Florida tomato industry and which will tend to effectuate the declared policy of the act. Tomatoes moving to or sold in certain outlets, such as those specified in proposed § 945.54 of the marketing agreement and order, are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, maturities, packs, containers, or different prices are returned, or combinations of such considerations may apply. The marketing agreement and order should provide authority for the committee and the Secretary to give appropriate consideration to handling of tomatoes for such purposes so that full opportunity may be taken by this program to improve orderly marketing conditions for tomatoes, thereby promoting the tendency to increase total returns to tomato growers in the production area.

Some export markets accept certain grades, and particularly some sizes, which normally are discounted in some domestic markets. It should be provided that modification, suspension, or termination of regulations may be applied to movement to export outlets so that this demand can be met and the sale of tomatoes grown in the production area will continue in such markets.

The marketing agreement and order should provide that special considerations may be given to the handling of tomatoes for relief or for charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shippers and the receivers.

The committee and the Secretary should have authority to give special consideration to tomatoes which move to processing outlets. At present such outlets include the canning plants whence tomatoes move as a salvage operation. It is desirable to permit the committee authority to assure that such tomatoes do, in fact, end up in the outlet for which intended.

Shipment of tomatoes, among other vegetables, for the purpose of having such tomatoes processed at canning plants, are specifically exempted from regulation by the act. Any mention of tomatoes for canning or processing herein has particular reference merely to a safeguard, which requirement may cause such shipments to canners to be reported to the committee for the sole purpose of assuring the committee and the tomato industry that such shipments are, in fact, moved to the outlet for which intended. No other regulation or restriction is implied on tomatoes for canning or processing.

For purposes which may develop in the future, the committeee should be empowered to provide special treatment through modification, suspension, or termination of regulation applicable thereto, for other purposes which later may be specified by the committee with the approval of the Secretary.

The requirement that the Secretary shall notify the committee of any regulations or any modifications, suspensions, or terminations of regulations is appropriate and necessary to enable the committee to be informed of such actions. The committee's obligations to give reasonable notice by such means as are deemed adequate to inform producers and handlers of regulatory orders issued by the Secretary is appropriate and necessary for proper and efficient administration of the marketing agreement and order.

The authority for modifying, suspending, or terminating grade, size, quality, assessment, or inspection regulations should be accompanied by the additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to the provisions of such special regulations. Such safeguards may be recommended by the committee and they should be administered by the committee. The authority for establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental to the proper and efficient administration of the marketing agreement and order. Such safeguards, among others, may include inspection so that the committee may have an accurate record of the grade, size, and quality of tomatoes shipped to special outlets, applications to make such special shipments, requirements for the payment of assessments in connection with such shipments, reports by handlers on the number of such shipments and the amounts of tomatoes shipped, and assurances by purchasers that the tomatoes are to be used for the purpose designated.

In order to maintain appropriate identification of shipments of tomatoes to special outlets, the safeguards authorized herein may provide for the issuance of certificates of privilege to handlers of such tomatoes and, in addition, require that such handlers shall obtain such certificates on all shipments by them to such special outlets. Certificates of privilege may be issued by the committee as an indication of the authority for a handler to make such shipments and as a means of identifying specific shipments. Such certificates of privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations, or other available information, so that the issuance of such certificates may be handled in an orderly and efficient manner which can be made known to all handlers. The committee should be authorized by the marketing agreement and order to deny or rescind certificates of privilege when such action is necessary to prevent abuse of the privileges conferred thereby. The committee should be authorized to exercise the authority necessary and incidental to the proper administration of the marketing agreement and order which should include the authority to rescind or deny certificates upon evidence satisfactory to it that a handler to whom a certificate of privilege has been issued has handled tomatoes contrary to the provisions of the certificate previously issued to him. If the committee rescinds or denies a certificate of privilege to any handler, such action should be in terms of a specified period of time. Handlers affected by the denial of a certificate or the rescinding of such a certificate should have the right of appeal to the committee for a reconsideration.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any certificates of privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain records relevant to safeguards and to certificates of privilege and should submit reports thereon to the Secretary when requested in order to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order.

(h) Inspection of tomatoes grown in the production area by the Federal-State inspection service is a common and usual practice for the purpose of determining officially the grade, size, quality, and maturity of such tomatoes. Federal-State inspection service has operated in the State of Florida for a number of years. The tomato growers and handlers throughout the production area are acquainted with the service and with the inspection which it offers on shipments of tomatoes. Federal-State inspection is available throughout the entire production area and reasonably prompt inspection can be given at all points within the production area at a reasonable time prior to the anticipated shipment of the tomatoes to be inspected.

Provision is made in the marketing agreement and order for inspection by the Federal-State inspection service, or such other inspection service as the Secretary may approve, of the handling of tomatoes grown in the production area during any period in which handling of tomatoes is regulated under the program. Such inspection requirements should apply to all tomatoes handled under regulations issued under the marketing agreement and order, except when any such handling is relieved from inspection requirements pursuant to § 945.53 or § 945.54 of the marketing agreement and order. Provision for inspection of handling subject to regulation establishes a means for providing the handler, the buyer, the committee, the Secretary, and other interested parties with a means of determining whether such handling of tomatoes complies with the requirements of any particular grade, size, quality, and maturity regulation which may be in effect under the marketing agreement and order. Effective regulation of the handling of tomatoes grown in the production area requires that the grade, size, quality, and maturity of each sale or shipment of such tomatoes should be authoritatively established so that the administration of the marketing agreement and order shall be efficient and effective. The provision for inspection and the certificates which are issued pursuant to inspection offer an appropriate and practical means of establishing and identifying the grade, size, quality, and maturity of tomatoes handled pursuant to the terms and conditions of the proposed marketing agreement and order.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee promptly so that such committee may properly discharge its administrative responsibilities under the program.

Provision should be made in the marketing agreement and order for authority to inspect tomatoes not only by personnel of the Federal-State inspection service but also by personnel of such inspection service as the Secretary may designate so that sufficient flexibility for successful operation can be provided through appropriate inspection if Federal-State inspection is not available.

The requirement that no handler shall handle tomatoes unless each lot of tomatoes is inspected by an authorized inspection service approved under the marketing agreement and order is reasonable and it is necessary for the proper administration of the program. Such requirements should apply except to those tomatoes which may be relieved of inspection requirements pursuant to § 945.53 or § 945.54, or both.

Responsibility for obtaining inspection should fall primarily on the handler who first handles such tomatoes after they have been prepared for market because each lot of such tomatoes must be identified and certified with respect to grade, size, quality, and maturity. Such identification and certification is essential to proper administration of the marketing agreement and order so that a determination may be made as to whether such shipment accords with the grade, size, quality, and maturity regulations issued under such order. The handler who so first handles tomatoes is required to obtain inspection and subsequent handlers may not handle tomatoes unless a properly issued inspection certificate valid under the terms of the marketing agreement and order applies to such shipments. Each handler must bear responsibility for determining that each of his shipments is inspected. If a handler should receive tomatoes which have not been inspected, he should be responsible for having them inspected. Such requirement is necessary so that the committee can obtain evidence in the form of inspection certificates which it needs to carry out its appropriate functions in determining if specific shipments have

been inspected and if they otherwise meet requirements of the marketing agreement and order and regulations issued pursuant thereto.

Whenever any shipment of tomatoes subject to the terms and provisions of the markting agreement and order have been inspected at the time of first shipment but such tomatoes are later dumped from the containers in which they were inspected, such tomatoes lose their identity insofar as the original inspection certificate for them is concerned. If any such lot of tomatoes is thereafter repacked, such repacked tomatoes may have a new identity and the subsequent handling of such tomatoes should comply with regulations issued under the marketing agreement and order. Such requirement is necessary to effectuate the declared policy of the act. Therefore, the marketing agreement and order should provide that the committee may require any person who handles Florida tomatoes after they have been repacked, resorted, or regraded shall not ship such tomatoes unless they have been inspected. A reinspection of regraded, resorted, or repacked tomatoes may be necessary, in certain cases, so that the shipper thereof, as well as subsequent handlers, and the committee may determine if such shipments comply with the regulations then in effect and applicable thereto.

The committee, with the approval of the Secretary, should be authorized to determine the length of time the inspection certificate is valid insofar as the requirements of the marketing agreement and order are concerned. Such requirement is appropriate and necessary especially with respect to lot inspections which may be administratively desirable to accommodate handlers and truckers because tomatoes are an extremely perishable commodity.

(i) Certain hazards are encountered in the production of tomatoes grown in the production area which are beyond the control or reasonable expectation of the producer of such tomatoes. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulations under the marketing agreement and order are concerned, the committee should be given authority to issue exemption certificates to producer applicants to permit such applicants to sell their equitable proportion of all shipments from the production area. It is contemplated, however, that such an exemption will require the approved applicant to sell his best quality tomatoes.

The committee, by reason of its knowledge of the conditions and problems applicable to the production of tomatoes in the production area and the information which it will have available in each case, will be well qualified to judge each applicant's case in a fair and equitable manner and to fix the quantity of exempted tomatoes which each such applicant may sell.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are necessary to the orderly and equitable operation of the marketing agreement and order and they should, therefore, be incorporated in the agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind any procedure established by the committee for granting of exemptions and of exemptions granted pursuant to such procedure. This is desirable to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(j) The committee should have authority, with approval of the Secretary, to require that handlers submit to the committee such reports and information which are needed to perform such agency's functions under the marketing agreement and order. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the proposed marketing agreement and order. The standards to be followed by the committee in requesting handlers to furnish reports should be along the lines set forth in § 945.80 of the proposed order and such reports should be those necessary for operation of the committee in carrying out the terms and conditions of the order. Reports furnished to the committee should be submitted in such manner and at such times as may be designated by the committee. Such reporting procedures should accord with the needs and requirements of the committee which are essential to administration of the proposed order, because changing conditions may warrant changes in the forms and methods of reporting to the committee. The Secretary should retain the right to approve, also to modify, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

Permissive use of the specified reporting requirements, and verifications of such reports and records by the committee will provide a means for the committee to check on compliance with and operation of the marketing agreement and order.

Since it is possible that a question might arise with respect to compliance with the marketing agreement and order, handlers should maintain complete records on the handling and disposition of tomatoes for not less than two years subsequent to the termination of each crop year.

Any and all reports and records submitted for committee use by handlers should remain under appropriate protective classifications and be disclosed to none other than persons authorized by the Secretary.

(k) Except as provided in the marketing agreement and order, no handler should be permitted to handle tomatoes, the handling of which is prohibited pursuant to the marketing agreement and order, and no handler should be permitted to handle tomatoes except in conformity with the marketing agreement and order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of tomatoes handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(l) The provisions of §§ 945.82 through 945.95, as published in the FEDERAL REGISTER of February 10, 1955 (20 F. R. 862), are common to marketing agreements and orders now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the marketing agreement and order.

General findings. Upon the basis of evidence introduced in the hearing and record thereof it is found that:

(1) The marketing agreement and order as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to tomatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such tomatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such tomatoes as will be in the public interest:

(2) Such marketing agreement and order authorizes regulation of the handling of tomatoes grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of the several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of tomatoes grown in the production area;

(5) All handling of tomatoes as defined in the said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Ruling on proposed findings and conclusions. Interested parties were allowed until April 8, 1955, to file briefs with respect to findings of fact and conclusions based on evidence introduced at the hearing. No such brief was filed; hence, no ruling is necessary.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 945.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 945.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 945.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 945.4 *Production area.* "Production area" means all territory in the State of Florida south or east of the Suwannee River.

§ 945.5 *Tomatoes.* "Tomatoes" means all varieties of the edible fruit (Lycopersicon esculentum) commonly known as tomatoes and grown within the production area.

§ 945.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of tomatoes owned by another person) who handles tomatoes or causes tomatoes to be handled.

§ 945.7 *Handle.* "Handle" or "ship" means to transport, sell, or in any other way to place tomatoes in the current of commerce within the production area or between the production area and any point outside thereof: *Provided,* That such terms shall not include: (a) The transportation, sale, or delivery of tomatoes by a producer to a handler registered as such with the committee and who has adequate facilities within the production area for grading; or (b) the transportation to and sale of tomatoes at auction markets designated by the committee. In the event a producer sells tomatoes other than is indicated in paragraphs (a) and (b) of this section, such producer shall be the first handler of such tomatoes.

§ 945.8 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of tomatoes for market.

§ 945.9 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of tomatoes into grades, sizes, maturities, and packs for market purposes.

§ 945.10 *Grade and size.* "Grade" means any one of the established grades of tomatoes and "size" means any one of the established sizes of tomatoes as defined and set forth in U. S. Standards for Fresh Tomatoes (§§ 51.1855 to 51.1876 of this title) or U. S. Consumer Standards for Fresh Tomatoes (§§ 51.1900 to 51.1913 of this title), both issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ 945.11 *Pack.* "Pack" means any of the packs of tomatoes as defined and set forth in the United States Standards for Fresh Tomatoes issued by the United States Department of Agriculture (§§ 51.1855 to 51.1876 of this title), or any pack of tomatoes recommended by the committee and approved by the Secretary.

§ 945.12 *Maturity.* "Maturity" means various degrees of ripeness for tomatoes as established by the committee with approval of the Secretary.

§ 945.13 *Container.* "Container" means a box, bag, crate, hamper, basket, package, tube, bulk load or any other type of unit used in the packaging, transportation, sale, shipment, or handling of tomatoes.

§ 945.14 *Varieties.* "Varieties" means and includes all classifications or subdivisions of tomatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 945.15 *Committee.* "Committee" means the Florida Tomato Committee, established pursuant to § 945.22.

§ 945.16 *Fiscal period.* "Fiscal period" means the period beginning August 1 and ending July 31 following.

§ 945.17 *District.* "District" means each one of the geographic divisions of the production area initially established pursuant to § 945.24, or as reestablished pursuant to § 945.25.

§ 945.18 *Export.* "Export" means shipment of tomatoes beyond the boundaries of continental United States.

COMMITTEE

§ 945.22 *Establishment and membership.* (a) The Florida Tomato Committee, consisting of 15 producer members, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer, or an officer or an employee of a corporate producer, in the district for which selected and a resident of the production area.

§ 945.23 *Term of office.* (a) The term of office of committee members, and their respective alternates, shall be for 1 year and shall begin as of August 1 and end as of July 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 945.24 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The counties of Broward and Dade in the State of Florida;

District No. 2. The counties of Brevard, Glades, Indian River, Martin, Osceola, Okeechobee, Palm Beach, and St. Lucie in the State of Florida;

District No. 3. The counties of Charlotte, Collier, Hendry, Lee and Monroe in the State of Florida;

District No. 4. The counties of De Soto, Hardee, Highlands, Hillsborough, Manatee, Pinellas, Polk and Sarasota in the State of Florida; and

District No. 5. All the remaining counties within the production area not included in Districts 1, 2, 3, and 4.

§ 945.25 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in tomato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 945.26 *Selection.* The Secretary shall select initially 3 members of the committee with their respective alternates, from each district.

§ 945.27 *Nomination.* The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Depart-

ment of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(c) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15, of each year;

(d) Only producers may participate in designating nominees for members and alternates on the committee. In the event a person is engaged in producing tomatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces tomatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 945.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 945.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 945.24 through 945.26 inclusive.

§ 945.29 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 945.30 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 945.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 945.24 through 945.26 inclusive.

§ 945.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 945.32 *Procedure.* (a) Ten members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be promptly confirmed in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 945.33 *Expenses and compensation.* Committee members and alternates may be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 945.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 945.35 *Duties.* It shall be, among other things, the duty of the committee:

(a) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to tomatoes;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(i) To investigate an applicant's claim for exemptions;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 945.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of tomatoes handled by him as the first handler thereof during a fiscal period and the total quantity of tomatoes handled by all handlers as first handlers thereof during such fiscal period.

§ 945.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 945.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles tomatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all tomatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective whether particular provisions thereof are suspended or become inoperative.

§ 945.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 945.44 *Refunds.* At the end of each fiscal period or other representative period used by the committee as a basis for seasonal accounting, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 945.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes. The expenses of such projects shall be paid from funds collected pursuant to § 945.42.

REGULATION

§ 945.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 945.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping tomatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to tomatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of tomatoes, including prices by grades, sizes, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of tomatoes, by grade, size, and quality in the production area, and in other production areas, including foreign competing production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting tomato prices; and

(e) Other relevant factors.

§ 945.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 945.50, may recommend regulations to the Secretary whenever it finds that such regulations, as are provided for in this subpart, will tend to effectuate the declared policies of the act.

§ 945.52 *Issuance of regulations.* The Secretary shall limit the handling of tomatoes whenever he finds from the recommendation and information submitted by the Committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or packs of any or all varieties of tomatoes during any period; or

(b) Limit the handling of particular grades, sizes, qualities, or packs of tomatoes differently, for different varieties, for different stages of maturity, for different portions of the production area, for different containers, for different markets, for different purposes specified in § 945.54, or any combination of the foregoing, during any period; or

(c) Limit the handling of tomatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(d) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes.

§ 945.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 945.42, 945.52, 945.54, 945.60, or any combination thereof.

§ 945.54 *Shipments for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 945.42, 945.52, 945.53, 945.60, or any combination thereof, in order to facilitate handling of tomatoes for the following purposes:

(a) For export;

(b) For relief or for charity;

(c) For processing; or

(d) For other purposes which may be specified by the committee, with the approval of the Secretary.

§ 945.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 945.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent handling of tomatoes pursuant to § 945.53 or § 945.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship tomatoes pursuant to §§ 945.53 and 945.54; or

(2) Handlers shall obtain inspection provided by § 945.60, or pay the assessment levied pursuant to § 945.42, or both, in connection with shipments made under § 945.54; or

(3) Handlers shall obtain Certificates of Privilege from the committee to handle tomatoes effected or to be effected under the provisions of §§ 945.53 and 945.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that tomatoes handled by him for the purposes stated in §§ 945.53 and 945.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certifi-

cates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of tomatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of tomatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 945.60 *Inspection and certification.* (a) During any period in which handling of tomatoes are regulated pursuant to §§ 945.42, 945.52, 945.54, or any combination thereof, no handler shall handle tomatoes unless each such handling is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 945.53, or § 945.54, or both.

(b) Regrading, resorting, or repacking any lot of tomatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle tomatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each lot of such tomatoes is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided*, That the committee, with approval of the Secretary, may provide for waiving inspection requirements on any tomatoes in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such tomatoes meet the applicable quality and other standards then in effect.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When tomatoes are inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 945.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 945.71 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 945.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's tomatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of tomatoes specified thereon. Such certificate shall be transferred with such tomatoes at time of transportation or sale.

§ 945.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 945.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 945.74 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of tomatoes covered by such exemption certificates, a record of the amount of tomatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right, to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 945.70, 945.71, 945.72, 945.73, or any combination thereof.

REPORTS

§ 945.80 *Reports.* Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of tomatoes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such tomatoes; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the tomatoes were handled, together with the destination of each exempted disposition, and of all tomatoes handled pursuant to §§ 945.53 and 945.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the tomatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 945.81 *Compliance.* Except as provided in this subpart, no handler shall handle tomatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle tomatoes except in conformity to the provisions of this subpart.

§ 945.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 945.83 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 945.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production for market of tomatoes: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such tomatoes produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 945.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 945.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 945.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 945.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 945.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 945.90 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 945.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 945.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 945.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 945.94 *Additional parties.* After the effective date hereof, any handler who had not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 945.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of tomatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Done at Washington, D. C., this 24th day of May 1955.

[SEAL] ROY W. LENNARTSON,
Acting Administrator.

[F. R. Doc. 55-4306; Filed, May 26, 1955; 8:50 a. m.]

[1] Applicable only to the proposed marketing agreement.

[7 CFR Part 1003]

[Docket No. AO-269]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 55-4141, published at page 3531, of the issue dated May 20, 1955, the following changes should be made:

1. In the third column, page 3531, the first sentence of paragraph (1) should read: "As will appear in the discussion of the definition of 'handler' under (3) (a) below it is intended to regulate under the proposed program the handling of dates, regardless of whether in the current of intrastate, interstate, or foreign commerce."

2. In the first column, page 3540, the word "quality" in the fifth line of the first paragraph should read "quantity".

3. Paragraph (e) of § 1003.21, page 3541, should read as follows:

(e) Two to represent producers who are not members of a cooperative marketing association.

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 40, 41, 42, 43, 45]

[Draft Release 55-14]

POSITION AND ANTI-COLLISION LIGHT SYSTEMS ON TRANSPORT CATEGORY AIRPLANES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the issuance of a Special Civil Air Regulation to extend the authority contained in Special Civil Air Regulation No. SR-392 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by June 20, 1955. Copies of such communications will be available after June 22, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On April 9, 1953, the Board adopted Special Civil Air Regulation No. SR-392 which permits experimentation projects on a limited number of airplanes for the purpose of improving position light and anti-collision light systems. SR-392

terminates on June 30, 1955. The Bureau of Safety Regulation considers that further improvement of the conspicuity of transport airplanes is desirable and that continued experimentation along these lines should be permitted.

This proposed special regulation would authorize continued experimentation on a limited number of transport category airplanes with position light and anti-collision light systems which deviate from the specifications prescribed in presently effective Part 4b of the Civil Air Regulations, provided such deviations are within limitations prescribed by the Administrator to be necessary for safety and for avoiding confusion in air navigation.

In view of the foregoing, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, any air carrier may, subject to the approval of the Administrator, engage, while operating airplanes in scheduled or other service, in experimentation on a limited number of airplanes, with projects designed to improve the position light and anti-collision light systems presently specified in Part 4b of the Civil Air Regulations. The Administrator shall prescribe such conditions and limitations as may be necessary to assure safety and to avoid confusion in air navigation, and shall require each carrier to disclose publicly its deviations from the requirements of Part 4b at times and in a manner which he deems consistent with the best interests of safety.

This regulation supersedes Special Civil Air Regulation No. SR-392, and shall terminate June 30, 1960, unless sooner superseded or rescinded.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., May 18, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 55-4301; Filed, May 26, 1955; 8:49 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

[File No. 461]

CORSET, BRASSIERE, AND ALLIED PRODUCTS INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS ON PROPOSED TRADE PRACTICE RULES

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the corset, brassiere, and allied products industry, to present to the Commission such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than June 23, 1955. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., d. s. t., June 23, 1955, in Suite 135 of the Biltmore Hotel, 43d Street and Madison Avenue, New York City, to any person who desires to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through these proceedings is composed of persons, firms, corporations, and organizations engaged in the manufacture, importation, or marketing at any level of distribution, of corsets, brassieres, girdles, combinations, garter belts, bust pads, and related foundation garments.

By direction of the Commission.

Issued: May 24, 1955.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-4305; Filed, May 26, 1955; 8:49 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 6600 et al.]

HELICOPTER AIR SERVICE, INC., AND MIDWAY AIRLINES, INC.; CHICAGO AREA SERVICE CASE

NOTICE OF HEARING

In the matter of the applications of Helicopter Air Service, Inc., for renewal and amendment of its temporary certificate of public convenience and necessity and of Midway Airlines, Inc., for a certificate of public convenience and necessity and/or exemption authority.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on June 13, 1955, at 10:00 a. m., local time, in Room 224, U. S. Court House, 219 South Clark Street, Chicago, Illinois.

Without limiting the scope of the issues, particular attention will be directed to the following matters and questions:

1. Whether the public convenience and necessity require the renewal and amendment of the temporary certificate of public convenience and necessity of Helicopter Air Service, Inc., as set forth in its application, and amendments thereto, filed with the Board in Docket No. 6600.

2. Whether the public convenience and necessity require the grant of the application, as amended, filed with the Board by Midway Airlines, Inc. in Docket No. 6852.

3. Are the applicants fit, willing, and able to perform such transportation properly and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

For further details of the service proposed, and the authorizations requested, interested parties are referred to the applications, the Board's order No. E-8963, and the prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in support or opposition to questions involved in this proceeding must file with the Board on or before June 13, 1955, a statement setting forth the matters of fact or law which he desires to advance or controvert. Any person filing such a statement may appear at the hearing in accordance with § 302.14 of the Board's rules of practice in Economic Proceedings.

Dated at Washington, D. C., May 23, 1955.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-4304; Filed, May 26, 1955; 8:49 a. m.]

[Docket No. 6615]

PAN AMERICAN WORLD AIRWAYS, INC.; GUATEMALA-LOS ANGELES-SAN FRANCISCO SERVICE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Pan American World Airways, Inc., for amendment of certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 14, 1955, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 24, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-4302; Filed, May 26, 1955; 8:49 a. m.]

[Docket No. 6848]

DELTA-C & S

NOTICE OF ORAL ARGUMENT

In the matter of the Delta-C & S application to make Fort Wayne, Ind., an alternate intermediate point to Anderson/Muncie/New Castle, Ind.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938 as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 8, 1955, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 24, 1955.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 55-4303; Filed, May 26, 1955; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

PACIFIC FAR EAST LINE, INC.

NOTICE OF APPLICATION

Notice is hereby given of the application of Pacific Far East Line, Inc., seeking the written permission of the Maritime Administrator under section 805 (a) Merchant Marine Act, 1936, 46 U. S. C. 1223, to load approximately 3,000 tons of newsprint at Port Angeles, Washington, on or about May 30, 1955, for discharge at San Francisco and Long Beach, California.

Under the provisions of section 805 (a), the Maritime Administrator may not grant any such application if the Administrator finds it will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or that it will be prejudicial to the objects and policy of the act.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should notify the Acting Secretary, Maritime Administration, on or before noon, May 31, 1955, and should file petitions for leave to intervene in accordance with § 201.81 of the Federal Maritime Board/Maritime Administration's rules of procedure (18 F. R. 3716).

In the absence of receipt of any such request for hearing and petition for leave to intervene, the Maritime Administrator will grant the requested permission.

Dated: May 25, 1955.

By order of the Maritime Administrator.

[SEAL] THOS. E. STAKEM, JR., *Acting Secretary.*

[F. R. Doc. 55-4340; Filed, May 26, 1955; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Amdt. 0-5; FCC 55-585]

CHIEF HEARING EXAMINER

DELEGATION OF CERTAIN AUTHORITIES PRESENTLY DELEGATED TO MOTIONS COMMISSIONER AND HEARING EXAMINER

In the matter of amendment of Part 0 of the Commission's rules and regulations, by delegating to the Chief Hearing Examiner certain authorities presently delegated to the Motions Commissioner and the Hearing Examiner.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of May 1955:

The Commission having under consideration the delegation to the Chief Hearing Examiner of certain authorities presently delegated to the Motions Commissioner and the Hearing Examiner; and

It appearing, that the amendment herein ordered would be in aid of orderly administrative procedure; and

It further appearing, that the amendment herein ordered is procedural in nature, and, therefore, compliance with the public notice and rule making procedure required by sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It is ordered, That pursuant to section 4 (i) and 303 (r) of the Communications Act, as amended, and section 3 (a) of the Administrative Procedure Act, Part 0 of the Commission's rules is hereby amended, effective immediately, as set forth below.

Released: May 20, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

1. Section 0.222 of the Commission's rules and regulations is amended by deleting in subsection (a) thereof after the words "In cases designated for hearing" the words "but before a hearing examiner has been designated to preside at a hearing and." As amended, section 0.222 (a) reads as follows:

(a) In cases designated for hearing after issuance of an initial decision, on all motions, petitions or other pleadings except (1) those requesting final disposition of any case on its merits, (2) those having the nature of an appeal to the Commission, en banc, (3) those changing the issues upon which the hearing was ordered, and (4) those requesting change or modification of a final order made by the Commission.

2. Section 0.224 of the Commission's rules and regulations is amended by substituting in subsection (c) for the words "After a hearing examiner has been designated to preside at a hearing and before he" the following phrase "After a case has been designated for hearing and before the hearing examiner."

3. Section 0.224 of the Commission's rules and regulations is further amended by adding to subsection (c) a new number (5). As amended, section 0.224 (c) reads as follows:

(c) After a case has been designated for hearing and before the hearing examiner has issued an initial decision, on motions, petitions and other pleadings concerning

(1) Petitions to intervene.

(2) Petitions filed by applicant requesting that its application or the proceeding thereon be dismissed.

(3) Dismissal of cease and desist and revocation proceedings.

(4) Requests for leave to file additional pleadings provided for in § 1.730 and pleadings in excess of the length specified in § 1.751.

(5) In the absence of the hearing examiner who has been designated to preside in a proceeding, to discharge the hearing examiner's functions delegated to him under section 0.231.

[F. R. Doc. 55-4274; Filed, May 25, 1955; 8:52 a. m.]

[Docket Nos. 11392, 11393; FCC 55-574]

BARTLETT AND REED MANAGEMENT AND BLACKHILLS VIDEO CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bartlett and Reed Management, Rapid City, South Dakota, Docket No. 11392, File Nos. 557/558/559/560/561/562/563-C1-P-55; and Blackhills Video Company, Rapid City, South Dakota, Docket No. 11393, File Nos. 1096/1097/1098/1099/1100/1101/1102/1103/1104/1105-C1-P-55; for construction permits for radio relay facilities.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 18th day of May 1955;

The Commission, having under consideration the above-entitled applications for construction permits to establish separate common carrier microwave systems, from points within the signal contour area of television stations located at Denver, Colorado, to Rapid City, South Dakota, for the purpose of transmitting television program material to the latter point; and

It appearing that neither applicant has submitted a satisfactory showing that its proposed facility is required to serve the public interest, convenience or necessity; and

It further appearing that the establishment of two separate and competing systems for the provision of service to the same area may result in wasteful duplication of facilities; and,

It further appearing that the Commission has advised each of the above-entitled applicants by letters, dated April

14 and April 18, 1954, respectively, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, as to the reasons why its applications cannot be granted without hearing, and has carefully considered the responses thereto:

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m., on July 5, 1955, upon the following issues:

1. To determine the need for either or both services in the respective areas to be served.

2. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant.

3. To determine the comparative qualifications of the principals of both applicants to construct and operate the proposed microwave relay circuits.

4. To determine, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience or necessity would be served by a grant of any of the applications and whether either or both of the respective system applications should be granted.

Released: May 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4272; Filed, May 25, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6191, E-6295]

LUZ Y FUERZA DE REYNOSA S. A. AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATIONS

MAY 23, 1955.

In the matters of Luz y Fuerza de Reynosa S. A., Docket No. E-6295; Central Power and Light Co., Docket No. E-6191.

Take notice that on May 16, 1955, Luz y Fuerza de Reynosa S. A. and Central Power and Light Company (Applicants), filed a joint application in each of the above dockets for authority, pursuant to section 202 (e) of the Federal Power Act, to increase the amount of electric energy which they may transmit from the United States to Mexico.

By one of these applications Applicants seek authority to export from a point near Hidalgo, Texas, to the vicinity of Reynosa, Tamaulipas, Mexico, up to 20,000,000 kwh of electric energy annually at a maximum rate of transmission of 4,000 kw; the authorization to supersede that heretofore granted by order of the Commission dated May 3, 1950, in Docket No. E-6191. In the other application Applicants seek authority to export from a point near Donna River Pumping Station at Progresso, Texas, to the vicinity of Rio Bravo, Tamaulipas, Mexico, up to 25,000,000 kwh of electric energy annually at a maximum rate of transmission of 5,000 kw; the authorization to supersede that heretofore granted by order of the Commission dated December 18, 1950, in Docket No. E-6295.

Any person desiring to be heard, or to make any protest with reference to these applications should, on or before the 13th day of June 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's general rules and regulations. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4291; Filed, May 26, 1955; 8:47 a. m.]

[Docket No. E-6624]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

MAY 23, 1955.

Take notice that on May 9, 1955, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by El Paso Electric Company, a corporation organized under the laws of the State of Texas and doing business in the States of Texas and New Mexico, with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of $3,000,000 face amount of unsecured Promissory Notes, payable to such bank or banks from which the Company may borrow funds for periods not exceeding twelve months from date of original issue or renewal thereof. Said notes will bear maturity dates not later than December 31, 1956, and will bear interest at a rate per annum not in excess of one quarter of one per cent over the prime rate in effect at the time of the borrowing or the renewal or extension of the loans; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 6th day of June 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4292; Filed, May 26, 1955; 8:47 a. m.]

[Docket No. G-1783]

TRANSCONTINENTAL GAS PIPELINE CORP.

NOTICE OF PETITION TO AMEND AND DATE OF HEARING

MAY 23, 1955.

Take notice that on April 29, 1955, Transcontinental Gas Pipeline Corporation (Petitioner), a Delaware corporation, having its principal place of business at Houston, Texas, filed a petition to amend the certificate of public convenience and necessity heretofore issued to Petitioner in the above-entitled matter in the manner hereinafter indicated.

By the decision of the Commission's Presiding Examiner, filed April 17, 1952, as modified and affirmed by the Commission in its order issued June 25, 1952, Petitioner was granted a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, to construct and operate facilities for the transportation and sale of natural gas to the Duke Power Company.

Petitioner seeks to amend Paragraph (A) of said Decision, which provided for the delivery of natural gas to the Duke Power Company as follows,

(A) The facilities herein authorized shall be used for the transportation and delivery of natural gas on an interruptible basis, and gas so transported and delivered shall be limited to the natural gas that is available as the difference between the Applicant's pipeline delivery capacity of 50,000 Mcf per day, which was specifically authorized by the Commission in Docket No. G-1411 and the volume of gas actually delivered under such authorization, but not in any event to exceed 30,000 Mcf in any one calendar day, and not more than the following total annual quantities:

First year 5,529,000 Mcf.
Second year 3,000,000 Mcf.
Third year 2,520,000 Mcf.
Fourth year 2,520,000 Mcf.
Fifth year 2,520,000 Mcf.

by substituting the following:

(A) The facilities herein authorized shall be used for the transportation and delivery, on an interruptible basis and subject to the terms and conditions hereinafter ordered, of such volumes of natural gas as Transcontinental may have available south of Compressor Station No. 15 and as Duke Power may be willing to purchase, but in no event shall such volumes exceed 50,000 Mcf per day.

In addition, Petitioner requests that Paragraph (C) of said Decision should be deleted. Said paragraph reads as follows:

(C) The operation of the facilities herein authorized is hereby limited to a period of five years from the date of the first delivery of natural gas to Duke Power Company unless such period shall hereafter be extended by order of the Commission.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 15, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such petition.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before June 13, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4293; Filed, May 26, 1955; 8:47 a. m.]

[Docket No. G-8709]

LENOIR M. JOSEY, INC., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 23, 1955.

In the matter of Lenoir M. Josey, Inc., Houston Oil Well Service Company, R. A. Josey Estate, Pine Lodge Oil Company, Inc., Jack S. Josey, M. F. Brown, N. E. Payne, Jack W. Craig, Robert H. Park, W. R. Donaho; Docket No. G-8709.

Take notice that Lenoir M. Josey, Inc., a Texas corporation whose address is C & I Life Building, Houston 2, Texas, filed an application on April 1, 1955, for itself and as agent for the above-entitled applicants for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants propose to sell natural gas produced from the North Hungerford Field, Fort Bend and Wharton Counties, Texas, to Tennessee Gas Transmission Company. Tennessee will transport and sell the gas in interstate commerce. The delivery point will be at Tennessee's pipe line in the field. It is estimated that the rate of delivery will be approximately 105,000 Mcf per month. The initial price will be 13.47548 cents per Mcf at 14.65 psia.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 17, 1955, at 9:30 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 9, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4294; Filed, May 26, 1955; 8:47 a. m.]

[Project No. 2059]

EUGENE WATER & ELECTRIC BOARD

NOTICE OF POSTPONEMENT OF HEARING

MAY 20, 1955.

In the matter of City of Eugene, Oregon, by and thru its Eugene Water & Electric Board; Project No. 2059.

Upon consideration of the telegraphic request, filed May 19, 1955, by the Eugene Water & Electric Board, for postponement of the hearing now scheduled for June 7, 1955, in the above-designated matter;

Notice is hereby given that the hearing now scheduled for June 7, 1955, is hereby postponed to 10:00 a. m., P. s. t., June 27, 1955, in Room 200, Veterans Memorial Building, 1600 Williamette Street, Eugene, Oregon.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4295; Filed, May 26, 1955; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 16580, Amdt.]

LUDWIG EDWARD DAVID

In re: Estate of Ludwig Edward David, deceased, File No. D-28-12795; E. & T. sec. 16969.

Vesting Order 16580 dated December 19, 1950, is hereby amended as follows and not otherwise:

1. By inserting immediately after the words "That Dr. Alice David and Ludwig David," the designations "or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ludwig David,"

All other provisions of said Vesting Order 16580 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 23, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-4300; Filed, May 26, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 24, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30658: Livestock, London, Ohio, to Atlanta, Ga. Filed by H. R. Rinsch, Agent, for interested rail carriers. Rates on cattle, calves, goats, kids, hogs, lambs and sheep, carloads, from London, Ohio, to Atlanta, Ga.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 70 to Agent Hinsch's I. C. C. 4510.

FSA No. 30659: Motor-rail-motor rates, Pennsylvania Railroad. Filed by Eastern Central Motor Carriers Association, Agent, for Pennsylvania Railroad Company and interested motor carriers. Rates on various commodities, truckloads and less-truck loads, in highway trailers, loaded on railroad flat cars, between Chicago, Ill., and East St. Louis, on the one hand, and Philadelphia, Pa., and Kearny, N. J., on the other.

Grounds for relief: "Trailer-on-flatcar" motor competition.

Tariff: Eastern Central Motor Carriers Association I. C. C. No. 4.

FSA No. 30660: Fine coal, Belleville, Ill., groups to Chamois, Mo. Filed by Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), for itself and on behalf of the Missouri-Illinois Railroad Company. Rates on bituminous fine coal, carloads, from Belleville, Ill., and other points in the Belleville group, to Chamois, Mo.

Grounds for relief: Rail-barge competition and circuity.

Tariff: Supplement 12 to Missouri Pacific Railroad Company, I. C. C. A-10454.

FSA No. 30661: Fullers earth, Faceville, Ga., to Norfolk and Portsmouth, Va. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on fullers earth, carloads, from Faceville, Ga., to Norfolk and Portsmouth, Va.

Grounds for relief: Circuitous routes.

Tariff: Supplement 30 to Agent C. A. Spaninger's I. C. C. 1323.

FSA No. 30662: Merchandise to Memphis, Tenn. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on various articles of merchandise, in mixed carloads, from Birmingham, Ala., Charlotte, N. C., and Greenville, S. C., to Memphis, Tenn.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 10 to Agent C. A. Spaninger's I. C. C. 1458.

FSA No. 30663: Merchandise, New Orleans, La., to the South. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on various commodities, in mixed carloads, from New Orleans, La., to specified points in Georgia and Florida.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 10 to Agent C. A. Spaninger's I. C. C. 1458.

FSA No. 30664: Merchandise, Southern points to Philadelphia, Pa. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on various commodities, in mixed carloads, from Charlotte and Gas-

14 and April 18, 1954, respectively, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, as to the reasons why its applications cannot be granted without hearing, and has carefully considered the responses thereto:

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m., on July 5, 1955, upon the following issues:

1. To determine the need for either or both services in the respective areas to be served.

2. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant.

3. To determine the comparative qualifications of the principals of both applicants to construct and operate the proposed microwave relay circuits.

4. To determine, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience or necessity would be served by a grant of any of the applications and whether either or both of the respective system applications should be granted.

Released: May 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4272; Filed, May 25, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6191, E-6295]

LUZ Y FUERZA DE REYNOSA S. A. AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATIONS

MAY 23, 1955.

In the matters of Luz y Fuerza de Reynosa S. A., Docket No. E-6295; Central Power and Light Co., Docket No. E-6191.

Take notice that on May 16, 1955, Luz y Fuerza de Reynosa S. A. and Central Power and Light Company (Applicants), filed a joint application in each of the above dockets for authority, pursuant to section 202 (e) of the Federal Power Act, to increase the amount of electric energy which they may transmit from the United States to Mexico.

By one of these applications Applicants seek authority to export from a point near Hidalgo, Texas, to the vicinity of Reynosa, Tamaulipas, Mexico, up to 20,000,000 kwh of electric energy annually at a maximum rate of transmission of 4,000 kw; the authorization to supersede that heretofore granted by order of the Commission dated May 3, 1950, in Docket No. E-6191. In the other application Applicants seek authority to export from a point near Donna River Pumping Station at Progresso, Texas, to the vicinity of Rio Bravo, Tamaulipas, Mexico, up to 25,000,000 kwh of electric energy annually at a maximum rate of transmission of 5,000 kw; the authorization to supersede that heretofore granted by order of the Commission dated December 18, 1950, in Docket No. E-6295.

Any person desiring to be heard, or to make any protest with reference to these applications should, on or before the 13th day of June 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's general rules and regulations. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4291; Filed, May 26, 1955; 8:47 a. m.]

[Docket No. E-6624]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

MAY 23, 1955.

Take notice that on May 9, 1955, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by El Paso Electric Company, a corporation organized under the laws of the State of Texas and doing business in the States of Texas and New Mexico, with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of $3,000,000 face amount of unsecured Promissory Notes, payable to such bank or banks from which the Company may borrow funds for periods not exceeding twelve months from date of original issue or renewal thereof. Said notes will bear maturity dates not later than December 31, 1956, and will bear interest at a rate per annum not in excess of one quarter of one per cent over the prime rate in effect at the time of the borrowing or the renewal or extension of the loans; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 6th day of June 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4292; Filed, May 26, 1955; 8:47 a. m.]

[Docket No. G-1783]

TRANSCONTINENTAL GAS PIPELINE CORP.

NOTICE OF PETITION TO AMEND AND DATE OF HEARING

MAY 23, 1955.

Take notice that on April 29, 1955, Transcontinental Gas Pipeline Corporation (Petitioner), a Delaware corporation, having its principal place of business at Houston, Texas, filed a petition to amend the certificate of public convenience and necessity heretofore issued to Petitioner in the above-entitled matter in the manner hereinafter indicated.

By the decision of the Commission's Presiding Examiner, filed April 17, 1952, as modified and affirmed by the Commission in its order issued June 25, 1952, Petitioner was granted a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, to construct and operate facilities for the transportation and sale of natural gas to the Duke Power Company.

Petitioner seeks to amend Paragraph (A) of said Decision, which provided for the delivery of natural gas to the Duke Power Company as follows,

(A) The facilities herein authorized shall be used for the transportation and delivery of natural gas on an interruptible basis, and gas so transported and delivered shall be limited to the natural gas that is available as the difference between the Applicant's pipeline delivery capacity of 50,000 Mcf per day, which was specifically authorized by the Commission in Docket No. G-1411 and the volume of gas actually delivered under such authorization, but not in any event to exceed 30,000 Mcf in any one calendar day, and not more than the following total annual quantities:

First year 5,529,009 Mcf.
Second year 3,000,000 Mcf.
Third year 2,520,000 Mcf.
Fourth year 2,520,000 Mcf.
Fifth year 2,520,000 Mcf.

by substituting the following:

(A) The facilities herein authorized shall be used for the transportation and delivery, on an interruptible basis and subject to the terms and conditions hereinafter ordered, of such volumes of natural gas as Transcontinental may have available south of Compressor Station No. 15 and as Duke Power may be willing to purchase, but in no event shall such volumes exceed 50,000 Mcf per day.

In addition, Petitioner requests that Paragraph (C) of said Decision should be deleted. Said paragraph reads as follows:

(C) The operation of the facilities herein authorized is hereby limited to a period of five years from the date of the first delivery of natural gas to Duke Power Company unless such period shall hereafter be extended by order of the Commission.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 15, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such petition.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before June 13, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4293; Filed, May 26, 1955; 8:47 a. m.]

[Docket No. G-8709]

LENOIR M. JOSEY, INC., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 23, 1955.

In the matter of Lenoir M. Josey, Inc., Houston Oil Well Service Company, R. A. Josey Estate, Pine Lodge Oil Company, Inc., Jack S. Josey, M. F. Brown, N. E. Payne, Jack W. Craig, Robert H. Park, W. R. Donaho; Docket No. G-8709.

Take notice that Lenoir M. Josey, Inc., a Texas corporation whose address is C & I Life Building, Houston 2, Texas, filed an application on April 1, 1955, for itself and as agent for the above-entitled applicants for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants propose to sell natural gas produced from the North Hungerford Field, Fort Bend and Wharton Counties, Texas, to Tennessee Gas Transmission Company. Tennessee will transport and sell the gas in interstate commerce. The delivery point will be at Tennessee's pipe line in the field. It is estimated that the rate of delivery will be approximately 105,000 Mcf per month. The initial price will be 13.47548 cents per Mcf at 14.65 psia.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 17, 1955, at 9:30 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 9, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4294; Filed, May 26, 1955; 8:47 a. m.]

[Project No. 2059]

EUGENE WATER & ELECTRIC BOARD

NOTICE OF POSTPONEMENT OF HEARING

MAY 20, 1955.

In the matter of City of Eugene, Oregon, by and thru its Eugene Water & Electric Board; Project No. 2059.

Upon consideration of the telegraphic request, filed May 19, 1955, by the Eugene Water & Electric Board, for postponement of the hearing now scheduled for June 7, 1955, in the above-designated matter;

Notice is hereby given that the hearing now scheduled for June 7, 1955, is hereby postponed to 10:00 a. m., P. s. t., June 27, 1955, in Room 200, Veterans Memorial Building, 1600 Williamette Street, Eugene, Oregon.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4295; Filed, May 26, 1955; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 16580, Amdt.]

LUDWIG EDWARD DAVID

In re: Estate of Ludwig Edward David, deceased, File No. D-28-12795; E. & T. sec. 16969.

Vesting Order 16580 dated December 19, 1950, is hereby amended as follows and not otherwise:

1. By inserting immediately after the words "That Dr. Alice David and Ludwig David," the designations "or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ludwig David,"

All other provisions of said Vesting Order 16580 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on May 23, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-4300; Filed, May 26, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 24, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30658: Livestock, London, Ohio, to Atlanta, Ga. Filed by H. R. Rinsch, Agent, for interested rail carriers. Rates on cattle, calves, goats, kids, hogs, lambs and sheep, carloads, from London, Ohio, to Atlanta, Ga.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 70 to Agent Hinsch's I. C. C. 4510.

FSA No. 30659: Motor-rail-motor rates, Pennsylvania Railroad. Filed by Eastern Central Motor Carriers Association, Agent, for Pennsylvania Railroad Company and interested motor carriers. Rates on various commodities, truckloads and less-truck loads, in highway trailers, loaded on railroad flat cars, between Chicago, Ill., and East St. Louis, on the one hand, and Philadelphia, Pa., and Kearny, N. J., on the other.

Grounds for relief: "Trailer-on-flatcar" motor competition.

Tariff: Eastern Central Motor Carriers Association I. C. C. No. 4.

FSA No. 30660: Fine coal, Belleville, Ill., groups to Chamois, Mo. Filed by Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), for itself and on behalf of the Missouri-Illinois Railroad Company. Rates on bituminous fine coal, carloads, from Belleville, Ill., and other points in the Belleville group, to Chamois, Mo.

Grounds for relief: Rail-barge competition and circuity.

Tariff: Supplement 12 to Missouri Pacific Railroad Company, I. C. C. A-10454.

FSA No. 30661: Fullers earth, Faceville, Ga., to Norfolk and Portsmouth, Va. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on fullers earth, carloads, from Faceville, Ga., to Norfolk and Portsmouth, Va.

Grounds for relief: Circuitous routes.

Tariff: Supplement 30 to Agent C. A. Spaninger's I. C. C. 1323.

FSA No. 30662: Merchandise to Memphis, Tenn. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on various articles of merchandise, in mixed carloads, from Birmingham, Ala., Charlotte, N. C., and Greenville, S. C., to Memphis, Tenn.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 10 to Agent C. A. Spaninger's I. C. C. 1458.

FSA No. 30663: Merchandise, New Orleans, La., to the South. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on various commodities, in mixed carloads, from New Orleans, La., to specified points in Georgia and Florida.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 10 to Agent C. A. Spaninger's I. C. C. 1458.

FSA No. 30664: Merchandise, Southern points to Philadelphia, Pa. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on various commodities, in mixed carloads, from Charlotte and Gas-

tonia, N. C., Greenville and Spartanburg, S. C., to Philadelphia, Pa.

Grounds for relief: Motor carrier competition and circuity.

Tariff: Supplement 10 to Agent C. A. Spaninger's I. C. C. 1458.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-4297; Filed, May 26, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-867]

MAINE CENTRAL RAILROAD CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MAY 23, 1955.

In the matter of Maine Central Railroad Company, Common Stock, $100 Par Value; File No. 1-867.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Boston Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The management wishes to encourage the holding of its common stock for investment in the vicinity of the railroad, which operates principally in the State of Maine. Accordingly it wishes to dispense with the more general market afforded by an exchange listing. Over 73,000 of the 120,000 shares are owned by directors and principal stockholders, leaving too few shares publicly held to be appropriate for an exchange market in any event.

At the annual meeting of stockholders, April 27, 1955, for which proxies were solicited, 72,058 shares were voted in favor of, and 7,095 against, delisting. The 7,095 shares were voted by 27, or 4 percent, of the 680 holders of record. An additional 7,000 shares in favor of delisting arrived too late to be voted.

The bonds and preferred stock of the applicant will remain listed on the New York and Boston Stock exchanges, respectively.

The Boston Stock Exchange has no applicable delisting rule, but has been notified of the proposed delisting.

Upon receipt of a request, on or before June 8, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4290; Filed, May 26, 1955; 8:46 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 105

Washington, Saturday, May 28, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3096

PRAYER FOR PEACE, MEMORIAL DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Memorial Day each year serves as a solemn reminder of the scourge of war and its bitter aftermath of sorrow; and

WHEREAS this day has traditionally been devoted to paying homage to loved ones who lie in hallowed graves throughout the land, having sacrificed their lives that war might end; and

WHEREAS in tribute to these silent dead it is fitting that we lift up our voices together in supplication to Almighty God for wisdom in our search for an enduring peace; and

WHEREAS the Congress, in a joint resolution approved May 11, 1950, provided that Memorial Day should be set aside as a day of prayer for permanent peace, and requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day in that manner:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Memorial Day, Monday, the thirtieth of May, 1955, as a day of Nation-wide prayer for permanent peace, and I designate the hour beginning in each locality at eleven o'clock in the morning as a period in which the people of this Nation may unite in beseeching God to guide the nations of the world into the ways of peace.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fourth day of May in the year of our Lord nineteen hundred and fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 55-4405; Filed, May 27, 1955; 1:06 p. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PEAS [1]

"U. S. GRADE A"; EFFECTIVE TIME AND SUPERSEDURE

In F. R. Doc. 55-3822 appearing in the FEDERAL REGISTER issue (20 F. R. 3252 et seq.) for Friday, May 13, 1955, the following corrections are hereby made:

(1) In the 13th line of paragraph (a) of § 52.2283 *Grades of Canned Peas* (20 F. R. 3252) insert the words "or a fairly good liquor" after the phrase *"Provided,* That the canned peas may possess a reasonably good liquor."

(2) In the last line of the first paragraph of *Effective time and supersedure* (20 F. R. 3255) change the words "April 4" to read "May 1."

The aforementioned errors were made inadvertently and the indicated changes are to correct the same. The change listed under (1) is necessary to provide an alternative standard for liquor and the change listed under (2) is not of substantive importance. These changes will not impose additional liabilities or burdens on any interested party and advance notice of such changes are not needed. They will merely correct and supplement, in minor aspect, the United States Standards for Grades of Canned Peas which became effective on May 13, 1955, and such changes are necessary and appropriate to enable those standards to be applied properly. Therefore, it would be impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, or delay the

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end ($2.25)
Title 8 ($0.45)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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Part 969 — 3787
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Part 3 (proposed) (5 documents) — 3801, 3802

Title 49
Chapter I:
Part 315 (proposed) — 3802

effective date of this action for 30 days after the publication of this document in the FEDERAL REGISTER.

Dated: May 24, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 55–4316; Filed, May 27, 1955; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 37]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.337 *Valencia Orange Regulation 37*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on May 26, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 29, 1955, and ending at 12:01 a. m., P. s. t., June 5, 1955, is hereby fixed as follows:

(i) District 1: 207,900 boxes;
(ii) District 2: 219,450 boxes;
(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 27, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–4392; Filed, May 27, 1955; 11:32 a. m.]

[Orange Reg. 280]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.740 *Orange Regulation 280*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 30, 1955. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until May 30, 1955; the recommendation and supporting information for continued regulation subsequent to May 29, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 24; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 30, 1955, and ending at 12:01 a. m., e. s. t., June 13, 1955, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than 3$\frac{5}{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straght line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are larger than 3$\frac{5}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and larger.

(2) During the period beginning at 12:01 a. m., e. s. t., June 13, 1955, and ending at 12:01 a. m., e. s. t., October 3, 1955, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and

order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 274 (§ 933.728, 20 F. R. 1359).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 25, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4334; Filed, May 27, 1955; 8:51 a. m.]

[Grapefruit Reg. 225]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.741 *Grapefruit Regulation 225*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 30, 1955. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until May 30, 1955; the recommendation and supporting information for continued regulation subsequent to May 29, 1955, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 24; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 30, 1955, and ending at 12:01 a. m., e. s. t., June 13, 1955, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(iii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) During the period beginning at 12:01 a. m., e. s. t., June 13, 1955, and ending at 12:01 a. m., e. s. t., September 12, 1955, no handler shall ship:

(i) Any grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 25, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4333; Filed, May 27, 1955; 8:51 a. m.]

[Lemon Reg. 591]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.698 *Lemon Regulation 591*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 25, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 29, 1955, and ending at 12:01 a. m., P. s. t., June 5, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 550 carloads;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 26, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4375; Filed, May 27, 1955; 8:55 a. m.]

[Avocado Order 7]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

QUALITY REGULATION

§ 969.307 *Avocado Order 7*—(a) *Findings.* (1) On April 21, 1955, notice of rule-making was published in the FEDERAL REGISTER (20 F. R. 2666) regarding a proposed limitation of shipments of avocados, grown in South Florida, effective at 12:01 a. m., e. s. t., June 1, 1955, pursuant to the marketing agreement and Order No. 69, regulating the handling of avocados grown in South Florida. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 35 seq.). After consideration of all relevant matters presented, including the proposal, set forth in the aforesaid notice, which was submitted by the Avocado Administrative Committee (established pursuant to the marketing agreement and order), it is hereby found that the limitation of shipments of avocados, in the manner and during the period hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) and for making the provisions hereof effective at the time herein specified in that: Shipments of avocados, grown in South Florida, are currently prohibited until 12:01 a. m., e. s. t., June 1, 1955, under the maturity regulation (§ 969.306; 20 F. R. 3427) issued on May 12, 1955; shipments of such avocados are expected to begin on or soon after June 1, 1955, and this section should be applicable to all such shipments in order to prevent the shipment of avocados of undesirable quality and appearance; growers and handlers of Florida avocados have been notified of the provisions of the proposed regulation and were given an opportunity to submit data, views, or arguments for consideration in connection therewith, but failed to do so; compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof; and a reasonable time is permitted, under the circumstances, for the preparation for such effective time.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 1, 1955, and ending at 12:01 a. m., e. s. t., March 31, 1956, no handler shall handle:

(i) Any avocados, grown in South Florida, which do not grade at least No. 3 Grade, as defined in § 969.130 (d) of the supplementing rules and regulations (20 F. R. 3557).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 26, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4363; Filed, May 27, 1955; 8:55 a. m.]

PART 975—MILK IN THE CLEVELAND, OHIO, MARKETING AREA

ORDER TERMINATING CERTAIN PROVISION OF ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 975), regulating the handling of milk in the Cleveland, Ohio, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) In § 975.60 (b) (2) of the order the provision "in barrels" does not tend to effectuate the declared policy of the act;

(b) Notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that (1) the information on which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this termination order effective as set forth below is necessary to reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; (3) on April 8, 1955, the Market News Service of the Department of Agriculture stopped reporting Chicago price quotations for roller process nonfat dry milk solids for human consumption in drums and barrels. This was done because too few sales were being made in drums and barrels to report such prices. Most price quotations now relate to sales in bags and this series is being continued by the Market News Service.

It is therefore ordered, That in § 975.60 (b) (2) the provision "in barrels" be and hereby is terminated effective immediately.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 25th day of May 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-4335; Filed, May 27, 1955; 8:51 a. m.]

[Docket No. AO 259]

PART 998—MILK IN THE CORPUS CHRISTI, TEXAS, MARKETING AREA

ORDER REGULATING HANDLING

Sec.
998.0 Findings and determinations.

DEFINITIONS

998.1 Act.
998.2 Secretary.
998.3 Department of Agriculture.
998.4 Person.
998.5 Cooperative association.
998.6 Corpus Christi, Texas, marketing area.
998.7 Fluid milk plant.
998.8 Nonfluid milk plant.
998.9 Approved plant.
998.10 Handler.
998.11 Route.
998.12 Producer.
998.13 Producer milk.
998.14 Other source milk.
998.15 Producer-handler.
998.16 Chicago butter price.

MARKET ADMINISTRATOR

998.20 Designation.
998.21 Powers.
998.22 Duties.

REPORTS, RECORDS AND FACILITIES

998.30 Reports of receipts and utilization.
998.31 Payroll reports.
998.32 Other reports.
998.33 Records and facilities.
998.34 Retention of records.

CLASSIFICATION

998.40 Skim milk and butterfat to be classified.
998.41 Classes of utilization.
998.42 Shrinkage.
998.43 Responsibility of handlers and reclassification of milk.
998.44 Transfers.
998.45 Computation of the skim milk and butterfat in each class.
998.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

998.50 Basic formula price.
998.51 Class prices.
998.52 Butterfat differential to handlers.

APPLICATION OF PROVISIONS

998.60 Producer-handlers.
998.61 Plants subject to other Federal orders.

DETERMINATION OF UNIFORM PRICE

998.70 Net obligation of handlers.
998.71 Computation of aggregate value used to determine uniform prices.
998.72 Computation of uniform prices for handlers.

PAYMENTS

998.80 Payments to producers.
998.81 Butterfat differential to producers.
998.82 Adjustment of accounts.
998.83 Marketing services.
998.84 Expense of administration.
998.85 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

998.90 Effective time.
998.91 Suspension or termination.
998.92 Continuing obligations.
998.93 Liquidation.

MISCELLANEOUS PROVISIONS

998.100 Agents.
998.101 Separability of provisions.

AUTHORITY: §§ 998.0 to 998.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 998.0 *Findings and determinations.* (a) Findings upon the basis of the hear-

ing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Corpus Christi, Texas, marketing area. Upon the basis of the evidence introduced in such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a fluid milk plant which is classified as Class I milk and, (c) Class I disposed of during the month on routes (including routes operated by vendors) to retail or wholesale outlets (except fluid milk plant) located in the marketing area from a nonfluid milk plant.

(b) *Additional findings.* In view of the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the entire order to afford handlers an oportunity to make any necessary changes in their accounting procedure or other adjustments as required to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. The provisions of said order are known to handlers. The decision of the Assistant Secretary of Agriculture containing all provisions of this order was issued on May 3, 1955. In view of the foregoing, it is hereby found and determined that good cause exists for making §§ 998.1 through 998.16; 998.20 through 998.22; 998.30 through 998.34; 998.40 through 998.46; 998.60, 998.61, 998.84, 998.90 through 998.93, 998.100 and 998.101 effective on June 15, 1955, and the entire order (§§ 998.1 through 998.101) effective July 1, 1955. It would be contrary to the public interest to delay such effective dates of this order for 30 days after its publication in the FEDERAL REGISTER. (See Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of more than 50 percent of the milk covered by this order which is marketed within the Corpus Christi, Texas marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order is approved or favored by at least three-fourths of the producer who, participated in a referendum thereon and who, during the determined representative period (March 1955), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Corpus Christi, Texas, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 998.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 998.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 998.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 998.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 998.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 998.6 *Corpus Christi, Texas, Marketing Area.* "Corpus Christi, Texas, Marketing Area", hereinafter called the "marketing area," means all the territory within the Counties of Nueces, Jim Wells, Kleberg, Brooks, Duval, Live Oak and San Patricio.

§ 998.7 *Fluid milk plant.* "Fluid milk plant" means any milk processing or packaging plant from which Class I milk equal to more than three percent of the Grade "A" milk and skim milk received from dairy farmers and other plants, or an average of 1,000 or more pounds of Class I milk per day, whichever is less, is disposed of during the month in the marketing area through a route(s).

§ 998.8 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

§ 998.9 *Approved plant.* "Approved plant" means: (a) A fluid milk plant and (b) any milk plant from which Class I milk is disposed of on a route in the marketing area.

§ 998.10 *Handler.* "Handler" means any person in his capacity as the operator of one or more approved plants.

§ 998.11 *Route.* "Route" means the operation of a vehicle or a plant store (including that operated by a vendor) through which milk, skim milk, buttermilk, cream or flavored milk drinks are disposed of to retail or wholesale outlets in the marketing area.

§ 998.12 *Producer.* "Producer" means any person except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a fluid milk plant or (b) diverted for his account by the operator of a fluid milk plant from such plant to a nonfluid milk plant during any of the months of March through July: *Provided,* That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 998.13 *Producer milk.* "Producer milk" means all skim milk and butterfat contained in milk produced by a producer and received at a fluid milk plant directly from producers or diverted from such a plant pursuant to § 998.12.

§ 998.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form or products designated as Class I milk pursuant to § 998.41 (a) (1), except (1) such products received from other fluid milk plants, and (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 998.41 (b) (1) from any source (including those produced at the plant) which are reprocessed or converted into another product during the month.

§ 998.15 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but who receives no milk from other dairy farmers and disposes during the month of less than a daily average of 3,300 pounds of Class I milk as defined pursuant to § 998.41 (a) (1) through a route(s) in the marketing area.

§ 998.16 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

MARKET ADMINISTRATOR

§ 998.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 998.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 998.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 998.85 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 998.84) necessarily incurred by him in maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification of skim milk and butterfat and by such investigation as the market administrator deems necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to § 998.30 to § 998.32, inclusive, or payments pursuant to § 998.80 to § 998.82, inclusive;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing;

(1) On or before the 6th day of each month, the minimum price for Class I milk computed pursuant to § 998.51 (a) and the Class I butterfat differential computed pursuant to § 998.52 (a), both for the current month, and the minimum price for Class II milk computed pursuant to § 998.51 (b) and the Class II butterfat differential computed pursuant to § 998.52 (b), both for the previous month; and

(2) On or before the 12th day after the end of each month the uniform price for each handler computed pursuant to § 998.72 and the butterfat differential computed pursuant to § 998.81;

(j) On or before the 12th day after the end of each month, mail to each handler at his last known address, a statement showing for such handler the amount and value of producer milk in each class and the totals thereof; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and such information concerning the operations hereof as are necessary and essential to the proper functioning of this part.

REPORTS, RECORDS AND FACILITIES

§ 998.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants as follows:

(a) The quantities of skim milk and butterfat contained in producer milk;

(b) The quantities of skim milk and butterfat contained in products designated as Class I milk pursuant to § 998.41 (a) received from fluid milk plants of other handlers;

(c) The quantities of skim milk and butterfat in other source milk;

(d) The quantities of skim milk and butterfat contained in inventories of products designated as Class I milk pursuant to § 998.41 (a) on hand at the beginning and end of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section including a statement of the disposition of Class I milk outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 998.31 *Payroll reports.* On or before the 20th day of each month each handler, except a producer-handler, shall submit to the market administrator his producer payroll for deliveries of milk for the preceding month for each of his fluid milk plants which shall show for each producer;

(a) His name and address;

(b) The total pounds and the average butterfat test of milk received; and

(c) Net amount of such handler's payment, together with the price(s) paid and the nature and amount of any deductions.

§ 998.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonfluid milk plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 998.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations including any deductions authorized by producers and disbursement of money so deducted;

§ 998.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and

records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 998.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat at approved milk plants which is required to be reported for the month pursuant to § 998.30, shall be classified by the market administrator pursuant to the provisions of §§ 998.41 to 998.46 inclusive.

§ 998.41 *Classes of utilization.* Subject to the conditions set forth in §§ 998.43 and 998.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including reconstitued skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (other than frozen storage cream, aerated cream products, eggnog, ice cream, ice cream mix or other frozen mixes, evaporated or condensed milk and milk products contained in hermetically sealed containers), and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Disposed of and used for livestock feed;

(3) Contained in inventory of milk and milk products designated as Class I milk pursuant to paragraph (a) (1) of this section on hand at the end of the month; and

(4) In shrinkage not to exceed 2 percent (5 percent with respect to skim milk during the months of April, May and June) of skim milk and butterfat, respectively, in producer milk and other source milk.

§ 998.42 *Shrinkage.* The market administrator shall assign shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat classified as Class II milk; and

(b) Assign the amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 998.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 998.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk, if transferred in the form of products designated as Class I milk in § 998.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 998.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 998.46 (a) (2) and the corresponding step of (b) and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further,* That if either or both handlers have other source milk as defined pursuant to § 998.14 during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of products designated as Class I milk in § 998.41 (a) (1);

(c) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located more than 225 miles distant by the shortest highway distance as determined by the market administrator, except that cream so transferred may be classified as Class II milk if notice is given to the market administrator at least 24 hours prior to shipment, each container is labeled by the transferor as "ungraded cream for manufacturing only" and such shipment is so invoiced;

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream in bulk to a nonfluid milk plant located not more than 225 miles distant by the shortest highway distance as determined by the market administrator, unless the following conditions are met:

(1) The transferring-handler claims Class II utilization in a product specified in § 998.41 (b);

(2) The operator of such nonfluid milk plant keeps adequate books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(3) The Class I milk, as defined pursuant to § 998.41 (a) in such nonfluid milk plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers, who the market administrator determines, constitute the regular source of supply for such plant: *Provided,* That any Class I milk in excess of receipts from such dairy farmers shall be assigned to milk, skim milk, or cream so transferred or diverted.

§ 998.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 998.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 998.45 the market administrator shall determine the classification of producer milk received at the fluid milk plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 998.42 (b);

(2) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk in other source milk as defined pursuant to § 998.14;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the month and classified pursuant to § 998.41 (b) (3);

(4) Subtract from the remaining pounds of skim milk in each class the skim milk contained in products designated as Class I milk in § 998.41 (a) (1) received from the fluid milk plants of other handlers, according to the classification of such skim milk as determined pursuant to § 998.44 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section;

(c) Determine the weighted average butterfat content of producer milk allocated to Class I and Class II milk; respectively.

MINIMUM PRICES

§ 998.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed, pursuant to paragraphs (a), (b), and (c) of this section rounded to the nearest one-tenth cent.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, divided by 3.5 and multiplied by 4.0.

Present Operator and Location
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values of subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.96.

(c) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location
Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

§ 998.51 *Class prices.* Subject to the provisions of § 998.52, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price as determined pursuant to § 998.50, plus the following amount:

Month:	*Amount*
March, April, May and June	$2.55
All other months	2.95

Provided, That the above amounts shall be increased or decreased, respectively, by the same amount as any increase or decrease respectively, provided by the supply-demand adjustment determined pursuant to Order No. 43 regulating the handling of milk in the North Texas marketing area.

(b) *Class II milk price.* The minimum price per hundredweight to be paid by each handler for producer milk received at his fluid milk plant and classified as Class II milk shall be the price computed pursuant to subparagraph (1) of this paragraph for the months of March, April, May and June; and for each of the other months the price computed pursuant to subparagraph (1) of this paragraph or the price computed pursuant to subparagraph (2) of this paragraph, whichever is higher:

(1) The average of the basic or field price reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from dairy farmers at the following plants or places for which prices have been reported to the market administrator or to the Department:

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

(2) The sum of the plus values computed as follows:

(i) Subtract 3 cents from the Chicago butter price, add 20 percent thereof, and multiply by 4.0.

(ii) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b., manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department of Agriculture, deduct 5.5 cents, multiply by 8.16.

§ 998.52 *Butterfat differential to handlers.* For milk containing more or less than 4 percent butterfat, the class prices pursuant to § 998.51 shall be increased or decreased, respectively, for each one-tenth of one percent butterfat by the appropriate rate, rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the preceding month by 0.120;

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.110.

APPLICATION OF PROVISIONS

§ 998.60 *Producer-handlers.* Sections 998.40 through 998.46, 998.50 through 998.53, 998.70 through 998.72 and 998.80 through 998.85 shall not apply to a producer-handler.

§ 998.61 *Plants subject to other Federal orders.* (a) An approved plant will be considered to be a non-fluid milk plant during the month for the purpose of this part if (1) a larger volume of Class I milk is disposed of from such plant in the marketing area of another order issued pursuant to the act than is distributed in the Corpus Christi marketing area to wholesale or retail outlets (other than to a distributing plant(s)) during the month, and (2) such plant would be subject to regulation pursuant to such order.

(b) The operator of such approved plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require in lieu of the reports required pursuant to § 998.30 and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICE

§ 998.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 998.46 (a) (6) and the corresponding step of § 998.46 (b) by the applicable class price;

(c) Add an amount computed as follows:

(1) Determine the pounds if any, that the skim milk or butterfat in inventory, subtracted from Class I milk pursuant to § 998.46 (a) (3) and the corresponding step of § 998.46 (b) is not in excess of the pounds in producer milk classified as Class II milk (other than as shrinkage) for the preceding month; and (2) multiply such pounds by the difference between the Class I price in the current month and the Class II price in the preceding month adjusted by the appropriate butterfat differentials;

(d) Add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

§ 998.71 *Computation of aggregate value used to determine uniform prices.* For each month the market administrator shall compute an aggregate value for each handler from which to determine the uniform price per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Add or subtract from the amount computed pursuant to § 998.70 for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, as determined pursuant to § 998.81 and multiplying the result by the total hundredweight of producer milk; and

(b) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price for such handler for the preceding month.

§ 998.72 *Computation of uniform prices for handlers.* The market administrator shall compute a uniform price for producer milk received by each handler as follows: Divide the aggregate value computed pursuant to § 998.71 by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, at a fluid milk plant.

PAYMENTS

§ 998.80 *Payments to producers.* Except as provided in paragraph (c) of this section, each handler shall make payment to each producer for milk received from such producers as follows:

(a) On or before the 28th day of each month, for milk received during the first 15 days of the month at not less than the Class II price for the preceding month;

(b) On or before the 15th day after the end of each month, for milk received during such month, an amount computed at not less than the uniform price per hundredweight pursuant to § 998.72 subject to the butterfat differential computed pursuant to § 998.81; plus or minus adjustments for errors made in previous payments to such producers; and less (1) payment made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 998.83 and (3) proper deductions authorized by such producer;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the 13th and 26th day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this part;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

§ 998.81 *Butterfat differential to producers.* The applicable uniform prices to be paid pursuant to § 998.80 to producers delivering milk to each handler shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 998.52, weighted by the pounds of butterfat in producer milk in each class and the result rounded to the nearest tenth of a cent.

§ 998.82 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or verification of weights and butterfat tests of milk or milk products discloses errors resulting in money due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 998.83 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 998.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight, as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of each month and pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 998.84 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk, including such handlers' own production; (b) other source milk at a fluid milk plant which is classified as Class I milk; and (c) Class I milk disposed of during the month through routes located in the marketing area from a nonfluid milk plant other than a plant defined in § 998.61.

§ 998.85 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 998.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 998.101.

§ 998.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 998.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 998.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 998.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United State to act as his agent or representative in connection with any of the provisions of this part.

§ 998.101 *Separability of provisions.* If any provision of this part or its application to any person or circumstances is held invalid the application of such provision and of the remaining provisions of this part, to other persons or circumstances, shall not be affected thereby.

Sections 998.1 through 998.16; 998.20 through 998.22; 998.30 through 998.34; 998.40 through 998.46; 998.60, 998.61, 998.84, 998.90 through 998.93, 998.100 and 998.101 shall be effective on and after the 15th day of June 1955 and the entire order (§§ 998.1 through 998.101) shall be effective on and after the 1st day of July 1955.

Issued at Washington, D. C., this 25th day of May 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-4336; Filed, May 27, 1955; 8:52 a. m.]

PART 1067—AVOCADOS

AVOCADO REGULATION NO. 1

§ 1067.1 *Avocado Regulation No. 1.* (a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless:

(i) Such avocados grade at least No. 3 grade, as defined in § 969.130 (d)[1] of this chapter, as amended (20 F. R. 3558), effective under the marketing agreement and Order No. 69 (Part 969 of this chapter; 19 F. R. 3439) regulating the handling of avocados grown in South Florida; and

(ii) Each such importation is made in conformance with the general regulations (Part 1060 of this subchapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section.

(b) Inspection by the Federal or Federal-State Inspection Service, or such other governmental inspection service as may be designated or approved by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados pursuant to § 1060.3 of this subchapter.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each insepction certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The name of the importer (consignee);

(4) The commodity inspected;

(5) The quantity of the commodity covered by the certificate;

(6) The principal identifying marks on the containers;

(7) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(8) The following statement, if the facts warrant: Meets U. S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) Notwithstanding any other provision of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that there are no variations in characteristics between the domestic and imported avocados which would require the establishment of equivalent or comparable quality requirements with respect to such imports.

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U. S. C. 1001 et seq.) because (a) the same quality restrictions as are provided herein are being made applicable to shipments of avocados produced in South Florida and the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), makes such import regulation mandatory; (b) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (c) notice that this action was being considered was published in the FEDERAL REGISTER issue of April 21, 1955 (20 F. R. 2668), and no written data, views, or arguments in connection therewith were received within the prescribed time; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (e) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

(Sec. 401 (e), 68 Stat. 907; 7 U. S. C. 608e)

Done at Washington, D. C., this 26th day of May 1955, to become effective at 12:01 a. m., e. s. t., June 5, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4364; Filed, May 27, 1955; 8:55 a. m.]

[1] Copies of said § 969.130, as amended, have been mailed to the Asociacion De Cosecheros—Exportedores De Frutas y Vegetales De Cuba, Havana, Cuba, and others. Additional copies may be obtained by writing the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP–1954–P. R., Supp. 3]

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1954

INITIAL ESTABLISHMENT OF IMPROVED PERMANENT PASTURE FOR EROSION CONTROL BY SEEDING, SODDING, OR SPRIGGING PERENNIAL LEGUMES OR SELF-RESEEDING ANNUALS OR PERENNIAL GRASSES OR A MIXTURE OF LEGUMES AND PERENNIAL GRASSES OR OTHER APPROVED FORAGE PLANTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1954, the 1954 Agricultural Conservation Program; Puerto Rico, approved December 17, 1953 (18 F. R. 8627), as amended January 29, 1954 (19 F. R. 643), and March 19, 1954 (19 F. R. 1581), is further amended as follows:

Section 1102.421 (d) is amended by revising the first sentence to read as follows: "Nitrogen must be applied to plantings established under rate of cost-sharing (1) and phosphate must be applied to plantings established under rates of cost-sharing (1) and (2) in the minimum amounts determined by soil test or experience in the area to be essential to the successful establishment of the vegetative cover, and cost-sharing will be limited to the minimum amounts so determined."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 67 Stat. 205; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 25th day of May 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–4332; Filed, May 27, 1955; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 3]

PART 555—ACQUISITION BY PUBLIC AGENCIES FOR PUBLIC AIRPORT PURPOSES OF LANDS OWNED OR CONTROLLED BY THE UNITED STATES

DELETION OF PROVISIONS RELATING TO RESERVATION OF FISSIONABLE MATERIALS

The purpose of this amendment is to delete the provision of the regulations of the Administrator of Civil Aeronautics relating to the reservation of fissionable materials in the conveyance of land under section 16 of the Federal Airport Act.

Section 555.11 (a) is hereby amended by deleting subparagraph (2) and renumbering subparagraph (3) as subparagraph (2).

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 16, 60 Stat. 170, as amended; 49 U. S. C. 1101)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55–4307; Filed, May 27, 1955; 8:46 a. m.]

[Amdt. 86]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

1. Section 610.12 *Green Civil Airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Drummond, Mont. (LFR).	Helena, Mont. (LFR).	9,000
Clear Creek, Ontario, Canada (LFR).	Dunkirk, N. Y. (LF/RBN).	[1] 2,000
Dunkirk, N. Y. (LF/RBN).	Buffalo, N. Y. (LFR).	2,000

[1] For that airspace over U. S. territory.

2. Section 610.13 *Green Civil Airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Des Moines, Iowa (LFR).	Moline, Ill. (LFR).	2,200

3. Section 610.14 *Green Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Indianapolis, Ind. (LFR).	Greenfield (INT), Ind.	2,900
Greenfield (INT), Ind.	West Jefferson (INT), Ind.	2,300
West Jefferson (INT), Ind.	Columbus, Ohio (LFR).	2,400

4. Section 610.16 *Green Civil Airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Laredo, Tex. (LFR).	San Diego, Tex. (LF/RBN).	1,900
San Diego, Tex. (LF/RBN).	Alice, Tex. (LFR).	1,500

5. Section 610.20 *Green Civil Airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Burley,[1] Idaho (LFR).	Malad City, Idaho (LFR).	11,000

[1] 7,000'—Minimum crossing altitude at Burley (LFR), eastbound.

6. Section 610.101 *Amber Civil Airway No. 1* is amended by adding:

From—	To—	Minimum altitude
U. S. Mexican Border.	San Diego, Calif. (LFR).	2,500

7. Section 610.106 *Amber Civil Airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Atlanta, Ga. (LFR).	Smyrna (INT), Ga.	3,000
Smyrna (INT), Ga.	Cartersville (INT), Ga.	3,000
Cartersville (INT), Ga.	Chattanooga, Tenn (LFR).	4,000

8. Section 610.109 *Amber Civil Airway No. 9* is amended to read:

From—	To—	Minimum altitude
Charleston, S. C. (LFR).	Myrtle Beach, S. C. (LF/RBN).	1,200
Myrtle Beach, S. C. (LF/RBN).	Wilmington, N. C. (LF/RBN).	1,400
Wilmington, N. C. (LF/RBN).	New Bern, N. C. (LF/RBN).	1,300
New Bern, N. C. (LF/RBN).	Williamston, N. C. (VAR).	1,200
Williamston, N. C. (VAR).	Harrellsville (INT), N. C.	1,200
Harrellsville (INT), N. C.	Norfolk, Va. (LFR).	1,400

9. Section 610.211 *Red Civil Airway No. 11* is amended to delete:

From—	To—	Minimum altitude
Bedford, Mass. (LF/RBN).	Boston, Mass. (LFR).	1,700

10. Section 610.216 *Red Civil Airway No. 16* is amended to read in part:

From—	To—	Minimum altitude
Columbia, S. C. (LFR).	Motbridge (INT), S. C.	1,500
Motbridge (INT), S. C.	Florence, S. C. (LFR).	1,300

11. Section 610.234 *Red Civil Airway No. 34* is amended to read in part:

From—	To—	Minimum altitude
Harrellsville (INT), N. C.	Weeksville, N. C. (LFR).	1,300

12. Section 610.254 *Red Civil Airway No. 54* is amended to read in part:

From—	To—	Minimum altitude
Burley,[1] Idaho (LFR).	Spring Bay (INT), Utah.	11,500

[1] 10,000'—Minimum crossing altitude at Burley (LFR), southeast-bound.

13. Section 610.283 *Red Civil Airway No. 83* is amended to read in part:

From—	To—	Minimum altitude
Gila Bend, Ariz. (LFR).	Tucson, Ariz. (LFR).	7,000

14. Section 610.304 *Red Civil Airway No. 104* is amended to read:

From—	To—	Minimum altitude
Greensboro, N. C. (LFR).	Pittsboro (INT), N. C.	2,500
Pittsboro (INT), N. C.	Int. SE. ers. Greensboro, N. C. (LFR), and S ers. Raleigh, N. C. (LFR).	1,600

15. Section 610.603 *Blue Civil Airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Maxwell, Ala. (LFR).	Eden (INT), Ala.	2,500

16. Section 610.619 *Blue Civil Airway No. 19* is amended to read in part:

From—	To—	Minimum altitude
Miami, Fla. (LFR).	Melbourne, Fla. (LFR).	1,300

17. Section 610.647 *Blue Civil Airway No. 47* is amended to read in part:

From—	To—	Minimum altitude
Bradford, Pa. (LF/RBN).	Dunkirk,[1] N. Y. (LF/RBN).	4,200

[1] 3,000'—Minimum crossing altitude at Dunkirk (LF/RBN), southeast-bound.

18. Section 610.671 *Blue Civil Airway No. 71* is amended to read:

From—	To—	Minimum altitude
Toledo, Wash. (LFR).	Shelton, Wash. (LF/RBN).	4,000
Shelton, Wash. (LF/RBN).	Seattle, Wash. (LFR).	2,000

19. Section 610.679 *Blue Civil Airway No. 79* is amended to read in part:

From—	To—	Minimum altitude
Annette Island,[1] Alaska (LFR).	Gravina Island, Alaska (LF/RBN).	4,700
Gravina Island, Alaska (LF/RBN).	Petersburg, Alaska (LFR).	5,700

[1] 3,200'—Minimum crossing altitude at Annette Island (LFR), northwest-bound.

20. Section 610.1001 *Direct Routes—United States* is amended by adding:

From—	To—	Minimum altitude
Colorado Springs, Colo. (LF/RBN).	Pueblo, Colo. (LFR): (Southbound)	7,000
	(Northbound)	8,000
Ashton (INT), Idaho.	Dubois, Idaho (LFR).	9,000
Ashton (INT), Idaho.	Idaho Falls, Idaho (LFR).	8,000

21. Section 610.6004 *VOR Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Topeka, Kans. (VOR).	Kansas City, Mo. (VOR).	2,400
Via N alter.	Via N alter.	2,400
Charleston, W. Va. (VOR), via N alter.	Cedarville [1] (INT), W. Va., via N alter.	[2] 5,000
Cedarville [1] (INT), W. Va., via N alter.	Elkins, W. Va. (VOR), via N alter.	5,000

[1] 5,000'—Minimum reception altitude.
[2] 3,000'—Minimum terrain clearance altitude.

22. Section 610.6006 *VOR Civil Airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Sacramento, Calif. (VOR), via S alter.	Folsom (INT), Calif., via S alter.	3,000
Folsom (INT), Calif., via S alter.	Coloma [1] (INT), Calif., via S alter.	13,000

[1] 9,500'—Minimum crossing altitude at Coloma (INT) northeast-bound.

From—	To—	Minimum altitude
Coloma [1] (INT), Calif., via S alter.	Reno,[2] Nev. (VOR), via S alter.	13,000
Tahoe (INT), Calif., via S alter.	Coloma (INT), Calif., via S alter. (southwest-bound only).	9,500
Coloma (INT), Calif., via S alter.	Folsom (INT), Calif., via S alter (southwest-bound only).	5,000

[2] 12,000'—Minimum crossing altitude at Reno VOR, southwest-bound.

23. Section 610.6011 *VOR Civil Airway No. 11* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex. (VOR).	Humble [1] (INT), Tex.	1,600
Humble (INT), Tex.	Cleveland [2] (INT), Tex.	1,600
Cleveland (INT), Tex.	Lufkin, Tex. (VOR).	1,600

[1] 2,300'—Minimum reception altitude.
[2] 3,000'—Minimum reception altitude.

24. Section 610.6012 *VOR Civil Airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
Indianapolis, Ind. (VOR).	Dayton, Ohio (VOR).	2,400

25. Section 610.6013 *VOR Civil Airway No. 13* is amended to read in part:

From—	To—	Minimum altitude
Houston, Tex. (VOR).	Humble [1] (INT), Tex.	1,600
Humble (INT), Tex.	Cleveland [2] (INT), Tex.	1,600
Cleveland (INT), Tex.	Lufkin, Tex. (VOR).	1,600

[1] 2,300'—Minimum reception altitude.
[2] 3,000'—Minimum reception altitude.

26. Section 610.6014 *VOR Civil Airway No. 14* is amended to delete:

From—	To—	Minimum altitude
Dedham (INT), Mass.	Boston, Mass. (VOR).	1,800

27. Section 610.6016 *VOR Civil Airway No. 16* is amended to read in part:

From—	To—	Minimum altitude
Phoenix, Ariz. (VOR).	Toltec [1] (INT), Ariz.	7,000
Toltec (INT), Ariz.	Tucson, Ariz. (VOR).	7,000

[1] 10,000'—Minimum reception altitude.

28. Section 610.6016 *VOR Civil Airway No. 16* is amended by adding:

From—	To—	Minimum altitude
Crossville, Tenn. (VOR).	Knoxville, Tenn. (VOR).	5,000
Knoxville, Tenn. (VOR).	Piedmont[1] (INT), Tenn.	6,400
Piedmont (INT), Tenn.	Tri-City, Tenn. (VOR).	6,400
Knoxville, Tenn., (VOR), via N alter.	Hilton (INT), Tenn., via N alter.	6,600
Hilton (INT), Tenn., via N alter.	Hayters Gap (INT), Va., via N alter.	[2] 9,000
Hayters Gap (INT), Va., via N alter.	Pulaski, Va. (VOR), via N alter.	6,600
Tucson, Ariz. (VOR), via S alter.	Cochise, Ariz. (VOR), via S alter.	10,000

[1] 7,000'—Minimum reception altitude.
[2] 6,600'—Minimum terrain clearance altitude.

29. Section 610.6006 *VOR Civil Airway No. 6* is amended by adding:

From—	To—	Minimum altitude
Battle Mountain, Nev. (VOR), via S alter.	Elko, Nev. (VOR), via S alter.	11,000
Elko, Nev. (VOR), via S alter.	Wells, Nev. (VOR), via S alter.	13,000
Wells, Nev. (VOR)----	Lucin, Utah (LFR)---	12,000
Lucin, Utah (LFR)----	Ogden, Utah (VOR)--	11,000

30. Section 610.6019 *VOR Civil Airway No. 19* is amended to read in part:

From—	To—	Minimum altitude
Denver, Colo. (VOR)--	Cheyenne, Wyo. (VOR).	7,500
Denver, Colo. (VOR), via E alter.	Gill (INT), Colo., via E alter.	7,500
Gill (INT), Colo., via E alter.	Hereford (INT), Wyo., via E alter.	7,500
Hereford (INT), Wyo., via E alter.	Cheyenne, Wyo. (VOR), via E alter.	7,300

31. Section 610.6020 *VOR Civil Airway No. 20* is amended to read in part:

From—	To—	Minimum altitude
Montgomery, Ala. (VOR).	Kent (INT), Ala------	2,000
Kent (INT), Ala------	LaGrande, Ga. (VOR).	1,900

32. Section 610.6021 *VOR Civil Airway No. 21* is amended to read in part:

From—	To—	Minimum altitude
Las Vegas, Nev. (VOR), via E. alter.	Mead (INT), Nev., via E alter.	6,000
Mead (INT), Nev., via E alter.	Mormon Mesa, Nev. (VOR), via E alter.	7,000
Las Vegas, Nev. (VOR)-	Mormon Mesa, Nev. (VOR).	8,000
Crystal, Nev. (FM)----	Las Vegas, Nev. (VOR) (southwest-bound only).	7,000

33. Section 610.6023 *VOR Civil Airway No. 23* is amended by adding:

From—	To—	Minimum altitude
Fresno, Calif. (VOR), via E alter.	Modesto, Calif. (VOR), via E alter.	4,500

34. Section 610.6025 *VOR Civil Airway No. 25* is amended to read in part:

From—	To—	Minimum altitude
Paso Robles, Calif. (VOR).	San Ardo (INT), Calif	5,000
San Ardo (INT), Calif.	San Francisco,[1] Calif. (VOR).	6,000
Campbell (INT), Calif.	San Francisco, Calif. (VOR), (northwest-bound only).	4,000
San Francisco, Calif. (VOR).	Stinson Beach (INT), Calif.	3,000
Stinson Beach (INT), Calif.	Point Reyes, Calif. (VOR).	3,000

[1] 4,000'—Minimum crossing altitude at San Francisco (VOR), southeast-bound.

35. Section 610.6026 *VOR Civil Airway No. 26* is amended by adding:

From—	To—	Minimum altitude
Cherokee, Wyo. (VOR)-	Casper,[1] Wyo. (VOR)-	11,000

[1] 10,000'—Minimum crossing altitude at Casper (VOR), southbound.

36. Section 610.6027 *VOR Civil Airway No. 27* is amended to read in part:

From—	To—	Minimum altitude
Salinas, Calif. (VOR)--	Lightship (INT), Calif.	5,000
Lightship (INT), Calif.	Stinson Beach (INT), Calif.	5,000
Stinson Beach (INT), Calif.	Point Reyes, Calif. (VOR).	3,000
Salinas, Calif. (VOR), via E alter.	San Francisco,[1] Calif. (VOR), via E alter.	6,000
Ames (INT), Calif., via E alter.	San Francisco, Calif. (VOR), via E alter. (northwest-bound only).	3,000

[1] 4,000'—Minimum crossing altitude at San Francisco (VOR), southeast-bound.

37. Section 610.6028 *VOR Civil Airway No. 28* is amended to read in part:

From—	To—	Minimum altitude
Oakland, Calif. (VOR)-	Modesto, Calif. (VOR)	4,000

38. Section 610.6032 *VOR Civil Airway No. 32* is amended to delete:

From—	To—	Minimum altitude
Wells, Nev. (VOR)----	Wendover, Utah (VOR)-------A-----	12,000

39. Section 610.6032 *VOR Civil Airway No. 32* is amended by adding:

From—	To—	Minimum altitude
Battle Mountain, Nev. (VOR).	Elko, Nev. (VOR)----	11,000
Elko, Nev. (VOR)-----	Wendover, Utah (VOR).	13,000
Elko, Nev. (VOR), via N alter.	Wells, Nev. (VOR), via N alter.	13,000
Wells, Nev. (VOR), via N alter.	Wendover, Utah (VOR), via N alter.	12,000

40. Section 610.6034 *VOR Civil Airway No. 34* is amended to read in part:

From—	To—	Minimum altitude
Binghamton, N. Y. (VOR).	Hancock (INT), Pa---	4,000
Hancock (INT), Pa----	Newburgh (INT), N. Y.	4,500
Newburgh (INT), N. Y.	West Point (INT), N. Y.	3,000
West Point (INT), N. Y.	Wilton, Conn. (VOR)-	2,500

41. Section 610.6044 *VOR Civil Airway No. 44* is amended to read in part:

From—	To—	Minimum altitude
Louisville, Ky. (VOR)-	Georgetown[1] (INT), Ky.	[2] 3,000
Georgetown[1] (INT), Ky.	York, Ky. (VOR)-----	[2] 5,000

[1] 3,000'—Minimum reception altitude.
[2] 2,500'—Minimum terrain clearance altitude.

42. Section 610.6051 *VOR Civil Airway No. 51* is amended to read in part:

From—	To—	Minimum altitude
Alma, Ga. (VOR), via W alter.	Powersville (INT), Ga., via W alter.	[1] 6,800
Powersville (INT), Ga., via W alter.	Atlanta, Ga. (VOR), via W alter.	[2] 3,500
Indianapolis, Ind. (VOR).	Pittsboro[1] (INT), Ind.	2,100
Pittsboro[1] (INT), Ind.	Lafayette, Ind. (VOR)	2,100

[1] 1,700'—Minimum terrain clearance altitude.
[2] 2,300'—Minimum terrain clearance altitude.
[3] 2,300'—Minimum reception altitude.

43. Section 610.6053 *VOR Civil Airway No. 53* is amended to read in part:

From—	To—	Minimum altitude
Spartanburg, S. C. (VOR).	Asheville, N. C. (VOR).	[1] 8,000

[1] 6,000'—Minimum terrain clearance altitude.

44. Section 610.6056 *VOR Civil Airway No. 56* is amended by adding:

From—	To—	Minimum altitude
Macon, Ga. (VOR)----	Augusta, Ga. (VOR)--	[1] 2,500

[1] 1,800'—Minimum terrain clearance altitude.

45. Section 610.6056 *VOR Civil Airway No. 56* is amended to read in part:

From—	To—	Minimum altitude
Montgomery, Ala. (VOR), via N alter.	Kent (INT), Ala., via N alter.	2,000
Kent (INT), Ala., via N alter.	Columbus, Ga. (VOR), via N alter.	2,000
Columbus, Ga. (VOR)-	Hamilton (INT), Ga--	2,400
Hamilton (INT), Ga---	Macon, Ga. (VOR)---	[1] 3,000

[1] 2,400'—Minimum terrain clearance altitude.

46. Section 610.6066 *VOR Civil Airway No. 66* is amended by adding:

From—	To—	Minimum altitude
Gila Bend, Ariz. (VOR), via N alter.	Toltec[1] (INT), Airz., via N alter.	[2] 10,000
Toltec (INT), Ariz., via N alter.	Tucson, Ariz. (VOR), via N alter.	7,000

[1] 10,000'—Minimum reception altitude.
[2] 5,000'—Minimum terrain clearance altitude.

47. Section 610.6068 *VOR Civil Airway No. 68* is amended to read in part:

From—	To—	Minimum altitude
Junction, Tex. (VOR)-	Boerne (INT), Tex----	5,000
Boerne (INT), Tex----	San Antonio, Tex. (VOR).	2,800

48. Section 610.6088 *VOR Civil Airway No. 88* is amended to read in part:

From—	To—	Minimum altitude
Tulsa, Okla. (VOR)----	White Oak (INT), Okla.	2,300
White Oak (INT), Okla.	Avilla (INT), Mo-----	[1] 6,500
Avilla (INT), Mo----	Springfield, Mo. (VOR).	2,600
White Oak[2] (INT), Okla.	Joplin, Mo. (LOM)---	[3] 3,900
Joplin, Mo. (LOM)----	Avilla[2] (INT), Mo---	2,600

[1] 2,600'—Minimum terrain clearance altitude.
[2] Utilizing Joplin LOM.

49. Section 610.6097 *VOR Civil Airway No. 97* is amended by adding:

From—	To—	Minimum altitude
Atlanta, Ga. (VOR)---	Knoxville, Tenn. (VOR).	7,000

50. Section 610.6097 *VOR Civil Airway No. 97* is amended to read in part:

From—	To—	Minimum altitude
Miami, Fla. (VOR)----	Cypress (INT), Fla---	1,300
Cypress (INT), Fla---	Seminole (INT), Fla--	[1] 2,500
Seminole (INT), Fla---	Labelle[2] (INT), Fla--	[3] 5,000
La Belle (INT), Fla----	Arcadia[4] (INT), Fla--	[5] 5,000
Arcadia (INT), Fla----	Parish (INT), Fla----	[3] 2,500
Parish (INT), Fla-----	Tampa, Fla. (VOR)--	1,500
Shrimp[1] (INT), Fla., via E alter.	Cross City, Fla. (VOR), via E alter.	[6] 6,000
Lexington, Ky. (VOR)-	Georgetown[1] (INT), Ky.	2,500
Georgetown (INT), Ky.	Dry Ridge[7] (INT), Ky.	2,500
Dry Ridge (INT), Ky.	Cincinnati, Ohio (VOR).	2,000
Cincinnati, Ohio (VOR), via E alter.	Rushville (INT), Ohio, via E alter.	[2] 2,300
Rushville (INT), Ohio, via E alter.	Indianapolis, Ind. (VOR), via E alter.	2,900

[1] 1,100'—Minimum terrain clearance altitude.
[2] 5,000'—Minimum reception altitude.
[3] 1,200'—Minimum terrain clearance altitude.
[4] 2,500'—Minimum reception altitude.
[5] 6,000'—Minimum reception altitude.
[6] 3,000'—Minimum reception altitude.
[7] 2,800'—Minimum reception altitude.

51. Section 610.6100 *VOR Civil Airway No. 100* is amended to read:

From—	To—	Minimum altitude
San Francisco,[1] Calif. (VOR).	Los Banos (INT), Calif.	7,000
Los Banos (INT), Calif.	Fresno, Calif. (VOR)--	3,000
Hillview (INT), Calif--	San Francisco, Calif. (VOR), (westbound only).	3,000

[1] 4,500'—Minimum crossing altitude at San Francisco (VOR), eastbound.

52. Section 610.6101 *VOR Civil Airway No. 101* is amended to read:

From—	To—	Minimum altitude
Ogden, Utah (VOR)---	Hansels (INT), Utah: (Northwest-bound)-- (Southeast-bound)--	9,000 11,000
Hansels (INT), Utah--	Burley,[1] Idaho (VOR)-	11,500

[1] 10,000'—Minimum crossing altitude at Burley (VOR), southeast-bound.

53. Section 610.6106 *VOR Civil Airway No. 106* is amended to read in part:

From—	To—	Minimum altitude
Charleston, W. Va. (VOR).	Cedarville[1] (INT), W. Va.	[2] 5,000
Cedarville[1] (INT), W. Va.	Morgantown, W. Va. (VOR).	4,000

[1] 5,000'—Minimum reception altitude.
[2] 3,000'—Minimum terrain clearance altitude.

54. Section 610.6114 *VOR Civil Airway No. 114* is amended to read in part:

From—	To—	Minimum altitude
Baton Rouge, La. (VOR).	New Orleans, La. (VOR).	2,000
Baton Rouge, La. (VOR), via N alter.	Madisonville[1] (INT), La., via N alter.	2,300
Madisonville[1] (INT), La., via N alter.	New Orleans, La. (VOR), via N alter.	1,700

[1] 2,000'—Minimum reception altitude.

55. Section 610.6143 *VOR Civil Airway No. 143* is amended by adding:

From—	To—	Minimum altitude
Front Royal, Va. (VOR).	Dawsonville (INT), Va.	4,000

56. Section 610.6144 *VOR Civil Airway No. 144* is amended to read in part:

From—	To—	Minimum altitude
Mansfield, Ohio (VOR).	Briar Hill (INT), Ohio.	2,500
Briar Hill (INT), Ohio.	Moorefield[1] (INT), Ohio.	[2] 3,000
Moorefield[1] (INT), Ohio.	Cameron (INT), W. Va.	3,000
Cameron (INT), W. Va.	Morgantown, W. Va. (VOR).	4,000

[1] 3,000'—Minimum reception altitude.
[2] 2,500'—Minimum terrain clearance altitude.

57. Section 610.6152 *VOR Civil Airway No. 152* is amended to read in part:

From—	To—	Minimum altitude
Lakeland, Fla. (VOR) via S alter.	Orlando, Fla. (VOR), via S alter.	1,700

58. Section 610.6154 *VOR Civil Airway No. 154* is amended to read in part:

From—	To—	Minimum altitude
Montgomery, Ala. (VOR), via N alter.	Kent (INT), Ala., via N alter.	2,000
Kent (INT), Ala., via N alter.	Columbus, Ga. (VOR), via N alter.	2,000
Columbus, Ga. (VOR)-	Hamilton (INT), Ga--	2,400
Hamilton (INT), Ga---	Macon, Ga. (VOR)---	[1] 3,000

[1] 2,400'—Minimum terrain clearance altitude.

59. Section 610.6174 *VOR Civil Airway No. 174* is amended to read in part:

From—	To—	Minimum altitude
Louisville, Ky. (VOR)	Georgetown [1] (INT), Ky.	[1] 3,000
Georgetown [1] (INT), Ky.	York, Ky. (VOR)	[1] 5,000
York, Ky. (VOR)	Eureka (INT), W. Va.	2,500
Eureka (INT), W. Va.	Gay [3] (INT), W. Va.	[2] 3,500
Gay (INT), W. Va.	Cedarville [4] (INT), W. Va.	[3] 5,000
Cedarville [4] (INT), W. Va.	Elkins, W. Va. (VOR)	5,000

[1] 3,000'—Minimum reception altitude.
[2] 2,500'—Minimum terrain clearance altitude.
[3] 3,500'—Minimum reception altitude.
[4] 5,000'—Minimum reception altitude.
[5] 3,000'—Minimum terrain clearance altitude.

60. Section 610.6182 *VOR Civil Airway No. 182* is amended to read in part:

From—	To—	Minimum altitude
Portland, Oreg. [1] (VOR).	The Dalles, Oreg. (VOR).	7,000

[1] 4,500'—Minimum crossing altitude at Portland (VOR), eastbound.

61. Section 610.6182 *VOR Civil Airway No. 182* is amended by adding:

From—	To—	Minimum altitude
The Dalles, Oreg. (VOR).	Eight Mile (INT), Oreg.	5,000
Eight Mile (INT), Oreg.	Ukiah (INT), Oreg.	9,000
Ukiah (INT), Oreg.	Baker, Oreg. (VOR)	[1] 14,000

[1] 11,000'—Minimum terrain clearance altitude.

62. Section 610.6185 *VOR Civil Airway No. 185* is amended to read:

From—	To—	Minimum altitude
Augusta, Ga. (VOR)	Spartanburg, S. C. (VOR).	2,300
Spartanburg, S. C. (VOR).	Asheville, N. C. (VOR).	[1] 8,000
Asheville, N. C. (VOR).	Piedmont [2] (INT), Tenn.	8,000
Piedmont [2] (INT), Tenn.	Knoxville, Tenn. (VOR).	6,400
Asheville, N. C. (VOR), via E alter.	Ottway (INT), Tenn., via E alter.	8,000
Ottway (INT), Tenn., via E alter.	Piedmont [2] (INT), Tenn., via E alter.	6,400
Piedmont [2] (INT), Tenn., via E alter.	Knoxville, Tenn. (VOR), via E alter.	6,400

[1] 6,000'—Minimum terrain clearance altitude.
[2] 7,000'—Minimum reception altitude.

63. Section 610.279 *Red Civil Airway No. 79* is amended by adding:

From—	To—	Minimum altitude
Neah Bay, Wash. (LFR).	Port Angeles, Wash. CGAS (LF/RBN).	6,000
Port Angeles, Wash. CGAS (LF/RBN).	Dungeness, Wash. (FM).	3,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective June 16, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-4243; Filed, May 27, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6289]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

V. LA ROSA & SONS, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits:* § 13.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale, and distribution of the food products La Rosa sphaghetti and La Rosa macaroni or of any product of substantially similar composition, whether sold under the same names or any other name or names, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., the purchase in commerce, of respondent's said products, which advertisements (1) represent directly or by implication: (a) That any portion or serving of respondent's products will provide an amount of calories other than that which will be, in fact, provided when such portion or serving is prepared in accordance with respondent's directions or recommendations; (b) that said products are low-calorie foods or may be eaten as desired without increasing body weight; (c) that said products will at the same time provide more protein and fewer calories than other foods with which said products are compared, unless said representation be true; and (d) that said products are both high in protein and low in calories; or which advertisements (2) misrepresent the amount of calories or protein provided by respondent's products in comparison with other foods, or in any other manner; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, V. La Rosa & Sons, Inc., Brooklyn, New York, N. Y., Docket 6289, April 14, 1955]

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which charged respondent, engaged in the manufacture and sale of macaroni and spaghetti, with making certain misrepresentations in connection with the advertisement of its said products through newspapers of general circulation, radio continuities, and otherwise, and upon a stipulation between the parties which was filed with the Commission, appears of record, and provides for the entry of a consent order, respondent admitting, by the terms of said stipulation, all the jurisdictional allegations set forth in the complaint, and stipulating that the record in the matter may be taken as if the Commission had made findings of jurisdictional fact in accordance with such allegations, and that the agreement was for settlement purposes only and does not constitute an admission by respondent that it has engaged in any violation of law.

The parties to such stipulation expressly waived the filing of an answer, a hearing before the hearing examiner or the Commission; the filing of exceptions or oral arguments before the Commission, and all other and further procedure before the hearing examiner and the Commission to which respondent might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission, and respondent further agreed that the order to be entered should have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, and specifically waived any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with the stipulation.

The stipulation further provided that it, together with the complaint, should constitute the entire record in the matter and that the complaint might be used in construing the terms of said order, which order might be altered, modified, or set aside in the manner provided by the statute for the orders of the Commission, and such stipulation further provided that it was subject to approval in accordance with Rules V and XXII of the Commission's rules of practice and that said order should have no force and effect unless and until it became the order of the Commission.

Thereafter said hearing examiner, on the basis of the foregoing, made his initial decision in which he concluded that the proceeding was in the public interest, and in conformity with the action contemplated and agreed upon by such stipulation, made his order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order To File Report of Compliance", dated April 14, 1955, became, on that date, pursuant to Rule XXII of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondent, V. La Rosa & Sons, Inc., a corporation and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the food products La Rosa spaghetti and La Rosa macaroni or of any product of substantially similar composition, whether sold under the same names or under any other name or names, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That any portion or serving of its products will provide an amount of calories other than that which will be, in fact, provided when such portion or serving is prepared in accordance with respondent's directions or recommendations;

(b) That said products are low calorie foods or may be eaten as desired without increasing body weight;

(c) That said products will at the same time provide more protein and fewer calories than other foods with which said products are compared, unless said representation be true;

(d) That said products are both high in protein and low in calories.

2. Disseminating or causing to be disseminated by means of United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, any advertisement which misrepresents the amount of calories or protein provided by respondent's products in comparison with other foods, or in any other manner.

3. Disseminating or causing to be disseminated any advertisement, by any means for the purpose of inducing or which is likely to induce directly or indirectly the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's said products, which advertisement contains any of the representations prohibited in paragraph 1 hereof or any misrepresentation forbidden in paragraph 2 hereof.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 14, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-4309; Filed, May 27, 1955; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter C—Military Education

PART 543—PROMOTION OF RIFLE PRACTICE

THE NATIONAL MATCHES

A new § 543.8, prescribing rules and regulations for the annual competition known as the National Matches, is added as follows:

§ 543.8 *Rules and regulations for National Matches*—(a) *General*—(1) *Purpose.* This section cites the statutory authority and the application thereof, and prescribes the conditions which govern the conduct of the National Matches.

(2) *Scope of National Matches (see figure 1).* (i) Those competitions for which trophies and medals are provided for by appropriated funds are referred to in this section as the National Trophy Matches. Regulations governing the National Matches are prescribed by the Secretary of the Army, upon recommendation of the National Board for the Promotion of Rifle Practice.

(ii) The National Matches are considered to be the ultimate in an overall integrated national program which has for its purpose the promotion of rifle and pistol marksmanship training among able-bodied citizens of the United States.

(iii) Following are the matches (National Trophy Matches) for which the national trophies, medals, and other badges are awarded by the National Board for the Promotion of Rifle Practice:

(*a*) National Trophy Individual Rifle Match (open).

(*b*) National Trophy Rifle Team Match (classified).

(c) National Intercollegiate Service Rifle Team Match (classified).

(*d*) National Trophy Individual Pistol Match (open).

(*e*) National Trophy Pistol Team Match (classified).

(*f*) Infantry Trophy Match (classified).

Requests for detailed information concerning these matches may be submitted to The National Board for the Promotion of Rifle Practice, Department of the Army, Washington 25, D. C.

(iv) The following are the matches for which trophies and medals are awarded by the National Rifle Association of America:

(*a*) Smallbore rifle matches.

(*b*) Junior School matches.

(c) Muzzle loading rifle and pistol matches.

(*d*) Pistol and revolver matches.

(*e*) High power rifle matches.

Detailed information concerning these matches will be found in the program of the National Championships of the National Rifle Association of America, published annually.

Section 113 of the National Defense Act of 1916, as amended, provides that there shall be held an annual competition known as the National Matches, together with a small arms firing school, which competition and school shall be held annually under such regulations as may be prescribed by the Secretary of the Army. The National Matches provided for by this act are required to consist of rifle and pistol matches to be open to all components of the services comprising the Armed Forces of the United States, the Reserve Officers' Training Corps, rifle clubs and civilians for the purpose of competing for national trophies, medals, and other prizes to be provided; and in addition, competitions for which trophies and medals are provided by the National Rifle Association of America (act 14 Feb. 1927 (44 Stat. 1095), and act 28 May 1928 (45 Stat. 786)).

(3) *Who may compete.* (i) The National Trophy Matches are open to any able-bodied citizen of the United States 16 years of age or older on the date of the match entered.

(ii) No team will have as a team captain or coach, anyone who is less than 21 years of age on his or her last birthday prior to the beginning date of the National Matches, and who is not a citizen of the United States.

(b) *Small Arms Firing School*—(1) *Mission and objective.* The primpary mission of the Small Arms Firing School is to bring to civilians and members of the various reserve components of the Armed Forces of the United States not reached through training programs conducted within the active military services information concerning methods of instruction which will assist them in promoting interest and raising the standard of performance in the use of individual arms by the citizenry of our country. This school is but part of the Armed Forces' civilian small arms training program which is directed towards developing competent civilian instructors. The methods and means of instruction presented by the school are considered to be the "Standard of Perfection" employed in rifle and pistol marksmanship instruction. A part of the instruction with the caliber .30 rifle will be devoted to technique of rifle fire training.

(2) *Open to.* Conduct of the Small Arms Firing School is a responsibility of the Infantry School of the United States Army (located at Fort Benning, Georgia). The curriculum of the school is prescribed by the Secretary of the Army upon recommendation of the National Board for the Promotion of Rifle Practice. It is open to all individuals attending the National Matches whether competitors or not.

(3) *Certificate of attendance.* Each person who attends all sessions of the school and satisfactorily completes the course will receive a certificate of at-

COMPOSITION OF THE NATIONAL MATCHES

NATIONAL MATCHES
(Executive Officer in charge named by the Secretary of the Army)

NATIONAL TROPHY MATCHES	NATIONAL CHAMPIONSHIP MATCHES
(Awards made by National Board for the Promotion of Rifle Practice)	(Awards made by National Rifle Association of America)

FIGURE 1.

tendance. The attendance of all persons, including those who have previously received certificates of proficiency, is encouraged.

(c) *Place, dates, and control of National Matches*—(1) *Place and dates.* The National Matches together with the Small Arms Firing School will be held annually at such place and during such period of time as may be recommended by the National Board for the Promotion of Rifle Practice (see § 543.4) and approved by the Secretary of the Army. This information will be disseminated annually by appropriate means at the earliest possible date.

(2) *Officials of the National Matches.* Control of the National Matches is exercised through a joint staff composed of personnel from any or all of the services comprising the Armed Forces of the United States, Reserve components thereof, and qualified civilian personnel designated by the National Rifle Association of America. The Executive Officer of the matches, designated by the Secretary of the Army, will be in charge of the National Matches.

(3) *Pit discipline.* All pit personnel will be properly instructed as to their duties and as to safety precaution. Proper discipline will be maintained constantly to insure safety and efficient operation of the matches.

[AR 920-30, April 27, 1955] (44 Stat. 1095, as amended; 32 U. S. C. 181a)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-4286; Filed, May 27, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Parts 725, 726]

BURLEY AND FLUE-CURED TOBACCO; FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF TOBACCO FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR THE 1956-57 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313, 1375), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for marketing quotas to be in effect during the 1956-57 marketing year for Burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco.

Subsection (a) of section 312 of the act (7 U. S. C. 1312) requires the Secretary to proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year. Marketing quotas were proclaimed for the 1955-56 marketing year for Burley tobacco, flue-cured tobacco, fire-cured tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco.

Fire-cured and dark air-cured tobacco growers favored marketing quotas for the 1956-57 marketing year in referenda held pursuant to the act (7 U. S. C. 1312) (20 F. R. 809).

The applicability of the regulations to be issued for Burley, flue-cured, and Virginia sun-cured tobacco will be contingent upon the proclamation of national marketing quotas for such kinds of tobacco pursuant to section 312 of the act (7 U. S. C. 1312), and upon approval of quotas by growers voting in referenda.

It is proposed that the regulations governing the establishment of farm acreage allotments and normal yields for Burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1956-57 marketing year be substantially the same as the regulations in effect for the 1955-56 marketing year (19 F. R. 3549, 3553, 7151), except as described below:

1. The 1955 farm tobacco acreage allotment would be the 1956 preliminary allotment provided that the harvested acreage in one or more of the five years 1951-55 was equal to 50 percent or more of the allotment for the farm; where the harvested acreage for each of the five years 1951-55 was less than 50 percent of the allotment for the farm, the highest harvested acreage during the five years 1951-55 will be the 1956 preliminary allotment, not to exceed the 1955 allotment. The 1955 provisions for waiving the reductions for underplanting would be discontinued since the above provisions appear to render continuance of such waivers unnecessary. If tobacco was harvested in 1951-55 on a farm for which no 1955 allotment was determined, the 1956 preliminary allotment, not to exceed 25 percent of the 1955 allotments for similar old farms, will be determined by the community and county committees for such farm on the basis of land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco, but with no consideration being given to the acreage of tobacco harvested in 1955.

2. A new definition of the term "producer" would be added to mean a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

3. As provided by law in the case of Burley tobacco, the 1956 farm acreage allotment will not be less than the smallest of (a) the 1955 allotment, (b) five-tenths of an acre, or (c) 10 percent of the cropland in the farm; also, no 1955 Burley farm tobacco acreage allotment of seven-tenths acre or less will be reduced more than one-tenth of an acre for 1956.

4. The proviso in paragraph (a) of §§ 725.621 and 726.621 dealing with divisions of farms would be changed to read as follows: *"Provided,* That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth acre or 10 percent of the 1956 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts."

5. The proviso in §§ 725.623 and 726.623 would be changed to provide a maximum acreage allotment for a new farm of 25 percent of the allotments for old farms that are similar to the new farm.

6. The acreage for adjustments of old farm allotments by ASC county and community committees would be limited to one-tenth of one percent of the total acreage allotted to all farms in the State for 1955.

7. 1956 farm tobacco acreage allotments would be determined in acres and hundredths of an acre. The rule of fractions would be to round upward fractions of more than five-thousandths and round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00 and 0.0051 would be 0.01).

8. A provision would be included to require the farm operator or his representative to file a report with the county committee or its representative on Form CSS-578, Report of 1955 Acreage, showing all fields of tobacco on the farm in 1955; and if any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the acreage of tobacco grown on the farm in 1955, the 1956 acreage allotment for the farm, pursuant to Public Law 21, 84th Congress, would be reduced, except that if each producer establishes to the satisfaction of the county and State committees that the filing, or aiding or acquiescing in the filing of, the false report was unintentional on his part and that he could not reasonably have been expected to know that the report was false, reduction will not be required if the report is corrected and payment of all additional penalty is made.

9. Yield per acre data used in determining farm normal yields per acre would be based on the yields obtained on the farm during the years 1950-54.

10. The average available for allotments to farms on which no tobacco was harvested during the years 1951-55 would be limited to one-tenth of one percent of the national marketing quota.

11. The farm operator would be required to live on and obtain 50 percent or more of his livelihood from the farm covered by the application for a new farm allotment.

12. A provision would be included to provide that a new farm allotment shall not be approved for any farm which was part of another farm during the past five years for which an old farm allotment was established. Also, a new farm allotment shall not be determined for a farm not operated by the owner thereof.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 26th day of May 1955.

[SEAL] PRESTON RICHARDS,
Acting Administrator.

[F. R. Doc. 55-4384; Filed, May 27, 1955; 10:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11333; FCC 55-601]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; Docket No. 11333.

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of May 1955;

2. The Commission has before it for consideration the time for filing reply comments in the above-entitled proceeding.

3. The Commission on March 31, 1955, instituted the subject rule-making proceeding to consider the de-intermixture of commercial VHF and UHF television channels in the Peoria, Illinois, area. The time for filing comments in this proceeding was extended to May 17, 1955, with replies to such comments due May 27, 1955.

4. The parties to the above-entitled proceeding have filed extensive comments; and as presently specified, replies to such comments must be filed by May 27, 1955. The Commission is aware that the National Association of Radio and Television Broadcasters is currently holding its Convention in Washington, D. C., and that much of the attorneys' time will be consumed at Convention functions. The Commission believes, therefore, that the public interest, convenience and necessity would be served by extending the time for filing reply comments in this proceeding to May 31, 1955.

5. In view of the foregoing: *It is ordered,* That the time for filing reply comments in the above-entitled proceeding is extended from May 27, 1955 to May 31, 1955.

Released: May 24, 1955.

By direction of the Commission.

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4320; Filed, May 27, 1955; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11334; FCC 55-602]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; Docket No. 11334.

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of May 1955;

2. The Commission has before it for consideration the time for filing reply comments in the above-entitled proceeding.

3. The Commission on March 31, 1955, instituted the subject rule-making proceeding to consider the de-intermixture of commercial VHF and UHF television channels in the Evansville, Indiana, area. The time for filing comments in this proceeding was extended to May 17, 1955, with replies to such comments due May 27, 1955.

4. The parties to the above-entitled proceeding have filed extensive comments; and as presently specified, replies to such comments must be filed by May 27, 1955. The Commission is aware that the National Association of Radio and Television Broadcasters is currently holding its Convention in Washington, D. C., and that much of the attorney's time will be consumed at Convention functions. The Commission believes, therefore, that the public interest, convenience and necessity would be served by extending the time for filing reply comments in this proceeding to May 31, 1955.

5. In view of the foregoing: *It is ordered,* That the time for filing reply comments in the above-entitled proceeding is extended from May 27, 1955, to May 31, 1955.

Released: May 24, 1955.

By direction of the Commission.

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4321; Filed, May 27, 1955; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11335; FCC 55-603]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; Docket No. 11335.

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of May 1955;

2. The Commission has before it for consideration the time for filing reply comments in the above-entitled proceeding.

3. The Commission on March 31, 1955, instituted the subject rule-making proceeding to consider the de-intermixture of commercial VHF and UHF television channels in the Madison, Wisconsin, area. The time for filing comments in this proceeding was extended to May 17, 1955, with replies to such comments due May 27, 1955.

4. The parties to the above-entitled proceeding have filed extensive comments; and as presently specified, replies to such comments must be filed by May 27, 1955. The Commission is aware that the National Association of Radio and Television Broadcasters is currently holding its convention in Washington, D. C., and that much of the attorneys' time will be consumed at Convention functions. The Commission believes, therefore, that the public interest, convenience and necessity would be served by extending the time for filing reply comments in this proceeding to May 31, 1955.

5. In view of the foregoing: *It is ordered,* That the time for filing reply comments in the above-entitled proceeding is extended from May 27, 1955, to May 31, 1955.

Released: May 24, 1955.

By direction of the Commission.

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4322; Filed, May 27, 1955; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11336; FCC 55-604]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; Docket No. 11336.

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of May 1955;

2. The Commission has before it for consideration the time for filing reply

comments in the above-entitled proceeding.

3. The Commission on March 31, 1955, instituted the subject rule-making proceeding to consider the de-intermixture of commercial VHF and UHF television channels in the Hartford, Connecticut, area. The time for filing comments in this proceeding was extended to May 17, 1955, with replies to such comments due May 27, 1955.

4. The parties to the above-entitled proceeding have filed extensive comments; and as presently specified, replies to such comments must be filed by May 27, 1955. The Commission is aware that the National Association of Radio and Television Broadcasters is currently holding its Convention in Washington, D. C., and that much of the attorneys' time will be consumed at Convention functions. The Commission believes, therefore, that the public interest, convenience and necessity would be served by extending the time for filing reply comments in this proceeding to May 31, 1955.

5. In view of the foregoing: *It is ordered*, That the time for filing reply comments in the above-entitled proceeding is extended from May 27, 1955, to May 31, 1955.

Released: May 24, 1955.

By direction of the Commission.

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-4323; Filed, May 27, 1955; 8:49 a. m.]

[47 CFR Part 3]

[Docket No. 11361]

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 11361.

1. The Commission has before it for consideration the petition of Suncoast Cities Broadcasting Corporation requesting an extension of time for the filing of comments in the above-entitled proceeding to May 31, 1955.

2. Comments in the above-entitled proceeding by interested parties are now required to be filed on or before May 27, 1955. Petitioner notes that the present week requires their attendance at various meetings and functions of the National Association of Radio and Television Broadcasters whose Convention is currently in progress in Washington, D. C. It is urged that the grant of the request will not delay the Commission's action on the matter since the extension, in effect, would only encompass one working day. Petitioner urges that the requested extension of time will assist all counsel in preparing a more orderly presentation of their material to the Commission.

3. The Commission is of the view that the public interest, convenience and necessity would be served by granting the requested extension of time for the filing of comments in this proceeding.

4. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended to May 31, 1955; and the time for filing replies to comments is extended to June 10, 1955.

Adopted: May 24, 1955.

Released: May 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-4324; Filed, May 27, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 315]

[Ex Parte No. 152]

EXEMPTION OF CONTRACT CARRIER OPERATIONS

CHARTERING OF VESSELS TO THE UNITED STATES

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 18th day of May A. D. 1955.

It appearing, that by order of April 17, 1942, 49 CFR 315.3, under section 302 (e) of the Interstate Commerce Act, the Commission, division 4, upon representations made to it by the Administrator of the then War Shipping Administration, exempted the chartering of vessels to the United States Government or any department or agency thereof for use by the Government in the transportation of its own property in interstate or foreign commerce, from the requirements of part III of the act until further order of the Commission;

It further appearing, that revocation of the said exemption may be necessary in order to effectuate the national transportation policy declared in the act:

It is ordered, That this proceeding be, and it is hereby, reopened for further consideration.

It is further ordered, That any interested party may file with the Commission, on or before June 29, 1955, a memorandum or brief containing its views on the question whether the exemption heretofore granted should now be revoked, indicating whether a hearing with respect thereto is desired.

And it is further ordered, That copy of this order be served on the following: Chief of Naval Operations, Military Sea Transport Service, Department of Defense, Washingon, D. C. and Maritime Administration, Department of Commerce, Washington, D. C.

and that notice of this order be given to the public by posting copies thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Division of the Federal Register (62 Stat. 472; 49 U. S. C. 5a)

Dated at Washington, D. C., this 18th day of May A. D. 1955.

By the Commission, Division 4.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-4318; Filed, May 27, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

TERRITORIAL SUPERVISORS FOR ALASKA AND HAWAII

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

Pursuant to authority vested in me by order of the Acting Secretary of Agriculture dated December 24, 1953 (19 F. R. 74, 77), as amended, State Directors having jurisdiction over Farmers Home Administration activities in the Territories of Alaska and Hawaii are authorized to delegate or redelegate to the positions of Territorial Supervisor for such Territories, respectively, appraisal authorities, and any of the authorities vested in such State Directors, unless such delegation or redelegation is otherwise prohibited.

Issued: May 24, 1955.

[SEAL] R. B. McLEAISH, *Administrator, Farmers Home Administration.*

[F. R. Doc. 55-4317; Filed, May 27, 1955; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 44]

COLORADO

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about May 19, 1955, because of the disastrous effects of floods, damage resulted to residences and business property located in certain areas in the State of Colorado; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Otero, Las Animas, Bent, Powers; Small Business Administration Regional Office, New Custom House, Room 235, 19th and Stout Streets, Denver 2, Colo.

2. A special field office will be established in Trinidad and LaJunta, Colorado, to receive and process such applications.

3. Applications for disaster loans under the authority of this Order will not be accepted subsequent to November 30, 1955.

Dated: May 23, 1955.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 55-4314; Filed, May 27, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30665: Sodium phosphate to Minnesota and Wisconsin. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on phosphates, sodium, disodium, and trisodium, carloads, from Fernald, Ohio, and Jeffersonville, Ind., to Gilman, Marshfield, and Thorpe, Wis., and Minneapolis and St. Paul, Minn.

Grounds for relief: Circuitous routes.

FSA No. 30666: Rayon fibre, etc., Nitro, W. Va., to southern points. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on rayon fibre and yarn, synthetic fibre and fibre yarn, rayon staple fibre, synthetic staple fibre, and glass fibre yarn, carloads, from Nitro, W. Va., to specified points in North Carolina, South Carolina, and Danville, Va.

Grounds for relief: Circuitous routes.

FSA No. 30667: Blackstrap molasses, etc., to St. Louis, Mo., group. Filed by St. Louis-San Francisco Railway Company for itself and interested rail carriers. Rates on blackstrap molasses, distillery molasses residuum and citrus pomace final syrup, carloads, from specified points in Alabama, Florida, Louisiana, and Mississippi to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-4319; Filed, May 27, 1955; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4091, G-5439, G-5455, G-5551—G-5557, G-5559—G-5618, G-5620—G-5641, G-5643—G-5654, G-5656—G-5658, G-7474, G-7970—G-7992, G-8158—G-8179, G-8181—G-8214, G-8390—G-8404, G-8216—G-8228, G-8311, G-8313—G-8316, G-8349—G-8368, G-8499—G-8505, G-8554, G-8585]

PENOVA INTERESTS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 11, 1955.

Take notice that Penova Interests, and Others (Applicants) filed an individual application under a docket number listed above for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the Applicant making application to render service as reflected in the tabulation set forth below, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission, and open for public inspection.

Applicants produce natural gas from fields in West Virginia, which is sold in interstate commerce to Hope Natural Gas Company for resale, all as reflected in the tabulation set forth below, and as more fully described in the applications.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on June 28, 1955, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) or § 1.32 (b) where requested of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before June 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

Docket No.	Date of filing	Applicant	Location		
			Field	County or parish	State
G-5439	11-23-54	George L. Duncan, et ux	Elk District	Harrison	W. Va.
G-5455	11-23-54	Hale Johnson	Ten Mile District	do	W. Va.
G-5551	11-23-54	Z. N. Connolly, et al	Sherman District	Calhoun	W. Va.
G-5552	11-23-54	Gribble, Ingram & Bailey	West Union District	Doddridge	W. Va.
G-5553	11-23-54	Z. N. Connolly, et al	Sherman District	Calhoun	W. Va.
G-5554	11-23-54	Quaker State Oil Refining Corp	Not stated	Not stated	Not stated.
G-5555	11-23-54	Busch & Ferrell Lease	Sheridan District	Calhoun	W. Va.
G-5556	11-23-54	Holstine Oil & Gas Co	Not stated	Ritchie	W. Va.
G-5557	11-23-54	Bernard S. Graves, et al	DeKalb District	Gilmer	W. Va.
G-5559	11-23-54	Scott Duffield, et al	Lee District	Calhoun	W. Va.
G-5560	11-23-54	F. S. Woodford, et al	Union District	Ritchie	W. Va.
G-5561	11-23-54	Thurman Goff Gas Co., Geo. W. Miller, et al.	DeKalb District	Gilmer	W. Va.
G-5562	11-23-54	Pipe Line Construction & Drilling Co.	Chapmanville Field	Boone	W. Va.
				Lincoln	W. Va.
				Logan	W. Va.
G-5563	11-23-54	Massey Oil & Gas Co	Washington District	Calhoun	W. Va.
G-5564	11-23-54	Morris Oil & Gas Co	Sherman District	do	W. Va.
G-5565	11-23-54	O. C. Thomas	Grant District	Ritchie	W. Va.
G-5566	11-23-54	S. J. Reynolds Gas Co., George W. Miller, et al.	DeKalb District	Gilmer	W. Va.
G-5567	11-23-54	Letha Westfall Gas Co., Geo. W. Miller, et al.	do	do	W. Va.
G-5568	11-23-54	Gribble & Hartman	Union District	Ritchie	W. Va.
G-5569	11-23-54	Davis-Kelley Oil Co	Grant District	do	W. Va.
G-5570	11-23-54	Stalnakey Gas Co	Washington District	Calhoun	W. Va.
G-5571	11-23-54	The May Pay Oil & Gas Co	Murphy District	Ritchie	W. Va.
G-5572	11-23-54	McCormick Oil & Gas Co	do	do	W. Va.
G-5573	11-23-54	C. L. Connolly Gas Co., Geo. W. Miller, et al.	Troy District	Gilmer	W. Va.
G-5574	11-23-54	Glenn Tompkins-James P. Koontz, d. b. a. Buckhorn Gas Co.	Union District	Clay	W. Va.
G-5575	11-23-54	Evans Oil & Gas Co	Murphy District	Ritchie	W. Va.
G-5576	11-23-54	Two Lick Oil & Gas Co	DeKalb District	Gilmer	W. Va.
G-5577	11-23-54	York-Hays Gas Co., George W. Miller, et al.	Sherman District	Calhoun	W. Va.
G-5578	11-23-54	Scott Oil & Gas Co	Murphy District	Ritchie	W. Va.
G-5579	11-23-54	C. E. Beardmore	Grant District	do	W. Va.
G-5580	11-23-54	Scott Duffield, et al	Sherman District	Calhoun	W. Va.
G-5581	11-23-54	D. A. Null, et al	Lincoln District Fairmont District.	Marion	W. Va.
G-5582	11-23-54	Carnegie Natural Gas Co	Not stated	Not stated	Not stated.
G-5583	11-23-54	Null & Moorehead Gas Co	Church District	Wetzel	W. Va.
G-5584	11-23-54	Sutton Brothers Inc	Mannington District	Marion	W. Va.
G-5585	11-23-54	R. S. Monroe, et al	do	do	W. Va.
G-5586	11-23-54	do	do	do	W. Va.
G-5587	11-23-54	do	do	do	W. Va.
G-5388	11-23-54	O. N. Gump Oil & Gas Lease	Batelle District	Monongalia	W. Va.
G-5589	11-23-54	A. M. Snider & Earl S. Goodwin d/b/a Snider & Goodwin.	Grassy Run	Marion	W. Va.
G-5590	11-23-54	John R. Conklin	Not stated	Not stated	W. Va.
G-5591	11-23-54	B. E. Talkington, et al	Sheridan District	Calhoun	W. Va.
G-5592	11-23-54	Pipe Line Construction & Drilling Co.	Oceana Field	Wyoming	W. Va.
G-5593	11-23-54	Tom McCormick Gas Co	Murphy District	Ritchie	W. Va.

Docket No.	Date of filing	Applicant	Location: Field	Location: County or parish	Location: State
G-7071	12- 2-54	McCall Drilling Co., Inc.	Center District	Gilmer	W. Va.
G-7072	12- 3-54	....do	....do	....do	W. Va.
G-7073	12- 3-54	....do	....do	....do	W. Va.
G-7074	12- 3-54	....do	....do	....do	W. Va.
G-7075	12- 3-54	....do	Dekalb District	....do	W. Va.
G-7076	12- 3-54	....do	Murphy District	Ritchie	W. Va.
G-7077	12- 3-54	....do	Not stated	....do	W. Va.
G-7078	12- 3-54	....do	Sherman District	Calhoun	W. Va.
G-7079	12- 3-54	....do	Otter District	Braxton	W. Va.
G-7080	12- 3-54	....do	Glenville District	Gilmer	W. Va.
G-7081	12- 3-54	....do	Clay District	Ritchie	W. Va.
G-7082	12- 3-54	....do	Glenville District	Gilmer	W. Va.
G-7083	12- 3-54	....do	Sherman District	Calhoun	W. Va.
G-7084	12- 3-54	....do	Union District	Ritchie	W. Va.
G-7085	12- 3-54	....do	Union District	....do	W. Va.
G-7086	12- 3-54	....do	Not stated	....do	W. Va.
G-7087	12- 3-54	....do	Center District	Gilmer	W. Va.
G-7088	12- 3-54	....do	Elk District	Barbour	W. Va.
G-7089	12- 3-54	....do	....do	....do	W. Va.
G-7090	12- 3-54	....do	Center District	Gilmer	W. Va.
G-7091	12- 3-54	....do	Union District	....do	W. Va.
G-7092	12- 3-54	....do	Center District	Gilmer	W. Va.
G-8138	12-15-54	H. H. Edinger Estate	Not stated	Harrison	W. Va.
G-8159	12-15-54	W. R. Mesrire, et al	Murphy District	Ritchie	W. Va.
G-8160	12-15-54	Boyd Gas Co., et al	....do	....do	W. Va.
G-8161	12-15-54	Burnside Lumber Co	....do	....do	W. Va.
G-8162	12-15-54	King & Zegg Gas Co	Center District	Gilmer	W. Va.
G-8163	12-15-54	....do	....do	....do	W. Va.
G-8164	12-15-54	Rex Oil & Gas Co	Near Clendenin	Clay	W. Va.
G-8165	12-15-54	King & Zegg Gas Co	Center District	Gilmer	W. Va.
G-8166	12-15-54	F. F. McIntosh, et al	Lee District	Calhoun	W. Va.
G-8167	12-15-54	....do	....do	....do	W. Va.
G-8168	12-15-54	Tri-County Producing Co	Murphy District	Ritchie	W. Va.
G-8169	12-15-54	F. F. McIntosh, et al	Lee District	Calhoun	W. Va.
G-8170	12-15-54	Hoover Oil & Gas Co., W. H. Mossor, et al.	Not stated	Ritchie	W. Va.
G-8171	12-15-54	D. H. Stephenson, et al	Otter District	Braxton	W. Va.
G-8172	12-15-54	John R. Thomey	Sardis District	Harrison	W. Va.
G-8173	12-15-54	Doham Gas Co	New Milton District	Doddridge	W. Va.
G-8174	12-15-54	Little Five Oil & Gas Co	McClellan District	....do	W. Va.
G-8176	12-15-54	....do	....do	....do	W. Va.
G-8177	12-15-54	John R. Thomey	Sardis District	Harrison	W. Va.
		Carr Gawthrop Oil & Gas Producers	Sardis District	Doddridge	W. Va.
			Ten Mile District	Harrison	W. Va.
G-8178	12-15-54	Little Five Oil & Gas Co	McClellan District	Doddridge	W. Va.
G-8179	12-15-54	General Oil Co	Not stated	Pleasants	W. Va.
G-8181	12-15-54	Grass Run Gas Co	Not stated	Ritchie	W. Va.
G-8182	12-15-54	McIntosh & Griffith	Sherman District	Ritchie	W. Va.
G-8183	12-15-54	Watson Oil & Gas Co	Clay District	Calhoun	W. Va.
			District Settlement	Lewis	W. Va.
G-8184	12-15-54	King and Zegg Gas Co	Clay District	Ritchie	W. Va.
G-8185	12-15-54	William Moses	Grant District	Harrison	W. Va.
G-8186	12-15-54	Earl Hardman	Murphy District	Ritchie	W. Va.
G-8187	12-15-54	Coy Robinson Oil & Gas Co. & Coy Robinson Oil Co. No. 4	Sherman District	Calhoun	W. Va.
G-8188	12-15-54	Walkinshaw Oil & Gas Co	Washington District	....do	W. Va.
G-8189	12-15-54	John R. Thomey	Grant District	Doddridge	W. Va.
G-8190	12-15-54	Hunt & Adams	Not stated	Gilmer	W. Va.
G-8191	12-15-54	Minney Gas Co	Center District	....do	W. Va.
G-8192	12-15-54	E. C. Wilson	Troy District	....do	W. Va.
G-8193	12-15-54	K. M. Hunt	Not stated	Calhoun	W. Va.
G-8194	12-15-54	Hunt and Adams	....do	Gilmer	W. Va.
G-8195	12-15-54	Kane Hill & Gas Co	Clay District	Ritchie	W. Va.
G-8196	12-15-54	Jarvis & Ayers Gas Co	Not stated	Calhoun	W. Va.
G-8197	12-15-54	Sherman Oil & Gas Co	Sherman District	Ritchie	W. Va.
G-8198	12-15-54	Watson Oil & Gas Co	Court House District	Lewis	W. Va.
G-8199	12-15-54	Boyd Wright	Clay District	Ritchie	W. Va.
G-8367	1-18-55	Willie Collins, Agent	Sheriden District	Calhoun	W. Va.
G-8190	1-25-55	Neal Oil & Gas Co	Grant District	Doddridge	W. Va.
G-8192	1-25-55	Vance L. & J. Hood Hornor	None	None	Not stated.
G-8363	1-25-55	Luther G. Pigott	Dekalb District	Gilmer	W. Va.
G-8394	1-25-55	E. A. Klug	West Union District	Doddridge	W. Va.
			Garner Field	Wetzel	W. Va.
				Marshall	

Docket No.	Date of filing	Applicant	Location: Field	Location: County or parish	Location: State
G-5594	11-23-54	J. J. Powell Gas Co., George W. Miller, et al.	Troy District	Gilmer	W. Va.
G-5595	11-23-54	Ira Simmons Gas Co., George W. Miller, et al.	....do	....do	W. Va.
G-5596	11-23-54	Harrison Evans Gas Co	Murphy District	Ritchie	W. Va.
G-5597	11-23-54	Plum Run Oil & Gas Co	Not stated	....do	W. Va.
G-5598	11-23-54	Hunt Gas Co	Sherman District	Calhoun	W. Va.
G-5599	11-23-54	Hannah L. Jefferies Gas Co., Geo. W. Miller	Dekalb District	Gilmer	W. Va.
G-5600	11-23-54	Rowan Gas Co	Tridelphia District	Logan	W. Va.
G-5601	11-23-54	Barker Oil & Gas Co	Murphy District	Ritchie	W. Va.
G-5602	11-23-54	Vaugh Boatright, et al	Sherman District	Calhoun	W. Va.
G-5603	11-23-54	Phillip Lemon, et al	Union District	Ritchie	W. Va.
G-5604	11-23-54	H. C. Woodford	Not stated	....do	W. Va.
G-5605	11-23-54	Jas. C. & Mary Lewis	Lee District	Calhoun	W. Va.
G-5606	11-23-54	Carnegie Natural Gas Co	Not stated	Not stated.	
G-5607	11-23-54	Powell Farm Gas & Oil Co	Jefferson District	Pleasants	W. Va.
G-5608	11-23-54	C. A. Wilson Lease, E. C. Hartman, owner.	Clay District	Ritchie	W. Va.
G-5609	11-23-54	C. S. Connolly 30 Gas Co	Rich Bottom	Gilmer	W. Va.
G-5610	11-23-54	George W. Miller, et al	Leading Creek		
G-5611	11-23-54	Johnston Oil & Gas Co	Murphy District	Ritchie	W. Va.
G-5612	11-23-54	Alcie Oldacre Gas Co., George W. Miller, et al.	Sheridan District	Calhoun	W. Va.
G-5613	11-23-54	C. S. Connolly 75 Gas Co., George W. Miller, et al.	Troy District	Gilmer	W. Va.
G-5614	11-23-54	George Jackson	Hamilton District	Nicholas	W. Va.
G-5615	11-23-54	Vaughn Boatright, et al	Sherman District	Calhoun	W. Va.
G-5616	11-23-54	W. H. Putnam, operator	Putnam Gas Field	Wood	W. Va.
G-5617	11-23-54	Ohio Fuel Gas Co., George W. Miller, et al.	Troy District	Gilmer	W. Va.
G-5618	11-23-54	B. E. Talkington, et al	Sheridan District	Calhoun	W. Va.
G-5620	11-23-54	James I. Shearer	Not stated	....do	W. Va.
G-5621	11-23-54	Lafayette Oil Co	Lafayette District	Pleasants	W. Va.
G-5622	11-23-54	Big Cave Oil & Gas Co	Not stated	Gilmer	W. Va.
G-5623	11-23-54	Gail Nutter, oil Co	Sherman District	Calhoun	W. Va.
G-5624	11-23-54	Davis-Kelly Oil Co	Grant District	Ritchie	W. Va.
G-5625	11-23-54	E. O. Wilson	Sherman District	Calhoun	W. Va.
G-5626	11-23-54	Pipe Line Construction & Drilling Co.	Grant District	Buchanan	Va.
G-5627	11-23-54	Scott Heater, et al	Grant District	Ritchie	W. Va.
G-5628	11-23-54	J. Howard Coleman	Not stated	Gilmer	W. Va.
G-5629	11-23-54	West Virginia Production Co	Hamilton District	Nicholas	W. Va.
G-5630	11-23-54	Fiddler-Taylor Gas Co., Geo. W. Miller, et al	Glenville District	Gilmer	W. Va.
G-5631	11-23-54	Homer W. Myers, et al	Grant District	Ritchie	W. Va.
G-5632	11-23-54	Stone Gas Co	Not stated	Not stated.	
G-5633	11-23-54	W. G. Harvey Gas Co., Geo W. Miller, et al.	Troy District	Gilmer	W. Va.
G-5634	11-23-54	Davis-Kelly Oil Co	Grant District	Ritchie	W. Va.
G-5635	11-23-54	Meadows Oil & Gas Co	Not stated	....do	W. Va.
G-5636	11-23-54	Volley Carper, et al	Lee District	Calhoun	W. Va.
G-5637	11-23-54	George Jackson	Troy District	Gilmer	W. Va.
G-5639	11-23-54	Marry Bohr, et al	Union District	Ritchie	W. Va.
		Mountain Gas Co	Clay District	Calhoun	W. Va.
G-5640	11-23-54	Homer W. Myers, et al	McKim District	Tyler	W. Va.
G-5641	11-23-54	Volley Carper, et al	Lee District	Calhoun	W. Va.
G-5643	11-23-54	Massey & Jarvis Drilling Co	Salt Lick District	Braxton	W. Va.
G-5644	11-23-54	O. J. Hathaway Heirs Lease	Center District	Calhoun	W. Va.
G-5645	11-23-54	Homer W. Myers, et al	McKim District	Pleasants	W. Va.
G-5646	11-23-54	a Roy Hildreth & W. T. McGlothlin	Washington District	Ritchie	W. Va.
G-5647	11-23-54	Lacey Gain, et al	Center District	Gilmer	W. Va.
G-5648	11-23-54	Gregory Gas Co	Not stated	Webster	W. Va.
G-5649	11-23-54	T. H. Shuman Gas Co., George W. Miller, et al.	Glenville District	Nicholas	W. Va.
G-5650	11-23-54	Post Gas Companies, Geo. W. Miller, et al.	Dusk Camp	....do	W. Va.
G-5651	11-23-54	S. E. Wilson Lease	Lafayette District	Braxton	W. Va.
G-5652	11-23-54	Morris Oil & Gas Co	Sherman District	Pleasants	W. Va.
G-5653	11-23-54	B. R. Hays, et al	Center District	Gilmer	W. Va.
G-5654	11-23-54	W. H. Busch	Not stated	Calhoun	W. Va.
G-5656	11-23-54	Irvin & Associates	McKim District	Not stated.	
G-5657	11-23-54	McCall Drilling Co., Inc	Lee District	Pleasants	W. Va.
G-7970	12- 3-54		Dekalb District	Gilmer	W. Va.

Docket No.	Date of filing	Applicant	Location: Field	Location: County or parish	Location: State
G-8395	1-25-55	Luther G. Pigott	Grant District	Doddridge	W. Va.
G-8396	1-25-55	....do	....do	....do	W. Va.
G-8397	1-25-55	P. & M. Oil Co	West Union District	....do	W. Va.
G-8398	1-25-55	Earker Gas Co	Washington District	Calhoun	W. Va.
G-8399	1-25-55	James R. Hornor, et al. (Benson Oil & Gas Co.).	Union District	Barbour	W. Va.
G-8400	1-25-55	Wilson Oil & Gas Co	Lafayette District	Pleasants	W. Va.
G-8401	1-25-55	Shelly and Snider	Mannington District	Marion	W. Va.
G-8402	1-25-55	....do	....do	....do	W. Va.
G-8403	1-25-55	Ralph W. Mace, et al	Lee District	Calhoun	W. Va.
G-8404	1-25-55	B. E. Talkington, et al	....do	....do	W. Va.
G-8200	12-15-54	K. M. Hunt	Not stated	....do	W. Va.
G-8201	12-15-54	L. D. Nutter Gas Co	Collins Settlement District.	Lewis	W. Va.
G-8202	12-15-54	Watson Oil & Gas	Otter District	Braxton	W. Va.
G-8203	12-15-54	Dodd Oil & Gas Co	Sherman District	Calhoun	W. Va.
G-8204	12-15-54	Ervin Stump, et al	....do	....do	W. Va.
G-8205	12-15-54	Scott Oil & Gas Co	Murphy District	Ritchie	W. Va.
G-8206	12-15-54	Hildreth & Hildreth Lease	Spencer District	Roane	W. Va.
G-8207	12-15-54	Fred Stump No. 2 Gas Co	Sherman District	Calhoun	W. Va.
G-8208	12-13-54	Owens-Illinois Glass Co	Not stated	Marion	W. Va.
G-8209	12-15-54	A. H. Reber	....do	Tyler	W. Va.
G-8210	12-15-54	Grass Run Oil & Gas Co	Center District	Gilmer	W. Va.
G-8211	12-15-54	Reed Starcher, et al	Washington District	Calhoun	W. Va.
G-8212	12-15-54	Lottie Gunn Gas Co	Center District	....do	W. Va.
G-8213	12-15-54	Susie C. Kingery, et al Lease	....do	Gilmer	W. Va.
G-8214	12-15-54	Stump & Conklin Gas Co	Sherman District	Calhoun	W. Va.
G-8216	12-15-54	Ernest Hayhurst, et al	Dekalb District	Gilmer	W. Va.
G-8217	12-15-54	Olsen Warren, et al	Center District	....do	W. Va.
G-8218	12-15-54	McCoy Oil & Gas Co	Murphy District	Ritchie	W. Va.
G-8219	12-15-54	Floyd Fox, et al., Lease	Sheridan District	Calhoun	W. Va.
G-8220	12-15-54	F. L. Haymaker, et al, Lease	Lee District	....do	W. Va.
G-8221	12-15-54	B. R. Hays, et al	Center District	Gilmer	W. Va.
G-8222	12-15-54	Allen B. Starcher, et al., Lease	Lee District	Calhoun	W. Va.
G-8223	12-15-54	Ferris Barr, et al Lease	....do	....do	W. Va.
G-8224	12-15-54	Allen B. Starcher, et al Lease	....do	....do	W. Va.
G-8225	12-15-54	D. Nitz, et al., Lease	....do	....do	W. Va.
G-8226	12-15-54	B. R. Hays, et al	....do	....do	W. Va.
G-8227	12-15-54	J. F. Allen, et al., Lease	....do	....do	W. Va.
G-8228	12-15-54	F. G. Bish	Not stated	Harrison	W. Va.
G-8311	12-29-54	Richards & Hartman Oil & Gas	Union District	Ritchie	W. Va.
G-8313	12-29-54	Bernard F. Rinehart, et al	Schultz	Not stated	W. Va.
G-8314	12-29-54	....do	....do	....do	W. Va.
G-8315	12-29-54	....do	....do	....do	W. Va.
G-8316	12-29-54	F. S. Deem	Murphy District	Ritchie	W. Va.
G-8349	1-18-55	G. A. Smith	McKim District	Pleasants	W. Va.
G-8350	1-18-55	Rush Run Oil & Gas Co	Washington District	Calhoun	W. Va.
G-8351	1-18-55	H. M. Hathaway Lease	Sherman District	....do	W. Va.
G-8352	1-18-55	Collective Gas Co	Clay District	Ritchie	W. Va.
G-8353	1-18-55	Graham and Shinn	West Union District	Doddridge	W. Va.
G-8354	1-18-55	R. C. Hardman Lease	Center District	Calhoun	W. Va.
G-8355	1-18-55	T. E. Bickel Estate	Union District	Wood	W. Va.
G-8356	1-18-55	Jones Farm Oil & Gas Co	Murphy District	Ritchie	W. Va.
G-8357	1-18-55	Eagon-Robinson Oil & Gas Co	Garner Oil Field	Wetzel & Marshall.	W. Va.
G-8358	1-18-55	Lodstar Oil Co	McKim District	Pleasants	W. Va.
G-8359	1-18-55	Harry L. Tennant	Paw Paw District	Marion	W. Va.
G-8360	1-18-55	Wiley Gas Co	Not stated	Pleasants	W. Va.
G-8361	1-18-55	Willie Collins, Agent	Sheridan District	Calhoun	W. Va.
G-8362	1-18-55	Lago Oil & Gas Co	Lafayette District	Pleasants	W. Va.
G-8263	1-18-55	Penn-Hunt Oil & Gas Co	Union District	Ritchie	W. Va.
G-8364	1-18-55	Haven Oil Co	McKim District	Pleasants	W. Va.
G-8365	1-18-55	Monongahela Oil & Gas Co	Van Voorhis	Not stated	W. Va.
G-8366	1-18-55	Eagon-Robinson Oil & Gas Co	Garner Field	....do	W. Va.
G-8368	1-18-55	Loris J. Swadley, et al	Union District	Ritchie	W. Va.
G-8499	2-21-55	James P. Dropoleman, et al	Long Run	Doddridge	W. Va.
G-8500	2-21-55	Byron L. Hall, et al	Mannington District	Marion	W. Va.
G-8501	2-21-55	E. M. Reynolds Gas Co	Sherman District	Calhoun	W. Va.
G-8502	2-21-55	The Pawnee Corporation	Grant District	Ritchie	W. Va.
G-8503	2-21-55	Barbara Starcher	Sherman District	Calhoun	W. Va.
G-8504	2-21-55	Phillips Gas Co	Ripley District	Jackson	W. Va.
G-8505	2-21-55	Marion Gas Co	Hamilton District	Nicholas	W. Va.
G-8554	3- 7-55	Faith Oil & Gas Co	Collins Settlement District.	Lewis	W. Va.
G-8585	3-15-55	Ohio Oil & Gas Co	Meade District	Tyler	W. Va.
G-4091	10- 4-54	Penova Interests	Grant District	Ritchie	W. Va.
			Murphy District	....do	W. Va.
			Sheridan District	Calhoun	W. Va.
			Burning Springs District	Wirt	W. Va.
G-5658	11-23-54	Estate of D. C. Louchery	Ten Mile District	Harrison	W. Va.
G-7474	12- 1-54	Russell Oil & Gas Co	Not stated	Lewis	W. Va.

[F. R. Doc. 55-4071; Filed, May 27, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 109060; FCC 55M-469]

LAKE SHORE BROADCASTING CO., INC. (WSHE)

ORDER AFTER PREHEARING CONFERENCE

In re application of Lake Shore Broadcasting Co., Inc. (WSHE), Sheboygan, Wisconsin, Docket No. 10960, File No. BP-8808; for construction permit.

1. Hearing in this matter had been scheduled to open on May 4, 1954. On April 29, 1954, it was indefinitely continued to permit consideration by the Commission of a promised amendment to an application for modification of construction permit for Station WSHE, to specify 950 kc (File No. BMP-6456). A grant of that application as amended would render moot the protests involved on the instant 800 kc proceeding. It was not until March 3, 1955, however, that WSHE filed the amendment; on May 19, 1955, it further amended the 950 kc proposal.

2. A prehearing conference was held on May 20, 1955, pursuant to an order of April 22, 1955, to consider the question of WSHE's tying up 800 kc while its 950 kc application is being processed. The following rulings are made on the basis of the discussion at the conference; and it is so ordered this 24th day of May 1955:

(a) Hearing on the instant 800 kc application is scheduled for July 5, 1955, at 10:00 a. m., in Washington, D. C.

(b) The parties shall exchange exhibits on July 1, 1955, and on the same date counsel will meet for the purpose of discussing possible stipulations and otherwise shortening the hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4325; Filed, May 27, 1955; 8:49 a. m.]

[Docket Nos. 11102, 11255; FCC 55M-468]

CHEROKEE BROADCASTING CO. AND VALLEY BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Max M. Blakemore and E. C. Blakemore d/b as Cherokee Broadcasting Company, Murphy, North Carolina, Docket No. 11102, File No. BP-9210; Valley Broadcasting Company, Murphy, North Carolina, Docket No. 11255, File No. BP-9464; for construction permits.

It is ordered, This 24th day of May 1955, on the Chief Hearing Examiner's own motion, that, by reason of the illness of the Examiner assigned to preside in the above-entitled proceeding, the further hearing therein, which is presently scheduled for May 24, 1955, be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4326; Filed, May 27, 1955; 8:50 a. m.]

[Docket Nos. 11124, 11125; FCC 55M-471]

HAROLD M. GADE AND MONMOUTH COUNTY BROADCASTERS

ORDER CONTINUING HEARING

In re applications of Harold M. Gade, Eatontown, New Jersey, Docket No. 11124, File No. BP-9096; Monmouth County Broadcasters, Long Branch, New Jersey, Docket No. 11125, File No. BP-9231; for construction permits.

The Commission having under consideration a petition of the Chief of its Broadcast Bureau, filed May 23, 1955, for continuance of certain proceedings heretofore scheduled by the Hearing Examiner in the above-entitled matter, viz., the exchange of direct affirmative case exhibits on or before May 23, 1955; further prehearing conference, May 26,

1955; commencement of hearing June 2, 1955;

It appearing, that, subsequent to the issuance of the order scheduling the above proceedings, the Commission accepted for filing a new application (File No. BP–9771) which is mutually exclusive with those here involved, and that, petitioner alleges, in due course, under the provisions of § 1.387 of the rules, such application will be consolidated for hearing herein; and,

It appearing further, that since the proceedings in this matter, as presently scheduled, may not be conducted in the absence of the third applicant, supra, it is appropriate that they and each of them be continued for a period of approximately forty-five days, as proposed by petitioner; and,

It appearing further, that the instant pleading states good cause, and that immediate action thereon is imperative and in the public interest, and, therefore, the four-day requirement specified in § 1.745 is hereby waived;

Accordingly, it is ordered, This 23d day of May 1955, that the petition is granted, and that the proceedings in the above-entitled matter, as presently scheduled by the Hearing Examiner, are continued as follows:

June 30, 1955: Exchange of direct affirmative case exhibits.

July 8, 1955: Further prehearing conference.

July 18, 1955: Commencement of hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4327; Filed, May 27, 1955; 8:50 a. m.]

[Docket No. 11360; FCC 55M–472]

MOUNTAIN STATE BROADCASTING CO., INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Mountain State Broadcasting Co., Inc., Morgantown, West Virginia, Docket No. 11360, File No. BP–9471; for construction permit.

It is ordered, This 24th day of May 1955, that a prehearing conference herein shall be held at 10:00 a. m., Friday, June 3, 1955, at Washington, D. C., to consider the matters specified in § 1.813 of the Commission's rules and all parties or their attorneys are directed to attend.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4328; Filed, May 27, 1955; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54–127]

ELECTRIC BOND AND SHARE CO.

SUPPLEMENTAL ORDER GRANTING CERTAIN RECITALS

MAY 24, 1955.

The Commission having heretofore approved a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Electric Bond and Share Company ("Bond and Share"), a registered holding company, providing, among other things, for the divestment of a portion of its holdings of the common stock of United Gas Corporation ("United Gas"); and Bond and Share having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations under the act of the proposed sale of not to exceed 15,000 shares of the common stock of United Gas to not more than ten different persons, who will purchase for investment, at prices per share equal to the last closing sale price on the New York Stock Exchange immediately prior to each such sale; Bond and Share proposing to pay a fee of thirty cents per share to an agent for negotiating the sales;

The Commission having notified Bond and Share that no declaration need be filed in respect of this matter; and

Bond and Share having requested that the Commission enter an order containing the recitals required by the Internal Revenue Code, and the Commission deeming it appropriate that such request be granted:

It is ordered and recited, That the sales of not exceeding 15,000 shares of common stock of United Gas Corporation to persons purchasing for investment are necessary or appropriate to the integration or simplification of the holding company system of which Electric Bond and Share Company is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of sections 1081 to 1083, inclusive, and section 4382 (b) (2) of the Internal Revenue Code of 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–4312; Filed, May 27, 1955; 8:47 a. m.]

[File No. 70–3359]

NATIONAL FUEL GAS CO. ET AL.

ORDER AUTHORIZING PROPOSED REDUCTION IN PAR VALUE OF CAPITAL STOCK AND PAYMENT OF DIVIDEND OUT OF CAPITAL SURPLUS

MAY 23, 1955.

In the matter of National Fuel Gas Company, Pennsylvania Gas Company, Pennsylvania Oil Company; File No. 70–3359.

National Fuel Gas Company ("National Fuel"), a registered holding company, and its direct public-utility subsidiary, Pennsylvania Gas Company ("Pennsylvania Gas"), and its indirect wholly-owned non-utility subsidiary, Pennsylvania Oil Company ("Pennsylvanio Oil"), have filed a joint declaration with this Commission pursuant to sections 6 (a), 7, and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-46 promulgated thereunder regarding the following proposed transactions:

Pennsylvania Oil proposes (a) to reduce the par value of its outstanding capital stock from $1 per share to 50 cents per share so that the 576,000 outstanding shares will have an aggregate par value of $288,000 and (b) to pay a cash dividend of $288,000 out of the capital surplus which will be created by and result from said reduction in the par value of the capital stock. According to the joint declaration, as at December 31, 1954, Pennsylvania Oil had only $6,607 of earned surplus but has at least $288,000 in funds in excess of its requirements and that its parent, Pennsylvania Gas, will be in need of additional working capital to be used in connection with its 1955 construction program. It is represented that when an amendment to Pennsylvania Oil's Articles of Incorporation to accomplish the proposed reduction in par value is filed and approved by the Department of State of Pennsylvania, the payment of the dividend out of capital surplus will not be unlawful under the laws of the Commonwealth of Pennsylvania and will not violate the legal rights of the holders of any securities issued by any company in the National Fuel holding company system.

Due notice having been given of the filing of said joint declaration in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–4311; Filed, May 27, 1955; 8:47 a. m.]

[File No. 70–3364]

NATIONAL FUEL GAS CO. AND MARS CO.

ORDER AUTHORIZING PROPOSED REDUCTION IN PAR VALUE OF CAPITAL STOCK AND PAYMENT OF DIVIDEND OUT OF CAPITAL SURPLUS

MAY 23, 1955.

National Fuel Gas Company ("National Fuel"), a registered holding company, and its wholly owned nonutility subsidiary company, the Mars Company ("Mars"), have filed with this Commission a joint declaration pursuant to sections 6 (a), 7, and 12 (c) of the Public Utility Holding Company Act of 1935 (the "act") and Rule U-46 promulgated thereunder regarding the following proposed transactions:

Mars proposes (a) to reduce the par value of its outstanding 100,000 shares of capital stock from $10 per share to $5 per share or $500,000 in the aggregate and (b) to pay a cash dividend of not more than $500,000 out of the capital surplus which will be created by and result from said reduction in the par value of the capital stock. According to the joint declaration, as at December 31, 1954, Mars had only $23,000 of earned surplus but has ample current assets in the form of marketable securities to provide cash to pay the proposed dividend and still have sufficient working capital for its current and foreseeable needs, and its parent, National Fuel, will place the proceeds from this proposed dividend in its treasury for use in financing certain of its other subsidiaries engaged in the public-utility business. It is represented that when an amendment to Mars' Articles of Incorporation to accomplish the proposed reduction in par value is filed and approved by the Department of State of Pennsylvania, the payment of a dividend out of capital surplus will not be unlawful under the laws of the Commonwealth of Pennsylvania and will not violate the legal rights of the holders of any securities issued by any company in the National Fuel holding company system.

Due notice having been given of the filing of said joint declaration in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–4310; Filed, May 27, 1955; 8:46 a. m.]

[File No. 70–3376]

CONSOLIDATED NATURAL GAS CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE BY PARENT COMPANY OF CAPITAL STOCK PURSUANT TO RIGHTS OFFERING

MAY 24, 1955.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural Gas Company, the Peoples Natural Gas Company, New York State Natural Gas Corporation, the River Gas Company; File No. 70–3376.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiaries named above have filed with this Commission a joint application-declaration and amendments thereto regarding an overall system financing program, including, among other things, the issuance and sale by Consolidated, pursuant to section 7 of the act, of shares of its capital stock as summarized below:

Consolidated proposes to offer 738,721 shares of its capital stock, par value $10 per share, for subscription at $31.00 per share, on warrants to be issued to the holders of its outstanding capital stock of record at the close of business on June 2, 1955. Each such holder will be granted the right to subscribe for shares of capital stock at the rate of one share for each ten shares held on such record date, the subscription offer to expire at 3:30 p. m., New York time, June 21, 1955.

The rights to subscribe will be evidenced by transferable subscription warrants. No fractional shares of capital stock will be issued. Rights may be purchased to entitle the holder of the warrant to subscribe to one or more full shares of capital stock or rights may be sold. For the convenience of stockholders and without charge to them for such service, the Hanover Bank will act as agent for the warrant holders in purchasing and selling rights, but not to exceed 9 rights for each warrant holder.

Consolidated anticipates that some shares of its capital stock offered for subscription will not be subscribed for, and, on the basis of past experience, estimates that this number of shares will amount to about 3 percent of the total offering. Shares for which subscriptions are not exercised, up to 5 percent of the issue, will be offered after the subscription date at the subscription price to Bankers Trust Company as Trustee of Consolidated's Annuity Trust, subject to call for the account of the Trustees under the Alternative Thrift Trust of Consolidated's Employees Thrift Plan. Any such shares not so subscribed or sold to Bankers Trust Company will thereafter be sold on the open market.

According to the filing, the primary purpose of the financing is to obtain funds to repay $20,000,000 of Consolidated's short-term bank loans made on March 15, 1955, the remaining funds realized to be used by Consolidated to finance in part the construction program of its subsidiaries during 1955.

It is represented that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed issuance and sale of shares of capital stock.

Consolidated has submitted estimates of fees and expenses incurred and to be incurred in connection with its proposed transactions, but the record has not been completed in respect thereof.

Consolidated requests the Commission to enter an order herein permitting the declaration regarding the proposed issuance and sale of shares of capital stock to become effective and that such order become effective forthwith upon its issuance.

Due notice having been given of the filing of the joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission having examined the filing and finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary in respect of the proposed issuance and sale by Consolidated of 738,721 shares of its capital stock; and the Commission deeming it in the public interest and the interest of investors and consumers, that said declaration, in so far as it relates to the issuance and sale of capital stock by Consolidated, should be permitted to become effective forthwith.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, in so far as it proposes the issuance and sale by Consolidated of 738,721 shares of its capital stock, be and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved in respect of (1) all fees and expenses in connection with the transactions proposed herein including the issue and sale of capital stock by Consolidated, and (2) the remaining transactions which are the subject of said application-declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–4313; Filed, May 27, 1955; 8:47 a. m.]

VETERANS ADMINISTRATION

ORGANIZATION STATEMENT

ADDRESSES OF INSTALLATIONS AND JURISDICTIONAL AREAS OF DISTRICT OFFICES AND INSURANCE CENTER, D. C.

The Veterans Administration statement of organization (19 F. R. 2917 and 19 F. R. 6683) is further amended as follows:

Section 4 is amended to read as follows (in this revision of section 4, changes have been made only in the following: Alabama, California, Colorado, Connecticut, Florida, Georgia, Illinois, Iowa, Kentucky, Massachusetts, Michigan, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Philippines, Puerto Rico, Rhode Island, South Carolina, Texas, Virginia, and Washington):

SEC. 4. *Addresses of Veterans Administration installations and jurisdictional areas of district offices and Insurance Center, D. C.—(a) Addresses of Veterans Administration installations.* This is a guide to the location of Veterans Administration field stations in each State (also Alaska, Canal Zone, Hawaii, and Philippines), where information may be obtained by personal contact or correspondence concerning benefits to veterans and their dependents and beneficiaries. The parent regional offices and centers having regional office activities are listed, with the VA Offices (formerly subregional and contact offices) indented thereunder. VA Offices having medical activities are preceded by an asterisk.

ALABAMA

Type of activity and location	Address
Regional Office, Montgomery 4	400 Lee St.
VA Office, Birmingham 3	1724 3d Ave. North.
VA Office, Decatur	201 Gordon Dr.
VA Office, Gadsden	King Bldg., 524 Chestnut St.
VA Office, Mobile 10	U. S. Court House and Custom House.
Hospital, Birmingham 3	Veterans Administration Hospital.
Hospital, Montgomery 10	Perry Hill Rd.
Hospital, Tuscaloosa	Veterans Administration Hospital.
Hospital, Tuskegee	Veterans Administration Hospital.

ALASKA

Regional Office, Juneau	Goldstein Bldg.
VA Office, Anchorage	P. O. Box 1399, Federal Bldg.
VA Office, Fairbanks	P. O. Box 869, Federal Bldg.
VA Office, Ketchikan	P. O. Box 2621, Federal Bldg.

ARIZONA

Regional Office, Phoenix	Ellis Bldg., 137 North 2d Ave.
VA Office, Tucson	Greenway Station.
VA Office, Yuma	First National Bank Bldg., 198 Main St.
Hospital, Phoenix	7th St. and Indian School Rd.
Hospital, Tucson	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Whipple	Veterans Administration Center.

ARKANSAS

Regional Office, Little Rock	555 Bldg., 211 Broadway.
VA Office, Batesville	Post Office Bldg.
VA Office, El Dorado	Federal Bldg.
VA Office, Forrest City	Post Office Bldg.
VA Office, Fort Smith	Post Office Bldg.
VA Office, Harrison	Seville Hotel.
VA Office, Jonesboro	Jonesboro Clinic Bldg.
VA Office, Pine Bluff	203½ West 5th St.
VA Office, Texarkana	Post Office Bldg., 5th and State Line.
Hospital, Fayetteville	Veterans Administration Hospital.
Hospital, Little Rock	300 East Roosevelt Rd.
Hospital, North Little Rock	Veterans Administration Hospital.

CALIFORNIA

Regional Office, Los Angeles 25	Mgr. Office: 1031 South Broadway. Mail: 1380 South Sepulveda Blvd.
VA Office, Bakersfield	1100 Golden State Highway.
VA Office, Las Vegas, Nev	16 Carson St. (P. O. Box 1751).
VA Office, Long Beach	Post Office Bldg., 3d and American Ave.
VA Office, Pasadena	137 North Marengo Ave.
VA Office, San Bernardino	1120 North "E" St.
VA Office, San Luis Obispo	864 Santa Rosa St. (P. O. Box 207).
Regional Office (No VA Offices), San Diego 12	325 "B" St. Mail: P. O. Box 1111.
Regional Office, San Francisco 3	49 4th St.
VA Office, Fresno 21	Room 8, Post Office Bldg.
VA Office, *Oakland 12	1305 Franklin St.
VA Office, Sacramento 14	921 10th St.
VA Office, San Jose 10	192 San Augustine St.
VA Office, Stockton 2	311 North El Dorado St.
Hospital, Fresno	2615 Clinton Ave.
Hospital, Livermore	Veterans Administration Hospital.
Hospital, Long Beach	5901 7th St.
Center (Hospital and Domiciliary), Los Angeles 25.	Sawtelle and Wilshire Blvds.
Hospital Oakland 12	13th and Harrison St.
Hospital, Palo Alto	Veterans Administration Hospital.
Hospital, San Fernando	Veterans Administration Hospital.

CALIFORNIA—Continued

Type of activity and location	Address
Hospital, San Francisco 21	42d Ave. and Clement St.
Hospital, Sepulveda	Veterans Administration Hospital.

CANAL ZONE

Veterans Administration Office, Balboa	Balboa Clubhouse. Mail: P. O. Box 3672.

COLORADO

Regional Office, Denver 2	Denver Federal Center.
VA Office, Boulder	1345 Spruce St.
VA Office, Colorado Springs	121 East Pikes Peak Ave.
VA Office, Pueblo	Federal Bldg.
VA Office, Trinidad	312 North Commercial St.
District Office, Denver 2	Denver Federal Center.
Hospital, Denver 20	1055 Clermont St.
Hospital, Fort Lyon	Veterans Administration Hospital.
Hospital, Grand Junction	Veterans Administration Hospital.

CONNECTICUT

Regional Office, Hartford 4	95 Pearl St.
VA Office, *Bridgeport 3	355 Fairfield Ave.
VA Office, New Haven 11	294 Cedar St.
VA Office, Waterbury	111 Grand St.
Hospital, Newington 11	Veterans Administration Hospital.
Hospital, West Haven 16	Veterans Administration Hospital.

DELAWARE

Regional Office (No VA Offices), Wilmington	Dravo Bldg.
Hospital, Wilmington	Veterans Administration Hospital.

DISTRICT OF COLUMBIA

Hospital, Washington 7	2650 Wisconsin Ave. NW.
Insurance Center, Washington 25	Munitions Bldg.
Veterans Benefits Office, Washington 25	Munitions Bldg.

FLORIDA

Regional Office, Miami 10	3300 NE. 2d Ave., Mail: P. O. Box 1791.
VA Office, Fort Lauderdale	Radio Center Bldg., 100 East Las Olas Blvd.
VA Office, Fort Pierce	118 Arcade Bldg.
VA Office, Key West	Post Office Bldg.
VA Office, West Palm Beach	712 Comeau Bldg.
Regional Office, Pass-A-Grille Beach	P. O. Box 1437, St. Petersburg, Fla.
VA Office, Gainesville	105 Seagle Bldg.
VA Office, *Jacksonville 1	Haverty Bldg., 317 Main St.
VA Office, Lakeland	Broderick Bldg.
VA Office, Marianna	Corner Estes and Lafayette Sts.
VA Office, Orlando	Federal Office Bldg.
VA Office, Pensacola	Carpenters Hall, 114 East Gregory St.
VA Office, Tallahassee	Brinkley Bldg., 310 North Monroe St.
VA Office, Tampa 2	311 East Harrison St.
Center (Hospital and Domiciliary), Bay Pines	Veterans Administration Center.
Hospital, Coral Gables	Veterans Administration Hospital.
Hospital, Lake City	Veterans Administration Hospital.

GEORGIA

Regional Office, Atlanta 3	105 Pryor St., NE.
VA Office, Albany	221½ Broad Ave.
VA Office, Athens	Room 306, New Post Office Bldg.
VA Office, Augusta	29 8th St.
VA Office, Brunswick	Carpenters Bldg., 302½ Gloucester St.
VA Office, Columbus	Room 203, First National Bank Bldg.
VA Office, *Macon	Jacques Bldg., 407 Broadway.
VA Office, Rome	Room 205, West Bldg.

GEORGIA—Continued

Type of activity and location	Address
Regional Office, Atlanta 3—Continued	
VA Office, *Savannah	Blun Bldg., 35 Bull St.
VA Office, Valdosta	McKey Bldg., 133 North Patterson St.
Hospital, Atlanta	5996 Peachtree Rd. NE.
Hospital, Augusta	Veterans Administration Hospital.
Hospital, Dublin	Veterans Administration Hospital.
Domiciliary, Thomasville	Veterans Administration Domiciliary.

HAWAII

Regional Office, Honolulu 1	P. O. Box 3198.
VA Office, Hilo, Hawaii	P. O. Box 1779 (Post Office Bldg.).

IDAHO

Center (Hospital and Regional Office), Boise	914 Jefferson St.
VA Office, Coeur d' Alene	214 3d St.
VA Office, Idaho Falls	Post Office Bldg.
VA Office, Moscow	125 West 3d St.
VA Office, Pocatello	424 West Center St.
VA Office, Twin Falls	249 Main Ave., East.

ILLINOIS

Regional Office, Chicago 12	2030 West Taylor St.
VA Office, Champaign	821 South Neil St.
VA Office, *East St. Louis	435 Missouri Ave.
VA Office, *Gary, Ind	Gerometta Bldg., 301 East 5th Ave.
VA Office, Moline	417 17th St.
VA Office, Peoria	Central National Bank Bldg., Main and Adams.
VA Office, Rockford	312 South Main St.
VA Office, Springfield	400–410 East Monroe St.
Hospital, Chicago 11	333 East Huron St., (Veterans Administration Research Hospital).
Hospital, Chicago 12	Veterans Administration West Side Hospital, 820 South Damen Ave.
Hospital, Danville	Veterans Administration Hospital.
Hospital, Downey	Veterans Administration Hospital.
Hospital, Dwight	Veterans Administration Hospital.
Hospital, Hines	Veterans Administration Hospital.
Hospital, Marion	Veterans Administration Hospital.

INDIANA

Regional Office, Indianapolis 9	36 South Pennsylvania St.
VA Office, Bloomington	102½ West 6th St.
VA Office, Evansville	206 Main St.
VA Office, Fort Wayne 2	Post Office Bldg.
VA Office, Lafayette	Hook Bldg., 603 Main St.
VA Office, Muncie	105 West Main St.
VA Office, New Albany	304½ Pearl St.
VA Office, South Bend 2	224 West Jefferson Blvd.
VA Office, Terre Haute	Post Office Bldg.
Under Chicago, Ill., Regional Office:	
VA Office, *Gary.	
Hospital, Fort Wayne 3	1600 Randalia Dr.
Hospital, Indianapolis 7	1481 West 10th St.
Hospital, Indianapolis 22	2601 Cold Spring Rd.
Hospital, Marion	Veterans Administration Hospital.

IOWA

Type of activity and location	Address
Center (Regional Office and Hospital), Des Moines 9.	Veterans Administration Center.
VA Office, Cedar Rapids	Room 309–311 Federal Bldg.
VA Office, Davenport	Room 233, Post Office Bldg.
VA Office, Dubuque	Room 306, Post Office Bldg.
VA Office, Fort Dodge	Room 218, Snell Bldg., 803 Central Ave.
VA Office, Mason City	Room 311, Post Office Bldg.
VA Office, Ottumwa	Room 232, Post Office Bldg.
VA Office, Sioux City 1	Room 228, Federal Bldg.
VA Office, Waterloo	Room 322, Post Office Bldg.
Hospital, Iowa City	Veterans Administration Hospital.
Hospital, Knoxville	Veterans Administration Hospital.
Domiciliary, Clinton	Veterans Administration Domiciliary.

KANSAS

Center (Regional Office and Hospital), Wichita 8.	5500 East Kellogg.
VA Office, Hutchinson	Post Office Bldg.
VA Office, Pittsburg	City Auditorium, 5th and Pine Sts.
VA Office, *Topeka	3701–9 West 21st St.
Under Kansas City, Mo., Regional Office:	
VA Office, Horton.	
Center (Hospital and Domiciliary), Wadsworth (within the Kansas City, Mo., Regional Office territory).	Veterans Administration Center.
Hospital, Topeka	Veterans Administration Hospital.

KENTUCKY

Regional Office, Louisville 3	1405 West Broadway.
VA Office, Ashland	1617 Greenup Ave.
VA Office, Bowling Green	Room 8, Post Office Bldg.
VA Office, Covington	Old Post Office Bldg., 3d St. and Court Ave.
VA Office, Harlan	Post Office Bldg.
VA Office, Hazard	Chamber of Commerce Bldg.
VA Office, Lexington	Room 7, Federal Bldg., Barr and Limestone Sts.
Hospital, Fort Thomas	Veterans Administration Hospital.
Hospital, Lexington	Veterans Administration Hospital.
Hospital, Louisville 2	Mellwood and Zorn Ave.
Hospital, Outwood	Veterans Administration Hospital.

LOUISIANA

Regional Office, New Orleans 13	2026 St. Charles Ave.
VA Office, Baton Rouge 2	Reymond Bldg., 263 North 3d St.
VA Office, Hammond	City Hall.
VA Office, Houma	Terrebonne Parish Courthouse.
VA Office, Lafayette	515 South Buchanan St.
VA Office, Lake Charles	921½ Ryan St.
Center (Regional Office and Hospital), Shreveport 12.	510 East Stoner Ave.
VA Office, Monroe	136 South Grand St.
Hospital, Alexandria	Veterans Administration Hospital.
Hospital, New Orleans 12	1601 Perdido St.

MAINE

Center (Regional Office and Hospital), Togus	Veterans Administration Center.
VA Office, Bangor	96 Harlow St.
VA Office, *Portland	171 Middle St.

Maryland

Type of activity and location	Address
Regional Office, Baltimore 2	St. Paul and Fayette Sts.
VA Office, Cumberland	Post Office Bldg., Pershing St.
VA Office, Hagerstown	City Hall, North Potomac and Franklin Sts.
Hospital, Baltimore 18	3900 Loch Raven Blvd.
Hospital, Fort Howard	Veterans Administration Hospital.
Hospital, Perry Point	Veterans Administration Hospital.

Massachusetts

Regional Office, Boston 8	1 Beacon St.
VA Office, Brockton	Post Office Bldg.
VA Office, Cambridge	57 Inman St.
VA Office, Chelsea	Room 102, City Hall.
VA Office, Fitchburg	260 Main St.
VA Office, Greenfield	Post Office Bldg.
VA Office, Holyoke	Room 208, Post Office Bldg.
VA Office, Lawrence	477 Essex St.
VA Office, *Lowell	Old Post Office, 89 Appleton St.
VA Office, Lynn	Room 205, Daily Item Bldg., 38 Exchange St.
VA Office, Malden	Room 4, City Hall Annex, Ferry St.
VA Office, North Adams	85 Main St.
VA Office, Pittsfield	246 North St.
VA Office, Quincy	Chamber of Commerce Bldg., 18 Washington St.
VA Office, Salem	126 Washington St.
VA Office, Somerville	Post Office Bldg., Union Square.
VA Office, *Springfield	1200 Main St.
VA Office, *Worcester 8	7 Chatham St.
Under Providence, R. I., Regional Office	
VA Office, Fall River	
VA Office, New Bedford	
Hospital, Bedford	Veterans Administration Hospital.
Hospital, Boston 30	150 South Huntington Ave.
Hospital, Brockton	Veterans Administration Hospital.
Hospital, Northampton	Veterans Administration Hospital.
Hospital, Rutland Heights	Veterans Administration Hospital.
Hospital, West Roxbury 32	Veterans of Foreign Wars Parkway.
Outpatient Clinic, Boston 8	1 Beacon St.

Michigan

Regional Office, Detroit 31	310 East Jefferson Ave.
VA Office, Flint 3	432 North Saginaw St., Metropolitan Bldg.
VA Office, *Grand Rapids 2	Goodspeed Bldg., 190 Monroe Ave. NW.
VA Office, Lansing 2	Veterans Affairs Bldg., 411 West Michigan Ave.
Hospital, Ann Arbor	2215 Fuller Rd.
Hospital, Battle Creek	Veterans Administration Hospital.
Hospital, Dearborn	Veterans Administration Hospital.
Hospital, Iron Mountain	Veterans Administration Hospital.
Hospital, Saginaw	1500 Weiss St.

Minnesota

Regional Office, St. Paul 11	Fort Snelling.
VA Office, Duluth 2	Post Office Bldg.
District Office, St. Paul 11	Fort Snelling.
Hospital, Minneapolis 17	54th St. and 48th Ave. South.
Hospital, St. Cloud	Veterans Administration Hospital.

Mississippi

Type of activity and location	Address
Center (Regional Office and Hospital), Jackson	Veterans Administration Center.
VA Office, Gulfport	American Legion Bldg., 13th St. and 26th Ave.
VA Office, *Meridian	814–818 Twenty-second Ave.
Center (Hospital and Domiciliary), Biloxi	Veterans Administration Center.
Hospital, Gulfport	Veterans Administration Hospital.

Missouri

Regional Office, Kansas City 8	1828 Walnut St.
VA Office, Horton, Kans	908 1st Ave. East.
VA Office, Joplin	223 West 3d St.
VA Office, St. Joseph	Post Office Bldg., 8th and Edmond Sts.
VA Office, Sedalia	208 South Lamine St.
VA Office, *Springfield	Wilhoit Bldg., Pershing and Jefferson Sts.
Regional Office (No VA Offices), St. Louis 2	415 Pine St.
Hospital, Excelsior Springs	Veterans Administration Hospital.
Hospital, Jefferson Barracks 23	Veterans Administration Hospital.
Hospital, Kansas City 28	4801 Linwood Blvd.
Hospital, Poplar Bluff	Veterans Administration Hospital.
Hospital, St. Louis 6	915 North Grand Blvd.

Montana

Center. (Regional Office and Hospital), Fort Harrison.	Veterans Administration Center.
VA Office, Billings	Room 209, Stapleton Bldg., First Ave. North and Broadway.
VA Office, Butte	Owsley Bldg., Park and Main Sts.
VA Office, Great Falls	Mail: P. O. Box 1788. Civic Center Bldg., Central and Park Dr.
VA Office, Missoula	Federal Bldg., East Broadway and Pattie.
Hospital, Miles City	Veterans Administration Hospital.

Nebraska

Regional Office, Lincoln 1	Veterans Bldg., 12th and "O" Sts.
VA Office, Omaha 2	1612 Harney St.
Hospital, Grand Island	Veterans Administration Hospital.
Hospital, Lincoln 1	Veterans Administration Hospital.
Hospital, Omaha 5	4101 Woolworth Ave.

Nevada

Center (Regional Office and Hospital), Reno (No VA Offices)	Veterans Administration Center.
Under Los Angeles, Calif., Regional Office:	
VA Office, Las Vegas.	

New Hampshire

Regional Office, Manchester	497 Silver St.
VA Office, Berlin	Coos County Courthouse.
VA Office, Dover	90 Washington St.
VA Office, Laconia	Room 208, Forrestry Bldg., 719 Main St.
VA Office, Portsmouth	Post Office and Customs House Bldg., Pleasant St.
Hospital, Manchester	Smyth Road.

New Jersey

Type of activity and location	Address
Regional Office, Newark 2	20 Washington Pl.
VA Office, Atlantic City	Old Post Office Bldg., Pacific & Pennsylvania Ave.
VA Office, *Camden	Broadway Stevens Bldg., 300 Broadway.
VA Office, Jersey City	880 Bergen Ave.
VA Office, New Brunswick	47 Patterson St.
VA Office, Paterson	Room 201, Post Office Bldg.
VA Office, *Trenton	200 East State St.
VA Office, Red Bank	12 Broad St.
Hospital, East Orange	Veterans Administration Hospital.
Hospital, Lyons	Veterans Administration Hospital.

New Mexico

Regional Office, Albuquerque	11th St. and Tijeras Ave.
VA Office, Carlsbad	County Courthouse.
VA Office, Clovis	City Hall, P. O. Box 28.
VA Office, Gallup	Post Office Bldg., P. O. Box 791.
VA Office, Las Cruces	Dona Ana County Courthouse.
VA Office, Las Vegas	Post Office Bldg., P. O. Box 638.
VA Office, Santa Fe	U. S. Courthouse.
Hospital, Albuquerque	Veterans Administration Hospital.
Hospital, Fort Bayard	Veterans Administration Hospital.

New York

Regional Office, Albany 1	Watervliet Arsenal.
VA Office, Glens Falls	45 Ridge St.
VA Office, Kingston	286 Fair St.
VA Office, Plattsburg	City Hall Bldg.
VA Office, Poughkeepsie	15 Washington St.
VA Office, Schenectady	Lorraine Bldg., 501–505 State St.
Regional Office (No VA Offices), Brooklyn 1	250 Livingston St.
Regional Office, Buffalo 3	1021 Main St.
VA Office, Niagara Falls	42 Falls St.
VA Office, *Rochester	39 State St.
Regional Office, New York City 1	252 Seventh Ave.
VA Office, Jamaica, Long Island	89–09 Sutphin Blvd.
VA Office, Middleton	City Hall, 16 James St.
VA Office, Mineola, Long Island	320 Old Country Rd.
VA Office, Newburgh	Post Office Bldg.
VA Office, St. George, Staten Island	36 Richmond Ter.
VA Office, White Plains	County Office Bldg.
Regional Office, Syracuse 2	Chimes Bldg., 500 South Salina St.
VA Office, Binghamton	64 Henry St.
VA Office, Utica 2	110 Genesee St.
VA Office, Watertown	Post Office, 163 Arsenal St.
Hospital, Albany	Veterans Administration Hospital.
Hospital, Batavia	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Bath	Veterans Administration Center.
Hospital, Bronx 68	130 West Kingsbridge Rd.
Hospital, Brooklyn 9	Veterans Administration Hospital.
Hospital, Buffalo 15	3495 Bailey Ave.
Hospital, Canandaigua	Veterans Administration Hospital.
Hospital, Castle Point	Veterans Administration Hospital.
Hospital, Montrose	Veterans Administration Hospital.
Hospital, New York 10	408 First Ave.
Hospital, Northport, Long Island	Veterans Administration Hospital.
Hospital, Sunmount	Veterans Administration Hospital.
Hospital, Syracuse 10	Irving Ave. & University Pl.

North Carolina

Type of activity and location	Address
Regional Office, Winston-Salem	310 West 4th St.
VA Office, Asheville	Room 421, City Bldg.
VA Office, *Charlotte 2	127 West 7th St.
VA Office, Durham	302 Morris St.
VA Office, Gastonia	Post Office Bldg.
VA Office, Goldsboro	Room 607, Borden Bldg.
VA Office, New Bern	Post Office Bldg., P. O. Box 352.
VA Office, Raleigh	1212 Capital Club Bldg.
VA Office, Salisbury	Post Office Bldg., P. O. Box 132.
VA Office, Wilmington	Room 200, Custom House.
Hospital, Durham	Fulton St. and Erwin Rd.
Hospital, Fayetteville	Veterans Administration Hospital.
Hospital, Oteen (includes Division at Swannanoa).	Veterans Administration Hospital.
Hospital, Salisbury	Veterans Administration Hospital.

North Dakota

Center (Regional Office and Hospital), Fargo	Veterans Administration Center.
VA Office, Bismarck	Federal Bldg.
VA Office, Grand Forks	102 North 4th St.
Hospital, Minot	Veterans Administration Hospital.

Ohio

Regional Office, Cincinnati 2	209 East 6th St.
VA Office, Cambridge	118½ North 9th St.
VA Office, *Columbus 8	48 Starling St.
VA Office, Dayton 2	11 West Monument Ave.
VA Office, Hamilton	152 High St.
VA Office, Ironton	411 Center St.
Va Office, Marietta	218½ Putnam St.
VA Office, Portsmouth	Post Office Bldg., 610 Gay St.
VA Office, Springfield	McAdams Bldg., 31 East High St.
VA Office, Zanesville	406 Market St.
Regional Office, Cleveland 14	Cuyahoga Bldg.
VA Office, *Akron	72–76 South High St.
VA Office, Canton 2	117 Walnut Ave., NE.
VA Office, Lorain	Broadway Bldg., 305 Broadway Ave.
VA Office, New Philadelphia	152 North Broadway.
VA Office, Steubenville	333 North 4th St.
VA Office, *Toledo 4	604 Jackson St.
VA Office, Warren	Post Office Bldg.
VA Office, Youngstown 3	Union National Bank Bldg., 6 West Federal St.
Hospital, Breckville	Veterans Administration Hospital.
Hospital, Chillicothe	Veterans Administration Hospital.
Hospital, Cincinnati 20	3220 Vine St.
Hospital, Cleveland 30	7300 York Rd.
Center (Hospital and Domiciliary), Dayton	Veterans Administration Center.

Oklahoma

Regional Office, Muskogee	2d and Court Sts.
VA Office, Bartlesville	Rooms 220–222, Post Office Bldg.
VA Office, Hugo	Room 6, Post Office Bldg.
VA Office, McAlester	Rooms 205–207, Post Office Bldg.
VA Office, Tulsa	Room 602, Petroleum Bldg., 420 South Boulder St.
Regional Office, Oklahoma City	1101 North Broadway.
VA Office, Ardmore	Federal Bldg.
VA Office, Clinton	Calmez Hotel.

OKLAHOMA—Continued

Type of activity and location	*Address*
Regional Office, Oklahoma City—Continued	
VA Office, Enid	Federal Bldg., 105 West Broadway.
VA Office, Lawton	Federal Bldg., P. O. Box 1185.
VA Office, Ponca City	213 Federal Bldg.
VA Office, Shawnee	107 North Broadway.
Hospital, Muskogee	Memorial Station, Honor Heights Dr.
Hospital, Oklahoma City 4	921 NE. 13th St.

OREGON

Regional Office, Portland 4	208 SW. 5th Ave.
VA Office, Eugene	610 Willamette St.
VA Office, Medford	33 North Riverside Ave.
Domiciliary, Camp White	Veterans Administration Domiciliary.
Hospital, Portland 7	Sam Jackson Park.
Hospital, Roseburg	Veterans Administration Hospital.

PENNSYLVANIA

Regional Office, Philadelphia 2	128 North Broad St.
VA Office, Allentown	1122 Hamilton St.
VA Office, Reading	U. S. Post Office Bldg.
Regional Office, Pittsburgh 22	107 6th St.
VA Office, Altoona	Crist Bldg., 1114 12th St.
VA Office, Erie	U. S. Court Bldg., State St. and South Park Row.
VA Office, *Johnstown	Old Post Office Bldg., Market and Locust Sts.
VA Office, Kittanning	Court House.
VA Office, New Castle	223 East Washington St.
VA Office, Uniontown	Union Trust Bldg., 37 Main St.
VA Office, *Wheeling, W. Va	11th and Chapline Sts.
Regional Office, Wilkes-Barre	19–27 North Main St.
VA Office, *Harrisburg	229 Walnut St.
VA Office, Lancaster	250 West Orange St.
VA Office, Pottsville	Thompson Bldg., 23–27 North Centre St.
VA Office, *Scranton 3	Select Bldg., 116–18 North Washington Ave.
VA Office, Shamokin	24 South Market St.
VA Office, *Williamsport	153 West Fourth St.
VA Office, York	60 South Beaver St.
District Office, Philadelphia 1	5000 Wissahickon Ave., Mail: P. O. Box 8079, Remittances: P. O. Box 7787.
Hospital, Altoona	Veterans Administration Hospital.
Hospital, Aspinwall	Mail: Veterans Administration Hospital, University Dr., Pittsburgh 40
Hospital, Butler	Veterans Administration Hospital.
Hospital, Coatesville	Veterans Administration Hospital.
Hospital, Erie 5	135 East 38th Street Blvd.
Hospital, Lebanon	Veterans Administration Hospital.
Hospital, Philadelphia 4	University and Woodland Aves.
Hospital, Pittsburgh 6	Leech Farm Rd.
Hospital, Pittsburgh 40	University Dr.
Hospital, Wilkes-Barre	East End Blvd.

PHILIPPINES

Regional Office, Manila	APO 928, San Francisco, Calif.
VA Office, Cebu City, Philippines	3d Floor, City Hall.

PUERTO RICO (INCLUDING THE VIRGIN ISLANDS)

Type of activity and location	*Address*
Center (Regional Office and Hospital), San Juan	Regional Office, VA Bldg., 520 Ponce de Leon Ave., Stop 8, Puerta de Tierra Hospital, San Patricio. Mail: Post Office Box 4424.
VA Office, Arecibo	#28 De Diego St.
VA Office, Caguas	45 Celis Aguilera St.
VA Office, Cayey	62 Baldorioty St.
VA Office, Humacao	Munoz Marin Ave. and Ulises Martinez St.
VA Office, Ponce	Post Office Bldg., Atocha St.
VA Office, Mayaguez	Post Office Bldg.

RHODE ISLAND

Regional Office, Providence 3	100 Fountain St.
VA Office, Fall River, Mass	144 North Main St.
VA Office, *New Bedford, Mass	757 Pleasant St.
Hospital, Providence 8	Davis Park.

SOUTH CAROLINA

Regional Office, Columbia	1801 Assembly St.
VA Office, Charleston 10	The Old Citadel Bldg.
VA Office, Greenville	Federal Courthouse and Post Office Bldg.
VA Office, Orangeburg	370 St. Paul St. NE.
VA Office, Spartanburg	Montgomery Bldg.
Hospital, Columbia	Veterans Administration Hospital.

SOUTH DAKOTA

Center (Regional Office and Hospital), Sioux Falls.	Veterans Administration Center.
VA Office, Rapid City	414 7th St.
Hospital, Fort Meade	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Hot Springs	Veterans Administration Center.

TENNESSEE

Regional Office, Nashville 3	United States Court House, 801 Broadway.
VA Office, *Chattanooga 2	738 Georgia Ave., Dome Bldg.
VA Office, *Knoxville	618 West Church Ave.
VA Office, Memphis	32 South 2d St.
Hospital, Memphis 4	1025 E. H. Crump Blvd.
Hospital (Veterans Administration Medical Teaching Group), Memphis 15.	Park Ave. and Getwell St.
Hospital, Murfreesboro	Veterans Administration Hospital.
Center (Hospital and Domiciliary) Mountain Home.	Veterans Administration Center.
Hospital, Nashville 5	White Bridge Rd.

TEXAS

Regional Office, Dallas	912 South Ervay St.
VA Office, Fort Worth	300 West Vickery St.
VA Office, Wichita Falls	Federal Bldg., Lamar at 10th Sts.
Regional Office, Houston 4	2320 La Branch St.
VA Office, Beaumont	Post Office Bldg., P. O. Box 751.
VA Office, Brenham	County Court House, 105 East Main St.
VA Office, Galveston	Post Office Bldg.
VA Office, Lufkin	313 Perry Bldg.

TEXAS—Continued

Type of activity and location	*Address*
Regional Office, Lubbock	1612–20 19th St.
VA Office, Abilene	Room 305, Post Office Bldg.
VA Office, Amarillo	Room 330, New Post Office Bldg., 207 East 5th St.
VA Office, Childress	Library Bldg.
VA Office, El Paso	102 South El Paso St.
VA Office, Odessa	County Courthouse.
VA Office, San Angelo	302 Rust Bldg.
Regional Office, San Antonio 5	307 Dwyer Ave.
VA Office, Corpus Christi	303 Mesquite St.
VA Office, Del Rio	Post Office Bldg.
VA Office, Harlingen	Post Office Bldg.
VA Office, Laredo	Post Office Bldg.
VA Office, Victoria	Federal Bldg.
Center (Regional Office and Hospital), Waco	Veterans Administration Center.
VA Office, *Austin 61	900 Lavaca St. Mail: Post Office Box 42.
VA Office, Brownwood	207 Brown St.
VA Office, Corsicana	State National Bank Bldg., 101 North Beaton St.
VA Office, Palestine	Post Office Bldg.
VA Office, Temple	Federal Bldg., North 1st and Adams Sts.
Hospital, Amarillo	Veterans Administration Hospital.
Hospital, Big Spring	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Bonham	Veterans Administration Center.
Hospital, Dallas 2	Veterans Administration Hospital.
Hospital, Houston 31	2002 Holcombe Blvd.
Hospital, Kerrville	Veterans Administration Hospital.
Hospital, Marlin	Veterans Administration Hospital.
Hospital, McKinney	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Temple	Veterans Administration Center.

UTAH

Regional Office, Salt Lake City 4	1750 South Redwood Rd.
VA Office, Ogden	Post Office Bldg., 24th St. and Grant Ave.
Hospital, Salt Lake City 3	12th Ave. and E St.
Hospital, Salt Lake City 1	Fort Douglas Station.

VERMONT

Center (Regional Office and Hospital), White River Junction.	Veterans Administration Center.
VA Office, Burlington	86 St. Paul St.

VIRGINIA

Regional Office, Roanoke 11	211 West Campbell Ave.
VA Office, Danville	Room 306, Post Office Bldg.
VA Office, Lynchburg	Room 310, Post Office Bldg.
VA Office, Newport News	Professional Bldg., 103 28th St.
VA Office, Norfolk	217 Post Office Bldg.
VA Office, Richmond 20	900 North Lombardy St.
Center (Hospital and Domiciliary), Kecoughtan.	Veterans Administration Center.
Hospital, Richmond 19	Broad Rock Rd. and Belt Blvd.
Hospital, Roanoke 17	Veterans Administration Hospital.

WASHINGTON

Regional Office, Seattle 1	Tower Bldg., 7th Ave. and Olive Way.
VA Office, Bellingham	Clover Bldg., 203 West Holly Ave.
VA Office, Everett	R–407 Colby Bldg., Hewitt and Colby Aves.
VA Office, Richland	1329 George Washington Way.
VA Office, *Spokane 8	220 Hutton Bldg., Sprague and Washington Sts.

WASHINGTON—Continued

Type of activity and location	*Address*
Regional Office, Seattle—Continued	
VA Office, Tacoma	Room 616–617, Security Bldg., 915½ Pacific Ave.
VA Office, Vancouver	405 West 10th St.
VA Office, Wenatchee	Chelan County Courthouse.
VA Office, Yakima	Liberty Building, Room 424, 208½ East Yakima Ave.
Hospital, American Lake	Veterans Administration Hospital.
Hospital, Seattle 8	4435 Beacon Ave.
Hospital, Spokane 12	North 4815 Assembly St.
Hospital, Vancouver	Veterans Administration Hospital.
Hospital, Walla Walla	Veterans Administration Hospital.

WEST VIRGINIA

Regional Office, Huntington 1	824 5th Ave.
VA Office, Beckley	104 McCreery St.
VA Office, Bluefield	318 Federal St.
VA Office, Charleston 1	U. S. Courthouse.
VA Office, Clarksburg	227 West Pike St.
VA Office, Martinsburg	Boyd Bldg., 202 South Queen St.
VA Office, Morgantown	223 Fayette St.
VA Office, Parkersburg	221 Fourth St.
Under Pittsburgh, Pa., Regional Office.	
VA Office, Wheeling.	
Hospital, Beckley	Veterans Administration Hospital.
Hospital, Clarksburg	Veterans Administration Hospital.
Hospital, Huntington 1	1540 Spring Valley Dr.
Center (Hospital and Domiciliary), Martinsburg.	Veterans Administration Center.

WISCONSIN

Regional Office, Milwaukee 2	342 North Water St.
VA Office, Ashland	209 Vaughn Ave.
VA Office, Eau Claire	112 East Grand Ave.
VA Office, *Green Bay	311 South Adams St.
VA Office, La Crosse	6th and Vine Sts.
VA Office, Madison	237 West Gilman St.
VA Office, Racine	Arcade Bldg., 423 North Main St.
VA Office, Superior	Post Office Bldg.
VA Office, Wausau	Courthouse Annex, 4th and Scott Sts.
Hospital, Madison	Veterans Administration Hospital.
Hospital, Tomah	Veterans Administration Hospital.
Hospital, Waukesha	Veterans Administration Hospital.
Center (Hospital and Domiciliary), Wood	Veterans Administration Center.

WYOMING

Center (Regional Office and Hospital), Cheyenne.	Veterans Administration Center.
VA Office, Casper	140–150 East Midwest Ave.
Hospital, Sheridan	Veterans Administration Hospital.

(b) Jurisdictional areas of district offices and Insurance Center, D. C. (see section 3 (a) for district office and section 3 (b) for Insurance Center, D. C. functions):

LOCATION AND AREA

Denver, Colo. (district office): Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Territory of Hawaii, Texas, Utah, Wyoming.

Philadelphia, Pa. (district office): Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, (incl. Virgin Islands) Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia.

St. Paul, Minn. (district office): Alaska, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wisconsin.

Washington, D. C. (insurance center): United States Government Life Insurance (World War I), National Service Life Insurance accounts paid by allotment, and foreign accounts.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-4337; Filed, May 27, 1955; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

TAKAO NAKAYAMA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Takao Nakayama, Otsu Farming Center, Tokyo Quartermaster Depot, 8080th Army Unit, APO 9 c/o Postmaster, San Francisco, California, Claim No. 62840; Vesting Order No. 17043; $937.30 in the Treasury of the United States.

Executed at Washington, D. C., on May 20, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4329; Filed, May 27, 1955; 8:50 a. m.]

CLARA BUCHHEIM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Clara Buchheim, Rio de Janeiro, Brazil, Claim No. 59446; Vesting Order No. 3130; $226.25 in the Treasury of the United States.

Executed at Washington D. C., on May 20, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4330; Filed, May 27, 1955; 8:50 a. m.]

ANTONIO CANTAGALLO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Antonio Cantagallo, Genova, Italy, Claim No. 63164; $61.69 in the Treasury of the United States; Monica Cantagallo, Capriglia, Salerno, Italy, Claim No. 63178; $61.69 in the Treasury of the United States; Maria Reppi, Ferentino, Frosinone, Italy, Claim No. 63179; $61.69 in the Treasury of the United States; Ignazio Cantagallo, Rome, Italy, Claim No. 63180; $61.69 in the Treasury of the United States; Vesting Order No. 1190.

Executed at Washington, D. C., on May 20, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4331; Filed, May 27, 1955; 8:50 a. m.]

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (i) (3) is added to § 6.123 as set out below.

§ 6.123 *Department of Health, Education, and Welfare.* * * *

(i) *Office of Education.* * * *

(3) Positions concerned with problems in education financed and participated in by the Office of Education, Department of Health, Education, and Welfare, and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-4359; Filed, May 31, 1955; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (11), (c) (4), (d) (2), (e) (1), (f) (3), (g) (4), (h) (4), (j) (1), (k) (5), and (l) (4) of § 6.310 are revoked, paragraph (b) (2) is amended, and subparagraphs (3), (4), and (5) are added to paragraph (b), as set out below.

§ 6.310 *Department of the Interior.* * * *

(b) *Office of the Solicitor.* * * *

(2) Two Special Assistants to the Solicitor.

(3) One Deputy Solicitor.

(4) Five Associate Solicitors.

(5) One Legislative Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-4360; Filed, May 31, 1955; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (4) is added to § 6.311 as set out below.

§ 6.311 *Department of Agriculture.* * * *

(b) *Rural Electrification Administration.* * * *

(4) One Confidential Assistant to the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-4361; Filed, May 31, 1955; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954 CROP CORN RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1954-crop Corn. The 1954

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end ($2.25)
Title 8 ($0.45)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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CCC Grain Price Support Bulletin 1 (19 F. R. 967, 1595, and 6901), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1954, supplemented by Supplements 1 and 2, Corn (19 F. R. 3365, 6902, 7155, and 20 F. R. 411), containing the specific requirements for the 1954-crop corn price support program, is hereby further supplemented as follows:

Sec.
421.726 Applicable sections of 1953 CCC Grain Price Support Bulletin 1, and Supplements 1 and 2, Corn.
421.727 Availability.
421.728 Eligible producer.
421.729 Eligible corn.
421.730 Approved storage.
421.731 Approved forms.
421.732 Quantity eligible for reselling.
421.733 Additional service charges.
421.734 Transfer of producer's equity.
421.735 Storage and track-loading payments.
421.736 Maturity and satisfaction.
421.737 Support rates.
421.738 CSS commodity offices.

AUTHORITY: §§ 421.726 to 421.738 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.726 *Applicable sections of 1954 CCC Grain Price Support Bulletin 1, and Supplements 1 and 2, Corn.* The following sections of the 1954 CCC Grain Price Support Bulletin 1, as amended, and Supplements 1 and 2, Corn, as amended, published in 19 F. R. 967, 1595, 3365, 6901, 6902, 7155, and 20 F. R. 411, shall be applicable to the 1954 Corn Reseal Loan Program: § 421.401 *Administration;* § 421.405 *Approved lending agencies;* § 421.408 *Liens;* § 421.410 *Set-offs;* § 421.411 *Interest rate;* § 421.413 *Safeguarding the commodity;* § 421.414 *Insurance on farm-storage loans;* § 421.415 *Loss or damage to the commodity;* § 421.416 *Personal liability of the Producer;* § 421.417 *Release of the commodity under loan;* § 421.419 *Foreclosure;* § 421.420 *Purchase of notes;* § 421.488 *Determination of quantity;* § 421.489 *Determination of quality.* Other sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1 and 2, Corn, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.727 *Availability*—(a) *Area and scope.* The reseal program will be available wherever corn is grown in the continental United States except in designated angoumois moth areas: *Provided, however,* That such program will be available only where ASC State committees determine that there may be a shortage of storage space and that corn can be safely stored on the farm for the period of the reseal loan. This program provides, under certain circumstances, for the extension of 1954-crop farm-storage loans and the making of farm-storage loans on 1954-crop corn covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee.

(2) In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(3) The producer who signed a purchase agreement on farm-stored corn is required, under the 1954 Corn Price Support Program, to notify the county committee not later than July 31, 1955, if he intends to sell the corn to CCC. If the producer has notified the county committee, on or before July 31, 1955, of his intention to sell the corn to CCC, or to participate in this program, he may obtain a farm-storage loan on the corn. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before September 30, 1955, if the producer has not requested or received delivery instructions. The loan documents must be presented for disbursement within 15 days after execution. Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the corn is in existence and in good condition. If the corn was not in existance and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(c) *Source.* A producer desiring to participate in the resale loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on corn covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved landing agencies under agreements with CCC.

§ 421.728 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity who produced the corn in 1954 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage corn of the 1954-crop.

§ 421.729 *Eligible corn*—(a) *Requirements of eligibility.* The corn (1) must meet the requirements set forth in § 421.486 (a), (b), (c), and (f) of 1954 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn; (2) must grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must contain not in excess of 15.5 percent moisture in the case of ear corn nor in excess of 13.5 percent moisture in the case of shelled corn; and (3) must be under price support loan or purchase agreement.

(b) *Inspection*—(1) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the corn and structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

(2) *Corn covered by purchase agreement.* If a producer makes application for a farm-storage loan on corn covered by a purchase agreement, the commodity loan inspector shall inspect the corn and storage structure, obtain a sample if the corn and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

§ 421.730 *Approved storage.* Corn covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.406 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending September 30, 1956, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1956.

§ 421.731 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of Producer's Note and Supplemental Loan Agreement, Commodity Loan Form A, secured by a Commodity Chattel Mortgage on Commodity Loan Form AA, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.732 *Quantity eligible for reselling.* (a) The quantity of corn eligible for reseal on an extended farm-storage loan, will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of corn specified in the purchase agreement, minus any quantity of the corn under such purchase agreement (1) which has been previously placed under loan or (2) on which he exercises his option to sell to CCC.

§ 421.733 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on corn covered by a purchase agreement, the producer

shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50 whichever is greater. No refund of service charges will be made.

§ 421.734 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the corn mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the corn must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the corn from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.735 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) Storage payment for full reseal period: A storage payment computed at the rate of 15 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1956 (ii) delivers corn to CCC on or after July 31, 1956, or (iii) delivers corn to CCC prior to July 31, 1956, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC if the corn was not damaged or otherwise impaired due to negligence on the part of the producer.

(2) Prorated storage payment: A prorated storage payment computed at the rate of 0.00049 per bushel a day, but not to exceed 15 cents per bushel, according to the length of time the quantity of corn involved was in store after September 30, 1955, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1956, and (iii) in the case of corn delivered to CCC prior to July 31, 1956, pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC: *Provided, however,* That no storage payment will be made with respect to corn so delivered to CCC which is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the corn has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC in accordance with instructions of the county committee, on track at a country point.

§ 421.736 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than July 31, 1956. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county committee. If the producer desires to deliver the corn he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his corn at any time prior to the delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity eligible for delivery. Delivery of corn will be accepted only from bin(s) in which the corn under reseal loan is stored. The provisions of § 421.418 (a), (c), and (e), (2), (3) and (4) and of § 421.493 (a) shall be applicable thereto.

§ 421.737 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan and the support rate for corn covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the corn in § 421.494 (a) (1) and (2).

(b) Any discounts or premiums established for variation in classification and quality as shown in § 421.494 (b) shall be applicable in determining the settlement value.

§ 421.738 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 26th day of May 1955.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 55-4380; Filed, May 31, 1955; 8:52 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 2—SERVICE RECORDS; FEES

Section 2.5 is amended as follows:

The fifth item is deleted. The fourth and thirteenth items are amended and two new items are added so that when taken with the introductory material such amended and added items will read as follows:

§ 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act.* In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are prescribed:

* * * * *

For filing an appeal from, or a motion to reopen or reconsider, any decision under the immigration laws, except from a decision in an exclusion or deportation proceeding. (The minimum fee of $10 shall be charged whenever such an appeal or motion is filed by or on behalf of two or more aliens and all of such aliens are covered by one decision.) ---------- 10.00

* * * * *

For filing application for waiver of visa of an individual alien at the time he applies for admission to the United States as a returning resident ---------- 10.00

* * * * *

For filing application for waiver of passport of an individual alien at the time he applies for admission to the United States for permanent residence ---------- 10.00

For filing application for preexamination. (The fee shall not be applicable to an alien who has submitted the required fee with an application for suspension of deportation which is still pending.) - 25.00

PART 6—BOARD OF IMMIGRATION APPEALS: APPEALS; REOPENING AND RECONSIDERATION

1. Paragraph (c) of § 6.1 *Board of Immigration Appeals* is amended to read as follows:

(c) *Jurisdiction by certification.* The Commissioner, Assistant Commissioner, Examinations Division, regional commissioners, or the Board may in any case arising under subparagraphs (1) through (6) of paragraph (b) of this section require certification of such case to the Board.

2. Subdivision (iii) of subparagraph (1) of paragraph (h) of § 6.1 *Board of Immigration Appeals* is amended so that, when taken with the introductory material, it will read as follows:

(h) *Referral of cases to the Attorney General.* (1) The Board shall refer to the Attorney General for review of its decision all cases which:

* * * * *

(iii) The Commissioner or the Assistant Commissioner, Examinations Division, requests be referred to the Attorney General for review.

3. The first sentence in § 6.2 *Reopening or reconsideration* is amended to read as follows: "Reconsideration or reopening of any case in which a decision has been made by the Board, whether requested by the Assistant Commissioner, Examinations Division, or a regional commissioner, or by the party affected by the decision, shall be only upon written motion to the Board."

4. Paragraph (c) of § 6.21 *Motion to reopen or motion to reconsider* is amended to read as follows:

(c) *Distribution of motion papers when Assistant Commissioner, Examinations Division, or a regional commissioner is the moving party.* Whenever a motion to reopen or a motion to reconsider is made by the Assistant Commissioner, Examinations Division, or a regional commissioner, he shall cause one copy of the motion to be served upon the alien or party affected, as provided in §§ 292.11 and 292.12 of this chapter, and shall cause the record in the case and one copy of the motion to be filed directly with the Board, together with proof of service upon the alien or other party affected. Such alien or party shall have a period of ten days from the date of service upon him of the motion within which to submit a brief in opposition to the motion. Two copies of such brief shall be filed directly with the Board and one copy directly with the Commissioner. The submission of such brief may be waived. The Board, in its discretion, for good cause shown may extend the time within which such brief may be submitted.

PART 7—REGIONAL COMMISSIONERS: APPEALS

Paragraph (a) of § 7.1 is amended by adding subparagraph (19) so that when taken with the introductory material it will read as follows:

§ 7.1 *Regional commissioners*—(a) *Appellate jurisdiction.* Appeals shall lie to the regional commissioners from the following:

* * * * *

(19) Decisions of district directors on applications for preexamination under Part 485 of this chapter.

PART 9—AUTHORITY OF COMMISSIONER, REGIONAL COMMISSIONERS, AND ASSISTANT COMMISSIONERS

Section 9.5a is amended by adding paragraph (ccc) so that when taken with the introductory material it will read as follows:

§ 9.5a *Authority of Regional Commissioners.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the regional commissioners:

* * * * *

(ccc) Applications for preexamination under Part 485 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103; Interpret or apply sec. 501, 65 Stat. 290; 5 U. S. C. 140)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to matters of agency management.

Dated: May 24, 1955.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: May 16, 1955.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 55-4369; Filed, May 31, 1955; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 9]

PART 728—WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR THE 1954 CROP

EXTENSION OF TIME LIMITS FOR FARMERS NOT PROPERLY NOTIFIED

The amendment herein is issued under the Wheat Marketing Quota provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of providing for the sending of a notice of the farm marketing quota and farm marketing excess, and for extending the period within which the farmer may apply for a downward adjustment in his farm marketing excess and within which he may avoid or postpone the penalty by storage or delivery of the excess wheat to the Secretary in any case where a proper notice had not previously been sent to the operator of the farm in time to provide him the opportunity to apply for a downward adjustment of his farm marketing excess and to store or deliver his farm marketing excess to avoid or postpone the penalty under existing regulations.

Since the only purpose of the amendment is to extend time limits for the benefit of producers on farms for which proper notices of rights under the present regulations had not previously been sent, it is hereby found that compliance with the notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is unnecessary. Therefore, the amendment herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

A new § 728.498 is added to read as follows:

§ 728.498 *Farms for which notice of 1954 farm marketing quota and farm marketing excess of wheat was not issued.* Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of wheat established for the farm was not issued to the producer within the time in which he was required to make application for a downward adjustment, or to store or to deliver to the Secretary the farm marketing excess as prescribed by §§ 728.460, 728.461, 728.-432 and 728.483, the producer shall be so notified by the county committee on Form MQ-93-Wheat (1954) and the producer may, within 30 days from the date such notice is mailed to him apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may within 30 days from the date such notice is mailed store or deliver to the Secretary the farm marketing excess as provided in §§ 728.-461, 728.482 and 728.483. In the event application for downward adjustment in the farm marketing excess is made by the producer, a revised notice on Form MQ-93-Wheat (1954) showing the results of the determinations of the county committee shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies 55 Stat. 203, as amended; 7 U. S. C. 1340)

Done at Washington, D. C., this 26th day of May 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4379; Filed, May 31, 1955; 8:52 a. m.]

[1026 (Peanuts-55)-1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1955 CROP

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729.641 Definitions.
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IDENTIFICATION AND MEASUREMENT OF FARMS

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FARM MARKETING QUOTAS AND MARKETING CARDS

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729.661 Producer's records and reports.
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729.665 Failure to keep records or make reports.
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MISCELLANEOUS

729.668 Information confidential.
729.669 Redelegation of authority.

AUTHORITY: §§ 729.640 to 729.669 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1388.

GENERAL

§ 729.640 *Basis and purpose.* The regulations contained in §§ 729.640 to 729.669 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of farm peanut acreages, the issuance of marketing cards, the identification of peanuts, the collection and refund of penalties, and the records and reports incident thereto, on the marketing of peanuts of the 1955 crop, regardless of whether such peanuts are marketed before, during, or after the 1955–56 marketing year. Prior to preparing the regulations in §§ 729.640 to 729.669, public notice of their formulation was published in the FEDERAL REGISTER (20 F. R. 566) in accordance with the Administrative Procedure Act (5 U. S. C. 1003). Views and recommendations received in response to such notice have been duly considered within the limits prescribed by the Agricultural Adjustment Act of 1938.

§ 729.641 *Definitions.* As used in §§ 729.640 to 729.669 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended and supplemented.

(b) "Areas" means:

(1) The Southeastern Area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern Area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina Area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) "Buyer" means a person who:

(1) Buys or otherwise acquires peanuts from a producer;

(2) Buys or otherwise acquires farmers' stock peanuts from any person; or

(3) Markets, as a commission merchant, broker, or cooperative any peanuts for the account of a producer and who is responsible to the producer for the amount received for the peanuts.

(d) Committees: (1) "Community committee" means the persons elected within a community as the community committee, pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State commitee" means the persons designated in a State by the Secretary as the Agricultural Stabilization and Conservation committee.

(e) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operation of the county ASC office, or the person acting in such capacity.

(f) "Deputy Administrator" means the Deputy Administrator for Production Adjustment or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means the Director or the Acting Director of the Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment but there will be no excess acreage if the farm peanut acreage is one acre or less.

(i) "Excess peanuts" means peanuts in excess of the farm marketing quota determined pursuant to § 729.646.

(j) "Farm" means all adjacent or nearby farmland under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farmland which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(k) "Farm allotment" means the farm peanut acreage allotment for the 1955 crop of peanuts established pursuant to §§ 729.610 to 729.630 of the marketing quota regulations for the 1955 crop of peanuts (19 F. R. 6134).

(l) "Farm peanut acreage" means the farm peanut acreage for the farm as determined under § 729.611 (i) of the marketing quota regulations for the 1955 crop of peanuts (19 F. R. 6134).

(m) "Farmers stock peanuts" means picked or threshed peanuts produced in the continental United States during the calendar year 1955 which have not been shelled, crushed, cleaned (except for removal of foreign material) or otherwise changed from the state in which picked or threshed peanuts are customarily marketed by producers.

(n) "Market" means to dispose of peanuts, including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to him by anyone.

(o) "Marketing card": (1) "Excess penalty card" means MQ–77—Peanuts (1955) or MQ–77–VC—Peanuts (1955), 1955 Peanut Excess Penalty Marketing Card. MQ–77 will be issued for farms in the Southeastern area and in the Southwestern area. MQ–77–VC will be issued for farms in the Virginia-Carolina area. These cards will be issued for farms for which it is determined that the farm peanut acreage is in excess of the larger of the farm allotment or one acre. A portion of each lot of peanuts identified by an excess penalty card is subject to the marketing penalty prescribed in § 729.655 at the time the peanuts are marketed.

(2) "Within quota card" means MQ–76—Peanuts (1955) or MQ–76–VC—Peanuts (1955), 1955 Peanut Within Quota Marketing Card. MQ–76 will be issued for farms in the Southeastern area and in the Southwestern area. MQ–76–VC will be issued for farms in the Virginia-Carolina area. These cards will be issued for farms for which it is determined that the farm peanut acreage is not in excess of the larger of the farm allotment or one acre. A within quota card authorizes the marketing of all peanuts produced on the farm without payment at the time of marketing of the penalty prescribed in § 729.655.

(p) "Marketing year" means the 1955 marketing year beginning August 1, 1955, and ending July 31, 1956.

(q) "Offices": (1) *"County ASC office"* means the office of the Agricultural Stabilization and Conservation county committee.

(2) "State ASC office" means the office of the Agricultural Stabilization and Conservation State committee.

(r) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(s) "Peanuts" means all peanuts produced, excluding any peanuts which were not picked or threshed either before or after marketing from the farm.

(t) "Person" means an individual, partnership, association, farmers cooperative association, corporation, firm, joint-stock company, estate or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(u) "Pound" means that quantity of farmers stock peanuts equal to one pound standard weight. If peanuts have been graded at the time of marketing, the poundage shall be the weight thereof excluding foreign material and excess moisture. If shelled peanuts are marketed, the poundage therefor shall be converted to the weight of farmers stock peanuts by multiplying the number of pounds of shelled peanuts by 1.5 and the result shall be the number of pounds of peanuts considered as marketed under this part.

(v) "Producer" means a person who, as landlord, tenant, or sharecropper is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(w) "Quota peanuts" means peanuts which are within the amount of the farm marketing quota determined pursuant to § 729.646.

(x) "Sales memorandum" means:

(1) Form MQ–93—Peanuts (1952), which may be used (i) by buyers to record and report data with respect to purchases of peanuts identified by both within quota and excess penalty cards, (ii) to record and report data with respect to purchases of peanuts that are not identified by a marketing card, and (iii) by shellers to record and report data with respect to peanuts shelled for producers in instances where all of the shelled peanuts are returned to the producer.

(2) Form MQ–94—Peanuts (1955), which may be used by buyers in the Southeastern and Southwestern areas to record and report data with respect to purchases of peanuts identified by either a within quota or an excess penalty card if the peanuts have been inspected by the Federal-State Inspection Service.

(3) Form MQ–76–A–VC—Peanuts (1955), ten copies of which are attached to each Form MQ–76–VC. This form may be used by buyers to record and report data with respect to purchases of peanuts identified by Form MQ–76–VC.

(4) Form MQ–77–A–VC—Peanuts (1955), ten copies of which are attached to each Form MQ–77–VC. This form may be used by buyers to record and report data with respect to purchases of peanuts identified by Form MQ–77–VC.

(5) Any other form furnished by the buyer for recording and reporting purchases of peanuts, provided (i) the State committee determines that the use of forms other than those enumerated in subparagraphs (1) through (4) of this paragraph will not operate to reduce effective administration of the program in the State and (ii) the form proposed for use by the buyer is approved by the State Administrative Officer of each State in which the buyer will purchase 1955 crop peanuts as being consecutively numbered and containing the necessary language and spaces for recording and reporting the same information as that required by Form MQ–93—Peanuts (1952) for purchases of farmers stock peanuts.

(y) "Secretary" means the Secretary or the Acting Secretary of the United States Department of Agriculture.

(z) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the State ASC office, or the person acting in such capacity.

(aa) "Yields": (1) "Normal yield" means the normal yield per acre for the farm as determined under § 729.621 or 729.623, whichever is applicable of the marketing quota regulations for the 1955 crop of peanuts (19 F. R. 6134).

(2) "Actual yield" means the actual yield per acre for the farm obtained by dividing the farm peanut acreage into the total production of peanuts for the farm.

§ 729.642 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 729.643 *Extent of calculations and rule of fractions.* (a) The farm peanut acreage shall be expressed in tenths of an acre and fractions of less than one-tenth of an acre shall be dropped.

(b) The percentage of excess peanuts for a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths of a percent and fractions of less than one-tenth of a percent shall be dropped, except that the minimum percent excess for a farm having any excess acreage shall be one-tenth of one percent.

(c) The converted penalty rate shall be expressed in tenths of a cent and fractions of less than a tenth of a cent shall be dropped, except that the minimum converted penalty rate for a farm having any excess acreage shall be one-tenth of a cent.

(d) The amount of penalty with respect to any lot of peanuts, or the amount of damages due Commodity Credit Corporation under an agreement made pursuant to § 729.659, shall be expressed as dollars and in whole cents. Fractions of less than a cent shall be dropped.

(e) The quantity of peanuts marketed, the farm marketing quota, and the normal and actual yield per acre, shall be expressed in whole pounds. Fractions of less than a pound shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 729.644 *Identification of farms.* Each farm as operated for the 1955 crop of peanuts shall be identified by a farm serial number and all records pertaining to marketing quotas for the 1955 crop of peanuts shall be identified by the farm serial number.

§ 729.645 *Measurement of farms.* The peanut acreage on farms shall be measured to determine compliance with farm allotments in accordance with instructions issued by the Deputy Administrator.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 729.646 *Amount of farm marketing quota.* (a) The farm marketing quota for a farm having no excess acreage shall be the actual production of peanuts on the farm peanut acreage.

(b) The farm marketing quota for a farm having excess acreage shall be a quantity of peanuts equal to the actual yield multiplied by the farm allotment.

§ 729.647 *Marketing quotas not transferable.* Farm marketing quotas are not transferable in whole or in part from one farm to another farm and peanuts produced on one farm shall not be marketed on a marketing card issued with respect to another farm. If any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm the allotment next established for each such farm shall be reduced as provided in § 729.624 of the marketing quota regulations for the 1955 crop of peanuts (19 F. R. 6134).

§ 729.648 *Issuance of marketing cards.* (a) A marketing card shall be issued to the operator of each farm having 1955 crop peanuts for use by any producer for marketing his share of the peanuts produced on the farm. If the county office manager finds that it will serve a useful purpose, additional marketing cards may be issued in the name of the operator and delivered to other producers on the farm or the marketing card may be issued in the name of the operator and one or more producers on the farm.

(b) If the county committee determines that such action is necessary to enforce the provisions of §§ 729.640 to 729.669, the issuance of a marketing card may be withheld for any farm until the committee provides for an estimate to be made of the peanut production on such farm. The estimated production on each such farm will be used in determining, after all peanuts produced on such farms have been marketed or otherwise disposed of, whether the marketing card issued for each farm was properly used.

(c) Upon return to the county ASC office, of any marketing card where all spaces for recording sales have been used and before the marketing of peanuts from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued. A new marketing card of the same kind shall also be issued to replace a card which has been determined by the county office manager to have been lost, stolen, mutilated, or destroyed.

(d) Within quota card: A farm is eligible for a within quota card under any one of the following conditions:

(1) The farm has no excess acreage.

(2) The acreage planted to peanuts on the farm is in excess of the farm allotment but an agreement on Form MQ–92—Peanuts (1955) is executed and approved in accordance with § 729.659.

(3) (i) The farm has excess acreage which consists of peanuts grown only for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station, or peanuts produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the cost and risks incident to the production of the peanuts and the proceeds from the crop inure to the benefit of the experiment station. Any such agreement must be approved by the State committee prior to the issuance of a marketing card for the farm.

(ii) Prior to the approval of any agreement between farmers and publicly owned experiment stations for the production of peanuts for experimental purposes, the State committee shall cause to be made such investigation as may be necessary to determine that each of the following conditions is met:

(*a*) The peanuts are grown for experimental purposes only.

(*b*) The experiment could not be carried out satisfactorily with peanuts grown on other lands owned or leased by the experiment station and produced at public expense by employees of the experiment station.

(*c*) The size of the acreage covered by the agreement is necessary for carrying on the experiment.

(*d*) The experiment station bears the costs and risks incident to the production of the peanuts.

(*e*) Payment to the farmer is consistent with prevailing rates for labor, workstock, machinery, equipment, and land rentals.

(*f*) The proceeds from the peanuts inure to the experiment station.

(e) Excess penalty card: An excess penalty card shall be issued for a farm if the farm peanut acreage exceeds the larger of the farm allotment or one acre and the farm is not eligible for a within quota card under paragraph (d) of this section.

§ 729.649 *Person authorized to issue cards.* The county office manager shall sign marketing cards for farms in the county as issuing officer. The issuing officer may designate not more than three persons to sign his name in issuing marketing cards: *Provided,* That each person so designated shall place his initials immediately beneath the name of the issuing officer as written by him or stamped on the card.

§ 729.650 *Successors-in-interest.* Any person who succeeds in whole or in part to the share of a producer in the peanuts to be marketed from a farm shall, to the extent of such succession, have the same rights as the producer to the use of any marketing card issued for the farm.

§ 729.651 *Invalid marketing cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted, incorrect, contradictory, or illegible;

(3) It is lost, destroyed, or stolen;

(4) Any erasure or alteration has been made and not properly initialed; or

(5) The converted penalty rate on an excess penalty card has been altered.

(b) If any marketing card becomes invalid (other than by loss, destruction, or theft) the operator, or the person having the card in his possession, shall return it to the county ASC office from which it was issued. If any marketing card is lost, destroyed, or stolen, the producer to whom the card was issued shall give written notice of such fact to the county ASC office from which the card was issued.

(c) If a marketing card becomes invalid because an entry is not made as required either through omission or incorrect entry, and the proper entry is later made and initialed by the issuing officer or a person designated by the issuing officer to sign his name in issuing marketing cards as provided in § 729.649, then such card shall become valid; or if the invalid card is not made valid in this manner, it shall be cancelled and a new card issued in its place.

§ 729.652 *Report of misue of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of a State or county ASC office, or any person engaged in buying or handling peanuts, to believe that any peanuts have or are being marketed on a marketing card issued for another farm or to another producer shall be reported immediately by such committeeman, employee, or person to the county ASC office or to the State ASC office.

MARKETING OR OTHER DISPOSITION OF PEANUTS AND PENALTIES

§ 729.653 *Extent to which marketings from a farm are subject to penalty.* The penalty for a farm having excess acreage shall be determined as follows:

(a) If the peanuts produced on the farm are properly marketed with an excess penalty card issued for the farm, the penalty shall be paid on each lot of peanuts marketed from the farm in an amount determined by multiplying the converted penalty rate for the farm by the number of pounds in the lot.

(b) If the peanuts produced on the farm are not properly marketed with an excess penalty card issued for the farm but the disposition of the peanuts produced on the farm is accounted for to the satisfaction of the State committee, the total amount of penalty for the farm shall be determined by multiplying the total quantity of peanuts marketed from the farm by the converted penalty rate for the farm.

(c) If the disposition of peanuts produced on the farm is not accounted for to the satisfaction of the State committee or if any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm, the total amount of penalty for the farm shall be determined by multiplying the normal yield by the excess acreage by the basic penalty rate.

(d) If the representative of the county committee is prevented by the operator or other producer or person from determining the farm peanut acreage, the farm will be deemed to have excess acreage and the penalty for the farm shall be determined by multiplying the quantity of peanuts marketed from the farm by the basic penalty rate. If, however, the operator furnishes a complete and correct report containing the information specified in § 729.661 (b), the penalty for the farm shall be determined in accordance with paragraph (b) of this section. The procedure outlined in this section shall not be deemed to affect the right of the Secretary to obtain measurement as provided for in the act.

(e) Notwithstanding the foregoing provisions of this section, the penalty will not be applicable to the shriveled, damaged, split, and broken peanut kernels which are obtained in the process of shelling farmers stock peanuts of the 1955 crop for use by the producer as seed in 1956 if the quantity of peanuts shelled by or for the producer is in line with the seed requirements for his farm in 1956 as determined by the county office manager.

§ 729.654 *Identification of marketings.* (a) Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card issued for the farm on which the peanuts were produced, if such marketing card is presented to the buyer by the producer at the time the peanuts are marketed. Each marketing of peanuts wtihout a marketing card shall be subject to the penalty at the rate prescribed in § 729.655 (a) unless the marketing consists of shriveled, damaged, split, and broken peanut kernels which were produced in shelling not in excess of that quantity of farmers stock peanuts for a producer which the county office manager determines is reasonable for seed purposes on the producer's farm for the 1956 crop. The marketing of such shriveled, damaged, split, and broken kernels that are not identified by marketing card will be identified by Form MQ–93—Peanuts (1952) partially executed by the county office manager to show the quantity of peanuts that is reasonable for seed purposes on the producer's farm for the 1956 crop. Buyers will record and report purchases of shelled peanuts from producers on Form MQ–91—Peanuts (1955): *Provided, however,* That a person who is not engaged in the business of buying peanuts for movement into the regular channels of trade shall not be required to make a record and report of purchases of peanuts from producers if the county office manager has determined that it would be administratively impracticable to require such buyer to execute forms, keep the records and make the buyer's reports as required in §§ 729.640 to 729.669, in which case the producer marketing the peanuts shall be responsible for reporting each marketing to the county ASC office.

(b) A buyer who resells any farmers stock peanuts of the 1955 crop shall keep, as part of or in addition to the records maintained by him in the conduct of his business, such records as he determines are necessary to enable him to certify, in connection with any such resale of farmers stock peanuts, that such peanuts were identified to him by valid marketing cards when purchased from farmers or other records of resale and that any penalty due was collected and remitted. The records maintained by the buyer with respect to such peanuts shall be available for examination in accordance with § 729.666.

§ 729.655 *Rate of penalty.* (a) The basic penalty rate shall be equal to 50 percent of the basic rate of the loan or support price for peanuts for the marketing year.

NOTE: The exact amount of the penalty rate for peanuts of the 1955 crop will be issued as an amendment to this section as soon as the basic rate of the loan or support price for 1955 is announced

(b) The converted penalty rate for a farm shall be determined as follows:

(1) Compute the percent excess for a farm by dividing the farm peanut acreage into the excess acreage.

(2) Multiply the percent excess for the farm by the basic penalty rate.

§ 729.656 *Persons to pay penalty.* (a) The penalty due on peanuts purchased directly from a producer shall be paid by the buyer who may deduct an amount equivalent to the penalty from the price paid to the producer, except that the penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer. The buyer shall not be relieved of any liability with respect to the amount of penalty because of any error which may occur in executing a sales memorandum. If the buyer fails to collect or to pay the penalty due on any marketing of peanuts from a farm, he and all producers on the farm shall be jointly and severally liable for the amount of the penalty.

(b) Notwithstanding any other provisions of §§ 729.640 to 729.669, if the county office manager finds that peanuts produced on a farm on which there is excess acreage have been or probably will be sold to persons who are not engaged in the business of buying peanuts for movement into the regular channels of trade and determines that it would be administratively impracticable to effect the collection of the marketing penalty from such persons, the county office manager may, on the basis of county office records or other available information, estimate the actual yield and the production for the farm and determine the amount of penalty due on the quantity of peanuts marketed to such persons. The amount of penalty shall be determined by multiplying the converted penalty rate by the estimated total production for the farm. The amount of penalty may be collected from the operator or producer before the marketing card is issued if he agrees to payment of the penalty in this manner. If the county office manager determines that satisfactory information is not available for estimating the 1955 yield, a normal yield for the farm shall be determined and it shall be considered to be the estimated actual yield for the purpose of determining the amount of penalty. An excess penalty card shall be issued for the farm. If the penalty is paid before the excess penalty card is issued, the penalty rate on the card shall be shown as "zero". If the county committee determines, after marketing of the 1955 crop for the farm has been completed that the actual production for the farm was less than the estimated production, any penalty paid in excess of the amount actually due shall be refunded upon presentation of a request therefor as provided in § 729.660. If the county committee determines, after marketing of the 1955 crop for the farm has been completed that the actual production for the farm was more than the estimated production, the county committee shall immediately redetermine the amount of penalty due and shall make demand upon the producer for the amount of unpaid penalties.

§ 729.657 *Marketings subject to penalty.* In addition to marketings subject to penalty that are identified by excess penalty cards, the marketing of peanuts under any of the following conditions shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.655.

(a) *Producer marketings.* (1) Any marketing of peanuts by a producer which is not identified by a valid marketing card shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.655 (a) unless the peanuts marketed consist of shriveled, damaged, split, and broken peanut kernels as described in § 729.654 (a) or unless the marketing is within the terms of the proviso contained in § 729.654 (a). The penalty due under the provisions of this paragraph shall be determined by multiplying the pounds marketed by the basic penalty rate, and such amount of penalty shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(2) Notwithstanding the provisions of § 729.653, if any producer falsely identifies or fails to account for the disposition of any peanuts produced on a farm, an amount of peanuts equal to the normal yield of the excess acreage for the farm shall be deemed to have been a marketing subject to penalty from such farm. The penalty for the farm shall be determined by multiplying the normal yield by the excess acreage by the basic penalty rate, and such amount of penalty shall be paid by the producer.

(b) *Buyer's marketings.* The part or all of any marketing of peanuts by a buyer which such buyer represents to be a resale, but which when added to prior sales by such buyer is in excess of the total amount of his prior purchases shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes proof acceptable to the State committee showing that such marketing is not a marketing subject to penalty. Any penalty due under this paragraph shall be paid by the buyer making the resale.

(c) *Marketings not reported.* Any marketing of peanuts which, under the regulations in §§ 729.640 to 729.669, a buyer is required to report, but which is not so reported within the time and in the manner therein required, shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes a report of such marketing which is acceptable to the State committee. The penalty shall be determined by multiplying the pounds marketed by the basic penalty rate, and such amount of penalty shall be paid by the buyer who fails to make the report as required.

§ 729.658 *Payment of penalty.* Penalties shall become due at the time the peanuts are marketed and shall be paid by remitting the amount thereof to the State ASC office not later than the end of two calendar weeks following the week in which the peanuts became subject to penalty. Penalties due under § 729.653 (c) shall become due on demand. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to collection and payment at par.

§ 729.659 *Use of agreement to permit marketings from overplanted farms—* (a) *Within quota card issued on basis of agreement.* If the State committee determines that the agreement provided for in this section will serve a useful purpose, it may authorize its use in the State. Where the use of the agreement is authorized, the county office manager may, upon request of the operator of any farm on which the acreage planted to peanuts exceeds the farm allotment, issue a within quota card with respect to the farm in the manner prescribed in § 729.648 if the operator executes an agreement form in which he represents that the farm peanut acreage will not exceed the larger of the farm allotment or one acre and such form is approved by the county committee.

(b) *Form of agreement.* The agreement referred to in this section shall be on Form MQ–92—Peanuts (1955) executed in accordance with instructions issued by the Deputy Administrator. If the county committee determines that a within quota card issued pursuant to this section would be used as a device to evade the payment of penalty or the terms and conditions of the 1955 crop price support program, the agreement shall not be approved by the county committee and a marketing card shall not be issued for the farm until the farm peanut acreage has been determined.

(c) *Payment of penalty.* If any penalty becomes due for a farm for which an agreement has been executed and approved, the amount of the penalty shall be determined in accordance with § 729.653. At the request of the county office manager, the operator shall surrender the marketing card issued for the farm showing thereon the required record of all peanuts marketed. After collecting the amount of any penalty due, an excess penalty card shall be issued for the farm if marketings from the farm have not been completed.

§ 729.660 *Request for refund of penalty.* After the marketing of peanuts from the farm has been completed and the disposition of any other peanuts produced on the farm can be shown, the producer or any other person who bore

the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 729.640 to 729.669 to be paid. Such request shall be filed with the county ASC office within two years after the payment of the penalty. No refund shall be made because of peanuts kept on the farm for seed or for home consumption.

RECORDS AND REPORTS

§ 729.661 *Producer's records and reports*—(a) *Report on marketing card.* Each marketing card issued with respect to a farm on which peanuts are produced in 1955 shall be returned to the county ASC office whenever marketings from the farm are completed or at such earlier time as the county office manager may request. Failure to return the marketing card shall constitute failure to account for disposition of peanuts marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise, and the allotment next established for such farm shall be reduced as provided in § 729.624 of the marketing quota regulations for the 1955 crop (19 F. R. 6134).

(b) *Additional reports by producers.* (1) In addition to any other reports which may be required under §§ 729.640 to 729.669, the operator of each farm or any other producer on the farm (even though the farm has no excess acreage) shall, upon written request from the State administrative officer sent by registered mail to such person at his last known address, furnish the Secretary a written report of the disposition made of all peanuts produced on the farm by sending the name to the State ASC office within 15 days after the request for such report was deposited in the United States mails. Such written report shall show for the farm:

(i) The farm peanut acreage;

(ii) The total production of peanuts on the farm peanut acreage;

(iii) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds marketed in each lot, and the date marketed;

(iv) The quantity of peanuts not marketed; and

(v) In the case of a farm for which an agreement was approved under § 729.659, the gross value received for each lot of peanuts.

(2) Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or inaccurate shall constitute failure of the producer to account for disposition of peanuts produced on the farm and the allotment next established for such farm shall be reduced as provided in § 729.624 of the marketing quota regulations for peanuts of the 1955 crop (19 F. R. 6134).

§ 729.662 *Records and reports of buyers and others.* The following paragraphs shall apply to all marketings except marketings within the terms of the proviso contained in § 729.654 (a):

(a) *Record of marketings.* (1) Each buyer shall keep such records as will enable him to furnish the State ASC office the following information with respect to each lot of peanuts marketed to or through him by a producer:

(i) Serial number of the marketing card presented by the producer to identify each marketing.

(ii) Name of producer and either the name of the operator of the farm or the farm serial number.

(iii) Date of marketing.

(iv) Number of pounds marketed.

(v) Amount of any penalty due and the amount of any deduction for penalty from the amount paid the producer.

(2) This record may be kept by the buyer maintaining a file on his copies of sales memoranda.

(3) Records of all resales of farmers stock peanuts by the buyer shall be maintained and the name of each person to whom such resale was made shall be shown on the buyer's record in accordance with § 729.654 (b).

(b) *Sales memorandum.* Buyers will record and report each purchase of farmers stock peanuts on a sales memorandum. The CSS copies of sales memoranda, with remittances covering the penalties due on purchases of excess peanuts, shall be forwarded to the State ASC office by means of MQ–79—Peanuts (1955), Buyers Weekly Report and Transmittal to State ASC Office, not later than the end of the two calendar weeks following the week in which the peanuts were marketed.

(c) *Sheller's report of shelled peanuts purchased or acquired from producers.* Persons who shell peanuts for producers and purchase or retain a quantity of the shelled peanuts shall record and report such purchases or acquisitions of shelled peanuts from producers on Form MQ–91—Peanuts, Sheller's Report of Peanuts Shelled for Producers. The CSS copy of Form MQ–91—Peanuts, with remittances covering the penalty due on the purchase of excess peanuts subject to penalty shall be forwarded to the State ASC office not later than the end of two calendar weeks after the buyer has ceased purchasing shelled peanuts of the 1955 crop.

(d) *Additional records and reports.* Each buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine shall keep such records and furnish such reports to the State ASC office, in addition to the foregoing, as the State committee may find necessary to insure the proper identification of the marketings of peanuts and the collection of penalties due thereon as provided in §§ 729.640 to 729.669.

§ 729.663 *Record and report of peanuts shelled for producers.* Any person who shells peanuts for a producer and does not retain any of the shelled peanuts shall make a record of the shelling of each lot of such peanuts by executing Form MQ–93—Peanuts (1952) and shall forward the CSS copies of the form to the State ASC office by letter not later than two calendar weeks following the week in which the peanuts are shelled. If any of the shelled peanuts are retained by the seed sheller, such action constitutes a marketing and the buyer shall record and report data covering the purchase of the shelled peanuts as provided in § 729.662 (c).

§ 729.664 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 729.665 *Failure to keep records or make reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine, who fails to make any report or keep any record as required in accordance with §§ 729.640 to 729.669, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.00.

§ 729.666 *Examination of records and reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut picking or threshing machine, shall make available for examination upon written request by the State administrative officer or the Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State administrative officer or the Director has reason to believe are relevant to any matter under investigation in connection with enforcement of the program and which are within the control of such person.

§ 729.667 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person in accordance with §§ 729.640 to 729.669 for the 1955–56 marketing year shall be kept by him until July 31, 1958. Records shall be kept for such longer period of time as may be requested in writing by the Director.

MISCELLANEOUS

§ 729.668 *Information confidential.* All data reported to or as required by the Secretary pursuant to the provisions of §§ 729.640 to 729.669 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of State or county committees, and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing, under Title III of the act.

§ 729.669 *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 729.640 to 729.669 may be redelegated by the State committee.

NOTE. The record-keeping and reporting requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1952.

Done at Washington, D. C., this 26th day of May 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–4378; Filed, May 31, 1955; 8:52 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTIC DRUGS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of antibiotic and antibiotic-containing drugs (19 F. R. 1141, 8690; 20 F. R. 1551) are amended as indicated below:

1. In § 146.26 *Animal feed containing penicillin* • • •, the words "and it contains not less than 100 grams of chlortetracycline per ton of feed" in the first sentence of paragraph (b) (7) are changed to read: "and it contains, per ton of feed, not less than 100 grams of chlortetracycline or not less than 75 grams of streptomycin and 15 grams of penicillin."

2. Section 146.26 (b) (20) (i) is amended by inserting between the words "percent" and "and there has been" the following words: "or 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine in a quantity, by weight of feed, of 0.00075 percent and sulfaquinoxaline in a quantity, by weight of feed, of 0.0075 percent."

3. Section 146.26 (b) (20) (ii) is amended by inserting immediately after the word "arsenosobenzene" the following new words: "or 2,4-diamino-5-(*p*-chlorophenyl)-6-ethylpyrimidine and sulfaquinoxaline".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it would be against public interest to delay providing for the amendments set forth above, and since it conditionally relaxes existing requirements.

I further find that animal feeds containing antibiotic drugs and other ingredients specified in these amendments need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they are used in the amounts and for the conditions specified.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: May 25, 1955.

[SEAL] GEORGE P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55–4362; Filed, May 31, 1955; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. In § 21.467, that portion of paragraph (a) (1) preceding subdivision (i) is amended and new paragraphs (a) (1) (iii), (4), and (b) (6) are added as follows:

§ 21.467 *Customary cost of tuition*—(a) *Definition.* (1) Under the provisions of paragraph 11 (d), Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), the term "customary cost of tuition," or "customary tuition charges" shall mean that charge which an educational or training institution requires nonveteran enrollees, or veterans enrolled under Public Law 550, 82d Congress, as amended, similarly circumstanced to pay as and for tuition for a course, except that the institution (other than a nonprofit institution of higher learning) is not regarded as having a "customary cost of tuition" for the course or courses in question in the following circumstances:

• • • • • •

(iii) In determining whether the majority of the enrollment of the educational and training institution in the course in question consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, the principles set forth in § 21.2035 (a) (2) are for application.

• • • • • •

(4) Notwithstanding having established a "customary cost of tuition" as set forth in subparagraph (2) of this paragraph, effective November 22, 1954, if the majority of the enrollment of the educational institution in the course in question no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, the institution, in the absence of an agreement or contract providing a different rate, may be considered as having a "customary cost of tuition" as defined in subparagraph (1) of this paragraph which may be paid in behalf of veterans enrolled in training under Part VII and Part VIII. Payment under this subparagraph will not modify agreements or settlements (paid vouchers) heretofore consummated, and such payment may be made only upon receipt of a written request from the institution. The request from the institution will include a certification as to the enrollment in each course in question containing the following information:

(i) Number of veterans enrolled under Public Laws 16 and 346, 78th Congress, as amended, and Public Law 894, 81st Congress, as amended, combined.

(ii) Number of veterans enrolled under Public Law 550, 82d Congress, as amended.

(iii) Number of nonveteran-enrollees.

(b) *Frozen tuition rates.* • • •

(6) Notwithstanding having established a "customary cost of tuition" (frozen rate), as provided in subparagraph (1) of this paragraph, effective November 22, 1954, if the majority of the enrollment of the educational institution in the course in question no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, the institution, in the absence of an agreement or contract having frozen tuition rates, may be considered as having a "customary cost of tuition" as defined in paragraph (a) (1) of this section which may be paid in behalf of veterans enrolled in training under Part VII and Part VIII. Payment under this subparagraph will not modify agreements or settlements (paid vouchers) heretofore consummated, and such payment may be made only upon receipt of a written request from the institution and a certification as to the enrollment in each course having frozen tuition rates containing the information set forth in paragraph (a) (4) (i) through (iii) of this section.

• • • • • •

2. In § 21.470, paragraph (b) (3) is amended to read as follows:

§ 21.470 *Total payments to nonprofit educational institutions for courses of 30 weeks or more.* • • •

(b) *Limitation on total payments by the Veterans Administration.* • • •

(3) *Fair and reasonable compensation basis for nonprofit institutions having no "customary cost of tuition."* (See § 21.467.) Payment on a fair and reasonable basis calculated in accordance with the provisions of § 21.530 and under the requirements of a contract as set forth in § 21.570 will be in lieu of all claimed charges for tuition and fees where a nonprofit educational institu-

tion (not including educational institutions of higher learning) has no "customary cost of tuition" as defined in § 21.467. A nonprofit tax-supported educational institution (not including educational institutions of higher learning) receiving payment on a fair and reasonable basis calculated in accordance with the provisions of § 21.530 (a) and under a contract providing for adjustment of contract rates as provided in § 21.530 (a) (4), will not be considered as having established a "customary cost of tuition" (fixed rate) as contemplated in § 21.467. The payment of a fair and reasonable rate will be limited to an amount which together with the allowable charge for books, supplies, and equipment will not exceed the rate of $500 for a full-time course for an ordinary school year, unless the veteran elects to have such excess paid by the Veterans Administration (where authorized) and to have his period of entitlement accelerated accordingly. (The provisions of this subparagraph are equally applicable for courses of less than 30 weeks.) (See § 21.495 (b).)

3. In § 21.495, paragraph (b) (2) (i) is amended to read as follows:

§ 21.495 *Amount payable by the Veterans Administration under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), for a course of less than 30 weeks.* • • •

(b) • • •

(2) • • •

(i) The Veterans Administration will pay a fixed fair and reasonable charge as follows: Except for courses provided by nonprofit institutions of higher learning, institutional on-farm training courses, and correspondence courses, in any case wherein a school has entered into one or more contracts for a period or periods in excess of 12 calendar months (see example in § 21.467 (b) (2)) for a course or courses of education or training of less than 30 weeks, the rate of the last contract shall, without further justification, be paid as a fair and reasonable rate for such course or courses. However, the above shall not preclude an educational institution from requesting a fair and reasonable rate under § 21.530 which will be negotiated and allowed by the Veterans Administration. Effective November 22, 1954, if the majority of the enrollment of the educational institution in the course or courses in question no longer consists of veterans in training under Part VII and Part VIII, the institution, in the absence of an agreement or contract having a fixed fair and reasonable rate, may be considered as having a "customary cost of tuition" as defined in § 21.467 (a) (1) which may be paid in behalf of veterans enrolled in training under Part VII and Part VIII under the same conditions provided in § 21.467 (b) (6). Each request by an educational institution for a fair and reasonable rate will be submitted to the regional office with cost data provided on VA Form 7–1968 for profit institutions and VA Form 7–1969 for nonprofit institutions prepared in accordance with Veterans Administration Regulations. In any case wherein the Manager believes that the last contract rate for tuition, books, or supplies was obtained as a result of fraud or misrepresentation or was in conflict with the governing regulation, the Manager will carefully reexamine such rate, and if the contract is determined to have been invalid, the Manager will take appropriate action including negotiation of a contract on a proper and legal basis.

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4. In § 21.530, that portion of paragraph (a) (5) (iii) (*b*) preceding (*1*), paragraph (a) (5) (iv) and (vii), that portion of paragraph (b) (1) preceding subdivision (i), and that portion of paragraph (f) (1) preceding subdivision (i) are amended to read as follows:

§ 21.530 *Determination of fair and reasonable compensation*—(a) *Nonprofit institutions.* • • •

(5) *Establishment of customary cost of tuition under section 2, Public Law 610, 81st Congress, and adjustment for surplus or deficit.* • • •

(iii) *Where surplus or deficit exists school may elect to continue regulatory formula.* • • •

(*b*) At the end of any contract or contract adjustment period a surplus or deficit which resulted from the payment of the agreed fair and reasonable rate of compensation may be settled on a lump-sum basis, provided that appropriate adjustment has been or is made for surpluses or deficits for all previous periods, including surplus which may have been on hand on March 1, 1949. The institution will submit to the regional office on VA Form 7–1969 a certified statement of actual costs and actual hours of instruction for which the institution is entitled to be paid for the period of the most recent contract. Allowable costs will include only those provided in the cost formula in this paragraph. Each such VA Form 7–1969 will include a statement on schedule K, part 2, of the surplus or deficit for the entire period between the effective date of the first contract under this paragraph and the termination date of the most recent contract plus any surplus determined as of March 1, 1949. These cost data will also be used for the determination of a new fair and reasonable rate to be included in the next contract. In no case will compensation for a deficit, attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, be made in an amount which when added to the fair and reasonable tuition and other charges for fees, books, and supplies result in the payment of a rate in excess of the rate of $500 for a full-time course for an ordinary school year $14.70 per week). (See subdivision (vii) of this subparagraph.)

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(iv) *Establishment of customary cost of tuition upon lump-sum adjustment of surplus or deficit.* If a surplus or deficit exists, the institution may elect at the expiration of the contract period which occurs on or after 24 months or the expiration of any subsequent contract to make or receive a lump-sum adjustment of surplus or deficit and accept as a customary rate the rate established by the actual allowable cost of the prior contract, or, if the majority of the enrollment in the courses under contract no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), the institution may elect to be paid the rate charged nonveteran-enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, and no further adjustments will be required or made. In each case where an institution has a contract which serves as the basis for establishing a customary cost of tuition, the institution will prepare on VA Form 7–1969 a certified statement of actual costs and actual hours of instruction for which the institution is entitled to be paid for the period of such most recent contract. Allowable costs will include only those provided in the cost formula in this paragraph. Each such VA Form 7–1969 will include a statement on schedule K, part 2, of the surplus or deficit for the entire period, between the effective date of the first contract under this paragraph and the termination date of the contract which completed the 24-month period and which established the customary cost of tuition as provided in this subparagraph plus any surplus determined as of March 1, 1949. In each case where a surplus or deficit is determined, the most recent contract will be supplemented (VA Form 7–1972). For payment of surplus by the institution to the Veterans Administration, the standard clause provided in subdivision (iii) (*b*) (*1*) of this subparagraph will be used. For payment of a deficit to the educational institution by the Veterans Administration, the standard clause provided in subdivision (iii) (*b*) (*2*) of this subparagraph will be used. Where the school elects to repay an existing surplus through a lump-sum repayment to the Veterans Administration as in this subdivision and elects to establish a customary cost of tuition (frozen rate), or to be paid the rate charged nonveteran-enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, the chief of the training facilities activity will secure from a responsible official of the institution a statement in writing as to the manner in which the lump-sum repayment will be made and will advise the finance officer accordingly in writing. Where payments of tuition rates under previous contracts have resulted in a deficit to the contractor and the school elects to be paid such deficit in a lump sum and elects to establish a customary cost of tuition (frozen rate), or to be paid the rate charged nonveteran-enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, the Veterans Administration will reimburse the school by lump-sum settlement, as in this subdivision: *Provided, however,* That in no case will compensation for a deficit, attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, be made in an amount which when added to the fair and reasonable tuition and other charges for fees, books, supplies, and equipment results in the payment of a rate in excess of the rate of $500 for a full-time course for an ordinary school year ($14.70 per week). (See subdivision (vii) of this subparagraph.) The Veterans Administration will make payment of the approved amount of the deficit upon the submission of a voucher for such lump sum in accordance with Veterans Administration Regulations, but itemization of charges for individual veterans will not be necessary.

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(vii) *Limitations on payments and tuition rates.* In no case under the provisions of this subparagraph will the Veterans Administration pay a deficit incurred during any contract period which would result in the payment of charges for tuition, fees, books, and supplies at a rate in excess of the rate of $500 for an ordinary school year ($14.70 per week), or a rate in excess of the fair and reasonable rate determined on the basis of the pro rata amount of allowable costs attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended. The costs attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, shall be the pro rata part of total allowable costs incurred in operation of the course that the hours or months of instruction furnished to such veterans bears to the total hours or months of instruction furnished to all students in the course for the period involved.

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(b) *Other than nonprofit institutions.* • • •

(1) *Submission of financial statements.* The determination of fair and reasonable compensation by the chief, training facilities activity will require the submission by profit educational institutions of a detailed certified financial statement on VA Form 7–1968, Statement of Costs—Profit Institution. The entries by the educational institution on this form must be consistent with the records of the institution and will include the actual cost experience of a minimum period of 12 months unless prior authorization is given by the regional office for a lesser period. Such cost data will be for the most recent actual cost experience of the institution for the specific course involved. In the case of new courses, estimated costs may be submitted if actual experience is not available. The procedures for making determinations of allowable cost items should be clearly understood before cost statements are prepared by the educational institution, since the submission of insufficient or improper data or information may result in delays, duplication of work, and unnecessary expense. Detailed financial data will consist of the following:

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(f) *Allowance for depreciation and toolroom attendants under special conditions involving frozen rates.* (1) Where an educational institution is being paid a customary cost of tuition established under the provisions of § 21.467 (b) (frozen), a regional office may, under the following conditions, determine a fair and reasonable allowance for depreciation of tools and equipment and salaries of toolroom attendants and may provide for payment to the institution in addition to the frozen rate by supplementing existing contracts, if necessary, in any case where:

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5. Section 21.606 is revised to read as follows:

§ 21.606 *Contracts required.* Inasmuch as the customary charges for flight training will exceed the rate of $500 for a full-time course for an ordinary school year of 34 weeks, contracts will be required for such training in accordance with the provisions of § 21.570. No contract will be approved until the manager of the regional office has found that the rates proposed to be charged are fair and reasonable. For the purpose of negotiating contracts under Public Law 346, as amended, for flight instruction as defined in § 21.601, effective November 22, 1954, managers are authorized to approve proposals as fair and reasonable without requiring the submission of detailed cost figures and to approve contracts for one or all of the unit flight courses, provided the majority of the enrollment in the unit course or courses no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, and the charges for the course are not more than those made to other students, including veterans enrolled under Public Law 550, 82d Congress, as amended, pursuing the same or comparable courses, as set forth in published catalogs or bulletins of the school or institution. In the event a school or institution does not publish a bulletin, a responsible official of the school or institution will individually certify to the manager of the regional office, within whose territory the school or institution is located, the customary charges for the courses offered.

6. In § 21.616, that portion of paragraph (c) (1) preceding subdivision (i) is amended and a new paragraph (f) is added as follows:

§ 21.616 *Review and adjustment of contract rates.* • • •

(c) *Lump-sum adjustment of surplus or deficit upon completion of a contract or adjustment period or at the termination of contractual relationships.* (1) At the end of any contract or adjustment period a surplus or deficit which resulted from the payment of the agreed fair and reasonable rate of compensation may be settled on a lump-sum basis, provided that appropriate adjustments have been or are made for surpluses or deficits for all previous periods, including surplus which may has been on hand on September 1, 1947. The institution will submit to the regional office on VA Form 7–1969 a certified statement of actual costs and actual months of instruction for which the institution was entitled to be paid for the period of the most recent contract. Allowable costs will include only those provided in the cost formula in §§ 21.613 through 21.619. Each such VA Form 7–1969 will include a statement on schedule K, part 2, of the surplus or deficit for the entire period between the effective date of the first contract for on-farm training under Public Law 377, 80th Congress, and the termination date of the most recent contract plus any surplus determined as of September 1, 1947. These cost data will also be used for the determination of a new fair and reasonable tuition rate to be included in the next contract. In no case will compensation for a deficit, attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), be made in an amount which when added to the fair and reasonable tuition and other charges for fees, books, supplies and equipment results in the payment of a rate in excess of the rate of $500 for a 12-month period ($41.66 per month), for contracts entered into subsequent to February 21, 1952. (See § 21.619.) At the termination of contractual relationships under §§ 21.613 through 21.619 a final adjustment will be made, both where money is due the Government and where it is due the school.

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(f) An institution which has a contract for on-farm training containing tuition rates subject to adjustment for surplus or deficit under the provisions of this section may elect at the expiration of the contract to effect final settlement of any surplus or deficit as provided in paragraph (c) of this section, and to accept payment of the rate charged similarly circumstanced nonveteran-enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, if the majority of the enrollment in the course under contract no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, and no further adjustments will be required or made. When the majority of the enrollment in the institutional on-farm training course no longer consists of veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended, it has been administratively determined that the rate charged nonveteran enrollees or veterans enrolled under Public Law 550, 82d Congress, as amended, is fair and reasonable as contemplated in § 21.613 (b) for training under Part VII or Part VIII, Veterans Regulation 1 (a), as amended.

7. Section 21.619 is revised to read as follows:

§ 21.619 *Limitation of payments; institutional on-farm training.* Effective February 21, 1952, the maximum rate which the Veterans Administration will pay for training in a course of institutional on-farm training is the rate of $500 for a 12-month period, and the maximum rate will not be in excess of $41.66 per veteran per month determined over the period of any contract or adjustment period. In no event will the Veterans Administration pay a deficit incurred during any contract period at a rate in excess of the fair and reasonable rate determined on the basis of the prorata amount of allowable costs attributable to veterans in training under Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A). The costs attributable to veterans in training under Part VII and

Part VIII, Veterans Regulation 1 (a), as amended, shall be the pro rata part of total allowable costs incurred in operation of the course that the months of instruction furnished to such veterans bears to the total months of instruction furnished to all students in the course for the period involved.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697–697d, 697f, g, 971, ch. 12 note)

This regulation is effective June 1, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-4336; Filed, May 31, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 196]

STILLS

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Preamble. 1. The regulations in this part shall supersede Regulations 23, 1950 edition (26 CFR (1939) (Part 181).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. These regulations shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

Subpart A—Scope of Regulations

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196.1 Stills.
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Subpart B—Definitions

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196.7 Commissioner.
196.8 Director, Alcohol and Tobacco Tax Division.
196.9 Distilled spirits.
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196.14 I. R. C.
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196.16 Regional commissioner.
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196.25 Manufacturer of stills defined.
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MANUFACTURE OF PARTS OF STILLS AND ASSEMBLING THEREOF

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NAME PLATES

196.33 Name plate of manufacturer on still.

PAYMENT OF TAX

196.34 Special tax return.
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196.36 Special (occupational) tax.
196.37 Posting of stamp.
196.38 Special (commodity) tax.
196.39 Affixing stamp to apparatus.
196.40 Types of distilling apparatus subject to special (commodity) tax.
196.41 Use by United States.

PROCEDURE FOR REMOVAL FOR DOMESTIC USE FOR DISTILLING

Section
196.42 Notice of removal.
196.43 Application and permit to set up and use distilling apparatus.
196.44 Failure to give notice; penalty.

REGISTRY OF STILLS

196.45 Registration with assistant regional commissioner.
196.46 When still is "set up".
196.47 Change in location or ownership of distilling apparatus.

Subpart D—Exportation of Stills and Worms With Benefit of Drawback

196.60 Exportation.
196.61 Puerto Rico, Guam, American Samoa, or Virgin Islands.
196.62 Drawback of tax.
196.63 Marking of stills, worms or condensers.
196.64 Request for inspection; entry for exportation; drawback claim.
196.65 Payment of tax; inspection by collection officer; certificate.

DELIVERY OF SHIPMENT FOR EXPORT; BILL OF LADING

Sec.
196.66 Place of manufacture located at the port of exportation.
196.67 Place of manufacture located elsewhere than at the port of exportation.
196.68 Inspection and lading.
196.69 Certificate of exportation.
196.70 Action by district director.
196.71 Action by assistant regional commissioner.
196.72 Penalty for fraudulently claiming drawback.

Subpart E—Removal of Stills Not Intended for Use in Distilling

196.80 Removal for domestic use.
196.81 Removal for exportation.
196.82 Export bill of lading required.

AUTHORITY: §§ 196.1 to 196.82 issued under 68A Stat. 917; 26 U. S. C. 7805. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 196.1 *Stills.* This part relates to the manufacture, taxpayment, removal, use, and registration of stills and worms or condensers, and the exportation of stills and worms with benefit of drawback of internal revenue tax.

§ 196.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including applications, claims, records, and reports. Information called for shall be furnished in accordance with the instructions on the forms, or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 196.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 196.6 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under, the direction and supervision of the regional commissioner.

§ 196.7 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 196.8 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 196.9 *Distilled spirits.* "Distilled spirits" shall mean that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance.

§ 196.10 *Distilling.* "Distilling" shall mean the distillation of spirits or alcohol as defined by sections 5002 (b) (1) and 5319 (1), I. R. C. Such distillation shall include: (a) The original manufacture of distilled spirits from mash, wort, or wash, or any material suitable for the production of spirits; (b) the redistillation of spirits in the course of original manufacture; (c) the redistillation of spirits, or products containing spirits within the provisions of section 5082, I. R. C.; (d) the distillation, redistillation, or recovery of ethyl alcohol or of completely or specially denatured alcohol, or of articles containing ethyl alcohol or completely or specially denatured alcohol; and (e) the redistillation or recovery of tax-free alcohol.

§ 196.11 *Distilling apparatus.* "Distilling apparatus" shall mean any still or worm or condenser defined in §§ 196.17 and 196.18.

§ 196.12 *District director.* "District director" shall mean a district director of internal revenue.

§ 196.13 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, associations, partnerships, and corporations.

§ 196.14 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 196.15 *Person, manufacturer, distiller, user.* "Person," "manufacturer," "distiller," or "user" shall be construed to mean and include an individual, a trust, estate, partnership, association, company, or corporation.

§ 196.16 *Regional commissioner.* "Regional commissioner" shall mean the regional commissioner of internal revenue in each of the internal revenue regions.

§ 196.17 *Still.* "Still" shall mean any apparatus capable of being used for separating alcoholic or spirituous vapors, or alcohol or spirituous solutions, or alcohol or spirits, from alcohol or spirituous solutions or mixtures, but shall not include stills used for laboratory purposes or stills used for distilling water or other nonalcoholic materials where the cubic capacity of such stills is one gallon or less.

§ 196.18 *Worm or condenser.* "Worm" or "condenser" shall mean any apparatus capable of being used when connected with a still, for condensing or liquefying alcoholic or spirituous vapors, but shall not include worms or condensers to be used with laboratory stills or stills used for distilling water or other nonalcoholic materials where the cubic capacity of such stills is one gallon or less.

SUBPART C—MANUFACTURE, TAXPAYMENT, SALE, REMOVAL, AND REGISTRATION OF STILLS OR WORMS OR CONDENSERS

§ 196.25 *Manufacturer of stills defined.* Any person who manufactures any still or worm or condenser to be used in distilling shall be deemed a manfacturer of stills.

(68A Stat. 617; 26 U. S. C. 5102)

§ 196.26 *Special tax liability; rate of tax.* Manufacturers of stills, as to each place of manufacturer, shall pay a special (occupational) tax of $55, and, in addition thereto, a special (commodity) tax of $22, for each still or worm or condenser to be used in distilling made by him, i. e., $22 for each still and $22 for each worm or condenser.

(68A Stat. 617; 26 U. S. C. 5101, 5102)

MANUFACTURE OF PARTS OF STILLS AND ASSEMBLING THEREOF

§ 196.27 *Parts procured from same manufacturer.* If separate parts of a complete still or worm or condenser, of any kind, are furnished by the same manufacturer to a distiller, or other person, who assembles the same into a still or worm or condenser for distilling, the manufacturer of the parts will incur liability for the special (occupational and commodity) taxes imposed upon manufacturers of stills.

(68A Stat. 617; 26 U. S. C. 5102)

§ 196.28 *Materials or apparatus procured and converted into distilling apparatus.* If a distiller or other person procures materials or apparatus, which are not separately subject to tax under the provisions of this part and converts same into a still or worm or condenser for distilling, he will incur liability for the special (occupational and commodity) taxes imposed upon manufacturers of stills.

(68A Stat. 617; 26 U. S. C. 5102)

RECONSTRUCTION OF STILLS

§ 196.29. *Repairs or alterations.* Whenever a still or worm or condenser, to be used in distilling, is repaired or altered by the addition of new material to such an extent as to virtually result in the construction of a new still or worm or condenser, the person making such repairs or alterations will be held liable for the special (commodity) tax of $22 for each still or worm or condenser so repaired or altered, and in addition will incur liability for the special (occupational) tax of $55 as a manufacturer of stills.

(68A Stat. 617; 26 U. S. C. 5101, 5102)

§ 196.30 *Extent of changes.* Minor structural changes made in a still or worm or condenser, such as the limited replacement of parts or the addition of new materials, which do not effect any material change in the mode of operation, character, or capacity of the distilling apparatus, will not be deemed to constitute the manufacture of a new still or worm or condenser.

(68A Stat. 617; 26 U. S. C. 5102)

§ 196.31 *Manufacturer to notify assistant regional commissioner.* Any person making such changes, repairs, or alterations of a still or worm or condenser will immediately notify the assistant regional commissioner of the region of the extent of such repairs or alterations, advising him of the quantity and cost of new materials and parts and the precise nature of the changes. If the changes, repairs, or alterations are involved or complicated, a sketch of the apparatus showing the changes or alterations should also be furnished the assistant regional commissioner for determination of tax liability. If such is available, information as to the initial cost of the construction of the apparatus should likewise be furnished the assistant regional commissioner.

(68A Stat. 617; 26 U. S. C. 5102)

§ 196.32 *Action by assistant regional commissioner.* The assistant regional commissioner will determine in each instance whether changes, repairs, or alterations of any still or worm or condenser constitute the manufacture of a new still or worm or condenser, and will in each case notify the manufacturer of his decision. In any instance where tax liability has been incurred, the assistant regional commissioner will promptly notify the appropriate district director of such tax liability. The district director will thereupon take appropriate action to collect the required special taxes. Such investigations and inspections in connection therewith will be made as the assistant regional commissioner deems necessary. In the event of doubt whether the changes, repairs, or alterations of any still, worm, or condenser are of such nature or extent as to incur tax, the assistant regional commissioner will refer the case, together with all the evidence available, including a sketch of the apparatus showing the extent of new materials and replacements, to the Director, Alcohol and Tobacco Tax Division, for a ruling.

(68A Stat. 617; 26 U. S. C. 5102)

NAME PLATES

§ 196.33 *Name plate of manufacturer on still.* Each still or worm or condenser must be identified as follows:

(a) Name of manufacturer.

(b) Address of manufacturer.

(c) Manufacturer's serial number for the article. Such identification shall be shown by the manufacturer on a plate, securely attached to the apparatus by riveting or brazing, or be cut, by the manufacturer, by suitable die legibly and durably in the material of which the apparatus is made. The identification marks may not be covered by insulating or other material, or otherwise obscured or concealed. Such marks on stills or worms or condensers will be disclosed by the manufacturer or vendor in the notice to the assistant regional commissioner.

PAYMENT OF TAX

§ 196.34 *Special tax return.* Special (occupational) taxes imposed on manufacturers of stills or worms or condensers and the special (commodity) taxes on such articles will be paid by the manufacutrer pursuant to the filing of a special tax return, Form 11, showing the information required by the form.

§ 196.35 *Execution of Form 11.* The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by an authorized member of the firm; and the return of a corporation shall be signed by an authorized officer thereof. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the

business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. When a return is signed by an agent or attorney-in-fact, his signature should be preceded by the name of the principal followed by his title. Returns signed by persons as agents will not be accepted unless they file with the district director a power of attorney, authorizing them so to act. Form 11 must contain or be verified by a written declaration that it has been executed under the penalties of perjury.

(68A Stat. 749, 846; 26 U. S. C. 6055, 7011)

§ 196.36 *Special (occupational) tax.* The special (occupational) tax on manufacturers of stills is due on the 1st day of July in each year, or on commencing such trade or business. In the former case, the tax shall be reckoned for one year, and in the latter, it shall be reckoned proportionately from the 1st day of the month in which the liability to the special tax commenced, to and including the 30th day of June following. It shall be the duty of the special-taxpayers to render their returns with required remittances to the district director at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances, not later than the last day of the month, except in cases of sickness or absence where, as provided by section 6081, I. R. C., an extension not to exceed six months is granted by the district director.

(68A Stat. 624; 26 U. S. C. 5142)

§ 196.37 *Posting of stamp.* The special (occupational) tax stamp must be conspicuously posted in the establishment or place of business of the manufacturer of stills.

(68A Stat. 831; 26 U. S. C. 6806)

§ 196.38 *Special (commodity) tax.* The special (commodity) tax on each still or worm or condenser intended for distilling is due when the manufacture thereof is completed and must be paid before such article is removed from the place of manufacture or before being set up, if manufactured on the premises where intended to be used, by affixing to the article the special (commodity) tax stamp. At the time of affixing such stamp it must be canceled by the manufacturer by writing across the face thereof, in permanent ink, the word "canceled" followed by the name of the manufacturer, the manufacturer's serial number of the article, and the date of cancellation.

§ 196.39 *Affixing stamp to apparatus.* After cancellation of the stamp has been completed, the stamp shall be enclosed in a moisture proof case having a transparent face. The case, with stamp enclosed, must be secured to the article by means of screws, bolts, or rivets, or by brazing.

(68A Stat. 830; 26 U. S. C. 6804)

§ 196.40 *Types of distilling apparatus subject to special (commodity) tax.* Under the law the $22 tax is due on each still and on each worm or condenser used as indicated in this section and not merely one tax on the unit. This means that tax is due on the beer still, and each successive still or worm or condenser through which the spirits are passed, including an intermediate or primary worm or condenser for low wines, which require doubling, with the following exceptions:

(a) A worm or condenser for the condensation of aldehydes or fusel oil only, where such aldehydes or fusel oil contain only negligible quantities of alcohol, is not subject to the $22 tax.

(b) A preheater used solely for preheating distilling material is not subject to the $22 tax.

(c) A cooler, consisting of a series of metal tubes enclosed in a water jacket or other apparatus of similar construction, used solely for reducing the temperature of hot spirits, is not subject to the $22 tax.

(d) A separator or dephlegmator, used solely for separating vapors of lower boiling points from vapors of higher boiling points, allowing the latter to condense and reflux to the still, and the former to pass forward to a worm or condenser, is not subject to the $22 tax.

(68A Stat. 617; 26 U. S. C. 5101)

§ 196.41 *Use by United States.* Any still or distilling apparatus intended for use by the United States, or any governmental agency thereof, in distilling, may be removed by the manufacturer, subject to the notice of removal prescribed by § 196.42 without payment of the special (commodity) tax thereon.

(68A Stat. 900; 26 U. S. C. 7510)

PROCEDURE FOR REMOVAL FOR DOMESTIC USE FOR DISTILLING

§ 196.42 *Notice of removal.* No still, boiler (doubler or pot still), worm, condenser, or other distilling apparatus intended for use in distilling, shall be removed from the premises of the manufacturer, or dealer, as the case may be, for delivery to a user, or for his own use, until the assistant regional commissioner of the region to which the equipment will be shipped has been notified on Form 110. Such notice shall contain or be verified by a written declaration that it is made under the penalties of perjury, and must disclose the name and address of the manufacturer or vendor, the approximate date the apparatus is to be removed, the name and address of the person by whom the apparatus is to be used, the purpose for which it is to be used, the type and kind of apparatus, its capacity, the manufacturer's serial number of the apparatus, the serial number of the manufacturer's special (occupational) tax stamp and, unless the apparatus is to be removed without payment of tax for use by the United States, the serial number of the special (commodity) tax stamp for the apparatus. No distilling apparatus may be set up for distilling without application to and permit from the assistant regional commissioner in whose region the apparatus is to be used as provided in § 196.43. (See §§ 196.60 to 196.72 relative to exportation of stills and worms with benefit of drawback.

(68A Stat. 617; 26 U. S. C. 5105)

§ 196.43 *Application and permit to set up distilling apparatus.* Upon receipt of such distilling apparatus and before setting up the same for distilling, the user shall apply to the assistant regional commissioner on part 1, Form 1609, in duplicate, for permission to set up such apparatus, specifying the type of apparatus, the capacity, the serial number thereof, the name and address of the manufacturer, the name and address of the vendor, and the purpose for which the apparatus will be used. The assistant regional commissioner shall then, if he has in his possession the notice of removal of the distilling apparatus from the premises of the manufacturer or vendor, issue a permit on part 2, Form 1609, authorizing the distilling apparatus to be set up by the user. Such permission will contain the stipulations: (a) That the distilling apparatus must be immediately registered when set up, as required by §§ 196.45 to 196.47, and (b) that all provisions of internal revenue law and regulations, as may be applicable to the class of operations to be conducted, will be complied with prior to use of such apparatus for distilling.

(68A Stat. 617, 628; 26 U. S. C. 5105, 5174)

§ 196.44 *Failure to give notice; penalty.* Failure to give the notice of intention to remove and obtain the permit to set up a still is punishable in the sum of $500, and the distilling apparatus is forfeitable to the Government.

(68A Stat. 683; 26 U. S. C. 5602)

REGISTRY OF STILLS

§ 196.45 *Registration with assistant regional commissioner.* Every person having in his possession, custody, or under his control, any still or distilling apparatus set up, and intended for use in distilling, shall register the same on Form 26 with the assistant regional commissioner of the region in which such still or distilling apparatus is located. The Form 26 shall be executed in accordance with the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, and shall contain or be verified by a written declaration that it has been executed under the penalties of perjury. An approved copy of Form 26 will be returned to the registrant by the assistant regional commissioner, and shall be retained on the premises where the still is set up for examination by visiting internal revenue officers.

(68A Stat. 628; 26 U. S. C. 5174)

§ 196.46 *When still is "set up."* A still will be regarded as set up and subject to registry when it is in position over a furnace, or connected with a boiler so that heat may be applied, although the worm or condenser may not be in position. These instructions as to stills set up are intended merely as illustrations and are not expected to cover all types of stills or worms or condensers requiring registration under the law.

(68A Stat. 628; 26 U. S. C. 5174)

§ 196.47 *Change in location or ownership of distilling apparatus.* In the event a user desires to remove any distilling apparatus subject to registration under this part to another location after the same has been registered, no permit therefor will be required. The user must, however, prior to removal, file Form 26 to register the apparatus "not for use" and to disclose the location to which the removal is to be made and the approximate date of such removal. After removal, no such distilling apparatus intended for use in distilling may be again set up without application to and permit from the assistant regional commissioner in whose region the apparatus is to be used, as provided in § 196.43. Likewise, when a user sells or otherwise disposes of any distilling apparatus, no permit for removal, sale, or disposition thereof will be required. The user must, however, prior to disposal of such apparatus, file Form 26 with the assistant regional commissioner to register the apparatus "not for use" and to disclose the method of disposition (sale, destruction, or otherwise), the name and address of the person to whom disposed of, the approximate date the apparatus is to be removed, and the purpose for which it is intended to be used. After removal, no such distilling apparatus intended for use in distilling may be again set up without application to and permit from the assistant regional commissioner in whose region the apparatus is to be used, as provided in § 196.43. Where there has been a change in ownership, custodianship, control, or a removal to other premises, of any still or distilling apparatus, intended for use in distilling, the person in whose possession, custody, or under whose control the still or distilling apparatus is set up must immediately register the same with the assistant regional commissioner.

(68A Stat. 617, 628; 26 U. S. C. 5105, 5174)

SUBPART D—EXPORTATION OF STILLS AND WORMS WITH BENEFIT OF DRAWBACK

§ 196.60 *Exportation.* An exportation is a severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country. The export character of any shipment will be determined by the intention with which it is made. The shipment assumes an export character only when destined for use in a foreign country.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.61 *Puerto Rico, Guam, American Samoa, or Virgin Islands.* Reference in this part, and in the forms prescribed thereunder, to exportation to a foreign country shall apply to shipments from the United States to Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(68A Stat. 618, 908; 26 U. S. C. 5106, 7653)

§ 196.62 *Drawback of tax.* Drawback of the tax paid on stills and worms manufactured for export is allowable upon exportation: Where a special (commodity) tax has been paid on stills and worms intended for export and drawback is desired, the manufacturer shall brand such articles, make application for allowance of drawback, and deliver such articles into customs custody as provided in §§ 196.63 to 196.67.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.63 *Marking of stills, worms or condensers.* Stills, worms or condensers intended for exportation with benefit of drawback shall have branded or stamped thereon, in a conspicuous place, the words "for export," followed by the serial number of the article and the manufacturer's name. Where such articles are manufactured from metal plates, the words "for export," with the serial number of the article and the manufacturer's name directly thereunder, will be stamped (in letters and figures which must, in no case, be less than one-half inch in height) thereon with a suitable die or otherwise permanently affixed to each article. Where the article is constructed of wood, the words "for export," the serial number of the article and the manufacturer's name will be branded thereon. If the article is to be exported in a shipping container, the foregoing marks must also be shown on such container in a manner which will enable ready identification by customs officers.

§ 196.64 *Request for inspection; entry for exportation; drawback claim.* After manufacture of the stills, worms or condensers and before the same are removed from the place of manufacture, the manufacturer (exporter) will forward to the district director of his district Form 1610, in triplicate, with parts 1 and 2 duly executed. Request for exportation and release of the apparatus for immediate exportation, and application for allowance of drawback, equal to the internal revenue tax paid on the apparatus when actually exported, will be made in part 1 of Form 1610. Entry for exportation of the apparatus and claim for drawback of the internal revenue tax paid thereon will be made by the manufacturer (exporter) in part 2 of the form, and shall contain or be verified by a written declaration that it is made under the penalties of perjury. The stamps denoting payment of the tax must be attached to the original of the claim.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.65 *Payment of tax; inspection by collection officer; certificate.* Upon the receipt of claim and entry on Form 1610, and upon the payment of the tax due, the district director will direct a collection officer to proceed to the place of manufacture, and, if the stills, worms or condensers are found to agree with those described in the form, and are properly marked or branded as required by this part, the collection officer will execute the certificate in part 4 of the form. The stamp, or stamps, attached to the claim must, in the presence of the collection officer, be canceled by the manufacturer by writing across the face thereof in ink the word "canceled" followed by the name of the manufacturer, the manufacturer's serial number of the apparatus, and the date of cancellation. The collection officer will then release the apparatus for delivery to carrier or into customs custody, and will mail or deliver two copies (one the original, with the special tax stamps attached) of the claim and entry, Form 1610, to the collector of customs and forward the remaining copy to the district director.

(68A Stat. 618; 26 U. S. C. 5106)

DELIVERY OF SHIPMENT FOR EXPORT; BILL OF LADING

§ 196.66 *Place of manufacture located at the port of exportation.* The manufacturer shall deliver the shipment directly for customs inspection and supervision of lading. The drawback entry, Form 1610, must be filed with the collector of customs at least six hours prior to the lading of the distilling apparatus in order to allow opportunity for customs inspection. The exporter must file a copy of the export bill of lading with the district director of the district in which the place of manufacture is located, for attachment to the copy of Form 1610 retained by him. The bill of lading must show the exporter as the shipper, the manufacturer's serial numbers of the articles, and the number of articles contained in the shipment.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.67 *Place of manufacture located elsewhere than at the port of exportation.* The manufacturer shall deliver the shipment either directly for customs inspection and supervision of lading or to a common carrier for transportation to the port of export. The exporter shall transmit a copy of the bill of lading covering such transportation and a copy of the export bill of lading to the district director, for attachment to the copy of Form 1610 retained by him. In case of exportation through a border port to contiguous foreign territory the bill of lading will show the routing, particularly the name of the carrier that is to deliver the shipment for customs inspection at the border port, and will cover transportation to the foreign destination: *Provided,* That where a through bill of lading is not obtainable, separate bills of lading covering the shipment from the place of manufacture to the border port and from the border port to the foreign destination will be procured. The bill of lading will also show that the shipment was sent in care of the collector of customs or the deputy collector of customs at the border port. One copy of the through bill of lading or of each of the separate bills of lading, as the case may be, will be transmitted by the exporter or his agent immediately by letter to the district director, for attachment to the copy of Form 1610 retained by him.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.68 *Inspection and lading.* The collector of customs, to whom claim and entry on Form 1610 is transmitted by the collection officer, will fill in on each copy of said form the order for inspection and lading. The inspector of customs will carefully examine the apparatus described in the entry and he will, if he finds the articles to be otherwise than described, make a special report thereon. After having complied with the order of inspection and after the apparatus has been duly laden on board the conveyance of the export carrier, the inspector will

complete and sign the certificate of inspection and lading in part 6 of Form 1610. If the inspector discovers any evidence of fraud, he will detain the apparatus and notify the collector of customs, who will inform the assistant regional commissioner of the region in which said port is located.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.69 *Certificate of exportation.* After inspection and lading and clearance for a foreign port of the vessel or car on which the articles described in the entry are laden, the collector of customs will execute the certificate of exportation on each copy of the claim and entry, Form 1610. He will retain one copy of the form for his entry record and will transmit the original to the district director for the district from which the apparatus was shipped.

(68A Stat. 618; 26 U. S. C. 5106)

APPROVAL AND SUBMISSION OF CLAIMS

§ 196.70 *Action by district director.* The district director will immediately examine the claim for drawback on Form 1610, received from the collector of customs (§ 196.69), and if satisfied that the claim is a valid one, he will endorse his approval thereon and forward it with the special tax stamps attached, to the assistant regional commissioner of the region in which the claimant is located.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.71 *Action by assistant regional commissioner.* If the assistant regional commissioner finds that the claim is in order, he will approve the claim. If the claim is disallowed in whole or in part, the assistant regional commissioner will so notify the claimant and state the reasons therefor.

(68A Stat. 618; 26 U. S. C. 5106)

§ 196.72 *Penalty for fraudulently claiming drawback.* One who fraudulently claims or seeks to obtain an allowance of drawback on merchandise on which no tax has been paid, or a greater allowance of drawback than the tax actually paid, is liable to forfeiture of triple the amount claimed or $500, at the election of the Director, Alcohol and Tobacco Tax Division.

(68A Stat. 869; 26 U. S. C. 7304)

SUBPART E—REMOVAL OF STILLS NOT INTENDED FOR USE IN DISTILLING

§ 196.80 *Removal for domestic use.* Distilling apparatus which is to be used within the United States, the territories of Hawaii and Alaska, and the District of Columbia for purposes other than for distilling, as defined in § 196.10, is exempted from the procedure and requirements set forth in §§ 196.42 to 196.47. Manufacturers and vendors of distilling apparatus for purposes other than for distilling shall maintain at their premises a record showing all stills manufactured, received, and removed or otherwise disposed of. Such record shall show the name and address of the purchaser and the purpose for which each still is to be used. Such records will be kept available for a period of 2 years for inspection by internal revenue officers. At the close of each month, and not later than 10 days thereafter, the manufacturer or vendor shall submit a report to the assistant regional commissioner of the region in which his premises are located showing the number of stills on hand at the beginning of the month, the number received, the number disposed of, the number on hand at the end of the month, and as to each such still removed, the name and address of the purchaser and the type, capacity, and kind. Each report shall be signed by the manufacturer or vendor or his authorized agent and immediately above the signature there shall appear the following statement, "I declare under the penalties of perjury that this report has been examined by me and to the best of my knowledge and belief is a true and correct report." Upon application by the manufacturer or vendor, the assistant regional commissioner may waive the requirement for the submission of such report when he finds that such waiver will not jeopardize the revenue. Such waiver shall terminate upon notification by the assistant regional commissioner to the manufacturer or vendor.

§ 196.81 *Removal for exportation.* Distilling apparatus intended for use for purposes other than for distilling, marked and branded as required by § 196.63, may be removed without payment of tax, for exportation by the manufacturer or dealer.

§ 196.82 *Export bill of lading required.* When any distilling apparatus is removed for exportation, without payment of tax, under the provisions of § 196.81, the vendor must obtain a copy of the export carrier's bill of lading covering the shipment of the article. Such bill of lading must be kept available for a period of not less than 2 years for inspection by internal revenue officers.

[F. R. Doc. 55-4403; Filed, May 31, 1955; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CALDWELL SALES AND COMMISSION CO.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Caldwell Sales and Commission Company, Caldwell, Idaho, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 25th day of May 1955.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 55-4377; Filed, May 31, 1955; 8:52 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A13]

MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF CORRECTION OF FINAL DECISION

Notice is hereby given that in the "Decision with respect to a proposed marketing agreement and proposed amendments to the order, as amended," regulating the handling of milk in the Cleveland, Ohio, Marketing area filed by the Assistant Secretary of Agriculture on April 21, 1955, and published in the FEDERAL REGISTER of April 27, 1955 (20 F. R. 2801; FR Doc. 55-3393), the findings relating to item numbered (10), *"Location adjustments to handlers."*, beginning in column 1, page 2811, and item numbered (11), *"Location adjustments to producers."*, beginning in column 3, page 2811, should be changed to conform to the findings in item numbered (9), *"Class II and Class III."*, beginning in column 2, page 2809.

The changes in said FEDERAL REGISTER document are as follows:

1. Change the phrase "Class I" to read "Class I and Class II" in the following places on page 2811:

In column 1, in the second line of the paragraph headed "10. *Location adjustments to handlers.*"

In the second and tenth lines of the third paragraph beginning in column 2,

In the eighth, thirteenth, and seventeenth lines of the fourth paragraph beginning in column 2, and

In the third, thirteenth and sixteenth lines from the top of column 3.

2. In the eighth line of the third paragraph beginning in column 2, page 2811, change the phrase "The new Class II items" to read "the new Class III items."

3. In the third sentence of the third paragraph beginning in column 3, page 2811, change the phrase "on Class II or Class III milk" to read "on Class III milk".

Filed at Washington, D. C., this 26th day of May 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-4376; Filed, May 31, 1955; 8:51 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A13]

MILK IN CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED, REGULATING HANDLING

Correction

In Federal Register Document 55-3393, published at page 2801 of the issue dated April 27, 1955, the following changes are made:

1. The reference to "§ 975.81" in § 975.73 (c) should read "§ 975.73 (b)".

2. In the eighth line of § 975.74 (a) "Class II" should read "Class III."

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

MAY 26, 1955.

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities: Ceramics, handbags, embroidered, jade jewelry, lacquer ware, lotus root, mushrooms, rugs, cotton rag, silk embroidered articles, tigereye stones, vinegar, white, red and black, wampei, wooden novelties, yams.

[SEAL] ELTING ARNOLD,
Acting Director, Foreign Assets Control.

[F. R. Doc. 55-4370; Filed, May 31, 1955; 8:50 a. m.]

Internal Revenue Service

[Commissioner Delegation Order 3]

DEPUTY COMMISSIONER ET AL.

DESIGNATION TO ACT AS COMMISSIONER OF INTERNAL REVENUE

Pursuant to authority vested in me by Treasury Department Order No. 150-2 dated May 15, 1952, and Treasury Department Order No. 129 (Revision No. 2): *It is ordered*, That:

(1) The Deputy Commissioner shall perform the duties of Commissioner of Internal Revenue during the absence or disability of the Commissioner of Internal Revenue, when there is a vacancy in that office, or when otherwise designated to act as Commissioner of Internal Revenue; and

(2) The Assistant Commissioner (Operations), and the Assistant Commissioner (Technical), in the order named, shall perform the duties of the Commissioner of Internal Revenue during the absence or disability of the Commissioner of Internal Revenue or a vacancy in that office and the absence or disability of the Deputy Commissioner.

This order supersedes Commissioner Delegation Order No. 1, dated April 10, 1953 (18 F. R. 2152).

This order is effective June 1, 1955.

[SEAL] T. COLEMAN ANDREWS,
Commissioner.

[F. R. Doc. 55-4371; Filed, May 31, 1955; 8:50 a. m.]

POST OFFICE DEPARTMENT

ESTABLISHMENT OF REGIONAL HEADQUARTERS AT MEMPHIS, TENN., FOR TENNESSEE, ALABAMA, AND MISSISSIPPI

The following is the text of Order No. 55895 of the Postmaster General, dated May 11, 1955:

Pursuant to the authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes will become effective on May 16, 1955:

1. On the effective date there will be established a regional headquarters at Memphis, Tennessee, under a Regional Director who will exercise the powers, duties, functions and jurisdiction delegated by Order No. 55809 dated January 3, 1955, and Order No. 55810 dated January 3, 1955 (20 F. R. 276). Pending appointment of a Regional Director the postal affairs affecting the Bureau of Operations and Bureau of Personnel in the region shall be under the direction of the Regional Operations Manager who will be responsible to the Assistant Postmaster General, Bureau of Post Office Operations. The Regional Operations Manager will be subject to all policy affecting regional operations prescribed by the Department in Washington. There will also be a Regional Controller in the regional office who will be responsible to the Assistant Postmaster General and Controller, Bureau of Finance. The Regional Personnel Manager will be administratively responsible to the Regional Operations Manager so far as Bureau of Operations activities are concerned, and functionally to the Assistant Postmaster General, Personnel. Functions such as those listed below which were formerly discharged by various headquarters, bureaus and offices in Washington will now be discharged by the regional staff.

A. Personnel functions, including such items as recruitment, selection and placement of personnel; training activities; labor relations; safety and health programs; classification of positions; awards and efficiency rating systems; review and disposition of disciplinary actions; and liaison with the Civil Service Commission in the region.

B. Service functions, including recommendations to the Department for the establishment or discontinuance of post offices, classified stations and branches; approval of requests for allowances of funds; maintenance of high standards of service in all post offices; and effective control of costs.

C. Industrial engineering functions, including administration of cost reduction programs; improvement in work methods; endorsement of requests for capital expenditures; maintenance of work standards; layout of facilities; provision of work simplification methods and training; and development of systems and procedures, other than accounting and fiscal procedures.

D. Controller functions, including the direction of accounting, budget and cost analysis activities.

E. Public information functions, including encouragement of public cooperation and participation in improving postal methods; and maintaining good relations with federal, state and municipal officials.

2. Pending the appointment of a Regional Director, this order does not affect the bureau and offices of the Department other than:

A. Bureau of Operations;

B. Bureau of Personnel;

C. Bureau of Finance (and Controller).

All other bureaus and offices, however, are expected to coordinate and cooperate with this new regional organization.

3. The region will be divided into five districts. All postmasters in each district will report directly to their district manager.

4. Previous orders or instructions concerning the routing of communications from postmasters to the above-mentioned bureaus in Washington are hereby superseded. All communications, with respect to the functions set forth in this order will be directed to the appropriate district manager, with the exceptions of monthly and quarterly accounts, which will continue to be routed as at present.

5. District headquarters cities, and the jurisdiction of each district, are as follows:

DISTRICT NUMBER 1—MEMPHIS, TENN.

Tennessee Counties: Bedford, Benton, Carroll, Cheatham, Chester, Crockett, Davidson, Decatur, Dickson, Dyer, Fayette, Gibson, Giles, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Madison, Marshall, Maury, Montgomery, Moore, Obion, Perry, Robertson, Rutherford, Shelby, Stewart, Sumner, Tipton, Wayne, Weakley, Williamson and Wilson.

DISTRICT NUMBER 2—CHATTANOOGA, TENN.

Tennessee Counties: Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Claiborne, Clay, Cocke, Coffee, Cumberland, DeKalb, Fentress, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Macon, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Trousdale, Unicoi, Union, Van Buren, Warren, Washington and White.

DISTRICT NUMBER 3—JACKSON, MISS.

All counties in Mississippi.

DISTRICT NUMBER 4—BIRMINGHAM, ALA.

Alabama Counties: Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Colbert, Cullman, DeKalb, Etowah, Fayette, Franklin, Jackson,

Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Pickens, Randolph, Saint Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston.

DISTRICT NUMBER 5—MONTGOMERY, ALA.

Alabama Counties: Autauga, Baldwin, Barbour, Bullock, Butler, Chambers, Chilton, Choctaw, Clarke, Coffee, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pike, Russell, Sumter, Tallapoosa, Washington and Wilcox.

6. District Managers will be designated in a separate announcement. They will act for and be responsible to the Regional Operations Manager on post office matters within their Districts. Each District Manager will be responsible for functions delegated to him by the Regional Operations Manager, including such things as: making major operating decisions within his District; recommending action on all supervisory appointments; recommending action on requests for funds; advising Regional Operations Manager on District matters and conditions; carrying out regional policies in the District; interpreting departmental and regional policies and recommending changes; coordinating with other bureaus and government agencies in the District; taking necessary actions on complaints; directing the control of expenditures in the District; and maintaining essential records.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55–4353; Filed, May 31, 1955; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 23, 1955.

An application, serial number Anchorage 028640, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on December 28, 1954, by Department of Air Force.

The purposes of the proposed withdrawal: Classified military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SEWARD MERIDIAN

Township 5 South, Range 13, West,
Sectin 29: SW¼; S½NW¼; SW¼NE¼; NW¼SE¼.

Containing 320 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55–4344; Filed, May 31, 1955; 8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Army has filed an application, Serial No. Sacramento 050149, for the withdrawal of the lands described below from all forms of appropriation.

The applicant desires the land as a school site to be used under agreement by the Herlong Elementary School District.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, CALIFORNIA

Township 26 North, Range 16 East,
Section 2: That portion of Lot 2 described as follows: Beginning at a point from which the quarter-section corner between Sections 2 and 35, Tps. 26 and 27 North, Range 16 E. bears N. 89° 37' W. 186 feet. From the initial point, S. 89° 37' E. 600 feet; thence South 492 feet; thence N. 89° 37' W. 600 feet; thence North 492 feet to the point of beginning. The tract as described contains 6.78 acres.

L. T. HOFFMAN,
State Supervisor,
Bureau of Land Management.

MAY 23, 1955.

[F. R. Doc. 55–4343; Filed, May 31, 1955; 8:45 a. m.]

Office of the Secretary

[Order 2508, Amdt. 11]

BUREAU OF INDIAN AFFAIRS

AUTHORITY UNDER SPECIFIC ACTS

A new section 29 and reading as follows, is added to Order No. 2508, as amended (14 F. R. 258; 16 F. R. 473, 11620, 11974; 17 F. R. 1570, 6418; 19 F. R. 34, 1123, 4585; 20 F. R. 167, 552):

SEC. 29. *Authority under specific acts.* (a) The Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority now or hereafter vested in the Secretary of the Interior by:

(1) The act of June 17, 1954 (Pub. Law 399, 83d Cong., 2d session; 68 Stat. 250),

(2) The act of August 13, 1954 (Pub. Law 587, 83d Cong., 2d session; 68 Stat. 718),

(3) The act of August 13, 1954 (Pub. Law 588, 83d Cong., 2d session; 68 Stat. 724),

(4) The act of August 23, 1954 (Pub. Law 627, 83d Cong., 2d session; 68 Stat. 768),

(5) The act of August 27, 1954 (Pub. Law 671, 83d Cong., 2d session; 68 Stat. 868),

(6) The act of September 1, 1954 (Pub. Law 762, 83d Cong., 2d session; 68 Stat. 1099).

(b) The authority granted in paragraph (a) of this section shall not include:

(1) The authority to dispose of enrollment appeals,

(2) The issuance of documents for publication in the FEDERAL REGISTER as required by the acts cited in paragraph (a),

(3) The issuance of additions to or amendments of the Code of Federal Regulations.

DOUGLAS MCKAY,
Secretary of the Interior.

MAY 25, 1955.

[F. R. Doc. 55–4345; Filed, May 31, 1955; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 57–55 between the member lines of the Pacific Westbound Conference, modifies the basic conference agreement (No. 57) to provide that all payments of freight shall be received in United States currency, or its equivalent in other currency, as may be provided in the conference tariffs. Agreement No. 57 presently provides that no payment of freight shall be received in any currency other than United States or its equivalent on cargo originating in the United States, or in any currency other than Canadian or its equivalent on cargo originating in Canada.

(2) Agreement No. 7807–C, between the carriers comprising the Canada Mexico Line joint service provides for the cancellation of approved joint service Agreement No. 7807, which covers

the trades between ports on the St. Lawrence River and on the east coast of Canada, on the one hand, and ports on the east coasts of South and Central America and in islands in the Caribbean Sea, with calls at United States Atlantic ports, but not including transportation within the purview of the coastwise laws of the United States.

(3) Agreement No. 7840–26 between the Member Lines of the Atlantic Conference, modifies the provision of the basic agreement of said Conference (No. 7840) providing that agents, responsible clerks of General Agents and their wives and dependent children may be granted a 75 per cent reduction in fare, by adding a clause providing that in connection with the annual convention of the American Society of Travel Agents to be held in Lausanne, Switzerland, from October 9 to 15, 1955, the 75 per cent reduction may be granted, eastbound and westbound, to (a) the accompanying husband of a qualified female agent or of a qualified female responsible clerk, provided such clerk or agent is registered for attendance at said convention, and (b) to a salaried employee of the American Society of Travel Agents traveling to attend said convention and to an accompanying husband or wife of such an employee. Under such clause departure from Europe on the westbound voyage must take place on or before December 31, 1955, after which date said clause becomes void. Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 26, 1955.

By order of the Federal Maritime Board.

[SEAL] THOS E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55–4383; Filed, May 31, 1955; 8:53 a. m.]

Office of the Secretary

HEADS OF PRIMARY ORGANIZATION UNITS ET AL.

DELEGATION OF AUTHORITY TO AUTHORIZE PUBLICATION OF ADVERTISEMENTS, NOTICES AND PROPOSALS

The head of each primary organization unit and the Director, Office of Administrative Operations for the Office of the Secretary, Business and Defense Services Administration, Bureau of Foreign Commerce, and the Office of Business Economics, are hereby delegated authority to authorize the publication of advertisements, notices and proposals in newspapers, trade journals, or other similar advertising media. This authority includes the selection of appropriate advertising media, the approval of advertising texts, the signing of advertising orders, and related functions.

The authority delegated herein may be redelegated in writing to such officers and employees as the heads of the primary organization units and the Director, Office of Administrative Operations, may deem necessary.

Dated: May 12, 1955.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55–4366; Filed, May 31, 1955; 8:49 a. m.]

[Dept. Order 137, Amended]

DEFENSE AIR TRANSPORTATION ADMINISTRATION

ORGANIZATION AND FUNCTIONS

The material appearing at 16 F. R. 11511 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to define the organization and functions of the Defense Air Transportation Administration.

SEC. 2. *Organization.* The Defense Air Transportation Administration is headed by an Administrator who is responsible to the Under Secretary of Commerce for Transportation.

SEC. 3. *Delegations of authority.* Subject to such conditions and limitations as the Secretary of Commerce or the Under Secretary for Transportation may prescribe, the Defense Air Transportation Administrator is hereby authorized to plan and to direct the mobilization of civil aviation resources and facilities and perform related functions which shall include, but not be limited to, the powers, authorities, and functions vested in the Secretary of Commerce under: Section 301 (a), (b), (c), and (d) of Executive Order 10219; section 401 of Executive Order 10219 insofar as it pertains to airports and airways; Public Law 47, 82d Congress (65 Stat. 65), except that the authority to determine that war risk insurance cannot be obtained on reasonable terms and conditions from private insurance companies is reserved to the Secretary of Commerce; section 302 of the Defense Production Act of 1950 with regard to the making of direct loans as they relate to air transportation; section 168 of the Internal Revenue Code with regard to the issuance of tax amortization certificates as they relate to air transportation; section 103 of the National Security Act of 1947, as amended, by delegation from the Director, Office of Defense Mobilization, in Defense Mobilization Order I–8 with regard to civil aviation resources and facilities; and section 2 of the Civil Aeronautics Act of 1938 (52 Stat. 980) insofar as it relates to the aforesaid functions of the Defense Air Transportation Administration.

SEC. 4. *Functions.* In carrying out its responsibilities, the Defense Air Transportation Administration performs the following principal functions: Maintains a continuing program of allocation of civil transport aircraft by plane registration number to the Civil Reserve Air Fleet and to the War Air Service Pattern of domestic and international commercial air transportation essential to a war effort; provides leadership to industry, in cooperation with the Air Force, to develop and maintain the standby organization and detailed plans necessary for immediate operation of the Civil Reserve Air Fleet; cooperates with the Civil Aeronautics Board in developing and maintaining the War Air Service Pattern; cooperates with the Department of Defense in developing and administering plans for a civil-military air priorities system; provides leadership in a continuing effort to assure that the maximum production of airlift in the event of war will not be impeded by shortage or misuse of skilled aviation manpower; develops plans for mobilization of all segments of non-carrier civil aviation; is responsible for planning for the effective utilization of civil airports and airways for national defense purposes; maintains the aviation war risk insurance program in a state of readiness; and makes recommendations to the Office of Defense Mobilization with regard to defense loans and accelerated tax amortization for expansion of air transport capacity.

SEC. 5. *Effect on other orders.* .01 This order supersedes Department Order No. 137 issued November 5, 1951, and shall be deemed to be consistent with Department Order No. 86 (Amended). Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

.02 All orders, regulations, rulings, certificates, directives, and other actions heretofore issued or taken under the authorities delegated herein and in effect immediately prior to the effective date of this order shall remain in full force and effect until hereafter superseded, revoked, or amended under proper authority.

Issued: April 19, 1955.

Effective: April 19, 1955.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55–4365; Filed, May 31, 1955; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2396]

EASTERN AIR LINES, INC.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled application, as amended, proposing an extension of Route 6 (a) from Washington to Chicago via Pittsburgh, Youngstown, Akron, Canton, Cleveland, Toledo, and South Bend; (b) an extension of Route 47 from Charleston to Chicago via (a) Cincinnati and Indianapolis; and (b) via Columbus, Springfield, Dayton, Fort Wayne, and South Bend; and (c) an extension of Route 47 from Charleston to Detroit via Columbus and Toledo; is assigned to be held on June 30, 1955 at 10:00 a. m., e. d. s. t., in Room E–206, Temporary Building No. 5, Sixteenth and

Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

In order to facilitate the conduct of this conference, interested parties are requested to present motions for consolidation or modification of the issues in this case to Examiner Cusick on or before June 13, with copies to other interested parties. Answers to such requests for consolidation and/or modification should be filed on or before June 27.

Dated at Washington, D. C., May 25, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-4382; Filed, May 31, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6597, E-6598]

PENNSYLVANIA WATER & POWER CO. AND PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING MERGER OR CONSOLIDATION OF FACILITIES AND ACQUISITION OF SECURITIES

MAY 24, 1955.

In the matters of Pennsylvania Water & Power Company, Docket No. E-6597; Pennsylvania Power & Light Company, Docket No. E-6598.

Notice is hereby given that on May 5, 1955, the Federal Power Commission issued its order adopted May 4, 1955, authorizing and approving the merger or consolidation of facilities and the acquisition of securities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4347; Filed, May 31, 1955; 8:46 a. m.]

[Docket No. G-2281]

OHIO FUEL GAS CO.

ORDER RECONVENING HEARING, FIXING DATE OF HEARING, AND PRESCRIBING PROCEDURE

On May 3, 1954, hearing was commenced in the above docket concerning the lawfulness of the rates, charges, classifications, and services contained in FPC Gas Tariff, Second Revised Volume No. 1, filed on September 18, 1953, by the Ohio Fuel Gas Company (Ohio Fuel). At that hearing, Ohio Fuel presented certain testimony and exhibits in support of the increased rates and charges contained in its proposed tariff, based on its operations in the calendar year 1953, adjusted for certain known changes.

Counsel for Ohio Fuel also indicated on the record that due to the pendency of two other dockets involving the Company's rates and charges (G-1786 and G-1965) and the pendency of proceedings involving rates of some of its suppliers, Ohio Fuel would have to present additional testimony before this proceeding could be brought to a conclusion. Following the presentation of its testimony, counsel for Ohio Fuel made a motion, concurred in by all parties present, that the proceedings be recessed until further order of the Commission.

During the period this proceeding has been in recess and subsequent to Commission determinations in the pending dockets referred to above, conferences and discussions have been held looking toward a limiting of the issues herein.

Ohio Fuel has indicated that it is now ready to present evidence on all issues present in this proceeding, including testimony and exhibits reflecting its operations in the calendar year 1954.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that the hearing in this proceeding be reconvened at the time and place and on the date hereinafter designated, in accordance with the procedure hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter I), public hearing is reconvened to commence on June 13, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the above-entitled proceeding.

(B) At the hearing provided for by paragraph (A), Ohio Fuel shall go forward first and shall present its complete case-in-chief, including its testimony and exhibits reflecting its operations in the calendar year 1954.

(C) After Ohio Fuel has concluded the presentation of its complete case-in-chief as provided in paragraph (B), the other parties to the proceeding, including Staff Counsel, may proceed with cross-examination respecting the matters and issues involved in the proceeding. Upon request of any party to the proceeding, including Staff Counsel, the hearing shall be recessed by the Presiding Examiner for such time or times as the Examiner may find appropriate and reasonable to permit proper preparation of such cross-examination.

(D) Following presentation by Ohio Fuel, and cross-examination as provided in paragraph (C), opportunity shall then be afforded the other parties to present testimony and evidence with respect to the matters and issues involved in the proceeding. Any such testimony and evidence shall then be subject to cross-examination. Upon the conclusion of such cross-examination, opportunity shall be afforded to Staff Counsel (after recess, if requested) to present evidence respecting the matters and issues involved in the proceeding. Such testimony and evidence as the Staff offers will then be subject to cross-examination, after which an opportunity will be afforded to Ohio Fuel to offer rebuttal evidence respecting such issues.

(E) In the interest of expedition, Ohio Fuel shall, on or before June 8, 1955, serve upon all parties to this proceeding copies of the testimony and exhibits it proposes to offer at the hearing, including five (5) copies thereof upon Staff Counsel.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 24, 1955.

Issued: May 24, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4346; Filed, May 31, 1955; 8:46 a. m.]

[Docket No. G-6504]

DELHI-TAYLOR OIL CORP. AND MAYFAIR MINERALS, INC.

NOTICE OF ORDER MAKING PROPOSED RATE CHANGES EFFECTIVE

MAY 24, 1955.

Notice is hereby given that on May 6, 1955, the Federal Power Commission issued its order adopted May 4, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4348; Filed, May 31, 1955; 8:46 a. m.]

[Docket No. G-8445]

CITIZENS GAS CO.

NOTICE OF FINDINGS AND ORDER

MAY 24, 1955.

Notice is hereby given that on May 5, 1955, the Federal Power Commission issued its findings and order adopted May 4, 1955, directing sale and delivery of natural gas in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4349; Filed, May 31, 1955; 8:46 a. m.]

[Docket No. G-8558]

STATE CORPORATION COMMISSION OF VIRGINIA ET AL.

NOTICE OF ORDER DENYING JOINT PETITION AND REQUESTING SUSPENSION OF RATE SCHEDULES

MAY 24, 1955.

In the matters of State Corporation Commission of Virginia, Public Service Commission of Maryland, Public Service Commission of West Virginia, Public Utilities Commission, D. C.; Docket No. G-8558.

Notice is hereby given that on April 21, 1955, the Federal Power Commission issued its order adopted April 20, 1955, denying the joint petition filed herein, requesting the suspension of rate schedules which have heretofore been filed and which have become effective pursuant to the provisions of the Natural Gas Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4350; Filed, May 31, 1955; 8:46 a. m.]

[Project No. 1295]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (TRANSMISSION LINE)

MAY 24, 1955.

Notice is hereby given that on May 10, 1955, the Federal Power Commission issued its order adopted May 4, 1955, further amending license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4351; Filed, May 31, 1955; 8:46 a. m.]

[Project No. 2017]

SOUTHERN CALIFORNIA EDISON CO.

LAND WITHDRAWAL; CALIFORNIA

MAY 24, 1955.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described insofar as title thereto remains in the United States, are included in power project No. 2017 for which completed amended application for license was filed January 5, 1953. Under said section 24 all lands of the United States lying within the boundaries of the project as delimited upon the revised maps filed in support thereof, are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

T. 9 S., R. 23 E.,
Sec. 10, SE¼NE¼, E½SE¼;
Sec. 11, E½NE¼, SW¼NE¼, SE¼NW¼, S½;
Sec. 12, SW¼NE¼, S½NW¼, N½SE¼, SE¼SE¼, N½SW¼;
Sec. 13, N½N½, N½SE¼NW¼, SW¼NW¼;
Sec. 14, N½, NW¼SE¼, SW¼;
Sec. 15, NE¼NE¼, S½N½, N½S½, SE¼SE¼, N½SW¼SE¼, SE¼SW¼SE¼;
Sec. 16, S½NE¼, N½NW¼, SE¼NW¼, N½SE¼, SW¼SE¼, SW¼;
Sec. 17, E½NE¼, NW¼NW¼, S½NW¼, E½SE¼, SW¼SE¼, SW¼;
Sec. 20, N½N½, SE¼NW¼.
T. 9 S., R. 24 E.,
Sec. 7, lots 3, 4, SE¼SW¼;
Sec. 17, lots 2, 3;
Sec. 18, lots 2, 3, 4, 5, 6, 7, 8, 9, 10, NW¼SE¼, NE¼SW¼.

The area reserved pursuant to the filing of this application is approximately 1330.22 acres, of which 1296.13 have been heretofore reserved in connection with either an earlier application for this project (No. 2017), or applications for projects Nos. 120 and 2085, or Power Site Classifications Nos. 138 and 273.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Ann. Rept. 128), with respect to lands reserved for transmission line rights-of-way is applicable to those portions of the above described lands occupied for that purpose only.

The subdivisions described above as being affected by this application are to a large extent duplications of those referred to in letters of withdrawal notification issued to the Bureau of Land Management under date of February 17, 1949, February 12, 1951, and November 15, 1951.

A photostatic copy of each of twelve sheets of the amendatory project maps (FPC No. 2017 sheets 93 to 104 incl.) showing the revised project boundaries and superseding map sheets (FPC No. 2017, sheets 1, 3 to 13 incl.) is being transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4352; Filed, May 31, 1955; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

PUBLIC HOUSING COMMISSIONER

AMENDMENT OF DELEGATIONS OF AUTHORITY TO EXERCISE CERTAIN RESPONSIBILITIES VESTED IN ADMINISTRATOR UNDER VARIOUS STATUTES

The delegations of final authority to the Public Housing Commissioner, published at 18 F. R. 4612-3, August 5, 1953, as amended at 19 F. R. 2599, May 5, 1954, and at 19 F. R. 4115-6, effective July 1, 1954 (published July 7, 1954), hereby are further amended in the following respects:

The appendix to the delegations is amended by the insertion of the following item after present item (16):

(16A) Calif. 4-659-F, Units 1, 2 and 3, Child Care Facilities, San Diego, Calif. (Three Standard Type FWA Nursery (Child Care) Schools with partial equipment, each to accommodate 60 children. Unit No. 1 is located at 3345 Riley Street, Unit No. 2 at 3460 Kenyon Street, and Unit No. 3 at 3000 Chapman Street, all within the Frontier Village Housing Project.)

Effective as of the 1st day of June 1955.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 55-4368; Filed, May 31, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH-SECTION APPLICATIONS FOR RELIEF

MAY 26, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30668: Grain—Colorado, Kansas, and Nebraska to Colorado and Wyoming. Filed by Union Pacific Railroad Company, for itself and other interested rail carriers. Rates on Grain, grain products and related commodities, from specified points in Colorado, Kansas, and Nebraska to specified points in Colorado and Wyoming.

Grounds for relief: Circuitous routes.

Tariff: Supplement 6 to Union Pacific Railroad tariff I. C. C. 5377.

FSA No. 30669: Substituted service—motor-rail rates in the East. Filed by The New York, New Haven and Hartford Railroad Company, for itself and Shuster's Express, Inc. Rates on Semi-trailers, loaded with various commodities or empty, on railroad flat cars, between Boston, Mass., on one hand, and New Haven or New London, Conn., on the other.

Grounds for relief: Competition with motor carriers.

FSA No. 30670: Glass jars—Southwest to Mississippi River Crossings. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on glass jars, noibn, other than cut, carloads, from Ada, Blackwell, Muskogee, Okmulgee, and Sand Springs, Okla., to Baton Rouge and New Orleans, La., Natchez and Vicksburg, Miss.

Grounds for relief: Circuitous routes.

Tariff: Supplement 54 to Agent Kratzmeir's I. C. C. 4015.

FSA No. 30671: Synthetic rubber—Texas and Louisiana to Niagara Frontier. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, crude, artificial, synthetic or neoprene, in straight or mixed carloads, from Baytown, Borger, Houston, and Port Neches, Tex., and Lake Charles and West Lake Charles, La., to Niagara Falls and Suspension Bridge, N. Y.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplements 40 and 72 to Agent Kratzmeir's tariffs I. C. C. Nos. 4139 and 4087, respectively.

FSA No. 30672: Clay between points in Southern Territory. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads, from specified origins in Alabama, Florida, Georgia, North Carolina and South Carolina to specified destinations in Alabama, Florida, Georgia, Mississippi, and Tennessee.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 75 to Agent Spanginger's I. C. C. 1323.

FSA No. 30673: Iron or steel pipe—Orange, Tex., to the South. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron or steel pipe or tubing, carloads, from Orange, Tex., to specified points in Alabama, Louisiana (east of the Mississippi River), and Mississippi.

Grounds for relief: Circuitous routes.

Tariff: Supplement 10 to Agent Kratzmeir's I. C. C. 4121.

FSA No. 30674: Liquefied petroleum gas—Texas to Cincinnati, Ohio. Filed by F. C. Kratzmeir, Agent, for in-

terested rail carriers. Rates on liquefied petroleum gas, tank-car loads, from specified points in Texas to Cincinnati, Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 11 to Agent Kratzmeir's I. C. C. 4150.

FSA No. 30675: Phosphatic feed supplements to Arcade and Attica Railroad Corporation Stations. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on phosphatic feed supplements, carloads, from specified points in southern territory to stations on the Arcade and Attica Railroad.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 11 to Agent Spaninger's I. C. C. 1434.

FSA No. 30676: Phosphatic feed supplements to Chesapeake Western Railway Stations. Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on phosphatic feed supplements, carloads, from specified points in southern territory to stations on the Chesapeake Western Railway.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 11 to Agent Spaninger's I. C. C. 1434.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-4367; Filed, May 31, 1955; 8:50 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 4]

SHELLED FILBERTS

NOTICE OF SUPPLEMENTAL INVESTIGATION AND PUBLIC HEARING

The United States Tariff Commission, on the 25th day of May 1955, under the provisions of section 22 (d) of the Agricultural Adjustment Act, as amended, instituted an investigation supplemental to its Investigation No. 4 under section 22 of the Agricultural Adjustment Act, as amended, with respect to: Shelled Filberts, whether or not blanched.

Purpose of supplemental investigation. Under a proclamation of October 11, 1954, issued pursuant to section 22, on the basis of a report and recommendation of the Tariff Commission, the President imposed a fee of 10 cents per pound, but not more than 50 per centum ad valorem, upon shelled filberts, whether or not blanched, entered, or withdrawn from warehouse, for consumption during the period from October 1, 1954, to September 30, 1955, both dates inclusive, in excess of an aggregate quantity of 6,000,000 pounds. This fee is in addition to any other duties imposed on the importation of such filberts.

The Commission has received information indicating that the existing restrictions on imports of shelled filberts under section 22 may be too restrictive. The purpose of this supplemental investigation is to determine whether changed circumstances require the modification of the import restrictions imposed under the aforementioned proclamation with respect to shelled filberts in order to carry out the purposes of section 22.

Hearing. A public hearing in this supplemental investigation will be held beginning at 10 a. m., e. d. s. t., on June 21, 1955, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Request to appear. Interested parties desiring to appear and to be heard at the hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., at least three days in advance of the date set for the hearing.

Issued: May 26, 1955.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 55-4374; Filed, May 31, 1955; 8:51 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 45]

OKLAHOMA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about May 25, 1955, because of the disastrous effects of cyclones and tornadoes, damage resulted to residences and business property located in certain areas in the State of Oklahoma; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 207 (b) of the Small Business Act of 1953 may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Roger Mills, Kay; Small Business Administration Regional Office, 1114 Commerce Street, Dallas, Tex. Small Business Administration Branch Office, Bankers Security Life Building, Room 712, 114 North Broadway, Oklahoma City, Okla.

2. A special field office will be established in Blackwell, Oklahoma, to receive and process such applications.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to November 30, 1955.

Dated: May 26, 1955.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 55-4372; Filed, May 31, 1955; 8:51 a. m.]

[Declaration of Disaster Area 46]

KANSAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about May 25, 1955, because of the disastrous effects of cyclones and tornadoes, damage resulted to residences and business property located in certain areas in the State of Kansas; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 207 (b) of the Small Business Act of 1953 may be received and considered by the Offices below indicated from persons or firms whose property situated in Cowley County (including any areas adjacent to Cowley County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Federal Office Building, Room 1402, 911 Walnut Street, Kansas City 6, Mo.

Small Business Administration Branch Office, Post Office Building, Room 320, 401 North Market Street, Wichita, Kans.

2. Special field offices to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to November 30, 1955.

Dated: May 26, 1955.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 55-4373; Filed, May 31, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3304]

INTERSTATE POWER CO.

SUPPLEMENTAL ORDER RESCINDING TERMS AND CONDITIONS WITH RESPECT TO PREFERRED STOCK

MAY 25, 1955.

The Commission on November 16, 1954, having entered its order herein (Holding Company Act Release No. 12705) imposing certain conditions for the protection of the preferred stockholders in connection with the issue and sale by Interstate Power Company ("Interstate"), the applicant herein, of 200,000 shares of its 4.36 percent Preferred Stock;

Interstate having on May 5, 1955, with the approval of its stockholders, amended its Certificate of Incorporation so as to make applicable to all issues of its preferred stock the protective provisions contained in the Commission's order dated November 16, 1954; and having requested that the terms and conditions imposed in the aforesaid order be rescinded as no longer necessary; and

The Commission finding that the terms and conditions imposed in said order with respect to the issue and sale of applicant's 4.36 percent Preferred Stock are now duplicative and unnecessary:

It is ordered, That the conditions contained in the Commission's order of November 16, 1954 aforesaid be, and the same hereby are rescinded.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4357; Filed, May 31, 1955; 8:48 a. m.]

[File No. 70-3377]

JOHN H. WARE, 3D

ORDER REGARDING ACQUISITION BY AFFILIATE OF PUBLIC UTILITY COMPANIES OF OUTSTANDING CAPITAL STOCK OF NON-AFFILIATED GAS UTILITY COMPANY

MAY 25, 1955.

John H. Ware, 3d ("Ware") has filed an application and an amendment thereto with this Commission pursuant to the provisions of sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following described transaction.

Ware is an affiliate of Penn Fuel Gas, Inc. ("Penn Fuel"), an exempt holding company, and its 14 gas utility subsidiaries, and of Salem Gas Company, a gas utility company which is not itself affiliated with Penn Fuel. Ware will purchase for cash from four individuals all of the outstanding capital stock of Jersey Shore Gas & Heating Company ("Jersey Shore"), a Pennsylvania corporation and a gas utility company, consisting of 720 shares of common stock, par value $10 per share. The agreed price of $24,000 to be paid by Ware for Jersey Shore's outstanding common stock was determined by arm's-length negotiation.

Jersey Shore's service area is located approximately 11 miles west of the service area of Lock Haven Gas Company ("Lock Haven"), a subsidiary of Penn Fuel. Lock Haven and Jersey Shore have made arrangements to obtain supplies of natural gas from a common source which will be delivered through an existing transmission line of Trans-Penn Transit Company, a non-affiliated pipe line company. A common connection will be constructed jointly by Lock Haven and Jersey Shore with such line and, as a result of such connection, Lock Haven and Jersey Shore will be physically connected.

Upon the acquisition by Ware of the common stock of Jersey Shore, Penn Fuel will furnish management and related services to the company on the same basis (approximately at cost) that such services are presently rendered by Penn Fuel to its subsidiaries.

No State commission and no Federal regulatory agency, other than this Commission, has any jurisdiction over the transaction.

Jersey Shore's presently authorized capital stock consists of 4,000 shares of common stock, par value $10 per share, of which 720 shares are issued and outstanding, and 200 shares of preferred stock, par value $100 per share, none of which is issued and outstanding. Dividends on the preferred stock are noncumulative. Ware has stipulated and agreed that, upon acquisition of the outstanding common stock of Jersey Shore, he will cause Jersey Shore to execute and file a stipulation with the Commission that it shall not, following the acquisition of its common stock by Ware, issue any of its authorized preferred stock unless it shall have given the Commission 30 days' advance notice of any such proposed transaction and that, upon receipt of notice from the Commission given during such 30-day period, the company will not issue any of such preferred stock unless and until its charter shall have been amended to provide that dividends thereon shall be cumulative.

The fees, commissions and expenses incurred, or to be incurred, and paid in connection with the acquisition by Ware of the outstanding common stock of Jersey Shore will consist solely of legal fees and incidental expenses, estimated at not to exceed $1,000, all of which will be paid by Ware.

Due notice of the filing of said application having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied, that the fees and expenses incurred, or to be incurred, and paid are not unreasonable, that said application, as amended should be granted, and that the Commission's order should become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said amended application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4356; Filed, May 31, 1955; 8:48 a. m.]

[File No. 70-3378]

WISCONSIN SOUTHERN GAS CO., INC.

ORDER REGARDING ISSUANCE BY REGISTERED HOLDING COMPANY OF SHARES OF COMMON STOCK AS DIVIDEND

MAY 25, 1955.

Wisconsin Southern Gas Company, Inc. ("Wisconsin"), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the provisions of sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following described transaction.

Wisconsin will issue to its stockholders on or about June 1, 1955, as a dividend, 7,570 shares of authorized but unissued common stock, par value $10 per share, at the rate of one share for each ten shares held. The stock dividend will be issued in full shares only and transferable scrip certificates will be issued to stockholders entitled to receive fractional shares. Wisconsin will assist stockholders to transfer or purchase and sell scrip representing fractional shares and will redeem, after July 1, 1955, at the rate of $11.30 per share, any scrip presented representing rights to less than one share of stock if arrangements cannot be made forthwith to transfer or sell such rights for not less than $11.30 per share. Any expense incurred in handling scrip certificates for stockholders desiring to "round-out" to full shares will be paid by Wisconsin.

The stock dividend is being issued for the purpose of capitalizing the major portion of Wisconsin's earned surplus as a preliminary step to the merger of Wisconsin and its only subsidiary, Wisconsin Southern Gas Company, a public utility company.

Wisconsin will, upon the issuance of the stock dividend, debit its Earned Surplus with $85,540, the equivalent of $11.30 per share, and credit Common Capital Stock with $75,700, the aggregate par value of the shares to be issued, and credit Capital Surplus with $9,840, or $1.30 per share. The book value of Wisconsin's common stock is approximately $11.36 per share. There is no active market for the stock.

No State commission and no Federal regulatory agency, other than this Commission, has any jurisdiction over the proposed transaction.

The fees and expenses to be paid by Wisconsin in connection with the issuance of the stock dividend are estimated as follows:

Aberg, Bell, Blake & Conrad, Counsel for the company	$1,000
Miscellaneous expenses, including registrar, transfer agent and Federal issue stamp taxes	1,000
Total	2,000

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing thereon having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied, that the fees and expenses to be paid in connection with said transaction, if they do not exceed the amounts estimated, are not unreasonable, that said declaration, as amended, should be permitted to become effective, and that the Commission's order should become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said amended declaration be, and the same hereby is, permitted to become effective forthwith, subject to the

terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4355; Filed, May 31, 1955; 8:47 a. m.]

[File No. 70-3384]

STANDARD POWER AND LIGHT CORP.

ORDER GRANTING EXEMPTION REGARDING PROPOSED SALE OF COMMON STOCK OF DUQUESNE LIGHT CO.

MAY 25, 1955.

Standard Power and Light Corporation ("Standard Power"), a registered holding company, has filed an application, pursuant to Rule U-100 promulgated under the Public Utility Holding Company Act of 1935 ("act") for exemption from the requirements of Rule U-44 promulgated under the act. Standard Power proposes to sell not more than 10,000 shares of common stock of Duquesne Light Company, a public utility subsidiary of Standard Power, out of a total of 348,600 shares of such common stock held by Standard Power, either (a) on the New York Stock Exchange by means of ordinary brokers' transactions at prevailing market prices on the date or dates of sales; or (b) by negotiated private sale, after inquiry among a limited number of prospective buyers, with a buyer or buyers who will agree to purchase for investment and not for resale to the public and at prevailing market prices on the New York Stock Exchange on the date or dates of sale, less a discount of not more than $0.50 per share.

Standard Power has represented that in the event its application for exemption is granted, it will comply with the requirements of Rule U-24 promulgated under the act.

It appearing to the Commission that the requirements of Rule U-44, as applied to the proposed transactions, are not necessary or appropriate in the public interest or for the protection of investors or consumers:

It is ordered, Pursuant to said Rule U-100, that said application be, and the same hereby is, granted forthwith, subject to the provisions of Rule U-100 (b) and Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4354; Filed, May 31, 1955; 8:47 a. m.]

[File No. 812-932]

EQUITY CORP. ET AL.

NOTICE OF APPLICATION

MAY 25, 1955.

In the matter of the Equity Corporation, the Morris Plan Corporation of America, Planning & Service Corporation and James W. Nankervis; File No. 812-932.

Notice is hereby given that Planning & Service Corporation ("Pasco"), a Delaware corporation, having its principal place of business at 103 Park Avenue, New York, New York, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission granting an exemption from the provisions of section 17 (a) (3) of the act so as to permit the loan or advance of money by Pasco to James W. Nankervis, an employee of Pasco.

The Equity Corporation ("Equity"), a registered investment company, is the owner and holder of a majority of the voting stock of The Morris Plan Corporation of America ("Morris Plan"). Equity and Morris Plan, each own 45.45 percent and 54.55 percent, respectively, of the capital stock of Pasco, a company which furnishes services to the Morris Plan group and the Equity group of companies. James W. Nankervis is an employee, but not an officer, of Pasco and is not affiliated with Equity or Morris Plan in any other capacity. Under these circumstances, Nankervis is an affiliated person of an affiliated person of Equity and under the provisions of section 17 (a) (3) it is unlawful for him to borrow money from Pasco unless an exemption is granted by the Commission pursuant to the authority vested in it by section 17 (b) of the act.

Nankervis, Pasco's district manager for the Poughkeepsie area, has arranged to purchase a dwelling which will cost approximately $16,000 upon terms requiring a down payment of $2,400 (and other expenses of $1,350) and the balance on a 5 percent FHA mortgage which will require payments of approximately $73 monthly over a period of thirty years. He desires to obtain the sum of $2,000 from his employer to meet, in part, these cash requirements and Pasco desires to make an unsecured loan or advance to him in that amount with interest at 4 percent per annum. The loan, if the application is granted, will be repaid at a rate of not less than $50 per month for the first year, $60 per month for the second year and $70 per month thereafter until paid, with interest at the rate aforesaid on declining principal balances.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than June 10, 1955, at 5:30 p. m., e. d. s. t., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4358; Filed, May 31, 1955; 8:48 a. m.]

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FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Cottonseed Bulletin 2]

PART 443—OILSEEDS

SUBPART—1955 COTTONSEED PURCHASE PROGRAM

Sec.

443.1138 General statement.
443.1139 Administration.
443.1140 Availability of purchases.
443.1141 Eligible producer.
443.1142 Eligible cottonseed.
443.1143 Purchase price.
443.1144 Approved forms.
443.1145 Determination of quantity.
443.1146 Liens.
443.1147 Set-offs.
443.1148 Grade reporting areas.

AUTHORITY: §§ 443.1138 to 443.1148 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 443.1138 *General statement.* The purchase program provided for in this subpart is a part of the 1955 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Commodity Stabilization Service (hereinafter referred to as "CSS"). This subpart states the terms and conditions (a) under which cotton ginners, who purchase 1955-crop cottonseed produced in the United States from producers, may sell such cottonseed to CCC in accordance with this subpart (such ginners will hereinafter be referred to as "participating ginners"), in cases where nonparticipation by oil millers under the provisions of 1955 CCC Cottonseed Bulletin 3 (oil millers participating under said Bulletin will hereinafter be referred to as "participating oil millers") makes purchases by CCC from participating ginners necessary, and (b) under which CCC will purchase 1955-crop cottonseed directly from producers in cases where nonparticipation by ginners under this subpart makes such purchases necessary. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC. The requirements with respect to loans to producers are contained in the 1955 C. C. C. Cottonseed Bulletin 1.

§ 443.1139 *Administration.* (a) Operations under the program with respect to the purchase, transportation, handling, and storage of cottonseed prior to delivery of the cottonseed to an oil miller or to a storage facility approved by the New Orleans CSS Commodity Office (such storage facility will hereinafter be referred to as "approved storage facility") will be administered through Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") State and county committees (hereinafter referred to as "State" and "county committees"). All contracts in connection with such operations may be executed on behalf of CCC only by authorized CCC contracting officers.

(b) Contracts for the storage and handling of cottonseed subsequent to delivery of the cottonseed to an oil miller or an approved storage facility, for the sale, crushing and processing of cottonseed, and for the transportation, storage, handling and sale of the products derived therefrom, will be executed by CCC contracting officers in the New Orleans CSS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (hereinafter referred to as "the New Orleans office").

(c) State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

§ 443.1140 *Availability of purchases.* (a) *Area.* The purchase program will be available in all cotton-producing areas of the United States.

(b) *Time.* Purchases will be made from the date of the issuance of this subpart through February 29, 1956.

(c) *Source.* (1) Purchases of cottonseed eligible for purchase by CCC will be made by participating ginners from producers. Purchases will also be made directly from producers by CCC through county committees in areas where ginners do not participate in the program and the appropriate State committee determines that such direct purchases are necessary in order to make the program effective. Payments to producers for cottonseed purchased by CCC and

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end ($2.25)

Title 8 ($0.45)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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for any authorized transportation performed by the producers in accordance with § 443.1143, will be made by means of sight drafts drawn on CCC by county office employees designated by county committees.

(2) Purchases of eligible cottonseed will be made by participating oil millers from participating ginners and others. Purchases will also be made from participating ginners by CCC through county committees in areas where oil millers do not participate in the program and the appropriate State committee determines that such purchases are necessary to make the program effective. Payments to participating ginners for cottonseed purchased by CCC will be made by means of sight drafts drawn on CCC by county office employees designated by county committees.

(3) Lists of participating oil millers will be maintained in the New Orleans office and lists of participating ginners will be maintained in the State and county offices.

§ 443.1141 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision, producing cottonseed in 1955 in the capacity or landowner, landlord, tenant, or sharecropper.

(b) A cooperative association that handles cottonseed for its producer-members will be considered an eligible producer when selling eligible cottonseed delivered to the association and produced by eligible producers who are members of the association.

§ 443.1142 *Eligible cottonseed.* Eligible cottonseed shall be cottonseed which meet the following requirements:

(a) Such cottonseed must have been produced in the United States in 1955 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for purchase, or by the person who delivered the cottonseed to the cooperative association or ginner tendering the cottonseed for purchase, and the beneficial interest in the cottonseed must be in such person at the time he makes such tender or delivery and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for purchase must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for purchase must have the legal right to sell the cottonseed.

§ 443.1143 *Purchase price*—(a) *Price to producers.* (1) Any direct purchases by CCC from producers will be made at gin or other designated point of delivery at the rate of $42.00 per gross ton for basis grade (100) cottonseed, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). The price per ton thus computed may be rounded to the nearest multiple of 10 cents. The grade of eligible cottonseed purchased by CCC directly from producers shall be considered to be the average grade of cottonseed for the area in which the purchase is made (see § 443.1148) as determined on the basis of the latest cottonseed grade report for the area published by CSS or as determined by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the CSS grade report for any such area shall specify the average grade for each such type of cottonseed, and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. Notwithstanding the requirements in this subparagraph, if, at any time while direct purchases are being made by CCC, the State ASC Administrative Officer determines that the average grade for an area, as determined on the basis of the latest cottonseed grade report for the area published by CSS, is higher than the grade of cottonseed being produced in any county in such area, where direct purchases are being made, the State ASC Administrative Officer may reduce the price paid to producers in such county below the price established on the basis of the average grade for the area: *Provided*, That no producer shall be paid, during the period such reduced prices are effective, less than $42.00 per gross ton basis grade (100) cottonseed with price adjustments computed upon the difference between the average grade of cottonseed produced in the county during such period and basis grade (100). The average grade of cottonseed produced in the county during such period shall be determined on the basis of official chemical analysis covering cottonseed produced in such county or on such other reasonable basis as may be determined by the appropriate State ASC Administrative Officer.

(2) The grade of any cottonseed purchased before the first grade determination for an area is made shall be considered to be 90.

(3) If the producer, upon authorization by the County Office Manager, transports the cottonseed from (i) the point of delivery to CCC to (ii) an oil miller or approved storage facility or designated concentration point the producer will be paid for such transportation at a rate not in excess of the commercial rate for such transportation service.

(b) *Price to ginners.* (1) (i) Any purchases by CCC from participating ginners will be at the rate of $46.00 per net ton for basis grade (100) cottonseed, f. o. b. conveyance or carrier at the gin, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). Cottonseed which are "below grade" or "off quality", as defined in the U. S. Official Standards for Grades of Cottonseed, will be purchased from participating ginners by CCC at the market value of such cottonseed as determined by CCC. The grades of cottonseed purchased by CCC from such ginners shall be determined in accordance with the United States Official Standards for Grades of Cottonseed, by chemical analysis of samples drawn from the cottonseed by federally licensed cottonseed samplers or such other persons as are approved by CCC, and forwarded to and analyzed by federally licensed cottonseed chemists. A ginner tendering cottonseed for purchase by CCC must not have paid any producer for cottonseed purchased by the ginner on or after the date of filing notice of his intention to participate in the program, less than $42.00 per gross ton basis grade (100), plus or minus a percentage of such price equal to the percentage by which the average grade of cottonseed for the area in which the gin is located (see § 443.1148) exceeded or was less than basis grade (100). Such average grade shall be determined on the basis of the latest CSS grade report for the area at the time of purchase from such producer or by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the CSS grade report for any such area shall report the average grade for each such type of cottonseed and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. If it is determined by the County Office Manager and the State ASC Administrative Officer that any participating ginner paid any producer less than the prices he should have paid under the foregoing provisions of this section, such ginner shall not, without prejudice to any other rights which CCC may have, be eligible to make

any further sales to CCC under the 1955 Cottonseed Price Support Program.

(ii) Notwithstanding the preceding requirements as to price, a participating ginner, after first notifying the County Office Manager for the county where the gin is located of his intention to do so, may reduce the price paid to producers below the price established on the basis of the average grade for the area: *Provided*, That the ginner shall not pay any producer, during the period he is paying such reduced price, less than $42.00 per gross ton basis grade (100) with price adjustments computed upon the difference between the average grade of cottonseed produced at the gin during such period and basis grade (100). The average grade of cottonseed produced at the gin during such period shall be determined on the basis of official chemical analysis or oil mill grade reports covering such cottonseed or on such other reasonable basis as may be approved by the County Office Manager. The ginner shall furnish the county office with certified copies of such chemical analyses, grade reports, or other evidence satisfactory to the County Office Manager, showing the average grade of cottonseed produced at the gin during such period. If it is determined by the State ASC Administrative Officer and County Office Manager that any participating ginner paid producers less than the prices he should have paid in accordance with the preceding three sentences, such ginner shall, without prejudice to any other rights which CCC may have, be ineligible to make any further sales to CCC under the 1955 Cottonseed Price Support Program unless he first pays all of such producers the difference between the price paid to producers and the price they should have received.

(iii) A ginner may round per ton prices for cottonseed purchased from producers to the nearest multiple of 10 cents.

(2) The grade of cottonseed purchased from a producer before the first grade determination for an area is made shall be considered to be 90.

(3) If the ginner, upon authorization by the County Office Manager, transports cottonseed from the gin to oil miller, or approved storage facility, or designated concentration point, the ginner will be paid for such transportation at a rate not in excess of the commercial rate for such transportation service.

§ 443.1144 *Approved forms.* The approved forms, together with the provisions of this subpart and any supplements and amendments thereto, shall govern the rights and responsibilities of producers and participating ginners. Approved forms may be obtained from ASC county offices. Any fraudulent representation made by a producer or ginner in executing an approved form may render him subject to criminal prosecution under Federal law and liable for any damages resulting from the purchase of the cottonseed involved. Documents executed by an administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing such documents. The approved forms consist of the following:

(a) *Producers.* Producer's Voucher (CCC Cottonseed Purchase Form 5) shall be executed by the producer when the cottonseed are purchased from the producer by CCC.

(b) *Cotton ginners.* (1) Each cotton ginner desiring to sell cottonseed to CCC pursuant to this subpart shall, prior to tender of any cottonseed for sale, file with the county office for the county in which each gin is located a Ginner's Notice of Intention to Participate (CCC Cottonseed Purchase Form 1). The filing of such notice does not obligate the ginner to sell any cottonseed to CCC, but all applicable provisions of this subpart must be complied with by the ginner if any cottonseed are offered by the ginner for sale to CCC under the 1955 Cottonseed Price Support Program.

(2) After the Ginner's Notice of Intention to Participate has been filed, a Ginner's Certificate (CCC Cottonseed Purchase Form 2) shall be completed and executed by the participating ginner to cover all cottonseed purchased by him from producers and the form shall be submitted by the ginner to the appropriate county office at such times and covering such periods of time as the State ASC Administrative Officer determines are necessary to make the program effective.

(3) If cottonseed are sold to CCC, the ginner shall prepare and execute a Ginner's Voucher and Certificate (CCC Cottonseed Purchase Form 4) covering the cottonseed and deliver the form to the county office. Each Ginner's Voucher and Certificate submitted by a ginner to the county office shall be supported by weight certificates or warehouse receipts covering the cottonseed purchased which have been issued by an oil miller or an approved storage facility or a representative of the county committee at a designated concentration point, and, in the absence of warehouse receipts guaranteeing grade, by official chemical analyses certificates covering the cottonseed and identifying such cottonseed by lot numbers and/or receipt numbers and weights.

§ 443.1145 *Determination of quantity.* The quantity of cottonseed purchased from the producer by CCC shall be the gross weight actually delivered to CCC as determined by a representative of the county committee, or by an approved storage facility, or by an oil miller. The quantity of cottonseed purchased from a producer by a participating ginner shall be the gross weight of the cottonseed as customarily determined by the ginner in his purchases of cottonseed from producers. The quantity of cottonseed purchased from a ginner by CCC shall be the net weight of the cottonseed at first destination after deduction of the weight of any foreign matter in excess of 1 percent.

§ 443.1146 *Liens.* If liens or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 443.1147 *Set-offs.* (a) If the cottonseed are purchased from a producer by CCC under this subpart and the producer is indebted to CCC on any accrued obligation, or if any installment or installments of any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable or prepayable, under the provisions of the note evidencing such loan, out of the proceeds of the purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of amounts under paragraph (a) of this section.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 443.1148 *Grade reporting areas.* Areas for grade reporting purposes will be established by the Director, Cotton Division, CSS, and a list of area delineations may be obtained from the applicable ASC State office or the Director of the Cotton Division, CSS, USDA, Washington 25, D. C.

Issued this 26th day of May 1955.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4394; Filed, June 1, 1955; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 51—GROUND INSTRUCTOR RATING

REVISION OF PART

Because of the number of oustanding amendments to Part 51 there follows a revision of Part 51 incorporating all amendments thereto which were in effect on June 1, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Sec.
51.1 Ground instructor rating and certificate requirements.

GROUND INSTRUCTOR CERTIFICATE

51.2 Application.
51.3 Display.
51.4 Duration.
51.5 Recent experience requirements.
51.6 Identification.
51.7 Expired certificates; special issuance.
51.8 Nontransferability.
51.9 Surrender.
51.10 Reexamination.
51.11 Revocation.
51.11a Change of address.

GROUND INSTRUCTOR RATING RECORD

Sec.
51.12 Ground instructor rating record.
51.13 Application to amend.

EXAMINATIONS AND TESTS

51.14 General.
51.15 Time and place.
51.16 Inspection.
51.17 Standard of performance.

AUTHORITY: §§ 51.1 to 51.17 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 607, 52 Stat. 1007, 1011, as amended; 49 U. S. C. 551, 557.

§ 51.1 *Ground instructor rating and certificate requirements.* A ground instructor rating and certificate with respect to any ground school subject in which a certificated flying school is required to provide instruction will be issued to an applicant who complies with the following requirements:

(a) *Age.* Applicant shall be at least 18 years of age.

(b) *Character.* Applicant shall be of good moral character.

(c) *Citizenship.* An applicant for a ground instructor rating and certificate may be a citizen of any country or a person without nationality.

(d) *Aeronautical knowledge.* Applicant shall have practical and theoretical knowledge of each ground school subject with respect to which he seeks a rating. Such knowledge shall be sufficient to accomplish satisfactorily a written examination thereon.

GROUND INSTRUCTOR CERTIFICATE

§ 51.2 *Application.* Application for a ground instructor certificate shall be made upon the applicable form prescribed and furnished by the Administrator.

§ 51.3 *Display.* A ground instructor certificate shall be kept readily available to the instructor at all times when he is engaged in giving instruction in any ground school subject with respect to which he is rated, and shall be presented upon the request of any student receiving such instruction, school officer, or authorized representative of the Administrator.

§ 51.4 *Duration.* A ground instructor certificate shall be of 60 days' duration, and unless the holder is otherwise notified by the Administrator within such period, it shall continue in effect thereafter until otherwise specified by the Board, unless suspended or revoked.

(a) *Temporary certificates.* The Administrator or his authorized representative may issue a temporary ground instructor certificate for a period of not to exceed 90 days, subject to the terms and conditions specified therein by the Administrator.

§ 51.5 *Recent experience requirements.* The holder of a ground instructor certificate shall not exercise the privileges thereunder unless during the preceding twelve calendar months he has:

(1) Served for at least three months as a ground school instructor, or

(2) Demonstrated to the satisfaction of the Administrator that he is able to meet the standards currently prescribed by the regulations of this subchapter for the issuance of the certificate and rating.

§ 51.6 *Identification.* The holder of a certificate issued under the provisions of this part shall not exercise the privileges conferred by the certificate unless he has readily available a current airman identification card or other identification card acceptable to the Administrator which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

§ 51.7 *Expired certificates; special issuance.* The holder of a ground instructor certificate which has expired within the preceding twelve months may obtain a new certificate and the same rating theretofore held immediately prior to its expiration, upon application, by demonstrating to the satisfaction of the Administrator that he is able to meet the standards currently prescribed by the regulations of this subchapter for the issuance of the certificate and rating.

§ 51.8 *Nontransferability.* A ground instructor certificate is not transferable.

§ 51.9 *Surrender.* Upon the suspension, revocation, or expiration of a ground instructor certificate, the holder thereof shall, upon request, surrender such certificate to any officer or employee of the Administrator.

§ 51.10 *Reexamination.* An applicant for a ground instructor rating who has failed to pass any prescribed examination or test therefor shall not apply for reexamination for the same rating until the expiration of 30 days from the date of such failure or after he has received not less than 5 hours' instruction on each subject of the examination failed from a certificated ground instructor rated for such subject and presents a statement from such instructor showing the amount of instruction given and stating that he deems the applicant qualified to pass the required examination in such subject.

§ 51.11 *Revocation.* No person whose ground instructor certificate has been revoked shall apply for or be issued a ground instructor certificate of any rating for a period of 1 year after the revocation, except as the order of revocation may otherwise provide.

§ 51.11a *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a ground instructor certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, Attention Airman Records Branch, Washington 25, D. C.

GROUND INSTRUCTOR RATING RECORD

§ 51.12 *Ground instructor rating record.* An appropriate Ground Instructor Rating Record, prescribed and issued by the Administrator, shall be attached to each ground instructor certificate issued after May 1, 1940. The ground school subject or subjects for which the holder of such certificate is rated shall be entered on such record.

§ 51.13 *Application to amend.* When any change is desired in a Ground Instructor Rating Record referred to in § 51.12 the applicant shall file a written request therefor upon the applicable form prescribed and furnished by the Administrator.

EXAMINATIONS AND TESTS

§ 51.14 *General.* The examinations and tests prescribed in this part will be conducted by an authorized representative of the Administrator.

§ 51.15 *Time and place.* All examinations and tests will be held at such times and places as the Administrator may designate.

§ 51.16 *Inspection.* An applicant for a ground instructor rating shall offer full cooperation with respect to any inspection and examination which may be made of such applicant upon proper request by any authorized representative of the Administrator prior or subsequent to the issuance of a ground instructor certificate.

§ 51.17 *Standard of performance.* All practical and theoretical examinations and tests shall be accomplished to the satisfaction of the Administrator and the passing grade in each subject shall be 70 percent.

[F. R. Doc. 55-4381; Filed, June 1, 1955; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

EFFECTIVE DATE OF ORDER AMENDING THE DEFINITION AND STANDARD OF IDENTITY FOR ENRICHED FARINA

In the matter of amending the definition and standard of identity for enriched farina:

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 401, 52 Stat. 1046, as amended 68 Stat. 54; 21 U. S. C. 341) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER on April 15, 1955 (20 F. R. 2481) amending the definition and standard of identity for enriched farina (21 CFR 15.140). The amendments promulgated by that order will become effective June 14, 1955.

NOTE: Coincident with this effective date, the postponement of the requirement for riboflavin as an ingredient of enriched farina (8 F. R. 3358) is terminated.

(Sec. 401, 52 Stat. 1046, as amended; 68 Stat. 54; 21 U. S. C. 341)

Dated: May 26, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-4410; Filed, June 1, 1955; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Amdt. 1]

DMO V–1 SUPP. 2—ESTABLISHMENT OF INTERDEPARTMENTAL STOCKPILE STORAGE COMMITTEE

PROVIDING FOR A REPRESENTATIVE OF THE DEPARTMENT OF COMMERCE

1. Paragraph 1 of Defense Mobilization Order V–1 (Supplement 2) issued by this Office effective December 24, 1953, creating an Interdepartmental Stockpile Storage Committee, is hereby amended by adding "Department of Commerce" to the list of agencies represented on the Committee.

2. This order shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 55–4444; Filed, May 31, 1955; 3:45 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 4.4, paragraph (a) (1) is amended to read as follows:

§ 4.4 *Indian wars.* • • •

(a) *Widow.* (1) The term "widow" shall mean a person who was married to the veteran prior to March 4, 1917. The rate provided in the act of March 3, 1944, as amended, for a widow who was the wife of the veteran during the period of his service is payable only when the widow is unremarried and was the wife of the veteran during the period of his service in an Indian war or campaign (Public Law 245, 78th Congress, as amended). (See § 4.80.) Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899 (30 Stat. 1380). (See § 4.16.)

• • • • •

2. In § 4.6, paragraph (a) (1) is amended to read as follows:

§ 4.6 *Civil War.* • • •

(a) *Widow.* (1) The term "widow" shall mean a person who was married to the veteran prior to June 27, 1905. The rate provided in the act of July 3, 1926, as amended, for a widow who was the wife of the veteran during the period of his service is payable only when the widow was the wife of the veteran during his Civil War service (Public Law 454, 69th Congress, as amended). (See § 4.80.) Continuous cohabitation to date of death of the veteran is required in marriages entered into subsequent to March 2, 1899 (30 Stat. 1380). (See § 4.16.)

• • • • •

3. In § 4.12, the introduction and paragraph (a) (1) are amended to read as follows:

§ 4.12 *Spanish-American War, Boxer Rebellion, and Philippine Insurrection; service acts as reenacted by Public Law 269, 74th Congress, and as amended.* For the purposes of Public Law 166, 69th Congress (act of May 1, 1926), as reenacted by Public Law 269, 74th Congress (act of August 13, 1935), and amended by Public Law 144, 78th Congress (act of July 13, 1943), Public Law 242, 78th Congress (act of March 1, 1944), Public Law 762, 80th Congress (act of June 24, 1948), and Public Law 108, 82d Congress (act of August 4, 1951), the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow.* (1) The term "widow" of a veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection shall mean a person who was married to the veteran prior to January 1, 1938. As to awards and increases in pension approved on or after March 1, 1944, continuous cohabitation as described in § 4.16 must be established (sec. 4, Public Law 242, 78th Congress): *Provided,* That where the widow is entitled solely by virtue of the provisions of section 2, Public Law 242, 78th Congress, pension shall not be paid for any period prior to April 1, 1944. The rate provided in the act of March 1, 1944, as amended, for a widow who was the wife of the veteran during the period of his service is payable only when the widow was the wife of the veteran during his war service (Public Law 242, 78th Congress, as amended). (See § 4.117.)

• • • • •

4. In § 4.15a, paragraph (a) (1) is amended to read as follows:

§ 4.15a *Korean conflict.* • • •

(a) *Widow.* The term "widow" shall mean a woman who was married to the veteran:

(1) Prior to February 1, 1965; and

• • • • •

5. In § 4.17, paragraphs (a) (1) and (d) (1) are amended to read as follows:

§ 4.17 *Determination of domestic relations questions*—(a) *Jurisdiction over determinations.* (1) Determinations of domestic relations questions other than those indicated in § 13.402 of this chapter may be made by the adjudicating office where, as contemplated by the last sentence of § 3.6 of this chapter, the circumstances involved are on all fours with those in a case in which a formal opinion has been rendered by the General Counsel or by a Chief Attorney approved by the General Counsel. Except as provided in paragraph (d) (2) of this section, determinations made by the adjudicating offices will be approved by the chief of the division responsible for death claims.

• • • • •

(d) *Common-law marriages.* (1) When a common-law marriage is alleged, the claimant will be required to establish a prima facie case of marriage by submitting a certified statement on VA Form 8–4138 setting out in detail all of the facts and circumstances concerning the alleged common-law marriage, such as the agreement between the parties at the inception of their cohabitation, the period of cohabitation, places and dates of residence, and whether or not children were born as the result of such relationship. This statement should also show whether the parties were members of any church or organization as husband and wife, had jointly entered into any business transaction or jointly executed any legal document, or had held title jointly to any real estate. There should also be required similar statements in affidavit form from two or more persons who know as the result of personal observation the reputed relationship which existed between the parties of the alleged common-law marriage, including the periods of cohabitation, places of residence, whether the parties held themselves out as husband and wife, and whether they were generally accepted as such in the communities in which they lived. In the event that children were born as the result of such cohabitation, the claimant should furnish the birth certificate of such children.

• • • • •

6. Section 4.31 is revised to read as follows:

§ 4.31 *Death of veteran due to service rendered during Korean conflict; Public Law 28, 82d Congress.* For the purposes of Public Law 2, 73d Congress (act of March 20, 1933), Part I, Veterans Regulation 1 (a), (38 U. S. C. ch. 12A), as amended by Public Law 28, 82d Congress (act of May 11, 1951), the period of the Korean conflict shall comprise the period commencing June 27, 1950, and ending January 31, 1955, both dates inclusive. The surviving widow, child or children, and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service rendered during such period shall be entitled to receive compensation at the monthly rates specified in § 4.124.

7. In § 4.33, paragraph (c) is revoked.

§ 4.33 *Death of veteran (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war (Public Law 359, 77th Congress, and section 2, Public Law 868, 80th Congress).* • • •

(c) [Revoked.]

8. In § 4.50, paragraph (b) is amended to read as follows:

§ 4.50 *Death of veteran who served during Korean conflict from disease or injury not the result of service who at time of death had a service-connected disability; Public Law 312, 78th Congress, (act of May 27, 1944), and Public Law 483, 78th Congress (act of December 14, 1944), as amended by Public Law 28, 82d Congress (act of May 11, 1951).* • • •

(b) Computation of the 90 days service may include continuous service in an enlistment entered into prior to June 27, 1950, and continuing into the following period, or in an enlistment entered into prior to February 1, 1955, and continuing into the following period.

9. In § 4.124, the headnote, the introduction of paragraph (a) (1), and paragraph (a) (3) are amended to read as follows:

§ 4.124 *Death due to wartime service or Korean conflict.* (a) (1) Where death resulted from active military or naval service rendered during the Civil War, the Indian wars, the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, World War I, World War II, or Korean conflict, the following rates are payable:

• • • • •

(3) The foregoing rates for periods prior to September 1, 1948, are contained in section 5, Public Law 198, 76th Congress, as amended by section 10, Public Law 667, 77th Congress; section 14 (a), Public Law 144, 78th Congress; and section 2, Public Law 662, 79th Congress. The rates in section 5, Public Law 198, 76th Congress, originally applied only to World War I cases but were specifically made applicable to cases pertaining to the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, under the terms of Public Law 242, 77th Congress, and became applicable to cases pertaining to the other wars by reason of the provisions of paragraph I (c), Part II, Veterans Regulation 1 (a), (38 U. S. C. ch. 12A), as amended by Public Law 359, 77th Congress. The rates on and after September 1, 1948, as to cases pertaining to Spanish-American War, Boxer Rebellion and Philippine Insurrection, World War I and World War II are contained in paragraph IV, Part I, Veterans Regulation 1 (a), as amended by section 1, Public Law 868, 80th Congress, and are applicable to cases pertaining to other wars by virtue of the provisions of section 2, Public Law 868, 80th Congress. The increase in rates payable for periods on and after December 1, 1949, for widows with children is contained in section 3 (b), Public Law 339, 81st Congress. These rates were made applicable, effective May 11, 1951, to claims based on service rendered during the Korean conflict (see § 4.31) by Public Law 28, 82d Congress. The rates on or after July 1, 1952, are contained in Public Law 356, 82d Congress. The increase in rates payable for periods on or after October 1, 1954, for widows without children and for parents is contained in section 2, Public Law 695, 83d Congress.

• • • • •

10. Section 4.126 is revised to read as follows:

§ 4.126 *Death due to Veterans Administration hospital treatment, etc.*—(a) *Rates under section 31, Title III, Public Law 141, 73d Congress, or section 12, Public Law 866, 76th Congress.* Where death occurred under the conditions set forth in section 31, Title III, Public Law 141, 73d Congress, or section 12, Public Law 866, 76th Congress, the rates payable (1) where the veteran served in a war or during the Korean conflict, are those authorized in paragraph 1, Veterans Regulation 1 (g) (38 U. S. C. ch. 12A), subject for periods on and after September 1, 1946, to the increases provided by section 2, Public Law 662, 79th Congress, or (2) where the veteran served during peacetime are those authorized in paragraph 2, Veterans Regulation 1 (g); *Provided,* That for periods on and after September 1, 1948, the rates outlined in § 4.122 or § 4.124, whichever is applicable, shall be payable. Nothing contained in this paragraph shall prevent the payment of a higher rate under a service or other act where authorized.

(b) *Rates under section 2, Public Law 16, 78th Congress (par. 4, Part VII, Veterans Regulation 1 (a)).* Where the death of a veteran of World War II or the Korean conflict, occurred under the conditions set forth in section 2, Public Law 16, 78th Congress (par. 4, Part VII, Veterans Regulation 1 (a)), and Public Law 894, 81st Congress, the rates payable are those set forth in § 4.124.

(Sec. 31, 48 Stat. 526, sec. 12, 54 Stat. 1197, sec. 2, 57 Stat. 43, sec. 2, 60 Stat. 910, 64 Stat. 1121; 38 U. S. C. 471a–3, 501a, 501a–1, ch. 12A, 701a)

11. In § 4.140, the headnote is amended to read as follows:

§ 4.140 *World War I, World War II, and Korean conflict.* • • •

12. In § 4.194, paragraph (a) (7) is amended to read as follows:

§ 4.194 *Veteran of any war and Korean conflict; definition of*—(a) *Persons included.* • • •

(7) *Korean conflict.* Any person discharged or released from active duty under conditions other than dishonorable, who served in the active military or naval service of the United States on or after June 27, 1950, and prior to February 1, 1955 (Public Law 28, 82d Congress).

• • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective June 2, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55–4339; Filed, June 1, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1154]

OREGON

REVOKING PUBLIC LAND ORDER NO. 118 OF APRIL 29, 1943, WHICH RESERVED PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS PATTERN BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 118 of April 29, 1943, reserving public lands in Oregon for use of the War Department as a pattern bombing range, is hereby revoked:

WILLAMETTE MERIDIAN

T. 5 N., R. 30 E.,
Sec. 10, SE¼;
Sec. 11, E½W½.

The areas described aggregate 320 acres.

The land is grazing land located approximately 25 miles north and slightly west of Pendleton, Oregon. The topography is rolling to rough. The soil is a coarse, sandy loam with vegetation of cheat, sage, and weeds. The land lies at an elevation of 900 to 1,050 feet and the average annual precipitation is 9 inches. Most of the land is too rough for cultivation and there is not sufficient precipitation to produce paying crops. There is no source of irrigation water at the present time.

No application for the land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m. on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference-right applications under the said act of September 27, 1944, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same land; otherwise, priority of filing shall govern.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 26, 1955.

[F. R. Doc. 55–4385; Filed, June 1, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11330; FCC 55–625]

[Rules Amdt. 3–46]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations, Docket No. 11330.

1. The Commission has under consideration its notice of proposed rule making issued on April 1, 1955 (FCC 55–403) and published in the FEDERAL REGISTER on April 8, 1955 (20 F. R. 2284), proposing to reserve Channel 13 at Monroe, Louisiana, for use by a non-commercial educational station in response to a petition filed by the State Superintendent of Education on behalf of the State of Louisiana.

2. The last day for filing comments in this proceeding was April 29, 1955. The only comment in opposition to the proposal was filed by Mr. Robert F. Pool, Shreveport, Louisiana, discussed more fully below.

3. Channels 8, 13, and 43 are assigned to Monroe. Station KNOE–TV operates on Channel 8. Station KFAZ has suspended operations on Channel 43 and its construction permit was deleted on January 6, 1955. No applications have been filed for Channel 13. Three channels in all are reserved for educational use in Louisiana: Channel 19 at Lake Charles; Channel 34 at Baton Rouge, and Channel 8 at New Orleans. All of these cities where channels are reserved are in the southern half of Louisiana. Monroe, a city with a population of about 38,000 persons, is located in the northeastern part of the State.

4. In support of the instant petition, the State Superintendent points out that no applications have been filed for Channel 13 in Monroe, and submits that a survey indicates little likelihood that Channel 13 will be required for commercial use in the future. It is urged that, on the other hand, there is a definite need for an educational station at Monroe to serve this area of northern Louisiana where approximately one million people reside within a 100-mile radius of Monroe and are served by about 778 elementary and secondary schools, seven colleges and universities, four special schools and eleven State-operated trade schools, as well as the Louisiana State University Extension Program and the State Department of Education Adult Education Program. Petitioner states that it has statutory authority to build and operate an educational station and that $150,000 has been appropriated for such use during the fiscal year 1954–1955 (Act No. 591). Petitioner represents that upon grant of the proposed amendment, it will immediately file an application for a construction permit for an educational station on Channel 13 in Monroe. In this connection, the State Superintendent points out that Delta Television, the former permittee of KFAZ, has agreed to make its studio and transmitter buildings and its technical facilities and equipment available to the educational station and will not dispose of them until the State of Louisiana is able to obtain authority to construct a non-commercial educational station on Channel 13 if such steps are taken promptly. In addition, Delta Television has offered to furnish technical and managerial advice and training to personnel for the proposed educational station. Because of the immediate availability of studio and transmitter facilities, detailed programming plans and adequate financing, it is urged that the station would be able to begin operating at Monroe much more rapidly and much more economically than at any other location in Louisiana, and that the experience gained at Monroe would expedite the long-range plans of the State of Louisiana for full utilization of all its non-commercial educational channel assignments.

5. Robert F. Pool in opposing the proposed amendment urges that changing the assignment of Channel 13 to an educational assignment would preclude the possibility of competitive television in the market of Monroe; that the State of Louisiana has not applied for any of the channels reserved for education in the State; that he knows of several prospective applicants for this channel when the network problem is resolved within the next 12 months; and that in the event the Board of Education desires an educational channel in Monroe, Channel 43 should be so reserved for educational use.

6. We have carefully considered the comments filed in this proceeding, and we have concluded that Channel 13 in Monroe should be reserved for use by a non-commercial educational television station. We believe that the State of Louisiana, through its State Board of Education, has made a showing warranting such a reservation. The Louisiana State Board of Education has demonstrated a need for an educational facility in this part of the State and has shown a desire and ability to proceed with plans for the prompt establishment of an educational television service for the people of Louisiana. Indeed, petitioner represents that an application can be submitted to the Commission for an educational station in Monroe within ten days from the designation of the channel for educational purposes. We believe the contentions of Mr. Pool in opposition to the request of the State Department of Education are without merit. Channel 13 was assigned to Monroe for commercial purposes some time ago. No applications for this assignment have been filed. In view of the intense interest and need for the use of this frequency for educational purposes as established in the record of this proceeding, we do not believe that we would be justified in permitting the assignment to remain unused for an indefinite period of time. We have therefore concluded that the public interest, convenience and necessity would be served by reserving Channel 13 in Monroe for use by a non-commercial educational television station.

7. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. In view of the foregoing; *It is ordered*, That, effective July 6, 1955, the table of assignments contained in § 3.606 of the rules governing television broadcast stations is amended, in so far as the city named is concerned, as follows:

City:	Channel No.
Monroe, La	8+, [1]13, 43+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: May 26, 1955.

Released: May 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4411; Filed, June 1, 1955; 8:50 a. m.]

[Docket No. 11295; FCC 55–612]

[Rules Amdt. 9–11]

PART 9—AVIATION SERVICES

TYPES OF EMISSION

In the matter of amendment of § 9.175 of the Commission's rules governing aviation services; Docket No. 11295.

At the session of the Federal Communications Commission held in its offices in Washington, D. C., on the 25th day of May 1955;

The Commission having under consideration the above captioned matter which proposed to amend Part 9, of the Commission's rules governing aviation services, to allow licensees of stations authorized to use A3 emission in the Aviation Services to transmit tone signals superimposed on the normal aeronautical frequencies for the sole function of establishing or maintaining voice communications; and

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making in this matter, which made provision for the submission of written comments by interested persons, was duly published in the FEDERAL REGISTER on March 9, 1955 (20 F. R. 1412), and that the period provided for the filing of comments has now expired; and

It further appearing that no objections to the proposed amendment have been received; and

It further appearing that the proposed amendment is in accordance with the authority contained in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

[1] Commissioners Hyde, Doerfer and Lee dissented in opinion.

It is ordered, That effective July 11, 1955, § 9.175 of Part 9 of the Commission's rules governing aviation services is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Released: May 26, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 9.175 is amended to read as follows:

§ 9.175 *Types of emission.* Stations in the aviation services may be authorized to use type A1, A2, A3 and special emission as may be appropriate. The authorization to use A3 emission will be construed to include the use of tone signals or signaling devices whose sole function is to establish or maintain voice communications. Special emission includes all types not provided for by existing international regulations, such as all types of FM, pulse transmission, and frequency shift keying.

[F. R. Doc. 55–4406; Filed, June 1, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF PUBLIC MEETING FOR CONSIDERATION OF PROPOSED AMENDMENT TO CLASSIFICATION AND ACCOUNTING RULES AND REGULATIONS

Pursuant to provisions of § 927.36 of the order, as amended (7 CFR Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), notice is hereby given of a public meeting to be held on June 7, 1955, at 10 a. m., e. d. t., at the office of the Market Administrator, 205 East Forty-second Street, New York, New York, for consideration of proposed rules and regulations heretofore issued (7 CFR 927.101 et seq.) pursuant to said order. Interested persons will be afforded an opportunity to participate in the meeting through the submission of written data, views, or arguments or to present the same orally. Copies of the said rules and regulations as heretofore issued and of the proposed amendments to be considered at this public meeting may be procured from the Market Administrator.

The proposed amendments to be considered at said public meeting are as follows:

1. By Milk Dealers' Association of Metropolitan New York, Inc.:

Amend § 927.170 *Cream: Step Nine*, by adding the words "whipped topping mixture" after the words "homogenized mixture."

By the Market Administrator:

In the event the preceding proposal is adopted, provide for the handling of whipped topping mixture in §§ 927.144, 927.146, and 927.154.

2. By Milk Dealers' Association of Metropolitan New York, Inc.:

Provide a plant loss allowance on milk received from other plants by making the following changes:

Eliminate §§ 927.180 and 927.181 and substitute the following:

§ 927.180 *Milk: Step Four.* Add to the remaining butterfat in all classes 1.0 percent: *Provided*, That if such additions are greater than the remaining plant loss, they shall be reduced pro rata to the point where they are equal to the plant loss. Deduct such additions from the plant loss.

§ 927.181 *Milk: Step Five.* Deduct a quantity of butterfat, equal to the butterfat received in the form of milk from other plants and in the form of exempt milk, pro rata from the remaining butterfat leaving the plant or in the closing inventories at the plant: *Provided*, That such deductions shall not be greater than the remaining butterfat leaving the plant or in the closing inventories at the plant. Classify any remaining plant loss as Class I–A.

3. By Ferndale Farms, Inc.:

Amend § 927.176 (p) to read as follows:

(p) Cottage cheese, farmer cheese, and popcorn cheese with cream added, 2.5 percent;

4. By General Ice Cream Corporation:

Provide an additional allowance to take care of the second stage in the manufacture of 80 percent plastic cream.

5. By the Market Administrator:

Incorporate into the permanent accounting rules and regulations the temporary amendment to the classification rules and regulations with respect to half and half issued by the Market Administrator on August 23, 1954 (19 F. R. 5532).

6. By the Market Administrator:

Make the following changes in the definitions:

(a) Amend § 927.108 by adding the following: "This definition includes but is is not limited to the products properly known as buttermilk, chocolate drink, chocolate milk, egg nog and yogurt."

(b) Amend §§ 927.125 and 927.126 by adding the following: "The addition of water as such at any plant shall not be considered the addition of a non-milk ingredient for purposes of this definition."

7. By the Market Administrator:

Amend those provisions with respect to the elimination of butterfat received or in the opening inventories in the form of milk drinks by providing that they shall be eliminated from butterfat leaving the plant or in the closing inventories in the form of milk drinks in like form. This requires amendment to, among others, §§ 927.150, 927.151, 927.172, 927.173 and 927.177.

8. By the Market Administrator:

A. Amend the rules for determining the butterfat content of cultured and flavored milk drinks in Classes II and III by:

(1) Determine the fat content of the product by test.

(2) Eliminate the quantities of fat other than butterfat in the same manner as is provided for homogenized mixtures.

B. Provide for the following plant loss allowance as follows:

(1) Amend § 927.154 by adding new paragraph (i) as follows:

(i) Packaged milk drinks in Class II and Class III, 1.5 percent;

(2) Amend § 927.176 by adding new paragraph (s) as follows:

(s) Cultured and flavored milk drinks in Class II and Class III, 2.5 percent;

C. Amend § 927.231 by adding the following to the table:

Cultured milk drink..	40 quarts or 40 quart can.	86.00
Flavored milk drink..	....do....	91.00

9. By the Market Administrator:

A. Amend § 927.201 (d) by adding the following provisos: "*Provided*, That the butterfat in pool cream which has been classified at the shipping plant in accordance with § 927.33 (d) shall, to the extent possible, be first assigned to the same class of butterfat: *Provided, further*, That any remaining butterfat so classified shall be first assigned pro rata to the remaining classes of butterfat excepting Classes I–A and II, to the extent possible. Any remaining butterfat shall be first assigned to Class II and then to Class I–A."

B. Amend § 927.202 (e) by adding the following provisos: "*Provided*, That the butterfat in pool milk which has been classified at the shipping plant in accordance with § 927.33 (d) shall, to the extent possible, be first assigned to the same class of butterfat: *Provided, further*, That any remaining butterfat so classified shall first be assigned pro rata to the remaining classes of butterfat excepting Classes I–A and II, to the extent possible. Any remaining butterfat shall be first assigned to Class I–A and then to Class II."

10. By the Market Administrator:

A. Amend § 927.220 by eliminating the two sentences beginning with "In the event that the opening inventories . . ." and ending with ". . . in like form could be deducted.", and substitute therefor the following: "In the event that the opening inventories of any product were also opening inventories for the previous month, the butterfat in such product shall be deducted in the same manner as receipts of such product."

B. Add a new sentence to § 927.220 as follows: "In the event that no pooled butterfat is received in the succeeding

month, closing inventories of butterfat in the form of milk, half and half, concentrated fluid milk or plain condensed milk, fluid milk products, cultured or flavored milk drinks, cream, sour cream and fluid cream products shall be classified on a pro rata basis in the same manner as is classified the butterfat in all dairy products leaving the plant."

11. Amend § 927.106 by deleting the words "all parts" and substituting the words "any part or parts."

Issued at New York, N. Y., this 25th day of May 1955.

[SEAL] A. J. POLLARD,
Acting Market Administrator.

[F. R. Doc. 55-4454; Filed, June 1, 1955; 8:55 a. m.]

Agricultural Research Service

[7 CFR Part 301]

PINK BOLLWORM

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator, Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and section 3 of the Insect Pest Act (7 U. S. C. 143), is considering amending notice of quarantine No. 52 relating to the pink bollworm and the regulations supplemental to said quarantine (7 CFR, 1953 Supp. 301.52, 301.52–1 et seq., as amended, 19 F. R. 1787, 3809) in the following respects:

1. Amend § 301.52 by deleting in paragraph (b) the words "lint waste products derived from the milling of cottonseed, nonlint oil mill trash" and substituting therefor the words "waste products, including motes, derived from the milling of cottonseed," and by substituting the word "trucks" for the word "boats" in paragraph (d).

2. Amend § 301.52–1 (c), (h), (l), (n), (o), (p), (r), and (u), respectively, to read as follows:

§ 301.52–1 *Definitions.* • • •

(c) *Cotton products.* Seed cotton, cotton lint, linters, oil mill waste, gin waste, gin trash, all other forms of unmanufactured cotton fiber, cottonseed, cottonseed hulls, cottonseed cake, and cottonseed meal.

• • • • •

(h) *Oil mill waste.* Waste products, including motes, derived from the milling of cottonseed.

• • • • •

(l) *Regulated articles.* Products and articles that may move under the regulations in this subpart.

• • • • •

(n) *Certificate.* An approved document issued by an inspector evidencing the apparent freedom of regulated articles from the pink bollworm.

(o) *Limited permit.* An approved document issued by an inspector to allow movement of noncertified, regulated articles to or from authorized and designated gins, oil mills, or processing or manufacturing plants.

(p) *Dealer-carrier permit.* An approved document issued to persons engaged in ginning, manufacturing, processing, or handling regulated articles for subsequent movement from or within the regulated area, or to persons moving regulated articles from or within the regulated area.

• • • • •

(r) *Moved (movement and move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from any part of the regulated area in any State, into or through any other State, Territory, or District of the United States. ("Movement" and "move" shall be construed accordingly.)

• • • • •

(u) *Heat treatment.* Treatment of cottonseed at an approved plant whereby the cottonseed is heated to a temperature of 150° F. for a minimum period of 30 seconds, under the supervision of an inspector, and subsequently protected from contamination.

3. Amend § 301.52–2 to read as follows:

§ 301.52–2 *Regulated area.* The following are hereby designated as a single, continuous regulated area within the meaning of the regulations in this subpart:

Arizona. Counties of Cochise, Graham, Greenlee and Santa Cruz, and all of Pima County except that portion lying west of the west line of Range 6 East.

Arkansas. Counties of Calhoun, Clark, Columbia, Conway, Crawford, Dallas, Franklin, Garland, Hempstead, Hot Springs, Howard, Johnson, Lafayette, Little River, Logan, Miller, Montgomery, Nevada, Ouachita, Perry, Pike, Polk, Pope, Scott, Sebastian, Sevier, Union, and Yell.

Louisiana. Parishes of Allen, Beauregard, Blenville, Bossier, Caddo, Calcasieu, Cameron, Claiborne, De Soto, Jefferson Davis, Lincoln, Natchitoches, Red River, Sabine, Union, Vermilion, Vernon, and Webster.

New Mexico. Counties of Catron, Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Quay, Roosevelt, Sierra, Socorro, and Valencia.

Oklahoma. The entire State.

Texas. The entire State.

4. Amend § 301.52–3 to read as follows:

§ 301.52–3 *Regulated articles.* Cotton; cotton products; okra; kenaf; bagging and other containers and wrappers for cotton and cotton products; railway cars, trucks, and other means of transportation which have been used in conveying regulated cotton or cotton products or which are contaminated therewith or with live pink bollworms; and, when contaminated with live pink bollworms or regulated cotton or cotton products, any other commodities, including picking, ginning, and oil mill equipment and other cotton processing machinery; farm equipment, farm household goods, and farm products; shall not be moved from or within the regulated area; and live pink bollworms shall not be removed from any State, or Territory or the District of Columbia into any other State, or Territory, or the District of Columbia; except as hereinafter provided.

5. Amend §§ 301.52–4 and 301.52–5, respectively, to read as follows:

§ 301.52–4 *Unregulated movement of certain regulated articles.* No restrictions are imposed on the movement within the regulated area of baled or unbaled lint, cottonseed cake, and cottonseed meal; nor upon the movement to any destination of samples of lint and linters of the usual trade size: *Provided,* That the bales of lint or linters from which the samples have been taken have been produced in an approved gin or oil mill and the samples have been subsequently protected from contamination; nor upon the movement to any destination of bagging and other containers and wrappers for cotton and cotton products not contaminated with either live pink bollworms, or regulated cotton or cotton products; nor upon the movement to any destination of any means of transportation which have been used in conveying regulated cotton or cotton products but are not within § 301.52–8, except as otherwise provided in § 301.52–5 (d) (2) (iv).

§ 301.52–5 *Conditions governing movement of regulated articles*—(a) *Seed cotton.* Seed cotton produced in the regulated area may be moved within or from such area without limited permit or certificate, if destined to another point within the regulated area or to a contiguous nonregulated area, solely for ginning at a gin approved to receive such seed cotton.

(b) *Baled lint.* Baled lint produced at approved gins in the regulated area may be moved from the regulated area to a nonregulated area under a certificate if it has been given standard or equivalent compression at an approved plant or has been given approved fumigation under the supervision of an inspector and has been subsequently protected from contamination. For the purposes of such compression, baled lint may be moved under limited permit to an approved plant in an adjacent nonregulated area.

(c) *Baled linters.* (1) Baled linters produced at an approved plant from cottonseed that has received an approved treatment and has been subsequently protected from contamination may be moved from the regulated area to any destination under a certificate.

(2) Baled linters produced at an approved plant from untreated cottonseed and given standard or equivalent compression at an approved plant or other approved treatment and subsequently protected from contamination may be moved from the regulated area to any destination under a certificate.

(3) Baled linters produced at an approved plant from untreated cottonseed may be moved under limited permit to any destination within the regulated area in New Mexico, Oklahoma, or Texas; to any noncotton-producing State; or to an approved cellulose plant at any location; for processing.

(d) *Cottonseed.* (1) Cottonseed produced at approved gins in that part of the regulated area in Arkansas, Arizona, Louisiana, and in those counties of New Mexico and Texas where gins are required to heat treat cottonseed as a continuous process of ginning[1] may be moved under certificate to any destination if such cottonseed has received an approved heat treatment at the gin where produced and is subsequently protected from contamination.

(2) Cottonseed produced in Oklahoma and in those counties of Texas and New Mexico where the gins are not required to heat treat cottonseed as a continuous process of ginning may be moved when it meets the requirements of any one of the following procedures:

(i) Such seed may be moved under limited permit to approved oil mills located in Oklahoma or those counties in Texas or New Mexico where gins are not required to heat treat cottonseed as a continuous process of ginning, for processing.

(ii) Such seed may be moved under limited permit to designated oil mills located in that part of the regulated area where gins are required to heat treat cottonseed as a continuous process of ginning, for treatment upon arrival.

(iii) Such seed may be moved under certificate to any destination when it has received an approved treatment under supervision of an inspector and is subsequently protected from contamination.

(iv) Railway cars, trucks, or other means of transportation moving such seed in accordance with any of the procedures specified in this subparagraph must be cleaned or treated under the supervision of an inspector immediately after unloading.

(e) *Cottonseed cake and meal.* Cottonseed cake and meal produced at an approved oil mill in the regulated area from treated or untreated seed and subsequently protected from contamination may be moved to any destination within the regulated area without restriction, but may be moved to destinations in a nonregulated area only under a certificate.

(f) *Cottonseed hulls.* (1) Cottonseed hulls produced at an approved oil mill from cottonseed that has been given approved treatment and subsequently protected from contamination may be moved to any destination under a certificate.

(2) Cottonseed hulls produced at an approved oil mill from untreated cottonseed may be moved under limited permit to any destination within that part of the regulated area in New Mexico, Oklahoma, or Texas, or to any noncotton-producing State, for utilization. Such products may be certified for movement to any destination after they have received an approved treatment under the supervision of an inspector and have been subsequently protected from contamination.

(g) *Oil mill waste.* (1) Oil mill waste produced at an approved oil mill from cottonseed that has been given an approved treatment and has been subsequently protected from contamination may be moved to any destination under a certificate.

(2) Oil mill waste produced from untreated seed may be moved under a certificate to any destination after it has received approved fumigation or other approved treatment.

(h) *Cottonseed meats.* All cottonseed meats (whole cottonseed from which the hulls or outer coverings have been removed) produced from untreated cottonseed may be moved under limited permit for further processing to any approved mill within that part of the regulated area in New Mexico, Oklahoma, or Texas. Cottonseed meats from treated cottonseed, when subsequently protected from contamination, may be moved to an approved oil mill in the regulated area without certificate or limited permit and may be moved to any destination under a certificate.

(i) *Baled gin waste.* Baled gin waste produced at approved gins in the regulated area may be moved under a certificate to nonregulated areas after such baled gin waste has received an approved treatment under the supervision of an inspector.

(j) *Gin trash.* Gin trash may be moved from a regulated area to any destination under a certificate when such gin trash has been given an approved fumigation or other approved treatment under the supervision of an inspector and has been subsequently protected from contamination.

(k) *Kenaf.* Kenaf produced in the regulated area may be moved without certificate or limited permit to any destination when produced under such conditions as in the judgment of the inspector render it free from infestation. Otherwise, it may be moved only under a certificate after it has received an approved treatment under the supervision of an inspector.

(l) *Okra*—(1) *Okra seed.* Okra seed produced in the regulated area may be moved to any destination under a certificate after such seed has received an approved fumigation under the supervision of an inspector.

(2) *Edible okra.* (i) Edible okra produced in Texas may be moved under a certificate to any destination during the period December 1 to March 31, inclusive, when produced under such conditions as in the judgment of the inspector render it free from infestation.

(ii) Edible okra produced in Texas during the period April 1 to November 30, inclusive, may be moved to any destination under a certificate which may be issued if the okra has been produced under such conditions as in the judgment of the inspector render it free from infestation or has been processed or treated under the supervision of an inspector in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(iii) Edible okra produced in Texas during the period April 1 to November 30, inclusive, when shipped via common carrier by the holder of a dealer-carrier permit authorizing such shipment and when suitably identified on the container thereof with a stamp as required by the inspector, may be moved without certificate or limited permit to any destination in the noncotton-producing States of Colorado, Connecticut, Delaware, Idaho, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming; or the District of Columbia; or the following cities in cotton-producing States: Chicago, Illinois; Kansas City and Wichita, Kansas; Kansas City, Missouri; and Louisville, Kentucky; for immediate processing or consumption therein.

(iv) Edible okra produced in any other part of the regulated area may be moved without restriction to any destination when produced under such conditions as in the judgment of the inspector render it free from infestation. Otherwise, it must be processed or treated as provided in subdivision (ii) of this subparagraph or must meet the requirements of subdivision (iii) of this subparagraph.

6. Delete § 301.52–6, and redesignate §§ 301.52–7, 301.52–8, 301.52–9, 301.52–10, 301.52–11, 301.52–12, 301.52–13, and 301.52–14, respectively, as §§ 301.52–6, 301.52–7, 301.52–8, 301.52–9, 301.52–10, 301.52–11, 301.52–12, and 301.52–13. In redesignated §§ 301.52–6, 301.52–9, and 301.52–12, substitute the phrase "regulated articles" for the phrase "restricted articles" wherever the latter appears.

7. Amend redesignated §§ 301.52–7 and 301.52–8 to read, respectively, as follows:

§ 301.52–7 *Articles originating outside the regulated area.* (a) Articles of a kind covered by § 301.52, except cotton harvesting or ginning machinery, originating in the United States but outside the regulated area may be moved from the regulated area under certification without processing, fumigation or other treatment, if, while in the regulated area, these articles have been handled and stored in such a manner as to maintain their identity and prevent infestation or contamination with other regulated articles, otherwise such products will require the same treatment as products originating in the regulated area.

(b) Regulated articles imported into the regulated area in accordance with the provisions of §§ 319.8, 319.8–1, et seq. of this chapter shall, before movement from the regulated area, meet the requirements of this subpart applicable to regulated articles produced in such area.

§ 301.52–8 *Cleaning or treating requirements for articles when contaminated.* Railway cars, trucks, and other means of transportation; bagging and other containers or wrappers for cotton; cotton processing machinery; farm equipment; farm household goods; farm products; and any other commodities; which are contaminated with live pink bollworms, or with cotton or cotton products originating within the regulated area or imported thereinto from contiguous areas of Mexico may be moved from or within the regulated area only after they have been freed from

[1] The Chief of the Branch will make public a list or a map of the regulated area showing the counties in which gins are required to heat treat cottonseed as a continuous process of ginning.

such contamination by cleaning or treatment to the satisfaction of an inspector, after which cleaning or treatment no certificate or limited permit will be required except as prescribed by an inspector for bagging, for other containers or wrappers for cotton, and for cotton processing or harvesting machinery; and as provided elsewhere in this subpart. Cotton harvesting machinery or cotton ginning machinery, that has been used or otherwise kept within the regulated area will be deemed contaminated and may be moved to a nonregulated area or to that part of the regulated area in Arizona, Arkansas, or Louisiana from any part of the regulated area not in one of these three States only if it has been cleaned and given an approved fumigation and is covered by a certificate.

8. Amend redesignated § 301.52–13 by inserting the word "pink" between the words "such" and "bollworms" in the last sentence of this section.

These amendments would combine into a single, continuous area the present heavily and lightly infested pink bollworm regulated areas, and would extend the combined area by the addition thereto of the Arkansas Counties of Calhoun, Clark, Conway, Crawford, Dallas, Franklin, Garland, Hot Springs, Johnson, Logan, Montgomery, Ouachita, Perry, Pike, Polk, Pope, Scott, Sebastian, Union, and Yell.

Another amendment would more specifically define oil mill waste in the notice of quarantine and regulations. In addition, other amendments would modify present procedures for the movement either within the regulated area or to points outside thereof, of regulated articles, particularly with reference to the movement of okra.

Slight modifications have also been made in the requirements for the movement from the regulated area of cotton harvesting and ginning machinery.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within 10 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162; sec. 3, 33 Stat. 1270; 7 U. S. C. 143)

Done at Washington, D. C., this 27th day of May 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55–4420; Filed, June 1, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 4]

[Docket No. 11164; FCC 55–619]

TELEVISION AUXILIARY BROADCAST STATIONS

EXTENSION OF TIME FOR FILING REPLIES

In the matter of amendment of Part 4 of the Commission's rules and regulations governing television auxiliary broadcast stations; Docket No. 11164.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of May 1955;

The Commission having under consideration a petition of American Telephone and Telegraph Company filed May 25, 1955, requesting that the time for filing replies to comments in connection with the further notice of proposed rule making herein issued April 1, 1955, be extended from May 31, 1955, to June 30, 1955; and

It appearing that good cause is shown in the petition for some extension of time, but that public interest in a prompt disposition of this proceeding would not be served by the full 30-day extension requested by petitioner;

It is ordered, That the time for filing replies to comments herein is extended from May 31, 1955, to June 13, 1955.

Released: May 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4412; Filed, June 1, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF ARMY, NAVY AND AIR FORCE

DELEGATION OF AUTHORITY FOR SUBMITTING LOYALTY CERTIFICATIONS OF CIVILIAN PERSONNEL ASSIGNED TO U. S. MISSIONS IN GREECE AND TURKEY; REVOCATION

Delegation of authority to the Secretaries of the Army, Navy and Air Force for submitting Loyalty Certifications of Civilian Personnel Assigned to United States Missions in Greece and Turkey, published at 17 F. R. 6718, has been revoked, effective March 17, 1955.

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 55–4395; Filed, June 1, 1955; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of the Mint

[Delegation Order 1]

DELEGATION OF AUTHORITY TO OFFICERS OF BUREAU OF THE MINT UNDER EMERGENT CONDITIONS

1. By virtue of the authority vested in me by Treasury Department Order No. 129 (Revision No. 2), there is hereby delegated to the Superintendents of the United States Mints at Philadelphia, Pennsylvania, Denver, Colorado, and San Francisco, California, and the United States Assay Office at New York, New York, upon the proclamation by the President of the existence of a state of civil defense emergency or in the event of an enemy attack upon any point within the continental limits of the United States, so much of the authority vested in the Director of the Mint by delegation from the Secretary of the Treasury as relates to the functions performed by the respective officers within their functional and geographical areas of jurisdiction. The purpose of this delegation is to provide a temporary expedient to meet emergent conditions. The respective officers will be notified when they are to cease to exercise the authority herein delegated.

2. The following officers of the Bureau of the Mint, in the order of succession enumerated, upon the proclamation by the President of the existence of a state of civil defense emergency or in the event of an enemy attack upon any point within the continental limits of the United States, shall, if I am absent or disabled, or if there is a vacancy in the office, act as Director of the Mint.

Assistant Director.
Chief Accountant.
Assistant Chief Accountant.
Internal Auditor.
Assistant Technical Consultant.
Chief Clerk in Charge, United States Bullion Depository, Fort Knox, Kentucky.

3. The following officers of the Bureau of the Mint, in the order of succession enumerated, shall act as Director of the Mint, during my absence or disability, or when there is a vacancy in the office: Assistant Director.

[SEAL] WM. H. BRETT,
Director of the Mint.

MAY 25, 1955.

[F. R. Doc. 55–4404; Filed, June 1, 1955; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Agriculture, Forest Service, has filed an application, Serial No. Colorado–06298, for the withdrawal of the lands described below, from location and entry under the General Mining Laws, subject to existing valid claims. The applicant desires the land for use as public campgrounds, picnic grounds, and recreation areas.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ARAPAHOE NATIONAL FOREST

Trail Creek Camp Ground

T. 4 N., R. 78 W.,
Section 26: NW¼NE¼SE¼.

10 acres.

Denver Creek Camp Ground

T. 4 N., R. 78 W.,
Section 36: SW¼SW¼.

40 acres.

Cold Springs Recreation Area

T. 2 S., R. 73 W.,
Section 25: E½NE¼NW¼SE¼; W½NW¼NE¼SE¼; W½W½SE¼NW¼; E½SW¼NW¼; NW¼NW¼.

80 acres.

Berthoud Pass Recreation Area

T. 3 S., R. 75 W., Unsurveyed,
Section 3: W½SE¼; SW¼;
Section 4: SE¼; N½SW¼;
Section 9: All;
Section 10: All;
Section 15: N½; N½SE¼; SW¼;
Section 16: NE¼; E½NW¼; NW¼NW¼; E½SE¼;

2,680 acres.

Hoop Creek Recreation Area

T. 3 S., R. 75 W., Unsurveyed,
Section 21: S½SW¼SE¼NE¼; S½SW¼NE¼; S½SE¼NW¼; N½NE¼SW¼; N½NW¼SE¼; N½NW¼NE¼SE¼.

90 acres.

Big Bend Picnic Ground

T. 3 S., R. 75 W., Unsurveyed,
Section 20: SE¼NW¼SW¼SW¼; NE¼SW¼SW¼SW¼; SW¼NE¼SW¼SW¼; NW¼SE¼SW¼SW¼.

10 acres.

Clear Creek Recreation Area

T. 3 S., R. 75 W., Unsurveyed,
Section 22: S½S½SW¼NE¼; N½N½NW¼SE¼; S½S½SE¼NW¼; N½S½NE¼SW¼.

40 acres.

Arapaho Spring Picnic Ground

T. 4 S., R. 72 W.,
Section 19: Lot 3.

34.96 acres.

Arapaho View Picnic Ground

T. 4 S., R. 72 W.,
Section 19: SW¼NE¼NW¼.

10 acres.

Squaw Pass Camp Ground

T. 4 S., R. 72 W.,
Section 20: W½SW¼SE¼SW¼; E½SE¼SW¼SW¼.

10 acres.

Barbour Fork Picnic Ground

T. 4 S., R. 73 W.,
Section 9: NE¼NE¼SE¼; N½SE¼NE¼SE¼;
Section 10: NW¼NW¼SW¼; N½SW¼NW¼SW¼.

30 acres.

Echo Lake Picnic Ground

T. 4 S., R. 73 W.,
Section 32: S½N½NW¼SW¼; N½S½NW¼SW¼.

20 acres.

West Chicago Creek Recreation Area

T. 4 S., R. 74 W.,
Section 22: S½SE¼SE¼SE¼; S½SE¼SW¼SE¼;
Section 23: SW¼NE¼SW¼; NW¼SE¼SW¼; N½SW¼SE¼SW¼; S½SW¼SW¼; NE¼SW¼SW¼; S½SE¼NW¼SW¼; S½NW¼SW¼SW¼;
Section 26: W½NW¼NW¼NW¼;
Section 27: NE¼NE¼; NE¼NW¼NE¼; S½NW¼NE¼; N½SW¼NE¼; E½NE¼SE¼NW¼; E½SE¼NW¼.

180 acres.

Bethel Camp Ground

T. 4 S., R. 76 W., Unsurveyed,
Section 14: E½SW¼SW¼; SW¼SW¼SW¼.

30 acres.

Loveland Basin Recreation Area

T. 4 S., R. 76 W., Unsurveyed,
Section 20: SE¼; S½NE¼;
Section 21: All;
Section 22: S½S½; NW¼SW¼;
Section 23: SW¼SW¼;
Section 26: W½W½;
Section 27: All;
Section 28: All;
Section 29: E½; E½NW¼; NE¼SW¼;
Section 33: N½N½;
Section 34: N½; N½SW¼; NW¼SE¼;
Section 35: NW¼NW¼.

3640 acres.

Boulder Creek Camp Ground

T. 4 S., R. 78 W.,
Section 4: Lot 5.

44.5 acres.

Blue River Camp Ground

T. 4 S., R. 78 W.,
Section 4: Lot 20;
Section 9: Lot 14.

36.52 acres.

Falls Trail Picnic Ground

T. 5 S., R. 71 W.,
Section 31: NE¼NW¼NE¼.

10 acres.

Cub Creek Recreation Area

T. 5 S., R. 71 W.,
Section 31: SE¼SE¼.
T. 6 S., R. 71 W.,
Section 6: Lot 4.

98.8 acres.

Arapaho Basin Recreation Area

T. 5 S., R. 76 W.,
Section 2: S½; S½N½;
Section 3: E½SE¼;
Section 10: E½E½;
Section 11: All.

1360 acres.

Snake River Picnic Ground

T. 5 S., R. 76 W.,
Section 18: SW¼SW¼SE¼.

10 acres.

Maxwell Falls Picnic Ground

T. 6 S., R. 71 W.,
Section 6: E½SW¼NE¼.

20 acres.

Officers Gulch Camp Ground

T. 6 S., R. 78 W.,
Section 8: W½NW¼SE¼SW¼; SW¼SW¼;
Section 17: NE¼NE¼.

85 acres.

MAX CAPLAN,
State Supervisor.

MAY 25, 1955.

[F. R. Doc. 55–4419; Filed, June 1, 1955; 8:52 a. m.]

Office of the Secretary

[Order 2789]

DIRECTOR, FISH AND WILDLIFE SERVICE

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR PURCHASE OF CERTAIN EQUIPMENT

MAY 25, 1955.

SECTION 1. *Delegation of authority.* (a) The Director of the Fish and Wildlife Service is authorized to exercise, in accordance with the provisions of paragraph (b) of this section, the authority delegated to the Secretary of the Interior by the Administrator of General Services (20 F. R. 2837), to negotiate, without advertising, under section 302 (c) (12) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., sec. 252 et seq.), contracts for the purchase of outboard motors for use in Alaska, except the making of determinations under section 302 (c) (12) of the act.

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with the policies, procedures and controls prescribed by the General Services Administration.

SEC. 2. *Redelegation.* The Director of the Fish and Wildlife Service may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order. Each such redelegation shall be published in the FEDERAL REGISTER.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55–4386; Filed, June 1, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CHAIRMEN, ET AL., OF AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

DELEGATION OF AUTHORITY AS CONTRACTING OFFICERS

Pursuant to authority vested in the Executive Vice President, Commodity Credit Corporation, by the bylaws of the Corporation, the respective chairmen, or in their absence the acting chairmen, of the Agricultural Stabilization and Conservation County Committees in the cotton-producing States, or if so designated by such Agricultural Stabilization and Conservation County Committees,

the ASC county office managers are hereby appointed contracting officers of Commodity Credit Corporation, with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the purchase, transportation, handling, and storage of cottonseed prior to the delivery of such cottonseed to an oil miller or an approved storage facility under the 1955-Crop Cottonseed Purchase Program formulated by Commodity Credit Corporation and Commodity Stabilization Service.

The foregoing authority as contracting officers shall be exercised in accordance with instructions issued by the appropriate Vice President of Commodity Credit Corporation, which shall be available for public inspection in the files of the Agricultural Stabilization and Conservation county offices in the respective cotton-producing States.

Issued this 26th day of May 1955.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 55-4393; Filed, June 1, 1955; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATIVE OFFICER, REGION VI (SAN FRANCISCO)

REDELEGATION OF AUTHORITY TO EXECUTE LEGENDS ON BONDS, NOTES OR OTHER OBLIGATIONS EVIDENCING LOANS MADE UNDER TITLE I OF THE HOUSING ACT OF 1949, AS AMENDED, INDICATING ACCEPTANCE OF SUCH INSTRUMENTS AND PAYMENT THEREFOR

The Regional Administrative Officer, Region VI (San Francisco), Housing and Home Finance Agency, is hereby authorized to take the following action:

Execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note or other obligation being acquired by the Federal Government from a local public agency pursuant to Title I of the Housing Act of 1949, as amended (63 Stat. 414–421, as amended, 42 U. S. C. 1952 ed. and Sup. I 1450–1460), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note or other obligation and its payment therefor on the date specified in the particular legend.

(Reorg. Plan 3 of 1947, 61 Stat. 954; 62 Stat. 1268, 1283–85 (1948), as amended, 12 U. S. C., 1952 ed., 1071c; Delegation of Authority effective Jan. 25, 1955, 20 F. R. 556 (Jan. 25, 1955).)

Effective as of the 1st day of June, 1955.

M. JUSTIN HERMAN,
Acting Regional Administrator, Region VI.

[F. R. Doc. 55-4418; Filed, June 1, 1955; 8:52 a m.]

GENERAL SERVICES ADMINISTRATION

PALM OIL HELD IN THE NATIONAL STOCK PILE

DISPOSITION

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 597, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 30,000,000 pounds of palm oil now held in the National Stock Pile.

This quantity of palm oil is no longer needed in the National Stock Pile because of a revised determination by the Office of Defense Mobilization that this quantity of palm oil is obsolescent for use in time of war because of the development of new nonstrategic materials.

It is proposed to channel the palm oil to be disposed of to the steel industry, which is the major consumer of this commodity and for whose use the commodity was originally stock piled. It is believed that this plan will protect the United States against avoidable loss and also protect producers, processors and consumers of palm oil against avoidable disruption of their usual markets.

This material will be available for disposition on and after December 2, 1955.

Dated: May 26, 1955.

A. J. WALSH,
Commissioner, Emergency Procurement Service, General Services Administration.

[F. R. Doc. 55-4470; Filed, June 1, 1955; 12:00 m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 27, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30677: Fertilizer and fertilizer material—Fairfield, Ala., to Athens, Ga. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer material, carloads, from Fairfield, Ala., to Athens, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 85 to Agent Spaninger's I. C. C. 1221.

FSA No. 30678: Transit rates—class traffic in southern territory. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on class and commodity traffic moving under "two-way" transit arrangements, between points in southern territory.

Grounds for relief: Routes through transit points and circuity.

Tariff: Supplement 13 to Agent Spaninger's I. C. C. 1398.

FSA No. 30679: Canned foodstuffs—Pacific Coast to Memphis, Tenn., and New Orleans, La. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads, from Pacific Coast Points taking rate basis 1 (north coast) and rate basis 4 (south coast) rates or rates made arbitraries higher, to Memphis, Tenn., and New Orleans, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 15 to Agent Prueter's I. C. C. 1567.

FSA No. 30680: Heating or cooking apparatus—Pacific Coast to New Orleans, La. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on heating or cooking apparatus and related articles, carloads, from Pacific Coast points taking rate bases 1 and 4 rates, to New Orleans, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 15 to Agent Prueter's I. C. C. 1567.

FSA No. 30681: Citrus fruit—Pacific Coast to Minn., N. Dak., and S. Dak. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on citrus fruits, carloads, from South Pacific Coast points taking rate basis 4 rates or rates arbitraries higher to destinations in Minnesota, North Dakota and South Dakota taking groups E–3 and E–5 rates.

Grounds for relief: Circuitous routes.

Tariff: Supplement 42 to Agent Prueter's I. C. C. 1558.

FSA No. 30682: Phosphate rock—Florida to Oklahoma. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads, from Bartow, Fla., and other Florida points to Altus, Broken Arrow, and Marlow, Okla.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 116 to Seaboard Air Line Railroad tariff I. C. C. A–8153.

FSA No. 30683: Export and import rates—Central Territory to and from southern ports. Filed by H. M. Engdahl, Agent, for interested rail carriers. Rates on classes and commodities, carloads, from and to points in Illinois, Indiana and Ohio, to and from southern ports.

Grounds for relief: Circuitous routes and port equalization.

Tariffs: Supplement 74 to Agent Engdahl's tariff I. C. C. 119; Supplement 50 to Agent Engdahl's tariff I. C. C. 126; Supplement 125 to Agent Engdahl's tariff I. C. C. 13.

FSA No. 30684: Sodium phosphates to Cincinnati, Ohio. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on phosphates, sodium, disodium, tri-sodium, carloads, from Trenton, Mich., Chicago, Chicago Heights, and Joliet, Ill., Jeffersonville and New Albany, Ind., to Cincinnati, Ohio.

Grounds for relief: Marked competition and circuity.

FSA No. 30685: Malt liquors—to West Memphis, Ark. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ale, beer, beer tonic, porter or stout, carloads, from Terre Haute, Ind., to West Memphis, Ark.

Grounds for relief: Circuitous routes.

Tariff: Supplement 86 to Agent Kratzmeir's I. C. C. 4053.

FSA No. 30686: Alcohol—Baton Rouge and New Orleans, La., to Memphis, Tenn. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on alcohol, carloads, from Baton Rouge, North Baton Rouge, Chalmette, and New Orleans, La., to Memphis, Tenn.

Grounds for relief: Circuitous routes operating in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-4387; Filed, June 1, 1955; 8:46 a. m.]

[Notice 62]

MOTOR CARRIER APPLICATIONS

MAY 27, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 200 Sub 180, filed May 16, 1955, RISS & COMPANY, INC., 15 West 10th Street, Kansas City, Mo. Applicant's representative: M. W. Van Cleave, same address as applicant. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Detroit, Mich., and the site of the Chasis Parts Manufacturing Plant of Ford Motor Company in Sterling Township, Macomb County, Mich. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 200 Sub 181, filed May 19, 1955, RISS & COMPANY, INC., 15 West 10th Street, Kansas City, Mo. Applicant's representative: M. W. Van Cleave, same address as applicant. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk*, and *commodities requiring special equipment*, but excluding livestock, serving the site of the Perrin Air Force Base, Grayson County, Tex., as an off-route point in connection with carrier's regular route operations between Ottawa, Kans., and Denison, Tex. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 263 Sub 77, filed May 23, 1955, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, P. O. Box 349, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between San Francisco, Calif., and San Jose, Calif., from San Francisco over U. S. Highway 101 to San Jose (also from San Francisco over By-Pass U. S. Highway 101 to San Jose), and return over the same route, serving all intermediate points, and (2) between Oakland, Calif., and San Jose, Calif., from Oakland over California Highway 17 to junction California Highway 9, thence over California Highway 9 to San Jose, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in California, Idaho, Montana, Nevada, New Mexico, Oregon, and Utah.

No. MC 1124 Sub 121, filed December 14, 1954, published January 12, 1955, on page 284, and amended May 20, 1955, HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Ave., Houston, Texas. Applicant's attorney: Robert A. Ainsworth, Jr., National Bank of Commerce Building, New Orleans 12, La. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives, and commodities in bulk*, but excluding those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, (1) between New Orleans, La., and Jacksonville, Fla., from New Orleans over U. S. Highway 90 to Mobile, Ala., thence over U. S. Highway 31 to Brewton, Ala., thence over U. S. Highway 29 to Andalusa, Ala., thence over U. S. Highway 84 to Valdosta, Ga., thence over U. S. Highway 41 to Lake City, Fla., and thence over U. S. Highway 90 to Jacksonville, Fla., serving no intermediate points between New Orleans and Brewton, and no freight will be transported from the origin points of Valdosta, Ga., to Jacksonville, Fla., as a destination point, or from Jacksonville, Fla., as an origin point to Valdosta, Ga., as a destination point, (2) between New Orleans, La., and Jacksonville, Fla., from New Orleans over U. S. Highway 90 to Jacksonville, serving all intermediate points betwen Pensacola, Fla., and Jacksonville, Fla., but not including Pensacola, Fla., (3) permission is also requested in this application to serve a radius of 15 miles of each incorporated town, city or municipality involved in this application, and (4) permission is also requested to serve any point within 10 miles of either side of the highway in that portion of the routes where it is proposed that intermediate points will be served. Applicant is authorized to conduct operations in Louisiana, Texas, and Arkansas.

No. MC 1849 Sub 82, filed May 12, 1955, NORTHERN TRANSPORTATION CO., a California corporation, 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, same address as applicant. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Las Vegas, Nev., and Hanederson, Nev., over U. S. Highway 95, serving the intermediate point of Whitney, Nev. Applicant is authorized to conduct operations in California, Nevada, and Utah.

No. MC 1849 Sub 83, filed May 12, 1955, NORTHERN TRANSPORTATION CO., a California corporation, 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, same address as applicant. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Reno, Nev., and the Sierra Ordnance Depot, Herlong, Calif., from Reno over U. S. Highway 395 to junction unnumbered California highway, near Doyle, Calif., thence over unnumbered highway to the Sierra Ordnance Depot, and return over

the same route, serving no intermediate points. Applicant is authorized to conduct operations in California, Nevada, and Utah.

No. MC 15315 Sub 5, filed May 12, 1955, INDUSTRIAL CARTAGE CO., a corporation, 2540 Niles Road, SE., Warren, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Iron products and steel products*, from Niles, Ohio, to points in Cook County, Ill., those in New Jersey, New York, Indiana, Michigan, West Virginia, and those in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U. S. Highway 11 to Northumberland, Pa., thence over U. S. Highway 15 to Sunbury, Pa., thence over U. S. Highway 122 to Reading, Pa., and thence over Pennsylvania Highway 122 to the Pennsylvania-Maryland State line. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania and West Virginia.

No. MC 30605 Sub 83, filed February 18, 1955, THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, Broadway & English Sts., Wichita, Kans. Applicant's attorney: F. J. Steinbrecher, same address as applicant. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Wichita, Kans., and Pratt, Kans., over U. S. Highway 54, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with regular route operations (a) between Omaha, Nebr., and Oklahoma City, Okla., (b) between junction Kansas Highway 17 and U. S. Highway 81 (about three miles south of McPherson, Kans.), and Newton, Kans., (c) between junction U. S. Highway 50S and unnumbered highway (about five miles north of Sylvia, Kans.), and junction U. S. Highway 50S and unnumbered highway immediately north of Sylvia, (d) between Hutchinson, Kans., and Kinsley, Kans., (e) between Dodge City, Kans., and junction U. S. Highway 50S and unnumbered highway immediately north of Sylvia, Kans., (f) between Kinsley, Kans., and Pratt, Kans., and (g) between St. John, Kans., and Strickler, Kans., and (2) between Pratt, Kans., and Dodge City, Kans., over U. S. Highway 154, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with regular route operations (a) between Dodge City, Kans., and junction U. S. Highway 50S and unnumbered highway immediately north of Sylvia, Kans., and (b) between Kinsley, Kans., and Pratt, Kans. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

No. MC 35320 Sub 44, filed February 9, 1955, amended May 19, 1955, published in the March 2, 1955 issue, page 1303, T. I. M. E., Incorporated, 2604 Texas Avenue, P. O. Box 1120, Lubbock, Tex. Applicant's attorney: W. D. Benson, Jr., Eighth Floor, Lubbock National Bank Bldg., Lubbock Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *Class A, B and C explosives*, (1) between the Los Angeles, Calif., and Los Angeles Harbor, Calif., Commercial Zones as defined by the Commission, and El Paso, Tex., from Los Angeles over U. S. Highway 99 to Indio, Calif., thence over U. S. Highway 70 via Phoenix and Mesa, Ariz., and Lordsburg, N. Mex., to Las Cruces, N. Mex., thence over U. S. Highway 80 to El Paso, and return over the same route, serving no intermediate points, and serving the off-route points of White Sands and Holloman Air Force Base, N. Mex., Hughes Aircraft Plant near Tucson, Ariz., and Azusa, Calif., and (2) between Little Rock, Ark., and Oklahoma City, Okla., from Little Rock over U. S. Highway 65 to Conway, Ark., thence over U. S. Highway 64 to Russellville, Ark., thence over Arkansas Highway 7 to Dardanelle, Ark., thence over Arkansas Highway 22 to Fort Smith, Ark., thence over U. S. Highway 64 to Warner, Okla., thence over U. S. Highway 266 to junction U. S. Highway 62, thence over U. S. Highway 62 to Oklahoma City, and return over the same route, serving no intermediate points. The purpose of this application, in part, is to convert the irregular route between Azusa, Calif., and White Sands Proving Grounds, N. Mex., in Certificate No. MC 35320 to a regular route. Applicant states no duplicating authority is sought and if this application is granted it will be willing to cancel the irregular route authority on Class A, B and C explosives between Azusa, Calif., and White Sands, N. Mex. Applicant is authorized to conduct operations in Arkansas, California, New Mexico, Oklahoma, Tennessee and Texas.

No. MC 36874 Sub 1, filed May 23, 1955, DAVID GOLD, doing business as GOLD'S EXPRESS, 49 Lowell Avenue, West Orange, N. J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery products and bakery supplies*, between Philadelphia, Pa., and Perth Amboy, Westfield, Garfield, Passaic, Paterson, Morristown, Hackensack, Newton, Hackettstown, Asbury Park, and Toms River, N. J., points in Westchester County, N. Y., and those in Long Island, N. Y. Applicant is authorized to conduct operations in New Jersey, New York and Pennsylvania.

No. MC 40302 Sub 16, filed May 20, 1955, FEDERAL EXPRESS, INC., 577 West Ray Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the Ford Motor Company, Chassis Parts Division, Sterling Plant, at or near the intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's regular route operations between Detroit, Mich., and Evansville, Ind. Applicant is authorized to conduct operations in Indiana, Kentucky, Michigan and Ohio.

No. Mc 44445 Sub 4, filed May 16, 1955, HAROLD KLEIN CARTAGE, INC., 5199 Hopkins St., Milwaukee 9, Wis. Applicant's attorney: Claude J. Jasper, One West Main St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products*, and *articles distributed by meat packing houses*, as defined by the Commission, from Milwaukee, Wis., to points in Lake County, Ill., and those in Rock, Dane, Columbia, Sheboygan, Fond du Lac, Green Lake, Marquette, Waushara-Winnebago, Calumet, Manitowoc, Door, Kewaunee, Brown, Outagamie, Waupaca, Portage, Marathon, Lincoln, Langlade, Shawano, Oconto, and Marinette Counties, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return. Applicant is authorized to conduct operations in Wisconsin.

No. MC 55905 Sub 76, filed May 23, 1955, WEST COAST FAST FREIGHT, INC., 299 Adeline Street, Oakland, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *household goods as defined by the Commission*, but excluding commodities of unusual value, livestock, Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction U. S. Highway 730 and the Umatilla Bridge, near Umatilla, Oreg., and Kennewick, Wash., from junction U. S. Highway 730 and the Umatilla Bridge, over said bridge to Plymouth, Wash., thence over Washington Highway 8 to Kennewick, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in California, Idaho, Montana, Oregon, and Washington.

NOTE: Applicant proposes to operate over the above route in connection with regular route operations between Portland, Oreg., and Spokane, Wash., as described in Certificate No. MC 55905.

No. MC 59077 Sub 27, filed May 10, 1955, INLAND MOTOR FREIGHT, a corporation, South 110 Sheridan Street, Spokane, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment other than those requiring specialized handling or rigging because of size or weight, and those injurious or contaminating to other lading, between junction U. S. Highway 730 and Umatilla Bridge near Umatilla, Oreg., and Kennewick, Wash., from junction U. S. Highway 730 and Umatilla Bridge, over Umatilla Bridge to Plymouth, Wash., thence over Washington Highway 8 to Kennewick, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Idaho, Oregon and Washington.

No. MC 59336 Sub 12, filed May 20, 1955, U. S. TRUCK COMPANY, INC., 2290 24th St., Detroit 16, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Bldg., Detroit 26, Mich. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Sterling Township, Macomb County, Mich., as an off-route point in connection with applicant's presently authorized regular route operations over U. S. Highway 10 between Flint, Mich., and Detroit, Mich., and over U. S. Highway 25 between Port Huron, Mich., and Detroit, Mich. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 60393 Sub 12, filed May 17, 1955, CENTRAL TRANSFER COMPANY, 206 Griswold St., Peoria, Ill. Applicant's attorney: Carl L. Steiner, 39 S. LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading (1) between Bloomington, Ill., and Chenoa, Ill., over U. S. Highway 66; (2) between junction U. S. Highway 66 and alternate U. S. Highway 66 (north of Joliet) and junction U. S. Highway 66 and alternate U. S. Highway 66 (south of Joliet) over U. S. Highway 66; (3) between junction U. S. Highways 6 and 34 at or near Sheffield, Ill., and junction U. S. Highways 52 and 66, from junction U. S. Highways 6 and 34 at or near Sheffield, Ill., over U. S. Highway 6 to junction with U. S. Highway 51, thence over U. S. Highway 51 to junction with U. S. Highway 52, thence over U. S. Highway 52 to junction U. S. Highway 66, and return over the same route, as alternate or connecting routes for operating convenience only, serving no intermediate points but serving the termini for joinder purposes only, in connection with carrier's authorized regular routes between Peoria, Ill., and Davenport, Iowa, and between Peoria, Ill., and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, and Wisconsin.

No. MC 75651 Sub 39, filed April 26, 1955, R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: REGULAR ROUTES: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Yulee, Fla., and points within two miles thereof, as intermediate and off-route points, restricted to the transportation *of paper and paperboard products*, in connection with carrier's regular route operations between Jacksonville, Fla., and Baltimore, Md., over U. S. Highway 17. IRREGULAR ROUTES: *Paper* and *paperboard products*, from Yulee, Fla., and points within two miles thereof, to Augusta, Ga., and points in South Carolina (except Clover, S. C., and points within 35 miles of Clover). Applicant is authorized to conduct operations in Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia and the District of Columbia.

No. MC 76993 Sub 19, filed April 25, 1955, EXPRESS FREIGHT LINES, INC., 4600 W. Burnham Street, Milwaukee 46, Wis. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty St., Madison 3, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, over the following alternate regular routes for operating convenience only, in connection with applicant's presently authorized regular route operations.

(1.) From Milwaukee, Wisconsin over Wisconsin Highway 38 to Racine, Wisconsin, and return over the same route. No service is proposed to intermediate points. Service is proposed between said termini. (2.) From junction U. S. Highway 41 and Milwaukee County Trunk Y over Milwaukee County Trunk Y to its junction with Wisconsin Highway 32, and return over the same route. No Service is proposed to intermediate points. Service is proposed at said termini for joinder purposes only. (3.) From junction of U. S. Highway 41 and Milwaukee County Trunk BB over Milwaukee County Trunk BB to its junction with Wisconsin Highway 32, and return over the same route. No service is proposed to intermediate points. Service is proposed at said termini for joinder purposes only. (4.) From Milwaukee via Wisconsin Highway 15 to its junction with U. S. 45; thence on U. S. 45 to its junction with Wisconsin Highway 100; thence on Wisconsin 100 to its junction with Wisconsin Highway 32, return over the same route. No service is proposed to intermediate points. Service is proposed to Milwaukee and is proposed to other termini for joinder purposes only. (5.) From junction of U. S. Highway 41 and Wisconsin Highway 11, over Wisconsin Highway 11 to its junction with Wisconsin Highway 32, and return over the same route. No service is proposed to intermediate points. Service is proposed to other termini for joinder purposes only. (6.) From junction of U. S. Highway 41 and Wisconsin Highway 50 over Wisconsin Highway 50 to its junction with Wisconsin Highway 32, and return over the same route. No Service is proposed to intermediate points. Service is proposed to Kenosha, and is proposed to other termini for joinder purposes only, as alternate or connecting routes, in connection with the carrier's regular route operations (a) between Milwaukee, Wis., and Detroit, Mich. (via Racine, Wis., junction Wisconsin Highway 32 and Milwaukee County Trunk Y, junction Wisconsin Highway 32 and Milwaukee County Trunk BB, junction Wisconsin Highways 32 and 100, junction Wisconsin Highways 32 and 11, and junction Wisconsin Highways 32 and 50); and (b) between Milwaukee and Wadsworth, Wis. (via junction U. S. Highway 41 and Milwaukee County Trunk Y, junction U. S. Highway 41 and Milwaukee County Trunk BB, junction U. S. Highway 41 and Wisconsin Highway 11, and junction U. S. Highway 41 and Wisconsin Highway 50); (7) From junction U. S. Highway 6 and Indiana Highway 152 over Indiana 152 to its junction with U. S. Highway 20, and return over the same route. No service is proposed to intermediate points. Service is proposed at said termini for joinder purposes only, and (8.) From junction of U. S. Highway 6 and Indiana Highway 51 over Indiana Highway 51 to its junction with U. S. Highway 20, and return over the same route. No service is proposed to intermediate points. Service is proposed at said termini for joinder purposes only, as alternate or connecting routes, in connection with carrier's regular route operations (a) between Milwaukee, Wis., and Detroit, Mich. (via junction U. S. Highway 20 and Indiana Highway 152, and junction U. S. Highway 20 and Indiana Highway 51), and (b) between the Indiana-Illinois State line and junction U. S. Highway 6 and Indiana Highway 15 (via junction U. S. Highway 6 and Indiana Highway 152 and junction U. S. Highway 6 and Indiana Highway 51); (9.) From Milwaukee, Wis., over Wisconsin Highway 15 to its junction with U. S. Highway 45; thence over U. S. Highway 45 to its junction with U. S. Highway 30; thence over U. S. Highway 30 to its junction with U. S. Highway 35; thence over U. S. Highway 35 to its junction with U. S. Highway 6 near Union Center, Ind., and return over the same route. No service is proposed to intermediate points. Service is proposed to Milwaukee and to other termini for joinder purposes only, as an alternate or connecting route in connection with the carrier's regular route operations (a) between Milwaukee, Wis., and Detroit, Mich., (b) between the Indiana-Illinois State line and junction U. S. Highway 6 and Indiana Highway 15 (via junction U. S. Highways 6 and 35), and (c) between Michigan City, Ind., and junction U. S. Highways 6 and 35; (10.) From Milwaukee, Wis., over Wisconsin Highway 15 to its junction with U. S. Highway 45; thence over U. S. Highway 45 to its junction with U. S. Highway 12–20 (95th St.); thence over U. S. Highway 12–20 to its junction with U. S. Highway 41, and return over the same route. No service is proposed to intermediate points. Service is proposed to Milwaukee and to other termini for

joinder purposes only, as an alternate or connecting route, in connection with the carrier's regular route operations (a) between Milwaukee, Wis., and Detroit, Mich., (b) between Milwaukee, Wis., and Chicago, Ill. (via junction U. S. Highways 41 and 20) which is a portion of the regular route between Milwaukee, Wis., and Detroit, Mich.; (11.) From Milwaukee, Wis., over Wisconsin Highway 15 to its junction with U. S. Highway 45; thence over U. S. Highway 45 to its junction with U. S. Highway 12–20 (95th St., Chicago); thence over U. S. Highway 12–20 to its junction with U. S. Highway Alternate 30; thence over U. S. Alternate 30 to its junction with U. S. Highway 30, thence over U. S. Highway 30 to its junction with U. S. Highway 35; thence over U. S. Highway 35 to its junction with U. S. Highway 6 near Union Center, Ind., and return over the same route. No service is proposed to intermediate points. Service is proposed to Milwaukee and to other termini for joinder purposes only, as an alternate or connecting route, in connection with the carrier's regular route operations (a) between Milwaukee, Wis., and Detroit, Mich., (b) between the Indiana-Illinois State line and junction U. S. Highway 6 and Indiana Highway 15 (via junction U. S. Highways 35 and 6), and (c) between Michigan City, Ind., and junction U. S. Highways 6 and 35; (12.) From Milwaukee, Wis., over Wisconsin Highway 15 to its junction with U. S. Highway 45; thence over U. S. Highway 45 to its junction with U. S. Highway 6; thence over U. S. Highway 6 to the Illinois-Indiana State line, and return over the same route. No service is proposed to intermediate points. Service is proposed to Milwaukee and to other termini for joinder purposes only, as an alternate or connecting route, in connection with the carrier's regular route operations (a) between Milwaukee, Wis., and Detroit, Mich., and (b) between the Illinois-Indiana State line and junction U. S. Highway 6 and Indiana Highway 15; (13.) From the junction of U. S. Highway 41 and Illinois Highway 63 over Illinois Highway 63 to its junction with Illinois Highway 21; thence over Illinois Highway 21 to its junction with Illinois Highway 68 at Wheeling, Ill.; thence over Illinois Highway 68 to its junction with Illinois Highway 83; thence over Illinois Highway 83 to its junction with U. S. Highway 30; thence over U. S. Highway 30 to its junction with U. S. Highway 35; thence over U. S. Highway 35 to its junction with U. S. Highway 6 near Union Center, Ind., and return over the same route. No service is proposed to intermediate points. Service is proposed at said termini for joinder purposes only. (14.) From the junction of U. S. Highway 41 and Illinois Highway 63 over Illinois Highway 63 to its junction with Illinois Highway 176 at Libertyville, Ill.; thence over Illinois Highway 176 to its junction with U. S. Highway 45 at Mundelein, Ill.; thence on U. S. Highway 45 to its junction with U. S. Highway 30; thence over U. S. Highway 30 to its junction with U. S. Highway 35; thence over U. S. Highway 35 to its junction with U. S. Highway 6 near Union Center, Ind., and return over the same route. No service is proposed to intermediate points. Service is proposed at said termini for joinder purposes only. (15.) From the junction of U. S. Highway 41 and Illinois Highway 63 over Illinois Highway 63 to its junction with Illinois Highway 21; thence over Illinois Highway 21 to its junction with Illinois Highway 68 at Wheeling, Ill.; thence over Illinois Highway 68 to its junction with Illinois Highway 83; thence over Illinois Highway 83 to its junction with U. S. Alternate Highway 30; thence over U. S. Alternate Highway 30 to its junction with Illinois Highway 50; thence over Illinois Highway 50 to its junction with U. S. Highway 30; thence over U. S. Highway 30 to its junction with U. S. Highway 35; thence over U. S. Highway 35 to its junction with U. S. Highway 6 near Union Center, Ind., and return over the same route. No service is proposed to intermediate points. Service is proposed at said termini for joinder purposes only. (16.) From junction U. S. Highway 41 and Illinois Highway 42A over Illinois Highway 42A to its junction with U. S. Highway 30; thence over U. S. Highway 30 to its junction with U. S. Highway 35; thence over U. S. Highway 35 to its junction with U. S. Highway 6 near Union Center, Ind., and return over the same route. No service is proposed to intermediate points. Service is proposed at said termini for joinder purposes only. (17.) From the northern junction of U. S. Highway 41 (Eden's Expressway) and Illinois Highway 50, over Illinois Highway 50 to its junction with U. S. Highway 30; thence over U. S. Highway 30 to its junction with U. S. Highway 35; thence over U. S. Highway 35 to its junction with U. S. Highway 6 near Union Center, Ind., and return over the same route. No service is proposed to intermediate points. Service is proposed at said termini for joinder purposes only, as alternate or connecting routes, in connection with the carrier's regular route operations (a) between Milwaukee, Wis., and Detroit, Mich. (via junction U. S. Highway 41 and Illinois Highway 50, (b) between the Indiana-Illinois State line and the junction of U. S. Highway 6 and Indiana Highway 15 (via junction U. S. Highways 35 and 6, (c) between Michigan City, Ind., and the junction of U. S. Highways 6 and 35, and (d) between Chicago, Ill., and the junction of U. S. Highway 41 and Eden's Expressway; (18.) From the northern junction of U. S. Highway 41 (Eden's Expressway) and Illinois Highway 50, over Illinois Highway 50 to its junction with Illinois Highway 312 (127th Street); thence over Illinois Highway 312 (via 127–130th Street, Brainard Ave., Chicago Ave.), and Indiana Highway 312 to its junction with U. S. Highway 12; thence over U. S. Highway 12 to its junction with U. S. Highway 20, and return over the same route. No service is proposed to intermediate points. Service is proposed at said termini for joinder purposes only, as an alternate or connecting route, in connection with the carrier's regular route operations (a) between Milwaukee, Wis., and Detroit, Mich. (via junction U. S. Highway 41 and Illinois Highway 50, and via junction U. S. Highways 12 and 20, (b) between Chicago, Ill. and junction Eden's Expressway and U. S. Highway 41, and (c) between the junction of U. S. Highways 12 and 112 and the junction of U. S. Highways 12 and 20. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

No. MC 78786 Sub 206, filed March 22, 1955, amended May 18, 1955, published May 11, 1955 issue page 3200, PACIFIC MOTOR TRUCKING COMPANY, a corporation, 65 Market Street, San Francisco 5, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Yuma, Phoenix and Tucson, Ariz., to (a) points in Gila, Greenlee, Pinal, Graham, Pima, Santa Cruz and Cochise Counties, Ariz.; (b) points in that part of Yuma County, Ariz., on and south of U. S. Highway 70, except no service may be rendered at points on U. S. Highway 70 between Hope and the intersection of U. S. Highway 70 with the Yuma-Maricopa County line; (c) points in that part of Maricopa County, Ariz., on, south and east of a line beginning at the junction of U. S, Highway 70 and the boundary between Yuma and Maricopa Counties, and extending along U. S. Highway 70 to Phoenix, Ariz., thence along Arizona Highway 69 north to the northern boundary of Maricopa County, thence along the northern boundary of Maricopa County to boundary between Maricopa and Gila Counties, except no service may be rendered at points on U. S. Highway 70 other than Phoenix, Ariz.; (d) points in that part of Navajo County, Ariz., on and south of Arizona Highway 73; and (e) points in that part of Apache County, Ariz., on and south of a line beginning at the junction of Arizona Highway 73 with Navajo County line and extending easterly along Arizona Highway 73 to its junction with U. S. Highways 260 and 666; thence northerly along U. S. Highways 260 and 666 to junction with U. S. Highway 60; and thence easterly along U. S. Highway 60 to the Arizona-New Mexico boundary.

No. MC 81349 Sub 1, filed May 23, 1955, W. C. FULLMER TRANSFER, INC., 426 Water Street, Baraboo, Wis. Applicant's attorney: John T. Porter, 707–708 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Corrugated metal pipe, metal drainage products*, and *commodities incidental to sale and transportation thereof*, between the plant of Armco Drainage and Metal Products, Inc., near Portage, Wis., on the one hand, and, on the other, points in the upper peninsula of Michigan and those in Illinois on and north of U. S. Highway 6.

No. MC 87857 Sub 22, filed May 18, 1955, BRINK'S INCORPORATED, 234 E. 24th St., Chicago 16, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Currency*, for the Federal Reserve Bank of Atlanta, Atlanta, Ga., between Jacksonville, Fla. and Atlanta, Ga. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland,

Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Tennessee, and West Virginia.

No. MC 92983 Sub 129, filed May 18, 1955, ELDON MILLER, INC., 330 E. Washington, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Spent sulphuric acid*, in bulk, in tank vehicles, from Amarillo, Tex., to Lecox and Pryor, Okla. Applicant is authorized to conduct operations in Illinois, Kentucky, Louisiana, Missouri, Oklahoma, Texas, West Virginia, Kansas, Ohio, Indiana, Arkansas, Colorado, Nebraska, North Dakota, South Dakota, Tennessee, Iowa, Wisconsin, and Minnesota.

No. MC 92983 Sub 131, filed May 18, 1955, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, vegetable oil products*, and *blends thereof*, in bulk, in tank vehicles, from Quincy, Ill., to Hammond, Ind., and Sherman, Tex.

No. MC 92983 Sub 132, filed May 23, 1955, ELDON MILLER, INC., 330 E. Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Alcohol* and *aqua ammonia*, in bulk, in tank vehicles, from Military, Kans. to Tulsa, Okla. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Connecticut, Massachusetts, Kentucky, Pennsylvania, and New York.

No. MC 92983 Sub 133, filed May 23, 1955, ELDON MILLER, INC., 330 E. Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Carbon tetrachloride*, in bulk, in tank vehicles, from Louisville, Ky. to Tulsa, Okla.; *formaldehyde*, in bulk, in tank vehicles, from Demopolis, Ala. to Tulsa, Okla. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Connecticut, Massachusetts, Kentucky, Pennsylvania, and New York.

No. MC 101126 Sub 30, filed May 17, 1955, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Ave., Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Silica Gel Catalyst*, in bulk, in hopper-type vehicles, between Cincinnati, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, and Kentucky. Applicant is authorized to conduct operations in Kentucky and Ohio.

No. MC 102567 Sub 49, Filed May 23, 1955, EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La. (Mail. add.: P. O. Box 1822, Shreveport, La.) Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Myrtis, La. and Waskom, Texas to Government Installation at Camp Chaffee, Ark. Applicant is authorized to conduct operations in Texas, Arkansas, Louisiana, Mississippi and Tennessee.

No. MC 102830 Sub 10, filed March 16, 1955, JEFFERSON FREIGHT LINES, INC., 212 East Cork Street, Winchester, Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Food products*, in containers, from points in Clarke, Frederick, and Warren Counties, Va., points in Berkeley County, W. Va., and those in Adams County, Pa., to points in Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return. Applicant is authorized to conduct operations in Delaware, Maryland, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia.

No. MC 103378 Sub 39, filed May 19, 1955, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Black liquor skimmings* (sulphate of black liquor skimmings), in bulk, in tank trucks, from Fernandina and Jacksonville, Fla., to points in Georgia.

No. MC 103993 Sub 50, filed May 19, 1955, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by truckaway method, from Salt Lake City, Utah, to all points in the United States, and *damaged shipments* of the commodity specified in this application on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 103993 Sub 51, filed May 19, 1955, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by truckaway method, from all points in New York to all points in the United States, and *damaged shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 103993 Sub 52, filed May 19, 1955, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by truckaway method, from all points in Pennsylvania to all points in the United States, and *damaged shipments* of the commodity specified in this application on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 106623 Sub 32, filed May 9, 1955, and amended May 16, 1955, BRUCE F. JARVIS, doing business as GREENLEAF MOTOR EXPRESS, 4606 State Ave., Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, Standard Bldg., Cleveland, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Latex, synthetic*, in bulk, in tank vehicles, from Louisville, Ky., to Flint, Mich., Stoughton, Wis., and points in Ohio, and (2) *Plasticizer*, in bulk, in tank vehicles, from Avon Lake, Ohio, to Stoughton, Wis., and points in Indiana. Applicant is authorized to conduct operations in Alabama, Massachusetts, Ohio, New Jersey, Pennsylvania, Kentucky, Connecticut, New York, Rhode Island, Illinois, Michigan, Tennessee, Missouri, and Wisconsin.

No. MC 106289 Sub 7, filed April 15, 1955, SKAGIT RIVER MOTOR LINES, INC., 441 Holgate Street, Seattle, Wash. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Seattle, Wash., and Diablo, Wash., from Seattle over U. S. Highway 99 to Burlington, Wash., thence over unnumbered highway to Sedro Woolley, Wash., thence over Washington Highway 17–A to Marblemount, Wash., thence over Washington Highway 17 to Newhalem, Wash., thence over unnumbered highway to Diablo, Wash., and return over the same route. Also return from Newhalem, Wash., over Washington Highway 17 to Marblemount, Wash., thence over Washington Highway 17–A to Faber Ferry, Wash., thence across the Skagit River to junction unnumbered highway, thence over unnumbered highway via Darrington and Fortson, Wash., to Arlington, Wash., thence over Washington Highway 1–E to junction U. S. Highway 99, and thence over U. S. Highway 99 to Seattle. Serving the intermediate points of Gorge, Newhalem, Lyman, Hamilton, Birdsview, Concrete, Sauk, Rockport, Faber Ferry, Marblemount, Sauk Prairie, Darrington, Whitehorse, Fortson, Cicero, Arlington, and Bacon Creek, Wash., and those between Bacon Creek and Newhalem. Applicant requests that this application be treated as a matter of clarification of its operating authority under Certificate No. MC 106289 to permit it to return over the same route. Applicant states the strict wording of its authority in Certificate No. MC 106289 does not permit return over the same route traversed from Seattle to Newhalem, Wash., but authorizes the return over another route via Faber Ferry and Darrington and Arlington, Wash. Duplication with present operating authority to be eliminated. Applicant is authorized to conduct operations in Washington.

No. MC 107403 Sub 203, filed May 19, 1955, E. BROOKE MATLACK, INC., 33rd

& Arch Sts., Philadelphia, Pa. Applicant's attorney: Paul F. Barnes, 801–804 I. B. M. Bldg., 226 South 15th St., Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ink*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Ohio, New York, and Virginia. Applicant is authorized to conduct operations in New Jersey, North Carolina, Delaware, New York, Pennsylvania, Virginia, North Carolina, Ohio, and the District of Columbia.

No. MC 107622 Sub 11, filed December 24, 1954, FLOYD R. SMITH, doing business as FLOYD R. SMITH HEAVY HAULING, 2119 South Watson St., Pensacola, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Poles, piling* and *timbers*, treated and untreated, from Pensacola, Fla., to Albertville, Alexander City, Andalusia, Birmingham, Bessemer, Boaz, Brewton, Brundidge, Calera, Courtland, Childersburg, Clanton, Decatur, Dothan, Demopolis, Elba, Enterprise, Evergreen, Eufaula, Florence, Fayette, Ft. Payne, Florala, Flomaton, Gantt, Greenville, Fuin, Guntersville, Hartford, Haleyville, Hefiin, Huntsville, Headland, Jackson, Hasper, Lafayette, Lanett, Luverne, Monroeville, Muscle Shoals, Montgomery, Mobile, Opelika, Opp, Ozark, Piedmont, Pell City, Prattville, Phenix City, Russellville, Roanoke, Sheffield, Sylacauga, Tarrant, Troy, Tuskegee, Union Springs, Warrior, and York, Ala. Applicant is authorized to conduct operations in Alabama and Florida.

No. MC 108185 Sub 14, Filed May 18, 1955, DIXIE HIGHWAY EXPRESS, INC., 1600 "B" Street, Meridian, Miss. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, lumber, gasoline, coal, sand, gravel, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Santa Rosa, Miss., and New Orleans, La., from junction U. S. Highway 11 and Mississippi Highway 43 at Santa Rosa, Miss., over Mississippi Highway 43 to junction U. S. Highway 90, thence over U. S. Highway 90 to junction U. S. Highway 11, thence over presently authorized route to New Orleans, La., and return over the same route, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with the carrier's regular route operations between Meridian, Miss., and New Orleans, La. Applicant is authorized to conduct operations in Alabama, Georgia, Mississippi, Louisiana, and Florida.

No. MC 108295 Sub 3, Filed May 23, 1955, H. E. MARSHALL, doing business as HIGHWAY TRANSPORTATION CO., St. James, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Scrap leather*, from St. James, Mo., to Hartford, Ill.

No. MC 108380 Sub 39, filed May 13, 1955, JOHNSTON'S FUEL LINERS, INC., P. O. Box 328, Newcastle, Wyo. Applicant's attorney: Truman A. Stockton, Jr., 1650 Grant St. Bldg., Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Pennington and Meade Counties, S. Dak., to points in North Dakota on and west of U. S. Highway 83, and points in Montana on and east of a line extending along U. S. Highway 87 from the Montana-Wyoming State line, to Billings, Mont., thence along U. S. Highway 10 through Livingston, Mont., to junction U. S. Highway 10N, thence along U. S. Highway 10N through Townsend, Mont., to Helena, Mont., thence along U. S. Highway 91 through Cascade, Mont., to Great Falls, Mont., and thence along U. S. Highway 89 through Browning, Mont., to the International Boundary line between the United States and Canada, and return. Applicant is authorized to conduct operations in Wyoming, North Dakota, South Dakota, Nebraska, Idaho, Colorado, and Montana.

No. MC 108456 Sub 6, filed May 18, 1955, BLAKE BROWN AND HOWARD BROWN, doing business as BROWN BROTHERS, P. O. Box 59, Curwensville, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Bldg., Pittsburgh 19, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Powdered milk and cream, butter, oleomargarine*, and *salad dressings*, between Curwensville, Pa., on the one hand, and, on the other, points in New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Virginia, Maryland, North Carolina, Tennessee, Mississippi, Missouri, West Virginia, Ohio, Kentucky, Illinois, Michigan, Indiana, Wisconsin, and Minnesota; *raw cheese and processed cheese, oleomargarine, butter, powdered milk, cream* and *salad dressings*, from Curwensville, Pa. and points in Ohio, Indiana, Illinois, Wisconsin, Missouri, and Minnesota, to points in South Carolina, Georgia, Florida, Alabama, North Carolina, and the District of Columbia; *returned* or *damaged shipments of the above-named commodities* from the destination points specified above to the origin points specified above. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and Wisconsin.

No. MC 108651 Sub 7, filed May 19, 1955, ROY B. MOORE, P. O. Box 628, 1121 Wateree St., Kingsport, Tenn. Applicant's attorney: Reuben G. Crimm, Eight-O-Five Peachtree Street Bldg., Atlanta 5, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Rochester, N. Y., and Kingsport, Tenn. NOTE: Applicant presently holds authority as a common carrier, over irregular routes, to engage in the transportation of empty containers, glue, chemicals, and machinery and supplies, incidental to and used in the conduct of a chemical plant or rayon mill, from Rochester, N. Y., to Kingsport, Tenn., and of cellulose acetate, chemicals, and machinery and supplies, incidental to and used in the conduct of a chemical plant or rayon mill, from Kingsport, Tenn., to Rochester, N. Y. The purpose of this application is to secure a definite and applicable commodity description with no change of territory or character of operation. On grant of this commodity description the present authority between Rochester, N. Y., and Kingsport, Tenn., will be surrendered as no duplicating authority is here sought. Applicant is authorized to conduct operations in Georgia, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, and West Virginia.

No. MC 108676 Sub 3, filed May 18, 1955, A. J. METLER, 101 W. Chicamauga Ave., Knoxville, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *Chemicals*, in containers, from Point Pleasant, W. Va. to Oak Ridge, Tenn., from Point Pleasant, W. Va., over West Virginia Highway 2 to junction U. S. Highway 60, thence over U. S. Highway 60 to junction U. S. Highway 23, thence over U. S. Highway 23 to junction Kentucky Highway 180, thence over Kentucky Highway 180 to junction U. S. Highway 60, thence over U. S. Highway 60 to Winchester, Ky., thence over Kentucky Highway 227 to Richmond, Ky., thence over U. S. Highway 25 to Corbin, Ky., thence over U. S. Highway 25W to Clinton, Tenn., and thence over Tennessee Highway 61 to Oak Ridge, Tenn., and return over the same route; *empty containers* or *other such incidental facilities* (not specified) used in transporting the above-named commodities on return.

No. MC 112148 Sub 8, filed May 16, 1955, JAMES H. POWERS, Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods* and *frozen foods*, from Lawton and Mattawan, Mich., to Alexandria, Bemidji, Marshall, Pipestone, and Thief River Falls, Minn., Fargo, West Fargo, and Grand Forks, N. Dak., and points in South Dakota, except points in that part of South Dakota west of and north of a line beginning at the Nebraska-South Dakota State line and extending along South Dakota Highway 37 through Springfield, Tripp, and Mitchell, S. Dak., to Huron, S. Dak., and thence along U. S. Highway 14 through De Smet, Arlington, and Brookings, S. Dak., to the South Dakota-Minnesota State line, including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in Michigan, North Dakota, and South Dakota.

No. MC 113388 Sub 14, filed May 19, 1955, LESTER C. NEWTON TRUCKING CO., a corporation, Bridgeville, Del. Applicant's attorney: Dale C. Dillon, Suite 944, Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Houston, Del. to points in Connecticut, Maine, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Massachusetts, Rhode Island, Vermont, Maryland, Virginia, North Carolina and the District of Columbia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement. Applicant is authorized to conduct operations in New York, Virginia, Delaware, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Pennsylvania, Rhode Island, Vermont and the District of Columbia.

No. MC 113855 Sub 4, filed April 15, 1955. INTERNATIONAL TRANSPORT, INC., 2303 Third Ave., North, Fargo, N. Dak. Applicant's attorney: Franklin J. Van Osdel, 506 First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prefabricated buildings and bins*, knocked down, or in sections, and *metal tanks, including all component parts thereof*, and *equipment* and *materials incidental to the erection and completion of said buildings, bins and tanks*, when transported in connection with the transportation of such buildings, bins and tanks, from Galesburg, Ill., to points of entry in Minnesota, North Dakota, and Montana on the International Boundary line between the United States and Canada.

NOTE: Operations to be in Foreign Commerce only.

No. MC 113975 Sub 3, (amended, published page 1754, issue of March 23, 1955) MOVE-WAY VANS, INC., 1021 Washington Avenue, S. E., Minneapolis, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, from points in Minnesota to points in Iowa, North Dakota, South Dakota, and Wisconsin.

No. MC 114355 Sub 3, filed May 20, 1955, LOUIS HORNSTEIN, 37 South 8th Street, Brooklyn, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Furniture*, unpacked, between New York, N. Y. and points in New Jersey within 30 miles of New York, N. Y. Applicant is authorized to conduct operations in Pennsylvania, New York and New Jersey.

No. MC 115322, filed April 22, 1955, (amended) published on page 3205 issue of May 11, 1955, J. M. BLYTHE, 1303 Brench Avenue, Sanford, Fla. Applicant's attorney: William C. Hutchison, Jr., Sanford, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Fresh chilled irridated citrus juices*, in cardboard containers, from points in Florida to points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts and the District of Columbia, and (2) *Seeds*, of all kinds, such as, farm seeds and edible seeds, *bird and poultry foods, insecticides*, and *gravel, charcoal* and *shells*, in connection with the above seeds, bird and poultry foods, from points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts and the District of Columbia to points in Florida.

No. MC 115349 Sub 1, filed May 6, 1955, (Amended), Published on Page 3486 of issue of May 18, 1955, LOUIS CORDI, doing business as SOUTHERN TIER GARMENT CARRIERS, 519 Fairmount Avenue, Endwell, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel*, on hangers, and *materials and supplies used in the manufacture of wearing apparel*, between New York, N. Y. and points in Hudson County, N. J., on the one hand, and, on the other, points in Broome, Chemung, Chenango, Cortland, Cayuga, Schuyler, Steuben, Tioga, Tompkins and Onondago Counties, N. Y.

No. MC 115369, filed May 19, 1955, LEWIS I. WADE, P. O. Box 224, Folkston, Ga. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wood chips*, between points in Georgia and Florida.

No. MC 115372, filed May 23, 1955, FRANK J. PROVENZANO, Hagerman Avenue, East Patchogue, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from New York, N. Y., to points in Nassau and Suffolk Counties, N. Y., restricted to shipments having a prior movement by rail.

CORRECTIONS

Application SOUTHWESTERN TRANSPORTATION CO., INC., published on page 3200 issue of May 11, 1955, under docket number MC 73737 Sub 8 should be changed to read MC 79737 Sub 8.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 2186 Sub 9, filed May 16, 1955, SOUTHERN STAGES, INC., 448 Pine St., Macon, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers*, and *mail* in the same vehicle with passengers, between Macon, Ga., and Milledgeville, Ga., over Georgia Highway 49. Applicant is authorized to conduct operations in Georgia.

No. MC 112805 Sub 2, filed May 13, 1955, LAWRENCE R. HALVORSON, doing business as HALVORSON BUS LINE, 1202 N. Broadway, Menomonie, Wis. Applicant's attorney: Howard F. Thedinga, 224 Main St., Menomonie, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter service beginning and ending at Menomonie, Wis. and extending to St. Cloud, Duluth, Mankato, Winona, and Red Wing, Minn. Applicant is authorized to conduct operations in Wisconsin and Minnesota.

No. MC 113826 Sub 2, filed May 17, 1955, GEORGE R. CROTHERS, JR., doing business as DELAWARE COUNTY COACH CO., 807 Upland Ave., Upland, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) in round-trip charter operations beginning and ending at points in Delaware County, Pa. and extending to points in Delaware, New Jersey, New York, Maryland, and the District of Columbia; (2) in special operations, on round-trip sightseeing or pleasure tours, beginning and ending at points in Delaware County, Pa. and extending to points in Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia; (3) in special operations, on round-trip sightseeing or pleasure tours, beginning and ending at points in New Castle County, Del. and extending to points in Pennsylvania, New Jersey, New York, Maryland, Virginia, and the District of Columbia; (4) in special round-trip seasonal operations, during the authorized racing seasons of each year at said tracks, from Darby, Sharon Hill, Prospect Park, and Chester, Pa., to the Monmouth Park Race Track, Oceanport, N. J.; the Garden State Race Track, Delaware Township, N. J.; the Atlantic City Race Track, McKee City, N. J.; and the Delaware Park Race Track, Stanton, Del., and return.

APPLICATIONS UNDER SECTION 5 AND 210 (a) (b)

No. MC–F–5987. Authority sought for merger into THE GREYHOUND CORPORATION, 2600 Board of Trade Bldg., Chicago, Ill., of the operating rights and property of CENTRAL GREYHOUND LINES, INC., of NEW YORK, 2600 Hamilton Ave., Cleveland, Ohio. Applicants' attorneys: John R. Turney and L. C. Major, Jr., 2001 Massachusetts Ave., NW., Washington, D. C. Operating rights sought to be merged: *Passengers and their baggage*, as a *common carrier*, over regular routes, including routes between Boston, Mass., and Erie, Pa., between Fredonia, N. Y., and Warren, Pa., between Port Allegany, Pa., and Buffalo, N. Y., between Hallstead, Pa., and Mooers, N. Y., and between Burlington, Vt., and Champlain, N. Y., serving certain intermediate and off-route points; *passengers and their baggage*, over an alternate route for operating convenience only, between Avon, N. Y., and junction New York Highway 75 and U. S. Highway 20, serving no intermediate points. The Greyhound Corporation is authorized to operate in Ohio, Indiana, Michigan, Illinois, Missouri, Iowa, Massachusetts, Maine, New Hampshire, California, Nebraska, New York, New Jersey, Wyoming, Pennsylvania, Utah, Kentucky, South Dakota, West Virginia, Kansas, Georgia, Louisiana, Nevada, Alabama, Florida, Mississippi, Tennessee, Arizona, Arkansas, Colorado, Washington, Oregon, Idaho, Minnesota, and Montana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5988. Authority sought for purchase by ARROW TRUCKING CO., 201–207 S. Houston St., Tulsa, Okla., of a portion of the operating rights of ROY L. JONES, 915 McCarty, Houston, Tex., and for acquisition by C. F. COURTNEY, Tulsa, Okla., of control of said operating rights through the purchase. Applicants' attorney: Jo E. Shaw, 342 First National Bank Bldg., Houston 2, Texas. Operating rights sought to be transferred: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, as a *common carrier,* over irregular routes, between points in New Mexico, on the one hand, and, on the other, points in Oklahoma, Kansas, Missouri, Arkansas, and Tennessee; *machinery equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between points in Tulsa County, Okla., on the one hand, and, on the other, points in Arkansas and Louisiana; *machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products; and *machinery, equipment, materials,* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines, between points in Oklahoma, on the one hand, and, on the other, points in North Dakota on and west of North Dakota Highway 30, and those in South Dakota west of the Missouri River and on and north of U. S. Highway 14. Vendee is authorized to operate in Oklahoma, Kansas and Texas. Application has been filed for temporary authority under section 210a (b).

No. MC–5989. Authority sought for purchase by MONA RIDGELY, doing business as ARROW MOVING AND STORAGE COMPANY, 1509 Bent Ave., Cheyenne, Wyo., of the operating rights and property of MONA RIDGELY AND OLIVE A. HASTINGS, a partnership, doing business as ARROW MOVING & STORAGE CO., 1509 Bent Ave., Cheyenne, Wyo. Applicants' attorneys: George F. Guy and Louis A Mankus, 410 Bell Bldg., Cheyenne, Wyo. Operating rights sought to be transferred: *General commodities,* as a *common carrier,* over irregular routes, between points in Cheyenne, Wyo., in collection and delivery service, and between Cheyenne, Wyo., on the one hand, and, on the other, points within five miles of Cheyenne; *telephone, telegraph and power line equipment, materials, and supplies,* between Cheyenne, Wyo., on the one hand, and, on the other, points within 35 miles of Cheyenne; *household goods,* as defined by the Commission, between Cheyenne, Wyo., and points within five miles thereof, on the one hand, and, on the other, points in Wyoming, Colorado, and Nebraska. Vendee holds no authority from the Commission, but is a stockholder and officer of Ridgely Transport, Inc., which is authorized to operate in Colorado, Wyoming and Nebraska. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5990. Authority sought for purchase by ALLIED VAN LINES, INC., 25th and Roosevelt Rd., Broadview, Ill., of a portion of the operating rights of STELZER CARTAGE CO., 303 North Central Ave., Lima, Ohio. Applicants' attorney: John R. Turney, 2001 Massachusetts Ave., NW., Washington, D. C. Operating rights sought to be transferred: *Household goods,* as a *common carrier,* over irregular routes, between Lima, Ohio, on the one hand, and points in Ohio, Indiana, Michigan, Illinois, Kentucky, West Virginia, Pennsylvania, New Jersey and New York, on the other. Vendee is authorized to operate in all states in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–5991. Authority sought for control by HARRY L. GRUBBS, JR., Eutaw and Montgomery Sts., Baltimore, Md., of the operating rights and property of THE JACOBS TRANSFER COMPANY, INC., 61 Pierce St. NE., Washington, D. C. Person to whom correspondence is to be addressed: Harry L. Grubbs, Jr., 61 Pierce St. NE., Washington, D. C. Operating rights sought to be controlled: *General commodities,* with certain exceptions, including household goods, as a *common carrier,* over irregular routes, from points in the Washington, D. C. commercial zone, as defined by the Commission, to points in five counties of Virginia; *telephone supplies and equipment,* between points in the Washington, D. C. commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Maryland and Virginia. Applicant is not a motor carrier, but is the controlling stockholder in The Jacobs Transfer Company of Baltimore, which is authorized to operate in Maryland, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–4388; Filed, June 1, 1955; 8:46 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 110–53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, V. COUNCIL ON AFRICAN AFFAIRS, INC., RESPONDENT

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong. 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the Respondent to register as a Communist-front organization pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Monday, July 11, 1955, at 10:00 a. m., e. d. t., in Room 111, Lafayette Building, 811 Vermont Avenue, NW., Washington, D. C.

Dated at Washington, D. C., May 26, 1955.

[SEAL] THOMAS J. HERBERT, *Chairman.*

[F. R. Doc. 55–4396; Filed, June 1, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[Docket Nos. 70–3340, 70–3350]

PENNSYLVANIA POWER & LIGHT CO. AND BALTIMORE GAS AND ELECTRIC CO.

ORDER REGARDING ACQUISITIONS BY EXEMPT HOLDING COMPANIES OF OUTSTANDING SECURITIES OF NON-AFFILIATED PUBLIC UTILITY COMPANIES

MAY 25, 1955.

In the matter of Pennsylvania Power & Light Company, File No. 70–3340; Baltimore Gas and Electric Company (formerly Consolidated Gas Electric Light and Power Company of Baltimore), File No. 70–3350.

Pennsylvania Power & Light Company ("Penn Power"), an exempt holding company and electric utility company, and Baltimore Gas and Electric Company ("Baltimore") (formerly Consolidated Gas Electric Light and Power Company of Baltimore), an exempt holding company and electric and gas utility company, which companies are not affiliated with each other, have filed applications and amendments thereto pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transactions:

Penn Power and Pennsylvania Water & Power Company ("Penn Water"), a non-affiliated exempt holding company and electric utility company, have entered into a joint agreement of merger which has been approved by the requisite vote of the stockholders of each company. Pursuant to the terms of this agreement, Penn Power will acquire all of the assets, rights and privileges of Penn Water and assume all of Penn Water's liabilities, obligations and duties, subject to an accord and settlement of certain litigation between Penn Water and Baltimore.

Penn Power will acquire the public utility assets of Penn Water and, in addition:

(1) All of the outstanding securities of Susquehanna Transmission Company of Maryland ("Transmission Company"), consisting of 12,055 shares of common stock, par value $100 per share, and $2,348,000 principal amount of 5 percent first mortgage bonds due 1940 (past due); and

(2) 100,000 shares (50 percent) of the Class B common stock, no par value, of Safe Harbor Water Power Corporation ("Safe Harbor"), constituting 50 percent of the outstanding voting securities of Safe Harbor. The remaining 50 percent of this stock is owned by Baltimore which also owns all of the non-voting Class A common stock, no par value, of Safe Harbor.

Transmission Company, a Maryland corporation, owns transmission lines and substations, all of which are located in Maryland and substantially all within Baltimore's electric service area. These facilities are interconnected with Baltimore's system and are used to transmit and deliver power to, or for the account of, Baltimore from Penn Water and Safe Harbor.

Safe Harbor, a Pennsylvania corporation, owns and operates a hydroelectric plant on the Susquehanna River having a generating capability of 230,000 kw. One-third of the power generated by Safe Harbor is sold to Penn Water and two-thirds to Baltimore.

Penn Power will retain the 100,000 shares of the Class B, no par value, common stock of Safe Harbor, all of whose properties are located within the service area of Penn Power, and will enter into an agreement with Safe Harbor and Baltimore pursuant to which Penn Power will be entitled to purchase one-third of the output of Safe Harbor and Baltimore will continue to purchase the remaining two-thirds.

Penn Power and Baltimore have entered into a letter agreement dated December 22, 1954, pursuant to which Penn Power has agreed to sell, and Baltimore has agreed to buy, the outstanding common stock of Transmission Company promptly after the merger of Penn Water into Penn Power. Transmission Company's outstanding first mortgage bonds and an open account indebtedness to Penn Water will be retired and canceled prior to Baltimore's acquisition of Transmission Company's common stock.

The base price to be paid by Baltimore for the common stock of Transmission Company, subject to certain adjustments, is approximately $5,000,000, which amount is $672,750 in excess of the original cost of the fixed assets of Transmission Company, less applicable book depreciation at October 31, 1954.

Baltimore will, as soon as practicable after its acquisition of the common stock of Transmission Company, liquidate that company and acquire direct ownership of all of its properties and facilities.

The Pennsylvania Public Utility Commission has approved, inter alia, the acquisition by Penn Power of the outstanding securities of Transmission Company and the 100,000 shares of Class B common stock of Safe Harbor, and the Public Service Commission of Maryland has approved Penn Power's acquisition of Transmission Company's outstanding securities. The Public Service Commission of Maryland has also approved the acquisition by Baltimore of the outstanding common stock of Transmission Company. The Federal Power Commission has approved, inter alia, the merger of the public utility facilities of Penn Water with those of Penn Power and the transfer from Penn Water to Penn Power of the licensed hydro-electric project at Holtwood, Pennsylvania.

Penn Power will pay a fee of $2,500 to Simpson Thacher & Bartlett for legal services in connection with the proposed acquisitions of securities and no other fees or expenses will be incurred in connection therewith.

Baltimore will not pay any fees or commissions, directly or indirectly, in connection with the acquisition of the Transmission Company stock, and its expenses will not exceed $100.

Penn Power and Baltimore have requested that there be no waiting period between the issuance of the Commission's order granting their applications and the effective date thereof.

Due notice of the filing of said applications having been given in the manner prescribed by Rule U-23 promulgated under the Act, and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, that said applications, as amended, should be granted, and that the Commission's order should become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said amended applications be, and the same hereby are, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary,*

[F. R. Doc. 55–4389; Filed, June 1, 1955; 8:46 a. m.]

[File No. 70–3368]

OHIO VALLEY ELECTRIC CORP. ET AL

ORDER REGARDING ISSUANCE OF INTERIM DEBT AND ALTERATION OF RIGHTS

MAY 25, 1955.

Ohio Valley Electric Corporation ("OVEC"), a public utility subsidiary company of American Gas and Electric Company ("American Gas"), a registered holding company, The West Penn Electric Company ("West Penn Electric"), a registered holding company, and Ohio Edison Company ("Ohio Edison"), a registered holding company, together with American Gas and three of its public utility subsidiaries, Appalachian Electric Power Company, Ohio Power Company, and Indiana & Michigan Electric Company; West Penn Electric and three of its public utility subsidiaries, Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company; Ohio Edison and its subsidiary, Pennsylvania Power Company; The Cincinnati Gas and Electric Company, a public utility company and an exempt holding company; Kentucky Utilities Company, a public utility company and an exempt holding company; and Louisville Gas and Electric Company, a public utility company and an exempt holding company, having filed a joint application-declaration, and amendments thereto, pursuant to sections 6 (a) (2), 6 (b), 7 (e) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder regarding certain proposed transactions, which relate to (1) the issuance and sale for cash of $10,000,000 principal amount of notes ("Interim Debt") due 90 days after demand to 12 of the 14 institutions now owning OVEC's outstanding notes due 1967, and (2) the amendment of the agreements underlying all of the presently outstanding debt securities of OVEC so as to permit the participating companies (as set forth in the Commission's memorandum opinion filed herein) to reduce their commitments to supply equity capital to OVEC from $20,000,000 to $10,000,000 so long as such interim debt remains outstanding, as more fully set forth in said memorandum opinion; and

Due notice having been given of the filing of said application-declaration in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, and that said application-declaration should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act that said joint application-declaration as amended be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and subject to the further condition that jurisdiction be, and the same hereby is, reserved over all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 55–4391; Filed, June 1, 1955; 8:46 a. m.]

[File No. 70–3385]

STANDARD POWER AND LIGHT CORP.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSED CASH DISTRIBUTION OUT OF CAPITAL SURPLUS

MAY 25, 1955.

Notice is hereby given that a declaration has been filed with this Commission by Standard Power and Light Corporation ("Standard Power"), a registered holding company, pursuant to Section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-46 promulgated thereunder in respect of a proposal by Standard Power to make a cash distribution of $0.35 per share, in part out of earned surplus to the full extent thereof which at April 30, 1955, amounted to $215,362.31 and the balance out of capital surplus, which as of the same date was $111,267,689.14, to each

holder of record on June 24, 1955, of its outstanding 1,320,000 shares of common stock and 110,000 shares of common stock, Series B.

Standard Power represents that its only outstanding obligations senior to the common stock are two bank loans, one in the amount of $1,500,000 which matures on July 29, 1955, and the other in the amount of $260,000 which matures on October 26, 1955. It is stated in the declaration that these loans will not be adversely affected by the proposed cash distribution since Standard Power has sufficient marketable securities to enable it to raise any balance of cash required to pay the loans when they become due.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed cash distribution. The fees and expenses to be incurred in connection with said distribution are estimated not to exceed $1,000, including counsel fees, not in excess of $500.

Notice is further given that any interested person may, not later than June 10, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may take such action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4390; Filed, June 1, 1955; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Amdt. 0-6, FCC 55-608]

CHIEF OR ACTING CHIEF, COMMON CARRIER BUREAU

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS TO CLOSE COMPANY-OPERATED MAIN OFFICES WHERE SUBSTITUTE SERVICE IS TO BE PROVIDED IN SAME COMMUNITY

In the matter of amendment of section 0.253 (d) of the Commission's Statement of Delegations of Authority.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of May 1955;

The Commission having under consideration the necessity for amending section 0.253 (d) of the Commission's Statement of Delegations of Authority to authorize the Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Bureau, to act upon applications filed by communications common carriers, pursuant to section 214 of the Communications Act of 1934, as amended, and Part 63 of the Commission's rules and regulations, for authority to close company-operated main offices where substitute service is to be provided by a facsimile-operated agency office in the same community, in those cases where applicable Commission policy has been established;

It appearing that such amendment is designed to improve the internal administration of the Commission and will facilitate the prompt and orderly handling of the above-described applications;

It further appearing that the amendment herein ordered relates to internal Commission organization and procedure and, therefore, compliance with the public notice and rule making procedures prescribed by sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It further appearing that authority for the proposed amendment is contained in sections 4 (i) and 5 (d) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, section 0.253 (d) of the Commission's Statement of Delegations of Authority is amended to read as follows:

(d) For an authorization for temporary or emergency closure of telegraph offices, for any closure of a telegraph office at a military establishment, for closure of railroad-operated agency offices, for closure of company-operated main offices where substitute service is to be provided by a telephone, teleprinter or facsimile-operated agency office in the same community and for any reduction in the hours of telegraph service in a community or part of a community in those cases where applicable Commission policy has been established.

Released: May 26, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-4409; Filed, June 1, 1955; 8:49 a. m.]

[Docket Nos. 6584, 6585; FCC 55-624]

ALBUQUERQUE BROADCASTING CO. (KOB)

MEMORANDUM OPINION AND ORDER REOPENING RECORD AND EXPANDING ISSUES

In re applications of Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6584, File No. BMP-1738; for modification of construction permit; Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6585, File Nos. BL-1799, BZ-1583; for license to cover construction permit as modified and authority to determine operating power by direct measurement.

1. The Commission has before it: (1) The above-entitled applications of Albuquerque Broadcasting Company, filed on February 3, 1944, for modification of construction permit and for licensee to cover construction permit, as modified, for operation on the frequency 770 kc, with power of 50,000 watts, unlimited time; (2) a petition filed November 23, 1953, by American Broadcasting-Paramount Theatres, Inc. (formerly American Broadcasting Company) to "Expand Issues and Reopen Record"; and (3) a motion filed May 10, 1954, by American Broadcasting-Paramount Theatres, Inc. to substitute it for American Broadcasting Company, Inc., as a party in the instant proceeding. The matters presented to us by these applications, petitions and motions involve questions of a fundamental nature in view of the basic provisions of the Commission's rules and regulations governing the allocation of frequencies for standard broadcast stations. Their complexity is indicated by the many conflicting proposals which have been presented in the course of this proceeding by the parties involved and the long period of time during which this proceeding has been before us. Upon careful review of the record in this proceeding and the numerous proposals that have been submitted by the parties involved, together with the determinations made by the Circuit Court of Appeals, District of Columbia Circuit, in American Broadcasting Company, Inc. v. Federal Communications Commission, 191 F. 2d 492, upon aspects of the proceeding which have been presented for court review, we have decided upon the course of action provided for below which, in our view, is best designed to bring this proceeding to the stage of final disposition.

2. Station KOB is regularly licensed on the frequency 1030 kc, with 10 kw power, unlimited time. In October 1941 KOB was operating on its assigned frequency but under a Special Service Authorization permitting use of increased power. On October 14, 1941, the Commission, on its own motion, granted KOB a six-month Special Service Authorization to operate on 770 kc. The background and reasons for that action are described in detail in our Memorandum Opinions of December 14, 1949, and September 30, 1952 (5 RR 1117; 8 RR 346 respectively), and will not be repeated here. The September 30, 1952 Order removed the above-entitled KOB application from the "pending file for consideration and the adoption of a Proposed Decision". However, the Commission in its September 30, 1952, Order was aware of the age of the record in this proceeding and saved this question for later consideration as it stated "The mere passage of time does not necessarily render a record stale. The question of whether the record in this case is adequate is one of the questions which we must and will, consider in connection with the Proposed Decision which we will issue."

3. Upon review of the record of this proceeding together with the pleadings filed by the parties involved, we have become convinced that in order to arrive at a decision best designed to serve the public interest the hearing issues must be enlarged in order to permit the receipt of additional evidence with respect to possible KOB operation on 770 or 1030 kilocycles. This necessity for

such enlargement of the issues, discussed further in paragraph 6 below, together with the need for current evidence in the record concerning the radio service being received in the areas affected, see paragraph 8 below, is responsible in large part for our view that the record should be reopened for further data. In addition, since the closing of the record in this proceeding, the Commission has adopted many changes in the Engineering Standards which substantially affect the present evidence of record. For this reason, also, we believe the record should be reopened for further data. Such changes include (1) new methods of computing ground wave signal attenuation; (2) new adjacent channel ratios of desired to undesired signal; (3) the adoption of a new soil conductivity map; and (4) elimination of skywave measurements. The last mentioned change—elimination of skywave measurements—renders irrelevant a substantial portion of the instant record and, more important, would simplify the presentation of new coverage and interference data. Naturally, all evidence of record that is unaffected by the change in engineering and other pertinent considerations, or, by the time that has elapsed since the record was closed, is competent evidence and need not be resubmitted.

4. The issues of this proceeding as they read at present are as follows:

1. To determine the areas and populations which would receive primary as well as secondary services from Station KOB operating with either 10 kw or 50 kw on 1030 kc, as well as what other broadcast services are available to those areas and populations.

2. To determine the areas and populations which receive primary as well as secondary service from Station KOB operating with 25 kw—50 kw LS on 770 kc as well as what other broadcast services are available to those areas and populations.

3. To determine the areas and populations which would receive primary as well as secondary service from Station KOB operating with 50 kw on 770 kc as well as what other broadcast services are available to those areas and populations.

4. To determine the areas and populations which would be prevented from receiving primary or secondary service particularly from Station WBZ should Station KOB operate with either 10 kw or 50 kw on 1030 kc, as well as what other broadcast services are available to those areas and populations.

5. To determine the areas and populations which are prevented from receiving primary or secondary service particularly from Station WABC (formerly WJZ) as the result of Station KOB operating with 25 kw—50 kw-LS on 770 kc, as well as what other broadcasting services are available to those areas and populations.

6. To determine the areas and populations which would be prevented from receiving primary or secondary service particularly from Station WABC should Station KOB operate with 50 kw on 770 kc as well as what other broadcast services are available to those areas and populations.

7. To determine whether § 3.25 of the Commission's rules should be amended so as to permit the operation of Station KOB as proposed in Application BMP-1738.

8. To determine whether the granting of these applications would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

9. To determine the directional antenna patterns that Stations KOB and WABC operating on 770 kc with 50 kw could use, each protecting the service of the other as a Class I-B station in accordance with the Commission's rules, regulations and standards.

10. To determine what areas and populations would receive primary as well as secondary service from Stations KOB and WABC each operating on 770 kc with 50 kw power employing a directional antenna designed to protect the service of the other as a Class I-B Station and which other service is presently available to those areas and populations.

5. In the above-mentioned WABC petition to "Expand Issues and Reopen Record", WABC seeks to include issues relative to the following:

(a) Operation of KOB on 1030 kc, 50 kw, DA-N.

(b) Overlap of secondary services of Westinghouse Stations, including particularly the recently authorized WOWO, Fort Wayne, Indiana, station.

(c) Other clear channel frequencies which might be used by KOB in the event KOB is not returned to 1030 kc.

In the same petition WABC also requests other issues to permit the taking of evidence on matters covered in an offer of proof WABC made in Docket No. 10336 involving KOB's application for extension of Special Service Authorization to permit continued operation of KOB on 770 kilocycles, File No. BSSA-275. The offer of proof included "social and economic findings; supplemental engineering findings; and program findings". The social and economic findings are related to network operations of the American Broadcasting Company, viz a viz, the Columbia Broadcasting System and the National Broadcasting Company and highlight the key role of Station WABC as the flagship station of the American Broadcasting Company and the general desirability of permitting the American Broadcasting Company to develop into a strong and competitive network. The supplemental engineering findings consider the possibility of KOB operation on other clear channels and the program findings relate to the network affiliations of a number of clear channel stations which WABC contends could share their respective channels with KOB. WABC also contends that since the record was closed in the instant proceeding, The Court of Appeals, District of Columbia Circuit in the Lubbock (85 App. D. C. 48), Easton (87 App. D. C. 344), and Democrat Printing (91 App. D. C. 72) cases has made it clear that other program service in the area which an existing licensee will lose service is a factor of prime importance in proceedings of the nature involved herein.

6. The frequency 1030 kc is historically involved in this matter, it having been the original frequency assignment of KOB following the frequency shifts required by the 1937 North American Regional Broadcasting Agreement[1] and it is the frequency specified in the license held by KOB ever since March 1941. Its full consideration as a possible assignment is obviously warranted. Although the oustanding KOB license for 1030 kc operation contemplates classification of Station KOB as a Class II station protecting WBZ, full consideration of KOB operation on the 1030 kilocycle channel warrants consideration of the possibility of establishing KOB's classification as I-B with appropriate higher protection from Station WBZ. Further, the original issues of this proceeding include issues as to the joint use of 770 kc by Stations WABC and KOB with each protecting the other as Class I-B stations. A fair comparison of the relative merits of KOB operating on 770 kc and 1030 kc can only be made on comparable issues and accordingly that portion of WABC's petition which seeks inclusion of issues relating to such consideration is granted. Also to be complete, the record should include evidence as to KOB operating as a Class II station—the classification contemplated by KOB's outstanding license. Thus hereinbelow, the Commission is adopting issues to adduce information as to possible operation of KOB designed to fully protect Stations WABC and WBZ as Class I-B stations.

7. In support of its request for an issue to investigate possible KOB operation on other clear channel frequencies, WABC contends that consideration of these other frequencies is not only fair and equitable but is essential in finding the best possible solution to the question of a permanent assignment for KOB. The Commission has recognized for some time the merit of this contention and the general relationship between the question of a permanent assignment for KOB and the "Clear Channel" proceeding (Docket No. 6741) which is basically concerned with the optimum usage of 24 I-A clear channels and 22 I-B clear channels. In fact the Commission on August 9, 1946, adopted an Order placing the subject KOB applications in the pending file until after a final decision was rendered in the Clear Channel hearing (1 RR 53: 905). The delay of the instant proceeding occasioned by the Commission's action in tying the subject KOB proceeding to the Clear Channel hearing is an integral part of the history and record of this case. It was not until the Court of Appeals, District of Columbia Circuit, ruled that separate consideration of the subject KOB problem was required, did the Commission remove the KOB application from the pending file for further consideration. To consider, as WABC suggests, the possible use of other clear channels clearly brings up anew the issue of including a minia-

[1] See the Commission's Memorandum Opinion and Order of December 14, 1949 (5 RR 1717).

ture Clear Channel hearing within the subject KOB proceeding. In the Commission's opinion, consideration of other clear channels in this matter is clearly a reattachment of the subject proceeding to the voluminous and complex Clear Channel hearing, and the only hope for solution of the KOB problem, short of a simultaneous decision in the Clear Channel proceeding, requires the Commission to restrict its consideration to the two frequencies which have been directly involved since the problem first arose in 1941. Whatever equities there are for considering other clear channels, and there are some, they are dwarfed by the compelling need for the earliest termination of this proceeding possible, consistent with a fair and judicious hearing and decision. Accordingly, WABC's issue to investigate the possible use of KOB of other clear channels must be denied.

8. With respect to WABC's request for issues relating to network operations and programming in general, it is not clear just what type of issues WABC desires. A broad programming issue going to the individual program service being rendered by the hundreds of stations serving all or portions of the areas concerned would encumber the record with a staggering amount of evidence of questionable value. Certainly the public interest would not be served by including issues permitting or encouraging the introduction of such evidence. Also, the Commission has repeatedly reaffirmed its finding that operation of all three stations directly concerned is in the public interest. Therefore the basic problem presented by the subject KOB applications is the technical solution to the problem of simultaneous operation of all three stations. Thus the matter is primarily an allocation problem and therefore must be primarily concerned with the engineering consideration pertinent to the best possible utilization of the frequencies and facilities involved. This does not necessarily imply, however, that due consideration cannot or should not be given to the programming involved, or that such information, kept within bounds, could not be pertinent and helpful in reaching a decision in this matter. Thus information as to the number of stations and their classification and network affiliations—especially the clear channel stations—providing service to all or part of the potential primary and secondary service areas of Stations KOB, WABC, and WBZ warrants consideration. Accordingly, the Commission hereinafter is adopting issues designed to elicit such information as well as information concerning the existing programming of Stations KOB, WABC, and WBZ. The particular weight that such information may have in our ultimate decision must, of course, depend upon a complete review of the record at the time of our decision.

9. In support of its request for an issue relating to the overlap of service areas of "Westinghouse" stations, WABC relies primarily on the fact that on March 26, 1953, the Commission granted Westinghouse Radio Stations, Inc., licensee of Station WOWO, Fort Wayne, Indiana, a construction permit to increase the nighttime power of Station WOWO from 10 kilowatts to 50 kilowatts, using a directional antenna. To the extent that this newly authorized WOWO operation and other "Westinghouse" stations serve areas that may lose service from WBZ because of any subsequent operation of KOB on 1030 kilocycles, WABC's request for an issue to determine such evidence is germaine to the basic issues of this proceeding and such an issue is adopted below,

10. The WABC motion to substitute parties is a proper one because the ownership of Station WABC has changed in the interim and this motion is granted below.

11. The Examiner who presided at the original hearing is no longer with the Commission. Therefore, another examiner will conduct the further hearing. Upon conclusion of the further hearing, the Examiner will allow the parties an appropriate period for the filing of proposed findings and conclusions and will then issue an Initial Decision. The Initial Decision, will, of course, take into consideration the evidence adduced in the previous hearing. However, in view of the Commission's Report and Order of March 11, 1954, eliminating skywave measurements (10 RR 1562), all evidence based on skywave measurements in the instant proceeding should be disregarded. By the same token all coverage and interference data necessary for a determination of issues involved herein should be determined on the basis of the present rules and Standards of Good Engineering Practice.

12. Following the issuance of an Initial Decision, opportunity will be given to all parties to except to all parts of the Initial Decision; oral argument will then be scheduled on the exceptions.

13. We believe the action here taken to reopen the record is necessitated by the present state of the record. In view of the history of this case the Commission will take all steps possible to expedite action in this proceeding. The Examiner is directed to make every appropriate effort to expedite the proceeding.

14. In view of the foregoing: *It is ordered,* That the above-described WABC petition to Expand Issues and Reopen Record is granted to the extent indicated in the body of this Opinion; and in all other respects it is denied;

It is further ordered, That WABC's motion to substitute the American Broadcasting-Paramount Theatres, Inc. for American Broadcasting Company, Inc. as a party in the instant proceeding is granted;

It is further ordered, That the record in the above-entitled proceeding is reopened to bring up to date the present evidence of record on the existing issues and to adduce evidence on the following additional issues:

11. To determine the directional antenna patterns that Stations KOB and WBZ operating on 1030 kc with 50 kw could use, each protecting the service of the other as a Class I-B station in accordance with the Commission's rules, regulations and standards.

12. To determine what areas and populations would receive primary as well as secondary service from Stations KOB and WBZ each operating on 1030 kc with 50 kw power employing a directional antenna designed to protect the service of the other as a Class I-B station and what other service is presently available to those areas and populations.

13. To determine the directional antenna patterns that Station KOB could use respectively, operating on 770 kc or 1030 kc with 50 kw, to protect the existing operation of Station WABC or Station WBZ as a Class I-B station in accordance with the Commission's rules, regulations and standards.

14. To determine the areas and populations which would receive secondary service from the existing operation of Station WABC or Station WBZ respectively, if afforded protection from interference as a Class I-B station in accordance with the Commission's rules, regulations and standards.

15. To determine the areas and populations which would receive service from Station KOB operating with 50 kw on 770 kc or 1030 kc respectively, employing a directional antenna designed to protect the existing operation of Station WABC or Station WBZ as a Class I-B station in accordance with the Commission's rules, regulations and standards.

16. To determine the areas and populations to be gained or lost if KOB operated in the manner described in Issue 13 as opposed to operation in the manner described in Issues 9 and 11 as well as what other broadcast services are available to those areas.

17. To determine the nature and character of program service now being rendered by Stations KOB, WABC, and WBZ.

18. To determine the extent to which the present secondary service area of Station WBZ may be affected by the simultaneous operation of Stations WBZ and KOB as contemplated by Issues 1, 4, 12, 14, and 15 and the extent to which such areas receive service from other standard broadcast stations operated by Westinghouse Radio Stations, Inc.

19. To determine the classification and network affiliation of standard broadcast stations serving all or part of the service areas established in Issues 1, 2, 3, 4, 5, 6, 10, 12, 14, 16, and 18.

It is further ordered, That the Examiner, to be designated in a subsequent order, is directed to make every effort, consonant with a fair and thorough hearing, to expedite the proceeding and to issue an initial decision as promptly as possible.

It is further ordered, That the Westinghouse Broadcasting Company, Inc., licensee of Station WBZ, Boston, Massachusetts, is made a party to the proceeding.

Adopted: May 26, 1955.

Released: May 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4413; Filed, June 1, 1955; 8:50 a. m.]

[Docket Nos. 11268—11270, 11375—11380; FCC 55M-463]

WISCONSIN TELEPHONE CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Wisconsin Telephone Company, Docket No. 11268, File No. 5300-F1-P-H; Ohio Bell Telephone Company, Docket No. 11269, File No. 5301-F1-P-H; Ohio Bell Telephone Company, Docket No. 11270, File No. 5745-F1-P-H; for construction permits for new VHF Public Class III-B coast stations at Milwaukee, Wisconsin, Cleveland, Ohio, and Toledo, Ohio, respectively; and Michigan Bell Telephone Company, Docket No. 11375, File No. 5832-F1-P-H; Michigan Bell Telephone Company, Docket No. 11376, File No. 5833-F1-P-H; Michigan Bell Telephone Company, Docket No. 11377, File No. 5834-F1-P-H; Michigan Bell Telephone Company, Docket No. 11378, File No. 5835-F1-P-H; Michigan Bell Telephone Company, Docket No. 11379, File No. 5836-F1-P-H; for construction permits for new VHF Public Class III-B coast stations at Hancock, Escanaba, East Tawas, Port Huron and Marquette, Michigan, respectively; and Wisconsin Telephone Company, Docket No. 11380, File No. 5299-F1-P-H; for construction permit for new VHF Public Class III-B coast station at Green Bay (Glenmore), Wisconsin.

It is ordered, This 23d day of May 1955, that the hearing herein now scheduled for June 13, 1955, is continued to a date to be scheduled in a later order. This action is taken pursuant to agreement stated on the record at a prehearing conference held May 20, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4407; Filed, June 1, 1955; 8:49 a. m.]

[Docket No. 11290; FCC 55M-478]

IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS (WOI)

ORDER CONTINUING HEARING

In re application of Iowa State College of Agriculture and Mechanic Arts (WOI), Docket No. 11290, File No. BSSA-276; for Special Service Authorization to operate additional hours from 6:00 a. m. to local sunrise CST with 1 kw.

The Hearing Examiner having under consideration a motion to amend procedural schedule filed by counsel for Chief of Broadcast Bureau and by counsel for the applicant on May 18, 1955;

It appearing that May 31 has heretofore been designated as the date for exchange of all written evidence to be supplied as part of the direct and affirmative cases and that June 7 has been designated as the date for commencement of hearing; and

It further appearing that the foregoing dates are not feasible for any of the parties or for the Hearing Examiner;

It is ordered, This 25th day of May 1955, that the exchange of written direct cases is continued from May 31 to June 27, 1955, and that the date for hearing is continued from June 7 to July 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 55-4414; Filed, June 1, 1955; 8:51 a. m.]

[Docket Nos. 11316; FCC 55M-473]

WALKER BUILDERS, INC.

ORDER CONTINUING HEARING

In re application of Walker Builders, Inc., 6339 Indianapolis Blvd., Hammond, Indiana, Docket No. 11316; for an authorization for a new Citizens Radio Station.

The Hearing Examiner having under consideration the need for indefinite continuance in the above-entitled proceeding;

It appearing that this hearing is currently scheduled to commence on May 26, 1955, but that the applicant has on file a petition to dismiss the application without prejudice, which petition has not yet received disposition; and

It further appearing that a continuance of the hearing is advisable pending action on the petition to dismiss;

It is ordered, This 25th day of May 1955, that the hearing scheduled to commence on May 26, 1955, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4408; Filed, June 1, 1955; 8:49 a. m.]

[Change List 179]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

MAY 8, 1955.

Notification under the provision of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Probable date of operation
		580 kilocycles				
XEDZ	Cordoba, Veracruz (previously 840 kc.).	1,000 w D/450 w N		U	III-B	Sept. 19, 1955
		600 kilocycles				
XEBB	Acapulco, Guerrero (increase day power).	5 kw D/1 kw N		U	III-A	Aug. 9, 1955
		670 kilocycles				
XEFJ	Teziutlan, Puebla (delete assignment—vide 1330 kc.).	2kw	DA-N	U	II	Nov. 9, 1955
		810 kilocycles				
XEXW	Nogales, Sonora (now in operation)	500 w D		D	II	Apr. 9, 1955
		840 kilocycles				
XEDZ	Cordoba, Veracruz (delete assignment—vide 580 kc.).	5 kw	DA-N	U	II	Nov. 9, 1955
		850 kilocycles				
XETQ	Orizaba, Veracruz (previously 870 kc.).	10 kw	DA-2	U	II	June 9, 1955
		870 kilocycles				
XETQ	Orizaba, Veracruz (delete assignment, vide 850 kc.).	5 kw	DA-N	U	II	Do.
		1100 kilocycles				
XERL	Colima, Colima (delete assignment—vide 1470 kc.).	1 kw	DA-N	U	II	Aug. 9, 1955
		1180 kilocycles				
XEFR	Mexico, D. F. (delete assignment—vide 1530 kc.).	1,000 w D/200 w N	ND	U	II	Nov. 9, 1955
		1530 kilocycles				
XEFJ	Teziutlan, Puebla (previously 670 kc.).	1,000 w D/100 w N	ND	U	IV	Do.
		1440 kilocycles				
New	Parras, Coahuila	5,000 w	ND	D	III	Do.
		1470 kilocycles				
XERL	Colima, Colima (previously 1100 kc.)	1,000 w D/200 w N	ND	D	IV	Aug. 9, 1955
		1530 kilocycles				
XEFR	Mexico, D. F. (previously 1180 kc.)	5 kw	DA-N	U	II	Nov. 9, 1955

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4417; Filed, June 1, 1955; 8:51 a. m.]

[Docket No. 11371; FCC 55M-479]

DEEP SOUTH BROADCASTING CO. (WSLA)

ORDER CONTINUING HEARING

In re application of Deep South Broadcasting Company (WSLA), Selma, Alabama, Docket No. 11371, File No. BMPCT-2100; for modification of construction permit.

The Hearing Examiner having under consideration: (1) The designation of a suitable date for commencing the hearing; and (2) modification of certain subpenas heretofore issued to conform with the foregoing date;

It appearing that the hearing is currently scheduled to commence on June 1 and that the subpenas were issued directing the following persons to appear on May 27, 1955, which had earlier been the scheduled date of hearing:

Lieutenant Colonel John D. Harris, Jr., Room BF-941-C, The Pentagon.

Commander Myrton T. Ebright, Room 5-E-581, The Pentagon.

Lieutenant Colonel James B. Gregorie, Jr., Room 2-E-661, The Pentagon.

Roger G. Flynn, Air Transport Association of America, 1107 16th Street NW., Washington, D. C.

It further appearing that due to conflicts in the hearing schedules on the part of the Hearing Examiner a continuance in this proceeding is necessary;

It is ordered, This 25th day of May 1955, that the date for commencing the hearing is continued from June 1 to June 16, 1955, at 10:00 a. m. in Washington, D. C. and

It is further ordered, That the subpenas heretofore issued to the persons named above shall be modified to specify June 16, 1955, as the date for appearance.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4415; Filed, June 1, 1955; 8:51 a. m.]

[Docket Nos. 11399, 11400; FCC 55-620]

NEW BRITAIN BROADCASTING CO. (WKNB-TV) ET AL.

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In re applications of The New Britain Broadcasting Company (WKNB-TV), New Britain, Connecticut, Docket No. 11399, File No. BMPCT-2787, for modification of construction permit (Channel 30); Julian Gross, et al. (Transferor), and National Broadcasting Company, Inc. (Transferee), Docket No. 11400, File No. BTC-1896, for transfer of control of New Britain Broadcasting Company (WKNB and WKNB-TV).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of May 1955;

The Commission having under consideration (1) the above-entitled applications; (2) the oppositions to said applications filed by Elm City Broadcasting Corporation, licensee of television station WNHC-TV, Channel 8, New Haven, Connecticut, and by WATR, Inc., permittee of television station WATR-TV, Channel 53, Waterbury, Connecticut; (3) the Commission's letter of May 4, 1955, sent to the above-named applicants pursuant to section 309 (b) of the Communications Act of 1934, as amended; and (4) the joint response to said letter of May 4, 1955, filed by the above-named applicants on May 12, 1955; and

It appearing that the above-named applicants filed their applications on a contingent basis requesting that a grant of the transfer application be contingent on a grant of the modification application; and

It further appearing that in its letter to the above-named applicants of May 4, 1955, the Commission notified said applicants of all objections to their applications, particularly with respect to the questions raised as to whether grants of said applications would be consistent with the provisions of §§ 3.35, 3.636 and 3.658 (f) of the Commission's rules and its policies promulgated thereunder; that the Commission was unable to determine that grants of said applications would be in the public interest; and that applicants were being afforded an opportunity to reply to the Commission's letter; and

It further appearing that upon due consideration of the above-entitled applications, the Commission's letter of May 4, 1955, and the applicants' reply thereto of May 12, 1955, the Commission finds that it is unable to determine at this time that grants of the above-entitled applications would be in the public interest; that a hearing thereon is required; and that said applicants are legally, financially, technically and otherwise qualified except as to the issues set forth below; and

It further appearing that the issues framed below involve questions of law and policy, and interpretations of certain sections of the Commission's rules; that the law, policy and interpretations may be determined from the uncontroverted facts set forth in the oppositions and joint response filed herein, and by the Commission taking official notice of its records; that, therefore, a fact finding hearing does not appear to be required herein; that an oral hearing appears to be appropriate for the consideration of arguments on the issues framed below; and that, in the event the Commission should find it necessary, after the oral hearing ordered herein, to institute fact finding proceedings in connection with the issues specified below, appropriate provisions may be made for such fact finding; and

It further appearing that Elm City Broadcasting Corporation and WATR, Inc., have made their interests in the above-entitled applications known to the Commission, and have requested that said applications be designated for hearing and that they be named parties therein;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing to commence at 10:00 a. m. on June 20, 1955, at the offices of the Commission in Washington, D. C., before the Commission en banc, on the following issues:

(1) To determine whether or not grants of the above-entitled applications would be consistent with the provisions of §§ 3.35 (1) and 3.636 (a) (1) of the Commission's rules and its policies promulgated thereunder.

(2) To determine whether or not grants of the above-entitled applications would be consistent with the provisions of § 3.658 (f) of the Commission's rules and its policies promulgated thereunder.

(3) To determine whether or not, on the basis of the hearing record adduced with respect to Issues "(1)" and "(2)" above, grants of the above-entitled applications would serve the public interest, convenience and necessity.

It is further ordered, That the hearing ordered herein shall consist solely of oral argument on the issues specified above: *Provided, however*, That in the event the Commission shall find that there is a dispute as to the facts before it or that other reasons exist for instituting fact finding proceedings in connection with the issues specified above, appropriate provision shall be made for such fact finding.

It is further ordered, That Elm City Broadcasting Corporation and WATR, Inc., are hereby made parties to the proceedings herein.

Released: May 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION [1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4416; Filed, June 1, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Dockets Nos. G-2255, G-3214]

ORANGE GROVE GAS GATHERING CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING; CORRECTION

MAY 24, 1955.

In the matters of Orange Grove Gas Gathering Company, et al., Docket No. G-2257; Natural Gas Pipeline Company of America, Docket No. G-3214.

Please correct typographical errors appearing in the captioned notice dated May 11, 1955 (20 F. R. 3445) as follows:

1. Change, "Natural Gas Pipeline Company of America" in the caption and the tenth line of page 1 to read, "Texas Illinois Natural Gas Pipeline Company".

2. Change, "Natural" to "Texas Illinois" in lines 11 and 23 on page 1 and line 1 of page 2.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4397; Filed, June 1, 1955; 8:47 a. m.]

[1] Commissioners Webster and Bartley dissenting and voting for an evidentiary hearing; Commissioner Hennock's dissenting opinion filed as part of the original document.

[Docket Nos. G-2952, G-4671, G-5261]

DEEP SOUTH OIL CO. OF TEXAS ET AL.

NOTICE OF CONTINUANCE OF ORAL ARGUMENT

MAY 24, 1955.

In the matters of Deep South Oil Company of Texas, Docket No. G-2952; Shell Oil Company, Docket No. G-4671; and Humble Oil & Refining Company, Docket No. G-5261.

Notice is hereby given that the oral argument heretofore scheduled for June 7, 1955, in the above-designated matters, is postponed to June 13, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4398; Filed, June 1, 1955; 8:47 a. m.]

[Docket No. G-4610]

TEXAS EASTERN TRANSMISSION CORP. AND TRANSCONTINENTAL GAS PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 26, 1955.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern), whose address is Texas Eastern Building, Shreveport, Louisiana, and Transcontinental Gas Pipeline Corporation (Transcontinental), whose address is 3100 Travis Street, Houston, Texas, filed a joint application on November 1, 1954, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Texas Eastern and Transcontinental propose to exchange natural gas on an Mcf for Mcf basis at the convenience of the joint Applicants. The exchanges would be effected through existing authorized interconnections. No new facilities are proposed.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 21, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 16, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4399; Filed, June 1, 1955; 8:48 a. m.]

[Docket No. G-8518]

ORANGE GROVE OIL AND GAS CORP., AND H. J. MOSSER

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On March 2, 1955, the Commission issued its order suspending proposed changes in rates filed by Orange Grove Oil and Gas Corporation and H. J. Mosser (Applicants) in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Trunkline Gas Company (Trunkline).

The Commission finds: It is proper and in the public interest that the proceedings in the foregoing designated docket be set for hearing and that prior thereto Applicants shall submit to the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15, and 16, a public hearing be held commencing June 27, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issued presented in these proceedings.

(B) Applicants shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicants, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Trunkline;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Trunkline; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicants shall go forward first and shall present their complete case-in-chief with respect to the issues in these proceedings. Upon completion thereof, other parties to the proceedings, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicants' case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in these proceedings.

(E) Upon completion of the proceedings as provided in paragraphs (B) and (C), upon request of any party to the proceedings, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: May 26, 1955.

Adopted: May 25, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4401; Filed, June 1, 1955; 8:48 a. m.]

[Docket No. G-8960]

SUNRAY OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sunray Oil Corporation (Applicant), on April 25, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated April 22, 1955.	Louisiana Nevada Transit Co., in Cotton Valley Field, Webster Parish, La.	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 55.	May 26, 1955

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until October 26, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 25, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4402; Filed, June 1, 1955; 8:48 a. m.]

[Docket Nos. G-5258, G-8487]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER CONSOLIDATING PROCEEDINGS, FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

By order issued November 26, 1954, at Docket No. G-5258, the Commission suspended until April 1, 1955, First Revised Sheets Nos. 28-P and 28-Q, Second Revised Sheet No. 26-B, Third Revised Sheets Nos. 17-B and 17-F, Fourth Revised Sheet No. 28-I, Fifth Revised Sheets Nos. 9, 19, and 24, Sixth Revised Sheets Nos. 5, 12, and 16 to Transcontinental Gas Pipe Line Corporation's (Transcontinental) FPC Gas Tariff, Original Volume No. 1. The suspended revised sheets proposed an increase in rates of $3,204,335 or 5.4 percent per annum over the rates approved in Docket No. G-2439, which became effective September 1, 1954.

By order issued December 28, 1954, the Commission permitted Second Revised Sheet No. 28-P, Third Revised Sheet No. 26-B, Fourth Revised Sheets Nos. 17-B and 17-F, Fifth Revised Sheet No. 28-I, Sixth Revised Sheets Nos. 9, 19, and 24, and Seventh Revised Sheets Nos. 5, 12, and 16 to Transcontinental's FPC Gas Tariff, Original Volume No. 1, filed on November 26, 1954, to be substituted for the revised sheets (except First Revised Sheet No. 28-Q), suspended by the order issued November 26, 1954, and suspended the substituted revised sheets and First Revised Sheet No. 28-Q until February 1, 1955. The suspended substitute revised sheets propose an annual increase of $796,000, or 1.26 percent in addition to the $3,204,000 suspended by order issued November 26, 1954.

By order issued February 11, 1955, the Commission permitted Second Revised Sheet No. 28-P, Third Revised Sheet No. 26-B, Fourth Revised Sheets Nos. 17-B and 17-F, Fifth Revised Sheet No. 28-I, Sixth Revised Sheets Nos. 9, 19, and 24, and Seventh Revised Sheets Nos. 5, 12, and 16 to become effective as of February 1, 1955, subject to Transcontinental's filing a corporate undertaking to refund any excess charges, with interest at 6 percent per annum, found by the Commission to be not justified.

By order issued February 18, 1955, at Docket No. G-8487, the Commission suspended until April 1, 1955, Third Revised Sheet No. 28-P, Fourth Revised Sheet No. 26-B, Fifth Revised Sheets Nos. 17-B and 17-F, Sixth Revised Sheet No. 28-I, Seventh Revised Sheets Nos. 9, 19, and 24, and Eighth Revised Sheets Nos. 5, 12, and 16 to Transcontinental's FPC Gas Tariff, Original Volume No. 1, filed on January 20, 1955, proposing an increase in rates of $2,176,000, or 3.3 percent per annum, over and above the $4,017,000 increase, which became effective, subject to Transcontinental's undertaking, on February 1, 1955. By order issued April 15, 1955, the Commission permitted these revised sheets to become effective as of April 1, 1955, subject to Transcontinental's undertaking, to assure refund of excess charges with interest at six per cent per annum, found by the Commission to be not justified.

The Commission finds: It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to consolidate the proceedings in Docket Nos. G-5258 and G-8487, and to hold public hearings in the consolidated proceedings, all as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 14, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held, commencing on June 20, 1955, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above-entitled proceedings.

(B) At the hearing, Transcontinental shall go forward first and shall present its complete case-in-chief with respect to the issues in these proceedings. Upon completion thereof, other parties to the proceedings, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(C) Following the presentation of Transcontinental's case and cross-examination, as provided in paragraph (B), other parties may present their testimony and evidence with respect to the issues in these proceedings.

(D) In the interest of expedition, Transcontinental shall, not later than 5 days next preceding the date hereinbefore fixed for the commencement of the hearings herein, serve upon all parties to these proceedings copies of the testimony and exhibits they propose to offer at the hearing, including five (5) copies thereof upon Commission Staff Counsel.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 26, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4400; Filed, June 1, 1955; 8:48 a. m.]

[1] Commissioner Digby dissenting.

Archives Room

FEDERAL REGISTER

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Washington, Friday, June 3, 1955

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6283]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL TRAINING SERVICE, INC., AND MICHAEL F. BELL

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Government connection; personnel or staff; unique or special status or advantages; § 13.115 *Jobs and employment service:* Government. Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1425 *Government connection;* § 13.1430 *Government indorsement, sanction or sponsorship;* § 13.1495 *Non-profit character;* § 13.1520 *Personnel or staff;* [*Misrepresenting oneself and goods*]—Goods: § 13.1670 *Jobs and employment;* § 13.1740 *Scientific or other relevant facts;* § 13.1770 *Unique nature or advantages.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1985 *Individual's special selection or situation;* § 13.1995 *Job guarantee and employment;* § 13.2000 *Limited offers or supply;* § 13.2063 *Scientific or other relevant facts;* § 13.2090 *Undertakings, in general.* Subpart—*Securing orders falsely, misleadingly or improperly:* § 13.2170 *Securing orders falsely, misleadingly or improperly.* Subpart—*Securing signatures wrongfully:* § 13.2175 *Securing signatures wrongfully.* In connection with the offering for sale, sale, and distribution, in commerce, of a course of study and instruction intended for preparing students thereof for examination for civil service positions under the United States Government, or any similar courses of study: (1) Representing, directly or by implication: (a) Through the use of postal cards or other sales literature, that respondents have any information pertaining to the United States Civil Service which is not available to the general public; or that persons pursuing respondents' methods of preparation for United States Civil Service examinations are assured of employment in said service; (b) that respondents have any connection with the United States Civil Service Commission or any other agency of the United States Government; (c) that respondents' sales agents are representatives or employees of the United States Civil Service Commission or any other government agency, or have any connection therewith; (d) that respondent, National Training Service, Inc., is anything other than a business operated for profit or is sponsored by the United States Government or Civil Service Commission, or that any money paid to it is paid to the United States Civil Service Commission or any other United States government agency; (e) that it is necessary for persons seeking United States Civil Service positions to take respondents' course of study in order to qualify for or obtain such positions; (f) that applicants or prospective purchasers of respondents' course of study are especially selected or that the number of applicants is restricted; (g) that persons having completed respondents' course of study and passed a civil service examination are guaranteed or assured of positions in the United States Civil Service or at locations selected by them; (h) that unless prospective purchasers decide to purchase respondents' course of study at the time of the sales agents' visit, they will lose the opportunity to enroll in said course or for civil service employment; (i) that the taking and passing of a United States Civil Service examination assures eligibles of immediate employment in said civil service; (j) that sales agents or representatives of respondents give personal assistance or instruction at any time after the sale of said course of study to purchasers thereof; (k) that persons employed in the United States Civil Service are not required to serve in the Armed Forces of the United States; (2) inviting or soliciting inquiries by means of postal cards or other sales literature in such manner as to imply or suggest that respondents have some connection with the United States Civil Service or some branch or agency of the United States Government; (3) using credentials resembling official identifications or using or displaying official publications of the United States Government, or other books or publications resembling them in such a manner as to represent or imply that respondents or their agents are connected with the United States Government or any

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end ($2.25)
Title 8 ($0.45)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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effect requested the withdrawal of their answer, and expressly waived hearing before the hearing examiner or the Commission, the making of findings of fact or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission, and all further and other proceedings before the hearing examiner or the Commission to which they might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission.

It was also agreed by respondents that the order contained in the stipulation should have the same force and effect as if made after full hearing, presentation of evidence and findings and conclusions thereon, and respondents specifically waived any and all right, power, or privilege to challenge or contest the validity of the order entered in accordance with their stipulation, and agreed that said Stipulation for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based, and it was further set forth that the complaint in the matter might be used in construing the terms of said order, which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and that the signing of the Stipulation for Consent Order was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters and his conclusion in view of said facts and the further fact that the order embodied in the stipulation was identical with that which accompanied the complaint and was adequate to forbid all the acts and practices charged therein, that such order would safeguard the public interest to the same extent as could be accomplished by a full hearing and all other adjudicative proceedings waived in said stipulation; and accordingly, in consonance with the terms of such stipulation, granted the request for withdrawal of respondents' answer, accepted the Stipulation for Consent Order submitted therein, found that the proceeding was in the public interest, and issued his order to cease and desist and order granting request for withdrawal of respondents' said answer.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated April 19, 1955, became, on that date, pursuant to Rule XXII of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondent, National Training Service, Inc., a corporation, and its officers, and Michael F. Bell, individually and as an officer of said corporation, and the respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a course of study and instruction intended for preparing students thereof for examination for civil service positions under the United States Government, or any similar courses of study, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) Through the use of postal cards or other sales literature, that respondents have any information pertaining to the United States Civil Service which is not available to the general public; or that persons pursuing respondents' methods of preparation for United States Civil Service examinations are assured of employment in said service;

(b) That respondents have any connection with the United States Civil Service Commission or any other agency of the United States Government;

(c) That respondents' sales agents are representatives or employees of the United States Civil Service Commission or any other government agency, or have any connection therewith;

(d) That respondent, National Training Service, Inc., is anything other than a business operated for profit or is sponsored by the United States Government or Civil Service Commission, or that any money paid to it is paid to the United States Civil Service Commission or any other United States government agency;

(e) That it is necessary for persons seeking United States Civil Service positions to take respondents' course of study in order to qualify for or obtain such positions;

(f) That applicants or prospective purchasers of respondents' course of study are especially selected or that the number of applicants is restricted;

(g) That persons having completed respondents' course of study and passed a civil service examination are guaranteed or assured of positions in the United States Civil Service or at locations selected by them;

(h) That unless prospective purchasers decide to purchase respondents' course of study at the time of the sales agents' visit, they will lose the opportunity to enroll in said course or for civil service employment;

(i) That the taking and passing of a United States Civil Service examination assures eligibles of immediate employment in said civil service;

(j) That sales agents or representatives of respondents give personal assistance or instruction at any time after the sale of said course of study to purchasers thereof;

(k) That persons employed in the United States Civil Service are not required to serve in the Armed Forces of the United States.

2. Inviting or soliciting inquiries by means of postal cards or other sales literature in such manner as to imply or suggest that respondents have some connection with the United States Civil Service or some branch or agency of the United States Government;

3. Using credentials resembling official identifications or using or displaying official publications of the United States Government, or other books or publications resembling them in such a manner as to represent or imply that respondents or their agents are connected with the United States Government or any branch thereof;

4. Soliciting, procuring or accepting contracts for respondents' course of study without permitting prospects to read the same over fully and thoroughly.

It is further ordered, That request for withdrawal of respondents' answer to the complaint herein be, and the same hereby is, granted.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents National Training Service, Inc., a corporation, and Michael F. Bell, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 19, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-4441; Filed, June 2, 1955; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Amdt. 35-1]

PART 35—FLIGHT ENGINEER CERTIFICATES

EXPERIENCE REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of May 1955.

The experience requirements of § 35.6 (a) and (b) of Part 35 of the Civil Air Regulations provide that an applicant for a flight engineer certificate may credit certain experience gained in the maintenance and repair of multiengine aircraft of a type used in air carrier operations having engines rated at least at 800 horsepower each. Consequently, an applicant for a flight engineer certificate is precluded by the present regulation from crediting experience gained on aircraft not used in air carrier operations. The Board believes that it should remove the requirement that experience must be gained in a type of aircraft used in air carrier operations and permit an applicant for a flight engineer certificate to qualify if he has gained certain experience on any multiengine aircraft having engines of at least 800 horsepower each. The Board is of the opinion that the level of experience required by Part 35 will in no way be lowered by this amendment. The applicant still will be required to meet all of the other provisions of Part 35 before he will be issued a flight engineer certificate.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due con-

branch thereof; (4) soliciting, procuring, or accepting contracts for respondents' course of study without permitting prospects to read the same over fully and thoroughly; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Training Service, Inc., et al., Greenwich, Conn., Docket 6283, April 19, 1955.]

In the Matter of National Training Service, Inc., a Corporation, and Michael F. Bell, Individually and as an Officer of Said Corporation

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondents with the dissemination of confusing, misleading, and deceptive advertisements concerning their course of study and instruction for examinations for certain United States Civil Service positions, and upon a Stipulation for Consent Order disposing of all the issues in the proceeding, submitted to said examiner pursuant to an agreement entered into by respondents with counsel supporting the complaint, whereby respondents admitted all the jurisdictional allegations set forth in the complaint, agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith, in

sideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 35 of the Civil Air Regulations (14 CFR Part 35, as amended) as follows, effective July 1, 1955.

By amending paragraphs (a) and (b) of § 35.6 by deleting in each paragraph the phrase "of a type used in air carrier operations and".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-4449; Filed, June 2, 1955; 8:52 a. m.]

Subchapter C—Procedural Regulations

[Reg. PR-24]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

TIME FOR FILING ANSWERS TO PETITIONS FOR INTERVENTION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of May 1955.

Section 302.15 (c) (3) of the Board's revised rules of practice (Part 302 of the Procedural Regulations) permits separate answers to be made to any petition seeking formal intervention in a proceeding. However, this rule further provides that separate answers may not be made when such a petition is filed after the close or the taking of evidence so that opposing parties can only state their views thereon, to the Board, in brief or oral argument.

The attention of the Board has been called to the fact that a party to a proceeding would be deprived of the opportunity to oppose a petition for intervention filed after the close of the taking of evidence, where the Board rules on such a petition prior to oral argument or the filing of briefs. Upon further consideration of this rule the Board has concluded that it should not deprive parties seeking to oppose the granting of a petition for intervention of the opportunity to express their views thereon prior to the submission of briefs or argument. The availability of such an opportunity will not interfere with the exercise, in appropriate cases, of the Board's prerogative to defer rulings concerning the disposition of petitions for intervention until after argument has been held. Accordingly, the Board has determined to amend Rule 15 (c) (3) so as to permit the filing of separate answers to all petitions to intervene without regard to the time when such petitions are filed.

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedure hereon are unnecessary, and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) as follows, effective May 27, 1955:

By amending § 302.15 (c) (3) to read as follows:

(3) *Answer.* Any party to a proceeding may file an answer to a petition to intervene, making specific reference to the factors set forth in paragraph (b) of this section, within seven (7) days after the petition is filed.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 1001, 52 Stat. 1017; 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-4448; Filed, June 2, 1955; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Oats]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In F. R. Doc. 55-4170, appearing at page 3590 of the issue for Tuesday, May 24, 1955, the following change should be made in § 421.1283:

In the support rates for North Dakota, the rate per bushel for Wells County should read ".52".

[1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Rye]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In F. R. Doc. 55-4168, appearing at page 3595 of the issue for Tuesday, May 24, 1955, the following change should be made in § 421.1383:

In the support rates for Wisconsin, the rate per bushel for Green Lake County should read "1.22".

[1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In F. R. Doc. 55-4169, appearing at page 3601 of the issue for Tuesday, May 24, 1955, the following changes should be made:

1. In § 421.1479, the second line of paragraph (b) should be deleted.

2. In § 421.1483, under the support rates for Kansas, the rate per bushel for Washington County should read "2.63".

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

Correction

In F. R. Doc. 55-4234, appearing at page 3701 of the issue for Friday, May 27, 1955, the following changes should be made in § 421.1233:

1. In paragraph (b) (1), the 23d line reading "of out-of-line movement, oar or any" should read "of out-of-line movement, or for any".

2. In the list of support rates, the entries for Florida, Georgia, Indiana, and Iowa should read as follows:

FLORIDA	
All counties	$1.87
GEORGIA	
All counties	$1.92
INDIANA	
All counties	$1.77
IOWA	
All counties	$1.72

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter N—Irrigation Projects; Construction Costs

PART 149—REIMBURSEMENT OF CONSTRUCTION COSTS, FORT HALL UNIT, FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

Sec.
149.1 Repayment contracts.
149.2 Construction costs.
149.3 Repayment of construction costs.

AUTHORITY: §§ 149.1 to 149.3 issued under sec. 9 46 Stat. 1061.

§ 149.1 *Repayment contracts.* A rehabilitation program was established on the Fort Hall Unit of the Fort Hall Project in 1936. Based upon the estimated construction costs, contracts were signed by all non-Indian landowners within the project, including such landowners within the Little Indian Unit, now a part of the Fort Hall Unit. Under the terms of their contracts, the landowners agreed to repay to the Government their pro rata share, on an acreage basis, of all expenditures for construction and other necessary improvements for carrying out the approved program, payments not to exceed $7.50 per acre, based upon an estimated expenditure of $450,000.00 for a project then considered as covering approximately 60,000 acres.

§ 149.2 *Construction costs.* The program of rehabilitation has now been completed at a cost of $419,186.52. This amount, chargeable on an equal per acre basis against 60,000 acres, amounts to a rate of $6,986 per acre, which rate is hereby determined to be the per acre cost to be repaid to the United States under the 1936 contracts.

§ 149.3 *Repayment of construction costs.* Under the terms of the contracts, the landowners agreed to repay the construction cost in forty (40) equal annual installments. Therefore, the annual per acre installment is hereby fixed at seventeen and one-half cents (17½¢) per acre, due and payable on December 1st of each year, the first payment being due on December 1, 1955. Under section 4 of the repayment contracts of the landowners and the act of March 10, 1928 (45 Stat. 210), the charges remain a lien against the lands until paid.

CLARENCE A. DAVIS, *Acting Secretary of the Interior.*

JUNE 1, 1955.

[F. R. Doc. 55-4472; Filed, June 1, 1955; 1:19 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 5—CENTRAL COMMITTEE ON WAIVERS AND FORFEITURES AND FIELD COMMITTEES ON WAIVERS

MISCELLANEOUS AMENDMENTS

1. In § 5.10, paragraph (b) (2) is amended to read as follows:

§ 5.10 *Central Committee on Waivers and Forfeitures.* • • •

(b) • • •

(2) All overpayments arising in field offices wherein the amount involved is in excess of $800. (See § 5.0 (b) and (c), however.)

• • • • • •

2. In § 5.11, paragraph (a) is amended to read as follows:

§ 5.11 *Committees on Waivers in field offices.* (a) In each district office and regional office there is established a field Committee on Waivers, consisting of three members designated from among the employees of that field office, whose service on the committee is in addition to their regular duties. In the Veterans Benefits Office, District of Columbia, there are established two field Committees on Waivers, of three members each, whose service on the committee is in addition to their regular duties as employees of the Veterans Benefits Office. No authorized certifying officer of the finance activity shall serve as a member of any of these committees. The Manager of the field office shall designate the members of the committee. In regional offices, the committee shall function directly under, and be administratively responsible to, the adjudication officer. In district offices, the committee shall function directly under, and be administratively responsible to, the director, claims service. In the Veterans Benefits Office, District of Columbia, the two committees shall function directly under, and be administratively responsible to, the chief, veterans claims division, and the chief, dependents claims division, respectively. If the Manager of the field office considers that a larger committee is necessary because of unusual conditions, he may appoint additional members for the period during which such conditions prevail, but the membership of the committee shall not exceed seven. Questions of the jurisdiction of the committee and the assignment of cases to its members shall be determined by the Chairman. The Manager of the field office shall report to the Chairman, Central Committee on Waivers and Forfeitures, the name of each person designated as a member of the Committee on Waivers and the name of each person appointed as Chairman or Alternate Chairman.

• • • • • •

3. Section 5.12 is revised to read as follows:

§ 5.12 *Jurisdiction of committees in field offices.* (a) Where the amount involved is not more than $800 and the case is properly before the committee under applicable Veterans Administration Regulations and administrative issues, the field Committee on Waivers has authority to render a decision on an overpayment or other indebtedness. Such decision is final, subject however, to the right of the committee to reverse or modify its own decisions upon the receipt of new and material evidence or upon a showing of clear and unmistakable error; and subject further to the administrative review jurisdiction of the Central Committee of Waivers and Forfeitures when a request for administrative review is duly filed and except as to determinations under paragraph (c) of this section to an appeal to the Board of Veterans Appeals by a veteran or his dependent, or so claiming, pursuant to established appeal procedure. No Committee on Waivers is authorized to reverse or modify a decision rendered by a Committee on Waivers of another field office or by the Central Committee on Waivers and Forfeitures.

(b) Except as to the cases referred to in paragraph (c) of this section, where the amount of the overpayment or other indebtedness is more than $800, it shall be referred by the Committee on Waivers to the Central Committee on Waivers and Forfeitures, without rendering a decision, but such Committee on Waivers shall furnish a brief setting forth a complete statement of facts and its recommendations as to the decision, with reasons supporting the recommendations.

(c) Determinations as to the liability of educational institutions or training establishments under section 7, Public Law 610, 81st Congress, or section 266, Public Law 550, 82d Congress, shall be made by field Committees on Waivers where the question has been properly submitted regardless of whether the amount of the overpayment is more than $800, but where the amount is more than $2,500 there must be an administrative review as prescribed by §§ 21.113 and 21.2304 of this chapter.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 28, 504, 43 Stat. 615, 629, as amended, sec. 4, 46 Stat. 529, as amended, secs. 11, 15, 48 Stat. 10, 11, sec. 9, 50 Stat. 662, sec. 1, 53 Stat. 1252, secs. 1, 609, 54 Stat. 1193, 1013, secs. 1, 4, 57 Stat. 554, 555, sec. 1500, 58 Stat. 300, sec. 1, 60 Stat. 908, sec. 9, 65 Stat. 35, Vet. Reg. 1 (a), Part VIII, as amended, secs. 270, 271, 66 Stat. 681, 67 Stat. 192; 38 U. S. C. 33, 36, 453, 507a, 510, 555, 697, 715, 717 note, 727, 728, 739, 809, 858, ch. 12 note)

This regulation is effective June 3, 1955.

[SEAL] J. C. PALMER, *Assistant Deputy Administrator.*

[F. R. Doc. 55-4456; Filed, June 2, 1955; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 17—LIST OF AREAS

FISH-CULTURAL STATIONS

Basis and purpose. Since publication of the 1949 edition of Title 50, Code of Federal Regulations, a number of revisions have been made in the list of Fish-Cultural Stations included as § 17.1.

It is desirable to revise Part 17 to reflect the current list.

Effective immediately upon publication in the FEDERAL REGISTER, § 17.1 is revised to read as follows:

§ 17.1 *Fish-cultural Stations.*

Fish-cultural station	State or territory	Subdivision	Document	Date	Citation
Allegheny Forest	Pennsylvania	Warren	(2)	Sept. 17, 1938	48 Stat. 401
Arcadia Fish Hatchery [1]	Rhode Island	Washington	E. O. 7752	Nov. 24, 1937	2 F. R. 2540
Argos	Indiana	Marshall	Deed	Oct. 23, 1934	46 Stat. 371
Austin	Texas	Travis	do	Aug. 1, 1940	Do.
Bald Hill Dam	North Dakota	Barnes	(2)	June 1, 1950	48 Stat. 401
Berkshire Trout Hatchery [1]	Massachusetts	Berkshire	Deed	June 3, 1919	39 Stat. 431
Berlin	New Hampshire	Coos	(2)	Jan. 1, 1921	
Bozeman	Montana	Gallatin	Deed	May 20, 1893	27 Stat. 361
Cape Vincent	New York	Jefferson	do	Nov. 19, 1894	26 Stat. 964
Carbon Hill	Alabama	Walker	do	June 26, 1939	25 Stat. 357
Carpenters Brook	New York	Onondaga	(2)	May 12, 1938	48 Stat. 401
Carson	Washington	Skamania	(2)	May 27, 1937	Do.
			P. L. O. 920	Oct. 12, 1953	18 F. R. 6635
Charlevoix	Michigan	Charlevoix	Lease	1903	
Chattahoochee Forest	Georgia	Fannin	(2)	Apr. 27, 1938	48 Stat. 401
Cheraw	South Carolina	Chesterfield	(4)	Apr. 18, 1944	Do.

See footnotes at end of table.

Fish-cultural station	State or territory	Subdivision	Document	Date	Citation
Cohutta	Georgia	Whitfield	Deed	Mar. 24, 1938	46 Stat. 371
Coleman	California	Shasta and Tehama.	do	Mar. 25, 1899	30 Stat. 236
Corning	Arkansas	Clay	do	May 7, 1938	46 Stat. 371
Cortland	New York	Cortland	do	Sept. 21, 1931	Do.
Craig Brook	Maine	Hancock	do	Sept. 4, 1889	25 Stat. 954
Crawford	Nebraska	Dawes	do	Feb. 14, 1928	44 Stat. 1215
Creede	Colorado	Mineral	do	Apr. 9, 1928	44 Stat. 853
Creston	Montana	Flathead	(4)	Dec. 13, 1944	58 Stat. 801
Delph Creek	Oregon	Clackamas	Deed	May 8, 1936	48 Stat. 401
Dexter	New Mexico	Chaves	(3)	Aug. 13, 1931	46 Stat. 371
Eagle Creek	Oregon	Clackamas	Deed	Mar. 16, 1953	52 Stat. 345
Eagle Nest	New Mexico	Colfax	Lease	Oct. 1, 1934	
Ennis	Montana	Madison	Deed	Dec. 9, 1929	
Entiat	Washington	Chelan	do	Sept. 14, 1940	
Erwin	Tennessee	Unicoi	do	Feb. 27, 1897	28 Stat. 387
Fairport	Iowa	Muscatine	do	May 26, 1909	35 Stat. 342
Farlington	Kansas	Crawford	do	Mar. 18, 1939	46 Stat. 371
Fort Worth	Texas	Tarrant	do	Aug. 9, 1927	44 Stat. 363
Frankfort	Kentucky	Franklin	do	Jan. 15, 1952	64 Stat. 343
Genoa	Wisconsin	Vernon	do	Mar. 16, 1931	43 Stat. 650
Guttenberg	Iowa	Clayton	(5)	Aug. 25, 1938	Do.
Hagerman	Idaho	Gooding	Deed	Apr. 23, 1931	46 Stat. 371
Harrison Lake	Virginia	Charles City	do	Nov. 20, 1934	Do.
Hebron	Ohio	Licking	do	May 3, 1939	Do.
Hot Springs	New Mexico	Sierra	(7)	Dec. 26, 1940	48 Stat. 401
Inks Dam	Texas	Burnet	Deed	Apr. 18, 1938	46 Stat. 371
La Crosse	Wisconsin	La Crosse	do	Nov. 9, 1923	42 Stat. 501
Lake Mills	Wisconsin	Jefferson	do	May 11, 1931	46 Stat. 371
Lamar	Pennsylvania	Clinton	do	Sept. 26, 1931	Do.
Leadville	Colorado	Lake	(E. O.	Apr. 16, 1889	
			(E. O.	Jan. 31, 1903	
Leavenworth	Washington	Chelan	Deed	June 20, 1938	52 Stat. 345
Leetown	West Virginia	Jefferson	do	Feb. 17, 1931	46 Stat. 371
Little White Salmon	Washington	Skamania	Lease	July 1, 1940	Do.
Lyman	Mississippi	Harrison	Deed	July 24, 1937	Do.
Mammoth Spring	Arkansas	Fulton	do	Apr. 2, 1904	32 Stat. 1107
Manchester	Iowa	Delaware	do	Oct. 30, 1894	28 Stat. 387
Marion	Alabama	Perry	do	Jan. 2, 1932	46 Stat. 371
McKinney Lake Fish Hatchery.[1]	North Carolina	Richmond	E. O. 7775	Dec. 27, 1937	2 F. R. 2969
McNenny	South Dakota	Lawrence	(8)	Jan. 6, 1949	
Meridian	Mississippi	Lauderdale	Deed	Feb. 17, 1939	46 Stat. 471
Miles City	Montana	Custer	(9)	July 1, 1928	
Millen	Georgia	Jenkins	Deed	Jan. 30, 1950	63 Stat. 615
Moorefield	West Virginia	Hardy	do	Mar. 21, 1938	46 Stat. 371
Nashua	New Hampshire	Hillsboro	do	Jan. 27, 1898	30 Stat. 25
Natchitoches	Louisiana	Natchitoches	do	Mar. 30, 1931	46 Stat. 371
Neosho	Missouri	Newton	do	Nov. 19, 1888	(25 Stat. 521 (31 Stat. 1018
New Castle	Virginia	Craig	(6)	Dec. 31, 1931	
New London	Minnesota	Kandiyohi	Deed	Mar. 29, 1939	46 Stat. 371
North Attleboro	Massachusetts	Bristol	do	Nov. 18, 1949	60 Stat. 1080
Northville	Michigan	Wayne	do	Feb. 21, 1891	26 Stat. 384
Orangeburg	South Carolina	Orangeburg	do	Dec. 11, 1912	36 Stat. 1441
Orangeburg County	do	do	do	May 19, 1944	
Pendills Creek	Michigan	Chippewa	(4)	May 12, 1950	63 Stat. 615
Pisgah Forest	North Carolina	Transylvania	(3)	Feb. 4, 1937	48 Stat. 401
Pittsford	Vermont	Rutland	Deed	Aug. 14, 1909	34 Stat. 721
Quilcene	Washington	Jefferson	(3)	Jan. 28, 1911	35 Stat. 589
Rochester	Indiana	Fulton	Deed	Nov. 10, 1931	46 Stat. 371
St. Johnsbury	Vermont	Caledonia	do	Sept. 1, 1892	26 Stat. 964
Salmon	Idaho	Lemhi	Lease	July 1, 1924	
San Angelo	Texas	Tom Green	Deed	Dec. 31, 1932	46 Stat. 371
San Marcos	do	Hays	do	Apr. 24, 1893	27 Stat. 361
Santa Rosa	New Mexico	Guadalupe	do	July 21, 1931	46 Stat. 371
Saratoga	Wyoming	Carbon	do	Apr. 17, 1914	36 Stat. 1441
Senecaville	Ohio	Guernsey	(8)	July 26, 1945	48 Stat. 401
Spearfish	South Dakota	Lawrence	Deed	May 7, 1898	29 Stat. 428
Spokane	Washington	Spokane	do	Oct. 24, 1934	46 Stat. 371
Spring Creek	do	Skamania	(6)		52 Stat. 345
			(P. L. O. 617	Nov. 25, 1949	14 F. R. 7295
Springville	Utah	Utah	Deed	Aug. 24, 1915	38 Stat. 64
Tishomingo	Oklahoma	Johnston	do	July 19, 1928	44 Stat. 1215
Tupelo	Mississippi	Lee	do	May 13, 1902	31 Stat. 1151
Uvalde	Texas	Uvalde	do	Aug. 19, 1935	46 Stat. 371
Valley City	North Dakota	Barnes	do	July 26, 1938	Do.
Walhalla	South Carolina	Oconee	do	Aug. 5, 1935	Do.
Warm Springs	Georgia	Meriwether	do	Feb. 14, 1899	30 Stat. 612
Welaka Fish Hatchery[1]	Florida	Putnam	(E. O. 8001	Nov. 2, 1938	3 F. R. 2633
			(E. O. 8769	June 3, 1941	6 F. R. 2743
White Sulphur Springs	West Virginia	Greenbrier	Deed	Oct. 10, 1952	66 Stat. 541
Willard	Washington	Skamania	(3)	Apr. 29, 1902	31 Stat. 681
Williams Creek	Arizona	Apache	(10)	Apr. 11, 1951	52 Stat. 345
Winthrop	Washington	Okanogan	Deed	Apr. 21, 1939	48 Stat. 401
Wytheville	Virginia	Wythe	do	Oct. 16, 1940	30 Stat. 612
Yellowstone Park	Wyoming	Yellowstone National Park.	(11)	Feb. 1, 1898 July 1, 1891	29 Stat. 279

[1] Complete official designation; to all others add "Fish-Cultural Station".
[2] Agreement with Forest Service.
[3] Agreement with County.
[4] Transfer from National Park Service.
[5] Acquired through condemnation proceedings.
[6] Agreement with Corps of Engineers.
[7] Transfer from Bureau of Reclamation.
[8] Agreement with State.
[9] Agreement with Bureau of Animal Industry.
[10] Agreement with Bureau of Indian Affairs.
[11] Agreement with National Park Service.

Issued at Washington, D. C., this 27th day of May 1955.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 55-4421; Filed, June 2, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1155]

NEW MEXICO

RESERVING LANDS WITHIN CIBOLA NATIONAL FOREST FOR USE OF FOREST SERVICE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831), it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Cibola National Forest in New Mexico are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas:

NEW MEXICO PRINCIPAL MERIDIAN

JUAN TABO RECREATION AREA

T. 11 N., R. 4 E.,
Sec. 2, lots 1, 2, 5, 6.
T. 12 N., R. 4 E.,
Sec. 35, S½SW¼SE¼, S½NE¼SW¼SE¼, S½N½NE¼SW¼SE¼, SW¼SE¼SE¼, S½NW¼SE¼SE¼, S½N½NW¼SE¼SE¼, N½SE¼SE¼SE¼, S½NE¼SE¼SE¼:
Sec. 36, S½NW¼SW¼SW¼, SW¼NE¼SW¼SW¼.

The areas described aggregate 202.25 acres.

LA CUEVA RECREATION AREA

T. 11 N., R. 4 E.,
Sec. 2, N½SW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, E½SW¼SE¼SW¼, E½W½SW¼SE¼SW¼, SW¼SE¼, W½SE¼SE¼, NE¼SE¼SE¼, W½SE¼SE¼SE¼;
Sec. 11, lot 11, E½W½NE¼NE¼, W½E½NE¼NE¼.

The areas described aggregate 159.32 acres.

SPRINGTIME RECREATION AREA

T. 8 S., R. 6 W.,
Sec. 36, NE¼.

The area described contains 160 acres.

WATER CANYON RECREATION AREA

T. 3 S., R. 3 W.,
Sec. 26, NW¼NW¼, W½NW¼NE¼NW¼, NW¼SW¼NW¼, W½NE¼SW¼NW¼, W½SW¼SW¼NW¼;
Sec. 27, E½NE¼SE¼NE¼, SE¼SE¼NE¼, NE¼NE¼SE¼, N½SE¼NE¼SE¼.

The areas described aggregate 95 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 27, 1955.

[F. R. Doc. 55-4422; Filed, June 2, 1955; 8:45 a. m.]

[Public Land Order 1156]

WASHINGTON

REVOKING EXECUTIVE ORDER NO. 1713 OF FEBRUARY 24, 1913

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 1713 of February 24, 1913, reserving certain unsurveyed islands in Washington for public purposes, which was revoked in part by Executive Order No. 5151 of August 30, 1929, is hereby revoked so far as it affects the remaining island withdrawn thereby, known as Victim Island in the E½, sec. 17, T. 36 N., R. 2 W., Willamette Meridian, containing approximately 6 acres.

The island is located in the San Juan Island group. The terrain is rocky and vegetation consists of a defective stand of second-growth Douglas Fir and Hemlock, with an understory of brush. There are no indications of water on the island and the soil is such as to preclude its use for agricultural purposes.

No application for the released land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not otherwise become effective to change the status of the released land until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans' preference-right applications under the said act of September 27, 1944, may be received on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, including the mineral-leasing laws, received on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same land; otherwise, priority of filing shall govern.

Inquiries concerning the island shall be addressed to the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

MAY 27, 1955.

[F. R. Doc. 55-4423; Filed, June 2, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 76]

VESICULAR EXANTHEMA

INTERSTATE MOVEMENT OF SWINE

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that, pursuant to the provisions of sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111-113, 120), it is proposed to amend § 76.30 of the regulations restricting the interstate movement of swine and certain swine products because of vesicular exanthema, a contagious, infectious, and communicable disease (9 CFR, 1954 Supp., 76.30) in the following respects:

1. Subparagraph (2) of paragraph (c) of § 76.30 would be amended to read:

(2) Prior to January 1, 1956, swine which have been fed raw garbage but which, for a period of 30 consecutive days just prior to the interstate movement, have been fed cooked garbage or other feeds to the exclusion of any raw garbage, which have been kept on a premise on which no raw garbage has been fed to swine during such 30-day period, and which have not come in contact with swine fed any raw garbage during such 30-day period, may be moved interstate under this subpart from a non-quarantined area, if accompanied by a certificate signed by an inspector of the Branch, an inspector employed by the State of origin of the swine, or other inspector who may be approved by the Chief of Branch for this purpose, stating that, as far as he has been able to determine, such swine have been fed cooked garbage or other feeds to the exclusion of any raw garbage for a period of 30 consecutive days just prior to the interstate movement and that a visual inspection of all swine on the premises of origin just prior to movement therefrom disclosed no indication of vesicular exanthema. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

2. Subparagraph (2) of paragraph (d) of § 76.30 would be amended to read:

(2) Prior to January 1, 1956, swine products derived from swine which had been fed raw garbage but which, for a period of 30 consecutive days just prior to slaughter, had been fed cooked garbage or other feeds to the exclusion of any raw garbage, which had been kept on a premise on which no raw garbage had been fed to swine during such 30-day period, and which had not come in contact with swine fed any raw garbage during such 30-day period, may be moved interstate under this subpart from a non-quarantined area. The provisions of subparagraph (1) of this paragraph shall not be applicable to such movements.

The proposed amendment would extend to January 1, 1956, the provisions contained in § 76.30 (c) (2) and (d) (2) of the regulations, which constitute exceptions to the provisions of § 76.30 (c) (1) and (d) (1) pertaining to the interstate movement from non-quarantined areas of swine fed raw garbage, and carcasses, parts and offal derived from such swine. Under the latter provisions swine fed any raw garbage may not be moved interstate except to an approved establishment for immediate slaughter and special processing, and carcasses, parts and offal derived from such swine, may not be moved interstate except to an approved establishment for special processing.

The provisions of § 76.30 (c) (2) and (d) (2) were included in the regulations to be effective until January 1, 1954, and were extended to July 1, 1955 (B. A. I. Order 383 (Revised) and amendments 15 and 32), because of the limited availability of satisfactory garbage-cooking equipment. This situation has been steadily improving. It is believed that after the termination of the proposed extension to January 1, 1956, there will be no necessity for any further extension of such provisions. Thereafter, swine fed any raw garbage, and carcasses, parts and offal derived from such swine, may be moved interstate from non-quarantined areas only for immediate slaughter and special processing, or special processing, in accordance with the provisions of § 76.30 (c) (1) and (d) (1) of the regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Chief, Animal Disease Eradication Branch, Agricultural Research Service, United States Department of Agriculture, Washington, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 31st day of May 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 55-4455; Filed, June 2, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 25]

[Docket No. 10090; FCC 55-621]

PATENTS

FILING OF INFORMATION

In the matter of promulgation of rule governing the preparation and filing of patent reports annually; Docket No. 10090.

1. On December 8, 1954, the Commission released a proposed report and order tentatively adopting a modified rule (§ 25.1), for governing the preparation and filing of patent information annually.[1] The Report considered the objections made to the rule initially noticed; it explained that the initial rule had been modified to require that only the patents which the party reporting "knew or believed to be in use" need be reported. This modification was made to meet the general objection that the rule imposed too great a work load, particularly on large patent holding companies, in that it required extensive studies of all patents they owned or had the right to sublicense, and the equipment to which the patents related, to determine all the patents which were in use and thus be fully responsive to the rule.

2. The December 8, 1954, Report made provision for oral argument before the Commission on February 1, 1955, for parties who had previously filed comments; it required that those who wished to take part in the oral argument must file Notice of Appearance. Out of the 83 "persons" who had previously filed comments but 5 took part in the oral argument, namely, the American Telephone and Telegraph Company, Aircraft Industries Association, Collins Radio Company, Allen B. DuMont Laboratories, Inc., and Sylvania Electric Products, Inc.

3. Each party who took part in the February 1, 1955, oral argument opposed the rule tentatively proposed by the Commission's December 8, 1954, Report. In the main, the objections to the rule again centered about the volume of work required in the preparation and filing of reports fully responsive to the rule. A. T. & T. pointed out that it owns 8,800 patents and holds the right to sublicense 20,000 patents which it does not own; that under the rule proposed the Bell Companies must examine all the patents they own or hold the right to sublicense which are "known or believed" to be in use for communication services, in order to ascertain the "specific purpose or purposes" for which each such patent is being used; that this was due to the fact that the Bell Companies do not maintain records showing the use of either the patents they own, or the patents under which they hold the right to sublicense; and finally, that under the rule as it stood, many minor patents not connected with the transmission or reception of messages or programs must be studied and reported. In summary, A. T. & T. argued that the rule as proposed was (1) unduly burdensome and expensive; and (2) that a great deal of material called for by the rule was unnecessary and would not serve a useful purpose commensurate with the effort and expense involved. Each of the other parties who took part in the oral argument subscribed to these overall objections to the proposed rule.

5. On the other hand, during the February 1, 1955, oral argument some of the parties expressed the opinion that the Commission in order to carry out its public interest responsibilities under the Communications Act of 1934, as amended, should have sufficient patent information at hand to permit continuous study of the practices of communication carriers or radio licensees with respect to the patents they own, or patents they do not own, but hold the right to sublicense any "person" thereunder. It was also accepted that knowledge of the patents being used, and hence, the licensing information respecting said patents called for by the proposed rule, could not be obtained by the Commission from the United States Patent Office records. In addition, there was opinion that the Commission's proposed rule should be modified so that it would not require reports from "persons" who own or hold the right to sublicense but a few communication patents.

6. After careful consideration of the arguments made and facts advanced respecting the work load imposed on patent holders required to file reports under the rule, we have modified said rule to further reduce, to quite a large extent, the information required both as to patents in use and as to licensees. The modified rule is set forth below. The greatest inroads for reducing the work load are made by modifying the rule to negative the need to report patents not directly connected with the transmission or reception of messages or programs, and to remove the requirement that the party reporting must report licensee use of the patents he owns or can sublicense. We believe that the rule as now modified calls for the minimum data and records necessary for Commission purposes, and that the work load required for the preparation of reports under said rule is not burdensome or overexpensive even to the larger patent holders. In addition, the rule now removes the necessity of filing reports by "persons" who own or control a small number of communication patents.

7. In order that the rule as modified may be clearly understood, we will explain in this report the changes made for accomplishing the purposes above. Referring to part (a) of the revised rule, the purpose of excluding the filing of patent reports by "persons" who own or control a small number of communication patents, is accomplished by requiring only "persons" who own or hold the right to sublicense "one or more groups" of electrical communication patents, a group of patents meaning 10 or more patents, "each having one or more claims directed to the same or similar signal transmitting or receiving operations." Signal transmissions as here used is synonymous with message or program transmissions.

8. The reduction in the number of patents as to which any "person" within the rule must report is accomplished by changes made in (a) (1) of the rule. This part of the rule as now modified requires that the "person" reporting need only list unexpired patents with claims directed to "electrical operations" which he knows or believes are being used in the transmission or reception of message or program services he furnishes, or in equipment he manufactures and sells for services regulated or authorized by the Commission. In contrast, the rule tentatively adopted by the Commission's December 8, 1954, Report required that the "person" reporting list all of the unexpired patents which he owns or has the right to sublicense, and which he knows or believes are being used by anyone in one or more communication services regulated or authorized by the Commission. Under the substitute language the party reporting need not list patents which do not have claims directed to "electrical operations;" and he need not report as to the patents he believes his licensees, or "persons" other than himself, are using.

9. Still referring to part (a) (1) of the rule as modified by this report and order, under the language "knows or believes" the Commission will permit the party reporting to rely on the knowledge of his patent attorneys or engineers respecting the patents he owns or has the right to sublicense which are being used by him in services he furnishes, or in the equipment he manufactures and sells for services regulated or authorized by the Commission. More specifically, if the records of the party reporting do not show which of the patents he owns or holds the right to sublicense he is using for the services he renders, or for equipment he manufactures and sells for services, he may either examine equipment for determining the patents in use, or he may rely on the knowledge of his engineers or patent attorneys for determining such use. Moreover, any one or more of these procedures may be used in the preparation of a report. Also, in order to further reduce the number of patents that must be reported under the rule the term "right to sublicense" is defined as covering only patents "which the 'person' reporting does not own but holds the right to license 'any person' to manufacture, sell and/or use thereunder." "Any person" means all "persons," and is intended to eliminate the need to report patents which the "person" reporting does not own, and holds only the right to sublicense its subsidiary or affiliated companies.

10. Another change in part (a) (1) of the rule for decreasing the work load is that instead of requiring the "specific purpose or purposes" for which each patent reported is known or believed to be in use, the rule now requires that reports state only the "principal purpose" for which each patent is being used. Also, part (a) (1) as now modified removes the requirement that the filing date and the United States Patent Office classification and subclassification numbers be given as to each patent reported.

11. Referring to part (a) (2) of the rule as modified by this Report, which deals with the information to be furnished concerning the licensees of the party reporting, it will be seen that only the transmitting or receiving equipment licensed and the patents listed under (a) (1) of the rule which are applicable to said equipment in each case need be reported as to each licensee. As heretofore shown, under part (a) (1) the number of patents reported have been greatly reduced. Thus the work under part (a) (2) would likewise be reduced, because (a) (2) is limited to the patents reported under (a) (1). Also in part (a) (2) the requirement that the "specific purpose or purposes" for which each patent reported is known or believed to be used by the licensee has been removed. This relieves the patent holder of the necessity of ascertaining the uses being made of the patents he owns or has the right to sublicense by his respective licensees.

12. Parts (a) (3) and (a) (4) of the rule call for copies of all agreements made relating to communications equipment under the patents reported in (a) (1), and the licensing policy of the party reporting, respectively. No objection was raised during the February 1, 1955, oral argument before the Commission respecting parts (a) (3) and (a) (4) of the rule; they remain unchanged. Objections to the proposed rule other than those concerning the work load imposed by said rule made during the oral argument on February 1, 1955, were dealt with in the Commission's Report of December 8, 1954, or are removed by the foregoing revisions to the rule.

13. Since the modifications to the rule made by this Report were largely for meeting the objections filed by the "persons" who have previously commented, it is believed that before final adoption, public interest would be served by permitting such "persons" to file their comments to the rule as now modified: *Accordingly, it is ordered,* That all such "persons" may submit comments on or before June 30, 1955. At the same time those favoring the modified rule may file comments in support thereof.

14. The proposed rule is issued under the authority of sections (4) (i), 218, 303 (e), 303 (g), 311, 313, and 602 (d) of the Communications Act of 1934, as amended. Replies to any comments filed may be made within 10 days from the last day for filing original comments. The Commission will consider all such comments and briefs that are presented before taking final action in the matter.

15. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: May 26, 1955.

Released: May 31, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[3]
MARY JANE MORRIS,
Secretary.

[1] See 19 F. R. 8485.

[3] Commissioners Hyde and Doerfer dissenting. Statement of Commissioner Hyde filed as part of original document.

§ 25.1 *Filing of patent information.* (a) Any carrier subject to the provisions of Title II of the Communications Act, or any radio station licensee, or any "person" who controls, or is controlled by any such carrier or station licensee, who owns one or more groups of electrical communication unexpired U. S. patents,[1] or who has the right to sublicense one or more groups of such patents, shall prepare and file in duplicate with the Commission on or before the 31st day of August of each year, a report verified under oath (or affirmed according to law), and covering with respect to the preceding calendar year, the following:

(1) A table listing in numerical order the numbers of the unexpired U. S. patents, the "person" reporting owns or has the right to sublicense,[2] with claims directed to electrical operations which he knows or believes are being used in the transmission or reception of one or more message or program services regulated or authorized by the Commission which he furnishes, or uses in transmitting or receiving equipment manufactured and sold by him for such services; and showing as to each such patent, the rights of the "person" reporting, i. e., ownership or sublicense rights, the expiration date thereof, and the principal purpose for which he knows or believes said patent is being used by him in the transmission or reception of messages or programs in the service or services he furnishes, or in the equipment he manufactures and sells for services regulated or authorized by the Commission.

(2) A table listing the names and addresses of all "persons" who hold licenses from the "person" reporting, for the manufacture, sale and/or use of systems or equipment, in any communication service or services regulated or authorized by the Commission, under one or more of the patents listed in subparagraph (1) of this paragraph, and showing as to each such licensee; the transmitting or receiving equipment licensed, the patents listed in subparagraph (1) of this paragraph which are applicable to said equipment in each case, whether said patents are licensed on an exclusive or non-exclusive basis, whether licensed for the manufacture, sale and/or use, and the termination dates of the licenses.

(3) All agreements which the "person" filing report has with "persons" located in the U. S. or in foreign countries involving the manufacture, sale and/or use of one or more of the patents listed in subparagraph (1) of this paragraph, and covering or relating to a communication service or services regulated or authorized by the Commission. Where a standard form of license-agreement is in use, only sample copies need be filed.[3]

(4) A statement setting forth the patent licensing policy of the "person" reporting respecting the patents listed under subparagraph (1) of this paragraph.

[F. R. Doc. 55-4445; Filed, June 2, 1955; 8:51 a. m.]

[1] A group of patents in this section means 10 or more unexpired U. S. patents each having one or more claims directed to the same or similar signal transmitting or receiving operations.

[2] "Right to sublicense" in this rule covers patents which the "person" reporting does not own but holds the right to license any "person" to manufacture, sell and/or use thereunder. "Any person" means all "persons", and is intended to eliminate the need to report patents which the "person" reporting does not own, and holds only the right to sublicense its subsidiary or affiliated companies.

[3] Copies of agreements previously filed with the Commission by any "person" coming within the provisions of this section, may by reference, be made a part of any report being filed.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 91]

[Ex Parte No. 174]

LOCOMOTIVES OTHER THAN STEAM

PROPOSED RULES AND INSTRUCTIONS FOR INSPECTION AND TESTING

MAY 26, 1955.

The Interstate Commerce Commission has before it for consideration its notice of proposed rule making in Ex Parte No. 174, dated April 20, 1955, published in the FEDERAL REGISTER on May 4, 1955 (20 F. R. 2993), proposing amendments of the rules and instructions for inspection and testing of locomotives other than steam prescribed by the Commission's order of December 14, 1925, as amended. In Appendix A to the notice, special rules of practice were made applicable in this proceeding providing for the submission of certain pleadings on or before specified dates.

Upon good cause shown, the dates specified therein are hereby extended, and Appendix A to the said order of proposed rule making, dated April 20, 1955, is amended to read as follows:

APPENDIX A—SPECIAL RULES OF PRACTICE APPLICABLE IN DOCKET EX PARTE NO. 174

In addition to the general rules of practice, the following special rules will govern this proceeding.

1. *Submission of evidence in written form with affidavit attached.* The Commission desires that all evidence be submitted in written form with affidavits attached. Exhibits may be attached to the written statements, and such exhibits should conform to the general rules of practice, particularly to Rules 81 to 84, inclusive. All evidence of each witness that is submitted in exhibit form should, so far as practicable, be incorporated in a single exhibit. The written evidence, with or without exhibits attached, will be referred to as verified statements, and each verified statement will be assigned a serial number by the Commission.

2. *Evidence in chief.* Evidence-in-chief of all parties should be submitted in the form of verified statements as provided in paragraph 1. Such verified statements, with accompanying exhibit or exhibits, should be made available to the Commission by filing 25 copies thereof with the Secretary of the Commission on or before November 1, 1955. Copies of such verified statements of the railroads should be made available to the parties by mailing a copy to any person who duly makes a request therefor to W. M. Keller, Association of American Railroads, 59 East Van Buren Street, Chicago 5, Ill., on or

before November 1, 1955. Parties other than the railroads will be expected to furnish the railroads with twenty-five (25) copies of all verified statements, such copies to be sent to W. M. Keller at the address above specified, and to also furnish a copy thereof to any other party who may make a request therefor to the Secretary of the Commission on or before October 17, 1955. A list of the parties upon whom copies of verified statements should be served will be furnished the parties by the Secretary.

3. *Objections to evidence.* Notice of objections to receipt in evidence of any verified statement or any part thereof should be filed with the Secretary of the Commission on or before December 1, 1955. If the evidence is submitted on behalf of the railroads, a copy of the notice should be immediately mailed to W. M. Keller; if the evidence is submitted on behalf of any other party, a copy of the notice should be immediately mailed to the witness or his attorney.

4. *Rebuttal evidence.* Evidence on rebuttal by any party must be designated as such, and filed with the Secretary of the Commission on or before January 3, 1956, even if the original evidence is objected to as provided in paragraph 3 hereof. Its presentation and distribution will be governed by the rules set forth in paragraphs 1 and 2 hereof.

5. *Cross-examination of witnesses.* If cross-examination of a witness is desired by any party written request therefor must be given to the Secretary of the Commission and to the witness, or his authorized attorney on or before February 18, 1956. The Commission will fix the time and place for cross examination.

6. *Record.* The evidence presented and admitted pursuant to the provisions of the foregoing paragraphs of these special rules shall constitute the entire record in these proceedings upon which decision will be made.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, by filing a copy of the notice with the Director, Division of the Federal Register, and by serving copies on each common carrier by railroad subject to the Interstate Commerce Act, and on each national organization of railroad employees.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-4443; Filed, June 2, 1955; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

APPLICATION FOR REGISTRATION OF SECURITIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Commission has under consideration a proposed revision of Form 10, Form 8–B and Form 8–C (17 CFR 249.210, 249.208b, 249.208c) together with § 240.12b–2 (Rule X–12B–2). The Commission is also considering the revision of Form S–1 (17 CFR 239.11) under the Securities Act of 1933. The latter proposal is the subject of Securities Act Release No. 3540 dated April 27, 1955.

These proposals are part of the Commission's continuing review of the rules, regulations, forms and procedures adopted under the various statutes administered by it.

Form 10 is the principal form for the registration of securities under the Securities Exchange Act of 1934. The principal purpose of the proposed revision of this form is to conform its requirements to the extent practicable with the corresponding requirements of Schedule 14A of the Commission's proxy rules, with the annual report Form 10–K (17 CFR 249.310) under the Securities Exchange Act of 1934, and with the proposed revised Form S–1. It is thus planned to bring the basic and most commonly used registration and reporting forms under the Securities Act of 1933 and the Securities Exchange Act of 1934 into conformity on parallel items so that registrants may report such information as is essentially similar in the same manner and subject to the same requirements under both statutes. If the proposed Form 10 is adopted, the Commission proposes to rescind Form 12 and Form 12A (17 CFR 249.212 and 249.212a), since the instructions to Form 10 would make that form available for registrants who formerly used these two forms.

The proposed revisions of Forms 8–B and 8–C are designed to simplify and clarify these forms and to conform them to the format and arrangement of Forms 8–A and 10–K and the proposed Form 10. Form 8–B is used for the registration on a national securities exchange of securities of an issuer which has succeeded to one or more predecessors, at least one of whom had securities registered on the same exchange, where the balance sheet and capital structure of the successor are substantially the same as those of a single predecessor or all predecessors on a combined basis. Form 8–C is used for registration of securities on an additional national securities exchange on which none of the issuer's securities are registered, if such securities are already registered on another such exchange.

The proposed amendment to § 240.12b–2 would change the definition of "Associate" contained in such section so that it will be identical with the definition of the same term in the proxy rules (§ 240.14a–1).

The proposed action would be taken pursuant to the Securities Exchange Act of 1934, particularly sections 12 (b) and 23 (a) thereof.

1. The definition of the term "Associate" in § 240.12b–2 would be amended to read as follows:

§ 240.12b–2 *Definitions.* * * *

(c) *Associate.* The term "associate" used to indicate a relationship with any person, means (1) any corporation or organization (other than the registrant or a majority-owned subsidiary of the registrant) of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the registrant or any of its parents or subsidiaries.

2. Copies of the proposed revised Form 10, Form 8–B and Form 8–C are filed as part of the original document.

All interested persons are invited to submit their views and comments on the above mentioned proposals in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before June 30, 1955. Unless any person submitting any such comments or suggestions requests in writing that they be held confidential, they will be available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 26, 1955.

[F. R. Doc. 55-4440; Filed, June 2, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[T. D. 50]

FIELD OFFICERS

DELEGATION OF AUTHORITY UNDER EMERGENT CONDITIONS

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, there is hereby delegated to Narcotic District Supervisors, upon the proclamation by the President of the existence of a state of civil defense emergency or in the event of any enemy attack upon any point within the continental limits of the United States, the authority to perform any function of the Commissioner of Narcotics essential to the carrying out of responsibilities otherwise assigned to the respective supervisors within their functional and geographical areas of jurisdiction.

The purpose of this order is to provide a temporary expedient to meet emergent conditions. The respective supervisors will be notified when they are to cease to exercise the authority herein delegated. This delegation of functions shall take effect upon publication in the FEDERAL REGISTER.

Dated: May 27, 1955.

[SEAL] H. J. ANSLINGER, *Commissioner of Narcotics.*

[F. R. Doc. 55-4451; Filed, June 2, 1955; 8:52 a. m.]

[T. D. 51]

DEPUTY COMMISSIONER ET AL.

ORDER OF SUCCESSION TO ACT AS COMMISSIONER

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, it is hereby ordered that the following officers of the Bureau of Narcotics and individuals as designated, in the order of succession enumerated, shall act as Commissioner of Narcotics during the absence or disability of the Commissioner of Narcotics, or when there is a vacancy in such office:

1. The Deputy Commissioner of Narcotics.
2. The Assistant to the Commissioner of Narcotics.
3. The Chief Counsel of the Bureau of Narcotics.
4. The Narcotic District Supervisor, District No. 11.
5. The Narcotic District Supervisor, District No. 14.
6. The Narcotic District Supervisor, District No. 6.
7. The Narcotic District Supervisor, District No. 15.
8. The Narcotic District Supervisor, District No. 12.
9. The Narcotic District Supervisor, District No. 7.
10. The Officer in Charge, United States Secret Service, Little Rock, Ark.

This order supersedes all orders issued previously establishing a line of succession within the Bureau of Narcotics and shall be effective upon publication in the FEDERAL REGISTER.

Dated: May 27, 1955.

[SEAL] H. J. ANSLINGER, *Commissioner of Narcotics.*

[F. R. Doc. 55-4452; Filed, June 2, 1955; 8:53 a. m.]

Bureau of the Comptroller of the Currency

[Delegation Order 1]

FIRST DEPUTY COMPTROLLER OF THE CURRENCY ET AL.

ORDER OF SUCCESSION TO ACT AS COMPTROLLER

By virtue of the authority vested in me by Treasury Department Order No. 129 (Revision No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. The following officers in the Bureau of the Comptroller of the Currency, in the order of succession enumerated, shall act as Comptroller of the Currency, during the absence or disability of the Comptroller of the Currency, or when there is a vacancy in such office:

(1) First Deputy Comptroller of the Currency.
(2) Second Deputy Comptroller of the Currency.
(3) Third Deputy Comptroller of the Currency.
(4) Chief National Bank Examiner.
(5) District Chief National Bank Examiner at New York, N. Y.
(6) District Chief National Bank Examiner at San Francisco, Calif.
(7) District Chief National Bank Examiner at Chicago, Ill.
(8) District Chief National Bank Examiner at Cleveland, Ohio.
(9) District Chief National Bank Examiner at Dallas, Tex.
(10) District Chief National Bank Examiner at Atlanta, Ga.
(11) District Chief National Bank Examiner at Kansas City, Mo.
(12) District Chief National Bank Examiner at Philadelphia, Pa.
(13) District Chief National Bank Examiner at Boston, Mass.
(14) District Chief National Bank Examiner at Richmond, Va.
(15) District Chief National Bank Examiner at St. Louis, Mo.
(16) District Chief National Bank Examiner at Minneapolis, Minn.

2. In the event of an enemy attack on the continental United States, all District Chief National Bank Examiners, including any Acting District Chief National Bank Examiners, are authorized in their respective districts to perform any function of the Comptroller of the Currency, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

Dated: May 31, 1955.

[SEAL] R. M. GIDNEY, *Comptroller of the Currency.*

[F. R. Doc. 55-4457; Filed, June 2, 1955; 8:53 a. m.]

Bureau of the Public Debt

ASSISTANT COMMISSIONER ET AL.

ORDER OF SUCCESSION TO ACT AS COMMISSIONER

Order of succession of officials to act as Commissioner of the Public Debt, and provisions for the continuous performance of functions of the Bureau of the Public Debt in the event of an enemy attack on the continental United States.

1. It is hereby ordered that the following officers of the Bureau of the Public Debt, in the order of succession enumerated, shall act as Commissioner in the event of the absence or disability of the Commissioner or a vacancy in the office:

1. Assistant Commissioner.
2. Deputy Commissioner, Washington.
3. Deputy Commissioner, Chicago.
4. Assistant Deputy Commissioner, Chicago.
5. Chief, Division of Loans and Currency, Washington.
6. Chief, Division of Public Debt Accounts and Audit, Washington.
7. Manager, New York Regional Office of the Register of the Treasury.
8. Chief Counsel of the Bureau.
9. General Assistant to the Commissioner.
10. Technical Assistant to the Commissioner.
11. Manager, Chicago Regional Office of the Register of the Treasury.
12. Manager, Cincinnati Regional Office of the Register of the Treasury.

2. If, in the event of an enemy attack on the continental United States, neither the Commissioner nor any officer authorized to act in his stead (paragraph 1) is present at the site of the Bureau's operations, the officer acting as District Director, Internal Revenue Service at such site shall act as Commissioner of the Public Debt so long as necessary hereunder. For this purpose and in such event the functions of the Commissioner of the Public Debt shall be deemed to have been transferred to such officer acting as District Director.

3. In the event of an enemy attack on the continental United States, and without regard to the matter of succession, the Deputy Commissioners and the Managers of the Regional Offices of the Register of the Treasury are hereby authorized to perform any functions of the Secretary of the Treasury or Commissioner of the Public Debt (whether or not otherwise delegated), (a) if it is essential to the carrying out of responsibilities otherwise assigned to them, and (b) if, and so long as, they are unable to ascertain (in a manner consistent with the efficient performance of such responsibilities) whether the Commissioner or any official acting in his stead is available to discharge the Commissioner's duties with respect to the performance of those functions.

4. The foregoing order of succession and provisions for the continuous performance of functions are made under the authority of Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955. F. R. Doc. 55-3479; F. R. April 28, 1955.

[SEAL] E. L. KILBY, *Commissioner of the Public Debt.*

MAY 25, 1955.

[F. R. Doc. 55-4450; Filed, June 2, 1955; 8:52 a. m.]

Office of the Secretary

[Treasury Dept. Order 19, Rev. 1]

SALE OF GOVERNMENT PROPERTY TO TREASURY EMPLOYEES

1. No employee of the Treasury Department or of any corporation under the supervision of the Secretary of the Treasury shall, either directly or indirectly, bid or purchase at any sale of Government property under the direction or incident to the functions of the bureau, office or corporation in which he is employed.

2. Government property under the control of the Treasury Department or any corporation under the supervision of the Secretary of the Treasury shall not be sold to a Government employee, either directly or indirectly, unless a properly authorized representative of the bureau, office or corporation disposing of the property has determined that it is in the best interests of the Government.

3. Before purchasing any Government property from any agency of the Government, either directly or indirectly, an employee of the Treasury Department or of any corporation under the supervision of the Secretary of the Treasury shall make known to the disposing agency that he is such an employee and shall be governed by the disposing agency's rules relating to sales to Government employees.

4. The heads of bureaus, offices and corporations shall prescribe such procedures, and shall take such disciplinary action, as are necessary for enforcing this order.

Dated: May 26, 1955.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 55-4453; Filed, June 2, 1955; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 24, 1955.

An application, serial number Fairbanks 010044, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on November 24, 1952, by Department of the Air Force.

The purposes of the proposed withdrawal: Classified military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS MERIDIAN

Township 2 South, Range 2 East,
Section 22: Lots 1, 2 and 3; those portions of the NW¼, SW¼NE¼, NW¼SE¼ and SE¼SE¼ situated southwest of the Richardson Highway;
Section 23: That portion of the SW¼SW¼ situated southwest of the Richardson Highway;
Section 26: Lots 1, 2, the NE¼SW¼ and the NW¼;
Section 27: Lots 1, 2, 3 and the NE¼NE¼.

Also, all of the unsurveyed islands within the Tanana River situated between the south line of Section 35, T. 2 S., R. 2 E., F. M., extended to the west bank of the Tanana River and the east-west center section line of Sections 21 and 22, T. 2 S., R. 2 E., F. M., extended to the west bank of the Tanana River.

Aggregating approximately 2,285 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-4432; Filed, June 2, 1955; 8:47 a. m.]

[Document 47]

ARIZONA

STOCK DRIVEWAY NO. 164, ARIZONA NO. 6 MODIFIED

1. By virtue of the authority contained in section 10 of the act of December 29, 1916 (Stat. 865), as amended (43 U. S. C. 300), and in section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended (43 U. S. C. 315f), and pursuant to the authority delegated by Document No. 43 Arizona, effective May 19, 1955 (20 F. R. 3514-15), it is ordered as follows:

2. Departmental Order of June 13, 1923, as amended and modified July 29, 1924, February 27, 1952, January 29, 1954, December 1, 1954 and May 12, 1955, establishing and modifying Stock Driveway No. 164, Arizona No. 6, is hereby modified to include the following described public lands in Arizona, which are hereby classified as necessary and suitable for stock driveway purposes, and, excepting any mineral deposits therein, are withdrawn from all disposal under the public land laws and reserved, subject to valid existing rights, for the use of the general public:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 7: All;
Sec. 8: N½;
Sec. 9: N½;
Sec. 10: N½;
Sec. 11: W½NW¼.

The areas described total 1,676.48 acres.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

MAY 26, 1955.

[F. R. Doc. 55-4424; Filed, June 2, 1955; 8:46 a. m.]

[Document 48]

ARIZONA

NOTICE OF FILING OBJECTIONS TO MODIFICATION OF STOCK DRIVEWAY NO. 164, ARIZONA NO. 6

1. An order, Document No. 47,[1] Arizona, modifying Stock Driveway No. 164, Arizona No. 6, is being published this date in the FEDERAL REGISTER.

2. For a period of 30 days from the date of publication of this order, persons having cause to object to the terms thereof may file their objections in the office of the State Supervisor, Bureau of Land Management, Room 233-A Main Post Office Building, Phoenix, Arizona. In case any objections are filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents of the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objections be filed, whether or not a hearing is held, notice of a determination as to whether the order should be rescinded or modified, or let stand, will be given to all interested parties of record and the general public.

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

MAY 26, 1955.

[F. R. Doc. 55-4425; Filed, June 2, 1955; 8:46 a. m.]

[Document 49]

ARIZONA

STOCK DRIVEWAY NO. 164, ARIZONA NO. 6, MODIFIED

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May

[1] See F. R. Document 55-4424, *supra*.

19, 1955 (20 F. R. 3514-15), it is ordered as follows:

2. Subject to valid and existing rights, the order of the Secretary of the Interior dated June 13, 1923, as amended and modified July 29, 1924, February 27, 1952, January 29, 1954, December 1, 1954 and May 12, 1955, establishing and modifying Stock Driveway No. 164, Arizona No. 6, is hereby revoked insofar as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 7 E.,
Sec. 13: N½.
T. 1 N., R. 8 E.,
Sec. 17: All;
Sec. 18: All.

The areas described aggregate 1,597.40 acres.

3. The above described lands have been placed under consideration for Small Tract Classification for home and/or business sites, under the act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, and the order classifying, but not opening, the lands for this purpose is being published this date in the FEDERAL REGISTER.

4. Information as to preference right filing period for Veterans of World War II and the Korean Conflict, and others entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284) may be obtained from the Manager, U. S. Land Office, Room 251, Main Post Office Building, Phoenix, Arizona.

E. R. TRAGITT,
State Lands & Minerals, Staff Officer.

MAY 26, 1955.

[F. R. Doc. 55-4426; Filed, June 2, 1955; 8:46 a. m.]

[Document 50]

ARIZONA

SMALL TRACT CLASSIFICATION 36

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15), the following described lands totaling 1,597.40 acres located in Pinal and Maricopa Counties, are hereby classified for lease and sale for residence and for business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 7 E.,
Sec. 13: N½.
T. 1 N., R. 8 E.,
Secs. 17 and 18: All.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to lease under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to lease, with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 26, 1955, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

MAY 26, 1955.

[F. R. Doc. 55-4427; Filed, June 2, 1955; 8:46 a. m.]

[Misc. 438678]

CALIFORNIA

PARTIAL REVOCATION OF ORDERS OPENING LANDS UNDER THE FOREST HOMESTEAD ACT

MAY 26, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the orders described below opening lands in the Trinity National Forest for entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. secs. 506-509) are hereby revoked as to the lands hereinafter described:

HUMBOLDT MERIDIAN

List No.	Date of order of opening	Lands
5-945	Apr. 22, 1912	T. 2 N., R. 6 E., Sec. 25, S½N½NE¼SE¼, S½NE¼SE¼, containing approximately 30 acres.
1622	Oct. 8, 1908	T. 3 N., R. 7 E., Sec. 19, NE¼SW¼NE¼, S½NW¼SW¼NE¼, S½NE¼SE¼NW¼, SE¼SE¼NW¼, S½SW¼SE¼NE¼, containing approximately 35 acres.
5-2882	Mar. 29, 1918	T. 2 N., R. 6 E., Sec. 1, SE¼NE¼SE¼, SE¼SW¼SE¼; Sec. 24, W½SW¼NE¼, E½SE¼NW¼, E½NE¼SW¼, W½NW¼SE¼, containing approximately 100 acres.
1718	Oct. 5, 1908	T. 2 N., R. 6 E., Sec. 13, E½SW¼, NE¼NW¼SW¼, E½SE¼NW¼SW¼, E½E½SW¼SW¼, containing approximately 105 acres.

MOUNT DIABLO MERIDIAN

5-2305	Nov. 2, 1914	T. 33 N., R. 12 W., Sec. 3, N½SW¼NW¼, N½S½SW¼NW¼, S½SE¼SW¼NW¼; Sec. 4, S½NE¼SE¼NE¼, N½SE¼SE¼NE¼, containing approximately 45 acres.
5-1949	Dec. 2, 1914	T. 28 N., R. 12 W., Sec. 9, NE¼NW¼SE¼NW¼, containing approximately 2.5 acres.

W. G. GUERNSEY,
Associate Director.

[F. R. Doc. 55-4429; Filed, June 2, 1955; 8:47 a. m.]

[Misc. 62646]

FLORIDA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS AMENDMENT

MAY 27, 1955.

The notice dated May 6, 1955, of the application of the Fish and Wildlife Service for the withdrawal of lands in Florida for an addition to the National Key Deer Refuge, appearing in 20 F. R. 3235 of the issue for May 12, 1955, is hereby amended to include the following-described lands, containing 0.53 acres:

TALLAHASSEE MERIDIAN

T. 66 S., R. 29 E.,
Sec. 8, lot 2.

C. R. DREXILIUS,
Supervisor, Eastern States Office.

[F. R. Doc. 55-4430; Filed, June 2, 1955; 8:47 a. m.]

[Misc. 1726233]

NEW MEXICO

POWER SITE CANCELLATION NO. 96; PARTIALLY REVOKING WATER POWER DESIGNATION NO. 1

MAY 26, 1955.

By virtue of the authority contained in section 10 of the act of June 20, 1910 (36 Stat. 557, 564) and pursuant to Departmental Order No. 2583 of August 16, 1950, section 2.22 (a), it is ordered as follows:

Water Power Designation No. 1, New Mexico, No. 1, established August 7, 1916, by the Secretary of the Interior pursuant to the provisions of the said act of June 20, 1910, as construed by Department of the Interior Interpretation No. 314 of February 19, 1942, is hereby revoked so far as it effects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 13 E.,
Sec. 1, S½N½ and S½;
Sec. 2, S½N½ and S½;
Sec. 12, N½NE¼.

T. 16 S., R. 14 E.,
Sec. 13, S½SW¼ and SE¼;
Sec. 23, NE¼, E½W½ and SE¼;
Sec. 24, N½, SW¼ and N½SE¼;
Sec. 25, W½W½;
Sec. 26;
Sec. 27, NE¼SE¼ and S½SE¼;
Sec. 34;
Sec. 35, N½, SW¼ and NW¼SE¼.
T. 17 S., R. 14 E.,
Sec. 2, W½NW¼;
Sec. 3, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 4, SE¼NE¼ and S½;
Sec. 5, S½;
Sec. 6, S½;
Sec. 7, N½, NE¼SW¼ and N½SE¼;
Sec. 8, N½ and N½S½;
Sec. 9, N½ and N½S½;
Sec. 10, W½NE¼, NW¼, N½SW¼ and NW¼SE¼.
T. 16 S., R. 15 E.,
Sec. 7, SE¼SE¼;
Sec. 8, S½S½;
Sec. 9, S½;
Sec. 10, S½;
Sec. 11, lot 10, SW ¼ and S½SE¼;
Sec. 12, SW¼SW¼;
Sec. 13;
Sec. 14, N½, N½SW¼, SE¼SW¼ and SE¼;
Sec. 15, N½ and N½S½;
Sec. 16, N½, SW¼ and N½SE¼;
Sec. 17;
Sec. 18, NE¼, SE¼NW¼ and S½;
Sec. 19, N½ and N½SW¼;
Sec. 20, NW¼NW¼;
Sec. 23, lot 1;
Sec. 24, lots 1, 2, 3 and 4.
T. 16 S., R. 16 E.,
Sec. 2, SW¼ and SW¼SE¼;
Sec. 3, SW¼NE¼, S½NW¼ and S½;
Sec. 4, S½N½ and S½;
Sec. 5, S½N½ and S½;
Sec. 6, SE¼NE¼ and SE¼;
Sec. 7, E½;
Sec. 8, N½, SW¼ and W½SE¼;
Sec. 9, N½;
Sec. 10, N½, N½SE¼ and SE¼SE¼;
Sec. 11;
Sec. 12, W½NE¼, SE¼NE¼, W½ and SE¼;
Sec. 13, NE¼, N½NW¼ and SE¼;
Sec. 14, N½NE¼ and NE¼NW¼;
Sec. 17, W½NE¼, W½ and W½SE¼;
Sec. 18;
Sec. 19, lots 1, and 2, NE¼;
Sec. 20, W½NE¼ and NW¼;
Sec. 24, NE¼, N½SE¼ and SE¼SE¼;
Sec. 25, NE¼NE¼.
T. 16 S., R. 17 E.,
Sec. 7, S½NW¼, SW¼ and W½SE¼;
Sec. 18, N½, SW¼ and W½SE¼;
Sec. 19, W½NE¼, W½ and SE¼;
Sec. 20, NW¼SW¼ and S½S½;
Sec. 21, S½S½;
Sec. 22, S½SW¼ and SW¼SE¼;
Sec. 25, W½W½, SE¼SW¼ and SW¼SE¼;
Sec. 26, to 29, inclusive;
Sec. 30, NE¼SW¼ and N½SE¼, N½;
Sec. 34, N½NE¼;
Sec. 35, NE¼, N½NW¼, SE¼NW¼, N½SE¼ and SE¼SE¼;
Sec. 36, W½NE¼, W½ and SE¼.
T. 17 S., R 17 E.,
Sec. 1, N½, N½SW¼, SE¼SW¼ and SE¼;
Sec. 2, E½NE¼;
Sec. 12, NE¼ and NE¼NW¼.
T. 17 S., R. 18 E.,
Sec. 3, W½SW¼, SE¼SW¼ and SW¼SE¼;
Sec. 4, S½;
Sec. 5, S½;
Sec. 6, S½NE¼, W½NW¼, SE¼NW¼ and S½;
Sec. 7, N½ and N½SE¼;
Sec. 8, N½ and N½S½;
Sec. 9, N½ and N½S½;
Sec. 10;
Sec. 11, S½NE¼, W½ and SE¼;
Sec. 12, NW¼SW¼ and S½S½;
Sec. 13;
Sec. 14, N½, N½SW¼, SE¼SW¼ and SE¼;
Sec. 15, N½NE¼.
T. 17 S., R. 19 E.,
Sec. 1, SW¼NE¼, S½NW¼ and S½;
Sec. 2, S½NE¼, SE¼NW¼ and S½;
Sec. 3, S½SW¼, NE¼SE¼ and S½SE¼;
Sec. 4, S½S½;
Sec. 7, S½SW¼ and SE¼;
Sec. 8, NE¼, S½NW¼ and S½;
Sec. 9;
Sec. 10;
Sec. 11, N½, SW¼ and N½SE¼;
Sec. 12;
Sec. 13, NE¼, E½W½ and SE¼;
Sec. 16, NW¼NW¼;
Sec. 17, N½ and NW¼SW¼;
Sec. 18, N½, SW¼, N½SE¼ and SW¼SE¼;
Sec. 24, NE¼NE¼.

The areas described aggregate 13,571.62 acres of public lands and 24,537.93 acres of patented lands.

The lands are located in Otero and Chaves Counties, New Mexico, along the Penasco River. The Penasco River does not flow all year, and does not carry a sufficient volume of water at any time to operate power generating machinery. The power possibilities, therefore, are small and of local interest only. Part of the lands are within the Lincoln National Forest. The restored lands are in New Mexico Grazing District No. 6 and are valuable for grazing.

The restored lands shall be subject to application by the State of New Mexico for a period of 90-days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of materials for the construction and maintenance of such highways, as provided by Section 24 of the Federal Power Act, as amended.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the restored lands until 10:00 a. m. on the 91st day after the date of publication of this order. At that time the said lands shall become subject to application, petition and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference-right applications under the said act of September 27, 1944, may be received on or before 10:00 a. m. on the 91st day after the date of publication of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the suceeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, including the mineral-leasing laws, received on or before 10:00 a. m. on the 182d day after the date of publication of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

W. G. GUERNSEY,
Associate Director.

[F. R. Doc. 55–4428; Filed, June 2, 1955; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11169—11173; FCC 55M–482]

TRIAD TELEVISION CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of Triad Television Corporation, Parma, Michigan, Docket No. 11169, File No. BPCT–1846; Booth Radio & Television Stations, Inc., Parma, Michigan, Docket No. 11170, File No. BPCT–1866; Television Corporation of Michigan, Inc., Onondaga, Michigan, Docket No. 11171, File No. BPCT–1870; Jackson Broadcasting & Television Corporation, Parma, Michigan, Docket No. 11172, File No. BPCT–1871; Michigan State Board of Agriculture, Onondaga, Michigan, Docket No. 11173, File No. BPCT–1885; for construction permits for new television stations (Channel 10).

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing that the next hearing session was scheduled herein for June 22, 1955, contingent on counsel for Jackson Broadcasting & Television Corporation obtaining a continuance of the hearing on the Channel 11, Toledo, Ohio television proceeding in which he is also engaged and that such continuance was denied by order dated May 19, 1955;

It is ordered, This 26th day of May 1955, in accordance with agreement of counsel, that the hearing now scheduled for June 22, 1955, is continued until July 18, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4446; Filed, June 2, 1955; 8:51 a. m.]

[Docket No. 11300; FCC 55M–485]

ALLEGHENY-KISKI BROADCASTING CO. (WKPA)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Allegheny-Kiski Broadcasting Co. (WKPA), New Kensington, Pennsylvania, Docket No. 11300, File No. BP–9546; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 27th day of May 1955, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4447; Filed, June 2, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E–6625, E–6626]

CAROLINA ALUMINUM CO. ET AL.

NOTICE OF APPLICATIONS

MAY 26, 1955.

In the matters of Carolina Aluminum Company and Tapoco, Inc., Docket No. E–6625; Nantahala Power and Light Company and Tapoco, Inc., Docket No. E–6626.

Take notice that on May 23, 1955, two joint applications were filed, one in Docket No. E–6625 by Carolina Aluminum Company ("Carolina") and Tapoco, Inc. ("Tapoco"), seeking an order authorizing the acquisition by Carolina of the capital stock of Tapoco and the transfer by Carolina to Tapoco of certain facilities, more fully described below, and the subsequent transfer by Carolina of the capital stock of Tapoco to Aluminum Company of America ("Alcoa"); and the other in Docket No. E–6626 by Nantahala Power and Light Company ("Nantahala") and Tapoco, Inc., seeking an order authorizing the sale and transfer by Nantahala to Tapoco of certain facilities, more fully described below.

Nantahala is a corporation organized under the laws of the State of North Carolina and doing business in said State with its principal business office at Franklin, North Carolina. Carolina is a corporation organized under the laws of the State of North Carolina and doing business in said State with its principal business office at Badin, North Carolina. Carolina is also domesticated in the State of Texas. Tapoco is a corporation organized under the laws of the State of Tennessee and doing business in said State with its principal business office at Alcoa, Tennessee. Tapoco is also domesticated in the State of North Carolina.

Carolina proposes to transfer to Tapoco two hydroelectric developments situated on the Little Tennessee and Cheoah Rivers in the Counties of Graham and Swain, North Carolina, known as the Cheoah and Santeetlah Developments, which are known and referred to as Carolina's "Western Division". The Western Division properties are a part of the project properties under license issued by the Commission in Project No. 2169. Nantahala proposes to transfer to Tapoco certain transmission facilities from the Cheoah and Santeetlah Developments which connect with the facilities of Tapoco. Said transmission facilities consist of (1) two short 161-kv lines from Cheoah substation to the Santeetlah-Alcoa 161-kv lines (2) two 161-kv Santeetlah-Alcoa lines located in the State of North Carolina and (3) substations at the existing Cheoah and Santeetlah Developments. Said transmission facilities are included as a part of the project properties under the License issued by the Commission in Project No. 2169. The properties and facilities proposed to be transferred will be transferred and conveyed by Carolina and Nantahala to Tapoco at original cost less accrued depreciation to June 30, 1955, as shown on the books of Carolina and Nantahala, respectively. The facilities, after their transfer, will be operated by Tapoco and will vest in Tapoco all of the project property under the License in Project No. 2169; all as more fully appears in the applications on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said applications should, on or before the 15th day of June 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4433; Filed, June 2, 1955; 8:48 a. m.]

[Docket No. G–8732]

C. N. JOHNSTON ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 27, 1955.

Take notice that C. N. Johnston, et al. (Applicant), individuals whose address is Memphis, Tennessee, filed on April 7, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Duck Lake Field, St. Mary and St. Martin Parishes, Louisiana, to United Gas Pipe Line, at 12.5 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1955, at 11:10 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of June 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4434; Filed, June 2, 1955; 8:48 a. m.]

[Docket No. G–8771]

CITY OF CLINTON, KENTUCKY

NOTICE OF APPLICATION

MAY 27, 1955.

Take notice that City of Clinton, Kentucky, a municipal corporation (Applicant), filed an application on April 19, 1955, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Trunkline Gas Company (Trunkline) to establish physical connection of its transportation facilities with facilities proposed to be constructed by Applicant and to sell natural gas to Applicant for local distribution to the public in the City of Clinton, and in the rural areas adjacent thereto.

Applicant proposes to construct a transmission line from Clinton along Kentucky Highway No. 58, approximately 1.8 miles, to connect with the pipeline facilities of Trunkline crossing Highway No. 58.

Applicant's natural gas requirements are stated to be 41,163 Mcf for the first year and 61,244 Mcf for the fifth year. Its first year peak day requirements are stated to be 371.2 Mcf, while its fifth year requirements are estimated to be 547.5 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 15th day of June 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4435; Filed, June 2, 1955; 8:48 a. m.]

[Docket No. G–8804]

BASS & VESSELS ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 27, 1955.

Take notice that Bass & Vessels, et al. (Applicant), a Texas corporation whose address is P. O. Drawer 910, McAllen, Texas, filed an application on April 26,

1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas to be produced from the North Rincon Field, Starr County, Texas, to Tennessee Gas Transmission Company. The rate of delivery will be 1,000 Mcf per day for each 10,000 MMcf of reserves at 14.65 psia. Estimated reserves are 4,000 MMcf. The proposed sales price is 12.12268 cents per Mcf. Tennessee will transport and sell the gas in interstate commerce.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 22, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 16, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4436; Filed, June 2, 1955; 8:48 a. m.]

[Project No. 2184]

GEORGIA-PACIFIC ALASKA CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MAY 27, 1955.

Public notice is hereby given that Georgia-Pacific Alaska Co., of Juneau, Alaska, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed water-power Project No. 2184 to be located on Lemon Creek, a tributary to Gastineau Channel, about ten miles north of Juneau, in the First Judicial Division, Territory of Alaska, and to consist of a two-stage development consisting of (1) the Lower dam, a rock-filled structure, across Lemon Creek valley, one and one-half miles upstream from the highway bridge at approximate elevation 90, with maximum height of approximately 290 feet and an approximate crest length of 1,800 feet, creating a reservoir with 50,000 acre-feet storage, of which 35,000 acre-feet will be usable power storage at a drawdown of 120 feet; a spillway and penstock outlet across a saddle to the south of the dam; 1,300 feet of penstock; powerhouse with installed capacity of two 2,500 horsepower generating units with tailwater at elevation 30; and (2) the Upper dam, also a rock-filled structure, about two miles upstream from the Lower dam at elevation 670, with height of approximately 200 feet and a crest length of 800 feet creating a reservoir of 12,000 acre-feet with 9,000 acre-feet of usable power storage for a 100-foot drawdown; 3,500 feet of penstock; powerhouse with installed capacity of 1,700 horsepower at elevation 380; a 1,000-foot diversion channel which will also be used as the spillway. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10), the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is July 12, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4437; Filed, June 2, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 31, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30687: Grain—Western points to Texas Gulf ports for export. Filed by Missouri-Kansas-Texas Railroad Company for itself and other interested rail carriers. Rates on grain, grain products, and related articles, carloads, from specified points in Illinois, Kansas, Missouri, and Oklahoma, and from other points beyond base points to Galveston, Houston, and Texas City, Tex., for export.

Grounds for relief: Circuitous routes over which transit arrangements are provided.

Tariff: Supplement 3 to Missouri-Kansas-Texas Railroad tariff I. C. C. 1687.

FSA No. 30688: Brick and tile—Colorado, Iowa and Nebraska to Western points. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on brick and clay tile, carloads, (a) from Canon City, Denver, Golden, and Pueblo, Colo., to specified points in Nebraska, and (b) from Hastings, Lincoln, and Nebraska City, Nebr., and Sioux City, Iowa, to specified stations in Colorado and Wyoming.

Grounds for relief: Short-line distance formula, market competition, maintenance of origin rate relations, and circuity.

Tariff: Supplement 90 to Agent Prueter's I. C. C. A-3686.

FSA No. 30689: Limestone—Pelham, Ala., to Whistler, Ala. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on limestone, broken, crushed, ground, or pulverized, carloads, from Pelham, Ala., to Whistler, Ala.

Grounds for relief: Circuitous interstate routes.

Tariff: Supplement 4 to Agent Spaninger's I. C. C. 1469.

FSA No. 30690: Lumber from the South to Illinois territory. Filed by Southern Railway Company for itself and other interested rail carriers. Rates on lumber and related articles, carloads, from specified stations in Louisiana and Mississippi to destinations in Illinois territory.

Grounds for relief: Circuitous routes.

FSA No. 30691: Steel or wrought pipe—Eastern and Western points to Oklahoma. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on steel or wrought iron pipe and related articles, carloads, from Chicago, Ill., Milwaukee, Wis., Ft. Madison, Iowa, St. Louis, Mo., Pittsburgh, Pa., and other specified points in official, Illinois and western trunk-line territories to specified points in Oklahoma. Grounds for relief: Barge-truck competition, origin rate relations, and security.

Tariff: Supplement 22 to Agent Kratzmeir's I. C. C. 4116.

FSA No. 30692: Rock salt—Detroit, Mich., to Beauharnois, Quebec, Canada. Filed by H. R. Hinsch, Agent, for and on behalf of the New York Central Railroad Company. Rates on rock salt, in bulk or in packages, carloads, from Detroit, Mich., to Beauharnois, Quebec, Canada.

Grounds for relief: Circuitous route.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-4442; Filed, June 2, 1955; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 27-34, 27-82]

NORTH COUNTRY URANIUM AND MINERALS LTD. AND HAWKER URANIUM MINES LTD.

ORDER CONSOLIDATING PROCEEDINGS AND NOTICE OF AND ORDER FOR HEARING

MAY 27, 1955.

In the matter of North Country Uranium and Minerals Ltd., File No. 27-34; Hawker Uranium Mines Ltd., File No. 27-82.

North Country Uranium and Minerals Ltd. (North Country) of 36 Gariepy Building, Edmonton, Alberta, Canada, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation D promulgated thereunder, having filed with the Commission on March 9, 1954, a Notification on Form 1-D and an amendment thereto on April 7, 1954, relating to a proposed offering of 1,500,000 shares of its common stock 5 cents par value at 20 cents per share;

Hawker Uranium Mines Ltd. (Hawker) of 10004 Jasper Avenue, Edmonton, Alberta, Canada, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation D promulgated thereunder, having filed with the Commission on February 9, 1955, a Notification on Form 1-D relating to a proposed offering of 305,000 shares of its common stock, 5 cents par value of which 150,000 shares are to be offered on behalf of Degaetano Securities Corporation (75,000 shares at 1 mil per share to its employees and 75,000 shares to the public at the market), 150,000 shares on behalf of S. Donald Moore at the market, and 5,000 shares on behalf of Robert S. Matheson at the market, not to exceed $205,000 in the aggregate;

The Commission, on April 21, 1955, having issued orders pursuant to Rule 509 of the general rules and regulations under the Securities Act of 1933 temporarily suspending the exemption of North Country and temporarily denying the exemption of Hawker under section 3 (b) and Regulation D and affording any person having any interest therein opportunity to request a hearing pursuant to said Rule 509, and a written request for such hearing having been received by the Commission on May 20, 1955, from counsel for North Country, Hawker, and Degaetano Securities Company and Degaetano Securities Corporation, 37 Wall Street, New York, New York, the respective underwriters of said offerings; and

The Commission deeming it necessary and appropriate to determine whether to vacate either or both of said Orders or to enter orders permanently suspending the exemption of North Country or permanently denying the exemption of Hawker, or both, and it appearing to the Commission that common questions of law and fact are involved in the two proceedings:

It is hereby ordered, That the proceedings in File No. 27-34 and File No. 27-82 be and hereby are consolidated for purposes of hearing; *And it is further ordered,* Pursuant to Rule 509 of the general rules and regulations under the Securities Act of 1933, that a public hearing be held on June 8, 1955, at 10:30 a. m., e. d. s. t., at the offices of the Commission at 425 Second Street NW., Washington, D. C., with respect to the following specified matters and questions, without prejudice, however, to the specifications of additional issues which may be present in these proceedings:

1. Whether an exemption under Regulation D was available to North Country under Rule 502 (a) and, in particular, whether North Country and Hawker were affiliated and whether, and in what amount, Hawker commenced an offering of its stock under Regulation D within a period of one year prior to the commencement by North Country of the public offering of its stock covered by its Notification in File No. 27-34.

2. Whether the terms and conditions of Regulation D were complied with by North Country in respect of its said Notification and whether said Notification and the offering circular filed as a part thereof contained untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly, among other things, with respect to:

a. The failure to disclose an affiliation between Hawker and North Country, and a previous offering by Hawker, and pertinent information in connection therewith.

b. The statements made indicating control of North Country by Reuben Bond and indicating Reuben Bond and W. George Matthews as the founders of North Country and the original prospectors and/or stakers of the properties held by North Country, and other statements in connection therewith.

c. The failure to disclose pertinent information with respect to the proposed use of proceeds from the sale of its securities.

3. Whether an exemption under Regulation D was available to Hawker under Rule 502 (a) in that the aggregate offering price of its securities covered by its Notification in File No. 27-82 would exceed the limitation of $100,000 prescribed by said rule relating to offerings on behalf of persons other than the issuer.

4. Whether an exemption under Regulation D was and is available to Hawker in that Hawker was and is affiliated with North Country.

5. Whether the terms and conditions of Regulation D were complied with by Hawker in respect of its Notification in File No. 27-82 and whether said Notification and the offering circular filed as a part thereof contained untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly, among other things, with respect to:

a. The failure to disclose an affiliation between Hawker and North Country and pertinent information in connection therewith.

b. The failure to disclose the offering by North Country and pertinent information in connection therewith.

c. The failure to disclose a previous offering, by Hawker and pertinent information in connection therewith.

It is further ordered, That William W. Swift, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933 and to hearing officers under the Commission's rules of practice.

It is further ordered, That this notice and order shall be served upon North Country, Hawker, Degaetano Securities Company, and Degaetano Securities Corporation personally or by registered mail or by confirmed telegraphic notice and that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise participate in such hearing should file with the Secretary of the Commission on or before June 6, 1955, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-4438; Filed, June 2, 1955; 8:48 a. m.]

[File No. 30-116]

UNITED CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING REGISTERED HOLDING COMPANY HAS CEASED TO BE HOLDING COMPANY

MAY 27, 1955.

Notice is hereby given that the United Corporation ("United"), a registered public-utility holding company, has filed an application and amendments thereto under section 5 (d) of the Public Utility Holding Company Act of 1935 ("act"), requesting the Commission to declare by order that United has ceased to be a holding company and that its registration under the act has ceased to be in effect.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the facts contained therein, which are summarized as follows:

United, a Delaware corporation organized in 1929, filed with the Commission, on March 28, 1938, a notification of registration as a holding company under section 5 (a) of the act.

At the time of registration United owned voting securities of four public-utility holding companies, as indicated below:

	Number of shares	Percent of voting securities
The United Gas Improvement Co.	6,066,223	26.1
Niagara Hudson Power Corp.	2,351,007	23.4
Columbia Gas & Electric Corp.	2,424,356	19.6
Public Service Corp. of New Jersey	988,271	13.9

On August 14, 1943, the Commission issued its findings, opinion and order, which directed, pursuant to section 11

(b) (2) of the act, that United "shall change its present capitalization to one class of stock, namely, common stock; and * * * take such action * * * as will cause it to cease to be a holding company". At that time, United's capitalization consisted of 2,488,712 shares of preference stock with a liquidating claim of $132,738,200; 14,529,491 shares of common stock; and option warrants entitling the holders thereof to purchase 3,732,059 shares of common stock of United at $27.50 per share.

Since the issuance of the Commission's order dated August 14, 1943, the United holding company system and United's portfolio holdings of securities and its capital structure have undergone major changes through the consummation of various transactions and several plans filed pursuant to section 11 (e) of the act relating to the retirement of United's preference stock, divestments of portfolio securities by United, reorganizations of subsidiary holding companies, and mergers, consolidations and dissolutions of various companies in which United had interests.

United's final and comprehensive plan under section 11 (e) of the act for completing compliance with the Commission's order of August 14, 1943, and proposing the transformation of United into an investment company was approved by the Commission on June 26, 1951. This plan provided, among other things, (1) an opportunity for United's stockholders to voluntarily withdraw from the enterprise through the exchange of shares of United's common stock for cash and shares of common stock of Niagara Mohawk Power Corporation; (2) for the sale by United of all of its holdings of common stock of South Jersey Gas Company, and of sufficient amounts of its holdings of voting securities of (a) Niagara Mohawk Power Corporation, successor corporation to Niagara Hudson Power Corporation, (b) the Columbia Gas System, Inc., formerly Columbia Gas & Electric Corporation, and (c) the United Gas Improvement Company so that United would not hold in excess of 4.9 percent of such securities of each of such companies; (3) for the amendment of United's charter and bylaws so as to provide for cumulative voting for directors and that a quorum at stockholders' meetings would require 50 per cent of the outstanding stock of United; and (4) for the cancellation of United's then outstanding option warrants without any compensation to the holders thereof.

The Commission's order dated June 26, 1951, approving United's plan was the subject of litigation extending over a period of about three years and was eventually affirmed. On March 7, 1955 the United States District Court for the District of Delaware entered an order approving and enforcing those provisions of the plan set forth in (3) and (4) above and directed, among other things, that "all rights and claims of the holders of the option warrants of United shall cease and determine, and all such warrants shall be void for all purposes". Representatives of certain holders of warrants have filed notice of appeal from the order of the District Court dated March 7, 1955.

United represents in its application that it has consummated all of the transactions provided for in the aforesaid plan, except that the amounts of fees and expenses to be allowed for services rendered in connection with the proceedings before the Commission involving United have not been fixed, and that it owns no more than 4.6 percent of the voting securities of Niagara Mohawk Power Corporation, 3.9 percent of the voting securities of The Columbia Gas System, Inc., 2.8 percent of the voting securities of Public Service Electric and Gas Company, a public utility company, and less than 1 percent of the voting securities of The United Gas Improvement Company.

United asserts that it has no representatives on the boards of directors of any of its former statutory subsidiaries, that it does not now exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more other persons) a controlling influence over the management or policies of any of its former statutory subsidiaries or of any other public utility or holding company, and that it is no longer a holding company within the meaning of the act.

United alleges that it has complied in all respects with the Commission's aforesaid order of August 14, 1943, and proposes, as soon as practicable, to register under section 8 of the Investment Company Act of 1940 as a closed-end, non-diversified investment company, but states that such registration cannot be effected until such time as the Commission has issued an order under section 5 (d) of the Public Utility Holding Company Act of 1935 declaring that it has ceased to be a holding company.

United has consented to the inclusion in the Commission's order which United requests be entered under section 5 (d) of the act, of a reservation of jurisdiction by the Commission to require any action of United which may become necessary by virtue of the warrant holders' appeal and to require payment by United of such allowances as may finally be determined by the Commission or the courts to be payable in connection with the aforementioned proceedings.

Notice is further given that any interested person may, not later than June 17, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on said application, stating the nature of his interest, the reason or reasons for such request, and the issues of fact or law raised by such matter which he proposes to controvert, or he may request to be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. Said application, as filed or as amended, may be granted at any time after said date or the Commission may take such other action in connection therewith as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-4439; Filed, June 2, 1955; 8:49 a. m.]

UNIVERSITY OF MICHIGAN
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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 20 NUMBER 109

Washington, Saturday, June 4, 1955

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 655—NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the provisions of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on May 7, 1955 (20 F. R. 3138), of a proposed decision to modify the decision which was originally proposed by notice published in the FEDERAL REGISTER on March 4, 1955 (20 F. R. 1345). The proposed modification affected only the Corde and Bonnaz Embroidery and Corde Handbag Division of the Industry, and consisted of approving for this Division the recommendation of a minimum wage rate of 51 cents an hour which was made by Special Industry Committee No. 15 for Puerto Rico for the Needlework and Fabricated Textile Products Industry in Puerto Rico. The notice which was published on May 7, 1955 also indicated the amendment to the minimum wage order for this industry which would be issued to carry this decision into effect.

As stated in the notice, a general conclusion that reconsideration of the record as a whole justified the proposed modification was set forth in the Minimum Wage Order which was published in the FEDERAL REGISTER on May 7, 1955 (20 F. R. 3107), and more detailed findings and conclusions were set forth in a document entitled "Supplement to Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 15 for Minimum Wage Rates in the Needlework and Fabricated Textile Products Industry in Puerto Rico."

The period of 15 days from May 7, 1955, within which exceptions to the proposed decision might be filed, has now expired. Joint exceptions have been duly filed by Parisienne Handbag Corporation, Dick-Will, Inc., Corde Bonnaz Embroidery Corporation, and Arlene Manufacturing Co., Inc., employers in this Division. These exceptions set forth certain cost factors which these employers claim the Supplement to the Findings and Opinion failed to take into account, although they admit that they were taken into account in the original Findings and Opinion of the Administrator. These employers also argue that insufficient weight was given to the importance to firms operating in Puerto Rico of competition from mainland worker-contractors.

It is conceded in the exceptions that these matters were taken into account in the original Findings and Opinion of the Administrator. Both the minimum wage order, which was published in the FEDERAL REGISTER on May 7, 1955, and the more detailed Supplement to the Findings and Opinion of the Administrator make it clear that the entire record in the matter, including all evidence relating to the factors which are now stressed by the employers who have filed exceptions, was carefully reconsidered in arriving at the decision which was proposed for this Division. The Supplement to the Findings and Opinion of the Administrator cannot be considered wholly by itself. When it is considered in conjunction with the entire record, the original Findings and Opinion, and the minimum wage order which was published on May 7, 1955, it is apparent that all of the factors now in question have been fully taken into account. The present exceptions contain nothing to warrant any change in the proposed decision as to this Division.

A claim is also made in the exceptions which have now been filed that the effective date of the proposed increase on June 6, 1955 will cause great hardship because fall lines have been made up and submitted to prospective customers upon the basis of the current minimum wage of 36 cents an hour. Sample letters from two distributors were attached to the exceptions in which the distributors indicate that if the price is to be increased, it will be necessary to cancel any orders at increased prices. A delay of six months in the effective date of the proposed minimum wage increase is accordingly requested.

The employers who have filed exceptions appear to be under a misapprehension as to the effective date of the proposed increase in this Division. The minimum wage order which was pub-

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FEDERAL REGISTER

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lished in the FEDERAL REGISTER on May 7, 1955 specified that the amended wage order, as there published, would be effective on June 6, 1955, but that order provided in § 655.2 (n) that the current minimum wage of 36 cents an hour for this Division would continue in effect until a new wage order for this Division should be issued. No detailed evidence has been submitted as to any orders which may already have been taken on the basis of the current minimum wage rate. There is nothing to indicate how long it would take to fill any such orders or that there would be a real need for a postponement of six months in the effective date of the proposed increase in the minimum wage rate for this Division to prevent undue hardship. It is realized, however, that action already taken by employers in this Division in connection with fall lines may justify setting a later effective date for the proposed increase than might otherwise have been fixed. July 25, 1955 seems a suitable date under all the circumstances.

I have reviewed the exceptions which have been filed in the light of the entire record in this matter and have concluded that no change in the proposed decision as to this Division is warranted. The following amendment to the wage order which was published in the FEDERAL REGISTER on May 7, 1955 (20 F. R. 3107) will issue in accordance with the notice of proposed decision which was also published in the FEDERAL REGISTER on May 7, 1955 (20 F. R. 3138), and under the authority in section 8 of the Fair Labor Standards Act of 1938 (29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), General Order No. 45–A (15 F. R. 3290), and, the position of the Administrator being presently vacant, General Order No. 85 (20 F. R. 2066).

Section 655.2 (n) is amended to read as follows:

(n) Wages at a rate of not less than 51 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Corde and Bonnaz Embroidery and Corde Handbag Division of the Needlework and Fabricated Textile Products Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(Sec. 8, 63 Stat. 915; 29 U. S. C. 208)

The above amendment shall become effective July 25, 1955.

Signed at Washington, D. C., this 31st day of May 1955.

STUART ROTHMAN,
Solicitor.

[F. R. Doc. 55–4471; Filed, June 3, 1955; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 53—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

SUBPART B—STANDARDS

REVISION OF OFFICIAL UNITED STATES STANDARDS FOR GRADES OF CERTAIN PORK CARCASSES AND CERTAIN SWINE

On April 23, 1955, a notice of rule making was published in the FEDERAL REGISTER (20 F. R. 2725) regarding proposed revision of the official United States standards for grades of barrow and gilt carcasses (§§ 53.140 to 53.143) and the official United States standards for grades of slaughter barrows and gilts (§§ 53.150 to 53.153) under the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624) and the general language in the item for the Agricultural Marketing Service contained in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1955 (68 Stat. 313).

After due consideration of all relevant material submitted pursuant to the notice and under the aforesaid sections of the Agricultural Marketing Act of 1946 and the item for the Agricultural Marketing Service contained in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1955, official United States standards for grades of barrow and gilt carcasses and official United States standards for grades of slaughter barrows and gilts are hereby amended as follows:

Pork carcasses. 1. Section 53.142 is amended to read as follows:

§ 53.142 *Application of standards for grades of barrow and gilt carcasses.* (a) Differences in barrow and gilt carcasses due to sex condition are minor, and the grade standards are equally applicable for grading both classes.

(b) Barrow and gilt carcasses are graded primarily on the basis of (1) differences in yields of lean cuts and of fat cuts, and (2) differences in quality of cuts. These factors vary rather uniformly and consistently from one grade to another. The U. S. No. 1 grade combines an optimum ratio of lean to fat with quality characteristics indicative of acceptable palatability. U. S. No. 2 and U. S. No. 3 grades have higher degrees of finish with resulting lower yields of lean cuts and higher yields of fat cuts than U. S. No. 1 grade. In addition, the cuts from U. S. No. 2 and U. S. No. 3 grades have more internal fat remaining after trimming of external fat than do the cuts from U. S. No. 1 grade carcasses. Medium grade carcasses have a lower degree of finish and a resulting higher ratio of lean to fat than U. S. No. 1, U. S. No. 2, and U. S. No. 3 grades; however, Medium grade carcasses are underfinished and lack the quality characteristics associated with acceptable palatability as evidenced by a lack of firmness and indications of little or no marbling in the lean. Cull grade carcasses are decidedly underfinished and the pork is soft and watery with no visible marbling. Only carcasses with the firmness appropriate to their degree of finish are included under the standards described in this part. However, carcasses which are typically soft or oily as a result of feeds producing soft or oily fat may be graded in accordance with these standards provided they are specially identified as soft or oily along with the grade.

(c) Measurements of average back fat thickness in relation to carcass weight or length are closely related to yields of cuts and the quality of the cuts. The following table of measurements provides an objective guide in determining the barrow and gilt carcass grades.

WEIGHT AND MEASUREMENT GUIDES TO GRADES FOR BARROW AND GILT CARCASSES

Carcass weight or carcass length [1]	Average back fat thickness (inches) [2] by grade				
	U. S. No. 1	U. S. No. 2	U. S. No. 3	Medium	Cull
Under 120 pounds or under 27 inches.	1.2 to 1.5	1.5 to 1.8	1.8 or more	0.9 to 1.2	Less than 0.9.
120 to 164 pounds or 27 to 29.9 inches.	1.3 to 1.6	1.6 to 1.9	1.9 or more	1.0 to 1.3	Less than 1.0.
165 to 209 pounds or 30 to 32.9 inches.	1.4 to 1.7	1.7 to 2.0	2.0 or more	1.1 to 1.4	Less than 1.1.
210 or more pounds or 33 or more inches.	1.5 to 1.8	1.8 to 2.1	2.1 or more	1.2 to 1.5	Less than 1.2.

[1] Either carcass weight or length may be used with back fat thickness as a reliable guide to grade. The table shows the normal length range for given weights. In extreme cases where the use of length with back fat thickness indicates a different grade than by using weight, final grade is determined subjectively as provided in the standards. Carcass weight is based on a chilled, packer style carcass. Carcass length is measured from the forward point of the aitch bone to the forward edge of the first rib.

[2] Average of measurements made opposite the first and last ribs and last lumbar vertebra.

(d) The standards for grades of barrow and gilt carcasses include carcass measurements and descriptions of carcass characteristics which indicate the lean and fat yields and imply the quality of meat typical of the minimum degree of finish of each grade. Visual estimates of fat thickness normally alleviate the necessity for measuring carcasses in the grading operation. In addition to the measurement guides to grade differences, the standards also provide the basis for consideration of other characteristics. While carcass measurements furnish a reliable general guide to grade, the final grade of borderline carcasses may vary from that indicated by measurements due to consideration of other characteristics such as visual evidences of quality; meatiness; conformation of hams, loins,

bellies, and shoulders; and fat distribution. However, application of these additional factors is limited to borderline carcasses, and in no case may the final grade be more than one-half of the width of a grade different than that indicated by carcass measurements. The standards describe carcasses typical of each grade and no attempt is made to describe the nearly limitless number of combinations of characteristics that may qualify a carcass for a particular grade.

2. Section 53.143 is amended to read as follows:

§ 53.143 *Specifications for official United States standards for grades of barrow and gilt carcasses*—(a) *U. S. No. 1 grade.* Carcasses in this grade have near the minimum degree of finish required for the production of acceptable quality cuts. Meatiness based on yield of lean cuts in relation to carcass weight is slightly high; yield of fat cuts is slightly low. The ratio of total lean and fat to bone is slightly high. Carcasses possessing the minimum finish for U. S. No. 1 grade are slightly wide and moderately long in relation to weight. The back and loins are moderately full and thick with a well-rounded appearance. Hams are usually moderately thick, plump, and smooth and are slightly full in the lower part toward the hocks. Bellies are moderately long and smooth, slightly thick, and moderately uniform in thickness; the belly pocket is slightly thick. Shoulders are slightly thick and full but usually blend smoothly into the sides. The carcass is moderately well-balanced and smooth with moderately uniform development of the various parts. There are moderate quantities of interior fat in the region of the pelvis, a slightly thin but fairly extensive layer of fat lining the inside surface of the ribs, and a slightly small quantity of feathering. The flesh is firm. Both exterior and interior fats are firm, white, and of excellent quality. Carcasses with fat thickness typical of the thinner one-half of the U. S. No. 1 grade but with the firmness, quantity and distribution of interior fats, and belly thickness typical of the Medium grade shall be graded Medium. Carcasses with fat thickness typical of the fatter one-half of the U. S. No. 1 grade but with the fat distribution, meatiness, and thickness and fullness of hams, loins, shoulders, and bellies typical of the U. S. No. 2 grade shall be graded U. S. No. 2.

(b) *U. S. No. 2 grade.* Carcasses in this grade have a higher degree of finish than the minimum required for the production of acceptable quality cuts. Meatiness based on yield of lean cuts in relation to carcass weight is slightly low; yield of fat cuts is slightly high. The ratio of total lean and fat to bone is moderately high. Carcasses with the minimum finish for U. S. No. 2 grade are moderately wide and slightly short in relation to weight. The back and loins are full and thick and appear fuller near the edges than at the center. Hams are usually thick, plump, and smooth and are moderately full in the lower part toward the hocks. Bellies are moderately thick, smooth, slightly short, and rather uniform in thickness; the belly pocket is moderately thick. Shoulders are moderately thick and full but usually blend smoothly into the sides. The carcass is well-balanced and smooth with rather uniform development of the various parts. There are slightly large quantities of interior fat in the region of the pelvis, a slightly thick and moderately extensive layer of fat lining the inside surface of the ribs, and moderate feathering. The flesh is firm. Both exterior and interior fats are firm, white, and of excellent quality. Carcasses with fat thickness typical of the thinner one-half of the U. S. No. 2 grade but with the fat distribution, meatiness, and thickness and fullness of hams, loins, shoulders, and bellies typical of the U. S. No. 3 grade shall be graded U. S. No. 3.

(c) *U. S. No. 3 grade.* Carcasses in this grade have a decidedly higher degree of finish than the minimum required for the production of acceptable quality cuts. Meatiness based on yield of lean cuts in relation to carcass weight is low; yield of fat cuts is high. The ratio of total lean and fat to bone is high. Carcasses with the minimum finish for U. S. No. 3 are wide and short in relation to weight. The back and loins are very full and thick and appear especially full near the edges. Hams are usually thick, very plump, and smooth and are full in the lower part toward the hocks. Bellies are short, thick, smooth, and uniform in thickness; the belly pocket is thick. Shoulders are thick and full but usually blend smoothly into the sides. The carcass is well-balanced and smooth with uniform development of the various parts. There are large quantities of interior fat in the region of the pelvis, a moderately thick and extensive layer of fat lining the inside surface of the ribs, and slightly abundant feathering. The flesh is firm. Both exterior and interior fats are firm, white, and of excellent quality. Carcasses with nearly minimum fat thickness for the U. S. No. 3 grade but with the fat distribution, meatiness, and thickness and fullness of hams, loins, shoulders, and bellies typical of the U. S. No. 2 grade shall be graded U. S. No. 2.

(d) *Medium grade.* Carcasses in this grade have a lower degree of finish than the minimum required for the production of acceptable quality cuts. Yield of lean cuts in relation to carcass weight is moderately high; yield of fat cuts is moderately low. The ratio of total lean and fat to bone is moderately low. Carcasses with the minimum finish for Medium grade are rather narrow and long in relation to weight. The back and loins are rather thin and deficient in fullness and slope away from the center toward the sides. Hams are usually slightly thin and lacking in plumpness and taper slightly toward the hocks. Bellies are moderately thin, long, slightly wrinkled, and moderately uneven in thickness; the belly pocket is moderately thin. Shoulders tend to be thin and flat but often show prominence at the junction with the sides. The carcass tends to be uneven and rough with slightly irregular development of the various parts. There are slightly small quantities of interior fat in the region of the pelvis, a scanty and incomplete layer of fat lining the inside surface of the ribs, and only a small quantity of feathering. Both exterior and interior fats are moderately soft, white to creamy white, and of low quality. The flesh is moderately soft and has little evidence of marbling. Carcasses with the fat thickness typical of the fatter one-half of the Medium grade but with the firmness, quantity and distribution of interior fats, and belly thickness typical of the U. S. No. 1 grade shall be graded U. S. No. 1. Carcasses with the fat thickness typical of the thinner one-half of the Medium grade but with the firmness, quantity and distribution of interior fats, and belly thickness typical of the Cull grade shall be graded Cull.

(e) *Cull grade.* Carcasses in this grade have a considerably lower degree of finish than the minimum required for the production of acceptable quality cuts, and most cuts are suitable only for processing. Yield of lean cuts in relation to carcass weight is high; yield of fat cuts is low. The ratio of total lean and fat to bone is low. Carcasses with the degree of finish typical of the Cull grade are narrow and long in relation to weight. The back and loins are thin and decidedly lacking in fullness and have a definite slope away from the center toward the sides. Hams are usually thin, flat, and wrinkled, and show a definite taper toward the hocks. Bellies are very long, thin, wrinkled, and uneven in thickness; the belly pocket is very thin. Shoulders are thin and flat but often prominent at the junction with the sides. The carcass is uneven and rough with irregular development of the various parts. There are only small quantities of interior fat in the region of the pelvis and little or no fat as lining on the inside surface of the ribs or as feathering between the ribs. Both exterior and interior fats are soft, creamy white to white, and of low quality. The flesh is soft and watery and has no evidence of marbling. Carcasses with nearly maximum fat thickness for the Cull grade but with the firmness, quantity and distribution of interior fats, and belly thickness typical of the Medium grade shall be graded Medium.

Swine. 1. Section 53.151 is amended to read as follows:

§ 53.151 *Slaughter swine classes.* There are five classes of slaughter swine—barrows, gilts, sows, stags, and boars—defined as follows:

(a) *Barrow.* A barrow is a male swine castrated when young and before development of the secondary physical characteristics of a boar.

(b) *Gilt.* A gilt is a young female swine that has not produced young and has not reached an advanced stage of pregnancy.

(c) *Sow.* A sow is a mature female swine that shows evidence of having reproduced or has reached an advanced stage of pregnancy.

(d) *Stag.* A stag is a male swine castrated after development or beginning of development of the secondary physical characteristics of a boar. Typical stags are somewhat coarse and lack balance—the head and shoulders are more fully developed than the hindquarter parts, bones and joints are large, the skin is thick and rough, and the hair is coarse.

(e) *Boar.* A boar is an uncastrated male swine.

2. Section 53.152 is amended to read as follows:

§ 53.152 *Application of standards for grades of slaughter barrows and gilts.* (a) In the barrow and gilt classes, sex condition has exerted little effect on secondary physical characteristics, and barrows and gilts are treated as a single class in marketing and for standardization purposes. Therefore, the grade standards are equally applicable to both slaughter barrows and gilts.

(b) The standards are based on the standards for grades of barrow and gilt carcasses. The two major factors forming the bases for the grades are (1) differences in yield of lean cuts and of fat cuts, and (2) differences in quality of cuts. There are rather consistent variations in these characteristics from one grade of barrows and gilts to another. U. S. No. 1 grade barrows and gilts have about the minimum finish required to produce pork cuts of acceptable quality in which the lean is firm and has sufficient marbling, or fat interspersed within the lean, to result in the tenderness, juiciness, and flavor associated with desirable palatability. U. S. No. 2 grade barrows and gilts are overfinished and U. S. No. 3 grade barrows and gilts are decidedly overfinished in relation to the minimum finish required for the production of cuts of acceptable quality; yields of lean are lower and yields of fat are higher in these grades than in U. S. No. 1 grade. Medium grade barrows and gilts are underfinished, and although the ratio of lean to fat is higher than in U. S. No. 1 grade, the lean is soft and has little or no marbling. Cull grade barrows and gilts are decidedly underfinished and the pork is soft and watery with no visible evidence of marbling in the lean.

(c) Application of the standards requires an accurate appraisal of the live animal characteristics which indicate the grade. The standards describe the characteristics of typical animals having the minimum degree of finish for each grade. No attempt is made to describe the numerous combinations of characteristics that may qualify an animal for a specific grade, and making appropriate compensations for varying combinations requires the use of sound judgment.

(d) The general limits of grades for barrows and gilts are determined by degree of finish, but other factors are considered in certain cases to accomplish further refinement of the grades. Animals at the borderlines between grades with respect to degree of finish are graded by consideration of meatiness as evidenced by thickness and fullness (fat covering considered) of hams, loins, shoulders, and bellies; apparent firmness of fleshing; and distribution of fat covering. The application of these compensating factors is limited to borderline cases between grades, and in no case is the final grade of an animal more than one-half the width of a grade different than that indicated by apparent degree of finish.

3. Section 53.153 is amended to read as follows:

§ 53.153 *Specifications for official United States standards for grades of slaughter barrows and gilts*—(a) *U. S. No. 1 grade.* Slaughter barrows and gilts in this grade have an intermediate degree of finish. Hogs of the minimum finish for U. S. No. 1 are moderately wide over the top, and width of body over the top appears nearly equal to that at the underline. The back, from side to side, is moderately full and thick and usually appears well-rounded and blends smoothly into the sides. Width through the hams is usually nearly equal to width through the shoulders. The sides are moderately long, slightly thick, and usually smooth; the flanks are slightly thick and full. Depth at the rear flank may be slightly less than depth at the fore flank. Hams tend to be moderately thick and full with a slightly thick covering of fat. Jowls are moderately full and thick but are usually trim. Barrows and gilts in this grade produce U. S. No. 1 carcasses. Barrows and gilts with apparent degree of finish typical of the fatter one-half of the U. S. No. 1 grade but with the evidences of meatiness, firmness of fleshing, and distribution of finish more nearly typical of the U. S. No. 2 grade shall be graded U. S. No. 2.

(b) *U. S. No. 2 grade.* Slaughter barrows and gilts in this grade have a moderately high degree of finish. Hogs of the minimum finish for U. S. No. 2 are wide over the top, and width of body appears slightly greater over the top than at the underline. The back, from side to side, is full and thick and often appears slightly flat with a noticeable break into the sides. Width may be slightly greater through the shoulders than through the hams. The sides are slightly short, moderately thick, and smooth; the flanks are moderately thick and full. Depth at the rear flank is nearly equal to depth at the fore flank. Hams tend to be thick and full with a moderately thick covering of fat, especially over the lower part. Jowls are usually full and thick, and the neck appears rather short. Barrows and gilts in this grade produce U. S. No. 2 carcasses. Barrows and gilts with apparent degree of finish typical of the fatter one-half of the U. S. No. 2 grade but with the evidences of meatiness, firmness of fleshing, and distribution of finish more nearly typical of the U. S. No. 3 grade shall be graded U. S. No. 3. Those with apparent degree of finish typical of the thinner one-half of the U. S. No. 2 grade but with the evidences of meatiness, firmness of fleshing, and distribution of finish more nearly typical of the U. S. No. 1 grade shall be graded U. S. No. 1.

(c) *U. S. No. 3 grade.* Slaughter barrows and gilts in this grade have a high degree of finish. Hogs possessing the minimum finish for U. S. No. 3 are very wide over the top, and width of body appears somewhat greater over the top than at the underline. The back, from side to side, is very full and thick and often appears nearly flat with a pronounced break into the sides. Width may be greater through the shoulders than through the hams. The sides are short, thick, and smooth; the flanks are thick and full. Depth at the rear flank is equal to depth at the fore flank. Hams tend to be very thick and full with a thick covering of fat, especially over the lower part. Jowls are very thick and full, and the neck appears short. Barrows and gilts in this grade produce U. S. No. 3 carcasses. Barrows and gilts with apparent degree of finish near the minimum for U. S. No. 3 grade but with evidences of meatiness, firmness of fleshing, and distribution of finish more nearly typical of the U. S. No. 2 grade shall be graded U. S. No. 2.

(d) *Medium grade.* Slaughter barrows and gilts in this grade have a low degree of finish. Hogs of the minimum finish for the grade are moderately narrow over the top, and width over the top appears less than at the underline. The back, from side to side, is slightly thin and appears rather peaked at the center, especially at and immediately behind the shoulders, with a distinct slope toward the sides. Hips may appear slightly prominent. Width may be slightly less through the shoulders than through the hams. The sides are long, moderately thin, and wrinkled; the flanks are thin. Depth at the rear flank is less than depth at the fore flank. Hams tend to be thin and flat with a slight taper toward the shanks. Jowls are usually slightly thin and flat, and the neck appears rather long. Barrows and gilts in this grade produce medium grade carcasses.

(e) *Cull grade.* Slaughter barrows and gilts in this grade have a very low degree of finish. Hogs with the fleshing typical of the grade are narrow over the top, and width of body appears somewhat less over the top than at the underline. The back, from side to side, is thin, lacks fullness, and appears peaked at the center with a decided slope toward the sides. The hips are prominent. Width may be somewhat less through the shoulders than through the hams. The sides are very long, thin, and wrinkled; the flanks are very thin. Depth at the rear flank is considerably less than depth at the fore flank. Hams are very thin and flat with a decided taper towards the shanks. Jowls are usually thin and flat, and the neck appears long. Barrows and gilts in this grade produce Cull grade carcasses.

The foregoing amendments will become effective on July 5, 1955.

Done at Washington, D. C., this 1st day of June 1955.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

[SEAL] ROY W. LENNARTSON,
Acting Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-4478; Filed, June 3, 1955; 8:49 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Amdt. 4]

PART 301—DOMESTIC QUARANTINE NOTICES
SUBPART—KHAPRA BEETLE

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS UNDER REGULATIONS SUPPLEMENTAL TO KHAPRA BEETLE QUARANTINE

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2, 20 F. R. 1012) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), administrative instructions issued as 7 CFR 301.76–2a (20 F. R. 1237), effective March 1, 1955, as amended effective March 29, 1955, April 15, 1955, and April 30, 1955 (20 F. R. 1878, 2477, 2901), are hereby further amended in the following respects:

a. The designation as regulated areas of the following warehouses, mills, and other premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

CALIFORNIA

Angiola Elevator and Warehouse Co., Angiola.

Croley Milling Co., 628 B Street, Hayward.

Vogel Seed & Feed, 860 Main Street, Brawley.

b. The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Arlington Cattle Company, Quick's Warehouse, Star Route, Arlington.

Dave Johnson Farm, Route 1, Box 25, Avenue "E", ¾ mile south of Seventeenth Street, Somerton.

Millett Feed Barn and Millett Feed and Storage Warehouse, 254 South Sirrine Street, Mesa.

Red Star Feed and Seed Store, 220 Mill Street, Tempe.

CALIFORNIA

Louis Carano Ranch, east of S. P. Railroad tracks at intersection of County Roads East B and No. 8, 1 mile south of Heber.

Ernest Furrer Ranch, northeast corner of intersection of County Roads West J and 18, El Centro.

Bud Gunterman Ranch, on East "G", ½ mile south of Road 8 on west side of Acacia Canal at Gate 4, Calexico.

Gunterman Ranches (Bud Gunterman, owner), intersection of East L and Road 14, Calexico.

Everet Jones Ranch, intersection of East R and Road 56, Route 2, Box 174, Brawley.

Kern Valley Farms, on Wheeler Ridge Road, 1 mile south of Herring Road, Box 184, Arvin.

Henry Kirchener Dairy, on west side of County Road East B, ¼ mile north of County Road 28, El Centro.

M. L. McFarland (small farm), County Road West A, ¼ mile north of County Road 28, P. O. Box 327, Imperial.

Mee Ranches (lessee), 1901 Brundage Lane, Bakersfield.

L. C. Myers Ranch, intersection of East V and County Road 58, Brawley.

Newhall Land and Farming Company, Route 3, Box 77, Saugus.

I. F. Porter (small farm), Route 2, Box 9A, Brawley.

C. B. Ralph's Ranch, at northeast corner of intersection of County Roads East C and 32, Imperial.

Emil Rebik Ranch, near East P on north side of Road 58, Box 184, Imperial.

Oscar Rudnick Ranch, on Highway 178, across highway from Onyx Store, Onyx.

F. W. Schoneman Ranch, at southwest corner of intersection of County Roads East T and 54, Brawley.

Sears, Roebuck & Company warehouse, "G" Street, Fresno.

Robert E. Shank Ranch, Wiest Road and Maple Canal, Route 2, Box 150, Brawley.

Herman Vossler (large farm storage), Route 1, Box 192, Porterville.

T. O. Witt Ranch, on Highway 178, 13 miles northeast of Isabella Lake, Onyx.

H. Wright Ranch, on east side of Zumwalt Road, ½ mile south of Williams.

c. The item appearing in the list contained in such instructions under the subhead California, as "Rudinick Trust Seed Lot, 1½ miles west of Oak Street, on Panama Lane, Bakersfield" is changed to read: Rudinick Trust Feed Lot, 1½ miles west of Oak Street, on Panama Lane, Bakersfield.

This amendment shall be effective June 4, 1955.

Subsequent to the third amendment of these instructions, effective April 30, 1955, infestations of the khapra beetle were discovered at the Southwest Irrigation Field Station Laboratory and at the Boyd and Kuhns property, 1663 East A Street, both at Brawley, California. Movement of regulated articles from these premises was immediately stopped. Within a few days such infested premises had been fumigated and declared free of khapra beetle infestation. Accordingly, neither property is being included in this amendment.

This amendment revokes the designation as regulated areas of a number of warehouses, mills, and other premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of warehouses, mills, and other premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations. It further corrects the designation of one presently regulated area.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as a regulated area. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 8, 37 Stat 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 31st day of May 1955.

[SEAL] W. L. POPHAM,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 55–4479; Filed, June 3, 1955; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 38]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.338 *Valencia Orange Regulation 38*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. G. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on June 2, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 5, 1955, and ending at 12:01 a. m., P. s. t., June 12, 1955, is hereby fixed as follows:

(i) District 1: 138,600 boxes;

(ii) District 2: 323,400 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 3, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–4545; Filed, June 3, 1955; 11:22 a. m.]

[Lemon Reg. 592]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.699 *Lemon Regulation 592*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 1, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 5, 1955, and ending at 12:01 a. m., P. s. t., June 12, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 550 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 2, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–4522; Filed, June 3, 1955; 8:54 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

MISCELLANEOUS AMENDMENTS

Basis and purposes. Investigations by the Fish and Wildlife Service and the Alaska Game Commission and personal observations of citizens and agencies within Alaska indicate that changing conditions within the Territory require further protection to wildlife and game fish in some instances and permit some relaxation of regulatory protection in other instances. Following the public meetings held at Juneau and elsewhere in the Territory on proposed regulation amendments, the Commission recommended the changes adopted herein to conserve these valuable Alaskan resources and still permit such utilization as is consistent with the preservation of the breeding stocks of game and fur animals, birds, and game fishes.

I have considered and determined that the recommendations will effectuate the purposes of the Alaska Game Law. Accordingly, the regulations under the Alaska Game Law are amended as follows:

1. Section 46.20 is amended to read as follows:

§ 46.20 *Yearly bag limit.* The greatest number of a species permitted to be taken during the current license year (July 1 to June 30) in any area designated in this part as open to hunting or trapping.

2. A new § 46.22 is added under the center headnote "Definitions" reading as follows:

§ 46.22 *Fawn deer.* Spotted young deer of the year.

3. Section 46.58 is amended to read as follows:

§ 46.58 *Reports by hunters and trappers.* Each person taking animals or birds in Alaska shall keep records to show the kind and number of each species taken, and shall, at the time of renewal of his license, make a written report to the Commission of all game taken on a form provided for that purpose: *Provided,* That each hunter taking any big game animal south of the Alaska Range or Ahklun Mountains, shall report the taking of such animal on or before December 10 to the Commission on a card form provided for the purpose.

4. Section 46.61 is amended to read as follows:

§ 46.61 *General provisions.* Animals, birds, and game fishes, parts thereof, and articles manufactured therefrom, and the nests and eggs of such birds taken in accordance with the regulations in this part, may be possessed within the Territory at any time, by any person, and in any number and kind not limited by currently applicable bag and possession limits and may be transported within and exported out of the Territory by any person at any time, except as provided in §§ 46.64 to 46.72, inclusive: *Provided,* That possession and transportation of migratory game birds are subject to such additional provisions as may be prescribed by the Migratory Bird Treaty Act regulations.

5. Section 46.81 is amended to read as follows:

§ 46.81 *General provisions.* Sales or purchases of the following game birds,

game fishes, wild animals, or parts or products thereof, may be made by any person (except fur dealers) and by fur dealers holding valid fur dealer licenses:

(a) *Tagged beaver, other fur animals, black bear and deer skins, meat and skins of hares and rabbits.* Tagged or sealed skins of beaver, skins of other fur animals, black bear and deer, and meat and skins of hares and rabbits.

(b) *Manufactured articles.* Articles manufactured from the hides and hoofs of moose, caribou, deer, and mountain goats, and from the skins of black bears.

(c) *Shed antlers.* Shed antlers of deer, moose, and caribou.

(d) *Strips of grizzly bear hides.* In Fur Districts 5 and 8, parka hood trimmings cut from hides of grizzly bears in strips not to exceed 4 inches in width.

(e) *Steelhead trout.* Steelhead trout taken in salt water incidental to commercial salmon fishing operations.

(f) *Dolly Varden trout and Mackinaw or lake trout.* Dolly Varden trout taken in salt water and Dolly Varden and Mackinaw or lake trout taken in conformity with the provisions of § 46.155 (b).

(g) *Trout reared in captivity.* Trout reared in captivity for food purposes on commercial fish farms within the Territory under permits issued pursuant to § 46.231 and trout so reared outside of and shipped into the Territory: *Provided,* That such trout must be accompanied by an invoice or bill of sale showing the names and addresses of the buyer and seller, date of sale, and the total weight and number of each species in each lot of such fish.

(h) *Game birds.* Migratory waterfowl, and game birds as defined in § 46.13, when reared in captivity in conformity with such conditions and restrictions as may be imposed by permits issued under § 46.231.

6. Section 46.100 is amended to read as follows:

§ 46.100 *General provisions.* The animals, birds, and game fishes on which open seasons are prescribed in the succeeding sections of this part may be taken during such open seasons (dates inclusive) by the methods and means, in the designated open areas, and in numbers not exceeding the limits prescribed therefor, and in conformity with the evidence of sex, permit, and stamp requirements of §§ 46.68, 46.126 and 46.145, but not at any other time, by any other method, aid, or means; nor in any other areas or numbers: *Provided,* That no birds or animals may be taken from, on, or across any railroad or from, on, across, or within 100 feet of the centerline of any public highway; nor may any big game animal be taken within the one quarter mile area on each side of any public highway in Southeastern Alaska (east of 141° W. longitude) or within the one half mile area on each side of any public highway on the Kenai Peninsula: *Provided further,* That when any person shall have taken game or fur animals equal to the yearly bag limit prescribed for any of the designated open areas within the Territory, he shall not again hunt or trap for the species so taken except in a designated open area where a greater yearly bag limit on such species is prescribed; and in no event shall the cumulative numbers of the species taken by him exceed the yearly bag limit prescribed for the respective area in which the additional game or fur animals are taken.

7. Section 46.101 is amended to read as follows:

§ 46.101 *Methods and means.* Game animals may be taken only with a shotgun (not larger than No. 10 gauge and not capable of holding more than three shells), rifle or pistol (except those using rim-fire cartridges), or bow and arrow; but not with aid or use of a dog, machine or submachine gun, set gun of any description, or spear, pit, deadfall, fire, jacklight, searchlight, or other artificial light, two-way radio communications, or artificial saltlicks, or from or by means or aid of an aircraft, motor vehicle, motorboat, or any other boat except that propelled by paddle, oars or pole; nor while such animals are swimming: *Provided,* That rabbits may be taken by snares not larger than No. 1, by rifles and pistols using rim-fire cartridges, and with the aid of a dog: *Provided further,* That no aircraft or motor-driven vehicle shall be used for the purpose of driving, circling, herding, following, molesting, spotting, or aiding in the taking of big game animals except as a means of transportation: *And provided further,* That no helicopter shall be used in any manner in the taking or transportation of game animals.

8. Section 46.102 is amended to read as follows:

§ 46.102 *Seasons, limits, and other provisions.* The open seasons (dates inclusive), yearly bag limits, and other provisions applicable to the taking of game animals shall be as shown in the following schedule:

NOTE: See §§ 46.58 and 46.68 regarding reporting kill of big game and evidence of sex and identity; §§ 46.61 to 46.72 and 46.81 regarding transportation, possession, and sale; §§ 46.165 to 46.171 and 46.186 prescribing closed areas; and § 46.100 imposing limitations upon continued hunting by persons who shall have taken game animals equal to the yearly bag limit prescribed for any designated open area within the Territory.

Areas open to hunting	Seasons	Limits
Deer (except fawns)		
Kodiak-Afognak Island group	Aug. 20–Sept. 30	1 deer a year (3" antlers or longer).
Prince William Sound and Copper River drainage	Aug. 20–Nov. 22	2 deer a year (either sex).
East of 141° W. longitude Southeastern Alaska (except in the Sullivan Islands-Taiya area as described in § 46.186).	Aug. 20–Nov. 22	3 deer a year (3" antlers or longer) or 2 deer a year (3" antlers or longer) and 1 antlerless deer: *Provided,* That the antlerless deer may be taken only during the period Nov. 15–22.
Moose (bulls with forked antlers or larger)		
Alaska Peninsula (that portion lying southwest of Kvichak River, south shore of Iliamna Lake and road from Pile Bay to Iliamna Bay on Cook Inlet).	Aug. 20–Sept. 20, Dec. 1–Dec. 10.	1 bull a year.
Yakutat-Dry Bay area between Cape Fairweather and Icy Cape.	Sept. 15–Oct. 15	
Southeastern Alaska east of Cape Fairweather	Sept. 15–Oct. 5	
Susitna and Matanuska River drainages west of 148° W. longitude.	Aug. 20–Sept. 20, Nov. 10–Nov. 30.	
Remainder of Alaska for which a season is not prescribed in the foregoing portions of this section (except in the Seward Peninsula-Kotzebue Sound, Cordova and Rainbow areas as described in §§ 46.170 and 46.186).	Aug. 20–Sept. 20, Nov. 20–Nov. 30.	
Caribou (either sex)		
North of the Yukon River	Aug. 20–Feb. 28	5 a year (either sex).
South of the Alaska Range and east of the Alaska Railroad (except in the Mount Sanford area as described in § 46.186).	Aug. 20–Nov. 30	2 a year (either sex).
Alaska Peninsula (that portion lying southwest of Kvichak River, south shore of Iliamna Lake and road from Pile Bay to Iliamna Bay on Cook Inlet).	Dec. 1–Dec. 10	1 a year (either sex).
Remainder of Alaska for which a season or bag limit is not prescribed in the foregoing portions of this section (except in the Steese Highway area as described in § 46.186).	Aug. 20–Nov. 30	
Elk (forked antlers or larger)		
Afognak Island	Sept. 1–Sept. 15	1 bull a year.
Remainder of Alaska	No open season	No open season.
Mountain goat (except kids)		
Southeastern Alaska (but not on Chichagof Island) and westward south of the Coast Range to and including the drainage into Prince William Sound.	Aug. 20–Nov. 22	2 a year.
Remainder of Alaska (except in Cooper Landing, Sheep Mountain and Eagle River areas as described in § 46.186 and on Kodiak Island).	Aug. 20–Oct. 31	1 a year.
Mountain sheep (rams with ¾ curl or larger)		
South of the Yukon River (except on the Kenai Peninsula, the drainage into Lake Clark above Nondalton, and in the Cooper Landing, Sheep Mountain, Eagle River and Mentasta Pass areas as described in § 46.186).	Aug. 20–Sept. 10	1 ram with ¾ curl horn or larger a year.
North of the Yukon River	Aug. 15–Sept. 10	
Bison	No open season	No open season.

Areas open to trapping	Seasons	Limits
Mink, marten, land otter, fox, lynx, weasel (ermine) and wolverine [1]		
Fur District 1	No open season	No open season.
Fur District 2	do	Do.
Nonresidents: Prince William Sound and eastward along Drainage into Prince William Sound and eastward along the Gulf of Alaska to Cape Suckling.	Nov. 20–Dec. 20	No limit.
Remainder of Fur District 2	Nov. 10–Jan. 31	Do.
Fur District 3 (except for mink on Kodiak Island and marten on Afognak Island).	Nov. 10–Jan. 31	Do.
Fur Districts 4 through 8	Nov. 10–Jan. 31	Do.
White fox [1]		
Fur Districts 4 through 8	Dec. 1–Mar. 15	Do.
Muskrat		
Fur District 1	No open season	No open season.
Fur Districts 2 through 8	Jan. 1–June 10	No limit.
Beaver		
Fur District 1	Apr. 15–May 15	10 a year.
Fur District 2	Feb. 1–Mar. 31	20 a year.
Fur District 3	do	15 a year.
Fur District 4: Mulchatna and Nushagak River drainages south of 60° N. latitude.	No open season	No open season.
Remainder of District 4	Feb. 1–Mar. 31	10 a year.
Fur District 5: South of Unalakleet River drainage	No open season	No open season.
Remainder of District 5	Feb. 1–Mar. 31	15 a year.
Fur Districts 6 and 7: Drainage of the Chena River and tributary sloughs between the Little Chena and Tanana Rivers.	No open season	No open season.
Upper Copper River drainage in Fur District 6	Feb. 1–Mar. 31	20 a year.
Koyukuk Fur Management area	do	Do.
Upper Tanana Fur Management area	do	5 a year.
Remainder of Districts 6 and 7	do	15 a year.
Wolf, coyote, marmot and squirrel		
Fur Districts 1 through 8	No closed season	No limit.
Polar bear		
Fur Districts 5 and 8	do	3 a year for residents; 1 a year for nonresidents.

[1] *Provided,* That any fox or wolverine may be killed at any time when damaging property or about to molest domestic fowl and animals.

12. Section 46.141 is amended to read as follows:

§ 46.141 *Seasons, limits, and other provisions.* The open seasons (dates inclusive), bag limits, and other provisions applicable to the taking of game birds shall be as shown in the following schedule:

NOTE: See §§ 46.61 to 46.72 and 46.81 regarding transportation, possession and sale; and §§ 46.165 to 46.171 and 46.186 prescribing closed areas.

Areas open to hunting game birds	Seasons	Limits
Grouse		
South of the Alaska Range	Aug. 20–Jan. 31	10 a day.
North of the Alaska Range	Aug. 20–Apr. 15	Do.
Ptarmigan		
In the Territory	do	20 a day.
Migratory game birds		
In the Territory	Seasons and limits in accordance with the current Migratory Bird Treaty Act regulations.	

Areas open to hunting	Seasons	Limits
Brown and grizzly bear [1]		
East of 141° W. longitude Southeastern Alaska (except in the Thayer Mountain and Pack Creek areas as described in § 46.186).	Sept. 1–June 30	2 a year.
Kodiak Island	Sept. 16–May 31	
In Alaska, north of 61° N. latitude	Aug. 20–June 20	1 a year.
Remainder of Alaska (except in the McNeil River area as described in § 46.186).	Sept. 1–June 20	
Black bear (including its brown, blue, or glacier bear color variations) [1]		
In Alaska, east of 141° W. longitude	Sept. 1–June 20	2 a year.
Remainder of Alaska	No closed season	3 a year.
Hare and rabbit		
Southeastern Alaska	Sept. 1–Apr. 30	5 a day.
Remainder of Alaska	No closed season	No limit.

[1] *Provided,* That any bear may be killed at any time or any place in Alaska when about to attack or molest persons or their property. Persons, so killing such animals shall submit a written report to the Commission, setting forth the reason for such killing and the time and place.

9. Section 46.126 is amended to read as follows:

§ 46.126 *Methods and means.* Fur animals may be taken by any means except by aid or use of a set gun, a shotgun, artificial light of any kind, a steel bear trap or other trap with jaws having a spread exceeding 9 inches, poison, a dog (other than for taking wolves and coyotes in Fur Districts 5, 6, 7, and 8), a fish trap or net, by setting any trap or snare within 25 feet of a beaver house or den or within 100 feet of a fox den, by use of smoke or chemicals, by destroying or disturbing houses, dens, dams, or runways of such animals: *Provided,* That mink and beaver may be taken only by means of a steel trap or snare only by persons who have attained the age of 11 years: *Provided further,* That snares larger than No. 1 are prohibited on the Kenai Peninsula, except in the taking of beaver: *Provided further,* That wolves and coyotes may be killed at any time by means of a bow and arrow, rifle, shotgun, or pistol, by any person permitted to carry firearms: *Provided further,* That no aircraft shall be used in taking fur animals, except as a means of transportation between a settlement or point of outfitting and a single base camp and for locating, but not for taking, polar bear, and for the taking of wolves and coyotes by authorized predator-control agents or by persons conducting operations under authority of a permit: *And provided further,* That no helicopter shall be used in any manner in the taking or transportation of fur animals, including polar bear.

10. Section 46.127 is amended to read as follows:

§ 46.127 *Permits to take wolves and coyotes during closed season on other fur animals.* During the closed season on mink, land otter, weasel, fox, wolverine, lynx, and marten, in the respective Fur Districts, no person shall set, maintain, or attend traps for wolves or coyotes without first procuring a permit issuable at the discretion of the Commission, authorizing him to do so. Applications for such permits shall be addressed to the nearest Fish and Wildlife Service field office and shall contain a statement of the nature and extent and locality of the proposed operation and the species of animals to be taken.

11. Section 46.128 is amended to read as follows:

§ 46.128 *Seasons, limits, and other provisions.* The open seasons (dates inclusive), yearly bag limits, and other provisions applicable to the taking of fur animals shall be as shown in the following schedule:

NOTE: See § 46.58 regarding reporting kill of big game; §§ 46.61 to 46.72 and 46.81 regarding transportation, possession, and sale; §§ 46.165 to 46.171 and 46.186 prescribing closed areas; and § 46.100 imposing limitations upon continued trapping by persons who shall have taken fur animals equal to the yearly bag limit prescribed for any designated open area within the Territory.

13. Section 46.144 is revoked.

14. In § 46.155, paragraph (a) and the introductory text of paragraph (b) (preceding subparagraph (1)), are amended to read as follows:

§ 46.155 *Methods and means.* (a) Except as permitted in paragraph (b) of this section, game fishes may be taken only by angling with a single line held in the hand or attached to a rod so held, or fixed within sight of the owner when used for angling through the ice (in which case the fixed line shall be clearly marked with the name and address of the operator), but no line shall at any time have attached to it more than two flies or hooks, nor more than one plug, spoon, or spinner: *Provided,* That the use of snag or gang hooks is prohibited: *Provided further,* That Dolly Varden and Machinaw or lake trout may be taken by use of gill net, trap or seine in all drainages into the Arctic Ocean north of Cape Krusenstern and in salt water; but no game fish may be taken by any means within 300 feet of any operating fish weir or fish ladder; nor in those portions of the lower Russian and Kenai Rivers which lie within 300 yards of the mouth of the lower Russian River; nor in waters where game fish planting or restocking is being conducted and such waters are so designated by appropriately posted signs.

(b) Commercial fishing for Dolly Varden and Mackinaw or lake trout may be conducted during the period December 1 through April 30 in the waters of Iliamna, Ugashik, and Becharof Lakes and their outlet rivers, the Nushagak and Chilkat river drainages, and in such additional waters as may be designated from time to time by the Director of the Fish and Wildlife Service, upon recommendation of the Commission, and announced by him through suitable publication, subject to the following terms, conditions and restrictions:

• • • • •

15. Section 46.156 is amended to read as follows:

§ 46.156 *Seasons, limits, and other provisions.* The open seasons (dates inclusive), bag limits, and other provisions applicable to the taking of rainbow, steelhead, cutthroat, eastern brook, Dolly Varden, and Mackinaw lake trout, and grayling shall be as shown in the following schedule: *Provided,* That there shall be no limit on Dolly Varden trout taken in salt water or in the drainages into Bristol Bay; nor in the coastal drainages of the Bering Sea and Arctic Ocean northward from St. Michael (except in the Nome, Snake, Flambeau, and Eldorado Rivers): *Provided further,* That there shall be no limit on Dolly Varden and Mackinaw or lake trout in any area where, and during the period when, these species are being taken by gill nets, traps or seines under authority of a permit issued pursuant to paragraph (b) of § 46.155:

Areas open to fishing	Special provisions	Seasons	Limits
Southeastern Alaska and Coastal Parts			
Lower Dewey Lake (near Skagway)		July 1–Mar. 15	15 fish but not to exceed 15 pounds and 1 fish daily. Possession limit: 2 daily bag limits.
Remainder of Southeastern Alaska and westward south of the Coast Range to and including the drainage into Prince William Sound and on the Kodiak-Afognak Island group.		No closed season	
Central and Interior Alaska			
Cook Inlet drainage—(in Echo, Falk and Hidden Lakes in the Palmer-Anchorage area).	For persons under 16 years of age only.	May 28–Mar. 31	10 fish daily or in possession: *Provided,* That such limit may not contain more than 2 fish over 18" in length, and that no fish under 12" in length may be taken in the Chatnika or Big Delta Clearwater Rivers.
Copper River drainage—outlet of Little Summit Lake (near Paxson) and extending 1 mile downstream.	Fly fishing only permitted.		
Naknek River drainage (in Bristol Bay).			
Fielding Lake and inlets (in the Tanana River drainage).		June 10–Mar. 31	
Remainder of the Tanana River drainage. Stocked gravel pits along the Richardson highway.	For persons under 16 years of age only.	May 28–Mar. 31	10 fish daily or in possession: *Provided,* That such limit may not contain more than 2 fish over 18" in length, and that no fish under 12" in length may be taken in the Chatnika or Big Delta Clearwater Rivers.
In the Salcha and Little Salcha Rivers.	Fly fishing only permitted.		
In the remainder of Alaska for which a season or special provision is not prescribed above.		No closed season	

NOTE: See §§ 46.61, 46.72 and 46.81 regarding transportation, possession, and sale; and § 46.155 prescribing continuously closed areas.

16. A new § 46.171 is added under the center headnote "closed areas" reading as follows:

§ 46.171 *Highway Reserve.* The area within 100 feet of the centerline of all public highways.

17. Section 46.186 is amended to read as follows:

§ 46.186 *Continuously closed area.* A continuously closed season, except for scientific or propagating purposes, is prescribed in the following-described areas and for the designated species of animals and birds:

(a) *Anan Creek.* (In Fur District 1.) The drainage of Anan Creek on the Cleveland Peninsula. (Closed on black bear.)

(b) *Mitkof Island.* From the steamer channel in Wrangell Narrows on the west, including that portion of Mitkof Island draining into Wrangell Narrows and Frederick Sound from Blind Point on the south to and including Sandy Beach on the north. (Closed on game animals, game birds, and beaver.)

(c) *Highway.* A strip one-quarter mile wide on each side of all public highways in Southeastern Alaska and a strip one-half mile wide on each side of all public highways on the Kenai Peninsula. (Closed on all game animals except hare and rabbit.)

(d) *Sullivan Island-Taiya area.* All of the drainage into Lynn Canal north of the latitude of Point Sherman, in Southeastern Alaska. (Closed on deer.)

(e) *Cordova area.* Beginning at Point Whitshed; thence North and East along the shore line to the head of Orca Bay; thence along Rude River to its headwaters; thence easterly across Childs and Miles Glaciers to Mount Steller; thence to Icy Cape; thence westerly following the shore line to the point of beginning. (Closed on moose).

(f) *Seward Peninsula-Kotzebue Sound area.* That portion of the second division lying between the Ungalik River and the Brooks Range. (Closed on moose.)

(g) *Mount Sanford area.* All of the drainage of the Copper River south of the Tok Cutoff and east of the Richardson Highway. (Closed on caribou.)

(h) *Steese Highway.* The area lying within 5 miles of each side of the Steese Highway between Mileposts 102 and 112 on Eagle Summit. (Closed on caribou.)

(i) *Cooper Landing area.* Beginning at the Forest Service trail from Kenai Lake and running to Cooper Lake and following this trail to its confluence with upper Russian Lake; thence downstream along upper and lower Russian Lakes and Russian River to its confluence with Kenai River; thence north along the National Forest boundary line to Chickaloon River; thence easterly to Summit Lake on the Seward-Anchorage Highway; thence southerly and westerly along the Seward-Anchorage Highway and Kenai River Highway to Kenai Lake; thence southerly along the west side of Kenai Lake to the place of beginning. (Closed on goats and sheep.)

(j) *Sheep Mountain.* Beginning at Caribou Creek mile 107 Glenn Highway; thence easterly along highway to Mile 123; thence in a line going north to Squaw Creek; thence downstream to Caribou Creek and downstream to point of beginning. (Closed on goats and sheep.)

(k) *Eagle River* (near Anchorage). The entire watershed of Eagle River upstream from the Anchorage-Palmer highway. (Closed on goats and sheep.)

(l) *Mentasta Pass.* A strip one mile wide on each side of Slana-Tok Highway between the Slana and Tok Rivers. (Closed on sheep.)

(m) *Thayer Mountain.* (on Admiralty Island.) Beginning at the foot of the waterfall at the mouth of Hasselborg River on Salt Lake, head of Mitchell Bay; thence along the easterly bank of the Hasselborg River to the outlet of Hasselborg Lake, thence along the west shore of said lake to the outlet of the creek flowing into the head of the lake; thence upstream along the east bank of said creek to the trail crossing; thence in a southwesterly direction along the trail to the head of Thayer Lake; thence along the easterly shore of said lake to the extreme southern end of the lake; thence southeasterly approximately 2 miles in a straight line to the west end of Salt Lake at the head of Mitchell Bay; thence along to the line of mean high tide of Salt Lake to the foot of the waterfall on Hasselborg River, the place of beginning, containing approximately 60 square miles. (Closed on brown and grizzly bear.)

(n) *Pack Creek.* (on Admiralty Island.) The entire watershed of Pack Creek, which empties into Seymour Canal near the north side of the entrance to Windfall Harbor, containing approximately 21 square miles. (Closed on brown and grizzly bear.)

(o) *McNeil River.* (in Kamishak Bay.) The entire watershed of McNeil River which empties into the head of Kamishak Bay in lower Cook Inlet. (Closed on brown and grizzly bear.)

(p) *Mt. Hayes Blair Lakes Refuge.* Beginning at the confluence of the Wood and Tanana Rivers; thence southeasterly along the east bank of Wood River to the Bonnifield Trail; thence easterly to the mouth of the Little Delta River; thence up the east bank of the Little Delta River to the summit of Mt. Hayes; thence to a point on the Big Delta River due west of Donnelly Roadhouse; thence northerly along the west bank of the Big Delta River to the Tanana River; thence following the south bank of the Tanana River to the point of beginning. (Closed on all game animals except black bear and hare and rabbit.)

18. The schedule constituting a part of § 46.102 *Seasons, limits, and other provisions* as the same appears in 19 F. R. 2634 is amended by deleting the text under the subheading "*Brown and grizzly bear*", column heading "Areas open to hunting", and by restating the areas open to the hunting of brown and grizzly bear as following:

Areas open to hunting	Seasons	Limits
• • •	•	•
Brown and grizzly bear		
On Kodiak Island		
Remainder of Alaska (except in the Thayer Mountain, Pack Creek, and McNeil River Areas as described in § 46.180).		
• • •	•	•

19. Section 46.186 *Continuously closed areas* as the same appears in 19 F. R. 2636, is amended by adding a new paragraph (q) reading as follows:

(q) *McNeil River.* (In Kamishak Bay.) The entire watershed of McNeil River which empties into the head of Kamishak Bay in lower Cook Inlet. (Closed on brown and grizzly bear.)

The changes in the Alaska Game Law regulations governing the 1954–55 hunting season which are effected by amendments numbered 18 and 19 are necessary to afford protection to brown and grizzly bear which utilize the McNeil River drainage in Kamishak Bay as a favorite congregation area. Since immediate action is necessary, notice and public procedure on amendments numbered 18 and 19 are impracticable (60 Stat. 237; 5 U. S. C. 1003), and they shall become effective upon publication in the FEDERAL REGISTER. The remaining amendments shall become effective on July 1, 1955.

(Sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198)

Issued at Washington, D. C., and dated May 24, 1955.

DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55-4342; Filed, June 3, 1955; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

PART 100—PUBLIC BUILDINGS AND GROUNDS

SUBPART B—SUPPLEMENTAL REGULATIONS

USE OF THE AUDITORIUM IN THE GENERAL SERVICES BUILDING

Sec.
100.36 Use of the auditorium.
100.37 Assignment limitations.
100.38 Reservations.
100.39 Operating requirements.
100.40 Cancellations of reservations.

AUTHORITY: §§ 100.36 to 100.40 issued under sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a.

§ 100.36 *Use of the auditorium.* This section governs the use of the auditorium in the General Services Building.

§ 100.37 *Assignment limitations.* The auditorium in the General Services Building is available for assignment only to:

(a) Agencies of the Federal Government and the Government of the District of Columbia, for official use.

(b) Officially recognized activities, clubs, or educational units of the Federal Government or the Government of the District of Columbia.

(c) Organizations or groups of employees of the General Services Administration or other agencies occupying space in the building.

(d) Professional, scientific, and other organizations whose purposes are closely related to the activities of the Federal Government. The auditorium shall not be available for meetings of a political, sectarian, fraternal, or similar nature, or meetings held for the purpose of promotion of commercial enterprises or commodities.

§ 100.38 *Reservations.* Written requests for the use of the auditorium shall be submitted at least one week in advance. Requests should be addressed to the Director, Administrative Facilities Division, Room 7334, General Services Building, Washington 25, D. C. (Telephone Executive 3-4900, Government Dial Code 156, Extension 4595), and include the information outlined below:

(a) Name of agency in whose behalf the request is submitted.

(b) Date of requested assignment, and hours proposed for its commencement and termination. (No program shall continue beyond midnight.)

(c) Nature of the contemplated program.

(d) Approximate number of persons expected to attend, which shall not exceed the seating capacity of 324.

(e) Whether motion pictures or lantern slides are to be exhibited, stating, (1) title and subject matter; (2) size of film, 35 mm or 16 mm; (3) size of lantern slides.

(f) A sample of any literature or folders to be distributed or posted.

Reservations shall not be granted for the use of the auditorium on Saturdays, Sundays, holidays, or any other days when the building is closed to the public.

§ 100.39 *Operating requirements.* All persons attending meetings in the auditorium will be subject to all rules and regulations governing public buildings and will be required to comply with all instructions given by the guard force, who shall have access to the auditorium at all times. In addition, the following rules shall be adhered to:

(a) No admission fee, indirect assessment, collection, or commercial advertising of any sort, nor the sale of any articles, shall be permitted in connection with the auditorium.

(b) Serving of refreshments and smoking in the auditorium are prohibited.

(c) No special equipment or decorations may be used in the auditorium without permission. No changes whatsoever in fixtures and furnishings will be permitted.

(d) Music racks, ushers, and attendants for checking wraps, if needed, must be furnished by and at the expense of the permittee.

(e) Permittees will not be allowed to operate the projection equipment in the auditorium. When the services of a projectionist are needed, and provided notice is given sufficiently in advance, a competent operator will be furnished on a reimbursable basis by the General Services Administration. Other special personnel will not be furnished.

§ 100.40 *Cancellation of reservations.* All reservations shall be made with the understanding that if the auditorium is needed by the General Services Administration, such reservations may be canceled.

Approved: May 27, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-4511; Filed, June 3, 1955; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 145]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ANIAK, ALASKA. Aniak Airport, 86'. BMRLZ-VPDT ANI. Procedure No. 1. Amendment No. 4. Effective date: July 2, 1955. Supersedes Amendment M-3, dated April 15, 1954. Major changes: (1) New format; (2) Departure procedure deleted.	----------	----------	----------	S side SW course: 209° outbound. 029° inbound. 1,500' within 10 miles; 2,300' beyond 10 miles.	1,000	085—1.6	2 engines or less T-dn 28 T-dn 10 C-dn S-dn 10 A-dn	500-1 300-1 700-1 700-1 900-2	500-1 300-1 700-1 700-1 900-2	Within 1.6 miles, turn right immediately, climb to 2,300' on SW course (209°) within 25 miles. This procedure not approved for ADF approach.
							More than 2 engines T-dn 28 T-dn 10 C-dn S-dn 10 A-dn	---------- ---------- ---------- ---------- ----------	500-1½ 300-1 700-1½ 700-1½ 900-2	
CORDOVA, ALASKA. Cordova Mile 13, 38'. MLZ-VPDT CDV. Procedure No. 1. Amendment No. 8. Effective date: July 2, 1955. Supersedes Amendment M-7, dated June 26, 1954. Major changes: (1) New format.	East Cordova Intersection	295—22	800	S side SE course: 115° outbound. 295° inbound. 1,000' within 10 miles.	800	265—2.1	2 engines or less T-dn C-dn S-dn 26 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	Within 2.1 miles, climb to 1,000' on SE course (115°) to East Cordova Intersection. This procedure not approved for ADF approach. CAUTION: High mountain range NW through N to SE of range station. Terrain starts to rise 2 miles N. of range station rising to 2,746' mean sea level 5 miles N of final approach course. Terrain 400' mean sea level 1 mile N of range station.
							More than 2 engines T-dn C-dn S-dn 26 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 500-1½ 800-2	
Procedure No. 2. Amendment No. 8. Effective date: July 2, 1955. Supersedes Amendment M-7, dated June 26, 1954. Major changes: (1) New format.	Egg Island Intersection	025—15	800	S side SW course: 205° outbound. 025° inbound. 1,000' within 10 miles.	See col. 11	265—2.1	2 engines or less T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	If visual contact not established on final approach at authorized landing minimums 5 miles SW of Cordova LFR or 10 miles after passing Egg Island Intersection, climb to 1,000' on SW course (205°) to Egg Island intersection. This procedure not approved for ADF approach. CAUTION: High mountain range NW through N to SE of range station starting to rise 2 miles N, rising to 2,746' mean sea level 5 miles NE of range station. Terrain 400' mean sea level 1 mile N of range station.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200-½ 500-1½ 800-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
CROSS CITY, FLA. Cross City, 42'. SBRAZ-CTY. Procedure No. 1. Amendment No. 5. Effective: July 2, 1955. Supersedes Amendment M-4, Jan. 12, 1954. Major changes: Increase alternate minimum due frequent failure of commercial power and no standby generator. Increase procedure turn and final due obstructions.	Cross City VOR	264—1.0	1,200	E side SE course: 135° outbound. 315° inbound. 1,200' within 10 miles.	700	315—2.7	2 engines or less T-dn C-dn S-dn 31	300-1 400-1 400-1	300-1 500-1 400-2	Within 2.7 miles climb to 1,300' on NW course (315°) within 25 miles.
							More than 2 engines T-dn C-dn S-dn 31	---------- ---------- ----------	200-½ 500-1½ 400-1	
							All aircraft A-dn	----------	1,000-2 BCOB	
FAREWELL, ALASKA. Farewell Airport, 1,538'. BMRLZ-PVDT FWL. Procedure No. 1. Amendment No. 4. Effective date: July 2, 1955. Supersedes Amendment M-3, dated June 26, 1954. Major changes: (1) New format.	----------	----------	----------	N side NW course: 282° outbound. 102° inbound. 2,500' within 10 miles.	2,500 2,500	080—1.5 080—1.5	2 engines or less T-dn C-dn S-dn 8 *A-dn	500-1 900-2 900-2 1,200-2	500-1 900-2 900-2 1,200-2	Within 0 mile, turn left, climbing to 4,000' on NW course (282°) within 25 miles. This procedure not approved for ADF approach. CAUTION: Hill 2,338' mean sea level 1.9 miles SE of airport. Mountain range NE through SW of airport. After takeoff proceed immediately to Farewell LFR.
							More than 2 engines T-dn C-dn S-dn 8 A-dn	---------- ---------- ---------- ----------	500-1 500-1 900-2 1,200-2	
ILIAMNA, ALASKA. Iliamna Airport, 190'. BMRLZ-VPDT ILL Procedure No. 1. Amendment No. 5. Effective date: July 2, 1955. Supersedes Amendment M-4, dated April 26, 1954. Major changes: (1) New format; (2) Departure procedure deleted.	----------	----------	----------	E side S course: 173° outbound. 353° inbound. 1,300' within 10 miles.	800	250—2.6	2 engines or less T-dn C-dn S-dn 25 A-dn	300-1 600-1 600-1 800-2	300-1 600-1½ 600-1½ 800-2	Within 0 mile, turn left, climb to 4,000' on S course (173°) Iliamna LFR within 20 miles. NOTE: ADF approach not authorized. AIR CARRIER NOTE: Sliding scale not authorized.
							More than 2 engines T-dn C-dn S-dn 25 A-dn	---------- ---------- ---------- ----------	200-½ 600-1½ 600-1½ 800-2	
KING SALMON, ALASKA. King Salmon Airport, 52'. SBRAZ-VPDT AKN. Procedure No. 1. Amendment No. 10. Effective date July 2, 1955. Supersedes amendment M-9, dated June 11, 1954. Major changes: 1 New format.	Shuttle—NW course: 281° outbound. 111° inbound. 1,200' within 25 miles. Or, when directed by ATC, SE course: 111° outbound. 291° inbound. 4,500' within 25 miles.	----------	----------	W sideNW course: 291° outbound. 111° inbound. 1,200 'within 10 miles.	700	111—1.3	2 engines or less T-dn C-dn S-dn 11 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1½ 800-2	Within 1.3 miles, climb to 4,500' on SE course King Salmon LFR (111°) within 25 miles. Alternate missed approach: When directed by ATC climb to 1,500' on course (205° outbound, 025° inbound) within 25 miles.
							More than 2 engines T-dn C-dn S-dn 11 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 500-1½ 800-2	
LONG BEACH, CALIF. Municipal, 56'. SBMRLZ-DTV LGB. Procedure No. 1. Amendment No. 8. Effective: July 2, 1955. Supersedes Amendment 7, dated March 12, 1955. Major changes: Correct more than 2-engine takeoff minimums.	La Habra FM Huntington Beach FM (final). Long Beach VOR	208—15.0 298—11.0 237— 2.5	1,500 1,000 1,500	W side SE course: 118° outbound. 298° inbound. 1,500' within 10 miles. Beyond 10 miles not authorized.	1,000	298—3.9	2 engines or less T-dn C-dn S-dn Runway 30 A-dn	300-1 500-1 500-1 800-2	300-1 600-1 500-1 800-2	Within 3.9 miles, climb to 800' on NW course, then turn left to 250° continuing climb to intersection S course of LAX LFR and proceed to San Pedro Intersection at minimum of 2,000'. CAUTION: 500' hill with oil derricks 1 mile S of airport. *300-1 required for takeoff Runways 16, 16R, 25L, 34R. Standard clearance not provided over obstructions for circling minimums.
							More than 2 engines T-dn C-dn S-dn Runway 30 A-dn	---------- ---------- ---------- ----------	*200-½ 600-2 500-1 800-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
McGRATH, ALASKA. McGrath Airport, 347'. SBRAZ-VPDT. Procedure No. 1. Amendment No. 6. Effective date: July 2, 1955. Supersedes Amendment M-5, dated February 20, 1954. Major changes: (1) New format; (2) Departure procedure deleted.	----------	----------	----------	S side SE course: 095° outbound. 275° inbound. 2,000' within 10 miles.	1,100	258—1.6	2 engines or less T-dn C-dn A-dn	300-1 400-2 800-2	300-1 500-2 800-2	Within 1.6 miles, climb to 4,000' on SE course (095°) within 25 miles. CAUTION: High terrain within 3 to 4 miles of airport, all quadrants. Hold close "A" twilight on final approach to low cone due high terrain S of course.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	200-½ 500-2 800-2	
YAKUTAT, ALASKA. Yakutat Airport, 32'. SBRAZ-PDVT YAK. Procedure No. 1. Amendment No. 5. Effective date: July 2, 1955. Supersedes Amendment M-4, dated April 26, 1954. Major changes: (1) New format; (2) Item 5—Procedure turn reduced to 10 miles.	----------	----------	----------	S side of W course: 254° outbound. 074° inbound. 1,200' within 10 miles.	700	106—3.1	2 engines or less T-dn C-dn S-dn 11 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 3.1 miles, climb to 1,200' on course (111°) within 25 miles.
							More than 2 engines T-dn C-dn S-dn 11 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 400-1 800-2	

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
FITCHBURG, MASS. Municipal, 348'. MH FIT. Procedure No. 1. Amendment No. 1. Effective date: July 2, 1955. Supersedes amendment original, dated April 1, 1954. Major changes: Procedure for publication. Minimums revised. Facility owned and operated by city of Fitchburg, Mass.	----------	----------	----------	S side of course: 320° outbound. 140° inbound. 3,000' within 10 miles.	2,000	Facility on airport.	2 engines or less T-d T-n C-d C-n A-dn	1,000-2 NA 1,700-2 NA NA	1,000-2 NA 1,700-2 NA NA	Within 0 mile, climb to 3,000' on course of 140° within 10 miles of Fitchburg MH. AIR CARRIER NOTES: Sliding scale and provisions for reduced visibility not applicable below 1 mile. Facility must be monitored aurally during this procedure.

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
FITCHBURG, MASS. Municipal, 348'. MH FIT. Procedure No. 2. Amendment No. 1. Effective date: July 2, 1955. Major changes: Procedure for publication. Minimums revised, final approach altitude reduced. Facility owned and operated by city of Fitchburg, Mass.	----------	----------	----------	N side of course: 140° outbound. 320° inbound. 2,500' within 10 miles.	1,500	Facility on airport.	2 engines or less T-d T-n C-d C-n A-dn	1,000-2 NA 1,200-2 NA NA	1,000-2 NA 1,200-2 NA NA	Within 0 mile, climb to 3,000' on course of 320° within 10 miles of Fitchburg MH. AIR CARRIER NOTES: Sliding scale and provisions for reduced visibility not applicable below 1 mile. Facility must be monitored aurally during this procedure.
PITTSBURGH, PA. Greater Pittsburgh, 1,168'. MHW UNE. Procedure No. 3. Original. Effective date: June 11, 1955. Replaces ADF portion of combination ILS-ADF formerly known as Procedure No. 1, Amendment 5, dated January 19, 1954. Major changes: Procedure turn and transition altitudes revised to provide standard clearance.	Pittsburgh LFR	308—11	2,600	E side of course: 140° outbound. 320° inbound. 2,700' within 10 miles. Not authorized beyond 10 miles.	2,100	320—4.7	2 engines or less T-dn C-dn S-dn 32 A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 4.7 miles, make a climbing left turn, climb to 3,000' and proceed to Clinton MHW.
	Pittsburgh VOR	336—12	2,500				More than 2 engines T-dn C-dn S-dn 32 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 400-1 800-2	
	McKeesport MHW	291—19	2,700							
	River MHW	226—5	2,500							
	Clinton MHW	119—10	2,500							
	Cecil MHW	013—8	2,500							
	Butler MHW	214—21	3,000							
	Radar terminal area transition altitudes.	All sectors within 10 miles	2,500							
		10–40 miles	3,000 or MEA when lower							
YAKUTAT, ALASKA. Yakutat Airport, 32'. SBRAZ-PDVT YAK. Procedure No. 1. Amendment No. 4. Effective date: July 2, 1955. Supersedes Amendment M-3, dated July 26, 1954. Major changes: (1) New format; (2) Item 5—Procedure turn reduced to 15 miles. Final approach course changed to conform with course in Item 7.	----------	----------	----------	S side of course: 286° outbound. 106° inbound. 1,200' within 15 miles. Beyond 15 miles not authorized.	700	106—3.1	2 engines or less T-dn C-dn S-dn 11 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 3.1 miles, climb to 1,200' on SE course (111°) within 25 miles.
							More than 2 engines T-dn C-dn S-dn 11 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 400-1 800-2	
YAKUTAT, ALASKA. Yakutat Airport, 32'. MIIW YKU. Procedure No. 2 Amendment original. Effective date: July 2, 1955.	----------	----------	----------	S side of course: 286° outbound. 106° inbound. 1,200' within 15 miles. Beyond 15 miles not authorized.	700	106—0.7	2 engines or less T-dn C-dn S-dn 11 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 500-1 800-2	Within 0.7 mile, climb to 1,200' on SE course Yakutat LFR (111°) within 25 miles.
							More than 2 engines T-dn C-dn S-dn 11 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 500-1½ 800-2	

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ABILENE, TEX. Municipal, 1,778'. BVOR-ABI. Procedure No. 1. Amendment 1. Effective: July 2, 1955. Supersedes original December 21, 1953. Major changes: Raise missed approach altitude. Lower day visibilities.	Abilene LFR	261—11	3,100	S side of course: 281° outbound. 101° inbound. 3,100' within 10 miles.	2,600	101—11	2 engines or less T-dn C-d C-n A-dn More than 2 engines T-dn C-d C-n A-dn	 300-1 800-1 800-2 1,000-2 	 300-1 800-1 800-2 1,000-2 200-½ 800-1½ 800-2 1,000-2	Within 11 miles, climb to 3,100' on radial 101° within 25 miles.
CROSS CITY, FLA. Cross City, 42'. BVOR-CTY. Procedure No. 1. Amendment No. 6. Effective: July 2, 1955. Supersedes amendment M-5, dated January 12, 1954. Major changes: Increase procedure turn due obstruction.	Cross City LFR	084—1.0	1,200	E side of course: 119° outbound. 299° inbound. 1,200 within 10 miles.	600	299—3.7	2 engines or less T-dn C-dn S-dn 31 More than 2 engines T-dn C-dn S-dn All aircraft A-dn	 300-1 400-1 400-1 	 300-1 500-1 400-1 200-½ 500-1½ 400-1 800-2	Within 3.7 miles climb to 1,500' on radial 299' within 25 miles.
JACKSONVILLE, FLA. Imeson 52'. BVOR-JAX. Procedure No. 1. Amendment 6. Effective: July 2, 1955. Supersedes Amendment 5, February 2, 1954. Major changes: reduce straight-in ceiling minima. Add radar transition.	Jacksonville LFR Radar terminal area transition altitude within 25 N. miles Radar control must provide 3 miles separation from restricted area R-161.	045—2.5	1,200 1,500'	N side of course: 068° outbound. 248° inbound. 1,100' within 10 miles.	600	248—4.2	2 engines or less T-dn C-dn S-dn 23 A-dn More than 2 engines T-dn C-dn S-dn 23 A-dn	 300-1 400-1 400-1 800-2 	 300-1 500-1 400-1 800-2 200-½ 500-1½ 400-1 800-2	Climb to 1,300' on radial 248° within 15 miles of JAX VOR or if directed by ATC climb to 1,300' on radial 272° within 25 miles.# #Restricted area 161° located 15 miles SW of JAX VOR. CAUTION: 200' tank between VOR and airport.
LUBBOCK, TEX. Municipal, 3,256'. BVOR-LBB. Procedure No. 1. Amendment 3. Effective: July 2, 1955. Supersedes Amendment M-2, dated July 8, 1954. Major changes: New format.	Lubbock LFR Roundup FM (final)	050—8.0 110—8.0	4,500 4,000	S side of course: 290° outbound. 110° inbound. 4,500' within 10 miles. Beyond 10 miles not authorized.	4,000	110—5.3	2 engines or less T-dn C-dn S-dn 12 A-dn More than 2 engines T-dn C-dn S-dn 12 A-dn	 300-1 400-1 400-1 800-2 	 300-1 500-1 400-1 800-2 200-½ 500-1½ 400-1 800-2	Within 5.3 miles climb to 4,500' on radial 110° within 25 miles.

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
NORTH BEND, OREG. North Bend, 14'. BVOR-DTVBJOTH. Procedure No. 1. Amendment No. 1. Effective July 2, 1955. Supersedes original, dated May 13, 1953. Major changes: New format; change field elevation to conform with C and G; missed approach raised to 3,500'; delete unnecessary caution note.				S side of course:* 070° outbound. 250° inbound. 3,500' within 15 miles. Not authorized beyond 15 miles.	2,400	250—3.7	2 engines or less T-dn C-dn A-dn More than 2 engines T-dn C-dn A-dn	 300-1 1,200-1 1,500-2 	 300-1 1,500-1 1,500-2 200-½ 1,500-1½ 1,500-2	Within 3.6 miles, climb to 3,500' on course of 250° from OTH-VOR within 15 miles. Shuttle on course of 250° outbound, 070° inbound, minimum 3,500' within 15 miles. *Procedure turn S side for more favorable terrain.

4. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
OLYMPIA, WASH. Olympia, 205'. BVOR-TVOR-13. Original. Effective: July 2, 1955.	Shelton Radiobeacon Tenino Intersection Intersecting Olympia 358° radial and Seattle 225° radial.	134—21 340—6.0 178—26.0	2,000 2,000 2,000	E side of course: 316° outbound. 136° inbound. 2,000' within 10 miles. Procedure turn E side for more favorable terrain.	1,200	133—0.9	2 engines or less T-dn C-d C-n A-dn More than 2 engines T-dn C-d C-n A-dn	 300-1 1,000-1 1,000-2 1,000-2 	 300-1 1,000-1 1,000-2 1,000-2 200-½ 1,000-1½ 1,000-2 1,000-2	Climb to 2,000' on course 162° from Olympia VOR within 15 miles; or, when directed by ATC, turn left climb to 3,000' on course 314° from Olympia VOR within 20 miles.
TVOR-17. Original. Effective: July 2, 1955.	Shelton Radiobeacon. Tenino Intersection Intersecting Olympia 358° radial and Seattle 225° radial.	134—21 340—6.0 178—26	2,000 2,000 2,000	W side of course: 345° outbound. 165° inbound. 2,000' within 10 miles.	1,100	168—0.6	2 engines or less T-d C-d C-n A-dn More than 2 engines T-dn C-d C-n A-dn	 300-1 900-1 900-2 900-2 	 300-1 900-1 900-2 900-2 200-½ 900-1½ 900-2 900-2	Climb to 2,000' on course 162° from Olympia VOR within 15 miles; or, when directed by ATC, turn left climb to 3,000' on course 314° from Olympia VOR within 20 miles.

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
OLYMPIA, WASH. Olympia, 205'. BVOR-TVOR-36. Original. Effective: July 2, 1955.	Shelton Radiobeacon	134—21	2,000	W side of course: 172° outbound. 352° inbound. 2,000' within 10 miles.	900	348—0.9	2 engines or less			Climb to 3,000' on course 314° from Olympia VOR within 20 miles; or, when directed by ATC, turn right, climb to 2,000' on course 162° from Olympia VOR within 15 miles.
	Tenino Intersection	340—6	2,000				T-dn	300-1	300-1	
	Intersection Olympia 358° radial and Seattle 225° radial.	178—26	2,000				C-d	700-1	700-1	
							C-n	700-2	700-2	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-1½	
							C-d	----------	700-1½	
							C-n	----------	700-2	
							A-dn	----------	800-2	

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
KING SALMON, ALASKA. King Salmon, 52'. ILS-IAKN. LMM-KN. Combination: ILS and ADF. Procedure No. 1. Amendment: Original. Effective date: July 2, 1955. Supersedes: None. Major changes: (1) None. Original.	King Salmon LFR Shuttle—NW course AKN-LFR: 291° outbound. 111° inbound. 1,200' within 25 miles. Or, when directed by ATC, SE course AKN-LFR: 111° outbound. 291° inbound. 4,500' within 25 miles.	NW course ILS#	----------	1,200	S side NW course: 291° outbound. 111° inbound. 1,200' within 10 miles.	ILS 1,200 ADF 700 over AKN-LFR	No outer marker Altitude over AKN-LFR 468—1.3	290—0.7	2 engines or less			Within 1.3 miles after passing LFR (ADF), climb to 4,500' on SE course (111°) King Salmon LFR within 25 miles. Alternate missed approach: When directed by ATC, climb to 1,500' on SW course (205° outbound) King Salmon LFR within 25 miles. #NW-SE courses King Salmon LFR are alined with NW-SE ILS courses. LFR located 2.9 miles NW of localizer.
									T-dn	300-1	300-1	
									C-dn	500-1	500-1½	
									S-11 ILS-dn	300-1	300-1	
									ADF-dn	500-1	500-1½	
									A-dn ILS	600-2	600-2	
									ADF	800-2	800-2	
									More than 2 engines			
									T-dn	----------	200-1½	
									C-dn	----------	500-1½	
									S-11 ILS-dn	----------	300-1	
									ADF-dn	----------	500-1½	
									A-dn ILS	----------	600-2	
									ADF	----------	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
MIAMI, FLA. International, 9'. ILS-IMIA. LOM-MI. Combination ILS and ADF. Procedure No. 1. Amendment 4. Effective: July 2, 1955. Supersedes Amendment M-3, dated May 22, 1954. Major changes: Revise course due variation change. Delete Krome FM. Add straight-in minima for 9-L.	Miami VOR	OM	264—1.5	1,100	N side W course: 266° outbound. 086° inbound. 1,100' within 10 miles.	ILS 1,100 ADF over LOM 600	1,100—4.4	200—0.7	2 engines or less			Climb to 1,400' on E course ILS or 4.4 miles after passing LOM (ADF), climb to 1,400' on course of 086° within 25 miles, or when directed by ATC turn right to 180°, climb to 1,400' and proceed SE, on SE course LFR or VOR radial 150° within 25 miles. #Right turn from S or left turn from N, from Miami LFR to LOM not authorized. *Course and distance LOM to Railway 9L 073° 4.7 miles.
	Miami LFR# (final)	LOM	086—1.5	ILS 1,100 ADF 600					T-dn	300-1	300-1	
									C-dn	400-1	500-1	
									S-dn 9R ILS	200-½	200-½	
									ADF	400-1	400-1	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	500-1½	
									S-dn 9R ILS	----------	200-½	
									ADF	----------	400-1	
									All aircraft			
									*S-dn 9L ILS	----------	400-1	
									ADF	----------	400-1	
									A-dn ILS	----------	600-2	
									ADF	----------	800-2	
PITTSBURGH, PA. Greater Pittsburgh Airport, 1,168'. ILS-GPB. MHW-UNE. Procedure No. 1. Combination ILS and ADF. Amendment No. 5. Effective date: January 19, 1954.	PROCEDURE CANCELED EFFECTIVE DATE JUNE 11, 1955.											
PITTSBURGH, PA. Greater Pittsburgh 1,168'. ILS-GPB. MHW-RER. Combination ILS and ADF. Procedure No. 2. Amendment No. 2. Effective date: January 22, 1955.	PROCEDURE CANCELED EFFECTIVE DATE JUNE 11, 1955.											
PITTSBURGH, PA. Greater Pittsburgh, 1,168'. ILS-GPB. MHW-GHW. Procedure No. 3 (back course). Amendment No. Original. Effective date: January 19, 1954.	PROCEDURE CANCELED EFFECTIVE DATE JUNE 11, 1955.											

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
PITTSBURGH, PA. Greater Pittsburgh, 1,168'. ILS-GPB. MHW-RER. Combination ILS and ADF. Procedure No. 1. Amendment Original. Effective date: June 11, 1955.	New Alexandria MHW	River MHW	280—36	3,000	N side of E course: 097° outbound. 277° inbound. 3,000' within 10 miles of River MHW. Not authorized beyond 10 miles.	ILS 3,000	River MHW 2,950—6.5	Parkway MHW 1,380—0.7	2 engines or less			6.5 miles after passing River MHW, climb to 3,000' on W course ILS or 277° course to Clinton MHW. *400–¾ required with glide slope inoperative. NOTE: Center line modified type B approach lighting.
	Butler MHW	River MHW	210—16	3,000		ADF 2,500 over River MHW			T-dn	300–1	300–1	
	McKeesport MHW	River MHW	306—18	3,000					S-dn	500–1	500–1	
	Pittsburgh LFR	River MHW	336—11	3,000					S-dn 28 *ILS	200–½	200–½	
	Pittsburgh VOR	River MHW	356—14	3,000					ADF	400–1	400–1	
	Cecil MHW	River MHW	028—12	3,000					A-dn ILS	600–2	600–2	
	Clinton MHW	River MHW	097—13	3,000					ADF	800–2	800–2	
	Radar terminal area transition altitudes.	River MHW	All sectors within 10 miles	2,500					More than 2 engines			
			10–40 miles	3,000 or MEA when lower					T-dn	----------	200–½	
									C-dn	----------	500–1½	
									S-dn 28 *ILS	----------	200–½	
									ADF	----------	400–1	
									A-dn ILS	----------	600–2	
									ADF	----------	800–2	
PITTSBURGH, PA. Greater Pittsburgh, 1,168'. ILS-GPB. MHW-GHW. Combination ILS and ADF. Procedure No. 2 using W (back) course ILS and Clinton MHW. Amendment: Original. Effective date: June 11, 1955.	Bergholtz MHW	Clinton MHW	100—33	2,500	S side of W course: 277° outbound. 097° inbound. 2,500' within 10 miles of Clinton MHW.	No glide slope. No outer marker. No middle marker. Minimum altitude over Clinton MHW inbound 2,000'; distance and bearing to Runway 10, 4.6—097°.			2 engines or less			Within 4.6 miles after passing Clinton MHW, climb to 3,000' on E course of ILS or 097° course to River MHW.
	River MHW	Clinton MHW	277—13	2,500					T-dn	300–1	300–1	
	Pittsburgh LFR	Clinton MHW	303—21	2,500					C-dn	500–1	500–1	
	Columbiana Intersection	Clinton MHW	156—30	2,500					S-dn 10 ILS	400–1	400–1	
	Wheeling VOR	Clinton MHW	043—21	2,700					ADF	500–1	500–1	
	Butler MHW	Clinton MHW	239—24	2,500					A-dn	800–2	800–2	
	Cecil MHW	Clinton MHW	332—14	2,500					More than 2 engines			
	Radar terminal area transition altitudes.	All sectors within 10 miles 2,500'. 10–40 miles 3,000' or MEA when lower.							T-dn	----------	200–½	
									C-dn	----------	500–1½	
									S-dn 10 ILS	----------	400–1	
									ADF	----------	500–1	
									A-dn	----------	800–2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
TALLAHASSEE, FLA. Dale Mabry, 70'. ILS-ITLH. LOM-TL. Procedure No. 1. Combination ILS-ADF. Amdnement 11. Effective: July 2, 1955. Supersedes Amendment 10, dated July 18, 1954. Major changes: Increase transition altitude. Delete transition from V-7-W. Airway now falls over OM. Revise missed approach and notes.	Tallahassee VOR	OM	143—10.0	1,500	E side SE course: 122° outbound. 302° inbound. 1,400' within 10 miles.	ILS 1,300	1,300—4.1	300—0.7	2 engines or less			Climb to 1,500' on NW course ILS or 4.1 miles after passing LOM (ADF), climb to 1,500' on course of 302. When directed by ATC climb to 1,300' on S course LFR or radial 190 within 15 miles. CAUTION: 244' tank 1,500' S of approach lights. 300' unlighted terrain 1 mile NE of airport. 400–¾ required when glide slope not utilized. AIR CARRIER NOTES: Takoffs with less than 200–½ not authorized. 400-1 required for localizer LOM approach.
	Tallahassee LFR	LOM	108—7.0	1,500		ADF over LOM 900			T-dn	300–1	300–1	
	Intersection TLH-VOR, R-088 and 043° bearing from ILS-LOM.	LOM	223—12.0	1,500					C-dn	500–1	500–1	
	Intersection TLH-VOR R-288 and NW course ILS.	OM	122—26	1,500					S-dn 30 ILS	200–½	200–½	
									ADF	500–1	500–1	
									A-dn ILS	600–2	600–2	
									ADF	800–2	800–2	
									More than 2 engines			
									T-dn	----------	200–½	
									C-dn	----------	500–1½	
									S-dn 30 ILS	----------	200–½	
									ADF	----------	500–1	
									A-dn ILS	----------	600–2	
									ADF	----------	800–2	

6. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Precision approach (PAR): 75 m. p. h. or less	Ceiling and visibility minimums: Precision approach (PAR): More than 75 m. p. h.	Ceiling and visibility minimums: Surveillance approach (ASR): 75 m. p. h. or less	Ceiling and visibility minimums: Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
JACKSONVILLE, FLA. Imeson 52'. Procedure No. 1. Amendment 1. Effective: July 2, 1955. Supersedes amendment Original, March 15, 1954. Major changes: Straight-in minima lowered.	1,500' within 20 N. miles.#		2 engines or less					Climb to 1,500' straight ahead, then proceed to JAX LFR or VOR or proceed as directed by ATC. # Radar control must provide 3 N. mile separation from restricted area R-161. *Straight-in to Runway 36 not authorized, due to restricted area S of approach course.
		All	T-dn	----------	----------	300–1	300–1	
		5, 9, 12, 18, 23, 27, 30.	S-dn	----------	----------	400–1	300–1	
		36°	S-dn	----------	----------	NA	NA	
		All	C-dn	----------	----------	400–1	500–1	
		All	A-dn	----------	----------	800–2	800–2	
			More than 2 engines					
		All	T-dn	----------	----------	----------	200–½	
		5, 9, 12, 18, 23, 27, 30.	S-dn	----------	----------	----------	400–1	
		36°	S-dn	----------	----------	----------	NA	
		All	C-dn	----------	----------	----------	500–1½	
		All	A-dn	----------	----------	----------	800–2	

GOA STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Runway No.	Condition	Ceiling and visibility minimums: Precision approach (PAR) 75 m. p. h. or less	Precision approach (PAR) More than 75 m. p. h.	Surveillance approach (ASR) 75 m. p. h. or less	Surveillance approach (ASR) More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
KING SALMON, ALASKA. King Salmon, 52'. Procedure No. 1. Amendment No. 3. Effective date: July 2, 1955. Supersedes Amendment M-2, dated June 11, 1954. Major changes: (1) New format.	Terminal area maneuvering altitudes by sectors and limiting distances not established by military. Transition to GCA will be from King Salmon LFR at 4,500'.			2 engine or less				Climb on SE course (111°) King Salmon LFR to 4,500' within 25 miles. Alternate missed approach: When directed by ATC, climb on SW course (205°) King Salmon LFR to 1,500' within 25 miles. *S–dn 300–3/4 required when approach lights inoperative.
		18–36	T–dn	300–1	300–1	500–1½	500–1½	
		29	C–dn	500–1½	500–1½	800–2	800–2	
		11	A–dn	800–2	800–2	200–½	200–½	
			*S–dn	200–½	200–½	600–2	600–2	
			A–dn	600–2	600–2			
				More than 2 engines				
		18–36	T–dn	200–½	200–½			
		29	C–dn	500–1½	500–1½			
		11	A–dn	800–2	800–2			
			*S–dn	200–½	200–½			
			A–dn	600–2	600–2			

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-4308; Filed, June 3, 1955; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 804—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

RELEASE OF MATTERS OF OFFICIAL RECORD

In Part 804, new sections 804.1 to 804.5 are added as follows:

Sec.
804.1 Purpose and scope.
804.2 Policy.
804.3 Procedures for submitting applications.
804.4 Action on applications.
804.5 Fees.

AUTHORITY: §§ 804.1 to 804.5 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AFR 11-22, June 2, 1955.

§ 804.1 *Purpose and scope.* Sections 804.1 to 804.5 set forth the places at which and procedures whereby members of the public who are properly and directly concerned may apply for access to matters of official record under the control of the Air Force Establishment. Sections 804.1 to 804.5 also state policies governing the approval of such applications. The term "members of the public" includes agencies of State and local governments, private organizations, and individuals (including military and civilian personnel of the United States Government whose official duties do not entitle them to the matters of official record concerned), but does not apply to the release of records of information to other branches, departments, and agencies of the United States Government.

§ 804.2 *Policy.* It is the policy of the Air Force Establishment to make matters of official record available to persons properly and directly concerned, except those held confidential for good cause shown.

(a) The great mass of material that relates to the internal operation of the Air Force Establishment is not a matter of official record for the purposes of these sections, and accordingly will not be released. However, there are at various locations within the Establishment many types of official records that may be released. These include certain records filed pursuant to statute or regulation and certain records embodying official action taken by the Air Force Establishment. Such matters of official record may be made available to persons properly and directly concerned subject to the limitations set forth in §§ 804.1 to 804.5. It is impracticable to list all the types and locations of records that may be made available.

(b) Matters of official record will not be made available if release of the information is inconsistent with the public interest. Information will not be released:

(1) If it is official information classified in the interests of the defense of the United States or if it is restricted data as defined by the Atomic Energy Act of 1946 as amended.

(2) If release would unduly interfere with the efficient and effective performance of functions of the Air Force Establishment or some other department, or agency of the Government, including but not limited to such functions as law enforcement, maintenance of discipline, conduct of investigations, and conduct of relations with foreign governments.

(3) If release would violate a legal or moral obligation to hold the information or its source in confidence.

(4) If the information contains unsubstantiated allegations derogatory to the character or conduct of an individual, the release of which might result in injury to an innocent person.

(c) Applications for the original copy of an official record will not be approved.

§ 804.3 *Procedures for submitting applications.* (a) Except as prescribed in paragraphs (b) and (c) of this section, persons desiring matters of official record under the control of the Air Force Establishment may apply in writing to the Secretary of the Air Force, Washington 25, D. C. The application should:

(1) Identify as exactly as possible the records involved.

(2) Indicate whether access to, copies of, or information from the records is desired.

(3) State the nature of the applicant's concern in them in sufficient detail to demonstrate that the applicant is a person properly and directly concerned.

If the applicant is an agent, attorney, or physician acting for another, evidence of this authority to act for his principal, client, or patient should be submitted with the application.

(b) Persons desiring to have matters of official record made available for purposes of pending or prospective litigation may apply in writing to The Judge Advocate General, Headquarters, USAF, Washington 25, D. C. In addition to the information described in paragraph (a) of this section, the request will include the names of the interested parties to the prospective litigation and, if the action has been filed, the exact title of the action, docket number, and full name and location of the court in which the action has been filed, together with a brief statement of the nature of the action or proceeding. If a subpoena or other similar process of the court is involved, it will be forwarded with the request.

(c) Persons desiring matters of official record concerning Air Force military personnel or former Air Force military personnel should include in their written request, in addition to the information described in paragraph (a) of this section, the first name, middle name or initial, surname, date of birth, and service number of the individual concerned.

(1) Applications concerning military personnel on active duty or retired military personnel may be addressed to the Air Adjutant General, Headquarters USAF, Attn: Military Personnel Records Division, Washington 25, D. C.

(2) Applications concerning military personnel who are members of the Air Force Reserve and who are not on active duty may be addressed to the Air Reserve Records Center, 3800 York Street, Denver 5, Colorado.

(3) Applications concerning former Air Force military personnel who are not currently members of the Air Force may be addressed to the Military Personnel Records Center, 4700 Goodfellow Boulevard, St. Louis 20, Missouri.

§ 804.4 *Action on applications.* The Secretary of the Air Force or person designated by him (including those designated in other Air Force directives) will approve or disapprove each application in accordance with the policies prescribed in § 804.2, and he will notify the applicant of the decision. If the application is approved, he will advise the applicant, whenever appropriate, of the time and place that he may have access to the records.

§ 804.5 *Fees.* As prescribed in §§ 858.1 to 858.4 of this chapter, a charge, payable in advance, will be made for copying, certifying, and searching records in accordance with the schedule of fees.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force, Air Adjutant General.

[F. R. Doc. 55-4458; Filed, June 3, 1955; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53811]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

EXTENSION OF DATE OF EFFECTIVENESS OF ORDER PERMITTING USE OF CERTAIN CANADIAN TUGS TO TOW AND TRANSPORT EQUIPMENT IN AMERICAN WATERS ON THE ST. LAWRENCE RIVER

MAY 31, 1955.

Upon the written recommendation of the Deputy Secretary of Defense in the interest of national defense and by virtue of the authority vested in me by the act of December 27, 1950 (64 Stat. 1120), and revised Treasury Department Order No. 165 (T. D. 53654), I hereby extend until October 1, 1955, the effectiveness of the order dated April 22, 1955, and published as T. D. 53785 (20 F. R. 2856), waiving compliance with section 316, title 46, United States Code, to the extent necessary to permit the use of Canadian tugs to tow and transport equipment owned by A. S. Wikstrom, Inc., now located in the vicinity of Barnhart Island, in American waters adjacent to construction work being carried out by the New York State Power Authority on the St. Lawrence River.

(Sec. 1, 64 Stat. 1120; 46 U. S. C. prec. sec. 1 note)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 55-4474; Filed, June 3, 1955; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

IMPORTATION OF AND DEALINGS IN CERTAIN MERCHANDISE

The Foreign Assets Control regulations, 31 CFR 500.101–500.808, are hereby amended as follows:

The following item is added to the list set forth in § 500.204 (a) (3):

Peanuts and peanut products.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp. E. O. 9989, 13 F. R. 4891; 3 CFR, 1948 Supp.)

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 55-4475; Filed, June 3, 1955; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS

The following amendments to Title 39, Chapter I, are hereby issued:

PART 12—ENVELOPES

In § 12.4 amend paragraphs (a), (b), and (c) to read as follows:

§ 12.4 *Window envelopes.* (a) The address window must be parallel with the length of the envelope.

(b) The proper place for the address window is in the lower portion of the address side.

(c) Nothing but the name, address, and any key number used by the mailer may appear through the address window.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 13—ADDRESSES

1. In § 13.4 amend paragraphs (a), (c), (d) (1), and (e) to read as follows:

§ 13.4 *Simplified address*—(a) *Style.* Where general distribution of mail is desired for all patrons on a rural or star route at any post office or for all post office boxholders at a post office which does not have city or village carrier service, you may use a simplified address provided each piece is addressed in the appropriate following style:

(1) Rural or Star-Route Boxholder.
(2) Post Office Boxholder.
(3) Postal Patron. (This style may be used instead of styles (1) or (2).).

* * * * * *

(c) *"Occupant" mail.* To address mail to a specific street number without addressing the occupant by name, the following style may be used:

Postal Patron (or Occupant, Householder, Resident, etc.)

(Street and number, including apartment number, if any)

(Post office and State, or local)

(d) *Preparation requirements.* (1) You must tie all pieces for the same post office, so far as practicable, in packages of 50 and attach a facing slip showing the distribution desired, such as: rural route, post office boxholder, etc. If the pieces are put up in quantities other than 50 for each separation, the number of pieces must be shown on the facing slip.

* * * * * *

(e) *Number of patrons.* Upon request, postmasters will furnish without charge the number of patrons served, as follows:

(1) Number of post office boxholder patrons. (Only at post offices which do not have city or village carrier service.)

(2) Route numbers, and number of patrons on each rural and star route.

2. Section 13.5 *Correction of mailing list addresses* is amended to read as follows:

§ 13.5 *Correction of mailing list addresses*—(a) *Service available.* Mailing

lists submitted by departments of State governments, municipalities, religious, fraternal, and recognized charitable organizations and mailing lists used by concerns or persons for the solicitation of business by mail will be corrected as frequently as requested, at the expense of the owners of the lists. Postal employees must not compile mailing lists, including occupant lists. See paragraph (e) of this section.

(b) *Charge.* The minimum charge for each list corrected is 25 cents. For lists of more than 25 names or addresses the charge is 1 cent per name or street address, including individual apartments. Payment must be made in advance by cash or money order, including return postage. Lists used by Members of Congress and Federal agencies are corrected without charge. Where rural routes have been consolidated or changed to another post office, no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.

(c) *Method of submission.* Lists should be submitted to the post office which serves the addresses on cards, one name to a card. Cards should be approximately the size and quality of a postal card. The owner's name should appear in the upper left corner of each card. Lists should be submitted by mail only, except in the case of local firms presenting large lists for correction.

(d) *Type of corrections made.* Names to which mail cannot be delivered or forwarded will be crossed off; incorrect house, rural, or post office box numbers will be corrected; initials will be corrected where apparently the name is known to the owner of the list; and the head of the family will be indicated, if known, when two or more names are shown for the same address. New addresses for patrons who have moved will be furnished when permanent forwarding orders are on file. If no change is necessary an "x" will be marked in the upper right corner of the card. New names will not be added to a list.

(e) *Occupant mailing lists.* Lists for mail addressed to "Occupant" at a street address will be corrected. The lists may be submitted on cards, one address to a card, or in sheet form provided the sheets are made up separately by carrier routes. Numbers representing incorrect street addresses will be crossed off, but numbers will not be changed. Numbers not shown on the mailing lists and to which delivery can be made will not be added to the lists. Postmasters or employees will not compile and provide mailers with addresses or mailing lists. Numbers representing addresses of business houses will be indicated by writing "B" opposite the number. Numbers served by rural route will be indicated by "R". Where cards are submitted they will be separated by routes and arranged in the order of delivery before being returned to the owner.

(f) *Postage on lists.* Lists prepared in handwriting or typewriting are subject to postage at the first-class rate. Those prepared by stencil, mimeograph, printing, or similar process may be mailed at the third- or fourth-class rate depending on the weight. Postage for return of corrected lists is at the same rate chargeable for submission, as the changes do not affect the rate. Lists will not be returned until the necessary postage has been paid.

3. In § 13.6 amend paragraphs (c) and (e) to read as follows:

§ 13.6 *Delivery zones.* * * *

(c) *Mailing lists.* Mailing lists covering delivery-zone post offices may be sent to those offices to have the zone numbers added without charge. Return postage is not required. They shall be returned by official mail.

* * * * *

(e) *List of zone offices.* The delivery-zone post offices are shown in the *Directory of Post Offices.*

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 16—BULK MAILINGS

In § 16.1 amend paragraphs (e) (5), (f) (6), (7) and (8), and (g) to read as follows:

§ 16.1 *Second class publications.* * * *

(e) *Determination of weight.* * * *

(5) *Payment of advertising rates on reading portion.* A publisher may, if he so desires, pay postage at the advertising zone rates on both the advertising and nonadvertising portions instead of marking a copy of each issue to show the advertising and nonadvertising portions. When the advertising exceeds 75 percent, the copies filed must have endorsed on the first page by the publisher the words "Advertising over 75 percent." When the advertising does not exceed 75 percent, the copies must have endorsed on the first page by the publisher the words "Advertising not over 75 percent." The entire weight must be entered on Form 3541 in the column provided for the advertising portion. The words "Over 75 percent" or "Not over 75 percent" according to whether the copies do or do not contain over 75 percent advertising must be entered on Form 3541 and Form 3542. The word "Waived" must be written in the space provided for the weight of the reading portion on Form 3541.

(f) *Prepayment of postage.* * * *

(6) *Payment of postage at time of mailing or by advance deposits.* You must pay in money before your mailings are dispatched all postage charged at the second-class rates shown in § 22.1. Exception: The transient rate (§ 22.1 (c)) and the 1 cent for each four ounce rate to Canada (§ 22.1 (d) (1)) must be paid by adhesive or meter stamps or by permit imprints. (See §§ 34.3 (b) and 34.5 (a) (2).) Your postmaster will accept deposits of money to pay for as many mailings as desired and will give you a receipt on Form 3544 for the deposits.

(7) *Record of mailings.* Postage on the bulk mailings will be computed on Form 3541 from the weights obtained on Form 3542. The publisher will be furnished a duplicate of Form 3541 if he requests one. When postage is computed on the bulk weight of one issue, the mailings and postage will be recorded in Form 3543. When postage is computed at the end of each calendar month on the total weight of all issues mailed during the month, the total mailings and postage for the month will be computed on one Form 3541 and only the totals will be recorded in Form 3543.

(8) *How to show dates of issue and mailing.* When a number of consecutive issues are covered by one Form 3541 or Form 3542, or by one entry in Form 3543, the dates of issue and the dates of mailing must be indicated by entering the first and last dates in the appropriate spaces and columns.

(g) *Controlled circulation publications.* * * * Each mailing must be prepared and made up for dispatch in the manner prescribed for second-class mail (paragraph (d) of this section).

(R. S. 161, 396, secs. 5, 6, 18 Stat. 232, 233, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 283, 285)

PART 22—SECOND CLASS

1. In § 22.1 *Second-class rates* amend paragraph (d) (5) to read as follows:

(5) *Bulk weight.* The pound rates are computed on the bulk weight of the mailings of each issue. There is no limit of weight for second-class mail.

2. In § 22.3 *Applications for second-class privileges* amend paragraph (a) (4) by changing Form 3501–C to Form 3501–A.

3. In § 22.4 *What may be mailed at the second-class rates* amend paragraph (f) by adding new subparagraph (7) to read as follows:

(7) *Mailed by printer.* Copies sent by a printer to a publisher are chargeable with postage at the third- or fourth-class rate, whichever is applicable, according to the physical characteristics of the publication and the weight of the package or parcel.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

In § 23.2 *Permits* amend paragraph (b) by adding the following thereto: "The postmaster will submit the application and one copy of the publication to the Bureau of Post Office Operations, Division of Mail Classification. Notice of authorization or disapproval will be furnished."

(R. S. 161, 396, sec. 203, 62 Stat. 1262; 5 U. S. C. 22, 369, 39 U. S. C. 291b)

PART 24—THIRD CLASS

In § 24.4 *Payment of postage* make the following changes:

1. In paragraph (b) (2), change Form 3603 to Form 3544.

2. In paragraph (b) (4), amend subdivision (i) to read as follows:

(i) Mailers other than nonprofit organizations must print the words "Bulk Rate" or the abbreviation "Blk. Rt.".

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 25—FOURTH CLASS

1. In § 25.2 *Classification* amend paragraph (a) (4) to read as follows:

(4) The rates in § 25.1 (c) are for: (i) Books of 24 pages or more, at least 22 of which are printed, permanently bound for preservation and consisting wholly of reading matter or reading matter with incidental blank spaces for students' notations and containing no advertising other than incidental announcements of books. Advertising includes paid advertising and the publisher's own advertising. The advertising may be in display, classified or editorial style.

(ii) 16-millimeter films, which must be positive prints in final form for viewing and 16-millimeter film catalogs of 24 pages or more, at least 22 of which are printed, except films and film catalogs sent to commercial theaters.

2. In § 25.5 amend paragraph (a) (4) and (5) to read as follows:

§ 25.5 *Written additions* — (a) *Required.* * * *

(4) Books and 16-millimeter film and 16-millimeter film catalogs mailed at the rates in § 25.1 (c) must be marked "Book" or "Book Rate".

(5) Library books, 16-millimeter films, filmstrips, sound recordings, and other articles mailed at the rates in § 25.1 (d) must be marked "Library Book" or "Library Book Rate".

* * * * *

(R. S. 161, 396, 3879; sec. 1, 25 Stat. 1, as amended, 29 Stat. 262, as amended, secs. 304, 309, 42 Stat. 24, 25, sec. 204, 62 Stat. 1262, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 240, 249, 292a)

PART 27—FRANKED, PENALTY, AND FREE MAIL

Section 27.5 *State employment security mailings* is amended to read as follows:

§ 27.5 *State employment security mailings.* All mail, including parcels, of State employment security offices cooperating with the Department of Labor, that bears in the upper left corner of the address side the words "Official Business" printed immediately below the name and address of the State employment agency, and in the upper right corner the words "Employment Security Mail—United States Postage Accounted for Under Act of Congress," will be accepted without prepayment of postage. Postage chargeable is collected periodically under a special arrangement with the Post Office Department. When sent by air, airmail postage must be prepaid. Such matter sent as registered, special delivery, or special handling mail also requires prepayment of the applicable fees.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 13, 48 Stat. 117, as amended, sec. 301, 62 Stat. 1048, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 3211, 338)

PART 31—STAMPS, ENVELOPES, AND CARDS

1. In § 31.3 *Printed stamped envelopes (special request)* amend the table in paragraph (a) by striking out the first two sizes shown therein and the information opposite the said two sizes.

2. In § 31.5 *Exchange of stamps* amend the first sentence of paragraph (c) (4) to read as follows: "Sheet postal cards, spoiled in the process of cutting to size, may be redeemed at 75 percent of postage value if all cut sections are submitted."

(R. S. 161, 396, 3915, 3916, sec. 1, 18 Stat. 231, as amended, sec. 1, 65 Stat. 672; 5 U. S. C. 22, 369, 39 U. S. C. 354, 356)

PART 33—METERED STAMPS

In § 33.3 *Use of meter* amend paragraph (b) to read as follows:

(b) *Payment of postage.* You must bring the meter and Meter Record Book to the post office or station or branch where it was first set, for resettings and payments of postage. Postage must be paid at time of setting. The postmaster will issue a Meter Setting Receipt, Form 3603–A, for the amount of postage paid. If a meter is not reset within a 6-month period, it must be presented, with Meter Record Book, showing daily register readings, at the post office, station or branch where last set, for examination.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 34—PERMIT IMPRINTS

1. In § 34.1 *Permit,* make the following changes:

1. In paragraph (a), change Form 3603 to Form 3544.

2. Amend paragraph (b) to read as follows:

(b) *Revocation.* The permit may be revoked if used in operating any unlawful scheme or enterprise, for nonuse during any consecutive 12 months, or for any noncompliance with instructions on Form 3601. The method of revoking permit is described in § 32.3 (c) of this chapter.

2. In § 34.2 *Form of permit imprints* make the following changes:

a. Amend the text of the section to read as follows:

§ 34.2 *Form of permit imprints.* The permit imprints must be made by printing press, lithography, mimeograph, multigraph, addressograph, or similar device and must not be hand-stamped. The style of impression must conform with those illustrated below and in § 34.3. The impression must be printed in a color that contrasts sufficiently with the paper to make the imprint readable, and must be placed in the upper right corner of the address side of each piece.

* * * * *

b. Strike out the two imprint samples bearing San Francisco postmarks.

c. In § 34.5 *Mailings with permit imprints,* make the following changes:

1. Add the following to paragraph (e): "If a receipt is desired, present a duplicate copy of Form 3602, which will be initialed by the accepting employee after verification and returned to you."

2. Amend paragraph (f) to read as follows:

(f) *Payment of postage.* You must pay for each mailing when it is presented at the post office, or make an advance deposit of enough to cover more than one mailing. Payments for postage or deposits must be made at points designated by the postmaster. These payments will not be accepted by employees handling the mail. When the deposit becomes less than enough to pay for an entire mailing, an additional amount must be deposited before any mailings are made. The postmaster will give you a receipt for each payment, on Form 3544. Credit for postage is not allowed. Postage on a mailing must be paid by only one method; that is, postage may not be paid partly in money and partly by postage stamps.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 5, 41 Stat. 583, as amended, 47 Stat. 647; 5 U. S. C. 22, 369, 39 U. S. C. 273, 273a)

PART 41—SERVICE IN POST OFFICES

In § 41.3 *Post office boxes,* amend paragraph (c) to read as follows:

(c) *Rental rates*—(1) *Main office.* Box rent rates are adjusted annually on July 1, according to the gross receipts of the office for the previous calendar year.

(2) *Stations and branches.* Box rent rates in effect at stations and branches on June 30, 1955, remain unchanged until the rates at the main office increase or decrease, at which time stations and branches will adjust box rents in the same direction by one bracket.

(3) *Schedule.*

Gross receipts of post office	Rate per quarter						
	Call boxes—Size No.		Lock boxes and drawers—Size No.				
	1	2	1	2	3	4	5
	Cubic-inch capacity		Cubic-inch capacity				
	To 225	225 to 500	To 225	225 to—	500 to—	900 to—	3,000 and over—
To $500	$0.15	$0.20	$0.30	$0.35	$0.50	$0.65	$0.90
$500 to	.20	.30	.35	.50	.65	.90	1.10
$1,900 to	.30	.35	.50	.65	.90	1.10	1.50
$5,000 to	.35	.50	.65	.90	1.10	1.50	2.25
$10,000 to	.50	.65	.90	1.10	1.50	2.25	3.00
$40,000 to	.65	.90	1.10	1.50	2.25	3.00	4.50
$100,000 to	.90	1.10	1.50	2.25	3.00	4.50	6.00
$300,000 to	1.10	1.50	2.25	3.00	4.50	6.00	7.50
$1,000,000 to	1.50	2.25	3.00	4.50	6.00	7.50	9.00
$5,000,000 to	2.25	3.00	4.50	6.00	7.50	9.00	10.50
$15,000,000 and over	3.00	4.50	6.00	7.50	9.00	10.50	12.00

(R. S. 161, 396, 3901, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 279)

PART 44—CONDITIONS OF DELIVERY

In § 44.8 *Delivery of packages* amend paragraph (b) to read as follows:

(b) *Unprotected places.* Parcels will not be left on porches, steps, or elsewhere unprotected, except on the written order of the patron or when authorization for such delivery has been placed on the parcel by the mailer.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 51—REGISTRY

1. In § 51.2 *Registration* make the following changes:

a. In paragraph (b), strike out present subparagraph (2); and redesignate subparagraph (3) as subparagraph (2).

b. In paragraph (c), amend subparagraph (1) to read as follows:

(1) Articles are placed in street letter boxes or in mail drops in post offices.

2. In § 51.4 *Fees, surcharges, and return receipts* amend paragraph (g) by adding new subparagraph (7) to read as follows:

(7) The value is not required to be declared on matter entitled to free registration.

(R. S. 161, 396, 3926, as amended; secs. 304, 309, 42 Stat. 24, 25, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f, 361)

PART 52—INSURANCE

1. In § 52.3 *Mailing* amend paragraph (c) to read as follows:

(c) *Individual receipts for mailing.* You are issued a receipt for each insured parcel mailed. No mailing office record is kept of packages insured for $10 or less. You must enter the name and address of the addressee on the receipt and retain it. You must submit the receipt if you file an application for payment of insurance or if you file an inquiry concerning the parcel.

2. In § 52.5 *Delivery* make the following changes:

In paragraph (a) (2), second sentence, change "undeliverable" to "undelivered".

b. Add the following to paragraph (b): "A second notice is issued if the article is undelivered after 5 days."

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1, 41 Stat. 581, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f, 382)

PART 53—C. O. D.

1. In § 53.3 *Mailing* add new subparagraph (5) to paragraph (d), to read as follows:

(5) The package must bear the complete names and addresses of the sender and addressee, and the c. o. d. endorsement showing the amount due the sender and the money order fee necessary to make the remittance.

2. In § 53.5 amend paragraphs (a) (1) and (2) and (b) and add new paragraph (a) (5), to read as follows:

§ 53.5 *Delivery*—(a) *At letter carrier offices.* (1) A c. o. d. parcel will be tendered to you at your home, or if you receive your mail in a post office box or through general delivery, you will be furnished a notice of the arrival of the parcel. If the parcel is undelivered after 5 days, a second notice will be sent you. If you do not accept the parcel when it is tendered, it will be returned to the post office and held for the length of time directed by the sender, but never more than 15 days. You may go to the post office and obtain the parcel or you may request that it be delivered to your home. The mailer may also request that it be delivered again.

(2) A request that a second attempt be made by a carrier to deliver a c. o. d. parcel that was refused the first time must be accompanied by postage at the local rate. A parcel that was not refused will be tendered a second time only if the addressee gives assurance that it will be accepted; and no extra postage will be charged. A request by the sender for renewed delivery service must be accompanied by postage at the local rate.

* * * * *

(5) You must have the amount of the c. o. d. charges as the carrier is not furnished change.

(b) *At offices not having carrier delivery service.* You will be notified when a c. o. d. parcel is on hand for delivery. The notice is placed in the general delivery or in a post office box. A second notice is issued if the article is undelivered after 5 days.

* * * * *

3. In § 53.6 *Registered c. o. d. mail* add the following to the present text: "If envelopes are used as covers, they must not be smaller than 4 x 7¾ inches."

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 56—SPECIAL DELIVERY

In § 56.2 *Payment for special delivery,* make the following changes:

1. Redesignate paragraph (c) as paragraph (d); and insert new paragraph (c) to read as follows:

(c) *Marking.* You should mark the words "Special Delivery" above the name of the addressee.

2. In paragraph (d), formerly (c), amend subparagraph (1) to read as follows:

(1) *Letters.* The failure of the sender to place the correct postage on a special-delivery letter will not hinder or delay the transmission and special delivery of the letter. The letter will be dispatched from the office of mailing and postage due will be collected as provided in subparagraph (4) of this paragraph.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 57—SPECIAL HANDLING

1. In § 57.1 *Description of special handling* amend the first sentence to read as follows: "Special-handling service is available for fourth-class mail only, including that which is insured or sent c. o. d."

2. Amend § 57.3 *Marking of parcels* to read as follows:

§ 57.3 *Marking of parcels.* You should mark the words "Special Handling" above the name of the addressee.

3. Section 57.5 *Insufficient postage* is hereby added to Part 57—Special Handling, to read as follows:

§ 57.5 *Insufficient postage.* Parcels on which the postage is not fully prepaid are held for postage. Exception: If the fee has been fully paid but through error the postage is shortpaid and it is not practicable to collect the deficiency from the sender without delaying the parcel, it is rated with the amount due and dispatched.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 61—MONEY ORDERS

In § 61.2 *How to buy an international money order,* add new paragraphs (d) and (e), to read as follows:

(d) *Countries where service is available on direct exchange basis.* (Orders are paid direct by the designated country.)

Argentina.
Austria.
Belgium.
Brazil.
Chile.
Colombia.
Commonwealth of Australia.
  Consisting of:
    New South Wales.
    Queensland.
    South Australia.
    Tasmania.
    Victoria.
    Western Australia.
Costa Rica.
Czechoslovakia (except Province of Ruthenia).
Denmark.
Finland.
France.
Germany.[1]
Great Britain and Northern Ireland.
Greece.
Guatemala.
Hungary.
Iceland.
Ireland.
Italy.
Japan.
Lebanon (Republic of).
Luxemburg.
Mexico.
Netherlands.
New Zealand.
Norway.
Peru.
Philippines (Republic of).
Poland.
Salvador.
Surinam.
Sweden.
Switzerland.
Syria (Republic of).[2]
Tunis.
Union of South Africa.
  Consisting of:
    Cape of Good Hope.
    Natal and Zululand.
    Orange Free State.
    The Transvaal.
Uruguay.
Yugoslavia.

[1] Money-order service is in effect with the American, British and French Zones of Germany and the Western Sector of Berlin only.

[2] Syria comprises Aleppo, Damascus, Euphrates, Hama, Hauran, Homs, Jebel Druze, Jezireh and Latakia.

(e) *Countries where service is available on indirect exchange basis.* (Orders are paid in the designated country through an intermediary country which reserves the right to deduct a fee for the service.)

Country or locality	Basis: Through intermediary of—
Aden (including Kamaran Island)	Great Britain.
Aegean Islands (Astypalaia, Chios, Kalymnos, Karpathos, Kassos, Kastellorizon, Cos, Leros, Lesbos, Nisyros, Patmos, Rhodes, Samos and Symi).	Greece.
Aitutaki, Cook Islands	New Zealand.
Aleppo	Syria.
Algeria	France.
Alsace-Lorraine	Do.
Andaman Islands	Great Britain.
Anjouan Island (Comoro Islands)	France.
Apia, Samoa	New Zealand.
Arabia (Aden)	Great Britain.
Aruba	Netherlands.
Azores[1]	Great Britain.
Baluchistan	Do.
Basutoland	Union of South Africa.
Bechuanaland	Do.
Bechuanaland Protectorate	Do.
Belgian Congo	Belgium.
Bharat	Great Britain.
Bonaire	Netherlands.
Borneo, North	Great Britain.
Bosnia	Yugoslavia.
British Cameroons (Bamenda, Bues, Kumba, Mamfe, Tiko, Victoria)	Great Britain.
British India	Do.
British New Guiana (*see* Papua-New Guinea)	Queensland.
British North Borneo (Beaufort, Jesselton, Kudat, Lahad Datu, Sandakan, Tawau, Tenom, and Victoria (Labuan))	Great Britain.
British Somaliland (Berbera, Borama, Burao, Erigavo, Hargeisa, Lasanod, Sheikh (paid at Berbera or Burao), Zeilah)	Do.
British Togoland (Ho, Kpeve, Yendi)	Do.
Burma	Do.
Cameroon, French	France.
Cameroons, British (Bamenda, Bues, Kumba, Mamfe, Tiko, Victoria)	Great Britain.
Cape of Good Hope	Union of South Africa.
Ceylon	Great Britain.
Channel Islands (Guernsey, Jersey)	Do.
Chatham Islands	New Zealand.
Chios	Greece.
Colony and Protectorate of Kenya	Great Britain.
Comoro Islands	France.
Congo Free State or Belgian Congo	Belgium.
Cook Islands (Aitutaki, Rarotonga)	New Zealand.
Corsica	France.
Cos	Greece.
Crete, Island of	Do.
Croatia	Yugoslavia.
Curacao, Dutch West Indies: Aruba (Oranjestad), Bonaire, Curacao (Willemstad), Saba, St. Eustatius, St. Martin (southern part of island).	Netherlands.
Cyprus. Famagusta, Kyrenia, Larnaca, Lefka, Lefkara, Lefkoniko, Limassol, Morphou, Nicosia, Paphos, Pedhoulas, Platres, Polis, Troodos, Yialousa. (Pedhoulas, Platres, and Troodos are summer offices only.)	Great Britain.
Dahomey, French West Africa	France.
Dalmatia	Yugoslavia.

[1] The maximum amount which may be sent on any one day by the same purchaser is £40.

Country or locality	Basis: Through intermediary of—
Damascus	Syria.
Djebel Druze (Jebel Druze)	Do.
Dodecanese Islands (Agean Islands). Astypalaia, Kalymnos (Calino, Calymnos), Karpathos (Scarpanto), Kassos, Kastellorizon, Cos, Leros (Lero), Nisyros (Nisiro), Patmos, Rhodes (Rodi), and Symi.	Greece.
Dutch Guiana (now Surinam or Netherlands Guiana).	
Dutch West Indies (now Netherlands West Indies).	
Egypt[1]	Great Britain.
Ellice Islands	New South Wales.
Euphrates	Syria.
Falkland Islands (Stanley)	Great Britain.
Fanning Island	New Zealand.
Faroe Islands	Denmark.
Fiji Islands	Great Britain.
French Cameroon	France.
French Equatorial Africa, consisting of Gabon, Middle Congo, Oubanghi-Chari, Tchad.	Do.
French Guiana (South America)	Do.
French Guinea (French West Africa)	Do.
French New Hebrides	Do.
French Oceania	Do.
French Somaliland (Somali Coast)	Do.
French Sudan (French West Africa)	Do.
French Togoland (Anecho, Atakpame, Lome, Palime)	Do.
French West Africa, consisting of Dahomey, French Guinea, French Sudan, Ivory Coast, Mauretania, Niger Colony, Senegal, Upper Volta.	Do.
Friendly Islands (or Tonga Islands)	New South Wales.
Gabon, French Equatorial Africa	France.
Gambia, west Coast of Africa. Barre (paid through Bathurst), Basse, Bathurst, Cape St. Mary (paid through Bathurst), Georgetown, Kunta-Ur, Macarthy Island (paid through Georgetown).	Great Britain.
Gibraltar	Do.
Gilbert and Ellice Islands Colony	New South Wales.
Goa, Malabar Coast (Portuguese India)	Great Britain.
Gold Coast Colony, Africa	Do.
Guadeloupe	France.
Hama	Syria.
Hauran	Do.
Homs	Do.
India, British (draw orders on any office in India)	Great Britain.
Iran (formerly Persia): Abadan (paid through the post office at Khorramshahr), Ahwaz, Bandar Abbas, Bushire, Chahbar, Hingam (Henjam), Jask, Khorramshahr, Linga, Maidan-I-Naphtun (paid through the post office at Ahwaz).	Do.
Iraq (or Mesopotamia)	France.
Ivory Coast, French West Africa	Syria.
Jebel Druze	Do.
Jezireh	Greece.
Kalymnos	Great Britain.
Kamaran Island	Greece.
Karpathos	Great Britain.
Kenya (Colony and Protectorate)	Syria.
Kos	Greece.
Latikia	Do.
Leros	Switzerland.
Lesbos	Belgium.
Liechtenstein, Principality of	France.
Likasi, Katanga Territory	Do.
Lome	Madagascar, including Madagascar and the Anjouan and Comoro Islands.
Madagascar, including Madagascar and the Anjouan and Comoro Islands.	Great Britain.
Madeira[1]	

Country or locality	Basis: Through intermediary of—
Saar (The)	France.
Saba	Netherlands.
Saint Eustatius	Do.
Saint Helena	Great Britain.
Saint Martin	Netherlands.
Saint Pierre and Miquelon	France.
Samoa (Western)	New Zealand.
Samos	Greece.
San Marino, Republic of	Italy.
Sarawak, Borneo	Great Britain.
Sardinia	Italy.
Savage Island (Niue)	New Zealand.
Scotland	Great Britain.
Senegal, French West Africa	France.
Seychelles Islands	Great Britain.
Sierra Leone. Bauya, Biama, Bo, Bonthe, Cline Town, Daru, Freetown, Hangha, Kabala, Kallahun, Kambia, Kenema, Lunsar, Magburaka (Makump), Makeni, Mano, Moyamba, Pendembu, Port Loko, Pujehun, Rotifunk, Segbwema, Sembehun, Sumbuya, Waterloo.	Do.
Society Islands, French Oceania	France.
Solomon Islands	New South Wales.
Somali Coast (French)	France.
Somaliland (British). Berbera, Borama, Burao, Erigavo, Hargeisa, Lasanod, Sheikh (paid at Berbera or Burao), Zeilah.	Great Britain.
Somaliland, French	France.
South Australia	Australia.
Southern Rhodesia	Union of South Africa.
Southwest Africa	Do.
Sudan, French (French West Africa)	France.
Swaziland	Union of South Africa.
Tahiti, Island of (French Oceania)	France.
Tanganyika, Territory	Great Britain.
Tasmania	Australia.
Tchad, French Equatorial Africa	France.
Tibet[1] (Gyantse, Pharijong, and Yatung)	Great Britain.
Togoland (British)	Do.
Togoland (French)	France.
Tonga Islands (or Friendly Islands)	New South Wales.
Transvaal, The	Union of South Africa.
Trieste	Italy.
Turbat	Great Britain.
Uganda Protectorate (Arua, Bombo, Busambatia, Butiaba, Entebbe, Fort Portal, Gulu, Hoima, Iganga, Jinja, Kabale, Kaberamaido, Kakira, Kallro, Kampala, Kamuli, Kigum, Lira, Luguzi, Masaka, Masindi, Mbale, Mbarara, Mubende, Nanasagall, Ngora, Sorotl, Tororo).	Do.
Upper Volta, French West Africa	France.
Victoria	Australia.
Volta (Upper), French West Africa	France.
Western Australia	Australia.
Zambesia	Union of South Africa.
Zanzibar	Great Britain.
Zululand	Union of South Africa.

(R. S. 161, 396, 398, 4028; sec. 1, 25 Stat. 654, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372, 39 U. S. C. 712)

[SEAL]

ABE McGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55-4477; Filed, June 3, 1955; 8:49 a. m.]

Country or locality	Basis: Through intermediary of—
Mahe Island, Seychelles Islands	Great Britain.
Makatea (Oceania)	France.
Malta, Birkirkara, Notabile, Siggieul, Silema, Valletta, Victoria (Gozo).	Great Britain.
Mashonaland (Southern Rhodesia)	Union of South Africa.
Matabeleland (Southern Rhodesia)	Do.
Mauretania, French West Africa	France.
Mauritus	Great Britain.
Mesopotamia (or Iraq)	Do.
Middle Congo (same as Moyen Congo), French Equatorial Africa	France.
Monaco	Do.
Montenegro	Yugoslavia.
Morocco (for French citizens and soldiers)	France.
Morocco[1] (Tangier, Tetuan and the Shereefian post offices)	Great Britain.
Mozambique (Portuguese East Africa)	Union of South Africa.
Natal and Zululand	Do.
Nauru (Pleasant) Island	New South Wales.
Netherlands Antilles (or Netherlands West Indies)	Netherlands.
Netherlands Guiana	Surinam.
Netherlands West Indies (or Netherlands Antilles formerly Curacao). Aruba, Bonaire, Curacao Saba, St. Eustatius, and St. Martin (southern part of Island).	Netherlands.
New Caledonia	France.
New Guinea (Mandated Territory)	New South Wales.
New South Wales	Australia.
Nicobar Islands	Great Britain.
Niger Colony, French West Africa	France.
Nigeria	Great Britain.
Nissyros	Greece.
Niue or Savage Island	New Zealand.
Norfolk Island	New South Wales.
North Borneo	Great Britain.
Northern Ireland	Do.
Northern Rhodesia	Union of South Africa.
Nyasaland Protectorate	Great Britain.
Oceania (French)	France.
Orange Free State	Union of South Africa.
Ormara	Great Britain.
Oubanghi-Charl, French Equatorial Africa	France.
Pakistan (including Baluchistan)	Great Britain.
Panjgur	Do.
Papeete, Tahiti	France.
Papua-New Guinea (Territory of)	New South Wales.
Pasni	Great Britain.
Penrhyn Island	New Zealand.
Persia (now Iran)	Great Britain.
Persian Gulf (Ormara, Panjgur, Pasni, Turbat)	Do.
Pleasant Island (or Nauru Island)	New South Wales.
Pondichery	France.
Portugal[1]	Great Britain.
Portuguese East Africa (Mozambique)	Union of South Africa.
Portuguese India[1]	Great Britain.
Queensland	Australia.
Raiatea, Oceania	France.
Rarotonga	New Zealand.
Reunion	France.
Rhodes	Greece.
Rhodesia (Northern and Southern)	Union of South Africa.
Rodrigues, Island of, Indian Ocean	Great Britain.

[1] The maximum amount which may be sent on any one day by the same purchaser is £40.

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF PHYGON

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act as amended (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 348 (d) (1)), the following notice is issued:

A petition has been filed by United States Rubber Company, c/o Arthur, Dry and Dole, 1230 Sixth Avenue, New York, New York, proposing that tolerances for Phygon (dichlone or 2,3-dichloro-1,4-naphthoquinone) be established at 3 parts per million on celery and tomatoes.

The analytical method proposed in the petition for the determination of residues of Phygon is a modification of the analytical method proposed by Burchfield and McNew, in Phytopathology, volume 38, page 665, 1948, and is as follows:

Approximately 1,100–1,400 grams of celery or tomatoes are extracted with 500 milliliters of benzene in a gallon jar. The benzene extract is dried and evaporated to 50 milliliters. A 10-milliliter aliquot is placed in a 25-milliliter ground glass stoppered graduated cylinder and diluted to 20 milliliters with isopropanol. One milliliter of 25 percent aqueous dimethylamine is added and the solution brought to 25 milliliters with isopropanol. At this point a color develops which is stable for 45 minutes.

The color intensity is determined on a Beckmann DU spectrophotometer. The reference cell is composed of a similar 10-milliliter aliquot diluted to 25 milliliters with 1 milliliter of water and the required amount of isopropanol. The corrected intensity is then compared to a standard intensity curve obtained on known amounts of 2,3-dichloro-1-4-naphthoquinone.

Dated: May 31, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-4473; Filed, June 3, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Secret Service

[Delegation Order 1]

DELEGATION OF AUTHORITY TO OFFICERS OF U. S. SECRET SERVICE

By virtue of the authority vested in me by Treasury Department Order No. 129 (Revision No. 2), dated April 22, 1955, it is hereby ordered as follows:

1. (a) The following officers of the U. S. Secret Service, in the order of succession enumerated, shall act as Chief, U. S. Secret Service, during the absence or disability of the Chief, or when there is a vacancy in such office:

1. Assistant Chief.
2. Executive Aide to the Chief.
3. Inspector, Region No. 1.
4. Inspector, Region No. 2.
5. Inspector, Region No. 3.
6. Inspector, Region No. 4.
7. Special Agent in Charge, Jacksonville, Fla.
8. Special Agent in Charge, Miami, Fla.

2. In the event of an enemy attack on the continental United States, all Special Agents-in-Charge of Secret Service field offices, including the Special Agent-in-Charge of the White House Detail, are authorized in their respective districts to perform any function of the Chief, U. S. Secret Service, or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to the carrying out of responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

[SEAL] U. E. BAUGHMAN,
Chief, U. S. Secret Service.

MAY 31, 1955.

[F. R. Doc. 55-4476; Filed, June 3, 1955; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Alabama Textile Products Corp., Panama City, Fla., effective 5–18–55 to 11–17–55, 25 learners for plant expansion purposes (shirts).

Enterprise Manufacturing Co., Enterprise, Ala., effective 5–18–55 to 11–17–55, 25 learners for plant expansion purposes (shirts).

Lee Park Manufacturing Co., Inc., 40 West St. Mary's Road, Wilkes-Barre, Pa., effective 5–20–55 to 5–19–56, 5 learners for normal labor turnover purposes (dresses).

M & H Dress Co., 410 Washington Street, Jermyn, Pa., effective 5–20–55 to 5–19–56, 5 learners for normal labor turnover purposes (dresses).

Maiden Form Brassiere Co., Inc., 2311 Adams Avenue, Huntington, W. Va., effective 5–19–55 to 5–18–56, 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Maiden Form Brassiere Co., Inc., Main Street and Monticello Avenue, Clarksburg, W. Va., effective 5–19–55 to 5–18–56, 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Maiden Form Brassiere Co., Inc., Route No. 1, Princeton, W. Va., effective 5–19–55 to 5–18–56, 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Nadine Fashions, 42 River Street, Carbondale, Pa., effective 5–20–55 to 5–19–56, 5 learners for normal labor turnover purposes (dresses).

Paulsboro Dress Co., Inc., Delaware and Lodge Streets, Paulsboro, N. J., effective 5–20–55 to 5–19–56, 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Phillips-Jones Factory, 323 East Mauch Chunk Street, Pottsville, Pa., effective 5–20–55 to 5–19–56, 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Phillips-Jones Corp. Factory, Barnesboro, Pa., effective 5–20–55 to 5–19–56, 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Phillips-Jones Factory, Minersville, Pa., effective 5–20–55 to 5–19–56, 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

J. Rogat Shirt Co., 55–61 Broadway, Bangor, Pa., effective 5–18–55 to 5–17–56, 10 learners for normal labor turnover purposes (shirts).

Scranton Pants Manufacturing Co., 614 Wyoming Avenue, Scranton, Pa., effective 5–23–55 to 5–22–56, 5 learners for normal labor turnover purposes (men's and boys' pants).

Siceloff Manufacturing Co., Inc., East Second Avenue, Lexington, N. C., effective 6–2–55 to 6–1–56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work clothing).

Statham Garment Corp., Statham, Ga., effective 5–19–55 to 5–18–56, 10 percent of the

total number of factory production workers for normal labor turnover purposes (trousers).

Levi Strauss & Co., 501 Travis Street, Wichita Falls, Tex., effective 5-20-55 to 5-19-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (denim overalls).

Streamline Garment Corp. 1010 West Main Street, West Frankfort, Ill., effective 5-16-55 to 11-15-55, 10 learners for plant expansion purposes (dresses).

Sweet-Orr Co., Inc., 68 First Street SW. Pulaski, Va., effective 6-1-55 to 5-31-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (work trousers).

Tru-Fit Trousers, Traverse City, Mich., effective 5-20-55 to 5-19-56, 5 learners for normal labor turnover purposes (single pants).

Welsrog Manufacturing Co., 31 North First Street, Bangor, Pa., effective 5-18-55 to 5-17-56, 5 learners for normal labor turnover purposes (women's blouses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43 as amended April 19, 1955, 20 F. R. 2304).

Adams-Millis Corp., Tryon, N. C., effective 5-20-55 to 5-19-56, 5 percent of the total number of factory production workers, for normal labor turnover purposes (full-fashioned).

Adams-Millis Corp., Kernersville, N. C., effective 5-20-55 to 5-19-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Crescent Hosiery Mills, Niota, Tenn., effective 5-18-55 to 5-17-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Granite Hosiery Mills, 838 South Main Street, Mount Airy, N. C., effective 5-23-55 to 5-22-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' seamless).

Williamson Hosiery Mills, Inc., Athens, Tenn., effective 5-20-55 to 5-19-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

Riegel Textile Corp., Greenville, Ala., effective 5-20-55 to 5-19-56, 10 percent of the total number of factory production workers engaged as machine stitchers for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Philadelphia, Miss., effective 5-20-55 to 5-19-56, 10 percent of the total number of factory production workers employed as machine stitchers for normal labor turnover purposes (work gloves).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following special learner certificate was issued in Hawaii to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Kahala Sportswear, Ltd., 1329 Kanalle Street, Honolulu, Hawaii, effective 6-2-55 to 6-1-56, 6 learners for normal labor turnover purposes as sewing machine operator, 480 hours at 70 cents for the first 320 hours of employment and 72½ cents per hour for the remaining 160 hours. All hours spent by learners employed under this certificate in previous training on scrap materials must be deducted from the authorized learning period (ladies', men's, and children's apparel).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 24th day of May 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-4461; Filed, June 3, 1955; 8:45 a. m.]

CERTAIN INDUSTRIES OR DIVISIONS THEREOF IN PUERTO RICO

NOTICE OF INVESTIGATIONS FOR PURPOSE OF RECOMMENDING MINIMUM WAGES

Notice of investigations for the purpose of recommending minimum wages to be paid under the Fair Labor Standards Act in the following industries or divisions thereof in Puerto Rico: The Silk, Rayon, and Nylon Underwear Division, and the Miscellaneous Division, of the Needlework and Fabricated Textile Products Industry; Alcoholic Beverage and Industrial Alcohol Industry; Food and Related Products Industry; Tobacco Industry; the Telephone Division, the Radio and Television Broadcasting Division, and the Gas Utility Division of the Communications, Utilities, and Miscellaneous Transportation Industries.

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C., and sup., 201 et seq.) notice is hereby given that Special Industry Committees Nos. 17-A, 17-B, 17-C, 17-D and 17-E for Puerto Rico will be convened to investigate conditions and to recommend minimum wages for employees engaged in commerce or in the production of goods for commerce in the industries or divisions of industries in Puerto Rico in the order named below. The first committee will be convened on or about July 11, 1955, and the other Committees will be convened thereafter as quickly as feasible.

(1) *The Silk, Rayon, and Nylon Underwear Division, and the Miscellaneous Division, of the Needlework and Fabricated Textile Products Industry.*[1] These divisions are defined as follows:

(a) *Silk, Rayon, and Nylon Underwear Division.* The manufacture, from any fabric containing a mixture of cotton and other fibers, of women's, misses', and girls' underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles.

(b) *Miscellaneous Division.* The manufacture of all products included in the Needlework and Fabricated Textile Products Industry, as defined, which are not included in any of the other divisions of the industry.[1a]

In addition to the above defined divisions, the Needlework and Fabricated Textile Products Industry includes the following divisions, not to be considered by Committee No. 17:

Art Linen and Needlepoint Division; Blouse, Dress, and Neckwear Division; Children's and Dolls' Wear Division; Corde and Bonnas Embroidery and Corde Handbag Division; Cotton Underwear and Infants' Underwear Division; Crochet Beading, Bullion Embroidery, Machine Embroidered Lace, Insignia, and Chevron Division; Crocheted Hats and Infants' Bootee Division; Crocheted Slipper Division; Dungarees, Slacks, and Related Products Division; Fabric Glove Division; Handkerchief and Square Scarf Division; Hat Body Division; Infants' Wear Division; Knit Glove Division; Leather Glove Division; Sweater and Bathing Suit Division.

(2) *Alcoholic Beverage and Industrial Alcohol Industry.* This industry is defined as follows: The manufacture, including, but without limitation, the distilling, rectifying, blending or bottling of rum, gin, whiskey, brandy, cordials, liqueurs, wines, ale, beer and similar malt beverages with or without alcohol, and other alcoholic beverages; industrial alcohol, such as ethyl alcohol, butyl alcohol, and acetone; antifreeze; and any related by-products resulting from the manufacture of any of the foregoing products.

(3) *Food and Related Products Industries.* These industries are defined as follows: The canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and non-alcoholic beverages, including, but without limitation, meat animals and meat animal products; poultry and poultry products; milk and dairy products; fish and seafood products; fruits or vegetables, and fruit or vegetable products; grains and grain products; bakery products; confectionery and related products; and miscellaneous foods and food products.

The handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts; and the gathering of wild plant or animal life:

Provided, however, That the definition shall not include any product or activity included in the Sugar Manufacturing Industry or the Chemical, Petroleum, and Related Products Industries, as defined in the wage orders for those industries in Puerto Rico, or in the Alcoholic Beverage and Industrial Alcohol Industry, as defined herein.

(4) *Tobacco Industry.* This industry is defined as follows: The processing of leaf tobacco including, but without limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco prior to use in the manufacture of cigars or other finished tobacco products; the manufacture of cigarettes, cigars, cheroots, and little cigars, including the stemming of cigar wrappers or binders by a cigar manufacturer; and the manufacture of snuff, chewing tobacco, and smoking tobacco.

(5) *The Telephone Division, the Radio and Television Broadcasting Division, and the Gas Utility Division of the Communications, Utilities, and Miscellaneous Transportation Industries.*[2] These divisions are defined as follows:

(a) *Telephone Division.* This division consists of the industry carried on by any telephone system of communication.

(b) *Radio and Television Broadcasting Division.* This division consists of the industry carried on by any concern engaged in radio or television broadcasting.

(c) *Gas Utility Division.* This division consists of the industry carried on by any concern engaged in the production or distribution of gas.

All persons who desire to participate in these proceedings are requested to file not later than July 1, 1955, notices of appearance together with written statements or briefs for the consideration of the committees. Eight copies of such statements or briefs should be filed with Dr. James G. Johnson, Territorial Director of the Wage and Hour Division, Post Office Box 9061, Santurce 29, Puerto Rico.

The statements or briefs should be material and pertinent to the issues under consideration by the committee. Illustrative of the types of information in which the committee is interested are the following items: (1) Name and address of firm, organization or individual supplying the information, (2) if a manufacturer, items produced and corporate affiliations, (3) employment and labor conditions and trends in Puerto Rico and/or the mainland, particularly since the promulgation of the presently applicable wage orders, including such items as present and past employment, present wage rates and fringe benefits, changes in average hourly earnings or wage structure, provisions of collective bargaining agreements, hours of work, labor turnover, absenteeism, productivity, learning periods, rejection rates, and similar factors, (4) market conditions and trends, in Puerto Rico and/or on the mainland, including changes in the volume and value of production, market outlets, price changes, style factors, consumer demand, competitive relationships, tariff rates, and similar marketing factors, (5) comparative production costs in Puerto Rico, the mainland, and foreign countries and the factors responsible for differences, (6) financial conditions and trends since promulgation of present wage order as reflected in profit and loss statements and balance sheets, copies of which should be appended to the statement or brief, (7) data bearing on proper definitions of divisions within an industry, and (8) such other data as may assist the committee in the performance of its functions under the criteria established in section 8 of the Fair Labor Standards Act. At the discretion of the committee, parties who request to be heard orally may be afforded the opportunity.

Signed at Washington, D. C., this 31st day of May 1955.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 55-4460; Filed, June 3, 1955; 8:45 a. m.]

[1] The Needlework and Fabricated Textiles Industry in Puerto Rico is defined as follows: The manufacture from any material of all apparel and apparel furnishings and accessories made by the knitting, crocheting, cutting, sewing, embroidering, or other processes; the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the definition shall not cover products or activities included in the following Industries in Puerto Rico as defined in the wage orders for such industries: the Artificial Flower Industry, the Button, Buckle, and Jewelry Industry, the Corsets, Brassieres, and Allied Garments Industry, the Handicraft Products Industry, the Hosiery Industry, the Hooked Rug Industry, the Men's and Boys' Clothing and Related Products Industry, the Shoe Manufacturing and Allied Industries, and the Textile and Textile Products Industry. This definition includes, but without limitation, handkerchiefs, scarves and mufflers; gloves; women's, misses', girls' and infants' outerwear, underwear, and nightwear; handbags (except handbags made by hand out of raffia, maguey, straw or similar materials); household art linens; needlepoint; embroideries and trimmings; curtains, draperies, and bedspreads; and miscellaneous fabricated textile products.

[1a] This division includes, but without limitation, the manufacture of fur coats and other fur garments, accessories and trimmings.

[2] The industry carried on by any wire or radio system of communication or by messenger service; by any concern engaged in the production and distribution of gas, electricity, or steam; the distribution of water or the operation of sanitation facilities; and by any concern engaged in transportation by air, rail, pipeline, motor vehicle, or other means, or in related activities including stevedoring, consolidating, forwarding, crating and boxing: *Provided, however,* That the definition shall not include any activity included in the definitions of the wage orders applicable in Puerto Rico for the railroad, railway express, and property motor transport industry, the shipping industry, the sugar manufacturing industry, or any other industries in Puerto Rico for which wage orders have been issued.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

MAY 1955 DOMESTIC AND EXPORT SALES LISTS

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

SUPPLEMENT—MAY 1955 DOMESTIC SALES LIST (EFFECTIVE MAY 23)

Commodity and approximate quantity available (subject to prior sale)	Domestic sales prices
Dry edible beans (bagged)	Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added as applicable. For other grades of all beans, adjust by market differentials.
Pink beans,[1] 1954 crop (as available).	$8.84 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office.
Large lima beans, 1954 crop (as available).	$12.02 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office.
Baby lima beans,[1] 1954 crop (as available).	$6.90 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office.
Pinto beans,[1] 1954 crop (as available).	$8.06 per 100 pounds for U. S. No. 1, f. o. b. points of production Denver rate area. For other areas adjust by price support differentials. Available Minneapolis, Kansas City, Dallas and Portland CSS Commodity Offices.
Great Northern beans, 1954 crop (as available).	$8.86 per 100 pounds for U. S. No. 1, f. o. b. Denver rate area. For other areas adjust by price support differentials. Available Kansas City, Minneapolis and Portland CSS Commodity Offices.
Small red beans,[1] 1954 crop (as available).	$8.95 per 100 pounds for U. S. No. 1, f. o. b. point of production. Available Portland CSS Commodity Office.

SUPPLEMENT—MAY 1955 EXPORT SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales prices
Hairy vetch seed,[1] 20,000 hundredweight.	Effective May 16, 1955. Bid and acceptance basis. Bid dates, terms and conditions, location and quality of vetch will be made available by the Portland CSS Commodity Office. Sales will be handled through that office.
Nonfat dry milk[1] solids, 10,000,000 pounds.	Effective May 18, 1955. Bid and acceptance basis. Bids may be submitted daily on the basis of delivery f. a. s. vessel at port of export or at point of storage. Sales will be made under previously issued Announcement LD-5. Bids must be submitted to the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C.

[1] Offerings shown on both Export and Domestic Lists for May.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: May 31, 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4480; Filed, June 3, 1955; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

POSTMASTER GENERAL

DELEGATION OF AUTHORITY AUTHORIZING THE NEGOTIATION OF CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES, ETC.

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Postmaster General to effectuate the purposes of Title II of Public Law 519, 83d Congress, 68 Stat. 521:

a. To negotiate, without advertising, contracts for the services of engineering and architectural firms, for topographical and site survey maps and for test boring and other subsurface investigation results in accordance with section 302 (c) (4) of the act;

b. To negotiate, without advertising, the purchase of title insurance in accordance with the provisions of section 302 (c) (8) of the act.

2. Pursuant to the authority vested in me by the act and to effectuate the purposes of 41 Stat. 578, 62 Stat. 1098, 44 Stat. 688, and 64 Stat. 462 further authority is hereby delegated to the Postmaster General to negotiate, without advertising, contracts for the services of engineering and architectural firms in accordance with the provisions of section 302 (c) (4) of the act.

3. This authority shall be exercised strictly in accordance with Title III of the act.

4. The authority herein delegated may be exercised in accordance with section 309 (a) of the act and may be redelegated to any officer or employee of the Post Office Department.

5. This delegation of authority shall be effective as of May 4, 1955.

Dated: May 27, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-4508; Filed, June 3, 1955; 8:50 a. m.]

POSTMASTER GENERAL

DELEGATION OF AUTHORITY TO PROCURE SUPPLIES AND SERVICES FOR IMPROVEMENT OF POSTAL OPERATIONS AND OTHER ACTIVITIES

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Postmaster General to the extent necessary to improve the postal service as authorized by Public Law 231, 81st Congress (39 U. S. C. 847 and 847a), to make purchases and contracts for supplies and services under Title III of the act, without advertising in accordance with the provisions and requirements of section 302 (c) (10).

2. This authority shall be exercised strictly in accordance with Title III of the act.

3. The authority herein delegated may be exercised in accordance with section 309 (a) of the act and may be redelegated only to a chief officer of the Post Office Department responsible for procurement and only with respect to contracts which will not require expenditure of more than $25,000, as provided by section 307 (b) of the act.

4. This delegation of authority shall be effective as of the date hereof. The prior delegation of authority on the same subject to the Postmaster General, dated April 10, 1951 (16 F. R. 3319) is hereby superseded.

Dated: May 27, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-4509; Filed, June 3, 1955; 8:50 a. m.]

SECRETARY OF THE SMITHSONIAN INSTITUTION

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS FOR REVISION OF CERTAIN ART COLLECTION CATALOG

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of the Smithsonian Institution to negotiate, without advertising, under section 302 (c) (4) and (9) of the act, contracts for the rewriting of the "Catalog of the Watercraft Collection in the United States National Museum."

2. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any official or employee of the Smithsonian Institution.

4. This delegation shall be effective as of the date hereof.

Dated: May 27, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-4510; Filed, June 3, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 1, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30693: Steel or wrought iron pipe—eastern and western points to Kansas and Missouri. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on steel or wrought iron pipe and related articles, carloads, from Chicago, Ill., Milwaukee, Wis., Fort Madison, Iowa, St. Louis, Mo., Pittsburgh, Pa., and other specified points in official, Illinois and western trunk-line territories, to specified points in Kansas and southwest Missouri, also Kansas City, Mo.

Grounds for relief: Barge-truck competition, origin and destination rate relations and circuity.

Tariffs: Supplement 32 to Agent Prueter's I. C. C. A-4038, and 5 other tariffs.

FSA No. 30694: Anhydrous ammonia—New Orleans, La., to Sheffield, Ala. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads, from New Orleans, La., to Sheffield, Ala.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 56 to Agent C. A. Spaninger's I. C. C. 1400.

FSA No. 30695: Wooden building material—Southwest to South. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on wooden building material, viz.: sash, wooden, set up, not glazed, carloads, from specified points in southwestern territory to specified points in southern territory.

Grounds for relief: Short-line distance formula, circuity, and analogous commodity.

FSA No. 30696: Iron or steel slabs—Detroit, Mich., to St. Louis, Mo., group. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on slabs, iron or steel, carloads, from Detroit, Mich., to St. Louis, Mo., East St. Louis and Granite City, Ill.

Grounds for relief: Circuitous routes, distance formula.

Tariffs: Supplement 114 to C&O Ry., I. C. C. 13099, and 6 other tariffs.

FSA No. 30697: Soybean oil—Danville, Ill., to Canadian points. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on soybean oil, carloads, from Danville, Ill., to St. Andrews and Pennfield, N. B., Canada.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 62 to Agent Hinsch's I. C. C. 4460.

FSA No. 30698: Furring or studding—Geneva, Utah, to the Southwest. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on furring or studding, carloads, and kindred articles, carloads, from Geneva, Utah, to specified points in southwestern territory.

Grounds for relief: Short-line distance formula, analogous commodity, and circuity.

Tariff: Supplement 96 to Agent Kratzmeir's I. C. C. 4046.

FSA No. 30699: Furring or studding to the Southwest. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on furring or studding, carloads, from specified interstate origins, named in the supplemented schedules listed below, to specified destinations in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief: Short-line distance formulae, analogous commodity, and circuity.

Tariffs: Supplement 61 to Agent Kratzmeir's I. C. C. 4115, and four other tariffs.

FSA No. 30700: Starch and dextrine to and from Illinois territory. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on starch and dextrine, carloads, (a) from Mobile, Ala., New Orleans, La., Panama City, Pensacola and North Pensacola, Fla., to St. Louis, Mo., and East St. Louis, Ill., (b) from East St. Louis, Ill., and St. Louis, Mo., to Baton Rouge, La., Savannah and Port Wentworth, Ga., and (c) from Baton Rouge and New Orleans, La., and Mobile, Ala., to Chicago, Pekin, Peoria, Ill., Clinton, Iowa, and other stations in Illinois territory described in the application.

Grounds for relief: Competition with imported tapioca and sago, port relations, analogous commodity, and circuity.

Tariffs: Supplement 215 to Agent C. A. Spaninger's I. C. C. 1062, and supplement 55 to Agent Raasch's I. C. C. 776.

FSA No. 30701: Substituted service—Motor rail rates, StL–SF RY. Filed by J. D. Hughett, Agent, for interested rail carriers. Rates on freight traffic loaded in motor-truck trailers on railroad flat cars, between Tulsa, Okla., and Dallas, Tex.

Grounds for relief: Competition with motor carriers.

Tariff: Supplement 3 to Agent Hughett's I. C. C. 66.

FSA No. 30702: Scrap iron or steel—Columbus, Ga., to Alabama City, Ala. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on iron or steel scrap, carloads, from Columbus, Ga., to Alabama City, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 72 to Agent C. A. Spaninger's I. C. C. 1329.

FSA No. 30703: Woodpulp—Clyattville, Ga., to official territory. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads, from Clyattville, Ga., to specified points in States in official territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 89 to Agent C. A. Spaninger's I. C. C. 1260.

FSA No. 30704: Woodpulp—Southern points to Bound Brook, N. J. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads, from specified points in Alabama, Florida, Georgia, Mississippi and North Carolina, to Bound Brook, N. J.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 89 to Agent C. A. Spaninger's I. C. C. 1260.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-4468; Filed, June 3, 1955; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request 13]

HILYARD CO.

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN OPERATIONS OF ALLIED SPECIALTIES CO.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company, which has accepted the request to participate in the operations of Allied Specialties Company, is herewith published. The original list of companies accepting such request was published on August 1, 1953, in 18 F. R. 4529.

The Hilyard Co., Norristown, Pa.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, October 16, 1953, 18 F. R. 6583)

Dated: May 26, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-4467; Filed, June 3, 1955; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 177]

GEORG HAUPTFELD

ORDER CONDITIONALLY TERMINATING DENIAL ORDER

In the matter of Georg Hauptfeld, Hochstrasse 19, Frankfurt, Germany, respondent; Case No. 177.

The respondent, Georg Hauptfeld, having heretofore by order dated April 21, 1954, published April 24, 1954, 19 F. R. 2432, been denied all United States export privileges for the duration of export controls, subject, however, to the privilege of applying for the restoration of the export privileges so denied on and after April 21, 1955, upon showing that he (1) had fully and faithfully complied with and adhered to the terms of the denial order and of the Export Control Act and the regulations thereunder since the issuance of the denial order, (2) had permanently and irrevocably severed all business connections and associations with Franz Hanke, Vienna, Austria, and with the latter's business organizations and related ventures, all of which had likewise been denied all United States export control privileges for the duration of export controls by the denial order above cited, and (3) that the restoration of export privileges to respondent would not be used as a subterfuge to enable him to act as a front or coverup for Hanke's possible transactions in commodities exported from the United States while the denial order remained in effect as to him and his various business enterprises, and

The respondent having filed an application with the Bureau of Foreign Commerce on April 24, 1955 for restoration of the export privileges denied by said order and it appearing therein that respondent is no longer affiliated with Franz Hanke or his business organizations and that he has duly complied with the terms of the denial order and adhered to the export law and regulations, and an investigation into the representations made by the respondent in the application having apparently confirmed said representations, and it appearing that there is reasonable cause to believe that the respondent will not conduct himself henceforth in a manner contrary to the United States export program and the laws and regulations relating thereto;

It is ordered, That the denial order dated April 21, 1954, 19 F. R. 2432, as it applies to the respondent, Georg Hauptfeld, is hereby conditionally terminated and shall be inoperative as to the respondent subject only to being summarily reinstated and made operative if the respondent shall at any time during the period while the said denial order is in effect against Franz Hanke or his business organizations in any manner or form, directly or indirectly, knowingly assist Franz Hanke or his business organizations in any transaction or transactions involving commodities exported or to be exported from the United States or the servicing thereof.

Dated: May 31, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-4469; Filed, June 3, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-287]

EL DORADO OIL WORKS

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MAY 31, 1955.

In the matter of El Dorado Oil Works, Capital Stock, No Par Value; File No. 1-287.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the San Francisco Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Pursuant to an exchange agreement, 370,078 of the 388,614 outstanding shares of the applicant have been acquired by Foremost Dairies, Inc., which is also shortly to acquire 10,000 shares held by a director of the applicant.

The remaining 8,536 shares are held by approximately 70 shareholders, to whom the offer of exchange is still available.

The San Francisco Stock Exchange has waived the requirement of its rules for a vote upon delisting and has suspended the stock from dealings thereon at the close of business May 19, 1955.

Upon receipt of a request, on or before June 16, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this

security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4462; Filed, June 3, 1955; 8:46 a. m.]

[File No. 70-3373]

SOUTHWESTERN GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION REGARDING PROPOSED AMENDMENT TO CERTIFICATE OF INCORPORATION AND ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PREFERRED STOCK TO BECOME EFFECTIVE

MAY 31, 1955.

Southwestern Gas and Electric Company ("Southwestern"), an exempt holding company and a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder in respect of the following proposed transactions:

Southwestern proposes to amend its corporate charter to effect certain changes in the terms and provisions of its preferred stock principally as follows: (i) An increase in the amount of unsecured indebtedness which Southwestern may issue or assume, without the consent of the preferred stockholders, from 10 percent to 20 percent of the aggregate of secured debt and capital stock and surplus, provided, however, that no more than an amount equal to 10 percent of such aggregate may be of a maturity of less than 10 years; (ii) a relaxation of the restrictions on the payment of common stock dividends so as to permit the payment of any dividends which Southwestern could have paid, but had not paid, in any previous year or years; (iii) a reduction in the vote required to authorize the issuance of additional preferred stock ranking on a parity with the outstanding preferred stock, unless specified requirements as to gross income and common stock equity are met, from the holders of two-thirds to the holders of a majority of the preferred stock; and (iv) a prohibition of the acquisition or redemption of preferred stock when dividends are in arrears, unless all outstanding stock shall be redeemed or retired or authorization therefor is obtained under the act.

Upon the effectuation of the proposed charter amendment, Southwestern proposes to issue and sell at competitive bidding, pursuant to Rule U-50, 60,000 shares of -- Percent Preferred Stock, par value $100 per share. The price to be paid Southwestern (which shall be not less than $100 per share nor more than $102.75 per share) and the dividend rate (which is to be expressed in a multiple of 0.04 of 1 percent) are to be fixed at competitive bidding.

The fees and expenses to be paid or incurred by Southwestern in connection with the proposed transactions are not to exceed the following amounts:

Securities and Exchange Commission filing fee	$624
Federal original issue stamp tax	6,600
Printing and engraving	7,900
Accountants fees—Arthur Andersen & Co	1,500
Transfer agent's fees	250
Registrar fees	150
Reimbursement of underwriters for expenses and counsel fees in connection with qualification or registration under State securities laws	2,500
Fees of Middle West Service Co	5,000
Counsel fees:	
Stevenson, Dendtler, Bailey & McCabe, Chicago, Ill	6,000
Arnold & Arnold, Texarkana, Ark	500
Wilkinson, Lewis & Wilkinson, Shreveport, La	250
T. M. Markley, Tulsa, Okla	500
Prendergast & Prendergast, Marshall, Tex	100
Miscellaneous expenses	2,066
Total	34,000

The filing states that Middle West Service Company; Stevenson, Dendtler, Bailey & McCabe; Wilkinson, Lewis & Wilkinson and Prendergast & Prendergast are on annual retainers and that the foregoing indicated amounts are the portions of these annual retainers allocated by Southwestern to the issuance and sale of the new preferred stock. The fee of Messrs. Isham, Lincoln & Beale, Chicago, Illinois, counsel for the successful bidder or bidders who are to pay such fee, will not exceed $5,000.

No State commission and no Federal regulatory agency other than this Commission has jurisdiction over the proposed transactions;

The Commission having, by order dated May 2, 1955, approved the solicitation of proxies from stockholders of Southwestern in respect of the proposed charter amendment; and, at the same time, notice of the filing of the declaration in respect of the issuance and sale of preferred stock having been given in the form and manner prescribed by Rule U-23 of the act, and the Commission not having received a request for and not having ordered a hearing in respect of said declaration; and

The Commission finding that the applicable provisions of sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder have been satisfied and observing no basis for any adverse findings or for the imposition of terms and conditions, other than those contained in Rules U-24 and U-50; finding that the fees and expenses, if they do not exceed the estimates, are not unreasonable; and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4463; Filed, June 3, 1955; 8:46 a. m.]

[File No. 70-3386]

WEST PENN ELECTRIC CO.

NOTICE OF FILING REGARDING SALE BY REGISTERED HOLDING COMPANY OF CAPITAL STOCK OF NON-UTILITY SUBSIDIARY COMPANY

MAY 31, 1955.

Notice is hereby given that The West Penn Electric Company ("West Penn"), a registered holding company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"). West Penn has designated section 12 (f) of the act and Rule U-43 thereunder as applicable to said filing.

All interested persons are referred to said declaration which is on file in the offices of the Commission for a statement of the transaction proposed therein, which is summarized as follows:

West Penn and The Greyhound Corporation ("Greyhound"), which is not affiliated with West Penn, each owns 10,000 shares (50 percent) of the outstanding common stock of Penn Bus Company ("Penn Bus"), a non-utility company. Pursuant to a contract dated October 1, 1953, West Penn proposes to sell, on or before November 30, 1955, its holdings of the Penn Bus stock to Greyhound for a cash consideration equivalent to one-half of the amount, on the last day of the month preceding the date of the sale, of the total assets less the total liabilities (other than capital stock and unappropriated surplus) of Penn Bus, which consideration as of March 31, 1955 amounted to $146,263. The filing states that the consideration for the 10,000 shares of Penn Bus stock was determined at arm's-length between West Penn and Greyhound.

The contract for the sale by West Penn of its holdings of Penn Bus stock is stated to have been executed simultaneously with, and is related to, a contract entered into jointly by The Blue Ridge Transportation Company ("Blue Ridge"), and White Star Lines, Inc. ("White Star"), both of which are direct or indirect subsidiaries of West Penn, for the sale of all of their assets and businesses to Greyhound. West Penn represents that the contracts between it and its subsidiaries, on the one hand, and Greyhound, on the other hand, are subject to rescission unless all of the proposed transactions are approved by the regulatory authorities having jurisdiction with respect thereto.

West Penn states that no State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the sale by it of the Penn Bus stock; that acquisition of the Penn Bus stock by Greyhound has been approved by order of the Interstate Commerce Commission and that no other State commission or Federal regulatory agency has jurisdiction over the acquisition; and that the sale by Blue Ridge and White Star of their assets to Greyhound is exempt from the provisions of the act pursuant to Rule U-8 promulgated thereunder.

Notice is further given that any person may, not later than June 14, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said filing which he proposes to controvert, or he may request to be advised if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective pursuant to Rule U-23 of the rules promulgated under the act, or said transaction may be exempted as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4464; Filed, June 3, 1955; 8:46 a. m.]

[File No. 812-925]

TRI-STATE INVESTMENT CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF INTRA-STATE CLOSED-END INVESTMENT COMPANY

MAY 31, 1955.

Notice is hereby given that Tri-State Investment Company ("Tri-State"), a New Jersey corporation, with principal offices located in Woodbury, New Jersey, has filed an application pursuant to section 6 (d) of the Investment Company Act of 1940 ("act"), and Rule N-6D-1 thereunder, for an order of the Commission exempting it from the provisions of the act.

Tri-State is a closed-end management investment company as defined in the act and was organized on April 12, 1955. Its authorized capital consists of 20,000 shares of Common Stock, having a par value of $5 per share. The company proposes to offer its stock at not less than par, and represents that the aggregate sums to be received from the sale of all of its outstanding securities, plus the aggregate offering price of all securities (including any security issued in connection with the borrowing of money) of which applicant is the issuer and which it proposes to offer for sale, will not exceed $100,000. The proposed offering will be restricted to the State of New Jersey, and no offering will be made to any person not a resident of the State of New Jersey.

Tri-State represents that 75 percent of all of its investments (excluding investments in United States Government securities) will be made in the securities of corporations doing business in the States of New Jersey, Delaware, and Pennsylvania.

At the present time, Tri-State has outstanding 1,020 shares of stock held by six persons. Its assets consist of $5,100 in cash, in a bank account. The company has six directors, four of whom are also officers and all of whom are residents of New Jersey.

Section 6 (d) of the act provides in substance that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000, and if the sale of its securities is restricted to the residents of the state of its organization.

Notice is further given that any interested person may, not later than June 15, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4465; Filed, June 3, 1955; 8:46 a. m.]

[File No. 812-934]

E. I. DUPONT DENEMOURS AND CO.

NOTICE OF FILING OF APPLICATION REGARDING THRIFT PLAN FOR EMPLOYEES

MAY 31, 1955.

E. I. DuPont DeNemours and Company ("DuPont"), which is controlled by Christiania Securities Company, a registered closed-end non-diversified investment company, which in turn is controlled by Delaware Realty and Investment Company, also a registered closed-end non-diversified investment company, has filed an application pursuant to Rule N-17D-1 of the rules and regulations promulgated under the Investment Company Act of 1940 ("act") for an order under that rule granting such application in respect of a Thrift Plan for employees.

The purpose of the Thrift Plan is to encourage employees in the habit of thrift and to provide an opportunity for employees, at no cost to themselves, to become stockholders of DuPont.

In essence, the Thrift Plan provides that any employee who has completed two years of continuous service may participate by authorizing DuPont to make savings deductions from his salary or wages in an amount ranging from $12.50 to $37.50 per month. The amounts so deducted will be deposited in a separate bank account pending purchase of United States Savings Bonds, Series E, in $50 denominations by a designated savings bond custodian. As sooon as practicable after the fourth anniversary of the effective date of an employee's participation in the plan, and annually thereafter, savings bonds held by the custodian for more than three years from issue date will be delivered to him.

A trust to be known as the Thrift Incentive Fund will be established by DuPont for the exclusive benefit of Thrift Plan participants. Generally speaking, DuPont will make monthly deposits to the trust equal to 25 percent of the savings deducted during that month. Such contributions will be invested by the trustee in the common stock of DuPont. The trustee will enter on the record of each individual participant his proportionate share of common stock acquired by the trustee during the month. The trustee will hold any full share of stock registered in the participant's name until four years following the effective date of the participant's participation in the plan or for two years after the participant becomes entitled to a full share, whichever is later. Any cash or dividends payable on such stock during the period held by the trustee will be paid to the participant. Provision is made for split-ups and purchase warrants applicable to DuPont's common stock.

Provision is also made for prompt payment of an employee's accumulated savings in the event he no longer participates in the Thrift Plan and if participation ends after one year's participation he will receive full shares to which he is entitled plus cash for fractional shares and his proportionate share of any uninvested cash in the Thrift Incentive Fund. Except under certain enumerated conditions, if participation terminates prior to one year after effective date of participation, the participant's proportionate share in the Thrift Incentive Fund is forfeited.

DuPont reserves the right to modify the Thrift Plan in any respect, or to terminate it, at the end of the month. However, no termination or modification shall make it possible for DuPont to receive any part of the Thrift Incentive Fund except any balance remaining after satisfaction of all fixed and contingent obligations of DuPont under the Thrift Plan.

It is represented that the Internal Revenue Service has determined that the Thrift Incentive Fund established under the Thrift Plan constitutes a stock bonus trust which will be exempt from Federal

income tax and that the contributions to such trust will be allowed as deductions from DuPont's gross income.

It is anticipated that 50 percent or more of DuPont employees will participate and assuming an average of $25 of savings per month for each employee participant, the estimated annual contribution by DuPont would be approximately $2,700,000. Annual costs of administration, to be borne by DuPont, on the basis of the above assumption are estimated at approximately $175,000.

DuPont believes that the Thrift Plan will prove to be of substantial benefit to it in that employees' performance will thereby be enhanced.

Rule N-17D-1 provides, among other things, that it shall be unlawful, with certain exceptions not applicable here, for any affiliated person of a registered investment company or of any company controlled by any such registered investment company to participate in, or effect any transaction in connection with any bonus, profit-sharing or pension plan in which any such registered investment company or controlled compay is a participant unless an application regarding such plan has been granted by the Commission prior to adoption thereof if not submitted to stockholders for approval.

Since affiliated persons of the registered investment companies, referred to above, which control DuPont would be eligible to participate, the Thrift Plan is subject to the provisions of Rule N-17D-1. The Thrift Plan has been adopted with respect to employees who are not affiliated with such registered investment companies and will be effective as to the affiliated employees only upon issuance of an order of this Commission granting the application herein.

Notice is further given that any interested person may, not later than June 15, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4466; Filed, June 3, 1955; 8:46 a. m.]

Reference Room

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 20 NUMBER 110

Washington, Tuesday, June 7, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3097

FLAG DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the flag which we cherish as the emblem of our unity, our strength, and our free institutions, was adopted by resolution of the Continental Congress on June 14, 1777; and

WHEREAS under the protecting folds of this banner generations of Americans have enjoyed the blessings of liberty and justice inherent in our form of government; and

WHEREAS it has become our custom to observe June 14 with appropriate ceremonies commemorative of the adoption of the flag and expressive of our devotion to the Republic which it so nobly represents; and

WHEREAS in recognition of the fitness of such commemoration, the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the appropriate officials of the Federal Government, and of the State and local Governments, to arrange for the display of our colors on all public buildings on Flag Day, June 14, 1955; and I urge all of our people to observe the day by flying the Stars and Stripes at their homes or other suitable places and by participating in ceremonies especially designed to honor the flag of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of June in the year of our Lord nineteen hundred and fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 55-4559; Filed, June 3, 1955; 1:38 p. m.]

PROCLAMATION 3098

CITIZENSHIP DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, by joint resolution approved February 29, 1952 (66 Stat. 9), the Congress of the United States has designated the 17th day of September of each year as Citizenship Day in commemoration of the signing of the Constitution of the United States on September 17, 1787, and in recognition of all our citizens who have come of age and all who have been naturalized during the year; and

WHEREAS in this time of world uncertainty and unrest it is most appropriate that every one of our citizens, whether native-born or foreign-born, give special thought to the priceless blessings secured to us by our Constitution; and

WHEREAS the aforesaid resolution authorizes the President to issue annually a proclamation calling for the observance of Citizenship Day with appropriate ceremonies:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, call upon the appropriate officials of the Government to

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end ($2.25)
Title 8 ($0.45)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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display the flag of the United States on all Government buildings on Saturday, September 17, 1955, and urge the people of the Nation to display the flag on that day at their homes and other suitable places.

I also urge Federal, State and local officials, as well as religious, civic, patriotic, educational, and other organizations, to arrange for appropriate ceremonies on Citizenship Day, in schools and churches and other appropriate places, to the end that all of us may gain a deeper appreciation of our rights and responsibilities as citizens of the United States.

And I also call upon all our citizens to renew and reaffirm their allegiance on that day to the principles and ideals embodied in the Constitution—the foundation of our strength and the symbol of freedom and justice for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of June in the year of our Lord nineteen hundred and fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55–4560; Filed, June 3, 1955; 1:38 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 10—EMPLOYMENT WITH REEMPLOYMENT RIGHTS IN THE COMPETITIVE SERVICE AND THE EXCEPTED SERVICE

AGENCY AUTHORITY; FILLING COMPETITIVE POSITIONS

Effective upon publication in the FEDERAL REGISTER § 10.101 (a) is amended to read as follows:

§ 10.101 *Agency authority*—(a) *Filling competitive positions.* The Commission hereby delegates authority to agencies in the executive branch, whenever the conditions of § 10.102 are met, to employ with reemployment rights employees of another executive agency as follows:

(1) By transfer of career employees serving in competitive position; and

(2) By reinstatement (without a break in service of a full work day) of permament excepted employees having reinstatement eligibility.

Employment under this section shall be subject to the restrictions in § 2.502 of this chapter. This authority shall not be used to fill a military or defense transfer vacancy.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; sec. 1310, 65 Stat. 757, as amended)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–4505; Filed, June 6, 1955; 8:49 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.257]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following February 26, 1955, paragraph (a) is amended by the addition of the following post:

Chontales Province, Nicaragua.

2. Effective as of the beginning of the first pay period following March 26, 1955, paragraph (a) is amended by the addition of the following post:

Esteli, Madriz and Matagalpa Provinces, Nicaragua.

(Sec. 102, Part I, E. O. 10,000, 13 F. R. 5463; 3 CFR, 1948 Supp.)

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

MAY 25, 1955.

[F. R. Doc. 55–4516; Filed, June 6, 1955; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Rice Bulletin A]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP RICE PRICE SUPPORT PROGRAM

Sec.
421.1326 Administration.
421.1327 Applicability of §§ 421.1326 through 421.1329.
421.1328 Definitions.
421.1329 Compliance requirements; producers.
421.1330 Compliance requirements; rice.
421.1331 Effect of unknowingly exceeding farm rice acreage allotment, method of determination.
421.1332 Application for review and request for reconsideration.

AUTHORITY: §§ 421.1326 to 421.1332 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs 401, 408, 63 Stat. 1054, 68 Stat. 904; 15 U. S. C. 714c, 7 U. S. C. 1421, 1428, 1374.

§ 421.1326 *Administration.* The price support program will be carried out under the general supervision and direction of the Executive Vice President, Commodity Credit Corporation, by the Commodity Stabilization Service (hereinafter referred to as CSS) through State and County Agricultural Stabilization and Conservation Committees (hereinafter referred to as State and County Committees).

§ 421.1327 *Applicability of §§ 421.1326 through 421.1329.* Sections 421.1326 through 421.1329 state the eligibility requirements for producers of rice under the 1955 rice price support operations with respect to compliance with farm acreage allotments for rice, and are in addition to other regulations to be issued by the Commodity Credit Corporation governing eligibility for price support.

§ 421.1328 *Definitions.* As used in this subpart, and in all instructions, forms and documents in connection herewith, the words and phrases defined in this section shall have the meaning herein assigned to them unless the context or subject matter otherwise requires.

(a) *Farm.* "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the County Committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(b) *Person.* "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, or any agency thereof.

(c) *Operator.* "Operator" means the person who, as landlord or tenant, is in charge of the supervision and conduct of the farming operations on the entire farm.

(d) *Producer.* "Producer" means any person engaged in the production of rice

as landowner, landlord, tenant, or sharecropper and includes a person owning and operating his own farm; a tenant operating a farm rented for cash; a tenant operating a farm under a crop share lease, contract, or agreement; a landlord leasing to share tenants; and a person or irrigation company furnishing water for a share of the crop. For all purposes of the regulations in this subpart, the term "tenant" shall be deemed to include a person or irrigation company furnishing water for a share of the rice crop.

(e) *Rice acreage.* "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice (self seeded) which reaches maturity excluding, (1) any acreage of non-irrigated (dry land) rice of three acres or less, (2) any acreage planted to Mochi gomi rice, commonly known as sweet, glutenous, or candy rice, and (3) any excess rice acreage which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the date established by the county committee with the approval of the State Committee so that rice cannot be harvested therefrom. Such date for each county or areas within the county shall be far enough (but not to exceed 30 days) in advance of the date the harvesting of rice normally begins in the county to permit sufficient time to remeasure the farms in the county and issue marketing cards to eligible producers prior to harvest. Notice of 1955 Acreage of Rice on Form CSS–598 shall be mailed to the operator of each farm on which there is excess rice acreage at least 15 days prior to such established date: *Provided,* That if such notice is not mailed at least 15 days prior to such established date the producer shall have 15 days from the date the Notice of 1955 Acreage of Rice is mailed to destroy or treat the excess rice acreage so that rice cannot be harvested therefrom. Each State committee shall furnish such established dates to the Director of the Grain Division, CSS.

(f) *Rice acreage allotment.* "Rice acreage allotment" means that rice acreage allotment established for the farm under "Regulations Pertaining to Farm Acreage Allotments for the 1955 Crop" as published in the FEDERAL REGISTER under date of January 18, 1955 (20 F. R. 385), and any amendments thereto.

§ 421.1329 *Compliance requirements; producers.* A producer shall not be eligible for price support on rice produced in 1955 unless the 1955-crop rice acreage on the farm on which such rice was produced is not in excess of the rice acreage allotment: *Provided,* That if a producer has an interest in the 1955 rice crop produced on any other farm in the same county, he must also be entitled to receive a marketing certificate for each such farm in order to be eligible for price support.

§ 421.1330 *Compliance requirements; rice.* Rice shall not be eligible for price support unless it is produced by a producer eligible for price support on a farm on which the 1955-crop rice acreage is not in excess of the rice acreage allotment.

§ 421.1331 *Effect of unknowingly exceeding rice acreage allotment, method of determination.* The rice acreage on a farm shall not be deemed to be in excess of the rice acreage allotment unless the operator knowingly exceeded such allotment. If the rice acreage allotment is, in fact, exceeded, such allotment shall be considered as having been knowingly exceeded unless it is determined by the County Committee on the basis of evidence submitted to it that the rice acreage allotment was unknowingly exceeded. The operator of a farm will only be considered to have unknowingly exceeded the rice acreage allotment if through no fault of his (a) the rice acreage(s) was not measured or he was not notified of the measured acreage(s) in time to dispose of the excess acreage in the manner specified in § 421.1328 (e), or (b) he received an erroneous notice of the measured acreage and acted in good faith on the basis of such notice, and the corrected acreage was not furnished until it was too late to dispose of the excess acreage in the manner specified in § 421.1328 (e) and, with respect to both paragraphs (a) and (b) of this section, the operator made a reasonable effort by measuring or otherwise to comply with the rice acreage allotment.

§ 421.1332 *Application for review and request for reconsideration.* Any producer who is dissatisfied with any determination with respect to compliance with rice acreage allotments may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the County committee to have such determination reviewed by a review committee: *Provided,* That such application for review must be based on a determination which the producer has the right to have reviewed under the Regulations Pertaining to Rice Marketing Quotas for the 1955 Crop of Rice, 7 CFR Part 730. Unless application for review is made within such 15-day period, such determination shall be final as to the producers on the farm. The procedures governing such review are contained in the regulations issued by the Secretary of Agriculture, 7 CFR Part 711.

Done at Washington, D. C., this 1st day of June 1955.

[SEAL] J. A. MCCONNELL,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–4528; Filed, June 6, 1955; 8:53 a. m.]

[1954 CCC Cottonseed Bulletin 3, Amdt. 2]

PART 443—OILSEEDS

SUBPART—1954 COTTONSEED PRODUCTS PURCHASE PROGRAM

EXTENSION OF FINAL DATE FOR TENDERING COTTONSEED PRODUCTS

The regulations of Commodity Credit Corporation with respect to the purchase of cottonseed products as a means of supporting the price of 1954-crop cottonseed (1954 CCC Cottonseed Bulletin 3, as amended (19 F. R. 4119, 20 F. R. 2853)), are hereby amended, in order to extend the final date for tendering cottonseed products from July 15, 1955 to August 15, 1955, by changing paragraph (b) of § 443.1034 thereof to read as follows:

§ 443.1034 *Purchase of cottonseed products by CCC.* * * *

(b) *Time of tender.* The crusher shall notify the CSS commodity office not later than the 15th day of November 1954, of the quantity of cottonseed crushed prior to November 1, 1954, and the respective quantities of products from such crush tendered to CCC, indicating delivery dates. With respect to cottonseed crushed on and after November 1, 1954, and through May 31, 1955, the crusher shall notify CCC not later than the 15th day of December 1954, and not later than the 15th day of each succeeding month through June 15, 1955, of the quantity of cottonseed crushed during the preceding month and the respective quantities of the products from such crush tendered to CCC, indicating delivery dates. With respect to 1954 crop cottonseed crushed on and after June 1, 1955, the crusher shall notify CCC not later than August 15, 1955, of the respective quantities of products from such crush tendered to CCC, indicating delivery dates. The delivery dates specified by the crusher shall be not later than September 15, 1955, or such later date as may be approved by the Executive Vice President, CCC: *Provided, however,* That no products may be delivered from a mill later than one week from the date processing of 1954 crop cottonseed ceases at such mill unless otherwise approved by the CSS commodity office. CCC shall have no obligation to purchase any products which are not tendered by the applicable dates specified in this paragraph. The crusher may make a tender of a cottonseed product hereunder even though, at the time of the tender, the quantity of the product which he has on hand and which has not been sold or contracted for sale to other persons is less than the quantity tendered.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

Issued this 1st day of June 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 55–4525; Filed, June 6, 1955; 8:52 a. m.]

[1955 C. C. C. Wheat Distress Loan Program Bulletin 1]

PART 473—SPECIAL PRICE SUPPORT PROGRAMS

SUBPART—1955 CROP WHEAT DISTRESS LOAN PROGRAM

A price support program has been announced for the 1955 crop of wheat and the applicable regulations (20 F. R. 3017 and 3455) have been issued by Commodity Credit Corporation. This bulletin contains the regulations applicable to the 1955-Crop Wheat Distress Loan Program through which, as an adjunct to the price support program, recourse loans on wheat are made available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to in this bulletin as CCC and CSS, respectively). This program is designed to assist producers in holding their wheat until they can qualify for the regular nonrecourse loans under the price support program.

Sec.
473.201 Administration.
473.202 Availability of loans.
473.203 Disbursement of loans.
473.204 Approved lending agencies.
473.205 Eligible producer.
473.206 Eligible wheat.
473.207 Storage.
473.208 Determination of quantity.
473.209 Determination of quality.
473.210 Liens.
473.211 Service charges.
473.212 Set-offs.
473.213 Interest rate.
473.214 Release of wheat; transfer of producer's interest.
473.215 Safeguarding of the wheat.
473.216 Insurance.
473.217 Losses in quantity or quality.
473.218 Personal liability.
473.219 Loan rates.
473.220 Maturity.
473.221 Settlement.
473.222 CSS commodity offices.

AUTHORITY: §§ 473.201 to 473.222 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c.

§ 473.201 *Administration.* The program to which this subpart applies will be administered by CSS under the general direction and supervision of the Executive Vice President, CCC, and, in the field, will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and CSS commodity offices. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all such documents shall be retained in the county office. State and county committee and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 473.202 *Availability of loans*—(a) *Approved forms.* Loans will be evidenced by promissory notes and loan agreements and secured by chattel mortgages.

(b) *Area.* Distress loans are authorized on wheat (1) stored on the ground, or (2) stored in temporary facilities in areas in any State where the State Committee determines that conditions are such that the wheat can be so stored temporarily. In areas where it is not feasible to store wheat on the ground, the State Committee may authorize distress loans on wheat stored in temporary facilities only.

(c) *Where to apply.* Application for a distress loan should be made at the office of the ASC county committee which keeps the farm program records.

(d) *When to apply.* Loans will be available from the date the program is announced for the area. Applicable loan documents must be signed by the producer and delivered to the county committee within 30 days from the date the program is announced for the area, or within 30 days from the time of harvest, whichever is later. The applicable documents are the Producer's Note and Supplemental Loan Agreement (Commodity Loan Form A), the Supplemental Loan Agreement—Distress Loan, and the Commodity Chattel Mortgage, (Commodity Loan Form AA).

§ 473.203 *Disbursement of loans.* Disbursement of loans will be made to producers by ASC county offices by means of sight drafts drawn on CCC, or by approved lending agencies under agreement with CCC. No disbursements shall be made later than 15 days after the final date of availability of loans unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the wheat is in existence and in good condition. If the wheat was not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 473.204 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity, with which CCC has entered into a lending agency agreement.

§ 473.205 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof, producing wheat in 1955 as landowner, landlord, tenant, or sharecropper: *Provided,* That a producer shall not be an eligible producer unless he is in compliance with the regulations pertaining to farm acreage allotments for the 1955 crop as determined in accordance with 1955 CCC Wheat Bulletin A, and any amendments thereto.

§ 473.206 *Eligible wheat.* The conditions of eligibility for wheat shall be the same as under the 1955-crop wheat price support program, except that there shall be no requirement for storing wheat for a specified period prior to inspection.

§ 473.207 *Storage.* (a) Temporary storage facilities shall be facilities which, in the opinion of the county committee, are suitable for the temporary storage of wheat.

(b) Wheat piled on the ground shall be protected from animals and shall be piled on ground which will afford maximum protection from water damage.

§ 473.208 *Determination of quantity.* The quantity of wheat will be estimated, but measurements, threshing records, and other guides shall be used to the extent that they are practicable or available.

§ 473.209 *Determination of quality.* Grade and other quality factors will be determined in accordance with the Official Grain Standards of the United States for Wheat following the same practices as under the 1955-Crop Wheat Price Support Program: *Provided,* That determinations with respect to sanitation requirements shall be made in accordance with instructions issued by CCC and available for examination in the county office.

§ 473.210 *Liens.* If there are any liens or encumbrances on the wheat, proper waivers must be obtained.

§ 473.211 *Service charges.* The producer shall pay a service charge of 1 cent per bushel on the number of bushels of wheat placed under a distress loan, or $3.00 whichever is greater. Such service charge shall be collected from the proceeds of the loan at the time the loan is disbursed. State committees, however, are authorized to require prepayment of $3.00 of the service charge at the time a producer applies for a loan. If, on or before the maturity date of the note, the producer obtains a regular price support loan on the wheat under the 1955 wheat price support program, he shall pay an additional service charge of 1 cent per bushel if placed under farm-storage loan, and ½ cent per bushel if placed under warehouse-storage loan, on any number of bushels by which the quantity of wheat placed under the regular loan exceeds the number of bushels placed under the distress loan. No refunds of service charges will be made.

§ 473.212 *Set-offs.* Set-offs shall be made against the proceeds of the distress loan in accordance with the provisions of the 1955-crop wheat price support program.

§ 473.213 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that where there is a default in satisfaction of the loan, the deficiency shall bear interest at the rate of 6 percent per annum from the date of default.

§ 473.214 *Release of wheat; transfer of producer's interest.* A producer may at any time obtain release of the wheat under loan by paying to the holder of the note the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county committee shall arrange for the release of the chattel mortgage. The producer shall not transfer either his remaining interest in or his right to redeem the wheat mortgaged as security for a distress loan nor shall anyone acquire such interest or right. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the wheat must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the wheat from the premises when the proceeds of the sale are needed to repay

all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers, at the office of the county committee.

§ 473.215 *Safeguarding of the wheat.* The producer obtaining a distress loan shall take whatever action is practicable to keep the wheat in good condition, and in the event of damage to the commodity, he shall notify the county committee in writing of such damage.

§ 473.216 *Insurance.* CCC will not require the producer to insure the commodity placed under loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest.

§ 473.217 *Losses in quantity or quality.* CCC will not assume losses in the quantity or quality of the wheat occurring for any reason.

§ 473.218 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the commodity by him, may render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable not only for the amount of the loan (including interest) but also for any resulting expense incurred by any holder of the note.

§ 473.219 *Loan rates.* Loans will be made under this program at 80 percent of the regular county rate established for the wheat under the 1955-crop wheat price support program.

§ 473.220 *Maturity.* Loans will mature 90 days from the date of the note, or earlier on demand.

§ 473.221 *Settlement*—(a) *Producer eligible for regular loan.* If, on or before maturity, the producer places the wheat in eligible farm storage or in an approved warehouse, he may obtain a regular price support loan at the full support rate. The regular loan will be made at the full support rate on the basis of the quantity and quality of eligible wheat which has been placed in an eligible storage structure. When the regular loan is made, the principal of the distress wheat loan, plus interest at the rate of 3½ percent per annum from the date of disbursement of the distress loan to the date of disbursement of the regular loan, shall be repaid to CCC either in cash or out of the proceeds of the regular loan. If the producer does not obtain a regular loan, he shall upon maturity repay his distress loan in cash or deliver the wheat to CCC as set forth in paragraphs (c) and (d) respectively, of this section.

(b) *Producer not eligible for a regular loan.* If, on or before maturity, the producer does not place the wheat in eligible farm storage or approved warehouse storage, or if the wheat is not eligible for a regular loan, the producer shall, upon maturity, repay his distress loan in cash or deliver the wheat to CCC as set forth in paragraphs (c) and (d), respectively, of this section.

(c) *Repayment of distress loan.* Repayments made in satisfaction of distress loans shall be made in cash and shall include the amount of the principal due on the loan plus interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment (except that loans in default will bear interest at the rate of 6 percent from the date of default).

(d) *Delivery to CCC.* If the producer desires to deliver the wheat he should, prior to maturity, give the county committee notice in writing of his intention to do so. Delivery of the wheat to CCC shall be made in accordance with instructions issued by the county committee. When the wheat is delivered to CCC under the distress loan, credit shall be given to the producer for the quantity and quality of wheat actually delivered, at the market price at the time and place of delivery as determined by CCC: *Provided, however,* That if such wheat is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery, the wheat contains more than 2 rodent pellets per pint, or comparable amounts of other filth, or contains 2 percent or more by weight of kernels visibly damaged by weevils or other insects, the wheat shall be sold to the highest bidder for feed, or for industrial uses other than food and beverages, and the basic settlement value, per bushel, shall be the same as the sales price. If the amount of such credit exceeds the amount due on the principal of the loan plus interest, the amount of the excess shall be paid to the producer by sight draft drawn on CCC by the ASC county committee, subject to set-off in accordance with § 473.212. If the amount of such credit is less than the amount due on the principal of the loan plus interest, the amount of the deficiency plus interest thereon shall be paid to CCC. Any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC or any other agency of the United States, may be set off against such deficiency.

(e) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request and a deficiency of $3.00 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

§ 473.222 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Address and Area

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 515 Southwest 10th Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 1st day of June 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4524; Filed, June 6, 1955; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

ADVANCE VOTING BY PERSONS WHOSE RELIGIOUS BELIEFS FORBID VOTING ON DAY OF REFERENDUM

The amendment herein is issued under the Agricultural Adjustment Act of 1938, as amended, and is for the purpose of permitting voting in advance of the day of the referendum by any person whose religious belief forbids his voting on the day of the referendum.

Since wheat producers will be voting in a referendum on June 25, 1955, it is hereby found and determined that compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act are unnecessary and contrary to the public interest, and this amendment shall become effective upon the date of its publication in the FEDERAL REGISTER.

Section 717.7 is amended by adding at the end of paragraph (c) thereof the following: "Any person whose religious belief forbids him from voting on the day of the referendum, may secure one ballot form and cast his vote at the office of the county committee for the county in which he is eligible to vote at any time within five days prior to the date of the referendum. Each ballot so cast shall be placed in a sealed envelope and designated and handled as an absentee ballot. For the purpose of the regulations in this part such manner of voting shall be considered to be voting by mail."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Done at Washington, D. C., this 1st day of June 1955.

[SEAL] J. A. MCCONNELL,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-4527; Filed, June 6, 1955; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 54]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881, 2973, 3499), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraphs (3) and (15) of paragraph (a), relating to Marin and Ventura Counties, in California, are deleted.

2. Subparagraphs (2), (9), (11), and (12), of paragraph (a), relating to California, are amended to read:

(2) SE¼ Sec. 28, SW¼ Sec. 27, NE¼ Sec. 23, and NW¼ Sec. 34, T. 5 N., R. 15 W., SBBM, in Los Angeles County.

• • • • • •

(9) NE¼ Sec. 28, T. 15 S., R. 1 E., SBBM, in San Diego County.

• • • • • •

(11) SW¼ Sec. 11, T. 3 S., R. 6 N., MDBM; NE¼ Sec. 26, T. 3 S., R. 6 W., MDBM; and NW¼ Sec. 28, T. 4 S., R. 6 W., MDBM, in San Mateo County.

(12) NE¼ Sec. 22, T. 6 S., R. 1 W., MDBM; SE¼ of T. 5 S., R. 1 W., MDBM; and NE¼ Sec. 14, T. 6 S., R. 1 W., MDBM, in Santa Clara County.

3. A new subdivision (iv) is added to subparagraph (4) of paragraph (d), relating to Burlington County in New Jersey, to read:

(iv) East Hampton, Mansfield, and Springfield Townships.

4. A new subdivision (vi) is added to subparagraph (11) of paragraph (d), relating to Monmouth County in New Jersey, to read:

(vi) That part of Wall Township lying southeast of the Garden State Parkway, southwest of State Route No. 34, and north of the southern boundary line of Wall Township.

5. A new subdivision (vi) is added to subparagraph (3) of paragraph (f), relating to Kent County in Rhode Island, to read:

(vi) That part of the Town of East Greenwich lying north of Middle Road, south of Frenchtown Road, east of Tillinghast Road, and west of Carr's Pond Road.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California, New Jersey, and Rhode Island, from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 2d day of June 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-4523; Filed, June 6, 1955; 8:52 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 80—GENERAL RULES OF PROCEDURE ON APPLICATIONS FOR DETERMINATION OF REASONABLE ROYALTY FEE, JUST COMPENSATION, OR GRANT OF AWARD FOR PATENTS, INVENTIONS OR DISCOVERIES

MISCELLANEOUS AMENDMENTS

Pursuant to the Atomic Energy Act of 1954 (Pub. Law 703, 83d Congress; 68 Stat. 947ff) and to section 4 (a) of the Administrative Procedures Act of 1946 (Pub. Law 404, 79th Congress) and in accordance with § 80.5 of Title 10, Chapter I, Part 80, Code of Federal Regulations, entitled "General Rules of Procedure on Applications for Determination of Reasonable Royalty Fee, Just Compensation or Grant of Award for Patents, Inventions or Discoveries," promulgated on June 18, 1948 and published in Volume 13, No. 91, Pages 2487 et seq. of the FEDERAL REGISTER for May 8, 1948, as amended February 1, 1953 (18 F. R. 619), changes in the general rules are set forth hereunder.

A. Section 80.1 is revised to read as follows:

§ 80.1 *Scope of the part.* The regulations in this part provide the rules of procedure to be followed by any person making application to the Atomic Energy Commission for the determination of a reasonable royalty fee, just compensation, or the grant of an award, and for the consideration of such applications pursuant to section 157 of chapter 13 of the Atomic Energy Act of 1954 (68 Stat. 947; 42 U. S. C. 2187) and section 173 of chapter 15 of the Atomic Energy Act of 1954 (68 Stat. 953; 42 U. S. C. 2223).

B. Paragraph (b) of § 80.2 is revised to read as follows:

(b) "Board" shall mean the Patent Compensation Board designated by the Commission pursuant to subsection (a) of section 157 of chapter 13 of the act.

C. Section 80.4 is revised to read as follows:

§ 80.4 *Security.* In any proceeding under the regulations in this part, the Commission may issue any general or specific order, directive, or further regulation which it determines to be appropriate pursuant to chapter 12 of the act to assure the common defense and security.

D. Section 80.10 (a), (b), (c) and (d) are revised to read as follows:

§ 80.10 *Applicants.* (a) Any person claiming just compensation for any patent revoked in whole or in part by subsections (a) and (b) of section 151 of the act may file an application for just compensation.

(b) Any owner of a patent licensed under section 158 or subsections (b) or (e) of section 153 or any patent licensee thereunder may file an application for the determination of a reasonable royalty fee.

(c) Any person making any invention or discovery useful in the production or utilization of special nuclear material or atomic energy, who is not entitled to compensation or royalty therefor under the act, and who has complied with the provisions of section 151 (c) thereof, may file an application for an award.

E. There is added to § 80.10 a new paragraph designated as (d) reading as follows:

(d) Any owner of a patent application that contains restricted data not belonging to the United States which the Commission has communicated to any foreign nation may make application for just compensation pursuant to section 173.

F. Section 80.11 (c) (3) is revised to read as follows:

§ 80.11 *Form and content.* • • •

(c) • • •

(3) In the case of an invention or discovery as to which a report has been filed with the Commission pursuant to subsection (c) of section 151 of chapter 13 of the act, a copy of such report.

G. There is added to § 80.11 (c) a new subparagraph designated as (9) reading as follows:

(9) In the case of an application for just compensation pursuant to section 173 the ownership of the invention that

is the subject matter of the patent application at the time of the communication shall be set forth as well as the restricted data contained in said application specifically identified.

H. Section 80.21 is revised to read as follows:

§ 80.21 *Recommendation for acquisition by purchase.* At any time following the filing of an application and prior to final determination, the applicant may be requested in writing to meet with one or more members of the Commission staff to discuss the possibility of acquisition by purchase of the invention or discovery or patent or patent application, as the case may be. The time prescribed in § 80.22 for the filing of the response shall be extended by a time equivalent to any period in which negotiations are being conducted (beginning with the initial communication to the applicant and ending either with acceptance or rejection of a proposal or with a written communication by the applicant stating that negotiations are to be terminated).

I. There is added a new section designated as § 80.32 reading as follows:

§ 80.32 *Interrogatories by the Board.* The Board in its discretion may submit to either party interrogatories for the purpose of eliciting and placing upon the record any facts which the Board considers relevant to the consideration and disposition of the application, and may require answers to these interrogatories to be made under oath. The interrogatories and answers thereto shall become part of the record.

J. There is added to § 80.50 a new paragraph designated as (c) reading as follows:

(c) In the event that the application and any response filed by the Office of the General Counsel, and any answers to interrogatories which may be submitted to the applicant by the Board under § 80.32 disclose that the application does not present a basis for the payment of just compensation, the determination of a reasonable royalty fee, or the grant of an award, the Board may prepare and serve upon the parties its proposed findings and proposed determination with a statement of the reasons or basis therefor, with a notice that the proposed findings and proposed determination will be entered unless the applicant or Office of the General Counsel, within thirty (30) days after receipt of the notice, requests a hearing upon the application. If a hearing is requested under this section, the hearing prescribed in § 80.40 shall be ordered by the Board. If no hearing is requested in response to the notice of the proposal to enter the proposed findings and proposed determination, the order of the Board shall be entered.

(Sec. 161, 68 Stat. 948; 42 U. S. C. 2201. Interpret or apply secs. 157, 173, 68 Stat. 947, 953; 42 U. S. C. 2187, 2223)

The foregoing revisions and additions to the rules shall be effective June 1, 1955.

NOTE: The additions and revisions to the rules were published in proposed format in 20 F. R. 2193, April 7, 1955.

Dated at Washington, D. C., this 27th day of May 1955.

K. E. FIELDS,
General Manager.

[F. R. Doc. 55-4481; Filed, June 6, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6078]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

UNITED STATES STEEL CORP. ET AL.

Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* §13.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—*Combining or conspiring:* § 13.400 *To discriminate or stabilize prices through basing point or delivered price systems;* § 13.430 *To enhance, maintain or unify prices.* Subpart—*Selling and quoting on systematic, price matching basis:* § 13.2193 *Zone, freight equalization and other delivered price systems.* I. In, or in connection with the offering for sale, sale, and distribution in interstate commerce of steel drums involved in the instant matter, and on the part of respondent United States Steel Corp., Jones & Laughlin Steel Corp., Inland Steel Co., Rheem Manufacturing Co., and Republic Steel Corp., and their respective officers, etc., entering into any planned common course of action, understanding, or agreement between any two or more of said respondents, or between any one or more of said respondents and others not parties, and cooperating in, carrying out, or continuing any such planned common course of action, understanding, or agreement, to: (1) Adopt, establish, fix, or maintain prices or any element thereof at which steel drums shall be quoted or sold, including but not limited to base prices, the extras which shall be added to, or the deductions which shall be made from, any base price for any specified characteristic, or other conditions of sale; (2) collect, compile, circulate, or exchange between or among respondents, or any of them, any pricing factor, statement of pricing method, or extra charges thereto or deductions therefrom for any specified characteristic or quantity of steel drums or services connected therewith used or to be used in computing prices or price quotations of steel drums; or use, directly or indirectly, as a factor in computing price quotations or in making, quoting, or charging prices, any such factor or method so collected, compiled, circulated, or exchanged; and (3) quote or sell steel drums at prices calculated or determined pursuant to, or in accordance with, any system or formula which produces identical price quotations or prices or delivered costs, or which establishes a fixed relationship among price quotations or prices or delivered costs, or which prevents purchasers from securing any advantage in price in dealing with one or more of the respondents as against any of the other respondents; and, II, acting, individually or otherwise, on the part of each of said respondents, so as knowingly to contribute to the maintenance or operation of any planned common course of action, understanding, or agreement between and among any two or more of the respondents or between any one or more of them and others not parties through the commission of any of the acts, practices, or things prohibited by prohibitions "(1)" through "(3)" of part "I" of the order; prohibited, subject to the proviso, however, that in interpreting and construing the foregoing provisions of the order, it is understood that the Commission (1) is not considering evidence of uniformity of prices or any element thereof of two or more sellers at any destination or destinations alone and without more as showing a violation of law; (2) construes the phrase "planned common course of action" and the word "continuing" contained in the order as interpreted by the Supreme Court in FTC v. Cement Institute, 333 U. S. 683, 728, and by the court in American Chain & Cable Co. v. FTC (CA-4, 1944), 139 F. 2d 622; and (3) is not acting to prohibit or interfere with delivered pricing or freight absorption as such when innocently and independently pursued, regularly or otherwise, with the result of promoting competition.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, United States Steel Corporation (New York, N. Y.) et al., Docket 6078, April 28, 1955]

In the Matter of United States Steel Corporation, and Its Subsidiary, United States Steel Company; Jones & Laughlin Steel Corporation, and Its Subsidiary, Jones & Laughlin Steel Barrel Company; Inland Steel Company, and Its Subsidiary, Inland Steel Container Company; Rheem Manufacturing Company and Republic Steel Corporation

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the Commission's complaint which charged the respondents with unfair methods of competition and unfair acts and practices in commerce, by cooperating, combining, agreeing, and entering into and carrying out an understanding and planned common course of action between and among themselves with respect to prices, terms and conditions of sale, and other pricing practices, in the offering for sale, sale, and distribution in commerce of steel drums, in violation of the Federal Trade Commission Act, and upon a Stipulation for Consent Order, submitted to the hearing examiner for the purpose of disposing of all the issues involved in the proceeding, pursuant to an agreement entered into by respondents, by their duly authorized attorneys, with counsel supporting the complaint.

By the terms of said stipulation, said respondents admitted all the jurisdictional facts set forth in the complaint and agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith; stated that they withdrew their answers to the complaint and expressly waived the right to file answer in the matter, also expressly waiving hearing before a hearing examiner or the Commission, the making of findings as to the facts or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission, and all further proceedings before the hearing examiner and the Commission to which respondents might be entitled under the provisions of the Federal Trade Commission Act or the rules of practice of the Commission.

Respondents agreed that the order contained in the stipulation should have the same force and effect as if it were made after full hearing, presentation of evidence, and findings and conclusions thereon, respondents specifically waiving any and all right, power, or privilege to challenge or contest the validity of such order, and that said Stipulation for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based; and said stipulation further set forth that the complaint in the matter might be used in construing the terms of such order which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and provided that the signing of the Stipulation for Consent Order was for settlement purposes only, and did not constitute an admission by respondents of any violation of law alleged in the complaint.

Thereafter said examiner made his initial decision in which he set forth the aforesaid matters; that respondents' answers, theretofore filed, should be considered withdrawn, in accordance with said stipulation; noted that counsel supporting the complaint stated, in his memorandum submitting the Stipulation for Consent Order to the hearing examiner, that the order contained in the stipulation differed from the order accompanying the complaint, but averred that the order agreed upon provided adequate relief from all the violations charged in the complaint; set forth that while the order contained in the stipulation included a provision requiring a report of compliance within 60 days, no such provision was included in the cease and desist order to be issued in his initial decision in view of the Commission's present practice, and the confusion thereby avoided, of itself issuing such orders of compliance as a part of its notification to a respondent that the initial decision of the hearing examiner had become the decision of the Commission; set forth his conclusion, in view of the aforesaid facts and statement by counsel supporting the complaint that the order to cease and desist contained in the stipulation would safeguard the public interest to the same extent as if it had been issued after the completion of hearings and all other adjudicative procedure waived in said stipulation; and accordingly, in consonance with the terms of said stipulation, accepted the Stipulation for Consent Order submitted in the matter; found that the proceeding was in the public interest; and issued his order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated April 28, 1955, became, on that date, pursuant to Rule XXII of the Commission's rules of practice, the decision of the Commission.

Said order is as follows:

It is ordered, That Respondents, United States Steel Corporation, a corporation, Jones & Laughlin Steel Corporation, a corporation, Inland Steel Company, a corporation, Rheem Manufacturing Company, a corporation, and Republic Steel Corporation, a corporation, and their respective officers, agents, representatives, and employees, in, or in connection with, the offering for sale, sale, and distribution in interstate commerce of the steel drums involved in this proceeding, do forthwith cease and desist from entering into any planned common course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, and from cooperating in, carrying out, or continuing any such planned common course of action, understanding, or agreement, to do or perform any of the following things:

(1) Adopting, establishing, fixing, or maintaining prices or any element thereof at which steel drums shall be quoted or sold, including but not limited to base prices, the extras which shall be added to, or the deductions which shall be made from, any base price for any specified characteristic, or other conditions of sale;

(2) Collecting, compiling, circulating, or exchanging between or among respondents, or any of them, any pricing factor, statement of pricing method, or extra charges thereto or deductions therefrom for any specified characteristic or quantity of steel drums or services connected therewith used or to be used in computing prices or price quotations of steel drums; or using, directly or indirectly, as a factor in computing price quotations or in making, quoting, or charging prices, any such factor or method so collected, compiled, circulated, or exchanged;

(3) Quoting or selling steel drums at prices calculated or determined pursuant to, or in accordance with, any system or formula which produces identical price quotations or prices or delivered costs, or which establishes a fixed relationship among price quotations or prices or delivered costs, or which prevents purchasers from securing any advantage in price in dealing with one or more of the respondents as against any of the other respondents.

It is further ordered, That each of the respondents do forthwith cease and desist from acting, individually or otherwise, so as knowingly to contribute to the maintenance or operation of any planned common course of action, understanding, or agreement between and among any two or more of the respondents or between any one or more of them and others not parties hereto through the commission of any of the acts, practices, or things prohibited by subparagraphs (1) through (3) of paragraph I of this order:

Provided, however, That in interpreting and construing the foregoing provisions of this order, it is understood that:

(1) The Federal Trade Commission is not considering evidence of uniformity of prices or any element thereof of two or more sellers at any destination or destinations alone and without more as showing a violation of law;

(2) The Federal Trade Commission construes the phrase "planned common course of action" and the word "continuing" contained in this order as interpreted by the Supreme Court in FTC v. Cement Institute, 333 U. S. 683, at page 728, and by the court in American Chain & Cable Co. v. FTC (CA 4th 1944), 139 F. 2d 622;

(3) The Federal Trade Commission is not acting to prohibit or interfere with delivered pricing or freight absorption as such when innocently and independently pursued, regularly or otherwise, with the result of promoting competition.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents United States Steel Corporation, Jones & Laughlin Steel Corporation, Inland Steel Company, Rheem Manufacturing Company, and Republic Steel Corporation, corporations, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have compiled with the order to cease and desist.

Issued: April 28, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-4519; Filed, June 6, 1955; 8:51 a. m.]

[Docket 6263]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RALPH ADAMS ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or Acceptance of Commission, Brokerage, or Other Compensation Under (c): §13.820 *Direct buyers.* In connection with the purchase of food products in commerce, and on the part of respondents, individually, as copartners doing business as Adams Brothers Produce Co. or through any other device, and on the part of their representatives, etc., receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products or other commodities for their own account, or for the account of Adams Brothers Produce Co., or while acting for or in behalf of Adams Brothers Produce Co. or any other buyer as an intermediary or agent, or subject to the direct or indirect control of such buyer; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Adams Brothers Produce Co., Birmingham, Ala., Docket 6263, April 21, 1955]

In the Matter of Ralph Adams, Carl Adams, Sr., Paul Adams, Carl Adams, Jr., Hugh Adams, Charles H. Adams, and James R. Adams, Individually and as Copartners Doing Business as Adams Brothers Produce Co.

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondents with receiving and accepting, directly or indirectly, commissions, brokerage fees or other compensations, allowances, or discounts in lieu thereof from sellers in connection with the purchase in commerce of food products for their own account, in violation of subsection (c) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act (15, U. S. C. 13), and a Stipulation for Consent Order, disposing of all the issues involved in the proceeding, submitted pursuant to an agreement entered into by respondents with counsel supporting the complaint, whereby respondents admitted all the jurisdictional allegations set forth in the complaint, agreed that the record in the matter might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith, and all parties requested that the answer of respondents, theretofore filed with the Commission, be withdrawn, and expressly waived the filing of answer, a hearing before a hearing examiner of the Commission, the making of findings as to the facts or conclusions of law by the hearing examiner or the Commission, the filing of exceptions and oral argument before the Commission and all further and other procedure before the hearing examiner and the Commission to which respondents might be entitled under the Clayton Act, as amended, or the rules of practice of the Commission.

It was agreed by respondents that the order contained in the stipulation should have the same force and effect as if made after full hearing, presentation of evidence, and findings and conclusions thereon, respondents specifically waiving any and all right, power, or privilege to contest the validity of such order, and that said Stipulation for Consent Order, together with the complaint, should constitute the entire record in the proceeding, upon which the initial decision should be based, and said stipulation also set forth that the complaint in the matter might be used in construing the terms of such order which might be altered, modified, or set aside in the manner provided by statute for orders of the Commission, and provided also that the signing of the Stipulation for Consent Order was for settlement purposes only and did not constitute an admission by respondents of any violation of law alleged in the complaint.

Thereafter said hearing examiner made his initial decision in which he set forth his conclusion, in view of the aforesaid facts and the further fact that the order embodied in said stipulation was identical with that which accompanied the complaint, that such order would safeguard the public interest to the same extent as could be accomplished by the issuance of an order after full hearing and all other adjudicative procedure waived in said stipulation; and in which he accordingly, in consonance with the terms of said stipulation, granted the request for withdrawal of respondents' answer, accepted the Stipulation for Consent Order submitted in the matter, found that the proceeding was in the public interest, and issued his order to cease and desist, and granted also request of all parties that respondents' answer to the complaint in the matter be withdrawn.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order To File Report of Compliance", dated April 21, 1955, became, on that date, pursuant to Rule XXII of the Commission's rules of practice, the decision of the Commission.

Said order is as follows:

It is ordered, That Respondents Ralph Adams, Carl Adams, Sr., Paul Adams, Carl Adams, Jr., Hugh Adams, Charles H. Adams, and James R. Adams, individually, as copartners doing business as Adams Brothers Produce Co. or through any other device, their representatives, agents, or employees, directly or indirectly, in connection with the purchase of food products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of food products or other commodities for their own account, or for the account of Adams Brothers Produce Co., or while acting for or in behalf of Adams Brothers Produce Co. or any other buyer as an intermediary or agent, or subject to the direct or indirect control of such buyer.

It is further ordered, That the request of all parties hereto, that Respondents' answer to the complaint herein be withdrawn, be, and the same hereby is, granted.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Ralph Adams, Carl Adams, Sr., Paul Adams, Carl Adams, Jr., Hugh Adams, Charles H. Adams, and James R. Adams, individually and as copartners doing business as Adams Brothers Produce Co., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 21, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-4518; Filed, June 6, 1955; 8:51 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 179; Docket No. R-146]

PART 1—RULES OF PRACTICE AND PROCEDURE

HEARINGS

The Commission has under consideration in this proceeding the amendment of § 1.20 of Part 1 of its general rules and regulations (18 CFR, Chapter I, Subchapter A, Part 1) by amending paragraphs (f) and (h) thereof. Both are for the purpose of establishing a uniform policy in certain aspects of the Commission's hearings which (1) will automatically incorporate applications (including attached exhibits), complaints, and similar formal documents as part of the hearing record, as pleadings, and (2) will allow prepared testimony to be received in exhibit form without being copied into the stenographic transcript of the hearing.

The first purpose is carried out by the addition of a sentence at the end of paragraph (f) *Order of procedure* of § 1.20 and the second by a revision of paragraph (h) *Prepared expert testimony* thereof.

It appears that the amendments to § 1.20 adopted herein would be of considerable benefit to hearings in progress if such amendments are made effective at once.

It appears also that the proposed amendment of § 1.20 represents a matter of procedure which does not require notice of hearing under section 4 (a) of the Administrative Procedure Act.

The Commission finds: The amendments as hereinafter adopted are necessary and appropriate to carry out the provisions of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to authority granted by sections 308 and 309 of the Federal Power Act (49 Stat. 858, 16 U. S. C. 825g, 825h) and sections 15 and 16 of the Natural Gas Act. (52 Stat. 829, 830, 15 U. S. C. 717n, 717o) orders:

(A) Paragraph (f) of § 1.20 of the rules of practice and procedure is amended by adding the following sentence at the end thereof:

(f) *Order of procedure.* * * * The applications (including attached exhibits), declarations of intention, complaints, formal protests, determinations of actual legitimate original cost of licensed projects, orders to show cause and responses thereto, and similar formal documents upon which hearings are fixed shall, without further action, be considered as parts of the record as pleadings: *Provided, however,* That in no event, except as contemplated by the provisions of § 1.32 (b), shall such pleadings, or any part thereof, be considered as evidence of any fact other than that of the filing thereof unless offered and received in evidence in accordance with the Commission's rules.

(B) Paragraph (h) of § 1.20 of the rules of practice and procedure is amended to read as follows:

(h) *Prepared expert testimony.* Direct testimony of any witness within his special field may be offered as an exhibit: *Provided,* That copies of such proposed exhibit shall have been served upon all parties to the proceeding or their attorneys of record, including staff counsel of record, at least 5 days in advance of the session of the hearing at which such exhibit is offered unless all parties in attendance at the session of the hearing at which such exhibit is offered and staff counsel shall agree that all or any part of such 5 days' prior service be waived: *Provided,* That the presiding officer, absent such agreement, may permit the introduction of such written testimony after having given all parties and staff counsel present a reasonable opportunity (not less than 24 hours) to examine it. Whenever in the circumstances of a particular case it is deemed necessary or desirable, the Commission or the presiding officer may direct that expert testimony to be given upon direct examination shall be reduced to exhibit form and be served and offered in the manner hereinbefore described. A reasonable period of time shall be allowed for the preparation of such written testimony.

(C) The amendments to § 1.20 herein prescribed be and they are hereby made effective June 1, 1955.

(Sec. 309, 49 Stat. 858, sec. 16, 52 Stat. 830; 16 U. S. C. 825h, 15 U. S. C. 717o)

Adopted: May 20, 1955.

Issued: June 1, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-4486; Filed, June 6, 1955; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1157]

NEW MEXICO

WITHDRAWING PUBLIC LANDS AND RESERVED MINERALS IN PATENTED LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES IN CONNECTION WITH HOLLOMAN AIR FORCE BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the public lands and the minerals reserved to the United States in patented lands in the following-described areas in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Air Force for military purposes in connection with Holloman Air Force Base:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 8 E.,
Sec. 22, E½SE¼, that portion lying north of U. S. Highway 70;
Sec. 23, E½, E½W½, W½SW¼, those portions lying north of U. S. Highway 70;
Sec. 24, that portion lying north of U. S. Highway 70;
Sec. 26, NW¼NW¼NW¼, that portion lying north of U. S. Highway 70;
Sec. 27, E½NE¼, that portion lying north of U. S. Highway 70.
T. 17 S., R. 9 E.,
Sec. 6, lots 1, 2, 3 and 4.

The areas described, including both public and non-public lands, aggregate approximately 611.78 acres. The lands in Section 24 have been patented with a mineral reservation. The remainder are public lands.

This order shall take precedence over but not otherwise affect the Departmental order of April 8, 1935, establishing New Mexico Grazing District No. 4.

FRED G. AANDAHL, *Assistant Secretary of the Interior.*

JUNE 1, 1955.

[F. R. Doc. 55-4485; Filed, June 6, 1955; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 17—LIST OF AREAS

KIRWIN NATIONAL WILDLIFE MANAGEMENT AREA, KANSAS

CROSS REFERENCE: For addition to tabulation in § 17.4, see F. R. Doc. 55-4482, Department of the Interior, Fish and Wildlife Service, in Notices section, *infra.*

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1939) Part 101]

TAXES ON ADMISSIONS, DUES, AND INITIATION FEES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code of 1939 (53 Stat. 467; 26 U. S. C. 3791).

[SEAL] O. GORDON DELK, *Acting Commissioner of Internal Revenue.*

In order to conform Regulations 43 (1941 edition) (26 CFR Part 101), relating to the excise tax on admissions, dues, and initiation fees under Chapter 10 of the Internal Revenue Code of 1939, to the Excise Tax Reduction Act of 1954 (Public Law 324, 83d Cong.), approved March 31, 1954, such regulations are amended as follows:

PARAGRAPH 1. Section 101.0, as amended by Treasury Decision 6007, approved April 15, 1953, is further amended as follows:

(A) By striking out the words "and the Excise Tax Act of 1947" at the end of the first sentence and adding in lieu thereof the following: "the Excise Tax Act of 1947, and sections 201, 202, 203, 504 (a), 505 (c) (1) and (2), and 506 of the Excise Tax Reduction Act of 1954".

(B) By changing the last paragraph of the section to read as follows:

The statutory references are to the Internal Revenue Code of 1939 (53 Stat., Part 1) unless otherwise stated.

PAR. 2. Immediately preceding § 101.1 there is inserted the following:

SEC. 203. EFFECTIVE DATE OF TITLE II [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

The amendments made by section 201 (other than subsection (b) thereof) shall apply only with respect to amounts paid for admissions on or after April 1, 1954. In addition, such amendments shall apply—

(1) In the case of any season ticket or subscription; only if all the admissions under such ticket or subscription can occur only on or after April 1, 1954; and

(2) In the case of the permanent use of a box or seat or a lease for the use of such box or seat, only if all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder can occur only on or after April 1, 1954.

The amendment made by subsection (b) shall apply only with respect to amounts paid on or after April 1, 1954, for admissions on or after such date.

PAR. 3. Section 101.1, as amended by Treasury Decision 6007, is further amended by adding at the end thereof the following new paragraph (e):

(e) The reduction in rates provided by section 201 of the Excise Tax Reduction Act of 1954 is generally effective with respect to amounts paid for admissions on and after April 1, 1954. In the case of a season ticket or subscription the reduction is effective only if all the admissions under the season ticket or subscription can occur only on or after

April 1, 1954, and in the case of the permanent use of a box or seat or a lease for the use of such box or seat, only if all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder can occur only on or after such date. The reduction with respect to the tax imposed on sales outside the box office is effective only with respect to amounts paid on or after April 1, 1954, for admissions on or after such date. For special provisions relating to payment, credit, or refund of the admissions tax in cases of amounts collected prior to April 1, 1954, at the rate in effect prior to such date, for admissions on or after such date, see § 101.43a.

PAR. 4. Immediately preceding section 1704 of the Internal Revenue Code of 1939, which immediately precedes § 101.2, there is inserted the following:

SEC. 201. TAX ON ADMISSIONS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954.

* * * * *

(d) *Single or season tickets and subscriptions.* For reduction in rate of tax on admission by single or season ticket or subscription, see section 504 (a).

(e) *Rate to apply to major fractions.* Section 1700 (a) (1) (relating to rate of tax on single or season tickets and subscriptions) is hereby amended by striking out "fraction" and inserting in lieu thereof "major fraction".

(f) *Exemption of admissions of fifty cents or less.* Section 1700 (a) (1) (relating to rate of tax on single or season tickets and subscriptions) is hereby amended by striking out the second sentence thereof and inserting in lieu thereof the following: No tax shall be imposed under this paragraph on the amount paid for admission—

(A) If the amount paid for admission is 50 cents or less, or

(B) In the case of a season ticket or subscription, if the amount which would be charged to the holder or subscriber for a single admission is 50 cents or less.

(g) *Admissions to certain race tracks.* (1) Section 1700 (a) (relating to rate of tax on single or season tickets and subscriptions) is hereby amended by adding at the end thereof the following:

(3) *Certain race tracks.* In lieu of the tax imposed under paragraph (1), a tax of 1 cent for each 5 cents or major fraction thereof of the amount paid for admission to any place (including admission by season ticket or subscription) if the principal amusement or recreation offered with respect to such admission is horse or dog racing at a race track. The tax imposed under this paragraph shall be paid by the person paying for such admission.

* * * * *

SEC. 203. EFFECTIVE DATE OF TITLE II [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

The amendments made by section 201 * * * shall apply only with respect to amounts paid for admissions on or after April 1, 1954. In addition, such amendments shall apply—

(1) In the case of any season ticket or subscription, only if all the admissions under such ticket or subscription can occur only on or after April 1, 1954; * * *

* * * * *

SEC. 504. TECHNICAL AMENDMENTS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Termination of tax rates under section 1650.* Section 1650 (relating to war tax rates of certain miscellaneous taxes) is hereby amended by inserting after "beginning with the effective date of title III of the Revenue Act of 1943" the following: "and ending March 31, 1954,".

* * * * *

SEC. 505. EFFECTIVE DATES [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(c) The amendment made by section 504 (a) shall apply—

(1) Insofar as it affects the rate of the tax imposed by section 1700 (a) (1) of the Internal Revenue Code, with respect to amounts paid for admissions on or after April 1, 1954, but, in the case of any season ticket or subscription, only if all the admissions under such ticket or subscription can occur only on or after April 1, 1954;

* * * * *

PAR. 5. Paragraph (g) of § 101.2 (26 CFR 101.2 (g)), as amended by Treasury Decision 5096, approved November 1, 1941, is further amended by striking "50 cents" in the first sentence, and inserting in lieu thereof "75 cents".

PAR. 6. Section 101.4 (26 CFR 101.4), as amended by Treasury Decision 5349, approved March 17, 1944, is further amended as follows:

(A) By striking out the first sentence of paragraph (a) and inserting in lieu thereof the following:

(a) *General rules.* The amount paid for admission to any place, including any amount paid for a season ticket or as a subscription, is subject under section 1700 (a) of the Code, as amended, to tax at the rates set forth in paragraphs (b) and (c) of this section.

(B) By striking out the last two sentences of paragraph (d) and inserting in lieu thereof the following: "Thus, if a combination ticket is issued entitling the holder to admission before April 1, 1954, and to the use of a reserved seat for $1.50, using the rate of tax in effect before April 1, 1954, the tax is 30 cents, and the same amount of tax would be due if separate tickets of admission and for a reserved seat were sold for 75 cents each. In the latter case the tax on the first admission charge of 75 cents is 15 cents and the tax on the additional charge of 75 cents for a reserved seat is 15 cents. The same rule would apply to a combination ticket entitling the holder to admission on or after April 1, 1954, using however, the new rates provided by the Excise Tax Reduction Act of 1954."

(C) By striking out paragraph (f) and inserting new paragraphs (b) and (c) in lieu of the existing paragraphs (b) and (c):

(b) *Admissions before April 1, 1954.* (1) The rate of tax applicable to amounts paid for admission before April 1, 1954, to any place is 1 cent for each 5 cents or major fraction thereof (except that no tax is due on the amount paid for the admission of a child under 12 years of age if the amount paid is less than 10 cents). For special provisions relating to payment, credit, or refund of the admissions tax in cases of amounts collected prior to April 1, 1954, at the rate in effect prior to such date, for admissions on or after such date, see section 101.43a.

(2) The following table sets forth the amount of tax applicable to certain admission charges when the rate of tax is 1 cent for each 5 cents or major fraction thereof:

Admission charges:	Tax
$0.01 to $0.02	$0.00
$0.03 to $0.07	.01
$0.08 to $0.12	.02
$0.13 to $0.17	.03
$0.18 to $0.22	.04
$0.23 to $0.27	.05
$0.28 to $0.32	.06
$0.33 to $0.37	.07
$0.38 to $0.42	.08
$0.43 to $0.47	.09
$0.48 to $0.52	.10

The tax on all other admission charges where the rate of tax is 1 cent for each 5 cents or major fraction thereof shall be computed in a manner corresponding to that set forth in the foregoing table.

(c) *Admissions on or after April 1, 1954*—(1) *Places other than horse or dog race tracks.* Any amount paid for admission on or after April 1, 1954, to any place (other than to a place at which the principal amusement or recreation is horse or dog racing at a race track, for treatment of which see subparagraph (2) of this paragraph), including any amount paid for a season ticket or subscription, is subject to tax at the rate of 1 cent for each 10 cents or major fraction thereof, determined under the following rules:

(i) For the purposes of the regulations in this part, 5 cents is not considered a major fraction of 10 cents.

(ii) If the amount paid for a single admission is 50 cents or less, the amount so paid is exempt from tax. In the case of a season ticket or subscription, the amount paid therefor is exempt from tax only if the amount which would be charged to the holder or subscriber for each single admission covered by the season ticket or subscription is 50 cents or less. Thus, for example, if A pays $2.50 for a season ticket or subscription which entitles him to admission to 6 performances and if the amount which would be charged A for each single admission to these performances is 50 cents or less, then the entire amount paid for the season ticket or subscription is exempt from tax. However, if A pays $3 for a season ticket or subscription which entitles him to admission to 6 performances and if the amount which would be charged A for each single admission to these performances is more than 50 cents, then the entire amount paid for the season ticket or subscription is taxable. Further, if A pays $3 for a season ticket or subscription which entitles him to admission to 6 performances and if the amount which would be charged A for each single admission to 5 of these performances is 50 cents or less and for a single admission to the sixth performance is more than 50 cents, then the entire amount paid for the season ticket or subscription is taxable.

(iii) The following table sets forth the amount of tax applicable to certain admission charges when the rate of tax is 1 cent for each 10 cents or major fraction thereof:

Admission charges:	Tax
$0.01 to $0.50	$0.00
$0.51 to $0.55	.05
$0.56 to $0.65	.06
$0.66 to $0.75	.07
$0.76 to $0.85	.08
$0.86 to $0.95	.09
$0.96 to $1.05	.10
$1.06 to $1.15	.11
$1.16 to $1.25	.12

The tax on all other admission charges where the rate of tax is 1 cent for each 10 cents or major fraction thereof shall be computed in a manner corresponding to that set forth in the foregoing table.

(2) *Places at which the principal amusement or recreation is horse or dog racing.* Any amount paid for admission on or after April 1, 1954, to any place including any amount paid for a season ticket or subscription, if the principal amusement or recreation offered with respect to such admission is horse or dog racing at a race track, is subject to tax at the rate of 1 cent for each 5 cents or major fraction thereof. For computation of tax at this rate see the table in paragraph (b) of this section.

PAR. 7. Section 101.5, as amended by Treasury Decision 6007, is further amended by striking out the last sentence of paragraph (a) and inserting in lieu thereof the following: "A child under 12 years of age admitted prior to April 1, 1954, for less than 10 cents is not liable for tax. A charge of 50 cents or less for an admission on or after April 1, 1954, to certain places is tax free (see § 101.4 (c) (1))."

PAR. 8. Immediately preceding § 101.7 there is inserted the following:

SEC. 201. TAX ON ADMISSIONS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Permanent use or lease of boxes or seats.* Section 1700 (b) (1) (relating to tax on permanent use or lease of boxes or seats) is hereby amended by striking out "11 per centum" and inserting in lieu thereof "10 per centum".

* * * * *

(g) *Admissions to certain race tracks.*

* * * * *

(2) Section 1700 (b) (relating to rate of tax on permanent use or lease of boxes or seats) is hereby amended—

(A) By striking out "paragraph (1) of subsection (a)" and inserting in lieu thereof "paragraph (1) or (3) of subsection (a)"; and

(B) By inserting after "per centum" the following: "(20 per centum if paragraph (3) of subsection (a) would otherwise apply)".

* * * * *

SEC. 203. EFFECTIVE DATE OF TITLE II [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

The amendments made by section 201 * * * shall apply only with respect to amounts paid for admissions on or after April 1, 1954. In addition, such amendments shall apply—

* * * * *

(2) In the case of the permanent use of a box or seat or a lease for the use of such box or seat, only if all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder can occur only on or after April 1, 1954.

* * * * *

SEC. 504. TECHNICAL AMENDMENTS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Termination of tax rates under section 1650.* Section 1650 (relating to war tax rates of certain miscellaneous taxes) is hereby amended by inserting after "beginning with the effective date of title III of the Revenue Act of 1943" the following: "and ending March 31, 1954,".

* * * * *

SEC. 505. EFFECTIVE DATES [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(c) The amendment made by section 504 (a) shall apply—

* * * * *

(2) Insofar as it affects the rates of the taxes imposed by subsections (b) * * * of section 1700 of the Internal Revenue Code, as though the rates listed under the heading "Old Rate" in the table in section 1650 of such Code were the rates established by the amendments made by title II of this Act;

* * * * *

PAR. 9. Section 101.8, as amended by Treasury Decision 5349, is further amended as follows:

(A) So much of the section as precedes the examples is amended to read as follows:

§ 101.8 *Basis, rate, and computation of tax*—(a) *General rules.* In the case of a person having the permanent use or a lease for the use of a box or a seat in any opera house or other place of amusement the tax imposed by section 1700 (a) (1) or (3) on "the amount paid for admission to any place" does not apply. Instead, the provisions quoted above impose a tax on the right to the use of the box or seat equivalent to a percentage of the total amount that would be realized by the sale, at the established price, of the right to occupy a similar box or seat for each performance or exhibition during the period for which such box or seat is reserved. For applicable percentage rates of tax, see paragraph (b) of this section. In other words, the tax is based not on the amount, if any, actually paid for the particular box or seat, but on the amount that would be paid, at the established price, for admission to all performances given, not merely those attended, if payments were made for each performance separately. The tax is not on the actual use of the box or seat, but on the most extensive possible use. Note that the rate of the tax here is a percentage rate and is not "1 cent for each 10 cents or major fraction thereof", or "1 cent for each 5 cents or major fraction thereof", as the case may be, as under section 1700 (a) (1) or (3). In the case of a box, if there is no comparable box for the use of which on single occasions admission charges are made, the tax is to be computed by determining the amount for which a single box seat in the same part of the house is sold, multiplying that amount by the number of seats in the box, and calculating the tax at the applicable percentage rate. If there is no box located in a similar position, the tax is to be computed by determining the amount for which a single seat in the same part of the house is sold, multiplying that amount by the number of seats in the box, and calculating the tax accordingly. The following examples (based upon a tax rate of 20 percent) will illustrate the application of the general rules of this section:

(B) By inserting at the end thereof the following new paragraph:

(b) *Rate of tax on permanent use or lease of boxes or seats.* The rates of tax applicable to the permanent use, or lease for the use, of a box or seat in any opera house or other place of amusement, are as follows:

Period of use:	Rate (percent)
July 1, 1940, to Mar. 31, 1944, inclusive	11
Apr. 1, 1944, to Mar. 31, 1954, inclusive	20
On or after Apr. 1, 1954:	
(1) Horse and dog race tracks	20
(2) All other places	10

The reduced rate of 10 percent for admission to "all other places" applies only in those cases where all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder can occur only on or after April 1, 1954, regardless of the time payment is made for the permanent use or lease of the box or seat. For special provisions relating to payment, credit, or refund of the admissions tax in cases where the tax was collected prior to April 1, 1954, at the 20 percent rate and all the performances or exhibitions can occur only on or after April 1, 1954, see § 101.43a.

PAR. 10. Immediately preceding § 101.9 there is inserted the following:

SEC. 201. TAX ON ADMISSIONS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(b) *Sales outside box office.* Section 1700 (c) (1) (relating to tax on sales outside box office) is hereby amended by striking out "11 per centum" and inserting in lieu thereof "10 per centum".

* * * * *

(g) *Admissions to certain race tracks.*

* * * * *

(3) Section 1700 (c) (relating to rate of tax on sales outside box office) is hereby amended—

(A) By striking out "paragraph (1) of subsection (a)" and inserting in lieu thereof "paragraph (1) or (3) of subsection (a)"; and

(B) By inserting after "per centum" the following: "(20 per centum if paragraph (3) of subsection (a) applies)".

* * * * *

SEC. 203. EFFECTIVE DATE OF TITLE II [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * The amendment made by subsection (b) [201[(b)] shall apply only with respect to amounts paid on or after April 1, 1954, for admissions on or after such date.

SEC. 504. TECHNICAL AMENDMENTS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Termination of tax rates under section 1650.* Section 1650 (relating to war tax rates of certain miscellaneous taxes) is hereby amended by inserting after "beginning with the effective date of title III of the Revenue Act of 1943" the following: "and ending March 31, 1954,".

* * * * *

SEC. 505. EFFECTIVE DATES [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(c) The amendment made by section 504 (a) shall apply—

* * * * *

(2) Insofar as it affects the rates of the taxes imposed by subsections * * * (c) * * * of section 1700 of the Internal Revenue Code, as though the rates listed under the heading "Old Rate" in the table in section 1650 of such Code were the rates established by the amendments made by title II of this Act;

* * * * *

PAR. 11. Section 101.11 (26 CFR 101.11), as amended by Treasury Decision 5349, is further amended as follows:

(A) By inserting immediately preceding the first sentence of paragraph (a) thereof "(a) *General rules:*".

(B) By striking out the second sentence of paragraph (a) and inserting in lieu thereof the following: "The tax is determined by applying the appropriate percentage to the amount by which the selling price exceeds the sum of the regular or established price and the tax thereon (see section 101.4). The appropriate percentages are: 20 percent, with respect to (1) an amount paid before April 1, 1954, for admission at any time, (2) an amount paid after March 31, 1954, for admission before April 1, 1954, (3) an amount paid on or after April 1, 1954, for admission on or after such date to a place if the principal amusement or recreation offered with respect to such admission is horse or dog racing at a race track; 10 percent, with respect to an amount paid on or after April 1, 1954, for admission on or after such date to any place of amusement other than a place where the principal amusement or recreation offered with respect to such admission is horse or dog racing at a race track."

(C) By changing paragraph (a) thereof to read as follows:

(b) In determining the amount of the excess charge, the amount of any tax imposed under section 1700 (a) (1) or (3) is always added to the regular or established price and the sum so obtained is subtracted from the selling price. The remainder represents the excess charge, and the applicable percentage rate of tax applies to that amount. Thus, by way of illustration, if a ticket broker sells for $6.00 a ticket or card of admission to a theater the regular or established price of which is $4.00, plus the applicable admission tax (80 cents or 40 cents, as the case may be), the excess charge and the tax due thereon are determined as follows:

	Sale by broker before Apr. 1, 1954	Sale by broker on or after Apr. 1, 1954, for admissions on or after such date
Established price	$4.00	$4.00
Admission tax (1 cent for each 5 cents)	.80	
Admission tax (1 cent for each 10 cents)		.40
Total	4.80	4.40
Sale price	6.00	6.00
Difference, representing taxable excess charge	1.20	1.60
Tax due at 20 percent	.24	
Tax due at 10 percent		.16

(D) By inserting "or (3)" immediately following "1700 (a) (1)" at the end of the first sentence of paragraph (f).

(E) By inserting immediately following paragraph (f) and immediately preceding the first example, the following new paragraph (g):

(g) The following examples (based upon a tax rate of 20 percent of the excess charge) will illustrate the application of this section:

PAR. 12. Section 101.12, as amended by Treasury Decision 5349, is further amended by inserting after the words "40 cents" in the parenthetical phrase of the first sentence of the example the following: ", based on the rate of 1 cent for each 5 cents or major fraction thereof", and by adding at the end of the example the following new sentence: "If in this example the broker resold the ticket on or after April 1, 1954, his liability for the tax on the excess charge over the established price would be 5 cents (that is, 10 percent of the 50 cents excess)."

PAR. 13. Immediately preceding § 101.13 there is inserted the following:

SEC. 201. TAX ON ADMISSIONS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(c) *Cabarets, roof gardens, etc.* The first sentence of section 1700 (e) (1) (relating to tax on cabarets, roof gardens, etc.) is hereby amended to read as follows: "A tax equivalent to 20 per centum of all amounts paid for admission, refreshment, service, or merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, by or for any patron or guest who is entitled to be present during any portion of such performance."

* * * * *

(g) *Admissions to certain race tracks.*

* * * * *

(4) The last sentence of section 1700 (e) (1) (relating to tax on cabarets, roof gardens, etc.) is hereby amended by striking out "subsection (a) (1)" and inserting in lieu thereof "paragraph (1) or (3) of subsection (a)".

* * * * *

SEC. 203. EFFECTIVE DATE OF TITLE II [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

The amendments made by section 201 * * * shall apply only with respect to amounts paid for admissions on or after April 1, 1954 * * *

* * * * *

SEC. 504. TECHNICAL AMENDMENTS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Termination of tax rates under section 1650.* Section 1650 (relating to war tax rates of certain miscellaneous taxes) is hereby amended by inserting after "beginning with the effective date of title III of the Revenue Act of 1943" the following: "and ending March 31, 1954,".

* * * * *

SEC. 505. EFFECTIVE DATES [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(c) The amendment made by section 504 (a) shall apply—

* * * * *

(2) Insofar as it affects the rates of the taxes imposed by subsections * * * (e) of section 1700 of the Internal Revenue Code, as though the rates listed under the heading "Old Rate" in the table in section 1650 of such Code were the rates established by the amendments made by title II of this act;

* * * * *

PAR. 14. Section 101.13, as amended by Treasury Decision 5385, approved June 30, 1944, is further amended by inserting in paragraph (h) "or (3)" immediately following "(a) (1)."

PAR. 15. Immediately preceding § 101.15 there is inserted the following:

SEC. 201. TAX ON ADMISSIONS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(h) *Certain athletic games for benefit of hospitals for crippled children.* Section 1701 (a) (2) (relating to nonexempt admissions) is hereby amended by striking out "between two elementary or secondary schools" and inserting in lieu thereof the following: "between teams composed of students from elementary or secondary schools".

(i) *Exemption of school or college athletic events.* Section 1701 (a) (2) (relating to nonexempt admissions) is hereby amended by adding at the end thereof the following new sentence: "Clauses (A) and (B) shall not apply in the case of any athletic event between educational institutions held during the regular athletic season for such event, if the proceeds therefrom inure exclusively to the benefit of such institutions."

(j) *Historic sites, museums, and planetariums.* Section 1701 (e) (2) (relating to exemption from admissions tax of historic sites) is hereby amended to read as follows:

(2) *Historic Sites, Museums, and Planetariums.* Any admission to an historic site, house, or shrine, to a museum of history, art, or science, to a planetarium, or to any exhibition in connection with any of the foregoing, operated—

(A) By any State or political subdivision thereof or by the United States or any agency or instrumentality thereof—if the proceeds therefrom inure exclusively to the benefit of the State, political subdivision, United States, agency, or instrumentality, or

(B) By any society or organization not organized for profit—if no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

For purposes of subparagraph (A), the term "State" includes Alaska, Hawaii, and the District of Columbia.

(k) *Certain amateur theater performances.* Section 1701 (relating to exemptions from the admissions tax) is hereby amended—

(1) By striking out the period at the end of subsection (e) and inserting in lieu thereof "; or"; and

(2) By adding at the end thereof a new subsection as follows:

(f) *Certain amateur theater performances.* Any admission to an amateur performance presented and performed by a civic or community theater group or organization—if no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

SEC. 203. EFFECTIVE DATE OF TITLE II [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

The amendments made by section 201 (other than subsection (b) thereof) shall apply only with respect to amounts paid for admissions on or after April 1, 1954. In addition, such amendments shall apply—

(1) In the case of any season ticket or subscription, only if all the admissions under such ticket or subscription can occur only on or after April 1, 1954; and

(2) In the case of the permanent use of a box or seat or a lease for the use of such box or seat, only if all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder can occur only on or after April 1, 1954.

The amendment made by subsection (b) shall apply only with respect to amounts paid on or after April 1, 1954, for admissions on or after such date.

PAR. 16. Section 101.15, as amended by Treasury Decision 6007, is further amended as follows:

(A) By amending paragraph (c) to read as follows:

(c) *Nonexempt admissions.* The exemptions provided by section 1701 (a) (1) in the case of events held for the benefit of the organizations specified therein (paragraph (b) (2) through (8) of this section) do not apply with respect to admissions to:

(1) *Athletic games or exhibitions*—(i) *Prior to April 1, 1954.* Any athletic game or exhibition held before April 1, 1954, unless the proceeds inure exclusively to the benefit of an elementary or secondary school; or unless, in the case of an athletic game between two elementary or secondary schools, the entire gross proceeds from such game inure to the benefit of a hospital for crippled children. (See paragraph (d) (6) (i) of this section.)

(ii) *On and after April 1, 1954.* Except as provided in paragraph (f), any athletic game or exhibition held on or after April 1, 1954, unless—

(a) The proceeds inure exclusively to the benefit of an elementary or secondary school; or

(b) In the case of an athletic game between two teams composed of students from elementary or secondary schools, the entire gross proceeds from such game inure to the benefit of a hospital for crippled children; or

(c) In the case of any athletic game or exhibition between educational institutions held during the regular athletic season for such event, the proceeds from such game or exhibition insure exclusively to the benefit of such participating institutions. Admissions to any athletic game or exhibition between educational institutions held other than during the regular season schedule for such athletic activity, such as a postseason game or exhibition, is not exempt from tax under this subdivision. (See paragraph (d) (6) (ii) of this section.)

(2) *Wrestling matches, prize fights, etc.*—(i) *Prior to April 1, 1954.* Any wrestling match, prize fight, or boxing, sparring, or other pugilistic match or exhibition, held before April 1, 1954, irrespective of the status of the participants, the character of the organization sponsoring the event, or to whom the admission proceeds are payable.

(ii) *On and after April 1, 1954.* Except as provided in paragraph (f), any wrestling match, prize fight, or boxing, sparring, or other pugilistic match or exhibition, held on or after April 1, 1954, irrespective of the status of the participants, the character of the organization sponsoring the event, or to whom the admission proceeds are payable, except that such event held between educational institutions during the regular athletic season for such event shall be exempt from tax if the proceeds therefrom inure exclusively to the benefit of the participating institutions. This exemption shall not apply to any such event held other than during the regular season schedule for such athletic activity. See paragraph (d) (7) of this section.

(3) *Carnivals, rodeos, or circuses.* Any carnival, rodeo, or circus in which any professional performer or operator participates for compensation. It is immaterial whether the professional performer or operator is paid for his services from the admission proceeds or from some other source.

(4) *Motion picture exhibitions.* Any motion picture exhibition.

(B) By amending paragraph (d) (5) to read as follows:

(5) *Historic sites, etc.*—(i) *Prior to April 1, 1954.* Admissions prior to April 1, 1954, to historic sites, houses, and shrines, and museums conducted in connection therewith, maintained and operated by a society or organization devoted to the preservation and maintenance of such historic sites, houses, shrines, and museums are exempt from tax, if no part of the net earnings thereof inures to the benefit of any private stockholder or individual. This exemption applies regardless of the disposition made of the proceeds from the admissions. Historic museums not maintained in connection with historic sites, houses, or shrines are not entitled to exemption with respect to admissions thereto.

(ii) *On and after April 1, 1954.* Except as provided in paragraph (f) of this section, admissions on or after April 1, 1954, to an historic site, house, or shrine, to a museum of history, art, or science, or to a planetarium, or to any exhibition in connection with any of the foregoing, is exempt from tax if:

(a) Operated by any State (including Alaska, Hawaii, and the District of Columbia) or any political subdivision thereof, or by the United States or any of its agencies or instrumentalities, provided that the proceeds derived therefrom inure to the benefit of such State, political subdivision, the United States, or its agency or instrumentality, or

(b) Operated by any society or organization not organized for profit provided that no part of the net earnings thereof inure to the benefit of any private stockholder or individual.

(C) By amending paragraph (d) (6) to read as follows:

(6) *Athletic events*—(i) *Prior to April 1, 1954.* Admissions to any athletic game or exhibition held before April 1, 1954, the proceeds of which inure exclusively to the benefit of an elementary or secondary school are exempt from tax. Admissions to any athletic game or exhibition held before April 1, 1954, between two elementary or secondary schools are exempt from tax, if the entire gross proceeds from such game inure to the benefit of a hospital for crippled children. For purposes of this exemption, the term "secondary school" includes any high school, or the equivalent thereof, through grade twelve.

(ii) *On and after April 1, 1954.* Except as provided in paragraph (f), admissions to—

(a) Any athletic game or exhibition held on or after April 1, 1954, the proceeds of which inure exclusively to the benefit of an elementary or secondary school, or

(b) Any athletic event or exhibition held on or after April 1, 1954, between teams composed of students from elementary or secondary schools, if the entire gross proceeds from such game inure to the benefit of a hospital for crippled children, or

(c) Any athletic event or exhibition between educational institutions held on or after April 1, 1954, and during the regular season schedule for that particular type of athletic activity, if the proceeds from such event inure exclusively to the benefit of the participating institutions,

are exempt from tax. For purposes of this exemption, the term "secondary school" includes any high school or the equivalent thereof through grade twelve.

(D) By adding at the end of paragraph (d) the following new subparagraphs (7) and (8):

(7) *Wrestling matches, prize fights, etc.* Except as provided in paragraph (f) of this section, admissions to any wrestling match, prize fight, or boxing, sparring, or other pugilistic match or exhibition between educational institutions held on or after April 1, 1954, and during the regular season schedule for that particular type of athletic activity are exempt from tax, if the proceeds from such event inure exclusively to the benefit of the participating institutions.

(8) *Amateur theater performances.* Except as provided in paragraph (f) of this section, admissions on or after April 1, 1954, to any amateur theater performance presented and performed by a civic or community group or organization devoted to the presentation of amateur theatricals are exempt from tax, if no part of the net earnings of such group or organization inures to the benefit of any individual or private stockholder. Within the meaning of this section, an amateur theater performance occurs when none of the performers having a part therein receive any compensation for their participation.

(E) By redesignating paragraph (f) thereof as paragraph (g).

(F) By adding after paragraph (e) the following new paragraph (f):

(f) *Effective date of certain exemptions under the Excise Tax Reduction Act of 1954 in the case of season tickets, etc.* The exemptions added to section 1701 by subsections (h), (i), (j), and (k) of section 201 of the Excise Tax Reduction Act of 1954 shall apply, in the case of a season ticket, subscription, permanent use of a box or seat, or lease for the use of such box or seat, only if all the admissions under such ticket or subscription, or all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder, can occur only on or after April 1, 1954. In the case of sales outside the box office, such exemptions shall apply only with respect to amounts paid on or after April 1, 1954, for admissions on or after such date.

PAR. 17. Section 101.18, as amended by Treasury Decision 5611, approved March 16, 1948, is further amended as follows:

(A) By changing the first table in example (1) to read as follows:

Established price	$1.00
Tax paid	.10
Total	1.10

(B) By changing the second table appearing in example (1) to read as follows:

Sold by
John Jones
27 West St., New York City

Sale price	$1.50
Tax paid	.10
Total sale price	1.60

(C) By changing the table appearing in example (2) to read as follows:

Sold by
Geo. Nelson
505 West 122 St., New York City

Sale price	$2.00
Tax paid	.10
Total sale price	2.10

PAR. 18. Section 101.21, as amended by Treasury Decision 5349, is further amended to read as follows:

§ 101.21 *Signs to be posted.* In the case of every place, admission to which is subject to tax, the proprietor or manager must keep conspicuously posted at the outer entrance and near the box office one or more signs accurately stating each of the prices of admission, and in the case of each such price the tax due and the sum total of the admission price and the tax.

Example. The following is an example of such a sign for use on and after April 1, 1954:

	Admission	Tax	Total
Box seats	$4.00	$0.40	$4.40
Orchestra	3.50	.35	3.85
Mezzanine	2.50	.25	2.75
Balcony	2.00	.20	2.20
Gallery (except last 4 rows)	1.00	.10	1.10
Gallery (last 4 rows)	.50	None	.50

PAR. 19. Immediately preceding § 101.22 there is inserted the following:

SEC. 202. TAX ON DUES [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Dues or membership fees.* Section 1710 (a) (1) (relating to tax on dues or membership fees) is hereby amended by striking out "11 per centum" and inserting in lieu thereof "20 per centum".

(b) *Initiation fees.* Section 1710 (a) (2) (relating to tax on initiation fees) is hereby amended by striking out "11 per centum" and inserting in lieu thereof "20 per centum".

SEC. 504. TECHNICAL AMENDMENTS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Termination of tax rates under section 1650.* Section 1650 (relating to war tax rates of certain miscellaneous taxes) is hereby amended by inserting after "beginning with the effective date of title III of the Revenue Act of 1943" the following: "and ending March 31, 1954,".

* * * * *

PAR. 20. Section 101.31 is amended by adding at the end of paragraph (d) thereof the following new sentence: "For special provisions relating to payment of the admissions tax collected prior to April 1, 1954, at the rate in effect prior to such date, for admissions on or after such date, see § 101.43a."

PAR. 21. Immediately preceding § 101.41 there is inserted the following:

SEC. 506. SPECIAL CREDIT OR REFUND OF * * * ADMISSIONS TAXES [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

Notwithstanding any other provision of law, in any case in which tax has been collected prior to April 1, 1954, at the rate in effect (without regard to the amendments made by this Act) prior to April 1, 1954, * * * for admissions (referred to in section 201, other than subsections (b), (c), and (g) thereof, of this Act) on or after April 1, 1954, the person who collected the tax shall pay the same over to the United States; but credit or refund (without interest) of the tax collected in excess of that applicable (by reason of the amendments made by this Act) on or after April 1, 1954, shall be allowed to the person who collected the tax as if such credit or refund were a credit or refund under the applicable provision of the Internal Revenue Code, but only to the extent that, * * * prior to the event to which the right to admission relates, he has repaid the amount of such excess to the person from whom he collected the tax, or has obtained the consent of such person to the allowance of the credit or refund. * * *

PAR. 22. Immediately following § 101.43 there is inserted the following new § 101.43a:

§ 101.43a *Special provisions relating to payment, credit, and refund under section 506 of the Excise Tax Reduction Act of 1954*—(a) *Requirement to pay over tax collected at the old rate.* Section 506 of the Excise Tax Reduction Act of 1954 requires every person to pay over to the United States any tax on admissions referred to in section 1700 (a) (1) or (b) collected by him prior to April 1, 1954, at the rate in effect prior to such date, for admissions on or after such date. See paragraph (b) of this section for rules relating to the credit or refund of the excess collection of such taxes.

(b) *Credit or refund*—(1) *In general.* Section 506 of the Excise Tax Reduction Act of 1954 provides that a credit or refund shall be allowed (as if such credit or refund were a credit or refund under the applicable provisions of the Internal Revenue Code) to any person who, prior to April 1, 1954, collected any tax on admissions referred to in section 1700 (a) (1) or (b), at the rate in effect prior to such date, for admissions on or after such date.

(2) *Amount.* The amount to be credited or refunded is the excess of the tax collected at the rate in effect prior to April 1, 1954, over the tax at the rate in effect on and after such date. A claim for refund may be filed on Form 843 for the amount of such excess, or credit for such amount may be taken against the tax shown to be due on a subsequent return. The claim for refund should be filed with the district director for the internal revenue district in which the amount claimed was paid.

(3) *Conditions precedent.* The credit or refund will be allowed only if all the following conditions are met:

(i) The tax has been collected at the rate in effect prior to April 1, 1954;

(ii) Such tax actually has been paid over to the United States by the person claiming the credit or refund; and

(iii) Prior to the event to which the right to admission relates, such person either has repaid the amount of such excess to the person from whom he collected the tax or has obtained the written consent of such person to the allowance of the credit or refund of such amount.

(4) *Evidence required.* In order to obtain a credit or refund under section 506 of the Excise Tax Reduction Act of 1954 and this section, the claimant must have satisfactory evidence to substantiate his right to such credit or refund, such as a signed, dated statement from the ticket purchaser showing his name and address and the fact that such purchaser has obtained a refund of the excess tax or has consented to the allowance of the credit or refund of such excess tax to the claimant.

(5) *Interest.* No interest shall be allowed with respect to any amount of tax refunded or credited under the provisions of this section.

[F. R. Doc. 55–4520; Filed, June 6, 1955; 8:52 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

[File No. 469]

COMMERCIAL DENTAL LABORATORY INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS ON PROPOSED TRADE PRACTICE RULES

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Commercial Dental Laboratory Industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than June 24, 1955. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., d. s. t., June 24, 1955, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through these proceedings is composed of persons, firms, corporations, and organizations engaged in the design, formulation, and fabrication under written or oral authority, and/or from impressions, casts, or models, of a licensed practitioner of dentistry, a licensed medical physician, or other authorized person, of orthodontic corrective appliances, prosthetic dental appliances, ceramic or plastic teeth encapments, cast-metal dental appliances, dental inlays, dental bridges, and other types of oral restorations.

These proceedings were instituted pursuant to an industry application and have for their purpose the establishment of a comprehensive set of trade practice rules directed to the maintenance of fair competitive conditions in the industry and to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission. A general trade practice conference for the industry was held in New Orleans, Louisiana, and this announced hearing constitutes a further step in the proceedings.

Issued: June 2, 1955.

By the direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–4517; Filed, June 6, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Gallup Area Office Redelegation Order 2, Amdt. 2]

CERTAIN FEDERAL AND STATE EMPLOYEES

REDELEGATION OF AUTHORITY; SPECIAL DEPUTY OFFICERS' COMMISSIONS

Order No. 2, as amended (19 F. R. 8675 and 20 F. R. 2894), is further amended as hereinafter indicated.

1. A new section is added under the heading "Functions Relating to Law and Order" in Part 2 to read as follows:

SEC. 2.151 *Special deputy officers' commissions.* The issuance of special deputy officers' commissions to Federal and State employees working under the supervision of the chief special officer for the suppression of traffic in liquor among Indians (62 Stat. 817; 18 U. S. C. 3055).

W. WADE HEAD,
Area Director.

Approved: June 1, 1955.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 55–4483; Filed, June 6, 1955; 8:48 a. m.]

Bureau of Land Management

[Eastern States Office Order 2]

DISTRICT FORESTER, RUSSELLVILLE, ARK.

DELEGATION OF AUTHORITY TO PERFORM CERTAIN FUNCTIONS

JUNE 1, 1955.

Pursuant to the authority contained in section 4.1 of Bureau Order No. 541 and subject to the limitations contained therein, the District Forester, Russellville, Arkansas, is authorized to perform, in his geographical area of jurisdiction and in accordance with existing policies, regulations and procedures of this Bureau and under the direct supervision of the Supervisor, Eastern States Office, the functions of the Director, Bureau of Land Management, listed below unless specifically limited.

(a) *Classification of lands.* Classify lands under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. sec. 315f), or pursuant to other laws.

(b) *Homesteads.* Take all actions on homesteads pursuant to 43 CFR Parts 166 to 170 inclusive.

(c) *Public sales.* Take all actions on public sales pursuant to 43 CFR Part 250, and other sales of land by competitive bidding when authorized by law.

(d) *Trespass.* Determine liability and accept damages for trespass on the public lands, and dispose of resources recovered in trespass cases for not less than the appraised value thereof; recommend to the United States Attorney (1) institution of suits arising out of trespass where the money judgment sought is not in excess of $1,000, and (2) compromise of such suits where the amount is not in excess of $500.

(e) *Timber and stone.* Take all actions on timber and stone entries pursuant to 43 CFR Part 285.

(f) *Material other than forest products.* Take all actions relating to any sale or contract for the sale of material other than forest products, or the free use of materials other than forest products, under 43 CFR Part 259.

(g) *Small tracts.* Take all actions with respect to small tracts, under the act of June 1, 1938 (52 Stat. 609), as amended by the act of June 8, 1954 (68 Stat. 239; 43 U. S. C. 682a).

This order supersedes Eastern States Office Order No. 1, dated October 20, 1954, which is hereby revoked.

C. R. DREXILIUS,
Supervisor,
Eastern States Office.

Approved:

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 55–4484; Filed, June 6, 1955; 8:46 a. m.]

Bureau of Reclamation

BOISE PROJECT, IDAHO

ORDER OF REVOCATION

SEPTEMBER 28, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of April 15, 1919, November 9, 1937, April 26, 1938 and June 23, 1943, in so far as said orders affect the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 7 N., R. 2 E.,
Sec. 03, SW¼NE¼ and NW¼SE¼;
Sec. 14, Lot 4 and NW¼SW¼;
Sec. 15, Lots 1, 2, 3, 4, and 5 and W½SE¼;
Sec. 22, SW¼NW¼;
Sec. 23, Lot 4;
Sec. 27, Lot 6 and NW¼NW¼.
T. 8 N., R. 2 E.,
Sec. 23, SW¼NE¼, SW¼SW¼ and SE¼SE¼;
Sec. 24, Lots 1, 2, 3 and 4, NW¼NE¼, SE¼NE¼, NW¼NW¼, SE¼NW¼ and W½SW¼;
Sec. 25, Lot 2, SW¼NE¼, S½NW¼, N½SW¼ and NW¼SE¼;
Sec. 26, Lots 1, 2 and 5;
Sec. 35, Lot 5.
T. 8 N., R. 3 E.,
Sec. 04, Lots 1, 2, 3 and 4, S½NE¼, S½NW¼ and N½SE¼;
Sec. 05, Lots 7, 8 and 9, NE¼SE¼ and S½SE¼;
Sec. 07, Lots 2 and 3, SE¼NW¼ and S½SE¼;
Sec. 08, Lots 3, 4, 7 and 8;
Sec. 17, Lots 1 and 2;
Sec. 18, Lots 2, 5, 6, 7 and 8, NE¼NE¼, S½NE¼, NE¼NW¼, NE¼SW¼ and NW¼SE¼;
Sec. 19, Lots 1 and 2, NE¼NE¼, S½NE¼, SE¼SW¼ and N½SE¼.
T. 9 N., R. 3 E.,
Sec. 21, N½NW¼, SE¼NW¼, NE¼SW¼ and S½SW¼;
Sec. 27, Lot 4, NE¼SW¼, S½SW¼ and SE¼;
Sec. 28, All;
Sec. 29, Lots 1, 2 and 3, E½NE¼, NW¼NW¼, S½NW¼, SW¼ and NW¼SE¼;
Sec. 32, Lots 1, 5, 6, 7 and 8, and W½;
Sec. 33, All.
T. 8 N., R. 4 E.,
Sec. 11, Lot 1 and SE¼;
Sec. 12, All.
T. 9 N., R. 4 E.,
Sec. 1, All;
Sec. 02, Lot 1, SE¼NE¼, N½SE¼ and SE¼SE¼;
Sec. 05, S½;
Sec. 06, All;
Sec. 07, All;
Sec. 08, All;
Sec. 11, NE¼NE¼, S½NE¼ and N½SE¼;
Sec. 12, All;
Sec. 13, Lot 4, N½, N½SW¼ and N½SE¼;
Sec. 17, Lots 1 and 2, W½NE¼ and NW¼;
Sec. 18, Lots 1, 2, 3 and 4, NE¼, E½NW¼, NE¼SW¼ and N½SE¼;
Sec. 19, Lots 1 and 2 and W½NE¼;
Sec. 28, NW¼SW¼ and S½SW¼;
Sec. 29, NE¼NE¼, S½NE¼ and SE¼;
Sec. 31, All;
Sec. 32, All;
Sec. 33, Lots 3 and 4, S½NW¼ and S½.

T. 10 N., R. 4 E.,
Sec. 01, All;
Sec. 02, All;
Sec. 03, All;
Sec. 06, Lots 1, 2, 6 and 7, S½NE¼, E½SW¼ and SE¼;
Sec. 07, Lots 1 and 2, NE¼ and E½NW¼;
Sec. 09, E½NE¼ and SE¼;
Sec. 10, All;
Sec. 11, All;
Sec. 12, W½NW¼;
Sec. 14, NW¼;
Sec. 15, E½;
Sec. 18, All;
Sec. 19, All;
Sec. 20, S½;
Sec. 25, All;
Sec. 29, N½NW¼ and SE¼NW¼;
Sec. 30, All;
Sec. 31, Lots 1, 2, 3 and 4, E½NW¼, E½SW¼ and SE¼SE¼.
T. 11 N., R. 4 E.,
Sec. 20, S½SE¼;
Secs. 25 to 30, inclusive, All;
Secs. 32 to 35, inclusive, All.
T. 8 N., R. 5 E.,
Sec. 01, SE¼;
Sec. 02, Lots 3 and 4 and S½NW¼;
Sec. 03, All;
Sec. 04, Lots 1, 2, 3 and 4, S½NE¼, S½NW¼ and SE¼;
Sec. 05, Lots 1, 2, 3 and 4, S½NE¼ and S½NW¼;
Sec. 07, Lots 3 and 4, and E½SW¼;
Sec. 12, NE¼ and S½.
T. 9 N., R. 5 E.,
Sec. 31, Lots 1, 2, 6 and 7, NE¼, E½NW¼ and N½SE¼;
Sec. 36, Lot 1, N½NE¼, SW¼NE¼ and NW¼.
T. 10 N., R. 5 E.,
Sec. 08, E½;
Sec. 18, All;
Sec. 19, All.
T. 8 N., R. 10 E.,
Sec. 12, All;
Sec. 13, All.
T. 11 N., R. 10 E.,
Sec. 17, All;
Sec. 20, All.
T. 9 N., R. 11 E.,
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All.
T. 8 N., R. 12 E.,
Sec. 07, All;
Sec. 08, All;
Sec. 17, All;
Sec. 18, All.
T. 16 N., R. 1 W.,
Sec. 21, NW¼NE¼, N½NW¼ and SW¼NW¼;
Sec. 28, SW¼NW¼;
Sec. 29, S½NE¼, S½NW¼, SW¼ and N½SE¼;
Sec. 32, NW¼NW¼, S½NW¼ and SW¼;
Sec. 33, S½SW¼ and S½SE¼.
T. 5 N., R. 2 W.,
Sec. 06, Lots 1, 2, 3 and 4;
Sec. 15, W½SW¼;
Sec. 17, N½NE¼;
Sec. 21, NE¼NE¼;
Sec. 22, NW¼NW¼.
T. 6 N., R. 3 W.,
Sec. 05, W½SW¼;
Sec. 06, NE¼SE¼;
Sec. 07, Lot 1;
Sec. 08, E½SE¼;
Sec. 15, Lots 1 and 2, and NE¼SW¼;
Sec. 26, S½NE¼ and E½NW¼.
T. 6 N., R. 4 W.,
Sec. 01, S½NW¼ and SW¼SW¼;
Sec. 02, S½NE¼ and SE¼SE¼;
Sec. 03, SE¼SE¼;
Sec. 10, N½NE¼, NE¼NW¼ and S½NW¼;
Sec. 11, N½;
Sec. 12, NW¼NE¼, SW¼NE¼, NW¼ and SE¼;
Sec. 14, E½NW¼ and NW¼SE¼;
Sec. 18, E½SW¼ and W½SE¼.
T. 7 N., R. 4 W.,
Sec. 30, Lot 4, E½SW¼ and SW¼SE¼;
Sec. 31, Lots 1 and 2, and E½NW¼;
Sec. 33, NW¼SW¼.
T. 6 N., R. 5 W.,
Sec. 12, SE¼;
Sec. 14, SW¼SE¼;
Sec. 26, SE¼NW¼ and NE¼SW¼;
Sec. 27, Lots 1 and 2, and E½NW¼.
T. 12 N., R. 5 W.,
Sec. 03, SE¼NW¼.
T. 13 N., R. 5 W.,
Sec. 09, All;
Sec. 10, W½;
Sec. 11, NW¼NE¼;
Sec. 15, W½NW¼;
Sec. 21, SW¼NW¼ and W½SW¼;
Sec. 27, NE¼SW¼.

The above areas aggregate approximately 45,692 acres.

H. F. McPHAIL,
Acting Commissioner.

[Misc. 1724268]

MAY 27, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The following-described lands, which comprise a part of the Boise National Forest, shall become subject to the public-land laws relating to national forest lands, subject to the provisions of any other withdrawals or reservations affecting the lands, at 10:00 a. m. on the 35th day after the date of this order:

BOISE MERIDIAN

T. 9 N., R. 3 E.,
Sec. 21, N½NW¼, SE¼NW¼, NE¼NW¼, NW¼SE¼;
Sec. 28, Lots 1, 2, 3, 4, 5, to 14 (inclusive);
Sec. 29, Lots 1, 2, 3, E½NE¼, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 32, Lots 1, 5, 6, 7, 8, W½;
Sec. 33, NW¼NE¼, N½NW¼, NE¼NE¼, S½NE¼, S½NW¼, S½.
T. 8 N., R. 4 E.,
Sec. 11, SE¼;
Sec. 12.
T. 10 N., R. 4 E.,
Secs. 1, 2 and 3;
Sec. 6, Lots 1, 2, 6, 7, S½NE¼, E½SW¼, SE¼;
Sec. 7, Lots 1 and 2, NE¼, E½NW¼;
Sec. 9, E½NE¼, SE¼;
Secs. 10 and 11;
Sec. 12, W½NW¼;
Sec. 14, NW¼;
Sec. 15, E½;
Secs. 18 and 19;
Sec. 20, S½;
Secs. 25 and 30;
Sec. 31, Lots 1, 2, 3, 4, E½W½.
T. 11 N., R. 4 E.,
Secs. 25 to 30 (inclusive);
Secs. 32 to 35 (inclusive).
T. 8 N., R. 5 E.,
Sec. 1, SE¼;
Sec. 2, Lots 3 and 4, S½NW¼;
Sec. 3;
Sec. 4, Lots 1, 2, 3, 4, S½N½, SE¼;
Sec. 5, Lots 1, 2, 3, 4, SE¼NE¼, S½NW¼;
Sec. 7, Lots 3 and 4, E½SW¼;
Sec. 12, NE¼, S½.
T. 9 N., R. 5 E.,
Sec. 31, Lots 1, 2, 6, 7, NE¼, E½NW¼, N½SE¼;
Sec. 36, Lot 1, N½NE¼, SW¼NE¼, NW¼.
T. 10 N., R. 5 E.,
Sec. 8, E½;
Secs. 18 and 19.
T. 8 N., R. 10 E.,
Secs. 12 and 13.
T. 11 N., R. 10 E.,
Secs. 17 and 20.
T. 9 N., R. 11 E.,
Secs. 11, 12, 13 and 14.
T. 8 N., R. 12 E.,
Secs. 7, 8, 17 and 18.

The areas described aggregate 29,207.73 acres.

Lot 1, sec. 15, T. 7 N., R. 2 E., is patented land.

The following-described lands are withdrawn for power purposes, or are otherwise reserved:

T. 7 N., R. 2 E.,
Sec. 14, Lot 4 and NW¼SW¼;
Sec. 15, Lots 2, 3, 4 and 5.
T. 8 N., R. 2 E.,
Sec. 24, Lots 1, 2, 3 and 4;
Sec. 25, Lot 2;
Sec. 26, Lots 1, 2 and 5;
Sec. 35, Lot 5.
T. 8 N., R. 3 E.,
Sec. 5, Lots 7, 8 and 9;
Sec. 8, Lots 3, 4, 7 and 8;
Sec. 17, Lots 1 and 2;
Sec. 18, Lots 5, 6, 7 and 8;
Sec. 19, Lots 1 and 2.

The areas described aggregate 764.90 acres.

Of the remaining lands aggregating approximately 16,480 acres, some are mainly range lands, generally rough and mountainous. Others are valuable for timber and still others are arable.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the restored lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C 279–284) as amended.

Veterans' preference-right applications under the said act of September 27, 1944, may be filed on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, including the mineral-leasing laws, filed on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

[F. R. Doc. 55–4459; Filed, June 6, 1955; 8:45 a. m.]

ANGOSTURA PROJECT, SOUTH DAKOTA

ORDER OF REVOCATION

MAY 12, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5005), I hereby revoke Departmental Order of April 16, 1941, insofar as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 8 S., R. 6 E.,
Sec. 21, NW¼NW¼.

The above area aggregates 40 acres.

E. G. NIELSEN,
Assistant Commissioner.

[Montana 013888 (SD)]

MAY 31, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in an allowed homestead entry for which final certificate has been issued.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

[F. R. Doc. 55–4506; Filed, June 6, 1955; 8:49 a. m.]

COLORADO RIVER STORAGE PROJECT AND YUMA PROJECT, ARIZONA

ORDER OF REVOCATION

APRIL 16, 1954.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of July 2, 1902, January 31, 1903, April 9, 1904, September 30, 1904, July 12, 1917, August 7, 1920 and March 14, 1929, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 10 S., R. 22 W.,
Secs. 4 and 5, all;
Sec. 6, Lots 1, 2, 3, 6 and 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Secs. 7 to 9 inclusive, and 16 to 18 inclusive, all.
T. 10 S., R 23 W.,
Sec. 1, E½SE¼;
Sec. 11, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, NW¼SE¼, S½SE¼;
Sec. 12, NE¼, E½E½NE¼NW¼, N½SE¼NW¼, SE¼SE¼NW¼, NE¼NE¼SW¼, S½NE¼SW¼, S½NW¼SW¼, S½SW¼, SE¼;
Secs. 13 to 15 inclusive, and 20 all;
Sec. 21, NE¼, S½;
Sec. 22, all;
Sec. 23, E½, S½NW¼, SW¼;
Secs. 24 to 28 inclusive, all;
Sec. 29, E½, E½W½;
Secs. 33 to 36 inclusive, all.
T. 11 S., R. 23 W.,
Secs. 1 to 4 inclusive, all;
Sec. 5, Lot 1, SE¼NE¼, E½SW¼, SE¼;
Secs. 7 to 30 inclusive, and 33 to 36 inclusive, all.
T. 12 S., R. 23 W., all.
T. 11 S., R. 24 W.,
Sec. 1, all.
Sec. 9, E½NE¼, SE¼;
Secs. 10 to 15 inclusive, all;
Sec. 16, E½;
Secs. 22 to 25 inclusive, all.

The above area aggregates 41,898.47 acres.

FLOYD E. DOMINY,
Acting Asst. Commissioner.

[Misc. 66879]

JUNE 1, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

Of the released lands, approximately 3,460 acres are State lands and about 1,353 acres are patented lands. The remaining lands are embraced in exchange application, Arizona 07257, filed by the State of Arizona under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal Land Program. The lands, therefore, are not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

W. G. GUERNSEY,
Associate Director,
Bureau of Land Management.

[F. R. Doc. 55–4507; Filed, June 6, 1955; 8:49 a. m.]

Fish and Wildlife Service

KIRWIN NATIONAL WILDLIFE MANAGEMENT AREA, KANSAS

NOTICE OF ESTABLISHMENT

Whereas a general plan was approved on June 17, 1954, under the provisions of the act of August 14, 1946, by the Kansas Forestry, Fish and Game Commission and the Secretary of the Interior for the management for wildlife purposes of the lands within the Kirwin Reservoir in Phillips County, Kansas; and

Whereas the lands of the Kirwin Reservoir were made available to the Fish and Wildlife Service for administration for wildlife purposes under the provisions of a cooperative agreement dated June 17, 1954, between the Bureau of Reclamation and the Fish and Wildlife Service:

Now, therefore, notice is hereby given that the United States Department of the Interior, by and through the Fish and Wildlife Service, having acquired control of the following lands in Phillips County, Kansas, will administer such lands as the Kirwin National Wildlife Management Area in accordance with the regulations contained in Parts 18, 21, and 32 of Title 50, Code of Federal Regulations. The Kirwin National Wildlife Management Area shall consist of all lands owned by or under the control of the United States within the following subdivisions:

T. 4 S., R. 16 W., Sixth Principal Meridian, Secs. 28, 29, 31, 32, and 33.
T. 4 S., R. 17 W.,
Secs. 21, 26, 27, 28, 33, 34, 35, and 36.
T. 5 S., R. 16 W.,
Secs. 4, 5, 6, 7, 8, 9, and 18.
T. 5 S., R. 17 W.,
Secs. 1, 2, 13, 23, 24, and 25.

Issued at Washington, D. C., and dated June 1, 1955.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 55–4482; Filed, June 6, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[Amdt. 1]

WHEAT

NOTICE OF REFERENDUM FOR MARKETING QUOTAS, 1956–57

The notice of the referendum for marketing quotas for the 1956–57 marketing year appearing in the FEDERAL REGISTER on May 18, 1955 (20 F. R. 3478), as corrected (20 F. R. 3572), is amended by adding a subparagraph (d) to paragraph 6, reading as follows:

(d) Any person whose religious beliefs forbid his voting on the day of the referendum may, at any time within 5 days prior to the date of the referendum, obtain one ballot form from the county office of the county in which he is eligible to vote and cast his ballot by signing his name thereto and leaving it (in a sealed envelope, marked "absentee ballot") at the county office.

Done at Washington, D. C., this 1st day of June 1955.

[SEAL] J. A. MCCONNELL,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–4526; Filed, June 6, 1955; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

FRUCHTEINFUHR UND REEDEREI-GESELLSCHAFT MIT BESCHRANKTER HAFTUNG ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to § 15 of the Shiping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8031, between Fruchteinfuhr und Reederei-Gesellschaft mit beschrankter Haftung, Import und Reederei-Gesellschaft mit beschrankter

Haftung, Willy Bruns G. m. b. H. Reederei, et al., provides for the establishment and maintenance of a joint cargo and passenger service under the trade name "Willy Bruns G. m. b. H. Reederei" (German Fruit Line), in the trades between Pacific Coast ports of the United States and British Columbia, and Continental European ports and Great Britain.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 2, 1955.

By order of the Federal Maritime Board.

[SEAL] THOS. E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55-4529; Filed, June 6, 1955; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7190]

TRANS-TEXAS AIRWAYS PERMANENT CERTIFICATE CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Trans-Texas Airways under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration and for permanent certification of all points served.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 13, 1955, at 10:00 a. m., e. d. s. t., in Room E-206, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., June 2, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-4521; Filed, June 6, 1955; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3669]

CHRISTIE MITCHELL & MITCHELL

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On October 14, 1954, the Commission issued its order suspending proposed changes in rates filed by Christie Mitchell & Mitchell (Applicant) in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

The Commission finds: It is proper and in the public interest that the proceedings in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15 and 16, a public hearing be held commencing June 20, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in these proceedings.

(B) Applicants shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Cities Service Gas Company;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Cities Service Gas Company; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in these proceedings. Upon completion thereof, other parties to these proceedings, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in these proceedings.

(E) Upon completion of the proceedings as provided in paragraphs (B) and (C), upon request of any party to the proceedings, including Commission Staff Council, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4488; Filed, June 6, 1955; 8:46 a. m.]

[Docket No. G-3940]

WUNDERLICH DEVELOPMENT CO.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On October 20, 1954, the Commission issued its order suspending proposed changes in rates filed by Wunderlich Development Company (Applicant) in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

The Commission finds: It is proper and in the public interest that the proceedings in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15 and 16, a public hearing be held commencing June 22, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in these proceedings.

(B) Applicants shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Cities Service Gas Company;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Cities Service Gas Company; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in these proceedings. Upon completion thereof, other parties to these proceedings, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in these proceedings.

(E) Upon completion of the proceedings as provided in paragraphs (B) and (C), upon request of any party to these proceedings, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4489; Filed, June 6, 1955; 8:47 a. m.]

[Docket No. G-4334]

MORRIS RAUCH ET AL.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On October 29, 1954, the Commission issued its order (as modified by order issued December 17, 1954) suspending proposed changes in rates filed by Morris Rauch, et al. (Applicant) in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transcontinental).

The Commission finds: It is proper and in the public interest that the proceeding in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly Sections 4, 14, 15 and 16, a public hearing be held commencing June 27, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Transcontinental;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Transcontinental; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (B) and (C), upon request of any party to the proceeding, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4490; Filed, June 6, 1955; 8:47 a. m.]

[Docket No. G-4335]

E. J. HUDSON ET AL.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On October 29, 1954, the Commission issued its order (as modified by order issued December 17, 1954) suspending proposed changes in rates filed by E. J. Hudson, et. al. (Applicant) in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transcontinental).

The Commission finds: It is proper and in the public interest that the proceeding in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15 and 16, a public hearing be held commencing June 28, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Transcontinental;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Transcontinental; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (B) and (C), upon request of any party to the proceeding, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4491; Filed, June 6, 1955; 8:47 a. m.]

[Docket No. G-4505]

BEL OIL CORP.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On November 4, 1954, the Commission issued its order (as modified by order issued January 17, 1955) suspending proposed changes in rates filed by Bel Oil Corporation (Applicant) in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transcontinental).

The Commission finds: It is proper and in the public interest that the proceeding in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15 and 16, a public hearing be held commencing July 6, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power

Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Transcontinental;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Transcontinental; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (B) and (C), upon request of any party to the proceeding, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4492; Filed, June 6, 1955; 8:47 a. m.]

[Docket No. G-5510]

FOREST OIL CORP.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On December 7, 1954, the Commission issued its order suspending proposed changes in rates filed by Forest Oil Corporation (Applicant) in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transcontinental).

The Commission finds: It is proper and in the public interest that the proceeding in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly Sections 4, 14, 15 and 16, a public hearing be held commencing July 7, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Transcontinental;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Transcontinental; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (B) and (C), upon request of any party to the proceeding, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (1.8 CFR and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4493; Filed, June 6, 1955; 8:47 a. m.]

[Docket No. G-6279]

MARACAIBO OIL EXPLORATION CORP.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On December 20, 1954, the Commission issued its order suspending proposed changes in rates filed by Maracaibo Oil Exploration Corporation (Applicant) in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transcontinental).

The Commission finds: It is proper and in the public interest that the proceeding in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15, and 16, a public hearing be held commencing July 12, 1955, at 10:00 a. m., e. d. s. t, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Transcontinental;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Transcontinental; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (B) and (C), upon request of any party to the proceeding, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4494; Filed, June 6, 1955; 8:47 a. m.]

[Docket No. G-6504]

TAYLOR OIL & GAS CO.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On December 29, 1955, the Commission issued its order suspending proposed changes in rates filed by Taylor Oil & Gas Company (Applicant) in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Trunkline Gas Company (Trunkline).

The Commission finds: It is proper and in the public interest that the proceedings in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly Sections 4, 14, 15 and 16, a public hearing be held commencing June 20, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Trunkline;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Trunkline; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (B) and (C), upon request of any party to the proceeding, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4495; Filed, June 6, 1955; 8:47 a. m.]

[Docket No. G-6510]

WESLEY WEST

NOTICE OF CONTINUANCE OF HEARING

MAY 27, 1955.

Upon consideration of the request of Counsel for the Applicant filed May 24, 1955, for continuance of the hearing now scheduled for June 8, 1955, in the above-designated matter;

Notice is hereby given that the hearing now scheduled for June 8, 1955, is hereby postponed to 9:30 a. m., d. s. t, July 11, 1955, in the Commission's Hearing room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4496; Filed, June 6, 1955; 8:47 a. m.]

[Docket No. G-8288]

SUN OIL CO.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On January 28, 1955, the Commission issued its order (as modified by order issued March 31, 1955) suspending proposed changes in rates filed by Sun Oil Company (Applicant) in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transcontinental).

The Commission finds: It is proper and in the public interest that the proceeding in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly Sections 4, 14, 15 and 16, a public hearing be held commencing July 14, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Transcontinental;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Transcontinental; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceedings, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceedings as provided in paragraphs (B) and (C), upon request of any party to the proceedings, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4497; Filed, June 6, 1955; 8:47 a. m.]

[Docket No. G-8488]

SOHIO PETROLEUM CO.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On February 18, 1955, the Commission issued its order suspending proposed changes in rates filed by Sohio Petroleum Company (Applicant) in the foregoing designated docket, pertaining to sales of natural gas in interstate com-

merce to Transcontinental Gas Pipe Line Corporation (Transcontinental).

The Commission finds: It is proper and in the public interest that the proceeding in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15 and 16, a public hearing be held commencing July 18, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Transcontinental;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Transcontinental; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (B) and (C), upon request of any party to the proceeding, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-4498; Filed, June 6, 1955; 8:48 a. m.]

[Docket No. G-8519]

ASSOCIATED OIL & GAS CO.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On March 2, 1955, the Commission issued its order suspending proposed changes in rates filed by Associated Oil & Gas Company (Applicant) in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Trunkline Gas Company (Trunkline).

The Commission finds: It is proper and in the public interest that the proceeding in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in this proceeding.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15 and 16, a public hearing be held commencing June 28, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in this proceeding.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in this proceeding as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(1) Full details of the facilities at the point or points of deliveries to Trunkline;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Trunkline; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in this proceeding. Upon completion thereof, other parties to the proceeding, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in this proceeding.

(E) Upon completion of the proceeding as provided in paragraphs (B) and (C), upon request of any party to the proceeding, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)),

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-4499; Filed, June 6, 1955; 8:48 a. m.]

[Docket No. G-8969]

TEXAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Texas Company (Applicant) on April 27, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown: [1]

Description	Purchaser	Rate schedule designation	Effective date
Notice of change, dated Apr. 22, 1955.	United Gas Pipe Line Co., Duck Lake Field, St. Mary and St. Martin Parishes, La.	Supplement No. 2 to applicant's FPC gas rate schedule No. 102.	June 1, 1955

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until November 1, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.[2]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-4502; Filed, June 6, 1955; 8:48 a. m.]

[Docket No. G-8550]

DAVIDOR & DAVIDOR

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On March 8, 1955, the Commission issued its order suspending proposed changes in rates filed by Davidor & Davidor (Applicant) in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

The Commission finds: It is proper and in the public interest that the proceedings in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in these proceedings.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 14, 15 and 16, a public hearing be held commencing June 23, 1955, at 10:00 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in these proceedings.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in these proceedings as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Cities Service Gas Company;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Cities Service Gas Company; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in these proceedings. Upon completion thereof, other parties to these proceedings, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

[2] Commissioner Digby dissented in opinion.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in these proceedings.

(E) Upon completion of the proceedings as provided in paragraphs (B) and (C), upon request of any party to the proceedings, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-4500; Filed, June 6, 1955; 8:48 a. m.]

[Docket No. G-8715]

HARPER-TURNER OIL CO. ET AL.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On April 5, 1955, the Commission issued its order suspending proposed changes in rates filed by Harper-Turner Oil Company, et al. (Applicant), in the foregoing designated docket, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

The Commission finds: It is proper and in the public interest that the proceedings in the foregoing designated docket be set for hearing and that prior thereto Applicant shall submit the hereinafter specified material to the Commission for consideration in these proceedings.

The Commission orders:

(A) Pursuant to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly Sections 4, 14, 15 and 16, a public hearing be held commencing June 27, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in these proceedings.

(B) Applicant shall submit to the Commission, at least 5 days prior to the commencement of the hearing in these proceedings as herein provided, 5 copies of maps verified by a responsible officer of Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Cities Service Gas Company;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of delivery to Cities Service Gas Company; and,

(iii) Important pipeline facilities such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) At the hearing, Applicant shall go forward first and shall present its complete case-in-chief with respect to the issues in these proceedings. Upon completion thereof, other parties to these proceedings, including Commission Staff Counsel, may proceed with such cross-examination as they are prepared to conduct.

(D) Following the presentation of Applicant's case and such cross-examination as is provided in paragraph (B), other parties may present such testimony and evidence as they are prepared to offer with respect to the issues in these proceedings.

(E) Upon completion of the proceedings as provided in paragraphs (B) and (C), upon request of any party to the proceedings, including Commission Staff Counsel, the hearing may be recessed by the Presiding Examiner to prepare for full cross-examination and the preparation of testimony and evidence which such parties desire to offer.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-4501; Filed, June 6, 1955; 8:48 a. m.]

[Project No. 2128]

EAST BAY MUNICIPAL UTILITY DISTRICT

NOTICE OF LAND WITHDRAWAL; CALIFORNIA

MAY 26, 1955.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2128 for which completed application for preliminary permit was filed February 25, 1953, by the East Bay Municipal Utility District 512 16th Street, Oakland 12, California. Under said section 24 these lands are, from said date of filing, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

COMANCHE RESERVOIR

T. 4 N., R. 9 E.,
Sec. 10, N½NE¼.
T. 4 N., R. 10 E.,
Sec. 5, lot 2, SW¼NE¼;
Sec. 8, NE¼NW¼NW¼.

MIDDLE BAR RESERVOIR

T. 5 N., R. 11 E.,
Sec. 1, NE¼SE¼, SW¼SE¼;
Sec. 3, lot 5;
Sec. 10, lots 2, 4, 17 and unpatented portions of lot 13;
Sec. 15, SE¼SE¼.
T. 5 N., R. 12 E.,
Sec. 5, lots 3, 4, 12, 13;
Sec. 6, lots 1, 5, 6, 8, S½NE¼, SE¼NW¼.

T. 6 N., R. 12 E.,
Sec. 32, lots 1, 2, S½NE¼SE¼, SW¼SW¼;
Sec. 33, SE¼NE¼.

RAILROAD FLAT RESERVOIR

T. 6 N., R. 13 E.,
Sec. 13, S½, including the Klondyke Mining Claim;
Sec. 23, lot 10 and the Eberhardt Mining Claim;
Sec. 24, unpatented portions of E½NE¼;
Sec. 25, W½SW¼;
Sec. 26, unpatented portions of lot 5, SE¼SE¼.
T. 6 N., R. 14 E.,
Sec. 18, unpatented portions of lots 3, 4 and those portions of the SE¼SW¼ within the Lone Point and Victor Mining Claims;
Sec. 19, lots 1, 2, 3, 6, S½NE¼, SE¼NW¼, NE¼SW¼ and the unpatented Fairview Construction Mining Claim;
Sec. 20, W½SW¼.

The area reserved by the filing of this application is approximately 1943.54 acres of which 1400.76 acres have been heretofore withdrawn in Power Site Reserves Nos. 87, 325 and 710 or in connection with applications for earlier projects Nos. 284, 411, 593 and 1134.

A photostatic copy of each of five sheets of the project map (FPC No. 2128 sheets 1 to 5) is being transmitted to the Bureau of Land Management and Geological Survey.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4487; Filed, June 6, 1955; 8:46 a. m.]

[Docket No. G-8970]

BLACKWELL OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Blackwell Oil & Gas Company (Applicant) on April 28, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown: [1]

Description	Purchaser	Rate schedule designation	Effective date
Notice of change, Apr. 25, 1955.	Louisiana-Nevada Transit Co., Cotton Valley Field, Webster Parish, La.	Supplement No. 1 to applicant's FPC gas rate schedule No. 1.	May 29, 1955

The increased rates and charges proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until October 29, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: May 25, 1955.

Issued: May 27, 1955.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4503; Filed, June 6, 1955; 8:48 a. m.]

[2] Commissioner Digby dissented in opinion.

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1677]

PARKE, DAVIS & CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of June 1955.

The Boston Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in Common Stock, No Par Value, of Parke, Davis & Company, a security listed and registered on the New York and Detroit Stock Exchanges.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 17, 1955, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-4504; Filed, June 6, 1955; 8:49 a. m.]

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 2, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30705: Gypsum lath—Medicine Lodge, Kans., to South. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on gypsum lath and gypsum backing boards, laminated or not laminated, carloads, from Medicine Lodge, Kans., to specified points in Alabama and Mississippi.

Ground for relief: Circuitous routes.

Tariff: Supplement 2 to Agent Kratzmeir's I. C. C. 4142.

FSA No. 30706: Starch or dextrine—Illinois Territory to Savannah and Port Wentworth, Ga. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on starch or dextrine, carloads, from St. Louis, Mo., East St. Louis, Chicago, Pekin, and Peoria, Ill., Clinton, Iowa, and other specified points in Illinois territory to Savannah and Port Wentworth, Ga.

Grounds for relief: Destination rate relations with Gulf Ports and circuity.

Tariffs: Supplement 215 to Agent Spaninger's I. C. C. 1062; Supplement 39 to Agent Raasch's I. C. C. 784.

FSA No. 30707: Commodities between points in Texas. Filed by J. F. Brown, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads and iron pipe-thread protecting rings, carloads, between points within Texas (via interstate routes).

Grounds for relief: Short-line distance formula, circuity and intrastate competition.

Tariff: Supplement 74 to Agent Brown's I. C. C. 807.

AGGREGATE OF INTERMEDIATES

FSA No. 30708: Commodities between points in Texas. Filed by J. F. Brown, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, and pipe, thread protecting rings, iron, carloads, between points within Texas (interstate routes).

Grounds for relief: To meet Texas intrastate rates without use of such rates as factors from or to points without Texas.

Tariff: Supplement 74 to Agent Brown's I. C. C. 807.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-4512; Filed, June 6, 1955; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 16217, Amdt.]

FRIEDA HOGEMANN

In re: Estate of Frieda Hogemann, also known as Frieda Klamp Hogemann, also known as Frida Klamp Hogemann, deceased. File No. F-28-2787.

Vesting Order 16217 dated December 6, 1950 is amended so that paragraphs 1 through 5 shall read as follows:

1. That Emilie Bredehorst also known as Milly Meyer Bredehorst, also known as Emilie Johanna Visurgis Bredehorst, nee Meyer, Ama Suhr Hille, also known as Almata Hille, nee Suhr, Anny Suhr Landreh, also known as Anna Louise Landreh, nee Suhr, Grete Suhr, Heinrich Suhr, also known as Heinz Suhr, also known as Heinrich Johann Suhr, Julie Klamp, Bertha Klamp Stoephasios, Tertia Rose Sager, Martha Rose Ahrens, Mrs. Papenbrock (first name unknown), Ilse Muller-Ahrens, Mrs. Dr. of Medicine (Heincke) Busch, also known as Edith Busch, nee Meincke, August Ortgies, Sophie Klein, Gretchen Bovekamp, Ilse Blanke, Bernhard Blanke, Jr., Annie Osterbuhr, August Weidenback, Richard Jansen, Hans Jansen, also known as Anton Kurt Victor Hans Jansen, Heinz Landreh, Jr., also known as Heinrich Landreh, Grete Sonnemann Jansen, also known as Margarete Grete Jansen, nee Sonnemann, Martha Aumund Tastrow, also known as Martha Zastrow, nee Glawon, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, issue, heirs-at-law, next-of-kin, legatees and distributees of Amalie Suhr, (nee Hogemann) deceased, and of Irma Jansen (nee Meyer), deceased, except Irma Jansen Martin, also known as Mann Jansen Martin, and Rolf Jansen, residents of the United States, and the domiciliary personal representatives, issue, heirs-at-law, next-of-kin, legatees and distributees, if any, of the other persons described in paragraph one hereof, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named or covered in subparagraphs 1 and 2 hereof, and each of them except Irma Jansen Martin, also known as Mann Jansen Martin, and Rolf Jansen, residents of the United States, in and to the Estate of Frieda Hogemann, also known as Frieda Klamp Hogemann, also known as Frida Klamp Hogemann, also known as Frieda Hoegemann, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Marianne Wilder, as administratrix, c. t. a., acting under the judicial supervision of the Superior Court of Los Angeles County, California; and it is hereby determined;

5. That to the extent that the persons named in subparagraphs 1 and 2 hereof except Irma Jansen Martin, also known as Mann Jansen Martin and Rolf Jansen, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All other provisions of said Vesting Order 16217 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 1, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55-4513; Filed, June 6, 1955; 8:50 a. m.]

[Vesting Order 17997, Amdt.]

CREDIT SUISSE

In re: Accounts maintained in the name of Credit Suisse, Zurich, Switzerland and owned by persons whose names are unknown. F-63-60 (Zurich).

Vesting Order 17997, dated June 5, 1951, is hereby amended as follows and not otherwise:

By adding to column III of Exhibit A attached thereto and by reference made a part thereof the following: "$573,000 European Mortgage Corporation Series C 7% Income Bonds due September 15, 1967, which, according to the information submitted by Credit Suisse in its report on Form OAP-700 bearing its serial No. 27 and in its letter of July 27, 1951 is the property of persons domiciled in Hungary."

All other provisions of said Vesting Order 17997 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 1, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55-4514; Filed, June 6, 1955; 8:50 a. m.]

KIMIKO KOIKE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kimiko Koike, 31 Shiba-shinbori-cho, Minato-ku, Tokyo, Japan, Claim No. 60969; Vesting Order No. 4910; $889.51 in the Treasury of the United States.

Executed at Washington, D. C., on May 26, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4515; Filed, June 6, 1955; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 20 NUMBER 111

Washington, Wednesday, June 8, 1955

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

MISCELLANEOUS AMENDMENTS

On March 23, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 1740) regarding the proposed amendment of §§ 27.1, 27.9, 27.14, 27.24, 27.28, 27.67, 27.82, 27.86, and 27.92 of the regulations relating to cotton classification (7 CFR 27.1, 27.9, 27.14, 27.24, 27.28, 27.67, 27.82, 27.86, and 27.92, as amended) issued pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (Public Law 591, 83d Congress, 68A Stat.).

After consideration of all relevant matters presented pursuant to the notice, said regulations are hereby amended as follows, pursuant to the authority contained in the provisions of the Internal Revenue Code cited above.

1. Section 27.1 (i) is amended to read:

(i) *Appeal Board of Review Examiners.* The Appeal Board of Review Examiners at Memphis, Tennessee.

2. Section 27.9 is amended to read:

§ 27.9 *Boards of cotton examiners; Appeal Board.* Boards of cotton examiners shall be maintained at points designated for the purpose by the Administrator. The members of such boards and the chairman of each shall be designated by the Administrator. The Appeal Board of Review Examiners established at Memphis, Tennessee and committees of such board authorized to serve at other points will review the classification of any cotton in accordance with §§ 27.61 to 27.72. A Board of Supervising Cotton Examiners shall perform duties as assigned.

3. Section 27.14 is amended to read:

§ 27.14 *Filing of classification requests.* Requests for classification shall be filed with the chairman of the board of cotton examiners through the exchange inspection agency at the point where the cotton is sampled and shall be transmitted to the chairman by the exchange inspection agency in accordance with procedures approved by the Administrator or his representative. If there is no board of cotton examiners at the point where the cotton is sampled, requests shall be filed through a supervisor of cotton inspection or the exchange inspection agency at such point, or at some other place designated in particular cases by the Administrator. Requests for classification shall be filed within 30 days after sampling and before classification of the samples.

4. Section 27.24 is amended to read:

§ 27.24 *Delivery of samples of cotton.* The original sample from each bale to be classified shall be delivered to the board of cotton examiners with which the classification request was filed, at its classification room. If there is no board of cotton examiners at the point where the cotton is sampled, the samples shall be delivered to a supervisor of cotton inspection or to the exchange inspection agency at such point, for forwarding to the proper board. No samples covered by pending classification requests which are ready for delivery as provided for herein shall be withheld from such delivery except as authorized in writing by the chairman of the board of cotton examiners or the Administrator.

5. Section 27.28 is amended to read:

§ 27.28 *Removal of original sample; conditions.* The original sample may be removed by the holder of the cotton class certificate covering the cotton represented by such sample at any time within two weeks after whichever of the following occurs first: (a) Such certificate becomes invalid as provided in § 27.42 or (b) the certificate (covering tenderable cotton) is surrendered for cancellation without the issuance of a new certificate in lieu thereof, or (c) the cotton is classified as untenderable and an application for review is not filed within the time specified in § 27.62, or (d) the classification of the cotton is reviewed, or (e) a period of one year elapses following the date of issuance of the original cotton class certificate: *Provided*, That the chairman of the board of cotton examiners may for good cause retain the samples for a longer period.

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end ($2.25)
Title 8 ($0.45)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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6. Section 27.67 is amended to read:

§ 27.67 *Use of new samples in reviews.* Unless the use of new samples shall be necessary in the judgment of the chairman of the board of cotton examiners, a review pursuant to §§ 27.61 to 27.72 shall be made by reference to the samples, if any, of the cotton involved in the possession of the board; but if a review is requested more than one year after the date of original certification of the cotton involved, or if there are no samples of such cotton in the possession of the board, the person requesting the review shall cause new samples to be drawn for the purpose and submitted to such board in accordance with this subpart.

7. Section 27.82 is amended to read:

§ 27.82 *Fees; review of classification.* For the review of the classification of any cotton, the fee shall be 35 cents per bale, which shall cover the review and any expense incident to forwarding and returning samples or other additional expense connected therewith, whether the review classification is performed by the Appeal Board of Review Examiners at Memphis, Tennessee, or by a committee of such board functioning in the field.

8. Section 27.86 is amended to read:

§ 27.86 *Proceeds from sale of samples and loose cotton.* Samples not removed in accordance with this subpart and loose cotton separated from the samples in the handling and classification thereof by a board shall become the property of the Department of Agriculture. Such cotton shall be disposed of in the manner prescribed by the property regulations of the Department of Agriculture.

9. Section 27.92 is amended to read:

§ 27.92 *Method of payment; advance deposit.* Any payment or advance deposit under this subpart shall be by check, draft, or money order, payable to the order of "Agricultural Marketing Service, USDA," and may not be made in cash except in cases where the total payment or deposit does not exceed $1.

The primary purposes of the amendments are to (1) require that requests for classification of samples be filed within 30 days after the date upon which the samples were drawn from the cotton instead of within one year as specified in the present regulations; (2) clarify procedures for filing classification requests and submitting samples for classification; (3) change conditions and time limits under which samples in the custody of the Department of Agriculture may be removed by the owner of such samples; (4) require new samples for review classification purposes when a review classification is requested more than one year after the date of the original certification (present regulations require new samples when a review classification is requested after two years from the date of the original certification); and (5) provide that checks, drafts, or money orders for payment of costs in connection with classification of cotton be made payable to "Agricultural Marketing Service, USDA" instead of "Treasurer of the United States." The amendments would also make changes necessitated by the transfer of the headquarters of the Appeal Board of Review Examiners from Washington, D. C., to Memphis, Tennessee.

The foregoing amendments shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 4863, 68A Stat. 582; 26 U. S. C. 4863)

Done at Washington, D. C., this 3d day of June 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-4578; Filed, June 7, 1955; 8:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 475—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

ADDITIONAL CONDITION OF ADMISSION

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Section 475.3 is amended by redesignating existing paragraph (d) as (e) and by adding a new paragraph (d) which, when taken with the introductory material, will read as follows:

§ 475.3 *Conditions of admission.* Any alien who applies for admission into the United States under the provisions of Title V of the Agricultural Act of 1949, as amended, and the provisions of this part, must:

* * * * *

(d) Comply with and continue to fulfill all of the terms, conditions, and requirements of his individual work contract.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order is an interpretative rule.

Dated: June 3, 1955.

J. M. SWING,
Commissioner of
Immigration and Naturalization.

[F. R. Doc. 55-4598; Filed, June 7, 1955; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

STATUTORY PROVISIONS

Sections 536.90 and 536.100 are amended to include the following, approved by the Secretary of Defense on May 11, 1955:

§ 536.90 *Statutory provisions.* * * * *Provided further,* that with respect to land acquired subsequent to July 27, 1954, reimbursement is restricted to those owners and tenants who used such land for residential or agricultural purposes.

§ 536.100 *Statutory provisions.* * * * *Provided further,* that with respect to land acquired subsequent to July 27, 1954, reimbursement is restricted to those owners and tenants who used such land for residential or agricultural purposes.

[Regs., 21 October 1954, 601.1 (Resettlement) ENGLU] (Sec. 509, 68 Stat. 562)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-4530; Filed, June 7, 1955; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

SAN FRANCISCO BAY, SAN PABLO BAY, CARQUINEZ STRAIT, SUISUN BAY, SAN JOAQUIN RIVER, AND CONNECTING WATERS, CALIF.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.224 establishing and governing the use and navigation of anchorages in San Francisco Bay and tributary waters, California, is hereby revised to include maximum limits on the quantity of explosives which may be present at any one time in an anchorage, the relocation of explosives anchorages No. 13 and 14, revocation of explosives anchorage No. 16, and other minor modifications and editorial changes, as follows:

§ 202.224 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.*—(a) *San Francisco Bay*—(1) *Anchorage 1 (general).* (i) That portion of San Francisco Bay bounded by the north shore of the City of San Francisco and lines joining points which are the following bearings and distances from Alcatraz Light: 201° 40', 2,670 yards; 220° 20', 1,800 yards; 251°, 4,210 yards; 234° 30', 4,410 yards.

(ii) All of this area is a general anchorage with the exception of a 333-yard wide cable area therein.

(2) *Anchorage 2 (general).* That portion of Richardson Bay north of a line bearing 257° from Peninsula Point to the shore at Sausalito, except so much of this area as is included in Naval Anchorage 11 and the improved channel to, and the turning basin at, Sausalito.

(3) *Anchorage 3 (general).* That portion of Belvedere Cove west of a line bearing 25° 30' from Peninsula Point to the shore at Tiburon.

(4) *Anchorage 4 (general).* Bounded by the westerly shore of San Francisco Bay and the following lines: Beginning on shore at Bluff Point; thence to a point bearing 286°, 3,630 yards, from Southampton Shoal Light; thence to a point bearing 228°, 4,450 yards from East Brother Island Light; thence along a line bearing 266° to the shore south of Point San Quentin. Excluded from this anchorage are the portions of the following areas included therein: The restricted area at the Naval Net Depot, Tiburon (see § 207.640 (h) of this chapter); Quarantine Anchorage 17 when being used for quarantine purposes; and Explosives Anchorage 13 and the forbidden anchorage zone surrounding it.

(5) *Anchorage 5 (general).* (i) Bounded by the easterly shore of San Francisco Bay and the following lines:

Beginning at the shoreward end of the Standard Oil Wharf at Point Orient; thence along the wharf to the southwest corner thereof; thence to a point bearing 334° 30′, 4,050 yards, from Southampton Shoal Light; thence along a line bearing 93° to the shore; except so much of this area as is included in the restricted area. Naval Fuel Annex, Molate Point (see § 207.640 (i) of this chapter), and the improved channel to Richmond Inner Harbor.

(ii) Vessels may anchor in this anchorage immediately adjacent to the improved channel to Richmond Inner Harbor: *Provided*, That any ship obstructing the channel must move from its position immediately if and when the fairway is required by a vessel navigating the channel.

(6) *Anchorage 6 (general)*. Bounded by the easterly shore of San Francisco Bay and the following lines: Beginning at the shore at the southernmost extremity of Point Isabel; thence along the northerly shore of Brooks Island to the training wall extending westerly therefrom; thence westerly along the training wall to its bayward end; thence to a point bearing 104°, 1,035 yards, from Treasure Island North End Light; thence along a line bearing 144° 30′ to a point 290 yards northerly of the center of Pier K of the San Francisco-Oakland Bay Bridge; thence along a line bearing 71° to the shore; excluding from this area, however, the cable areas therein.

(7) *Anchorage 7 (temporary)*. (i) That portion of San Francisco Bay bounded by the westerly shore of Treasure Island and the following lines: Beginning at the most westerly corner of Treasure Island at a point bearing 89°, 4,135 yards, from Alcatraz Light; thence to points which are the following bearings and distances from Alcatraz Light: 73° 30′, 3,100 yards; 117° 40′, 2,087 yards; 122° 30′, 3,730 yards; 101° 40′, 4,783 yards.

(ii) That portion of this anchorage lying westerly of a line having a bearing of 311° 30′ from Pier E of the San Francisco-Oakland Bay Bridge and passing through Point Knox Light on Angel Island, is reserved for the use of vessels while undergoing examination by quarantine, customs, immigration, Coast Guard, and other governmental authorities. Upon completion of these examinations, vessels shall promptly move out of this portion of the anchorage.

(iii) That portion of this anchorage lying easterly of the said line, having a bearing of 311° 30′ from Pier E of the San Francisco-Oakland Bay Bridge, is for use of vessels undergoing examination, as in subdivision (ii) of this subparagraph, and also for use of vessels requiring a temporary anchorage. Vessels shall not remain in this portion of the anchorage for longer than 36 hours.

(8) *Anchorage 8 (general)*. That portion of San Francisco Bay east of the City of San Francisco, the corners of which are the following bearings and distances from the center of the anchor pier (Pier C) of the San Francisco-Oakland Bay Bridge: 118°, 2,635 yards; 175° 30′, 2,420 yards; 172°, 3,470 yards; and 168°, 3,520 yards.

(9) *Anchorage 9 (general)*. Bounded on the north by the shore, the breakwater and turning basin at the Naval Air Station, Alameda, and a line from Air Station Channel Lighted Buoy 6 to Air Station Channel Entrance Lighted Buoy 2; bounded on the west by a line beginning at Air Station Channel Entrance Lighted Buoy 2, thence to a point bearing 17°, 4,050 yards, from Hunters Point Light, thence to a point bearing 343° 30′, 4,000 yards, from Hunters Point Light, and thence to a point bearing 343° 30′, 3,330 yards, from Hunters Point Light, and thence 146°; bounded on the south by a line 1,000 yards northerly from and parallel to the Hayward-San Mateo Bridge; and bounded on the east by the shore, including all of San Leandro Bay. The following areas are excluded from this anchorage: The seaplane restricted area, Naval Air Station, Alameda (described in § 207.640 (e) of this chapter); Explosives Anchorage 14, Explosives Storage Anchorage 15, and the forbidden anchorage zone surrounding each of these two anchorages.

(10) *Anchorage 9–A (general)*. Shoreward of the following lines: Beginning at the outer end of the south fender of the former automobile ferry slip at the end of the Alameda Mole; thence 270°, 400 yards; thence 216°, approximately 2,000 yards; thence along a line bearing 127° from Alcatraz Light, 1,200 yards; thence 36° to the shore.

(11) *Anchorage 10 (naval)*. (i) The triangular-shaped area immediately east of Sausalito northwest of a line bearing 234° from Point Stuart Light, and southwest of a line bearing 303° from Alcatraz light.

(ii) This anchorage is for the use of public vessels of the United States, but may be used by yachts when not required for use by public vessels. All yachts making use of this anchorage shall be prepared to move immediately upon notice should the anchorage be required for public vessels. With the permission of the District Commander or Captain of the Port, permanent yacht moorings may be placed within this anchorage, not more than 300 yards from the shore.

NOTE: As used in this section, the term "District Commander" means the Commander, Twelfth Coast Guard District, and the term "Captain of the Port" means the officer who has been designated by the Commandant, U. S. Coast Guard, as Captain of the Port, San Francisco.

(12) *Anchorage 11 (naval)*. (i) That portion of Richardson Bay the corners of which are the following bearings and distances from Point Stuart Light: 273°, 1,150 yards; 271°, 2,520 yards; 257° 30′, 2,580 yards; and 248° 30′, 1,530 yards; except so much of this area as is included in the improved channel to Sausalito.

(ii) This anchorage is reserved for the exclusive use of vessels and seaplanes of the United States Navy.

(13) *Anchorage 12 (naval)*. (i) That portion of San Francisco Bay east of the City of San Francisco the corners of which are the following bearings and distances from the center of the anchor pier (Pier C) of the San Francisco-Oakland Bay Bridge: 95°, 3,035 yards; 110°, 980 yards; 188°, 1,170 yards; 175° 30′, 2,420 yards; and 118°, 2,635 yards.

(ii) This anchorage is reserved for the use of vessels of the United States or foreign navies and for other public vessels of the United States. With the permission of the District Commander or Captain of the Port, this anchorage may be used temporarily by vessels other than public vessels, but vessels availing themselves of this privilege must hold themselves in readiness to shift berth immediately upon receiving notice to do so.

(14) *Anchorage 13 (explosives)*. (i) A circular area having a radius of 333 yards around a white buoy used to mark its location bearing 51° 30′, 1,900 yards, from the northerly extremity of California Point.

(ii) This anchorage is for the use of vessels loaded with, loading, or unloading explosives. This provision is not intended to prohibit lighters and barges from lying alongside ships for transfer of cargo.

(iii) The maximum total quantity of explosives that may be on board vessels in this anchorage shall be limited to 50 tons; except that, at the discretion of the District Commander or Captain of the Port, vessels in transit, loaded with explosives in excess of this limitation, may be permitted to anchor temporarily in this area provided the hatches to the holds containing explosives are not opened.

(iv) A circular zone 667 yards wide partially surrounding the anchorage is a forbidden anchorage zone and shall not be used for anchorage purposes by any vessels.

(15) *Anchorage 14 (explosives)*. (i) The area 1,000 yards wide and 2,760 yards long, the end boundaries of which are semicircles with radii of 500 yards and centers, respectively, 100° 00′, 3,270 yards, and 120° 30′, 4,800 yards from Hunters Point South End Light, and the side boundaries of which are parallel tangents joining said semicircles. The anchorage is marked at each extremity by a white buoy.

(ii) The anchorage is for the use of vessels loaded with, loading, or unloading explosives. This provision is not intended to prohibit lighters and barges from lying alongside ships for transfer of cargo.

(iii) The maximum total quantity of explosives that may be on board any one vessel moored in this anchorage shall be limited to 3,000 tons. Vessels will be assigned berths in this anchorage by the District Commander or Captain of the Port on the basis of the maximum quantity of explosives that will be on board the vessel.

(iv) Vessels in this anchorage shall not anchor closer than 400 yards to one another but the number of vessels which may anchor in this area at any one time shall be at the discretion of the District Commander or Captain of the Port. This provision is not intended to prohibit barges or lighters from lying alongside vessels for transfer of cargo.

(v) The 667-yard wide area partially surrounding this anchorage is a forbidden anchorage zone and shall not be used for anchorage purposes by any vessels.

(vi) This anchorage and the surrounding forbidden anchorage zone may be temporarily discontinued by the District Engineer, Corps of Engineers, San Francisco, California, when the area is required for general anchorage purposes.

(16) *Anchorage 15 (explosives storage)*. (i) An area 1,000 yards square whose center is marked by a white buoy bearing 124° 30′, 9,835 yards, from Hunters Point Light, and whose sides are due north-south and east-west.

(ii) This anchorage is for the purpose of storage of explosives. Barges and vessels shall be anchored so as not to approach within 167 yards of one another. All barges using this anchorage for storage purposes shall anchor with two or more anchors. The District Commander or Captain of the Port may authorize the placing of moorings within this anchorage, provided these moorings are so placed that barges at one mooring shall at all times be not less than 167 yards from barges at an adjacent mooring.

(iii) A square zone 500 yards wide surrounding this anchorage is a forbidden anchorage zone and shall not be used for anchorage purposes by any vessels.

(17) *Anchorage 17 (quarantine)*. An area 1,000 yards square, the easterly side of which is coincident with the easterly boundary of General Anchorage 4 and the northeasterly corner of which is on the said easterly boundary 97° 30′, 2,250 yards, from the northerly extremity of California Point.

NOTE: This anchorage is under the jurisdiction of the Medical Officer in charge of the Port of San Francisco and is included in this section for information only.

(b) *San Pablo Bay*—(1) *Anchorage 18 (general)*. Bounded by the westerly shore of San Pablo Bay and the following lines: Beginning at the shore at Point San Pedro; thence 90° to the easterly of the Sisters Islands; thence to points which are the following bearings and distances from Petaluma Creek Entrance Channel Light and Echo Board 2: 202° 30′, 1,200 yards; and 288° 30′, 5,870 yards; excluding from this area, however, the channel to Hamilton Field and the extension of this channel easterly to the boundary of the anchorage, and the pipeline area therein.

(2) *Anchorage 19 (general)*. Bounded by the northeasterly shore of San Pablo and the following lines: Beginning at the shore at a point bearing 03° 15′, 6,830 yards, from Petaluma Creek Entrance Channel Light and Echo Board 2; thence to points which are the following bearings and distances from Petaluma Creek Entrance Channel Light and Echo Board 2: 177° 30′, 8,600 yards; 131°, 7,000 yards; 103° 00′, 9,500 yards; 95° 30′, 13,370 yards, 93° 30′, 13,330 yards; and thence along the long dike extending southwesterly from Mare Island to the shore at Mare Island.

NOTE: See § 204.215 of this chapter establishing a target area in San Pablo Bay adjacent to the westerly shore of Mare Island for use of the Mare Island Navy Yard.

(3) *Anchorage 20 (general)*. Bounded by the southeasterly shore of San Pablo Bay and the following lines: Beginning at the northeast corner of Parr Terminal No. 4 at Point San Pablo; thence to a point bearing 14°, 1,135 yards from the northeast corner of the wharf at Pinole Point; thence to a point on the Union Oil Company Pier at Oleum, 206° 00′, 1,870 yards from Mare Island Pier 35 Light; and thence along this pier to the shore; excluding from this area Explosive Anchorages 22 and 23.

(4) *Anchorage 21 (naval)*. A rectangular area south of Mare Island the corners of which are the following bearings and distances from the tall stack at the Selby Smelting Works: 331° 30′, 1,285 yards; 300° 30′, 1,830 yards; 286° 30′, 1,530 yards; and 321°, 800 yards.

(5) *Anchorage 22 (explosives)*. (i) A circular area having a radius of 500 yards whose center is at the northwest corner of the wharf of the Atlas Powder Company at Pinole Point.

(ii) This anchorage is for the use of vessels loaded with, loading, or unloading explosives, and this anchorage shall not be used by any other vessel.

(iii) The maximum quantity of explosives that may be in this anchorage at one time shall be limited to 500 tons.

(6) *Anchorage 23 (explosives)*. (i) A circular area having a radius of 500 yards whose center is at the northwest corner of the wharf of the Hercules Powder Company which is located approximately 2,330 yards southwesterly of Lone Tree Point at Rodeo, California.

(ii) This anchorage is for the use of vessels loaded with, loading, or unloading explosives, and this anchorage shall not be used by any other vessels.

(iii) The maximum quantity of explosives that may be in this anchorage at any one time shall be limited to 100 tons.

(c) *Carquinez Strait*—(1) *Anchorage 24 (general)*. Bounded by the northerly shore of Carquinez Strait and lines joining points which are the following bearings and distances from Port Costa Light: 332° 30′, 1,820 yards; 347°, 1,330 yards; 347°, 710 yards; and 109° 30′, 1,800 yards.

(2) *Anchorage 25 (general)*. Bounded by the south shore of Carquinez Strait and lines joining points which are the following bearings and distances from Benicia City Wharf Light; 145° 30′, 2,970 yards; 141°, 1,970 yards; and 234°, 1,300 yards.

(d) *Suisun Bay*—(1) *Anchorage 26 (general)*. On the west side of Suisun Bay adjacent east and northeast of the City of Benicia within the following boundaries: The northeast edge of the Southern Pacific Bridge from the north shore to the first siren; thence 77° 30′, 550 yards; thence 35°, 6,650 yards; thence 44°, 2,100 yards; thence 314° to the shore; thence along the shore to the point of beginning.

NOTE: A portion of Anchorage 26 is occupied by the Suisun Bay Reserve Fleet of the Maritime Administration, and § 207.900 of this chapter establishes a restricted area in the vicinity of this Reserve Fleet.

(2) *Anchorage 27 (general)*. An area in the northeast portion of Suisun Bay lying east of a line due north through tripod on Roe Island at Preston Point; north of a line bearing 84° from fixed range light located 1,187 yards to the southwest of said tripod on Roe Island, to the old lighthouse at the most southerly point of Roe Island; thence bearing 101° to Middle Ground Light, thence bearing 88° to Chipps Island.

(e) *San Joaquin River*—(1) *Anchorage 28 (general)*. The waters adjacent to Lower Sherman Island southeasterly of a line 450 yards long bearing 238° from Sherman Island North End Light; easterly of a line bearing 163° 30′ from the west end of said 450-yard line; and northerly of a line bearing 27° from New York Slough East End Light and Echo Board.

(2) *Anchorage 29 (general)*. The entire water area southerly of West Island between West Island and the mainland lying between lines bearing 150° from the eastern extremity of West Island and 211° from the western extremity of West Island.

(3) *Anchorage 30 (explosives)*. (i) That portion of the Old San Joaquin River channel bounded on the west by Mandeville Point and on the north, east, and south by lines joining points which are the following bearings and distances from Stockton Channel 3 Light: 341°, 1,400 yards; 348° 30′, 1,520 yards; 355° 20′, 1,340 yards; 08° 30′, 835 yards; and 341°, 870 yards.

(ii) This anchorage is for the use of vessels, lighters, and barges loaded with, loading, or unloading explosives or explosive materials, and shall not be used by any other vessel or craft while such operations are in progress. At all other times the area will be open to fishing and navigation without restriction.

(iii) Notice of loading and unloading operations will be given by notice published by the United States Coast Guard in "Notice to Mariners", and by notice given by the Port of Stockton to local radio stations and newspapers, and by telephonic means to any organization that may request that such advice be given. In all cases the notice will state how long the operations will be in progress and on what days.

(f) *Sacramento River, Decker Island; restricted anchorage for vessels of the United States Government*—(1) *The anchorage ground.* An elongated area in the waters of the Sacramento River adjacent to the northeast shore of Decker Island within the following boundaries: Beginning at Sacramento River Light 4, FL. R., at the northerly tip of Decker Island, thence 90°, 117 yards; thence 180°, 633 yards; thence 184°, 817 yards; thence 186° 30′, 450 yards; thence 209°, 467 yards; thence 231°, 383 yards; thence 330° to shore; thence with the shore to the point of beginning.

(2) *The regulations.* No vessel or other craft except those owned by or operating under contract with the United States shall navigate or anchor within fifty feet of any moored Government vessel in the area. Commercial and pleasure craft shall not moor to buoys or chains of Government vessels, nor shall they, while moored or underway, unreasonably obstruct the passage of Government or other vessels through the area.

(3) *Enforcement.* The regulations in this paragraph shall be enforced by the Commanding General, San Francisco Port of Embarkation, Fort Mason, California, or his authorized representative.

(g) *General regulations.* (1) Except in cases of distress, great emergency, or heavy fog, no vessel shall be anchored in the navigable waters of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough, San Joaquin River Deep Water Channel, and the Stockton Turning Basin, California, outside of the anchorages defined and established in this section, nor anchor within an improved channel or a cable or pipe line area shown on Government charts, nor be moored, anchored, or made fast to any pier, wharf, bulkhead, or vessel in such manner as to impede or endanger the passage of any vessel in transit by, or to or from, adjacent wharves, piers, slips, or navigation channels.

(2) Whenever in the opinion of the District Commander or Captain of the Port such action may be necessary, that officer may require any or all vessels in any designated anchorage area to moor with two or more anchors. (Vessels using Anchorage 15 for the purpose of storage of explosives will be required to anchor with two or more anchors at all times.)

(3) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall be anchored with two anchors, with mooring swivel put on before the crew is reduced or released.

(4) Anchors shall not be placed outside the anchorage areas, nor shall any vessel be so anchored that any portion of the hull or rigging extends outside the boundaries of the anchorage area.

(5) Vessels anchoring outside of the designated anchorage areas because of distress or heavy fog, shall be placed in such position as not to interfere with navigation or obstruct the approach to any pier, wharf, slip, or boat harbor. They shall move from such position as soon as the emergency ceases or when ordered by the District Commander or Captain of the Port or by his duly authorized representative.

(6) The anchorages will be used only for the purposes stated for each and under the special limitations applicable thereto.

(7) The District Commander or Captain of the Port shall assign berths in the anchorages to all vessels applying for such permission. He may grant permits to those vessels habitually maintaining and using the same mooring place in an anchorage area, and no vessel shall occupy a permanent berth in an anchorage area except under authority of such permit which may be revoked at any time.

(8) A vessel, upon being notified to move into the anchorage limits or to shift its position in the anchorage grounds shall get under way at once or obtain a tug and change its position with reasonable promptness, as directed.

(9) Whenever required by maritime or commercial interests of the United States, the District Commander or Captain of the Port is empowered to shift the position of any vessel anchored within or outside of an anchorage area, of any vessel which is so moored or anchored that its position impedes or obstructs vessel movements in any channel or obstructs or interferes with range lights, and of any vessel which, lying at the exterior end of a pier or alongside of a wharf or bulkhead, obstructs or endangers the passage of vessels to or from adjacent wharf property or impedes the movement of vessels entering or leaving slips and boat harbors.

(10) Permits to anchor in channels within the limits of the waterways covered by the regulations in this section may be granted by the District Commander or Captain of the Port to wrecking plants or other vessels legally engaged in recovering sunken property or in laying pipe or cable lines legally established or in repairing same when the application for such anchorage is approved by the District Engineer, Corps of Engineers, and to plant engaged in dredging operations when authorized by the District Engineer. The provisions of this subparagraph will not apply to plant engaged under the supervision of the District Engineer upon works for the improvement of rivers and harbors, but the District Engineer will advise the District Commander or Captain of the Port in advance of the proposed work for such improvement in all cases where the plant is to be employed under his supervision.

(11) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating the law.

(12) (i) Anchorages 13, 14, 15, 22, 23 and 30 are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored, except as provided in subparagraph (15) of this paragraph.

(ii) A written permit shall be obtained from the District Commander or Captain of the Port before vessels carrying explosives, or on which explosives are to be loaded, may proceed to the anchorages provided for them, and no vessel shall occupy a berth in such anchorage except by authority of such permit, which may be revoked at any time.

(iii) At the discretion of the District Commander or Captain of the Port, written permits to occupy a berth in explosive anchorages may be issued to vessels carrying flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases and poisonous substances. Such permits must be obtained prior to entering the anchorage and are revokable at any time.

(iv) Vessels used in connection with transporting explosives to be loaded on or unloaded from other vessels in explosive anchorage areas, shall obtain and carry a written permit from the District Commander or Captain of the Port. The District Commander or Captain of the Port may, at his discretion, require every person having business on board vessels which are either laden or being loaded with explosives, to have a document which is acceptable to the Coast Guard for identification purposes. Such identification shall be shown whenever required by the District Commander or Captain of the Port.

(13) (i) Whenever any non-self-propelled vessel, or any self-propelled vessel that is unable to maneuver under its own power due to mechanical difficulties, lack of personnel, or for any other reason, occupies explosives anchorages 13, 14, 15, 22, 23 and 30, the District Commander or Captain of the Port may require the attendance of a tug upon such vessels when, in his judgment, such action is deemed necessary.

(ii) Every vessel loading, unloading, or laden with explosives shall, while within an explosive anchorage, display by day at its masthead, or at least 10 feet above the upper deck if the vessel has no masthead, a red flag 16 square feet or more in area, and shall display by night, in the same position specified for the flag, an electric red light visible through 360° for a distance of at least one mile.

(14) When vessels are conducting loading operations from barges at any of the established anchorages, as indicated by the display at its masthead of a red flag by day or a red light by night, passing vessels shall reduce speed to six knots.

(15) The District Engineer, Corps of Engineers, is empowered to authorize in writing, the anchoring of a single barge carrying explosives in or near the vicinity of work being done directly under his supervision, or under a Department of the Army permit, but only in quantities considered by him as safe and necessary. The District Engineer shall prescribe the conditions under which this explosive shall be stored and handled and in each case shall furnish the District Commander or Captain of the Port with a copy of the written permit to anchor explosives on the wharf and a copy of the rules and regulations for storing and handling.

(16) Vessels other than those under Federal supervision shall not go alongside or in any manner moor to any Government-owned vessel, mooring buoy, or pontoon boom, their anchor cables, or any of their appendages. Vessels other than those under Federal supervision shall not obstruct or interfere in any manner with the mooring, unmooring or servicing of vessels owned by the United States.

(17) Vessels anchoring in the San Joaquin River Deep Water Channel or the Stockton Turning Basin because of distress or heavy fog, shall be placed as near the edge of the channels or turning basin as possible, and in such position as not to interfere with the free navigation thereof, nor obstruct the approach to any pier, wharf, slip, or boat harbor. They shall move from such position as soon as the emergency ceases or when ordered by the District Commander or Captain of the Port, San Francisco. No vessel shall be permanently moored in areas adjacent to the San Joaquin River Deep Water Channel except on permission in writing from the District Commander or Captain of the Port.

[Regs., May 16, 1955, 800.212 (San Francsco Bay, Calif.)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-4531; Filed, June 7, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1159]

ALASKA

AMENDING EXECUTIVE ORDER NO. 6973 OF FEBRUARY 19, 1935, WHICH WITHDREW PUBLIC LAND FOR A WILDLIFE ADMINISTRATIVE SITE

By virtue of the authority vested in the President by the act of June 25, 1910, ch. 421 (36 Stat. 847; 43 U. S. C. 141), as amended by the act of August 24, 1912, ch. 369 (37 Stat. 497; 43 U. S. C. 142), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The description of lands withdrawn for joint use and occupancy of the Department of Agriculture and the Alaska Game Commission as a headquarters site in connection with the Administration of the Alaska game laws, by Executive Order No. 6973 of February 19, 1935, is hereby amended to read as follows:

U. S. SURVEY NO. 3140 A AND B, ALASKA

TOWNSITE OF MCGRATH

Lot 4, Block 2, Tract A.

The area described contains 5.54 acres.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

JUNE 2, 1955.

[F. R. Doc. 55-4533; Filed, June 7, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10832; FCC 55-640]

[Rules Amdts. 2-39, 3-47]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 3—RADIO BROADCAST SERVICES

DENIAL OF PETITION; EXTENSION OF EFFECTIVE DATE

In the matter of amendment of Parts 2 and 3 of the Commission's rules and regulations and the Standards of Good Engineering Practice concerning FM Broadcast Stations to permit FM Broadcast Stations to engage in specified non-broadcast activities on a simplex and/or multiplex basis; Docket No. 10832.

1. The Commission has before it for consideration the petition filed May 3, 1955, by WWDC, Inc., licensee of Station WWDC-FM, Washington, D. C., requesting reconsideration and modification or waiver of the Commission's rules relating to functional music operation of FM broadcast stations; an Opposition to the WWDC petition filed on May 13, 1955, by the Good Music Station, Inc., licensee of WGMS-FM, Washington, D. C.; Joint Comments filed on May 16, 1955 by Multiplex Development Corporation and Multiplex Services Corporation; and Reply to Opposition filed by WWDC, Inc. on May 23, 1955.

2. On March 22, 1955, the Commission issued its Report and Order (FCC 55-340) in this proceeding amending its rules relating to the functional music operations of FM broadcast stations. On April 29, 1955, the Commission extended the effective date of the new rules to June 1, 1955. WWDC, Inc., by the instant petition requests that the Commission modify or waive these rules.

3. Following extensive rule making proceedings in which the comments of all interested parties were carefully considered, the Commission issued its Report and Order in this proceeding concluding that functional music operations conducted by FM broadcast stations did not constitute broadcasting within the meaning of the Communications Act. Nevertheless, the Commission adopted amendments to the rules which would permit FM broadcast stations to engage in functional music operations as an adjunct to their regular FM broadcast operations.

4. In the instant petition WWDC contends that functional music operations are broadcasting; that such operations do not violate any provisions of the Communications Act or the Commission's Rules or Regulations; and that enforcement of the rules at this time will retard the development of FM broadcasting. WWDC argues that the touchstone of the definition of broadcasting contained in the Communications Act and in earlier enactments dealing with radio is the "intent of the sender rather than the number of people receiving the matter broadcast or the methods of reception"; that "the intention of the sender must be determined from the inherent nature of the transmission and the circumstances surrounding its dissemination"; and WWDC submits that it intends its transmissions to be received by the public. It contends that only a small percentage of its revenue is derived from functional music operation and points to the results of listener surveys which it alleges indicate that its programming meets the needs, demands and requirements of a substantial segment of the public. WWDC states that WWDC-FM has suffered continuing operating losses since its inception, is now being operated at a loss and that its losses will be further increased if the rules are made effective at this time. It maintains that in order to comply with the rules, it must either multiplex its FM programs or delete 27 hours per week of its functional music activities; that multiplexing is impossible at this time because of the unavailability of equipment; and that the reduction in income which will necessarily result from a reduction in its functional music operations may necessitate termination of the services of WWDC-FM or the mere duplication of its AM programs.

5. In its opposition to the WWDC petition, WGMS opposes any modification of the rules which would permit functional music operations on any basis except that presently authorized and objects to any waiver on behalf of WWDC or any other station. WGMS contends that the Commission has twice decided that functional music operations are not broadcasting and that the WWDC petition has alleged nothing new in support of its contentions to the contrary. WGMS further submits that enforcement of the rules will not retard the development of FM or the development of functional music as such.

6. In their joint comments, Multiplex Development Corporation and Multiplex Services Corporation state that firm prices and delivery dates for multiplexing equipment are now available. They emphasize the importance of reasonable finality of the rules with respect to multiplexing.

7. Because it challenges the basic concept upon which the Commission's rules concerning the functional music operations of FM stations is founded, we shall first consider WWDC's contentions that functional music operations are broadcasting within the meaning of section 3 (o) of the Communications Act. This is not a novel question: It has been considered by the Commission on two previous occasions—once in connection with the issuance of the Notice of Proposed Rule Making in this proceeding and again in the Report and Order of March 16, 1955, which we are here asked to reconsider. In the Notice of Proposed Rule Making we expressed our view, based on the data then available to us, that functional music, while capable of being received by the general public, was not so intended and that these operations are essentially geared and directed to reception by the commercial institutions, stores, transit audiences, or other subscribers involved. We therefore concluded that functional music operations are predominatly non-broadcast in nature. However, in order that our ultimate determination might be based on complete and accurate information concerning the nature of functional music operations, we specifically invited comments concerning this question from all FM broadcasters and other interested parties. Extensive comments were filed. After careful consideration of the comments, including those submitted by WWDC, Inc., we again concluded that functional music operations are not broadcasting as defined by the act.

8. The substance of the arguments advanced by WWDC in support of its position that functional music operations are broadcasting within the meaning of section 3 (o) of the act are the same as those previously advanced by the petitioner, and others, in this proceeding. The only additional facts submitted by WWDC relate to its 1954-1955 revenues

and the results of a listener survey conducted in April of this year. Since no arguments have been presented which have not already been considered and disposed of and since no additional facts have been adduced which makes those arguments any more persuasive, we adhere to and reaffirm our conclusion that functional music operations of FM broadcasters do not fall within the statutory definition of broadcasting.

9. In view of this conclusion, we find it unnecessary to consider WWDC's contention that functional music operations do not violate any provisions of the Communications Act or any rules or regulations of the Commission. The rules and regulations concerning FM broadcasting stations, as amended by our Report and Order of March 16, 1955, permit FM stations to engage in functional music operations. Whether these operations were of questionable legality prior to our recent action amending the rules is academic.

10. We have concluded that functional music operations are nonbroadcast in nature. This conclusion dictates that we also reject WWDC's contention that the enforcement of the functional music rules at this time would retard the development of FM broadcasting. This conclusion also requires that we deny the request of WWDC for modification, or waiver of the rules to permit unrestricted functional music operations on a simplex basis. Although we have concluded that functional music operations are nonbroadcast in nature, we are permitting FM stations to conduct such operations as an adjunct to their regular FM broadcast activities. Anything more than this could be accomplished only by a reallocation of the FM band which we are not here proposing. The only alternative to this action, as we noted in our Report and Order, would be a complete cessation of functional music operations.

11. WWDC requests that the rules would be modified to permit FM broadcast stations engaging in functional music operations to request a hearing on the question of whether its programming serves the public interest. The Commission's functional music rules were adopted after an extensive rule making proceeding in which all interested parties, including the petitioner, had ample opportunity to present their views to the Commission. Voluminous comments were filed. To permit any licensee at this stage to request a hearing with respect to its individual operation would merely nullify the results of this extensive proceeding.

12. We have concluded in light of the above that the request of WWDC, Inc. for modification or waiver of the functional music rules should be rejected. The rules are now scheduled to become effective June 1, 1955. In light of our further action in this matter at this time, we believe the public interest would be served by extending the effective date of the new rules adopted in this proceeding to July 1, 1955.

13. In view of the foregoing: *It is ordered,* That the petition of WWDC, Inc. for reconsideration and modification or waiver is denied. *It is further ordered,* That the effective date of the amendments to the Commission's rules and regulations issued pursuant to its Report and Order in this proceeding on March 22, 1955, is extended to July 1, 1955.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: June 1, 1955.

Released: June 3, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4561; Filed, June 7, 1955; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Service Order 903]

PART 95—CAR SERVICE

RAILROAD FREIGHT CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of June A. D. 1955.

It appearing that there is a critical shortage of railroad freight cars; that shippers are appropriating such cars and shipping them almost empty to other points to complete loading; that such practice is wasteful and aggravates the car shortage, depleting and diminishing the use, control, supply, distribution and interchange of such cars; the Commission is of the opinion that an emergency requiring immediate action exists in the States of Oregon and Washington: It is ordered, that:

§ 95.903 *Railroad freight cars to be stopped to complete loading.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, or transport or move (whether ordered or appropriated without being ordered), any railroad freight car loaded with lumber, shingles, plywood, doors, and other lumber or forest products in Oregon or Washington and tendered to be forwarded to another point to be stopped off to complete the loading thereof, unless or until the lumber, shingles, plywood, doors, and other lumber or forest products loaded in the car at the first loading point equals or exceeds fifty percent (50%) of the marked capacity of the car used.

(b) *Special and general permits; appointment of agent.* (1) Paragraph (a) of this section shall be subject to any special or general permits issued by the Permit Agent named below.

(2) Charles W. Taylor, Director, Bureau of Safety and Service, Interstate Commerce Commission, Washington 25, D. C., is hereby designated and appointed as Permit Agent of the Interstate Commerce Commission with authority to issue special or general permits to meet exceptional circumstances.

(c) *Application.* The provisions of this section shall apply to intrastate and foreign commerce, as well as interstate commerce.

(d) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(e) *Effective date.* This section shall become effective at 12:01 a. m., June 6, 1955.

(f) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1955, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-4542; Filed, June 7, 1955; 8:47 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 31st day of May A. D. 1955.

Upon consideration of the record in the above-entitled proceeding and of informal requests of Heavy Haulers, Machinery Movers and Erectors Section of the Local Cartage National Conference for clarification of § 207.5 (c) (1) insofar as it is applicable to them:

It appearing that it is desirable in the public interest to amend § 207.5 (c) (1); and good cause appearing therefor:

It is ordered, That § 207.5 (c) (1) of the rules and regulations prescribed by order of May 8, 1951, in this proceeding, as subsequently amended, reading:

(1) Authorized common carriers, holding certificates of public convenience and necessity from this Commission authorizing the transportation, in interstate or foreign commerce, over irregular routes, of articles or commodities which, because of their size, weight or shape, require the use of special equipment, may perform a through movement of such articles or commodities on such special equipment, without change of drivers at the point of interchange; and that, until March 1, 1956, such drivers may make the inspection required by paragraph (e) of this section and regulations on behalf of any carrier party to the through movement.

Be, and it is hereby, further amended to read as follows:

(1) Two or more common carriers, when engaged in the transportation of an article which, because of its size, weight, or shape, must be transported on a vehicle of special or unusual construction, may when transporting such article on such special or unusual vehicle, perform a through interchange service with such vehicle without a change of drivers at the point of interchange; and that, until March 1, 1956, such drivers may make the inspection required by paragraph (e) of this section on behalf of any carrier party to such through movement.

It is further ordered, That this order shall become effective on the date hereof.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended, 49 U. S. C. 304)

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-4577; Filed, June 7, 1955; 8:53 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 11405; FCC 55-639]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

1. Notice is hereby given of further proposed rule making in the above entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Dover, Del.		234
Baltimore, Md.	234	
Reading, Pa.	233	

3. The purpose of the proposed amendment is to allocate Channel No. 234 to Dover, Delaware, in response to a request for such a rule making proceeding in order to facilitate consideration of an application which is to be filed for a new Class B FM broadcast station in that city.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 1, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed before or on the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 1, 1955.

Released: June 3, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4563; Filed, June 7, 1955; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11401; FCC 55-627]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a request by Rib Mountain Television, Inc. for the institution of rule-making proceedings to consider the amendment of the table of television channel assignments contained in § 3.606 of the Commission's rules and regulations by shifting the educational reservation in Des Moines, Iowa, from VHF Channel 11 to a UHF channel.

2. Five television channels are presently assigned to Des Moines—VHF Channels 8, 11 and 13, with Channel 11 reserved for noncommercial educational use, and UHF Channels 17 and 23. VHF Station WHO-TV operates on Channel 13; Cowles Broadcasting Company is authorized to operate VHF Station KRNT-TV on Channel 8; and petitioner Rib Mountain Television, Inc. operates UHF Station KGTV on Channel 17. No applications have been filed for Channel 11 or Channel 23.

3. Rib Mountain Television, Inc. has advanced a number of alternative requests to the Commission with respect to operation on VHF Channel 11 in Des Moines; and these requests have been denied by the Commission. As its final alternative in the event its other requests are rejected by the Commission, Rib Mountain asks that the Commission institute a rule-making proceeding to look into the matter of shifting the educational reservation in Des Moines from VHF Channel 11 to a UHF frequency in order to make Channel 11 available for commercial use. Rib Mountain also requests that the Commission permit it to operate on a temporary basis on Channel 11 during the pendency of the rule-making proceeding, or that the Commission direct it to show cause in the rule-making proceeding why its authorization should not be modified to specify operation on Channel 11 in place of Channel 17. The Joint Committee on Educational Television has filed an Opposition to the Rib Mountain request.

4. The Commission is of the view that the public interest would be served by instituting a rule-making proceeding to consider the matter of shifting the educational reservation in Des Moines from VHF Channel 11 to a UHF frequency in order that all interested parties may have the opportunity of presenting their views to the Commission before final action is taken. The Commission does not believe, however, that Rib Mountain should be permitted to operate on Channel 11 in Des Moines during the pendency of this proceeding. Such action might appear to constitute a prejudgment of the outcome of this proceeding, and it has not been the Commission's policy to permit such operation. Nor do we believe that as a part of this proceeding we should include an Order directing Rib Mountain to show cause why its current authorization should not be modified to specify Channel 11 rather than Channel 17. For if at the termination of this proceeding the Commission concludes that the educational reservation should be shifted from Channel 11 and that this frequency may be employed for commercial use, Channel 11 will be available upon application by all interested parties. Rib Mountain would not be the only party eligible to apply for this frequency. And if we determine that the public interest would be served by shifting the educational reservation from VHF Channel 11, it would not be necessary to disturb Rib Mountain's present authorization on Channel 17 since UHF

Channel 23 would be available as an educational channel in Des Moines. Accordingly, we have concluded that Rib Mountain's request that it be ordered to show cause why it should not modify its authorization to operate on Channel 11, should be rejected.

5. Authority for the adoption of the amendment proposed by petitioner is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before July 1, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider the comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 1, 1955.

Released: June 2, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4564; Filed, June 7, 1955; 8:50 a. m.]

[1] Dissenting opinion of Commissioner Hennock filed as part of original document.

[47 CFR Parts 7, 8]

[Docket No. 11403; FCC 55-631]

STATIONS ON LAND AND SHIPBOARD IN MARITIME SERVICES

CERTAIN FREQUENCIES IN BOSTON, MASS., AREA

In the matter of amendment of Parts 7 and 8 of the Commission's rules regarding frequencies in the band 2000–2850 kc in the Boston, Massachusetts, area.

1. On February 10, 1954, the Commission adopted a Report and Order in Docket No. 10444 finalizing a plan of frequency assignment for all areas which would be used as the basis for carrying out the Maritime Mobile radiotelephone portions of the Geneva Agreement (1951) in the frequency bands between 2000 and 2850 kc. However, the effective dates of deletion of certain existing frequencies and availability of new frequencies were to be made the subject of later proceedings.

2. The rules presently provide that the frequency pair 2450 kc (coast)–2366 kc (ship) for use at Boston shall replace the existing frequency pair 2550 kc (coast)–2158 kc (ship) on a date to be designated. Police Radio Service assignments at Freehold, New Jersey, and Norristown, Pennsylvania, on 2366 kc have prevented, prior to this time, the utilization of that frequency in the Maritime Mobile Service at Boston. However, the police assignments on 2366 kc are being transferred to other frequencies and it is expected that the transfer will be completed by August 1, 1955. Since the new frequency pair is urgently needed at Boston because of interference to the present ship frequency 2158 kc, it is proposed to make the new frequency pair available for assignment on a full time basis as soon after August 1, 1955, as is feasible. Simultaneously, the old frequency pair (2550 kc–2158 kc) would be deleted.

3. The proposed amendment is issued under the authority contained in section 303 (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before July 8, 1955, written data, views or briefs setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

5. In accordance with the provisions of § 7.164 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: June 1, 1955.

Released: June 3, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4565; Filed, June 7, 1955; 8:51 a. m.]

[47 CFR Part 31]

[Docket No. 11402; FCC 55-629]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matters.

2. The American Telephone and Telegraph Company (A. T. & T.) by letter dated September 30, 1954, and the U. S. Independent Telephone Association (USITA) by letter dated February 21, 1955, have requested that the Commission revise Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) so as to provide that the accounting for contributions to, and membership fees and dues in, organizations engaged in activities beneficial to the community, should be chargeable to the operating expense accounts rather than to account 323, "Miscellaneous income charges." The Company's suggested form of the amendment to reflect such changes with respect to contributions, and membership fees and dues is as follows:

a. In § 31.323 *Miscellaneous income charges,* eliminate the following item:

Contributions for charitable or social or community welfare purposes.

b. In § 31.675 *Other expenses:*

i. Omit present item "Association dues."

ii. Add as the third item the following:

Contributions to, and payments for memberships in, organizations engaged in activities beneficial to the community and organizations engaged in trade, technical and professional activities. (See also Note B to this account.)

iii. Add an additional note as follows (relettering present Notes B and C):

NOTE B: Contributions and payments for memberships for the direct benefit of a particular company activity or department should be charged to the operating expense account appropriate for such activity or department.

c. In § 31.661 *Executive department,* change the fifth item to read as follows:

Membership fees and dues of officers and employees in organizations useful in the conduct of the activities of the executive department.

d. In § 31.662 *Accounting department,* change the fifth item to read as follows:

Membership fees and dues of officers and employees in organizations useful in the conduct of the activities of the accounting department.

e. In § 31.663 *Treasury department,* change the fifth item to read as follows:

Membership fees and dues of officers and employees in organizations useful in the conduct of the activities of the treasury department.

f. In § 31.664 *Law department,* change the fourteenth item to read as follows:

Membership fees and dues of officers and employees in organizations useful in the conduct of the activities of the law department.

g. In § 31.665 *Other general office salaries and expenses,* change the third item to read as follows:

Membership fees and dues of officers and employees in organizations useful in the conduct of the activities chargeable to this account.

h. Appendix A—Case 17: Eliminate this case as unnecessary.

3. While not mentioned in the requests filed with the Commission, a variation of the above proposal (which involves the use of a number of departmental expense accounts) would be to include the items in question in one expense account designed especially for the purpose or in account 675, "Other expenses," thereby making these items more readily available for study and analysis.

4. Another possibility for amendment of the present regulations governing the accounting for contributions for charitable or social or community welfare purposes would be to continue the requirement that such contributions be charged to account 323, "Miscellaneous income charges" but to add a provision that a credit should be made to account 323 in the amount of the reduction in Federal and State income taxes attributable to the contributions. The offsetting charge for such credit to account 323 would be to an "above-the-line" expense account such as a subdivision of account 305, "Operating taxes." Such an amendment would seem to be an extension of the application of an accounting principle which the Commission has authorized upon request by the telephone companies on a number of occasions in connection with accounting for transactions involved in refinancing operations. Recent examples of such accounting will be found in the 1954 annual reports of New York Telephone Company and the Pacific Telephone and Telegraph Company. There the effect of the special accounting authorized was to leave Net Income unaffected by an unusual happening reducing Federal income tax liability. Here the effect of the possible amendment under consideration would be to leave Net Operating Income unaffected by the reduction in tax liability flowing from contributions excluded from operating expenses in the accounts.

5. If the Commission were to revise its accounting regulations in the manner set forth in paragraph 2 above, or in the variation contained in paragraph 3, the question arises whether or not a maximum limit on amounts or restrictions on the types of contributions which could be so treated in the accounts should be provided for. If there should be such a maximum or restrictions how should the maximum be fixed and what should be the restrictions on types.

6. Before reaching a decision as to whether or not to amend Part 31 as requested by A. T. & T. and USITA, or in accordance with any of the other methods described above, the Commission desires to give all interested parties an opportunity to comment. Accordingly, the matter is made the subject of a notice of proposed rule making. This Notice is issued under authority of section 4 (i) and 220 of the Communications Act of 1934, as amended.

7. The Commission is therefore inviting comments not only on the proposal of A. T. & T. and USITA as set forth in paragraph 2 above, but also on the variation contained in paragraph 3 and on the alternative possibility contained in paragraph 4 as well as on the questions presented in paragraph 5. Any interested person who is of the opinion that the proposed amendment, the variation thereof, or the alternative to it, should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before August 1, 1955 a statement or brief setting forth his comments. At the same time, persons favoring the amendment, or its variation or alternative as proposed, may file statements in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within ten days of the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing of such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: June 1, 1955.

Released: June 3, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4566; Filed, June 7, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN ITALIA STEAMSHIP CORP. ET AL.

NOTICE TO SHOW CAUSE WHY FREIGHT FORWARDER CERTIFICATES OF REGISTRATION ISSUED TO CERTAIN REGISTRANTS SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 27th day of May 1955, the Board entered the following order:

Whereas the following registrants were issued freight forwarder certificates pursuant to General Order 72:

Name, Registration No., and Date Issued

American Italia Steamship Corp.; 899; July 31, 1950.

J. E. Sweeney, d/b/a Best Foreign Freight Forwarding Service; 812; November 29, 1951.

Koll Biornstad; 1527; August 13, 1952.

Theresa R. Degman, d/b/a Burns Co.; 1559; November 5, 1952.

Capitol Express Company; 1326; June 21, 1951.

Liberty Freight Forwarding & Warehouse Company, Inc.; 338; July 6, 1950.

E. C. Love, Inc.; 453; July 13, 1950.

Orlando Solorzano Cortes, d/b/a Global Enterprises; 1514; June 2, 1952.

Peru Export Service Corporation; 1592; February 19, 1953.

Whereas the Board has, by registered letters, requested these registrants to furnish certain information in connection with their forwarding activities, pursuant to § 244.3, General Order 72; and

Whereas notwithstanding the receipt of these letters the registrants have failed to respond to or otherwise to acknowledge the same, in violation of General Order 72, and appear to be no longer conducting business as freight forwarders,

It is ordered, That the above-named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why their certificates of registration should not be cancelled for the reasons above stated.

It is further ordered, That failure of any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration certificate without further action by the Board, and that each registrant whose registration certificate is so cancelled shall be sent notice thereof by the Secretary, and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address, and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: June 2, 1955.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 55-4580; Filed, June 7, 1955; 8:53 a. m.]

CORTLANDT SHIPPING CO. ET AL.

NOTICE TO SHOW CAUSE WHY FREIGHT FORWARDER CERTIFICATES OF REGISTRATION ISSUED TO CERTAIN REGISTRANTS SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 27th day of May, 1955, the Board entered the following order:

Whereas the following registrants were issued freight forwarder certificates of registration pursuant to General Order 72 (46 CFR Part 244):

Name, Registration No., and Date Issued

Cortlandt Shipping Company; 1555; October 23, 1952.

Ricardo Pena, d/b/a Latin American Trading Service; 1572; December 17, 1952.
Joseph F. Mariano, d/b/a J. F. Mariano Company; 1603; May 11, 1953.
Edmund Rodriquez; 973; August 4, 1950.
Southwestern Shipping Corporation; 250; August 30, 1950.

Whereas letters mailed to these registrants at their last known addresses have been returned by the post office, and the Board is unable to exercise regulatory authority over them because their present whereabouts is unknown; and

Whereas it appears that these registrants are no longer in the business of freight forwarding at their last known addresses;

It is ordered, That each of the above-named registrants show cause in writing or—if requested by registrant—at a public hearing, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER, why its freight forwarder certificate of registration should not be cancelled for the reasons above stated; and

It is further ordered, That failure of any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration certificate, without further action by the Board and that notice of such cancellation shall be sent by the Secretary to the registrant; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: June 2, 1955.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 55-4581; Filed, June 7, 1955; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 68434]

ALABAMA

RESTORATION ORDER UNDER THE FEDERAL POWER ACT

JUNE 2, 1955.

Pursuant to a determination of February 4, 1955, of the Federal Power Commission, Docket Numbers DA-8 and DA-9-Alabama, and in accordance with Order No. 541, section 1.5 (d) and 2.0 (a) of the Director of the Bureau of Land Management, approved April 21, 1954, it is ordered as follows:

Subject to valid existing rights, the following-described lands, so far as they are withdrawn or reserved for power purposes in Power Site Classification No. 7 of July 30, 1921, and Power Projects No. 82 of May 7, 1921, and No. 618 of July 1, 1931, are hereby opened to disposition under the public-land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the right of the licensee for Projects Nos. 82 and 618 and its successors to use the lands for project purposes as provided by the licenses for the projects:

POWER SITE CLASSIFICATION NO. 7 AND POWER PROJECT NOS. 82 AND 618

ST. STEPHENS MERIDIAN

T. 21 N., R. 16 E.,
Sec. 14, fractional SW¼ lying west of Coosa River.

POWER PROJECT NO. 82

T. 22 N., R. 16 E.,
Sec. 5, fractional lots A, B and C.
T. 22 N., R. 17 E.,
Sec. 18, NW¼SW¼;
Sec. 20, SE¼SE¼.
T. 23 N., R. 15 E.,
Sec. 24, SE¼SW¼;
Sec. 36, fractional NE¼.

The NW¼SW¼ of sec. 18, T. 22 N., R. 17 E., is patented.

The lands are adjacent to the Coosa River and range from rolling to steep and rough. They are unsuitable for cultivation, but have value for timber production and recreation.

Effective on the date of publication of this order in the FEDERAL REGISTER, the public lands affected by this order shall be subject for a period of 90 days to application by the State of Alabama for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act, as amended (16 U. S. C. 1946 ed., Supp. V, 818).

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 91st day after the date of publication. At that time, the said lands shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file application for these lands may be obtained on request from the Supervisor, Eastern States Office, Bureau of Land Management, Washington 25, D. C.

C. R. DREXILIUS,
Supervisor,
Eastern States Office.

[F. R. Doc. 55-4534; Filed, June 7, 1955; 8:46 a. m.]

Bureau of Reclamation

SALT RIVER PROJECT, ARIZONA

ORDER OF REVOCATION

MAY 6, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of April 15, 1918 and August 29, 1919, insofar as said orders affect the following described lands: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 14 N., R. 4 E.
Sec. 13, S½ Lot 3, Lot 4, S½SE¼NE¼, E½SE¼;
Sec. 24, E½NE¼;
Sec. 25, S½NW¼.
T. 14 N., R. 5 E.,
Sec. 18, S½ Lot 2, Lots 3 and 4, S½SE¼ NW¼, E½SW¼;
Sec. 19, Lots 1 and 2, E½NW¼.

The above area aggregates 571.67 acres.

E. G. NIELSEN,
Assistant Commissioner.

[Misc. 776932]

MAY 31, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands, which comprise parts of the Prescott and Coconino National Forests, shall become subject to the public-land laws relating to national forest lands at 10:00 a. m., on the 35th day from the date of this order.

W. G. GUERNSEY,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 55-4549; Filed, June 7, 1955; 8:49 a. m.]

GENERAL INVESTIGATIONS, IDAHO

ORDER OF REVOCATION

DECEMBER 8, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of March 27, 1941, and April 21, 1942, in so far as said orders affect the following-described land: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 17 N., R. 2 W.,
Sec. 30, Lots 1 and 2, E½ and E½NW¼.
T. 10 N., R. 11 E.,
Sec. 26, All;
Sec. 27, All;
Sec. 34, All;
Sec. 35, All.
T. 9 N., R. 12 E.,
Sec. 21, All;
Sec. 22, All;
Sec. 23, All.

The above areas aggregate approximately 4,952 acres.

H. F. MCPHAIL,
Acting Commissioner.

[Misc. 1864671]

MAY 31, 1955.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands, which comprise parts of certain national forests, shall become subject to the public-land laws relating to national forest lands at 10:00 a. m.,

on the 35th day from the date of this order, except the SW¼SW¼, Sec. 27, all of Sec. 34 except the SW¼SW¼, and the SW¼NW¼, SW¼, Sec. 35, which are withdrawn for power purposes.

W. L. GUERNSEY,
Associate Director,
Bureau of Land Management.

[F. R. Doc. 55-4535; Filed, June 7, 1955; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10722, 11395; FCC 55M-499]

ALVARADO BROADCASTING CO. (KOAT)

NOTICE SCHEDULING PREHEARING CONFERENCE

In re application of Alvarado Broadcasting Company Inc. (KOAT), Albuquerque, New Mexico, Docket No. 10722, File No. BP-8782, for construction permit; Alvarado Broadcasting Company Inc. (KOAT), Albuquerque, New Mexico, Docket No. 11395, File No. BL-5399; for license to cover construction permit.

Pursuant to § 1.813, a prehearing conference is scheduled for Wednesday, June 8, 1955, at 10:00 a. m., in Room 1710 Temporary T Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C.

Dated: June 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4567; Filed, June 7, 1955; 8:51 a. m.]

[Docket Nos. 10844, 10845]

RADIO ASSOCIATES, INC., AND WLOX BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Radio Associates, Inc., Biloxi, Mississippi, Docket No. 10844, File No. BPCT-1150; WLOX Broadcasting Company, Biloxi, Mississippi, Docket No. 10845, File No. BPCT-1157; for construction permits for new television stations (Channel 13).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of June 1955;

The Commission having under consideration (1) a petition filed by WLOX Broadcasting Company on May 3, 1955 seeking the Commission's review and reversal of the Hearing Examiner's Memorandum Opinion and Order dated April 29, 1955, denying its petition that further hearing in the above-entitled proceeding be held in Biloxi, Mississippi, instead of Washington, D. C.; and (2) an opposition filed thereto by Radio Associates, Inc.

It appearing that the Commission has carefully considered the matters and issues raised in the petition and opposition herein, and the Examiner's Memorandum Opinion and Order of April 29, 1955;

It further appearing that while the Examiner acted in accordance with the policy laid down by the Commission as usually applicable to such requests as here involved, the circumstances of this case (see the Commission's Memorandum Opinion and Order of February 23, 1955; FCC 55-249) make it desirable to hold the hearing in the field;

It is ordered, That the above-entitled petition filed by WLOX Broadcasting Company, on May 3, 1955, is granted; that the Examiner's Memorandum Opinion and Order released April 29, 1955 is set aside; and that the hearing herein be scheduled to commence at Biloxi, Mississippi at the earliest date practicable.

Released: June 2, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4568; Filed, June 7, 1955; 8:51 a. m.]

[Docket No. 10883; FCC 55M-494]

NEWPORT BROADCASTING CO. (KNBY)

ORDER CONTINUING HEARING

In the matter of Newport Broadcasting Co. (KNBY), Newport, Arkansas, Docket No. 10883, File No. BP-9081; for construction permit.

Upon oral motion made by counsel for the applicant, Newport Broadcasting Co., on May 31, 1955 at the pre-trial conference held in the above-entitled proceeding, with agreement of all other counsel in such proceeding, and for good cause, the hearing presently scheduled for June 6, 1955, is continued to June 16, 1955, at 10 o'clock a. m.

Dated this 31st day of May 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4569; Filed, June 7, 1955; 8:51 a. m.]

[Docket Nos. 10968-1970; FCC 55M-483]

GREAT LAKES TELEVISION, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Great Lakes Television, Inc., Buffalo, New York, Docket No. 10968, File No. BPCT-1812; Leon Wyszatycki, d/b as Greater Erie Broadcasting Company, Buffalo, New York, Docket No. 10969, File No. BPCT-1827; WKBW-TV, Inc., Buffalo, New York, Docket No. 10970, File No. BPCT-1841; for construction permits for new television stations.

The Hearing Examiner having under consideration the designation of a date for further hearing in this proceeding;

It appearing that on May 16, 1955, there was an indefinite continuance with the understanding that a mutually agreeable date would be set forth in a later order:

It is ordered, This 26th day of May 1955, that further hearing shall commence on June 7, 1955, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4570; Filed, June 7, 1955; 8:52 a. m.]

[Docket Nos. 11308, 11309; FCC 55M-500]

UMATILLA BROADCASTING ENTERPRISES

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of John M. Carroll, trading as Umatilla Broadcasting Enterprises, Pendleton, Oregon, Docket No. 11308, File No. BP-9510; John Truhan, Pendleton, Oregon, Docket No. 11309, File No. BP-9535; for construction permits.

It is ordered, This 1st day of June 1955, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference, pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10 a. m., June 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4571; Filed, June 7, 1955; 8:52 a. m.]

[Docket No. 11358; FCC 55M-497]

MID-TOWN TOWING SERVICE, INC.

ORDER CONTINUING HEARING

In the matter of Mid-Town Towing Service, Inc., Bronx, New York, order to show cause why the license for Automobile Emergency Radio Station KED 954 should not be revoked.

The Hearing Examiner having under consideration a motion for continuance of hearing from June 6 to September 12, 1955, filed by the Safety and Special Radio Services Bureau on May 26, 1955;

It appearing that the Bureau has been unable to effectuate service of the order to show cause because the licensee moved and left no forwarding address, and that the Bureau is attempting to locate the licensee:

It is ordered, This 2d day of June 1955, that the motion is granted, and the hearing is continued from June 6 to September 12, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4572; Filed, June 7, 1955; 8:52 a. m.]

[Docket No. 11360; FCC 55M-488]

MOUNTAIN STATE BROADCASTING CO., INC.

ORDER CONTINUING PREHEARING CONFERENCE

In re application of Mountain State Broadcasting Co., Inc., Morgantown, West Virginia, Docket No. 11360, File No. BP-9471; for construction permit.

The Hearing Examiner having under consideration a telegraphic request received May 31, 1955, from respondent herein that the prehearing conference, now scheduled for June 3, 1955, be continued to June 10, 1955; and

It appearing that the other parties have no objection to the request;

It is ordered, This 31st day of May 1955, that the request is granted and the prehearing conference is rescheduled to be held at 10:00 a. m., Friday, June 10, 1955, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4574; Filed, June 7, 1955; 8:52 a. m.]

[Docket No. 11383; FCC 55M-496]

PARAMOUNT TELEVISION PRODUCTIONS, INC.

ORDER CONTINUING HEARING

In the matter of Paramount Television Productions, Inc., Licensee of Station KTLA-TV & Auxiliaries, Los Angeles, California; order to show cause why an order to cease and desist should not be issued against Paramount Television Productions, Inc., Licensee of Station KTLA-TV & Auxiliaries.

It is ordered, This 1st day of June, 1955, that, by reason of the illness of the Examiner designated to preside in the above-entitled proceeding and the pendency of respondent's petition to dismiss, the hearing herein, which is presently scheduled to commence June 7, 1955, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4573; Filed, June 7, 1955; 8:52 a. m.]

[Docket No. 11404; FCC 55-638]

NIAGARA BROADCASTING SYSTEM (WNIA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Gordon P. Brown tr/as Niagara Broadcasting System (WNIA), Cheektowaga, New York, Docket No. 11404, File No. BMP-6773; for modification of permit to extend completion date.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of June 1955;

The Commission having under consideration the above-entitled application for an extension of time to complete construction of Station WNIA, Cheektowaga, New York; and an opposition to the subject application filed on March 15, 1955, and a petition to intervene filed on May 17, 1955 pursuant to § 1.388 of the Commission's rules by Walter J. Urbanski; and

It appearing that on July 1, 1953 the Commission granted the application of Gordon P. Brown, trading as Niagara Broadcasting System, for a construction permit for a new standard broadcast station to operate on 1230 kilocycles, with a power of 250 watts, unlimited time, at Cheektowaga, New York (File No. BP-8766); that the application was filed on a site-to-be determined basis; that an extension of time for filing application for modification of permit to specify site was granted to October 1, 1953 on the grounds of "unable to complete negotiations to acquire title for WNIA site"; that a further extension of time to file application to specify site was granted to November 12, 1953 on the grounds of "inability of Cheektowaga Town Board to act on rezoning request until this week"; that application to specify site was filed on October 15, 1953 and granted on January 21, 1954 (File No. BMP-6343); that said permit specified that construction was to begin by March 21, 1954 and completed by September 21, 1954; that an extension of time to complete construction of the station was granted to March 21, 1955 on the grounds of difficulty in purchase and rezoning of site; and that the subject application for extension of time to complete construction of WNIA was filed on February 15, 1955, because progress toward installation of this station has been retarded by the necessity of applicant's devoting all time available to completion of construction at his station, WSAY, Rochester, New York, and because climatic conditions during the past winter months made construction impracticable; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated March 23, 1955 that the grounds advanced in support of the subject application did not appear sufficient to warrant a grant thereof; and

It further appearing that in a pleading filed on March 15, 1955, Walter J. Urbanski requested the Commission to deny the subject application and to "further permit that the frequency for said station be open to new applicants who may apply forthwith" on the grounds that the "petitioner together with other substantial associates are interested in building a radio station for the town of Cheektowaga" and that "Niagara Broadcasting Company has taken no action nor is any action contemplated to build the station and that the delay in construction is due to personal reasons and difficulties of Gordon P. Brown, the owner of the Niagara Broadcasting Company"; that in support of the allegations the petitioner contends that no difficulty was encountered in the rezoning and that "construction of WSAY has been going on seven years"; and that the applicant has deliberately created reasons to obtain extensions of time for completion date; and

It further appearing that in a petition filed on May 17, 1955, Walter J. Urbanski requested permission to intervene in any hearing on the subject application to present evidence on the issues in question pursuant to § 1.388 of the Commission's rules; and

It further appearing that replies to the Commission's above-referenced letter were filed by the applicant on April 21 and 22, 1955, denying the allegations of the petitioner, and in a letter dated May 20, 1955, it was stated that a new contractor has been retained; and

It further appearing that the Commission, upon consideration of the above-described pleadings, is unable to conclude that a grant of the subject application would be in the public interest and is of the opinion that a hearing is necessary; and

It further appearing that in the above-described petition to intervene Walter J. Urbanski has shown insufficient legal interest in a hearing proceeding on the subject application to be made an intervenor, but that his interests will be adequately protected in accordance with the provisions of § 1.723 of the Commission's rules which provides that persons submitting communications relative to certain matters before the Commission will have an opportunity to appear and give evidence at a hearing thereon;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at the offices of the Commission in Washington, D. C., at 10:00 a. m. on July 11, 1955, upon the following issues:

1. To determine whether or not Niagara Broadcasting System has been diligent in proceeding with the construction of Station WNIA as authorized in its construction permit (as modified).

2. To determine whether or not Niagara Broadcasting System has been prevented from beginning or completing construction of Station WNIA as authorized by its construction permit by causes not under its control within the meaning of section 319 (b) of the Communications Act of 1934, as amended.

3. To determine whether a grant of the above-entitled application would serve the public interest, convenience and necessity.

It is further ordered, That the above-described petition of Walter J. Urbanski is denied, with the understanding, however, that pursuant to § 1.723 of the Commission's rules, said petition be considered as a communication relating to the merits of the application of Niagara Broadcasting Company and that Walter J. Urbanski shall have the opportunity to appear and give relevant evidence at a hearing on said application.

Released: June 3, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4575; Filed, June 7, 1955; 8:53 a. m.]

[FCC 55-641]

NATIONAL CIVIL DEFENSE TEST EXERCISE "OPERATION ALERT (1955)" AND FUTURE CIVIL DEFENSE DRILLS OR EXERCISES

PARTICIPATION OF STATIONS LICENSED BY COMMISSION

JUNE 3, 1955.

The Federal Communications Commission (FCC), in cooperation with the Federal Civil Defense Administration (FCDA), is issuing this Public Notice for the purpose of advising Commission licensees as to the extent they are authorized to participate in the national civil defense test exercise "Operation Alert (1955)" which is scheduled to occur on June 15/16, 1955, or any other similar test exercise or drill held in the future. In staff meetings between the two agencies, it has been indicated that other drills and exercises, either local or national in character, may be required to be held from time to time in the future. Such future exercises may be conducted without prior special coordination and arrangement. This Public Notice is not only an interpretation of radio operating authority applicable to the forthcoming June 15th exercise but is also applicable to any future instances of civil defense drills or exercises.

Participation in this or future civil defense test exercises by FCC licensed stations operating in accordance with the Commission's rules, is authorized subject to the following:

(a) Domestic fixed (point-to-point) communications service for civil defense shall not be rendered on frequencies below 25 Mc except by those stations licensed in the Amateur or Disaster Communication Services or by broadcast stations. However, this does not serve to prevent the regularly authorized fixed service use of frequencies for the purpose of performing functions of normal character already authorized within a single service. For example, police fixed stations and land stations may intercommunicate for the purpose of handling civil defense drill police business in addition to normal police business.

(b) When the civil defense organization diverts an activity which utilizes an FCC licensed radio system from its normal civil function and integrates it into a civil defense exercise, radio stations licensed to that system shall be used only in the conduct of the civil defense task assigned to that system. For example, if a mobile system is to perform the civil defense task of an ambulance corps, its radio facilities shall be utilized only within its existing system and under the control of the licensee of the stations in that system. However, this does not preclude a licensee from operating a transmitter at or near a civil defense control center for liaison purposes. Furthermore, as a special exception to this policy, stations of taxicab systems may be utilized temporarily to furnish a civil defense communications service in a civil defense exercise in the hypothetical absence of stations in the Radio Amateur Civil Emergency Service (RACES), Disaster of Domestic Public services. However, stations of such taxicab systems shall cease to perform this function as soon as RACES, Disaster or Domestic Public services can be re-established.

(c) Any radio station having limited hours of normal service specified in the rules governing its operation or in the terms of its instrument of authorization is authorized to operate only during the hours so specified.

(d) A valid station authorization is necessary before a radio transmitter may be utilized in any exercise.

(e) No interference shall be caused to the regular service of stations which are not participating in an exercise and the normal communications required by any station for the purpose of carrying on its regular functions takes priority over the communications required by the exercise. This does not preclude voluntary arrangements being made in particular areas so as to minimize possibilities of interference to regular service.

(f) Due to the safety requirements of services and stations governed by Part 9, of the Commission's rules, the only aviation facilities permitted to participate in a civil defense exercise are aeronautical advisory stations, civil air patrol stations, and aircraft stations authorized to communicate with these stations.

(g) Stations in the Domestic Fixed Public or Domestic Public Land Mobile service are not authorized to participate in an exercise beyond the authority contained in the regular rules and regulations governing these services.

(h) CONELRAD. It is not contemplated that a CONELRAD test will be run during the June 15th exercise. However, standard broadcast stations may, if the licensee so desires, operate during the experimental period in accordance with the station's National Defense Emergency Authorization and the CONELRAD rules and regulations of the Commission, provided such operation is approved by the FCC Field Supervisor in the Air Defense Force area in which the station is located as follows:

FCC Field Supervisor (CONELRAD) (O&T),
Hq. Eastern Air Defense Force,
Stewart Air Force Base,
Newburgh, New York.

FCC Field Supervisor (CONELRAD) (PO&R),
Hq. Central Air Defense Force,
Grandview Air Force Base,
Grandview, Missouri.

FCC Western Supervisor (CONELRAD),
Drawer 12, Hamilton, California.

Such operation shall be voluntary on the part of the broadcast station and shall be initiated by local, State or Federal Civil Defense Authorities.

(i) The Federal Civil Defense Administration has requested the voluntary cooperation of all amateurs to the end that the planned RACES procedures will be effective in the portions of this exercise which will be conducted by amateurs. In order to accomplish this the local civil defense organizations may enlist voluntary cooperation as follows:

Any RACES stations operating under an approved plan may be asked to participate in the June 15 exercise on RACES frequencies. It is planned that such activities will be carried out in accordance with all the operational requirements of the RACES rules as outlined in Subpart B of Part 12 of the Commission's rules. Amateur radio operators who are not included in an approved RACES plan may be asked to participate in the exercise on RACES frequencies as specifically required by the cognizant Civil Defense Director of any geographic area and their operation must be in accordance with Subpart A of Part 12. It is further planned that all such communications will be conducted on the RACES frequencies on radio frequency channels which have been established for each geographic area as agreed to by the State and local Civil Defense organization and the Federal Civil Defense Administration. Amateurs who do not participate in this exercise are expected to cooperate by not operating on RACES frequencies during the period of the exercise.

(j) Only those stations in the Amateur, Disaster, Domestic Public, Citizen's Radio and Special Emergency communications services are authorized to perform the function of a "Civil Defense Communications Service" during an exercise. However, this does not preclude the use of the communications facilities associated with licensed systems in other services for the purpose of handling the communications necessary to perform the activity assigned such services by the civil defense authorities. For example, a taxi mobile radio system may not, except as an interim measure as indicated in paragraph (b) above, serve as the communication service to take the place of public communication facilities which, for purposes of an exercise, are considered destroyed. On the other hand, the taxi radio system may continue to operate its system in connection with the emergency function assigned it by the civil defense authorities as indicated in paragraph (b) above.

(k) Stations authorized to operate under the authority of Parts 3 and 4 of the Commission's rules may participate in the manner and to the extent indicated in § 2.405 of Part 2 of the Commission's rules. However, for the purpose of this or other civil defense exercises, reports to the Commission will not be required.

A definitive policy regarding the availability of frequencies of non-Government services referred to in this Notice under the extremes of emergency conditions and areas of attack is being prepared within the Federal Government and appropriates information in this regard will be made known at the earliest possible date. The Commission in the interim reminds its licensees that there might be occasions wherein, depending upon the nature of the attack and the area in question, some of the frequencies that are presently alllocated to non-Government services referred to in this notice may be withdrawn and reassigned to better meet an extreme emergency. It is emphasized that nothing in this public notice in any way alters the existing situation or earlier announcements with respect to frequencies for the RACES and Disaster Communications services.

The Commission will not accept applications for special authority to operate any radio station in this exercise.

Adopted: June 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4576; Filed, June 7, 1955; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3292]

EASTERN AIR LINES, INC., ROUTE CONSOLIDATION CASE

NOTICE OF HEARING

In the matter of the proceeding known as the Eastern Route Consolidation Case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of the act, that a hearing in the above-entitled proceeding is assigned to be held on June 21, 1955, at 10:00 a. m., e. d. s. t., in room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Notice is further given that any person not a party to the proceeding desiring to be heard in opposition to the matters set forth in the case must file with the Board on or before June 21, 1955, a statement setting forth issues of fact or law which he desires to contest. Any person filing such a statement may appear and participate at the hearing in accordance with § 302.14 of the procedural regulations under Title IV of the Civil Aeronautics Act, as amended.

For further details of the proceeding and issues involved, interested persons are referred to the applications consolidated in the proceeding and to the report of the prehearing conference as well as other documents contained in the official docket in the case on file with the Civil Aeronautics Board.

Dated at Washington, D. C., June 2, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-4579; Filed, June 7, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2534, G-8805, G-8812, G-8813, G-8817, G-8818, G-8837, G-8899, G-8938, G-8971]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 1, 1955.

In the matter of Alabama-Tennessee Natural Gas Company, Docket No. G-2534; Tennessee Gas Transmission Company, Docket No. G-8805; The Superior Oil Company, Docket No. G-8812; United Gas Pipe Line Company, Docket No. G-8813; The California Company, Docket Nos. G-8817, G-8818; Shell Oil Company, Docket No. G-8837; East Tennessee Natural Gas Corporation, Docket No. G-8899; E. J. Hudson, et al., Docket No. G-8938; M. L. Mayfield Co., et al., Docket No. G-8971.

Take notice that on August 6, 1954, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), a Delaware Corporation with principal office in Florence, Alabama; on April 27, 1955, Tennessee Gas Transmission Company (Tennessee), a Delaware corporation with principal office in Houston, Texas; on April 28, 1955, The Superior Oil Company (Superior), a California corporation with principal office in Houston, Texas; on April 28, 1955, United Gas Pipe Line Company (United), a Delaware corporation with principal office in Shreveport, Louisiana; on April 28, 1955, The California Company (California), a California corporation with principal office in New Orleans, Louisiana; on April 29, 1955, Shell Oil Company (Shell), a Delaware corporation with principal office in New York City, New York; on May 13, 1955, East Tennessee Natural Gas Company (East Tennessee), a Tennessee corporation with principal office at Knoxville, Tennessee; on May 23, 1955, E. J. Hudson, et al. (Hudson), with principal office in Shreveport, Louisiana; on May 27, 1955, M. L. Mayfield Co., et al. (Mayfield), with principal office in Houston, Texas, filed applications for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing them to render service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Alabama-Tennessee proposes to construct and operate approximately 21.2 miles of 12¾-inch pipeline loop in Colbert County, Alabama, paralleling its existing 10-inch main line for the transportation and sale of natural gas to proposed new customers and additional gas to existing customers. The remainder of the application in Docket No. G-2534 was disposed of by the Commissioner's order issued January 4, 1955.

Tennessee seeks authorization to construct and operate additional gas-supply laterals and main line facilities for the sale and delivery of natural gas to new wholesale customers and to increase sales and deliveries to several existing wholesale customers. The gas-supply laterals consist of approximately 376 miles of pipelines varying in diameter from 6-inch to 24-inch, which lateral lines will be used to connect new sources of gas supply in southeastern Louisiana and in the Mississippi River delta area. The main line facilities proposed consist of approximately 220 miles of 26-inch and 30-inch main line loops to be located in Kentucky and Ohio. Tennessee also proposes to install 12,540 Hp of additional compressor facilities. The proposed facilities would increase Tennessee's system average-day design capacity from 1,728,390 Mcf to 1,836,000 Mcf and the peak-day design capacity from 2,115,969 Mcf to 2,223,579 Mcf. The estimated cost of the proposed facilities is $56,000,000, to be financed by Tennessee through the issuance of first mortgage pipeline bonds, debentures, and preferred and common stocks.

Tennesseee proposes to sell and deliver specified volumes of gas, as set forth in the application, to the following new wholesale customers:

Natural Gas & Oil Corporation (Newark, Ohio).
Town of Centerville, Tennessee.
Delta Natural Gas Company (Berea and Salt Lick, Kentucky).
City of Hohenwald, Tennessee.
City of Linden, Tennessee.
New York State Electric and Gas Corporation.
City of Savannah, Tennessee.
United Gas Pipe Line Company (Coffeeville, Mississippi).

Tennessee also proposes to sell and deliver specified additional volumes of gas to its following existing wholesale customers:

The East Ohio Gas Company.
Equitable Gas Company.
Inland Gas Corporation.
City of Morehead, Kentucky.
North Penn Gas Company.
Republic Light, Heat and Power Company, Inc.
Texas Gas Transmission Corporation.
Alabama-Tennessee Natural Gas Company.
The Berkshire Gas Company (Pittsfield, Massachusetts).
Town of Bolivar, Tennessee.
Concord Natural Gas Corporation.
East Tennessee Natural Gas Company.
The Greenwich Gas Company.
City of Holyoke, Massachusetts, Gas and Electric Department.
Manchester Gas Company.
Cities of New Albany and Pontotoc, Mississippi.
New Britain Gas Light Company.
City of Portland, Tennessee.
Cities of Ripley and Booneville and the Town of Baldwyn, Mississippi.
Tennessee Natural Gas Lines, Inc.
Western Kentucky Gas Company.
City of Westfield, Massachusetts, Gas and Electric Light Department.

The proposed sales by Tennessee are to be made under its existing tariffs on file with the Commission. Tennessee states that the proposed additional facilities will not result in a material change in its average cost of service.

United proposes to construct and operate approximately one mile of 2⅜-inch pipeline, together with metering and regulating facilities in Yalobusha County, Mississippi, extending from Tennessee's measuring station to United's Coffeeville measuring station for the transportation and sale of natural gas to United Gas Corporation for resale in the Town of Coffeeville, Mississippi.

East Tennessee proposes to construct and operate approximately 1½ miles of 3½-inch pipe line, together with metering and regulating facilities in Hickman County, Tennessee, extending from a connection with Tennessee's Kinder-Portland line to the chemical plant of Tennessee Products & Chemical Corp.

Superior proposes to sell natural gas to Tennessee, which gas will be produced from the Bayou Panchant and Four Isle Dome Fields in Terrebonne Parish, Louisiana. California proposes to sell natural gas to Tennessee, which gas will be produced from La Rose and Cut-off Fields in Lafourche Parish; West Delta Farms and Little Lake Fields in Jefferson and Lafourche Parishes; Bay Marchand Field in Lafourche Parish (and offshore); Dixon Bay, South Pass Block 24, Cox Bay, West Black Bay; Main Pass Block 24, and Main Pass Block 35 Fields in Plaquemines Parish; Charenton Field in St. Mary Parish; and Gillis English Bayou Field in Calcasieu Parish, Louisiana. Shell proposes to sell natural gas to Tennessee, which gas will be produced from the Halter Island area in Terrebonne Parish; and the Main Pass Block 35 area, the Main Pass Block 69 area, and the South Pass area in Plaquemines Parish, Louisiana. Hudson proposes to sell natural gas to Tennessee, which gas will be produced from the West Delta Farms Field in Lafourche Parish, Louisiana. Mayfield proposes to sell natural gas to Tennessee, which gas will be produced from the Amelia Field in Assumption, Terrebonne, and Lafourche Parishes, Louisiana. This gas to be produced in the State of Louisiana will be commingled with other gas and resold at markets in other states served by Tennessee's transmission pipeline system. The initial price of this gas to be purchased by Tennessee is 17 cents per Mcf.

Take further notice that these related matters should be heard on a consolidated record, and, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing will be held on June 21, 1955, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 16, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4538; Filed, June 7, 1955; 8:46 a. m.]

[Docket No. G-3711]

UNION OIL COMPANY OF CALIFORNIA AND LOUISIANA LAND AND EXPLORATION CO.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 1, 1955.

Upon consideration of the motion, filed May 24, 1955, by Union Oil Company and Louisiana Land and Exploration Company, for postponement of the hearing now scheduled for June 6, 1955, in the above-designated matter;

Notice is hereby given that the hearing now scheduled for June 6, 1955, is hereby postponed to 10:00 a. m. e. d. s. t., July 25, 1955, in the Commission's Hearing Room, 441 G Street N.W., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4554; Filed, June 7, 1955; 8:49 a. m.]

[Docket Nos. G-4331, G-4332]

UNION OIL CO. OF CALIFORNIA AND LOUISIANA LAND AND EXPLORATION CO.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 1, 1955.

Upon consideration of the motion, filed May 24, 1955, by Union Oil Company and Louisiana Land and Exploration Company, for postponement of the hearing now scheduled for June 20, 1955, in the above-designated matters;

Notice is hereby given that the hearing now scheduled for June 20, 1955, is hereby postponed to 10:00 a. m., e. d. s. t., July 25, 1955, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4555; Filed, June 7, 1955; 8:49 a. m.]

[Docket Nos. G-8571, G-8572]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 1, 1955.

Take notice that Cities Service Gas Company (Applicant) a Delaware Corporation with its principal place of business in Oklahoma City, Oklahoma, filed applications on March 14, 1955, in the above-entitled Dockets, for certificates of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to abandon and remove certain facilities and to construct and operate in lieu thereof new facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant in its application in Docket No. G-8571 proposes to:

(1) Abandon and remove approximately 6.5 miles of 8⅝-inch transmission pipeline and construct and operate in lieu thereof a like amount of 12¾-inch pipeline in Johnson County, Missouri.

(2) Abandon and remove approximately 10 miles of 6⅝-inch transmission pipeline and construct and operate in lieu thereof a like amount of 10¾-inch pipeline in Lafayette County, Missouri.

(3) Construct a 1,350 horsepower compressor station in Cass County, Missouri.

Applicant proposes in its application in Docket No. G-8572 to:

(1) Abandon and remove approximately 20 miles of 10¾-inch transmission pipeline and construct and operate in lieu thereof a like amount of 16-inch pipeline in Lawrence and Newton Counties, Missouri.

(2) Abandon and remove approximately 1.28 miles of 16-inch transmission pipeline and construct and operate in lieu thereof a like amount of 30-inch pipeline; abandon and remove approximately 0.25 mile of 16-inch transmission line and install in lieu thereof a like amount of 4½-inch pipeline.

(3) Abandon and remove 3.15 miles of 16-inch line.

(4) Construct and operate 0.5 mile of 20-inch and 0.5 mile of 16-inch pipeline.

Items (2), (3) and (4) of Docket No. G-8572 are portions of the so-called "inside Glavin Station" system, Johnson County, Missouri used to serve the Kansas City area, while item (1) of that docket is on the Saginaw-Springfield system of Applicant.

Applicant states that the proposed abandonment, replacement and new construction is required to meet the increasing demands of its presently existing utility customers except the so-called "inside Glavin Station" proposal. The latter, Applicant states, is required because of deterioration of the existing facilities due to age and to promote safety in the highly congested area.

The total out-of-pocket cost for both projects is estimated to be $1,685,900 to be paid for out of treasury cash.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on June 21, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 17, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4539; Filed, June 7, 1955; 8:46 a. m.]

[Docket No. G-8731]

JAMES HRS GAS CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1955.

Take notice that James HRS Gas Company, Geo. Miller, et al. (Applicant), a West Virginia organization whose address is Box 2, Glenville, West Virginia, filed on April 7, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from Stewart's Creek Field, Baldwin County, West Virginia, to Equitable Gas Company, at 20 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 24, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure, a hearing will be held on June 24, 1955, at 9:35 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4556; Filed, June 7, 1955; 8:50 a. m.]

[Docket No. G-8755]

GEORGE JACKSON

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1955.

Take notice that George Jackson (Applicant), an individual, whose address is P. O. Box 351, Clarksburg, West Virginia, filed on April 12, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Buckhannon District, Upshur County, West Virginia to Equitable Gas Company, at 20 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 24, 1955, at 9:35 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4557; Filed, June 7, 1955; 8:50 a. m.]

[Docket No. G-8908]

DELHI-TAYLOR OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 2, 1955.

Take notice that Delhi-Taylor Oil Corporation (Applicant), a Delaware corporation, whose address is Corrigan Tower, Dallas, Texas, filed on May 16, 1955, an application for disclaimer of jurisdiction, or, in the alternative for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the McKinney Field, Clark County, Kansas, to Northern Natural Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 24, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 20, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4558; Filed, June 7, 1955; 8:50 a. m.]

[Docket No. G-8977]

R. H. GOODRICH

ORDER SUSPENDING PROPOSED CHANGES IN RATES

R. H. Goodrich (Applicant), on May 3, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Apr. 30, 1955.	United Gas Pipe Line Co., Duck Lake Field, St. Mary and St. Martin Parishes, La.	Supplement No. 1 to applicant's FPC gas rate schedule No. 1.	June 3, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until November 1, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: June 1, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4536; Filed, June 7, 1955; 8:46 a. m.]

[Docket No. G-8978]

W. H. COCKE

ORDER SUSPENDING PROPOSED CHANGES IN RATES

W. H. Cocke (Applicant), on May 2, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated Apr. 29, 1955.	United Gas Pipe Line Co., Duck Lake Field, St. Mary and St. Martin Parishes, La.	Supplement No. 1 to applicant's FPC gas rate schedule No. 1.	June 2, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective dat proposed by applicant, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until November 1, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: May 25, 1955.

Issued: June 1, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4537; Filed, June 7, 1955; 8:46 a. m.]

[Project No. 1309]

GUY C. COYKENDALL ET AL.

NOTICE OF ORDER APPROVING LICENSE (MINOR)

JUNE 2, 1955.

In the matter of Guy C. Coykendall and Robert C. Kylis, Florence M. Curtiss, Mildred E. Lebens, and William M. Lebens, Project No. 1309.

Notice is hereby given that on May 10, 1955, the Federal Power Commission issued its order adopted May 4, 1955, approving transfer of license (Minor) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4550; Filed, June 7, 1955; 8:49 a. m.]

[1] Commissioner Digby dissenting.

[Project No. 1999]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

JUNE 2, 1955.

Notice is hereby given that on May 10, 1955, the Federal Power Commission issued its order adopted May 4, 1955, issuing license (Major) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4551; Filed, June 7, 1955; 8:49 a. m.]

[Project No. 2171]

CITY OF SEWARD, TERRITORY OF ALASKA

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

JUNE 2, 1955.

Notice is hereby given that on May 9, 1955, the Federal Power Commission issued its order adopted May 4, 1955, issuing preliminary permit in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4552; Filed, June 7, 1955; 8:49 a. m.]

[Project No. 2177]

GEORGIA POWER CO.

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

JUNE 2, 1955.

Notice is hereby given that on May 10, 1955, the Federal Power Commission issued its order adopted May 4, 1955, issuing preliminary permit in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-4553; Filed, June 7, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 3, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 3709: Commodities—From, to and between western points. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on commodities, various, in carloads, including building, wall or insulating boards, perlite rock, cans, noibn, denatured alcohol and solvents, and carbon dioxide, from, to and between points in western trunk-line territory.

Grounds for relief: Circuitous routes.

FSA No. 30710: Pig iron—North Tonawanda, N. Y., to Bayonne, N. J. Filed by C. W. Boin, Agent, for interested rail carriers. Rates on pig iron, carloads, from North Tonawanda, N. Y. to Bayonne, N. J.

Grounds for relief: Barge-rail competition and circuity.

Tariff: Supplement 16 to Erie Railroad tariff I. C. C. No. 20891 and two other tariffs.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-4546; Filed, June 7, 1955; 8:48 a. m.]

[No. MC-C-1814]

PAINTS AND RELATED ARTICLES FROM CALIFORNIA TO UTAH AND IDAHO

INVESTIGATION OF RATES AND CHARGES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 27th day of May, A. D., 1955.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of paints and related articles from points in California to points in Utah and Idaho, as set forth in Item 2510, 22nd Revised Page 264, Rocky Mountain Motor Tariff Bureau, Inc., Agent, MF-I. C. C. No. 52, or as same may be amended or reissued;

It appearing that upon consideration of the tariff schedules and protest thereto there is reason to believe that they result in rates and charges, rules, regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules and regulations and practices contained in said schedules, with a view to making such findings and order in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-4547; Filed, June 7, 1955; 8:48 a. m.]

[Notice 63]

MOTOR CARRIER APPLICATIONS

JUNE 3, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 10343 Sub 6, filed April 4, 1955, CHURCHILL TRUCK LINES, INC., Highway 36, West, Chillicothe, Mo. Applicant's attorney: D. C. McDonald, Room 1, Ott Bldg., Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction U. S. Highways 36 and 61 and junction U. S. Highways 36 and 24 (about nine (9) miles west of Hannibal, Mo.), over U. S. Highway 36, serving no intermediate points, as an alternate or connecting route for operating convenience and joinder purposes only, in connection with applicant's regular route operations (a) between Memphis, Mo., and National Stock Yards, Ill., acquired by applicant herein pursuant to MC-F 5476, and (b) between Kirksville, Mo., and Quincy, Ill. Applicant is authorized to conduct operations in Illinois, Iowa, Kansas, and Missouri.

No. MC 29489 Sub 4, filed May 26, 1955, MISSOURI MOTOR SERVICE, INC., 1615 N. Eleventh Street, St. Louis 1, Mo. Applicant's attorney: T. D. Drury, 506 Olive Street, St. Louis 1, Mo. For authority to operate as a *contract carrier*, over a regular route, transporting: *Shoes and boots*, and *machinery, materials, supplies* and *equipment* used in the manufacture of shoes and boots, between St. Louis, Mo., and Trenton, Ill., over U. S. Highway 50, serving no intermediate points. Applicant is authorized to conduct operations in Arkansas, Illinois, and Missouri over regular routes, and in Illinois, Indiana, and Missouri over irregular routes.

No. MC 30631 Sub 9, filed May 23, 1955, SANDERS MOTOR FREIGHT, INCORPORATED, 44 Liberty St., Oakland, Md. Applicant's attorney: H. Charles Ephraim, Pennsylvania Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Garret County, Md., on the one hand, and, on the other, points in West Virginia. Applicant states the authority is sought solely to permit it to use gateway points in Garrett County, Md., as substitutes for Oakland, Md., and points in Tucker County, W. Va., which may be used as gateway points under its authority in Certificates Nos. MC 30631 and MC 30631 Sub No. 8. Applicant is authorized to conduct operations in Maryland, Virginia, Pennsylvania, West Virginia, and the District of Columbia.

No. MC 42329 Sub 114, filed May 9, 1955, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, but not including commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Ford Motor Company, Mound Road and Seventeen Mile Road, one mile north of the Detroit, Mich., Commercial Zone as defined by the Commission, in Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's regular route operations between Toledo, Ohio, and Detroit, Mich., over U. S. Highway 24. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee and West Virginia.

No. MC 47417 Sub 2, filed May 23, 1955, GLENN E. MILLS, doing business as MILLS FILM TRANSFER, 1234 S. 9th, Lincoln, Nebr. Applicant's representatives: C. A. Ross, 1004-1005 Trust Bldg., Lincoln 8, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *Magazines and Periodicals*, (1) from Omaha, Nebr. to Red Cloud, Nebr., from Omaha over Nebraska Highway 38 to junction Nebraska Highway 37, thence over Nebraska Highway 37 to Millard, Nebr., thence over Nebraska Highway 31 to junction U. S. Highway 6, thence over U. S. Highway 6 to Lincoln, Nebr., thence over U. S. Highway 77 to Wymore, Nebr., thence return over U. S. Highway 77 to junction unnumbered highway, thence over unnumbered highway to Fairbury, Nebr., and thence over Nebraska Highway 3 to Red Cloud; and from Omaha, Nebr. to Lincoln, Nebr., as specified above, thence over U. S. Highway 77 to junction Nebraska Highway 33, thence over Nebraska Highway 33 to Crete, Nebr., thence over Nebraska Highway 82 to Beatrice, Nebr., and thence over Nebraska Highway 3 to Red Cloud, and return over these routes to Omaha, serving all intermediate points, and the off-route points of Nelson, Davenport, Bruning, Superior, Guide Rock, Ohiowa, Chester, and Milligan, Nebr., (2) from Omaha, Nebr. to Grand Island, Nebr., from Omaha to junction U. S. Highway 77 and Nebraska Highway 33, as specified above, thence over Nebraska Highway 33 to to Dorchester, Nebr., thence over U. S. Highway 6 to Hastings, Nebr., and thence over U. S. Highway 281 to Grand Island; from Omaha to Lincoln, Nebr., as specified above, thence over U. S. Highway 6 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to Aurora, Nebr., and thence over U. S. Highway 34 to junction U. S. Highway 281, thence over U. S. Highway 281 to Grand Island; from Omaha to Lincoln, Nebr., as specified above, thence over U. S. Highway 34 to junction U. S. Highway 281, and thence over U. S. Highway 281 to Grand Island, and return over these routes to Omaha, serving all intermediate points, and the off-route points of Harvard, Clay Center, Fairfield, and Geneva, Nebr.; *out-of-date magazines and periodicals* on return. Applicant is authorized to transport motion picture films, advertising matter and accessories, and newspapers over the above-described routes and the magazines and periodicals will move in the same trucks now transporting these commodities.

No. MC 55776 Sub 6, filed May 23, 1955, MID-AMERICA HIGHWAY EXPRESS, INC., 507 Stryker Street, Archbold, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5850 North High Street, Worthington, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products*, and *meat by-products*, points in Fulton County, Ohio, Boston, Mass., Buffalo, Rochester, Syracuse and Utica, N. Y., and New Castle, Pa. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania and Rhode Island.

No. MC 69492 Sub 13, filed May 26, 1955, HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Clinton, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beer*, in glass or tin in cartons, and in kegs, from Belleville, Ill., and St. Louis, Mo., to Jackson, Tenn. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri and Tennessee.

No. MC 69833 Sub 45, filed May 11, 1955 (Amended), ASSOCIATED TRUCK LINES, INC., 15 Andre Street, S. E., Grand Rapids 7, Mich. Applicant's attorney: R. E. DesRoches, 572 Hollister Building, Lansing 8, Mich. For authority to operate as a *common carrier*, transporting: *Scrap metals*, in bulk, and *general commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (not including scrap metals in bulk), commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the Ford Motor Company, Chassis Parts Division, Sterling Plant, located at the northeast intersection of Mound Road and Seventeen Mile Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with the carrier's regular route operations (1) between Detroit, Mich., and Manistee, Mich., and (2) between Detroit, Mich., and junction Twelve Mile Road and Michigan Highway 53. Applicant is authorized to conduct operations in Michigan, Illinois, Ohio and Indiana.

No. MC 72140 Sub 31, filed May 26, 1955, SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend 24, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company, Chassis Parts Division, Sterling Plant, at or near the intersection of Mound Road and Seventeen Mile Road, in Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's regular route operations to and from Detroit, Mich., over U. S. Highways 25 and 112. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan and Ohio.

No. MC 75651 Sub 39, filed April 26, 1955, amended May 25, 1955, published in the June 2, 1955, issue, page 3857, R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paper and paperboard products*, from Yulee, Fla., and points within two miles thereof, to Augusta, Ga., and points in South Carolina (except Clover, S. C., and points within 35 miles of Clover). Applicant is authorized to conduct regular route operations in Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia and the District of Columbia, and irregular route operations in North Carolina and South Carolina.

No. MC 76993 Sub 20, filed May 11, 1955, EXPRESS FREIGHT LINES, INC., 4600 W. Burnham St., Milwaukee 4, Wis. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving Ford Motor Company, Sterling Plant, located at or near the intersection of Mound Road and 17-mile Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with the carrier's regular route operations (1) between Detroit, Mich. and the Chrysler Tank Arsenal near Detroit over Michigan Highway 53, (2) between junction U. S. Highway 112 and U. S. Highway 24, and Pontiac, Mich., over U. S. Highway 24, (3) between Detroit, Mich. and Pontiac, Mich. over U. S. Highway 10, and (4) between Detroit, Mich. and the site of the Packard Motor Car Company's plant about two miles north of Utica, Mich. over Michigan Highway 53. Applicant is authorized to conduct operations in Wisconsin, Michigan, Illinois and Indiana.

No. MC 79737 Sub 8, filed March 31, 1955, (Amended), Published on Page 3200 of issue of May 11, 1955, SOUTHWESTERN TRANSPORTATION CO., INC., 816 Water Street, Canon City, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including household goods as defined by the Commission, commodities in bulk (other than petroleum products) and commodities requiring special equipment*, but excepting those of unusual value and Class A and B explosives, between points in Fremont County, Colo., on the one hand, and on the other, points in Colorado, excluding service from or to Denver, Colo. and Pueblo, Colo.

No. MC 88161 Sub 46, filed May 13, 1955, INLAND PETROLEUM TRANSPORTATION CO., INC., 5047 Colorado Avenue, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, (1) from points in Idaho to points in Washington and Oregon, and (2) from Tacoma, Wash., to points in Oregon. *Contaminated shipments* of the commodities specified in this application and *spent sulphuric acid* on return.

No. MC 95535 Sub 5, filed May 25, 1955, CLEO CROUCH, doing business as PONY EXPRESS, 802 South 7th Street, St. Joseph, Mo. Applicant's attorney: Charles W. Singer, Suite 922 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm tractors*, from Rock Island, Ill., to points

in Arizona, Arkansas (except Rogers, Ark.), California, Colorado, Louisiana, Nevada, New Mexico, Oklahoma, Texas, and Utah. Applicant is authorized to conduct operations in Arkansas, Illinois, Iowa, Kansas, Missouri, and Nebraska.

No. MC 103880 Sub 144, filed May 23, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 S. La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Henderson, Ky., to points in Indiana and Illinois. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin.

No. MC 106009 Sub 3, filed May 13, 1955, JOHN AUSTIN EMORY, doing business as CAUSTIC SODA TRANSPORTATION CO., 21 Mildred Avenue, West Asheville, N. C. Applicant's representative: Robert R. Williams, Jr., Jackson Building, P. O. Box 7295, Asheville, N. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Liquid sulphuric acid*, in bulk, in tank trucks, from Copperhill, Tenn., to Asheville, N. C., from Copperhill north over Tennessee Highway 68 to Ducktown, Tenn., thence over Tennessee Highway 68 to junction U. S. Highway 64, thence over U. S. Highway 64 to Murphy, N. C., thence over U. S. Highway 19 to Asheville, N. C. serving intermediate points in Buncombe and Haywood Counties, N. C., and off-route points in Buncombe, Haywood, Transylvania, Henderson, Polk, McDowell, Yancey and Madison Counties, N. C.

No. MC 107002 Sub 77, filed May 23, 1955, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Ave., P. O. Box 687, New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Natural gas odorants*, (including, but not limited to, organic sulfide and aliphatic mercaptan), in bulk, in tank vehicles, from Oak Point, La., to points in Georgia, Illinois, Kansas, Louisiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, West Virginia, Wisconsin and the District of Columbia.

No. MC 107527 Sub 28, filed May 23, 1955, POST TRANSPORTATION COMPANY, a corporation, 3152 East 26th Street, Los Angeles 23, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid sodium silicate*, in bulk, in tank trucks and tank trailers, from South Gate, Calif., to the site of the Lincoln Mine at Tempiute, Nev., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement.

No. MC 108671 Sub 11, filed May 23, 1955, TARBET TRUCKING, INC., 311 E. 18th Street, Muncie, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Ford Motor Company, Chassis Parts Manufacturing Plant, located at the northeast intersection of Mound Road and Seventeen Mile Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's regular route operations between Muncie, Ind., and Detroit, Mich., over U. S. Highway 25. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio and Pennsylvania.

No. MC 109637 Sub 29, filed May 23, 1955, GASOLINE TRANSPORT CO., a corporation, 4500 Bells Lane, Louisville 11, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Henderson, Ky., and points within five miles thereof to points in Indiana on and south of U. S. Highway 40. Applicant is authorized to conduct operations in Kentucky, Indiana, Tennessee and Illinois.

No. MC 109658 Sub 3, filed May 23, 1955, GEORGE C. WINN AND LYLE E. WINN, doing business as MARION MACHINE WORKS, 601 South Main St., Marion, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fluorspar*, in bulk, in covered dump trucks, from Hardin County, Ill., to points in Marshall County, Ky. Applicant is authorized to conduct operations in Illinois and Kentucky.

No. MC 109734 Sub 75, filed May 23, 1955, SYSTEM TANK LINES, INC., 299 Adeline St., Oakland 4, Calif. Applicant's attorney: William B. Adams, Pacific Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from pipeline terminals located in San Bernardino and Imperial Counties, California, to points in Arizona and Nevada. Applicant is authorized to conduct operations in Montana, Idaho, Oregon, Washington, California, Arizona, Nevada, and Utah.

No. MC 109914 Sub 7, filed May 20, 1955, DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo, Ohio. Applicant's attorney: Arthur R. Cline, 420 Security Building, Toledo 4, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the Ford Motor Co. plant located at the northeast intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich., one mile beyond the northern limits of the Detroit, Mich., Commercial Zone as defined by the Commission, as an off-route point in connection with regular route operations to and from Detroit, Mich., and the Detroit, Mich. Commercial Zone, over U. S. Highways 25 and 112, and Michigan Highways 17 and 53. Applicant is authorized to conduct operations in Indiana, Michigan, and Ohio.

No. MC 110663 Sub 2, filed May 23, 1955, R. CONLEY, INC., State Road, Springbrook, N. Y. Applicant's representative: Samuel V. Gianniny, 25 Exchange St., Rochester 14, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Milk, Cream* and *milk products*, as more fully set forth in the application in bulk, in refrigerated tank vehicles, from Leon, N. Y., to points in Connecticut, and *Empty containers* or other such incidental facilities (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in New York, Pennsylvania, and New Jersey.

No. MC 112097 Sub 2, filed May 23, 1955, EVANS MOTOR FREIGHT, INC., 114 S. Walnut St., Van Wert, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over a regular route, transporting: *Parts for Fibre Drums*, moving in vehicles especially designed, fitted, and equipped for their transportation, from Van Wert, Ohio, to Midland, Mich., from Van Wert over U. S. Highway 127 to Lansing, Mich., thence over U. S. Highway 27 to Mt. Pleasant, Mich., thence over Michigan Highway 20 to Midland, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities from Midland, Mich., over the above-specified route to Van Wert, Ohio, serving no intermediate points.

No. MC 114015 Sub 3, filed May 23, 1955, HUSS, INCORPORATED, Chase City, Va. Applicant's attorney: Jno. C. Goddin, State-Planters Bank Bldg., Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Shooks*, from Chase City and Keysville, Va., to Washington, D. C., and Baltimore, Maryland. Applicant is authorized to conduct operations in Virginia, New York, and New Jersey.

No. MC 114015 Sub 4, filed May 24, 1955, HUSS, INCORPORATED, Chase City, Va. Applicant's attorney: Jno C. Goddin, State-Planters Bank Bldg. Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Shooks*, from Chase City and Keysville, Va., to Weirton, W. Va. Applicant is authorized to conduct operations in Virginia, New York and New Jersey.

No. MC 115246 Sub 1, filed May 20, 1955, J. H. STRAHAN, doing business as San Juan Water Service, 426 East Broadway, Farmington, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Mud, chemicals*, and *lost-circulation materials*, between points in Navajo, Apache and Coconino Counties, Ariz., points in Utah on and east of U. S. Highway 89 and on and south of U. S. Highway 50, points in Colorado on and south of U. S. Highway 50 and on and west of U. S. Highway 285, and points in San Juan, McKinley and Rio Arriba Counties, N. Mex., (2) *Hydraulic fracturing fluid*, in bulk, in tank vehicles, between points in San Juan County, N. Mex., on the one hand, and, on the other, points in Navajo, Apache and Coconino Counties, Ariz., on and east of U. S. Highway 89 and on and south of U. S. Highway 50 in Utah, points on and south of U. S. Highway 50 and on and west of U. S. Highway 285 in Colorado, and between oilfield locations in the above described territory, and (3) *Water*, in bulk, in tank vehicles, between points in San Juan, McKinley and Rio Arriba Counties, N. Mex., Apache, Navajo and Coconino Counties, Ariz., Kane, San Juan and Grand Counties, Utah, and Mesa, Montrose, San Miguel, Dolores, Montezuma, La Plata and Archuleta Counties, Colo.

No. MC 115338 Sub 1, filed May 26, 1955, JONAS L. GRIM and JOHN L. GRIM, doing business as J. L. GRIM & SON, 171 West Railroad Street, Spring Grove, Pa. Applicant's attorney: Andrew Wilson Green, 603 North Front Street, Harrisburg, Pa. For authority to operate as a common carrier, over irregular routes, transporting: *Cinder* and *concrete blocks*, and *concrete products*, from York, Pa. to points in Maryland, Virginia, Delaware and the District of Columbia, and *empty pallets* on return.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 73847 Sub 1, filed May 25, 1955, E. O. MAHAFFAY, doing business as OILFIELD BUS LINE, 15 West Avenue "A", San Angelo, Tex. Applicant's attorney: Charles D. Mathews, 1020 Brown Building, Austin 1, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, (1) between Odessa, Tex., and McCamey, Tex., via Crane, Tex., over Texas Highway 51, and (2) between Fort Stockton, Tex., and Marfa, Tex., from Fort Stockton, Tex., over U. S. Highway 67 to junction U. S. Highway 90, thence over U. S. Highway 90 via Alpine, Tex., to Marfa, and return over the same route. Serving all intermediate points on the above-specified routes. Applicant is authorized to conduct operations in Texas.

CORRECTIONS

No. MC 35211 Sub 1, FRANK MURPHY, Staten Island, N. Y., published on page 3660, issue of May 25, 1955. Add the County of Lancaster to the Pennsylvania destination territory in paragraph (c).

No. MC 76177 Sub 258, BAGGETT TRANSPORTATION COMPANY, Birmingham, Ala., published on page 3661, issue of May 25, 1955. Add "commodities requiring special equipment" to those commodities excepted under the commodity description "General commodities".

APPLICATIONS UNDER SECTION 5 AND 210a (b); AMENDMENT TO APPLICATION

No. MC-F-5870 (erroneously shown as MC-F5879), published in the December 29, 1954 issue of the Federal Register, page 9311. Amendment filed May 31, 1955, for authority under section 5 to consolidate the assets and properties, including the operating rights, of General Expressways, Inc. (Illinois), Seaboard General Expressways, Inc. (Connecticut) and General Expressways, Inc. (Iowa) into General Expressways, Ltd. (Delaware).

No. MC-F 5992. Authority sought for purchase by ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, Madisonville, Ky., of the operating rights of WM KEENE TRUCKING SERVICE, INC., 420 North Gordon St., Pickneyville, Ill. Applicants' attorney: Ernest A. Brooks II, 1310 Ambasadore Bldg., St. Louis, Mo. Operating rights sought to be transferred: *Building and excavating contractors' and mining machinery and equipment, road building equipment and machinery, and such commodities as require special handling* because of size and weight, except oilfield commodities, as a *common carrier*, over irregular routes, between points in Illinois, Indiana and Kentucky. Vendee is authorized to operate in Indiana, Kentucky and Tennessee. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5993. Authority sought for purchase by E. GUY WARREN, doing business as WARREN TRANSPORTATION COMPANY, 16 Jackson St., Hayward, Calif., of a portion of the operating rights of GEORGE YOCKEL, JR., P. O. Box 412, Ashland, Oreg. Applicants attorneys: Marvin Handler, 465 California St., San Francisco, Calif., and Earle V. White, 1401 Northwest 19th Ave., Portland, Oreg. Operating rights sought to be transferred: *General commodities*, with certain exceptions, not including household goods, as a *common carrier*, over irregular routes, between points in Jackson County, Oreg., on the one hand, and, on the other, points in that part of Siskiyou County, Calif., on and west of U. S. Highway 99; *mining machinery*, in truckloads, between points in Jackson County, Oreg., and Siskiyou and Del Norte Counties, Calif.; *agricultural commodities*, in truckloads, from points in Modoc County, Calif., to points in Jackson and Klamath Counties, Oreg.; *christmas trees*, in truckloads, from points in Jackson County, Oreg., to points in San Mateo County, Calif. Vendee is authorized to operate in California. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-5994. Authority sought for control by BEN GUTMAN TRUCK SERVICE, INC., 800 North 7th St., St. Louis, Mo., of the operating rights and property of MISSOURI MOTOR SERVICE, INC., 800 North 7th St., St. Louis, Mo., and TENNESSEE MOTOR SERVICE, INC., 800 North 7th St., St. Louis, Mo., and for acquisition by BEN GUTMAN, BEN GUTMAN, JR., OLIVER GUTMAN, and LEONARD E. VOHSEN, St. Louis, Mo., of control of the operating rights and property through the transaction. Applicant's attorney: T. D. Drury, 506 Olive St., St. Louis, Mo. Operating rights sought to be controlled: (Missouri Motor Service, Inc.) *Shoes*, and *machinery, materials, supplies*, and *equipment* used in the manufacture of shoes, as a *contract carrier*, over regular routes, between St. Louis, Mo., and Pocahontas, Ark., and between St. Louis, Mo., and Cairo, Ill., serving no intermediate points; *shoes and boots*, and *machinery, materials, supplies*, and *equipment* used in the manufacture of shoes and boots, between St. Louis, Mo., and Piggott, Ark., serving no intermediate points; *general commodities*, with certain exceptions, including household goods, over irregular routes, between St. Louis, Mo., on the one hand, and on the other, Alton, Belleville, Caseyville, Collinsville, Edwardsville, Glen Carbon, Maryville, O'Fallon, Roxana, and Wood River, Ill.; *boots and shoes*, and *machinery, materials, supplies*, and *equipment* used in the manufacture of boots and shoes, between Brookfield, Moberly, Caruthersville, Charleston, and St. Louis, Mo., Mattoon, Charleston, Salem, Litchfield, Murphysboro, Pittsfield, Chemical, Dixon, and Sullivan, Ill., and Vincennes, Ind.; *cut flowers, potted plants, paper*, and *paper cartons*, between St. Louis, Mo., on the one hand, and, on the other, Flora, Hillsboro, Mount Olive, Olney, and Pana, Ill.; (Tennessee Motor Service, Inc.) *boots and shoes*, and *materials, supplies, equipment* and *machinery* used in the manufacture of boots and shoes, over irregular routes, between Trenton, Savannah, Selmer, Dyer and Union City, Tenn.; Pocahontas and Piggott, Ark., Charleston, Caruthersville, Ironton, Steelville, Fredericktown, Potosi, Festus, Mountain Grove and St. Louis, Mo. Applicant is not an interstate carrier. Applicant has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-4548; Filed, June 7, 1955; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3387]

NEW ENGLAND ELECTRIC SYSTEM AND ATTLEBORO ELECTRIC CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT

JUNE 2, 1955.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary, Attleboro Electric Company ("Attleboro"), have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants have designated sections 6 (b) and 10 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Attleboro proposes to issue and sell 27,000 additional shares of common stock of the par value of $25 per share and NEES, the owner of all of the presently outstanding common stock of Attleboro, proposes to acquire said additional shares for a cash consideration of $1,215,000. Attleboro proposes to apply the proceeds derived from said sale to

the payment of a like amount of 3 percent note indebtedness payable to NEES.

The joint application states that incidental services in connection with the proposed transactions will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof, estimated not to exceed $1,500 with respect to Attleboro and $300 with respect to NEES. The total expenses to be borne by Attleboro are estimated at $2,800. The joint application further states that the Massachusetts Department of Public Utilities has approved the proposed sale of common stock by Attleboro and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and Attleboro request that the Commission's order herein become effective forthwith upon issuance thereof.

Notice is further given that any interested person may, not later than June 17, 1955, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it deems appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-4544; Filed, June 7, 1955; 8:48 a. m.]

[File No. 811-599]

ATOMIC INDUSTRIES FUND, INC.

NOTICE OF MOTION TO TERMINATE REGISTRATION

JUNE 2, 1955.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") that Atomic Industries Fund, Inc. ("Atomic"), a registered investment company, has ceased to be an investment company.

Atomic (formerly Stuyvesant Bond and Share Corporation) filed a Notification of Registration under the Act on December 29, 1951. Since that date it has not issued or sold any securities.

On May 4, 1953 this Commission issued an order (I. C. A. Rel. 1863, File No. 812-814) granting an application regarding the sale by Atomic of all its assets to Axe-Houghton Fund B, Inc. ("Axe-Houghton"), a registered investment company, in exchange for newly issued shares of the capital stock of Axe-Houghton, which shares were to be distributed to the stockholders of Atomic in proportion to their respective interests. The stockholders of Atomic at a meeting held on March 16, 1953 pursuant to notice and proxy material previously filed with the Commission had voted in favor of such proposal (out of 23,954.34 shares entitled to vote, 21,190 shares were voted in favor of and 28 against the proposal).

The sale of assets as proposed has been effected and the shares of Axe-Houghton received in exchange therefor have all been distributed to the stockholders of Atomic.

All interested persons are referred to File Nos. 811-599 and 812-814 which are on file at the Washington, D. C. office of this Commission for a more detailed statement of the matters therein set forth.

Notice is further given that any interested person may, not later than June 17, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may, acting on its own motion, declare that Atomic Industries Fund, Inc. has ceased to be an investment company, by order as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-4541; Filed, June 7, 1955; 8:47 a. m.]

[File No. 811-356]

DIVERSIFIED FUND TRUST SHARES

NOTICE OF MOTION TO TERMINATE REGISTRATION

JUNE 2, 1955.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") that Diversified Fund Trust Shares ("the Trust"), a registered investment company, has ceased to be an investment company.

The Trust was organized by a Trust Agreement dated January 15, 1940, between its sponsor, investment adviser and manager, Diversified Fund Corporation ("the Corporation"), Albuquerque, New Mexico, a corporation organized under the laws of New Mexico, and Horton & Bixler, certified public accountants, as Trustee of the Trust. The Trust filed a notification of registration under the act on November 1, 1940.

The Fund's balance sheet as of June 30, 1941, the latest on file with the Commission, shows liabilities to its shareholders aggregating $11,354.37. The Commission's files reflect that all securities held by such shareholders had been sold by the corporation to shareholders prior to the effective date of the act. On November 21, 1941, a registration statement was filed under the Securities Act of 1933 proposing the sale of additional shares of the Fund, which statement was withdrawn on January 14, 1942.

No reports have been filed by the Fund with the Commission since 1941 and this Commission has been advised by the State Corporation Commission of the State of New Mexico that Diversified Fund Corporation was dissolved by operation of law under New Mexico Statutes on January 28, 1946, for failure to pay State franchise taxes. No information appears to be available concerning the disposition of the assets of the Fund and information that is available indicates that the original Trustee of the Fund is no longer in existence.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 17, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may, acting on its own motion declare that Diversified Fund Trust Shares has ceased to be an investment company, by order as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-4540; Filed, June 7, 1955; 8:47 a. m.]

Reference Room

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1954 CCC Cotton Bulletin 1, Amdt. 4]

PART 427—COTTON

SUBPART—1954 COTTON LOAN PROGRAM

CARRYING LOANS IN PAST-DUE STATUS AND PURCHASE OF COTTON

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service published in 19 F. R. 3597 and containing the instructions and requirements with respect to the 1954 Cotton Loan Program are hereby amended as follows:

1. Section 427.517 is amended to provide for carrying loans on upland cotton in a past-due status through October 31, 1955, to provide that CCC will purchase all such upland cotton on which loans have not been repaid as of November 1, 1955, and to provide that CCC will purchase all extra long staple cotton on which loans have not been repaid as of August 1, 1955, so that the amended section reads as follows:

§ 427.517 *Maturity.* (a) Loans mature on July 31, 1955, but loans on upland cotton will be carried in a past-due status through October 31, 1955. If a producer or his equity purchaser does not repay a loan on extra long staple cotton on or before July 31, 1955, or on upland cotton on or before October 31, 1955, CCC will purchase the cotton securing the loan in accordance with the provisions of the loan agreements.

(b) Any sum due the producer as a result of the purchase of the cotton or collection of insurance proceeds therefrom shall be payable only to the producer or his personal representative without right of assignment to or substitution of any other person.

(c) If the producer does not repay his farm-storage loan on upland cotton on or before maturity, he may deliver the cotton in accordance with the provisions of Form FF, or he may retain possession of the cotton until October 31, 1955, unless delivery of the cotton is requested sooner. If the producer does not own the premises where the cotton is stored and his lease on such premises expires prior to December 31, 1955, a new Consent for Storage must be secured from the owner of the premises. If the cotton is not delivered to a warehouse or the loan repaid by October 31, 1955, he will be required to deliver the cotton in accordance with the provisions of Form FF, and if the cotton is not so delivered by the producer, the holder of the note may enter on the premises where the cotton is stored and remove the cotton. Upon such delivery or removal, the holder may purchase the cotton in accordance with the provisions of this section.

(Sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 6th day of June 1955.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 55-4614; Filed, June 8, 1955; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—HAWAIIAN FRUITS AND VEGETABLES

ADDITION OF FRUIT-BEARING PANICLES OF AECHMEA BRACTEATA TO LIST OF PRODUCTS WHICH MAY BE MOVED FROM HAWAII AFTER INSPECTION AND CERTIFICATION

Pursuant to the authority conferred by sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), § 301.13-2 (b) of the regulations supplemental to the quarantine relating to the domestic movement of Hawaiian fruits and vegetables (7 CFR 301.13-2 (b), as amended) is hereby amended by inserting "Aechmea bracteata (Sw.) Griseb. fruit-bearing panicles." before the term "Arrowhead (Sagittaria sagittifolia)." in the list of fruits and vegetables allowed movement

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FEDERAL REGISTER

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(For use during 1955)

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Title 8 ($0.45)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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from Hawaii throughout the year in compliance with the inspection and certification requirements of the regulations.

The purpose of this amendment is to authorize the movement from Hawaii throughout the year of the fruit-bearing panicles of Aechmea bracteata. These bright red bracts, with densely fruited panicles and berry-like fruits are used as ornamentals in the florist trade. At present treatment of such fruit is required as a condition of such movement. The amendment therefore relieves a restriction on the movement of such fruit. Extensive experimental work conducted in Hawaii has disclosed that such fruit is not a host of the oriental, melon, or Mediterranean fruit fly. Consequently, it has been determined that treatment is not necessary as a condition of the movement of the fruit and that inspection and certification procedures will give adequate protection. Commercial growers and florists in Hawaii desire to ship the panicles to mainland markets. In order to be of maximum benefit to persons subject to the present restrictions the amendment should be made effective as promptly as possible. Therefore, pursuant to paragraphs 4 (a) and (c) of the Administrative Procedure Act (5 U. S. C. 1003 (a) and (c)), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for the issuance of the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

This amendment shall be effective June 9, 1955.

Done at Washington, D. C., this 2d day of June 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agriculture Research Service.

[F. R. Doc. 55–4600; Filed, June 8, 1955; 8:49 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Upland Cotton '55)–1]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1955 UPLAND CROP

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AUTHORITY: §§ 722.641 to 722.688 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 342–347, 361–368, 372–376, 388; 52 Stat. 38, as amended; 7 U. S. C. 1301, 1342–1347, 1361–1368, 1372–1376, 1388.

GENERAL

§ 722.641 *Basis and purpose.* The provisions of §§ 722.642 to 722.688 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended. These provisions govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by cotton producers, ginners, buyers and others; and other miscellaneous provisions regarding the production and marketing of cotton. The provisions apply (a) to cotton produced in 1955, and (b) to cotton produced in 1954 or any prior year which is marketed by producers during the 1955–56 marketing year. The provisions of §§ 722.642 to 722.688 supplement the "Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1955 Crop of Upland Cotton to States, Counties, and Farms," issued November 6, 1954 (19 F. R. 7213), as amended. In accordance with section 4 of the Administrative Procedure Act (60 Stat. 237), notice was published in the FEDERAL REGISTER on April 23, 1955 (20 F. R. 2740) that the Secretary of Agriculture had under consideration the formulation and issuance of such provisions. The data, views, and recommendations submitted by interested persons have been duly considered within the limits of the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, in connection with the preparation of §§ 722.642 to 722.688.

§ 722.642 *Definitions.* As used in §§ 722.642 to 722.688 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committees":

(1) "Community committee" means the persons elected within a community as the community committee pursuant to

the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(2) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(3) "State committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation committee.

(4) "Review committee" means the review committee appointed by the Secretary pursuant to section 363 of the act.

(f) "County office manager" means the person employed by the county committee to execute the policies of the county committee and to be responsible for the day-to-day operations of the office of the county committee, (hereinafter referred to as the "county office"), or the person acting in such capacity.

(g) "State administrative officer" means the person employed to execute the policies of the State committee and to be responsible for the day-to-day operations of the office of the State committee (hereinafter referred to as the "State office"), or the person acting in such capacity.

(h) "Treasurer of the county committee" means the county office manager or the person designated by him to act as treasurer of the county committee.

(i) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government, or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(j) "Owner" or "landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(k) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(l) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(m) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(n) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(o) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Deputy Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(p) "Farm acreage allotment" means a cotton acreage allotment established for a farm under the "Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1955 Crop of Upland Cotton to States, Counties, and Farms" (19 F. R. 7213), as amended.

(q) "Upland cotton" (referred to in §§ 722.641 to 722.688 as "cotton") means any cotton other than extra long staple cotton.

(r) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(s) "Acreage planted to cotton" means the acreage of land seeded to cotton on the farm in 1955, excluding any acreage in excess of the allotment which (1) is destroyed by causes beyond the producer's control prior to the expiration of the period established under subparagraph (2) of this paragraph for disposing of excess cotton acreage, or (2) is disposed of not later than 20 days, or such longer period as is approved in writing by the county committee in accordance with § 722.646 (c), after the original notice of the measured cotton acreage is mailed to the farm operator.

(t) "State and county code number" means the applicable numbers assigned by the Commodity Stabilization Service of the United States Department of Agriculture to each State and county for the purpose of identification.

(u) "Serial number of the farm" or "farm serial number" means the serial number assigned to the farm by the county committee for the purpose of identification.

(v) "Normal yield" for any county means the average yield per acre of lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any year of such five-year period the data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If, because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. County normal yields for cotton shall be determined by the Director. The normal yield determined for a county shall be kept readily available to the public in the county office, and the normal yield determined for each county in a State shall be kept readily available to the public in the State office.

(w) "Normal yield" for any farm means the average yield per acre of lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years 1950, 1951, 1952, 1953, and 1954, except that if the normal yield is established after December 31, 1955, such normal yield shall be determined on the basis of the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year data are not available or there was no actual yield, then the normal yield for the farm shall be appraised, in accordance with instructions issued by the Deputy Administrator, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. The normal yield for a farm on which cotton was not planted in 1952, 1953, or 1954 shall be that yield per acre which the county committee determines is normal for the farm as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of cotton.

(x) "Normal production" of any number of acres means the normal yield for the farm multiplied by such number of acres.

(y) "Actual production" of cotton on the farm means the total number of pounds of lint cotton determined to have been produced on the farm in 1955.

(z) "Actual yield" per acre means the number of pounds of lint cotton determined by dividing the actual production of cotton on the farm by the acreage planted to cotton on the farm in 1955.

(aa) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper is entitled to all or a share of the 1955 crop of cotton (or cotton on hand from a prior crop) or of the proceeds thereof.

(bb) "Farm marketing quota" means a cotton marketing quota established for the farm under § 722.649.

(cc) "Farm marketing excess" means the amount of cotton determined for any farm under § 722.650 or § 722.652, whichever is applicable.

(dd) "Farm with no farm marketing excess" means a farm on which the acreage planted to cotton in 1955 is not in excess of the farm acreage allotment established therefor.

(ee) "Farm with a farm marketing excess" means a farm on which the acreage planted to cotton in 1955 is in excess of the farm acreage allotment established therefor.

(ff) "Penalty" means the penalty provided in section 346 (a) of the act and § 722.666.

(gg) "Seed cotton" means the harvested fruit of the cotton plant before ginning.

(hh) "Lint cotton" means the fiber taken from seed cotton by ginning.

(ii) "Carry-over cotton" means the unmarketed cotton from the 1954 or any previous crop which the producer thereof has on hand.

(jj) "Ginning" means the process by which lint cotton is removed from the cotton seed.

(kk) "Ginner" means a person engaged in the business of ginning cotton.

(ll) "Gin bale number or mark" means the number entered on the bale tag or any other mark made or used by the ginner to identify a bale of cotton.

(mm) "Warehouse receipt number" means the number on the warehouse receipt and on the warehouse bale tag used by the warehouseman to identify a bale of cotton.

(nn) "Buyer" means a person who acquires cotton from a producer by purchase. An agricultural cooperative association which makes purchase- and sale-agreements with producers, or marketing agreements under which the title to cotton passes upon delivery of cotton by the producer and the association is authorized to deal with such cotton as owner, shall be deemed to be a "buyer" with respect to any cotton acquired pursuant to such an agreement which is subject to marketing quotas as provided in § 722.648.

(oo) "Transferee" means a person who receives cotton from a producer by barter, or exchange, or by gift inter vivos.

(pp) "Market" means to dispose of cotton in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(1) The term "sale" means any transfer of title to cotton by a producer to another by any means other than barter or exchange or gift inter vivos.

(2) The terms "barter" and "exchange" mean transfer of title to cotton by a producer to another in return for cotton or any other commodity, service, or property in cases where the value of the cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to cotton by a producer to another in payment of a fixed rental or other charge for land.

(3) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(4) "Marketed," "marketing," and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(qq) "Marketing year" means the period beginning August 1, 1955, and ending July 31, 1956, both dates inclusive.

§ 722.643 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions as are necessary for carrying out §§ 722.642 to 722.688. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the State or county office or to the Director.

§ 722.644 *Extent of calculations and rule of fractions.* In making any computation in connection with §§ 722.642 to 722.688, the amount of lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped. The acreage of each field of cotton on the farm shall be expressed in hundredths of an acre, and thousandths of an acre shall be dropped. The total acreage of cotton on the farm shall be expressed in tenths of an acre, and hundredths of an acre shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 722.645 *Identification of farms.* Each farm as operated for the 1955 crop of cotton shall be identified by a farm serial number and all records pertaining to marketing quotas for the 1955 crop of cotton shall be identified by such number.

§ 722.646 *Measurement of farms*—(a) *Premeasurement.* The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm acreage allotment if the farm operator requests such measurement and pays the cost thereof, as determined in accordance with instructions issued by the Deputy Administrator, and any farm on which such measured acreage is the only acreage planted to cotton shall be deemed to have an acreage not in excess of the farm acreage allotment.

(b) *Measurement after planting.* Measurement of the acreage planted to cotton on each farm in the county shall be made under the general supervision of the county committee in accordance with the following provisions: (1) The measurement of the farm shall be made by an employee of the county committee who has been designated as a reporter and determined by the county office manager to be qualified to carry out the duties of a reporter. A reporter may be assisted in the measurement of a farm by another reporter, a community, county, or State committeeman, a State committee representative, any employee of the county office when authorized by the county office manager, or by any employee of the U. S. Department of Agriculture when authorized by the Deputy Administrator. The reporter may request the operator or producer or his representative to designate all fields on the farm on which cotton was planted in 1955 and otherwise to assist in measuring the farm. If so requested, the operator or producer or his representative shall so designate all fields planted to cotton on the farm in 1955 and otherwise assist in measuring the farm. The reporter may utilize any such assistance from the operator or producer or his representative; (2) the county office manager shall have responsibility for assigning, in writing, insofar as practicable, the farms in the county to be measured by a reporter, and in the case of a farm where a reporter has been refused permission to measure the cotton a written assignment shall be issued in connection with such farm. Upon request of any interested producer the reporter shall obtain certification from the county office manager that the reporter is the county office representative appointed to determine the cotton acreage on the farm in which the producer is interested; (3) a reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request he will exhibit to the farm operator, producer, or owner his assignment to measure the farm; (4) measurement may be made by identification of fields or parts of fields by use of a map or aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measuring wheel when authorized by the Deputy Administrator, or by a combination of two or more of the foregoing methods. The pertinent data and information for the farm shall be entered by the reporter on the Form CSS–578, and on maps or aerial photographs where applicable, and filed in the county office. Computations of acreages shall be made by an employee in the county office from the data so obtained, and the use of a planimeter or rotometer in connection therewith is authorized; (5) measurements of whole fields made prior to the effective date of this section and in accordance with existing procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the acreage planted to cotton in 1955 and the acreage of cotton in excess of the 1955 farm acreage allotment.

(c) *Notice of measured acreage and disposition of excess acreage.* The county committee shall notify the farm operator by mail of the measured acreage of cotton on the farm. If such acreage is in excess of the farm acreage allotment, the county committee shall also notify the farm operator that unless the acreage of cotton on the farm is adjusted to the farm acreage allotment within the time established pursuant to § 722.642 (s), the farm marketing excess for the farm will be determined on the basis of the excess acreage and the normal yield for the farm. Notice so given shall constitute notice to each producer having an interest in the 1955 crop of cotton produced on the farm. If, because of adverse weather conditions or other reasons beyond their control, producers on the farm cannot dispose of the excess cotton acreage within 20 days after the original notice of measured cotton acreage is mailed to the farm operator, and a request in writing for additional time and a showing to the satisfaction of the county committee that circumstances beyond their control prevented the dispo-

sition of the excess acreage within the 20-day period is filed with the county committee, the county committee may allow an additional period not to exceed 10 days for disposing of the excess acreage. No cotton acreage shall be disposed of for purposes of adjusting the planted acreage of cotton to the farm acreage allotment after any cotton has been harvested from such planted acreage.

(d) *Remeasurement.* The county committee shall provide for the remeasurement, upon request by the farm operator, of the acreage planted to cotton on the farm, but the operator shall be required to deposit with the treasurer of the county committee an amount equal to the estimated cost of such remeasurement and such deposit shall not be returned to the farm operator if the planted acreage is found upon such remeasurement to be in excess of the farm acreage allotment. Where the farm operator requests an additional remeasurement of the acreage planted to cotton on the farm, the county committee shall provide for such remeasurement only if it finds, on the basis of evidence presented by the farm operator and other available information or data, that an error was probably made in the prior remeasurement.

(e) *Measurement of acreage disposed of.* If the excess cotton acreage on any farm is disposed of within the time allowed pursuant to § 722.642 (s) and a producer on the farm requests that the acreage disposed of be measured and pays the estimated cost of measuring such acreage, the county committee shall provide for such measurement.

§ 722.647 *Reports and records of farm measurements.* The county committee shall keep a record of the measurements made on all farms. It shall file with the State office a written report on Form MQ–94—Cotton (Upland), setting forth for each farm with a farm marketing excess (a) the farm serial number, (b) the name of the operator, (c) the farm acreage allotment, (d) the acreage planted to cotton in 1955, and (e) the total acreage in cultivation.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.648 *Cotton subject to marketing quota provisions.* Marketing quotas for the 1955 crop of cotton shall be applicable to any cotton of that crop notwithstanding that it may be available for marketing prior to the beginning of the marketing year or marketed subsequent to the end of the marketing year. Marketing quotas shall also be applicable to carry-over cotton marketed during the marketing year.

§ 722.649 *Farm marketing quotas.* The farm marketing quota for any farm for the 1955 crop of cotton shall be that number of pounds of lint cotton produced on the farm less the amount of the farm marketing excess for the farm. The farm marketing quota for any farm shall be increased by the amount of lint cotton which the producers on the farm have on hand from any previous crops except cotton of the 1950 and 1954 crops on which the penalty was incurred and has not been paid.

§ 722.650 *Amount of farm marketing excess*—(a) *Where the acreage planted to cotton is measured.* The farm marketing excess for the 1955 crop of cotton shall be the normal production of the acreage planted to cotton on the farm in excess of the farm acreage allotment. For a farm having a zero acreage allotment or no acreage allotment the entire acreage planted to cotton shall be used in determining the farm marketing excess. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with § 722.652, that the actual production of cotton on the farm in 1955 is less than the normal production of the acreage planted to cotton on the farm in 1955, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm acreage allotment.

(b) *Where the acreage planted to cotton is not measured.* Whenever measurement of the acreage planted to cotton on the farm is prevented by a producer on the farm, the farm marketing excess shall be the total number of pounds of lint cotton produced in 1955 on the farm. In the event the farm operator or any other producer on the farm establishes, in accordance with § 722.652, the total number of pounds of cotton produced in 1955 on the farm, the farm marketing excess shall be the number of pounds of lint cotton produced in 1955 on the farm in excess of the normal production of the farm acreage allotment. Whenever the county committee determines that a reasonably accurate estimate can be made of the acreage planted to cotton on any such farm for which measurements have been prevented, the county committee shall provide for such an estimate to be made, and if the producer fails or refuses to establish the amount of lint cotton produced in 1955 on the farm and if the penalty collected in connection with marketings of cotton reported by buyers pursuant to § 722.677 (c) is less than the penalty due on the farm marketing excess determined on the basis of the estimated acreage planted to cotton, the farm marketing excess and the penalty for the farm shall be established on the basis of the normal yield and the estimated acreage planted to cotton in excess of the farm acreage allotment, and the operator shall be notified of such determinations in accordance with § 722.651.

§ 722.651 *Notice of farm marketing quota and farm marketing excess.* Written notice of the farm marketing quota and, where applicable, the farm marketing excess, established for a farm shall be mailed to the operator of such farm. Notice so given shall constitute notice to each producer having an interest in the 1955 cotton crop produced or to be produced on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota or farm marketing excess, or any determination made in connection therewith, may be had in accordance with section 363 of the act. A record of the date of mailing the notice to the operator of the farm shall be kept among the records of the county office and upon request a copy of the notice shall be furnished without charge to any producer on the farm for which the notice is given. Such notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 722.652 *Farm marketing excess adjustment*—(a) *Application for adjustment in the farm marketing excess.* Any producer having an interest in the cotton produced in 1955 on a farm with a farm marketing excess may apply in writing to the county committee as provided herein for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of cotton produced in 1955 on the farm. Any such application shall be filed with the county committee not later than the earlier of (1) 60 days after harvest is completed on the farm or by such later date as is approved by the State committee on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 60-day period was due to circumstances beyond his control or (2) March 15, 1956. If the harvesting of cotton on the farm has not been completed by March 15, 1956, but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested cotton on the farm in order that a final determination of the actual production on the farm in 1955 may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made. Unless application for an adjustment in the farm marketing excess is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.650 shall be final as to the producers on the farm. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no cotton has been or will be produced in 1955 on a farm with a farm marketing excess, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production of cotton on any farm shall be determined in view of the relevant facts, including the past production on the farm, the actual yields per acre in 1955 for other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, ginning, and sales of the cotton produced on the farm; and weather conditions and other factors affecting the production of cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering additional documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the question of fact, and (3) the determination of the county committee as to the farm marketing quota, the actual production of cotton on the farm, the farm marketing excess, and the penalty due on the farm marketing excess. A notice showing the result of the determination made as of aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

§ 722.653 *Publication of the farm acreage allotment, normal yield, marketing quota, and marketing excess.* A record of the farm acreage allotment, normal yield, farm marketing quota, and farm marketing excess established for farms in the county shall be made available for public inspection in the county office for a period of not less than 30 calendar days. The records containing the information shall be kept where the public may freely examine them. At the end of the 30-day period the records shall be filed in the county office and remain available for further inspection upon request. There may be used for this purpose listing sheets, copies of notices, or other compilations upon which the pertinent data are shown.

§ 722.654 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm. Under sections 345 and 347 of the act, farm marketing quotas are established for the 1955 crops of both upland and extra long staple cotton. The farm marketing quota established under the provisions of §§ 722.648 to 722.656 for the 1955 crop of upland cotton may not be used in whole or in part in connection with the marketing of extra long staple cotton produced in 1955 or a prior crop year.

§ 722.655 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a cotton crop produced on a farm, for which a farm marketing quota and a farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of cotton and to the restrictions on the marketing of cotton.

§ 722.656 *Review of quotas*—(a) *Right to review by review committee.* Any producer on a farm with a farm marketing excess who is dissatisfied with the farm marketing quota or the farm marketing excess may, within 15 calendar days after the notice of the farm marketing excess is mailed to him, apply in writing for a review by a review committee of any such determination: *Provided,* That if a review hearing has been held and a determination made by a review committee with respect to the farm acreage allotment no further review by a review committee shall be made with respect thereto: *Provided further,* That any application for review which is based on the county committee's determination as contained in the notice issued pursuant to § 722.652 (b), shall be limited to a review of the actual production of cotton on the farm. Unless application for review is made within the 15-day period provided for in this paragraph, the determination of the county committee shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (MQ–51, §§ 711.1 to 711.34 of this chapter), as issued by the Secretary.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

§ 722.657 *Eligibility for and issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* Except as otherwise provided in this section, the operator and any other producer on a farm shall be eligible to receive a marketing card (Form MQ–76–Upland Cotton (1955)), if (1) no farm marketing excess is determined for the farm, or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer of the county committee for the county in which the farm is located, except that a marketing card shall not be issued under subparagraphs (1) or (2) of this paragraph if any producer on the farm has on hand any cotton produced in 1950 or in 1954 on which the penalty was incurred and has not been paid.

(b) *Multiple farm producers eligible to receive marketing cards.* Any person who is a cotton producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. Any other producers on a farm who are eligible to receive marketing cards pursuant to paragraph (a) of this section shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer, unless the county committee determines that, in order to enforce the provisions of the act, such producers, including the multiple farm producer, should not receive marketing cards for such farm with no farm marketing excess. Where a producer is engaged in the production of cotton in more than one county (in the same State or two or more States), the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties so decide, or if the State committee has reason to believe that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of cotton, together with any other information deemed necessary to enforce the provisions of the act.

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card if it determines that such action is necessary to enforce the provisions of the act.

(d) *Preparation and issuance of marketing cards.* A marketing card shall be issued to the operator of the farm if he is eligible to receive it under the foregoing provisions of this section and, if the county committee or the county office manager determines that it will serve a useful purpose, marketing cards shall also be issued to the other eligible producers on the farm. Each marketing card when completed shall be serially numbered and shall show: (1) The names of the county and State and the serial number of the farm, (2) the name and address of the farm operator, (3) the name and address of the producer to whom issued, (4) the signature of a member of the county committee or the county office manager and the signature of the producer, (5) the farm acreage allotment and the acreage planted to

cotton, and (6) such additonal information and data as may be prescribed by the Deputy Administrator. The county office manager may designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each person so designated shall place his initials immediately beneath the name of the county office manager as written by him or stamped on the card. Where the producer designates an agent to use his marketing card, the card shall also show: (1) The name and address of the agent authorized to use the marketing card and (2) the signatures of the producer and the agent.

§ 722.658 *Marketing certificates and loan documents*—(a) *Use of marketing certificates.* The county committee shall issue to a producer upon his request a marketing certificate (Form MQ–91–Cotton (Upland)) to permit the marketing of cotton (1) by any such producer (i) who is eligible to receive a marketing card and who desires to market cotton by telegraph, telephone, mail, or by any other means or method other than directly to and in the presence of the buyer or transferee; (ii) who is not engaged in the production of cotton in the 1955 crop year and who desires to market cotton which he has on hand from any prior crop, except cotton from the 1950 and 1954 crops on which the penalty was incurred and has not been paid; (iii) who has an interest as a cotton producer in the 1955 crop and who desires to market cotton which he has on hand from any prior crop, except cotton from the 1950 and 1954 crops on which the penalty was incurred and has not been paid; (iv) who desires to market cotton produced by him on a farm with no farm marketing excess but he is not eligible to receive a marketing card under § 722.657 (b) because he or another producer on such farm is also a cotton producer on a farm with a farm marketing excess; and (v) who desires to market his share of the cotton produced on a farm with no farm marketing excess or on a farm on which the penalty on the farm marketing excess has been paid but he was denied a marketing card by the county committee because it deemed such action necessary to enforce the provisions of the act, and (2) any other producer who has cotton not subject to the penalty or on which the penalty has been paid and such producer is not eligible to receive a marketing card or does not have a loan document as prescribed in § 722.664. The county committee, with the approval of the State committee, may issue marketing certificates for a farm in a total amount for the 1955 crop not exceeding the product of the farm acreage allotment multiplied by the smaller of the normal yield per acre or the estimated actual yield per acre, in instances where the acreage planted to cotton on the farm in 1955 has not been determined through no fault of the operator and he, in applying for such certificates, certifies that he has cotton from the 1955 crop available for marketing and that to the best of his knowledge and belief the acreage planted to cotton on the farm does not exceed the farm acreage allotment.

(b) *Preparation and delivery of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the county and State and the serial number of the farm, if any, (3) the serial number of the 1955 marketing card issued for the farm, where applicable, (4) the description and amount of the cotton to be marketed, (5) the signature of the producer and the date thereof, and (6) the signature of a member of the county committee or the county office manager and the date thereof. The county committee shall estimate or otherwise determine the actual production on each farm for which a marketing card has not been issued and for which marketing certificates are to be issued, and certificates shall not be issued for marketings in excess of such production. The "buyer's copy", "producer's copy", and "county office copy" of the marketing certificate shall be delivered to the producer to whom issued, and such producer, upon marketing the cotton described in the marketing certificate, shall deliver all such copies to the buyer.

(c) *Use of loan documents in lieu of marketing certificates to identify carry-over CCC loan cotton.* Any producer who desires to sell his equity in carry-over cotton which is pledged as collateral security for a Commodity Credit Corporation loan or to sell carry-over cotton on which such a loan has been repaid may, as provided in § 722.664, identify such cotton as being penalty-free by presenting to the buyer or transferee thereof a loan document covering such cotton, and the buyer or transferee shall accept such document as evidence to him that the cotton described therein is not subject to the penalty or the lien for the penalty.

§ 722.659 *Lost, destroyed, or stolen marketing cards or marketing certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) The name of the producer to whom the marketing card or certificate was issued; (2) the serial number of the marketing card or certificate; and (3) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If it is found that such marketing card or marketing certificate was in fact lost, destroyed or stolen, such marketing card or certificate shall be cancelled and a notice in writing to that effect shall be signed by the county office manager and mailed to the producer to whom the marketing card or certificate was issued at his last known address. If it is found that there has been no collusion or connivance in conection therewith on the part of the producer to or for whom the marketing card or certificate was issued, a marketing card or certificate shall be issued to him to replace the lost, destroyed, or stolen marketing card or certificate. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate." In case a marketing card or certificate is cancelled, as provided in this section, the county office manager shall immediately notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate has been cancelled and that a duplicate has been issued. A report of the findings and action of the county office manager shall be kept among the county office records. Any ginner or buyer or any other person coming into possession or control of a marketing card or certificate which has been cancelled shall immediately return it to the county office which issued it.

§ 722.660 *Cancellation of marketing cards and marketing certificates issued in error.* In the event any marketing card or marketing certificate was erroneously issued, the producer to whom it was issued shall be requested to return it to the county office and upon its being returned it shall be cancelled by the county office manager by endorsing thereon in bold letters the word "Cancelled." Without awaiting its return the county office manager shall notify the producer by registered mail at his last known address that it is void and of no effect. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county office. The county committee or county office manager shall notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate has been cancelled.

IDENTIFICATION OF COTTON

§ 722.661 *Time and manner of identification.* Each producer of cotton shall, at the time he markets any cotton, identify the cotton to the buyer or transferee, in the manner hereinafter provided, as being subject to or not subject to the penalty provided in § 722.666 and the lien for the penalty as provided in § 722.667.

§ 722.662 *Identification by marketing card.* A marketing card (Form MQ–76—Upland Cotton (1955)) shall, when presented to the buyer or transferee by the producer to whom issued, be evidence to the buyer or transferee that the cotton produced on the farm for which the marketing card was issued may be purchased by him without collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.663 *Identification by marketing certificate.* A marketing certificate (Form MQ–91—Cotton (Upland)) shall, when presented to the buyer or transferee by the producer to whom it was issued, be evidence to the buyer or transferee that the cotton described on such certificate may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.664 *Identification by loan document.* A loan document (the original or the producer's copy) shall, when presented to the buyer or transferee by the producer in whose favor it is drawn, be evidence to the buyer or transferee that the carry-over cotton described in such loan document may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty. Any one of the following forms shall constitute a "loan document" for purposes of the foregoing provisions of this paragraph: Cotton Producer's Note and Loan Agreement (CCC Cotton Form A); Producer's Loan Statement—A; or Producer's Warranty and Agreement (CCC Cotton Form G–2).

§ 722.665 *Cotton not identified by a marketing card, marketing certificate or loan document.* All cotton marketed by a producer which is not identified by a marketing card, marketing certificate, or loan document, as provided in §§ 722.662, 722.663, or 722.664, shall be taken by the buyer or transferee thereof as cotton subject to the penalty prescribed in § 722.666 and to the lien for the penalty. The buyer or transferee of such unidentified cotton shall collect the penalty from the producer or deduct it from the purchase price of the cotton. The buyer or transferee shall report the purchase of all such unidentified cotton on Form MQ–82—Cotton (Upland) and remit the penalty collected or deducted to the treasurer of the county committee.

PENALTY

§ 722.666 *Rate of penalty.* The rate of the penalty for lint cotton is 50 percent of the parity price for cotton as of June 15, 1955, as provided in section 346 (a) of the act. (This section will be amended to include the exact rate of the penalty when such parity price becomes available.)

§ 722.667 *Lien for the penalty.* Until the penalty on the farm marketing excess is paid, all cotton produced on the farm and marketed shall be subject to the penalty at the rate provided in § 722.666 and a lien on the entire crop of cotton produced on the farm in 1955 shall be in effect in favor of the United States.

§ 722.668 *Interest on unremitted penalty.* The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.669 (b) or § 722.670 (c), as the case may be, at the rate of 6 per cent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.669 *Payment of penalty by producers*—(a) *Producers liable for payment of penalty.* Each producer having an interest in the 1955 crop of cotton on any farm for which a farm marketing excess has been determined shall be liable to pay the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of cotton produced on the farm.

(b) *Time when penalty becomes due and payable.* The farm marketing excess for a farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any cotton produced on the farm is harvested. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15, 1956: *Provided, however*, That the penalty on any bale or lot of cotton marketed (1) from a farm for which the penalty on the farm marketing excess has not been paid or (2) without being properly identified by a marketing card, marketing certificate, or loan document as provided in § 722.662, 722.663, or 722.664, shall be due on the date of such marketing and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the cotton was marketed.

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for remitting the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes that he is unable to arrange with other producers on the farm for the payment of the penalty on the entire farm marketing excess, that his share of the cotton crop produced on the farm is marketed by him separately, and that he exercises no control over the marketing of the shares of the other producers in the cotton crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the cotton produced in 1955 on the farm bears to the total amount of cotton produced in 1955 on the farm. When the producer pays his proportionate share of the penalty, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive a marketing certificate, issued in accordance with § 722.658, to be used by him only in the marketing of his proportionate share of the cotton crop produced in 1955 on the farm.

§ 722.670 *Payment of penalty by buyers and transferees*—(a) *Buyers and transferees liable for payment of penalty.* Each person within the United States who buys or acquires from the producer any cotton subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Cotton shall be taken as subject to the lien for the penalty unless the producer presents to the buyer or transferee a marketing card (Form MQ–76—Upland Cotton (1955)), a marketing certificate (Form MQ–91—Cotton (Upland)), or a loan document, as provided in §§ 722.662, 722.663 and 722.664.

(b) *Payment of penalty on account of lien for the penalty.* Each person within the United States who buys or acquires cotton from the producer which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(c) *Time when penalty becomes due.* The penalty to be paid by any buyer or transferee pursuant to paragraphs (a) and (b) of this section shall become due at the time the cotton is marketed and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the cotton was marketed. Cotton shall be deemed to be sold when either title to or actual or constructive possession of the cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. Cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee of the cotton by actual or constructive delivery or the transferor has received any part of the property, goods, or services for which the cotton is being bartered or exchanged. Cotton shall be deemed to have been marketed by gift inter vivos when there is an actual or constructive delivery of the cotton to the transferee during the lifetime of the producer. Cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts cotton into an article of trade and thereby causes the cotton to lose its identity as seed cotton or lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from cotton for the purpose of marketing such article.

(d) *Manner of deducting penalty and issuance of receipts.* The buyer may deduct from the price paid for any cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraphs (a) and (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the cotton was purchased a receipt for the amount so deducted which shall be on Form MQ–82—Cotton (Upland).

§ 722.671 *Remittance of penalty to the treasurer of the county committee.* The treasurer of the county committee, for and on behalf of the Secretary, shall receive the penalty and any interest due thereon and issue a receipt therefor to the person remitting the penalty. The penalty and interest shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, or money orders tendered in payment of the penalty and interest shall be received by the treasurer of the county committee subject to collection and payment at par, and the receipt issued in connection therewith shall bear a notation to that effect and a description of the check, draft, or money order.

§ 722.672 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with penalties for cotton shall be scheduled and transmitted by him on the day received, or

not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such cash in the county committee bank account and issue a check in the amount thereof payable to the Treasurer of the United States and transmit such check to the State committee. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms for which the funds were remitted, and the names of the persons who marketed the cotton in connection with which the funds were remitted.

§ 722.673 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount agreed upon in writing by each and every cotton producer on the farm or (2) in the event that such producers cannot agree to the division of such refund or if all of the producers on the farm are not available to apply for such refund, the amount determined by apportioning the excess among all of the producers on the farm on the basis of the amount of the penalty borne by each producer, as determined by the county committee. No refund shall be made to any buyer or transferee of any amount which he collected from the producer, deducted from the price or other consideration for the cotton, or for which he was liable.

(b) *Certification of refunds.* A member of the county committee, or the treasurer of the county committee, shall notify the State committee of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 722.674 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within the time prescribed in section 372 of the act after payment to him of the penalty collected from any person pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, he shall certify to the Secretary of the Treasury for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury, such amount as the Secretary finds the claimant is entitled to receive as a refund of penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 722.675 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.642 to 722.688 to the Secretary when collected. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 722.676 *Records to be kept and reports to be made by ginners*—(a) *Necessity for records and reports.* Each ginner shall, in conformity with section 373 (a) of the act, keep the records and make the reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Nature and availability of records.* Each ginner shall keep, as part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of cotton, and each lot of cotton less than a bale, ginned by him the following information: (1) The date of ginning; (2) the name of the operator of the farm on which the cotton was produced; (3) the name of the producer of the cotton; (4) the county and State in which the farm on which the cotton was produced is located; (5) the gin bale number or mark; (6) the serial number of the gin ticket or receipt prepared or issued by the ginner for the bale of cotton and for the lot of cotton less than a bale; (7) the gross weight of each bale of cotton and the net weight of each lot of lint cotton less than a bale; and (8) the kind of bagging and ties used on each bale. The records so made shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31, 1957, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.642 to 722.688, or of obtaining the information required to be furnished in any report pursuant to §§ 722.642 to 722.688, but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the Director.

(c) *Requests for reports.* Each ginner, upon written request of the State committee or county committee, shall make a report showing the information provided for in this section, or any part thereof as specified in the request, with respect to cotton ginned for the person or persons specified in the request or for the period of time specified in the request. This report shall be filed not later than the date designated by the State committee or county committee in the written request for such report.

(d) *Manner of submitting reports.* The treasurer of the county committee designated in the request for such report, or his successor in office, is hereby authorized and empowered to receive each such report, on behalf of the Secretary. Each report shall be mailed or delivered directly to the said treasurer.

(e) *Penalty for failure or refusal to keep records or make reports.* Any person engaged in the business of ginning cotton who fails to keep any record or make any report as required by this section or who makes any false report or false record shall, as provided for in section 373 (a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each such offense.

§ 722.677 *Records to be kept and reports to be made by buyers*—(a) *Necessity for records and reports.* Each person who buys seed cotton or lint cotton from the producer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Nature of and availability of records.* Each buyer shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of cotton, and each lot of cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and, in the case of seed cotton purchased, the number of pounds of seed cottor and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of lint cotton in each bale, and each lot of cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under §§ 722.642 to 722.688 and the amount of penalty collected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the cotton was identified when marketed (if a loan number appears on the loan document, the buyer shall keep a record of such number and the crop year; otherwise, the buyer shall keep a record of the form number of the CCC loan document and the date of the loan). It shall be presumed that the cotton was not identified in the manner provided in §§ 722.642 to 722.688 if the serial number of the marketing card or marketing certificate or a brief description of the loan document does not appear on the records required by this paragraph. The record so made shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31, 1957, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.642 to 722.688, or of obtaining the information required to be furnished in any report pursuant to §§ 722.642 to 722.688 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the Director. The county committee shall, upon the request of any buyer, furnish to him without cost blank copies of Form MQ–100–Cotton (Upland) which may be used by him for the purpose of keeping the records required pursuant to this paragraph.

(c) *Reports in connection with cotton not identified by marketing cards, marketing certificates, or loan documents.* The buyer of cotton which is not identified by a marketing card, marketing certificate, or loan document, as provided in §§ 722.662, 722.663, and 722. 664, when marketed shall, with respect to each purchase, make a written report on Form MQ–82—Cotton (Upland) of the following information (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton; (4) the net weight of each bale of cotton, and of each lot of lint cotton less than a bale; and (5) the amount of the penalty collected in connection with the cotton purchased. The report shall be prepared and executed in triplicate; the "Producer's copy shall be delivered to the producer, the "Buyer's copy" shall be retained by the buyer, and the buyer shall mail or deliver the "County office copy" to the treasurer of the county committee for the county in which such cotton was produced.

(d) *Reports in connection with cotton identified by marketing certificates.* The buyer of cotton which is identified when marketed by a marketing certificate, Form MQ–91—Cotton (Upland), as provided in § 722.663, shall make a report in connection with the transaction by executing the certificate in triplicate and by mailing or delivering the "County office copy" to the treasurer of the county committee for the county in which such certificate was issued. The "Buyer's copy" shall be retained by the buyer and the "Producer's copy" shall be delivered to the producer to whom such certificate was issued. The manner in which the marketing certificate shall be executed and distributed, in case the marketing is to a buyer not within the United States, is provided for in § 722.680 (b).

(e) *Receipts to producers for penalties.* Where the cotton is not identified by a marketing card, marketing certificate, or loan document at the time of marketing the "Producer's copy" of the executed Form MQ–82—Cotton (Upland) shall be the receipt from the buyer to the producer for the penalty collected. The buyer shall report the giving of each such receipt to the producer by forwarding the "County office copy" of Form MQ–82—Cotton (Upland) to the treasurer of the county committee for the county in which such cotton was produced, as provided in paragraph (c) of this section.

(f) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than seven calendar days next succeeding the end of the calendar week in which the cotton covered thereby was marketed.

(g) *Buyer's record and report.* In the event the county committee, or the State committee, has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.642 to 722.688, the buyer shall, within fifteen days after a written request therefor by such committee is sent to him by registered mail at his last-known address, make a report verified as true and correct on Form MQ–100—Cotton (Upland) to such committee with respect to cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of cotton, and each lot of cotton less than a bale, purchased by such buyer: (1) The name and address of the producer from whom the cotton was purchased; (2) the date on which the cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the cotton and, in the case of cotton purchased in the seed, the number of pounds of seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of lint cotton in each bale, and in each lot of cotton less than a bale, purchased from the producer; (5) the amount of penalty required to be collected under §§ 722.642 to 722.688 and the amount of any penalty collected in connection with the cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the cotton was identified when marketed (if the cotton was identified by a loan document when marketed, enter the loan number and the crop year or the form number of the CCC loan document and the date of the loan.)

(h) *Manner of submitting reports.* The treasurer of the county committee for the county in which the cotton covered by the report was produced, or his successor in office is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said treasurer. Notwithstanding any other provisions of this paragraph, each report on Form MQ–82—Cotton (Upland) in connection with the purchase of cotton marketed without the use of the means of identification provided by §§ 722.642 to 722.688 may be mailed or delivered directly to the treasurer of the county committee from whom the unexecuted copy of the form was obtained.

(i) *Penalty for failure or refusal to keep records or make reports.* Any person engaged in the business of purchasing cotton from producers who fails to keep any records or make any report as required by this section or who makes any false report or false record shall, as provided for in section 373 (a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each such offense.

§ 722.678 *Records to be kept and reports to be made by transferees.* Each transferee who acquires seed cotton or lint cotton from the producer thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.677. Also, transferees shall execute applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him.

§ 722.679 *Records to be kept by warehousemen and others.* Each warehouseman, processor (including compressor), common carrier, and other person, as defined in section 373 (a) of the act, who buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with cotton from, for, or on behalf of the producer thereof shall make available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, the records kept in his business concerning such cotton, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.642 to 722.688 or of obtaining the information required to be furnished in any report pursuant to §§ 722.642 to 722.688 but not so furnished. The Secretary, in conformity with section 373 (a) of the act, hereby finds such records to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

§ 722.680 *Records to be kept and reports to be made by producers*—(a) *Necessity for records and reports.* Each person who produces in 1955, or who produced in any previous year, cotton which is subject to the provisions of §§ 722.642 to 722.688, shall, in conformity with section 373 (b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to cotton, the provisions of the act.

(b) *Cotton marketed to persons not within the United States.* In each case where cotton for which a marketing certificate has been issued pursuant to § 722.658 is marketed to any person not within the United States, the producer shall enter the name and address of the buyer or transferee and indicate in the space provided for the signature of the buyer or transferee on each copy of the marketing certificate that such person is not within the United States. The producer shall retain the "Producer's copy" of the certificate and the "County office copy" and the "Buyer's copy" shall be mailed or delivered by such producer to the treasurer of the county committee for the county in which the certificate was issued not later than 15 calendar days next succeeding the day on which the cotton was marketed.

(c) *Farm operator's report.* The operator of the farm shall file with the treasurer of the county committee for the county in which the farm is located a farm operator's report on Form MQ–98—Cotton (Upland) in the following cases: (1) Where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.652, except that the county committee may waive this requirement in case it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of cotton on the farm in 1955; (2) where a farm marketing excess is determined for the farm but an application for downward adjustment in the farm marketing excess has not been filed and the county committee or the State committee requests the report in writing; and (3) where a farm marketing excess is not established but the State committee or the county committee determines that a farm operator's report is necessary for proper administration of §§ 722.642 to 722.688 and requests such report in writing. Upon written request by the county committee or by the State committee for a farm operator's report on Form MQ–98—Cotton (Upland), the operator of the farm shall make the report in the manner specified in this paragraph not later than the date designated by such committee in its request. Form MQ–98—Cotton (Upland) shall show for the farm the following information or any part thereof as specified in such request: (i) The date harvesting of the 1955 crop of cotton was completed on the farm, the date of the last ginning of cotton produced on the farm in 1955, and the acreage planted to cotton on the farm; (ii) the total number of pounds of lint cotton ginned from the 1955 crop of cotton; (iii) the name and address of each ginner who ginned such cotton and the number of and net weight of bales or lots less than a bale ginned by him; (iv) the total amount of seed cotton of the 1955 crop marketed; (v) the total amount of 1955 crop lint cotton marketed; (vi) the amount of unmarketed cotton of the 1955 crop on hand; (vii) the total number of pounds of lint cotton produced in the 1955 crop year; (viii) the name and address of each buyer or transferee of 1955 crop lint or seed cotton and the amount thereof marketed to him; and (ix) the amount of penalty paid by the producer or collected by the buyer or transferee.

(d) *Manner of submitting reports.* The treasurer of the county committee for the county in which the cotton covered by the report was produced, or his successor in office, is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such treasurer.

§ 722.681 *Data to be kept confidential.* Except as otherwise provided herein all data reported to or acquired by the Secretary pursuant to and in the manner provided in §§ 722.642 to 722.688 shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any cotton, farm, or transaction covered by the particular data, record, information, report, or form; and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under the provisions of the act.

§ 722.682 *Enforcement.* It shall be the duty of the county office manager to report in writing in quadruplicate to the State administrative officer each case of failure or refusal to make any report or keep any record as required by §§ 722.642 to 722.688 and so to report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing, in triplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXCEPTIONS

§ 722.683 *Cotton produced by publicly-owned agricultural experiment stations*—(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any cotton of the 1955 crop grown for experimental purposes only on land owned or leased by a publicly-owned agricultural experiment station and produced at public expense by employees of the experiment station, or to cotton produced by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of the cotton and the proceeds from the crop inure to the benefit of the experiment station: *Provided,* That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Issuing marketing cards.* The county office manager shall, upon the written application of a responsible executive officer of any publicly-owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 722.657 to 722.660 inclusive.

§ 722.684 *Erroneous notice of cotton acreage allotment.* In any case where through error the producer is officially notified in writing of a farm acreage allotment larger that the finally approved farm acreage allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to cotton in excess of the finally approved farm acreage allotment, the producer will not be considered to have exceeded the farm acreage allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. The determination by the county committee under this section shall be subject to the approval of the State committee. The acreage planted to cotton on the farm in excess of the finally approved allotment shall be considered as excess acreage for purposes of § 722.685.

§ 722.685 *No credit for overplanting the farm acreage allotment.* Any acreage planted to cotton in 1955 in excess of the farm acreage allotment for the 1955 crop of cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1956 and subsequent crops of cotton.

§ 722.686 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving cotton acreage allotments all records pertaining to cotton acreage allotments and marketing quotas.

§ 722.687 *Designation of representatives of the Secretary to examine records*—(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.676, 722.677, 722.678, and 722.679, relating to the examination of records, the Deputy Administrator is hereby authorized and directed to designate in writing, with the counter signature of the State administrative officer, an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a copy of his designation.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered, pursuant to the act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U. S. C. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the cotton marketing quota provisions of the act or §§ 722.642 to 722.688.

§ 722.688 *Redelegation of authority.* Any authority delegated to the State committee by §§ 722.642 to 722.688 may be redelegated by the State committee.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 3d day of June 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–4602; Filed, June 8, 1955; 8:49 a. m.]

[1026 (ELS Cotton '55)–1]

PART 722—COTTON

SUBPART—COTTON MARKETING QUOTAS FOR THE 1955 CROP OF EXTRA LONG STAPLE

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AUTHORITY: §§ 722.1241 to 722.1289 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 342–347, 361–368, 372–376, 388; 52 Stat. 38, as amended; 7 U. S. C. 1301, 1342–1347, 1361–1368, 1372–1376, 1388.

GENERAL

§ 722.1241 *Basis and purpose.* The provisions of §§ 722.1242 to 722.1289 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended. These provisions govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of extra long staple cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by extra long staple cotton producers, ginners, buyers and others; and other miscellaneous provisions regarding the production and marketing of extra long staple cotton. The provisions apply (a) to extra long staple cotton produced in 1955, and (b) to extra long staple cotton produced in 1954 or any prior year which is marketed by producers during the 1955–56 marketing year. The provisions of §§ 722.1242 to 722.1289 supplement the "Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1955 Crop of Extra Long Staple Cotton to States, Counties, and Farms", issued November 8, 1954 (19 F. R. 7253), as amended. In accordance with section 4 of the Administrative Procedure Act (60 Stat. 237), notice was published in the FEDERAL REGISTER on April 23, 1955 (20 F. R. 2740) that the Secretary of Agriculture had under consideration the formulation and issuance of such provisions. The data, views, and recommendations submitted by interested persons have been duly considered within the limits of the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, in connection with the preparation of §§ 722.1242 to 722.1289.

§ 722.1242 *Definitions.* As used in §§ 722.1242 to 722.1289 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the Cotton Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committees":

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended.

(2) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees (19 F. R. 3637), as amended. In Puerto Rico the ASC Caribbean Area Committee shall, insofar as applicable, perform the functions of the county committee.

(3) "State committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation committee. In Puerto Rico the ASC Caribbean Area Committee shall, insofar as applicable, perform the functions of the State committee.

(4) "Review committee" means the review committee appointed by the Secretary pursuant to section 363 of the act.

(f) "County office manager" means the person employed by the county committee to execute the policies of the county committee and to be responsible for the day-to-day operations of the office of the county committe, (hereinafter

referred to as the "county office"), or the person acting in such capacity.

(g) "State administrative officer" means the person employed to execute the policies of the State committee and to be responsible for the day-to-day operations of the office of the State committee (hereinafter referred to as the "State office"), or the person acting in such capacity.

(h) "Treasurer of the county committee" means the county office manager or the person designated by him to act as treasurer of the county committee. In Puerto Rico the ASC Caribbean Area Committee shall designate one or more of the ASC employees to perform the duties and functions of treasurer of the county committee.

(i) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, or the Federal Government, or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(j) "Owner" or "landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(k) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(l) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(m) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(n) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(o) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Deputy Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(p) "Farm acreage allotment" means an acreage allotment established for extra long staple cotton for a farm under the "Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1955 Crop of Extra Long Staple Cotton to States, Counties, and Farms" (19 F. R. 7253), as amended.

(q) "Upland cotton" means any cotton other than extra long staple cotton.

(r) "Extra long staple cotton" means American-Egyptian, Sea Island, and Sealand cotton, and all other varieties of the Barbadense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(s) "Acreage planted to extra long staple cotton" means the acreage of land seeded to extra long staple cotton on the farm in 1955, excluding any acreage in excess of the allotment which (1) is destroyed by causes beyond the producer's control prior to the expiration of the period established under subparagraph (2) of this paragraph for disposing of excess extra long staple cotton acreage, or (2) is disposed of not later than 20 days, or such longer period as is approved in writing by the county committee in accordance with § 722.1246 (c), after the original notice of the measured acreage of extra long staple cotton is mailed to the farm operator.

(t) "State and county code number" means the applicable numbers assigned by the Commodity Stabilization Service of the United States Department of Agriculture to each State and county for the purpose of identification.

(u) "Serial number of the farm" or "farm serial number" means the serial number assigned to the farm by the county committee for the purpose of identification.

(v) "Normal yield" for any county means the average yield per acre of extra long staple lint cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. If for any year of such five-year period the data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby counties in which the type of soil, topography, and farming practices are similar. If, because of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such five-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre for the county. County normal yields for extra long staple cotton shall be determined by the Director. The normal yield determined for a county shall be kept readily available to the public in the county office, and the normal yield determined for each county in a State shall be kept readily available to the public in the State office.

(w) "Normal yield" for any farm means the average yield per acre of extra long staple lint cotton for the farm, adjusted for abnormal weather conditions, during the five calendar years, 1950, 1951, 1952, 1953, and 1954, except that if the normal yield is established after December 31, 1955, such normal yield shall be determined on the basis of the five calendar years immediately preceding the year in which such normal yield is determined. If for any such year data are not available or there was no actual yield, then the normal yield for the farm shall be appraised, in accordance with instructions issued by the Deputy Administrator, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available. The normal yield for a farm on which extra long staple cotton was not planted in 1952, 1953, or 1954 shall be that yield per acre which the county committee determines is normal for the farm as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of extra long staple cotton.

(x) "Normal production" of any number of acres means the normal yield for the farm multiplied by such number of acres.

(y) "Actual production" of extra long staple cotton on the farm means the total number of pounds of extra long staple lint cotton determined to have been produced on the farm in 1955.

(z) "Actual yield" per acre means the number of pounds of extra long staple lint cotton determined by dividing the actual production of extra long staple cotton on the farm by the acreage planted to extra long staple cotton on the farm in 1955.

(aa) "Producer" means a person who, as owner or landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper is entitled to all or a share of the 1955 crop of extra long staple cotton (or extra long staple cotton on hand from a prior crop) or of the proceeds thereof.

(bb) "Farm marketing quota" means an extra long staple cotton marketing quota established for the farm under § 722.1249.

(cc) "Farm marketing excess" means the amount of extra long staple cotton determined for any farm under § 722.1250 or § 722.1252, whichever is applicable.

(dd) "Farm with no farm marketing excess" means a farm on which the acreage planted to extra long staple cotton in 1955 is not in excess of the farm acreage allotment established therefor.

(ee) "Farm with a farm marketing excess" means a farm on which the acreage planted to extra long staple cotton in 1955 is in excess of the farm acreage allotment established therefor.

(ff) "Penalty" means the penalty provided in section 347 (c) of the act and § 722.1266.

(gg) "Seed cotton" means the harvested fruit of the extra long staple cotton plant before ginning.

(hh) "Extra long staple lint cotton" means the fiber taken from seed cotton by ginning.

(ii) "Carry-over extra long staple cotton" means the unmarketed extra long staple cotton from the 1954 or any previous crop which the producer thereof has on hand.

(jj) "Ginning" means the process by which extra long staple lint cotton is removed from the cotton seed.

(kk) "Ginner" means a person engaged in the business of ginning extra long staple cotton.

(ll) "Gin bale number or mark" means the number entered on the bale tag or any other mark made or used by the ginner to identify a bale of extra long staple cotton.

(mm) "Warehouse receipt number" means the number on the warehouse receipt and on the warehouse bale tag used by the warehouseman to identify a bale of extra long staple cotton.

(nn) "Buyer" means a person who acquires extra long staple cotton from a producer by purchase. An agricultural cooperative association which makes purchase- and sale-agreements with producers, or marketing agreements under which the title to extra long staple cotton passes upon delivery of such cotton by the producer and the association is authorized to deal with such cotton as owner, shall be deemed to be a "buyer" with respect to any such cotton acquired pursuant to such an agreement which is subject to marketing quotas as provided in § 722.1248.

(oo) "Transferee" means a person who receives extra long staple cotton from a producer by barter, or exchange, or by gift inter vivos.

(pp) "Market" means to dispose of extra long staple cotton in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(1) The term "sale" means any transfer of title to extra long staple cotton by a producer to another by any means other than barter or exchange or gift inter vivos.

(2) The terms "barter" and "exchange" mean transfer of title to extra long staple cotton by a producer to another in return for extra long staple cotton or any other commodity, service, or property in cases where the value of the extra long staple cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to extra long staple cotton by a producer to another in payment of a fixed rental or other charge for land.

(3) The term "gift inter vivos" means any transfer of title, accompanied by delivery, to extra long staple cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(4) "Marketed," "marketing," and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(qq) "Marketing year" means the period beginning August 1, 1955, and ending July 31, 1956, both dates inclusive.

§ 722.1243 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions as are necessary for carrying out §§ 722.1242 to 722.1289. The forms shall be issued by the Director with the approval of the Deputy Administrator, and the instructions shall be issued by the Deputy Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the State or county office or to the Director.

§ 722.1244 *Extent of calculations and rule of fractions.* In making any computation in connection with §§ 722.1242 to 722.1289, the amount of extra long staple lint cotton shall be rounded to the nearest whole pound and the amount of penalties or refunds shall be rounded to the nearest whole cent. Fractions of exactly five-tenths of a pound or cent shall be dropped. The acreage of each field of extra long staple cotton on the farm shall be expressed in hundredths of an acre, and thousandths of an acre shall be dropped. The total acreage of extra long staple cotton on the farm shall be expressed in tenths of an acre, and hundredths of an acre shall be dropped.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 722.1245 *Identification of farms.* Each farm as operated for the 1955 crop of extra long staple cotton shall be identified by a farm serial number and all records pertaining to marketing quotas for the 1955 crop of extra long staple cotton shall be identified by such number.

§ 722.1246 *Measurement of farms—*(a) *Premeasurement.* The county committee shall provide for the measurement prior to planting of an acreage on the farm equal to the farm acreage allotment if the farm operator requests such measurement and pays the cost thereof, as determined in accordance with instructions issued by the Deputy Administrator, and any farm on which such measured acreage is the only acreage planted to extra long staple cotton shall be deemed to have an acreage not in excess of the farm acreage allotment.

(b) *Measurement after planting.* Measurement of the acreage planted to extra long staple cotton on each farm in the county shall be made under the general supervision of the county committee in accordance with the following provisions: (1) The measurement of the farm shall be made by an employee of the county committee who has been designated as a reporter and determined by the county office manager to be qualified to carry out the duties of a reporter. A reporter may be assisted in the measurement of a farm by another reporter, a community, county, or State committeeman, a State committee representative, any employee of the county office when authorized by the county office manager, or by any employee of the U. S. Department of Agriculture when authorized by the Deputy Administrator. The reporter may request the operator or producer or his representative to designate all fields on the farm on which extra long staple cotton was planted in 1955 and otherwise to assist in measuring the farm. If so requested, the operator or producer or his representative shall so designate all fields planted to extra long staple cotton on the farm in 1955 and otherwise assist in measuring the farm. The reporter may utilize any such assistance from the operator or producer or his representative; (2) the county office manager shall have responsibility for assigning, in writing, insofar as practicable, the farms in the county to be measured by a reporter, and in the case of a farm where a reporter has been refused permission to measure the extra long staple cotton a written assignment shall be issued in connection with such farm. Upon request of any interested producer the reporter shall obtain certification from the county office manager that the reporter is the county office representative appointed to determine the extra long staple cotton acreage on the farm in which the producer is interested; (3) a reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request he will exhibit to the farm operator, producer, or owner his assignment to measure the farm; (4) measurement may be made by identification of fields or parts of fields by use of a map or aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measuring wheel when authorized by the Deputy Administrator, or by a combination of two or more of the foregoing methods. The pertinent data and information for the farm shall be entered by the reporter on the Form CSS–578, and on maps or aerial photographs where applicable, and filed in the county office. Computations of acreages shall be made by an employee in the county office from the data so obtained, and the use of a planimeter or rotometer in connection therewith is authorized; (5) measurements of whole fields made prior to the effective date of this section and in accordance with existing procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the acreage planted to extra long staple cotton in 1955 and the acreage of extra long staple cotton in excess of the 1955 farm acreage allotment.

(c) *Notice of measured acreage and disposition of excess acreage.* The county committee shall notify the farm operator by mail of the measured acreage of extra long staple cotton on the farm. If such acreage is in excess of the farm acreage allotment, the county committee shall also notify the farm operator that unless the acreage of extra long staple cotton on the farm is adjusted to the farm acreage allotment within the time established pursuant to § 722.1242 (s), the farm marketing excess for the farm will be determined on the basis of the excess acreage and the normal yield for the farm. Notice so given shall constitute notice to each producer having an interest in the 1955 crop of extra long staple cotton produced on the farm. If, because of adverse weather conditions or other reasons beyond their control, producers on the farm cannot dispose of the excess acreage of extra long staple cotton within 20 days after the original notice of measured extra long staple cotton acreage is mailed to the farm operator, and a request in writing for additional time and a showing to the satisfaction of the

county committee that circumstances beyond their control prevented the disposition of the excess acreage within the 20-day period is filed with the county committee, the county committee may allow an additional period not to exceed 10 days for disposing of the excess acreage. No extra long staple cotton acreage shall be disposed of for purposes of adjusting the planted acreage of extra long staple cotton to the farm acreage allotment after any such cotton has been harvested from such planted acreage.

(d) *Remeasurement.* The county committee shall provide for the remeasurement, upon request by the farm operator, of the acreage planted to extra long staple cotton on the farm, but the operator shall be required to deposit with the treasurer of the county committee an amount equal to the estimated cost of such remeasurement and such deposit shall not be returned to the farm operator if the planted acreage is found upon such remeasurement to be in excess of the farm acreage allotment. Where the farm operator requests an additional remeasurement of the acreage planted to extra long staple cotton on the farm, the county committee shall provide for such remeasurement only if it finds, on the basis of evidence presented by the farm operator and other available information or data, that an error was probably made in the prior remeasurement.

(e) *Measurement of acreage disposed of.* If the excess extra long staple cotton acreage on any farm is disposed of within the time allowed pursuant to § 722.1242 (s) and a producer on the farm requests that the acreage disposed of be measured and pays the estimated cost of measuring such acreage, the county committee shall provide for such measurement.

§ 722.1247 *Reports and records of farm measurements.* The county committee shall keep a record of the measurements made on all farms. It shall file with the State office a written report on Form MQ–94—Cotton (ELS), setting forth for each farm with a farm marketing excess (a) the farm serial number, (b) the name of the operator, (c) the farm acreage allotment, (d) the acreage planted to extra long staple cotton in 1955, and (e) the total acreage in cultivation.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.1248 *Cotton subject to marketing quota provisions.* Marketing quotas for the 1955 crop of extra long staple cotton shall be applicable to any such cotton of that crop notwithstanding that it may be available for marketing prior to the beginning of the marketing year or marketed subsequent to the end of the marketing year. (In the Southern Area of Puerto Rico extra long staple cotton planted in 1955 for harvest in 1956 shall be considered as the 1955 crop of extra long staple cotton under §§ 722.1242 to 722.1289.) Marketing quotas shall also be applicable to carryover extra long staple cotton marketed during the marketing year.

§ 722.1249 *Farm marketing quotas.* The farm marketing quota for any farm for the 1955 crop of extra long staple cotton shall be that number of pounds of extra long staple lint cotton produced on the farm less the amount of the farm marketing excess for the farm. The farm marketing quota for any farm shall be increased by the amount of extra long staple lint cotton which the producers on the farm have on hand from any previous crops except extra long staple cotton of the 1954 crop on which the penalty was incurred and has not been paid.

§ 722.1250 *Amount of farm marketing excess*—(a) *Where the acreage planted to extra long staple cotton is measured.* The farm marketing excess for the 1955 crop of extra long staple cotton shall be the normal production of the acreage planted to extra long staple cotton on the farm in excess of the farm acreage allotment. For a farm having a zero acreage allotment or no acreage allotment the entire acreage planted to extra long staple cotton shall be used in determining the farm marketing excess. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm, in accordance with § 722.1252, that the actual production of extra long staple cotton on the farm in 1955 is less than the normal production of the acreage planted to extra long staple cotton on the farm in 1955, the farm marketing excess shall be adjusted downward to the amount by which such actual production exceeds the normal production of the farm acreage allotment.

(b) *Where the acreage planted to extra long staple cotton is not measured.* Whenever measurement of the acreage planted to extra long staple cotton on the farm is prevented by a producer on the farm, the farm marketing excess shall be the total number of pounds of extra long staple lint cotton produced in 1955 on the farm. In the event the farm operator or any other producer on the farm establishes, in accordance with § 722.1252, the total number of pounds of extra long staple cotton produced in 1955 on the farm, the farm marketing excess shall be the number of pounds of extra long staple lint cotton produced in 1955 on the farm in excess of the normal production of the farm acreage allotment. Whenever the county committee determines that a reasonably accurate estimate can be made of the acreage planted to extra long staple cotton on any such farm for which measurements have been prevented, the county committee shall provide for such an estimate to be made, and if the producer fails or refuses to establish the amount of extra long staple lint cotton produced in 1955 on the farm and if the penalty collected in connection with marketings of extra long staple cotton reported by buyers pursuant to § 722.1277 (c) is less than the penalty due on the farm marketing excess determined on the basis of the estimated acreage planted to extra long staple cotton, the farm marketing excess and the penalty for the farm shall be established on the basis of the normal yield and the estimated acreage planted to extra long staple cotton in excess of the farm acreage allotment, and the operator shall be notified of such determinations in accordance with § 722.1251.

§ 722.1251 *Notice of farm marketing quota and farm marketing excess.* Written notice of the farm marketing quota and, where applicable, the farm marketing excess, established for a farm shall be mailed to the operator of such farm. Notice so given shall constitute notice to each producer having an interest in the 1955 crop of extra long staple cotton produced or to be produced on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota or farm marketing excess, or any determination made in connection therewith, may be had in accordance with section 363 of the act. A record of the date of mailing the notice to the operator of the farm shall be kept among the records of the county office and upon request a copy of the notice shall be furnished without charge to any producer on the farm for which the notice is given. Such notice shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 722.1252 *Farm marketing excess adjustment*—(a) *Application for adjustment in the farm marketing excess.* Any producer having an interest in the extra long staple cotton produced in 1955 on a farm with a farm marketing excess may apply in writing to the county committee as provided herein for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of extra long staple cotton produced in 1955 on the farm. Any such application shall be filed with the county committee not later than the earlier of (1) 60 days after harvest is completed on the farm or by such later date as is approved by the State committee on the basis of a recommendation by the county committee and a showing that the producer's failure to apply for such adjustment within the 60-day period was due to circumstances beyond his control or (2) March 15, 1956 (June 15, 1956, in the case of the Southern Area of Puerto Rico). If the harvesting of extra long staple cotton on the farm has not been completed by March 15, 1956 (June 15, 1956, in the case of the Southern Area of Puerto Rico), but an application has been timely filed under the foregoing provisions of this paragraph, the producer may request the county committee to provide for an estimate to be made of the amount of unharvested extra long staple cotton on the farm in order that a final determination of the actual production on the farm in 1955 may be made. The county committee shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made. Unless application for an adjustment in the farm marketing excess is made within the period of time provided for in this paragraph, the farm marketing excess as determined pursuant to § 722.1250 shall be final as to the producers on the farm. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no extra long staple cotton has been or will be produced in 1955 on a farm with a farm marketing excess, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production of extra long staple cotton on any farm shall be determined in view of the relevant facts, including the past production on the farm, the actual yields per acre in 1955 for other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, ginning, and sales of the extra long staple cotton produced on the farm; and weather conditions and other factors affecting the production of extra long staple cotton on the farm and in the locality in which the farm is situated. In the consideration of any application for adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts, which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering additional documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the question of fact, and (3) the determination of the county committee as to the farm marketing quota, the actual production of extra long staple cotton on the farm, the farm marketing excess, and the penalty due on the farm marketing excess. A notice showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator.

§ 722.1253 *Publication of the farm acreage allotment, normal yield, marketing quota, and marketing excess.* A record of the farm acreage allotment, normal yield, farm marketing quota, and farm marketing excess established for farms in the county shall be made available for public inspection in the county office for a period of not less than 30 calendar days. The records containing the information shall be kept where the public may freely examine them. At the end of the 30-day period the records shall be filed in the county office and remain available for further inspection upon request. There may be used for this purpose listing sheets, copies of notices, or other compilations upon which the pertinent data are shown.

§ 722.1254 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm. Under sections 345 and 347 of the act, farm marketing quotas are established for the 1955 crops of both upland and extra long staple cotton. The farm marketing quota established under the provisions of §§ 722.1248 to 722.1256 for the 1955 crop of extra long staple cotton may not be used in whole or in part in connection with the marketing of upland cotton produced in 1955 or a prior crop year.

§ 722.1255 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a crop of extra long staple cotton produced on a farm, for which a farm marketing quota and a farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the penalty on the farm marketing excess and to the lien on the entire crop of extra long staple cotton and to the restrictions on the marketing of such cotton.

§ 722.1256 *Review of quotas*—(a) *Right to review by review committee.* Any producer on a farm with a farm marketing excess who is dissatisfied with the farm marketing quota or the farm marketing excess may, within 15 calendar days after the notice of the farm marketing excess is mailed to him, apply in writing for a review by a review committee of any such determination: *Provided,* That if a review hearing has been held and a determination made by a review committee with respect to the farm acreage allotment no further review by a review committee shall be made with respect thereto: *Provided further,* That any application for review which is based on the county committee's determination as contained in the notice issued pursuant to § 722.1252 (b), shall be limited to a review of the actual production of extra long staple cotton on the farm. Unless application for review is made within the 15-day period provided for in this paragraph, the determination of the county committee shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (MQ–51, §§ 711.1 to 711.36 of this chapter), as issued by the Secretary.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS, MARKETING CERTIFICATES AND LOAN DOCUMENTS

§ 722.1257 *Eligibility for and issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* Except as otherwise provided in this section, the operator and any other producer on a farm shall be eligible to receive a marketing card (Form MQ–76–ELS Cotton (1955)), if (1) no farm marketing excess is determined for the farm, or (2) an amount equal to the penalty on the farm marketing excess has been received by the treasurer of the county committee for the county in which the farm is located, except that a marketing card shall not be issued under subparagraph (1) or (2) of this paragraph if any producer on the farm has on hand any extra long staple cotton produced in 1954 on which the penalty was incurred and has not been paid.

(b) *Multiple farm producers eligible to receive marketing cards.* Any person who is a producer of extra long staple cotton on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. Any other producers on a farm who are eligible to receive marketing cards pursuant to paragraph (a) of this section shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer, unless the county committee determines that, in order to enforce the provisions of the act, such producers, including the multiple farm producer, should not receive marketing cards for such farm with no farm marketing excess. Where a producer is engaged in the production of extra long staple cotton in more than one county (in the same State or two or more States), the procedure outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties so decide, or if the State committee has reason to believe that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of extra long staple cot-

ton, together with any other information deemed necessary to enforce the provisions of the act.

(c) *Producers to whom marketing cards will not be issued to enforce the provisions of the act.* Notwithstanding any other provisions of this section, the county committee shall deny any producer a marketing card if it determines that such action is necessary to enforce the provisions of the act.

(d) *Preparation and issuance of marketing cards.* A marketing card shall be issued to the operator of the farm if he is eligible to receive it under the foregoing provisions of this section and, if the county committee or the county office manager determines that it will serve a useful purpose, marketing cards shall also be issued to the other eligible producers on the farm. Each marketing card when completed shall be serially numbered and shall show: (1) The names of the county and State and the serial number of the farm, (2) the name and address of the farm operator, (3) the name and address of the producer to whom issued, (4) the signature of a member of the county committee or the county office manager and the signature of the producer, (5) the farm acreage allotment and the acreage planted to extra long staple cotton, and (6) such additional information and data as may be prescribed by the Deputy Administrator. The county office manager may designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each person so designated shall place his initials immediately beneath the name of the county office manager as written by him or stamped on the card. Where the producer designates an agent to use his marketing card, the card shall also show: (1) The name and address of the agent authorized to use the marketing card and (2) the signatures of the producer and the agent.

§ 722.1258 *Marketing certificates and loan documents*—(a) *Use of marketing certificates.* The county committee shall issue to a producer upon his request a marketing certificate (Form MQ–91—Cotton (ELS)) to permit the marketing of extra long staple cotton (1) by any such producer (i) who is eligible to receive a marketing card and who desires to market extra long staple cotton by telegraph, telephone, mail, or by any other means or method other than directly to and in the presence of the buyer or transferee; (ii) who is not engaged in the production of extra long staple cotton in the 1955 crop year and who desires to market extra long staple cotton which he has on hand from any prior crop, except extra long staple cotton from the 1954 crop on which the penalty was incurred and has not been paid; (iii) who has an interest as a producer of extra long staple cotton in the 1955 crop and who desires to market extra long staple cotton which he has on hand from any prior crop, except extra long staple cotton from the 1954 crop on which the penalty was incurred and has not been paid; (iv) who desires to market extra long staple cotton produced by him on a farm with no farm marketing excess but he is not eligible to receive a marketing card under § 722.1257 (b) because he or another producer on such farm is also a producer of extra long staple cotton on a farm with a farm marketing excess; and (v) who desires to market his share of the extra long staple cotton produced on a farm with no farm marketing excess or on a farm on which the penalty on the farm marketing excess has been paid but he was denied a marketing card by the county committee because it deemed such action necessary to enforce the provisions of the act, and (2) any other producer who has extra long staple cotton not subject to the penalty or on which the penalty has been paid and such producer is not eligible to receive a marketing card or does not have a loan document as prescribed in § 722.1264. The county committee, with the approval of the State committee, may issue marketing certificates for a farm in a total amount for the 1955 crop not exceeding the product of the farm acreage allotment multiplied by the smaller of the normal yield per acre or the estimated actual yield per acre, in instances where the acreage planted to extra long staple cotton on the farm in 1955 has not been determined through no fault of the operator and he, in applying for such certificates, certifies that he has extra long stape cotton from the 1955 crop available for marketing and that to the best of his knowledge and belief the acreage planted to extra long staple cotton on the farm does not exceed the farm acreage allotment.

(b) *Preparation and delivery of marketing certificates.* Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the county and State and the serial number of the farm, if any, (3) the serial number of the 1955 marketing card issued for the farm, where applicable, (4) the description and amount of the extra long staple cotton to be marketed, (5) the signature of the producer and the date thereof, and (6) the signature of a member of the county committee or the county office manager and the date thereof. The county committee shall estimate or otherwise determine the actual production on each farm for which a marketing card has not been issued and for which marketing certificates are to be issued, and certificates shall not be issued for marketings in excess of such production. The "buyer's copy", "producer's copy", and "county office copy" of the marketing certificate shall be delivered to the producer to whom issued, and such producer, upon marketing the extra long staple cotton described in the marketing certificate, shall deliver all such copies to the buyer.

(c) *Use of loan documents in lieu of marketing certificates to identify carry-over CCC loan extra long staple cotton.* Any producer who desires to sell his equity in carry-over extra long staple cotton which is pledged as collateral security for a Commodity Credit Corporation loan or to sell carry-over extra long staple cotton on which such a loan has been repaid may, as provided in § 722.1264, identify such cotton as being penalty-free by presenting to the buyer or transferee thereof a loan document covering such cotton, and the buyer or transferee shall accept such document as evidence to him that the extra long staple cotton described therein is not subject to the penalty or the lien for the penalty.

§ 722.1259 *Lost, destroyed, or stolen marketing cards or marketing certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the county committee of the following: (1) The name of the producer to whom the marketing card or certificate was issued; (2) the serial number of the marketing card or certificate; and (3) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If it is found that such marketing card or marketing certificate was in fact lost, destroyed, or stolen, such marketing card or certificate shall be canceled and a notice in writing to that effect shall be signed by the county office manager and mailed to the producer to whom the marketing card or certificate was issued at his last known address. If it is found that there has been no collusion or connivance in connection therewith on the part of the producer to or for whom the marketing card or certificate was issued, a marketing card or certificate shall be issued to him to replace the lost, destroyed, or stolen marketing card or certificate. Each marketing card or certificate issued under this section shall bear across its face in bold letters the word "Duplicate." In case a marketing card or certificate is canceled, as provided in this section, the county office manager shall immediately notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate has been canceled and that a duplicate has been issued. A report of the findings and action of the county office manager shall be kept among the county office records. Any ginner or buyer or any other person coming into possession or control of a marketing card or certificate which has been canceled shall immediately return it to the county office which issued it.

§ 722.1260 *Cancellation of marketing cards and marketing certificates issued in error.* In the event any marketing card or marketing certificate was erroneously issued, the producer to whom it was issued shall be requested to return it to the county office and upon its being returned it shall be canceled by the county office manager by endorsing thereon in bold letters the word "Canceled." Without awaiting its return the county office manager shall notify the producer by registered mail at his last known address that it is void and of no effect. A copy of the notice, containing a notation thereon of the date of mailing, shall be kept among the records of the county office. The county committee or county office manager shall notify the ginners and buyers in the county, or in the immediate vicinity, that the marketing card or certificate has been canceled.

IDENTIFICATION OF COTTON

§ 722.1261 *Time and manner of identification.* Each producer of extra long staple cotton shall, at the time he markets any such cotton, identify such cotton to the buyer or transferee, in the manner hereinafter provided, as being subject to or not subject to the penalty provided in § 722.1266 and the lien for the penalty as provided in § 722.1267.

§ 722.1262 *Identification by marketing card.* A marketing card (Form MQ–76–ELS Cotton (1955)), shall, when presented to the buyer or transferee by the producer to whom issued, be evidence to the buyer or transferee that the extra long staple cotton produced on the farm for which the marketing card was issued may be purchased by him without collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.1263 *Identification by marketing certificate.* A marketing certificate (Form MQ–91—Cotton (ELS)) shall, when presented to the buyer or transferee by the producer to whom it was issued, be evidence to the buyer or transferee that the extra long staple cotton described on such certificate may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.1264 *Identification by loan document.* A loan document (the original or the producer's copy) shall, when presented to the buyer or transferee by the producer in whose favor it is drawn, be evidence to the buyer or transferee that the carry-over extra long staple cotton described in such loan document may be purchased by him without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty. Any one of the following forms shall constitute a "loan document" for purposes of the foregoing provisions of this paragraph: Cotton Producer's Note and Loan Agreement (CCC Cotton Form A); Producer's Loan Statement—A; or Producer's Warranty and Agreement (CCC Cotton Form G–2).

§ 722.1265 *Extra long staple cotton not identified by a marketing card, marketing certificate, or loan document.* All extra long staple cotton marketed by a producer which is not identified by a marketing card, marketing certificate, or loan document, as provided in § 722.1262, 722.1263, or 722.1264, shall be taken by the buyer or transferee thereof as extra long staple cotton subject to the penalty prescribed in § 722.1266 and to the lien for the penalty. The buyer or transferee of such unidentified extra long staple cotton shall collect the penalty from the producer or deduct it from the purchase price of such cotton. The buyer or transferee shall report the purchase of all such unidentified extra long staple cotton on Form MQ–82—Cotton (ELS) and remit the penalty collected or deducted to the treasurer of the county committee.

PENALTY

§ 722.1266 *Rate of penalty.* The rate of the penalty for extra long staple cotton is the higher of 50 percent of the parity price for extra long staple cotton as of June 15, 1955, or 50 percent of the 1955 support price for extra long staple cotton, as provided in section 347 (c) of the act. (This section will be amended to include the exact rate of the penalty when such price data are available.)

§ 722.1267 *Lien for the penalty.* Until the penalty on the farm marketing excess is paid, all extra long staple cotton produced on the farm and marketed shall be subject to the penalty at the rate provided in § 722.1266 and a lien on the entire crop of extra long staple cotton produced on the farm in 1955 shall be in effect in favor of the United States.

§ 722.1268 *Interest on unremitted penalty.* The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 722.1269 (b) or § 722.1270 (c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§ 722.1269 *Payment of penalty by producers*—(a) *Producers liable for payment of penalty.* Each producer having an interest in the 1955 crop of extra long staple cotton on any farm for which a farm marketing excess has been determined shall be liable to pay the entire amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of extra long staple cotton produced on the farm.

(b) *Time when penalty becomes due and payable.* The farm marketing excess for a farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any extra long staple cotton produced on the farm is harvested. The amount of the penalty on the farm marketing excess for any farm shall be remitted on the date it becomes due or not later than March 15, 1956 (June 15, 1956, in the case of the southern area of Puerto Rico). *Provided, however*, That the penalty on any bale or lot of extra long staple cotton marketed (1) from a farm for which the penalty on the farm marketing excess has not been paid or (2) without being properly identified by a marketing card, marketing certificate, or loan document as provided in §§ 722.1262, 722.1263, or 722.1264, shall be due on the date of such marketing and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which the cotton was marketed.

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for remitting the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes that he is unable to arrange with other producers on the farm for the payment of the penalty on the entire farm marketing excess, that his share of the extra long staple cotton crop produced on the farm is marketed by him separately, and that he exercises no control over the marketing of the shares of the other producers in the extra long staple cotton crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the extra long staple cotton produced in 1955 on the farm bears to the total amount of such cotton produced in 1955 on the farm. When the producer pays his proportionate share of the penalty, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive a marketing certificate, issued in accordance with § 722.1258, to be used by him only in the marketing of his proportionate share of the extra long staple cotton crop produced in 1955 on the farm.

§ 722.1270 *Payment of penalty by buyers and transferees*—(a) *Buyers and transferees liable for payment of penalty.* Each person within the United States, including Puerto Rico, who buys or acquires from the producer any extra long staple cotton subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Extra long staple cotton shall be taken as subject to the lien for the penalty unless the producer presents to the buyer or transferee a marketing card (Form MQ–76–ELS Cotton (1955)), a marketing certificate (Form MQ–91—Cotton (ELS)), or a loan document, as provided in §§ 722.1262, 722.1263, and 722.1264.

(b) *Payment of penalty on account of lien for the penalty.* Each person within the United States, including Puerto Rico, who buys or acquires extra long staple cotton from the producer which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon.

(c) *Time when penalty becomes due.* The penalty to be paid by any buyer or transferee pursuant to paragraphs (a) and (b) of this section shall become due at the time the extra long staple cotton is marketed and shall be remitted not later than seven calendar days next succeeding the end of the calendar week in which such cotton was marketed. Extra long staple cotton shall be deemed to be sold when either title to or actual or constructive possession of such cotton is delivered by or on behalf of the producer or any part of the purchase price is paid. Extra long staple cotton shall be deemed to have been marketed by barter or exchange when it is delivered to the transferee of such cotton by

actual or constructive delivery or the transferor has received any part of the property, goods, or services for which such cotton is being bartered or exchanged. Extra long staple cotton shall be deemed to have been marketed by gift inter vivos when there is an actual or constructive delivery of such cotton to the transferee during the lifetime of the producer. Extra long staple cotton shall be deemed to have been marketed in processed form when the producer, or some person on his behalf, converts such cotton into an article of trade and thereby causes such cotton to lose its identity as seed cotton or extra long staple lint cotton. An article of trade within the meaning of this provision is any article made in whole or in part from extra long staple cotton for the purpose of marketing such article.

(d) *Manner of deducting penalty and issuance of receipts.* The buyer may deduct from the price paid for any extra long staple cotton an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraphs (a) and (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the extra long staple cotton was purchased a receipt for the amount so deducted which shall be on Form MQ–82—Cotton (ELS).

§ 722.1271 *Remittance of penalty to the treasurer of the county committee.* The treasurer of the county committee, for and on behalf of the Secretary, shall receive the penalty and any interest due thereon and issue a receipt therefor to the person remitting the penalty. The penalty and interest shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, or money orders tendered in payment of the penalty and interest shall be received by the treasurer of the county committee subject to collection and payment at par, and the receipt issued in connection therewith shall bear a notation to that effect and a description of the check, draft, or money order.

§ 722.1272 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with penalties for extra long staple cotton shall be scheduled and transmitted by him on the day received, or not later than the morning of the next succeeding business day, to the State committee, which, in accordance with applicable instructions, shall cause such funds to be deposited to the credit of the Treasurer of the United States. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such cash in the county committee bank account and issue a check in the amount thereof payable to the Treasurer of the United States and transmit such check to the State committee. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms for which the funds were remitted, and the names of the persons who marketed the extra long staple cotton in connection with which the funds were remitted.

§ 722.1273 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee, upon their own motion or upon the request of any interested person, shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the penalty incurred. The excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess sum shall be first applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount agreed upon in writing by each and every extra long staple cotton producer on the farm or (2) in the event that such producers cannot agree to the division of such refund or if all of the producers on the farm are not available to apply for such refund, the amount determined by apportioning the excess among all of the producers on the farm on the basis of the amount of the penalty borne by each producer, as determined by the county committee. No refund shall be made to any buyer or transferee of any amount which he collected from the producer, deducted from the price or other consideration for the extra long staple cotton, or for which he was liable.

(b) *Certification of refunds.* A member of the county committee, or the treasurer of the county committee, shall notify the State committee of the amount which the county committee determines may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the appropriate Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been collected and transmitted to the State committee but has not been covered into the general fund of the Treasury of the United States.

§ 722.1274 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within the time prescribed in section 372 of the act after payment to him of the penalty collected from any person pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, he shall certify to the Secretary of the Treasury for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury, such amount as the Secretary finds the claimant is entitled to receive as a refund of penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 722.1275 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 722.1242 to 722.1289 to the Secretary when collected. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 722.1276 *Records to be kept and reports to be made by ginners*—(a) *Necessity for records and reports.* Each ginner shall, in conformity with section 373 (a) of the act, keep the records and make the reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to extra long staple cotton, the provisions of the act.

(b) *Nature and availability of records.* Each ginner shall keep, as part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of extra long staple cotton, and each lot of extra long staple cotton less than a bale, ginned by him the following information: (1) The date of ginning; (2) the name of the operator of the farm on which the extra long staple cotton was produced; (3) the name of the producer of the extra long staple cotton; (4) the county and State in which the farm on which the extra long staple cotton was produced is located; (5) the gin bale number or mark; (6) the serial number of the gin ticket or receipt prepared or issued by the ginner for the bale of extra long staple cotton and for the lot of such cotton less than a bale; (7) the gross weight of each bale of extra long staple cotton and the net weight of each lot of extra long staple lint cotton less than a bale; and (8) the kind of bagging and ties used on each bale. The records so made shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31, 1957, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1242 to 722.1289, or of obtaining the information required to be furnished in any report pursuant to §§ 722.1242 to 722.1289 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the Director.

(c) *Requests for reports.* Each ginner, upon written request of the State committee or county committee, shall make a report showing the information provided for in this section, or any part thereof as specified in the request, with respect to extra long staple cotton ginned for the person or persons specified in the request or for the period of time specified in the request. This report shall be filed not later than the date designated by the State committee or county committee in the written request for such report.

(d) *Manner of submitting reports.* The treasurer of the county committee designated in the request for such report, or his successor in office, is hereby authorized and empowered to receive each such report, on behalf of the Secretary. Each report shall be mailed or delivered directly to the said treasurer.

(e) *Penalty for failure or refusal to keep records or make reports.* Any person engaged in the business of ginning extra long staple cotton who fails to keep any record or make any report as required by this section or who makes any false report or false record shall, as provided for in section 373 (a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each such offense.

§ 722.1277. *Records to be kept and reports to be made by buyers*—(a) *Necessity for records and reports.* Each person who buys extra long staple seed cotton or extra long staple lint cotton from the producer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to extra long staple cotton, the provisions of the act.

(b) *Nature of and availability of records.* Each buyer shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to each bale of extra long staple cotton, and each lot of extra long staple cotton less than a bale, which is purchased by him from the producer thereof the following information: (1) The name and address of the producer from whom the extra long staple cotton was purchased; (2) the date on which the extra long staple cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the extra long staple cotton and, in the case of extra long staple seed cotton purchased, the number of pounds of such seed cotton and the known or estimated amount of extra long staple lint in such seed cotton; (4) the number of pounds of extra long staple lint cotton in each bale, and each lot of extra long staple cotton less than a bale, purchased from the producer; (5) the amount of any penalty required to be collected under §§ 722.1242 to 722.1289 and the amount of penalty collected in connection with the extra long staple cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the extra long staple cotton was identified when marketed (if a loan number appears on the loan document, the buyer shall keep a record of such number and the crop year; otherwise, the buyer shall keep a record of the form number of the CCC loan document and the date of the loan). It shall be presumed that the extra long staple cotton was not identified in the manner provided in §§ 722.1242 to 722.1289 if the serial number of the marketing card or marketing certificate or a brief description of the loan document does not appear on the records required by this paragraph. The record so made shall be kept available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, until December 31, 1957, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1242 to 722.1289, or of obtaining the information required to be furnished in any report pursuant to §§ 722.1242 to 722.1289 but not so furnished. Such records shall be kept for such longer period of time as may be requested in writing by the Director. The county committee shall, upon the request of any buyer, furnish to him without cost blank copies of Form MQ–100—Cotton (ELS) which may be used by him for the purpose of keeping the records required pursuant to this paragraph.

(c) *Reports in connection with extra long staple cotton not identified by marketing cards, marketing certificates, or loan documents.* The buyer of extra long staple cotton which is not identified by a marketing card, marketing certificate, or loan document, as provided in §§ 722.1262, 722.1263, and 722.1264, when marketed shall, with respect to each purchase, make a written report on Form MQ–82—Cotton (ELS) of the following information: (1) The name and address of the producer from whom the extra long staple cotton was purchased; (2) the date on which the extra long staple cotton was purchased; (3) the original gin bale number or, if there is no gin bale number, the gin bale mark or other information showing the origin or source of the extra long staple cotton; (4) the net weight of each bale of extra long staple cotton, and of each lot of extra long staple lint cotton less than a bale; and (5) the amount of the penalty collected in connection with the extra long staple cotton purchased. The report shall be prepared and executed in triplicate; the "producer's copy" shall be delivered to the producer, the "buyer's copy" shall be retained by the buyer, and the buyer shall mail or deliver the "county office copy" to the treasurer of the county committee for the county in which such cotton was produced.

(d) *Reports in connection with extra long staple cotton identified by marketing certificates.* The buyer of extra long staple cotton which is identified when marketed by a marketing certificate, Form MQ–91—Cotton (ELS), as provided in § 722.1263 shall make a report in connection with the transaction by executing the certificate in triplicate and by mailing or delivering the "county office copy" to the treasurer of the county committee for the county in which such certificate was issued. The "buyer's copy", shall be retained by the buyer and the "producer's copy" shall be delivered to the producer to whom such certificate was issued. The manner in which the marketing certificate shall be executed and distributed, in case the marketing is to a buyer not within the United States, is provided for in § 722.1280 (b).

(e) *Receipts to producers for penalties.* Where the extra long staple cotton is not identified by a marketing card, marketing certificate, or loan document at the time of marketing the "producer's copy" of the executed Form MQ–82—Cotton (ELS) shall be the receipt from the buyer to the producer for the penalty collected. The buyer shall report the giving of each such receipt to the producer by forwarding the "county office copy" of Form MQ–82—Cotton (ELS) to the treasurer of the county committee for the county in which such cotton was produced, as provided in paragraph (c) of this section.

(f) *Time for making reports.* Each report required by the foregoing provisions of this section shall be made not later than seven calendar days next succeeding the end of the calendar week in which the extra long staple cotton covered thereby was marketed.

(g) *Buyer's record and report.* In the event the county committee, or the State committee, has reason to believe that any buyer failed or refused to collect or to remit the penalty required to be collected by him for any extra long staple cotton which he purchased, or otherwise in any manner failed or refused to comply with §§ 722.1242 to 722.1289, the buyer shall, within fifteen days after a written request therefor by such committee is sent to him by registered mail at his last-known address, make a report verified as true and correct on Form MQ–100—Cotton (ELS) to such committee with respect to extra long staple cotton purchased or acquired by him from the person or persons specified in the request or purchased or acquired by him during the period of time specified in the request. Such report shall include the following information for each bale of extra long staple cotton, and each lot of extra long staple cotton less than a bale, purchased by such buyer: (1) The name and address of the producer from whom the extra long staple cotton was purchased; (2) the date on which the extra long staple cotton was purchased; (3) the original gin bale number, or if there is no gin bale number, the gin bale mark or other information showing the origin or source of the extra long staple cotton and, in the case of extra long staple cotton purchased in the seed, the number of pounds of such seed cotton and the known or estimated amount of lint in such seed cotton; (4) the number of pounds of extra long staple lint cotton in each bale, and in each lot of extra long staple cotton less than a bale, purchased from the producer; (5) the amount of penalty required to be collected under §§ 722.1242 to 722.1289 and the amount of any penalty collected in connection with the extra long staple cotton purchased from the producer; and (6) the serial number of the marketing card or marketing certificate or a brief description of the loan document by which the extra long staple cotton was identified when marketed (if the extra long staple cotton was identified by a loan document when marketed,

enter the loan number and the crop year or the form number of the CCC loan document and the date of the loan).

(h) *Manner of submitting reports.* The treasurer of the county committee for the county in which the extra long staple cotton covered by the report was produced, or his successor in office, is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to the said treasurer. Notwithstanding any other provisions of this paragraph, each report on Form MQ–82—Cotton (ELS) in connection with the purchase of extra long staple cotton marketed without the use of the means of identification provided by §§ 722.1242 to 722.1289 may be mailed or delivered directly to the treasurer of the county committee from whom the unexecuted copy of the form was obtained.

(i) *Penalty for failure or refusal to keep records or make reports.* Any person engaged in the business of purchasing extra long staple cotton from producers who fails to keep any records or make any report as required by this section or who makes any false report or false record shall, as provided for in section 373 (a) of the act, be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for each such offense.

§ 722.1278 *Records to be kept and reports to be made by transferees.* Each transferee who acquires extra long staple seed cotton or extra long staple lint cotton from the producer thereof shall keep the same records and make the same reports which are required to be kept and made by buyers pursuant to § 722.1277. Also, transferees shall execute applicable certificates which are necessary to enable the producer to keep the records and make the reports required of him.

§722.1279 *Records to be kept by warehousemen and others.* Each warehouseman, processor (including compressor), common carrier, and other person, as defined in section 373 (a) of the act, who buys, stores, processes (including compressing), transports as a common carrier, or otherwise deals with extra long staple cotton from, for, or on behalf of the producer thereof shall make available for examination and inspection by the Secretary, or by any authorized representative of the Secretary, the records kept in his business concerning such cotton, for the purpose of ascertaining the correctness of any report made or record kept pursuant to §§ 722.1242 to 722.1289 or of obtaining the information required to be furnished in any report pursuant to §§ 722.1242 to 722.1289 but not so furnished. The Secretary, in conformity with section 373 (a) of the act, hereby finds such records to be necessary to enable him to carry out, with respect to extra long staple cotton, the provisions of the act.

§ 722.1280 *Records to be kept and reports to be made by producers*—(a) *Necessity for records and reports.* Each person who produces in 1955, or who produced in any previous year, extra long staple cotton which is subject to the provisions of §§ 722.1242 to 722.1289 shall, in conformity with section 373 (b) of the act, keep the records and make the reports prescribed by this section, which records and reports the Secretary hereby finds to be necessary to enable him to carry out, with respect to extra long staple cotton, the provisions of the act.

(b) *Extra long staple cotton marketed to persons not within the United States (including Puerto Rico).* In each case where extra long staple cotton for which a marketing certificate has been issued pursuant to § 722.1258 is marketed to any person not within the United States (including Puerto Rico), the producer shall enter the name and address of the buyer or transferee and indicate in the space provided for the signature of the buyer or transferee on each copy of the marketing certificate that such person is not within the United States. The producer shall retain the "producer's copy" of the certificate and the "county office copy" and the "buyer's copy" shall be mailed or delivered by such producer to the treasurer of the county committee for the county in which the certificate was issued not later than 15 calendar days next succeeding the day on which the extra long staple cotton was marketed.

(c) *Farm operator's report.* The operator of the farm shall file with the treasurer of the county committee for the county in which the farm is located a farm operator's report on Form MQ–98—Cotton (ELS) in the following cases: (1) Where the producer is making an application for a downward adjustment in the farm marketing excess pursuant to § 722.1252, except that the county committee may waive this requirement in case it determines that the evidence otherwise submitted by the producer is satisfactory evidence of the actual production of extra long staple cotton on the farm in 1955; (2) where a farm marketing excess is determined for the farm but an application for downward adjustment in the farm marketing excess has not been filed and the county committee or the State committee requests the report in writing; and (3) where a farm marketing excess is not established but the State committee or the county committee determines that a farm operator's report is necessary for proper administration of §§ 722.1242 to 722.1289 and requests such report in writing. Upon written request by the county committee or by the State committee for a farm operator's report on Form MQ–98—Cotton (ELS), the operator of the farm shall make the report in the manner specified in this paragraph not later than the date designated by such committee in its request. Form MQ–98—Cotton (ELS) shall show for the farm the following information or any part thereof as specified in such request: (i) The date harvesting of the 1955 crop of extra long staple cotton was completed on the farm, the date of the last ginning of extra long staple cotton produced on the farm in 1955, and the acreage planted to such cotton on the farm; (ii) the total number of pounds of extra long staple lint cotton ginned from the 1955 crop of cotton; (iii) the name and address of each ginner who ginned such cotton and the number of and net weight of bales or lots less than a bale ginned by him; (iv) the total amount of extra long staple seed cotton of the 1955 crop marketed; (v) the total amount of 1955 crop extra long staple lint cotton marketed; (vi) the amount of unmarketed extra long staple cotton of the 1955 crop on hand; (vii) the total number of pounds of extra long staple lint cotton produced in the 1955 crop year; (viii) the name and address of each buyer or transferee of 1955 crop lint or seed extra long staple cotton and the amount thereof marketed to him; and (ix) the amount of penalty paid by the producer or collected by the buyer or transferee.

(d) *Manner of submitting reports.* The treasurer of the county committee for the county in which the extra long staple cotton covered by the report was produced, or his successor in office, is hereby authorized and empowered to receive, for and on behalf of the Secretary, each report required pursuant to this section. Each report shall be mailed or delivered directly to such treasurer.

§ 722.1281 *Data to be kept confidential.* Except as otherwise provided herein all data reported to or acquired by the Secretary pursuant to and in the manner provided in §§ 722.1242 to 722.1289 shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees and State committees, county agents, and the employees of such committees and county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any extra long staple cotton, farm, or transaction covered by the particular data, record, information, report, or form; and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under the provisions of the act.

§ 722.1282 *Enforcement.* It shall be the duty of the county office manager to report in writing in quadruplicate to the State administrative officer each case of failure or refusal to make any report or keep any record as required by §§ 722.1242 to 722.1289 and so to report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing, in triplicate, to the Office of the General Counsel of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXCEPTIONS

§ 722.1283 *Extra long staple cotton produced by publicly-owned agricultural experiment stations*—(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any extra long staple cotton of the 1955 crop grown for experimental purposes only on land owned or leased by a publicly-owned agricultural experiment station and produced at public expense by employees of the experiment station, or to extra long staple cotton produced by farmers pursuant to an agreement with a publicly-owned experiment station whereby the experiment station bears the costs and risks incident to the production of such cotton and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm.

(b) *Issuing marketing cards.* The county office manager shall, upon the written application of a responsible executive officer of any publicly-owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 722.1257 to 722.1260 inclusive.

§ 722.1284 *Erroneous notice of extra long staple cotton acreage allotment.* In any case where through error the producer is officially notified in writing of a farm acreage allotment larger than the finally approved farm acreage allotment and it is found by the county committee that such producer, acting solely on the information contained in the erroneous notice, planted an acreage to extra long staple cotton in excess of the finally approved farm acreage allotment, the producer will not be considered to have exceeded the farm acreage allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. The determination by the county committee under this section shall be subject to the approval of the State committee. The acreage planted to extra long staple cotton on the farm in excess of the finally approved allotment shall be considered as excess acreage for purposes of § 722.1285.

§ 722.1285 *No credit for overplanting the farm acreage allotment.* Any acreage planted to extra long staple cotton in 1955 in excess of the farm acreage allotment for the 1955 crop of extra long staple cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1956 and subsequent crops of such cotton.

§ 722.1286 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving extra long staple cotton acreage allotments all records pertaining to extra long staple cotton acreage allotments and marketing quotas.

§ 722.1287 *Designation of representatives of the Secretary to examine records*—(a) *Designation of representatives.* In order to carry out the provisions of §§ 722.1276, 722.1277, 722.1278, and 722.1279, relating to the examination of records, the Deputy Administrator is hereby authorized and directed to designate in writing, with the counter signature of the State administrative officer, an appropriate number of persons from the officers or employees of the Department of Agriculture to act as the authorized representatives of the Secretary for the purposes of said provisions.

(b) *Proof of designation.* Each person designated pursuant to this section shall be furnished with a copy of his designation.

(c) *Authorization to administer oaths.* Each person designated pursuant to this section to act as the authorized representative of the Secretary is hereby authorized and empowered, pursuant to the act of Congress approved January 31, 1925 (sec. 1, 43 Stat. 803; 5 U. S. C. 521), to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the extra long staple cotton marketing quota provisions of the act or §§ 722.1242 to 722.1289.

§ 722.1288 *Redelegation of authority.* Any authority delegated to the State committee by §§ 722.1242 to 722.1289 may be redelegated by the State committee.

§ 722.1289 *Delivery of notices in Puerto Rico.* Notwithstanding the provisions of §§ 722.1242 to 722.1289, where it is impractical or impossible to use the United States mail to serve the producer in Puerto Rico with the notice provided for therein, use shall be made of such other method of service as is available; however, when such other method is used the county committee shall make provision for keeping an accurate record of the date and method of delivery to the producer of any such notice.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 3d day of June 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–4601; Filed, June 8, 1955; 8:49 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.31, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1955

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of revising Sugar Regulation 814.31 (19 F. R. 9326), which established preliminary allotments of the 1955 sugar quota for the Domestic Beet Sugar Area.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that the supply of beet sugar available for marketing in 1955 will exceed the quota for the Domestic Beet Sugar Area by an estimated 1,340,000 short tons, raw value (R. 24). The allotments established by this order differ significantly from the allotments of that quota established by Sugar Regulation 814.31. Thus, to permit the individual processors to plan their marketings within such allotments and avoid disorderly marketings, it is imperative that such allotments be placed in effect at the earliest possible date (R. 25). Since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketings of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on November 13, 1954 (19 F. R. 7354), of a public hearing to be held at Washington, D. C., in Room 3709 South Building of the U. S. Department of Agriculture on December 13, 1954, at 10:00 a. m., e. s. t., for the purpose of receiving evidence to enable the Secretary (1) to affirm, modify or revoke the preliminary finding of necessity for allotments, and (2) to establish fair, efficient and equitable allotments of the 1955 quota for the Domestic Beet Sugar Area for the calendar year 1955.

The hearing was opened by the hearing examiner at the time and place specified in the notice of hearing and thereafter was continued by him to a date and place to be later announced by public notice. Notice was published on April 27, 1955 (20 F. R. 2820) that the hearing, as continued, would be held on May 6, 1955, at 10:00 a. m., e. d. t., in Room 5860 South Building, U. S. De-

partment of Agriculture. Notice was also published on April 27, 1955 (20 F. R. 2820), of a revision of the original notice of hearing (19 F. R. 7354) to permit the presentation of evidence relating to the proration of area deficits or deficits in the allotment for any allottee, and the effect on allotments of certain marketings of molasses.

Summary of testimony. The Government witness was the only witness testifying regarding allotment of the quota.

With respect to the necessity for allotment, the witness testified that the Secretary of Agriculture had made a finding in Sugar Regulation 814.31 (19 F. R. 9326) (Ex. 5) that allotment of the 1955 quota for the Domestic Beet Sugar Area was necessary to prevent disorderly marketing and afford all interested parties equitable opportunities to market sugar. In amplification of this finding, the witness testified that an estimated 1,610,000 short tons, raw value, of sugar was in inventory on January 1, 1955, or would be produced from 1954-crop sugar beets and would be available for marketing in 1955; and that, if only 85 percent of the estimated 1,800,000 short tons, raw value, of sugar to be produced from 1955-crop sugar beets was produced in the calendar year 1955, a total of approximately 3,140,000 tons of sugar would be available for marketing in 1955 within the quota of 1,800,000 short tons, raw value (R. 15–16, Ex. 5).

With respect to the method of allotment of the quota, the witness testified that the sugar beet processors named in Sugar Regulation 814.31 had unanimously recommended, in the form of a stipulation (Ex. 6), a schedule of allotments for the consideration of the Secretary (R. 16–17). Data on processings, past marketings and inventories during the period 1948 through 1954 were also introduced for the record (R. 19, Ex. 11).

The witness submitted for the record a joint request by the Utah-Idaho Sugar Company and Gunnison Sugar, Inc., that one allotment of the 1955 quota be made to the Utah-Idaho Sugar Company in a quantity representing the combined allotments which the Utah-Idaho Sugar Company and Gunnison Sugar, Inc., would otherwise receive (R. 21–22, Ex. 12).

The witness also proposed in the event the Domestic Beet Sugar Area quota is increased as a result of the proration of a deficit in the quota of another supply area; or, any allottee notifies the Department in writing that it will be unable to market as large a quantity of sugar as would be permitted within the allotment for that allottee, that the allotment of the 1955 quota be revised without further notice and hearing in order that such area or allottee's deficits may be prorated among the allottees able to supply additional sugar on the basis of their allotments established pursuant to this proceeding (R. 23).

The witness also proposed that a provision be incorporated into the order allotting the 1955 quota for the Domestic Beet Sugar Area which would provide for charges to allotments in accordance with the following recommendation which was unanimously recommended by all sugar beet processors: "If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, the marketing of such sugar or liquid sugar shall, at the time such sugar or liquid sugar is so delivered, be charged to the allotment of the processor who sold and processed such sugar beets or molasses (R. 23–24; Ex. 6).

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. * * *

Each of the three factors specified in the foregoing provision of the act has been taken into consideration by measuring each factor respectively by the data in the record for each processor of recent crop processings, past marketings, and effective inventories combined with new-crop marketings. The interrelationship of the three factors as measured and weighted for the purpose of evaluating the schedule of allotments which was unanimously recommended by all of the sugar beet processors, indicated that such allotments would constitute a fair, efficient and equitable distribution of the 1955 quota for the Domestic Beet Sugar Area.

From evidence introduced into the record of this proceeding, it appears that Gunnison Sugar, Inc., is a wholly owned and operated subsidiary of the Utah-Idaho Sugar Company and that all sugar processed by both corporations is marketed by the Utah-Idaho Sugar Company under contracts of sale issued in the name of the Utah-Idaho Sugar Company. Upon the basis of this and other information contained in the record with respect to the interrelationship of the two companies, and in accordance with the request submitted jointly by the Utah-Idaho Sugar Company and Gunnison Sugar, Inc., one allotment is established for the Utah-Idaho Sugar Company equal to the total of the allotments which would otherwise have been established for both processors.

To assure that the marketing of sugar or liquid sugar will be charged against the proper allotment, a provision has been included in the order to cover the marketing of sugar or liquid sugar derived from sugar beets or molasses which are sold by one processor to another but which are retained and processed and the sugar or liquid sugar derived therefrom is delivered to the buyer or for his account.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1955 Domestic Beet Sugar Area processors will have available for marketing from 1954-crop sugar beets about 1,610,000 short tons, raw value, of sugar and if only 85 percent of the estimated production of 1,800,000 tons of sugar from 1955-crop beets is produced in the calendar year 1955, the total supply of beet sugar available for marketing in 1955 will exceed the quota by an estimated 1,340,000 short tons, raw value.

(2) The allotment of the 1955 quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugar beets in that area.

(3) By taking into consideration the "processings of sugar or liquid sugar from sugar beets * * * to which proportionate shares, * * * pertained," "the past marketings," and "the ability * * * to market," of each allottee, it is found that the schedule of allotments unanimously recommended by all processors in the Domestic Beet Sugar Area and the quantities set forth in the order constitute a fair, efficient and equitable distribution of the quota for that area, and meet the requirements of section 205 (a) of the act.

(4) One allotment shall be made to the Utah-Idaho Sugar Company in a quantity equal to the total of the allotments which would otherwise be established for both the Utah-Idaho Sugar Company and Gunnison Sugar, Inc.

(5) The order shall be revised, without further notice or hearing, for the purpose of allotting any additional quota resulting from proration of deficits in the quota for other supply areas, or any deficit in the allotment for any allottee under the order, by allotting any such additional quota or deficit to other allottees who are able to supply the additional sugar in the proportion that the respective allotments of such allottees bear to the total of the allotments of such allottees under the order.

(6) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(7) The quota for the Domestic Beet Sugar Area of 1,800,000 short tons, raw value, is equivalent to 33,644,860 one hundred pound bags of beet sugar.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby order that § 814.31 be revised to read as follows:

§ 814.31 *Allotment of the 1955 sugar quota for the Domestic Beet Sugar Area.*—(a) *Allotments.* The 1955 sugar quota for the Domestic Beet Sugar Area is hereby allotted to the following processors in the amounts which appear in column (1) opposite their respective names:

Processors	Allotments (1) Short tons, raw value	Allotments (2) Equivalent in hundredweight refined beet sugar
Amalgamated Sugar Co., The	232,397	4,343,860
American Crystal Sugar Co	258,405	4,830,000
Buckeye Sugars, Inc	10,165	190,000
Franklin County Sugar Co	10,165	190,000
Garden City Co., The	7,490	140,000
Great Lakes Sugar Co	21,400	400,000
Great Western Sugar Co., The	406,600	7,600,000
Holly Sugar Corp	275,525	5,150,000
Lake Shore Sugar Co	9,095	170,000
Layton Sugar Co	7,811	146,000
Menominee Sugar Co	5,350	100,000
Michigan Sugar Co	58,850	1,100,000
Monitor Sugar Division of Robert Gage Coal Co	19,795	370,000
National Sugar Manufacturing Co., The	5,350	100,000
Spreckles Sugar Co	201,962	3,775,000
Superior Sugar Refining Co	6,420	120,000
Union Sugar Division, Consolidated Foods Corp	79,715	1,490,000
Utah-Idaho Sugar Co	183,505	3,430,000
All other persons	000	000
Total	1,800,000	33,644,860

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, the marketing of such sugar or liquid sugar shall, at the time such sugar or liquid sugar is so delivered, be charged to the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Restrictions on shipment and marketing.* Pursuant to section 209 of the act, and subject to the applicable provisions of Sugar Regulation 815 (19 F. R. 7930), and paragraph (b) of this section, all persons are hereby prohibited, during the calendar year 1955, from shipping, transporting or marketing in interstate commerce or in competition with sugar or liquid sugar in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets grown in the Domestic Beet Sugar Area after the allotment established for such persons in paragraph (a) of this section has been filled.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926; 928; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 3d day of June 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4603; Filed, June 8, 1955; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 5]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES

§ 936.502 *Plum Order 5*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the Amador, Apex, California Blue, Earliana, Gros Hungarian, Satsuma, Improved Satsuma, Shiro, Splendor, and Standard varieties (hereinafter referred to as "miscellaneous varieties of Plums"), in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 10, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 3, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 3, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of the miscellaneous varieties of plums are expected to begin on or about June 10, 1955, and this section should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 10, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship any package or container of miscellaneous varieties of plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade.

(2) Section 936.143 of the rules and regulations, as amended (18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) §§ 51.1520 to 51.1530 of this title); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 7, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4659; Filed, June 8, 1955; 8:56 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[NSCP-1901, Supp. 2]

PART 1106—NAVAL STORES CONSERVATION PROGRAM

SUBPART—1955

EXCESS ACREAGE OF BASIC AGRICULTURAL COMMODITIES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1955, and Public Law 42, 84th Congress, the 1955 Naval Stores Conservation Program, approved August 17, 1954 (19 F. R. 5303), as amended September 22, 1954 (19 F. R. 6263), is further amended as follows: § 1106.633 is deleted in its entirety.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as

amended, 68 Stat. 304, Pub. Law 42, 84th Cong.; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 4th day of June 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–4599; Filed, June 8, 1955; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 16]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

OPERATION IN ICING CONDITIONS

In order to provide a clear understanding of what constitutes compliance with § 40.392 (b), the following interpretation is added. This supplement interprets the regulation to mean that no takeoff will be made when frost, snow, or ice adhering to any part of the airplane might adversely affect its performance.

A new § 40.392–1 is adopted to read:

§ 40.392–1 *Operation in icing conditions (CAA interpretations which apply to § 40.392 (b)).* No takeoff will be made when frost, snow, or ice adhering to any part of the airplane might adversely affect its performance.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective June 30, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–4584; Filed, June 8, 1955; 8:45 a. m.]

[Supp. 13]

PART 43—GENERAL OPERATION RULES

ELIMINATION OF FLIGHT TEST

The purpose of this supplement is to (1) establish a policy whereby definite check procedures will be set up, before making a determination to eliminate the flight test required under § 43.21 of this subchapter, for ascertaining whether repair or alteration made to an aircraft will appreciably change its flight characteristics; and (2) set up for persons authorized to approve repairs and alterations to aircraft other than air carrier aircraft, criteria for determining whether a flight test is necessary. The following section is adopted to read as follows:

§ 43.21–1 *Flight tests on aircraft prior to carrying passengers—determination of repairs or alterations which may have appreciably changed flight characteristics or substantially affected operation in flight (CAA policies which apply to § 43.21).* (a) The flight test requirement of this section is not necessary where ground tests and/or inspections of an aircraft have been made which conclusively show that the repairs and alterations have not appreciably changed the flight characteristics or substantially affected its operation in flight.

(b) Because of the many types and variations of aircraft repairs or alterations, including engine changes, it is recognized that it is difficult to determine whether or not a repair or alteration has appreciably changed the flight characteristics of an aircraft, therefore an air carrier or other persons accomplishing repairs pursuant to air carrier maintenance rules, will include in the air carrier's or operator's maintenance manual a detailed outline, for the guidance of all personnel, which specifies the procedures and circumstances under which flight tests will or will not be required.

(c) When repairs or alterations are made to aircraft other than air carrier aircraft, persons authorized under § 18.11 of this subchapter to approve such repairs or alterations as airworthy should determine whether or not a flight test is required. In making such flight test determination, such persons should consider the following: the nature of the repair or alteration, adequacy of ground test and inspection procedures, adequacy of facilities and equipment for the performance of such tests or inspections and the service experience with a particular repair or alteration.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 555)

This supplement shall become effective June 30, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–4585; Filed, June 8, 1955; 8:45 a. m.]

PART 62—NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS AND OVERDUE AIRCRAFT

WHEN A REPORT IS MADE

CROSS REFERENCE: For notice to users of Aircraft Accident Report Form CAB–454 as required by § 62.35, see F. R. Doc. 55–4615, Civil Aeronautics Board, in Notices section, *infra*.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 117]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.41, the Cherry Point, North Carolina, No. 1 area (R–123 formerly D–123), amended on December 3, 1952, in 17 F. R. 10903, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 35°46′30″, longitude 76°47′00″; clockwise along the arc of a circle with a radius of 60 statute miles centered at latitude 34°54′30″, longitude 76°53′00″; to a point 3 nautical miles from the shoreline at latitude 35°06′05″, longitude 75°51′05″; southwesterly paralleling the shoreline at a distance of 3 nautical miles to latitude 34°17′15″, longitude 77°37′35″; clockwise along the arc of a circle with a radius of 60 statute miles centered at latitude 34°54′30″, longitude 76°53′00″; to latitude 34°21′40″, longitude 77°41′30″; thence northeasterly along the east edge of Amber civil airway No. 9 to latitude 35°46′30″, longitude 76°47′00″; point of beginning."

2. § 608.41, the Cherry Point, North Carolina, No. 2 area (R–125 formerly D–125) amended on October 20, 1954, in 19 F. R. 2726, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 35°46′30″, longitude 76°47′00″; southwesterly along the east edge of Amber civil airway No. 9 to a latitude 34°21′40″, longitude 77°41′30″; clockwise along the arc of a circle with a radius of 60 statute miles centered at latitude 34°54′30″, longitude 76°53′00″ to latitude 35°46′30″, longitude 76°47′00″; point of beginning."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 16, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–4583; Filed, June 8, 1955; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141c—CHLORTETRACYLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACLCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for chlortetracycline and chlortetracycline-containing drugs (21 CFR, 1953 Supp., Part 141c; 19 F. R. 1141) and certification of chlortetracycline and chlortetracycline-containing drugs (21 CFR, 1953 Supp., Part 146c; 19 F. R. 1141, 4279; 20 F. R. 3, 1377, 1551) are amended as indicated below.

1. Part 141c is amended by adding the following new section:

§ 141c.225 *Tetracycline hydrochloride-nystatin tablets*—(a) *Tablets*—(1) *Potency*—(i) *Tetracycline hydrochloride content.* Proceed as directed in § 141c.224 (a) (1) (i). Its content of tetracycline hydrochloride is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(ii) *Nystatin content.* Proceed as directed in § 141c.224 (a) (1) (ii). Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(iii) *Moisture.* Proceed as directed in § 141a.5 (a) or § 141a.26 (e) of this chapter.

(b) *Nystatin used in making the tablets.* Proceed as directed in § 141c.224 (b).

2. Part 146c is amended by adding the following new section:

§ 146c.225 *Tetracycline hydrochloride-nystatin tablets.* Tetracycline hydrochloride-nystatin tablets are tablets that conform to all requirements and are subject to all procedures prescribed by § 146c.224 for tetracycline hydrochloride-nystatin capsules except that the expiration date is the date that is 24 months after the month during which the batch was certified.

3. Section 146c.222 *Tetracycline hydrochloride oral suspension* * * * is amended in paragraph (a) by changing the words "6.5 and not more than 7.5" to read "7.0 and not more than 8.0."

4. Section 146c.224 *Tetracycline hydrochloride-nystatin capsules* is amended in paragraph (a) by changing the number "250,000" to read "100,000".

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: June 2, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55–4605; Filed, June 8, 1955; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 252—DRAWBACK ON LIQUORS EXPORTED

MISCELLANEOUS AMENDMENTS

On February 16, 1955, a notice of proposed rule making with respect to regulations designated as Part 252 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (20 F. R. 975). The purposes of the proposal were (a) to conform the regulations to FEDERAL REGISTER regulations as to form and arrangement, and (b) to implement the provisions of the Internal Revenue Code of 1954. After consideration of all relevant matter presented by interested parties, regarding the regulations proposed, the regulations so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. The Preamble is amended as follows: A new paragraph is added after paragraph 2.

PAR. 2. Subpart B is amended as follows: § 252.14 is revised.

PAR. 3. Subpart C is amended as follows:

(A) Section 252.59 (d) is revised.

(B) Section 252.61 is revised by striking from the third sentence, which begins, "If the spirits", the phrase " 'For', 'Bottled for', or 'Bottled expressly for'," and inserting in lieu thereof the phrase: " 'For export by', 'Bottled for export by', or 'Bottled expressly for export by'.".

(C) Section 252.69 is revised by striking the fourth sentence, which begins, "Where distilled spirits", and inserting in lieu thereof the following sentence: "Where distilled spirits or wines had been dumped and rectified prior to September 1, 1954, a copy of each Form 122 covering such prior dumping of the distilled spirits or wines and each Form 237 covering such prior rectification shall be submitted and referred to, in lieu of a batch record Form 122."

(D) Section 252.86 is revised by striking the second sentence, which begins, "Wines bottled or packaged", and all succeeding sentences in the section, and inserting in lieu thereof the following: "Wines bottled or packaged especially for export by the proprietor of a taxpaid wine bottling house may be transferred by him, pursuant to execution of Form 1656, from the export storage room of the bottler or packer to any export storage room at the port of exportation for storage pending removal, for direct exportation or use as supplies on vessels or aircraft. Form 1656 will be executed in triplicate (or quadruplicate, if the spirits are to be transferred to an export storage room in another region) by the bottler, packer, or exporter. In the case of spirits and wines to be transferred from the export storage room of a rectifying plant or a taxpaid bottling house, all copies of Form 1656 will be submitted to the storekeeper-gauger for approval. In the case of wines to be transferred from the export storage room of a taxpaid wine bottling house, Forms 1656 will be disposed of as provided in § 252.88."

(E) Sections 252.87 to 252.89 are revised.

(F) Section 252.94 is revised by inserting in the first sentence, after the words *"Provided,* That", the following: "if the exporter is the bottler of the spirits or wines, or is the person for whom such spirits or wines were bottled, as indicated by the markings on the case, then the name of the exporter and the city and State in which he is located need not again be shown: *Provided further,* That".

(G) Section 252.119 is revised by inserting immediately after the phrase "within six months" the following phrase: "from the date of such requirement".

(H) Section 252.123 is revised by striking the third sentence, which begins "Letters and other documents", and inserting in lieu thereof the following: "Letters and other documents in a foreign language must be accompanied by translations. The translation shall be signed by the translator and immediately above the signature will appear the following statement: 'I declare under the penalties of perjury that this translation has been examined by me and to the best of my knowledge and belief is a true and accurate translation.' When the letters fail to identify the goods sufficiently, the original sales account must be produced."

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 3, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

Preamble: 1. The regulations in this part shall supersede Regulations 28, 1940 edition (26 CFR (1939) Part 176).

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

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252.2 Forms prescribed.
252.3 Supplies upon certain vessels or aircraft.
252.4 Reciprocating foreign countries.

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252.11 Alcohol.
252.12 Assistant regional commissioner.
252.13 Beer.
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Sec.
252.19 Include and including.
252.20 Inclusive language.
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252.23 Person or proprietor.
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252.25 Rectifying plant.
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252.28 Tax.
252.29 Taxpaid bottling house.
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252.31 U. S. C.
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DRAWBACK BOND

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PERSONS AUTHORIZED TO BOTTLE OR PACKAGE DISTILLED SPIRITS AND WINES ESPECIALLY FOR EXPORT

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252.58 Labeling of distilled spirits.
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CASES

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252.63 Packages of distilled spirits.
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STAMPS ON PACKAGES

252.65 Packages of distilled spirits to be stamped.
252.66 Issuance of wholesale liquor dealer's stamps.
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252.70 Distilled spirits or wines in bottles.
252.71 Bottling and packaging procedure.
252.72 Reduction in proof of spirits.
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252.75 Other regulations applicable.
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252.90 Distilled spirits and wines exported, deposited in foreign-trade zones, or to be used as supplies on vessels.
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Subpart E—Drawback on Beer Exported

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252.152 Marks on containers.

CLAIM AND ENTRY REQUIRED

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EXECUTION OF CLAIM AND ENTRY

252.154 Removals from brewery premises where produced.
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Subpart F—Domestic Alcohol Used in the Manufacture of Flavoring Extracts, Medicinal or Toilet Preparations, Etc.

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AUTHORITY: §§ 252.1 to 252.184 issued under 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply 46 Stat. 690 as amended, 693 as amended, 68A Stat. 605, 613, 614; 19 U. S. C. 1309, 1313; 26 U. S. C. 5012, 5056, 5062. Other statutory provisions cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 252.1 *Drawback on distilled spirits, wines, beer and alcohol.* The regulations in this part relate to the allowance of drawback of internal revenue tax on (a) distilled spirits and wines packaged, or bottled, especially for export, and beer brewed and manufactured in the United States, when exported or used as supplies on vessels or aircraft, (b) distilled spirits exported in distiller's original packages containing not less than 20 wine gallons each, and (c) domestic alcohol used in the manufacture or production of flavoring extracts, and medicinal or toilet preparations (including perfumery), upon the exportation of such products. Regulations relating to drawback of tax on such articles deposited in foreign trade zones are contained in Part 253 of this title.

§ 252.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all internal revenue forms required by this part, including bonds, applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

§ 252.3 *Supplies upon certain vessels or aircraft.* Distilled spirits and wines, bottled or packaged especially for export with benefit of drawback in accordance with this part, and beer, shall be considered to be exported for the purpose of drawback of taxes, when laden as supplies on vessels and aircraft as follows:

(a) Vessels or aircraft operated by the United States;

(b) Vessels of the United States employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions;

(d) Vessels of war of any foreign nation;

(e) Foreign vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign vessels is permitted; or

(f) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found such foreign country allows, or will allow, substantially reciprocal privileges in respect to aircraft registered in the United States.

§ 252.4 *Reciprocating foreign countries.* The Director, Alcohol and Tobacco Tax Division, will advise assistant regional commissioners concerning those foreign countries which will allow, to aircraft registered in the United States and engaged in foreign trade, privileges substantially reciprocal to the privileges allowed herein to aircraft of a foreign country. Assistant regional commissioners shall not allow claims for drawback on distilled spirits, wines, or beer, laden for use as supplies on aircraft of any other foreign country, which it is claimed reciprocates similar privileges to aircraft of the United States, unless it shall be established that such country does reciprocate similar privileges to aircraft of the United States. In such cases, the applicant should request the Secretary of Commerce to find and advise the Secretary of the Treasury that such foreign country or countries allow, or will allow, substantially reciprocal privileges to aircraft of the United States.

SUBPART B—DEFINITIONS

§ 252.10 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 252.11 *Alcohol.* "Alcohol" shall mean that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or process produced, having a proof of 160 degree or more, but does not include the substances commonly known as whisky, brandy, rum, vodka, or gin, or other spirits produced at registered distilleries or fruit distilleries operated under Parts 220 and 221 of this title.

§ 252.12 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, the regional commissioner.

§ 252.13 *Beer.* "Beer" shall mean beer, ale, porter, stout and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

§ 252.14 *Collector of customs.* "Collector of customs" shall mean the person having charge of a customs collection district and shall also include assistant collector of customs, deputy collector of customs, and any person authorized by law or by regulations approved by the Secretary of the Treasury to perform the duties of a collector of customs.

§ 252.15 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 252.16 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 252.17 *Distilled spirits or spirits.* "Distilled spirits" or "spirits" shall mean all the substances produced by the distillation of fermented grain, molasses, fruit or other materials, commonly known as spirits, whisky, rum, gin, brandy, alcohol, vodka, etc., and shall include rectified spirits, cordials, liqueurs and similar compounds, and other rectified products prepared with distilled spirits and wines, except where otherwise indicated.

§ 252.18 *Exportation.* "Exportation" shall mean a severance of goods from the mass of things belonging to the United States with the intention of uniting them to the mass of things belonging to some foreign country. The export character of any shipment will be determined by the intention with which it is made, and it assumes an export character only when destined for use in a foreign country. For the purposes of this part, shipments to Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Panama Canal Zone shall be treated as exportations. Shipments to Alaska, Hawaii, Kingman's Reef, the Midway Islands, or Wake Island are not exportations within the meaning of this part.

§ 252.19 *Include and including.* The words "include" and "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 252.20 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, a trust, estate, association, partnership, company or corporation.

§ 252.21 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 252.22 *Package.* "Package" shall mean any cask, barrel, drum or other similar container, containing 5 wine gallons or more.

§ 252.23 *Person or proprietor.* "Person" or "proprietor" shall include natural persons, trusts, estates, associations, partnerships, companies, and corporations.

§ 252.24 *Rectifier.* "Rectifier" shall mean the proprietor of a rectifying plant.

§ 252.25 *Rectifying plant.* "Rectifying plant" shall mean a rectifying plant qualified and operated under the provisions of Part 235 of this title.

§ 252.26 *Region.* "Region" shall mean an internal revenue region.

§ 252.27 *Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue in each of the internal revenue regions.

§ 252.28 *Tax.* "Tax" or "internal revenue tax," for which drawback may be allowed, is the distilled spirits tax, the rectification tax, the beer tax, or the applicable wine tax imposed by the internal revenue laws.

§ 252.29 *Taxpaid bottling house.* "Taxpaid bottling house" shall mean a taxpaid bottling house qualified and operated under the provisions of Part 230 of this title.

§ 252.30 *Taxpaid wine bottling house.* "Taxpaid wine bottling house" shall mean a taxpaid wine bottling house qualified and operated under the provisions of Part 231 of this title.

§ 252.31 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 252.32 *Wines.* "Wines" shall mean all kinds of still wine (including special natural wine), sparkling wine, and artificially carbonated wine.

SUBPART C—PROVISIONS RELATING TO DISTILLED SPIRITS AND WINES BOTTLED OR PACKAGED ESPECIALLY FOR EXPORT WITH BENEFIT OF DRAWBACK

DRAWBACK AUTHORIZED

§ 252.40 *Allowance upon exportation.* Upon the exportation of distilled spirits or wines manufactured or produced in the United States, on which an internal revenue tax has been paid, which are bottled or packaged especially for export, in accordance with the provisions of this subpart, there shall be allowed a drawback equal in amount to the tax found to have been paid thereon. Such drawback, in the case of rectified spirits mixed with wines shall include the distilled spirits excise tax, the rectification tax or the cordial tax (as the case may be), and the wine tax.

DRAWBACK BOND

§ 252.41 *General.* Whenever, as to any shipment, a certificate of foreign landing, as provided by § 252.114, is required by the assistant regional commissioner or an affidavit as to lading and intended use is required under the provisions of § 252.115, and the exporter desires drawback on the shipment of distilled spirits or wines under the provisions of this subpart prior to submission of such certificate or affidavit to the assistant regional commissioner, he shall file bond in accordance with the provisions of this subpart.

§ 252.42 *Filing of bond.* Where a drawback bond is required under the provisions of this subpart relating to distilled spirits or wines bottled or packaged especially for export with benefit of drawback, the exporter shall file with the assistant regional commissioner such bond on Form 1581, in triplicate, for distilled spirits, or on Form 1581–A, in triplicate, for wines. The bond must be furnished with acceptable corporate surety or secured by the deposit of proper collateral (see Department Circular 154, 31 CFR Part 225). A separate bond must be filed in each internal revenue region in which is located an export storage room from which withdrawals are made by the exporter.

§ 252.43 *Bond prerequisite to claim allowance.* Where a bond is required under the provisions of this subpart, no claim for allowance of drawback on distilled spirits or wines bottled or packaged especially for export, and exported or laden as supplies on vessels will be approved until the claimant has furnished the required bond, evidence satisfactory to the assistant regional commissioner of exportation, affidavit of lading and intended use as supplies on vessels, or proof of loss at sea.

§ 252.44 *Bond procedure.* Drawback bonds, Form 1581, and Form 1581–A, shall be executed, filed, approved, disapproved, superseded, strengthened, and terminated in accordance with the procedure prescribed by Part 235 of this title in respect to bonds required therein, in so far as such procedure is not inconsistent with the regulations in this part.

§ 252.45 *Penal sum.* The penal sum of the bond must be sufficient to cover the amount of drawback which will at any time constitute a charge against the bond: *Provided,* That such bond shall be furnished in multiples of $100 and shall in no case be in a less penal sum than $500. The liability under such bond shall be a continuing one, subject to increase as successive claims for drawback are allowed by the assistant regional commissioner, and to decrease as satisfactory evidence of exportation, lading for use on vessels, or of loss after shipment without negligence on the part of the exporter, as hereinafter provided, is received by the assistant regional commissioner. When the limit of liability under any such bond is reached, no further claims for drawback may be allowed thereunder unless the penal sum is increased sufficiently to cover the additional liability by filing a strengthening or a superseding bond in a sufficient penal sum.

§ 252.46 *Authority to approve bonds.* Assistant regional commissioners are authorized to approve all bonds and consents of surety required by this subpart. When a bond is approved, one copy will be returned to the principal.

§ 252.47 *Bond to support claims.* Drawback claims may be allowed from time to time under the bond as long as it remains good and sufficient, or until it shall have been released or terminated by the assistant regional commissioner.

ACCOUNT WITH DRAWBACK BOND

§ 252.48 *Account with bond.* The assistant regional commissioner will keep an account with each drawback bond, Form 1581, or Form 1581–A, in which the principal will be charged with the full amount in which each drawback claim, for which bond is required, is allowed. Credit will be given for the amount of drawback represented by the distilled spirits or wines concerning which satisfactory evidence of exportation, or of lading for use as supplies on vessels, or of loss outside the jurisdiction of the United States without negligence on the part of the exporter, as hereinafter provided, has been received.

PERSONS AUTHORIZED TO BOTTLE OR PACKAGE DISTILLED SPIRITS AND WINES ESPECIALLY FOR EXPORT

§ 252.49 *Distilled spirits and wines.* Persons who have qualified either as rectifiers or proprietors of taxpaid bottling houses under internal revenue laws and regulations, and have established export storage rooms at the bottling or packaging premises in conformity with, respectively, the provisions of Parts 235 or 230 of this title, may bottle or package, especially for export with benefit of drawback, distilled spirits or wines or both, manufactured or produced in the United States on which an internal revenue tax has been paid.

§ 252.50 *Wines.* Any person qualified as a proprietor of a taxpaid wine bottling house, who has established an export storage room at the taxpaid wine bottling house, in conformity with the provisions of Part 231 of this title, may bottle or package, especially for export with benefit of drawback, at his taxpaid wine bottling house, wines manufactured or produced in the United States on which an internal revenue tax has been paid: *Provided,* That prior to or at the time of filing the first notice of intention to dump wine for bottling or packaging especially for export with benefit of drawback, the proprietor shall give notice to the assistant regional commissioner of the location and construction of the export storage room.

EVIDENCE OF TAXPAYMENT OF IMPORTED SPIRITS AND WINES

§ 252.51 *Customs certification on Form 1583.* Where spirits or wines manufactured (rectified) in the United States from imported spirits or wines are bottled or packaged especially for export with benefit of drawback, the collector of customs at the port where the entry or withdrawal for consumption was made shall, upon application in writing by the rectifier, execute a certificate on Form 1583, in duplicate, showing that internal revenue tax has been collected on the imported spirits or wines described in the application. The original of the certificate shall be forwarded by the collector of customs to the assistant regional commissioner of the region in which the spirits were rectified. The remaining copy shall be retained by the collector of customs. Such certificates shall be serially numbered, beginning with number 1 for each customs district.

§ 252.52 *Application for certificate.* The rectifier must set forth in his application for the issuance of the certificate sufficient information to enable the collector of customs to identify the importation, such as the port of entry, the entry number, name of importing vessel or other carrier, date of importation, name of importer, marks and numbers of packages, and a description of the spirits or wines.

§ 252.53 *Certificate required before approval of claim or transfer application, Form 1656.* The assistant regional commissioner will not approve a claim for drawback, or an application on Form 1656, when the spirits or wines covered thereby are manufactured from imported spirits or wines, until the Form 1583 has been received.

§ 252.54 *Gauging of spirits and wines.* The provisions of Parts 230 and 235 of this title in regard to the gauging of distilled spirits and wines bottled or packaged for domestic purposes, including the measurement of rectified spirits, wines, cordials, and other products containing saccharine and other solid matter, shall be applicable to the gauging of distilled spirits and wines bottled or packaged for export with benefit of drawback, under this subpart.

STRIP STAMPS

§ 252.55 *Strip stamps not required.* No strip stamps shall be affixed to bottles of distilled spirits bottled especially for export with benefit of drawback.

(68A Stat. 602; 26 U. S. C. 5008)

CAPACITY AND USE OF BOTTLES

§ 252.56 *Distilled spirits.* Distilled spirits shall be bottled for export in bottles containing less than 5 wine gallons. Liquor bottles conforming to the provisions of Part 175 of this title may be used in bottling such spirits for export, but the use of such bottles is not required.

§ 252.57 *Wines.* Wines shall be bottled especially for export in bottles containing 5 wine gallons or less.

LABELS

§ 252.58 *Labeling of distilled spirits.* Distilled spirits bottled especially for export under the provisions of this subpart shall be labeled as follows:

(a) Kind of spirits;
(b) Name of bottler;
(c) City or town and State in which bottled;
(d) Proof of spirits;
(e) The words "Bottled for export from U. S. A.", and
(f) The net contents of the bottle, unless legibly blown therein.

Such additional information not inconsistent with the foregoing requirements as may be desired by the exporter may also appear on the label.

§ 252.59 *Labeling of wines.* Wines bottled especially for export under the provisions of this subpart shall be labeled as follows:

(a) Kind of wines;
(b) Name of bottler;
(c) City or town and State in which bottled;
(d) Alcohol content by volume, except that if not over 14 percent, either the type designations "table wine" or "light wine", or the alcoholic content, shall be stated;
(e) The words "Bottled for export from U. S. A.", and
(f) The net contents of the bottle, unless legibly blown therein.

Such additional information not inconsistent with the foregoing requirements as may be desired by the exporter may also appear on the label.

CASES

§ 252.60 *Construction of cases.* Distilled spirits or wines bottled especially for export with benefit of drawback may be placed in cases constructed of wood, fiberboard, or other material provided such cases are so constructed as to afford protection against breakage during storage in the export storage room or transfer or shipment therefrom. Cases constructed of wood shall have the outer surface of the side or end, upon which the required marks and brands are to appear, made of dressed lumber.

REQUIRED MARKS ON CASES AND PACKAGES

§ 252.61 *Cases filled at rectifying plants and taxpaid bottling houses.* Each case of distilled spirits or wines filled by rectifiers for export with benefit of drawback shall bear on one side the markings required by Part 235 of this title; and each case filled for the same purpose by proprietors of taxpaid bottling houses shall bear on one side the markings required by Part 230 of this title. Each case shall also bear on the same side the words "For export from U. S. A." If the spirits or wines are to be exported by a person other than the bottler, the name and address of the exporter, preceded by the words "For export by", "Bottled for export by", or "Bottled expressly for export by", may also be marked upon the case. The method of marking the cases shall be in accordance with the applicable provisions of Parts 235 or 230 of this title, as the case may be.

§ 252.62 *Cases filled by proprietors of taxpaid wine bottling houses.* Each case of wines filled by proprietors of taxpaid wine bottling houses for export with benefit of drawback shall be marked in accordance with the requirements of Part 231 of this title for cases of wine bottled for domestic use and in addition thereto shall be marked in a plain and durable manner, in a color contrasting with the color of the case and in letters not less than one-half inch in height, the words "For export from U. S. A." If the wines are to be exported by a person other than the bottler, the name and address of the exporter, preceded by the words "For," "Bottled for," or "Bottled expressly for," may also be placed upon the case.

§ 252.63 *Packages of distilled spirits.* Each package of distilled spirits filled for export with benefit of drawback shall be numbered serially beginning with "1" for the first package filled: *Provided,* That such serial numbers shall be in sequence to the series in current use for the numbering of cases or other packages for domestic use. Where cases and packages are filled simultaneously and it is impracticable to number the cases and packages consecutively, separate series of numbers followed by an identifying letter may be used for the packages. In addition to the serial number, there shall be plainly and durably burned, cut, imprinted, or stenciled on the Government head of each barrel or similar container of distilled spirits: (a) the kind of spirits; (b) the wine gallon content; (c) the proof of spirits; (d) the proof gallon content; (e) the tare of the container; (f) the date of filling; (g) the name of the packer; (h) the location (city or town and State) of the plant where packaged; and (i) the words "For export from U. S. A." If the spirits are to be exported by a person other than the packer the name and address of the exporter, preceded by the words "For," "Packaged for," or "Packaged expressly for," may also be marked upon the package.

§ 252.64 *Packages of wines.* Except as provided herein, the packer shall place marks upon packages of wine similar to the marks required by § 252.63 to be placed upon packages of distilled spirits. The tare need not be marked on the packages, the alcohol content of the wine shall be shown in percentage by volume in lieu of the proof and, in the case of unrectified wine, the proof gallons may be omitted.

STAMPS ON PACKAGES

§ 252.65 *Packages of distilled spirits to be stamped.* Every package of distilled spirits filled especially for export with benefit of drawback must have a wholesale liquor dealer's stamp affixed thereto. In the case of packages filled on and after the effective date of this part, such packages will be stamped at the time of deposit in the export storage room. In the case of packages filled prior to the effective date of this part, such packages will be stamped prior to removal or transfer from the export storage room.

(68A Stat. 602; 26 U. S. C. 5008)

§ 252.66 *Issuance of wholesale liquor dealer's stamps.* Upon receipt of Forms 237 or dump Form 230 with attached Form 1684 for inspection and supervision of the deposit in the export storage room of packages of distilled spirits filled especially for export with benefit of drawback, the storekeeper-gauger will issue a wholesale liquor dealer's stamp for each package listed on the form. When issuing the stamps, the storekeeper-gauger will enter the required information in the blank spaces on each stamp and sign the stamps. The storekeeper-gauger may enter his signature by means of a facsimile stamp, provided care is taken to use only such ink as will neither fade nor blur. Where an appreciable number of packages will be filled, the rectifier must provide the storekeeper-gauger with suitable rubber stamps for the insertion of information common to all wholesale liquor dealer's stamps to be used by him. Where filled packages are reported on Form 1684 attached to dump Form 230, the storekeeper-gauger shall enter in the proper column, on the original and each copy of Form 1684, opposite the package for which each stamp is issued, the serial number of the stamp. Where packages are filled pursuant to Form 237, the storekeeper-gauger shall enter in the column headed "Packages" (properly modified to show wholesale liquor dealer's stamp), in part 2, opposite the package for which each stamp is issued, the serial number of the stamp. The provisions of this section will be followed, insofar as applicable, in stamping packages filled prior to the effective date of this part. Memorandum report of such stamping will be submitted to the assistant regional commissioner.

§ 252.67 *Affixing and canceling of stamps.* The provisions of Part 235 of this title in regard to the affixing and canceling of wholesale liquor dealer's stamps to packages of spirits for domestic use shall be applicable to the affixing and canceling of stamps to packages of distilled spirits filled especially for export with benefit of drawback.

RECTIFICATION, BOTTLING AND PACKAGING AT RECTIFYING PLANTS AND TAXPAID BOTTLING HOUSES

§ 252.68 *Other regulations applicable.* The provisions of Parts 230 and 235 of this title, insofar as they are applicable and not inconsistent with the provisions of this subpart, shall govern the dumping, rectification, bottling, and packaging of distilled spirits and wines to be exported with benefits of drawback by proprietors of tax paid bottling houses and rectifying plants, respectively.

RECORDS COVERING PRIOR RECTIFICATION, BOTTLING OR PACKAGING

§ 252.69 *Records of prior rectification, bottling or packaging.* Where the spirits or wines bottled or packaged for export with benefit of drawback include spirits or wines previously rectified and bottled, or packaged, there shall be attached to the extra copy of the Form 230 or 237, required by § 252.71 to be submitted to the assistant regional commissioner, a copy of each batch Form 122 and Form 237 or Form 230 pursuant to which such spirits or wines were previously rectified, bottled, or packaged. In the event imported spirits or wines entered into the original production of the liquors, Form 1583, procured from the collector of customs at the port of entry and showing that the internal revenue tax had been collected thereon, must also be attached. The extra copy of the Form 230 or batch record Form 122 shall make reference to the batch record Form 122, Form 237, or Form 230, covering any previous rectification, bottling, or packaging. Where distilled spirits or wines had been dumped and rectified prior to September 1, 1954, a copy of each Form 122 covering such prior dumping of the distilled spirits or wines and each Form 237 covering such prior rectification shall be submitted and referred to, in lieu of a batch record Form 122. In the case of spirits or wines which have been previously bottled without rectification at rectifying plants or taxpaid bottling houses, Form 230 covering the original bottling must be attached to the extra copy of the dump Form 230 or batch record Form 122 submitted to the assistant regional commissioner. Where wine is used in a rectified product there will be shown on the batch record Form 122 or, in the case of spirits or wines rectified prior to September 1, 1954, on the dump Form 122, in addition to the other required information, the wine gallons and taxable class of wine so used. Where alcoholic flavoring material produced at premises other than a rectifying plant is used in a rectified product, there shall be inserted on the batch record Form 122 or the Form 237 covering the bottling or packaging of the product, a statement showing the name and address of the manufacturer of the product, the proof gallons used, the serial number of the package in which such distilled spirits or alcohol were received by him, and the rate of nonbeverage drawback allowed thereon.

§ 252.70 *Distilled spirits or wines in bottles.* Domestically produced spirits and wines may be dumped from bottles for rectifying, bottling, or packaging only when they are contained in cases as originally packed.

§ 252.71 *Bottling and packaging procedure.* Domestically produced distilled spirits or wines, including previously rectified products, received in cases, packages, or by pipeline, dumped for bottling without rectification under the provisions of Parts 230 or 235 of this title, may be bottled or packaged in whole or in part especially for export with benefit of drawback; or distilled spirits or wines dumped and rectified for bottling or packaging under the provisions of Part 235 of this title, may be bottled or packaged, in whole or in part, especially for export with benefit of drawback: *Provided*, That, where spirits or wines dumped for bottling without rectification are packaged for export with benefit of drawback, the rectifier or bottler shall report the gauge of each package on Form 1684, in triplicate, and the total wine and proof gallons so packaged, and the first and last serial numbers of each sequence, appropriately identified by reference to the Form 1684 and its serial number, in the report of cases filled on the Form 230; and attach a copy of the Form 1684 to each copy of the dump Form 230: *And provided further*, That (a) one additional copy of Form 230, or batch record Form 122 and Form 237, as the case may be, shall be prepared, and (b) the proprietor shall insert in each copy of Form 230, 237, or 1684 after the description of cases or packages filled, a signed statement of the serial numbers of the cases or packages of distilled spirits or wines bottled or packaged especially for export, as follows:

Cases (or packages) serially numbered ------ to ------ were ----------
(Bottled or packaged)
especially for export with benefit of drawback.

The proprietor shall hold such cases or packages pending inspection by the storekeeper-gauger and his supervision of the deposit of the cases or packages in the export storage room.

§ 252.72 *Reduction in proof of spirits.* Unrectified distilled spirits may be reduced in proof prior to being drawn into packages. The reduction in proof or the increase in volume of rectified spirits on which the rectification tax has been determined is prohibited by law, unless the spirits are again rectified and the rectification tax again determined thereon. However, a restoration of the proof and volume of rectified spirits upon which the rectification tax has been determined, by the addition of water, preparatory to being drawn into packages, shall not be deemed a reduction in proof or an increase in volume within the meaning of section 5021 (b) of the Internal Revenue Code of 1954. Section 5021 (b) of the Internal Revenue Code of 1954 is not applicable to the reduction in proof of domestically rectified spirits exempt from rectification tax.

(68A Stat. 606; 26 U. S. C. 5021)

§ 252.73 *Packaging from original container.* Where authorized by the assistant regional commissioner, wines, cordials, and liqueurs that require packaging from the original container may be so packaged. A packer desiring to package such liquors from the original containers must request approval of the assistant regional commissioner, in writing, describing the liquors and showing the necessity for packaging the same from the original container.

§ 252.74 *Deposit in export storage room.* After completion of bottling or packaging and execution by the proprietor of his certificate on Form 230, 237, or Form 230 and attached Form 1684 of cases or packages filled and his statement as to the cases or packages of distilled spirits or wines bottled or packaged especially for export with benefit of drawback, he shall deliver all copies of Form 230, 237, or Form 230 and attached Form 1684 to the storekeeper-gauger. The storekeeper-gauger will inspect the cases or packages declared by the proprietor on the Form 230, 237, or Form 230 and attached Form 1684 as bottled or packaged especially for export with benefit of drawback and, in the case of distilled spirits in packages, issue and supervise the affixing and canceling of the wholesale liquor dealer's stamps as provided in §§ 252.65 to 252.67. He will then supervise the deposit of the bottled or packaged spirits or wines in the export storage room. The storekeeper-gauger will note on each copy of the Form 230, 237, or 1684 immediately following the proprietor's statement, a signed statement of his examination and the deposit of the cases or packages in the export storage room, as follows:

The ---------- described above as
(Cases or Packages)
bottled or packaged especially for export were inspected by me and deposited in the export storage room on the premises on ----------, 19----.
Signed ----------
(Storekeeper-gauger)

The storekeeper-gauger will return all copies of the Form 230, 237, or Form 230 and attached Form 1684 to the proprietor who shall retain one copy for his files and forward the original and one copy to the assistant regional commissioner. Where rectified distilled spirits or wines are bottled or packaged a copy of the batch record Form 122 shall be attached to the Form 237 forwarded to the assistant regional commissioner.

BOTTLING OR PACKAGING BY PROPRIETORS OF TAXPAID WINE BOTTLING HOUSES

§ 252.75 *Other regulations applicable.* The provisions of Part 231 of this title, insofar as applicable and not inconsistent with the provisions of this subpart, shall govern the dumping, bottling, and packaging of wines to be exported with benefit of drawback by proprietors of taxpaid wine bottling houses.

§ 252.76 *Notice of intention to dump for bottling or packaging, Form 230.* The proprietor shall prepare a separate notice on Form 230, in duplicate, for each lot of wines to be dumped and bottled or packaged for exportation with benefit of drawback. All the applicable information indicated in the headings of the various lines of parts 1 and 2 and the instructions printed on the form or

issued in respect thereto and as required by this subpart shall be furnished except as to information in regard to proof gallons. In addition there will be shown in an unused column of part 2 (properly modified) the percent of alcohol by volume of the wine. The proprietor shall insert in each copy of the form, after the description of the wines to be bottled, a statement as follows:

The above described wines are to be bottled (or packaged) especially for export with benefit of drawback.

§ 252.77 *Approval of Form 230.* All copies of Form 230 shall be submitted to the assistant regional commissioner for approval: *Provided*, That where a storekeeper-gauger has been previously designated to approve Forms 230 they shall be submitted to the storekeeper-gauger; or, where the assistant regional commissioner has authorized such bottling or packaging without prior approval of Forms 230, the proprietor may proceed to bottle or package without submission of Forms 230 for approval. Upon receipt of the approved Form 230 from the assistant regional commissioner or the designated storekeeper-gauger, if such approval is required, the proprietor may proceed with the bottling or packaging of the wine.

§ 252.78 *Bottling or packaging procedure.* Where the wine is to be bottled or packaged from a tank, the proprietor will attach one copy of Form 230 to a board provided for the purpose on the tank. Upon completion of the bottling or packaging operations, including the labeling, casing, and marking required by this subpart, the proprietor will remove the tank copy and in the case of bottled wine execute part 4 of both copies of Form 230, except as to information in regard to proof gallons. In the column headed "Proof" the percent of alcohol by volume of the wine will be shown. In the case of packaged wine, the proprietor shall execute Form 1684, in duplicate, and attach a copy to each copy of the dump Form 230. Where wine is bottled and packaged from the same lot, report of gauge on Form 1684 and entries on Form 230 will be made, as applicable, as provided in § 252.71.

§ 252.79 *Deposit in export storage room.* After completion of bottling, and casing, or packaging and execution by the proprietor of his certificate on Form 230 or Form 230 and 1684, as the case may be, of the quantity of wine bottled or packaged, he will remove the wine to the export storage room pending shipment, unless the wine is to be shipped immediately.

§ 252.80 *Disposition of Form 230.* The proprietor will forward the original of the completed Form 230 with Form 1684 (if any) to the assistant regional commissioner and retain the copy of Form 230 with Form 1684 (if any) in his files available for inspection by internal revenue officers.

§ 252.81 *Destruction of marks on wine containers.* When wines are dumped for packaging by a proprietor of a taxpaid wine bottling house all marks, labels, or tags, which the packages are required by law and regulations to bear, must be destroyed or obliterated immediately after the packages are emptied.

RECORD OF DISTILLED SPIRITS AND WINES BOTTLED OR PACKAGED ESPECIALLY FOR EXPORT

§ 252.82 *Record by rectifiers and proprietors of taxpaid bottling houses.* The receipt, rectification, bottling, packaging, and disposition of distilled spirits and wines bottled or packaged especially for export, with benefit of drawback, shall be entered by the rectifier on Form 45. All applicable information indicated by the headings of the columns and lines and the instructions printed on the form will be entered thereon. The receipt, bottling, packaging, and disposition of distilled spirits or wines bottled or packaged especially for export with benefit of drawback, by proprietors of taxpaid bottling houses, shall be entered on Form 52–D. All applicable information indicated by the headings of the columns and lines, and the instructions printed on the form, will be entered thereon.

§ 252.83 *Records by proprietors of taxpaid wine bottling houses.* Records of bottling and packaging and disposition of wine bottled or packaged especially for export with benefit of drawback shall be maintained by proprietors of taxpaid wine bottling houses in accordance with the applicable provisions of Part 231 of this title for taxpaid wines bottled for domestic purposes. Such entries on Form 2060, of cases of wine bottled especially for export with benefit of drawback, shall be identified in the column designated "Serial numbers" by inserting the legend "Exp.". Also, on the record of packages filled, each package filled for export will be identified by the legend "Exp. Pkg.".

§ 252.84 *Semiannual inventory by proprietors of taxpaid wine bottling houses.* Proprietors of taxpaid wine bottling houses shall show separately on their semiannual inventory of wines on hand (required by Part 231 of this title) the quantity of wine stored in the export storage room.

TRANSFER AND STORAGE PENDING EXPORTATION

§ 252.85 *Establishment of export storage room at port of exportation.* Export storage rooms may be established at the port of exportation by a proprietor of a taxpaid bottling house, rectifying plant, or taxpaid wine bottling house, under the provisions of Parts 230, 235, or 231, respectively, of this title, whether or not such proprietor intends to bottle or package distilled spirits or wines especially for export. An export storage room at a port of exportation may also be established by the proprietor of an internal revenue bonded warehouse contiguous to the bonded premises under the provisions of Part 225 of this title.

§ 252.86 *Application for transfer, Form 1656.* Distilled spirits bottled or packaged especially for export may, pursuant to approved application on Form 1656, be transferred from the export storage room of the bottler or packer to an export storage room established at the port of exportation by a rectifier or proprietor of a taxpaid bottling house or internal revenue bonded warehouse for storage pending removal, for direct exportation or use as supplies on vessels or aircraft. Wines bottled or packaged especially for export by the proprietor of a taxpaid wine bottling house may be transferred by him, pursuant to execution of Form 1656, from the export storage room of the bottler or packer to any export storage room at the port of exportation for storage pending removal, for direct exportation or use as supplies on vessels or aircraft. Form 1656 will be executed in triplicate (or quadruplicate if the spirits are to be transferred to an export storage room in another region) by the bottler, packer, or exporter. In the case of spirits and wines to be transferred from the export storage room of a rectifying plant or a taxpaid bottling house, all copies of Form 1656 will be submitted to the storekeeper-gauger for approval. In the case of wines to be transferred from the export storage room of a taxpaid wine bottling house, Forms 1656 will be disposed of as provided in § 252.88.

§ 252.87 *Transfer from export storage room at rectifying plant or taxpaid bottling house.* Upon receipt by the storekeeper-gauger of Form 1656 he will examine the form to see that all the required information has been properly set forth thereon and will then inspect the cases or packages described on the form. If they are in transferable condition and properly marked, he will release them to the proprietor for shipment and execute his report of inspection and release on the form. The storekeeper-gauger will deliver one copy of the form to the proprietor and, in the case of intra-region shipments, will forward the original and one copy to the assistant regional commissioner. In the case on inter-region shipments, an additional copy will be forwarded to the assistant regional commissioner.

§ 252.88 *Transfer from export storage room at taxpaid wine bottling house.* Upon shipment of the cases or packages of wine described on Form 1656, the proprietor of the taxpaid wine bottling house will execute the report of removal on all copies of the form, retain one copy, and, in the case of intra-region shipments, forward the original and one copy to the assistant regional commissioner. In the case of inter-region shipments, an additional copy will be forwarded to the assistant regional commissioner.

§ 252.89 *Action by assistant regional commissioner.* Upon receipt of Form 1656 the assistant regional commissioner will establish the rate of drawback on the distilled spirits or wines described in the application and make notation of such rate on the form: *Provided*, That where imported spirits or wines were used in the manufacture of the spirits or wines bottled or packaged especially for export with benefit of drawback, the assistant regional commissioner will not establish the rate of drawback on Form 1656 prior to receipt from the collector of customs of Form 1583. The assistant regional commissioner will, upon notation of the rate of drawback on Form

1656, retain the original when the consignee is located in the same region, and forward the remaining copy to the consignee. In the case of inter-region shipments, the original will be forwarded to the assistant regional commissioner of the consignee's region, a copy will be retained, and the remaining copy forwarded to the consignee.

FILING OF NOTICE, AND REMOVAL

§ 252.90 *Distilled spirits and wines exported, deposited in foreign-trade zones, or to be used as supplies on vessels.* Notice of intention to remove distilled spirits or wines from the export storage room for export, for use as supplies on vessels, or for deposit in a foreign-trade zone, shall be prepared by the exporter on Form 1582, in triplicate, for distilled spirits, and Form 1582–A, in triplicate, for wines. Where shipment is made for exportation for use of the Armed Services of the United States as provided in § 252.110, the destination may be shown as "foreign" with a specific destination in navy code and the name of the vessel will be omitted.

§ 252.91 *Packages of distilled spirits and wines to be gauged.* Where distilled spirits or wines to be removed have been packaged especially for export with benefit of drawback, the proprietor of the export storage room shall gauge the packages prior to preparation of his notice on Form 1582 or 1582–A: *Provided,* That where inspection discloses no evidence of loss and removal is made within thirty days from the time of packaging the distilled spirits or wines for export with benefit of drawback, such gauge shall be considered the gauge at time of removal. At the request of the proprietor, the storekeeper-gauger shall allow the proprietor of a rectifying plant, taxpaid bottling house, or internal revenue bonded warehouse, access to his export storage room for the purpose of making such gauge and the storekeeper-gauger shall supervise the gauging of the distilled spirits or wines by such proprietor. Report of gauge will be made by the proprietor on Form 1520, in triplicate (appropriately modified), and a copy of the report of gauge shall be attached to each copy of Form 1582 or 1582–A and considered a part thereof. The report of gauge will be checked by the storekeeper-gauger, by verifying the gauge of a representative number of packages, selected at random.

§ 252.92 *Distilled spirits and wines to be used as supplies on aircraft.* Notice of intention to remove distilled spirits or wines from the export storage room for use as supplies on aircraft shall be prepared by the exporter on Form 1582, in quadruplicate, for distilled spirits, and Form 1582–A, in quadruplicate, for wines. In part 2 of Form 1582 or Form 1582–A the exporter will show, in addition to the information required by the form, the number and size of the bottles contained in the shipment. One copy of Form 1582 or Form 1582–A shall be marked "consignee's copy."

§ 252.93 *Removal from export storage room.* Where distilled spirits or wines are to be removed from an export storage room at a taxpaid bottling house, rectifying plant, or internal revenue bonded warehouse, for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, all copies of Form 1582 or 1582–A, executed as to part 1, will be delivered to the storekeeper-gauger for inspection of the cases or packages and the supervision of their removal from the export storage room. Where wines are to be removed from an export storage room at a taxpaid wine bottling house, the cases or packages will be inspected and removed by the proprietor, without supervision by an internal revenue officer, upon completion of part 1 of Form 1582–A.

§ 252.94 *Export marks.* Before distilled spirits or wines are removed from an export storage room at a taxpaid bottling house, rectifying plant, or internal revenue bonded warehouse, for export, deposit in a foreign-trade zone, or use as supplies on vessels or aircraft, the exporter will place upon the Government head of each package or the Government side of each case, in plain and durable letters and figures the words "Exported by" followed by the name of the exporter, the city and state in which he is located, and the date of inspection followed by the name and title of the internal revenue officer who inspected the spirits or wines: *Provided,* That if the exporter is the bottler of the spirits or wines, or is the person for whom such spirits or wines were bottled, as indicated by the markings on the case, then the name of the exporter and the city and State in which he is located need not again be shown; *Provided further,* That in the case of shipment for deposit in a foreign-trade zone, there shall be inserted, immediately following the words "For Export From U. S. A.," the words "via foreign-trade zone No. ------." The name of the internal revenue officer may be placed on the case or package by means of a rubber stamp. The provisions of this section, insofar as applicable, shall be followed in the case of wines removed for such purposes from an export storage room at a taxpaid wine bottling house.

§ 252.95 *Certificate of removal.* The internal revenue officer will, upon releasing the spirits or wines, execute his certificate of removal on Form 1582 or Form 1582–A and deliver all copies of the form to the proprietor or, in the case of wine shipped from an export storage room at a taxpaid wine bottling house, the proprietor will, upon shipping the wines, execute the certificate of removal on Form 1582–A. One copy of the claim and entry will be immediately forwarded to the assistant regional commissioner by the proprietor and the remaining copies (one of them the original) will be delivered to the exporter.

§ 252.96 *Claim and entry.* The exporter will complete the claim and entry for drawback of tax on the distilled spirits or wines, on all copies of the Form 1582 or Form 1582–A received from the proprietor of the export storage room and immediately shall forward or deliver all copies to the collector of customs at the port of entry for export, except that (a) where the Form 1582 or Form 1582–A covers distilled spirits or wines for use as supplies on aircraft, the copy prepared and marked for the consignee in accordance with § 252.92 will be sent to the airline ordering the distilled spirits or wines at the airport where the distilled spirits or wines are to be delivered, or (b) where the Form 1582 or Form 1582–A covers distilled spirits or wines to be exported for the use of the Armed Services of the United States, and appropriate arrangements have been made with the collector of customs and a customs bonded warehouse has been established for use by the Armed Service's Port Transportation Officer, all copies of the Form 1582 or Form 1582–A will be forwarded to the Port Transportation Officer, or (c) where the Form 1582 or Form 1582–A covers distilled spirits or wines to be deposited in a foreign-trade zone, all copies of the Form 1582 or Form 1582–A will be forwarded to the customs officer in charge of the foreign-trade zone. Where a claim and entry on Form 1582 or 1582–A is signed by an agent, proper power of attorney authorizing the agent to execute the claim for the exporter must be filed, on Form 1534, with the assistant regional commissioner with whom the claim is filed.

SHIPMENT OR DELIVERY FOR EXPORT

§ 252.97 *Consignment.* All distilled spirits and wines withdrawn from export storage rooms for use as supplies on aircraft will be consigned to the airline at the airport from which the aircraft will depart in international travel, in care of the collector of customs. Upon receipt of the distilled spirits or wines they will be stored at the airport under customs custody until laden as supplies on aircraft. All distilled spirits or wines, intended for export or for use as supplies on vessels shall be consigned to the collector of customs at the port of exportation, except that (a) when the shipment is to a contiguous foreign territory it shall be consigned to the foreign consignee at destination, but stenciled or marked in care of the collector of customs or deputy collector of customs at the port of export, and (b) shipments for exportation for use of the Armed Services of the United States as provided in § 252.110 shall be consigned to the Port Transportation Officer at the port of exportation in care of the collector of customs. In the case of shipment to contiguous foreign territory, the carrier shall deliver the spirits or wines for customs inspection at the port of export before transporting the same to the foreign destination. All distilled spirits or wines intended for deposit in a foreign-trade zone for exportation or storage pending exportation shall be consigned to the customs officer in charge of the foreign-trade zone.

§ 252.98 *Direct delivery for customs inspection.* If the export storage room where the distilled spirits or wines are stored is located at the port of exportation, the exporter shall deliver the shipment for export or lading as supplies on vessels directly for customs inspection and supervision of lading. The drawback entry must be filed with the collector of customs at least six hours prior to the lading of the spirits or wines in order to allow opportunity for customs inspection. The exporter must file a copy of the export bill of lading with the assistant regional commissioner. The bill of lading must show the exporter as the shipper, the serial numbers of the cases or packages, as the case may be, and the quantity shipped in wine gallons.

§ 252.99 *Shipment for exportation by vessel.* In the event the export storage room where the spirits or wines are stored is located elsewhere than at the port of exportation, the exporter shall deliver the shipment either directly for customs inspection and supervision of lading, as in the case where spirits or wines are stored at the port of exportation, or to a common carrier for transportation to the port of exportation. He shall forward a copy of the transportation bill of lading and a copy of the export bill of lading to the assistant regional commissioner of the region from which the shipment was made, for attachment to the copy of the claim and entry, Form 1582 or 1582–A received from the proprietor of the export storage room.

§ 252.100 *Receipt covering supplies on vessels or aircraft.* If the spirits or wines on which drawback is claimed are for use as supplies on vessels a receipt covering the spirits or wines showing the marks, serial numbers, and quantity, signed by the master or an authorized officer of the vessel or steamship company, will be filed with the assistant regional commissioner, in lieu of an export bill of lading. If the spirits or wines on which drawback is claimed are for use as supplies on aircraft, certificate of use, in lieu of export bill of lading, will be obtained as provided in § 252.108.

§ 252.101 *Exportation through border port.* In case of exportation to contiguous foreign territory by rail through a border port, the bill of lading will show the routing and will cover transportation to the foreign destination: *Provided,* That where a through bill of lading is not obtainable, separate bills of lading covering the shipment from the export storage room to the border port and from the border port to the foreign destination will be procured. The bill of lading will also show that the shipment was sent in care of the collector of customs at the border port. A copy of the through bill of lading, or copies of the separate bills of lading, as the case may be, will be transmitted by the exporter or his agent immediately by letter to the assistant regional commissioner of the region from which the spirits or wines were released for exportation. The assistant regional commissioner will attach the copy of the bill, or bills, of lading to the copy of the claim and entry, Form 1582 or 1582–A received from the proprietor of the export storage room.

§ 252.102 *Exporter's agent.* In the case of shipments by carrier to the port of export, the exporter will make all necessary arrangements in respect to transferring the shipment from the terminal of the carrier to the dock, ocean transportation and other matters incidental to exportation with benefit of drawback. Such duties may be performed for the exporter by his agent.

PROCEDURE AT PORT OF EXPORT

§ 252.103 *General.* The collector of customs, upon receipt of the drawback entry on Form 1582, or Form 1582–A, shall cause the date and hour of receipt to be stamped on each copy of the form and shall deliver all copies to a customs officer for inspection or gauge and supervision of lading. The customs officer to whom the forms are delivered shall inspect the export containers of spirits or wines. He shall make such inspection or gauge as is necessary to establish that the shipment corresponds with the description thereof on the Form 1582 or Form 1582–A and the accompanying gauge report, Form 1520, if any. He shall examine the contents of such containers as are found broken, damaged, or tampered with, or which he is led to suspect do not contain the spirits or wines originally packed therein, and shall make a special report thereon. The customs officer shall note in his report any deficiency in quantity or discrepancy between the merchandise inspected or gauged and that described in the entry. After having complied with the order of inspection, and after the spirits or wines have been duly laden on board the exporting conveyance, or laden aboard aircraft and used thereon as evidenced by the certificate of use prescribed in § 252.108, the customs officer shall complete and sign his certificate of inspection and lading on each copy of the form. If the customs officer has reason to believe that the merchandise is not the same as that originally packed in the containers or discovers any evidence of fraud, he shall detain the merchandise and notify the collector of customs who shall inform the assistant regional commissioner, Alcohol and Tobacco Tax, for the region in which the port is located, in order that appropriate action may be taken.

§ 252.104 *Distilled spirits in stamped packages.* Where distilled spirits are received in packages bearing wholesale liquor dealer's stamps, at the port of export or at foreign trade zones, the customs officer will, at the time of his inspection of the packages, remove the wholesale liquor dealer's stamps from the packages by cutting out all of that portion of the stamps within the border. He will attach the cutout portions of the stamps to the original of Form 1582 to be transmitted to the collector of customs, for forwarding to the assistant regional commissioner.

§ 252.105 *Exportation in sealed conveyances, from port of entry through another port.* Where distilled spirits or wine packaged or bottled especially for export with benefit of drawback are to be exported in conveyances, such as railroad cars, trucks, etc., through a frontier port and it is desired to avoid delay of customs inspection and gauge at such port, the distilled spirits or wines may be entered for exportation at an interior customs port and inspected or gauged by a customs officer at that port, or by an internal revenue officer as provided in § 252.106. The inspecting customs officer will supervise the loading of the distilled spirits or wines, and seal the conveyance with customs seals, and note the identifying number of the conveyance (license number in the case of trucks), and the serial numbers of the customs seals (if numbered seals are used), in his report on both copies of Form 1582 or 1582–A, as the case may be, and forward the forms with a copy of the bill of lading to be furnished by the exporter to the collector of customs. The collector of customs will forward both copies of Forms 1582 or 1582–A to the customs officer at the frontier port, and retain the bill of lading pending return of Forms 1582 or 1582–A. If the customs officer at the frontier port finds upon arrival of the conveyance that the seals are intact and there is no evidence of tampering with the contents, he will execute his report on Form 1582 or 1582–A, and allow the conveyance to proceed to its destination without opening. The officer will then return both copies of the Form 1582 or 1582–A, to the collector of customs at the interior port of entry. If, however, the customs officer finds that the seals are not intact or there is evidence of tampering with the contents, he will open the conveyance, inspect and, except in the case of bottled distilled spirits or wines, gauge the distilled spirits or wines, and make report of his gauge on Form 696, in duplicate, or, in the case of bottled spirits, report in detail, in his certificate on Form 1582 or 1582–A, the loss found to have been sustained by each case. When the distilled spirits or wines are so inspected and gauged, the customs officer will append to each copy of Form 1582 or 1582–A a copy of his gauge on Form 696, if any, before forwarding the forms to the collector of customs at the interior port of entry. Upon receipt of Forms 1582 or 1582–A and the gauge reports, if any, from the customs officer at the frontier port, the collector at the port of entry will execute his certificate on both copies of Form 1582 or 1582–A, and forward one copy of each form, to the assistant regional commissioner of the region in which the export storage room from which the spirits were shipped is located.

§ 252.106 *Supervision by storekeeper-gauger of lading at an interior port.* Where distilled spirits or wines are to be laden at an interior customs port, at an export storage room established at a taxpaid bottling house, rectifying plant, or internal revenue bonded warehouse, for exportation through another port, and the collector of customs so authorizes, the storekeeper-gauger, instead of the customs officer as provided in § 252.105, shall inspect the distilled spirits or wines, supervise the lading thereof, and affix the customs seals to the closed conveyance. Upon completion of his inspection and verification of the description of the shipment, and supervision of the lading of the distilled spirits or wines in the closed conveyance, the storekeeper-gauger shall seal the conveyance with customs seals and note the identifying number of the convey-

ance (license number in the case of trucks), and the serial numbers of the customs seals (if numbered seals are used), in the certificate of inspection and lading on Form 1582 or 1582–A, as the case may be, and otherwise complete such certificate including the placement of his signature and title in the space provided for the customs officer, and shall perform such other related duties as may be imposed upon customs officers regarding inspection, supervision, and reporting of the shipment.

§ 252.107 *Distilled spirits or wines for use as supplies on aircraft.* When an airline desires to withdraw distilled spirits or wines from its stock being held at the airport under customs custody, as supplies for a particular aircraft, as provided in § 252.97, a requisition in triplicate will be prepared for presentation to the customs officer. The requisition shall show the flight number, the registry number of the aircraft on which the distilled spirits or wines are to be laden, the date of departure of the aircraft, and the brand, kind, and quantity of distilled spirits or wines. Where the distilled spirits or wines are contained in kits which have been previously prepared while the distilled spirits or wines are under customs custody, the kit number will also be shown on the requisition. Where the kits are not prepared and the distilled spirits or wines are withdrawn for direct lading on aircraft, the requisitions shall be serially numbered in lieu of the insertion of the kit number. When the distilled spirits or wines are withdrawn and laden aboard the aircraft, the lading will be verified by the customs officer by an appropriate stamp or notation on the requisition. One copy of the requisition will be retained by the customs officer who certifies to the lading for attachment to the outgoing manifest. The other two copies will be delivered to the airline which will retain both copies until the return of the flight. In case any distilled spirits or wines are removed from the aircraft upon its return, appropriate notation will be made on both copies of the requisition retained by the airline and one copy will be delivered to the customs officer for attachment to the incoming manifest. The remaining copy will be retained by the airline.

§ 252.108 *Certificate of use for distilled spirits or wines used as supplies on aircraft.* When all of the distilled spirits or wines represented by any Form 1582 or 1582–A have been withdrawn from customs custody, and laden and used as supplies on aircraft, the airline will prepare a certificate of use on which are itemized all requisitions for such distilled spirits or wines. The certificate shall show the name of the exporter, the entry number, the brand and kind of spirits or wines, and the number of bottles to be accounted for; and, as to each requisition, the requisition (or kit) number, the date laden, the registry number of the aircraft, the country for which the aircraft was cleared, and the number of bottles used. The certificate shall be in substantially the following form:

Name of Exporter _____
Entry No. _____
Brand and kind of spirits or wines _____
No. of bottles to be accounted for _____

No. of requisition (or kit number)	Date laden	Registry No. of aircraft	Cleared for (country)	No. of bottles used [1]

[1] The number of bottles shown in this column will represent the difference between the number withdrawn for supplies and the number returned unused as shown by the requisition.

CERTIFICATE OF USE

I hereby certify that the above described taxpaid liquors were withdrawn from stock in customs custody and were laden for use as supplies on aircraft as set forth and that the records of the aircraft show such liquors were used outside the continental limits of the United States as supplies on aircraft operated by this company in international travel.

_____
(Airline company)
By _____
_____
(Capacity)

When the form has been completed as to all distilled spirits or wines laden and used as supplies, the certificate of use will be executed by the authorized representatives of the airline. The form will be presented to the customs officer at the airport who, upon verification with the requisitions previously verified, will certify the form by appropriate notation and execute his certificate of inspection and lading on Form 1582 or 1582–A, noting thereon exceptions, if any, such as shortages, breakage, etc. The customs officer will forward both copies of Form 1582 or 1582–A, with the certificate of use attached to the original, to the the collector of customs.

§ 252.109 *Certification of non-inspection.* In the case of bottled distilled spirits and wines, whenever the inspecting officer is unable to certify to the actual inspection and lading of the spirits or wines, he shall make his return on Form 1582, or Form 1582–A, stating therein the reasons why the spirits or wines were not inspected by him and laden under his supervision. The officer shall, after the vessel, aircraft, car, or other conveyance has cleared, examine the records of the delivering and exporting steamship, or transport lines for the purpose of verifying the particulars stated in the drawback entry, and will make his certification accordingly. If the records examined show that containers of similar description were laden on the exporting vessel, aircraft, car, or other conveyance for the designated port, the officer shall set forth in his certification, in addition to other data indicated by the form, the date and hour of lading.

§ 252.110 *Shipment to the Armed Services, certificate of lading.* In the case of shipments of distilled spirits or wines with benefit of drawback for use by military personnel of the United States, the certificate of inspection and lading shall be executed by the Armed Services Port Transportation Officer at the port of exportation who shall also show the name of the vessel in his certification. All copies of the form will then be delivered to the collector of customs for execution of his certificate of clearance and forwarding of the form as provided in § 252.111.

§ 252.111 *Clearance certificate.* After the customs officer has executed his certificate of inspection or non-inspection, as the case may be, and after receipt of the export or through bill of lading, where required, the collector of customs will execute his certificate of clearance on each copy of Form 1582 or Form 1582–A. The collector of customs will retain one copy of the form for his entry record and will transmit the original fully executed, to the assistant regional commissioner of the region from which the bottled spirits or wines were shipped. Where the spirits or wines were used as supplies on aircraft, the certificate of use prescribed by § 252.108 will accompany the original of Form 1582 or 1582–A, as the case may be.

DISPOSITION OF CLAIMS

§ 252.112 *Allowance of claim.* The assistant regional commissioner will, upon receipt of the claim on Form 1582 or Form 1582–A, accompanied by the certificate of use in the case of supplies for use on aircraft, from the collector of customs, examine the claim and the records of his office pertinent to the distilled spirits or wines covered by the claim to determine whether the spirits or wines covered by the claim have been fully taxpaid, the amount claimed is correctly computed, the claimant has complied in every respect with law and regulations, and that evidence satisfactory to him of exportation, lading as supplies on vessels, or lading and use as supplies on aircraft has been filed. He will then allow or disallow the claim in accordance with existing law and regulations. If the claim is not allowed in full, the assistant regional commissioner will notify the claimant in writing of the reasons for any disallowance.

§ 252.113 *Allowance in cases of non-inspection.* Where spirits or wines in casks, barrels, drums or other approved containers containing not less than 5 wine gallons are not inspected by a customs officer at the port of export and loaded on the exporting vessel, aircraft, railroad car, motor truck, or other conveyance under his supervision, a claim for drawback thereon shall not be allowed. Where bottled spirits or wines were not inspected by a customs officer at the port of export, and loaded on the exporting vessel, aircraft, railroad car, motor truck, or other conveyance under his supervision, the claim for drawback may, nevertheless, be allowed, provided that the law and regulations were complied with in other respects and the exportation without customs inspection and supervision of lading was not the fault of the exporter or carrier or the agent of either.

PROOF OF EXPORTATION, ETC.

§ 252.114 *Evidence of exportation.* Exportation of distilled spirits and wines bottled or packaged especially for export with benefit of drawback may, for the purpose of allowing claims for drawback of tax on such distilled spirits or wines, be evidenced by (a) a copy of the export bill of lading issued by the exporting carrier, or (b) a certificate by the agent or representative of the export carrier showing actual exportation of the distilled spirits or wine, or (c) a certification by an Armed Services Port Transportation Officer, as to the lading of the distilled spirits or wines for a foreign destination when shipped for exportation for use of the Armed Services of the United States, or (d) a certificate of foreign landing whenever the assistant regional commissioner shall have reason to believe that the shipment is not a bona fide exportation.

§ 252.115 *Evidence of use as supplies on vessels.* If the spirits or wines were laden on board a vessel for use as ship's supplies, there must be submitted promptly to the assistant regional commissioner with whom the claim is filed, an affidavit of the master or other officer of the vessel on which the articles were laden, having knowledge of the facts, showing that the spirits or wines have been laden and will be used on board the vessel, and that no portion thereof has been or will be landed in the United States or any of its possessions: *Provided,* That such affidavit will not be required, in the case of any shipment, when the distilled spirits or wines are laden on vessels of war or where the amount of tax on the distilled spirits or wines does not exceed $100.

§ 252.116 *Evidence of use on aircraft.* The use of distilled spirits or wines as supplies on aircraft will be evidenced by a certificate of use as provided in § 252.108.

§ 252.117 *Landing certificate.* Proof of the foreign landing of the spirits or wines shall, in every case where required under the provisions of this subpart, consist of a duly executed landing certificate except as otherwise provided in this part. The landing certificate must give such description of the spirits or wines as will readily identify the shipment to which it relates. It will be in substantially the following form:

Port of _____
_____, 19__.

I, _____, of _____
_____, do hereby certify that the merchandise hereinafter described, shipped by _____, on or about the _____ day of _____, 19__, has been landed at this port, on or about the _____ day of _____, 19__.

[SEAL] _____
Subscribed and sworn to before me this _____ day of _____, 19__.

[SEAL] _____
(Name)
_____
(Title)

Marks and numbers	Number of cases	Name of articles	Quantity	
			Wine gallons	Proof gallons [1]

[1] In case of wines, show taxable grade in lieu of proof gallons.

§ 252.118 *Execution of landing certificate.* The landing certificate shall be signed by a revenue officer of the foreign country to which the merchandise is exported, unless it is shown by the exporter that such country has no customs administration, in which case the certificate shall be signed by the consignee or by the vessel's agent at the place of landing and sworn to before a notary public or other officer authorized to administer oaths and having an official seal. The assistant regional commissioner will, upon receipt of a proper landing certificate, enter an appropriate credit in the account kept with the drawback bond or allow the claim, as the case may be.

§ 252.119 *Time for submission of proof of exportation, etc.* Whenever a certificate of foreign landing, affidavit of lading for use on vessels, or proof of loss after shipment is required under the provisions of this subpart as to any shipment of distilled spirits or wines bottled or packaged especially for export with benefit of drawback, such certificate, affidavit, or proof of loss, satisfactory to the assistant regional commissioner, shall be submitted to him within six months from the date of such requirement and such additional extensions of time as he may grant.

§ 252.120 *Extension of time for submitting proof.* In case the exporter, from causes beyond his control, is unable to furnish required proof of landing, affidavit of lading for use on vessels, or loss on land or at sea, within the time prescribed, he may make application to the assistant regional commissioner for an extension of time for production of the evidence. Such application must state specifically the cause of failure to produce the evidence and must contain or be verified by a written declaration that it is made under the penalties of perjury. The assistant regional commissioner may grant one extension of 3 months and, if necessary, upon a second application an additional 3 months may be granted, provided the exporter's bond is good and sufficient.

§ 252.121 *Proof of loss after shipment.* When a landing certificate or an affidavit of lading for use as supplies on vessels or aircraft, if required under the provisions of this subpart, cannot be obtained in consequence of loss on land or at sea, the exporter shall file with the assistant regional commissioner for the region from which the distilled spirits or wines were shipped an application for relief, setting forth the extent of the loss and, if possible, the location and manner of shipwreck, railroad wreck, aircraft wreck, or other casualty and the time of its occurrence. Such application must be accompanied by the affidavits of two or more creditable, and disinterested persons as to the loss. If the goods were insured, the exporter shall also file certificates by officers of the insurance companies or board of underwriters that the insurance has been paid, and that to the best of their knowledge or belief, the goods were actually lost on land or at sea. When obtainable, the exporter must furnish affidavits of the master and mate of the vessel, conductor or other official of the railroad, or air line, or operator of the motor truck or other conveyance, detailing the manner and extent of the loss and the time and location of the disaster or other casualty. The assistant regional commissioner will, upon receipt of the required evidence, if satisfied therefrom that the merchandise was lost on land or at sea outside the jurisdiction of the United States and without fault or negligence on the part of the exporter, enter an appropriate credit in the account kept with the bond or allow the claim, as the case may be.

§ 252.122 *Application for relief where proof of exportation or use cannot be obtained.* In case of inability to produce the prescribed evidence of landing or lading for use as supplies on vessels, application for relief may be made to the assistant regional commissioner of the region from which the distilled spirits or wines were shipped. The application must contain or be verified by a written declaration that it is made under the penalties of perjury and must recite the facts connected with the alleged exportation, setting forth the date of shipment, the kind, quantity, and value of the distilled spirits or wines shipped; the name of the consignee; the name of the vessel or aircraft, or description of the railroad car, motor truck or other conveyance, and the port to which the shipment was made; the date and amount of the bond, if any, covering such shipment. The application shall also state in what particular the regulations respecting the proof of landing or lading for use as supplies have not been complied with; the cause of failure to produce such proof; that such failure was not occasioned by any lack of diligence on the part of the applicant or his agents; and that he is unable to produce any or better evidence than that submitted with his application.

§ 252.123 *Collateral evidence.* Each application submitted under § 252.122 shall be supported by such collateral evidence as the exporter is able to submit. The evidence may embrace original or verified copies of letters from consignees advising the shipper of the arrival or sale of the spirits or wines, with such other statements respecting the failure to furnish the prescribed evidence of landing as may be obtained from the consignee or other persons having knowledge thereof. Letters and other documents in a foreign language must be accompanied by translations. The translation shall be signed by the translator and immediately above the signature will appear the following statement: "I declare under the penalties of perjury that this translation has been examined by me and to the best of my knowledge and belief is a true and accurate translation". When the letters fail to identify the goods sufficiently, the original sales account must be produced.

§ 252.124 *Approval of relief application.* If the assistant regional commissioner is satisfied from the evidence presented that the spirits or wines were duly exported from the United States and were landed at the designated for-

eign port or, for a good and sufficient reason, at some other port outside the jurisdiction of the United States, or were laden as supplies on vessels, and that the failure of the applicant to furnish the prescribed evidence of landing, or lading for use as supplies on vessels, was not occasioned by any lack of diligence on his part or that of his agents, and that the applicant is unable to produce any other or better evidence than that submitted with the application, he will indorse his approval on the application, and enter proper credit in the account kept with the drawback bond or allow the claim, as the case may be.

§ 252.125 *Claim against bond.* If any claim supported by a bond is allowed and the exporter fails to present evidence satisfactory to the assistant regional commissioner of the exportation, loss at sea, or lading for use as supplies, as required in this subpart, the assistant regional commissioner will make written demand upon the principal and the surety for repayment to the United States of the full amount of such drawback, plus interest, at the rate of 6 percent from the time the drawback was paid. If the amount demanded is not promptly paid, a copy of the bond, accompanied by a full report of the facts, will be forwarded to the United States attorney for enforcement of the claim by suit.

SUBPART D—DRAWBACK ON DISTILLED SPIRITS EXPORTED IN DISTILLERS' ORIGINAL PACKAGES

§ 252.135 *Drawback authorized.* Distilled spirits on which all taxes have been paid may be exported, with the privilege of drawback, in distillers' original casks or packages containing not less than 20 wine gallons each, on application of the owner thereof to the collector of customs at any port of entry and after making such entry and complying with other conditions as prescribed in this subpart.

§ 252.136 *Allowance of drawback.* A drawback shall be allowed on distilled spirits on which the tax has been paid and which have been exported to foreign countries. The drawback allowed shall include the taxes levied and paid on the distilled spirits exported, as per last gauge of said spirits prior to exportation. It shall be due and payable only after the proper entries have been made and filed, and all other conditions complied with as required by this subpart, and on filing with the assistant regional commissioner the proper claim, accompanied by the certificate of the collector of customs at the port of entry for export, that such spirits have been received into his custody and the internal revenue stamps thereon scalped and obliterated. Drawback will not be allowed for taxes claimed to have been paid on distilled spirits exported in packages not stamped, or upon which the name and location of the distiller and the date of taxpayment have not been marked.

§ 252.137 *Application and entry.* Any person desiring to export and claim drawback of the tax paid on distilled spirits in distiller's original casks or packages shall, at least six hours prior to the time for inspecting and gauging such packages by customs officers and the lading thereof, present to the collector of customs for the port from which the exportation is to be made an application and entry (in triplicate) on Form 1629, with part 1 of the form executed. All the information required by part 1, as indicated by the lines and the headings of the columns, and the instructions printed on the form, shall be furnished.

§ 252.138 *Customs inspection, gauge, and supervision of lading.* Upon receipt of Form 1629, the collector of customs shall cause the date and hour of receipt to be stamped on each copy of the form and deliver all copies to a customs officer. The customs officer shall inspect and gauge the packages and prepare a report thereof on Form 696, in triplicate, showing all the information called for by the headings of the lines and columns on the form and the instructions printed thereon. The customs officer shall scalp the stamps attached to the packages, by cutting out that portion of the stamp extending from the top to the bottom and embracing the entire width within the borders, affix such scalped stamps to the original of the Form 696, and obliterate the portions remaining on the packages. He will then cause each package to have stenciled or otherwise marked on the head the words "For export from U. S. A.", followed by the date of inspection, and superintend the lading of the packages aboard the exporting conveyance. The customs officer shall then execute his certificate of inspection, gauge, and lading, on the original and the two copies of Form 1629, and return the original and the copies of the form, with Forms 696 attached, to the collector of customs.

§ 252.139 *Customs certification of clearance.* Upon receipt of Form 1629, completed as to certification of inspection, gauge, and supervision of lading, and upon clearance of the exporting conveyance, the collector of customs will complete his certificate of clearance on the original and both copies of Form 1629. He will forward the original of the Form 1629 and the copy of Form 696 to the exporter and one copy of the Form 1629 and the original Form 696 (with scalped stamps attached), to the assistant regional commissioner of the region in which the exporter is located. He shall retain the remaining copies of Forms 1629 and 696.

§ 252.140 *Claim.* The exporter, upon receipt of Forms 1629 and 696 from the collector of customs, shall, on the basis of the rate of tax paid, and the quantity, in proof gallons, of distilled spirits shown by the customs gauge on Form 696 to be contained in the packages, compute the amount of eligible drawback on the spirits, and execute his claim for drawback of such amount, on the Form 1629 received from the collector of customs. He shall then forward the claim with invoices and required bills of lading to the assistant regional commissioner of the region in which he is located. The exporter shall retain the copy of Form 696.

§ 252.141 *Evidence of ownership.* If the exporter is a person other than the distiller or warehouseman by whom the tax was paid, the exporter shall attach invoices or bills of purchase, as evidence of ownership, to the claim, on Form 1629 submitted to the assistant regional commissioner.

§ 252.142 *Requirements for allowance of claim.* The provisions of subpart C, relating to exportation of distilled spirits packaged especially for export with benefit of drawback are hereby made applicable to claims under the provisions of this subpart with respect to the filing of bonds, evidence of exportation (including bills of lading), landing certificates, proof of loss at sea, and applications for relief and extensions of time and the actions thereon, and to the allowance of claims and crediting of bonds.

SUBPART E—DRAWBACK ON BEER EXPORTED

Drawback Authorized

§ 252.150 *Allowance on exportation.* Upon exportation of beer brewed or produced in the United States, upon which the internal revenue tax has been paid, the brewer thereof shall be allowed a drawback equal to the amount of the tax paid.

§ 252.151 *Authorized withdrawals.* Withdrawals of beer for exportation or for use as supplies on vessels or aircraft, upon which the internal revenue tax has been paid as provided by law, may be made by the producing brewer from the brewery at which produced or from any place of storage, located elsewhere, operated by either the brewer or another person.

Marks on Containers

§ 252.152 *Marks on containers.* In addition to the marks and brands prescribed under the provisions of Part 245 of this title, each case, crate, barrel, keg, or other package, containing beer to be exported or to be laden for use as supplies on vessels or aircraft under the provisions of this subpart, must have stenciled or otherwise marked thereon in durable and legible letters the words "Beer for Export—Entry No. , Drawback Claimed" and the port of exportation. The entry number assigned shall be the same as the entry number shown on Form 1582–B. The letters and figures shall be not less than three-quarters of an inch in height.

Claim and Entry Required

§ 252.153 *Beer exported, deposited in foreign-trade zones, or used as supplies on vessels or aircraft.* Claim for allowance of drawback of internal revenue taxes on beer brewed or produced in the United States, and entry for exportation, deposit in foreign-trade zone, or use as supplies on vessels or aircraft, shall be prepared by the brewer thereof on Form 1582–B, in triplicate.

Execution of Claim and Entry

§ 252.154 *Removals from brewery premises where produced.* The brewer will execute part 1 and part 3 of all copies of Form 1582–B. All the information required by the headings and various lines of the form and the instructions printed thereon or issued in respect thereto and as required by this subpart shall be furnished. Upon removal of the beer from the brewery for shipment the brewer will (a) immediately forward two copies of Form 1582–B to the collector of customs at the port of export or, (b) in the case of shipments to the Armed Services of the United States for export, the brewer will immediately forward two copies of Form 1582–B to the commanding or supply officer to whom the shipment is consigned, or (c) in the case of shipments to a foreign-trade zone, the brewer will immediately forward two copies of Form 1582–B to the customs officer in charge of the foreign-trade zone. The remaining copy will be filed with the assistant regional commissioner of the region in which the producing brewery is located.

§ 252.155 *Removals from storage warehouse located elsewhere.* The agent of the brewer will execute part 1 of all copies of Form 1582–B. All the information required by the headings and various lines of the form, and the instructions printed thereon or issued in respect thereto and as required by this subpart shall be furnished. Upon removal of the beer from the storage warehouse for shipment the brewer's agent will (a) immediately forward two copies of Form 1582–B to the collector of customs at the port of export or, (b) in the case of shipments to the Armed Services of the United States for export, the brewer's agent will immediately forward two copies of Form 1582–B to the commanding or supply officer to whom the shipment is consigned, or (c) in the case of shipments to a foreign-trade zone the brewer's agent will immediately forward two copies of the Form 1582–B to the customs officer in charge of the foreign-trade zone. The remaining copy will be forwarded to the brewer at the producing brewery. Upon receipt of the copy of Form 1582–B from his agent at the shipping warehouse the brewer will execute the claim for drawback on the copy of Form 1582–B received from his agent and file such copy with the assistant regional commissioner of his region: *Provided,* That if proper power of attorney authorizing the agent to execute the claim for the brewer has been filed with the assistant regional commissioner, claim on Form 1582–B may be executed and filed by the agent with the assistant regional commissioner of the region in which the producing brewery is located: *And provided further,* That where the brewer operates more than one brewery in different regions and removals for exportation or for use as supplies on vessels or aircraft are made from storage warehouses, the copy of Form 1582–B with the claim executed, either by the brewer or agent, will be filed with the assistant regional commissioner of the region in which the principal office of the brewer is located.

Shipment or Delivery for Export or Use As Supplies on Vessels or Aircraft

§ 252.156 *Consignment.* Beer intended for export or use as supplies on vessels or aircraft with benefit of drawback shall be consigned to the collector of customs at the port of exportation, or port of lading for supplies on vessels or aircraft, except that (a) when the shipment is to a contiguous foreign territory it shall be consigned to the foreign consignee at destination, but marked in care of the collector of customs at the port of export, or (b) where shipment is pursuant to an order from the Armed Services for beer for export, the beer will be consigned to a commanding officer or a supply officer of the Armed Services of the United States and such fact as well as the name of the officer and the location of the supply base or place of delivery will be shown on Form 1582–B in lieu of the name and address of consignee and name or number of the vessel or aircraft. In the case of shipments to a contiguous foreign territory, the carrier shall deliver the beer for customs inspection at the port of export before transporting the same to foreign destinations.

§ 252.157 *Direct delivery for customs inspections; bill of lading.* If the brewery or storage warehouse from which the shipment is made is located at the port of exportation, the brewer shall deliver the shipment directly for customs inspection and supervision of lading, and will promptly forward a copy of the export bill of lading to the assistant regional commissioner of the region in which the claim for drawback is filed: *Provided,* That (a), in the case of shipments to the Armed Services, the shipment will be delivered to the commanding officer or supply officer to whom consigned and an export bill of lading will not be required, and (b) in the case of shipment for lading for use as supplies on vessels or aircraft, an export bill of lading will not be required.

§ 252.158 *Exportation by vessel.* In event the brewery or storage warehouse from which the shipment is made is located elsewhere than at the port of exportation, the brewer shall deliver the shipment either directly for customs inspection and supervision of lading, or to a common carrier for transportation to the port of exportation. In the latter case he shall forward a copy of the transportation bill of lading to the assistant regional commissioner of the region in which the claim for drawback is filed, for attachment to the claim on Form 1582–B filed by the brewer or his agent.

§ 252.159 *Exportation through border port.* In case of exportation through a border port to contiguous foreign territory, the bill of lading will cover transportation to the foreign destination, and must show the routing, particularly the carrier which will deliver the shipment for customs inspection at the border port: *Provided,* That where a through bill of lading is not obtainable, separate bills of lading covering the shipment from the brewery or storage warehouse to the border port and from the border port to the foreign destination will be procured. The bill of lading will also show that the shipment was sent in care of the collector of customs at the border port. A copy of the through bill of lading, or copies of separate bills of lading, as the case may be, will be transmitted by the brewer or his agent immediately by letter to the assistant regional commissioner of the region in which the claim for drawback is filed for attachment to the claim on Form 1582–B filed by the brewer or his agent.

Customs Procedure

§ 252.160 *Examination by customs officer.* The collector of customs will deliver the original and one copy of Form 1582–B to a customs officer for inspection and supervision of lading of the beer. The customs officer shall carefully inspect the containers of beer described in the entry. He shall examine the contents of such containers as are found broken or tampered with, or which he is led to suspect do not contain the beer originally packed therein, and make a special report thereon. If the customs officer discovers any evidence of fraud, he shall detain the beer and notify the collector of customs who shall inform the assistant regional commissioner for the region in which the port is located, in order that appropriate action may be taken. The customs officer shall note in his report any deficiency in quantity or discrepancy between the article inspected and that described in the entry. After having completed his inspection and supervision of lading on board the exporting conveyance or the vessel or aircraft for use as supplies, the customs officer shall complete and sign the certificate of inspection and lading, on each copy of the Form 1582–B.

§ 252.161 *Disposition of Form 1582–B by customs officer.* After the customs officer has executed the certificate of inspection, and lading for exportation, and after receipt of the export or through bill of lading when required, he will retain the copy of Form 1582–B and transmit the original, with copy of bill of lading (if any), to the assistant regional commissioner of the region in which the claim for drawback is filed (as indicated in part 1 of the form).

Receipt for Export to Armed Services

§ 252.162 *Certification by commanding or supply officer.* Upon receipt of Form 1582–B and the beer described thereon, at the supply base or other designated place of delivery, the officer to whom consigned or other authorized supply officer at such place will, in the space provided for the customs officers certification of inspection and lading on Form 1582–B, receipt for the number of cases or packages received. The officer must also certify on the receipt that the beer will be shipped or delivered only for consumption or use outside the jurisdiction of the internal revenue laws of the United States. The officer shall then return one copy of Form 1582–B, so cer-

tified, to the assistant regional commissioner of the region in which the claim for drawback is filed (as indicated in part 1 of the form).

DISPOSITION OF CLAIMS

§ 252.163 *Allowance of claim.* Upon receipt of the claim on Form 1582–B, executed by the brewer or his agent, and the corresponding original Form 1582–B executed by the customs officer as provided in § 252.160, or by the Armed Services officer as provided in § 252.162 the assistant regional commissioner will examine the claim and the required documents submitted in connection therewith to determine whether the amount claimed is correctly computed, the claimant has complied in all respects with law and regulations, and that the evidence of exportation as provided in § 252.164 or evidence of lading for use as supplies on vessels or aircraft as provided in § 252.165 has been filed. He will then allow or disallow the claim in accordance with existing law and regulations. If the claim is not allowed in full, the assistant regional commissioner will notify the claimant in writing of the reasons for any disallowance.

EVIDENCE OF EXPORTATION OR LADING FOR USE ON VESSELS OR AIRCRAFT

§ 252.164 *Evidence of exportation.* Exportation of beer may be evidenced by (a) a copy of the export bill of lading executed by the delivering carrier so as to show that the beer has been accepted by such carrier for delivery to a foreign destination, or (b) a certificate by the agent or representative of the export carrier or by a proper U. S. Customs officer showing that the beer has been laden for export, or (c) a certificate signed by the port transportation officer or the commanding officer of a supply base showing that the beer will be delivered only for consumption or use by the Armed Services of the United States: *Provided,* That where the evidence of exportation described above is not furnished, or where deemed necessary to protect the revenue, the assistant regional commissioner may require the submission of other evidence of exportation as provided in § 252.166.

§ 252.165 *Evidence of lading for use on vessels or aircraft.* When beer has been laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted promptly to the assistant regional commissioner an affidavit or statement made under the penalties of perjury of the master or other officer of the vessel or aircraft on which the articles were laden, having knowledge of the facts, showing that the beer has been laden and will be used as supplies on board the vessel or aircraft, and that no portion thereof has been or will be unladen in the United States or any of its territories or possessions: *Provided,* That such affidavit will not be required, in the case of any shipment, when the beer has been laden on vessels of war, or where the amount of tax on the beer does not exceed $200 and in such case certification by the customs officer of inspection and lading for use will be considered evidence of lading or use.

§ 252.166 *Other evidence of exportation or lading for use on vessels or aircraft required.* Where the data submitted as evidence of exportation is not satisfactory to the assistant regional commissioner, or where a shipment is laden on the exporting vessel or vehicle without customs inspection, or where evidence of exportation or lading for use as supplies on vessels or aircraft as prescribed in this part, is not filed, the assistant regional commissioner of the region from which the beer was shipped will require the brewer to furnish other evidence of exportation, lading for use as supplies on vessels or aircraft, or proof of loss on land or at sea, as provided in this part.

§ 252.167 *Application for relief.* When a brewer, from causes beyond his control, is unable to furnish the evidence required by § 252.164 or § 252.165 he may file an application for relief setting forth the reasons why such evidence cannot be obtained. The application must recite the facts connected with the shipment showing the date and lot number of the shipment, the kind and quantity of the beer shipped, the name of the consignee, the name of the port to which shipment was made, the name of the export carrier, or vessel or aircraft to which consigned and such other identifying information available. The application shall also show that failure to furnish the required evidence was not due to any lack of diligence on the part of the applicant or his agents, and that he is unable to produce any better evidence than that submitted with his application.

§ 252.168 *Evidence to support application.* Each application for relief shall be supported by such collateral evidence as the brewer is able to submit. The evidence may consist of original or verified copies of letters from consignees acknowledging receipt of the shipment, the sales accounts and payments for the shipments, copies of delivering carriers' bills whereon consignees have acknowledged receipt of shipments, affidavits of insurance companies, masters of vessels, railroad officials, and others having knowledge of losses on land or sea after exportation, or any other competent evidence the brewer is able to obtain. Letters and documents in a foreign language must be accompanied by sworn translations and when the letters fail to identify sufficiently the goods the original sales account must be produced.

§ 252.169 *Assistant regional commissioner's action on application.* The assistant regional commissioner receiving such application and evidence shall examine same and endorse thereon his approval or disapproval and if satisfied as to its validity will allow the claim for drawback.

SUBPART F—DOMESTIC ALCOHOL USED IN THE MANUFACTURE OF FLAVORING EXTRACTS, MEDICINAL OR TOILET PREPARATIONS, ETC.

§ 252.180 *Drawback authorized.* Upon the exportation of flavoring extracts, medicinal or toilet preparations (including perfumery) manufactured or produced in the United States in part from domestic alcohol, there shall be allowed a drawback equal in amount to the internal revenue tax found to have been paid on the alcohol so used.

§ 252.181 *Customs procedure.* Exporters of extracts, medicinal or toilet preparations (including perfumery) manufactured or produced in the United States in part from domestic alcohol, in filing claims for drawback of the internal revenue tax paid upon the alcohol so used, shall follow the procedure prescribed in Chapter I, of Title 19, of the Code of Federal Regulations.

§ 252.182 *Application for taxpaid certificate.* The exporter or manufacturer, desiring to obtain drawback, shall submit application in writing directly to the assistant regional commissioner of the region in which the alcohol was withdrawn for the issuance to the collector of customs of a taxpaid certificate. The application shall state the quantity of alcohol in taxable gallons, the serial number of each package, the serial number of the stamp, the amount of tax paid on the alcohol, the name, registry number, and location of the warehouse, the date of withdrawal, the name of the manufacturer using the alcohol in producing the article or articles to be exported, the address of the manufacturer and of his manufacturing plant, and the port where the drawback claim will be filed. If the application is accompanied by Customs Form 7545, showing any of such data, the data so shown need not be repeated in the application.

§ 252.183 *Submission of claim.* Request for the allowance of drawback shall be addressed to the assistant regional commissioner for the region in which the product covered by the drawback claim was manufactured, and will be submitted to the collector of customs, who will forward it, together with the customs Form 4539, to the assistant regional commissioner. If Form 4539 covers alcohol used under more than one certificate on Form 646, the Form 4539 shall specify the quantity chargeable against each certificate, Form 646, and the serial number of each such certificate.

§ 252.184 *Action by assistant regional commissioner.* Upon receipt of the request for payment of drawback and the customs Form 4539, the assistant regional commissioner will examine the request and supporting documents, and allow or disallow the claim in accordance with existing law and regulations. If the claim is not allowed in full, the assistant regional commissioner will notify the claimant in writing of the reasons for any disallowance.

[F. R. Doc. 55–4608; Filed, June 8, 1955; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 596—CONTRACT CLAUSES

PART 598—PATENTS, COPYRIGHTS AND TECHNICAL DATA

PART 602—GOVERNMENT PROPERTY

MISCELLANEOUS AMENDMENTS

1. In F. R. Document 55–4046, published in 20 F. R. 3502, May 19, 1955, paragraph 12, appearing on page 3507, is corrected by changing portions reading "602.1701–1" to read: "602.1707–1".

2. Section 596.050 is revised to read as follows:

§ 596.050 *Applicability.* This part is applicable not only to contract clauses but to approved contract forms prescribed in Part 16 of this title and Part 605 of this subchapter. Contract forms and clauses prescribed by Chapter I, of this title or this subchapter must be used in accordance therewith unless the Deputy Chief of Staff for Logistics grants a deviation (§ 1.109 of this title and § 590.109 of this subchapter). Other forms and clauses previously approved and currently in use in the respective Procuring Activities may continue to be used in accordance with instruction of such Activities, provided such forms and clauses are not inconsistent with Chapter I of this title or this subchapter. Contract forms and clauses prescribed or approved by Chapter 1 of this title or this subchapter may not be modified except as a variation in the prescribed or approved form or clause expressly permitted by Chapter I of this title or this subchapter, or by the addition of provisions supplementary to and consistent with a prescribed or approved form or clause. In those cases where applicability of a particular contract form or clause may be in doubt, Contracting Officers will request interpretations of the Chief, Purchases Branch, Deputy Chief of Staff for Logistics, Department of the Army, through the Head of the Procuring Activity involved.

3. Part 598, Patents, Copyrights, and Technical Data, is revised to read as follows:

Sec.

598.000 Scope of part.
598.050 Definitions.

Subpart A—Patents

598.102 Authorization and consent.
598.102–1 Authorization and consent in contracts for supplies.
598.102–2 Authorization and consent in contracts for research or development.
598.103 Patent indemnification by Contractor.
598.103–1 Patent indemnification in formally advertised contracts—commercial status predetermined.
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598.104 Notice of assistance.
598.105 Processing of infringement claims.
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598.105–51 Authority.
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598.105–53 Reporting of claims.
598.105–54 Correspondence with claimant.
598.105–55 Clearance to investigate.
598.105–56 Final report by designee where no settlement of claim is made.
598.105–57 Action and authority of the Chief, Patents Division.
598.105–58 Available procedure for settlement of claims and procurement of invention and patent rights.
598.105–59 Settlement with foreign claimants.
598.105–60 Fiscal procedures.
598.105–61 Approval of certain contracts.
598.105–62 Contract distribution.
598.105–63 Disclosure of information to claimants and their representatives.
598.105–64 Contract clauses and forms.
598.106 Classified contracts.
598.106–1 Classified contracts to be performed outside the United States.
598.107 Patent rights under contracts involving research and development.
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598.109 Followup of patent rights.
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Subpart B—Copyrights

598.204 Contracts for motion pictures

Subpart O—Procurement of Inventions and Patent Rights

598.1501 Scope of part.
598.1502 General policy.
598.1503 Action by representative.
598.1504 Reporting of proposed licenses and assignments.
598.1505 Correspondence with invention owner or his representative.
598.1506 Clearance to consider and procure licenses and assignments.
598.1507 Final report by designee where no license or assignment is procured.
598.1508 Procedures applicable to procurement of invention and patent rights.
598.1509 Gratuitous grants.

§ 598.000 *Scope of part.* This part sets forth administrative requirements, procedures, and other pertinent information in connection with (a) clauses in various types of contracts securing to the United States Government appropriate patent rights and adequate protection against patent infringement risks; (b) use of copyright and technical data clauses in Army contracts; (c) security requirements covering patent applications containing classified subject matter filed by Contractors; (d) adjustment of royalties payable by Army Contractors; (e) claims arising out of the use by the Army or Army Contractors of adversely owned inventions and the settlement or other disposition of such claims; and (f) procurement by the Army of invention rights other than as an incident to the settlement of claims.

§ 598.050 *Definitions.* As used in this section the following terms have the meanings assigned:

(a) *Chief, Patent Division.* The term "Chief, Patents Division" means the Chief, Patents Division, Office of The Judge Advocate General, Department of the Army, Washington 25, D. C.

(b) *Designee.* The term "Designee" means any office, board, or person delegated, or designated to exercise, powers and authorities under any of the "applicable statutes" listed in § 598.105.

(c) *Such claim.* The terms "such claim" and "such a claim" mean a claim against the United States which in fact has been asserted or a claim (based upon actual past procurement and not contemplated procurement) which may reasonably be anticipated, under any of the "applicable statutes" listed in § 598.105.

SUBPART A—PATENTS

§ 598.102 *Authorization and consent.*

§ 598.102–1 *Authorization and consent in contracts for supplies.* The clause set forth in § 9.102–1 of this title shall be included in all contracts for supplies (including construction work) except as otherwise authorized by § 9.102–2 of this title as limited by § 598.102–2. This requirement does not apply to small purchase procedures (Subpart F of Part 592 of this subchapter) or to Purchase orders of $5,000 and less or delivery orders (§ 16.003 of this title).

§ 598.102–2 *Authorization and consent in contracts for research or development.* The clause set for in § 9.102–2 of this title shall be included in all contracts calling exclusively for research or development work, and may otherwise be included only in those Army contracts for both supplies and research or development work in which the research or development work is the primary purpose of the contract. In all other contracts for both supplies and research or development work, the clause set forth in § 9.102–1 of this title, shall be used.

§ 598.103 *Patent indemnification by contractor.*

§ 598.103–1 *Patent indemnification in formally advertised contracts-commercial status predetermined.* (a) In the case of any contract for supplies in an amount of $5,000 or more to be awarded by formal advertising, the Contracting Officer shall make a determination prior to issuance of the invitation for bids as to whether the supplies to be procured (or such supplies apart from relatively minor modifications to be made thereto) normally are or have been sold or offered for sale by any supplier to the public in the commercial open market. If it is determined that the supplies are or have been sold or offered for sale, the contract shall include the clause set forth in § 9.103–1 of this title.

(b) Any items to be excluded in accordance with § 9.103–1 (b) of this title shall be listed in detail rather than in general terms.

§ 598.103–2 *Patent indemnification in formally advertised contracts-commer-*

cial status not predetermined. The clause set forth in § 9.103–2 of this title shall not be included in an Army contract without prior approval of the Chief, Purchases Branch, Office of the Deputy Chief of Staff for Logistics.

§ 598.103–4 *Waiver of indemnity by the Government.* Special patents may be excluded in accordance with § 9.103–4 of this title only with prior approval of the Chief, Purchases Branch, Office of the Deputy Chief of Staff for Logistics.

§ 598.103–50 *Indemnification of Contractor by the Government.* No provision whereby the Government expressly agrees to indemnify the Contractor against liability for patent infringement shall be included in any contract. Ordinarily, any demands of a Contractor in this respect can be satisfied by the modification or elimination of the patent indemnity clause (when authorized by § 9.103 of this title and § 598.103) and insertion of the authorization and consent clause (§ 9.102–1 or § 9.102–2 of this title).

§ 598.104 *Notice and assistance.* For proper action to be taken by Contracting Officers or others with respect to reports, received by them, of claims of patent infringement asserted against a Contractor or a subcontractor, see § 598.105–53.

§ 598.105 *Processing of infringement claims.* The policy of the Department of the Army, applicable statutes, administrative requirements, procedures, and other pertinent information in connection with investigation and disposition of "such claims" as defined in § 598.050 (c), and contracts or agreements in settlement of such claims, including suggested contract forms and mandatory and suggested articles to be used in such contracts are set forth below. The following are applicable statutes:

(a) *Mutual Security Act.* Section 506 of the Mutual Security Act of 1954 (22 U. S. C. 1758) provides that whenever in the furnishing of any assistance under the act (1) use within the United States, without authorization of the owner, is made of a patented invention, or (2) damage to the owner results from disclosure of "information" as defined in section 506 by reason of acts of the United States, the exclusive remedy shall be by suit against the United States for reasonable and entire compensation for unauthorized use of disclosure. The head of the furnishing agency is authorized before suit is instituted to enter into agreements settling claims brought under this section.

(b) *Invention Secrecy Act.* Title 35, U. S. Code, sections 181–188 (sometimes referred to as the Invention Secrecy Act), provide for the withholding of the grant of a patent through the issuance of a secrecy order, for such time as the national interest requires, in those cases where the patent application discloses an invention the publication of which would be detrimental to the national security of the United States. Section 183 authorizes the Department which caused the issuance of the order to enter into an agreement with the owner of an application, which except for the secrecy order would issue as a patent, in full settlement for the damage caused by the secrecy order and/or the use of the invention by the Government, resulting from his disclosure. If full settlement cannot be effected, the head of the Department concerned may award and pay a sum not exceeding 75 percent of the sum considered to be just compensation for the damage and/or use. Section 183 also provides for suit by the owner of the application for an amount which when added to the award would constitute just compensation for the damage and/or use. The act further provides that a patent owner who does not apply administratively for compensation is given the right to sue in the Court of Claims for just compensation for the damage caused by reason of the secrecy order and/or use by the Government of the invention resulting from his disclosure.

(c) *Title 31, U. S. Code, section 649b.* Title 31, U. S. Code, section 649b provides that:

> Appropriations for the military departments available for procurement or manufacture of supplies, equipment, and materials shall hereafter be available for the purchase or other acquisition of (a) copyrights, letters patent, applications for letters patent, (b) licenses under copyrights, under letters patent, and under applications for letters patent, and (c) designs, processes, and manufacturing data; and shall also be available for the purchase or other acquisition or releases, before suit is brought, for past infringement of letters patent. Any such purchase or other acquisition shall pertain to supplies, equipment, materials, or processes produced or used by or for, or useful to, the department concerned.

In connection with the "purchase or other acquisition of releases" of past infringement mentioned in the quoted language, the basic statutory provision dealing with infringement by or for the Government is Title 28, U. S. Code, section 1498. This section provides that whenever an invention described in and covered by a patent of the United States is, without license or other right, used or manufactured by the United States, or by any person, firm, or corporation for the United States and with its authorization and consent, the patent owner's remedy shall be by suit against the United States in the Court of Claims for the recovery of his reasonable and entire compensation for such use or manufacture. The statute also provides that a Government employee shall have the right to bring such a suit against the Government except where he was in a position to order, influence, or induce use of the invention by the Government. The statute also provides that it shall not confer a right of action on any patentee or his assignee with respect to any invention discovered or invented by a person while in the employment or service of the United States, where the invention was related to the official functions of the employee, in cases in which such functions included research and development, or in the making of which Government time, materials, or facilities were used.

§ 598.105–50 *General policy.* In order to maintain the good will of United States industry, to encourage invention and the development of scientific arts related to national defense, to dispose of past and avoid future infringement of privately owned rights in inventions and under United States letters patent, and to avoid litigation and attendant nonproductive time, it is the policy of the Department of the Army to settle claims for compensation for past infringement of such rights, and also to obtain necessary rights with respect to such inventions in view of contemplated Department procurement, where it is in the Government's interest to do so and when such rights can be obtained at not more than fair value. To this end, an investigation of each such claim shall be made in accordance with the instructions and procedures set forth in §§ 598.105–53 thru 598.105–57. If any patent upon which such a claim is based is found to be infringed, valid, and enforceable, and it is deemed advisable by the Designee, efforts to settle such claim, before suit against the United States has been instituted, shall be made in accordance with §§ 598.105–58 thru 598.105–62. Coordination with the Departments of the Navy and Air Force in the processing and final disposition of each such claim shall be effected by the Chief, Patents Division.

§ 598.105–51 *Authority*—(a) *Purchase of releases of past infringement and licenses.* By virtue of 31 U. S. C. 649b (text set forth in § 598.105 (c)), each of the Military Departments is authorized to purchase or otherwise acquire certain patent and other rights. The following are hereby authorized to make purchases in accordance with 31 U. S. C. 649b:

(1) Deputy Chief of Staff for Logistics.

(2) Chief, Procurement Division, Office of the Deputy Chief of Staff for Logistics.

(3) Chief, Purchases Branch, Office of the Deputy Chief of Staff for Logistics.

(4) Chiefs of technical services.

(5) Chief, Armed Service Medical Procurement Agency.

(6) Designees of any of the foregoing.

(b) *Claims under Mutual Security Acts.* The chiefs of the technical services have been delegated authority to enter into agreements in settlement of claims asserted under the Mutual Security Act of 1951. Similar delegations of authority conferred by Section 506 of the Mutual Security Act of 1954 are in preparation.

§ 598.105–52 *Duties of designees*—(a) *Duties.* Each Designee is charged with the duty of taking appropriate action, on behalf of the Department of the Army, with respect to each such claim pertaining to the procurement responsibility of his service promptly after knowledge of the claim is brought to his attention. Such action includes the following:

(1) Acknowledging in writing receipt of the communication in which such claim is asserted. An authorized form of acknowledgement is set forth in § 598.105–54.

(2) Requiring the representative of the claimant to file in duplicate a Notice of Appearance in the form prescribed by paragraph (b) of § 583.1 of this chapter.

(3) Requesting clearance from the Chief, Patents Division, to investigate and settle each such claim pursuant to § 598.105–55, inclosing a copy of the communication in which such claim was asserted or reported.

(4) Investigating each such claim upon clearance from the Chief, Patents Division, and, if deemed appropriate, settling the same pursuant to §§ 598.105–58 thru 598.105–62.

(5) Making the required distribution of each contract of settlement or partial settlement of such claim pursuant to § 598.105–62.

(6) Preparing and transmitting to the Chief, Patents Division, a final report with respect to each such claim in which no settlement is effected, pursuant to § 598.105–56.

(b) *Action by representative.* The action indicated in paragraph (a) of this section, and wherever referred to in § 598.105, may be performed by an authorized representative of the Designee, except for the execution of contracts pursuant to paragraph (a) (4) of this section.

§ 598.105–53 *Reporting of claims.* Any officer, or employee of a technical service shall submit promptly to the chief legal or patent officer in his service (a) any communication received by him asserting such a claim, and (b) any report of such a claim received by him from a Contractor in accordance with § 9.104 of this title. (Notice and Assistance.) All communications asserting such claims received by others shall be sent to the Chief, Patents Division.

§ 598.105–54 *Correspondence with claimant.* No Designee shall concede in writing, addressed to any claimant, potential claimant, or the representative of either, the merit or value of such claim, except so far as such concession may be embodied in an agreement executed in settlement of such claim in accordance with this subpart. (See Part 518 of this chapter and § 598.105–63). Upon receipt of a notice of infringement, the Designee shall acknowledge such receipt. The following form letter is authorized for this purpose:

[Letterhead of Designee]

(Date) ---------

JOHN DOE,
Title Guarantee Building,
Miami, Florida.

DEAR SIR:

Your letter to ----------, dated ---------- 19----, stating that United States Letters Patent No. ------, granted (date of patent), to (patentee's full name), of (city and State), for "(title of invention)," is (are) infringed by (item or process) allegedly being used by the Department of the Army, has been referred to this office for necessary action and direct reply.

The matter presented in your letter will be carefully investigated and you will be informed of the Department of the Army's conclusions upon completion of the investigation.

To aid in the investigation, it is requested that you furnish this office as promptly as possible the following:

(1) The names and addresses of licensees, if any.

(2) Copies of license agreements.

(3) Brief statement of any litigation in which the patent(s) have been or are now involved.

(4) List of all notices of infringement which you have sent to alleged infringers of the patent (except the alleged infringers included in your statement of litigation), including but not limited to any other departments and agencies of the Government.

[(5) Two executed copies of the inclosed Notice of Appearance, required of any person appearing in a representative capacity before the Department of the Army in a matter involving a claim against the United States.][1]

Sincerely yours,

(Signature of designee or representative)

§ 598.105–55 *Clearance to investigate.* (a) Promptly after receipt of a notice or report of such a claim the Designee shall request in writing from the Chief, Patents Division, clearance to investigate and settle the claim. So far as practicable, one Designee shall represent the Department of the Army in the investigation and settlement of each such claim.

(b) Each request for clearance shall be submitted in quadruplicate and shall include the following:

(1) The name and address of each claimant or prospective claimant.

(2) The name and address of each Contractor and subcontractor who is believed, to the extent disclosed by a cursory search in the headquarters of the Designee, to have performed the alleged infringing acts.

(3) The number and date of each patent, and the serial number and filing date of each patent application involved.

(4) Description of the alleged infringing subject matter in sufficient detail to permit other procuring activities to determine whether they have an interest in the matter.

(5) A copy of the communication from the claimant, if any.

(6) A copy of the Notice of Appearance required by § 598.105–52 (a) (2).

(c) The Chief, Patents Division, upon receipt of the request for clearance, shall determine, so far as indicated by his files, the Government Register of Patent Rights, and the Department of Justice, whether the Department of the Army or any other department or agency has investigated or settled, or received a report or notice of, a claim pertaining to the same subject matter and whether a Government license may be involved, and shall then grant such clearance in writing as appears proper.

(d) When clearance has been granted, the Designee shall proceed in accordance with § 598.105–52 (a) (4) through (6).

(e) The Chief, Patents Division, shall send copies of the request for clearance and of the clearance to the chief patent or legal officer of each technical service having a probable interest in the matter. Each such officer shall promptly investigate the procurement in his service and report to the Designee to whom clearance has been issued of the interest, if any, of his service in the matter and of any pertinent information available. (Negative reports should be made if applicable.) A positive report shall include a description (with drawings where necessary), of the procured materiel sufficient to enable the Designee to determine whether the procurement constitutes infringement under such claim, together with the officer's opinion on the question of infringement and the reasons therefor. The Chief, Patents Division, also shall notify the Departments of Navy and Air Force of each such claim and request those Departments to notify the Designee (with informational copies to the Chief, Patents Division) of any pertinent information available to them. No claim shall be settled or final report rendered (pursuant to § 598.105–56) until reports are received by the Designee from each chief patent or legal officer notified of the clearance, unless adequate explanation is presented.

§ 598.105–56 *Final report by designee where no settlement of claim is made.* A final report (in duplicate) of the results of the investigation made on behalf of the Department, including recommendations and conclusions of the Designee, shall be made by him to the Chief, Patents Division, with respect to each such claim (whether or not such claim is covered by an indemnity agreement) in which settlement is believed to be inadvisable, or the Designee has been unable to settle upon terms deemed reasonable by him. A copy of the final report shall be forwarded by the Designee to the chiefs of the chiefs of the interested technical services at this time.) Each such report shall be dated and clearly marked "Final Report," and shall include so far as applicable and practicable the following information:

(a) Numbers and dates of all contracts and subcontracts for procurement of the item in question, together with the name and address of each Contractor and subcontractor concerned, and the text of each Contractor's agreement, if any, to indemnify the Government against liability for infringement, or a statement that there is no such indemnity agreement. This information shall include contracts of any other technical service concerned.

(b) Extent and dates of alleged infringement.

(c) The text of any contract clause granting (or if there is no such clause any other information relating to) authorization and consent by the Government to the manufacture or use of the article, material, design, or process upon which such claim is based.

(d) Copies of patents alleged to be infringed.

(e) Result of title search in the Patent Office Assignment Records and examination of the Government Register or Patent Rights.

(f) A full and complete disclosure of the alleged infringing device, material, design or process (including detailed description thereof, together with drawings, sketches, photographs, and specimens in proper cases) sufficient to determine whether infringement is present.

(g) Report of date and extent of searches, if any, in each of the following categories:

[1] For use where claim is asserted by a representative of the claimant.

(1) Prior art patents and publications.
(2) Pending applications filed by the service conducting the investigation.
(3) Prior public uses.

(h) Copies of any prior art patents and publications, and full and complete description (and where practicable, a drawing, sketch, photograph, or specimen) of any prior uses relied upon by the Designee.

(i) Statement of the extent to which royalties, if any, have been adjusted by the Department. (See § 9.111 of this title and § 598.111.)

(j) Statement as to whether or not the inventor or patent owner was a Government employee in a position to order, influence, or induce use of the invention by the Government.

(k) Statement as to whether or not the invention was made during the time the inventor was in the employment or service of the Government, and if so, a description of the inventor's official functions at the time and a statement as to whether Government time, materials, or facilities were used.

(l) Names and addresses of prospective witnesses (fact and expert) and, where pertinent to validity or infringement, signed statements of witnesses. Where a witness refuses to sign a statement, a statement of the interviewing officer setting forth the facts which the witness may be expected to state if called to testify.

(m) Conclusions regarding infringement (with respect to all departmental procurements involved) and reasons therefor.

(n) Conclusions regarding validity and reasons therefor, unless the Designee's conclusions given under paragraph (m) of this section are that in his opinion there is no infringement.

(o) Conclusions regarding the Government's liability, the estimated money value of the claim, and an estimate of future procurement involving possible increase of the claim.

(p) Summary of unsuccessful negotiations for settlement, if any.

(q) Recommendations.

§ 598.105–57 *Action and authority of the Chief, Patents Division.* (a) The Chief, Patents Division, shall coordinate and expedite the processing of such claims and may request status reports from the Designees for this purpose.

(b) The Chief, Patents Division, shall review each final report and, where such claim was asserted in a communication, shall write a letter to the claimant or his representative (with copies to the Designee and chiefs of interested technical services) stating the final conclusions of the Department.

(c) Upon reviewing the final report, the Chief, Patents Division, shall prepare a supplemental report (and send a copy to the Designee) stating any conclusions supplemental to those stated in the final report, if such supplemental report is deemed advisable, and stating any conclusions which differ from those of the Designee, with recommendations of appropriate action.

(d) When final action has been taken on behalf of the Department, the Chief, Patents Division, shall so advise the Attorney General.

§ 598.105–58 *Available procedure for settlement of claims and procurement of invention and patent rights.* (a) The Designee to whom the claim has been cleared may, subject to the availability of appropriations and allotments of funds in his service, settle such claims in accordance with these paragraphs, by execution of a contract or release and license, or release and assignment.

(b) No contract shall be made which includes a release of such claim, or a license, which will inure to the benefit of a Contractor who has agreed to indemnify the Government (§ 9.103 of this title and § 598.103) by releasing or discharging such Contractor in whole or in part from his obligation of indemnity, unless such Contractor is made a party to the contract and appropriate arrangements are made to the end that the Contractor shall pay all money consideration flowing to the claimant or potential claimant which is attributable to that part of the release or license which benefits the Contractor.

§ 598.105–59 *Settlement with foreign claimants.* No contract of settlement of patent infringement liability or other liability for use of inventions shall be made with a national of a government which is within the scope of the Mutual Defense Assistance program, without first obtaining the written approval of the Chief, Patents Division.

§ 598.105–60 *Fiscal procedures.* (a) An agreement to pay a fixed amount for the purchase of a paid up license and release or an assignment and release, or a release either by way of lump sum payment or an amount determinable at the time of execution of the contract, is subject to the provision that allotment of funds made for supplies will not be exceeded. Officers charged with making such agreements shall submit prior to incurring any obligation, the proposed agreements to the cognizant fiscal officer for verification as to sufficiency of funds for that purpose. The following statements shall be included on the face of the contract: "The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following allotments, the available balances of which are sufficient to cover the cost of the same."

(b) An agreement to pay running royalties on future procurement proportioned to use is not subject to the provision mentioned in paragraph (a) of this section.

(c) Any fiscal questions involving patent matters may be referred to the Chief, Patents Division, for opinion.

§ 598.105–61 *Approval of certain contracts*—(a) *Contracts requiring approval.* Approval by the Chief, Purchases Branch, is required of all contracts made under any of the following circumstances:

(1) The contract provides for total payments by the Government of $25,000 or more.

(2) The scope of the license is limited to:

(i) A term less than the life of any patent involved;

(ii) Any particular Government purpose;

(iii) Less than all Government agencies on the same terms; or

(iv) Disposition rights otherwise than according to law.

(3) The rights obtained are a release of past infringement only.

(b) *Submission for approval.* Where approval of a contract is required by paragraph (a) of this section, or because the contract contains a deviation from the requirements of § 598.105 the Designee shall submit the contract in the number of copies for which approval is sought (plus one unexecuted copy) to the Chief, Purchases Branch, through the Chief, Patents Division. The contract shall be accompanied by a memorandum of facts signed by the Designee setting forth, where pertinent:

(1) Identification and brief description of the subject matter of the patent, patent application, or invention involved in the claim being settled.

(2) Date of clearance required by § 598.105–55.

(3) A brief statement of the Designee's conclusions regarding validity and infringement and the reasons therefor.

(4) A statement of the extent of Government use of the invention(s), including the estimated money value of the claim, if any, and an estimate of future procurement, if any, involving possible increase of the amount of the claim.

(5) Specific reference to the sections of this subchapter necessitating the requested approval.

(6) Reasons for any deviations from any prescribed contract clause, and precise statement of such deviation.

(7) Recommendation, with supporting reasons, that the contract be approved.

§ 598.105–62 *Contract distribution*—(a) *General.* The Designee will obtain the original and at least one executed copy of each release, license, and assignment made in accordance with these paragraphs. The original shall be forwarded by the Designee (unless the contract does not involve the payment of money to the Contractor) to Audits Branch, United States General Accounting Office, Fort Benjamin Harrison, Indianapolis 49, Indiana. The executed copy, together with a second copy (photostatic preferred), shall be transmitted without delay by the Designee to the Chief, Patents Division for recording in the United States Patent Office. The memorandum of transmittal shall include the Designee's recommendation whether the instrument should be filed in the public register, departmental register, or the secret register. This memorandum shall also set forth (1) the name of the claimant; name of the releasor, licensor, or assignor; and name of the patentee or inventor; (2) the patent number or patent application serial number; and (3) a statement that the instrument effects settlement of the claim for which clearance was granted.

(b) *Contracts providing for payment or a running royalty.* A copy of each license which provides for the payment of a running royalty shall be transmitted by the Designee to the chiefs of the technical services. Receipt of such copy shall constitute notice that future procurement of the licensed subject matter requires the payment of royalties to the licensor. Where necessary, the chiefs of the technical services shall notify procurement and price analysis offices affected.

§ 598.105–63 *Disclosure of information to claimants and their representatives.* In order that settlements advantageous to the Government may be secured, any Designee or his representative may (subject to the provisions of § 598.105–54 and considerations of military security), in the performance of his official duties and when he has reason to believe that such action would be to the advantage of the United States, disclose to the claimant or his authorized representative any facts or matters of evidence which appear to bear upon his claim or its value.

§ 598.105–64 *Contract clauses and forms.* The following clauses and forms are applicable to contracts for the settlement of infringement claims.

(a) *Mandatory contract clauses*—(1) *Certain clauses.* Section 7.103–19 of this title—Officials Not to Benefit, § 7.103–20 of this title—Covenant Against Contingent Fees, and § 7.104–16 of this title—Gratuities, shall be included in every release, license, and assignment executed by the Government.

(2) *Assignment of claims.* Section 7.103–8 of this title—Assignment of Claims shall be included in every contract which calls for payments by the Government aggregating $1,000 or more.

(3) *Disputes.* Section 7.103–12 of this title—Disputes shall be included in every contract which calls for payments by the Government aggregating $20,000 or more, and is recommended for inclusion in other contracts.

(4) *Release of past infringement.* The following clause shall be included in every contract made in accordance with these paragraphs which grants to the Government under an issued patent:

RELEASE OF PAST INFRINGEMENT

Contractor agrees to and does hereby release each and every claim and demand which Contractor now has or may hereafter have against the Government, its officers, agents, servants and employees, for infringement by or for the Government of [(1)] any of the patents and applications for patent specifically identified in this contract, [(2) and any other patent or application for patent owned or hereafter acquired by Contractor, insofar as and to the extent only as such other patent or patent application covers the manufacture, use or disposition of (description of subject matter)], by reason of the manufacture, use, sale, or other disposition of any article or material, or the use of any process covered by said patents or applications for patent, occurring prior to the date of this contract, and by reason of the use, sale, or other disposition thereafter of any article or material manufactured or contracted for prior to the date of this contract.

NOTE: Bracketed portions of the foregoing clause may be omitted when not appropriate or not encompassed by the release as negotiated.

(5) *Non-estoppel.* The following clause shall be included in every contract made in accordance with these paragraphs, except that it may be omitted in contracts not executed by the Government made pursuant to § 598.1508 if the contract conveys to the Government (i) a release of not substantially less scope than that set forth in subparagraph (4) of this paragraph, and (ii) a license for the full term of the licensed patents and patents issued on the patent applications or an assignment of not substantially less scope (except for foreign rights) than that set forth in paragraph (d) of this section:

NON-ESTOPPEL

Contractor agrees that the Government shall not be estopped at any time to contest the enforceability, validity or scope of, or the title to, any patent or patent application herein licensed,[1] [but this provision shall not be deemed to modify or avoid the obligation of the Government to pay royalties as elsewhere herein provided].[2]

(6) *Protection against unjust payments.* The following clause shall be included in every contract providing for payment of a running royalty:

PROTECTION AGAINST UNJUST PAYMENTS

(a) If any license has been or shall hereafter be granted under substantially the same patents and authorizing substantially the same acts which are authorized under this contract within the United States, on royalty terms which are in any respect more favorable to the licensee than those contained herein, the Government shall be entitled to the benefit of such more favorable terms with respect to all royalties accruing under this license after the date such more favorable terms become effective, and Contractor shall promptly notify the Secretary of the Army in writing of the granting of such more favorable terms.

(b) The Government shall have the right, notwithstanding any other provision of this contract, to terminate the within license by giving notice in writing to Contractor specifying a date when such termination is to be effective; termination of said license in the manner aforesaid may, as specified in such notice, take effect either in whole or insofar as said license applies to any specified service or command of the Department of the Army or to any specified article, material or method, or to the extent that rights are granted under any specified patent or the specified claims of any patent; and if any part of the said license is thus terminated the rights of the Government to enjoy or to terminate other parts thereof shall be in no wise prejudiced thereby.

(c) In the event any claim of any patent hereby licensed is construed or held invalid by decision of a court of competent jurisdiction, the requirement to pay royalties under this contract insofar as it arises solely by reason of such claim, and any other claim not materially different therefrom, shall be interpreted in conformity with the court's decision as to the scope or validity of such claims: *Provided, however,* That in the event such decision is modified or reversed on appeal, the requirements to pay royalties under this license shall be interpreted in conformity with the final decision rendered on such appeal.

(b) *Suggested clauses; contracts except running royalty contracts*—(1) *License grant.* The following clause is a suggested form for expressing the license grant in all contracts except those providing for payment of a running royalty:

LICENSE

(a) Contractor agrees to and does hereby grant and convey to the Government, an irrevocable, nonexclusive, nontransferable and paid up license under the following patent(s) [and application(s) for patent] to practice and cause to be practiced for the government any and all of the inventions thereof in the manufacture, use and disposition of any article or material, and in the use of any method, in accordance with law:

U. S. Patent No. ---------
Date ----------
Application serial No. ----
Filing date ----------

[together with corresponding foreign patents and applications for patent, insofar as Contractor has the right to grant licenses thereunder].

(b) Nothing contained herein shall limit any rights which the Government may have obtained by virtue of prior contracts or by operation of law or otherwise.

(2) *License term.* Either of the following clauses is suggested as a form for expressing the license term in any contract not providing for payment of a running royalty:

[ALTERNATE A]

TERMS

The license hereby granted shall remain in full force and effect for the full term of the patent(s) referred to above [and any and all patents hereafter issued on applications for patent referred to, above.]

[ALTERNATE B]

TERM

The license hereby granted shall terminate on the ---- day of --------- 19---; *Provided, however,* That said termination shall be without prejudice to the completion of any contract entered into by the Government prior to said date of termination or to the use or disposition thereafter of any articles or materials manufactured by or for the Government under this license.

(c) *Suggested clauses; contracts providing for payment of a running royalty.* In addition to any clause required in accordance with paragraph (a) of this section, the following clauses are suggested for use, where appropriate, in contracts providing for payment of a running royalty:

(1) *License grant.* No departments other than the Department of the Army shall be obligated to pay royalties unless the contract is signed on behalf of such departments. Accordingly, the following license grant clause, appropriately limited to the practice of the invention by or for the Department of the Army, is suggested for use:

LICENSE

(a) Contractor agrees to and does hereby grant and convey to the Government, as represented by the Secretary of the Army, an irrevocable, nonexclusive, nontransferable license under the following patent(s) [and application(s) for patent] to practice by the Department of the Army and cause to be practiced for the Department of the Army any and all of the inventions thereof in the manufacture, use and disposition of

[1] The word "licensed" is appropriately changed to "assigned" in assignment contracts.

[2] The bracketed part is to be omitted except in contracts for payment of running royalties.

any article or material, and in the use of any method, in accordance with law:

U. S. Patent No. --------
Date ----------
Application serial No. ----
Filing date ----------

[together with corresponding foreign patents and applications for patent, so far as Contractor has the right to grant licenses thereunder].

(b) Nothing contained herein shall limit any rights which the Government may have obtained by virtue of prior contracts or by operation of law or otherwise.

(2) *License term.* The following clause is a suggested form for expressing the license term:

TERM

The license hereby granted shall remain in full force and effect for the full term(s) of the patent(s) referred to above [and any and all patents hereafter issued on applications for patent referred to above] unless sooner terminated as elsewhere herein provided.

(3) *Computation of royalties.* The contract clause providing for the computation of royalties may be of varying scope. The following alternative clauses are suggested. (Alternate A is based upon a percentage of cost of the articles or materials; alternate B is based upon a fixed amount per item.):

COMPUTATION OF ROYALTIES

[ALTERNATE A]

Royalties shall accrue under this contract in favor of Contractor, subject to payment thereof at the times and subject to limitation hereinafter stated on all articles or materials imbodying or manufactured by the use of any or all of the inventions licensed herein, upon acceptance thereof by the Department of the Army (whether made by or for the Department of the Army), at the rate of -- percent of the cost (as hereinafter defined) of such articles or materials to the Government. "Cost," as used in this paragraph means (1) in respect of articles or materials purchased by or for the Department of the Army, the purchase price of such articles or materials, except that in cost-plus-fixed-fee contracts it means the estimated cost as defined in such contract, and (2) in respect of articles or materials made by the Department of the Army, the actual cost of direct labor and materials without allowance for overhead or supervision.

[ALTERNATE B]

Royalties shall accrue under this contract in favor of licensor, subject to payment thereof at the times and subject to the limitation hereinafter stated, on all articles and materials embodying or made by the use of any or all of the inventions licensed herein, upon acceptance thereof by the Department of the Army (whether made by or for the Department of the Army), at the rate of -- (¢) cents per [name of item].

(4) *Reporting and payment of royalties.* (i) The contract must contain a provision specifying the chief of the technical service of the designee as the officer designated to make any necessary reports to the Contractor of the extent of use of the licensed subject matter by the entire Department, and such chief, shall be charged with responsibility of obtaining from all procuring activities the information necessary to make the required reports and corresponding vouchers to make required payments. The following clause is suggested for this purpose:

REPORTING AND PAYMENT OF ROYALTIES

(a) The [chief of technical service] shall, on or before the 60th day next following the end of each half yearly period ending June 30 and December 31 during which royalties have accrued under this license, deliver to contractor a report in writing stating the number of articles and the amounts of materials accepted by the Department of the Army during said half yearly period on which royalties have accrued under this contract, and the cost thereof.

(b) Royalties which have accrued under this contract during each half yearly period ending June 30 and December 31 shall be paid to contractor, provided appropriations therefor are available, within 60 days next following the end of each such period; provided, however, that the Government shall not be obligated to pay, in respect of any such half yearly period, an amount greater than -- Dollars.

(ii) In the event military security prohibits the disclosure of the quantity of production, the designee may negotiate an appropriate substitute for the clauses suggested in subparagraph (3) of this paragraph.

(5) *License to other government agencies.* When it is desired not to limit the practice of the invention to the Department of the Army (see instruction in paragraph (a) of this section) the following clause is suggested for use:

LICENSE TO OTHER GOVERNMENT AGENCIES

(a) Contractor hereby agrees to grant a separate license under the patents, applications for patents, and improvements referred to in Article 1 hereof, on the same terms and conditions as appear in this license, to any department or agency of the Government other than the Department of the Army at any time on receipt of written request for such a license from such department or agency, provided, however, that as to royalties which accrue under such separate licenses, reports and payments will be made by such department or agency directly to contractor and not by the [designee]. Contractor shall notify the [designee] promptly upon receipt of any request for license hereunder.

(b) When two or more departments or agencies shall have subscribed to this license, such agencies shall jointly make the report of royalties called for by subparagraph (a) of Article ----. The royalties payable by such departments or agencies shall be combined for the purpose of computing the Government's total half yearly obligation as set forth in subparagraph (b) of Article ----. When such combined royalties exceed the said total half yearly obligation, each Department or agency shall pay the pro rata share of the said total half yearly obligation as determined by the proportion its accrued royalties bear to the combined total of accrued royalties.

(d) *Assignments.* (1) The following clause is suggested for use in contracts of assignment of patent rights to the Government:

ASSIGNMENT

Contractor agrees to and does hereby sell, assign, and transfer to the Government and its assigns, as represented by the Secretary of the Army, the entire right, title and interest in and to the following patent(s) [and application(s) for patent], in and to the invention(s) thereof, and in and to all claims and demands whatsoever for infringement thereof heretofore occurred, the same to be held and enjoyed by the Government through its duly appointed representatives to the full end of the term of said patent(s) [and to the full end of the term(s) of all patents which may be granted upon said application(s) for patent or upon any division, renewal or continuation thereof] as fully and entirely as the same would have been held by contractor had this assignment not been made:

U. S. Patent No.	Date	Name of inventor
U. S. Application Serial No.	Filing date	Name of inventor

[together with corresponding foreign patents and applications for patent, insofar as contractor has the right to assign the same].

(2) To facilitate proof of contracts of assignment, the acknowledgment of the Contractor should be executed by a notary public or other officer authorized to administer oaths. (35 U. S. C. 261).

(e) *Suggested contract form.* The following contract form is suggested for use for contracts of release, license or assignment:

Contract No. ----

DEPARTMENT OF THE ARMY

PATENT LICENSE AND RELEASE CONTRACT

This contract, entered into this ---- day of ----------, 195--, by the United States of America (hereinafter called the Government), and ---------- (hereinafter called Contractor), [a corporation organized and existing under the laws of the State of ----------] [1] [a partnership consisting of ----------] [an individual trading as ----------] [1] of the City of ---------- in the State of ---------- witnesseth that

Whereas, Contractor warrants that it has the right to grant the within license and release, and the Government desires to procure the same, and

Whereas, this contract is authorized by law,

Now, Therefore, in consideration of the grant, release and agreements hereinafter recited the parties have agreed as follows:

ARTICLE 1. *License.*[2]

[Use the clause set forth in § 598.105–64 (b) (1) for a paid up license, or § 598.105–64 (c) (1) for a license on a running royalty basis.]

ARTICLE 2. *Terms.*[2]

[Use the appropriate alternative clause set forth in § 598.105–64 (b) (2) for a paid up license, or the clause set forth in § 598.105–64 (c) (2) for a license on a running royalty basis.]

ARTICLE 3. *Release of past infringement.*

[Use the clause set forth in § 598.105–64 (a) (4).]

ARTICLE 4. *Non-Estoppel.*

[Use the clause set forth in § 598.105–64 (a) (5).]

ARTICLE 5. *Payment.*

Contractor shall be paid the sum of ------ dollars ($----) in full compensation for the rights herein granted and agreed to be granted. [For a license on a running royalty basis, use the appropriate alternative clause set forth in § 598.105–64 (c) (3) and also the clause as specified in § 598.105–64 (a) (6) and § 598.105–64 (c) (4) and (5).]

[1] Delete if inapplicable.

[2] If only a release is procured, delete this article; if an assignment is procured, use clause set forth in § 598.105–64 (d).

ARTICLE 6. *Officials not to benefit.* [§ 7.103–19, 32 CFR]

ARTICLE 7. *Covenant against contingent fees.* [§ 7.103–20, 32 CFR]

ARTICLE 8. *Assignment of claim.* [§ 7.103–8, 32 CFR]

ARTICLE 9. *Gratuities.* [§ 7.104–16, 32 CFR]

ARTICLE 10. *Disputes.* [§ 7.103–12, 32 CFR]

ARTICLE 11. *Successors and assigns.*

This agreement shall be binding upon Contractor, its successors [3] and assigns, but nothing contained in this article shall authorize an assignment of any claim upon the Government otherwise then as permitted by law.

In witness whereof, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA,
By ----------
(Signature and title of designee)

By ----------
(Signature and title)
[CORPORATE SEAL]

Two witnesses:

(Address)

(Address)

The foregoing contract is hereby approved on behalf of the Secretary of the Army.

Chief, Purchases Branch, Office of the Deputy Chief of Staff for Logistics.

Dated:

(f) *Gratuitous grants.* For a suggested unilateral contract form for use where a patent owner voluntarily grants a royalty-free license, assignment or release to the Government, see § 598.-1509.

§ 598.106 *Classified contracts.* (a) Upon receipt from the Contractor of a patent application not yet filed which has been submitted by the Contractor in compliance with § 9.106 (a) of this title, the contracting officer shall immediately refer the application to the competent authority within his activity for assistance in determining, within the 30-day period referred to in § 9.106 (a) of this title, the proper security classification of the patent application. Upon such a determination, the contracting officer or his representative shall inform the contractor of any instructions deemed necessary or advisable relating to transmittal of the application to the United States Patent Office. In determining the necessity or advisability of such instructions, the contracting officer or his representative shall consider the following:

(1) If the patent application is classified Top Secret, the contractor shall be notified immediately, and advised that transmittal shall be handled in accordance with applicable procedures such as are set forth in Department of Defense Industrial Security Manual for Safeguarding Classified Security Information.

(2) If the patent application receives a classification lower than Top Secret or is determined to be unclassified, the contractor may be advised acordingly so as to facilitate transmittal of the application to the Patent Office in accordance with applicable procedures such as are set forth in the Department of Defense Industrial Security Manual for Safeguarding Classified Security Information.

(b) In the case of all applications filed under the provisions of §§ 9.106 and 9.106–1 of this title, the contracting officer or his representative has the further duty of securing the application serial number and filing date from the Contractor and submitting such information to a proper Department of the Army representative promptly after filing of the application in order that necessary steps may be taken to place the application under a Secrecy Order pursuant to 35 U. S. C. 181, if such action appears to be advisable.

§ 598.106–1 *Classified contracts to be performed outside the United States.* Delay in answering a request for the approval referred to in § 9.106–1 of this title may result in the loss of valuable patent rights of the contractor. Accordingly, such requests shall be considered and acted upon promptly.

§ 598.107 *Patent rights under contracts involving research and development.*

§ 598.107–1 *License rights*—(a) *Appropriate contracts.* The policy stated in § 9.107–1 (a) of this title shall apply to any Army contract or modification thereof having experimental, developmental or research work as one of its purposes, irrespective of the contract designation or the source of funds involved (§ 598.112).

(b) *Inventions first actually reduced to practice under contracts.* Whenever practical, the contracting officer should obtain the advice of cognizant Government patent counsel prior to excluding any inventions from license grant in accordance with § 9.107–1 (b) of this title. Any questions of interpretation of § 9.107–1 (b) of this title may be referred through channels to the Chief, Patents Division.

(c) *Foreign rights.* If the contractor does not exercise the option of applying for and maintaining a patent in a foreign country in the time and manner set forth in paragraph (e) of clause in § 9.107–1 (d) of this title, the contracting officer is not required to request conveyance of foreign rights as referred to in paragraphs (e) (ii) (C) and (D) of the clause contained in § 9.107–1 (d) of this title, unless the Government intends to apply for or maintain such patent.

§ 598.107–2 *Contracts relating to atomic energy.* (a) Requests for deviation from the provisions of § 9.107–2 of this title shall be forwarded to the Chief, Purchases Branch, for referral to the United States Atomic Energy Commission for determination as to whether the deviation may be granted.

(b) Disclosures of inventions relating to atomic energy furnished by any contractor shall be forwarded to the Chief, Patents Division, for referral to the United States Atomic Energy Commission.

§ 598.107–3 *Patent rights under contractor's product improvement programs.* Section 9.107–3 of this title shall have no applicability to Army procurement.

§ 598.109 *Followup of patent rights.* Each technical service shall establish a followup system as required by § 9.109 of this title. In this connection, see the withholding provisions set forth in paragraph (f) of clause in § 9.107–1 (d) of this title.

§ 598.110 *Reporting of royalties.* (a) Furnishing copy of reports: The contracting officer shall furnish through channels to the Chief, Patents Division, a copy of any royalty report received in accordance with § 9.110 or § 9.110–2 of this title which indicates that royalties in excess of $250 have been paid or are to be paid to any person or firm. In addition to this requirement, contracting officers in technical services not having patent counsel shall furnish through channels to the Chief, Patents Division, a copy of any negative royalty report received in accordance with § 9.110 or § 9.110–2 of this title.

(b) Incomplete reports: Where a contractor presents a royalty report which, upon its face, does not comply with the provisions of § 9.110 or § 9.110–2 of this title, the contracting officer shall secure from the contractor a conforming report prior to forwarding the report as provided in paragraph (a) of this section.

(c) Additional information to be furnished by contracting officer with copy or report: If a contractor reports that royalties in excess of $250 have been or are to be paid, the contracting officer shall furnish, together with the copy of the report forwarded in accordance with paragraph (a) of this section, the dollar amount of the contract and the date of the contract.

(d) The procedures set forth in paragraphs (a), (b) and (c) of this section shall also apply to royalty reports submitted in accordance with contract clauses prescribed by Chapter I of this title previous to April 4, 1955.

§ 598.111 *Adjustment of royalties*—(a) *Duties of the technical services.* Patent personnel representing the chiefs of the technical services shall report to the Chief, Patents Division, the final results of any actions taken in compliance with § 9.111 of this title, as well as any actions initiated by such personnel themselves.

(b) *Actions under sections 1 and 2, Royalty Adjustments Act.* Any questions relating to actions previously instituted under sections 1 and 2 of the Royalty Adjustment Act of 1942 (35 U. S. C. [1946 edition] 89, 90) should be referred to the Chief, Patents Division.

§ 598.112 *Technical data in research or development contracts.* Section 9.112 of this title shall be included in every contract containing the clause set forth in § 9.107–1 (d) of this title.

SUBPART B—COPYRIGHTS

§ 598.204 *Contracts for motion pictures.* (a) The contract clause set forth in § 9.204 of this title shall be used in all contracts for the production of motion pictures, and in all contracts for

[3] When contractor is an individual, change "successors" to "heirs"; If a partnership, modify appropriately.

the preparation (for use in connection with motion pictures) of scripts, translations, sound tracks, musical compositions, or any other copyrightable material.

(b) In all contracts for the procurement of existing motion pictures, the following instructions apply as to use of the contract clause set forth in § 9.204 of this title.

(1) Paragraph (*a*) may be modified or omitted by the procuring activity.

(2) Paragraph (*b*) may be modified by the technical service concerned only to the extent of limiting the scope of the license granted by this paragraph to that scope which is consistent with the purposes for which the motion picture covered by the contract is being procured. Examples of such restricted rights are:

(i) Limitation as to the type of audience.

(ii) Limitation as to the geographical location.

(iii) Limitation as to time.

(3) Paragraph (c) should be used in this type of contract. It may, however, be modified to the extent that the coverage of the indemnity is coextensive with the rights acquired under the modification permitted by the preceding subparagraph.

(c) In all contracts for the procurement of a motion picture which is a modification (through the addition of subject matter specified by the contract and not already in existence) of an existing motion picture, the instructions given in paragraph (b) (2) and (3) of this section apply. In this type of contract paragraph (*a*) of the contract clause set forth in § 9.204 of this title shall be used without modification, except that the word "copyrightable" may, at the discretion of the technical service, be inserted before the word "material" in the first line.

SUBPART O—PROCUREMENT OF INVENTION AND PATENT RIGHTS

§ 598.1501 *Scope of subpart.* This subpart sets forth the policy of the Department of the Army, and administrative requirements and procedures, pertaining to the procurement of invention and patent rights (except as an incident to the settlement of claims for which see § 598.105), whether proposed by patent owners or by the Department of the Army.

§ 598.1502 *General policy.* It is the policy of the Department of the Army to obtain necessary rights under patents and applications for patents which are pertinent to contemplated procurement activities, in cases where it is in the interest of the Government to do so and the desired rights can be obtained at not more than their fair value. In furtherance of this policy, statutory basis for which may be found in Title 31, U. S. Code, section 649b, each proposed license or assignment of rights under patents or application for patents shall be processed in accordance with the instructions set forth in this subpart.

§ 598.1503 *Action by representative.* Any actions required by this subpart to be performed by a designee may be performed by his authorized representative, except for the execution of contracts made in accordance herewith.

§ 598.1504 *Reporting of proposed licenses and assignments.* Any officer or employee of a technical service shall promptly submit to the chief legal of patent officer of his service any communications relating to proposed licenses or assignments. Any other person receiving such communications shall transmit them to the Chief, Patents Division, for proper action.

§ 598.1505 *Correspondence with invention owner or his representative.* Upon receipt of a communication from an invention owner or his representative proposing a license or an assignment, the designee promptly shall acknowledge receipt thereof. The following form letter is suggested for this purpose:

[Letterhead of designee]

(Date) ----------

JOHN DOE,
Title Guarantee Building,
Miami, Florida.

DEAR SIR:

Your letter to ----------, dated ----------, 19--, offering [to grant a nonexclusive license to (the Department of the Army) under] [1] [to assign to the Government the entire right, title, and interest in] [1] U. S. Letters Patent No. ----------, granted (date of patent), to (patentee's full name), of (city and state), for "(title of invention)", at suitable terms to be agreed upon, has been referred to this office for necessary action and direct reply.

Your offer will be carefully considered and you will be notified of the Department of the Army's conclusion in this connection upon completion of such consideration.

Sincerely yours,

(Signature of designee)

§ 598.1506 *Clearance to consider and procure licenses and assignments.* (a) Promptly after receipt of a communication proposing a license or an assignment (or a determination has been made to endeavor to obtain a license or assignment) the designee shall request in writing from the Chief, Patents Division, clearance to consider and procure the license or assignment on behalf of the Department.

(b) Each request for clearance shall be submitted in quadruplicate and shall include the following:

(1) The name and address of the invention owner.

(2) The number and date of each patent and the serial number and filing date of each patent application involved, and the inventor's name.

(3) A copy of the communication from the patent owner (or his representative) making the offer, if any.

(4) A description of the subject matter of the patent (or application) in sufficient detail to permit other procuring activities to determine whether they have an interest in the matter.

(5) A resumé of the nature and terms of the proposed license or assignment (including a copy of the instrument if available).

(6) The names of any other procuring activities of the Department which might have an interest, and a statement as to the probable interest of the Departments of Navy and Air Force.

(7) Any other pertinent information.

(c) The Chief, Patents Division, upon receipt of the request for clearance, shall determine, so far as his files and the Government Register of Patent Rights indicate, whether the Government has any license of other interest in any patent or patent application involved and shall then grant such clearance in writing as appears proper.

(d) Upon receipt of such clearance, the designee shall proceed to consider the proposed license or assignment on behalf of the Department and, if deemed advisable by him, following coordination with any other interested Department of Defense agencies, to procure the same in accordance with § 598.1508.

(e) The Chief, Patents Division, shall send copies of the request for clearance and of the clearance to the chief patent or legal officer of each technical service having a probable interest in the matter. Each such officer promptly shall inform the designee to whom clearance has been granted of the interest, if any, of his service in the matter and of any pertinent information available (negative reports should be made if applicable). The Chief, Patents Division, also shall request the Departments of Navy and Air Force promptly to notify the designee of the interest, if any, of such Departments in the matter. No proposed license or assignment shall be procured or final report rendered (pursuant to § 598.1507) until reports are received by the designee from each chief patent or legal officer notified of the clearance, unless adequate explanation is presented.

§ 598.1507 *Final report by designee where no license or assignment is procured.* A final report (in duplicate) of the results of the consideration on behalf of the Department, including a statement of conclusions and final action, shall be made by the designee to the Chief, Patents Division, with respect to each proposed license or assignment the procurement of which is believed to be inadvisable, or the designee has been unable to accomplish upon terms deemed reasonable by him. (A copy of the final report shall be forwarded by the designee to the chiefs of the interested technical services at this time.)

§ 598.1508 *Procedures applicable to procurement of invention and patent rights.* The requirements and procedures of § 598.105–58 of this part (available procedure for settlement of claims and procurement of invention and patent rights), § 598.105–60 (fiscal procedure), § 598.105–61 (approval of certain contracts), § 598.105–62 (contract distribution), and § 598.105–64 (contract clauses and forms), are applicable to the procurement of licenses and assignments in accordance with this part, with the following modifications:

(a) Items (1), (2), (3), and (4) of § 598.105–61 (b) are changed to read as follows:

a. Identification and brief description of the subject matter of the patent or patent application involved in the license or assignment.

b. Date of clearance required by § 598.1506.

c. A brief statement of the designee's conclusions regarding potential infringement of the patent by contemplated procurement and validity of the patent, and the reasons therefor.

d. A statement of the estimated extent of contemplated procurement, including the estimated money value of a potential claim for infringement of the patent based upon such procurement.

(b) Item (3) of § 598.105–62 (a) is changed to read "a statement that the instrument procured constitutes the license or assignment for which clearance was granted."

§ 598.1509 *Gratuitous grants.* Various patent owners, for the purpose of assisting national defense, have voluntarily granted royalty-free licenses, assignments, and releases, to the Government to practice the inventions covered by their patents and applications for patent. In order to provide a simple standardized form for such gratuitous grants, the unilateral contract form set forth below is approved for use. If the contract is to be executed by the Government, the appropriate mandatory articles (§ 598.105–64 (a)) must be included unless approval of the Chief, Purchases Branch, is obtained.

DEPARTMENT OF THE ARMY

PATENT LICENSE AND RELEASE CONTRACT

This contract, made this ---------- day of ----------, 195--, by ---------- (hereinafter called contractor), [a corporation organized and existing under the laws of ----------,] [1] [a partnership consisting of ----------,] [1] [an individual trading as ----------,] [1] of the City of ---------- in the State of ---------- in favor of the United States of America (hereinafter called the Government), as promissee, witnesseth that

Whereas, to aid the national defense and promote the common welfare various patent owners have granted and are continuing to grant royalty-free licenses and releases to the Government to practice the inventions secured by their patents and applications for patents,

Whereas, the Government has utilized many such inventions for the purposes aforesaid, and is desirous of obtaining further royalty-free licenses and releases including this license and release, and

Whereas, this contract is authorized by law,

Now, therefore, in consideration of the premises and of the grant by other patent owners of like licenses and releases to the Government, contractor has agreed as follows:

ARTICLE 1. [license] [assignment] [Use the clause set forth in § 598.105–64 (b) (1) for a license, or the clause set forth in § 598.105–64 (d) for an assignment.]

ARTICLE 2. *Term.* [Use the clause set forth in § 598.105–64 (b) (2) for a license; a separate "term" clause is not required if the "assignment" clause of § 598.105–64 (d) is used.]

ARTICLE 3. *Release of past infringement.* [Use the clause set forth in § 598.105–64 (a) (4).]

ARTICLE 4. *Non-estoppel.* [Use the clause set forth in § 598.105–64 (a) (5).]

Successors and assigns.[2] This contract shall be binding upon contractor, its successors and assigns.

In witness whereof, contractor has executed this contract as of the day and year first above written.

(Signature and title)

(Signature and address of two witnesses)

[1] The applicable bracketed part should be used.

[2] When contractor is an individual, change "successors" to "heir"; if a partnership, modify appropriately.

[Changes 12, APP., May 4, 1955] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–4582; Filed, June 8, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO–272]

MILK IN NORTH CENTRAL IOWA MARKETING AREA

NOTICE OF CHANGE IN THE PLACE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Notice is hereby given that the place of the hearing on a proposed marketing agreement and order to regulate the handling of milk in the North Central Iowa marketing area originally scheduled to begin at 10:00 a. m., c. s. t., April 25, 1955 (20 F. R. 2116), in the Federal Court Room, Post Office Building, Waterloo, Iowa, and subsequently postponed to June 20, 1955 (20 F. R. 2773), at the same time and place has been changed to the Court Room of the Black Hawk County Court House, Waterloo, Iowa, at 10:00 a. m., c. s. t., on June 20, 1955.

Done at Washington, D. C., this 6th day of June, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–4613; Filed, June 8, 1955; 8:52 a. m.]

No. 112——7

[7 CFR Part 927]

[Docket No. AO 71–A29]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

[1] Delete if inapplicable.

Preliminary statement. The hearing, on the record of which the findings and conclusions hereinafter set forth were formulated was conducted at Syracuse, New York, and at New York, New York, during the period February 21 through March 17, 1955, pursuant to notice thereof issued on February 14, 1955 and published in the FEDERAL REGISTER on February 17, 1955 (20 F. R. 1016).

The material issues of record are concerned with:

1. The pricing of Class I–A milk;
2. The pricing of Class III milk;
3. The need for prompt action necessitating omission of a recommended decision and opportunity for exceptions with respect to issues 1 and 2; and
4. The classification of milk used in the manufacture of Italian soft cheeses at plants in the marketing area.

Findings and conclusions. The findings and conclusions hereinafter set forth are based upon the evidence in the record of the hearing and relate only to the above listed issue No. 4. Findings and conclusions on issues 1, 2 and 3 are contained in a separate decision issued on April 19, 1955, and published in the FEDERAL REGISTER on April 22, 1955 (20 F. R. 2688).

Issue No. 4. The issue to be decided is whether or not the order should be amended to provide for classification in Class III of milk which is shipped to a

plant in the marketing area from another plant and is manufactured at the plant where first received in the marketing area into Italian soft cheeses known as ricotta and mozzarella.

Under existing provisions of the order the classification of milk shipped in the form of milk to a plant in the marketing area is determined at the plant from which the milk is shipped to the plant in the marketing area and is classified in Class I–A. At no time since the order has been in effect has there been provision for classifying such milk in other than Class I–A (or an otherwise designated highest priced class). Under the proposal presented at this hearing, the classification in Class III of milk shipped as fluid milk from another plant to a plant in the marketing area would be permitted for the first time under the order, and would be accomplished by providing that classification would be determined at the plant in the marketing area if the milk is used at the plant where first received in the marketing area in the manufacture of ricotta and mozzarella cheeses.

The specific proposal on which the hearing was called was to amend § 927.33 of the order by adding a new paragraph "(f)" providing that "the classification of milk shipped in the form of milk to a plant in the marketing area shall be determined at the first plant in the marketing area at which such milk is received, if moved from such plant in the form of cheeses other than those cheeses mentioned in § 927.43." At the hearing, however, the proponent, a manufacturer of ricotta and mozzarella cheeses, proposed that the amendment be limited to milk utilized in making these two varieties of cheese and to plants in the marketing area from which no milk is disposed of in fluid form.

Proponent contends that the proposed amendment is needed to enable him to utilize Class III milk in the manufacture of ricotta and mozzarella cheeses at a plant in the marketing area. Proponent now operates, and for several years has operated, a plant located at Heuvelton in St. Lawrence County, New York, at which fluid milk received from pool plants operated by other handlers is manufactured into ricotta cheese and mozzarella curd. These products are then shipped by truck to his plant in the marketing area at which the manufacture of mozzarella cheese is completed and from which both products are distributed to various consumer outlets both within and outside the marketing area. Such cheeses are also distributed in the marketing area from plants operated by other concerns. Some such plants are located a considerable distance from the marketing area and others just outside the marketing area. Some of such cheese is manufactured from pool milk and some from nonpool milk, and both from milk which is approved by marketing area health authorities for sale as fluid milk in the marketing area and from milk which is not so approved.

The primary reasons advanced by proponent in support of the proposed amendment are that it would enable him to (1) supply consumers with a higher quality product, and (2) effect economies in his operation. The products which he manufactures, particularly ricotta, were represented as being highly perishable and for which the demand is fluctuating and unpredictable. These characteristics, it was claimed, make it desirable for the product to be manufactured near the point of consumption, thus permitting delivery to consumers more promptly after manufacture and the more effective servicing of customers.

Proponent contends that a consolidated manufacturing and distribution operation at the same point in the city would be more economical, and that this factor coupled with improved quality of product would enable him to expand his sales of the product and to compete more effectively with other concerns engaged in the same business including those with distribution directly from manufacturing plants located just outside the marketing area. It was predicted by proponent that the proposed amendment, if adopted, would improve returns to producers because he would use more pool milk at the full Class III price which otherwise would be used for butter and cheese, and because no substantial volume of Class I–A milk is now used to make ricotta and mozzarella for which Class III milk could be substituted if the amendment were adopted. Proponent also asserted that the proposed amendment would create no new administrative problems associated with verification of utilization, and no new opportunity for evasion through the substitution of Class III milk in higher priced uses.

A number of proponent's contentions and assertions were disputed by opposition witnesses. It was pointed out that transportation costs on fluid milk moved to the marketing area for manufacturing would be higher than for transporting the products and that for this and other reasons the claimed economies are not realistic. The importance of manufacture near the point of consumption from the standpoint of quality was discounted by evidence that ricotta must in any event be held for a period of time after manufacture before delivery to consumer outlets and by evidence that proponent himself now distributes his product in areas as far distant as Florida. Another manufacturer testified that manufacturing at plants considerable distance from the marketing area had not prevented him from adequately supplying his customers. Conflicting testimony also was presented relative to the number of establishments in the marketing area which would take advantage of the opportunity to obtain Class III milk for the manufacture of ricotta and mozzarella including numerous establishments now using Class I–A milk. The prospect that the proposed amendment inevitably would lead to equally valid claims for the same treatment for other manufactured products was presented. Contrary to the assertions of proponent, others expressed considerable apprehension over the extent to which the proposed amendment would create opportunities for evasion and the substitution of Class III milk in higher priced uses. It appears by no means certain that the proposed amendment would not adversely affect returns to producers. The evidence presented provides no basis for concluding that the proposed amendment is needed from the standpoint of orderly marketing of milk in the market.

Departure from the long established principle relating to the classification of milk shipped in the form of milk from other plants to plants in the marketing area is not justified without a better basis for distinguishing between the products manufactured by the proponent at this hearing and other products manufactured from fluid milk, or without a more comprehensive analysis and consideration of the problems associated with the departure from such a long established principle.

Accordingly, it is concluded that the proposed amendment should not be adopted.

Rulings. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Filed at Washington, D. C., this 6th day of June 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-4612; Filed, June 8, 1955; 8:52 a. m.]

[7 CFR Part 959]

[AO-158 A-2]

HANDLING OF IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT NO. 114 AND ORDER NO. 59

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to Marketing Agreement No. 114 and Order No. 59, as amended, regulating the handling of potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon and Modoc and Siskiyou in the State of California, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed amendments to the marketing agreement and marketing order were formulated was held at Portland, Oregon, on January 31–February 1, 1955, pursuant to notice thereof which was published January 8, 1955, in the FEDERAL REGISTER (20 F. R. 209). Such notice set forth the proposed amendments.

To facilitate reference to the specific documents mentioned in this proceeding, Marketing Agreement No. 114 and Order No. 59, as amended, are hereinafter referred to as the "order". The proposed amendments to Marketing Agreement No. 114 and Order No. 59, as amended, are hereinafter referred to as the "proposed order". The Agricultural Marketing Agreement Act of 1937, as amended, is hereinafter referred to as the "act".

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The right to exercise Federal jurisdiction.

(2) The amendment of § 959.1 to redefine "Secretary" to include employees of the United States Department of Agriculture among the persons to whom authority may be or has been delegated to act in the stead of the Secretary.

(3) The amendment of § 959.4 *Production area* so as to extend it to include all counties except Malheur, in the State of Oregon, within the definition of "Production area."

(4) The amendment of § 959.7 *Ship or handle* so as to cover all sales and the transportation of potatoes within the production area or between the production area and any point outside thereof.

(5) The amendment of § 959.9 *Fiscal year* so as to change the fiscal year from the period from July 1 of each year to June 30 of the following year, to a period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

(6) The deletion of § 959.14 *Wholesale pack* and § 959.15 *Consumer pack* and substituting new § 959.14 *Pack* so as to include any unit of potatoes in any type of container which falls within specific weight limits, or within specific grade limits recommended by the committee and approved by the Secretary.

(7) The addition of a new § 959.15 to define "Container."

(8) The addition of a new § 959.17 to define "Grading."

(9) The amendment of § 959.25 (a) to provide for the addition of two members to the Oregon-California Potato Committee.

(10) The amendment of § 959.26 (a) so as to increase the number of members of the committee necessary to constitute a quorum and to increase the number of concurring votes required to pass any motion or approve any committee action.

(11) The amendment of § 959.27 (b) so as to provide methods of selecting the committee from the enlarged production area.

(12) The amendment of § 959.28 (a) so as to specify the terms of office of the members of the present committee and the members from the new district.

(13) The addition of two new paragraphs (k) and (l) to § 959.30 for the purpose of providing for (a) the establishment of marketing research and development projects and of subcommittees whose duties would be to consult with the appropriate agencies in the carrying out of such projects and (b) the establishment of subcommittees for the purpose of consulting and cooperating with the appropriate agencies and recommending regulations relative to containers.

(14) The amendment of § 959.32 (a) to establish a new district which would contain the new area added to the production area and to provide a basis for selecting committee members to represent the new district.

(15) The amendment of § 959.33 (a) so as to provide a method for the nomination of members of the committee to represent the new district.

(16) The amendment of § 959.40 to § 959.44 inclusive, so as to authorize (a) incurring of necessary expenses by the committee, (b) preparation of an estimated budget of income and expenditures likely to be incurred by the committee, (c) the levying of assessments to cover such expenses, and (d) the accounting and refunding of any excess funds collected.

(17) The amendment of § 959.50 to § 959.53 inclusive so as to delete the present provisions contained in these sections and to substitute new sections which require the submission of a marketing policy, authorize recommendation and regulations by the committee, and provide for the issuance of grade, size, and quality regulations by the Secretary.

(18) The amendment of § 959.54 (a) (1) so as to limit to the production area or any portion thereof, the shipment of potatoes exempted from grade, size, or quality regulations for grading or storing.

(19) The amendment of § 959.60 so as to (a) authorize the inspection of all shipments during any period in which regulations are in effect; (b) require reinspection of regraded, resorted, or repacked lots which have had prior inspection; (c) authorize the committee to establish, with the approval of the Secretary, a length of time for which an inspection certificate may be valid; and (d) require that a copy of each inspection certificate be made available to the committee by the inspection service.

(20) The amendment of § 959.70 by inserting "(a)" after the title *Effective time*, and by adding a new paragraph (b) so as to specify that the present rules and regulations issued under Order No. 59, which are in force on the effective date of this amendment, shall continue in force until subsequent modification or termination.

(21) The making of such other changes in the order as may be necessary because of the proposed expansion of the production area and to make the order conform with the amendments which are herein proposed.

(22) The amendment of § 959.2 *Act* so as to add the citation in the statute pertaining to the amendments to the act passed by the 83d Congress.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) (a) The right to exercise Federal jurisdiction under the act and under the proposed order is established by the fact that all sales and transportation of potatoes grown in the proposed production area are in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce.

The record of hearing establishes that Oregon potatoes are transported to and unloaded in most of the markets in which the U. S. Department of Agriculture publishes carlot unloads of potatoes. In addition, potatoes produced in the present production area and in the production district to be added under the proposed order are sold or offered for sale in competition with each other in nearby markets, principal of which is at Portland, Oregon. Moreover, some potatoes sold in the Portland market, whether they are from the present or the proposed production area may be and often are transported directly to Vancouver, Washington and other out-of-state markets, often displacing potatoes shipped from any part of the present or the proposed production area.

Potatoes enter nearby trade channels not only in Portland, Oregon, but also in Salem, Eugene, Astoria, and many other towns in Oregon and in Northern California. Potatoes from the new district to be added under the proposed order are sold in Salem, Eugene, Astoria, and other towns in Oregon. So are potatoes produced in the present production area. The sale in any of these or in any other town of potatoes which are grown in the new district of the production area displaces potatoes from the present production area. Also, such sales have a direct effect upon prices of potatoes both in the present production area as well as in the proposed production area.

Sale and transportation of potatoes produced in any and all parts of the proposed production area are similar throughout the entire area, as well as being similar to and indistinguishable from sale and transportation of potatoes from other producing areas. Such sales and transportation of potatoes grown in the proposed production area are inextricably intermingled with potatoes grown in the present production area, and such sales and transportation directly burden, obstruct and affect interstate commerce in such potatoes.

(b) The objectives of the act will be accomplished by exercising the authority for regulating the handling of potatoes as set forth in the terms and conditions of the proposed order. The 1953 season farm price per bushel for potatoes produced in the proposed pro-

duction area was $0.79 or 48 percent of parity. The preliminary figure shown in the record for the 1954 comparable season farm price per bushel for potatoes grown in the proposed production area was $1.20 per bushel. These prices may be compared with $1.87 for the 1952 season, $2.03 for the 1951 season, $0.90 for the 1950 season, and $1.43 for the 1949 season. The season average price for the 1954–55 season was estimated as of mid-December 1954 as $1.15 per bushel or 75 percent of parity, with approximately 50 percent of the crop shipped.

During the 1953–54 season, prices of U. S. No. 1 Oregon Russet potatoes on the Portland, Oregon, market ranged from $2.75 per hundredweight in October to $2.10 per hundredweight in January 1954 and down to $1.60 per hundredweight for the week ending March 20, 1954. These prices, after deducting cost of grading, sacking, etc., return less than parity to growers.

The U. S. average price received by farmers for potatoes as of December 15, 1954, was $1.05 per bushel. This was 70 percent of parity. With demand relatively inelastic, the farm price of potatoes fluctuates in response to changes in supply and generally intangible market factors. Potato prices as of mid-December 1954 will probably induce planting of the 1955 crop in the proposed production area at a level which, under normal conditions, will result in a supply that likely will return a price less than parity for the ensuing season to potato producers in such production area.

(2) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with responsibilities for programs of this nature, but also any other officer or employee of the United States Department of Agriculture who is or hereafter may be authorized to act in his stead. It is physically impossible for the Secretary in person to perform all functions and duties imposed upon him by law. The Secretary is empowered to delegate certain responsibilities and authority. The delegation of authority in the proposed definition of Secretary is provided by law and should be included in the definition as an appropriate means of promoting proper administration of the proposed order.

The production area in the proposed order should be extended to include all counties in the State of Oregon except Malheur County. Malheur County is located in Eastern Oregon and is included in Marketing Order No. 57, as amended (7 CFR Part 957) which regulates the handling of Irish potatoes grown in said county and in certain designated counties in Idaho.

Potato production in Oregon, other than Malheur County, is centered in certain areas scattered throughout the State. Two major producing areas are included in the present production area, one centered around Klamath Falls, Oregon, anad the other the Redmond-Bend area. Other producing areas of importance are in Baker County, the Boardman area, and the Willamette River Valley. The Willamette Valley includes the area surrounding Portland.

As has been found, potatoes grown in the present production area and those grown in the district to be added under the proposed order become inextricably intermingled with each other in entering trade channels at any point. This intermingling extends also to interstate traffic in potatoes, mixing and competing not only with out-of-state potatoes shipped into Oregon, but also with handling of Oregon potatoes in markets within the state and in out-of-state markets. During 1953, for example, potatoes were unloaded at Portland which were produced in Maine, the mid-west and Florida, as well as potatoes from the Western States of Oregon, California, Washington, Idaho, Montana, Utah, Colorado, and Arizona. Potatoes produced in Oregon were in turn sold in interstate commerce throughout the western, mid-western, southwestern, and eastern markets. The handling, therefore, of potatoes grown in the proposed production area, regardless of the section where grown, is in interstate commerce or directly burdens, obstructs, or affects such commerce.

The movement of potatoes grown in the section of Oregon to be added to the production area by the proposed order has had a serious effect upon the movement of and prices for potatoes grown in the present regulated production area. Many of these nonregulated Oregon potatoes are poorly graded and have an undue effect in reducing returns for all Oregon potatoes. Such nonregulated potatoes are offered for sale both within and outside the State in stores also offering regulated Oregon potatoes. Because the same varieties are grown throughout Oregon, it is practically impossible to identify potatoes as being from a certain producing area in Oregon. Since all potatoes grown in Oregon are commonly accepted as Oregon potatoes without distinction being made as to whether they are grown in a nonregulated area or in the present production area, sale of the lower grade, poor quality, nonregulated Oregon potatoes has a depressing effect on the prices received for all Oregon potatoes regardless of the particular area in Oregon where produced.

The initial quality of potatoes produced in the nonregulated area in Oregon is very similar to the initial quality of potatoes grown in the regulated areas. Marketing practices differ, however, in that some handlers in the nonregulated area pack lower grades and use second-hand sacks. Testimony shows that some potatoes grown in the nonregulated area are marketed as two grades, a U. S. No. 1, 2-inch minimum pack, and a U. S. No. 2, 1½-inch minimum pack. Since inspection is obtained on only about 10 percent of the total shipments of such potatoes, certification is lacking as to the actual grades of such shipments. Testimony shows, however, that experts consider the quality to be low. Also, the record shows that culls grown in the nonregulated area were sold in the Portland market, thereby displacing potatoes of good grade from the present production area as well as potatoes from other producing areas.

These Oregon potatoes of questionable quality, being influenced by the same demand and supply factors affecting regulated Oregon potatoes, and being presently sold without complying with the prescribed grade and size regulation, should be subject to the same regulations and restrictions as regulated Oregon potatoes and thus promote the orderly marketing of all such potatoes and improve returns to producers. If these counties which are not included within the production area of either the present order or Order No. 57, as amended, become part of the production area under the proposed order, the benefits derivable under the program will accrue to the producers in such counties on the same basis and in the same manner as to producers in the present production area. The production of and marketing channels for potatoes grown throughout the proposed production area are similar; they are being sold in the same markets, and any unit sale of such potatoes affects the prices returned for all such potatoes. Exclusion of any portion of the counties of Modoc and Siskiyou, in the State of California, or of any portion of Oregon (other than Malheur County) from the proposed production area would make the administration of the proposed order unreasonably difficult and impractical and would tend to prevent effectuating the declared policy of the act. Therefore, the definition of production area hereafter set forth constitutes the smallest practicable regional production area under the terms and provisions of the proposed order.

The movement of potatoes grown in the Oregon portion of the proposed production area to markets within the State of Oregon, and the movement of potatoes grown in the California portion of the proposed production area to markets within the State of California, respectively, directly burdens, obstructs, or affects interstate or foreign commerce in such potatoes. There is an interstate or foreign market for potatoes grown in the proposed production area, and prices at markets, both within and outside the States of Oregon and California, are closely related to each other and to shipping point prices in the proposed production area. Every movement of such potatoes, whether to a market within or outside of the States of Oregon and California, affects the price structure for potatoes grown in the proposed production area and for potatoes grown in competing states.

(4) The definition of handle should be amended to include all selling and transporting of potatoes within the proposed production area and between the production area and any point outside thereof. This definition includes the activities of persons engaged in handling potatoes which are to be subject to regulations under the proposed order.

The handling of such potatoes begins with the movement from or the grading of such potatoes in the field where grown. Such handling ordinarily results in moving potatoes from the field where grown to a packing shed for grading, sorting, and packing, or to storage. In some instances, however, potatoes are transported directly from the field where

grown (with or without usual grading, sorting, and packing) to wholesale establishments for resale to retailers or to retail stores for resale to consumers. The operations of grading, sorting, and packing, or storing potatoes are but intermediate steps in the marketing of such potatoes. These operations in some instances are performed on the farm where the potatoes are grown. The act of moving potatoes from the field where grown, and all subsequent operations and transactions performed with respect to such potatoes are included within the definition of handle. Such subsequent operations and transactions include, but are not limited to, the washing, grading, and sizing of potatoes, the packing of potatoes in bags or other containers, the movement of potatoes from the end of a grader to a car or truck for loading, the transportation of such potatoes to market, and the sale or sales of such potatoes made at the time of movement from the field or subsequent thereto. Handling includes grading which in turn includes any and all regrading, resorting, or repacking operations which may be performed with respect to such potatoes. Inclusion of the foregoing operations and transactions within the definition of handle is necessary for effective administration of the proposed order and for effectuating the declared policy of the act.

This definition covers substantially the same activities as are included in the present definition of the term in the current order and is made applicable to the production area defined in the proposed order.

(5) A fiscal period should be substituted for the presently defined fiscal year. Fiscal year is presently defined to include the period from July 1 of each year to June 30 of the following year. Under the definition of fiscal period, as hereinafter set forth, the fiscal period covers a period beginning and ending on dates recommended by the committee and approved by the Secretary. The committee should have this authority so as to recommend the period that is most practicable and workable. This permits the adjustment of the beginning and ending dates of the fiscal period to correspond to the actual shipping season.

(6) Pack is defined in the proposed order as a means for establishing a method of regulation. Pack relates to the grade and size of potatoes that may be placed in a given shipping unit. The common or usual packs in the potato industry under the proposed order are U. S. No. 1, Size A, 100-pound unit; or U. S. No. 1, 2" minimum, 100-pound unit; or U. S. No. 2, 8 ounces minimum or 10 ounces minimum, 50-pound unit. Weight variations commonly apply to units of 100 pounds, 50 pounds, 25 pounds, 10 pounds, and 5 pounds. U. S. No. 1 or No. 2 grade may be tied in with any weight unit, and, in turn, minimum or maximum size may be tied in with any grade and any weight unit. The particular packs which may be used shall be specified by recommendation of the committee and approval of the Secretary. The definition of pack set forth in the proposed order will help to promote more orderly marketing of potatoes and thereby will tend to effectuate the purposes of the act.

(7) Testimony in the record does not provide sufficient substantial evidence as a basis for the proposed definition of container. Hence, the definition is not included in the proposed order.

(8) It is necessary to define "grading" to determine what constitutes grading of potatoes or preparation for market. Authority is included in the proposed order to facilitate shipments of potatoes for the purpose of having them graded or stored within the production area generally or within any portion thereof. Also, the regrading, resorting, or repacking, or any other further preparation of potatoes for market would invalidate any prior inspection certificate covering the potatoes. The processes which constitute grading or preparation for market should be as defined in the proposed order.

(9) The inclusion of the new district within the proposed production area necessitates certain changes in the sections relating to the administrative agency, the Oregon-California Potato Committee, established under the order. The increase in the size of the production area, the increase in production, and the increase in the number of growers and handlers covered by the proposed order necessitate and justify an increase in committee membership. The addition of one grower and one handler to the committee membership, which would bring total members to twelve, would establish a committee large enough to give adequate representation to growers and handlers throughout the production area under the proposed order. The committee membership should be so enlarged by one grower member and one handler member, in order to provide adequate and equitable representation on the committee for the new district brought under the proposed order. The new district comprises approximately 14 percent of the potato acreage in the proposed production area and it will have one-sixth of the committee membership. An alternate with like qualifications should be selected for each member to provide continuity of committee operation in the event of a member's absence.

(10) The number of members to constitute a quorum and likewise the number of concurring votes required to pass any committee action also should be increased because of the enlarged membership of the committee. Under the present order seven of the committee's ten members are necessary for a quorum and seven concurring votes are necessary to pass any committee action. With committee membership enlarged to twelve, eight members should be required for a quorum to pass any action, thus requiring more deliberation on any consideration of any question. Furthermore, this eight vote requirement assures that any recommended regulation will have wider support than would be the case if a smaller number is required.

(11) Committee members should be selected on the basis of districts which are established in the proposed order. The present production area is divided into three districts. Under the amendments all of the remaining counties in Oregon except Malheur comprise the new district No. 3 because it is an appropriate and proper geographical entity for purposes of representation on the committee, and because the grower and handler representation on the committee is fair and equitable considering acreage and production in the new district. The grower and handler representation on the committee for the other districts under the proposed order is the same as under the present order. Grower and handler representation on the committee under the order has been satisfactory, fair and equitable. The addition of one grower member and one handler member from the new district No. 3 under the proposed order establishes for each district a fair and equitable representation on the committee based on a comparison of the acreage, production, and number of growers and handlers involved in the several districts.

(12) The term of office of committee members and alternates under the proposed order should be for two years beginning on July 1 and ending June 30, the same as under the order. This provides adequate opportunity for change in committee membership, if growers or handlers desire, and, at the same time the two year term promotes stability of operations from year to year. The extension of the two year terms to the new members from district No. 3 is appropriate because they will thereby be on the same basis of tenure as the members from the districts under the present order. Provision that one-half of the terms of office shall expire each year provides ample opportunity for growers and handlers to change composition on the committee if they so desire.

(13) The establishment or providing for the establishment of marketing research and development projects was authorized by amendments to the act in Public Law 690 enacted by the 83rd Congress. Such authorization should be included in the proposed order.

By means of marketing research and development projects, the committee could determine the volume of potatoes falling into each grade and size composition of each grade. With such information the Secretary and the committee would know what volume would be taken off the market by specific grade and size restrictions. By such projects the industry could undertake to determine the practicability of distributing educational literature describing the nutritional value of potatoes as an effort to counteract the declining per capita consumption of potatoes.

Information relative to the marketing of potatoes is needed to improve consumer acceptance. The committee could study consumer preferences for certain varieties, types, sizes and packs of potatoes to determine more nearly what potatoes and packs the consumer desires. Potatoes packed to high standards in the shipping area are often damaged enroute to the market. Potato quality almost always declines in storage. Studies which could discover improved methods of transporting and sorting potatoes would permit improvement of potato quality and would enable the industry to market a better product.

As the industry becomes more experienced in market research and development, new studies will undoubtedly become apparent which will be of value but which are not apparent at this time. Therefore, the committee should have the authority to recommend the establishment of such projects which may not have been specifically mentioned at the hearing. The committee should be empowered to engage in such projects, to spend funds for them, and to consult and cooperate with other agencies with regard to their establishment. All such projects must be approved by the Secretary. Evidence did not support the inclusion of subcommittees for recommending size, capacity, or weight of containers.

(14) The inclusion of the additional producing section of Oregon within the production area of the proposed order necessitates the establishment of a new district to provide a basis for committee representation from such new section. District No. 3 which under the present order includes the counties of Modoc and Siskiyou, California, is changed under the proposed order to District No. 4. District No. 3 under the proposed order is established so that it includes all counties in Oregon, except Malheur, which are not contained in Districts No. 1 and No. 2. The record shows that this provides a satisfactory, fair, and equitable geographical basis for establishing committee representation.

(15) The nomination of committee members from the new district should be submitted by producers and handlers in such district on an elective basis. Names of nominees may be submitted to the Secretary by county agents, industry organizations, or other appropriate agencies and then sent to growers and handlers in the form of a ballot so such growers and handlers can indicate their choices for nominees. Any other method of securing nominations in each district, however, may be employed which is fair and equitable to the expression of choice by growers and handlers for their representation on the committee.

(16) The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the proposed order. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee.

The funds to cover the expenses of the comittee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of reasonable expenses by administrative agencies, such as the committee, and the statute also requires that each order issued pursuant to the act shall contain provisions requiring handlers to pay their pro rata share of the necessary expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers may be required irrespective of whether particular provisions of an order are suspended or become inoperative.

Each handler should pay the committee upon demand his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a specified fiscal period and the total quantity of potatoes so handled by all handlers during the same fiscal period. For assessment purposes, the first handler should be deemed to be the person who first applies for inspection since such person generally is the first handler. For potatoes which are not so inspected, the handler responsible for the assessment should be the handler so designated by the committee and should be the handler who first handles such potatoes.

At any time during or subsequent to a given fiscal period the committee should be authorized to recommend the approval of an amended budget and to recommend the fixing of an increased rate of assessment to balance necessary committee expenses and revenues for such period. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets, and, if he finds that the then current rate of assessment is insufficient to cover committee expenses and permit proper administration of the proposed order, he should be authorized to increase the rate of assessment. The proposed order should provide that such increased rate of assessment shall be applied retroactively to all potatoes previously handled by first handlers during the specified fiscal period so as to avoid inequities.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administering the provisions of the proposed order. The committee should be required to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration may be subject to inspection at any time by appropriate parties. Each member and each alternate, as well as employees, agencies, or other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible, and the Secretary may at any time ask for such an accounting. Whenever any person ceases to be a member or alternate of the committee, he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible and to deliver such funds, property, and other assets as directed by the Secretary. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in his successor, or agency, or person designated by the Secretary, the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

If the committee should recommend that the operation of the proposed order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend as a practical measure that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This provides a practical measure whereby the committee's business affairs may be taken care of during periods of relative inactivity with a minimum of difficulty and expense to the industry and to the Secretary.

The committee should provide periodic reports on its fiscal operations. Audit reports may be requested by the Secretary at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to maintain appropriate supervision and control of the committee's affairs. Handlers should be entitled to a proportionate refund of the excess assessments which remain at the end of a fiscal period, or at the end of such other period as may be deemed appropriate for seasonal accounting. Such refund should be credited to each such handler against the operations of the following fiscal period, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

When the committee is required to wind up its affairs upon termination of the proposed order, considerable expense may be involved in the liquidation process. It is appropriate, therefore, in order to meet the expenses of such liquidation that some of the funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of final liquidation of the committee in the event that the proposed order is terminated and would to the extent practical spread the cost of liquidation on an equitable basis among handlers during the entire period the program was in effect.

(17) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices for such potatoes, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will effectuate such orderly marketing of potatoes as will be in the public interest. The regulation of shipments of potatoes by grade, size, quality, or maturity as authorized in the proposed order provides a means of carrying out such policy.

The present provisions of the order relative to marketing policy, recommendations of regulations, and the issuance of regulations should be deleted and new provisions substituted in their place so as to clarify such provisions in the proposed order.

The procedures and methods which are outlined in the proposed order for the development and institution of marketing policies relating to grade, size, quality, or maturity regulation provide a practical basis for the committee to obtain appropriate and adequate information relating to potato marketing problems. Also, other members of the industry, including both growers and handlers, should be provided with the information regarding the policies and regulations recommended by the committee to enable them to plan their operations accordingly. The factors set forth in the proposed order which the committee should take into consideration in developing its marketing policies are the factors commonly and usually taken into account by growers and handlers in their day-to-day evaluation of the market outlook with respect to potatoes.

In order that the Secretary may effectively carry out his responsibilities in connection with the proposed order, the committee should prepare and submit to the Secretary a report on its proposed marketing policy and amendments thereto, relating to the marketing of potatoes during each season. The initial marketing policy offered each season by the committee should be prepared and submitted to the Secretary prior to or simultaneous with recommendations for regulations. This should give all interested parties the maximum notice of probable regulations. Reports on marketing policy and regulations recommended by the committee should be submitted to the Secretary and presented to the industry as a means of keeping both informed.

The committee should be empowered to consider and recommend any or all authorized methods of regulation for issuance by the Secretary. Evidence shows that authority should be established in the proposed order to issue regulations with respect to grade, size, quality, or maturity in any or all portions of the production area during any period. Such grade, size, quality, or maturity regulations should be applicable to table stock potatoes or to seed potatoes or both. The limitation of shipments of poorer grades, off qualities, badly skinned, and less desirable sizes of potatoes grown in the production area will tend to increase prices of more desirable grades, qualities and sizes and to promote more orderly marketing and increase the returns to producers of such potatoes.

The standards for potatoes as issued by the U. S. Department of Agriculture, or by the State of Oregon or by the State of California, provide a common and acceptable means of determining grade, size, quality, or maturity of potatoes grown in the production area defined in the proposed order. Such standards are widely used throughout the production area and both producers and shipping point handlers, as well as buyers, are acquainted with such standards and commonly use them in their market transactions. The less desirable sizes of potatoes which may be considered for limitation under the authority of the proposed order may include not only small potatoes but also excessively large potatoes. Size limitations should also be authorized for limiting the sizes of potatoes which may be placed in seed stock or in table stock, as well as in any given pack of either as a means of promoting more orderly marketing. The poorer grades and off qualities could include not only the unclassified potatoes as set forth in the Federal and in the State standards for potatoes, which are commonly referred to as culls, but also other potatoes which show defects as set forth and described in such standards and in any modifications or amendments thereto which may be considered desirable by the Secretary or by appropriate State authorities. The limitation of shipments by prohibiting movement of poorer grades, off qualities, badly skinned, and less desirable sizes of potatoes will help to improve orderly marketing conditions for potatoes by enhancing the demand for and competitive position of potatoes grown in the production area defined in the proposed order.

The orderly marketing of potatoes grown in such production area, with the objective of increasing returns to producers of such potatoes, will be promoted by authorizing the regulation of shipments of particular grades, sizes, qualities, or maturity of potatoes differently for different varieties, differently for table stock or seed, differently for different portions of the production area, differently for different packs, or differently for any combination of these groups, during any period.

Demand for different varieties of potatoes establishes price preferences for different grades or sizes, or both, of such varieties. Testimony shows for example that usually there is greater acceptance and demand for U. S. No. 2 long variety potatoes than there is for U. S. No. 2 round white or red skin varieties. In addition, prices for minimum sizes of long varieties may well be different, and usually are different, from those for the minimum sizes of round varieties. Also, grade and size limitations for red varieties could receive different consideration than for either the round white varieties or the long varieties. It is possible that some varieties, such as promising new varieties for seed, should not be regulated at all.

Small size potatoes usually return a premium in the seed market but they are discounted in the table stock market. Therefore, different regulations should be authorized for table stock and seed. It is possible that weather conditions may vary from one portion of the production area to another, or hail storms and other weather damage may affect a certain portion of the production area more than others. Authority should be established in the proposed order for the committee to consider such differences and to recommend the issuance by the Secretary of different regulations to accommodate such differences in the crop arising out of acts beyond human control.

The proposed order should authorize different regulations for different packs so that this part of the marketing program may help to assist the industry in furthering merchandising approaches if they are found to be sound, and so that the committee and the Secretary may take account of different supply and demand conditions as they may arise and become apparent.

Due to lack of substantial evidence to support regulation of the size, weight, or capacity of containers, no authority for so doing is included in the proposed order.

The committee should be authorized to recommend, and the Secretary to establish as permitted by the act, such minimum standards of quality and maturity, and such grading and inspection requirements, during any and all periods when the seasonal average price for potatoes is above parity as will be in the public interest. Some potatoes are of such low quality that they do not give consumer satisfaction at any time because of the large amount of waste and the time consumed in preparing them. It was testified that consumers do not receive proper value for their expenditures for such low quality potatoes as culls, and when prices are above parity it is not in the public interest either of the producers or of consumers to permit shipments of such poor quality. The sale also of immature potatoes tends to disturb market conditions for the commodity, and the discounted prices received for such immature potatoes adversely affects growers' returns.

(18) The handling of ungraded potatoes for grading or storing in the proposed production area should be limited to such area generally or to specific portions thereof. Although some potatoes move directly from the field to the grader for preparation for market, most potatoes grown in the proposed production area are stored, being moved from the field to storage in field run condition. Usually this grading or storage is done close to farms where such potatoes are grown and it is not the usual practice to haul ungraded potatoes for any great distance for these purposes. In some instances, however, potatoes move from storage in field run condition to graders at more distant points for preparation for market. It is impractical, as a matter of every day business operation, to require such potatoes which later are to be graded or prepared for market, to meet grade and size regulations applicable to table stock or other shipments. To require such movement of potatoes to be in compliance with grade and size regulations on table stock potatoes would impose an unreasonable hardship on producers in the proposed production area and would disrupt normal harvesting and marketing procedures. Such movement for grading or storage within the production area should be allowed upon the discretion of the committee under rules and regulations to be established by the Secretary. The committee and the Secretary should have authority, however, to determine that movement of potatoes for the purpose of grading or storage should be limited, if necessary, to certain portions of the production area. It does not appear reasonable that a handler should move potatoes

from the Klamath Falls section of the production area to Portland for the purpose of grading or storage. However, it should be reasonable in many instances for a handler to move potatoes within a county, or within a usual growing section, such as the Williamette Valley, for grading or storage and authorization for such purposes should be allowed. Restrictions to such limitations should be authorized also. The committee, therefore, should be authorized to recommend, and the Secretary to effect, regulations or exemptions from regulations, or the modification or termination of regulations with respect to movement or transportation of potatoes within the production area generally or any portion thereof for grading or storage.

Shipments of pickouts and culls for livestock feed have been relieved from regulation under the present order. These shipments should be restricted to a reasonable marketing area. Under the proposed order such shipments should be limited to the production area generally, and when circumstances warrant to specified portions thereof to facilitate their handling for such purpose, because there are ready markets for these livestock feed potatoes within the proposed production area. Since such production area can utilize the available supply of such potatoes, it is practical and desirable to authorize restriction of their movement to localized livestock outlets as a means of effecting compliance with the terms and conditions of the proposed order.

(19) Provision should be made for inspection by the Federal-State Inspection Service, or by such other inspection service as the Secretary may approve, of shipments of potatoes grown in the production area defined in the proposed order during any period in which shipments of potatoes are regulated under the proposed order. Such inspection requirements should apply to all potatoes shipped under regulations issued under the proposed order, except when any such shipments are relieved from inspection requirements pursuant to § 959.53 or § 959.54 of such order, so as to assure compliance under the program.

Inspection of shipments subject to regulation establishes a means for providing the shipper, the buyer, the committee, the Secretary, and other interested parties with a means of determining whether a shipment or shipments of potatoes comply with the requirements of any particular grade, size, quality, or maturity regulation which may be in effect under the proposed order. Effective regulation of the handling of potatoes grown in the production area requires that the grade, size, quality and maturity of each shipment of such potatoes should be authoritatively established so that the administration of the proposed order shall be efficient and effective.

Copies of inspection certificates issued pursuant to the requirements of the proposed order should be supplied to the committee promptly so that it may properly discharge its administrative responsibilities under the program.

Provision should be made in the proposed order for authority to inspect potatoes not only by personnel of the Federal-State Inspection Service but also by personnel of such inspection service as the Secretary may designate so that sufficient flexibility for successful operation can be provided through appropriate inspection if Federal-State inspection is not available. The requirement that no handler shall ship potatoes unless each shipment is inspected by an authorized inspection service approved under the proposed order is reasonable and necessary for the proper administration of the program.

Responsibility for obtaining inspection should fall primarily on the handler who first handles such potatoes after they have been prepared for market so that each shipment of such potatoes shall be identified and certified with respect to its grade and size. The handler who so first handles potatoes should be required to obtain inspection and subsequent handlers may not handle potatoes unless a properly issued inspection certificate, valid under the terms of the proposed order, applies to each shipment. Each handler must bear responsibility for determining that each of his shipments is inspected. Such requirement is necessary so that the committee can obtain evidence in the form of inspection certificates which it needs to carry out its appropriate functions in determining if specific shipments have been inspected and if they otherwise meet requirements of the proposed order and regulations issued pursuant thereto.

Whenever any shipment of potatoes subject to the terms and provisions of the proposed order have been inspected and are later dumped from the containers in which they were inspected, such potatoes lose their identity insofar as the original inspection certificate issued for them is concerned. If any such lot of potatoes thereafter should be repacked, regraded, or resorted, such repacked, regraded, or resorted potatoes have a new identity, and any subsequent handling of such potatoes should comply with regulations issued under the proposed order. Therefore, inspection of such potatoes should be required as in the case of any other handling of potatoes. Such requirement is necessary to effectuate the declared policy of the act. Therefore the proposed order should provide that any person who handles potatoes grown in the production area after they have been repacked, regraded, or resorted shall not handle such potatoes unless they have been inspected except when exempted from such requirement under rules and regulations issued pursuant to proposed § 959.60 (b). Such inspection of repacked, regraded, or resorted potatoes is necessary so that the shipper thereof, as well as subsequent handlers, and the committee may determine if such shipments comply with the regulations then in effect and applicable thereto.

The committee should be authorized to recommend rules and regulations which, with the approval of the Secretary, will modify the inspection requirements on repacked, regraded, or resorted potatoes. The expanded production area includes several terminal markets. Some wholesalers in these markets repack a few sacks of potatoes in consumer size packages for the small independent store trade. The extension of the inspection requirement to the handling of such repacked, regraded, or resorted potatoes may place undue hardship on such repackers and also on the Federal-State Inspection Service. It may be desirable and practical to exempt such operations at times from the inspection requirements under rules and regulations recommended by the committee and approved by the Secretary, which could provide for such exemption by permitting minimum quantities to be reworked and handled without the additional inspection, or by relieving the inspection requirement in certain geographical areas of the production area. The proposed order should authorize the committee to recommend such rules and regulations which would modify, suspend, or terminate inspection requirements on the repacked, regraded, or resorted lots of potatoes.

The committee, with the approval of the Secretary, should be authorized to determine the length of time the inspection certificate may be valid insofar as the requirements of the proposed order are concerned. Such requirement is desirable and necessary especially with respect to warehouse or lot inspections which may be desirable to accommodate handlers and truckers.

(20) The continuation of rules and regulations effective under the present order which may be in operation at the time of issuance of the proposed order is necessary for the efficient continuation of the operation of the program. Rules and regulations relative to exemption certificates and safeguards, as well as regulations limiting shipments and providing for a budget of expenses and the levying of assessments have ben issued under the present order. Since there are no substantial changes in the provisions of the order authorizing these rules and regulations their continuation is practical and necessary for efficient operation and any lapse in such rules and regulations for technical reasons could result in undue administrative hardship on the industry, the committee and the Secretary.

(21) The provisions of the present order which remain essentially unchanged by the terms and conditions of the proposed order should be applied to the entire production area because such provisions are incidental to, and not inconsistent with section 8c (6) and (7) of the act, and they are necessary to effectuate the other provisions of the proposed order and to effectuate the declared policy of the act. These provisions include, among others, the miscellaneous provisions, §§ 959.70 through 959.91, which are an essential part of the present order, also common to other potato marketing orders, and they are essential to the operation of the proposed order. The other provisions of the present order remaining essentially the same in the proposed order are incorporated on the same basis. The record shows the desirability and necessity for doing so. These sections set forth certain definitions, rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the proposed order.

Ruling on proposed findings and conclusions. At the conclusion of the hearing, the Presiding Officer fixed March 3, 1955, as the latest day on which briefs from interested parties with respect to the testimony presented in evidence at the hearing and the findings and conclusions to be drawn therefrom must be received by the Hearing Clerk of this Department. No such brief was filed; hence no ruling is necessary.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The marketing agreement, as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The marketing agreement, as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, regulates the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(3) The said marketing agreement, as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of the several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement, as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs or affects such commerce.

Recommended amendment of the marketing agreement and order. The following proposed amendment of the marketing agreement and order, as amended, is recomended as the detailed means by which the aforesaid conclusions may be carried out:

DEFINITIONS

§ 959.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 959.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 907, 1047).

§ 959.3 *Person.* "Person" means an individual, partnership, corporation, association, or any organized group or business unit.

§ 959.4 *Production area.* "Production area" means and includes Modoc and Siskiyou Counties in the State of California, and all counties, except Malheur, in the State of Oregon.

§ 959.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the aforesaid production area.

§ 959.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 959.7 *Handle.* "Handle" or "ship" means to sell or transport potatoes within the production area or between the production area and any point outside thereof.

§ 959.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 959.9 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 959.10 *Committee.* "Committee" means the administrative committee, called the Oregon-California Potato Committee, established pursuant to § 959.25.

§ 959.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 959.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State from which the potatoes are shipped, or other seed certification agencies which the Secretary may recognize.

§ 959.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

§ 959.14 *Pack.* "Pack" means a unit of potatoes in any type of container and which falls within specific weight limits or within specific grade limits recommended by the committee and approved by the Secretary.

§ 959.15 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) Standards for potatoes issued by the State from which the potatoes are shipped, or amendments thereto, or modifications thereof, or variations based thereon.

§ 959.16 *Grading.* "Grading" is synonymous with "preparing for market" which means the sorting or separating of potatoes into grades and sizes for market purposes.

§ 959.17 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 959.18 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 959.32.

ADMINISTRATIVE COMMITTEE

§ 959.25 *Establishment and membership.* (a) The Oregon-California Potato Committee consisting of twelve members, of whom eight shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and has qualified.

§ 959.26 *Procedure.* (a) Eight members of the committee shall be necessary to constitute a quorum and eight concurring votes will be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing: *Provided*, That if

any assembled meeting is held, all votes shall be cast in person.

§ 959.27 *Selection.* (a) Persons selected as committee members or alternates to represent producers or handlers shall be producers or handlers, respectively, or officers or employees of a corporate producer or handler, respectively, in the district for which selected and shall be residents of such district.

(b) The Secretary shall select three producer members of the committee, with their respective alternates, from District No. 1, two producer members, with their alternates, from each of Districts No. 2 and No. 4, and one producer member with his alternate, from District No. 3. The Secretary shall also select one handler member of the committee, with his alternate, from each of Districts Nos. 1, 2, 3, and 4.

(c) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 959.28 *Term of office.* (a) The term of office of committee members and alternates shall be two years beginning July 1 and ending June 30. The terms of office of members and alternates shall be so determined that one-half of the total producer committee membership and one-half of the total handler committee membership shall terminate each June 30.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 959.29 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 959.30 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each fiscal period, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request, and the report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; and, a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers;

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart; and

(k) To establish, and pay the expenses of, advisory subcommittees for the purpose of consulting with Federal, State, and other appropriate agencies with respect to the establishment of marketing research and development projects pursuant to § 959.57.

§ 959.31 *Expenses and compensation.* Committee members and their respective alternates when acting on committee business shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $10.00 for each day, or portion thereof, spent in attending meetings of the committee.

§ 959.32 *Districts.* (a) For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1. The Counties of Crook, Deschutes, and Jefferson in the State of Oregon;

District No. 2. The Counties of Klamath and Lake in the State of Oregon;

District No. 3. All remaining counties in the State of Oregon, with the exception of Malheur County;

District No. 4. The Counties of Modoc and Siskiyou in the State of California.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided*, That in recommending any such changes in districts or representation, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative position of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part, and (4) other relevant factors: *Provided further*, That there shall be no change in the total number of committee members or in the total number of districts.

§ 959.33 *Nominations.* The Secretary may select the members of the Oregon-California Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for members and alternates of the committee may be submitted by producers or handlers, as the case may be, or groups thereof, on an elective basis or otherwise.

(b) In order to provide nominations for committee members and alternates:

(1) The committee shall hold or cause to be held prior to May 1 of each year, after the effective date of this subpart, a meeting or meetings of producers and of handlers, respectively, in each of the districts designated in § 959.32 in which the term of office of committee members, and their respective alternates, will commence the following July 1;

(2) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following June 30;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than May 31 of each year;

(5) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(6) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(7) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in handling or producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(c) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

§ 959.34 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 959.33, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this subpart.

EXPENSES AND ASSESSMENTS

§ 959.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of each fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled during a fiscal period by him as the first handler thereof and the total quantity of potatoes handled during such fiscal period by all handlers as first handlers thereof.

§ 959.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 959.42 *Assessments.* (a) The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during or subsequent to a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

§ 959.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee's activities for which he is responsible and deliver all such property and funds in his hands to such successor, agency or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the designated successor, agency or person the right to all such property and funds and all claims vested in such member or alternate.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 959.44 *Refunds.* At the end of each fiscal period monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operation of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of such committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operation during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall to the extent practical be returned upon a pro rata basis to all persons from whom such funds were collected.

REGULATION

§ 959.50 *Marketing policy*—(a) *Preparation.* Prior to each marketing season the committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, quality, and maturity in different packs, or any other shipping unit;

(2) Supply of potatoes by grade, size, quality, and maturity in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall submit a report to the Secretary setting forth the aforesaid marketing policy and it shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new marketing policy in accordance with the manner previously outlined. The committee shall submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 959.51 *Recommendations for regulations.* The committee shall recommend to the Secretary grade, size, quality, and maturity regulations, or amendments thereto, or modifications thereof, whenever it finds that such regulations as provided in § 959.52 will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate the handling of potatoes for the purposes authorized in § 959.54. The committee may also recommend amendment, termination, or suspension of any regulation issued under this part.

§ 959.52 *Issuance of grade, size, quality, and maturity regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturity of any or all varieties of table stock or of seed potatoes, or both, during any period; or

(2) Regulate the handling of particular grades, sizes, qualities, or maturity of potatoes differently, for different varities, for table stock potatoes, for seed potatoes, for different portions of the

production area, for different packs, or for any combination of the foregoing, during any period; or

(3) Regulate the handling of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) The Secretary may amend any regulation issued under this subpart whenever he finds that such regulation would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(c) The Secretary shall notify the committee of any such regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ 959.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 959.40 to 959.60, inclusive.

§ 959.54 *Handling for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to §§ 959.40 to 959.60, inclusive, in order to facilitate the handling of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act. Adequate safeguards may be established pursuant to paragraph (c) of this section to prevent such shipments from entering channels of trade for other than the specified purposes:

(1) Shipments of potatoes for the purpose of having such potatoes graded or stored within the production area generally or within any specified portions thereof;

(2) Shipments of potatoes for export;

(3) Shipments of potatoes for distribution by relief agencies, or for consumption by charitable institutions;

(4) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products;

(5) Shipments of potatoes for livestock feed within the production area generally or any specified portions thereof; and

(6) For other specified purposes.

(b) Whenever the handling of seed potatoes is not subject to the same regulations as is the handling of table stock potatoes, issued pursuant to §§ 959.40 to 959.60, inclusive, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 959.60 and pay the pro rata share of expenses provided by § 959.41 in connection with potatoes handled under the provisions of this section: *Provided*, That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for potatoes to be handled under the provisions of this section. The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make monthly reports to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any handler if evidence is obtained that potatoes handled by him for the purposes stated in this section have been diverted from such purposes contrary to the provisions of this subpart.

(d) (1) The Secretary shall give prompt notice to the committee of any modification, suspension or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

RESEARCH AND DEVELOPMENT

§ 959.57 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes.

INSPECTION AND CERTIFICATION

§ 959.60 *Inspection and certification.* (a) During any period in which the handling of potatoes is regulated pursuant to §§ 959.42, 959.52, or 959.54, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 959.53 or § 959.54 or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided*, That such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated under rules and regulations recommended by the committee, and approved by the Secretary.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 959.65 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 959.66 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) that by reason of a regulation issued pursuant to § 959.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled by all producers in said applicant's immediate production area; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of potatoes specified thereon. Such certificates shall be transferred with such potatoes at time of shipment.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 959.52 he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of shipment.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 959.67 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with

respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 959.68 *Review, records, and reports of exemptions.* (a) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 959.65, 959.66, 959.67, or any combination thereof.

(b) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied and the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

EFFECTIVE TIME AND TERMINATION

§ 959.70 *Effective time.* (a) The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

(b) All rules and regulations issued by the Secretary pursuant to this part (Order No. 59, as amended), which are in effect immediately prior to the date of this amendment shall continue in effect under this subpart as originally issued, or subsequently modified, until such rules and regulations are changed, modified, or suspended in accordance with this subpart.

§ 959.7i *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30 of the then current fiscal period.

(d) The provisions of this subpart shall in any event terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 959.72 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 959.73 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not: (a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart; (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

MISCELLANEOUS PROVISIONS

§ 959.80 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties pursuant to this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 959.81 *Compliance.* Except as provided in this subpart, no handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle potatoes except in conformity to the provisions of this subpart.

§ 959.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 959.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any persons by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 959.84 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 959.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 959.86 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 959.87 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 959.88 *Amendments.* Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

§ 959.89 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

[1] Applicable only to the proposed marketing agreement.

§ 959.90 *Additional parties.* After the effective date of this agreement any handler who has not previously executed this agreement may become a party to this agreement if a counterpart of this agreement is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 959.91 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Done at Washington, D. C., this 6th day of June 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-4611; Filed, June 8, 1955; 8:51 a. m.]

[7 CFR Part 967]

[Docket No. AO 170-A9]

SOUTH BEND-LA PORTE, INDIANA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Rose Room, Oliver Hotel, South Bend, Indiana, on June 13, 1955, at 10:00 a. m., c. d. t.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the South Bend-La Porte, Indiana, marketing area and to the proposed amendments set forth herein below, or modifications thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Pure Milk Association:

1. Until January 1 next, make such temporary modification as may be necessary in the application of the supply-demand factor computed under § 967.51 (d).

2. In § 967.51 change the Class I price differential to provide for September, October, November, and December $1.30 per hundredweight and for all other months $1.10 per hundredweight.

3. In § 967.64 change base rules to include:

(a) For the 1955 base-making period, a producer will have until February 15 to notify the market administrator of his desire to relinquish base;

(b) After February 15, 1956, a producer for whom a base has been computed may not be allotted a new producer base;

(c) De-graded milk shall not be included in the computation of base milk during the base-making period nor shall such degraded milk be considered as base milk during the payment period of April through July; and

(d) Base shall be applied on the basis of daily deliveries except that recognition should be given to every other day deliveries when this practice has been established.

By the Dairy Division, Agricultural Marketing Service:

4. In § 967.44 (c) (1) delete the certification of utilization by nonhandlers.

5. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing and of the said order, as amended, may be procured from the Market Administrator, 407 Strauss Building, 809-11 S. Calhoun Street, Fort Wayne 2, Indiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: June 7, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-4657; Filed, June 8, 1955; 8:56 a. m.]

[1] Applicable only to the proposed marketing agreement.

NOTICES

DEPARTMENT OF THE TREASURY

Defense Lending Division

CHIEF COUNSEL, OFFICE OF PRODUCTION AND DEFENSE LENDING, ET AL.

ORDER OF SUCCESSION TO ACT FOR ASSISTANT SECRETARY OF THE TREASURY WITH RESPECT TO DEFENSE LENDING DIVISION

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, I hereby designate the following Officers, in the order of succession enumerated, to act for the Asssitant Secretary of the Treasury with respect to the Defense Lending Division during the absence or disability of the Assistant Secretary of the Treasury, or when there is a vacancy in such office:

1. Chief Counsel, Office of Production and Defense Lending.
2. Director of Loans, Defense Lending Division.
3. Assistant Director of Loans, Defense Lending Division.
4. District Director of Internal Revenue, Richmond, Virginia.

This order supersedes the order of succession established October 22, 1954.

[SEAL] LAURENCE B. ROBBINS,
Assistant Secretary of the Treasury.

MAY 26, 1955.

[F. R. Doc. 55-4607; Filed, June 8, 1955; 8:51 a. m.]

Federal Facilities Corporation

GENERAL COUNSEL ET AL.

ORDER OF SUCCESSION TO ACT AS ADMINISTRATOR

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, I hereby designate the following officers of the Federal Facilities Corporation and the Internal Revenue Service, in the order of succession enumerated to act as Administrator of Federal Facilities Corporation during the absence or disability of the Administrator of Federal Facilities Corporation, or when there is a vacancy in such office:

1. General Counsel of the Federal Facilities Corporation.
2. Director of the Office of Synthetic Rubber.
3. Director of the Office of Tin.
4. District Director of Internal Revenue, Richmond, Virginia.

This order supersedes the order of succession established October 22, 1954.

[SEAL] LAURENCE B. ROBBINS,
Administrator.

MAY 26, 1955.

[F. R. Doc. 55-4609; Filed, June 8, 1955; 8:51 a. m.]

Reconstruction Finance Corporation

GENERAL COUNSEL ET AL.

ORDER OF SUCCESSION TO ACT AS CHIEF EXECUTIVE OFFICER

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, I hereby designate the following Officers of the Reconstruction Finance Corporation and the Internal Revenue Service, in the order of succession enumerated to act as Chief Executive Officer of Reconstruction Finance Corporation during the absence or disability of the Chief Executive Officer of Reconstruction Finance Corporation, or when there is a vacancy in such office:

1. General Counsel of Reconstruction Finance Corporation.
2. Director of Loan Administration and Liquidation.
3. Chief of Division of Loan Administration.
4. District Director of Internal Revenue, Richmond, Virginia.

This order supersedes the order of succession established October 22, 1954.

[SEAL] LAURENCE B. ROBBINS,
Assistant Secretary of the Treasury.

MAY 26, 1955.

[F. R. Doc. 55-4610; Filed, June 8, 1955; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 31, 1955.

The United States Department of Agriculture has filed an application. Serial No. Idaho 05288, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for an administrative site within the Targhee National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

WILDCAT ADMINISTRATIVE SITE

T. 7 N., R. 45 E.
Sec. 36, N½SE¼, SE¼SE¼.

Total area: 120 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-4588; Filed, June 8, 1955; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 31, 1955.

The United States Department of Agriculture has filed an application, Serial No. Idaho 05279, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for administrative sites, public service sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description, within the Cache National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

EIGHT MILE ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 10 S., R. 42 E.,
Sec. 29, E½NW¼, N½NE¼SW¼.

LAGO ADMINISTRATIVE SITE

T. 11 S., R. 41 E.,
Sec. 27, Lots 1, 2, E½NW¼.

MEADOWVIEW ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 11 S., R. 42 E.,
Sec. 28, E½SW¼NW¼, SE¼NW¼, NE¼NW¼SW¼, NE¼SW¼, NE¼SE¼SW¼, NW¼SW¼SE¼, SW¼NW¼SE¼.

SHARON ADMINISTRATIVE SITE

T. 12 S., R. 42 E.,
Sec. 13, E½W½SW¼, E½SW¼, SW¼NW¼SE¼, NW¼SW¼SE¼.

PARIS ADMINISTRATIVE SITE

T. 14 S., R. 42 E.,
Sec. 13, NE¼NE¼NE¼, S½NE¼NE¼, SE¼NE¼, E½SW¼NE¼.

BLACKSTONE ADMINISTRATIVE SITE

T. 15 S., R. 43 E.,
Sec. 17, Lot 1

FRANKLIN BASIN ADMINISTRATIVE SITE

T. 16 S., R. 41 E.,
Sec. 1, NW¼SE¼, N½SW¼SE¼.

INDIAN FLAT ADMINISTRATIVE SITE

T. 16 S., R. 41 E.,
Sec. 6, NE¼.

MINNETONKA RECREATION AREA

T. 15 S., R. 42 E.,
Sec. 26, W½, W½E½;
Sec. 27, E½NE¼.

EMIGRATION PICNIC AND CAMP

T. 12 S., R. 42 E.,
Sec. 21, SE¼NW¼, SW¼NE¼, NW¼SE¼, NE¼SW¼.

PARIS SPRINGS RECREATION AREA

T. 14 S., R. 42 E.,
Sec. 13, SE¼NW¼, W½SW¼NE¼, N½N½SE¼.

BLOOMINGTON LAKE PICNIC AND CAMP

T. 15 S., R. 42 E.,
Sec. 5, SE¼NW¼, NE¼SW¼.

Total area: 1,787.41 acres, more or less.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-4589; Filed, June 8, 1955; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 2, 1955.

The United States Department of Agriculture has filed an application, Serial No. Idaho 05284, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for recreation areas and administrative sites, as set forth specifically with regard to each area or description, within the Salmon National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

FRITZER FLAT RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 22 N., R. 18 E.,
Sec. 35, S½NE¼NW¼, N½N½SE¼NW¼.

OPAL LAKE RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 18 N., R. 19 E.,
Sec. 7, S½NW¼SW¼, N½SW¼SW¼, W½W½SE¼SW¼.

FORNEY RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 20 N., R. 18 E.,
Sec. 25, SE¼NE¼NW¼, NW¼SE¼NW¼, SE¼NE¼SW¼NW¼.

TRAPPER FLAT RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 21 N., R. 18 E.,
Sec. 12, W½SE¼NE¼, SW¼NE¼NE¼.

DEEP CREEK RECREATION AREA

T. 21 N., R. 19 E.,
Sec. 27, W½NW¼NW¼NW¼;
Sec. 28, SE¼NE¼NE¼NE¼.

LEACOCK RECREATION AREA

T. 21 N., R. 19 E.,
Sec. 22, W½W½NW¼NE¼, E½E½NE¼NE¼.

WAGONHAMMER RECREATION AREA

T. 24 N., R. 21 E.,
Sec. 22, the unpatented portion of Lot 4.

TWIN CREEK RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 26 N., R. 21 E.,
Sec. 3, NW¼SE¼.

ALLAN LAKE RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 26 N., R. 22 E.,
Sec. 33, NW¼NW¼, SW¼NW¼.

EIGHT MILE CREEK RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 15 N., R. 24 E.,
The unpatented portion of Sec. 23, W½SW¼SW¼;
Sec. 22, SE¼SE¼SE¼.

COUGAR RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 20 N., R. 20 E.,
Sec. 1, SW¼SE¼SW¼, SW¼SW¼;
Sec. 2, S½SE¼SE¼, SE¼SW¼SE¼;
Sec. 11, NE¼NW¼NE¼, N½NE¼NE¼;
Sec. 12, NW¼NW¼, W½NE¼NW¼.

CUNNINGHAM BAR RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 14 E.,
Sec. 1, NW¼SW¼NE¼.

LONG TOM RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 16 E.,
Sec. 27, NW¼NE¼SW¼.

EBENEZER RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 17 E.,
Sec. 19, SE¼NW¼SE¼.

T. 23 N., R. 17 E.,
Sec. 19, SE¼NW¼SE¼.

HORSE CREEK RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 24 N., R. 14 E.,
Sec. 21, SE¼SE¼SE¼;
Sec. 22, SW¼SW¼SW¼;
Sec. 27, NW¼NW¼NW¼;
Sec. 28, NE¼NE¼NE¼.

HORSE CREEK HOT SPRINGS RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 25 N., R. 17 E.,
Sec. 15, W½NE¼, E½NW¼SE¼, W½NE¼SE¼, E½SW¼SE¼, W½SE¼SE¼;
Sec. 22, NE¼NE¼.

MIDDLE FORK RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 16 E.,
Sec. 28, NE¼SW¼SE¼.

COLSON CREEK RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 16 E.,
Sec. 1, E½SE¼NW¼.

BEAR CAMP RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 24 N., R. 16 E.,
Sec. 34, S½NE¼NE¼.

SPRING CREEK RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 24 N., R. 18 E.,
Sec. 12, SE¼NW¼.

BANKERS ISLAND RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 17 E.,
Sec. 20, S½SW¼NE¼.

STODDARD CREEK RECREATION AREA

(Unsurveyed, but will probably be when surveyed:)

T. 22 N., R. 15 E.,
Sec. 13, S½SW¼NW¼.

SWAMP CAMP RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 24 N., R. 16 E.,
Sec. 25, SW¼NW¼NW¼;
Sec. 26, SE¼NE¼NE¼.

CACHE BAR RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 16 E.,
Sec. 18, SW¼SW¼SW¼.

YELLOWJACKET RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 19 N., R. 17 E.,
Sec. 8, SW¼SW¼SW¼.

WARM SPRING CREEK RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 18 N., R. 17 E.,
Sec. 33, E½SE¼NE¼;
Sec. 34, SW¼SW¼NW¼.

SURVEY CREEK RECREATION AREA

T. 20 N., R. 14 E.,
Sec. 22, Lots 1, 4.

CATHEDRAL ROCK RECREATION AREA

T. 21 N., R. 16 E.,
Unsurveyed Sec. 36, SW¼NE¼.

CRAGS RECREATION AREA

T. 21 N., R. 16 E.,
Unsurveyed Sec. 36, NW¼ SE¼SE¼.

HAYDEN CREEK RECREATION AREA

T. 17 N., R. 23 E.,
Sec. 27, S½NW¼SE¼, SW¼SE¼;
Sec. 34, W½NE¼, W½SE¼.

CATHEDRAL LAKE RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 21 N., R. 16 E.,
Sec. 24, NW¼SW¼.

GOLDEN TROUT LAKE RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 21 N., R. 17 E.,
Sec. 31, NW¼NW¼.

YELLOWJACKET LAKE RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 20 N., R. 16 E.,
Sec. 14, SW¼NW¼NE¼, NW¼SW¼NE¼, NE¼SE¼NW¼.

SHIP ISLAND LAKES RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 21 N., R. 16 E.,
Sec. 6, SE¼SE¼;
Sec. 8, NW¼, E½SW¼;
Sec. 9, NE¼;
Sec. 16, NW¼, NW¼SW¼;
Sec. 17, NW¼NE¼, SE¼NW¼.

WELCOME LAKE RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 21 N., R. 16 E.,
Sec. 21, W½SE¼.

HEART LAKE RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 21 N., R. 16 E.,
Sec. 21, NE¼NW¼.

TERRACE LAKES RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 21 N., R. 16 E.,
Sec. 20, S½NE¼;
Sec. 21, SW¼NW¼.

WILSON BASIN LAKES RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 21 N., R. 16 E.,
Sec. 28, SW¼;
Sec. 29, S½;
Sec. 32, All;
Sec. 33, W½.

SHEWAY LAKE RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 25 N., R. 22 E.,
Sec. 3, NW¼SE¼.

WILLIAMS LAKE RECREATION AREA

T. 20 N., R. 21 E.,
Sec. 33, Lots 1, 2, 3, 4, 5, 6.

IRON LAKE RECREATION AREA

(Unsurveyed, but what will probably be when surveyed:)

T. 18 N., R. 19 E.,
Sec. 2, SW¼SW¼;
Sec. 11, NW¼NW¼.

COPPER CREEK ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 20 N., R. 19 E.,
Sec. 18, W½SE¼NW¼, E½E½SW¼NW¼.

JUREANO LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 22, N., R. 19 E.,
Sec. 29, SE¼NW¼SE¼.

BLACKBIRD LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 21 N., R. 17 E.,
Sec. 25, NE¼SW¼SW¼.

GANT MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 22 N., R. 18 E.,
Sec. 17, NW¼SE¼SE¼.

HOT SPRINGS LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 18 E.,
Sec. 16, NE¼SW¼NE¼SW¼.

SAGEBRUSH LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 22 N., R. 17 E.,
Sec. 3, NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼.

LICK CREEK ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 25 N., R. 21 E.,
Sec. 1, NE¼SE¼NW¼, N½SW¼NE¼, NW¼SE¼NE¼.

HUGHES CREEK ADMINISTRATIVE SITE, ADDITION NO. 1

(Unsurveyed, but what will probably be when surveyed:)

T. 25 N., R. 21 E.,
Sec. 15, the unpatented portion of SW¼SW¼SW¼;
Sec. 21, the unpatented portion of NE¼NE¼NE¼;
Sec. 22, the unpatented portion of NW¼NW¼NW¼.

HUGHES CREEK ADMINISTRATIVE SITE, ADDITION NO. 2

(Unsurveyed, but what will probably be when surveyed:)

T. 25 N., R. 21 E.,
Sec. 15, the unpatented portion of S½SW¼NW¼, NW¼SW¼, SW¼SE¼NW¼;
Sec. 16, S½SE¼NE¼, NE¼SE¼.

ANDERSON MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 26 N., R. 22 E.,
Sec. 6, NW¼SW¼NW¼.

GRANITE MOUNTAIN TRAINING CAMP ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 26 N., R. 21 E.,
Sec. 28, SW¼SE¼SE¼.

GRANITE MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 26 N., R. 21 E.,
Sec. 28, SW¼SW¼SE¼.

STEIN MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 25 N., R. 22 E.,
Sec. 32, NW¼NE¼.

WILLIAMS CREEK ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 20 N., R. 20 E.,
Sec. 12, E½NE¼NW¼, NW¼NE¼, S½NE¼NE¼, N½SE¼NE¼, N½NE¼SW¼NE¼;
T. 20 N., R. 21 E.,
Sec. 7, S½SW¼NW¼NW¼, NW¼ SW¼NW¼.

NAPOLEON HILL LOOKOUT ADMINISTRATIVE SITE

T. 23 N., R. 21 E.,
Unsurveyed Sec. 5, SW¼SW¼SE¼.

LAKE MOUNTAIN LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 20 N., R. 20 E.,
Sec. 34, NE¼NE¼NW¼.

CHINA SPRINGS ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 20 N., R. 20 E.,
Sec. 34, N½NE¼SW¼.

SHEEPHORN LOOKOUT ADMINISTRATIVE SITE

T. 18 N., R. 20 E.,
Sec. 15, NE¼NW¼SW¼.

COVE CREEK ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 17 E.,
Sec. 11, NE¼SW¼SE¼, N½SE¼SE¼;
Sec. 12, SW¼SW¼SW¼.

SQUAW CREEK ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 24 N., R. 19 E.,
Sec. 10, E½NE¼SE¼;
Sec. 11, N½SW¼SW¼, SW¼NW¼SW¼, S½SE¼SW¼;
Sec. 14, N½NE¼NW¼.

INDIANOLA ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 24 N., R. 19 E.,
Sec. 24, The unpatented portion of SW¼NW¼NE¼, SW¼NE¼, N½SE¼NE¼, SE¼SE¼NE¼.

COLSON CREEK ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 16 E.,
Sec. 24, NW¼NE¼.

LONG TOM LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 16 E.,
Sec. 10, NE¼.

BEAR TRAP LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 24 N., R. 17 E.,
Sec. 23, SW¼SW¼SW¼.

OREANO LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 25 N., R. 17 E.,
Sec. 21, SW¼SE¼SW¼.

ULYSSES LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 24 N., R. 20 E.,
Sec. 9, NW¼NE¼NW¼.

HORSE HEAVEN LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 22 N., R. 16 E.,
Sec. 1, SW¼SW¼;
Sec. 2, SE¼SE¼;
Sec. 11, NE¼NE¼;
Sec. 12, NW¼NW¼.

BUTTS CREEK POINT LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 14 E.,
Sec. 4, SE¼NW¼SE¼.

WEST HORSE LOOKOUT ADMINISTRATIVE SITE

T. 24 N., R. 14 E.,
Unsurveyed Sec. 17, N½NE¼NW¼.

BLUE NOSE LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 25 N., R. 18 E.,
Sec. 28, The portion in Idaho of NE¼NW¼, E½NW¼NW¼.

STORMY PEAK LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 19 E.,
Sec. 3, E½NE¼SW¼, W½NW¼SE¼, W½SW¼SE¼, E½SE¼SW¼.

STODDARD LOOKOUT ADMINISTRATIVE SITE

T. 22 N., R. 14 E.,
Unsurveyed Sec. 28, SW¼SW¼, SE¼SW¼;
Sec. 33, NW¼NW¼, NE¼NW¼, N½SW¼NW¼.

NOLAN POINT LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 23 N., R. 14 E.,
Sec. 36, SE¼SE¼.

SKUNK CAMP LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 24 N., R. 15 E.,
Sec. 13, NE¼NE¼SW¼.

YELLOWJACKET ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 19 N., R. 17 E.,
Sec. 9, NW¼NW¼.

WATERFALL ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 21 N., R. 14 E.,
Sec. 34, S½NE¼SE¼, SE¼SE¼;
Sec. 35, S½NW¼SW¼, W½SW¼SW¼;
T. 20 N., R. 14 E.,
Unsurveyed Sec. 2, NW¼NW¼NW¼;
Unsurveyed Sec. 3, E½NE¼.

BERNARD CREEK ADMINISTRATIVE SITE

T. 19 N., R. 14 E.,
Sec. 15, Lot 7;
Sec. 22, Lots 2, 3.

HOODOO MEADOWS ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 20 N., R. 16 E.,
Sec. 14, SE¼SW¼, SE¼SW¼SW¼;
Sec. 23, NW¼NE¼NW¼, E½NW¼NW¼.

RED ROCK LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 19 N., R. 17 E.,
Sec. 2, S½SW¼SE¼;
Sec. 11, N½NW¼NE¼.

MIDDLE FORK PEAK LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 19 N., R. 15 E.,
Sec. 13, E½SW¼, W½SE¼;
Sec. 24, E½NE¼, W½NE¼.

DUCK CREEK POINT LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 18 N., R. 17 E.,
Sec. 5, SW¼SW¼.

BEAR CREEK POINT LOOKOUT ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 18 N., R. 13 E.,
Sec. 13, SE¼SE¼.

SHORT CREEK LOOKOUT ADMINISTRATIVE SITE

T. 19 N., R. 14 E.,
Sec. 5, SW¼SW¼.

CAMAS CREEK ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 18 N., R. 14 E.,
Sec. 14, NW¼SW¼.

DRY GULCH ADMINISTRATIVE SITE

(Unsurveyed, but what will probably be when surveyed:)

T. 16 N., R. 16 E.,
Sec. 16, W½SW¼NW¼, NW¼NW¼SW¼;
Sec. 17, E½SE¼NE¼, E½NE¼SE¼.

BALDY MOUNTAIN ADMINISTRATIVE SITE

T. 21 N., R. 21 E.,
Sec. 17, SW¼SW¼.

Total area: 6,693.21 acres, more or less.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-4590; Filed, June 8, 1955; 8:47 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 27, 1955.

The United States Fish and Wildlife Service has filed an application, Serial No. Oregon 04079, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the General Mining Laws but excluding the mineral leasing laws.

The applicant desires the land for access by the public to potential waterfowl hunting areas and for administration of the areas by the Oregon State Game Commission under a cooperative agreement provided for by the act of March 10, 1934, as amended by the act of August 14, 1946 (60 Stat. 1080; 16 U. S. C. 661-666c).

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 3 N., R. 20 E., W. M.,
Sec. 26: Lots 1, 2, and 3;
Sec. 28: Lots 1, 2, 3 and 4;
Sec. 32: Lots 2, 3, 4 and SW¼NE¼.
T. 3 N., R. 21 E., W. M.,
Sec. 10: Lots 1, 2, 3 and SE¼SE¼.
T. 3 N., R. 22 E., W. M.,
Sec. 4: NW¼;
Sec 6: All.
968.25 acres.

Grazing is the present use of the land, and it is not intended that the proposed withdrawal will restrict such use.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 55-4587; Filed, June 8, 1955; 8:46 a. m.]

UTAH

NOTICE OF FILING OF PLATS OF SURVEY

MAY 23, 1955.

Notice is given that the plats of survey of the following described lands will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10:00 a. m. on the 35th day after the date of this notice:

SALT LAKE MERIDIAN, UTAH

T. 16 S., R. 13 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,679.42 acres.
Plat of survey accepted April 25, 1955.

T. 18 S., R. 13 E.,
Sections 2, 16, and 32.

Area surveyed: 1,984.68 acres.
Plat of survey accepted April 25, 1955.

T. 19 S., R. 13 E.,
Sections 15, 16, and 32.

Area surveyed: 1,920 acres.
Plat of survey accepted April 25, 1955.

T. 26 S., R. 11 E.,
Sections 2, 16, 32, and 36.

Area surveyed: 2,590.24 acres.
Plat of survey accepted April 25, 1955.

T. 28 S., R. 8 E.,
Sections 1, 3, 2, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35 and 36.

Area surveyed: 13,095.95 acres.
Plat of survey accepted April 25, 1955.

T. 33 S., R. 7 E.,
Sections 1, 2, 3, 16, 31, 32, 33, and 36.

Area surveyed: 4,848.68 acres.
Plat of survey accepted April 20, 1955.

T. 34 S., R. 7 E.,
Sections 1, 2, 3, 16, 31, 32, 33, and 36.

Area surveyed: 5,112.72 acres.
Plat of survey accepted April 25, 1955.

T. 35 S., R. 6 E.,
Sections 2, 16, 31, 32, 33, and 36.

Area surveyed: 3,837.79 acres.
Plat of survey accepted April 25, 1955.

T. 35 S., R. 7 E.,
Sections 1, 2, 3, 16, 31, 32, 33, and 36.

Area surveyed: 5,121.60 acres.
Plat of survey accepted April 20, 1955.

T. 39 S., R. 7 W.,
Sections 19, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36.

Area surveyed, 8,233.65 acres.
Plat of survey accepted February 1, 1955.

The primary purpose of these surveys was to accommodate the right of the State of Utah under Grant for Common Schools in the act of July 16, 1894 (28 Stat. 107).

It is presumed that the right of the State of Utah attached to sections 2, 16, 32, and 36 of the above described townships on the date of acceptance of plat of survey, subject to valid existing rights and the provisions of existing withdrawals. Therefore, preference rights of veterans of World War II and the Korean conflict, and others, as provided for by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, does not attach to these sections.

No application for any of the lands described in any of the other sections may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Room 312 Federal Building, Salt Lake City, Utah.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-4586; Filed, June 8, 1955; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARIZONA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF CERTAIN COUNTIES IN DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.), the President determined on April 26, 1955 that a major disaster occasioned by drought existed in the State of Arizona.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, certain counties in the State of Arizona were on April 27, 1955 (20 F. R. 3142), determined to be the areas affected by the major disaster by drought.

Pursuant to the aforesaid delegations, the delineation and certification of counties in the State of Arizona as above described, are herewith amended by adding the counties as set forth below on May 27, 1955 to the major disaster area in the State of Arizona:

ARIZONA

Cochise. Yuma.
Pinal.

Done at Washington, D. C., this 3d day of June 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4604; Filed, June 8, 1955; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

AIRCRAFT ACCIDENT REPORT FORM CAB-454

NOTICE TO USERS

A new Form CAB-454 has been designed to be used in reporting all accidents to civil aircraft with a maximum gross takeoff weight in excess of 12,500 pounds; helicopters; and all Alaskan air carrier aircraft regardless of weight, as required by § 62.35 of the Civil Air Regulations. This form is to be used to report those accidents that occur on or after July 1, 1955.

Redesign of the Form CAB-454 was premised on the need for additional and more detailed information required to develop analytical and statistical data for use in the Board's accident investigation and prevention programs. Some items have been omitted on the new format, some revised, and others added to permit a more efficient report for use in the aviation safety work with which the Board is charged.

Upon receipt of the new forms, it is requested that all copies of the old Form CAB-454 be destroyed immediately. A supply of the new forms may be obtained from the Civil Aeronautics Board, Washington 25, D. C., or any of its Bureau of Safety Investigation field offices. The addresses of these field offices are:

Federal Building, New York International Airport, Jamaica, Long Island, N. Y.
6200 S. Cicero Avenue, Chicago 38, Ill.
P. O. Box 1689, Fort Worth 1, Tex.
P. O. Box 86 Airport Station, Oakland 14, Calif.
R-202 Administration Building, King County Airport, Seattle 8, Wash.
P. O. Box 720, Municipal Airport, Atlanta, Ga.
P. O. Box 931, Miami International Airport, Miami 48, Fla.
Federal Office Building, 911 Walnut Street, Kansas City, Mo.
Pacific Building, 506 Santa Monica Boulevard, Santa Monica, Calif.
P. O. Box 2219, Anchorage, Alaska.

Dated at Washington, D. C., June 6, 1955.

[SEAL] W. K. ANDREWS,
Director,
Bureau of Safety Investigation.

[F. R. Doc. 55-4615; Filed, June 8, 1955; 8:53 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ORGANIZATION STATEMENT

DESCRIPTION OF AGENCY AND PRINCIPAL PROGRAMS

1. Paragraph A to section I is amended to read as follows:

A. *Creation and purpose.* The Public Housing Administration was made a constituent agency of the Housing and Home Finance Agency by the President's Reorganization Plan 3 of 1947, effective July 27, 1947. The PHA is headed by a Public Housing Commissioner appointed by the President by and with the advice and consent of the Senate. Two programs are administered by the PHA, the Low-Rent Public Housing Program which is a direct responsibility of the Public Housing Commissioner and the Liquidating Emergency Housing Program which consists mainly of war, defense, and veterans' housing activities delegated to the Public Housing Commissioner by the Housing and Home Finance Administrator. Historically, the PHA is a successor agency to the United States Housing Authority, which was created by the United States Housing Act of 1937 (42 U. S. C. 1401 et seq.) to administer the Low-Rent Public Housing Program established by that act. In 1942 the name of the agency was changed to the Federal Public Housing Authority. It continued under that name until 1947 when it was changed to the Public Housing Administration.

2. Paragraph B to section I is amended to read as follows:

B. *Low-Rent Public Housing Program.* The Low-Rent Public Housing Program is authorized by the United States Housing Act of 1937, as amended, which authorizes Federal financial assistance to local communities "to remedy the unsafe and insanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of low income * * *". Also included in this program are certain projects constructed under authority other than the Housing Act of 1937, as amended, and subsequently transferred to the Low-Rent Public Housing Program: Projects developed (in whole or in part) by the Public Works Administration before the passage of the act (42 U. S. C. 1404 (d); Executive Order 7732, 44 CFR, 1st ed., 201.11), and Farm Labor Camps and permanent war housing projects transferred under the terms of the Housing Act of 1950 (42 U. S. C. 1412 (f) and 1586, respectively).

3. Paragraph C to section I is amended to read as follows:

C. *Liquidating Emergency Housing Program.* The Liquidating Emergency Housing Program consists principally of (1) permanent and temporary housing accommodations built under the terms of the Lanham Act, as amended (42 U. S. C. 1521, et seq.), to provide housing for war workers and military personnel during World War II and (2) projects developed under Title III of the Defense Housing and Community Facilities and Services Act of 1951, as amended (42 U. S. C. 1592, et seq.), to provide temporary or mobile housing for defense workers and military personnel required in connection with national defense activities in critical defense housing areas. Veterans Reuse Housing and Subsistence-Homesteads and Greentowns are also included in this program. The PHA is responsible for the management and orderly disposition of the classes of housing mentioned above.

Date approved: June 1, 1955.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 55-4592; Filed, June 8, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 6, 1955.

Protests to the granting of an application must be prepared in accordance

with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30711: Petroleum and products from Krotz Springs, La. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum, petroleum products and related commodities, carloads, from Krotz Springs, La., to points in southwestern territory, including southern Missouri, also to points in Kansas and points in southern territory including Mississippi River Crossings, Memphis, Tenn., and south.

Grounds for relief: Rates made same as from Shreveport, La., constructed on short-line distance formula, and circuity.

Tariff: Supplement No. 58 to Agent Kratzmeir's I. C. C. 4086, and three other tariffs.

FSA No. 30712: Liquid asphalt—Savannah and Port Wentworth, Ga., to South Carolina. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on asphalt (asphaltum), liquid, tank-car loads, from Savannah and Port Wentworth, Ga., to Barnwell, Charleston, Columbia, Coosaw, Denmark, Edgefield, Orangeburg, Pregnall, and Sumter, S. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 25 to Agent Emerson's I. C. C. 424.

FSA No. 30713: Lumber and related commodities between the Southwest and Tavares and Gulf Railroad. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lumber and related commodities, carloads, between points in the Southwest, on the one hand, and stations on the Tavares and Gulf Railroad, on the other.

Grounds for relief: To maintain differential rate relations, grouping, and circuity.

Tariff: Supplement 15 to Agent Kratzmeir's I. C. C. 4117, Supplement 51 to Agent Spaninger's I. C. C. 1269.

FSA No. 30714: Fertilizer materials—El Dorado, Ark., to Bartlesville, Okla. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, from El Dorado, Ark., to Bartlesville, Okla.

Grounds for relief: Circuitous route.

Tariff: Supplement 66 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 30715: Phosphatic feed supplements—Import—Texas Gulf Ports to Texas. Filed by J. F. Brown, Agent, for interested rail carriers. Rates on bone meal, carloads, from Beaumont, Corpus Christi, Freeport, Galveston, Houston, Texas City and Velasco, Tex., (import) to destinations in Texas.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 112 to Agent Brown's I. C. C. 796.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-4606; Filed, June 8, 1955; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-1706]

ALLEGEMEINE ELEKTRICITÄTS-GESELLSCHAFT

NOTICE OF APPLICATION FOR EXEMPTION

JUNE 3, 1955.

Notice is hereby given that Allgemeine Elektricitäts-Gesellschaft ("AEG"), a corporation organized and existing under the laws of Germany, has filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting from the provisions of sections 310 (a) (3), 310 (b) (1), 310 (b) (3) and 310 (b) (4) of the act, the 5¼ percent Debt Adjustment Bonds, Series A, due January 1, 1968, 4⅞ percent Debt Adjustment Bonds, Series B, due January 1, 1968, and 4½ percent Debt Adjustment Bonds, Series C, due January 1, 1968, to be issued by AEG under an Indenture to be dated as of January 1, 1953, between AEG and The First National City Bank of New York and Deutsche Waren-Treuhand-Aktiengesellschaft, as Trustees, in connection with AEG's offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Government of the Federal Republic of Germany, the United States of America and other countries.

Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity for hearing thereon, to enter an order exempting from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to the extent it finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

A. As to the request for exemption from section 310 (a) (3), to permit certain acts to be performed by the Co-Trustee, the application states as follows:

(1) AEG has outstanding four issues of debentures which have been in default for many years. The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German corporate debtors by the refunding and extension of such obligations. AEG is, however, only liable for the repayment of debentures which may be validated pursuant to the Validation Law for German Foreign Currency Bonds of August 25, 1952. The terms of the offer negotiated by AEG for its outstanding obligations provide for the issuance by AEG of the above described three series of its Debt Adjustment Bonds, due January 1, 1968, in exchange for its outstanding debentures. Under the terms of AEG's proposed offer, AEG is obligated to secure the debentures, and upon the issuance thereof, the new bonds, by the registration of land charges, in favor of Deutsche Waren-Treuhand-Aktiengesellschaft, the Co-Trustee, on two plants of AEG, such land charges to be registered in amounts equal to the aggregate principal amount of bonds estimated to be issuable in exchange for all validly outstanding debentures.

(2) Although section 310 (a) (3) of the Trust Indenture Act of 1939 may require that title to the land charges securing the bonds be vested in the Trustee, compliance with this interpretation is neither necessary nor desirable in the public interest or for the protection of investors.

(3) Vesting title to the land charges securing the bonds in the Co-Trustee is essential to the orderly settlement and payment of AEG's obligations; the rights in the security of both the holders of bonds and of debentures are rights in German property, created under German mortgage law and to a large extent dependent upon the interpretation of the German Implementation Law; and such rights in the security should be adjudicated only by German courts.

(4) While vesting of title to the security in the Co-Trustee necessarily results in certain acts being performable by the Co-Trustee, the protection intended to be accorded to the bondholders by the Trust Indenture Act of 1939 is in no way impaired. All of the acts which are performable only by the Co-Trustee relate to the release of property, the reduction of the registered amount of liens and the disposition of release moneys and such action is, in each case, subject to ultimate control by the Trustee if such control is exercised within 30 days after notice is received of the proposed action.

B. As to the request for exemption from section 310 (b) (1), to permit the Co-Trustee to hold title to certain accounts receivable to secure certain loans to AEG, the application states as follows:

(1) The Co-Trustee is a party to a number of agreements with AEG pursuant to which the Co-trustee, acting as a Treuhander, holds title to accounts receivable and tangible personal property of AEG which have been conveyed to the Co-Trustee as collateral security for indebtedness of AEG to German banks, insurance companies and other financial institutions.

(2) Under the terms of the agreement, the Co-Trustee is in effect the agent of the banks, insurance companies and other financial institutions with power to collect accounts receivable, and to supervise the care and preservation of any such property which is permitted to remain in the possession of AEG.

(3) The Co-Trustee has no right, power, duty or obligation to enforce the indebtedness secured by any such agreement against any assets of AEG other than the specific accounts receivable or other tangible personal property conveyed to the CO-Trustee as collateral security for the particular indebtedness.

(4) The agreements between AEG and the Co-Trustee do not constitute an indenture and do not create any conflict of interest for the Co-Trustee and that it is not necessary in the public interest or for the protection of investors to treat the agreements as other indentures which disqualify the Co-Trustee under the provisions of section 310 (b) (1) of the act.

C. As to the request for exemption from section 310 (b) (3) and (4), to permit the Co-Trustee to serve notwithstanding an affiliation with underwriters for the issuer, the application states as follows:

(1) Fifty percent of the outstanding capital stock of the Co-Trustee is owned by Brinckmann, Wirtz & Co., a partnership which had a three percent participation in a syndicate which in 1954 underwrote DM 22,000,000 nominal value shares of capital stock of AEG.

(2) It is anticipated that Brinckmann, Wirtz & Co. will participate in future syndicates underwriting security issues of AEG.

(3) In addition, Rudolf Brinckmann, a partner in Brinckmann, Wirtz & Co., is a member of the Aufsichtsrat of the Co-Trustee.

(4) Although the respective relationships between the Co-Trustee and Brinckmann, Wirtz & Co. and Rudolf Brinckmann may fall within the provisions of section 310 (b) (3) and (4) of the act, it is neither necessary nor desirable in the public interest or for the protection of investors to hold that the Co-Trustee should be disqualified by reason of either such relationship, or by reason of any future participation by Brinckmann, Wirtz & Co. in any syndicate formed to underwrite security issues of AEG.

(5) Disqualification of the proposed Co-Trustee will make it practically impossible to obtain as Co-Trustee, any satisfactory organization or individual which is presently engaged in trust business and has any experience with foreign loans and trust indentures with respect thereto, since only a few German organizations have entered into this field, these being primarily the larger banks in Germany, all of which have relatively large participation in the syndicate which in 1954 underwrote AEG's capital stock and accordingly are subject to the same disqualification as the proposed Co-Trustee.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after June 14, 1955, unless prior thereto a hearing is ordered by the Commission. Any interested person may, not later than June 13, 1955, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4596; Filed, June 8, 1955; 8:48 a. m.]

[File Nos. 31-624, 59-96]

WISCONSIN ELECTRIC POWER CO.

ORDER GRANTING EXEMPTION AND DISMISSING PROCEEDING

JUNE 3, 1955.

Wisconsin Electric Power Company ("Wisconsin Electric"), a registered holding company, filed with this Commission on February 16, 1955, an application, pursuant to section 3 (a) (2) of the Public Utility Holding Company Act of 1935 ("act"), for an exemption for it and each of its subsidiary companies as such from all provisions of the act on the basis that it is predominantly a public-utility company whose operations as such do not extend beyond the State of Wisconsin, the State in which it is organized, and states contiguous thereto.

Due notice of the filing of said exemption application under section 3 (a) (2) of the act has been given and no hearing thereon has been ordered by or requested of the Commission. The Commission has examined the statements contained in said exemption application and has considered the full record with respect thereto. It appears to the Commission that the applicable standards of section 3 (a) (2) of the act are satisfied and the Commission deems that under the existing circumstances the granting of said exemption application will not be detrimental to the public interest or the interest of investors or consumers.

The Commission, on August 15, 1950, instituted a proceeding in respect of Wisconsin Electric and its subsidiary companies, under section 11 (b) (1) of the act, for the purpose of determining whether the system's operations were in conformity with that section. Subsequently, public hearings were held thereon and adjourned subject to the call of the Hearing Officer. In view of its determination that Wisconsin Electric's exemption application should be granted, the Commission deems it appropriate to dismiss said proceeding pending under section 11 (b) (1) of the act.

It is therefore ordered, That said application of Wisconsin Electric for an exemption for it and its subsidiary companies, as such, pursuant to section 3 (a) (2) of the act be, and the same hereby is, granted.

It is further ordered, That said proceeding instituted under section 11 (b) (1) of the act with respect to Wisconsin Electric and its subsidiary companies be, and the same hereby is, dismissed.

It is further ordered, That this order shall become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4593; Filed, June 8, 1955; 8:47 a. m.]

[File No. 31-625]

ARKANSAS-MISSOURI POWER CO.

ORDER GRANTING EXEMPTION

JUNE 3, 1955.

Arkansas-Missouri Power Company ("Applicant"), a corporation organized under the laws of the State of Arkansas, which is both a holding company and a public-utility company, has filed with this Commission an application for an order pursuant to section 3 (a) (2) of the Public Utility Holding Company Act of 1935 ("act") exempting it as a holding company and its subsidiaries as such from all provisions of the act.

Applicant alleges that it is predominantly a public-utility company whose operations as such do not extend beyond the State of Arkansas, in which it is organized, and the contiguous State of Missouri. As an operating company it is engaged in rendering electric and natural gas utility service in parts of northeastern Arkansas and southeastern Missouri. Applicant is a holding company by reason of its ownership of all of the outstanding voting securities of Associated Natural Gas Company ("Associated"), a Delaware corporation, which is a public utility company engaged in purchasing, transmitting and distributing at retail natural gas in southeastern Missouri. Applicant is also engaged, through two wholly owned subsidiaries, in the manufacture and sale of ice. Such non-utility operations constitute a very small and diminishing percentage of Applicant's business.

Having acquired the aforesaid securities of Associated, Applicant on March 22, 1953, requested, under section 3 (a) (2) of the act, a temporary exemption for one year within which time it was contemplated that Associated would be merged into Applicant. The requested exemption was granted; but the contemplated merger has not been consummated, and Applicant now requests a permanent exemption under section 3 (a) (2) of the act, although it states that it still intends to merge Associated into itself.

Due notice of the filing of said application having been given and no hearing thereon having been ordered by or requested of the Commission; and the Commission finding, from the evidence submitted, that Applicant is predominantly a public-utility company whose operations as such do not extend beyond the State in which it is organized and States contiguous thereto, and that the applicable standards of section 3 (a) (2) of the act are satisfied; and deeming that under existing circumstances the

granting of the application for exemption would not be detrimental to the public interest or the interest of investors and consumers:

It is ordered, That the application for exemption pursuant to section 3 (a) (2) of the act be, and the same hereby is, granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4594; Filed, June 8, 1955; 8:47 a. m.]

[File No. 70-3382]

MICHIGAN WISCONSIN PIPE LINE CO.

ORDER REGARDING ISSUANCE AND SALE OF BANK LOAN NOTES

JUNE 3, 1955.

Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a nonutility subsidiary of American Natural Gas Company ("American Natural"), a registered holding company, has filed an application with this Commission pursuant to the provisions of the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") regarding the following described transaction.

Michigan Wisconsin proposes to enter into a credit agreement with four banks pursuant to which it will borrow, from time to time on and after July 1, 1955, sums aggregating up to $20,000,000 and to issue its notes maturing July 1, 1956 as evidence of such borrowings. The banks which are to be parties to the credit agreement and their respective commitments thereunder are as follows:

The First National City Bank of New York	$6,000,000
The Hanover Bank, New York	6,000,000
Mellon National Bank & Trust Co., Pittsburgh, Pa	6,000,000
National Bank of Detroit	2,000,000
Total	20,000,000

Said notes will bear interest at the prime interest rate prevailing at The First National City Bank of New York for commercial loans on the date of each borrowing. The initial borrowing will be made on July 1, 1955, and further borrowings may be made from time to time as required.

The credit agreement provides that the company shall pay as a commitment fee an amount equivalent to one-fourth of one percent per annum on the average daily unused balance of any amount not borrowed under the credit agreement from July 1, 1955 until the entire $20,000,000 shall have been taken down, except that the company may reduce the amount to be borrowed under the credit agreement at any time without penalty.

The credit agreement provides that the company shall have the right to prepay at any time without penalty, in amounts of $300,000 or multiples thereof, notes issued pursuant to the credit agreement, except that a prepayment premium of one-fourth of one percent per annum for the unexpired terms will apply in case of prepayment from the proceeds of borrowings from banks other than those participating in the credit agreement.

The proceeds from borrowings under the credit agreement will be applied, to the extent necessary, to the retirement of $12,500,000 of presently outstanding notes due July 1, 1955, and the balance to interim financing of necessary construction pending the development of a permanent financing program for the American Natural system and integration of Michigan Wisconsin's financing proposals with those of said system.

No State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over said transaction.

The fees and expenses to be paid in connection with said transaction are estimated by Michigan Wisconsin as follows:

Sidley, Austin, Burgess & Smith, legal counsel	$1,000
American Natural Gas Service Co. (at cost)	500
Miscellaneous	500
Total	2,000

Due notice of the filing of said application having been given in the manner prescribed by Rule U-23 under the act, and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that said application should be granted forthwith, subject to the terms and conditions prescribed in Rule U-24 promulgated under the act:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4595; Filed, June 8, 1955; 8:48 a. m.]

AMERICAN RESEARCH AND DEVELOPMENT CORP., AND IONICS, INC.

NOTICE OF APPLICATION FOR ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATES

JUNE 3, 1955.

Notice is hereby given that American Research and Development Corporation ("Research"), Boston, Massachusetts, a registered closed-end, non-diversified investment company, and Ionics, Incorporated ("Ionics"), Cambridge, Massachusetts, an affiliate of Research, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") requesting an order exempting the transaction summarized below from the provisions of section 17 (a) of the act.

Ionics, a Massachusetts corporation organized in 1948, is engaged in the development, production and sale of ion-exchange membranes and electric membrane demineralizers used, among other things, to demineralize sea water and brackish waters. It also engages in research and development for itself and others in this field and in granular ion-exchange, metallurgy and other fields.

Ionics has outstanding $305,000 of 5 percent notes payable, due 1957 to 1959, which are owned by Research. Ionics also has outstanding 260,368 shares of common stock of which 199,568 shares or 76.6 percent is owned by Research and the balance by directors, officers and employees of Ionics.

The application proposes that in order to simplify Ionics' capital structure, the notes of Ionics in the amount of $305,000 owned by Research will be exchanged for 42,361 shares of common stock of Ionics, an exchange rate of $7.20 per share. The application states that this proposed exchange price is the same as the proceeds per share to Ionics which has been negotiated at arms'-length between Ionics and an underwriter for 150,000 additional shares of common stock of Ionics proposed to be offered publicly to raise additional working capital.

Because of the holding of common stock of Ionics by Research, the two companies are affiliated persons as defined in section 2 (a) (3) of the act. Section 17 (a) of the act prohibits, among other things, the sale of securities by an affiliated person to an investment company, subject to certain exceptions, unless the Commission, pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a).

Notice is further given that any interested person may, not later than June 17, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4597; Filed, June 8, 1955; 8:48 a. m.]

[File No. 70-3383]

CENTRAL POWER AND LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PROPOSAL TO BORROW FROM BANKS, ON SHORT-TERM NOTES

JUNE 2, 1955.

Central Power and Light Company ("Central"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transaction:

Central proposes to borrow from time to time not in excess of $9,000,000 from the banks and in the amounts shown below:

The Corpus Christi National Bank	$200,000
State National Bank of Corpus Christi	150,000
The First State Bank of Corpus Christi	100,000
Corpus Christi Bank and Trust Co.	200,000
Citizens State Bank of Corpus Christi	50,000
Union National Bank of Laredo	50,000
The Laredo National Bank	62,500
Victoria Bank & Trust Co.	250,000
The Victoria National Bank	250,000
The First National Bank of Chicago	7,687,500
Total	9,000,000

The borrowings are to be evidenced by promissory notes to be dated the dates of the respective borrowings, will mature on or before February 28, 1956, will bear interest at the rate of 3 percent per annum payable monthly, and are to be prepayable by the company at any time and without premium or penalty. It is contemplated that the first borrowing will be made on or about June 10, 1955. The proceeds from the borrowings will be used by Central to finance temporarily a portion of its construction expenditures during the nine months beginning June 1, 1955.

No commitment or other fees are to be paid by Central in connection with the proposed borrowings. The expenses, consisting primarily of telephone, incidental and miscellaneous expense, to be incurred in connection therewith, are estimated at not to exceed $300.

No Federal commission, other than this Commission, and no State commission has jurisdiction over the proposed transaction.

Notice of the filing of the declaration having been duly given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested, or ordered by the Commission; and

It appearing that the estimated expenses to be incurred are not unreasonable, that the proposed transaction conforms to the applicable provisions of the act and that it is appropriate in the public interest and in the interest of investors and consumers that the request of Central that the declaration be permitted to become effective forthwith should be granted:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, subject to the terms and conditions prescribed in Rule U-24, that the declaration be, and it hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 55-4543; Filed, June 7, 1955; 8:48 a. m.]

NARS Room

FEDERAL REGISTER

VOLUME 20 NUMBER 113

Washington, Friday, June 10, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

[Amendment 5]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—ORANGE AND GRAPEFRUIT EXPORT PAYMENT PROGRAM VMX 135a

EXPORT SHIPMENT

Section 517.443 (f) is hereby amended to read as follows:

(f) *Export shipment.* Fresh oranges shall be exported from other than U. S. North Atlantic and Canadian Atlantic Ports in refrigerated space on ocean carriers and the export bills of lading covering such shipments shall show that the oranges are stowed in refrigerated space. Fresh oranges may be exported from U. S. North Atlantic and Canadian Atlantic Ports in ventilated space on ocean carriers until April 15, 1955, inclusive, following which date export shipments from such ports shall be made in refrigerated space: *Provided,* That fresh California Valencia oranges may be exported from U. S. North Atlantic and Canadian Atlantic Ports in ventilated space on ocean carriers until July 15, 1955, inclusive, following which date export shipments from such ports shall be made in refrigerated space.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Effective date. This amendment shall be effective June 10, 1955.

Dated this 7th day of June 1955.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 55-4660; Filed, June 9, 1955; 8:54 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, paragraph (j) (7) of § 6.308 is revoked; and paragraph (j) (4) and (6) are amended as set out below.

§ 6.308 *Department of Justice.* • • •

(j) *Immigration and Naturalization Service.* • • •

(4) Assistant Commissioner, Examinations Division.

• • • • • •

(6) Assistant Commissioner, Enforcement Division.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-4653; Filed, June 9, 1955; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER the headnote of paragraph (e) of § 6.311 is amended to read "Office of the General Counsel", and paragraph (e) (1), (2), (3) and (4) are amended to read as set out below.

§ 6.311 *Department of Agriculture.*

• • •

(e) *Office of the General Counsel.*

(1) The General Counsel.

(2) One Deputy General Counsel.

(3) Three Assistant General Counsels.

(4) One Private Secretary to the General Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant

[F. R. Doc. 55-4652; Filed, June 9, 1955; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (8) of

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end ($2.25)
Title 8 ($0.45)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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Appendix C (Public land orders):
1160 4089
1161 4089
Title 46
Chapter I:
Part 146 4051

§ 6.313 is revoked, and paragraph (a) (1) is amended as set out below.

§ 6.313 *Department of Labor*—(a) *Office of the Secretary.* (1) Four special assistants, one confidential assistant, and one confidential assistant (private secretary) to the Secretary of Labor.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-4654; Filed, June 9, 1955; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMINISTRATION AND GENERAL ACCOUNTING OFFICE

Effective upon publication in the FEDERAL REGISTER, paragraphs (b) and (h) of § 6.357 are revoked, and paragraph (b) is added to § 6.318 as set out below.

§ 6.318 *General Accounting Office.* • • •

(b) One Private Secretary to the Comptroller General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-4655; Filed, June 9, 1955; 8:53 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Effective upon publication in the FEDERAL REGISTER, the headnote of § 6.150 is amended to read "Foreign Claims Settlement Commission of the United States"; paragraph (b) of § 6.150 and paragraph (a) (16) of § 6.302 are revoked; and paragraph (c) is added to § 6.350 as set out below.

§ 6.350 *Foreign Claims Settlement Commission of the United States.* • • •

(c) One Private Secretary to the Chairman and to each of the other two Commissioners.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-4656; Filed, June 9, 1955; 8:54 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 55-20]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

MISCELLANEOUS AMENDMENTS TO PART; MERCHANT MARINE COUNCIL PUBLIC HEARING

A notice regarding proposed changes in the navigation and vessel inspection rules and regulations was published in the FEDERAL REGISTER dated February 18, 1955 (20 F. R. 1055–1057), as Items I to IX, inclusive, on the Agenda to be considered by the Merchant Marine Council and a public hearing was held on March 22, 1955, at Washington, D. C. This document is the second of a series of documents covering the rules and regulations considered at this public hearing.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. The amendments in this document are based on Item I in the Agenda and on two petitions received at this public hearing.

A petition from the E. I. DuPont de Nemours & Company, Wilmington, Delaware, requesting the amendment of Coast Guard regulations (46 CFR 146.20–23, 146.20–90, 146.22–15, and 146.22–100) governing the stowage of nitro carbo nitrate was presented to the Merchant Marine Council. This petition desired the regulations be amended in order that "nitro carbo nitrate may be loaded, transported, and stowed with high explosives except those classified as initiating explosives or detonating primers." The Bureau of Explosives and the National Cargo Bureau were consulted regarding this matter and offered no objections. By change order 13 effective May 12, 1954, the Interstate Commerce Commission revised the ICC regulations to permit handling and stowage of nitro carbo nitrate and high explosives together. On the basis of experience under the ICC regulations, it is felt that the hazards are not sufficient to warrant the continued restriction imposed by Coast Guard regulations. Therefore, the following amendments to the Dangerous Cargo Regulations are made in order to permit nitro carbo nitrate to be stowed with dynamite and commercial boosters.

Specifically the amendments are as follows:

a. 46 CFR 146.20–23 (a) is amended by adding a new sentence reading: "Dynamite and commercial boosters may be stowed in the same hold with nitro carbo nitrate."

b. 46 CFR 146.20–90 (chart) is amended by adding a footnote reading: "Nitro carbo nitrate may be stowed with dynamite and commercial boosters."

c. 46 CFR 146.22–15 (a) is amended by adding an exception reading: "Except nitro carbo nitrate may be stowed with dynamite and commercial boosters."

d. 46 CFR 146.22–100 for the item "nitro carbo nitrate" is amended by revising the requirements in the second column with respect to the cautions regarding stowage. This sentence is revised to read: "Stow separate from all combustible material, explosives (except dynamite and commercial boosters), or acids (white label), and away from chlorates."

A petition received from the Mathiasen's Tanker Industries, Inc., Philadelphia, Pennsylvania, regarding the transportation of elemental phosphorus in bulk (46 CFR 146.22–35) was presented to the Merchant Marine Council. This petition requests permission to use a pressure system employing a hot water displacement method for the transfer of cargo from ship to shore. This system for handling bulk quantities of elemental phosphorus is presently permitted by the Interstate Commerce Commission in transferring elemental phosphorus in bulk from railroad tank cars to storage tanks. The Victor Chemical Works, Chicago, Illinois, as a prospective shipper of elemental phosphorus in bulk, joined in this petition at the public hearing. This system is an alternate method for the stowage and handling of elemental phosphorus in bulk. The advantages indicated for this alternate over the method presently allowed are as follows:

(1) The tanks are built to withstand 60 pounds per square inch pressure and, therefore, are not so susceptible to leaking as the gravity tanks presently permitted.

(2) Since phosphorus contracts considerably in cooling, the use of a vacuum relief valve may permit the intake of air into the cargo space. On the other hand the use of a pressure type tank permits the sealing of the tank so that continued contraction of the phosphorus during

cooling only creates a slight vacuum and allows no entrance of air. In addition, the evaporation of the water cover does not occur.

(3) The cargo transfer from storage tank to the tank barge or vice versa is less hazardous because a positive water coverage of phosphorus in both the tank barge and the shore storage tank can be maintained at all times.

The problems regarding the transportation of elemental phosphorus in bulk have been under consideration for some time. In order to arrive at a fair solution to this problem, this matter was presented to a Joint MCA–API Coast Guard Advisory Panel for consideration and recommendations. This Panel has recommended favorable consideration be given to changes in 46 CFR 146.22–35 which will permit the use of pressure vessel type tanks and require such tanks to be discharged by the hot water displacement method. In view of the increased need for elemental phosphorus in bulk and the apparent reduction in hazards involved under the alternate method developed, this petition was received by the Merchant Marine Council and favorable consideration was recommended. Therefore, the amendment in this document to 46 CFR 146.22–35 revises paragraphs (b) (4), (c), (f), (g), (j), (k) (3), and (m) in order to permit this alternate method for transporting elemental phosphorus in bulk and to broaden the scope of the regulations.

The Merchant Marine Council has considered the petitions submitted and recommended that the requests be granted and that the regulations be revised accordingly. However, in order to allow any one who may desire to be heard further on the amendments respecting nitro carbo nitrate in 46 CFR 146.20–23 (a), 146.20–90 (chart), 146.22–15 (a), and 146.22–100, and elemental phosphorus in bulk in 46 CFR 146.22–35, which are based on the petitions received at a public hearing held March 22, 1955, comments, views, and data regarding these amendments may be submitted to the Commandant (CMC) on or before July 7, 1955, and a public hearing will be held by the Merchant Marine Council on Tuesday, July 12, 1955, at 9:30 a. m., in Room 4120, Coast Guard Headquarters, Washington 25, D. C.

The amendment to 46 CFR 146.04–5 adds the shipping names of new articles of commerce in the commodity list, as well as deletes or amends those names which are no longer applicable. 46 CFR 146.05–3 is revised by adding a new paragraph regarding mixed packing. 46 CFR 146.05–9 is revised to include new requirements for specification containers in outside containers.

The amendments to Subpart—Detailed Regulations Governing Explosives (46 CFR 146.20) include new definitions for certain Class A, Class B and Class C explosives (46 CFR 146.20–7, 146.20–9 and 146.20–11, respectively), and provide for the shipment by water of new explosives, use of additional shipping containers, marking requirements and editorial changes (46 CFR 146.20–100, 146.20–200 and 146.20–300).

The amendments to Subpart—Detailed Regulations Governing Inflammable Liquids (46 CFR 146.21) provide for the stowage of inflammable liquids "On deck" on vessels with machinery spaces aft carrying explosives (46 CFR 146.21–30); list inflammable liquids which may not be shipped as limited quantity shipments (46 CFR 146.21–65); include new shipping containers for certain inflammable liquids (46 CFR 146.21–100); and make certain necessary editorial changes.

The amendments to Subpart—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials (46 CFR 146.22) provide for the shipment by water of new inflammable solids and oxidizing materials, use of additional shipping containers for certain items and "tween deck" stowage of Lauroyl Peroxide (46 CFR 146.22–100).

The amendments to Subpart—Detailed Regulations Governing Corrosive Liquids (46 CFR 146.23) list certain corrosive liquids not subject to exemption (46 CFR 146.23–30), and provide for water shipment of new corrosive liquids and the use of additional shipping containers (46 CFR 146.23–100).

The amendments to Subpart—Detailed Regulations Governing Compressed Gases (46 CFR 146.24) prescribe the type of cargo handling gear to be used for loading and unloading cylinders of compressed gas (46 CFR 146.24–25); new inspection requirements for anhydrous ammonia tanks (46 CFR 146.24–85) and additional shipping containers (46 CFR 146.24–100).

The amendments to Subpart—Detailed Regulations Governing Poisonous Articles (46 CFR 146.25) include editorial changes to 46 CFR 146.25–20, new requirements for exemption for radioactive materials (46 CFR 146.25–25) and additional shipping containers for Class A poisons, Class B poisons and radioactive materials (46 CFR 146.25–100, 146.25–200, 146.25–400).

The amendments to Subpart—Detailed Regulations Governing Hazardous Articles (46 CFR 146.27) provide for additional containers for Manganese dioxide, and editorial changes to the note regarding "Sulfur" (46 CFR 146.27–100).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), to promulgate regulations in accordance with the statutes cited with the regulations below, *It is ordered*, That:

(a) The amendments to 46 CFR 146.20–90, 146.20–23, 146.22–15, 146.22–100 (regarding nitro carbo nitrate) and 146.22–35 are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER; and,

(b) All the other amendments to regulations (which are not covered by paragraph (a) above) are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER.

SUBPART—LIST OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ARTICLES SUBJECT TO THE REGULATIONS IN THIS SUBCHAPTER

Section 146.04–5 is amended by adding, changing or deleting certain items, as follows:

§ 146.04–5 *List of explosives and other dangerous articles and combustible liquids.*

Article	Classed as—	Label required
Added or amended		
• • • •	• •	•
†*Aldrin, cast solid (see: "Aldrin mixtures, dry, with more than 65 percent aldrin").		
†Aldrin mixtures dry, with more than 65 percent aldrin	Pois. B	Poison.
†*Aldrin mixtures, dry, with 65 percent or less aldrin (see: "Aldrin mixtures, dry, with more than 65 percent aldrin").		
†Aldrin, mixture, liquid, with more than 60 percent aldrin	Pois. B	Poison.
†*Aldrin mixtures, liquid, with 60 percent or less aldrin (see: "Aldrin mixtures, liquid, with more than 60 percent aldrin").		
• • • •	• •	•
†Chromic anhydride (see: "Chromic acid").		
• • • •	• •	•
†Chromium trioxide (see: "Chromic acid").		
• • • •	• •	•
†Detonating fuzes, radioactive (see: "*Initiating or priming explosives*")	Expl. A	
• • • •	• •	•
†Dicumyl peroxide (see: "Cumene hydroperoxide")	Oxy. M	Yellow.
†Dicumyl peroxide, 50 percent solution (see: "Cumene hydroperoxide")	Oxy. M	Yellow.
• • • •	• •	•
†Fuzes, detonating radioactive (see "*Initiating or priming explosives*")	Expl. A	
• • • •	• •	•
Magnesium scrap (borings, clippings, shavings, sheets, or turnings)	Inf. S	Yellow.
• • • •	• •	•
†Propellant explosives, Class A	Expl. A	
Propellant explosives, Class B	Expl. B	
• • • •	• •	•
†*Propylene* (see: "Liquefied petroleum gas").		
• • • •	• •	•
†*Soda amatol* (see: "High explosives (*containing no liquid explosive ingredient nor any chlorate*").		
• • • •	• •	•
†Trinitrobenzoic acid, dry (see: "High explosives in dry condition").		
†Trinitrobenzoic acid, wet, *not exceeding 16 ounces*	Inf. S	Yellow.
†Trinitrobenzoic acid, wet with not less than 10 percent water, *in excess of 16 ounces but not exceeding 25 pounds.*	Inf. S	Yellow.

The dagger (†) indicates items added.

Article	Classed as—	Label required
Added or amended—Continued		
†*Trinitrobenzoic acid, wet, over 25 pounds (see: "High explosives (wet with not less than 10 pounds of water to each 90 pounds of dry material)").		
• • • •	• •	•
Wet nitrocellulose—30 percent alcohol or solvent	Inf. L	Red.
Wet nitrocellulose—20 percent water	Inf. S	Yellow.
Deleted		
• • • •	• •	•
Aldrin	Pois. B	Poison.
Aldrin mixture, dry, with more than 15 percent aldrin		
Aldrin mixture, liquid, with more than 15 percent aldrin		
• • • •	• •	•
Fuzees, railway (see: "Fireworks, common").		
• • • •	• •	•
Propellant explosives, Class A (see: "High explosives").		
• • • •	• •	•
Propylene	Inf. G	Red gas.
• • • •	• •	•

The dagger (†) indicates items added.

SUBPART—SHIPPER'S REQUIREMENTS RE: PACKING, MARKING, LABELING, AND SHIPPING PAPERS

1. Section 146.05–3 is amended by adding a new paragraph (c) to read as follows:

§ 146.05–3 *Mixed packing.* • • •

(c) The offering for transportation of any package or container of any material which will cause a dangerous evolution of heat or gas under conditions normally incident to transportation is prohibited.

2. Section 146.05–9 is revised to read as follows:

§ 146.05–9 *Specification containers in outside containers.* Outside specification shipping containers containing no explosives, acids or corrosive liquids except electrolyte, acid or alkaline corrosive battery fluid or electric storage batteries containing electrolyte, acid or alkaline corrosive battery fluid or fire extinguisher charges, may be shipped when tightly packed in strong outside fiberboard boxes or drums, wooden boxes, barrels or crates, metal barrels or drums, or other enclosures. The outside shipping container must be marked with the prescribed name of contents, and labeled as required by the regulations in this part. Containers required by the regulations in this part to be marked "This Side Up" or "This End Up" must be packed in the outside package with their filling holes up, and the outside package must be marked "This Side Up" or "This End Up". The outside container must also be marked "Inside Packages Comply with Prescribed Specifications" unless the specification markings on the inside packages are visible through openings in the outside package.

SUBPART—DETAILED REGULATIONS GOVERNING EXPLOSIVES

1. Section 146.20–7 is amended by changing the examples in paragraphs (a) and (b), adding a new sentence to subparagraph (g) (3), and adding a new paragraph (v) as follows:

§ 146.20–7 *Class A explosives.* Class A explosives are defined as:

(a) *Type 1.* • • •

Examples: Black powder and low explosives.

(b) *Type 2.* • • •

Examples: Commercial dynamite containing a liquid explosive ingredient.

• • • • • • •

(g) *Type 7.* • • •

(3) Detonating fuzes are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. They may also contain a small amount of radioactive component.

• • • • • •

(v) *Type 9.* Propellant explosives, Class A, are solid chemicals or solid chemical mixtures which are designed to function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, Class A, include some types of smokeless powder and some types of solid propellant explosives for jet thrust units, rockets or other devices. Any propellant explosive is Class A which detonates in any one out of five trials when tested in the packages in which it is offered for transportation. In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and the absence of flame shall be considered as evidence of detonation.

2. Section 146.20–9 is amended by changing paragraph (e) to read as follows:

§ 146.20–9 *Class B explosives.* • • •

(e) Propellant explosives, Class B, are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Any propellant explosive is Class B which fails to detonate in five trials when tested in the packages in which it is offered for shipment. In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and absence of flame shall be considered as evidences of detonation. Propellant explosives, Class B, include smokeless powder for small arms, smokeless powder for cannon, smokeless powder or solid propellant explosives for rockets, jet thrust units, or other devices. Black powder is not included in this classification and is defined in § 146.20–7 (a). Fire extinguisher charges containing not to exceed 50 grains of propellant explosives per unit are exempt from the regulations in this part.

3. Section 146.20–11 is amended by changing paragraphs (c) and (r) to read as follows:

§ 146.20–11 *Class C explosives.* • • •

(c) Cordeau detonant fuse is a fuse containing a core of pentaerythrite tetranitrate or cyclotrimethylene trinitramine not exceeding 160 grains per linear foot, overspun with tapes, yarns and plastics or waterproofing compounds. Wire countering is permissible.

• • • • • •

(r) Igniter cord consists of textile yarns and/or wire uniformly covered with a combustible chemical mixture, with or without additional textile or wire countering, waterproofing or finishing coating which, when ignited, burns externally at various rates according to design.

4. Section 146.20–23 is amended by changing paragraph (a) to read as follows:

§ 146.20–23 *Stowage of explosives in magazines adjacent to other dangerous articles.* (a) Magazines containing explosives that are required to be stowed in such magazines by the tables contained in §§ 146.20–100 to 146.20–300 inclusive, shall not be located in the same holds or holds adjacent to those in which inflammable liquids or inflammable solids or oxidizing materials are stowed, nor shall such magazines be located in holds below such substances stowed "On deck". Dynamite and commercial boosters may be stowed in the same hold with nitro carbo nitrate.

5. Section 146.20–90 is amended by changing the stowage and storage chart as follows:

a. At the intersection of horizontal and vertical columns 2 and 18, insert the footnote reference number "4".

b. At the end of the chart insert a new footnote to read as follows:

⁴ Nitro carbo nitrate may be stowed with dynamite and commercial boosters.

6. Section 146.20–100 *Table A—Classification: Class A; dangerous explosives* is amended as follows: Delete "High explosives (propellant explosives. Class A)" and all wording relating thereto in columns 2, 3, 4, 5, 6 and 7.

7. Section 146.20–100 *Table A—Classification: Class A; dangerous explosives* is amended by adding new items (indicated by a dagger (†), and amending present items to read as follows:

§ 146.20–100 *Table A—Classification: Class A; dangerous explosives*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
High explosives (*when containing not more than 75% liquid explosive ingredient*). Also: (*Blasting gelatin*). (*Gelatin dynamite*).	Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous," except ICC-23G which must be so marked on the side or end. The top of boxes (except ICC-23G) must be marked "This Side Up." Observe "This Side Up" stowage.	No label required.	Stowage: Magazine. Outside containers: Wooden boxes (ICC-14, 15A, 16A) not exceeding 75 lb. gr. wt. Fiberboard boxes (ICC-23F, 23G, 23H) WIC, not exceeding 65 lb. gr. wt. ICC-23G must be packed in an outer container consisting of at least 7 ply Kraft paper.	Not permitted.	Not permitted.	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
High explosives (*containing no liquid explosive ingredient nor any chlorate*). *Amatol.* *Shaped charges, commercial.* *Soda amatol.*	Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous," except ICC-23G which must be so marked on the side or end. Each keg, drum or barrel must be marked on both ends: "High explosives—Dangerous".	No label required.	Stowage: Magazine. Outside containers: Wooden barrels or kegs (ICC-10B) not over 200 lb. gr. wt. (not permitted for "Shaped charges commercial"). Wooden boxes (ICC-14, 15A, 16A) WIC, not over 140 lb. gr. wt. Fiberboard boxes: (ICC-12B) WIC, not over 65 lb. gr. wt. (ICC-23F 23H) not over 65 lb. gr. wt. (ICC-23G) not over 65 lb. gr. wt. (Not permitted for "Shaped charge, commercial.") Amatol when cast in a solid block or column may also be shipped in: Steel barrels or drums (ICC-13A) not over 90 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.
High explosives (*in dry condition*). Including: *Ammonium picrate.* *Cyclotrimethylenetrinitramine (desensitized).* *Dipicrylamine* *Dipicryl sulfide.* *Dinitrophenylhydrazine.* *Nitroguanidine.* *Nitrourea.* *Pentolite.* *Picramide.* *Picric acid.* *Picryl chloride.* *Tetryl.* *Trinitroanisole.* *Trinitrobenzene.* *Trinitrobenzoic acid.* *Trinitro-m-cresol.* *Trinitronaphthalene.* *Trinitroresorcinol.* *Trinitrotoluene.* *Urea nitrate.* NOTE: Some of the above substances may be shipped as "Drugs, chemicals, medicines or cosmetics" in securely closed glass bottles of quantity not exceeding 4 oz. in one outside package.	Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous." Each keg, drum or barrel must be marked on both ends: "High explosives—Dangerous."	No label required.	Stowage: Magazine. Outside containers: Wooden barrels or kegs (ICC-10B) not over 200 lb. gr. wt. Wooden boxes (ICC-14, 15A, 16A) not over 50 lb. net wt. For trinitrotoluene and pentolite only, the gr. wt. must not exceed 140 lb. Fiberboard boxes (ICC-23F) not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 200 lb. net wt.	Not permitted.	Not permitted.	Not permitted.

Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
High explosives (*wet with not less than 10 pounds of water to each 90 pounds of dry material*). Including: *Ammonium picrate.* *Cyclotrimethylenetrinitramine.* *Picric acid.* *Trinitrobenzene.* *Trinitrobenzoic acid.* *Trinitroresorcinol.* *Trinitrotoluene.* *Urea nitrate.* NOTE: For shipments of some of the above materials in small quantities in a wet condition see § 146.22–100.	Each keg or barrel must be marked on both ends: "High explosives—Dangerous."	No label required.	Stowage: Magazine. Outside containers: Wooden barrels or kegs (ICC-10B) not over 50 gal. cap. Authorized only for "Cyclotrimethylenetrinitramine, wet with 10% water": Fiber drums (ICC-21A, 21B) WIC, not over 200 lb. net dry wt. Metal barrels or drums (ICC-5B) WIC, not over 300 lb. net wt.	Not permitted.	Not permitted.	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Boosters (explosive). Bursters (explosive). Detonating fuzes with or without radioactive components. Supplementary charges (explosive).	Boosters and supplementary charges consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze. Bursters consist of a casing containing a high explosive and are used to rupture a projectile or bomb to permit release of its contents. Detonating fuzes are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. They may also contain a small amount of radioactive component. Radiation on the surface of any detonating fuze having a radioactive component shall not exceed 100 milliroentgens per hour and the radiation at the surface of the outside shipping container shall not exceed 200 milliroentgens per hour. Do not stow detonating fuzes with any high explosives. Do not load at the same time that high explosives are being loaded. Each outside container shall be plainly marked "Detonating Fuzes—Handle Carefully—Do Not Store or Load With Any High Explosives", or "Detonating Fuzes, Radioactive—Handle Carefully—Do Not Store or Load With Any High Explosives", or "Boosters (Explosive) Handle Carefully", or "Bursters (Explosive)—Handle Carefully", or "Supplementary Charges Explosive—Handle Carefully" as the case may be.	No label required.	Stowage: Magazine. Outside containers: Strong tight wooden boxes, not over 100 lbs. gr. wt. for detonating fuzes. Not over 300 lbs. gr. wt. for boosters, bursters, and supplementary charges.	Not permitted.	Not permitted.	Not permitted.

Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
†Propellent explosives, Class A.	Propellent explosives, Class A, are solid chemicals or chemical mixtures which are designed to function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellent explosives, Class A, include some types of smokeless powder and some types of solid propellant explosives for jet thrust units, rockets or other devices. Each outside container must be plainly marked: "Propellant Explosives, Class A".	No label required.	Stowage: Magazine. Outside containers: Wooden barrels or kegs (ICC-10B) not over 200 lb. gr. wt. Metal kegs (ICC-13) not over 150 lb. gr. wt. Bundles of metal kegs (ICC-13), roped, wrapped in burlap, canvas or similar materials, securely sewed or roped, not over 100 lb. net wt. Tight metal containers not over 200 lb. gr. wt. Tight wooden boxes with tight inside metal cases not over 200 lb. gr. wt. Wooden boxes (ICC-14, 15A, 15B, 15C) with ICC approved inside containers, not over 200 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) with ICC approved inside containers not over 65 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

† The dagger (†) indicates items added.

6. Section 146.20–200 *Table B—Classification: Class B; less dangerous explosives* is amended by changing the following items to read as follows:

§ 146.20–200 *Table B—Classification: Class B; less dangerous explosives*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Fireworks, special (*ship distress signal*).	Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Each outside container will be plainly marked: "Special fireworks—Handle carefully—Keep fire away." Do not stow in same compartment with any inflammable liquid or solid, inflammable compressed gas or combustible organic material.	Special fireworks.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIMC, not over 95 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIMC, not over 95 lb. gr. wt.	Ferry stowage (AA). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIMC, not over 95 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIMC, not over 95 lb. gr. wt.
Fireworks, special (*Toy torpedoes*).	Each outside package must be marked "Toy Torpedoes" in addition to the regular marking of "Special fireworks—Handle carefully—Keep fire away." Do not pack with other fireworks. Stow in an accessible location where shipment may be readily observed and with fire extinguishing equipment easily available.	Special fireworks.	Stowage: "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 65 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 25 lb. gr. wt.	Stowage in metal lockers located: "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 65 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 25 lb. gr. wt.	Ferry stowage (AA). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC not over 65 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 25 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 65 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 25 lb. gr. wt.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

Table B—Classification: Class B; less dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Propellant explosives, Class B.	Propellant explosives, Class B, are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, Class B, include smokeless powder for small arms, smokeless powder for cannon, smokeless powder or solid propellant for rockets, jet thrust units, or other devices. Black powder is not classified as a propellant explosive (See: Black powder, § 146.20–100.) Propellant explosives as prepared for shipment that are sensitive to detonation are Class A explosives. (See: Propellant explosives, Class A, § 146.20–100.) Each outside container must be plainly marked: "Propellant Explosives, Class B".	No label required.	Stowage—magazine or: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden barrels or kegs (ICC-10B) not over 200 lb. gr. wt. Metal kegs (ICC-13) not over 150 lb. gr. wt. Bundles of metal kegs (ICC-13) roped, wrapped in burlap, canvas or similar materials, securely sewed and roped, not over 100 lb. net wt. Tight metal containers, not over 200 lb. gr. wt. Tight wooden boxes with tight inside metal cases, not over 200 lb. gr. wt. Wooden boxes (ICC-14A, 15A, 15B, 15C) with ICC approved inside containers, not over 200 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) with ICC approved inside containers, not over 65 lb. gr. wt. Authorized only for grains not less than 1 inch in diameter or 3 inches in length if tightly packed and protectively coated. Wooden boxes (ICC-14, 15A, 16A) not over 200 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.
Propellant explosives in water (*smokeless powder for cannon or small arms*).	For propellant explosives shipped wet with water observe containers carefully for signs of leakage. Reject containers which are leaking or which show signs of having leaked. Each outside package must be plainly marked "Propellant explosives, Class B, in water".	No label required.	Stowage—magazine or: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat.", Outside containers: Steel barrels or drums (ICC-5, 5A, 5B, 6A, 6B, 6C) not over 55 gal. capacity. Wooden barrels or kegs (ICC-10A, 10B) not over 50 gal. capacity. Wooden boxes (ICC-15A) WIML ICC-2F, not over 200 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.
Propellant explosives in water, unstable, condemned, or deteriorated (*smokeless powder for cannon or small arms*).	For propellant explosives shipped wet with water observe containers carefully for signs of leakage. Reject containers which are leaking or which show signs of having leaked. Each outside package must be plainly marked "Propellant explosives, Class B, in water".	No label required.	Stowage—magazine or: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums (ICC-5, 5A, 5B, 6A, 6B, 6C) not over 55 gal. capacity. Wooden barrels or kegs (ICC-10A, 10B) not over 50 gal. capacity. Wooden boxes (ICC-15A) WIMC ICC-2F, not over 200 lb. gr. wt. Tank cars (ICC-103, 103W).	Not permitted.	Not permitted.	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

7. Section 146.20–300 *Table C—Classification: Class C; relatively safe explosives* is amended by changing the following items to read as follows:

§ 146.20–300 *Table C—Classification: Class C; relatively safe explosives*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Cordeau detonant fuse...	Cordeau detonant fuse is a fuse containing a core of pentaerythrite tetranitrate or cyclotrimethylene trinitramine not exceeding 160 grains per linear foot, overspun with tapes, yarns and plastics or waterproofing compounds. Wire countering is permissible. Do not stow in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside container must be plainly marked: "Cordeau detonant fuse—Handle carefully."	No label required..	Stowage: "On deck under cover." 'Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.	Ferry Stowage (BB). Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Igniter cord	Igniter cord consists of textile yarns and/or wire uniformly covered with a combustible chemical mixture, with or without additional textile or wire counterings, waterproofing or finishing coatings which, when ignited, burns externally at various rates according to design. Do not stow in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside package must be plainly marked "Igniter cord."	No label required..	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden barrels, strong metal containers, strong wooden boxes, not over 210 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden barrels, strong metal containers, strong wooden boxes, not over 210 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Strong wooden barrels, strong metal containers, strong wooden boxes, not over 210 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Strong wooden barrels, strong metal containers, strong wooden boxes, not over 210 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE LIQUIDS

1. Section 146.21–30 is amended by changing the title and paragraph (b) to read as follows:

§ 146.21–30 *Prohibited stowage.* • • •

(b) Inflammable liquids in a quantity in excess of 1 ton shall not be stowed "on deck" in vessels carrying Class "A" Dangerous Explosives or Class "B" Less Dangerous Explosives unless:

(1) When carried "on deck" on vessels having machinery spaces amidship, the engine and boiler room spaces shall intervene between the holds which contain the explosives and the spaces over which the inflammable liquids are stowed.

(2) When carried "on deck" on vessels having machinery spaces aft, the bridge structural erections shall intervene between the holds which contain the explosives and the spaces over which the inflammable liquids are stowed. This stowage shall not be ultilized unless it provides a distance between the stowages of at least one complete hold space.

2. Section 146.21–65 is amended by changing paragraph (c) (23) to read as follows:

§ 146.21–65 *Limited quantity shipments.* • • •

(c) • • •

(23) Methylchloromethyl ether, anhydrous.

3. Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended by changing the following items to read as follows:

§ 146.21–100 *Table D—Classification: Inflammable liquids*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Mercaptans: Amyl mercaptan. Butyl mercaptan. Ethyl mercaptan. Isopropyl mercaptan. Propyl mercaptan. Aliphatic mercaptan mixtures. (When possessing a flash point at or below 80° F.)	*Water-white to yellow liquids. Strong offensive garlic-like odor. Butyl mercaptan highly toxic, others are toxic to lesser degree. Do not breathe vapors from these substances or allow in contact with eyes. Flash points variable (ethyl—lowest; amyl—highest). Immiscible with water.* Keep cool. Stow well away from living quarters.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible". Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 110 gal. cap. (ICC–17C) STC, not over 55 gal. cap. (ICC–17E) STC, not over 5 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Tank cars (ICC–105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W). Authorized only for mercaptans having a flash point above 20° F.: Steel barrels or drums: (ICC–17E) STC, not over 55 gal. cap.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Wet nitrocellulose colloided, granular or flake (must contain at least 20%, by weight of alcohol or a solvent with flashpoint not lower than 30° F.).	*Formed by the nitration of cotton by treatment with a mixture of nitric and sulfuric acids. Involved in a fire will give off nitrous fumes, deep orange in color, and extremely irritating and poisonous. Flashpoint variable, not less than 30° F.* Keep cool. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or ones showing signs of having leaked.	Red	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G, 5M) not over 450 lb. gr. wt. (ICC–6A, 6B, 6C) not over 450 lb. gr. wt. (ICC–17C, 17E, 17H) STC, not over 450 lb. gr. wt. (ICC–37D) STC, not over 5 gal. cap. Aluminum barrels or drums (ICC–42B, 42C) not over 450 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B) not over 450 lb. gr. wt. (ICC–11A, 11B) WIC, not over 16 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A, 19B) WIC, not over 10 gal. total cap. Fiberboard boxes (ICC–12B) WIC, not over 65 lbs. gr. wt. (ICC–12E) WIMC, not over 110 lb. gr. wt. Fiber or plywood drums (ICC–21A, 21B, 22A, 22B) WIC, not over 1 gal. cap. Cylinders as prescribed for any compressed gas except acetylene. Authorized only for nitrocellulose or collodion cotton, fibrous, wet, or colloided nitrocellulose, granular or flake, wet: Aluminum barrels or drums (ICC–42F) not over 450 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Wet nitrocellulose (must contain at least 30% by weight of alcohol or a solvent with a flashpoint not lower than 30° F.		Red.				
Wet nitrostarch (must contain at least 30% by weight of alcohol or a solvent with flashpoint not lower than 30° F.). Shipping containers on above shall have marked thereon the gross, tare, and net weight of the package.	*Formed by the nitration of starch. Characteristics and hazards similar to those of "Nitrocellulose, wet with an inflammable liquid" which see above.* Keep cool. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or one showing signs of having leaked.	Red.				
• • •	• • •	• • •	• • •	• • •	• • •	• • •

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE SOLIDS AND OXIDIZING MATERIALS

1. Section 146.22-15 is amended by changing paragraph (a) to read as follows:

§ 146.22-15 *Mixed stowages of oxidizing materials.* • • •

(a) These substances shall not be stowed in the same compartment or hold in which explosives are stowed except nitro carbo nitrate may be stowed with dynamite and commercial boosters.

2. Section 146.22-35 is amended to read as follows:

§ 146.22-35 *Elemental phosphorus in water in bulk*—(a) *General.* Elemental phosphorus, white or yellow, in water may be carried in bulk on barges in conformity with the following provisions:

(1) Barges shall be constructed or altered to meet the rules of the American Bureau of Shipping and as required by this section.

(b) *Types of cargo tanks.* (1) Tanks in which the vessel's structure forms a part thereof may be employed, provided void spaces are located surrounding the tanks on the sides and bottom.

(2) Tanks independent of the hull either cylindrical or of rectangular design may be employed. The plating of such tanks shall be not less than 5/16 inch thick.

(3) The tanks shall be designed and tested to a head of 8 feet above the tank top or the highest level the lading may rise, whichever is the greater.

(4) When a water displacement method of discharge is used, pressure-vessel type cargo tanks, designed and tested in accordance with Subchapter F of this chapter shall be employed. Such tanks shall be designed for the maximum pressure to which they may be subjected when water pressure is used to discharge the cargo.

(c) *Venting.* Each cargo tank shall be fitted with an approved pressure-vacuum relief valve set to discharge at a pressure not exceeding 2 pounds per square inch. The discharge therefrom shall lead overboard above the waterline. When pressure vessel type tanks are used, each tank shall be fitted with a relief valve of suitable size.

(d) *Installation.* Adequate clearance shall be provided for the inspection and maintenance of independent cargo tanks, or such tanks shall be made moveable.

(e) *Openings in tanks.* Openings in tanks are prohibited below deck except for access openings used for inspection and maintenance of tanks. Manholes or access trunks shall be of not less than 20 inches diameter. Openings shall be fitted with bolted cover plates and gaskets resistant to the attack of phosphorus pent oxide.

(f) *Outage.* Sufficient outage shall be provided to prevent the tanks from being liquid full at any time, but in no case shall the outage be less than 1 percent. When pressure vessel type tanks are used outage need not be provided.

(g) *Cargo discharging.* Pumps shall be employed in the discharge of cargo except when pressure vessel type tanks are used, water displacement method may be employed. The use of compressed air to discharge cargo is prohibited.

(h) *Cargo temperature.* Cargo shall be loaded at a temperature not exceeding 140° F. and then be cooled to a temperature not exceeding 105° F. prior to movement of the barge.

(i) *Heating coils.* Coils in which steam or hot water is circulated to heat the cargo so that it may be pumped shall be located outside the cargo tanks.

(j) *Void flooding.* A fixed ballast piping system (including a power driven pump of ample capacity), or other means acceptable to the Commandant shall be installed so that any void space surrounding the fixed tanks may be flooded.

(k) *General requirements.* (1) All enclosed compartments containing independent cargo tanks and machinery spaces containing cargo pumps for handling liquid phosphorus shall be provided with effective means of ventilation.

(2) Cargo piping shall be of steel or wrought iron. Flanges and pipe fittings shall be of steel or malleable iron. Valves shall be of steel or bronze.

(3) Cargo lines shall be traced with steam piping and secured thereto by lagging to prevent solidification of cargo during transfer operations.

(4) A water hose shall be connected ready for immediate use and any spillage of phosphorus shall be immediately washed down.

(5) At least two fresh air masks or self-contained oxygen breathing apparatus shall be stowed on board the vessel at all times for use of personnel entering the tanks or adjacent spaces.

(6) Authorization from the Commandant, United States Coast Guard, shall be obtained to transport lading other than phosphorus in the cargo tanks.

(7) Mechanical ventilation of sufficient capacity to insure a change of air every three minutes shall be provided during the inspection and maintenance of the cargo tanks.

(8) During the time elemental phosphorus is laden in the tanks, the barge shall be under constant surveillance. A towing vessel engaged in transporting such barges shall not leave the barge unattended except when the barge is moored at a pier, wharf, dock or other terminal and then only if such facility is provided with watchman or guard service.

(9) The Interstate Commerce Commission standard "Dangerous" placard shall be displayed in four locations on the barge when elemental phosphorus is laden in the tanks. A placard shall be posted approximately amid ships on each side facing outboard, and a placard shall be posted at each end of the barge at about the end of the tanks facing outboard. After unloading and before a tank or tanks are cleaned, the placard shall be reversed to show the "Dangerous—Empty" legend.

(l) *Electrical bonding.* Independent cargo tanks shall be electrically grounded to the hull. The barge shall be electrically connected to the shore piping prior to connecting the cargo hose. This electrical connection shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

(m) *Tests and retests.* (1) Each gravity tank shall be tested before being put into service as prescribed in paragraph (b) (3) of this section. Tanks shall be retested, as prescribed, at intervals of ten years or less after the original test, and before being returned to service after any extensive repairs.

(2) Pressure vessel type cargo tanks shall be subjected to an internal examination biennially and to a hydrostatic test, equal to one and one half times the designed pressure, on the fourth year after installation and every fourth year thereafter.

3. Section 146.22-100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended by adding new items (indicated by a dagger (†)), and amending present items to read as follows:

§ 146.22-100 *Table E—Classification: Inflammable solids and oxidizing materials*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Calcium, metallic, crystalline.	*A highly inflammable solid in the metallic crystalline form. Decomposes water with evolution of hydrogen.* Do not stow with explosives, inflammable liquids (red label) or acids (white label). Stow in a well ventilated compartment. Keep dry and cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessable." Outside containers: Wooden boxes (ICC-15A, 15B) WIMC, not over 250 lb. gr. wt. Metal barrels or drum (ICC-6A, 6B, 6C) not over 350 lb. gr. wt. Metal drums (ICC-17C, 17H) STC, not over 350 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Chromic acid: Chromic anhydride. Chromium trioxide.	*An oxidizing material in the form of red flakes, or may be ground. Can irritate skin or mucous membranes. Avoid breathing dust or contact with skin. Soluble in water. Reactive with many organic substances. Reaction generates heat, and ignition may occur.* Do not stow in same compartment with explosives, inflammable liquids (red label), acids (white label), or combustible materials.	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes (ICC-15A, 15B), WIC, not over 250 lb. gr. wt.	Stowage: "On deck protected." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 250 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E) STC not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 250 lb. gr. wt.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Cumene hydroperoxide (*strength not exceeding 75% in a nonvolatile solvent*).	*Organic peroxide shipped in a nonvolatile solvent. Solution is combustible.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-17E) STC, with interiors so treated that they will be resistant to the contents. Not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
†Dicumyl peroxide (*strength not exceeding 60% in a non-volatile solvent*). See "Cumene hydroperoxide" for containers and stowage. †Dicumyl peroxide of strength exceeding 50% may be shipped as "Inflammable solids, N. O. S.".	do	Yellow.				
Tertiary butylisopropyl benzene hydroperoxide (*strength not exceeding 60% in a non-volatile solvent,*) See "Cumene hydroperoxide" for containers and stowage.	do	Yellow.				
• • •	• • •	• • •	• • •	• • •	• • •	• • •

† The dagger (†) indicates items added.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lauroyl peroxide, dry	*White, coarse powder; tasteless, faint pungent odor. Strong supporter of combustion. Readily ignited, burns rapidly. Insoluble in water.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes, (ICC-15A, 15B) WIC, not over 100 lb. net wt. Fiber drums (ICC-21A, 21B) not over 100 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 70 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes, (ICC-15A, 15B) WIC, not over 100 lb. net wt. Fiber drums (ICC-21A, 21B) not over 100 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 70 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes, (ICC-15A, 15B) WIC, not over 100 lb. net wt. Fiber drums (ICC-21A, 21B) not over 100 lb. net wt. Fiberboard boxes(ICC-12B) WIC, not over 70 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes, (ICC-15A, 15B) WIC, not over 100 lb. net wt. Fiber drums (ICC-21A, 21B) not over 100 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 70 lb. gr. wt.
Lithium aluminum hydride.	*Light porus white powder. Decomposes to lithium hydride, aluminum metal and hydrogen above 190° C. without melting.* Do not stow with explosives, inflammable liquids (red label) or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B), with hermetically sealed metal inside containers not over 1 gal. cap., not over 250 lb. gr. wt. Metal drums (ICC-37D) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box.	Not permitted	Not permitted	Not permitted.
Lithium hydride	*Odorless, gray lumps or powder. Combustible, burns quietly. Evolves gas when in contact with moisture. The gas forms inflammable mixture with air, over a wide range.* Do not stow with explosives, inflammable liquids (red label), or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap.	Not permitted	Not permitted	Not permitted.
Lithium metal	*Very light, soft metal. Burns with intense white flame. Reacts readily with moisture to evolve an inflammable gas.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow	Metal drums (ICC-37D) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt.			
Lithium silicon	*Black, shiny lumps, or powder with sharp irritating odor. Reacts readily with water to evolve an inflammable gas. Under certain conditions enough heat is generated to ignite the gas mixture in air.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow	Lithium metal immersed in neutral oil may be accepted in: Wooden boxes (ICC-15A, 15B) WIMC or 37D, STC, not over 30 lb. net wt. Lithium metal in cartridges not exceeding 18 grams net weight each may be accepted in: Strong outside containers, not over 1 lb. net wt. of lithium metal. Lithium metal in cartridges containing more than 18 grams, but not more than 120 grams of lithium must be packed in: Wooden boxes (ICC-15A, 15B) WIMC, not over 75 lb. gr. wt.			

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Magnesium scrap (*borings, clippings, sharings, sheets, or turnings*).	*Sharings, borings, turnings or other small pieces of metallic magnesium other than powder.* Do not stow with inflammable liquids (red label) or acids (white label). Keep dry	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Tightly and securely closed metal barrels, wooden barrels, or metal pails. Magnesium scrap consisting of clippings, or sheets: Tightly closed boxcars. Tightly closed gondola cars. NOTE: Magnesium scrap consisting of clippings, or sheets in tightly and securely closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking other than name of contents, and labeling requirements.	Not permitted	Not permitted	Not permitted.
Nitro Carbo nitrate	*Composed principally of ammonium nitrate. Involved in a fire will greatly intensify the burning of all combustible material and under conditions of exposure to high temperatures (above 400° F.) rapid decomposition and ignition may occur. Will burn with explosive violence. Soluble in water.* Stow separate from all combustible material, explosives (except dynamite and commercial boosters), or acids (white label) and away from chlorates.	No label required.				
Phosphorus, white or yellow, in water. Shipping containers shall have marked thereon the gross, tare, and net weight of the package. NOTE: See § 146.22-35 for bulk shipments.	*Almost colorless or yellowish semitransparent mass becoming somewhat darker or white and waxy in appearance with aging. Melting point 110° F. Fumes are poisonous and possess a strong garlic-like odor. White or yellow phosphorus will ignite spontaneously in air. In event of breakage, do not handle this substance with bare hands.* Protect from freezing. Do not stow with explosives, inflammable liquids (red label), corrosive liquids (white label), nor with nitrates, chlorates, or permanganates. Stow away from living quarters and foodstuffs. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or ones showing signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers—*When packed in water:* Steel barrels or drums: (ICC-5A, 6A, 6B) not over 30 gal. cap. Wooden boxes: (ICC-15A, 15B) with hermetically sealed metal cans or metal linings, not over 250 lb. gr. wt. Tank cars: (ICC-103, 103W) without bottom discharge outlet and with insulated covering.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Potassium, metallic	*Potassium metallic is an inflammable, soft, white metal, with a silvery luster on freshly cut surfaces.* *Reacts violently with water evolving hydrogen which ignites from the intense heat of the reaction; also violently and similarly decomposed by acids.* Do not stow with combustible materials, explosives, acids (white label), inflammable liquids (red label), or oxidizing materials (yellow label). Do not overstow with other cargo. Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. Metal drums (ICC-37D) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers not over 250 lb. gr. wt. NOTE: Potassium metallic immersed in neutral petroleum oil may also be accepted in: Wooden boxes (ICC-15A, 15B) with inside drum (ICC-37D) STC, not over 30 lb. net wt. or with inside glass containers each enclosed in a tin container, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Sodium amide	*White crystalline powder, with odor of ammonia.* *Decomposed by water forming ammonia gas and generating heat.* *Decomposed by moisture in air.* Do not stow with combustible materials, explosives, or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. Metal drums (ICC-37D) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt. Sodium amide immersed in neutral oil may also be accepted in: Wooden boxes (ICC-15A, 15B) WIMC (ICC-37D) not over 30 lb. net wt. or with glass inside containers each enclosed in a tin container, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium, metallic	*Sodium, metallic is a light silver-white metal, lustrous when freshly cut.* *Burns with a yellow flame.* *Violently decomposes water forming sodium hydroxide and hydrogen which ignites spontaneously.* Do not stow with combustible materials, explosives, acids (white label), inflammable liquids (red label), oxidizing materials (yellow label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. Metal drums (ICC-37D) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt. Sodium, metallic which has been fused solid in the container may be accepted in: Steel barrels or drums (ICC-17E, 17H, 37D) STC, not over 55 gal. cap. Sodium, metallic immersed in neutral oil may also be accepted in: Wooden boxes (ICC-15A, 15B) WIMC (ICC-37D), not over 30 lb. net wt. or with glass inside containers each enclosed in a tin container, not over 250 lb. gr. wt. Tank cars (ICC-105A300, 105A-300W) the metallic sodium to be in a molten condition when loaded into the tank and allowed to solidify before car is accepted by carrier. Sodium metallic cylindrical or rectangular blocks not less than 6 in. in length and not less than 2 in. in diameter or any other dimension, may be accepted in: Metal drums (ICC-17H, 37D) STC, not over 30 lb. net wt. Metal drums (ICC-17C) STC, not over 300 lb. net wt.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Sodium potassium alloys	*Alloys of sodium and potassium.* Stow separate from combustible materials, explosives and acids (white label). Keep dry. Do not overstow with other cargo. Care must be taken to prevent damage to the containers.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Metal barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. Metal drums (ICC-37D) STC, not over 6 gal. cap. Not more than 4 drums in one strong outside wooden box. Wooden boxes: (ICC-15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
†Trinitrobenzoic acid, wet with not less than 10% water, *in excess of 16 ounces, but not exceeding 25 pounds.* Trinitrobenzoic acid, wet with not less than 10% water in a quantity not exceeding 16 ounces in one outside package may be accepted as "Drugs, chemicals, or medicines".	*In the dry state, this material is classified by these regulations as a high explosive but is not sensitive in this respect when wet with at least 10% water.* Do not stow with metals, metallic powders, finely divided organic materials, lime, potash, soda or any chlorates, nitrates or other oxidizing materials (yellow label), explosives, or acids (white label). Stow away from living quarters. Keep cool. Shipping containers shall have marked thereon the gross, tare and net weight of the package. In accepting shipments observe outside containers carefully for signs of leakage of water content. Refuse leaking containers, or ones showing signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes: (ICC-15A) WIC, not to exceed 25 lb. dry weight of material in one outside container.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Wet nitrocellulose—20% water. Wet nitrocellulose, colloided, granular or flake—20% water. Material must be uniformly wet with at least 20 lb. of water to 80 lb. of dry material. Shipping containers must have marked thereon the gross, tare, and net weight of the package. For export shipment only, the shipping name "Collodion cotton wet with water" may be used when required by the country of destination.	*An inflammable solid consisting of nitrated cotton.* *When wet with not less than 20% water, this substance is classified as an inflammable solid. When dry it is classified as a high explosive.* *Involved in a fire, it will give off nitrous fumes, deep orange in color, and extremely irritating and poisonous.* Check gross weight of container to be certain no leakage has occurred. Refuse leaking containers or ones that show signs of having leaked. Outside containers must be marked "Wet nitrocellulose—20% water."†	Yellow	Stowage: "On deck protected."† "On deck in open." "On deck under cover."† "Tween decks." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 450 lb. gr. wt. (ICC-17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37D) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. Wooden boxes (ICC-15A, 15B), WIL, not over 250 lb. gr. wt. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet: Aluminum barrels or drums (ICC-42F) not over 450 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible."† Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 450 lb. gr. wt. (ICC-17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37D) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. Wooden boxes (ICC-15A, 15B), WIL, not over 250 lb. gr. wt. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet: Aluminum barrels or drums (ICC-42F) not over 450 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 450 lb. gr. wt. (ICC-17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37D) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. Wooden boxes (ICC-15A, 15B), WIL, not over 250 lb. gr. wt. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet: Aluminum barrels or drums (ICC-42F) not over 450 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 450 lb. gr. wt. (ICC-17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37D) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. Wooden boxes (ICC-15A, 15B), WIL, not over 250 lb. gr. wt. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet: Aluminum barrels or drums (ICC-42F) not over 450 lb. gr. wt.
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†Articles marked with a dagger (†) have been added.

SUBPART—DETAILED REGULATIONS GOVERNING CORROSIVE LIQUIDS

1. Section 146.23–100 *Table F—Classification: Corrosive liquids* is amended by changing the following items to read as follows:

§ 146.23–100 *Table F—Classification: Corrosive liquids*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetyl chloride	*A clear, colorless, fuming liquid. Gives off fumes which are extremely irritating to the eyes. Decomposes violently with water or alcohol with the evolution of hydrochloric acid fumes which are irritating and suffocating. Inflammable. Flashpoint 40° F. Boiling point 126° F.* Do not stow adjacent to alcohol. Protect stowage from water. Protect from sparks and open flame. Keep cool.	White	Stowage: "On deck protected." "On deck under cover."† Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A), not over 13 gal. cap. Carboys, boxed, glass (ICC-1D), not over 6½ gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C), not over 13 gal. cap. Carboys in plywood drums, glass (ICC-1E), not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5A), not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Nickel drums (ICC-5K), not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60), not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W, 105A300, 105A300W).	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Antimony pentachloride. Antimony pentachloride, solution.	*A heavy, reddish brown liquid, having an offensive odor. Decomposed by water, evolving hydrochloric acid, the fumes of which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating. Reacts strongly with organic matter giving off dense fumes. Boiling point 197° F.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Steel barrels or drums (ICC-5A), not over 110 gal. cap. Steel barrels or drums (ICC-5C) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Authorized only for antimony pentachloride: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W, 105A300, 105A300W). Authorized only for antimony pentachloride, solution: Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Wooden barrels or kegs (ICC-10A) asphalt-lined, not over 50 gal. cap. Metal drums, rubber lined (ICC-5D) not over 110 gal. cap. Metal drums, lead lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap.	Not permitted	Not permitted	Not permitted
. . .	. . .	. . .	. . .	. . .	. . .	. . .

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Benzoyl chloride	*A clear, colorless liquid which even at ordinary temperatures gives off a vapor very irritating to the eyes, nose, and throat. Decomposes on contact with water liberating fumes which are irritating to the mucous membrane and in sufficient quantities will be suffocating.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed; glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed; glass (ICC-1D) not over 6½ gal. cap. Carboys in kegs; glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys boxed, polyethylene, (ICC-1G) not over 15 gal. cap. Carboys, boxed; glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Benzyl chloride must be stabilized when packed in unlined containers. Steel drums, lead-lined (ICC-5H) not over 55 gal. cap. for benzyl chloride only. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W, 105A300, 105A300W). Benzyl chloride must be stabilized when loaded in unlined tanks. Unstabilized benzyl chloride and benzoyl chloride when anhydrous and free from impurities such as iron may be shipped in: Nickel drums (ICC-5K) not over 55 gal. cap. Nickel tank cars (ICC-103A, 103A-W) for benzyl chloride only.	Not permitted	Not permitted	Not permitted
Benzyl chloride	*A colorless liquid possessing a rather unpleasant odor and vapors which are very irritating to the eyes, nose, and throat. Combustible. Flash point 140° F. Immiscible with water.*	White.				
. . .	. . .	. . .	. . .	. . .	. . .	. . .

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, cleaning, liquid (*containing hydrofluoric acid*). Must not contain more than 60% hydrofluoric acid.	*Colorless water solutions of hydrofluoric acid in various concentrations.* *May also contain ammonium fluoride, etc.* *Extremely corrosive to glass, stoneware, and some metals.* *Miscible with water.* *Produces painful burns when allowed to contact flesh.* *Gives off fumes which are irritating and caustic.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes, WIC of natural rubber, ceresine, lead or other hydrofluoric-acid-resistant material (ICC–15A, 15B, 15C, 16A, 19A) not over 200 lb. gr. wt. Fiberboard boxes, WIC of natural rubber, ceresine, lead, or other hydrofluoric acid-resistant material of equal strength (ICC–12B) not over 65 lb. gr. wt. Plywood drums (ICC–22B) WIL, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Formic acid Formic acid, solution.	*A colorless liquid with a pungent irritating odor.* *It is combustible and will give off vapors which may form explosive mixtures in air.* *In concentrated form it is dangerously caustic to the skin.* *Solidifies at 45° F.* *Miscible with water.*	White	Stowage: "On deck in open." "On deck protected." "On deck under cover." "Tween decks." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5C, 5) not over 110 gal. cap. (ICC–17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) latex rubber-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. marked "For Formic Acid Only." Tank cars (ICC–103C–W) stenciled "For Formic Acid Only." For export shipment only: Carboys, glass, in plywood drums (ICC–1EX) not over 6½ gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5C, 5) not over 110 gal. cap. (ICC–17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) latex rubber-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5C, 5) not over 110 gal. cap. (ICC–17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) latex rubber-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5C, 5) not over 110 gal. cap. (ICC–17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) latex rubber-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. marked "For Formic Acid Only." Tank cars (ICC–103C–W) stenciled "For Formic Acid Only." For export shipment only: Carboys, glass, in plywood drums (ICC–1EX) not over 6½ gal. cap.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrochloric (muriatic) acid. NOTE: See § 146.23–50 for bulk shipments.	*A corrosive, fuming liquid, varying from colorless to yellow.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Will damage or destroy many articles by contact but does not cause fire.* *Will dissolve tin, iron, and steel with evolution of hydrogen gas.* *Noninflammable.* *Miscible with water.* Shall not be accepted in unlined metal drums. Do not stow with sulfuric acid, nitric acid or chlorates. Do not stow over other cargo.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC–1E) not over 6½ gal. cap. Carboys, in plywood, drums, polyethylene (ICC–1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap. Steel barrels or drums (ICC–5D) rubber-lined not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) rubber lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Portable tanks, rubber-lined (ICC–60) not over 8,000 lb. gr. wt. Authorized only for hydrochloric acid not over 44½% strength by weight: Tank cars (ICC–103B100–W). Authorized only for hydrochloric acid not over 38% strength by weight: Tank cars (ICC–103B, 103B–W, 108, 108A). For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC–1EX) STC, not over 6½ gal. cap. (See Note in columns 5, 6, and 7.) Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums; (ICC–17H, 37D) STC, not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC–1E) not over 6½ gal. cap. Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap. Steel barrels or drums (ICC–5D) rubber lined, not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) rubber lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC–1EX) STC, not over 6½ gal. cap. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums; (ICC–17H, 37D) STC, not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC–1E) not over 6½ gal. cap. Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap. Steel barrels or drums (ICC–5D) rubber lined, not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) rubber-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Motor truck vehicles having cargo tanks.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC–1E) not over 6½ gal. cap. Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap. Carboys, boxed, polythylene (ICC–1G) not over 15 gal. cap. Steel barrels or drums (ICC–5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) rubber lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Portable tanks, rubber lined (ICC–60) not over 8,000 lb. gr. wt. Authorized only for hydrochloric acid not over 44½% strength by weight: Tank cars (ICC–103B100–W). Authorized only for hydrochloric acid not over 38% strength by weight: Tank cars (ICC–103B, 103B–W, 108, 108A). For export shipment only: Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, not over 6 gal. cap. Carboys, glass, in plywood drums (ICC–1EX) STC, not over 6½ gal. cap. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15% hydrochloric acid: Metal barrels or drums; (ICC–17H, 37D) STC, not over 5 gal. cap. Drums must be lined throughout with a pliable plastic material impervious to the solution.
Hydrochloric acid mixtures. NOTE: When hydrochloric acid contains oils or solvents it must not be shipped in rubber-lined containers.	See "Hydrochloric acid".	White.				
Hydrochloric (muriatic) acid solution, inhibited.	See "Hydrochloric (muriatic) acid".	White.				

NOTE: Hydrochloric acid of not over 20% strength by weight (13.25° Baume) may also be accepted in: Wooden barrels or kegs (ICC–10A) asphalt lined not over 50 gal. cap.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Pyro sulfuryl chloride	*A colorless, corrosive, fuming liquid.* *Decomposed by water forming hydrochloric and sulfuric acid, the fumes of which are irritating to mucous membrane.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103B, 103B-W, 108, 108A).	Not permitted	Not permitted	Not permitted.
Silicon chloride (*tetrachloride*).	*A colorless liquid, fuming strongly in air.* *Gives off suffocating fumes.* *Mixed with water it decomposes, forming hydrochloric acid, the fumes of which are irritating to mucous membrane.* Keep dry.	White.				

Table F—Classification: Corrosive liquids—Continued

No. 113—4 Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium chlorite solution (not exceeding 40% sodium chlorite).	*A colorless, odorless liquid.* *Oxidizing agent.* *Miscible with water.* *If allowed to dry in contact with organic material fire may result.* *In event of spillage flush with large quantities of water.* Observe containers carefully for signs of leakage, and reject any which are found leaking. Do not stow with organic materials, inflammable liquids (red label), or explosives.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103B, 103B-W, 108, 108A). For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap.	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, (15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. Not permitted	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Motor truck vehicles having cargo tanks. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. Not permitted	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap. Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Portable tanks, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103B, 103B-W, 108, 108A). Motor truck vehicles having cargo tanks. For export shipment only: Carboys, glass, in plywood drums (ICC-1EX) STC, not over 6½ gal. cap. Not permitted.
Sulfur chloride (mono and di).	*A yellowish, red liquid having a penetrating odor.* *Fumes have an irritating effect on the eyes, lungs and mucous membrane and in sufficient quantities will be suffocating.* *Decomposed by water with separation of sulfur.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5A) not over 55 gal. cap. (ICC-17C) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W, 105A300, 105A300W).			

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Sulfuryl chloride	*Colorless liquid.* *Pungent odor.* *Rapidly decomposed by alkalies and by water.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys, in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. (ICC–17C) STC, not over 55 gal. cap. Nickel drums (ICC–5K) not over 110 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–103A, 103A–W, 105A300, 105A300W).	Not permitted	Not permitted	Not permitted.
Thionyl chloride	*A colorless, incombustible liquid with a sharp odor.* *Fumes strongly in moist air to develop corrosive products.* *Avoid breathing fumes.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. (ICC–17C) STC, not over 55 gal. cap. Nickel drums (ICC–5K) not over 110 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–103A, 103A–W, 105A300, 105A300W).	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Tin tetrachloride, anhydrous	*A heavy, colorless, fuming corrosive liquid, which gives off fumes on exposure to air.* *Fumes are visible and are caustic and irritating to mucous membrane.* *Miscible with water with evolution of much heat.* *Avoid breathing fumes.* Keep dry.	White	Stowage: "On deck protected." Outside containers: Steel barrels or drums (ICC–5A) not over 55 gal. cap. (ICC–17C) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–105A300, 105A300–W).	Not permitted	Not permitted	Not permitted.
Titanium tetrachloride	*A heavy, clear, colorless liquid, fuming strongly in moist air.* *The fumes given off are visible and are irritating to mucous membrane.* *Miscible with cold water.* *Avoid breathing fumes.*	White	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. (ICC–17C) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–103A, 103A–W, 105A300, 105A300W).	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

SUBPART—DETAILED REGULATIONS GOVERNING COMPRESSED GASES

1. Section 146.24–25 is amended by designating present material as paragraph (a), and adding a paragraph (b) to read s follows:

§ 146.24–25 *Stowage on board vessels.* (a) All compressed gases permitted for transportation on board vessels shall, when taken on board a vessel, be stowed in accordance with the provisions applying to the particular character of vessel as shown in the table forming § 146.24–100, and the detailed requirements for stowage shown therein.

(b) The master or person in charge of the vessel shall ensure that the equipment used for loading or unloading compressed gases is adequate to prevent cylinders from falling during handling operations. Such equipment may be a tray with sideboards of sufficient height to prevent cylinders from falling off; tray with small mesh net; pallet with cylinders secured in place; or a bridle sling with a round turn at each end of load.

2. Section 146.24–85 is amended by deleting the present wording in paragraph (s) (1) and (2), and inserting the following in lieu thereof:

§ 146.24–85 *Anhydrous ammonia in bulk.* • • •

(s) *Periodic inspections and tests.* (1) Each cargo tank shall be subjected to an internal examination at least once in each 8 calendar years. Each lagged tank shall be subjected to an external inspection at least once in each 8 calendar years by having the jacket and lagging removed. An external examination of unlagged tanks and the visible parts of lagged tanks shall be made at each annual inspection.

(2) A hydrostatic test of 1½ times the allowable pressure as determined by the safety relief valve setting shall be made at any time that the inspector considers such hydrostatic test necessary to determine the condition of the tank. If the jacket and lagging are not removed during the hydrostatic tests prescribed in this paragraph, the tank shall hold the hydrostatic test pressure for at least 20 minutes without a pressure drop.

3. Section 146.24–100 *Table G—Classification: Compressed gases* is amended as follows: Delete the item "Propylene" and all wording pertaining thereto in columns 2, 3, 4, 5, 6 and 7.

4. Section 146.24–100 *Table G—Classification: Compressed gases* is amended by changing the following item to read as follows:

§ 146.24–100 *Table G—Classification: Compressed gases*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Vinyl methyl ether, inhibited.	*Inflammable gas.* *Chemically active.* *Inflammable and explosive with air.* *Susceptible to dangerous polymerization if not inhibited.* *Slightly soluble in water.* *Heavier than air.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–104A, 104A–W, 105A300, 105A300W).	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

SUBPART—DETAILED REGULATIONS GOVERNING POISONOUS ARTICLES

1. Section 146.25–20 is amended by changing the heading to read as follows:

§ 146.25–20 *Radioactive materials, Class D Poison.* • • •

2. Section 146.25–25 is amended by adding a new sentence to paragraph (c) and a new paragraph (d) to read as follows:

§ 146.25–25 *Exemptions for radioactive materials.* • • •

(c) Radioactive materials, such as ores, residues, etc., of low activity, packed in strong tight containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation on board vessels only if the gamma radiation or equivalent at any point in any space or area continuously occupied by passengers, crew, or shipments of animals, will not exceed 40 milliroentgens per 24 hours at any time during transportation. Except when handling is supervised by the Atomic Energy Commission, shipments must be loaded by consignor and unloaded by the consignee.

(d) Detonating fuzes with radioactive components as described in § 146.20–7 (g) (3) are exempt from the labeling requirement.

3. Section 146.25–100 *Table H—Classification: Class A; extremely dangerous poisons* is amended by changing the following item to read as follows:

§ 146.25–100 *Table H—Classification: Class A; extremely dangerous poisons*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Hydrocyanic acid (*prussic*) liquid. Hydrocyanic acid liquefied.	*A colorless, volatile liquid having an odor, and taste of bitter almonds.* *Both the acid and its vapors are intensely poisonous.* *Vapors are inflammable and form explosive mixtures in air.* *Miscible with water.* Stow well away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and all sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover". Outside containers: Steel cylinders (ICC–33, 3D) with valve protection cap or when without cap in nonspecification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up," and the notation "Inside packages comply with prescribed specifications." Steel cylinders (ICC–3A480, 3AA480, 3A480X) with valve protection cap, not over 278 pounds water capacity (nominal). Wooden boxes (ICC–15A) with inside metal containers, having the liquid acid completely absorbed in inert material: not over 60 lb. net wt.	Not permitted	Not permitted	Not permitted.
• • •	• • •	• • •	• • •	• • •	• • •	• • •

4. Section 146.25–200 *Table H—Classification: Class B; less dangerous poisons* is amended as follows: Delete the heading "Aldrin" appearing in column 1, *Descriptive name of article*

5. Section 146.25–200 *Table H—Classification: Class B; less dangerous poisons* is amended by changing the following items to read as follows:

§ 146.25–200 *Table H—Classification: Class B; less dangerous poisons*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
†Aldrin mixtures, dry, with more than 65% aldrin. †Aldrin mixtures, dry, containing 65% or less aldrin, or aldrin, cast solid, and containing no other material classed as dangerous in 46 CFR 146 are not subject to the regulations of this subpart.	*Poisonous.* *Do not breathe air laden with this substance.* *Do not allow in contact with skin.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC–37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Tank cars (ICC–103, 103A, 103W, 103A–W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC–37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC–37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC–37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 600 lb. net wt. (ICC–11A) not over 115 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC–18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC–21A) not over 225 lb. net wt. (ICC–21B) not over 200 lb. net wt. Plywood drums (ICC–22A) not over 115 lb. net wt. Tank cars (ICC–103, 103A, 103W, 103A–W).

† The dagger (†) indicates items added.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
†Aldrin mixtures, liquid, with more than 60% aldrin. †Aldrin mixtures, liquid, containing 60% or less of aldrin and no other material classed as dangerous in 46 CFR 146 are not subject to the regulations of subpart 46 CFR 146.25.	*Poisonous liquid mixtures.* *May be absorbed through the skin, through digestive organs, or from vapor through respiratory organs.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103A, 103W, 103A–W). Authorized only for viscous mixtures or those which may become partially solid: Steel barrels or drums (ICC–6A, 6B, 6C) not over 55 gal. cap. Steel barrels or drums (ICC–17H) STC, not over 55 gal. cap.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Authorized only for viscous mixtures or those which may become partially solid: Steel barrels or drums (ICC–6A, 6B, 6C) not over 55 gal. cap. Steel barrels or drums (ICC–17H) STC, not over 55 gal. cap.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Authorized only for viscous mixtures or those which may become partially solid: Steel barrels or drums (ICC–6A, 6B, 6C) not over 55 gal. cap. Steel barrels or drums (ICC–17H) STC, not over 55 gal. cap.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103A, 103W, 103A–W). Authorized only for viscous mixtures or those which may become partially solid: Steel barrels or drums (ICC–6A, 6B, 6C) not over 55 gal. cap. Steel barrels or drums (ICC–17H) STC, not over 55 gal. cap.
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† The dagger (†) indicates items added.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Poisonous liquids, N. O. S.	*May by any liquid classifying as a Less Dangerous Poison, Class B, in accordance with the definitions contained in these regulations, provided such liquid is not otherwise specified by name in these regulations.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool and well away from all sources of artificial heat.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC–37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C; 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103A, 103A–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–IV–A). (See Note in columns 5, 6, and 7.)	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. Wooden barrels or kegs: (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC–37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC–37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC–103, 103W, 103A, 103A–W, 104, 104W, 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–IV–A).
• • •	• • •	• • •	• • •	Note: Poisonous liquids, N. O. S., must be packed in specification containers of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein. • • •	• • •	• • •

6. Section 146.25–400 *Table H—Classification: Class D; radioactive materials* is amended by changing the following items to read as follows:

§ 146.25–400 *Table H—Classification: Class D; radioactive materials*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Radioactive materials groups I and II.	Group I: Radioactive materials that emit gamma rays only or both gamma and electrically charged corpuscular rays. Group II: Radioactive materials that emit neutrons and either or both gamma and electrically charged corpuscular rays. Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids in cylinders, projectiles, or bombs, or with undeveloped films. Observe instructions and safety precautions as set forth in this subpart.	Radioactive materials group I or group II: Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC–15A, 15B) WIC. Fiberboard boxes (ICC–12B) WIC. Fiber drums (ICC–21A, 21B) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC–15A, 15B) WIC. Fiberboard boxes (ICC–12B) WIC. Fiber drums (ICC–21A, 21B) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC–15A, 15B) WIC. Fiberboard boxes (ICC–12B) WIC. Fiber drums (ICC–21A, 21B) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC–15A, 15B) WIC. Fiberboard boxes (ICC–12B) WIC. Fiber drums (ICC–21A, 21B) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.
Radioactive materials, group III.	Group III: Radioactive materials that emit electrically charged corpuscular rays only, i. e., alpha or beta etc., or any other radioactive material that is so shielded that the gamma radiation at the surface of the package does not exceed 10 milliroentgens per 24 hours at any time during transportation. Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids, in cylinders, projectiles, or bombs, or with undeveloped films. Observe instructions and safety precautions as set forth in this subpart.	Radioactive materials, group III: Blue.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC–15A, 15B) WIC. Fiberboard boxes (ICC–12B) WIC. Fiber drums (ICC–21A, 21B) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC–15A, 15B) WIC. Fiberboard boxes (ICC–12B) WIC. Fiber drums (ICC–21A, 21B) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC–15A, 15B) WIC. Fiberboard boxes (ICC–12B) WIC. Fiber drums (ICC–21A, 21B) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC–15A, 15B) WIC. Fiberboard boxes (ICC–12B) WIC. Fiber drums (ICC–21A, 21B) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.
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SUBPART—DETAILED REGULATIONS GOVERNING HAZARDOUS ARTICLES

1. Section 146.27-100 *Table K—Classification: Hazardous articles* is amended by changing the following items to read as follows:

§ 146.27-100 *Table K—Classification: Hazardous articles*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Manganese dioxide	*In the form of crystals, lumps or powder. General oxidizing agent. Insoluble in water.* Do not stow with corrosive liquids (white label). Outside containers shall be marked either "Manganese Dioxide" or "Hazardous Article."	No label required	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums. Wooden barrels or kegs, WIC. Wooden boxes, WIC. Fiberboard boxes, WIC. Moisture-proofed multiwall paper bags (MIN-W 10) not over 100 lb. net wt. Moisture-proofed paperlined burlap bags (MIN-W 11) not over 100 lb. net wt.	Ferry stowage (AA).	Ferry stowage (BB).	Outside containers: Steel barrels or drums. Wooden barrels or kegs, WIC. Wooden boxes, WIC. Fiberboard boxes, WIC. Moisture-proofed multiwall paper bags (MIN-W 10) not over 100 lb. net wt. Moisture-proofed paperlined burlap bags (MIN-W 11) not over 100 lb. net wt.
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Sulfur. Flowers of sulfur. Sulfur flower. Brimstone.	*A mineral substance in the form of hard lumps or amorphous powder. Insoluble in water. Crude sulfur in bulk is dangerously inflammable and readily fusible by heat. Will ignite by friction. When burning gives off sulfur dioxide, a suffocating gas. Sulfur dust given off in loading crude sulfur in bulk forms an explosive mixture and may be ignited by static electricity, open flame or spark.* Do not stow sulfur with carbon, charcoal, lampblack, gas, oils, fibers, other carriers of oxygen. In the presence of carbon, charcoal, lampblack, and other carbonaceous substances, fats and oils may produce spontaneous heating and ignition; with chlorates, phosphates, phosphorus and other oxygen carriers it may produce explosive mixtures. Outside barrels, boxes or bags shall be marked with the shipping name of the product as given herein or "Hazardous Article."	No label required	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Barrels. Boxes. Bags. Tight siftproof railroad freight cars. Vehicles loaded with sulfur in bulk may be transported provided the loading shows no sign of sifting of the sulfur. (See Note in columns 5, 6, and 7.)	Ferry stowage (AA).	Ferry stowage (BB).	Outside containers: Barrels. Boxes. Bags. Tight siftproof railroad freight cars. Vehicles loaded with sulfur in bulk may be transported provided the loading shows no sign of sifting of the sulfur.
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NOTE: In the loading, handling and unloading of sulfur in bulk the following conditions shall be complied with:

(a) When sulfur in bulk is loaded in a deep hold with general cargo in the tween deck hold above the sulfur a dust proof wooden bulkhead enclosure shall be built in the hatchways from the over deck of the lower hold to the weather deck forming a tight enclosure to prevent sulfur dust entering the tween decks during loading.

(b) Holds shall be cleaned of all debris.

(c) Ceiling shall be made tight to prevent sulfur dust finding its way into the bilges; any chinking necessary in the way of tank tops or bilges shall be with non-combustible material.

(d) In order to minimize the amount of sulfur dust, ventilators serving the hold into which sulfur is being loaded or discharged shall be blanked off to prevent circulation of air.

(e) "No Smoking" signs shall be conspicuously displayed, and the officer in charge shall ensure that they are observed.

(f) An oxygen breathing apparatus, or proper gas mask, shall be made readily available.

(g) A fire hose, preferably supplied with fresh water from a shore supply source, shall be available at each batch through which sulfur is being worked.

(h) Upon completion of loading, the sulfur shall be leveled off and the sulfur dust deposited during the process of loading shall be completely removed and shall be cared for by sweeping or washing it down. This applies to the decks and to the overhead structure within the holds.

(i) After unloading, all residue of sulfur or sulfur dust shall be thoroughly cleaned out of cargo holds before loading other cargo therein.

(k) When sulfur is loaded by metal chute method, provision shall be made for proper grounding of the chute, using flexible cable to prevent static discharge.

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(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55-4648; Filed, June 8, 1955; 11:31 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-179-A13]

PART 975—MILK IN THE CLEVELAND, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Correction

In Federal Register Document 55-3576, appearing at page 2947 of the issue for Tuesday, May 3, 1955, the reference in § 975.73 (c) to "§ 975.81" should read "§ 975.81 (b)".

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 56]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.109 is amended to read:

§ 600.109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* From the Charleston, S. C., radio range station via the Myrtle Beach, S. C., nondirectional radio beacon; Wilmington, N. C., nondirectional radio beacon; New Bern, N. C., nondirectional radio beacon; Williamston, N. C., VHF VAR radio range station, excluding the portions between 11,000 feet and 16,000 feet and between 23,000 feet and 45,000 feet above mean sea level, during the hours of darkness, which lie within the Cherry Point, N. C., night Restricted Area (R-125); the intersection of the north course of the Wiliamston, N. C., VHF VAR radio range and the southwest course of the Norfolk, Va., radio range to the Norfolk, Va., radio range station.

2. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the portion between the Battle Mountain, Nev., omnirange station and the Sidney, Nebr., omnirange station to read: "Battle Mountain, Nev., omnirange station; Wells, Nev., omnirange station, including a south alternate from the Battle Mountain omnirange station to the Wells omnirange station via the Elko, Nev., omnirange station; intersection of the Wells omnirange 072° True and the Ogden omnirange 279° True radials; Ogden, Utah, omnirange station; Fort Bridger, Wyo., omnirange station; Rock Springs, Wyo., omnirange station, including a north alternate via the intersection of the Fort Bridger omnirange 064° True and the Rock Springs omnirange 284° True radials; Cherokee, Wyo., omnirange station, including a north alternate; Rock River, Wyo., omnirange station, including a north alternate; Cheyenne, Wyo., omnirange station, including a north alternate via the intersection of the Rock River omnirange 109° True and the Cheyenne omnirange 320° True radials; Sidney, Nebr., omnirange station, including a north alternate via the intersection of the Cheyenne omnirange 080° True and the Sidney omnirange 290° True radials;".

3. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the portion between the Phoenix, Ariz., omnirange station and the Columbus, N. Mex., omnirange station to read: "Phoenix, Ariz., omnirange station; intersection of the Phoenix omnirange 160° True and the Tucson omnirange 315° True radials; Tucson, Ariz., omnirange station; Cochise, Ariz., omnirange station, including a south alternate via the intersection of the Tucson omnirange 121° True and the Cochise omnirange 257° True radials; Columbus, N. Mex., omnirange station;".

4. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by deleting the following words: "From the Denver Colo., omnirange station via the Cheyenne, Wyo., omnirange station, including an east alternate;" and substituting in lieu thereof the following words: "From the Denver, Colo., omnirange station via the Cheyenne, Wyo., omnirange station, including an east alternate via the intersection of the Denver omnirange 014° True and the Cheyenne omnirange 131° True radials;".

5. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended by changing the portion between the Fresno, Calif., omnirange station; Modesto, Calif., omnirange station, including an east alternate via the intersection of the Fresno omnirange 328° True and the Modesto omnirange 117° True radials; Sacramento, Calif., omnirange station;".

6. Section 600.6026 is amended by changing the caption to read: *"VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio)"* and by adding a new first paragraph to read: "From the Cherokee, Wyo., omnirange station to the Casper, Wyo., omnirange station."

7. Section 600.6032 is amended to read:

§ 600.6032 *VOR civil airway No. 32 (Battle Mountain, Nev., to Fort Bridger, Wyo.).* From the Battle Mountain, Nev., omnirange station via the Elko, Nev., omnirange station; Wendover, Utah, omnirange station, including a north alternate from the Elko omnirange station to the Wendover omnirange station via the Wells, Nev., omnirange station; Salt Lake City, Utah, omnirange station; to the Fort Bridger, Wyo., omnirange station.

8. Section 600.6066 *VOR civil airway No. 66 (San Diego, Calif., to Midland, Tex.)* is amended by changing the portion between the Gila Bend, Ariz., omnirange station and the Douglas, Ariz., omnirange station to read: "Gila Bend, Ariz., omnirange station; Tucson, Ariz., omnirange station, including a north alternate via the intersection of the Gila Bend omnirange 100° True and the Tucson omnirange 315° True radials; Douglas, Ariz., omnirange station;".

9. Section 600.6185 is added to read:

§ 600.6185 *VOR civil airway No. 185 (Augusta, Ga., to Knoxville, Tenn.).* From the Augusta, Ga., omnirange station via the Spartanburg, S. C., omnirange station; Asheville, N. C., omnirange station; intersection of the Asheville omnirange 300° True and the Knoxville omnirange 069° True radials; to the Knoxville, Tenn., omnirange station, including an east alternate from the Asheville omnirange station to the Knoxville omnirange station via the intersection of the Asheville omnirange 329° True and the Knoxville omnirange 069° True radials.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. June 16, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-4619; Filed, June 9, 1955; 8:45 a. m.]

[Amdt. 56]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1003 *Control area extension (Beaumont, Tex.)* is revoked.

2. Section 601.1006 is amended to read:

§ 601.1006 *Control area extension (Lake Charles, La.).* All that airspace within a 40-mile radius of the Lake Charles, La., radio range station excluding the portion which overlaps the Houston (Beaumont-Palacios-Houston) Control area extension.

3. Section 601.1105 is amended to read:

§ 601.1105 *Control area extension (Muskegon, Mich.).* That airspace within a 15-mile radius of the Muskegon omnirange station and within 5 miles either side of the southeast course of the Muskegon radio range extending from the radio range station to the western boundary of Red civil airway No. 28.

4. Section 601.1343 is amended to read:

§ 601.1343 *Control area extension (Juneau, Alaska).* That airspace within a 5-mile radius of the Juneau Airport, within 5 miles either side of direct lines extending from the Juneau Airport via the Mendenhall nondirectional radio beacon to the Sisters Island nondirectional beacon, from the Sisters Island nondirectional radio beacon to the Point Retreat nondirectional radio beacon, from the Point Retreat nondirectional radio beacon to the Juneau Airport and from the Point Retreat nondirectional radio beacon to the Haines, Alaska nondirectional radio beacon.

5. Section 601.1371 *Control area extension (Umiat, Alaska)* is revoked.

6. Section 601.1372 *Control area extension (Point Barrow, Alaska)* is revoked.

7. Section 601.1984 *Five mile radius zones* is amended by deleting the following:

Montgomery, Ala.: Dannelly Field.
Point Barrow, Alaska: Point Barrow Airport.
Umiat, Alaska: Umiat Airport.

8. Section 601.2078 is added to read:

§ 601.2078 *Edenton, N. C. control zone.* Within a 5-mile radius of the Edenton Navy Auxiliary Landing Field and within 2 miles either side of a line bearing 184° True from the Edenton NALF to a point 12 miles south, excluding the portions which overlap the Albemarle Sound Restricted Area (R–1) and the Albemarle Sound Caution Area (C–10).

9. Section 601.2086 is amended to read:

§ 601.2086 *Chicago, Ill., control zone.* Within a 6-mile radius of the Chicago-Midway Airport; within 2 miles either side of the southeast and northwest courses of the Chicago radio range extending from the intersection of the southeast course of the radio range with the east course of the Harvey, Ill., radio range to the intersection of the northwest course of the radio range with the northeast course of the Joliet, Ill., radio range excluding the portion which overlaps the O'Hare International Airport control zone; within 2 miles either side of the front and back courses of the Chicago-Midway ILS localizer extending from the intersection of the localizer back course with the east course of the Harvey, Ill., radio range to a point 12 miles northwest of the Chicago-Midway outer marker on the localizer front course, excluding the portion which overlaps the O'Hare International Airport control zone; within 2 miles either side of the 007° True, 124° True and 223° True radials of the Chicago-Midway terminal omnirange station extending from the terminal omnirange station to points 12 miles north, southeast and southwest.

10. Section 601.2104 is amended to read:

§ 601.2104 *Huntington, W. Va., control zone.* Within a 5-mile radius of the Huntington Airport, Chesapeake, Ohio; within a 5-mile radius of the Tri-State Airport, Huntington, W. Va.; within 2 miles either side of a line bearing 253° True extending from the Huntington nondirectional radio beacon to a point 10 miles west, and within 2 miles either side of a line bearing 15° True extending from the nondirectional radio beacon to a point 10 miles north.

11. Section 601.2156 *Miami, Fla., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the back course of the Miami ILS localizer extending from the localizer to a point 10 miles east."

12. Section 601.2159 is amended to read:

§ 601.2159 *Montgomery, Ala., control zone.* Within a 5-mile radius of Dannelly Field; within a 5-mile radius of Maxwell Air Force Base; within 2 miles either side of the north and west courses of the Maxwell AFB radio range extending from the radio range station to points 10 miles north and west of the station; within 2 miles either side of a line bearing 276° True from Dannelly Field through the Dannelly ILS outer marker to a point 5 miles west of the outer marker, and within 2 miles either side of the 321° True and 141° True radials of the Montgomery omnirange extending from the Dannelly Field control zone to a point 5 miles southeast of the omnirange station.

13. Section 601.2270 *Enid, Okla., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of a line bearing 315° True from the Vance Air Force Base extending from the Air Force Base to a point 10 miles northwest of the Enid omnirange station."

14. Section 601.2331 is amended to read:

§ 601.2331 *Lake Charles, La., control zone.* Within a 5-mile radius of the Lake Charles Air Force Base; within 2 miles either side of the south course of the Lake Charles radio range extending from the radio range station to a point 10 miles south; within 2 miles either side of the 232° True and 52° True radials of the Lake Charles omnirange extending from the Air Force Base control zone to a point 10 miles southwest of the omnirange station, and within 2 miles either side of a direct line extending from the Air Force Base through the Lake Charles AFB nondirectional radio beacon to a point 10 miles northwest of the nondirectional radio beacon.

15. Section 601.4109 is amended to read:

§ 601.4109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* Myrtle Beach, N. C., nondirectional radio beacon; Wilmington, N. C., nondirectional radio beacon; New Bern, N. C., nondirectional radio beacon; Williamston, N. C., VHF VAR radio range station; the intersection of the north course of the Williamston, N. C., VHF VAR radio range and the southwest course of the Norfolk, Va., radio range.

16. Section 601.6023 is amended to read:

§ 601.6023 *VOR civil airway No. 23 control areas (San Diego, Calif., to Bellingham, Wash.).* All of VOR civil airway No. 23 including an east and a west alternate.

17. Section 601.6026 is amended to read:

§ 601.6026 *VOR civil airway No. 26 control areas (Cherokee, Wyo., to Cleveland, Ohio).* All of VOR civil airway No. 26, including north and south alternates.

18. Section 601.6032 is amended to read:

§ 601.6032 *VOR civil airway No. 32 control areas (Battle Mountain, Nev., to Fort Bridger, Wyo.).* All of VOR civil airway No. 32, including a north alternate.

19. Section 601.6066 is amended to read:

§ 601.6066 *VOR civil airway No. 66 control areas (San Diego, Calif., to Midland, Tex.).* All of VOR civil airway No. 66, including north alternates.

20. Section 601.6185 is added to read:

§ 601.6185 *VOR civil airway No. 185 control areas (Augusta, Ga., to Knoxville, Tenn.).* All of VOR civil airway No. 185, including an east alternate.

21. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following compulsory reporting points:

Carleton, Mich., omnirange station.
Joliet, Ill., omnirange station.
Peotone, Ill., omnirange station.
Polo, Illinois, omnirange station.
Salem, Mich., omnirange station.
Williamsport, Pa., omnirange station.

And by deleting the following reporting points:

Loop Intersection: The intersection of the Napersville, Ill., omnirange 064° True and the Chicago Heights, Ill., omnirange 345° True radials.

Williamsport Intersection: The intersection of the Philipsburg, Pa., omnirange 071° True and the Selinsgrove, Pa., omnirange 011° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. June 16, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–4620; Filed, June 9, 1955; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PESTICIDE CHEMICALS; DATE ON WHICH STATUTE BECOMES FULLY EFFECTIVE

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701, 52 Stat. 1055, 68 Stat. 511; 21 U. S. C. 348, 371) and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.40 *Pesticide chemicals; date on which statute becomes full effective.* (a) The pesticide chemicals amendment to the Federal Food, Drug, and Cosmetic Act (68 Stat. 511) is scheduled to become fully effective on July 22, 1955. However, the Secretary of Health, Education, and Welfare may extend this date on a product-by-product basis for a time not to exceed 12 months on a finding that conditions exist that necessitate the extension of such additional period. After the amendment becomes fully effective, a raw agricultural commodity in interstate commerce may bear residues of a poisonous pesticide chemical only if:

(1) Under the provisions of the Federal Food, Drug, and Cosmetic Act a tolerance has been established for residues of the pesticide chemical, or it has been exempted from the requirement of a tolerance; and

(2) If a tolerance has been established, the residues are within the tolerance level.

Numerous tolerances for residues of pesticide chemicals—and some exemptions from the requirement of a tolerance—have been established. However, tolerances or exemptions have not been established for some pesticide chemicals that are employed in agriculture, and it is not possible at this time to determine whether tolerances will be established for them before the end of the current growing season. Some of these pesticides have been recommended by certain State officials for use on crops throughout the 1955 growing season. Agriculturists, pesticide manufacturers and distributors, and food-law enforcement officials need to know the status of these pesticides under the amendment prior to July 22, 1955, so that they will know whether the pesticides should be employed throughout the 1955 growing season.

(b) The Department of Health, Education, and Welfare is prepared to consider requests for an extension of the effective date of the law for specific pesticides. The following criteria, among others, will be used in evaluating and acting upon such requests:

(1) There should not be an extension of the effective date of the amendment for uses of pesticide chemicals for which tolerances have already been established.

(2) The effective date of the amendment should be extended for a pesticide chemical only upon a finding, based on a study of the available facts about the chemical and its toxicity, that the interests of public health will not be jeopardized by the extension.

(3) There should be evidence about the amounts of residues which remain in or on food from use of a pesticide chemical and about its chronic toxicity before an extension is granted.

(4) Extension should not be granted for a pesticide chemical which causes alarming symptoms in test animals (cancer or blood disorders, for example) in any dosage, unless experimental data show a level of feeding to test animals that is safe.

(5) Where a tolerance has been set for residues of a pesticide chemical on one or more raw agricultural commodities under the Federal Food, Drug, and Cosmetic Act, and the other criteria of this statement of policy are met, the effective date may be extended for other uses of the pesticide chemical.

(6) Extension should be granted only for uses of a pesticide chemical registered with the Department of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (61 Stat. 163; 7 U. S. C. 135) prior to the 1955 growing season (prior to May 1, 1955).

(7) Extension should be granted only to the end of the 1955 growing season, because longer extensions would result in confusion during the 1956 growing season. The principal growing season in the United States ends by October 31.

(8) Notice of the decisions of the Department on requests for extensions will be published in the FEDERAL REGISTER.

(c) Each request for an extension should be addressed to the Commissioner of Food and Drugs and should give:

(1) The name and chemical composition of the pesticide chemical for which extension is requested.

(2) A list of uses for which extension is requested and evidence that these uses were registered under the Federal Insecticide, Fungicide, and Rodenticide Act prior to May 1, 1955.

(3) Information about the amounts of residues that are expected to remain on raw agricultural commodities from these uses.

(4) Available information which indicates that these residues will not jeopardize the public health.

(5) A statement of the reason(s) a tolerance or exemption from the requirement of a tolerance has not been requested.

(d) In order that decisions on requests for extensions may be published before July 22, 1955, requests and supporting data should be received by June 27, 1955.

(e) Use during the 1955 growing season of a pesticide chemical for which extension is granted may yield a raw agricultural commodity which bears residues of the chemical. In such case, the raw agricultural commodity will not be considered adulterated within the meaning of the act even though it is marketed after the growing season, provided the commodity bearing such residues would have been legal in interstate commerce during the 1955 growing season.

(f) The Department believes that extensions beyond October 31, 1955, would lead to confusion in 1956. It recommends that States prepare spray schedules for the 1956 growing season which direct (1) pesticide uses that leave no residues at time of harvest or (2) the use only of pesticides for which tolerances have been established or exemptions granted under the Federal Food, Drug, and Cosmetic Act.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: June 3, 1955.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 55–4633; Filed, June 9, 1955; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter J—Procurement

[CGFR 55–21]

PART 116—PROCEDURES FOR PURCHASING

PART 118—CONTRACTS

MISCELLANEOUS AMENDMENTS

A new section designated § 116.01–148 prescribes special conditions to be included in contracts for laundry and dry cleaning services.

The amendment to § 116.01–160 broadens the category of items which may be procured by service station delivery on credit cards.

A new section designated § 116.03–60 sets forth competition requirements in small purchase procedures.

The amendment to § 118.02–5 is editorial in nature to clarify requirements of existing procedure.

The amendment to § 118.02–18 requires all units assigning purchase and delivery order numbers to maintain order record books.

Two new sections designated §§ 118.04–30 and 118.04–31 prescribe instructions for the termination of Coast Guard contracts for default and convenience of the Government. Section 116.01–10 has been amended to include a cross-reference to the new § 118.04–30.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), the following amendments are prescribed:

1. Section 116.01–10 *Performance and default under Coast Guard contracts* is amended by adding the following footnote at the end of the section: "(See § 118.04–30 of this subchapter.)"

2. Part 116 is amended by adding a new § 116.01–148 reading as follows:

§ 116.01–148 *Laundry and dry cleaning services.* Invitations for bids or proposals and contracts for the laundry or dry cleaning of Government-owned property shall contain provisions for inspection of the contractor's services,

count of articles, loss or damage, and storage and handling, as follows:

(a) *Inspection of contractor's services.* (1) The Government reserves the right to inspect the services rendered and to return articles determined to have been unsatisfactorily serviced for further servicing at no additional cost to the Government. If public necessity requires the use of services not conforming to specifications, they may be accepted and payment therefor shall be made at a proper reduction in price.

(2) The Government reserves the right to inspect the establishment of the Contractor and to make preliminary inspection of the services rendered at that point. However, final inspection and acceptance of the services rendered will be made when the serviced articles are returned.

(b) *Count of articles.* The Contractor shall be liable for the return of the number of articles furnished for service under this contract in accordance with the count of the activity ordering the Contractor's services, unless a joint count shall be made by the Contractor and the Government activity at the time of delivery to the Contractor, in which event the number agreed upon at such joint count shall control.

(c) *Loss or damage.* (1) The Contractor agrees to indemnify the Government for any Government-owned property delivered to the Contractor for servicing under the terms of this contract which (i) cannot be located for return to the Government activity making such delivery or (ii) is damaged and cannot in the opinion of the ordering activity, and/or the Contractor, be satisfactorily repaired. In either of the above events, the Contractor agrees to pay to the Government the original cost of such items as determined by the ordering activity: *Provided*, That, when in the judgment of the ordering activity, credit should be allowed for depreciation in the value of the property at the time of such loss or damage, the ordering activity and the Contractor shall determine the amount of the allowable credit. If the ordering activity and the Contractor fail to agree upon the amounts of allowable credit, the dispute shall be referred to the Contracting Officer for determination as provided in the Clause hereof entitled "Disputes."

(2) In case of damage to any article of such property which in the opinion of the ordering activity and the Contractor can be satisfactorily repaired, the Contractor agrees to repair the same at the Contractor's expense in a manner satisfactory to the ordering activity.

(d) *Storage and handling.* During the time Government-owned property is in the place of business of the Contractor, it shall be stored so as to be raised at least for (4) inches from the floor. The Contractor warrants that all articles to be laundered or dry cleaned under this contract will be segregated in the Contractor's place of business and handled separately from any other work in process, and that hospital, sick bay, or dispensary laundry and dry cleaning articles will be handled separately from other articles.

3. Section 116.01–160 is amended by revising paragraphs (a) and (c) to read as follows:

§ 116.01–160 *Service station purchases on credit cards*—(a) *General.* District commanders and commanding officers of Headquarters units may authorize the purchase of gasoline, lubricants, and other incidental supplies and services set out in paragraph (c) of this section, for service station delivery to Coast Guard motor vehicles. Normally, such purchases will be accomplished through the use of credit cards in accordance with the General Provisions for Service Station Deliveries, Classes 7 and 14, Federal Supply Schedule, applicable to the General Services Administration in which the district or Headquarters unit is located. Service station deliveries may be obtained on Standard Form 44 (Purchase Order-Invoice-Voucher) in lieu of credit cards when that form is used as a medium for posting cost data to Form CG–2956 (Report of Operation of Vehicle), or when credit cards are not available. (See § 118.02–13 of this subchapter re use of Standard Form 44.)

* * * * *

(c) *Use of credit cards.* Group commanders, commanding officers, officers in charge, or individuals to whom credit cards are issued shall be responsible for their safekeeping and proper use. Drivers shall be required to insure that vehicles dispatched on trips off a Coast Guard reservation are serviced and filled with gasoline before departure, when refueling and servicing facilities are available aboard the unit. Credit card purchase will be made only from authorized representatives of the oil company on which the card is issued.

(1) *Authorized purchases.* Credit cards will be used only for the following items when necessary to accomplish an assigned mission:

(i) Gasoline, regular grade, except that premium grade gasoline may be purchased when its use has been authorized by the district commander or commanding officer of a Headquarters unit.

(ii) Lubricating oil, premium and regular grades.

(iii) Lubricating service, including transmission shots.

(iv) Alcohol and other antifreeze products.

(v) Battery service.

(vi) Tire and tube repairs.

(vii) Cleaning of air or other filters.

(viii) Emergency replacement of burned-out light bulbs and broken spark plugs.

(ix) Washing, whenever the over-all cost of returning a vehicle (not domiciled on a Coast Guard unit or other place where adequate Government-owned car washing facilities are available) to the support unit exceeds the cost of obtaining like service through the use of a credit card.

Credit cards may not be used to obtain parking space, tires, tubes, batteries, automobile accessories, or repairs other than those known in the automobile trade as "road repairs."

(2) *Substantiation of purchases.* All purchases made with a credit card will be substantiated by a copy of the service station delivery ticket, showing the following information:

(i) Credit card number.

(ii) Date of purchase.

(iii) Name and address of service station.

(iv) License number of the vehicle serviced.

(v) Name, rank/rate, and station of purchaser.

(vi) Itemization of the items purchased by grade (i. e., premium or regular gasoline, etc.), quantity, unit price, and total amount charged.

(vii) Speedometer reading of vehicle serviced.

A signed copy of the service station delivery ticket shall be mailed or delivered to the district commander (f) or the commanding officer of the Headquarters unit promptly after each purchase. For prolonged trips, self-addressed envelopes may be provided for this purpose.

4. Part 116 is amended by adding a new § 116.03–60 reading as folows:

§ 116.03–60 *Competition under small purchase procedures.* Reasonable solicitation of quotations from qualified sources of supply shall be secured in order to assure that the procurement is made to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase. Generally, solicitation shall be limited to three suppliers or the number of suppliers in the local trade area, whichever is less. Where the prices are considered to be reasonable, small purchases not exceeding $100 may be accomplished without securing competition, but such purchases shall be distributed equitably over a period of time among qualified suppliers. Solicitation of quotations will generally be effected orally. Written solicitation will be used only in such circumstances as where (a) the suppliers are located outside the local are, (b) special specifications are involved, or (c) a large number of items are included in a single proposed procurement. Notification to unsuccessful suppliers is not required.

5. Section 118.02–5 is amended to read as follows:

§ 118.02–5 *Amendments to contracts.* Amendments to contracts shall be issued in the form of a "change order" or a "supplemental agreement," prepared in accordance with § 118.01–19. Change orders and supplemental agreements must be signed by the contracting officer who executed the basic contract (or his duly appointed successor) and will be given the same distribution as the basic contract.

6. Section 118.02–18 is amended by adding a new paragraph (c) reading as follows:

§ 118.02–18 *Numbering of purchase and delivery orders.* * * *

(c) *Order record books.* All units assigning numbers to purchase and delivery orders shall maintain an order record book, or "log," briefly summarizing purchase transactions and providing a reference to the order files. Normally, the order record will be kept in ink in a bound book with columns provided for (1) the order number, (2) date of the order, (3) source of supply, (4) description of the items ordered (in general terms, such as "milk," "deck stores," etc.), and (5) remarks. However, the record may be maintained by typewriter on locally prepared forms similar to the contract register prescribed in § 118.01–15. Additional columns may be provided commensurate with local requirements. Unnumebered contracts (i. e., those contracts which do not require a "Tcg" number in accordance with § 118.01–17) and requisitions may be assigned "order" numbers from the same series maintained for purchase and delivery orders.

7. Part 118 is amended by adding a center note and a new § 118.04–30 reading as follows:

TERMINATION OF CONTRACTS

§ 118.04–30 *Cancellation for default*—(a) *Scope.* This section prescribes methods, policies, and procedures for handling the termination of Coast Guard contracts resulting from the defaults of contractors. It does not apply to Federal Supply Schedule contracts. Section 116.01–12 of this subchapter sets forth default procedures to be followed when unsatisfactory services or supplies are rendered by Federal Supply Schedule contractors.

(b) *Conditions leading to default.* If a contractor (1) fails to make delivery of the supplies or to perform the services within the time specified in the contract, or (2) fails to perform any provision of the contract other than the delivery schedules, or (3) so fails to make progress as to endanger performance of his contract in accordance with the terms thereof, he may be said to be in default. Defaults may be excusable or nonexcusable. Defaults are excusable when they arise out of the causes set forth in Clause 11 (b) of Standard Form 32 (11/49), General Provisions (Supply Contract), or Clause 5 (c) of Standard Form 23A (3/53), General Provisions (Construction Contracts).

(c) *Policy.* It is the policy of the Coast Guard to utilize default cancellation procedure when a contractor has not complied with the terms of the contract and as a result of such failure cannot deliver the supplies and services called for under the contract in a manner and within the time such supplies and services are needed. The policy of the Coast Guard is not to use default cancellation as a punitive measure but to use it as a method to insure the contractor's adherence to his contractual obligations and to protect the Government from losses which it may sustain as a result of the contractor's failure to comply with his contract obligations.

(d) *Authority to terminate for default.* Coast Guard contracts may be terminated for default by field contracting officers only after the Commandant (FS) has (1) reviewed all facts and circumstances connected with the case, (2) obtained a legal review of the case to ascertain the existence of an actionable default and the advisability of terminating the contract for default, and (3) authorized the contracting officer to proceed with the default cancellation, pursuant to § 116.01–10 of this subchapter.

(e) *Initial action by contracting officer.* Contracting officers are responsible for initiating action pertaining to possible default cancellation of contracts. In determining the course of action required, the contracting officer must conduct a thorough review of the contract, including facts and circumstances surrounding the contract; the specific failure of the contractor; the contractor's excuses, if any, for such failures; and applicable administrative and contract instructions. He may invite the contractor to discuss the matter orally at a conference.

(1) *Points to be considered.* Whenever a contractor is delinquent as to any substantive provisions of the contract, the following points must be taken into consideration by the contracting officer:

(i) Whether the contractor is entitled to, and consideration exists for, an extension of the delivery schedule by change order.

(ii) Whether or not the contractor's delays are presently known to be excusable.

(iii) Whether a failure to act would waive the delivery schedule in the contract and leave the Government with no firm date within which the contractor is required to perform.

(iv) The availability to the supplies or services from other sources.

(v) The period of time required to obtain supplies or services from other sources as compared with the time delivery could be obtained from the delinquent contractor and the urgency of the need for the supplies or services.

(vi) The degree of essentiality of the contractor in the Government procurement program and the effect of a default cancellation upon the contractor's capability as a supplier under other Government contracts.

(vii) Whether there were any changes in the supplies or services under contract or other action on the part of the Government which might have contributed to the cause or failure to perform.

(viii) The possibility of the collection of liquidated damages (if provided for in the contract).

(ix) Whether it appears that the contractor submitted an unrealistic delivery schedule to obtain an advantage over competitors.

(2) *Default notice to contractor.* Upon finding that a contractor's delinquency merits his being warned of possible default action, the contracting officer shall issue a "notice of default" to the contractor in letter form (via registered mail, return receipt requested). The notice will state that the Government is considering cancellation for default by reason of the contractor's failure to comply with the delivery schedule, failure to make progress so as to endanger performance, or failure to comply with other contractual provisions (whichever is applicable). The contractor will be requested to submit his reasons, within a period of 10 days (or such longer time as the contracting officer shall deem reasonable under the circumstances) following receipt of the notice, as to why the contract should not be terminated for default. The notice should also call the contractor's attention to the penalties that may be invoked if the contract is cancelled for default. Prior to release, each "notice of default" originated by a field contracting officer shall be coordinated with the cognizant divisions, sections, and/or offices of the district or the Headquarters unit. A copy of the notice will be furnished the contractor's sureties, assignees, or guarantors, if any.

(f) *Secondary action by contracting officer.* Upon receipt of the contractor's reply to the "notice of default" which was dispatched in accordance with paragraph (e) (2) of this section, the contracting officer shall evaluate the contractor's excuses for his failure to perform, the contractor's promised efforts to cure the delinquency, and the current status of production. If the evaluation so justifies, the contracting officer may waive the contractor's delinquency and authorize continuance of the contract, subject to appropriate corrective and remedial action on the part of the contractor. However, in the absence of a reply from the contractor to the "notice of default," or upon an unsatisfactory evaluation of the contractor's excuses and promises submitted in reply to the notice, the contracting officer will furnish the Commandant (FS) a complete report of all facts and circumstances connected with the case, including the following:

(1) A copy of the contract and all change orders and supplemental agreements thereto.

(2) A copy of the "notice of default" with proof of service (i. e., delivery receipt signed by the contractor or his representative).

(3) Copies of all pertinent correspondence.

(4) Method of selection of source used at the time of placing the contract and why the contractor was selected.

(5) Deliveries and payments that have been made under the contract; the contract provisions relative to time and place of performance; the facts and surrounding circumstances constituting the contractor's default and the contracting officer's endeavors to discover and evaluate the contractor's excuses, if any.

(6) Excuses, if any, relied upon and alleged by the contractor and the contracting officer's opinion as to veracity, weight, adequacy, and merit of such excuses; current need for the supplies or services called for and the sources which would be considered to furnish the supplies or services as to which the contractor has defaulted with statement as to reliability of such source or sources.

(7) Presence or lack of sureties, guarantors, or others secondarily liable, giving their names and addresses.

(8) If the contract contains a "Termination for the Convenience of the Government" clause, a statement whether funds are available to support a termination settlement in the event the contract is not cancelled for default but instead results in a convenience termination. (See § 118.04–31.)

(9) A request for determination by the Commandant as to whether or not there

is a legal basis for default cancellation of the contract.

(g) *Action by the Commandant.* Upon receipt of the contracting officer's report, submitted in accordance with paragraph (h) of this section, the Commandant (FS) will obtain a legal review of the case to ascertain the existence of an actionable default and the advisability of terminating the contract for default. The contracting officer will be informed of the results of the legal review and furnished such advisory instructions as may be required for proper disposition of the case.

(h) *Termination action by the contracting officer.* Upon receipt of the results of the legal review of the case and advisory instructions from the Commandant (FS), the contracting officer must, when default has been recommended, make a determination on his own judgment whether to complete the contract by supplemental agreement with the contractor or his surety, or to cancel the contract pursuant to the "Default" clause.

(1) *Completion of contract by supplemental agreement*—(i) *Agreement with the contractor.* In the event that default occurred in the contract by reason of nonexcusable delay, which resulted in actual damages to the Government, and the contracting officer deems it to be in the best interests of the Government to permit the contractor to complete performance of the contract, a supplemental agreement may be entered into providing for completion of performance notwithstanding such default, if the contractor assumes liability for the actual damages. The surety, if any, should either be a party to the supplemental agreement or he should execute and deliver to the contracting officer, simultaneously with the execution of a supplemental agreement with the contractor, a written consent extending the terms of any performance bond to cover such supplemental agreement. The agreement should distinctly state that the Government's rights to accrued damages are not thereby waived.

(ii) *Agreement with the surety.* If a performance bond has been filed in connection with the contract, or otherwise, and the action outlined in subdivision (i) of this subparagraph is not deemed to be in the best interests of the Government, an agreement may be entered into with the surety, providing for completion of performance of the contract upon the same terms and conditions as the original contract, less actual damages resulting from delay, and further providing for payment directly to the surety. Such agreement should clearly state that all rights against the contractor and the surety are reserved so far as the surety does not cure the defaults of the contractor. The contractor will be furnished promptly with a findings of fact as indicated in subparagraph (2) (ii) of this paragraph.

(2) *Termination pursuant to default clause*—(i) *General.* Where the contractor and/or his surety elect not to complete performance of the contract after being afforded an opportunity to do so (see subparagraph (1) of this paragraph), or when the contracting officer deems it to be in the best interests of the Government to terminate the contract following default thereof, and the default consists of failure on the part of the contractor to make delivery of the supplies or to perform the services within the time specified in the contract or any extension thereof, the procedure set forth in subdivisions (ii) through (iv) of this subparagraph will be followed.

(ii) *Termination notice.* The contractor will be served with a written "notice of termination" (via registered mail, return receipt requested), which will include the following: Reference to contract number, date, and portion of contract as to which his right to proceed is terminated; that his right to proceed further with performance under the contract is thereby terminated; a specific description of the acts or omissions constituting the default; that the supplies, services, or construction required by the contract will be procured in the open market against his account, and that he will be held liable for any excess costs; that the Government reserves all rights and remedies provided by law or under the contract, in addition to charging excess costs (where liquidated damages are provided for, substitute a reference thereto); that the notice constitutes a findings of fact pursuant to the "Disputes" clause of the contract, from which he has the right of appeal as specified therein (see § 118.04–26).

(iii) *Distribution of termination notice.* The same distribution will be made of the "notice of termination" as was made of the contractual documents. In addition thereto, a copy will be furnished directly to the authorized certifying officer designated to effect settlement of the contractor's account.

(iv) *Service of termination notice.* Notice of termination of a contract must be furnished to the contractor within a reasonable time after the default occurs, or after efforts to arrange for compliance with the terms of the contract have resulted in failure. This requirement is necessary in order to fulfill the Government's obligation to mitigate damages.

(3) *Charges against contractor's account* — (i) *Repurchase provisions.* Where the supplies or services are still required after termination, they will be purchased from other contractors or Government facilities as soon as possible after termination, of supplies and services similar to those called for in the initial contract, at as reasonable a price as practicable, considering the quantity and quality required by the Government and the time within which the supplies or services are required; in construction contracts, the work will be let according to the same plans and specifications to such other responsible contractor who offers the lowest price or it will be completed by Government plant and hired labor. Excess costs will be charged to the account of the defaulting contractor.

(ii) *Computation of charges by contracting officer.* If repurchase will not be effected, the contracting officer must compute actual damages (or liquidated damages, when provided for in the contract), and make a written demand upon the contractor for the amount thereof. If repurchase is effected, the contracting officer will compute the excess costs and actual damages (or liquidated damages, when provided for in the contract), and make a written demand upon the contractor for the total amount. All checks, money orders, or funds in any other form received from the contractor will be promptly delivered to the collection clerk of the district or the Headquarters unit for deposit in accordance with established procedure. (See subdivision (iii) of this subparagraph.)

(iii) *Limitation on amount chargeable against contractor.* A purchase or purchases against the account of a defaulting contractor must not exceed the quantity originally ordered, with consideration given to the "Variation" clause, if any, in the contract, and must be secured if practicable on the same unit basis, such as each, dozen, pound. This does not preclude the Government from entering into one contract with the completing contractor which includes additional needed supplies, provided that the excess costs to be charged against the account of the defaulting contractor are determined as provided in the preceding sentence. In any event, actual damages (or liquidating damages, if provided for in the contract), resulting from delay, may be assessed in addition to excess costs.

8. Part 118 is amended by adding a new § 118.04–31 reading as follows:

§ 118.04–31 *Termination for convenience*—(a) *Scope.* This section deals with (1) the authority of contracting officers to terminate in whole or in part contracts for the convenience of the Government, (2) the issuance of termination notices and the contracting officer's duties thereafter, (3) general procedures for the settlement of terminated contracts, and (4) settlement agreements.

(b) *Termination clause.* A "Termination for the Convenience of the Government" clause must be included in any contract under which the right to terminate for the convenience of the Government is to be reserved. Contracts which do not contain a termination for the convenience of the Government may be amended to include such a clause.

(c) *Authority of contracting officer.* The authority of the contracting officer to terminate a contract for the convenience of the Government and to enter into a settlement agreement is set forth in the termination clause. Legal opinions and advisory instructions shall be obtained from the Commandant (FS), when required. Requests for such opinions or instructions shall be accompanied by a complete statement of facts surrounding the case, including a copy of the contract and all change orders or supplemental agreements thereto. Termination actions by field contracting officers must be coordinated with the cognizant divisions, sections, and/or offices of the district or the Headquarters unit.

(d) *Partial termination.* Claims arising out of the partial termination of a contract shall be processed in the same manner as claims arising out of a complete termination.

(e) *Notice of termination.* Contracts subject to termination for convenience shall be terminated by a written "notice of terminations" to the contractor (via registered mail, return receipt requested), stating (1) that the contract is being terminated for the convenience of the Government under the provisions of the termination for convenience clause thereof, (2) the effective date of termination, (3) the extent of termination and, if a partial termination, the portion of the contract to be continued, and (4) any special instructions. A copy of the notice shall be sent to any known assignee, guarantor, or surety of the contractor.

(f) *Duties of contracting officer after notice of termination.* In general, the duties of a contracting officer are (1) to take such steps as are required of him by the termination clause in the contract; (2) to direct and supervise the steps required to be taken by the prime contractor; (3) to examine carefully, or cause to be examined carefully, the settlement proposals of the prime contractor and of its subcontractors; (4) to promptly negotiate settlement with the contractor, or failing to negotiate full settlement after due and diligent effort, to properly settle by determination those portions of the claim for which settlement could not be negotiated; (5) to enter into a settlement agreement with the prime contractor in the form of an amendment to the contract; and (6) effect a financial settlement under such amendment or determination.

(g) *Settlement agreements.* Where a settlement has been agreed upon with respect to the terminated portion of a contract, the agreement shall be evidenced by an amendment to the contract. If no costs have been incurred by the contractor in respect of the terminated portion of the contract, or if the contractor is willing to waive the costs incurred by him, and no amounts are due to the Government under the contract, a no-cost settlement agreement shall be executed with the contractor.

(h) *Partial settlements.* Ordinarily, the contracting officer should not attempt to make partial settlements covering particular items of the prime contractor's proposal during the course of negotiations. However, when a contracting officer cannot promptly effect a complete settlement of rights and liabilities under the terminated contract, a partial settlement may be entered into, provided (1) the issues on which agreement has been reached are clearly severable from other issues, and (2) such agreement will not prejudice the interests of the Government or the contractor in disposing of the unsettled part of the claim.

(i) *Settlement by determination.* To the extent that the contractor and the contracting officer are unable to agree upon the settlement of a terminated contract, the contracting officer shall determine the amount due and advise the contractor thereof. If the contractor desires, he may appeal the contracting officer's determination under the "Disputes" clause. (See § 118.04–26.)

(j) *Fraud or other criminal conduct.* Whenever the contracting officer has reason to suspect fraud or other criminal conduct in connection with the settlement of a terminated contract under this section, he shall discontinue all further negotiations with the contractor and shall report the facts of the case to the Commandant (FS) for action in accordance with § 116.02–47 (e) of this subchapter.

(62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55–4649; Filed, June 9, 1955; 8:52 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—RULES AND REGULATIONS GOVERNING PUBLIC USE OF CERTAIN RESERVOIR AREAS

MISCELLANEOUS AMENDMENTS

The Secretary of the Army having determined that the use of the Isabella, Pine Flat, North Fork, and Harry L. Englebright Reservoir Areas, California, and the Connemaugh River Reservoir Area, Pennsylvania, by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 209 of the Flood Control Act of 1954 as follows:

1. Add new paragraphs (ddd), (eee), (fff), (ggg), (hhh) to § 311.1:

§ 311.1 *Areas covered.* • • •

(ddd) Isabella Reservoir Area, Kern River, California.

(eee) Pine Flat Reservoir Area, Kings River, California.

(fff) North Fork Reservoir Area, North Fork American River, California.

(ggg) Harry L. Englebright Reservoir Area, Yuba River, California.

(hhh) Connemaugh River Reservoir Area, Connemaugh River, Pennsylvania.

2. Add new subparagraphs (34), (35), (36), (37), (38) to paragraph (a) of § 311.4:

§ 311.4 *Houseboats.* (a) • • •

(34) Isabella Reservoir Area, Kern River, California.

(35) Pine Flat Reservoir Area, Kings River, California.

(36) North Fork Reservoir Area, North Fork American River, California.

(37) Harry L. Englebright Reservoir Area, Yuba River, California.

(38) Connemaugh River Reservoir Area, Connemaugh River, Pennsylvania.

• • • • •

3. Add new subparagraphs (12), (13), (14), (15) to paragraph (b) of § 311.6:

§ 311.6 *Hunting and fishing.* • • •

(b) • • •

(12) Pine Flat Reservoir Area, Kings River, California.

(13) North Fork Reservoir Area, North Fork American River, California.

(14) Harry L. Englebright Reservoir Area, Yuba River, California.

(15) Connemaugh River Reservoir Area, Connemaugh River, Pennsylvania.

• • • • •

[Regs., 13 May 1955, ENGWO] (Sec. 4, 58 Stat. 889, as amended; 16 U. S. C. 460d)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 55–4618; Filed, June 9, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1160]

UTAH

MODIFYING CERTAIN EXECUTIVE ORDERS

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights if any, and to the provisions of existing withdrawals, the following described Executive orders are hereby revoked to the extent necessary to permit the grant made to the State of Utah, either by the act of July 16, 1894 (28 Stat. 107), or the act of January 25, 1927 (44 Stat. 1026; 43 U. S. C. 870), as amended, to attach to each presently surveyed sections 2, 16, 32 and 36 in every township described in the said orders and to any lands in those townships which upon survey hereafter made shall be designated sections 2, 16, 32 and 36:

Executive Order No. 5327 of April 15, 1930, Withdrawing Public Oil Shale Deposits and Lands Containing Same for Classification.

Executive Order of July 2, 1910, Petroleum Reserve No. 7.

Executive Order of July 2, 1910, Phosphate Reserve No. 3.

Executive Order of March 4, 1912, Petroleum Reserve No. 25, Utah No. 2.

Executive Order of May 11, 1915, Phosphate Reserve No. 24, Utah No. 3.

Executive Order of March 16, 1916, Phosphate Reserve No. 27, Utah No. 4.

Executive Order of March 27, 1918, Petroleum Reserve No. 59, Utah No. 3.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

JUNE 6, 1955.

[F. R. Doc. 55–4621; Filed, June 9, 1955; 8:46 a. m.]

[Public Land Order 1161]

ARIZONA

RESERVATION OF LANDS WITHIN NATIONAL FORESTS AS ADMINISTRATIVE SITES, RECREATIONAL AREAS, OR FOR OTHER PUBLIC PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897

(30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites, recreational areas, or for other public purposes as indicated:

GILA AND SALT RIVER MERIDIAN

COCONINO NATIONAL FOREST [ARIZONA 04542]

Banjo Bill Forest Camp

T. 16 N., R. 6 E.,
Sec. 8, S½S½N½NE¼, S½NE¼, less patented land in HES 369 and HES 579.

The areas described aggregate 88.1 acres.

Happy Jack Administrative Site

T. 16 N., R. 9 E.,
Sec. 28, W½W½SW¼, W½E½W½SW¼;
Sec. 29, E½E½SE¼, E½W½E½SE¼.

The areas described aggregate 120 acres.

Manzanita Forest Camp

T. 18 N., R. 6 E.,
Sec. 21, N½NW¼.

The area described contains 80 acres.

Pine Flat Recreation Area

T. 19 N., R. 6 E.,
Sec. 22, Lots 15, 16, 23 and 24.

The areas described aggregate 186.35 acres.

Slide Rock Forest Camp

T. 18 N., R. 6 E.,
Sec. 5, S½NE¼SE¼, N½SE¼SE¼.

The areas described aggregate 40 acres.

Willard Springs Guard Station and Pasture

T. 18 N., R. 6 E.,
Sec. 1, Lots 1, 2, 5, 6, SW¼NE¼, NW¼SE¼.
T. 19 N., R. 6 E.,
Sec. 36, SE¼.

The areas described aggregate 367.36 acres.

TONTO NATIONAL FOREST [ARIZONA 04543]

Blue Point Recreation Area

T. 3 N., R. 8 E., unsurveyed,
Sec. 31, S½N½SW¼, S½SW¼.

The areas described aggregate 120 acres.

Carney Springs Recreation Area

T. 1 N., R. 10 E.,
Sec. 30, E½SW¼, E½W½SW¼.

The areas described aggregate 120 acres.

Christopher Creek Recreation Area

T. 11 N., R. 12 E.,
Sec. 25, S½N½S½, S½NE¼, NE¼SW¼, S½N½N½SE¼, N½NE¼NE¼SE¼, S½SE¼SE¼NE¼;
T. 11 N., R. 13 E.,
Sec. 30, S½SW¼NW¼, NE¼SW¼NW¼, NW¼SE¼NW¼.

The areas described aggregate 155 acres.

Coon Bluff Recreation Area

T. 2 N., R. 7 E.,
Sec. 4, lot 10;
Sec. 5, lot 9.

The areas described aggregate 58.77 acres.

Hackberry Recreation Area

T. 2 N., R. 9 E., unsurveyed,
Sec. 8, N½NE¼, N½S½NE¼.

The areas described aggregate 120 acres.

Lower Camp Creek Recreation Area

T. 6 N., R. 5 E., unsurveyed,
Sec. 1, NW¼SW¼NW¼NW¼, S½SW¼NW¼NW¼, SW¼SE¼NW¼NW¼, NE¼NW¼SW¼NW¼, NW¼NE¼SW¼NW¼;
Sec. 2, W½NE¼NE¼NE¼, NW¼NE¼NE¼, SE¼NE¼NE¼, N½SW¼NE¼NE¼, NE¼NW¼NE¼.
T. 7 N., R. 5 E., unsurveyed,
Sec. 35, S½NE¼SW¼, N½NW¼SE¼SW¼, NE¼SE¼SW¼, N½SE¼SE¼SW¼, W½SW¼SE¼, SE¼SW¼SE¼, W½SW¼SE¼SE¼.

The areas described aggregate 130 acres.

Peralta Canyon Recreation Area

T. 1 N., R. 10 E.,
Sec. 29, S½N½SW¼, S½SW¼.

The areas described aggregate 120 acres.

Rose Creek Recreation Area

T. 6 N., R. 13 E., unsurveyed,
Sec. 25, S½NE¼NW¼SW¼, SE¼NW¼SW¼, N½NE¼SW¼SW¼.

The areas described aggregate 20 acres.

Stewart Mountain Lake Recreation Area

T. 3 N., R. 6 E., unsurveyed,
Sec. 28, S½SW¼NE¼, S½SE¼NW¼, NE¼SW¼, NW¼SE¼.

The areas described aggregate 120 acres.

Sunflower Picnic Ground

T. 6 N., R. 9 E.,
Sec. 17, SW¼NW¼SE¼NW¼, S½NE¼SW¼NW¼, SE¼SW¼NW¼, W½SW¼SE¼NW¼.

The areas described aggregate 22.50 acres.

Sycamore Forest Camp

T. 11 N., R. 10 E., unsurveyed,
Sec. 7, SE¼NW¼SE¼, S½NE¼SE¼, E½SE¼SE¼;
Sec. 8, SW¼SW¼SW¼;
Sec. 17, NW¼NW¼.

The areas described aggregate 100 acres.

Upper Camp Creek Recreation Area

T. 7 N., R. 5 E., unsurveyed
Sec. 26, S½SW¼, NE¼SW¼, S½SE¼NW¼SW¼, E½SW¼SW¼, W½SE¼SW¼;
Sec. 35, NE¼NW¼, NE¼NW¼NW¼, E½NW¼NW¼NW¼, E½SE¼NW¼NW¼, E½NE¼SW¼NW¼, N½SE¼NW¼.

The areas described aggregate 135 acres.

West Canyon Lake Recreation Area

T. 2 N., R. 9 E., unsurveyed,
Sec. 9, E½NE¼NW¼, N½NE¼, NE¼SW¼NE¼, E½SE¼SE¼NE¼, E½NE¼NE¼SE¼.

The areas described aggregate 140 acres.

Bartlett Dam Recreation Area

T. 5 N., R. 7 E., unsurveyed,
Sec. 4, NW¼NE¼, E½NW¼, SW¼NW¼, S½NW¼NW¼, N½NW¼SW¼;
Sec. 5, S½NE¼, N½N½SE¼.
T. 6 N., R. 7 E., unsurveyed,
Sec. 33, S½SW¼SE¼, S½SE¼SW¼.

The areas described aggregate 360 acres.

Bartlett Lake Recreation Area

T. 6 N., R. 7 E., unsurveyed,
Sec. 27, W½SW¼NW¼, W½NW¼SW¼;
Sec. 28, SE¼NE¼, E½SE¼.

The areas described aggregate 160 acres.

East Canyon Lake Recreation Area

T. 2 N., R. 9 E., unsurveyed,
Sec. 10, SW¼NE¼, S½NW¼, NW¼SW¼.

The areas described aggregate 160 acres.

Horseshoe Dam Recreation Area—Area No. 1

T. 7 N., R. 6 E., unsurveyed,
Sec. 2, W½SE¼NW¼, S½SW¼NW¼, NW¼NW¼SW¼;
Sec. 3, NE¼NE¼SE¼.

The areas described aggregate 60 acres.

Horseshoe Dam Recreation Area—Area No. 2

T. 7 N., R. 6 E., unsurveyed,
Sec. 10, W½NE¼NE¼, E½NW¼NE¼, SE¼NE¼, E½SW¼NE¼, N½NE¼SE¼;
Sec. 11, SW¼SW¼NW¼, NW¼NW¼SW¼.

The areas described aggregate 140 acres.

This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the above-described lands, and shall take precedence over, but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

JUNE 6, 1955.

[F. R. Doc. 55-4622; Filed, June 9, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

CITRUS FRUIT INDUSTRY IN FLORIDA

PETITION FOR REVOCATION OF SEASONAL INDUSTRY DETERMINATIONS

In the matter of the petition for revocation of the exemption for citrus fruit operations in Florida under section 7 (b) (3) of the Fair Labor Standards Act.

The Administrator of the Wage and Hour Division published in the December 24, 1953, issue of the FEDERAL REGISTER (18 F. R. 8705) a notice that a petition had been filed by the Florida Council of Citrus Workers' Unions asking for revocation of the seasonal industry determinations under section 7 (b) (3) of the Fair Labor Standards Act which apply to the handling, packing, storing, preparing in their raw or natural state, first processing or canning of perishable or seasonal fresh fruits or vegetables (5 F. R. 3167) and to the dehydration of citrus pulp and waste in the States of Florida and Texas (8 F. R. 3811), to the extent that they apply to citrus fruit operations in Florida.

Subsequent to the above notice a public hearing on this petition was held at

Tampa, Florida, on May 11, 12, and 13, 1954, before Mr. Harry Weiss, an authorized representative of the Administrator, who was authorized to receive evidence and hear arguments for the purpose of determining—

1. Whether the handling, packing, storing, preparing in their raw or natural state, first processing or canning of citrus fruit in the State of Florida, or any of these operations separately, constitute a branch or branches of an industry separable from the industry performing such operations on perishable or seasonal fresh fruits or vegetables generally;

2. Whether such citrus operations in Florida, if separable from operations on other fresh fruits and vegetables, constitute a branch or branches of an industry separable from citrus operations in other parts of the United States;

3. Whether operations performed on any particular kind of citrus fruit constitute a branch of an industry separable from operations performed on other kinds;

4. Whether the dehydrating of citrus pulp in the State of Florida is separable from the dehydrating operations in Texas;

5. Whether the handling, packing, storing, preparing in their raw or natural state, first processing or canning of citrus fruit, or any particular kind of citrus fruit, or the dehydration of citrus pulp and waste, or any one or more of these operations in the State of Florida, if separable as an industry or as a branch or branches of an industry, are of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended.

Following such hearing, the representative of the Administrator duly made his findings of fact and determined as follows:

1. The handling, packing, storing, preparing in their raw or natural state, first processing and canning of citrus fruit in Florida do not constitute a branch or branches of an industry separable from the industry performing these operations on fresh fruits and vegetables generally.

2. Operations on any particular kind of Florida citrus fruit are not separable as an industry branch from operations performed on other kinds.

3. The evidence is insufficient to justify a reversal of the previous finding that the packing of fruit is separable from canning and first processing.

4. The evidence supports the conclusion that the handling, packing, storing, preparing in their raw or natural state, first processing and canning of citrus fruit in Florida is properly a part of the fresh fruit and vegetable industry that has been determined to be of a seasonal nature within the meaning of section 7 (b) (3) of the act and Part 526 of the regulations issued thereunder. Accordingly, these operations on Florida citrus fruit remain within the exemption.

5. If considered as constituting branches of the industry separable from the branches performing the operations on fresh fruits and vegetables generally, the packing of fresh citrus fruit in Florida would qualify as seasonal in nature under the act and the regulations, but first processing and canning would not.

6. The dehydration of citrus pulp and waste in Florida may (a) be considered separately from Texas operations at this time, and (b) is not an industry of a seasonal nature within the meaning of section 7 (b) (3) of the act and the regulations. Accordingly, the determination of March 25, 1943 (8 F. R. 3811), that the dehydration of citrus pulp and waste in Florida and Texas is of a seasonal nature, is revoked insofar as it applies to operations in Florida.

The petition is denied in part and granted in part in accordance with the above findings.

The aforesaid findings and determination were duly filed in the Office of the Administrator on May 25, 1955, at the National Office of the Wage and Hour Division, U. S. Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C., and are available for examination by all interested parties.

Notice is hereby given pursuant to §§ 526.8 and 526.9 of the regulations that any person aggrieved by the said finding may, within 15 days after the date this notice appears in the FEDERAL REGISTER, either make application to the authorized representative at the National Office of the Wage and Hour Division for reconsideration of his finding, or file a petition with the Office of the Administrator requesting review of the action of the said representative upon the record of the hearing. Such application or petition shall set forth the grounds upon which the application for reconsideration or petition for review is based.

If no application for reconsideration or petition for review is filed within the 15 days, the findings and determination of the authorized representative of the Administrator will become final, and the revocation with respect to the dehydration of the citrus pulp and waste will become effective 30 days after publication in the FEDERAL REGISTER, as provided in § 526.10 of the regulations.

Signed at Washington, D. C. this 6th day of June 1955.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 55-4647; Filed, June 9, 1955; 8:52 a. m.]

[29 CFR Parts 655, 657, 671, 673, 696, 698, 706]

[Administrative Order No. 443]

CERTAIN SPECIAL INDUSTRY COMMITTEES FOR PUERTO RICO

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES FOR CERTAIN INDUSTRIES

1. Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, 29 U. S. C., and Sup. 201 et seq.), the Secretary of Labor hereby appoints and convenes Special Industry Committees Nos. 17-A, 17-B, 17-C, 17-D and 17-E for Puerto Rico.

Special Industry Committee No. 17-A, appointed to investigate conditions in and recommend minimum wages for the silk, rayon, and nylon underwear division, and the miscellaneous division, of the needlework and fabricated textile products industry in Puerto Rico, is composed of the following representatives:

For the public: Jaime Benitez, Chairman, Rio Piedras, P. R.; David W. Louisell, Minneapolis, Minn.

For the employees: Miguel Garriga, San Juan, P. R.; Lazare Teper, New York, N. Y.

For the employers: Anthony P. Alfino, Washington, D. C.; Gloria E. Domenech, Mayaguez, P. R.

Special Industry Committee No. 17-B, appointed to investigate conditions in and recommend minimum wages for the alcoholic beverage and industrial alcohol industry in Puerto Rico, is composed of the following representatives:

For the public: Jaime Benitez, Chairman, Rio Piedras, P. R.; David W. Louisell, Minneapolis, Minn.

For the employees: Miguel Garriga, San Juan, P. R.; Paul Jennings, Newark, N. J.

For the employers: Anthony P. Alfino, Washington, D. C.; Jose M. Garcia, San Juan, P. R.

Special Industry Committee No. 17-C, appointed to investigate conditions in and recommend minimum wages for the food and related products industries in Puerto Rico, is composed of the following representatives:

For the public: Jaime Benitez, Chairman, Rio Piedras, P. R.; David W. Louisell, Minneapolis, Minn.

For the employees: Miguel Garriga, San Juan, P. R.; Paul Jennings, Newark, N. J.

For the employers: Anthony P. Alfino, Washington, D. C.; Norman E. Parkhurst, Bayamon, P. R.

Special Industry Committee No. 17-D, appointed to investigate conditions in and recommend minimum wages for the tobacco industry in Puerto Rico, is composed of the following representatives:

For the public: Jaime Benitez, Chairman, Rio Piedras, P. R.; David Louisell, Minneapolis, Minn.

For the employees: Miguel Garriga, San Juan, P. R.; Bert R. Seidman, Washington, D. C.

For the employers: Anthony P. Alfino, Washington, D. C.; Belarmino Suarez, Caguas, P. R.

Special Industry Committee No. 17-E, appointed to investigate conditions in and recommend minimum wages for the telephone division, the radio and television broadcasting division, and the gas utility division of the communications, utilities, and miscellaneous transportation industries in Puerto Rico, is composed of the following representatives:

For the public: Jaime Benitez, Chairman, Rio Piedras, P. R.; David Louisell, Minneapolis, Minn.

For the employees: Miguel Garriga, San Juan, P. R.; Bert R. Seidman, Washington, D. C.

For the employers: Anthony P. Alfino, Washington, D. C.; Gustavo Diaz Atiles, Bayamon, P. R.

2. Special Industry Committees Nos. 17-A, 17-B, 17-C, 17-D and 17-E are herein created in accordance with the provisions of the Fair Labor Standards Act, as amended, and the regulations promulgated thereunder (Title 29, Chapter V, Code of Federal Regulations, Part 511). Special Industry Committee No. 17-A shall meet beginning on July 11, 1955 at 10:00 a. m. in Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce,

Puerto Rico, to investigate conditions in the silk, rayon, and nylon underwear division, and the miscellaneous division, of the needlework and fabricated textile products industry in Puerto Rico. Immediately thereafter, Special Industry Committee No. 17–B will meet to investigate conditions in the alcoholic beverage and industrial alcohol industry in Puerto Rico; immediately thereafter, Special Industry Committee No. 17–C will meet to investigate conditions in the food and related products industries in Puerto Rico; immediately thereafter, Industry Committee No. 17–D will meet to investigate conditions in the tobacco industry in Puerto Rico; and immediately thereafter Special Industry Committee No. 17–E will meet to investigate conditions in the telephone division, the radio and television broadcasting division, and the gas utility division of the communications, utilities, and miscellaneous transportation industries in Puerto Rico. Upon the completion of their investigations, each industry committee shall recommend to the Office of the Administrator a minimum wage rate or rates for employees in the industry in Puerto Rico who, within the meaning of the said act, are "engaged in commerce or in the production of goods for commerce" excepting employees exempt by virtue of the provisions of section 13 (a) and employees coming within the provisions of section 14. Minimum wage rates recommended by each Committee shall be the highest rates (not in excess of 75 cents per hour) which it determines will not substantially curtail employment in such industries and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

3. For the purpose of this order these industries are defined as follows:

The silk, rayon, and nylon underwear division, and the miscellaneous division, of the needlework and fabricated textile products industry.[1] These divisions are defined as follows:

(a) *Silk, rayon, and nylon underwear division.* The manufacture, from any fabric containing a mixture of cotton and other fibers, of women's, misses', and girls' underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles.

(b) *Miscellaneous division.* The manufacture of all products included in the needlework and fabricated textile products industry, as defined, which are not included in any of the other divisions of the industry.[2]

In addition to the above defined divisions, the needlework and fabricated textile products industry includes the following divisions, not to be considered by Committee No. 17:

Art linen and needlepoint division.
Blouse, dress, and neckwear division.
Children's and dolls' wear division.
Corde and bonnaz embroidery and corde handbag division.
Cotton underwear and infants' underwear division.
Crochet beading, bullion embroidery, machine embroidered lace, insignia, and chevron division.
Crocheted hats and infants' bootee division.
Crocheted slipper division.
Dungarees, slacks, and related products division.
Fabric glove division.
Handkerchief and square scarf division.
Hat body division.
Infants' wear division.
Knit glove division.
Leather glove division.
Sweater and bathing suit division.

Alcoholic beverage and industrial alcohol industry. The manufacture, including, but without limitation, the distilling, rectifying, blending, or bottling of rum, gin, whiskey, brandy, cordials, liqueurs, wines, ale, beer and similar malt beverages with or without alcohol, and other alcoholic beverages; industrial alcohol, such as ethyl alcohol, butyl alcohol, and acetone; anti-freeze; and any related by-products resulting from the manufacture of any of the foregoing products.

Food and related products industries. The canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and non-alcoholic beverages, including, but without limitation, meat animals and meat animal products; poultry and poultry products; milk and dairy products; fish and seafood products; fruits or vegetables, and fruit or vegetable products; grains and grain products; bakery products; confectionery and related products; and miscellaneous foods and food products.

The handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts, and the gathering of wild plant or animal life.

Provided, however, That the definition shall not include any product or activity included in the sugar manufacturing industry or the chemical, petroleum, and related products industries, as defined in the wage orders for those industries in Puerto Rico, or in the alcoholic beverage and industrial alcohol industry, as defined herein.

Tobacco industry. The processing of leaf tobacco including, but without limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco prior to use in the manufacture of cigars or other finished tobacco products; the manufacture of cigarettes, cigars, cheroots, and little cigars, including the stemming of cigar wrappers or binders by a cigar manufacturer; and the manufacture of snuff, chewing tobacco, and smoking tobacco.

The telephone division, the radio and television broadcasting division, and the gas utility division of the communications, utilities, and miscellaneous industries[3]—(a) *Telephone division.* This division consists of the industry carried on by any telephone system of communication.

(b) *Radio and television broadcasting division.* This division consists of the industry carried on by any concern engaged in radio or television broadcasting.

(c) *Gas utility division.* This division consists of the industry carried on by any concern engaged in the production or distribution of gas.

Signed at Washington, D. C., this 6th day of June 1955.

ARTHUR LARSON,
Acting Secretary of Labor.

[F. R. Doc. 55–4646; Filed, June 9, 1955; 8:52 a. m.]

[1] The needlework and fabricated textiles industry in Puerto Rico is defined as follows: The manufacture from any material of all apparel and apparel furnishings and accessories made by the knitting, crocheting, cutting, sewing, embroidering, or other processes; the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the definition shall not cover products or activities included in the following industries in Puerto Rico as defined in the wage orders for such industries: The artificial flower industry, the button, buckle, and jewelry industry, the corsets, brassieres, and allied garments industry, the handicraft products industry, the hosiery industry, the hooked rug industry, the men's and boys' clothing and related products industry, the shoe manufacturing and allied industries, and the textile and textile products industry. This definition includes, but without limitation, handkerchiefs, scarves and mufflers; gloves; women's, misses', girls' and infants' outerwear, underwear, and nightwear; handbags (except handbags made by hand out of raffia, maguey, straw or similar materials); household art linens; needlepoint; embroideries and trimmings; curtains, draperies, and bedspreads; and miscellaneous fabricated textile products.

[2] This division includes, but without limitation, the manufacture of fur coats and other fur garments, accessories and trimmings.

[3] The industry carried on by any wire or radio system of communication or by messenger service; by any concern engaged in the production and distribution of gas, electricity, or steam; the distribution of water or the operation of sanitation facilities; and by any concern engaged in transportation by air, rail, pipeline, motor vehicle, or other means, or in related activities including stevedoring, consolidating, forwarding, crating and boxing: *Provided, however,* That the definition shall not include any activity included in the definitions of the wage orders applicable in Puerto Rico for the railroad, railway express, and property motor transport industry, the shipping industry, the sugar manufacturing industry, or any other industries in Puerto Rico for which wage orders have been issued.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

[Docket No. AO 29–A9]

HANDLING OF MILK IN DUBUQUE, IOWA, MILK MARKETING AREA

SUPPLEMENTAL NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Notice is hereby given that the hearing originally scheduled to be held in Dubuque, Iowa, on April 21, 1955 (20 F. R. 2060), and subsequently postponed to June 16, 1955 (20 F. R. 2733), is hereby further postponed until June 29, 1955, to begin at 10:00 a. m., c. s. t., in the Federal Building, Dubuque, Iowa, and that in addition to the proposed

amendments set forth in the original notice of hearing (20 F. R. 2060), evidence will also be received with respect to the additional provisions specified in the proposals listed below or to appropriate modifications thereof.

Additional amendments to the order (No. 12), as amended, were proposed as follows:

Proposed by the Beatrice Foods Company:

17. Section 912.1 (1), "Other source milk", shall be amended to exclude milk received from a handler regulated under another Federal milk marketing order.

18. Section 912.4 (g) shall be amended so as to allocate milk received from a handler regulated under another Federal milk marketing order to the same classification that the other handler accounted for such milk under the other Federal milk marketing order. In other words, the milk should be accounted for in the same class under both orders.

19. Amend §§ 912.3 (a) and 912.4 (a), (b), (d), (e), (f) and (g) and any other section necessary to allow for change of producer milk for other source milk which is used for Class I sales in the marketing area for the exchange of producer milk for other source milk.

Copies of this supplemental notice of hearing may be procured from the Market Administrator, 307 Federal Building, P. O. Box 756, Dubuque, Iowa, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: June 7, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55–4658; Filed, June 9, 1955; 8:54 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS

NOTICE OF PROPOSED RULE MAKING

1. Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 701 (a); 65 Stat. 649, 52 Stat. 1055; 21 U. S. C. 353 (b) (3), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare by 21 CFR 1.108 (c) (19 F. R. 7347) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER, on the proposed regulation set forth below exempting certain drugs from prescription-dispensing requirements and transferring them to over-the-counter sale:

§ 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale.* (a) The prescription-dispensing requirements of section 503 (b) (1) (C) of the act are not necessary for the protection of the public health with respect to the following drugs subject to new-drug applications:

* * * * *

(3) Isoamylhydrocupreine and zolamine hydrochloride (N, N-dimethyl-N'-2-thiazolyl-N'-ρ-methoxybenzyl-ethylenediamine hydrochloride) preparations meeting all the following conditions:

(i) The isoamylhydrocupreine and zolamine hydrochloride are prepared in dosage form suitable for self-medication as rectal suppositories or as an ointment and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The isoamylhydrocupreine, zolamine hydrochloride, and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.25 percent of isoamylhydrocupreine and 1.0 percent of zolamine hydrochloride.

(v) If the preparation is in suppository form, it contains not more than 5.0 milligrams of isoamylhydrocupreine and not more than 20.0 milligrams of zolamine hydrochloride per suppository.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of local pain and itching associated with hemorrhoids.

(vii) The directions provide for the use of not more than two suppositories or two applications of ointment in a 24-hour period.

(viii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against use of the preparation without medical supervision in case of rectal bleeding, as this may indicate serious disease.

2. Coincident with the promulgation of the proposed regulation set forth above, the regulations contained in paragraph (f) of § 1.108 of this chapter will be transferred to Part 130—Drugs Exempted From Prescription-Dispensing Requirements of Section 503 (b) (1) (C) of the Federal Food, Drug, and Cosmetic Act. No change in the text of the regulations is contemplated, but they will be renumbered as follows:

a. Paragraph (f) will be redesignated as § 130.1 and the paragraph heading becomes the section heading. The context of the introduction to paragraph (f) will be designated as paragraph (a). The numbering of subparagraphs (1) and (2) will remain the same.

b. A notation will be made at the beginning of § 1.108 that the material originally issued as § 1.108 (f) has been transferred to Part 130.

Part 130 of Title 21 of the Code of Federal Regulations will carry a notation that the general regulations covering exemptions from prescription requirements will be found in 21 CFR 1.108.

Dated: June 3, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55–4632; Filed, June 9, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

CHIEF DISBURSING OFFICER ET AL.

DELEGATION OF AUTHORITY UNDER EMERGENT CONDITIONS

By virtue of the authority vested in me by Treasury Department Order No. 129, Rev. No. 2, dated April 22, 1955, in the event of an enemy attack on the continental United States, the Chief Disbursing Officer, each Regional Disbursing Officer in charge of a Bureau of Accounts Regional Office, or in their absence such officer as is authorized to act in their place, is authorized to make such provisions as are necessary to insure continuous performance of all the functions of the Bureau of Accounts now or hereafter assigned to such Regional Office. This authority under the conditions specified will authorize the Chief Disbursing Officer, each Regional Disbursing Officer, or in their absence the officers authorized to act for them, to take any action with respect to the functions performed in his office that the Secretary of the Treasury, the Commissioner of Accounts or any of their subordinate officers would be authorized to take.

The purpose of this order is to provide a temporary expedient to meet emergent conditions. The respective officers will be notified when they are to cease to exercise the authority herein delegated.

[SEAL] R. W. MAXWELL,
Commissioner of Accounts.

JUNE 7, 1955.

[F. R. Doc. 55–4650; Filed, June 9, 1955; 8:53 a. m.]

ASSOCIATE COMMISSIONER OF ACCOUNTS ET AL.

ORDER OF SUCCESSION OF PERSONS TO ACT AS COMMISSIONER OF ACCOUNTS

By virtue of authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, it is hereby ordered that the following officers of the Bureau of Accounts, in the order of succession enumerated, shall act as Commissioner of Accounts, during the absence or disability of the Commissioner of Accounts, or when there is a vacancy in such office:

1. Associate Commissioner of Accounts.
2. Chief Disbursing Officer.
3. Deputy Commissioner of Accounts for Central Accounts.
4. Deputy Commissioner of Accounts for Accounting Systems.
5. Deputy Commissioner of Accounts for Central Reports.
6. Senior Assistant Chief Disbursing Officer.
7. Executive Assistant to the Commissioner.
8. Assistant Deputy Commissioner, Accounting Systems, Treasury.
9. Assistant Commissioner for Administration.
10. Regional Disbursing Officer, Atlanta, Ga.
11. Regional Disbursing Officer, Dallas, Tex.
12. Regional Disbursing Officer, Minneapolis, Minn.
13. Regional Disbursing Officer, Salt Lake City, Utah.

This order supersedes the order of succession established in paragraph "B", Bureau of Accounts, of Treasury Department Order No. 129, Revised, dated December 11, 1952.

[SEAL] R. W. MAXWELL,
Commissioner of Accounts.

JUNE 7, 1955.

[F. R. Doc. 55–4651; Filed, June 9, 1955; 8:53 a. m.]

POST OFFICE DEPARTMENT

POSTAL TRANSPORTATION SERVICE

SUPERVISION OF ACTIVITIES IN PUERTO RICO, THE VIRGIN ISLANDS, THE TERRITORY OF HAWAII, SAMOA AND GUAM

The following is an excerpt from Order No. 55899 of the Postmaster General, dated May 23, 1955:

The business of the Postal Transportation Service in Puerto Rico and the Virgin Islands shall be administered by an official of the Postal Transportation Service stationed at San Juan, Puerto Rico. This official shall administer all postal transportation matters in accordance with Departmental policies and practices and the directions of the General Superintendent, Postal Transportation Service, Fourth Division, Atlanta, Georgia.

All files and records relating to the Postal Transportation Service presently retained by the Post Office Inspector assigned at San Juan, Puerto Rico shall be delivered to the Postal Transportation Service official assigned to San Juan.

The transfer clerk now stationed at San Juan and any other Postal Transportation Service personnel hereafter appointed and stationed at San Juan, shall be under the supervision of the Postal Transportation Service official assigned to San Juan.

The business of the Postal Transportation Service in the Territory of Hawaii, Samoa and Guam shall continue to be administered by a Postal Transportation Service official stationed at Honolulu, Hawaii. This official shall administer the postal transportation matters in accordance with Departmental policies and practices and the directions of the General Superintendent, Postal Transportation Service, Eighth Division, San Francisco, California.

* * * * * *

(R. S. 161, 396; secs; 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] ABE MCGREGOR GOFF,
The Solicitor.

[F. R. Doc. 55–4626; Filed, June 9, 1955; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7124]

LINEAS AEREAS COSTARRICENSES, S. A. (LACSA)

NOTICE OF HEARING

In the matter of the application of Lineas Aereas Costarricenses, S. A. (LACSA) for a foreign air carrier permit authorizing it to engage in foreign air transportation with respect to persons, property, and mail between the terminal point San Jose, Costa Rica, the intermediate point Tocumen Airport, Panama City, with traffic rights; with or without the intermediate point Curacao, with traffic rights; and the terminal point San Juan, Puerto Rico.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on July 27, 1955, at 10:00 a. m., e. d. s. t., in Room E–206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., June 7, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–4661; Filed, June 9, 1955; 8:54 a. m.]

[Docket No. 7173]

FOREIGN PERMIT INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of a proceeding to amend the permits held by various foreign air carriers so as to provide that said carriers may make charter trips without regard to points named in their permits, under regulations prescribed by the Board.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 20, 1955, at 10:00 a. m., e. d. s. t., in Room E–206, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., June 7, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–4662; Filed, June 9, 1955; 8:54 a. m.]

[Docket No. 7175]

COMPANIA NACIONAL DE TURISMO AEREO "CINTA LIMITADA"

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Compania Nacional de Turismo Aereo "Cinta Limitada" for a foreign air carrier permit pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, between the terminal points Santiago, Chile, and Miami, Florida, U. S. A., via the intermediate points Antofagasta, Chile, Arica, Chile, Lima, Peru, Talara, Peru (operational stop only), Panama, Panama, and Havana, Cuba.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 15, 1955, at 10:00 a. m., e. d. s. t., in Room E–206, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., June 7, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–4663; Filed, June 9, 1955; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

Notice of proposed withdrawal and reservation of lands in connection with the application of the Bureau of Land Management, Department of the Interior, Serial No. Oregon 03791, published in the FEDERAL REGISTER of May 12, 1955 (F. R. Doc. 55–3834; 20 F. R. 3237), is corrected to delete and include areas as indicated insofar as it pertains to the following described lands.

WILLAMETTE MERIDIAN, OREGON

Delete the following described land:

T. 33 S., R. 10 W.,
Sec. 11: N½NE¼.
80 acres.

Include the following described land:

T. 33 S., R. 9 W.,
Sec. 1: SW¼NW¼.
T. 33 S., R. 10 W.,
Sec. 11: S½NE¼.
120 acres.

VIRGIL F. HEATH,
State Supervisor.

JUNE 3, 1955.

[F. R. Doc. 55–4623; Filed, June 9, 1955; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11055, 11056; FCC 55M–505]

AIRCALL, INC., AND TELEPHONE ANSWERING SERVICE

ORDER CONTINUING HEARING

In re applications of Aircall, Inc., Detroit, Michigan, Docket No. 11055, File No. 744–C2–P–54; John W. Bennett, d/b as Telephone Answering Service, Flint, Michigan, Docket No. 11056, File No. 276–C2–P–54; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 3d day of June 1955, on the Hearing Examiner's own motion, that the hearing now scheduled for June 10, 1955 is continued until July 1, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4616; Filed, June 9, 1955; 8:45 a. m.]

[Docket Nos. 11202—11204; FCC 55M–475]

MINERS BROADCASTING SERVICE, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Miners Broadcasting Service, Inc., Ambridge, Pennsylvania, Docket No. 11202, File No. BP–9102; Louis Rosenberg, Tarentum, Pennsylvania, Docket No. 11203, File No. BP–9192; Theodore H. Oppegard and Carl R. Lee, d/b as Somerset Broadcasting Company, Painesville, Ohio, Docket No. 11204, File No. BP–9358; for construction permits.

The Hearing Examiner having under consideration an informal request of Louis Rosenberg for continuance of the hearing herein because of conflict in hearing assignments of its counsel;

It appearing that all parties have indicated they have no objection to a continuance until June 27, 1955 and to immediate consideration of this request;

It is ordered, This 25th day of May 1955 that the hearing herein presently scheduled for June 7, 1955 is continued until June 27, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4617; Filed, June 9, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6629]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

JUNE 3, 1955.

Take notice that on June 2, 1955, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance to the City of Riverside, California, of fifteen promissory notes in the aggregate principal amount of $7,300,000, bearing interest at the rate of 4 percent per annum, to mature on demand, but not later than five years from date of issue; and the issuance of promissory notes to the Bank of America National Trust and Savings Association in an amount not to exceed $8,000,000 bearing interest at rates not less than 3¼ percent nor more than 3¾ percent per annum to be issued on various dates and to mature within twelve months of date of issue. Applicant has offered to purchase from the City of Riverside, a municipal electric distribution system, owned and operated by said City, and proposes to issue to said City in payment of the "base purchase price" its promissory notes mentioned above. It is expected that the electors of the City, voting at a special election to be called prior to August 31, 1955, will either accept or reject Applicant's offer. The notes which Applicant proposes to issue to the Bank will be for monies borrowed for the primary purpose of providing funds to discharge upon demand the notes issued to the City of Riverside. The original depreciated cost as of December 31, 1954, of the properties to be acquired from the City of Riverside is stated in the application to be $5,116,416. The application also states the fair value of these properties is $7,300,000; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 24th day of June 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–4635; Filed, June 9, 1955; 8:50 a. m.]

[Docket Nos. G–3894, G–8668, G–8880]

ATLANTIC REFINING CO. AND WESTERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 3, 1955.

Take notice that The Atlantic Refining Company (Atlantic) and Western Natural Gas Company (Western), both independent producers, the former a Pennsylvania corporation with its principal place of business with respect to natural-gas operations in Dallas, Texas, and the latter a Delaware corporation with its principal place of business in Houston, Texas, filed applications for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the related acts or operations hereinafter described. Atlantic's application in Docket No. G–3894 was filed October 1, 1954, its application in Docket No. G–8668 was filed March 25, 1955, and Western's application in Docket No. G–8880 was filed May 10, 1955.

Atlantic's application in Docket No. G–3894 requests authorization, among other things, to sell natural gas produced from 3 wells located on acreage in the Jennie Bell Field, DeWitt County, Texas, to Texas Eastern Transmission Corporation (Texas Eastern) at an initial base price of 10.2 cents per Mcf under the terms of two, separate 20-year contracts. In Docket No. G–8668 Atlantic proposes to sell all the gas produced by the 3 wells under one of the two contracts dated November 25, 1953, thereby cancelling deliveries from 2 of the wells made under a supplement to the older contract dated February 26, 1954. All material terms and conditions will remain the same and the contract volume is 1,500 Mcf a day.

Western's application recites that subsequent to June 7, 1954, it exercised an option to acquire a 50 percent interest in the above-mentioned 3 wells, requests the necessary certificate authorization, and otherwise requests authorization paralleling that requested by Atlantic with which it is a contracting party for the sale to Texas Eastern.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 24, 1955, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the applications as set forth above: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of June 1955. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55–4634; Filed, June 9, 1955; 8:50 a. m.]

[Docket No. G–5788]

CITIES SERVICE GAS PRODUCING CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

Upon consideration of the exceptions and supporting brief filed on May 23, 1955, by Cities Service Gas Producing Company to the Decision filed herein by the Presiding Examiner on April 22, 1955, and the motion of the Company for op-

portunity to present oral argument, the Commission orders:

(A) Oral argument will be heard on June 21, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning matters included in the exceptions to the Decision.

(B) Parties desiring to participate in the argument shall on or before June 10, 1955, notify the Secretary of the Commission of such intention and of the time requested in which to present argument.

Adopted: May 25, 1955.

Issued: June 3, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4624; Filed, June 9, 1955; 8:47 a. m.]

[Docket No. G-6504]

DELHI-TAYLOR OIL CORP. AND MAYFAIR MINERALS, INC.

ORDER CORRECTING ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On May 27, 1955, the Commission issued an order in this docket fixing date of hearing and specifying procedure In the Matter of Taylor Oil & Gas Company, which is a predecessor organization to Delhi-Taylor Oil Corporation. On December 29, 1954, the Commission issued its order suspending proposed changes in rates filed by Delhi-Taylor Oil Corporation and Mayfair Minerals, Inc. (Applicants) in the foregoing designated docket, pertaining to the sales of natural gas in interstate commerce to Trunkline Gas Company (Trunkline).

The Commission orders:

(A) Wherever the word "Applicant" exists in the foregoing order issued on May 27, 1955, in this docket, the same shall be construed to be "Applicants" and shall include Delhi-Taylor Oil Corporation and Mayfair Minerals, Inc.

(B) Except as herein modified and corrected, the foregoing order issued on May 27, 1955, in this docket, fixing date of hearing and specifying procedure shall remain in full force and effect.

Adopted: June 3, 1955.

Issued: June 6, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-4639; Filed, June 9, 1955; 8:50 a. m.]

[Docket Nos. G-6026, G-6107, G-6590, G-6909, G-6990, G-7050, G-7409]

CONTINENTAL OIL CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

JUNE 2, 1955.

In the matters of Continental Oil Company, Docket No. G-6590; Knox Oil Company, Docket No. G-7050; Wyopark Oil Company, Docket No. G-6909; Oxford Oil Company, Docket No. G-6990; Fred M. Manning, Docket No. G-6026; Estate of E. E. Brown, Docket No. G-6107; Fred Goodstein, d/b/a Trigood Oil Company, Docket No. G-7409.

Upon consideration of the motion of Continental Oil Company, filed May 25, 1955, and the joint motion of Knox Oil Company, Wyopark Oil Company and Oxford Oil Company, filed May 27, 1955, for continuance of the hearing now scheduled for June 14, 1955, in the above-designated matters;

Notice is hereby given that the hearing now scheduled for June 14, 1955, is hereby postponed to July 14, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-4625; Filed, June 9, 1955; 8:47 a. m.]

[Docket No. G-8735]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 6, 1955.

Take notice that Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation whose address is 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on April 7, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Center District, Wetzel County, West Virginia, to Hope Natural Gas Company at 20 cents per Mcf, for transportation in interstate commerce for resale. The maximum contract volume is 200 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 30, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 24, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-4636; Filed, June 9, 1955; 8:50 a. m.]

[Docket No. G-8814]

E. B. MCMURTRY

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 6, 1955.

Take notice that E. B. McMurtry (Applicant), an individual whose address is Box 1936, Wichita, Kansas, filed on April 28, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from the Greenwood Field, Morton County, Kansas to Colorado Interstate Gas Company, at 12 cents per Mcf, for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 30, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 24, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-4637; Filed, June 9, 1955; 8:50 a. m.]

[Docket No. G-8872]

ALGONQUIN GAS TRANSMISSION CO. AND TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

JUNE 6, 1955.

Take notice that on May 9, 1955, Algonquin Gas Transmission Company (Algonquin), a Delaware corporation having its principal place of business at 25 Faneuil Hall Square, Boston, Massachusetts, and Tennessee Gas Transmission Company (Tennessee), a Delaware corporation having its principal place of business in the Commerce Building, Houston, Texas, filed a joint application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the exchange of natural gas between them and the construction and operation of facilities required to effect the exchange.

Tennessee proposes to establish a new delivery point on its 16-inch transmission pipeline with Hartford Gas Company (Hartford) for delivery of the natural gas for the account of Algonquin. Concurrently, Algonquin would return equivalent volumes of gas to Tennessee at established interconnections of their facilities at Southington, Connecticut, or at Ashland, Massachusetts, or another mutually acceptable point. The proposed exchange would not increase the maximum daily quantity of natural gas which Algonquin is now obligated to make available to Hartford under previous Commission authorization. Maximum deliveries by Tennessee to Hartford for the account of Algonquin are estimated at 204 Mcf per hour (at 14.73 psia).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 27, 1955. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-4638; Filed, June 9, 1955; 8:50 a. m.]

[Docket No. G-8993]

A. W. GREGG

ORDER SUSPENDING PROPOSED CHANGES IN RATES

A. W. Gregg (Applicant), on May 4, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated May 3, 1955.	Trunkline Gas Co.	Supplement No. 1 to applicant's FPC gas rate schedule No. 1.	June 4, 1955
Contract, dated Mar. 22, 1955.	do	Supplement No. 1 to supplement No. 1 to applicant's FPC gas rate schedule No. 1.	Do.

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1 includes a general increase in the rates for gas sold in addition to increases proposed for reimbursement of the Texas gas production tax and a periodic increase in rates for gas sold.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1 insofar only as this designated supplement pertains to a general increase in rates for gas sold, as distinct from the tax and periodic increases in rates for gas sold, and that Supplement No. 1 to Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1 be suspended as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1 insofar only as this designated supplement pertains to a general increase in rates for gas sold, as distinct from the proposed tax and periodic increases in rates for gas sold, and the above-designated Supplement No. 1 to Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 1 be and the same hereby are suspended and the use thereof deferred until August 4, 1955, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: June 3, 1955.

Issued: June 3, 1955.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-4640; Filed, June 9, 1955; 8:51 a. m.]

[1] Commissioner Digby dissenting.

[Project No. 350]

CITY OF ANCHORAGE, ALASKA

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (MAJOR)

JUNE 6, 1955.

Notice is hereby given that on May 10, 1955, the Federal Power Commission issued its order adopted May 4, 1955, accepting surrender of license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4641; Filed, June 9, 1955; 8:51 a. m.]

[Projects Nos. 616, 1352]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSES (MINOR PART AND MAJOR)

JUNE 6, 1955.

Notice is hereby given that on May 10, 1955, the Federal Power Commission issued its order adopted May 4, 1955, accepting surrender of licenses (Minor Part and Major) in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4642; Filed, June 9, 1955; 8:51 a. m.]

[Project No. 1881]

PENNSYLVANIA WATER & POWER CO. AND PENNSYLVANIA POWER & LIGHT CO.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MAJOR)

JUNE 6, 1955.

Notice is hereby given that on May 5, 1955, the Federal Power Commission issued its order adopted May 4, 1955, approving transfer of license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4643; Filed, June 9, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 7, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 30716: Soda ash—Michigan and Ohio to Illinois and Indiana. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on soda ash, carloads, from Detroit and Wyandotte, Mich., Barberton, Fairport Harbor, Painesville, and Perry, Ohio, to Chicago, Chicago Heights, and Joliet, Ill., and

other points in Illinois and Indiana in the Chicago switching district.

Grounds for relief: Circuitous routes.

FSA No. 30717: Caustic soda—Official Territory to Illinois and Indiana. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads, from Detroit, Mich., Barberton, Ohio, Charlestown, W. Va., Niagara Falls, N. Y., Saltville, Va., and other specified points in Michigan, Ohio, West Virginia and New York to Chicago, Joliet and Lemont, Ill., and other points in Illinois and Indiana in the Chicago switching district.

Grounds for relief: Circuitous route.

FSA No. 30718: Commodities—Illinois Territory to Southern Territory. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on baking powder, carloads and various other commodities, in carloads, from specified points in Illinois territory to specified destinations in southern territory.

Grounds for relief: Circuitous routes.

FSA No. 30719: Anthracite—Pennsylvania regions to New Jersey. Filed by C. W. Boin, Agent, for interested rail carriers. Rates on anthracite and anthracite briquettes, carloads, from Mines in the Lehigh and Wyoming regions in Pennsylvania to specified points in New Jersey.

Grounds for relief: Motor-truck competition and circuity.

Tariff: Supplement No. 81 to Central Railroad of New Jersey, I. C. C. No. A–18 and three other tariffs.

FSA No. 30720: Grain and products—Western and Northern points to Baton Rouge, La. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, and related articles, also seeds, in bulk, carloads, from specified points in Illinois, western trunk-line and southwestern territories to Baton Rouge, La., for export or coastwise movement to points beyond.

Grounds for relief: Parity in rates on export and coastwise traffic with New Orleans, La., and other Gulf ports—circultous routes.

Tariff: Supplement 14 to AT&SF I. C. C. No. 14774 and twenty-two other tariffs.

FSA No. 30721: Animal feed—Western points to the South. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on feed, animal, carnivorous, carloads, from specified points in Iowa, Kansas, Missouri, Oklahoma, and Texas to points in southern territory to which Docket 28300 class rates are in effect.

Grounds for relief: Short-line distance formula, and circuity.

Tariff: Supplement 68 to Agent Prueter's I. C. C. No. A–3973; Agent Kratzmeir's I. C. C. No. 4160.

FSA No. 30722: Phosphate di-calcium—Philadelphia, Pa., to Western points. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on phosphate di-calcium, U. S. P., or feed grade, carloads, from Philadelphia, Pa., to Centerville and Ontario, Iowa, Atchison, Kans., and Ainsworth, Nebr.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 7 to Agent Hinsch's I. C. C. 4565.

FSA No. 30723: Coal—Fairmont, W. Va., District to Burlington, Vt. Filed by The New York Central Railroad Company for itself and other interested rail carriers. Rates on bituminous and cannel coal, from mines in the Fairmont district in West Virginia to Burlington, Vt.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Tariff: Supplement 9 to Western Maryland Railway tariff I. C. C. 9056.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F .R. Doc. 55–4644; Filed, June 9, 1955; 8:51 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 51]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the St. Louis-San Francisco Railway Company, due to bridge out of service between Vernon, Texas, and Snyder, Oklahoma, is unable to transport traffic routed over its line between these points.

It is ordered, That:

(a) Rerouting traffic. The St. Louis-San Francisco Railway Company is hereby authorized to reroute or divert traffic moving over its line between Vernon, Texas, and Snyder, Oklahoma, due to bridge out of service, over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 12:01 a. m., June 4, 1955.

(g) Expiration date. This order shall expire at 11:59 p. m., June 25, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 4, 1955.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 55–4645; Filed, June 9, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

FREDERICK W. BERENS SALES, INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of June 1955.

In the matter of Frederick W. Berens Sales, Inc., 1520 K Street NW., Washington 5, D. C.

I. The Commission's public official files disclose that Frederick W. Berens Sales, Inc., a Delaware corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1953 and 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 7th day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 23, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 7, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 55–4627; Filed, June 9, 1955; 8:47 a. m.]

[1] Filed as part of original document.

NELSON AND COMBS, INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Nelson and Combs, Inc., 1326 U Street NW., Washington, D. C.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of June 1955.

I. The Commission's official files disclose that Nelson and Combs, Inc., a Delaware corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 8th day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 24, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered

[1] Filed as part of original document.

mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 8, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 55–4629; Filed, June 9, 1955; 8:48 a. m.]

LEO M. BERNSTEIN & CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of June 1955.

In the matter of Leo M. Bernstein & Company, 1415 K Street NW., Washington 5, D. C.

I. The Commission's public official files disclose that Leo M. Bernstein & Company, a partnership, in which Leo M. Bernstein and Norman Bernstein are general partners, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of

1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 6th day of July 1955 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 22, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 6, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–4628; Filed, June 9, 1955; 8:48 a. m.]

INVESTMENT TRUST LECTURE BUREAU

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of June 1955.

In the matter of Robert B. Edwards, doing business as Investment Trust Lecture Bureau, 730 Fourteenth Street NW., Washington 5, D. C.

I. The Commission's public official files disclose that Robert B. Edwards, doing business as Investment Trust Lecture Bureau, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1953 and 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has willfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

[1] Filed as part of original document.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 8th day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 24, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the Rules of Practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 8, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–4630; Filed, June 9, 1955; 8:48 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 4, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP CORN EXTENDED RESEAL LOAN PROGRAM

An extended reseal loan program has been announced for 1953-crop corn. The 1953 C. C. C. Grain Price Support Bulletin 1 (18 F. R. 1960, 3705, and 19 F. R. 1149), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1953, supplemented by Supplements 1, 2, and 3, Corn (18 F. R. 5359, 6983, 19 F. R. 1595, 2712, 5591, 6809, and 20 F. R. 3584), containing the specific requirements for the 1953-crop corn price support program, is hereby further supplemented as follows:

Sec.
421.251 Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1, and Supplements 1, 2, and 3, Corn.
421.252 Availability.
421.253 Eligible corn.
421.254 Approved storage.
421.255 Approved forms.
421.256 Quantity eligible for extended reseal.
421.257 Service charges.
421.258 Transfer of producer's equity.
421.259 Storage and track-loading payments.
421.260 Maturity and satisfaction.
421.261 Support rates.
421.262 CSS commodity offices.

AUTHORITY: §§ 421.251 to 421.262 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441.

§ 421.251 *Applicable sections of 1953 C. C. C. Grain Price Support Bulletin 1, and Supplements 1, 2, and 3, Corn.* The following sections of the 1953 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, and 3, Corn, as amended, published in 18 F. R. 1960, 3705, 5359, 6983, 19 F. R. 1149, 1595, 2712, 5591, 6809, and 20 F. R. 3584, shall be applicable to the 1953 Corn Extended Reseal Loan Program: § 421.1 *Administration;* § 421.5 *Approved lending agencies;* § 421.8 *Liens;* § 421.10 *Set-offs;* § 421.70 *Interest rate;* § 421.13 *Safeguarding the commodity;* § 421.14 *Insurance on farm-storage loans;* § 421.15 *Loss or damage to the commodity;* § 421.16 *Personal liability of the producer;* § 421.17 *Release of the commodity under loan;* § 421.19 *Foreclosure;* § 421.20 *Purchase of notes;* § 421.55 *Determination of quantity;* § 421.56 *Determination of quality;* § 421.64 *Eligible producer.* Other sections of 1953 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2, and 3, Corn, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.252 *Availability*—(a) *Area and scope.* The extended reseal program will be available in all counties where 1953-crop corn is under reseal loan except in designated angoumois moth areas: *Provided, however,* That the program will be available only where ASC State committees determine that there may be a shortage of storage space and that the corn can be safely stored on the farm for the period of the extended reseal loan. This program provides, under certain circumstances, for the extension of 1953-crop corn farm-storage reseal loans. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time and source.* The producer who has a reseal loan and who desires to extend such loan must make application to the county committee which approved his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

§ 421.253 *Eligible corn*—(a) *Requirements of eligibility.* The corn (1) must be in farm storage presently under a reseal loan; (2) must meet the requirements set forth in § 421.53 (a), (b), (c) and (e) of 1953 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn; and (3) must grade No. 3 or better, or No. 4 on the factor of test weight only, but

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See Engineers Corps.

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(For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end ($2.25)
Title 8 ($0.45)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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otherwise No. 3 or better, and must contain not in excess of 15.5 percent moisture in the case of ear corn nor in excess of 13.5 percent moisture in the case of shelled corn.

(b) *Inspection.* If a producer makes application to extend his reseal loan, the commodity loan inspector shall, with the producer, reinspect the corn and the farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

§ 421.254 *Approved storage.* Corn covered by any extended reseal loans must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.6 (a). Consent for storage for any loans extended must be obtained by the producer for the period ending September 30, 1956, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1956.

§ 421.255 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of a Producer's Note and Supplemental Loan Agreement, Commodity Loan Form A, secured by a Commodity Chattel Mortgage on Commodity Loan Form AA, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a reseal loan is extended.

§ 421.256 *Quantity eligible for extended reseal.* The quantity of corn eligible for an extended reseal loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

§ 421.257 *Service charges.* When a reseal loan is extended, the producer will not be required to pay an additional service charge.

§ 421.258 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the corn mortgaged as security for an extended reseal loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the corn must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the corn from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.259 *Storage and track-loading payments—*(a) *Storage payment for 1954–55 storage period.* (1) A producer who extends his farm-storage reseal loan will at the time of extension of the reseal loan receive a payment for earned storage during the reseal loan period. This payment will be computed at the rate of 15 cents per bushel on the quantity of corn held in farm storage for the full reseal period, ending July 31, 1955. The reseal storage payment will be disbursed to the producer by the ASC county committee.

(2) Upon delivery of the 1953-crop corn to CCC, the actual quantity of corn held in farm storage under the extended reseal loan program will be determined by weighing. The storage payment previously made to the producer at the time the reseal loan was extended, covering the 1954–55 storage period, will then be recomputed on the basis of the actual quantity determined to have been covered by the extended reseal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the extended reseal loan documents will be regarded as an additional credit in effecting settlement with the producer. The amount of any overpayment which is determined to have been made to the producer at the time the reseal loan was extended shall be collected from the producer.

(b) *Storage payment for 1955–56 storage period.* A storage payment for the 1955–56 extended reseal storage period will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment computed at the rate of 15 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1956, (ii) delivers corn to CCC on or after July 31, 1956, or (iii) delivers corn to CCC prior to July 31, 1956, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the corn was not damaged or otherwise impaired due to negligence on the part of the producer.

(2) *Prorated storage payment.* A prorated storage payment computed at the rate of 0.00049 per bushel a day, but not to exceed 15 cents per bushel, according to the length of time the quantity of corn was in store after September 30, 1955, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1956, and (iii) in the case of corn delivered to CCC prior to July 31, 1956, pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC: *Provided, however,* That no storage payment will be made with respect to corn so delivered which is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the commodity has been abandoned, or where there has been conversion on the part of the producer.

(c) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.260 *Maturity and satisfaction.* Extended reseal loans will mature on demand but not later than July 31, 1956. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county committee. If the producer desires to deliver the corn he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his corn at any time prior to delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity eligible for delivery. Delivery of corn will be accepted only from bin(s) in which the corn under extended reseal loan is stored. The provisions of § 421.18 (a), (c), (e) and (f) and of § 421.60 (a) shall be applicable thereto.

§ 421.261 *Support rates.* (a) The support rate for an extended reseal loan

shall remain the same as for the original loan.

(b) Any discounts or premiums established for variation in classification and quality as shown in § 421.58 (b), shall be applicable in determining the settlement value.

§ 421.262 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Tex., 3306 Main Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Mo., 911 Walnut Street: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minn., 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 7th day of June 1955.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4674; Filed, June 10, 1955; 8:48 a. m.]

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1955 crop of corn. The 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for grains and other commodities produced in 1955, is supplemented as follows:

Sec.
421.1136 Purpose.
421.1137 Availability of price support.
421.1138 Eligible corn.
421.1139 Warehouse receipts.
421.1140 Determination of quantity.
421.1141 Determination of quality.
421.1142 Maturity of loans and delivery.
421.1143 Determination of support rates.
421.1144 Warehouse charges.
421.1145 Settlement.

AUTHORITY: §§ 421.1136 to 421.1145 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.1136 *Purpose.* Sections 421.1136 to 421.1145 state additional specific requirements which, together with the general regulations contained in the 1955 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1001 to 421.1021), apply to loans and purchase agreements under the 1955-Crop Corn Price Support Program.

§ 421.1137 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever corn is grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that corn cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through May 31, 1956: *Provided,* That in areas where it is determined by the State committee that producers may not be, or are not, in a position to store corn safely for the full storage period because of infestation by angoumois moths or other insects, adverse climatic conditions, or other factors affecting the safe storage of corn, the final date of availability for loans and purchase agreements shall be such earlier date as may be determined by the State committee. The State committee shall notify producers in the area through public announcement sufficiently in advance of such date in order to allow producers a reasonable period of time in which to place their corn under loans or purchase agreements. The applicable documents must be signed by the producer and delivered to the county committee not later than the final date of availability for loans and purchase agreements in the area. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing corn in 1955 as a landowner, landlord, tenant, or sharecropper: *Provided,* That a producer shall not be an eligible producer unless he is in compliance with the regulations pertaining to corn acreage allotments for the 1955 crops as determined in accordance with 1955 C. C. C. Corn Bulletin A, and any amendments thereto.

§ 421.1138 *Eligible corn.* In addition to meeting the eligibility requirements of 1955 C. C. C. Corn Bulletin A, the corn, when placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) The corn must be of the classes Yellow Corn (Class I), White Corn (Class II), or Mixed Corn (Class III) and must have been produced in the continental United States in 1955 by an eligible producer.

(b) The corn must be ear or shelled corn: *Provided,* That ear corn must be shelled before delivery is made in liquidation of a loan or under a purchase agreement. If the corn is not shelled prior to delivery, the cost of shelling on or after delivery shall be for the account of the producer.

(c) (1) The beneficial interest in the corn must be in the person tendering the corn for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the corn was harvested.

(2) To meet the requirements of succession to a former producer, the rights responsibilities and interest of the former producer with respect to the farming unit on which the corn was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(d) Corn placed under loan must, except for moisture content, grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must meet the following requirements: For ear corn placed under a farm-storage loan, the moisture content must not exceed 20.5 percent if the corn is tested for loan from time of harvest through February, 1956; 19.0 percent if tested for loan during March, 1956; 17.5 percent if tested for loan during April, 1956; and 15.5 percent if tested for loan during May, 1956. For corn placed under a warehouse-storage loan, and for shelled corn placed under a farm-storage loan, the moisture content must not exceed 13.5 percent irrespective of when the corn is tested for loan.

(e) Corn placed under loan must not grade "weevily."

(f) Corn delivered under a purchase agreement must grade No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better. Corn delivered from farm storage under a purchase agreement must not contain in excess of 17.5 percent moisture. Corn placed in warehouse storage prior to issuance of delivery instructions and represented by warehouse receipts tendered to CCC under a purchase agreement must not contain in excess of 13.5 percent moisture and must not grade "weevily."

§ 421.1139 *Warehouse receipts.* Warehouse receipts, representing corn in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the corn is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, and (6) any other grading factor(s), when such factor(s), and not test weight or moisture, determine the grade. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by a licensed grain inspector.

(c) In the case of warehouse receipts issued for corn delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the corn covered thereby in lieu of the information required by paragraph (b) of this section.

(d) A separate warehouse receipt must be submitted for each grade and class of corn.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1144.

§ 421.1140 *Determination of quantity.* (a) The quantity of corn placed under farm-storage loan may be determined either by weight or by measurement. The quantity of corn placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When determined by measurement, a bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 15.5 percent in accordance with the following schedule:

Moisture content (percent):	Adjustment factor (percent)
15.6 to 16.5, both inclusive	98
16.6 to 17.5, both inclusive	96
17.6 to 18.5, both inclusive	94
18.6 to 19.5, both inclusive	92
19.6 to 20.5, both inclusive	90
Above 20.5	No loan

(c) A bushel of shelled corn, when determined by measurement, shall be 1.25 cubic feet of shelled corn testing not more than 13.5 percent in moisture content.

(d) In determining the quantity of sacked corn by weight, a deduction of ¾ of a pound for each sack will be made.

(e) Since dockage is not a grade factor in the case of corn, the quantity of corn will be determined without reference to dockage.

§ 421.1141 *Determination of quality.* The class, grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Corn, whether or not such determinations are made on the basis of an official inspection.

§ 421.1142 *Maturity of loans and delivery.* (a) Loans mature on demand but not later than July 31, 1956.

(b) Corn may be delivered under purchase agreement and in satisfaction of farm-storage loans after maturity in accordance with § 421.1018, 1955 C. C. C. Grain Price Support Bulletin 1.

(c) In areas where it is determined by the State committee that some producers may not be in a position to store corn safely for the full storage period (for reasons set forth in § 421.1137 (d)), the State committee may establish an earlier delivery period prior to maturity (in addition to the regular delivery period) during which producers may voluntarily deliver corn in farm storage under loans and purchase agreements. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability established by the State committee, and not before April 1, 1956. CCC will accept deliveries of corn during such early delivery period, provided the producer notifies the county committee of his intention to deliver at least 10 days prior to the first day of the delivery period.

(d) If the State committee determines that producers in any area are not in a position to safely store corn for the full storage period (for reasons set forth in § 421.1137 (d)), all farm-storage loans in such area shall be called promptly by the State committee, and producers who elect to make deliveries from farm storage under purchase agreements shall be required to do so during the delivery period for loans. Such earlier delivery period, if established, shall begin at least 30 days after the final date of availability of loans and purchase agreements established by the State committee, and not before April 1, 1956.

(e) Corn under farm-storage loan may be delivered before maturity, upon prior approval of the county committee, for any of the reasons stated in § 421.1018 (a) (1) of the 1955 C. C. C. Grain Price Support Bulletin 1, or if the corn is threatened with damage by flood or other conditions which are beyond the control of the producer.

§ 421.1143 *Determination of support rates.* Basic county support rates, and the schedule of premiums and discounts, for corn will be set forth in 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. Both warehouse-storage and farm-storage loans will be made on the basis of the rate established for the county in which the corn is produced.

§ 421.1144 *Warehouse charges.* (a) Warehouse receipts and the corn represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the corn is deposited in the warehouse for storage.

(b) Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing corn stored in warehouses operating under the Uniform Grain Storage Agreement is on or before July 31, 1956, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through the maturity date, July 31, 1956.

Date of deposit (all dates inclusive):	Amount of deduction (cents per bushel)
Prior to Aug. 27, 1955	15
Aug. 27 to Sept. 25	14
Sept. 26 to Oct. 25	13
Oct. 26 to Nov. 24	12
Nov. 25 to Dec. 24	11
Dec. 25, 1955 to Jan. 13, 1956	10
Jan. 14 to Feb. 2	9
Feb. 3 to Feb. 22	8
Feb. 23 to Mar. 13	7
Mar. 14 to Apr. 2	6
Apr. 3 to Apr. 22	5
Apr. 23 to May 12	4
May 13 to June 1	3
June 2 to June 21	2
June 22 to July 31	1

(c) Warehouse receipts and the corn represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rate for storage (not including elevation) which will accumulate from the date of deposit through July 31, 1956, unless written evidence has been submitted with the warehouse receipt that the storage charges have been prepaid. The county office shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1145 *Settlement*—(a) *Settlement value.* (1) In the case of corn delivered to CCC under farm-storage loans grading No. 3, or better, or No. 4 on the factor of test weight only but otherwise grading No. 3, or better, settlement shall be made at the applicable support rate determined in accordance with § 421.1018 (f), of the 1955 C. C. C. Grain Price Support Bulletin 1. The support rate shall be for the grade and quality of the total quantity of corn eligible for delivery subject to premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. If, upon delivery, the corn under farm-storage loan grades sour or heating, or otherwise does not meet the requirements set forth in the "Schedule of Premiums and Discounts," or is of a grade and/or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and/or quality of the corn placed under loan, less the difference, if any, at the time of delivery, between the market price of the grade and/or quality (except for the factor of moisture) placed under loan and the market price of the corn delivered,

as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price.

(2) In the case of eligible corn delivered at CCC under purchase agreement, settlement shall be made at the applicable support rate determined in accordance with § 421.1018 (f), of the 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017), subject to premiums and discounts shown in the "Schedule of Premiums and Discounts" in 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn.

(b) *Storage deduction for early delivery.* Whenever farm-stored corn under loan or purchase agreement is delivered to CCC before July 31, 1956, a deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges (§ 421.1144), except that no such deduction shall be made if such early delivery is made because the loan is called solely for the convenience of CCC, or if it is determined by CCC at the time of delivery that the corn will be sold rather than stored, or if CCC requires early delivery on an area basis.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on corn under loan or purchase agreement stored in warehouses under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the corn to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Track loading.* A track-loading payment of 3 cents per bushel shall be made to the producer on corn delivered to CCC on track at a country point.

Issued this 7th day of June 1955.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4675; Filed, June 10, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

[1026 (Burley and Flue-55)-1]

MARKETING QUOTA REGULATIONS, 1955-56 MARKETING YEAR

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AUTHORITY: §§ 725.630 to 725.662 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply 52 Stat. 38, 47, 48, 65, 66, as amended, 7 U. S. C. 1301, 1313, 1314, 1315, 1372, 1373, 1374, 1375.

GENERAL

§ 725.630 *Basis and purpose.* Sections 725.630 to 725.662 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of Burley and flue-cured tobacco during the 1955-56 marketing year. Prior to preparing §§ 725.630 to 725.662, public notice (20 F. R. 2988) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views and recommendations pertaining to §§ 725.630 to 725.662, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. Since county committees are now determining the acreage of tobacco on farms so that farmers may know as soon as possible whether there is excess tobacco available for marketing from the farm, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest. Sections 725.630 to 725.662 shall therefore become effective upon filing with the Director, Division of Federal Register.

§ 725.631 *Definitions.* As used in §§ 725.630 to 725.662, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1955, which has not been marketed or which has not been disposed of under § 725.645.

(c) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(d) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(e) "Dealer" or "buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Internal Revenue Service.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

(i) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of an ASC county office whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.

(j) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehouseman for sale. Floor sweepings shall not include tobacco defined as "pick-ups".

(k) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 725.630 to 725.662 relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(l) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market".

(m) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(n) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(o) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(p) "Pick-ups" means (1) "Pick-ups (a)," any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business or (2) "Pick-ups (b)," any tobacco previously purchased at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer other than the warehouseman and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman, and which is not turned back to a dealer other than the warehouseman.

(q) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(r) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(s) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(t) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(u) "Scrap tobacco" means the residue which accumulates in the course of preparing flue-cured tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(v) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(w) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(x) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(y) "Tobacco" means Burley tobacco, type 31, or flue-cured tobacco types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

(1) Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either Burley or flue-cured tobacco shall be considered respectively either Burley or flue-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(2) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which any kind of tobacco subject to marketing quotas is normally produced, shall include all acreage of tobacco on the farm. The acreage of each kind of tobacco shall be determined by the county committee on the basis of seeding, cultivating, curing, and marketing practices commonly known to the area. The production of the acreage of each kind of tobacco so determined shall be considered to be tobacco of the kind available for marketing until such time as the operator of the farm furnishes to the county committee satisfactory proof that a part or all of the production of such acreage has been classified pursuant to Part 29, of this title when marketed, as a different kind of tobacco. Any amount of tobacco so classified as a different kind shall be converted to acres on the basis of the average yield per acre of the entire acreage of tobacco grown on the farm in 1955 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(z) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1955 plus any carryover tobacco, less any tobacco disposed of in accordance with § 725.645.

(aa) "Tobacco subject to marketing quotas" means:

(1) Any Burley tobacco marketed during the period, October 1, 1955, to September 30, 1956, inclusive, and any Burley tobacco produced in the calendar year 1955 and marketed prior to October 1, 1955.

(2) Any flue-cured tobacco marketed during the period July 1, 1955, to June 30, 1956, inclusive, and any flue-cured tobacco produced in the calendar year 1955 and marketed prior to July 1, 1955.

(bb) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(cc) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse.

(dd) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets of tobacco marketed in sequence at a given time.

§ 725.632 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 725.633 *Extent of calculations and rule of fractions.*—(a) The acreage of tobacco harvested on a farm in 1955 shall be expressed in hundredths and fractions of less than one hundredth of an acre shall be dropped. For example, 1.550, 1.555, or 1.559 acres would be 1.55 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents and 0.068 cent per pound would be 0.06 cent.

IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATION OF ACREAGE

§ 725.634 *Identification and location of farms.* (a) Each farm as operated for the 1955 crop of tobacco shall be identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1955 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the prin-

cipal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

§ 725.635 *Determination of tobacco acreage*—(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1955 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1955 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon a measurement of the acreage made by identification of fields or parts of fields by use of a map, aerial photography, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measurement wheel when authorized by the Deputy Administrator, or by a combination of one or more of these methods. Such measurement shall be made by an employee of the county committee who has been designated as a reporter and determined by the County office manager to be qualified to carry out the duties of a reporter. The reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement.

(b) *Farm operators.* The farm operator or his representative or any producer, at the reporter's request for such information or assistance, shall designate all fields on the farm being utilized for growing tobacco and may assist in measuring the farm, the acreage of cropland in the farm, or the acreage of tobacco being grown on the farm.

(c) *Harvested acreage of tobacco.* The acreage of tobacco determined or as redetermined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 725.638 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage harvested will be disposed of other than by marketing.

(d) *Acreage not determined.* If the farm operator prevents the county committee or its representative from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment.

(e) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1955 tobacco acreage and the tobacco acreage in excess of the 1955 farm tobacco acreage allotment.

FARM MARKETING QUOTAS AND MARKETING CARDS

§ 725.636 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with §§ 725.611 to 725.629, 1023 (Burley and Flue-55)–1, Burley and Flue-cured Tobacco Marketing Quota Regulations, 1955–56 Marketing Year, as amended (19 F. R. 3549, 19 F. R. 7151, 20 F. R. 2299). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1955 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1955 times the number of acres harvested in excess of the farm acreage allotment plus (2) any excess carry-over of tobacco.

§ 725.637 *Transfer of farm marketing quota.* There shall be no transfer of farm marketing quotas except as provided in §§ 725.620 and 725.626 of the Burley and flue-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1955–56 marketing year.

§ 725.638 *Issuance of marketing cards.* (a) A marketing card shall be issued for each farm having tobacco available for marketing. Subject to the approval of the county office manager or the State administrative officer as provided in § 725.639 two or more marketing cards may be issued for any farm. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the issuing officer to have been lost, destroyed or stolen.

(b) *Within Quota Marketing Card (MQ–76—Tobacco).* A Within Quota Marketing Card authorizing price support loans and the marketing without penalty of any tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1955 is not in excess of the farm acreage allotment therefor and any excess carry-over tobacco can be marketed without penalty under the provisions of § 725.644 (b) except that if more than one kind of tobacco is produced on a farm in 1955 a "zero percent" excess marketing card (ineligible for price support loans) shall be issued for each kind of tobacco for which the harvested acreage is not in excess of the farm acreage allotment if the harvested acreage of any kind on the farm is in excess of the farm acreage allotment.

(2) If all excess tobacco produced on a farm is disposed of in accordance with § 725.645 (b) except that if: (i) For any farm, the operator or any producer fails to file with the county ASC office a written request (with a deposit to cover the cost as estimated by the county committee) to dispose of excess tobacco or for a remeasurement of the tobacco acreage within seven (7) days in the case of flue-cured tobacco and in the case of Burley tobacco grown in the State of Virginia and ten (10) days in the case of Burley tobacco grown in States other than Virginia from the date of mailing to the farm operator a Notice of Tobacco Acreage in Excess of Allotment, Form CSS–595—Tobacco, a "zero percent" excess marketing card (ineligible for price support loans) shall be issued for each kind of tobacco subject to marketing quotas on the farm; or (ii) for any farm for which the tobacco acreage has been redetermined by the county committee pursuant to a request filed under subdivision (i) of this subparagraph, if the operator or any producer fails to file with the county ASC office a written request (with a deposit to cover the cost as estimated by the county committee) to dispose of excess tobacco within seven (7) days in the case of flue-cured tobacco and in the case of Burley tobacco grown in the State of Virginia and ten (10) days in the case of Burley tobacco grown in states other than Virginia from the date of mailing to the farm operator a Final Notice of Tobacco Acreage in Excess of Allotment, Form CSS–595–X—Tobacco, a "zero percent" excess marketing card (ineligible for price support loans) shall be issued for each kind of tobacco subject to marketing quotas on the farm, unless the county committee with the approval of a representative of the State committee determines that the failure to file such written request was due to circumstances beyond the control of the farm operator or producer and that he could not have been reasonably expected to comply with the provisions of subdivision (i) or (ii) of this subparagraph, whichever is applicable.

(3) If the tobacco was grown for experimental purposes only on land owned or leased by a publicly owned agricultural experiment station and is produced at public expense by employees of the experiment station, or if the tobacco was produced by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the tobacco and the proceeds from the crop inure to the benefit of the experiment station: *Provided,* That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm. Prior to the approval of any agreement between farmers and publicly owned experiment station for the production of tobacco for experimental purposes, the State committee shall cause to be made such investigation as may be necessary to determine that each of the following conditions has been met:

(i) The tobacco is grown for experimental purposes only.

(ii) The experiment could not be carried out satisfactorily with tobacco grown on other lands owned or leased by the experiment station and produced at public expense by employees of the experiment station.

(iii) The size of the acreage (plot) covered by the agreement is necessary for carrying on the experiment.

(iv) The experiment station bears the costs and risks incident to the production of tobacco.

(v) Payment to the farmer is consistent with prevailing rates for labor, workstock, machinery, equipment, and land rentals.

(vi) The proceeds from the tobacco inure to the experiment station.

(c) *Excess Marketing Card (MQ–77—Tobacco).* An Excess Marketing Card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota marketing card is required to be issued for the farm under paragraph (b) of this section, or a "zero percent" excess marketing card is required to be issued for the estimated amount of tobacco produced on a farm less the excess amount of representative tobacco placed in storage under bond in accordance with § 725.645 (a), except that if the farm operator prevents the county committee or its representative from obtaining information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 725.647.

§ 725.639 *Persons authorized to issue marketing cards.* (a) The State administrative officer shall be the issuing officer of all marketing cards issued for the purpose of identifying tobacco grown for experimental purposes pursuant to the provision of § 725.638 (b) (3).

(b) Except as provided in paragraph (a) of this section the county office manager shall be the issuing officer of marketing cards for farms in the county.

(c) The issuing officer shall sign marketing cards for farms in the county, but he may designate not more than three persons to sign his name in issuing marketing cards: *Provided,* That each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

§ 725.640 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 725.641 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 725.642 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alteration has been made, and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the ASC office at which it was issued.

(c) If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 725.643 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 725.644 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 725.645 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of carry-over tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i. e. 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced, except that if the excess portion of the carry-over tobacco is disposed of under § 725.645, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1955 allotment and the "within quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 725.645 *Disposition of excess tobacco.* The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by either of the following methods:

(a) (1) By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1955 crop produced on the farm and posting of a bond approved by the county committee and the State committee in the penal sum of twice the rate of penalty per pound set forth in § 725.647, times the quantity of excess tobacco stored. Penalty at the applicable full rate per pound on marketings of excess tobacco shall become due upon the removal from storage of the excess tobacco, except that an amount of such tobacco in storage equal to the normal production of the acreage by which the 1956 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 725.644 (b) is less than the 1956 allotment may be removed from storage and marketed penalty free.

(2) If the 1955 harvested acreage is less than the 1955 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1955 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 725.644 (b) is less than the 1955 allotment may be marketed penalty free.

(b) By furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

§ 725.646 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1955 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale).

(a) *Memorandum of sale.* (1) If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four

weeks after the date of marketing, whichever comes first, the marketing shall be identified by MQ–82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale or MQ–82—Tobacco shall be executed only by a field assistant or other representative of the State administrative officer with the following exceptions:

(i) A warehouseman, or his representative, who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(ii) In the case of flue-cured tobacco only, a dealer, or his authorized representative, operating a receiving point for scrap tobacco at a redrying plant (and other regular receiving points operated by such dealer or his agent or employees) or at an auction warehouse, who keeps records showing the information specified in § 725.654, and who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale covering a purchase of scrap tobacco only if the bill of nonwarehouse sale has been executed.

(2) The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State administrative officer from any warehouseman or dealer if such action is determined to be necessary in order to properly enforce the provisions of §§ 725.630 to 725.662. The authorization shall terminate upon receipt of written notice setting forth the reason therefor.

(3) Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(b) *Bill of nonwarehouse sale.* (1) Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

(2) The word "scrap" shall be plainly written on any bill of nonwarehouse sale or memorandum of sale executed to cover scrap tobacco, and all such bills of nonwarehouse sale shall be delivered to a person at a scrap receiving point who is authorized to issue memoranda of sale.

(3) Each bill of nonwarehouse sale covering any marketing except scrap tobacco shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in MQ–79—Tobacco.

§ 725.647 *Rate of penalty.* Marketings of each kind of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for the kind of tobacco for the 1954–55 marketing year as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent.

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1954–55 marketing year was 49.8 cents per pound in the case of Burley tobacco, and 52.7 cents per pound in the case of flue-cured tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1955–56 marketing year shall be thirty-seven (37) cents per pound in the case of Burley tobacco, and forty (40) cents per pounds in the case of flue-cured tobacco.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm quota is of the total amount of tobacco available for marketing from the farm, as determined under § 725.644.

§ 725.648 *Persons to pay penalty.* The persons to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 725.649 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing whichever comes first, shall be identified by a MQ–82—Tobacco, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the date of purchase, or if purchased prior to the opening of the local auction markets, is not identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales, as reported under §§ 725.630 to 725.662, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on MQ–79—Tobacco shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resale of tobacco which under §§ 725.630 to 725.662 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 725.630 to 725.662 shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State administrative officer. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be deemed to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

(g) *Producer marketings.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1955 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon shall be paid by the producer. The filing of a report by a producer under § 725.652 (c) which the State committee finds to be incomplete or incorrect shall constitute a failure to account for the disposition of tobacco produced on the farm.

(2) If, after part or all of the tobacco produced on a farm has been marketed, the county committee determines that the harvested acreage for the farm was more than that shown by the prior determination any penalty due on the basis of the harvested acreage as redetermined by the county committee pursuant to § 725.635 shall be paid by the producer.

§ 725.650 *Payment of penalty.* (a) Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 725.645 (a). Penalty shall be paid by remitting the amount thereof to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 725.630 to 725.662 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

(c) Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 725.651 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 725.630 to 725.662 to be paid. Such request shall be filed with the ASC county office within two (2) years after the payment of the penalty.

RECORDS AND REPORTS

§ 725.652 *Producer's records and reports*—(a) *Report of tobacco acreage.* The farm operator or his representative shall file a report with the ASC County Office or a representative of the County Committee on Form CSS–578, Report of 1955 Acreage, showing all fields of tobacco on the farm in 1955. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, the allotment next established for such farm shall be reduced as provided in Burley and Flue-cured Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1956–57 Marketing Year.

(b) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1955 shall return to the ASC county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than 30 days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within fifteen (15) days after written notice by the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm, and in the event that a satisfactory account of such disposition is not furnished otherwise, the allotment next established for such farm shall be reduced as provided in Burley and flue-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1956–57 marketing year.

(c) *Report of disposition.* In addition to any other reports which may be required under §§ 725.630 to 725.662, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by registered mail from the State administrative officer within fifteen (15) days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary a written report of the disposition made of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing said report, (1) the number of acres of tobacco harvested and the total production of tobacco, (2) the amount of tobacco on hand and its location, and (3) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm shall be reduced as provided in the Burley and flue-cured tobacco marketing quota regulations for determining acreage allotments and normal yields, 1956–57 marketing year.

§ 725.653 *Warehouseman's records and reports*—(a) *Record of marketing.* (1) Each warehouseman shall keep such records as will enable him to furnish the ASC State office with respect to each warehouse sale of tobacco made at his warehouse the following information.

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Gross sale price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information:

(vi) Name of purchaser.

(vii) Number of pounds sold.

(viii) Gross sale price.

Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(*a*) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(*b*) Purchases and resales for the warehouse leaf account.

(*c*) Resales of floor sweepings.

(*d*) Resales of pick-ups, with respect to both subparagraphs (1) and (2) of this paragraph as defined in § 725.631 (p).

(2) Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(3) In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records to that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a MQ–82—Tobacco, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any scrap tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended," write thereon the serial number of the suspended sale, and record the bills on MQ–83—Tobacco, Field Assistant's Report: *Provided,* That if a field assistant is not available, the warehouseman may stamp such bills "Suspended," and de-

liver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall record on MQ–79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1955 the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the ASC State office not later than thirty (30) days following the last sale day of the marketing season a report on MQ–80—Tobacco, Auction Warehouse Report showing (1) for each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased and resold on the warehouse floor; (2) the total pounds and gross amount of "loan tobacco" billed to any association; (3) the total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 725.631 (p) (1) or (2)), or floor sweepings sold by the warehouseman at public auction over his own warehouse floor; (4) the pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 725.631 (p) (1) or (2)), or floor sweepings; (5) the total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse; and (6) the total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen and all resales over other warehouse floors or to dealers other than warehousemen.

(h) *Report of penalties.* Each warehouseman shall make reports on MQ–81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds sold; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such sale. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on MQ–86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor (1) the warehouse bill number; (2) the name on the warehouse bill; (3) the name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, pickups, or floor sweepings; (4) the registration number and State of the person making the resale; (5) the number of pounds sold; and (6) the gross amount for the sale. MQ–86—Tobacco shall be prepared for each sale day and forwarded to the ASC State office not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the ASC State office, in addition to the foregoing, as the State Administrative Officer may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 725.630 to 725.662.

§ 725.654 *Dealer's records and reports.* Each dealer, except as provided in § 725.655, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the ASC State office "Receipt for Dealer's Record" contained in MQ–79—Tobacco which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1955, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1955.

(c) *Report of penalties.* Each dealer shall make a report on MQ–81—Tobacco, Report of Penalties, showing for each purchase, other than by warehouse sale, of tobacco subject to penalty (1) the name of the farm operator; (2) the memorandum number; (3) the name of the county in which the farm is located; (4) the farm serial number; (5) the number of pounds purchased; (6) the applicable converted rate of penalty; and (7) the amount of penalty due on each such purchase. MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1955 marketing card issued for the farm on which the tobacco was produced shall be obtain by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed.

(e) *Record and report of scrap tobacco.* Each dealer operating a receiving point for scrap tobacco who has been authorized on MQ–78—Tobacco to issue memoranda of sale shall keep a record and make reports on MQ–79—Tobacco showing all tobacco received. Such reports shall be accompanied by memoranda of sale and bills of nonwarehouse sale with respect to all tobacco covered by the reports.

(f) *Additional records.* (1) Each dealer shall keep such records in addition to the foregoing as will enable him to furnish the ASC State office with respect to each lot of tobacco purchased by him the following information:

(i) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale; and the name of the seller in the case of purchases directly from warehousemen or other dealers.

(ii) Date of purchase.

(iii) Number of pounds purchased.

(iv) Gross purchase price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and with respect to each lot of tobacco sold by him the following information:

(vi) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.

(vii) Date of sale.

(viii) Number of pounds sold.

(ix) Gross sale price.

(x) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1955 the fact that such tobacco was so bought and carried over.

(2) All reports shall be forwarded to the ASC State office not later than the end of the week following the calendar week covered by the reports.

§ 725.655 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 725.654: *Provided, however,* That any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 725.654 with respect to such purchases. Each such dealer or buyer shall make such reports to the State Administrative Officer, in addition to the foregoing, as he may find necessary to enforce § 725.630 to 725.662.

§ 725.656 *Records and reports of truckers and persons redrying, prizing or stemming tobacco.* (a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing (1) the name and address of the producer, (2) the date of receipt of the tobacco, (3) the number of pounds received and (4) the name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, (prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing (1) the information required above for truckers, and in addition, (2) the purpose for which the tobacco was received, (3) the amount of advance made by him on the tobacco, and (4) the disposition of the tobacco.

§ 725.657 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, trucker, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged to the same extent for each such business as if he were engaged in no other business.

§ 725.658 *Failure to keep records or make reports.* Any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 725.630 to 725.662, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under §§ 725.630 to 725.662 within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided,* That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a warehouseman, dealer or trucker shall be given by the State Administrative Officer and notice of violation by a person engaged in the business of redrying, prizing or stemming tobacco for producers shall be given by the Director.

§ 725.659 *Additional records and reports to Director.* Any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall, in addition to any records required to be kept or any reports required to be made, under §§ 725.630 to 725.662, keep such records and make such reports to the Director as he may find necessary to enforce §§ 725.630 to 725.662.

§ 725.660 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination upon written request by the State administrative officer or Director, such books, papers, records, accounts, cancelled checks, correspondence, contracts, documents, and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 725.661 *Length of time records and reports are to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 725.630 to 725.662 for the 1955–56 marketing year shall be kept by him until June 30, 1958, in the case of fluecured tobacco and September 30, 1958, in the case of Burley tobacco. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 725.662 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 725.630 to 725.662 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 7th day of June 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] J. A. MCCONNELL,
Acting Secretary of Agriculture.

[F. R. Doc. 55–4692; Filed, June 10, 1955; 8:52 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 871.8]

PART 871—SUGAR BEETS

FAIR AND REASONABLE PRICES; 1955 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the several public hearings held in October 1954 (for Southern Oregon, California, Southwestern Arizona, and Western Nevada), and during November and December 1954 (for States other than those regions), the following determination is hereby issued:

§ 871.8 *Fair and reasonable prices for the 1955 crop of sugar beets.* A producer of sugar beets who is also a processor of sugar beets (referred to in this part as "processor") shall have paid, or contracted to pay, for sugar beets of the 1955 crop grown by other producers and processed by him in accordance with the following requirements:

(a) *Purchase agreements.* (1) The price for sugar beets in regions other than Imperial Valley, California shall be not less than that provided in the 1955-crop sugar beet purchase contract between the processor and producers; (2) the price for sugar beets in Imperial Valley, California, shall be not less than that provided in the 1955-crop sugar beet purchase contract which may be negotiated between the processor and producers, unless the Secretary gives public notice prior to December 31, 1955, that such price is found not to be fair and reasonable or the price for sugar beets in Imperial Valley, California is otherwise determined by an amendment to this determination.

(b) *Subterfuge.* The processor shall not reduce returns to producers below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable prices to be paid for sugar beets of the 1955 crop by a producer who processes sugar beets grown by other producers. It establishes the minimum requirements with respect to prices for sugar beets which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides that the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1955 fair price determination.* The 1955 price determination provides that in regions other than Imperial Valley, California, a processor shall be deemed to have complied with the fair price provisions of the act if he has paid or contracted to pay prices for sugar beets not less than those provided in his 1955 crop purchase contract with producers. The price for 1955 crop sugar beets in Imperial Valley, California, shall be that provided in purchase contracts which may be negotiated by the processor and producers unless such prices are

deemed to be inequitable or a contract is not negotiated.

At the public hearings neither producers nor processors made recommendations specifically with respect to fair and reasonable prices for sugar beets because contract negotiations between the parties either had not started or were not completed. One producer stated that the group of growers he represented questioned whether the methods used by the processor for determining top tare and sucrose content were equitable under present mechanical harvesting conditions. He asked the Department to investigate those matters inasmuch as they affected the prices received by producers for sugar beets.

Consideration has been given to the terms of purchase contracts recently negotiated by producers and processors, to production, price, and cost conditions likely to prevail for the 1955 crop and to other pertinent economic factors. The scales of payment for sugar beets under the 1955 crop purchase contracts are the same as those provided for the 1954 crop contracts. Changes have been made in some contracts which increase the price of seed and reduce feright allowances to producers of sugar beets. The effect of such changes in contracts, all of which have been negotiated by producers and processors, is to reduce to a nominal extent the average total returns to producers. Nevertheless, analysis of the contracts indicates that the prices payable thereunder for sugar beets of the 1955 crop are fair and reasonable at sugar prices around the current level of 8.55 cents per pound, seaboard basis, refined cane sugar. Purchase contracts for the Imperial Valley (California) for the 1955 crop (to be planted in the fall of 1955 and harvested in 1956) have not been negotiated and therefore were not available for examination. Customarily, contracts covering the purchase of sugar beets in this region are negotiated annually and submitted to the Department about September. Upon receipt of these contracts they will also be analyzed to determine whether the terms and conditions provide for an equitable sharing relationship. If the contracts are found to be fair and reasonable, no amendment to this determination will be required. However, if any of the contracts do not provide for an equitable sharing of returns, or no contract is negotiated, an amendment to this determination will be issued.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 7th day of June 1955.

[SEAL] J. A. McCONNELL,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4691; Filed, June 10, 1955; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 39]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.339 *Valencia Orange Regulation 39*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on June 9, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 12, 1955, and ending at 12:01 a. m., P. s. t., June 19, 1955, is hereby fixed as follows:

(i) District 1: 127,050 boxes;

(ii) District 2: 358,050 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 10, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4751; Filed, June 10, 1955; 11:37 a. m.]

[Elberta Peach Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATIONS OF SHIPMENTS

§ 936.503 *Elberta Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Elberta peaches, pursuant to the provisions of § 936.41 of the amended marketing agreement and order, in accordance with the minimum standards of quality and maturity set forth in paragraph (b) (1) of this section, will tend to effectuate such orderly marketing of Elberta peaches as will be in the public interest, and the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 12, 1955. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Elberta Peach Commodity Committee until May 19, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 19, 1955, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until June 2, 1955; shipments of the current crop of such peaches are expected to begin on or about June 25, 1955, and this section should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 12, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship:

(i) Any package or container of Elberta peaches unless such peaches meet the requirements of the U. S. No. 1 Grade: *Provided*, That (*a*) with respect to ripe Elberta peaches, the requirements of the U. S. No. 1 Grade regarding freedom from damage, other than serious damage, caused by bruises need not be met; and (*b*) with respect to peaches which are of a size not smaller than the size known commercially as size 55 (as size 55 is defined more specifically in subparagraph (4) of this paragraph), a tolerance of 5 percent for defects not causing serious damage is allowed in addition to the tolerances provided for such U. S. No. 1 Grade;

(ii) Any package or container of Elberta peaches unless at least 85 percent, by count, of such peaches are well matured (as such term is defined in subparagraph (2) of this paragraph);

(iii) Any package or container of Elberta peaches containing more than one peach which is immature: *Provided*, That no lot of packages or containers of Elberta peaches may be shipped if more than one-half of one percent, by count, of the peaches in the lot are immature; or

(iv) Any package or container of Elberta peaches containing peaches which are of a size smaller than a size that will pack 78 peaches of the size known commercially as size 75 (as size 75 is defined more specifically in subparagraph (3) of this paragraph) in a No. 12B California peach box in accordance with the requirements prescribed for a standard pack: *Provided*, That, for the purpose of determining whether ripe Elberta peaches meet the said minimum size, such peaches may be fairly tightly packed rather than tightly packed, as prescribed for such standard pack.

(2) Peaches which are "well matured" means peaches which, at the time of picking; (i) are not hard; (ii) have shoulders and sutures well filled out; (iii) when ring cut, have flesh that separates from the pit readily and cleanly, and is red colored next to the pit; and (iv) have skin and flesh yellowish green to yellow in color. "Peaches which are not hard" yield to moderate pressure at least slightly at the suture and tip and at least very slightly elsewhere.

(3) As used in this section, the size of Elberta peaches known commercially as size 75 is defined more specifically as being the size that will pack the aforesaid California peach box in accordance with the aforesaid standard pack specifications with two tiers each having three rows of six peaches and three rows of seven peaches with not more than 10 percent, by count, of such peaches small enough to pass through, without using pressure, a rigid ring of inside diameter of 2¼ inches.

(4) As used in this section, the size of Elberta peaches known commercially as size 55 is defined more specifically as being the size that will pack the aforesaid California peach box in accordance with the aforesaid standard pack specifications with two tiers, one tier having two rows of five peaches each and three rows of six peaches each and the other tier having two rows of six peaches each and three rows of five peaches each with not more than 10 percent, by count, of such peaches small enough to pass through, without using pressure, a rigid ring of inside diameter of 2¾ inches.

(5) Section 936.143 of the rules and regulations, as amended (§ 936.100 et seq.) sets forth the requirements with respect to the inspection and certification of shipments of Elberta peaches. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(6) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as given to the respective term in said amended marketing agreement and order; the terms "U. S. No. 1 Grade," "bruises," "defects," "damage," "serious damage," "standard pack," "tightly packed," "fairly tightly packed" shall have the same meaning as when used in the United States Standards for peaches (§§ 51.1210 to 51.1223 of this title); the term "No. 12B California peach box" shall have the same meaning as set forth in section 828.25 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 8, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4690; Filed, June 10, 1955; 8:51 a. m.]

[Lemon Reg. 593]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.700 *Lemon Regulation 593*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 8, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 12, 1955,

and ending at 12:01 a. m., P. s. t., June 19, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 625 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 9, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4732; Filed, June 10, 1955; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs. No. SR-406A]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; APPLICATION OF TRANSPORT CATEGORY PERFORMANCE REQUIREMENTS TO C-46 TYPE AIRPLANES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of June 1955.

On June 30, 1954, the Civil Aeronautics Board adopted Special Civil Air Regulation SR-406, effective July 1, 1954, (19 F. R. 4106) which provides the basis for the modification and operation of C-46 type airplanes in passenger service. Since the adoption of SR-406, the Board has found that certain amendments to that regulation, of a substantive and clarifying nature, are necessary.

By October 1, 1955, the C-46 is required to be so modified as to comply with all of the requirements of Part 4b, effective July 20, 1950, except the flight requirements of §§ 4b.100 through 4b.190 and the birdproof windshield requirements of § 4b.352. However, in order to assure a sufficiency high minimum level of safety of C-46 airplanes in passenger service, this regulation amends the provisions of SR-406 to require compliance by October 1, 1955, with more modern powerplant fire protection requirements which, subsequent to July 20, 1950, were incorporated into Part 4b of the Civil Air Regulations by amendment.

On and after April 1, 1956, the C-46 is required to meet the performance operating limitations applicable to transport category airplanes. Although SR-406 contained an alternative which permitted the use of a drift-down procedure in lieu of literal compliance with the transport category one-engine-inoperative en route performance operating limitation, this has been deleted from this regulation since the Board has adopted amendments to Parts 40, 41, and 42 of the Civil Air Regulations which make substantially the same drift-down provisions available for all transport category airplanes.

Pending the coming into force on April 1, 1956, of the transport category performance operating limitations with respect to C-46 airplanes, this regulation permits the C-46 to be used in passenger service under the same provisions which were originally contained in Special Civil Air Regulation SR-391 and later incorporated in SR-406. These provisions are the current basis for the establishment of C-46 weights and are continued in this regulation to permit sufficient time for full compliance with all other provisions contained herein. They may be used, however, only by operators who have made a showing to the Administrator that genuine arrangements for such modifications have been initiated.

In SR-406, the Administrator was given certain discretionary authority in applying the requirements of Subparts C, D, and E of Part 4b where strict compliance with these provisions was extremely difficult of accomplishment and would not contribute materially to the objective sought. This provision has been extended to include, along with the aforementioned subparts, §§ 4b.130 through 4b.190 of Subpart B and Subpart F of Part 4b. In exercising this discretion, it is intended that the Administrator will examine the service history of the C-46 and authorize deviation from these rules in instances in which a satisfactory level of safety has in fact been demonstrated.

In addition, certain changes to provisions of SR-406 are included in this regulation which are of a clarifying nature. Among the clarifications is the addition of § 4b.116 which identifies one of the conditions in which the propeller of the inoperative engine may be assumed to be in the feathered position if the airplane is equipped with either an approved automatic indication or an automatic feathering system. It is intended that performance credit for an automatic indication system be determined on the same basis as it is for an automatic feathering system, assuming that the manual feathering button is actuated immediately upon indication of the engine failure.

Since the adoption of SR-406, a number of inquiries have been received concerning future regulatory action by the Board which would affect the C-46 airplane in cargo operations. The Board is currently conducting a study of the overall problem of rules for airplanes in cargo operations. This study primarily concerns airplane operating weights and it is expected to include the C-46 as well as other cargo airplanes. Until this study is completed, the Board considers that no increases in the presently approved maximum weights for C-46 airplanes in cargo service should be authorized unless such increases are approved by showing compliance with all of the provisions of this Special Civil Air Regulation.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective June 7, 1955:

1. Contrary provisions of the Civil Air Regulations notwithstanding (in particular the provisions of § 42.15 (b), C-46 airplanes may be used in passenger operations conducted under Part 42 of the Civil Air Regulations. Such airplanes shall be operated in accordance with § 42.15 (a) and the provisions of this special regulation.

2. C-46 type airplanes when used for the carriage of passengers for remuneration or hire in accordance with paragraph 4 of this regulation shall not be operated at weights exceeding those which it is demonstrated to the Administrator will allow compliance with the performance requirements of Part 4b, except that in determining the maximum take-off weight, such weight shall be limited only to a value at which the airplane has a rate of climb equal to 0.035 $V_{S_1}^2$ in the take-off configuration at sea level with the landing gear retracted but with the propeller of the inoperative engine feathered rather than windmilling.

3. Provisionally, pending a determination by the Administrator of the weights at which C-46 airplanes will meet the standards prescribed by paragraph 2 of this regulation, the maximum take-off weight of such airplanes, when used in the manner herein referred to, shall not exceed 44,300 pounds: *Provided*, That in the case of C-46 airplanes equipped with Hamilton Standard propellers with blades Model Number 6491A-9 or approved equivalent which have been clipped in accordance with specifications approved by the Administrator, such provisional maximum weight shall be increased by 1,000 pounds until such time as the Administrator shall have determined by suitable tests another value to correspond to the additional efficiency obtainable by the use of such propellers, and thereafter by such other value.

4. The Administrator of Civil Aeronautics shall authorize continued operation of C-46 airplanes in passenger service in accordance with paragraphs 2 and 3 of this regulation until April 1, 1956, if he finds that the applicant for such authorization has made and continues to make genuine efforts to arrange for and accomplish compliance with paragraph 5 of this regulation.

5. On and after October 1, 1955, C-46 airplanes in passenger service shall comply with the provisions of Part 4b as in effect on July 20, 1950, except as otherwise provided hereinafter:

a. Upon application by an air carrier filed prior to October 1, 1955, the Administrator may further authorize such air carrier to operate without full compliance with the requirements of paragraph 5 where the Administrator finds that the air carrier has made a diligent effort to meet these requirements by October 1, 1955, and that the air carrier has shown that it will comply with such requirements at the earliest possible time.

b. The provisions of §§ 4b.0 through 4b.19 of Part 4b, effective May 18, 1954, shall be complied with.

c. The provisions of §§ 4b.100 through 4b.190 need not be complied with.

d. The birdproof windshield requirements of § 4b.352 need not be complied with.

e. The provisions of §§ 4b.480 through 4b.490 effective May 16, 1953, shall be complied with in lieu of §§ 4b.480 through 4b.489 effective July 20, 1950, with the exception of § 4b.484 (a) (1) which shall be applicable as effective July 20, 1950, and § 4b.487 (e) which has no counterpart in the 1950 regulations.

6. On and after April 1, 1956, C-46 airplanes in passenger service shall be recertificated in the transport category in accordance with paragraph 5 of this regulation, and shall comply with the provisions of §§ 4b.100 through 4b.190 with the following exception: In determining the takeoff path in accordance with § 4b.116 and the one-engine-inoperative climb in accordance with § 4b.120 (a) and (b), the propeller of the inoperative engine may be assumed to be feathered if there is installed either an approved means for automatically indicating when the particular engine has failed or an approved means for automatically feathering the propeller of the inoperative engine.

7. In applying the provisions of paragraphs 5 and 6 of this regulation, where literal compliance with the requirements of §§ 4b.130 through 4b.190 of Subpart B and Subparts C, D, E, and F of Part 4b is extremely difficult to accomplish, and where the Administrator finds that service experience with the C-46 type airplane so justifies, the Administrator may authorize deviations from specific details of these requirements, taking into account the effect of design changes.

8. On or after April 1, 1956, C-46 airplanes in passenger service shall be operated in accordance with the performance operating limitations applicable to transport category airplanes.

9. C-46 airplanes which comply with the provisions of paragraphs 5 and 6 of this regulation may be used in passenger operations conducted under the provisions of Parts 40 and 41 provided they are operated in accordance with paragraph 8.

10. This Special Civil Air Regulation supersedes Special Civil Air Regulation SR-406.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-4688; Filed, June 10, 1955; 8:51 a. m.]

[Policy Statement 1]

PART 399—STATEMENTS OF GENERAL POLICY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of May 1955.

Section 3 (a) of the Administrative Procedure Act requires every agency to state separately and publish currently in the FEDERAL REGISTER its statements of general policy. The purpose of this regulation is to provide a standardized form and procedure for carrying out this requirement and for codifying any future statements of policy which may be issued.

In a certain sense every decision of the Board in its quasi-judicial capacity represents a statement of policy. Similarly, the promulgation of a regulation under its quasi-legislative authority may be the only express manifestation of a policy. It would be impractical to restate each of the policies so enunciated and print them separately in this part, and indeed such a procedure would be contrary to the intent of Congress as expressed in the Administrative Procedure Act, since in the one case that act specifically excludes from this requirement rules addressed to and served upon named persons in accordance with law, and in the other, the policy is embedded in and inseparable from a general substantive rule. Thus, policies which have been expressed wholly in connection with the taking of a decision or through the enactment of a substantive or procedural rule will not be restated as statements of policy in this part.

In addition to the foregoing, the Board's basic policies have already been laid down for it by the Congress in the Civil Aeronautics Act. Not only have the Board's authority, powers and duties been set forth at length in that act, but the general policies which it must follow have been prescribed in section 2. A repetition or restatement of these policies is therefore unnecessary. Moreover, the Board's power to prescribe policy is limited by the necessity for complete compatability between its general policies and the policies laid down in the Civil Aeronautics Act of 1938. In this connection it should be noted that a statement of policy issued by the Board is merely an agency rule under the Administrative Procedure Act, and as such cannot contravene or override statute, including the statement of policy contained in the Civil Aeronautics Act. Consequently, if as a result of its consideration in any given case, the Board finds that the statement of policy set down in the Civil Aeronautics Act runs counter to any statement of policy published in this part, the latter must obviously give way to the former.

Part 399 has been divided into two subparts, Subpart A dealing with the applicability, arrangement, and effect of the policy statements, which are included in Subpart B. It should be noted that no attempt has been made to arrange the policy statements in any order other than chronological. Each new policy statement issued hereunder by the Board will receive the next consecutive number in sequence. Except for deletions of policy statements no longer in effect, no attempt will be made as a general rule to amend any policy statement, but a new policy statement will be issued bearing a new number, and the old one which it supersedes will be repealed.

Since this rule relates only to statements of policy, notice and public procedure hereon are unnecessary, and the regulation may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby enacts Part 399 of its regulations, effective May 25, 1955, to read as follows:

Subpart A—Applicability, Arrangement, and Effect of Policy Statements

Sec.
399.0 Applicability of part.
399.1 Exclusions.
399.2 Statements in other Board documents.
399.3 Arrangement.
399.4 Nature and effect of policy statements.

Subpart B—Statements of Policy

399.10 Airworthiness revisions to be on annual basis.
399.11 Promulgation of airworthiness requirements.
399.12 Transatlantic charter policy.
399.13 Temporary mail rates involving subsidy.
399.14 Rate policy applicable to nonsubsidized carriers.
399.15 Rate policy applicable to subsidized carriers.
399.16 Local-service carrier certificates to indicate nature of operations specifically.
399.17 Issuance of foreign air carrier permits for Canadian transborder operations in small aircraft.
399.18 Unfair and deceptive practices of ticket agents.
399.19 Domestic coach policy.
399.20 Negotiation by air carriers for landing rights in foreign countries.
399.21 Standard provisions in foreign air carrier permits.
399.22 Air carrier reporting delinquencies.
399.23 Post-capitalization and amortization of expenses.
399.24 Exceptions for rate-making purposes.
399.25 Confidential treatment of preliminary year-end reports.
399.26 Investigation of accidents involving foreign aircraft.
399.27 Procedures for permanent certification of local service carriers (added June 1, 1955).

AUTHORITY: §§ 399.1 to 399.27 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425.

SUBPART A—APPLICABILITY, ARRANGEMENT, AND EFFECT OF POLICY STATEMENTS

§ 399.0 *Applicability of part.* Except as provided in § 399.1, all general statements of policy of the Board, both substantive and administrative in nature will, to the extent such policies affect the public, be published in this part and will be followed by the Board until rescinded or their stated expiration date, whichever shall first occur.

§ 399.1 *Exclusions.* The following types of policies will not be included in this part:

(a) Policies relating solely to the internal management of the Board;

(b) Policies requiring secrecy in the public interest, or the interest of national defense;

(c) Policies which are repetitive or duplicative of § 2 of the Civil Aeronautics Act of 1938, as amended;

(d) Policies the complete expression of which is found in a procedural or substantive rule of the Board, or in any opinion, decision, order, certificate, permit, exemption, rule, regulation or waiver of the Board;

(e) Expressions of hope, admonition, or encouragement to industry to follow a certain course of action.

(f) Positions on legislative items and other matters which are outside the scope of the Board's current statutory powers and duties.

§ 399.2 *Statements in other Board documents.* No statement contained in any Board opinion, decision, order, certificate, permit, exemption, or waiver, shall be considered a statement of policy within the meaning of this part, even though such statements may constitute a precedent in future cases or declare future policy to be followed in like cases. Similarly, a denial by the Board of relief sought, and statements of the Board's reasons for failure to issue a rule upon which rule-making proceedings have

been commenced shall not be considered to be statements of policy except to the extent that it is specifically stated that such denial or failure is based upon a policy thereafter to be followed.

§ 399.3 *Arrangement.* All policies which are subject to inclusion in this part, and in effect on the effective date of this part, are included in Subpart B of this part, chronologically arranged in the order of their adoption. Future policies will be issued as statements of policies, and will be assigned the next consecutive number in sequence. Except in the case of policies which cease to be applicable by reason of the expiration of the period of effectiveness specifically stated therein, policies will be rescinded by a subsequent statement of policy when the earlier policy is amended or ceases to apply.

§ 399.4 *Nature and effect of policy statements.* Policy statements published in this part will remain in effect and be observed by the Board until rescinded or repealed, or in the case of a policy of specified duration, until the expiration date, if not sooner rescinded or repealed. Changes in policy may be made without advance notice to the public and will become effective upon publication in the FEDERAL REGISTER. Moreover, should it appear to the Board in its consideration of any matter before it that the application of a published policy as set forth in this part would run counter to an express provision of law or policy enunciated by Congress in the Civil Aeronautics Act of 1938, as amended, such published policy shall not be applicable to such matter.

SUBPART B—STATEMENTS OF POLICY

§ 399.10 *Airworthiness revisions to be on annual basis.* It is the policy of the Board that, except for rules of an emergency nature the immediate adoption of which is necessary in the interest of safety, airworthiness rules and revisions to the airworthiness parts will be on an annual basis. The cycle will commence on or about the first of January in each year through the issuance of a general release by the Board's Bureau of Safety Regulation, requesting comments and specific proposals for deletions, additions, or amendments to any of the airworthiness parts. In the spring of each year the Board's staff will conduct a study of all the comments and proposals received, together with its own proposals and those received from the Administrator of Civil Aeronautics. All proposals will be assembled in the form of a tentative agenda for an annual airworthiness meeting of all concerned. A second release will be circulated to the public, announcing the annual meeting and presenting the agenda. Thereafter, the meeting with all interested persons will be held usually during the month of September, and will cover, in most cases, a period of several days. Thereafter, all items which are considered necessary and sufficiently developed for regulatory action will be published in the form of a notice of proposed rulemaking, setting forth specific proposed amendments to the Civil Air Regulations. Comments thereafter received as a result of the publication of the proposed annual revision will be given careful consideration and will be adopted and made generally effective by January 1.

§ 399.11 *Promulgation of airworthiness requirements.* It is the policy of the Board, in promulgating Civil Air Regulations dealing with airworthiness requirements for aircraft and components, to follow the principles set forth hereafter in this section.

(a) The technical rules in the airworthiness regulations should confine themselves to material which has been substantiated as being essential to safety.

(b) The administrative rules in the airworthiness regulations should be minimized in scope to the extent commensurate with their effect on safety.

(c) The individual provisions in the airworthiness regulations should not impede new design development, should reflect the latest state of the art, and should require only such techniques and equipment as are available and proven reliable.

(d) The airworthiness regulations should not include rules to attain safety objectives which can be attained more effectively by means other than regulations.

(e) If an accident or other service experience with a certain aircraft, or component type suggests a change in the airworthiness regulations, caution should be exercised in making the new rule applicable to all aircraft or component types, lest it be inappropriate for general application.

(f) Detail design practices which have been generally adopted by the industry should not for that reason alone be included in the airworthiness regulations.

(g) Changes in the airworthiness regulations should be promulgated only periodically through a procedure such as the annual review, except in those instances where safety considerations dictate urgency of implementation.

§ 399.12 *Transatlantic charter policy.* It is the policy of the Board, applicable to the 1955 summer season, not to grant broad or general exemptions for transatlantic charter operations, but to consider only exemption applications filed by air carriers covering specific proposed charter movements. The basis on which such charter applications will be granted has been liberalized over past practice, and all such applications which conform to the conditions set forth in the Board's Opinion dated May 20, 1955, in Docket No. 7099 will be processed and decided in accordance with the standards set forth in such opinion. All exemption orders issued will be made subject to the terms, conditions and limitations therein expressed.

§ 399.13 *Temporary mail rates involving subsidy.* It is the policy of the Board to fix temporary mail rates involving subsidy at a level designed to provide only such amounts as are deemed necessary for operations prior to the establishment of a final rate but in no case less than the service mail rate. In most cases, this objective may be attained by providing an amount of mail pay equivalent to the breakeven need—i. e., the excess of operating expenses over nonmail revenues.

§ 399.14 *Rate policy applicable to nonsubsidized carriers.* It is the policy of the Board that rate levels should reflect cyclical needs, rather than the needs of any particular year. In examining mail or commercial rate proposals, the Board will consider not only the conditions prevailing at the time the proposals are advanced, but also the future prospects and the abnormal earnings of prior years. Accordingly, if earnings should fall markedly after a period during which they have been at high levels, the carriers will be expected to absorb such losses without resort to mail or commercial rate adjustments, unless it can be demonstrated that such earnings are below the level necessary to provide a fair return over a reasonably extended period which includes the good years as well as the bad.

§ 399.15 *Rate policy applicable to subsidized carriers.* It is the policy of the Board to permit subsidized carriers maximum freedom to experiment, in interstate and overseas air transportation, with commercial rate changes for the purpose of maximizing revenues and thereby minimizing subsidy requirements, provided that resulting rates are not otherwise unreasonable.

§ 399.16 *Local-service carrier certificates to indicate nature of operations specifically.* It is the policy of the Board to include a provision in the certificates of all local air service carriers to make it clear that their operations are definitely local air transportation, as distinguished from the service rendered by scheduled trunkline air carriers. The language which will be so included is as follows:

> This certificate is issued pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting the certificate the holder acknowledges and agrees that the primary purpose of the certificate is to authorize it and require it to offer short-haul air transportation service of the character described above.

§ 399.17 *Issuance of foreign air carrier permits for Canadian transborder operations in small aircraft.* It is the policy of the Board, in accordance with a reciprocal understanding with the Air Transport Board of Canada, published March 13, 1952, to facilitate so far as possible under existing law the issuance of foreign air carrier permits to Canadian operators of small aircraft for irregular transborder operations in common carriage. Authorizations granted under this procedure will be only for service of a casual, occasional, and infrequent nature and will be limited to three years' duration. Where requested, permission will customarily be granted, if statutory standards are met, to serve more than one point in the United States on the same flight, provided that no cabotage traffic is carried.

§ 399.18 *Unfair and deceptive practices of ticket agents.* It is the policy of the Board to regard any of the following enumerated practices (among others) by a ticket agent as an unfair or deceptive practice or unfair method of competition:

(a) Misrepresentations[1] which may induce members of the public to believe that the ticket agent is an air carrier.

(b) Using or displaying or permitting or suffering to be used or displayed the name, trade name, slogan or any abbreviation thereof, of the ticket agent, in advertisements, on or in places of business, or on aircraft in connection with the name of an air carrier with whom it does business, in such manner that it may mislead or confuse the traveling public with respect to the agency status of the ticket agent.

(c) Misrepresentations as to the quality or kind of service, type or size of aircraft, time of departure or arrival, points served, route to be flown, stops to be made, or total trip-time from point of departure to destination.

(d) Misrepresentation as to qualifications of pilots or safety record or certification of pilots, aircraft, or air carriers.

(e) Misrepresentations that passengers are directly insured when they are not so insured; for example, where the only insurance in force is that protecting the air carrier in event of liability.

(f) Misrepresentations as to fares and charges for air transportation or services in connection therewith.

(g) Misrepresentation that special discounts or reductions are available, when such discounts or reductions are not specified in the lawful tariffs of the air carrier which is to perform the transportation.

(h) Advertising or otherwise offering for sale or selling air transportation or services in connection therewith at less than the rates, fares and charges specified in the currently effective tariffs of the air carrier or air carriers who are engaged to performed such air transportation or services, or offering or giving rebates or other concessions thereon, or assisting, suffering or permitting persons to obtain such air transportation or services at less than such lawful rates, fares and charges.

(i) Misrepresentations that special priorities for reservations are available when such special considerations are not in fact granted to members of the public generally.

(j) Selling air transportation to persons on a reservation or charter basis for a specified space, flight or time, or representing that such definite reservation or charter is or will be available or has been arranged, without a binding commitment with an air carrier for the furnishing of such definite reservation or charter as represented or sold.

(k) Selling or issuing tickets or other documents to passengers to be exchanged or used for air transportation knowing or having reason to know or believe that such tickets or other documents will not be or cannot be legally honored by air carriers for air transportation.

(l) Failing or refusing to make proper refunds promptly when service cannot be performed as contracted or representing that such refunds are obtainable only at some other point thus depriving persons of the immediate use of the money to arrange other transportation, or forcing them to suffer unnecessary inconveniences and delays or requiring them to accept transportation at higher cost, or under less desirable circumstances, or on less desirable aircraft than that represented at the time of sale.

(m) Misrepresentations regarding the handling, forwarding or routing of baggage or other property, or the loss or tracing thereof, or failing or refusing to honor proper claims for loss or damage to baggage or other property.

§ 399.19 *Domestic coach policy.* It is the policy of the Board to encourage regular coach service by the certificated air carriers as one means of achieving the maximum development of civil aviation in the United States through placing air travel within the economic reach of the great majority of the traveling public. For the purpose of this policy, coach operations will be divided into two main classes: Off-peak services and high density services.

(a) Off-peak services are reduced fare services which have as their primary objective the additional utilization of available equipment and facilities with flights departing at such times—particularly during the night hours—as would make their operation in first class service uneconomic because of the inconvenience of the departure time.

(b) High density services are reduced fare services which are conducted, without restriction as to flight departure time, in aircraft specifically equipped for and assigned to such service and having the applicable minimum seating capacity set forth below:

DC–4	64
DC–6	72
DC–6B	76
Constellation 049 to 749	79
Constellation 1049	88

NOTE: Maximum seating density is governed by the Civil Air Regulations.

(c) Food service. No free food service except for coffee or similar beverages will be permitted on either off-peak or high density service.

(d) Fare differentials: Both high density and off-peak services will be subject to a fare ceiling of 75 percent of the corresponding first class fare.

§ 399.20 *Negotiation by air carriers for landing rights in foreign countries.* (a) It is the policy of the Board (jointly with the Department of State) that, as a general rule, landing rights abroad for American air carriers will be acquired through U. S. Government negotiation with foreign governments rather than by direct negotiation between a carrier and a foreign government.

(b) It is corollary to the foregoing policy that no United States air carrier may avail itself of representations by one foreign government to further its interest with another foreign government, especially with respect to landing rights, except insofar as such representations have been specifically authorized by the United States Government.

§ 399.21 *Standard provisions in foreign air carrier permits.* It is the policy of the Board to include provisions in the permits issued to foreign air carriers to provide:

(a) That the permit shall be subject to all applicable provisions of any agreement affecting international air transportation now in effect or which may become effective during the period of the agreement entered into by the U. S. and the foreign government concerned;

(b) That in accepting the permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in an action based on claims arising out of its operation.

§ 399.22 *Air carrier reporting delinquencies.* It is the policy of the Board to permit, under the Uniform System of Accounts prescribed by the Board, extensions of time for filing reports upon receipt of a written request setting forth good and sufficient reason to justify granting the requested extension, provided such request is submitted sufficiently in advance of the due date to permit proper consideration and communication to the carrier of the action taken. It is the policy of the Board that, in the absence of extensions in report filing dates, petitions for increased mail rates filed by carriers whose periodic reports are in arrears will not be processed until all overdue reports are filed.

§ 399.23 *Post-capitalization and amortization of expenses.* It is the policy of the Board for accounting and reporting purposes to adhere strictly to the principle that costs once charged to expense within one fiscal year shall not be reversed and capitalized in a subsequent fiscal year for amortization against operations of future periods.

§ 399.24 *Exceptions for rate-making purposes.* It is the policy of the Board to permit retroactive accounting adjustments where necessary to conform books with adjustments required by the Board for rate-making purposes.

§ 399.25 *Confidential treatment of preliminary year-end reports.* It is the policy of the Board to accord confidential treatment to preliminary year-end carrier reports upon request of individual carriers, with the proviso that such confidential treatment will be accorded the preliminary reports only until final reports are filed or until the date such reports are due, whichever occurs first.

§ 399.26 *Investigation of accidents involving foreign aircraft.* It is the policy of the Board, in the case of accidents to aircraft of foreign air carriers that occur in this country, to investigate to the extent necessary to furnish the foreign government a full report of all

[1] The word "misrepresentation" used in this section includes any statement or representation made in advertising or made orally to members of the public which is false, fraudulent, deceptive or misleading, or which has the tendency or capacity to deceive or mislead.

facts, conditions, and circumstances, as well as the probable cause. This may or may not require a public hearing.

§ 399.27 *Procedures for permanent certification of local service carriers (added June 1, 1955).* It is the policy of the Board, in implementing legislation relative to the permanent certification of the local service carriers (Public Law 38, 84th Congress) to apply the following procedures:

(a) These proceedings will be limited to the issues inherent in the grant of permanent certificates to the carriers and the determination of those intermediate points to be certificated on a temporary basis. Each local service air carrier must file an application under the new statute. Following the filing of such an application, the Board proposes to issue show cause orders indicating those stations which, on the basis of its preliminary judgment, warrant permanent certification, and those other stations which, because of their more marginal traffic record are tentatively believed to warrant temporary rather than permanent certification.

(b) The Board intends to rely largely on an industry-wide traffic standard, which will tend to assure equitable treatment among the cities involved. After analysis of the latest available data, the Board has concluded that an average of five or more passengers enplaned per day (approximately 300 per month on and off per station) should provide a reasonable basis for initial selection of the group of intermediate stations for permanent certification. In the absence of further evidence, those stations enplaning fewer than five per day would receive temporary designation. While the Board does not intend to restrict the right of any party to submit relevant evidentiary material, the Board believes that the record in the proceedings covering those points identified for permanent certification could be limited, largely, if not entirely, to stipulated data. Additional evidence, therefore, might be necessary only as to those points tentatively identified for temporary certification, thus speeding the issuance of the permanent certificates. In regard to the latter group of stations the Board wishes to emphasize that no station which is eligible for either permanent or temporary certification will lose service as a result of these proceedings. Further, although any city listed in the show cause order as warranting temporary certification may, of course, submit evidence in support of permanent authorization, such a presentation is not essential at this time. Such cities will be afforded an opportunity to demonstrate their ability to generate a sufficient volume of traffic to warrant a continuation of scheduled service and to make a further presentation in a later proceeding.

(c) The permanent certificate proceedings will be scheduled for processing in the order in which the carriers' existing temporary certificates expire. They will be given priority over other local service cases.

(d) Under this schedule the permanent certificate proceedings covering Southwest Airways and Trans-Texas Airways will be among the first to be handled. It is not contemplated that show cause orders will be necessary for these two carriers, since there are formal proceedings now near completion concerned with the temporary or permanent renewal of these carriers' routes as well as certain route amendment proposals. It is presently hoped that the decisions in these two cases will be issued concurrently with decisions on permanent certification for Southwest and Trans-Texas.

(e) Because of the restriction of the issues to those largely non-controversial in nature, and in order to assure the most efficient use of available staff essential to the most rapid processing of these cases, public hearings in the permanent certificate proceedings will be held in Washington.

(f) Although consideration of proposed route extensions and modifications of local service routes must necessarily be delayed somewhat in order to give priority to the permanent certificate applications, the Board plans to consider such proposals as soon as possible in appropriate individual or consolidated proceedings.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-4689; Filed, June 10, 1955; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5722]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WHITAKER CABLE CORP.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.725 *Cumulative quantity discounts and schedules;* § 13.755 *Pooling orders of chain stores and buying groups.* In connection with the sale for replacement purposes of automotive cable products and related items in commerce, as "commerce" is defined in the Clayton Act, discriminating in the price of such products of like grade and quality: (1) By selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondent's products; and (2) by selling to any indirect purchaser at net prices higher than the net prices charged any other direct or indirect purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondent's products; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U. S. C. 13) [Cease and desist order, Whitaker Cable Corporation, North Kansas City, Mo., Docket 5722, April 29, 1955.]

This proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission which charged respondent with discriminating in price between different purchasers of its products in violation of subsection (a) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, upon respondent's answer thereto, hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to, the allegations of the complaint were introduced before said hearing examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said hearing examiner on the complaint, answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel, and said hearing examiner, having duly considered the record in the matter, made his initial decision, comprising certain findings as to the facts,[1] conclusions drawn therefrom,[1] and order to cease and desist.

Thereafter, following appeals from said initial decision of the hearing examiner by counsel supporting the complaint and by respondent, in which respondent excepted to numerous specific findings and conclusions of fact and law in the initial decision, as well as to certain conduct and rulings of the hearing examiner and to the hearing examiner's failure to make certain findings, and in which the appeal of counsel supporting the complaint related only to a certain finding of the hearing examiner with regard to the effect of a contractual relationship between respondent and Willard Storage Battery Company and its customers, as not such as to constitute Willard's customers as purchasers from respondent within the meaning of the act, the matter was disposed of by the Commission's "Final Order," dated April 29, 1955, following the opinion and decision of the Commission in the matter, as follows:

Counsel supporting the complaint and respondent Whitaker Cable Corporation having respectively filed on March 19, 1954, and April 30, 1954, their cross-appeals from the initial decision of the hearing examiner in this proceeding; and the matter having been heard by the Commission on briefs and oral argument; and the Commission having rendered its decision denying the appeals and affirming the initial decision:

It is ordered, That respondent Whitaker Cable Corporation shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order contained in said initial decision.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondent Whitaker Cable Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale for replacement purposes of automotive cable products and related items in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in the price of such products of like grade and quality—

1. By selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondent's products.

2. By selling to any indirect purchaser at net prices higher than the net prices charged any other direct or indirect purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondent's products.

Issued: April 29, 1955.

By the Commission.[2]

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-4694; Filed, June 10, 1955; 8:53 a. m.]

[1] Filed as part of the original document.

[2] Commissioner Mason dissenting, the rationale therefore being set forth in his dissenting opinion in Docket 5723, Moog Industries, Inc., *infra.*

[Docket 5723]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MOOG INDUSTRIES, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.725 *Cumulative quantity discounts and schedules;* § 13.755 *Pooling orders of chain stores and buying groups.* In connection with the sale for replacement purposes of automotive replacement parts, consisting of coil action parts, leaf spring, coil spring, chassis parts, piston rings and other related items in commerce, as "commerce" is defined in the Clayton Act, discriminating in the price of such products of like grade and quality: (1) By selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondent's products; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U. S. C. 13) [Cease and desist order, Moog Industries, Inc., St. Louis, Mo., Docket 5723, April 29, 1955]

This proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission which charged respondent with discriminating in price between different purchasers of its products in violation of subsection (a) of section 2 of the Clayton Act, as amended by the Robinson-Patman Act, upon respondent's answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel; and thereafter, following respondent's appeal from said hearing examiner's initial decision, in which respondent took exception to certain specific findings and conclusions therein, to certain procedural matters, including rulings of the hearing examiner, and to the substance and form of the hearing examiner's order to cease and desist, was disposed of by the Commission's "Final Order", dated April 29, 1955, following the opinion and decision of the Commission in the matter, as follows:

Respondent Moog Industries, Inc., having filed on July 13, 1954, its appeal from the initial decision of the hearing examiner in this proceeding; and the matter having been heard by the Commission on briefs and oral argument; and the Commission having rendered its decision denying the appeal and affirming the initial decision:

It is ordered, That respondent Moog Industries, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order contained in said initial decision.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondent Moog Industries, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale for replacement purposes of automotive replacement parts, consisting of coil action parts, leaf spring, coil spring, chassis parts, piston rings and other related items in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in the price of such products of like grade and quality:

1. By selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondent's products.

Issued: April 29, 1955.

By the Commission.[1]

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-4693; Filed, June 10, 1955; 8:52 a. m.]

[1] Commissioner Mason's dissenting opinion filed as part of the original document.

[Docket 5770]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

E. EDELMANN & CO.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.700 *Arbitrary functional discounts;* § 13.755 *Pooling orders of chain stores and buying groups;* § 13.770 *Quantity rebates or discounts.* In or in connection with the sale of automotive products in commerce, and on the part of respondent corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, discriminating, directly or indirectly, in the price of said automotive products of like grade and quality, by selling to any direct or indirect purchaser at net prices higher than the net prices charged any other purchaser, direct or indirect, competing in fact in the resale and distribution of said products; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U. S. C. 13) [Cease and desist order, E. Edelmann & Company, Chicago, Ill., Docket 5770, April 29, 1955.]

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which charged respondent with discriminating in price between its customers competitively engaged in the resale of respondent's automotive products, with the result that the effect might be substantially to lessen competition and tend to create a monopoly in the line of commerce in which respondent and its competitors were engaged and in the line of commerce in which respondent's customers and its competitors' customers were engaged, and also to injure, destroy, or prevent competition with respondent, with the favored customers, or with the customers of either of them; in violation of section 2 of the Clayton Act; and upon respondent's amended answer which admitted that it sold its products in interstate commerce, that it had competitors, that its customers competed in the resale of such products with purchasers from its competitors, and that it sold its products to different purchasers at different prices, but denied the effects alleged of such sales and affirmatively alleged that any price differences at which it sold were made in good faith to meet an equally low price of a competitor.

Thereafter, following various proceedings, including the reception of testimony and other evidence, and the making by said hearing examiner of his initial decision, comprising certain findings as to the facts[1] and conclusions,[1] and order to cease and desist; appeal from said initial decision by counsel supporting the complaint, in which counsel urged that the decision below should have ruled differently with respect to certain evidence presented by respondent in the course of its defense; appeal by counsel for respondent in which it was contended that the rulings that respondent's pricing practices had been in violation of law, were erroneous in their entirety; and the rendering by the Commission of its opinion and decision, the matter was disposed of by the Commission's "Final Order", dated April 29, 1955, as follows:

Counsel supporting the complaint and respondent E. Edelmann & Company, having respectively filed on May 28, 1954, and June 1, 1954, their cross appeals from the initial decision of the hearing examiner in this proceeding; and the

[1] Filed as part of the original document.

matter having been heard by the Commission on briefs and oral argument; and the Commission having rendered its decision denying the appeal of counsel supporting the complaint and granting in part and denying in part the appeal of respondent and affirming the initial decision as modified:

It is ordered, That the order contained in the initial decision be, and it hereby is, modified (1) by adding the words "and its officers, representatives, agents and employees" immediately following the words "E. Edelmann & Company, a corporation," and (2) by striking from such order the words "for replacement purposes."

It is further ordered, That the respondent E. Edelmann & Company shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order contained in the initial decision as modified.

The order to cease and desist in said initial decision, thus made the decision of the Commission subject to the aforesaid modifications, is as follows:

It is ordered, That respondent E. Edelmann & Company, a corporation,[2] directly or through any corporate or other device, in or in connection with the sale, for replacement purposes, of automotive products in commerce, as "commerce" is defined in the Clayton Act as amended, do forthwith cease and desist from discriminating, directly or indirectly, in the price of said automotive products of like grade and quality, by selling to any direct or indirect purchaser at net prices higher than the net prices charged any other purchaser, direct or indirect, competing in fact in the resale and distribution of said products.

Issued: April 29, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-4695; Filed, June 10, 1955; 8:53 a. m.]

[2] The phrase "officers, representatives, agents and employees" is omitted on the authority of R. J. Reynolds Tobacco Co. vs. F. T. C., 192 F. 2d 535, 540-4, which case the Hearing Examiner regards as apposite and binding on himself and the Commission.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53816]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

CUTTER AND DOCK PASSES

To permit term cutter and dock passes to be issued for a period of one year, § 4.1 of the Customs Regulations is hereby amended as follows:

1. Paragraph (d) is amended by deleting the last two sentences thereof.

2. The parenthetical matter at the end of paragraph (f) is deleted, and a new paragraph (g) is added to read as follows:

(g) Term cutter and dock passes, for a period of not to exceed one year, may be issued in the discretion of the collector, to persons on official business and to duly accredited news reporters and newspaper photographers. Passes are not transferable and shall be forfeited upon presentation by others than those to whom issued.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 3, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-4685; Filed, June 10, 1955; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6134]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

REGULATIONS PRESCRIBED UNDER SECTIONS 452 AND 462 OF THE INTERNAL REVENUE CODE OF 1954

On January 22, 1955, a notice of proposed rule making with respect to sections 452 and 462 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (20 F. R. 515). After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, it was determined that no change should be made in the proposed regulations. Accordingly, the proposed regulations so published are hereby adopted as set forth below.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: June 8, 1955.

G. M. HUMPHREY,
Secretary of the Treasury.

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

The following regulations are hereby promulgated under sections 452 and 462 of the Internal Revenue Code of 1954:

§ 1.452 *Statutory provisions; prepaid income.*

SEC. 452. *Prepaid income*—(a) *Prepaid income to be earned over short or indefinite period*—(1) *Short period.* In the case of any prepaid income to which this section applies, if the liability described in subsection (e) (2) is (at the time the income is received) to end before the first day of the sixth taxable year after the taxable year in which such income is received, then such income shall be included in gross income for the taxable year in which received, and for each of the 5 succeeding taxable years, to the extent proper under the method of accounting used under section 446 in computing taxable income for such year. If the liability does not in fact end before the first day of such sixth taxable year, such income shall be included in gross income for the taxable years specified in the preceding sentence except that with the consent of the Secretary or his delegate it shall be included in gross income in such proportions, and for such taxable years, as are specified in such consent.

(2) *Indefinite period.* In the case of any prepaid income to which this section applies, if the liability described in subsection (e) (2) is (at the time the income is received) of indefinite duration, then such income shall be included in gross income for the taxable year in which received and for each of the 5 succeeding taxable years, consistently with the principles prescribed in paragraph (1) and subsection (b), under regulations prescribed by the Secretary or his delegate. With the consent of the Secretary or his delegate the prepaid income shall be included in gross income in such proportions, and for such taxable years, as are specified in such consent.

(b) *Prepaid income to be earned over long period.* In the case of any prepaid income to which this section applies, if the liability described in subsection (e) (2) is (at the time the income is received) to end after the close of the fifth taxable year after the taxable year in which such income is received, then—

(1) One-sixth of the prepaid income shall be included in gross income for the taxable year in which received, and one-sixth shall be included in gross income for each of the 5 succeeding taxable years; except that

(2) With the consent of the Secretary or his delegate, the prepaid income shall be included in gross income in such proportions, and for such taxable years, as are specified in such consent.

(c) *Where taxpayer's liability ceases.* In the case of any prepaid income to which this section applies—

(1) If the liability described in subsection (e) (2) ends, then so much of such income as was not includible in gross income under subsections (a) and (b) for preceding taxable years shall be included in gross income for the taxable year in which the liability ends.

(2) If the taxpayer dies or ceases to exist, then so much of such income as was not includible in gross income under subsections (a) and (b) for preceding taxable years shall be included in gross income for the taxable year in which such death, or such cessation of existence, occurs.

(d) *Prepaid income to which this section applies*—(1) *Election of benefits.* This section shall apply to prepaid income if and only if the taxpayer makes an election under this section with respect to the trade or business in connection with which such income is received. The election shall be made in such manner as the Secretary or his delegate may by regulations prescribe. No election may be made with respect to a trade or business if in computing taxable income the cash receipts and disbursements method of accounting is used with respect to such trade or business.

(2) *Scope of election.* An election made under this section shall apply to all prepaid income received in connection with the trade or business with respect to which the taxpayer has made the election; except that the taxpayer may, to the extent permitted under regulations prescribed by the Secretary or his delegate, include in gross income for the taxable year of receipt the entire amount of any prepaid income if the liability from which it arose is to end within 12 months after the date of receipt. An election made under this section shall not apply to any prepaid income received before the first taxable year for which the election is made.

(3) *When election may be made*—(A) *Without consent.* A taxpayer may, without the consent of the Secretary or his delegate, make an election under this section for his first taxable year (i) which begins after December 31, 1953, and ends after the date on which this title is enacted, and (ii) in which he receives prepaid income in the trade or business. Such an election shall be made not later than the time prescribed by this subtitle for filing the return for such year (including extensions thereof).

(B) *With consent.* A taxpayer may, with the consent of the Secretary or his delegate, make an election under this section at any time.

(e) *Definitions.* For purposes of this section—

(1) *Prepaid income.* The term "prepaid income" means any amount (includible in gross income) which is received in connection with, and is directly attributable to, a liability which extends beyond the close of the taxable year in which such amount is received. Such term does not include any income treated as gain from the sale or other disposition of a capital asset.

(2) *Liability to render services, etc.* The term "liability" means a liability to render services, furnish goods or other property, or allow the use of property.

(3) *Receipt of prepaid income.* Prepaid income shall be treated as received during the taxable year for which it is includible in gross income under section 451 (without regard to this section).

§ 1.452-1 *Prepaid income in general.* (a) Prepaid income, regardless of the method of accounting used by the taxpayer, is generally includible in gross income by the taxpayer at the time of receipt if it is subject to his free and unrestricted use. However, in the case of a taxpayer who uses a method of accounting other than the cash receipts and disbursements method in computing taxable income, section 452 permits the taxpayer to elect a method of accounting for prepaid income under which portions of prepaid income received in the taxable year shall be deferred to subsequent taxable years. The general purpose of section 452 is to bring tax accounting more closely into harmony with generally accepted accounting principles; it is not intended to permit, for tax purposes, deferrals of income not properly deferred under the taxpayer's method of accounting.

(b) Section 446 provides that taxable income shall be computed under the method of accounting on the basis of which the taxpayer regularly computes his income in keeping his books. Section 452 provides a specific method of accounting and, accordingly, the books of the taxpayer must be kept in accordance with such method if taxable income is to be computed under the method so elected. No election under section 452 may be made unless the prepaid income is deferred on the regular books of account which are used in computing the taxpayer's income and on the basis of which the taxpayer prepares his financial statements (such as reports to creditors, stockholders, etc.). If a taxpayer closes such books for the taxable year without making the necessary entries thereon to record such deferral, and issues his financial statements on the basis of the books as so closed, any such entries made thereafter will not be deemed to meet the requirements of the preceding sentence with respect to such taxable year; however, this rule is not applicable in the case of a taxpayer who has closed his books and issued financial statements for the taxable year before January 24, 1955, if he makes the necessary entries before making the election under section 452 (d) (3) (A) and § 1.452-7 (b). In the case of a taxpayer (such as a regulated public utility defined in section 1503 (c)) which is required by the rules of a governmental agency to maintain its books in accordance with a method of accounting different from that permitted by section 452, the method of accounting permitted by section 452 may be reflected in auxiliary records which shall be kept with, and reconciled with, the taxpayer's regular books. The deferral of prepaid income must be reflected on the books for a period not shorter than that prescribed for tax purposes. This is not to be construed as preventing the taxpayer from deferring prepaid income on his books, where proper, over a period longer than the period prescribed by section 452.

(c) For applicable definitions, see section 452 (e) and § 1.452-8.

§ 1.452-2 *Prepaid income to be earned over short period.* (a) If prepaid income is attributable to a liability which will end before the first day of the sixth taxable year after the taxable year in which it is received, the income is deemed for purposes of section 452 to be "short-period prepaid income". Such income shall be included in gross income, to the extent properly allocable under the taxpayer's method of accounting, in the taxable year in which received and in each of the succeeding taxable years (not exceeding five) over which the liability may extend. The amount properly allocable to each of such taxable years shall be determined in the light of all the facts and circumstances involved, including the taxpayer's experience with such liabilities.

(b) Short-period prepaid income need not be allocated equally over the period, nor must any portion necessarily be included in the taxable year of receipt. A proper allocation under this section requires that such income be included in gross income as the liability to which the income relates is discharged or as it is deemed to be discharged on the basis of the taxpayer's experience. (Where experience is the basis for allocation, the taxpayer must follow the rules provided in § 1.452-3 (b).) For example, if the rent for the fifth year under a five-year lease is paid at the beginning of the lease and the taxpayer-lessor has elected the benefits of section 452, and if the fifth year of the lease falls within two taxable years of the taxpayer, such rent shall be allocated to each of such two taxable years to the extent that the fifth year of the lease falls within each such taxable year. On the other hand, if the rent for the entire five years is received in advance, such rent shall be allocated to the taxable years covered by the lease. The preceding sentence may be illustrated by the following example:

Example. Taxpayer A, using the accrual method, whose taxable year is a calendar year, leases a building to B for a period of 48 months commencing on February 1, 1955, for a total rent of $48,000 paid on December 1, 1954. Assuming that A has elected the benefits of section 452, rent from the lease shall be included in gross income as follows:

Taxable year:	*Amount included in gross income*
1954	0
1955	$11,000
1956	12,000
1957	12,000
1958	12,000
1959	1,000
Total	48,000

No part of the short-period prepaid rent is includible in gross income for the year 1954 since no part of the liability was discharged in that year.

(c) The determination of the period over which the liability extends is to be made on the basis of the facts known at the time the income is received. In order to treat prepaid income as short-period prepaid income, the taxpayer must be able to ascertain at the time of receipt of such income that the liability will end before the first day of the sixth taxable year after the taxable year in which the income is received.

(d) If subsequent events extend the period of liability, but it is not extended beyond the last day of the fifth taxable year following the taxable year of receipt of the prepaid income, the portion of the prepaid income not previously includible in gross income shall be allocated, in accordance with paragraphs (a) and (b) of this section, over the period remaining between the time the subsequent events become known and the expiration of the liability as changed.

(e) If subsequent events extend the period of liability beyond the close of the fifth taxable year following the taxable year of receipt of the prepaid income, the portion of the prepaid income not previously includible in gross income shall be allocated ratably over the period between the time the extended liability becomes known and the close of such fifth taxable year.

(f) If subsequent events shorten the period of liability, the portion of the prepaid income not previously includible in gross income shall be included in gross income for the taxable year in which the subsequent events occur if the liability does not extend beyond that taxable year. If the liability does extend beyond that taxable year, such portion shall be included in gross income over the period remaining between the time the subsequent events become known and the expiration of the liability as changed, in accordance with paragraphs (a) and (b) of this section.

(g) In the case of a change in the period of the liability described in paragraph (e) of this section, a taxpayer may request permission from the Commissioner to allocate the amount of prepaid income not previously includible in gross income in some manner other than that provided in such paragraph. The consent of the Commissioner shall be requested in accordance with § 1.452-5. Ordinarily, permission will not be granted to reallocate amounts properly includible in gross income for taxable years prior to the taxable year in which

the change in the period of the liability occurs.

(h) For the purposes of the allocation under this section, the taxpayer may consider each transaction separately or may aggregate similar transactions during the taxable year in any reasonable manner provided the method of aggregation is consistently followed.

§ 1.452–3 *Prepaid income to be earned over indefinite period.* (a) Prepaid income attributable to a liability, which on the basis of the facts known at the time such income is received extends over an indefinite period, shall be included in gross income in accordance with the provisions of this section. An example of prepaid income of this type is an amount received by a retail store for gift certificates which may be redeemed for merchandise at any time. There is to be included in gross income for the taxable year of receipt of an item of prepaid income described in this section and in gross income for each succeeding taxable year (not more than 5 years and not necessarily ratably) that portion of such prepaid income with respect to which the experience of the taxpayer indicates the liability will be discharged during each such taxable year. The remainder of the prepaid income must be accounted for one-sixth in the taxable year of receipt and one-sixth in each of the five succeeding taxable years.

(b) The allocation of income to be earned over an indefinite period shall be based upon the taxpayer's own experience, if adequate for a reasonable allocation. Ordinarily, the most recent six years of experience with this kind of prepaid income will be considered adequate for the purposes of this paragraph. However, if the taxpayer's experience is not adequate, he may use the experience of other taxpayers engaged in a similar trade or business if he establishes to the satisfaction of the Commissioner that such experience is representative of the taxpayer's business. In such case, if the taxpayer attaches to his return a complete statement of the experience relied upon, he may use such experience in computing taxable income on his return, subject to approval by the Commissioner upon subsequent examination of the return.

(c) The following example illustrates the provisions of this section:

Example:

Sale of service coupons	$1,000
Experience indicates that the coupons will be presented in payment for services as follows:	
50 percent in the year of sale	$500
9 percent in the 1st succeeding year	90
5 percent in the 2nd succeeding year	50
3 percent in the 3rd succeeding year	30
2 percent in the 4th succeeding year	20
1 percent in the 5th succeeding year	10
Total	700
Amount to be accounted for during the first six years on the basis of experience	$700
Amount subject to pro rata allocation over the six year period	300
Allocated to each year, one-sixth of $300	50

Thus, the amount of income from the sale of service coupons to be included in gross income for the taxable year of sale is $500 plus $50, or $550, and for the first succeeding year is $90 plus $50, or $140, etc. However, if any portion of the amount received represents payment for coupons which the experience of the taxpayer indicates will never be presented for redemption, such portion may not be deferred beyond the taxable year in which the amount was received and shall be included in gross income for such taxable year. For example, if sales of coupons had been $1,100 instead of $1,000 and experience indicated that $100 of such amount would never be presented for redemption, the income from the sale of service coupons to be included in gross income for the taxable year of sale would be $500 plus $50 plus $100, or $650.

(d) For the purposes of the allocation under this section, the taxpayer may consider each transaction separately or may aggregate similar transactions during the taxable year in any reasonable manner provided the method of aggregation is consistently followed. It will be necessary for the taxpayer to evaluate annually his past experience in arriving at the proper allocation of prepaid income received during that taxable year.

(e) A taxpayer may not defer prepaid income relating to a liability of indefinite duration beyond the fifth taxable year after the taxable year of receipt unless he secures the consent of the Commissioner. A request for such consent shall be submitted in accordance with the provisions of § 1.452–5.

§ 1.452–4 *Prepaid income to be earned over long period.* (a) Prepaid income attributable to a liability which, based upon the facts known at the time the income is received, will end after the close of the fifth taxable year following the taxable year in which such income is received shall be regarded as "long-period prepaid income". One-sixth of such income shall be included in gross income for the taxable year of receipt and one-sixth for each of the five succeeding taxable years unless the Commissioner consents to a different treatment. (See § 1.452–5.) For example, assume that the taxpayer, reporting taxable income on a calendar year basis, receives in the first year of a 10-year lease commencing on January 1, the first and the last year's rent. The annual rental is $6,000; the amount received in the first year is $12,000, of which only the $6,000 allocable to the 10th year's rent is prepaid income. The 10th year's rent shall be allocated $1,000 to each of the first six years of the lease, and taking into account the $6,000 rent for each such year, there will be a total of $7,000 included in income for each of the first six years. In each of the seventh, eighth, and ninth years only the $6,000 rent for such year shall be taken into income. Since the tenth year's rent was included in income for the first six years, it is not to be included in income for the tenth year.

(b) One-sixth of the amount of long-period prepaid income shall be included in gross income for the taxable year of receipt. For example, if a taxpayer on the accrual method, on a calendar year basis receives a rental payment of $60,000 on December 1, 1954, covering full payment on a six-year lease commencing on January 1, 1955, $10,000 of such income is allocable to 1954, the taxable year of receipt, and a like amount to each of the five succeeding taxable years.

(c) Whether amounts received are short-period prepaid income or long-period prepaid income shall be determined by reference to the periods to which such amounts relate. For example, if, in connection with a ten-year lease beginning January 1, 1955, the rent for the fourth and sixth years is received in 1954, the amount of the rent for the fourth year is short-period prepaid income and the amount of the rent for the sixth year is long-period prepaid income. However, if in such example the lease were to begin on January 1, 1957, the rent for the fourth year would also be long period prepaid income since the fourth year would fall more than five years after 1954, the year of receipt.

§ 1.452–5 *Manner of obtaining consent for different treatment of prepaid income.* A taxpayer may, with the consent of the Commissioner, include prepaid income in gross income in such proportions, and for such taxable years, as are specified in the consent. The request for consent, in the case of prepaid income to which section 452 (a) (2) or 452 (b) applies, shall be made to the Commissioner not later than 30 days after the close of the taxable year in which such prepaid income is received. In the case of a request for consent described in section 452 (a) (1), the request shall be made to the Commissioner not later than 30 days after the close of the taxable year in which the change in the period of the liability became known. However, if the period prescribed above for the filing of the request expires less than 90 days after the promulgation of these regulations under section 452, the taxpayer may file the request for consent not later than 90 days after the promulgation of such regulations. The request shall contain both a detailed recital of the circumstances upon which the taxpayer bases his request for a method of allocation different from that provided in these regulations under section 452 and all the information necessary for the Commissioner to determine whether the proposed method of allocation would be proper and, if so, to what taxable years and in what amounts such allocations should be made. The request for consent should be directed to the Commissioner of Internal Revenue, Washington 25, D. C. Such permission will be granted by the Commissioner only in cases where it is shown to his satisfaction that a different method of treating prepaid income is proper.

§ 1.452–6 *Treatment of prepaid income where taxpayer's liability ceases.* If the liability of the taxpayer ends, then so much of the prepaid income as was not includible in gross income for preceding taxable years shall be included in the gross income of the taxpayer for the taxable year in which the liability ends. See section 381 (c) (7) for rules

applicable to the treatment of prepaid income in the case of certain corporate acquisitions. If an individual taxpayer dies or a taxpayer other than an individual goes out of existence, the amount deferred under section 452 and not previously includible in his gross income shall, not withstanding the provisions of section 451 (b), be included in his gross income for the taxable year in which such event occurs. Similarly, when a partnership terminates such amount shall be included in gross income for the year of termination of the partnership.

§ 1.452–7 *Election of benefits*—(a) *In general.* (1) An election under section 452 shall be applicable to all prepaid income (of the trade or business for which the election is made) which is received in the taxable year of the election and all subsequent taxable years. Such election shall not apply to any prepaid income received before the taxable year for which the election is made, even though the amounts will not be earned until after such year. The taxpayer may elect to include in his gross income for the taxable year of receipt all prepaid income with respect to which the liability is to end within 12 months of its receipt, if he files a statement to that effect at the time he makes his election under section 452. In such a case this treatment shall be consistently followed.

(2) An election under section 452 shall be binding for the taxable year for which made and all subsequent taxable years unless the consent of the Commissioner is obtained to change such method of treating prepaid income. See section 446 and the regulations thereunder.

(3) No election shall be permitted with respect to a trade or business if the cash receipts and disbursements method of accounting is used in computing taxable income or if such method is used, under a combination of methods, in reporting items of gross income for such trade or business for income tax purposes.

(4) If the taxpayer clearly evidences a bona fide intent to comply with the provisions of section 452 and the regulations thereunder, his election under that section will not be invalidated by:

(i) His failure to take certain items of prepaid income into account in accordance with the provisions of section 452 and these regulations;

(ii) His failure correctly to allocate prepaid income in accordance with such provisions; or

(iii) His improper deferral of items to which section 452 does not apply.

(b) *Manner of making election not requiring consent.* The election under section 452 may be made without the consent of the Commissioner if made for the first taxable year beginning after December 31, 1953 and ending after August 16, 1954 in which there is received prepaid income of the particular trade or business for which the election is made. The election must be made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). The election shall be made in a statement attached to the taxpayer's return for the first taxable year to which the election is applicable. The statement shall contain the information required by paragraph (d) of this section.

(c) *Election requiring consent.* (1) If a taxpayer does not elect under paragraph (b) of this section he may elect the benefits of section 452 for his second taxable year beginning after December 31, 1953, and ending after August 16, 1954, provided that on or before June 30, 1955, he notifies the Commissioner of Internal Revenue, Washington 25, D. C., of his intention to make such election. The notification shall state that the taxpayer has not elected the benefits of section 452 for his first taxable year beginning after December 31, 1953, and ending after August 16, 1954, but desires to elect the benefits of such section for the next succeeding taxable year. The notification shall be in triplicate, shall identify the trade or business to which the election is to apply, shall show the name and address of the taxpayer and the district in which the return of the taxpayer is to be filed. In such a case the taxpayer's notification will be treated as an election to have the benefits of section 452 apply to such taxable year and to all subsequent taxable years. A copy of the notification will be stamped with the approval of the Commissioner and returned to the taxpayer. Such copy, together with a statement containing the information required by paragraph (d) of this section shall be attached to the return for the first taxable year to which the election applies.

(2) In the event that a taxpayer does not make an election under paragraph (b) of this section or subparagraph (1) of this paragraph, he may, at a later date, elect the benefits of the provisions of section 452 only if he obtains the consent of the Commissioner. In such a case, a written request for consent shall be made to the Commissioner not later than 90 days after the beginning of the first taxable year for which the election is applicable or 90 days after the date of promulgation of the regulations under section 452, whichever is later. Such request shall contain the information required by paragraph (d) of this section.

(d) *Information required.* The statement or request filed under paragraph (b) or (c) of this section shall set forth the following:

(1) The name and description of each trade or business for which the election is to apply;

(2) A declaration that the election is intended to apply to all prepaid income of the trade or business;

(3) The method of accounting used by the taxpayer in such trade or business;

(4) A description of each type of prepaid income of such trade or business, the proposed method of allocation, and the basis therefor;

(5) Whether a previous election under the provisions of section 452 has been made for such trade or business and, if so, for what taxable years such election was in effect; and

(6) The name and description of each trade or business, if any, for which the election does not apply.

§ 1.452–8 *Definitions*—(a) *Prepaid income.* The term "prepaid income" means any amount (includible in gross income) which is received in connection with, and is directly attributable to, a liability which extends beyond the close of the taxable year in which such amount is received. However, amounts which represent receipts for goods or services or for the use of property to have been provided or furnished during or prior to the taxable year of receipt are not prepaid income. The term may include, for example, amounts received in advance for rents and warehouse fees and amounts received from the sale of tickets, car tokens, subscriptions, club dues, and service coupons and contracts. Such term does not include any income treated as a gain from the sale or other disposition of a capital asset.

(b) *Liability.* The term "liability" means a liability to render services, furnish goods or other property, or allow the use of property. For example, an appliance service contract is a liability to render services for the purposes of section 452 if the contract is a separate transaction for which a charge is made and which is entered into at the option of the purchaser. The term does not include a liability under a warranty the consideration for which is, in effect, included in the selling price of a product.

(c) *Receipt of prepaid income.* For the purposes of section 452, prepaid income shall be treated as received during the taxable year for which it would be includible in gross income under section 451 and the regulations thereunder (determined without regard to section 452).

§ 1.462 *Statutory provisions; reserves for estimated expenses.*

SEC. 462. *Reserves for estimated expenses, etc.*—(a) *General rule.* In computing taxable income for the taxable year, there shall be taken into account (in the discretion of the Secretary or his delegate) a reasonable addition to each reserve for estimated expenses to which this section applies.

(b) *Adjustments where reserve becomes excessive.* If it is determined that the amount of any reserve for estimated expenses to which this section applies is (as of the close of the taxable year) excessive, then (under regulations prescribed by the Secretary or his delegate) such excess shall be taken into account in computing taxable income for the taxable year.

(c) *Estimated expenses to which this section applies*—(1) *Election of benefits.* This section shall apply to estimated expenses if and only if the taxpayer makes an election under this section with respect to the trade or business to which such expenses are attributable. The election shall be made in such manner as the Secretary or his delegate may by regulations prescribe. No election may be made with respect to a trade or business if in computing taxable income the cash receipts and disbursements method of accounting is used with respect to such trade or business.

(2) *Scope of election.* An election made under this section shall apply to all estimated expenses attributable to the trade or business.

(3) *When election may be made*—(A) *Without consent.* A taxpayer may, without the consent of the Secretary or his delegate, make an election under this section for his first taxable year (1) which begins after December 31, 1953, and ends after the date on which this title is enacted, and (II) for which there are estimated expenses attributable to the trade or business. Such an election shall be made not later than the time

prescribed by law for filing the return for such year (including extensions thereof).

(B) *With consent.* A taxpayer may, with the consent of the Secretary or his delegate, make an election under this section at any time.

(d) *Estimated expense defined*—(1) *General rule.* For purposes of this section, the term "estimated expense" means a deduction allowable by this subtitle—

(A) Part or all of which would (but for this section) be required to be taken into account for a subsequent taxable year;

(B) Which is attributable to the income of the taxable year or prior taxable years for which an election under this section is in effect; and

(C) Which the Secretary or his delegate is satisfied can be estimated with reasonable accuracy.

(2) *Exceptions.* The term "estimated expense" does not include—

(A) Any deduction attributable to income taken into account in computing taxable income for taxable years preceding the first taxable year for which the election is made;

(B) Any deduction attributable to prepaid income to which section 452 applies by reason of an election made under such section by the taxpayer; or

(C) Any deduction allowable under section 166 (relating to bad debts).

(e) *Special rule for deductions attributable to period before election.* Any deduction attributable to income taken into account in computing taxable income for taxable years preceding the first taxable year for which the election is made shall be allowable in the same manner and to the same extent as if this section had not been enacted.

§ 1.462–1 *Reserves for estimated expenses*—(a) *In general.* (1) Ordinarily, in computing taxable income expenses are not deductible for a taxable year prior to the taxable year in which paid or incurred, or paid or accrued, depending upon the taxpayer's method of accounting. However, section 462 permits a taxpayer, in the discretion of the Commissioner, to deduct a reasonable addition to a reserve for certain expenses (designated as estimated expenses), which, in the opinion of the Commissioner, can be estimated with reasonable accuracy. The general purpose of section 462 is to bring tax accounting more closely into harmony with generally accepted accounting principles; it is not intended to permit taxpayers to deduct an addition to a reserve for estimated expenses in any taxable year unless such treatment would be proper for such year under the taxpayer's method of accounting. The election under section 462 may be made with respect to any trade or business of the taxpayer provided that the cash receipts and disbursements method of accounting is not used in computing the taxable income of such trade or business, and the election shall apply to all estimated expenses of such trade or business.

(2) Section 446 provides that taxable income shall be computed under the method of accounting on the basis of which the taxpayer regularly computes his income in keeping his books. Section 462 provides a specific method of accounting and, accordingly, the books of the taxpayer must be kept in accordance with such method if taxable income is to be computed under the method so elected. In computing taxable income, no amount shall be taken into account with respect to estimated expenses under section 462 unless a reserve therefor has been established and is properly recorded on the regular books of account which are used in computing the taxpayer's income and on the basis of which the taxpayer prepares his financial statements (such as reports to creditors, stockholders, etc.). If a taxpayer closes such books for the taxable year without making the necessary entries thereon to establish and record the reserve, and issues his financial statements on the basis of the books as so closed, any such entries made thereafter will not be deemed to meet the requirements of the preceding sentence with respect to such taxable year; however, this rule is not applicable in the case of a taxpayer who has closed his books and issued financial statements for the taxable year before January 24, 1955, if he makes the necessary entries before making the election under section 462 (c) (3) (A) and § 1.462–4 (a). In the case of a taxpayer (such as a regulated public utility defined in section 1503 (c)) which is required by the rules of a governmental agency to maintain its books in accordance with a method of accounting different from that permitted by section 462, the method of accounting permitted by section 462 may be reflected in auxiliary records which shall be kept with, and reconciled with, the taxpayer's regular books.

(3) For applicable definitions, see section 462 (d) and § 1.462–5.

(b) *Reasonable additions.* (1) Whether an addition to a reserve for estimated expenses is reasonable shall be determined in each particular case in the light of the pertinent facts known at the close of the taxable year. Among such pertinent facts to be considered is the experience of the taxpayer. However, in cases where the taxpayer has no such experience or his experience is inadequate, the experience of a taxpayer or group of taxpayers in a similar trade or business operating under similar conditions may be used if the taxpayer establishes to the satisfaction of the Commissioner that such experience is representative of the taxpayer's business. In case actual expenses prove to be more or less than those estimated in arriving at an addition to the reserve for prior years, the amount of the excess or inadequacy in the existing reserve shall be reflected in the determination of a reasonable addition for the current taxable year.

(2) A taxpayer claiming deductions on account of additions to reserves for estimated expenses shall, with respect to each reserve for estimated expenses, attach to his tax return for the taxable year a statement disclosing a summary of his experience with respect to such expenses for the taxable year and the four preceding taxable years. Ordinarily, the taxpayer's experience for such a period will be an acceptable basis for computing the addition to the reserve. If, however, the taxpayer's experience does not extend over such period, the statement should disclose that fact and give a summary of the taxpayer's experience with respect to such expenses. This statement shall include the following information for the taxable year and each of such preceding taxable years: (i) A description of each expense, (ii) taxable income (loss), (iii) the amount added to the reserve, (iv) the amount charged against the reserve, (v) the balance in the reserve as of the end of the taxable year, (vi) the amount deducted from income for such expenses in taxable years in which a reserve was not maintained, and (vii) the name and amount of the item to which the experience ratio is applied in determining the amount of the reasonable addition, such as credit sales, net sales, gross income, etc.

(3) The following example will serve to illustrate the provisions of this paragraph:

Example. A taxpayer, using an accrual method of accounting, who sells appliances subject to a warranty, elects to deduct additions to a reserve for expenses which he estimates will be necessary to fulfill his obligation under the warranty on appliances sold during 1954. The taxpayer has not, prior to the election, maintained such a reserve on his books. The statement attached to his return showa:

APPLIANCE WARRANTY EXPENSES

Taxable year	Net sales	Taxable income	Addition to reserve	Charges to reserve	Balance in the reserve	Actual expenses
1950	$100,000	$15,000	-------	-------	-------	$900
1951	110,000	16,000	-------	-------	-------	1,100
1952	125,000	18,000	-------	-------	-------	1,450
1953	150,000	17,000	-------	-------	-------	1,550
1954	165,000	20,000	[1] $1,650	[2] $700	$950	{ [2] 700 / [3] 800
Totals	650,000	-------	-------	-------	-------	6,500

[1] Since the total of actual expenses for the most recent five years' experience amounts to 1 percent of the most recent five years' net sales, a reasonable addition to the reserve for 1954 would be 1 percent of $165,000 or $1,650. The amount deductible in 1954 is $2,450, composed of the addition to the reserve of $1,650 plus $800 actual expense attributable to sales of years prior to 1954 (allowable without regard to this section).
[2] Actual expense applicable to 1954 sales.
[3] Applicable to sales of years prior to 1954.

While in this example net sales have been used as a basis upon which the addition to the reserve is calculated, it should be understood that other items may be applicable under other circumstances and therefore such items should be substituted where appropriate.

(4) If the taxpayer has no experience with this type of expense, the statement shall include a complete description of the basis used in computing the addition to the reserve. In any event, the addition to the reserve is subject to the approval of the Commissioner upon subsequent examination of the return.

(5) In any case, the statement and accompanying data shall set forth for the taxable year such information as is necessary in order to establish clearly that (i) the reserve is one for which an addition is allowable under section 462 in computing taxable income, (ii) the amount of the addition is reasonable, and (iii) the amount of the reserve at the end of the taxable year is not excessive. The reserves to which section 462 applies shall be segregated from any reserves which may have been established by the taxpayer for taxable years prior to the taxable year for which the election under that section is exercised.

§ 1.462–2 *Adjustments where reserve becomes excessive.* In any case in which a reserve for estimated expenses as of the close of any taxable year is determined to be excessive, such excess shall be taken into account in computing the taxable income for the taxable year for which such determination is made. For example, if for the taxable year ending December 31, 1956, it is determined by the Commissioner that a reserve (including a claimed addition for the year 1956) is excessive, such excess shall be taken into account in computing taxable income for the year 1956. In any case in which it is determined that a particular reserve for estimated expenses is no longer necessary, the amount of the reserve as of the close of the taxable year for which such determination is made shall be taken into account in computing the taxable income for such year. Similarly, in any case in which the use of reserves for estimated expenses is discontinued, the balance of each such reserve shall be included in taxable income for the year of change.

§ 1.462–3 *Election of benefits.* (a) The election referred to in § 1.462–1 shall apply to all estimated expenses attributable to the trade or business to which the election is applicable both for the taxable year for which the election is made and for all subsequent taxable years unless a change to a different method is authorized by the Commissioner under the provisions of section 446. However, the election does not apply to any estimated expenses which are attributable to prepaid income deferred at the close of the taxable year under the provisions of section 452. If the taxpayer is engaged in more than one trade or business, he may make a separate election with respect to each such trade or business.

(b) In no event shall an election under section 462 be applicable in the computation of taxable income for any taxable year preceding the taxable year for which such election is made. Such an election cannot be made for any taxable year beginning before January 1, 1954, or ending before August 17, 1954.

(c) No election shall be permitted with respect to a trade or business if the cash receipts and disbursements method of accounting is used in computing taxable income or if, under a combination of methods, the cash receipts and disbursements method is used in reporting items other than items of gross income for income tax purposes for such trade or business.

(d) If the taxpayer clearly evidences a bona fide intent to comply with the provisions of section 462 and the regulations thereunder, his election under that section will not be invalidated by:

(i) His failure to take into account certain estimated expenses in establishing his reserve;

(ii) His failure correctly to determine the amount of any such reserve or additions thereto; or

(iii) His establishment of a reserve for an expense to which section 462 does not apply.

§ 1.462–4 *Time and manner of making election*—(a) *Without consent.* The election under section 462 may be made without the consent of the Commissioner if made for the first taxable year beginning after December 31, 1953, and ending after August 16, 1954, in which there are estimated expenses of the particular trade or business for which the election is made. The election must be made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). The election shall be made in a statement attached to the taxpayer's return for the first taxable year to which the election is applicable. Such statement shall contain the information required by paragraph (c) of this section.

(b) *With consent.* (1) If a taxpayer does not make the election under paragraph (a) he may elect the benefits of section 462 for his second taxable year beginning after December 31, 1953, and ending after August 16, 1954, provided that on or before June 30, 1955, he notifies the Commissioner of Internal Revenue, Washington 25, D. C., of his intention to make such election. The notification shall state that the taxpayer has not elected the benefits of section 462 for his first taxable year beginning after December 31, 1953, and ending after August 16, 1954, but desires to elect the benefits of such section for the next succeeding taxable year. The notification shall be in triplicate, shall identify the trade or business to which the election is to apply, shall show the name and address of the taxpayer and the district in which the return of the taxpayer is to be filed. In such a case the taxpayer's notification will be treated as an election to have the benefits of section 462 apply to such taxable year and to all subsequent taxable years. A copy of the notification will be stamped with the approval of the Commissioner and returned to the taxpayer. Such copy, together with a statement containing the information required by paragraph (c) of this section, shall be attached to the return for the first taxable year to which the election applies.

(2) In the event that a taxpayer does not make an election under paragraph (a) of this section or subparagraph (1) of this paragraph, he may, at a later date, elect the benefits of the provisions of section 462 only if he obtains the consent of the Commissioner. In such a case, a written request for consent shall be made to the Commissioner not later than 90 days after the beginning of the first taxable year for which the election is applicable or 90 days after the date of promulgation of the regulations under section 462, whichever is later. Such request shall contain the information set forth in paragraph (c) of this section.

(c) *Information required.* The statement or request filed under paragraph (a) or (b) of this section shall set forth the following:

(1) The name and description of each trade or business to which the election is to apply;

(2) A declaration that the election is intended to apply to all estimated expenses of the trade or business;

(3) The method of accounting used by the taxpayer in such trade or business;

(4) A description of each type of estimated expenses of such trade or business;

(5) Whether a previous election under the provisions of section 462 has been made for such trade or business and, if so, for what taxable years such election was in effect; and

(6) The name and description of each trade or business, if any, to which the election does not apply.

§ 1.462–5 *Estimated expense defined*—(a) *General rule.* For purposes of section 462 (a) (which provides that there shall be taken into account in the discretion of the Secretary or his delegate a reasonable addition to each reserve for estimated expenses to which section 462 applies), the term "estimated expense" means a deduction which:

(1) Is allowable in computing taxable income;

(2) Is attributable to income of the taxable year or of prior taxable years for which an election under section 462 is in effect;

(3) In the opinion of the Commissioner can be estimated with reasonable accuracy; and

(4) Is a deduction, a part or all of which would be required, except for section 462, to be taken into account for a subsequent taxable year.

(b) *Exceptions.* The term "estimated expense" does not include any deduction which is:

(1) Attributable to income taken into account in computing taxable income for taxable years preceding the first taxable year for which the election is made;

(2) Attributable to income deferred as of the close of the taxable year under section 452; or

(3) Allowable under section 166 relating to bad debts.

(c) *Rules for application of paragraphs (a) and (b) of this section.* (1) Estimated expenses are those which are attributable to a transaction or undertaking in the taxable year or a prior taxable year under which:

(i) Income is realized which is includible in income for the taxable year or a prior taxable year; and

(ii) The taxpayer is under a liability to perform service, furnish goods, supply property, or assume obligations, which necessitate the making of expenditures by the taxpayer during a subsequent taxable year.

(2) Expenses attributable to income of future years are not expenses for which an addition to a reserve under section 462 is allowable. An expenditure to be made in a year subsequent to the taxable year is not attributable to the income of the taxable year or prior taxable years merely because it is incurred in order to restore operating or productive capacity which has been diminished by the operations of the taxable year or prior taxable years.

(3) The following examples illustrate the application of paragraphs (a) and (b) of this section: If the taxpayer, as an incentive or inducement to employment, offers vacations for faithful service, amounts to be expended for such purpose may be estimated expenses within the meaning of section 462. Likewise, if the taxpayer, in order to pro-

mote sales or to encourage prompt payment for articles sold, agrees to keep the product sold in repair for subsequent years or offers cash discounts, amounts set aside for these purposes may constitute estimated expenses. However, that term does not include expenses for maintenance and repairs unless the taxpayer is under a liability to make repairs or incur maintenance expenses in a subsequent taxable year as a condition to the realization of income in the taxable year. For example, if, as a condition to obtaining machinery under a rental contract, the taxpayer is required to make certain periodic repairs in subsequent taxable years, an addition to a reserve to meet the costs thereof may be estimated expenses within the meaning of section 462. Further, the cost of repairs to delivery equipment used to fulfill an obligation under the taxpayer's warranty agreement to keep a product in repair or in service may be treated as an estimated expense. On the other hand, estimated costs of repairs and maintenance to the taxpayer's property may not be considered estimated expenses to which the provisions of section 462 apply unless such costs are undertaken pursuant to a liability to another person as a condition to the realization of income.

(4) Reserves created for general undetermined contingencies, for indefinite possible future losses, for expenses and losses not reasonably related to the income of the taxable year or prior taxable years, or for expenses and losses that are being contested or are in litigation, cannot ordinarily be estimated with reasonable accuracy and may not be the basis for additions to reserves for estimated expenses. With respect to items involving related reserves, only one deduction against taxable income will be allowed. Section 462 does not have the effect of converting into deductible expenses amounts which would not otherwise be deductible in computing taxable income for subsequent taxable years. The provisions of section 462 have no application with respect to the renegotiation or price redetermination of contracts.

(5) Section 462 is not applicable to any item of deduction for which the Code provides a specific method of reporting such as deductions referred to in—

(i) Section 404, relating to contributions of an employer to an employee's trust or annuity plan and compensation under a deferred payment plan,

(ii) Section 461 (c), relating to accrual of real property taxes,

(iii) Section 174, relating to research and experimental expenditures,

(iv) Section 175, relating to soil and water conservation expenditures,

(v) Section 615, relating to exploration expenditures, and

(vi) Section 616, relating to development expenditures.

(6) Examples of expenses which ordinarily meet the requirements of this section are cash discounts, product warranties, sales returns and allowances, freight allowances, quantity discounts, vacation pay, and self-insurance by common carriers for liability for cargo damages. Examples of expenses which ordinarily do not meet the requirements of this section are inventory adjustments, self-insurance for losses of the taxpayer's own property, franchise and other taxes levied for a period subsequent to the taxable year, and fees for professional services not yet rendered.

§ 1.462–6 *Special rule for deductions attributable to period before election.* Any deduction attributable to income taken into account in computing taxable income for taxable years preceding the first taxable year for which the election is made shall be allowable in the same manner, and to the same extent, as if section 462 had not been enacted. For example, merchandise returned in 1954, attributable to sales made in 1953 (the year prior to the election), will be taken into account in 1954 as returned sales, even though for 1954 the taxpayer has elected to deduct a reasonable addition to reserves for estimated expenses. See example in § 1.462–1 (b) (3).

§ 1.462–7 *Examples.* The following examples illustrate the provisions of the regulations under section 462:

Example (1). A taxpayer who has elected the benefits of section 462 sells air-conditioning units which he guarantees for one year. Taxpayer's experience indicates that the average cost per unit of fulfilling the guarantee is as follows:

Material and parts	$8
Labor	12
Operating overhead	4
Total	24

For each unit sold $24.00 shall be credited to the reserve account. As expenses are actually incurred, the reserve shall be charged with the amount of these expenses. In no event will a double deduction be permitted. At the close of each taxable year the reserve shall be adjusted to reflect changes in the actual cost experience of the taxpayer.

Example (2). A calendar year taxpayer who has elected the benefits of section 462 estimates from past experience that 1 percent of all sales will be returned for credit and that one-half of the returns applicable to any month's sales will be returned during that month and one-half during the following month. Gross sales for the month of December 1954 totaled $1,000,000. Cost of December's sales amount to $700,000. A reasonable addition to a reserve for sales returns as of December 31, 1954, is calculated as follows:

Gross sales for December	$1,000,000
Cost of sales for December	700,000
Gross profit for December	300,000
Reasonable addition (1 percent of ½ of $300,000)	1,500

Example (3). A taxpayer, engaged in the business of transporting property for hire, has elected the benefits of section 462 for the taxable year 1954, and has established a proper reserve for claims for property damaged while in transit. The reserve for property damage claims at the beginning of the taxable year 1955 carries a credit balance of $15,000. His experience shows that 1 percent of his gross revenues will be paid out to meet claims for property damaged while in transit. For the taxable year 1955 he has gross revenue of $2,000,000. A reasonable addition to this reserve for the taxable year 1955 is 1 percent of $2,000,000 or $20,000. An analysis of the reserve for the year 1955 is as follows:

Balance in reserve at beginning of year	$15,000
Claims paid during the year	17,000
Excess of charges over credits	(2,000)
Current year's addition allowed as deduction	20,000
Balance at end of year	18,000

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply secs. 446, 452, 462, 68A Stat. 151, 152, 158; 26 U. S. C. 446, 452, 462)

[F. R. Doc. 55–4696; Filed, June 9, 1955; 12:30 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

ARKANSAS, BLACK, CURRENT, RED, AND WHITE RIVER, ARK., AND SAN FRANCISCO BAY, CALIF.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.560 governing the operation of drawbridges where constant attendance of draw tenders is not required is hereby amended to include the Arkansas Highway Department bridge across the Red River at Index, Arkansas, and with respect to certain bridges across the Arkansas, Black, Current, Red, and White Rivers, Arkansas, as follows:

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(f) *Lower Mississippi River.* • • •

(5–a) Red River, Ark.; Arkansas Highway Department bridge at Index. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

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(17–a) Arkansas River, Ark.; Arkansas Highway Department bridge near Pine Bluff. At least 4 hours' advance notice required to be given to the District Engineer, Pine Bluff District, Arkansas Highway Department, Pine Bluff, Arkansas.

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(18–a) Arkansas River, Ark.; Arkansas Highway Department bridges near Morrilton and at Dardanelle. At least 72 hours' advance notice required to be given to the District Engineer, Russellville District, Arkansas Highway Department, Russellville, Arkansas.

(18–b) Arkansas River, Ark.; Arkansas Highway Department bridge at Van Buren. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

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(22) White River, Ark.; Arkansas Highway Department bridge at Batesville. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(23) Black River, Ark.; Arkansas Highway Department bridge at Pocahontas. At least 72 hours' advance notice required to be given to the District Engineer, Paragould District, Arkansas Highway Department, Paragould, Arkansas.

(24) Black River, Ark.; Arkansas Highway Department bridge at Corning. The draw need not be opened for the passage of vessels, and the special regulations contained in paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

(25) Current River, Ark.; Arkansas Highway Department bridge at Biggers. At least 72 hours' advance notice required to be given to the District Engineer, Paragould District, Arkansas Highway Department, Paragould, Arkansas.

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[Regs., 20, May 24, 1955, 823.01–ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.640 is hereby amended by the addition of paragraph (g–2), prescribing a naval restricted area in the waters of San Francisco Bay adjacent to the northeast corner of Treasure Island, comprising a Naval Schools training area, as follows:

§ 207.640 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.* • • •

(g–2) *San Francisco Bay adjacent to northeast corner of Treasure Island; naval restricted area—(1) The area.* Beginning at the intersection of Pier 21 and the bulkhead line, thence northwesterly along the bulkhead to the northernmost point of Treasure Island; thence 288° true, 290 yards; thence 26° true, 475 yards; thence 115° 30′ true, 520 yards; thence 152° true, 500 yards to Pier 21; thence along the pier to the point of beginning.

(2) *The regulations.* No vessels, except those engaged in naval operations, shall lie, anchor, moor or unnecessarily delay in the area. Vessels may pass through the area in the process of ordinary navigation except as directed by patrol boats. The regulations in this paragraph shall be enforced by the Commandant, Twelfth Naval District, and such agencies as he may designate.

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[Regs., May 20, 1955, 800.212 (San Francisco Bay, Calif.) ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–4666; Filed, June 10, 1955; 8:46 a. m.]

PART 204—DANGER ZONE REGULATIONS

HAWAIIAN ISLANDS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.223 is hereby prescribed establishing and governing the use and navigation of danger zones in waters of the Pacific Ocean surrounding Kula Rock and Kahoolawe Island, and adjacent to Oahu and Molokai Islands, Territory of Hawaii, as follows:

§ 204.223 *Pacific Ocean, Hawaiian Islands; danger zones—(a) Danger zones—(1) Low level aerial radar target off Kahuku Point, Island of Oahu, T. H.* The waters within a circular area with radius of three (3) miles having its center at latitude 21°43′00″, longitude 157°56′30″.

(2) *Low level aerial bombing target north of Laau Point Island of Molokai, T. H.* Beginning at the shore at approximately latitude 21°8′37″, longitude 157°17′35″; thence to latitude 21°09′34″, longitude 157°20′29″; thence to latitude 21°10′40″, longitude 157°20′04″; thence to latitude 21°09′35″, longitude 157°16′48″; thence along the shore to the point of beginning.

(3) *High and low level aerial bombing target surrounding Mokuhooniki Rock, Island of Molokai, T. H.* The waters within a circular area with a radius of one and one-half (1½) miles having its center on Mokuhooniki Rock at latitude 21°08′10″, longitude 156°42′20″.

(4) *Aerial bombing and strafing target surrounding Kaula Rock, T. H.* The waters within a circular area with a radius of three (3) miles having its center on Kaula Rock at latitude 21°39′30″, longitude 160°32′30″.

(5) *Aerial bombing target and naval shore bombardment area, Kahoolawe Island, T. H.* The waters adjacent to Kahoolawe Island within the area encompassed by the following coordinates beginning at latitude 20°37′30″, longitude 156°32′48″; thence to latitude 20°34′48″, longitude 156°30′24″; thence to latitude 20°28′54″, longitude 156°30′-30″; thence to latitude 20°28′06″, longitude 156°41′48″; thence to latitude 20°30′30″, longitude 156°44′12″; thence to latitude 20°33′12″, longitude 156°44′-30″; thence to latitude 20°37′30″, longitude 156°36′24″; thence to the beginning coordinates.

(b) *The regulations.* (1) No vessel or other craft shall enter or remain in any of the areas at any time except as authorized by the enforcing agency or as provided in subparagraph (2) of this paragraph.

(2) The low level aerial bombing target north of Laau Point, Island of Molokai, T. H. is released for the use of surface craft during the periods beginning at midnight before Saturday and ending at midnight after Sunday, and similarly from midnight before to midnight after, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day, New Year's Day, Washington's Birthday, and Memorial Day.

(c) *Enforcing agency.* The regulations in this section shall be enforced by the Commandant, Fourteenth Naval District, and such agencies as he may designate.

[Regs., May 20, 1955, 800.2121 (Hawaiian Island)–ENGWO] (40 Stat. 266 892; 33 U. S. C. 1, 3)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–4667; Filed, June 10, 1955; 8:46 a. m.]

PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

CLAIMS AND APPEALS BOARD

Section 210.4 is rescinded and the following substituted therefor:

§ 210.4 *Rules of the Corps of Engineers Claims and Appeals Board.* The following rules are promulgated by the Corps of Engineers Claim and Appeals Board, Office of the Chief of Engineers, for the guidance of contractors having contracts with the Corps of Engineers, and others concerned.

(a) *Rule 1, Appeals, how taken.* An appeal by a contractor, from a decision of a contracting officer, may be effected by any writing which (1) expresses a present desire to appeal, (2) is signed by—or authoritatively on behalf of—the contractor and (3) is delivered to the contracting officer or his representative, or to the appellate authority, within the time prescribed by the contract. If the contracting officer's decision is transmitted to the contractor by mail and an appeal is taken by mail, a "delivery" of the appeal will be considered as having been made on the date the same is mailed as evidenced by the postmark on the envelope. It is the desire of the Board, although not required, that the appeal identify the contract, the decision from which the appeal is taken, the contractual provisions or the drawings concerned in the dispute, the nature of the dispute and the relief so requested by the appellant. Specific facts and argument in support of the appeal, complete in reasonable detail, should be either included in the appeal or otherwise promptly submitted to the Board.

(b) *Rule 2, Transmittal of record.* Upon receipt of an appeal the contracting officer will compile and transmit to the Board, as promptly as good administration will permit, a copy of all documents pertinent to the appeal.

(c) *Rule 3, Appellant may supplement record.* Prior to action by the Board to dispose of the case the appellant may file (in quadruplicate) directly with the Board or with the contracting officer for transmittal to the Board any documents pertinent to the appeal.

(d) *Rule 4, Inspection of records.* The appeal file will be available for inspection by the appellant at the office of the Board or at the office of the contracting officer. Prior to arrangements for inspection of the file should be made with the Recorder of the Board or the contracting officer as the case may be.

(e) *Rule 5, Clearance of appellant's legal counsel or other representative.* The appellant may be represented by legal counsel or by any other duly authorized person. Each and every representative of the appellant will be required to conform with SR 600–785–1

(§ 583.1 of this title) dealing with conflicts in interests and representative activities before an agency of the Department of the Army.

(f) *Rule 6, Hearings and nature thereof.* (1) The appellant, if he so desires, will be accorded a full and complete hearing at which he may offer the testimony of witnesses and confront and cross examine the witnesses for the Government. Hearings will be as informal as may be reasonably allowable and appropriate under all the circumstances. The contractor and contracting officer or their representatives may offer at a hearing such evidence or argument as they deem appropriate, subject however to the exercise of reasonable discretion by the presiding member, in supervising the extent and manner of presentation of such evidence and argument. Letters or copies thereof, affidavits, or other evidence, not ordinarily admissible under the generally accepted rules of evidence, may be received in evidence in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be determined by the Board in the exercise of reasonable discretion under all the circumstances of the particular case. The parties may, by stipulation in writing filed with the Board, agree upon the facts or any portion thereof involved in the appeal, and the stipulation may be regarded and used in evidence at the hearing; the parties may also stipulate the testimony that would be given by a witness if the witness were present. The Board may, however, in such cases, require additional evidence.

(2) Also, in the discretion of the Board, if the appellant does not desire a hearing, he will be accorded a conference with one or more members of the Board. Such a conference is not for the purpose of introducing any new matter into the record but may be utilized by an appellant to explain or argue matters of record. If any new matter is introduced at such a conference, consideration of the appeal will be deferred until the contracting officer has been apprised thereof and has had an opportunity to reply. The contracting officer or his representative will be afforded the right to be present at such conference.

(g) *Rule 7, Submission without a hearing.* At the option of appellant the case may be submitted to and decided by the Board on the basis of the record supplemented as desired by either party by briefs or memoranda. Unless advised to the contrary within 15 days after notification of docketing, the Board will proceed with the case as submitted.

(h) *Rule 8, Hearing, where held.* Hearings will be held at the office of the Board unless it is otherwise ordered by the Board. The Board will consider a request for a hearing at another location if compelling reasons are timely presented.

(i) *Rule 9, Notice of hearing.* The appellant and the contracting officer will be given at least 15 days' notice of the time and place of hearing. Continuances will not be granted except upon written request and for good cause.

(j) *Rule 10, Absence of parties or counsel.* The unexcused absence of a party or his authorized representative at the time and place set for the hearing will not be the occasion for delay. In such event the hearing will proceed and the case will be regarded as submitted by the absent party.

(k) *Rule 11, Depositions, procedure for taking*—(1) *Reason for taking.* A deposition may be taken and read, whenever in the discretion of the Board or the presiding member it appears that the ends of justice will be served thereby.

(2) (i) *Before whom taken.* Depositions to be read in evidence before the Board or any Division thereof may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken, to administer oaths.

(ii) *Form and return of deposition to Board.* Each deposition should show the docket number and the caption of the proceeding, the place and date of taking, the name of the witness, and the party by whom called. The officer taking a deposition should enclose the original deposition and exhibits, in a sealed packet, with postage or other transportation prepaid, and forward the same to the Corps of Engineers Claims and Appeals Board.

(3) *Notice to take.* When either party desires to take a deposition, unless the parties shall stipulate as to the time when and place where the deposition is to be taken and the name of the officer before whom it is to be taken and the name and address of the witness, such party should give to the opposite party at least 15 days' notice of the time when and the place where such deposition will be taken and the name and address and official title of the officer before whom it is proposed to take the deposition, as well as the name of the witness. A deposition may be taken either upon written interrogatories or upon oral examination, as may be specified in the notice. If the deposition is to be taken upon written interrogatories, copies thereof should accompany the notice to take depositions. If the opposite party desires to submit cross interrogatories, the cross-interrogatories should be served upon the party giving the notice within 10 days from the receipt of the notice to take the deposition.

(4) (i) *Deposition not considered until offered.* Testimony taken by deposition will not be considered until offered and received in evidence.

(ii) *Introduction of deposition by opposite party.* A deposition taken by one party may be introduced by the opposite party, but the whole deposition must be offered unless otherwise stipulated by the parties or directed by the Board.

(l) *Rule 12, Examination of witnesses.* Witnesses before the Board or a designated member thereof will be examined orally, unless the facts are stipulated or the Board or designated member thereof shall otherwise order. The testimony of a witness is subject to the provisions of Title 18 U. S. C., secs. 287, 1001; and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

(m) *Rule 13, Copies of papers.* When books, records, papers, or documents have been received in evidence, a copy thereof or of such part thereof as may be material or relevant may be substituted therefor.

(n) *Rule 14, Withdrawal of exhibits.* After a decision has become final, the Board may, upon request, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto.

(o) *Rule 15, Briefs.* All briefs will be filed within 20 days after conclusion of the hearing, or within such other period of time as may be allowed by the Board.

(p) *Rule 16, Transcript of proceedings.* Testimony and argument at hearings will be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings will be supplied to the parties at such rates as may be fixed by contract between the Board and the reporter. If the proceedings are reported by an employee of the Government, the contractor may receive transcripts upon payment to the Government at the same rates as those set by the independent reporter under contract to the Board.

(q) *Rule 17, Findings and decisions.* Findings and decisions of the Board will be made in writing, and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final opinions and orders issued by the Board in the determination of cases shall be available to public inspection at the offices of the Board in Washington, D. C.

(r) *Rule 18, Motions for rehearing.* A motion for rehearing or reconsideration, if filed by either party, will set forth specifically the ground or grounds relied upon to sustain the motion, and will be filed within 20 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

[Regs., May 26, 1955, ENGAC–12] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–4665; Filed, June 10, 1955; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1158]

ALASKA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 792 OF MAY 4, 1908

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 792 of May 4, 1908, reserving certain lands in Alaska, for use of the Signal Corps, U. S. Army, which was modified by Executive Order No. 7127 of August 6, 1935, is hereby revoked so far is it refers to lands in the U. S. Survey No. 1457 and No. 2285 at Salcha, Alaska. The area described contains 202.938 acres.

The lands shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by an authorized officer of the Bureau of Land Management opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. sec. 682a), as amended, with a ninety-one day preference-right period for filing such applications by veterans of World War II and the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

JUNE 1, 1955.

[F. R. Doc. 55–4668; Filed, June 10, 1955; 8:47 a. m.]

[Public Land Order 1162]

WYOMING

AMENDING PUBLIC LAND ORDER NO. 1077 OF FEBRUARY 25, 1955, WHICH REVOKED CERTAIN EXECUTIVE ORDERS

Public Land Order No. 1077 of February 25, 1955, appearing as Federal Register Document 55–1809 (20 F. R. 1311) of the issue of March 3, 1955, is hereby amended:

(1) By adding the following lands to the list of lands in paragraph three of Public Land Order No. 1077 which were included in the revocation made by that order:

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 116 W.,
Sec. 30, E½NE¼;
Sec. 33, SW¼SW¼.
T. 42 N., R. 116 W.,
Sec. 32, lot 8;
Sec. 34, lot 7.

The tracts described contain 183.70 acres.

(2) And by deleting the E½NW¼ sec. 30, T. 41 N., R. 116 W., from paragraph three of the order.

The lands in sec. 33, T. 41 N., R. 116 W., are included in Phosphate Reserve No. 18 by Executive order of July 9, 1913, and in the Teton National Forest by the act of August 16, 1916.

No application for the released lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the released lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans preference-right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10:00 a. m., on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, filed on or before 10:00 a. m., on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries, regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

FRED G. AANDAHL,
Acting Secretary of the Interior.

JUNE 6, 1955.

[F. R. Doc. 55–4669; Filed, June 10, 1955; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Gen. Order 61, 2d Rev., Supp. 1]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

CITIZENSHIP DECLARATIONS BY OWNERS OR MORTGAGEES OF VESSELS OF THE UNITED STATES

General Order 61, 2d Revision (§ 221.11 *Citizenship declarations by owners or mortgagees of vessels of the United States as required by section 40, Shipping Act, 1916, as amended*) published in the FEDERAL REGISTER issue of March 9, 1955, 20 F. R. 1399, is hereby amended by adding the following new paragraph (d):

(d) Form MA–4560 (5–4–55), and in connection therewith, when appropriate, Form MA–4560–A (5–5–55), for execution by a corporation (specifically applicable to mutual insurance companies) not authorized to issue capital stock but in which the voting power is exercised by its members, shall read as follows:

Form MA–4560
(5–4–55)

U. S. Department of Commerce
Maritime Administration

OWNER OR MORTGAGEE OF VESSEL

(Section 40, Shipping Act, 1916, as amended)

U. S. C., Title 46, Sec. 838, 40 Stat. 902, 62 Stat. 212

DECLARATION OF OFFICER OF MUTUAL INSURANCE COMPANY *

I _____, of _____ declare that I am[1] _____ of the[2] _____ a corporation organized under the laws of the State of _____ with offices at[3] _____; that said corporation is the owner (or)[4] mortgagee of the vessel, or part thereof, or interest therein,[4] called _____ of _____, official number _____, gross _____ net _____,[5] built in 19__, at _____ as appears by _____ No. _____, issued at _____, 19__, surrendered[6] _____ that
(Give cause of surrender)
I am a citizen of the United States of America by birth, having been born at _____
(City)
_____, on _____ (or)[7]
(State) (Date of birth)
by naturalization before the _____
(Name of court)
for _____, on
(District, county, or State)
_____, having been issued
(Date naturalized)
Naturalization Certificate No. _____; that the president and managing directors of said corporation are citizens of the United States of America; that[4] the controlling interest (or)[4] seventy-five (75) per centum of the interest in said corporation is owned by citizens of the United States of America; said corporation is not authorized to issue stock, the ownership and control of said corporation being vested in the members of said corporation who have the exclusive voting power. The persons exercising the duties of managing directors of the corporation are called _____ and are the persons referred to herein as managing directors. The majority of the voting power (or) seventy-five (75) per centum of the voting power of said corporation is vested in citizens of the United States of America free from any trust or fiduciary obligations in favor of any person not a citizen of the United States of America; that through no contract or understanding is it so arranged that[4] the majority of the voting power (or)[4] more than twenty-five (25) per centum of the voting power of said corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States of America; that by no means whatsoever is[4] the control of said corporation (or)[4] the control of any

*This declaration is to be taken whenever any bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part thereof, or interest therein, is presented by a corporation to any collector of customs for recording.

[1] Insert "President," "Secretary," or "Treasurer," or any other duly authorized official thereof, as the case may be.

[2] Insert full corporate name of company.

[3] Insert business address of corporation.

[4] Strike out word or expression not appropriate.

[5] Insert other means whereby vessel became entitled to American registry, when appropriate.

[6] I. e., document now surrendered, or document last surrendered heretofore (U. S. C., Title 46, Sec. 808).

[7] Strike out reference to naturalization if party is native-born citizen.

interest in said corporation in excess of twenty-five (25) per centum conferred upon or permitted to be exercised by any person who is not a citizen of the United States of America.

(Signature)

If more than one vessel is involved, only one form of declaration need be filed if by a notation inserted in the clause immediately prior to the clause about the citizenship of declarant, appropriate reference is made to a schedule added to said declaration, in which schedule shall be inserted the name and data of each additional vessel as required for the first vessel, owned by or under mortgage to the party on behalf of whom said declaration is made.

Penalty for false statement: Section 40, Shipping Act, 1916, as amended, provides "Whoever knowingly makes any false statement of a material fact in any such declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000, or to imprisonment for not more than five years, or both."

(Explanatory clause prescribed by Maritime Administration for execution and attachment as and when desired by party making declaration on behalf of Mutual Insurance Company or mortgagee of vessel on form (MA–4560) prescribed by Maritime Administration pursuant to section 40 of the Shipping Act, 1916, as amended.)

The basis for the statements of facts above recited with respect to the ownership and control of voting power of the company, is as follows:

(1) The books of the company show that on [a] ---------- 19--, [b] ------ per centum of the voting power of the company was owned of record by persons whose addresses on the books of the company are in the United States; (2) I know of no substantial change in such percentage since that date; and (3) investigation has failed to disclose the existence of facts or relationships with respect to voting power and control contrary to those above recited.

[a] This date must be within 30 days of date of declaration.

[b] The exact figure as disclosed by the books of the company must be given and the per centum figure must be not less than 65 per centum, except for an owner operating the vessel in the coastwise trade the per centum figure must be not less than 90 per centum.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: June 3, 1955.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 55–4664; Filed, June 10, 1955; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11240]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

DOCUMENTS REQUIRED FOR COAST STATIONS; GEOGRAPHIC DEFINITIONS

In the matter of amendment of Part 14 of the rules to revise the provisions thereof with respect to the allocation and methods of use of radio frequencies by stations in the fixed and maritime services in the Territory of Alaska and with respect to station equipment and operating requirements; Docket No. 11240.

The Commission's Report and Order (#19071) adopted May 11, 1955, in the above-entitled matter is corrected as follows:

1. Delete the text of § 14.107 (c) and insert the following therefor:

(c) Each public coast station in the Alaska area using telephony shall be provided with this part and the documents prescribed in § 7.313 of this chapter: *Provided,* That in Class II public coast stations that do not provide communication with ocean-going vessels, the documents specified in paragraph (a) (1) and (2) of this section may be substituted in lieu of the international "Alphabetical List of Call Signs" and the international "List of Coast Stations and Ship Stations."

2. a. Insert the following note at the end of § 14.3:

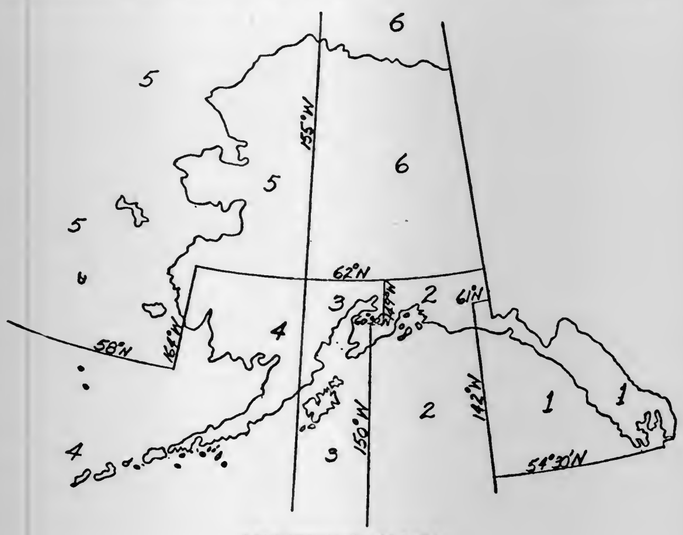
NOTE: See Figure 1 below.

b. Insert Figure 1 after Subpart G.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: May 31, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.



TERRITORY OF ALASKA
Frequency Assignment Zones
FIGURE 1—(See § 14.3)

[F. R. Doc. 55–4562; Filed, June 10, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 545]

HOMEWORKERS IN NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED AMENDMENT

Notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237), that the Office of the Administrator, Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, proposes to amend the Regulations contained in this Part to read as hereinafter set forth. Prior to the final adoption of the regulations, as amended, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Office of the Administrator, Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C., within thirty days from publication hereof in the FEDERAL REGISTER.

The regulations, as amended, are to be issued pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (U. S. C. 611), General Order No. 45–A (15 F. R. 3290), and, the position of the Administrator being presently vacant, General Order No. 85 (20 F. R. 2066).

Signed at Washington, D. C., this 3d day of June 1955.

STUART ROTHMAN,
Solicitor of Labor.

Sec.
545.1 Applicability.
545.2 Definitions.
545.3 Filing and notification requirements.
545.4 Preparation of goods for delivery.
545.5 Delivery and collection of goods.
545.6 Payment for work.
545.7 Records to be kept.
545.8 Reporting names of subcontractors, agents, or other homework distributors.
545.9 Minimum piece rates prescribed by the Administrator.
545.10 Piece rates adopted by employers.
545.11 Penalties.
545.12 Petition for amendment of regulations.
545.13 Piece rates established in accordance with § 545.9.

AUTHORITY: §§ 545.1 to 545.13 issued under sec. 3 (f), 54 Stat. 616, as amended; secs. 6 and 11, 52 Stat. 1062, 1066; 29 U. S. C. 206, 211.

§ 545.1 *Applicability.* The provisions of this part shall apply to persons engaged in commerce or in the production of goods for commerce in activities relating to homeworkers in the needlework and fabricated textile products industry in Puerto Rico as defined in Part 655 of this chapter.[1]

§ 545.2 *Definitions.* (a) The meaning of the terms "person", "employer", "employee", "goods", and "production", as used in this part, is the same as in the Fair Labor Standards Act of 1938, as amended.

(b) "Homeworker", as used in this part, means any employee employed or suffered or permitted to perform homework for an employer.

(c) "Homework", as used in this part, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment, of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production; provided that such work is not performed under the constant and direct supervision of an employer or of a responsible supervisor and under such conditions that accurate records of hours worked are maintained or can readily be maintained.

(d) "Contractor" means any employer in Puerto Rico who contracts for the performance of work on goods to which a person other than the contractor holds title.

(e) "Prime contractor" means any contractor in Puerto Rico who contracts directly with the person holding title to the goods.

(f) "Subcontractor" means any contractor in Puerto Rico other than a prime contractor.

(g) "Manufacturer" means any employer in Puerto Rico other than a contractor, who is engaged in processing goods.

(h) "Operation" means any work or any process performed on or with goods other than the distribution of goods to or collection of goods from homeworkers.

[1] Persons engaged in activities relating to homeworkers in other industries in Puerto Rico are subject to Part 681 of this chapter.

§ 545.3 *Filing and notification requirements.* (a) Every prime contractor or manufacturer, prior to the distribution of work, directly or through a subcontractor or agent, to any homeworker, or prior to the commencement of work by a homeworker in cases where the homeworker purchases the raw materials, shall file with the Wage and Hour Division in Puerto Rico the following: A clear and legible stamped copy of each design, if any, and in the absence of such design, a finished sample, of the goods to be distributed, or to be produced by the homeworker; a description in writing of each operation to be performed by the homeworker, whether or not part of a design; the full piece rate schedule designation, if any,[2] and the corresponding piece rate to be paid for each such operation; the total piece rate for the finished unit or part of unit; and the style number or name, if any, of the goods upon which such operations are to be performed. In the absence of a style number or name, the prime contractor or manufacturer shall file any other identification number or name by which the goods are known.

(b) No change shall be made by a prime contractor or manufacturer in any style or identification number or name filed as required by this section, or in the operations to be performed thereunder, unless prior written notification of such change is given to the Wage and Hour Division in Puerto Rico.

(c) Any design, sample, piece rate, style or other identification number or name, or description of operation, filed under this section shall be valid, for the purposes of the regulations in this part, for a period of three years, commencing on the date it is received by the Wage and Hour Division in Puerto Rico. After the expiration of this period, no goods covered thereby shall be distributed to homeworkers unless a new notification and filing, as required by paragraph (a) of this section, has been previously made by the prime contractor or manufacturer.

(d) No prime contractor or manufacturer shall distribute work to homeworkers under a firm name other than the one under which such work has been filed with the Wage and Hour Division in Puerto Rico pursuant to the requirements of this section.

(e) Any design or sample filed under the provisions of this section may be retained by the Wage and Hour Division for the period deemed necessary for enforcement of the provisions of the Fair Labor Standards Act.

§ 545.4 *Preparation of goods for delivery.* Where homework is distributed through a subcontractor, each prime contractor or manufacturer for whom such distribution is made shall make up into lots any goods to be so distributed, each lot to comprise goods on which the same operations are to be performed.

[2] See § 545.13 for the schedule of piece rates prescribed in accordance with § 545.9. As an example of how to state the piece rate schedule designation, if "plain scallops" are to be made on articles in the "Infants' Wear Division", the full piece rate schedule designation would be "Operation 74, Col. 3".

§ 545.5 *Delivery and collection of goods.* Homework shall in each instance be distributed to and collected from the individual homeworker who is to perform or has performed the work on it, and no other person may act for or on behalf of any homeworker in this connection.

§ 545.6 *Payment for work.* When a prime contractor or manufacturer receives completed homework directly from an individual homeworker, payment shall be made to such homeworker immediately. When, however, such completed homework is received through a subcontractor, payment shall be made to the subcontractor immediately upon receipt, and the subcontractor shall pay the homeworker who performed the work within seven days from the date on which the subcontractor was paid. Payment shall be made to each homeworker at rates not less than those required under §§ 545.9 and 545.10, and in accordance with the requirements of sections 6 and 7 of the act. In addition, where costs are incurred by a homeworker for equipment, material, or other items, such as fuel and electricity, as a result of homework, the prime contractor or manufacturer for whom such homework was performed shall, either directly or through a subcontractor, reimburse the homeworker for such costs, to the extent necessary to provide compensation for the labor performed at least commensurate with the piece rates required by §§ 545.9 and 545.10.

§ 545.7 *Records to be kept.* (a) Every prime contractor or manufacturer shall make and have available at his principal Puerto Rican office for a period of not less than three years a record of the following information: [3]

(1) The name and address of each firm situated outside the Island of Puerto Rico, if any, from whom the goods upon which homework is to be performed were received.

(2) The name and address of each subcontractor, if any, to whom each lot of goods was delivered for delivery to homeworkers, together with the number of the permit issued to such subcontrac-

[3] Although responsibility for making the record is placed upon the prime contractor or manufacturer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in his behalf.

No particular order or form of records is prescribed by the regulations contained in this part. The prime contractor or manufacturer may keep his own record system, so long as he keeps all the required information available in understandable form.

The records must be kept in the principal Puerto Rican office of the prime contractor or manufacturer. Where it is not possible for a record of one or more of the items to be made in the first instance at the principal office of the prime contractor or manufacturer, at his direction the record of such items may be made away from that office by a subcontractor, agent, employee, or other person acting in his behalf. In such event, however, the records shall be delivered to the principal Puerto Rican office of the prime contractor or manufacturer as soon as practicable after the making of such entries, and shall there be preserved and be available for inspection.

tor by the Department of Labor of Puerto Rico.

(3) The date or dates upon which each lot of goods was delivered to and returned by a subcontractor, if any, together with a description of such goods, the net amount paid as commission and the rate of commission on such goods.

(4) The name and address of each homeworker, and the date of birth of each homeworker under 19, to whom the goods in each lot were delivered or from whom goods were purchased.

(5) The date or dates upon which the goods in each lot were delivered to and collected from each homeworker or upon which goods were purchased from each homeworker.

(6) The style number or name or, if none, the identification number or name used in lieu thereof, the description of, and amount of goods in each lot or the amount of goods purchased from each homeworker, the operations to be performed or performed thereon, the piece rates to be paid or paid, the gross amount due each homeworker for the operations performed upon the goods, social security deductions from that amount, the costs, if any, incurred by the homeworker for equipment, material or other items such as electricity or fuel, as a result of the homework, the amount actually paid the homeworker and the date of payment.

(b) At the time work is given out to or received or purchased from a homeworker, as the case may be, every prime contractor or manufacturer shall enter the following information in the handbook (to be obtained by the prime contractor or manufacturer from the Wage and Hour Division and supplied by him to each homeworker) which shall be kept by the homeworker until the handbook is completed (that is, no space remains for additional entries) or the homeworker's services are terminated, at which time it shall be returned to the prime contractor or manufacturer who shall retain it for a period of two years subsequent to the last entry therein: [4]

(1) The date or dates upon which the goods in each lot were delivered to and collected from the homeworker or upon which goods were purchased from the homeworker.

(2) The style number or name, or, if none, the identification number or name used in lieu thereof, the description of, and amount of goods in each lot or the amount of goods purchased from each homeworker, the operations to be performed or performed thereon, the piece rates to be paid or paid, the gross amount due each homeworker for the operations performed upon the goods, social security deductions from that amount, the costs, if any, incurred by the homeworker for equipment, material, or other items such as electricity or fuel as a result of homework, the amount actually paid the homeworker, and the date of payment.

(3) The signature of the person acting in behalf of the prime contractor or manufacturer.

(c) No prime contractor or manufacturer shall employ any homeworker for more than 40 hours in any workweek unless, in addition to the records which he is required to keep pursuant to paragraphs (a) and (b) of this section, such prime contractor or manufacturer makes and keeps available at his principal Puerto Rican office and enters in the handbook of each such homeworker a record of the following information: [4]

(1) The hours worked by the homeworker on the goods in each lot.

(2) The total hours worked each week.

(3) The wages paid the homeworker each week at regular piece rates.

(4) The extra amount paid to the homeworker for hours worked in excess of 40 in each week.

(d) Every employer who makes retroactive payment of wages or compensation under the supervision of the Administrator pursuant to section 16 (c) of the act, shall:

(1) Record and preserve, as an entry on his payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment.

(2) Prepare a report of each such payment on the receipt form provided or authorized by the Wage and Hour Division, and (i) preserve a copy as part of his records, (ii) deliver a copy to the employee, and (iii) file the original, which shall evidence payment by the employer and receipt by the employee, with the Administrator or his authorized representative within 10 days after payment is made.

§ 545.8 *Reporting names of subcontractors, agents, or other homework distributors.* Every prime contractor or manufacturer shall report to the office of the Wage and Hour Division, United States Department of Labor, Mayaguez, Puerto Rico, (a) the names and addresses of all persons engaged or used as subcontractors, as that term is defined in this part, or as agents or supervisors in charge of any branch office, and (b) the permit numbers issued to such persons by the Department of Labor of Puerto Rico.

§ 545.9 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each homeworker shall be paid in lieu of the applicable hourly rate established by the wage order for the needlework and fabricated textile products industry, not less than the piece rates prescribed in § 545.13 for the operations described therein.

§ 545.10 *Piece rates adopted by employers.* (a) Pursuant to the provisions of section 6 (a) (2) of the act, in the event that a homeworker performs an operation for which no minimum piece rate has been prescribed by regulation or order of the Administrator or his authorized representative, he shall be paid a piece rate adopted by the prime contractor or manufacturer which shall yield to homeworkers of ordinary skill, under prevalent operating conditions and with equipment ordinarily found in homes, an amount not less than the applicable minimum hourly wage rate established by wage order.[5] This piece rate must be the result of production time studies conducted in Puerto Rico with a representative group of homeworkers. Such piece rate shall be lawful only if it actually satisfies the requirements of this section, and such a rate shall remain in effect only until such time as the Administrator or his authorized representative, by regulation or order, establishes a minimum piece rate for the operations.

(b) Piece rates adopted under this section shall be filed with the Wage and Hour Division in Puerto Rico, accompanied by a record of the time tests showing a full description of the operation tested, the date of the test, measures taken to insure a representative sample of homeworkers, the starting and stopping time of each worker tested together with the number of units produced in that time, the total number of workers tested, the total number of hours worked, and the total number of units produced.

§ 545.11 *Penalties.* Section 15 of the act makes it unlawful for any person to violate the provisions of this part and subjects any such person to the penalties provided in section 16 and section 17 of the act.

§ 545.12 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of this part may submit in writing to the Administrator or his authorized representative a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator or his authorized representative believes that reasonable cause for amendment of this part is set forth, the Administrator or his authorized representative will, unless it is impracticable, unnecessary or contrary to the public interest to do so, either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

[4] Although responsibility for supplying the handbook to the homeworker and recording information therein is placed upon the prime contractor or manufacturer, the actual work of doing so may be performed by supervisory or clerical employees, agents, subcontractors, or other persons acting in his behalf.

[5] See Part 655 of this chapter for the minimum hourly wage rates currently applicable for the various divisions and classifications of the needlework and fabricated textile products industry in Puerto Rico. The minimum hourly rates applicable to the manufacture of hooked rugs are provided in the wage order for the hooked rug industry in Puerto Rico (Part 684 of this chapter). Homeworkers in the hooked rug industry are governed by Part 681 of this chapter.

§ 545.13 *Piece rates established in accordance with § 545.9.*

SCHEDULE A—PIECE RATE SCHEDULE FOR THE COTTON UNDERWEAR AND INFANTS' UNDERWEAR; INFANTS' WEAR SILK, RAYON AND NYLON (EXCEPT INFANTS') UNDERWEAR; BLOUSE, DRESS, AND NECKWEAR; AND THE CHILDREN'S AND DOLLS' WEAR DIVISIONS OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

No.	Operation	Piece rate (cents) based on hourly rates of—						Unit of payment
		Cotton underwear and infants' underwear division (22½ cents)		Infants' wear division (25 cents)	Silk, rayon, and nylon (except infants') underwear division (21 cents)	Blouse, dress, and neckwear division (35 cents)	Children's and doll's wear division (35 cents)	
		Infants' underwear of silk, rayon or other synthetic fiber (1)	Cotton underwear (2)	(3)	(4)	(5)	(6)	
	HAND-SEWING OPERATIONS [1]							
1	Arenilla (seed stitch), close, ½" squares.	27.00	24.30	30.00	25.20	42.00	42.00	Per dozen squares.
2	Arenilla (seed stitch), scattered, ½" squares.	13.50	12.15	15.00	12.60	21.00	21.00	Do.
3	Arrows, filled in, ¼"	6.75	6.08	7.50	6.30	10.50	10.50	Per dozen.
4	Back stitch on yokes, armholes, etc.	15.00	13.50	16.67	14.00	23.33	23.33	Per yard.
5	Basting bias with cord	7.43	6.69	8.25	6.93	11.55	11.55	Do.
6	Basting darts before sewing	7.83	7.05	8.70	7.30	12.18	12.18	Do.
7	Basting for fagoting	2.04	1.83	2.27	1.90	3.16	3.16	Do.
8	Basting hems, 1" to 6" wide	4.50	4.05	5.00	4.20	7.00	7.00	Do.
9	Basting lace	3.38	3.50	4.32	3.63	6.05	6.05	Do.
10	Basting waist lines, plackets and facings, 2 to 3 stitches per inch.	2.82	2.54	3.13	2.63	4.38	4.38	Do.
11	Bias piping, joined, double, over 10 stitches per inch.	9.00	8.10	10.00	8.40	14.00	14.00	Do.
12	Bias piping, joined, single, over 10 stitches per inch.	11.25	10.13	12.50	10.50	17.50	17.50	Do.
13	Bias piping, second seam, joined, double, set flat on garment with running stitch.	13.55	12.20	15.05	12.65	21.09	21.09	Do.
14	Blanket stitch, folding included, 18 stitches per inch.	25.50	22.95	28.33	23.80	39.67	39.67	Do.
15	Buttons sewed on with double thread, 2 to 3 stitches.	2.94	2.64	3.27	2.74	4.56	4.56	Per dozen.
16	Buttonholes, stamped, ¾" long	9.71	8.73	10.78	9.05	15.08	15.08	Do.
17	Buttonholes, stamped, 1½" long	12.90	11.61	14.33	12.04	20.08	20.08	Do.
18	Buttonhole stitch, close	20.25	18.23	22.50	18.90	31.50	31.50	Per yard.
19	Buttonhole stitch for joining seams	20.25	18.23	22.50	18.90	31.50	31.50	Do.
20	Cord, twisted, over basting	2.25	2.03	2.50	2.10	3.50	3.50	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch.	3.08	2.78	3.42	2.87	4.80	4.80	Per yard.
22	Cutting material under lace or at seams, straight outline, following hand-sewing operations.	1.26	1.14	1.40	1.18	1.97	1.97	Do.
23	Dots, baby, not finished off, 2 to 3 stitches.	1.88	1.70	2.08	1.75	2.92	2.92	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches.	2.97	2.69	3.30	2.78	4.62	4.62	Do.
25	Eyelets, up to ¼" diameter	5.03	4.52	5.58	4.68	7.80	7.80	Do.
26	Eyelets, 3/16" diameter	9.00	8.10	10.00	8.40	14.00	14.00	Do.
27	Fagoting, straight lines	31.33	28.20	34.82	29.25	48.75	48.75	Per yard.
28	Fagoting, twisted lines	15.00	13.50	16.67	14.00	23.33	23.33	Do.
29	Feather stitch, 12 stitches per inch	15.00	13.50	16.67	14.00	23.33	23.33	Do.
30	Feather stitch cord	7.91	7.11	8.78	7.37	12.28	12.28	Do.
31	Flat fell seams, first seam by machine.	8.79	7.91	9.77	8.20	13.66	13.66	Do.
32	Flat roll	6.83	6.14	7.58	6.37	10.60	10.60	Do.
33	French knots, not finished off	.95	.84	1.05	.88	1.46	1.46	Per dozen.
34	French seams, over 12 stitches per inch.	5.62	5.07	6.25	5.25	8.75	8.75	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch.	3.70	3.33	4.12	3.45	5.78	5.78	Do.
36	Furunecos, with tape	37.50	33.75	41.67	35.00	52.50	52.50	Do.
37	Furunecos, without tape	27.00	24.30	30.00	25.20	42.00	42.00	Do.
38	Guarizuenas	2.25	2.03	2.50	2.10	3.50	3.50	Per dozen.
39	Half roll	7.38	6.65	8.20	6.88	11.48	11.48	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch.	3.93	3.54	4.37	3.68	6.12	6.12	Do.
41	Hemming stitch for felling cuffs, collars, plackets and waist bands, 8 to 10 stitches per inch.	10.07	9.06	11.18	9.39	15.66	15.66	Do.
42	Hemstitching, double, (tru-tru), 4 threads in a bundle, thread drawing not included.	27.90	25.11	31.00	26.04	43.40	43.40	Do.
43	Hemstitching, single, 4 threads in a bundle, thread drawing not included.	14.66	13.20	16.28	13.67	22.78	22.78	Do.
44	Lace, joined with whipping stitch	23.45	21.09	26.05	21.88	36.46	36.46	Do.
45	Lace, sewed on with hemming stitch or round roll.	11.25	10.13	12.50	10.50	17.50	17.50	Do.
46	Leaves, open ¼" long	9.00	8.10	10.00	8.40	14.00	14.00	Per dozen.
47	Leaves, open ¾" to ½" long	13.50	12.15	15.00	12.60	21.00	21.00	Do.
48	Leaves, simple	.84	.77	.93	.79	1.31	1.31	Do.
49	Leaves, solid, not finished off, ⅜" long.	2.46	2.22	2.73	2.30	3.84	3.84	Do.
50	Leaves, solid, not finished off, ¼" long.	3.00	2.70	3.33	2.80	4.67	4.67	Do.
51	Leaves, solid, not finished off, ⅜" to ½" long.	4.50	4.05	5.00	4.20	7.00	7.00	Do.
52	Leaves, solid, finished off, ⅜" to ¾" long.	9.00	8.10	10.00	8.40	14.00	14.00	Do.
53	Loops, knitted, ¼"	2.82	2.54	3.13	2.63	4.38	4.38	Do.
54	Loops, knitted, 1" to 1½"	4.74	4.26	5.27	4.42	7.36	7.36	Do.

[1] For description of operations included under "hand-sewing," see definitions in applicable section of wage order.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE COTTON UNDERWEAR AND INFANTS' UNDERWEAR; INFANTS' WEAR; SILK, RAYON AND NYLON (EXCEPT INFANTS') UNDERWEAR; BLOUSE, DRESS, AND NECKWEAR; AND THE CHILDREN'S AND DOLLS' WEAR DIVISIONS OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Piece rate (cents) based on hourly rates of—						Unit of payment
		Cotton underwear and infants' underwear division (22½ cents)		Infants' wear division (25 cents)	Silk, rayon, and nylon (except infants') underwear division (21 cents)	Blouse, dress, and neckwear division (35 cents)	Children's and doll's wear division (35 cents)	
		Infants' underwear, silk, rayon or other synthetic fiber (1)	Cotton underwear (2)	(3)	(4)	(5)	(6)	
	HAND-SEWING OPERATIONS [1]—con.							
55	Loops, made with buttonhole stitch, ¼".	6.75	6.08	7.50	6.30	10.50	10.50	Per dozen.
56	Mounting fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled seam with hemming stitch.	26.90	24.21	29.88	25.10	41.82	41.82	Per yard.
57	Overcasting seams	4.78	4.31	5.32	4.47	7.45	7.45	Do.
58	Pasadas, short, 1" to 8"		2.10					Per dozen pasadas.
59	Patches, sewed on with single point, de ture.	44.82	40.33	49.80	41.84	69.72	69.72	Per yard.
59.1	Patches, rectangular, sewed on with blind stitch, up to 1½".	2.02	2.56	3.13	2.62	4.40	4.40	Per dozen inches.
59.2	Patches, sewed on with solid cord, cutting and basting included.	44.10	40.10	49.00	41.20	68.60	68.60	Per yard.
60	Pin stitch, thread drawing not included, 1" squares.	54.00	48.60	60.00	50.40	84.00	84.00	Per dozen squares.
61	Point de ture, double, with embroidery thread.	22.40	20.16	24.88	20.91	34.82	34.82	Per yard.
62	Point de ture, plain, with embroidery thread.	13.13	11.80	14.58	12.25	20.42	20.42	Do.
63	Randa, bundles twisted but not tied, thread drawing not included.	5.63	5.07	6.25	5.25	8.75	8.75	Do.
64	Randa, Don Gonzales, thread drawing not included.	23.61	21.25	26.23	22.04	36.75	36.75	Do.
65	Randa, Mexican, tied at center only, thread drawing not included.	6.75	6.08	7.50	6.30	10.50	10.50	Do.
66	Ribbons, setting ends of	3.08	2.78	3.42	2.87	4.80	4.80	Per dozen.
67	Rolling armholes and reboques	11.51	10.35	12.78	10.73	17.88	17.88	Per yard.
68	Rose buds, worm stitch, 4 worms, 1 or 2 colors or tones.	6.68	6.02	7.42	6.23	10.40	10.40	Per dozen.
69	Running stitch on darts, 8 to 10 stitches per inch.	5.63	5.07	6.25	5.25	8.75	8.75	Per yard.
70	Running stitch for felling, very close stitch.	5.63	5.07	6.25	5.25	8.75	8.75	Do.
71	Running stitch on hems up to 1" wide, 12 stitches per inch.	6.05	5.43	6.72	5.65	9.42	9.42	Do.
72	Running stitch on lace	5.97	5.37	6.63	5.58	9.29	9.29	Do.
73	Running stitch for plain sewing	4.06	3.66	4.52	3.79	6.33	6.33	Do.
74	Scallops, plain, cutting included	22.65	20.37	25.17	21.14	35.23	35.23	Do.
75	Shadow stitch, up to ⅜" wide	43.50	39.15	48.33	40.60	67.67	67.67	Do.
76	Shell stitch, 4 to 5 stitches per inch	7.73	6.95	8.58	7.21	12.00	12.00	Do.
77	Shirring, material to be measured before shirring.	4.53	4.08	5.03	4.22	7.05	7.05	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	5.45	4.91	6.05	5.09	8.47	8.47	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	9.78	8.81	10.87	9.14	15.22	15.22	Do.
80	Shoulder straps, set with buttonhole stitch 14½" x ¼", measured after turning, sewing up to ⅜" at each end of strap.	26.60	23.93	-------	24.82	-------	-------	Per dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included.	4.50	4.05	5.00	4.20	7.00	7.00	Per dozen inches.
82	Smocking	.18	.17	.20	.18	.29	.29	Per dozen stitches.
83	Snaps, sewing on, both sides	4.50	4.05	5.00	4.20	7.00	7.00	Per dozen.
84	Solid cord stitch on gores and embroidery.	21.15	19.05	23.50	19.74	32.90	32.90	Per yard.
85	Solid cord stitch to sew on lace	19.14	17.20	21.27	17.85	29.75	29.75	Do.
86	Spiders, 4 legs	4.50	4.05	4.50	4.20	7.00	7.00	Per dozen.
87	Spiders, 8 legs	8.81	7.92	9.78	8.21	13.68	13.68	Do.
88	Tacks, set for fagoting	2.25	2.03	2.50	2.10	3.50	3.50	Do.
89	Tucks, stamped, 1/16" to ¼" wide, up to 6" long.	7.04	6.33	7.82	6.57	10.95	10.95	Do.
90	Tucks, pin, stamped, up to 7" long	7.41	6.67	8.23	6.92	11.54	11.54	Do.
91	Tucks, pin, unstamped, up to 6" long.	9.00	8.10	10.00	8.40	14.00	14.00	Do.

[1] For description of operations included under "hand-sewing," see definitions in applicable section of wage order.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE COTTON UNDERWEAR AND INFANTS' UNDERWEAR; INFANTS' WEAR; SILK, RAYON AND NYLON (EXCEPT INFANTS') UNDERWEAR; BLOUSE, DRESS, AND NECKWEAR; AND THE CHILDREN'S AND DOLLS' WEAR DIVISIONS OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Piece rate (cents) based on hourly rates of—						Unit of payment
		Cotton underwear and infants' underwear division (40 cents)		Infants' wear division (40 cents)	Silk, rayon and nylon (except infants') underwear division (34 cents)	Blouse, dress, and neckwear division (45 cents)	Children's and dolls' wear division (40 cents)	
		Infants' underwear, silk, rayon or other synthetic fiber (1)	Cotton underwear (2)	(3)	(4)	(5)	(6)	
	NON-HAND-SEWING OPERATIONS							
93	Cutting material under lace, or at seams, straight outline, following machine operations.	2.25	2.25	2.25	1.90	2.53	2.25	Per yard.
94	Turning belts, machine sewn, 29" x ½" measured after turning.	9.30	9.30	9.30	7.91	10.46	9.30	Per dozen belts.
95	Turning belts, machine sewn, 60" x ½" measured after turning.	11.82	11.82	11.82	10.05	13.29	11.82	Do.
96	Turning shoulder pads, 5¾" long, with an unsewn slit of 1" for turning.	6.04	6.04	6.04	5.13	6.79	6.04	Per dozen pads.
97	Turning shoulder straps, 14½" x ¼", measured after turning.	18.53	18.53	-------	15.75	-------	-------	Per dozen straps.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE ART LINEN AND NEEDLEPOINT DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

No.	Operation	Piece rate (cents) based on hourly rate of 22½ cents		Unit of payment
		Handkerchiefs and square scarves	Art linens	
	HAND-SEWING OPERATIONS [1]			
99	Arenillas (seed stitch), close, ½" squares	27.00	27.00	Per dozen squares.
100	Arenillas (seed stitch), scattered, ½" squares	13.50	13.50	Do.
101	Arrows, filled in, ¾" long	6.75	6.75	Per dozen
102	Basting lace	1.29	1.29	Per dozen inches.
103	Basting stitch for trimming, forming crosses, etc., 4 stitches per inch.	-------	1.13	Do.
103.1	Basting and folding hem on edges, up to 1½" hem	-------	.45	Do.
104	Blind hemstitch	4.50	4.50	Do.
105	Buttonhole stitch, 16 stitches per inch	4.50	4.50	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch	6.75	6.75	Do.
107	Chain stitch, 4 stitches per inch	-------	1.13	Do.
108	Chain stitch, 8 stitches per inch	-------	2.25	Do.
109	Cord, solid, on stem	7.05	7.05	Do.
110	Cord, twisted, over basting	2.25	2.25	Do.
111	Cord or embroidery, solid, without filling, up to ⅛" thick.[2]	-------	6.75	Do.
112	Couching or flat cord, 4 stitches per inch	-------	1.13	Do.
113	Cross stitch, 6 crosses per inch	-------	4.80	Do.
114	Cut work with buttonhole stitch, 24 to 30 stitches per inch.	-------	9.00	Do.
114.1	Daisies, 12 to 15 stitches, with double embroidery thread.	-------	6.75	Per dozen.
115	Diamonds, filled in, ¼" to ⅜" wide	6.75	6.75	Do.
116	Dots, baby, not finished off, 2 to 3 stitches	1.88	1.88	Do.
117	Dots, large, not filled in, finished off, 12 stitches	3.38	3.38	Do.
118	Dots, large, filled in, finished off, over 12 stitches	-------	6.75	Do.
119	Dots, large, not filled in, finished off, over 12 stitches.	-------	4.50	Do.
120	Dots, medium, not filled in, finished off, 8 to 9 stitches.	2.97	2.97	Do.
120.1	Dots, medium, in groups, not finished off, 5 stitches with double embroidery thread.	-------	1.92	Do.
120.2	Dots, medium, in groups, finished off, 5 stitches, with double embroidery thread.	-------	2.55	Do.
121	Embroidery, solid, 3/16" to ¾" thick, average 28 stitches per inch.[2]	-------	9.00	Per dozen inches.
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose.	-------	9.00	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose.	-------	6.75	Do.
124	Eyelets, ⅛" diameter	5.03	5.03	Per dozen.
125	Feather stitch, 12 stitches per inch	5.00	5.00	Per dozen inches.
126	Feather stitch cord	-------	2.64	Do.
127	Flat hems without pasada	-------	2.34	Do.

[1] For description of operations included under "hand-sewing," see definitions in applicable section of wage order.
[2] These piece rates have been set on the basis of O. N. T. thread No. 5, corded, which averages 28 stitches per inch of solid cord. If corded threads are used, which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread No. 11 is used, 15 percent must be added to the piece rates established for thread No. 5.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE ART LINEN AND NEEDLEPOINT DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Piece rate (cents) based on hourly rate of 22½ cents: Handkerchiefs and square scarves	Piece rate (cents) based on hourly rate of 22½ cents: Art linens	Unit of payment
	HAND-SEWING OPERATIONS [1]—continued			
128	French knots, not finished off	0.95	0.95	Per dozen.
128.1	French knots, finished off, with double embroidery thread.		1.80	Do.
129	Guariquenas	2.25	2.25	Do.
130	Hand or French rolling, 10 stitches or less per inch	6.36		Per 48 inches.
131	Hand or French rolling, 11 stitches or more per inch.	7.64		Do.
132	Hand-rolling 1 side of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on 1 side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼ inch nor more than 1 inch; and (b) Only 1 side of each corner is hand-rolled; and the hand-rolling is not longer than 1 inch.	15.00		Per dozen handkerchiefs.
133	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than ¼ inch nor more than 1 inch; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than 1 inch on either side of any corner.	30.00		Do.
134	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on 1 side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼ inch nor more than 1 inch; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than 2 inches on any corner.	37.50		Do.
135	Hemstitching, double (tru-tru), 4 threads in a bundle, thread drawing not included.	9.30	9.30	Per dozen inches.
136	Hemstitching, single, 4 threads in a bundle, thread drawing not included.	4.89	4.89	Do.
137	Initials, simple, with hoops	22.50		Do.
138	Initials, simple, without hoops	13.95		Do.
139	Lace, joined at corners with hemming stitch	6.75		Do.
140	Leaves, simple	.84	.84	Per dozen.
141	Leaves, solid, not finished off, ¼" long	3.00	3.00	Do.
142	Leaves, solid, not finished off, ⅜" to ½" long	4.50	4.50	Do.
143	Leaves, solid, not finished off, ⅝" to ¾" long	9.00	9.00	Do.
144	Loops, made with worm stitch, ¼"		1.50	Do.
		Proportionate rate for other lengths.		
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1600 count, inclusive.	4.50		Per dozen pasadas.
146	Pasadas, 11" x 11" to 14" x 14", linen 1700 count and over.	6.30		Do.
147	Pasadas, 15" x 15", linen up to 1600 count, inclusive.	7.65		Do.
148	Pasadas, 15" x 15", linen 1700 count and over	9.45		Do.
149	Pasadas, 16" x 16" to 20" x 20", linen up to 1400 count, inclusive.	10.80		Do.
150	Pasadas, short, 1" to 7", linen up to 1600 count, inclusive.	2.34		Do.
		For each additional count of 100, add 0.90 cent.		
	Pasadas, short:			
151	Cambric, 1" to 10"		4.50	Do.
152	Crash, 1" to 10"		3.38	Do.
153	Cambric, 10½" to 18"		9.00	Do.
154	Crash, 10½" to 18"		6.75	Do.
155	Patches, circular, sewed on with hemming stitch, cutting included.		4.92	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included.	8.58	8.58	Do.
156.1	Patches, irregular outline, sewed on with blind stitch, up to 4".		6.30	Do.
156.2	Patches, irregular outline, sewed on with blind stitch, over 4".		3.20	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included.		4.04	Do.
158	Pin stitch, thread drawing not included, 1" squares.	54.00	54.00	Per dozen squares.
159	Randa, Don Diego, thread drawing not included	10.13	10.13	Per dozen inches.
160	Randa, Mexican, tied at center only, thread drawing not included.	2.25	2.25	Do.
161	Randa, simple, not stitched at either side, thread drawing not included.	1.70	1.70	Do.
162	Rose buds, worm stitch, 4 worms, 2 colors or tones	6.68	6.68	Per dozen.
163	Scallops, plain, cutting included	7.55	7.55	Per dozen inches.
164	Shadow stitch, up to ⅜" wide	14.50	14.50	Do.
165	Spiders, 4 legs	4.50	4.50	Per dozen.
166	Spiders, 8 legs	8.81	8.81	Do.

[1] For description of operations included under "hand-sewing," see definitions in applicable section of wage order.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE ART LINEN AND NEEDLEPOINT DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Piece rate (cents) based on hourly rate of 22½ cents: Cambric	Piece rate (cents) based on hourly rate of 22½ cents: Crash	Unit of payment
	Thread drawing:			
	Art linens, first thread, not coming out at edge:			
167.0	Stamped, 1" to 10"	1.61		Per dozen threads.
167.2	Not stamped, 1" to 10"	2.01	1.20	Do.
	Art linens, unstamped, first thread, all-around, not coming out at edge:			
167.4	Doilies 12" x 18"	8.99	7.32	Per dozen pieces.
	Napkins:			
167.6	12" x 12"	7.19	6.09	Do.
167.7	15" x 15"	8.99	7.32	Do.
167.8	18" x 18"	10.79	8.45	Do.
	Scarves:			
168.0	17" x 36"	15.88	11.38	Do.
168.1	17" x 45"	18.58	12.83	Do.
168.2	17" x 54"	21.28	14.25	Do.
	Squares:			
168.3	36" x 36"	21.59	14.39	Do.
168.4	45" x 45"	26.97	17.11	Do.
168.5	54" x 54"	32.37	19.99	Do.
	Art linens, unstamped, first thread at one end, coming out at both edges:			
	Towels:			
168.6	9" x 15"		1.13	Do.
168.7	15" x 24"		1.65	Do.
168.8	18" x 30"		1.89	Do.
169	Art linens, after first thread	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.		

No.	Operation	Piece rate (cents) based on hourly rate of 22½ cents	Unit of payment
	Handkerchiefs, ladies:		
	First thread, cotton or linen, up to 1600 count, inclusive:		
170	Coming out at both edges	2.25	Per dozen threads.
171	Not coming out at edge	2.82	Do.
172	After first thread	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.	
	Handkerchiefs, men's:		
	First thread, linen, up to 1500 count, inclusive, 16" x 16" to 20" x 20":		
173	Coming out at both edges	3.38	Do.
174	Not coming out at edge	3.95	Do.
	First thread, linen, 1600 count and over, 16" x 16" to 20" x 20":		
175	Coming out at both edges	3.95	Do.
176	Not coming out at edge	4.50	Do.
177	After first thread	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.	

No.	Operation	Piece rate (dollars) based on hourly rate of 22½ cents: Doilies 8" x 16"	Doilies 10" x 14"	Doilies 12" x 18"	Napkins 12" x 12"	Napkins 15" x 15"	Napkins 18" x 18"	Table scarves 17" x 36"	Table scarves 17" x 45"	Table scarves 17" x 54"	Squares 36" x 36"	Squares 45" x 45"	Squares 54" x 54"	Table cloths 54" x 72"	Table cloths 72" x 72"	Table cloths 72" x 90"	Unit of payment
179	Half roll, cambric and crash, at 2.46 cents per dozen inches.	$1.18	$1.18	$1.47	$1.18	$1.47	$1.77	$2.61	$3.05	$3.50	$3.54	4.42	$5.31	$6.20	$7.08	$7.98	Per dozen.
180	Hand or French rolling, 10 stitches or less per inch, cambric and crash, at 1.59 cents per dozen inches.	.77	.77	.96	.77	.96	1.14	1.68	1.97	2.26	2.30	2.87	3.44	4.01	4.58	5.15	Do.
181	Hemming stitch over pasada, measuring all around edge: Cambric at 1.50 cents per dozen inches.	.72	.72	.90	.72	.90	1.08	1.59	1.86	2.13	2.16	2.70	3.24	3.78	4.32	4.86	Do.
182	Crash, at 1.41 cents per dozen inches.	.68	.68	.84	.68	.84	1.02	1.49	1.74	2.00	2.03	2.54	3.05	3.54	4.05	4.56	Do.
183	Second seams, for separate borders, measuring all around edge: Cambric, at 1.50 cents per dozen inches.	.72	.72	.90	.72	.90	1.08	1.59	1.86	2.13	2.16	2.70	3.24	3.78	4.32	4.86	Do.
184	Crash, at 1.41 cents per dozen inches.	.68	.68	.84	.68	.84	1.02	1.49	1.74	2.00	2.03	2.54	3.05	3.54	4.05	4.56	Do.
185	Second seams, for separate borders, with French corners, measuring all around edge: Cambric, at 1.69 cents per dozen inches.	.81	.81	1.02	.81	1.02	1.22	1.79	2.10	2.40	2.43	3.05	3.65	4.26	4.86	5.48	Do.
186	Crash, at 1.50 cents per dozen inches.	.72	.72	.90	.72	.90	1.08	1.59	1.86	2.13	2.16	2.70	3.24	3.78	4.32	4.86	Do.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF AND SQUARE SCARF DIVISION AND THE ART LINEN AND NEEDLEPOINT DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Piece rate (based on hourly rate of 40 cents)	Unit of payment
	NON-HAND-SEWING OPERATIONS		
	Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves:	*Cents*	
187.4	Small, measuring from 5/16" up to, but not including, 3/8", along outside edge.	0.21	Per dozen scallops.
187.5	Medium, measuring from 3/8" up to, but not including, 7/8", along outside edge.	.27	Do.
187.6	Large, measuring from 7/8" to, and inclusive of, 1 1/4", along outside edge.	.40	Do.

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC GLOVE AND LEATHER GLOVE DIVISIONS OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Piece rate (cents) based on hourly rates of—			Unit of payment
		Ladies' woven or knitted fabric gloves [2] (22½ cents)	Leather gloves [2] (30 cents)		
			Ladies'	Men's	
188	Buttons, slip stitched with tape, 1 button per glove			45.000	Per dozen pairs.
189	Buttonholes, stitched in and outside, 1 buttonhole per glove.			60.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.293			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.412		Do.
192	Feather stitch, 5 to 6 stitches per inch	.352	.517		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.370	Do.
194	Regular stitch, 5 to 6 stitches per inch	.231	.388	.370	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.149	.265	.265	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch.[3]		.265	.265	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.231	.388	.370	Do.
198	Whip stitch, 5 to 6 stitches per inch	.231	.388	.370	Do.

[1] For description of operations included under "hand-sewing", see definitions in applicable section of wage order.
[2] The hourly minimum rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.
[3] When facing has been sewn on by machine.

SCHEDULE D—PIECE RATE SCHEDULE FOR THE NEEDLEPOINT DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO [1]

GROSPOINT

No.	Operation	Piece rate (cents) based on hourly rate of 22½ cents	Unit of payment
200	Compact florals, figures and landscapes	23.40	Per 1,000 stitches.
201	Scattered florals	25.20	Do.
202	Scattered florals consisting of borders or garlands only	27.00	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	25.20	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	27.00	Do.
205	One and two-tenths cents must be added to the above piece rates to cover thumb-tack mounting on frame, for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with section 545.10.		

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand-sewing", see definition in applicable section of wage order.

EXCEPTIONS

These piece rates do not apply to the following types of needlepoint. For these, and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with Regulations 545.10.
1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 3,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit point.
6. Stamped grospoint.

DEFINITIONS

1. A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas.
2. A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

SCHEDULE E—PIECE RATE SCHEDULE FOR THE MISCELLANEOUS DIVISION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Piece rate (cents) based on hourly rate of 21 cents	Unit of payment
	Crocheting shade pulls, not over 30 stitches per ring:		
207	Cotton thread	67.20	Per gross.
208	Rayon thread	68.60	Do.

[1] The piece rates apply only to "hand-sewing" operations. For description of operations included under "hand-sewing", see definition in applicable section of wage order.

[F. R. Doc. 55-4591; Filed, June 10, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 907]

[Docket No. AO 212-A10]

HANDLING OF MILK IN MILWAUKEE, WIS., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Colonial Room, Wisconsin Hotel, 720 North Third Street, Milwaukee, Wisconsin, at 10:30 a. m., c. s. t., June 15, 1955.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Milwaukee, Wisconsin, marketing area and to the proposed amendments set forth herein below, or modifications thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By Milwaukee Cooperative Milk Producers:

1. Amend paragraph (a) of § 907.51 *Class I milk* to read:

(a) The price for Class I milk shall be the basic formula price plus the following amounts as indicated: July through December, inclusive, $1.06; and January through June, inclusive, $0.86; *Provided*, That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio computed pursuant to paragraph (e) of this section is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents due to the supply-demand ratio.

2. Amend paragraph (e) of § 907.51 *Automatic price adjustment* to read:

(e) On or before the last day of each month the market administrator shall make the following computations based upon the combined reported receipts and utilization of handlers under the Milwaukee order and of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order;

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period,

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during

the most recent 12-month period and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period, and

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio."

By Pure Milk Products Cooperative:

3. Amend § 907.51 (a) to provide for a Class I differential of $0.96 per hundredweight over the basic formula price for each delivery period during the year.

4. Amend § 907.51 so as to modify the supply-demand adjustor provision as it affects Class I and Class II price differentials.

By Milwaukee Cooperative Milk Producers:

5. Amend paragraphs (a) and (b) of § 907.60 *Computation of base for each producer* to read:

(a) Divide the total pounds of milk received by a handler(s) from each producer during the months of September through December, 1955, and during the months of August through November in subsequent years immediately preceding by the number of days, not to be less than seventy-five, of such producer's delivery in such period, and increase the resulting amount by ten percent (10%); *Provided*, That any producer for whom a base has been allotted shall have the option upon notice in writing to the market administrator given before the end of April in any year, to relinquish his base for such year and to be allotted a base equal to 70 percent of his average daily deliveries during the month involved; and

(b) Any producer entering the market following twelve or more consecutive months without producer status shall have his milk deliveries priced according to the proviso in paragraph (a) of this section; or upon notifying the market administrator prior to qualifying as a producer, he may elect to have a base computed in the manner provided in paragraph (a) of this section with respect to his deliveries of milk to any fluid milk plant, receiving station, or nonfluid plant, such deliveries to be subject to verification by the market administrator: *Provided*, That this paragraph shall not be construed to conflict with § 907.61 (a) or (b).

By Blochowiak Dairy Company; Heinemann Kewaskum Dairy; Borden Company Milwaukee Milk Division; Luick Dairy Company; Gehl's Guernsey Farms, Inc.; and Hawthorn-Mellody Farms Dairy of Wisconsin:

6. Change the base-making period in § 907.60 (a) from the months of September through December to August through November.

7a. Delete from § 907.60 (a) the following: "the following applicable percentage: (1) for April through June of 1952, forty percent (40%); (2) for April through June of 1953, thirty percent (30%); and (3) for each April through June thereafter twenty percent (20%)."

b. Add the following: "the following applicable percentage: (1) for April through June of 1956, fifteen percent (15%); (2) for April through June of 1957, ten percent (10%); (3) for April through June of 1958, five percent (5%); and (4) no increase thereafter."

8. Change the date for electing the hardship provision in § 907.60 (a) from the end of April to the end of January.

9. Change the hardship provision in § 907.60 (a) from 80 percent of deliveries in the month involved to 60 percent of deliveries in the month involved.

By the Dairy Division, Agricultural Marketing Service:

10. Delete the following words in parentheses from § 907.30 (d): "(except Class III milk and Class IV milk products disposed of in the form in which received without further processing by the handler)."

11. Delete paragraph § 907.32 (b).

12. Delete the words "receipt of" following the word "all" in § 907.33 (a).

13. Delete § 907.41 (d) (3) and substitute therefor the following: "(3) actual shrinkage, but in an amount not to exceed one-half percent of the total pounds of butterfat received directly from producers, plus two percent of the total pounds of butterfat in bulk milk, skim milk, and cream in fluid form received at a handler's plant from all sources which were not disposed of in bulk to a plant of another handler."

14. In conjunction with change in § 907.41 (d), delete also § 907.46 (f) (6) and substitute therefor the following:

(6) Determine the maximum number of pounds of butterfat shrinkage in Class IV milk by multiplying by two percent the pounds of butterfat in bulk milk, skim milk, or cream in fluid form received at a handler's plant from producers, other handlers and other sources which were not disposed of in bulk to other handlers, and adding such amount to the result obtained by multiplying by ½ percent the pounds of butterfat received directly from producers: *Provided*, That the pounds determined pursuant to this subparagraph shall be zero if records of utilization satisfactory to the market administrator are not available.

15. Delete from § 907.43 the following words "without regard to" and substitute a comma and the words "regardless of."

16. Clarify language for application of § 907.44 (b) and its relation to other provisions of the order, especially to § 907.45 (b).

17. Delete from § 907.45 (a) the words "including a producer-handler"; and delete also the word "writing" and substitute therefor the word "reports"; and delete also the words "on or before the 7th day"; and delete from the proviso the word "any" and substitute therefore the words "such other".

18. Delete from § 907.45 (b) (1) the following language: "on or before the 7th day after the end of the month within which such transaction occurred."

19. Delete from § 907.45 (b) (2) the word "and" at the end of the sentence.

20. Delete from § 907.45 (b) (3) the following words "as Class I milk if milk or skim milk or as Class II if cream" and substitute therefore the following: "in such other classes as contain butterfat for use to establish equivalent amounts of milk;"

21. Add subparagraph (4) to § 907.45 (b) as follows:

(4) "The nonfluid milk plant is located within the State of Wisconsin or in an area outside of Wisconsin not more than 150 miles from the marketing area."

22. Delete § 907.47 (a) and substitute therefore the following:

(a) Subtract from the pounds of Class IV milk the 3.5 percent milk equivalent of inventory variation prorated to other source milk, and subtract the lesser pounds of the following two items: (1) the pounds of shrinkage prorated to other source milk pursuant to § 907.42, or (2) the maximum number of pounds of shrinkage determined for other source milk in § 907.46 (f) (6);

23. Insert in § 907.47 (b) after the words "producer milk" within parenthesis the following "and other handlers' milk"; and insert the word "and" between the words "Class III milk" and "Class II milk"; then delete the words "and Class I milk", and substitute a comma for a colon following the word "received", and insert the following: "and then subtract from Class I the pounds of milk equivalent of the remaining butterfat pounds in such other source milk computed at the average test of Class I milk."

24. In § 907.50 insert the word "and" between the letters "(a)" and "(b)" and delete "and (c)" from the introductory sentence, and add to the sentence the following: "adjusted to the nearest full cent."

25. Present paragraph § 907.50 (c) should be labeled § 907.50 (b).

26. Delete the following from the proviso in § 907.51 (c) concerning the price of Class III milk: "the market administrator shall include in the computation of such average the prices per hundredweight reported to have been paid, or to be paid, for the current month for milk containing 3.5 percent butterfat received during such month at the following listed manufacturing plants for which prices are reported to the United States Department of Agriculture or to the market administrators:

Companies and Location

Armour & Co., Stoughton, Wis.
United Milk Products Co., Johnson Creek, Wis."

and substitute therefore the following: "the price for Class III milk shall be the basic formula price determined in accordance with § 907.50 (a)."

27. In § 907.51 (d) on the price of Class IV milk, substitute "b" for "c" in the section number shown as § 907.50 (c); and substitute a period for a comma at this place; and delete the following: "except for the months of April, May and June of 1954, deduct 10 cents from the price computed pursuant to § 907.50 (c)."

28. Review § 907.61 *Base rules*.

29. Make such other changes as may be required to make the entire marketing agreement and order conform with

any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the said order, as amended, may be procured from the Market Administrator, 956 North 12th Street, Milwaukee 3, Wisconsin, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: June 8, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-4697; Filed, June 10, 1955; 8:52 a. m.]

Commodity Stabilization Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR 1956–57 MARKETING YEAR

Pursuant to the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to proclaim a national marketing quota for flue-cured tobacco for the 1956–57 marketing year.

The act (7 U. S. C. 1312 (a)) provides that the Secretary shall proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year. A national marketing quota for flue-cured tobacco for the 1955–56 marketing year was proclaimed on November 26, 1954 (19 F. R. 7929).

The act (7 U. S. C. 1312 (a)) provides that the Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. The act provides further that the amount of the 1956–57 national marketing quota may, not later than March 1, 1956, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. The act (7 U. S. C. 1301 (b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (July 1, 1955, in the case of flue-cured tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus five per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption, and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for the current trends in such exports.

The act (7 U. S. C. 1312 (b)) provides that within 30 days after a national marketing quota is proclaimed for the 1956–57 marketing year the Secretary shall conduct a referendum of farmers who are engaged in the production of the 1955 crop of flue-cured tobacco to determine whether such farmers are in favor of or opposed to such quota. If more than one-third of the farmers voting in the referendum oppose such quota, the quota shall not be effective thereafter. The Secretary is also required to submit to such farmers the question of whether they favor marketing quotas for a period of three years beginning with the 1956–57 marketing year. If two-thirds of the farmers voting on this question favor quotas for such three-year period, the Secretary is required to proclaim marketing quotas for such period.

In making the determination as to the amount of the national marketing quota for flue-cured tobacco for the 1956–57 marketing year, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 7th day of June 1955.

[SEAL] PRESTON RICHARDS,
Acting Administrator.

[F. R. Doc. 55-4677; Filed, June 10, 1955; 8:49 a. m.]

[7 CFR Part 729]

PEANUTS

NOTICE OF PROPOSED PROCLAMATION WITH RESPECT TO 1956 NATIONAL MARKETING QUOTA AND APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT AND DEVELOPMENT OF REGULATIONS FOR ESTABLISHING FARM ALLOTMENTS

Pursuant to Title III of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1393 and Sups.), the Secretary of Agriculture is required by section 358 (a) thereof to proclaim, between July 1 and December 1 of each calendar year, the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year. The amount of such quota is the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions.

Section 358 (a) of the act further provides that the national marketing quota for peanuts shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustment as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields.

Section 358 (a) of the act further provides that the national marketing quota established for any year subsequent to 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than that established for the crop produced in the calendar year 1941, which was 1,610,000 acres.

Section 358 (c) (1) of the act provides that for any year subsequent to 1951, the national acreage allotment for that year, less the acreage to be allotted to new farms under section 358 (f) of the act, shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made. Pursuant to this provision of the act, the national acreage allotment for the 1956 crop of peanuts will be apportioned to States on the basis of their shares of the 1955 national acreage allotment.

In addition to the foregoing determinations to be made with respect to the 1956 crop of peanuts, the Secretary has under consideration the formulation of regulations which will provide the procedures for apportioning the 1956 State peanut acreage allotment to farms, or to counties and farms; for establishing allotments for farms on which peanuts were not produced in 1953, 1954, and 1955, but on which peanuts are to be produced in 1956; and for determining farm normal yields per acre for peanuts. It is expected that the regulations for the 1956 crop of peanuts will be substantially the same as the regulations for the 1955 crop (19 F. R. 6134).

Prior to proclaiming the national marketing quota, establishing the national acreage allotment, apportioning the national acreage allotment among the States, formulating regulations governing the apportionment of State acreage allotments to farms or to counties and farms, determining the percentage of the national acreage allotment to be reserved for new farms and formulating regulations governing the apportionment of such acreage among new farms, and determining farm normal yields for peanuts, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. Any data, views, and recommendations relating to the question of whether the State acreage allotment should be apportioned to the counties in the State as provided in section 358 (e) of the act, should be submitted in writing direct to the State Agricultural Stabilization and Conservation Committee, whose address may be obtained from any County Agricultural Stabilization and Conservation Office in the State. All written submissions must be postmarked not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 7th day of June 1955.

[SEAL] PRESTON RICHARDS,
Acting Administrator.

[F. R. Doc. 55-4676; Filed, June 10, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1955, Supp. 108]

AMERICAN FIRE AND CASUALTY CO., ORLANDO, FLA.

TERMINATION OF AUTHORITY TO QUALIFY AS SURETY ON FEDERAL BONDS

JUNE 7, 1955.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the American Fire and Casualty Company, Orlando, Florida, under the provisions of the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, terminated as of April 30, 1955.

The American Fire and Casualty Company received its initial authority from the Secretary of the Treasury to do business with the United States on May 19, 1954, and remained continuously so qualified until April 30, 1955.

The company requested permission from the Treasury to retire voluntarily from the execution of any new business in favor of the United States.

In order that there may be a coordinated record showing the status of outstanding bonds of this company as of this date in favor of the United States, bond-approving officers are requested, upon the receipt of this circular, to examine carefully the records of their offices and report promptly to the Surety Bonds Branch, Bureau of Accounts, Treasury Department, all outstanding bonds accepted by them and executed by the American Fire and Casualty Company as surety or co-surety on which the liability of the company has not terminated.

It is also requested that the Surety Bonds Branch be advised as expeditiously as possible as to all facts, in detail, relating to any existing claim, or with respect to the occurrence of any event or the existence of any circumstance which may hereafter result in a claim against the American Fire and Casualty Company.

In furnishing the above information bond-approving officers will please give the name of the principal on the bond, the date and penalty of the bond, and with respect to claims, the nature of the claim, the circumstances out of which it arose, and its status at the time of the report.

Bond-approving officers and other agents of the Government charged with the duty of taking bonds, recognizances, stipulations or undertakings should proceed immediately to secure new bonds, where necessary, with acceptable sureties, in lieu of bonds executed by the American Fire and Casualty Company.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 55-4684; Filed, June 10, 1955; 8:50 a. m.]

Internal Revenue Service

[Commissioner Delegation Order 4]

ASSISTANT COMMISSIONER (INSPECTION) ET AL.

DELEGATION OF AUTHORITY TO ISSUE SUMMONSES AND TO EXAMINE BOOKS, RECORDS AND WITNESSES

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is hereby ordered:

1. The following officers and employees of the Internal Revenue Service are authorized to exercise the authority provided by section 7602 of the Internal Revenue Code of 1954, including the authority (1) to examine books, papers, records, or other data; (2) to summon persons to appear and produce books, papers, records, or other data and give testimony under oath; and (3) to take testimony under oath of a person concerned:

(a) Assistant Commissioner (Inspection).

(b) Regional Commissioners and District Directors of Internal Revenue.

(c) Assistant Regional Commissioners (Intelligence); Executive Assistants to Assistant Regional Commissioners (Intelligence); Chiefs, Review and Conference Staff, Intelligence Division; and Reviewer Conferees, Intelligence Division.

(d) Assistant Regional Commissioners (Alcohol and Tobacco Tax).

(e) Officers and employees of the respective divisions of the Internal Revenue Service designated as follows:

(1) *Collection Division.* Chiefs of the Collection Divisions, Chiefs of the Delinquent Accounts and Returns Branches, and Group Supervisors.

(2) *Audit Division.* Chiefs of Divisions and Branches, Group Supervisors, all Internal Revenue Agents, and Estate Tax Examiners.

(3) *Intelligence Division.* Chiefs, Assistant Chiefs, Group Supervisors and all Special Agents.

(4) *Inspection.* Director, Internal Security Division; Assistant Directors, Internal Security Division; Regional Inspectors; and all Inspectors.

The authority to summon persons delegated by this paragraph may not be redelegated.

2. Each of the officers and employees referred to in paragraph 1 of this order may designate any other employee of the Internal Revenue Service as the individual before whom a person summoned pursuant to section 7602 of the Internal Revenue Code of 1954 shall appear. Any such other employee of the Internal Revenue Service, when so designated in a summons, is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records, or other data produced in compliance with the summons.

3. The Assistant Commissioner (Inspection), each Regional Commissioner and each District Director of Internal Revenue is authorized to redelegate to any employee of the Internal Revenue Service within his jurisdiction the authority provided by section 7602 (1) of the Internal Revenue Code of 1954 to examine books, papers, records, or other data.

4. This order supersedes Commissioner's Reorganization Order No. 6 dated May 15, 1952 (17 F. R. 4587). All other delegations of authority to officers or employees of the Internal Revenue Service are superseded to the extent that they are inconsistent with any of the provisions of this order.

[SEAL] O. GORDON DELK,
Acting Commissioner.

JUNE 7, 1955.

[F. R. Doc. 55-4686; Filed, June 10, 1955; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6602]

METROPOLITAN EDISON CO.

NOTICE OF ORDER PERMITTING AMORTIZATION OF CERTAIN CHARGES

JUNE 7, 1955.

Notice is hereby given that on May 13, 1955, the Federal Power Commission issued its order adopted May 11, 1955,

permitting amortization of charges associated with refunded bonds under balance sheet accounts instruction 6–E in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4678; Filed, June 10, 1955; 8:49 a. m.]

[Docket No. E–6613]

IOWA PUBLIC SERVICE CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF COMMON STOCK

JUNE 7, 1955.

Notice is hereby given that on May 11, 1955, the Federal Power Commission issued its order adopted May 11, 1955, authorizing issuance of common stock in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4679; Filed, June 10, 1955; 8:49 a. m.]

[Docket Nos. G–2877, G–3023, G–3554, G–3555, G–3602, G–3684, G–3690, G–4692, G–6328]

D. J. HARRISON ET AL.

NOTICE OF FINDINGS AND ORDER

JUNE 7, 1955.

In the matters of D. J. Harrison, Docket No. G–2877; J. C. Means, Jr., et al., Docket No. G–3023; Lloyd H. Smith, Inc., et al., Docket No. G–3554; Lloyd H. Smith, Inc., et al., Docket No. G–3555; Meredith & Company, as Operator, Docket No. G–3602; J. M. Frost, Jr., et al., Docket No. G–3684; J. M. Frost, Jr., et al., Docket No. G–3690; Carnes W. Weaver Drilling Company and Frank W. Warburton, Trustee, Docket No. G–4692; McCarthy Oil & Gas Corporation, et al., Docket No. G–6328.

Notice is hereby given that on May 16, 1955, the Federal Power Commission issued its findings and order adopted May 11, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4680; Filed, June 10, 1955; 8:49 a. m.]

[Docket Nos. G–6851—G–6853]

TEXAS NORTHERN GAS CORP. ET AL.

NOTICE OF FINDINGS AND ORDER

JUNE 7, 1955.

In the matters of Texas Northern Gas Corporation, Docket No. G–6851; Louisiana Natural Gas Corporation, Docket No. G–6852; Texas Gas Transmission Corporation, Docket No. G–6853.

Notice is hereby given that on May 13, 1955, the Federal Power Commission issued its findings and order adopted May 11, 1955, in the above-entitled matters, issuing a certificate of public convenience and necessity to Texas Gas Transmission Corporation, Docket No. G–6853, to acquire and operate all facilities owned and operated by Louisiana Natural Gas Corporation, Docket No. G–6852, and Texas Northern Gas Corporation, Docket No. G–6851.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4681; Filed, June 10, 1955; 8:49 a. m.]

[Docket Nos. G–3865, G–7324, G–7507, G–8296, G–8299, G–8320, G–8339, G–8343, G–8378, G–8385, G–8460, G–8470, G–8484, G–8509, G–8525, G–8538]

KIRBY PETROLEUM CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

JUNE 7, 1955.

In the matters of Kirby Petroleum Company, Docket No. G–3865; Edwin L. Cox, Docket No. G–7324; Utah Southern Oil Company, Docket No. G–7507, Dr. Jan Karolcik, Docket No. G–8296; Southern Union Gas Company, Docket No. G–8299; Currie B. Davis, Docket No. G–8320; F. J. Danglade and J. C. Clower, Docket No. G–8339; Dalport Oil Corporation, et al., Docket No. G–8343; Northern Pump Company, et al., Docket No. G–8378; The Federal Royalty Company, Docket No. G–8385; Delta Drilling Company, et al., Docket No. G–8460; Harold Davidor and Robert H. Davidor, Docket No. G–8470; Midstates Oil Corporation, Docket No. G–8484; Crystal Oil Refining Corporation, Docket No. G–8509; William V. Montin, et al., Docket No. G–8525; J. P. Gibbins, Docket No. G–8538.

Notice is hereby given that on May 13, 1955, the Federal Power Commission issued its findings and orders adopted May 11, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4670; Filed, June 10, 1955; 8:47 a. m.]

[Project No. 2075]

WASHINGTON WATER POWER CO.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

JUNE 7, 1955.

Notice is hereby given that on May 12, 1955, the Federal Power Commission issued its order adopted May 11, 1955, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4682; Filed, June 10, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 8, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30724: Scrap iron and steel from Kentucky, Virginia, and West Virginia. Filed by C. W. Boin, Agent, for interested rail carriers. Rates on scrap iron or steel, carloads, from specified points in Kentucky, Virginia, and West Virginia to destinations in Ohio, Pennsylvania, and West Virginia described in the application.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Agent R. B. LeGrand's I. C. C. 257.

FSA No. 30725: Asphalt—Baltimore, Md., and Catlettsburg, Ky., to Roanoke, Va. Filed by C. W. Boin, Agent, for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product of petroleum, from Baltimore, Md., and Catlettsburg, Ky., to Roanoke, Va.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 6 to B & O RR tariff I. C. C. 23956 and three other tariffs.

FSA No. 30726: Grain and products—Western points to Cassville, Mo. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, carloads, from Council Bluffs, Iowa, other points in Iowa, and points in Nebraska, Minnesota, Missouri, and South Dakota to Cassville, Mo.

Grounds for relief: Truck competition, destination rate relations and circuity.

Tariff: Supplement 15 to Agent Prueter's I. C. C. A–3992; Supplement 7 to Agent Prueter's I. C. C. A–4021.

FSA No. 30727: Coal to Chattahoochee Valley railway stations. Filed by R. E. Eoyle, Jr., Agent, for interested rail carriers. Rates on bituminous coal, carloads, from mines in Kentucky, Tennessee, and Virginia to stations on the Chattahoochee Valley Railway.

Grounds for relief: Circuitous routes.

Tariff: Supplement 5 to Southern Railway Company I. C. C. A–11352.

FSA No. 30728: Crude sulphur—Louisiana and Texas to LeMoyne, Ala. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphur (brimstone), crude, carloads, from specified points in Louisiana (west of the Mississippi River) and Texas to LeMoyne, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 269 to Agent Kratzmeir's I. C. C. 3862.

FSA No. 30729: Fine coal—Southwest to Storm Lake and West Storm Lake, Iowa. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fine coal, carloads, from specified mines in Arkansas, Kansas, Missouri, and Oklahoma to Storm Lake and West Storm Lake, Iowa.

Grounds for relief: Natural gas competition and circuity.

Tariff: Supplement 26 to Agent Prueter's I. C. C. A–3969; Supplement 102 to Agent Kratzmeir's I. C. C. 3920.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55–4683; Filed, June 10, 1955; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–933]

REM-CRU TITANIUM, INC.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER EXEMPTING CERTAIN TRANSACTIONS BETWEEN AFFILIATES

JUNE 7, 1955.

Notice is hereby given that Rem-Cru Titanium, Inc. ("Applicant"), which is indirectly controlled by Christiana Securities Corporation ("Christiana"), a registered closed-end, non-diversified investment company, which in turn is controlled by Delaware Realty and Investment Company ("Realty"), also a registered closed-end, non-diversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the prohibitions contained in section 17 (a) of the act the transaction described below whereby Applicant proposes to purchase from Crucible Steel Company of America ("Vendor"), of Pittsburgh, Pennsylvania, a New Jersey corporation, for $461,500 certain tracts of land, with the buildings and improvements located thereon (hereinafter referred to as "the Property"), which Applicant desires to acquire to provide facilities for the production and sale of titanium products.

Realty owns approximately thirty-three percent of the outstanding common stock of Christiana. Christiana owns with full power to vote, approximately twenty-seven percent of the outstanding common stock of E. I. du Pont de Nemours and Company, which in turn owns approximately sixty percent of the outstanding voting securities of Remington Arms Company, Inc. The latter and the Vendor each own fifty percent of the outstanding Common stock (the only class of stock) of Applicant. Accordingly Vendor is an affiliated person of Applicant and the latter is presumed to be controlled by the registered investment companies, Realty and Christiana.

The Property contains approximately ten acres of land, buildings in which Applicant is presently conducting certain industrial operations, and much of the machinery and equipment therein. The Vendor has used The Property since its acquisition for cold drawing of steel and in the past few years part of it has been leased to Applicant for melting of titanium.

The Property was acquired by the Vender at a total cost of $493,105. The Vendor acquired part of the land in 1912 for a price of $6,415; and in 1948 it purchased the remaining land, the buildings and equipment at a cost of $486,690. At December 31, 1954, the Vendor carried the property on its books at a gross value of $493,105.

The purchase price of $461,500 for the Property was arrived at in extended negotiations between representatives of Remington Arms Company, Inc., Vendor and Applicant.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, including an affiliate of such a person, from selling any security or other property to such registered company or to any company controlled by such registered company, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a) of the act and finds that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of anyone concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act.

Notice is further given that any interested person may, not later than June 22, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–4671; Filed, June 10, 1955; 8:48 a. m.]

ALLEN E. BEERS CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Allen E. Beers Company, Western Savings Fund Building, Broad and Chestnut Streets, Philadelphia 7, Pennsylvania.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 7th day of June 1955.

I. The Commission's public official files disclose that Allen E. Beers Company, a partnership, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X–17A–5 adopted thereunder.

[1] Filed as part of original document.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X–17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X–17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 11th day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 27, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the Rules of Practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 11, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of

the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4672; Filed, June 10, 1955; 8:48 a. m.]

WINNER AND MYERS

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Winner and Myers, 218 E. Water Street, Lock Haven, Pennsylvania.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 7th day of June 1955.

I. The Commission's public official files disclose that Winner and Myers, a partnership, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section .

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 11th day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 27, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 11, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4673; Filed, June 10, 1955; 8:48 a. m.]

[File No. 70-3381]

ELECTRIC BOND AND SHARE CO.

ORDER APPROVING PROPOSED ACQUISITION OF SECURITIES THROUGH STABILIZATION TRANSACTIONS IN CONNECTION WITH SALE OF PORTFOLIO SECURITIES

JUNE 2, 1955.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed, pursuant to Rule U-44 (c) promulgated under the Public Utility Holding Company Act of 1935 ("act"), a notice of intention to sell, through a rights offering to its common stockholders, and without underwriting, 525,036 shares of the common stock of United Gas Corporation ("United Gas") as a step in the consummation of a plan heretofore approved by the Commission under section 11 (e) of the act.

Bond and Share has also filed an application, pursuant to sections 9 (a) (1) and 10 of the act, in connection with the proposed rights offering, for approval of its proposed acquisition of not to exceed 52,500 additional shares of United Gas common stock and of its proposed purchase and sale of rights to purchase United Gas common stock for stabilization purposes. The acquisitions of United Gas common stock are to be made by purchases on the New York Stock Exchange at a price (exclusive of commissions) not in excess of the last preceding sale price of such stock. Such purchases and sales of stock and rights may commence on the day on which "when issued" trading in such rights commences on the American Stock Exchange; and no purchases or sales are to be made subsequent to the expiration of the period for exercising such rights. Any shares of United Gas common stock acquired through such stabilization transactions will be subsequently disposed of by Bond and Share as part of the shares required to be disposed of under the Plan.

The only fees and expenses to be paid in connection with the stabilizing operations proposed by Bond and Share are (a) regular brokerage commissions charged for similar transactions on the New York Stock Exchange and the American Stock Exchange and (b) fees of $500 and expenses of $25 of Bond and Share's counsel for services in connection with the carrying out of such operations, including the processing of the present application.

Notice of the filing of the application in respect of the proposed acquisition of not in excess of 52,500 additional shares of United Gas common stock and of the proposed purchase and sale of rights to purchase United Gas common stock, for stabilization purposes, having been duly issued in the manner provided by Rule U-23 promulgated under the act; and no hearing having been requested of or ordered by the Commission; and

The Commission finding with respect to the proposed acquisition of not in excess of 52,500 additional shares of United Gas common stock and the proposed purchase and sale of rights to purchase United Gas common stock that the applicable standards of the act are satisfied, and that the fees and expenses, if they do not exceed the amounts estimated, are not unreasonable, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application of Bond and Share for approval of its acquisition of not to exceed 52,500 additional shares of United Gas common stock and of the purchase and sale of rights to purchase United Gas common stock, for stabilization purposes, be, and it hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4631; Filed, June 9, 1955; 8:48 a. m.]

[1] Filed as part of original document.

[File No. 812-923]

NEWMONT MINING CORP.

NOTICE OF AND ORDER FOR HEARING ON APPLICATION FOR ORDER DECLARING THAT COMPANY IS NOT AN INVESTMENT COMPANY

JUNE 8, 1955.

Notice is hereby given that Newmont Mining Corporation ("Newmont"), a registered management investment company, has filed an application and an amendment thereto, pursuant to section 3 (b) (2) of the Investment Company Act of 1940 ("act"), for an order declaring it to be engaged primarily in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities.

The application states that Newmont was organized in Delaware in 1921 to engage in and carry on the business of exploration, development, financing and operation of non-ferrous mines and petroleum in the mining and oil regions throughout the world. The applicant states that it has been engaged in such business ever since its organization.

Newmont registered under the act as an investment company in 1942. Its registration statement sets forth that its policy is to engage actively in the business of exploring for and financing of mines and mining properties which are generally thereafter owned, developed and operated by other corporations either already in existence or organized by the applicant, and to invest funds not required for that purpose in marketable stock of mining corporations, pending such time as such funds may become needed for the acquisition and financing of new mining properties.

In pursuance of the purposes for which it was organized and in line with its stated policy, Newmont states that it has expanded its ownership of mining and oil corporations, either wholly-owned or controlled by the applicant to the extent that it is no longer properly classified as an investment company under the Investment Company Act.

Newmont states that it does not hold itself out as being primarily engaged in investing, reinvesting, owning, holding, or trading in securities. On the contrary, Newmont represents that it is primarily engaged directly or through companies which are controlled in fact by ownership of over 25 percent of the voting stock, and in some instances, by management contract, in the business of exploration, acquisition, financing, development, and operation of mining properties.

The application states that nearly all of the time of Newmont's employees is devoted almost exclusively to the business of mining exploration, development, equipment, and operation of mines and petroleum and the disposal of the products therefrom. Newmont has established a reputation as a mine-finder, and mining prospects from most of the mining regions of the free world are brought to its attention and literally hundreds of such properties are given at least office consideration each year. Newmont maintains a staff of specialized and experienced engineers and geologists who devote their entire time to the business of mining exploration, development and operation, including the management of producing properties. Field work is continuously being conducted either directly or through subsidiaries in most of the mining regions of the world.

The application states further that through the operation of controlled companies Newmont actually conducts wide-spread mining operations which constitute the major portion of its activities. Some eight thousand employees of companies controlled and directed by the applicant produced in 1954 over 41,000 tons of metallic copper, 58,000 tons of lead, 39,000 tons of zinc, 57,000 ounces of gold, 1,300,000 ounces of silver, and 460,000 barrels of oil. The control and conduct of these operations, combined with widespread exploration activities, require the greater proportion of the time and efforts of the officers and employees of Newmont.

Section 3 (a) (3) of the act defines an investment company as one which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the company's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. For purposes of this section, "investment securities" are defined as including all securities except Government securities, securities issued by employees' securities companies, and securities issued by majority-owned subsidiaries which are not investment companies.

Section (3) (b) (2) of the act provides that, notwithstanding section 3 (a) (3), the term "investment company" does not include a person whom the Commission upon application finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

Newmont is an investment company in accordance with the statistical definition of section 3 (a) (3) of the act. At December 31, 1954, Newmont's total assets (exclusive of Government securities and cash items) had a value of $201,900,121. The value of securities of majority-owned subsidiaries of Newmont was $74,146,765 or approximately 37 percent of total assets. Investment securities had a value of $127,469,398 or approximately 63 percent of total assets. Included in the latter figure are securities of companies which Newmont controls but in which it does not have a majority interest, such securities having a value of $18,592,582 or approximately 9 percent of Newmont's total assets. Thus, the total value of majority-owned and controlled securities at December 31, 1954, was equal to $92,739,347 or approximately 46 percent of Newmont's total assets. Newmont points out that its investments in controlled companies would be increased substantially if and when it converts into common stock its holdings of $8,000,000 of convertible debentures of Sherritt Gordon Mines, Ltd. Such conversion would increase to 38.1 percent Newmont's present ownership of 13.8 percent of the common stock of this company, which is developing important nickel deposits in Canada. If all of the securities owned by Newmont in this company were classified as investments in controlled companies at December 31, 1954, the total of securities of majority owned or controlled companies would be increased to $107,633,709, or 53.3 percent.

Newmont's total income in 1954, exclusive of realized capital gains, was $10,088,893, of which $6,403,196 or 63.5 percent came from investments in controlled companies, $3,571,318 or 35.4 percent from investment in non-controlled companies, and $114,379 or 1.1 percent from other sources. Newmont also realized $2,867,297 in capital gains from the sale of investment securities in 1954, and including this amount in total income, 49.4 percent of its income was derived from controlled companies, 49.7 percent from non-controlled companies, and .9 percent from other sources.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application pursuant to section 3 (b) (2);

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application under the applicable provisions of the act and of the rules of the Commission thereunder be held on the 23d day of June 1955, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in that rule setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That Edward C. Johnson, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether Newmont is primarily engaged in the business of exploring for, developing, operating, and financing mining and petroleum properties either directly or through majority-owned subsidiaries, or through controlled companies conducting similar types of businesses, or whether it is primarily engaged in the business of investing, reinvesting, owning, holding, or trading in securities.

(2) Whether, pursuant to the terms of section 8 (f) of the act, an order should be issued declaring that Newmont has ceased to be an investment company and that its registration as such shall cease to be in effect and whether it is necessary for the protection of investors that any appropriate conditions should be provided in such order.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to Newmont, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

It is further ordered, That Newmont shall give notice of this hearing to all its stockholders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order to his last known address at least 13 days prior to the date set for said hearing.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-4705; Filed, June 10, 1955; 8:54 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS FOR PURCHASE OF LIVESTOCK REQUIRED BY PUBLIC HEALTH SERVICE FOR BREEDING PURPOSES

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of Health, Education and Welfare to negotiate, without advertising, under section 302 (c) (9) of the act, contracts for the purchase of livestock required by the Public Health Service for breeding purposes.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304 and 307, and in accordance with the policies, procedures and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any official or employee of the Department of Health, Education and Welfare.

4. This delegation shall be effective as of the date hereof.

Dated: June 8, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-4755; Filed, June 10, 1955; 11:55 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 47]

ARKANSAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about May 26, 1955, because of the disastrous effects of tornado and excessive rainfall, damage resulted to residences and business property located in certain areas in the State of Arkansas; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Garland, Perry, Pulaski; Small Business Administration Regional Office, 1114 Commerce Street, Dallas, Texas. Small Business Administration Branch Office, U. S. O. Building, 217 Main Street, Little Rock, Ark.

2. Special field offices to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to December 31, 1955.

Dated: June 6, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-4687; Filed, June 10, 1955; 8:51 a. m.]

UNIVERSITY OF MICHIGAN
JUN

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

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VOLUME 20 NUMBER 115

Washington, Tuesday, June 14, 1955

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter B—Prohibitions of Imported Commodities

PART 1067—AVOCADOS

AVOCADO REGULATION NO. 2

§ 1067.2 *Avocado Regulation No. 2.* (a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless:

(1) The individual fruit in each lot of such avocados weigh at least 14 ounces: *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 14 ounces but not less than 12 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance;

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, any person may import any lot of avocados if (i) the exterior seed coat of the individual fruit is of a brown color characteristic of a mature avocado, or (ii) such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature; and

(3) Each such importation is made in conformance with the general regulations (Part 1060 of this subchapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section.

(b) Inspection by the Federal or Federal-State Inspection Service, or such other governmental inspection service as may be designated or approved by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados pursuant to § 1060.3 of this subchapter.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The name of the importer (consignee);

(4) The commodity inspected;

(5) The quantity of the commodity covered by the certificate;

(6) The principal identifying marks on the containers;

(7) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(8) The following statement, if the facts warrant: Meets U. S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) Notwithstanding any other provision of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified in this section.

(g) It is hereby determined, on the basis of the information currently available, that the requirements set forth in this section are comparable to the maturity regulation now in effect for avocados grown in South Florida, which regulation was published in the FEDERAL REGISTER issue of May 17, 1955 (§ 969.306 of this chapter; 20 F. R. 3427).

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U. S. C. 1001 et seq.) because (a) maturity regulations governing the ship-

(Continued on p. 4151)

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end ($2.25)
Title 8 ($0.45)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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ment of avocados produced in South Florida are now in effect and the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), makes such regulation of imports of avocados mandatory; (b) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (c) notice that this action was being considered was published in the FEDERAL REGISTER issue of May 18, 1955 (20 F. R. 3475), and interested parties were afforded opportunity to submit written data, views, or arguments for consideration in connection therewith; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (e) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

(Sec. 401, 68 Stat. 907; 7 U. S. C. 608e)

Done at Washington, D. C., this 10th day of June 1955, to become effective at 12:01 a. m., e. s. t., June 18, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4759; Filed, June 13, 1955; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53817]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE TOWING LAWS

JUNE 8, 1955.

Upon the written recommendation of the Deputy Secretary of Defense in the interest of national defense and by virtue of the authority vested in me by the act of December 27, 1950 (64 Stat. 1120), and revised Treasury Department Order No. 165 (T. D. 53654), I hereby waive compliance with section 316, title 46, United States Code, to the extent necessary to permit the use of the Canadian tug "Radel" in towing a barge now operated by the Badgett Mine Stripping Corporation on one voyage to commence on or about June 9, 1955, from Ogdensburg, New York, to the Badgett construction site in the International Rapids Section on the St. Lawrence River.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 55-4719; Filed, June 13, 1955; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

CLAIMS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES FOR PROPERTY DAMAGED, LOST, DESTROYED, CAPTURED, OR ABANDONED INCIDENT TO THEIR SERVICE

Section 536.27 is amended by changing various paragraphs and subparagraphs to read as follows:

§ 536.27 *Claims of military personnel and civilian employees for property damaged, lost, destroyed, captured, or abandoned incident to their service.* • • •

(b) *Claims payable.* • • •

(2) *Examples.* • • •

(ii) *Transportation losses.* Where property, including baggage checked or in personal custody, is damaged, lost, or destroyed incident to transportation by a carrier, an agent or agency of the Government, or private conveyance:

(*a*) When shipped under orders; or

(*b*) In connection with travel under orders; or

(*c*) In connection with travel in performance of military duty with or without troops.

• • • • • •

(f) *Statute of limitations.* • • •

(2) Subject to the foregoing, every claim under this section should be presented as soon as possible after discovery of the damage or loss. Immediate action by the claimant will facilitate processing of the claim and reduce the time required to complete action. Delay by the claimant increases the difficulty of perfecting his claim because essential witnesses may be transferred or documents may be lost. Moreover, in a case involving transportation loss or damage, failure of a claimant to make demand on a carrier within 9 months may result in a reduction of the award on the claim.

• • • • • •

(h) *Demand on carrier.* When it appears that damage to, or loss or destruction of, property has occurred under circumstances in which a carrier is responsible, the claimant will, within 9 months after delivery or the date on which delivery should reasonably have been made, and prior to presenting a claim under this section, make demand in writing upon the last carrier known or believed to have handled the shipment for reimbursement for such damage, loss, or destruction. If more than one bill of lading or contract was issued, a separate demand will be made upon the last carrier under each bill of lading or contract. No such demand is required when it appears that the damage, loss or destruction resulted from improper packing, storage or other cause not within the control of a carrier. The claimant may present a claim under this section at any time after making demand on the carrier. A copy of the demand, and one of any reply, will be presented with a claim. The claimant should accept any amount offered in settlement by the carrier. Any such amount must be deducted from the amount otherwise payable under this section. The claimant will thereafter promptly notify the claims officer of any action by the carrier, including settlement or denial of liability.

• • • • • •

(j) *Demand on insurer.* When the property damaged, lost, destroyed, captured, or abandoned was insured in whole or in part, the claimant will, within the time prescribed in the insurance policy and prior to presenting a claim under this section, make demand in writing upon the insurer for reimbursement under the terms and conditions of the policy. The claimant may present a claim under this section at any time after making demand on the insurer. A copy of the demand, and one of any reply, will be presented with the claim. The claimant may accept any amount offered in settlement by the insurer. Any such amount must be deducted from the amount otherwise payable under this section. The claimant will thereafter promptly notify the claims officer of any action by the insurer, including settlement or denial of liability.

• • • • • •

(m) *Proration of recovery from insurer.* When the amount recovered or recoverable by the claimant from an insurer is less than the total loss, the amount so recovered or recoverable will be prorated between the amount approved and the amount disapproved.

(n) *Proration in event of excess weight.* [Revoked.]

• • • • • •

(q) *Claims*—(1) *Form to be used.* • • •

(iv) That the damage, loss, destruction, capture, or abandonment was or was not covered by insurance and, if it was, that timely demand was made on the insurer or that demand was not made for stated reasons.

(v) In cases involving a carrier, that demand was made on the carrier.

• • • • • •

(2) *Evidence to be submitted by claimant.* • • •

(ii) If the claim is asserted under paragraph (b) (2) (ii) of this section (transportation losses):

• • • • • •

(c) Copy of demand on carrier or insurer, or both, when required.

• • • • • •

(*e*) A statement, in cases where property was turned over to a quartermaster, transportation officer, supply officer, or contract packer, setting forth the following information:

• • • • • •

(7) [Revoked.]

• • • • • •

(*10*) The names of disinterested witnesses, including the quartermaster, transportation officer, or supply officer, if available, as to the condition of the property when received or delivered, or as to handling or storage.

(11) [Revoked.]
(12) [Revoked.]
(13) [Revoked.]

* * * * * *

[C2, AR 25–100, 23 May 1955] (59 Stat. 225, as amended; 31 U. S. C. 222c)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–4699; Filed, June 13, 1955; 8:45 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

GENERAL

Sections 861.1 through 861.13 are rescinded and the following substituted therefor:

GENERAL

Sec.
861.1 Purpose.
861.2 Definitions.
861.3 Composition of Air Force Reserve.
861.4 Training categories.
861.5 Qualifications for Ready Reserve Status.
861.6 Qualifications for Standby Reserve Status.
861.7 Inactive Status List.
861.8 Retired Reserve.
861.9 Credit for Active and Inactive duty participation.
861.10 Minimum participation requirements.
861.11 Maximum ages.
861.12 Assignments within Air Force Reserve.
861.13 Miscellaneous assignment requirements.
861.14 Administration of Air Force Reserve.

AUTHORITY: §§ 861.1 to 861.14 issued under sec. 251, 66 Stat. 495, 50 U. S. C. 1002. Interpret or apply secs. 101–259, 601–603, 66 Stat. 481–498, 501; 50 U. S. C. 901–1010, 1091–1093. Other statutory provisions interpreted or applied are cited to text.

DERIVATION: AFR 45–5, April 21, 1955.

GENERAL

§ 861.1 *Purpose.* Sections 861.1 to 861.14 outlines the personnel composition of the Air Force Reserve. It states the policy, standards, and procedures pertaining to the assignment, reassignment, and retention of airmen, warrant officers, and commissioned officers who are not on extended active duty. The Reserve components of the Air Force provide trained units and qualified individuals to be available for active duty in the Air Force in time of war or national emergency and at such other times as the national security may require. These units and individuals are necessary to meet the requirements of the Air Force in excess of those of the Regular components thereof, during and after the period needed to procure and train additional trained units and qualified individuals to achieve the planned mobilization.

§ 861.2 *Definitions.* The following terms used in §§ 861.1 to 861.14 are defined:

(a) *Extended active duty.* Any tour of active duty performed by an individual, and entered into with the original expectation of serving for an indefinite or stated period of time. Tours under the provisions of §§ 861.1151 to 861.1177 are not considered to be extended active duty. Extended active duty may be defined further as the only tour in which strength accountability changes from the Air Force Reserve to the active establishment.

(b) *Active military service.* Full-time duty with the active establishment, either on extended active duty, or on active duty for training. The terms "active military service" and "active duty" are synonymous.

(c) *Active duty for training.* Full-time duty with the active establishment for training. Tours accomplished under §§ 861.1151 to 861.1177 are included in this definition.

(d) *Inactive duty training.* Unit training assemblies, instruction, duty, appropriate duties, or equivalent training, including hazardous duty, which are performed with or without pay by a member of the Air Force Reserve not on active duty for training. Inactive duty training includes duties performed in connection with training, administration, and maintenance activities of the unit of assignment or for study through the United States Air Force Extension Course Institute. Points will be awarded as provided in §§ 861.31 to 861.36.

(e) *Competent authority.* Any authority designated by the Chief of Staff, USAF.

(f) *Active status.* All Reservists except those on the Inactive Status List of the Standby Reserve and those in the Retired Reserve. To retain an active status, a person must accrue during his retention year, at least 30 points including the 15 gratuitous points awarded to him for Reserve membership. Waivers of this minimum annual requirement will not be permitted after June 30, 1955. Obligated Reservists, however, will be retained in an active status during the period of their obligated service.

(g) *Retention year.* A period of 12 consecutive months of active status for which points are computed.

(1) For a person who initially assumed military status on or before July 1, 1949, and has not been removed from an active status and/or has no break in military status since that date, the retention year for computation of points will begin on July 1 of each year and end on June 30 of the following year until he is removed from an active status.

(2) For a person who initially assumes military status, and/or who resumes military status after a break in service, or who is returned to an active status, after July 1, 1949, the retention year for computation of points will begin on the date of his appointment, enlistment, or return to an active status and will include a period of 12 consecutive months.

(h) *Obligated Reserve service.* The period of time that a person must remain in the Air Force Reserve as required by sections 4d (1), (2), and (3), and 6d (1), Selective Service Act of 1948 (62 Stat. 604; 50 U. S. C. App. 454 (d) and 456 (c)) as amended by act June 19, 1951 (62 Stat. 604; 50 U. S. C. App. 451–473), or as may otherwise be required by law. Reserve and service obligations apply only to male personnel and are described in §§ 864.31 to 864.43 of this subchapter. Members of the Air Force Reserve possessing such a Reserve or service obligation may be referred to as "obligated Reservists."

(i) *Participation requirements.* The minimum training which a Reservist must accomplish to maintain status in a particular program element. Regulations, applicable to each program element, set forth these requirements. In addition to specific participation requirements for program elements, each Reservist to be eligible for assignment must:

(1) Meet age-in-grade requirements.

(2) Be professionally qualified (maintain a level of proficiency sufficient to make sure that duty is satisfactorily performed in the appropriate Air Force Specialty.

(3) Be physically qualified for extended active duty.

(j) *Reserve of the Air Force.* The common Federal status possessed by members of the Air Force Reserve and the Air National Guard of the United States. This term will not be used to identify a component or organization of the Air Force. As used in §§ 861.1 to 861.14 the terms "Reserve" and "Reserve of the Air Force" are synonymous.

§ 861.3 *Composition of Air Force Reserve.* The Air Force Reserve includes all Reserves of the Air Force except those who are members of the Air National Guard of the United States.

(a) Air Force Reserve units may be designated as Ready Reserve units in which case the assigned members must be Ready Reservists. Undesignated units may be manned by either Ready or Standby Reservists.

(b) Each Air Force Reservist has a personal status as a Ready Reservist, a Standby Reservist, or a Retired Reservist.

(1) Ready Reservists may be ordered to extended active duty involuntarily in time of war, national emergency declared by Congress or proclaimed by the President, or when otherwise authorized by law.

(2) Standby Reservists may be ordered to extended active duty involuntarily only in time of war, national emergency declared by Congress, or when otherwise authorized by law. Qualified Standby Reservists unable to earn the points required to maintain active status may be placed on the Inactive Status List.

(i) The Inactive Status List is composed of Air Force Reserve Officers, warrant officers, and airmen who having completed any obligated Reserve service required of them by law or regulation, are unable to participate in prescribed training, but whose retention as Reserves of the Air Force is determined to be in the best interest of the Air Force.

(ii) While on the Inactive Status List, Reservists are not eligible for inactive duty training, active duty training, promotion, or the award of points.

(iii) Inactive Status List Reservists may be ordered to extended active duty involuntarily only after it has been determined that, within their military specialty, no qualified Ready or Standby Reservists, not on the Inactive Status List, are available for active duty.

(3) Retired Reservists are those persons whose names have been placed on the United States Air Force Reserve Retired List. They may be ordered to extended active duty involuntarily when it is determined that no qualified Ready or Standby Reservists are available, but only in time of war or national emergency declared by Congress or when otherwise authorized by law. Members of the Retired Reserve are not eligible for inactive duty training, active duty training, promotion, or the award of points.

§ 861.4 *Training categories.* The active status portion of the Air Force Reserve is divided into Training Categories A, B–1, B–2, C, D, E, F, and G. This division is based upon the annual training participation and the type of training authorized and/or required of units or training program elements and the individuals assigned thereto. In addition to being designated Ready or Standby, each Reservist will be assigned to a program element within one of the training categories. There are no program elements or training categories within the Inactive Status List of the Standby Reserve. An Availability Classification Code determined in accordance with current directives applies to each training category. To be eligible for assignment within the Reserve training program, a Reservist must possess or accept an Availability Classification Code indicating equal or earlier availability than that specified for the Training category concerned.

(a) *Program element.* The program elements within each training category, and the applicable Availability Classification Codes, are indicated in subparagraphs (1) through (8) of this paragraph. Both Ready and Standby Reservists may be assigned to any program element, except that Reservists must already possess or must accept, Ready Reserve status to be assigned to a unit or to a position designated Ready.

(1) *Training Category A; Availability Classification Code I.* Reservists assigned to combat wings and units, combat support wings and units and flying training wings and units.

(2) *Training Category B–1; Availability Classification Code I.* Reservists in an inactive duty training pay status enrolled in specialized training courses and assigned to Air Reserve Units.

(3) *Training Category B–2; Availability Classification Code III.* Reservists in a nonpay status enrolled in specialized training courses and assigned to Air Reserve Units.

(4) *Training Category C; Availability Classification Code I.* Reservists assigned to a Mobilization Assignment Reserve Section.

(5) *Training Category D; Availability Classification Code III.* Reservists assigned to Air Reserve Units in a nonpay status and participating in general training, or assigned to a Mobilization Designation Reserve Section.

(6) *Training Category E; Availability Classification Code III.* Applies only when program elements are established.

(7) *Training Category F; Availability Classification Code IV.* Reservists assigned to the Nonaffiliated Reserve Section.

(8) *Training Category G; Any Availability Classification Code.* Obligated Reservists assigned to the Ineligible Reserve Section.

(b) *Criteria for membership within training categories and program elements.* Training categories A, B–1, B–2, C, D, E, and F will be composed of persons who are physically and professionally qualified for active duty and who fulfill existing skill, age, and grade requirements and participation standards. In addition, the specified criteria, as outlined in subparagraphs (1) through (4) of this paragraph for each training category, must be fulfilled.

(1) *Categories A, B–1, and C.* The Availability Classification Code must not exceed code I (1 through 3 months).

(2) *Categories B–2, D, and E.* The Availability Classification Code must not exceed code III (7 through 12 months).

(3) *Category F.* Reservists possessing Availability Classification Code AA, I, II, III, or IV who are not assigned to program elements of training category A, B–1, B–2, C, D, or E, will be retained in the Nonaffiliated Reserve Section as long as they accrue at least 30 points annually. Persons enlisted or appointed for membership in the Air Force Reserve, Reservists released from extended active duty, and persons transferred to the Air Force Reserve (except Regular retired airmen) will be assigned to the Nonaffiliated Reserve Section. Regular Air Force airmen retired with more than 20 but less than 30 years of active service and who are transferred to the Air Force Reserve will be assigned direct to the Inactive Status List of the Standby Reserve from which they may be reassigned if they elect to participate in an active training program. If qualified and available, individuals may be reassigned at any time from the Nonaffiliated Reserve Section direct to a position vacancy in training program elements of training category A, B–1, B–2, C, D, or E. Nonaffiliated Reservists who fail to meet minimum annual retention requirements will be notified of that fact. Those who possess a Reserve or service obligation under Universal Military Training and Service Act will be reassigned to the Ineligible Reserve Section. Unobligated Reservists not eligible for retired Reserve status who fail to accrue 30 points during their retention year are subject to separation action unless they are qualified for and are selected for assignment to Inactive Status List.

(4) *Category G.* Any Reservist who fails to meet the minimum participation standards during any retention year, and who possesses a Reserve or service obligation under Universal Military Training and Service Act, will be reassigned to the Ineligible Reserve Section. While in such status, a Reservist may not participate in any training programs or point-gaining activities. He will, however, continue to receive the gratuitous 15 points a year.

NOTE: Individuals now assigned to the Ineligible Reserve Section (category G), who do not possess a Reserve or service obligation under the Universal Military Training and Service Act, will be reassigned at their request to a program element of any higher training category in which a suitable vacancy exists. Unobligated ineligible Reservists not requesting reassignment will be subject to separation or assignment to the Inactive Status List of the Standby Reserve unless they are qualified for and request placement on the Reserve Retired List. On and after January 1, 1955, only those Reservists who have a remaining period of obligated service may be assigned to or retained in the Ineligible Reserve Section.

(i) Reservists assigned for the first time to the Ineligible Reserve Section may be reassigned at any time direct to a training program element of training category A, B–1, B–2, C, or D if they volunteer, and are selected, for a position vacancy. Individuals residing in isolated areas where unit training is not reasonably available may also be reassigned to the Nonaffiliated Reserve Section (training category F) if they have indicated desire to participate actively in Reserve training, including the United States Air Force Extension Course Program. Ineligible Reservists who have a remaining period of obligated Reserve service, and who do not qualify for and request reassignment within another training category, will be retained in the Ineligible Reserve Section until completion of their obligated Reserve service, at which time they will be considered for separation.

(ii) Obligated Reservists who have for the second time been assigned to the Ineligible Reserve Section, are ineligible for voluntary reassignment within another training category.

(iii) Ineligible Reservists whose continued retention as Reserve of the Air Force is determined to be in the best interest of the Air Force, after completing the required period of obligated Reserve service, may be placed on the Inactive Status List, except that Ready Reservists must be qualified for Standby Status.

§ 861.5 *Qualifications for Ready Reserve status.*—(a) *General.* All persons of the Air Force Reserve who do not qualify for Standby Reserve status (see § 861.6) or for Retired Reserve status (see § 861.8) will retain Ready Reserve status subject to the provisions of this section. All individuals commissioned, appointed, or enlisted as Reserves of the Air Force and those persons transferred to the Air Force Reserve (except Retired Regular Air Force airmen), will assume Ready Reserve status and will retain such status until they qualify, apply, and are redesignated Standby Reservists or Retired Reservists.

(b) *Assignment.* A Ready Reservist who qualifies for, but does not elect, Standby status will be relieved of assignment to any unit or position which requires Ready Reserve status, unless he agrees in writing to retain Ready status. A Standby Reservist may, at any time, agree to accept Ready Reserve status to qualify for an assignment to a specific Ready Reserve unit or position vacancy. Acceptance of Ready Reserve status and/or an agreement to retain a Ready Reserve status and assignment includes

acceptance of liability for involuntary extended active duty common to all Ready Reservists.

(c) *Agreements.* All agreements will be accomplished in the manner prescribed in §§ 861.1 to 861.14 applying to the training program element concerned. They will include a specified period of time which will be for at least 2 but not more than 5 years. Agreements will become effective on the date signed, or upon the date of assignment, whichever is later, and may be renewed at any time during the last 90 days of the specified period. The Ready Reserve agreements of persons released from assignments which require agreements will be canceled in orders affecting reassignment.

(d) *Eligibility.* An Air Force Reserve commissioned officer who has failed to accept an indefinite term appointment is not eligible for a Ready Reserve assignment. An officer currently holding a Ready Reserve assignment who declines an indefinite term appointment will be released from such assignment when less than 2 years remain in his current 5-year appointment. An officer who does not possess an indefinite term appointment may be assigned to or retained in other than a Ready Reserve position until his commission or appointment expires.

§ 861.6 *Qualifications for Standby Reserve status.* (a) Air Force Reservists are eligible for elective Standby Reserve status who:

(1) Had 12 months of active military service between December 7, 1941 and September 2, 1945, and who, subsequent to June 25, 1950, served on active duty for at least 12 months; or

(2) Have completed at least 8 years of service as a member of a Reserve component since September 2, 1945; or

(3) Have completed a total of 5 years of active military service.

(b) Any individual who has served on extended active duty may qualify for elective Standby status if he has satisfactorily participated in any accredited training program for a period which, added to his period of active duty, totals at least 5 years. In determining eligibility, satisfactory participation will include:

(1) Any period on or after January 1, 1953, during which the individual satisfactorily participated in a Reserve training program element in a Ready Reserve status.

(2) Any period between July 1, 1949 and January 1, 1953, during which the individual was assigned to, or enrolled in, any Reserve training program element (including the United States Air Force Extension Course Program) and fulfilled the minimum participation requirements prescribed therefor.

(3) All Reserve service completed prior to July 1, 1949.

§ 861.7 *Inactive Status List.* The Inactive Status List will consist of selected Standby Reservists who have completed all Reserve service required of them by law or regulation, who are unable to participate in prescribed Reserve training, but whose retention as Reserves of the Air Force is considered to be in the best interest of the Air Force.

(a) *Criteria for membership in Inactive Status List.* Except for individuals who were retired as airmen after completion of more than 20 years of active Federal service, normally no one will be reassigned to, or retained in, the Inactive Status List who does not possess the minimum professional qualifications of a designated Air Force Specialty which will be required for utilization in a future mobilization. The limited number of individuals possessing the desired qualifications will be selected by the Continental Air Command. That headquarters will issue or direct the issuance of orders in each individual case. Consideration will be given to those who apply for such status and to Reservists who would otherwise be considered for separation because of failure to participate in point-gaining activities to the minimum extent required. Selected individuals who are unable to achieve these minimum participation standards may be reassigned to the Inactive Status List whether or not they have requested such status. The following individuals may be considered and assigned:

(1) Standby Reservists with a designated Air Force Specialty who are unable to participate in training after completing required Reserve service who:

(i) Request such status; or

(ii) Have not requested such status but are subject to separation by reason of failure to participate.

(2) Retired airmen regardless of their request who, after accruing at least 20 years of active service, were placed in the Air Force Reserve until completion of 30 years of active and retired service will be assigned to the Inactive Status List unless they elect to participate actively in their airmen status in Reserve training programs. (See section 4, Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 539; 10 U. S. C. 948).) They may not be assigned to the Retired Reserve until required Reserve airmen service is completed.

(3) Air Force Reserve commissioned officers who are retired as Regular Air Force warrant officers or Air Force Reserve commissioned officers and warrant officers who are retired as Regular Air Force airmen will be placed on the Inactive Status List in their officer status unless they elect placement as officers on the Reserve Retired List or termination of their commissioned or warrant officer status. These individuals may, while assigned to the Inactive Status List or the Retired Reserve List, participate in their officer status in Reserve training programs on an unassigned basis.

(4) Individuals (other than retired warrant officers or airmen described in subparagraphs (2) and (3) of this paragraph) who are qualified for retired Reserve status by reason of service will normally not be placed on the Inactive Status List. They will be subject to separation unless assignment to the Retired Reserve is requested.

(b) *Retention on Inactive Status List.* No individual except those who were retired as airmen after 20 years of active Federal service will be retained on the Inactive Status List after it has been determined that his further retention as a Reserve of the Air Force would be of no benefit to the Air Force. Whenever, during any review of his records, it is determined that an individual is no longer proficient in his specialty, or that his specialty is no longer considered for use in a future mobilization, he will be subject to separation action. A Reservist on the Inactive Status List may at any time be reassigned direct to a suitable position vacancy in a program element of training categories A, B–1, B–2, C, or D provided that he is qualified for and requests such assignment.

§ 861.8 *Retired Reserve.* Membership in the Retired Reserve is confined to those individuals whose names have been placed on the United States Air Force Reserve Retired List. There are no retention standards for members of the Retired Reserve. Placement on the list does not carry with it any entitlement for pay, but does require military status. A retired Reservist may be recalled to duty in time of war or national emergency declared by Congress. Except for those individuals whose names have been placed on the retired list by reason of physical disability, a person may not again be redesignated as a Ready or Standby Reservist. A person placed on the list because of medical disqualifications and who was not paid severance pay may request reassignment from the Retired Reserve. He must submit conclusive, proof, in the form of a completed medical examination together with a statement outlining the reasons for original medical disqualification, to the Air Adjutant General, Headquarters United States Air Force. Upon review and approval by the Surgeon General, United States Air Force, and after correction of appropriate records, the individual will be assigned to the Non-affiliated Air Reserve of the Continental Air Command where he will be redesignated a Ready Reservist (or Standby Reservist if qualified, and he so elects). Since placement on the Reserve Retired List requires Reserve of the Air Force status, Regular Air Force commissioned officers, warrant officers, and airmen now or hereafter discharged or retired are not eligible. However, Regular warrant officers and airmen who have also held appointment as non-Regular commissioned officers or non-Regular warrant officers may be eligible in their officer or warrant officer status. Persons eligible under paragraphs (a) through (d) of this section, who are not currently appointed or enlisted as Reserves of the Air Force, will be so appointed or enlisted prior to placement on the United States Air Force Reserve Retired List.

(a) Individuals meeting one of the following criteria, may upon application, be placed on the United States Air Force Reserve Retired List and assigned to the Retired Reserve:

(1) Retired or granted retirement pay under title II and III, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1081; 10 U. S. C. 580).

(2) Retired for physical disability, either temporarily or permanently, pursuant to title IV, Career Compensation Act of 1949 (63 Stat. 816; 37 U. S. C. 271–285), or act April 3, 1939 (53 Stat. 557; 10 U. S. C. 456).

(3) Discharge for disability with severance pay under title IV, Career Compensation Act of 1949. (Secs. 401-415, 63 Stat. 816–825, as amended 37 U. S. C. 271–285).

(4) Found medically disqualified for active duty as a result of a service-connected disability.

(5) Completed a total of 20 years of honorable service in any component of the Armed Forces or in any Armed Force without component.

(6) Eligible for retirement under section 302, title III, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1087; 10 U. S. C. 1036a). This means persons who have completed 20 years or more satisfactory Federal service, but have not yet attained the age of 60.

(7) Completed 8 years of satisfactory Federal service (as outlined in section 302 (b) Army and Air Force Vitalization and Retirement Equalization Act of 1948), (62 Stat. 1087, 10 U. S. C. 1036 (a)), and are:

(i) 60 years of age or over; or

(ii) 37 years of age or over and medically disqualified for active duty by reason of medical disability which is not the result of misconduct or willful neglect, and was not incurred during a period of unauthorized absence.

(8) Completed 8 years of satisfactory Federal service (as outlined in section 306 (b), Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1089; 10 U. S. C. 1036e)) and is 37 years of age or over; has served on active duty for at least 6 months during a period of war or national emergency; and has rendered extraordinary service to the Air Force or other agencies of the Federal government which was of such nature as to warrant special recognition.

(b) Applications from members of the Air Force Reserve, below the grade of brigadier general, will be submitted through channels to the Commander, Air Reserve Records Center (ConAC), 3800 York Street, Denver 5, Colorado. If the applicant is eligible, the Commander, Air Reserve Records Center (except as noted in subparagraph (2) of this paragraph), will recommend approval and forward the application, together with the master personnel record, to the Air Adjutant General, Headquarters United States Air Force, Attention: Military Personnel Records Division, Washington 25, D. C. Applications from individuals who are not currently members of the Air Force Reserve but who are otherwise qualified for placement on the Reserve Retired List will be forwarded direct to the Air Adjutant General, Headquarters United States Air Force, Attention: Military Personnel Records Division, Washington 25, D. C.

(1) Upon final approval by the Air Adjutant General, a Department of the Air Force Reserve order will be issued accomplishing placement on the Reserve Retired List and assignment to the Retired Reserve. Copies of the order will be sent to the Commander, Air Reserve Records Center, and to the applicant.

(2) Applications disapproved by either the Commander, Air Reserve Records Center, or the Air Adjutant General, Headquarters United States Air Force will be returned to the applicant through channels with reasons for disapproval.

(c) Applications from general officers who are members of the Air Force Reserve will be forwarded by the individuals direct to the Deputy Chief of Staff, Personnel, Headquarters United States Air Force, Attention: General Officers' Branch, Washington 25, D. C.

(d) Placement on the Reserve Retired List will be in the highest grade in which the individual satisfactorily served or for which eligible by law. Individuals claiming placement on the Reserve Retired List in a higher grade than that presently held as a Reserve of the Air Force must submit properly authenticated documents such as letter of appointment, promotion order, or active duty orders, attesting to their eligibility for the higher grade.

(e) Because of the relatively few persons who can be considered to qualify under paragraph (a) (8) of this section, applications submitted thereunder will be indorsed by the Commander, Air Reserve Records Center, to the Commander, Continental Air Command, for review. In the event that an individual is found qualified, the application will then be indorsed to the Air Adjutant General, Headquarters United States Air Force, who will refer the application to the Secretary of the Air Force Personnel Council for final decision. All applications disapproved by the Commander, Continental Air Command, or at Headquarters United States Air Force will be returned through channels to the applicant advising the individual that he does not meet the highly selected eligibility criteria established for those individuals who have accrued relatively short periods of active and/or Reserve service.

§ 861.9 *Credit for active and inactive duty participation.* Points are awarded for active duty performed in any grade or status and for inactive duty training in accordance with the provisions of §§ 861.31 to 861.36.

(a) Minimum participation standards are prescribed in regulations appropriate to the program element of assignment. The commander of the unit of assignment will determine whether minimum participation requirements have been met. He will indicate reassignment action as appropriate.

(b) Gratuitous points granted under the Army and Air Force Vitalization and Retirement Equalization Act of 1948 will be counted for all purposes. However, gratuitous points will not be counted in computing relative date of rank upon entry on extended active duty for any year in which the Reservist has failed to accrue sufficient points for a year of satisfactory Federal service as defined in section 302b, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (secs. 301–313, 62 Stat. 1084–1091; 10 U. S. C. 1036, 1036a–i).

(c) Air Force Reserve commissioned officers serving on active duty either as airmen or warrant officers, and Air Force Reserve warrant officers serving on active duty as airmen may participate in a nonpay status as Reserve commissioned officers or warrant officers, as appropriate, in Air Reserve Units (training categories B–2 and D) on an assigned basis. Additional points for such training cannot be credited to them since points are accumulated for active duty in any grade or status. They are not eligible for short or special tours of active duty for training and may not be given training designations. Air Force Reserve commissioned and warrant officers who are serving on extended active duty as such, even though serving in a higher or lower temporary grade accrue a point for each day of active duty.

§ 861.10 *Minimum participation requirements.* (a) Failure to meet participation requirements prescribed for the unit or individual training program to which assigned will result in relief from such assignment. A Reservist so relieved may be reassigned to a unit or individual training program of lesser participation requirements, if qualified and if he so requests, provided further that he is eligible to retain an active status. Individuals qualified for retention will be reassigned to the Nonaffiliated Reserve Section unless selected for assignment to a more active program element. Nonaffiliated Reservists who fail to meet participation requirements (which are identical to those required for retention of active status) will be subject to separation, except that obligated Reservists will be reassigned to the Ineligible Reserve Section.

(b) All Reservists in an active status must accrue a minimum of 30 points during each retention year regardless of the program element of assignment, except those individuals in the Ineligible Reserve Section. Waivers of minimum retention requirements which are now in effect will terminate on June 30, 1955.

(c) Commissioned and warrant officers subject to separation or reassignment to an inactive status for failure to meet minimum retention standards but who have been credited or entitled to be credited with 18 or more years of satisfactory service for retired pay purposes under title III, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1081; 10 U. S. C. 580) will not be separated or transferred for this reason without their consent.

(1) A commissioned or warrant officer with more than 18 but less than 19 years of satisfactory service, will be retained in an active status until he acquires 20 years of satisfactory service or until 3 years after the date he would normally have been transferred or discharged, whichever is earlier, provided that the maximum ages indicated in § 861.11 (a) and (f) are not exceeded.

(2) A commissioned or warrant officer with more than 19 but less than 20 years of satisfactory service will be retained in an active status until he acquires 20 years of satisfactory service or until 2 years after the date he would normally have been transferred or discharged, whichever is earlier, provided that the maximum ages indicated in § 861.11 (a) and (f) are not exceeded.

(d) Selective assignees are not required to participate in Reserve training

of their units, and are not permitted to participate in active duty training nor inactive duty training for pay.

§ 861.11 *Maximum ages.* (a) There is no maximum age for airmen in the Air Force Reserve, nor does any age-in-grade criteria apply to Air Force Reserve airmen. Commissioned and warrant officers may be retained in the Nonaffiliated Reserve Section, the Ineligible Reserve Section and on the Inactive Status List of the Standby Reserve until, but not after, they reach the following maximum ages. Unless they are qualified and apply for Retired Reserve status, they will be separated upon the date they become:

(1) Age of 62 for major generals and male warrant officers.

(2) Age of 60 for all male commissioned officers below the grade of major general and all female commissioned officers other than nurses and women medical specialists.

(3) Age of 55 for nurses and female medical specialists serving in a grade above captain. However, such an officer in the grade of captain whose name is on a recommended list will be treated as if she were in a grade above captain.

(4) Age of 50 for nurses and female medical specialists below the grade of major.

(5) Age of 55 for all female warrant officers.

(b) No commissioned or warrant officer may be assigned to or retained in training categories A, B–1, B–2, C, D and E, except as provided in paragraphs (c), (d) and (e) of this section after exceeding the maximum age applicable to his particular grade:

(1) Major General—61.
(2) Brigadier General—59.
(3) Colonel—57.
(4) Lieutenant Colonel—52.
(5) Major—47.
(6) Captain—41.
(7) Lieutenant—35.
(8) Warrant Officer (All Grades)—59.

Colonels who reach the age of 58 while assigned to a Reserve unit or while occupying a mobilization assignment or designation position will not be reassigned solely because of age, but may continue in such an assignment until reaching age 60 if otherwise qualified.

(c) Maximum age-in-grade provisions established for commissioned officers may be waived for successive 1-year periods for officers currently assigned to program elements of training categories A, B–1, B–2, C, D, or E, until they have had an opportunity to qualify for and be considered for promotion. No waiver may be granted or will remain in effect after an officer has been reassigned from his program element of assignment or has reached the age of 60. No waiver will be granted or will remain in effect after an individual has passed the established maximum age-in-grade for the next higher grade except as provided in paragraphs (d) and (e) of this section. All requests for waivers will be fully justified and are subject to approval by the major air command of assignment, or by the Continental Air Command numbered air force. In addition, requests for successive waivers will indicate the reasons for the officer's failure to be considered for promotion during the previous waiver period. Copies of all waivers granted will be furnished the Commander, Air Reserve Records Center, for file in the individual's master personnel record.

(d) For commissioned officers assigned to program elements in training categories A, B–1, B–2, C, D, and E, waivers may be granted to those individuals over age for the next higher grade provided that they meet all the following qualifications:

(1) Assigned to a position vacancy calling for a higher grade.

(2) Eligible to be recommended and considered for promotion.

(3) Considered qualified for promotion and so recommended by the authority responsible for recommending the individual for promotion. Waivers will be valid for 1 year and may not be renewed.

(e) Commissioned officers currently assigned in nonpay status to Air Reserve units (training category B–2 or D) who are over age for the next higher grade but do not meet the requirements of paragraph (c) of this section, may be retained if the following conditions are met:

(1) In the opinion of the unit commander, and higher headquarters, the best interest of the Air Force will be served by the individual's retention.

(2) The request for waiver is personally indorsed by the major commander or his deputy (in the case of individuals assigned to Continental Air Command, by the numbered air force commander or his deputy).

(3) The Deputy for Personnel, Continental Air Command, personally reviews and approves the request.

(f) A male warrant officer, who upon attaining the age of 62, has completed less than 20 years of satisfactory Federal service for retirement with pay under title III, Army and Air Force Vitalization and Retirement Equalization Act of 1948 (62 Stat. 1081; 10 U. S. C. 580), may be retained in an active status, until he completes 20 years of satisfactory Federal service, but may not be retained after reaching the age of 64. Female warrant officers may be retained in an active status after attaining the age of 55 in order that they may complete 20 years of satisfactory Federal service but not after they attain the age of 60.

§ 861.12 *Assignments with Air Force Reserve.* Assignment and reassignment within or between units or program elements, and assignments to or from the Inactive Status List of the Standby Reserve, will be made by Air Force Reserve orders. The designation of individual Ready, Standby, or Retired status will be shown in all orders pertaining to each individual. Redesignation of the individual's status will be accomplished by Air Force Reserve orders whenever the individual accepts, or ceases to hold, Ready, Standby or Retired status. In addition, changes between training categories, whether or not a change in unit of assignment is concurrently effected, must be accomplished by Air Force Reserve orders.

(a) Individuals of the Ready or Standby Reserve who are determined by appropriate authority to be permanently physically disqualified for active military service or for active military service with waiver may request Retired Reserve status. Any such individual who is not qualified for Retired Reserve status is subject to separation action.

(b) Redesignation of Ready Reservists will be made when the individual requests such a redesignation and is qualified for:

(1) Standby Reserve status in accordance with § 861.6; or

(2) Retired Reserve status in accordance with § 861.8.

(c) Redesignation of Ready Reservists may be accomplished regardless of the individual's desire when the individual:

(1) Has failed to participate satisfactorily in an active training program.

(2) Is qualified for Standby status but has failed to request such status.

(d) Redesignation of Standby Reservists will be accomplished when the individual meets any of the following requirements:

(1) Is qualified for and requests assignment to a program element available only to members of the Ready Reserve.

(2) At any time the individual is qualified for and requests Retired Reserve status.

(e) Reassignment from the Inactive Status List of the Standby Reserve may be made only when the individual:

(1) Is qualified for and requests Retired Reserve status, or

(2) Is qualified for, requests, and is selected for an existing vacancy in an active program element of training category A, B–1, B–2, C or D. Individuals residing in isolated areas where unit training is not reasonably available may also be reassigned to the Nonaffiliated Reserve Section if they indicate a sincere intention and a desire to participate actively in Reserve training, including participation in the United States Air Force Extension Course Program. An individual who has for the second time been assigned to the Inactive Status List for failure to maintain participation standards may not again be reassigned to an active program element.

(f) Reassignments within and between units or program elements of the Air Force Reserve will be effected when necessary to fill existing vacancies. Qualified and available Reservists who indicate their willingness to fulfill the training standards and requirements of such assignments will be selected. Obligated Reservists may be selected and assigned to fill vacancies in certain training program elements without their consent. Mandatory reassignments will be accomplished promptly when it has been determined that an individual no longer meets the established age-in-grade criteria, physical or professional standards, or participation requirements established for the program element to which he is assigned.

(g) Air Force Reserve commissioned officers who are retired as Regular Air Force warrant officers or Air Force Reserve commissioned officers and warrant officers who are retired as Regular Air Force airmen may, at any time, be designated Standby Reservists for assignment in their officer grade to the Inactive Status List of the Standby Reserve. Such an assignment will be subject to the provision that retention on the list may not be terminated except on request of the individual and then only in the event he requests placement on the Reserve Retired List or termination of his officer status. Assignment of these individuals to the Inactive Status List is mandatory unless they request placement on the Reserve Retired List.

§ 861.13 *Miscellaneous assignment requirements.* (a) Rated officers should be assigned to nonrated position vacancies for which they volunteer and are otherwise qualified. This does not include assignments within those career fields (for example, Judge Advocate General) in which rated officers may not be assigned.

(b) Women's Air Force Reserve personnel either commissioned, appointed, or enlisted may be assigned to any position in any training program element for which they may be otherwise qualified, with the exception of assignments to the tactical (combat) group headquarters or tactical (combat) squadrons of Reserve combat wings, or assignments to command positions in Reserve units other than WAF units.

(c) In accordance with the Reserve Officer Personnel Act of 1954 (68 Stat. 1147), effective July 1, 1957, individuals in the grade of major general, brigadier, general, or colonel whose names are not on a recommended list for promotion and who complete 35, 30, and 30 total years of service, respectively, will, 30 days thereafter or on the 5th anniversary of the date of their appointment in the grade in which serving, whichever is later, be:

(1) Transferred, if qualified, to the Retired Reserve upon their application; or

(2) Discharged.

An officer whose name is on a recommended list to major general or brigadier general will be treated as though serving in the grade to which recommended.

(d) In accordance with the Reserve Officer Personnel Act of 1954, (68 Stat. 1147) an individual in the grade of first lieutenant, captain, major, and each lieutenant colonel whose name is not on a recommended list for promotion, will 30 days after completion of 28 total years of service, be:

(1) Transferred, if qualified, to the Retired Reserve upon their application, or

(2) Discharged.

An officer whose name is on a recommended list to colonel will be treated as though serving in that grade.

(e) In accordance with the Reserve Officer Personnel Act of 1954, (68 Stat. 1147) each Reserve officer (WAF) who is in the grade below lieutenant colonel, will, 30 days after completion of 25 total years of service, be:

(1) Transferred, if qualified, to the Retired Reserve upon their application, or

(2) Discharged.

An officer in the grade of major, whose name is on a recommended list for promotion, will be treated as though serving in the grade of lieutenant colonel.

(f) When a reserve officer is appointed to the grade of major general or brigadier general to fill a specific vacancy or position and ceases to occupy that position, he will, within 30 days thereafter, unless assigned to fill a comparable position of the same or higher grade:

(1) Be transferred in grade to the Inactive Status List if qualified; or

(2) Be transferred in grade to the Retired Reserve if qualified and he applies therefor; or

(3) Be discharged. If qualified he will, upon application, be appointed as a Reserve officer in the grade held by him as a Reserve officer immediately prior to his appointment in a general officer grade.

(g) When overages occur through the operation of the promotion system in any unit organized under T/O or non-T/O, or when individuals are promoted to grades above those authorized in Reserve Forces non-T/O space and grade authorization vouchers, the unit commander is authorized to retain such overages for a period not to exceed 60 days after the date that the overages occurred. The unit commander is authorized to issue the necessary orders to reassign the personnel concerned to the Nonaffiliated Reserve Section (ConAC) or to a new assignment in another Reserve unit if qualified and is accepted therefor.

§ 861.14 *Administration of Air Force Reserve.* The Continental Air Command will administer the various programs of the Air Force Reserve. It will administer all personnel assigned to the Nonaffiliated Reserve Section of the Continental Air Command and all individuals assigned to the Ineligible Reserve Section and to the Inactive Status List of the Standby Reserve. Continental Air Command will provide, from Air Force Reserve resources, replacements for, or assignments to vacancies in other major commands as required. Military personnel records of reserve officers will be maintained in accordance with current regulations and other directives issued by Headquarters United States Air Force. The administration of all general officers will be monitored by Headquarters United States Air Force and all requests for assignment and/or retention of general officers will be forwarded to the Deputy Chief of Staff Personnel, Headquarters United States Air Force Attention: General Officers Branch, Washington 25, D. C. Direct correspondence between major commands pertaining to the assignments and administration of individuals and maintenance of Air Force Reserve record is authorized.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55–4698; Filed, June 13, 1955; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

NAVIGABLE WATERS DISCHARGING INTO THE ATLANTIC OCEAN SOUTH OF AND INCLUDING CHESAPEAKE BAY AND INTO THE GULF OF MEXICO, EXCEPT THE MISSISSIPPI RIVER AND ITS TRIBUTARIES AND OUTLETS; BRIDGES WHERE CONSTANT ATTENDANCE OF DRAW TENDERS IS NOT REQUIRED

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), paragraph (g) of § 203.245 is hereby amended prescribing regulations for the Atlantic and East Carolina Railway Company bridge across Newport River, North Carolina, by the addition of subparagraph (10–a), revision of subparagraph (6) to exclude the Atlantic Coast Line Railroad bridge across Tar River at Greenville, North Carolina, revocation of subparagraphs (7) and (10) governing bridges across Neuse River and Contentnea Creek, which have been replaced by fixed bridges, and revision of subparagraph (8) to include only the Atlantic and East Carolina Railway Company bridge at Kingston and drawbridges upstream therefrom, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.*

* * * * *

(g) *Waterways discharging into the Atlantic Ocean between Chesapeake Bay and Charleston.*

* * * * *

(6) Tar River, N. C.; Atlantic Coast Line Railroad Company bridge at Tarboro. At least 24 hours' advance notice required.

(7) Neuse River, N. C. [Revoked.]

(8) Neuse River, N. C.; Atlantic and East Carolina Railway Company bridge at Kingston and drawbridges upstream therefrom. At least 24 hours' advance notice required.

* * * * *

(10) Contentnea Creek, N. C. [Revoked.]

(10–a) Newport River, N. C.; Atlantic and East Carolina Railway Company bridge at Newport. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

* * * * *

[Regs., 24 May 1955, 823.01–ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–4700; Filed, June 13, 1955; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. In § 1.10, paragraph (a) (1) (iv) is amended to read as follows:

§ 1.10 *Eligibility for and disposition of the United States Flag for burial purposes*—(a) *Eligibility for burial flags*—(1) *Persons eligible.* • • •

(iv) Any person who has served in the active service of the Armed Forces of the United States on or after June 27, 1950, and prior to February 1, 1955, which date has been determined by Presidential Proclamation 3080, and who was discharged or released from active duty under conditions other than dishonorable.

• • • • • •

(Sec. 2, 57 Stat. 591; 36 U. S. C. 184. Interprets or applies 65 Stat. 32, 40; 38 U. S. C. 745)

2. Section 1.15 *Uniforms for Veterans Administration guards* is revoked.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426)

This regulation is effective June 14, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-4720; Filed, June 13, 1955; 8:49 a. m.]

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, § 6.55 is revised to read as follows:

§ 6.55 *Proof of age, relationship and marriage.* Whenever it is necessary for a claimant to prove age, relationship or marriage, the procedure outlined in §§ 3.46, 3.48, 3.49 and 3.50 of this chapter will be followed.

2. Section 6.127 is revised to read as follows:

§ 6.127 *Evidence to establish death of the insured.* Whenever a claim is filed on account of the death of a person insured under yearly renewable term insurance or United States Government life insurance, the proof of death shall be established in accordance with the procedure outlined in §§ 3.48, 3.55, and 4.18 of this chapter.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707, 855. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

3. In Part 8, § 8.52 is revised to read as follows:

§ 8.52 *Proof of death, age, relationship, and marriage.* Whenever it is necessary for a claimant to prove death, age, relationship or marriage, the procedure outlined in §§ 3.46, 3.48, 3.49, 3.50, 3.55, and 4.18 of this chapter will be followed.

4. Section 8.53 *Presumption of death* is revoked.

5. The cross references immediately following § 8.53 are revoked.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective June 14, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-4721; Filed, June 13, 1955; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11313; FCC 55-667]

[Rules Amdt. 3-48]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 11313.

1. The Commission has before it for consideration its Notice of Proposed Rule Making (FCC 55-355) issued in this proceeding on March 24, 1955, and published in the FEDERAL REGISTER on March 30, 1955 (20 F. R. 1991) proposing to assign Channel 16 to Pittsburg-Antioch, California, in response to a petition filed by Capital City TV Corporation, permittee of Station KCCC-TV on Channel 40 in Sacramento, California.

2. The petitioner suggested that the proposed assignment could be made by two alternative methods as follows:

City	Channel No.	
	Present	Proposed
(a) Pittsburgh-Antioch, Calif.	None	16
Red Bluff, Calif.	16	15
Santa Cruz, Calif.	16	56
(b) Pittsburgh-Antioch, Calif.	None	16
Red Bluff, Calif.	16	15
Santa Cruz, Calif.	16	28
Salinas-Monterey, Calif.	8+, 35	8+, 31+

3. No comments opposing the proposed amendments have been filed. Capital City filed a comment in support of the proposal.

4. In support of the requested amendment, petitioner urges that the communities of Pittsburg and Antioch have a combined population of 23,814 persons; that no assignments have been made to these communities although smaller cities in California do have channels assigned by the Table; that the proposed assignments can be accomplished in conformity with the Commission's rules; that no applications have been filed for the assignments that would be affected by petitioner's request; and that petitioner proposes to file an application for a television station at Pittsburg-Antioch in the event Channel 16 is assigned.

5. The Commission is of the view that the amendments proposed by Capital City serve the public interest since they would make available a television assignment to a community presently without one and would effect a fair and equitable distribution of available facilities. Petitioner requests that Channel 16 be assigned to Pittsburg and Antioch in combination. Pittsburg has a population of approximately 12,000 persons and Antioch has a population of approximately 11,000 persons. The communities are about 5 miles apart, and a channel assigned to one would be available to the other under our Rules. We are therefore of the view that the assignment should be made to Pittsburg rather than to Pittsburg and Antioch in combination.

6. Petitioner suggests two methods for accommodating the assignment of Channel 16 to Pittsburg. Plan (a) would involve changes in two other communities, while Plan (b) would involve three communities. However, Plan (b) would assign Channel 28 to Santa Cruz, California, in conflict with an application for modification of construction permit (BMPCT-3100) filed by KTRB Broadcasting, Inc. to move the site of Station KTRB-TV on Channel 14 at Modesto to Mt. Oso. The Commission in a Report and Order issued August 16, 1954 (FCC 54-1043, Docket No. 11093) substituted Channel 55 for Channel 28 in Salinas-Monterey in order to permit Station KTRB-TV to utilize Mt. Oso as a site. Plan (b) would preclude the use of this site in view of the substandard distance between Santa Cruz and Mt. Oso for channels 14 removed (sound image). We believe, therefore, that the Plan (a) is to be preferred.

7. Authority for the adoption of the amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), (r), and 307 (b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, That effective July 15, 1955, the Table of Assignments contained in § 3.606 rules governing television broadcast stations, is amended, in so far as the cities named are concerned, as follows:

City:	*Channel No.*
California:	
Pittsburg	16
Red Bluff	15
Santa Cruz	56

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1084; 47 U. S. C. 301, 303, 307)

Adopted: June 8, 1955.

Released: June 9, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4722; Filed, June 13, 1955; 8:50 a. m.]

[Docket No. 11359; FCC 55-654]

[Rules Amdts. 7-17, 8-23]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

REPLACEMENT OF ONE FREQUENCY AND DELETION OF CONDITION ATTACHED TO ANOTHER FREQUENCY

In the matter of amendment of Parts 7 and 8 of the rules to delete the frequency 2572 kc for ship use at Mobile, Alabama, and to make the frequency 2430 kc available as a replacement therefor; amendment of Part 7 to delete at San Francisco-Eureka, California the non-interference condition attached to the coast frequency 2450 kc with respect to the police service in New York; Docket No. 11359.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of June 1955;

The Commission having under consideration the above-captioned matters;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties was duly published in the FEDERAL REGISTER on April 12, 1955 (20 F. R. 2382), and that the period for the filing of comments has now expired; and

It further appearing that Mobile Marine Radio, licensee of WLO at Mobile, Alabama, and American Waterways Operators, Inc., filed comments in support of the Commission's proposal to delete the frequency 2572 kc for ship use at Mobile and to make the frequency 2430 kc available as a replacement therefor; and

It further appearing that in its comments, Mobile Marine Radio stated that it was able and willing to provide service to ships transmitting to its coast station on both the old frequency 2572 kc and the new frequency 2430 kc during a reasonable overlap period until all ships had effected the necessary changeover; and

It further appearing that in view of the foregoing and since the convenience of the ship stations will be served, the rule amendments herein ordered provide an overlap period rather than a simultaneous changeover as proposed; and

It further appearing that no comments were received regarding the proposal to delete at San Francisco-Eureka, California, the non-interference condition attached to the coast frequency 2450 kc with respect to the police service in New York, and, it is finalized herein as proposed; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective July 15, 1955, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Released: June 9, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. Section 7.306 (b) is amended by changing the Mobile, Alabama, portion of the table of frequencies to read:

Mobile, Ala.	2572	None	2572	Not available after Dec. 31, 1955.
			2430	None.

2. Section 7.306 (b) is further amended by changing the San Francisco-Eureka, California, portion of the table of frequencies to read:

San Francisco, Calif.	2506	None	2406	None.
Eureka, Calif.	2450	Available on condition that harmful interference is not caused to police radio service in Kansas or Wisconsin.	2003	None.
	2538	7 a. m. to 7 p. m. PST only	2142	7 a. m. to 7 p. m. p. s. t. only.
	4372.4	None	4067	None.

3. Section 7.306 (c) is amended by changing the Mobile, Alabama, portion of the table to read as follows and by deleting footnote 2:

Mobile, Ala.	2572	Not available for ship stations after Dec. 31, 1955.

B. Part 8 is amended as follows:

1. Section 8.354 (a) (1) is amended by changing the Mobile, Alabama, portion of the table of frequencies to read:

Mobile, Ala.	2572	Not available after Dec. 31, 1955.	2572	None.
	2430	None		

2. Section 8.354 (a) (2) is amended by changing the Mobile, Alabama, portion of the table to read as follows and by deleting footnote 4b:

Mobile, Ala.	2572	Not available for ship stations after Dec. 31, 1955.

[F. R. Doc. 55-4723; Filed, June 13, 1955; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 58]

GRADING, INSPECTION, SAMPLING, GRADE LABELING AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE AND OTHER MANUFACTURED OR PROCESSED DAIRY PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of an amendment to the regulations governing the grading, inspection, sampling, grade labeling and supervision of packaging of butter, cheese and other manufactured or processed dairy products (7 CFR Part 58) issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The proposed amendment provides for revisions of the following sections: § 58.11 has been redesignated as § 58.12 and amended to more specifically indicate conditions when application for grading service may be rejected. Additions have been made to § 58.52 to include specific time limit for packaging cheese and dry milk with grade or other official identification. A new heading "Violations" has been substituted for "Miscellaneous." Section 58.58 under this heading has been changed from "Fraud or misrepresentation" to "Debarment of service." Additions have been made to this section to more clearly indicate practices that would involve violation of these regulations. The heading "Miscellaneous" has been redesignated to include former §§ 58.60, 58.61, 58.63, 58.64, and 58.62, a new section, entitled "Other applicable regulations." The amendment also provides for minor revisions, additions or redesignations of §§ 58.2, 58.4, 58.6, 58.7, 58.8, 58.9, 58.10, 58.12, 58.13, 58.14, 58.15, 58.16, 58.17, 58.23, 58.30, 58.32, 58.50, 58.51, 58.53, 58.57, 58.60, 58.61, 58.63, and 58.64.

All persons who desire to submit written data, views, or arguments in connection with this proposed amendment should file the same in triplicate with the Chief of the Inspection and Grading

Branch, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2977, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER. The proposed amendment is as follows:

1. Wherever the word "Administration" occurs in this part substitute the word "Service".

2. Change § 58.2 to read as follows:

§ 58.2 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

(a) "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), or any other act of Congress conferring like authority.

(b) "Administrator" means the Administrator of the Agricultural Marketing Service of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated by the Administrator, the authority to act in his stead.

(c) "Applicant" means an interested party who requests any grading service, appeal grading, or regrading with respect to any product.

(d) "Approved laboratory" means one in which the entire facilities and equipment have been approved by the Administrator as being adequate to perform the necessary official tests, in accordance with the rules and regulations.

(e) "Approved plant" means one or more buildings, or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under grading or inspection service and in which grading or inspection is carried on in accordance with the regulations in this part and any applicable instructions or specifications issued hereunder.

(f) "Area supervisor" means any employee of the Department in charge of dairy grading and inspection service in a designated geographical area.

(g) "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind or method of processing.

(h) "Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability.

(i) "Department" means the United States Department of Agriculture.

(j) "Grader" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the act and this part, to shippers of products and other interested parties the class, quality, quantity, and condition of such products.

(k) "Grading or grading service" means: (1) The act of determining, according to the regulations in this part, the class, quality, quantity or condition of any product by examining each unit thereof or a representative sample drawn by a grader or sampler; (2) the act of issuing a grading certificate with respect thereto; (3) the act of identifying, when requested by the applicant, any graded product by means of official identification pursuant to the act and this part; (4) any regrading or any appeal grading of a previously graded product; and (5) inspection including plant survey, processing, manufacturing, packaging, repackaging, condition, or quality control in any approved plant.

(l) "Grading certificate" means an official serially numbered, printed or written form bearing the Department seal issued and signed by a grader, pursuant to the act and this part, relative to the class, quality, quantity, or condition of the products.

(m) "Inspector" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to inspect and certify quality, quantity, and condition of products, supervise the operation in an approved plant and perform plant surveys.

(n) "Interested party" means any person financially interested in a transaction involving any grading, appeal grading, or regrading of any product.

(o) "National Supervisor" means (1) the officer in charge of dairy inspection and grading service of the Agricultural Marketing Service and (2) such other employee of the Service as may be designated by him.

(p) "Office of grading" means the office of any grader, sampler, or inspector.

(q) "Official identification" means the symbol represented by a stamp, label, seal, mark, or other device approved by the Administrator, affixed to any product or to any container thereof, stating that the product was graded or inspected and indicating the class, quality, grade, or condition of such product.

(r) "Person" means any individual, partnership, association, business, trust, corporation, or any organized group of persons, whether incorporated or not.

(s) "Product or products" means butter, cheese (whether natural or processed), milk, cream, milk products (whether dried, evaporated, stabilized or condensed), ice cream, dry whey, dry buttermilk, and such other perishable dairy products as the Secretary may hereafter designate. Such term shall also include any food product which is prepared or manufactured from any of the aforesaid products if such products constitute at least 50 percent, by weight, excluding fats other than milk fats, of all the ingredients used in the preparation or manufacture of such food product.

(t) "Quality" means the inherent properties of any product which determine its relative degree of excellence.

(u) "Regulations" means the provisions of this part.

(v) "Sampler" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to draw samples of products for grading by a grader or for laboratory analysis under the act and this part.

(w) "Sampling" means the act of taking samples of any product for grading, laboratory analysis, or keeping quality test.

(x) "Sampling report" means a statement, either written or printed, issued by a sampler, identifying samples taken by him for grading, laboratory analysis, or keeping quality.

(y) "Secretary" means the Secretary of Agriculture or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(z) "Service" means Agricultural Marketing Service of the Department.

(aa) "Supervisor of packaging" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to supervise the packaging and official identification of product, or any repackaging of bulk product.

3. Change § 58.4 to read as follows:

§ 58.4 *Basis of grading service.* Grading service shall be performed in accordance with methods and procedures approved by the Administrator and this part and shall be for class, quality, quantity, and condition or any single factor or combination thereof. Grading service with respect to determining quality of products shall be on the basis of United States standards for grades, or federal specifications, or specifications as defined in a specific purchase contract. The supervision of processing, manufacturing, packaging, or repackaging of products shall be in accordance with applicable specifications and instructions as may be approved or issued by the Administrator.

4. Change § 58.6 to read as follows:

§ 58.6 *Supervision.* All grading, inspection and sampling service shall be subject to supervision by the area supervisor or national supervisor or such other employee of the service as may be designated by him. Whenever the immediate supervisor of a grader, inspector, or sampler has evidence that such employee incorrectly graded, inspected or sampled a product, such supervisor shall immediately make a regrading, reinspection or resampling of the product and cause to be issued a grading certificate or sampling report which shall supersede the previous grading certificate or sampling report.

5. Change § 58.7 to read as follows:

§ 58.7 *Who may obtain grading, inspection and sampling service*—(a) *On fee basis.* An application for grading, inspection, or sampling service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, or any authorized agent of the foregoing.

(b) *On resident basis.* Application for grading service on a resident basis to be performed in an approved plant shall be made in writing on forms approved by the Administrator and filed with the Administrator.

6. Change § 58.10 to read as follows:

§ 58.10 *Filing of application.* An application for grading, inspection, or sampling of a specified lot of any product shall be regarded as filed only when made pursuant to this part.

7. Change § 58.11 to read as follows:

§ 58.11 *Granting of application.* An application may be granted (a) on fee basis when facilities and conditions are satisfactory for conduct of the grading, inspection or sampling service, and (b) on resident basis when the plant is surveyed and approved for grading, inspection or sampling service.

8. Change § 58.12 to read as follows:

§ 58.12 *When application may be rejected.* An application for grading, inspection or sampling service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where an individual holding office or a responsible position with or having a substantial financial interest or share with the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; (d) when he determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading, inspection or sampling service; (e) when he determines that the product was produced from unwholesome raw material or was produced under insanitary or otherwise unsatisfactory conditions; (f) when it is determined that the product is of illegal composition or is lacking in stability; (g) delinquent payment of fees over 60 days; or (h) non-compliance with the act or regulations in this part or instructions issued hereunder. When an application is rejected, the applicant shall be notified in writing by the area supervisor or his designated representative the reason or reasons for the rejection.

9. Redesignate § 58.12 to § 58.13.

10. Redesignate § 58.13 to § 58.14.

11. Redesignate § 58.14 to § 58.15 and change to read as follows:

§ 58.15 *Accessibility and condition of product.* (a) Each product for which grading, inspection or sampling service is requested shall be so conditioned and placed as to permit a proper determination of the class, quality, quantity, or condition of such product. The room or area where the service is to be performed shall be clean and sanitary, free from foreign odors and shall be provided with adequate lighting, ventilation and temperature control.

(b) The applicant shall be entirely responsible for furnishing sample packages that are truly representative of the class, quality, quantity and condition of the lot and each unit thereof. When there is any indication that the samples furnished are not truly representative additional samples shall be made available for verification.

12. Redesignate § 58.15 to § 58.16.

13. Change § 58.17 by adding a new sentence at the end thereof to read as follows: "The Service shall not be liable for damages occurring through acts of commission or omission in administration of this part."

14. Delete the word "superior" in § 58.23 (c) and substitute the word "supervisor" therefor.

15. Change § 58.30 to read as follows:

§ 58.30 *Application for regrading of a graded product.* An application for the regrading of any previously graded product may be made at any time by any interested party; and such application shall clearly indicate the reasons for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

16. Insert the word "quantity" after the word "quality" in the first sentence of § 58.32.

17. Change § 58.50 to read as follows:

§ 58.50 *Approval and form of official identification.* (a) Any grade label, inspection mark, or packaging material which is to be used as official identification shall be used only in such manner as the Administrator may prescribe; and such label, inspection mark, and packaging material shall be of such form and contain such information as the Administrator may require. No grade label, inspection mark, or packaging material may be used in the identification of any graded or inspected product unless finished copies or samples of such grade label, inspection mark, and packaging material have been approved by the Administrator.

(b) Inspection or grade mark permitted to be used to officially identify packages containing dairy products which are inspected or graded pursuant to this part shall be contained in a shield in the form and design indicated in figures 1, 2, 3 and 4 of this section or such other form or design as may be approved by the Administrator.



FIGURE 1.



FIGURE 2.



FIGURE 3.



FIGURE 4.

Design illustrated in figure 1 is used for graded product under U. S. D. A. inspection. Designs illustrated in figures 2 and 3 are used for graded products processed and packed under U. S. D. A. quality control service. Design illustrated in figure 4 is used for inspected product (when U. S. standards for grades not established) processed and packed under U. S. D. A. quality control service. The grade or inspection identification shall be printed on the carton, or on the wrapper, or on both, and preferably on one of the main panels of the carton or wrapper. The shield identification should be not less than one inch by one inch in size, except that the size may be reduced to ¾ inch by ¾ inch when the product is packed in less than one-pound units.

(c) Labelling and official identification under this part shall be limited to U. S. Grade B or higher, or to an equivalent standard of quality for U. S. name grades or numerical score grades or when U. S. Standards for grades of a product have not been established.

18. Delete the word "continuous" in the first sentence of § 58.51 and add a new paragraph (c) to said section to read as follows:

(c) With respect to paragraphs (a) and (b) of this section, the date of grading or date of inspection may be shown in form of a code provided such code is made available to and approved by the Administrator.

19. Change to § 58.52 to read as follows:

§ 58.52 *Time limit for packaging graded butter, cheese, dry milk solids or other dairy products with grade or other official identification label.* Any lot of butter which is graded for packaging with grade or other official identification shall be packaged within ten days immediately following the date of grading and any lot of cheese or dry milk shall be packaged within 30 days immediately following date of grading provided the product is properly stored during the ten or thirty day period. If the product is moved to another location a regrading or a reinspection shall be required.

20. Place the heading, "Prerequisites to Packaging Products With Grade Identification Labels" prior to § 58.53 instead of prior to § 58.54.

21. Change § 58.53 by adding a new sentence at the end thereof to read as follows: "The supervisor of packaging shall have jurisdiction over the use and handling of all packaging material bearing any official identification."

22. Change § 58.56 to read as follows:

§ 58.56 *Incubation of butter samples to determine keeping quality.* (a) Samples of butter may be taken by a grader, pursuant to the instructions of the Administrator, from any lot of butter which is submitted for grading and packaging with grade identification labels, for the purpose of determining, by subsequent examination, whether such butter possesses satisfactory keeping quality, as determined by the grader in accordance with such standards as the Administrator may prescribe.

(b) Samples of butter may be taken by a grader for keeping quality tests pursuant to the instructions of the Administrator, from any lot of butter submitted for grading prior to issuance of the grading certificate.

23. Change § 58.57 to read as follows:

§ 58.57 *Butter of known unsatisfactory keeping quality shall not be eligible for packaging with grade identification labels.* (a) Any butter produced in a creamery whose production of butter, within 30 days prior to current grading, has shown unsatisfactory keeping quality, as evidenced by the keeping quality test pursuant to § 58.56, shall not be packaged with any grade identification label until it is determined by the grader, that such butter possesses satisfactory keeping quality.

(b) All manufacturing or processing plants supplying product, directly or indirectly, for packaging with official identification shall be subject to survey and inspection. Product shall not be eligible for grading and official identification if productd in a plant which, on inspection, shows insanitary or otherwise unsatisfactory operating conditions.

24. Delete the heading "Miscellaneous" and substitute therefor the heading "Violations".

25. Change § 58.58 to read as follows:

§ 58.58 *Debarment of Service.* (a) The following acts or practices may be deemed sufficient cause for the debarment of any person by the Administrator from any or all benefits of the act after opportunity for hearing has been accorded him; and pending investigation and hearing the Administrator may direct, without hearing, that such person shall be denied the benefits of the act.

(1) *Fraud or misrepresentation.* Any wilful misrepresentation or deceptive or fraudulent practice or act found to be made or committed by any person in connection with;

(i) The making or filing of any application for any grading service, inspection service, or sampling service, appeal, or regrading service;

(ii) The making of the product accessible for grading, inspection, or sampling;

(iii) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part or the use of any official stamp, label, or identification;

(iv) The use of the terms, "United States," or "U. S.," "Officially graded," "Officially inspected," "Federal-State graded," or "Government graded," or terms of similar import in the labeling or advertising of any product without stating in conjunction therewith the official U. S. grade of the product; or

(v) The use of any of the aforesaid terms or an official stamp, label, or identification in the labeling or advertising of any product that has not been graded pursuant to this part.

(2) *Use of facsimile form.* The use of a facsimile form which simulates in whole or in part any official identificaton for the purpose of purporting to evidence the U. S. grade of any product; or the unauthorized use of a facsimile form which simulates in whole or in part any official grading or inspection certificate, stamp, label, or other identification for the purpose of purporting to evidence a grade or other official inspection mark; and

(3) *Mislabeling.* The use of any words, numerals, letters, or facsimile form which simulates in whole or in part any identification purporting to be a grade when such product does not comply with any recognized standards in general use for such grade, and such activity may be deemed sufficient cause for debarring such person from any or all benefits of the act.

(4) *Wilful violation of the regulations.* Wilful violation of the regulations in this part or instructions issued by the Administrator.

(5) *Interfering with a grader, inspector, or sampler.* Any interference with or obstruction of any grader, inspector, or sampler in the performance of his duties by intimidation, threat, bribery, assault, or any other improper means.

(b) Whenever the Administrator has reason to believe that any person, or his employee, agent, or representative has wilfully, flagrantly or repeatedly committed any of the acts or practices specified in paragraph (a) of this section, he may without hearing direct that the benefits of the act be denied such person pending investigation and hearing and shall give notice thereof by registered mail. A written petition for reconsideration of such interim denial may be filed with the Administrator by any person so denied the benefits of the act if postmarked or delivered within 10 days after notice of the interim denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the benefits of the act pending investigation and hearing. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall reinstate the benefits of the act or notify the petitioner by registered mail of the reasons for continued interim denial.

26. Place the heading "Miscellaneous" prior to § 58.59 instead of prior to § 58.58.

27. Redesignate §§ 58.60, 58.61, 58.63 and 58.64 as §§ 58.59, 58.60, 58.61 and 58.63, respectively.

28. Insert a new § 58.62 to read as follows:

§ 58.62 *Other applicable regulations.* Compliance with the regulations in this part shall not excuse failure to comply with any other Federal, or any State, or municipal applicable laws or regulations.

(60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C., this 8th day of June 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-4706; Filed, June 13, 1955; 8:46 a. m.]

Agricultural Research Service

[9 CFR Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

APPROVAL OF BUDGET AND FIXING OF RATE OF ASSESSMENT FOR CALENDAR YEAR 1955

Consideration is being given to the approval of a budget of expenses of the Control Agency established under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus, and the fixing of the rate of assessment to be paid by handlers, for the calendar year 1955, as follows:

(1) The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1955, will amount to $31,965.00 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $2,098.65 on hand with said Control Agency on January 1, 1955, from assessments collected during the calendar year 1954, leaving a balance of $29,866.35 to be collected during the calendar year 1955, and (2) of the amount of $29,866.35 to be collected during the calendar year 1955, the sum of $23,773.61 shall be assessed against handlers who are manufacturers, and $6,092.74 shall be assessed against handlers who, as distributors, market their products principally through veterinarians or other channels. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1955 by each handler who is a manufacturer shall be $12.71 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1954 and the pro rata share of such expenses to be paid for the calendar year 1955 by each handler who, as a distributor, markets his products principally through veterinarians or other channels shall be $25.00 for the first ten thousand dollars or fraction thereof and $2.81 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

Terms. As used herein, the terms "handler", "manufacturer", "distributor", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Interested parties may obtain copies of the budget mentioned herein from the Executive Secretary of the Control Agency, 512 V. F. W. Building, Kansas City 11, Missouri.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid consideration shall file the same with the Hearing Clerk, Room 112, Building A, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents shall be filed in quadruplicate.

(49 Stat. 781; 7 U. S. C. 851 et seq.)

Issued this 9th day of June 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 55-4733; Filed, June 13, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket Nos. 11238, 11333, 11334, 11335, 11336; FCC 55-668]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

ORDER SCHEDULING ORAL ARGUMENT

1. On March 31, 1955, the Commission instituted rule-making proceedings to consider the deintermixture of commercial VHF and UHF television channels in the Peoria, Illinois (Docket No. 11333); Evansville, Indiana (Docket No. 11334); Madison, Wisconsin (Docket No. 11335), and Hartford, Connecticut (Docket No. 11336) areas. On April 21, 1955, the Commission also instituted a proceeding to consider deintermixture in the Albany-Schenectady-Troy, New York, area (Docket No. 11238). In the notices of rule making in these matters the Commission stated that subsequent to the filing of written comments, oral argument would be heard before the Commission en banc. The time for filing comments and replies to comments in these proceedings has now run.

2. In accordance with the Commission's notices of rule making, oral argument will be heard in the above-entitled deintermixture proceedings before the Commission en banc on June 27 and 28, 1955, commencing at 10:00 a. m., on June 27th, in Room 6121, New Post Office Building, Washington, D. C.

3. All parties who have heretofore filed timely written comments in the proceedings may participate in the oral argument. All parties eligible to participate in the oral argument and who intend to do so, should notify the Commission in writing on or before June 15, 1955.

4. The Commission will subsequently schedule a conference of those parties who intend to participate in the oral argument in order to arrange for the allocation of time and to schedule the order of argument. In light of the large number of parties in these proceedings, the Commission expects that the participants in the oral argument will make suitable arrangements for sharing time.

5. In view of the foregoing: *It is ordered,* That oral argument will be heard before the Commission en banc in the above-entitled matters on June 27 and 28, 1955.

Adopted: June 8, 1955.

Released: June 9, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4724; Filed, June 13, 1955; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11361]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

1. The Commission has before it for consideration a petition of Jacksonville Journal Company for additional time to file reply comments in the above-entitled proceeding.

2. On April 14, 1955, the Commission issued a Notice of Proposed Rule Making in the above-entitled proceeding concerning the assignment of television Channel 10 to a community in Florida. Original comments were required to be filed in the proceeding by May 31, 1955, with reply comments due June 10, 1955.

3. The Jacksonville Journal Company states that it is investigating the possibility of working out a solution to a conflict between the two parties in the proceeding and that an additional period of two weeks will be necessary to complete its study. Petitioner states that Suncoast Cities Broadcasting Corporation, the other moving party in the proceeding, has consented to the extension of time and that Telrad, Inc., one of the parties who filed comments in opposition to its proposal, will interpose no objection to the extension.

4. The Commission believes that the petitioner has established good cause for an extension of time for filing reply comments in this proceeding and that such extension will serve the public interest, convenience and necessity.

5. In view of the foregoing: *It is ordered,* That the time for filing reply comments in the above-entitled proceeding is extended from June 10, 1955, to June 24, 1955.

Adopted: June 8, 1955.

Released: June 9, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4725; Filed, June 13, 1955; 8:51 a. m.]

[47 CFR Part 8]

[Docket No. 11406; FCC 55-653]

LAKE CARRIERS' ASSOCIATION

SUPPLEMENTAL ELIGIBILITY REQUIREMENTS

In the matter of petition of the Lake Carriers' Association for repeal of § 8.301 (b) of the Commission's rules; Docket No. 11406.

1. Under authority of section 303 (a) (b) (c) and (r) of the Communications Act of 1934, as amended, notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 8.301 (b) of the rules, in effect, prohibits the assignment of certain business and operational frequencies in the band 152–162 Mc to applicants who are not themselves engaged in the operation of the vessel upon which the ship station would be located. This rule was adopted by the Commission on June 30, 1954, following rule making proceedings in Docket No. 10904 in which the Lake Carriers' Association, as well as six other parties, participated. Various objections were raised at that time but the Commission rejected all the objections esentially on the basis that in the absence of a rule precluding third persons from becoming the licensees of the business and operational frequencies concerned, there apparently would have to be a "reconsideration of the allocation and a new determination of how these frequencies might best be employed in the public interest".

3. Among the various frequencies which are available in the maritime mobile service in the band 152–162 Mc, the application of § 8.301 (b) precludes primarily the following frequencies from assignment to third persons: 156.4 Mc, 156.5 Mc and 156.9 Mc. Other frequencies may be involved depending upon particular circumstances or areas.

4. The Lake Carriers' Association in its instant petition points out that approximately one year's experience with the rule has shown that its fears regarding the inhibiting effect of the rule upon the full development of a Great Lakes VHF system had been justified. Thus it states as follows: "There are approximately 100 vessels on the Great Lakes equipped with 8-channel VHF sets. However, these vessels are licensed for the use of only seven channels. • • • With limited exceptions, the eighth channel, namely 156.5 Mc, is not in use on these vessels nor is it likely to be provided for on the ships to be equipped with 8-channel VHF sets this season unless the present rule is repealed."

Apparently the Association believes that the failure to utilize the frequency results because, by reason of the provisions of § 8.301 (b), in order to secure an authorization a "complicated and cumbersome dual licensing procedure" must be followed. This occurs because for most Great Lakes large vessels "the licenses for all other channels • • • are held by communication companies serving the Great Lakes". It points out that complications result from dual licensing since more than one call sign would be used by the same ship for communication in the same frequency band. It further points out that the requirements of Part 7 of the Commission's rules which regulate the licensing of limited coast stations provide adequate assurance that "the Commission's intent with respect to the prevention of third party communications on business and operational channels" will be carried out. A copy of the Lake Carriers' petition is available upon request from the Commission's offices at Washington, D. C.

5. Comments are requested with respect to the issues raised by the Lake

Carriers' petition. It is particularly desirable that comments be made by interested persons operating in maritime areas of the United States other than the Great Lakes such as the sea coasts (including the Gulf of Mexico) and the rivers. Such comments should include information as to experience with application of § 8.301 (b) in each of such areas. All comments should refer to the Commission's Report and Order in Docket No. 10904 which sets forth the basis upon which the Commission finalized the rule now sought to be repealed and comments should be made in the light thereof. Copies of this Report and Order may be obtained upon request from the Commission's offices at Washington, D. C.

6. Interested persons may file with the Commission on or before July 15, 1955, their written statements or briefs in support of, or opposition to, the proposal of the Lake Carriers' Association. Comments or briefs in reply to the original comments or briefs may be filed within 5 days from the last day for filing the original comments or briefs. The Commission will consider all comments, briefs and statements before taking final action. The petition of the Lake Carriers' Association will be placed in the instant Docket as a comment.

7. In accordance with § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments should be furnished to the Commission.

Adopted: June 8, 1955.

Released: June 9, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4726; Filed, June 13, 1955; 8:51 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Parts 25, 32, 47]

[File No. 468]

BRICK AND STRUCTURAL CLAY TILE AND ALLIED PRODUCTS INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS ON PROPOSED TRADE PRACTICE RULES

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Brick and Structural Clay Tile and Allied Products Industry, comprising a proposed revision, extension, and consolidation of the rules for the Common Brick, Face Brick, and Structural Clay Tile Industries as promulgated by the Commission in 1931 (16 CFR Parts 25, 32, and 47, respectively), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than July 14, 1955. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., d. s. t., July 14, 1955, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry is engaged in the manufacture, sale, and distribution of all kinds and types of building units and materials which are, or are represented, directly or indirectly, as being brick or structural tile.

These proceedings were instituted pursuant to an industry application and are directed to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission.

Issued: June 9, 1955.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-4735; Filed, June 13, 1955; 8:52 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Maritime Administration

ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS OF TRADE ROUTE No. 27

NOTICE OF CONCLUSIONS AND DETERMINATIONS OF MARITIME ADMINISTRATOR

Notice is hereby given that on June 3, 1955, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of the following United States foreign trade route, and, in accordance with his action of October 29, 1954, ordered that his conclusions and determinations with respect to said route be published in the FEDERAL REGISTER:

Trade Route No. 27—U. S. Pacific/Australia-New Zealand. Between U. S. Pacific ports and ports in Australia, New Zealand, New Guinea, and South Sea Islands.

1. The above-described Trade Route No. 27 is reaffirmed as an essential United States foreign trade route with no change in the United States and foreign areas heretofore served.

2. It is determined that the United States flag sailing requirements are between one and two sailings per month with combination (passenger-cargo) ships and approximately one sailing per month with cargo ships.

3. It is further determined that (a) suitable combination ships require accommodations for not less than 350 passengers each, adequate dry cargo and reefer space, service speed of not less than 20 knots, and that two such vessels would provide adequate coverage for the present; and (b) the C-2 type vessels now operated on Trade Route No. 27 are suitable for operation thereon and four such ships are required to serve the route adequately under present circumstances. Replacement freighters should be somewhat superior in speed and carrying capacity.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views thereon, should submit same in writing to the Secretary, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: June 8, 1955.

By order of the Maritime Administrator.

[SEAL] THOMAS E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55-4718; Filed, June 13, 1955; 8:49 a. m.]

Office of the Secretary

[Department Order 70, Amdt.]

CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

APRIL 11, 1955.

The material appearing in 13 F. R. 6621 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to delegate authority to settle claims for personal injury or property damage under the Federal Tort Claims Act (28 U. S. C. 2671–80) and to establish procedures for the adjudication of such claims.

SEC. 2. *Provisions of law.* .01 28 U. S. C., section 2672, provides:

(a) The head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of $1,000 or less against the United States accruing on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(b) Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the government, except when procured by means of fraud.

(c) Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2677 of this title, shall be paid by the head of the federal agency concerned out of appropriations available to such agency.

(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the government whose act or omission gave rise to the claim by reason of the same subject matter.

.02 Under Title 28, section 2401 (b), it is provided in part that a claim not exceeding $1,000 must be presented in writing within two years after the claim accrues.

.03 Title 28, section 2678, of the act provides in part as follows: "* * * the head of the Federal agency or his designee making an award pursuant to section 2672 of this title * * * may, as a part of such judgment, award, or settlement, determine and allow reasonable attorney fees, which, if the recovery is $500 or more, shall not exceed 10 per centum of the amount recovered under section 2672 of this title, * * * to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant."

SEC. 3. *Delegation of authority for adjudication and settlement of claims.* .01 The head of each primary organization unit is hereby authorized to exercise with respect to claims authorized to be considered, ascertained, adjusted, determined, and settled under section 2672 of Title 28, in accordance with sections 4 and 5 below, all authority vested in the Secretary of Commerce by said section 2672. The General Counsel of the Department of Commerce is authorized to exercise such authority with respect to claims arising out of the wrongful acts or omissions of any employees of the constituent units of the Office of the Secretary.

.02 The adjudication and settlement of any claim by the head of the primary organization unit concerned or by the General Counsel constitutes final action in the case insofar as the Department of Commerce is concerned and no further review in the Department may be obtained.

SEC. 4. *Procedure for making claims.* .01 Claims may be filed with the head of the primary organization unit involved or in any of its field offices, or with the General Counsel where a constituent unit of the Office of the Secretary is involved.

.02 A claim may be filed by the individual or firm sustaining injury or damages in his or its own right or by an attorney.

.03 Claims shall be filed in the form of a detailed statement of the facts in each case. File in each claim should include the following:

(1) A statement of the employee involved and supported by statements of any witnesses.

(2) In cases of damage to personal property, if the property has been or can be economically repaired, an itemized estimate of the cost of repair or, if payment has been made, an itemized receipt of such payment. If the property is not economically repairable, a statement as to the depreciation in value due to the damage, or if the property is lost or destroyed, a statement as to the value at the time of such loss or destruction.

(3) In cases of personal injury, doctors' bills, hospital bills, nursing bills, bills covering dental or optical services, a statement establishing the amount of time and compensation lost by reason of the accident, a statement from the attending physician showing the extent of the injuries and the treatment thereof, and any supporting statements.

This evidence should be supported by any other documentary evidence that will be helpful in adjudicating the claims.

SEC. 5. *Adjudication and settlement of claims.* .01 Upon receipt of a claim the date of receipt shall be made a matter of record. After recording, the claim will be forwarded to the person designated by the head of the primary organization unit or the General Counsel, as the case may be, to initially examine claims. The person so designated will review the evidence and recommend disposition to be made, including amount of award, if any, and attorneys' fees. When deemed necessary, additional evidence or investigation of the facts in any given case may be requested. Claims involving unusual or novel questions of law may be submitted to the General Counsel of the Department for consideration and recommendation.

.02 The head of the primary organization unit or the General Counsel, as the case may be, shall make the determination as to whether or not an award shall be made in each case, and, if an award is to be made, the amount of the award, and the amount to be allowed for attorneys' fees.

SEC. 6. *Payment of claims.* When an award is made, the head of the primary organization unit, or the General Counsel, as the case may be, will transmit the file on the case to the appropriate fiscal office for payment out of funds appropriated, or to be appropriated, for the purpose. Prior to the payment of any claim which is administratively settled, there shall be obtained from the claimant or claimants a release stating that the award or settlement is final and conclusive and constitutes a complete release by the claimant of any claim against the United States and against the employee of the Government arising out of the circumstances which resulted in the claim.

SEC. 7. *Annual report.* In order to enable the Secretary to make the annual report to Congress required by section 2673 of Title 28 U. S. C., the head of each primary organization unit shall submit to the Office of Budget and Management by August 15 of each year a report covering the preceding fiscal year and showing, with respect to each claim settled, the name of each claimant, the amount claimed, and the amount of any award, and including a brief description of the claim.

Effective date: April 11, 1955.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 55-4708; Filed, June 13, 1955; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 99

JUNE 7, 1955.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to delegation of authority contained in section 1.9 (o), Order No. 541 of April 21, 1954, Bureau of Land Management, it is ordered as follows:

1. Subject to valid existing rights, the public lands hereinafter described, which are situated in the Anchorage, Alaska, Land District, are hereby classified as chiefly valuable for residence and for business site purposes, as hereinafter indicated for lease and sale under the Small Tract Act of June 1, 1938, supra:

ANCHORAGE AREA—CHUGIAK SMALL TRACT UNIT

SEWARD MERIDIAN

For Lease and Sale; For Residence Sites

T. 15 N., R. 1 W.,
Section 30: Lots 8–14 incl., 17–28 incl., 31, 32, 33, Lots 35, 38, 40, 41, 42, 45, 46, 47, 51, 52, Lots 53, 56, 57, 62–66 incl., 69–72 incl., Lots 76, 77, 78, 81, 82, 83.

Comprising 50 tracts, aggregating 123.09 acres.

For Lease and Sale; For Business or Residence Sites

T. 15 N., R. 1 W.,
Section 30: Lots 48 and 49, Lot 50, Lot 58, Lot 61, Lot 73, Lots 74 and 75, Lot 84.

Comprising 7 tracts aggregating 18.75 acres.

2. The classification of the above-described lands segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The subject lands are located between mileposts 17 and 18 on the northwest side of the Glenn Highway in the Chugiak area. Approximately one-fourth of these lots abut the right-of-way of the Glenn Highway. Whereas there are no secondary roads now serving the lots that do not border on the Highway, all lots are located within three-eighths of a mile of the Highway and access should not represent a major obstacle. The lands are characterized by rolling hills and ridges typical of a glaciated area. The soil profile generally consists of a thin layer of soil underlain by sand or gravel. Very few of the tracts contain any low wet land. The majority of the land has been classified by the Soil Conservation Service as Class IV, or land which is considered

to be fairly good land suitable only for occasional cultivation because of slope factors. The major portion of the area is covered with a stand of large birch trees intermingled with spruce. The area is well situated in regard to utilities and public services. The main distribution line of the Matanuska Electric Association already serves some consumers in Section 30. The Chugiak Grade School is located approximately two miles from the small tract area and school bus service along the Glenn Highway is presently being operated for both the Chugiak School and the High School in Anchorage. A number of stores and other services are located in the near vicinity along the Glenn Highway. Other services and facilities are available in Mountain View and Anchorage.

4. The individual tracts vary in size from 1.19 to 3.40 acres. The supplemental plat of survey showing the location of each tract can be secured for $1.00 from the Area Cadastral Engineering Office, Bureau of Land Management, Juneau, Alaska. Brochures which describe the area and contain sketch maps of the platting of the small tracts can be obtained free of charge from the Manager, Anchorage Land Office, Anchorage, Alaska. The appraised values of the tracts vary from $860 to $340 per tract as shown below. Easements, 50 feet in width, for road purposes will be reserved as shown below.

APPRAISAL SCHEDULE—TOWNSHIP 15 N., RANGE 1 W., S. M., SECTION 30

Lot No.	Acreage	Glenn Highway frontage	Easements		Advanced rental 2 years	Appraised value
			Road (50')	M. E. Assoc. (50')		
8	2.14	X	South		$60	$600
9	2.50		South		50	500
10	2.50		Southwest		46	460
11	2.50		Southeast		44	440
12	2.50		Southwest		40	400
13	2.50		Southeast		36	360
14	2.50		Southwest		34	340
17	2.50		Northwest		34	340
18	2.50		Northeast		36	360
19	2.50		Northwest		40	400
20	2.50		Northeast		44	440
21	2.50		Northwest		46	460
22	2.98	X	North		70	700
23	1.50	X	South		48	480
24	2.50		Southwest		50	500
25	2.50		Southeast		46	460
26	2.50		Southwest		44	440
27	2.50		Southeast		40	400
28	2.50		Southwest		36	360
31	2.50		Northwest		36	360
32	2.50		Northeast		40	400
33	2.50		Northwest		44	440
35	2.78	X	Northwest	X	70	700
38	1.19	X	Southwest	X	42	420
40	2.50		Southwest		46	460
41	2.50		Southeast		44	440
42	2.50		Southwest		40	400
45	2.50		Northwest		40	400
46	2.50		Northeast		44	440
47	2.50		Northwest		46	460
48 and 49 [1]	3.15	X	North	X	76	760
50 [1]	1.58	X		X	50	500
51	2.50		West	X	50	500
52	2.50		East	X	50	500
53	2.50		West		50	500
56	2.50		Southwest		56	560
57 [1]	2.50		Southeast	X	56	560
58 [1]	2.83	X	Northwest	X	70	700
61 [1]	3.40	X	North	X	86	860
62	2.50		Northwest		56	560
63	2.50		Northeast		56	560
64	2.50		Northwest		56	560
65	2.50		Northeast		56	560
66	2.50		Northwest		56	560
69	2.50		Southwest		46	460
70	2.50		Southeast		46	460
71	2.50		Southwest		46	460
72	2.50		Southeast		50	500
73 [1]	3.25	X	Southwest	X	84	840
74 and 75 [1]	3.32	X	North	X	82	820
76	2.50		Northwest		46	460
77	2.50		Northeast		44	440
78	2.50		Northwest		44	440
81	2.50		Southwest		44	440
82	2.50		Southeast		46	460
83 [1]	2.50		Southwest		50	500
84 [1]	1.22	X	South	X	46	460

[1] Lots marked thus are classified for either business or residential sites.

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899). Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, for residential sites, meet at least the following minimum standards. The home must be insulated and be suitable for year-around occupancy, be on a permanent foundation, contain at least 192 square feet of floor space (outside measure), and contain a minimum of one door and one window. The home must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Beginning at 10:00 a. m. on June 22, 1955, the lands will be open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Anchorage Land Office, Anchorage, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above named official prior to 10:00 a. m. on July 13, 1955. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on October 11, 1955, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21 day period extending between 10:00 a. m. on September 21, 1955 and October 12, 1955, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on October 12, 1955 to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease form with instructions as to their execution.

The filing of the lease form, Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental is determined as being a sum which amounts to 1/20th of the appraised value of the land for each of two years under lease. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to April 15, 1953, will be granted the preference right provided for by 43 CFR 257.5 (a).

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55–4701; Filed, June 13, 1955; 8:46 a. m.]

National Park Service

[Order 17]

SUPERINTENDENT, YOSEMITE NATIONAL PARK

DELEGATION OF AUTHORITY WITH RESPECT TO LANDS IN FORESTA SUBDIVISION

The Superintendent, Yosemite National Park, is authorized to approve and accept options and offers to sell to the United States lands, or interests in lands, in the Foresta Subdivision, which lies within the boundaries of Yosemite National Park. This authority is limited to options and offers which in each case do not exceed $200 and in which the purchase price does not exceed the appraised value of the tract involved.

(Secretary's Order No. 2640, as amended; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2)

[SEAL] CONRAD L. WIRTH,
Director,
National Park Service.

[F. R. Doc. 55–4702; Filed, June 13, 1955; 8:46 a. m.]

Office of the Secretary

[Order 2793]

DIRECTOR, NATIONAL PARK SERVICE

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS FOR ARCHITECT-ENGINEER SERVICES

JUNE 8, 1955.

SEC. 1. *Delegation of authority.* (a) The Director, National Park Service, is authorized to exercise, subject to the provisions of paragraph (b) of this section, the authority delegated to the Secretary of the Interior, for a period of one year from May 10, 1955, by the Administrator of General Services (20 F. R. 3345), to negotiate, without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., sec. 252 et seq.), contracts for architect-engineering services relating to construction required in connection with activities of the National Park Service at Blue Ridge Parkway located in Virginia and North Carolina.

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with the applicable limitations and requirements of that act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

SEC. 2. *Redelegation.* The Director, National Park Service may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order. Each such redelegation shall be published in the FEDERAL REGISTER.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C., sec. 133z–15, note)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 55–4703; Filed, June 13, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7198]

SOUTHWEST AIRWAYS CO; PERMANENT CERTIFICATE CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Southwest Airways Company for the issuance of a certificate of public convenience and necessity of unlimited duration, pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 14, 1955, at 10:00 a. m., e. d. s. t., in Room E–206, Temporary Building No. 5, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., June 9, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–4734; Filed, June 13, 1955; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 9, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30730: Superphosphate—Southern points to Madison, Minn. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate), other than ammoniated or defluorinated), in bulk, carloads, from specified points in southern territory to Madison, Minn.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 13 to Agent Spaninger's I. C. C. 1433.

FSA No. 30731: Pecans—Florida and Georgia to East St. Louis, Ill. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pecans, carloads from specified points in Florida and Georgia to East St. Louis, Ill.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 30732: Grain and products to Baton Rouge, La., for export and coastwise movement. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on grain, grain products and related articles, also seeds, in bulk, carloads, from points in Illinois, Indiana, Kentucky, Mississippi, and Tennessee, also St. Louis, Mo., and Helena, Ark., to Baton Rouge, La., for export or coastwise movement to points beyond.

Grounds for relief: Port relations and circuity.

Tariff: Supplement 48 to Agent Spaninger's I. C. C. 1353.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55–4707; Filed, June 13, 1955; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11272, 11273; FCC 55M–515]

TENNESSEE VALLEY BROADCASTING CO. (WAGC) AND E. WEAKS McKINNEY-SMITH

ORDER AFTER PREHEARING CONFERENCE

In re applications of Gordon W. Gambill, Hubert M. Martin, Humphrey B. Heywood & R. T. Russell d/b as Tennessee Valley Broadcasting Co. (WAGC), Fort Oglethorpe, Georgia, Docket No. 11272, File No. BP–9106; E. Weaks McKinney-Smith, Paducah, Kentucky, Docket No. 11273, File No. BP–9268; for construction permits.

1. Pursuant to the Hearing Examiner's order of May 10, 1955, and §§ 1.841 and 1.813, a prehearing conference was held on June 7, 1955. It was stated at the outset that WAGC, which appears in the caption, would file a petition to dismiss, and accordingly it need not be further considered. The case will no longer involve competitive applicants, but only McKinney-Smith's application and respondent WQXR.

2. The transcript of the prehearing conference is incorporated by reference.

3. There is pending before the Commission a motion by McKinney-Smith, filed on March 7, 1955, to enlarge or change the issues. McKinney-Smith will supplement this pleading to determine whether present issue No. 5 (the section 307 (b) issue) is now applicable.

4. Applicant will file his written case exhibits on June 24, 1955. A further conference will be held on June 30, 1955. It is now contemplated that the hearing will begin, as scheduled, on July 6, 1955.

So ordered, This 8th day of June 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4727; Filed, June 13, 1955; 8:51 a. m.]

[Docket Nos. 11287–11289; FCC 55M–514]

EL MUNDO, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of El Mundo, Inc., Mayaguez, Puerto Rico, Docket No. 11287, File No. BPCT–1892; Ponce De Leon Broadcasting Company, Inc., of P. R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT–1906; Supreme Broadcasting Company, Inc., Mayaguez, Puerto Rico, Docket No. 11289, File No. BPCT–1911; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a motion filed on June 6, 1955, on behalf of Ponce De Leon Broadcasting Company, Inc., of P. R., requesting that the hearing in the above-entitled proceeding, now scheduled to be held in Washington, D. C., on June 10, 1955, be continued until July 29, 1955, and that a pre-hearing conference be scheduled for July 1, 1955; and

It appearing, that the Supreme Broadcasting Company, Inc., by a letter dated June 2, 1955, has advised the Commission of its intention to withdraw from the instant proceeding; and

It further appearing, that counsel for El Mundo, Inc., and the Broadcast Bureau of this Commission, the only other parties to this proceeding, have stated that they have no objection to a grant of the motion under consideration:

It is ordered, This 8th day of June 1955, that the above motion be, and it is hereby, granted; that the hearing in the above-entitled proceeding is hereby postponed until 10:00 a. m., Friday, July 29, 1955, in the offices of this Commission; and that the first pre-hearing conference in the said proceeding, under §§ 1.813 and 1.841 of the Commission's rules, as amended, is scheduled to be held in the offices of this Commission, at Washington, D. C., at 10:00 a. m., on Friday, July 1, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4728; Filed, June 13, 1955; 8:51 a. m.]

[Docket No. 11367; FCC 55M–516]

CHECKER CAB CO.

ORDER CONTINUING HEARING

In the matter of Patrick O'Connell d/b as Checker Cab Co., Oroville, California; order to show cause why the license for Taxicab Radio Station KMA 937 should not be revoked.

The Hearing Examiner having under consideration a motion filed May 26, 1955, on behalf of the Chief, Safety & Special Radio Services Bureau, Federal Communications Commission requesting the continuance of the above-entitled proceeding now scheduled for June 27, 1955, to September 26, 1955; and

It appearing that the reason for the requested continuance arises out of the fact that service by registered mail had not been accomplished and that efforts were being made to make actual service upon the licensee; and

It appearing that good cause for a continuance of hearing has been shown and no opposition thereto has been filed;

It is ordered, This the 8th day of June 1955 that the motion for the continuance of the hearing is granted and the hearing is continued from June 27, 1955, to September 26, 1955, beginning at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4729; Filed, June 13, 1955; 8:51 a. m.]

[Docket Nos. 11392, 11393; FCC 55M–510]

BARTLETT AND REED MANAGEMENT AND BLACKHILLS VIDEO CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In the matter of Bartlett and Reed Management, Rapid City, South Dakota, Docket No. 11392, File Nos. 557/558/559/560/561/562/563 – C1–P – 55; Blackhills Video Company, Rapid City, South Dakota, Docket No. 11393, File Nos. 1096/1097/1098/1099/1100/1101/1102/1103/1104/1105–C1–P–55; for construction permits for radio relay facilities.

It is ordered, This 6th day of June 1955 that a prehearing conference be held at 10:00 a. m., Thursday, June 16, 1955 at Washington, D. C., to consider the matters specified in § 1.813 of the Commission's rules and all parties or their attorneys are directed to attend.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4730; Filed, June 13, 1955; 8:52 a. m.]

[Docket No. 11407; FCC 55–658]

LOUIS C. BENNETT

ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of Louis C. Bennett, New Smyrna Beach, Florida; suspension of restricted radiotelephone operator permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of June 1955;

The Commission having under consideration the suspension of the restricted radiotelephone operator license (No. RP–7–19719) issued to Louis C. Bennett; and

It appearing that acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the above-named party filed with the Commission within the time provided therefor an application requesting a hearing on the Commission's order dated January 27, 1955, suspending for a period of three months his restricted radiotelephone operator permit; and

It further appearing that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said permittee is entitled to a hearing in this matter and that upon the filing of a timely written application therefor, the Commission's order of suspension is held in abeyance until the conclusion of the proceeding in this matter:

It is ordered, That the matter of the suspension of the restricted radiotelephone operator permit of Louis C. Bennett is hereby designated for hearing in Fort Myers, Florida, at 10:00 a. m., on the 28th day of June 1955 upon the following issues:

1. To determine whether Louis C. Bennett wilfully violated § 8.364 of the Commission's rules in that he failed to identify radio transmissions, by assigned call letters at beginning and end of each exchange of communications on 2738 kc while operating the radiotelephone station on board the vessel "Peggy and Patsy" (WD–8855) on various occasions.

2. In the light of the evidence adduced in the preceding issue to determine whether the terms of the original order of suspension should be made final, rescinded, or modified.

It is further ordered, That a copy of this order be transmitted by registered mail, return receipt requested, to Louis C. Bennett and that he notify the Commission in writing within 10 days after the receipt of this order that he will appear in person or by counsel at said hearing.

Released: June 9, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–4731; Filed, June 13, 1955; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–256]

ATLANTIC GULF & WEST INDIES STEAMSHIP LINES

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JUNE 8, 1955.

New York Stock Exchange has made application, pursuant to section 12 (d) of the the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, to strike the above-named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Some 145,016 of the outstanding 150,000 shares have been deposited as of May 23, 1955, pursuant to an offer dated February 18, 1955, by the New York & Cuba Mail Steamship Corporation, to purchase the stock at $23 per share.

The remaining 4,984 shares are insufficient, in the opinion of the applicant, for further dealings on the Exchange.

Dealings thereon have been suspended as of the opening of the trading session on May 24, 1955.

Upon receipt of a request, on or before June 24, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55–4704; Filed, June 13, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1445, G–1680]

MIDSOUTH GAS CO.

NOTICE FIXING DATE OF HEARING

JUNE 7, 1955.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 30, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the petition to amend filed in the above-entitled proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4709; Filed, June 13, 1955; 8:47 a. m.]

[Docket Nos. G–4820—G–4824]

TEXAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 7, 1955.

Take notice that The Texas Company (Applicant) has filed the above-docketed applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas as described in the tabulation below, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Docket No.	Purchaser	Field	County or parish and State	Price cents per Mcf June 7, 1954
G–4820:				
S–1	Tennessee Gas Transmission Co.	Ace	Polk, Tex.	13.37125
S–2	do	Edinburg	Hidalgo, Tex.	10.00
S–3	do	Govt. Wells	Duval, Tex.	10.00
S–4	do	Hagist Ranch	do	10.00
S–5	do	do	do	10.00
S–6	do	La Reforma	Starr, Tex.	10.00
S–7	do	Raymondville	Willacy, Tex.	10.00
S–8	do	Santellana	Hidalgo, Tex.	10.00
S–9	Texas Eastern Transmission Corp.	Holzmark-Wilcox	Bee, Tex.	10.20
S–10	do	Ragsdale	do	10.20
S–11	do	Rudman and W. Cosden	do	10.20
S–12	do	San Domingo	do	10.20
S–13	do	do	do	10.20
S–14	do	South Cottonwood Creek	DeWitt, Tex.	9.00
S–15	Texas-Illinois Natural Gas Pipe Line Co.	Old Ocean	Matagordo and Brazoria, Tex.	9.6876
S–16	Sun Oil Co	Bloomburg	Starr and Hidalgo, Tex.	7.04533
S–17	do	East	Jim Hogg, Tex.	7.04533
S–18	do	Flores	Starr and Hidalgo, Tex.	7.04533
S–19	do	Hardwicke	do	7.04533
S–20	Tennessee Gas Transmission Co.	Chesterville	Colorado, Tex.	13.3715
S–21	Sunray Oil Corp	Hostetter	McMullen, Tex.	10.29
S–22	United Gas Pipe Line Co	Weesatche	Goliad, Tex.	10.70
S–23	Transcontinental Gas Pipe Line Corp.	La Gloria	Jim Wells, Tex.	6.16469
S–24	Texas Illinois Natural Gas Pipe Line Co.	do	do	7.4566
S–25	Adams & Haggerty	Big Hill	Jefferson, Tex.	12.24
S–26	Tennessee Gas Transmission Co.	So. Deckers Prairie	Montgomery, Tex.	13.37125
S–27	Texas Eastern Transmission Corp.	W. Hampshire	Jefferson, Tex.	13.32
G–4821:				
L–1	United Gas Pipe Line Co	Duck Lake	St. Martins and St. Mary, La.	12.50
L–2	do	Homsa	Terrebonne, La.	8.997
L–3	Atlantic Refining Co	S. Jeanerette	Iberia, La.	4.670
L–4	Hassle Hunt Trust	Lisbon	Claiborne, La.	13.025
L–5	Lion Oil Co	Bryceland	Bienville, La.	13.025
L–6	Sun Oil Co	Egan	Acadia, La.	9.7915
L–7	United Gas Pipe Line Co	Lisbon	Claiborne, La.	6.7477
L–9	Atlantic Refining Co	Bayou Sale	St. Mary, La.	8.0131
L–10	Magnolia Petroleum Co	E. Mud Lake	Cameron, La.	7.0972
G–4822:				
L–12	United Gas Pipe Line Co	Bethany	Panola, Tex.	8.500
L–13	Texas Gas Transmission Corp.	Carthage	do	9.500
L–14	Skelly Oil Co	do	do	9.500
G–4823:				
L–11	United Gas Pipe Line Co	Baxterville	LaMar and Marion, Miss.	10.2209
G–4824:				
0–1	Cities Service Gas Co	Hugoton	Stevens, Kans.	11.00
0–2	do	do	Seward, Kans.	11.00
0–3	do	do	Grant, Kans.	11.00
0–4	do	do	Morton, Kans.	11.00
0–5	Hugoton Plains Oil & Gas Co.	do	Seward, Kans.	11.00
0–6	Kansas-Nebraska Natural Gas Co., Inc.	do	Kearney, Kans.	11.00
0–7	do	do	Finney, Kans.	11.00
0–8	Northern Natural Gas Co	do	Stevens, Kans.	11.00
0–9	do	do	do	11.00
0–10	do	do	Seward, Kans.	11.00
0–11	do	do	Morton, Kans.	11.00
0–12	do	do	do	11.00
0–13	do	do	do	11.00
0–14	do	do	Seward, Kans.	11.00
0–15	do	do	Morton, Kans.	11.00
0–16	do	do	Haskell, Kans.	11.00
0–17	Panhandle Eastern Pipe Line Co.	do	Morton, Kans.	11.00
0–18	do	do	Stevens, Kans.	11.00
0–19	Colorado Interstate Gas Co	Greenwood	Morton, Kans.	12.00
0–20	do	do	do	12.00
0–21	Lone Star Gas Co	Doyle	Stephens, Okla.	5.36
0–22	do	do	do	5.36
0–23	do	do	do	5.36

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 29, 1955 at 9:40 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 27, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–4710; Filed, June 13, 1955; 8:47 a. m.]

[Docket Nos. G–6284—G–6290, G–6292, G–6293, G–6295]

J. M. HUBER CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 7, 1955.

Take notice that J. M. Huber Corporation (Applicant) has filed the above-docketed applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas as described in the tabulation below, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Docket No.	Purchaser	Field	County or parish and State	Price cents per Mcf June 7, 1954
G–6284	Phillips Petroleum Co	W. Panhandle	Moore, Tex	4.91
G–6285	Shamrock Oil & Gas Corp	do	Moore & Hutchinson, Tex.	6.50
G–6286	Cities Service Gas Co	Hugoton	Haskell and Morton, Kans.	11.00
G–6287	Panhandle Eastern Pipe Line Co.	do	Seward, Kans. / Beaver, Okla.	11.00
G–6288	Cities Service Gas Co	do	Morton, Kans	11.00
G–6289	Phillips Petroleum Co	W. Panhandle	Carson, Tex	6.00
G–6290	Shamrock Oil & Gas Corp	do	Hutchinson, Tex	6.50
G–6292	Northern Natural Gas Co	Hugoton	Haskell, Kans	11.00
G–6293	Colorado Interstate Gas Co	Greenwood	Morton, Kans	15.00
G–6295	Panhandle Eastern Pipe Line Co.	W. Panhandle	Carson and Hutchinson, Tex.	4.02

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 29, 1955, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 27, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4711; Filed, June 13, 1955; 8:48 a. m.]

[Docket No. G–8691]

CITY OF FRANKLIN, GA.

NOTICE OF APPLICATION

JUNE 7, 1955.

Take notice that the City of Franklin, Georgia (Applicant), filed on March 30, 1955, an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Transcontinental Gas Pipe Line Corporation to extend its transportation facilities and to establish a connection of such facilities with the facilities of Applicant's proposed natural-gas system, and to sell natural gas in the amounts as hereinafter set forth for local distribution in the aforementioned city.

The application recites that the estimated annual and peakday requirements of Applicant are as follows:

Year	Annual Mcf	Peak day demand Mcf
1	16,212	151.2
2	19,562	191.4
3	23,561	233.5
4	24,566	243.0
5	25,517	251.8
6	26,437	260.5
7	26,870	264.4
8	27,388	269.2

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of June 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4712; Filed, June 13, 1955; 8:48 a. m.]

[Docket No. G–8782]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 7, 1955.

Take notice that Hope Natural Gas Company (Applicant), a West Virginia Corporation with its principal place of business in Clarksburg, West Virginia, filed on April 21, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate a 180 horsepower engine and compressor unit at its Lee Station, Jackson County, West Virginia, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant was authorized in Docket No. G–567 to construct and operate a 1,000 horsepower engine and four low-stage compressors, comprising its Lee Station, for the purpose of taking gas from the Jackson County producing area.

Applicant states that the presently existing facilities are also being used to relay gas from the Cornwell Station to Parkersburg, West Virginia, in order to make gas available for peak demands at Parkersburg several days of the winter months. This necessitates shutting in the Jackson County producing area during that period. Such operation, Applicant submits, will increase each year as the Parkersburg market continues to grow. Applicant contends that, as a result of decline in production in the area, the existing facilities, when pumping field gas, are only partially loaded, thereby causing low engine efficiency and high operating cost.

Applicant states that the facilities proposed in the instant application will enable it to:

(1) Operate the 180 horsepower unit throughout the year to pump field gas produced in the Jackson County area and permit the existing facilities to be operated for the sole purpose of relaying gas from the Cornwell Station to Parkersburg;

(2) Attain greater engine efficiency at Lee Station and increase the supply of gas to Parkersburg on cold days.

The estimated cost of the proposed facilities of $39,000 will be paid for from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 29, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 23, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4713; Filed, June 13, 1955; 8:48 a. m.]

[Docket No. G–8783]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 7, 1955.

Take notice that Hope Natural Gas Company (Applicant), a West Virginia Corporation with its principal place of business in Clarksburg, West Virginia, filed on April 21, 1955, an application, pursuant to section 7 (b) of the Natural Gas Act for authority to abandon facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant has two compressor units totaling 1770 horsepower in its Camden Station and 540 horsepower at its Turner Station. Applicant proposes to abandon the Camden Station completely and one 180 horsepower unit in the Turner Station. The abandoned facilities will be returned to the warehouse or sold for junk.

Applicant states that abandonment of such facilities is required because:

(1) Local gas supplies pumped by these units are nearly exhausted.

(2) The small quantity of remaining gas can be handled by other existing facilities.

(3) The abandonment will eliminate operating and maintenance cost on these facilities and will not result in any curtailment of service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 29, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 23, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4714; Filed, June 13, 1955; 8:48 a. m.]

[Docket Nos. G–8809—G–8811, G–8828]

ATLANTIC REFINING CO. ET AL.

NOTICE OF APPLICATIONS

JUNE 8, 1955.

In the matters of The Atlantic Refining Company, Docket No. G–8809, The California Company, Docket No. G–8810, Union Oil Company of California, Docket No. G–8811, Texas Gas Transmission Corporation, Docket No. G–8828.

Take notice that there have been filed with the Federal Power Commission, applications as hereinafter specified:

Applicant	Address	Date filed	Docket No.
The Atlantic Refining Co	Philadelphia, Pa	April 27, 1955	G–8809
The California Co	New Orleans, La	do	G–8810
Union Oil Company of California	Los Angeles, Calif	do	G–8811
Texas Gas Transportation Corp	Owensboro	April 29, 1955	G–8828

Each for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities and the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the respective applications now on file with the Commission and open to public inspection.

The Atlantic Refining Company, The California Company, and Union Oil Company of California in their respective applications propose to sell natural gas produced from the East Lake Palourde Field, Assumption Parish, Louisiana, to Texas Gas Transmission Corporation for transportation in interstate commerce for resale.

Texas Gas Transmission Corporation (Texas Gas) proposes:

(1) To increase firm deliveries to The Ohio Fuel Gas Company (Ohio Fuel) by 35,000 Mcf per day, and, simultaneously therewith, discontinue interruptible deliveries under Texas Gas' IS–4 rate schedule; and

(2) To serve the increased firm requirements for the 1957–58 winter of the customers of Texas Gas other than Ohio Fuel, in the amount of 73,598 Mcf.

Texas Gas requests authority to construct and operate the necessary facilities to render the additional service above-described. These proposed facilities are:

(1) Approximately 32.48 miles of 30-inch pipe;

(2) Approximately 9.08 miles of 26-inch pipe;

(3) Approximately 111.83 miles of 20-inch pipe;

(4) Approximately 0.76 mile of 16-inch pipe;

(5) Approximately 28.88 miles of 12-inch pipe;

(6) Approximately 15.14 miles of 8-inch pipe;

(7) 20,270 compressor horsepower; and

(8) Two check meter stations and one regulator station.

The total overall cost of the proposed facilities is estimated to be $19,969,000. Texas Gas proposes to finance the proposed facilities and other construction through the sale of $18,000,000 of 3.9 Percent Series Debentures and $20,000,000 of 3¾ Percent Series First Mortgage Pipe Line Bonds.

Each Applicant has requested that its respective application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10) on or before June 28, 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4715; Filed, June 13, 1955; 8:48 a. m.]

[Project No. 2131]

WISCONSIN MICHIGAN POWER CO. AND KINGSFORD CHEMICAL CO.

NOTICE OF LAND WITHDRAWAL; MICHIGAN

JUNE 8, 1955.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described insofar as title thereto remains in the United States, are included in power project No. 2131 for which application for license was filed April 27, 1953, by the Wisconsin Michigan Power Company, of Milwaukee, Wisconsin, and Kingsford Chemical Co., of Iron Mountain, Michigan. Under said section 24 these lands are, from said date of filing, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MICHIGAN MERIDIAN

T. 40 N., R. 31 W.,
Sec. 12, lots 5, 6, 7, 8, 9, and the unsurveyed submerged lands, lying contiguous thereto.

The area of the surveyed lands reserved by the filing of this application is 12.53 acres all of which have been heretofore reserved in connection with an application for project No. 1759.

Photostatic copies of the project map (FPC No. 2131, sheet 12, revised sheet 2) are being transmitted to the Bureau of Land Management and Geological Survey.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55–4716; Filed, June 13, 1955; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION

POCKET PENCIL SHARPENERS

INVESTIGATION INSTITUTED

On June 6, 1955, the Tariff Commission received advice from the Treasury Department that pocket pencil sharpeners from the firm of Karl Zech, Forcheim, West Germany, are being, or are likely to be, sold in the United States at less than their fair value. Accordingly, the Tariff Commission has instituted an investigation under section 201 (a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

As of this time, the Commission has not ordered a public hearing in this investigation. In accordance with § 208.4 of the Commission's rules of practice and procedure (19 CFR, 1954 Supp., 208.4) any interested party who believes that a public hearing should be held in this investigation may, within 15 days after the date of publication in the FEDERAL REGISTER of this notice of investigation, submit a request in writing to the Secretary, United States Tariff Commission, Washington 25, D. C., that a public hearing be held, stating the reasons for such request.

Any interested party may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. If a public hearing is held in this investigaton such statement may be presented in lieu of appearance at such hearing. Fifteen clear copies of such statement should be submitted, and information which is desired to be submitted in confidence should be on separate pages clearly marked "Submitted in confidence".

Issued: June 9, 1955.

By order of the United States Tariff Commission this 8th day June 1955.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 55-4717; Filed, June 13, 1955; 8:49 a. m.]

UNIVERSITY OF MICHIGAN
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FEDERAL REGISTER

VOLUME 20 NUMBER 116

Washington, Wednesday, June 15, 1955

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL POWER COMMISSION

Effective upon publication in the FEDERAL REGISTER, paragraphs (b) and (c) of § 6.125, and paragraphs (b), (c), (d), and (e) of § 6.225 are revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant,

[F. R. Doc. 55-4766; Filed, June 14, 1955; 8:51 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

STATE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (m) (4) of § 6.302 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-4765; Filed, June 14, 1955; 8:51 a. m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.258]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective as of the beginning of the first pay period following July 2, 1955:

1. Paragraph (a) is amended by the deletion of the following post:

Meshed, Iran.

2. Paragraph (b) is amended by the deletion of the following posts:

Iran, all posts except Ahwaz, Kerman, Kermanshah, Meshed and Tabriz.

3. Paragraph (b) is amended by the addition of the following posts:

Iran, all posts except Ahwaz, Kerman, Kermanshah, Tabriz, and Tehran.

4. Paragraph (c) is amended by the addition of the following post:

Tehran, Iran.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

JUNE 8, 1955.

[F. R. Doc. 55-4745; Filed, June 14, 1955; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; MISSISSIPPI

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

MISSISSIPPI County:	*Average value*
Adams	$15,000
Alcorn	15,000
Amite	15,000
Attala	15,000
Benton	15,000
Bolivar	18,000
Calhoun	15,000
Carroll	18,000
Chickasaw	15,000
Choctaw	15,000

(Continued on p. 4175)

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 7: Part 900 to end ($2.25)
Title 8 ($0.45)

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County—Continued	Average value
Claiborne	$15,000
Clarke	15,000
Clay	15,000
Coahoma	18,000
Copiah	15,000
Covington	15,000
De Soto	15,000
Forrest	15,000
Franklin	15,000
George	15,000
Greene	15,000
Grenada	15,000
Hancock	15,000
Harrison	15,000
Hinds	18,000
Holmes	18,000
Humphreys	18,000
Issaquena	15,000
Itawamba	15,000
Jackson	15,000
Jasper	15,000
Jefferson	15,000
Jefferson Davis	15,000
Jones	15,000
Kemper	15,000
Lafayette	15,000
Lamar	15,000
Lauderdale	15,000
Lawrence	15,000
Leake	15,000
Lee	18,000
Leflore	15,000
Lincoln	15,000
Lowndes	15,000
Madison	15,000
Marion	15,000
Marshall	15,000
Monroe	15,000
Montgomery	15,000
Neshoba	15,000
Newton	15,000
Noxubee	15,000
Oktibbeha	18,000
Panola	15,000
Pearl River	15,000
Perry	15,000
Pike	15,000
Pontotoc	15,000
Prentiss	18,000
Quitman	15,000
Rankin	15,000
Scott	18,000
Sharkey	15,000
Simpson	15,000
Smith	15,000
Stone	18,000
Sunflower	18,000
Tallahatchie	15,000
Tate	15,000
Tippah	15,000
Tishomingo	18,000
Tunica	15,000
Union	15,000
Walthall	18,000
Warren	18,000
Washington	15,000
Wayne	15,000
Webster	15,000
Wilkinson	15,000
Winston	15,000
Yalobusha	18,000
Yazoo	

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated this 9th day of June 1955.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 55–4752; Filed, June 14, 1955; 8:48 a. m.]

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

REVOCATION OF LISTING IN SOUTH DAKOTA

Armstrong County in South Dakota was merged with Dewey County by action of the State legislature of South Dakota. The listing for Armstrong County in § 311.29, Title 6, Code of Federal Regulations is hereby revoked. The average values of farms in the area formerly included in Armstrong County will be the same as the values appearing for Dewey County.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1))

Dated this 9th day of June 1955.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 55–4753; Filed, June 14, 1955; 8:48 a. m.]

Subchapter E—Account Servicing

[FHA Instruction 451.4]

PART 366—PAYMENT-IN-FULL

SUBPART A—DIRECT FARM OWNERSHIP, OTHER REAL ESTATE, AND FARM HOUSING ACCOUNTS

The title to Subpart A is revised to read as set forth above and Subpart A, Title 6, Code of Federal Regulations (20 F. R. 321), is revised to incorporate reference to servicing for other real estate accounts and to read as follows:

Sec.
366.1 General.
366.2 Authorization.
366.3 Determining balance to be collected.
366.4 Delivery of satisfactions, notes and other documents.
366.5 Property insurance.

AUTHORITY: §§ 366.1 to 366.5 issued under sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438; 7 U. S. C. 1015 (1), 42 U. S. C. 1480 (g). Interpret or apply secs. 3 (b) (6), 41 (h), 60 Stat. 1074, 1066, sec. 510 (d), 63 Stat. 437; 7 U. S. C. 1003 (b) (6), 1015 (h), 42 U. S. C. 1480 (d).

§ 366.1 *General.* Sections 366.1 to 366.5 set forth the authorizations, policies, and procedures for processing final payments on direct Farm Ownership, Other Real Estate, and Farm Housing accounts which are paid in full at any time after loan closing. In every case where a loan has been closed, including those where the entire principal of the loan is refunded before any of it has been previously disbursed from the supervised bank account, the borrower will be required to pay interest from the date of the note to the date final payment is received by the County Supervisor.

§ 366.2 *Authorization.* (a) The County Supervisor is authorized to accept final payment on a direct Farm Ownership, Other Real Estate, or Farm Housing account (except direct Farm Ownership accounts repaid in less than five years by sale of the farm when profit making seems to be the only significant motive for the sale) and to execute the necessary releases and satisfactions in connection with the indebtedness. When a borrower who has not had his loan five years proposes to sell his farm and pay the Farm Ownership loan in full, and profit making seems to be the only significant motive for the sale, the County Supervisor will advise the State Director of the circumstances. The State Director is authorized to approve or disapprove the transaction and will inform the County Supervisor of the action to be taken.

(b) The State Director, with the assistance of the representative of the Office of the General Counsel, will issue a State Instruction which will instruct County Supervisors regarding the release or satisfaction of Farm Ownership, Other Real Estate, and Farm Housing mortgages when the loan is paid in full.

§ 366.3 *Determining balance to be collected.* (a) When a borrower has indicated his desire to pay his direct Farm Ownership, Other Real Estate, or Farm Housing account in full, the County Supervisor will prepare and forward to the Finance Office Form FHA–995, "Request for Certified Statement of Account," in order to obtain the unpaid balance of principal and interest on the borrower's account and the daily rate of accrual of interest.

(b) Upon receipt of Form FHA–835, "Certified Statement of Account," from the Finance Office, the County Supervisor will notify the borrower that he is prepared to accept final payment.

§ 366.4 *Delivery of satisfactions, notes, and other documents.* Usually, the County Supervisor will transmit the final payment to the Finance Office with a request for the return of the promissory note for delivery to the borrower; however, if circumstances require delivery of the note at the time final payment is received by the County Supervisor, he will request the Finance Office to forward the note along with the statement of account on Form FHA–835.

(a) Delivery of documents after notes stamped "paid-in-full" are received from the Finance Office: The Finance Office, upon receipt of Form FHA–144, "Summary of Remittances," covering the remittance which paid the account in full, will forward to the County Office the note stamped with a paid-in-full legend, provided the final payment as received from the borrower was in the form of currency and coin, U. S. Treasury check, cashier's or certified check, bank draft, or money order. If the final payment was in the form of an uncertified check drawn on a personal account, the note will be held in the Finance Office for 15 days after the remittance has been deposited in the Deposit Fund Account, before being forwarded to the County Office. Upon receipt of the note, the County Supervisor will deliver the stamped note(s), any property insurance policies, and the original mortgage to the borrower. The original satisfaction executed in accordance with the State Instruction will be delivered to the borrower for recording if desired.

(b) Delivery of documents at the time final payment is made: If the circumstances require the delivery of the promissory note and the satisfaction of the Farm Ownership, Other Real Estate, or Farm Housing mortgage at the time final payment is made, the County Supervisor will prepare the satisfaction, mark the original note with a paid-in-full legend, and will deliver the original note, the original satisfaction, any insurance policies, and the original mortgage to the borrower only upon receipt of full payment of the unpaid balance of principal and interest, computed as of the date final payment is received, and only when such payment is made in the form of currency and coin, U. S. Treasury Check, cashier's, or certified check, bank draft, or money order.

(c) If state law requires recording or filing of the satisfaction by the mortgagee, two executed copies of the satisfaction will be prepared and the additional copy will be recorded or filed by the County Supervisor with the proper recording official.

§ 366.5 *Property insurance.* The County Supervisor will advise the borrower regarding the manner in which property insurance will be canceled or release of mortgage interest executed.

Dated this 9th day of June 1955.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 55-4754; Filed, June 14, 1955; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

SUSPENSION OF EFFECTIVE DATE OF CERTAIN PROVISIONS

The regulations governing the grading and inspection of shell eggs and United States standards, grades and weight classes for shell eggs (7 CFR Part 56) were revised and published in the FEDERAL REGISTER on February 1 and 4, 1955 (20 F. R. 667, 757). Most of the provisions of the revised regulations became effective on March 1, 1955. However, the changes which were made in the weight classes for shell eggs were not to become effective until January 1, 1956. Since the issuance of the revised regulations and their wide distribution to members of the trade and other interested persons, the Department has received from producers, handlers and other interested persons, many additional views and arguments with respect to the adverse effect such changes in the weight classes for shell eggs might have on the industry as a whole. Further, some segments of the industry, who formerly favored the changes and submitted views in support thereof, subsequently have reconsidered the matter and have submitted additional information opposing such changes.

In view of the additional information submitted by many segments of the industry, further study and consideration of these provisions should be made. Therefore, the dates set forth in §§ 56.218 (c), 56.223 (b), and 56.228 (b) of the aforesaid regulations, on which changes in weight classes were to become effective, are hereby suspended. This action is taken pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

It is hereby found that it would be impractical, unnecessary, and contrary to the public interest to engage in public rule making procedures with respect to this suspension or to postpone the effective date thereof until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that (1) the changes in the weight classes are not now in effect and will not require any preparation on the part of industry; (2) the additional information received indicates that it would be in the public interest to give this matter further study; and (3) the industry should be advised of this suspension as soon as possible in order that it may plan for future contractual obligations.

Therefore, good cause exists for making this suspension effective upon its publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Issued this 10th day of June 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-4780; Filed, June 14, 1955; 8:55 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 931—MILK IN CEDAR RAPIDS-IOWA CITY, IOWA MARKETING AREA

ORDER TERMINATING CERTAIN PROVISION OF ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act" and of the order, as amended (7 CFR Part 931), regulating the handling of milk in the Cedar Rapids-Iowa City, Iowa marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

a. In § 931.50 (c) (2) of the order the provision "in barrels" as it appears in each of two places does not tend to effectuate the declared policy of the act;

b. Notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that (1) the information on which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this termination order effective as set forth below is necessary to reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; (3) on April 8, 1955, the Market News Service of the Department of Agriculture stopped reporting Chicago price quotations for spray and roller process nonfat dry milk solids for human consumption in drums and barrels. This was done because too few sales were being made in drums and barrels to report such prices. Most price quotations now relate to sales in bags and this series is being continued by the Market News Service.

It is therefore ordered, That in § 931.50 (c) (2) the provision "in barrels" as it appears in each of two places be and hereby is terminated effective immediately.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 10th day of June 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4776; Filed, June 14, 1955; 8:54 a. m.]

PART 956—MILK IN THE SIOUX FALLS-MITCHELL, SOUTH DAKOTA, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area, it is hereby found and determined that the provisions of § 956.61 (c) and (d) of the order, do no longer tend to effectuate the declared policy of the act.

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order effective as set forth below; is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; and (3) this action will affect only the seasonality of returns to producers and will in no way affect the obligations of handlers subject to the order. The changes caused by this suspension order do not require of persons affected any preparation prior to its effective date.

It is therefore ordered, That the following provisions of the order be and are hereby suspended: § 956.61 (c) and (d).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 10th day of June 1955, to be effective June 10, 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4779; Filed, June 14, 1955; 8:55 a. m.]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

ORDER AMENDING ORDER REGULATING HANDLING

§ 969.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Homestead (Modello), Florida, on February 28, 1955, upon proposed amendments to Marketing Agreement No. 121 and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended regulates the handling of avocados grown in South Florida in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, the amended marketing agreement and order upon which hearings have been held;

(3) The said order as hereby amended prescribes, so far as practicable, such different terms applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the avocados covered thereby;

(4) The said order as hereby amended is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of avocados which are grown in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found and determined on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). The 1955-56 marketing season for avocados will begin shortly after the first of June. To be of maximum benefits during this season, it is necessary that the provisions of these amendments be made effective as soon as possible. One of the amendments extends the production area to two additional counties and it is particularly desirable that this amendment be made effective before avocados start moving in volume from this area. Likewise it is desirable that the provision for regulating containers to be made effective as early as possible in the season so that shippers may be advised of containers in which avocados shall be permitted to be shipped and act accordingly in placing orders for such containers. The provisions of this order are well known to handlers. The public hearing in connection therewith was held at Homestead (Modello), Florida on February 28, 1955, and the recommended decision and the final decision were published in the FEDERAL REGISTER on April 19, 1955 (20 F. R. 2587) and May 13, 1955 (20 F. R. 3259) respectively. Copies of the regulatory provisions of this order were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement regulating the handling of avocados grown in Florida, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the avocados covered by this order) who, during the period April 1, 1954, through March 31, 1955, handled not less than 50 percent of the volume of avocados covered by this order;

(2) The issuance of this order amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1954, through March 31, 1955), were engaged, within the production area specified in this order, in the production of avocados for market; such producers having also produced for market at least two-thirds of the volume of avocados represented in such referendum.

It is therefore ordered, That, on and after the effective date hereof, all handling of avocados grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order as hereby amended as follows:

1. Immediately preceding the closing of the parenthesis at the end of § 969.2 *Act* insert the following: "; 68 Stat. 906, 1047".

2. Revise § 969.4 *Production area* to read as follows:

§ 969.4 *Production area.* "Production area" means the counties of Brevard, Orange, Lake, Polk, Hillsborough, and Pinellas in the State of Florida, and all of the counties of that State situated south of such counties.

3. Delete from the first sentence of § 969.10 *Handle* the words "in the continental United States and Canada."

4. Add, after § 969.42 *Accounting* the following new section; preceded by a main heading entitled "Research and Development":

§ 969.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of avocados. The expense of such projects shall be paid from funds collected pursuant to § 969.41.

5. Delete the word "and" appearing at the end of subparagraph (1) of paragraph (a) of § 969.51 *Issuance of regulations* and insert the word "and" at the end of subparagraph (2) of such section after changing the period to a semicolon.

6. Add, after subparagraph (2) of paragraph (a) of § 969.51 *Issuance of regulations* the following new subparagraph:

(3) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, and the transportation, sale, shipment or other handling of avocados.

7. Delete paragraph (c) from § 969.55 *Avocados not subject to regulation* and redesignate paragraphs (d) and (e) as paragraphs (c) and (d), respectively.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 10th day of June 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4777; Filed, June 14, 1955; 8:54 a. m.]

[Avocado Order 8]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

MATURITY REGULATION

§ 969.308 *Avocado Order 8*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 69 (Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective under the applicable provisions

of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 16, 1955. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until June 7, 1955; determinations as to the time of maturity of the varieties of avocados covered by this section were made at the meeting of said committee on June 7, 1955, after consideration of all available information relative to the time of bloom and growing conditions for such avocados, at which time the recommendations and supporting information for maturity regulation was submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) After the effective time of this section no handler shall handle any variety of avocados listed in column 1 of the following table prior to 12:01 a. m., e. s. t., of the date listed for the respective variety in column 2 of such table;

(2) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in column 4 of such table and 12:01 a. m., e. s. t., of the date listed for the respective variety in column 6 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in column 3 of such table;

(3) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in column 4 of such table and 12:01 a. m., e. s. t., of the date listed for the respective variety in column 6 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in column 5 of such table;

(4) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in column 6 of such table and 12:01 a. m., e. s. t., of the date listed for the respective variety in column 8 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in column 7 of such table;

(5) Notwithstanding the provisions of subparagraphs (1) through (4) of this paragraph regarding the minimum weight for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh not to exceed two ounces less than the applicable specified weight for the particular variety in column 3, 5, or 7 of such table, such tolerance to be on a lot basis but not to exceed double such tolerance percentage shall be permitted for an individual container in a lot, and in addition, when minimum diameters are specified for a variety in such table, any avocados of that variety in a lot may weigh not to exceed two ounces less than the applicable weight specified for such variety in column 3, 5, or 7 of such table provided they measure at least the applicable diameter so specified for that variety;

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Fuchs	June 20, 1955	14 oz	July 4, 1955	12 oz	July 18, 1955	7 oz	Aug. 1, 1955
Pollock	July 4, 1955	16 oz	July 18, 1955	14 oz	Aug. 1, 1955	9 oz	Aug. 22, 1955
Simmonds	July 4, 1955	16 oz	July 18, 1955	14 oz	Aug. 1, 1955	9 oz	Aug. 22, 1955
Trapp	July 25, 1955	14 oz 3⅝ in.	Aug. 8, 1955	12 oz 3¼ in.	Aug. 22, 1955	8 oz 3 in.	Sept. 12, 1955
Waldin	Aug. 1, 1955	16 oz 3⅝ in.	Aug. 15, 1955	14 oz 3¼ in.	Aug. 29, 1955	8 oz 3 in.	Sept. 17, 1955
Tonnage	Aug. 22, 1955	14 oz	Aug. 29, 1955	12 oz	Sept. 5, 1955	8 oz	Sept. 26, 1955
Booth 8	Sept. 19, 1955	14 oz 3¾ in.	Oct. 3, 1955	12 oz 3⅜ in.	Oct. 17, 1955	7 oz 2⅞ in.	Nov. 7, 1955
Lula	Oct. 3, 1955	20 oz 3⅝ in.	Oct. 17, 1955	16 oz 3⅜ in.	Oct. 31, 1955	14 oz 3¾ in.	Nov. 14, 1955
Booth 7	Oct. 10, 1955	16 oz 3⅝ in.	Oct. 24, 1955	14 oz 3¾ in.	Nov. 7, 1955	8 oz 3 in.	Nov. 21, 1955
Hickson	Oct. 17, 1955	14 oz 3⅜ in.	Oct. 31, 1955	10 oz 3¼ in.	Nov. 14, 1955	7 oz 2⅞ in.	Dec. 5, 1955
Collinson	Oct. 17, 1955	16 oz	Oct. 31, 1955	14 oz 3¾ in.	Nov. 14, 1955	8 oz	Dec. 5, 1955
Hall	Oct. 24, 1955	18 oz 3⅝ in.	Nov. 7, 1955	16 oz 3¾ in.	Nov. 21, 1955	9 oz 3 in.	Dec. 19, 1955
Herman	Oct. 31, 1955	16 oz	Nov. 14, 1955	14 oz 3⅝ in.	Nov. 28, 1955	8 oz	Dec. 19, 1955
Winslowson	Nov. 7, 1955	16 oz	Nov. 21, 1955	14 oz	Dec. 5, 1955	8 oz	Dec. 26, 1955
Booth 3	Nov. 14, 1955	16 oz 3⅝ in.	Nov. 28, 1955	14 oz 3¾ in.	Dec. 12, 1955	8 oz 3 in.	Dec. 26, 1955
Booth 1	Nov. 21, 1955	16 oz 3¾ in.	Dec. 5, 1955	14 oz 3⅝ in.	Dec. 19, 1955	8 oz 3⅛ in.	Jan. 2, 1956
Monroe	Nov. 21, 1955	24 oz 4 in.	Dec. 5, 1955	20 oz 3⅝ in.	Dec. 19, 1955	14 oz 3⅛ in.	Jan. 2, 1956
Choquette	Nov. 21, 1955	24 oz 4 in.	Dec. 5, 1955	20 oz 3⅝ in.	Dec. 19, 1955	14 oz 3⅛ in.	Jan. 2, 1956
Taylor	Nov. 21, 1955	12 oz 3⅜ in.	Dec. 5, 1955	10 oz. 3⅛ in.	Dec. 19, 1955	7 oz 2⅞ in.	Jan. 2, 1956
Linda	Dec. 5, 1955	16 oz	Dec. 19, 1955	14 oz	Jan. 2, 1956	9 oz	Jan. 16, 1956
Wagner	Dec. 19, 1955	12 oz 3⅜ in.	Jan. 2, 1956	10 oz 3⅜ in.	Jan. 16, 1956	6 oz 2⅝ in.	Jan. 30, 1956
Nesbitt	June 27, 1955	16 oz	July 11, 1955	14 oz	July 25, 1955	8 oz	Aug. 15, 1955
Nadir	June 27, 1955	12 oz	July 11, 1955	10 oz	July 25, 1955	7 oz	Aug. 15, 1955
Hardee	July 4, 1955	16 oz	July 18, 1955	14 oz	Aug. 1, 1955	9 oz	Aug. 22, 1955
Calusa	July 4, 1955	16 oz	July 18, 1955	14 oz	Aug. 1, 1955	9 oz	Aug. 22, 1955
Petersen	Aug. 8, 1955	12 oz	Aug. 15, 1955	10 oz	Aug. 22, 1955	7 oz	Sept. 5, 1955
Edmunds	Aug. 15, 1955	16 oz	Aug. 29, 1955	14 oz	Sept. 12, 1955	8 oz	Oct. 3, 1955
Pinelli	Aug. 22, 1955	18 oz	Aug. 29, 1955	16 oz	Sept. 5, 1955	10 oz	Oct. 10, 1955
Fairchild	Sept. 5, 1955	16 oz 3⅝ in.	Sept. 12, 1955	14 oz 3¼ in.	Sept. 19, 1955	8 oz 3 in.	Sept. 26, 1955
Nirody	Sept. 19, 1955	18 oz 3⅝ in.	Sept. 26, 1955	16 oz 3⅜ in.	Oct. 10, 1955	10 oz 3⅛ in.	Nov. 7, 1955
Simpson	Sept. 26, 1955	16 oz	Oct. 3, 1955	14 oz	Oct. 17, 1955	8 oz	Nov. 7, 1955
Vaca	Oct. 3, 1955	16 oz 3⅝ in.	Oct. 17, 1955	14 oz 3¼ in.	Oct. 31, 1955	8 oz 3 in.	Nov. 21, 1955
Sherman	Oct. 3, 1955	16 oz	Oct. 17, 1955	14 oz	Oct. 31, 1955	8 oz	Nov. 21, 1955
Black Prince	Oct. 3, 1955	16 oz	Oct. 17, 1955	14 oz	Oct. 31, 1955	8 oz	Nov. 21, 1955
Collinred	Oct. 10, 1955	16 oz	Oct. 24, 1955	14 oz	Nov. 7, 1955	8 oz	Nov. 21, 1955
Pumpkin	Oct. 10, 1955	32 oz	Nov. 21, 1955				
Booth 5	Oct. 17, 1955	16 oz	Oct. 31, 1955	14 oz	Nov. 14, 1955	8 oz	Dec. 12, 1955
Blair	Oct. 17, 1955	16 oz	Oct. 31, 1955	14 oz	Nov. 14, 1955	8 oz	Dec. 12, 1955
Nelson	Oct. 24, 1955	18 oz 3⅝ in.	Nov. 7, 1955	14 oz 3¼ in.	Nov. 21, 1955	8 oz	Dec. 19, 1955
Rue	Oct. 24, 1955	20 oz	Nov. 7, 1955	16 oz	Nov. 21, 1955	12 oz	Dec. 19, 1955
Avon	Oct. 10, 1955	12 oz	Oct. 24, 1955	10 oz	Nov. 7, 1955	7 oz	Nov. 21, 1955
Booth 10	Oct. 31, 1955	16 oz	Nov. 14, 1955	14 oz	Nov. 28, 1955	8 oz	Dec. 26, 1955
Booth 11	Oct. 31, 1955	16 oz	Nov. 14, 1955	14 oz	Nov. 28, 1955	8 oz	Dec. 26, 1955
Yon	Oct. 31, 1955	28 oz	Dec. 26, 1955				
Ajax	Nov. 7, 1955	16 oz	Nov. 21, 1955	14 oz	Dec. 5, 1955	8 oz	Dec. 26, 1955
Booth 7-B	Nov. 7, 1955	16 oz	Nov. 21, 1955	14 oz	Dec. 5, 1955	8 oz	Dec. 26, 1955
Lunedia	Nov. 14, 1955	16 oz 3⅝ in.	Nov. 28, 1955	14 oz 3¼ in.	Dec. 12, 1955	8 oz 3 in.	Dec. 26, 1955
Blakeman	Nov. 21, 1955	14 oz	Dec. 5, 1955	12 oz	Dec. 19, 1955	8 oz	Jan. 2, 1956
Byars #1	Dec. 5, 1955	16 oz	Dec. 19, 1955	14 oz	Jan. 2, 1956	8 oz	Jan. 16, 1956
Nabal	Dec. 12, 1955	14 oz 3⅜ in.	Dec. 26, 1955	12 oz 3⅜ in.	Jan. 9, 1956	7 oz 3 in.	Jan. 23, 1956
Eagle Rock	Jan. 2, 1956	16 oz	Jan. 16, 1956	14 oz	Jan. 30, 1956		
Colla	Jan. 16, 1956	14 oz	Jan. 30, 1956	12 oz	Feb. 13, 1956		
Schmidt	Jan. 30, 1956	16 oz	Feb. 13, 1956	14 oz	Feb. 27, 1956		
McDonald	Feb. 13, 1956						
Itzamma	Feb. 27, 1956						

(6) During the period from 12:01 a. m., e. s. t., November 14, 1955, and 12:01 a. m., e. s. t., December 5, 1955, no handler shall handle any Lula variety of avocados unless the individual fruit weighs at least nine ounces: *Provided*, That (i) up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than nine ounces but not less than seven ounces, but not more than double such tolerance percentage shall be permitted for any individual container in such lot; and (ii) the remainder of the avocados in such lot may weigh less than nine ounces but not less than seven ounces if such avocados also measure at least three inches in diameter;

(7) The provisions of paragraph (b) (2) and (3) of § 969.306 (Avocado Order 6; 20 F. R. 3427) shall not apply to the varieties of avocados named in the foregoing table; and

(8) As used in this section, the term "diameter" means the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit.

(c) *Effective time.* The provisions of this section shall become effective at 12:01 a. m., e. s. t., June 16, 1955.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 13, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4811; Filed, June 14, 1955; 8:57 a .m.]

PART 974—MILK IN THE COLUMBUS, OHIO, MARKETING AREA

ORDER TERMINATING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act" and of the order, as amended (7 CFR Part 974), regulating the handling of milk in the Columbus, Ohio, marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

a. In §§ 974.50 (a) (2) and 974.54 (a) of the order the provision "in barrels" does not tend to effectuate the declared policy of the act;

b. Notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that (1) the information on which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this termination order effective as set forth below is necessary to reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; (3) on April 8, 1955, the Market News Service of the Department of Agriculture stopped reporting Chicago price quotations for spray and roller process nonfat dry milk solids for human consumption in drums and barrels. This was done because too few sales were being made in drums and barrels to report such prices. Most price quotations now relate to sales in bags and this series is being continued by the Market News Service.

It is therefore ordered, That in §§ 974.50 (b) (2) and 974.54 (a) the provision "in barrels" be and hereby is terminated effective immediately.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 10th day of June 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4778; Filed, June 14, 1955; 8:54 a. m.]

PART 1001—LIMES GROWN IN FLORIDA

ORDER REGULATING HANDLING

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1001.0 Findings and determinations.

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AUTHORITY: §§ 1001.0 to 1001.71 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1001.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Homestead (Modello), Florida, from March 1 to March 3, 1955, both dates inclusive, upon a proposed marketing agreement and a proposed marketing order regulating the handling of limes grown in Florida. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of limes grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, the proposed marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by the said order that make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of limes grown in the production area, as defined herein, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found and determined on the basis hereinafter indicated that good cause exists for making the provisions of this part effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). As soon as practical after such effective time, it will be necessary to establish the Florida Lime Administrative Committee, the agency charged with the administration of this program, and for the Committee and the Secretary to initiate various actions of both organizational and regulatory natures, including the formulation and promulgation of rules and regulations under the program, which should

be completed as soon as practicable after the beginning of the harvesting and marketing season. Volume shipments of Florida limes normally begin during June. The time during which such actions will be concluded should be such that handlers will receive such notice thereof as will enable them reasonably and adequately to prepare for operations under the program. The provisions of the order are well known to the handlers of limes, since the public hearing in connection with the entire order was concluded March 3, 1955, and the recommended decision and final decision was published in the FEDERAL REGISTER on April 19, 1955 (20 F. R. 2590, 2893), and May 13, 1955 (20 F. R. 3261), respectively. Copies of the regulatory provisions of this part were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) The marketing agreement regulating the handling of limes grown in Florida, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the limes covered by this order) who, during the period April 1, 1954, through March 31, 1955, handled not less than 50 percent of the volume of limes covered by this order;

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1954, through March 31, 1955), were engaged, within the production area specified in this order, in the production of limes for market; such producers having also produced for market at least two-thirds of the volume of limes represented in such referendum.

It is therefore ordered, That, on and after the effective date hereof, the handling of limes grown in the said production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order; and the terms and conditions of said order are as follows:

DEFINITIONS

§ 1001.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1001.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1001.3 *Person.* "Person" means an individual, partnership, corporation, association or any other business unit.

§ 1001.4 *Production area.* "Production area" means all of the State of Florida, except the area west of the Suwannee River.

§ 1001.5 *Limes.* "Limes" means all varieties and clones of acid limes, grown in the production area, classified botanically as Citrus Aurantifolia (Christm.) Swingle, and includes the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) and the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties).

§ 1001.6 *Fiscal year.* "Fiscal year" means the twelve-month period ending March 31 of each year.

§ 1001.7 *Committee.* "Committee" means the Florida Lime Administrative Committee established pursuant to § 1001.20.

§ 1001.8 *Grower.* "Grower" is synonymous with producer and means any person who produces limes for market and who has a proprietory interest therein.

§ 1001.9 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting limes owned by another person) who handles limes or causes limes to be handled.

§ 1001.10 *Handle.* "Handle" means to sell, consign, deliver, or transport limes within the production area or between the production area and any point outside thereof: *Provided,* That such term shall not include: (a) The sale or delivery of limes to a handler, registered as such with the committee in accordance with such rules and regulations as it may prescribe with the approval of the Secretary, who has facilities within the production area for preparing limes for market; (b) the delivery of limes to such a handler solely for the purpose of having such limes prepared for market; or (c) the transportation of limes by a handler, so registered with the committee, from the grove to his packing facilities within the production area for the purpose of having such limes prepared for market. In the event a grower sells his limes to a handler who is not so registered with the committee, such grower shall be the first handler of such limes.

§ 1001.11 *District.* "District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1001.29 (n):

(a) "District 1" shall include Dade and Monroe counties.

(b) "District 2" shall include all of the production area except Dade and Monroe counties.

ADMINISTRATIVE BODY

§ 1001.20 *Establishment and membership.* There is hereby established a Florida Lime Administrative Committee consisting of nine members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Five of the members and their respective alternates shall be growers who shall not be handlers or employees of handlers. Four of the members and their respective alternates shall be handlers or employees of handlers. The five members of the committee who shall be growers and who shall not be handlers, or employees of handlers, are hereinafter referred to as "grower" members of the committee; and the four members who shall be handlers, or employees of handlers, are hereinafter referred to as "handler" members of the committee. Four of the five grower members shall be producers of limes in District 1, and one grower member shall be a producer of limes in District 2. Three of the four handler members shall be handlers, or employees of handlers, of limes in District 1, and one handler member shall be a handler, or an employee of a handler, of limes in District 2.

§ 1001.21 *Term of office.* The term of office of each member and alternate member of the committee shall begin April 1, and shall terminate March 31 of the following year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three terms.

§ 1001.22 *Nomination.*—(a) *Initial members.* Nominations for each of the five initial grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date hereof. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1001.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than February 15 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers who are present at such nomination meetings, or who reside outside the production area and are represented at such nomination meetings by duly authorized agents, shall participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces limes. No grower shall participate in the election of nominees in more than one district in any one fiscal year.

(3) Only handlers who are present at such nomination meetings, or represented at such meetings by duly authorized agents, shall participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles limes, which vote shall be weighted by the volume of limes shipped by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year.

§ 1001.23 *Selection.* From the nominations made pursuant to § 1001.22, or from other qualified persons, the Secretary shall select the five grower members of the committee, the four handler members of the committee, and an alternate for each such member.

§ 1001.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 1001.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1001.20.

§ 1001.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1001.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 1001.22 and 1001.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1001.20.

§ 1001.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1001.28 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1001.29 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to limes;

(i) To submit to the Secretary such available information as he may request;

(j) To notify, as provided in this part, producers and handlers of all meetings of the committee to consider recommendations for regulation;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided,* That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee;

(m) To investigate compliance with the provisions of this part; and

(n) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in lime production within the districts and the production area.

§ 1001.30 *Procedure.* (a) Six members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least five concurring votes: *Provided,* That at least one handler member shall approve the action.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ 1001.31 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall also receive compensation, as determined by the committee, which shall not exceed $10.00 per day or portion thereof spent in performing such duties.

§ 1001.32 *Annual report.* The committee shall, prior to March 31 of each fiscal year, prepare and mail an annual report to the Secretary and to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations upon the lime industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 1001.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided for in § 1001.41.

§ 1001.41 *Assessments.* (a) Each person who first handles limes shall, with respect to the limes so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of limes handled by him as the first handler thereof during the applicable fiscal year and the total quantity of limes so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any finding by the Secretary relative to the expense which may be incurred: *Provided,* That,

in no case, shall the rate of assessment exceed 10 cents per bushel, or equivalent quantity, of limes. Such increase shall be applied to all limes handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then current fiscal year.

§ 1001.42 *Accounting.* (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ 1001.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of limes. The expense of such projects shall be paid from funds collected pursuant to § 1001.41.

REGULATIONS

§ 1001.50 *Marketing policy.* Each season prior to making any recommendations pursuant to § 1001.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to (a) the estimated total production of limes within the production area; (b) the expected general quality and size of limes in the production area and in other areas, including foreign competing areas; (c) the expected demand conditions for limes in different market outlets; (d) the expected shipments of limes produced in the production area and in other areas, including foreign competing areas; (e) supplies of competing commodities; (f) trend and level of consumer income; (g) other factors having a bearing on the marketing of limes; and (h) the type of regulations expected to be recommended during the season. In the event it becomes advisable, because of changes in the supply and demand situation for limes, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report and copies thereof shall be maintained in the offices of the committee where they shall be available for examination by growers and handlers.

§ 1001.51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of limes in the manner provided in § 1001.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for limes during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated, and such other available information as the Secretary may request.

(c) All meetings of the committee held for the purpose of formulating recommendations for regulations shall be open to growers and handlers. The committee shall give notice of such meetings to growers and handlers by mailing such notice to each grower and handler who has filed his address with the committee and requested such notice.

§ 1001.52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of limes whenever he finds, from the recommendations and information submitted by the committee or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Prohibit, during any specified period or periods, the handling of any variety or varieties of limes which do not meet such grade, size, and quality (including internal quality and juice content) standards as shall be prescribed;

(2) Prescribe minimum standards of quality for any variety or varieties of limes and limit the handling thereof to those meeting such minimum standards; and

(3) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging, and the transportation, sale, shipment, or other handling of limes.

(b) The committee shall be informed immediately of any such regulations issued by the Secretary and the committee shall promptly give notice thereof to growers and handlers.

§ 1001.53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1001.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of limes in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 1001.54 *Exemption certificate.* In the event the handling of limes is regulated pursuant to § 1001.52, the committee shall issue one or more exemption certificates to any person who furnishes evidence satisfactory to the committee that, by reason of conditions beyond his control, he will be prevented, because of such regulation, from having as large a proportion of a particular variety of his limes handled as the average proportion of all such limes which may be handled. Such exemption certificates shall authorize the person to whom the certificates are issued to handle, or have handled, a percentage of his crop of the particular variety of limes equal to the percentage determined as aforesaid. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued and the limes covered thereunder may be handled. Exemption certificates shall be transferred to the handler of the limes covered by such certificates at the time the limes are delivered to such handler.

§ 1001.55 *Inspection and certification.* Whenever the handling of any variety of limes is regulated pursuant to § 1001.52, each handler who handles limes shall, prior thereto, cause each lot of limes handled to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided,* That such inspection and certification shall be required when the limes previously have been so inspected and certified only if such limes have been regraded, resorted, or repackaged after the prior inspection and certification. Promptly thereafter, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection with respect to such handling.

§ 1001.56 *Limes not subject to regulations.* Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1001.41, 1001.52, and 1001.55, and the regulations issued thereunder, handle limes (a) for consumption by charitable institutions; (b) for distribution by relief agencies; (c) for commercial processing into products; or (d) in such minimum quantities or types of shipments, or for such specified purposes as the committee, with the approval of the Secretary, may prescribe. The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent limes handled under the provisions of this section from entering channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle limes pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the limes will not be used for any purpose not authorized by this section.

REPORTS

§ 1001.60 *Reports.* (a) Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering, to the extent necessary for the committee to perform its functions, the following: (1) The quantities of each variety of limes he received; (2) a complete record of the quantities disposed of by him, segregated as to varieties and as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such fruit; (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the fruit was handled, together with the destination of each such exempted disposition, and of all fruit handled pursuant to § 1001.56; and (5) the quantity of each variety held by him at the end of the period.

(b) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties under this part.

(c) Each handler shall maintain for at least two succeeding fiscal years, such records of the limes received and disposed of by him as may be necessary to verify the reports he submits to the committee pursuant to this section.

(d) All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in custody of, one or more designated employees of the committee. No such employee shall disclose to any person, other than the Secretary upon request therefor, data or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available to any person, in the form of general reports in which the identities of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

MISCELLANEOUS PROVISIONS

§ 1001.61 *Compliance.* Except as provided in this part, no person shall handle limes, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle limes except in conformity with the provisions of this part and the regulations issued under this part.

§ 1001.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 1001.63 *Effective time.* The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 1001.64.

§ 1001.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production of limes for market: *Provided,* That such termination is announced on or before March 15 of the then current fiscal year. The Secretary shall, as soon as practicable after the close of the fiscal year ending March 31, 1957, conduct a referendum of producers and a poll of handlers to determine whether the continuation of this part is favored by them. Producers entitled to vote in such referendum shall be those who, during the fiscal year ending March 31, 1957, were engaged in producing limes for market and the poll shall be confined to handlers who handled limes in that same fiscal year. If it develops from said referendum and poll that (1) less than two-thirds of the producers, by number or volume of production represented in said referendum, favor the continuance of this part, or (2) handlers representing more than one-half the volume of limes handled favor termination of this part, the Secretary shall thereupon terminate this part.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1001.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 1001.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1001.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 1001.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1001.69 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1001.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mis-

takes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1001.71 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Done at Washington, D. C., this 10th day of June 1955, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4775; Filed, June 14, 1955; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 5]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKETING OF AIRCRAFT AND RELATED PRODUCTS

QUALITY CONTROL

The purpose of this revision is to liberalize the CAA policy relative to the weighing of aircraft for the purpose of finding the average empty weight and c. g. § 1.34–1 (h) (2) (i) and (ii), published in 19 F. R. 7078, on October 30, 1954, provided that all aircraft have identical equipment installed when weighed. The following revision to § 1.34–1 (h) (2) (i) and (ii) allows the manufacturer to have nonidentical equipment installed in the aircraft when weighed, provided appropriate adjustments are made to conform to the "standard equipment" configuration.

Section 1.34–1 (h) (2) (i) and (ii) is amended as follows:

§ 1.34–1 *Quality control (CAA policies which apply to § 1.34).* • • •

(h) *Standard empty weight and c. g. for production aircraft.* • • •

(2) • • •

(i) Actually weigh and determine the empty c. g. of ten aircraft of a particular model as a means of establishing an average empty weight and empty c. g. Each aircraft of the model need not have identical equipment installed at time of weighing, provided the manufacturer selects a "standard" equipment configuration, and the weight and arm of the nonstandard equipment items are determined. In order to compute the correct average weight and c. g. for such a model, appropriate corrections to the weight and balance data for individual aircraft should be made, where necessary, to make such data correspond to the "standard" equipment configuration.

(ii) Subsequently, with respect to production aircraft, at least each tenth aircraft should actually be weighed for the purpose of determining that the initially established empty weight and empty c. g. are being maintained. If this weighing indicates a variation in empty weight which is in excess of 1 percent of the initially established weight, or a variation in the empty c. g. which exceeds one-half of 1 percent of the MAC, a new average weight should be established in accordance with procedures followed in establishing the initial average empty weight and c. g. conditions.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009 as amended; 49 U. S. C. 551, 553)

This supplement shall become effective July 15, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-4767; Filed, June 14, 1955; 8:51 a. m.]

[Supp. 29]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments are made to Part 42:

(1) Section 42.32–1 is changed from an interpretation to a policy and revised to provide irregular air carriers and commercial operators with more flexibility and wider option in meeting the airframe housing requirements of § 42.32 (a) when performing their own maintenance functions. This section formerly authorized work docks to be used where climatic conditions permitted; the section now authorizes the use of work docks appropriate to the climatic conditions which prevail at a particular maintenance base.

(2) Section 42.55–1 is not applicable since the amendments to § 42.55 (b) on December 10, 1954, and is therefore deleted.

(3) A new § 42.55–3 is added, which establishes the policy under which the Administrator will authorize irregular air carriers and commercial operators weather minimums down to the lowest minimums prescribed in Part 609 for IFR takeoffs and landings at regularly used airports, such as a main operations base.

(4) The speeds to which the Convair Model 28–5ACF and PBY–5A are accelerated, listed in the Takeoff Limitations Table of § 42.80–4, are corrected to coincide with the speeds indicated in figure 1 of this section. Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

The following amendments are hereby adopted.

1. Section 42.32–1 is revised to read as follows:

§ 42.32–1 *Facilities for the proper inspection, maintenance, overhaul, and repair (CAA policies which apply to § 42.32).* (a) The facilities required in § 42.32 (a) of this subchapter include housing, work space, equipment, supplies, materials, tools, parts, and aircraft components in sufficient quantity and quality to assure that the needed inspection, maintenance, overhaul, and repair of the air carrier's or commercial operator's aircraft (including airframes, powerplants, propellers, and appliances) can be satisfactorily performed at all times by either the air carrier, or commercial operator, or persons with whom arrangements have been made for the performance of such functions.

(b) Sections 52.21–1 through 52.21–3 and §§ 52.30–1 through 52.36–1 of this subchapter, outline housing, facilities, equipment and materials which constitute criteria that may be used to determine the minimum facilities required by § 42.32 (a) insofar as applicable and appropriate to the air carrier's aircraft and maintenance system: *Provided,* That a work dock may be used for the performance of airframe maintenance in lieu of a permanent hangar, if such work dock is appropriate for the proper performance of such maintenance under the climatic conditions which prevail at the particular maintenance location. When necessary, the entire airframe or portion thereof on which work is being performed should be enclosed so as to exclude rain, snow, dust, and provide reasonable protection to workers from the extremes of temperature which might impair the work being performed.

(c) When an air carrier contracts to perform inspection, maintenance, overhaul and repair on aircraft of other air carriers, the minimum facilities required by § 42.32 (a) are considered to be the same as required for a certificated repair station performing identical functions.

2. Section 42.55–1 is hereby deleted.

3. Section 42.55–3 is adopted to read as follows:

§ 42.55–3 *IFR takeoff and landing minimums (CAA policies which apply to § 42.55 (b)).* (a) The basic IFR takeoff minimums and landing minimums for each type of instrument approach procedure are prescribed in the operations specifications issued to an air carrier or commercial operator under the authority of this part. Frequently, these minimums are higher than those published in Part 609 of this title. However, by application to the local CAA Aviation Safety Agent having certificate responsibility, minimums down to the lowest minimums prescribed in Part 609 of this title for a particular airport may be authorized if such airport is regularly used by an air carrier or commercial operator (e. g., main operations base). To obtain such authorization, the air carrier or commercial operator will be required to demonstrate that its pilot training program and overall operating proficiency is adequate for the use of lower minimums. Such lower minimums, when approved, will be applicable only to those pilots-in-command who (1) have served as a pilot or as an observer member of the crew on the flight deck during operations conducted into the particular airport within the previous twelve months, (2) have been checked in accordance with § 42.44–2 of this subchapter on the type of facility for which the lower minimums are authorized, and (3) have been so certificated by a company check pilot as being qualified to operate at the lower minimums.

4. Section 42.80–4, table 1, the parenthetical portions of paragraphs (a) and (b) is corrected to read, "(Distance to accelerate to 95 miles per hour TIAS (28–5ACF), 91 miles per hour TIAS (PBY–5A), and stop, with zero wind and zero gradient.)"

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, as amended, 1010, as amended; 49 U. S. C. 551, 554, 555)

This supplement shall become effective June 30, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-4768; Filed, June 14, 1955; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 57]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATION

The civil airway alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and is adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.645 is amended to read:

§ 600.645 *Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).* From the intersection of the north course of the Westfield, Mass., radio range and the southwest course of the Concord, N. H., radio range via the Keene, N. H., nondirectional radio beacon to the Lebanon, N. H., nondirectional radio beacon. From the Montpelier, Vt., radio range station via the intersection of the northeast course of the Montpelier, Vt., radio range and a line bearing 180° True from the Newport, Vt., nondirectional radio beacon to the Newport, Vt., nondirectional radio beacon excluding the portion which lies outside of the continental limits of the United States.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., June 15, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-4737; Filed, June 14, 1955; 8:45 a. m.]

[Amdt. 57]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.645 is amended to read:

§ 601.645 *Blue civil airway No. 45 control areas (Greenfield, Mass., to Newport, Vt.).* All of Blue civil airway No. 45.

2. Section 601.1046 *Control area extension (Montpelier, Vt.)* is revoked.

3. Section 601.4645 is amended to read:

§ 601.4645 *Blue civil airway No. 45 (Greenfield, Mass., to Newport, Vt.).* No reporting point designation.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., June 15, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-4738; Filed, June 14, 1955; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter C—Military Education

PART 542—SCHOOLS AND COLLEGES

MISCELLANEOUS AMENDMENTS

Sections 542.2, 542.3 and 542.5 (a) are revised to read as follows:

§ 542.2 *Educational institutions.* (a) The schools and colleges referred to in the act of Congress cited in § 542.1 include those educational institutions, public or private, having not less than 100 physically fit male students above the age of 14 years and which do not maintain units of ROTC. Each school within a multiple school unit must meet this enrollment requirement in order to be eligible to participate in this program.

(b) In order to avail themselves of the privileges prescribed by the regulations of this part the institutions concerned must agree to the following:

(1) To provide the course of military instructions prescribed or approved by the Department of the Army.

(2) That any student who enters upon the prescribed course of military training will be required to continue the training for the remainder of that academic year, as a prerequisite for graduation or promotion from that year's course, unless excused therefrom by the head of the institution, upon the recommendation of the professor of military science and tactics.

(3) To allot and require an average of not less than 3 hours a week per school year to the prescribed course of military training.

§ 542.3 *Application.* (a) When an educational institution which is not receiving Government assistance under the provisions of the act of Congress cited in § 542.1, desires to receive such assistance, the authorities of the institution will submit an application in substantially the following form to the army commander:

(Place) ----------

(Date) ----------

Subject: Military Training Under Section 55c, National Defense Act, as amended.

To: Commanding General, ---------- Army.

1. The ----------, of
(Governing body)

(Name of institution)

located at ----------, desires to participate in the military training program authorized under section 55c, National Defense Act, as amended.

2. Number of physically fit male students above the age of 14 years enrolled at the institution: ----------.

3. Military training (will) (will not) be required of all eligible students.

4. Number of such students who will participate in the prescribed military training: ----------.

5. The authorities of the institution agree to allot and require an average of not less than 3 hours a week per school year to the course of military training prescribed by the Secretary of the Army.

6. They further agree that when any student enters upon such course of military training it shall, as regards such student, be a prerequisite for graduation or promotion for that academic year unless such student is excused from this training by the head of the institution, upon recommendation of the professor of military science and tactics.

7. The authorities of the institution agree to provide an instructor who is qualified to teach the course of military training prescribed by the Secretary of the Army, and who is acceptable to the Department of the Army. It is understood that if credit for the 55c training toward completion of the senior division ROTC is desired, the professor of military science and tactics must be a retired or Reserve Officer of the Army not on active duty.

8. The authorities of the institution will provide suitable storage facilities for all Government property issued to the institution and will take such measures as are necessary to properly care for the same; they will cause to be executed, on a blank form to be furnished by the army commander, a bond in the value of the Government property (plus 15 percent) to be issued, for the care and safekeeping thereof and for its return when required.

Signature ----------
(Head of institution)

(b) Upon receipt of the application, the army commander will have inspection of the institution accomplished to determine whether the requirements for the establishment of a 55c unit are fulfilled. The application, together with report of such inspection, and comments and recommendations of the army commander regarding approval or disapproval of application, will be submitted to The Adjutant General, Department of the Army, Washington 25, D. C., ATTN: AGPB–O. Upon approval of the application by the Department of the Army, requisitions for appropriate equipment will be made by the institution on DA Form 445 (Requisition), and will be forwarded to the army commander for ap-

proval. After the value of the property to be issued to the institution has been determined, a bond in the sum of not less than 15 percent in excess of the value of all Government property to be issued will be furnished by the institution to the army commander. Upon receipt of the bond, the army commander will forward the requisitions to appropriate distribution depots for supply action. All expenses incident to the supply units established under the provisions of the regulations of this part will be borne from ROTC funds allocated to the heads of technical services, and army commanders when appropriate.

§ 542.5 *Personnel*—(a) *Instructors.* The institution will provide instructors to conduct the military training program. The professor of military science and tactics must be a retired or Reserve officer of the Army not on active duty, if credit toward completion of the senior division ROTC is desired. The name and qualifications of the individual selected for professor of military science and tactics, with detailed history of military experience will be submitted through the army commander to The Adjutant General, Department of the Army, Washington 25, D. C., ATTN: AGPB–O, for approval, after the establishment of a unit has been authorized. Training as provided by the regulations of this part will not be conducted until assignment of the professor of military science and tactics has been approved.

[C3, AR 350–250, May 10, 1955] (41 Stat. 780; 10 U. S. C. 1180, 1181)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–4763; Filed, June 14, 1955; 8:50 a. m.]

Chapter VII—Department of the Air Force

PART 804—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

ADMISSION OF LABOR UNION REPRESENTATIVES TO AIR FORCE INSTALLATIONS

In Part 804, new §§ 804.301 to 804.304 are prescribed as follows:

Sec.
804.301 Purpose.
804.302 Policy.
804.303 Procedures on admission to unclassified areas.
804.304 Limitations.

AUTHORITY: §§ 804.301 to 804.304 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a.

DERIVATION: AFR 11–23, June 3, 1955.

§ 804.301 *Purpose.* Sections 804.301 to 804.304 announce the Air Force policy governing admission of labor union representatives to Air Force installations.

§ 804.302 *Policy.* (a) Air Force policy is to cooperate with authorized labor union representatives by granting them admission to Air Force installations when they are engaged in legitimate union business.

(b) The admission of labor union representatives to Air Force installations will be governed by the following:

(1) Where union agents desire to enter an installation to conduct union business during working hours, the base commander may authorize such visits: *Provided,* That the entry of the agents does not violate applicable safety and security regulations and, that their entry, presence, or activities will not interfere with base operations or the progress of work.

(2) Where construction on Air Force installations is administered by a construction agent of the Air Force, such as the Corps of Engineers, United States Army, commanders should notify the construction agent of the proposed visit and the purpose thereof. They should also determine whether the proposed visit will interfere with the work progress.

§ 804.303 *Procedures on admission to unclassified areas.* Permission to enter an Air Force installation may be granted by the commander to labor union representatives to:

(a) Discuss with the commander those policy matters which relate to employees who are engaged in work on the installation and who are members of the union represented by the visitor.

(b) Visit contractors, contractor representatives, or union stewards to discuss and review conditions of employment, grievances, and related matters within the terms of the collective bargaining agreements involving employees.

(c) Visit individual employees of contractors, provided that discussion and review of matters within the collective bargaining process cannot otherwise be accomplished.

§ 804.304 *Limitations.* (a) Approval of visits to labor representatives should include the limitations and restrictions applicable to visitors. In addition, notification should specify that permission to visit an Air Force activity does not include the right to hold meetings, collect dues, make speeches, or distribute inciting or provocative material.

(b) Organizing activities carried on during work hours are considered to be disruptive; therefore, visits will not be authorized for this purpose.

(c) Nothing contained in these sections should be interpreted as requiring that permanent passes be issued to labor representatives to conduct union business.

(d) The provisions of Part 805 of this chapter govern admission to classified areas.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 55–4736; Filed, June 14, 1955; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

EVERGLADES NATIONAL PARK; LESSEE UNDER A MINING LEASE

Section 20.45 *Everglades National Park,* is amended by adding a new paragraph (l), reading as follows:

(l) *Lessee under a mining lease.* A lessee under a mining lease which was granted by the State of Florida prior to the enactment of the act of October 10, 1949 (63 Stat. 733), and which is still in force, being an operator having the right to prospect or explore for, develop, produce, or remove oil, gas, or other minerals, shall comply with the regulations contained in paragraph (j) (4), (5), and (6) of this section.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 16th day of May 1955.

THOMAS J. ALLEN,
Acting Director,
National Park Service.

[F. R. Doc. 55–4741; Filed, June 14, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

HANDLING OF MILK IN CENTRAL MISSISSIPPI MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Jackson, Mississippi, on May 9, 1955, pursuant to notice thereof issued May 3, 1955 (20 F. R. 3028).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 23, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on May 26, 1955.

The material issues, findings and conclusions, and general findings of the recommended decision (20 F. R. 3686; Doc. 55–4281) are hereby approved and adopted by this decision as if set forth in full herein.

Ruling on exceptions. Within the period reserved for the filing of exceptions by interested parties, no exceptions to the recommended decision were received.

Determination of representative period. The month of April 1955, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Central Mississippi marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Mississippi Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Central Mississippi Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That this decision, except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 10th day of June 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Central Mississippi Marketing Area

§ 987.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Amend § 987.8 to read as follows:

§ 987.8 *Supply plant.* "Supply plant" means (a) any plant other than a distributing plant from which Grade A milk, skim milk or cream is shipped during the month to a distributing plant in any of the months of January through July, or (b) any plant other than a distributing plant from which not less than 50 percent of the Grade A milk received from dairy farmers during the month is shipped in such month as milk, skim milk or cream to distributing plants during the months of August through December.

2. Add the following as § 987.31–(c):

(c) Each handler who receives producer milk for which payment is to be made to a cooperative association pursuant to § 987.90 (e) shall report to such cooperative association with respect to each such producer as follows:

(1) On or before the 20th day of each month the total pounds of milk received during the first 15 days of the month,

(2) On or before the 10th day after the end of each month:

(i) The daily and total pounds of milk received during the month with separate totals for base and excess milk for the months of March through July, and the average butterfat test thereof; and

(ii) The amount or rate and nature of any deductions.

3. Delete § 987.44 (a) and substitute therefor the following:

(a) As follows if transferred in the form of products designated as Class I milk in § 987.41 (a) (1) to the fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 987.30, subject in any event to the conditions set forth in subparagraph (3) of this paragraph:

(1) As Class I milk, if transferred from a distributing plant to a fluid milk plant or from a supply plant to a supply plant;

(2) Pro rata to the amounts of skim milk and butterfat, respectively, remaining in each class in the plant(s) of the transferee handler after subtraction pursuant to § 987.46 (a) (4) and the corresponding step of (b) of any skim milk or butterfat classified pursuant to subparagraph (1) of this paragraph, if transferred from a supply plant to a distributing plant;

(3) (i) In no event shall the skim milk or butterfat assigned to Class II milk exceed the amount thereof remaining in Class II milk in the plant(s) of the transferee handlers after subtraction of other source milk pursuant to § 987.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk; and

(ii) If either or both handlers have other source milk during the month, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to producer milk of both handlers.

4. Add the following as § 987.90 (e):

(e) In lieu of payments pursuant to paragraphs (a), (b) and (c) of this section each handler shall make payment to a cooperative association which has filed a written request for such payment with such handler and with respect to producers for whose milk the market administrator determines that such cooperative association is authorized to collect payment, as follows:

(1) On or before the 26th day of each month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received during the first 15 days of the month from such producers, and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable uniform price(s) pursuant to §§ 987.71 and 987.72, multiplied by the hundredweight of milk received from such producers to which each such price is applicable, subject to the butterfat differential computed pursuant to § 987.91 and the location differential computed pursuant to § 987.92, less payment made such cooperative association pursuant to subparagraph (1) of this paragraph, and proper deductions authorized in writing by such producers or such cooperative associations.

5. Add the following as § 987.90 (f):

(f) On or before the 13th day after the end of the month each handler shall pay to each cooperative association which is also a handler for milk received from it not less than the value of such milk as classified pursuant to § 987.44 (a) at the applicable respective class

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

prices, including charges and differentials prescribed by the order.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Central Mississippi Marketing Area; Determination of a Representative Period; and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the Central Mississippi marketing area), who, during the month of April 1955, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of an order amending the order, which is filed simultaneously herewith.

The month of April 1955 is hereby determined to be the representative period for the conduct of such referendum.

E. Hickman Greene is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 12th day from the date this referendum order is issued.

Done at Washington, D. C., this 10th day of June 1955.

[F. R. Doc. 55-4774; Filed, June 14, 1955; 8:53 a. m.]

Commodity Stabilization Service

[7 CFR Part 723]

CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1956-57 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for the 1956 crop of (a) cigar-filler (type 41) tobacco and (b) cigar-filler and binder (types 42-44, 51-55, inclusive) tobacco. The Agricultural Adjustment Act of 1938, as amended, includes types 42-44 and 51-55 in the definition of cigar-filler and cigar-binder tobacco, and only type 41 in the definition of cigar-filler tobacco.

Cigar-filler and binder (types 42-44, 51-55, inclusive) tobacco growers favored marketing quotas for the 1954-55, 1955-56, and 1956-57 marketing years (18 F. R. 8474). The applicability of the regulations to be issued for cigar-filler (type 41) tobacco will be contingent upon the proclamation of a national marketing quota for such kind of tobacco for the 1956-57 marketing year pursuant to section 312 of the act (7 U. S. C. 1312), and upon approval of quotas by growers voting in a referendum.

It is contemplated that the respective regulations for these two kinds of tobacco will be substantially the same as those issued with respect to the 1955 crops (19 F. R. 3543 and 19 F. R. 3547), except as stated below.

1. The 1956 base acreage of cigar-filler and binder (types 42-44, 51-55) tobacco for a farm will be the 1955 allotment given a weight of four and the 1955 harvested acreage a weight of one: *Provided*, That (a) for this purpose the 1955 harvested acreage shall be considered to be the smaller of the 1955 harvested acreage or the 1955 allotment and (b) if the 1955 harvested acreage is as much as 80 percent of the 1955 allotment, the 1955 allotment shall be the 1956 base acreage for the farm. If tobacco was harvested in any of the years 1951-55 on a farm for which no 1955 tobacco acreage allotment was determined, the 1956 base acreage for the farm will be determined by the community and county committees without any consideration of the acreage of tobacco harvested in 1955, on the basis of land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco, but such 1956 base acreage shall not exceed 25 percent of the allotments for similar old farms.

2. The 1956 base acreage for cigar-filler (type 41) tobacco will be the largest of (1) the average acreage of tobacco harvested on the farm in the five years 1951-55 except that if such five-year average is in excess of the three-year 1953-55 average, it shall be reduced to the larger of such three-year average or 50 percent of the five-year average; (2) 80 percent of the average acreage of tobacco harvested on the farm in the past three years 1953-55; or (3) 45 percent of the acreage of tobacco harvested on the farm in 1955: *Provided*, That (1) the acreage of tobacco harvested on a farm in 1955 shall be considered to be the smaller of the 1955 farm tobacco acreage allotment determined for the farm or the acreage of tobacco harvested on the farm in 1955, or (2) if tobacco was harvested in 1955 for the first time since 1950 on a farm for which no 1955 allotment was determined, the 1956 base acreage will be determined by the community and county committees without any consideration of the acreage of tobacco harvested in 1955, on the basis of land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco, but such 1956 base acreage shall not exceed 25 percent of the allotments for similar old farms.

3. The provision whereby farm base acreages can be increased or decreased by community and county committees would be changed to provide that the total of the base acreages after such increases and decreases have been made shall not exceed the total before such increases and decreases have been made. The 1955-56 regulations permitted such total, after the increases and decreases, to be two percent higher than before such increases and decreases.

4. 1956 farm acreage allotments would be determined in acres and hundredths of an acre. The rule of fractions would be to round upward fractions of more than five-thousandths and round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00 and 0.0051 would be 0.01).

5. A provision would be included pursuant to Public Law 21, 84th Congress, that the farm operator or his representative shall file a report with the county committee or its representative on Form CSS-578, Report of 1955 Acreage, showing all fields of cigar-filler and binder (types 42-44, 51-55) tobacco on the farm in 1955; and if any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the acreage of tobacco grown on the farm in 1955, the acreage allotment for the farm shall be reduced, except that if each producer establishes to the satisfaction of the county and State committees that the filing, or aiding or acquiescing in the filing of, the false report was unintentional on his part and that he could not reasonably have been expected to know that the report was false, reduction will not be required if the report is corrected and payment of all additional penalty is made.

6. In keeping with item 5, a definition of the term "producer" would be added to mean a person who, as owner, landlord, tenant, share-cropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

7. The yield per acre data for determining farm normal yields for cigar-filler (type 41) tobacco would be the yields obtained on the farm during such of the years 1946-54 for which data are available, and for cigar-filler and binder (types 42-44, 51-55) tobacco would be the yields obtained on the farm during the years 1950-54.

8. The acreage for adjusting old farm tobacco acreage allotments would be limited to (a) two percent (or, if recommended by the ASC State Committee and approved by the Administrator, Commodity Stabilization Service, four percent) of the total acreage allotted to all farms in the State for the 1955-56 marketing year in the case of cigar-filler and binder (types 42-44, 51-55) tobacco, and (b) two percent of the 1956 State acreage allotment in the case of cigar-filler (type 41) tobacco. These percentages are the same as for 1955.

9. The farm operator would be required to live on and obtain 50 percent or more of his livelihood from the farm covered by the application for a new farm tobacco acreage allotment.

10. The proviso in paragraph (a) of §§ 723.683 and 723.623 would be changed to provide a maximum acreage allotment for a new farm of 25 percent instead of 75 percent of the allotments for old farms that are similar to the new farm.

11. A provision would be included to provide that a new farm allotment shall not be approved for any farm which was part of another farm during the past five years for which an old farm allotment was established. Also, a new farm allotment shall not be determined for a farm not operated by the owner thereof.

12. The acreage available for allotments to farms on which tobacco will be grown in 1956 for the first time since 1950 would be limited to one percent of the 1956 national marketing quota.

13. The proviso in paragraph (a) of §§ 723.681 and 723.621 dealing with the division of farms would be changed to read as follows: "*Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment (preliminary allotment in case of cigar-filler, type 41, tobacco) determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth acre or 10 percent of the 1956 allotment (preliminary allotment in case of cigar-filler type 41 tobacco) determined for the entire farm with corresponding increases or decreases made in the allotment (preliminary allotment in case of cigar-filler type 41 tobacco) apportioned to the other tract or tracts."

Prior to the final adoption and issuance of the regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date this notice is published in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 9th day of June 1955.

[SEAL] EARL M. HUGHES, *Administrator.*

[F. R. Doc. 55-4782; Filed, June 14, 1955; 8:55 a. m.]

[7 CFR Part 727]

MARYLAND TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1956-57 MARKETING YEAR

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1312, 1313), the Secretary of Agriculture is preparing to formulate regulations governing the establishment of farm acreage allotments and normal yields for the 1956 crop of Maryland (type 32) tobacco.

Subsection (a) of section 312 of the act (7 U. S. C. 1312) requires the Secretary to proclaim a national marketing quota for each marketing year for each kind of tobacco for which a national marketing quota was proclaimed for the immediately preceding marketing year. A marketing quota was proclaimed for Maryland tobacco for the 1955-56 marketing year.

The applicability of the regulations to be issued for Maryland tobacco will be contingent upon the proclamation of a national marketing quota for Maryland tobacco pursuant to section 312 of the act (7 U. S. C. 1312), and upon approval of such quota by growers voting in a referendum.

It is proposed that the regulations be substantially the same as those for the 1955-56 marketing year (19 F. R. 3556) with the following exceptions:

1. The 1956 preliminary allotment for an old farm would be the largest of (a) the average acreage of tobacco harvested on the farm during the years 1951-55, (b) 90 percent of the average acreage of tobacco harvested on the farm during the years 1953-55, or (c) 50 percent of the acreage of tobacco harvested on the farm in 1955: *Provided*, That (1) the acreage of tobacco harvested on a farm in 1955 shall be considereed to be the smaller of the 1955 farm tobacco acreage allotment determined for the farm or the acreage of tobacco harvested in 1955 on the farm, or (2) if tobacco was harvested in 1955 for the first time since 1950 on a farm for which no 1955 Maryland tobacco acreage allotment was determined, the 1956 preliminary allotment will be determined by the community and county committees, without any consideration of the acreage of tobacco harvested in 1955, on the basis of land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco, but such 1956 preliminary allotment shall not exceed 25 percent of the allotments for similar old farms.

2. The acreage to be made available for adjustments of old farm allotments by county and community committees would be limited to three and three-fourths percent of the State acreage allotment.

3. 1956 farm tobacco acreage allotments will be determined in acres and hundredths of an acre. The rule of fractions would be to round upward fractions of more than five-thousandths and round downward fractions of five-thousandths or less (i. e., 0.0050 would be 0.00, and 0.0051 would be 0.01).

4. A provision would be included pursuant to Public Law 21, 84th Congress, that the farm operator or his representative shall file a report with the county committee or its representative on Form CSS-578, Report of 1955 Acreage, showing all fields of tobacco on the farm in 1955; if any producer on the farm files, or aids or acquiesces in the filing of, any false report with respect to the acreage of tobacco grown on the farm in 1955, the acreage allotment for the farm shall be reduced, except that if each producer establishes to the satisfaction of the county and State committees that the filing, or aiding or acquiescing in the filing of, the false report was unintentional on his part and that he could not reasonably have been expected to know that the report was false, reduction will not be required if the report is corrected and payment of all additional penalty is made.

5. In keeping with item 4, a definition of the term "producer" would be added to mean a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

6. Farm normal yields per acre would be determined on the basis of the yields on the farm for such of the years 1946-54 for which data are available.

7. The acreage available for allotments to farms on which no tobacco was harvested during the years 1951-55 would be limited to one-fourth of one percent of the national marketing quota.

8. The proviso in paragraph (a) of § 727.621 dealing with divisions of farms would be changed to read as follows: "*Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the preliminary tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth acre or 10 percent of the 1956 preliminary acreage allotment determined for the entire farm with corresponding increases or decreases made in the preliminary acreage allotment apportioned to the other tract or tracts."

9. The 1953 harvested acreage on a farm would be the acreage of tobacco harvested on the farm in 1953: *Provided*, That if the 1953 acreage of tobacco harvested on the farm was as much as 75 percent and not more than 100 percent of the 1953 allotment for the farm, the 1953 harvested acreage shall be considered to be equal to the 1953 farm acreage allotment: *Provided further*, That if the 1953 allotment for the farm was increased under the proviso in § 727.418 of the Maryland tobacco marketing quota regulations for the 1953-54 marketing year, the 1953 harvested acreage will be (a) the adjusted harvested acreage determined pursuant to § 727.616 (b) of the Maryland tobacco marketing quota regulations for the 1954-55 marketing year, or, if larger, (b) the 1953 allotment if the 1953 harvested acreage was not less than 75 percent of the 1953 allotment.

10. The proviso in § 727.623 would be changed to provide a maximum acreage allotment for a new farm of 25 percent instead of 50 percent of the allotments for old farms that are similar to the new farm.

11. A provision would be included to provide that a new farm allotment shall not be approved for any farm which was part of another farm during the past five years for which an old farm allotment was established. Also, a new farm allotment shall not be determined for a farm not operated by the owner thereof. The farm operator would be required to live on and obtain 50 percent or more

of his livelihood from the farm covered by the application for a new farm acreage allotment.

Prior to the final adoption and issuance of the regulations, consideration will be given to any data, views and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, Washington 25, D. C. All submissions must be postmarked not later than 10 days from the date this notice is published in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 9th day of June 1955.

[SEAL] EARL M. HUGHES,
Administrator.

[F. R. Doc. 55–4781; Filed, June 14, 1955; 8:55 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

STATE DIRECTORS

AMENDMENT OF DELEGATION OF AUTHORITY TO DELEGATE AND REDELEGATE CERTAIN FUNCTIONS AND RESPONSIBILITIES

Pursuant to authority vested in me by Order of the Acting Secretary of Agriculture dated December 24, 1953 (19 F. R. 74, 77), as amended, the Order of the Administrator of the Farmers Home Administration dated August 10, 1954 (19 F. R. 5155), is hereby amended to change the titles of the positions of Chiefs, Farm Ownership Operations, and Farm Ownership Specialists, to Chiefs, Farm Loan Operations, and Farm Loan Officers, respectively.

Dated: June 10, 1955.

[SEAL] H. C. SMITH,
Acting Administrator, Farmers Home Administration.

[F. R. Doc. 55–4783; Filed, June 14, 1955; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 919665]

ALASKA

PARTIAL REVOCATION OF ORDERS OPENING LANDS UNDER FOREST HOMESTEAD ACT

JUNE 9, 1955.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the orders described below opening lands in the Tongass National Forest for entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. 506–509) are hereby revoked so far as they affect the lands hereinafter described:

[List No. 8–112; Date of Order of Opening: November 8, 1927]

Lands described in Homestead Entry Survey No. 230, containing 26.47 acres.

[List No. 6–2141, as amended; Date of Order of Opening: May 10, 1920]

Lands described in Homestead Entry Survey No. 153, containing 44.30 acres.

W. G. GUERNSEY,
Acting Director.

[F. R. Doc. 55–4740; Filed, June 14, 1955; 8:45 a. m.]

Office of Territories

MEDICAL OFFICER, MORNINGSIDE HOSPITAL, PORTLAND, OREGON

REDELEGATION OF AUTHORITY REGARDING TRANSFER TO HOSPITAL OF INSANE RESIDENTS OF ALASKA

JUNE 9, 1955.

SECTION 1. *Redelegation of authority.* The Medical Officer at Morningside Hospital, Portland, Oregon, is authorized to exercise the authority vested in the Secretary of the Interior by section 8 of the act of October 14, 1942 (56 Stat. 785, 48 U. S. C., sec. 48), with respect to the approval of the transfer to Morningside Hospital of residents of Alaska who have been legally adjudged insane outside of Alaska.

SEC. 2. *Redelegation.* The authority herein delegated may not be redelegated.

(Sec. 2, Secretary's Order No. 2792 [1])

ANTHONY T. LAUSI,
Director, Office of Territories.

[F. R. Doc. 55–4744; Filed, June 14, 1955; 8:46 a. m.]

Office of the Secretary

[Order 2791]

SUPERINTENDENT OF SAN JUAN NATIONAL HISTORICAL SITE, PUERTO RICO

DELEGATION OF AUTHORITY FOR EXECUTION OF CERTAIN DEEDS

JUNE 3, 1955.

SECTION 1. *Delegation of authority.* The Superintendent of the San Juan National Historic Site, San Juan, Puerto Rico, is authorized to exercise the authority conferred on the Secretary of the Interior by the act of August 15, 1953 (67 Stat. 584), with respect to the execution of deeds relating to property formerly held by the Puerto Rico Reconstruction Administration.

SEC. 2. *Redelegation.* The authority herein delegated may not be redelegated.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C. 1952 ed., sec. 133z–15, note)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 55–4742; Filed, June 14, 1955; 8:46 a. m.]

[1] See F. R. Document 55–4743, Office of the Secretary, *infra.*

[Order 2792]

DIRECTOR, OFFICE OF TERRITORIES [1]

DELEGATION OF AUTHORITY REGARDING CARE AND CUSTODY OF INSANE RESIDENTS OF ALASKA

JUNE 3, 1955.

SECTION 1. *Delegation of authority.* The Director, Office of Territories, is authorized to exercise the authority vested in the Secretary of the Interior by the act of October 14, 1942 (56 Stat. 782, 48 U. S. C., sec. 46 et seq.), and acts supplementary thereto, relating to the care and custody of insane residents of Alaska.

SEC. 2. *Redelegation.* The Director, Office of Territories, may, in writing, redelegate or authorize written redelegation of the authority granted in section 1 of this order.

SEC. 3. *Revocation.* Order No. 2672, dated November 23, 1951, is revoked.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z–15, note)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 55–4743; Filed, June 14, 1955; 8:46 a. m.]

[1] See F. R. Document 55–4744, Office of Territories, *supra.*

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 196]

LES FILS DE BASILE OBEGI ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of Les Fils de Basile Obegi, Raymond Obegi, Maurice Obegi, Khan Ghoumrok, P. O. Box 277, Aleppo, Syria and Jean B. Maghamez, Khan Villegrosse, Aleppo, Syria; Respondents; Case No. 196.

The respondents, Les Fils de Basile Obegi, Raymond Obegi, Maurice Obegi, and Jean B. Maghamez, having been charged by the Director of the Investigation Staff of the Bureau of Foreign Commerce, Department of Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, in that, as alleged (a) they knowingly made and caused to be made false representations and certifications to, and concealed material facts from, the Office of International Trade, now the Bureau of Foreign Commerce, and (b) they diverted 100 Jeeps to a country other than those named as the place of ultimate destination in an export license authorizing the exportation of said Jeeps from the United States; and the charging letter having been duly served on the respondents who failed to appear in this proceeding, failed to answer and did not demand a hearing, the evidence in this proceeding was presented to the Compliance Commissioner in accordance with § 382.4 of the export control regulations (15 CFR 382.4). Respondents' export privileges have been temporarily suspended since December 1953. The Compliance Commissioner has filed his report herein and made his recommendation.

Having carefully considered the whole record, the report and the recommendation, and having found (a) that in July 1953, the respondents Raymond Obegi, Maurice Obegi, Les Fils de Basile Obegi, and Jean B. Maghamez did make false representations and certifications to the U. S. exporter and to the Office of International Trade to the effect that said Jean B. Maghamez was the ultimate consignee for said Jeeps and intended to resell them only for use in Syria and Lebanon, (b) that the respondents Raymond Obegi, Maurice Obegi, and Les Fils de Basile Obegi did at that time conceal from the exporter and from the Office of International Trade their intention to divert said Jeeps to Rumania; and (c) that in November 1953, the respondents Raymond Obegi, Maurice Obegi, and Les Fils de Basile Obegi, with knowledge of their prior representations, and that the export license authorizing the exportation of said Jeeps from the United States restricted their ultimate sale to persons in Syria and Lebanon, and with knowledge that any diversion from said places was in violation of the export regulations, did nevertheless divert said Jeeps and transship them to Rumania; the undersigned Director, Office of Export Supply, does therefore conclude that the respondents have violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder.

The Compliance Commissioner, when making his recommendation, took into consideration the fact that the result of the acts committed by respondents was the diversion of a large quantity of strategic commodities to a Soviet Bloc country, Rumania. He has also stated as his opinion that Maghamez was an unwitting tool of the Obegi respondents, but that in order to warn other persons resident in foreign lands that certificates made for use before the Bureau of Foreign Commerce must contain true statements of fact and that the language deficiencies of such persons will not excuse them from the making of false statements alleged to have been made without knowledge or understanding of the content of import thereof, remedial action should be taken against Maghamez as well as the Obegi respondents. The recommendation of the Compliance Commissioner is adopted and, having concluded that the provisions hereinafter set forth are fair, reasonable and necessary to achieve effective enforcement of the law: *It is now ordered:*

I. All the respondents herein, their successors or assigns, officers, directors, representatives, agents and employees, are hereby denied all privileges of participating, directly or indirectly, in any manner, form, or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination. Without limitation of the generality of the foregoing denial, participation in an exportation shall be deemed to include and prohibit the respondents' participation (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control document, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in the financing, forwarding, transporting, processing, or other servicing of exports from the United States.

II. Such denial of export privileges shall apply not only to the respondents herein and the other persons or firms within the scope of Part I hereof, but shall apply and extend also to any other person, firm, corporation, or other business organization with which the respondents, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade which may involve exports from the United States or services connected therewith.

III. This order shall be effective upon the date hereof, and as to respondents Raymond Obegi, Maurice Obegi and Les Fils de Basile Obegi, shall extend for the entire period in which exports from the United States shall be controlled, and as to respondent Jean B. Maghamez shall extend for a period of six months from the date hereof.

IV. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner, form or capacity, (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to an exportation of commodities from the United States, or (b) order, receive, buy, use, process, dispose of, finance, transport, forward, store, or otherwise service or participate in an exportation from the United States, with respect to which any of the respondents herein or any person or firm included within the scope of Parts I and II hereof have any interest or participation of any kind or nature, direct or indirect.

Dated: June 9, 1955.

JOHN C. BORTON,
Director, Office of Export Supply.

[F. R. Doc. 55–4788; Filed, June 14, 1955; 8:56 a. m.]

[Case 197]

WILLYS-OVERLAND EXPORT CORP. ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of Willys-Overland Export Corporation, Jacque H. Passino, Roger Wolfers, Toledo, Ohio, Eastern Distributors & Forwarders Corporation, Frances E. McGuire, 745 Fifth Avenue, New York, New York; Respondents; Case No. 197.

Willys-Overland Export Corporation, Jacque H. Passino, Roger Wolfers, Eastern Distributors & Forwarders Corporation, and Frances E. McGuire, were charged by the Director of the Investigation Staff, Bureau of Foreign Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder. These companies and their named officials allegedly participated in a sale by Willys of 100 Jeeps to a New York merchant exporter for shipment by the exporter to Les Fils de Basile Obegi and Jean B. Maghamez of Aleppo, Syria, even though Willys' Syrian distributor had informed them that he understood Obegi intended the Jeeps for reexport to, as he suspected, Rumania. They allegedly failed to disclose this information to the Bureau of Foreign Commerce or the exporter, and instead permitted the transaction to go forward to completion. On arrival of the Jeeps at Beirut, Lebanon, they were diverted by Obegi to Rumania. On these grounds Willys, Eastern, and their named officials were charged with "causing" the exporter's non-disclosure of the true destination of the Jeeps in his export control documents, "causing" the Jeeps to be diverted, and engaging in "unethical activity" and "demonstrating that they did not possess the integrity and ethical standards" required by the export control regulations.

The Willys and Eastern respondents appeared separately and were represented by respective counsel, and following discussions with officials of the Bureau of Foreign Commerce pursuant to § 382.10 of the export control regulations (15 CFR 382.10), the said respondents, by agreement with the Director, Investigation Staff, proposed that a consent order, substantially in the form of Parts I, II, III, and IV hereof, be entered against them.

Respondents, in consenting to the issuance of such order, admitted that the occurrences recited in the charging letter did take place. To the extent that they were charged with knowledge of various matters, they admitted only that they should have known such matters. They denied that their actions or failure to act resulted from wilfulness, claiming rather that they negligently failed to realize that the export regulations required them to notify the exporter and the Bureau of Foreign Commerce of the information which they had disregarded as mere "suspicion".

The charging letter, respondents' admissions, and their proposals, together with supplemental evidentiary data, were presented to the Compliance Commissioner. The Compliance Commissioner, having carefully reviewed all of such

materials, approved such proposals and reported the facts of the case to the undersigned Director, Office of Export Supply.

In his report, the Compliance Commissioner found the following facts and made the following conclusions:

Willys and Eastern are both experienced United States exporters. Eastern is the United States representative for various Middle East companies which import commodities from the United States, and as such Eastern represents the Willys' distributor for Syria.

At the time of the events in this case, Roger Wolfers was manager, Europe-Africa-Middle East Division of Willys, and Jacque H. Passino was a Willys vice-president. Frances E. McGuire was director of Eastern and the employee responsible for handling the Willys account, including the Jeep transaction involved in this case. Wolfers was the Willys official directly involved in the transaction and Passino, as Wolfers' superior, was consulted on certain material aspects.

In June 1953, a New York export company (unrelated to respondents) approached Willys to supply 100 Jeeps to fill an order which the exporter received from Obegi. During the sale negotiations between Willys and Eastern and the exporting company, both Willys and Eastern were informed by the Willys' distributor for Syria that it had been approached independently by Obegi to buy the Jeeps directly from the distributor, but that from its inquiries the distributor understood Obegi was buying the Jeeps for reexport, and it suspected they were for Rumania. Willys told its distributor, to Eastern's knowledge, not to deal further with Obegi because of the possible Iron Curtain destination.

However, Willys' and Eastern's negotiations with the exporter continued, ending in Willys' sale and delivery, with Eastern's knowledge and consent, of 100 Jeeps to the exporter for shipment to Obegi. At no time did Willys and Eastern disclose to the exporter or to the Bureau of Foreign Commerce the information they had received from the Syrian distributor, although they should have known that such information was material to the exporter's license application and the Bureau of Foreign Commerce's favorable consideration thereof. Willys and Eastern were aware that Obegi and Maghamez had represented to the exporter and to the Bureau of Foreign Commerce that Syria and Lebanon were the ultimate destination of the Jeeps, and that the Bureau of Foreign Commerce had licensed their export only to such destination.

The 100 Jeeps were exported from New York in September 1953, marked for entry into the Free Zone, Beirut, Lebanon, in transit for Syria. They arrived in Beirut in October. Obegi promptly transshipped them to Rumania. (Obegi and Maghamez are the subjects of a separate order issued this day for their unlawful acts in this transaction.) From investigation it appears that the exporter was not aware of Obegi's intention to transship the Jeeps.

The Compliance Commissioner concluded that although Willys and Eastern Distributors made no representations to the Bureau of Foreign Commerce, did not execute any export control documents, and did not transship the Jeeps, they wrongfully failed to notify the exporter or the Bureau of Foreign Commerce, or both, of the information in their possession concerning the possible Soviet bloc destination of the Jeeps, in the face of their other knowledge concerning the represented ultimate destination. He further concluded that by reason of the foregoing, and their subsequent participation in the sale of the Jeeps to the exporter for export to the persons who falsely represented the ultimate use and destination of the vehicles to the Bureau of Foreign Commerce and unlawfully transshipped them, Willys and Eastern (a) knowingly concealed material facts and caused false representations as to ultimate destination to be made by the exporter on the latter's license application, shipper's export declaration and bill of lading, (b) with the aforesaid knowledge supplied the means whereby and wherewith the unlawful diversion to an unlicensed destination could occur, and thereby caused such diversion, and (c) were deficient in the integrity and ethical standards required by the export regulations.

Now, after reading the record herein and giving careful consideration to the proposals and the report and recommendation of the Compliance Commissioner, and taking into consideration among other things (a) that the respondents erroneously assumed that the execution of the ultimate consignee statement and the issuance of the export license relieved them of the responsibility of reporting to the exporter and to the Bureau of Foreign Commerce the information in their possession, (b) that this is a case of first impression in which persons not directly made parties to license applications have been charged with the duty to disclose information of the nature involved herein, (c) that the respondents have a prior good record of compliance with export controls, (d) that actual suspension of export privileges to Willys would halt the production of vehicles for United States and friendly foreign country military uses and would not be consistent with the national interest, and (e) that the respondents have promptly revised their office procedures and staff instructions so as to minimize the possibility of future export control violation; and, being of the opinion that the proposed order is fair and necessary to achieve effective enforcement of the law: *It is hereby ordered*, That:

I. The below named respondents, and each of them, are hereby denied all privileges of participating directly or indirectly in any manner or capacity in an exportation of any commodities from the United States to any foreign destination. Without limitation of the generality of the foregoing, participation in an exportation is deemed to include and prohibit respondents' participation (a) as a party or as a representative of a party to any export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the receiving in any foreign country of any exportation from the United States, and (e) in the financing, forwarding, transporting, or other servicing of exports from the United States.

II. Such denial of export privileges shall be in effect from the date of this order, as to Willys-Overland Export Corporation and Eastern Distributors and Forwarders Corporation for a period of two months, as to Roger Wolfers for a period of six months, as to Frances E. McGuire for a period of four months, and as to Jacque H. Passino for a period of two months. However, with respect to respondents Willys-Overland Export Corporation and Eastern Distributors and Forwarders Corporation, the aforesaid two months' denial of export privileges shall be entirely held in abeyance for a period of six months from the date of this order, provided that each of said respondents, and the persons and companies related to each of them under Part III hereof, during said six-month period comply fully with and do not knowingly violate any of the terms of this order or any of the laws and regulations relating to export control. In the event of such violation, the Bureau of Foreign Commerce may summarily and without notice to the person or company responsible for such violation, at such time as it shall determine that such violation has occurred, issue a supplemental order which shall deny to said person or company all export privileges for the two-month period or any part of it which has been held in abeyance, without thereby limiting the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, the respondent named therein shall have the right to a hearing and appeal therefrom as provided in the export control regulations.

III. Such denial of export privileges shall extend not only to the respondents named herein, and each of them, but shall apply and extend also to any other person, firm, corporation, or business organization with which they, or any of them, may be now or hereafter related by ownership or control in the conduct of trade involving exports from the United States or services connected therewith.

IV. No person, firm, corporation, or other business organization shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in, an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which a respondent subject to this order, or related companies and persons covered by Part III above, have any interest or participation of any kind or nature, direct or indirect.

Dated: June 9, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-4789; Filed, June 14, 1955; 8:56 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

CALIFORNIA

NOTICE OF OPPORTUNITY FOR HEARING TO CALIFORNIA DEPARTMENT OF EMPLOYMENT

Whereas, on the 27th day of December 1935 the Unemployment Reserves Act of the State of California (Chapter 352, Laws of 1935), now known and cited as the Unemployment Insurance Code, was heretofore approved by the Social Security Board pursuant to the provisions of section 903 (a) of the Social Security Act, now section 3304 (a) of the Internal Revenue Code: and

Whereas, section 3304 (c) of the Internal Revenue Code provides that:

(c) *Certification.* On December 31 of each taxable year the Secretary of Labor shall certify to the Secretary [of the Treasury] each State whose law he has previously approved, except that he shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency, the Secretary of Labor finds has amended its law so that it no longer contains the provisions specified in subsection (a) or has with respect to such taxable year failed to comply substantially with any such provision and such finding has become effective. Such finding shall become effective on the 90th day after the governor of the State has been notified thereof, unless the State has before such 90th day so amended its law that it will comply substantially with the Secretary of Labor's interpretation of the provision of subsection (a), in which event such finding shall not become effective. No finding of a failure to comply substantially with the provision in State law specified in paragraph (5) of subsection (a) shall be based on an application or interpretation of State law with respect to which further administrative or judicial review is provided for under the laws of the State.

Whereas, the California District Court of Appeal (petition for hearing denied by the California Supreme Court) in its decision in the cases of Robert E. Barber, et al., appellants, vs. California Employment Stabilization Commission et al., respondents, and Harold Crouse et al., appellants, vs. California Employment Stabilization Commission et al., respondents (278 P. 2d 762), has interpreted the California Unemployment Insurance Code to permit the denial of unemployment compensation benefits to individuals who were not at the time the dispute began working for any member of the employer association which had entered into collective bargaining agreements with the unions of which the claimants were members. The denial was based principally on the ground that work for any member of the association was "his work" for any union member within the meaning of the California trade disputes disqualification (section 1262), and not "new work" within the meaning of the California labor standards provision (section 1259) corresponding to section 3304 (a) (5) of the Internal Revenue Code; and

Whereas, as a result of said interpretation of the California Unemployment Insurance Code it appears that the State of California may be failing to comply substantially with the requirements of section 3304 (a) (5) of the Internal Revenue Code;

Now, therefore, pursuant to the provisions of section 3304 (c) of the Internal Revenue Code, notice is hereby given that an opportunity for hearing will be provided to the State of California, to wit, the California Department of Employment, beginning at ten o'clock on the morning of the 20th day of July 1955, in court room No. 261, 2d floor, United States Court House and Post Office Building, 7th and Mission Streets, San Francisco, California, on the question of whether the State of California has failed to comply substantailly with the requirements of section 3304 (a) (5) of the Internal Revenue Code, particularly subparagraph (A) of said section, and upon the basis of the evidence and legal arguments adduced at said hearing it will be determined whether or not the State of California may be certified to the Secretary of the Treasury, as provided in section 3304 (c) of the Internal Revenue Code.

The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Presiding Officer (the Secretary of Labor or his authorized representative) as are deemed appropriate.

1. The Secretary of Labor will appoint a hearing examiner to preside over the hearing.

2. The parties of record shall be the State of California and the United States Department of Labor.

3. Participation by any person other than the parties of record shall be limited to oral argument as provided in paragraph 12 below and to the filing of written briefs on the issues within the time allowed in paragraph 13 below.

4. The hearing shall be stenographically recorded and a transcript made which will be available to any person, at prescribed rates.

5. At the discretion of the hearing examiner, the hearing may be conducted from day to day or adjourned until a later date, or to a different place by announcement thereof at the hearing, or by other appropriate notice.

6. At any stage of the hearing the hearing examiner may call for further evidence upon any matter. After the record has been closed no further evidence shall be taken except at the request of the Secretary of Labor, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Secretary shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all parties of record.

7. Evidence presented is not required to be under oath or affirmation.

8. Except as otherwise permitted by the hearing examiner written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

9. Written statements, documents, proposals, and briefs shall be tendered in quadruplicate.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

11. The hearing examiner shall, upon request, permit any party of record to conduct such cross examination of any witness as may be required for a full and true disclosure of the facts and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record but this record shall not include argument thereon except as ordered by the hearing examiner.

12. After all testimony has been taken and all evidence has been received the hearing examiner may, upon request, permit any party of record or any other interested person to present oral argument upon the matters in issue. Any interested person other than a party of record who wishes to present oral argument shall file in the Office of the Chief Hearing Examiner, Room 4414, Department of Labor, Fourteenth Street and Constitution Avenue, Washington 25, D. C., on or before July 11, 1955, a written or telegraphic request setting forth his name and the persons or groups, if any, whom he represents; the argument of any such person shall be limited to forty-five (45) minutes. All oral arguments shall be transcribed and made a part of the record.

13. Any brief on the issues herein shall be filed no later than seven (7) days prior to the date the hearing begins. Supplemental briefs may be filed no later than ten (10) days after the transcript of the hearing is available. All briefs shall be filed in the Office of the Chief Hearing Examiner.

14. Proposed findings of fact and conclusions of law together with supporting reasons therefor may be submitted by any party of record within fifteen (15) days following the close of the hearing to the Office of the Chief Hearing Examiner.

15. All written statements, documents, proposals and briefs shall be served upon the parties of record.

16. After the time for the filing of briefs, proposed findings of fact and conclusions of law, the hearing examiner shall prepare a recommended decision containing findings of fact and conclusions of law. This recommended decision shall be served upon the parties of record who may, within ten (10) days from the date of its receipt, file in the Office of the Chief Hearing Examiner a

statement in writing setting forth any exceptions they may have to such decision together with supporting reasons therefor.

17. After the time for filing exceptions to the hearing examiner's recommended decision, the hearing examiner shall certify to the Secretary of Labor the entire record of the proceedings together with his recommended decision. The Secretary shall then render his decision in the matter.

ARTHUR LARSON,
Acting Secretary of Labor.

JUNE 9, 1955.

[F. R. Doc. 55-4758; Filed, June 14, 1955; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN 9]

STATEMENT OF ORGANIZATION

Recent changes in the organization of the Civil Aeronautics Board require that:

1. Public Notice PN 5, together with Amendment 1 thereto, be revoked;

2. The following statement of the Board's central and field organization be promulgated as Public Notice PN 9:

GENERAL STATEMENT

Sec.
1.1 Creation and authority.
1.2 Purpose and mission.
1.3 Functions.
1.4 Offices.

OFFICES OF MEMBERS

2.1 Functions of the Board.
2.2 Functions of the Chairman.
2.3 Functions of the Executive Director.

BUREAU OF HEARING EXAMINERS

3.1 Chief Examiner.
3.2 Economic Proceedings Division.
3.3 Safety Enforcement Proceedings Division.
3.4 Docket Section.

BUREAU OF AIR OPERATIONS

4.1 Director.
4.2 Foreign Air Division.
4.3 Routes and Carrier Relations Division.
4.4 Rates Division.
4.5 Alaska Liaison Office.
4.6 Bureau Counsel.

BUREAU OF SAFETY REGULATION

5.1 Director.
5.2 Air Carrier Division.
5.3 Airworthiness Division.
5.4 General Rules Division.
5.5 Activities common to all divisions.

BUREAU OF SAFETY INVESTIGATION

6.1 Director.
6.2 Investigation Division.
6.21 Investigation Field Service.
6.3 Hearing and Reports Division.
6.4 Technical Division.
6.5 Analysis Division.

OFFICE OF CARRIER ACCOUNTS AND STATISTICS

7.1 Chief.
7.2 Systems and Reports Division.
7.3 Audits Division.
7.4 Research and Statistics Division.

OFFICE OF THE GENERAL COUNSEL

8.1 General Counsel.
8.2 International and Rules Division.
8.3 Litigation and Research Division.
8.4 Opinion-Writing Division.

OFFICE OF COMPLIANCE

9.1 Office of Compliance.

OFFICE OF PUBLIC INFORMATION

10.1 Office of Public Information.

OFFICE OF ADMINISTRATION

11.1 Organization.
11.2 Documentation.
11.3 Administrative functions.

FIELD ORGANIZATION

12.1 Bureau of Air Operations.
12.2 Bureau of Safety Investigation.
12.3 Office of Carrier Accounts and Statistics.

GENERAL STATEMENT

SECTION 1.1 *Creation and authority.* The Civil Aeronautics Board, as distinguished from the Civil Aeronautics Administration, is an independent agency composed of five Members, appointed by the President with the confirmation of the Senate. The President annually designates one of the Members as Chairman and another as Vice-Chairman. The Board, established effective June 30, 1940, pursuant to Reorganization Plans III and IV, exercises the functions of rule making (including the prescription of rules, regulations, and standards), adjudication, and investigation as prescribed in the Civil Aeronautics Act of 1938, as amended.

SEC. 1.2 *Purpose and mission.* The Civil Aeronautics Act of 1938 sets forth the basic principles which guide the Board and prescribes the authority pursuant to which it discharges its responsibilities. The mission of the Board is to foster and encourage the development of an air transportation system which will be adequate for the present and future needs of the foreign and domestic commerce of the United States, the postal service and the national defense; to preserve the inherent advantages of air transportation, and to regard as in the public interest competition to the extent necessary to assure the sound development of an air transportation system adjusted to the national needs; and to regulate air commerce in such manner as to best promote its development and safety.

SEC. 1.3 *Functions.* In general, the Board performs four chief functions: (1) Regulation of the economic aspects of United States air carrier operation, both domestic and international; (2) promulgation of safety standards in the form of Civil Air Regulations; (3) investigation and analysis of aircraft accidents; (4) co-operation and assistance in the establishment and development of international and domestic air transportation. These functions are briefly described in the following paragraphs:

(a) *Economic regulation.* The Board grants or denies "certificates of public convenience and necessity" to American flag carriers for both domestic and international operation and "permits" to foreign carriers; prescribes or approves rates and rate practices of air carriers and determines mail rate compensation; fosters the safe and expeditious transportation of mail and seeks to ensure that reasonable and adequate service to the public is rendered by air carriers, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; approves or disapproves business relationships between air carriers, including contracts, agreements, interlocking relationships, consolidations, mergers, and acquisitions of control and issues appropriate regulations for the purpose of carrying out these functions. The Board investigates upon complaint or upon its own initiative anything done or omitted to be done by any person or group in contravention of the provisions of the Civil Aeronautics Act; and takes appropriate action to enforce the act.

(b) *Safety regulation.* The Board prescribes safety rules and regulations, including standards for the issuance of airman certificates, aircraft type, production and airworthiness certificates, and air carrier operating certificates; and has the power to suspend or revoke such certificates.

(c) *Accident investigation and analysis.* The Board prescribes rules of notification and report of accidents involving civil aircraft; reviews reports of all accidents and determines, after investigation to the extent required, the probable cause of all accidents. Formal reports by the Board are made public when deemed to be in the public interest. The Board conducts special studies and research, establishing basic causative and statistical factors and prepares air safety bulletins for the purpose of reducing the number of aircraft accidents and preventing their recurrence.

(d) *Development of international civil aviation.* The Board consults with and assists the State Department in the negotiation of agreements with foreign governments for the establishment or development of air transportation, air navigation, air routes and services; keeps informed with respect to operations of foreign air lines and foreign aviation policies. The Board provides information for and co-ordinates with the International Civil Aviation Organization in the development of all international safety and operational standards. The Board contributes to the expense and personnel requirements of the Air Coordinating Committee; provides information and advice in the Committee's examination of aviation problems and in its recommendations establishing the United States viewpoint on international and domestic aviation.

SEC. 1.4 *Offices.* The central office of the Board is located in the Department of Commerce Building, Fourteenth Street between Constitution Avenue and E Street NW., Washington 25, D. C. All meetings of the Board, unless otherwise directed by the Board, are held at the above address. The Board's field offices are located in Alaska and principal cities of the country. The location of these offices is set forth in sections 12.1, 12.2, and 12.3.

OFFICES OF MEMBERS

SEC. 2.1 *Functions of the Board.* The five Members of the Board, appointed by the President, by and with the advice and consent of the Senate for six-year terms, are charged with carrying out the duties and responsibilities devolving upon the Board under the law. Action initiated pursuant to the Board's own initiative or by any document authorized or required to be filed with the Board originates in or is referred to the appropriate organizational unit for study and recommendation to the Board in accordance with the description of functions outlined hereinafter. In cases other than those in which action is taken pursuant to a final delegation of authority, or in which the responsibility is that of the Chairman (see section 2.2 below), final action is taken by the Board. (See Public Notice PN 8 for statements of final delegations of authority.) The staff of the Board is organized into the following major organizational components:

(a) Bureau of Hearing Examiners.
(b) Bureau of Air Operations.
(c) Bureau of Safety Regulation.
(d) Bureau of Safety Investigation.
(e) Office of Carrier Accounts and Statistics.
(f) Office of the General Counsel.
(g) Office of Compliance.
(h) Office of Public Information.
(i) Office of Administration.

SEC. 2.2 *Functions of the Chairman.* (a) In addition to his duties as a Member of the Board, the Chairman serves as presiding officer at meetings of the Board, determines the order in which day-to-day matters will receive attention of the Board, and by virtue of his role as chairman, is called upon to act as spokesman for the Board before committees of Congress. In the absence or disability of the Chairman, the foregoing duties are exercised by the Vice-Chairman.

(b) Pursuant to Reorganization Plan 13 of 1950, the Chairman is responsible for the executive and administrative functions of the Board, including functions with respect to the appointment and supervision of personnel, the distribution of business among such personnel and among major organizational components of the Board, and the use and expenditure of funds.

(c) Under the terms of Reorganization Plan 13, the Chairman, in exercising the functions enumerated above, is limited by (1) the general policies of the Board and by such regulatory decisions, findings and determinations as the Board may by law be authorized to make; (2) the requirement that the appointment by the Chairman of the heads of major organizational components under the Board shall be subject to the approval of the Board, provided that personnel employed regularly and full time in the immediate offices of Members of the Board other than the Chairman shall not be affected by the provisions of Reorganization Plan 13; (3) and the reservation to the Board of its functions with respect to revising budget estimates and with respect to determining upon the distribution of appropriated funds according to major program purposes.

SEC. 2.3 *Functions of the Executive Director.* The Executive Director, acting for, and under general delegation of authority from, the Chairman and the Board, serves as General Manager of the Board with responsibility for planning, supervising and co-ordinating the activities of the staff.

BUREAU OF HEARING EXAMINERS

SEC. 3.1 *Chief Examiner.* The Chief Examiner supervises the Bureau of Hearing Examiners, which is responsible for the conduct and disposition of all formal proceedings before the Board arising under Titles IV, VI, and X, and section 1002 of the act. The Bureau of Hearing Examiners consists of the following organizational components:

(a) Economic Proceedings Division.
(b) Safety Enforcement Proceedings Division.
(c) Docket Section.

SEC. 3.2 *Economic Proceedings Division.* The Economic Proceedings Division conducts all formal proceedings before the Board arising under Title IV of the Act; schedules the time and place of such hearings; supervises prehearing conferences; and prepares recommendations (except in those economic proceedings for the determination of passenger, cargo, and mail rates) to the Chief Examiner or the Board respecting the disposition of such matters as require action by the Chief Examiner or the Board.

SEC. 3.3 *Safety Enforcement Proceedings Division.* The Safety Enforcement Proceedings Division conducts and disposes of all formal proceedings under sections 602 through 609 of the act, regarding the issuance, amendment, suspension, and revocation of the various types of airman certificates, airworthiness certificates, air carrier operating certificates, production certificates, air navigation facility certificates and air agency certificates; prepares recommendations to the Chief Examiner or the Board respecting the dispositions of such matters as require action by the Chief Examiner or the Board; and prepares final decisions pursuant to instructions from the Board.

SEC. 3.4 *Docket Section.* The Docket Section receives, dockets, and maintains all documents in formal proceedings before the Board, makes official service of notices, orders, rules, reports, and decisions upon all interested persons; examines all filings for compliance with Procedural Regulations, advises and assists the public in preparing documents in accordance with the Procedural Regulations; and issues periodic statements and reports respecting the status of all formal proceedings.

BUREAU OF AIR OPERATIONS

SEC. 4.1 *Director.* The Director supervises the Bureau of Air Operations, which is responsible for interpretation of economic data and advice involving regulatory policy, and for advice regarding procedure to be followed in the economic regulation of domestic, overseas, and international air transportation. The Bureau of Air Operations consists of the following organizational components:

(a) Foreign Air Division.
(b) Routes and Carrier Relations Division.
(c) Rates Division.
(d) Alaska Liaison Office.

SEC. 4.2 *Foreign Air Division.* The Foreign Air Division advises on the formulation of positions to be taken by the United States on international civil aviation matters involving economic foreign policy; serves as liaison between the Board and the Department of State; provides representation, when so designated, in connection with international conferences and bilateral or multilateral relations with foreign countries. In the discharge of these duties the Foreign Air Division analyzes economic data bearing on the problems to be dealt with.

SEC. 4.3 *Routes and Carrier Relations Division.* The Routes and Carrier Relations Division is concerned with the legal and economic aspects of matters arising under sections 401, 402, 404, 405 (e), 416, and 1002 of the Civil Aeronautics Act of 1938, as amended, and section 6 (b) of the Air Commerce Act, as amended, relating to the authorization of routes and other services required to meet the objectives of the act, whether by issuance of certificate of public convenience and necessity, foreign air permit or exemption order, and relating to the route patterns and services required to provide such services, and relating to all carrier relationships matters arising under sections 401 (i), 402 (h), 407 (a), 407 (b), 407 (c), 408, 409, 411, 412, 1002 (i), and 1102 of the Act. The Routes and Carrier Relations Division develops for consideration by the Board statements of policy and program objectives, and recommends or takes action, where authority has been delegated, with respect to specific matters pending before the Board.

SEC. 4.4 *Rates Division.* The Rates Division is concerned with the economic and legal aspects of matters relating to determination of mail rates pursuant to section 406 of the act, determination of commercial rates pursuant to sections 403, 404, and 1002 of the act and the commercial rate aspects of International Air Transport Association resolutions. With respect to these matters, the Rates Division prepares for consideration of, and adoption by, the Board statements of policy and of program objectives and recommends or takes action where authority has been delegated with respect to specific cases pending before the Board.

SEC. 4.5 *Alaska Liaison Office.* The Alaska Liaison Office is concerned with the administration of the Act and the Economic Regulations as they relate to matters affecting pilot-owners and to tariff and service matters affecting Alaskan air carriers; advising the Board and the Bureau Director on Alaskan air transportation problems; and conferring with the Alaskan air carriers, government and civic bodies and with users of air transportation in Alaska.

SEC. 4.6 *Bureau Counsel.* An attorney from the Bureau of Air Operations is designated as Bureau Counsel to present the Bureau's position in formal proceedings before the Board arising under the Civil Aeronautics Act, as amended.

BUREAU OF SAFETY REGULATION

SEC. 5.1 *Director.* The Director supervises the Bureau of Safety Regulation, which is responsible for developing and recommending to the Board the adoption of new or revised Civil Air Regulations; making appropriate recommendations to the Board regarding international activities as reflected by the operation of the International Civil Aviation Organization; and making appropriate recommendations to the Board in regard to those matters considered by the Air Co-ordinating Committee and requiring Board action. The Bureau of Safety Regulation consists of the following organizational components:

(a) Air Carrier Division.
(b) Airworthiness Division.
(c) General Rules Division.

SEC. 5.2 *Air Carrier Division.* The air Carrier Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum safety standards with respect to air carrier operations involving the certification of air carrier airmen, aircraft operational procedures, inspection and overhaul of aircraft, engines, propellers, and appliances, and air traffic rules; conducts technical research of transport-type aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and other organizational units of the Board on any matter involving safety regulation of air carrier operations.

SEC. 5.3 *Airworthiness Division.* The Airworthiness Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum design and performance safety standards for airworthiness certification of aircraft, engines, propellers, and appliances; conducts technical research of the airworthiness aspects of aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and its organizational components on problems of an engineering nature.

SEC. 5.4 *General Rules Division.* The General Rules Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations or amendments to existing regulations prescribing minimum safety standards which have general application to all phases of civil aviation such as: The certification of pilots (student, private, and commercial), mechanics, control tower operators, and parachute riggers, aircraft operational procedures, inspection and overhaul of aircraft, engines, propellers, and appliances, air traffic rules, airmen schools and repair stations, and the transportation of explosives and other dangerous articles; conducts technical research of nontransport-type aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and its organizational components on matters relating to the general safety problems of operations, utilization of equipment, certification of airmen and air agencies.

SEC. 5.5 *Activities common to all divisions.* Each division, within its own area of specialization, participates in the development of related international standards as prescribed by the International Civil Aviation Organization and modifies United States standards and practices as may be necessary to conform to the international standards; represents the United States at meetings of the Technical Divisions of the International Civil Aviation Organization, Air Navigation Commission and at other meetings concerned with matters falling within the field of interest of the Board and within the technical competence of the Bureau of Safety Regulation and analyzes the results of these meetings and co-ordinates standards and recommends practices adopted by the International Civil Aviation Organization with the Civil Air Regulations; prepares the United States position on matters with which the Air Coordinating Committee is concerned and in which the Board has a primary interest and assists other divisions of the Air Co-ordinating Committee in preparation of the United States position on matters in which the Board has a secondary or indirect interest; and continually examines manuals and other related materials implementing the Civil Air Regulations to ensure their proper interpretation and application.

BUREAU OF SAFETY INVESTIGATION

SEC. 6.1 *Director.* The Director supervises the Bureau of Safety Investigation, which is responsible for investigation and analysis of aircraft accidents. The Bureau of Safety Investigation consists of the following organizational components:

(a) Investigation Division.
(b) Hearing and Reports Division.
(c) Technical Division.
(d) Analysis Division.

SEC. 6.2 *Investigation Division.* The Investigation Division directs and assists in the investigation of aircraft accidents to determine their probable cause, and develops current techniques for such investigations. It makes recommendations as to the need for, and participates in, public and special inquiries; makes recommendations to prevent recurring accidents; develops educational material in various specialized phases of air safety; and conducts research and special studies relating to hazards potentially capable of resulting in serious accidents.

SEC. 6.21 *Investigation Field Service.* The field service of the Investigation Division investigates accidents and hazardous conditions involving civil aircraft of United States registry, and accidents to foreign civil aircraft occurring within the United States; reports facts and derives conclusions with respect to probable causes of such accidents; co-ordinates research with other interested governmental agencies and industry representatives regarding such accidents; and participates in the conferences thereon and as members of the Board of Inquiry at subsequent public inquiries.

SEC. 6.3 *Hearing and Reports Division.* The Hearing and Reports Division arranges for and conducts public and special accident inquiries in order to ascertain the facts, conditions, circumstances, and probable cause of accidents involving aircraft; prepares all evidence, takes depositions, administers oaths and issues subpenas for witnesses and documents incident to such inquiries; prepares and presents to the Board for adoption preliminary statements of fact and formal accident investigation reports; and arranges for the reproduction of exhibits and factual documents of accident investigation for parties of interest.

SEC. 6.4 *Technical Division.* The Technical Division directs the investigation of the technical aspects of aircraft accidents, including necessary tests, involving the engineering problems of aerodynamics, aircraft structure, applicable meteorological factors, powerplants, propellers, electrical, radio and electronic instruments and related equipment; assists in conduct of public hearings and in the preparation of the technical portion of reports of accidents, assembles technical data relating to aircraft accidents and aeronautical hazards, prepares technical analysis of aircraft accidents; makes recommendations on technical problems to eliminate aeronautical hazards; and represents the Board at conferences held to obtain action on technical aviation matters.

SEC. 6.5 *Analysis Division.* The Analysis Division classifies and analyzes all reports of accidents involving aircraft in order to establish their basic casual and statistical factors; makes statistical analysis of civil aircraft accidents to isolate elements requiring corrective action and to determine accident trends; compiles statistical and analytical reports for the information of the Board and the public; and edits and issues safety bulletins and accident reports.

OFFICE OF CARRIER ACCOUNTS AND STATISTICS

SEC. 7.1 *Chief.* The Chief supervises the Office of Carrier Accounts and Statistics, which is responsible for recommending economic regulations related to the general accounting and statistical programs and participating with the General Counsel in the formulation of such regulations; for approving all accounting and statistical data prepared for release as an official Board publication; for representing the Board at interdepartmental, industry and international conferences at the direction of the Board; for insuring effective co-ordination with other Offices and Bureaus; and for the administrative and technical direction of the functions of the Office. The Office of Carrier Accounts and Statistics consists of the following organizational components:

(a) Systems and Reports Division.
(b) Audits Division.
(c) Research and Statistics Division.

SEC. 7.2 *Systems and Reports Division.* The Systems and Reports Division recommends uniform systems of accounts and a uniform system of periodic financial, operational and accounting reports, and necessary revisions thereof for all air carriers; drafts instructions and letters of interpretations; recommends modifications or waiver of uniform requirements; examines reports filed by air carriers for adherence to reporting requirements; prepares recurrent reports of operational and financial data; prepares special reports to meet stipulated requirements; provides expert advice and assistance on accounting matters; and maintains liaison with accounting personnel in private, public and government practice.

SEC. 7.3 *Audits Division.* The Audits Division conducts field examinations of carrier accounts and records to insure adherence to the accounting and reporting requirements; collects data requested by other organizational units of the Board requiring access to carrier records; maintains close liaison with the Office of Compliance, reporting all significant violations of the accounting and reporting requirements to that Office for direct enforcement action; refers to other appropriate components for information and action, data indicating possible violations of the Act or of the Economic Regulations and any other data of interest or value; provides expert advice and assistance on auditing matters; and maintains liaison with auditing persons in industry and other Federal agencies.

SEC. 7.4 *Research and Statistics Division.* The Research and Statistics Division conducts comprehensive economic surveys and studies related to the development and regulation of civil air transport; develops instructions for the conduct of periodic traffic surveys and other research projects and supervises the technical performance of such projects; prepares statistical indices and develops techniques for forecasting economic trends; comments on prospectuses relating to the issuance of securities by air carriers when so requested; provides expert advice and assitance on accounting and statistical matters; provides cartographic and mechanical drafting services; and maintains liaison with industry and government accounting and statistical officers.

OFFICE OF THE GENERAL COUNSEL

SEC. 8.1 *General Counsel.* The General Counsel supervises the Office of the General Counsel which is responsible for providing the Board and the staff with advice in connection with the legal aspects of economic and safety regulatory activities; personally represents the Board in litigation, negotiations, and conferences (including international) which involve legal considerations and where the proceedings present complex, novel or significant matters; and serves on governmental (e. g., Air Co-ordinating Committee) and international (e. g., International Civil Aviation Organization) committees. The Office of the General Counsel consists of the following organizational components:

(a) International and Rules Division.
(b) Litigation and Research Division.
(c) Opinion-Writing Division.

SEC. 8.2 *International and Rules Division.* The International and Rules Division participates in the drafting, negotiation, modification and interpretation of international agreements relating to civil aviation and renders legal advisory service in connection therewith; maintains liaison with other units of the Board, other Federal agencies and state aviation authorities on legal aspects of the Board's program; provides representation on various committees, such as ICAO Legal Committee and the Legal Division of the Air Co-ordinating Committee; co-ordinates formulation of the Board's legislative program; drafts testimony and statements for use by the Board Members or staff members for hearings before Congressional committees; presents testimony at hearings upon proposed legislation; examines legislative proposals of interest to the Board and prepares legislative reports thereon to the Congress and the Board; drafts proposed legislation and reports to the Board on the status of legislative activity; prepares, reviews, interprets economic, safety and procedural regulations and amendments thereto, and insures that the proper procedural steps are followed in the promulgation thereof; and provides legal advice and assistance on administrative matters and on matters relating to defense mobilization.

SEC. 8.3 *Litigation and Research Division.* The Litigation and Research Division represents the Board, in collaboration with the Department of Justice, in court actions to which the Board is a party, or is interested, in order to sustain action previously taken by the Board, including preparation of the record, drafting of all necessary briefs, motions and other documents and argument of the case before the court; and performs legal research for and renders legal opinions based thereon on matters of general interests or applicability.

SEC. 8.4 *Opinion-Writing Division.* The Opinion-Writing Division drafts opinions, orders, certificates and permits in all cases other than safety proceedings where the issues, substantive or procedural, warrant formal expression by the Board, in accordance with instructions of the Board; and recommends to the Board appropriate action on petitions for reconsideration of a previously prepared order and with respect to other motions or petitions filed at any time after the Examiner's report is filed.

OFFICE OF COMPLIANCE

SEC. 9.1 *Office of Compliance.* The Office of Compliance is responsible for the development and execution of a program designed to obtain observance of the economic provisions of the Civil Aeronautics Act of 1938, as amended, and of all economic orders, regulations and other requirements promulgated by the Board. The Office of Compliance initiates and conducts investigations of alleged violations; seeks to obtain voluntary compliance by informal action; negotiates, where appropriate, formal stipulations and other consent agreements to cease and desist from illegal practices or recommends the issuance of an appropriate Board order; seeks adjustment of informal complaints; presents evidence and argument in formal economic enforcement proceedings; institutes and prosecutes civil and criminal actions; and maintains liaison with other government agencies in connection with enforcement activities.

OFFICE OF PUBLIC INFORMATION

SEC. 10.1 *Office of Public Information.* The Office of Public Information is responsible for dissemination of information to the public and the press, including preparation and initial distribution of news releases, periodic reports and general information relating to the Board's activities, and serves as the primary channel through which general inquiries from the public or press are handled.

OFFICE OF ADMINISTRATION

SEC. 11.1 *Organization.* The Secretary of the Board also serves as Director of the Office of Administration, which consists of the following organizational components:

(a) Minutes Section.
(b) Budget and Fiscal Section.
(c) Management Section.
(d) Personnel Section.
(e) General Services Section.
(f) Publications Section.
(g) Library.

SEC. 11.2 *Documentation.* The Secretary is responsible for recording all formal actions of the Board; the processing, including review as to accuracy, form and content, of all documents evidencing such action; and for authenticating Board records for any official purpose. Pursuant to the Civil Aeronautics Act of 1938, as amended, the Secretary has legal custody of records and documents as specified therein.

SEC. 11.3 *Administrative Functions.* As Director, Office of Administration, the Secretary is responsible for providing budget, fiscal, management, personnel and other administrative services to the Board and the staff which include: (a) Developing the Board's annual budget estimates for "Salaries and Expenses" as well as estimates of appropriations for "Payments to Air Carriers" and the justification of these estimates before the Bureau of the Budget and the Appropriations Committees of Congress; (b) developing the Board's annual fiscal plan for utilizing its appropriation for "Salaries and Expenses" and maintaining a system for administrative control of expenditures to conform with such plan and the requirements of law and of regulations; (c) disbursement of, and accounting for, subsidy payments to air carriers in accordance with the provisions of Reorganization Plan 10 of 1953, which involves, among other things, review and processing of the carriers'

monthly billings; (d) appraisal of and recommendations concerning the organization of the Board, distribution of functions, operating procedures and management techniques and maintenance of a Manual setting forth current organization, methods and administrative practices; (e) recommending and administering personnel policies and programs and insuring that the same comply with the law and regulations and, pursuant to delegation of authority, taking final action on individual personnel matters; (f) provision for space, equipment, supplies, communications, reproduction and other resources and facilities.

FIELD ORGANIZATION

SEC. 12.1 *Bureau of Air Operations.* The Alaska Liaison Office of the Bureau is located at Loussac-Sogn Building, Anchorage, Alaska (P. O. Box 2219).

SEC. 12.2 *Bureau of Safety Investigation.* Field offices of the Bureau are located at the following addresses:

Field Office Address and Territory

Federal Bldg., New York International Airport, Jamaica, N. Y.; Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia and Virginia.

P. O. Box 720, Municipal Airport, Atlanta, Ga.; North Carolina, South Carolina, Georgia, Tennessee, Alabama, and Mississippi, except that portion of Alabama and Mississippi south of the 31st parallel.

P. O. Box 931, Miami International Airport Branch, Miami 48, Fla.; Florida and those parts of Alabama, Mississippi and Louisiana east of the 91st meridian and south of the 31st parallel.

6200 South Cicero Ave., Chicago 38, Ill.; Ohio, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Minnesota and North Dakota.

Federal Office Bldg., 911 Walnut St., Kansas City, Mo.; Missouri, Iowa, South Dakota, Nebraska, Kansas, Wyoming and Colorado.

P. O. Box 1689, Fort Worth 1, Tex.; Texas, Oklahoma, Arkansas and Louisiana, except that portion east of the 91st meridian.

506 Santa Monica Blvd., Santa Monica, Calif.; New Mexico, Arizona and that portion of California and Nevada south of the following boundary: intersection of the coastline and the 36th parallel eastward to longitude 118°36', thence northerly along the ridge of the Sierra Nevada Mountains to longitude 119°30' and parallel 38° to the Utah State line.

P. O. Box 86, Oakland Airport Station, Oakland 14, Calif.; Utah and the northern portion of Nevada and California north of the Santa Monica office boundary.

Room 202, Administration Bldg., King County Airport, Seattle 8, Wash.; Washington, Oregon, Idaho and Montana.

P. O. Box 2219, Anchorage, Alaska; Alaska.

SEC. 12.3 *Office of Carrier Accounts and Statistics.* Field offices of the Office of Carrier Accounts and Statistics are located at 2 Park Avenue, New York 16, New York, and at the Old Mint Building, Fifth and Mission Streets, San Francisco, California.

Effective: July 8, 1954.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-4771; Filed, June 14, 1955; 8:52 a. m.]

[Docket No. 6647]

NORFOLK-ATLANTA NONSTOP INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 22, 1955, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 9, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-4772; Filed, June 14, 1955; 8:52 a. m.]

[Docket No. 3292]

EASTERN AIR LINES, INC.; ROUTE CONSOLIDATION CASE

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that hearing in the above-entitled proceeding assigned for June 21, 1955, is postponed and will be held on June 28, 1955, at 10:00 a. m., e. d. s. t., in Conference Room A, Departmental Auditorium, Twelfth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., June 10, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-4773; Filed, June 14, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6614]

KANSAS GAS AND ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 9, 1955.

Notice is hereby given that on May 20, 1955, the Federal Power Commission issued its order adopted May 20, 1955, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4746; Filed, June 14, 1955; 8:47 a. m.]

[Docket No. G-2217]

NORTHERN NATURAL GAS CO.

NOTICE OF OPINION NO. 281 AND ORDER

JUNE 9, 1955.

Notice is hereby given that on May 20, 1955, the Federal Power Commission issued its opinion and order adopted May 19, 1955, prescribing rate zones and rate differentials in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4747; Filed, June 14, 1955; 8:47 a. m.]

[Docket No. G-2499]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER AFFIRMING DECISION

JUNE 9, 1955.

Notice is hereby given that on May 20, 1955, the Federal Power Commission issued its order adopted May 19, 1955, affirming the Presiding Examiner's decision in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4748; Filed, June 14, 1955; 8:47 a. m.]

[Docket Nos. 8695-8697, 8919]

STANOLIND OIL AND GAS CO. ET AL.

NOTICE OF SEVERANCE OF PROCEEDINGS AND OF HEARING

JUNE 10, 1955.

In the matters of Stanolind Oil and Gas Company (Operator) et al., Docket No. G-8697; Phillips Petroleum Company, Docket No. G-8695; Continental Oil Company, Docket No. G-8696; Gulf Oil Corporation, Docket No. G-8919.

Upon consideration of (1) motion to reset hearing, now scheduled for June 15, 1955, filed by Counsel for Gulf Oil Corporation on June 10, 1955, in the above-entitled matters; (2) motion for continuance of said hearing filed by Counsel for Phillips Petroleum Company in Docket No. G-8695; (3) motion to reconsider, vacate and set aside order consolidating proceedings and for severance of applications, filed by Counsel for Stanolind Oil and Gas Company on June 2, 1955, in the above-entitled matters;

Notice is hereby given that:

(A) The proceeding in the matter of Phillips Petroleum Company, Docket No. G-8695, and the proceeding in the matter of Gulf Oil Corporation, Docket No. G-8919, are severed from the above-entitled consolidated proceedings heretofore scheduled for hearing on June 15, 1955, and a hearing thereon is hereby scheduled to commence on July 18, 1955, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(B) The proceedings in the matters of Stanolind Oil and Gas Company, Docket No. G-8697, and Continental Oil Company, Docket No. G-8696, will be heard as previously scheduled, namely, on June 15, 1955, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Paragraphs (A) and (B) of the Commission's order adopted May 18, 1955, and issued May 19, 1955, in the above-entitled matters are amended accordingly.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4764; Filed, June 14, 1955; 8:50 a. m.]

[Project No. 78]

PACIFIC GAS & ELECTRIC CO.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 8, 1955.

Upon consideration of the telegraphic request by Counsel for Pacific Gas & Electric Company for continuance of the hearing now scheduled for June 20, 1955, in the above-designated matter;

Notice is hereby given that said hearing is postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4749; Filed, June 14, 1955; 8:47 a. m.]

[Project No. 2009]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF ORDER PROVISIONALLY SUPPLEMENTING ORDER ON REHEARING

JUNE 9, 1955.

Notice is hereby given that on April 8, 1955, the Federal Power Commission issued its order adopted April 6, 1955, in the above-entitled matter supplementing order on rehearing providing the company shall file for approval by the Commission a revised Exhibit L drawing showing the changes in project structures resulting from construction of the water supply pipeline.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4750; Filed, June 14, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 10, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30733: Canned goods between points in official territory. Filed by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads, from and to points in official territory, on the one hand, and to and from points in northern Illinois, southern Wisconsin and extended Zone "C" in Wisconsin, on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 6 to Agent Boin's I. C. C. A-1004.

FSA No. 30734: Lumber—North Pacific Coast to Wisconsin. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lumber and related commodities, carloads, from North Pacific Coast points to points in Wisconsin on the Chicago, Burlington & Quincy Railroad—Potosi to Trempealeau, inclusive.

Grounds for relief: Circuitous routes.

FSA No. 30735: Cross ties and poles, Winnfield, La., to Lake Charles, La. Filed by the Louisiana & Arkansas Railway Company, for itself and the Kansas City Southern Railway Company. Rates on wooden cross ties and poles, carloads, from Winnfield, La., to Lake Charles, La., for export.

Grounds for relief: Circuitous route.

Tariff: Supplement 7 to Louisiana & Arkansas Railway Company I. C. C. 1705.

FSA No. 30736: Commodities from and to the Southwest. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, carloads, from and to points in the Southwest, on one hand, and to and from points in official, southern, and western trunk-line territories, on the other.

Grounds for relief: Circuitous routes.

FSA No. 30737: Petroleum—Western points to Illinois, Michigan, and Wisconsin. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on petroleum and its products, in tank-car loads, from refining, marine and pipeline terminals in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, South Dakota, and Wisconsin, to specified destinations in Illinois, Michigan, and Wisconsin.

Grounds for relief: Motor-truck competition and circuity.

Tariffs: Supplement 113 to Agent Prueter's I. C. C. A-3790 and one other tariff.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-4756; Filed, June 14, 1955; 8:49 a. m.]

[Notice 64]

MOTOR CARRIER APPLICATIONS

JUNE 10, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 1358 Sub 23, filed May 27, 1955, HARLEY WHITE AND HARRY WHITE, doing business as WHITE BROTHERS TRANSFER COMPANY, P. O. Box 168, Cumberland, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Floor tile* and *siding*, from Kankakee, Ill. to Columbus, Grand Island, Hastings, Lincoln and Omaha, Nebr.

No. MC 1893 Sub 4, filed May 9, 1955, DELBERT H. STEPHENS AND FERDINAND A. KLEIN, doing business as SPOKANE, ST. MARIES AUTO FREIGHT, West 28 Boone Avenue, Spokane, Washington. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except livestock and articles exceeding 22 feet in length, between St. Maries, Idaho and Avery, Idaho, from St. Maries over unnumbered county highways to Avery, and return over the same route, serving the intermediate points of St. Joe and Calder, Idaho, and Campsite of Potlatch Forests, Inc., Camp #44, located approximately 9 miles south of the main road to Avery, Idaho and three miles west of Avery. Applicant is authorized to conduct operations in Washington and Idaho.

No. MC 2978 Sub 5, filed June 3, 1955, CLE-MAR CARTAGE, INC., R. R. 1, Cromwell, Ind. Applicant's attorney: Louis E. Smith, 316-318 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper products*, from Chicago, Ill., to all points in Michigan, Ohio, and Wisconsin, and St. Louis, Mo., and *Rolled paper stock*, from points in Michigan and Wisconsin to Chicago, Ill., and Marion, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri and Ohio.

No. MC 3107 Sub 11, filed May 31, 1955, WHITE OWL EXPRESS, INC., 212

Osmun Street, Pontiac, Mich. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the new plant of the Ford Motor Company (to be known as the Ford Motor Company, Chassis Parts Division, Sterling Plant), at or near the intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with carrier's regular route operations to and from Detroit, Mich., and Pontiac, Mich., over U. S. Highways 10 and 12 and Michigan Highways 17 and 53. Applicant is authorized to conduct operations in Illinois, Indiana, and Michigan.

No. MC 3341 Sub 13, filed May 27, 1955, LAKE MOTOR FREIGHT LINES, INC., 2222 W. Sample St., South Bend, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Ford Motor Company, Chassis Parts Division, Sterling Plant, at or near the intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with applicant's presently authorized regular route operations over U. S. Highway 24 between Detroit, Mich., and Chicago, Ill., and over U. S. Highway 25, between Detroit, Mich., and Akron, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

No. MC 3468 Sub 137, filed June 7, 1955, F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, Flint 7, Mich. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new trucks, new bodies, new cabs*, and *new chassis*, restricted to secondary movements, in truckaway and driveaway service, (1) between points in Massachusetts, on the one hand, and, on the other, points in Maine, New Hampshire, Rhode Island, and Connecticut, and (2) between points in New York, on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

NOTE: Applicant states that it seeks no duplicating authority. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC 7205 Sub 1, filed April 1, 1955, RALPH POZZI, CARL A. POZZI, CLINTON D. POZZI, AND WAYNE POZZI, doing business as POZZI BROS. TRANSPORTATION CO., 705 West Meeker St., Kent, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Seattle, Kent, and Auburn, Wash., on the one hand, and, on the other, points in that portion of King County, Wash., bounded on the north by SE. 150th, on the east by 216th Ave., SE., on the west by East Valley Road, and on the south by the King-Pierce County line. Applicant is authorized to conduct regular route operations in Washington.

No. MC 74922 Sub 1, filed March 28, 1955, HIGHBRIDGE VAN CO., INC., 1139 Ogden Avenue, New York, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined in 17 M. C. C. 467 and including *baggage* between New York, N. Y., on the one hand, and, on the other, points in New York, traversing the State of New Jersey for operating convenience only, together with *motion to dismiss* on the ground applicant is authorized to transport said commodities under its existing authority to transport "household goods as defined by the Commission." Any interested person may obtain a copy of the motion upon request from applicant and replies thereto filed by a protestant will be considered if filed with the Commission within 40 days after date of publication of this notice in the FEDERAL REGISTER. Applicant is authorized to conduct operations in all States in the United States and the District of Columbia.

No. MC 30319 Sub 54, filed June 3, 1955, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 N. San Jacinto St., P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Bremond, Tex., and Neale, Tex., from Bremond over Texas Highway 6 to Harrison, Tex., thence over unnumbered County Road to Neale, and return over the same route, serving, in addition to the termini, the intermediate-point stations of Reagan, Marlin, Perry, Riesel, and Harrison, Tex., presently served by applicant's affiliate, The Texas and New Orleans Railroad. Applicant is authorized to conduct operations in Texas and Louisiana.

No. MC 30605 Sub 84, filed June 9, 1955, THE SANTA FE TRAIL TRANSPORTATION COMPANY, Broadway and English Streets, Wichita, Kans., Applicant's attorney: Francis J. Steinbrecher, 80 E. Jackson Blvd., Chicago 4, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except commodities in bulk, and except livestock, inflammables, and articles of unusual value, or unusual size requiring special equipment, (1) between Johnson, Kans., and Elkhart, Kans., via Kansas Highway 27 to Elkhart, Kans.; also between the junction of Kansas Highway 27 and Kansas Highway 51 at Richfield, Kans., via Kansas Highway 51 to Rolla, Kans., (2) between the junction of U. S. Highway 160 and U. S. Highway 270 at Ulysses, Kans., via U. S. Highway 270 to the junction of U. S. Highway 270 and Kansas Highway 45, approximately two (2) miles from Hugoton, Kans., (3) *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the junction of U. S. Highway 183 and unnumbered county road near Gibson, Kans., via U. S. Highway 183 to junction of U. S. Highway 183 and U. S. Highway 54, near Greensburg, Kans., (4) *General commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between the junction of U. S. Highway 160 and Kansas Highway 49, approximately 12 miles west of Wellington, Kans., via Kansas Highway 49 to the junction of Kansas Highway 49 and U. S. Highway 81 at Caldwell, Kans.; also, between the junction of Kansas Highway 44 and unnumbered highway approximately 8 miles east of Anthony, Kans., via Kansas Highway 44 to junction of Kansas Highway 44 and Kansas Highway 49. (5) *General commodities*, except livestock, and except sand, coal, rock, hay, commodities exceeding capacity of equipment, and articles prohibited by law from transportation in motor vehicles, between the junction of U. S. Highway 40 and Alternate U. S. Highway 40 at Junction City, Kans., via U. S. Highway 40 to the junction of U. S. Highway 40 and Alternate U. S. Highway 40 at Manhattan, Kans., and Class A and B explosives, except liquid nitroglycerine, over the above-described routes, as connecting routes for operating convenience only, serving no intermediate points, in connection with carrier's presently-authorized operations. RESTRICTION: The service to be performed by the carrier shall be limited to service which is auxiliary to, or supplemental of, train service of the railway. The carrier shall not render any service to, or from, or interchange traffic at, any point not a station on the railway. In operating under the rights acquired to which these conditions relate, or under a combination of those rights and rights otherwise confirmed in it, the carrier shall not transport any shipment between any of the following points, or through, or to, or from, more than one of said points: Wichita, Hutchinson, and Dodge City, Kans., and Pueblo, Colo. All contractual arrangements between the carrier and the railway shall be reported to the Commission and shall be subject to revisions, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission in the future, may find it necessary to impose in order to insure that the service shall be auxiliary to, or supplemental of, train service. Carrier is authorized to conduct operations in Arkansas, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

No. MC 30837 Sub 182, filed May 27, 1955, KENOSHA AUTO TRANSPORT CORPORATION, a corporation, 4519—76th St., Kenosha, Wis. Applicant's attorney: Louis E. Smith, 316–318 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Camp trailers*, designated to be drawn by passenger automobiles, in initial movements, in truckaway service, from Olive, Calif., to points in the United States including the District of Columbia. Applicant is authorized to conduct operations throughout the United States including the District of Columbia.

No. MC 34870 Sub 3, filed May 31, 1955, ANTHONY H. SANTIAGO AND MARIO CECCHINI, doing business as Bison City Cartage Co., 500 Niagara Frontier Food Terminal, Buffalo 6, N. Y. Applicant's representative: Bray J. Foley, 27 Carolina Street, Buffalo 41, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products* and *meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission in Ex Parte No. MC–38, (1) from Buffalo, N. Y., to points in New York on and west of a line beginning at Morristown, N. Y., and extending along New York Highway 37 to Watertown, N. Y., thence along U. S. Highway 11 to the New York-Pennsylvania State line, and (2) from Buffalo, N. Y., to points in Pennsylvania on, north and west of a line beginning at the Pennsylvania-New York State line and extending along U. S. Highway 11 to junction U. S. Highway 106, thence along U. S. Highway 106 to Terrytown, Pa., thence along U. S. Highway 6 to Smethport, Pa., thence along Pennsylvania Highway 68 to Butler, Pa., thence along U. S. Highway 422 to the Pennsylvania-Ohio State line. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in New York.

No. MC 38383 Sub 8, filed June 3, 1955, THE GLENN CARTAGE COMPANY, a corporation, 1115 South State Street, Girard, Ohio. Applicant's attorney: Wm. R. Hefferan, 1419–25 Majestic Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Steel, steel products*, and *machinery*, from The Ford Motor Company Chassis Parts Manufacturing Plant located at the intersection of Seventeen Mile Road and Mound Road, Sterling Township, Macomb County, Mich., to points in Michigan, Ohio, Pennsylvania, New York, West Virginia, and points in Kentucky within five miles of the Ohio River. Applicant is authorized to conduct operations in Kentucky, Michigan, New York, Ohio, Pennsylvania and West Virginia.

No. MC 40007 Sub 40, filed May 27, 1955, RELIABLE TRANSPORTATION COMPANY, a corporation, 4817 Sheila St., Los Angeles 22, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tallow*, and *tallow greases*, in bulk, in tank vehicles, from points in California, to the Port of Stockton, Calif. Applicant is authorized to conduct operations in California.

No. MC 40007 Sub 41, filed May 27, 1955, RELIABLE TRANSPORTATION COMPANY, a corporation, 4817 Sheila St., Los Angeles 22, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks and tank trailers, from points in Riverside, San Bernardino, Imperial, San Diego, Orange, and Los Angeles Counties, Calif., to points in Arizona. Applicant is authorized to conduct operations in Arizona, California, and New Mexico.

No. MC 40269 Sub 31, filed May 18, 1955, COOK TRUCK LINES, INC., 25 East Virginia Ave., Memphis, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Durant, Miss., and Jackson, Miss., over U. S. Highway 51, as an alternate route in connection with applicant's regular route operations (1) between Memphis, Tenn., and Clarksdale, Miss., (2) between Clarksdale, Miss., and Greenville, Miss., and (3) between Greenville and Jackson, Miss. Applicant is authorized to conduct operations in Mississippi, Louisiana, and Tennessee.

No. MC 41432 Sub 71, filed May 31, 1955, EAST TEXAS MOTOR FREIGHT LINES, a corporation, 623 North Washington St., Dallas, Tex. Applicant's attorney: Warren Whitham, Empire Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, transporting: *Ammunition* (explosives, incendiary, or gas, smoke or tear producing), also *manufactured ingredients and component parts* of ammunition, and *general commodities*, except those of unusual value, explosives (other than ammunition and manufactured ingredients and component parts of ammunition as specified above), livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the East Texas Pulp and Paper Company, at or near Evadale, Tex., as an off-route point, in connection with regular route operations between Fort Worth, Tex., and Port Arthur, Tex., over U. S. Highways 69, 80, 271, and 287, Texas Highways 21, and 64, and unnumbered highway. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Missouri, Tennessee, and Texas.

No. MC 44947 Sub 10, filed May 25, 1955, DEIOMA TRUCKING CO., a corporation, Box 11, East Sparta, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Pallets, skids*, and *empty containers*, used in transporting the commodities described in this application, between points in Ohio, on the one hand, and, on the other, points in Michigan, Mary-

land, New York, Pennsylvania, West Virginia, Indiana, New Jersey, Delaware, Virginia, and the District of Columbia.

No. MC 58923 Sub 22, filed June 2, 1955, GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, S. E., Atlanta, Ga. Applicant's attorney: Allen Post, 1220 First National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Sugar Valley, Ga., as an off-route point in connection with carrier's regular route operations between Chattanooga, Tenn., and Atlanta, Ga. Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

No. MC 59583 Sub 69, filed June 3, 1955, THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, Grant Bldg., Kingsport, Tenn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Danville, Va., and Roanoke, Va., from Danville over U. S. Highway 58 to Martinsville, Va., and thence over carrier's authorized regular route to Roanoke, Va., as an alternate or connecting route for operating convenience only, serving no points not presently authorized. Applicant is authorized to conduct operations in Virginia, North Carolina, South Carolina, Tennessee, Georgia, Pennsylvania, New Jersey, New York, Delaware, Maryland, and the District of Columbia.

No. MC 59681 Sub 44, Filed May 10, 1955 (Amended), DAKOTA TRANSFER & STORAGE COMPANY, A Corporation, 11 Oak Street, S. E., Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the United States Air Force base and points within five miles thereof, located approximately ten to twenty miles north of Glasgow, Mont., as an off-route point in connection with carrier's regular-route operations in Montana. Applicant is authorized to conduct operations in Illinois, North Dakota, Minnesota, Iowa, Wisconsin and Montana.

No. MC 64932 Sub 183, filed June 2, 1955, ROGERS CARTAGE CO., a corporation, 1934 So. Wentworth Ave., Chicago, Ill. Applicant's attorney, Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Decatur, Ill., to points in Pennsylvania, West Virginia, and New York. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.

No. MC 77424 Sub 6, filed May 27, 1955, WENHAM TRANSPORTATION, INC., 2723 Orange Avenue, Cleveland 15, Ohio. Applicant's representative: J. J. Kuhner, 931 Society for Savings Bldg., Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between the site of the Ford Motor Company plant, located in Sterling Township, Macomb County, Mich., on the one hand, and, on the other, points in Ohio, *building materials, steel*, and *feed*, between the site of the Ford Motor Company plant, located in Sterling Township, Macomb County, Mich., on the one hand, and, on the other, points in Brooke, Hancock, and Ohio Counties, W. Va., and those in Washington County, Pa., and *road building materials* and *heavy machinery*, between the site of the Ford Motor Company plant, located in Sterling Township, Macomb County, Mich., on the one hand, and, on the other, points in Brooke, Hancock, Marshall, Ohio, Tyler, and Wetzel Counties, W. Va. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, New York, Ohio, Pennsylvania, and West Virginia.

No. MC 80284 Sub 14, filed May 26, 1955, CHRISPENS TRUCK LINES, INC., 4551 S. Racine Ave., Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington St., Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Printing paper* and *paper products, wood pulp*, and *paper mill supplies*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities described in this application, between Hamilton, Ohio, on the one hand, and, on the other, Washington, D. C., Baltimore, Md., and Philadelphia, Pa. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

No. MC 85205 Sub 4, filed April 28, 1955, GEORGE C. SMITH, JR., doing business as SMITH TRANSPORTATION CO., 417 E. Boone Street, Santa Maria, Calif. Applicant's attorney: R. Y. Schureman, 639 S. Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Diatomaceous earth* and *diatomaceous earth products*, from points in Santa Barbara County, Calif., to points in the Los Angeles, Calif., Commercial Zone and the Los Angeles Harbor Commercial Zone, as defined by the Commission, San Francisco, Marin, and San Mateo Counties, Calif., and those in Solano, Contra Costa, and Alameda Counties, Calif., which are located on or west of California State Highway 21. Applicant is authorized to conduct operations in California.

No. MC 95540 Sub 260, filed May 31, 1955, WATKINS MOTOR LINES, INC., P. O. Box 785, Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Refrigerated bakery products* and *frozen foods*, from Bogart, Ga., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland (except Baltimore), Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey (except Newark, Bridgeton, North Bergen, and points within 15 miles of North Bergen), New York (other than points in the New York, N. Y., Commercial Zone as defined by the Commission, and those in Nassau and Westchester Counties), North Carolina, Ohio, Oklahoma, Pennsylvania (except points in the Philadelphia, Pa., Commercial Zone as defined by the Commission), South Carolina, Tennessee, Texas, Virginia (except Richmond and Norfolk), West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 96568 Sub 9, filed June 3, 1955, ROBERT R. MUSKIN and JEROLD B. MUSKIN, doing business as MUSKIN TRUCKING CO., East Palestine, Ohio. Applicant's attorney: Noel F. George, 44 East Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New furniture*, uncrated, from Tyler, Tex., to points in Tennessee on and west of a line extending over U. S. Highway 45 from the Mississippi-Tennessee State line to Fairview, Tenn., thence over U. S. Highway 45W to Union City, Tenn., and thence over Tennessee Highway 21 to the Tennessee-Kentucky State line, with *damaged and defective shipments* of uncrated new furniture on return movements. Applicant is authorized to conduct operations in the District of Columbia and all states in the United States excepting Arizona, California, Florida, Georgia, Idaho, Maine, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, South Carolina, Utah, Vermont, Washington, and Wyoming.

No. MC 103880 Sub 145, filed May 26, 1955, PRODUCERS TRANSPORT, INC., 530 Paw Paw Ave., Benton Harbor, Mich. Applicant's attorney: Jack Goodman, 39 S. LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid acids and chemicals*, and *tallows, fatty acids, fatty acid esters, stearic acids* and *butyl styrene*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan, Indiana, and Illinois. Applicant is authorized to conduct operations in Michigan, Ohio, Illinois, Indiana, Wisconsin, Kentucky, New York, Pennsylvania, and West Virginia.

No. MC 106398 Sub 35, filed June 2, 1955, NATIONAL TRAILER CONVOY, INC., 1916 N. Sheridan Rd., Box 8096 Dawson Station, Tulsa, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *House, cabin and bungalow trailers*, and *trailers containing special equipment*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Bristol and Middlebury, Ind. to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 107107 Sub 68, filed May 26, 1955, ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th St., Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen fruit juice, other than citrus juice*, from Lakeland, Fla. and points within 100 miles thereof, to points in Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, District of Columbia, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, Indiana, Illinois, Ohio, Michigan, Wisconsin, North Dakota, South Dakota, Minnesota, Missouri, Nebraska, Iowa, Kansas, Tennessee, Kentucky, Alabama, Arkansas, Louisiana, Texas, Oklahoma, Delaware, and Mississippi; *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodity on return. Applicant is authorized to conduct operations in Delaware, Pennsylvania, New Jersey, New York, Maryland, and Florida.

No. MC 107323 Sub 28, filed May 31, 1955, RUSSELL GILLILAND AND MAURICE GILLILAND, doing business as GILLILAND TRANSFER COMPANY, 21 W. Sheridan St., Fremont, Mich. Applicant's attorney: Kit F. Clardy, Olds Tower, Lansing, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Empty glass containers*, from Dolton, Ill., to Fremont, Mich., and Hart, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Michigan, New York, and West Virginia.

No. MC 107496 Sub 60, filed May 31, 1955, RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting, *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Sugar Creek, Mo., to points in Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 110117 Sub 3, filed May 20, 1955, and amended June 2, 1955, M. R. KENDRICK, doing business as KENDRICK CARTAGE COMPANY, Salem, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, and *Fertilizers and fertilizer compounds*, in bulk, in tank vehicles, or in bags, from points in Jefferson County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Oklahoma, Tennessee and Wisconsin, and *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Illinois, Arkansas, Kentucky, Missouri and Tennessee.

No. MC 110190 Sub 23, filed June 3, 1955, PENN-DIXIE LINES, INC., 2000 South George Street, York, Pa. Applicant's attorney: Christian V. Graff, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Potter Township, Centre County, Pa., to points in Ohio, New Jersey, Maryland and Kentucky, with no transportation for compensation on return except as otherwise authorized. Applicant is not presently authorized to transport the commodity specified.

No. MC 110284 Sub 2, filed May 31, 1955, H. W. MILLER TRUCKING COMPANY, A Corporation, Hillsboro Road, P. O. Box 605, West Durham Station, Durham, N. C. Applicant's attorney: William M. York, 201–204 Jefferson Building, Greensboro, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rejected shipments of foil, foil, scrap, aluminum, lead, lead and tin or zinc, with or without paper, paperboard or pulpboard back*, in package or on skids, from Durham, N. C., to Richmond, Va.

No. MC 112178 Sub 1, filed May 25, 1955, VERNE REIHER AND ROY REIHER, doing business as REIHER BROS., Allison, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal and poultry feed, fly spray and mange oil*, in cans or drums, *empty bags and sacks*, such as paper, cloth and burlap, *advertising material* used solely in connection with the sale and distribution of animal and poultry feed and fly spray and mange oil, from Burlington, Wis., to points in Allamakee, Winneshiek, Howard, Worth, Mitchell, Cerro Gordo, Floyd, Chickasaw, Fayette, Clayton, Franklin, Butler, Bremer, Black Hawk, Buchanan, Delaware, Dubuque, Hardin, Grundy, Story, Marshall and Tama Counties, Iowa.

No. MC 112792 Sub 2, filed May 31, 1955, O. W. LeVAN, doing business as BURNA TRUCKING COMPANY, Burna, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mixed animal feed* and *poultry feed*, from St. Louis, Mo., and East St. Louis, Ill., to Kuttawa, Ky. Applicant is authorized to conduct operations in Illinois and Kentucky.

No. MC 112795 Sub 2, filed May 27, 1955, JOHN MERTENS, doing business as MERTENS TRANSIT, Dorchester, Wis. Applicant's attorney: Edward A. Solle, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cheese*, from Green Bay, Wis., to Butte, Mont., Seattle and Spokane, Wash., and Portland, Oreg.

No. MC 113000 Sub 1, filed May 9, 1955, ROBERT E. ANDERSON, Ashby, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Insulation* and *insulating materials*, from Fergus Falls, Minn., to points in Nebraska, for Pal-O-Pak Company. Applicant is authorized to conduct operations in Minnesota, North Dakota, South Dakota, Iowa, and Wisconsin.

No. MC 113437 Sub 2, filed June 2, 1955, BELLINGER TRANSPORTATION, INC., 407 South Perry Street, Johnstown, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Tanning materials, such as, but not limited to, tanning filler and nitre cake*, in containers, from Johnstown, N. Y., to Ashtabula and Cleveland, Ohio, New York, N. Y., Commercial Zone, and Petersburg, W. Va. Applicant is not authorized to transport the commodities specified.

No. MC 113779 Sub 15, filed May 25, 1955, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Rd., Houston 15, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Methanol*, in bulk, in tank vehicles, from Sterlington, La. to Houston, Tex.; *contaminated shipments of methanol on return*. Applicant is authorized to conduct operations in Texas and Louisiana.

No. MC 114067 Sub 8, filed March 17, 1955, amended March 31, 1955, JAMES W. FORE, doing business as FORE TRUCKING COMPANY, 923 Wright Avenue, Richmond, Calif. Applicant's attorney: E. Conrad Connella, 111 Sutter Building, Suite 800, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tallow*, in tank vehicles equipped with steam coils for heating, from points in Ada County, Idaho, to points in the San Francisco, Calif., Commercial Zone as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

No. MC 115265 Sub 1, filed May 26, 1955, HARRY S. FOWLER, doing business as FOWLER AIR SERVICE, 211 South Ray Street, New Castle, Pa. Applicant's attorney: Maurice Levinson, Lawrence Savings and Trust Company, New Castle, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including those of unusual value*, in packages, limited to 200 pounds, having prior or subsequent movement by air, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between points in Lawrence County, Pa. to Youngstown Municipal Airport, Trumbull County, Ohio.

No. MC 115356 Sub 1, filed June 3, 1955, ILLINOIS CARGO, INC., 14625 Marshfield Avenue, Harvey, Ill. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Steel billets*, from the plant of the

Green River Steel Company located at or near Owensboro, Ky., to the plant of the Wyman Gordon Company located at Harvey, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement.

No. MC 115374, filed May 25, 1955, (Amended), HAROLD F. EMSLIE AND STANLEY A. EMSLIE, doing business as EMSLIE BROTHERS REG'D., Junction Street, Beebe, Quebec, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rough and finished granite*, from Barre, South Barre, Websterville, Graniteville and Montpelier, Vt., to points on the International Boundary line between the United States and Canada at Derby Line, Vt., and Beebe, Vt.

No. MC 115375, filed May 26, 1955, DON P. SHARP, 341 Cutler Street, Waterloo, Iowa. For authority to operate as a *contract carrier*, over regular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Waterloo, Iowa, from Milwaukee over Wisconsin Highway 30 to Madison, Wis., thence over U. S. Highway 18 to Dodgeville, Wis., thence over Wisconsin Highway 151 to the Wisconsin-Illinois State line, thence from the Wisconsin-Illinois State line over Illinois Highway 35 to East Dubuque, Ill., thence over U. S. Highway 20 to Waterloo, serving no intermediate points; *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from Waterloo, Iowa, to Milwaukee, Wis., from Waterloo over U. S. Highway 63 to Williamstown, Iowa, thence over U. S. Highway 18 to Madison, Wis., thence over Wisconsin Highway 30 to Milwaukee, serving no intermediate points.

No. MC 115379, filed May 31, 1955, JOHN D. BOHR, JR., R. D. #2, Annville, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Limestone* and *limestone products*, from points in Dauphin and Lebanon Counties, Pa., to points in Delaware and points in Cecil, Caroline, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, Hartford and Worcester Counties, Md.

No. MC 115380, filed May 31, 1955, JOHN W. BOLTON, 35 Arnold Street, Westfield, Mass. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid petroleum gas*, in steel cylinders, *heating appliances operated by liquid petroleum gas, equipment and supplies* required to install heating appliances and empty steel containers, from Westfield, Mass., to points in Connecticut, New Hampshire, Rhode Island, and Vermont, and those in Clinton, Columbia, Dutchess, Essex, Putnam, Rensselaer, Saratoga, Warren, and Washington Counties, N. Y., and *empty steel cylinders* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return, and *tobacco curing equipment operated by liquid petroleum gas*, from Toms River, N. J., to points in Connecticut and Massachusetts, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

No. MC 115381, filed May 31, 1955, STUART DOHRMAN AND WAYNE DOHRMAN, doing business as DOHRMAN BROTHERS, Box 401, Tensed, Idaho. For authority to operate as a *common carrier*, over regular routes, transporting: *Lumber*, between Tensed, Idaho and Spokane, Wash., from Tensed via U. S. Highway 95 to junction with unnumbered county road north of Worley, thence over unnumbered county road to Rockford, Wash., thence over Washington State Highway 3–H to junction with U. S. Highway 10, thence over U. S. Highway 10 to Spokane, Wash., and return over the same route, serving the intermediate points of Plummer, Idaho and Worley, Idaho.

No. MC 115384, filed May 31, 1955, BLUE TAG MILLS, INC., 1301 Willow Street, Coffeyville, Kans. Applicant's attorney: Aubrey Neale, Plaza Building, Coffeyville, Kans. For authority to operate as a *contract carrier*, over a regular route, transporting: *Animal feed*, from Sedan, Kans., to Pawhuska, Okla., operating from Sedan over Kansas Highway 99 to the Kansas-Oklahoma State line, thence over Oklahoma Highway 99 to Pawhuska, and return over the same route, serving no intermediate points.

No. MC 115386, filed June 2, 1955, J. C. NORMAN, INC., P. O. Box 943, Roswell, N. Mex. Applicant's attorney: O. Russell Jones, 54½ E. San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Garfield and Thompson, Utah, and Rico, Colo., to Shiprock, N. Mex., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 228 Sub 15, filed June 2, 1955, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in special operations, in round trip sightseeing and pleasure tours, from Suffern, Monroe, Goshen, Middletown, Wurtsboro, Monticello, Liberty, Hancock, Deposit, Binghamton, Endicott, Port Jervis, Newburgh, Highland and Kingston, N. Y.; Hawley, Milford, Carbondale and Forest City, Pa.; and Mahwah, N. J. and points within a radius of three miles of each of said points, to Graymoor, Hyde Park and West Point, N. Y.; Washington, D. C.; Atlantic City and Asbury Park, N. J.; Philadelphia, Crystal Cave and Valley Forge, Pa.; Annapolis, Md.; and to the ports of entry in New York at the International Boundary between the United States and Canada, on highways running to Montreal, Canada, and return. Applicant is authorized to conduct operations in New Jersey, New York and Pennsylvania.

No. MC 1501 Sub 105, filed May 16, 1955, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *newspapers*, *express*, and *mail*, in the same vehicle with passengers, (1) from Leesburg, Fla., to Minneola, Fla., over U. S. Highway 27; (2) from Brooksville, Fla., to junction U. S. Highways 98 and 19, over U. S. Highway 98; (3) from St. Petersburg, Fla., to junction U. S. Highways 19 and 19–A, approximately two miles north of Tarpon Springs, Fla., over U. S. Highway 19; (4) from junction U. S. Highway 19 and Florida Highway 686 to Largo, Fla., over Florida Highway 686; (5) from Largo, Fla., to Clearwater, Fla., over Florida Highway 595–A and (6) from Clearwater, Fla., to junction Florida Highway 60 and U. S. Highway 19, over Florida Highway 60. Return over these routes. Serving all intermediate points on the above-specified routes. Applicant requests revocation and cancellation, concurrent with and contingent upon approval of operating rights applied for in (1) above, of the segment of its authorized operations (a) from Leesburg, Fla., to Groveland, Fla., over Florida Highway 33, and (b) from junction Florida Highways 50 and 561 to junction Florida Highways 561 and 33, over Florida Highway 561, and the authority for segment (a) of highway proposed for abandonment is included in Certificate No. MC 1501 Sub 26, dated August 17, 1953, Route 41, reading: "From Leesburg over Florida Highway 33 to junction Florida Highway 561 at a point north of Eva", and authority for segment (b) of highway proposed for abandonment included in the above certificate in Route 14 reads, in part, "and Clermont to junction Florida Highway 561, thence over Florida Highway 561 to junction Florida Highway 33." Applicant also requests there be revoked and cancelled, concurrent with and contingent upon approval of operations applied for in (3) above, the segment of highway from junction U. S. Highways 19–A and 19, approximately two miles north of Tarpon Springs, to St. Petersburg, over U. S. Highway 19–A and Florida Highway 699 via Indian Rocks authority for which is included in Certificate No. MC 1501 Sub 26, dated August 17, 1953, Route 26, reading: "From Tarpon Springs over U. S. Highway 19 to Clearwater, thence over Florida Highway 699 via Indian Rocks and Seminole to St. Petersburg." Applicant further requests if authority is granted over the above-described routes, authorization be revoked from St. Petersburg, Fla., to junction U. S. Highways 19–A and 19, including all of Route 26 in Certificate No. MC 1501 Sub 26, dated August 17, 1953. Applicant is authorized to conduct operations throughout the United States.

No. MC 61947 Sub 20, filed May 31, 1955, CONSOLIDATED BUS LINES, INCORPORATED, 2004 Princeton Ave., Bluefield, W. Va. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, *mail* and *express*, in the same vehicle with passengers, between Hinton, W. Va., and Rich Creek, Va., from Hinton, W. Va., over primary State Route No. 12 to the West Virginia-Virginia State line approximately two-tenths (.2) mile south of the junction of Primary State Route No. 12 and U. S. highway 219 near Peterstown, W. Va., thence over U. S. Highway 219 to the junction of U. S. Highway 219 and U. S. Highway 460 at Rich Creek, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Virginia and West Virginia.

No. MC 115383, filed May 31, 1955, THE NIAGARA COACH LINES LIMITED, 1 Spring Street, St. Catharines, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at the International Boundary line between the United States and Canada and extending through the ports of entry at or near Buffalo, Lewiston, and Niagara Falls, N. Y., to points in New York, restricted to traffic originating at Niagara-on-the-Lake, Port Weller, and Virgil, Ontario, Canada.

No. MC 115385, filed June 2, 1955, CHARLES HUBERT POSEY, Bryans Road, Charles County, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in chartered operations, from points in Charles County, Md., on and west of U. S. Highway 301, to points in the District of Columbia and Virginia, and return to point of origin.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F–5995. Authority sought for control and merger by GEO. F. ALGER COMPANY, 3050 Lonyo Road, Detroit, Mich., of the operating rights and property of PORTSMOUTH TRUCK LINES CO., 42 North Canfield–Niles Road, Youngstown, Ohio, and for acquisition by A. C. SCOTT, Detroit, Mich., of control of the operating rights and property through the transaction. Applicants' attorney: Walter N. Bieneman, 2150 Guardian Bldg., Detroit, Mich. Operating rights sought to be controlled and merged: Proviso operation, as a *common carrier*, in Ohio. Geo. F. Alger Company is authorized to operate in Michigan, Ohio, Illinois, Indiana and Kentucky. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–4757; Filed, June 14, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–935]

UNITED STATES & FOREIGN SECURITIES CORP. ET AL.

NOTICE OF FILING OF APPLICATIONS FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES INCIDENT TO MERGER

JUNE 9, 1955.

In the matter of United States & Foreign Securities Corporation, United States & International Securities Corporation, and Devon Securities Corporation; File No. 812–935.

Notice is hereby given that United States & Foreign Securities Corporation ("Foreign"), United States & International Securities Corporation ("International"), and Devon Securities Corporation ("Devon"), registered closed-end investment companies, have filed a joint application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting certain transactions pursuant to a merger of said companies and Dunwalke Securities Corporation ("Dunwalke"), a non-registered investment company, from the provisions of section 17 (a) of the act.

Dunwalke owns approximately 17 percent of the outstanding stock of Foreign, which owns approximately 80 percent of the outstanding common stock of International, which in turn owns all of the outstanding stock of Devon. Apart from cash of approximately $3,250,000 Dunwalke's only asset is its holdings of 164,737 shares of common stock of Foreign. Except for International, which has a bank loan and 175,500 common stock warrants outstanding, all of the companies involved have only one class of common stock outstanding.

Pursuant to Articles and Agreement of Merger ("Agreement"), it is proposed to merge International, Devon and Dunwalke into Foreign, the surviving company, by converting shares of the former companies into shares of the latter company. Foreign proposes to increase its authorized common stock from 1,000,000 shares to 3,500,000 shares and issue to its own stockholders three shares of new common stock for each of its presently outstanding 985,000 common shares. In the merger Foreign will issue one new share of its common stock for each two shares of publicly held common stock of International, and Devon, being wholly-owned by International, will be collapsed into the latter company. The common stock holders of Dunwalke will receive, in the merger, one share of new common stock of Foreign for each share of common stock of Dunwalke held, the shares of new common stock of Foreign being available for such distribution through the exchange by Dunwalke of its holdings of 164,737 shares of old common stock of Foreign for new common stock of Foreign on a 1 for 3 basis and the purchase of additional shares of new common stock of Foreign by Dunwalke for cash.

On the basis of the above exchange and sale Foreign will have outstanding, upon completion of the merger, 3,310,815 shares of new common stock, distributed as follows:

3 new shares for each 820,263 old shares of publicly held common stock of Foreign	2,460,789
3 new shares for each 164,737 old shares of common stock of Foreign held by Dunwalke	494,211
½ new share for each 496,890 shares of publicly held common stock of International	248,445
New shares issued for cash of Dunwalke	107,370
	3,310,815

The conversion ratios of the common stocks of Foreign and International have been determined upon the basis of relative adjusted net asset values at April 30, 1955, with securities for which market quotations are readily available being valued at the market value at April 29, 1955, and other securities at their estimated fair values, as determined by the boards of directors. Cash, receivables and liabilities were taken into account at face value. Such adjusted net asset values also reflect distributions prior to the merger of undistributed ordinary net income and realized capital gains since January 1, 1955, an allowance equivalent to federal capital gains tax on unrealized appreciation of investments and an adjustment for outstanding warrants to purchase common stock of International. The adjusted net assets per share as of April 30, 1955, was $90.64 for Foreign and $15.11 for International. After giving effect to the conversion ratios, the adjusted net assets value per new share of Foreign amounted to $30.21 as of April 30, 1955. On this basis it was determined that Dunwalke would receive 107,372 shares of new Foreign common stock for its cash of $3,250,000.

The 175,500 presently outstanding warrants of International, which expire in 1959 and 1960, entitle each holder to purchase one share of International common stock at $85.00 per share. The merger agreement provides that the warrants of International will continue to be outstanding for the same period after the merger, but will represent the right to purchase stock of the continuing corporation, Foreign, at $50 per share, 2 warrants being required for the purchase of each such share. Foreign will reserve 87,750 shares of new common stock for such purpose.

It is recited in the application that Foreign and International have been advised by counsel that in their opinion as a result of the merger no taxable gain or loss will be realized by assenting stockholders, while stockholders who dissent and are paid the value of their shares will have gain or loss recognized for tax purposes.

Applicants declare that the merger is in the best interests of the stockholders of the respective corporations. It is pointed out that the boards of directors and officers of Foreign, International, and Devon are identical and that their portfolio assets are also similar in nature, therefore no useful purpose would be served by the continuation of these companies as separate entities; and it is

contended the merger will simplify administration and reduce expenses.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company or any affiliated persons of such a person, from selling to, or purchasing from such registered investment company or any company controlled by such registered investment company, any securities or property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a) after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act. Since International and Devon are affiliates of Foreign, the proposed transfer of assets from International and Devon to Foreign is subject to the provisions of section 17 (a) of the act.

Notice is further given that any interested person may, not later than June 23, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-4770; Filed, June 14, 1955; 8:52 a. m.]

[File No. 1-2791]

RELIANCE ELECTRIC & ENGINEERING CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JUNE 9, 1955.

In the matter of the Reliance Electric & Engineering Co., Common Stock, $5 Par Value; File No. 1-2791.

The above-named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Midwest Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

There have been only a few isolated transactions in this stock on the Midwest Stock Exchange in recent years and the shares have been allocated to the inactive post without a specialist.

The stock remains listed and actively traded on the American Stock Exchange.

The Midwest Stock Exchange has waived the voting requirements of its delisting rule.

Upon receipt of a request, on or before June 30, 1955, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 55-4769; Filed, June 14, 1955; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ALESSANDRO DOMENICI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Allessandro, Licia, Renzo, and Amato Domenici, individually and Amato Domenici as guardian of Guiliano Domenici, minor; Florence, Italy; Claim No. 46082, Vesting Order No. 976; $970.28 in the Treasury of the United States to Alessandro Domenici.

$242.57 in the Treasury of the United State to each: Licia, Renzo, and Amato Domenici.

$242.58 in the Treasury of the United States to Amato Domenici as guardian of Guiliano Domenici, minor.

Executed at Washington, D. C., on June 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4760; Filed, June 14, 1955; 8:49 a. m.]

DANTE ROSSETTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dante Rossetto, Pavone, Canavese, Italy, Claim No. 40202; $6,993.04 in the Treasury of the United States.

Executed at Washington, D. C., on June 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4761; Filed, June 14, 1955; 8:50 a. m.]

MARGHERITA ROSSETTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Margherita Rossetto, No. 6 Pavone Canavese, Turin, Italy, Claim No. 35246, Vesting Order No. 1698; $3,275.69 in the Treasury of the United States.

Executed at Washington, D. C., on June 8, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4762; Filed, June 14, 1955; 8:50 a. m.]

UNIVERSITY OF MICHIGAN
JUN

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 20 NUMBER 117

Washington, Thursday, June 16, 1955

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; ARKANSAS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

ARKANSAS	*Average value*
County:	
Arkansas	$30,000
Ashley	20,000
Baxter	15,000
Benton	18,000
Boone	17,000
Bradley	15,000
Calhoun	15,000
Carroll	17,000
Chicot	20,000
Clark	18,000
Clay	25,000
Cleburne	15,000
Cleveland	15,000
Columbia	15,000
Conway	18,000
Craighead	24,000
Crawford	18,000
Crittenden	25,000
Cross	22,000
Dallas	15,000
Desha	20,000
Drew	18,000
Faulkner	18,000
Franklin	18,000
Fulton	15,000
Garland	15,000
Grant	16,000
Greene	22,000
Hempstead	18,000
Hot Spring	16,000
Howard	18,000
Independence	18,000
Izard	15,000
Jackson	22,000
Jefferson	25,000
Johnson	18,000
Lafayette	20,000
Lawrence	25,000
Lee	20,000
Lincoln	18,000

ARKANSAS—Continued

County—Continued	*Average value*
Little River	$20,000
Logan	18,000
Lonoke	22,000
Madison	15,000
Marion	15,000
Miller	20,000
Mississippi	30,000
Monroe	20,000
Montgomery	15,000
Nevada	18,000
Newton	15,000
Ouachita	15,000
Perry	15,000
Phillips	20,000
Pike	16,000
Poinsett	25,000
Polk	16,000
Pope	18,000
Prairie	20,000
Pulaski	20,000
Randolph	20,000
St. Francis	20,000
Saline	15,000
Scott	16,000
Searcy	15,000
Sebastian	18,000
Sevier	16,000
Sharp	15,000
Stone	15,000
Union	15,000
Van Buren	15,000
Washington	18,000
White	18,000
Woodruff	22,000
Yell	18,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a) 60 Stat. 1074; 7 U. S. C. 1003 (a))

Signed: June 10, 1955.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 55-4846; Filed, June 15, 1955; 8:56 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

WITHDRAWAL FROM "SAVINGS DEPOSIT" NOT EVIDENCED BY A PASS BOOK

§ 204.105 *Withdrawal from "savings deposit" not evidenced by a pass book.* The Board recently received an inquiry

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FEDERAL REGISTER

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(For use during 1955)

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Title 32A, Revised Dec. 31, 1954 ($1.50)

Title 38 ($2.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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concerning the recent identical amendments to the definitions of "savings deposit" in paragraph (e) of § 204.1 and paragraph (e) of § 217.1 of this subchapter, effective May 16, 1955 (20 F. R. 3305).

The question was whether such amendments would permit a bank that maintained for its customer a "savings deposit" evidenced by a written receipt or agreement although not by a pass book, to pay a check against such a deposit drawn by the depositor payable to a third party, where the depositor was required by the deposit agreement to give 30 days' advance written notice of withdrawal. The Board replied that it would not be permissible for the bank to pay the check and continue to classify the account as a "savings deposit".

The amendments in question require that withdrawals may be made "only through payment to the depositor himself but not to any other person whether or not acting for the depositor". Although the footnotes to the amendments state that "Payment may be made to the depositor over the counter, through the mails or otherwise", in the situation presented by the inquiry payment would not be made "to the depositor", but rather to a third party. The footnotes merely explain that the depositor would not necessarily have to go to the bank in person to make a withdrawal. For example, it would be permissible for the bank to make payment to the depositor by mailing him a check, or it would be permissible for the depositor to send a messenger to the bank and for the bank to deliver to the messenger a check payable to the depositor.

Whether the particular deposit agreement is one with respect to which the bank merely reserves the right to require 30 days' advance written notice of withdrawal or is one which specifically requires 30 days' advance written notice of withdrawal, payment in the manner contemplated by the inquiry would not be in conformity with the amendments in question.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interprets or applies secs. 11, 19, 38 Stat. 261, 270, as amended; 12 U. S. C. 248 (c), (e), 461, 462, 462a–1, 462b, 464, 465)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 55–4805; Filed, June 15, 1955; 8:49 a. m.]

[Req. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

WITHDRAWAL FROM "SAVINGS DEPOSIT" NOT EVIDENCED BY A PASS BOOK

§ 217.110 *Withdrawal from "savings deposit" not evidenced by a pass book.* For text of this interpretation, see § 204.105 under Part 204 of this subchapter.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 264 (c) (7), 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 55–4806; Filed, June 15, 1955; 8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTION IN FORCE

COMPILATION OF RETENTION REGISTERS

Effective upon publication in the FEDERAL REGISTER, § 20.4 (d) (1) is amended to read as follows:

§ 20.4 *Order of selection.* * * *

(d) *Retention Register—(1) Compilation.* When two or more competing employees are in a competitive level which is to be affected by a reduction in force, the retention records of such employees shall be brought up to date and a retention register shall be compiled. All employees in positions in the particular competitive level, whether in duty, leave, or furlough status, excluding only those absent in the military service with reemployment rights, shall be entered on the register in the order of tenure groups and subgroups, and according to retention credits in any subgroup when there are two or more. One (1) retention credit shall be given for each full year of Federal Government service, and four (4) retention credits shall be given for an "outstanding" performance rating. Two (2) retention credits shall be given for a rating representing a level of performance between "Satisfactory" and "Outstanding" where the agency's performance rating plan provides for a fourth performance rating level. If any employees serving under temporary appointments specifically limited to one (1) year or less are assigned to positions in the competitive level, their names and the expiration dates of their appointments shall be entered below the space provided for employees in tenure groups on the register. Likewise, if there are any employees serving in positions in the competitive level under any kind of appointments, with current official performance ratings of "Unsatisfactory," their names shall be entered on the register below the names of temporary employees.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–4842; Filed, June 15, 1955; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP–1955, Supp. 8]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1955

EXCESS ACREAGE OF BASIC AGRICULTURAL COMMODITIES; EMERGENCY WIND EROSION CONTROL MEASURES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1955, and Public Law 42, 84th Congress, the 1955 National Agricultural Conservation Program, approved July 1, 1954 (19 F. R. 4138), as amended August 3, 1954 (19 F. R. 4953), September 15, 1954 (19 F. R. 6059), October 25, 1954 (19 F. R. 6910), March 1, 1955 (20 F. R. 1336), April 7, 1955 (20 F. R. 2414), April 26, 1955 (20 F. R. 2881), and May 16, 1955 (20 F. R. 3494), is further amended as follows:

1. Section 1101.643 is deleted in its entirety.

2. Section 1101.697 (a) is amended by inserting "Reno (limited to that part of Haven Township included in legal township 25, range 4, and legal township 25, range 5, and that part of Arlington and Loda Townships east of Kansas Highway 14 and all of Sumner, Ninnescah, Albion, Castleton, Troy, and Roscoe Townships)," after "Rawlins," in the counties designated for Kansas.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304, Pub. Law 42, 84th Cong.; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of June 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–4784; Filed, June 15, 1955; 8:45 a. m.]

[ACP–1955–P. R., Supp. 2]

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1955

EXCESS ACREAGE OF BASIC AGRICULTURAL COMMODITIES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1955, and Public Law 42, 84th Congress, the 1955 Agricultural Con-

servation Program for Puerto Rico, approved December 23, 1954 (19 F. R. 9259), as amended March 22, 1955 (20 F. R. 2080), is further amended as follows:

Section 1102.531 is deleted in its entirety.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304, Pub. Law 42, 84th Cong.; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of June 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–4786; Filed, June 15, 1955; 8:45 a. m.]

[ACP–1955–V. I., Supp. 1]

PART 1103—AGRICULTURAL CONSERVATION; VIRGIN ISLANDS SUBPART—1955

EXCESS ACREAGE OF BASIC AGRICULTURAL COMMODITIES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1955, and Public Law 42, 84th Congress, the 1955 Agricultural Conservation Program for the Virgin Islands, approved January 24, 1955 (20 F. R. 602), is amended as follows:

Section 1103.430 is deleted in its entirety.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304. Pub. Law 42, 84th Cong.; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of June 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–4787; Filed, June 15, 1955; 8:45 a. m.]

[ACP–1955–Alaska, Supp. 2]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1955

ALLOCATION OF FUNDS; EXCESS ACREAGE OF BASIC AGRICULTURAL COMMODITIES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1955, and Public Law 42, 84th Congress, the 1955 Agricultural Conservation Program for Alaska, approved August 3, 1954 (19 F. R. 4954), as amended October 25, 1954 (19 F. R. 6910), is further amended as follows:

1. A new § 1104.403 is added as follows:

§ 1104.403 *Allocation of funds.* The amount of funds available for conservation practices under this program is $27,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1104.427.

2. Section 1104.441 is deleted in its entirety.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, 68 Stat. 304, Pub. Law 42, 84th Cong.; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 10th day of June 1955.

E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55–4785; Filed, June 15, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5888]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

STANDARD SEWING EQUIPMENT CORP. ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1325 *Source or origin:* Maker or seller, etc.; place: *Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1860 *Imported product or parts as domestic.* Subpart—*Passing off:* § 13.2105 *Passing off.* Subpart—*Simulating competitor or another or product thereof:* § 13.2245 *Trade name of competitor's or other's product.* Subpart—*Using misleading name*—goods: § 13.2345 *Source or origin:* Maker; place: *Foreign product or parts as domestic.* In connection with the offering for sale, sale, or distribution of sewing machine heads or sewing machines in commerce, and on the part of respondent, Standard Sewing Equipment Corp., and William J. Hackett and Harry Kron, individually and as officers thereof, directly or through any corporate or other device: (1) Offering for sale, selling or distributing foreign-made sewing machine heads or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such manner that it cannot readily be hidden or obliterated; and (2) using the word "Universal", or any simulation thereof, as a brand or trade name to designate, describe or refer to their sewing machine heads or sewing machines of which the heads are a part, unless there appears in connection therewith, in legible and clearly visible marking, the name of the corporate respondent "Standard Sewing Equipment Corporation"; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Standard Sewing Equipment Corporation et al., New York, N. Y., Docket 5888, May 2, 1955]

In the Matter of Standard Sewing Equipment Corporation, a Corporation, and William J. Hackett and Harry Kron, Individually and as Officers of Said Corporation

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which charged respondents with unfair methods of competition and unfair and deceptive acts and practices in commerce, in violation of the provisions of the Federal Trade Commission Act, respondents' answer, and hearings at which testimony and other evidence, duly recorded in the office of the Commission, in support of and in opposition to the allegations of said complaint, were introduced before said hearing examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said hearing examiner on the complaint, the answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel; and said hearing examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusions drawn therefrom, and order, including order to cease and desist and order of dismissal as to any issues raised by the complaint other than those to which said order to cease and desist related.

Thereafter, following respondents' appeal from said initial decision, and the opinion and decision of the Commission in which said appeal was granted in part and denied in part, the matter was disposed of by the Commission's "Final Order", dated May 2, 1955, as follows:

Respondents, Standard Sewing Equipment Corporation, a corporation, and William J. Hackett and Harry Kron, individually and as officers of said corporation, having filed on April 12, 1954, their appeal from the initial decision of the hearing examiner in this proceeding; and the matter having been heard by the Commission on briefs and oral argument; and the Commission having rendered its decision granting in part and denying in part said appeal:

It is ordered, That the order contained in the aforesaid initial decision, be, and it hereby is, modified to read as follows:

It is ordered, That the respondents, Standard Sewing Equipment Corporation, a corporation, and William J. Hackett and Harry Kron, individually and as officers of said corporation, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign-made sewing machine heads or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such manner that it cannot readily be hidden or obliterated.

2. Using the word "Universal," or any simulation thereof, as a brand or trade name to designate, describe or refer to their sewing machine heads or sewing machines of which the heads are a part, unless there appears in connection therewith, in legible and clearly visible marking, the name of the corporate respondent "Standard Sewing Equipment Corporation."

It is further ordered, That with respect to any issue raised by the complaint other than those to which this order relates, the complaint be, and the same hereby is, dismissed.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the above provisions.

It is further ordered, That the initial decision of the hearing examiner, as modified herein, be, and it hereby is, affirmed.

Issued: May 2, 1955.

By the Commission.[1]

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55–4836; Filed, June 15, 1955; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte 179]

PART 91—LOCOMOTIVE INSPECTION

INSPECTION AND TESTING OF MULTIPLE UNIT EQUIPMENT; MODIFICATION OF EFFECTIVE DATE

Upon consideration of the record in the above-entitled proceeding, and for good cause appearing:

It is ordered, That the orders of May 18, 1954, August 9, 1954, and November 30, 1954, be, and they are hereby, modified by further postponing the effective date of the rules and instructions for the inspection and testing of electrically operated units designed to carry freight and/or passengers, operated by a single set of controls, from July 1, 1955, to September 1, 1955, and by substituting September 1, 1955, for September 1, 1954, wherever it appears in the said order of May 18, 1954, as amended, without change otherwise; and

It is further ordered, That notice of this order shall be given to the general public by posting a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Sec. 5, 36 Stat. 914, as amended; 45 U. S. C. 28)

Dated at Washington, D. C., this 6th day of June A. D. 1955.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55–4808; Filed, June 15, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 509]

GENERAL REGULATIONS UNDER THE INCOME TAX CONVENTION BETWEEN THE UNITED STATES AND THE SWISS CONFEDERATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805) and Article XIX of the income tax convention between the United States and the Swiss Confederation, proclaimed by the President of the United States on October 1, 1951.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

General regulations under the income tax convention between the United States and the Swiss Confederation, proclaimed by the President of the United States on October 1, 1951, subject to the protocol of exchange signed on September 27, 1951.

[1] Chairman Howrey concurring in the result and Commissioners Mason and Gwynne dissenting.

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509.101 Introductory.
509.102 Applicable provisions of law.
509.103 Scope of the convention.
509.104 Definitions.
509.105 Scope of the convention with respect to determination of "industrial and commercial profits."
509.106 Control of a United States enterprise by a Swiss enterprise.
509.107 Income from operation of ships or aircraft.
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509.117 Dividends and interest paid by a foreign corporation.
509.118 Credit against United States tax for Swiss tax.
509.119 Exchange of information.
509.120 Double taxation claims.
509.121 Beneficiaries of an estate or trust.

§ 509.101 *Introductory.* The income tax convention between the United States and the Swiss Confederation, signed May 24, 1951, and proclaimed by the President of the United States on October 1, 1951, subject to the understanding expressed in the protocol of exchange, hereinafter referred to as the convention, provides as follows, effective for taxable years beginning on or after January 1, 1951:

ARTICLE I

(1) The taxes referred to in this Convention are:

(a) In the case of the United States of America: The Federal income taxes, including surtaxes and excess profits taxes.

(b) In the case of The Swiss Confederation: The federal, cantonal and communal taxes on income (total income, earned income, income from property, industrial and commercial profits, etc.).

(2) The present Convention shall also apply to any other income or profits tax of a substantially similar character imposed by either contracting State subsequently to the date of signature of the present Convention.

ARTICLE II

(1) As used in this Convention:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) The term "Switzerland" means The Swiss Confederation.

(c) The term "permanent establishment" means a branch, office, factory, workshop, warehouse or other fixed place of business, but does not include the casual and temporary use of merely storage facilities, nor does it include an agency unless the agent has and habitually exercises a general authority to negotiate and conclude contracts on behalf of an enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other State merely because it carries on business dealings in such other State through a commission agent, broker or custodian or other independent agent acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting States maintains in the other State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one contracting State has a subsidiary corporation which is a corporation of the other State or which is engaged in trade or business in the other State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation. The maintenance within the territory of one of the contracting States by an enterprise of the other contracting State of a warehouse for convenience of delivery and not for purposes of display shall not of itself constitute a permanent establishment within that territory even though

offers of purchase have been obtained by an agent of the enterprise in that territory and transmitted by him to the enterprise for acceptance.

(d) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Swiss enterprise".

(e) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on in the United States by a resident (including an individual, fiduciary and partnership) of the United States or by a United States corporation or other entity; the term "United States corporation or other entity" means a corporation or other entity created or organized under the law of the United States or of any State or Territory of the United States.

(f) The term "Swiss enterprise" means an industrial or commercial enterprise or undertaking carried on in Switzerland by an individual resident in Switzerland or by a Swiss corporation or other entity; the term "Swiss corporation or other entity" means a corporation or institution or foundation having juridical personality, or a partnership (association "en nom collectif" or "en commandite"), or other association without juridical personality, created or organized under Swiss laws.

(g) The term "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue as authorized by the Secretary of the Treasury; and in the case of Switzerland, the Director of the Federal Tax Administration as authorized by the Federal Department of Finances and Customs.

(h) The term "industrial or commercial profits" includes manufacturing, mercantile, mining, financial and insurance profits, but does not include income in the form of dividends, interest, rents or royalties, or remuneration for personal services: Provided, however, that such excepted items of income shall, subject to the provisions of this Convention, be taxed separately or together with industrial or commercial profits in accordance with the laws of the contracting States.

(2) In the application of the provisions of the present Convention by one of the contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under its own tax laws.

ARTICLE III

(1) (a) A Swiss enterprise shall not be subject to taxation by the United States in respect of its industrial and commercial profits unless it is engaged in trade or business in the United States through a permanent establishment situated therein. If it is so engaged the United States may impose its tax upon the entire income of such enterprise from sources within the United States.

(b) A United States enterprise shall not be subject to taxation by Switzerland in respect of its industrial and commercial profits except as to such profits allocable to its permanent establishment situated in Switzerland.

(2) No account shall be taken in determining the tax in one of the contracting States of the mere purchase of merchandise therein by an enterprise of the other State.

(3) Where an enterprise of one of the contracting States is engaged in trade or business in the territory of the other contracting State through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

(4) In the determination of the industrial or commercial profits of the permanent establishment there shall be allowed as deductions all expenses which are reasonably applicable to the permanent establishment, including executive and general administrative expenses so applicable.

(5) The competent authorities of the two contracting States may lay down rules by agreement for the apportionment of industrial and commercial profits.

ARTICLE IV

Where an enterprise of one of the contracting States, by reason of its participation in the management or the financial structure of an enterprise of the other contracting State, makes with or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which would normally have accrued to one of the enterprises, but by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

Income which an enterprise of one of the contracting States derives from the operation of ships or aircraft registered in that State shall be taxable only in the State in which such ships or aircraft are registered.

ARTICLE VI

(1) The rate of tax imposed by one of the contracting States upon dividends derived from sources within such State by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall not exceed 15 percent: Provided, however, that this paragraph shall have no application to Swiss tax in the case of dividends derived from Switzerland by a Swiss citizen (who is not also a citizen of the United States) resident in the United States.

(2) It is agreed, however, that such rate of tax shall not exceed five percent if the shareholder is a corporation controlling, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and if not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends received from its own subsidiary corporations. Such reduction of the rate to five percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

(3) Switzerland may collect its tax without regard to paragraphs (1) and (2) of this Article but will make refund of the tax so collected in excess of the tax computed at the reduced rates provided in such paragraphs.

ARTICLE VII

(1) The rate of tax imposed by one of the contracting States on interest on bonds, securities, notes, debentures or on any other form of indebtedness (including mortgages or bonds secured by real property) derived from sources within such contracting State by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall not exceed five percent: Provided, however, that this paragraph shall have no application to Swiss tax in the case of interest derived from Switzerland by a Swiss citizen (who is not also a citizen of the United States) resident in the United States.

(2) Switzerland may collect its tax without regard to paragraph (1) of this Article but will make refund of the tax so collected in excess of the tax computed at the reduced rate provided in such paragraph.

ARTICLE VIII

Royalties and other amounts derived, as consideration for the right to use copyrights, artistic and scientific works, patents, designs, plans, secret processes and formulae, trademarks, and other like property and rights (including rentals and like payments in respect to motion picture films or for the use of industrial, commercial or scientific equipment), from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from taxation in such former State.

ARTICLE IX

(1) Income from real property (including gains derived from the sale or exchange of such property but not including interest from mortgages or bonds secured by real property) and royalties in respect of the operation of mines, quarries, or other natural resources, shall be taxable only in the contracting State in which such property, mines, quarries, or other natural resources are situated.

(2) A resident or corporation or other entity of one of the contracting States deriving any such income from such property within the other contracting State may, for any taxable year, elect to be subject to the tax of such other contracting State, on a net basis, as if such resident or corporation or entity were engaged in trade or business within such other contracting State through a permanent establishment therein during such taxable year.

ARTICLE X

(1) An individual resident of Switzerland shall be exempt from United States tax upon compensation for labor or personal services performed in the United States (including the practice of the liberal professions and rendition of services as director) if he is temporarily present in the United States for a period or periods not exceeding a total of 183 days during the taxable year and either of the following conditions is met:

(a) His compensation is received for such labor or personal services performed as an employee of, or under contract with, a resident or corporation or other entity of Switzerland, or

(b) His compensation received for such labor or personal services does not exceed $10,000.

(2) The provisions of paragraph (1) of this Article shall apply *mutatis mutandis*, to an individual resident of the United States with respect to compensation for such labor or personal services performed in Switzerland.

(3) The provisions of this Article shall have no application to the income to which Article XI (1) relates.

(4) The provisions of paragraph (1) (a) of this Article shall not apply to the compensation, profits, emoluments or other remuneration of public entertainers such as stage, motion picture or radio artists, musicians and athletes.

ARTICLE XI

(1) (a) Wages, salaries and similar compensation, and pensions paid by the United States or by the political subdivisions or territories thereof to an individual (other than a Swiss citizen who is not also a citizen of the United States) shall be exempt from Swiss tax.

(b) Wages, salaries and similar compensation and pensions paid by Switzerland or by any agency or instrumentality thereof or by any political subdivisions or other public authorities thereof to an individual (other than a United States citizen who is not also a citizen of Switzerland) shall be exempt from United States tax.

(2) Private pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

(3) The term "pensions", as used in this Article, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "life annuities" as used in this Article, means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XII

A professor or teacher, a resident of one of the contracting States, who temporarily visits the other contracting State for the purpose of teaching for a period not exceeding two years at a university, college, school or other educational institution in the other contracting State, shall be exempted in such other contracting State from tax on his remuneration for such teaching for such period.

ARTICLE XIII

A student or apprentice, a resident of one of the contracting States, who temporarily visits the other contracting State exclusively for the purposes of study or for acquiring business or technical experience shall not be taxable in the latter State in respect of remittances received by him from abroad for the purposes of his maintenance or studies.

ARTICLE XIV

(1) Dividends and interest paid by a corporation other than a United States domestic corporation shall be exempt from United States tax where the recipient is a nonresident alien as to the United States resident in Switzerland or a Swiss corporation, not having a permanent establishment in the United States.

(2) Dividends and interest paid by a corporation other than a Swiss corporation shall be exempt from Swiss tax where the recipient is a resident or corporation of the United States, not having a permanent establishment in Switzerland.

ARTICLE XV

(1) It is agreed that double taxation shall be avoided in the following manner:

(a) The United States in determining its taxes specified in Article I of this Convention in the case of its citizens, residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States as if this Convention had not come into effect. The United States shall, however, subject to the provisions of section 131, Internal Revenue Code, as in effect on the date of the entry into force of this Convention, deduct from its taxes the amount of Swiss taxes specified in Article I of this Convention. It is agreed that by virtue of the provisions of subparagraph (b) of this paragraph, Switzerland satisfies the similar credit requirement set forth in section 131 (a) (3), Internal Revenue Code.

(b) Switzerland, in determining its taxes specified in Article I of this Convention in the case of its residents, corporations or other entities, shall exclude from the basis upon which such taxes are imposed such items of income as are dealt with in this Convention, derived from the United States and not exempt from, and not entitled to the reduced rate of, United States tax under this Convention; but in the case of a citizen of the United States resident in Switzerland there shall be excluded all items of income derived from the United States. Switzerland, however, reserves the right to take into account in the determination of the rate of its taxes also the income excluded as provided in this paragraph.

(2) The provisions of this Article shall not be construed to deny the exemptions from United States tax or Swiss tax, as the case may be, granted by Article XI (1) of this Convention.

ARTICLE XVI

(1) The competent authorities of the contracting States shall exchange such information (being information available under the respective taxation laws of the contracting States) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the like in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose any trade, business, industrial or professional secret or any trade process.

(2) Each of the contracting States may collect such taxes imposed by the other contracting State as though such taxes were the taxes of the former State as will ensure that the exemption or reduced rate of tax granted under Articles VI, VII, VIII and XI (2) of the present Convention by such other State shall not be enjoyed by persons not entitled to such benefits.

(3) In no case shall the provisions of this Article be construed so as to impose upon either of the contracting States the obligation to carry out administrative measures at variance with the regulations and practice of either contracting State or which would be contrary to its sovereignty, security or public policy or to supply particulars which are not procurable under its own legislation or that of the State making application.

ARTICLE XVII

(1) Where a taxpayer shows proof that the action of the tax authorities of the contracting States has resulted, or will result, in double taxation contrary to the provisions of the present Convention, he shall be entitled to present the facts to the State of which he is a citizen or a resident, or, if the taxpayer is a corporation or other entity, to the State in which it is created or organized. Should the taxpayer's claim be deemed worthy of consideration, the competent authority of such State shall undertake to come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation in question.

(2) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement.

ARTICLE XVIII

(1) The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular offices to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

(2) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

(3) The citizens of one of the contracting States shall not, while resident in the other contracting State, be subjected therein to other or more burdensome taxes than are the citizens of such other contracting State residing in its territory. The term "citizens" as used in this Article includes all legal persons, partnerships and associations created or organized under the laws in force in the respective contracting States. In this Article the word "taxes" means taxes of every kind or description, whether Federal, State, cantonal, municipal or communal.

ARTICLE XIX

(1) The competent authorities of the two contracting States may prescribe regulations necessary to carry into effect the present Convention within the respective States.

(2) The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XX

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Berne as soon as possible. It shall have effect for the taxable years beginning on or after the first day of January of the year in which such exchange takes place: Provided, however, that if such exchange takes place on or after October 1 of such year, Article VI (except paragraph (2) thereof) and Article VII of the Convention shall have effect only for taxable years beginning on or after the first day of January of the year immediately following the year in which such exchange takes place.

(2) The present Convention shall continue effective for a period of five years beginning with the calendar year in which the exchange of the instruments of ratification takes place and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given and, in such event, the present Convention shall cease to be effective for the taxable years beginning on or after the first day of January next following the expiration of the six-month period.

Done at Washington, in duplicate, in the English and German languages, the two texts having equal authenticity, this 24th day of May, 1951.

For the President of the United States of America:

[SEAL] DEAN ACHESON.

For the Swiss Federal Council:

[SEAL] CHARLES BRUGGMANN.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES DATED OCTOBER 1, 1951

* * * * * *

And whereas the Senate of the United States of America, by their resolution of September 17, 1951, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid convention, subject to a reservation, as follows:

"The Government of the United States of America does not accept paragraph (4) of Article X of the Convention, relating to the profits or remuneration of public entertainers."

And whereas the text of the aforesaid reservation was communicated by the Government of the United States of America to the Government of the Swiss Confederation and the aforesaid reservation was accepted by the Government of the Swiss Confederation;

And whereas the aforesaid convention was duly ratified by the President of the United States of America on September 20, 1951, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid reservation, and the aforesaid convention was duly ratified on the part of the Swiss Confederation;

And whereas the respective instruments of ratification of the aforesaid convention were duly exchanged at Bern on September 27, 1951, and a protocol of exchange of

instruments of ratification, in the English and French languages, was signed at that place and on that date by the respective Plenipotentiaries of the United States of America and the Swiss Confederation, the said protocol containing a statement that it is understood by the two Governments that the convention aforesaid, upon entry into force in accordance with its provisions, is modified in accordance with the aforesaid reservation, so that, in effect, paragraph (4) of Article X of the convention is deemed to be deleted;

And whereas, so far as appertains to an exchange of instruments of ratification prior to October 1 of any year, it is provided in Article XX of the aforesaid convention that upon the exchange of instruments of ratification the convention shall have effect for the taxable years beginning or [sic] or after the first day of January of the year in which such exchange takes place;

Now, therefore, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid convention to the end that the said convention and each and every article and clause thereof, subject to the aforesaid reservation, may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

* * * * *

§ 509.102 *Applicable provisions of law*—(a) *General.* The Internal Revenue Code of 1954 provides in part as follows:

SUBTITLE A—INCOME TAXES

* * * * *

SEC. 894. *Income exempt under treaty.* Income of any kind, to the extent required by any treaty obligation of the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.

* * * * *

SUBTITLE F—PROCEDURE AND ADMINISTRATION

* * * * *

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

* * * * *

(b) *Internal Revenue Code of 1939.* Any reference in this part to any provision of the Internal Revenue Code of 1954 shall, where applicable, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1939.

(c) *Effective date of regulations.* Pursuant to sections 894 and 7805 of the Internal Revenue Code of 1954, Article XIX of the convention, and other provisions of the internal revenue laws, this part is hereby prescribed effective for taxable years beginning on or after January 1, 1951. All regulations inconsistent herewith are modified accordingly.

§ 509.103 *Scope of the convention*—(a) *Purposes of convention.* The primary purposes of the convention, to be accomplished on a reciprocal basis, are to avoid double taxation upon certain items of income derived from sources in one country by residents or corporations or other entities of the other country and to provide for administrative cooperation between the competent tax authorities of the two countries looking to the avoidance of double taxation and the prevention of fiscal evasion.

(b) *Exemption from United States tax.* The following items of income from sources within the United States are exempt from United States tax for taxable years beginning on or after January 1, 1951, subject to the respective articles of the convention:

(1) Industrial and commercial profits of a Swiss enterprise having no permanent establishment in the United States (Article III);

(2) Income derived by a Swiss enterprise from the operation of ships or aircraft registered in Switzerland (Article V);

(3) Patent and copyright royalties, and other like amounts, including motion picture film rentals, derived by a nonresident alien who is a resident of Switzerland, or by a Swiss corporation or other entity, if such alien, corporation, or other entity has no permanent establishment in the United States (Article VIII);

(4) Compensation, subject to certain limitations, for personal services performed in the United States by a nonresident alien individual who is a resident of Switzerland (Article X);

(5) Compensation and pensions paid by Switzerland to an alien individual, and to a citizen of Switzerland who is also a citizen of the United States, including such items as are from sources without the United States (Article XI);

(6) Private pensions and life annuities paid to a nonresident alien individual who is a resident of Switzerland (Article XI);

(7) Remuneration derived from certain teaching in the United States by a professor or teacher who is a nonresident alien residing in Switzerland (Article XII); and

(8) Dividends and interest paid by a foreign corporation to a nonresident alien who is a resident of Switzerland, or to a Swiss corporation, if such alien or corporation has no permanent establishment in the United States (Article XIV).

(c) *Students or apprentices.* Remittances received from abroad for the purpose of maintenance or studies by a student or apprentice, a nonresident alien residing in Switzerland, who is temporarily present in the United States under specified circumstances are also exempt from United States tax (Article XIII).

(d) *Reduced rates of United States tax.* Dividends and interest derived from sources within the United States by a nonresident alien who is a resident of Switzerland, or by a Swiss corporation or other entity, are subject to United States tax at reduced rates, if such alien, corporation, or other entity has no permanent establishment in the United States (Articles VI and VII).

(e) *Withholding regulations.* For regulations pertaining to the release of excess tax withheld, and to exemption from, or reduction in the rate of, withholding of United States tax at source, in the case of dividends, interest, patent and copyright royalties, film rentals, private pensions, and life annuities, received from sources within the United States by a nonresident alien who is a resident of Switzerland, or by a Swiss corporation or other entity, see 26 CFR (1939) 7.300 through 7.309 (Treasury Decision 5867, approved November 21, 1951).

(f) *Other provisions.* Except as otherwise expressly provided by the convention, the United States tax liability of a nonresident alien who is a resident of Switzerland, or of a Swiss corporation or other entity, is determined in accordance with the provisions of the Internal Revenue Code of 1954 relating to nonresident alien individuals and foreign corporations.

(g) *Foreign tax credit.* Any citizen of Switzerland who is a resident of the United States is liable to United States tax as though the convention had not come into effect; however, such alien resident of the United States is entitled, in accordance with Article XV and subject to section 901 of the Internal Revenue Code of 1954, to a credit against the United States tax for the Swiss tax, if any, and is also entitled to the benefits of Article XV (2) and Article XVIII. Moreover, a citizen of the United States, even though resident in Switzerland, or a domestic corporation, even though engaged in trade or business in Switzerland through a permanent establishment situated therein, is liable to United States tax as though the convention had not come into effect but is likewise entitled, subject to section 901 of the Code, to a credit against the United States tax for the Swiss tax.

(h) *Swiss partnerships*—(1) *General.* Whether an individual, corporation, or other entity, a member of a partnership created or organized under Swiss laws, is subject to United States tax upon such person's distributive share of the income of such partnership depends upon both the status of the partnership and the status of such member.

(2) *Citizen partner.* A citizen or resident of the United States, or a domestic corporation, is subject to United States tax upon such person's distributive share of the income of such partnership as though the convention had not come into effect (but subject to the provisions of § 509.118) even though other members, by reason of benefits granted by the convention, are not subject to United States tax upon their distributive share of such income.

(3) *Noncitizen partner.* In any case in which income is derived from sources within the United States by a partnership created or organized under Swiss laws, any member of such partnership who has a permanent establishment in the United States or who is either a nonresident alien not a resident of Switzerland or is a foreign corporation which is not Swiss is not entitled, with respect to such member's distributive share of such income, to any benefit granted by the convention solely to nonresident aliens residing in Switzerland, or to Swiss corporations or other entities, having no permanent establishment in the United States. Conversely, any member of such partnership who individually complies with the requirements for obtaining any such benefit will be entitled thereto with respect to such member's distributive share of such income. A member of a Swiss partnership which has a permanent establishment in the United States shall likewise be considered to have a permanent establishment in the United States.

§ 509.104 *Definitions*—(a) *General.* Any term defined in the convention or this part shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

(b) *Specific terms.* As used in this part:

(1) *United States tax.* The term "United States tax" means the Federal income taxes, including surtaxes and excess profits taxes, and any other income or profits tax of a substantially similar character imposed by the United States after May 24, 1951.

(2) *Swiss tax.* The term "Swiss tax" means the federal, cantonal, and communal taxes on income—that is, on total income, earned income, income from property, industrial and commercial profits, etc.—and any other income or profits tax of a substantially similar character imposed by Switzerland after May 24, 1951.

(3) *United States.* The term "United States" means the United States of America; and, when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(4) *Switzerland.* The term "Switzerland" means the Swiss Confederation.

(5) *Permanent establishment*—(i) *Fixed place of business.* The term "permanent establishment" means an office, factory, workshop, warehouse, branch, or other fixed place of business, but does not include the casual and temporary use of merely storage facilities. It implies the active conduct of a business enterprise. The mere ownership, for example, of timberlands or a warehouse in the United States by a Swiss enterprise does not mean that such enterprise, in the absence of any business activity therein, has a permanent establishment in the United States. Moreover, the maintenance within the United States by a Swiss enterprise of a warehouse for convenience of delivery, and not for purposes of display, does not of itself constitute a permanent establishment in the United States, even though offers of purchase have been obtained by an agent therein of the Swiss enterprise and transmitted by him to the Swiss enterprise for acceptance. The fact that a Swiss enterprise maintains in the United States an office or other fixed place of business used exclusively for the purchase for such enterprise of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise.

(ii) *Subsidiary corporation.* The fact that a Swiss corporation has a domestic subsidiary corporation, or a foreign subsidiary corporation which is engaged in trade or business in the United States through a permanent establishment situated therein, does not of itself constitute either subsidiary corporation the United States permanent establishment of the Swiss parent corporation.

(iii) *Agency.* A Swiss enterprise which has an agency in the United States does not thereby have a permanent establishment in the United States, unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or unless he has a stock of merchandise from which he regularly fills orders on its behalf. If the enterprise has an agent in the United States who has power to contract on its behalf, but only at fixed prices and under conditions determined by such principal, it does not thereby necessarily have a permanent establishment in the United States. The mere fact that an agent of a Swiss enterprise—assuming he has no general authority to negotiate and conclude contracts on behalf of his principal—maintains samples, or occasionally fills orders from incidental stocks of goods maintained, in the United States does not of itself mean that such enterprise has a permanent establishment in the United States. The mere fact that salesmen, employees of a Swiss enterprise, promote the sale of their employer's products in the United States or that a Swiss enterprise transacts business in the United States by means of mail order activities does not mean that such enterprise has a permanent establishment in the United States. A Swiss enterprise shall not be deemed to have a permanent establishment in the United States merely because it carries on business dealings in the United States through a commission agent, broker, custodian, or other independent agent, acting in the ordinary course of his business as such.

(6) *Enterprise.* The term "enterprise" means any commercial or industrial undertaking carried on by any person, for example, by an individual, partnership, or corporation. It includes such activities as manufacturing, merchandising, mining, processing, banking, and insuring. It does not include the rendition of personal services. Hence, a nonresident alien individual who is a resident of Switzerland and who performs personal services is not, merely by reason of such services, engaged in a Swiss enterprise within the meaning of the convention; consequently, his liability to United States tax is not determined under Article III of the convention, if he has not otherwise carried on a Swiss enterprise.

(7) *Swiss enterprise.* The term "Swiss enterprise" means an enterprise carried on in Switzerland by a nonresident alien individual who is a resident of Switzerland, or by a Swiss corporation or other entity. Thus, an enterprise carried on wholly outside Switzerland by a Swiss corporation is not a Swiss enterprise within the meaning of the convention.

(8) *Swiss corporation or other entity.* The term "Swiss corporation or other entity" means a corporation or institution or foundation having juridical personality, or a partnership (association "en nom collectif" or "en commandite"), or other association without juridical personality, created or organized under Swiss laws.

(9) *United States enterprise.* The term "United States enterprise" means an enterprise carried on in the United States by a resident of the United States (including an individual, fiduciary, and partnership) or by a United States corporation or other entity.

(10) *United States corporation or other entity.* The term "United States corporation or other entity" means a corporation or other entity created or organized under the law of the United States or of any State or Territory of the United States.

(11) *Industrial and commercial profits.* The term "industrial and commercial profits" means profits arising from industrial, commercial, mercantile, manufacturing, and like activities of a Swiss enterprise, including mining, financial, and insurance profits. It does not include income in the form of dividends, interest, rents, royalties, or remuneration for personal services. In determining the industrial and commercial profits from sources within the United States of a Swiss enterprise, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the United States by such enterprise. Moreover, in determining such profits of the United States permanent establishment of such enterprise, there shall be allowed as deductions all expenses which are reasonably applicable to the permanent establishment, including executive and general administrative expenses so applicable. See sections 861 through 864, Internal Revenue Code of 1954, and the regulations thereunder.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue or his authorized representative.

(13) *Director of the Federal Tax Administration.* The term "Director of the Federal Tax Administration" means the Director of the Federal Tax Administration (Direktor der eidgenoessischen Steuerverwaltung) of Switzerland.

§ 509.105 *Scope of the convention with respect to determination of "industrial and commercial profits"*—(a) *General.* (1) Article III of the convention adopts the principle that an enterprise of one of the contracting States shall not be taxable by the other contracting State upon its industrial and commercial profits unless it is engaged in trade or business in the latter State through a permanent establishment situated therein. Accordingly, a Swiss enterprise is subject to United States tax upon its industrial and commercial profits, to the extent of such profits from sources within the United States, only if it is engaged in trade or business in the United States at some time during the

taxable year through a permanent establishment situated therein.

(2) From the standpoint of the United States tax the article has application only to a Swiss enterprise and its industrial and commercial profits from sources within the United States. Thus, a nonresident alien individual who is a citizen of Switzerland, or a Swiss corporation or other entity, carrying on an enterprise which is not Swiss, is subject to tax on such income of such enterprise pursuant to section 871 (c) or section 882 (a), Internal Revenue Code of 1954, if such alien, corporation, or other entity has engaged in trade or business in the United States at any time during the taxable year, even though not to the extent of having a permanent establishment therein at any time within such year.

(b) *No United States permanent establishment.* A Swiss enterprise is not subject to United States tax upon its industrial and commercial profits from sources within the United States, nor shall such profits be included in gross income, if it has not at any time during the taxable year engaged in trade or business in the United States through a permanent establishment situated therein. For example, if during the taxable year an enterprise carried on in Switzerland by a nonresident alien individual who is a resident of Switzerland, or by a Swiss corporation, were to sell merchandise, such as watches, dairy products, or liqueurs, in the United States through a commission agent or broker in the United States acting in the ordinary course of his business as such agent or broker, the profits arising from such sale would not be included in gross income and would be exempt from United States tax under Article III of the convention. Similarly, if during the taxable year such enterprise were to secure orders in the United States for such merchandise through its sales agents whose sole function in the United States is sales promotion, the orders being transmitted to Switzerland for acceptance, then the profits arising from such sales would not be included in gross income and would be exempt from United States tax.

(c) *United States permanent establishment*—(1) *General.* A Swiss enterprise is subject to United States tax upon its industrial and commercial profits from sources within the United States to the same extent as are nonresident aliens or foreign corporations which are subject to tax pursuant to section 871 (c) or section 882 (a), Internal Revenue Code of 1954, if such enterprise has at any time during the taxable year engaged in trade or business in the United States through a permanent establishment situated therein. If it is so engaged, it is subject to United States tax upon its entire income from sources within the United States except to the extent otherwise exempt from United States tax.

(2) *Allocation of profits.* In the determination of the income taxable to such enterprise for purposes of the United States tax, all industrial and commercial profits from sources within the United States shall be deemed to be allocable to the permanent establishment in the United States. Hence, if a Swiss enterprise which has a permanent establishment in the United States at some time during the taxable year were to sell in the United States, through a commission agent therein acting in the ordinary course of his business as such, merchandise which has been produced in Switzerland, the profits arising from such sale would be allocable to the permanent establishment to the extent they are derived from sources within the United States, even though the sale is made independently of the permanent establishment.

(3) *Independent basis.* The industrial and commercial profits of the permanent establishment in the United States shall be determined as if the establishment were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealat arm's length, or on an independent basis, with the enterprise of which it is a permanent establishment.

§ 509.106 *Control of a United States enterprise by a Swiss enterprise.* In effect, Article IV of the convention provides that, if a Swiss enterprise by reason of its control of a United States enterprise imposes on the latter enterprise conditions different from those which would result from normal business relations between independent enterprises, the accounts between the enterprises shall be adjusted in order to ascertain the true taxable income of each enterprise. The purpose is to place the controlled United States enterprise on a tax parity with an uncontrolled United States enterprise by determining, according to the standard of an uncontrolled enterprise, the true taxable income from the property and business of the controlled enterprise. The basic objective of the article is that, if the accounting records do not truly reflect the taxable income from the property and business of the United States enterprise, the Commissioner shall intervene and, by making such distributions, apportionments, or allocations as he may deem necessary of gross income, deductions, credits, or allowances, or of any item or element affecting taxable income, between the United States enterprise and the Swiss enterprise by which it is controlled or directed, shall determine the true taxable income of the United States enterprise. The provisions of section 482 of the Internal Revenue Code of 1954, and the regulations thereunder, shall, insofar as applicable, be followed in the determination of the taxable income of the United States enterprise.

§ 509.107 *Income from operation of ships or aircraft.* Under Article V of the convention so much of the income from sources within the United States of a Swiss enterprise as consists of earnings derived from the operation of ships or aircraft documented or registered in Switzerland shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year such enterprise has engaged in trade or business in the United States through a permanent establishment situated therein.

§ 509.108 *Dividends*—(a) *General.* (1) The rate of United States tax imposed by the Internal Revenue Code of 1954 upon dividends derived from sources within the United States by a nonresident alien individual who is a resident of Switzerland, or by a Swiss corporation or other entity, shall not exceed 15 percent under the provisions of Article VI of the convention, if such alien, corporation, or other entity at no time during the taxable year in which such dividends are derived has a permanent establishment in the United States.

(2) If, for example, a nonresident alien individual who is a resident of Switzerland performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the reduced rate of tax with respect to dividends derived in that year from United States sources, as provided in Article VI of the convention, even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having performed personal services therein.

(b) *Dividends paid by related corporation.* The rate of United States tax imposed by the Internal Revenue Code of 1954 upon dividends derived from sources within the United States by a Swiss corporation shall not exceed 5 percent under the provisions of Article VI (2) of the convention if:

(1) The Swiss corporation is a shareholder which controls, directly or indirectly, at the time the dividend is paid 95 percent or more of the entire voting power in the corporation paying the dividend;

(2) Not more than 25 percent of the gross income of the paying corporation for the three-year period immediately preceding the taxable year in which the dividend is paid consists of dividends and interest (other than dividends and interest received by such paying corporation from its own subsidiary corporations, if any);

(3) The relationship between the paying corporation and the Swiss corporation has not been arranged or maintained primarily with the intention of securing the reduced rate of 5 percent; and

(4) The Swiss corporation at no time during the taxable year in which such dividends are derived has a permanent establishment in the United States.

§ 509.109 *Interest.* The rate of United States tax imposed by the Internal Revenue Code of 1954 upon interest on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States, obligations of instrumentalities of the United States, and mortgages and bonds secured by real property, which is derived from sources within the United States by a nonresident alien individual who is a resident of Switzerland, or by a Swiss corporation or other entity, shall not exceed 5 percent under the provisions of Article VII of the convention, if such alien, corporation, or other entity at no time during the taxable year in which such interest is derived has a permanent establishment in the United States.

§ 509.110 *Patent and copyright royalties and film rentals.* Royalties and other amounts representing consideration for the right to use copyrights, artistic and scientific works, patents, designs, plans, secret processes and formulae, trademarks, and other like property and rights, including rentals and like payments in respect to motion picture films or for the use of industrial, commercial, or scientific equipment, which are derived from sources within the United States by a nonresident alien individual who is a resident of Switzerland, or by a Swiss corporation or other entity, are exempt from United States tax under the provisions of Article VIII of the convention if such alien, corporation, or other entity at no time during the taxable year in which such items of income are derived has a permanent establishment in the United States.

§ 509.111 *Real property income and natural resource royalties*—(a) *General.* Income of whatever nature derived by a nonresident alien who is a resident of Switzerland, or by a Swiss corporation or other entity, from real property situated in the United States, including gains derived from the sale or exchange of such property, rentals from such property, and royalties in respect of the operation of mines, quarries, or other natural resources situated in the United States, is not exempt from United States tax by the convention. Such items of income are subject to taxation under the provisions of the Internal Revenue Code of 1954 generally applicable to the taxation of nonresident alien individuals and foreign corporations. See Article IX of the convention. Interest derived from mortgages and bonds secured by real property does not constitute income from real property for purposes of this section but is subject to the provisions applicable to interest generally. See § 509.109.

(b) *Net basis*—(1) *General.* Notwithstanding the provisions of paragraph (a) of this section, a nonresident alien who is a resident of Switzerland, or a Swiss corporation or other entity, who during the taxable year derives from sources within the United States any income from real property as described in such paragraph may elect for such taxable year to be subject to United States tax on a net basis as though such alien, corporation, or other entity were engaged in trade or business in the United States during such year through a permanent establishment situated therein.

(2) *Manner of electing.* Such nonresident alien (including an individual, fiduciary, and member of a partnership) shall signify his election to be subject to tax on such a basis by filing Form 1040B clearly marked at the top of the first page thereof as follows: "Return of Resident of Switzerland Electing to File on a Net Basis Pursuant to Article IX of Swiss Income Tax Convention". Such corporation shall signify its election to be subject to tax on such a basis by filing Form 1120 clearly marked at the top of the first page thereof as follows: "Return of Nonresident Swiss Corporation Electing to File on a Net Basis Pursuant to Article IX of Swiss Income Tax Convention". The election so signified shall be irrevocable for the taxable year for which such election is made. All income from sources within the United States, including gains from the sale or exchange of capital assets or of other property, shall be disclosed on the return so filed. See sections 871 and 882 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 509.112 *Compensation for labor or personal services*—(a) *Exemption from tax.* Under Article X of the convention compensation received by a nonresident alien individual who is a resident of Switzerland for labor or personal services, including the practice of the liberal professions and the rendition of services as a director, performed in the United States shall not be included in gross income and shall be exempt from United States tax in either of the following situations:

(1) *Swiss employer.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 183 days during a taxable year beginning on or after January 1, 1951, any compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1951) for such labor or personal services performed in the United States during such year as an employee of, or under contract with, a nonresident alien (including a nonresident alien individual and fiduciary) who is a resident of Switzerland, or a Swiss corporation or other entity, whether or not such alien, corporation, or other entity is engaged in trade or business within the United States, shall not be included in gross income and shall be exempt from United States tax.

(2) *Other employers.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 183 days during a taxable year beginning on or after January 1, 1951, any compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1951) for such labor or personal services performed in the United States during such year shall not be included in gross income and shall be exempt from United States tax if such compensation does not exceed $10,000 in the aggregate. Thus, if a nonresident alien individual who is a resident of Switzerland performs personal services in the United States during the taxable year as an employee of a domestic corporation for which he receives compensation of $15,000 in the aggregate, none of such compensation shall be exempt from United States tax even though such individual is present in the United States during such year for a period or periods not exceeding a total of 183 days, since the aggregate compensation received is in excess of $10,000.

(b) *Definitions.* For purposes of this section, the term "compensation for labor or personal services" shall include, but shall not be limited to, the compensation, profits, emoluments, or other remuneration of public entertainers, such as, stage, motion picture, television, or radio artists, musicians, and athletes. For the allocation or segregation as between sources within, and sources without, the United States in the case of compensation for labor or personal services, see sections 861 through 864, Internal Revenue Code of 1954, and the regulations thereunder.

§ 509.113 *Government wages, salaries, and pensions*—(a) *General.* Under Article XI of the convention any wage, salary, or similar compensation, or any pension, paid by Switzerland or any agency or instrumentality thereof, or by any political subdivisions or other public authorities of Switzerland, to any alien individual (whether or not a resident of the United States) or to any individual who occupies the dual status of a citizen of the United States and a citizen of Switzerland shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year such individual has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Definition.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received. Under Article XV (2) of the convention the exclusion from gross income, and exemption from United States tax, provided by this section shall not be denied despite the provisions of Article XV. See § 509.118.

(c) *Cross reference.* For the taxation generally of compensation of alien employees of foreign governments and the consequences of executing and filing the waiver provided for in section 247 (b) of the Immigration and Nationality Act, see section 893 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 509.114 *Private pensions and life annuities*—(a) *General.* Private pensions and life annuities derived from sources within the United States and paid to a nonresident alien individual who is a resident of Switzerland shall not be included in gross income and shall be exempt from United States tax, in accordance with Article XI of the convention, even though at some time during the taxable year such individual has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Definitions.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received; and the term "life annuities" means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

§ 509.115 *Visiting professors or teachers*—(a) *General.* Pursuant to Article XII of the convention, a professor or teacher, a nonresident alien who is a

resident of Switzerland, who temporarily visits the United States for the purpose of teaching for a period not exceeding two years at any university, college, school, or other educational institution situated within the United States shall, for a period not exceeding two years from the date of his initial arrival in the United States, be exempt from United States tax with respect to his remuneration earned in taxable years beginning on or after January 1, 1951, for such teaching during such period not in excess of two years.

(b) *More than two years.* The exemption granted by Article XII is applicable to remuneration earned during such part of the individual's visit as does not exceed two years from the date of arrival even though the total period of his presence in the United States may extend beyond two years, provided that during such entire period he may be considered to be temporarily visiting the United States.

(c) *Residence.* Such exemption shall not apply to the remuneration of an alien who is a resident of the United States or who is not a resident of Switzerland.

(d) *Nonresidence presumed.* An individual who otherwise qualifies for the exemption from United States tax granted by Article XII shall, for a period of not more than two years immediately succeeding the date of his arrival within the United States for the purpose of such teaching, be deemed to have the tax status of a nonresident alien in the absence of proof of his intention to remain indefinitely in the United States. See section 871 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 509.116 *Students or apprentices*—(a) *General.* Under Article XIII of the convention, a student or apprentice, a nonresident alien who is a resident of Switzerland, who temporarily visits the United States exclusively for the purposes of study or for acquiring business or technical experience shall not include in gross income, and shall be exempt from United States tax with respect to, amounts derived by him in taxable years beginning on or after January 1, 1951, and received during such years from without the United States as remittances for the purposes of his maintenance or studies.

(b) *Residence.* The exemption shall not apply to remittances received by an alien who is a resident of the United States or who is not a resident of Switzerland.

§ 509.117 *Dividends and interest paid by a foreign corporation*—(a) *General*—(1) *Dividends.* A dividend paid by a foreign corporation constitutes, in whole or in part, income from sources within the United States and is subject to tax by the United States when received by a nonresident alien individual or other foreign corporation, if 50 percent or more of the gross income of the paying corporation for the statutory period was derived from sources within the United States. See section 861 (a) (2) (B), section 872 (a), and section 882 (b), Internal Revenue Code of 1954; and the regulations thereunder.

(2) *Interest.* Interest on bonds, notes, and other interest-bearing obligations of resident foreign corporations constitutes, in its entirety, income from sources within the United States and is subject to tax by the United States when received by a nonresident alien individual or other foreign corporation, if 20 percent or more of the gross income of the paying corporation for the statutory period was derived from sources within the United States. See section 861 (a) (1) (B), section 872 (a), and section 882 (b), Internal Revenue Code of 1954; and the regulations thereunder.

(b) *Exemption from United States tax.* Notwithstanding the provisions of paragraph (a) of this section, Article XIV (1) of the convention provides that dividends and interest paid by any foreign corporation and derived by a nonresident alien who is a resident of Switzerland, or by a Swiss corporation, shall not be included in gross income and shall be exempt from United States tax if such alien or corporation at no time during the taxable year in which such items of income are derived has a permanent establishment in the United States. The exemption so provided shall apply even though the corporation paying the dividends or interest is a resident foreign corporation at the time of payment and without regard to the percentage of its gross income from sources within the United States.

§ 509.118 *Credit against United States tax for Swiss tax*—(a) *General*—(1) *Taxable as though no convention.* Notwithstanding any other provision of the convention the United States, in determining the United States tax of a citizen or resident of the United States, or of a domestic corporation, may, under Article XV (1) (a) of the convention, include in the basis upon which such tax is imposed all items of income taxable under the revenue laws of the United States, as though the convention had not come into effect. For example, despite the exemption from United States tax granted by Article VIII of the convention with respect to a copyright royalty derived from sources within the United States by a resident of Switzerland, such royalty shall be included in gross income and is subject to United States tax when so derived by a resident of Switzerland who is a citizen of the United States, even though such resident has no permanent establishment in the United States.

(2) *Exception.* Notwithstanding the provisions of subparagraph (1) of this paragraph, the exclusion from gross income, and exemption from United States tax, granted by Article XI (1) of the convention with respect to wages, salaries, and similar compensation, and pensions, paid by Switzerland or any agency or instrumentality thereof, or by any political subdivisions or other public authorities of Switzerland, shall not be denied despite the provisions of Article XV (1) (a). See Article XV (2) of the convention.

(b) *Application of credit*—(1) *General.* For the purpose of mitigating double taxation, Article XV (1) (a) of the convention provides that a citizen or resident of the United States, or a domestic corporation, deriving income from sources within Switzerland shall be entitled to a credit against the United States tax for the amount of Swiss tax paid or accrued during the taxable year. Such credit shall be made in accordance with the benefits and limitations of sections 901 through 905, Internal Revenue Code of 1954, relating to the foreign tax credit.

(2) *Similar credit requirement.* (i) Article XV (1) (a) further provides that, by virtue of the provisions of Article XV (1) (b) of the convention, relating to the exclusion from basis for computing the Swiss tax, Switzerland satisfies the similar credit requirement set forth in section 901 (b) (3), Internal Revenue Code of 1954, relating to alien residents of the United States, etc.

(ii) This provision of Article XV (1) (a) shall be taken to mean that, solely by reason of the exclusion granted by it under Article XV (1) (b) and without reference to concessions otherwise made by such country, Switzerland satisfies the similar credit requirement only with respect to taxes paid to Switzerland, and not with respect to taxes paid to another foreign country. Nothing in this subdivision shall be construed, however, to prevent Switzerland from otherwise satisfying the similar credit requirement, in accordance with section 901 of the Internal Revenue Code of 1954 and the regulations thereunder, with respect to taxes paid to another foreign country. Thus, if pursuant to a convention between Switzerland and another foreign country, Switzerland were to exempt from its income taxes the income received from sources within such other foreign country by a United States citizen residing in Switzerland, then Switzerland would, in accordance with such regulations under section 901, satisfy the similar credit requirement of section 901 (b) (3) with respect to income taxes paid to such other country by a Swiss citizen residing in the United States.

§ 509.119 *Exchange of information*—(a) *General.* (1) By Article XVI of the convention the United States and Switzerland adopt the principle of exchange of such information as is necessary for carrying out the provisions of the convention, preventing fraud, or detecting practices which are aimed at the reduction of the revenues of either country, but not including information which would be contrary to public policy or which would disclose any trade, business, industrial, or professional secret or any trade process.

(2) The information and correspondence relative to exchange of information may be transmitted directly by the Commissioner to the Director of the Federal Tax Administration.

(b) *Return of information by withholding agents.* (1) To facilitate compliance with Article XVI of the convention, every United States withholding agent shall make and file in duplicate with the District Director of Internal Revenue, Baltimore 2, Maryland, an information return on Form 1042 Supplement, with respect to persons having addresses in Switzerland, which shall be filed for the calendar year 1955 and subsequent calendar years. This return shall be filed simultaneously with Form 1042.

(2) There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income (and amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235 of the Internal Revenue Code of 1954, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations, whose addresses at the time of payment were in Switzerland, including such items of income upon which, in accordance with the withholding regulations under the convention, no withholding of United States tax is required; except that any of such items which constitute interest in respect of which Form 1001–S or substitute Form 1001–S has been filed in duplicate with the withholding agent is not required to be reported on such Form 1042 Supplement.

(c) *Information to be furnished in ordinary course.* In compliance with the provisions of Article XVI of the convention the Commissioner will transmit to the Director of the Federal Tax Administration, as soon as practicable after the close of the calendar year 1955 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (b) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001–S, and substitute Form 1001–S, filed pursuant to the withholding regulations under the convention, in connection with coupon bond interest.

(d) *Information in specific cases.* Under the provisions and limitations of Article XVI of the convention and upon request of the Director of the Federal Tax Administration, the Commissioner shall furnish to the Director information available to, or obtainable by, the Commissioner relative to the tax liability of any person under the revenue laws of Switzerland in any case in which such information is necessary for carrying out the provisions of the convention or for the prevention of fraud or the like in relation to the taxes which are the subject of the convention.

§ 509.120 *Double taxation claims*—(a) *General.* Under Article XVII of the convention, where the taxpayer shows proof that the action of the tax authorities of the United States or Switzerland has resulted, or will result, in double taxation contrary to the provisions of the convention, he is entitled to present the facts to the country of which he is a citizen; or, if he is not a citizen of either country, to the country of which he is a resident; or, if the taxpayer is a corporation or other entity, to the country in which it is created or organized. The article provides that, should the taxpayer's claim be deemed worthy of consideration, the competent authority of the country to which the facts are presented shall undertake to come to an agreement with the competent authority of the other country with a view to equitable avoidance of the double taxation in question.

(b) *Manner of filing claim.* Such a claim on behalf of a United States citizen, corporation, or other entity, or on behalf of a resident of the United States who is not a Swiss citizen, shall be filed with the Commissioner. The claim shall be set up in the form of a letter addressed to "The Commissioner of Internal Revenue, Washington 25, D. C." and shall show fully all facts and law on the basis of which the claimant alleges that such double taxation has resulted or will result. If the Commissioner determines that there is an appropriate basis for the claim under the convention, he shall take up the matter with the Director of the Federal Tax Administration with a view to arranging an agreement of the character contemplated by Article XVII.

§ 509.121 *Beneficiaries of an estate or trust*—(a) *Qualified beneficiary.* If he otherwise satisfies the requirements of the respective articles concerned, a nonresident alien who is a resident of Switzerland and who is a beneficiary of an estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax granted by Articles VI, VII, VIII, and XIV of the convention with respect to dividends, interest, and royalties and other like amounts, to the extent that (1) any amount paid, credited, or required to be distributed by such estate or trust to such beneficiary is deemed to consist of such items and (2) such items would, without regard to the convention, be includible in his gross income.

(b) *Amounts otherwise includible in gross income of beneficiary.* For the determination of amounts which, without regard to the convention, are includible in the gross income of the beneficiary, see subchapter J of chapter 1 of the Internal Revenue Code of 1954, and the regulations thereunder.

[F. R. Doc. 55–4838; Filed, June 15, 1955; 8:54 a. m.]

[26 CFR (1954) Part 510]

General Regulations Under Income Tax Convention Between United States and Kingdom of Norway

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805) and Article XXI of the income tax convention between the United States and the Kingdom of Norway which was proclaimed by the President of the United States on December 13, 1951.

[SEAL] T. Coleman Andrews,
Commissioner of Internal Revenue.

General regulations under the income tax convention between the United States and the Kingdom of Norway, proclaimed by the President of the United States on December 13, 1951, subject to the protocol of exchange signed on December 11, 1951.

Sec.
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§ 510.101 *Introductory.* The income tax convention between the United States and the Kingdom of Norway, signed June 13, 1949, and proclaimed by the President of the United States on December 13, 1951, subject to the understanding expressed in the protocol of exchange, hereinafter referred to as the convention, provides as follows, effective for taxable years beginning on or after January 1, 1951:

Article I

(1) The taxes referred to in this Convention are:

(a) In the case of the United States of America: The Federal income tax, including surtaxes.

(b) In the case of Norway: The national and the communal income taxes, including the old age pension tax, the war pension tax, the tax on bank deposits and the seamen's tax.

(2) The present Convention shall also apply to any other income taxes of a substantially similar character imposed by either contracting State subsequently to the date of signature of the present Convention.

Article II

(1) As used in this convention:

(a) The term "United States" means the United States of America, and when used in a geographical sense includes only the States,

the Territories of Alaska and Hawaii, and the District of Columbia.

(b) The term "Norway" means the Kingdom of Norway; the provisions of the Convention shall not, however, extend to Svalbard and Jan Mayen, nor do they apply to the Norwegian dependencies outside Europe.

(c) The term "permanent establishment" means a branch office, factory, workshop, warehouse or other fixed place of business, but does not include the casual and temporary use of merely storage facilities, nor does it include an agency unless the agent has and exercises a general authority to negotiate and conclude contracts on behalf of an enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other State merely because it carries on business dealings in such other State through a *bona fide* commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting States maintains in the other State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one contracting State has a subsidiary corporation which is a corporation of the other State or which is engaged in trade or business in the other State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(d) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Norwegian enterprise".

(e) The term "enterprise" includes every form of undertaking whether carried on by an individual, partnership, corporation, or any other entity.

(f) The term "United States enterprise" means an enterprise carried on in the United States by a resident of the United States or by a United States corporation or other entity; the term "United States corporation or other entity" means a partnership, corporation or other entity created or organized in the United States or under the law of the United States or of any State or Territory of the United States.

(g) The term "Norwegian enterprise" means an enterprise carried on in Norway by a resident of Norway or by a Norwegian corporation or other entity; the term "Norwegian corporation or other entity" means a partnership, corporation or other entity created or organized in Norway or under Norwegian laws.

(h) The term "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his authorized representative; and in the case of Norway, the Ministry of Finance and Customs.

(2) In the application of the provisions of the present Convention by one of the contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under its own tax laws.

ARTICLE III

(1) An enterprise of one of the contracting States shall not be subject to taxation in the other contracting State in respect of its industrial and commercial profits unless it is engaged in trade or business in such other State through a permanent establishment situated therein. If it is so engaged such other State may impose its tax upon such profits of the enterprise from sources within such other State.

(2) In determining the industrial or commercial profits from sources within the territory of one of the contracting States of an enterprise of the other contracting State, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the territory of the former contracting State by such enterprise.

(3) Where an enterprise of one of the contracting States is engaged in trade or business in the territory of the other contracting State through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment and the profits so attributed shall, subject to the law of such other contracting State, be deemed to be income from sources within the territory of such other contracting State.

(4) The competent authorities of the two contracting States may lay down rules by agreement for the apportionment of industrial and commercial profits.

ARTICLE IV

Where an enterprise of one of the contracting States, by reason of its participation in the management or the financial structure of an enterprise of the other contracting State, makes with or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which would normally have accrued to one of the enterprises, but by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

(1) Income which an enterprise of one of the contracting States derives from the operation of ships or aircraft shall be exempt from taxation in the other contracting State.

(2) The provisions of this Article shall be deemed to suspend the arrangement between the United States and Norway providing for relief from double income taxation on shipping profits, effected by exchanges of notes dated November 26, 1924, January 23, 1925, and March 24, 1925.

ARTICLE VI

Interest on bonds, securities, notes, debentures, or on any other form of indebtedness derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from taxation in such former State.

ARTICLE VII

Royalties and other amounts derived, as consideration for the right to use copyrights, artistic and scientific works, patents, designs, secret processes and formulas, trade-marks and other like property (including rentals and like payments in respect of motion picture films), from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from taxation in such former State: *Provided*, That each of the contracting States reserves the right according to the principles of Article IV to deny a deduction to the payor thereof for such royalty or any portion thereof as is not considered by the revenue authorities of such State to be reasonable consideration for the right to use the property referred to in this Article.

ARTICLE VIII

(1) Income from real property (not including interest derived from mortgages and bonds secured by real property) and royalties in respect of the operation of mines, quarries, or other natural resources, shall be taxable only in the contracting State in which such property, mines, quarries, or other natural resources are situated.

(2) A resident or corporation of one of the contracting States deriving any such income from sources within the other contracting State may, for any taxable year, elect to be subject to the tax of such other contracting State, on a net basis, as if such resident or corporation were engaged in trade or business within such other contracting State through a permanent establishment therein during such taxable year.

ARTICLE IX

Gains derived from the sale or exchange of real property shall be taxable only in the contracting State in which such property is situated.

ARTICLE X

(1) A resident of Norway shall be exempt from United States tax upon compensation for labor or personal services (including the practice of the liberal and artistic professions) if he is temporarily present in the United States for a period or periods not exceeding a total of 183 days during the taxable year and either of the following conditions is met:

(a) His compensation is received for labor or personal services performed as an employee, or under contract with, a resident, or corporation or other entity of Norway, or

(b) His compensation received for labor or personal services does not exceed $10,000.

(2) The provisions of paragraph (1) of this Article shall apply *mutatis mutandis*, to a resident of the United States with respect to compensation for such labor or personal services performed in Norway.

(3) The provisions of paragraphs (1) and (2) of this Article shall have application to directors' fees representing reasonable compensation for services rendered whether or not the recipient of such fees has been present at any time during the taxable year in the contracting State from which payment of such fees has been made.

(4) The provisions of this Article shall have no application to the income to which Article XI (1) relates.

ARTICLE XI

(1) (a) Wages, salaries and similar compensation, and pensions paid by the United States or by the political subdivisions or territories thereof to an individual (other than a Norwegian citizen who is not also a citizen of the United States) shall be exempt from Norwegian tax.

(b) Wages, salaries and similar compensation, and pensions paid either directly by, or from funds or institutions created by, Norway or Norwegian communities or counties (fylker) to an individual (other than a United States citizen who is not also a citizen of Norway) shall be exempt from United States tax.

(2) Private pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

(3) The term "pensions", as used in this Article, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "life annuities" as used in this Article means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XII

A professor or teacher, a resident of one of the contracting States, who temporarily visits the other contracting State for the purpose of teaching for a period not exceeding two years at a university, college, school or other educational institution in the other contracting State, shall be exempted in such other contracting State from tax on his remuneration for such teaching for such period.

ARTICLE XIII

A student or apprentice, a resident of one of the contracting States, who temporarily visits the other contracting State exclusively for the purposes of study or for acquiring business or technical experience shall not be taxable in the latter State in respect of remittances received by him from abroad for the purposes of his maintenance or studies.

ARTICLE XIV

(1) It is agreed that double taxation shall be avoided in the following manner:

(a) The United States in determining its taxes specified in Article I of this Convention in the case of its citizens, residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States as if this Convention had not come into effect. The United States shall, however, subject to the provisions of section 131, Internal Revenue Code, as in effect on the date of the entry into force of this Convention, deduct from its taxes the amount of Norwegian taxes specified in Article I of this Convention.

(b) Norway in determining its taxes specified in Article I of this Convention in the case of its residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of Norway as if the Convention had not come into effect. Norway shall, however, deduct from the taxes so calculated that portion of such tax liability which the taxpayer's income from sources in the United States (not exempt from United States tax under this Convention) bears to his entire income. The competent authority of Norway may, however, decide that the deduction shall not exceed the United States tax on income taxable in the United States.

(2) The provisions of this Article shall not be construed to deny the exemptions from United States tax or Norwegian tax, as the case may be, granted by Article XI (1) of this Convention.

ARTICLE XV

With a view to the more effective imposition of the taxes to which the present Convention relates, each of the contracting States undertakes, subject to reciprocity, to furnish such information in the matter of taxation, which the authorities of the State concerned have at their disposal or are in a position to obtain under their own law, as may be of use to the authorities of the other State in the assessment of the taxes in question and to lend assistance in the service of documents in connection therewith. Any information so exchanged shall be treated as secret and shall only be disclosed to persons (including a court) concerned with the assessment, determination and collection of the taxes which are the subject of the present Convention, or the determination of appeals in relation thereto. No information shall be exchanged which would disclose a trade, business, industrial or professional secret. Information and correspondence relating to the subject matter of this Article shall be exchanged between the competent authorities of the contracting States in the ordinary course or on request.

ARTICLE XVI

In accordance with the preceding Article and insofar as may be found to be practicable, the competent authorities of each contracting State shall forward to the competent authorities of the other contracting State as soon as practicable after the close of each calendar year the following information relating to such calendar year:

The names and addresses of all addressees within such other State deriving from sources within the former State dividends, interest, royalties, pensions, annuities, wages, salaries, rents, or other fixed or determinable annual or periodical income, showing the amount of such income with respect to each addressee.

ARTICLE XVII

(1) The contracting States undertake to lend assistance and support to each other in the collection of the taxes which are the subject of the present Convention, together with interest, costs, and additions to the taxes.

(2) In the case of applications for enforcement of taxes, revenue claims of each of the contracting States which have been finally determined may be accepted for enforcement by the other contracting State and may be collected in that State in accordance with the laws applicable to the enforcement and collection of its own taxes.

(3) Any application shall include a certification that under the laws of the State making the application the taxes have been finally determined.

(4) The assistance provided for in this Article shall not be accorded with respect to the citizens, corporations, or other entities of the State to which application is made.

ARTICLE XVIII

The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it except that such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a trade, business, industrial or professional secret.

ARTICLE XIX

Where a taxpayer shows proof that the action of the revenue authorities of the contracting States has resulted, or will result, in double taxation contrary to the provisions of the present Convention, he shall be entitled to lodge a claim with the State of which he is a citizen or, if he is not a citizen of either of the contracting States, with the State of which he is a resident, or, if the taxpayer is a corporation or other entity, with the State in which it is created or organized. Should the claim be upheld, the competent authority of such State shall undertake to come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation in question.

ARTICLE XX

(1) The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

(2) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

(3) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement.

ARTICLE XXI

(1) The competent authorities of the two contracting States may prescribe regulations necessary to carry into effect the present Convention within the respective States. With respect to the provisions of this Convention relating to exchange of information, service of documents, and mutual assistance in the collection of taxes, such authorities may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, costs of collection, minimum amounts subject to collection and related matters.

(2) The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XXII

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible. It shall have effect for the taxable years beginning on or after the first day of January of the year in which such exchange takes place.

(2) The present Convention shall continue effective for a period of five years and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given and, in such event, the present Convention shall cease to be effective for the taxable years beginning on or after the first day of January next following the expiration of the six-month period.

Done at Washington, in duplicate, in the English and Norwegian languages, the two texts having equal authenticity, this thirteenth day of June, 1949.

For the President of the United States of America:

[SEAL] JAMES E. WEBB.

For his Majesty the King of Norway:

[SEAL] WILHELM MUNTHE MORGENSTIERNE.

PROCLAMATION OF THE PRESIDENT OF THE UNITED STATES DATED DECEMBER 13, 1951

* * * * *

And whereas the Senate of the United States of America, by their resolution of September 17, 1951, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid convention subject to an understanding as follows:

"It is understood that the application of Article XVII of the convention shall be confined and limited as granting authority to each Contracting State to collect only such taxes imposed by the other Contracting State as will insure that the exemption or reduced rate of tax granted under the present convention by such other State, shall not be enjoyed by persons not entitled to such benefits.";

And whereas the text of the aforesaid understanding was communicated by the Government of the United States of America to the Government of the Kingdom of Norway and the aforesaid understanding was accepted by the Government of the Kingdom of Norway;

And whereas the aforesaid convention was duly ratified by the President of the United States of America on November 26, 1951, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid understanding, and the aforesaid convention was duly ratified on the part of the Kingdom of Norway;

And whereas the respective instruments of ratification of the aforesaid convention were duly exchanged at Washington on December 11, 1951, and a protocol of exchange was

signed at that place and on that date by the respective Plenipotentiaries of the United States of America and the Kingdom of Norway, the said protocol containing a statement that it is understood by the two Governments that, upon entry into force of the aforesaid convention in accordance with its provisions, Article XVII thereof shall be applied in accordance with the aforesaid understanding;

And whereas it is provided in Article XXII of the aforesaid convention that the convention shall have effect for the taxable years beginning on or after the first day of January of the year in which the exchange of instruments of ratification takes place;

Now, therefore, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid convention to the end that the said convention and each and every article and clause thereof, subject to the aforesaid understanding, may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

* * * * *

§ 510.102 *Applicable provisions of law*—(a) *General.* The Internal Revenue Code of 1954 provides in part as follows:

SUBTITLE A—INCOME TAXES

* * * * *

SEC. 894. *Income exempt under treaty.* Income of any kind, to the extent required by any treaty obligation of the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.

* * * * *

SUBTITLE F—PROCEDURE AND ADMINISTRATION

* * * * *

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

* * * * *

(b) *Internal Revenue Code of 1939.* Any reference in this part to any provision of the Internal Revenue Code of 1954 shall, where applicable, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1939.

(c) *Effective date of regulations.* Pursuant to sections 894 and 7805 of the Internal Revenue Code of 1954, Article XXI of the convention, and other provisions of the internal revenue laws, this part is hereby prescribed effective for taxable years beginning on or after January 1, 1951. All regulations inconsistent herewith are modified accordingly.

§ 510.103 *Scope of the convention*—(a) *Purpose of convention.* The primary purposes of the convention, to be accomplished on a reciprocal basis, are to avoid double taxation upon certain items of income derived from sources within one country by residents or corporations or other entities of the other country and to provide for administrative cooperation between the competent tax authorities of the two countries looking to the avoidance of double taxation and the prevention of fiscal evasion.

(b) *Exemption from United States tax.* The following items of income from sources within the United States are exempt from United States tax for taxable years beginning on or after January 1, 1951, subject to the respective articles of the convention:

(1) Industrial and commercial profits of a Norwegian enterprise having no permanent establishment in the United States (Article III);

(2) Income derived by a Norwegian enterprise from the operation of ships or aircraft (Article V);

(3) Interest derived by a nonresident alien who is a resident of Norway, or by a Norwegian corporation or other entity, if such alien, corporation, or other entity has no permanent establishment in the United States (Article VI);

(4) Patent and copyright royalties, and other like amounts, including motion picture film rentals, derived by a nonresident alien who is a resident of Norway, or by a Norwegian corporation or other entity, if such alien, corporation, or other entity has no permanent establishment in the United States (Article VII);

(5) Compensation, subject to certain limitations, for personal services performed in the United States by a nonresident alien individual who is a resident of Norway (Article X);

(6) Compensation and pensions paid by Norway to an alien individual, and to a citizen of Norway who is also a citizen of the United States, including such items as are from sources without the United States (Article XI);

(7) Private pensions and life annuities paid to a nonresident alien individual who is a resident of Norway (Article XI); and

(8) Remuneration derived from certain teaching in the United States by a professor or teacher who is a nonresident alien residing in Norway (Article XII).

(c) *Students or apprentices.* Remittances received from abroad for the purpose of maintenance or studies by a student or apprentice, a nonresident alien residing in Norway, who is temporarily present in the United States under specified circumstances are also exempt from United States tax (Article XIII).

(d) *Withholding regulations.* For regulations pertaining to the release or refund of excess tax withheld, and to exemption from withholding of United States tax at source, in the case of interest, patent and copyright royalties, film rentals, private pensions, and life annuities, received from sources within the United States by a nonresident alien who is a resident of Norway, or by a Norwegian corporation or other entity, see 26 CFR (1939) 7.100 through 7.109 (Treasury Decision 5956, approved December 9, 1952).

(e) *Other provisions.* Except as otherwise expressly provided by the convention, the United States tax liability of a nonresident alien who is a resident of Norway, or of a Norwegian corporation or other entity, is determined in accordance with the provisions of the Internal Revenue Code of 1954 relating to nonresident alien individuals and foreign corporations.

(f) *Foreign tax credit.* Any citizen of Norway who is a resident of the United States is liable to United States tax as though the convention had not come into effect; however, such alien resident of the United States is entitled, in accordance with Article XIV of the convention and subject to section 901 of the Internal Revenue Code of 1954, to a credit against the United States tax for the Norwegian tax, if any, and is also entitled to the benefits of Article XIV (2) and Article XX. Moreover, a citizen of the United States, even though resident in Norway, or a domestic corporation, even though engaged in trade or business in Norway through a permanent establishment situated therein, is liable to United States tax as though the convention had not come into effect but is likewise entitled, subject to section 901 of the Code, to a credit against the United States tax for the Norwegian tax.

§ 510.104 *Definitions*—(a) *General.* Any term defined in the convention or this part shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

(b) *Specific terms.* As used in this part:

(1) *United States tax.* The term "United States tax" means the Federal income tax, including surtaxes, of the United States and any other income tax of a substantially similar character imposed by the United States after June 13, 1949.

(2) *Norwegian tax.* The term "Norwegian tax" means the national and the communal income taxes of Norway, including the old age pension tax, the war pension tax, the tax on bank deposits and the seamen's tax, and any other income tax of a substantially similar character imposed by Norway after June 13, 1949.

(3) *United States.* The term "United States" means the United States of America; and, when used in a geographical sense, includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(4) *Norway.* The term "Norway" means the Kingdom of Norway, but does not include Svalbard, Jan Mayen, or the Norwegian dependencies outside Europe.

(5) *Permanent establishment* — (i) *Fixed place of business.* The term "permanent establishment" means a branch office, factory, workshop, warehouse, or other fixed place of business, but does not include the casual and temporary use of merely storage facilities. It implies the active conduct of a business enterprise. The mere ownership, for example, of timberlands or a warehouse in the United States by a Norwegian enterprise does not mean that such enterprise, in the absence of any business activity therein, has a permanent establishment in the United States. The fact that a Norwegian enterprise maintains in the United States an office or other fixed place of business used exclusively for the purchase for such enterprise of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise.

(ii) *Subsidiary corporation.* The fact that a Norwegian corporation has a domestic subsidiary corporation, or a foreign subsidiary corporation which is engaged in trade or business in the United States through a permanent establishment situated therein, does not of itself constitute either subsidiary corporation the United States permanent establishment of the Norwegian parent corporation.

(iii) *Agency.* A Norwegian enterprise which has an agency in the United States does not thereby have a permanent establishment in the United States, unless the agent has and exercises a general authority to negotiate and conclude contracts on behalf of such enterprise or unless he has a stock of merchandise from which he regularly fills orders on its behalf. If the enterprise has an agent in the United States who has power to contract on its behalf, but only at fixed prices and under conditions determined by such principal, it does not thereby necessarily have a permanent establishment in the United States. The mere fact that an agent of a Norwegian enterprise—assuming he has no general authority to negotiate and conclude contracts on behalf of his principal—maintains samples, or occasionally fills orders from incidental stocks of goods maintained, in the United States does not of itself mean that such enterprise has a permanent establishment in the United States. The mere fact that salesmen, employees of a Norwegian enterprise, promote the sale of their employer's products in the United States or that a Norwegian enterprise transacts business in the United States by means of mail order activities does not mean that such enterprise has a permanent establishment in the United States. A Norwegian enterprise shall not be deemed to have a permanent establishment in the United States merely because it carries on business dealings in the United States through a bona fide commission agent, broker, or custodian, acting in the ordinary course of his business as such.

(6) *Enterprise.* The term "enterprise" means any commercial or industrial undertaking carried on by any person, for example, by an individual, partnership, or corporation. It includes such activities as manufacturing, merchandising, mining, processing, banking, and insuring. It does not include the rendition of personal services. Hence, a nonresident alien individual who is a resident of Norway and who performs personal services is not, merely by reason of such services, engaged in a Norwegian enterprise within the meaning of the convention; consequently, his liability to United States tax is not determined under Article III of the convention, if he has not otherwise carried on a Norwegian enterprise.

(7) *Norwegian enterprise.* The term "Norwegian enterprise" means an enterprise carried on in Norway by a nonresident alien individual who is a resident of Norway, or by a Norwegian corporation or other entity. Thus, an enterprise carried on wholly outside Norway by a Norwegian corporation is not a Norwegian enterprise within the meaning of the convention.

(8) *Norwegian corporation or other entity.* The term "Norwegian corporation or other entity" means a partnership, corporation, or other entity created or organized in Norway or under Norwegian laws.

(9) *United States enterprise.* The term "United States enterprise" means an enterprise carried on in the United States by an individual who is a resident of the United States or by a United States corporation or other entity.

(10) *United States corporation or other entity.* The term "United States corporation or other entity" means a partnership, corporation, or other entity created or organized in the United States or under the law of the United States or of any State or Territory of the United States.

(11) *Industrial and commercial profits.* The term "industrial and commercial profits" means profits arising from industrial, commercial, mercantile, manufacturing, and like activities of a Norwegian enterprise. It does not include dividends, interest, rents, royalties, or other mere investment income, or remuneration for personal services. In determining the industrial and commercial profits from sources within the United States of a Norwegian enterprise, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the United States by such enterprise.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue or his authorized representative.

(13) *Ministry of Finance and Customs.* The term "Ministry of Finance and Customs" means the Ministry of Finance and Customs (Finans- og Tolldepartementet) of Norway.

§ 510.105 *Industrial and commercial profits*—(a) *General.* (1) Article III of the convention adopts the principle that an enterprise of one of the contracting States shall not be taxable by the other contracting State upon its industrial and commercial profits unless it is engaged in trade or business in the latter State through a permanent establishment situated therein. Accordingly, a Norwegian enterprise is subject to United States tax upon its industrial and commercial profits, to the extent of such profits from sources within the United States, only if it is engaged in trade or business in the United States at some time during the taxable year through a permanent establishment situated therein.

(2) From the standpoint of the United States tax the article has application only to a Norwegian enterprise and its industrial and commercial profits from sources within the United States. Thus, a nonresident alien individual who is a citizen of Norway, or a Norwegian corporation or other entity, carrying on an enterprise which is not Norwegian, is subject to tax on such income of such enterprise pursuant to section 871 (c) or section 882 (a), Internal Revenue Code of 1954, if such alien, corporation, or other entity has engaged in trade or business in the United States at any time during the taxable year, even though it has not had a permanent establishment therein at any time within such year.

(b) *No United States permanent establishment.* A Norwegian enterprise is not subject to United States tax upon its industrial and commercial profits from sources within the United States, nor shall such profits be included in gross income, if such enterprise at no time during the taxable year in which such profits are derived has engaged in trade or business in the United States through a permanent establishment situated therein. For example, if during the taxable year an enterprise carried on in Norway by a nonresident alien individual who is a resident of Norway, or by a Norwegian corporation, were to sell merchandise, such as textiles, furs, or canned fish products, in the United States through a bona fide commission agent or broker in the United States acting in the ordinary course of his business as such agent or broker, the profits arising from such sale would not be included in gross income and would be exempt from United States tax under Article III of the convention. Similarly, if during the taxable year such enterprise were to secure orders in the United States for such merchandise through its sales agents whose sole function in the United States is sales promotion, the orders being transmitted to Norway for acceptance, then the profits arising from such sales would not be included in gross income and would be exempt from United States tax.

(c) *United States permanent establishment*—(1) *General.* A Norwegian enterprise is subject to United States tax upon its industrial and commercial profits from sources within the United States to the same extent as are nonresident aliens or foreign corporations which are subject to tax pursuant to section 871 (c) or section 882 (a), Internal Revenue Code of 1954, if such enterprise at any time during the taxable year in which such profits are derived has engaged in trade or business in the United States through a permanent establishment situated therein. If it is so engaged, it is subject to United States tax upon its entire income from sources within the United States except to the extent otherwise exempt from United States tax.

(2) *Allocation of profits.* In the determination of the income taxable to such enterprise for purposes of the United States tax, all industrial and commercial profits from sources within the United States shall be deemed to be allocable to the permanent establishment in the United States. Hence, if a Norwegian enterprise which has a permanent establishment in the United States at some time during the taxable year were to sell in the United States, through a bona fide commission agent therein acting in the ordinary course of his business as such, merchandise which has been produced in Norway, the profits arising from such sale would be allocable to the permanent establishment

to the extent they are derived from sources within the United States, even though the sale is made independently of the permanent establishment.

(d) *Independent basis.* The industrial and commercial profits of the permanent establishment in the United States shall be determined as if the establishment were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length, or on an independent basis, with the enterprise of which it is a permanent establishment. Any such profits so attributed to such permanent establishment shall, subject to the provisions of the Internal Revenue Code of 1954, be deemed to be income from sources within the United States.

§ 510.106 *Control of a United States enterprise by a Norwegian enterprise.* In effect, Article IV of the convention provides that, if a Norwegian enterprise by reason of its control of a United States enterprise imposes on the latter enterprise conditions different from those which would result from normal business relations between independent enterprises, the accounts between the enterprises shall be adjusted in order to ascertain the true taxable income of each enterprise. The purpose is to place the controlled United States enterprise on a tax parity with an uncontrolled United States enterprise by determining, according to the standard of an uncontrolled enterprise, the true taxable income from the property and business of the controlled enterprise. The basic objective of the article is that, if the accounting records do not truly reflect the taxable income from the property and business of the United States enterprise, the Commissioner shall intervene and, by making such distributions, apportionments, or allocations as he may deem necessary of gross income, deductions, credits, or allowances, or of any item or element affecting taxable income, between the United States enterprise and the Norwegian enterprise by which it is controlled or directed, shall determine the true taxable income of the United States enterprise. The provisions of section 482 of the Internal Revenue Code of 1954, and the regulations thereunder, shall, insofar as applicable, be followed in the determination of the taxable income of the United States enterprise.

§ 510.107 *Income from operation of ships or aircraft*—(a) *Exempt from tax.* Under Article V of the convention so much of the income from sources within the United States of a Norwegian enterprise as consists of earnings derived from the operation of ships or aircraft, whether or not they are documented or registered in or under the laws of Norway, shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year such enterprise has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Prior arrangement suspended.* The provisions of Article V shall be deemed to suspend the arrangement between the United States and Norway providing for relief from double income taxation on shipping profits, effected by exchanges of notes dated November 26, 1924, January 23, 1925, and March 24, 1925 (Executive Agreement Series, No. 15; 47 Stat. 2617). Accordingly, while the provisions of Article V are in effect, no exemption from United States tax shall be accorded pursuant to, or by reason of, any agreement effected by the exchange of such notes. This paragraph shall not be construed, however, to restrict any exemption which, without reference to an exchange of notes, is accorded by section 872 (b) and section 883 of the Internal Revenue Code of 1954. See Article XX (2) of the convention.

§ 510.108 *Interest.* (a) Interest on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States, interest on obligations of instrumentalities of the United States, and interest on mortgages and bonds secured by real property, which is derived from sources within the United States by a nonresident alien individual who is a resident of Norway, or by a Norwegian corporation or other entity, shall not be included in gross income and shall be exempt from United States tax under the provisions of Article VI of the convention if such alien, corporation, or other entity at no time during the taxable year in which such interest is derived has a permanent establishment in the United States.

(b) If, for example, a nonresident alien individual who is a resident of Norway performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the exemption from United States tax with respect to interest derived in that year from United States sources, as provided in Article VI of the convention, even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having performed personal services therein.

§ 510.109 *Patent and copyright royalties and film rentals*—(a) *General.* Royalties, and other amounts, representing consideration for the right to use copyrights, artistic and scientific works, patents, designs, secret processes and formulas, trademarks, and other like property, including rentals and like payments in respect of motion picture films, which are derived from sources within the United States by a nonresident alien individual who is a resident of Norway, or by a Norwegian corporation or other entity, shall not be included in gross income and shall be exempt from United States tax under the provisions of Article VII of the convention if such alien, corporation, or other entity at no time during the taxable year in which such items of income are derived has a permanent establishment in the United States.

(b) *Items not deductible.* Under the provisions of Article VII the United States reserves the right, according to the principles of Article IV and § 510.106, to deny a deduction to the payer thereof for such royalties and other like amounts, or any portion thereof, as is considered by the Commissioner not to be reasonable consideration for the right to use the property involved.

§ 510.110 *Real property income and natural resource royalties*—(a) *General.* Income of whatever nature derived by a nonresident alien who is a resident of Norway, or by a Norwegian corporation or other entity, from real property situated in the United States, including gains derived from the sale or exchange of such property, rentals from such property, and royalties in respect of the operation of mines, quarries, timber, or other natural resources situated in the United States, is not exempt from United States tax by the convention. Such items of income are subject to taxation under the provisions of the Internal Revenue Code of 1954 generally applicable to the taxation of nonresident alien individuals and foreign corporations. See Articles VIII (1) and IX of the convention. Interest derived from mortgages and bonds secured by real property does not constitute income from real property for purposes of this section but is subject to the provisions applicable to interest generally. See § 510.108.

(b) *Net basis*—(1) *General.* Notwithstanding the provisions of paragraph (a) of this section, a nonresident alien who is a resident of Norway, or a Norwegian corporation, who during the taxable year derives from sources within the United States any income from real property as described in such paragraph may elect for such taxable year to be subject to United States tax on a net basis as though such alien or corporation were engaged in trade or business in the United States during such year through a permanent establishment situated therein. See Article VIII (2) of the convention.

(2) *Manner of electing.* Such nonresident alien (including an individual, fiduciary, and member of a partnership) shall signify his election to be subject to the tax on such a basis by filing Form 1040B clearly marked at the top of the first page thereof as follows: "Return of Resident of Norway Electing to File on a Net Basis Pursuant to Article VIII of Norwegian Income Tax Convention." Such corporation shall signify its election to be subject to tax on such a basis by filing Form 1120 clearly marked at the top of the first page thereof as follows: "Return of Nonresident Norwegian Corporation Electing to File on a Net Basis Pursuant to Article VIII of Norwegian Income Tax Convention". The election so signified shall be irrevocable for the taxable year for which such election is made. All income from sources within the United States, including gains from the sale or exchange of capital assets or of other property, shall be disclosed on the return so filed. See sections 871 and 882 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 510.111 *Compensation for labor or personal services*—(a) *Exemption from tax.* Under Article X of the convention compensation received by a nonresident alien individual who is a resident of Norway for labor or personal services, including the practice of the liberal and artistic professions, performed in the United States shall not be included in gross income and shall be exempt from United States tax in either of the following situations:

(1) *Norwegian employer.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 183 days during a taxable year beginning on or after January 1, 1951, any compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1951) for such labor or personal services performed in the United States during such year as an employee of, or under contract with, a nonresident alien (including a nonresident alien individual and fiduciary) who is a resident of Norway, or a Norwegian corporation or other entity, whether or not such alien, corporation, or other entity is engaged in trade or business within the United States, shall not be included in gross income and shall be exempt from United States tax.

(2) *Other employers.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 183 days during a taxable year beginning on or after January 1, 1951, any compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1951) for such labor or personal services performed in the United States during such year shall not be included in gross income and shall be exempt from United States tax if such compensation does not exceed $10,000 in the aggregate. Thus, if a nonresident alien individual who is a resident of Norway performs personal services in the United States during the taxable year as an employee of a domestic corporation for which he receives compensation of $15,000 in the aggregate, none of such compensation shall be exempt from United States tax even though such individual is present in the United States during such year for a period or periods not exceeding a total of 183 days, since the aggregate compensation received is in excess of $10,000.

(b) *Definitions.* For purposes of this section, the term "compensation for labor or personal services" shall include, but shall not be limited to, the compensation, profits, emoluments, or other remuneration of public entertainers, such as, stage, motion picture, television, or radio artists, musicians, and athletes. It shall also include directors' fees representing reasonable compensation for services rendered, whether or not the recipient of such fees has been present at any time during the taxable year in the contracting State from which payment of such fees has been made. For the allocation or segregation as between sources within, and sources without, the United States in the case of compensation for labor or personal services, see sections 861 through 864, Internal Revenue Code of 1954, and the regulations thereunder.

§ 510.112 *Government wages, salaries, and pensions*—(a) *General.* Under Article XI of the convention any wage, salary, or similar compensation, or any pension, paid directly by the Government of Norway or by Norwegian communities or counties (fylker), or paid from funds or institutions created by such Government, communities, or counties, to any alien individual (whether or not a resident of the United States) or to any individual who occupies the dual status of a citizen of the United States and a citizen of Norway shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year such individual has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Definition.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received. Under Article XIV (2) of the convention the exclusion from gross income, and exemption from United States tax, provided by this section shall not be denied despite the provisions of Article XIV. See § 510.116.

(c) *Cross reference.* For the taxation generally of compensation of alien employees of foreign governments and the consequences of executing and filing the waiver provided for in section 247 (b) of the Immigration and Nationality Act, see section 893 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 510.113 *Private pensions and life annuities*—(a) *General.* Private pensions and life annuities derived from sources within the United States and paid to a nonresident alien individual who is a resident of Norway shall not be included in gross income and shall be exempt from United States tax, in accordance with Article XI of the convention, even though at some time during the taxable year in which such items of income are derived such individual has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Definitions.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received; and the term "life annuities" means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

§ 510.114 *Visiting professors or teachers*—(a) *General.* Pursuant to Article XII of the convention a professor or teacher, a nonresident alien who is a resident of Norway, who temporarily visits the United States for the purpose of teaching for a period not exceeding two years at any university, college, school, or other educational institution situated within the United States shall, for a period not exceeding two years from the date of his initial arrival in the United States, be exempt from United States tax with respect to his remuneration earned in taxable years beginning on or after January 1, 1951, for such teaching during such period not in excess of two years.

(b) *More than two years.* The exemption granted by Article XII is applicable to remuneration earned during such part of the individual's visit as does not exceed two years from the date of arrival even though the total period of his presence in the United States may extend beyond two years, provided that during such entire period he may be considered to be temporarily visiting the United States.

(c) *Residence.* Such exemption shall not apply to the remuneration of an alien who is a resident of the United States or who is not a resident of Norway.

(d) *Nonresidence presumed.* An individual who otherwise qualifies for the exemption from United States tax granted by Article XII shall, for a period of not more than two years immediately succeeding the date of his arrival within the United States for the purpose of such teaching, be deemed to have the tax status of a nonresident alien in the absence of proof of his intention to remain indefinitely in the United States. See section 871 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 510.115 *Students or apprentices*—(a) *General.* Under Article XIII of the convention a student of apprentice, a nonresident alien who is a resident of Norway, who temporarily visits the United States exclusively for the purposes of study or for acquiring business or technical experience shall not include in gross income, and shall be exempt from United States tax with respect to, amounts derived by him in taxable years beginning on or after January 1, 1951, and received during such years from without the United States as remittances for the purposes of his maintenance or studies.

(b) *Residence.* The exemption shall not apply to remittances received by an alien who is a resident of the United States or who is not a resident of Norway.

§ 510.116 *Credit against United States tax for Norwegian tax*—(a) *General*—(1) *Taxable as though no convention.* Notwithstanding any other provision of the convention the United States, in determining the United States tax of a citizen or resident of the United States, or of a domestic corporation, may, under Article XIV (1) (a) of the convention, include in the basis upon which such tax is imposed all items of income taxable under the revenue laws of the United States, as though the convention had not come into effect. For example, despite the exemption from United States tax granted by Article VI of the convention with respect to interest derived from sources within the United States by a resident of Norway, such interest shall be included in gross income and is subject to United States tax when so derived by a resident of Norway who is a citizen of the United

States, even though such resident has no permanent establishment in the United States.

(2) *Exception.* Notwithstanding the provisions of this paragraph, the exclusion from gross income, and exemption from United States tax, granted by Article XI (1) of the convention with respect to wages, salaries, and similar compensation, and pensions, paid by Norway or Norwegian communities or counties shall not be denied despite the provisions of Article XIV (1) (a). See Article XIV (2) of the convention.

(b) *Application of credit.* For the purpose of mitigating double taxation Article XIV (1) (a) of the convention provides that a citizen or resident of the United States, or a domestic corporation, deriving income from sources within Norway shall be entitled to a credit against the United States tax for the amount of Norwegian tax paid or accrued during the taxable year. Such credit shall be made in accordance with the benefits and limitations of sections 901 through 905, Internal Revenue Code of 1954, relating to the foreign tax credit.

§ 510.117 *Exchange of information*—(a) *General.* (1) By Article XV of the convention the United States and Norway adopt the principle of exchange of such information as may be of use for carrying out the provisions of the convention, preventing fraud, or detecting practices which are aimed at the reduction of the revenues of either country, but not including information which would be contrary to public policy or which would disclose any trade, business, industrial, or professional secret.

(2) The information and correspondence relative to exchange of information may be transmitted directly by the Commissioner to the Ministry of Finance and Customs.

(b) *Return of information by withholding agents.* (1) To facilitate compliance with Article XVI of the convention, every United States withholding agent shall make and file in duplicate with the District Director of Internal Revenue, Baltimore 2, Maryland, an information return on Form 1042 Supplement, with respect to Norwegian addressees, which shall be filed for the calendar year 1955 and subsequent calendar years. This return shall be filed simultaneously with Form 1042.

(2) There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income (and amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235 of the Internal Revenue Code of 1954, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations, whose addresses at the time of payment were in Norway, including such items of income upon which, in accordance with the withholding regulations under the convention, no withholding of United States tax is required; except that any of such items which constitute interest in respect of which Form 1001–NO or substitute Form 1001–NO has been filed in duplicate with the withholding agent is not required to be reported on such Form 1042 Supplement.

(c) *Information to be furnished in ordinary course.* In compliance with the provisions of Article XVI of the convention the Commissioner will transmit to the Ministry of Finance and Customs, as soon as practicable after the close of the calendar year 1955 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (b) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001–NO, and substitute Form 1001–NO, filed pursuant to the withholding regulations under the convention, in connection with coupon bond interest.

(d) *Information in specific cases.* Under the provisions and limitations of Articles XV and XVIII of the convention and upon request of the Ministry of Finance and Customs, the Commissioner shall furnish to the Ministry information available to, or obtainable by, the Commissioner relative to the tax liability of any person under the revenue laws of Norway in any case in which such information is necessary to the administration of the provisions of the convention or of statutory provisions against tax avoidance, or in which such information is necessary for the prevention of fraud.

§ 510.118 *Double taxation claims*—(a) *General.* Under Article XIX of the convention, where the taxpayer shows proof that the action of the revenue authorities of the United States or Norway has resulted, or will result, in double taxation contrary to the provisions of the convention, he is entitled to lodge a claim with the country of which he is a citizen; or, if he is not a citizen of either country, with the country of which he is a resident; or, if the taxpayer is a corporation or other entity, with the country in which it is created or organized. The article provides that, should the claim be upheld, the competent authority of the country with which the claim is lodged shall undertake to come to an agreement with the competent authority of the other country with a view to equitable avoidance of the double taxation in question.

(b) *Manner of filing claim.* Such a claim on behalf of a United States citizen, corporation, or other entity, or on behalf of a resident of the United States who is not a Norwegian citizen, shall be filed with the Commissioner. The claim shall be set up in the form of a letter addressed to "The Commissioner of Internal Revenue, Washington 25, D. C." and shall show fully all facts and law on the basis of which the claimant alleges that such double taxation has resulted or will result. If the Commissioner determines that there is an appropriate basis for the claim under the convention, he shall take up the matter with the Ministry of Finance and Customs with a view to arranging an agreement of the character contemplated by Article XIX.

§ 510.119 *Beneficiaries of an estate or trust*—(a) *Qualified beneficiary.* If he otherwise satisfies the requirements of the respective articles concerned, a nonresident alien who is a resident of Norway and who is a beneficiary of an estate or trust shall be entitled to the exemption from United States tax granted by Articles VI and VII of the convention with respect to interest, and patent royalties and other like amounts, to the extent that (1) any amount paid, credited, or required to be distributed by such estate or trust to such beneficiary is deemed to consist of such items and (2) such items would, without regard to the convention, be includible in his gross income.

(b) *Amounts otherwise includible in gross income of beneficiary.* For the determination of amounts which, without regard to the convention, are includible in the gross income of the beneficiary, see subchapter J of chapter 1 of the Internal Revenue Code of 1954, and the regulations thereunder.

§ 510.120 *Norwegian partnerships*—(a) *General.* Whether an individual, corporation, or other entity, a member of a partnership created or organized in Norway or under Norwegian laws, is subject to United States tax upon such person's distributive share of the income of such partnership depends upon both the status of the partnership and the status of such member.

(b) *Citizen partner.* A citizen or resident of the United States, or a domestic corporation, is subject to United States tax upon such person's distributive share of the income of such partnership as though the convention had not come into effect (but subject to the provisions of § 510.116) even though other members, by reason of benefits granted by the convention, are not subject to United States tax upon their distributive share of such income.

(c) *Noncitizen partner.* In any case in which income is derived from sources within the United States by a partnership created in Norway or under Norwegian laws, any member of such partnership who has a permanent establishment in the United States or who is either a nonresident alien not a resident of Norway or is a foreign corporation which is not Norwegian is not entitled, with respect to such member's distributive share of such income, to any benefit granted by the convention solely to nonresident aliens residing in Norway, or to Norwegian corporations or other entities, having no permanent establishment in the United States. Conversely, any member of such partnership who individually complies with the requirements for obtaining any such benefit will be entitled thereto with respect to such member's distributive share of such income. A member of a Norwegian partnership which has a permanent establishment in the United States shall likewise be considered to have a permanent establishment in the United States.

[F. R. Doc. 55–4837; Filed, June 15, 1955; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Commissioner Delegation Order No. 5]

DEPUTY COMMISSIONER ET AL.

EMERGENCY ORDER OF SUCCESSION AND DELEGATION OF AUTHORITY TO ASSUME POSITION OF ACTING COMMISSIONER

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, the officials in the positions listed below and on a document filed at the Internal Revenue Service emergency relocation site are hereby authorized, in the event of an enemy attack on the continental United States, and the disability of the Commissioner, his absence from the emergency relocation site, or if there is a vacancy in the office, to succeed to the position of Acting Commissioner in the order listed, and are authorized to perform the functions of Commissioner to insure the continuity of the functions of that office:

Deputy Commissioner.
Assistant Commissioner (Operations).
Assistant Commissioner (Technical).
Assistant Commissioner (Inspection).
Assistant Commissioner (Administration).
Assistant Commissioner (Planning).

If none of these officials are available, the first available Regional Commissioner, in the order listed in the document on file at the emergency relocation site, will become Acting Commissioner.

Immediately in the event of an attack on the United States, each Regional Commissioner shall communicate as quickly as possible with the emergency National Office at the relocation site and advise the official in charge of his availability to assume the position of Acting Commissioner. After the lapse of a reasonable time for receipt of communications from the Regional Commissioners, the official in charge of the emergency National Office will advise the available Regional Commissioner highest in the order of succession to report to the emergency National Office at the relocation site to become Acting Commissioner.

If no Regional Commissioner is available, a District Director will become Acting Commissioner in the order indicated in the above-mentioned document on file at the emergency relocation site. District Directors need not contact the emergency National Office.

There is hereby delegated to Regional Commissioners and District Directors, or the officials acting in their stead, upon the event of an enemy attack on the continental United States, all authority vested in the Commissioner of Internal Revenue by law or transfer from the Secretary of the Treasurer as is necessary to insure the continuous performance of Internal Revenue Service essential functions by those officials in their areas of jurisdiction. This delegation of authority will remain in effect until notice is received that it has been terminated.

This order is effective June 9, 1955.

T. COLEMAN ANDREWS,
Commissioner.

[F. R. Doc. 55–4839; Filed, June 15, 1955; 8:54 a. m.]

Office of Treasurer of the United States

DEPUTY AND ACTING TREASURER ET AL.

ORDER OF SUCCESSION OF PERSONS TO ACT AS TREASURER OF THE UNITED STATES

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, it is hereby ordered that the following officers in the Office of the Treasurer of the United States in the order of succession enumerated shall act as Treasurer during the absence or disability of the Treasurer:

Deputy and Acting Treasurer.
Assistant Deputy Treasurer.
Administrative Officer.
Bank Relations Officer.
Chief, General Accounts Division.
Cashier, Treasurer's Office.

In the event of an enemy attack on the continental United States the senior officer, in descending order in the foregoing line of succession, present at the site of the operations of the Treasurer of the United States shall act as Treasurer. If none of such officers is present at the site of the Treasurer's operations it is hereby ordered that the officer acting as District Director, Internal Revenue Service, at the city at which the Treasurer's operations are reestablished shall act as Treasurer of the United States.

In the event of an enemy attack on the continental United States and the occurence of a vacancy in the Office of the Treasurer, the Treasurer's functions shall be deemed to have been transferred, pursuant to the above described Treasury Department Order, to the Deputy and Acting Treasurer, and in the event of a vacancy in the Office of Deputy and Acting Treasurer, to the senior officer, in descending order in the following line of succession, present at the site of the operations of the Treasurer of the United States:

Assistant Deputy Treasurer.
Administrative Officer.
Bank Relations Officer.
Chief, General Accounts Division.
Cashier, Treasurer's Office.

If none such officers is present at the site of the Treasurer's operations, the the Treasurer's functions shall be deemed to have been transferred, pursuant to the aforesaid order, to the officer acting as District Director, Internal Revenue Service at the city at which the Treasurer's operations are reestablished.

Dated: May 23, 1955.

[SEAL] IVY BAKER PRIEST,
Treasurer of the United States.

[F. R. Doc. 55–4840; Filed, June 15, 1955; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 8, 1955.

An application, serial number Fairbanks 012151, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on April 19, 1955, by Fish and Wildlife Service. The purposes of the proposed withdrawal: Kuskokwim National Wildlife Management Area.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

AREA I

Beginning on the shore of Bering Sea at extreme low water and at the south side of the entrance to Hooper Bay near lat. 61°31′ N., long. 166°12′ W. from Greenwich; thence southeasterly with a line along extreme low water on the south side of the entrance to Hooper Bay and along the south side of said Bay, 16 miles to the mouth of Askinuk River (Kleoklevuk River) near lat. 61°26′ N., long. 165°48′ W.; thence easterly up the left bank of said river 22 miles to its source at the Kashunuk River near lat. 61°24′ N., long. 165°26′ W.; thence easterly up the left bank of Kashunuk River, 12 miles to its junction with a channel "A" flowing to the south, near lat. 61°23′ N., long. 165°11′ W.; thence southerly down the right bank of the last aforesaid channel "A" 1½ miles to a point near lat. 61°21′ N., long. 165°10′ W. about one-half mile south of the mouth of an unnamed stream coming into said chan-

nel on the left bank side; thence due East approximately 38.6 miles to the volcanic cone in the Ingakslugwat Hills near lat. 61°21' N., long. 164°00' W.; thence due South approximately 10 miles to the north shore of a lake "B"; thence southerly around the easterly side of the last aforesaid lake "B" one mile to a point on the southeast side of said lake "B"; thence S. 63° E. 4 miles to a point near lat. 61°10½' N., long. 163°56' W. on the northwest shore of Aropuk Lake opposite the center of an island; thence southerly with the western shore of the said lake and a chain of lakes 45 miles to a point of land near lat. 60°50½' N., long. 163°57' W., on the north side of Baird Inlet; thence westerly along the north side of Baird Inlet 50 miles to a point of land near lat. 60°54' N., long. 165°02' W., at the mouth of Baird Inlet and at extreme low water on the shore of Bering Sea; thence northwesterly at the line of extreme low water of Bering Sea 8 miles to the point of a headland near lat. 60°58' N., long. 165°12' W., at the south side of Hazen Bay; thence N. 38° W. 8 miles across the mouth of Hazen Bay to the point of a headland at the west side of Hazen Bay; thence northwesterly with the line of extreme low water of Bering Sea 50 miles to the place of beginning, containing approximately 1,870 square miles of lands and waters.

AREA II

Beginning on the shore of Bering Sea at extreme low water and on the north side of the mouth of Ooksokwak River, near lat. 60°11' N., long. 164°30' W.; thence northwesterly with the line of extreme low water at Bering Sea 8½ miles to the headland at the mouth of a stream "C" separating Nelson Island from the mainland; thence northeasterly up the left bank of the last aforesaid stream "C" 46 miles to a point near lat. 60°39' N., long. 164°12' W., at the south end of the southwest bay of Baird Inlet; thence easterly, northerly, easterly and southerly along the south shore of Baird Inlet 35 miles to the mouth of a small stream "D", near lat. 60°33½' N., long. 163°43' W. at the south end of the east bay of Baird Inlet; thence southwesterly up the left bank of the last aforesaid small stream "D" 4 miles to the head thereof; thence S. 10° E. 4½ miles to the head of a stream "E" draining to the south, near lat. 60°28' N., long. 163°46' W.; thence southerly down the right bank of the last aforesaid stream "E" 4 miles to the mouth thereof in the north shore of Dall Lake; thence westerly, southerly, easterly and southerly around the west shore of Dall Lake 75 miles to the most southerly point of said lake near lat. 60°08½' N., long. 163°47' W., thence S. 30° W. 1½ miles to the head of the Kinak River; thence southwesterly with the right bank of the aforesaid Kinak River 19 miles to the mouth thereof at extreme low water of Bering Sea, near lat. 59°59' N., long. 164°07' W.; thence northwesterly with the line of extreme low water 20 miles to the place of beginning, containing approximately 1,054 square miles of lands and waters.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-4797; Filed, June 15, 1955; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 8, 1955.

An application, serial number Fairbanks 012371, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on April 8, 1955, by The Alaska Railroad. The purposes of the proposed withdrawal: Gravel pit sites and railroad purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS MERIDIAN

PARCEL NO. 1

T. 7 S., R. 8 W.,
Sec. 7, E½SE¼;
Sec. 8, S½, that portion lying west of the right-of-way of the Alaska Railroad;
Sec. 17, W½, that portion lying west of the right-of-way of the Alaska Railroad;
Sec. 18, E½NE¼ and E½SE¼;
Sec. 19, E½NE¼, that portion lying west of the right-of-way of the Alaska Railroad;
Containing approximately 546 acres.

PARCEL NO. 2

T. 7 S., R. 8 W.,
Sec. 9, W½;
Sec. 8, E½ and SE¼SW¼, lying east of the right-of-way of the Alaska Railroad;
Sec. 17, that portion lying east of the right-of-way of the Alaska Railroad;
Sec. 19, E½NE¼, that portion lying east of the right-of-way of the Alaska Railroad;
Sec. 20, N½, that portion lying east of the right-of-way of the Alaska Railroad.
Containing approximately 1,513 acres.

Total acreage aggregating approximately 2,059 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-4793; Filed, June 15, 1955; 8:46 a. m.]

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 20

JUNE 9, 1955.

Pursuant to the authority delegated to me under section 1.5 (a) of Order No. 541 of April 21, 1954, Bureau of Land Management, the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a-364s) for commercial and housing purposes:

KENAI AREA

SEWARD MERIDIAN

T. 6 N., R. 12 W.,
Section 25: E½SE¼NW¼.

Containing 20 acres.

The above land will be offered for sale in accordance with regulations contained in 43 CFR 75.23 to 75.40. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-4796; Filed, June 15, 1955; 8:47 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 100

JUNE 10, 1955.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, and pursuant to Delegation of Authority contained in section 1.9 (o) Order No. 541 of April 21, 1954, Bureau of Land Management, I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, the following described public lands in the Anchorage, Alaska, Land District:

SITKA AREA—SOUTH SITKA HIGHWAY UNIT

FOR LEASE AND SALE

FOR RESIDENCE SITES

Starting at Corner No. 6 of USS 1258, thence by metes and bounds N. 25° 07' E., 291.06 ft. to Corner No. 3 of USS 407; S. 87° 40' E., 339.90 ft. to Corner No. 4 of USS 407; N. 24° 30' E., 500 ft. to a point on line 4–5 of USS 407;

Thence southeasterly approximately 1900 ft. to Corner No. 3 of USSS 1947;

Thence S. 00° 00' W. approximately 1550 ft. to a point where line 3–4 of USS 1947 intersects right-of-way of South Sitka Highway;

Thence northwesterly along north edge of South Sitka Highway; right-of-way approximately 100 ft. to Corner No. 1 of USS 2729; Thence N. 00° 02' E., 504.24 ft. to Corner No. 2 of USS 2729; N. 89° 58' W., 150.15 ft. to Corner No. 3 of USS 2729; S. 00° 02' W., 475.20 ft. to Corner No. 4 of USS 2729;

Thence northwesterly approximately 140 ft. along north edge of South Sitka Highway right-of-way to point intersecting line 1–2 of USS 2355;

Thence N. 00° 00' W. approximately 250 ft. along line 1–2 of USS 2355 to Corner No. 2 of USS 2355; N. 90° 00' W., 79.86 ft. to Corner No. 3 of USS 2355 which is also Corner No. 4 of USS 2997; N. 89° 58' W., 450.12 ft. to Corner No. 3 of USS 2997; S. 00° 00' W. approximately 160 ft. along line 2–3 of USS 2997 to the south edge of the right-of-way of the South Sitka Highway;

Thence northwesterly along the south side of the right-of-way of the South Sitka Highway 400 ft.;

Thence due south approximately 200 ft. to Corner No. 7 of USS 1258;

Thence N. 42° 00' W., 1816.98 ft. to Corner No. 6 of USS 1258, the point of beginning.

The area described contains approximately 749 acres.

Subject to valid existing rights and the provisions of existing withdrawals, this order shall not become effective to permit the initiation of any rights or any disposition under the public land laws until it is so provided by an order to be issued by the Administrator of Area 4, Bureau of Land Management, Anchorage, Alaska, opening the lands to application under the Small Tract Act, supra, with a ninety-one day preference right period for filing such applications by veterans of World War II and the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 279), as amended. The lands involved will be opened after a subdivisional survey has been accomplished and the small tracts have been individually identified upon the ground.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-4798; Filed, June 15, 1955; 8:47 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 10, 1955.

The United States Department of the Interior, Fish and Wildlife Service has filed an application, Serial No. Sacramento 048846, for the withdrawal of the lands described below, from all forms of appropriation except the mineral leasing laws.

The applicant desires the land for use as a public shooting ground in connection with the Tule Lake and Lower Klamath National Wildlife Refuges.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 801, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

TULE LAKE NATIONAL WILDLIFE REFUGE

T. 47 N., R. 3 E.,
Sec. 1, Lots 1, 2 and 3, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 12 Lots 1, 5 and 6, NW¼NE¼, S½NW¼, N½SW¼;
Sec. 13, Lot 5, SW¼NE¼;
Sec. 24, Lot 3;
Sec. 25, W½E½, SE¼NW¼, SW¼.
T. 48 N., R. 3 E.,
Sec. 23, SE¼;
Sec. 25, Lots 5, 6, and 7, W½;
Sec. 26, E½NE¼, NE¼SE¼.

LOWER KLAMATH NATIONAL WILDLIFE REFUGE

T. 47 N., R. 3 E.,
Sec. 15, NW¼, W½SW¼, NE¼SW¼.
T. 48 N., R. 3 E.,
Sec. 15, Lot 7;
Sec. 22, Lots 4, 5 and 6, W½NW¼, NW¼SW¼.

The areas described include 2,291.66 acres of public land.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 55-4841; Filed, June 15, 1955; 8:55 a. m.]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 8, 1955.

Notice is given that the plat of survey of the following described lands, accepted November 12, 1954, will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a. m. on the 35th day after the date of this notice:

MOUNT DIABLO MERIDIAN

T. 1 N., R. 6 W.,
Sec. 2, Lot 13 (South Marin Island or Murphy Rock).

The area described contains 0.11 acres.

South Marin Island, also known as Murphy Rock, is located in the SE¼ Sec. 2 (protracted) T. 1 N., R. 6 W., M. D. M., Marin County, California. It lies in San Rafael Bay which is a northward arm of San Francisco Bay. The island is about one mile north of Point San Quentin, about ½ mile south of the mouth of San Rafael Creek, and approximately 1½ miles southeast of the city of San Rafael. It is a barren sandstone rock projecting about 17 feet above the high water mark of San Rafael Bay, and it has a surface area of 0.11 acres. It is approximately 130 feet long by 65 feet wide with the long axis oriented from northwest to southeast. Underwater contours indicate the presence of an underlying rock shelf approximately 400 feet in diameter and 30 feet below the surface at high water. Access to the island is only by boat, and no use is being made of it at the present time.

No applications for the described vacant public lands may be allowed under the homestead, desert land, small tract, or any other non-mineral public land laws unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

[SEAL] J. M. GIBBONS,
Manager.

[F. R. Doc. 55-4799; Filed, June 15, 1955; 8:48 a. m.]

[Misc. 438678]

CALIFORNIA

PARTIAL REVOCATION OF ORDERS OPENING LANDS UNDER THE FOREST HOMESTEAD ACT; CORRECTION

JUNE 10, 1955.

The land description in the order dated May 26, 1955 (F. R. Doc. 55–4429, 20 F. R. 3883), so far as it refers to Section 19 of T. 3 N., R. 7 E., H. M., of List No. 1622, should read as follows: "Sec. 19, NE¼SW¼NE¼, S½NW¼SW¼NE¼, S½NE¼SE¼NW¼, SE¼SE¼NW¼, S½SW¼SE¼NW¼, containing approximately 35 acres."

W. G. GUERNSEY,
Acting Director.

[F. R. Doc. 55–4791; Filed, June 15, 1955; 8:46 a. m.]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LAND

In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. Sec. 315 (g)), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 5 S., R. 10 E.,
Sec. 10, S½SW¼, SW¼SE¼;
Sec. 15, NW¼NW¼.

The areas described total 160 acres.

The lands described are located in Idaho Grazing District No. 1 and constitute a part of the public-land pattern. Since the lands lie on rather steep slopes, they would be unsuitable for agriculture and could be used only for grazing purposes. The lands are surrounded by Federal range on three sides, and if retained in public ownership will tend to consolidate Federal range in this area. The lands are classified as suitable for retention in Federal ownership for range management purposes.

No application for these lands will be allowed under the homestead, desert-land, small tract or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of classification, or shall be so classified upon consideration of an application.

Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m. on the 35th day after the date of this order. At that time, the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 91-day preference right filing period for veterans and others entitled to preference under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. of the 35th day after the date of this order shall be treated as though simultaneously filed at that time. All other applications under the public-land laws filed on or before 10:00 a. m. of the 126th day after the date of this order shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Box 2237, Boise, Idaho.

NOLAN F. KEIL,
Acting State Supervisor.

JUNE 10, 1955.

[F. R. Doc. 55–4790; Filed, June 15, 1955; 8:46 a. m.]

NEW MEXICO

SMALL TRACT CLASSIFICATION NO. 38; CORRECTION

JUNE 1, 1955.

Paragraphs 2, 5 and 6 of New Mexico Small Tract Classification No. 38, dated May 6, 1955, F. R. Document 55–3828, 20 F. R. 3236, are hereby corrected to read as follows:

2. As to applications filed on these lands prior to 10:30 a. m., March 29, 1955, this order shall become effective upon the date it is signed, provided said applications are made to conform to the type of use and descriptions of lands specified in this order.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. The lands will be leased in tracts of approximately 5 acres (330' x 660') with the longer dimension extending north and south. However, if the successful applicants for adjacent tracts within one 10-acre subdivision mutually agree to an east-west orientation the leases may be amended accordingly. Advance rental for homesites shall be $30.00 for the 3-year period. Minimum advance rental for business sites shall be $60.00 for the 3-year period. A leasee for a business site shall be obligated to pay any additional rental at the rate fixed by the schedule of rentals in effect at the date of approval of the lease. An application to lease must be accompanied by the advance rental specified above plus a $10.00 filing fee.

6. Lessees who comply with the terms and conditions of their leases will be eligible to purchase their tracts at the appraised value of $200.00 per tract, at any time during the life of the lease, provided that during such period they either (a) construct the hereinafter described improvements on the lands or (b) file two copies of a binding agreement among themselves in accordance with § 257.13 (d), Title 43, Code of Federal Regulations, to observe, in the development of the lands, standards of building, sanitation, and health requirements consistent with the terms of their leases. Lessees who participate in such agreement may exercise, at the discretion of the Bureau of Land Management, their option to purchase without prior compliance with the improvement requirements of their leases.

The minimum improvements which must (a) be constructed, or which (b) the lessees must enter into agreement among themselves to construct must meet the following standards:

1. They must conform with health, sanitation and construction requirements of local state laws and local governmental ordinances.

2. Improvements on homesites shall consist of a neat, substantial, habitable house set upon a permanent foundation with at least three rooms and bath and minimum floor space of 400 square feet.

Improvements on business sites shall consist of neat, substantial and adequate buildings suitable to the type of business to be engaged in. Adequate disposal and sanitary facilities must be installed in all cases. Leases issued hereunder will not be renewable in the absence of compliance with one of the above conditions (a) or (b) unless failure to comply is justified by circumstances and non-renewal would work an extreme hardship on the lessee. Applications to purchase a tract or to renew a lease thereon must be accompanied by a filing fee of $10.00.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 55–4794; Filed, June 15, 1955; 8:47 a. m.]

NEW MEXICO

SMALL TRACT CLASSIFICATION NO. 39; CORRECTION

JUNE 1, 1955.

Paragraphs 5 and 6 of New Mexico Small Tract Classification No. 39, dated May 11, 1955, F. R. Document 55–4053, 20 F. R. 3515, are hereby corrected to read as follows:

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. The lands will be leased in tracts of approximately 5 acres (330' x 660'). In the SE¼SW¼SW¼ Sec. 27, W½SW¼NE¼NE¼ Sec. 33, SE¼NW¼NW¼ and E½SW¼NW¼NW¼ Sec. 34, the longer dimensions of the tracts will extend north and south. In the NE¼SW¼SW¼ Sec. 27, the longer dimensions of the tracts will extend east and west. The NE¼SW¼NE¼NE¼ and the NW¼SE¼NE¼NE¼ Sec. 33 will be leased as one tract. The SE¼SW¼NE¼NE¼ and SW¼SE¼NE¼NE¼ Sec. 33 will be leased as one tract. The NE¼SE¼NE¼NE¼ Sec. 33 and the NW¼SW¼NW¼NW¼ Sec. 34 will be leased as one tract. The SE¼SE¼NE¼NE¼ Sec. 33 and the SW¼SW¼NW¼NW¼ Sec. 34 will be leased as one tract. Advance rental for homesites shall be $15.00 for the 3-year period. Minimum advance rental for business sites or combination home and business sites, shall be $60.00 for the 3-year period. A lessee for a business site or combination home and business site shall be obligated to pay any additional rental at the rate fixed by the schedule of rentals in effect at the date of approval of the lease. An application to lease must be accompanied by the advance rental specified above plus a $10.00 filing fee.

6. Lessees who comply with the terms and conditions of their leases will be eligible to purchase their tracts at the appraised value of $50.00 per tract at any time during the life of the lease, provided that during such period they either (a) construct the hereinafter described improvements on the lands or (b) file two copies of a binding agreement among themselves in accordance with § 257.13 (d), Title 43, Code of Federal Regulations, to observe, in the development of the leased lands, standards of building, sanitation, and health requirements consistent with the terms of their leases. Lessees who participate in such agreement may exercise, at the discretion of the Bureau of Land Management, their option to purchase without prior compliance with the improvement requirements of their leases.

The minimum improvements which must (a) be constructed, or which (b) the lessees must enter into agreement among themselves to construct must meet the following standards:

1. They must conform to health, sanitation and construction requirements of local State laws and local governmental ordinances.

2. Improvements on homesites shall consist of a neat, substantial habitable house set upon a permanent foundation.

3. Improvements on business sites or combination home and business sites shall consist of neat, substantial and adequate buildings suitable to the type of business to be engaged in. Adequate disposal and sanitary facilities must be installed in all cases.

Leases issued hereunder will not be renewable in the absence of compliance with one of the above conditions (a) or (b) unless failure to comply is justified by circumstances and non-renewal would work an extreme hardship on the lessee. Applications to purchase a tract or to renew a lease thereon must be accompanied by a filing fee of $10.00.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 55–4795; Filed, June 15, 1955; 8:47 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The United States Forest Service, Department of Agriculture has filed an application Serial No. Oregon 04107, for the withdrawal of the lands described below, from appropriation under the general mining laws and mineral leasing laws except oil and gas leasing.

The applicant desires the land for an administrative site.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

WILLAMETTE NATIONAL FOREST

Belknap Springs Highway Administrative Site

T. 13 S., R. 7 E.,
Sec. 32: NW¼;
Sec. 35: W½NE¼.
T. 14 S., R. 7 E.,
Sec. 29: E½NW¼, W½NE¼.
T. 15 S., R. 7 E.,
Sec. 6, lots 1 and 2.

Total area—476.39 acres.

VIRGIL T. HEATH,
State Supervisor.

JUNE 6, 1955.

[F. R. Doc. 55–4792; Filed, June 15, 1955; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

ESSENTIALITY AND U. S. FLAG SERVICE REQUIREMENTS OF TRADE ROUTE NO. 10

CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that on June 8, 1955, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 10 and, in accordance with his action of October 29, 1954, ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said route be published in the FEDERAL REGISTER:

1. Trade Route No. 10, as redescribed below, is reaffirmed as an essential foreign trade route of the United States:

Trade Route No. 10—U. S. North Atlantic Mediterranean and Black Seas. Between U. S. North Atlantic ports (Maine–Virginia, inclusive) and ports in the Mediterranean Sea, Black Sea, Portugal, Spain (south of Portugal), and Spanish and French Morocco (Tangier to southern border of French Morocco.)

2. U. S. flag sailing requirements are: (a) 4 to 5 sailings per month of passenger and combination (Passenger-cargo) vessels, which provide service exclusively on Trade Route No. 10; (b) 10 to 12 sailings per month of freight ships which provide service exclusively or predominantly on Trade Route No. 10; and (c) some additional passenger and cargo service by other regularly scheduled U. S. flag sailings serving the route in part only, in order to fill out U. S. flag service and provide overall adequacy of U. S. flag liner operation on the route.

3. Two passenger and four combination ships are required to perform 4 to 5 sailings per month and twenty to twenty-four freight ships are required to perform 10 to 12 sailings per month.

4. Freight ships of the C–3 type, including the special type C–3's of smaller cargo carrying capacity which are being operated on this route, are suitable and efficient ships, and C–2 type freight ships of usual characteristics are suitable although somewhat deficient in speed. The special type C–2's which are being operated in this trade and which have smaller carrying capacities and somewhat greater speeds than the usual C–2's are suitable ships under present conditions, but should be considered for replacement in the near-term future. The VC–2–S–AP3 Victory type ships are suitable for interim operation. Replacement freight ships for operation on Trade Route No. 10 should be of somewhat smaller cargo carrying capacity than the usual C–3's, but should be somewhat superior in speed.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views thereon should submit same in writing to the Secretary, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: June 10, 1955.

By order of the Maritime Administrator.

[SEAL] THOS. E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55–4875; Filed, June 15, 1955; 8:56 a. m.]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 622]

DEPUTY DIRECTOR OF SHORT-TERM CREDIT SERVICE ET AL.

AUTHORITY TO ACT AS GOVERNOR UNDER CERTAIN CONDITIONS

JUNE 13, 1955.

Authority of officers of the Farm Credit Administration to act as Governor in the event that the Governor is absent or not able to perform the duties of his office for any other reason (revocation of FCA Order No. 599).

1. In the event that the Governor is absent or is not able to perform the duties of his office for any other reason, the officer who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) A. T. Esgate, Deputy Director of Short-Term Credit Service.

(2) Thomas A. Maxwell, Jr., Deputy Governor and Director of Land Bank Service.

(3) Homer G. Smith, Deputy Governor and Director of Cooperative Bank Service.

(4) Harold A. Miles, Deputy Governor and Director of Short-Term Credit Service.

(5) John C. Bagwell, General Counsel.

(6) Any Deputy Director of one of the above-named Service Divisions designated by the Governor.

2. This order shall be effective June 15, 1955.

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 55-4843; Filed, June 15, 1955; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 986 et al.]

NORTHWEST AIRLINES, INC. AND CAPITAL AIRLINES, INC.; NEW YORK-CHICAGO SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications for certificates or amendments to certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and the Board investigation pursuant to sections 205 (a), 404 (a) and 1002 (i) of the act to determine whether the public interest requires through service by interchange arrangements or otherwise between certain points on the systems of Northwest Airlines, Inc., and Capital Airlines, Inc.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 20, 1955, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 13, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-4844; Filed, June 15, 1955; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 13, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30738: Creosote oil—Buffalo, N. Y., to Spartanburg, S. C. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on creosote oil, carloads, from Buffalo, N. Y., to Spartanburg, S. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 76 to Agent Boin's I. C. C. A-968.

FSA No. 30739: Aluminum billets—Chalmette and New Orleans, La., to Eastern points. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs, and slabs, straight or mixed carloads, from Chalmette and New Orleans, La., to Baltimore, Md., Bristol, Eddystone, Philadelphia, Pa., Jersey City, Middlesex, Newark, Plainfield, N. J., and Washington, D. C.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 70 to Agent Emerson Jr.'s I. C. C. 422; Supplement 5 to Agent Spaninger's I. C. C. 1473.

FSA No. 30740: Compressed gases—Redstone Arsenal, Ala., to Tennessee. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on compressed, liquefied chlorine gases, tankcarloads, from Redstone Arsenal, Ala., to Chattanooga, North Chattanooga, Boyce, and Calhoun, Tenn.

Grounds for relief: Competition of carriers by river barges and circuity.

Tariff: Supplement 103 to Agent Spaninger's I. C. C. 1295.

FSA No. 30741: Clay aggregate—Denie, Tenn., to Arkansas and Missouri. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on clay aggregate, sintered, carloads, from Denie, Tenn., to specified stations in Arkansas and Southern Missouri.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 22 to Agent Kratzmeir's I. C. C. 4135.

FSA No. 30742: Fertilizer compounds—Kansas and Southwest to South. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer compounds, and related commodities, carloads, from El Dorado, Jacksonville, Little Rock, North Little Rock, Ark., Military, Kans., Bastrop, Doyline, Lake Charles, Sterlington, West Lake Charles, La., Houston and Lone Star, Tex., to specified points in Alabama, Florida, Georgia, Kentucky, Louisiana (east of the Mississippi River), Mississippi and Tennessee.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 68 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 30743: Sodium phosphates—Eastern points to the South. Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sodium phosphate, di-sodium phosphate and tri-sodium phosphate, carloads, from specified points in Delaware, New Jersey and Pennsylvania to specified destinations in Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 76 to Agent Boin's I. C. C. A-968.

FSA No. 30744: Sewing machine woodwork to Anderson, S. C. Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sewing machine woodwork, in mixed carloads with related articles, from New York and Brooklyn, N. Y., Elizabethport and Manville (Finderne), N. J., to Anderson, S. C.

Grounds for relief: Motor truck competition and circuity, analogous commodity.

Tariff: Supplement 76 to Agent Boin's I. C. C. A-968.

FSA No. 30745: Crude pumice from Colorado points to W. T. L. points. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on crude pumice and volcanic scoria, in closed cars, carload, from Antonito and Mesita, Colo., to specified points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 264 to Agent Prueter's I. C. C. A-3560.

FSA No. 30746: Extracts and related articles—New Orleans, La., to Pacific coast. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on extracts (tanning, etc.), chromium sulphate, and tanners' bate, straight or mixed carloads, from New Orleans, La., to specified points on the Pacific coast and adjacent thereto.

Grounds for relief: Circuitous routes.

Tariff: Supplement 44 to Agent Prueter's I. C. C. 1564.

FSA No. 30747: Sugar, beet or cane—New Orleans, La., group to Ft. Smith, Ark. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on beet or cane sugar, carloads, from New Orleans, La., and other points in Louisiana grouped with New Orleans, to Ft. Smith, Ark.

Grounds for relief: Circuitous routes.

Tariff: Supplement 10 to Agent Kratzmeir's I. C. C. 4088.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-4807; Filed, June 15, 1955; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6584, 6585; FCC 55M-520]

ALBUQUERQUE BROADCASTING CO. (KOB)

NOTICE OF PRE-HEARING CONFERENCE

In re applications of Albuquerque Broadcasting Company (KOB) Albuquerque, New Mexico, Docket No. 6584, File No. BMP-1738; for modification of construction permit; Albuquerque Broadcasting Company (KOB) Albuquerque, New Mexico, Docket No. 6585, File Nos. BL-1799, BZ-1583; for license to cover construction permit as modified and authority to determine operating power by direct measurement.

Notice is hereby given that an informal pre-hearing conference in the above-entitled proceeding, will be held in the offices of this Commission, Washington, D. C., at 10:00 o'clock a. m., on Monday, June 20, 1955.

Dated this 9th day of June, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4800; Filed, June 15, 1955; 8:48 a. m.]

[Docket No. 11384; FCC 55M-519]

WGNS, INC.

ORDER CONTINUING HEARING

In the matter of WGNS, Incorporated, Murfreesboro, Tennessee, Docket No. 11384; order to show cause why the license of AM radio station WGNS should not be revoked.

The Hearing Examiner having under consideration a petition filed on June 8, 1955, on behalf of WGNS, Incorporated, requesting that the hearing in the above-entitled proceeding, now scheduled to be held on June 13, 1955, be postponed for a period of thirty days; and

It appearing, that sufficient "good cause" has been set forth in the said petition to justify a grant of the relief requested herein; and

It further appearing, that the Broadcast Bureau of this Commission, the only other party to the proceeding, has consented to a grant of the said petition and to a waiver of § 1.745 of the Commission's rules relating to the timely filing of motions;

It is ordered, This 9th day of June 1955, that the said petition be, and it is hereby, granted; and that the hearing in the above-entitled proceeding is hereby continued until 10:00 a. m., Wednesday, July 13, 1955, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4802; Filed, June 15, 1955; 8:48 a. m.]

[Docket Nos. 11102, 11255; FCC 55M-521]

CHEROKEE BROADCASTING CO. AND VALLEY BROADCASTING CO.

NOTICE OF FURTHER HEARING

In re applications of Max M. Blakemore and E. C. Blakemore, d/b as Cherokee Broadcasting Company, Murphy, North Carolina, Docket No. 11102, File No. BP-9210; Valley Broadcasting Company, Murphy, North Carolina, Docket No. 11255, File No. BP-9464; for construction permits.

Notice is hereby given that a further hearing will be held in the above-entitled proceeding at 10:00 o'clock a. m., on Wednesday, June 15, 1955, in the offices of this Commission, Washington, D. C.

Dated this 9th day of June 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4801; Filed, June 15, 1955; 8:48 a. m.]

[Docket No. 11411; FCC 55-665]

SOUTHEASTERN ENTERPRISES (WCLE)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of R. B. Helms, Carl J. Hoskins and Jack T. Helms, d/b as Southeastern Enterprises (WCLE) Cleveland, Tennessee, Docket No. 11411, File No. BP-9629; for construction permit.

1. The Commission has before it a protest filed on May 19, 1955 by Robert W. Rounsaville, licensee of Station WBAC, Cleveland, Tennessee (1340 kc, 250 w, Unl.) pursuant to section 309 (c) of the Communications Act of 1934, as amended, protesting the Commission's action of April 19, 1955 (released April 20, 1955), granting without hearing the above-entitled application of Southeastern Enterprises for a new standard broadcast station (WCLE) to operate on 1570 kilocycles with a power of 1 kilowatt, daytime only, at Cleveland, Tennessee; and an opposition to the said protest filed by WCLE on June 6, 1955.

2. It is to be noted that this is the second protest by WBAC to a grant of a construction permit for the above-described facilities at Cleveland, Tennessee. On September 17, 1954, a construction permit for said facilities was granted to J. A. Gallimore, trading as Radio Cleveland. WBAC filed a timely section 309 (c) protest to the grant, and on October 18, 1954 the application was designated for hearing. The hearing was scheduled to begin on November 15, 1954, but, on November 2, 1954, was continued to February 14, 1955. On January 24, 1955, J. A. Gallimore notified the Commission that he did not care to prosecute the application, and it was dismissed by the Commission on February 9, 1955.

3. In support of the instant protest, WBAC contends that it is a party in interest within the purview of section 309 (c) of the Communications Act of 1934, as amended, because it will suffer economic injury since it is the only existing station in the same town where WCLE proposes to operate, since "any revenue obtained by the new station will be at WBAC's expense" and since "there is not sufficient advertising to support two radio stations in Cleveland". It is further contended by WBAC that under the Sanders Brothers Radio case [1] it is entitled to a full evidentiary hearing because an economic survey submitted with the protest shows that there is a "reasonable probability" the establishment of a second station in Cleveland would have a vital and important bearing upon the ability of the applicant to operate in the public interest. WBAC further contends that WCLE is not financially qualified to construct and operate the proposed station.

4. WBAC has specified the following issues on which it requests an opportunity to present evidence:

1. To determine whether the Cleveland market will provide sufficient revenues to the proposed station so as to permit the applicant to adequately serve its public.

2. To determine whether the advertising potential of the Cleveland market is such as may indicate that both stations—the existing and the proposed—will go under, with the result that a portion of the listening public will be left without adequate service

3. To determine whether the advertising potential of the Cleveland market is so slight that by a division of the field both stations—the existing and the proposed—will be compelled to render inadequate service.

4. To determine whether the competition of a second station which will operate daytime only, may force the existing full-time station to fail, thus depriving the public of Cleveland of its only nighttime radio outlet.

5. To determine whether the applicant is financially qualified to construct, own and operate the proposed station.

6. To determine whether, considering the above issues, a grant of the application would serve the public interest, convenience, and necessity.

5. In view of the fact that protestant is licensee of standard broadcast station WBAC, Cleveland, Tennessee; that the grant herein protested establishes a second standard broadcast station in Cleveland, Tennessee in direct competition with protestant's existing and operating station; and that protestant has alleged that it has been and will continue to be financially injured by the grant in question, we are constrained to conclude that protestant is a "party in interest" which may protest under section 309 (c). See T. E. Allen and Sons, 9 Pike and Fischer RR 197; Federal Communications v. Sanders Brothers Radio Station, 309 U. S. 407 (9 RR 2008).

6. Issues 1, 2, 3, and 4 as specified by the protestant relate to economic injury. These issues, designed to show that the public interest would suffer by the establishment of a second station in Cleveland, Tennessee, in all likelihood, are not pertinent because of considerations already set out by the Commission In re Voice of Cullman, 6 RR 164 (1950).[2] However, the Commission, in cases very similar to the subject case, has recently afforded the protestants an oral argument on the legal and policy questions raised by protestants seeking hearing issues on the competitive aspects of new stations, In re Application of American Southern Broadcasters (WPWR), 11 RR 1054; In re Application of Radio Tifton (WTIF), 11 RR 1167; and In re Application of Iredell Broadcasting Company (WDBM) (FCC 55-586). Consequently, the instant protestant will be afforded a similar oral argument on the legal and policy questions raised by the requested economic injury issues.

7. With respect to Issue 5, the protestant alleges that WCLE is not financially qualified to construct and operate the proposed station. The protestant reasons that WCLE's existing capital of $25,000 and its estimated cost of construction of $19,309.78 would leave $5,690.22 to cover "possible initial oper-

[1] Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 407 (9 RR 2008).

[2] See also In re Van Curler Broadcasting Corporation, 11 RR 215, where the Commission states "there is grave doubt as to whether a showing of economic injury on the part of a protestant would entitle him to a hearing on an issue related to the competition which the protestant would suffer from the operation of another station in his community".

ating losses" and that this is inadequate; that the $5,690.22 would be further reduced because WCLE could not construct the necessary buildings for its estimated $1,000; that WCLE would be unable to absorb a loss of at least $15,000 a year which would result from its estimated annual operating costs of $55,000 as against a possible income of $40,000; that WCLE's estimated annual revenue of $65,000 is unrealistic because it would have to come from present clients of WBAC or be developed from new business in Cleveland, and "Since WBAC is now in its tenth year of operation, it is not likely that many of its clients will leave the station to go to a station, non-network, daytime only, on a much higher frequency" and "The economic analysis clearly indicates the unprobability of an increase in the advertising potential of the market"; and that Jack T. Helms, one of the partners in WCLE, would be unable to supply additional funds if they were needed.

8. The protestant sets forth no facts to substantiate its inference that $5,690.22 would be inadequate to meet WCLE's early operating expense and further premises its conclusion on the assumption that there will be "possible initial operating losses". The conclusion of inadequacy of the $5,690.22 is unrealistic in view of the fact that the combined net worth of the three partners in WCLE is $227,000. The contention by the protestant that WCLE's estimated annual revenue of $65,000 is unrealistic because "it is not likely that many of its (WBAC) clients will leave the station to go to a station, non-network, daytime only, on a much higher frequency" is frivolous since the protestant's petition is based on the claim that WBAC will lose so much business to WCLE that it will be economically injured and will have to diminish its service or perhaps go out of business. Moreover, the protestant's conclusion that no new advertising accounts can be secured from the Cleveland market is not borne out by the economic survey on which it relies since the survey showed that of the Cleveland merchants interviewed 22 per cent indicated that they intended to increase their advertising budgets and 32 per cent indicated that if they increased their advertising they would use radio. In its opposition to the instant protest, WCLE contends, on the basis of WBAC's financial data set forth in the WBAC protest, that its estimated annual revenue of $65,000 is reasonable inasmuch as the gross sales of WBAC for each year since 1946 have substantially exceeded that amount and in 1953, the most recent year given, were over $100,000; and that WBAC has realized an average profit therefrom for the past five years of $24,500 per year. While the balance sheet for Jack T. Helms shows little cash in excess of his $6,250 commitment to the partnership, his net worth totals $31,361.22; and although this amount includes certain fixed assets, they are encumbered to the extent of only $6,100 and can be considered as acceptable collateral for a substantial bank loan in the event that additional funds would be required from Jack T. Helms. The partnership agreement provides that capital will be furnished "according to the needs of the partnership". Balance sheets of the individual partners indicate that they have a total of $40,000 in cash available, a net worth of $227,000 and total assets in excess of $330,000. In its efforts to show that the applicant is not financially qualified, the protestant has specified no facts in support thereof but has relied upon conclusionary arguments grounded on hypothetical situations and contingencies of the protestant's own making. In the Commission's opinion the protestant has failed to specify with particularity facts to warrant the designation of the subject application for hearing on the issue of financial qualifications, but inasmuch as oral argument will be held on the above-described "economic" issues it would appear expedient to give the protestant an opportunity in said oral argument to show that the protestant's conclusions concerning the applicant's financial qualifications are valid and that such conclusions show that the applicant is not financially qualified to construct and operate the proposed station.

9. In view of the foregoing: *It is ordered*, That, insofar as the subject protest requests reconsideration of the Commission's action of April 20, 1955, it is granted to the extent provided for below; that pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission with respect to the hearing described below, and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether the Cleveland market will provide sufficient revenues to the proposed station so as to permit the applicant to adequately serve the public.

2. To determine whether the advertising potential of the Cleveland market is such as may indicate that both stations—the existing and the proposed—will go under, with the result that a portion of the listening public will be left without adequate service.

3. To determine whether the advertising potential of the Cleveland market is so slight that by a division of the field both stations—the existing and the proposed—will be compelled to render inadequate service.

4. To determine whether the competition of a second station which will operate daytime only, may force the existing full time station to fail, thus depriving the public of Cleveland of its only nighttime radio outlet.

5. To determine whether the applicant is financially qualified to construct and operate the proposed station.

It is further ordered, That Robert W. Rounsaville, licensee of Station WBAC, Cleveland, Tennessee, and the Chief, Broadcast Bureau, are made parties to the proceeding and that:

1. The hearing shall commence at 10:00 a. m. on July 7, 1955 and shall be held before the Commission en banc.

2. The hearing shall consist of oral argument, upon the basis that the facts alleged in the protest are true, to determine the legal and policy considerations presented by the above five issues.

3. The parties shall have fifteen days after the hearing to file proposed findings of fact and conclusions of law, and briefs as desired.

Thereafter, the Commission will issue a decision on each of the above issues, either dismissing it or designating it for evidentiary hearing before an Examiner. In the event that an evidentiary hearing is ordered, the parties shall have fifteen days after the close of the evidentiary hearing to file proposed findings of fact and conclusions, and such briefs as are desired, and they shall have fifteen days after the issuance of the Examiner's decision to file exceptions thereto and to the Commission's decision made after the hearing before it en banc, and seven days thereafter to file replies to any such exceptions.

4. The parties intending to participate in this proceeding shall file their appearances not later than July 1, 1955.

Adopted: June 8, 1955.

Released: June 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4803; Filed, June 15, 1955; 8:48 a. m.]

[Docket No. 11412; FCC 55-651]

WJR, THE GOODWILL STATION, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WJR, The Goodwill Station, Inc., Flint, Michigan (WJRT), Docket No. 11412, File No. BMPCT-2689; for modification of construction permit.

1. The Commission has before it for consideration (1) a "Joint Petition for Rehearing, Reconsideration and Further Relief" filed on May 12, 1955, by Trebit Corporation (Trebit), Flint, Michigan, and W. S. Butterfield Theatres, Inc. (Butterfield), Detroit, Michigan, pursuant to section 405 of the Communications Act of 1934, as amended; (2) a "Petition Protesting Grant and For Reconsideration or Rehearing" filed on May 12, 1955, by Lake Huron Broadcasting Corporation (Lake Huron), permittee of television broadcast station WKNX-TV, Channel 57, Saginaw, Michigan, pursuant to sections 309 (c) and 405 of the Communications Act; (3) a "Protest to Grant" filed on May 13, 1955, by Inland Broadcasting Company (Inland), permittee of television station WTOM-TV, Channel 54, Lansing, Michigan, pursuant to section 309 (c) of the Communications Act; (4) a "Protest and Petition for Reconsideration" filed on May 16, 1955, by Sparton Broadcasting Company (Sparton), permittee of television broadcast station WWTV, Channel 13, Cadillac, Michigan, pursuant to sections 309 (c) and 405 of the Communications Act; (5) a "Motion to Dismiss or Deny Joint Petition" and (6) a "Reply of WJR, The Goodwill Station, Inc.", both filed on May 17, 1955, by WJR, The Goodwill Station, Inc. (WJR); (7) an "Answer to 'Reply of WJR, The Goodwill Station, Inc.'" filed on May 23, 1955, by Lake Huron; and (8) a "Response to Reply of WJR", filed on May 23, 1955, by Sparton. All of the above protests and petitions are directed against the Commission's action of April 14, 1955, granting without hearing the above-entitled application, and all, except the petition filed by Trebit and Butterfield, request that the Commission either set aside the grant or postpone the effective date thereof and designate WJR's application for hearing on the issues specified by each of the petitioners and such further issues as may be prescribed by the Commission. In addition, Sparton requests that the Commission immediately postpone the effective date of the grant pending decision on its protest and petition. This request was denied by Commission order, dated May 25, 1955. Trebit and Butterfield's joint petition requests that the Commission reconsider and set aside the grant of the above-entitled application and deny, dismiss or return the application.

2. On May 14, 1954, the Commission, after a comparative hearing, granted the application of WJR for a construction permit for a new television broadcast station on Channel 12 assigned to Flint, Michigan, and denied the competing applications of Trebit and Butterfield. On December 6, 1954, the Commission issued a Memorandum Opinion and Order denying petitions for rehearing filed by Trebit and Butterfield. The construction permit so granted provided for a transmitter location 23 miles southeast of Flint in the direction of Detroit. On January 5, 1955, Trebit and Butterfield filed separate appeals in the United States Court of Appeals for the District of Columbia Circuit (W. S. Butterfield Theatres, Inc. v. F. C. C., No. 12527 and Trebit Corporation v. F. C. C., No. 12528.)

3. On December 16, 1954, WJR filed the above-entitled application for modification of its construction permit to change its transmitter location from 23 miles southeast of Flint to 20.5 miles northwest of the city limits of Flint. The applicant aiso requested minor antenna changes, a change of studio location within Flint, changes in studio facilities, and indicated changes in programming, a change in network affiliation from DuMont to CBS, and a change in staff proposals. The Commission granted the application without hearing on April 14, 1955.[1]

4. Trebit and Butterfield claim standing to request reconsideration of the grant of the above-entitled application under section 405 of the Communications Act by reason of their status as the unsuccessful applicants for Channel 12 in Flint. They argue, in this respect, that the grant of the application adversely affected their rights as appellants before the Court of Appeals, because the application was in reality an amendment to WJR's original proposal in the comparative hearing, ". . . filed under the guise of an application for modification of permit . . ." In its opposition to Trebit and Butterfield's joint petition, WJR argues that neither has standing under section 405 of the Act to request reconsideration; that the proceeding involving their applications has been concluded and neither is a present applicant for Channel 12; that the fact that appeals from the Commission's decision are pending before the Court does not change that fact; and that neither has alleged that economic injury will be or has been caused as a result of the modification of the original construction permit.

5. We find no support in the Communications Act of 1934, as amended, in prior Commission decisions, or in Court decisions, for the claim to standing made by Trebit and Butterfield based on their status as the unsuccessful applicants for Channel 12 in Flint. The proceeding involving Trebit's and Butterfield's applications for construction permits has been concluded. As noted supra, appeals from the Commission's decision granting the construction permit to WJR are pending in the U. S. Court of Appeals for the D. C. Circuit. This fact does not alter the petitioners' status. The Commission's decision has not been stayed, and in the event it is reversed, the basic construction permit and any modification thereof will be vacated and all of the applications reconsidered. Under section 402 (h) of the act, this must be upon the original record unless the Court directs otherwise. The grant of the instant application does not make the appeals moot and can in no wise adversely affect the interests of the petitioners as applicants if the matter is remanded by the Court of Appeals. Since the petitioners are no longer applicants for Channel 12, standing cannot be based upon a former status. It should be noted that even if the instant grant were to be set aside, this would not serve to reinstate Trebit and Butterfield as applicants for Channel 12. Accordingly, we find that Trebit and Butterfield have no standing to request reconsideration of the grant of the above-entitled application. Sacramento Telecasters, Inc., March, 1955 (FCC 55-318); WJR, The Goodwill Station, Inc., April, 1955 (FCC 55-452). Therefore, the joint petition filed by Trebit and Butterfield must be dismissed.

6. Lake Huron claims standing as a party in interest under Section 309 (c) of the Communications Act and a person aggrieved and whose interests are adversely affected under section 405 of the act, as the licensee of standard broadcast station WKNX and the permittee of television station WKNX-TV, Channel 57, Saginaw. In support of its claim to standing, Lake Huron alleges that under its original construction permit, WJR did not provide a Grade A signal to Saginaw; that under the modified permit, the transmitter location is 14 miles from the center of Saginaw; that the city of Saginaw will be entirely encompassed by the principal city (77 dbu) signal of WJRT; that operating from this location WJRT will be in direct competition with Lake Huron's AM and TV stations; that in consequence of the grant Lake Huron will lose its CBS network programs and other sources of revenue; and that the additional competition will thereby result in the complete loss of Lake Huron's investment in WKNX-TV and will compel cessation of Lake Huron's television service to Saginaw and the surrounding area.

7. Inland claims standing as a party in interest under section 309 (c) of the Communications Act as the permittee of television broadcast station WTOM-TV, Channel 54, in Lansing, Michigan. Inland alleges that under WJR's original construction permit, WJRT would not have rendered Grade A service to Lansing; that as a result of the transmitter move, the Grade A contour of WJRT will substantially overlap the Grade A contour of WTOM-TV and will encompass the city of Lansing; that WJRT will be a direct competitor to WTOM-TV; that the transmitter move will result in WTOM-TV losing ABC programs which it now carries and, as a result, it will also lose regional and national advertisers; and that a Detroit advertiser has already failed to renew its advertising over WTOM-TV because of the proposed WJRT operation with a resultant loss of from $600 to $700 per month in revenue.

8. Sparton claims standing under sections 309 (c) and 405 of the Communications Act as the permittee of television broadcast station WWTV, Channel 13, Cadillac, Michigan. Sparton alleges that it is affiliated with CBS, ABC and DuMont networks; that such network programming has enabled it to sell national, regional and local spots, which sales constitute the major portion of its revenues; that operating from its proposed location, WJRT will cause destructive (adjacent channel) interference in Sparton's present service area, which will, in turn, cause a loss of audience and advertising revenues, and will "seriously endanger" Sparton's network affiliation. In addition, Sparton alleges that the proposed transmitter move will bring WJRT into competition with WWTV for the first time through overlap of as much as 16.3 percent of WWTV's Grade A service area and overlap of as much as 23.4 percent of WWTV's Grade B service area; and that this competition will result in the loss of the "full value" of Sparton's network affiliation, to the extent that there is a "serious possibility" that Sparton would be forced to suspend or cease operations altogether.

9. Lake Huron, in support of its protest and petition, alleges, in substance, that the grant of the WJR application for modification of construction permit contravenes the requirements of § 3.607 of the rules, the Commission's statements of policy, and the principles embodied in section 307 (b) of the Communications Act and adopted in the Sixth Report and Order; that the grant will impair the

[1] On May 5, 1955, Trebit and Butterfield filed a motion in the United States Court of Appeals for the District of Columbia Circuit requesting an order directing the Commission to rescind its action of April 14, 1955. By order of May 20, 1955, the Court directed that the motion be held in abeyance pending hearing of the appeals on the merits. Trebit and Butterfield had also appealed from denials of subsequent pleadings related to WJR's application for modification of the construction permit. Case Nos. 12666, 12667.

ability of UHF stations in Saginaw and Lansing, Michigan, to compete effectively by aggravating the intermixture of VHF and UHF service in those areas and will cause the likely loss of service of the UHF station; that the grant is in derogation of the Commission's own policy statement set forth in its notice of proposed rule making in Docket No. 11297 (proposing to limit transmitter sites to not more than five miles from a city's limits), and that the showing made by WJR in support of a waiver of the 5-mile limitation did not justify such waiver; that the grant is against the public interest because it sanctions misrepresentations and non-disclosure of material facts with respect to WJR's lack of intention to construct the station orginally applied for and authorized; that the grant is against the public interest because WJR abdicated to other persons and organizations its basic and primary responsibility and duty as a permittee of broadcast facilities to determine the nature of its operations in the public interest; and that the grant is in violation of §§ 1.319 and 1.387 (b) of the rules and the doctrine of the Ashbacker case.[2]

10. Inland, in support of its protest, alleges in substance, that the proposed transmitter move is contrary to the principles underlying the Table of Assignments; that the grant is not in the public interest because it will seriously cripple, if not eliminate outright, the existing UHF operations in Lansing and Saginaw, and will hold off any hopes of additional UHF service in those areas; that if commercial UHF is destroyed, noncommercial educational stations in the area, which are also UHF, will also be destroyed, because people will no longer buy UHF receivers or converters; and that the WJRT transmitter move is an act of misrepresentation and nondisclosure which the Commission should not condone.

11. Sparton alleges, in support of its protest and petition for reconsideration, generally the same matters alleged by Lake Huron and Inland, and in addition, alleges that the transmitter move will cause destructive electrical interference with a resultant loss of service to an area now served by WWTV; that because of the increased overlap of WWTV with other CBS affiliates, WWTV will lose sponsors; and that its program quality will thereby suffer to the detriment of the public it serves.

12. The above protestants request that, pursuant to the provisions of section 309 of the Communications Act, the Commission designate the above-entitled application for hearing on the issues specified in their respective protests, together with such further issues as may be prescribed by the Commission; make each of them a party to the proceeding; and pending hearing and decision, postpone the effective date of the Commission's action to the effective date of the Commission's decision after hearing. Lake Huron and Sparton also request reconsideration or rehearing of the Commission's action under section 405 of the Communications Act.

[2] Ashbacker Radio Corp. v. F. C. C., 326 U. S. 327.

13. In its reply to the above protests WJR questions whether the protestants have met the statutory test of standing, but in order "* * *to expedite final action * * *" concedes that each of the protestants possesses the requisite standing. Further, WJR states that it does not object to any of the issues framed by the protestants, except the issues framed by Sparton insofar as they relate to electrical interference and overlap. WJR also urges that, in adducing evidence in support of the issues, each of the protestants be limited to the specific allegations set forth in its protest; that the burden of proceeding with the introduction of evidence and the burden of proof should be placed upon the protestants; that the hearing be set to commence at an early date; and necessary proceedings after hearing be expedited.

14. In light of the fact that Lake Huron, Inland and Sparton are permittees of television broadcast stations in Saginaw, Lansing and Cadillac, Michigan, respectively; that each has alleged it derives operating revenues from the sale of national, regional and local advertising from the area proposed to be served by WJRT from its new transmitter location; that the proposed transmitter move will result in WJRT placing a principal city signal over Saginaw for the first time, in placing a Grade A signal over Lansing for the first time, and in substantially overlapping the Grade A service area of Sparton's station WWTV for the first time, as well as causing adjacent channel interference to WWTV; and that each of the protestants has alleged that it has been or will be economically injured by the grant complained of, we find that Lake Huron, Inland and Sparton are each a "party in interest" within the meaning of section 309 (c) of the Communications Act, and Lake Huron and Sparton are each a "person aggrieved" within the meaning of section 405 of the Communications Act. F. C. C. v. Sanders Brothers Radio Station, 309 U. S. 470; Midwest Television, Inc., 9 Pike & Fischer RR611; Metropolitan Television Company v. F. C. C., — U. S. Appl. D. C. —.

15. The Commission finds, further, that each of the protestants has specified with particularity the facts, matters and things relied upon as required by the provisions of section 309 (c) of the act to warrant designation of the above-entitled application for hearing on the issues specified by each in its protest, except as indicated hereinbelow. Inasmuch as all of the issues specified by Inland and Sparton, except issues "1" and "2" specified by Sparton, are encompassed within the issues specified by Lake Huron, we are setting for hearing the issues specified by Lake Huron in lieu of those specified by Inland and Sparton.

16. Issues "1" and "2" specified by Sparton are as follows:

1. To determine the effect of a grant of the above-styled application upon the existing operations of Stations WWTV, Cadillac, Michigan, WKNX-TV, Saginaw, Michigan, and other television stations in the area.

2. To determine the areas and populations to be served by the applicant's proposed television station and to determine whether the type and character of the applicant's proposed program service will meet the needs of such areas and population.

With respect to Issue "1" above, no allegations have been made by Sparton relating to the effect of a grant upon any stations other than WWTV and WKNX-TV, and the issue is therefore too broad. An issue on the economic effect of a grant upon WKNX-TV has also been requested by Lake Huron. We will, therefore, include WWTV in that issue, and there is, therefore, no need for the separate issue on economic effect requested by Sparton.[3] It should be noted, however, that inclusion of this issue does not constitute a determination that the competitive effect of a grant upon existing stations is a relevant consideration. See American Southern Broadcasters (WPWR), 11 Pike & Fischer, RR 1054. This question will be determined in the hearing.

17. Issue "2" above is not acceptable as framed by the protestant to the extent it provides for a determination of the areas and population to be served by the applicant's proposed television station. Accordingly, we are reframing this issue so that it will elicit information as to coverage of WJRT's proposed operation in terms of Grade A and B field intensity contours as determined in accordance with the Commission's rules. See Westinghouse Radio Stations, Inc., 8 Pike & Fischer, RR381. The remainder of the issue is being retained as specified by the protestant.

18. In view of the foregoing: *It is ordered*, That, insofar as the petitions herein request reconsideration of the Commission's action of April 14, 1955, pursuant to section 405 of the Communications Act of 1934, as amended, they are denied, except with respect to the hearing provided for below; that effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission with respect to the protests herein of Lake Huron Broadcasting Corporation, Inland Broadcasting Company, and Sparton Broadcasting Company; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application for modification of construction permit is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(a) To determine whether the type and character of the applicant's proposed program service will meet the needs of the communities and areas within the Grade A and Grade B field intensity contours of the television station proposed in the above-entitled application.

(b) To determine whether, in the light of the plans and intentions of WJR with respect to the location of the proposed television station, a grant of the application would be consistent with the provisions of § 3.607 of the Commission's rules, the principles in the Commission's Sixth Report and Order, and statements of policy of the Commission, or would contravene the requirements of section 307 (b) of the Communications Act of 1934, as amended.

(c) To determine whether WJR misrepresented and concealed from the Commission material facts with respect to its intentions to construct and operate the television station proposed in its original application for construction permit.

(d) To determine whether WJR abdicated to other persons and organizations its basic and primary responsibility to determine the nature of its operations in the public interest.

(e) To determine whether a grant of the said application is precluded by the provisions of § 1.319 or § 1.387 (b) of the Commission's rules or the doctrine of Ashbacker Radio Corp. v. F. C. C., 326 U. S. 327.

(f) To determine whether the consequences of a grant of such application would be to impair the ability of stations WKNX-TV and WWTV to compete effectively with the station proposed by WJR in said application for MP or to deprive the public of the service of WKNX-TV or WWTV.

(g) To determine, in the light of the evidence adduced upon the foregoing issues, whether public interest, convenience or necessity would be served by a grant of the application of WJR, and whether the applicant is qualified to receive a grant of the application.

The burden of proof as to each of the above issues shall be on the protestants:

It is further ordered, That the protestants and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues shall commence at 10:00 a. m., on June 27, 1955, before an Examiner to be specified by the Commission;

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearing shall be filed not later than June 20, 1955:

It is further ordered, That the joint petition for reconsideration filed by Trebit Corporation and W. S. Butterfield Theatres, Inc. is hereby dismissed.

Adopted: June 8, 1955.

Released: June 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-4804; Filed, June 15, 1955; 8:48 a. m.]

[3] While it appears that Issue "1" requested by Sparton related to the economic effect of a grant upon WWTV and WKNX-TV, if it was intended to relate to the effect of the grant of WJR's application in terms of the Commission's allocation principles and section 307 (b) of the act, it is included in Lake Huron's first issue.

[4] Additional views of Commissioner Lee filed as part of original document.

FEDERAL POWER COMMISSION

[Docket No. E-6620]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 13, 1955.

Notice is hereby given that on May 24, 1955, the Federal Power Commission issued its order adopted May 23, 1955, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4812; Filed, June 15, 1955; 8:50 a. m.]

[Docket Nos. G-2530, G-7113]

EL PASO NATURAL GAS CO. AND COLORADO INTERSTATE GAS CO

NOTICE OF FINDINGS AND ORDERS

JUNE 13, 1955.

In the matters of El Paso Natural Gas Company, Docket No. G-2530; Colorado Interstate Gas Company, Docket No. G-7113.

Notice is hereby given that on May 19, 1955, the Federal Power Commission issued its findings and orders adopted May 18, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4828; Filed, June 15, 1955; 8:52 a. m.]

[Docket Nos. G-2742, G-4263, G-4439, G-4511, G-4588, G-4601, G-4631, G-7192, G-8434, G-8444, G-8513, G-8661]

PHILLIPS PETROLEUM CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

JUNE 13, 1955.

In the matters of Phillips Petroleum Company, Docket No. G-2742; El Paso Natural Gas Company, Docket No. G-4263; Anderson-Prichard Oil Corporation, Docket No. G-4439; Mid-Continent Petroleum Corporation, Docket No. G-4511; Mendota Oil Company, Docket No. G-4588; Progress Petroleum Company of Texas, Docket No. G-4601; Greenbrier Oil Co., Docket No. G-4631; the Pure Oil Company, Docket No. G-7192; the Ohio Fuel Gas Company, Docket No. G-8434; Texas Eastern Transmission Corporation, Docket No. G-8444; Algonquin Gas Transmission Company, Docket No. G-8513; and Tennessee Gas Transmission Company, Docket No. G-8661.

Notice is hereby given that on May 31, 1955, the Federal Power Commission issued its findings and orders adopted May 25, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4833; Filed, June 15, 1955; 8:53 a. m.]

[Docket Nos. G-2805, G-2806]

MONTANA POWER CO.

NOTICE OF ORDER AFFIRMING DECISION

JUNE 13, 1955.

Notice is hereby given that on May 19, 1955, the Federal Power Commission issued its order adopted May 18, 1955, in the above-entitled matter, affirming the Presiding Examiner's decision in said dockets, and issuing a superseding permit in Docket No. G-2806.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4813; Filed, June 15, 1955; 8:50 a. m.]

[Docket No. G-3175]

PHILLIPS PETROLEUM CO.

NOTICE OF ORDER TERMINATING PROCEEDING IN PART

JUNE 13, 1955.

Notice is hereby given that on May 24, 1955, the Federal Power Commission issued its order adopted May 18, 1955, terminating proceeding in part in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4814; Filed, June 15, 1955; 8:50 a. m.]

[Docket Nos. G-3264, G-3326, G-3998, G-5295, G-8087, G-8126, G-8383, G-8384, G-8389, G-8421, G-8450, G-8477, G-8478, G-8544, G-8551]

ARGO OIL CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

JUNE 13, 1955.

In the matters of Argo Oil Company, Docket No. G-3264; H. R. Goodrich, Docket No. G-3326; James Doughty, Docket No. G-3998; Joe Rubin & Sons, Docket No. G-5295; the Texas Company, Docket No. G-8087; Frank Zickefoose, Docket No. G-8126; Wetzell Lusher, et al., d. b. a. Big Huff Gas Company, Docket No. G-8383; O. K. Smith Drilling Company, Docket No. G-8384; the Texas Company, Docket No. G-8389; A. Unrein, Docket No. G-8421; Hunt Oil Company, Docket No. G-8450; Fairman Drilling Company, Docket No. G-8477; Scandola Oil & Gas Company, Docket No. G-8478; W. F. Roberts, et al., Docket No. G-8544; Cathey Gas Company, Docket No. G-8551.

Notice is hereby given that on May 24, 1955, the Federal Power Commission issued its findings and orders adopted May 18, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4822; Filed, June 15, 1955; 8:51 a. m.]

[Docket No. G-3701, G-3702]

GILCREASE OIL CO. ET AL.

NOTICE ON FINDINGS AND ORDER

JUNE 13, 1955.

In the matters of Gilcrease Oil Company, Docket No. G-3701; Gilcrease Oil Company, et al., Docket No. G-3702.

Notice is hereby given that on May 31, 1955, the Federal Power Commission issued its findings and order adopted May 25, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4834; Filed, June 15, 1955; 8:53 a. m.]

[Docket No. G-3940]

WUNDERLICH DEVELOPMENT CO.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 9, 1955.

Upon consideration of the telegraphic request of Counsel upon behalf of Applicant filed June 2, 1955, for postponement of the hearing now scheduled for June 22, 1955, in the above-designated matter;

Notice is hereby given that the hearing now scheduled for June 22, 1955, is hereby postponed to September 14, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4823; Filed, June 15, 1955; 8:51 a. m.]

[Docket No. G-4264]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER APPROVING PROPOSED SETTLEMENT AND PROVIDING FOR FILING OF RATE SCHEDULES AND TARIFF REVISIONS

JUNE 13, 1955.

Notice is hereby given that on May 19, 1955, the Federal Power Commission issued its order adopted May 18, 1955, approving proposed settlement and providing for the filing of rate schedules and tariff revisions in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4815; Filed, June 15, 1955; 8:50 a. m.]

[Docket No. G-4735]

COLORADO OIL AND GAS CORP.

NOTICE OF ORDER RESCINDING TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND TERMINATING PROCEEDING

JUNE 13, 1955.

Notice is hereby given that on May 20, 1955, the Federal Power Commission issued its order adopted May 18, 1955, rescinding temporary certificate of public convenience and necessity and terminating proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4829; Filed, June 15, 1955; 8:52 a. m.]

[Docket No. G-5196]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

NOTICE OF DECLARATION OF PARTIAL EXEMPTION

JUNE 13, 1955.

Notice is hereby given that on May 19, 1955, the Federal Power Commission issued its declaration of partial exemption from the provisions of the Natural Gas Act adopted May 18, 1955, in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4816; Filed, June 15, 1955; 8:50 a. m.]

[Docket No. G-6504]

DELHI-TAYLOR OIL CORP. AND MAYFAIR MINERALS, INC.

NOTICE OF CONTINUANCE OF HEARING

JUNE 9, 1955.

Upon consideration of the motion of Delhi-Taylor Oil Corporation and Mayfair Minerals, Inc., filed June 2, 1955, for continuance of the hearing now scheduled for June 20, 1955, in the above-designated matter;

Notice is hereby given that the hearing now scheduled for June 20, 1955, is hereby postponed to September 12, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street, NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4824; Filed, June 15, 1955; 8:51 a. m.]

[Docket No. G-6815]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

JUNE 13, 1955.

Notice is hereby given that on May 20, 1955, the Federal Power Commission issued its findings and order adopted May 18, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4830; Filed, June 15, 1955; 8:52 a. m.]

[Docket Nos. G-7543, and G-7546]

SPARTAN GAS CO.

NOTICE OF FINDINGS AND ORDER

JUNE 13, 1955.

Notice is hereby given that on May 24, 1955, the Federal Power Commission issued its findings and order adopted May 18, 1955, in the above-entitled matter, issuing a certificate of public convenience and necessity, and dismissing application for partial abandonmen in Docket No. G-7543; and permitting and approving abandonment of service in Docket No. G-7546.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4831; Filed, June 15, 1955; 8:52 a. m.]

[Docket No. G-8526]

CITY OF HICKMAN, KY.

NOTICE OF APPLICATION

JUNE 10, 1955.

Take notice that the City of Hickman, Kentucky (applicant), a municipal corporation, filed an application on February 28, 1955, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Trunkline Gas Company (Trunkline) to establish and maintain physical connection of its transportation facilities with facilities proposed to be constructed by Applicant and to sell natural gas to Applicant for local distribution to the public in the City of Hickman, and its environs.

Trunkline's transmission pipeline is stated to be located approximately 6 miles southeast of Hickman, and Applicant proposes to interconnect its facilities with those of Trunkline at said point.

Applicant's annual natural gas requirements are stated to be 64,330 Mcf for the first year of operation and 112,028 Mcf for the third year. Its first year peak day requirements are stated to be 618.6 Mcf, while its third year peak day requirements are estimated to be 1,086.5 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 30th day of June 1955.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4825; Filed, June 15, 1955; 8:52 a. m.]

[Docket No. G-8599]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

JUNE 13, 1955.

Notice is hereby given that on May 31, 1955, the Federal Power Commission issued its order adopted May 27, 1955, issuing a certificate of public convenience and necessity and permitting and approving abandonment of service in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4835; Filed, June 15, 1955; 8:53 a. m.]

[Docket No. G-8637]

SUNRAY OIL CORP.

NOTICE OF ORDER MAKING EFFECTIVE PROPOSED RATE CHANGES UPON FILING OF UNDERTAKING TO ASSURE REFUND OF EXCESS CHARGES

JUNE 13, 1955.

Notice is hereby given that on May 19, 1955, the Federal Power Commission issued its order adopted May 18, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4817; Filed, June 15, 1955; 8:50 a. m.]

[Docket No. G-8676]

CITY OF MCLEANSBORO, ILL.

NOTICE OF APPLICATION

JUNE 10, 1955.

Take notice that the City of McLeansboro, Illinois (Applicant), a municipal corporation, filed on March 28, 1955, an application pursuant to section 7 (a) of the Natural Gas Act, for an order directing Trunkline Gas Company (Trunkline) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell natural gas to Applicant for local distribution to the public in the City of McLeansboro and its environs.

Trunkline's transmission pipeline is stated to be located approximately 5½ miles westerly of McLeansboro, and Applicant proposes to interconnect its facilities with those of Trunkline at that point.

Applicant's annual natural gas requirements are stated to be 71,140 Mcf for the first year of operation and 249,526 Mcf for the fifth year. Its first year peak day requirements are stated to be 539.1 Mcf, while its fifth year peak day requirements are estimated to be 1,900.6 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 30th day of June 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4826; Filed, June 15, 1955; 8:52 a. m.]

[Docket No. G-8677]

CITY OF VIENNA, ILL.

NOTICE OF APPLICATION

JUNE 10, 1955.

Take notice that the City of Vienna, Illinois (Applicant), a municipal corporation, filed on March 28, 1955, an application pursuant to section 7 (a) of the Natural Gas Act, for an order directing Trunkline Gas Company (Trunkline) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell natural gas to Applicant for local distribution to the public in the City of Vienna and its environs.

Trunkline's transmission pipeline is stated to be located approximately one mile east of Vienna, and Applicant proposes to interconnect its facilities with those of Trunkline at that point.

Applicant's annual natural gas requirements are stated to be 25,046 Mcf for the first year of operation and 81,515 Mcf for the fifth year. Its first year peak day requirements are stated to be 194.67 Mcf, while its fifth year peak day requirements are estimated to be 628.43 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 30th day of June 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4827; Filed, June 15, 1955; 8:52 a. m.]

[Docket No. G-8717]

CITIZENS GAS COMPANY OF HANNIBAL

NOTICE OF DECLARATION OF EXEMPTION

JUNE 13, 1955.

Notice is hereby given that on May 19, 1955, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act adopted May 18, 1955, in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4818; Filed, June 15, 1955; 8:51 a. m.]

[Docket No. G-8757]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

JUNE 13, 1955.

Notice is hereby given that on May 25, 1955, the Federal Power Commission issued its findings and order adopted May 24, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4832; Filed, June 15, 1955; 8:52 a. m.]

[Docket No. IT-5637]

NIAGARA MOHAWK POWER CORP.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY

JUNE 13, 1955.

Notice is hereby given that on May 20, 1955, the Federal Power Commission issued its order adopted May 18, 1955, authorizing transmission of electric energy from the United States to Canada in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4819; Filed, June 15, 1955; 8:51 a. m.]

[Projects Nos. 478, 1118]

MONTANA POWER CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (TRANSMISSION LINE)

JUNE 13, 1955.

Notice is hereby given that on May 24, 1955, the Federal Power Commission issued its order adopted May 18, 1955, accepting surrender of license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4820; Filed, June 15, 1955; 8:51 a. m.]

[Project No. 2172]

COOS-CURRY ELECTRIC COOPERATIVE, INC.

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

JUNE 13, 1955.

Notice is hereby given that on May 24, 1955, the Federal Power Commission issued its order adopted May 18, 1955, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4821; Filed, June 15, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3388]

CENTRAL POWER AND LIGHT CO.

NOTICE OF FILING REGARDING ACQUISITION BY PUBLIC UTILITY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF BONDS AND PROMISSORY NOTE OF NON-AFFILIATED NON-UTILITY COMPANY

JUNE 10, 1955.

Notice is hereby given that Central Power and Light Company ("Central Power"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has made a filing with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"). Central Power has designated sections

9 (a) and 10 of the act as applicable to the filing.

All interested persons are referred to said application for a statement of the transaction proposed therein, which is summarized as follows:

Central Power has entered into an agreement dated May 1, 1955, with Southern Texas Ice & Service, Inc. ("Southern Texas"), a non-affiliated non-utility company, pursuant to which Central Power will sell, and Southern Texas will buy, all of Central Power's ice properties, which are being operated under a lease agreement by Southern Texas.

The agreed sale price is $1,100,000 if paid in cash by Southern Texas on or before January 16, 1956, or $1,200,000 if paid partly in cash and partly in debt securities of Southern Texas. The agreement provides that Southern Texas shall pay to Central Power $250,000 in cash at the time of conveyance of said properties and deposit with Harris Trust and Savings Bank, Chicago, Illinois, as Escrow Agent, $850,000 principal amount of First Mortgage 5 Percent Sinking Fund Bonds dated May 1, 1955, and maturing May 1, 1965, and a promissory note in the principal amount of $100,000 bearing interest at the rate of 5 percent per annum from May 1, 1955, and payable in two installments of $50,000 each on May 1, 1956 and May 1, 1957. The bonds will be secured by a first mortgage on substantially all of the properties of Southern Texas, including those to be acquired from Central Power, and the promissory note will be endorsed and guaranteed by Southeastern Public Service Company, the parent of Southern Texas.

The agreement provides that Southern Texas may, at its option, pay to the Escrow Agent for the account of Central Power at any time on or before January 16, 1956, the sum of $850,000 in cash, plus interest thereon at the rate of 5 percent per annum from May 1, 1955, to the date of payment, and the bonds and promissory note held by the Escrow Agent shall be returned to Southern Texas. If Southern Texas shall not make such payment to the Escrow Agent for the account of Central Power, the failure to do so shall constitute an election by Southern Texas to purchase Central Power's ice properties partly for cash and partly for debt securities and the Escrow Agent shall release to Central Power the $850,000 principal amount of bonds and the promissory note in the principal amount of $100,000 as valid and binding obligations for the payment of principal and interest provided therein.

The filing states that no State commission and no Federal regulatory agency, other than this Commission, has any jurisdiction over the proposed acquisition by Central Power of the bonds and promissory note of Southern Texas.

Notice is further given that any interested person may, not later than June 24, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said application which he proposes to controvert, or he may request to be notified if the Commission should order a hearing thereon. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted pursuant to Rule U-23 promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4810; Filed, June 15, 1955; 8:50 a. m.]

[File No. 812-937]

GAS INDUSTRIES FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PROPOSED PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

JUNE 10, 1955.

Notice is hereby given that Gas Industries Fund, Inc. ("Gas Industries"), a registered open-end diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 10 (f) of the act the proposed purchase by Gas Industries of not more than 20,000 shares of the common stock of Pioneer Natural Gas Company ("Pioneer") during the existence of the underwriting syndicate mentioned below.

The application states that The First Boston Corporation ("First Boston") expects to be among a group of principal underwriters which plans to sell by public offering 776,066 shares of outstanding common stock of Pioneer on behalf of a group of selling stockholders comprising nine investment banking houses; that James H. Orr, one of the four directors of Gas Industries, is also a director of, and therefore, an affiliated person of, First Boston; and that Gas Industries considers it desirable to be in a position to purchase not more than 20,000 shares of Pioneer common stock during the existence of the public offering in order to have reasonable assurance of being able to obtain a substantial block of shares and to avoid the possibility of a higher price after the underwriting syndicate has dissolved.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person, unless the Commission by order upon application grants an exemption therefrom. The application states that since a director of Gas Industries is an affiliated person of an investment banking organization which is part of the principal underwriting group, the proposed purchase is subject to the provisions of section 10 (f).

It is represented that the directors of Gas Industries have individually authorized the purchase by Gas Industries of not exceeding 20,000 shares of common stock of Pioneer from underwriters or members of the selling group, if any, other than First Boston, except to the extent that First Boston might be included if a purchase were to be made from Union Securities Corporation (the representative of the other principal underwriters) for the account of the several underwriters.

Pioneer, a Texas corporation, is engaged in the transmission and distribution of natural gas in the cities of Amarillo, Lubbock, Midland, Odessa, Plainview, and in 54 other West Texas and Texas Panhandle towns and cities, and in Clayton, New Mexico, and the rural areas traversed by its transmission lines. Pioneer owns all the outstanding securities of Amarillo Oil Company, a Texas corporation, which is engaged in the business of natural gas and oil development and production. Its sole gas customer is its parent, Pioneer.

The application states that if Gas Industries were to purchase 20,000 shares of common stock of Pioneer, it would acquire approximately 2.6 percent of the total contemplated offering, and assuming a purchase price of $28 a share (the approximate market price on June 6, 1955), the aggregate purchase price would represent an investment of $560,000 or approximately 1.8 percent of the total assets of Gas Industries as of June 6, 1955.

It is represented that the proposed purchase by Gas Industries is consistent with its stated investment policies.

Notice is further given that any interested person may, not later than June 24, 1955, at 12:00 noon, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4809; Filed, June 15, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 4965]

ALLOCATION OF FUNDS FOR LOANS

MAY 3, 1955.

Inasmuch as Codington-Clark Electric Cooperative, Inc. has transferred certain of its properties and assets to East River Electric Power Cooperative, Inc., and East River Electric Power Cooperative, Inc. has assumed in part the indebtedness to United States of America, of Codington-Clark Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 2602, dated April 7, 1950, by changing the project designation appearing therein as "South Dakota 18F Clark" in the amount of $600,000 to read "South Dakota 18F Clark" in the amount of $551,929.15 and "South Dakota 43TP4 Minnehaha (South Dakota 18F Clark)" in the amount of $48,070.85.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 55-4847; Filed, June 15, 1955; 8:57 a. m.]

[Administrative Order 4966]

KENTUCKY

LOAN ANNOUNCEMENT

MAY 4, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 46R Harrison	$260,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4848; Filed, June 15, 1955; 8:57 a. m.]

[Administrative Order 4967]

NORTH CAROLINA

LOAN ANNOUNCEMENT

MAY 4, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 64H Hatteras Island	$25,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4849; Filed, June 15, 1955; 8:57 a. m.]

[Administrative Order 4968]

OHIO

LOAN ANNOUNCEMENT

MAY 5, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 87H Wood	$645,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4850; Filed, June 15, 1955; 8:57 a. m.]

[Administrative Order 4969]

KANSAS

LOAN ANNOUNCEMENT

MAY 6, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 8T Allen	$265,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4851; Filed, June 15, 1955; 8:57 a. m.]

[Administrative Order 4970]

OREGON

LOAN ANNOUNCEMENT

MAY 10, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 25N Deschutes	$275,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4852; Filed, June 15, 1955; 8:57 a. m.]

[Administrative Order 4971]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

MAY 10, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 28Y Williamsburg	$100,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4853; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4972]

TENNESSEE

LOAN ANNOUNCEMENT

MAY 10, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 25P Jackson	$575,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4854; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4973]

ARKANSAS

LOAN ANNOUNCEMENT

MAY 10, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 10Z Pulaski	$900,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4855; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4974]

ARKANSAS

LOAN ANNOUNCEMENT

MAY 10, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 21AF Lincoln	$100,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 55-4856; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4975]

TEXAS

LOAN ANNOUNCEMENT

MAY 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Texas 75P Wharton---------- $155,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-4857; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4976]

GEORGIA

LOAN ANNOUNCEMENT

MAY 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Georgia 98G Randolph---------- $50,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-4858; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4977]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

MAY 12, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
South Dakota 43C Minnehaha--- $579,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-4859; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4978]

NORTH DAKOTA

LOAN ANNOUNCEMENT

MAY 13, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
North Dakota 29F McKenzie--- $755,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 55-4860; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4979]

VIRGINIA

LOAN ANNOUNCEMENT

MAY 19, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Virginia 27AD Nottoway--------- $100,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-4861; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4980]

ALASKA

LOAN ANNOUNCEMENT

MAY 19, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Alaska 6E Golden Valley-------- $50,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-4862; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4981]

IOWA

LOAN ANNOUNCEMENT

MAY 19, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Iowa 14T Humboldt---------- $140,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-4863; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4982]

OKLAHOMA

LOAN ANNOUNCEMENT

MAY 20, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Oklahoma 26U Harmon--------- $420,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-4864; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4983]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

MAY 20, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
South Carolina 26W Darlington-- $230,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-4865; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4987]

COLORADO

LOAN ANNOUNCEMENT

MAY 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Colorado 17Y Prowers---------- $300,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-4869; Filed, June 15, 1955; 8:59 a. m.]

[Administrative Order 4988]

COLORADO

LOAN ANNOUNCEMENT

MAY 25, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Colorado 46A Ute---------- $10,155,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55-4870; Filed, June 15, 1955; 8:59 a. m.]

[Administrative Order 4992]

ALLOCATION OF FUNDS FOR LOANS

MAY 27, 1955.

I hereby amend:

(a) Administrative Order No. 1153, dated October 9, 1946, by reducing the allocation of $85,000 therein made for "Ohio 85E Hardin" by $11,439.60 so that the reduced allocation shall be $73,560.40.

[SEAL] ROBERT T. BEALL,
Acting Administrator.

[F. R. Doc. 55-4874; Filed, June 15, 1955; 8:59 a. m.]

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FEDERAL REGISTER

VOLUME 20 NUMBER 118

Washington, Friday, June 17, 1955

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53822]

PART 16—LIQUIDATION OF DUTIES

DECLARATION OF ORIGIN WITH RESPECT TO CUBAN PRODUCTS ENTITLED TO TOTAL OR PARTIAL EXEMPTION FROM DUTY

As it is evident that many Cuban products are readily identifiable as to their origin by reason of the character of the merchandise, and as the documentary requirements now applicable to all entries covering shipments of merchandise claimed to be Cuban products entitled to total or partial exemptions from duty work an unnecessary hardship on both the Customs Service and the importer in the case of some small shipments of such merchandise, § 16.23 (b) of the Customs Regulations is amended by adding "except as stated in the next sentence," after "agreement," in the last sentence and by adding at the end the following new sentence: "Production of the declaration may be waived in connection with direct shipments claimed to be of Cuban origin, valued not over $250, in those cases where the collector is satisfied from the character of the articles or otherwise that they are in fact of Cuban origin."

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 10, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F. R. Doc. 55-4887; Filed, June 16, 1955; 8:47 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

REGULATION OF HOMEWORK IN PARTICULAR INDUSTRIES IN CONTINENTAL UNITED STATES

Pursuant to sections 8 and 11 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1064, 1066; 29 U. S. C. 208, 211), the Administrator has heretofore issued regulations pertaining to the employment of homeworkers in the Women's Apparel Industry (Part 605), the Jewelry Manufacturing Industry (Part 607), the Knitted Outerwear Industry (Part 617), the Gloves and Mittens Industry (Part 621), the Button and Buckle Manufacturing Industry (Part 625), the Handkerchief Industry (Part 628), and the Embroideries Industry (Part 633).

These regulations have been re-examined and it has been determined that they are in need of editorial revision because some sections are obsolete and others are in need of clarification.

In Tobin v. Edward S. Wagner Co., Inc., 187 F. 2d 977, the court recognized the administrative authority to regulate homework but questioned the scope of the existing regulations applicable to homeworkers in the Knitted Outerwear Industry (29 CFR Part 617) on the ground that the language defining "industrial homework" was not sufficiently clear in the absence of "published rulings" giving notice that the administrative construction of the pertinent language was such as to make it applicable to situations where the homeworkers obtain their material from a source independent of the person for whom the goods are being produced. The homework regulations for the Knitted Outerwear Industry were clarified in this respect by an amendment to Part 617 (16 F. R. 3434, April 20, 1951). For reasons stated therein that amendment was published and made effective without advance notice and public procedure. Although challenged, the propriety of this procedure was upheld by the Court of Appeals. Mitchell v. Edward S. Wagner Company, Inc., 217 F. 2d 303, certiorari denied, 23 Law Week 3221. Similar clarification is needed with respect to the homework regulations for the Women's Apparel Industry, the Jewelry Manufacturing Industry, the Gloves and Mittens Industry, the Button and Buckle Manufacturing Industry, the Handkerchief Manufacturing Industry, and the Embroideries Industry.

For these reasons and because these amendments undertake only to make the regulations applicable to current conditions by deleting obsolete sections and to clarify and interpret, not to change, the

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 17 ($0.55)

Title 32A, Revised Dec. 31, 1954 ($1.50)

Title 38 ($2.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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remaining substance of the present regulations, advance notice and public procedure thereon is impractical, unnecessary, and contrary to the public interest. (Sec. 4, Administrative Procedure Act, (60 Stat. 237, 5 U. S. C. 1004).)

Now, therefore, pursuant to authority vested in me by section 11 (d) of the Fair Labor Standards Act of 1938, as amended, (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), General Order No. 45–A (15 F. R. 3290), and, the position of the Administrator being presently vacant, General Order No. 85 (20 F. R. 2066), Parts 605, 607, 617, 621, 625, 628 and 633 are hereby amended, effective upon publication in the FEDERAL REGISTER, to read as follows:

PART 605—WOMEN'S APPAREL INDUSTRY, HOMEWORKER REGULATIONS

Sec.
605.1 Definitions.
605.2 Restriction of homework.
605.3 Application on official forms.
605.4 Terms and conditions for the issuance of certificates.
605.5 Investigation.
605.6 Termination of certificates.
605.7 Revocation and cancellation.
605.8 Preservation of certificates.
605.9 Records and reports.
605.10 Delegation of authority to grant, deny, or cancel a certificate.
605.11 Petition for review.
605.12 Petition for amendment of regulations.

AUTHORITY: §§ 605.1 to 605.12 issued under secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211.

§ 605.1 *Definitions.* (a) The meaning of the terms "person", "employ", "employer", "employee", "goods", and "production", as used in this part, is the same as in the Fair Labor Standards Act of 1938, as amended.

(b) "Industrial homeworker" and "homeworker", as used in this part, mean any employee employed or suffered or permitted to perform industrial homework for an employer.

(c) "Industrial homework", as used in this part, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(d) The women's apparel industry, to which this part shall apply, is defined as follows: The production of women's, misses' and juniors' dresses, washable service garments, blouses, and neckwear from woven or purchased knit fabric;

women's, misses', children's and infants' underwear, nightwear, and negligees from woven fabrics; corsets and other body supporting garments from any material; other garments similar to the foregoing; and infants' and children's outerwear.

§ 605.2 *Restriction of homework.* No work in the women's apparel industry, as defined in § 605.1 (d), shall be done in or about a home, apartment, tenement, or room in a residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homeworker or unless the homeworker is so engaged under the supervision of a Sheltered Workshop, as defined in § 525.1 of this chapter.

§ 605.3 *Application on official forms.* Certificates authorizing the employment of industrial homeworkers in the women's apparel industry may be issued upon the following terms and conditions upon application therefor on forms provided by the Wage and Hour and Public Contracts Divisions. Such forms shall be signed by both the homeworker and the employer.

§ 605.4 *Terms and conditions for the issuance of certificates.* (a) Upon application by the homeworker and the employer on forms provided by the Wage and Hour and Public Contracts Divisions, certificates may be issued to the applicant employer authorizing him to employ a particular worker in industrial homework: *Provided*, That the application is in proper form and sets forth facts showing that the worker:

(1) (i) Is unable to adjust to factory work because of age or physical or mental disability; or

(ii) Is unable to leave home because his presence is required to care for an invalid in the home; and

(2) (i) Was engaged in industrial homework in the industry, as defined, prior to March 5, 1942 (except that if this requirement shall result in unusual hardship to the individual homeworker it shall not be applied); or

(ii) Is engaged in industrial homework under the supervision of a State Vocational Rehabilitation Agency.

(b) No homeworker shall perform industrial homework for more than one employer in the women's apparel industry, but homework employment in another industry shall not be a bar to the issuance of a certificate for the women's apparel industry.

§ 605.5 *Investigation.* An investigation may be ordered in any case to obtain additional data or facts. A medical examination of the worker or invalid may be ordered or a certification of facts concerning eligibility for the certificate by designated officers of the State or Federal Government may be required.

§ 605.6 *Termination of certificates.* (a) Certificates shall be valid under the terms set forth in the certificate for a period of not more than 12 months from the date of issuance or such shorter period as may be fixed in the certificate. Application for renewal of any certificate shall be filed in the same manner as an original application under this part.

(b) No effective certificate shall expire until action on an application for renewal shall have been finally determined; *Provided*, That such application has been properly executed in accordance with the requirements, and filed not less than 15 nor more than 30 days prior to the expiration date. A final determination means either the granting of or initial denial of the application for renewal of a certificate, or withdrawal of the application. A "properly executed" application is one which contains the complete information required on the form.

§ 605.7 *Revocation and cancellation.* Any certificate may be revoked for cause at any time. Violation of any provision of the Fair Labor Standards Act shall be sufficient grounds for revocation of all certificates issued to an employer, in which event no certificates shall be issued to the offending employer for a period of one year. Before any certificate is cancelled, however, interested parties shall be notified in writing of the facts warranting such cancellation and afforded an opportunity to demonstrate or achieve compliance.

§ 605.8 *Preservation of certificates.* A copy of the certificate shall be sent to the homeworker, who shall keep such certificate on the premises on which the work is performed. A copy shall also be sent to the employer, who shall keep this copy on file in the same place at which the worker's employment records are maintained.

§ 605.9 *Records and reports.* The issuance of a certificate shall not relieve the employer of the duty of maintaining the records required by the regulations in Part 516 of this chapter and failure to keep such records shall be sufficient cause for the cancellation of certificates issued to such an employer.

§ 605.10 *Delegation of authority to grant, deny, or cancel a certificate.* The Administrator may from time to time designate and appoint members of his staff or State agencies as his authorized representatives with full power and authority to grant, deny, or cancel homework certificates.

§ 605.11 *Petition for review.* Any person aggrieved by the action of an authorized representative of the Administrator in granting or denying a certificate may, within 15 days thereafter or within such additional time as the Administrator for cause shown may allow, file with the Administrator a petition for review of the action of such representative praying for such relief as is desired. Such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the proceeding being reviewed. All interested parties will be afforded an opportunity to present their views in support of or in opposition to the matters prayed for in the petition.

§ 605.12 *Petition for amendment of regulations.* Any person wishing an amendment, addition, or revision of any of the terms of the regulations in this part may submit in writing to the Administrator a petition setting forth the changes desired and reasons for proposing them. If, upon inspection of the petition or upon his own motion the Administrator believes that reasonable cause for admendment of the rules and regulations appears, the Administrator will, unless it is impractical, unnecessary, or contrary to the public interest to do so, either schedule a hearing with due notice to interested persons or make other provisions to afford interested persons opportunity to present their views in support of or in opposition to the proposed changes.

PART 607—JEWELRY MANUFACTURING INDUSTRY, HOMEWORKER REGULATIONS

Sec.
607.1 Definitions.
607.2 Restriction of homework.
607.3 Application on official forms.
607.4 Terms and conditions for the issuance of certificates.
607.5 Investigation.
607.6 Termination of certificates.
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607.12 Employment of American Indians on the Navajo, Pueblo, and Hopi Indian Reservations.
607.13 Petition for amendment of regulations.

AUTHORITY: §§ 607.1 to 607.13 issued under secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211.

§ 607.1 *Definitions.* (a) The meaning of the terms "person", "employ", "employer", "employee", "goods", and "production", as used in this part, is the same as in the Fair Labor Standards Act of 1938, as amended.

(b) "Industrial homeworker" and "homeworker", as used in this part, mean any employee employed or suffered or permitted to perform industrial homework for an employer.

(c) "Industrial homework", as used in this part, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(d) The jewelry manufacturing industry, to which this part shall apply, is defined as follows:

(1) (i) The manufacturing, processing, or assembling, wholly or partially from any material, of jewelry, commonly or commercially so known. Jewelry as used in this part includes, without limitation, religious, school, college, and fraternal insignia; articles of ornament or adornment designed to be worn on apparel or carried on or about the person, including, without limitation, cigar and cigarette cases, holders, and lighters; watch cases; metal mesh bags and metal watch bracelets; and chain, mesh, and parts for use in the manufacture of

any of the articles included in this definition. Jewelry as used in this part does not include pocket knives, cigar cutters, badges, emblems, military and naval insignia, belt buckles, and handbag and pocketbook frames and clasps, or commercial compacts and vanity cases, except when made from or embellished with precious metals or precious, semiprecious, synthetic or imitation stones, or the assaying, refining, and smelting of base or precious metals.

(ii) The term "parts" as used in the subdivision (i) of this subparagraph does not include parts which are used predominantly for products other than jewelry, such as springs, blades, and nail files. The term "commercial compacts and vanity cases" as used means compacts and vanity cases which bear the trade name or mark of a cosmetic manufacturer and are made for the purpose of distributing or advertising said cosmetics.

(2) The manufacturing, cutting, polishing, encrusting, engraving, and setting of precious, semiprecious, synthetic, and imitation stones.

(3) The manufacturing, drilling, and stringing of pearls, imitation pearls, and beads designed for use in the manufacture of jewelry.

(4) The term "hand-fashioned jewelry" as used in § 607.12 means articles of jewelry commonly known as genuine Navajo, Pueblo, Hopi, or Zuni handmade jewelry which in all elements of design, fashioning and ornamentation are handmade by methods and with the help of only such devices as permit the maker to determine the shape and design of each individual product: *Provided*, That silver used in the making of such jewelry shall be of at least nine hundred fineness, and that turquoise and other stones used shall be genuine stones, uncolored and untreated by artificial means; *And provided further*, That power machinery is permitted in the production of findings, in the cutting and polishing of stones, in the buffing and polishing of completed products, and in incidental functions. Equipment specifically prohibited shall include hand presses, foot presses, drop hammers, and similar equipment; *And provided further*, That solder may be of less silver content than nine hundred; *And provided further*, That findings may be mechanically made of any metal by Indians or others; *And provided further*, That turquoise and other stones may be cut and polished by Indians or others without restriction as to methods or equipment used.

§ 607.2 *Restriction of homework.* No work in the jewelry manufacturing industry, as defined in § 607.1 (d), shall be done in or about a home, apartment, tenement, or room in a residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homeworker or unless the homeworker is so engaged under the supervision of a Sheltered Workshop, as defined in § 525.1 of this chapter.

§ 607.3 *Application on official forms.* Certificates authorizing the employment of industrial homeworkers in the jewelry manufacturing industry may be issued on the following terms and conditions upon application therefor on forms provided by the Wage and Hour and Public Contracts Divisions. Such forms shall be signed by both the homeworker and the employer.

§ 607.4 *Terms and conditions for the issuance of certificates.* (a) Upon application by the homeworker and the employer on forms provided by the Wage and Hour and Public Contracts Divisions, certificates may be issued to the applicant employer authorizing him to employ a particular worker in industrial homework provided that the application is in proper form and sets forth facts showing that the worker:

(1) (i) Is unable to adjust to factory work because of age or physical or mental disability; or

(ii) Is unable to leave home because his presence is required to care for an invalid in the home; and

(2) (i) Was engaged in industrial homework in the industry, as defined, prior to July 1, 1941 (except that if this requirement shall result in unusual hardship to the individual homeworker it shall not be applied); or

(ii) Is engaged in industrial homework under the supervision of a State Vocational Rehabilitation Agency.

(b) No homeworker shall perform industrial homework for more than one employer in the jewelry manufacturing industry, but homework employment in another industry shall not be a bar to the issuance of a certificate for the jewelry manufacturing industry.

§ 607.5 *Investigation.* An investigation may be ordered in any case to obtain additional data or facts. A medical examination of the worker or invalid may be ordered or a certification of facts concerning eligibility for the certificate by designated officers of the State or Federal Government may be required.

§ 607.6 *Termination of certificates.* (a) Certificates shall be valid under the terms set forth in the certificate for a period of not more than 12 months from the date of issuance or such shorter period as may be fixed in the certificate. Application for renewal of any certificate shall be filed in the same manner as an original application under this part.

(b) No effective certificate shall expire until action on an application for renewal shall have been finally determined, provided that such application has been properly executed in accordance with the requirements, and filed not less than 15 nor more than 30 days prior to the expiration date. A final determination means either the granting of or initial denial of the application for renewal of a certificate, or withdrawal of the application. A "properly executed" application is one which contains the complete information required on the form.

§ 607.7 *Revocation and cancellation.* Any certificate may be revoked for cause at any time. Violation of any provision of the Fair Labor Standards Act shall be sufficient grounds for revocation of all certificates issued to an employer, in which event no certificates shall be issued to the offending employer for a period of one year. Before any certificate is cancelled, however, interested parties shall be notified in writing of the facts warranting such cancellation and afforded an opportunity to demonstrate or achieve compliance.

§ 607.8 *Preservation of certificates.* A copy of the certificate shall be sent to the homeworker, who shall keep such certificate on the premises on which the work is performed. A copy shall also be sent to the employer, who shall keep this copy on file in the same place at which the worker's employment records are maintained.

§ 607.9 *Records and reports.* The issuance of a certificate shall not relieve the employer of the duty of maintaining the records required by the regulations in Part 516 of this chapter and failure to keep such records shall be sufficient cause for the cancellation of certificates issued to such an employer.

§ 607.10 *Delegation of authority to grant, deny, or cancel a certificate.* The Administrator may from time to time designate and appoint members of his staff or State agencies as his authorized representatives with full power and authority to grant, deny or cancel homework certificates.

§ 607.11 *Petition for review.* Any person aggrieved by the action of an authorized representative of the Administrator in granting or denying a certificate may, within 15 days thereafter or within such additional time as the Administrator for cause shown may allow, file with the Administrator a petition for review of the action of such representative praying for such relief as is desired. Such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the proceeding being reviewed. All interested parties will be afforded an opportunity to present their views in support of or in opposition to the matters prayed for in the petition.

§ 607.12 *Employment of American Indians on the Navajo, Pueblo, and Hopi Indian Reservations.* Nothing contained in the regulations in this part shall be construed to prohibit the employment, as homeworkers, of American Indians residing on the Navajo, Pueblo, and Hopi Indian Reservations, who are engaged in producing genuine hand-fashioned jewelry on the Indian reservations mentioned, provided the employment of such homeworker is in conformity with the following conditions:

(a) That each employer of one or more Indian homeworkers engaged in making hand-fashioned jewelry on these Indian reservations shall submit in duplicate to the regional office of the Wage and Hour Division for the region in which his place of business is located, on April 1, August 1, and December 1 of each year, the name and address of each employee engaged by him during the preceding four-month period in making hand-fashioned jewelry on Indian reservations.

(b) That each employer of one or more Indian homeworkers engaged in making hand-fashioned jewelry on these Indian reservations shall file copies of his piece rates in duplicate with the regional office of the Wage and Hour Division for the region in which his place of business is located on April 1, August 1, and December 1 of each year, and

(c) That each employer of one or more Indian homeworkers engaged in making hand-fashioned jewelry on these Indian reservations shall keep, maintain and have available for inspection by the Administrator or his authorized representative at any time, records and reports showing with respect to each of his homeworkers engaged in making hand-fashioned jewelry on these Indian reservations, the following information:

(1) Name of the homeworker.
(2) Address of the homeworker.
(3) Date of birth of the homeworker, if under 19 years of age.
(4) Description of work performed.
(5) Amount of cash wage payments made to the homeworker for each pay period.
(6) Date of such payment.
(7) Schedule of piece rates paid.

These records shall be kept by each employer for each of his Indian homeworkers engaged in making hand-fashioned jewelry on Indian reservations, as provided in this section, in lieu of the records required under §§ 516.2 and 516.21 of this chapter: *Provided, however*, That nothing in this section shall relieve an employer from maintaining all other records required by Part 516 of this chapter.

§ 607.13 *Petition for amendment of regulations.* Any person wishing an amendment, addition, or revision of any of the terms of the regulations of this part may submit in writing to the Administrator a petition setting forth the changes desired and reasons for proposing them. If upon inspection of the petition or upon his own motion the Administrator believes that reasonable cause for amendment of the rules and regulations appears, the Administrator will, unless it is impractical, unnecessary, or contrary to the public interest to do so, either schedule a hearing with due notice to interested persons or make other provisions to afford interested persons opportunity to present their views in support of or in opposition to the proposed changes.

PART 617—KNITTED OUTERWEAR INDUSTRY, HOMEWORKER REGULATIONS

Sec.
617.1 Definitions.
617.2 Restriction of homework.
617.3 Application on official forms.
617.4 Terms and conditions for the issuance of certificates.
617.5 Investigation.
617.6 Termination of certificates.
617.7 Revocation and cancellation.
617.8 Preservation of certificates.
617.9 Records and reports.
617.10 Delegation of authority to grant, deny, or cancel a certificate.
617.11 Petition for review.
617.12 Petition for amendment of regulations.

AUTHORITY: §§ 617.1 to 617.12 issued under secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211.

§ 617.1 *Definitions.* (a) The meaning of the terms "person", "employ", "employer", "employee", "goods", and "production", as used in this part, is the same as in the Fair Labor Standards Act of 1938, as amended.

(b) "Industrial homeworker" and "homeworker", as used in this part, mean any employee employed or suffered or permitted to perform industrial homework for an employer.

(c) "Industrial homework", as used in this part, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(d) The knitted outerwear industry, to which this part shall apply, is defined as follows: The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections, or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; and the manufacture of bathing suits from any purchased fabric: *Provided*, That the manufacturing, dyeing or other finishing of the following shall not be included:

(1) Knitted fabric, as distinguished from garment sections or garments, for sale as such.

(2) Fulled suitings, coatings, topcoatings, and overcoatings.

(3) Garments or garment accessories made from purchased fabric, except bathing suits.

(4) Gloves or mittens.

(5) Hosiery.

(6) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(7) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(8) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer: *Provided*, That this exception shall not be construed to exclude from the knitted outerwear industry the manufacturing, dyeing, or other finishing of knitted shirts made in the same establishment as that where the knitting process is performed, if such shirts are made wholly or in part of fibers other than those specified in this clause, or if such shirts of any fiber are knit on machinery coarser than 10-cut.

§ 617.2 *Restriction of homework.* No work in the knitted outerwear industry, as defined in § 617.1 (d), shall be done in or about a home, apartment, tenement, or room in a residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homeworker or unless the homeworker is so engaged under the supervision of a Sheltered Workshop, as defined in § 525.1 of this chapter.

§ 617.3 *Application on official forms.* Certificates authorizing the employment of industrial homeworkers in the knitted outerwear industry may be issued upon the following terms and conditions upon application therefor on forms provided by the Wage and Hour and Public Contracts Divisions. Such forms shall be signed by both the homeworker and the employer.

§ 617.4 *Terms and conditions for the issuance of certificates.* (a) Upon application by the homeworker and the employer on forms provided by the Wage and Hour and Public Contracts Divisions, certificates may be issued to the applicant employer authorizing him to employ a particular worker in industrial homework: *Provided*, That the application is in proper form and sets forth facts showing that the worker:

(1) (i) Is unable to adjust to factory work because of age or physical or mental disability; or

(ii) Is unable to leave home because his presence is required to care for an invalid in the home; and

(2) (i) Was engaged in industrial homework in the industry, as defined, prior to August 20, 1941 (except that if this requirement shall result in unusual hardship to the individual homeworker it shall not be applied); or

(ii) Is engaged in industrial homework under the supervision of a State Vocational Rehabilitation Agency.

(b) No homeworker shall perform industrial homework for more than one employer in the knitted outerwear industry, but homework employment in another industry shall not be a bar to the issuance of a certificate for the knitted outerwear industry.

§ 617.5 *Investigation.* An investigation may be ordered in any case to obtain additional data or facts. A medical examination of the worker or invalid may be ordered or a certification of facts concerning eligibility for the certificate by designated officers of the State or Federal Government may be required.

§ 617.6 *Termination of certificates.* (a) Certificates shall be valid under the terms set forth in the certificate for a period of not more than 12 months from the date of issuance or such shorter period as may be fixed in the certificate. Application for renewal of any certificate shall be filed in the same manner as an original application under this part.

(b) No effective certificate shall expire until action on an application for renewal shall have been finally determined: *Provided*, That such application has been properly executed in accordance with the requirements, and filed not less than 15 nor more than 30 days prior to the expiration date. A final determination means either the granting of or initial denial of the application

for renewal of a certificate, or withdrawal of the application. A "properly executed" application is one which contains the complete information required on the form.

§ 617.7 *Revocation and cancellation.* Any certificate may be revoked for cause at any time. Violation of any provision of the Fair Labor Standards Act shall be sufficient grounds for revocation of all certificates issued to an employer, in which event no certificates shall be issued to the offending employer for a period of one year. Before any certificate is cancelled, however, interested parties shall be notified in writing of the facts warranting such cancellation and afforded an opportunity to demonstrate or achieve compliance.

§ 617.8 *Preservation of certificates.* A copy of the certificate shall be sent to the homeworker, who shall keep such certificate on the premises on which the work is performed. A copy shall also be sent to the employer, who shall keep this copy on file in the same place at which the worker's employment records are maintained.

§ 617.9 *Records and reports.* The issuance of a certificate shall not relieve the employer of the duty of maintaining the records required by the regulations in Part 516 of this chapter and failure to keep such records shall be sufficient cause for the cancellation of certificates issued to such an employer.

§ 617.10 *Delegation of authority to grant, deny, or cancel a certificate.* The Administrator may from time to time designate and appoint members of his staff or State agencies as his authorized representatives with full power and authority to grant, deny, or cancel homework certificates.

§ 617.11 *Petition for review.* Any person aggrieved by the action of an authorized representative of the Administrator in granting or denying a certificate may, within 15 days thereafter or within such additional time as the Administrator for cause shown may allow, file with the Administrator a petition for review of the action of such representative praying for such relief as is desired. Such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the proceeding being reviewed. All interested parties will be afforded an opportunity to present their views in support of or in opposition to the matters prayed for in the petition.

§ 617.12 *Petition for amendment of regulations.* Any person wishing an amendment, addition, or revision of any of the terms of the regulations of this part may submit in writing to the Administrator a petition setting forth the changes desired and reasons for proposing them. If upon inspection of the petition or upon his own motion the Administrator believes that reasonable cause for amendment of the rules and regulations appears, the Administrator will, unless it is impractical, unnecessary, or contrary to the public interest to do so, either schedule a hearing with due notice to interested persons or make other provisions to afford interested persons opportunity to present their views in support of or in opposition to the proposed changes.

PART 621—GLOVES AND MITTENS INDUSTRY, HOMEMAKER REGULATIONS

Sec.
- 621.1 Definitions.
- 621.2 Restriction of homework.
- 621.3 Application on official forms.
- 621.4 Terms and conditions for the issuance of certificates.
- 621.5 Effect of homework certificates issued by the New York State Department of Labor.
- 621.6 Investigation.
- 621.7 Termination of certificates.
- 621.8 Revocation and cancellation.
- 621.9 Preservation of certificates.
- 621.10 Records and reports.
- 621.11 Delegation of authority to grant, deny, or cancel a certificate.
- 621.12 Petition for review.
- 621.13 Petition for amendment of regulations.

AUTHORITY: §§ 621.1 to 621.13 issued under secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211.

§ 621.10 *Definitions.* (a) The meaning of the terms "person", "employ", "employer", "employee", "goods", and "production", as used in this part, is the same as in the Fair Labor Standards Act of 1938, as amended.

(b) "Industrial homeworker" and "homeworker", as used in this part, mean any employee employed or suffered or permitted to perform industrial homework for an employer.

(c) "Industrial homework", as used in this part, means the production by any person in or about a house, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(d) The gloves and mittens industry, to which this part shall apply, is defined as follows: The production of gloves and mittens from any material or combination of materials, except athletic gloves and mittens.

§ 621.2 *Restriction of homework.* No work in the gloves and mittens industry, as defined in § 621.1 (d), shall be done in or about a home, apartment, tenement, or room in a residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homeworker or unless the homeworker is so engaged under the supervision of a Sheltered Workshop, as defined in § 525.1 of this chapter.

§ 621.3 *Application on official forms.* Certificates authorizing the employment of industrial homeworkers in the gloves and mittens industry may be issued upon the following terms and conditions upon application therefor on forms provided by the Wage and Hour and Public Contracts Divisions. Such forms shall be signed by both the homeworker and the employer.

§ 621.4 *Terms and conditions for the issuance of certificates.* (a) Upon application by the homeworker and the employer on forms provided by the Wage and Hour and Public Contracts Divisions, certificates may be issued to the applicant employer authorizing him to employ a particular worker in industrial homework: *Provided,* That the application is in proper form and sets forth facts showing that the worker:

(1) (i) Is unable to adjust to factory work because of age or physical or mental disability; or

(ii) Is unable to leave home because his presence is required to care for an invalid in the home; and

(2) (i) Was engaged in industrial homework in the industry, as defined, prior to April 1, 1941 (except that if this requirement shall result in unusual hardship to the individual homeworker it shall not be applied); or

(ii) Is engaged in industrial homework under the supervision of a State Vocational Rehabilitation Agency.

(b) No homeworker shall perform industrial homework for more than one employer in the gloves and mittens industry, but homework employment in another industry shall not be a bar to the issuance of a certificate for the gloves and mittens industry.

§ 621.5 *Effect of homework certificates issued by the New York State Department of Labor.* Any certificate issued to an industrial homeworker by the New York State Department of Labor under paragraph II of Home Work Order No. 4 Restricting Industrial Home Work in the Glove Industry, dated June 28, 1941, will be given effect by the Administrator as a certificate permitting the employment of the homeworker under the terms of § 621.4 for the period during which such certificate shall continue in force.

§ 621.6 *Investigation.* An investigation may be ordered in any case to obtain additional data or facts. A medical examination of the worker or invalid may be ordered or a certification of facts concerning eligibility for the certificate by designated officers of the State or Federal Government may be required.

§ 621.7 *Termination of certificates.* (a) Certificates shall be valid under the terms set forth in the certificate for a period of not more than 12 months from the date of issuance or such shorter period as may be fixed in the certificate. Application for renewal of any certificate shall be filed in the same manner as an original application under this part.

(b) No effective certificate shall expire until action on an application for renewal shall have been finally determined: *Provided,* That such application has been properly executed in accordance with the requirements, and filed not less than 15 nor more than 30 days prior to the expiration date. A final determination means either the granting of or initial denial of the application for renewal of a certificate, or withdrawal of the application. A "properly executed" application is one which contains the complete information required on the form.

§ 621.8 *Revocation and cancellation.* Any certificate may be revoked for cause at any time. Violation of any provision of the Fair Labor Standards Act shall be sufficient grounds for revocation of all certificates issued to an employer, in which event no certificates shall be issued to the offending employer for a period of one year. Before any certificate is cancelled, however, interested parties shall be notified in writing of the facts warranting such cancellation and afforded an opportunity to demonstrate or achieve compliance.

§ 621.9 *Preservation of certificates.* A copy of the certificate shall be sent to the homeworker, who shall keep such certificate on the premises on which the work is performed. A copy shall also be sent to the employer, who shall keep this copy on file in the same place at which the worker's employment records are maintained.

§ 621.10 *Records and reports.* The issuance of a certificate shall not relieve the employer of the duty of maintaining the records required by the regulations in Part 516 of this chapter and failure to keep such records shall be sufficient cause for the cancellation of certificates issued to such an employer.

§ 621.11 *Delegation of authority to grant, deny, or cancel a certificate.* The Administrator may from time to time designate and appoint members of his staff or State agencies as his authorized representatives with full power and authority to grant, deny, or cancel homework certificates.

§ 621.12 *Petition for review.* Any person aggrieved by the action of an authorized representative of the Administrator in granting or denying a certificate may, within 15 days thereafter or within such additional time as the Administrator for cause shown may allow, file with the Administrator a petition for review of the action of such representative praying for such relief as is desired. Such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the proceeding being reviewed. All interested parties will be afforded an opportunity to present their views in support of or in opposition to the matters prayed for in the petition.

§ 621.13 *Petition for amendment of regulations.* Any person wishing an amendment, addition, or revision of any of the terms of the regulations of this part may submit in writing to the Administrator a petition setting forth the changes desired and reasons for proposing them. If upon inspection of the petition or upon his own motion the Administrator believes that reasonable cause for amendment of the rules and regulations appears, the Administrator will, unless it is impractical, unnecessary, or contrary to the public interest to do so, either schedule a hearing with due notice to interested persons or make other provisions to afford interested persons opportunity to present their views in support of or in opposition to the proposed changes.

PART 625—BUTTON AND BUCKLE MANUFACTURING INDUSTRY, HOMEWORKER REGULATIONS

Sec.
- 625.1 Definitions.
- 625.2 Restriction of homework.
- 625.3 Application on official forms.
- 625.4 Terms and conditions for the issuance of certificates.
- 625.5 Investigation.
- 625.6 Termination of certificates.
- 625.7 Revocation and cancellation.
- 625.8 Preservation of certificates.
- 625.9 Records and reports.
- 625.10 Delegation of authority to grant, deny, or cancel a certificate.
- 625.11 Petition for review.
- 625.12 Petition for amendment of regulations.

AUTHORITY: §§ 625.1 to 625.12 issued under secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211.

§ 625.1 *Definitions.* (a) The meaning of the terms "person", "employ", "employer", "employee", "goods", and "production", as used in this part, is the same as in the Fair Labor Standards Act of 1938, as amended.

(b) "Industrial homeworker" and "homeworker", as used in this part, mean any employee employed or suffered or permitted to perform industrial homework for an employer.

(c) "Industrial homework", as used in this part, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(d) The button and buckle manufacturing industry, to which this part shall apply, is hereby defined as follows: The manufacture of buttons, buckles, and slides, and the manufacture of blanks and parts for such articles from any material except metal, for use on apparel.

§ 625.2 *Restriction of homework.* No work in the button and buckle manufacturing industry, as defined in § 625.1 (d), shall be done in or about a home, apartment, tenement, or room in a residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homeworker or unless the homeworker is so engaged under the supervision of a Sheltered Workshop, as defined in § 525.1 of this chapter.

§ 625.3 *Applications on official forms.* Certificates authorizing the employment of industrial homeworkers in the button and buckle manufacturing industry may be issued upon the following terms and conditions upon application therefor on forms provided by the Wage and Hour and Public Contracts Divisions. Such forms shall be signed by both the homeworker and the employer.

§ 625.4 *Terms and conditions for the issuance of certificates.* (a) Upon application by the homeworker and the employer on forms provided by the Wage and Hour and Public Contracts Divisions, certificates may be issued to the applicant employer authorizing him to employ a particular worker in industrial homework: *Provided,* That the application is in proper form and sets forth facts showing that the worker:

(1) (i) Is unable to adjust to factory work because of age or physical or mental disability; or

(ii) Is unable to leave home because his presence is required to care for an invalid in the home; and

(2) (i) Was engaged in industrial homework in the industry, as defined, prior to April 4, 1942 (except that if this requirement shall result in unusual hardship to the individual homeworker it shall not be applied); or

(ii) Is engaged in industrial homework under the supervision of a State Vocational Rehabilitation Agency.

(b) No homeworker shall perform industrial homework for more than one employer in the button and buckle manufacturing industry, but homework employment in another industry shall not be a bar to the issuance of a certificate for the button and buckle industry.

§ 625.5 *Investigation.* An investigation may be ordered in any case to obtain additional data or facts. A medical examination of the worker or invalid may be ordered or a certification of facts concerning eligibility for the certificate by designated officers of the State or Federal Government may be required.

§ 625.6 *Termination of certificates.* (a) Certificates shall be valid under the terms set forth in the certificate for a period of not more than 12 months from the date of issuance or such shorter period as may be fixed in the certificate. Application for renewal of any certificate shall be filed in the same manner as an original application under this part.

(b) No effective certificate shall expire until action on an application for renewal shall have been finally determined: *Provided,* That such application has been properly executed in accordance with the requirements, and filed not less than 15 nor more than 30 days prior to the expiration date. A final determination means either the granting of or initial denial of the application for renewal of a certificate, or withdrawal of the application. A "properly executed" application is one which contains the complete information required on the form.

§ 625.7 *Revocation and cancellation.* Any certificate may be revoked for cause at any time. Violation of any provision of the Fair Labor Standards Act shall be sufficient grounds for revocation of all certificates issued to an employer, in which event no certificates shall be issued to the offending employer for a period of one year. Before any certificate is cancelled, however, interested parties shall be notified in writing of the facts warranting such cancellation and afforded an opportunity to demonstrate or achieve compliance.

§ 625.8 *Preservation of certificates.* A copy of the certificate shall be sent to the homeworker, who shall keep such certificate on the premises on which the work is performed. A copy shall also be sent to the employer, who shall keep

this copy on file in the same place at which the worker's employment records are maintained.

§ 625.9 *Records and reports.* The issuance of a certificate shall not relieve the employer of the duty of maintaining the records required by the regulations in Part 516 of this chapter and failure to keep such records shall be sufficient cause for the cancellation of certificates issued to such an employer.

§ 625.10 *Delegation of authority to grant, deny, or cancel a certificate.* The Administrator may from time to time designate and appoint members of his staff or State agencies as his authorized representatives with full power and authority to grant, deny, or cancel homework certificates.

§ 625.11 *Petition for review.* Any person aggrieved by the action of an authorized representative of the Administrator in granting or denying a certificate may, within 15 days thereafter or within such additional time as the Administrator for cause shown may allow, file with the Administrator a petition for review of the action of such representative praying for such relief as is desired. Such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the proceeding being reviewed. All interested parties will be afforded an opportunity to present their views in support of or in opposition to the matters prayed for in the petition.

§ 625.12 *Petition for amendment of regulations.* Any person wishing an amendment, addition, or revision of any of the terms of the regulations of this part may submit in writing to the Administrator a petition setting forth the changes desired and reasons for proposing them. If upon inspection of the petition or upon his own motion the Administrator believes that reasonable cause for amendment of the rules and regulations appears, the Administrator will, unless it is impractical, unnecessary, or contrary to the public interest to do so, either schedule a hearing with due notice to interested persons or make other provisions to afford interested persons opportunity to present their views in support of or in opposition to the proposed changes.

PART 628—HANDKERCHIEF MANUFACTURING INDUSTRY, HOMEWORKER REGULATIONS

Sec.

628.1 Definitions.
628.2 Restriction of homework.
628.3 Application on official forms.
628.4 Terms and conditions for the issuance of certificates.
628.5 Investigation.
628.6 Termination of certificates.
628.7 Revocation and cancellation.
628.8 Preservation of certificates.
628.9 Records and reports.
628.10 Delegation of authority to grant, deny, or cancel a certificate.
628.11 Petition for review.
628.12 Petition for amendment of regulations.

AUTHORITY: §§ 628.1 to 628.12 issued under secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211.

§ 628.1 *Definitions.* (a) The meaning of the terms "person", "employ", "employer", "employee", "goods", and "production", as used in this part, is the same as in the Fair Labor Standards Act of 1938, as amended.

(b) "Industrial homeworker" and "homeworker", as used in this part, mean any employee employed or suffered or permitted to perform industrial homework for an employer.

(c) "Industrial homework", as used in this part, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(d) The handkerchief manufacturing industry, to which this part shall apply, is hereby defined as follows: The manufacture of men's, women's and children's handkerchiefs, plain or ornamented, from any materials.

§ 628.2 *Restriction of homework.* No work in the handkerchief industry, as defined in § 628.1 (d), shall be done in or about a home, apartment, tenement, or room in a residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homeworker or unless the homeworker is so engaged under the supervision of a Sheltered Workshop, as defined in § 525.1 of this chapter.

§ 628.3 *Applications on official forms.* Certificates authorizing the employment of industrial homeworkers in the handkerchief manufacturing industry may be issued upon the following terms and conditions upon application therefor on forms provided by the Wage and Hour and Public Contracts Divisions. Such forms shall be signed by both the homeworker and the employer.

§ 628.4 *Terms and conditions for the issuance of certificates.* (a) Upon application by the homeworker and the employer on forms provided by the Wage and Hour and Public Contracts Divisions, certificates may be issued to the applicant employer authorizing him to employ a particular worker in industrial homework: *Provided*, That the application is in proper form and sets forth facts showing that the worker:

(1) (i) Is unable to adjust to factory work because of age or physical or mental disability; or

(ii) Is unable to leave home because his presence is required to care for an invalid in the home; and

(2) (i) Was engaged in industrial homework in the industry, as defined, prior to October 7, 1942 (except that if this requirement shall result in unusual hardship to the individual homeworker it shall not be applied); or

(ii) Is engaged in industrial homework under the supervision of a State Vocational Rehabilitation Agency.

(b) No homeworker shall perform industrial homework for more than one employer in the handkerchief industry, but homework employment in another industry shall not be a bar to the issuance of a certificate for the handkerchief industry.

§ 628.5 *Investigation.* An investigation may be ordered in any case to obtain additional data or facts. A medical examination of the worker or invalid may be ordered or a certification of facts concerning eligibility for the certificate by designated officers of the State or Federal Government may be required.

§ 628.6 *Termination of certificates.* (a) Certificates shall be valid under the terms set forth in the certificate for a period of not more than 12 months from the date of issuance or such shorter period as may be fixed in the certificate. Application for renewal of any certificate shall be filed in the same manner as an original application under this part.

(b) No effective certificate shall expire until action on an application for renewal shall have been finally determined: *Provided*, That such application has been properly executed in accordance with the requirements, and filed not less than 15 nor more than 30 days prior to the expiration date. A final determination means either the granting of or initial denial of the application for renewal of a certificate, or withdrawal of the application. A "properly executed" application is one which contains the complete information required on the form.

§ 628.7 *Revocation and cancellation.* Any certificate may be revoked for cause at any time. Violation of any provision of the Fair Labor Standards Act shall be sufficient grounds for revocation of all certificates issued to an employer, in which event no certificates shall be issued to the offending employer for a period of one year. Before any certificate is canceled, however, interested parties shall be notified in writing of the facts warranting such cancellation and afforded an opportunity to demonstrate or achieve compliance.

§ 628.8 *Preservation of certificates.* A copy of the certificate shall be sent to the homeworker, who shall keep such certificate on the premises on which the work is performed. A copy shall also be sent to the employer, who shall keep this copy on file in the same place at which the worker's employment records are maintained.

§ 628.9 *Records and reports.* The issuance of a certificate shall not relieve the employer of the duty of maintaining the records required by the regulations in Part 516 of this chapter and failure to keep such records shall be sufficient cause for the cancellation of certificates issued to such an employer.

§ 628.10 *Delegation of authority to grant, deny, or cancel a certificate.* The Administrator may from time to time designate and appoint members of his staff or State agencies as his authorized representatives with full power and authority to grant, deny, or cancel homework certificates.

§ 628.11 *Petition for review.* Any person aggrieved by the action of an authorized representative of the Administrator in granting or denying a certificate may, within 15 days thereafter or within such additional time as the Administrator for cause shown may allow, file with the Administrator a petition for review of the action of such representative praying for such relief as is desired. Such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the proceeding being reviewed. All interested parties will be afforded an opportunity to present their views in support of or in opposition to the matters prayed for in the petition.

§ 628.12 *Petition for amendment of regulations.* Any person wishing an amendment, addition, or revision of any of the terms of the regulations of this part may submit in writing to the Administrator a peition setting forth the changes desired and reasons for proposing them. If upon inspection of the petition, or upon his own motion the Administrator believes that reasonable cause for amendment of the rules and regulations appears, the Administrator will, unless it is impractical, unnecessary, or contrary to the public interest to do so, either schedule a hearing with due notice to interested persons or make other provisions to afford interested persons opportunity to present their views in support of or in opposition to the proposed changes.

PART 633—EMBROIDERIES INDUSTRY, HOMEWORKER REGULATIONS

Sec.

633.1 Definitions.
633.2 Restriction of homework.
633.3 Application on official forms.
633.4 Terms and conditions for the issuance of certificates.
633.5 Investigation.
633.6 Termination of certificates.
633.7 Revocation and cancellation.
633.8 Preservation of certificates.
633.9 Records and reports.
633.10 Delegation of authority to grant, deny, or cancel a certificate.
633.11 Petition for review.
633.12 Petition for amendment of regulations.

AUTHORITY: §§ 633.1 to 633.12 issued under secs. 8, 11, 52 Stat. 1064, 1066; 29 U. S. C. 208, 211.

§ 633.1 *Definitions.* (a) The meaning of the terms "person", "employ", "employer", "employee", "goods", and "production", as used in this part, is the same as in the Fair Labor Standards Act of 1938, as amended.

(b) "Industrial homeworker" and "homeworker", as used in this part, means any employee employed or suffered or permitted to perform industrial homework for an employer.

(c) "Industrial homework", as used in this part, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(d) The embroideries industry, to which this part shall apply, is hereby defined as follows: The production of all kinds of hand and machine-made embroideries and ornamental stitchings, including, but not by way of limitation, tucking, shirring, smocking, hemstitching, hand rolling, fagoting, Bonnaz embroidery, appliqueing, crochet beading, hand drawing, machine drawing, rhinestone trimming, sequin trimming, spangle trimming, eyelets, passementerie, pleating, the application of rhinestones and nailheads, stamping and perforating of designs, Schifli embroidery and laces, burnt-out laces and velvets, Swiss handmachine embroidery, thread splitting, embroidery thread cutting, scallop cutting, lace cutting, lace making-up, making-up of embroidered yard goods, straight cutting of embroidery and cutting out of embroidery, embroidery trimmings, bindings (not made in textile establishments), pipings, and emblems: *Provided*, That (1) the foregoing when produced or performed by a manufacturer of a garment, fabric or other article for use on such garment, fabric or other article, and (2) the manufacture of covered buttons and buckles, shall not be included.

§ 633.2 *Restriction of homework.* No work in the embroideries industry, as defined in § 633.1 (d), shall be done in or about a home, apartment, tenement, or room in a residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homeworker or unless the homeworker is so engaged under the supervision of a Sheltered Workshop as defined in § 525.1 of this chapter.

§ 633.3 *Application on official forms.* Certificates authorizing the employment of industrial homeworkers in the embroideries industry may be issued upon the following terms and conditions upon application therefor on forms provided by the Wage and Hour and Public Contracts Divisions. Such forms shall be signed by both the homeworker and the employer.

§ 633.4 *Terms and conditions for the issuance of certificates.* (a) Upon application by the homeworker and the employer on forms provided by the Wage and Hour and Public Contracts Divisions, certificates may be issued to the applicant employer authorizing him to employ a particular worker in industrial homework: *Provided*, That the application is in proper form and sets forth facts showing that the worker:

(1) (i) Is unable to adjust to factory work because of age or physical or mental disability; or

(ii) Is unable to leave home because his presence is required to care for an invalid in the home; and

(2) (i) Was engaged in industrial homework in the industry, as defined, prior to November 2, 1942 (except that if this requirement shall result in unusual hardship to the individual homeworker it shall not be applied); or

(ii) Is engaged in industrial homework under the supervision of a State Vocational Rehabilitation Agency.

(b) No homeworker shall perform industrial homework for more than one employer in the embroideries industry, but homework employment in another industry shall not be a bar to the issuance of a certificate for the embroideries industry.

§ 633.5 *Investigation.* An investigation may be ordered in any case to obtain additional data or facts. A medical examination of the worker or invalid may be ordered or a certification of facts concerning eligibility for the certificate by designated officers of the State or Federal Government may be required.

§ 633.6 *Termination of certificates.* (a) Certificates shall be valid under the terms set forth in the certificate for a period of not more than 12 months from the date of issuance or such shorter period as may be fixed in the certificate. Application for renewal of any certificate shall be filed in the same manner as an original application under this part.

(b) No effective certificate shall expire until action on an application for renewal shall have been finally determined: *Provided*, That such application has been properly executed in accordance with the requirements, and filed not less than 15 nor more than 30 days prior to the expiration date. A final determination means either the granting of or initial denial of the application for renewal of a certificate, or withdrawal of the application. A "properly executed" application is one which contains the complete information required on the form.

§ 633.7 *Revocation and cancellation.* Any certificate may be revoked for cause at any time. Violation of any provision of the Fair Labor Standards Act shall be sufficient grounds for revocation of all certificates issued to an employer, in which event no certificates shall be issued to the offending employer for a period of one year. Before any certificate is cancelled, however, interested parties shall be notified in writing of the facts warranting such cancellation and afforded an opportunity to demonstrate or achieve compliance.

§ 633.8 *Preservation of certificates.* A copy of the certificates shall be sent to the homeworker, who shall keep such certificate on the premises on which the work is performed. A copy shall also be sent to the employer, who shall keep this copy on file in the same place at which the worker's employment records are maintained.

§ 633.9 *Records and reports.* The issuance of a certificate shall not relieve the employer of the duty of maintaining the records required by the regulations in Part 516 of this chapter and failure to keep such records shall be sufficient cause for the cancellation of certificates issued to such an employer.

§ 633.10 *Delegation of authority to grant, deny, or cancel a certificate.* The Administrator may from time to time designate and appoint members of his

staff or State agencies as his authorized representatives with full power and authority to grant, deny, or cancel homework certificates.

§ 633.11 *Petition for review.* Any person aggrieved by the action of an authorized representative of the Administrator in granting or denying a certificate may, within 15 days thereafter or within such additional time as the Administrator for cause shown may allow, file with the Administrator a petition for review of the action of such representative praying for such relief as is desired. Such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the proceeding being reviewed. All interested parties will be afforded an opportunity to present their views in support of or in opposition to the matters prayed for in the petition.

§ 633.12 *Petition for amendment of regulations.* Any person wishing an amendment, addition, or revision of any of the terms of the regulations of this part may submit in writing to the Administrator a petition setting forth the changes desired and reasons for proposing them. If upon inspection of the petition or upon his own motion the Administrator believes that reasonable cause for amendment of the rules and regulations appears, the Administrator will, unless it is impractical, unnecessary, or contrary to the public interest to do so, either schedule a hearing with due notice to interested persons or make other provisions to afford interested persons opportunity to present their views in support of or in opposition to the proposed changes.

Signed at Washington, D. C., this 13th day of June 1955.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 55-4893; Filed, June 16, 1955; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 561—ARMY RESERVE

ELIGIBILITY; AGE REQUIREMENTS

In § 561.8 (a), subparagraph (2) is amended to read as follows:

§ 561.8 *Eligibility.* • • •

(a) *Age requirements.* • • •

(2) Female applicants must be at least:

(i) 20 years of age for initial appointment for assignment to the Women's Army Corps branch.

(ii) 21 years of age for initial appointment for assignment to other branches.

• • • • • •

[C7, AR 140-105, April 27, 1955] (Sec. 251, 66 Stat. 495; 50 U. S. C. 1002)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-4876; Filed, June 16, 1955; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Burley and Flue-55)-1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1955-56 MARKETING YEAR

Correction

In F. R. Document 55-4692, appearing in the issue for Saturday, June 11, 1955, at page 4106, make the following changes:

1. In § 725.653 (a) (1) (viii) (*d*), lines 2 and 3, delete the words "of this paragraph".

2. In § 725.653 (a) (3), line 4, the word "to" should read "so".

3. In §725.656 (b), line 2 should read, "tent in the business of redrying, prizing".

4. In the second and third lines from the bottom of § 725.657, delete the words "to the same extent for each such business as if he were engaged".

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 55-24]

LICENSING OR CERTIFICATING OF MERCHANT MARINE PERSONNEL AND DENIAL OR REVOCATION OF LICENSES, DOCUMENTS, OR CERTIFICATES

A notice regarding proposed changes in the navigation and vessel inspection rules and regulations was published in the FEDERAL REGISTER dated February 18, 1955 (20 F. R. 1055-1057), as Items I to IX, inclusive, on the Agenda to be considered by the Merchant Marine Council, and a public hearing was held on March 22, 1955, at Washington, D. C. This document is the fourth of a series of documents covering the rules and regulations considered at this public hearing.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. The amendments in this document are based on Items V, VI, and IX in the Agenda.

The provisions of Public Law 500, 83d Congress (68 Stat. 484), provide authority for the revocation or denial of licenses, documents, or certificates to persons involved in certain narcotic violations or who are the users of or addicted to the use of narcotic drugs. This law also provides that if a person has been issued a license, document, or certificate by the Coast Guard, then the Coast Guard may take action seeking to revoke such holder's license, document, or certificate. This authority is specific and applies regardless of whether or not the holder of a Coast Guard license, document, or certificate is acting under the authority of such a license, document, or certificate. The amendments in this document to 46 CFR 10.02-1, 10.02-9, 10.13-5, 10.13-21, 10.15-25, 10.20-3, 10.20-9, and 10.25-7 revise the regulations regarding licensing of officers and motorboat operators and registration of staff officers to implement the requirements in Public Law 500, 83d Congress, approved July 15, 1954. These amendments are based on Item VI in the Agenda.

The amendment to 46 CFR 12.02-4 describes the new requirements regarding denial of documents or certificates to merchant seamen. This amendment is based on Item VI in the Agenda.

The amendment to 46 CFR 12.25-5 revises the requirements regarding commitment of employment for merchant seamen applying for additional endorsements in entry ratings or for more than one entry rating at the time the commitment of employment is presented. This amendment is based on Item IX in the Agenda.

The purpose for amending 46 CFR 10.05-15 is to revise the service requirements for a license as master of steam and motor vessels navigating bays, sounds, and lakes other than the Great Lakes. This amendment is based on Item V in the Agenda.

The amendment to 46 CFR 10.05-39 revises the regulations governing qualifying requirements for examinations for pilots. This amendment establishes the type of service required in order for a person to be eligible for examination as a pilot. The amendment to 46 CFR 10.05-41 revises the requirements governing the eligibility of the holders of certain grades and classes of licenses for endorsements on such licenses as pilots. This amendment allows the holders of ocean or coastwise deck licenses to be considered eligible for a pilot's endorsement on any waters upon completing the number of round trips over the pilotage routing required for their particular grade and class of license. The amendment to 46 CFR 10.05-43 revises the regulations regarding the examination for license as pilot. The examination syllabus for pilot has been changed to show in more detail the subject matter now covered in the examination. These amendments are based on Item V in the Agenda.

As a result of the enactment of Public Law 500, 83d Congress (68 Stat. 484), certain changes in the regulations governing suspension and revocation proceedings are necessary. The amendments in this document to 46 CFR Part 137 eliminate or revise certain requirements to conform with the changes made by Public Law 500, 83d Congress. In addition certain changes have been made to clarify the regulations and to meet objections raised in connection with the administration of suspension and revocation proceedings involving licenses, documents, or certificates issued to merchant seamen. The amendments to 46 CFR 137.01-1 to 137.01-15 revise and bring up to date the scope and authority of these regulations. The new regulations designated 46 CFR Subpart 137.04, consisting of §§ 137.04-1 to 137.04-20, establish new proceedings to be followed when seeking the revocation of licenses, documents, or certificates under Public Law 500. The amendment to 46 CFR 137.04-5 (a), regarding investigating procedures, brings up to date the procedures followed by the investigating officer. The amendment to 46 CFR 137.17-5, regarding final opinions and orders, will make available for public inspection at Coast Guard Headquarters, Washington, D. C., and in each district office a file of final decisions of the Commandant on appeals in the adjudication of disciplinary proceedings. This file may be inspected or examined by parties in interest during the usual business hours of the Coast Guard. Any and all portions of these files may be reproduced and supplied upon cost of reproduction.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 179-9, dated August 3, 1954 (19 F. R. 5195), to promulgate regulations in accordance with the statutes cited with the regulations below: *It is ordered,* That:

(a) The temporary instructions regarding denial or revocation of seamen's documents (CGFR 54-41) published in the FEDERAL REGISTER dated October 16, 1954, are canceled 90 days after the date of the publication of this document in the FEDERAL REGISTER, except that all actions initiated or in process of determination under these temporary instructions shall be continued as though the instructions had not been canceled; and,

(b) All the amendments and new regulations in this document are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER.

Subchapter B—Merchant Marine Officers and Seamen

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

SUBPART 10.02—GENERAL REQUIREMENTS FOR ALL DECK AND ENGINEER OFFICERS' LICENSES

1. Section 10.02-1 (a) is amended to read as follows:

§ 10.02-1 *Issuance of licenses.* (a) Applicants for licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued licenses. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an officer on a vessel of the United States. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license. Neither is a person eligible for a license, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, within ten years prior to the date of filing the application; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

2. Section 10.02-9 is amended by adding a new subparagraph (1) to paragraph (a) and by revising paragraph (b) (1), reading as follows:

§ 10.02-9 *Requirements for renewal of license.* (a) • • •

(1) *Written application.* The Officer in Charge, Marine Inspection, shall, before granting renewal of license, require the applicant to make written application on Coast Guard Form CG-3479.

(b) • • •

(1) A letter of transmittal indicating reasons for not appearing in person and stating to the best of his knowledge no physical incapacity exists, together with a properly executed applications on Coast Guard Form CG-3479.

SUBPART 10.05—PROFESSIONAL REQUIREMENTS FOR DECK OFFICERS' LICENSES (INSPECTED VESSELS)

3. Section 10.05-15 is amended to read as follows:

§ 10.05-15 *Master of bays, sounds and lakes other than the Great Lakes, steam and motor vessels.* (a) The minimum service required to qualify an applicant for license as master of steam and motor vessels on bays, sounds and lakes other than the Great Lakes is:

(1) One year's service as first class pilot of steam and motor vessels on bays, sounds and lakes other than the Great Lakes; or,

(2) One year's service as mate of steam and motor vessels on bays, sounds and lakes other than the Great Lakes; or,

(3) One year's service as master of steam or motor vessels of 150 gross tons or under on bays, sounds and lakes other than the Great Lakes, while acting under the authority of a first-class pilot's license, for a license as master of bays, sounds and lakes other than the Great Lakes, steam or motor vessels of a tonnage commensurate with the experience of the applicant, but of not more than 500 gross tons; or,

(4) Two years' service in the deck department of steam or motor vessels on bays, sounds and lakes other than the Great Lakes, while holding a license as first-class pilot for bays, sounds and lakes other than the Great Lakes, as quartermaster or wheelsman for a license as master of steam and motor freight and towing vessels on bays, sounds and lakes other than the Great Lakes, limited to a gross tonnage commensurate with the experience of the applicant, but not more than 500 gross tons.

4. Section 10.05-39 is amended to read as follows:

§ 10.05-39 *Pilot.* (a) The minimum service required to qualify an applicant for a license as pilot is:

(1) Three years' service in the deck department of ocean, coastwise, Great Lakes or bays, sounds and lakes, other than the Great Lakes, steam or motor vessels, of which 18 months shall have been as able seaman, or service in a capacity at least the equivalent of able seaman. Of the 18 months as able seaman, or equivalent capacity, at least 1 year shall have been on vessels operating on the waters of the class for which pilotage is desired in the capacity of quartermaster, wheelsman, able seaman or equivalent capacity, who stands regular watches at the wheel or in the pilothouse as part of his routine duties; and,

(i) Twenty-five percent of such service shall have been obtained within the 3 years immediately preceding the date of application; and,

(ii) The required service shall include a minimum number of round trips over the route for which the applicant seeks license as pilot, as may be fixed by the Officer in Charge, Marine Inspection, having jurisdiction. (Experience on motorboats as defined by statutes may be accepted by Officers in Charge, Marine Inspection, for a license or endorsement as pilot, but such licenses or endorsements shall be limited to a gross tonnage commensurate with such experience, irrespective of any other license or endorsement held by the applicant); and,

(iii) One of the required number of round trips shall have been made over the route within the 6 months immediately preceding the date of application; or,

(2) Three years' service in the deck department of any vessel of which at least one year shall have been on vessels operating on waters of rivers while serving in the capacity of quartermaster, wheelsman or deckhand who stands watches at the wheel as part of his routine duties, for license as pilot of river routes. The provisions of subdivisions (i) through (iii) in subparagraph (1) of this paragraph are applicable to this subparagraph.

(3) Two years' service in the deck department of steam or motor vessels navigating canals and small lakes, such as the New York State Barge Canal and Seneca and Cayuga Lakes in the State of New York, 1 year of which shall have been within the 2 years immediately preceding the date of application for a license as pilot of steam and motor vessels of limited tonnage for the waters and/or routes on which the qualifying service was acquired.

(b) The Officer in Charge, Marine Inspection, issuing a license or endorsement as pilot shall impose suitable limitations, commensurate with the past experience and qualifications of the applicant, with respect to class of vessel for which valid, tonnage, route and waters.

5. Section 10.05-41 is amended to read as follows:

§ 10.05-41 *Endorsement of masters' or mates' license as pilot or extension of pilot's route.* (a) A master or mate applying for endorsement of his license for authority to act as pilot, or a pilot desiring an extension of route, shall produce proof of experience acquired by a minimum number of round trips over the particular waters for which he seeks such endorsement or extension as may be required by the Officer in Charge, Marine Inspection, having jurisdiction. One of the required number of round trips shall

have been made within the 6 months immediately preceding the date of application.

(b) The holder of a license as master or mate of ocean or coastwise vessels who has had recent satisfactory service under the authority of his license is eligible for examination for endorsement as pilot on any waters upon completing the number of round trips over the route required for his grade of license by the Officer in Charge, Marine Inspection, having jurisdiction, while serving in the capacity of quartermaster, wheelsman or able seaman who stands regular watches at the wheel as part of his routine duties. Experience as an observer, properly certified by the master and/or pilot of the vessel is also acceptable in such cases. An endorsement as pilot granted under these provisions shall be limited to the tonnage and class of vessels for which the holder's license as master or mate is valid, except as provided in § 10.05–39 (a) (1) (ii).

6. Section 10.05–43 is amended to read as follows:

§ 10.05–43 *Examination for license as pilot.* (a) An applicant for license as pilot or endorsement of masters' or mates' license as pilot or extension of pilot's route shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Pilot rules.
(2) Inland rules applicable to route.
(3) Local knowledge of winds, weather, tides, currents, etc.
(4) Chart navigation.
(5) Aids to navigation.
(6) Ship handling.
(7) Chart sketch of the route and waters applied for, showing courses, distances, shoals, aids to navigation, depths of water and other important features of the route.
(8) General: Such further examination as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

(b) An applicant for extension of pilot's route on waters of the same class and general area as that for which he is already licensed shall only be examined on the italicized subjects in paragraph (a) of this section.

SUBPART 10.13—LICENSING OF RADIO OFFICERS

7. Section 10.13–5 (a) is amended to read as follows:

§ 10.13–5 *General provisions respecting all licenses issued.* (a) Applicants for licenses, issued in accordance with this subpart, are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as, age, experience, character and citizenship, before they shall be entitled to be issued licenses. Until an applicant meets this mandatory requirement, he is not entitled to be licensed to serve as an officer on a vessel of the United States. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license. Neither is a person eligible for a license, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, within ten years prior to the date of filing the application; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

8. Section 10.13–21 is amended by adding a new subparagraph (1) to paragraph (a) and by revising paragraph (b) (1), reading as follows:

§ 10.13–21 *General requirements for renewal of license.* (a) • • •

(1) *Written application.* The Officer in Charge, Marine Inspection, shall, before granting renewal of license, require the applicant to make written application on Coast Guard Form CG–3479.

(b) • • •

(1) A letter of transmittal indicating reasons for not appearing in person and stating that to the best of his knowledge no physical incapacity exists, together with properly executed application on Coast Guard Form CG–3479.

SUBPART 10.15—LICENSING OF OFFICERS FOR UNINSPECTED VESSELS

9. Section 10.15–25 (a) is amended to read as follows:

§ 10.15–25 *Application and experience required for original or raise of grade of licenses.* (a) Applicants for original or raise of grade of licenses are charged with the duty of establishing to the satisfaction of the Coast Guard that they possess all of the qualifications necessary, such as age, experience, character and citizenship, before they shall be entitled to be issued such license. Until an applicant meets this mandatory requirement, he is not entitled to be licensed. No person who has been convicted by court-martial of desertion or treason in time of war, or has lost his nationality for any of the other reasons listed in 8 U. S. C. 801, is eligible for a license. Neither is a person eligible for a license, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, within ten years prior to the date of filing the application; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

SUBPART 10.20—MOTORBOAT OPERATORS LICENSES

10. Section 10.20–3 (b) is amended by adding a new subparagraph (4), reading as follows:

§ 10.20–3 *General requirements.* • • •
(b) • • •

(4) No person shall be eligible for a motorboat operator's license, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, within ten years prior to date of filing the application; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

11. Section 10.20–9 (a) is amended by adding a new subparagraph (1), reading as follows:

§ 10.20–9 *Requirements for renewal.* (a) • • •

(1) *Written application.* The Officer in Charge, Marine Inspection, shall, before granting renewal of license, require the applicant to make written application on Coast Guard Form CG–3479.

SUBPART 10.25—REGISTRATION OF STAFF OFFICERS

12. Section 10.25–7 (d) is amended to read as follows:

§ 10.25–7 *General requirements.* • • •

(d) An applicant for registry and a certificate of registry as staff officer shall not be required to take an examination, but he shall be required to submit with his application satisfactory proof of his good character and of his prior service, including at least two letters of recommendation from present or former employers. No person shall be eligible for a certificate of registry, who has been convicted by a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, within ten years prior to the date of filing the application; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply sec. 2, 29 Stat. 188, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 7, 53 Stat. 1147, as amended, sec. 17, 54 Stat. 166, as amended, sec. 5, 62 Stat. 233, secs. 1, 2, 68 Stat. 484, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 225, 367, 247, 526p, 229e)

PART 12—CERTIFICATION OF SEAMEN

SUBPART 12.02—GENERAL REQUIREMENTS FOR CERTIFICATION

1. Subpart 12.02 is amended by adding a new § 12.02–4, reading as follows:

§ 12.02–4 *Basis for denial of documents.* No certificate of identification, certificate of service, certificate of efficiency nor continuous discharge book shall be issued to any person who, within ten years prior to the date of filing the application, has been convicted in a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States; or who, unless he furnishes satisfactory evidence that he is cured, has ever been the user of or addicted to the use of a narcotic drug.

(Secs. 1, 2, 68 Stat. 484)

SUBPART 12.25—CERTIFICATES OF SERVICE FOR RATINGS OTHER THAN ABLE SEAMAN OR QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

2. Section 12.25–5 is amended to read as follows:

§ 12.25–5 *Commitment of employment.* An applicant for a certificate of service in an entry rating shall produce satisfactory proof that he has a commitment of employment as a member of the crew of a United States merchant vessel. This proof, however, shall not be required if the applicant is already in possession of a seaman's document. A transcript of service in the U. S. Navy, U. S. Coast Guard, U. S. Military Sea Transportation Service, or U. S. Army Transport Service shall be accepted in lieu of a letter of commitment. In any of these cases, the applicant may be given more than one entry rating if requested by him and if otherwise qualified.

(R. S. 4405, 4417a, 4488, 4551, as amended, sec. 13, 38 Stat. 1169, as amended, secs. 1, 2, 49 Stat. 1544, sec. 7, 49 Stat. 1936, sec. 1, 52 Stat. 753, 55 Stat. 579; 46 U. S. C. 375, 391a, 481, 643, 672, 367, 689, 672b, 672–1, 672–2)

Subchapter K—Marine Investigations and Suspension and Revocation Proceedings

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

1. Subpart 137.01, consisting of §§ 137.01–1 and 137.01–5, is canceled and new regulations designated Subparts 137.01 and 137.04 are inserted, reading as follows:

SUBPART 137.01—PURPOSE, AUTHORITY AND SCOPE OF REGULATIONS

Sec.
137.01–1 Purpose of regulations.
137.01–5 Assignment of functions.
137.01–10 Authority for regulations.
137.01–15 Disciplinary proceedings.

SUBPART 137.04—PROCEEDINGS UNDER PUBLIC LAW 500

137.04–1 Revocation of seamen's documents.
137.04–5 Proceedures and proceedings.
137.04–10 Suspension of seaman's document or issuance of a temporary document.
137.04–15 Effect of court convictions.
137.04–20 Charges and specifications.

AUTHORITY: §§ 137.01–1 to 137.04–20 issued under R. S. 4405, as amended, secs. 1, 2, 49 Stat. 1544, sec. 3 (c), 68 Stat. 676. Interpret or apply R. S. 4450, as amended, secs. 1, 2, 68 Stat. 484; 46 U. S. C. 239).

NOTE: The regulations in Subpart 137.03, consisting of §§ 137.03–1 to 137.03–30, inclusive, regarding "statements of policy", which were published in the Federal Register dated January 9, 1954, are continued in effect.

§ 137.01–1 *Purpose of regulations.* The regulations in this part establish minimum requirements and procedures governing the suspension or revocation of a license or certificate or document issued by the Coast Guard or predecessor authorities to a person qualified therefor as required by law or regulation in this chapter.

§ 137.01–5 *Assignment of functions.* (a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950 (15 F. R. 4935; 3 CFR, 1950 Supp., p. 178; 5 U. S. C. Note under 241), effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by an order dated July 31, 1950 (15 F. R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946. This included suspension or revocation under R. S. 4450 of any license, or certificate, or document issued by the Coast Guard or predecessor authorities.

(b) The Acting Secretary of the Treasury in Treasury Department Order 167–9, CGFR 54–33, dated August 3, 1954 (19 F. R. 5195), delegated, inter alia, to the Commandant, United States Coast Guard, the functions vested in the Secretary of the Treasury by Public Law 500, 83d Congress, 2d Session, 68 Stat. 484, approved July 15, 1954, to revoke a license or certificate or document of a person convicted of narcotic law violations or otherwise involved with narcotics. The Commandant hereby further delegates the authority to revoke a license or certificate or document to examiners which was originally granted by order dated October 11, 1954 (19 F. R. 6678).

§ 137.01–10 *Authority for regulations.* (a) The authority to prescribe regulations generally is set forth in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416), as well as in other provisions of Title 52 of the Revised Statutes and acts amendatory thereof or supplemental thereto. Under the provisions of R. S. 4403, as amended (46 U. S. C. 372), the Commandant, United States Coast Guard, superintends the administration of the navigation and vessel inspection laws and is required to produce a correct and uniform administration of such laws, rules and regulations.

(b) The mandatory provisions in R. S. 4450, as amended (46 U. S. C. 239), is the basic authority; and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001–1011) and Public Law 500, 83d Congress, 2d Session (68 Stat. 484), require a hearing presided over by an examiner before the Coast Guard may suspend or revoke a license or certificate or document.

§ 137.01–15 *Disciplinary proceedings.* Suspension or revocation proceedings shall be instituted by an investigating officer in any case in which it appears, as a result of any investigation made under Part 136 of this subchapter, or otherwise, that there are reasonable grounds to believe that a holder of a license or certificate or document issued by the Coast Guard or its predecessor authority:

(a) Has been guilty of an act of incompetence, misconduct, negligence, unskillfulness or endangering of life, while acting under the authority of his license, certificate or document, or has violated any of the provisions of Title 52 of the Revised Statutes, as amended, or any of the regulations issued thereunder; or,

(b) Has been convicted of a narcotic drug law violation, or has been a user of or addicted to the use of a narcotic drug, so as to be subject to the provisions of Public Law 500, 83d Congress, 2d Session (secs. 1, 2, 68 Stat. 484).

SUBPART 137.04—PROCEEDINGS UNDER PUBLIC LAW 500

§ 137.04–1 *Revocation of seamen's documents.* The act of July 15, 1954, provides for the revocation of seamen's documents held by persons involved with narcotics. The term "seamen's document" includes any and all types of licenses, certificates, and documents issued to merchant mariners by the Coast Guard and predecessor authorities. Section 2 (b) of the act of July 15, 1954 (Pub. Law 500, 83d Cong.; 68 Stat. 484), reads as follows:

Sec. 2. The Secretary may—

• • • • • •

(b) Take action, based on a hearing before a Coast Guard examiner, under hearing procedures prescribed by the Administrative Procedure Act, as amended (U. S. C., title 5, secs. 1001–1011), to revoke the seaman's document of—

(1) Any person who, subsequent to the effective date of this act and within ten years prior to the institution of the action, has been convicted in a court of record of a violation of the narcotic drug laws of the United States, the District of Columbia, or any State or Territory of the United States, the revocation to be subject to the conviction's becoming final; or

(2) Any person who, unless he furnishes satisfactory evidence that he is cured, has been, subsequent to the effective date of this act, a user of or addicted to the use of a narcotic drug.

§ 137.04–5 *Procedures and proceedings.* The procedures and proceedings seeking the revocation of a seaman's document based in whole or in part on the act of July 15, 1954 (Pub. Law 500, 83d Cong.; 68 Stat. 484), as well as the appeal therefrom, shall be in accordance with the applicable regulations in this part, except where those requirements are inconsistent with the act of July 15, 1954, or this subpart. These proceedings shall be predicated upon holding an outstanding license or certificate or document, regardless of whether or not the holder was in the service of a vessel at the time of the alleged offense.

§ 137.04–10 *Suspension of seaman's document or issuance of a temporary document.* In view of the fact that the act of July 15, 1954, provides for revocation only, the only order which an examiner may enter in cases brought under this act, when the case is proved, is one of revocation. In every case proved under this act, no temporary license, certificate, or document will be issued pending determination of an appeal to the Commandant.

§ 137.04–15 *Effect of court convictions.* (a) After proof of a court conviction in accordance with section 2 (b) (1) of the act, but pending the determination of an appeal, the Coast Guard is not precluded from taking action based upon this conviction, and the examiner may enter an order revoking the seaman's document.

(b) This order of revocation will be rescinded by the Commandant if the holder submits satisfactory evidence that the court conviction on which the revocation is based has been set aside. Such order of revocation, however, will not be rescinded by the Commandant by

virtue of the provisions of any law or ruling by a court subsequent to the conviction which would relieve disabilities arising out of a suspended sentence or probation.

§ 137.04–20 *Charges and specifications.* Where proceedings are based exclusively on the provisions of section 2 (b) of the act of July 15, 1954, the charge should be "conviction of narcotic law violation" or "use of narcotics" or "addiction to use of narcotics," depending on the circumstances. The specification should allege jurisdiction by stating the elements as required by Public Law 500 and the approximate time and place of the offense. The specifications covering "use" or "addiction to the use" of narcotic drugs should be stated as dual specifications when possible. The actual proof presented at a hearing may support only a specification of "use" or "addition to the use" of narcotic drugs.

SUBPART 137.05—INVESTIGATING OFFICERS AND INVESTIGATIONS

2. Section 137.05–5 is amended by revising the first two sentences of paragraph (a) to read as follows:

§ 137.05–5 *Investigating procedures.* (a) The investigating officer shall investigate marine casualties and inquire into complaints of such nature as are set forth in § 137.01–15. Upon the completion of such investigation or inquiry, the investigating officer shall take one of the following courses of action:

SUBPART 137.17—DISCLOSURE OF RECORDS

3. Section 137.17–5 is amended to read as follows:

§ 137.17–5 *Final decision of Commandant.* There shall be maintained at Coast Guard Headquarters, Washington, D. C., and in each district office, a file of final decisions of the Commandant on appeals in the adjudication of disciplinary proceedings, which file may be inspected or examined by parties in interest during usual business hours. Any and all portions of these files may be reproduced and supplied upon payment of costs of reproduction.

(R. S. 4405, as amended, secs. 1, 2, 49 Stat. 1544, sec. 3 (c), 68 Stat. 676. Interpret or apply R. S. 4450, as amended, secs. 1, 2, 68 Stat. 484; 46 U. S. C. 239)

Dated: June 10, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55–4885; Filed, June 16, 1955; 8:47 a. m.]

Subchapter E—Load Lines

[CGFR 55–25]

PART 44—VARIANCE FOR STEAM COLLIERS, TUGS, BARGES, AND SELF-PROPELLED BARGES (WHEN ENGAGED IN SPECIAL SERVICES OF COASTWISE AND INTER-ISLAND VOYAGES)

PART 45—MERCHANT VESSELS WHEN ENGAGED IN A VOYAGE ON THE GREAT LAKES

LOAD LINES FOR TOWED BARGES AND VESSELS OF SPECIAL DESIGN

A notice regarding proposed changes in the navigation and vessel inspection rules and regulations was published in the FEDERAL REGISTER dated February 18, 1955 (20 F. R. 1055–1057), as Items I to IX, inclusive, on the Agenda to be considered by the Merchant Marine Council, and a public hearing was held on March 22, 1955, at Washington, D. C. This document is the fifth of a series of documents covering the rules and regulations considered at this public hearing.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. The amendments in this document are based on Item VII in the Agenda.

The purpose for the amendments to 46 CFR 44.05–20 (c) and 45.01–20, regarding load lines for towed barges and vessels of special design, is to provide a basis for such control of the operation of hopper type barges on load line waters as is necessary for safety and for compliance with the Coastwise Load Line Act.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statute cited with the regulations, the following amendments are prescribed and shall be in effect on and after April 1, 1956:

1. Section 44.05–20 (c) is amended to read as follows:

§ 44.05–20 *Conditions of assignment.*
* * *

(c) *Towed barges.* The conditions of assignment for towed cargo barges where the cargo is carried under deck shall be in accordance with §§ 45.10–5 to 45.10–100 of this subchapter. In the case of tank barges and cargo barges carrying cargo only on deck, compliance will also be required with the supplementary conditions of §§ 45.20–1 to 45.20–70 of this subchapter. In the case of cargo barges of the open type, assignment will be limited to barges in unmanned operation and the construction of the vessel must be such as to satisfy the assigning authority that no unusual hazards will be experienced.

2. Section 45.01–20 is amended to read as follows:

§ 45.01–20 *Vessels of special design.* (a) Sand suckers and other vessels of special design that cannot be assigned load lines by direct application of the rules set forth in this subchapter, will be assigned load lines based on the individual consideration of each vessel. Before such vessels are marked and certified, the assigning authority shall obtain the approval of the Commandant, U. S. Coast Guard, as to the position of the load line marks.

(b) In the location of load lines on sand suckers and similar vessels, consideration will be given to the effect of flooding of open cargo spaces, and the draft permitted will not be in excess of that which, in the judgment of the assigning authority, with the approval of the Commandant, U. S. Coast Guard, provides a reasonable margin of safety under such circumstances.

(c) Open hopper type barges will be limited to unmanned operation over restricted routes.

(Sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 88a)

Dated: June 10, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55–4886; Filed, June 16, 1955; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 941]

[Docket No. AO–101–A20]

MILK IN CHICAGO, ILL., MARKETING AREA

NOTICE OF HEARING AND PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the La Salle Hotel, Chicago Room, La Salle and Madison Streets, Chicago, Illinois, beginning at 10:00 a. m., c. d. t., July 5, 1955.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Chicago, Illinois, marketing area and to the proposed amendments set forth herein below, or modifications thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Pure Milk Association:

1. Amend § 941.3 (Chicago, Illinois, marketing area) to add Kankakee County, Illinois, and to include all of Will County, Illinois.

By the Beatrice Foods Company:

2. Section 941.3, "Chicago, Illinois, milk marketing area," be amended so as to include all of Lake County, Illinois, in the marketing area.

By the Maple Lane Dairy:

3. That Order No. 41 be amended to include Crete Township in Will County in the Chicago milk marketing area.

By the Pure Milk Association:

4. In § 941.52 change (a) (1) to make Class I price differentials $1.10 per hundredweight for August, September, October and November, and 90 cents per hundredweight for all other months.

5. Amend §§ 941.80 and 941.81 to provide that bulk tank milk transferred to another tank truck will be considered as received by the handler at place where re-loaded from farm pick-up truck, and if re-loaded within marketing area the location adjustment to producers will be 4 cents per hundredweight.

By the Pure Milk Products Cooperative:

6. Revise or eliminate § 941.71, the base rating provisions, and such other related sections as bear upon the base rating plan in order to provide equity among producers in consideration of all base surplus provisions in accordance with the evidence introduced at the hearing.

By the Pure Milk Association:

7a. Section 941.69, change base rules to include the following:

After January 15, 1956, a producer for whom a base has been computed may not be allotted a new producer base; and

For the 1955 base making period a producer will have until January 15, 1956 to notify market administrator of his desire to relinquish base.

b. Delete subparagraph (3) in § 941.69 (b).

By the Racine Milk Producers Cooperative Association:

8. Amend § 941.69 (a) (1) by adding: "Any producer not shipping to a handler during the months of September, October and November, immediately preceding may have his base determined in this manner upon presentation to the market administrator of satisfactory records of milk marketed on other markets for the base determination period for his farm. Such evidence must be presented not later than February 28 immediately preceding."

By Barron Cooperative Creamery; Wisconsin Cooperative Dairies, Inc.; Farmers Cooperative Creamery; Falls Dairy, Inc.:

9. Delete § 941.71 (d) and (g) and add thereto a new undesignated paragraph as follows:

For each of the months of March, April, May, and June the uniform price for excess milk shall be the Class IV price; and amend such other sections of the order as is necessary to prevent the uniform price for excess milk in all zones from falling below the Class IV price.

By the Dairy Division:

10. Add § 941.69 (b) (3) as follows:

(3) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be jointly held in the names of the producers. During March, April, May and June each producer having an interest in a jointly held base shall share the base in the same proportion as he shares in the milk delivery.

11. Add § 941.69 (b) (4) as follows:

(4) A jointly held base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signatures of all interested producers: *Provided*, That in the event producers holding a joint base cease producing milk from the same farm and do not notify the market administrator of their agreed terms of division of base, the market administrator shall divide the base equally among the interested producers.

12. Add § 941.69 (b) (5) as follows:

(5) Subject to the provisions set forth in subparagraph (2) of this paragraph, a producer who discontinues shipping milk to a pool plant during September, October or November may transfer to another producer credit for milk deliveries for base making purposes.

By Pure Milk Association:

13a. In § 941.41 (b) establish a new and separate class designated Class IIa by adding: "Class IIa milk shall consist of ice cream and other frozen desserts."

b. In § 941.44 (d) add:

Compute the milk equivalent of Class IIa milk by—

1. Divide the pounds of butter fat in Class IIa milk by 0.0467;

2. Divide the pounds of non-fat milk solids in Class IIa milk by 0.14; and

3. Add the figures obtained from 1 and 2 to obtain the total pounds of Class IIa milk.

By Lake to Lake Dairy Cooperative:

14a. Amend § 941.41 *Classes of utilization* as follows: "Paragraph (d) (1)—Contained in butter, cheese (except cottage and American cheese), (e) Class IVa shall be all milk manufactured into American Cheddar cheese."

b. Amend § 941.50 *Basic formula price* to read: "* * * shall be the higher of prices for Class III milk, Class IV milk or Class IVa milk as computed by the market administrator, etc."

c. Amend § 941.52 *Class prices* by adding paragraph (e) as follows:

(e) *Class IVa milk.* The price per hundredweight for Class IVa milk shall be that computed from the following formula:

(1) Multiply by 9.745 the simple average as computed by the market administrator of the selling prices on the Wisconsin Cheese Exchange.

(2) Multiply by .3 the simple average, as computed by the market administrator, of the daily wholesale Grade "A" (92 score) prices of butter at Chicago as reported by the U. S. D. A., and

(3) From the sum of the results arrived at under sub-paragraphs 1 and 2 of this paragraph subtract 46.8 cents.

By Alto Cooperative Creamery:

15a. Amend § 941.41 *Classes of utilization*, as follows: "Paragraph (d) (1)—Contained in butter, cheese (except cottage and American cheese); (e) Class IVa shall be all milk manufactured into American Cheddar cheese."

b. Amend § 941.50 *Basic formula price* to read: "* * * shall be the higher of prices for Class III milk, Class IV milk and IVa milk as computed by the market administrator, etc."

c. Amend § 941.52 *Class prices* by adding paragraph (f) as follows:

(f) *Class IVa milk.* The price per hundredweight for Class IVa milk shall be that computed from the following formula:

(1) Subtract 1.610 cents per pound from the average wholesale price of cheese (Cheddars) at Wisconsin Primary Markets as computed and reported by the United States Department of Agriculture, during the delivery period.

(2) Multiply the difference obtained in subparagraph (1) of this paragraph by 9.1486.

By Associated Milk Dealers, Inc.

16. Delete paragraph (a) of § 941.45 and insert instead the following:

Subtract from the pounds in each class the pounds of milk received from a handler's own farm production in the following manner:

(a) The percentage of Class I milk of a handler's own farm production to be subtracted from Class I sales shall be determined by dividing the total pounds received of milk and cream by the total pounds of Class I sales. The butterfat allocated to Class I of a handler's own farm production shall be the product of the pounds of milk as determined above multiplied by the percent of fat in Class I sales.

(b) The butterfat and 3.5 percent milk equivalent remaining of a handler's own farm production after allocating to Class I shall be subtracted pro rata from remaining classifications in the following manner:

(1) Determine the sum of the pounds of butterfat in Classes II, III, IIIA, and IV. Divide this sum of the pounds of fat in these classifications by the pounds in each class to secure the percentages to be applied to the butterfat remaining of a handler's own farm production.

By Dean Milk Company:

17a. Amend § 941.70 *Net pool obligation(s) of handlers* by eliminating paragraph (d).

b. In § 941.80 *Time and method of payment for producer milk*, amend paragraph (a) and (b) to provide for any payments made to cooperative associations or producers, for milk received from producers at a pool plant located within the marketing area, shall be paid

by handlers receiving such producer milk.

c. To make such other amendments as necessary to eliminate any pool credits to handlers receiving milk at a pool plant located within the marketing area from producers.

By Beatrice Foods Company:

18a. Amend § 941.41 by deleting in the first sentence of each paragraph the phrase "all milk and milk products" and substitute therefor the words "all skim milk and butterfat."

b. Amend § 941.44 by deleting the language in the present order and substituting therefor the following:

§ 941.44 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in each class according to its usage, pursuant to § 941.41.

c. Amend § 941.45 as follows:

§ 941.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

[Paragraphs (a) through (i) shall remain as now in the order, but shall be numbered (1) through (8). Paragraphs (j) and (k) shall be deleted, having new paragraph (b) added to provide as follows: "Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk."]

d. Amend § 941.52 so as to allow for the establishment of class prices based on the hundredweight of milk of 3.5 percent butterfat content, retaining the same methods as now used for establishing Class III and Class IV milk prices. However, adjust Class I pricing to an extent that producer returns will not be materially affected as a result of changing the accounting method in the order to a fat-skim basis.

e. Amend the order by adding the following:

§ 941.54 *Handling butterfat differential.* If the average butterfat test of milk used in any class as calculated pursuant to § 941.44 is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound of Grade AA (93-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the month specified below by the applicable factor listed, and rounding to the nearest one-tenth cent:

(1) *Class I and Class II milk.* Multiply such price for the preceding month by 0.125;

(2) *Class III and Class IV milk.* Multiply such price for the current month by 0.115.

f. Amend § 941.61, § 941.62 and § 941.64 so as to provide for the substitution of the phrase "skim milk and butterfat" wherever the word "milk" is now used.

g. Amend § 941.68 by striking the words "milk and milk products" and substituting therefor the words "skim milk and butterfat" where applicable in both paragraphs (a) and (b).

h. Amend § 941.41 (d) by adding the following: "Any skim milk dumped after prior notification to, and opportunity for verification by, the market administrator."

By Lake to Lake Dairy Cooperative:

19. Amend § 941.45 (k) to read as follows:

(k) In the event the total pounds remaining in the several classes is greater or less, than the pounds of milk received from producers (excluding the handler's own farm production) reconciliation shall be effected by respectively deducting such differences from, or adding such differences to, the lower of Class III or Class IV.

By the Dairy Division, Agricultural Marketing Service:

20. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the said order, as amended, may be procured from the Market Administrator, 73 West Monroe Street, Chicago 3, Illinois, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: June 14, 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-4895; Filed, June 16, 1955; 8:49 a. m.]

[7 CFR Part 986]

[Docket No. AO-263]

HANDLING OF MILK IN INDIANAPOLIS, INDIANA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order, to regulate the handling of milk in the Indianapolis, Indiana, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and order were formulated, was conducted at Indianapolis, Indiana, on November 15–19, 1954, pursuant to notice thereof which was issued on October 28, 1954 (19 F. R. 7085).

The material issues of record related to:

(1) Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

(2) Whether marketing conditions justify the issuance of a marketing agreement or order;

(3) Extent of the marketing area;

(4) The scope of regulation;

(5) The classification of milk;

(6) Class prices;

(7) Payments to producers; and

(8) Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

(1) *Character of commerce.* The handling of milk in the Indianapolis, Indiana, marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and milk products.

Grade A milk processing and distributing plants located in the Indianapolis marketing area draw their supply from approximately three thousand Grade A milk producers in a production area of some 39 counties surrounding the marketing area. From these farms, in 1953, the average monthly movement of milk, either to Marion County processing and bottling plants or to dairy product manufacturing plants for surplus disposal, was slightly under 25¾ million pounds. Seventy-five percent of this supply was moved into fluid consumption, the rest into manufactured products. In 1954, only about 65 percent was used in the fluid trade. This Grade A supply was developed since the early 40's in response to the growing needs of the market. It was 17 percent greater in 1953 than in 1952 and 6 or 7 percent more in 1954 than in 1953.

In addition to this supply of Grade A milk that finds its market at plants located in the Indianapolis trade area, there are route sales from 3 to 4 plants at varying distances—up to nearly 100 miles—from the marketing area. Such sales are estimated at 5 percent or more of all Grade A milk distributed in Marion County. These plants represent a considerable volume of milk qualified for the Indianapolis trade which is distributed in part in the Indianapolis area and in part in other Indiana localities, or shipped in bulk to distant urban areas in other states.

Evidence concerning this trade shows significant interstate aspects. In 1953 and 1954 there was some movement of Grade A milk and cream from approved plants in this central Indiana region to out-of-state markets. In previous years when the supply in the area was short, Indianapolis handlers usually received shipments from out-of-state sources.

Of greater importance in interstate markets is the part of this supply of Grade A milk that goes into the production of dairy products (cream, cheese, milk powder, evaporated and condensed milk). Such products are sold in regional and national markets. From the record it appears that from 20 to 30 percent of current supplies in the Indianapolis area is disposed of in such products. Although production of Indianapolis approved milk is primarily for fluid use, reserve supplies to cover fluctuation in sales and production can be utilized only in manufactured dairy products, which are marketed in interstate trade.

Most of this Grade A milk that goes into manufactured dairy products is delivered by producers directly from the farms to dairy manufacturing plants located in the milkshed. A few distributors of milk in the Indianapolis area also operate manufacturing plants where they utilize their excess Grade A milk with receipts of ungraded milk in the production of dairy products.

Besides these direct connections with interstate commerce there is significant indirect-relation of the Indianapolis milk trade to that of interstate fluid markets and to the manufacturing milk industry in the neighboring States of Illinois, Ohio and Kentucky. Exhibit No. 17 of the hearing record, entitled "The Indianapolis Milk Market," Station Bulletin 554, Purdue University, shows the market relations of the Central Indiana Grade A milk supply to that of other milk produced in this region.

In earlier years most of the milk in this region found its market in numerous dairy manufacturing plants located in most of the towns and cities. Some of these plants distributed fluid milk to local consumers, but most of them were primarily manufacturers of dairy products, which were sold in national markets. Many of the farms which previously produced milk for manufacturing plants are now delivering to plants which sell primarily in fluid markets. While the fluid trade currently absorbs a larger proportion of this milk supply, many plants of this sort still operate in the region. The Purdue University Study referred to above states that in 1950 there were 64 such plants in this milkshed. The Indianapolis market and other local fluid markets in the milkshed compete for milk supply with such plants and many dairymen now producing for the Indianapolis market were recruited from the patrons of these plants. They became producers for this Grade A market when relative price returns afforded sufficient incentive.

On another front, also, Indianapolis milk handlers encounter interstate commerce. Milk distributors in the large cities to the north, east, and south—Ft. Wayne, Dayton-Springfield, Cincinnati and Louisville—compete for producers with Indianapolis handlers. Testimony shows that producers shift from one market to another when there is opportunity to gain price advantage.

(2) *Marketing conditions and need for regulation.* Marketing conditions in the area defined in this decision as the Indianapolis marketing area indicate that issuance of a marketing order, such as that set forth herein, will tend to effectuate the declared policy of the act with respect to milk produced for the area.

Stability of marketing conditions for the Indianapolis marketing area can be assured only if all handlers in the area have substantially equal cost of milk according to use, and if farmers receive prices which are uniform in accordance with utilization of their milk.

In recent years a system of marketing has been developed in the area which has resulted in considerable uniformity both in respect to cost to handlers and prices to producers. Most of the milk in the market has come from the members of three producers' associations which have established the Milk Producers' Auditing Agency. This agency has handled the accounting for milk from all three of the associations as to utilization by handlers, and with respect to returns to producers has arranged for pooling of utilization of all handlers to which the associations sell their milk. The associations have arrived at milk price terms with handlers, and payment has been on a classified-use basis. The associations have arranged for allocation of milk supplies among handlers according to their needs. The producer associations have also carried on programs of checking weights and butterfat tests of milk from members' farms.

During recent years there have been additional supplies of milk entering the market with respect to which the three associations mentioned do not participate in the pricing, accounting, and payment therefor. This milk is purchased on a flat-price basis, which often results in widely varying costs of milk utilized in the fluid trade. Because of generally increased milk production and development of improved techniques for processing and distributing milk, the potential supply from such other sources appears to be large. With a sizable and increasing segment of the supply entering the market from sources not subject to the same uniform practices with respect to prices and accounting, instability of marketing conditions is likely to result.

A milk marketing order is needed to assure equality of cost among handlers according to use of the milk they receive. Producers regularly supplying the market should be assured that milk from other producers will not come into the market at prices lower than the level justified by supply and demand conditions. An order would be a means of establishing uniform prices to producers and of adjusting the level of such prices in accordance with changing supply and demand conditions.

(3) *Extent of the marketing area.* The marketing area in which the handling of milk would be regulated by the proposed order should include all the territory within Marion County, Indiana.

The main population center within Marion County is the City of Indianapolis, but there is a large urban population in surrounding areas within the county. The county has a population of 551,777. The entire area is served largely by handlers selling in the City of Indianapolis. Only a small part, estimated to be about 5 percent of the sales within the county is by handlers not operating in the City of Indianapolis. On the other hand, it was testified that a considerable part of the business of Indianapolis handlers is outside of the city.

The only objection raised to inclusion of all of Marion County was by a handler who indicated such objection would be withdrawn if the entire county were under one health ordinance and administration with respect to sanitary requirements in marketing of milk. Official notice is hereby taken of issuance subsequent to the hearing of a milk ordinance by the Health and Hospital Board for Marion County, Indiana. This action provides uniform health regulations for milk marketed within the proposed marketing area.

The record indicates that most milk for the Indianapolis market was, at the time of the hearing, from farms with inspection certificates issued by the City of Indianapolis. It was indicated that some milk, however, came from a plant at Bluffton, Indiana, originating on farms not under the direct inspection of the City of Indianapolis. The milk from Bluffton was accepted by the City of Indianapolis as milk subject to equivalent quality requirements imposed by local ordinance.

No proposal was made that the marketing area should extend beyond Marion County. On the basis of sanitary administration and uniformity of marketing conditions, the limits of the county appear to be an appropriate boundary for the marketing area.

(4) *Scope of regulation.* The milk to be priced by the order should be only that milk which is produced by dairy farmers approved for the production of milk for fluid consumption in the marketing area and delivered to plants disposing of milk for fluid consumption in the marketing area. Testimony indicated that some milk not approved for the City of Indianapolis was being distributed in Marion County outside the city. Inasmuch as the entire county, including Indianapolis, is now under one health authority, only one grade of milk is eligible within the county. The ordinance prescribes a Grade A standard. Since the supply for plants selling milk in the county must come from approved farms, all Class I disposition, whether within or without the marketing area, from regulated plants should be credited to producer milk.

The milk to be priced under the order will be all milk constituting the supply for the trade in the marketing area. This milk may be identified by appropriate definitions of "producer," "handler," and "producer milk plant."

A "producer" should be defined as a dairy farmer who produces milk under approval by the Marion County Health

and Hospital Board for fluid consumption, if such milk is received at a "producer milk plant" or is caused by the handler to be delivered for his account to a plant which is not a "producer milk plant." A farm inspection certificate issued by the Marion County Health and Hospital Corporation, or such a certificate issued by another health authority whose certification is accepted by the Marion County health authority, would be the basis for considering the dairy farmer approved for the marketing area.

No dairy farmer would become a milk producer merely by meeting the health requirements. He would need also to deliver his milk to a "producer milk plant."

A "producer milk plant" should be defined first as any plant from which a volume of Class I milk in excess of an average of 200 units per day (one-half pint of cream or one quart of any other Class I product counted as one unit) is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) in the marketing area. Such a plant would be a distributing plant. This definition exempts from regulation any plant from which the only distribution in the marketing area is a minor quantity which may be accidental, or incidental to distribution outside the area. Distribution in the marketing area of the volume indicated (200 units per day) would not cause instability of marketing conditions. Regulation of such plants might place them at a disadvantage in competition for trade outside the marketing area.

Currently all plants supplying the market are distributing milk in the marketing area. Supply conditions shown by the record indicate that these plants generally are amply supplied directly from farms. While milk has been supplied to distributing plants by other plants on a temporary basis, none have become regular sources of supply. The development of supply plants for the market which do not distribute in the market is a possibility, however, and accordingly the definition of producer milk plant should include provision for such plants.

The category of supply plants would include plants from which no distribution is made in the marketing area, but which supply milk, skim milk or cream regularly or from time to time to distributing plants. If a handler who operates a distributing plant also operates a plant at which the supply of milk is qualified (as evidenced by dairy farm inspection permits) for distribution in the marketing area, such a plant would be considered as part of the handler's supply for the market and should be regulated as a producer milk plant.

Other supply plants would be plants operated by a handler who does not operate a plant distributing in the marketing area. Such plants should be producer milk plants in any delivery period in which they supply milk to a producer milk plant distributing in the marketing area if the dairy farmers delivering milk to such supply plant are approved for the marketing area. Approval of the milk supply of these plants by the health authority for the marketing area and actual movement of milk to the marketing area indicates such plants are part of the supply and should be subject to regulation.

This definition of producer milk plant would not include plants which are accorded temporary approval as sources of milk supply during periods of shortage.

The term "handler" should apply to any person who receives at a plant milk which is disposed of in the marketing area as Class I milk, either directly or through another plant. Handlers would be responsible for reporting receipts of milk and disposition thereof, and for payment to producers for milk received from them. An operator of a producer milk plant would be the responsible handler with respect to milk of a producer which is diverted for his account to a plant from which no Class I milk is disposed of in the marketing area. If a cooperative association causes a producer's milk to be so diverted for its account, the cooperative would in this case be the handler responsible for reporting and payment.

The proposed definition of "handler" is sufficiently broad to cover all persons supplying fluid milk to the marketing area; but in the case of some types of handlers it would not be necessary to apply all the order requirements. Producer-handlers would be required to submit reports, but since they receive no milk from other producers, they would not be subject to payment provisions. Handlers operating plants regulated under another Federal milk marketing order would not be subject to similar regulation under this order, but the market administrator could require such reports as may be necessary properly to account for milk of producers under this order. Also, a handler operating only a distributing plant from which less than enough milk to qualify it as a producer milk plant is disposed of in the marketing area would be exempt from the pricing provisions of the order.

It is contemplated that some producer milk plants will at times handle milk other than milk from producers. Such milk would be called "other source milk." Inasmuch as the order has been designed to price nearly all milk sold in the marketing area, there would ordinarily be little other source milk. In times of milk shortage, larger quantities of other source milk might be drawn from plants given temporary approval by the health authority. Under any of these circumstances the amount of other source milk in the market would not appear to be an unstabilizing factor.

(5) *Classification of milk.* All milk and milk products received by a handler should be classified on the basis of the form in which it is used or the purpose for which it is used.

Producers proposed that there be separate classification of skim milk and butterfat and separate prices for each. The current method of classification is on the basis of utilization of butterfat and the volume of milk in each class is determined as the milk equivalent of the butterfat. The proposed change to skim milk and butterfat accounting will change the cost of some product utilizations, particularly skim milk products. Since skim milk and butterfat are not used in the same proportions in product disposition as the proportions in which they are received in milk from producers, it is appropriate that they should be classified separately, according to their separate uses. No objection was made on the record to this method of classification.

Class I milk should include those uses for which milk from approved sources is required and the definition should specify definite product utilizations. Provision for automatic inclusion of any new product utilization or any product newly designated by the health authority as required to be from approved milk would pose administrative difficulties. The market administrator might then be called upon to interpret the health ordinance and give judgment on whether it is enforced. Any change in classification, whether it relates to a new product or a change in sanitary requirements, should be effectuated only on the basis of a public hearing.

Class I milk should include all skim milk and butterfat disposed of in the form of milk, skim milk, flavored milk drinks, buttermilk, cream, sour cream, and skim milk and butterfat not accounted for as Class II milk. Producers proposed that the Class I milk definition also specify skim milk and butterfat used to produce reconstituted milk, skim milk, or cream and disposed of in the form of products already named as Class I uses. This serves to make definite the classification and accounting to be applied in the case of reconstituted items. Concentrated milk is also specified as a Class I item inasmuch as it is a form of milk for fluid consumption, not sterilized, for which health approved milk normally is required.

Payment for milk by handlers in the market has generally been on a classified-use basis. The classification now proposed, differs, however, from previous practice by including skim milk drinks in Class I. With this change, specified Class I products will include all uses for which approved milk is required, and only such uses.

Producers proposed that closing inventory be accounted for as a Class I item. More general practice under Federal orders is to account for inventory in a lower class. This does not result in producers receiving any less for their milk, inasmuch as any product held in inventory and used in Class I in the following month would be subject to a reclassification charge. This method of accounting for inventory also facilitates the operation of an automatic price adjustor based on utilization. It is likely that such an automatic price adjustor similar to those used under other orders will be needed in the order for this market, although such adjustor may not be developed until after the order has been in operation for a year or more.

Inventory would include only those products held in a form of the products named in the Class I milk definition. This will avoid a requirement that handlers report in inventory skim milk and butterfat held in the form of Class II

disposition such as butter or cheese, since such products will already be accounted for as Class II milk. Handlers will need to keep stock records, however, of such products subject to audit by the market administrator.

It is concluded that closing inventory should be accounted for as Class II milk. This method of accounting allows for treating beginning inventory as a receipt which is allocated to class utilization by subtracting it first from Class II milk, after subtracting other source milk, and subtracting any remainder from Class I. To the extent that this procedure results in opening inventory being allocated to Class I milk, and an equivalent amount of producer milk was classified in Class II in the previous month, a reclassification charge should be made at the difference between the Class I price in the current month and the Class II price in the previous month.

Although current marketing conditions indicate that "other source milk" is not likely to be needed for supplying the fluid market, it is possible that the supply of producer milk may at times be insufficient for temporary periods. It is also possible that the handler may have other source milk in his plant for use in products for which approved milk is not required. Accordingly, it is necessary to provide a method for allocating such other source milk to classes of utilization. Inasmuch as producer milk is regularly available for fluid consumption in the marketing area, the method of allocation provides that other source milk shall be allocated first to Class II milk to the extent of Class II utilization, and any excess of other source milk over Class II will be allocated to Class I.

Milk, skim milk, or cream received from a producer-handler should be allocated in the same manner as other source milk. Since such receipts would be the excess supply from the producer's own Class I handling operations they should not share, with the milk of other producers, in the Class I utilization of other plants. All receipts from producer-handlers should be allocated to Class II if there is sufficient Class II utilization available, after prior allocation of shrinkage and other source milk, for such assignment.

Class II milk should be defined as all skim milk and butterfat used in products not specifically named in Class I and accounted for as actual plant shrinkage of producer milk not exceeding two percent of the skim milk or butterfat, respectively, in receipts of milk from producers. Any excess of shrinkage over two percent would be considered Class I milk in accordance with that part of the Class I definition including milk not accounted for as Class II milk. The record indicates that two percent would provide some margin over the amount of loss which might be expected in plants of reasonable operating efficiency. Unlimited allocation of plant loss to Class II would place a premium on unaccounted-for milk. Provision should be made for prorating plant loss between producer milk and other source milk. No shrinkage should be allowed to a handler on milk diverted to a non-producer milk plant inasmuch as such milk is not processed in his plant.

Inasmuch as there may be transfers of milk and other fluid items between handlers or to non-producer milk plants, specific provision should be made for classifying such transfers.

Milk transferred between producer milk plants may be classified as agreed upon by the handlers operating the plants, providing that if Class II use is claimed the transferee handler has sufficient use in such class after allocating any other source milk to classes in sequence beginning with Class II. This system of classification assures priority for producer milk over other source milk in assignment to Class I Milk transferred from a producer milk plant to a non-producer milk plant should be accounted for as Class I utilization unless Class II utilization can be proven. If the transferring handler claims Class II utilization, the transferee plant must keep books and records which make it possible for the market administrator to verify such use. Producer milk would be assigned to the highest use remaining in the transferee plant after subtracting in series, beginning with Class I, the receipts of skim milk and butterfat at the transferee plant directly from dairy farmers who are not producers.

Milk disposed of to a producer-handler would be accounted for as Class I milk inasmuch as that is the use for which a producer-handler would need milk in excess of his own production.

(6) *Class prices*—(a) *Class I prices.* The Class I price per hundredweight for the first eighteen months of the order should be a butter-powder formula, or the average price paid by 13 Midwest condenseries, whichever is higher, plus $1.10. For subsequent periods the Class I price would be subject to determination on the basis of the record of another public hearing.

The appropriate level of the price for milk which is the supply for a fluid market may depend on many factors to which it would be difficult to give individual recognition in establishing a price, but which may be reflected in a general way by dairy products and milk prices which are independent of the fluid market. A common method is to use prices paid to farmers by milk manufacturing plants, or prices of standard dairy products in central markets, as a basis for reflecting changes in general supply and demand conditions. These may be used as factors in a basic formula price.

Although the function of a basic formula price is to indicate changes in supply and demand conditions, it does not alone determine the Class I price. The Class I price is a combination of the basic formula price and the Class I price differential added thereto. Accordingly, the amount of the differential would depend in part on the kind of basic formula used.

The three alternative formulas proposed by producers for the basic formula price were: (1) Prices paid by a group of condenseries in Michigan and Wisconsin; (2) 120 percent of the Chicago 92-score butter price times 3.5, plus 8.2 times a value calculated by deducting 5.5 cents from the average of prices for spray process and roller process nonfat dry milk f. o. b. Chicago area plants; and (3) prices paid for milk by five manufacturing plants in Indiana and Ohio. The formula yielding the highest price would be called the basic formula price. Producers proposed to this should be added a fixed differential of $1.30 per hundredweight, to arrive at the Class I price.

These formulas are generally similar in structure to formulas employed in other federally regulated markets although important differences as compared to some markets are pointed out in subsequent discussion. Such similarity is important, since it provides a basis for aligning the price level in this market with prices in other markets. For this purpose, however, a basic formula without the four nearby manufacturing plants would be better adapted. Examination of the several formulas proposed shows that the prices paid by the five plants would have been seldom effective as the basic formula price. It is concluded that this series is unnecessary and should not be included in the basic formula.

The appropriateness of the butter-powder and condensery price formulas as a basis for establishing a Class I price for this market also derives from the nearness of areas where milk is produced for manufacturing purposes. The Indianapolis fluid market draws its supply from an area in which there are many milk manufacturing plants which draw their supply from dairy farmers throughout the milkshed of this market. The market is also close to those areas, generally north from Indianapolis, in which there is a relatively heavy production and use of milk for manufacturing. Such areas also produce an excess over local needs of milk qualified for fluid consumption. Accordingly, conditions in these major milk producing areas must be considered as a factor in the supply situation. The butter-powder formula and average condensery price serve this purpose.

Payment of a premium over a value for manufacturing milk provides an incentive to the dairy farmer to meet the quality requirements of the fluid market. The Class I price differential is such a premium. In deciding on an appropriate Class I price differential, experience in both this market and neighboring markets is considered relevant.

Beginning with 1951, a seasonal pattern of Class I differentials has been used in this market, with respect to most of the milk sold therein, which has averaged for each year about $1.30 per hundredweight. As pointed out previously herein, the proposed order would include skim milk drinks in Class I, which previously had been accounted for as a Class II item. Data and testimony given by producers and handlers show that this change in classification would be equivalent to a price increase on all Class I milk (as defined in the proposed order) of about 20 cents per hundredweight. Accordingly, although the annual average differential has been

about $1.30 per hundredweight, producers would receive about the same returns for the proposed Class I utilization with a differential of $1.10.

The record shows that although the supply for this market was short a few years ago, a general increase in supplies has occurred without any change in the annual level of Class I price differentials. Data submitted by a representative for handlers indicated that in the month of November, which is normally the month of lowest production, utilization in Class I dropped from 96 percent in 1951 to about 78 percent in 1953. For November 1954, it was indicated that utilization would be lower than in November 1953. Other testimony showed that this did not include the milk of all handlers in the market, and that inclusion of their supplies and sales would somewhat reduce these utilization figures. It is apparent that the level of Class I price differentials currently employed in the market is sufficient to attract an adequaate market supply under supply conditions indicated on the record for recent periods.

With respect to experience in neighboring markets, it is noted that four federally regulated markets, namely, Cincinnati, and Dayton - Springfield, Ohio; Louisville, Kentucky; and Fort Wayne, Indiana, lie within a range of 120 miles from Indianapolis. The record indicates there has been interchange of producers between Indianapolis and Ohio markets and Louisville. Currently milk in consumer packages from a plant much nearer to Fort Wayne than Indianapolis is being marketed in Indianapolis. The Chicago and South Bend-LaPorte markets are somewhat beyond the range indicated, but it is conceivable that handlers in those markets could supply and distribute milk in Indianapolis.

Alignment of market prices is important both as to assurance of a stable supply for the market, and as to possible competition from handlers operating in other markets. The price should not be so high that handlers in other markets can furnish milk to Indianapolis at lower cost than Indianapolis handlers, for this would result in disorderly marketing conditions.

It appears that sales competition from plants not now selling in the Indianapolis marketing area would most likely come from areas to the north and west of Indianapolis. The general pattern of price levels in markets surrounding Indianapolis were shown in the record to be highest in the southerly and easterly directions and lowest to the north. This pattern results from generally greater concentration of milk supplies in areas to the north of the market. Also, the most distant plant selling milk in the marketing area is well to the north of the market.

In relating the Class I price differentials in this and neighboring markets, allowance must be made for the fact that the differentials stated in the orders are modified by supply-demand factors. One method of making allowance for the supply-demand adjustments in other markets is to compare the effective Class I prices in the other markets with prices which would result from the formulas proposed for Indianapolis.

Another factor of difference which arises in comparison with other markets is the differences in the basic formulas to which the differentials are added. With respect to the Midwest condenseries paying prices, the list of plants proposed is the same as used in most surrounding markets. The butter-powder formula proposed is the same as that used in the Dayton-Springfield and Cincinnati markets, but it is about 12.6 cents higher than the butter-powder formula in the Fort Wayne order. It differs from the butter-powder formula in the Chicago order which (1) is based on 93-score butter rather than 92-score, (2) uses the spray process price rather than an average for spray and roller nonfat dry milk, and (3) has a deduction factor of 75.2 cents per hundredweight of milk as compared to 45.1 cents in the formula proposed for this market.

In view of these differences in price formulas, comparison of differentials in the several markets may be misleading unless all of these differences were taken into account.

Data were offered on the record to make price comparisons on a 3.5 percent butterfat basis with Class I prices in surrounding markets. It was testified that the Class I prices for four percent milk were converted to prices for 3.5 percent milk on a direct ratio basis. This resulted in a considerably greater downward adjustment for butterfat content than would apply in the other markets or on the basis of the proposed method for an order. Also, the Indianapolis Class I prices did not apply to skim milk drinks which in other markets were in Class I. As a result, this series of prices would not provide a useful basis of comparison with other markets.

Comparison of actual Class I prices in neighboring markets (using in each case the price for 3.5 percent test) with the prices which would result if a Class I price differential of $1.10 were added to the basic formula price proposed herein, shows the following differences over the prices effective in the other markets: Over Chicago, in 1952, 18 cents; in 1953, 44 cents; in 1954, 59 cents. Over Fort Wayne, in 1952, 50 cents; in 1953, 30 cents; in 1954, 31 cents. Over Dayton-Springfield, in 1952, 5 cents; in 1953, 2 cents. In 1954 the basic formula price proposed plus $1.10 would have yielded a price 4 cents less than the average Class I price in the Dayton-Springfield market. The relationship to the South Bend-LaPorte market is indicated by the fact that the price in that market currently averages about 20 cents more than the Chicago price on an annual basis.

These price differences indicate that a differential of $1.10 would have resulted in prices nearly the same as prices in the Dayton-Springfield market, but at times considerably higher than prices in Chicago and Fort Wayne. Historical market price relationships and information as to character of milk production in the milksheds indicate that some difference over the markets to the north of Indianapolis is normal because of distances involved and lesser concentration of milk production in this area. Under current supply conditions it appears that the difference over the other markets should not be more than enough to compensate handlers in these other markets for the cost of moving milk to this market. Data submitted on cost of tank truck movement indicates that perhaps 20 cents would cover the cost of moving milk to Indianapolis from Fort Wayne. As to movement of milk from the Chicago 70-mile zone, the cost on this basis is slightly more for transportation, but total cost to an Indianapolis handler would probably involve also an additional mark-up over the Chicago order Class I price as is ordinarily charged for delivery of milk in tank loads.

These factors indicate that a Class I differential of $1.10 would have yielded in some recent years a price high in relation to prices in important neighboring markets. The most recent trends in neighboring markets, however, indicate a more favorable supply-sales relationship, and a lessening of downward price adjustments based on this relationship. In this connection official notice is taken of the Class I prices, utilization figures, and supply-demand adjustments published since the close of the hearing by market administrators for Federal orders in Chicago, Louisville, Fort Wayne, Dayton-Springfield, and Cincinnati. In view of these changes in surrounding markets a differential of $1.10 does not appear to be too high for the current period. It is concluded that this differential should be adopted for an initial period.

More complete and accurate data as to supply and demand conditions which can be accumulated under the operation of the proposed order may indicate need for adjustment of the Class I differential from time to time. Although the basic formula is designed to respond to general supply and demand conditions affecting the production of milk, it is desirable also to make the price respond to conditions which are definitely local in character. One of these local conditions which is of great importance is the relationship between the supply of milk immediately available to the market and the amount of this milk being used for fluid consumption. Apparently the simplest measure of this relationship would be the ratio of producer milk to Class I disposition. Because of the limitations of the record data, no supply-demand price adjustor is proposed herein. It is concluded that the effective level of Class I differential for the first eighteen months of order operation should be $1.10. This will allow a period for assembly of data referred to bearing on the appropriate Class I price for subsequent periods. The price for periods after the first eighteen months would need to be established on the basis of a further public hearing.

Although $1.10 is considered to be the appropriate level for the Class I differential in the initial eighteen-month period, the differential should be subject to seasonal adjustment. Because the order cannot be made effective in time to make the seasonal production incentive plan, otherwise discussed herein, operative this year, it is necessary to use seasonal adjustments of the Class I price differential. The Class I price differential, as herein proposed for the initial period of order operation, would have the same seasonal changes as the differentials shown by the record to be generally used in the market, but the level of the differentials would be 20 cents less. The seasonal pattern of differentials, equivalent to an annual average of $1.10, would therefore be $1.30 for the months of September through February, $1.15 for March, $0.95 for April, $0.70 for May, June, and July, and $1.15 for August. The full schedule of such seasonal differentials would not become effective, inasmuch as the level differential of $1.10 would be used when the seasonal production incentive plan would become effective in April 1956.

The Class I price should be announced by the market administrator on or before the 6th day of the month. Such foreknowledge of the price for milk to be delivered is desirable for operations of both handlers and producers. This method of announcement may be arranged by using for the basic formula the prices reported for the previous month.

(b) *Class II prices.* The Class II price should be the higher of two formulas: the average of the monthly paying prices of five manufacturing plants in Ohio and Indiana or a combined value of butter and nonfat dry milk.

It was proposed by producers' associations that the price for Class II milk should be an average of the prices paid by five manufacturing plants in Indiana and Ohio, namely:

Indiana Condensed Milk Company, Sherdon, Ind.
Kroger Company, Marion, Ind.
Nestles Milk Company, Greenville, Ohio.
Pet Milk Company, Coldwater, Ohio.
Pet Milk Company, Angola, Ind.

The paying prices of these plants were proposed as a measure of the value of milk for manufacturing uses in nearby areas.

Comparison of the prices paid by these manufacturing plants in recent years with the other price series considered to be representative of the value of milk in manufacturing uses shows that the paying prices of these plants averaged well below the prices paid by condenseries in Michigan and Wisconsin, which are named in the basic formula price proposal, and also below the proposed basic butter-powder price. In 1952, the paying prices of the five plants averaged 20 cents lower than the proposed basic butter-powder price formula and in 1953, 50 cents lower. There appears to be need for an additional measure of the value of producer milk in Class II uses so that the Class II price will be more representative of the competitive market values for butterfat and nonfat solids as indicated by prices in central markets. It has been pointed out that the need for a broad measure of the value of milk for manufacturing purposes has been recognized in the formulas for the basic formula price. Formulas used in establishing a price for Class II milk need not be, however, the same as those used in the basic formula. Those used in the basic formula serve to represent the general changes in the market value of milk in manufacturing uses and may not be designed to represent the value for manufacturing milk under local conditions.

The type of price formula applied in the case of surplus milk should be related to the kind of manufacturing operations in the market and other outlets available for such milk. Prior to 1953 the excess of fluid milk over fluid requirements of the market was relatively small except for a few months in the spring, but in recent years there has been more surplus. Much of the excess has been disposed of by diversion directly from farms to outlying manufacturing plants. Also some of the handlers in the market make cottage cheese and ice cream. It appears, therefore, that utilization of producer milk in Class II does not involve generally the more costly practice of receipt at bottling plants with subsequent transportation to other plants for manufacturing. To the extent that the milk can be used in handlers' own plants for cottage cheese and ice cream, cost is minimized and value of producer milk in such disposition should be relatively high. Such disposition would apparently make up the larger proportion of producer Class II milk in the shorter production months, while use in lower valued products would increase considerably in spring months.

It would appear from the record that the butter-powder basic price formula, or the average paying price of the local manufacturing plants, whichever is higher, would be suitable as a price for surplus milk in most months of the year. A witness for producers who operates a manufacturing plant testified that the basic formula butter-powder price could be taken as representative of value for milk in manufacturing.

On the basis of comparison with prices in other markets it appears that some reduction from the butter-powder price in high-production months of the year may be needed to facilitate disposal of milk to nonhandler plants. For this reason the proposed order provides for a 15-cent deduction in the butter-powder formula for the months of March through July.

(c) *Handlers' butterfat differentials.* The Class I and Class II prices under the order should be stated in terms of the price per hundredweight of milk containing 3.5 percent of butterfat. The price for milk of a butterfat content other than 3.5 percent should be determined by a butterfat differential, i. e., the amount which the price is raised or lowered for each one-tenth of one percent that the butterfat test differs from three and one-half percent. The butterfat differential for Class I utilization should be 0.120 times the price per pound of 92-score butter at Chicago, and for Class II, 0.115 times the butter price.

It has been the practice in this market to determine class prices for milk of four percent butterfat content and to adjust the price for other butterfat tests, in both Class I and Class II, on a direct ratio basis, i. e., the price would be increased or decreased from the four percent price in the same ratio as the butterfat test. This has resulted in a relatively high value per point of butterfat.

Producers proposed separate accounting for butterfat and skim milk used in each class. This system of accounting is used in a number of Federal milk market orders. Producers have proposed also that the class price be in terms of a price for butterfat and a separate price for skim milk. Although this method of pricing has been used in some orders, the more common method is to state the price for whole milk of a basic butterfat content and to specify butterfat differentials to determine the price for milk of different tests. Although there is no difference in the results between the two methods of stating the class prices, the method using a butterfat differential gives a simpler statement of the price and focuses attention on the price of whole milk of approximately the test used in average Class I disposition.

Producer associations proposed that the value for butterfat in each class should be 1.15 times the price of 92-score butter in Chicago. The same result would be accomplished by providing a butterfat differential equal to 0.115 times the price of 92-score butter for each one-tenth of one percent above or below 3.5 percent butterfat. The resulting reduction in the value for butterfat as compared to the value of skim milk is in contrast to current practice in the market which results in a relatively high charge to handlers per point of butterfat.

The butterfat differential proposed by producers is in line with butterfat values in surplus product classes in surrounding markets although it represents a somewhat lower value for butterfat in Class I than in the other markets.

Although the record does not indicate that a Class I butterfat differential as high as in surrounding markets is appropriate in this area, a differential of 0.120 times the price of butter would result in closer adjustment, and would establish a value as high as indicated by the commonly accepted over-run figure in the manufacture of butter. This somewhat higher differential for Class I represents a partial allocation to butterfat of the difference in value of Class I and Class II milk. It is concluded that a differential of 0.120 times the price of 92-score butter at Chicago as reported for the previous month is appropriate for Class I milk, and 0.115 times the price of butter in the current month for Class II milk.

(d) *Location differentials to handlers.* Information as to location of plants supplying the market showed that some were at a distance from the area, one as far as 95 miles. Equity among handlers as to cost of milk requires some allowance for the additional cost of bringing milk from such plants to the marketing area and the lower cost of delivery to such plants by producers.

One witness submitted data as to the cost of moving milk to market in tank trucks. This witness also proposed a schedule of plant location differentials: 13 cents for 45 miles from the center of Indianapolis plus one cent for each ten miles in excess of 45 miles. There was no testimony to question this schedule as a reasonable pattern for location dif-

ferentials on milk used in Class I. The rates are not out of line with rates used in other orders. It is concluded that the proposed schedule should be adopted as plant location allowances to handlers.

Such location allowances shouud not apply to all milk in the handler's plant. Location allowances should apply to milk moved to the marketing area for Class I use. There is no question as to the use of milk moved to the market in consumer packages, but milk in bulk may be moved to a plant in the marketing area which manufactures Class II products. The record shows that some plants in the marketing area manufacture ice cream and cottage cheese. In case of movements of milk to other producer milk plants, therefore, the location allowance should apply only to the amount of skim milk or butterfat moved less the weight of producer skim milk and butterfat, respectively, in Class II utilization at the plant to which the milk moved.

Milk not moved to the marketing area, but used in Class I trade outside the marketing area, should be subject to the same location differential. This is in keeping with the principal of applying the same price for all milk received at a plant and disposed of for Class I use.

7. *Payments to producers*—(a) *Distribution of the proceeds to producers.* The individual-handler type of pool should be included in the order as a means of distributing to producers the returns from the sale of their milk. Under this type of pool, the minimum prices will be uniform to all producers delivering their milk to the same handler. The blend, or actual pay prices, that a producer receives will depend on the proportion of producer milk used in Class I and Class II milk by the handler receiving his milk. Although each handler subject to the order will be required to pay uniform minimum prices to all the producers who deliver to him during each month, the minimum blend price payable to producers by the various handlers will differ according to the variation among handlers in the proportion of milk delivered in each class.

Under conditions in this market, an individual-handler pool will tend to result in optimum allocation of producer milk among handlers according to Class I needs of the handler and in maximum returns to producers from their milk. The record indicates that currently no handler in the area is carrying excess milk as reserve supply for other handlers. All handlers operating plants in the marketing area receive their milk from producers who are members of cooperative associations. These have joined together in the organization of a supply system for their handlers. This integrated supply system is implemented by a central cooperative agency that manages the movement of milk from farms to area plants so as, with lowest delivery costs, to supply each plant in accordance with its daily requirements. Supplies in excess of daily requirements of all the plants are moved directly from farms into the most accessible dairy product plants that constitute a market for that portion of the daily supply which is the reserve supply for these particular handlers.

Other handlers, with producer milk plants located at a distance from the marketing area, in localities of relatively heavy production, obviously are well supplied. One such handler proposed an equalization of all producer prices in this market. His grounds were: (1) That it would assure, better than individual-handler pools, market stability; and (2) that it would enable plants with long supply to serve as sources of supplemental supply for plants that may at times be short of supplies.

But the testimony failed to substantiate these points. In regard to the first, it was not shown how handler pools, where all plants are well supplied, directly from farms, generate market instability. The experience of other markets demonstrates the contrary. In regard to the second point, it seems clear that the extent to which handlers depend on each other for supplemental supply is chiefly a matter of interhandler relations that are little affected by the type of pool. Competing handlers rarely depend much upon each other for such supply service.

(b) *Seasonal production incentive plan.* In making payments to producers, a portion of the monies owed by handlers for milk purchased during the months of April, May, June and July should be paid to the market administrator and held by him to be added into the payments made to producers in the following months of October, November and December. For this purpose the market administrator should establish a separate account into which the payments will be made in April, May, June and July and from which money will be withdrawn for making the payments to producers in the following October, November and December.

Producers proposed that the amounts to be set aside in the spring months should be 30 cents per hundredweight of producer milk received during April and 40 cents per hundredweight in each of the months of May, June and July. These deductions would be for the purpose of making excessive production during these months less profitable to the individual producer and encourage him to maintain a more even production.

Under the producer proposal, for each of the months of October, November and December, one-third of the money turned over to the market administrator for this purpose by the handlers in the previous April, May, June, and July, would be returned to handlers pro rata per hundredweight of milk received by each handler from producers in the delivery period and added into payments for milk received from producers in such month. These payments would be part of the uniform price.

The foregoing seasonal production incentive plan proposed by the producer associations was explained and recommended by an expert witness from the College of Agriculture, University of Kentucky. He testified to its success in other markets where seasonal changes in Class I prices had failed to reduce seasonal fluctuations in production. In this market, too, the record shows that production continues to be very uneven in spite of the range of the Class I price differential from 90 cents in the flush months to $1.50 in the fall and winter.

Clearly some method of encouraging producers to hold down seasonal variations in production is needed in this market. The plan proposed by producers is similar to plans used satisfactorily in other markets and appears well adapted to the needs of this market. It is concluded it should be adopted. As explained elsewhere in this decision, the plan could not become effective until April 1956.

(c) *Payments to individual producers and to members of cooperative associations.* Handlers should make payments to each producer for milk delivered by such producer at the uniform price computed for each handler by the market administrator. Payments due any producer for milk should be paid by the handler to a cooperative association if the cooperative association makes a written request for such payments and if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. The association making such request should also agree to indemnify the handler for any loss incurred because of an improper claim. In making such payments for producer milk to a cooperative association, the handler should at the same time furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary so that the cooperative association can make proper distribution of the money it collects to producers for whom it collects.

It is necessary that a cooperative association receive payment for the milk marketed on behalf of its producer-members, so that it can reblend the sales proceeds from milk sold in various outlets. Such reblending may be involved in connection with the distribution of proceeds from milk diverted by an association to nonpool dairy product plants, or on milk sold for fluid use in other marketing areas, or in arranging for allocation of milk supplies among handlers.

All payments and accounting should be on a monthly basis, which is the uniform practice under all Federal orders except where daily accounting may be used to prove utilization of producer milk. Payments and accounting on a twice monthly basis, as proposed by producers, would occasion administrative expense, particularly as to checking reports, computation of prices, and auditing payments and utilization, out of proportion to the expense in other markets. It would be possible to achieve payment to producers on approximately an equivalent basis if handlers made advance payments for milk received during the first half of the month. These advance payments could be based on an approximation of the uniform price—such approximation could be the uniform price for the previous month.

In the attached proposed order no advance payment plan is provided. While there is some basis in the testimony for such a provision the need for it is not clear and it seems advisable at this time to leave the matter to voluntary arrangements.

(d) *Producer butterfat differential.* The uniform prices of each handler should be computed for milk containing 3.5 percent of butterfat. In distributing proceeds to producers a differential should be established for milk containing more or less than 3.5 percent of butterfat.

This differential should return to producers the value paid by handlers for differential butterfat. This may be accomplished by using a producer butterfat differential which is the average of the Class I and Class II butterfat differentials weighted by the butterfat accounted for in each class. Such a differential would result in only slightly different returns to individual producers from the differential proposed by producers. It is concluded that the weighted average butterfat differential should be adopted.

(e) *Location differentials to producers.* The difference in the charge to a handler for the location at which he receives milk at a plant 45 miles or more from the central point in the marketing area, as compared to the price within the 45-mile zone, should be reflected in location differentials applied to the uniform prices to producers.

From the record it appears that among the handlers now operating in the marketing area, there is only one which is a multiple plant operator with a plant (or plants) which may be in differential territory. In such a case there would arise the question of the appropriate differential with respect to the uniform producer prices at these plants. The differential applied to producers' uniform prices should be the same as the differential allowed handlers with respect to Class I milk. This differential represents the difference in value for whole milk at plants in the several locations.

(8) *Administrative provisions.* The remaining provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required by the order. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in the event of its suspension or termination. They are similar to like provisions of other orders, and except as set forth below require no comment.

(a) *Expenses of administration.* As his share of the expenses of administering this order each handler should pay not in excess of four cents per hundredweight with respect to all producer milk received, and all other source milk received at a producer milk plant which is classified as Class I milk. The market administrator must verify receipts and utilization of all such milk; therefore all such milk should be subject to the expenses of administration. Experience in other markets of approximately the same size indicates that 4 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 4 cents per hundredweight yields more money than is needed, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

(b) *Marketing services.* A provision should be included in the order for furnishing marketing services to producers, such as verifying of tests and weights and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member-producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

Orderly marketing will be promoted by assuring individual producers that payments received for their milk are based on the pricing provisions of the order, and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy. An important phase of the marketing service program is to furnish producers with current market information.

To enable the market administrator to furnish such services, provision should be made for a maximum deduction of 5 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. Comparison of the extent of the milkshed and the volume of milk involved with that of several other markets now under Federal regulation leads to the conclusion that this will reflect the maximum cost of such services. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

(c) *Records and reports.* Reports are required from handlers on receipts and utilization so that the market administrator may compute each handler's uniform price to producers. Handlers would also be required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and net amount paid to the producer.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of the decision.

(d) *Time schedule.* Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedule should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

Day of the Month and Function

6th—Announcement of class prices by market administrator.

8th—Submission of monthly report of receipts and utilization by handlers.

13th—Announcement of uniform prices and names of handlers who received producer milk and notification to handlers of the value of their producer milk by market administrator.

14th—Payment by handlers of amounts due seasonal production incentive fund and for expenses of administration.

16th—Payments by handlers to cooperative associations and by market administrator out of seasonal production incentive fund.

18th—Payments by handlers to producers.

(e) *Milk subject to other Federal orders.* A handler who operates a plant at which minimum prices to dairy farmers are established under another order issued pursuant to the act, but who also sells milk in the Indianapolis marketing area, should not be subject to the price regulations of this order. When there is doubt as to which order applies, the matter must be subject to determination by the Secretary of Agriculture. Any plant which the Secretary determines is subject during a delivery period to another Federal order should be exempted during the delivery period from all provisions of this order except the provisions with respect to records and reports.

A proposal was made by producers that milk sold in the form of a Class I product in Indianapolis, but paid for under another Federal order at a price less than the Class I price in this market, should be subject to a payment which would be made to the market administrator and would be distributed by him among Indianapolis producers. It is concluded that the need for such payments was not substantiated. As pointed out in a previous section of this decision, handlers in the lower priced markets to the north would not necessarily have advantage over Indianapolis handlers in selling milk in this area. If they did, it might signify that prices were out of line. Then too, the market is, in a measure, protected by the provision that such milk, designated "other source milk," would be first allocated to the Class II utilization of the purchasing handler and thus displace little or no producer milk in Class I.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, the available supply of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of a producer cooperative association and milk distributors in the area. The briefs contained proposed findings and conclusions, and arguments with respect to the provisions of the proposed order. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order. The following order is recommended as the appropriate means whereby the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order.

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DEFINITIONS

§ 986.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 986.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 986.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 986.4 *Indianapolis, Indiana, marketing area.* "Indianapolis, Indiana, marketing area," hereinafter called "marketing area" means all the territory within the County of Marion in Indiana.

§ 986.5 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 986.6 *Producer.* "Producer" means any person who produces under approval by the Marion County Health and Hospital Corporation milk for fluid consumption which is (a) received at a producer milk plant; or (b) caused by a handler to be delivered for his account to a nonproducer milk plant.

§ 986.7 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer and received by a handler.

§ 986.8 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 986.9 *Handler.* "Handler" means (a) any person, with respect to milk (including any milk from his own farm production) received by him at a plant from which Class I milk is disposed of in the marketing area or to a producer milk plant; or (b) any cooperative association, or other person included under paragraph (a) of this section, with respect to any producer milk which such cooperative association or person causes to be delivered for its (his) account to a plant from which Class I milk is not disposed of in the marketing area. Milk caused to be delivered by a handler in accordance with paragraph (b) of this section shall be considered as having been received by such handler.

§ 986.10 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and receives no milk from other producers.

§ 986.11 *Producer milk plant.* "Producer milk plant" means (a) any plant from which a volume of Class I milk equal to an average of 200 units per day (one-half pint of cream or one quart of any other fluid product to be counted as one unit) is disposed of during the month on routes (including routes operated by vendors) or through stations or plant stores to retail or wholesale outlets (except other producer milk plants) in the marketing area, or (b) any plant which receives milk from farmers holding dairy farm permits or ratings issued or approved by the Marion County health authority, and from which milk, skim milk or cream is moved during the month to a plant qualified pursuant to paragraph (a) of this section, or (c) any plant which receives milk from farmers holding dairy farm permits or ratings issued or approved by the Marion County health authority, and which is operated by a handler who also operates a plant qualified pursuant to paragraph (a) of this section: *Provided*, That if a portion of a plant is operated separately and no producer milk is received in such portion of the plant, it shall not be considered as part of a producer milk plant.

§ 986.12 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines to be (a) qualified pursuant to provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to be engaged in making collective sales or marketing of milk or its products for the producer thereof; and (c) to have full authority in the sale of milk of its members.

§ 986.13 *Delivery period.* "Delivery period" means a calendar month.

§ 986.14 *Unit.* "Unit" means one-half pint of cream or one quart of any other Class I product.

MARKET ADMINISTRATOR

§ 986.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 986.21 *Powers.* The market administrator shall have the power:

(a) To administer this subpart in accordance with its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations of the provisions of this subpart;

(c) To make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 986.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 986.87, (1) the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties, except those incurred under § 986.86;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within ten days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 986.30 and 986.31, or (2) payments pursuant to §§ 986.80 to 986.82, 986.84, 986.86, 986.87, and 986.88;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times;

(h) On or before the 13th day after the end of each delivery period, report to each cooperative association for such period, with respect to each handler the utilization on a pro rata basis, of milk of producers, payment for which is to be made to such cooperative association;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of any person upon whose utilization the classification of milk depends;

(j) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part; and

(k) On or before the date specified, publicly announce and notify each handler in writing of the following: (1) The 6th day of each month, the Class I price and the applicable butterfat differential, both for the current month, and the Class II price, and the applicable butterfat differential both for the preceding month, and (2) the 13th day after the end of each delivery period, the names of handlers who received producer milk, the uniform prices for each handler pursuant to § 986.71 and the producer butterfat differential, pursuant to § 986.81.

REPORTS, RECORDS AND FACILITIES

§ 986.30 *Reports of receipts and utilization.* On or before the 5th day after the end of the delivery period each handler who operates a producer milk plant shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 986.31 *Other reports.* (a) Each producer-handler and each handler who does not operate a producer milk plant shall make reports at such time and in such manner as the market administrator may request; and

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding delivery period which shall show:

(1) The pounds of milk received from each producer and the percentage of butterfat contained therein,

(2) The amount and date of payment to each producer (or to a cooperative association), and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 986.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify, or to establish the correct data with respect to (a) the utilization in whatever form of all skim milk and butterfat received; (b) the weights, samples and tests for butterfat content of all milk and milk products previously received or utilized or currently being received or utilized; and (c) payments to producers and associations of producers.

§ 986.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 986.40 *Basis of classification.* All skim and butterfat received by a handler which is required to be reported pursuant to § 986.30 shall be classified by the market administrator pursuant to the provisions of §§ 986.41 through § 986.45.

§ 986.41 *Classes of utilization.* Subject to conditions set forth in §§ 986.42 and 986.43, classes of utilization shall be:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in the form of milk, skim milk, flavored milk drinks, buttermilk, cream, sour cream, (2) used to produce reconstituted milk, skim milk, or cream which is disposed of in a form specified in subparagraph (1) of this paragraph, (3) used to produce nonsterilized concentrated milk disposed of for fluid consumption, and (4) all other skim milk and butterfat not specifically accounted for as Class II milk; and

(b) Class II milk shall be all skim milk and butterfat (1) disposed of as or in products not named in paragraph (a) of this section, (2) accounted for as

plant shrinkage of skim milk or butterfat in producer milk pursuant to § 986.45, but not exceeding two percent, and (3) contained in inventory of products designated as Class I pursuant to paragraph (a) (1) of this section.

§ 986.42 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 986.43 *Transfers.* (a) Skim milk and butterfat disposed of from a producer milk plant to the producer milk plant of another handler in the form of milk, skim milk, or cream shall be Class I utilization, unless Class II utilization is indicated by both handlers in their reports submitted pursuant to § 986.30: *Provided,* That in no event shall the amount so classified in Class II be greater than the amount of producer milk used in such class by the transferee handler, at the plant of receipt, after allocating other source milk in his plant in series beginning with the lowest priced utilization;

(b) Skim milk and butterfat moved in the form of milk, skim milk or cream from a producer milk plant to a nonproducer milk plant shall be Class I utilization unless the market administrator is permitted to audit the records of receipts and utilization at the transferee plant, in which case the classification of all skim milk and butterfat received at the transferee plant shall be determined, and the skim milk and butterfat transferred shall be allocated to the highest use remaining after subtracting in series, beginning with Class I milk, the receipts of skim milk and butterfat at the transferee plant directly from dairy farmers whom the market administrator determines constitute the regular supply for the plant of the buyer; and

(c) Skim milk and butterfat disposed of from a producer milk plant to a producer-handler shall be Class I utilization.

§ 986.44 *Computation of the skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the report of receipts and utilization submitted by each handler for the period and shall compute the respective amounts of skim milk and butterfat from milk of producers in Class I milk and Class II milk, as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 986.41 (b) (2),

(2) Subtract from the remaining pounds of skim milk in each class, in sequence beginning with Class II milk, the pounds of skim milk received as other source milk,

(3) Subtract from the remaining pounds in each class in sequence beginning with Class II milk the pounds of skim milk received from producer-handlers,

(4) Subtract from the remaining pounds of skim milk in each class, in sequence beginning with Class II milk, the pounds of skim milk contained in inventory on hand at the beginning of the delivery period and classified pursuant to § 986.41 (b) (3),

(5) Subtract from the remaining pounds of milk in each class the pounds of skim milk received from other handlers according to its classification as determined pursuant to § 986.43,

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph, and

(7) Subtract from the remaining pounds of skim milk in each class in sequence beginning with Class II milk the pounds of skim milk by which the total pounds remaining in all classes exceeds the pounds of skim milk received from producers;

(b) Allocate classified butterfat to milk according to the method prescribed in paragraph (a) of this section for skim milk; and

(c) Determine the weighted average butterfat test of the remaining Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

§ 986.45 *Shrinkage.* The gross shrinkage of skim milk and butterfat for each handler shall be prorated between milk received directly from producers and milk received from other handlers and other sources.

MINIMUM PRICES

§ 986.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the preceding delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade "A" (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the preceding delivery period, add 20 percent thereof and multiply by 3.5, and

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the second preceding month through the 25th day of the preceding month by the Department, deduct 5.5 cents, and multiply by 8.2.

§ 986.51 *Class I milk prices.* The minimum price per hundredweight for milk of 3.5 percent butterfat content to be paid by each handler for producer milk received and classified as Class I milk shall be the basic formula price computed pursuant to § 986.50 adjusted as follows:

(a) Add $1.10 per hundredweight for each of the delivery periods during the eighteen-month period beginning with the effective date of the order: *Provided,* That for the following delivery periods there shall be added instead of $1.10 per hundredweight the following amounts: for August 1955, $1.15; for the delivery periods of September 1955 through February 1956, $1.30; and for March 1956, $1.15.

§ 986.52 *Class II milk prices.* The minimum price per hundredweight for milk of 3.5 percent butterfat content to be paid by each handler for producer milk received and classified as Class II milk shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section:

(a) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Indiana Condensed Milk Co., Sheridan, Ind.
Kroger Co., Marion, Ind.
Nestles Milk Co., Greenville, Ohio.
Pet Milk Co., Coldwater, Ohio.
Pet Milk Co., Angola, Indiana; or

(b) The sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph for the delivery periods of August through February, and such price less 15 cents per hundredweight in other months:

(1) To the simple average, as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) of Grade "A" (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.5, and,

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.2.

§ 986.53 *Butterfat differentials to handlers.* If for any handler, the weighted average butterfat test of his producer milk in each class is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(a) For Class I milk, multiply by 0.120 the average daily wholesale selling price for Grade A (92-score) butter at Chicago described in § 986.50 (b) (1) for the previous month; and

(b) For Class II milk, multiply by 0.115 the average daily wholesale selling price for Grade A (92-score) butter at Chicago described in § 986.50 (b) (1) for the current month.

§ 986.54 *Location adjustment credits to handlers.* In the case of producer milk received by a handler at a plant located 45 miles or more from Monument Circle in Indianapolis, a location adjustment credit shall be allowed to the handler to the extent that such milk (a) is moved as milk, skim milk, or cream, in fluid form, to a plant in the marketing area and exceeds the volume of milk disposed of by the plant in the marketing area as Class II milk, or (b) is (milk, skim milk or cream) not moved to a plant in the marketing area but is disposed of from the plant of receipt as Class I milk, at the rate of 13 cents per hundredweight of milk, skim milk or cream plus one cent per hundredweight for each full ten miles by which the distance of the plant from the Monument Circle in Indianapolis exceeds 45 miles.

APPLICATION OF PROVISIONS

§ 986.60 *Producer-handlers.* Sections 986.40 through 986.45, 986.50 through 986.54, 986.70 through 986.72 and 986.80 through 986.88 shall not apply to a producer-handler.

§ 986.61 *Handlers subject to other orders.* A handler operating a plant which the Secretary determines to be subject to another Federal order during the delivery period shall be exempted with respect to the milk received at such plant during the delivery period from all provisions of this subpart except §§ 986.30, 986.31, 986.32 and 986.33.

DETERMINATION OF UNIFORM PRICES

§ 986.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his producer milk plants during each delivery period shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 986.44 (a) (7) and the corresponding step of § 986.44 (b) by the applicable class price; and

(c) Add an amount computed as follows:

(1) Determine the pounds, if any, that skim milk or butterfat in inventory, subtracted from Class I milk pursuant to § 986.44 (a) (4) and the corresponding step of § 986.44 (b) is not in excess of pounds in producer milk classified as Class II milk (other than as shrinkage) for the preceding delivery period; and

(2) Multiply such pounds by the difference between the Class I price in the current delivery period and the Class II price in the preceding delivery period adjusted by the appropriate butterfat differentials.

§ 986.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute for each handler the "uniform price" per hundredweight for producer milk, on the basis of 3.5 percent butterfat content as follows:

(a) Subtract from the value of milk computed for such handler pursuant to § 986.70, if the weighted average butterfat test of all producer milk represented by such value is greater than 3.5 percent or add if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by: Multiplying the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 986.81 and multiplying the result by the hundredweight of milk computed pursuant to § 986.70;

(b) Add an amount computed by multiplying the hundredweight of milk received by the handler from producers at each plant at which location differentials apply pursuant to § 986.82 by the amount of such differentials;

(c) For the month of April, deduct 30 cents per hundredweight, and for each of the months of May, June and July, deduct 40 cents per hundredweight;

(d) For each of the months of October, November, and December, add the amount calculated pursuant to § 986.85 (b) with respect to producer milk received by the handler in the delivery period;

(e) Add or subtract, as the case may be, the amount necessary to correct errors for previous delivery periods pursuant to § 986.88;

(f) Add the sum of money represented by the adjustment with respect to the previous delivery period pursuant to paragraph (h) of this section if such adjustment was a deduction, or subtract such sum of money if the adjustment was an addition;

(g) Divide the resulting amount by the total hundredweight of producer milk received by the handler; and

(h) Adjust the resulting figure to the nearest cent.

§ 986.72 *Notification.* On or before the 13th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class; and

(b) The amounts to be paid by such handler pursuant to §§ 986.80, 986.84, 986.86, 986.87 and 986.88.

PAYMENT FOR MILK

§ 986.80 *Time and method of payment.* On or before the 18th day after the end of each month each handler who received milk from producers or producer milk from a cooperative association shall pay for milk received during such month to each producer, or pursuant to § 986.89 to a cooperative association for milk received from such association or from producers for the account of such association, the uniform prices as provided in § 986.71 adjusted by the butterfat differential pursuant to § 986.81.

§ 986.81 *Producer butterfat differential.* In making payments pursuant to § 986.80, the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by a butterfat differential equal to (the same as) the butterfat differential calculated as follows: Multiply the Class I butterfat differential by the pounds of butterfat in producer milk classified as Class I, multiply the Class II butterfat differential by the pounds of butterfat in producer milk classified as Class II, add the resulting amounts of these calculations, divide the sum by the total pounds of butterfat in producer milk, and round to the nearest tenth of a cent.

§ 986.82 *Location differential to producers.* Location differentials to producers shall apply to all milk received at a producer milk plant located 45 miles or more from Monument Circle in Indianapolis and shall be at the rate of 13 cents per hundredweight plus one cent per hundredweight for each full ten miles by which the distance of the plant from Monument Circle in Indianapolis exceeds 45 miles.

§ 986.83 *Seasonal production incentive fund.* The market administrator shall establish and maintain a fund known as the "seasonal production incentive fund" into which he shall deposit all payments made by handlers pursuant to § 986.84 and out of which he shall make all payments to handlers pursuant to § 986.85.

§ 986.84 *Payments into the seasonal production incentive fund.* On or before the 14th day after the end of the delivery periods of April, May, June and July each handler shall pay to the market administrator the amount of money deducted pursuant to § 986.71 (c) for all producer milk received by him.

§ 986.85 *Payments out of the seasonal production incentive fund.* On or before the 16th day after the end of the delivery periods of October, November, and December, the market administrator shall pay to each handler the amounts computed as follows:

(a) Divide the total amount in the seasonal production incentive fund on the last day of October by three; and

(b) Prorate the resulting amount among handlers according to the hundredweight of producer milk received by each handler during the delivery period, *Provided*, That such proration with respect to milk received from producers during the delivery period of December shall include all money remaining in the seasonal production incentive fund prior to payment of such money by the market administrator to handlers.

§ 986.86 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 986.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) (1) Except as set forth in paragraph (b) of this section, a handler shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to all producer milk for which payment is being made pursuant to § 986.70 and shall pay the total amount of such deductions to the market administrator on or before the 15th day after the end of the period in which such producer milk was received.

(2) Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him; and

(b) In the case of producers for whom a cooperative association is actually performing the services described in paragraph (a) of this section as determined by the market administrator a handler shall make in lieu of the deductions specified in paragraph (a) of this section such deductions from payments required pursuant to § 986.70 (b) for producer milk received in the preceding month as may be authorized by such producers and pay such deductions on or before the 15th day after the end of the period in which such producer milk was received to the cooperative association rendering such services.

§ 986.87 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 14th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers, including milk of such handler's own production, and all other source milk received by him at producer milk plants and classified as Class I.

§ 986.88 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler;

(b) To such handler from the market administrator; or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 986.89 *Payments to cooperatives for milk.* (a) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the 16th day of each month, in lieu of payments to individual producers an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer, and submit to the cooperative association written information which shows for each such member-producer (1) the total pounds of milk received from him during the preceding month, (2) the total pounds of butterfat contained in such milk; and (3) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association;

(b) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

§ 986.90 *Effective time.* The provisions of this subpart or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 986.92.

§ 986.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart, whenever he finds that this subpart or any provisions of this subpart, obstructs, or does not tend to effectuate, the declared policy of the act. This subpart shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 986.92 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate; and

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this subpart.

§ 986.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 986.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 986.95 *Separability of provisions.* If any provision of this subpart, or the application thereof to any person or circumstances, is held invalid, the remainder of the subpart, and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 986.96 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Filed at Washington, D. C., this 13th day of June 1955.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 55-4845; Filed, June 16, 1955; 8:45 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-3198]

MARACAIBO OIL EXPLORATION CORP.

ORDER RECONVENING HEARING

The hearing in the above matter, originally convened on December 13, 1954, was recessed by the Presiding Examiner, subject to further order of the Commission, in order to allow action to be taken on pending petitions to intervene. Such petitions have subsequently been denied.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the public hearing in the above proceedings be reconvened at the time and place hereinafter ordered.

The Commission orders: The public hearing in this proceeding be reconvened on June 27, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: June 8, 1955.

Issued: June 10, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4877; Filed, June 16, 1955; 8:45 a. m.]

[Docket Nos. G-3685, G-3686, G-3687, G-3688]

RIO BRAVO OIL CO.

ORDER RECONVENING HEARING

The hearing in the above matter, originally convened on January 19, 1955, was recessed by the Presiding Examiner, subject to further order of the Commission, in order to allow action to be taken on pending petitions to intervene. Such petitions have subsequently been denied.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the public hearing in the above proceeding be reconvened at the time and place hereinafter ordered.

The Commission orders: The public hearing in this proceeding be reconvened on June 30, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C.

Adopted: June 8, 1955.

Issued: June 10, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4879; Filed, June 16, 1955; 8:46 a. m.]

[Docket No. G-3791]

MORRIS RAUCH ET AL.

ORDER RECONVENING HEARING

The hearing in the above matter, originally convened on December 20, 1954, was recessed by the Presiding Examiner, subject to further order of the Commission, in order to allow action to be taken on pending petitions to intervene. Such petitions have subsequently been denied.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the public hearing in the above proceedings be reconvened at the time and place hereinafter ordered.

The Commission orders: The public hearing in this proceeding be reconvened on June 28, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: June 8, 1955.

Issued: June 10, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4878; Filed, June 16, 1955; 8:45 a. m.]

[Docket Nos. G-4138, G-4166]

A. W. SMITH ET AL.

ORDER RECONVENING HEARING

In the matters of A. W. Smith, Trustee, Docket No. G-4138; E. D. Block, et al., Docket No. G-4166.

The hearing in the above matters, originally convened on January 20, 1954, was recessed by the Presiding Examiner, subject to further order of the Commission, in order to allow action to be taken on pending petitions to intervene. Such petitions have subsequently been denied.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the public hearing in the above proceedings be reconvened at the time and place hereinafter ordered.

The Commission orders: The public hearing in these proceedings be reconvened on June 29, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the

Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: June 8, 1955.

Issued: June 10, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4880; Filed, June 16, 1955; 8:46 a. m.]

[Projects Nos. 1971, 2132, 2133]

IDAHO POWER CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

The Commission orders:

(A) The decision of the Presiding Examiner issued May 6, 1955, in the above-designated matters and any Exceptions thereto which may be filed on or before the extended date for filing same, namely June 27, 1955, are set for oral argument before the Commission on July 6, 1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(B) Each party to the proceeding desiring to participate in the oral argument shall notify the Secretary of the Commission on or before June 27, 1955, of such intention and of the amount of time requested for presentation of its argument.

Adopted: June 9, 1955.

Issued: June 10, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-4881; Filed, June 16, 1955; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS OF NORTH DAKOTA

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Public Law 277—83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Turtle Mountain Reservation was duly adopted by the Turtle Mountain Band of Chippewa Indians of North Dakota which has jurisdiction over the area of Indian country included in the resolution:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Turtle Mountain Band of Chippewas, Provided, that such introduction, sale or possession is in conformity with the laws of North Dakota and in conformity with Ordinances of this tribe hereafter enacted.

Be it further resolved, that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

CLARENCE A. DAVIS, *Acting Secretary of the Interior.*

JUNE 13, 1955.

[F. R. Doc. 55-4894; Filed, June 16, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

JUNE 1955 DOMESTIC AND EXPORT SALES LISTS

SALES OF CERTAIN COMMODITIES

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

JUNE 1955 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales prices
Dairy products:	F. a. s. U. S. port of export, or "in store" [2] at location of stocks at f. a. s. price less export freight rate to agreed port of export. U. S. Grade A: 25.5 cents per pound basis port of export. U. S. Grade B: 24.5 cents per pound basis port of export.
Cheddar cheese,[1] cheddars, flats, twins and rindless blocks (standard moisture basis in carloads only), 322,000,000 pounds.	
Nonfat dry milk solids [1] (in carloads only):	
Spray, 95,000,000 pounds; roller, 10,000,000 pounds (includes 1,000,000 bags of spray in 100 pound bags). 9,900,000 pounds	Spray process: 11.75 cents per pound basis port of export. Roller process: 10 cents per pound basis port of export. (These prices will be reduced 0.85 cents per pound when product is available in 50- and 100-pound bags.)
Salted creamery butter [1] (in carloads only):	
233,000,000 pounds	Competitive bid basis in accordance with Announcement LD-5. Offers to be considered daily until sold or program is terminated.
8,700,000 pounds	U. S. Grade A: Not less than 41 cents per pound basis port of export. U. S. Grade B: Not less than 39 cents per pound basis port of export.
Dry whey,[1] 48,500,000 pounds	Competitive bid basis in accordance with Announcement LD-7. Offers to be considered daily until sold or program is terminated.
Dry whey product,[1] 1,000,000 pounds.	Any of the above commodities are available through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C.
Condensed whey,[1] in barrels and drums, 800,000 pounds.	Written bid basis in accordance with Announcement LD-12. Available Cincinnati CSS Commodity Office.
Corn, bulk [1]	Written bid basis in accordance with Announcement LD-12. Available Cincinnati CSS Commodity Office.
Rye [1]	Written bid basis in accordance with Announcement LD-12. Available Cincinnati CSS Commodity Office.
Oats [1]	Price as determined by CCC. Offerings may also be made on a written competitive bid basis as announced from time to time by the Kansas City, Minneapolis, Dallas, and Chicago CSS Commdodity Offices.[3]
Grain sorghums, bulk [1]	Price as determined by CCC. Offerings may also be made on a written competitive bid basis as announced from time to time by the Minneapolis, Kansas City, Dallas, Chicago and Portland CSS Commodity Offices.[3]
Wheat, bulk [1]	Price as determined by CCC. Offerings may also be made on a written competitive bid basis as announced from time to time by the Minneapolis, Chicago, or Dallas CSS Commodity Offices.[3]
	Price as determined by CCC. Offerings may also be made on a written competitive bid basis as announced from time to time by the Dallas or Portland CSS Commodity Offices.[3]
	Sales made for export pursuant to Announcement GR-261 and 262 at prices announced daily. Available Dallas, Chicago, Kansas City, Minneapolis and Portland CSS Commodity Offices.
	Sales also made under GR-212 at market price at time of sale at point of delivery. Sales may be made for export of wheat as flour. Sales under title I, Public Law 480 may be made on terms and conditions of GR-301 and 302. Available Dallas, Chicago, Minneapolis, and Portland CSS Commodity Offices.
Barley [1]	Price as determined by CCC. Offerings may also be made on a written competitive bid basis as announced from time to time by the Minneapolis, Chicago, Dallas, or Portland CSS Commodity Offices.[3]
Flaxseed [1] (as available).	Competitive bid basis as may be announced by the Chicago and Minneapolis CSS Commodity Offices.
Rice, broken [1] (as available).	Competitive bid basis as may be announced by the Dallas CSS Commodity Office.
Cotton [1]	Sales will be made on a competitive bid basis at not less than the higher of (1) 105 percent of the current cotton support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Sales may also be made at the above pricing standards under the provisions of title I of the Agricultural Trade Development and Assistance Act (Public Law 480, 83d Cong.)
	Detailed terms and conditions under which the cotton will be offered for sale will be issued by the New Orleans CSS Commodity Office. A catalog showing quantities, qualities and locations may be obtained for a nominal fee from that office.
Cottonseed oil,[1] crude (as available).	Competitive bid basis as announced by the New Orleans CSS Commodity Office. Announced offerings are subject to the terms and conditions of NO-CS-9. Sales under title I, Public Law 480 may be made on terms and conditions of NO-CS-11. Available New Orleans CSS Commodity Office.
Cottonseed oil,[1] refined (limited quantities as announced).	Competitive bid basis as announced by the New Orleans CSS Commodity Office. In addition, domestic processors may submit bids at any time when the oil purchased is to be further processed into a finished product for export. Announced offerings are subject to the terms and conditions of NO-CS-9. Sales under title I, Public Law 480 may be made on terms and conditions of NO-CS-11. Available New Orleans CSS Commodity Office.
Cottonseed cake or meal [1] (as available).	Competitive bid basis as may be announced by the New Orleans CSS Commodity Office.
Linseed oil, raw [1] (limited quantities as announced).	Competitive bid basis as announced by the Cincinnati CSS Commodity Office. Announced offerings are subject to the terms and conditions of CT-OP-4. Sales under title I, Public Law 480 may be made on terms and conditions of CT-OP-6. Available Cincinnati CSS Commodity Office.
Pink beans,[1] 1954 crop (as available).	Competitive bid basis as may be announced by the Portland CSS Commodity Office.

See footnotes at end of table.

JUNE 1955 DOMESTIC SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Wool, shorn and pulled grease (including some scoured), 153 million pounds.	Prices as determined by the Boston CSS Commodity Office reflecting not less than 103 percent of the 1954 schedule of loan rates per pound, plus an allowance for sales commission, Boston basis, and freight on wool stored outside the Boston area to point of sale. This policy will remain in effect through Oct. 31, 1955. Sales will be made ex-warehouse where stored. Available Boston CSS Commodity Office.
Cotton,[1] 700 thousand bales	Sales for unrestricted use will be made from CCC's inventory of 1.7 million bales with total sales limited to 0.7 million bales, on a competitive bid basis, at not less than the higher of (1) 105 percent of the current cotton support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Detailed terms and conditions under which the cotton will be offered for sale will be issued by the New Orleans CSS Commodity Office. A catalog showing quantities, qualities, and locations may be obtained for a nominal fee from that office.
Gum rosin (in galvanized metal drums averaging 517 pounds net), 638,000 drums.	Offer and acceptance basis, "as is" in the stated quantities and in the designated storage yards, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements thereto which will be issued from time to time but not more often than weekly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine, bulk in tanks, 49,000 barrels (50 gallons each).	Offer and acceptance basis, "as is" in the stated quantities and in the designated storage tanks, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements thereto which will be issued from time to time but not more often than weekly. Available through the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Corn, bulk,[1] 50,000,000 bushels	Commercial corn-producing area: The market price, for 1954 loan rate basis than the domestic minimum price, and quality plus: (1) 32 cents per bushel point of production, or (2) 28 cents per bushel if received by rail or barge. Examples of minimum price per bushel (ex rail or barge): Chicago, No. 3 yellow, $2.07; Minneapolis, No. 3 yellow, $2; Kansas City, No. 3 yellow, $2.07; Noncommercial corn-producing area: The market price, basis in store,[1] but not less than 103 percent of the 1954 county loan rate, plus: (1) 32 cents per bushel if received by truck, or (2) 28 cents per bushel if received by rail or barge.
Wheat: (unrestricted use)	The market price, basis in store,[1] but not less than the domestic minimum price. Minimum price—1954 loan rate for class, grade, quality and location, plus: (1) 43 cents per bushel if received by truck, or (2) 39 cents per bushel if received by rail or barge. Examples of minimum price per bushel—(ex rail or barge) Kansas No. 1 H. W. $2.91; Minneapolis, No. 1, D. N. S. $2.91; Chicago, No. 1 R. W. $2.91. Available Dallas, Kansas City, Chicago, Minneapolis, and Portland CSS Commodity Offices. Wheat not suitable for storage may be sold for feed at the market price. Small quantities may be available at Dallas and Chicago CSS Commodity Offices.
(For feed only) Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	
Barley, bulk: [1] (Unrestricted use)	The market price, basis in store,[1] but not less than the domestic minimum price. Minimum price—1954 applicable loan rate for class, grade, quality, and location, plus: (1) 32 cents per bushel if received by truck, or (2) 27 cents per bushel if received by rail or barge. Examples of minimum price per bushel—(ex rail or barge) Minneapolis No. 2 barley, $1.61. Available Minneapolis, Chicago, Dallas, and Portland CSS Commodity Offices. Market price for feed, basis in store. Available Chicago and Dallas CSS Commodity Offices.
(For feed only) Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Mississippi, Louisiana, Maine, New Jersey, New York, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.	
Rye, bulk: [1] (Unrestricted use)	The market price, basis in store,[1] but not less than the domestic minimum price. Minimum price—1954 applicable loan rate for class, grade, quality, and location, plus: (1) 36 cents per bushel if received by truck, or (2) 30 cents per bushel if received by rail or barge. Example of minimum price per bushel—(ex rail or barge) Minneapolis No. 2 or better, $1.94. Market price for feed only, basis in store. Available Minneapolis, Kansas City, Chicago, Portland, and Dallas CSS Commodity Offices.
(For feed only)	

JUNE 1955 EXPORT PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Export sales prices
Baby lima beans,[1] 1954 crop (as available).	Competitive bid basis as may be announced by the Portland CSS Commodity Office.
Small red beans, 1954 crop, 100,000 hundredweight.	Competitive bid basis as may be announced by the Portland and Kansas City CSS Commodity Offices.
Pinto beans, 1954 crop, 700,000 hundredweight.	Competitive bid basis as may be announced by the Kansas City, Dallas, Portland, and Minneapolis CSS Commodity Offices.
Hairy vetch seed,[1] 12,000 hundredweight.	Competitive bid basis. Bid dates, terms and conditions, location, and quality of vetch will be made available by the Portland CSS Commodity Office.

[1] These same lots also are available from the domestic list announced today. Where no quantity is specified, quantities available indefinite.

[2] "In store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[3] Sales under title I, Public Law 480, may be made on terms and conditions of GR-301 and GR-302.

JUNE 1955 DOMESTIC SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids [1] (in carloads only): Spray, 95,000,000 pounds; roller, 10,000,000 pounds (includes 1,000,000 pounds of spray in 100-pound bags). For animal and poultry feed	Spray process, U. S. Extra Grade, 17 cents per pound; roller process, U. S. Extra Grade, 15.25 cents per pound (these prices will be reduced 0.85 cent per pound when product is available in 50-pound and 100-pound bags). Prices apply "in store" at location of stocks.[2]
Salted creamery butter [1] (in carloads only), 233,000,000 pounds.	11½ cents per pound delivered in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and District of Columbia. Sales to be made under Announcement LD-14 and Supplements. Available through Cincinnati and Portland CSS Commodity Offices. U. S. Grade A and higher: 61.25 cents per pound New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 61 cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. Prices apply "in store" at locations of stocks.[2] Available Cincinnati and Portland CSS Commodity Offices.
Cheddar cheese,[1] cheddars, flats, twins and rindless blocks (standard moisture basis in carloads only) 322,000,000 pounds.	U. S. Grade A and higher: 36¼ cents per pound for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States 35¼ cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. All prices are subject to usual adjustments for other than carlot quantities. Prices apply "in store" at locations of stocks.[2] Available Cincinnati and Portland CSS Commodity Offices.
Dry whey,[1] 48,500,000 pounds	6.75 cents per pound "in store" at locations of stocks.[2]
Dry whey product,[1] 1,000,000 pounds.	7.5 cents per pound "in store" at locations of stocks.[2]
Condensed whey,[1] (in barrels and drums), 800,000 pounds.	7.33 cents per pound of milk solids "in store" at locations of stocks.[2]
Cottonseed oil,[1] crude (as available).	Above products available through CSS Commodity Office. Market price, 7.33 cents per pound, prime, valley basis, f. o. b. Memphis or tank wagons at producer's mills, subject to premiums or discounts comparable to those in Bulletin 3 of the 1954 Crop Cottonseed Price Support Program. Price will not be reduced through the period ending Aug. 31, 1955. Available New Orleans CSS Commodity Office.
Cottonseed oil,[1] refined 100,000,000 pounds.	Market price but not less than the minimum crude price with appropriate adjustments for refining, location, and unit of delivery. Prices or tankwagons at point of storage. Price will not be reduced through period ending Aug. 31, 1955. Available New Orleans CSS Commodity Office and Oils and Peanut Division, CSS, USDA, Washington 25, D. C.
Cottonseed meal or cake [1] (as available).	Competitive bid basis as may be announced by the New Orleans CSS Commodity Office but not less than the 1954 Cottonseed Bulletin 3 prices.
Tung oil (limited quantities as announced).	Competitive bid basis as may be announced by the Cincinnati CSS Commodity Office. Current announcement, subject to terms and conditions of CT-OP-5 and amendments thereto. Available Cincinnati CSS Commodity Office.
Linseed oil, raw,[1] 10 million pounds.	Market price but not less than equivalent of the 1954 price support for flaxseed. No change in pricing policy through the period ending Oct. 31, 1955. Available Cincinnati CSS Commodity Office.

See footnotes at end of table.

JUNE 1955 DOMESTIC SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Oats, bulk:[1] (Unrestricted use)	The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price—1954 loan rate basis point of production for class, grade, and quality plus: (1) 22 cents per bushel if received by truck, or (2) 19 cents per bushel if received by rail or barge. Examples of minimum price per bushel—(ex rail or barge): Chicago, No. 3 oats or better, $1.07; Minneapolis, No. 3 oats or better, $1.02.
(For feed only) Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Maine, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.	Competitive bid basis as may be announced. Available Chicago and Dallas CSS Commodity Offices.
Grain sorghums, bulk [1]	The market price, basis in store,[2] but not less than the domestic minimum price. Minimum price—1954 applicable loan rate for class, grade, quality, and location, plus: (1) 62 cents per hundredweight if received by truck, or (2) 51 cents per hundredweight if received by rail or barge. Example of minimum price per hundredweight—(ex rail or barge) Kansas City No. 2 or better, $3.26. Available Dallas and Kansas City CSS Commodity Offices.
Flaxseed, bulk [1] (for crushing only).	On LCL lots, market price on date of sale, basis in store. On all other storable lots market price but not less than the 1954 support price. No sales will be made at a lower price through the period ending July 31, 1955. Available Minneapolis and Chicago CSS Commodity Offices.
Rice, broken [1] (for feed only) (as available).	Competitive bid basis as may be announced by the Dallas CSS Commodity Office.
Dry edible beans (bagged)	Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added as applicable. For other grades of all beans, adjust by market differentials.
Baby lima beans,[3] 1954 crop, (as available).	$6.96 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office.
Great northern beans, 1954 crop, 50,000 hundredweight.	$8.92 per 100 pounds for U. S. No. 1, f. o. b. Denver rate area. For other areas adjust by price support differentials. Available Kansas City, Minneapolis, and Portland CSS Commodity Offices.
Large lima beans, 1954 crop, 100,000 hundredweight.	$12.09 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office.
Pink beans,[3] 1954 crop (as available).	$8.90 per 100 pounds for U. S. No. 1, f. o. b. California points of production. Available Portland CSS Commodity Office.
Pinto beans,[3] 1954 crop, 700,000 hundredweight.	$8.12 per 100 pounds for U. S. No. 1, f. o. b. point of production Denver rate area. For other areas adjust by price support differentials. Available Minneapolis, Kansas City, Dallas, and Portland CSS Commodity Offices.
Small red beans,[3] 1954 crop (as available).	$9.01 per 100 pounds for U. S. No. 1, f. o. b. points of production. Available Portland CSS Commodity Office.
Hay and pasture seeds (bagged)	All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the commodity offices for qualities above or below basic specifications.
	On all seeds except ladino: Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Ladino clover seed (certified), 100,000 hundredweight.	$55 per 100 pounds. Available Portland CSS Commodity Office.[4]
Birdsfoot trefoil seed, 1,000 hundredweight.	$70 per 100 pounds. Available Portland CSS Commodity Office.
Alfalfa seed northern, 47,200 hundredweight.	$35 per 100 pounds. Available Portland CSS Commodity Office.[4]
Alfalfa seed (certified), Ladak, 2,500 hundredweight; Grimm, 200 hundredweight; Buffalo, 21,000 hundredweight.	$40 per 100 pounds. Ladak available at Portland and Kansas City; Grimm and Buffalo at Portland CSS Commodity Offices.[4]
Tall fescue seed (common), 34,000 hundredweight.	$20 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago CSS Commodity Offices.[4]
Tall fescue seed (certified), 120,000 hundredweight.	$22 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago CSS Commodity Offices.[4]
Winter cover crop seeds (bagged)	All sales are f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Prices are for basic specification.
Crimson clover seed, 2,300 hundredweight.	$18 per 100 pounds. Available Portland CSS Commodity Office.
Hairy vetch seed [1] 260,000 hundredweight.	1953 county support rate, ranging from $11.65 to $12.40 plus $1 per 100 pounds. Available Portland and Chicago CSS Commodity Offices.

[1] These same lots also are available at export sales prices announced today. Where no quantity is specified, quantity is specified, quantity available is indefinite.
[2] "In store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[3] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangement with warehousemen for storage documents.
[4] Prices for basic specifications will not be reduced through the period ending June 30, 1955.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, Sec. 208, 63 Stat. 901)

Issued: June 13, 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55–4882; Filed, June 16, 1955; 8:46 a. m.]

Rural Electrification Administration

[Administrative Order 4984]

ALLOCATION OF FUNDS FOR LOANS

MAY 24, 1955.

Inasmuch as Carlton County Cooperative Power Association has transferred certain of its properties and assets to The Rural Cooperative Power Association, and The Rural Cooperative Power Association has assumed a part of the indebtedness to United States of America, of Carlton County Cooperative Power Association, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1071, dated May 23, 1946, as amended by Administrative Order No. 2987, dated October 25, 1950, by changing the project designation appearing therein as "Minnesota 10H Carlton" in the amount of $651,340 to read "Minnesota 10H Carlton" in the amount of $515,476.76 and "Minnesota 70TP3 Hennepin (Minnesota 10H Carlton)" in the amount of $135,-863.24.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55–4866; Filed, June 15, 1955; 8:58 a. m.]

[Administrative Order 4985]

ALLOCATION OF FUNDS FOR LOANS

MAY 24, 1955.

Inasmuch as The Rural Cooperative Power Association has transferred certain of its properties and assets to Anoka Electric Cooperative, Kandiyohi Cooperative Electric Power Association, Wright-Hennepin Cooperative Electric Association and West Central Electric Cooperative, Inc., respectively, and Anoka Electric Cooperative, Kandiyohi Cooperative Electric Power Association, Wright-Hennepin Cooperative Electric Association and West Central Electric Cooperative, Inc. have each assumed a certain part of the indebtedness of The Rural Cooperative Power Association to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 363, dated June 21, 1939, by changing the project designation appearing therein as "Minnesota R9070G1 Hennepin" in the amount of $500,000 to read "Minnesota R9070G1 Hennepin" in the amount of $392,730, "Minnesota 48TP1 Anoka (Minnesota R9070G1 Hennepin)" in the amount of $37,818, "Minnesota 58TP1 Kandiyohi (Minnesota R9070G1 Hennepin)" in the amount of $3,542, "Minnesota 62TP2 Wright (Minnesota R9070G1 Hennepin)" in the amount of $12,410 and "South Dakota 42TP1 Lyman (Minnesota R9070G1 Hennepin)" in the amount of $53,500.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55–4867; Filed, June 15, 1955; 8:59 a. m.]

[Administrative Order 4989]

IOWA

LOAN ANNOUNCEMENT

MAY 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 3R Plymouth	$20,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55–4871; Filed, June 15, 1955; 8:59 a. m.]

[Administrative Order 4990]

WASHINGTON

LOAN ANNOUNCEMENT

MAY 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 32L Okanogan	$50,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55–4872; Filed, June 15, 1955; 8:59 a. m.]

[Administrative Order 4991]

PUERTO RICO

LOAN ANNOUNCEMENT

MAY 26, 1955.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Puerto Rico 3B San Juan	$6,624,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55–4873; Filed, June 15, 1955; 8:59 a. m.]

[Administrative Order 4986]

ALLOCATION OF FUNDS FOR LOANS

MAY 24, 1955.

I hereby amend Administrative Order No. 4731, dated September 24, 1954, by allotting, pursuant to section 3 (c) of the Rural Electrification Act of 1936, as amended, the sum of $85,000,000, being fifty per centum of the total sums made available for the purpose of said Rural Electrification Act of 1936, as amended, for the fiscal year ending June 30, 1955 (including additional amounts certified to date by the Secretary of Agriculture as being required, during the fiscal year 1955, for the expeditious and orderly development of the program), for loans in the several States as hereinafter set forth:

	Allotment for loans during the fiscal year ending June 30, 1955
United States	$85,000,000
Alabama	5,307,241
Arizona	155,224
Arkansas	5,707,352
California	1,482,800
Colorado	577,393
Connecticut	3,268
Delaware	96,811
Florida	1,708,693
Georgia	2,950,283
Idaho	189,537
Illinois	1,626,383
Indiana	1,013,451
Iowa	1,189,917
Kansas	1,653,343
Kentucky	3,850,175
Louisiana	1,892,102
Maine	757,127
Maryland	348,029
Massachusetts	354,769
Michigan	686,459
Minnesota	1,356,579
Mississippi	13,024,543
Missouri	3,667,786
Montana	876,200
Nebraska	793,482
Nevada	200,975
New Hampshire	50,448
New Jersey	149,506
New Mexico	1,227,702
New York	1,410,090
North Carolina	1,802,031
North Dakota	1,768,331
Ohio	778,388
Oklahoma	4,717,593
Oregon	196,890
Pennsylvania	1,785,896
Rhode Island	32,066
South Carolina	3,360,401
South Dakota	994,661
Tennessee	2,195,198
Texas	8,055,936
Utah	92,113
Vermont	175,036
Virginia	925,218
Washington	133,166
West Virginia	2,030,374
Wisconsin	1,398,202
Wyoming	252,852

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 55–4868; Filed, June 15, 1955; 8:59 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

AMENDMENT OF DELEGATION OF AUTHORITY WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM, DEMONSTRATION AND URBAN PLANNING GRANT PROGRAMS

The delegation of authority with respect to the slum clearance and urban renewal program, demonstration and urban planning grant programs effective as of December 23, 1954 (20 F. R. 428–429, 1/19/1955), is hereby amended in the following respects:

1. By inserting the word "and" immediately after the semicolon in subparagraph 4 (g), deleting the semicolon and the word "and" at the end of subparagraph 4 (h) and inserting a period, and deleting subparagraph 4 (i).

2. By adding a new paragraph 5 reading as follows:

5. Each Regional Administrator is further authorized to:

(a) Redelegate to Project Representatives in his Region any of the authority to approve contracts between local public agencies and third parties.

(b) Designate an employee in his Region to act in the place of the Regional Director of Urban Renewal, with the title of "Acting Regional Director of Urban Renewal" and with power to perform the functions of the Regional Director of Urban Renewal, during his absence or disability.

3. By renumbering existing paragraphs 5 and 6 as paragraphs 6 and 7, respectively.

Effective as of the 17th day of June 1955.

OAKLEY HUNTER,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 55–4888; Filed, June 16, 1955; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

IDA TRIER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Ida Trier, Zurich, Switzerland, Claim No. 58184; Vesting Order No. 500A–31; $137.00 in

the Treasury of the United States. Fifty percent (50%) of all royalties payable or to become payable to the Attorney General of the United States pursuant to License No. A-119, as amended, issued by the Attorney General to Edwards Brothers, Inc., Ann Arbor, Michigan, for the publication of a book entitled Die Alkaloide by George Trier.

Executed at Washington, D. C., on June 9, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4892; Filed, June 16, 1955; 8:48 a. m.]

ALFRED BERGLAS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alfred Berglas, London, England, Claim No. 59351, Vesting Order No. 11047; $1,309.22 in the Treasury of the United States.

Executed at Washington, D. C., on June 9, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4889; Filed, June 16, 1955; 8:48 a. m.]

TERTULLIANO GIRELLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Tertulliano Girelli, Bussolengo, Province of Verona, Italy, Claim No. 45930, Vesting Order No. 611; $3,280.51 in the Treasury of the United States, 3 shares of $50 par value capital stock of the J. C. Oil and Gas Company, Certificate No. 511, registered in the name of the Alien Property Custodian, located in the Federal Reserve Bank of New York for safekeeping.

Executed at Washington, D. C., on June 9, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4890; Filed, June 16, 1955; 8:48 a. m.]

JULIUS KAUFFMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Julius Kauffmann, Vaihingen-Stuttgart, Germany, Claim No. 46181, Vesting Order No. 5967; $2,088.61 in the Treasury of the United States.

Executed at Washington D. C., on June 9, 1955.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-4891; Filed, June 16, 1955; 8:48 a. m.]

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THE NATIONAL ARCHIVES

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Washington, Saturday, June 18, 1955

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDUM

§ 725.607 *Basis and purpose.* Sections 725.607 and 725.608 are issued to announce the results of the Burley tobacco marketing quota referendum for the marketing year beginning October 1, 1955. Under the provisions of Public Law 21, 84th Congress, approved March 31, 1955, the Secretary proclaimed a redetermined national marketing quota for Burley tobacco for the 1955–56 marketing year (20 F. R. 2299). The Secretary announced (20 F. R. 2338) that a referendum would be held on April 28, 1955, to determine whether Burley tobacco producers were in favor of or opposed to the redetermined national marketing quota for the marketing year beginning October 1, 1955. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 725.608 *Proclamation of the results of the redetermined Burley tobacco marketing quota referendum for the marketing year beginning October 1, 1955.* In a referendum of farmers engaged in the production of the 1954 crop of Burley tobacco held on April 28, 1955, 340,822 farmers voted. Of those voting, 327,059 or 96.0 percent favored the redetermined quota for the marketing year beginning October 1, 1955, and 13,763 or 4.0 percent were opposed to the redetermined quota. Therefore, the redetermined national marketing quota of 334,000,000 pounds proclaimed April 8, 1955 (20 F. R. 2299) for Burley tobacco for the 1955–56 marketing year will be in effect for such year.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312; 69 Stat. 23)

Done at Washington, D. C., this 15th day of June 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4931; Filed, June 17, 1955; 8:52 a. m.]

PART 730—RICE

SUBPART—1955–56 MARKETING YEAR

MISCELLANEOUS AMENDMENTS

The amendments herein are issued pursuant to Public Laws 27 and 29, 84th Congress, to provide for (1) increasing each State rice acreage allotment by two per centum or such greater acreage as may be necessary to provide the State with an allotment equal to the 1950 allotment, (2) a minimum reserve acreage of 500 acres for each State for "new" farms or "new" producers, (3) the apportionment of the increase in each State acreage allotment among counties (in States where county allotments are determined) and farms in the State, and (4) the release and reapportionment of unused 1955 farm rice acreage allotments which are voluntarily released to the county committee.

Since rice producers are currently in the process of planting 1955 crop rice, it is imperative they be notified as soon as possible of these amendments. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure thereon, and effective date is contrary to the public interest, and the amendments herein shall become effective upon the date of filing this document with the Director, Division of the Federal Register.

1. A new § 730.606 is added to read as follows:

§ 730.606 *Increased State acreage allotments.* The State acreage allotments in § 730.605, as increased pursuant to Public Law 29, 84th Congress, are as follows:

	Acres
Arizona	269
Arkansas	444,352
California	350,229
Florida	1,096
Illinois	8
Louisiana	557,434

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FEDERAL REGISTER

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(For use during 1955)

The following Supplements are now available:

Title 17 ($0.55)

Title 32A, Revised Dec. 31, 1954 ($1.50)

Title 38 ($2.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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	Acres
Mississippi	48,449
Missouri	3,983
South Carolina	2,268
Tennessee	605
Texas	496,252

2. Section 730.617 is amended by adding a new paragraph (d) to read as follows:

§ 730.617 *1955 acreage allotments for old farms.* * * *

(d) Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, there shall be apportioned to old farms in the county in addition to the allotments provided for in paragraphs (a), (b), and (c) of this section the increase in the county acreage allotment made pursuant to Public Law 29, 84th Congress. Such increase shall be apportioned primarily on the basis of the need for additional allotment to correct inequities and prevent hardships so as to establish farm acreage allotments which are fair and reasonable in relation to the past production of rice on the farm during the years 1950 through 1954; abnormal conditions affecting acreage; land, labor, water, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice. In apportioning such increase the acreage available under paragraphs (b) and (c) of this section may be increased and adjustments may be made without regard to the percentage limitations in paragraph (b) of this section. In counties where all the increase in the county allotment is not needed to correct inequities and prevent hardships in individual farm acreage allotments, such part of the increase not so needed may be apportioned pro rata among farms pursuant to paragraph (a) of this section.

3. Section 730.618 is amended by (1) adding in the first sentence the language "Oklahoma," immediately following the language "Missouri,"; (2) adding a new sentence immediately preceding the last sentence thereof to read as follows: "The rice acreage allotment for a new farm in any State for which no State acreage allotment is determined shall be fair and equitable in comparison with allotments established for new farms in adjoining States which are similar with respect to land suitable for the production of rice, crop-rotation practices, labor, water, and equipment available for the production of rice, and the soil and other physical factors affecting the production of rice."; and (3) changing the last sentence to read as follows: "The sum of all such new farm rice acreage allotments in any State determined under this secton shall not exceed the reserve for new farms established by the State committee. Such reserve shall not exceed 3 per centum of the State rice acreage allotment or be less than 500 acres. In the States of Illinois, Missouri, Oklahoma, and South Carolina for which additional acreages were made available for apportionment to new farms under Public Law 29, 84th Congress, requests for new farm allotments shall be filed with the county ASC office not later than June 20, 1955."

4. Section 730.621 is amended by changing the designations of paragraphs (d) and (e) to (e) and (f), respectively, and by adding a new paragraph (d) to read as follows:

§ 730.621 *Determination of preliminary acreage allotments for old producers and allocation to farms.* * * *

(d) Notwithstanding the provisions of paragraphs (a), (b), and (c) of this section, the State committee, with the assistance of the county committee, shall apportion to old producers in the State in addition to the preliminary allotments provided for in paragraphs (a), (b), and (c) of this section the increase in the State acreage allotment made pursuant to Public Law 29, 84th Congress. Such increase shall be apportioned on the basis of the need for additional allotment to correct inequities and prevent hardships so as to establish preliminary allotments which are fair and equitable in relation to the allotments for other old producers with respect to crop-rotation practices, the land, labor, water, and equipment available for the production of rice, and the soil and other physical factors affecting the production of rice during the years 1950 through 1954. In apportioning such increase, the acreage available under paragraphs (b) and (c) of this section may be increased and adjustments made without regard to the percentage limitations in paragraph (b) of this section.

5. Section 730.622 is amended by adding the following language at the end of paragraph (a) thereof: "The sum of all rice acreage allotments for new producers determined under this section shall not exceed the reserve for new producers established by the State committee. Such reserve shall not exceed 3 per centum of the State rice acreage allotments or be less than 500 acres. In the States of Arizona, Florida, and Tennessee for which additional acreages were made available for apportionment to new producers under Public Law 29, 84th Congress, new producers shall file requests for allotments with the county ASC office not later than June 20, 1955."

6. A new § 730.630 is added to read as follows:

§ 730.630 *Reallocation of allotments released voluntarily to county committee.* (a) In the States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, and South Carolina, any part of any 1955 farm rice acreage allotment on which rice will not be planted in 1955 and which is voluntarily released by the owner or operator of the farm to the county committee by June 20, 1955, shall be deducted from the rice acreage allotment for such farm and may be reapportioned by the county committee not later than June 20, 1955, to other farms (old or new) receiving allotments in the same county in amounts determined to be fair and reasonable on the basis of the production of rice on the farm during the years 1950 through 1954; the 1950 farm acreage allotment; abnormal conditions affecting acreage; land, labor, water, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice, but without regard to the limitations imposed under § 730.617 (b). In considering farms to receive additional allotment from released acreage, preference shall be given to farms having small allotments. Any rice acreage allotment released for 1955 shall, in determining future rice acreage allotments, be regarded as having been planted on the farm releasing such allotment if rice was seeded on such farm in at least one of the five years immediately preceding the year for which the allotment is determined, and shall not be considered as having been planted on the farm to which such released acreage is reapportioned.

(b) In the States of Arizona, California, Florida, Tennessee, and Texas, a producer may, not later than June 20, 1955, voluntarily release to the county committee all or any part of his 1955 preliminary rice acreage allotment on which rice will not be planted in 1955. Such released acreage shall be deducted from the preliminary allotment established for such producer and may be reapportioned by the county committee not later than June 20, 1955, to other producers (old or new) in the same county receiving allotments in amounts determined to be fair and reasonable on the basis of the production of rice by the producer during the years 1950 through 1954; the 1950 preliminary acreage allotment for the producer; abnormal conditions affecting acreage; land, labor, water, and equipment available for the production of rice; crop-rotation practices; and the soil and other physical factors affecting the production of rice, but without regard to the limitations imposed under § 730.621 (b). Any part of a producer's preliminary allotment which is not assigned to a farm by reason of a field size adjustment under § 730.621 (e) shall, upon request of the producer, be considered as released acreage under this paragraph. In considering producers to receive additional allotment from released acreage, preference shall be given to producers having small allotments. Any preliminary rice acre-

age allotment released for 1955 shall, in determining future preliminary rice acreage allotments, be regarded as having been planted by the producer releasing such preliminary allotment if rice was seeded by such producer in at least one of the five years immediately preceding the year for which the allotment is determined, and shall not be considered as having been planted by the producer to which such released acreage is reapportioned.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 353, 52 Stat. 61, as amended. Pub. Laws 27, 29, 84th Cong.; 7 U. S. C. 1353)

Done at Washington, D. C., this 15th day of June 1955. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-4929; Filed, June 17, 1955; 8:52 a. m.]

[Amdt. 1]

PART 730—RICE

SUBPART—REGULATIONS PERTAINING TO RICE MARKETING QUOTAS FOR 1955 CROP

DATE FOR DISPOSAL OF EXCESS RICE ACREAGE

The amendment herein is issued under the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of providing for the disposal of excess rice acreage in advance of the date harvesting of rice normally begins in the county.

Since the purpose of this amendment is to provide a date for the disposal of excess rice acreage in advance of the date harvesting of rice normally begins in the county, rice growers should be notified of this amendment as soon as possible. Accordingly, it is hereby found that compliance with the notice, procedure, and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

The second sentence of § 730.651 (u) is amended to read as follows: "Such date for each county or areas within the county shall be far enough in advance of the date the harvesting of rice normally begins in the county to permit sufficient time to remeasure the farms in the county and issue marketing cards to eligible producers prior to harvest."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies Sec. 374, 52 Stat. 38, as amended; 68 Stat. 904; 7 U. S. C. 1374)

Done at Washington, D. C., this 15th day of June 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4930; Filed, June 17, 1955; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 40]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.340 *Valencia Orange Regulation 40*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on June 16, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 19, 1955, and ending at 12:01 a. m., P. s. t., June 26, 1955, is hereby fixed as follows:

(i) District 1: 92,400 boxes;
(ii) District 2: 369,600 boxes;
(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 17, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4993; Filed, June 17, 1955; 11:28 a. m.]

[Lemon Reg. 594]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.701 *Lemon Regulation 594*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 15, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 19, 1955, and ending at 12:01 a. m., P. s. t., June 26, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 550 carloads;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 16, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4966; Filed, June 17, 1955; 8:58 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1955, Supp. 9]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1955

ESTABLISHMENT OF VEGETATIVE COVER IN FALL OF 1955 FOR WINTER PROTECTION FROM EROSION; ESTABLISHMENT OF VEGETATIVE COVER IN FALL OF 1955 FOR GREEN MANURE AND PROTECTION FROM EROSION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 National Agricultural Conservation Porgram, approved July 1, 1954 (19 F. R. 4138), as amended August 3, 1954 (19 F. R. 4953), September 15, 1954 (19 F. R. 6059), October 25, 1954 (19 F. R. 6910), March 1, 1955 (20 F. R. 1336), April 7, 1955 (20 F. R. 2414), April 26, 1955 (20 F. R. 2881), May 16, 1955 (20 F. R. 3494), and June 10, 1955 (20 F. R. 4209), is further amended as follows:

1. A new § 1101.689 is added as follows:

§ 1101.689 *Practice D-5: Establishment of vegetative cover in the fall of 1955 for winter protection from erosion.* A good stand and growth must be obtained in sufficient time to protect the area in the fall and winter of 1955 and must be maintained on the land to a date specified in the county program. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

2. A new § 1101.689a is added as follows:

§ 1101.689a *Practice D-6: Establishment of vegetative cover in the fall of 1955 for green manure and protection from erosion.* Federal cost-sharing will be limited to acreages of biennial or perennial legumes or perennial grasses, or mixtures of such legumes with adapted grasses, seeded in the fall of 1955. A good stand must be obtained and a good growth incorporated into the soil in the fall of 1956 or in the spring of 1957 and must be maintained on the land to a date specified in the county program. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 68 Stat. 304; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 14th day of June 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-4920; Filed, June 17, 1955; 8:50 a. m.]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1956

There is no more important responsibility within the Department of Agriculture than that for taking aggressive leadership for the conservation and improvement of the Nation's soil and water resources. Cost-sharing under the Agricultural Conservation Program is an important and effective means through which landowners and operators are aided in doing essential conservation work needed in the public interest.

The basic principles which guide the administration of the Agricultural Conservation Program are being continued for 1956. The experience and recommendations of State and county Agricultural Stabilization and Conservation committees, representatives of the Extension Service, Forest Service, and Soil Conservation Service, officials of Soil Conservation Districts, and representatives of other agricultural agencies at State and local levels have been taken into consideration in making needed program adjustments to meet anticipated conditions in 1956.

The extent to which the program helps meet conservation objectives is dependent upon the wholehearted participation of all those interested in conservation, at national and local levels, and we solicit their cooperation in making the program effective. I am calling on all those in the Department who have responsibilities in the field of soil and water conservation to join in making the 1956 program a productive tool for conservation and improvement of the agricultural resources of the Nation's farms and ranches. We hope that the Nation's farmers and ranchers will join in using the program to meet, more than ever before, the community and individual farm conservation problems which would not otherwise be solved. In particular, the 1956 program should be used to the maximum extent to insure the protection and improvement of our valuable farmlands now being diverted from normal crop uses.

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AUTHORITY: §§ 1101.700 to 1101.796 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, Pub. Law 40, 84th Cong.; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1101.700 *Introduction.* (a) Through the 1956 Agricultural Conservation Program (referred to in this subpart as the "1956 program") administered by the Department of Agriculture, the Federal Government will share with farmers and ranchers in the continental United States the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

(b) Information with respect to the several practices for which costs will be shared when carried out on a particular farm or ranch, and the exact specifications and rates of cost-sharing for such practices, may be obtained from the county committee for the county in which the farm or ranch is located or from the State committee.

GENERAL PROGRAM PRINCIPLES

§ 1101.701 *General program principles.* The 1956 National Agricultural Conservation Program has been developed and is to be carried out on the basis of the following general principles:

(a) The national program contains broad authorities to help meet the varied conservation problems of the Nation. State and county committees and participating agencies shall design a program for each State and county. Such programs should include any additional limitations and restrictions necessary for the maximum conservation accomplishment in the area. The programs should be confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the State or county.

(b) The State and county programs should be designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1956 on the lands where they are to be applied.

(c) Costs will be shared with a farmer or rancher only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

(d) Costs should be shared only on practices which it is believed farmers or ranchers would not carry out to the needed extent without program assistance. Generally, practices that have become a part of regular farming operations in a particular county should not be eligible for cost-sharing. Individual farmers or ranchers should be encouraged to utilize cost-sharing for only those practices which have not become a part of regular farming operations on their farms or ranches.

(e) The rates of cost-sharing in a county or State are to be the minimum required to result in substantially increased performance of needed practices within the limits prescribed in the national program.

(f) The purpose of the program is to help achieve additional conservation on land now in agricultural production rather than to bring more land into agricultural production. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of conservation practices which farmers and ranchers otherwise would not perform but which are essential to the national interest, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices.

DISTRIBUTION OF FUNDS

§ 1101.702 *State funds.* Funds available for conservation practices will be distributed among States on the basis of conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1955 distribution.

§ 1101.703 *County funds.* The State committee will allocate the funds available for conservation practices among the counties within the State, taking into consideration, to the extent practicable, the conservation needs in the counties within the State.

STATE AND COUNTY AGRICULTURAL CONSERVATION PROGRAMS

§ 1101.704 *Agencies to participate in development of State programs.* (a) A State agricultural conservation program (referred to in this subpart as "State program") shall be developed in each State in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. The program shall be developed by the State committee (including the State Director of Extension), the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State. The President of the Land-Grant College and the State Director of the Farmers Home Administration shall be invited to designate representatives to counsel with the group in the formulation of the State program. The Chairman of the State committee shall invite representatives of the State Soil Conservation Committee (Board or Commission), the State Agricultural Extension Service, and other State and Federal agricultural agencies to participate in its deliberations on the State program.

(b) The program for the State shall be that recommended by the State committee, the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State, and approved by the Administrator, ACPS.

§ 1101.705 *Agencies to participate in development of county programs.* (a) A county agricultural conservation program (referred to in this subpart as "county program") shall be developed in each county in accordance with the provisions of the State program and such modifications thereof as may be made. The county committee with the community committeemen, the designated representative of the Soil Conservation Service in the county with the governing body of the Soil Conservation District, and the Federal Forest Service representative having jurisdiction of farm forestry in the county with the farm forestry representatives of the State, working with the County Agricultural Extension Agent for the county (if he is not included in the foregoing group as ex officio member of the county committee) and the County Supervisor of the Farmers Home Administration, shall develop recommendations for the county program.

(b) The program for the county then shall be formulated by the county committee, the local Soil Conservation Service technician, and the Forest Service representative having jurisdiction of farm forestry in the county, in consultation with the governing body of the Soil Conservation District on the overall conservation problems in the county and, especially, on the work plans of the Soil Conservation District and of the Federal agencies involved to assure the most effective use of the available technical assistance and funds for cost-sharing. The program as formulated shall be recommended to the State committee for approval by the State committee, the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State, and upon such approval shall become the 1956 program for the county. The program recommendation shall be signed by the chairman of the county committee, the Soil Conservation Service technician, and the Forest Service representative where present in the county, and shall state that the program was developed in consultation with the governing body of the Soil Conservation District.

§ 1101.706 *Selection of practices.* Practices to be included in the State program or in the county program shall be only those practices for which cost-sharing is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

§ 1101.707 *Adaptation of practices.* (a) The practices included in the State program must meet all conditions and requirements of the national program. Additional conditions and requirements may be included where necessary for effective use in meeting the conservation problems in the State.

(b) The practices included in the county program must meet all conditions and requirements of the State program. Provisions shall be made in the State program for the adaptation of practices in the county program for effective use in meeting the conservation problems in the county, consistent with recognized performance standards and program policies and requirements.

§ 1101.708 *Practice specifications.* (a) Minimum specifications which practices must meet to be eligible for Federal cost-sharing shall be set forth in the State handbook or in the county program, or be incorporated therein by specific reference to a standard publication or other written document containing such specifications.

(b) For practices involving the establishment or improvement of vegetative cover, the specifications shall include, where applicable, liming, fertilization, and seeding rates, eligible seeds and mixtures, seeding dates, requirements for cultural operations, and other steps essential to the successful establishment or improvement of the vegetative cover.

The needed liming materials may be applied under the practice contained in § 1101.752 or under a practice which includes all of the measures essential to the successful establishment or improvement of the vegetative cover. For mechanical or construction type practices, the specifications shall include, where applicable, the types and sizes of material, installation or construction requirements, and other steps essential to the proper functioning of the structure. For other practices, the specifications shall include those steps essential to the successful performance of the practice.

(c) Practice specifications shall provide minimum performance requirements which will qualify the practice for cost-sharing and, where applicable, may also provide maximum limits of performance which will be eligible for cost-sharing. The minimum performance requirements established for a practice shall represent those levels of performance which are necessary to assure a satisfactory practice. The maximum limits for cost-sharing established for a practice shall represent those levels of performance which are needed in order for the practice to be most effective in meeting the conservation problem and which are not in excess of levels for which cost-sharing can be justified.

§ 1101.709 *Use of liming materials and commercial fertilizers.* (a) For practices which authorize Federal cost-sharing for applications of liming materials and commercial fertilizers, the minimum application, and maximum application where applicable, on which cost-sharing is authorized shall, in each case, be determined on the basis of a current soil test: *Provided, however,* That if the State committee determines that available facilities are not adequate to permit the desired use of these practices under the program, it shall authorize, to the extent necessary, an alternative basis for determination by the county committee of such applications. Such alternative basis shall be such as to insure beneficial use of Federal cost-sharing approved and shall be formulated by the State committee in full consultation with the representatives of the State and Federal agencies participating in the development of the State program.

(b) The application of liming materials contained in commercial fertilizers, phosphate rock, or basic slag will not qualify for Federal cost-sharing. The application of manure will not qualify for Federal cost-sharing; however, manure may be used, where applicable, to meet all or a part of the fertilizer requirement for a practice.

§ 1101.710 *Responsibility for technical phases of practices.* (a) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1101.763 and 1101.771 to 1101.783. This responsibility shall include (1) a finding that the practice is needed and practicable on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. For the practice contained in § 1101.768, the Soil Conservation Service is responsible (1) for determining that the practice is needed and practicable on the farm, and (2) for necessary site selection, other preliminary work, and layout work of the practice. For the practices contained in §§ 1101.762, 1101.764, and 1101.770, the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm. In addition, upon agreement of the State committee and the State Conservationist of the Soil Conservation Service, responsibility for all or part of the unassigned technical phases of these or other practices may be assigned to the Soil Conservation Service for all counties in the State or for specified counties. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

(b) The Forest Service is responsible for the technical phases of the practices contained in §§ 1101.755 and 1101.766. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through State and county committees, determining performance in meeting these specifications.

§ 1101.711 *Rates of cost-sharing.* (a) The maximum Federal cost-share for each practice shall be the percentage of the average cost of performing the practice considered necessary to obtain the needed performance of the practice but which will be such that the farmer or rancher will make a substantial contribution to the cost of performing the practice. Rates of cost-sharing shall not be in excess of 50 percent of the average cost of performing the practices, except that:

(1) For the practices contained in §§ 1101.755, 1101.766, 1101.768, 1101.769, 1101.771 to 1101.774, and 1101.783, which have long lasting conservation benefits and from which the returns to the farmer or rancher are remote, the State committee, the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State may establish rates of cost-sharing in excess of 50 percent of the average cost of performing the practices.

(2) Upon justification by the State committee, the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State, and approval of the Administrator, ACPS, rates of cost-sharing in excess of 50 percent of the average cost of performing the practices may be established for other practices having long lasting conservation benefits and from which the returns to the farmer or rancher are remote.

(3) Upon justification by the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the State and county levels, the Administrator, ACPS, may approve a rate of cost-sharing for one or more additional practices in a county in excess of 50 percent of the average cost of performing the practice but only if the increased rate of cost-sharing is essential to introduce a greatly needed new conservation practice into the county or to bring about a greatly needed increase in the extent to which the practice otherwise would be carried out.

(b) For the purpose of establishing rates of cost-sharing, the average cost of performing a practice may be the average cost for a State, a county, a part of a county, or a farm or ranch, as determined by the State committee.

(c) The rates of cost-sharing for practices included in the county program may be lower than the rates approved for general use in the State.

§ 1101.712 *Items of cost on which rates of cost-sharing may be based.* Except as otherwise provided by the wording of the practices or elsewhere in this subpart, the cost of any direct and significant factor in the performance of a practice may be considered in establishing the rate of cost-sharing for the practice.

§ 1101.713 *State handbooks, bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to prepare and issue State handbooks, bulletins, instructions, and forms required in administering the 1956 program. Copies of State handbooks, bulletins, instructions, and forms containing detailed information with respect to the 1956 program as it applies to specific States, counties, areas, and farms and ranches will be available in the office of the State committee and the office of the county committee. Persons wishing to participate in the program should obtain from the State committee or county committee all information needed in order to comply with all provisions of the program.

Approval of Conservation Practices on Individual Farms or Ranches

§ 1101.714 *Opportunity for requesting cost-sharing.* Each farm or ranch operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm or ranch. The county committee, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1101.715 *Prior request for cost-sharing.* Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested by the farm or ranch operator before performance thereof is started, except that for the practice contained in § 1101.792, which is an emergency practice, the Administrator, ACPS, may authorize the acceptance of requests for cost-sharing filed within a reasonable period after performance thereof is started, such period to be stated in the practice wording. For practices for which (a) approval was given under the 1955 Agricultural Conservation Program, (b) performance was started but not completed during the 1955 program year, and (c) the county committee believes the extension of the approval to the 1956 program is justified under the 1956 program regulations and provisions, the filing of the request for cost-sharing under the 1955 program may be regarded as meeting the requirement of the 1956 program that a request for cost-sharing be filed before performance of the practice is started.

§ 1101.716 *Method and extent of approval.* The county committee, in accordance with a method approved by the State committee, will determine the extent to which Federal funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the county allocation, the conservation problems in the county and of the individual farm or ranch, and the conservation work for which requested Federal cost-sharing is considered by the county committee as most needed in 1956. The method approved shall provide for the issuance of notices of approval showing for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. To the extent practicable, notices of approved practices shall be issued before performance of the practices is started.

§ 1101.717 *Initial establishment, improvement, or installation of practices.* (a) Federal cost-sharing may not be authorized under the 1956 program for the performance of practices other than those contained in §§ 1101.751, 1101.785 to 1101.788, 1101.790, and 1101.792, and similar practices developed under the practice authorizations contained in §§ 1101.795 and 1101.796, on land on which cost-sharing for the performance of the same practice, or a practice to accomplish the same conservation purpose, was allowed under the 1954 or a subsequent program, except as provided in §§ 1101.719 and 1101.725.

(b) It is contemplated that this policy will be continued for subsequent programs.

§ 1101.718 *Repair, upkeep, and maintenance of practices.* Federal cost-sharing is not authorized for repairs or for upkeep or maintenance of any practice.

§ 1101.719 *Replacement, enlargement, or restoration of practices.* Federal cost-sharing may be approved for replacement, enlargement, or restoration of practices for which cost-sharing has been allowed but which are not now adequately meeting the conservation problem, if all of the following conditions exist:

(a) Replacement, enlargement, or restoration of the practice is needed to meet the conservation problem.

(b) The failure of the original practice was not due to the lack of proper maintenance by the current operator.

(c) The practice has not served for the length of time for which it normally could be expected to effectively meet the conservation problem. This does not apply to practices for which cost-sharing was allowed prior to the 1954 program, or to practices for which costs were shared under the 1954 or a subsequent program before the current operator assumed control of the farm or ranch.

(d) The county committee believes that the replacement, enlargement, or restoration of the practice merits consideration under the program to an equal extent with similar practices for which cost-sharing for initial establishment is requested.

§ 1101.720 *Pooling agreements.* Farmers or ranchers in any local area may agree in writing, with the approval of the county committee, to perform designated amounts of practices which will conserve or improve the agricultural resources of the community. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

Practice Completion Requirements

§ 1101.722 *Completion of practices.* Federal cost-sharing for the practices contained in this subpart is conditioned upon the performance of the practices in accordance with all applicable specifications and program provisions. Except as provided in §§ 1101.723 to 1101.725, practices must be completed during the program year in order to be eligible for cost-sharing.

§ 1101.723 *Practices substantially completed during program year.* Approved practices may be deemed, for purposes of payment of cost-shares, to have been carried out during the 1956 program year, if the county committee determines that they are substantially completed by the end of the program year. However, no cost-shares for such practices shall be paid until they have been completed in accordance with all applicable specifications and program provisions.

§ 1101.724 *Practices requiring more than one program year for completion.* (a) Cost-sharing may be approved under the 1956 program for a component of a practice completed during the program year in accordance with all applicable specifications and program provisions, provided:

(1) The farmer or rancher agrees in writing to complete all remaining components of the practice in accordance with all applicable specifications and program provisions within the time prescribed by the county committee, if cost-sharing is offered to him therefor under a subsequent program; and

(2) The county committee determines that under the circumstances prevailing on the farm in 1956, completion of that component is a reasonable attainment in 1956 toward the ultimate completion of all components of the practice.

(b) Any advance cost-share so paid shall be refunded if the remaining components of the practice are not completed in accordance with all specifications and program provisions within the time prescribed by the county committee, provided the farmer or rancher is offered cost-sharing under a subsequent program for completing such components. The extension of the period for completion of the remaining components of the practice will not constitute a commitment to approve cost-sharing therefor under a subsequent program. Approval of cost-sharing for other practices under subsequent programs may be denied until the remaining components are completed.

§ 1101.725 *Practices involving the establishment or improvement of vegetative cover.* Costs for practices involving the establishment or improvement of vegetative cover may be shared even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State committee that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The county committee may require as a condition of cost-sharing in such cases that the area be reseeded or that other needed protective measures be carried out.

§ 1101.726 *Failure to meet minimum requirements.* Notwithstanding other provisions of the 1956 program, costs may be shared for practices treating with the establishment or improvement of vegetative cover for the performance actually rendered even though the minimum requirements with regard to the rate of seeding or the application of liming materials or commercial fertilizers are not met, if the farmer or rancher establishes to the satisfaction of the county committee and the State committee or its designee (a) that he made every reasonable effort to meet the minimum requirements, and (b) that the practice as performed adequately meets the conservation problem.

Federal Cost-Shares

§ 1101.727 *Conservation materials and services*—(a) *Availability.* (1) Part or all of the Federal cost-share for an approved practice may be in the form of conservation materials or services furnished through the program for use in carrying out the practice. Materials or services may not be furnished to persons who are indebted to the Federal Government, as indicated by the register of indebtedness maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to setoff in order to permit the furnishing of materials and services.

(2) Title to any material furnished through the program shall vest in the Federal Government until the material is applied or planted, or all charges for the material are satisfied.

(b) *Cost to farmer or rancher.* The farmer or rancher will pay that part of the cost of the material or service, as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the material or service or, upon request by the farmer or rancher and approval by the county committee, the farmer or rancher will pay that part of the cost of the material or service which is in excess of the farmer's or rancher's Federal cost-share for all components of the practice which will likely be completed during the program year. The Federal cost-share increase on the amount of the Federal cost-share so determined may be advanced as a credit against that part of the cost of the material or service required to be paid by the farmer or rancher.

(c) *Discharge of responsibility for materials and services.* (1) The person to whom a material or service is furnished under the 1956 program will be relieved of responsibility for the material or service upon determination by the county committee that the material or service was used for the purpose for which it was furnished and that any other components of the practice, on which the amount of the Federal cost-share advance toward the cost of the material or service was determined, have been carried out in accordance with all applicable specifications and program provisions. If the person uses any material or service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the material or service borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

(2) Any person to whom materials are furnished shall be responsible to the Federal Government for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, in accordance with instructions issued by the Administrator, ACPS, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the material, or be retained by the person for use in a subsequent program year.

§ 1101.728 *Practices carried out with State or Federal aid.* The Federal share of the cost for any practice shall not be reduced because it is carried out with materials or services furnished through the program or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total Federal cost-share computed on the basis of the total number of units of the practice performed shall be reduced by the value of the aid, as determined by the county committee, in computing the amount of the Federal cost-share to be paid for performance of the practice. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1101.729 *Division of Federal cost-shares.*—(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the county committee determines they contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1101.730 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm or ranch shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may in such manner and at such time as is consistent with such legislation discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	*Increase in cost-share*
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1101.731 *Maximum Federal cost-share limitation.* (a) The total of all Federal cost-shares under the 1956 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of $1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1956 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

§ 1101.732 *Persons eligible to file application for payment of Federal cost-shares.* Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1101.733 *Time and manner of filing application and required information.* (a) It shall be the responsibility of persons participating in the program to submit to the county office forms and information needed to establish the extent of the performance of approved conservation practices and compliance with applicable program provisions. Time limits with regard to the submission of such forms and information shall be established where necessary for efficient administration of the program. Such time limits shall afford a full and fair opportunity to those eligible to file the forms or information within the period prescribed. At least 2 weeks' notice to the public shall be given of any general time limit prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press. Other means of notification, including radio announcements and individual notices to persons affected, shall be used to the extent practicable. Notice of time limits which are applicable to individual persons, such as time limits for reporting performance of approved practices, shall be issued in writing to the persons affected. Exceptions to time limits may be made in cases where failure to submit required forms and information within the applicable time limits is due to reasons beyond the control of the farmer or rancher.

(b) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the county office by December 31, 1957, or such earlier date as is prescribed by the Administrator, ACPS. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the applicable time limit.

§ 1101.734 *Appeals.* (a) Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee or State committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The county committee or State committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the State committee. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other landlord, tenant, or sharecropper on the farm or ranch who may be adversely affected by the decision.

(b) Appeals considered under this section shall be decided in accordance with the provisions of this subpart and of the applicable State and county programs on the basis of the facts of the individual case: *Provided,* That the Secretary, upon the recommendation of the Administrator, ACPS, and the State and county committees, may waive the requirements of any such provision, where not prohibited by statute, if, in his judgment, such waiver under all the circumstances is justified to permit a proper disposition of an appeal where the farmer, in reasonable reliance on any instruction or commitment of any member, employee, or representative of a State or county committee, in good faith performed an eligible conservation practice and such performance reasonably accomplished the purpose of the practice.

General Provisions Relating to Federal Cost-Sharing

§ 1101.735 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1956 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 1101.736 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1956 program will be subject to the condition that the person with whom the costs are shared will maintain such practices in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1101.737 *Practices defeating purposes of programs.* If the State committee finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1956 or any previous program, including, but not limited to, failure to maintain, in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1956 program.

§ 1101.738 *Depriving others of Federal cost-share.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1956 program.

§ 1101.739 *Filing of false claims.* If the State committee finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the 1956 program and shall refund all amounts that may have been paid to him under the 1956 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1101.740 *Misuse of purchase orders.* If the State committee finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-sharing under the 1956 program and shall refund all amounts that may have been paid to him under the 1956 program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1101.741 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1101.742, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1101.742 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1956 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1956, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70.

Definitions

§ 1101.745 *Definitions.* For the purposes of the 1956 program:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means any one of the continental United States.

(d) "State committee" means the persons in the State designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(e) "County" means parish or county.

(f) "County committee" means the persons elected within a county as the

county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm or ranch.

(h) "Farm" or "ranch" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Administrator, ACPS, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm or ranch, constitutes a unit with respect to the rotation of crops.

Notwithstanding any limitation in this paragraph concerning the type or use of land, a farm may include or may consist entirely of woodland which is being operated for the production and sale of forest products. A farm or ranch shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm or ranch is located.

(i) "Cropland" means farmland which in 1955 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, a wind erosion hazard to the community.

(j) "Program year" means the period, designated in the State handbook, during which conservation practices, or components thereof, must be carried out to be eligible for cost-sharing. The program year may begin on or after August 1, 1955, and end not later than December 31, 1956.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1101.746 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956.

§ 1101.747 *Availability of funds.* (a) The provisions of the 1956 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1956 program will not be available for paying Federal cost-shares for which applications are filed in the county office after December 31, 1957.

§ 1101.748 *Applicability.* (a) The provisions of the 1956 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farms outside the continental United States.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

CONSERVATION PRACTICES WITH ENDURING BENEFITS; WHERE PROPERLY APPLIED AND MAINTAINED

PRACTICES PRIMARILY FOR ESTABLISHMENT OF PERMANENT PROTECTIVE COVER

§ 1101.749 *Practice A–1: Initial establishment of a permanent vegetative cover in orchards and vineyards for control of erosion.* Volunteer stands and acreages cut for hay are not eligible for cost-sharing.

§ 1101.750 *Practice A–2: Initial establishment of a permanent vegetative cover for soil protection or as a needed land-use adjustment.* This practice is applicable only to land not now in permanent vegetative cover but which should be established in permanent vegatative cover for protection against wind or water erosion, and to cropland which, as a part of a needed land-use adjustment, is being shifted to permanent protective vegetative cover other than as a part of a regular crop rotation. This practice is not applicable on land occupied by a merchantable stand of timber or pulpwood, or on land which, if cleared, would be suitable for cultivation. Federal cost-sharing may be approved for constructing fences where fences are necessary to protect the seeded area and only for the extent necessary to fence that area. Federal cost-sharing for fencing shall be limited to permanent fences, excluding boundary and road fences.

§ 1101.751 *Practice A–3: Establishment of additional acreages of vegetative cover in crop rotation to retard erosion and to improve soil structure, permeability, or water-holding capacity.* This practice is applicable only to cropland which needs such cover to retard erosion or to improve soil structure, permeability, or water-holding capacity. Federal cost-sharing will be limited to that acreage which the county committee determines represents a desirable increase over what would be the normal plantings of eligible crops on the farm in 1956 under the normal crop rotation for the farm. In making this determination, consideration should be given to the need for this practice on cropland which the farmer or rancher intends to divert from the production of crops for which allotments are established for the farm for 1956.

§ 1101.752 *Practice A–4: Initial treatment to farmland to permit the use of legumes and grasses for soil improvement and protection.* This practice is applicable only to farmland devoted in 1956 to legumes (other than vegetable or truck crops, soybeans, mungbeans, and peanuts) or perennial grasses, and to farmland which the county committee determines will be devoted to such eligible uses in 1957. Federal cost-sharing will be limited to the application of liming materials.

§ 1101.753 *Practice A–5: Initial establishment of contour stripcropping to protect soil from water or wind erosion.* All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective contour stripcropping system.

§ 1101.754 *Practice A–6: Initial establishment of field stripcropping to protect soil from wind or water erosion.* The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops.

§ 1101.755 *Practice A–7: Initial establishment of a stand of trees or shrubs on farmland for erosion control, watershed protection, or forestry purposes.* No Federal cost-sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes. If shrubs are used, those that benefit wildlife should be given preference wherever practicable. Plantings must be protected from fire and grazing. Federal cost-sharing may be authorized for clearing land occupied largely by scrubby brush of no economic value to permit planting of desirable tree species. Technical assistance must be utilized to determine the suitability of the land for clearing and the measures necessary to prevent erosion. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the planted area from grazing, excluding boundary and road fences.

PRACTICES PRIMARILY FOR IMPROVEMENT AND PROTECTION OF ESTABLISHED VEGETATIVE COVER

§ 1101.757 *Practice B–1: Initial improvement of an established permanent vegetative cover for soil or watershed protection.* This practice is applicable only to land which is suitable for, is now in, and is intended to remain permanently in use as pasture, hay, or both, and on which the benefits of an improved vegetative cover can be extended materially by the improvement measures. Federal cost-sharing for the application of commercial fertilizer will be limited to cases where seedings are required, or where seed is present in the soil to the extent that the application of fertilizer will bring about the desired improvement in the vegetative cover without further seeding. Topdressing with fertilizer for the maintenance of the vegetative cover or for increasing forage production is not eligible for cost-sharing.

§ 1101.758 *Practice B–2: Initial improvement of vegetative cover on rangeland by artificial reseeding for soil protection.* No Federal cost-sharing will be allowed if it is determined that the area seeded is grazed before the stand is well established.

§ 1101.759 *Practice B–3: Controlling competitive shrubs to permit growth of adequate, desirable vegetative cover for soil protection on range or pasture land.* On areas where it is determined that the control of competitive shrubs will reduce the vegetative cover to such an extent as to induce erosion, the practice will not be approved unless followed by seeding or other approved erosion control measures.

§ 1101.760 *Practice B–4: Furrowing, chiseling, ripping, scarifying, pitting, or listing noncrop grazing land to prevent soil loss, retard runoff, and improve water penetration.* The operation must be as nearly as practicable on the contour.

§ 1101.761 *Practice B–5: Constructing wells for livestock water as a means of protecting established vegetative cover.* The wells must be at locations which will bring about the desired protection of the vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management. Adequate storage facilities must be provided. Pumping equipment must be installed, except for artesian wells. No Federal cost-sharing will be allowed for wells constructed primarily for the use of headquarters, or for costs other than for constructing or deepening wells.

§ 1101.762 *Practice B–6: Developing springs or seeps for livestock water as a means of protecting established vegetative cover.* The springs or seeps must be at locations which will bring about the desired protection of the vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management.

§ 1101.763 *Practice B–7: Constructing or sealing dams, pits, or ponds for livestock water as a means of protecting established vegetative cover.* The dams, pits, or ponds must be at locations which will bring about the desired protection of the vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management.

§ 1101.764 *Practice B–8: Installing pipelines for livestock water as a means of protecting established vegetative cover.* The pipelines must deliver water to locations which will bring about the desired protection of the vegetative cover through proper distribution of livestock, rotation grazing, or better grassland management.

§ 1101.765 *Practice B–9: Construction of permanent cross fences or drift fences as a means of protecting established vegetative cover.* Boundary fences and fences between pasture and other land will not qualify for cost-sharing. This practice may be approved only where fencing will contribute to better distribution of live stock and seasonal use of the forage.

§ 1101.766 *Practice B–10: Initial improvement of a stand of forest trees for erosion control, watershed protection, or forestry purposes.* Federal cost-sharing may be allowed only for (a) thinning, (b) pruning crop trees, (c) release of desirable tree seedlings by removing or killing competing and undesirable vegetation, (d) site preparation for natural reseeding, (e) fencing, and (f) erosion control measures on logging roads and trails. The area must be protected from fire. Where seedlings are present or needed, the area must be protected from grazing. Federal cost-sharing for site preparation will be limited to areas which have a sufficient number of desirable seed trees for natural reseeding, which will not restock unless brush, dense litter, and other material on the forest soil is broken up or removed so that soil is exposed, and on which the seed trees will be left until the area is restocked. Technical assistance shall be utilized, if available; otherwise the practice must be carried out in accordance with approved technical forestry standards. Federal cost-sharing for fencing shall be limited to permanent fences needed to protect the area from grazing, excluding boundary and road fences.

PRACTICES PRIMARILY FOR THE CONSERVATION AND DISPOSAL OF WATER

§ 1101.768 *Practice C–1: Initial establishment of permanent sod waterways to dispose of excess water without causing erosion.*

§ 1101.769 *Practice C–2: Initial establishment of permanent vegetation as protection against erosion.* Federal cost-sharing will be limited to the establishment of permanent vegetation on gullies, dams, dikes, levees, ditch banks, farm roadsides, filter strips, and field borders. Consideration should be given to choice of plants favorable to wildlife.

§ 1101.770 *Practice C–3: Initial establishment of orchards, vineyards, bush fruits, strawberries, or perennial vegetables on the contour to prevent erosion.* All cultural operations must be performed as nearly as practicable on the contour.

§ 1101.771 *Practice C–4: Constructing terraces to detain or control the flow of water and check soil erosion.* Necessary protective outlets or waterways must be provided. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective terrace system. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

§ 1101.772 *Practice C–5: Constructing diversion terraces, ditches, or dikes to intercept runoff and divert excess water to protected outlets.* Necessary protective outlets or waterways must be provided. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective terrace system. Costs of construction may include necessary leveling and filling to permit installation of an effective system.

§ 1101.773 *Practice C–6: Constructing erosion control, detention, or sediment retention dams to prevent or heal gullying or to retard or reduce runoff of water.*

§ 1101.774 *Practice C–7: Constructing channel lining, chutes, drop spillways, pipe drops, drop inlets, or similar structures for the protection of outlets and water channels that dispose of excess water.*

§ 1101.775 *Practice C–8: Streambank or shore protection, channel clearance, enlargement or realinement, or construction of floodways, levees, or dikes, to prevent erosion or flood damage to farmland.* This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land, or where its primary purpose is to bring new land into agricultural production.

§ 1101.776 *Practice C–9: Constructing permanent open drainage systems to*

dispose of excess water. Federal cost-sharing may be authorized for clearing the necessary minimum width right-of-way and, where necessary for the effective utilization of the drainage system, for the spreading of spoil banks. No Federal cost-sharing will be allowed for ditches, the primary purpose of which is to bring additional land into agricultural production, or for cleaning a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife.

§ 1101.777 *Practice C–10: Installing underground drainage systems to dispose of excess water.* No Federal cost-sharing will be allowed for systems, the primary purpose of which is to bring additional land into agricultural production. In the installation of drainage systems, due consideration shall be given to the maintenance of wildlife.

§ 1101.778 *Practice C–11: Shaping or land grading to permit effective surface drainage.* No Federal cost-sharing will be allowed for any shaping or grading which is performed through farming operations in connection with land preparation for planting or cultivation of crops.

§ 1101.779 *Practice C–12: Reorganizing farm irrigation systems to conserve water and prevent erosion.* The practice must be carried out in accordance with a reorganization plan approved by the responsible technician. No Federal cost-sharing will be allowed for cleaning a ditch, or for structures installed for crossings, or for other structures primarily for the convenience of the farm operator, or for portable pipe.

§ 1101.780 *Practice C–13: Leveling land for more efficient use of irrigation water and to prevent erosion.* No Federal cost-sharing will be allowed for floating or restoration of grade; however, the leveling operation may be completed over a period of more than one program year on a component basis where the size of cuts and fills is such that a heavy leveling operation will be needed following settlement of the original fills. No Federal cost-sharing will be allowed for leveling land if the primary purpose of the leveling is to bring new land into agricultural production. The leveling must be carried out in accordance with a plan approved by the responsible technician.

§ 1101.781 *Practice C–14: Constructing or lining dams, pits, or ponds for irrigation water.* The purpose of this practice is to conserve agricultural water or to provide water necessary for the conservation of soil resources. No Federal cost-sharing will be allowed for constructing or lining dams, pits, or ponds, the primary purpose of which is to bring additional land into agricultural production.

§ 1101.782 *Practice C–15: Lining irrigation ditches to prevent erosion and loss of water by seepage.* This practice is limited to ditches that are properly located and constructed as a part of an existing irrigation system.

§ 1101.783 *Practice C–16: Constructing spreader ditches or dikes to divert and spread water to prevent erosion, to permit beneficial use of runoff, or to replenish ground water supply.*

CONSERVATION PRACTICES WITH BENEFITS OF LIMITED DURATION; GENERALLY REQUIRING PERIODIC REPETITION

PRACTICES PRIMARILY FOR ESTABLISHING TEMPORARY, PROTECTIVE VEGETATIVE COVER

§ 1101.785 *Practice D–1: Establishment of vegetative cover for winter protection from erosion.* A good stand and good growth must be obtained in sufficient time to protect the area in the fall and winter of 1955 or 1956 and must be maintained on the land to a date specified in the county program. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

§ 1101.786 *Practice D–2: Establishment of vegetative cover for summer protection from erosion.* A good stand and good growth must be obtained and left on the land or turned under. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the cover crop.

§ 1101.787 *Practice D–3: Establishment of vegetative cover for green manure and for protection from erosion.* Federal cost-sharing will be limited to acreages of biennial or perennial legumes or perennial grasses, or mixtures of such legumes with adapted grasses, seeded during the 1956 program year. A good stand and good growth must be obtained. Pasturing consistent with good management may be permitted, but none of the growth may be harvested for hay or seed. Volunteer stands will not qualify for cost-sharing. The Federal cost-share for this practice shall not be in excess of 50 percent of the average cost of seed and fertilizer. The quantity of fertilizer, if any, on which costs are shared shall be only that quantity needed for successful establishment of the green manure or cover crop.

§ 1101.788 *Practice D–4: Establishment of a vegetative cover to protect cropland throughout the 1956 crop year.* This practice is applicable only to cropland which is being shifted for the entire 1956 crop year from crop production to green manure or cover crops. Eligible seedings may consist of single seedings or successive seedings of grasses, legumes, small grains, or other crops which will provide adequate soil protection for the required period. Where annuals alone are used, at least two successive seedings must be made. Pasturing consistent with good management may be permitted, but no crop may be harvested for hay or seed in 1956, and no annual crop seeded in the fall of 1956 may be harvested for hay or seed in 1957 if such seeding is one of the two required seedings of such annual crops. One of the two required seedings of annuals may be a volunteer seeding which provides adequate soil protection, but no Federal cost-sharing may be allowed for the volunteer seeding.

PRACTICES PRIMARILY FOR THE TEMPORARY PROTECTION OF SOIL FROM WIND AND WATER EROSION

§ 1101.790 *Practice E–1: Initiation of stubble mulching into the farming system and expansion of stubble mulching to improve soil permeability and to protect soil from wind and water erosion.* Initiation of stubble mulching into the farming system means employing the practice for a sufficient period of time that it has become an established pattern of cultural operations on the farm. Federal cost-sharing for the expansion of stubble mulching will be limited to that needed for the protection of acreage diverted from normal crop use in 1956. A stubble mulch must be maintained on the surface soil by performing tillage operations which will leave sufficient crop or weed residue on the surface to provide protection against wind and water erosion and incorporate the balance of the residue into the surface of the soil. No cost-sharing will be allowed if the acreage has been burned over or grazed, or if the straw has been removed.

§ 1101.791 *Practice E–2: Initial establishment of contour farming operations on nonterraced land to protect soil from wind or water erosion.* All cultural operations must be performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. This practice is not applicable on any acreage for which Federal cost-sharing is approved under § 1101.753. Federal cost-sharing may be authorized for removing stone walls or hedgerows where such removal is necessary to the establishment of an effective contour farming system.

§ 1101.792 *Practice E–3: Wind erosion control operations in serious wind erosion areas.* Applicable only in areas where the Administrator, ACPS, upon the recommendation of the State committee and the designated representatives of the Soil Conservation Service and the Forest Service at the State level, determines there is a serious wind erosion problem for 1956. Eligible operations shall be confined to those having the most enduring benefits practicably attainable under existing conditions.

CONSERVATION PRACTICES WITH LIMITED AREA APPLICABILITY

PRACTICES TO MEET SPECIAL COUNTY CONSERVATION NEEDS

§ 1101.794 *Practice F–1: Special conservation practices.* Consistent with the principles set forth in § 1101.701, the county committee and designated representatives of the Soil Conservation Service and the Forest Service at the county level may recommend, and the State committee and designated representatives of the Soil Conservation Service and the Forest Service at the State level may approve, for use in a county, practices included in this subpart for which there is need locally on a substantial number of farms but which are not selected for use in the State. Such approval shall be subject to review by the Administrator, ACPS, as to compliance with the provisions contained in this subpart.

§ 1101.795 *Practice F–2: County conservation practices.* Consistent with the principles set forth in § 1101.701, the Administrator, ACPS, may approve for use in a county, practices which are not included in this subpart which are needed to meet particular conservation problems in the county. Such approval may be given only upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, and upon their finding (a) that the conservation problem exists on a substantial number of farms in the county, (b) that the practices contained in this subpart will not provide adequate treatment of the problem, (c) that the proposed practice will adequately meet the problem, (d) that the proposed practice would not be performed to the desired extent without Federal cost-sharing, (e) that the proposed practice will provide the most enduring solution to the problem practicably attainable under existing circumstances, (f) that the proposed practice is one on which the offering of financial assistance is fully justified as being in the public interest, and (g) that the proposed practice meets the standards and requirements of comparable practices contained in this subpart. Costs will not be shared under this practice for elements of performance for which cost-sharing is specifically precluded by the wording of a similar practice or elsewhere in this subpart.

§ 1101.796 *Practice F–3: Practices to meet new conservation problems.* Consistent with the principles set forth in § 1101.701, the Administrator, ACPS, may approve for use in a county, practices for the treatment of critical conservation problems, primarily those which have arisen subsequent to the initiation of the program in the county. Such approval may be given only upon the recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, and upon their finding (a) that the conservation problem exists on a substantial number of farms in the county, (b) that the practices contained in this subpart will not provide adequate treatment of the problem, (c) that the proposed practice will adequately meet the problem, (d) that the proposed practice would not be performed to the desired extent without Federal cost-sharing, (e) that the proposed practice is justified as within the scope of national conservation objectives, (f) that adequate facilities, including technical services, will be available to permit the practice to be carried out effectively, and (g) that treatment of the problem cannot be safely delayed until a subsequent program.

Done at Washington, D. C., this 14th day of June 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55–4919; Filed, June 17, 1955; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 465.12]

PART 373—FARM HOUSING LOANS

SUBPART B—SALE OF FARM BY BORROWER

PAYMENT OF DELINQUENCY

Section 373.25 (a), Title 6, Code of Federal Regulations (19 F. R. 6850) is revised to require the repayment of any delinquency of the transferors account by the transferee within a period of two years and to read as follows:

§ 373.25 *General terms and conditions of transfers*—(a) *Transferee's repayment schedule.* The Farm Housing debt, including principal and accrued interest, assumed by the transferee will be retired within the remaining period of time provided in the existing Farm Housing obligation of the transferor. The first installment will be payable on the first December 31 following the date of Form FHA–97, "Agreement for Assumption of Indebtedness." The amount of the annual installment on Form FHA–97 will be the amount of the annual installment provided in the existing obligation of the transferor, unless either or both of the first two installments are increased to pay a delinquency. Any delinquency of the transferor's account will be collected by the County Supervisor prior to or at the time of the transfer, unless it is not possible to transfer the farm to a purchaser who will pay the delinquency by the date of the transfer. In that event the transferee may be permitted to remove the delinquency within not more than one year after the first December 31 following the date of Form FHA–97. Normally, the delinquency in such a case will be added to the first annual installment shown on Form FHA–97. When it is not possible for the transferee to pay the full amount of the delinquency with his first installment, the balance will be included in the second installment.

(Sec. 510 (g), 62 Stat. 438; 42 U. S. C. 1480 (g). Interprets or applies sec. 510 (c), 63 Stat. 437; 42 U. S. C. 1480 (c))

Dated: June 14, 1955.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 55–4932; Filed, June 17, 1955; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 17]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

POWER SUPPLY AND DISTRIBUTION SYSTEMS

In order to provide the air carrier industry with specific standards for compliance with the provisions of § 40.175 (c), the Administrator has determined that aircraft meeting the power supply and distribution system airworthiness requirements of §§ 4b.606 (a), (b), and (c); 4b.612 (e); 4b.622 (a) and (b); 4b.623; 4b.625; and 4b.650 (b) of this subchapter comply with the requirements of § 40.175 (c). Accordingly, regardless of whether an airplane has been certificated under 4a, 4b, or in the case of the DC–3, Aeronautics Bulletin 7A, it must meet the applicable requirements of Part 4b specified above. However, since some airplanes certificated under Part 4a or Aeronautics Bulletin 7A use common elements in the electric power distribution system which do not meet the requirements of Part 4b, this interpretation will permit the use of these common elements if their record of reliability is such that failure is improbable.

Section 40.175–1 is revised to read as follows:

§ 40.175–1 *Power supply and distribution systems (CAA interpretations which apply to § 40.175 (c)).* (a) Aircraft having a power supply and distribution system which meets the requirements of §§ 4b.606 (a), (b), and (c); 4b.612 (e); 4b.622 (a) and (b); 4b.623; 4b.625; 4b.650 (b) of this subchapter are deemed to have met the requirements of § 40.175 (c).

(b) The use of common elements in the electrical power distribution system which do not meet the requirements of paragraph (a) of this section will be approved under the provisions of § 40.175 (c) if their record of reliability is such that failure is improbable.[1]

[1] As a result of surveys conducted by the CAA during March and July of 1954, it was found that by employing the standards in § 40.175–1 being adopted herewith, all aircraft in service which were subject to the provisions of this part, with the exception of a limited number of DC–3 aircraft, were acceptable from a compliance viewpoint. The DC–3 aircraft mentioned were not considered to meet the provisions of this section because a common circuit breaker is incorporated in the electric power distribution system to both ADF inverters and did not provide a means, such as individual fuses or circuit breakers, to assure continued operation in the event the common circuit breaker opened as a result of fault in either inverter or ADF system.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interprets or applies secs. 601, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 555)

This supplement shall become effective July 1, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-4897; Filed, June 17, 1955; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Part 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

STREPTOMYCIN SYRUP, STREPTOMYCIN AND KAOLIN IN GEL, DIHYDROSTREPTOMYCIN SYRUP, DIHYDROSTREPTOMYCIN AND KAOLIN IN GEL

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for certification of streptomycin- or dihydrostreptomycin-containing drugs (21 CFR, 1953 Supp., Part 146b; 19 F. R. 1141) are amended as indicated below:

Section 146b.108 *Streptomycin syrup, streptomycin and kaolin in gel* • • • is amended as indicated below:

1. Paragraph (a) *Standards of identity* • • • is amended by changing the word "pectin", in the second sentence, to read "pectin, bismuth magma,".

2. In paragraph (c) *Labeling*, subparagraph (1) (v) is amended by changing the word "kaolin" to read "kaolin, bismuth magma,".

3. Paragraph (c) is further amended by changing subparagraph (3) to read as follows:

(3) On the label and labeling, if it contains bismuth glycolylarsanilate or bismuth magma, after the name "Streptomycin and kaolin in gel" or "Dihydrostreptomycin and kaolin in gel," wherever it appears, the words "with bismuth glycolylarsanilate" or "with bismuth magma," in juxtaposition with such name.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: June 13, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-4921; Filed, June 17, 1955; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 95—COLVILLE IRRIGATION PROJECT, WASHINGTON

IRRIGATION SEASON

Section 95.2 is amended to read as follows:

§ 95.2 *Irrigation season.* Water shall be available for irrigation purposes from April 15 to September 30 each year. These dates may be varied as much as 15 days when the Commissioner determines that weather conditions and the necessity for doing maintenance work warrant doing so.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

FRED G. AANDAHL,
Acting Secretary of the Interior.

JUNE 13, 1955.

[F. R. Doc. 55-4899; Filed, June 17, 1955; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

ARMED FORCES RESERVE MEDAL; SUPPLY OF SERVICE MEDALS AND APPURTENANCES

1. In § 578.48c, paragraph (a) (3) (ii) is amended to read as follows:

§ 578.48c *Armed Forces Reserve Medal.* • • •

(a) *Requirements.* • • •

(3) Such service shall not include service in a regular component of the Armed Forces, including the Coast Guard, except that:

• • • • •

(ii) Any period of time during which reserve service is interrupted by one or more of the following shall be excluded in computing, but shall not be considered as a break in, the period of 12 years:

(*a*) Service in a regular component of the Armed Forces; or

(*b*) During tenure of office by all State officials chosen by the voters of the entire State, Territory, or possession; or

(*c*) During tenure of office of members of the legislative bodies of the United States and of the several States, Territories and possessions; and

(*d*) While serving as judges of the courts of record of the United States, and of the several States, Territories, possessions and the District of Columbia.

• • • • •

2. In § 578.55, paragraph (a) (7) and (8) is added and paragraph (b) (4) is revoked, as follows:

§ 578.55 *Supply of service medals and appurtenances*—(a) *Items furnished.* • • •

(7) Ten-year device.

(8) Philippine service ribbons.

(b) *Items not furnished.* • • •

(4) Philippine service ribbons. [Revoked.]

[C2 and C3, AR 672-15, 28 April and 24 May 1955] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 55-4896; Filed, June 17, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1163]

OREGON

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws and reserved for the use of the Department of the Air Force for military purposes:

WILLAMETTE MERIDIAN

T. 23 S., R. 30 E.,
Sec. 20, portions of SW¼SW¼NE¼, E½NW¼, NE¼SW¼, W½NW¼SE¼, more particularly described as follows:

TRACT A

A strip 100 feet wide, 50 feet on each side of a centerline, described as beginning in the north line of sec. 20 at a point 2,275.31 feet east of the northwest corner thereof: thence S. 28° 23' 12" W., 46.41 feet, on a 5 degree curve to the left 407.94 feet; S. 7° 59' 23" W., 625.19 feet, on an 8 degree curve to the left 520.25 feet; S. 34° 37' 48" E., 251.48 feet, on an 11 degree curve to the right 428.98 feet; S. 13° 33' 28" W., 7.59 feet to the terminus of said strip.

TRACT B

Beginning at the terminus of the centerline of the above strip: S. 76° 26' 32" E., 325 feet; S. 13° 33' 28" W., 900 feet; S. 76° 26' 32" E., 410 feet; S. 13° 33' 28" W., 400 feet N. 76° 26' 32" W., 970 feet; N. 17° 01' 35" E., 1,303.1 feet; S. 76° 26' 32" E., 160 feet, to the point of beginning.

The areas described contain 5.73 and 19.13 acres respectively.

FRED G. AANDAHL,
Acting Secretary of the Interior.

JUNE 13, 1955.

[F. R. Doc. 55-4902; Filed, June 17, 1955; 8:46 a. m.]

[Public Land Order 1164]

COLORADO

RESERVING PUBLIC LANDS IN CONNECTION WITH SOUTH PLATTE RIVER MANAGEMENT AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, the act of September 2, 1937 (50 Stat. 917; 16 U. S. C. 669-669i) and the act of March 10, 1934, as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661-666c), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Colorado are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use of the Department of Fish and Game of the State of Colorado in connection with the South Platte River Management Area, under such conditions as may be prescribed by the Secretary of the Interior:

SIXTH PRINCIPAL MERIDIAN

T. 10 N., R. 48 W.,
Sec. 22, NE¼SW¼, N½SE¼.

The area described contains 120 acres.

FRED G. AANDAHL,
Acting Secretary of the Interior.

JUNE 13, 1955.

[F. R. Doc. 55-4903; Filed, June 17, 1955; 8:46 a. m.]

[Public Land Order 1165]

OREGON

RESERVATION OF LANDS FOR USE OF DEPARTMENT OF THE INTERIOR AS MATERIAL SITE FOR ROAD CONSTRUCTION AND MAINTENANCE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described revested and reconveyed Oregon and California Railroad Grant lands in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Interior as a material site for road construction and maintenance:

WILLAMETTE MERIDIAN

T. 15 S., R. 7 W.,
Sec. 18, N½SE¼, SE¼NE¼.

The areas described aggregate 120.00 acres.

FRED G. AANDAHL,
Acting Secretary of the Interior.

JUNE 13, 1955.

[F. R. Doc. 55-4904; Filed, June 17, 1955; 8:46 a. m.]

[Public Land Order 1166]

NEW MEXICO

WITHDRAWING PUBLIC LANDS AND RESERVED MINERALS IN PATENTED LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR USE AS SITE FOR LANDING STRIPS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the public lands and the minerals reserved to the United States in patented lands in the following-described areas in New Mexico are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Army for use as a site for landing strips:

NEW MEXICO PRINCIPAL MERIDIAN

T. 6 S., R. 8 E.,
Sec. 27, S½SW¼, that portion lying south of U. S. Highway 380;
Sec. 34, W½.

The tracts described, including both public and nonpublic lands, aggregate 364 acres. The lands in Section 27 are patented, with a mineral reservation.

This order shall take precedence over but not otherwise affect the Departmental order of April 8, 1935, establishing New Mexico Grazing District No. 4.

FRED G. AANDAHL,
Acting Secretary of the Interior.

JUNE 13, 1955.

[F. R. Doc. 55-4905; Filed, June 17, 1955; 8:46 a. m.]

[Public Land Order 1167]

UTAH

PARTIALLY REVOKING EXECUTIVE ORDER OF APRIL 17, 1926, CREATING PUBLIC WATER RESERVE NO. 107

By virtue of the authority vested in the President by Section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141); and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Department of the Interior Interpretation No. 128 of April 17, 1930, is hereby revoked so far as it affects the following-described public land:

SALT LAKE MERIDIAN

T. 21 S., R. 1 E.,
Sec. 12, E½NE¼.

The area described contains 80 acres.

The lands are grazing lands surrounded by the Wasatch National Forest on the east and patented lands on the remaining three sides.

No applications for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans' preference-right applications under the said act of September 27, 1944, may be received on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, including the mineral-leasing laws, received on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries concerning the lands may be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

FRED G. AANDAHL,
Acting Secretary of the Interior.

JUNE 13, 1955.

[F. R. Doc. 55-4906; Filed, June 17, 1955; 8:46 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 179]

MACHINE GUNS AND CERTAIN OTHER FIREARMS

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 5847 of the Internal Revenue Code of 1954 (68A Stat. 726; 26 U. S. C. 5847).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Preamble. 1. These regulations, 26 CFR Part 179, "Machine Guns and Certain Other Firearms" supersede Regulations 88, 1952 edition (26 CFR Part 319, 17 F. R. 7842), and are promulgated in order to implement the Internal Revenue Code of 1954.

2. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. These regulations shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER

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AUTHORITY: §§ 179.1 to 179.195 issued under 68A Stat. 726; 26 U. S. C. 5847. Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 179.1 *Persons subject to taxes.* This part contains the procedural and substantive requirements relative to:

(a) The special taxes imposed by Chapter 53 of the Internal Revenue Code of 1954, on manufacturers and importers of, and dealers (including pawnbrokers) in, certain firearms, including machine guns and silencers or mufflers;

(b) The stamp tax imposed by Chapter 53 of the Internal Revenue Code of 1954, on the transfer of such firearms; and

(c) The stamp tax imposed by Chapter 53 of the Internal Revenue Code of 1954, on the making of such firearms (other than by qualified manufacturers).

§ 179.2 *Other laws applicable.* Other provisions of the internal revenue laws are made applicable by section 5846 of the Internal Revenue Code of 1954 to the taxes referred to in § 179.1.

SUBPART B—DEFINITIONS

§ 179.10 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 179.11 *Any other weapon.* "Any other weapon" shall mean any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, but such term shall not include pistols or revolvers or weapons designed, made or intended to be fired from the shoulder and not capable of being fired with fixed ammunition.

§ 179.12 *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under, the direction and supervision of the Regional Commissioner of Internal Revenue.

§ 179.13 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 179.14 *Corporation.* "Corporation" shall include associations, joint-stock companies, and insurance companies.

§ 179.15 *Dealer.* "Dealer" shall mean any person not a manufacturer or importer, engaged within the United States in the business of selling firearms. The term "dealer" shall include wholesalers, pawnbrokers, and dealers in used firearms.

§ 179.16 *Director.* "Director" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 179.17 *District Director.* "District Director" shall mean the District Director of Internal Revenue.

§ 179.18 *Exportation.* "Exportation" shall mean the severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country.

§ 179.19 *Exporter.* "Exporter" shall mean any person who exports firearms from the United States.

§ 179.20 *Firearm.* "Firearm" shall mean a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length.

§ 179.21 *Fixed ammunition.* "Fixed ammunition" shall mean that self-contained unit consisting of the case, primer, propellant charge, and projectile or projectiles.

§ 179.22 *Importation.* "Importation" shall mean the bringing of a firearm within the limits of the United States or any territory under its control or jurisdiction, from a place outside thereof (whether such place be a foreign country or territory subject to the jurisdiction of the United States), with intent to unlade.

§ 179.23 *Importer.* "Importer" shall mean any person who imports or brings firearms into the United States for sale.

§ 179.24 *Includes and including.* The terms "includes" and "including" when used in a definition shall not be deemed to exclude other things otherwise within the meaning of the term defined.

§ 179.25 *Insular possessions.* "Insular possessions" shall mean the Panama Canal Zone, the Virgin Islands, Guam, Commonwealth of Puerto Rico, American Samoa, Wake, the Midway Islands, and Palmyra.

§ 179.26 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 179.27 *Interstate commerce.* "Interstate commerce" shall mean transportation from any State or Territory or District, or any insular possession of the United States, to any other State or to the District of Columbia.

§ 179.28 *Machine gun.* "Machine gun" shall mean any weapon which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manual reloading, by a single function of the trigger.

§ 179.29 *Making of a firearm.* The "making of a firearm" shall mean the production or creation of a firearm by any means, whether by manufacture, putting together of parts, alteration, any combination thereof, or otherwise, and by any process of manipulation or transformation of any other weapon.

Examples: (1) The sawing off of a barrel or barrels of a shotgun to a length of less than 18 inches, or (2) the altering of a semiautomatic pistol by the change or addition of parts so as to produce a fully automatic or machine gun type of firearm.

§ 179.30 *Manufacturer.* "Manufacturer" shall mean any person who is engaged within the United States in the manufacture of firearms, or who otherwise produces therein any firearm for sale or disposition.

§ 179.31 *Muffler or silencer.* "Muffler" or "silencer" shall mean any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive, and is not limited to mufflers or silencers for "firearms" as defined.

§ 179.32 *Partner.* "Partner" shall include a member of a partnership, syndicate, group, pool, joint venture, or unincorporated organization.

§ 179.33 *Partnership.* "Partnership" shall include a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not a trust or estate or a corporation.

§ 179.34 *Person.* "Person" shall be construed to mean and include a partnership, company, association, or corporation, as well as a natural person.

§ 179.35 *Pistol.* "Pistol" shall mean a small projectile weapon having a short one-hand stock or butt at an angle to the line of the bore and a short barrel or barrels, designed, made and intended to be aimed and fired from one hand. The term shall not include gadget devices, guns altered or converted to resemble pistols, or small portable guns erroneously referred to as pistols, such as: Nazi belt buckle pistol, glove pistol, or one-hand stock guns firing fixed shotgun or fixed rifle ammunition.

§ 179.36 *Regional Commissioner.* "Regional Commissioner" shall mean the regional commissioner of internal revenue in each of the internal revenue regions.

§ 179.37 *Revolver.* "Revolver" shall mean a small projectile weapon, of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

§ 179.38 *Rifle.* "Rifle" shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed and made to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

§ 179.39 *Secretary.* "Secretary" shall mean the Secretary of the Treasury.

§ 179.40 *Shotgun.* "Shotgun" shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed and made to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

§ 179.41 *Taxpayer.* "Taxpayer" shall mean any person subject to a tax.

§ 179.42 *To transfer or transferred.* "To transfer" or "transferred" shall include to sell, assign, pledge, lease, loan, give away, or otherwise dispose of.

§ 179.43 *United States.* "United States" shall mean the States, the Territories of Alaska and Hawaii, and the District of Columbia.

§ 179.44 *U. S. C.* "U. S. C." shall mean the United States Code.

SUBPART C—SPECIAL (OCCUPATIONAL) TAXES

PAYMENT OF TAX

§ 179.50 *Geographical scope of tax.* Every person who engages in the business of importing, manufacturing, or dealing in firearms within the States of the United States, the Territories of Alaska and Hawaii, and the District of Columbia, is required to pay a special tax on such business.

§ 179.51 *Rates of tax.* (a) The special taxes are as follows:

	Per year
Class 1: Importers or manufacturers of firearms, except manufacturers in class 2	$500
Class 2: Manufacturers of firearms whose production is limited to guns with combination shotgun and rifle barrels, 12 inches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, or guns designed to be held in one hand when fired and having a barrel 12 inches or more but less than 18 inches in length, from which only a single discharge can be made without manual reloading, or guns of both types	25
Class 3: Pawnbrokers	300
Class 4: Dealers, other than pawnbrokers, except those in class 5	200
Class 5: Dealers whose dealing in firearms is limited to guns with combination shotgun and rifle barrels, 12 inches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, or guns designed to be held in one hand when fired, and having a barrel 12 inches or more but less than 18 inches in length, from which only a single discharge can be made without manual reloading, or guns of both types	1

(b) The tax year begins July 1 and ends June 30. Persons commencing business between August 1 and June 30 (both dates inclusive) of any tax year must pay a proportionate part of the annual tax. Persons in business for only a portion of a month are liable to tax for the entire month. For example, a person commencing business October 21 must pay tax for nine months, or three-fourths of the yearly rate.

§ 179.52 *Registry, return, and payment of tax.* Every person first engaging in any business mentioned herein must, prior to commencing business, separately for each place of business, register and file return on Form 11A (Firearms) with, and pay the tax to, the District Director for the collection district in which such place is located. Thereafter, such person must register, file return, and pay the tax on or before the 1st day of July of each year. The District Director will furnish the proper form, which must be filled out and verified under penalty of perjury. Each return must show an individual's full name. A person doing business under a style or trade name must give his own name, followed by his style or trade name. In the case of a copartnership, association, firm, or company, other than a corporation, its style or trade name must be given, also the name of each member and his place of residence. In the case of a corporation, the name and title of each officer and his place of residence must be shown. The exact type of business, whether manufacturer, importer, pawnbroker, or dealer other than pawnbroker, and the period for which special tax is due, must be stated.

§ 179.53 *Tax payment evidenced by special tax stamp.* Upon receipt of a return on Form 11A (Firearms), accompanied by remittance of the full amount due, the District Director will issue a special tax stamp as evidence of payment of the special tax.

§ 179.54 *Special tax stamp to be posted.* Every current special tax stamp issued to a taxpayer must, under penalty of the law, be kept posted conspicuously on the premises where the business is operated.

§ 179.55 *Certificates in lieu of stamps lost or destroyed.* When a special tax stamp has been lost or destroyed, such fact should be reported to the District Director at once for the purpose of obtaining from him a certificate of payment in lieu of the lost or destroyed special tax stamp. Such certificate must be posted in place of the stamp; otherwise liability will be incurred for failure to post the stamp.

§ 179.56 *Several places of business.* Generally a taxpayer must pay as many special taxes as he has places of business. However, a person paying special tax at his principal place of business may store goods, wares or merchandise at other places than the place of business without incurring special tax at such place of storage. A manufacturer upon a single payment of special tax may sell products of his own manufacture at the place of manufacture and at his principal office or place of business, provided no products, except samples, are kept at said office or place of business. Removal of a business to a new location creates a new liability unless the change of location is registered with the District Director, as provided in § 179.64.

§ 179.57 *Dual occupations incur dual tax liability.* In any case where more than one taxable business is carried on by the same person at the same location at the same time, special tax in respect to each must be paid.

§ 179.58 *Partnership liability.* Any number of persons doing business in copartnership at any one location shall be required to pay but one special tax.

§ 179.59 *Single sale.* A single sale, unattended by circumstances showing the one making the sale to be engaged in business, does not create special (occupational) tax liability.

CHANGE OF OWNERSHIP

§ 179.60 *Changes through death of owner.* Whenever any person who has paid special tax dies, the surviving spouse or child, or executors or administrators, or other legal representatives, may carry on such business for the remainder of the term for which tax has been paid without any additional payment, subject to the conditions hereinafter stated. If the surviving spouse or child, or executor or administrator, or other legal representative of the deceased taxpayer continues the business, such person must, within 30 days after the date on which the successor begins to carry on the business, file with the District Director a new Form 11 A (Firearms). The return thus executed must show the name of the original taxpayer, together with the basis of the succession. (As to liability in case of failure to register, see § 179.66.)

§ 179.61 *Changes through bankruptcy of owner.* A receiver or referee in bankruptcy may continue the business under the stamp issued to the taxpayer at the place and for the period for which the tax was paid. An assignee for the benefit of creditors may continue business under his assignor's special tax stamp without incurring additional special tax liability. In such cases, the change must be registered with the District Director in a manner similar to that required by § 179.60.

§ 179.62 *Change in firm.* When one or more members of a firm or partnership withdraw, the business may be continued by the remaining partner or partners under the same special tax stamp for the remainder of the period for which the stamp was issued to the old firm. The change shall, however, be registered in the same manner as required in § 179.60. Where new partners are taken into a firm, the new firm so constituted may not carry on business under the special tax stamp of the old firm. The new firm must make return and pay its own special tax reckoned from the 1st day of the month in which it began business, even though the name of such firm be the same as that of the old. Where the members of a partnership which has paid special tax form a corporation to continue the business, a new special tax stamp must be taken out in the name of the corporation.

§ 179.63 *Change in corporation.* Additional special tax is not required by reason of a mere change of name or increase in the capital stock of a corporation if the laws of the State of incorporation provide for such change or increase without the formation of a new corporation. A stockholder in a corporation who after its dissolution continues the business incurs new special tax liability.

CHANGE OF BUSINESS LOCATION

§ 179.64 *Notice by taxpayer.* Whenever a taxpayer removes his business to a location other than specified in his last special tax return (see § 179.52), he shall, within 30 days after the date of removal, register the change of location with the District Director of the collection district within which the old place of business is located, by filing another return, Form 11 A (Firearms), and designated "removal registry", setting forth the time of removal. The taxpayer's special tax stamp must accompany the return for notation by the District Director of the change of location. As to liability in case of failure to register a change of location within 30 days, see § 179.66.

PENALTIES AND INTEREST

§ 179.65 *Failure to pay special tax.* Persons carrying on a business within the scope of section 5801 of the Internal Revenue Code of 1954 without payment of special tax within the time prescribed (see § 179.52) are liable, in addition to the amount of the tax, interest, and penalties, to fine and imprisonment as provided in section 5861 of the Internal Revenue Code of 1954.

§ 179.66 *Failure to register change or removal.* Any person succeeding to and carrying on a business for which special tax has been paid, and any taxpayer removing his business with respect to which special tax has been paid to a place other than that for which tax was paid, without registering such change or removal within 30 days thereafter, will incur liability to an additional payment of the tax, addition to tax and interest, as provided in sections 5801, 6651, and 6601, respectively, Internal Revenue Code of 1954, for failure to make return (see § 179.67) or pay tax, as well as to fine and imprisonment for carrying on business without payment of special tax (see § 179.65).

§ 179.67 *Delinquency.* In case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the District Director to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 5 percent if the failure is for not more than one month, with an additional 5 percent for each additional month or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate (sec. 6651, I. R. C. 1954). However, no delinquency penalty is assessed where the 50 percent addition to tax is assessed for fraud (see § 179.68).

§ 179.68 *Fraudulent return.* If any part of any underpayment of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment, but no delinquency penalty shall be assessed with respect to the same underpayment (sec. 6653, I. R. C. 1954).

APPLICATION OF STATE LAWS

§ 179.69 *State regulations.* Special tax stamps are merely receipts for the tax. Payment of tax under Federal law confers no privilege to act contrary to State law. One to whom a special tax stamp has been issued may still be punishable under a State law prohibiting or controlling the manufacture or transfer of firearms. On the other hand, compliance with State law confers no immunity under Federal law. Persons who engage in the business of importing, manufacturing, or dealing in firearms, in violation of the law of a State, are nevertheless required to pay special tax as imposed under the internal revenue laws of the United States.

RECORD OF SPECIAL TAXPAYERS FOR PUBLIC INSPECTION

§ 179.70 *Record 10.* Each District Director shall prepare and keep for public inspection, on Record 10, an alphabetical list of the names of all persons who have paid special taxes within his district. Record 10 will show the time, place, and business for which such special taxes have been paid. Upon application of any prosecuting officer of any State, county, or municipality, the Director will furnish a certified copy of Record 10, for which a fee of $1 for each one hundred words or fraction thereof in such certified copy or copies may be charged.

SUBPART D—TAX ON MAKING FIREARMS

§ 179.75 *Scope of tax.* Except as otherwise provided (see §§ 179.82, 179.83, and 179.84) the making in the United States of any firearm (whether by manufacture, putting together, alteration, any combination thereof, or otherwise) is subject to tax to be represented by an adhesive stamp bearing the words "National Firearms Act." In every case the tax shall be paid by the person making the firearm and such tax shall be paid in advance of the making of the firearm (see §§ 179.77, 179.170, and 179.171.)

§ 179.76 *Rate of tax.* The tax on the making of firearms is at the rate of $200 for each firearm, except that the rate of tax is $1 upon the making of any gun with combination shotgun and rifle barrels, 12 inches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, or any gun designed to be held in one hand when fired and having a barrel 12 inches or more but less than 18 inches in length, from which only a single discharge can be made without manual reloading.

DECLARATION OF INTENT TO MAKE A FIREARM

§ 179.77 *Written declaration.* Except as provided in §§ 179.82, 179.83 and 179.84 every person intending to make a firearm must declare his intention in writing on Form 1A (Firearms) to make such firearm. The declaration shall show (a) the name and address of the maker, and, if the maker is other than a natural person, the name and address of the principal officer or authorized representative thereof; (b) the serial number, model, length of barrel, trade name, and other marks identifying the firearm; and (c) such additional information as may be required on Form 1A (Firearms). A "National Firearms Act" stamp of the proper denomination (see § 179.76) must be affixed to the original declaration, in the space provided therefor, and properly canceled (see § 179.81). Form 1A (Firearms) and appropriate tax stamp may be obtained from any District Director of Internal Revenue.

§ 179.78 *Identification of declarant.* If the declarant is an individual, he shall attach to each copy of the declaration an individual photograph of himself, taken within 90 days prior to the date of such declaration, and shall affix his fingerprints to such declaration. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. The declaration must be supported by a certificate of the local chief of police, sheriff of the county, United States attorney, United States marshal, or such other person whose certificate may in a particular case be acceptable to the Director, Alcohol and Tobacco Tax Division, certifying that he is satisfied that the fingerprints and photograph appearing on the declaration are those of the declarant and that the firearm is intended by such person for lawful purposes.

§ 179.79 *Procedure for approval of declaration.* The declaration of intent to make a firearm, Form 1A (Firearms), must be forwarded directly, in duplicate, by the maker of the firearm to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C. The Director, Alcohol and Tobacco Tax Division, will consider the application for approval or disapproval. If the application is approved, the Director, Alcohol and Tobacco Tax Division, will return the original thereof to the maker of the firearm and retain the duplicate. Upon receipt of the approved declaration, the maker is authorized to make the firearm described therein. The maker of the firearm shall not, under any circumstances, make the firearm until the declaration, satisfactorily executed, with the "National Firearms Act" stamp attached, has been forwarded to the Director, Alcohol and Tobacco Tax Division, and has been approved and returned by him. If the application is disapproved, the original Form 1A (Firearms) with the "National Firearms Act" stamp attached thereto will be returned to the maker with the reasons for disapproval stated on the form.

§ 179.80 *Subsequent transfer of firearms.* Where a firearm which has been made in compliance with section 5821 of Internal Revenue Code of 1954, is to be transferred subsequently, the transfer provisions of the firearm laws and regulations must be complied with. The Form 4 (Firearms) covering such proposed transfer must, when filed with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., be accompanied by the previously approved Form 1A (Firearms). Such Form 4 (Firearms) and approved Form 1A (Firearms) will be returned by the Director, Alcohol and Tobacco Tax Division, to the transferor for delivery to the transferee at the time the firearm is transferred.

§ 179.81 *Cancellation of stamp.* The person affixing to a Form 1A (Firearms) a "National Firearms Act" stamp shall cancel it by writing or stamping thereon, in ink, his initials, and the day, month and year, in such manner as to render it unfit for reuse. The cancellation shall not so deface the stamp as to prevent its denomination and genuineness from being readily determined.

EXCEPTIONS TO TAX ON MAKING FIREARMS

§ 179.82 *Registered manufacturers.* The tax on the making of a firearm and the requirements as to use of a form

declaring the intention to make a firearm are not applicable to manufacturers who have paid special tax and registered as required by sections 5801 and 5802 of the Internal Revenue Code of 1954. However, such manufacturers must keep the records required by § 179.150 and make the returns required by § 179.151.

§ 179.83 *Altering a firearm which has previously been taxed.* No tax will be imposed on the making of a firearm if such making involves the alteration or conversion of a firearm with respect to which a tax, at the same rate, has been paid, prior to such making, under either section 5811 or section 5821 of the Internal Revenue Code of 1954. However, the person so altering or converting such firearm shall notify the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., in writing immediately thereafter, giving a complete description of the firearm so altered or converted and indicating the changes made.

§ 179.84 *Making a firearm for use of Government agencies, peace officers and Federal officers.* The tax on the making of a firearm and the requirements as to use of a form declaring the intention to make a firearm are not applicable to any person making a firearm for the use of (a) the United States Government, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, or (b) any peace officer or any Federal officer designated in § 179.104. However, the person making such firearm shall notify the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., in writing, immediately thereafter giving a complete description of the firearm so made, identifying the agency for which the firearm was made and stating under the penalties of perjury that he has been duly commissioned to perform such act. Should it afterwards be determined that the maker was not entitled to the tax exemption, tax and penal liability will be incurred.

SUBPART E—TRANSFER TAX

§ 179.95 *Scope of tax.* Except as otherwise provided (see §§ 179.103 and 179.104), each transfer of a firearm in the United States is subject to tax to be represented by an adhesive stamp bearing the words "National Firearms Act" to be affixed to the Form 4 (Firearms) (see §§ 179.98, 179.170, and 179.171).

§ 179.96 *Rate of tax.* The transfer tax to be levied, collected, and paid with respect to all articles within the term "firearm" transferred in the United States is at the rate of $200 for each firearm, except that the rate of tax is $1 upon the transfer of any gun with combination shotgun and rifle barrels, 12 inches or more but less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, or any gun designed to be held in one hand when fired and having a barrel 12 inches or more but less than 18 inches in length, from which only a single discharge can be made without manual reloading.

§ 179.97 *Transfer tax in addition to import duty.* The transfer tax imposed by section 5811 of the Internal Revenue Code of 1954 is in addition to any import duty (see § 179.132.)

APPLICATION AND ORDER FOR TRANSFER OF FIREARM

§ 179.98 *Written application and order required for transfer of firearm.* Except as otherwise provided, every person seeking to obtain a firearm must make an application in duplicate to the transferor on Form 4 (Firearms). The application shall show (a) the name and address of the applicant, and, if the applicant is other than an individual, the name and address of the principal officer or authorized representative thereof; and (b) such additional information as may be required on Form 4 (Firearms). The transferor must furnish the information called for on the form relating to the serial number, model, caliber, length of barrel, trade name, and other marks identifying the firearm. In addition, a "National Firearms Act" stamp of the proper denomination (see § 179.96) must be affixed to the original only of Form 4 (Firearms), in the space provided therefor, and properly canceled (see § 179.102).

§ 179.99 *Identification of applicant.* If the applicant is an individual, he shall attach to each copy of the application an individual photograph of himself, taken within 90 days prior to the date of such application, and shall affix his fingerprints to such application. The fingerprints must be clear for accurate classification and should be taken by someone properly equipped to take them. The application must be supported by a certificate of the local chief of police, sheriff of the county, United States attorney, United States marshal, or such other person whose certificate may in a particular case be acceptable to the Director, Alcohol and Tobacco Tax Division, certifying that he is satisfied that the fingerprints and photograph appearing on the application are those of the applicant and that the firearm is intended by the applicant for lawful purposes.

§ 179.100 *Requirements for approval of application and order for transfer.* The Form 4 (Firearms), must be forwarded, directly, in duplicate, by the transferor to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C. The Director, Alcohol and Tobacco Tax Division, will consider the application for approval or disapproval. If the application is approved, the Director, Alcohol and Tobacco Tax Division, will return the original thereof to the transferor, who may then deliver the firearm to the applicant, together with the original Form 4 (Firearms) with the "National Firearms Act" stamp attached thereto. If the application is disapproved, the original Form 4 (Firearms) with the "National Firearms Act" stamp attached thereto will be returned to the transferor with the reasons for disapproval stated on the form.

§ 179.101 *Subsequent transfer of firearm.* Where a firearm transferred on or after July 26, 1934, is to be subsequently transferred, the new Form 4 (Firearms) covering such proposed transfer must, when filed with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., be accompanied by the previously approved Form 4 (Firearms) for each prior transfer and by any declaration of intent to make a firearm, Form 1A (Firearms), previously filed with respect to the firearm transferred. Such forms will be returned by the Director, Alcohol and Tobacco Tax Division, with the latest Form 4 (Firearms) to the transferor for delivery to the applicant.

§ 179.102 *Cancellation of stamp.* The same method of cancellation as prescribed in § 179.81 shall be used.

CONCERNING EXEMPTIONS FROM TRANSFER TAX

§ 179.103 *Special-tax payers.* The transfer tax and the requirements as to use of Form 4 (Firearms) (see § 179.98) are not applicable where importers, manufacturers, and dealers who have registered and paid special tax transfer to other manufacturers or dealers who have registered and paid special tax. However, such importers, manufacturers, and dealers must keep the records required by § 179.150, and make returns required by § 179.151. Before a tax-free transfer is made, the transferor must satisfy himself that the transferee is a registered special-tax payer. If not fully satisfied, he should communicate with the District Director of the internal revenue collection district in which the transferee is located. Where tax-free transfers to unauthorized persons are made, tax and penal liability will be incurred.

§ 179.104 *Peace officers and Federal officers.* Pursuant to the authority vested in section 5812 of the Internal Revenue Code of 1954, the following are hereby designated as officers entitled to receive firearms without the use of Form 4 (Firearms): Sheriffs, chiefs of police, commissioners of police, superintendents or other chief officers of State police units, including State highway patrols, directors of public safety, and bona fide subordinate officers under the command of the aforementioned excepted persons upon appropriate recommendation of the officials designated. Forms 4 (Firearms) are not required for procurement of firearms by Federal law enforcement agencies.

§ 179.105 *Notice of exemption.* Where a transfer is claimed to be exempt from tax under section 5812 of the Internal Revenue Code of 1954, a notice of exemption must be immediately executed by the transferor in triplicate on Form 5 (Firearms), and the original forwarded to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., the duplicate retained by the transferor, and the triplicate furnished to the transferee. The notice must show the name and address of the transferor and transferee, a description of the firearm, the date of the transfer, the basis of the exemption claimed and any other evidence which the Director, Alcohol and Tobacco Tax Division, may require.

§ 179.106 *Responsibility of transferor for exempt status of transferee.* Transfers under section 5812 of the Internal Revenue Code of 1954 may be made prior to forwarding Form 5 (Firearms) to the Director, Alcohol and Tobacco Tax Division. However, before a tax-free transfer is made, the transferor should satisfy himself of the exempt status of the transferee and the bona fides of the transaction. If not fully satisfied, he should communicate with the Director, Alcohol and Tobacco Tax Division, and report all the circumstances and await said Director's advice before making the transfer. If transfers to unauthorized persons, or transfers otherwise unwarranted, are made, tax and penal liability will be incurred.

SUBPART F—REGISTRATION AND IDENTIFICATION OF FIREARMS

§ 179.120 *Application for registration of firearm.* Every person in the United States possessing a firearm (a) not already registered, or (b) acquired by transfer, importation or making without conforming with the provisions of Chapter 53 of the Internal Revenue Code of 1954, if such provisions were applicable at the time of such transfer, importation or making, must execute an application for the registration of such firearm on Form 1 (Firearms), in duplicate, with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C. If registration is accepted, the duplicate form, after proper endorsement, will be returned to the registrant by the Director, Alcohol and Tobacco Tax Division. The filing of Form 1A (Firearms) in respect to the making of a firearm, Form 2 (Firearms) in respect of newly manufactured firearms and Form 6 (Firearms) in respect of imported firearms shall be accepted, in lieu of Form 1 (Firearms), as registration of the firearms described in such forms. Where the transfer of a registered firearm is reported on Forms 2, 3, 4, and 5 (Firearms) it will not be necessary for the transferee to apply for registration of the firearms on Form 1 (Firearms).

§ 179.121 *Identification of firearms.* Each manufacturer and importer of a firearm shall identify it by stamping (impressing), or otherwise conspicuously placing or causing to be stamped (impressed) or placed thereon, in a manner not susceptible of being readily obliterated or altered, the name and location of the manufacturer or importer, and the serial number, caliber, and model of the firearm. None of the data indicated may be omitted except with the approval of the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C.

SUBPART G—IMPORTATION AND EXPORTATION [1]

IMPORTATION

§ 179.130 *Procedure.* The burden of proof is affirmatively on any person importing or bringing a firearm into the United States, Puerto Rico, or the Virgin Islands, to show to the satisfaction of the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., prior to importation (see § 179.22), that the firearm is to be lawfully used and is unique or of a type unobtainable within the United States or such territory or possession. One desiring to import or bring a firearm into the United States, Puerto Rico, or the Virgin Islands shall file application, in duplicate, on Form 6 (Firearms) with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C. The application shall show the intended port or place of importation and describe the firearm intended for importation accurately and in detail, including, as far as practicable, the data indicated by § 179.121. The reasons for the proposed importation and the purposes for which the firearm is intended must be clearly shown. If uniqueness is claimed, it must be specifically indicated in what particulars the firearm is unique. If the application is based on alleged unobtainability, the differences between the desired firearm and other firearms of the same general character obtainable without importation must be clearly shown. The applicant will be notified of the approval or disapproval of the application. If it is approved, the certificate will be returned to the applicant to be filed with the collector of customs at the port of importation. Collectors of customs will not permit release of the firearm from customs custody, except for exportation, unless covered by an approved application.

§ 179.131 *Importation into territory or possession.* The importation of firearms into a territory or possession of the United States other than United States (as defined in § 179.43), Puerto Rico, or the Virgin Islands will be under the control of the governing authorities of such territory or possession. (See § 179.139).

§ 179.132 *Tax on transfer of imported firearm.* Any person importing or bringing a firearm into the United States is subject to tax upon the subsequent transfer of such firearm, which tax is additional to any duty upon the importation of the firearm: *Provided, however,* An importer who has registered and paid special tax and has otherwise complied with the requirements of Chapter 53 of the Internal Revenue Code of 1954, and who transfers a firearm to a registered special-tax payer will not be required to pay transfer tax on such transfer.

[1] Persons engaged in the business of importing or exporting firearms caliber .22 or larger are subject to the requirement of a license issued by the Secretary of State. Application for such license should be made to the Office of Munitions Control, Department of State, Washington 25, D. C., prior to importing or exporting firearms.

EXPORTATION

§ 179.133 *Application and permit for exportation of firearms.* Any person desiring to export a firearm without payment to the transfer tax must file an application on Form 9 (Firearms), in quadruplicate, with the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., for a permit providing for deferment of tax assertion. Part 1 of the application shall be executed by the exporter and shall be supported by a certified copy of a written order or contract of sale or other evidence showing that the firearm is to be shipped to a foreign destination. Where it is desired that a transfer to the exporter shall be tax free, the transferor shall likewise file an application supported by evidence that the transfer will start the firearm in course of exportation (see § 179.18), except, however, that where such transferor and exporter are registered special-tax payers the transferor will not be required to file an application on Form 9 (Firearms).

§ 179.134 *Action by Director, Alcohol and Tobacco Tax Division.* If the application is acceptable the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., will execute the permit, Part 2 of Form 9 (Firearms), to export the firearm described on the form and return three copies thereof to the applicant. Issuance of the permit by the Director, Alcohol and Tobacco Tax Division, will suspend assertion of tax liability for a period of six months. If the application is disapproved the Director, Alcohol and Tobacco Tax Division, will indicate thereon the reason for such action and return the forms to the applicant.

§ 179.135 *Procedure by exporter.* Shipment may not be made until the permit, Form 9 (Firearms), is received from the Director, Alcohol and Tobacco Tax Division. If exportation is to be made by means other than by parcel post two copies of the form must be addressed to the collector of customs at the port of exportation and must precede or accompany the shipment in order to permit appropriate inspection prior to lading. If exportation is to be made by parcel post one copy of the form must be presented to the postmaster at the office receiving the parcel who will execute Part 4 of such form and return the form to the exporter for transmittal to the Director, Alcohol and Tobacco Tax Division. In the event exportation is not effected all copies of the form must be immediately returned to the Director for cancellation.

§ 179.136 *Action by customs.* Upon receipt of a permit, Form 9 (Firearms), in duplicate, authorizing the exportation of firearms the collector of customs may order such inspection as deemed necessary prior to lading of the merchandise. If satisfied that the shipment is proper and the information contained in the permit to export is in agreement with the information shown in the shipper's export declaration, the collector of customs will, after the merchandise has been duly exported, execute the certificate of exportation (Part 3 of Form 9

(Firearms)). One copy of the form will be retained with the shipper's export declaration and the remaining copy thereof will be transmitted to the Director, Alcohol and Tobacco Tax Division.

§ 179.137 *Proof of exportation.* Within a six months' period from date of issuance of the permit to export firearms the exporter shall furnish to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., (a) a certificate of landing signed by a Customs officer of the foreign country to which the article is exported, or (b) a sworn statement of the foreign consignee covering the receipt of the article, or (c) the return receipt, or a photostat thereof, signed by the addressee or his agent where the shipment was made by insured or registered parcel post. Issuance of a permit to export and furnishing of the required evidence will relieve from liability the actual exporter and one selling to the exporter for exportation. Where satisfactory evidence of exportation is not furnished within the stated period the tax will be assessed: *Provided,* That if the amount of tax liability involved is $10 or less the Director may accept a customs certificate of exportation or certificate of mailing by parcel post as proper proof of exportation.

§ 179.138 *Refunds.* Where, after payment of tax by the manufacturer, a firearm is exported, and satisfactory proof of exportation (see § 179.137) is furnished, a claim for refund may be submitted on Form 843 (see § 179.181). If the manufacturer waives all claim for the amount to be refunded, the refund shall be made to the exporter. A claim for refund by an exporter of tax paid by a manufacturer should be accompanied by waiver of the manufacturer and proof of tax payment by the latter.

§ 179.139 *Insular possessions.* Transfers of firearms to persons in the insular possessions (other than Hawaii) of the United States are exempt from transfer tax, provided title in cases involving change of title (and custody or control, in cases not involving change of title), does not pass to the transferee or his agent in the United States. However, such exempt transactions must be covered by approved permits and supporting documents corresponding to those required in the case of firearms exported to foreign countries (see §§ 179.133 and 179.134), except that the Director, Alcohol and Tobacco Tax Division, may vary the requirements herein set forth in accordance with the requirements of the governing authority of the insular possession. Shipments to the insular possessions will not be authorized without compliance with the requirements of the governing authorities thereof. In the case of a nontaxable transfer to a person in such insular possession, the exemption extends only to such transfer and not to prior transfers.

SUBPART H—RECORDS AND RETURNS

§ 179.150 *Records.* Every manufacturer, importer, and dealer (including pawnbroker) shall make and keep at his place of business a record showing (a) the manufacture, receipt, transfer, or other disposition of all firearms taxable under the Code, (b) the date of such manufacture, receipt, transfer, or disposition, (c) the number, model, and trade name or other mark identifying each firearm, and (d) the name and address of the person to whom any firearm is transferred. This record must be preserved for a period of at least four years from the date of disposition of the firearm, and be at all times readily accessible for inspection.

§ 179.151 *Returns.* Immediately upon the manufacture, receipt, transfer, or other disposition of any firearm every manufacturer, importer, dealer (including pawnbroker), shall execute an accurate return on either Form 2 (Firearms) or Form 3 (Firearms), in duplicate, setting forth the information called for in § 179.150. All transactions occurring during a single day may be included in one return filed at the close of that business day. The original will be forwarded to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., and the duplicate will be retained by the person making the return for a period of at least four years and be at all times readily accessible for inspection. Upon application, return forms will be supplied by district directors.

SUBPART I—STOLEN OR LOST FIREARMS OR DOCUMENTS

§ 179.155 *Stolen or lost firearms.* Whenever any firearm is stolen or lost, the person losing possession thereof will, immediately upon discovery of such theft or loss, make a report to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., showing the following: (a) Name and address of the person in whose name the firearm is registered, (b) kind of firearm, (c) serial number, (d) model, (e) caliber, (f) manufacturer of firearm, (g) date and place of theft or loss, and (h) complete statement of facts and circumstances surrounding such theft or loss.

§ 179.156 *Stolen or lost documents.* When any Forms 1, 1A, 2, 3, 4, 5, or 6 (Firearms) evidencing possession of a firearm is stolen, lost, or destroyed, the person losing possession will immediately upon discovery of the theft, loss, or destruction report the matter to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C. The report will show in detail the circumstances of the theft, loss, or destruction and will include all known facts which may serve to identify the document. Upon receipt of the report, the Director, Alcohol and Tobacco Tax Division, will make such investigation as appears appropriate and may issue a duplicate document upon such conditions as the circumstances warrant.

SUBPART J—EXAMINATION OF BOOKS AND RECORDS

§ 179.160 *Failure to make returns: substitute returns.* If any person required by this part to make returns shall fail or refuse to make any such return within the time prescribed by this part or designated by the Director, Alcohol and Tobacco Tax Division, then the return shall be made by an internal revenue officer upon inspection of the books, but the making of such return by an internal revenue officer shall not relieve the person from any default or penalty incurred by reason of failure to make such return.

(53 Stat. 437; sec. 6020 I. R. C. 1954)

§ 179.161 *Inspection of records.* Any officer designated by the Director, Alcohol and Tobacco Tax Division, shall have authority to examine the books, papers, and records kept pursuant to the regulations in this part, and may require the production of any books, records, papers, or statements of account necessary to determine any liability to the tax or the observance of the provisions of this part.

(53 Stat. 438, 439; secs. 7602 and 7605, I. R. C. 1954)

§ 179.162 *Penalties (records and returns).* Any person failing to keep records or make returns is liable to fine and imprisonment as provided in section 5861 of the Internal Revenue Code of 1954. Any person assisting in the preparation of fraudulent returns is liable to fine and imprisonment as provided in section 7206 of the Internal Revenue Code of 1954.

SUBPART K—DISTRIBUTION AND SALE OF STAMPS

§ 179.170 *Orders for stamps.* Each order for stamps to be used under this part shall be made in writing to the District Director or his duly authorized agent in the internal revenue collection district in which the stamps are to be used, showing the date of the order, the number of "National Firearms Act" stamps applied for, and the name and address of the purchaser, and shall be signed in ink by the purchaser.

§ 179.171 *Stamps authorized.* Adhesive stamps of the $1 and $200 denomination, bearing the words "National Firearms Act," have been prepared and distributed to District Directors, and only such stamps shall be used for the payment of the transfer tax and for the tax on the making of a firearm.

§ 179.172 *Reuse of stamps prohibited.* A stamp once affixed to one instrument cannot lawfully be removed and affixed to another. Any person wilfully reusing such a stamp shall be subject to the penalty prescribed by section 7208 of the Internal Revenue Code of 1954.

SUBPART L—REDEMPTION OF OR ALLOWANCE FOR STAMPS OR REFUNDS

§ 179.180 *Procedure for redemption of or allowance for stamps.* Where a "National Firearms Act" stamp is destroyed, mutilated or rendered useless after purchase, and before liability has been incurred, such stamp may be redeemed by giving another stamp in lieu thereof or by refunding the amount or value thereof. In the event a Form 1A (Firearms) or a Form 4 (Firearms) is executed and the appropriate stamp affixed thereto, and thereafter the intent to make a firearm or the proposed transfer is abandoned and the firearm is not made or transferred, the taxpayer may redeem such stamp (section 6805 of the Internal Revenue Code of 1954). Claim for redemption of the stamp should be filed on Form 843 with the appropriate District Director of Internal Revenue. Such claim must be accompanied by the Form 1A (Firearms) or the Form 4 (Firearms) to which the stamp is affixed, or by a satisfactory explanation of the reason why the stamp cannot be returned, and must be filed within three years after the purchase of the stamp (sec. 6805, I. R. C., 1954).

§ 179.181 *Refunds.* As indicated in this part, the transfer tax or tax on the making of a firearm is ordinarily paid by the purchase and affixing of stamps, while special tax stamps are issued in payment of special taxes. However, in exceptional cases, such taxes may be paid pursuant to assessment. Claims for refund of amounts so paid must be presented to the District Director on Farm 843 within three years next after payment of the taxes (sec. 6511, I. R. C., 1954).

SUBPART M—PENALTIES AND FORFEITURES

§ 179.190 *Penalties.* Any person who violates or fails to comply with the requirements of Chapter 53, Internal Revenue Code of 1954, shall, upon conviction, be subject to the penalties imposed under section 5861, Internal Revenue Code of 1954.

§ 179.191 *Forfeitures.* Any firearms involved in any violation of the provisions of Chapter 53, Internal Revenue Code of 1954, or of the regulations in this part shall be subject to seizure and forfeiture under the internal revenue laws: *Provided, however,* That the disposition of forfeited firearms shall be in conformance with the requirements of section 5862 of the Internal Revenue Code of 1954. In addition, any vessel, vehicle or aircraft used to transport, carry, convey, or conceal or possess any firearm with respect to which there has been committed any violation of any provision of Chapter 53, Internal Revenue Code of 1954, or the regulations in this part issued pursuant thereto, shall be subject to seizure and forfeiture under the Customs laws, as provided by the act of August 9, 1939 (U. S. C. Title 49, secs. 781–788).

SUBPART N—OTHER LAWS APPLICABLE

§ 179.195 *Applicability of other provisions of internal revenue laws.* All of the provisions of the internal revenue laws not inconsistent with the provisions of Chapter 53 of the Internal Revenue Code of 1954 shall be applicable with respect to the taxes imposed by sections 5801, 5811 and 5821 of said Code (see section 5846, I. R. C., 1954).

[F. R. Doc. 55-4924; Filed, June 17, 1955; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1003]

[Docket No. AO-269]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900, 19 F. R. 57), a public hearing was held at Coachella, California, on March 23 and 24, 1955, on a proposed marketing agreement and order regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California. Such hearing was held pursuant to a notice thereof which was published in the FEDERAL REGISTER (20 F. R. 1363) on March 5, 1955.

On the basis of evidence adduced at the hearing and the record thereof, the Deputy Administrator, Marketing Services, Agricultural Marketing Service, United States Department of Agriculture, on May 17, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (20 F. R. 3531) on May 20, 1955. No written exceptions had been filed during the time period prescribed in such notice.

Findings and conclusions. The material issues, findings and conclusions, of the aforesaid recommended decision (F. R. Doc. 55-4141; 20 F. R. 3531) are hereby approved and adopted as the material issues, findings and conclusions of this decision as if set forth in full herein, except for the corrections which are set forth below.

The corrections are as follows: In the findings and conclusions on the issue numbered (1) (in the sixth line of the first full paragraph on page 3531) insert the word "intrastate" between the words "of" and "interstate"; in the findings and conclusions on the issue numbered (3) (d) (in the fifteenth line in the first incomplete paragraph in the first column on page 3537) change the word "requirements" to "requirement"; in the findings and conclusions on the material issue numbered (3) (h) (fifth line of the first complete paragraph in the first column on page 3540) change the word "quality" to "quantity".

Marketing agreement and order. Annexed hereto, and made a part hereof, are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Domestic Dates Produced or Packed in Los Angeles and Riverside Counties of California" and "Order Regulating the Handling of Domestic Dates Produced or Packed in Los Angeles and Riverside Counties of California", which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered. That all of this decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order, which will be published with this decision.

Done at Washington, D. C., this 14th day of June, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order [1] Regulating the Handling of Domestic Dates Produced or Packed in Los Angeles and Riverside Counties of California

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DATE ADMINISTRATIVE COMMITTEE

1003.21 Establishment of Date Administrative Committee.
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1003.34 Development.
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1003.39 The establishment of minimum standards.
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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 1003.0 to 1003.84 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c; 68 Stat. 906, 1047.

§ 1003.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Coachella, California, on March 23 and 24, 1955 upon a proposed marketing agreement and a proposed marketing order regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) This marketing order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This marketing order regulates the handling of dates produced or packed in Los Angeles and Riverside Counties located within the State of California in the same manner as, and is applicable only to the persons in the respective classes of industrial and commercial activities specified in, the proposed marketing agreement and order upon which a hearing has been held;

(3) This marketing order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act and the issuance of several orders applicable to subdivisions of the production area would not carry out the declared policy of the act effectively;

(4) There are no differences in the production and marketing of dates in the production area covered by the marketing order which would require different terms applicable to different parts of such area; and

(5) The handling of all dates produced or packed in Los Angeles and Riverside Counties located within the State of California is either in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

It is therefore ordered, That, on and after the effective date hereof, the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California shall be in conformity to, and in compliance with, the terms and conditions of this order; and the terms and conditions of said order are as follows:

DEFINITIONS

§ 1003.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1003.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1003.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1003.4 *Area of production.* "Area of production" means the counties of Riverside and Los Angeles located within the State of California.

§ 1003.5 *Dates.* "Dates" means the Deglet Noor, Zahidi, and Khadrawy varieties of domestic dates produced or packed in the area of production.

§ 1003.6 *Crop year.* "Crop year" means the 12 months from August 1 to the following July 31, both inclusive.

§ 1003.7 *Producer.* "Producer" is synonymous with grower and means any person engaged in a proprietary capacity in the production of dates for sale.

§ 1003.8 *Handler.* "Handler" means any person handling dates which have not been inspected and certified for handling in the hands of a previous holder: *Provided*, That for the purposes of §§ 1003.22 and 1003.24 such person shall qualify as a handler only if he has acquired the dates directly from producers.

§ 1003.9 *Handle.* "Handle" means to sell, consign, transport or ship (except as a common or contract carrier of dates owned by another person) or in any other way to put dates into the current of commerce, except that sales or deliveries by producers to a handler within the area of production shall not be considered as handling.

§ 1003.10 *Handler carry-over.* "Handler carry-over" means, as of any date, all marketable dates then held by a handler or for his account (whether or not sold), plus the estimated quantity of marketable dates in ungraded or unprocessed lots then held by said handler.

§ 1003.11 *Trade demand.* "Trade demand" means the quantity of marketable dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States.

§ 1003.12 *Marketable dates.* "Marketable dates" means, for any crop year, whole or pitted dates which are certified as equal to or higher than the minimum grade permitted to be handled by the regulations imposed by this part.

§ 1003.13 *Free dates.* "Free dates" means those dates which are free to be handled pursuant to any free percentage established by the Secretary in accordance with § 1003.44.

§ 1003.14 *Restricted dates.* "Restricted dates" means those dates which must be withheld by handlers pursuant to any restricted percentage established by the Secretary in accordance with § 1003.44.

§ 1003.15 *Committee.* "Committee" means the Date Administrative Committee established pursuant to § 1003.21.

§ 1003.16 *Cooperative handler.* "Cooperative handler" means any handler which is a cooperative marketing association of growers organized under the laws of the State of California.

§ 1003.17 *Part and subpart.* "Part" means the order regulating the handling of domestic dates produced or packed in Los Angeles and Riverside counties of California, and all rules, regulations, and supplementary orders issued thereunder. The aforesaid order shall be a "subpart" of such part.

DATE ADMINISTRATIVE COMMITTEE

§ 1003.21 *Establishment of Date Administrative Committee.* A Date Administrative Committee consisting of seven members, with an alternate member for each such member, is hereby established to administer the terms and conditions of this part.

§ 1003.22 *Membership representation.* Members and alternates shall be selected by the Secretary from each of the following groups and on the following basis:

(a) One to represent handlers each of whom produced not less than 40 percent of the volume he handled.

(b) One to represent cooperative handlers.

(c) Two to represent handlers not included in paragraph (a) or (b) of this section.

(d) One to represent producers who are members of a cooperative marketing association.

(e) Two to represent producers who are not members of a cooperative marketing association.

The foregoing representation is based on each handler member representing approximately 25 percent of the tonnage handled and each producer member representing approximately one-third of the total number of commercial producers. Whenever the Secretary finds that changes in tonnage handled or producer membership in cooperatives is such as to warrant a realignment of the four handler members or the three producer members, he shall notify the committee and thereafter nominations and selections of members and alternates shall be on such new basis as the Secretary may determine.

§ 1003.23 *Term of office.* In the groups specified in § 1003.22, one member and his alternate in the groups in paragraphs (c) and (e) and the member and alternate in the group in paragraph (b) shall serve until April 15 of even-numbered years and the others shall serve until April 15 of odd-numbered years but all shall serve, unless disqualified, until their respective successors have been selected and have qualified.

§ 1003.24 *Nominations*—(a) *Initial members.* Nominations for each of the initial members, together with nominations for the initial alternate members, may be submitted to the Secretary by individual, or groups of, producers, producer-handlers, or handlers. Such nominations, if made, shall be received by the Secretary no later than the effective date of this subpart. In the event such nominations are not received as prescribed, the Secretary may select such initial members and alternate members without regard to nominations.

(b) *Successor members.* Each of the groups specified in § 1003.22 may nominate members and alternates for such members at nomination meetings to be held on or before March 15 of each year. At such meetings each person shall be entitled to cast one vote for each position to be filled except that the votes cast in the groups in § 1003.22 (a), (b) and (c) shall be weighted by the tonnage of dates acquired from producers and certified for handling through February 28 of the current crop year. The individual receiving the highest number of votes shall be the nominee. Immediately after the completion of such meetings the committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the committee to be pertinent or which is requested by the Secretary. In the event nominations for any position on the committee are not received within a reasonable time, the Secretary may select members or their alternates without regard to nominations but such selections shall be on the basis prescribed in § 1003.22.

§ 1003.25 *Qualification.* Each person selected as a member or alternate member of the committee shall, prior to serving on the committee, qualify by filing with the Secretary a written acceptance after receiving notice of his selection. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, upon ceasing to be such member or employee, become disqualified to serve further and his position on the committee shall be deemed vacant.

§ 1003.26 *Vacancies.* In the event of any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify or by the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated within thirty calendar days after such vacancy occurs and selected in the manner, and subject to the conditions, provided in this subpart.

§ 1003.27 *Alternates.* An alternate for a member of the committee shall act in the place and stead of such member during his absence or in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

§ 1003.28 *Expenses.* The members of the committee shall serve without compensation but shall be allowed their necessary expenses.

§ 1003.29 *Powers.* The committee shall have the following powers:

(a) To administer the terms and provisions of this subpart.

(b) To make rules and regulations to effectuate the terms and provisions of this subpart.

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart, and

(d) To recommend to the Secretary amendments to this subpart.

§ 1003.30 *Duties.* The committee shall have, among other things, the following duties:

(a) To act as intermediary between the Secretary and any producer or handler.

(b) To keep minutes, books, and records which will clearly reflect all of its transactions and such minutes, books, and other records shall be subject to examination by the Secretary at any time.

(c) To investigate the growing, handling, and marketing conditions with respect to dates, to assemble data in connection therewith.

(d) To furnish to the Secretary such available information as may be deemed pertinent to the administration of this subpart or as he may request and to give to the Secretary the same notice of meetings of the committee as is given to the members of the committee.

(e) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and where desirable fix the bonds of such employees.

(f) To cause the books of the committee to be audited by a certified public accountant at least once each crop year and at such other times as the committee may deem necessary or the Secretary may request. The report of each such audit shall show among other things the receipt and expenditure of funds pursuant hereto. Two copies of such audit shall be submitted to the Secretary, and

(g) To investigate compliance and to use means available to the committee to prevent violations of this part.

§ 1003.31 *Procedure.* The members of the committee shall select a chairman from their membership and shall select such other officers and adopt such rules for conduct of its business as it may deem advisable. All decisions of the committee shall be by at least five affirmative votes. The presence of five members shall be required to constitute a quorum. The committee may vote by mail, telephone when confirmed in writing, or telegram, upon due notice and full and identical explanation to all members, but one dissenting vote shall prevent the adoption of any proposition presented to voting by this method. At all assembled meetings of the committee all votes shall be cast in person.

RESEARCH AND DEVELOPMENT

§ 1003.33 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of dates. The expense of such projects shall be paid from funds collected pursuant to § 1003.72.

MARKETING POLICY

§ 1003.34 *Development.* As early as practicable, but no later than August 1, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy, including the data on which it is based, for the regulation of dates in the ensuing crop year. In developing the marketing policy the committee shall give consideration to the following factors by varieties:

(a) Its estimate of the total production separated as to marketable and other grades, which will be produced in such crop year;

(b) Its estimate of handler carry-over as of July 31 and of any non-marketable dates held by handlers or users;

(c) Its estimate of the trade demand, taking into consideration imports, economic conditions and the anticipated market price, within the limitations of the act;

(d) Its recommendation with respect to the free and restricted percentages to be fixed; and

(e) Its recommendations as to grade regulations.

§ 1003.35 *Modifications.* In the event the committee subsequently determines that the marketing policy should be modified due to changing supply or demand conditions, it shall formulate and submit to the Secretary its modified marketing policy along with the data which it considered in connection with such modification.

§ 1003.36 *Notice.* The committee shall give notice through newspapers having general circulation in the area of production or by other means of communication to producers and handlers of the contents of each marketing policy

report submitted to the Secretary and of each report modifying such marketing policy. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by producers and handlers.

GRADE REGULATION

§ 1003.39 *The establishment of minimum standards.* In order to effectuate the declared policy of the act all whole and pitted dates handled under this subpart shall meet the requirements of U. S. Grade C, of the effective United States Standards for Grades of Dates: *Provided,* That the Secretary may, upon recommendation of the committee, prescribe other minimum standards of quality. To aid the Secretary in prescribing such other minimum standards, the committee shall furnish to the Secretary the data upon which it acted in recommending such standards. The provisions hereof relating to minimum standards of quality and to inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions relating to the administration and enforcement thereof shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2 (1) of the act. Notice of the minimum standard regulation shall be sent by the committee to all handlers of record, and thereafter no handler shall handle dates except in accordance with such minimum standards.

§ 1003.40 *Additional grade regulation.* Whenever the committee deems it advisable to establish grade regulations for any variety in addition to those provided by the minimum standards, to govern shipments of dates, it shall recommend to the Secretary controls based on the effective United States Standards for Grades of Dates or any modification thereof. If the Secretary finds upon the basis of such recommendation or other information available to him, that such additional grade regulation would tend to effectuate the declared policy of the act he shall establish such regulations, and notice thereof, showing the effective date, shall be sent by the committee to all handlers of record. Thereafter no handler shall handle dates except in accordance with such grade regulations.

§ 1003.41 *Inspection*—(a) *Packed dates.* Prior to shipment each handler shall, at his own expense, cause an inspection to be made of all dates packed for handling in order to ascertain if such dates meet the grade regulations provided for in this part.

(b) *Dates for further processing.* Prior to shipment each handler shall, at his own expense, cause an inspection and certification to be made that dates handled by him for further processing are equal to the minimum grade standard except for character associated with moisture: *Provided,* That this inspection and certification requirement shall not apply to interhandler transfers of field run dates within the area of production.

(c) *Identification and agency.* All dates shipped shall be identified by seals, stamps, or other means prescribed by the committee and affixed to the containers by the handlers under the supervision of the committee or the designated inspectors. Inspection shall be performed by inspectors of the United States Department of Agriculture's Processed Products Standardization and Inspection Branch or such other inspection agency as may be recommended by the committee and approved by the Secretary. Handlers shall cause a copy of each inspection certificate to be furnished to the committee.

VOLUME REGULATION

§ 1003.44 *Free and restricted percentages.* (a) Whenever the committee finds that the available supply of marketable dates for any crop year exceeds or is likely to exceed the total trade demand therefor, and that limiting the volume to be sold in whole or pitted form of any or all varieties through establishing free and restricted percentages applicable to such supply would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. If the Secretary finds, upon the basis of the committee's recommendation and supporting data or other information available to him, that the establishment of such percentages would tend to effectuate the declared policy of the act, he shall establish such percentages. The sum of the free and restricted percentages for any crop year shall equal 100 percent.

(b) The dates shipped by any handler in accordance with the provisions hereof shall be determined to be that handler's quota fixed by the Secretary within the meaning of section 8a (5) of the act. The terms of said section prescribe that any person wilfully exceeding such a quota and any other person knowingly participating or aiding in such action shall forfeit to the United States a sum equal to three times the then current market value of such excess.

§ 1003.45 *Withholding restricted dates.* (a) Whenever a regulation has been established for a crop year by the Secretary in accordance with § 1003.44, each handler, before or upon shipping dates, shall have withheld from shipment a quantity of marketable dates, or their equivalent in graded dates, having a weight equal to the restricted percentage referable to such shipment. The weight to be set aside shall be determined by dividing the restricted percentage by the free percentage and applying the resultant withholding percentage, rounded to the nearest one-tenth of one percent, to the weight of dates shipped. The withholding percentage shall be established by the Secretary. The restricted weight of pitted dates shall be determined by dividing the shipping weight by 0.90 and applying the withholding percentage.

(b) Compliance by any handler with the withholding of restricted dates may be deferred to any date not later than January 31 of any crop year, upon request to the committee and when accompanied by a written undertaking that on or prior to such date, he will have fully satisfied his withholding obligation. Such undertaking shall be secured by a bond or bonds to be filed with, and acceptable to, the committee and with a surety or sureties acceptable to the committee, running in favor of the committee and the Secretary in an amount conditioned upon full compliance with such undertaking. The amount shall be determined by multiplying the poundage of the deferred restricted obligation by a bonding rate per pound which would provide funds estimated to be sufficient for the committee to purchase on the open market a volume of dates equivalent to the deferred obligation. Such bonding rate shall be established annually, and modified as necessary, by the committee. Any sums collected through default by a handler on his bond shall be used by the committee to purchase dates to meet the violated restricted obligation, reimburse the committee for expenses relative to the default, and any excess money remaining shall be refunded to the defaulting handler. The dates so purchased by the committee shall be turned over to the defaulting handler for disposition as restricted dates. In the event the committee is unable to purchase a poundage of dates equal to the defaulted volume, the sums collected shall, after reimbursement of committee expenses in connection with the default, be distributed among all handlers other than the defaulting handler in proportion to the volume of certified dates handled during the crop year in which the default occurred.

(c) Dates may be certified for handling or for further processing at any time during a crop year and at the time of certification shall be inspected and identified by appropriate seals, stamps, or tags to be furnished by the committee and to be affixed to the containers by the handler under the direction and supervision of the committee or its designated inspectors at which time the assessment requirements provided in § 1003.72 and the restricted obligation with respect to such dates shall be met. Dates so certified may thereafter be carried over into the new crop year and need not pay the assessment nor meet the requirements of any free or restricted percentages established for such year.

(d) Dates withheld to meet the restricted obligation shall be stored at the expense of the handler, in storage of his own choosing and disposed of in accordance with § 1003.55. All such dates shall be inspected and identified by appropriate seals, stamps, or tags to be furnished by the committee and to be affixed to the containers by the handler under the direction and supervision of the committee or its designated inspectors. All withholding and movement of restricted dates shall be subject to the supervision and accounting control of the committee and reports shall be filed as required by this part.

§ 1003.46 *Revisions of percentages.* The Secretary may, on recommendation of the committee submitted prior to January 31 of the crop year, or on the basis of other information available to him, increase the free percentage to conform with such new relation as may be found to exist between trade demand and available supply. Upon any revision in the free and restricted percentages the control obligation of each handler with respect to dates handled or certified for handling by him for the entire crop year shall be recomputed in accordance with such revised control percentages. The handler shall be permitted to select, insofar as practicable, under the supervision and direction of the committee, the particular dates to be removed from any dates withheld.

§ 1003.47 *Assistance to handlers.* The committee, on written request, may assist handlers in obtaining storage for restricted dates, in accounting for their control obligations or in acquiring dates to meet any deficiency in a handler's control obligation.

QUALIFICATIONS TO REGULATION

§ 1003.50 *Application after end of crop year.* Unless otherwise specified the regulations and the bonding rates established for any crop year shall continue in effect with respect to all dates for which control obligations have not been previously met, until regulations and bonding rates are established for the new crop year. Thereupon the withholding obligations for all dates handled or certified for handling during such crop year shall be adjusted to the newly established percentages and a similar adjustment shall be made in any bond or bonds already given for that crop year.

§ 1003.51 *Interhandler transfers.* Transfers of dates may be made from one handler to another upon notice to and permission of the committee. If such transfer is wholly within the area of production, the assessment and withholding obligations shall be placed on the handler agreeing to assume them: *Provided,* That in the absence of the committee receiving notice of a specific agreement on such obligations, the buying handler shall be held accountable. If such transfer is from within the area of production to any point outside thereof, the assessment and withholding obligations shall be met by the handler within the area of production.

§ 1003.52 *Exemption.* The committee may exempt from regulation, upon written request of any producer or handler, the dates he sells to consumers through roadside stands, local date shops, mail order or specialty outlets, if it determines that the particular request is not likely to materially interfere with the objectives of this part. All dates handled pursuant to exemptions under this section shall be reported to the committee in such manner and in such form as the committee may prescribe. The committee shall issue, with the approval of the Secretary, appropriate rules and regulations establishing the bases on which exemptions may be granted.

DISPOSITION OF OTHER THAN FREE DATES

§ 1003.55 *Outlets for restricted or standard.* Restricted dates and any standard grade but non-marketable dates may be disposed of through exportation to such countries as the committee may approve or by diversion in such form as rings, chunks, pieces, butter, macerated, paste, or other products which the committee determines to be appropriate and which will result in the dates moving into consumption in a form other than that of whole or pitted dates.

§ 1003.56 *Outlets for substandard and culls.* Substandard grade dates shall be disposed of in feed, non-table syrup, alcohol, brandy, macerated dates or such other outlets as the committee finds are non-competitive with the outlets for free dates. Disposition of cull dates shall be limited to products not destined for human consumption as food.

§ 1003.57 *Terminal date.* Dates covered by §§ 1003.55 and 1003.56 shall be converted from their whole or pitted form or sold under firm contracts to manufacturers of approved products by September 30 of the subsequent crop year.

§ 1003.58 *Safeguards.* The committee may prescribe, with the approval of the Secretary, such rules, regulations and safeguards as are necessary to prevent dates covered by §§ 1003.55 and 1003.56 from interfering with the objectives of this part.

REPORTS AND RECORDS

§ 1003.61 *Reports of handler carryover.* Each handler shall file with the committee a written report of his carryover of dates as of January 1 and May 15 of any crop year and at such other times as the committee may prescribe. Such reports shall be filed within 15 days of the aforesaid dates.

§ 1003.62 *Reports of dates shipped.* Each handler who ships dates during a crop year shall submit to the committee, in such form and at such intervals as the committee may prescribe, reports showing the net weight of dates shipped by him and such other information pertinent thereto as the committee may specify.

§ 1003.63 *Reports on restricted dates withheld.* Each handler from time to time, on demand of the committee, shall file with it a report of the restricted dates withheld by him in satisfaction of his withholding obligation. Such reports shall show such information as the committee may require and may be in such form as the committee may prescribe.

§ 1003.64 *Reports on disposition of restricted.* Each handler disposing of any quantity of restricted dates held by him shall give the committee the following reports:

(a) Prior to the date of planned disposition, a notice of intention to dispose.

(b) Upon completion of disposition, a notice, including pertinent data, of the completion of disposition.

§ 1003.65 *Other reports.* Upon request of the committee each handler shall furnish to it in such manner and at such times as it prescribes, such other information as will enable the committee to perform its duties and exercise its powers hereunder.

§ 1003.66 *Certification of reports.* All reports submitted to the committee as required in this part shall be certified to the United States Department of Agriculture and to the committee as to the completeness and correctness of the information therein.

§ 1003.67 *Confidential information.* All data or other information constituting a trade secret or disclosing a trade position or business condition shall be received by, and kept in the custody of, one or more designated employees of the committee and information which would reveal the circumstances of a single handler shall be disclosed to no person other than the Secretary.

§ 1003.68 *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the committee, through its designated employees, shall have access to handler premises wherein dates are held and, at any time during reasonable business hours, shall be permitted to examine any dates held and any and all records with respect to dates held or disposed of by such handlers. Handlers shall furnish labor necessary to facilitate such examinations at no expense to the committee. All handlers shall maintain complete records on the handling, withholding and disposition of dates. Such records shall be retained by handlers for not less than two years subsequent to the termination of each crop year.

EXPENSES AND ASSESSMENTS

§ 1003.71 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes determined to be appropriate. The recommendation of the committee as to total expenses and allocation thereof for each crop year, together with all data supporting such recommendation, shall be submitted to the Secretary within a reasonable time after the marketing policy for each crop year is recommended. Expenses incurred prior to August 1, 1955 shall be paid from funds collected during the crop year beginning August 1, 1955.

§ 1003.72 *Assessments.* The Secretary shall fix rates of assessments for each crop year to be paid by each handler with respect to dates handled or certified for handling. At any time during or after a crop year the Secretary may increase such assessment rates to secure sufficient funds to cover the expenses authorized in § 1003.71. Any such increase shall apply to all dates handled during the crop year. The rate of assessment for the initial crop year is hereby established at fifteen (15) cents per hundredweight. The committee may accept the payments of assessments in advance and may borrow money in any amount not to exceed ten percent of the estimated expenses set forth in its budget for the then crop year. The assessment weight of pitted dates shall be determined by dividing the shipping weight by 0.90.

§ 1003.73 *Requirement for payment.* Each handler shall pay his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred during each crop year. Each handler's share of such expenses shall be based on the ratio of the total quantity of dates handled or certified for handling by him to the total quantity of such dates handled or certified for handling by all handlers during each crop year.

§ 1003.74 *Refunds.* Excess funds held by the committee at the conclusion of a crop year may be used to defray expenses for no more than the ensuing four months and thereafter, within a reasonable time, the committee shall credit or, upon demand, refund the aforesaid excess to each handler on the basis of the ratio of the total amount paid by him to the total amount paid by all handlers.

MISCELLANEOUS PROVISIONS

§ 1003.77 *Personal liability.* No member or alternate member of the committee, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent, or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ 1003.78 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability of this part to any other person, circumstance, or thing shall not be affected thereby.

§ 1003.79 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1003.80 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon its termination except with respect to acts done under and during its existence.

§ 1003.81 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1003.82 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions of this part, as well as any amendments hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways hereinafter specified in this section.

(b) *Suspension or termination*—(1) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(2) *When favored by growers.* The Secretary shall terminate the provisions of this part at the end of any crop year whenever he finds that such termination is favored by a majority of the growers of dates who, during that crop year, have been engaged in the production for market of dates in the area of production: *Provided,* That such majority have, during such period, produced for market more than 50 percent of the volume of such dates produced for market within said area; but such termination shall be effective only if announced on or before June 1 of the then current crop year.

(3) *If enabling legislation is terminated.* The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination*—(1) *Designation of trustees.* Upon the termination of the provisions hereof, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all funds and property then in the possession or under the control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) *Duties of trustees.* Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all funds, property, and claims vested in the committee or the joint trustees pursuant hereto.

(3) *Obligations of persons other than committee members and trustees.* Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon the said joint trustees.

§ 1003.83 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not—

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or

(b) Release or extinguish any violation of this part or of any regulation issued hereunder, or

(c) Affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 1003.84 *Amendments.* Amendments hereto may be proposed, from time to time, by any person or by the committee.

[F. R. Doc. 55-4917; Filed, June 17, 1955; 8:49 a. m.]

[7 CFR Part 1003]

[Docket No. AO-269]

HANDLING OF DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINING THE REPRESENTATIVE PERIOD

Pursuant to the applicable provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1954 through May 31, 1955 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged in the production, for market, of Deglet Noor, Zahidi, or Khadrawi varities of dates produced or packed in Los Angeles and Riverside Counties of California, to determine whether such producers approve or favor the issuance of an order regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.[1]

W. C. Noland, E. H. Bixby, J. C. Genske, and C. R. Sanders, of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176; 19 F. R. 35).

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C.

Ballots and other necessary forms and instructions for use in the referendum and copies of the marketing order may be obtained from Warren C. Noland, Western Marketing Field Office, 1031 So. Broadway, Room 1005, Los Angeles 15, California.

[1] F. R. Doc. 55-4917, *supra.*

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Dated: June 14, 1955.

[SEAL] EARL L. BUTZ, *Assistant Secretary.*

[F. R. Doc. 55-4918; Filed, June 17, 1955; 8:49 a. m.]

[7 CFR Ch. IX]

HANDLING OF MILK IN NEW JERSEY

NOTICE OF PUBLIC MEETING

Various proposals have been received for new or revised Federal or joint Federal-State regulation of the handling of milk in the New York-New Jersey area, including those for a separate new milk marketing order for a marketing area comprising all or a portion of the State of New Jersey, and those to expand the presently regulated New York metropolitan milk marketing area to include Northern New Jersey and other adjacent urban territory.

Pursuant to § 900.3 of the rules of practice and procedure governing procedure to formulate marketing agreements and orders (7 CFR 900.3) notice is hereby given of a public meeting to be held at the Stacey-Trent Hotel in Trenton, New Jersey, beginning at 10:00 a. m., e. d. t., July 18, 1955, at which data, views or arguments may be presented concerning, and limited to, the question of what geographical area or areas within the State of New Jersey should be included for hearing in any notice or notices of hearing on such proposals which may be issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Such data, views and arguments shall be presented by means of statements not under oath. Cross examination, as such, shall not be permitted; but in the discretion of the presiding officer clarifying questions may be asked. Statistical tables, maps, charts, or other written exhibits shall be supplied in quadruplicate by the person offering the exhibit.

It is contemplated that appropriate proceedings will be subsequently conducted concerning other aspects of the various proposals submitted, including the questions of (1) whether there is additional territory, other than in New Jersey but within the same general vicinity, in which the handling of milk should be subject to Federal regulation, (2) how the additional area or areas should be regulated, that is, whether separately by means of one or more new marketing orders or in combination with presently regulated territory, or both, and (3) terms and provisions of new orders or amendments to existing orders, or both, relating to pricing, pooling, location differentials and related provisions.

Issued at Washington, D. C., this 15th day of June 1955.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 55-4928; Filed, June 17, 1955; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

NOTICES OF PROPOSED WITHDRAWALS AND RESERVATIONS OF LANDS; CORRECTION

Notices of Proposed Withdrawals and Reservations of Lands dated May 9, 1955, and May 19, 1955, identified as F. R. Doc. 55-3973; filed May 16, 1955, 8:45 a. m. and F. R. Doc. 55-4248; filed May 25, 1955; 8:46 a. m., and appearing in the FEDERAL REGISTER May 17 and May 26, 1955, respectively, are corrected to show the address of the signing officer as Colorado State Office, 429 Post Office Building, Box 1018, Denver 1, Colorado.

MAX CAPLAN, *State Supervisor.*

JUNE 2, 1955.

[F. R. Doc. 55-4900; Filed, June 17, 1955; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

Notice of Proposed Withdrawal and Reservation of Lands dated May 25, 1955, identified as F. R. Doc. 55-4419; filed June 1, 1955, 8:52 a. m., and appearing in the FEDERAL REGISTER dated June 2, 1955, is corrected to show the address of the signing officer as Colorado State Office, 429 Post Office Building, Box 1018, Denver 1, Colorado.

MAX CAPLAN, *State Supervisor.*

JUNE 13, 1955.

[F. R. Doc. 55-4901; Filed, June 17, 1955; 8:46 a. m.]

NEW MEXICO

NEW MEXICO SMALL TRACT CLASSIFICATION NO. 40, CORRECTED

JUNE 6, 1955.

Paragraphs 5 and 6 of New Mexico Small Tract Classification No. 40, dated May 13, 1955, F. R. Document 55-4048, 20 F. R. 3516, are hereby corrected to read as follows:

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. The lands will be leased in tracts of approximately 2½ acres (330' x 330'). Advance rental for homesites shall be $60.00 for the 3-year period. An application to lease must be accompanied by the advance rental specified above plus a $10.00 filing fee.

6. Lessees who comply with the terms and conditions of their leases will be eligible to purchase their tracts at the appraised value of $400.00 per tract at any time during the life of the lease, provided that during such period they either (a) construct the hereinafter described improvements on the lands or (b) file two copies of a binding agreement among themselves in accordance with § 257.13 (d), Title 43, Code of Federal Regulations, to observe, in the development of the leased lands, standards of building, sanitation, and health requirements consistent with the terms of their leases. Lessees who participate in such agreement may exercise, at the discretion of the Bureau of Land Management, their option to purchase without prior compliance with the improvement requirements of their leases.

The minimum improvements which must (a) be constructed, or which (b) the lessees must enter into agreement among themselves to construct must meet the following standards:

1. They must conform to health, sanitation and construction requirements of local State laws and local governmental ordinances.

2. Improvements on homesites shall consist of a two bedroom house with a minimum of 800 square feet of floor space.

Leases issued hereunder will not be renewable in the absence of compliance with one of the above conditions (a) or (b) unless failure to comply is justified by circumstances and non-renewal would work an extreme hardship on the lessee. Applications to purchase a tract or to renew a lease thereon must be accompanied by a filing fee of $10.00.

E. R. SMITH, *State Supervisor.*

[F. R. Doc. 55-4907; Filed, June 17, 1955; 8:47 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 7, 1955.

An application, serial number New Mexico 018969, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws, but not the mineral-leasing laws, of the lands described below was filed on April 29, 1955, by the United States Department of Agriculture. The purposes of the proposed withdrawal: Campground and Recreation Areas (Supplemental).

For a period of thirty days from the date of publication of this notice, persons having cause to object to the pro-

posed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

FISHING HOLE CAMPGROUND

T. 17 N., R. 14 E.,
Sec. 10, S½SE¼SW¼;
Sec. 15, N½SE¼NW¼, N½SW¼NE¼, NE¼NE¼.

Total Area: 100 acres.

OAK FLATS—EL CODO RECREATION AREA

T. 17 N., R. 14 E.,
Sec. 14, N½NE¼SW¼.

Total Area: 20 acres.

SOAP CREEK RECREATION AREA

T. 17 N., R. 14 E.,
Sec. 9, S½SE¼SW¼, S½SW¼SE¼;
Sec. 10, N½SW¼SW¼;
Sec. 15, NW¼NW¼.

Total Area: 100 acres.

THREE FALLS FOREST CAMP

T. 17 N., R. 14 E.,
Sec. 8, S½NE¼SE¼;
Sec. 9, S½NW¼SW¼, SW¼SW¼.

Total area: 80 acres.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 55-4908; Filed, June 17, 1955; 8:47 a. m.]

NEW MEXICO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 7, 1955.

An application, serial number New Mexico 012643 for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws of the lands described below was filed on July 9, 1953, by the Corps of Engineers, U. S. Army. The purposes of the proposed withdrawal: Bombing and Gunnery Range.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at P. O. Box 1251, Santa Fe, New Mexico. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 25 S., R. 17 E.,
Secs. 22, 23, 24, 25, 26, 27;
Sec. 34, N½NE¼, N½S½NE¼;
Sec. 35, Lots 2, 3, 4, N½, N½SE¼, NE¼SW¼;
Sec. 36, Lots 1, 2, 3, 4, N½, N½S½.
T. 26 S., R. 17 E.,
Sec. 1;
Sec. 12, NE¼, E½NW¼, NW¼NW¼, N½SE¼, SE¼SE¼.
T. 26 S., R. 18 E.,
Sec. 19, NE¼NE¼;
Sec. 20, N½NE¼, SW¼NE¼, E½NW¼;
Sec. 21, N½.

The areas described aggregate 5,799.92 acres of public land and 959.02 acres of non-public land.

E. R. SMITH,
State Supervisor.

[F. R. Doc. 55-4909; Filed, June 17, 1955; 8:47 a. m.]

Geological Survey

SACRAMENTO RIVER BASIN, CALIFORNIA

POWER SITE CANCELLATION NO. 104

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025) Power Site Classification No. 267 approved August 24, 1933, is hereby cancelled in so far and to the extent that it affects the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 36 N., R. 4 W.,
Sec. 32, SE¼NE¼.
T. 36 N., R. 5 W.,
Sec. 22, SW¼;
Sec. 34, SE¼NE¼, SW¼NW¼, and N½S½.

The area described aggregates 440 acres.

Dated: June 9, 1955.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 55-4898; Filed, June 17, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF CERTAIN COUNTIES IN THE DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress (42 U. S. C. 1855 et seq.), the President determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, certain counties in the State of Texas were on August 10, 1954 (19 F. R. 5155), as amended (19 F. R. 5388; 19 F. R. 5957; 19 F. R. 6127; 19 F. R. 6417; 19 F. R. 6557; 19 F. R. 7547; 19 F. R. 8635; 20 F. R. 140; 20 F. R. 813; 20 F. R. 1384; 20 F. R. 3142 and 20 F. R. 3450) determined to be the areas affected by the major disaster by drought.

Pursuant to the aforesaid delegations, the delineation and certification of counties in the State of Texas as above described are herewith amended by adding the counties as set forth below on June 8, 1955, to the major disaster areas in the State of Texas.

TEXAS

Aransas.
Refugio.
San Patrico.

Done at Washington, D. C., this 15th day of June 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-4933; Filed, June 17, 1955; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

REDERIAKTIEBOLAGET RAGNE AND REDERIAKTIEBOLAGET FERLEF ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to § 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8036, between Rederiaktiebolaget Ragne and Rederiaktiebolaget Ferlef, provides for the establishment and maintenance of a joint cargo service (with limited passenger accommodations) under the trade name "Swedish Chicago Line" in the trade between Newfoundland ports, United States and Canadian ports on the Great Lakes, St. Lawrence River and adjacent waters (but not including transportation within the purview of the Coastwise laws of the United States) and Swedish, Norwegian, Danish, Finnish, Russian and other Baltic ports, and ports in England, Scotland, Wales and Ireland. This agreement will supersede and cancel Agreement No. 7665.

(2) Agreement No. 8250, between Ellerman & Papayanni Lines, Ltd., Compagnie de Navigation Cyprien Fabre, and Compagnie de Navigation Fraissinet, provides for the creation of a conference to be known as the American Great Lakes Mediterranean Eastbound Freight Conference, for the establishment and maintenance of rates, charges and practices for or in connection with the transportation of cargo in the eastbound trade from United States ports on the Great Lakes to Mediterranean, North African, and Iberian Peninsular ports, by direct call or transhipment.

(3) Agreement No. 8260, between Ellerman & Papayanni Lines, Ltd., Compagnie de Navigation Cyprien Fabre, and Compagnie de Navigation Fraissinet, provides for the creation of a conference to be known as The Mediterranean American Great Lakes Westbound Freight Conference, for the establishment and maintenance of rates, charges and practices for or in connection with the transportation of cargo in the westbound trade from Mediterranean, North African and Iberian Peninsular ports to United States ports on the Great Lakes, by direct call or transhipment.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 14, 1955.

By order of the Federal Maritime Board.

[SEAL] THOS. E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55-4935; Filed, June 17, 1955; 8:53 a. m.]

Maritime Administration

ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS OF TRADE ROUTE No. 25

CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that on June 4, 1955, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of the following United States foreign trade route, and in accordance with his action of October 29, 1954, ordered that his conclusions and determinations with respect to said route be published in the FEDERAL REGISTER:

Trade Route No. 25—U. S. Pacific/West Coast Mexico, Central and South America. Between United States Pacific ports (Washington-California inclusive) and Pacific ports of Mexico, Central America, Panama, the Canal Zone and South America (Colombia, Ecuador, Peru and Chile).

1. The above-described Trade Route No. 25 is reaffirmed as an essential United States foreign trade route with no change in the United States or foreign areas heretofore served.

2. It is determined that requirements for adequate United States flag operation are approximately three sailings a month with freight vessels.

3. It is further determined that (a) the C-2 type freighters now operated on Trade Route No. 25 are suitable for operation thereon and six such ships are required to make approximately fortnightly sailings; and

(b) in addition, C-1 type freighters are suitable for operation between United States Pacific ports and ports on the West Coast of Mexico, Central America and South America not south of Buenaventura, Colombia, and three such ships are required to make approximately monthly sailings.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views thereon, should submit same in writing to the Secretary, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: June 15, 1955.

By order of the Maritime Administrator.

[SEAL] THOMAS E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55-4936; Filed, June 17, 1955; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11276-11278; FCC 55M-530]

RADIO SUBURBIA, INC., ET AL.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of Edward Schons & William E. Schons d/b as Radio Suburbia, Inc., Hopkins-Edina-St. Louis Park, Minn.; Docket No. 11276, File No. BP-9405; Suburban Broadcasting Corp., Hopkins-St. Louis Park-Edina, Minn., Docket No. 11277, File No. BP-9467; The Northeast Iowa Radio Corp. (KOEL), Oelwein, Iowa, Docket No. 11278, File No. BP-9498; for construction permits.

A pre-hearing conference in the above-entitled proceeding will be held on Thursday, June 23, 1955, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

Dated: June 14, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4927; Filed, June 17, 1955; 8:51 a. m.]

[Docket No. 11360; FCC 55M-525]

MOUNTAIN STATE BROADCASTING CO., INC.

NOTICE SCHEDULING PRE-HEARING CONFERENCE

In re application of Mountain State Broadcasting Co., Inc., Morgantown, West Virginia, Docket No. 11360, File No. BP-9471; for construction permit.

All parties to this proceeding are hereby notified that the prehearing conference held June 10, 1955, has been adjourned until 10:00 a. m., Tuesday, June 28, 1955, at Washington, D. C., puruant to action taken on the record.

Dated: June 10, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4926; Filed, June 17, 1955; 8:51 a. m.]

[Docket No. 11371; FCC 55M-527]

DEEP SOUTH BROADCASTING CO. (WSLA)

ORDER CONTINUING HEARING

In re application of Deep South Broadcasting Company (WSLA), Selma, Alabama, Docket No. 11371, File No. BMPCT-2100; for modification of construction permit.

The Hearing Examiner having under consideration: (1) The continuance of the hearing; and (2) an agreement among counsel relating to the appearance of certain witnesses now under subpoena;

It appearing that the hearing is currently scheduled to commence on June 16, 1955, that a number of petitions for intervention and for enlarging the issues are pending before the full Commission and the action taken upon such petitions will substantially affect the course and length of the hearing; so that, in the Hearing Examiner's opinion, any attempt to go forward with the scheduled hearing prior to such action on the petitions would be inadvisable; and

It further appearing that an informal conference was held on June 9, 1955, at which counsel appeared on behalf of the applicant, the Broadcast Bureau, and the several parties who are seeking to intervene, and in the course of this conference an agreeement was reached among the attorney concerned to the effect that the following witnesses, now under subpoena, will appear voluntarily:

Lieutenant Colonel John D. Harris, Jr., Room BF-941-C, The Pentagon.
Commander Myrton T. Ebright, Room 5-E-581, The Pentagon.
Lieutenant Colonel James B. Gregorie, Jr., Room 2-E-661, The Pentagon.
Roger G. Flynn, Air Transport Association of America, 1107 16th Street NW., Washington, D. C.

It further appearing that counsel for the applicant has consented, in the light of the foregoing agreement, to the quashing to the subpoenas which he previously requested; and

It further appearing that the date of June 28, 1955, would be the most feasible on which to commence the proceeding and would best accommodate the needs and schedules of all parties and the Hearing Examiner;

It is ordered, This 13th day of June 1955, that the date for commencing the hearing is continued from June 16 to June 28, 1955, at 10:00 a. m. in Washington, D. C.; and

It is further ordered, That the subpoenas heretofore issued to the persons named above are quashed pursuant to

the above-recited agreement among counsel.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-4925; Filed, June 17, 1955; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1706 et al.]

REOPENED TRANSATLANTIC FINAL MAIL RATE CASE

NOTICE OF HEARING

In the matter of the proceeding known as the Reopened Transatlantic Final Mail Rate Case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 205, 406, and 1001 thereof, that the above-entitled proceeding is hereby assigned for hearing on June 27, 1955, at 10:00 a. m., e. d. s. t., in Room 5132, Department of Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Notice is further given that any person other than a party of record desiring to be heard in this proceeding shall file with the Board on or before June 27, 1955, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

For further details of the proceeding and the issues involved, interested persons are referred to order of the Board No. E-8672 dated September 29, 1954, reopening the proceeding, the prehearing conference report, and the other documents contained in the official docket in the case on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D. C., June 15, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-4934; Filed, June 17, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-6697, G-6698]

N. L. ADAMS, SR., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 13, 1955.

In the matters of N. L. Adams, Sr., and N. L. Adams, Jr., Docket No. G-6697; Courtney Stewart, Docket No. G-6698.

Take notice that N. L. Adams, Sr., N. L. Adams, Jr., at Docket No. G-6697 and Courtney Stewart at Docket No. G-6698, with principal offices in Shreveport, Louisiana, and Atlanta, Texas, respectively, referred to collectively as Applicant, filed on December 6, 1954, an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Rodessa Field, Caddo Parish, Louisiana, and to sell in interstate commerce to Arkansas Louisiana Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 6, 1955, at 9:45 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests and petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 24, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4910; Filed, June 17, 1955; 8:47 a. m.]

[Docket No. G-8690]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 14, 1955.

Take notice that Colorado-Wyoming Gas Company (Applicant), a corporation with a principal office in Denver, Colorado, filed on March 30, 1955, an application and a supplement thereto dated May 11, 1955, for (a) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct natural-gas facilities and render service as hereinafter described, and (b) permission and approval to abandon and remove facilities subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate (1) 9.5 miles of 16-inch gas pipe line from a point on its Mesa-Boulder line to Thornton in the suburbs of Denver, Colorado, (2) 4.0 miles of 12-inch gas pipeline to connect the line described in (1) above at Thornton to its North Westminster lateral in the suburbs of Denver, Colorado, (3) 2.5 miles of 4-inch gas pipeline (Sheridan Boulevard branch line) to connect North Westminster with Westminster in the suburbs of Denver, Colorado, (4) 3 miles of 8-inch line looping an existing Boulder lateral, including a new meter station for Boulder, Colorado, (5) 400 feet of 4-inch lateral line looping an existing Loveland, Colorado, lateral, (6) a new meter station near West 38th Avenue and Youngfield in the suburbs of Denver, Colorado, (7) 10 new group meter stations to replace farm taps in the Boulder, Fort Collins and Denver areas, for the purpose of serving Applicant's existing customer, Public Service Company of Colorado, corporate parent of Applicant.

Applicant proposes to abandon and remove its West Loveland Meter Station and 3400-feet of 6-inch pipeline from part of its system near Thornton, Colorado.

The application further recites authority is requested for two new points of connection with its supplier, Colorado Interstate Gas Company, one about 11-miles south of Cheyenne, Wyoming, on Applicants 16-inch main line, and the other about 4-miles west of Greeley, Colorado, on its 8-inch main line, each requiring approximately 1000 feet of 16-inch and 10-inch pipeline respectively, and appurtenances.

The estimated capital cost of the proposed facilities is $581,115, which Applicant proposes to finance by borrowing from its parent, Public Service Company of Colorado, or from banks.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 6, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR, 1.8 or 1.10) on or before June 24, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4911; Filed, June 17, 1955; 8:47 a. m.]

[Docket No. G-9003]

TENNESSEE GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 14, 1955.

Take notice that Tennessee Gas Pipe Line Company (Applicant), a Tennessee corporation whose address is Murfreesboro, Tennessee filed on June 6, 1955, an application, as supplemented on June 10, 1955, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 8,000 feet of 4.5-inch O. D. transmission pipeline extending from a point on the 30-inch transmission pipeline of Texas Eastern Transmission Corporation to the Sewart Air Force Base. Applicant proposes to sell and deliver gas to the United States Air Force for distribution on the Air Force Base. Evidence as to the feasibility of the proposed project of Applicant was presented in Docket No. G-2573.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 8, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4912; Filed, June 17, 1955; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 15, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30748: Cheese food and spreads—Wisconsin to the South. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on cheese food and cheese spreads, carloads, from specified points in Wisconsin to specified points in the South.

Grounds for relief: Short-line distance formula, circuity, and analogous commodities.

FSA No. 30749: Blackstrap molasses from Baton Rouge and New Orleans, La. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on blackstrap molasses, distillery molasses residuum, and citrus pomace final syrup, carloads, from Baton Rouge and New Orleans, La., to specified destinations in Illinois, Indiana, Kentucky, Ohio, Tennessee, and West Virginia.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 30750: Latex—North Atlantic ports to central territory. Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on latex (liquid crude rubber), in packages, carloads and in tank cars, from Baltimore, Md., Albany and New York, N. Y., Boston, Mass., Philadelphia, Pa., Hampton Roads ports in Virginia, to specified destinations in Illinois, Indiana, Michigan, Missouri (St. Louis only), Ohio, and Wisconsin.

Grounds for relief: Rates made with relation to import class rates constructed on a distance formula, and circuity.

Tariff: Supplement 69 to Agent Boin's I. C. C. A-1015 and two other tariffs.

FSA No. 30751: Gravel from Dickason Pit, Ind., to Mocassin, Ill. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on gravel, carloads, from Dickason Pit, Ind., to Mocassin, Ill.

Grounds for relief: Wayside pit and motor-truck competition.

Tariff: Supplement 52 to Chicago & Eastern Illinois Railroad Company's tariff I. C. C. 144.

FSA No. 30752: Foodstuffs—Western points to official territory. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads, from origins in western trunk-line and northwestern territories to destinations in official territory.

Grounds for relief: Circuitous routes through southern territory.

Tariffs: Supplement 4 to Agent Prueter's I. C. C. A-4079; Supplement 7 to Agent Kratzmeir's I. C. C. 4138.

FSA No. 30753: Crushed stone—butterfield, Ark.; to Ensley, Ala. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crushed stone, carloads, from Butterfield, Ark., to Ensley, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 23 to Agent Kratzmeir's I. C. C. 4135.

FSA No. 30754: Grain, grain products, and related articles in the South. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on grain, grain products, animal or poultry feed, hay, straw, peanut hulls, and related commodities, carloads and less-than-carloads, between points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Agent Spaninger's tariff I. C. C. 1483.

FSA No. 30755: Acetone and related articles from the South to Southern official border points. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on acetone, alcohol, anti-freeze preparations, and related articles, carloads, from points in southern territory to points in southern-official territory border points named in exhibit A of the application.

Grounds for relief: Exceptions rates constructed on short-line distance formula and maintenance of higher class rates at intermediate points in southern territory. Circuitous routes.

Tariff: Agent Spaninger's tariff I. C. C. 1483.

FSA No. 30756: Pressure pipe within the South. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cast iron pressure pipe, and fittings, carloads, from specified points in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia to specified points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

Grounds for relief: Short-line distance scale, motor-truck competition and circuity.

Tariff: Supplement 46 to Agent Spaninger's I. C. C. 1374.

FSA No. 30757: Liquid caustic soda—Memphis, Tenn., to Foley, Fla. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads, from Memphis, Tenn., to Foley, Fla.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 220 to Agent Spaninger's I. C. C. 1062.

FSA No. 30758: Iron and steel articles—via Seatrain Lines, Inc. Filed by Seatrain Lines, Inc., for itself and other interested rail carriers. Rates on iron and steel articles, carloads, from Edgewater, N. J., and other points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, named in exhibit 2 of the application to specified points in Alabama and Georgia, also to Chattanooga, Tenn.

Grounds for relief: Competition with all-rail carriers and circuitous routes.

Tariff: Supplement 65 to Seatrain Lines, Inc., tariff I. C. C. No. 106.

FSA No. 30759: Iron and steel articles—via Seatrain Lines, Inc. Filed by Seatrain Lines, Inc., for itself and other interested rail carriers. Rates on iron and steel articles, carloads, from (a) from eastern points taking Hartford, Conn., New Brunswick, N. J., and Wharton, N. J., rates to specified points in Alabama, Georgia, and Tennessee, and (b) from specified points in Alabama, Georgia, and Tennessee to Edgewater, N. J., and eastern points taking Mineola, N. Y. rates.

Grounds for relief: Competition with rail carriers and circuitous routes.

Tariff: Supplement 64 to Seatrain Lines, Inc., tariff I. C. C. 106.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-4922; Filed, June 17, 1955; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JHR. HENRI REUCHLIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jhr. Henri Reuchlin, Esschenweg 15, Rotterdam, The Netherlands, Claim No. 41851, Vesting Order 248; The amount of $497.38 in the Treasury of the United States.

Executed at Washington, D. C., on June 13, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55-4923; Filed, June 17, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 50-45]

UNION ELECTRIC COMPANY OF MISSOURI

ORDER GRANTING EXEMPTION REGARDING DISSOLUTION OF NORTH AMERICAN LIGHT & POWER COMPANY

JUNE 14, 1955.

Union Electric Company of Missouri ("Union Electric"), a registered holding company and a public utility company, has filed an application pursuant to Rule U-100 (a) of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transaction:

Pursuant to a plan for the dissolution of The North American Company ("North American"), and an Order of the Commission dated October 31, 1952, approving said Plan, Union Electric on February 10, 1955, acquired all of the outstanding capital stock of North American Light & Power Company ("Light & Power"), consisting of 5,327,067 shares of common stock of the par value of $1 per share. Said Order of October 31, 1952, provided inter alia that, within six months from the date of acquisition, Union Electric should dispose of all securities or other interest in Light & Power, or the securities or properties owned by said company, other than cash or its equivalent, as Union Electric might acquire from North American. Light & Power's properties and assets now consist solely of cash in the amount of $64,568 and a claim for refund of Federal income taxes pending in the United States District Court for the District of Delaware.

Union Electric, as the sole stockholder of Light & Power, has also filed a Notice pursuant to Rule U-44 (c) of its intention to file in the office of the Secretary of State of the State of Delaware on or about June 10, 1955, a consent in writing to the dissolution of Light & Power pursuant to section 275 (d) of the General Corporation Law of the State of Delaware. Upon such dissolution, Light & Power will distribute to Union Electric all of its remaining assets (after payment of such fees and taxes as may be required in connection with such dissolution), and Union Electric will surrender to Light & Power for cancellation the certificates for said 5,327,067 shares of common stock of Light & Power.

It appearing to the Commission that the dissolution of Light & Power is, or may be, subject to the provisions of Rules U-42 and U-43; it also appearing that the dissolution of Light & Power will not be detrimental to the public interest or the interests of investors and consumers; and the Commission finding that it is not necessary or appropriate in the public interest or the interests of investors or consumers that the dissolution of Light & Power be subject to the requirements of Rules U-42 and U-43:

It is ordered, Pursuant to the provisions of Rule U-100 (a), that the dissolution of Light & Power be, and the same hereby is, exempted from the provisions of Rules U-42 and U-43.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4914; Filed, June 17, 1955; 8:48 a. m.]

[File Nos. 54-196, 59-97, 70-2681]

MISSION OIL CO. ET AL.

NOTICE OF FILING OF APPLICATION FOR FURTHER EXTENSION OF TIME FOR DISPOSITION BY SINCLAIR OIL CORPORATION OF COMMON STOCK OF SUBSIDIARY

JUNE 14, 1955.

In the matter of the Mission Oil Company Southwestern Development Company and subsidiaries, and Sinclair Oil Corporation; File Nos. 54-196 and 59-97. In the matter of Albert R. Jones, et al., File No. 70-2681.

Notice is hereby given that Sinclair Oil Corporation ("Sinclair"), a registered holding company which is exempt from the provisions of the Public Utility Holding Company Act of 1935 ("act"), except sections 9 (a) (2) and 11 (b), (c), and (e) thereof, has filed with this Commission, pursuant to the act, an application requesting the Commission to extend for a further period of six months from June 21, 1955, the time within which to effect a disposition of its holdings of the common stock of Westpan Hydrocarbon Company ("Westpan"), which disposition was provided for in a plan approved by the Commission, pursuant to section 11 (e) of the act, by order dated December 21, 1951 (Holding Company Act Release No. 10969), as modified and supplemented by the Commission's order of December 24, 1953 (Holding Company Act Release No. 12277).

The plan provided, among other things, for the disposition by Sinclair within one year from December 21, 1951, "or such longer time as the Commission may by further order grant," of the common stock of Westpan, a non-utility subsidiary of Southwestern Development Company, a registered holding company, received by Sinclair under the provisions of the plan.

The Commission, by orders dated December 24, 1952, July 1, 1953, January 22, 1954, June 24, 1954, and December 21, 1954 (Holding Company Act Release Nos. 11640, 12030, 12319, 12562, and 12754) extended until June 21, 1955 the time within which Sinclair might dispose of the common stock of Westpan.

In connection with the extension of time granted by the order of December 21, 1954, Sinclair stated that if it had not received an acceptable offer for the Westpan stock on or prior to March 31, 1955, it was its intention to request, on or about April 1, 1955, all persons who appeared to be interested in purchasing such stock to submit, not later than April 15, 1955, an offer to purchase the stock.

On May 4, 1955, Sinclair filed with the Commission, pursuant to Rule U-44 (c) promulgated under the act, a notice of intention to sell its holdings of the common stock of Westpan to Jalco, Inc., a non-affiliate of both Westpan and Sinclair, for $12 per share in cash, or a total of $4,618,330.32, plus an undetermined contingent additional amount of not to exceed $2.50 per share, all in accordance with the terms of a contract between Sinclair and Jalco, Inc., dated March 31, 1955. Subsequently, Sinclair supplemented the notification by filing additional material in respect thereof. On June 6, 1955, the Commission advised Sinclair, pursuant to Rule U-44 (c), that it would not require the filing of a declaration in respect of the proposed sale of the Westpan common stock.

Under the contract Jalco, Inc.'s, obligation to purchase the Westpan common stock is conditioned upon, among other things, (a) the consummation of the liquidation of Westpan through the sale of its assets, pursuant to a plan, to be approved by the holders of not less than 75 percent of the total number of outstanding shares of Westpan, for an aggregate price which will net to all stockholders a cash distribution of not less than $12 per share, together with an additional contingent distribution of not to exceed $2.50 per share payable under the same contingencies as those provided in the contract for the payment of such possible additional amount to Sinclair, and (b) favorable rulings from the Internal Revenue Service in respect of the tax consequences of the proposed transactions. The liquidation of Westpan is to be consummated within twelve (12) months from the date of the adoption by the stockholders of the plan therefor. The contract also provides for a closing date not later than December 15, 1955, subject to the right of Sinclair to designate a new closing date in the event the plan for the liquidation of Westpan has been adopted but the sale of substantially all of its assets upon the terms and for the aggregate price indicated has not been consummated by November 15, 1955.

In support of its application for a further extension of time, Sinclair states that in the exercise of due diligence (including repeated and extensive publication of the fact that its holdings of Westpan's common stock were for sale and numerous conferences and negotiations with persons who indicated an interest in purchasing the stock, all of which are fully disclosed in the various applications for extension of time within which to dispose of such stock and the various reports filed in compliance with the orders granting such extensions), it has been unable to dispose of the stock, and will be unable to do so prior to June 21, 1955, the time allowed by the order of December 21, 1954. Sinclair further states that it is confident it can fulfill the conditions of the contract with Jalco, Inc. and consummate the sale of its holdings of Westpan's common stock by December 21, 1955.

Notice is further given that any interested person may, not later than June 28, 1955, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held in respect of the application for a further extension of time within which Sinclair may dispose of its holdings of common stock of Westpan, stating the nature of his interest, the reason for such request and the issues of fact or law raised by the application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may grant the application, as filed or as amended, pursuant tc Rule U-23 of the rules and regulations promulgated under the act, or the Commission may take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4913; Filed, June 17, 1955; 8:48 a. m.]

[File Nos. 54-132, 70-1149, 70-1150, 70-1419]

ENGINEERS PUBLIC SERVICE CO. ET AL.

SUPPLEMENTAL ORDER APPROVING PAYMENT OF ADDITIONAL FEES

JUNE 14, 1955.

In the matter of Engineers Public Service Company, File No. 54-132; El Paso Electric Company, File No. 70-1149; Gulf States Utilities Company, File No. 70-1150; Virginia Electric and Power Company, File No. 70-1419.

The Commission by its Findings, Opinion and Order dated March 26, 1952 (Holding Company Act Release No. 11096), having directed, among other things, the payment by Engineers Public Service Company, then a registered holding company, to Guggenheimer & Untermyer of $5,000 and to Louis Boehm and Raymond L. Wise of $2,500 as counsel fees and reimbursement of such of the expenses of said applicants as were applicable to the services for which compensation was awarded and as agreed to be so by the applicants and the company; and

The United States District Court for the District of Delaware on February 16, 1954, having ordered and decreed, among other things, that the Commission amend its Findings, Opinion and Order of March 26, 1952, to direct Engineers Public Service Company to pay to said Guggenheimer & Untermyer and to said Louis Boehm and Raymond L. Wise the following amounts as counsel fees and reimbursements of expenses:

Name	Fees [1]	Disbursements [1]
Guggenheimer & Untermyer	$50,000	$7,031.89
Louis Boehm and Raymond L. Wise	35,892	1,220.67

[1] Less any amounts theretofore paid pursuant to the Commission's Order dated Mar. 26, 1952.

The United States Court of Appeals for the Third Circuit on April 5, 1955, having affirmed the said Order of the United States District Court for the District of Delaware insofar as it relates to the amounts to be paid to said Guggenheimer & Untermyer and to said Louis Boehm and Raymond L. Wise, and it appearing that no party to the appellate proceeding proposes to petition the United States Supreme Court to grant certiorari to the United States Court of Appeals for the Third Circuit to review the decision of that Court:

It is ordered, That the Commission's Findings, Opinion and Order dated March 26, 1952, be, and the same hereby are, amended so as to direct the payment by Engineers Public Service Company to Guggenheimer & Untermyer of $50,000 and to Louis Boehm and Raymond L. Wise of $35,892 as legal fees and reimbursement of expenses in the respective amounts of $7,031.89 and $1,220.67, less any amounts heretofore paid pursuant to the Commission's Order dated March 26, 1952.

It is further ordered, That the counsel fees and reimbursement of expenses hereinabove authorized are in complete and final allowance of all such compensation and reimbursement of such expenses, without prejudice, however, to whatever rights the applicants would otherwise have to make application hereafter for supplemental allowances of compensation and reimbursement of expenses covering services rendered and expenses incurred by said applicants subsequent to the filing in 1949 of their original applications; and the entry of this order shall not be deemed a waiver of any such rights of applicants.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4916; Filed, June 17, 1955; 8:49 a. m.]

[File No. 70-3380]

NORTHERN PENNSYLVANIA POWER CO. AND GENERAL PUBLIC UTILITIES CORP.

ORDER AUTHORIZING CASH CAPITAL CONTRIBUTIONS FROM PARENT REGISTERED HOLDING COMPANY TO SUBSIDIARY PUBLIC UTILITY COMPANY AND ISSUANCE AND SALE BY SUBSIDIARY COMPANY OF UNSECURED PROMISSORY NOTE OR NOTES TO COMMERCIAL BANKS

JUNE 14, 1955.

General Public Utilities Corporation ("GPU"), a registered holding company, and its subsidiary, Northern Pennsylvania Power Company ("North Penn"), a public utility company, have made a joint filing with this Commission pursuant to sections 6 (a), 7, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder, in respect of the following transactions:

GPU proposes to make cash capital contributions in an aggregate amount not to exceed $850,000 to North Penn, these capital contributions to be made from time to time, but not later than December 31, 1955, as North Penn requires funds for construction purposes or to reimburse its treasury for expenditures made therefrom for construction purposes or to repay bank loans utilized for such purposes. Each contribution upon receipt by North Penn will be credited by North Penn to stated capital applicable to its common stock.

North Penn proposes to issue and sell to one or more commercial banks its unsecured promissory note or notes in the aggregate principal amount outstanding at any one time of not to exceed $2,000,000.

This note or these notes may be issued from time to time but no note will be issued after December 31, 1955. Each note will mature by its terms not more than nine months after the date of issuance and will bear interest at the prime rate for commercial borrowings prevailing at the time each note is issued. The proceeds from this financing are to be used by North Penn to repay its unsecured short-term promissory note outstanding in the amount of $2,000,000 maturing September 29, 1955, and/or to pay for construction costs and/or to reimburse North Penn's treasury in part for expenditures therefrom for construction purposes and/or to repay other notes issued pursuant to this declaration.

There is pending before this Commission a proceeding concerned with a proposed merger of North Penn into Pennsylvania Electric Company, an associate company of North Penn (File No. 70-3050). GPU stipulated and agreed in the instant filing that favorable disposition by this Commission of the proposed

capital contributions by it to North Penn and the proposed note financing by North Penn will carry no implication favorable or unfavorable with respect to the disposition of the merger proceedings. The filing represents that North Penn has been deferring the issuance of long-term debt to provide for its construction program pending disposition of the merger proceedings.

The fees and expenses to be paid by GPU, including legal fees, in this matter will not exceed $750 and North Penn's expenses, including legal fees, will not exceed $300.

No State commission or Federal commission other than the Securities and Exchange Commission has jurisdiction in respect of the proposed transactions.

GPU and North Penn have requested that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of said joint declaration and a hearing not having been requested of or ordered by the Commission; the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, and deeming it appropriate, in the public interest and in the interest of investors and consumers, that said declaration, as amended, be permitted to become effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint declaration, as amended, be and hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-4915; Filed, June 17, 1955; 8:48 a. m.]

UNIVERSITY OF MICHIGAN

MAIN READING ROOM

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 20 NUMBER 120

Washington, Tuesday, June 21, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10615

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN CERTAIN CARRIERS REPRESENTED BY THE EASTERN, WESTERN, AND SOUTHEASTERN CARRIERS' CONFERENCE COMMITTEES AND CERTAIN OF THEIR EMPLOYEES

WHEREAS a dispute exists between certain carriers represented by the Eastern, Western, and Southeastern Carriers' Conference Committees which are designated in List A attached hereto and made a part hereof, and certain of their employees represented by the Brotherhood of Locomotive Firemen and Enginemen, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by any of the carriers involved or their employees in the conditions out of which the said dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 17, 1955.

LIST A

EASTERN REGION

Akron, Canton & Youngstown Railroad.
Aliquippa & Southern Railroad.
Ann Arbor Railroad.
Baltimore and Ohio Railroad:
  Buffalo, Rochester & Pittsburgh Territory.
  Buffalo and Susquehanna District.
  Baltimore & Ohio-Chicago Terminal Railroad.
  Curtis Bay Railroad.
  Staten Island Rapid Transit Railway.
  Strouds Creek & Muddlety Railroad.
Bessemer and Lake Erie Railroad.
Boston and Maine Railroad.
Bush Terminal Railroad.
Central Railroad Company of New Jersey.
Central Vermont Railway.
Chicago, Indianapolis & Louisville Railway.
Cincinnati Union Terminal Company.
Cuyahoga Valley Railway.
Delaware and Hudson Railroad.
Delaware, Lackawanna & Western Railroad.
Detroit, Toledo & Ironton Railroad.
Erie Railroad.
Grand Trunk Western Railway.
Indianapolis Union Railway.
Lake Terminal Railroad.
Lehigh & New England Railroad.
Lehigh Valley Railroad.
Long Island Railroad.
Maine Central Railroad:
  Portland Terminal.
McKeesport Connecting Railroad.
Monongahela Connecting Railroad.
Monongahela Railway.
Montour Railroad.
Newburgh & South Shore Railway.
New York Central System:
  New York Central Railroad—Buffalo & East.
  New York Central Railroad—West of Buffalo.
  Ohio Central Division.
  Federal Valley.
  Michigan Central Railroad.
  Cleveland, Cincinnati, Chicago & St. Louis Railway.
  Peoria & Eastern Railway.
  Boston and Albany Railroad.
  Pittsburgh & Lake Erie Railroad.
  Lake Erie & Eastern Railway.
  Indiana Harbor Belt Railroad.
  Cleveland Union Terminals Company.
New York, Chicago and St. Louis Railroad.
New York, New Haven & Hartford Railroad.
New York, Susquehanna & Western Railroad.
Pennsylvania Railroad:
  Baltimore & Eastern Railroad.
Pennsylvania-Reading Seashore Lines.
Pittsburgh & West Virginia Railway.

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THE PRESIDENT

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 17 ($0.55)

Title 32A, Revised Dec. 31, 1954 ($1.50)

Title 38 ($2.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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Chicago & Illinois Midland Railway.
Chicago and North Western Railway.
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Chicago Great Western Railway—Including South St. Paul Terminal.
Chicago, Milwaukee, St. Paul & Pacific Railroad.
Chicago, Rock Island & Pacific Railroad:
Joint Texas Division of CRI&P RR and Ft. Worth & Denver Railway.
Chicago, St. Paul, Minneapolis & Omaha Railway.
Colorado and Southern Railway.
Davenport, Rock Island and North Western Railway.
Des Moines Union Railway.
Duluth, South Shore and Atlantic Railroad.
East St. Louis Junction Railroad.
Elgin, Joliet & Eastern Railway.
Fort Worth and Denver Railway.
Galveston, Houston and Henderson Railroad.
Great Northern Railway.
Green Bay and Western Railroad:
Kewaunee, Green Bay and Western Railroad.
Gulf Coast Lines:
Asherton and Gulf Railway.
Asphalt Belt Railway.
Houston and Brazos Valley Railway.
Rio Grande City Railway.
St. Louis, Brownsville & Mexico Railway.
San Antonio Southern Railway.
San Antonio, Uvalde & Gulf Railroad.
San Benito and Rio Grande Valley Railway.
Sugar Land Railway.
Houston Belt & Terminal Railway.
Illinois Central Railroad.
International-Great Northern Railway.
Kansas City Southern Railway.
King Street Passenger Station (Seattle).
Los Angeles Junction Railway.
Louisiana & Arkansas Railway.
Manufacturers Railway.
Midland Valley Railroad:
Kansas, Oklahoma & Gulf Railway.
Minneapolis & St. Louis Railway.
Railway Tfr. Company of the City of Minneapolis.
Minneapolis, St. Paul & Sault Ste. Marie Railroad.
Minnesota Transfer Railway.
Missouri-Kansas-Texas Railroad:
Missouri-Kansas-Texas Railroad Company of Texas.
Missouri Pacific Railroad:
Missouri-Illinois Railroad.
Northern Pacific Railway.
Northern Pacific Terminal Company of Oregon.
Northwestern Pacific Railroad.
Ogden Union Railway and Depot Company.
Oregon, California & Eastern Railway.
Peoria and Pekin Union Railway.
Port Terminal Railroad Association.
St. Joseph Terminal Railroad.
St. Louis-San Francisco Railway:
St. Louis, San Francisco & Texas Railway.
St. Louis Southwestern Railway.
St. Paul Union Depot Company.
San Diego & Arizona Eastern Railway.
Sioux City Terminal Railway.
Southern Pacific Company (Pacific Lines) (Excluding former El Paso & Southwestern System and Nogales, Arizona Yard).
Southern Pacific Company (Pacific Lines) (Former El Paso and Southwestern System).
Spokane International Railroad.
Spokane, Portland and Seattle Railway:
Oregon Trunk Railway.
Oregon Electric Railway.
Terminal Railroad Association of St. Louis.
Texas and New Orleans Railroad.
Texas and Pacific Railway:
Fort Worth Belt Railway.
Texas-New Mexico Railway.
Texas Short Line Railway.
TP–MP Terminal Railroad of New Orleans.
Toledo, Peoria & Western Railroad.
Union Pacific Railroad.
Pittsburgh, Chartiers & Youghiogheny Railway.
Reading Company.
Toledo Terminal Railroad.
Union Freight Railroad (Boston).
Washington Terminal Company.
Youngstown and Northern Railroad.

WESTERN REGION

Alton and Southern Railroad.
Atchison, Topeka and Sante Fe Railway:
Gulf, Colorado and Santa Fe Railway.
Panhandle and Santa Fe Railway.
Belt Railway Company of Chicago.
Camas Prairie Railroad.
Chicago & Eastern Illinois Railroad.
Union Railway (Memphis).
Union Terminal Company (Dallas).
Wabash Railroad, Lines West of Detroit and Toledo.
Wabash Railroad, Lines East of Detroit (Buffalo Division).
Western Pacific Railroad.

SOUTHEASTERN REGION

Atlantic Coast Line Railroad.
Atlanta & West Point Railroad:
Western Railway of Alabama.
Atlanta Joint Terminals.
Birmingham Southern Railroad.
Charleston & Western Carolina Railway.
Chesapeake & Ohio Railway.
Clinchfield Railroad.
Florida East Coast Railway.
Georgia Railroad.
Gulf Mobile & Ohio Railroad.
Kentucky & Indiana Terminal Railroad.
Louisville & Nashville Railroad.
Norfolk Southern Railway Company.
Norfolk & Portsmouth Belt Line Railroad.
Norfolk & Western Railway.
Richmond, Fredericksburg & Potomac Railroad:
Potomac Yards.
Seaboard Air Line Railway Company.
Southern Railway (Including State University Railroad):
Alabama Great Southern.
Cincinnati New Orleans & Texas Pacific Railway.
Georgia Southern & Florida Railway.
Harriman & Northeastern Railroad Company.
New Orleans & Northeastern Railroad Company.
New Orleans Terminal Company.
St. Johns River Terminal Company.
Tennessee Central Railway Company.
Virginian Railway Company.

[F. R. Doc. 55–5005; Filed, June 17, 1955; 4:54 p. m.]

RULES AND REGULATIONS

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21–117]

PART 71—WAXED PAPER INDUSTRY

ORDER RESCINDING RULES

Whereas, on January 25, 1932, the Commission promulgated trade practice rules for the Waxed Paper Industry, which were codified in the Code of Federal Regulations (16 CFR Part 71); and

Whereas, it appears that said rules for this industry do not in some respects accurately reflect existing requirements of law, and members of this industry generally are not interested in having such rules revised; and

Whereas, under the circumstances proceedings for revision of the rules for this industry do not appear to be warranted;

It is ordered, That the said rules be and the same are hereby rescinded.

Issued: June 16, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 55–4969; Filed, June 20, 1955; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 32[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

PART 398—PRIORITY RATINGS

MISCELLANEOUS AMENDMENTS

1. Section 373.49 *Machinery and parts*, paragraph (c) *Tools incorporating diamonds* is amended in the following particulars:

Subdivision (iii) of subparagraph (3) *Application requirements* is amended to read as follows:

(iii) License applications to export diamond grinding wheels, sticks, hones, and laps, Schedule B No. 540905, must state the quantity and the approximate carat weight of the diamond content of each commodity; and

2. Section 373.65 *Ultimate consignee and purchaser statements*, paragraph (a) *Scope* is amended in the following particulars:

A footnote symbol is added following the last word of subdivision (ii) of subparagraph (3) *Multiple transaction statement from ultimate consignee* and following the last word of subdivision (i) of subparagraph (4) *Alternative for multiple transaction statement* and a footnote relating thereto is added to read as follows:

Multiple transaction consignee and purchaser statements or certifications as provided in § 373.65 (a) (4), on file with the Bureau of Foreign Commerce and in accordance with the export control regulations on June 9, 1955, are automatically extended from the date appearing in Item 4 of Form IT– or FC–843 or Item 3 of the certification, until December 30, 1955. A supplemental statement must be submitted, however, disclosing any change of facts or intention, as provided in Item 13 of Form IT– or FC–843 or Items 4 and 5 of the certification. This

[1] This amendment was published in Current Export Bulletin No. 751, dated June 9, 1955, with the exception of part 3 which was published in the reprint pages dated May 19, 1955.

extension is in addition to the extension announced on March 3, 1955.

3. Section 379.1 *General export clearance requirements*, paragraph (b) *Exportations by mail* is amended in the following particulars:

The footnote relating to the footnote symbol following the word "commodity" in subdivision (1) *General requirements* of subparagraph (1) *Shipments requiring a validated license* is amended to read as follows:

[2] Section 385.5 excludes technical data from the requirement for a Declaration.

4. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Bresler, Israel, 100 West 55th St., New York, N. Y.	4-19-55	6-19-55	General and validated licenses, all commodities, any destination, also exports to Canada.	20 F. R. 2741 4-23-55.
Chunichi, Seiyaku K. K., No. 14 Daikancho, Tate, Higashiku, Nagoyashi, Japan.	4-11-55	Until further notice.	do	20 F. R. 2498 4-15-55.
Friedman, Samuel I., Friedman, Saul L., officers of Orchard Refining & Smelting Works, Inc., 9-37 Victoria St., Newark, N. J.	4-19-55	10-19-55	do	20 F. R. 2741 4-23-55.
Fujisawa Shoko K. I., No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan.	4-11-55	Until further notice.	do	20 F. R. 2498 4-15-55.
Kato, Motohisa, Kato, Toshio, officials of Chunichi Seiyaku K. K., No. 14 Daikancho, Tate, Higashiku, Nagoyashi, Japan.	4-11-55	do	do	20 F. R. 2498 4-15-55.
Lai, I. K., Lai, S. K., owners of Levee & Co., 50 Queen's Road Central, Hong Kong and room 604, Fukoku Building, Uchisaiwai-Cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	4-11-55	do	do	20 F. R. 2498 4-15-55.
Levee & Co., 50 Queen's Road Central, Hong Kong and room 604, Fukoku Building, Uchisaiwai-Cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan.	4-11-55	do	do	20 F. R. 2498 4-15-55.
Maru, Tadami, official of Tokyo Shoko K. K., No. 9 Kyobashi 2 Chome, Chuo-Ku, Tokyo, Japan.	4-11-55	do	do	20 F. R. 2498 4-15-55.
Meyns, Peter & Co., Meyns, Peter, Borgfelderstrasse 16, P. O. Box 789, Hamburg, Germany.	4-27-55	do	do	20 F. R. 3518 5-19-55.
Orchard Refining & Smelting Works, Inc., 9-37 Victoria St., Newark, N. J.	4-19-55	10-19-55	do	20 F. R. 2741 4-23-55.
Takeno, Yonesaburo, official of Tokyo Shoko K. K., No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan.	4-11-55	Until further notice.	do	20 F. R. 2498 4-15-55.
Tokyo Shoko K. K., No. 9 Kyobashi 2-Chome, Chuo-Ku, Tokyo, Japan.	4-11-55	do	do	20 F. R. 2498 4-15-55.

b. The following entries are deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Acme News, 420 Market St., San Francisco, Calif.	5-25-53	5-1-55	General and validated licenses, all commodities, any destination, also exports to Canada; except that respondents are permitted to make *G-PUB* shipments out of the Port of San Francisco, Calif. (Related to Victor England, which see).	18 F. R. 3073 5-28-53.
American Iron & Metals, Inc., 2215 Latimer St., Dallas, Tex.	6-1-54	12-1-54 (6-1-55) [1]	General and validated licenses, all commodities, to Mexico. (Related to Commercial Metals Co., et al., which see).	19 F. R. 4095 7-3-54.
Broad, Louis G., of Commercial Metals Co., P. O. Box 1046, Latimer at Corinth, Dallas 1, Tex.	6-1-54	12-1-54 (6-1-55) [1]	General and validated licenses, all commodities, to Mexico.	19 F. R. 4095 7-3-54.
Capital Co., The, room 502 Oi Kwan Building, 63 Des Voeux Road C, Hong Kong.	5-25-53	5-1-55	General and validated licenses, all commodities, any destination, also exports to Canada.	18 F. R. 3073 5-28-53.
Commercial Construction Co., of Texas, Inc., 2512 Corinth St., Dallas, Tex.	6-1-54	12-1-54 (6-1-55) [1]	General and validated licenses, all commodities, to Mexico. (Related to Commercial Metals Co., et al., which see).	19 F. R. 4095 7-3-54.
Commercial Metals Co., P. O. Box 1046, Latimer at Corinth, Dallas 1, Tex.	6-1-54	12-1-54 (6-1-55) [1]	General and validated licenses, all commodities, to Mexico.	19 F. R. 4095 7-3-54.
Com-Met Corp., 20 Exchange Pl., New York, N. Y.	6-1-54	12-1-54 (6-1-55) [1]	General and validated licenses, all commodities, to Mexico. (Related to Commercial Metals Co., et al., which see).	19 F. R. 4095 7-3-54.
England, Victor, England Agencies, Victor, 420 Market St., San Francisco, Calif.	5-25-53	5-1-55	General and validated licenses, all commodities, any destination, also exports to Canada; except that respondents are permitted to make *G-PUB* shipments out of the Port of San Francisco, Calif.	18 F. R. 3073 5-28-53.
Feldman, Jacob of Commercial Metals Co., P. O. Box 1046, Latimer at Corinth, Dallas 1, Tex.	6-1-54	12-1-54 (6-1-55) [1]	General and validated licenses, all commodities, to Mexico.	19 F. R. 4095 7-3-54.
Harley, Charles Co. of Los Angeles, Harley, Charles Co. of San Francisco, 3045 E. Washington Blvd., Los Angeles, Calif., and/or 650 7th St., San Francisco, Calif.	6-1-54	12-1-54 (6-1-55) [1]	General and validated licenses, all commodities, to Mexico. (Related to Commercial Metals Co., et al., which see).	19 F. R. 4095 7-3-54.
Hutchinson Pipe and Waste Material Co., 601-609 North Throckmorton St., Fort Worth, Tex.	6-1-54	12-1-54 (6-1-55) [1]	do	19 F. R. 4095 7-3-54.
Lerner, Sidney M. of Commercial Metals Co., P. O. Box 1046, Latimer at Corinth, Dallas 1, Tex.	6-1-54	12-1-54 (6-1-55) [1]	General and validated licenses, all commodities, to Mexico.	19 F. R. 4095 7-3-54.
Merritt, Charles W., of Commercial Metals Co., P. O. Box 1046, Latimer at Corinth, Dallas 1, Tex.	6-1-54	12-1-54 (6-1-55) [1]	do	19 F. R. 4095 7-3-54.
Metals Detroit, Inc., 514 Stephenson Building, Detroit, Mich.	6-1-54	12-1-54 (6-1-55) [1]	General and validated licenses, all commodities, to Mexico. (Related to Commercial Metals Co., et al., which see).	19 F. R. 4095 7-3-54.
Mindell, David L., 2240 Lincoln Ave., Miami 32, Fla.	5-6-54	6-11-54 (5-7-55) [1]	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2704 5-11-54. 19 F. R. 3971 6-30-54.
Pan, Peter H. T., room 502 Oi Kwan Building, 63 Des Voeux Road C., Hong Kong.	5-25-53	5-1-55	do	18 F. R. 3073 5-28-53.
Watson, J. W., of Commercial Metals Co., P. O. Box 1046, Latimer at Corinth, Dallas 1, Tex.	6-1-54	12-1-54 (6-1-55) [1]	General and validated licenses, all commodities, to Mexico.	19 F. R. 4095 7-3-54.
Western News, 420 Market St., San Francisco, Calif.	5-25-53	5-1-55	General and validated licenses, all commodities, any destination, also exports to Canada; except that respondents are permitted to make G-PUB shipments out of the Port of San Francisco, Calif. (Related to Victor England, which see).	18 F. R. 3073 5-28-53.

[1] This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

5. Section 398.1 *DO (Priority) ratings and allotments symbols (DMS) for MRO supplies for foreign civil air carrier aircraft*, paragraph (c) *Ratings not assigned by Bureau of Foreign Commerce* is amended to read as follows:

(c) *Ratings not assigned by Bureau of Foreign Commerce.* Requests for DO ratings or allotment symbols on purchase orders for delivery of maintenance, repair and operating supplies and supporting navigational aids to foreign civil air carriers registered in any of the countries listed in § 398.51 shall be submitted to The Defense Requirements Branch W 195, Civil Aeronautics Administration, Temporary Building T-5, Washington 25, D. C.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of June 9, 1955.

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-4884; Filed, June 20, 1955; 8:45 a. m.]

[7th Gen. Rev. of Export Regs., Amdt. P. L. 18 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Size measuring machines and instruments, n. e. c., and specially fabricated parts, n. e. c.:				
766993	Instruments or devices capable of controlling dimensions during processing of a rolled metal product, and specially fabricated parts, n. e. c.[1]	----------	TOOL	250	RO
	Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 750850; report furnaces under appropriate Schedule B number according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 707415):				
775055	Vessels, towers, and columns having any of the following characteristics: (a) Any reactor vessel using a catalyst; (b) towers or columns utilizing fractionating trays and bubble caps; (c) vessels or towers containing alloy steel of one percent or more chrome and one-half percent or more molybdenum and/or nickel; and (d) vessels or towers designed to operate at pressures of 360 p. s. i. or over.[1]	----------	GIEQ 1	250	RO
	Nonelectric industrial furnaces, kilns, lehrs and ovens, and parts (report electric furnaces, kilns and ovens in 707415-707492):				
775100	Smelting and refining furnaces designed to operate at pressures lower than 0.1 mm of mercury and at temperatures higher than 1,100° C.[1] [3]	No.	MINE 5	None	RO
775100	Smelting and refining furnaces designed to operate under a controlled atmosphere of inert gas at temperatures higher than 1,100° C.[1] [3]	No.	MINE 5	None	RO
	Processing vessels, nonmixing n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name):				
775330	Vessels, towers, and columns having any of the following characteristics, and specially fabricated parts therefor: (a) Any reactor vessel using a catalyst; (b) towers or columns utilizing fractionating trays and bubble caps; (c) vessels or towers containing alloy steel of one percent or more chrome and one-half percent or more molybdenum and/or nickel; and (d) vessels or towers designed to operate at pressures of 360 p. s. i. or over.[1]	----------	GIEQ 1	250	RO

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 751, dated June 9, 1955.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name) (report ore and coal separating machines in 730750; and electrostatic precipitators, precipitron type, in 770790):				
775360	Drum filters, and specially fabricated parts, n. e. c.[1]	----------	GIEQ 1	250	RO
775360	Dewaxing chillers, and specially fabricated parts, n. e. c.[1]	----------	GIEQ 1	250	RO
775360	Oil and gas separators, and specially fabricated parts, n. e. c.[1]	----------	GIEQ 1	250	RO
775360	Cyclone separators, and specially fabricated parts, n. e. c.[1]	----------	GIEQ 1	250	RO

[1] This commodity is subject to the IC/DV procedure (see § 373.2 of this subpart), effective July 25, 1955.
[3] This commodity is excepted from the provisions of General License GIT (see § 371.9 (c) of this subpart), effective July 9, 1955.

This part of the amendment shall become effective as of 12:01 a. m., June 16, 1955.

2. The following commodities are deleted:

Dept. of Commerce Schedule B No.	Commodity
707492	Electric industrial heating units and devices, n. e. c., and specially fabricated parts, n. e. c. (specify by name): Dielectric dryers.
916025	Map reproduction equipment; stereoscopic plotting; and photo interpretation equipment.
916025	Parts, n. e. c., specially fabricated for map reproduction equipment, stereoscopic plotting equipment, and photo interpretation equipment.

This part of the amendment shall become effective as of 12:01 a. m., June 9, 1955.

3. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parenthesis following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
489900	Paper, paperboard, and products, n. e. c.: Processed paper for dielectric use, 0.0015 inch (0.0038 mm.) or less in thickness (includes all coated paper, and uncoated paper which has been cut to size or otherwise processed). (Describe fully, stating thickness and whether coated or uncoated.) (Report uncoated dielectric paper not cut to size or otherwise processed in 481500 and 482700.) [18]	Lb.	PULP 1	15	RO
540905	Abrasives (report abrasive refuse in 596008): Diamond grinding wheels, sticks, hones, and laps. (Specify carat weight of contained diamonds.) (Report loose industrial diamonds in 599005; diamond powder or dust, including compounds, in 540910.) [7] [13] [32]	Carat	TOOL 1	50	RO
617901	Tools incorporating industrial diamonds, n. e. c. (including slugs containing diamonds). (Specify carat weight of contained diamonds.) (Use this Schedule B number for tools shipped as spare or replacement parts only. When tools are shipped with a machine, report under the Schedule B number of the machine whether or not the machine is on the Positive List (see § 373.49 (c).) [8] [18]	No.	TOOL	50	RO
630050	Aluminum scrap (new and old).[4]	Lb.	NONF	500	RO

See footnotes at end of table.

Dept. of Com. Items per Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Nonelectric industrial furnaces, kiln, lehrs, and ovens, and parts (report electric furnaces, kilns, and ovens in 707415–707492):				
775115	Metal melting furnaces designed to operate at pressures lower than 0.1 mm of mercury and temperature higher than 1,100° C.[1] [2]	No.	MINE 5	None	RO
775115	Metal melting furnaces designed to operate under a controlled atmosphere of inert gas at temperatures higher than 1,100° C.[1] [2]	No.	MINE 5	None	RO
775140	Nonelectric industrial furnaces, n. e. c., designed to operate at pressures lower than 0.1 mm of mercury and at temperatures higher than 1,100° C. (1) [1] [2]	No.	MINE 5	None	RO
775140	Nonelectric industrial furnaces, n. e. c., designed to operate under a controlled atmosphere of inert gas at temperatures higher than 1,100° C. (1) [1] [2]	No.	MINE 5	None	RO
775150	Specific furnaces, n. e. c., for the furnaces included on the Positive List under Schedule B Nos. 775100, 775115, and 775140. (Specify Schedule B number of furnace for which parts are intended, type operating temperature, state whether furnace is designed to operate under a controlled atmosphere of inert gas, and if furnace is designed to operate at pressure lower than 0.1 mm of mercury, specify pressure.) (1 and 2) [3]	----------	MINE 5	1,000	RO
	Motor trucks and truck chassis, including truck tractors (new), n. e. c. (G. V. W. or gross vehicle weight is the greatest weight of vehicle in load which the manufacturer authorizes and guarantees the vehicle to accommodate with safety on usual roads and streets):				
790013	Gasoline (new): 5,000 pounds G. V. W. and under: Commercial, front and rear axle drive, or multiple rear axle drive.[4]	No.	TRAN 2	None	RO
790017	Military, front and rear axle drive, or multiple rear axle drive.[4]	No.	TRAN 5	None	RO
790763	Passenger cars and chassis (new):	No.	TRAN 2	None	RO
790707	Nonmilitary, front and rear axle drive only [4]	No.	TRAN 5	None	RO
790773	Military, front and rear axle drive only [4]	No.	TRAN 2	None	RO
790777	Nonmilitary, front and rear axle drive only [4]	No.	TRAN 5	None	RO
791280	Parts for engines and motors, n. e. c.; springs: Flat or compound spring leaves (or replacement)	Lb.	TRAN 6	250	R
826984	Hydraulic fluids, synthetic (excludes hydraulic fluids of castor oil base) (report hydraulic fluids of petroleum origin in 505000) [5]	Gal.	SALT	100	RO
829990	Chemical specialty compounds, n. e. c.: Molybdenum lubricants (report molybdenum disulfide lubricants in 309600) (2) [5]	Lb.	SALT	100	RO
836220	Other boric acid and borates, crude and refined (including borax). (2) [5] [6]	Lb.	SALT	100	RO
916050	Compasses and gyroscopic equipment as follows: Gyrocompasses; transmitting magnetic compasses; gyromagnetic compasses; repeaters for these compasses; gyroscopic stabilizers; and gyroscopic steering controls.	No.	SATE	None	RO
916059	Parts, n. e. c., specially fabricated for: Gyrocompasses; transmitting magnetic compasses; gyromagnetic compasses; repeaters for these compasses; gyroscopic stabilizers; and gyroscopic steering controls. (2) [5]	----------	SATE	25	RO
630070	Aluminum metal and alloys in crude form (including ingots, pigs, blooms, and slabs):[4]	Lb.	NONF	100	RO
644100	Copper, base alloys, and brass. (1) [1]	Lb.	NONF	1,000	RO
644100	Other copper-base alloy crude forms. (2) [1]	Lb.	NONF 15	100	RO
	Electrical quantity and characteristic measuring and testing instruments, and parts (report automotive-type electrical testing instruments in 793185):				
703020	Electrometers, except student type. (1) [4]	No.	ELME 3	None	RO
703850	Parts and accessories, n. e. c., specially fabricated for electrometers, except student type. (1) [4]	----------	ELME 3	25	RO
706305	Electric bulbs and tubes (lamps), and parts (report bulb and tube blanks in 529300 and 529400): Sealed beam headlamps suitable for mounting on automotive vehicles.[1]	No.	TRAN 6	250	R
706590	Molybdenum filaments. (1) [1]	----------	CDGS	100	RO
706590	Short-system dialkenyls, coated and uncoated. (2) [1]	----------	CDGS	100	RO
707510	Parts, n. e. c., specially fabricated for short wave diathermy units. (2) [1] [4]	No.	SATE	None	RO
707590	Insulated wire and cable: Automotive ignition wire, copper or copper-base alloy, in coils, reels or spools, in lengths of 100 feet or less. (1) [1]	Lb.	SATE	25	RO
709865	Internal-combustion engines n. e. c. and parts, n. e. c.: Diesel and semidiesel (specify brake horsepower and RPM): Marine, over 200, up to and including 500 brake horsepower, when the nonmagnetic content exceeds 50 percent of total weight. (1) [4]	----------	TRAN 6	600	RO
714620	Earth auger and rock drilling machines, n. e. c., and parts, n. e. c.: Rock drill bits, core drill bits, and reamers (including well drilling machine bits and reamers): Rock drill bits and reamers containing diamonds. (Specify carat weight of contained diamonds.) [1] [2]	No.	TRAN	None	RO
730875	Parts, n. e. c., specially fabricated for rock drill bits and reamers containing diamonds, and blanks for such bits: Blanks 730870 and 730890 (report tool bit blanks and inserts in 61700 or 617900) [1] [4]	No.	MINE 3	100	R
730890	Accessories and attachments, n. e. c., for power-driven nonportable machine tools, n. e. c.: Accessories and attachments, n. e. c., for machine tools, and specially fabricated parts, n. e. c.: Other than those for use exclusively on the Positive List of machine tools included on the Positive List under Schedule B Nos. 740000 through 744310. (Specify type and model of machine tool with which accessories and attachments are to be used.) [1] [4] [7]	----------	MINE 3	100	RO
744383	Diamond wire drawing dies. (Specify carat weight of diamonds.) [1] [4]	No.	TOOL	500	RO
745503	Physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c. (report mass spectrometer type leak detectors in 919060): Gear testers, and specially fabricated parts, n. e. c. (specify type).	----------	TOOL	100	RO
766990	Geophysical equipment prospecting equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name): Electronic or flux-gate magnetometers, and specially fabricated parts, n. e. c. (1) [1]	----------	TOOL	250	RO
766995	Gravity meters, and specially fabricated parts, n. e. c. (2) [1]	No.	MINE	None	RO
766995	Seismic or seismograph equipment, and specially fabricated parts, n. e. c. (2) [1]	----------	MINE	100	R
766995	Well-logging instruments and equipment, and specially fabricated parts, n. e. c. (1) [1]	----------	MINE	100	R
776030	Electronic, fluorescent, and incandescent bulb and tube (glass blank) making machinery, n. e. c., and specially fabricated parts, n. e. c. (report other bulb and tube making machinery in 775035). (1) [4]	----------	MINE	100	RO
		----------	GIEQ 17	100	RO

See footnotes at end of table.

[1] The GLV dollar-value limit is increased.
[2] The GLV dollar-value limit is decreased, effective June 16, 1955.
[3] The processing code is changed or related commodity group number is changed (see § 372.5 (f)).
[4] The letter "A" is added in the column headed "Commodity Lists," indicating that the commodity is subject to the IC/DV procedure (see § 373.2), effective July 25, 1955.
[5] The letter "B" is added in the column headed "Commodity Lists," indicating that the commodity is subject to DL restrictions (see § 374.2), and is excepted from the Time Limit licensing procedure (see Part 377), effective July 9, 1955.
[6] The letter "D" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to DL restrictions (see § 374.2), and is no longer excepted from the Time Limit licensing procedure (see Part 377).
[7] The letter "C" is deleted in the column headed "Commodity Lists," indicating that the commodity may now be exported under General License GIT (see § 371.9 (c)).
[8] The letter "E" is deleted in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the Periodic Requirements licensing procedure (see Part 376), effective July 9, 1955.
[9] The letter "I" is deleted in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the Foreign Distribution licensing procedure (see Part 378), effective July 9, 1955.
[10] The letter "G" is deleted in the column headed "Commodity Lists," indicating that the commodity may be exported to Group O destinations under General License GLV within the $500 dollar-value limit (see § 371.10 (c)).
[11] The destination control is changed from R to RO, effective June 16, 1955.
[12] The commodity description is revised without substantive change.
[13] The unit of quantity is changed.
[14] The commodity coverage is decreased.
[15] The necessity for specifying the grit size of contained diamonds is eliminated.
[16] The term "for use exclusively" eliminates the necessity of listing excepted general purpose parts.
[17] Specifically fabricated parts, n. e. c., are added, effective June 16, 1955.
[18] The entries are revised to describe the commodity from the physical standpoint rather than from the end-use standpoint.

This part of the amendment shall become effective as of June 9, 1955, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 3 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., June 16, 1955, may be exported under the previous general license provisions up to and including July 9, 1955. Any such shipment not laden aboard the exporting carrier on or before July 9, 1955, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 55-4883; Filed, June 20, 1955; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 505—RECORDATION OF ENCUMBRANCES AGAINST AIRCRAFT ENGINES, PROPELLERS, APPLIANCES, AND SPARE PARTS

REVISION OF PART

Correction

In F. R. Document 55-3866, appearing in the issue for Saturday, May 14, 1955, at page 3302, insert the following as the reference to footnote 1 appearing in line 4 following the word "location" in § 505.3 (b):

[1] Section 503 (a) (3) of the Civil Aeronautics Act of 1938, as amended, specifies the document evidencing the encumbrance need only describe generally by types the items and designate the location or locations thereof. Even if the items by serial number are listed in the original documents, they are not indexed in that manner on the records of the Administrative and Records Branch. Therefore, only a document evidencing the release of all of the collateral by location or locations may be recorded.

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 130—OPERATION AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONTANA

JUNE 10, 1955.

On May 12, 1955, there was published in the daily issue of the FEDERAL REGISTER, pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law. 404, 79th Cong., 60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior (Order No. 2508; 14 F. R. 258), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5454-7), notice of intention to modify §§ 130.13a, 130.13b, and 130.13c of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Crow Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts, as follows:

Charges applicable to all irrigable lands of the Crow Indian Irrigation Project that are included in the irrigation district organizations and are subject to the jurisdiction of the three irrigation districts.

Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from the publication of the notice. No objections were submitted. Accordingly, §§ 130.13a, 130.13b, and 130.13c are modified as follows:

§ 130.13a *Big Horn Irrigation District, Crow Indian Reservation, Montana; charges.* Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $2.50 per acre is hereby fixed for the season of 1956 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment is applicable to an area of approximately 7,582 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

§ 130.13b *Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Reservation, Montana; charges.* (a) Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $2.50 per acre is hereby fixed for the season of 1956 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment is applicable to an area of approximately 2,463 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of ten cents ($0.10) per acre is hereby fixed for the season of 1956 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District.

§ 130.13c *Upper Little Horn Irrigation District, Crow Indian Reservation, Montana; charges.* (a) Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $2.50 per acre is hereby fixed for the season of 1956 and subsequent years until further notice for the operation and maintenance of the irrigation systems which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment includes an area of approximately 1,461 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of ten cents ($0.10) per acre is hereby fixed for the season of 1956 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District.

(Sec. 1, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

The foregoing proposed amendments are to become effective for the irrigation season of 1956 and continue in effect thereafter until further notice.

J. M. COOPER,
Area Director.

[F. R. Doc. 55-4938; Filed, June 20, 1955; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—The Renegotiation Board Regulations Under the 1951 Act

PART 1451—SCOPE OF RENEGOTIATION BOARD REGULATIONS UNDER THE RENEGOTIATION ACT OF 1951, AND DEFINITIONS APPLICABLE THERETO

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

PART 1499—STATUTES, ORDERS AND DELEGATIONS

MISCELLANEOUS AMENDMENTS

1. Part 1451 is amended by adding a new § 1451.33 to read as follows:

§ 1451.33 *Internal Revenue Code.* The term "Internal Revenue Code", when used with reference to a specific section of the Internal Revenue Code of 1939, means such section or the corresponding section of the Internal Revenue Code of 1954, whichever is applicable. See Internal Revenue Code of 1954, section 7852 (b). Sections 1110, 1111, 1113, 1114, 1115 (a), 1116, 1117 (a), 1118, 1120, and 1121 of the Internal Revenue Code of 1939, relating to Tax Court procedure (see section 108 of the act), are superseded by sections 7451, 7453, 7455, 7456, 7457 (a), 7458, 7459 (a), 7460, 7461, and 7462 of the Internal Revenue Code of 1954 for all fiscal years. In all other respects, the provisions of the Internal Revenue Code of 1954 corresponding with the provisions of the Internal Revenue Code of 1939 cited in the act or in this part apply only to fiscal years beginning on or after January 1, 1954, and ending after August 16, 1954.

2. In § 1464.1, paragraph (b) *Definition of "affiliated group"* is amended in the following respects.

a. In subparagraph (1), the words "of 1939" are inserted after the words "Internal Revenue Code".

b. A new subparagraph (2) is added to read as follows:

(2) Section 1504 (a) of the Internal Revenue Code of 1954 (corresponding with section 141 (d) of the Internal Revenue Code of 1939 and incorporated in the act by the provisions of section 7852 (b) of the Internal Revenue Code of 1954) provides as follows:

(a) Definition of "affiliated group". As used in this chapter, the term "affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

(1) Stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

(2) The common parent corporation owns directly stock possessing at least 80 percent of the voting power of all classes of stock and at least 80 percent of each class of the nonvoting stock of at least one of the other includible corporations.

As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

c. Subparagraph (2) is renumbered subparagraph (3).

3. The heading of § 1499.10 is changed to read as follows: § 1499.10 *Section 101 (6), Internal Revenue Code of 1939 (corresponds with section 501 (c) (3), Internal Revenue Code of 1954).*

4. The heading of § 1499.11 is changed to read as follows: § 1499.11 *Section 422, Internal Revenue Code of 1939 (corresponds with section 512, Internal Revenue Code of 1954) unrelated business net income.*

5. The heading of § 1499.30 is changed to read as follows: § 1499.30 *Section 3806, Internal Revenue Code of 1939 (corresponds with section 1481, Internal Revenue Code of 1954).*

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: June 15, 1955.

FRANK L. ROBERTS,
Chairman.

[F. R. Doc. 55-4954; Filed, June 20, 1955; 8:48 a. m.]

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

EXEMPTION OF COMMON CARRIERS BY WATER

In § 1453.3, paragraph (d) *Common carriers by water* is amended by deleting subparagraph (2) and inserting in lieu thereof the following:

(2) With respect to fiscal years ending on or after December 31, 1953, a contract with a common carrier for transportation by water is exempt if it meets the conditions set forth in subparagraph (1) of this paragraph or if the Board finds that the regulatory aspects of rates for the sale or furnishing of such transportation, or the type and nature of the contract for such furnishing or sale, are such as to indicate, in the opinion of the Board, that excessive profits are improbable. Pursuant to the foregoing authority, the Board has exempted from the provisions of the act, to the extent of amounts received or accrued before January 1, 1955, in any fiscal year ending on or after December 31, 1953:

(i) All prime contracts for transportation by common carrier by water at, or at rates below, rates or charges filed with, fixed, approved or regulated by the Federal Maritime Board.

(ii) All prime contracts with the Military Sea Transportation Service for transportation of cargo at rates or charges based upon the manifest measurement or weight of the cargo.

The Board will exempt any individual prime contract with a common carrier for transportation by water when the Board finds, upon application of the contractor, that the regulatory aspects of rates for the sale or furnishing of such transportation, or the type and nature of the contract for such furnishing or sale, are such as to indicate, in the opinion of the Board, that excessive profits are improbable. Any application for such a finding shall be filed with the Board not later than the date when the contractor files the financial statement prescribed in section 105 (e) (1) of the act (see § 1470.3 (a) of this subchapter) for the fiscal year in which the contractor received or accrued the amounts with respect to which the exemption is claimed. In any financial statement so filed, receipts or accruals under any contract with respect to which the Board is requested to make such a finding shall be included initially in computing the aggregate renegotiable receipts or accruals of the contractor for the fiscal year to which such statement relates.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: June 15, 1955.

FRANK L. ROBERTS,
Chairman.

[F. R. Doc. 55-4955; Filed, June 20, 1955; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix C—Public Land Orders

[Public Land Order 1168]

SOUTH DAKOTA

RESERVING PUBLIC LANDS WITHIN BLACK HILLS NATIONAL FOREST FOR USE BY THE FOREST SERVICE, DEPARTMENT OF AGRICULTURE, AS RECREATION, CAMPGROUND, AND PICNIC AREAS [1]

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Black Hills National Forest are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as campground, picnic and recreation areas, as indicated:

BLACK HILLS MERIDIAN

SOUTH DAKOTA BAPTIST ORGANIZATION CAMP

T. 2 S., R. 5 E.,
Sec. 1, NW¼SE¼ and W½NE¼SE¼.

The areas described aggregate 60 acres.

[1] Notice of withdrawal published at 20 F. R. 1414.

PACTOLA RESERVOIR RECREATION AREA

T. 1 N., R. 5 E.,
Sec. 1, SW¼NE¼ and NE¼SW¼;
Sec. 3, SW¼SW¼;
Sec. 4, NW¼SW¼;
Sec. 5, SE¼ and E½SW¼;
Sec. 6, SW¼NE¼, W½SE¼ and E½SW¼;
Sec. 8, W½;
Sec. 9, NE¼NW¼, S½NW¼ and SW¼;
Sec. 10, NW¼NW¼, S½NW¼, SW¼ and S½SE¼;
Sec. 11, SW¼NW¼, SW¼.
T. 2 N., R. 5 E.,
Sec. 30, SE¼;
Sec. 31, E½NE¼;
Sec. 32, W½NW¼ and SE¼NW¼.

The areas described aggregate 2,120 acres.

EAST SPEARFISH CREEK CAMP AND PICNIC AREA

T. 4 N., R. 2 E.,
Sec. 26, SE¼SW¼, W½NE¼SW¼, SE¼NW¼SW¼;
Sec. 35, E½NE¼NW¼.

The areas described aggregate 90 acres.

This order shall take precedence over, but not otherwise affect, the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

JUNE 15, 1955.

[F. R. Doc. 55-4941; Filed, June 20, 1955; 8:46 a. m.]

[Public Land Order 1169]

MONTANA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH GLASGOW AIR FORCE BASE [1]

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Montana are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Air Force in connection with the Glasgow Air Force Base:

MONTANA PRINCIPAL MERIDIAN

T. 31 N., R. 40 E.,
Sec. 35, E½NE¼.

The area described contains 80 acres.

This order shall take precedence over but not otherwise affect the Departmental order of July 11, 1935, establishing Montana Grazing District No. 1 so far as such order affects the above-described land.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

JUNE 15, 1955.

[F. R. Doc. 55-4942; Filed, June 20, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

SUMMER AND FALL PEARS [1]

U. S. STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Summer and Fall Pears (7 CFR Part 51; 18 F. R. 7118) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GENERAL

Sec.
51.1260 General.

GRADES

51.1261 U. S. No. 1.
51.1262 U. S. Combination.
51.1263 U. S. No. 2.

UNCLASSIFIED

51.1264 Unclassified.

TOLERANCES

51.1265 Tolerances.

APPLICATION OF TOLERANCES

51.1266 Application of tolerances.
51.1267 Basis for calculating percentages.

CONDITION AFTER STORAGE OR TRANSIT

51.1268 Condition after storage or transit.

STANDARD PACK

51.1269 Sizing.
51.1270 Packing.
51.1271 Tolerances for standard pack.

DEFINITIONS

51.1272 Mature.
51.1273 Overripe.
51.1274 Carefully hand-picked.
51.1275 Clean.
51.1276 Black end.
51.1277 Fairly well formed.
51.1278 Damage.
51.1279 Seriously misshapen.
51.1280 Serious damage.

AUTHORITY: §§ 51.1260 to 51.1280 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

GENERAL

§ 51.1260 *General.* These standards apply to varieties such as Bartlett, Hardy and other similar varieties.

GRADES

§ 51.1261 *U. S. No. 1.* "U. S. No. 1" consists of pears of one variety which are mature, but not overripe, carefully hand-picked, clean, fairly well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, bruises, broken skins, russeting, limbrubs, hail, scars, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1265 and 51.1268.)

§ 51.1262 *U. S. Combination.* A Combination of U. S. No. 1 and U. S. No. 2 may be packed. When such a combination is packed, at least 50 percent of the pears in any container shall meet the requirements of U. S. No. 1. (See §§ 51.1265 and 51.1268.)

§ 51.1263 *U. S. No. 2.* "U. S. No. 2" consists of pears of one variety which are mature, but not overripe, carefully hand-picked, clean, not seriously misshapen, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, or broken skins. The pears shall also be free from serious damage caused by bruises, russeting, limbrubs, hail, scars, drought spot, sunburn, sprayburn, stings or other insect injury, diseases, or mechanical or other means. (See §§ 51.1265 and 51.1268.)

UNCLASSIFIED

§ 51.1264 *Unclassified.* "Unclassified" consists of pears which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1265 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the pears in any lot may fail to meet the requirements of grade: *Provided,* That not more than 5 percent shall be seriously damaged by insects, and not more than 1 percent shall be allowed for decay or internal breakdown.

(b) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of U. S. No. 1 pears required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided,* That the entire lot averages within the percentage specified.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[1] Notice of withdrawal published at 20 F. R. 2467.

APPLICATION OF TOLERANCES

§ 51.1266 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one pear which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided,* That not more than four times the tolerance specified may be permitted in any package for pears which are seriously damaged by insects or affected by decay or internal breakdown except that at least one defective pear may be permitted in any package.

BASIS FOR CALCULATING PERCENTAGES

§ 51.1267 *Basis for calculating percentages.* (a) When the numerical count is marked on the container or when pears are packed in a container to weigh 5 pounds or less, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on a container packed to weigh more than 5 pounds or when the pears are jumbled in a container packed to weigh more than 5 pounds, percentages shall be calculated on the basis of weight or an equivalent basis.

CONDITION AFTER STORAGE OR TRANSIT

§ 51.1268 *Condition after storage or transit.* Decay, scald, or other deterioration which may have developed on pears after they have been in storage or transit shall be considered as affecting condition and not grade.

STANDARD PACK

§ 51.1269 *Sizing.* (a) The numerical count, or the minimum size of the pears packed in closed containers shall be indicated on the package. The number of pears in the box shall not vary more than 3 from the number indicated on the box.

(b) When the numerical count is marked on western standard pear boxes the pears shall not vary more than three-eighths inch in their transverse diameter for counts 120 or less; one-fourth inch for counts 135 to 180, inclusive; and three-sixteenths inch for counts 193 or more.

(c) When the numerical count is marked on western standard half boxes or special half boxes packed three tiers deep, the pears shall not vary more than three-eighths inch for counts 75 or less; one-fourth inch for counts 80 to 110, inclusive; and three-sixteenths inch for counts 115 or more.

(d) When the numerical count is marked on western standard half boxes or special half boxes packed two tiers deep, the pears shall not vary more than three-eighths inch for counts 50 or less; one-fourth inch for counts 55 to 70, inclusive; and three-sixteenths inch for counts 80 or more.

(e) When the numerical count is not shown, the minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅝ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as 2¼ to 2¾ inches, 2½ to 3¾ inches, as such marking is especially desirable for pears marketed in the export trade.

(f) "Size" means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

§ 51.1270 *Packing.* (a) Each package shall be packed so that the pears in the shown face shall be reasonably representative in size and quality of the contents of the package.

(b) Pears packed in any container shall be tightly packed. All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) Pears packed in boxes shall be arranged in containers according to the approved and recognized methods with the pears packed lengthwise. A bridge shall not be allowed in any standard pack. When wrapped, each pear shall be fairly well enclosed by its individual wrapper.

(d) Pears packed in round stave bushel baskets, tubs or in barrels shall be ring faced.

§ 51.1271 *Tolerances for standard pack.* (a) In order to allow for variations incident to proper sizing, not more than 5 percent of the pears in any lot may fail to meet the size requirements: *Provided,* That when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for pears which are larger than the maximum size stated.

(b) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements, but no part of this tolerance shall be allowed for bridge packs, or for packs with different sizes and arrangements such as layers of 195 size and arrangement, and layers of 180 size and arrangement packed in the same box.

DEFINITIONS

§ 51.1272 *Mature.* (a) "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

(b) Before a mature pear becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the stage of the ripening process. A description of the ground color should also be given.

(1) The following terms should be used for describing the ground color: "Green", "Light Green", "Yellowish Green", and "Yellow".

(2) The following terms should be used for describing the firmness of pears:

(i) "Hard" means that the flesh of the pear is solid and does not yield appreciably even to considerable pressure.

(ii) "Firm" means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure.

(iii) "Firm ripe" means that the flesh of the pear yields readily to moderate pressure.

(iv) "Ripe" means that the pear is at the stage where it is in its most desirable condition for eating.

§ 51.1273 *Overripe.* "Overripe" means dead ripe, very mealy or soft, past commercial utility.

§ 51.1274 *Carefully hand-picked.* "Carefully hand-picked" means that the pears do not show evidence of rough handling or of having been on the ground.

§ 51.1275 *Clean.* "Clean" means free from excessive dirt, dust, spray residue or other foreign material.

§ 51.1276 *Black end.* "Black end" is evidenced by an abnormally deep green color around the calyx, or black spots usually occurring on the one-third of the surface nearest to the calyx, or by an abnormally shallow calyx cavity.

§ 51.1277 *Fairly well formed.* "Fairly well formed" means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit.

§ 51.1278 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality.

(a) Hard end shall be considered as damage if the pear shows a distinctly constricted protrusion at the blossom end, or an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(b) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack shall not be considered damage.

(c) Any pear with one skin break larger than three-sixteenths inch in diameter or depth, or with more than one skin break one-eighth inch or larger in diameter or depth shall be considered damaged, and scored against the grade tolerance.[3]

(1) Small inconspicuous skin breaks, less than one-eighth inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from one-eighth inch to three-sixteenths inch, inclusive, in diameter or depth.[3]

(d) Russeting which exceeds the following shall be considered as damage:

(1) On all varieties excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds one-half inch in diameter.[3]

(2) On Bartlett and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds three-fourths inch in diameter.[3]

(3) On Bartlett and other smooth-skinned varieties, smooth solid or smooth netlike russeting when the aggregate area exceeds 15 percent of the surface.

(4) On Hardy, Sand and other similar varieties, rough or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds three-fourths inch in diameter. On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet.[3]

(e) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) Any limbrubs which are cracked, softened, or more than slightly depressed.

(2) Black discoloration caused by limbrubs, which exceeds an aggregate area of three-eighths inch in diameter.[3]

(3) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of one-half inch in diameter.[3]

(4) Slightly rough, light colored discoloration caused by limbrubs which exceeds an aggregate area of three-fourths inch in diameter.[3]

(5) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.[3]

(6) Hail marks or other similar depressions or scars which are not shallow or superficial, or where the injury affects an aggregate area of more than three-eighths inch in diameter.[3]

(7) Drought spot when more than one in number, or when the external injury exceeds an aggregate area of three-eighths inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.[3]

(8) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(9) Insects:

(i) More than two healed codling moth stings, or any insect sting which is over three thirty-seconds of an inch in diameter, or other insect stings affecting the appearance to an equal extent.[3]

(ii) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than three-eighths inch in diameter.[3]

(10) Disease:

(i) Scab spots which are black and which cover an aggregate area of more than one-fourth inch in diameter except that scab spots of a russet character shall be considered under the definition of russeting.

(ii) Sooty blotch which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than three-eighths inch in diameter.[3]

§ 51.1279 *Seriously misshapen.* "Seriously misshapen" means that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut three fairly uniform good quarters, or is so badly misshapen that the appearance is seriously affected.

§ 51.1280 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality.

(a) Russeting which in the aggregate exceeds the following shall be considered as serious damage:

(1) On all varieties, excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds three-fourths inch in diameter.[3]

(2) On all varieties, thick russeting such as is characteristic of frost injury, 15 percent of the surface.

(b) Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(1) Limbrubs which are more than slightly cracked, or excessively rough limbrubs or dark brown or black discoloration caused by limbrubs which exceeds an aggregate area of three-fourths inch in diameter. Other limbrubs which affect an aggregate area of more than one-tenth of the surface.[3]

(2) Hail marks or other similar depressions or scars which affect an aggregate area of more than three-fourths inch in diameter, or which materially deform or disfigure the fruit.[3]

(3) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than three-fourths inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration.[3]

(4) Sunburn or sprayburn where the skin is blistered, cracked or shows any brownish color, or where the shape of the pear is materially flattened, or the flesh is softened or materially changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(5) Insects:

(i) Worm holes. More than three healed codling moth stings, of which not more than two may be over three thirty-seconds of an inch in diameter, or other insect stings affecting the appearance to an equal extent.[3]

(ii) Blister mite or canker worm injury which affects an aggregate area of more than three-fourths inch in diameter or which materially deforms or disfigures the fruit.[3]

(6) Disease:

(i) Scab spots which are black and which cover an aggregate area of more than one-half inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.[3]

(ii) Sooty blotch which is thinly scattered over more than 15 percent of the surface, or dark, heavily concentrated spots which affect an area of more than three-fourths inch in diameter.[3]

[3] The area refers to that of a circle of the specified diameter.

Dated: June 15, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-4957; Filed, June 20, 1955; 8:49 a. m.]

[7 CFR Part 51]

WINTER PEARS[1]

U. S. STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Winter Pears (7 CFR Part 51; 18 F. R. 7120) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GENERAL

Sec.
51.1300 General.

GRADES

51.1301 U. S. Extra No. 1.
51.1302 U. S. No. 1.
51.1303 U. S. Combination.
51.1304 U. S. No. 2.

UNCLASSIFIED

51.1305 Unclassified.

TOLERANCES

51.1306 Tolerances.

APPLICATION OF TOLERANCES

51.1307 Application of tolerances.
51.1308 Basis for calculating percentages.

CONDITION AFTER STORAGE OR TRANSIT

51.1309 Condition after storage or transit.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

STANDARD PACK

Sec.
51.1310 Sizing.
51.1311 Packing.
51.1312 Tolerances for standard pack.

DEFINITIONS

51.1313 Mature.
51.1314 Overripe.
51.1315 Carefully hand-picked.
51.1316 Clean.
51.1317 Well formed.
51.1318 Black end.
51.1319 Injury.
51.1320 Fairly well formed.
51.1321 Damage.
51.1322 Seriously misshapen.
51.1323 Serious damage.

AUTHORITY: §§ 51.1300 to 51.1323 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

GENERAL

§ 51.1300 *General.* These standards apply to varieties such as Anjou, Bosc, Winter Nelis, Comice, Flemish Beauty and other similar varieties.

GRADES

§ 51.1301 *U. S. Extra No. 1.* "U. S. Extra No. 1" consists of pears of one variety which are mature, but not overripe, carefully hand-picked, clean, well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, hard end, drought spot, and free from injury caused by russeting, limbrubs, hail, scars, cork spot, sunburn, sprayburn, stings or other insect injury, or mechanical or other means, except that they shall be free from damage caused by bruises, broken skins, or disease. (See §§ 51.1306 and 51.1309.)

§ 51.1302 *U. S. No. 1.* "U. S. No. 1" consists of pears of one variety which are mature, but not overripe, carefully hand-picked, clean, fairly well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, bruises, broken skins, russeting, limbrubs, hail, scars, cork spot, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1306 and 51.1309.)

§ 51.1303 *U. S. Combination.* A Combination of U. S. No. 1 and U. S. No. 2 may be packed. When such a combination is packed, at least 50 percent of the pears in any container shall meet the requirements of U. S. No. 1. (See §§ 51.1306 and 51.1309.)

§ 51.1304 *U. S. No. 2.* "U. S. No. 2" consists of pears of one variety which are mature, but not overripe, carefully hand-picked, clean, not seriously misshapen, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, or broken skins. The pears shall also be free from serious damage caused by bruises, russeting, limbrubs, hail, scars, cork spot, drought spot, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1306 and 51.1309.)

UNCLASSIFIED

§ 51.1305 *Unclassified.* "Unclassified" consists of pears which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1306 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the pears in any lot may fail to meet the requirements of grade: *Provided,* That not more than 5 percent shall be seriously damaged by insects, and not more than 1 percent shall be allowed for decay or internal breakdown.

(b) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of U. S. No. 1 pears required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided,* That the entire lot averages within the percentage specified.

APPLICATION OF TOLERANCES

§ 51.1307 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one pear which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects or off-size: *Provided,* That not more than four times the tolerance specified may be permitted in any package for pears which are seriously damaged by insects or affected by decay or internal breakdown except that at least one defective pear may be permitted in any package.

BASIS FOR CALCULATING PERCENTAGES

§ 51.1308 *Basis for calculating percentages.* (a) When the numerical count is marked on the container or when pears are packed in a container to weigh 5 pounds or less, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on a container packed to weigh more than 5 pounds or when the pears are jumbled in a container packed to weigh more than 5 pounds, percentages shall be calculated on the basis of weight or an equivalent basis.

CONDITION AFTER STORAGE OR TRANSIT

§ 51.1309 *Condition after storage or transit.* Decay, scald or other deterioration which may have developed on pears after they have been in storage or transit shall be considered as affecting condition and not the grade.

STANDARD PACK

§ 51.1310 *Sizing:* (a) The numerical count, or the minimum size of the pears packed in closed containers shall be indicated on the package. The number of pears in the box shall not vary more than 3 from the number indicated on the box.

(b) When the numerical count is marked on western standard pear boxes the pears shall not vary more than three-eighths inch in their transverse diameter for counts 120 or less; one-fourth inch for counts 135 to 180, inclusive; and three-sixteenths inch for counts 193 or more.

(c) When the numerical count is marked on western standard half boxes or special half boxes packed three tiers deep, the pears shall not vary more than three-eighths inch for counts 75 or less; one-fourth inch for counts 80 to 110, inclusive; and three-sixteenths inch for counts 115 or more.

(d) When the numerical count is marked on western standard half boxes or special half boxes packed two tiers deep, the pears shall not vary more than three-eighths inch for counts 50 or less; one-fourth inch for counts 55 to 70, inclusive; and three-sixteenths inch for counts 80 or more.

(e) When the numerical count is not shown, the minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅝ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as 2¼ to 2¾ inches, 2½ to 2¾ inches, as such marking is especially desirable for pears marketed in the export trade.

(f) "Size" means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

§ 51.1311 *Packing.* (a) Each package shall be packed so that the pears in the shown face shall be reasonably representative in size and quality of the contents of the package.

(b) Pears packed in any container shall be tightly packed. All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) Pears packed in boxes shall be arranged in containers according to the approved and recognized methods with the pears packed lengthwise. A bridge shall not be allowed in any standard pack. When wrapped, each pear shall be fairly well enclosed by its individual wrapper.

(d) Pears packed in round stave bushel baskets, tubs, or in barrels shall be ring faced.

§ 51.1312 *Tolerances for standard pack.* (a) In order to allow for variations incident to proper sizing, not more than 5 percent of the pears in any lot may fail to meet the size requirements: *Provided,* That when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for pears which are larger than the maximum size stated.

(b) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements, but no part of this tolerance shall be allowed for bridge packs, or for packs with different sizes and arrangements such as layers of 195 size and arrangement, and layers of 180 size and arrangement packed in the same box.

DEFINITIONS

§ 51.1313 *Mature.* (a) "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

(b) Before a mature pear becomes overripe it will show varying degrees of firmness depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the stage of the ripening process. A description of the ground color should also be given.

(1) The following terms should be used for describing the ground color: "Green", "Light Green", "Yellowish Green", and "Yellow".

(2) The following terms should be used for describing the firmness of pears:

(i) "Hard" means that the flesh of the pear is solid and does not yield appreciably even to considerable pressure.

(ii) "Firm" means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure.

(iii) "Firm ripe" means that the flesh of the pear yields readily to moderate pressure.

(iv) "Ripe" means that the pear is at the stage where it is in its most desirable condition for eating.

§ 51.1314 *Overripe.* "Overripe" means dead ripe, very mealy or soft, past commercial utility.

§ 51.1315 *Carefully hand-picked.* "Carefully hand-picked" means that the pears do not show evidence of rough handling or of having been on the ground.

§ 51.1316 *Clean.* "Clean" means free from excessive dirt, dust, spray residue or other foreign material.

§ 51.1317 *Well formed.* "Well formed" means having the shape characteristic of the variety. Slight irregularities of shape from type which do not appreciably detract from the general appearance of the fruit shall be considered well formed.

§ 51.1318 *Black end.* "Black end" is evidenced by an abnormally deep green color around the calyx, or black spots usually occurring on the one-third of the surface nearest to the calyx, or by an abnormally shallow calyx cavity.

§ 51.1319 *Injury.* "Injury" means any blemish or defect, that more than slightly affects the appearance, or the edible or shipping quality. The following shall be considered as injury:

(a) Russeting which exceeds the following shall be considered as injury:

(1) On all varieties any excessively rough russeting (russeting which shows "frogging" or slight cracking).

(2) On Comice, and on Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting, such as is characteristic of frost injury, when the aggregate area exceeds one-half inch in diameter.[3]

(3) On Anjou and other smooth-skinned varieties, smooth solid russeting when the aggregate area exceeds one-half inch in diameter and smooth netlike russeting when the aggregate area exceeds 15 percent of the surface, and on Comice, smooth solid or smooth netlike russeting when the aggregate area exceeds one-third of the surface, except that, in addition, on these and similar varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than one-half inch along the contour of the pear, when it is placed calyx end down on a flat surface.[3]

(4) On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury when the aggregate area exceeds one-half inch in diameter.[3] On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet:

Bosc.	Pound.
Clairgeau.	Seckel.
Easter Beurre.	Sheldon.
Flemish Beauty.	Winter Nelis, and other similar varieties.
Kieffer.	
P. Barry.	

(b) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(1) Limbrubs which are cracked, softened, more than very slightly depressed, not light in color, or exceeding an aggregate area of three-fourths inch in diameter.[3]

(2) Hail marks or other similar depressions or scars which are not very shallow or superficial, or which affect an aggregate area of more than one-fourth inch in diameter.[3]

(3) Cork spot when a pear shows depressions or the flesh of the pear is more than slightly affected.

(4) Sunburn or sprayburn if the normal color of the fruit has been materially changed, or if the skin is blistered or cracked, or the flesh softened or discolored.

(5) More than two healed slight stings or depressions, or any stings which materially affect the general appearance of the fruit.

(6) Blister mite or canker worm injury which is not very shallow and superficial or where the injury affects an aggregate area of more than one-fourth inch.[3]

[3] The area refers to that of a circle of the specified diameter.

§ 51.1320 *Fairly well formed.* "Fairly well formed" means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit. Winter Nelis pears with characteristic slight sutures or with slight flattening on one side and/or other slight irregularities which do not materially detract from the general appearance of the pear shall be considered fairly well formed.

§ 51.1321 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality.

(a) Hard end shall be considered as damage if the pear shows an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(b) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack shall not be considered damage.

(c) Any pear with one skin break larger than three-sixteenths inch in diameter or depth, or with more than one skin break one-eighth inch or larger in diameter or depth, shall be considered damaged, and scored against the grade tolerance.[3]

(1) Small inconspicuous skin breaks, less than one-eighth inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break for one-eighth inch to three-sixteenths inch, inclusive, in diameter or depth.[3]

(d) Russeting which exceeds the following shall be considered as damage:

(1) On all varieties excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds one-half inch in diameter.[3]

(2) On Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds three-fourths inch in diameter.[3]

(3) On Anjou, smooth solid or smooth netlike russeting when the aggregate area exceeds one-third of the surface, and on other smooth-skinned varieties, 15 percent of the surface, except that, in addition, on Anjou and other smooth-skinned varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than one-half inch along the contour of the pear, when it is placed calyx end down on a flat surface.

(4) On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds three-fourths inch in diameter.[3] On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet:

Bosc.
Clairgeau.
Comice.
Easter Beurre.
Flemish Beauty.
Kieffer.
P. Barry.
Pound.
Seckel.
Sheldon.
Winter Nelis, and other similar varieties.

(e) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) Any limbrubs which are cracked, softened, or more than slightly depressed.

(2) Black discoloration caused by limbrubs which exceeds an eggregate area of three-eighths inch in diameter.[2]

(3) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of one-half inch in diameter.[2]

(4) Slightly rough, light colored discoloration caused by limbrubs which exceeds an aggregate area of three-fourths inch in diameter.[2]

(5) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.[2]

(6) Hail marks or other similar depressions or scars which are not shallow or superficial, or where the injury affects an aggregate area of more than three-eights inch in diameter.[2]

(7) Cork spots when more than one in number is visible externally or when the flesh is materially affected.

(8) Drought spot when more than one in number, or when the external injury exceeds an aggregate area of three-eighths inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.[2]

(9) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(10) Insects:

(i) More than two healed codling moth stings, or any insect sting which is over three thirty-seconds of an inch in diameter, or other insect stings affecting the appearance to an equal extent.[2]

(ii) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than three-eighths inch in diameter.[2]

(11) Disease:

(i) Scab spots which are black and which cover an aggregate area of more than one-fourth inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.[2]

(ii) Sooty blotch which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than three-eighths inch in diameter.[2]

§ 51.1322 *Seriously misshapen.* "Seriously misshapen" means that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut three fairly uniform good quarters, or is so badly misshapen that the appearance is seriously affected.

§ 51.1323 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality.

(a) Russeting which in the aggregate exceeds the following shall be considered as serious damage:

(1) On all varieties, excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds three-fourths inch in diameter.[2]

(2) On all varieties, thick russeting such as is characteristic of frost injury, 15 percent of the surface.

(3) On Anjou, smooth solid or smooth netlike russeting when the aggregate area exceeds two-thirds of the surface, except that, in addition, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than one-half inch along the contour of the pear, when it is placed calyx end down on a flat surface. On Flemish Beauty smooth russeting shall be permitted on the entire surface.

(b) Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(1) Limbrubs which are more than slightly cracked, or excessively rough limbrubs or dark brown or black discoloration caused by limbrubs which exceeds an aggregate area of three-fourths inch in diameter.[2]

(2) Other limbrubs which affect an aggregate area of more than one-tenth of the surface.

(3) Hail marks or other similar depressions or scars which affect an aggregate area of more than three-fourths inch in diameter, or which materially deform or disfigure the fruit.[2]

(4) Cork spot when more than two in number are visible externally or when the flesh is seriously affected.

(5) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than three-fourths inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration.[2]

(6) Sunburn or sprayburn where the skin is blistered, cracked or shows any brownish color, or where the shape of the pear is materially flattened, or the flesh is softened or materially changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(7) Insects:

(i) Worm holes. More than three healed codling moth stings, of which not more than two may be over three thirty-seconds of an inch in diameter, or other insect stings affecting the appearance to an equal extent.[2]

(ii) Blister mite or canker worm injury which affects an aggregate area of more than three-fourths inch in diameter or which materially deforms or disfigures the fruit.[2]

(8) Disease:

(i) Scab spots which are black, and which cover an aggregate area of more than one-half inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.[2]

(ii) Sooty blotch which is thinly scattered over more than 15 percent of the surface, or dark heavily concentrated spots which affect an area of more than three-fourths inch in diameter.[2]

Dated: June 15, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-4958; Filed, June 20, 1955; 8:49 a. m.]

[7 CFR Part 938]

[Docket No. AO 91]

BEURRE HARDY PEARS GROWN IN CALIFORNIA

CONSIDERATION OF TERMINATION OF THE PROVISIONS OF MARKETING AGREEMENT NO. 87 AND ORDER NO. 38 REGULATING HANDLING

Notice is hereby given, in accordance with the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001 et seq.), that consideration is being given to the proposed termination of Marketing Agreement No. 87 and Order No. 38 (7 CFR Part 938). The said marketing agreement and order, which became effective on June 20, 1939, have been inoperative since the 1941–42 season.

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed termination of the said marketing agreement and order should do so by filing the same in quadruplicate with the Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than 30 days after publication in the FEDERAL REGISTER.

Dated: June 16, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4968; Filed, June 20, 1955; 8:50 a. m.]

[7 CFR Part 969]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT

Consideration is being given to the following proposals by the Avocado Administrative Committee established under the Marketing Agreement and Order No. 69 (7 CFR Part 969; 19 F. R. 3439) regulating the handling of avocados grown in South Florida, effective June 11, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $16,070.00 will be necessarily incurred by said committee during the fiscal year (April 1, 1955, through March 31, 1956) for its maintenance and functioning under the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expense which each handler who first handles avocados shall pay during the fiscal year in accordance with the aforesaid order, the rate of assessment of $0.04 per bushel, or equivalent quantity of avocados handled by such handler during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

Dated: June 16, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-4967; Filed, June 20, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 126]

CLASSIFICATION OF OPERATING CARRIERS BY RAILROAD (EXCEPT ELECTRIC RAILWAYS)

NOTICE OF PROPOSED RULE MAKING

JUNE 15, 1955.

The Commission, Division 1, having under consideration the classification of Operating Carriers by Railroad (except electric railways), effective by its Order of November 22, 1920, as amended March 22, 1937, has approved modification of such classification as follows:

(a) The minimum of class I line-haul and switching and terminal railroad companies be increased from $1,000,000 to $3,000,000.

(b) Classification of railroads be confined to two groups, namely, class I and class II, the latter to comprise those companies whose operating revenues are less than $3,000,000.

(c) Beginning with the calendar year 1956, the classification of operating railroads be based on the average annual operating revenue for the 3-year period ended with the calendar year 1955; and, subsequently, if at the close of any calendar year the average of the annual revenues for the latest 3-year period is greater or less than the amount applicable to the class in which the carrier has been reporting, its class for the second succeeding year shall be changed accordingly.

In applying the classification to any switching or terminal company which is operated as a joint facility of owning or tenant railways, the sum of the annual railway operating revenues, the joint facility rent income, and the returns to joint facility credit accounts in operating expenses, should be used in determining its class.

Any interested person may, on or before 30 days after the date of this notice, file with the Commission written views or arguments in quintuplicate to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations received, an order will be entered making the modifications effective January 1, 1956.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-4962; Filed, June 20, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR NAVIGATION SITE WITHDRAWALS MODIFIED AND REDEFINED

JUNE 14, 1955.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 1.5 (b) of Delegation Order No. 541 of April 21, 1954, the following existing withdrawals are modified to delete in the first paragraph thereof "for the use of the Alaska Road Commission" and substitute therefor "under the jurisdiction of the Department of the Interior, for the benefit of the Territory of Alaska, Department of Aviation." The following withdrawals are so modified: A. N. S. 100, Donnelly, Alaska; A. N. S. 102, Upper Tonsina, Chistochina, McCarthy, Medfra, and Teller, Alaska; A. N. S. 105, Big Delta, Deering, Valdez Creek, Alaska; A. N. S. 113, Bethel, Alaska; A. N. S. 115, Rapids, Alaska; A. N. S. 131, Colorado, Takotna, and Tatina River, Alaska; A. N. S. 132, Willow Station, Alaska; A. N. S. 134, Dillingham, Nation, Platinum, and Willow Creek Mines, Alaska; A. N. S. 136, Rampart, Stevens Village, and Thompson Pass, Alaska; A. N. S. 137, Chitina, and May Creek, Alaska; A. N. S. 138, Ninilchik, Alaska; A. N. S. 139, Nabesna, and Tanana, Alaska; A. N. S. 140, Bremner, Candle, Ophir, and Peters Creek, Alaska; A. N. S. 144, Homer, Alaska; A. N. S. 151, Cache Creek, and Ruby, Alaska; A. N. S. 153, Manley Hot Springs (Tract No. 1), and Nulato, Alaska; A. N. S. 154, Central House, Alaska; A. N. S. 162, Flat, Alaska; A. N. S. 164, Chicken, Eagle, Lower Jack Wade, Walkers Fork, and Wiseman, Alaska; A. N. S. 248, Kasilof, Alaska.

The legal description of the land in Air-Navigation Site Withdrawal No. 115 at Rapids, Alaska, is hereby redefined to read as follows:

Beginning at Cor. No. 1, identical with Cor. No. 6, U. S. Survey No. 2971; thence S. 75° 00' W., 264 feet along line 6—5 of U. S. Survey No. 2971, to Cor. No. 5, U. S. Survey No. 2971; thence S. 75° 00' W., 36 feet to Cor. No. 2; thence N. 15° 00' W., 3,000 feet to Cor. No. 3; thence N. 75° 00' E., 300 feet to Cor. No. 4; thence S. 15° 00' E., 2,666.9 feet to Cor. No. 1 of U. S. Survey No. 2971; thence S. 15° 00' E., 333.1 feet along line 1–6 U. S. Survey No. 2971 to Cor. No. 1 and point of beginning, containing 20.67 acres.

The legal description of the land in Air-Navigation Site Withdrawal No. 134 at Platinum, Alaska, is hereby redefined to read as follows:

Beginning at Corner No. 1, identical with Cor. No. 2 of U. S. Survey No. 2372 at Platinum, approximate latitude 59°01' N., longitude 161°47' W.; thence N. 67° 52' E., 469.92 feet, along line 2–1 of U. S. Survey No. 2372 to Cor. No. 2, identical with corner No. 2 of U. S. Survey No. 2373; thence N. 16° 41' W. 502.27 feet along line 3–2 of U. S. Survey No. 2373 to Cor. No. 3; thence S. 67° 52' W., 243 feet to Cor. No. 4; thence N. 17° 45' W., 1,500 feet to Cor. No. 5; thence S. 72° 15' W., 500 feet to Cor. No. 6; thence S. 17° 45' E., 1,538.3 feet to Cor. No. 7; thence S. 67° 52' W., 700 feet to Cor. No. 8; thence S. 22° 08' E., 500 feet to Cor. No. 9; thence N. 67° 52' E., 661.7 feet to Cor. No. 10; thence S. 17° 45' E., 1,960.2 feet to Cor. No. 11; thence N. 72° 15' E., 500 feet to Cor. No. 12; thence N. 17° 45' W., 1,426.67 feet to an intersection with line 2–3 of U. S. Survey No. 2372 and Cor. No. 13; thence N. 40° 48' W., 601.82 feet, along line 3–2 of U. S. Survey No. 2372 to Cor. No. 1 and point of beginning, containing 54.92 acres more or less.

The legal description of the land in Air-Navigation Site Withdrawal No. 137 at Chitina, Alaska, is hereby redefined to show new latitude and longitude as noted below:

Change latitude of 61°42' N. to 61°36' North.

Change longitude of 144°33' W. to 144°27' West.

The legal description of the land in Air-Navigation Site Withdrawal No. 153

[2] The area refers to that of a circle of the specified diameter.

at Manley Hot Springs (Tract 1), Alaska, is hereby redefined to read as follows:

Beginning at Cor. No. 1, identical with Cor. No. 5, U. S. Survey No. 2850; thence S. 68° 12' W., 214.04 feet along line 5–6, U. S. Survey No. 2850 to Cor. No. 2, identical with Cor. No. 6, U. S. Survey No. 2850 and Cor. No. 2, U. S. Survey No. 2714; thence S. 84° 38' W., 500.6 feet to Cor. No. 3, point on line 1–5 of U. S. Survey No. 1490; thence N. 71° 55' E., 793.3 feet to Cor. No. 4, a point on line 5–6 of U. S. Survey No. 2316; thence N. 14° 57' W., 221 feet along line 5–6, U. S. Survey No. 2316 to Cor. No. 1 and point of beginning, containing 2.25 acres.

The legal description of the land in Air-Navigation Site Withdrawal No. 154 at Central House, Alaska, is hereby redefined to read as follows:

Beginning at Cor. No. 1, identical with Cor. No. 3, U. S. Survey No. 2963 from which U. S. Coast and Geodetic Survey Monument No. 58, 1951 bears N. 76° 44' E., 34.65 feet dist; thence S. 75° 40' E., 3723.44 feet at 586.74 feet intersect Cor. No. 4, U. S. Survey No. 2963, at 1,223.44 feet, intersect Cor. No. 2, U. S. Survey No. 2210, at 3,723.44 feet, end of course and Cor. No. 2; thence N. 14° 20' E., 400 feet to Cor. No. 3; thence N. 75° 40' W., 3,433.44 feet to Cor. No. 4; thence S. 50° 16' W., 494.0 feet to Cor. No. 1 and place of beginning, containing 32.86 acres.

The legal description of the land in Air-Navigation Site Withdrawal No. 164 at Walkers Fork, Alaska, is hereby redefined to read as follows:

Beginning at Cor. No. 1, identical with Cor. No. 1, U. S. Survey No. 3001, latitude 64°04'14.01" N. and longitude 141°07' W., near the Walker Fork Roadhouse; thence S. 9° 04' W., 462 feet along line 1–4, U. S. Survey No. 3001 to Cor. No. 4 of U. S. Survey No. 3001; thence S. 9° 04' W., 138 feet to Cor. No. 2; thence N. 80° 56' W., 3,300 feet to Cor. No. 3; thence N. 9° 04' E., 600 feet to Cor. No. 4; thence S. 80° 56' E., 3,300 feet to Cor. No. 1 and place of beginning, containing 45.46 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55–4939; Filed, June 20, 1955; 8:45 a. m.]

[Misc. 67541]

WISCONSIN

RESTORATION ORDER UNDER THE FEDERAL POWER ACT

JUNE 14, 1955.

Pursuant to a determination of April 28, 1955, of the Federal Power Commission, Docket Number DA–4–Wisconsin, and in accordance with Order No. 541, sections 1.5 (d) and 2.0 (a) of the Director of the Bureau of Land Management, approved April 21, 1954, it is ordered as follows:

Subject to valid existing rights, the following-described lands, so far as they are withdrawn or reserved for power purposes in Power Project No. 108, are hereby opened to disposition under the public-land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the proviso that such disposition shall be subject to the prior right of the Northern States Power Company, licensee for Project No. 108, its successors or assigns, to use the portions of the SW¼NW¼ lying within the flowage area of the Chippewa Reservoir of Project No. 108, for project purposes pursuant to the license therefor:

FOURTH PRINCIPAL MERIDIAN

T. 40 N., R. 7 W.,
Sec. 11, SW¼NW¼.

The area described aggregates 40 acres.

About two acres of the lands are covered by the waters of Lake Chippewa. The surface is rolling, consisting chiefly of sand hills and is unsuitable for farming. It supports a growth of aspen timber.

Effective on the date of publication of this order in the FEDERAL REGISTER, the public lands affected by this order shall be subject to application by the State of Wisconsin for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act, as amended (16 U. S. C. 1946 ed., Supp. V 818).

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 91st day after the date of publication. At that time, the said lands shall become subject to application, petition and selection, subject to valid existing rights, the provisions of existing withdrawals, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file application for these lands may be obtained on request from the Supervisor, Eastern States Office, Bureau of Land Management, Washington 25, D. C.

C. R. DREXILIUS,
Supervisor.

[F. R. Doc. 55–4940; Filed, June 20, 1955; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

CHIEF, OFFICE OF RESEARCH AND DEVELOPMENT ENGINEERING ET AL.

DELEGATION OF AUTHORITY TO ACT AS DIRECTOR UNDER SPECIFIED CONDITIONS

1. Under the authority conferred upon me by Treasury Department Order No. 129 (Revision 2) dated April 22, 1955, the following officials of the Bureau of Engraving and Printing in the order of succession enumerated are hereby authorized to act as Director of the Bureau of Engraving and Printing in the absence or disability of or in the event of a vacancy in the office of the Director of the Bureau of Engraving and Printing:

(1) Chief, Office of Research and Development Engineering.

(2) Chief, Office of Reproduction and Surface Printing.

(3) Chief, Office of Currency and Postage Stamp Manufacturing.

2. In the event of an enemy attack upon any point within the continental limits of the United States, the officials named in paragraph 1 and, in addition, the following officials of the Internal Revenue Service, both in the order of succession enumerated, are authorized to exercise so much of the authority of the Secretary of the Treasury and of the Director of the Bureau of Engraving and Printing as is necessary to insure continuous performance of all essential functions of the Bureau of Engraving and Printing:

(1) Assistant Regional Commissioner (Administration), Internal Revenue Service, Post Office Building, Cincinnati 1, Ohio.

(2) Assistant Regional Commissioner (Administration), Internal Revenue Service, Omaha, Nebr.

3. The purpose of the authorization contained in paragraph 2 is to provide a temporary expedient to meet emergency conditions. The respective officials will be notified when they are to cease to exercise the authority therein delegated.

[SEAL] H. J. HOLTZCLAW,
Director,
Bureau of Engraving and Printing.

JUNE 15, 1955.

[F. R. Doc. 55–4963; Filed, June 20, 1955; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

ORGANIZATION AND FUNCTIONS

GENERAL ORGANIZATION AND PROCEDURE

This statement on Public Health Service organization, functions, procedures, forms, and sources of public information relating to the Public Health Service has been prepared pursuant to the requirements of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.). This statement replaces comparable material in 16 F. R. 1912 of February 28, 1951, and 16 F. R. 5628 of June 13, 1951.

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ORGANIZATION AND FUNCTIONS

GENERAL ORGANIZATION

SECTION 101 *General statement.* The Public Health Service is one of the operating units of the Department of Health, Education, and Welfare (Reorg. Plan No. 1, 1953). It is administered under the Public Health Service Act (58 Stat. 682, 42 U. S. C. 201 et seq.), as amended, and, in addition to the functions assigned by that Act, it has responsibility for the administration of the Water Pollution Control Act (62 Stat. 1155, Public Law 845, 80th Cong.). The Public Health Service Act provides for a corps of commissioned officers, Regular and Reserve, who have the ranks and rates of pay similar to officers of the Armed Services. The Surgeon General is appointed from the Regular Corps for a four-year term by the President, by and with the advice and consent of the Senate, to administer the Service, under the supervision and direction of the Secretary of Health, Education, and Welfare. There is no limitation to his reappointment.

SEC. 102 *Organization.* As provided in the basic statute, the activities of the Service are organized in four bureaus: (a) The Office of the Surgeon General; (b) the Bureau of Medical Services; (c) the Bureau of State Services; and (d) the National Institutes of Health. The National Institutes of Health is administered as a part of the field service. The Surgeon General assigns functions, and establishes, abolishes, transfers, and consolidates divisions within the bureaus, with the approval of the Secretary of Health, Education, and Welfare. The Surgeon General assigns a commissioned officer from the Regular Corps to be the Deputy Surgeon General. The Deputy Surgeon General administers the Office of the Surgeon General, acts as Surgeon General during the absence or disability of the Surgeon General or in the event of a vacancy in that office, and performs such other duties as the Surgeon Gen-

eral may prescribe. The Surgeon General assigns several commissioned officers to serve as Assistant Surgeons General, in addition to their regular duties. One of the Assistant Surgeons General serves as Surgeon General in case of absence, disability, or vacancy in the offices of both the Surgeon General and the Deputy Surgeon General.

SEC. 103 *Major functions.* The Public Health Service is concerned with raising the health standards of individuals and communities. It assists the health authorities of States, local governments, and other agencies in advancing their health programs, supplies medical and hospital care to categories or groups of persons designated by Congress, and promotes better health through medical and public health research. The Service also provides training to overcome the scarcity of health workers in specialized fields, and participates on behalf of the United States in international health activities. The major functions of the Service are to:

(a) Determine needs for health personnel, facilities and methods, and the resources for meeting these needs;

(b) Operate institutions, hospitals, and stations to provide medical, surgical, and dental treatment for categories or groups of persons specified by Congress;

(c) Cooperate with States and assist them in solving health problems in the fields of narcotic drugs, communicable diseases, quarantine, and other health areas;

(d) Prepare comprehensive water pollution control programs to improve the sanitary conditions of surface and underground waters, and assist the States in such activities;

(e) Collect, prepare, and distribute data on mortality, morbidity, and other vital statistics;

(f) Conduct scientific research, investigations, experiments and demonstrations related to the cause, prevention, diagnosis, treatment, and control of the physical and mental diseases or impairments of man;

(g) Make grants-in-aid (1) to public or private institutions, or to individuals, for research in the physical and mental diseases; (2) to States and their political subdivisions for venereal disease control, tuberculosis control, mental health services, cancer control, heart disease control, and general health services; (3) to States and their political subdivisions, universities, hospitals, and other public or private nonprofit institutions for constructing public and non-profit hospitals, diagnostic and treatment centers, rehabilitation facilities, and nursing homes; and (4) to States for summarizing the need for and developing programs for the construction of chronic disease hospitals, diagnostic and treatment centers, rehabilitation facilities, and nursing homes;

(h) Promote the training of professional personnel in the sciences of public health and medicine. To this end, the Service (1) grants fellowships for research scientists from the United States; (2) provides stipends for individuals in State and local health work, and for physicians intending to become specialists in the diagnosis and treatment of cancer, heart diseases, mental health, neurological and sensory diseases, and arthritis and metabolic diseases; (3) trains personnel in work related to water pollution control; and (4) awards grants to approved institutions, including stipends, for the training of psychiatrists and others concerned with the care of mental patients, and for specialists in neurological and sensory diseases;

(i) Provide technical assistance through consultative services or loans of personnel to the States and to Federal agencies, and through issuance to the public of information related to public health;

(j) Participate in world health activities, in accordance with United States policies of international cooperation, by (1) operating health projects in foreign countries; (2) administering training programs for foreign health personnel; (3) representing the United States on the World Health Organization; and (4) collaborating in the development of health programs with the governments of other countries, with international organizations, with other government agencies, and with private national organizations and institutions concerned with health;

(k) Issue licenses to establishments, to manufacture for sale in interstate traffic certain products applicable to the prevention and treatment of diseases;

(l) Prescribe and enforce quarantine and sanitary regulations to prevent the introduction from abroad, and the spread in the United States or its possessions, of communicable diseases;

(m) Provide physical and mental examinations which may be required by immigration laws and for aliens seeking entry into the United States;

(n) Advise with respect to the disposal of Federal surplus property usable for the protection of public health and for health research;

(o) Conduct national health conferences whenever the interests of public health would be promoted by such meetings; and

(p) Develop special civil defense health measures for use in a civil defense emergency.

SEC. 104 *Location of offices.* The headquarters of the Public Health Service is located in Washington, D. C. The mailing address is Washington 25, D. C. The National Institutes of Health is located at Bethesda, Maryland. Its mailing address is Bethesda 14, Maryland. The Public Health Service maintains field stations in the continental United States and in its insular and territorial possessions. (See List of Field Installations, sections 161 through 165.)

SEC. 105 *Final opinions.* All final opinions, orders, and rules not limited in their application to matters of internal management, except those which the Surgeon General may for good cause hold confidential, are available for public inspection at headquarters or field installations. For those relating to biological products make application to the National Institutes of Health, Bethesda 14, Maryland; for all others, to the Public Health Service, Washington 25, D. C.

SEC. 106 *Disclosure of official records and information.* Official records of the Service are made available for public inspection in accordance with regulations of the Surgeon General (42 CFR 1.101 to 1.108). These regulations also specify the extent to which information in the possession of the Service shall be confidential and not disclosed except under the particular circumstances stated.

DELEGATIONS OF AUTHORITY

SEC. 107 *Delegations by the President.* The Secretary of Health, Education, and Welfare is authorized to exercise the powers of the President to: (a) Take final action in regard to certain personnel matters concerning commissioned officers; (b) to specify ports under section 366 (a) of the Public Health Service Act; and (c) to approve the selection of suitable sites for and the establishment of additional institutions, hospitals, stations, grounds, and anchorages, subject to approval by the Director, Bureau of the Budget, except as he may otherwise provide. (See E. O. 9993, Aug. 31, 1948, 13 F. R. 5093 and E. O. 10506, Dec. 10, 1953, 18 F. R. 8219.)

SEC. 108 *Delegations by the Secretary of Health, Education, and Welfare.* By direction of the Secretary of Health, Education, and Welfare, the Public Health Service, (a) supervises the Freedman's Hospital in the District of Columbia. This is a general hospital for the treatment of acute medical and surgical conditions and includes specialized clinics for out-patients. The hospital further provides internship and clinical experience for medical students and graduates of Howard University; (b) is authorized to perform all functions of the Secretary under the Water Pollution Control Act, as amended, together with any other function of the Administrator of General Services or of the General Services Administration as is incidental or necessary for the carrying out of the provisions of such act, except the functions included in section 8 (b) of such act; (c) performs the vital statistics functions (including statistics on births, deaths, marriages, divorces, and annulments); and (d) is authorized to negotiate, without advertising, under section 302 (c) (6), (7), and (9), of the Federal Property and Administrative Services Act of 1949, as amended, purchases and contracts for supplies and services required in connection with the conduct of physical examinations under the provisions of the Refugee Relief Act of 1953.

The Federal Civil Defense Administrator, with the approval of the President, has delegated to the Secretary certain emergency and pre-emergency civil defense responsibilities as contained in FCDA Delegation No. 1 (19 F. R. 4546). By Interim Department Order 8, dated August 9, 1954, the Secretary assigned certain of these responsibilities to the Public Health Service as follows: (a) Plan a national program, develop technical guidance for States, and direct Federal civil-defense activities concerned with research with respect to, and detection, identification, and control of: (1) Communicable diseases in humans, (2) biological warfare against humans, (3) chemical warfare against humans, and (4) other public health hazards; (b) plan, develop, and direct Federal activities concerned with a national program designed to provide Public Health Service reserve professional personnel from support areas to those damaged by enemy attack; (c) plan a national program, develop technical guidance for States and direct Federal activities concerned with the emergency restoration of community facilities essential to health or functional components thereof for which the Public Health Service normally has regular operating programs. Plan, develop, and distribute, through appropriate channels, technical guidance concerning the provision of shelter and other protective measures, designed to minimize injury to personnel and reduce damage to vital functional components of • • • hospitals and of water, sewer, and other public-health facilities.

SEC. 109 *Delegations by the Surgeon General.* (a) The Chief and Associate Chiefs of the Bureau of Medical Services, and the Chief and Assistant Chief of the Division of Hospitals; the Chief of the Bureau of State Services; and the Director of the National Institutes of Health and the Director of the Clinical Center, are authorized to determine, in the light of the need to assure the integrity and safety of the records or the efficient administration of the Service, the places at which clinical or nonclinical records may be made available for examination or copying, where their production is required other than before a court or an agency or other body having power to compel appearances before it (42 CFR 1.104).

(b) The Chief, Bureau of Medical Services; and the Chief and the Assistant Chief, Division of Foreign Quarantine, are authorized to issue permits for importation of psittacine birds for medical research purposes or for zoological parks in accordance with § 71.152 (b) (1) of the Public Health Service Regulations.

(c) The Chief, Bureau of Medical Services, and the Chief, Division of Foreign Quarantine, are authorized to convene boards of medical officers for reexamination of aliens, and to authorize medical officers in charge to convene such boards in accordance with § 34.14 of the Public Health Service Regulations.

(d) The Chief and the Assistant Chief of the Division of Foreign Quarantine, and the Chief of the Entomological Branch in that Division, are authorized to make findings as to the effectiveness of insecticides, under § 71.90 (f) of the Public Health Service Regulations.

(e) The Chief, Bureau of Medical Services, the Chief, Division of Hospitals, and the Medical Officers in Charge of Public Health Service hospitals, outpatient clinics, and outpatient offices are authorized to determine the extent to which funds, other than those authorized by the Public Health Service Act, are not available from other public or private funds for burial expenses for any patient dying in a hospital or station and to provide for payment to that extent, pursuant to section 321 of the Public Health Service Act, as amended. (42 U. S. C. A. 248).

(f) The Chief, Bureau of Medical Services, and the Medical Officers in Charge of the Public Health Service Hospitals at Lexington, Kentucky, and at Fort Worth, Texas, are authorized to examine and admit narcotic addict applicants to Public Health Service hospitals pursuant to section 344 (b) of the Public Health Service Act, as amended.

(g) The Chief, Division of Hospitals, is authorized to fix the rate to be charged voluntary patients for subsistence, care, and treatment for narcotic addiction, at Public Health Service hospitals, pursuant to section 344 of the Public Health Service Act, as amended (42 U. S. C. 260).

(h) The Chief, Bureau of Medical Services, and the Chief, Division of Hospitals, are authorized to exercise the powers of the Surgeon General to establish at Public Health Service hospitals, industries, plants, factories, or shops for the production or manufacture of articles, commodities and supplies for the United States Government, and to employ inmates of such hospitals, pursuant to section 342 of the Public Health Service Act, as amended (42 U. S. C. 358).

(i) The Chief, Bureau of Medical Services, and the Chief, Division of Foreign Quarantine, are authorized to establish the hours during which quarantine service shall be performed at each quarantine station, pursuant to section 364 (b) of the Public Health Service Act, as amended (42 U. S. C. 267).

(j) The Chief, Bureau of Medical Services, and the Chief, and Assistant Chief, of the Division of Foreign Quarantine are authorized to issue permits for the importation and distribution of etiological agents and vectors, in accordance with 42 CFR 71.156.

(k) The Chief, Bureau of Medical Services, and the Chief, Division of Hospitals, are authorized to employ narcotic addict patients in patients' commissaries in USPHS hospitals designated for their care; to establish a wage scale for payment for such employment (Section 342 of the Public Health Service Act, as amended).

(l) The Director and Associate Directors of the National Institutes of Health, as well as the Chief, Division of Research Grants, and the Directors of the individual Institutes for the respective fields for which they have responsibility, are authorized to exercise the powers of the Surgeon General to make grants-in-aid, pursuant to section 301 (d) of the Public Health Service Act, as amended, to universities, hospitals, laboratories, and other public or private institutions, and to individuals for research projects relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments of man, as are recommended by the National Advisory Health Council; or with respect to cancer, recommended by the National Advisory Cancer Council; or with respect to mental health, recommended by the National Advisory Mental Health Council; or with respect to heart diseases, recommended by the National Advisory Heart Council; or with respect to dental diseases and conditions, recommended by the National Advisory Dental Research Council; or with respect to arthritis and metabolic diseases, recommended by the National Advisory Arthritis and Metabolic Diseases Council; or with respect to neurological and sensory diseases, recommended by the National Advisory Neurological Diseases and Blindness Council.

(m) The Director and the Associate Directors of the National Institutes of Health, and the Chief, Division of Research Grants are authorized to exercise the powers of the Surgeon General to award research fellowships, to authorize travel and to provide stipends and allowances pursuant to sections 207 (f) and (g) and 301 (c) of the Public Health Service Act, as amended, and applicable regulations (42 CFR Part 61).

(n) The Director and the Associate Directors of the National Institutes of Health, and the Directors of the National Cancer Institute, the National Heart Institute, the National Institute of Arthritis and Metabolic Diseases, and the National Institute of Neurological Diseases and Blindness for their respective fields, are authorized to exercise the powers of the Surgeon General pursuant to section 433 (a) (42 U. S. C. 289c) and related sections of the Public Health Service Act, as amended, to make traineeship awards to individuals having proper technical qualifications for training in these Institutes and elsewhere in matters relating to the diagnosis, prevention and treatment of the disease or diseases to which the activities of the specific Institute are directed; to provide such stipends and allowances (including travel and subsistence) for trainees as they may deem necessary.

(o) The Director and the Associate Directors of the National Institutes of Health, and the Directors of the National Cancer Institute, the National Heart Institute, the National Institute of Mental Health, and the National Institute of Neurological Diseases and Blindness for their respective fields, are authorized to exercise the powers of the Surgeon General pursuant to section 433 (a) (42 U. S. C. 289c) and related sections of the Public Health Service Act, as amended, to make grants-in-aid to public and other nonprofit institutions to provide training, including stipends for qualified individuals, in matters relating to the diagnosis, prevention and treatment of the disease or diseases to which the activities of the specific Institute are directed.

(p) The Chief and Deputy chief, Bureau of State Services, are authorized to exercise the powers of the Surgeon General (1) to approve, disapprove, or take other necessary action concerning State plans, including budgets, and applications for funds relating to grants-in-aid presented under sections 314 and 612 of the Public Health Service Act, as amended (42 U. S. C. 246 and 291b).

(q) The Medical Officer in Charge, Arctic Health Research Center, is authorized to exercise the powers of the Surgeon General to approve plans, including budgets, and applications for funds relating to grants-in-aid presented by the Territory of Alaska under sections 314 and 612 of the Public Health

Service Act, as amended (42 U. S. C. 246 and 291b).

(r) The Regional Medical Directors of the Public Health Service in the Department of Health, Education, and Welfare Regions are authorized to review, and except where significant variations from established policies are involved, to approve applications for funds for hospital construction and amendments of approved applications submitted pursuant to section 625 of the Public Health Service Act, as amended (42 U. S. C. 291h). The authority includes making the findings required by section 625 (a) determining the necessary cost of construction pursuant to section 631 (i), waiving technical compliance with the requirements of the regulations as permitted under Service Regulations and approving the findings of the State agency pursuant to Part 53 of the Public Health Service Regulations.

(s) The Regional Medical Directors of the Public Health Service in the Regional Offices of the Department of Health, Education, and Welfare are authorized to exercise the powers of the Surgeon General:

(1) To approve State plans, including budgets, and applications for funds relating to grants-in-aid presented under sections 314 and 612 of the Public Health Service Act, as amended (42 U. S. C. 246 and 291b).

(2) To approve modification of State plans presented under section 623 of the Public Health Service Act, as amended, (42 U. S. C. 291f) except the annual modification of the State plan required under § 53.72 (d) of the Public Health Service Regulations; and

(3) To sign vouchers certifying to the Secretary of the Treasury payments under section 625 (b) of the Public Health Service Act, as amended (42 U. S. C. 291h (b)).

ADVISORY BODIES AND CONFERENCES

SEC. 110 *General statement.* Certain advisory councils and boards have been established to assist the Surgeon General and the Secretary in carrying out specific functions of the Service. The Councils and Boards are composed of outstanding experts in medicine, public health, and related professions, and of leaders in public affairs. In addition, the Surgeon General from time to time appoints advisory committees of experts to make recommendations on particular subjects.

(a) National Advisory Health Council: This Council advises, consults with, and makes recommendations to the Surgeon General upon matters relating to health activities and functions of the Service. It reviews and makes recommendations on research in the general health area, in microbiology, and related sciences exclusive of research carried on in particular fields such as cancer, heart, mental, dental research, arthritis and metabolic diseases, and neurological and sensory diseases. It certifies approval of grants-in-aid for research projects to universities, hospitals, laboratories, and other public or private institutions, and to individuals. It recommends regulations to provide for the apprehension, examination, and detention of persons known to be spreading communicable diseases from State to State.

(b) National Advisory Cancer Council: This council reviews and certifies approval to the Surgeon General of, (1) research projects relating to the cause, prevention, or methods of diagnosis and treatment of cancer; (2) applications for grants-in-aid for cancer research and control projects from universities, hospitals, laboratories, and other public or private institutions, and from individuals; and (3) applications for grants-in-aid for construction of facilities for cancer research and training. It advises the Surgeon General on the provision for training and instruction in technical matters relating to the diagnosis and treatment of cancer, and other matters relating to cancer. It collects and, with the approval of the Surgeon General, makes available to interested organizations and individuals information concerning studies being carried on at home or abroad. It recommends the acceptance of conditional gifts for cancer research and research facilities.

(c) National Advisory Dental Research Council: This council reviews and certifies approval to the Surgeon General of, (1) research projects relating to the cause, prevention, or methods of diagnosis and treatment of dental diseases and conditions and (2) applications for grants-in-aid for dental research projects from public or private institutions, and for training, instruction, and traineeships from public and other non-profit institutions. It collects information as to studies being carried on at home or abroad and, with the approval of the Surgeon General, makes available such information to interested individuals and organizations; recommends the acceptance of conditional gifts for dental research and research facilities; and advises the Surgeon General with respect to other matters pertaining to dental diseases and conditions.

(d) National Advisory Heart Council: This council reviews and certifies approval to the Surgeon General of, (1) research projects relating to the cause, prevention, methods of diagnosis, or treatment of heart diseases and (2) applications for grants-in-aid for research projects to public or private institutions, and for training, instruction, and traineeships to public and other non-profit institutions. It collects information as to studies being carried on at home and abroad, and with the approval of the Surgeon General makes available such information to interested individuals and organizations; and advises the Surgeon General in respect to other matters pertaining to heart diseases.

(e) National Advisory Mental Health Council: This council advises and makes recommendations to the Surgeon General on matters relating to the activities and functions of the Service in the field of mental health. It reviews and recommends mental health research projects or programs to the Surgeon General, collects information on research and makes it available to interested organizations and individuals; recommends and certifies approval of grants-in-aid for research, training, and instruction, and determines the number of specialists to be trained for mental health work by the Public Health Service.

(f) National Advisory Neurological Diseases and Blindness Council: This Council advises, consults with, and makes recommendations to the Surgeon General on matters relating to the activities and functions of the Service in the field of neurological and sensory diseases. It reviews and recommends neurological and sensory diseases research projects or programs to the Surgeon General, collects information on research and makes it available to interested organizations and individuals; recommends and certifies approval of grants-in-aid for research, training, and instruction, and determines the number of specialists to be trained for neurological and sensory diseases by the Public Health Service.

(g) National Advisory Arthritis and Metabolic Diseases Council: This Council advises, consults with, and makes recommendations to the Surgeon General on matters relating to the activities and functions of the Service in the field of arthritis and metabolic diseases. It reviews and recommends arthritis and metabolic diseases research projects or programs to the Surgeon General, collects information on research and makes it available to interested organizations and individuals; recommends and certifies approval of grants-in-aid for research, training, and instruction, and determines the number of specialists to be trained for arthritis and metabolic diseases by the Public Health.

(h) Federal Hospital Council: This council approves the regulations for the administration of the Hospital Survey and Construction Act; considers appeals from States upon disapproval of State plans by the Surgeon General; appoints special advisory committees; and advises the Surgeon General in the administration of the hospital survey and construction program.

(i) Water Pollution Control Advisory Board: This board reviews policies and programs of the Public Health Service in respect to water pollution control and makes recommendations thereon in reports to the Surgeon General.

SEC. 111 *Conferences.* Conferences of State and Territorial Health Officers and State and Territorial Hospital Survey and Construction Authorities are called annually by the Surgeon General. The Surgeon General may call other such conferences when the interests of the public health warrant. Upon the requests of five or more State agencies the Surgeon General must call a conference of the authorities requesting the conference. When matters relating to mental health are discussed, State mental health authorities are invited to attend the Conference of State and Territorial Health Officers. The conferences are designed to provide an opportunity for the Surgeon General to promote the interests of public health through this means, or to promote the purposes of the Federal Hospital Council, and to provide opportunity for mutual consultation between State authorities and Public Health Service officials and for the Surgeon General to present contemplated grant-in-aid regulations and

amendments regarding general or mental health. Insofar as practicable the Surgeon General obtains the agreement of the State health authorities, or State mental health authorities as the case may be, prior to the issuance of any such regulations or amendments. The Chief of the Children's Bureau joins the Surgeon General in the planning of and participation in such of these conferences as are of concern to the Bureau. Upon request by three or more members of the Federal Hospital Council, it is the duty of the Surgeon General to call a meeting of the Council.

OFFICE OF THE SURGEON GENERAL

SEC. 121 *Functions.* The major function of the Office of the Surgeon General is the administration of the internal affairs of the Public Health Service, as contrasted with administration of services to the public by other bureaus. A second important function is to advise and assist the Surgeon General and his staff in the coordination of Public Health Service programs and in the formulation of policies and in the planning of future programs for the advancement of national health. The office is headed by the Deputy Surgeon General, assisted by an Executive Officer.

SEC. 122 *Divisions.* Within the framework of policies and instructions of the Department, Surgeon General, and other authorized agencies of the Government, the Divisions in the Office of the Surgeon General shall perform the following functions:

(a) *Administrative Services, Division of.* This division is responsible for providing a variety of services to facilitate PHS program activities at headquarters and in the field. The Division develops, directs, and carries out programs for procurement, property management, printing and distribution services, forms and records management, administrative issuances, space and utilities, and general office services for headquarters. It operates the centralized Medical Supply Depot at Perry Point, Maryland.

(b) *Finance, Division of.* This division administers all budgetary and fiscal affairs of the Public Health Service. It plans and directs the preparation of all estimates of appropriations required for the Service, including the justifications for such appropriations, and allocates appropriations to operating units of the Service. It manages the appropriation and fund accounting of the Service including the promulgation of procedural issuances, the collection of and accounting for revenue and receipts, the preparation of financial reports, and the conduct of internal audits.

(c) *Personnel, Division of.* This division plans, directs, and coordinates the commissioned and civil service personnel management programs of the Service. Advises the Surgeon General on all phases of personnel management, representing him inside and outside the Service on personnel management matters. Provides leadership, guidance, and assistance to bureaus, divisions, and field stations on personnel management programs, policies, and practices. Studies, develops, and recommends to the Surgeon General new and improved personnel programs for the Service.

(d) *Public Health Methods, Division of.* This division provides staff, advisory and consultative service to, and for, the Surgeon General within such areas of the Service program as he may prescribe. It also develops, tests and applies methods, procedures, and techniques for identifying the nature and extent of health problems and the effectiveness of health programs; recommends action for the resolution of health problems and for the initiation and improvement of health programs; administers experimental and exploratory programs to determine extent to which they meet defined needs; and publishes Public Health Reports and related papers.

BUREAU OF MEDICAL SERVICES

SEC. 131 *Functions.* The major functions of the Bureau of Medical Services are to administer hospital and outpatient care to Federal beneficiaries, to assist the states in developing facilities and methods for such care, to carry on the foreign quarantine and immigration program, and to furnish technical advice and personnel to other Federal agencies in the health care of their employees and beneficiaries. In general, it deals with clinical activities as contrasted with research programs of the National Institutes of Health, and with public health programs of the Bureau of State Services. This bureau assigns officers of the Service to other Federal agencies for the purpose of developing, supervising, and in some cases, rendering medical care. It cooperates with the Chief Medical Officer of the Coast Guard, a Public Health Service Officer, in administering medical and dental service to the U. S. Coast Guard at shore stations and aboard vessels. Medical and psychiatric units at Federal penal institutions are staffed by professional personnel of the Service under direct administration of a Public Health Service officer assigned to the Bureau of Prisons for this purpose. The hospitals, medical service, and public health programs of the Bureau of Indian Affairs, Department of the Interior, are supervised by Public Health Service officers. Other Federal agencies to which one or more Public Health Service officers are assigned for the development and administration of medical programs include: Bureau of Employees' Compensation of the Department of Labor; Bureau of Old-Age and Survivors Insurance, and the Office of Vocational Rehabilitation of the Department of Health, Education, and Welfare; the Foreign Service of the Department of State; and the Coast and Geodetic Survey, and the Maritime Administration, of the Department of Commerce.

SEC. 133 *Divisions*—(a) *Administrative Management, Division of.* This division plans, develops, and directs the administrative management program of the Bureau, and coordinates the departmental and field program operations by integrating management with professional functions. It reviews and evaluates effectiveness, efficiency, and economy of program and administrative operations.

(b) *Dental Resources, Division of.* This division coordinates and develops dental resources in the Public Health Service and in certain related activities of other government agencies. It provides information and advice on broad questions of national policy pertaining to oral health and related activities for technical and general public use; develops and promotes maximum utilization of all dental resources to encourage improvement of oral health services for the nation's population; provides technical aid to other divisions of the Service; and advises operating bureaus and divisions on professional qualifications and training of dental personnel, the standards of oral health services rendered to beneficiaries of the Service, and the standards for dental equipment and materials purchased by the Service. It advises the Chief Dental Officer, Public Health Service, and the Chief, Bureau of Medical Services, on plans for improvement of oral health in the general population; conducts studies and provides statistical analyses of data on oral health needs and resources, including their socio-economic aspects; and promotes training of dental manpower which includes the dentist, dental hygienist, clinical dental assistant and dental technologist. It evaluates the efficiency and quality of standards and procedures in oral health activities of the Bureau of Medical Services; promotes studies and demonstrations within and outside the Service; and extends applicable knowledge and proved techniques in oral health activities to other agencies, organizations and interested groups.

(c) *Foreign Quarantine, Division of.* (1) This division is responsible for promulgation and enforcement of the foreign quarantine regulations (under Part G, title III, Public Law 410) which apply to sea, land, and air traffic. The division is also responsible for enforcing regulations issued by the Surgeon General which apply to conducting medical examinations of aliens.

(2) To prevent the introduction of communicable diseases, officers of the Service inspect conveyances and certain imports and examine persons arriving at sea and air ports and border stations in the United States.

(3) The division conducts the physical and mental examination of aliens at certain U. S. consulates abroad in connection with applications for visas; and at quarantine and immigration stations in this country in connection with admission to the United States. This activity includes examination of persons immigrating under the Refugee Relief Act. The results of such examinations, when performed overseas, are reported to consular officers requesting such examinations; and when performed in the United States, to the appropriate officials of the Immigration and Naturalization Service of the Justice Department.

(4) The division operates a number of major quarantine stations in the continental United States. Additional ports and border points are served by these major stations, through regular facilities of the Service or through part-time

quarantine officers. Quarantine stations are also located in Alaska, Hawaiian Islands, Puerto Rico, and the Virgin Islands. (See List of Field Installations, section 163 (a).) Consulates in areas with large numbers of visa applicants are staffed with full-time Public Health Service medical officers. At other U. S. consulates throughout the world, Public Health Service regulations and instructions serve as a basis for medical examination of visa applicants by local physicians designated by the State Department.

(d) *Hospital Facilities, Division of.* This division is responsible for the administration of the Hospital Survey and Construction Act (60 Stat. 1040, 42 U. S. C. 291). This act authorizes the appropriation of Federal funds to be allotted to the States as grants-in-aid for conducting Statewide surveys of the needs for hospitals and related facilities and to provide for the construction of such facilities by States, political subdivisions and other public or private nonprofit agencies. The division provides consultative technical aid to the States in the various phases of their hospital survey and construction programs.

(e) *Hospitals, Division of.* This division operates sixteen hospitals and supervises the administration of Freedmen's Hospital, Washington, D. C. Twelve of the hospitals are operated as general hospitals; one is a tuberculosis hospital; one is for the treatment of leprosy; and two are for the treatment of mentally ill beneficiaries of the Public Health Service and other Federal agencies, narcotic drug addicts who have been convicted of Federal offenses, and narcotic drug addicts who voluntarily apply for treatment. The Public Health Service hospital at Carville, Louisiana, receives persons afflicted with leprosy from any part of the United States and provides medical and institutional care for them. The division also furnishes medical and dental care to beneficiaries of the Service in clinics and outpatient offices located at coastal and inland ports not served by a Public Health Service hospital. In all, there are 134 Service hospitals, outpatient clinics, and outpatient offices in the continental United States and its territories and possessions to which beneficiaries of the Service may apply for immediate attention. In addition, the Public Health Service hospital at Baltimore operates an outpatient department in the business section of the city and administers an outpatient section in Pittsburgh, Pennsylvania. The Detroit Service hospital administers outpatient sections located at Buffalo, New York, and Cleveland, Ohio. The division also has general responsibility for carrying out the functions of the Service in connection with health programs for Government employees as authorized by the act of August 8, 1946 (60 Stat. 903, 5 U. S. C. 150). (See List of Field Installations, section 163 (b).)

(f) *Nursing Resources, Division of.* This division provides information on broad questions of national policy pertaining to nursing education and nursing service both for professional groups and for the general public. It assists States in measuring the amount of nursing service available and in estimating their needs and devising ways of meeting them. It promotes the coordination of nursing facilities for education and service. It conducts studies in which guides are developed for the evaluation of nursing education and nursing service. These studies are also aimed toward encouraging the development, as well as the maintenance, of effective methods to be used in education of nurses or provision of nursing services.

BUREAU OF STATE SERVICES

SEC. 141 *Functions.* The major functions of this Bureau are to assist the States and their political subdivisions in establishing and maintaining effective programs for the prevention and control of disease and water pollution and for the maintenance of health; to supervise the PHS regional organization; to collect, analyze and publish national vital statistics; and to carry out PHS's activities in the international health field.

SEC. 142 *Chief of Bureau, Office of.* This office, under the direction of the Chief, the Deputy Chief and three principal assistants provides general direction and supervision of Bureau activities; establishes general policies for guidance of division chiefs in program planning and development, and provides interdivision coordination and liaison with other bureaus and agencies and non-Federal organizations with respect to Bureau programs; evaluates programs and plans of the divisions, analyzes the progress of operations in relation to such programs and plans, and provides guidance in strengthening programs and in filling program gap areas; supervises the regional medical directors; evaluates proposed organization plans to assure consistency with program objectives; provides management and administrative services necessary to meet the needs of the divisions and to carry out the responsibilities and duties of the Bureau Chief; and supervises and coordinates information and public relations activities within the Bureau and coordinates such activities with those of the Department and the Service.

SEC. 143 *Divisions*—(a) *General Health Services, Division of.* This division promotes the development of State and local basic health services and administration; promotes the development of nation-wide public health education and public health nursing program; develops and operates a coordinated system of vital statistics collection, analyses, and publications; coordinates the development and administration of Public Health Service grants to States; develops and conducts arctic health research; provides certain staff services to the Deputy Bureau Chief in civil defense and in the general supervision of the regional office operations of the Public Health Service; and conducts studies and investigations of State and local public health organization, administration, services, and procedures.

(b) *Special Health Services, Division of.* This division plans, conducts, promotes, and coordinates comprehensive nationwide personal health and health maintenance programs for the prevention and control of chronic diseases, heart diseases, occupational diseases and health hazards, tuberculosis, and venereal diseases through: (1) Operational research and investigations, and (2) program services to States, and through States to industry. The latter includes program consultation, technical services, demonstrations, and educational, training, informational, and other related program services.

(c) *Sanitary Engineering Services, Division of.* This division plans, conducts, and coordinates national programs in the field of sanitary engineering such as milk and food sanitation, water pollution control, radiological health, inter-state carrier sanitation, etc.; conducts research and investigations; participates with external organizations in studies, projects, and demonstrations; provides training, consultation, and other technical services to interstate, State, and local agencies, industry, and other organizations; develops and evaluates model codes and ordinances, standards, techniques, or equipment; and develops and distributes program guides, information, education, and training materials.

(d) *Communicable Disease Center.* This Center which is directly responsible to the Chief, Bureau of State Services, plans, coordinates, and provides assistance to State and local health agencies in the control of communicable diseases; investigates endemic and epidemic disease problems; implements, through applied research and technical development, improved methods of disease prevention, control, diagnostic procedures, and evaluation of control methods; conducts training in public health practices and laboratory diagnostic techniques; produces professional training aids; renders reference laboratory diagnostic and consultative services; conducts field operations for communicable disease control through State Health Departments; and provides epidemic and disaster aid.

(e) *International Health, Division of.* This division provides program and policy direction to service activities in international health; develops and recommends U. S. international health policies including those affecting participation in the World Health Organization and Pan American Sanitary Organization; recommends members for U. S. delegations to international health meetings; maintains technical liaison with World Health Organizations and Pan American Sanitary Organizations; plans, negotiates, and administers Service activities connected with international health programs of the Foreign Operations Administration and other agencies; and administers training programs for foreign health personnel.

(f) *Dental Public Health, Division of.* This division plans and directs dental public health programs; assists State and local communities in planning, organizing, establishing, and maintaining modern dental health services; develops and demonstrates new and improved dental health procedures and techniques for the prevention, treatment, and control of dental diseases; develops and

provides informational materials and training services to State and local communities; provides technical and consultative services to State and local communities; and provides specialized assistance for review and appraisal of State and local plans and programs.

NATIONAL INSTITUTES OF HEALTH

SEC. 151 *Functions.* (a) The National Institutes of Health is the research bureau of the Public Health Service. It is composed of several institutes each of which conducts broad programs of research in its respective field. Many projects are initiated as cooperative studies with other Federal agencies and with private institutions and organizations. The exceptional facilities of the institutes are made available to research scientists of such organizations. The studies of the component institutes are coordinated in a comprehensive program of research so that a particular problem may be approached through various related sciences. Many studies are conducted in the field or in facilities of cooperating institutions.

(b) The National Institutes of Health administers a program of grants-in-aid for research in the medical sciences. Through this program the Service provides financial assistance to public and private institutions and to individuals whose applications for such aid are recommended by the National Advisory Health Council, or as may be appropriate, by the National Advisory Cancer Council, the National Advisory Mental Health Council, the National Advisory Heart Council, or the National Advisory Dental Research Council. Fellowships for research scientists are provided by the institutes. The Director of the Institutes, in addition to administering the work of the institutes, advises the Surgeon General on research matters and coordinates research programs initiated by other bureaus of the Service with those of the institutes.

SEC. 152 *Director, Office of.* This office, with the Director of the National Institutes of Health as its chief, assisted by two associate directors and an executive officer, supervises and directs the work of the National Institutes of Health. Through this office the director advises the Surgeon General on all matters pertaining to scientific research, directs research within the National Institutes of Health, fosters outside research activities, and maintains relationships with the public. The office cooperates with other scientific organizations for the purpose of coordinating medical research. It provides research planning and research facilities planning. It also provides internal administrative management and scientific services for the bureau, including publication and dissemination of scientific findings to research workers, health authorities, and others. Professional and scientific examinations are administered for personnel of the institutes by the U. S. Board of Civil Service Examiners in the Office of the Director. This board is composed of scientists of the National Institutes of Health who perform this activity in addition to their other professional duties.

SEC. 153 *Institutes and divisions*—(a) *National Cancer Institute.* This Institute conducts, fosters, and coordinates research into the cause, prevention, diagnosis, and treatment of cancer; provides training and instruction on methods of diagnosis and treatment; makes grants-in-aid to public and private laboratories, institutions, and individuals, including grants for research, teaching, and special control projects, as well as grants to States on a formula basis for control activities. It also maintains traineeships and fellowships in the Institute. It lends radium for treatment and research; cooperates with, and furnishes consultative services and advice to States and other public and private organizations; and collects and disseminates information on cancer diagnosis, treatment, and preventive measures.

(b) *National Heart Institute.* This Institute conducts, assists, and fosters research, investigation, experiments, and demonstrations relating to the cause, prevention, and methods of diagnosis and treatment of diseases of the heart and circulation. It provides training, instruction, traineeships, and research fellowships by making grants to public and other non-profit institutions. It also maintains traineeships and research fellowships at the Institute. It provides grants-in-aid to public and private institutions and to individuals for research projects. It serves as the focal point for the dissemination of information in respect to heart diseases.

(c) *National Institute of Arthritis and Metabolic Diseases.* This Institute conducts, fosters, and coordinates research into the cause, prevention, diagnosis and treatment of metabolic diseases; provides training and instruction on methods of diagnosis and treatment; makes research grants to public and private laboratories, institutions, and individuals; and collects and disseminates information on diagnosis, treatment, and preventive measures on arthritis and metabolic diseases. It also maintains traineeships and fellowships in the Institute. The director of the Institute maintains the principal Service relationships with professional societies, other groups, and the general public interested in this Institute's program.

(d) *National Institute of Dental Research.* This institute conducts, assists, and fosters research, investigations, experiments, and studies relating to the cause, prevention, and method of diagnosis and treatment of dental diseases and conditions. Included in these studies is the relationship of fluorine to dental health. It provides traineeships and research fellowships in the institute. It administers grants to public and nonprofit institutions and to individuals. It provides grants for research to public and private institutions. It promotes the coordination of dental research conducted by the institute, other agencies, organizations, and individuals.

(e) *National Institute of Mental Health.* This institute administers the national mental health program authorized by the National Mental Health Act (60 Stat. 421, Public Law 487, 79th Cong.). It supports research into the prevalence, causes, diagnosis, and prevention of mental illnesses by grants-in-aid to public and private institutions and individual scientists; conducts in-service studies in this field; and makes available information relating to such research. It provides training through grants-in-aid to public and other non-profit institutions, and conducts in-service training in mental health. It assists States in developing and maintaining adequate mental health programs and facilities through grants-in-aid, demonstrations, and consultative services. It cooperates with State mental health authorities and other organizations in studying mental health resources and needs, and in improving facilities for the care of the mentally ill. It cooperates with Federal and other official and private agencies, including the furnishing of psychiatric services to the Juvenile Court of the District of Columbia. It collects and publishes statistics on patients in mental institutions and psychiatric clinics.

(f) *National Institute of Neurological Diseases and Blindness.* This Institute administers functions of research with the Public Health Service in the field of neurological diseases (including epilepsy, cerebral palsy, and multiple sclerosis) and blindness. It provides grants-in-aid for research, training, instruction to public and other non-profit institutions, and to individuals. It also provides traineeships, and research fellowships in the Institute. This Institute's program is carried on in close collaboration with those phases of the program of the National Institute of Mental Health in which both Institutes have common interests. The director of this Institute maintains the principal Service relationships with professional societies, other groups and the general public interested in this Institute's program.

(g) *National Microbiological Institute.* This Institute conducts research on the growth requirements, metabolism, and conditions of survival of micro-organisms as related to public health. The Institute pursues programs seeking to apply this knowledge to the problems of prevention and control of infectious diseases and makes epidemiological and other field studies of infectious diseases when necessary. It makes grants-in-aid for research to public and other nonprofit institutions, and to individuals. It also maintains traineeships and fellowships in the Institute. The Institute also administers the provisions of the Public Health Service Act concerning the licensure of production for interstate sale of certain viruses, serums, toxins, and analogous products, and conducts related research.

(h) *Clinical Center.* This Division provides for integrated operation of the patient facilities which serve the clinical investigations programs of the various Institutes. It provides patients, selected by the Directors of the Institutes, with all necessary services other than the physician care provided by the Institutes. This includes nursing, dietetic, diagnostic laboratory and other services in

accordance with regulations and standards established by the Director of the National Institutes of Health. The Clinical Center also provides for residency training and related programs.

(i) *Research Grants, Division of.* This Division receives all applications for Public Health Service research grants and determines their referral to appropriate Institutes for review by their respective national advisory councils and fellowship boards. Applications not referrable to the Institutes are retained by the Division for review by the National Advisory Health Council and by the National Institutes of Health Research Fellowship Board. Through use of study sections and boards, the Division provides technical advice by expert Government and non-Government consultants on all applications. The Division has responsibility for the business management and technical coordination of the total research grants and fellowships program.

PUBLIC HEALTH SERVICE ORGANIZATION IN THE FIELD

SEC. 161 *Regional Organization.* (a) In order to maintain direct contact with State and local authorities, with field offices of other Federal agencies, and with other official and non-official organizations concerned with its activities, the Public Health Service maintains a staff headed by a Regional Medical Director in eight of the nine Regional Offices of the Department. (See List of Field Installations, section 161 (b), for addresses and jurisdiction of these offices.) Under the general administrative supervision of the Regional Director, each Regional Medical Director represents the Surgeon General in interpreting and carrying out the broad policies of the Service. The Regional Medical Director has immediate direction and supervision of the Public Health Service staff assigned to the regional offices. In this capacity he serves under the immediate direction of the Bureau of State Services and is responsible for seeing that the regional staff provides consultative services to State authorities and assists them in developing and maintaining plans, programs, and budgets for Federal-State-local cooperative programs, such as dental health, sanitation, venereal disease control, tuberculosis control, public health nursing and hospital survey and construction. Correspondence to the Public Health Service regions should be addressed to the Regional Medical Directors.

(b) Addresses and jurisdictions:

Department of Health, Education, and Welfare Region 1, 120 Boylston Street, Boston 16, Mass.: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont. (Correspondence should be addressed to Region 2.)

Department of Health, Education, and Welfare Region 2, 42 Broadway, New York 4, N. Y.: Delaware, New Jersey, New York, Pennsylvania.

Department of Health, Education, and Welfare Region 3, Health, Education, and Welfare Building, South, 330 Independence Avenue SW., Washington 25, D. C.: District of Columbia, Kentucky, Maryland, North Carolina, Virginia, West Virginia, Puerto Rico, Virgin Islands.

Department of Health, Education, and Welfare Region 4, 50 Seventh Street NE., Atlanta 5, Ga.: Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee.

Department of Health, Education, and Welfare Region 5, 69 West Washington Street, Chicago 2, Ill.: Illinois, Indiana, Michigan, Ohio, Wisconsin.

Department of Health, Education, and Welfare Region 6, Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.: Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.

Department of Health, Education, and Welfare Region 7, 901 Ross Avenue, Dallas 2, Tex.: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Department of Health, Education, and Welfare Region 8, 525 New Customs House, 19th and Stout Streets, Denver 2, Colo.: Colorado, Idaho, Montana, Utah, Wyoming.

Department of Health, Education, and Welfare Region 9, Federal Office Building, San Francisco 2, Calif.: Arizona, California, Nevada, Oregon, Washington, Alaska, Hawaii.

SEC. 162 *Public Health Service Medical Supply Depot, Office of Surgeon General.* The Public Health Service Medical Supply Depot, Office of Surgeon General provides supply depot facilities for the Service, including testing and inspection of purchased materials. Correspondence should be addressed to: Officer in Charge, Public Health Service Medical Supply Depot, Perry Point, Maryland. Freight and Express address: Perryville, Maryland.

SEC. 163 *Field Installations of the Bureau of Medical Services*—(a) *Foreign Quarantine Stations.* Correspondence with foreign quarantine stations should be addressed to: Medical Officer in Charge, U. S. Quarantine Station.

Port	Address	Jurisdiction
Anchorage, Alaska	Arctic Health Research Center, PHS, P. O. Box 960.	Alaska.
Baltimore, Md.	Curtis Bay, Baltimore 26.	Chesapeake Bay.
Boston, Mass.	61 Sumner St., East Boston 28.	Eastport, Maine, to New London, Conn.
Brownsville, Tex.	P. O. Box 992.	Port Isabel and Port Mansfield, Tex.
Charleston, S. C.	Customhouse, Charleston 3.	Wilmington, N. C., to Savannah, Ga.
El Paso, Tex.	139 U. S. Courthouse Bldg.	Brownsville, Tex., area to Ajo, Ariz.
Fort Monroe, Va.	P. O. Box 27.	Hampton Roads, Va., to Morehead City, N. C.
Honolulu, T. H.	P. O. Box 1410.	Hawaii.
Houston, Tex.	216 Appraisers Stores Bldg., 7300 Wingate Ave.	Galveston to Brownsville Area, Tex.
Jacksonville, Fla.	P. O. Box 4788.	Brunswick, Ga., to St. Augustine, Fla.
Los Angeles, Calif.	P. O. Box 97, Terminal Island.	San Luis Obispo to San Pedro Bay, Calif.
Miami, Fla.	P. O. Box 1246, Miami Beach 39.	Fort Pierce to Key West, Fla.
Mobile, Ala.	800 St. Anthony St.	Carrabelle, Fla., to Gulfport, Miss.
New Orleans, La.	(Algiers), New Orleans 14.	Mississippi River and Gulf Coast to Morgan City, La.
New York, N. Y.	Rosebank, Staten Island 5.	Bridgeport, Conn., to Perth Amboy, N. J.
Philadelphia, Pa.	225 Chestnut St., Phila. 6.	Delaware Bay and Delaware River.
Portland, Maine	331 Veranda St., Portland 5.	Portland, Maine.
Port Arthur, Tex.	Room 7-A, P.O. Bldg.	Port Arthur area, Tex.
San Diego, Calif.	208 New P. O. Bldg., San Diego 1.	San Diego, Calif., to Calexico.
San Francisco, Calif.	Foot of Hyde St., San Francisco 9.	Eureka to Monterey, Calif.
San Juan, P.R.	P. O. Box 3788, San Juan 18.	Puerto Rico and Virgin Islands.
Seattle, Wash.	35 Federal Office Bldg., Seattle 4.	Columbia River and Puget Sound.
Tampa, Fla.	P. O. Box 1438, Tampa 1.	Cedar Keys to Boca Grande, Fla.
Washington, D. C.	HEW Bldg. South, Fourth and D Sts. SW., Washington 25.	Potomac River and Washington Airport.

The medical examination of aliens is also performed at a selected number of consular offices in foreign countries. For a list of additional seaports, border stations, and airports served by quarantine officers write the Chief, Division of Foreign Quarantine, U. S. Public Health Service, Washington 25, D. C.

(b) *Hospitals, Clinics, and Outpatient Offices.* Correspondence with hospitals, clinics, and outpatient offices of the Service should be addressed to: Medical Officer in Charge.

USPHS Hospitals and Outpatient Department Annexes

Baltimore 11, Md.: Wyman Park Drive and 31st Street; Outpatient Department Annex: Customhouse, Baltimore 2, Md.

Boston 35 (Brighton), Mass.: 77 Warren Street.

Brooklyn 35, N. Y.: Oriental Boulevard and Pealy Avenue; Manhattan Beach (Tuberculosis).

Carville, La. (PHS Leprosarium) Freight and Express Address: St. Gabriel, La.

Chicago 13, Ill.: 4141 Clarendon Avenue.

Detroit 15, Mich.: Windmill Points.

Fort Worth 1, Tex.: P. O. Box 100 (Drug Addiction and Mental Illness).

Galveston 1, Tex.: 45th Street and Avenue North.

Lexington, Ky.: (Drug Addiction and Mental Illness).

Memphis 5, Tenn.: Delaware and California Streets.

New Orleans 18, La.: 210 State Street.

Norfolk 8, Va.: Hampton Boulevard, Larchmont.

San Francisco 18, Calif.: 15th Avenue and Lake Street.

Savannah, Ga.: York and Abercorn Streets.

Seattle 14, Wash.: P. O. Box 3145.

Staten Island 4, N. Y.: Freight Address: Tompkinsville, Staten Island, N. Y., Express Address, Stapleton, N. Y.

Public Health Service Outpatient Clinics

Balboa Heights, C. Z.

Buffalo 3, N. Y., 227 P. O. Building, 121 Ellicott Street.[1]

Charleston 8, S. C.: Customhouse, Market and Bay Streets.

Charlotte Amalie, V. I.: U. S. P. O. and Customhouse Building.

Cincinnati 2, Ohio: U. S. P. O. and Courthouse Building, Fifth and Walnut Streets.

Cleveland 20, Ohio: Fairhill Road and East 124th Street.[1]

El Paso, Tex.: 139 U. S. Courthouse.

Honolulu 7, T. H.: 208 Federal Building.

Houston 11, Tex.: 216 Appraisers Stores Building, 7300 Wingate Avenue.

Jacksonville, Fla.: 403 Federal Building, 311 West Monroe Street or Box 4788.

Los Angeles 12, Calif.: 408 Federal Building, 312 North Spring Street.

Miami 3, Fla.: 365 Federal Building, 300 Northeast First Avenue.

[1] Address correspondence for this station to the medical officer in charge of the Detroit station.

Mobile 16, Ala.: 800 St. Anthony Street.
New York 13, N. Y.: 67 Hudson Street.
Philadelphia 6, Pa.: 225 Chestnut Street.
Pittsburgh 19, Pa.: 413 New Federal Building.[2]
Port Arthur, Tex.: 211 Federal Building.
Portland 5, Maine: 331 Veranda Street.
Portland 5, Oreg.: 220 U. S. Courthouse, Broadway and Main Streets.
St. Louis 1, Mo.: Room 206, Old P. O. Building, 815 Olive Street.
San Diego 1, Calif.: 208 New P. O. Building.
San Juan 18, P. R.: P. O. Box 3788.
San Pedro, Calif.: 308 Federal Building, 825 South Beacon.[2]
Tampa 1, Fla.: Box 1438, Davis Island.
Washington 25, D. C.: HEW Building, South, Fourth and D Streets, SW.

Public Health Service Outpatient Offices

Aberdeen, Wash.: 700 Becker Building.
Albany 8, N. Y.: 680 Madison Avenue.
Alpena, Mich.: Savings Bank Building, 122 North Second Street.
Anacortes, Wash.: Medical Dental Building.
Apalachicola, Fla.: 17½ Avenue E.
Ashland, Wis.: 522 West Second Street.
Ashtabula, Ohio: 2334 Lake Avenue.
Astoria, Oreg.: 250 Twelfth Street.
Bath, Maine: 118 Front Street.
Baton Rouge 11, La.: 701 North Seventh Street.
Bay City, Mich.: 307 Davidson Building.
Beaufort, N. C.: 111 Pollock Street.
Bellingham, Wash.: 511 Herald Building.
Biloxi, Miss.: 423 Lameuse Street.
Brownsville, Tex.: 105 West Elizabeth Street.
Brunswick, Ga.: 1501½ Newcastle Street.
Cairo, Ill.: 309 Eighth Street.
Cambridge, Md.: 6 Church Street.
Cape May, N. J.: Columbia Avenue and Ocean Street.
Coos Bay, Oreg.: 510 Hall Building.
Cordova, Alaska: Cardova Community Hospital or P. O. Box 100.
Corpus Christi, Tex.: Room 719, Jones Building, 314 Peoples Street.
Crisfield, Md.: 322 Main Street.
Duluth 2, Minn.: 706 Medical Arts Building, 324 West Superior Street.
East Machias, Maine: High Street.
Edenton, N. C.: 108 East King Street.
Edgartown, Mass.: North Summer Street.
Elizabeth City, N. C.: 224 Carolina Building.
Erie, Pa.: 226 West Eighth Street.
Escanaba, Mich.: 1106 First Avenue South.
Eureka, Calif.: 630 Seventh Street, Medical Dental Building.
Evansville 2, Ind.: 619 Mary Street.
Everett, Wash.: 416 Medical and Dental Building.
Fall River, Mass.: 2123 Highland Avenue.
Frankfort, Mich.: 104 Fourth Street.
Gallipolis, Ohio: Third Avenue and State Street.
Gloucester, Mass.: 63 Middle Street.
Grand Haven, Mich.: 414 Franklin Street.
Green Bay, Wis.: 1252 Main Street.
Gulfport, Miss.: 404–406 Hewes Building.
Houghton, Mich.: Bosch Building, 124 Sheldon Street.
Indiana Harbor, Ind.: 3406 Guthrie Street.
Juneau, Alaska: P. O. Box 2930.
Ketchikan, Alaska: Koel Building, or P. O. Box 359.
Key West, Fla.: 420 Simonton Street.
Kilmarnock, Va.
La Crosse, Wis.: 205 Linker Building, Fourth and Main.
Lewes, Del.: Savannah Road.
Lorain, Ohio: 435 Reid Avenue.
Louisville 2, Ky.: 908 Hayburn Building, Fourth and Broadway.
Ludington, Mich.: 107 West Ludington Avenue.
Manistee, Mich.: 401 River Street.
Manitowoc, Wis.: 811 York Street.
Marquette, Mich.: Savings Bank Building, 101 South Front Street.
Menominee, Mich.: Electric Square Building, 104 10th Avenue.
Milwaukee 2, Wis.: Goldsmith Building, 425 East Wisconsin Avenue.
Morehead City, N. C.: 907 Evans Street.
Muskegon, Mich.: 1160 Ransom Street.
Natchez, Miss.: 306 Franklin Street.
New Bedford, Mass.: 166 Cottage Street.
New Bern, N. C.: 81 Pollock Street.
New Haven 11, Conn.: 291 Whitney Avenue.
New London, Conn.: 302 State Street.
Newport, Oreg.: 625 South Hurlburt Street.
Newport, R. I.: 105 Pelham Street.
Newport News, Va.: 2903 West Avenue.
Nome, Alaska: P. O. Box 497.
Ogdensburg, N.Y.: 430 Ford Street.
Olympia, Wash.: 529 West Fourth Street.
Oswego, N. Y.: 91 West Bridge Street.
Paducah, Ky.: 817 Citizens Saving Bank Building.
Panama City, Fla.: 456 Grace Avenue.
Pensacola, Fla.: 1003 North 12th Street.
Petersburg, Alaska: Box 1054.
Ponce, P. R.: Box 350, 40 Isabel Street.
Port Huron, Mich.: 916 Seventh Street.
Port Townsend, Wash.: Medical Building.
Providence 3, R. I.: 162 Indiana Avenue.
Provincetown, Mass.: 322 Commercial Street.
Racine, Wis.: 1101 Grand Avenue.
Reedville, Va.
Richmond 20, Va.: 714 North Boulevard.
Rogers City, Mich.: 225 Third Street.
Sandusky, Ohio: 622 Camp Street.
Sault Ste. Marie, Mich.: 300 Court Street.
Seward, Alaska: Seward Clinic.
Sheboygan, Wis.: 516A North Eighth Street.
Southport, N. C.
Superior, Wis.: Board of Trade Building, 1507 Tower Avenue.
Tacoma 2, Wash.: 1403 Medical Arts Building.
Toledo 4, Ohio: 510–514 Ohio Building.
Two Harbors, Minn.: 426 First Avenue.
Vicksburg, Miss.: 1600 Monroe Street.
Washington, N. C.: 420 West Market Street.
Wilmington, Del.: 1300 Delaware Avenue.
Wilmington, N. C.: 203 Murchison Building.

SEC. 164 *Field installations of the Bureau of State Services*—(a) *Field Stations of the Division of General Health Services.* Correspondence should be addressed to: Medical Officer in Charge, Arctic Health Research Center, U. S. Public Health Service, P. O. Box 960, Anchorage, Alaska.

(b) *Field Stations of the Division of Special Health Services.* Correspondence should be addressed to: Officer in Charge, U. S. Public Health Service.

Diabetes Control Section, 639 Huntington Avenue, Boston 15, Mass.
Tuberculosis Epidemiology Section, 900 Linwood Boulevard, Columbus, Ga.
Biologics Preparation Laboratory, 336 Commerce Lane, Rockville, Md.
Electronic Service Unit, 122 Commerce Lane, Rockville, Md.
Immunization Section, c/o Insular Department of Health, San Juan, P. R.
Cardiac Rehabilitation Unit, Cedars of Lebanon Hospital, Los Angeles, Calif.
Occupational Health Field Headquarters, 1014 Broadway, Cincinnati, Ohio.
Occupational Health Field Station, Box 2537, Fort Douglas Station, Salt Lake City, Utah.
Venereal Disease Research Laboratory, Communicable Disease Center, Chamblee, Ga.
Venereal Disease Experimental Laboratory, P. O. Box 1049, Chapel Hill, N. C.

(c) *Field Stations of the Division of Sanitary Engineering Services.* Correspondence with the field stations of the division should be addressed to: Officer in Charge, Robert A. Taft Sanitary Engineering Center, 4676 Columbia Parkway, Cincinnati 26, Ohio.

(d) *Communicable Disease Center and Field Stations thereof.* Correspondence with the Center should be addressed to Chief, Communicable Disease Center, U. S. Public Health Service, 50 Seventh Street NE., Atlanta 5, Ga.: correspondence to the field stations of the Communicable Disease Center should be addressed to the Officer in Charge, U. S. Public Health Service, Communicable Disease Center Activities:

Amherst, Mass.: Training Station, University of Massachusetts, Marshall Hall Annex.
Bakersfield, Calif.: Bakersfield Field Station, P. O. Box 1664.
Denver, Colo.: Training Station, University of Colorado Medical Center, 4200 East Ninth Avenue.
Logan, Utah: Logan Field Station, 290 West Center Street.
Montgomery, Ala.: Virus and Rickettsia Laboratory, P. O. Box 61.
Mount Vernon, N. Y.: New York Field Training Station, 20 East First Street.
Newton, Ga.: Newton Field Station.
Pittsburgh, Pa.: Pittsburgh Field Training Station, 40th and Pennsylvania Avenue.
Phoenix, Ariz.: Phoenix Field Station, 1550 East Indian School Road.
San Francisco, Calif.: San Francisco Field Station, 15th Avenue and Lake Street.
San Juan, P. R.: Puerto Rico Field Station, P. O. Box 52.
Savannah, Ga.: Technical Development Laboratories, P. O. Box 769.
Seattle, Wash.: Northwest Field Training Station, Smith Tower.
Wenatchee, Wash.: Wenatchee Field Station, P. O. Box 73.
West Prestonburg, Ky.: Cumberland Field Station, P. O. Box 147.

(e) *Field Stations of the Division of Dental Public Health.* Correspondence with the field stations of the division should be addressed to:

Dental Officer in Charge, U. S. Public Health Service.
Dental Demonstration Unit: 148 Ransom Avenue NE., Grand Rapids 5, Mich.
Dental Study Project: c/o Alachua County Health Department, Gainesville, Fla.; c/o Dorchester County Health Department, Cambridge, Md.
Officer in Charge, U. S. Public Health Service; c/o City Water Works, Britton, S. Dak.; c/o City Water Works, Bartlett, Tex.

SEC. 165 *Field organization of the National Institutes of Health.* The field organization includes laboratories or centers which conduct basic research studies in fields of medicine with which the Institutes are concerned. Most of the laboratories or centers are located in universities, hospitals, or other public or private research institutions. Also included are several installations which offer services to people in the community. These are listed below. Inquiries concerning National Institutes of Health field installations should be addressed to the Director, National Institutes of Health, Bethesda, Md.

[2] Address correspondence for this station to the medical officer in charge of the Baltimore station.

[2] Address correspondence for this station to the medical officer in charge of the Los Angeles station.

Phoenix Mental Health Center, Phoenix College, Phoenix, Ariz.
Prince Georges County Mental Health Clinic, College Park, Md.
Rocky Mountain Laboratory, Hamilton, Mont.

PROCEDURES AND FORMS

GENERAL PROCEDURES

SEC. 201 *Gifts.* On behalf of the United States, the Secretary of Health, Education, and Welfare is authorized to accept gifts made for the benefit of the Public Health Service or for carrying out its functions, in accordance with section 501 of the Public Health Service Act, as amended, 42 U. S. C. 219 and Reorganization Plan No. 1 of 1953. Information may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C.

SEC. 202 *Claims for damages.* Provisions of law and procedures regarding claims for damage to, or loss or destruction of, property or for personal injury or death, alleged to have been caused by commissioned or civilian officers or employees of the Public Health Service, are set forth in 45 CFR 35.1–35.7, and 31 U. S. C. 215–217. Provisions of law regarding claims for damage occasioned by collisions or incident to the operation of vessels of the Public Health Service, are set forth in section 505 of the Public Health Service Act, as amended, 42 U. S. C. 223. All such claims may be filed with the Public Health Service Board of Claims, U. S. Public Health Service, Washington 25, D. C.

SEC. 203 *Civil service positions.* (a) Information regarding civil service positions in the Public Health Service may be obtained by writing to the Division of Personnel, U. S. Public Health Service, Washington 25, D. C. For procedures and forms prescribed by the U. S. Civil Service Commission, see 5 CFR Ch. I.

(b) The Public Health Service offers internship training in medicine and dentistry at some of its stations; information regarding such training may be obtained by writing to the Committee on Internships and Residencies, U. S. Public Health Service, Washington 25, D. C.

REGULAR AND RESERVE COMMISSIONED CORPS

SEC. 204 *General statement.* (a) Commissions in the Regular and Reserve Corps of the Public Health Service are available to citizens trained in the fields of medicine, dentistry, sanitary engineering, pharmacy, scientific specialties related to public health, nursing, dietetics, and physical and occupational therapy. Regulations relating to the commissioned corps are contained in 42 CFR Parts 21, 22.

(b) Appointments are made in the Regular Corps by the President subject to confirmation by the Senate. Officers retain commissions in the Regular Corps for life, contingent upon their passing prescribed promotion and physical examinations and compliance with rules and regulations of the Service. Appointments are made in the Reserve Corps by the Secretary under authority delegated to the Secretary by the President (E. O. 10506, Dec. 10, 1953, 18 F. R. 8219). Reserve commissions are for a period of not more than five years, after which an officer may be reappointed. Reserve commissions may be terminated at any time by the Secretary, upon recommendation of the Surgeon General, under the foregoing delegation of authority.

SEC. 205 *Application for commission.* Applications may be made on Form PHS–50 "Application for Commission in the United States Public Health Service." Application forms and instructions may be obtained by writing to the Division of Personnel, U. S. Public Health Service, Washington 25, D. C. Eligibility requirements and the contents of the application are described in the regulations.

SEC. 206 *Regular Corps; examinations and appointment.* (a) Competitive written examinations for appointment in the Regular Corps are usually held annually in the principal cities in the early spring or summer. Announcements of the time and place of examinations are published at least thirty days prior to the date of the examination, in the leading medical and other professional journals. Applicants with satisfactory qualifications are instructed to present their completed applications and supporting documents to a board of commissioned officers, appointed by the Surgeon General, which conducts oral and written professional examinations and physical examinations as prescribed in regulations.

(b) The procedure for establishment of merit rolls on the basis of examination ratings and relative standings of candidates, and for nominations from merit rolls, are described in the regulations.

SEC. 207 *Reserve Corps; examination and appointment.* Eligibility requirements are described in Title 42 of the Code of Federal Regulations. The examination consists of a review of the candidate's qualifications by the examining board in Washington, D. C., a physical examination which is arranged at a Public Health Service station, and may include an oral interview, a written examination or both. Appointments of candidates are recommended by the Surgeon General and transmitted to the Secretary for final action.

SEC. 208 *Other provisions governing commissioned officers.* Procedures regarding allotments, leave, promotion, separation, retirement, uniforms, decorations, discipline, and burial payments in time of war, quarters, and foreign service allowances of commissioned officers, are described in the regulations.

PUBLIC INQUIRIES

SEC. 209 *General statement.* The Public Inquiries Branch in the Office of the Surgeon General, U. S. Public Health Service, Washington 25, D. C., conducts a central inquiry service for the professional and lay public. It answers questions and distributes publications and films on a variety of subjects ranging from simple health information to scientific research findings in the fields of medicine and public health.

COLLECTION OF VITAL STATISTICS

SEC. 210 *General statement.* Reports of morbidity and mortality are collected by the Public Health Service from State, Territorial or local governments in accordance with 42 U. S. C. 245 and provisions of International Sanitary Conventions to which the United States is a signatory power. Transcripts of birth, death, and stillbirth certificates are purchased by arrangements with the States, Territories, and independent registration cities in accordance with Sec. 312a, PHS Act, as amended by Sec. 2, Public Law 740, 83d Cong., 68 Stat. 1025.

SEC. 211 *Use of reports and transcripts.* Transcripts and reports collected by the Public Health Service under these provisions are tabulated and analyzed by the National Office of Vital Statistics for statistical purposes only.

SEC. 212 *Reports.* Weekly telegraphic morbidity reports and annual morbidity summaries (Forms PHS–1715–1, 1715–2, 1716, 1717) are submitted by State and Territorial Health Departments. In addition, reports of outbreaks and other unusual occurrences of diseases are received. Weekly and monthly telegraphic or mail reports of births and deaths are received from State, city, and Territorial health departments. Report forms, as well as instructions, may be obtained upon request from the National Office of Vital Statistics, U. S. Public Health Service, Washington 25, D. C.

SEC. 213 *Official publications.* Annual reports (Vital Statistics in the United States, Parts I and II), and occasional special publications on vital statistics may be purchased from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C. Subscriptions to "Public Health Reports", a monthly scientific journal of public health practice, may be obtained from the same source. Weekly and monthly statistical reports and the papers entitled "Vital Statistics-Special Reports" are made available to professionally interested persons and agencies without charge.

INTERSTATE CARRIER SANITATION

SEC. 221 *General statement.* Interstate Carriers must comply with requirements of the Interstate Quarantine Regulations contained in 42 CFR Part 72 regarding the sanitary condition of interstate conveyances such as railroad passenger cars and dining cars, buses, ships, and airlines, which have sanitary facilities, provide water or food, and which operate in interstate traffic. Failure to comply with the requirements of the regulations can result in a fine of not more than $1,000 or imprisonment for not more than one year, or both (section 368 (a) of the Public Health Service Act as amended, 42 U. S. C. 271). Operating conditions on these conveyances are observed and in the case of ships and dining cars, inspections are made regularly. Water and food sources are inspected and certified for use by interstate carriers. The facilities for handling food and water at railroad and airline servicing areas are also under inspection as well as facilities for the disposal of wastes. Plans for the construction and reconstruction of such facilities are reviewed.

SEC. 222 *Construction of conveyance.* (a) Plans for the construction or reconstruction of railroad passenger cars, buses, and aircraft are required to be submitted to the Division of Sanitary Engineering Services for review. Inspections are made by Public Health Service Regional Office representatives. Plans may be submitted by the operators or the car builders. The obligation to submit plans is the responsibility of the operator not the car builder or the aircraft builder, but the submittal is frequently made by the builder. The Sanitation Manual for Land and Air Conveyances Operating in Interstate Traffic (Public Health Reprint 2444, 1943) provides general information. The Handbook on Sanitation of Railroad Passenger Car Construction, PHS Publication No. 95, and the Handbook on Sanitation of Airlines, PHS Publication No. 308, provide general information on sanitary aspects of design.

(b) Plans for the construction or reconstruction of U. S. vessels in interstate traffic, as well as in foreign trade, are reviewed on a voluntary basis. Inspections result in issuance of a "Certificate of Sanitary Construction," if construction or reconstruction has been in accordance with the recommendations contained in the Handbook on Sanitation of Vessel Construction, PHS Publication No. 393. Inspections are made by Regional Office representatives. In the case of U. S. vessels in foreign trade, ratproof construction, as well as general sanitation including water, food, plumbing, and waste disposal, is important.

SEC. 223 *Operating conditions.* The Interstate Quarantine Regulations, 42 CFR Part 72, spell out various requirements to be met by the railroad, bus, airline, and vessel industries in their interstate operations. Inspections are generally made of each passenger or freight ship and each dining car about twice a year. Inspections of other interstate carriers are not made on a regularly scheduled basis Reports of inspection are given to the operator with the request that corrections be made where indicated Certificates of sanitation are issued to conveyances having a high sanitation rating These certificates must be posted by the carriers. The Handbook on Sanitation of Vessels in Operation, PHS Publication No. 68, the Handbook on Sanitation of Airlines, PHS Publication No. 308, and the Handbook on Sanitation of Dining Cars in Operation, PHS Publication No. 83, are used as guides for making sanitary inspections.

SEC. 224 *Water and food sources.* (a) The regulations require that the sources of water and milk be approved by the Surgeon General. The Service prepares and distributes to the carriers lists of the various watering points used by them, each classified either as "approved," "provisionally approved," or as "use prohibited." Carriers may use watering points in the first two categories and not in the "use prohibited" category. Special measures are taken to provide carriers with immediate notification of changes in "use prohibited" watering points. The classification of a watering point depends on two factors. One is the water supply, which may be a public supply or a private one, and the second factor is the sanitary status of the facilities at the watering point for handling or loading water. The Public Health Service makes inspections of water supplies or watering points or utilizes reports of State or local health agencies. Sufficient copies of the respective lists are sent to those railroads, bus lines, airlines and vessel companies which provide water on their conveyances for passenger or crew consumption. The standards for classification of the water supplies are the Drinking Water Standards contained in 42 CFR 72.201 to 72.204. The Handbook on Sanitation of Railroad Services Areas, PHS Publication No. 66, and the Handbook on Sanitation of Vessel Watering Points, PHS Publication No. 274, are used as guides for classifying watering points.

(b) Milk plants supplying fresh milk or frozen desserts to interstate carriers are inspected and classified in a manner similar to watering points. The Milk Ordinance and Code—1953 Recommendations of the Public Health Service, PHS Publication No. 229, is used as a guide in classifying milk plants. Its Frozen Desserts Ordinance and Code, recommended by the Public Health Service, is used as a guide in classifying ice cream sources.

(c) Railroad and airline commissaries are inspected by public Health Service or State personnel. The Ordinance and Code Regulating Eating and Drinking Establishments—1943 Recommendations of the Public Health Service, PHS Publication No. 37, is used as a guide in inspecting and classifying these food preparation places. These commissaries are evaluated in a manner similar to that for watering points and milk sources and the carriers are notified of the results of inspections as well as the classification. Sources of bottled water are inspected by Public Health Service or State personnel and classified as "approved," "provisionally approved" or "use prohibited."

(d) As a service to the shellfish industry and to State authorities, the Public Health Service publishes, semimonthly a list of shellfish shippers holding certificates issued by those State regulatory authorities which conduct a shellfish sanitation program approved by the Service on the basis of a "Manual of Recommended Practices for the Sanitary Control of the Shellfish Industry"—1946 Recommendations of the Public Health Service, PHS Publication No. 33.

(e) The regulations require the submittal of construction plans or plans for major reconstruction of sanitation facilities at servicing areas. These facilities include watering point installations of hydrants and platforms as well as facilities for disposing of material from soil cans, garbage cans, and the construction or reconstruction of commissaries where food is stored or prepared.

INTERSTATE SHIPMENT OF SHAVING AND LATHER BRUSHES

SEC. 225 *General statement.* Shaving or lather brushes may not be shipped or carried in interstate commerce unless manufactured in compliance with the regulations contained in 42 CFR Part 72.

SEC. 226 *Permits; application and issuance.* (a) Application forms for permits certifying approval of manufacturing procedures may be obtained from the Division of Sanitary Engineering Services, U. S. Public Health Service, Washington 25, D. C. This form calls for the name and location of the manufacturing establishment, a list of products manufactured or processed, and the signature and title of the executive officer of the establishment. The application form is submitted in duplicate to the Division of Sanitary Engineering Services. The facilities and processes of the applicant's establishment are then inspected for compliance with provisions of the regulations by a representative of the Regional Office within whose jurisdiction the establishment is located. Copies of the identifying marks to be used on brushes are also obtained. The Regional Office transmits to the Division of Sanitary Engineering Services an inspection report, together with recommendations. If upon the basis of the report the head of the Division of Sanitary Engineering Services determines that the establishment is complying with the regulations, a permit is forwarded to the applicant. If the application is not approved, the applicant is notified of this fact, reasons given, and suggestions are offered for improvements that would result in favorable action.

(b) After a permit is issued, all Regional Offices and all State health authorities are so notified in order that the establishment's products may be recognized on the market. State and local health departments make periodic checks of brushes for sale on the retail market and when brushes are found not carrying a registered mark as required by the regulations, a report of that fact is sent to the Surgeon General for enforcement action. Establishments holding permits are subject to periodic inspection; the permit is subject to revocation if it is determined that the regulations are not complied with.

BIOLOGICAL PRODUCTS; LICENSES

SEC. 230 *General statement.* (a) Licenses are issued to establishments engaged in the manufacture and preparation of certain biological products, under the authority of section 351 of the Public Health Service Act, as amended (42 U. S. C. 262). Standards designed to insure the continued safety, purity, and potency of such products are prescribed in regulations made jointly by the Surgeon General of the Public Health Service, the Surgeon General of the Army, and the Surgeon General of the Navy, and approved by the Secretary of Health, Education, and Welfare. They appear in 42 CFR Part 73.

(b) The Laboratory of Biologics Control, National Institutes of Health,

Bethesda 14, Md., prepares and issues monographs, known as "Minimum Requirements," on individual biological products. The monographs discuss each product, methods for its production, tests for safety, purity and potency, etc. They are advisory in character, intended for the information and assistance of manufacturers and scientists. Forms are sometimes attached to the monographs which are designed for use in recording the results of tests of a licensed product. These forms may be used in preparing the protocols which are to be transmitted to the National Institutes of Health with samples of licensed products, as provided for in 42 CFR 73.71, 73.91. The Laboratory of Biologics Control also prepares and issues from time to time material, known as "Dating Decisions", containing information concerning the periods within which particular products may be expected to yield their specific results. This material represents the latest scientific knowledge available and is also advisory in character. Copies of the "Minimum Requirements" and "Dating Decisions" may be obtained from the Laboratory of Biologics Control, National Institutes of Health, Bethesda 14, Maryland.

SEC. 231 *Products and establishments subject to license.* Products subject to license include any virus, therapeutic serum, toxin, antitoxin, or analogous product, or arsphenamine or its derivatives (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of diseases or injuries of man. Foreign as well as domestic establishments are subject to license requirements with respect to products brought into the District of Columbia or any State or possession, for sale, barter, or exchange.

SEC. 232 *Applications for licenses.* Forms for application for licenses, and assistance in completing application forms, may be obtained from the Laboratory of Biologics Control, National Institutes of Health, Bethesda 14, Maryland. Detailed information is required on the technical facilities of the establishment and on the methods of preparation and testing of the product.

SEC. 233 *Processing of applications.* Completed applications, reviewed by the Laboratory of Biologics Control are forwarded with a report to the Surgeon General. The report is based in part on inspection of the establishment and laboratory tests of the product. The Surgeon General transmits the application, the report, and his recommendations for action, to the Secretary of Health, Education, and Welfare. In certain cases the Surgeon General appoints a Special Board of Officers to review applications. The findings of the Board are submitted to the Secretary with the Surgeon General's recommendations.

SEC. 234 *Issuance of licenses.* Licenses for approved establishments and products are issued by the Secretary. Licensed establishments are subject to reinspection and licensed products are subject to retesting.

SEC. 235 *Suspension, cancellation, or revocation.* Upon recommendation of the Surgeon General, the Secretary may suspend, cancel, or revoke licenses in accordance with regulations, contained in 42 CFR Part 73. Such recommendations are ordinarily based upon inspection reports and laboratory tests.

SEC. 236 *Hearings.* The Surgeon General grants opportunity for hearings (a) prior to denial, revocation, or suspension of license; or (b) after a license has been denied or because of danger to health, summarily suspended without prior opportunity for a hearing. Such hearings are provided before an officer or board of officers designated by the Surgeon General for that purpose. The findings and recommendations of the officers or board are forwarded by the Surgeon General with his recommendations to the Secretary.

SEC. 237 *Complaints.* Any person who has reason to question the safety, purity, or potency of any licensed biological products on the open market should communicate with the Laboratory of Biologics Control, National Institutes of Health, Bethesda 14, Maryland.

SEC. 238 *Relation to Food and Drug Administration; licensed products and products for investigational use only.* The Public Health Service is generally responsible to the Secretary of Health Education, and Welfare for the administration of the provisions of both the Public Health Service Act, as amended, and of the Federal Food, Drug, and Cosmetic Act which are applicable to biological products. This responsibility extends to products licensed under the Public Health Service Act, which are deemed not subject to section 505 of the Federal Food, Drug, and Cosmetic Act, and to products intended solely for investigational use which are subject to the provisions of subsection (i) of section 505 of the Federal Food, Drug, and Cosmetic Act and the regulations thereunder. By administrative arrangement, reports are made to the Service by the Food and Drug Administration whenever, in the course of the field operations of the Food and Drug Administration, conditions or products are encountered which there is reason to suspect may be substandard. In any emergency involving protection to the public against products which may be dangerous to life or health, proceedings may be invoked under the provisions of either act as may be agreed between the Public Health Service and the Food and Drug Administration, or as the Secretary may direct.

GRANTS FOR RESEARCH

SEC. 240 *General statement.* Grants for medical research are made to universities, hospitals, laboratories, other public and private institutions and individual scientists, in accordance with section 301, and related provisions of the Public Health Service Act, as amended, 42 U. S. C. 241.

SEC. 241 *Applications for research grants.* Application forms and instructions for preparing the forms may be obtained from the Division of Research Grants, National Institutes of Health, Bethesda 14, Maryland. The principal items in the application require from the applicant detailed information on the proposed research project as well as the qualifications of those who would conduct it.

SEC. 242 *Processing of applications.* Applications received are submitted to expert committees covering designated areas of medical research. These sections, consisting of non-government consultants, review applications and prepare recommendations for consideration by the appropriate National Advisory Councils.

SEC. 243 *Action following Council consideration.* When a National Advisory Council recommends approval of a grant, its recommendation is certified for final action to an official to whom authority is delegated by the Surgeon General. The applicant is notified of final action.

RESEARCH FELLOWSHIPS

SEC. 244 *General statement.* Research fellowships are awarded to individuals who have demonstrated outstanding or potential ability for scientific research in the various fields of science related to public health, in accordance with section 301, and related provisions of the Public Health Service Act, as amended, 42 U. S. C. 241. For regulations regarding fellowships see 42 CFR Part 61.

SEC. 245 *Applications for fellowships.* Application forms may be obtained from the Division of Research Grants, National Institutes of Health, Bethesda 14, Maryland. The principal items in the application form require from the applicant detailed information on his education, training, and experience.

SEC. 246 *Evaluation of applications.* Applications are evaluated by Research Fellowship Boards appointed by the Surgeon General. The Boards consist of persons representing various fields of science.

SEC. 247 *Action following Board evaluation.* Based on recommendations of the Boards, awards may be made by an official to whom authority is delegated by the Surgeon General. Advice of final action is communicated to all applicants.

TRAINING GRANTS AND TRAINEESHIPS

SEC. 248 *General statement.* (a) Section 433 of the PHS Act as amended (42 U. S. C. 289c), and related provisions provide (1) for the award to individuals of traineeships in such fields as heart disease, cancer, neurological and sensory diseases and arthritis and metabolic diseases; and (2) for grants to public and other nonprofit institutions for improvement of teaching and for training, including payment of stipends to qualified trainees, in such fields as mental health, cancer, heart disease, neurological and sensory diseases and arthritis and metabolic diseases.

(b) The respective Institutes of the NIH have general administrative responsibility for these programs. For regulations governing traineeships, see 42 CFR Part 63.

SEC. 249 *Applications for training grants*—(a) *Application forms.* Application forms and instructions for preparing the forms may be obtained from the appropriate institute at the National Institutes of Health, Bethesda 14, Maryland.

(b) *Evaluation of applications.* Applications received from institutions are submitted by the institutes to their respective National Advisory Council.

(c) *Action following Council evaluation.* Based on recommendations of the Councils, awards may be made by an official to whom authority is delegated by the Surgeon General. The applicant is notified of final action.

SEC. 250 *Traineeships*—(a) *Application forms.* Individuals seeking traineeships may obtain application forms and instructions for preparing the forms from the appropriate institute of the National Institutes of Health, Bethesda 14, Maryland.

(b) *Evaluation of applications.* Applications are evaluated by expert committees appointed by the respective institutes.

(c) *Action following Committee evaluation.* Based on recommendations of these Committees, awards may be made by an official to whom authority is delegated by the Surgeon General. The applicant is notified of final action.

RADIUM LOANS

SEC. 252 *General statement.* Loans of radium are made to agencies and institutions for treatment of cancer patients and for cancer research, in accordance with sections 402 and 403 of the Public Health Service Act, as amended.

SEC. 253 *Applications for loans.* Application forms and a statement of the conditions under which loans are granted may be obtained from the National Cancer Institute, National Institutes of Health, Bethesda 14, Maryland. The application requires a description of the size and equipment of the hospital or clinic, the qualifications of the staff, and a statement of the number of cancer patients using the facilities. In order to coordinate the loan program with the cancer control programs of State health departments, applicants are required to secure approval of the applications from their respective State health departments.

SEC. 254 *Processing of applications.* The completed application is reviewed by the Director of the National Cancer Institute, or persons designated by him. The main points considered are the qualifications of staff, the need for the radium as determined by the amount the hospital already has and the number of cancer patients using its facilities, the adequacy of the hospital's radiological equipment and the availability of other radium in the community. In order to effect an equitable distribution of radium, loans already made to institutions in the State and community are considered.

SEC. 255 *Loan contract.* The applicant is notified of the decision made on his application. If the loan is approved, a loan contract is sent to the applicant for signature. The essential elements in the contract provide that the borrowers agree to:

(a) Replace any lost radium.

(b) Make no charge to patients for the use of the radium.

(c) Permit the radium to be used for treatment purposes only by experts whose qualifications are the equivalent of the standards established for radiologists by the American Board of Radiology.

(d) Maintain adequate standards for the protection of their personnel from overexposure to the radium.

(e) Furnish such reports on the use of the radium as the Service may require.

Upon completion of the contract, the radium is shipped to the borrower. Loan contracts are made for a period of one year and may be renewed.

MEDICAL CARE

SEC. 258 *Addresses of U. S. Public Health Service hospitals and medical care stations.* For addresses of U. S. Public Health Service hospitals, medical care stations, and other field stations of the Service, see section 163 (b).

SEC. 259 *Seamen and others*—(a) *General statement.* Persons listed below are entitled to medical, surgical and dental treatment and hospitalization, without charge, at Service hospitals and established medical care stations of the Public Health Service. In emergencies, such treatment may be furnished at private and other than Service facilities at Public Health Service expense when authorized. These services are furnished in accordance with regulations contained in 42 CFR Part 32.

(1) *Group 1.* Seamen employed on vessels of the United States registered, enrolled, and licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade;

(2) *Group 2.* Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State-school ships or on vessels of the United States Government of more than five tons' burden;

(3) *Group 3.* Seamen on vessels of the Mississippi River Commission;

(4) *Group 4.* Officers and crews of vessels of the Fish and Wildlife Service;

(5) *Group 5.* Enrollees in the United States Maritime Service on active duty and members of the Merchant Marine Cadet Corps;

(6) *Group 6.* Cadets at State maritime academies or State training ships; and

(7) *Group 7.* Employees and noncommissioned officers in the field service of the Public Health Service when injured or taken sick in line of duty.

(b) *Form of application*—(1) *Groups 1–4.* All seamen in these groups must present a Form PHS–125 "Masters Certificate of Service," in person or by proxy if unable to appear themselves. The seaman or master of the vessel may obtain this form from the nearest Public Health Service hospital or medical care station upon request. If Form PHS–125 is not available, other evidence of recent employment as a seaman beneficiary is acceptable.

(2) *Groups 5–6.* A written request from a responsible official of the organization concerned must be furnished.

(3) *Group 7.* Evidence of status as Public Health Service field employee or noncommissioned officer must be furnished.

(c) *Place of application.* Persons in all groups make application to the admitting office of the Service hospital or medical care station.

(d) *Emergency treatment*—(1) *Groups 1–4.* In emergencies where application cannot be made in person to an established medical care facility of the Public Health Service, the application may be sent to a medical officer in charge of a Service hospital or a medical care station together with documents evidencing eligibility as a seaman beneficiary. Application must be made at the time treatment is required, or shortly thereafter while the beneficiary is undergoing treatment.

(2) *Groups 5–6.* Same as for groups 1–4 and, in addition, application is made to the responsible officer of the Public Health Service assigned to a Maritime Service, Merchant Marine Cadet Corps school or State Maritime Academy.

(3) *Group 7.* Same as for Groups 1–4, and, in addition, when on duty in any foreign place, the officer in charge or the patient himself, if necessary, may make arrangements for care and treatment without prior authorization.

(e) *Eligibility for treatment*—(1) Upon examination of the application and oral interrogation, where required, the admitting office or medical officer in charge or authorized Government representative, as the case may be, determines eligibility in accordance with regulations contained in 42 CFR Part 32. If found eligible, medical benefits are accorded the patient; if not, the applicant is rejected. Where, due to the emergency of the case, treatment at other than Public Health Service facilities is indicated, the Service or other authorized official receiving the application examines the evidence of eligibility, determines whether a true emergency exists and authorizes treatment for the applicant if eligibility is established. If time does not permit, treatment is authorized conditionally pending establishment of eligibility.

(2) Where the admitting or authorizing official of the Service is in doubt as to eligibility, he submits a report of the case to the headquarters of the Public Health Service for decision by the Chief of the Division of Hospitals, or someone designated by him. Temporary care and treatment is furnished pending determination of eligibility.

SEC. 260 *Coast Guard personnel and others*—(a) *General statement.* Persons listed below are entitled to medical, surgical, and dental treatment and hospitalization, without charge, at Service hospitals and established medical care stations of the Public Health Service. In emergencies, such treatment may be

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furnished at private and other than Public Health Service facilities at Service expense when authorized. These services are furnished in accordance with the regulations contained in 42 CFR Part 31.

(1) *Group 1; Coast Guard.* (i) Commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those on detached duty, whether on active duty or retired; (ii) Regular members of the Coast Guard Reserve when on active duty or when retired for disability; (iii) Temporary members of the Coast Guard Reserve when on active duty or in case of physical injury incurred or sickness or disease contracted while performing active Coast Guard duty; (iv) Members of the Women's Reserve of the Coast Guard when on active duty or when retired for disability; (v) Members of the Coast Guard Auxiliary in case of physical injury incurred or sickness or disease contracted while performing active Coast Guard duty.

(2) *Group 2; Coast and Geodetic Survey.* Commissioned officers, ship's officers, and members of the crews of vessels of the Coast and Geodetic Survey, including those on shore duty and those on detached duty, whether on active duty or retired.

(3) *Group 3; Public Health Service.* (i) Commissioned officers of the Regular Corps of the Service, whether on active duty or retired; (ii) Commissioned officers of the Reserve Corps of the Service when on active duty or when retired for disability.

(4) *Group 4.* Lightkeepers, assistant lightkeepers, and officers and crews of vessels of the former Lighthouse Service, including any such persons who, subsequent to June 30, 1939, have involuntarily been assigned to other civilian duty in the Coast Guard; who were entitled to medical care at hospitals and other stations of the Public Health Service prior to July 1, 1944; and who are now or hereafter on active duty or who have been or may hereafter be retired under the provisions of section 6 of the act of June 20, 1918, as amended (33 U. S. C. 763).

(b) *Form of application.* The applicant must present evidence of status or connection with the groups specified above.

(c) *Place of application.* Persons make application to the admitting office of a Public Health Service hospital or medical care station.

(d) *Emergency treatment.* In emergencies where application cannot be made in person to established facilities of the Service, an officer or other supervisory official of the organization concerned arranges for treatment or hospitalization at private and other than Service facilities at Public Health Service expense. As soon as possible, a report of the case is made to the Medical Officer in Charge of the nearest Service hospital or outpatient clinic. Transfer of the patient to an established Service facility or other Federal medical facility is effected as soon as the condition of the patient permits.

(e) *Eligibility for treatment.* (1) Upon examination of the certificate of identification or other written evidence of status, the receiving Service officer determines eligibility in accordance with regulations contained in 42 CFR Part 31. Treatment is then furnished at Public Health Service facilities, or at private facilities where the former are not available.

(2) When the admitting or authorizing official of the Service is in doubt as to eligibility, he submits a report of the case to the headquarters of the Public Health Service for decision by the Chief of the Division of Hospitals, or someone designated by him. Temporary care and treatment is furnished pending determination of eligibility.

SEC. 261 *Dependents and seamen on foreign flag vessels*—(a) *General statement.* The types of medical care available to two additional groups of beneficiaries of the Public Health Service are described below.

(1) *Group 1.* The following persons may receive medical advice and outpatient treatment at Public Health Service hospitals and medical care stations, and hospitalization at Service hospitals only. Hospitalization in hospitals of the Service will be at a per diem cost to the officer enlisted person or member of the crew concerned at the uniform rate set by the President for such dependents. Dependent members of the families of personnel in the:

(i) Coast Guard, commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those on detached duty, whether on active duty or retired; and regular members of the United States Coast Guard Reserve and members of the Women's Reserve of the Coast Guard, when on active duty or when retired for disability.

(ii) Coast and Geodetic Survey: Commissioned officers, ships' officers, and members of the crews of vessels of the United States Coast and Geodetic Survey, including those on shore duty and those on detached duty, whether on active duty or retired.

(iii) Public Health Service: Commissioned officers of the Regular Corps of the Service, whether on active duty or retired, and commissioned officers of the Reserve Corps of the Service when on active duty or when retired for disability.

(2) *Group 2.* Seamen on foreign flag vessels may be hospitalized at Service hospitals and furnished out-patient treatment at Service hospitals or outpatient clinics of the Service at rates prescribed by the Surgeon General and approved by the Secretary.

(b) *Form of application*—(1) *Group 1.* Evidence of dependency status is acceptable in any appropriate form.

(2) *Group 2.* The foreign seamen must present an authorization for treatment signed by the master, owner or agent of the vessel; or by a responsible official of the consular office of the country concerned, such authorization to give evidence of agreement to reimburse.

(c) *Place of application.* Application is made to the admitting office of the hospital, or medical care station of the Public Health Service.

(d) *Eligibility for treatment.* The Public Health Service medical officer receiving the application will determine eligibility of the applicants for treatment and furnish the required services in accordance with applicable regulations.

(e) *Payment of bills*—(1) *Group 1.* The billing office of the Service hospital presents the patient with a bill, Form PHS–118, showing the number of days spent in the hospital and requesting that payment be made to the account of the Treasurer of the United States by check, money order, etc. Payment is made through the hospital.

(2) *Group 2.* Form PHS–118 is prepared and forwarded to the Collector of Customs for collection from the master, owner or agent of the foreign vessel or other responsible person or agency. Any voucherable expenditures authorized are paid by the responsible parties.

SEC. 262 *Persons afflicted with leprosy*—(a) *General statement.* Any person afflicted with leprosy residing in any State, Territory, or the District of Columbia may be received and treated at the U. S. Public Health Service Hospital (National Leprosarium), Carville, Louisiana. This service is furnished in accordance with regulations contained in 42 CFR Part 32.

(b) *Form of application.* The application for admission may be made by letter requesting permission to enter the hospital, personal presentation at the hospital, written or oral request through a State health officer, or any other appropriate communication to the Medical Officer in Charge, U. S. Public Health Service Hospital, Carville, Louisiana.

(c) *Place of application.* Application shall be made to the Medical Officer in Charge, U. S. Public Health Service Hospital, Carville, Louisiana.

(d) *Transfer of patients.* When diagnosis of leprosy has been confirmed, the Medical Officer in Charge of the U. S. Public Health Service Hospital, Carville, Louisiana may make arrangements for transfer of the patient to Carville at Service expense. Before transfer is undertaken, the patient must execute and sign a statement indicating his willingness to be so transferred.

(e) *Initial examination of arriving patients.* Upon arrival, the patient is examined by a board of three medical officers convened by the medical officer in charge for the purpose of final confirmation of the diagnosis. Treatment is prescribed for those whose conditions are confirmed; if diagnosis is not confirmed, the patients are discharged and returned to their homes.

(f) *Discharge.* The medical officer in charge of the hospital convenes a board of three medical officers and the patient is examined. A recommendation of the board that the patient be discharged is transmitted to the medical officer in charge for final consideration.

(g) *Notification to health authorities.* Upon discharge of a patient, the medical officer in charge of the hospital notifies the State health officer of the State where the patient expects to reside.

SEC. 263 *Narcotic drug addicts*—(a) *General statement.* Persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, or who voluntarily submit themselves for treatment, are admitted and treated in hospitals of the Service especially equipped for the accommodation of such patients, in accordance with regulations contained in 42 CFR Part 33.

(b) *Prisoners and probationers.* (1) Prisoner addicts are admitted to such hospitals upon certification to the medical officer in charge by the Bureau of Prisons, Department of Justice. A certificate of addiction signed by the prosecuting officer, on the form "Preadmission Report of Drug Addiction in a Convicted Person," accompanies the prisoner. Custody and discharge are governed by rules and regulations of the Bureau of Prisons. For procedures regarding the granting, forfeiture, and restoration of industrial good time and good conduct allowances, see 42 CFR 33.2, 33.3.

(2) Addicts placed on probation are admitted upon presentation to the medical officer in charge of a copy of the court order establishing the probation and a certificate of addiction signed by the prosecuting or probation officer.

(3) Upon discharge of a prisoner or probationer from a Public Health Service Hospital, determination of the cash, clothing and transportation allowances are made by the medical officer in charge in accordance with 42 CFR 33.5, 33.6.

(c) *Ex-prisoner patients, admission.* One month prior to the expiration of sentence, each prisoner is examined by the medical officer in charge, or an officer designated by him, and is advised regarding further treatment. The prisoner may then apply for continued treatment on the form "Application of Prisoner for Treatment beyond Expiration of Sentence," obtained from the medical officer in charge. The completed application is then forwarded to the Medical Officer in Charge of the Public Health Service hospital for approval. If the application is approved, the prisoner remains in the hospital as an ex-prisoner in accordance with 42 CFR 33.4.

(d) *Voluntary patients; charge for subsistence, care and treatment.* (1) A person seeking admission as a voluntary patient to the Lexington, Kentucky, or Fort Worth, Texas, Public Health Service Hospitals for drug addiction must complete Form PHS–52 "Application for Voluntary Admission to a U. S. Public Health Service Hospital," and send it directly to the medical officer in charge of the hospital concerned. Complete instructions are printed on the reverse side of the form. A blank application form may be obtained from either of the Public Health Service Hospitals at Lexington, Kentucky, or Fort Worth, Texas, from other Service hospitals, or outpatient clinics, or by writing Division of Hospitals, U. S. Public Health Service, Washington 25, D. C.

(2) *Charge for care.* Voluntary patients are charged for their subsistence, care, and treatment. If patients are financially unable to pay, no charge is made.

(e) *Ex-prisoner and voluntary patients, discharge.* Ex-prisoner and voluntary patients are discharged by the medical officer in charge (1) upon cure, or (2) upon expiration of the maximum period estimated to effect a cure, or (3), when the presence of such patient becomes, in the opinion of the medical officer in charge, detrimental to the hospital. Indigent voluntary patients discharged as cured may be furnished transportation and meals while traveling, at Service expense, to any place within the continental United States, which, in the opinion of the medical officer in charge will afford the best opportunity for permanent rehabilitation.

SEC. 264 *Disposition of money and effects of deceased patients*—(a) *General statement.* The money and effects of deceased Public Health Service patients are surrendered to the legal representative of the estate of the deceased upon the basis of a claim (Form PHS–1226) filed with the Medical Officer in Charge of the hospital concerned. Persons other than the legal representative may file their claims for the valuables and effects of deceased patients on Form PHS–1226 with the Medical Officer in Charge. The forms are available at all Service hospitals. In any event, the money and effects of deceased Veterans Administration beneficiaries wil be forwarded to that Agency for disposition in accordance with its own regulations.

(1) *Delivery; money and valuables $1,000 or less.* After the expiration of 10 days from the time of sending notices to potential claimants, the medical officer in charge will deliver money and valuables, valued at $1,000 or less, to one of the persons in the priority order required by regulations contained in 42 CFR 35.44.

(2) *Delivery; money and valuables over $1,000.* If the value of the money and valuables is over $1,000, they may be delivered only to the legal representative if any.

(3) *Disposition; other.* If disposition is not possible in accordance with subparagraphs (1) and (2) of this paragraph, the patient's money (U. S. Currency and coin) is deposited in the Treasury of the United States to the credit of a trust-fund account when 120 days after the sending of notices have elapsed.

Likewise, unclaimed valuables, after six months from the death of the patient, are sold at public auction at the hospital or by sealed bids to the highest bidder and the proceeds deposited into the same trust-fund account as was the money.

Money so deposited in the Treasury of the United States is subject to claims by legal claimants against the estate of the deceased. Such persons will submit their claims to the Surgeon General, U. S. Public Health Service, Washington 25, D. C., on Standard Form 1055 which may be obtained from any of the hospitals of the Public Health Service. The claim will then be forwarded to the General Accounting Office for settlement.

FOREIGN QUARANTINE

SEC. 285 *General information*—(a) *Addresses of quarantine stations.* For addresses of Public Health Service Quarantine Stations and other field stations, see section 163 (a).

(b) *Penalty procedures.* For penalty procedures, see sections 311 and 312.

FOREIGN QUARANTINE: VESSELS

SEC. 287 *General statement.* Vessels departing from foreign ports for ports under the control of the United States are required to comply with quarantine regulations contained in 42 CFR Part 71, (a) at ports of departure, (b) while en route, and (c) at time of first arrival on each voyage at a port in the United States, in accordance with sections 361 to 368, inclusive, of the Public Health Service Act, as amended (42 U. S. C. 264–271). Definitions of terms used in the following sections on foreign quarantine are contained in 42 CFR 71.1.

SEC. 288 *Measures en route.* The occurrence or suspected occurrence on board of any of the communicable diseases listed or described in 42 CFR 71.31 while the vessel is en route, must be reported by radio to the medical officer in charge at the port of entry.

SEC. 289 *Measures at ports of arrival.* (a) Upon arrival at a port under control of the United States, unless exempted by 42 CFR 71.46, 71.47, vessels must anchor at a point designated by port authorities, or proceed to a point designated by the medical officer in charge, and await boarding and inspection by a quarantine officer of the U. S. Public Health Service. The vessel signifies its readiness for inspection by hoisting a yellow (Q) flag. The usual hours of boarding are 6 a. m. to 6 p. m., or 7 a. m., to 7 p. m. daily. Ships in distress or those carrying perishable cargoes may be boarded any hour.

(b) Usually, a quarantine officer and one or more sanitary inspectors board the vessel. Quarantine and sanitary operations and inspections are conducted in accordance with 42 CFR 71.64, 71.66–71.73, 71.81–71.91, 71.101–71.103, and 71.105–71.107.

(c) If inspection requirements are met satisfactorily, the master of the vessel is given a free pratique, signed by the quarantine officer. A pratique is a certificate issued by a quarantine officer releasing or provisionally releasing a vessel from quarantine. This certificate, which permits the vessel to enter the port, is presented to the Collector of Customs as evidence of compliance with quarantine regulations.

(d) If inspection requirements are not met satisfactorily, the vessel may be detained in quarantine, or a provisional pratique may be issued by the quarantine officer permitting the ship to enter the port, but specifying additional measures which must be met before or after discharge of cargo or landing of passengers. For example, it may require fumigation before the cargo is unloaded or after the cargo is partially or completely unloaded. After the conditions specified in the provisional pratique are met, a free pratique may be issued.

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furnished at private and other than Public Health Service facilities at Service expense when authorized. These services are furnished in accordance with the regulations contained in 42 CFR Part 31.

(1) *Group 1; Coast Guard.* (i) Commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those on detached duty, whether on active duty or retired; (ii) Regular members of the Coast Guard Reserve when on active duty or when retired for disability; (iii) Temporary members of the Coast Guard Reserve when on active duty or in case of physical injury incurred or sickness or disease contracted while performing active Coast Guard duty; (iv) Members of the Women's Reserve of the Coast Guard when on active duty or when retired for disability; (v) Members of the Coast Guard Auxiliary in case of physical injury incurred or sickness or disease contracted while performing active Coast Guard duty.

(2) *Group 2; Coast and Geodetic Survey.* Commissioned officers, ship's officers, and members of the crews of vessels of the Coast and Geodetic Survey, including those on shore duty and those on detached duty, whether on active duty or retired.

(3) *Group 3; Public Health Service.* (i) Commissioned officers of the Regular Corps of the Service, whether on active duty or retired; (ii) Commissioned officers of the Reserve Corps of the Service when on active duty or when retired for disability.

(4) *Group 4.* Lightkeepers, assistant lightkeepers, and officers and crews of vessels of the former Lighthouse Service, including any such persons who, subsequent to June 30, 1939, have involuntarily been assigned to other civilian duty in the Coast Guard; who were entitled to medical care at hospitals and other stations of the Public Health Service prior to July 1, 1944; and who are now or hereafter on active duty or who have been or may hereafter be retired under the provisions of section 6 of the act of June 20, 1918, as amended (33 U. S. C. 763).

(b) *Form of application.* The applicant must present evidence of status or connection with the groups specified above.

(c) *Place of application.* Persons make application to the admitting office of a Public Health Service hospital or medical care station.

(d) *Emergency treatment.* In emergencies where application cannot be made in person to established facilities of the Service, an officer or other supervisory official of the organization concerned arranges for treatment or hospitalization at private and other than Service facilities at Public Health Service expense. As soon as possible, a report of the case is made to the Medical Officer in Charge of the nearest Service hospital or outpatient clinic. Transfer of the patient to an established Service facility or other Federal medical facility is effected as soon as the condition of the patient permits.

(e) *Eligibility for treatment.* (1) Upon examination of the certificate of identification or other written evidence of status, the receiving Service officer determines eligibility in accordance with regulations contained in 42 CFR Part 31. Treatment is then furnished at Public Health Service facilities, or at private facilities where the former are not available.

(2) When the admitting or authorizing official of the Service is in doubt as to eligibility, he submits a report of the case to the headquarters of the Public Health Service for decision by the Chief of the Division of Hospitals, or someone designated by him. Temporary care and treatment is furnished pending determination of eligibility.

SEC. 261 *Dependents and seamen on foreign flag vessels*—(a) *General statement.* The types of medical care available to two additional groups of beneficiaries of the Public Health Service are described below.

(1) *Group 1.* The following persons may receive medical advice and outpatient treatment at Public Health Service hospitals and medical care stations, and hospitalization at Service hospitals only. Hospitalization in hospitals of the Service will be at a per diem cost to the officer enlisted person or member of the crew concerned at the uniform rate set by the President for such dependents. Dependent members of the families of personnel in the:

(i) Coast Guard, commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those on detached duty, whether on active duty or retired; and regular members of the United States Coast Guard Reserve and members of the Women's Reserve of the Coast Guard, when on active duty or when retired for disability.

(ii) Coast and Geodetic Survey: Commissioned officers, ships' officers, and members of the crews of vessels of the United States Coast and Geodetic Survey, including those on shore duty and those on detached duty, whether on active duty or retired.

(iii) Public Health Service: Commissioned officers of the Regular Corps of the Service, whether on active duty or retired, and commissioned officers of the Reserve Corps of the Service when on active duty or when retired for disability.

(2) *Group 2.* Seamen on foreign flag vessels may be hospitalized at Service hospitals and furnished out-patient treatment at Service hospitals or outpatient clinics of the Service at rates prescribed by the Surgeon General and approved by the Secretary.

(b) *Form of application*—(1) *Group 1.* Evidence of dependency status is acceptable in any appropriate form.

(2) *Group 2.* The foreign seamen must present an authorization for treatment signed by the master, owner or agent of the vessel; or by a responsible official of the consular office of the country concerned, such authorization to give evidence of agreement to reimburse.

(c) *Place of application.* Application is made to the admitting office of the hospital, or medical care station of the Public Health Service.

(d) *Eligibility for treatment.* The Public Health Service medical officer receiving the application will determine eligibility of the applicants for treatment and furnish the required services in accordance with applicable regulations.

(e) *Payment of bills*—(1) *Group 1.* The billing office of the Service hospital presents the patient with a bill, Form PHS–118, showing the number of days spent in the hospital and requesting that payment be made to the account of the Treasurer of the United States by check, money order, etc. Payment is made through the hospital.

(2) *Group 2.* Form PHS–118 is prepared and forwarded to the Collector of Customs for collection from the master, owner or agent of the foreign vessel or other responsible person or agency. Any voucherable expenditures authorized are paid by the responsible parties.

SEC. 262 *Persons afflicted with leprosy*—(a) *General statement.* Any person afflicted with leprosy residing in any State, Territory, or the District of Columbia may be received and treated at the U. S. Public Health Service Hospital (National Leprosarium), Carville, Louisiana. This service is furnished in accordance with regulations contained in 42 CFR Part 32.

(b) *Form of application.* The application for admission may be made by letter requesting permission to enter the hospital, personal presentation at the hospital, written or oral request through a State health officer, or any other appropriate communication to the Medical Officer in Charge, U. S. Public Health Service Hospital, Carville, Louisiana.

(c) *Place of application.* Application shall be made to the Medical Officer in Charge, U. S. Public Health Service Hospital, Carville, Louisiana.

(d) *Transfer of patients.* When diagnosis of leprosy has been confirmed, the Medical Officer in Charge of the U. S. Public Health Service Hospital, Carville, Louisiana may make arrangements for transfer of the patient to Carville at Service expense. Before transfer is undertaken, the patient must execute and sign a statement indicating his willingness to be so transferred.

(e) *Initial examination of arriving patients.* Upon arrival, the patient is examined by a board of three medical officers convened by the medical officer in charge for the purpose of final confirmation of the diagnosis. Treatment is prescribed for those whose conditions are confirmed; if diagnosis is not confirmed, the patients are discharged and returned to their homes.

(f) *Discharge.* The medical officer in charge of the hospital convenes a board of three medical officers and the patient is examined. A recommendation of the board that the patient be discharged is transmitted to the medical officer in charge for final consideration.

(g) *Notification to health authorities.* Upon discharge of a patient, the medical officer in charge of the hospital notifies the State health officer of the State where the patient expects to reside.

SEC. 263 *Narcotic drug addicts*—(a) *General statement.* Persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, or who voluntarily submit themselves for treatment, are admitted and treated in hospitals of the Service especially equipped for the accommodation of such patients, in accordance with regulations contained in 42 CFR Part 33.

(b) *Prisoners and probationers.* (1) Prisoner addicts are admitted to such hospitals upon certification to the medical officer in charge by the Bureau of Prisons, Department of Justice. A certificate of addiction signed by the prosecuting officer, on the form "Preadmission Report of Drug Addiction in a Convicted Person," accompanies the prisoner. Custody and discharge are governed by rules and regulations of the Bureau of Prisons. For procedures regarding the granting, forfeiture, and restoration of industrial good time and good conduct allowances, see 42 CFR 33.2, 33.3.

(2) Addicts placed on probation are admitted upon presentation to the medical officer in charge of a copy of the court order establishing the probation and a certificate of addiction signed by the prosecuting or probation officer.

(3) Upon discharge of a prisoner or probationer from a Public Health Service Hospital, determination of the cash, clothing and transportation allowances are made by the medical officer in charge in accordance with 42 CFR 33.5, 33.6.

(c) *Ex-prisoner patients, admission.* One month prior to the expiration of sentence, each prisoner is examined by the medical officer in charge, or an officer designated by him, and is advised regarding further treatment. The prisoner may then apply for continued treatment on the form "Application of Prisoner for Treatment beyond Expiration of Sentence," obtained from the medical officer in charge. The completed application is then forwarded to the Medical Officer in Charge of the Public Health Service hospital for approval. If the application is approved, the prisoner remains in the hospital as an ex-prisoner in accordance with 42 CFR 33.4.

(d) *Voluntary patients; charge for subsistence, care and treatment.* (1) A person seeking admission as a voluntary patient to the Lexington, Kentucky, or Fort Worth, Texas, Public Health Service Hospitals for drug addiction must complete Form PHS–52 "Application for Voluntary Admission to a U. S. Public Health Service Hospital," and send it directly to the medical officer in charge of the hospital concerned. Complete instructions are printed on the reverse side of the form. A blank application form may be obtained from either of the Public Health Service Hospitals at Lexington, Kentucky, or Fort Worth, Texas, from other Service hospitals, or outpatient clinics, or by writing Division of Hospitals, U. S. Public Health Service, Washington 25, D. C.

(2) *Charge for care.* Voluntary patients are charged for their subsistence, care, and treatment. If patients are financially unable to pay, no charge is made.

(e) *Ex-prisoner and voluntary patients, discharge.* Ex-prisoner and voluntary patients are discharged by the medical officer in charge (1) upon cure, or (2) upon expiration of the maximum period estimated to effect a cure, or (3) when the presence of such patient becomes, in the opinion of the medical officer in charge, detrimental to the hospital. Indigent voluntary patients discharged as cured may be furnished transportation and meals while traveling, at Service expense, to any place within the continental United States, which, in the opinion of the medical officer in charge will afford the best opportunity for permanent rehabilitation.

SEC. 264 *Disposition of money and effects of deceased patients*—(a) *General statement.* The money and effects of deceased Public Health Service patients are surrendered to the legal representative of the estate of the deceased upon the basis of a claim (Form PHS–1226) filed with the Medical Officer in Charge of the hospital concerned. Persons other than the legal representative may file their claims for the valuables and effects of deceased patients on Form PHS–1226 with the Medical Officer in Charge. The forms are available at all Service hospitals. In any event, the money and effects of deceased Veterans Administration beneficiaries wil be forwarded to that Agency for disposition in accordance with its own regulations.

(1) *Delivery; money and valuables $1,000 or less.* After the expiration of 10 days from the time of sending notices to potential claimants, the medical officer in charge will deliver money and valuables, valued at $1,000 or less, to one of the persons in the priority order required by regulations contained in 42 CFR 35.44.

(2) *Delivery; money and valuables over $1,000.* If the value of the money and valuables is over $1,000, they may be delivered only to the legal representative if any.

(3) *Disposition; other.* If disposition is not possible in accordance with subparagraphs (1) and (2) of this paragraph, the patient's money (U. S. Currency and coin) is deposited in the Treasury of the United States to the credit of a trust-fund account when 120 days after the sending of notices have elapsed.

Likewise, unclaimed valuables, after six months from the death of the patient, are sold at public auction at the hospital or by sealed bids to the highest bidder and the proceeds deposited into the same trust-fund account as was the money.

Money so deposited in the Treasury of the United States is subject to claims by legal claimants against the estate of the deceased. Such persons will submit their claims to the Surgeon General, U. S. Public Health Service, Washington 25, D. C., on Standard Form 1055 which may be obtained from any of the hospitals of the Public Health Service. The claim will then be forwarded to the General Accounting Office for settlement.

FOREIGN QUARANTINE

SEC. 285 *General information*—(a) *Addresses of quarantine stations.* For addresses of Public Health Service Quarantine Stations and other field stations, see section 163 (a).

(b) *Penalty procedures.* For penalty procedures, see sections 311 and 312.

FOREIGN QUARANTINE: VESSELS

SEC. 287 *General statement.* Vessels departing from foreign ports for ports under the control of the United States are required to comply with quarantine regulations contained in 42 CFR Part 71, (a) at ports of departure, (b) while en route, and (c) at time of first arrival on each voyage at a port in the United States, in accordance with sections 361 to 368, inclusive, of the Public Health Service Act, as amended (42 U. S. C. 264–271). Definitions of terms used in the following sections on foreign quarantine are contained in 42 CFR 71.1.

SEC. 288 *Measures en route.* The occurrence or suspected occurrence on board of any of the communicable diseases listed or described in 42 CFR 71.31 while the vessel is en route, must be reported by radio to the medical officer in charge at the port of entry.

SEC. 289 *Measures at ports of arrival.* (a) Upon arrival at a port under control of the United States, unless exempted by 42 CFR 71.46, 71.47, vessels must anchor at a point designated by port authorities, or proceed to a point designated by the medical officer in charge, and await boarding and inspection by a quarantine officer of the U. S. Public Health Service. The vessel signifies its readiness for inspection by hoisting a yellow (Q) flag. The usual hours of boarding are 6 a. m. to 6 p. m., or 7 a. m., to 7 p. m. daily. Ships in distress or those carrying perishable cargoes may be boarded any hour.

(b) Usually, a quarantine officer and one or more sanitary inspectors board the vessel. Quarantine and sanitary operations and inspections are conducted in accordance with 42 CFR 71.64, 71.66–71.73, 71.81–71.91, 71.101–71.103, and 71.105–71.107.

(c) If inspection requirements are met satisfactorily, the master of the vessel is given a free pratique, signed by the quarantine officer. A pratique is a certificate issued by a quarantine officer releasing or provisionally releasing a vessel from quarantine. This certificate, which permits the vessel to enter the port, is presented to the Collector of Customs as evidence of compliance with quarantine regulations.

(d) If inspection requirements are not met satisfactorily, the vessel may be detained in quarantine, or a provisional pratique may be issued by the quarantine officer permitting the ship to enter the port, but specifying additional measures which must be met before or after discharge of cargo or landing of passengers. For example, it may require fumigation before the cargo is unloaded or after the cargo is partially or completely unloaded. After the conditions specified in the provisional pratique are met, a free pratique may be issued.

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(e) The Medical Officer in Charge of a Quarantine Station may grant pratique by radio as provided in 42 CFR 71.124.

(f) Vessels arriving from a foreign port are subject to deratting every 6 months. When a vessel is deratted or inspected and found free of rodents, a deratting certificate or deratting exemption certificate is issued by the medical officer in charge. The certificate is valid for six months.

SEC. 290 *Remanding of vessels.* (a) As applied to vessels, the term "remand" means the procedure by which a vessel coming from a foreign port may be kept under quarantine surveillance as it proceeds from one United States port to another. The quarantine officer of the port from which a vessel is remanded transmits in writing, to the Collector of Customs and the quarantine officer at the port to which the vessel is remanded, a notice that the vessel is to remain under observation or is to be subjected to further quarantine measures.

(b) *Vessels remanded to other United States ports.* (1) Vessels which have residue cargo for other United States ports sufficient in amount to prevent complete and final rat infestation inspection and on which the observed evidence of active rat life is insufficient to warrant deratting are remanded to the next United States port at which less cargo will be on board, for further inspection and for such treatment as may be indicated.

(2) Vessels which have arrived from plague ports and which contain an appreciable amount of residue cargo for other United States ports after deratting are remanded to the next United States port where cargo is to be discharged, for further search for rats and for such additional treatment as may be indicated. When a deratting certificate cannot be completed on account of inability to ascertain the results of deratting, the incomplete certificate is forwarded with the notice of remand to the station receiving the remand. The certificate is completed by the quarantine station making the final inspection and is delivered to the master or to the agents for the vessel. When deratting is required on a vessel from plague-free ports, the vessel is remanded as necessary to permit deratting when the vessel is empty or when the discharge of cargo is sufficient to allow adequate deratting.

(3) When a vessel has been granted provisional pratique and remanded to another quarantine station for fumigation, the master or agents are given explicit instructions in writing relative to the required fumigation.

(4) In remanding a vessel, full information as to the reason therefor is given to the station receiving the remand.

(5) Notice of remand is timed to reach its destination at least 48 hours ahead of the arrival of the vessel concerned, a telegram being sent when necessary.

(c) *Vessels remanded from other United States ports.* (1) If from plague ports, the vessel is treated as if direct from infected ports except that the vessel may be permitted to dock and to discharge cargo under supervision of the quarantine station. Quarantine treatment is predicated upon the finding of the inspection undertaken during the discharge of cargo. If the vessel has residue cargo for other United States ports and satisfactory inspection and treatment cannot be completed, it is remanded to the next port where cargo will be discharged.

(2) If from nonplague ports, the vessel is treated as if direct from a clean foreign port.

(d) Upon completion of quarantine treatment at a port to which a vessel has been remanded, a report of the action taken and of the results obtained is sent to the quarantine station which remanded the vessel.

FOREIGN QUARANTINE: AIRCRAFT

SEC. 293 *General statement.* Aircraft departing from a foreign port for a port under the control of the United States are required to comply with 42 CFR Part 71, at (a) ports of departure, (b) while en route, and (c) on first arrival on each flight at a port in the United States.

SEC. 294 *Measures before arrival.* Requirements regarding place of landing and advance notice of arrival are contained in 42 CFR 71.502, 71.503. The occurrence or suspected occurrence on board of any of the communicable diseases listed or described in 42 CFR 71.31, while the aircraft is en route, must be reported by radio to the medical officer in charge at or nearest the intended place of first landing.

SEC. 295 *Measures at airports of arrival.* (a) Upon arrival at an airport under the control of the United States, unless exempted by regulations, all aircraft are inspected by a quarantine officer of the Public Health Service. The aircraft commander is responsible for detention of the aircraft, its crew, and passengers pending their release by the quarantine officer. Cargo and other contents of the aircraft must be held at the airport or other place of first landing until released by the quarantine officer. As required by 42 CFR 71.65, the aircraft commander or authorized agent of the owner or operator of the aircraft must deliver to the quarantine officer immediately upon first landing (1) an aircraft general declaration (Customs form 7507, available from Collector of Customs) including information on: illness occurring on board; other condition that may lead to spread of disease; disinsecting or sanitary treatment of aircraft; and any animals, cultures of bacteria, fungi, or viruses, or other infectious agents on board; and (2) an air passenger manifest (form I–466, available from Superintendent of Documents, Government Printing Office, Washington 25, D. C.). The aircraft general declaration and air passenger manifest forms may be printed or dittoed by private parties, provided such forms conform to the officially printed forms currently in use, with respect to size, wording, arrangement, and paper.

(b) Usually a sanitary inspector boards the aircraft. The quarantine officer usually inspects the passengers in quarters outside the aircraft. Quarantine and sanitary operations (including insecticide spraying) and inspections are conducted in accordance with 42 CFR 71.66–71.73; 71.81–71.91; 71.101, 71.102, 71.104, 71.106; and 71.107.

(c) If inspection requirements are met satisfactorily, free pratique is issued and the passengers are released from quarantine jurisdiction and pass on to the jurisdiction of the Immigration and Naturalization Service and the Customs Service.

(d) If inspection requirements are not met satisfactorily—or in the case of infected aircraft—control measures, including surveillance, detention, and vaccination of persons, disinfection or disinfestation of the aircraft, issuance of provisional pratique, and remand of the aircraft to subsequent United States airports, may be undertaken as provided in 42 CFR Part 71.

(e) An aircraft arriving from a foreign airport may be required to proceed to another airport with all passengers, crew and cargo, for required quarantine and sanitary measures, upon determination by the quarantine officer that the aircraft cannot be adequately handled at the airport of arrival.

FOREIGN QUARANTINE: PERSONS

SEC. 298 *General statement.* Unless aboard an aircraft or vessel exempt under 42 CFR 71.46 or 71.47 all persons arriving at an airport or port under the control of the United States from a foreign country are subject to quarantine regulations contained in 42 CFR Part 71, in accordance with sections 361 to 368, inclusive, of the Public Health Service Act, as amended (42 U. S. C. 264–271).

SEC. 299 *Measures at port or airport of arrival.* (a) Upon arrival except as provided in 42 CFR 71.67, all persons, their personal effects and their records are subject to measures determined by the quarantine officer as necessary to prevent the introduction of communicable diseases into the United States. These measures, including isolation and surveillance, are set forth in 42 CFR 71.66–71.72 and 71.81–71.91.

(b) Aliens are subject to physical and mental examinations required by the Immigration and Naturalization Service. The examinations are made by medical officers of the Public Health Service.

SEC. 300 *Border quarantine.* Persons entering the United States at international border stations are subject to all pertinent requirements governing persons entering on aircraft or vessels, that is, detention, surveillance, vaccination, and other restrictions as set forth in 42 CFR 71.136 to 71.141.

SEC. 301 *Immunization certificates.* Evidence of immunity is acceptable when presented on a form approved by the World Health Organization and certified by an officer of the health authority of the country in which the immunization was administered or a political subdivision of that country, or by a physician designated by such health authority. Form PHS–731 (IHR), "International Certificates of Vaccination," is used for this purpose. This form is distributed with United States passport, application forms and is obtainable from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at $0.05 a copy or $2.50 per hundred. A limited number of copies may be obtained, without charge, from (1) the U. S. Public Health Service, Division of Foreign Quarantine, Washington 25, D. C., (2) the Regional Medical Directors, (3) the Public Health Service Hospitals, and (4) the Quarantine Stations of the Public Health Service. Upon application to the U. S. Public Health Service, private parties can obtain permission to print the form.

FOREIGN QUARANTINE: IMPORTATION OF CERTAIN THINGS

SEC. 303 *General statement.* (a) Quarantine regulations governing the importation of lather brushes, paittacine birds, cats, dogs, and monkeys, etiological agents and vectors, and dead bodies, are contained in 42 CFR 71.151 to 71.157, in accordance with sections 361 to 368, inclusive, of the Public Health Service Act, as amended, (42 U. S. C. 264–271).

(b) Information regarding procedures required to import any of these articles or animals may be secured from the U. S. Public Health Service, Division of Foreign Quarantine, Washington 25, D. C.

SEC. 304 *Leather brushes.* For procedures, see 42 CFR 71.151.

SEC. 305 *Psittacine birds.* For procedures, see 42 CFR 71.152, 71.153. Under these sections, prescribed Form PHS–1882 has been adopted for the request by the importer to the Surgeon General for a permit to import the birds.

SEC. 306 *Cats, dogs, and monkeys.* For procedures, see 42 CFR 71.154, 71.155.

SEC. 307 *Etiological agents and vectors.* Applications in writing for permits to import etiological agents and vectors, described in 42 CFR 71.156, should be addressed to the Surgeon General, U. S. Public Health Service, Washington 25, D. C. If the application is approved, the Surgeon General issues a "Permit to Import Quarantinable Material," and a copy is sent to the Quarantine Officer at the port of entry. The Collector of Customs will not release a shipment until he has received a permit from the Surgeon General. In special cases, the Surgeon General may issue a permit by telegram.

SEC. 308 *Dead bodies.* For procedures, see 42 CFR 71.157.

FOREIGN QUARANTINE: SPECIAL PROVISIONS RELATING TO PORTS AND AIRPORTS

SEC. 309 *General statement.* See 42 CFR Part 71, Subpart L, for provisions including requirements on: Water supply, waste disposal systems, and measures and facilities for insect and rodent control at ports or airports; food and water sources for vessels and aircraft; and waste disposal by aircraft.

FOREIGN QUARANTINE: PENALTY PROCEDURES

SEC. 311 *General statement.* Penalties for violations of quarantine regulations, 42 CFR Part 71, are prescribed in sections 367 and 368 of the Public Health Service Act, as amended (42 U. S. C. 270, 271).

SEC. 312 *Action following violations.*—(a) *Violations by persons.* When an apparent violation of quarantine laws or regulations has been committed by a person, he is formally notified in writing by the Collector of Customs, who sets forth the specific section of the Public Health Service Act or foreign quarantine regulations violated, advising that the matter is being reported to the Surgeon General of the U. S. Public Health Service for appropriate action. The case is referred to the medical officer in charge for transmission to the Surgeon General. The Surgeon General may or may not refer the case to the U. S. Department of Justice for prosecution, depending on the circumstances.

(b) *Violations by vessels or aircraft.* When an apparent violation by a vessel or aircraft has occurred, incurring a forfeiture under section 368 (b) of the Public Health Service Act, as amended, the owner is served with a formal written notice by the Collector of Customs, setting forth the specific section of the Public Health Service Act or foreign quarantine regulations violated and requiring that a Customs bond on Customs form 7567 or 7569 be given before the aircraft or vessel is permitted to depart. The owner or agent of the vessel or aircraft is informed that an application for mitigation or remission of the forfeiture incurred may be filed with the Surgeon General. The entire case, including petition for relief, is referred to the medical officer in charge for transmission, with recommendations, to the Surgeon General.

INTERSTATE QUARANTINE

SEC. 320 *General statement.* The interstate travel of persons who are capable of spreading a communicable disease or who are believed to be spreading a disease is governed by 42 CFR Part 72. The interstate transportation of articles which may be the source of a communicable infection are governed by these regulations. See 42 CFR Part 72, for interstate quarantine procedures.

GRANTS FOR HOSPITAL AND MEDICAL FACILITY SURVEY AND PLANNING

SEC. 327 *General statements.* (a) Federal funds are authorized to be made available (1) to assist States to inventory their existing hospitals and medical facilities (2) to survey the need for construction of hospitals and medical facilities and (3) to develop programs for construction of such public and other nonprofit hospitals and medical facilities as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinical, and similar services to the people of the several States. "Hospital" includes public health centers as well as hospitals, and facilities related to either; "medical facilities" includes diagnostic or diagnostic and treatment centers, rehabilitation facilities, and nursing homes.

(b) These grants are made to legally designated State agencies in the 48 States, District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands in accordance with 42 CFR Part 53.

SEC. 328 *Making of allotments.* For Hospital Survey and Planning, the Surgeon General determines the allotment to each State in accordance with methods outlined in section 613 (a) of the Public Health Service Act as amended (42 U. S. C. 291c (a)). For medical facilities, the Surgeon General determines the allotment for each State in accordance with methods outlined in section 648 of the Act. State Agencies are notified of allotments by the Regional Medical Director.

SEC. 329 *Application and other required forms.* Forms and instructions for submitting applications may be secured from the Regional Offices of the Department of Health, Education, and Welfare. The forms should be submitted by the State Agency designated as the sole agency for carrying out the purposes of sections 601 (a) and 641 (a) of the Public Health Service Act, as amended (42 U. S. C. 291), to the Regional Offices for review and approval. The State agency is notified of final action by the Regional Medical Director. Amendments to these forms are handled in the same manner as the original forms.

SEC. 330 *Assistance in development of State programs.* The help of special consultants assigned to the Regional Office may be secured in developing State programs. In connection with their work, these consultants maintain close working relationships between the Public Health Service headquarters and State hospital survey and planning agencies.

SEC. 331 *Payments from allotments.* Upon approval of an application for a grant, a State agency may submit a request for payment. Payments are made according to specifications in 42 CFR Part 53.

SEC. 332 *Audits.* Fiscal audits are made of the expenditures by the State of grant and matching funds to insure that funds were spent in accordance with applicable laws, regulations, and approved plans. These audits are made by personnel attached to the Regional Offices. The Regional Medical Director notifies the State agency of the results of the audit.

HOSPITAL AND MEDICAL FACILITY PLANS AND CONSTRUCTION

SEC. 335 *General statement.* Following completion of a State inventory and survey of existing health facilities, each State develops and submits a State Plan for the construction of needed hospital and public health center facilities, diagnostic or diagnostic and treatment centers, rehabilitation facilities and nursing homes.

SEC. 336 *Format and content of State Plans.* The general form and content of State Plans are set forth in Title 2 of the Health Grants Manual which is available in the Regional and

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Washington offices of the Department and at State Agencies. State Plans set forth a program for the construction of general, mental, chronic disease, and tuberculosis hospital beds and facilities, public health centers, diagnostic or diagnostic and treatment centers, rehabilitation facilities, and nursing homes for all population groups within the State. The State Plans also establish a system for determining the priority of construction projects. In addition, State Plans set forth the basic State laws for administration of the program by the State, a description of the State Agency organization and functions, the membership of the State Advisory Council, the merit system rules governing personnel administration, standards of construction, standards of maintenance and operation where required by the Federal Act, methods of administration, fair hearing procedures for project applicants, and fiscal methods and procedures. Forms required to be filled out as a part of a State Plan are supplied on request by any of the Regional Offices.

SEC. 337 *Approval of State Plans.* State Plans are submitted in duplicate through the Regional Offices and are approved by the Surgeon General. Regional Office Consultants are available to assist in State Plan preparation. After approval by the Surgeon General, State Agencies are notified of such approval by Regional Medical Directors.

SEC. 338 *Revision and amendments to State Plans.* The regulations require annual revision of plans by State Agencies. The plan may be amended, however, as often as necessary to reflect changes in the requirements of the State for the types of health facilities covered by the act.

SEC. 339 *Delegation of final authority.* Final authority to approve amendments to State Plans, other than major modifications and annual revisions required by the regulations, has been delegated by the Surgeon General to the Regional Medical Directors.

SEC. 340 *Availability of Official Records.* State Agencies are required by the regulations to maintain on file for public information a copy of their approved State Plan. Members of the public may secure information concerning the approved State Plan from their State Agency.

SEC. 341 *Allotment and availability of hospital and medical facility construction funds.* Following the approval of the State Plan, funds are allotted to the State in accordance with the formula contained in the Public Health Service Act, as amended. Funds specifically allotted for diagnostic or diagnostic and treatment centers, chronic disease hospitals or nursing homes may under prescribed procedures be used interchangeably. Allotments are made each fiscal year thereafter. Allotments are certified to the Secretary of the Treasury and each State is notified of its allotment.

ADMINISTRATION AND DEVELOPMENT OF HOSPITAL AND MEDICAL FACILITY CONSTRUCTION PROGRAM

SEC. 343 *Project Construction Schedule*—(a) *General.* Following approval of the State Plan a project construction schedule is submitted, which outlines the construction projects to be undertaken during the fiscal year involved. The schedule is submitted to Regional Offices on Form PHS–224 in duplicate, and sets forth the name, location, category of facility, estimated cost, estimated Federal share and other data for each contemplated construction project. In submitting the project construction schedule, the State Agency must certify that the projects included thereon are of the highest priority, or that higher priority projects cannot meet the financial assurances or are not interested in construction during the fiscal year involved. The schedule may be amended by the State Agency as often as necessary.

(b) *Delegation of final authority.* Project Construction Schedules are reviewed in the Regional Offices for compliance with the Public Health Service Act, as amended, 42 CFR Part 53, instructions of the Public Health Service, and the approved State Plan. Final authority to take action on project construction schedules and amendments thereto other than for medical facilities authorized by PL 482, 83d Cong. 2d sess. has been delegated by the Surgeon General to the Regional Medical Directors.

APPLICATION FOR HOSPITAL AND MEDICAL FACILITY CONSTRUCTION FUNDS

SEC. 345 *Project construction applications.* Following approval of the State Plan, and in accordance with the Project Construction Schedule, States, political subdivisions, and nonprofit organizations may submit applications to their appropriate State Agency requesting Federal funds in the construction, expansion, remodeling, or alteration of a hospital, public health center, diagnostic or diagnostic and treatment center, rehabilitation facility, or nursing home. Applicants for a diagnostic or diagnostic and treatment center must be a State, or political subdivision, or an organization which owns and operates a nonprofit "hospital" as defined in the Act. The application must comply with Federal statutory and regulatory requirements, as well as any State requirements which may have been established, and must be consistent with the approved Plan and Construction Schedule. If the State Agency recommends approval, it certifies and transmits the application to the Regional Office. The application contains such data and certification by the applicant and State Agency as are essential to approval by the Surgeon General and in the case of rehabilitation facilities, by the Secretary and the Surgeon General. The State Agency may require submission of additional data by the applicant to support certifications by the State Agency regarding the accuracy and adequacy of the summary information included in the application. The application form consists of Parts 1, 2, 3, and 4 of Form PHS–62, "Project Construction Application," plans, and specifications. Final drawings and specifications accompany Part 4 of the application. Lists of equipment must be submitted by the applicant as soon as possible after the award of the construction contract and prior to requesting payments of Federal funds for equipment. Forms for use in preparation of specifications are available upon request to any Regional Office.

SEC. 346 *Wage rate determinations.* Under the Public Health Service Act, as amended, minimum wage rates as established by the Department of Labor must be paid in the construction of projects receiving Federal funds. To assist the Secretary of Labor in establishing such wage rates, the applicant is required to submit through the State Agency and Regional Office, Form PHS–531, listing current building construction wage data in the applicant's area.

SEC. 347 *Delegation of final authority.* Project Construction Applications, including drawings, specifications and equipment lists, are reviewed by the Regional Offices for compliance with Federal statutory and regulatory requirements and the approved State Plan and Project Construction Schedule. Except for medical facilities authorized under Pub. Law 482, 83d Cong., 2d Sess., final authority to approve such applications has been delegated by the Surgeon General to the Regional Medical Directors. In the event the application is not approved, it is forwarded to the Washington Office for further action. Applications for medical facilities projects are approved by the Surgeon General subject, in the case of rehabilitation facilities, to approval by the Director of Vocational Rehabilitation. The Regional Office notifies the State Agency in writing of the action taken.

SEC. 348 *Opportunities for hearings.* When an application is disapproved by a State Agency or an applicant is denied an opportunity to apply for Federal aid, such applicant is entitled to a hearing before the State Agency in accordance with procedures set forth in the approved State Plan. In instances where approval cannot be given to an application by the Regional Office the State Agency, under the terms of the Act, is afforded an opportunity for a hearing before the Surgeon General. The Act further provides for recourse to the Federal courts on the part of the State if the State is dissatisfied with the action of the Surgeon General in disapproving the application.

SEC. 349 *Encumbrance of allotments.* Upon approval of a Project Construction Application, the estimated amount of the Federal share is certified to the Secretary of the Treasury.

SEC. 350 *Bids, contract awards, and modifications.* Competitive bidding procedures must be followed by the applicant and the award of the contract must be made to the responsible bidder submitting the lowest acceptable bid. Actual construction work must be performed by the lump sum (fixed price) contract method. Contracts awarded to other than the responsible bidder submitting the lowest bid must be justified to the State Agency and the Regional Office. Copies of the executed agreements between the applicant and successful bidder are submitted in duplicate through the State Agency to the Regional Office. All contract modifications must be approved by the State Agency and Regional Office. The nature and extent of such modifications determine whether or not they may be authorized immediately by the applicant, or whether approval of the State Agency and Regional Office is required.

SEC. 351 *Inspections and payment procedures*—(a) *State inspections.* Payments to applicants are made on the basis of inspections conducted by State Agencies and certifications made by the State Agencies to the Public Health Service.

(b) *Payments.* Payments are certified on Form PHS–459 "Public Voucher for Installment Payments," which is prepared by State Agencies in quadruplicate. At the time of inspection, the representative of the State Agency and the applicant prepare and sign the Form PHS–530 "Project Progress Report," which constitutes the basis for the preparation of the voucher and accompanies it in duplicate. In certain instances where a State itself may not legally make payment to applicants, payments are made directly to the applicant.

(c) *Federal inspection and withholding of payments.* Inspections are made by Public Health Service Regional Office representatives to determine compliance with the approved application, including plans and specifications, and to ascertain whether or not certain defaults as specified in the Public Health Service Act, as amended, have occurred which require the withholding of payments and certifications. If, in the opinion of the Regional Office, there has been a default justifying the withholding of payment, a recommendation to that effect is submitted to the Surgeon General. Prior to final decision by the Surgeon General, an opportunity for a hearing is afforded the State Agency.

SEC. 352 *Audits.* Audits of the fiscal aspects of projects are made periodically by personnel attached to Regional Offices, after arrangements with project applicants and the State Agencies. Audit exceptions which may be taken are reviewed by the Regional Medical Director and referred to the Department's Division of Grant-in-Aid Audits and to the Bureau of State Services' Division of General Health Services, respectively. The Chief of the Bureau of State Services determines whether the exception shall be sustained or withdrawn. Exceptions appealed by a State Agency are handled in a similar manner. The Regional Medical Director is notified of final action and he notifies the State Agency.

SEC. 353 *Assistance in administration.* Consultants assigned to Regional Offices assist the States in planning, developing and executing their construction programs. Close working relationships are maintained with the State Agencies for this purpose.

SEC. 354 *Places at which public may secure information.* Interested and prospective applicants for Federal funds under the Public Health Service Act, as amended, may secure information and necessary application forms from their appropriate State Agency. The Regional representatives of the Service will refer such prospective applicants to the appropriate State Agency.

GRANTS TO STATES FOR HEALTH SERVICES

SEC. 355 *General statement.* The Public Health Service makes grants for (1) veneral disease control, (2) tuberculosis control, (3) general health purposes, (4) community mental health services, (5) heart disease control, (6) cancer control, and (7) research and studies relating to the control and prevention of water pollution caused by industrial wastes. These grants are made to designated State agencies (and, in the case of water pollution grants, interstate agencies) in 48 States, District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands in accordance with 42 CFR Parts 51, 52, 55.

SEC. 356 *Allotments.* The Surgeon General, in accordance with regulations, makes allotments to each State from the sums appropriated by Congress. States are notified of these allotments through the Regional Offices as soon as possible after appropriations become available.

SEC. 357 *Approval of plans.* State agencies submit to Regional Offices prior to the beginning of each fiscal year, State plans or (for water pollution control) applications for grants which indicate the purposes for which grant and matching funds will be spent. Authority to approve such State plans for these grants has been delegated to Regional Medical Directors.

SEC. 358 *Payments from allotments.* With exception of water pollution funds, quarterly payments are made upon request to those States which have approved plans and which have submitted all of the required reports.

SEC. 359 *Forms and instructions.* Necessary forms and instructions used in the grant-in-aid program are available from the Regional Offices.

SEC. 360 *Consultant services.* Consultants in a variety of public health specialties, administrative management and merit system operations are available to States upon request made to the Regional Offices.

SEC. 361 *Fiscal audits.* Fiscal audits are made of the expenditures by the State of grant and matching funds to insure that funds were spent in accordance with applicable laws, regulations, and approved plans. These audits are made by personnel attached to the Regional Offices. The Regional Medical Director notifies the State agency of the results of the audit.

WATER POLLUTION CONTROL

SEC. 365 *General Statement.* The Division of Sanitary Engineering Services in the Bureau of State Services is responsible for carrying out the provisions of 42 CFR Part 55 having to do with control of pollution of the Nation's waters.

SEC. 366 *Development of comprehensive programs.* The Division of Sanitary Engineering Services is preparing comprehensive programs for eliminating or reducing the pollution of interstate waters and their tributaries, and for improving the sanitary conditions of surface and underground waters for various water uses, including public water supplies, propagation of fish and aquatic life, recreational purposes, and agricultural, industrial and other legitimate uses. These programs are being developed by river basins and sub-basins, numbering approximately 226. The programs consist of the listing of pollution sources, acceptable water uses, and recommendation of the remedial measures necessary to realize the uses. These programs are flexible and subject to adjustment because of changes in industrial activity and in industrial processes and because of shifting population.

SEC. 367 *Investigations, research and technical assistance.* This division aids and supports technical research to devise and perfect methods of treatment of industrial wastes for which known methods of treatment are inadequate. These studies, and other technical assistance, surveys, investigations, research, or experiments relating to water pollution and its prevention and abatement conducted by the Public Health Service and cooperating agencies, are made available to States, interstate agencies, municipalities, industries and individuals. Upon request of any State water pollution agency or interstate agency, the Division of Sanitary Engineering Services conducts investigations and research, and makes surveys concerning specific problems of water pollution confronting a State, interstate agency, community, municipality, or industrial plant. The division may, if necessary in discharging its legal obligations, initiate investigative studies of water pollution.

SEC. 368 *Financial aid.* The Public Health Service is authorized to make loans to State, municipal, or interstate agencies for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into interstate waters or into tributaries of such waters, and for the preparation of engineering reports, plans, and specifications for such treatment works. The Public Health Service is also authorized to make grants for action preliminary to the construction of such treatment works. These loans and grants are subject to provisions and limitations specified in 42 CFR Part 55, and when funds are available, will be administered by the Division of Sanitary Engineering Services in cooperation with the Division of General Health Services, Bureau of State Services. Grants are authorized to be made to State and interstate agencies for studies relating to the treatment of industrial waste.

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SEC. 369 *Abatement of a public nuisance.* The pollution of interstate waters, which endangers the health or welfare of persons in a State other than that in which the pollution originates, is declared to be a public nuisance and is subject to abatement, section 2 (d) of the Water Pollution Control Act (sec. 2, 62 Stat. 1155; 33 U. S. C. 466a). The Division of Sanitary Engineering Services is responsible to the Surgeon General for carrying out the provisions of the Water Pollution Control Act in respect to public nuisances of this kind.

Dated: March 15, 1955.

[SEAL] W. PALMER DEARING,
Acting Surgeon General.

Approved: June 15, 1955.

ROSWELL B. PERKINS,
Acting Secretary of Health, Education, and Welfare

[F. R. Doc. 55-4956; Filed, June 20, 1955; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6604]

BLACK HILLS POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 14, 1955.

Notice is hereby given that on May 27, 1955, the Federal Power Commission issued its order adopted May 26, 1955, amending order authorizing issuance of securities, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4945; Filed, June 20, 1955; 8:46 a. m.]

[Docket No. E-6621]

IOWA POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 14, 1955.

Notice is hereby given that on May 26, 1955, the Federal Power Commission issued its order adopted May 25, 1955, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4946; Filed, June 20, 1955; 8:47 a. m.]

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER ACCEPTING SUBSTITUTE REVISED TARIFF SHEETS AND APPROVING METHOD OF REFUNDING EXCESS CHARGES

JUNE 14, 1955.

Notice is hereby given that on May 26, 1955, the Federal Power Commission issued its order adopted May 25, 1955, accepting substitute revised tariff sheets and approving method of refunding excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4949; Filed, June 20, 1955; 8:47 a. m.]

[Docket No. G-2217]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER PRESCRIBING RATE ZONES AND DIFFERENTIALS

JUNE 14, 1955.

Notice is hereby given that on May 26, 1955, the Federal Power Commission issued its order adopted May 25, 1955, modifying order prescribing rate zones and rate differentials in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4950; Filed, June 20, 1955; 8:47 a. m.]

[Docket No. G-4932]

MIDSTATES OIL CORP.

NOTICE OF ORDER PERMITTING SUBSTITUTION OF REVISED RATE SCHEDULE SUPPLEMENT, SUSPENDING ITS EFFECTIVE DATE AND MAKING EFFECTIVE SUSPENDED RATE

JUNE 14, 1955.

Notice is hereby given that on May 31, 1955, the Federal Power Commission issued its order adopted May 25, 1955, permitting substitution of revised rate schedule supplement, suspending effective date of such supplement and making effective suspended rate upon filing of undertaking to assure refund to excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4951; Filed, June 20, 1955; 8:47 a. m.]

[Docket Nos. G-7368, G-7394—G-7396]

GULF REFINING CO. AND NATURAL GAS DISTRIBUTING CORP.

NOTICE OF FINDINGS AND ORDER

JUNE 14, 1955.

In the matters of Gulf Refining Company, Docket No. G-7368; Natural Gas Distributing Corporation, Docket Nos. G-7394, G-7395 and G-7396.

Notice is hereby given that on June 9, 1955, the Federal Power Commission issued its findings and order adopted May 25, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4944; Filed, June 20, 1955; 8:46 a. m.]

[Docket No. G-8573]

DAYTON POWER AND LIGHT CO.

NOTICE OF FINDINGS AND ORDER

JUNE 14, 1955.

Notice is hereby given that on May 31, 1955, the Federal Power Commission issued its findings and order adopted May 25, 1955, directing sale and delivery of natural gas in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4952; Filed, June 20, 1955; 8:47 a. m.]

[Docket No. ID-785]

WILLIAM WEBSTER

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

JUNE 14, 1955.

Notice is hereby given that on May 27, 1955, the Federal Power Commission issued its order adopted May 25, 1955, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4947; Filed, June 20, 1955; 8:47 a. m.]

[Docket Nos. ID-1260, ID-1261, ID-1264]

HARRY FERGUSON ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

JUNE 14, 1955.

In the matters of Harry Ferguson, Docket No. ID-1260; Almon Donral Root, Docket No. ID-1261; Abbott Lawrence Penniman, Jr., Docket No. ID-1264.

Notice is hereby given that on May 26, 1955, the Federal Power Commission issued its orders adopted May 25, 1955, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4948; Filed, June 20, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 16, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30760: Synthetic rubber—Charleston, S. C., to official territory. Filed by R. C. Boyle, Jr., Agent, for interested rail carriers. Rates on synthetic rubber, coprecipitated with lignin pitch, carloads, from Charleston, S. C., to specified points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Vermont.

Grounds for relief: Short-line distance formula and Circuity.

Tariffs: Supplement 133 to Agent Spaninger's I. C. C. 1351; Supplement 125 to Agent Spaninger's I. C. C. 1324.

FSA No. 30761: Coffee—North Atlantic ports to Granville, Wis. Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on green or roasted coffee, carloads, from Baltimore, Md., Albany and New York, N. Y., Boston, Mass., Philadelphia, Pa., and Norfolk, Va., and grouped origins.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 10 to Agent Boin's I. C. C. A-986; Supplement 15 to Agent Swenson's I. C. C. 597.

FSA No. 30762: Asphalt (Asphaltum)—Returned shipments. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on asphalt (asphaltum), in tank cars, from specified points in southern territory, including Ohio River crossings (on shipments returned), to specified points in the Southwest, also points in Kansas and Missouri.

Grounds for relief: Circuitous routes and other grounds attaching to relief granted with respect to same rates on original movements in reverse directions.

Tariff: Supplement 80 to Agent Kratzmeir's I. C. C. 3725.

FSA No. 30763: Caustic soda—Louisiana and Texas to Foley, Fla. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquid caustic soda, in tank cars, from Lake Charles, La., Corpus Christi, Houston, and Velasco, Tex., to Foley, Fla.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 50 to Agent Kratzmeir's I. C. C. 4139; Supplement 160 to Agent Kratzmeir's I. C. C. 3932.

FSA No. 30764: Crude rubber from Louisiana and Texas. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, crude, artificial, synthetic or neoprene, carloads, from Baton Rouge, North Baton Rouge, Lake Charles, and West Lake Charles, La., Baytown, Borger, Houston, and Port Neches, Tex., to points in southwestern, western trunk-line, Illinois, Kansas-Missouri, gateway, and southern territories.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement No. 49 to Agent Kratzmeir's I. C. C. 4139 and five other tariffs.

FSA No. 30765: Woodpulp—Mississippi River crossings to Ohio and Pennsylvania. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on woodpulp, carloads, territory—(a) New Orleans, La., to Washington Court House, Ohio, and (b) Natchez, Miss., to Beaver Falls, Pa.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 30766: Malt liquors and containers—To and from the South—NYC Routing. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on malt liquors, carloads, also empty containers returned, carloads, from Chicago, Ill., to specified destinations in southern territory on malt liquors, and in the reverse direction on empty returned containers.

Grounds for relief: Circuitous routes.

Tariff: Supplement 8 to Agent Raasch's I. C. C. 820.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-4960; Filed, June 20, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3385]

STANDARD POWER AND LIGHT CORP.

ORDER AUTHORIZING PROPOSED CASH DISTRIBUTION OUT OF CAPITAL SURPLUS

JUNE 14, 1955.

Standard Power and Light Corporation ("Standard Power"), a registered holding company, has filed a declaration with this Commission pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-46 promulgated thereunder in respect of a proposal by Standard Power to make a cash distribution of $0.35 per share, in part out of earned surplus to the full extent thereof which at April 30, 1955 amounted to $215,362 and the balance out of capital surplus, which as of the same date was $111,267,689, to each holder of record on June 24, 1955 of its outstanding 1,320,000 shares of common stock and 110,000 shares of common stock, Series B.

Standard Power represents that its only outstanding obligations senior to the common stock are two bank loans, one in the amount of $1,500,000 which matures on July 29, 1955, and the other in the amount of $200,000 which matures on October 26, 1955. It is stated in the declaration that these loans will not be adversely affected by the proposed cash distribution since Standard Power has sufficient marketable securities to enable it to raise any balance of cash required to pay the loans when they become due.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the the proposed cash distribution. The fees and expenses to be incurred in connection with said distribution are estimated not to exceed $1,000 including counsel fees not in excess of $500.

Notice of the filing of the declaration having been duly given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of, or ordered by, the Commission; and

The Commission having examined said declaration and the record in respect thereof and finding with respect thereto that the applicable provisions of the act and the rules and regulations thereunder have been satisfied, and observing no basis for adverse findings in connection therewith; and the Commission deeming it appropriate in the public interest and in the interest of investors that said declaration be permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and the additional terms and conditions set forth below:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations thereunder, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24, and subject to the following additional terms and conditions:

That Standard Power shall accompany the cash distribution checks with a statement to the effect:

(1) That Standard Power filed a declaration with the Commission pursuant to section 12 of the act and the Commission permitted the declaration to become effective without determining whether and to what extent the payment is being made out of capital or unearned surplus; and

(2) That the Commission's action in permitting the declaration to become effective is not to be construed as a determination by the Commission that all or any portion of such payment is or is not taxable to the recipients pursuant to the provisions of the Internal Revenue Code.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-4953; Filed, June 20, 1955; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ALOIS LEBER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Alois Leber, 46 Elisabethgasse, Wien-Weidling, Austria, Claim No. 34494 (V. O. 201), Claim No. 34493 (V. O. 661): property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,163,205. Property described in Vesting Order No. 661 (8 F. R. 2161, February 18, 1943), relating to United States Letters Patent No. 2,195,748.

Executed at Washington, D. C., on June 15, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55-4965; Filed, June 20, 1955; 8:50 a. m.]

UNIVERSITY OF MICHIGAN LIBRARIES

E. H. J. HEIDA AND H. J. HEIDA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

E. H. J. Heida, Oranjelaan 33, Rotterdam, The Netherlands, Claim No. 41829; H. J. Heida, Schiedamscheweg 138, Vlaardingen, The Netherlands, Claim No. 41830; 40 shares of ordinary capital stock of Canadian Pacific Railway Company, Montreal, Canada, evidenced by Certificate No. L178193, registered in the name of Schmidt & Company, and in the custody of the Federal Reserve Bank, New York, New York, in equal shares to the claimants. $264.71 in the Treasury of the United States in equal shares to the claimants. Vesting Order No. 9201, Vesting Order No. 5905.

Executed at Washington, D. C., on June 15, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55-4964; Filed, June 20, 1955; 8:50 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Cotton Bulletin 1]

PART 427—COTTON

SUBPART—1955 COTTON LOAN PROGRAM

1955 COTTON BULLETIN

This bulletin contains the regulations specifying the instructions and requirements with respect to the 1955 Cotton Loan Program of Commodity Credit Corporation (hereinafter referred to as CCC) formulated by CCC and the Commodity Stabilization Service (hereinafter referred to as CSS). Loans will be made available on upland and extra long staple cotton produced in 1955, in accordance with this bulletin.

Sec.

427.601 Administration.
427.602 Availability of loans.
427.603 Approved lending agency.
427.604 Producer.
427.605 Eligible producer.
427.606 Eligible cotton.
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427.608 Approved storage.
427.609 Rate and weight.
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427.625 Loans on upland cotton prior to August 1, 1955.
427.626 Tender of notes by lending agencies.
427.627 Loss or damage to pledged cotton.
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427.629 Repayments.
427.630 Cotton Cooperative Marketing Association Loans.
427.631 Custodial offices.
427.632 Schedule of premiums and discounts for upland cotton and loan rates for extra long staple cotton.

AUTHORITY: §§ 427.601 to 427.632 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 427.601 *Administration.* Under the general direction and supervision of the Executive Vice President, CCC, the Cotton Division and other appropriate Divisions of CSS will carry out the provisions of this subpart. In the field, the program will be administered through the New Orleans CSS Commodity Office, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans office"), and Agricultural Stabilization and Conservation (referred to in this subpart as "ASC") State and county committees (referred to in this subpart as State committees and county committees, respectively). Forms will be distributed by the New Orleans office and will be available at county ASC offices (referred to in this subpart as county offices) and at approved lending agencies, approved warehouses, and others designated to participate in the loan program. State and county committees and the New Orleans offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 427.602 *Availability of loans.*—(a) *Loans.* Loans will be available to eligible producers on eligible cotton and will be made available through warehouse, farm-stored, and bill of lading loans.

(b) *Area.* Loans on cotton covered by bills of lading will be available in areas specified by the New Orleans office. Warehouse and farm-stored loans will be available on:

(1) Upland cotton wherever produced in the continental United States.

(2) Extra long staple cotton produced in areas designated in this subparagraph.

(i) American-Egyptian cotton produced in Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; Imperial and Riverside Counties, California; Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, at the rates shown in § 427.632.

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 17 ($0.55)

Title 32A, Revised Dec. 31, 1954 ($1.50)

Title 38 ($2.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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ments with CCC, or by the New Orleans office. Disbursement of loans by approved lending agencies will be made not later than April 30, 1956, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall promptly refund the proceeds.

§ 427.603 *Approved lending agency.* An approved lending agency shall be any bank, corporation, partnership, association, individual, or other legal entity which has entered into a Lending Agency Agreement-Cotton (CCC Cotton Form D, Rev. June 15, 1954) with CCC. Banks and other agencies desiring to enter into Lending Agency Agreements should make application to the New Orleans Office, which will enter into such agreements on behalf of CCC.

§ 427.604 *Producer.* A producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing eligible upland or extra long staple cotton in the capacity of landowner, landlord, tenant or sharecropper.

§ 427.605 *Eligible producer.* A producer will be entitled to a loan on eligible upland or extra long staple cotton produced by or for him in 1955 on a farm (as defined for purposes of cotton marketing quotas) for which a 1955 acreage allotment for such kind of cotton has been determined under Title III of the Agricultural Adjustment Act of 1938, as amended and supplemented, if all of the following requirements are met:

(a) The 1955 planted acreage (as determined for purposes of cotton marketing quotas) of such kind of cotton on the farm does not exceed the 1955 cotton acreage allotment for the farm for such kind of cotton. For the purpose of determining eligibility for a loan, the upland or extra long staple cotton acreage on the farm will not be deemed to be in excess of the acreage allotment for such cotton unless such acreage allotment for such kind of cotton is knowingly exceeded. If the producer operating the farm is notified that such acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment within the period allowed under the notice, such acreage allotment shall be deemed to have been knowingly exceeded by the producers having an interest in the cotton.

(b) Where eligible cotton is produced by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(1) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may obtain a loan on his separate share.

(2) If the cotton is not divided, (i) the landlord and one or more of the share tenants or sharecroppers may obtain a joint loan on their shares of such cotton, or (ii) the landlord may obtain a loan on cotton in which both he and one or more share tenants or sharecroppers have an interest if he has the legal right to do so, and in such cases the share tenants or sharecroppers must be paid their pro rata share of the loan proceeds and their pro rata share of any additional proceeds received from the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest.

§ 427.606 *Eligible cotton.* Eligible cotton shall be upland cotton produced in the United States in 1955 or extra long staple cotton planted in 1955 and produced in areas designated under § 427.602, which meets the following requirements:

(a) Such cotton must be of a grade and staple length specified in § 427.632.

(b) Such cotton must not be false packed, waterpacked, mixed-packed, reginned, or repacked; upland cotton must not have been reduced in grade because gin-cut, or because of extraneous matter such as grass, sand, oil, dust, whole seeds, parts of seeds, motes, stems, bark, etc.; extra long staple cotton must have been ginned on a roller gin, shall be of normal character, and must not have been reduced in grade or staple on account of irregularities or defects.

(c) Such cotton must not be compressed to high density.

(d) Such cotton must have been produced by the person tendering it for a loan and such person must have the legal right to pledge or mortgage it as a security for a loan.

(e) If the person tendering such cotton is a landlord or landowner, the cotton must not have been acquired by such landlord or landowner directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and one or more share tenants or sharecroppers have an interest.

(f) The person or association tendering such cotton must not have previously sold and repurchased such cotton.

(g) Each bale of such cotton must weigh not less than 300 nor more than 700 pounds, gross weight, and must be adequately packaged in new material manufactured for cotton bale covering, except used jute and sugar bagging will be acceptable if such bagging is clean and in sound condition. Heads of bales must be completely covered. New bagging used in the cotton Experimental Bale Cover Program will be acceptable, provided the bales covered with such bagging are tagged to identify them with such program.

§ 427.607 *Forms.* The following documents must be delivered by producers in connection with every loan except loans made pursuant to §§ 427.624 and 427.630.

(a) *Warehouse-stored loans.* (1) Cotton Producer's Note and Loan Agreement (CCC Cotton Form A, referred to in this subpart as "Form A").

(2) Warehouse receipts complying with the provisions of § 427.619.

(3) Producer's Letter of Transmittal (CCC Cotton Form B, referred to in this subpart as "Form B") if the loan is obtained direct from the New Orleans office.

(b) *Farm-stored loans.* (1) Cotton Producer's Note (CCC Cotton Form E, referred to in this subpart as "Form E").

(2) Cotton Chattel Mortgage (CCC Cotton Form F, referred to in this subpart as "Form F") and Cotton Mortgage Supplement (CCC Cotton Form FF, referred to in this subpart as "Form FF") covering the cotton tendered as security for a loan.

(3) Form B if the loan is obtained direct from the New Orleans office.

(c) *Cotton represented by order bills of lading.* (1) Form A executed within the area and during the period such loans are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered as security for the loan.

(3) If the Receiving Agency is not a warehouseman, Weight and Condition Certificates complying with the provisions of § 427.622 and a Receiving Agent's Certificate.

(4) Form B if the loan is obtained direct from the New Orleans office.

(d) Loan documents executed by an administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing the form or by a repurchase agreement of the lending agency. Copies of this agreement may be obtained from the New Orleans office. State documentary revenue stamps shall be affixed to loan documents where required by law. A producer who desires to appoint an attorney-in-fact to act in his place and stead in obtaining loans shall use Power of Attorney (CCC Cotton Form 18) which must be filed with the New Orleans office.

§ 427.608 *Approved storage.* Loans will be made only on cotton in approved storage.

(a) *Warehouses.* Cotton will be accepted as security for loans only if stored by warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the New Orleans office. The names of approved warehouses may be obtained from the New Orleans office or State or county offices.

(b) *Farm storage.* Cotton in farm storage will be accepted as security for loans only if stored in a structure approved by the county committee for the county in which the cotton is stored. Such structures may be on or off the farm and must afford safe storage and protection against weather damage, poultry and livestock, and reasonable protection against fire and theft. If the producer does not own the premises where the cotton is stored and his lease on such premises expires prior to September 30, 1956, the owner of such premises must execute the Consent for Storage on the Cotton Mortgage Supplement. Any other tenant who has a right or interest in the premises must also execute the Consent for Storage.

(ii) Sea Island and Sealand cotton produced in Atkinson, Berrien, Cook, and Lanier Counties, Georgia; and Alachua, Columbia, Hamilton, Jefferson, Lake, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Florida; and Sea Island cotton produced from seed planted in 1955 in Puerto Rico at the rates shown in § 427.632.

(c) *Time.* Loans shall be available from the date rates are announced through April 30, 1956. Notes and chattel mortgages covering farm-stored cotton must be signed by the producer and delivered to the county office on or before April 30, 1956. Note and Loan Agreements covering warehouse-stored cotton must be signed by the producer and delivered to the lending agency on or before such date or postmarked not later than April 30, 1956, if tendered for direct loans to the New Orleans office by mail.

(d) *Source.* Loans will be available from approved lending agencies or from the New Orleans office. Disbursements on loans will be made to producers by approved lending agencies under agree-

§ 427.609 *Weight and rate.* (a) Loans will be made on the gross weight of upland cotton and on the net weight of extra long staple cotton. Notes covering cotton pledged on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. An allowance of 7 pounds per bale will be made for bales of upland cotton covered with cotton bagging. Such bagging must have been manufactured specifically for covering cotton bales.

(b) The base loan rate for upland cotton applicable at each approved warehouse will be shown in the Schedule of Base Loan Rates for Warehouse-Stored Upland Cotton.[1] The base loan rate under the farm-stored program for upland cotton for each county will be shown in the Schedule of Base Loan Rates by Counties for Farm-Stored Upland Cotton.[1] These schedules will be available at county offices. The premium or discount applicable to each eligible grade and staple length of upland cotton is shown in § 427.632. Loan rates for extra long staple cotton are also shown in § 427.632. After a loan is made, CCC will not be obligated to make adjustments in the amount of the loan as a result of any subsequent redetermination of the weight or quality of the cotton.

§ 427.610 *Preparation of documents.* All applicable blanks on the loan forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and documents containing additions, alterations, or erasures may be rejected by CCC. (Forms A having a date prior to March 4, 1954, shall not be used.) Both copies should be clearly legible. The spaces provided on Forms A and E for the producer to request and direct payment of the proceeds must be completed in every instance. All disbursements made from the proceeds of a note, including clerk's fee when deducted, must be shown and the total must agree with the amount of the note. In the case of warehouse-stored cotton, care should be exercised by the lending agency to determine that the warehouse receipts are genuine. No deduction may be made from the loan proceeds by the lending agency as a charge for handling the loan documents, except the authorized clerk's fee in case an employee of the lending agency has executed the Clerk's Certificate on Form A. Before the clerk prepares loan documents for a producer, he must determine that the producer is eligible for a loan. The county committee, in preparation of the producer's marketing card, will indicate on the reverse side of the card the producer's eligibility. If the box following the word "Eligible" contains an "X" the clerk will use this as evidence that the producer is eligible for a loan and shall assist the producer in the preparation of his loan documents. If the box following the words "Ineligible unless Loan Agreement Approved by County Committee" contains an "X" the clerk shall inform the producer that in order for him to obtain a loan he must have his loan documents prepared in the county office. If the box following the word "Ineligible" contains an "X", the producer cannot obtain a loan on such kind of cotton produced on that farm under any condition and should be so informed by the clerk. In the event that the marketing card indicates that the producer is eligible but shows evidence of any alteration or erasure, the clerk should not prepare loan documents and should inform the producer that the documents will have to be prepared in the county office. Lending agencies which are also eligible producers must obtain direct loans on cotton produced by them from the New Orleans office or obtain loans from another approved lending agency.

(a) *Warehouse-stored cotton.* A producer desiring to obtain a loan on warehouse-stored cotton may obtain the necessary forms from county offices, approved lending agencies, approved warehouses, and approved clerks (persons approved by the county committees to assist producers in preparing and executing the loan forms). The Clerk's Certificate on each Form A tendered for a loan must be executed by an approved clerk, who will assist the producer in the preparation and execution of the Form A. The original of Form A must be signed by the producer and the copy marked producer's copy is to be retained by the producer. All of the cotton pledged as security for any loan must be of the same grade and staple length and must be stored in the same warehouse.

(b) *Farm-stored cotton.* A producer desiring to obtain a loan on farm-stored cotton should communicate with the county office in the county in which the cotton is to be stored. It will be the responsibility of the county committee to arrange for the inspection of the storage structure and to approve it if it determines that it is of such construction as to afford adequate storage for the cotton. The county office will furnish and prepare the necessary documents for a farm-stored loan.

§ 427.611 *Service charges and deposits.* No service charges will be collected in connection with warehouse loans. A service charge of $1.00 per bale with a minimum of $3.00 per loan will be collected by the county office from the producer to cover services rendered in connection with farm-stored loans. State committees are authorized to require prepayment of $3.00 of the service charge. No refund of service charges will be made. A deposit of $1.00 per bale will also be collected from the producer to guarantee delivery of farm-stored cotton if the loan is not repaid by the producer. Such deposit will be returned if the loan is repaid or the cotton is delivered in accordance with delivery instruction issued by the county office. If the producer does not deliver the cotton upon demand by CCC, the county office will arrange delivery and retain the deposit. If delivery costs exceed the deposit, the producer will be liable for the difference.

§ 427.612 *Fees.* The clerk or county office employee assisting the producer in the preparation of the loan documents may collect a fee from the producer not to exceed the fees shown in the following schedules:

Number of bales on note:	*Maximum fee allowed*
1	25 cents.
2–6	25 cents plus 15 cents for each bale over 1.
7–18	$1 plus 10 cents for each bale over 6.
19 and over	$2.20 plus 5 cents for each bale over 18.

§ 427.613 *Liens.* Eligible cotton must be free and clear of all liens except the warehouseman's lien for charges permitted under § 427.621 on warehouse-stored cotton. The signatures of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse) must be obtained on the Lienholder's Waiver on each Form A and Form FF. If the producer tendering the cotton for loan is not the owner of the land on which the cotton was produced, all landowners and landlords must sign the Lienholder's Waiver whether or not they claim liens, unless they sign the note jointly with the producer. A fraudulent representation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholder's Waiver must be signed personally by all lienholders, by their agents (in which case duly executed Powers of Attorney (CCC Cotton Form 18) must be filed with the New Orleans office), or, if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 427.614 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due or are payable or prepayable under the provisions of the note evidencing such loan, out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges, clerks' fees, and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. In any such case, the producer must go to the county office in the county in which he is listed on the debt register and have his loan documents completed by a clerk in the county office. A clerk in the county office will assist the producer in the preparation of such loan documents and will show in the space provided in the notes the agency to which the checks should be issued and the amount to be collected from the note. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 427.615 *Classification of cotton.* (a) All cottcn tendered for loan must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (hereinafter referred to as the "Board") and tendered on the basis of such classification. A Cotton Classification Memorandum Form 1 of the United States Department of Agriculture will be accepted, provided the sample is a representative sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1955 Smith-Doxey Program. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman (for warehouse-stored cotton), receiving agency (for cotton covered by bills of lading), or county office (for farm-stored cotton), shall sample such cotton and forward the samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each such sample. A Tag List and Record Sheet (CCC Cotton Form L, referred to in this subpart as "Form L"), must be prepared by the warehouseman, receiving agency or county office, listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples and two copies must be mailed separately to the Board. The Board will enter the classification of each bale on the Form L and return a copy of such form to the warehouse, receiving agency or county office. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board. If a sample has been drawn and submitted for a Form 1 or Form A3 classification, another sample may not be drawn and forwarded to a Board except for a review classification or a reclassification in lieu of review. If a Form 1 or Form A3 review classification or reclassification in lieu of review is obtained, the loan value of the cotton represented thereby will be based on such review classification or reclassification.

(b) A charge of 25 cents per bale shall be collected from the producer by the warehouseman, receiving agency, or county office for all cotton for which samples are submitted to a Board for a Form A3 classification. The Boards will submit billings for classing charges to the warehousemen, receiving agencies, and county offices at the end of each month. Checks or money orders covering these charges shall be made payable to "Commodity Credit Corporation" and shall be sent to the New Orleans office.

§ 427.616 *Interest rate.* Loans and charges on the cotton covered by the loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment, except that in the case of default in satisfaction of loans on farm-stored cotton, loans will bear interest at the rate of 6 percent per annum from the date of default to the date of repayment.

§ 427.617 *Maturity.* (a) Loans mature July 31, 1956, or upon such earlier date as CCC may make demand for payment. If a producer does not repay his loan by maturity, CCC has the right to sell, purchase, or pool the cotton securing the loan in accordance with the provisions of the loan agreement. If the cotton is pooled, the producer will no longer have a right to redeem the cotton but will share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat any pooled cotton as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of cotton, even though part or all of such pooled cotton is disposed of under such policies at less than the current domestic price for such cotton.

(b) Any sum due the producer as a result of the sale or purchase of the cotton or collections of insurance proceeds therefrom, or his ratable share from a pool, shall be payable only to the producer or his personal representative without right of assignment to or substitution of any other person.

(c) If the producer does not repay his loan on farm-stored cotton on or before maturity, he is required to deliver the cotton in accordance with the provisions of Form FF, and if the cotton is not delivered by the producer, the holder of the note may enter on the premises where the cotton is stored and remove the cotton. Upon such delivery or removal, the holder may dispose of the cotton in accordance with the provisions of this section.

§ 427.618 *Safeguarding farm-stored cotton.* The producer obtaining a loan on farm-stored cotton is obligated to maintain the farm-storage structure in good repair and to keep the cotton in good condition. The producer will be responsible for any loss or damage occurring through the fault or negligence of the producer or as a result of any cause other than fire, flood, lightning, explosion, windstorm, cyclone, or tornado, except that he will not be responsible for loss in weight of not to exceed an average of 10 pounds per bale which is due to natural shrinkage. The maximum amount of cotton stored in any structure shall be limited to 200 bales, unless the State committee determines that a larger maximum is required to make the program more effective in the State. The conversion or unlawful disposition by the producer of any bale of the cotton will render him personally liable for the payment of the mortgage indebtedness.

§ 427.619 *Warehouse receipts and insurance.* Only negotiable warehouse receipts issued by an approved warehouse, properly assigned by an endorsement in blank so as to vest title in the holder or issued to bearer will be acceptable. The warehouse receipts must show that the cotton is covered by fire insurance and must be dated on or prior to the date of the producer's notes. Each receipt must set out in its written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts issued prior to August 1, 1955, which by their terms will expire prior to August 1, 1956, must bear an endorsement of the warehouseman extending the terms of the warehouse receipts for a period of one year from August 1, 1955. Block warehouse receipts will not be accepted except on cotton to be reconcentrated pursuant to § 427.623.

§ 427.620 *Insurance on farm-stored cotton.* CCC will not require the producer to insure cotton under farm-stored loan; however, if the producer does insure the cotton, and if an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the cotton involved in the loss.

§ 427.621 *Warehouse charges.* The Agreement of Warehouseman on each Form A must be executed by the warehouseman storing the cotton covered by the Form A not more than 15 days preceding the date of the Producer's Note on the Form A and must not be executed subsequent to the date of the note. In the case of loans made to a cotton cooperative marketing association as provided in § 427.630, the Warehouseman's Certificate and Agreement on the Certificate of Association and Agreement of Warehouseman (CCC Cotton Form G–1, referred to in this subpart as "Form G–1") must be executed by the warehouseman storing the cotton covered by such form. By executing the Agreement of Warehouseman on the Form A (notwithstanding the wording of such agreement on Forms A dated 3–4–54, the warehouseman may draw a sample for a reclassification in lieu of review) or the Warehouseman's Certificate and Agreement on the Form G–1, the warehouseman agrees that such cotton will be stored and handled in accordance with the Warehouseman's Certificate and Agreement on the reverse side of the Form A or on the Form G–1 and makes the representations contained therein, and the warehouseman further agrees to store such cotton under conditions and at rates determined as follows:

The cotton shall be insured against loss or damage by fire under a policy or policies providing coverage equivalent to that afforded under the standard fire policy of the State in which the cotton is stored for the full market value (if the cotton is compressed, its market value shall be the market value of flat cotton plus compression charges, or if the cotton is uncompressed and the warehouseman desires to collect his delivery charge for flat cotton in lieu of compression if it is destroyed by fire,

[1] Schedule to be issued about August 15, 1955.

such charge must be covered by insurance) at the time and place of loss and shall be kept so insured so long as the warehouse receipts therefor are outstanding, unless the cotton comes under a storage agreement between the warehouseman and CCC allowing the warehousman to cancel his insurance on the cotton. From the dates of the warehouse receipts representing the cotton or from the date through which the producer has paid storage charges, whichever is later, through July 31, 1956, all charges on the cotton for storage and insurance (as required in § 427.619) shall be at the rate of 43 cents per bale per month or fraction thereof for flat or compressed cotton stored in warehouses operating compress facilities or compressed cotton stored in warehouses not operating compress facilities, and at the rate of 48 cents per bale per month or fraction thereof for flat cotton stored in warehouses not operating compress facilities, or the warehouseman's established tariff on cotton other than CCC loan cotton, whichever is less. Such charges, accrued through July 31 of any year in which these rates are in effect, shall be paid by CCC, as soon as possible after such date, on all of the cotton represented by warehouse receipts held by CCC at the time of payment: *Provided*, That on any cotton for which CCC makes payment of accrued charges through July 31 of any year, payment for the fractional part of a month prior to such date shall be at the proportionate part of the monthly rate. The warehouseman may make a charge for outhandling, including picking out by tag numbers and loading according to custom into cars or trucks, of not to exceed 15 cents per bale if such charges are included in the warehouseman's tariff: *And provided further*, That no such outhandling charge may be made where collection for the service has been included in any other charge or otherwise collected. Charges for compression of cotton by the warehouseman, including compression charges on cotton compressed to standard density by the warehouseman at his gin, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed. Compression charges on cotton compressed to standard density for the warehouseman at a gin under contract with the warehouseman will be paid at the rate which the warehouseman pays the ginner. In no event shall compression charges on gin-compressed cotton exceed the rate paid to the ginner by his customers on all other cotton. Charges on gin-compressed cotton will be paid by CCC only when the cotton is reconcentrated at the time received from the gin to a warehouse designated by CCC and the charges have not been paid to the ginner or the warehouseman by the producer. All other charges on cotton, including flat delivery charges on cotton moved from a warehouse operating compress facilities without payment of compression charges, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed: *Provided*, That no charge may be made with respect to the cotton that is not applicable to cotton other than CCC loan cotton stored by the warehouseman, except that the warehouseman may make a charge of not to exceed 20 cents per bale for transmitting samples to the designated classing office, postage, verifying and guaranteeing the correctness of the information for which the warehouse is responsible in the Schedule of Pledged Cotton on the Form A or Form G–1, and executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G–1, if such charges are included in the warehouseman's tariff: *And provided further*, That in no event shall such charge, a service charge or charges for receiving, tagging, weighing, sampling on arrival, or storage of samples, be collected from CCC or a purchaser of the cotton. No charge for compression or for delivery or outhandling, except for an outhandling charge of not to exceed 15 cents and charges for the compression to standard density at gins as provided in this section, will be paid with respect to cotton received by the warehouseman which has been compressed to standard density either by a gin (gin compress bale) or by another warehouseman. No charge of any kind whatsoever will be paid with respect to any of the cotton compressed to high density without the written authority of CCC. The warehouseman shall execute and submit to CCC with each voucher for amounts payable by CCC under this agreement the following certificate: "I hereby certify that I have removed from the cotton covered by this voucher only that amount of cotton necessary to secure representative samples, to properly trim the sample holes, or to otherwise maintain the cotton in the interest of good housekeeping and fire prevention incidental to the handling, storage, or compressing said cotton except for reconditioning of damaged cotton. I further certify that I have not reconditioned, picked or cleaned by blowing or brushing any of the cotton included in this voucher except as noted on report attached hereto." The warehouseman shall store the cotton so that the tags will be visible and readily accessible so as to permit an accurate check of stocks at any time. In the event that the cotton is purchased or pooled by CCC or the loan on such cotton is extended or carried in past-due status by CCC after July 31, 1956, the rates quoted herein will remain in effect until terminated by CCC or the warehouseman at the end of any month by giving the other at least 30 days' notice, or until the cotton comes under another storage agreement between the warehouseman and CCC, whichever is earlier. If the cotton is redeemed from the loan or the cotton is sold by CCC, the charges provided in this section shall be applicable for services rendered up to and including the date of such redemption or sale, and the warehouseman shall not charge the holders of the warehouse receipts representing such cotton for such services an amount in excess of that computed in accordance with this agreement.

§ 427.622 *Loans on order bills of lading.* (a) Loans on cotton represented by order bills of lading will be available only in areas specified by the New Orleans office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(b) Cotton represented by order bills of lading will be eligible for a loan only when it is shipped by an approved receiving agency as agent for the producer. Warehousemen, ginners, and other responsible parties in areas where such loans are available may be approved to act as receiving agencies by the New Orleans office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notifications will be given by letter or published lists.

(c) A producer who is unable to find storage space in his local area and who wishes to obtain such a loan should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer to a warehouse where storage space is available. The receiving agency will complete the Schedule of Pledged Cotton on a Form A and, if it is a warehouseman, will execute the Agreement of Warehouseman thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC and execute the Receiving Agent's Certificate. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with the Form A and Weight and Condition Certificates (if any). If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with § 427.621 and a fee of not to exceed 10 cents per bale to cover the costs of preparation of shipping documents. If the receiving agency is not a warehouseman, it will, for the purpose of payment of gin compression only be considered as a warehouseman and will be permitted to collect from CCC charges for gin compression as provided in § 427.621 and will be permitted to collect from producers a fee not in excess of the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post, in a conspicuous place, a notice showing the fee to be charged producers. Loans will be made at the full loan rate at the point where the receiving agency receives the cotton. CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section, if the receiving agency is a warehouseman.

§ 427.623 *Loans on cotton to be reconcentrated.* Loans on cotton to be reconcentrated will be available only on cotton stored at warehouses approved by the New Orleans office in areas where there is congestion and lack of storage space. The warehousemen will enter into Reconcentration Agreements (CCC Cotton Form 29, referred to in this subpart as "Reconcentration Agreements") with CCC. Warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must be in a form acceptable to CCC and must provide for delivery of the cotton to the order of CCC. Block warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement will be accepted. A producer who desires to obtain a loan in this manner should request the warehouseman to issue a warehouse receipt to him in the form specified above and must furnish written authorization to the warehouseman for the reconcentration of his cotton after which the warehouseman will ship the cotton. The Forms A and warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must show the reconcentration order number under which the cotton will be shipped. The producer will obtain a loan on these documents in the usual manner, and after receipt of the loan documents, CCC will surrender the warehouse receipts to the warehouseman.

§ 427.624 *Advance loans.* (a) If a producer desires to obtain a loan under this part on cotton stored or to be stored in a warehouse, prior to the receipt of the classification of such cotton by a Board of Cotton Examiners or prior to the issuance of a warehouse receipt representing the cotton, and if the producer desires to obtain interim financing from a lending agency until such time as a CCC loan may be obtained, the lending agency may make the producer a private loan (called "the advance loan" in this subpart) on such cotton on forms and in amounts agreed upon between the lending agency and the producer and may obtain from the producer a duly executed Producer's Power of Attorney (CCC Cotton Form J, referred to in this subpart as "Form J") in triplicate authorizing and directing the lending agency to prepare or cause to be prepared and execute on behalf of and in the name of the producer Forms A covering all such cotton which is eligible for a loan under this part. The duplicate copy shall be delivered to the producer. On or before the date the advance loan is made, samples must have been drawn from the cotton and submitted to a Board of Cotton Examiners for classification or, if the cotton has not arrived at the warehouse, the warehouseman must have been instructed to sample the cotton and forward the samples for classification upon receipt of the cotton at the warehouse. On or before September 1, 1955, or within 15 days after the dates of the classification certificates, or within 15 days after the dates of the warehouse receipts, whichever is later, the lending agency shall (as provided in the Producer's Power of Attorney), unless the cotton is redeemed by the producer, prepare or cause to be prepared and execute on behalf of the producer Forms A covering all such cotton which is eligible for a loan and make a CCC loan or loans to the producer under this part. The lending agency shall promptly remit to the producer any difference between the amount due on the advance loan and the proceeds of the CCC loan, less any applicable charges under this part paid by the lending agency on behalf of the producer. The producer's copies of Forms A and the canceled note evidencing the advance loan shall be forwarded to the producer. The original of the Producer's Power of Attorney shall be transmitted with the notes when they are tendered to CCC.

(b) It shall be the joint responsibility of the lending agency named in the Form J to obtain the official classification from the producer or the warehouseman and of the producer to deliver the official classification to such lending agency, within 15 days from the date of the classification certificate so that the Form A loans can be made within the specified time.

(c) It shall be the responsibility of the lending agency named in the Form J to obtain the execution of the Agreement of Warehouseman and the Clerk's Certificate on the Form A. Only bona fide employees of lending agencies making the advance loans who are approved as clerks by the county committee or approved clerks in the county office, will be permitted to execute the Clerk's Certificate on Forms A covering cotton on which advance loans have been made.

§ 427.625 *Loans on upland cotton prior to August 1, 1955.* Loans on upland cotton will be made available to producers in the area where such cotton is harvested prior to August 1, 1955. Base loan rates for warehouse locations in the early harvesting area will be announced by the New Orleans office prior to harvest. The premium or discount applicable to each eligible grade and staple length is shown in § 427.632. Other provisions for loans prior to August 1, 1955, will be the same as provided for loans after that date, except that in the event that the base loan rate based on the August 1, 1955, parity price for upland cotton is in excess of the base loan rate announced prior to such date, the difference will be paid to the producer upon his application to the New Orleans office.

§ 427.626 *Tender of notes by lending agencies.* Notes (Forms A and Forms E) evidencing loans made by a lending agency which has entered into a Lending Agency Agreement-Cotton (CCC Cotton Form D, Rev. June 15, 1954) prior to the making of the loans will be eligible for purchase or pooling by CCC. Under this agreement, lending agencies which are parties thereto are required to tender to CCC, on Lending Agency's Letter of Transmittal (CCC Cotton Form C, referred to in this subpart as "Form C"), all notes on Form A and Form E, with warehouse receipts, bills of lading (and weight and condition certificates, if required), or cotton chattel mortgages attached, representing loans made by the lending agency within 15 days after the date of disbursement of the loans. All notes transmitted on a Form C must cover cotton stored in warehouses in the same custodial district. Separate Forms C shall be used for upland and extra long staple cotton. Notes secured by warehouse receipts, by bills of lading, or by chattel mortgages, and notes executed by attorneys-in-fact, must be transmitted on separate Forms C. Each Form C shall state whether the lending agency desires CCC to purchase the notes or to place them in a pool. Upon receipt of the loan papers by the New Orleans office, they will be examined and, if found correct, will be approved and transmitted to the custodial office serving the district in which the cotton is stored, and will be purchased or placed in a pool as directed by the lending agency. Lending agencies which have previously been approved by CCC as eligible to draw drafts on CCC may, subject to such instructions and requirements as CCC may hereafter from time to time prescribe, obtain immediate payment for notes they desire to sell to CCC, by drawing sight drafts with enclosed letters of transmittal on CCC through a Federal Reserve Bank or Branch Bank approved by CCC. Notes covered by such drafts must be immediately submitted to the New Orleans office. In the event that the notes are pooled, a Certificate of Interest representing the interest in the pool acquired as the result of the deposit therein of the notes shown on the Form C will be issued to any approved lending agency designated on the Form C.

§ 427.627 *Loss or damage to pledged cotton.* In any case where there is loss or damage to cotton which occurs while such cotton is pledged to CCC or a lending agency, CCC shall have the right to determine and file claims against any liable third parties for the resulting loss. Upon determination of the quantity of the lost or damaged cotton, CCC will give credit for the loan value (including charges and interest) of such cotton. If the proceeds of the claim exceed the loan value of such cotton, the excess proceeds shall be remitted to the producer or, if the loan has been repaid, to the party repaying the loan.

§ 427.628 *Transfer of producer's interest.* If the producer desires to sell his equity in the cotton covered by a note, he must complete the Producer's Equity Transfer Agreement in the Producer's Equity Transfer on the reverse side of the Producer's Loan Statment–A, which will be mailed to the producer by the New Orleans office at the time the notes are processed by that office. The producer must sign the Producer's Equity Transfer Agreement in the presence of a witness approved for such purpose by a county committee or a notary public and the Certificate of Witness in the Producer's Equity Transfer must be dated and signed by the witness or notary public. A producer who desires to appoint an attorney-in-fact to act in his place and stead in selling his equity in the cotton shall use Power of Attorney (CCC Cotton Form 19) and file it with the applicable custodial office. The equity purchaser must complete the Certificate of Purchaser in the Producer's Equity Transfer and send it within 15 days to CCC, in care of the custodial office serving the district in which the cotton was stored at the time

the loan was obtained. Upon receipt of the Producer's Equity Transfer, the custodial office will forward the note and warehouse receipts to a bank designated by the person requesting their release with directions to the bank to release the note and warehouse receipts to the holder of the equity transfer upon payment of the amount due on the loan. In all such cases, the bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 5 business days. All charges assessed by the bank to which the note and warehouse receipts are sent must be paid by the person requesting the release of the cotton. No partial release of the cotton securing one note will be permitted, except that CCC may allow partial releases in cases where loss or damage to part of the cotton occurs. In the event the Producer's Loan Statement–A is destroyed or lost, the producer may obtain a duplicate of such form from the custodial office serving the district in which the cotton is stored.

§ 427.629 *Repayments*—(a) *Warehouse-stored cotton.* No partial release of the cotton represented by warehouse receipts and securing a note will be permitted, except that CCC may allow partial releases in cases where loss or damage to part of the cotton occurs. If a producer desires to obtain the return of his note and the release of the cotton securing the note, he must execute the Producer's Redemption Request on the Producer's Loan Statement—A which will be mailed to the producer by the New Orleans office at the time the notes are processed by that office. The producer must send or deliver the Producer's Loan Statement—A to CCC, in care of the custodial office serving the district in which the cotton was stored when the loan was obtained, as shown in § 427.631. Upon receipt of the Producer's Redemption Request, the custodial office will forward the note and warehouse receipts to a bank designated by the producer with directions to the bank to release such note and warehouse receipts only to the producer or his authorized agent upon payment of the amount due on the loan. The bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not affected within 15 days. All charges assessed by the bank must be paid by the producer. A producer who desires to appoint an Attorney-in-Fact to act in his place and stead in repaying loans shall use Power of Attorney (CCC Cotton Form 19) and file it with the applicable custodial office.

(b) *Farm-stored cotton.* If the producer desires to repay his loan and obtain the release of the cotton securing the note, he may obtain complete instruction from the county office of the county in which the cotton is stored. Partial releases will be allowed.

§ 427.630 *Cotton cooperative marketing association loans.* A special form of loan agreement will be made available to cotton cooperative marketing associations whereby members of such associations may act collectively in obtaining loans. The loan rates under this agreement will be the same as the loan rates to individual producers, and eligibility requirements with respect to the cotton and the producers tendering the cotton to the association and other loan provisions will be substantially the same as for loans to individual producers. Members desiring to obtain loans from their associations should contact their associations.

§ 427.631 *Custodial offices.* The custodial offices referred to in this subpart and the district served by each are shown below:

(a) *Warehouse-stored cotton.*

Custodial Office and District Served

Federal Reserve Bank, Atlanta, Ga.: Georgia, Alabama, Florida, Virginia, North Carolina, South Carolina.

Federal Reserve Bank, Dallas, Tex.: New Mexico, Texas.

Federal Reserve Bank, Los Angeles, Calif.: California, Arizona, Nevada.

Federal Reserve Bank, Memphis, Tenn.: Illinois, Kentucky, Arkansas, Missouri, Tennessee, and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.

New Orleans CSS Commodity Office: Louisiana and counties in Mississippi not assigned to Memphis.

Federal Reserve Bank, Oklahoma City, Okla.: Oklahoma, Kansas.

(b) *Farm-stored cotton.*

Custodial Office and District Served

New Orleans CSS Commodity Office: All States.

§ 427.632 *Schedule of premiums and discounts for upland cotton (basis 15/16-inch Middling), and loan rates for extra long staple cotton*—(a) *Premiums and discounts for eligible qualities of 1955-crop American upland cotton (basis 15/16-inch Middling).*

Grade	(Staple length (inches))													
	13/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 and longer
WHITE	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.	Pts.
Good Middling	−220	−140	−65	45	90	155	215	260	315	440	645	845	1,080	1,300
Strict Middling	−235	−155	−75	30	80	145	200	245	300	415	625	820	1,060	1,275
Middling	−250	−180	−100	Base	45	105	160	200	250	350	535	720	950	1,155
St. Low Middling	−400	−325	−250	−150	−100	−55	−5	30	70	125	220	310	420	520
Low Middling	−605	−545	−475	−405	−360	−310	−270	−245	−225	−200	−175	−160	−150	−145
St. Good Ordinary	−780	−725	−660	−585	−545	−505	−480	−470	−465	−465	−465	−465	−465	−465
Good Ordinary	−950	−895	−840	−765	−725	−680	−660	−655	−655	−655	−655	−655	−655	−655
SPOTTED														
Good Middling	−380	−310	−235	−155	−105	−60	−15	10	35	90	135	175	205	235
Strict Middling	−405	−330	−260	−180	−125	−80	−40	−15	15	40	85	130	155	185
Middling	−600	−540	−470	−395	−330	−275	−230	−205	−170	−150	−130	−105	−80	−50
St. Low Middling	−775	−720	−655	−590	−540	−490	−465	−455	−455	−455	−455	−455	−455	−455
Low Middling	−960	−910	−855	−780	−740	−705	−680	−675	−675	−675	−675	−675	−675	−675
TINGED														
Good Middling	−730	−680	−620	−530	−490	−445	−420	−410	−385	−365	−330	−310	−285	−250
Strict Middling	−760	−705	−645	−550	−510	−475	−445	−435	−410	−390	−360	−335	−310	−275
Middling	−915	−860	−795	−715	−680	−630	−605	−595	−595	−595	−595	−595	−595	−595
St. Low Middling	−1,100	−1,045	−980	−910	−875	−835	−815	−810	−810	−810	−810	−810	−810	−810
Low Middling	−1,315	−1,260	−1,200	−1,105	−1,075	−1,040	−1,020	−1,010	−1,010	−1,010	−1,010	−1,010	−1,010	−1,010
YELLOW STAINED														
Good Middling	−1,000	−945	−890	−820	−790	−755	−740	−735	−735	−735	−735	−735	−735	−735
St. Middling	−1,025	−975	−915	−855	−820	−785	−770	−765	−765	−765	−765	−765	−765	−765
Middling	−1,220	−1,165	−1,105	−1,015	−985	−960	−945	−940	−940	−940	−940	−940	−940	−940
GRAY														
Good Middling	−365	−300	−230	−150	−105	−65	−20	Even	35	115	170	215	265	315
St. Middling	−390	−325	−260	−175	−130	−95	−50	−25	10	45	120	170	205	245
Middling	−580	−525	−455	−375	−320	−270	−235	−170	−150	−120	−90	−65	−40	−20
St. Low Middling	−805	−745	−685	−610	−545	−490	−445	−425	−425	−425	−425	−425	−425	−425

(b) *Schedule of minimum loan rates (in cents per pound net weight) for eligible qualities of 1955-crop extra long staple cotton*[1]—(1) *American-Egyptian cotton.*

Grade	(Staple length (inches))					
	1 3/8		1 7/16		1 1/2 and longer	
	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1	55.00	55.40	57.95	58.35	59.30	59.70
2	54.00	54.40	57.05	57.45	58.50	58.90
3	52.50	52.90	55.45	55.85	57.35	57.75
4	48.55	48.95	51.95	52.35	53.85	54.25
5	43.15	43.55	46.50	46.90	48.25	48.65
6	37.40	37.80	40.35	40.75	42.65	43.05
7	33.65	34.05	36.35	36.75	38.65	39.05
8	29.70	30.10	32.30	32.70	34.30	34.70
9	25.75	26.15	28.30	28.70	30.35	30.75

(2) *Sea Island and Sealand cotton.*

Grade	(Staple length (inches))		
	1 3/8	1 7/16	1 1/2 and longer
1	52.70	55.55	56.85
1 1/2	51.80	54.70	56.05
2	50.30	53.15	54.95
2 1/2	46.55	49.80	51.60
3	41.40	44.60	46.30
3 1/2	35.90	38.75	40.95
4	32.35	34.90	37.10
4 1/2	28.55	31.05	32.95
5	24.80	27.25	29.20

Issued this 15th day of June 1955.

[SEAL] EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-4959; Filed, June 21, 1955; 8:45 a. m.]

[1] The loan rates shown in these schedules are based on rates announced pursuant to section 406 of the Agricultural Act of 1949. If higher loan rates are required based on the parity price of extra long staple cotton as of the beginning of the marketing year, new schedules will be issued.

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Revised]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS UNDER REGULATIONS SUPPLEMENTAL TO THE KHAPRA BEETLE QUARANTINE

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2, 20 F. R. 1012) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), revised administrative instructions are hereby issued as follows, listing warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist and designating such premises as regulated areas within the meaning of said quarantine and regulations.

§ 301.76–2a *Administrative instructions designating certain premises as regulated areas under the khapra beetle quarantine and regulations.* Infestations of the khapra beetle have been determined to exist in the warehouses, mills, and other premises listed below. Accordingly, such warehouses, mills, and other premises are hereby designated as regulated areas within the meaning of the provisions in this subpart:

ARIZONA

Acme Bag & Burlap Co., 3200 South Seventh Street, Phoenix.

Advance Seed Co., 310 South 24th Avenue, Phoenix.

Allied Grain Co., 310 South 24th Avenue, Phoenix.

Al's Store, 106 Main Street, P. O. Box 38, Somerton.

Arizona Flour Mills, South Peart Road at Southern Pacific Railroad, Casa Grande.

Arizona Flour Mills, 75 South Second Street, Glendale.

Arizona Flour Mills, Ninth and Jackson Street, Phoenix.

Arizona Flour Mills, 177 East Toole, Tucson.

Arizona Grain Storage Co., 100 South Nevada, Chandler.

Arizona Sales Co., 116 West Fourth Avenue, Mesa.

Arlington Cattle Co. (warehouse and mill), Highway 80, Arlington.

Arlington Cattle Co., Quick's Warehouse, Star Route, Arlington.

Edward Beals Feed Lot, P. O. Box 163, San Luis.

Brown's Farm Store, 3555 East Washington, Phoenix.

Buckeye Seed & Feed Co., North First Street at Southern Pacific Railroad, Buckeye.

Capitol Feed & Seed, South Pacific Street and East Dirklay Avenue, Coolidge.

Capitol Feed & Seed Co., 4 South Main, Gilbert.

Capitol Feed & Seed Co., 312 South 15th Avenue, Phoenix.

Chandler Feed & Seed Store, 256 South Arizona Avenue, Chandler.

Delinting & Seed Treating Co., 3100 South Seventh Street, Phoenix.

Erly-Fat Livestock Feed Co., South Peart Road at Southern Pacific Railroad, Casa Grande.

Erly-Fat Livestock Feed Co., 117 East Toole Avenue, Tucson.

Farm Equipment & Supply, First Street and California Avenue, Parker.

Farmers' Coop. Marketing Association, Roll.

Farmers' Coop. Marketing Association, 401 Eighth Street, Yuma.

Farmers' Coop. Marketing Association, Highway 95, Yuma.

Feeders Supply Co., 751 West Main, Mesa.

H. P. Fites Ranch, Route 3, Box 302, Yuma.

G & H Feed Store, 812 Thatcher Boulevard, Safford.

Haffey's Market, Beal Street, Kingman.

A. W. Johnson Farm Storage Bins, Avenue D at One and One-Half Street, Yuma.

Dave Johnson Farm, Route 1, Box 25, Avenue "E", three-eighths mile south of Seventeenth Street, Somerton.

Richard W. Livingston (warehouse and store), Route 3, Box 144, Yuma.

Mrs. Pearl McCreary Ranch, Route 1, Gilbert.

R. H. McElhaney Ranch, Box 405, Wellton.

Millett Feed Barn & Millett Feed & Storage Warehouse, 254 South Sirrine Street, Mesa.

F. P. Nielson & Sons, 116 West Fourth Avenue, Mesa.

Northrup-King Co., 404 South 23d Avenue, Phoenix.

Northrup-King Seed Co., 953 Third Avenue, Yuma.

Peterson's Feed & Supply, 940 North Stone Avenue, Tucson.

Quick Seed & Feed, 2101 Grand Avenue, Phoenix.

Red Star Feed & Seed Store, 220 Mill Street, Tempe.

Southern Feed & Hardware, 25 East Southern Avenue, Phoenix.

Southwest Flour & Feed, 347 East A Street, Glendale.

Stranges Market, 867 Second Avenue, Ajo.

Jesse P. Stump Farm Storage, Route 1, Tolleson.

Tiemann Feed & Supply Co., 2001 North Stone Avenue, Tucson.

Tovrea Land & Cattle Co., 5001 East Washington, Phoenix.

Tucson Hay and Grain Co., 4734 East Speedway, Tucson.

Valley Feed & Seed, 1918 West Van Buren, Phoenix.

Valley Hay Market, 334 West Prince Road, Tucson.

Norman Welker Farm, Route 1, Safford.

Western Grain Elevator, 116 West Fourth Avenue, Mesa.

Whitman Grain Co., 11th Street, Yuma.

Whitman Seed Co., 11th Street, Yuma.

Yuma County Feed & Seed Warehouse & Store, 2101 Eighth Street, Yuma.

CALIFORNIA

Joe Ascaretta (a tin barn), on East Camp Road three-quarter mile south of Highway 20 on right side of road, Williams.

Paul H. Aspey Farm Storage Bins, 1 mile south of Highway 80 on Highway 111, and 1 mile east of Acacia Canal Gate 67, El Centro. Mail address Box 264, El Centro.

Janice Axtell Farm, Route 4, Box 2250, Oroville.

B & J Farm Service, 101 Walnut Street, Porterville.

Bakersfield Cattle Feeding Co. Ranch, Box 3155, Greenfield.

B. S. Baldwin & Son Ranch, Route 2, Box 758, Bakersfield.

Beckwith & Co., 614 High Street, Delano.

Belluomini Milling Corp., 1616 U Street, Bakersfield.

Berchtold Grain & Implement House, 330 East 19th Street, Bakersfield.

E. M. Bevine Ranch, Route 2, Box 22, El Centro.

John Binnell (chicken ranch), 1607 South Cucamonga Avenue, Ontario.

Blythe Alfalfa Growers Association Warehouses Nos. 2 and 3, West Hobson Way, Blythe.

Blythe Feed & Seed Co., West Hobson Way, Blythe.

Gilbert Britton Ranch, on south side of Airport Road, 5 miles south of Williams.

Ralph Brown Ranch, on west side of Walnut Avenue, off Highway 20, approximately 6 miles west of Williams.

California Milling Co., east side of Santa Fe RR., Corcoran.

Camp and Mebane Cattle Co. Feed Yard, 3½ miles east of Cawelo on Lerdo Road, Cawelo.

Louis Carano Ranch, east of Southern Pacific Railroad tracks at intersection of County Roads East B and No. 8, 1 mile south of Heber.

Charles C. Causey (small farm used for storage and farm feeding), 653 South Imperial Avenue, northwest corner intersection County Roads East M and 46th, Brawley.

Central Valley Feed Yard, Inc., East Eighth Street and RR. tracks, Imperial.

Fred Clendonen Ranch, Route 5, Box 359, Bakersfield.

J. E. Conrad Ranch, 18782 Livermore Street, Reedley.

Currier Bros. Feed Store, 2325 Myers Street, Oroville.

Cutter Grain & Milling Co., west side of Santa Fe RR., Corcoran.

Dessert Seed Co., Commercial and RR., El Centro.

Rosie Diffenboeker Ranch, County Road No. 68, one-half mile west of Highway 111, Calipatria.

C. R. Dow Ranch, Long Valley, North fork of Wolf Creek, 4 miles north of Highway 20, P. O. Clearlake Oaks.

C. B. Dunlap Ranch, on north side of Huffmaster Road, one-half mile south of Sites.

El Centro High School, barn on County Farm, El Centro.

Elm and North Feed Store, southeast corner Elm and North Streets, Fresno.

The Farmers Cattle Feeding Yard, three-quarter mile west of Highway 111, north of Brawley. Mail address Box 155, Brawley.

George Fiscalini Ranch, Williams.

M. H. Fisher Farm, at end of Malengo Road, 7 miles northwest of Williams.

Flickenger Feed & Seed, 930 18th Street, Bakersfield.

L. W. Frick & Sons feed yard and barn (ranch), Arvin.

Bud Frye Ranch, 72155 Frankwood (2 miles north of Reedley), Reedley.

Ernest Furrer Ranch, northeast corner of intersection of county roads West J and 18, El Centro.

J. Garafalo Ranch, on Airport Road, 1½ miles south of Colusa.

Pete Gardner Ranch, one-half mile south of Cemetery Road on west side of unnamed road, one-half mile east of Evergreen Cemetery, 2 miles east of courthouse, El Centro.

Abe Garr Ranch, on west side of Ninth Street, one-half block south of I Street, Williams.

General Mills, Inc., Warehouse, 320 A Street, Yuba City.

Will Gill and Sons Feed Yard, South Pine Street, Madera.

Glesby Bros. Grain & Milling Co., 148 East Olive Avenue, Monrovia.

Grange Co., 1152 G Street, Fresno.

Clifford Grifford Ranch, Myers Road, between Evans Road and Vineyard Road, Williams.

Bud Gunterman Ranch, on East G, one-half mile south of road 8 on west side of Acacia Canal at Gate 4, Calexico.

Gunterman Ranches (Bud Gunterman, owner), intersection of East L and Road 14, Calexico.

J. C. Hatfield Ranch, Dahlia Canal, P. O. Box 667, Imperial.

F. J. Hauseur & Sons Feed Lot, located 2 miles south of Orita, 1½ miles east on Oxalio Canal, Brawley.

J. D. Heiskell & Co., Inc., 116 West Cedar Street, Tulare.

J. B. Hill Co., North H Street, Fresno.

J. B. Hill Co., Selma.

Oscar Holdenried Farm Storage Bins, Renfro Drive, 1 mile west of Kelseyville. Mail address Box 338, Lakeport.

Holtville Milk Coop., Holtville

Ray J. Hovely Ranch, Old Calipatria Highway, 2½ miles north of Brawley, Brawley.

Willard Hoy Ranch, Cortina School Road, 1 mile south of Myers Road, Williams.

Harold Hunt Ranch, 742 Olive, (7 miles east of Heber), El Centro.

Imperial Grain Growers' Association, 204 North Eighth, Brawley.

Imperial Hay Growers' Association, West Main and Rio Vista, Brawley.

Imperial Valley Milling Co., 250 East Fifth Street, Holtville.

Johnson & Drysdale Cattle Co., Route 1, Box 143, Calexico.

Everet Jones Ranch, intersection of East R and Road 56, Route 2, Box 174, Brawley.

A. H. Karpe Greenfield Ranch, Station A, Box 187, Greenfield.

Clarence Keel Ranch, Highway 111, 4 miles north of Calipatria.

J. R. Kennedy Ranch, located in Long Valley, approximately 6 miles north of Highway 20, P. O. Clearlake Oaks.

Kern County Land Co. Feed Yard, Gosford.

Kern Valley Farms, on Wheeler Ridge Road, 1 mile south of Herring Road, Box 184, Arvin.

Henry Kirchener Dairy, on west side of County Road East B, one-fourth mile north of Country Road 28, El Centro.

C. E. Kline Ranch, Route 2, Box 282, El Centro.

Miss Mattie Lund and Irene Lund Parker Ranch, 6 miles east of Oroville, P. O. Drawer 309, Oroville.

H. E. Maltby Ranch, Zumwalt Road at corner at Hawkins Road, Williams.

H. E. Maltby (Sanders) Ranch, Zumwalt Road, 2 miles south of Williams, Williams.

Tom Manning Feed Barns, north end of Sones Drive, east side of Adobe Creek, north of Finley. Mail address Box 54, Lakeport.

Marshall Seed & Feed Co., 126 South Sixth, El Centro.

John T. Martin Ranch, Route 1, Box 99, Earlimart.

M. L. McFarland (small farm), County Road West A, one-fourth mile north of County Road 28, P. O. Box 327, Imperial.

Mee Ranches (lessee), 1901 Brundage Lane, Bakersfield.

Milham Farms, Blue Moon Ranch, Lerdo Road, Buttonwillow.

Minter Field-Kern County Warehouse, Cawelo.

Henry Munger Feed Lot, 299 Main Street, El Centro.

A. C. Musser Ranch, on north side of Myers Road, one-half mile west of Highway 99W, Williams.

L. C. Myers Ranch, intersection of East V and County Road 58, Brawley.

W. G. Myers Ranch, on south side of Myers Road, 1 mile west of Highway 99W, Williams.

Newhall Land & Farming Co., Route 3, Box 77, Saugus.

Niland Food Market (store), west side of 200 block, east side of Highway 111, Niland.

Northrup-King & Co., South U. S. Highway 99, Fresno.

Northrup-King & Co., 324 A Street, Yuba City.

Onyx Store property (Oscar Rudnick, owner), Onyx.

Outsen Milling Co., 925 Bryant Street, San Francisco.

Penny-Neuman Grain Co., Kern and G Streets, Fresno.

I. F. Porter (small farm), Route 2, Box 9A, Brawley.

Raymond A. Powell and Mike Deniz Ranch, Route 1, Box 166, 1 mile north of Glenn.

Gilbert Pryor Ranch, near southeast corner of intersection of Able Road and Lone Star Road, Williams.

C. B. Ralph's Ranch, at northeast corner of intersection of County Roads East C and 32, Imperial.

Emil Rebik Ranch, near East P on north side of Road 58, Box 184, Imperial.

Fred Reister Ranch, at northwest corner of intersection of Highway 20 and East Camp Road, Williams.

F. Retterath Ranch, west side of Zumwalt Road, 1¼ miles south of Williams, Williams.

Henry Rhoades Ranch, Able Road, 1½ miles east from Husted Road Junction on north side of road, Williams.

Oscar Rudnick Ranch, on Highway 178, across highway from Onyx Store, Onyx.

Oscar Rudnick Ranch, one-half mile north of Onyx Store, Onyx.

Rudnick Trust Feed Lot, 1½ miles west of Oak Street, on Panama Lane, Bakersfield.

Sacramento Valley Milling Co., (3 miles north of Glenn), Ord Bend.

San Joaquin Crops, 1600 T Street, Bakersfield.

San Joaquin Grain & Milling Co., 2030 14th Street, Bakersfield.

Leroy Schaad Ranch, at northwest corner of intersection of Ware Road and Lone Star Road, Williams.

F. W. Schoneman Ranch, at southwest corner of intersection of County Roads East T and 54, Brawley.

Sears, Roebuck & Co. warehouse, G Street, Fresno.

Robert E. Shank Ranch, Wiest Road and Maple Canal, Route 2, Box 150, Brawley.

Roy C. Shank Ranch, Route 2, Box 17A, Brawley.

K. K. Sharp (small farm and storage), Route 1, Box 44, southeast corner intersection County Roads East R and 26th, on Pampas Canal, Holtville.

Shaw & Dower (feed lot and bulk storage at residence), three-fourths mile north of Sandia, Holtville.

Frank Sherwood Ranch, 920 Lewelling Avenue, Hayward.

Alice Sinclair Ranch, Vail Canal No. 3, Gate 309, 5½ miles west, thence one-half mile north of Calipatria, on northwest corner of intersection of West I and County Road 66, Calipatria.

Elwood Sites Ranch, 2 miles south of Williams on west side of Zumwalt Road.

Snyder's Termite Control, 4428 Magnolia Avenue, Riverside.

S. Sorensen Ranch, southwest corner of Hahn Road and Cortina School Road, 6½ miles south of Williams.

Southwest Flaxseed Association, Eighth Street and RR. tracks, Imperial.

Starkey Bros. Dairy, Imperial.

Steiner Feed & Seed, 515 19th Street, Bakersfield.

Sumner Peck Ranch Co., Inc., Highway 33, 12 miles south of Mendota, Mendota.

Sunnyland Bulghur Co., 1435 Gearhart Street, Fresno.

Titsworth Milling Co., Calipatria Highway, Brawley.

Triangle Grain Co., 10118 Artesia Place, Bellflower.

Union Development Co. Warehouse, approximately 100 yards south of intersection of County Roads No. 86 and West A, Niland.

Herman Vossler (large farm storage), Route 1, Box 192, Porterville.

Warner Seed Co., 310 South Eighth Street, Brawley.

Wasco Hardware Co., 749 Seventh Street, Wasco.

Wattenbarger Feed & Hardware Store, 2521 East California Avenue, Bakersfield.

Wildlife Refuge Unit No. 1, at northeast corner of intersection of West I and County Road 60, Brawley.

Wildlife Refuge Unit No. 2, on east side of West I, one-fourth mile north of County Road 74, Brawley.

Wilkerson Bros. Ranch, on south side of County Road No. 74, one-half mile east of county road East J, Calipatria.

R. B. Wilson Co. Feed Yard, 300 K Street, Brawley.

T. O. Witt Ranch, on Highway 178, 13 miles northeast of Isabella Lake, Onyx.

Wright Feed Yards, Seeley.

H. Wright Ranch, on east side of Zumwalt Road, one-half mile south of Williams.

Yuba City Mills, 324 A Street, Yuba City.

NEW MEXICO

Curry County Grain & Elevator Co., 600 Curry Avenue, Clovis.

Roberts Seed Co., south of Wheeler Avenue, between Claud and Eulie Streets, Texico.

Slone Grain Co., 223 North Avenue B, Portales.

Worley Mills, Inc., 122 Northeast Commercial, Portales.

This revision combines into a single list the warehouses, mills, and other premises that were designated as khapra beetle regulated areas in administrative instructions originally issued effective March 1, 1955, as amended effective March 29, 1955, April 15, 1955, April 30, 1955, and June 4, 1955 (20 F. R. 1237, 1878, 2477, 2901, 3894).

By omitting, under the subhead California, the Williams Cooperative Warehouse Association, Sixth and F Streets, Williams, the revision revokes the designation of this establishment as a regulated area and deletes it from the list. It also adds to the list, thereby designating them as regulated areas, the following establishments in California: Charles C. Causey (small farm used for storage and farm feeding), 653 South Imperial Avenue, northwest corner intersection County Roads East M and 46th, Brawley; Onyx Store property (Oscar Rudnick owner), Onyx; Oscar Rudnick Ranch, one-half mile north of Onyx Store, Onyx; and K. K. Sharp (small farm and storage), route 1, Box 44, southeast corner intersection County Roads East R and 26th, on Pampas Canal, Holtville. A typographical correction has also been made in the name of the California establishment listed in this revision as J. R. Kennedy Ranch, located in Long Valley, approximately 6 miles north of Highway 20, P. O. Clearlake Oaks.

This revision shall be effective June 22, 1955, and on that date shall supersede administrative instructions effective March 1, 1955, and amendments thereof effective March 29, 1955, April 15, 1955, April 30, 1955, and June 4, 1955 (7 CFR 301.76–2a, 20 F. R. 1237, 1878, 2477, 2901, 3894):

These instructions supplement khapra beetle quarantine regulations already effective. They also relieve restrictions insofar as they revoke the designation of a regulated area. They must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as a regulated area. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing administrative instructions are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 17th day of June 1955.

[SEAL] W. L. POPHAM,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 55–5011; Filed, June 21, 1955; 8:57 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 6]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.504 *Plum Order 6*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agriculture Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 23, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 15, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 15, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 29, 1955, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 23, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship from any shipping point during any day any package or container of Tragedy plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 5 x 6 standard pack.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 6 x 6 standard pack if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 5 x 6 standard pack, as aforesaid.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, the quantity of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next two succeeding calendar days in addition to the quantities of such plums of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such two succeeding calendar days if there had been no undershipment.

(4) Section 936.143, as amended (18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(5) As used in this section "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 17, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–4999; Filed, June 21, 1955; 8:53 a. m.]

[Plum Order 7]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.505 *Plum Order 7*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under

the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 23, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 15, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 15, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 29, 1955, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 23, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship from any shipping point during any day any package or container of Wickson plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack if said quantity does not exceed twenty (20) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the quantity of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next two succeeding calendar days in addition to the quantities of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such two succeeding calendar days if there had been no undershipment.

(4) Section 936.143, as amended (18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(5) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 17, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-5000; Filed, June 21, 1955; 8:53 a. m.]

[Plum Order 8]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.506 *Plum Order 8*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 23, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 15, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 15, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 29, 1955, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 23, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship from any shipping point during any day any package or container of Eldorado plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143, as amended (18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 17, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-5001; Filed, June 21, 1955; 8:54 a. m.]

[Plum Order 9]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.507 *Plum Order 9*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 23, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 15, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 15, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 29, 1955, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 23, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship from any shipping point during any day any package or container of Burbank plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143, as amended (18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 17, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-5002; Filed, June 21, 1955; 8:54 a. m.]

[Plum Order 10]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.508 *Plum Order 10*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 23, 1955. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 15, 1955; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 15, 1955, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 30, 1955, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 23, 1955, and ending at 12:01 a. m., P. s. t., November 1, 1955, no shipper shall ship from any shipping point during any day any package or container of Gaviota plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143, as amended (18 F. R. 712, 2839; 19 F. R. 425), sets forth the requirements with respect to the in-

spection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 17, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-5003; Filed, June 21, 1955; 8:54 a. m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

§ 992.310 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitations of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from June 27, 1955, to May 31, 1956, both dates inclusive, no handler shall ship potatoes of any variety unless such potatoes are "fairly clean" and (i) if they are of the red skin varieties such potatoes meet the requirements of the U. S. No. 2 or better grade, 1⅞ inches minimum diameter, and (ii) if they are of the White Rose or Netted Gem varieties such potatoes meet the requirements of the U. S. No. 2 or better grade, 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540–1559 of this title), including the tolerances set forth therein.

(2) During the period from June 27, 1955, to September 30, 1955, both dates inclusive, and subject to the requirements set forth in subparagraph (1) of this paragraph no handler shall ship (i) any lot of potatoes of the red skin varieties if more than 20 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered", as such terms are used in the said United States Standards, (ii) any lot of potatoes of the White Rose variety if more than 35 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered", as such terms are used in the said United States Standards, or (iii) any lot of potatoes of the Netted Gem variety if such potatoes are more than "moderately skinned" as such term is defined in the said United States Standards, which means that not more than 10 percent of such potatoes have more than one-half of the skin missing or "feathered".

(3) Pursuant to § 992.49, each handler may make one shipment of not in excess of five hundredweight per week without regard to the limitations set forth in subparagraphs (1) and (2) of this paragraph, and §§ 992.41 and 992.53.

(4) The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for any of the following purposes: (i) Export; (ii) distribution by the Federal Government, distribution by relief agencies, or consumption by charitable institutions; (iii) manufacture or conversion into starch, flour, alcohol, dehydrated products, canned products, frozen products or potato chips; (iv) livestock feed; or (v) certified seed potatoes.

(5) Each handler making shipments of potatoes pursuant to subparagraph (4) of this paragraph shall (i) pursuant to § 992.120 first apply to the committee for and obtain a Certificate or Certificates of Privilege permitting the proposed shipments (except as to shipments for distribution by the Federal Government); (ii) pay assessments on such shipments pursuant to § 992.41 (except shipments for livestock feed); and (iii) have such shipments (except shipments of certified seed potatoes and shipments for livestock feed) inspected pursuant to § 992.53.

(6) Terms used in Marketing Agreement No. 113 and Order No. 92 shall, when used in this section, have the same meaning as when used in said agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C. this 17th day of June 1955, to become effective June 27, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 55-5004; Filed, June 21, 1955; 8:55 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1955-Hawaii, Supp. 2]

PART 1105—AGRICULTURAL CONSERVATION; HAWAII

SUBPART—1955

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the Department of Agriculture Appropriation Act, 1955, and Public Law 42, 84th Congress, the 1955 Agricultural Conservation Program for Hawaii, approved September 22, 1954 (19 F. R. 6206), as amended November 19, 1954 (19 F. R. 7599), is further amended as follows:

1. Section 1105.407 (b) is amended by revising the fourth sentence to read as follows: "For the practices contained in §§ 1105.438, 1105.445, and 1105.454, the Soil Conservation Service is responsible for determining that the practice is needed and practicable on the farm."

2. Section 1105.425 is deleted in its entirety.

3. A new § 1105.454 is added as follows:

§ 1105.454 *Practice 22: Clearing volcano-damaged farmlands for the purpose of restoring them to immediate agricultural use.* This practice is applicable only to active farmlands with productive ability impaired by (a) heavy deposits of volcanic cinder; (b) fire-damaged crops left standing in the fields.

Maximum Federal cost-share. (a) 50 percent of the cost of removing volcanic cinder deposits which are seriously impeding resumption of cultural operations, but not in excess of $100 per acre cleared.

(b) 50 percent of the cost of clearing useless crop residue impeding resumption of cultural operations, but not in excess of (1) $150 per acre cleared if work must be done by hand, or (2) $75 per acre cleared if done by machine.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 68 Stat. 304, P. L. 42, 84th Cong.; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 17th day of June 1955.

[SEAL] E. L. PETERSON,
Assistant Secretary of Agriculture.

[F. R. Doc. 55-4998; Filed, June 21, 1955; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 3]

PART 408—ENFORCEMENT PROCEDURES

CIVIL PENALTIES

Section 408.23, published on December 30, 1950 in 15 F. R. 9444, is amended by substituting "The General Counsel of the Administration or the Regional Attorney handling the case will accept or refuse the offer of compromise. When scheduled and irregular air carriers and their personnel, air taxi operators, commercial operators, and certificated repair stations are involved, only the General Counsel of the Administration will accept or refuse the offer of compromise." for "The General Counsel of the Administration will accept or refuse the offer of compromise."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies Sec. 901, 52 Stat. 1015, as amended; 49 U. S. C. 621)

This amendment shall become effective July 1, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-4972; Filed, June 21, 1955; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6228]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

REDDI-SPRED CORP.

Subpart—*Advertising falsely or misleadingly:* § 13.135 *Nature:* Product or service. In connection with the offering for sale, sale, or distribution of oleomargarine or margarine, directly or indirectly, disseminating, etc., any advertisement by means of the United States mails, or in commerce, or by any means to induce, etc., the purchase in commerce, of said product, which advertisement contains any statement, word, grade designation, design, device, symbol, sound or any combination thereof which represents or suggests that said product is a dairy product; prohibited, subject to the proviso, however, that nothing contained in the order shall prevent the use in advertisements of a truthful, accurate and full statement of all of the ingredients contained in said product, or of a truthful statement that said product contains butter or any other dairy product provided the percentage thereof contained is clearly and conspicuously set forth.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 12, 15, 52 Stat. 114, as amended; 15 U. S. C. 45, 52, 55) [Cease and desist order, Reddi-Spred Corporation, Philadelphia, Pa., Docket 6228, May 5, 1955]

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission which charged respondent with violating the Federal Trade Commission Act by the use of unfair and deceptive acts and practices in commerce in the sale of oleomargarine, respondent's answer denying that its advertisements were in violation of law, hearings at which full opportunity to be heard, to examine and cross-examine witnesses and to introduce evidence bearing on the issues, recorded and filed in the office of the Commission, was afforded respondent and counsel supporting the complaint, and the submission of proposed findings of fact.

Thereafter, following the filing by the hearing examiner of his initial decision dismissing the case for failure of proof, and the appeal to the Commission by counsel supporting the complaint from said initial decision, the Commission, having considered the entire record in the matter, including briefs filed in support of and in opposition to the appeal, and including a brief of National Milk Producers Federation as amicus curiae and respondent's brief in reply thereto, filed its opinion, and rendered its decision, in which, having determined that the hearing examiner erroneously dismissed the complaint, it reversed and set aside his initial decision, and, in lieu thereof, made its findings of fact [1] and its conclusion [1] that respondent's advertising clearly suggested that its oleomargarine was a dairy product, notwithstanding certain disclosures, and that accordingly respondent's acts and practices, as found, were all to the prejudice and injury of the public and constituted unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act; and issued its order to cease and desist and order requiring report of compliance.

Said order in said "Decision of the Commission", Docket 6228, May 5, 1955, is as follows:

It is ordered, That the respondent Reddi-Spred Corporation, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oleomargarine or margarine, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any statement, word, grade designation, design, device, symbol, sound or any combination thereof which represents or suggests that said product is a dairy product;

Provided, however, That nothing contained in this order shall prevent the use in advertisements of a truthful, accurate and full statement of all of the ingredients contained in said product, or of a truthful statement that said product contains butter or any other dairy product provided the percentage thereof contained is clearly and conspicuously set forth.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act of said product any advertisement which contains any of the representations prohibited in paragraph one of this order.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 5, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-5009; Filed, June 21, 1955; 8:56 a. m.]

[Docket 6126]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

E. F. DREW & CO., INC.

Subpart—*Advertising falsely or misleadingly:* § 13.135 *Nature:* Product or service. In connection with the offering for sale, sale, or distribution of oleomargarine or margarine, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., the purchase in commerce, of said product, which advertisements contain the terms "churned to delicate, sweet creamy goodness", "country-fresh", or "* * * the same day-to-day freshness which characterizes our other dairy products", or any other statement, word, grade designation, design device, symbol, sound, or any combination thereof which represents or suggests that said product is a dairy product; prohibited, subject to the proviso, however, that nothing contained in the order shall prevent the use in advertisements of a truthful, accurate, and full statement of all the ingredients contained in said product, or of a truthful statement that said product contains butter or any other dairy product provided the percentage thereof contained is clearly and conspicuously set forth.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 12, 15, 52 Stat. 114, as amended; 15 U. S. C. 45, 52, 55) [Cease and desist order, E. F. Drew & Company, Inc., New York, N. Y., Docket 6126, May 5, 1955.]

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission which charged respondent with having violated the Federal Trade Commission Act by the use of unfair and deceptive acts and practices in commerce in the dissemination of false and misleading advertisements concerning its "Farm Queen Oleomargarine", and also in the use of the words "Farm Queen" as a trade name for its said product, respondent's answer in which it denied all the material allega-

[1] Filed as part of the original document.

tions, and testimony in support of and in opposition to such allegations of the complaint.

Thereafter the proceeding regularly came on for final consideration upon the complaint, answer thereto, the testimony taken, the proposed findings submitted by respective counsel, and oral argument, and said hearing examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusions drawn therefrom,[1] and order to cease and desist.

Thereafter, counsel supporting the complaint and respondent, having both filed an appeal from said initial decision, and the Commission having rendered its opinion and decision in which respondent's appeal was denied and the appeal of counsel supporting the complaint was granted in part and denied in part, the matter was disposed of by the Commission's "Final Order", dated May 5, 1955, as follows:

Counsel supporting the complaint and respondent E. F. Drew & Co., Inc. (erroneously named in the complaint as E. F. Drew & Company, Inc.), both having filed an appeal from the initial decision of the hearing examiner in this proceeding; and the matter having been heard by the Commission on briefs and oral argument; and the Commission having rendered its decision denying respondent's appeal and granting in part and denying in part the appeal of counsel supporting the complaint, and affirming the initial decision as modified:

It is ordered, That the initial decision be, and it hereby is, modified by:

1. Inserting the term "country-fresh" directly after the term "churned to delicate, sweet creamy goodness" in paragraph number 4 of the findings of fact, so as to include it as one of the terms found to constitute a representation or suggestion that respondent's oleomargarine is a dairy product.

2. Changing the word "two" to "three" in the third paragraph of the Conclusion so that the second sentence therein now reads: "From an examination of the advertisements themselves as well as the results of the surveys made among housewives in one city to obtain their opinions with respect to the advertisements, and representations contained therein, there appear to be only three statements which have the capacity and tendency to lead a purchaser to believe that respondent's product is a dairy product."

3. Changing the order to cease and desist so that it now reads as follows:

It is ordered, That the respondent, E. F. Drew & Co., Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oleomargarine or margarine do forthwith cease and desist from, directly or indirectly.

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains:

The terms "churned to delicate, sweet creamy goodness," "country-fresh," or "* * * the same day-to-day freshness which characterizes our other dairy products," or any other statement, word, grade designation, design, device, symbol, sound, or any combination thereof which represents or suggests that said product is a dairy product;

Provided, however, That nothing contained in this order shall prevent the use in advertisements of a truthful, accurate and full statement of all of the ingredients contained in said product, or of a truthful statement that said product contains butter or any other dairy product provided the percentage thereof contained is clearly and conspicuously set forth.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product any advertisement which contains any of the representations prohibited in Paragraph One of this order.

It is further ordered, That respondent E. F. Drew & Co., Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist as hereinabove set forth.

Issued: May 5, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-5010; Filed, June 21, 1955; 8:57 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

[Child Labor Reg. 36]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART B—ACCEPTANCE OF STATE CERTIFICATES

DESIGNATION OF STATES; EXTENSION OF EFFECTIVE DATE

Pursuant to the provisions of 29 CFR Part 4, Subpart A (Child Labor Regulation No. 1), the designation of the States enumerated in § 4.21 of 29 CFR Part 4, as States in which State age, employment or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060 as amended; 29 U. S. C. 201), is hereby extended and shall be effective from July 1, 1955, until June 30, 1956, unless amended or revoked prior to such date.

(Secs. 3, 11, 52 Stat. 1060, as amended, 1066, as amended; 29 U. S. C. 203,211)

Signed at Washington, D. C., this 14th day of June 1955.

ARTHUR LARSON, *Acting Secretary of Labor.*

[F. R. Doc. 55-4974; Filed, June 21, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 157]

[Docket No. R-145]

RATE SCHEDULES AND TARIFFS; APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOTICE OF PROPOSED RULEMAKING

JUNE 1, 1955.

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. It is proposed to amend Part 154, entitled, "Rate Schedules and Tariffs" and Part 157, entitled, "Applications for Certificates of Public Convenience and Necessity" of Subchapter E, Regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, to prescribe therein (in lieu of existing sections or the indicated portions thereof) new or amended §§ 154.16, 154.21, 154.22, 154.51, 154.63 (b) (3), 154.96-1, 154.96-2, 154.96-3, 154.98, 154.99, 157.13 (d), 157.14 (a), Exhibits E, H, I and N, 157.20 (c) to read as set forth below, and to eliminate § 157.14 (a) (5), Exhibit E.

3. The changes proposed in paragraph 2 arose out of a series of conferences between members of the staff and representatives of the Federal Power Bar Association, the Independent Natural Gas Association, and the Task Force on Paper Work Management of the (Hoover) Commission on Organization in the Executive Branch of the Government. As a result of those conferences the Commission is proposing changes in its rules to simplify and clarify the provisions relating to rate filings and certificate applications. The changes proposed also relate to the notice requirements associated with the filing of rate schedules.

4. The accompanying amendments to the Commission's regulations are proposed to be issued under authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 4, 7 and 16 thereof (52 Stat. 822, 830, as amended 56 Stat. 83; 15 U. S. C. 717c, 717f, and 717o).

[1] Filed as part of the original document.

5. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., on or before June 27, 1955, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before acting upon the proposed amendments. An original and 9 copies should be filed of any such submittals.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

1. Amend § 154.16 by adding the following at the end thereof:

§ 154.16 *Posting.* * * * and (c) publication of notice in accordance with § 154.22.

2. Amend § 154.21 to read:

§ 154.21 *Effective tariff.* The effective tariff of a natural-gas company shall be the tariff filed and posted pursuant to the requirements of this part, and permitted by the Commission to become effective: *Provided,* That no change in any effective tariff, executed service agreement or part thereof shall become effective until 30 days after notice of such proposed change has been published in the FEDERAL REGISTER, unless a different period of time is permitted by the Commission in accordance with § 154.51.

3. Amend § 154.22 by inserting between the first sentence and the proviso the following:

§ 154.22 *Notice requirements.* * * *. Within ten business days, i. e., excluding Saturdays, Sundays and holidays) after such filing date notice thereof will be published in the FEDERAL REGISTER and copies of such notice mailed to customers of the purchaser affected by the proposed change, interested State commissions, and persons deemed by the Commission, in its discretion, to have a sufficient interest to be entitled to such notice. * * *

4. In § 154.51 delete the first sentence and substitute the following:

§ 154.51 *Waiver of notice requirements.* Upon application and for good cause shown, the Commission may by order provide that a tariff, contract, or part thereof shall be effective on less than the periods of notice required by §§ 154.21 and 154.22. Such application may be incorporated in the transmittal letter and should show (a) the reasons, if any, for inability to comply with the notice requirements; (b) the effect, if any, on seller, buyer, or any other party affected by the waiver of notice requirements; and (c) a statement setting forth the extent to which the public interest would be served by waiver of the notice requirements. * * *

5. Amend § 154.63 (b) (3) (i) (c) to read:

(3) *Rate increase applications*—(i) *Rate increases.* * * *

(c) If the natural-gas company has relied on data other than those in Statements A through N in support of its rate increase, such other data, appropriately identified and designated as such and separately stated, shall be submitted with the data required by Statements A to N but limited to the test period referred to below. Ten sets of the statements and of the additional information, if any, shall be submitted, each set securely bound in a cover.

6. Add new § 154.96-1 to 154.96-3 to follow § 154.96 to read:

§ 154.96-1 *Posting.* The term "posting" means (a) mailing to each customer affected a copy of an independent producer's rate schedule, as defined in § 154.93, and (b) publication of notice in accordance with § 154.96-2.

§ 154.96-2 *Effective rate schedules.* The effective rate schedules of an independent producer shall be the schedule or schedules filed and posted pursuant to §§ 154.92, 154.93 and 154.96-1 and permitted by the Commission to become effective: *Provided,* That no change in any effective rate schedule shall become effective until 30 days after notice of such proposed change has been published in the FEDERAL REGISTER, unless a different period of time is permitted by the Commission in accordance with § 154.98.

§ 154.96-3 *Notice requirements.* Within ten business days (i. e., excluding Saturdays, Sundays, and holidays) after such filing date notice thereof will be published in the FEDERAL REGISTER and copies of such notice mailed to customers of the purchaser affected by the proposed change, interested State commissions, and persons deemed by the Commission, in its discretion, to have a sufficient interest to be entitled to notice.

7. In § 154.98 delete the first sentence and substitute the following:

§ 154.98 *Waiver of notice requirements.* Upon application and for good cause shown, the Commission may by order provide that a rate schedule or a change in rate schedule shall be effective on less than the periods of notice required by §§ 154.92 and 154.94. Such application may be incorporated in the transmittal letter and should show (a) the reasons, if any, for inability to comply with the notice requirements; (b) the effect, if any, on seller, buyer, or any other party affected by the waiver of notice requirements; and (c) a statement setting forth the extent to which the public interest would be served by waiver of the notice requirements. * * *

8. In § 154.99 amend title and paragraph (b) to read as follows:

§ 154.99 *Number of copies; material to be submitted with changes in rate schedules.* * * *

(b) Such letter of transmittal shall contain a complete list of all material being filed, properly designated so that each item is easily identifiable, and, with the filing of any change in rate schedule, a concise statement (to be used as a basis for the notice required by § 154.96-3) as to (1) name of buyer and name of the first interstate pipeline company receiving all or any portion of the gas concerned, if different from buyer, together with the names of all parties intermediate between the buyer and such first interstate pipeline company; (2) current price in cents per Mcf; (3) proposed price per Mcf; (4) estimated annual volumes involved; (5) estimated amount of annual increase; (6) basic reason for increase (periodic, favored nation, tax, etc.); (7) proposed effective date, and (8) the names of all parties notified of the proposed change and the dates thereof. Persons known to be affected must have a notice, including a copy of the statement specified herein. No filing will be accepted without a proper certificate specifying the parties notified and served with such statement.

9. Amend § 157.13 (d) to read:

(d) *Measurement base and B. t. u. content.* All gas volumes, including gas purchased from producers, shall be stated upon a uniform basis of measurement, and, in addition, if the uniform basis of measurement used in any application is other than 14.73 psia, then any volume or volumes delivered to or received from any interstate natural-gas pipeline company shall also be stated upon a basis of 14.73 psia; similarly, total volumes on all summary sheets, as well as grand totals of volumes in any exhibit, shall also be stated upon a basis of 14.73 psia if the uniform basis of measurement used is other than 14.73 psia.

10. In § 157.14, paragraph (a) (5) *Exhibit E—Corporate authorization* is revoked.

11. Amend § 157.14 (a) (10) *Exhibit H—Total gas supply data* as follows:

a. Amend subdivision (v) to read:

(v) Three conformed copies of each gas purchase contract upon which applicant proposes to rely. Contracts already on file with the Commission may be incorporated by reference without supplying additional copies, provided such contracts are identified with particularity by stating the exact pages to be incorporated by reference and the file or docket number designation to which reference is made; provided further, that the Commission or the presiding officer may direct that additional copies of such contracts be furnished to the Commission or to other parties to the proceeding.

b. Add a new subdivision (vi) to read:

(vi) Estimate of the B. t. u. content of the gas available to applicant for proposed service.

c. Redesignate present subdivision (vi) as (vii) and amend to read:

(vii) A legible and clearly lettered map or maps showing: The location of each gas field; the proven limits of each reservoir; acreage committed to applicant; volumes of gas which are or may be withdrawn from each reservoir under existing contracts and identity of pipeline companies or others receiving gas; and all principal pipelines and other principal facilities to be utilized to deliver gas to applicant's pipeline system, indicating ownership if other than by applicant. Information respecting different reservoirs in a gas field shall be shown on separate maps except when a single map will clearly show all required information without confusion. When the gas supply required for the proposed project would not shorten the total system gas supply by more than one year

the data required in said subdivisions (i) through (vii) of this subparagraph need not be submitted for the system as a whole. In lieu thereof, a statement shall be submitted in support of such omission, together with the necessary information required by subdivisions (i) through (vii) of this subparagraph applicable only to any new reserves being acquired for the proposed project.

d. Redesignate present subdivision (vii) to (viii).

12. Amend § 157.14 (a) (11) *Exhibit I—Market data* as follows:

a. Amend subdivision (iii) to read:

(iii) Total past and expected curtailments of service by the applicant and each wholesale customer proposing to receive new or additional supplies of gas from the project, all to be listed by the classifications of service in subdivision (i) of this subparagraph.

b. Amend subdivision (vii) to read:

(vii) A copy of each market survey made within the past three years for such markets as are to receive new or increased service from the project applied for.

c. Add new subdivision (x) to read:

(x) When the proposed project is for service which would not decrease the life index of the total system gas supply by more than one year, the data required in subdivisions (i) to (ix) of this subparagraph, inclusive, need be submitted only as to the particular market to receive new or additional service.

13. Amend § 157.14 (a) (16) *Exhibit N—Revenues—Expenses—Income* as follows:

a. Amend introductory paragraph to read:

When the estimated revenues and expenses related to a proposed facility will significantly affect the operating revenues or operating expenses of an applicant, there shall be submitted pro forma statements for each of the first three full years of operation of the proposed facilities, showing:

b. Add new subdivision (iii) to read:

(iii) When the data required in subdivisions (i) and (ii) of this subparagraph is not submitted, applicant shall provide in lieu thereof a statement in sufficient detail to show clearly the effect on the operating revenues and operating expenses of the estimated revenues and expenses related to the proposed facility.

14. Amend paragraph (c) of § 157.20 *General conditions applicable to certificates* to read:

(c) Applicant shall file with the Commission, in writing and under oath, an original and four conformed copies of the following: (1) Within ten days after the bona fide beginning of construction, notice of the date of such beginning; (2) each three months after the date of the issuance of the order granting the certificate, a progress report showing the exact status of authorized construction; (3) within ten days after authorized facilities have been constructed and placed in service or any authorized operation, sale, or service has commenced, notice of the date of such placement and commencement; and (4) within six months after authorized facilities have been constructed and placed in service and authorized operations have commenced, a statement showing, on the basis of all costs incurred to that date and estimated to be incurred for final completion of the project, the cost of constructing authorized facilities, such total cost to be classified according to the estimates submitted in the certificate proceeding and compared therewith and any significant differences explained.

[F. R. Doc. 55-4997; Filed, June 21, 1955; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 55-26]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment: *It is ordered,* That:

(a) All the approvals listed in this document which extend approvals previously published in the FEDERAL REGISTER, except an approval of standard buoyant cushions under Specification Subpart 160.007 covered in paragraph (b) below, are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and,

(b) The approval for a standard buoyant cushion under Specification Subpart 160.007 listed in this document, which extends approval previously published in the FEDERAL REGISTER, is prescribed and shall be in effect until October 1, 1955, from the date indicated at the end of the approval, unless sooner canceled or suspended by proper authority; and,

(c) All the approvals for standard kapok buoyant cushions under Specification Subpart 160.007 and for nonstandard buoyant cushions under Specification Subpart 160.008 listed in this document (which are not covered by paragraph (b) above) are prescribed and shall be in effect until October 1, 1955, from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and,

(d) All the other approvals listed in this document (which are not covered by paragraphs (a) to (c), inclusive, above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS, BALSA WOOD, (JACKET TYPE) MODELS 42 AND 46

Approval No. 160.004/5/0, Model 42, adult balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

Approval No. 160.004/6/0, Model 46, child balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Noble Products Co., Box 327, Caldwell, Ohio.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.004)

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/95/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Willis Manufacturing Co., 3007 Huldy, Houston, Tex. (Extension of the approval published in FEDERAL REGISTER June 13, 1950, effective June 13, 1955.)

Approval No. 160.007/166/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by McIlwaine Canvas Co., 247 West Sixth Street, San Pedro, Calif.

Approval No. 160.007/168/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Starrlite Manufacturing Co., 2635 Clyde Avenue, Los Angeles 16, Calif.

Approval No. 160.007/170/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Faulkner Manufacturing Co., 13 Centre Street, Malden 48, Mass.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.008/628/0, 18" x 24" x 2¾", rectangular buoyant cushion, 53 oz. kapok, dwg. No. 18 SK, dated April 22, 1955, manufactured by George R. Briddell, 106 West Vine Street, Salisbury, Md.

Approval No. 160.008/641/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, Style-Crafters, Inc., dwg. dated December 9, 1952, manufactured by Style-Crafters, Inc., Box 3277, Sta. A, Greenville, S. C., for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.008/642/0, 18" x 26" x 2¾", rectangular buoyant cushion, 57 oz. kapok, dwg. No. 22 SK, dated April 22, 1955, manufactured by George R. Briddell, 106 West Vine Street, Salisbury, Md.

Approval No. 160.008/643/0, 18" x 28" x 2¾", rectangular buoyant cushion, 62 oz. kapok, dwg. No. 26 SK, dated April 22, 1955, manufactured by George R. Briddell, 106 West Vine Street, Salisbury, Md.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6 and 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.008)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/37/1, 30-inch balsa wood ring life buoy, dwg. No. 5-10-51, revised April 15, 1955, manufactured by Atlantic-Pacific Manufacturing Corp, 124 Atlantic Avenue, Brooklyn 1, N. Y. (Supersedes Approval No. 160.009/37/0 published in FEDERAL REGISTER August 24, 1951.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6 and 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 1333, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 481, 489, 367, 526e, 526p, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.009)

BUOYANT APPARATUS

Approval No. 160.010/3/2, 4.0' x 6.0' x 0.67' buoyant apparatus, pine decking with copper tanks, 16-person capacity, general arrangement dwg. No. G-305-S, dated January 2, 1947, revised July 21, 1954, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Reinstates and supersedes Approval No. 160.010/3/1 terminated in the FEDERAL REGISTER May 12, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6 and 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 526e, 526p, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.010)

WINCH, LIFEBOAT

Approval No. 160.015/27/2, Type B172N lifeboat winch, approval is limited to mechanical components and for a maximum working load of 18,000 pounds pull at the drums (9,000 pounds per fall), identified by general arrangement dwg. No. 2114-N dated December 1, 1941, and revised December 9, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.015/27/1 published in FEDERAL REGISTER April 3, 1952.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 481, 489, 367, 526e, 526p, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.015)

DAVITS, LIFEBOAT

Approval No. 160.032/42/2, gravity davit, type 135, approved for maximum working load of 44,000 pounds per set (22,000 pounds per arm; 17,650 pounds taken by falls and 4,350 pounds taken by davit head) using 2 part falls, identified by arrangement dwg. No. 2227-35 dated April 24, 1952 and revised April 27, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.032/42/1 published in FEDERAL REGISTER February 18, 1953.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp.; 46 CFR 160.032)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD, MODELS AK, CKM, CKS, AF, CFM, AND CFS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/26/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 31-33 South Street, Boston 11, Mass.

Approval No. 160.047/27/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 31-33 South Street, Boston 11, Mass.

Approval No. 160.047/28/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Elvin Salow Co., 31-33 South Street, Boston 11, Mass.

Approval No. 160.047/31/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Iowa Fibre Products Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.047/32/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Iowa Fibre Products Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co., P. O. Box 613, Des Moines, Iowa.

Approval No. 160.047/33/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Iowa Fibre Products Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.047/34/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Iowa Fibre Products Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co., P. O. Box 613, Des Moines, Iowa.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.047)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/7/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4 (c) (1) (i), manufactured by Iowa Fibre Products Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.048/8/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4 (c) (1) (i), manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co., P. O. Box 613, Des Moines, Iowa.

Approval No. 160.048/9/0, special approval for 13½" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 23 oz. kapok, dwg. No. 1, dated April 5, 1955, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.048/10/0, special approval for 13½" x 18" x 2" rectangular ribbed-type kapok buoyant cushion, 23 oz. kapok, Iowa Fibre Products, Inc., dwg. No. 1, dated April 5, 1955, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co., P. O. Box 613, Des Moines, Iowa.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.048)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/3/0, group approval for rectangular or trapezoidal unicellular plastic foam buoyant cushions, U. S. C. G. Specification Subpart 160.049, sizes to be as per Table 160.049-4 (c) (1), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.049)

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/4/0, "Coslite" automatic floating electric water light (with bracket for mounting), dwg. No. 16, Alt. 1, dated April 4, 1950, manufactured by Coston Supply Co., Inc., 31 Water Street, New York 4, N. Y. (Extension of the approval published in

FEDERAL REGISTER May 10, 1950, effective May 10, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 161.001)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/15/1, sound powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, waterproof, with attached 3" or 4" hand generator bell, dwg. No. 5, Alt. 3, Type A, Model W. T., manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y. (Extension of the approval published in FEDERAL REGISTER May 10, 1950, effective May 10, 1955.)

Approval No. 161.005/16/1, sound powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, waterproof, with separately mounted 6" or 8" hand generator bell, dwg. No. 6, Alt. 3, Type A, Model W. T., manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y. (Extension of the approval published in FEDERAL REGISTER May 10, 1950, effective May 10, 1955.)

Approval No. 161.005/17/1, sound powered telephone station, selective ringing, common talking, 19 stations maximum, pedestal mounting, waterproof, with attached 6" or 8" hand generator bell, dwg. No. 8, Alt. 3, Type A, Model W. T. P., manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y. (Extension of the approval published in FEDERAL REGISTER May 10, 1950, effective May 10, 1955.)

Approval No. 161.005/19/1, sound powered telephone station, selective ringing, common talking, 19 stations maximum, pedestal mounting, waterproof, with attached 6" or 8" hand generator bell, dwg. No. 12, Alt. 3, Type A, Model W. T. P.–1, manufactured by Hose-McCann Telephone Co., Inc., 25th Street and Third Avenue, Brooklyn 32, N. Y. (Extension of the approval published in FEDERAL REGISTER May 10, 1950, effective May 10, 1955.)

Approval No. 161.005/39/0, telephone station relay, electrical release, splashproof, dwg. No. 17, Alt. 1, dated February 1950, manufactured by Hose-McCann Telephone Co., 25th Street and Third Avenue, Brooklyn 32, N. Y. (Extension of the approval published in FEDERAL REGISTER June 13, 1950, effective June 13, 1955.)

(R. S. 4405, 4417a, 4418, 4426, 4491, 49 Stat. 1544, and 54 Stat. 346, as amended; sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 392, 404, 489, 1333; 46 CFR 113.30–25 (a))

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/14/1, Alfite Speedex 5, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 28X–1934 dated March 15, 1955, nameplate No. 28X–2134 on dwg. No. 28X–2130, Alt. M dated June 29, 1949 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y. (Supersedes Approval No. 162.005/14/0 published in FEDERAL REGISTER May 10, 1950.)

Approval No. 162.005/47/0, Kidde Fyre-Freez Model 15F, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. MS870369, Rev. A dated June 20, 1950, name plate dwg. No. 270194, Rev. B dated March 9, 1951 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Walter Kidde & Company, Inc., Belleville 9, N. J.

Approval No. 162.005/48/0, Kidde Fyre-Freez Model 10F, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. MS870811, Rev. A dated June 10, 1952, name plate dwg. No. 270286, Rev. A dated June 11, 1952 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Company, Inc., Belleville 9, N. J.

Approval No. 162.005/49/0, Kidde Fyre-Freez Model 5F, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. MS870390, Rev. A dated September 6, 1950, name plate dwg. No. 270204, Rev. C dated March 9, 1951 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Walter Kidde & Company, Inc., Belleville 9, N. J.

Approval No. 162.005/50/1, Fyre-Fyter Model 33–1, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 33–1, Rev. C, dated November 27, 1953, name plate dwg. No. 4317, Rev. D dated March 18, 1955 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The Fyre-Fyter Company, Dayton 1, Ohio. (Supersedes Approval No. 162.005/50/0 published in FEDERAL REGISTER October 6, 1954.)

Approval No. 162.005/51/1, Fyr-Fyter Model 34–1, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 34–1, Rev. F, dated November 18, 1954, name plate dwg. No. 4318, Rev. C dated March 18, 1955 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by The Fyr-Fyter Company, Dayton 1, Ohio. (Supersedes Approval No. 162.005/51/0 published in FEDERAL REGISTER October 6, 1954.)

Approval No. 162.005/52/1, Fyr-Fyter Model 35–1, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 35–1, Rev. F, dated November 18, 1954, name plate dwg. No. 4319, Rev. C dated March 18, 1955 (Coast Guard Classification: Type B, Size II; and Type C, Size II), manufactured by The Fyr-Fyter Company, Dayton 1, Ohio. (Supersedes Approval No. 162.005/52/0 published in FEDERAL REGISTER October 6, 1954.)

Approval No. 162.005/53/1, Buffalo Better Built Model 33–2, 5-lb, carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 33–2, Rev. C, dated November 27, 1953, name plate dwg. No. 4321, Rev. D dated March 18, 1955 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio. (Supersedes Approval No. 162.005/53/0 published in FEDERAL REGISTER October 6, 1954.)

Approval No. 162.005/54/1, Buffalo Better Built Model 34–2, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 34–2, Rev. F, dated November 18, 1954, name plate dwg. No. 4322, Rev. C dated March 18, 1955 (Coast Guard Classification: Type B, Size I; and Type C, Size I), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio. (Supersedes Approval No. 162.005/54/0 published in FEDERAL REGISTER October 6, 1954.)

Approval No. 162.005/55/1, Buffalo Better Built Model 35–2, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 35–2, Rev. F, dated November 18, 1954, name plate dwg. No. 4323, Rev. C dated March 18, 1955 (Coast Guard Classification: Type B, Size II; and Type C, Size II), manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio. (Supersedes Approval No. 162.005/55/0 published in FEDERAL REGISTER October 6, 1954.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, as amended, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 490, 526g, 526p, 1333; 46 CFR 25.30, 34.25, 76.50, 95.50)

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/32/1, Style JO–25, safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal-to-metal seat, 150 p. s. i. primary service pressure rating, dwg. No. HV–60, dated September 3, 1954, approved for the following orifice sizes and air capacity ratings (discharge in cubic feet per minute of free air measured at 60 degrees F. and 14.7 p. s. i. a. and flow-rated at 110 percent of the set pressure):

Orifice size	Inlet orifice outlet	Set pressure p. s. i. g.				
		100	150	200	250	300
D	1D2	243	351	458	566	673
E	1E2	434	626	817	1,016	1,199
F	1½F2	680	980	1,280	1,580	1,879
G	1½G2½	1,114	1,605	2,097	2,588	3,078
H	1½H3	1,740	2,508	3,276	4,043	4,808
J	2J3	2,851	4,110	5,367	6,625	7,878
K	3K4	4,073	5,872	7,668	9,465	11,256
L	4L6	6,320	9,112	11,898	14,687	17,465
M	4M6	7,976	11,500	15,016	18,535	22,042
N	4N6	9,616	13,863	18,103	22,345	26,572
P	4P6	14,134	20,379	26,610	32,845	39,059
Q	6Q8	24,472	35,283	46,071	56,867	68,150
S	6S8	33,235	47,917	62,568	77,229	91,841

Manufactured by Crosby Steam Gage & Valve Co., Wrentham, Mass. (Supersedes Approval No. 162.018/32/0 published in FEDERAL REGISTER January 18, 1955.)

Approval No. 162.018/33/1, Style JO–35 safety relief valve for liquefied petroleum gas and anhydrous ammonia service, full nozzle type metal-to-metal seat, 300 p. s. i. primary service pressure rating, dwg. No. HV–61, dated September 3, 1954, approved for the following orifice sizes and air capacity ratings (discharge in cubic feet per minute of free air measured at 60 degrees F. and 14.7 p. s. i. a. and flow-rated at 110 percent of the set pressure):

Orifice size	Inlet orifice outlet	Set pressure p. s. i. g.				
		100	150	200	250	300
D	1D2	243	351	458	566	673
E	1E2	434	626	817	1,016	1,199
F	1½F2	680	980	1,280	1,580	1,879
G	1½G2½	1,114	1,605	2,097	2,588	3,078
H	1½H3	1,740	2,508	3,276	4,043	4,808
J	2J3	2,851	4,110	5,367	6,625	7,878
K	3K4	4,073	5,872	7,668	9,465	11,256
L	3L4	6,320	9,112	11,898	14,687	17,465
M	4M6	7,976	11,500	15,016	18,535	22,042
N	4N6	9,616	13,863	18,103	22,345	26,572
P	4P6	14,134	20,379	26,610	32,845	39,059
Q	6Q8	24,472	35,283	46,071	56,867	68,150
S	6S8	33,235	47,917	62,568	77,229	91,841

Manufactured by Crosby Steam Gage & Valve Co., Wrentham, Mass. (Supersedes Approval No. 162.018/33/0 published in FEDERAL REGISTER January 18, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, and 4491, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 489; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.018)

Dated: June 15, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55–4995; Filed, June 21, 1955; 8:51 a. m.]

[CGFR 55–27]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment, the following approvals of equipment are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

DAVITS, LIFEBOAT

Termination of Approval No. 160.032/112/0, gravity davit, type 36.5–150, approved for maximum working load of 35,000 pounds per set (17,500 pounds per arm), using 2 part falls, identified by General Arrangement dwg. No. 451–1, Alt. F, dated November 24, 1948, and revised April 10, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER June 13, 1950. Termination of approval effective June 13, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp.; 46 CFR 160.032)

MECHANICAL DISENGAGING APPARATUS LIFEBOAT

Termination of Approval No. 160.033/38/0, Mills type R releasing gear, approved for maximum working load of 20,000 pounds per set (10,000 pounds per hook), identified by Assembly dwg No. M–105–1, dated August 31, 1949, and revised April 27, 1950, for use on all vessels other than Ocean and Coastwise over 3,000 gross tons, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER June 13, 1950. Termination of approval effective June 13, 1955.)

Termination of Approval No. 160.033/40/0, Rottmer Type L–1 releasing gear, approved for maximum working load of 29,600 pounds per set (14,800 pounds per hook), identified by Hoist Gear Assembly, dwg. No. M–125–1 dated October 14, 1949, and revised January 23, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER May 10, 1950. Termination of approval effective May 10, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.033)

LIFEBOATS

Termination of Approval No. 160.035/241/0, 36.5' x 12.5' x 5.33' aluminum, hand-propelled lifeboat, 150-person capacity, identified by construction and arrangement dwg. No. 36–7C dated March 20, 1950, and revised May 1, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER June 13, 1950. Termination of approval effective June 13, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Termination of Approval No. 162.005/31/0, Fyr-Fyter Model 33–1, 5-pound carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 33–1 dated September 8, 1949, issue of July 11, 1951, name plate dwg. No. 4665 dated May 28, 1951, no revision, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Approved FEDERAL REGISTER March 5, 1952.)

Termination of Approval No. 162.005/32/0, Fyr-Fyter Model 34–1, 10-pound carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 34–1 dated September 7, 1949, issue of January 31, 1950, name plate dwg. No. 4667 dated May 28, 1951, no revision, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Approved FEDERAL REGISTER March 5, 1952.)

Termination of Approval No. 162.005/33/0, Fyr-Fyter Model 35–1, 15-pound carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 35–1 dated September 8, 1949, issue of January 31, 1950, name plate dwg. No. 4669 dated May 28, 1951, no revision, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Approved FEDERAL REGISTER March 5, 1952.)

Termination of Approval No. 162.005/34/0, Buffalo Model 33–2, 5-pound carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 33–2 dated September 8, 1949, issue of July 11, 1951, name plate dwg. No. 4666 dated May 28, 1951, no revision, manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio. (Approved FEDERAL REGISTER March 5, 1952.)

Termination of Approval No. 162.005/35/0, Buffalo Model 34–2, 10-pound carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 34–2 dated September 7, 1949, issue of January 31, 1950, name plate dwg. No. 4668 dated May 28, 1951, no revision, manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio. (Approved FEDERAL REGISTER March 5, 1952.)

Termination of Approval No. 162.005/36/0, Buffalo, Model 35–2, 15-pound carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 35–2 dated September 8, 1949, issue of January 31, 1950, name plate dwg. No. 4670 dated May 28, 1951, no revision, manufactured by Buffalo Fire Appliance Corp., Dayton 1, Ohio. (Approved FEDERAL REGISTER March 5, 1952.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, as amended, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 490, 526g, 526p, 1333; 46 CFR 25.30, 34.25, 76–50, 95.50)

Dated: June 15, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55–4996; Filed, June 21, 1955; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

ESSENTIALITY AND U. S. FLAG SERVICE REQUIREMENTS OF ROUND-THE-WORLD WESTBOUND SERVICE

CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that on June 3, 1955, the Maritime Administrator, acting pursuant to section 211 of the Merchant

Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States Round-the-World Westbound Service, and, in accordance with his action of October 29, 1954, ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said service be published in the FEDERAL REGISTER:

1. Round-the-World Westbound Service, as redescribed below, is reaffirmed as an essential service in the foreign trade of the United States:

From United States North Atlantic ports via the Panama Canal to California and thence to ports in the Far East (Japan, Formosa, the Philippines and the Continent of Asia from Union of Soviet Socialist Republics to Siam, inclusive), Indonesia-Malaya (including Singapore), Southwest Asia (Suez to Burma, inclusive, and in Africa on the Red Sea and Gulf of Aden), and the Mediterranean returning to United States North Atlantic ports. Combination ships will call at Havana, Cuba, and may call at Hawaiian Islands.

NOTE: The carrying of intercoastal and non-contiguous passengers and cargo on the above service is subject to compliance with all applicable statutory provisions and requirements.

2. United States flag sailing requirements are approximately four sailings monthly, including one sailing monthly with combination ships.

3. Approximately twelve freighters are required to perform three sailings monthly and four combination ships are required to perform one sailing monthly.

4. The C–3 type freighters and combination ships presently operated in Round-the-World service are suitable ships, but new freighters built to serve this trade should have a speed of approximately 18 knots, carrying capacity of about 12,500 tons deadweight, 600–700 thousand bale cubic, and should be equipped with adequate refrigerator and deep tank spaces; and new combination ships should be of not less than 20-knot speed with accommodations for approximately 100 passengers, cargo capacity of at least 500,000 bale cubic and be equipped with adequate refrigerator and deep tank spaces. For interim operations C–2's and, to some extent, Victory type freighters are suitable to round out sailing requirements of U. S. flag lines as a whole.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views thereon should submit same in writing to the Secretary, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: June 17, 1955.

By order of the Maritime Administrator.

[SEAL] THOS. E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55–5006; Filed, June 21, 1955; 8:55 a. m.]

ESSENTIALITY AND U. S. FLAG SERVICE REQUIREMENTS OF ROUND-THE-WORLD EASTBOUND SERVICE

TENTATIVE CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that on June 3, 1955, the Maritime Administrator, acting pursuant to Section 211 of the Merchant Marine Act, 1936, as amended, tentatively found and determined the essentiality and United States flag service requirements of United States Round-the-World Eastbound Service, and, in accordance with his action of October 29, 1954, ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said service be published in the FEDERAL REGISTER:

1. Round-the-World Eastbound Service, as described below, is tentatively determined to be an essential service in the foreign trade of the United States:

From United States North Atlantic ports to ports in the Mediterranean (including Atlantic approaches), Southwest Asia (Suez to Burma inclusive, and in Africa on the Red Sea and Gulf of Aden), Indonesia-Malaya (including Singapore), and the Far East (Japan, Formosa, the Philippines and the Continent of Asia from Union of Soviet Socialist Republics to Siam, inclusive), returning to California ports and via the Panama Canal to United States North Atlantic ports. Combination ships will call at Havana, Cuba, and freight ships may call at Puerto Rico.

NOTE: The carrying of intercoastal and non-contiguous passengers and cargo on the above service is subject to compliance with all applicable statutory provisions and requirements.

2. United States flag sailing requirements are approximately three to four sailings monthly, including one sailing monthly with combination ships.

3. From eight to twelve freighters are required to perform two to three sailings monthly and four combination ships are required to perform one sailing monthly.

4. The C–3 type freighters presently operated in Round-the-World service are suitable ships, but new freighters built to serve this trade should have a speed of approximately 18 knots, carrying capacity of about 12,500 tons deadweight, 600–700 thousand bale cubic, and should be equipped with adequate refrigerator and deep tank spaces; and new combination ships should be of not less than 20 knot speed with accommodations for approximately 100 passengers, cargo capacity of at least 500,000 bale cubic and be equipped with adequate refrigerator and deep tank spaces. For interim operations C–2's and, to some extent, Victory type freighters are suitable to round out sailing requirements of U. S. flag lines as a whole.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views thereon should submit same in writing to the Secretary, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: June 17, 1955.

By order of the Maritime Administrator.

[SEAL] THOS. E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55–5007; Filed, June 21, 1955; 8:55 a. m.]

ESSENTIALITY AND U. S. FLAG SERVICE REQUIREMENTS OF TRADE ROUTES NOS. 5, 7 AND 9

CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that on June 15, 1955, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of the following United States foreign trade routes, and, in accordance with his action of October 29, 1954, ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said routes be published in the FEDERAL REGISTER.

Trade Routes Nos. 5, 7 and 9—U. S. North Atlantic/United Kingdom — Germany — France—Spain—1. *Trade Route No. 5.* Between U. S. North Atlantic ports (Maine/Virginia—North Carolina border, inclusive) and ports in the United Kingdom and Ireland is reaffirmed as an essential route with no change in the United States and foreign areas served.

2. *Trade Route No. 7.* Between U. S. North Atlantic ports (Maine/Virginia—North Carolina border, inclusive) and German North Sea ports is reaffirmed as an essential route with no change in the United States and foreign areas served.

3. *Trade Route No. 9.* Between U. S. North Atlantic ports (Maine/Virginia—North Carolina border, inclusive) and ports in Atlantic France and Northern Spain (French-Belgian border south to northern border of Portugal) is reaffirmed as an essential route with no change in the United States and foreign areas served.

4. Requirements for United States flag freighter operation on Trade Routes Nos. 5, 7 and 9 are found to be between 22 and 29 sailings per month of which between 15 and 18 should serve the routes exclusively supplemented by between 7 and 10 sailings per month serving the routes in conjunction with other U. S. and foreign port ranges.

5. The C–2 type vessel is found to be suitable for freighter operation on Trade Routes Nos. 5, 7, and 9. Between 24 and 29 such ships serving the routes exclusively and between 11 and 16 freighters serving the routes in conjunction with other routes are required to provide adequate U. S. flag freight service under present conditions.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views thereon, should submit same in writing to the Secretary, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: June 17, 1955.

By order of the Maritime Administrator.

[SEAL] THOS. E. STAKEM, Jr.,
Acting Secretary.

[F. R. Doc. 55–5008; Filed, June 21, 1955; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Anchorage 029270]

ALASKA

REVOKING DEPARTMENTAL ORDER OF APRIL 24, 1942, RESERVING CERTAIN LANDS AT NORTHWAY FOR SCHOOL AND MEDICAL PURPOSES

JUNE 16, 1955.

Upon request of the Bureau of Indian Affairs, Department of the Interior, and pursuant to Departmental Order No. 2583 of August 16, 1950, section 2.22 (a), as amended and the act of March 31, 1938 (52 Stat. 593; 48 U. S. C. 353a), it is ordered as follows:

The Departmental order of April 24, 1942, reserving the following-described lands at Northway, Alaska for school and medical purposes is hereby revoked:

Beginning at a point on the left bank of the Nabesna River opposite the Moose Creek School at Northway (formerly Nabesna) Alaska, about 6 miles above its confluence with the Tanana River in approximate latitude 63°00' N., approximate longitude 141°58' W., thence northeasterly downstream along the left bank of the Nabesna River approximately ½ mile, N. 45° W., 1 mile, S. 45° W., 1 mile, S. 45° E., 1 mile more or less to the left bank of the Nabesna River, northeasterly downstream along the left bank of the Nabesna River approximately ½ mile to the place of beginning.

The area described contains 640 acres.

The lands are included within the area withdrawn by Public Land Order No. 255 of December 15, 1944, for use of the War Department for military purposes.

W. G. GUERNSEY,
Acting Director.

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Bureau of Reclamation

[Public Announcement 23]

COLUMBIA BASIN PROJECT, WASHINGTON, SOUTH COLUMBIA BASIN IRRIGATION DISTRICT

SALE OF FULL-TIME FARM UNITS

JUNE 1, 1955.

Columbia Basin Project, Washington, South Columbia Basin Irrigation District; public announcement of the sale of full-time farm units.

LANDS COVERED

SECTION 1. *Offer of farm units for sale.* It is hereby announced that certain farm units in the South Columbia Basin Irrigation District, Columbia Basin Project, Washington, will be sold to qualified applicants in accordance with the provisions of this announcement. Applications to purchase farm units may be submitted beginning at 2 p. m., June 17, 1955.

In order to permit the continued orderly development and settlement of project lands, this public announcement is issued irrespective of there being pending applications for exchange pursuant to the act of August 13, 1953 (67 Stat. 566).

a. *Farm units presently owned.* The farm units which are presently owned by the United States, and hereby offered for sale, are described as follows:

Irrigation Block No.	Farm unit No.	Total acreage	Tentative irrigable acreage				Nonirrigable	Price
			Total	Class 1	Class 2	Class 3		
19	8	179.7	92.8	----------	92.1	0.7	86.9	$4,727.40
	9	131.8	105.9	----------	102.1	3.8	25.9	6,228.50
	10	134.1	115.1	----------	102.3	12.8	19.0	6,429.00
	11	115.5	84.9	2.1	82.3	1.4	30.6	4,371.90
	12	135.3	125.4	3.2	93.8	28.4	9.9	2,274.30
	13	104.0	83.9	6.7	40.1	37.1	20.1	1,388.40
	14	190.7	135.2	----------	93.7	41.5	55.5	2,904.90
	15	158.3	120.0	----------	12.6	107.4	38.3	2,752.40
	16	167.8	93.1	----------	22.1	71.0	74.7	6,061.90
	17	161.6	89.9	----------	42.5	47.4	71.7	2,035.80
	18	147.8	118.9	13.8	36.2	68.9	28.9	4,399.20
	19	176.7	104.0	----------	.7	103.3	72.7	2,257.30
	20	80.6	67.8	30.8	34.1	2.9	12.8	4,480.10
	24	90.2	74.2	48.4	15.6	10.2	16.0	5,646.70
	25	86.3	73.8	65.1	8.5	.2	12.5	5,600.70
	26	132.3	106.0	37.0	32.4	36.6	26.3	4,444.50
	29	90.3	85.1	45.7	29.9	9.5	5.2	5,131.90
	30	82.3	80.2	41.9	36.8	1.5	2.1	5,215.10
	31	101.1	91.0	17.9	16.1	57.0	10.1	3,684.30
	35	160.3	103.6	----------	75.9	27.7	56.7	5,229.00
	36	127.5	92.0	----------	52.9	39.1	35.5	4,057.20
	37	102.6	90.3	----------	64.4	25.9	12.3	4,615.50
	38	123.3	103.9	----------	103.5	.4	19.4	6,299.30
	44	134.2	100.1	2.1	92.0	7.0	34.1	6,187.70
	45	102.6	94.9	28.0	66.9	----------	7.7	6,178.00
	46	113.1	82.9	44.9	36.2	1.8	30.2	5,567.20
	47	152.7	105.3	30.4	33.9	41.0	47.4	6,196.20
	48	110.3	102.5	17.9	50.8	33.8	7.8	6,744.70
	53	99.9	92.8	----------	36.9	55.9	7.1	4,675.00
	54	101.4	86.8	----------	27.3	59.5	14.6	4,407.70
	55	117.8	101.1	----------	36.0	65.1	16.7	5,328.50
	56	145.2	98.8	----------	40.6	58.2	46.4	7,597.80
	57	111.3	107.4	----------	87.6	19.8	3.9	6,910.90
	58	128.8	90.3	----------	53.2	37.1	38.5	5,364.70
	59	102.0	94.5	18.1	31.1	45.3	7.5	5,248.20
	60	108.3	77.7	11.1	28.7	37.9	30.6	1,788.90
	63	86.8	78.8	20.1	42.9	15.8	8.0	1,603.80
	64	104.6	84.8	13.0	50.4	21.4	19.8	1,851.70
	65	94.1	78.6	27.1	36.8	14.7	15.5	2,048.90
	66	88.4	77.7	67.4	10.0	.3	10.7	6,689.60
	67	80.3	71.8	58.1	6.1	7.6	8.5	6,305.10
	68	79.7	74.4	54.0	16.9	3.5	5.3	6,346.10
	69	80.2	75.3	64.5	9.3	1.5	4.9	6,427.00
	70	72.0	66.4	61.3	5.0	.1	5.6	5,649.60
	71	71.5	63.1	61.5	1.6	----------	8.4	5,723.40
	72	69.5	64.6	59.8	4.8	----------	4.9	5,828.80
	73	73.8	71.0	67.0	4.0	----------	2.8	6,392.80
	74	77.6	76.2	61.3	14.1	.8	1.4	6,097.40
	75	77.8	72.3	42.3	23.0	7.0	5.5	4,343.50
	76	90.3	83.9	48.7	32.2	3.0	6.4	5,059.30
	77	114.7	101.9	7.4	54.9	39.6	12.8	2,100.30
	79	109.5	77.3	----------	32.1	45.2	32.2	1,414.90
	80	141.6	122.5	14.0	84.6	23.9	19.1	965.90
	85	88.0	83.8	17.5	59.7	6.6	4.2	2,099.20
	86	90.5	85.1	23.0	61.1	1.0	5.4	2,132.90
	87	107.8	98.2	42.5	45.7	10.0	9.6	6,076.80
	95	122.6	117.7	35.2	70.6	11.9	4.9	7,068.70
	96	102.6	72.4	5.1	47.1	20.2	30.2	3,715.00
	97	97.2	80.8	25.8	38.2	16.8	16.4	4,931.00
	98	113.7	88.2	54.6	30.4	3.2	25.5	6,362.70
	99	181.0	71.3	24.1	29.7	17.5	109.7	2,060.40
	100	133.7	93.9	40.9	45.9	7.1	39.8	6,884.90
	101	126.4	114.8	61.6	50.2	3.0	11.6	5,062.90
	102	112.3	107.6	8.7	90.5	8.4	4.7	6,481.40
	103	165.7	89.6	15.8	59.3	14.5	76.1	7,328.10
	104	117.3	108.8	29.8	51.8	27.2	8.5	5,496.50
	112	111.8	101.3	2.4	83.5	15.4	10.5	4,569.00
	113	130.0	120.8	----------	77.1	43.7	9.2	4,276.80
	114	125.8	102.0	----------	46.2	55.8	23.8	1,668.10
	115	82.9	76.3	22.5	45.0	8.8	6.6	1,539.80
	116	69.2	61.0	30.9	10.1	----------	8.2	4,917.20
	117	69.4	64.6	37.3	23.9	3.4	4.8	4,849.80
	118	66.5	56.3	54.3	2.2	----------	10.0	2,844.90
	119	82.8	77.8	42.7	24.7	10.4	5.0	2,730.70
	120	104.8	90.9	24.1	30.9	35.9	13.9	1,935.40
	122	185.4	123.0	----------	30.9	92.1	62.4	2,361.90
	124	171.5	131.9	8.2	53.4	70.3	39.6	4,221.60
	125	113.5	96.6	36.0	33.2	27.4	16.9	4,877.50
	126	177.1	74.3	----------	32.5	41.8	102.8	2,842.50
	127	143.3	79.5	18.9	26.8	33.8	63.8	5,308.40
	128	138.6	73.5	16.5	21.7	35.3	65.1	3,774.00

b. *Additional farm units.* If, through the operation of its land acquisition program, the United States should, following the date of this announcement and prior to the date on which the first farm unit is offered for selection to an applicant under the provisions hereof, own additional farm units in Irrigation Block 19 and in other irrigation blocks in the South Columbia Basin Irrigation District which are scheduled to receive water before the close of the 1956 irrigation season; such farm units may be offered for sale under the provisions of this announcement.

The official plat of this irrigation block is on file in the office of the County Auditor of Franklin County in Pasco,

Washington, and copies are on file in the offices of the Bureau of Reclamation at Ephrata, Washington, and Boise, Idaho.

SEC. 2. *Limit of acreage which may be purchased.* The lands covered by this announcement have been divided into farm units. Each of the farm units represents the acreage which, in the opinion of the Regional Director, Region 1, Bureau of Reclamation, will support an average size family at a suitable level of living. The law provides that with certain minor exceptions not more than one farm unit in the entire project may be held by any one owner or family. A family is defined as comprising husband or wife, or both, together with their children under 18 years of age, or all of such children if both parents are dead.

PREFERENCE OF APPLICANTS

SEC. 3. *Nature of preference.* Except for a prior preference given applicants for exchange under the provisions of the act of August 13, 1953 (67 Stat. 566), preference right to purchase the farm units described above will be given to veterans (and in some cases to their husbands or wives or guardians of minor children) who submit applications during a 45-day period beginning at 2 p. m., June 17, 1955, and ending at 2 p. m., August 1, 1955, and who, at the time of making application, are in one of the following five classes:

a. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States for a period of at least ninety (90) days at any time between September 16, 1940, and January 31, 1955, inclusive, and have been honorably discharged.

b. Persons, including those under 21 years of age, who have served in the Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States during the period prescribed in subsection a. of this section regardless of length of service, and who have been discharged on account of wounds received or disability incurred during such period in the line of duty, or subsequent to a regular discharge, have been furnished hospitalization or awarded compensation by the Government on account of such wounds or disability.

c. The spouse of any person in either of the first two classes listed in this section, if the spouse has the consent of such person to exercise his or her preference right. (See subsection 7. c. of this announcement regarding the provision that a married woman must be head of a family.)

d. The surviving spouse of any person in either of the first two classes listed in this section, or in the case of the death or marriage of such spouse, the minor child or children of such person by guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

e. The surviving spouse of any person whose death has resulted from wounds received or disability incurred in the line of duty while serving in the Army, Navy, Marine Corps, Air Force, or Coast Guard during the period described in subsection a. of this section, or in the case of death or marriage of such spouse, the minor child or children of such person by a guardian duly appointed and qualified and who furnishes to the examining board acceptable evidence of such appointment and qualification.

SEC. 4. *Definition of honorable discharge.* An honorable discharge means:

a. Separation from the service by means of an honorable discharge or by the acceptance of resignation or a discharge under honorable conditions.

b. Release from active duty under honorable conditions to an inactive status, whether or not in a reserve component or retirement.

Any person who obtains an honorable discharge as herein defined shall be entitled to veterans preference even though such person thereafter resumes active military duty.

QUALIFICATIONS REQUIRED OF PURCHASERS

SEC. 5. *Examining board.* An examining board of three members has been appointed by the Regional Director, Region 1, Bureau of Reclamation, to determine the qualifications and fitness of applicants to undertake the purchase, development, and operation of a farm on the Columbia Basin Project. The board will make careful investigations to verify the statements and representations made by applicants. Any false statements may constitute grounds for rejection of an application and cancellation of the applicant's right to purchase a farm unit.

SEC. 6. *Minimum qualifications.* Certain minimum qualifications have been established which are considered necessary for the successful development of farm units. Applicants must meet these qualifications in order to be eligible for the purchase of farm units. Failure to meet them in any single respect will be sufficient cause for rejection of an application. No added credit will be given for qualifications in excess of the required minimum. The minimum qualifications are as follows:

a. *Character and industry.* An applicant must be possessed of honesty, temperate habits, thrift, industry, seriousness of purpose, record of good moral conduct, and a bona fide intent to engage in farming as an occupation.

b. *Farm experience.* Except as otherwise provided in this subsection, an applicant must have had a minimum of two years (24 months) of full-time farm experience, which shall consist of participation in actual farming operations, after attaining the age of 15 years. Time spent in agricultural courses in an accredited agricultural college or time spent in work closely associated with farming, such as teaching vocational agriculture, agricultural extension work, or field work in the production or marketing of farm products, which, in the opinion of the board will be of value to an applicant in operating a farm, may be substituted for full-time farm experience. Such substitution shall be on the basis of one year (academic year of at least nine months) of agricultural college courses or one year (twelve months) of work closely associated with farming for six months of full-time farm experience. Not more than one year of full-time farm experience of this type will be allowed. A farm youth who actually resided and worked on a farm after attaining the age of 15 and while attending school may credit such experience as full-time experience.

Applicants who have acquired their experience on an irrigated farm will not be given preference over those whose experience was acquired on a nonirrigated farm, but all applicants must have had farm experience of such nature as in the judgment of the examining board will qualify the applicant to undertake the development and operation of an irrigated farm by modern methods.

c. *Health.* An applicant must be in such physical condition as will enable him to engage in normal farm labor.

d. *Capital.* An applicant must possess assets worth at least $4,500 in excess of liabilities. Assets must consist of cash, property readily convertible into cash or property such as livestock, farm machinery and equipment, which, in the opinion of the board, will be useful in the development and operation of a new, irrigated farm. In considering the practical value of property which will be useful in the development of a farm, the board will not value household goods at more than $500 or a passenger car at more than $500. Assets not useful in the development of a farm will be considered if the applicant furnishes, at the board's request, evidence of the value of the property and proof of its conversion into useful form before execution of a purchase contract.

SEC. 7. *Other qualifications required.* Each applicant (except guardian) must meet the following requirements:

a. Be a citizen of the United States or have declared an intention to become a citizen of the United States.

b. Not own outright, or control under a contract to purchase, more than ten acres of crop land or a total of 160 acres of land at the time of execution of a purchase contract for a farm unit.

c. If a married woman, or a person under 21 years of age who is not eligible for veterans preference, be the head of a family. The head of a family is ordinarily the husband, but a wife or a minor child who is obliged to assume major responsibility for the support of a family may be the head of a family.

WHERE AND HOW TO SUBMIT AN APPLICATION

SEC. 8. *Filing application blanks.* Any person desiring to purchase a farm unit offered for sale by this announcement must fill out the attached application blank and file it with the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, in person or by mail. Additional application blanks may be obtained from the office of the Bureau of Reclamation at Ephrata, Washington; Post Office Box 937 Boise, Idaho; or Washington, D. C. No advantage will accrue to an applicant who presents an application in person. Each application submitted, including the evidence of qualification to be submitted following the public drawing, will become a part of the records of the Bureau of Reclamation and cannot be returned to the applicant.

SELECTION OF QUALIFIED APPLICANTS

SEC. 9. *Priority of applications.* All applicants except those received from qualified exchange applicants prior to 2 p. m., August 1, 1955, which shall be given prior preference, will be classified for priority purposes as follows:

a. *First Priority Group.* All complete applications filed prior to 2 p. m., August 1, 1955, by applicants who claim veterans preference. All such applications will be treated as simultaneously filed.

b. *Second Priority Group.* All complete applications filed prior to 2 p. m., August 1, 1955, by applicants who do not claim veterans preference. All such applications will be treated as simultaneously filed.

c. *Third Group.* All complete applications filed after 2 p. m., August 1, 1955. Such applications will be considered in the order in which they are filed if any farm units are available for sale to applicants within this group.

SEC. 10. *Public drawing.* After the priority classification, the board will conduct a public drawing of the names of the applicants in the First Priority Group as defined in subsection 9. a. of this announcement. Applicants need not be present at the drawing to participate therein. The names of a sufficient number of applicants (not less than four times the number of farm units to be offered for sale) shall be drawn and numbered consecutively in the order drawn for the purpose of establishing the order in which the applications drawn will be examined by the board to determine whether the applicants meet the minimum qualifications prescribed in this announcement, and to establish the priority of qualified applicants for the selection of farm units. After such drawing, the board shall notify each applicant of his respective standing as a result of the drawing.

SEC. 11. *Submission of evidence of qualification.* After the drawing, a sufficient number of applicants, in the order of their priority as established by the drawing, will be supplied with forms on which to submit evidence of qualification, showing that they meet the qualifications set forth in sections 6 and 7 of this announcement and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of this announcement. Full and accurate answers must be made to all questions. The completed form must be mailed or delivered to the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 20 days of the date the form is mailed to the last address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the time period specified will subject his application to rejection.

SEC. 12. *Examination and interview.* After the information outlined in section 11 of this announcement has been received or the time for submitting such statements has expired, the board shall examine in the order drawn a sufficient number of applications together with the evidence of qualification submitted to determine the applicants who will be permitted to purchase farm units. This examination will determine the sufficiency, authenticity, and reliability of the information and evidence submitted by the applicants.

If the applicant fails to supply any of the information required or the board finds that the applicant's qualifications do not meet the requirements prescribed in this announcement, the applicant shall be disqualified and shall be notified by the board, by registered mail, of such disqualification and the reasons therefor and of the right to appeal to the Regional Director, Region 1, Bureau of Reclamation. All appeals must be received in the office of the Land Settlement Branch, Bureau of Reclamation, Ephrata, Washington, within 15 days of the applicant's receipt of such notice or, in any event, within 30 days from the date when the notice is mailed to the last address furnished by the applicant. The Land Settlement Branch will promptly forward the appeal to the Regional Director.

If the examination indicates that an applicant is qualified, the applicant may be required to appear for a personal interview with the board for the purpose of: (a) Affording the board any additional information it may desire relative to his qualifications; (b) affording the applicant any information desired relative to conditions in the area and the problems and obligations relative to development of a farm unit; and (c) affording the applicant an opportunity to examine the farm units.

If an applicant fails to appear before the board for a personal interview on the date requested, he will thereby forfeit his priority position as determined by the drawing.

If the board finds that an applicant's qualifications fulfill the requirements prescribed in this announcement, such applicant shall be notified, in person or by registered mail, that he is a qualified applicant and shall be given an opportunity to select one of the farm units available then for purchase. Such notice will require the applicant to make a field examination of the farm units available to him and in which he is interested, to select a farm unit, and to notify the board of such selection within the time specified in the notice.

SELECTION OF FARM UNITS

SEC. 13. *Order of selection.* The applicants who have been notified of their qualification for the purchase of a farm unit will successively exercise the right to select a farm unit in accordance with the priority established by the drawing. If a farm unit becomes available through failure of a qualified applicant to exercise his right of selection or failure to complete his purchase, it will be offered to the next qualified applicant who has not made a selection at the time the unit is again available. An applicant who is considered to be disqualified as a result of the personal interview will be permitted to exercise his right to select, notwithstanding his disqualification, unless he voluntarily surrenders this right in writing. If, on appeal, the action of the board in disqualifying an applicant as a result of the personal interview is reversed by the Regional Director, the applicant's selection shall be effective, but if such action of the board is upheld by the Regional Director, the farm unit selected by this applicant will become available for selection by qualified applicants who have not exercised their right to select.

If any of the farm units listed in this announcement remain unselected after all qualified applicants whose names were selected in the drawing have had an opportunity to select a farm unit, and if additional applicants remain in the First Priority Group, the board will follow the same procedure outlined in section 10 of this announcement in the selection of additional applicants from this group.

If any of the farm units remain unselected after all qualified applicants in the First Priority Group have had an opportunity to select a farm unit, the board will follow the same procedure to select applicants from the Second Priority Group, and they will be permitted to exercise their right to select a farm unit in the manner prescribed for the qualified applicants from the First Priority Group.

Any farm units remaining unselected after all qualified applicants in the Second Priority Group have had an opportunity to select a farm unit will be offered to applicants in the Third Group in the order in which their applications were filed, subject to the determination of the board, made in accordance with the procedure prescribed herein, that such applicants meet the minimum qualifications prescribed in this announcement.

If any farm units offered by or under this announcement remain unsold for a period of two years following the date of this announcement, the Project Manager, Columbia Basin Project, Bureau of Reclamation, may sell, lease, or otherwise dispose of such units to qualified applicants without regard to the provisions of section 10 of this announcement.

SEC. 14. *Failure to select.* If any applicant refuses to select a farm unit or fails to do so within the time specified by the board, such applicant shall forfeit his position in his priority group and his name shall be placed last in that group.

PURCHASE OF SELECTED UNIT

SEC. 15. *Execution of purchase contract.* When a farm unit is selected by an applicant as provided in section 13 of this announcement, the Project Manager will promptly give the applicant a written notice confirming the availability to him of the unit selected and will furnish the necessary purchase contract, together with instructions concerning its execution and return. In that notice the Project Manager will also inform the applicant of the amount of the irrigation charges assessed by the South Columbia Basin Irrigation District or, if such charges have not been assessed, of an estimate of the

amount of the charges for the first year of the development period, to be deposited with the Secretary, South Columbia Basin Irrigation District.

If the purchase is made subsequent to April 1 of any year during the development period, a deposit will be required to cover payment of water charges for the balance of that year as well as for the year following the purchase.

SEC. 16. *Terms of sale.* Contracts for the sale of farm units pursuant to this announcement will contain, among others, the following principal provisions:

a. *Down payment.* An initial or down payment of not less than 20 percent of the purchase price of the lands being purchased from the United States will be required. Larger proportions, or the entire amount of the price, may be paid initially at the purchaser's option.

b. *Schedule for payment of balance; interest rate.* If only a portion of the purchase price is paid initially, the remainder will be payable within a period of 20 years following the date of the contract. No payments on the principal, except the down payment, will be required during the first three years and the Project Manager may postpone such payments for as long as the first five years of the contract. Interest on the unpaid balance at the rate of three per cent per annum, however, will be payable annually. When payments on the principal are resumed, they will be payable each year. The schedule of principal payments, which will be established by the Project Manager, will provide for relatively small payments during the first years and larger payments during the later years of the contract period. Payment of any or all installments, or any portion thereof, may be made before their due dates at the purchaser's option.

c. *Development requirements.* In order that the irrigable area of the entire farm unit shall be developed with reasonable dispatch, each purchaser will be required, as a minimum, to clear, level, irrigate, and plant to crops by the end of each of the calendar years indicated below, and to maintain in crops thereafter, the following percentages of irrigable land as tentatively or finally classified:

Size of farm unit in irrigable acres	Percentage of land classified tentatively or finally as irrigable to be developed by end of each year. (Period will begin with year of purchase if contract is executed and water is available on or before May 1 of that year; otherwise period will begin with the next calendar year.)			
	2d year	3d year	4th year	5th year
10 to 40	75			
41 to 60	50	75		
61 to 80	50	65	75	
81 to 100	40	60	65	75
101 to 160	35	50	65	75

d. *Residence requirements.* A major objective of the settlement program for the Columbia Basin Project is to assist and encourage the permanent settlement of farm families. In keeping with this objective, each purchaser will be required to do the following with respect to residence: (1) Within one year from the date of his contract, or within one year from the date that water is available to the irrigation block in which the farm unit is located, whichever is later, to initiate residence by actually moving onto the unit, such residence to be maintained by living thereon for not less than 12 months within an 18-month period following the initial date of residence, and (2) before receiving title to the unit under the purchase contract, to establish a permanent and habitable dwelling on the unit. The time for compliance with the initiation of residence may be extended by the Project Manager for periods of as long as six months, upon his determination that an extension is necessary to avoid undue hardship to the purchaser and that it will not be detrimental to the orderly development of the irrigation block. The latest permissible date for initiating residence, however, will not be extended for more than one year in addition to the one-year period specified above. In extraordinary situations, the requirements under (1) and (2) above may be waived entirely upon the determination by the Regional Director, after recommendation by the Project Manager, that such waiver will be in the interest of orderly development of the block. Any such waiver, however, shall be conditioned on the requirement that the purchaser reside close enough to his unit to permit him to develop it through his own efforts.

e. *Speculation and landholding limitations.* Purchase contracts and deeds covering farm units offered by this announcement will include provisions governing (1) maximum permissible sizes of holdings of irrigable lands; (2) continued conformance of land to the area and boundaries of the farm unit plat for the block; (3) prices at which land can be resold during a period of five years following the date on which water is made available to the irrigation block; (4) disposal of land should it become excess at any time; and (5) limitations as to total area that may be operated on the project whether as lessee or as owner or both.

f. *Copies of contract form.* The terms listed above, and all other standard contract provisions, are contained in the purchase contract form, copies of which may be obtained by writing to the Bureau of Reclamation, Ephrata, Washington.

IRRIGATION CHARGES

SEC. 17. *Water rental charges.* During the irrigation season of 1956, while some construction activities will be continuing and the system is being tested, it is expected that the water will be furnished on a temporary rental basis to those desiring it. The terms of payment, which will be at a fixed rate per acre-foot of water used, will be announced by the Regional Director before the beginning of the irrigation season.

SEC. 18. *Development period charges.* Pursuant to the provisions of the repayment contract of October 9, 1945, between the United States and the South Columbia Basin Irrigation District in the Columbia Basin Project, the Secretary of the Interior will announce a development period of ten years during which time payment of construction charge installments will not be required. This period probably will commence with the calendar year 1957. During the development period, water rental charges will average an estimated $5.50 per year for each irrigable acre as tentatively or finally classified. This figure is preliminary and subject to change because all the data needed to fix the charges are not available nor can they be obtained now. In any event, there will be a minimum charge per farm unit each year whether or not water is used. A notice establishing the details of the plan to be followed and announcing charges and governing provisions for the first year of the development period will be issued prior to January 1 of that year by the Regional Director, who has the responsibility for fixing charges.

The present plans of the Regional Director are (a) to vary the minimum charge according to the anticipated relative repayment ability of the various land classes; (b) to provide for a small minimum charge for the first year and to increase it each year thereafter so that the charge for the tenth year will be approximately equal to the combined construction and operation and maintenance charge for the following year; and (c) to charge for water in excess of the amount furnished for the minimum charge on an acre-foot basis. The minimum charge will entitle each user to a quantity of water to be specified by the Regional Director, varying with the water requirement classification of the land and the size of the farm unit.

In addition to the water rental charges, the Irrigation District will levy an additional charge to cover administrative costs and probable delinquencies in collections.

SEC. 19. *Construction period repayment charges*—a. *Operation and maintenance charges.* After the development period has ended, water users will pay a charge for operation and maintenance of the project irrigation system which will be uniform for the irrigation blocks throughout the project. These charges may or may not be graduated among land classes. Assessment procedure will be left for the Irrigation District Board of Directors to determine, but, in any case, there will be an annual minimum charge per acre. In order to encourage careful use of water, this annual minimum charge will entitle the water user to one-half acre-foot of water per acre less than the amount of water normally required. The normal requirements for the various classes of land will be determined and announced as provided in the repayment contract with the South Columbia Basin Irrigation District. Water in excess of the quantity covered by the minimum charge will be paid for on an acre-foot basis in accordance with an ascending, graduated scale.

b. *Construction charges.* The contract between the United States and the South Columbia Basin Irrigation District requires the payment of construction charges for the project irrigation system during the forty years following the development period. The average construction charge per irrigable acre for the entire project will be $2.12 per year. Thus, the total construction charge payment will average $85 per irrigable acre, but that amount was predicated on an estimated total direct irrigation cost of not to exceed $280,782,180 as indicated by Article 6 of the repayment contract, an amount that it now appears is likely to be exceeded. The contract further provides that construction charges shall be graduated according to the relative repayment ability of the land; consequently, the charge per irrigable acre will be larger for the better lands than for the poorer lands. This allocation of construction charges by classes of land will be made as soon as practicable.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

[F. R. Doc. 55-4943; Filed, June 21, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6630]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

JUNE 16, 1955.

Take notice that on June 13, 1955, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Sierra Pacific Power Company, a corporation organized under the laws of the State of Maine, and doing business in the States of California and Nevada, with its principal business office at Reno, Nevada, seeking an order authorizing the issuance of unsecured promissory notes, payable to such bank or banks from which Applicant may borrow funds, up to but not exceeding $2,200,000 face amount at any one time outstanding, for periods not exceeding twelve months from the date of original issue or renewal thereof, as the case may be, such notes issued either originally or upon renewal from time to time to have maturity dates not later than December 31, 1956. Said notes will bear interest at a rate per annum not in excess of one quarter of one percent over the prime rate in effect at the time of the borrowing or the renewal or extension of the loans as the case may be. The proceeds will be used to reimburse Applicant for construction expenditures heretofore made and, together with other cash from operations, to carry out the construction program now in progress and contemplated in 1956; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 7th day of July 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4975; Filed, June 21, 1955; 8:46 a. m.]

[Docket Nos. G-6674, G-6675, G-8672]

NATURAL GAS STORAGE COMPANY OF ILLINOIS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 15, 1955.

In the matters of Natural Gas Storage Company of Illinois, Docket No. G-6674; Texas Illinois Natural Gas Pipeline Company, Docket No. G-6675; Natural Gas Pipeline Company of America, Docket No. G-8672.

Take notice that Natural Gas Storage Company of Illinois (Storage Company), applicant in Docket No. G-6674, an Illinois corporation, having its principal place of business at 20 North Wacker Drive, Chicago 6, Illinois, filed on December 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Storage Company to construct and operate certain facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Storage Company proposes to construct and operate the following facilities to increase the maximum peak day withdrawals from its storage field in Kankakee and Iroquois Counties in Illinois from 150,000 Mcf to 430,000 Mcf:

(a) Approximately 31 miles of 36-inch pipeline extending from Storage Company's existing compressor station and connecting with the main transmission pipeline of Texas Illinois Natural Gas Pipeline Company at a point at which such pipeline crosses the Illinois River;

(b) Additional dehydration facilities to accomplish the dehydration of the increased flow of gas from the storage reservoir; and compressor station changes required by the increase of input and ejection from storage, but not increasing the total horsepower now installed;

(c) One meter station to measure gas delivered through the pipeline mentioned in (a) above into the main transmission line of Texas Illinois Natural Gas Pipeline Company; such meter station to be located at the point of connection with the main transmission pipeline of Texas Illinois Natural Gas Pipeline Company;

(d) Special valves, fittings and appurtenant facilities as may be necessary or convenient for the proper operation of the aforementioned installations.

Storage Company proposes to increase the quantity of gas in the storage area to a total of at least 25,000 Mcf and to provide a maximum peak day withdrawal of 430,000 Mcf by means of authorized existing facilities and the facilities and operations herein proposed.

Storage Company also proposes to install the following facilities for the reinjection of gas now being vented in the storage area:

(a) Approximately 3.75 miles of pipeline, varying in size from 4 to 24 inches in diameter and other necessary and appurtenant facilities, including drilling of wells as may be required;

(b) Changes in two existing compressor units at Storage Company's authorized Herscher compressor station No. 201 to permit 3-stage compression of gas gathered through the proposed gathering system.

The total estimated cost of the proposed facilities is $7,458,000 to be financed by the issuance and sale of common stock in equal amounts to the present owners of its capital stock, namely Natural Gas Pipeline Company of America and Texas Illinois Natural Gas Pipeline Company.

Take notice further that Texas Illinois Natural Gas Pipeline Company (Texas Illinois), applicant in Docket No. G-6675, a Delaware corporation having its principal place of business at 20 North Wacker Drive, Chicago, Illinois, filed on December 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Texas Illinois to construct and operate certain facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Texas Illinois proposes to construct and operate a side tap connection between the 36-inch pipe line of Storage Company proposed in Docket No. G-6674 and the main transmission line of Texas Illinois.

Take notice further that Natural Gas Pipeline Company of America (Natural Gas Pipeline), applicant in Docket No. G-8672, a Delaware corporation having its principal place of business at 20 North Wacker Drive, Chicago 6, Illinois, filed on March 28, 1955, an application for a certificate of public convenience and necessity, as supplemented on April 25, 1955, pursuant to section 7 of the Natural Gas Act, authorizing Natural Gas Pipeline to construct and operate five loop lateral pipelines as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Construction and operation of the five lateral loop lines would permit delivery of the increased volumes of gas to five of its existing customers in Iowa and Illinois. The increased volumes would result from the increased storage operations proposed by Storage Company in Docket No. G-6674. The total estimated cost of the facilities proposed to be constructed by Natural Gas Pipeline is $1,572,200 to be financed from funds on hand.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 6,

1955, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 5, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4977; Filed, June 21, 1955; 8:47 a. m.]

[Docket No. G-8752]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 16, 1955.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation with its principal office at Columbus, Ohio, filed an application on April 11, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of additional facilities on its system in western Ohio, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes construction and operation of:

(1) Approximately 18.9 miles of 16-inch natural gas transmission line in Hardin and Allen Counties, Ohio, partially looping its existing Line D-322 and connecting it with a proposed metering station at Lima, Ohio, to deliver additional gas to West Ohio Gas Company;

(2) A new metering station on the premises of a new petro-chemical plant of Standard Oil Company of Ohio at Lima, Ohio; and,

(3) Approximately 20 feet of 3½-inch transmission line to connect from its Lines D-322 and D-357 in Marion County, Ohio, to initiate retail service in the community of LaRue in Marion County.

Applicant states that the purpose of the proposed facilities is to improve its service to West Ohio Gas Company and enable it to meet the estimated increased gas requirements in the area between Marion and Lima, Ohio. Applicant also proposes to sell up to 12,000 Mcf per day of interruptible gas to Standard Oil's new plant at Lima for the manufacture of ammonia used in making fertilizer and other chemicals.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 12, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4976; Filed, June 21, 1955; 8:46 a. m.]

[Docket Nos. G-8932—G-8934, G-8940, G-8997]

PACIFIC NORTHWEST PIPELINE CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 15, 1955.

In the matters of Pacific Northwest Pipeline Corporation, Docket Nos. G-8932, G-8933, G-8934; El Paso Natural Gas Company, Docket No. G-8940; Nevada Natural Gas Pipe Line Co., Docket No. G-8997.

Take notice that on May 23, 1955, Pacific Northwest Pipeline Corporation (Pacific), a Delaware corporation with principal office at Houston, Texas, filed application for an order under section 3 of the Natural Gas Act authorizing Pacific to import a maximum of 300,000 Mcf per day of natural gas produced from fields in northwestern Alberta and northeastern British Columbia, Canada, into the Pacific Northwest areas of the United States, and to export natural gas for use in the Vancouver and Trail areas of British Columbia. Pacific filed an application simultaneously for a Permit under Executive Order No. 10485 for the construction, operation, maintenance and connection of facilities on the International Boundary (1) at a point near Sumas in Whatcom County, Washington, for the proposed importation and for the proposed exportation to the Vancouver area, and (2) at a point near Boundary in Stevens County, Washington for the proposed exportation to the Trail area. Pacific also filed application simultaneously for a certificate of public convenience and necessity under section 7 of the act authorizing Pacific to extend its system in northern Idaho and Washington, to increase the dimensions of its pipelines north of the Columbia River crossing at Umatilla, Oregon, and increase its system compressor station capacity by 11,340 horsepower, together with miscellaneous facilities, for the transportation and sale of approximately 300,000 Mcf of additional natural gas per day, consisting principally of the sale and delivery at Pacific's main line Compressor Station No. 11 at Mountain Home, Idaho, of a maximum of 250,000 Mcf per day to El Paso Natural Gas Company for resale principally in northern California, together with the proposed exportation to Canada and the sale to new markets in Idaho and Washington in the additional amount of approximately 50,000 Mcf per day, which total of 300,000 Mcf equals the maximum amount of gas that Pacific proposes to import from Canada; all as more fully set forth in Pacific's applications.

The estimated cost of the proposed facilities is $175,493,166 to be financed by Pacific through the issuance of first mortgage pipeline bonds, cumulative preferred and common stocks, and interim notes.

El Paso Natural Gas Company (El Paso), a Delaware Corporation with principal office at El Paso, Texas, filed application on May 23, 1955, which was amended on May 31, for a certificate of public convenience and necessity under section 7 of the act authorizing El Paso to make field exchanges of natural gas with Pacific at wellhead connections in the San Juan Basin in the maximum amount of 100,840 Mcf per day on a temporary basis, and authorizing El Paso to construct and operate facilities for the transportation and sale of natural gas under one of three proposed plans, designated alternate Plans A, B, and C, as hereinafter described and as more fully described in the application.

Under alternate Plan A, El Paso proposes to construct and operate facilities for the transportation of 500,000 Mcf of natural gas per day from the San Juan Basin in northeast New Mexico and southwest Colorado, and 50,000 Mcf from the Permian Basin in west Texas and southeast New Mexico, for the sale and delivery of 70,000 Mcf of additional gas per day to various customers along El Paso's pipeline system in Texas, New Mexico and Arizona, and for the sale and delivery of an additional 225,000 Mcf per day to Pacific Gas and Electric Company (PG&E), an additional 225,999 Mcf per day jointly to Southern California Gas Company, and Southern Counties Gas Company of California (Southern California Companies), and an additional 30,000 Mcf per day to Nevada National Gas Pipe Line Co. (Nevada Natural). El Paso proposes to deliver this additional gas to PG&E and to the Southern California Companies at a point on the Arizona-California boundary near Topock, Arizona. The delivery to Nevada Natural is proposed to be made near Topock, Arizona.

Under alternate Plan B, El Paso proposes to construct and operate facilities for the transportation of 250,000 Mcf of natural gas per day from the San Juan Basin, 50,000 Mcf from the Permian Basin, and the purchase of a maximum of 250,000 Mcf from Pacific at its main line Compressor Station No. 11 at Mountain Home, Idaho. 200,000 Mcf per day of the additional gas from the San Juan and Permian Basins would be sold and delivered to PG&E and to the Southern California Companies on the Arizona-California Boundary near Topock. The sale and delivery of additional gas to Nevada Natural and to the various customers along El Paso's pipeline system in Texas, New Mexico and Arizona would be the same as under alternate Plan A. The 250,000 Mcf of gas per day which El Paso proposes to receive from Pacific at Mountain Home, Idaho, under alternate Plan B, would be sold and delivered by El Paso to PG&E and the Southern California Companies at a point on the Nevada-California boundary near Reno, Nevada.

Under alternate Plan C, El Paso proposes to construct and operate facilities for the transportation and sale of natural gas as set forth in alternate Plan B, except that instead of receiving the 250,000 Mcf of gas per day at Mountain Home and delivering it at the aforesaid point near Reno, El Paso proposes to receive 250,000 Mcf per day from Pacific at a point on Pacific's pipeline near Pendleton, Oregon, and deliver it to PG&E and the Southern California Companies at a point on the California-Oregon boundary near Klamath Falls, Oregon.

The estimated cost of the proposed facilities is $184,750,000 under alternate Plan A; $200,742,000 under alternate Plan B, including $36,454,000 for the proposed Mountain Home-Reno pipeline; $195,528,000 under alternate Plan C, including $31,240,000 for the proposed Pendleton-Klamath Falls Pipeline; and is proposed to be financed by El Paso through the issuance of first mortgage pipeline bonds, cumulative preferred stock, and from funds on hand.

Nevada Natural Gas Pipe Line Co. (Nevada Natural), a Nevada corporation with principal office at Las Vegas, Nevada, filed application on June 3, 1955, for a certificate of public convenience and necessity, under section 7 of the act, authorizing Nevada Natural to construct and operate facilities, consisting principally of approximately 114 miles of loop line and approximately 26 miles of sales laterals and extensions, for the transportation of a maximum of 30,000 Mcf of additional natural gas per day from a connection with the aforesaid facilities of El Paso near Topock, Arizona, for sale to Nevada Southern Gas Company and to California-Pacific Utilities Company for resale in the Las Vegas and Henderson, Nevada, areas, respectively, and for direct sales to additional industrial customers of Nevada Natural in those areas; all as more fully described in the application.

The estimated cost of the proposed facilities is $518,301, to be financed by Nevada Natural through the issuance of first mortgage bonds, and cumulative preferred and common stocks.

Take further notice that these related matters should be heard on a consolidated record, and, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing will be held on July 18, 1955, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 5, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4979; Filed, June 21, 1955; 8:47 a. m.]

[Docket No. G-9034]

TRUNKLINE GAS CO.

ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

By our order issued July 29, 1954, in Docket No. G-2506, we suspended until January 1, 1955, 29 tariff sheets of Panhandle Eastern Pipe Line Company (Panhandle) proposing revision of Panhandle's FPC Gas Tariff. Original Volume No. 1, and an increase in rates and charges of $12,127,684 annually, over and above the rates and charges permitted to become effective as of May 1, 1954, by Opinion No. 269, issued April 15, 1954. The increased rates and charges are based on the 12-month period ending March 1, 1954, and adjusted for "known changes" expected to occur by November 1, 1954.

Included in Panhandle's cost of service submitted in support of the increased rates is the stated cost of substantial volumes of natural gas purchased from Trunkline Gas Company (Trunkline), an affiliate, computed on a cost of service formula type of rate which was prescribed by us In the Matter of Trunkline Gas Supply Co., et al., Docket No. G-882, et al., 9 FPC 721. The working capital component of the cost formula rate base is an allowance represented by the balance of necessary materials and supplies for operating purposes and one-eighth of cash operating expenses, exclusive of gas purchased, for the preceding twelve-month period. Such allowance does not reflect credit for income tax accruals in accordance with our prior rulings which have been approved by the courts. (Alabama-Tennessee Natural Gas Company v. F. P. C., 203 F. 2d 494; Northern Natural Gas Co., v. F. P. C. 206 F. 2d 690, certiorari denied, 346 U. S. 922). Accordingly, in order to determine whether Panhandle's rates, charges, services or classifications are unjust, unreasonable, unduly discriminatory or preferential it is necessary to investigate Trunkline's rates, charges, services and classifications, and any rule, regulation, practice or contact affecting such rates, charges, services or classifications insofar as they relate to working capital.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, on its own motion, concerning the rates, charges, services or classifications demanded, observed, charged or collected by Trunkline in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission, and any rule, regulation, practice or contract affecting such rates, charges, services or classifications insofar as they or any of them relate to working capital as provided in the formula set forth in subparagraph 3.4 (b) of Rate Schedule P-1 of Trunkline's FPC Gas Tariff, Original Volume No. 1.

The Commission orders:

(A) An investigation be and it hereby is instituted on the Commission's own motion for purpose of enabling the Commission:

(i) To determine whether any rate, charge, service or classification demanded, observed, charged, or collected by Trunkline Gas Company for or in connection with the transportation or sale of natural gas subject to the jurisdiction of the Commission or any rule, regulation, practice or contract affecting such rate, charge, services or classification, is unjust, unreasonable, unduly discriminatory or preferential insofar as they or any of them relate to working capital as set forth in subparagraph 3.4 (b) of Rate Schedule P-1 of Trunkline's Gas Tariff, Original Volume No. 1.

(ii) If, after hearing, it shall find that any such rates, charges, services, classifications, rules, regulations, practices or contracts are unjust, unreasonable, unduly discriminatory or preferential, to determine and fix by appropriate order or orders just, reasonable, non-discriminatory or non-preferential, rates, charges, services, classifications, rules, regulations or contracts to be hereafter observed and in force.

(B) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5 and 16 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on June 28, 1955 commencing at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the lawfulness of the rates, charges, classifications and the rules, regulations, practices and services contained in Trunkline's tariff insofar as they or any of them relate to working capital as provided for in the formula set forth in subparagraph 3.4 (b) of Rate Schedule P-1 of Trunkline's FPC Gas Tariff, Original Volume No. 1.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: June 8, 1955.

Issued: June 15, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4980; Filed, June 21, 1955; 8:47 a. m.]

[Docket No. IT-5331]

ARIZONA PUBLIC SERVICE CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

JUNE 15, 1955.

Notice is hereby given that the Arizona Public Service Company has filed an application pursuant to section 202 (e) of the Federal Power Act (16 U. S. C. 824a (e)) for authority to increase the amount of electric energy previously authorized to be exported across the international boundary between the United States and Mexico, adjacent to Agua Prieta, Sonora, Mexico, to Compania de Servicios Publicos de Agua Prieta, S. A., from 3,000,000 kwh annually at a rate not to exceed 600 kw to 4,000,000 kwh annually, at a rate not to exceed 900 kw.

The requested authorization would supersede the authorization granted in the order of the Commission, issued January 28, 1953.

Any person desiring to be heard or to make any protest with reference to such application should, on or before July 1, 1955, file with the Federal Power Commission, Washington, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-4978; Filed, June 21, 1955; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 65]

MOTOR CARRIER APPLICATIONS

JUNE 17, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 703 Sub 7, filed May 20, 1955, HINCHCLIFF MOTOR SERVICE, INC., 3400 South Crawford, Chicago, Ill. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, sand, stone and coal, household goods as defined by the Commission, commodities in bulk commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Indianapolis, Ind., and Cincinnati, Ohio, over U. S. Highway 52, serving no intermediate points, as an alternate or connecting route for operating convenience only in connection with carrier's regular route operations (a) between Chicago, Ill., and Cincinnati, Ohio, and (b) between Chicago, Ill., and Marietta, Ohio; (2) between Cincinnati, Ohio, and Dayton, Ohio, over U. S. Highway 25, serving no intermediate points, as an alternate or connecting route for operating convenience only in connection with carrier's regular route operations (a) between Chicago, Ill., and Cincinnati, Ohio, and (b) between Eaton, Ohio, and LaFayette, Ohio; (3) from Cincinnati, Ohio, to Springfield, Ohio, from Cincinnati over U. S. Highway 42 to junction U. S. Highway 68, thence over U. S. Highway 68 to Springfield, and return over the same route, serving no intermediate points, as an alternate or connecting route for operating convenience only in connection (a) with carrier's proposed regular route operations between Cincinnati, Ohio, and Dayton, Ohio, as described in (2) above, and (b) between Dayton, Ohio, and Springfield, Ohio; (4) between Vincennes, Ind., and Indianapolis, Ind., over Indiana Highway 67, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations (a) between junction U. S. Highways 41 and 52 and Evansville, Ind., and (b) between Chicago, Ill., and Marietta, Ohio; (b) between junction U. S. Highways 30 and 30S and junction U. S. Highway 30S and Ohio Highway 31, over U. S. Highway 30S, serving no intermediate points, as an alternate or connecting route for operating convenience only in connection with carrier's regular route operations (a) between Chicago, Ill., and Cleveland, Ohio, and (b) between Delphos, Ohio, and Newark, Ohio; (6) between junction Ohio Highways 161 and 31, and junction Ohio Highways 161 and 37, near Granville, Ohio, over Ohio Highway 161, serving no intermediate points, as an alternate or connecting route for operating convenience only in connection with carrier's regular route operations (a) between Chicago, Ill., and Marietta, Ohio, and (b) between Delphos, Ohio, and Newark, Ohio; (7) between junction combined U. S. Highways 27 and 33, near Decatur, Ind., and junction Ohio Highways 33 and 4, near Marysville, Ohio, over U. S. Highway 33, as an alternate or connecting route for operating convenience only in connection with carrier's regular route operations (a) between Lafayette, Ind., and Fort Wayne, Ind., and (b) between carrier's proposed regular route operations between Springfield, Ohio, and Sandusky, Ohio, as described in (9) below; (8) from Akron, Ohio, to Cleveland, Ohio, from Akron over Ohio Highway 18 to junction Ohio Highway 176, thence over Ohio Highway 176 to junction U. S. Highway 21, thence over U. S. Highway 21 to Cleveland, and return over the same route, serving no intermediate points, as an alternate or connecting route for operating convenience only in connection with carrier's regular route operations (a) between Lodi, Ohio, and Akron, Ohio, and (b) between Chicago, Ill., and Cleveland, Ohio; and (9) between Springfield, Ohio, and Sandusky, Ohio, over Ohio Highway 4, serving no intermediate points, as an alternate or connecting route for operating convenience only in connection with carrier's regular route operations (a) between Chicago, Ill., and Marietta, Ohio, (b) between junction U. S. Highways 40 and 42, and Mansfield, Ohio, and (c) between Sandusky, Ohio, and Mansfield, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, and Ohio.

No. MC 1641 Sub 34, filed June 7, 1955, RAY PEAKE, doing business as PEAKE TRANSPORT SERVICE, Chester, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank trucks, between points in Kansas and Nebraska. Applicant is authorized to conduct regular route operations in Kansas and Nebraska, and irregular route operations in Iowa, Kansas, Nebraska, and South Dakota.

No. MC 2900 Sub 82, Filed May 16, 1955 (amended), GREAT SOUTHERN TRUCKING COMPANY, A Corporation, 1863 Clarkson Street (P. O. Box 2408), Jacksonville 3, Fla. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Valdosta, Ga. and junction Georgia Highways 94 and 33 over Georgia Highway 94, serving no intermediate points, as an alternate or connecting route in connection with the carrier's regular route operations (a) between Waycross, Ga. and Atlanta, Ga., and (b) between Atlanta, Ga. and Albany, Ga.; (2) between Pelham, Ga., and junction Georgia Highways 93 and 37 over Georgia Highway 93, serving no intermediate points, as an alternate or connecting route in connection with the carrier's regular route operations (a) between Waycross, Ga. and Atlanta, Ga., and (b) between Moultrie, Ga. and Bainbridge, Ga.; (3) between Camilla, Ga., and junction Georgia Highway 93 and U. S. Highway 319 over Georgia Highway 112 between Camilla and Cairo, Ga., and over Georgia Highway 93 between Cairo and junction Georgia Highway 93 and U. S. Highway 319, serving no intermediate points, as an alternate or connecting route in connection with the carrier's regular route operations (a) between Waycross, Ga. and Atlanta, Ga. and (b) between Griffin, Ga. and Williston, Fla.; and (4) between Colquitt, Ga. and Marianna, Fla., from Colquitt over Georgia Highway 91 to the Georgia-Florida State line, thence over Florida Highway 2 to Malone, Fla., thence over Florida Highway 71 to Marianna (also from junction of Florida Highways 2 and 165 over Florida Highway 165 to Greenwood), and return over the same route, serving intermediate points between the Georgia-Florida State line and Marianna. Applicant is authorized to conduct operations in Florida, Georgia, Alabama, North Carolina, South Carolina and Tennessee.

No. MC 3009 Sub 17, filed June 10, 1955, WEST BROTHERS, INC., 706 East Pine, Hattiesburg, Miss. Applicant's attorney: Dudley W. Conner, Conner Bldg., Hattiesburg, Miss. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives, articles of unusual value*, and *household goods as defined by the Commission*, but excluding commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Birmingham, Ala., and Gadsden, Ala., over U. S. Highway 11, and (2) between Gadsden, Ala., and Guntersville, Ala., over U. S. Highway 241, and return over the above routes, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Louisiana, and Mississippi.

NOTE: This case is directly related to MC-F 5996, published this issue.

No. MC 4405 Sub 263, filed March 21, 1955 (amended), published on page 3196, of issue of May 11, 1955, now further amended to reflect substitution of DEALERS TRANSIT, INC., 12933 South Stony Island Ave., Chicago 33, Ill., as applicant therein in lieu of Dealer's Transport Company, a corporation. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. In view of circumstances as set forth in Docket No. MC-F 5772, published on page 5623 of issue of September 2, 1954, there is no necessity for change of docket number; therefore, the application as now amended to reflect said substitution of applicant is still assigned Docket No. MC 4405 Sub 263.

No. MC 113459 Sub 10, filed June 9, 1955, H. J. JEFFRIES TRUCK LINE, INC., P. O. Box 4877, 4720 South Shields Street, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products; *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipe lines; and such *commodities* as require special handling, special rigging, or special equipment because of size, weight or shape, except the stringing and picking up of pipe in connection with main or trunk pipe line (a) between points in Colorado, Utah, and Arizona and (b) between points in Colorado and Wyoming, on the one hand, and, on the other, points in Nebraska and Montana. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Kansas, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota and Texas.

No. MC 15167 Sub 17, filed May 26, 1955, PAUL F. CULLUM, doing business as Cullum Trucking Company, 1281 West Side Ave., Jersey City 6, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Ave., Jersey City 6, N. J. For authority to operate as *contract carrier*, over irregular routes, transporting: *Inedible fish oils, vegetable oils, sea animal oils, paint oils, surface coating compound solutions*, including but not limited to *alkyd resin solutions* and *ester gum solutions*, in bulk, in tank vehicles, (1) from Newark, Elizabeth, and Edgewater, N. J., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee; and (2) from Pensacola, Fla., to points in New Jersey, New York, and Pennsylvania. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

No. MC 18124 Sub 7, Filed May 23, 1955, ALLER & SHARP, INC., 817 West Fifth Avenue, Columbus, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 LeVeque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over a regular route, transporting: *Zinc pigments and oil cloth*, in containers, *newsprint paper, cores* for newsprint paper, *meats, packing house products and supplies, vegetable oil and animal fats, and compounds and products thereof, paper*, other than newsprint paper, *cores* for paper other than newsprint paper, *coated fabrics, oil cloth covered pads, paper cores, hand crimping machines, display racks*, and *advertising matter*, between Chicago, Ill. and junction of Indiana Highway 152 and U. S. Highway 41 and 6, from Chicago, Ill. over the Calumet-Tri-State Expressway to junction of Indiana Highway 152, thence over Indiana Highway 152 to junction of U. S. Highways 41 and 6, and return over the same route, serving the junction of Indiana Highway 152 and U. S. Highways 41 and 6 for joinder purposes only, as an alternate or connecting route, in connection with carrier's regular route operations (1) between Columbus, Ohio and Chicago, Ill., (2) between Chillicothe, Ohio and Chicago, Ill., and (3) between Chillicothe, Ohio and Hammond, Ind. Applicant is authorized to conduct operations in Ohio, Illinois, Indiana, Kentucky, and West Virginia.

No. MC 42487 Sub 297, filed June 7, 1955, CONSOLIDATED FREIGHTWAYS, INC., 2029 NW. Quimby Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk* (except liquid petroleum products, in bulk, in tank vehicles), and *those requiring special equipment* (1) between Portland, Oreg., and Hubbard, Oreg., from Portland over U. S. Highway 99W to junction Oregon Highway 57, thence over Oregon Highway 57 to junction Oregon Highway 51, thence over Oregon Highway 51 to junction U. S. Highway 99E, thence over U. S. Highway 99E to Hubbard, and return over the same route, serving all intermediate points; (2) between North Junction Salem, Oreg., By-Pass and U. S. Highway 99E and South Junction Salem, Oreg., By-Pass and U. S. Highway 99E, over Salem By-Pass, serving no intermediate points; (3) between North Junction unnumbered highway and U. S. Highway 99E and South Junction unnumbered highway and U. S. Highway 99E over unnumbered highway via Jefferson, Oreg., serving the intermediate point of Jefferson, Oreg., (4) between Eugene, Oreg., and Goshen, Oreg., from Eugene over U. S. Highway 126 to junction Oregon Highway 225, thence over Oregon Highway 225 to junction U. S. Highway 99 at or near Goshen, and return over the same route, serving all intermediate points; (5) between Anlauf, Oreg., and Rice Hill, Oreg., over Oregon Highway 45 via Drain, Oreg., serving all intermediate points; and (6) between Oakland, Oreg., and Shady Point, Oreg., over Oregon Highway 234, serving all intermediate points. Applicant is authorized to conduct operations in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington and Wisconsin.

No. MC 50034 Sub 22, filed June 8, 1955. COURIER EXPRESS, INC., 115 Montgomery St., Logansport, Ind. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unsual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Sterling Plant of the Ford Motor Company (Chassis Parts Division) located at or near the intersection of Mound Road

and Seventeen Mile Road in Sterling Township, Macomb County, Mich., as an off-route point, in connection with regular route operations to and from Detroit, Mich., and the commercial zone thereof over U. S. Highways 25 and 112. Applicant is authorized to conduct operations in Indiana, Michigan, and Ohio.

No. MC 65699 Sub 3, filed June 7, 1955, BROADWAY TRANSPORT, INC., 2120 South C, P. O. Box 1517, Tacoma, Wash. Applicant's attorney: E. M. Murray, 1012 Rust Building, Tacoma 2, Wash. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from Tacoma, Wash., to Coeur d'Alene, Lewiston, Moscow, St. Maries, Sandpoint, Wallace, Weiser, Boise, Idaho Falls, Twin Falls, and Pocatello, Idaho; Klamath Falls, and Lakeview, Oreg.; and Alameda, Chico, Crescent City, Eureka, Petaluma, Placerville, Red Bluff, Redding, Roseville, Sacramento, San Jose, Santa Clara, Santa Rosa, Stockton, Susanville, Ukiah, Yreka, Yuba City, Vallejo, Woodland, San Francisco, and Oakland, Calif., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity on return. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 66562 Sub 1238, filed June 6, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives and household goods as defined by the Commission*, and excepting commodities of unusual value, commodities requiring special equipment and those injurious or contaminating to other lading, in rail express service, between Newburg, Mo., and Fort Leonard Wood, Mo., from Newburg over county road "P" to junction U. S. Highway 66, thence over U. S. Highway 66 to junction Missouri Highway 17, thence over Missouri Highway 17 to junction with Missouri Avenue, thence over Missouri Avenue to Fort Leonard Wood, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in all 48 states and the District of Columbia.

No. MC 68830 Sub 13, filed June 9, 1955, ROADWAY TRANSIT COMPANY, a corporation, 3601 Wyoming, Dearborn, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those exceeding ordinary equipment or loading facilities, serving the site of the Ford Motor Company plant located north of Detroit, Mich., at Mound Road and 17 Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with regular route operations to and from Detroit, Mich., and the Commercial Zone thereof, over U. S. Highways 25 and 112, and Michigan Highway 17. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania.

No. MC 69051 Sub 2, filed May 27, 1955, (amended), JOSEPH REINHART, INC., RFD #1, St. James, Long Island, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th St., New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prefabricated structures*, and *parts of prefabricated structures*, from Smithtown, Long Island, N. Y., to points in Maine, Massachusetts, Connecticut, Maryland, Pennsylvania, New Hampshire, Rhode Island, Delaware, New York, New Jersey, Vermont, and the District of Columbia. Applicant does not presently hold any authority to transport the commodities specified in this application.

No. MC 73262 Sub 9, filed June 10, 1955, MERCHANTS FREIGHT SYSTEM, INC., 1401 N. 13th St., Terre Haute, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except Class A and Class B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the United States Gypsum Company Plant located approximately two and one-half (2½) miles south of Willow Valley, Ind., as an off-route point in connection with applicant's presently authorized regular route operations between points in Indiana over U. S. Highway 50. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, Kentucky, Ohio, Pennsylvania, and West Virginia.

No. MC 76177 Sub 259, filed May 24, 1955, BAGGETT TRANSPORTATION COMPANY, 2 S. 32d St., Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1624 Eye St., NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Gadsden, Ala., and Fort Payne, Ala., over U. S. Highway 11, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, New Jersey, New York, and Pennsylvania.

No. MC 80430 Sub 75, filed May 20, 1955, GATEWAY TRANSPORTATION CO., a corporation, 2130–2150 South Avenue, La Crosse, Wis. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Albany, Wis., as an off-route point in connection with carrier's regular route operations between Minneapolis, Minn., and Chicago, Ill., over U. S. Highway 12, between Onalaska, Wis., and Chicago, Ill., over U. S. Highway 14, between Dubuque, Iowa, and Elkhorn, Wis., over Wisconsin Highway 11, between Madison, Wis., and Rockford, Ill., over U. S. Highway 51 and Wisconsin Highway 13, between Madison, Wis., and Freeport, Ill., over Wisconsin Highway 69, and between Freeport, Ill., and Delavan, Wis., over Wisconsin Highway 15. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania and Wisconsin.

No. MC 87857 Sub 25, filed June 6, 1955, BRINK'S INCORPORATED, 234 East 24th Street, Chicago 16, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Currency*, for the Federal Reserve Bank of Atlanta, Atlanta, Ga., between Atlanta, Ga., Birmingham, Ala., Jacksonville, Fla., Nashville, Tenn., and New Orleans, La. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 89697 Sub 16, filed June 10, 1955, KRAJACK TANK LINES, INC., 480 Westfield Avenue, Roselle Park, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, (including not restricted to those classified in Ex Parte No. MC 45), in bulk, in tank vehicles, between Philadelphia, Pa., on the one hand, and, on the other, points in Virginia. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and Rhode Island.

NO. MC 96288 Sub 1, LEONARD L. LEIDING, 621 E. Mulberry St., Watseka, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sand, gravel*, and *rock*, (1) between points in Fountain County, Ind., on the one hand, and, on the other, points in Iroquois County, Ill., (2) between points in Jasper County, Ind., on the one hand, and, on the other, points in Iroquois County, Ill., and (3) between points in White County, Ind., on the one hand, and, on the other, points in Iroquois County, Ill. Applicant is authorized to conduct operations in Indiana and Illinois.

No. MC 106965 Sub 79, filed June 3, 1955, M. I. O'BOYLE AND SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Ave., NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fish oils*, in bulk, in tank vehicles, from Baltimore, Md., to points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, and the District of Columbia. Applicant does not presently hold any authority to transport the commodities specified in this application.

No. MC 107011 Sub 2, filed June 14, 1955, LLOYD ATKINSON AND CORNELIA D. ATKINSON, doing business as ATKINSON EXPRESS, Wolf Road, Colonie, Albany County, N. Y. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: (A) *General commodities*, except those of unusual value, and except Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between points in Albany County, N. Y. (2) between points in Albany County, N. Y., on the one hand, and, on the other, points in Rensselaer, Schenectady, and New York Counties, N. Y. (3) from points in Schenectady County, N. Y., to points in Rensselaer County, N. Y. (4) from points in Rensselaer County to points in Columbia, Saratoga, Schenectady, and Washington Counties, N. Y. (5) from points in Saratoga County, N. Y., to points in Rensselaer County, N. Y. (6) between Gloversville, N. Y., and Albany, N. Y., from Gloversville to Johnstown over New York Highway 148, thence over New York Highway 67 to Fort Johnson, N. Y., thence over New York Highways 5 and 5S to Schenectady, N. Y., thence over New York Highway 5 to Albany, N. Y., and return over the same route, serving all intermediate points, (7) between Albany, N. Y., and Waterford, N. Y., over New York Highway 32, serving all intermediate points and the off-route points of Troy and Green Island (Albany County), N. Y. (8) from Johnstown over New York Highway 29 to the junction of New York Highway 147, thence over New York Highway 147 to Scotia, N. Y., and return over the same route, serving all intermediate points and the off-route points of Galway, Hagaman, West Galway, and Perth, N. Y. (9) from Johnstown, N. Y., over New York Highway 148 to Fonda, N. Y., thence over New York Highways 5 and 5S to Scotia, N. Y., and return over the same route, serving all intermediate points, (1) from and to Gloversville (Belt Line), N. Y., from Gloversville over New York Highway 30 to the junction of New York Highway 8, thence over New York Highway 8 and an unnumbered highway to New York Highway 10, thence over New York Highway 10 to junction of New York Highway 29A. thence over New York Highway 29A to Gloversville, serving all intermediate points and the off-route points of Bleecker, Batchellerville, and Edinburg, N. Y. (11) between Caroga Lake and Rockwood, N. Y., over New York Highway 10, (12) from Fonda to Johnstown, N. Y., from Fonda over New York Highways 5 and 5S to Little Falls, N. Y., thence over New York Highway 167 to Dolgeville, thence over New York Highway 29 to junction New York Highway 10, thence over New York Highway 10 to junction of New York Highway 29 at Rockwood, N. Y., thence over New York Highway 29 to Johnstown, and return over the same route, serving all intermediate points and the off-route point of Ephratah, N. Y., and (B) *Commodities dealt in by retail mail order houses*, including *furniture, home appliances and home furnishings*, (1) from points in Albany County, N. Y., to points in Washington County, N. Y., and (2) from points in Rensselaer County, N. Y., to points in Otsego and Schoharie Counties, N. Y. Application MC–F–6000 published in this issue of FEDERAL REGISTER, is a directly related matter. Applicant is authorized to conduct operations in New York.

No. MC 107107 Sub 69, filed June 6, 1955, ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th St., Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products*, and *meat by-products*, from points in Florida, to points in Georgia, South Carolina, North Carolina, and Virginia. Applicant is authorized to conduct operations in Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, and Wisconsin.

No. MC 108298 SUB 17, filed June 6, 1955, ELLIS TRUCKING CO., INC., 430 Kentucky Avenue, Indianapolis, Ind. Applicant's attorney: Harry E. Yockey, Morris Plan Building, Suite 806, 108 East Washington Street, Indianapolis, 4 Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction of Illinois Highways 34 and 145 and U. S. Highway 45 near Harrisburg, Ill., and junction of U. S. Highway 45 and U. S. Highway 145 near Paducah, Ky., and junction of Illinois Highways 34 and 145 and U. S. Highway 45 over U. S. Highway 45 to junction Illinois Highway 145, thence over Illinois Highway 145 to junction of U. S. Highway 45, approximately 8 miles northwest of Paducah, Ky., and return over the same route, as an alternate or connecting route in connection with applicant's authorized regular-route operations between South Bend, Ind., and Memphis, Tenn., and between Vienna, Ill., and Paducah, Ky., serving no intermediate points, but serving the southern junction point at the intersection of U. S. Highway 45 and Illinois Highway 145 for purpose of joinder only. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio and Tennessee.

No. MC 108435 Sub 7, filed June 9, 1955, OSCAR C. RADKE, doing business as RADKE TRANSIT, 600 Grand Avenue, Schofield, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, (1) from points in Iron, Marquette, Dickinson, and Menominee Counties, Mich., to points in Wisconsin, and (2) from points in Wisconsin to points in Gogebic, Ontonagon, Houghton, Keweenaw, Baraga, Iron, Marquette, Dickinson, and Menominee Counties, Mich., and *coke*, from St. Paul, Minn., to points in Marathon County, Wis. Applicant is authorized to conduct operations in Michigan and Wisconsin.

No. MC 108461 Sub 42, filed May 23, 1955, WHITFIELD TRANSPORTATION, INC., 200 West Amador St., P. O. Box 1350, Las Cruces, N. Mex. Applicant's attorney: Loyall G. Kaplan, Suite 924, City National Bank Bldg., Omaha 2, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A, B, and C explosives* and *those classified as dangerous articles*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment (but not excluding those requiring refrigeration), and those injurious or contaminating to other lading, (1) between Las Cruces, N. Mex., and Alamogordo, N. Mex., over U. S. Highway 70, serving all intermediate points, and the off-route points within five (5) miles of U. S. Highway 70, (2) between El Paso, Tex., and Alamogordo, N. Mex., over U. S. Highway 54, serving all intermediate points, and the off-route points within five (5) miles of U. S. Highway 54, and (3) between El Paso, Tex., and White Sands Proving Grounds, N. Mex., from El Paso, Tex., over U. S. Highway 54 to junction unnumbered highway, approximately three (3) miles south of the northern city limits of El Paso, Tex., thence over said unnumbered highway to the White Sands Proving Grounds, and return over the same route, serving no intermediate points.

NOTE: Applicant states that it will provide service to White Sands Proving Grounds and Holloman Air Force Base, N. Mex. Applicant is authorized to conduct operations in New Mexico and Texas.

No. MC 108671 Sub 10, filed May 20, 1955, TARBET TRUCKING, INC., 311 E. 18th Street, Muncie, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Cincinnati, Ohio, and St. Louis, Mo., over U. S. Highway 50, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Muncie, Ind., and St. Louis, Mo., and (b) Muncie, Ind., and Cincinnati, Ohio, (2) between Louisville, Ky., and St. Louis, Mo., from Louisville over U. S. Highway 150 to junction U. S. Highway 50, thence over U. S. Highway 50 to St. Louis, and return over the same route, serving no intermediate points, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between Indianapolis, Ind., and Louisville, Ky., (3) between Indianapolis, Ind., and Peru, Ind., over U. S. Highway 31, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Muncie, Ind.,

and St. Louis, Mo., (b) Muncie, Ind., and Chicago, Ill., and (c) Indianapolis, Ind., and Louisville, Ky., and carrier's connecting route operations between Marion, Ind., and Peru, Ind., (4) between Cincinnati, Ohio, and Wapakoneta, Ohio, over U. S. Highway 25, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Muncie, Ind., and Buffalo, N. Y., (b) Muncie, Ind., and Detroit, Mich., and (c) Muncie, Ind., and Cincinnati, Ohio, (5) between junction Indiana Highway 3 and U. S. Highway 50 at North Vernon, Ind., and Cleveland, Ohio, from junction Indiana Highway 3 and U. S. Highway 50 at North Vernon over U. S. Highway 50 to Cincinnati, Ohio, thence over U. S. Highway 42 to Cleveland, and return over the same route, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between Muncie, Ind., and Buffalo, N. Y., and carrier's alternate route operations between Chicago, Ill., and Fremont, Ohio, (6) between Cleveland, Ohio, and Bryan, Ohio, from Cleveland over U. S. Highway 254 to junction Ohio Highway 57, thence over Ohio Highway 57 to the Ohio Turnpike, thence via the Ohio Turnpike to junction U. S. Highway 127, thence over U. S. Highway 127 to junction U. S. Highway 6 at Bryan, and return over the same route, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between Muncie, Ind., and Cleveland, Ohio, which is a portion of regular route operations between Muncie, Ind., and Buffalo, N. Y., and carrier's alternate route operations between Chicago, Ill., and Fremont, Ohio, (7) between Indianapolis, Ind., and junction U. S. Highways 40 and 42, over U. S. Highway 40, serving no intermediate points, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Muncie, Ind., and St. Louis, Mo., and (b) Indianapolis, Ind., and Louisville, Ky. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, and Pennsylvania.

No. MC 109640 Sub 11, filed May 16, 1955, and amended June 9, 1955, BICE TRUCK LINES, INC., 505 East Main, Laurel, Mont. Applicant's attorney: Jerome Anderson, Electric Building, Billings, Mont. For authority to operate as a *common carrier*, over regular routes, transporting: *Refined petroleum and petroleum products*, in bulk, in tank trucks, from Bozeman, Mont., and the Yellowstone Pipeline Terminal located within the Commercial Zone of Bozeman, Mont., on the one hand, and, on the other, West Yellowstone, Mont., and filling stations, gasoline stations, and bulk plants located within the commercial zone of West Yellowstone, Mont., over U. S. Highway 191. Applicant is authorized to conduct operations in Wyoming, Montana, and Idaho.

No. MC 110190 Sub 24, filed June 6, 1955, PENN-DIXIE LINES, INC., 2000 South George Street, P. O. Box 42, York, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen meats, frozen foods*, and *cheese*, from points in New York on, north and west of New York Highway 7 to points in Alabama, Georgia, Louisiana, Florida, and Mississippi.

No. MC 110193 Sub 23, filed June 6, 1955, SAFEWAY TRUCK LINES, INC., 4625 W. 55th Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington St., Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Omaha, Nebr., to Baltimore, Md., Wilmington, Delaware, and points in Pennsylvania, New Jersey, New York, Massachusetts, Rhode Island, Connecticut and the District of Columbia. Applicant is authorized to conduct operations in New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Illinois, Nebraska, New Jersey, Iowa, Wisconsin, Kansas and Minnesota.

No. MC 111214 Sub 1, filed June 9, 1955, CLARK V. GRAHAM, doing business as CONTRACT TRUCKING COMPANY, 457 Dory Street, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, and *feed ingredients*, between the site of General Mills feed mill, located at Van Winkle, Miss., approximately three (3) miles from Jackson, Miss., on the one hand, and, on the other, points in Alabama, Louisiana, and Mississippi. Applicant is authorized to conduct operations in Mississippi and Tennessee.

No. MC 111301 Sub 4, filed May 25, 1955, L. J. KREUTZER, doing business as KREUTZER MOTOR EXPRESS, 706 Lyndale Street, Mankato, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Stone*, rough and finished, between Mankato and Kasota, Minn., on the one hand, and, on the other, all points in the United States, except those in Washington, Oregon, Idaho, California, Nevada, Utah, and Arizona.

No. MC 112713 Sub 59, filed June 6, 1955, YELLOW TRANSIT FREIGHT LINES, INC., 18 E. 17th St., Kansas City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Sterling Plant of the Ford Motor Company (Chassis Parts Division) located at the northeast intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich., as an off-route point, in connection with regular route operations to and from Detroit, Mich., over Michigan Highway 53. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Michigan, Missouri, Oklahoma, and Texas.

No. MC 114230, filed June 4, 1953 (Reopened for oral hearing), PAUL M. GILLMOR CO., Old Fort, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Bldg., Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Petroleum and liquid petroleum products*, in bulk, in tank trucks, from points in Lucas County, Ohio, to points in that part of the Southern Peninsula of Michigan in and south of the Counties of Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Tuscola, and Huron, and those in that part of Indiana east and north of a line beginning at the Michigan-Indiana State line, thence extending along U. S. Highway 31 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line, including points on the designated highways, and *rejected shipments* of the above-described commodities, from points in the above-specified destination territory to points in Lucas County, Ohio, (2) *Liquid petroleum products*, in bulk, in tank vehicles, from points in Cuyahoga County, Ohio, to points in that part of the Southern Peninsula of Michigan, in and south of the counties of Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Tuscola, and Huron, and those in Indiana on and east of U. S. Highway 31 from the Indiana-Michigan State line to junction U. S. Highway 40, and on and north of U. S. Highway 40 from said junction with U. S. Highway 31 to the Indiana-Ohio State line, (3) *Clay products*, (a) between points in Athens, Carroll, Cuyahoga, Delaware, Franklin, Lucas, Medina, Noble, Perry, Tuscarawas, Stark, Vinton, Wayne, and Wyandotte Counties, Ohio, on the one hand, and, on the other, points in that part of Michigan located on, east and south of a line extending from the Michigan-Indiana State line at U. S. Highway 27, along U. S. Highway 27 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 21, thence along Michigan Highway 21 to the St. Clair River, at Port Huron, Mich., (b) between points in Lawrence County, Pa., on the one hand, and, on the other, points in that part of Michigan located on, east and south of a line extending from the Michigan-Indiana State line at U. S. Highway 27, along U. S. Highway 27 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 21, thence along Michigan Highway 21 to the St. Clair River, at Port Huron, Mich., and those points in that part of Ohio located on, west and north of a line extending from Lake Erie at Ohio Highway 60, along Ohio Highway 60 to junction U. S. Highway 42, thence along U. S. Highway 30–S to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Ohio-Indiana State line. (4) *Petroleum products*, in bulk, in tank vehicles, from points in Lucas County, Ohio, to points in that part of Indiana bounded on the north by Indiana Highway 22 from its junction with U. S. Highway 31 to junction Indiana Highways 22 and 26, thence by Indiana Highway 26 to the

Indiana-Ohio State line, on the east by the Indiana-Ohio State line, from Indiana Highway 26 to U. S. Highway 40, on and south by U. S. Highway 40 from the Indiana-Ohio State line to its junction with U. S. Highway 31, and on and west by U. S. Highway 31 from its junction with U. S. Highway 40 to its junction with Indiana Highway 22, including points on the indicated portions of the highways specified, except those on Indiana Highways 22 and 26 and U. S. Highway 31. (5) *Petroleum products*, in bulk, in tank vehicles, from points in Hancock County, Ohio, to points in that part of Indiana on and east of U. S. Highway 31, extending from the Indiana-Michigan State line through South Bend, Ind., to Indianapolis, Ind., and on and north of U. S. Highway 40 from Indianapolis, through Richmond, Ind., to the Indiana-Ohio State line, including points on the indicated portions of the highways specified. (6) *Clay products* (a) from points in Holmes and Summit Counties, Ohio, to points in that part of Michigan located on, east and south of a line extending from the Michigan-Indiana State line at U. S. Highway 27, along U. S. Highway 27 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 21, and thence along Michigan Highway 21 to the St. Clair River, at Port Huron, Mich., (b) from points in Beaver County, Pa., to points in that part of Michigan located on, east and south of a line extending from the Michigan-Indiana State line at U. S. Highway 27, thence along U. S. Highway 27 to junction Michigan Highway 78, thence along Michigan Highway 78 to junction Michigan Highway 21, and thence along Michigan Highway 21 to the St. Clair River, at Port Huron, Mich., and those points in that part of Ohio located on, west and north of a line extending from Lake Erie at Ohio Highway 60, thence along Ohio Highway 60 to junction U. S. Highway 250, thence along U. S. Highway 250 to junction U. S. Highway 42, thence along U. S. Highway 42 to junction U. S. Highway 30–S, thence along U. S. Highway 30–S to junction Ohio Highway 4, at Marion, Ohio, thence along Ohio Highway 4 to junction Ohio Highway 47, and thence along Ohio Highway 47 to the Ohio-Indiana State line, and (7) *Empty clay products containers*, from points in the above-specified destination territories to the respective origin points. Applicant is authorized to conduct the above-described operations as a contract carrier. (Applicant will be required to make available for cross-examination at the further hearing the witnesses who supported the application at the original hearing.)

No. MC 115138 Sub 2, filed June 6, 1955, AVONDALE TRUCKING COMPANY, INC., 1648 National Bank of Commerce Bldg., New Orleans, La. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dipentine*, in bulk, in tank vehicles, from De Ridder, La., and Picayune, Miss., to Avondale, La.

No. MC 115351, filed May 9, 1955, and amended May 31, 1955, ROBERT W. SOUTH, doing business as SOUTH'S CONTRACT CARRIER, Applicant's attorney: 731 Virginia Ave., Hagerstown, Md. James L. Givan, 925 15th St., NW., Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages* and *returned empty containers*, (1) between Newark, N. J., New York, N. Y., Cumberland, Md., and points in Allegheny County, Pa., on the one hand, and, on the other, Hagerstown, Md., (2) between Baltimore and Hagerstown Md., on the one hand, and, on the other, Cleveland, Ohio, and (3) between Newark, N. J., on the one hand, and, on the other, Cumberland, Md.

No. MC 115390, filed June 6, 1955, MAX WILLENSKY AND FAY WILLENSKY, doing business as NEW YORK DISTRIBUTING COMPANY, 50 Carnation Avenue, Floral Park, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sanitary pads, paper facial and cleansing tissues, wax paper* and *toilet paper*, from Floral Park, (Nassau County), N. Y., to points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset and Union Counties, N. J., points in Rockland County, N. Y., and points in Fairfield County, Conn., and *returned shipments* on return movement.

No. MC 115393, filed June 8, 1955, SAMUEL G. LOMBARDO, 1332 Meadowcreek Lane, Lancaster, Pa. Applicant's attorney: Bernard N. Gingerich, Quarryville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in containers, from Warren County, Pa., to Baltimore, Md.; (2) *anti-freeze*, in containers, *petroleum products*, in containers, and *commodities, in containers used or useful in the blending, processing and sale of petroleum products*, from Baltimore, Md., to Warren County, Pa., and (3) *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, from the above-described destination areas to the above-described origins.

APPLICATION OF MOTOR CARRIERS OF PASSENGERS

No. MC 115387, filed June 5, 1955, FORNELL MOORE, doing business as MOORE'S BUS SERVICE, 4 Lee Heights Street, Portsmouth, Va. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Elizabeth City, N. C., and the Norfolk Naval Shipyard, Norfolk, Va., over U. S. Highway 17, serving all intermediate points. RESTRICTION: Authority applied for herein to be restricted to the transportation of workers employed at Norfolk Naval Shipyard, Norfolk, Va.

No. MC 115392, filed June 6, 1955, EMERY BUS LINES, INC., 351 Boyd Avenue, Martinsburg, W. Va. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Harrisonburg, Va., and Franklin, W. Va., over U. S. Highway 33, serving all intermediate points.

CORRECTIONS

No. MC 55776 Sub 6, filed May 23, 1955, published in the June 8, 1955 issue, page 3973, MID-AMERICA HIGHWAY EXPRESS, INC., 507 Stryker Street, Archbold, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5850 North High Street, Worthington, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products*, and *meat byproducts*, as defined by the Commission in Ex Parte No. MC–38, between points in Fulton County, Ohio, and Boston, Mass., Buffalo, Rochester, Syracuse and Utica, N. Y., and New Castle, Pa. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania and Rhode Island.

No. MC 36874 Sub 1, DAVID GOLD, doing business as GOLD'S EXPRESS, 49 Lowell Ave., West Orange, N. J., appearing on page 3856 issue of June 2, 1955, should read *common carrier* instead of contract carrier.

No. MC 82874 Sub 4, RUSSELL N. MAGAW, doing business as AKRON CARTAGE, 790 West Wilbeth Road, P. O. Box 143, Akron 9, Ohio, appearing on page 3484 issue of May 18, 1955, should show applicant's name as RUSSELL M. MAGAW instead of RUSSELL N. MAGAW.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F–5996. Authority sought for purchase by WEST BROTHERS, INC., 706 East Pine St., Hattiesburg, Miss., of a portion of the operating rights and certain property of MURRAY MOTOR TRANSPORT, INC., 3200 Fifth Avenue South, Birmingham, Ala., and for acquisition by H. E. WEST, VENICE MADELINE WEST, and MC. WEST, Hattiesburg, Miss., of control of said operating rights and property through the purchase. Applicant's attorney: Dudley W. Conner, Conner Building, Hattiesburg, Miss. Operating rights sought to be transferred: *General commodities* with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Birmingham, Ala., and Mobile, Ala., between Selma, Ala., and Montgomery, Ala., between Clanton, Ala., and Mobile, Ala., and between Birmingham, Ala., and Safford, Ala., serving certain intermediate and off-route points. Proviso operation, as a *common carrier* in Alabama. Vendee is authorized to operate in Mississippi, Louisiana and Alabama. Application has been filed for temporary authority under section 210a (b). Application No. MC 3009 Sub-17, published in this issue of the FEDERAL REGISTER, is a directly related matter.

No. MC–F–5997. Authority sought for purchase by R. C. WILLIAMS, INC., 615 Wichita St., Russell, Kans., of a portion of the operating rights and certain property of WESTERN TRUCK AND SUP-

PLY COMPANY, INCORPORATED, 2706 East Central, Wichita, Kans., and for acquisition by R. C. WILLIAMS, Russell, Kans., of control of said operating rights and property through the purchase. Applicant's attorney: J. F. Miller, 500 Board of Trade Bldg., Kansas City, Mo. Operating rights sought to be transferred: *Machinery, equipment, materials,* and *supplies,* used in the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, and their products and byproducts, as a *common carrier,* over irregular routes, between points in Texas on and north of U. S. Highway 66, on the one hand, and, on the other, points in Stevens, Haskell, Grant, Seward, Morton, Stanton, Finney, Kearney, Hamilton, and Meade Counties, Kans., and Cimmaron, Texas, and Beaver Counties, Oklahoma. Vendee is authorized to operate in Colorado, Nebraska, Kansas and Oklahoma. Application has been filed for temporary authority under section 210a (b).

No. MC–F–5998. Authority sought for purchase by NORTHERN PACIFIC TRANSPORT COMPANY, 176 East Fifth St., St. Paul, Minn., of the operating rights of ADAMS, INCORPORATED, 6 North Thirteenth St., Fargo, N. Dak., and for acquisition by NORTHERN PACIFIC RAILWAY COMPANY, St. Paul, Minn., of control of the operating rights through the purchase. Applicant's attorney: Frank S. Farrell, 176 East 5th St., St. Paul, Minn. Operating rights sought to be transferred: *General commodities* except livestock, in collection and delivery service, as a *common carrier,* over irregular routes, between points in Fargo, N. Dak., between points in West Fargo, N. Dak., between points in Moorhead, Minn., and between Fargo and West Fargo, N. Dak., and Moorhead, Minn. Vendee is authorized to operate in Washington, Montana, North Dakota, and Idaho. Application has been filed for temporary authority under section 210a (b).

No. MC–F–5999. Authority sought for purchase by UNION BUS REAL ESTATE COMPANY, McAllen, Tex., of the operating rights and property of EVELYN B. WHEELER, doing business as RANDOLPH FIELD TRANSPORTATION COMPANY, 201 North Alamo St., San Antonio, Tex., and for acquisition by GUY L. MANN, BOWIE GASOLINE COMPANY, CONTINENTAL BUS SYSTEM, INC., TRANSCONTINENTAL BUS SYSTEM, INC., Dallas, Tex., and UNION BUS LINES, INC., McAllen, Tex., of control of the operating rights and property through the purchase. Applicant's attorney: Hollis H. Rankin, Jr., Edinburg, Tex. Operating rights sought to be transferred: *Passengers* and their baggage, as a *common carrier,* over a regular route, between San Antonio, Tex., and Randolph Field, Tex., serving all intermediate points. Vendee is not a motor carrier, but is affiliated with Union Bus Lines, Inc., which is authorized to operate in Texas by virtue of a filing under the Second Proviso of section 206 (a) (1). Application has been filed for temporary authority under section 210a (b).

No. MC–F–6000. Authority sought for purchase by JOHN VOGEL, INC., 11 Pruyn St., Albany, N. Y., of the operating rights and property of CORNELIA ATKINSON and LLOYD ATKINSON, doing business as ATKINSON EXPRESS, Wolf Road, Colonie, N. Y., and for acquisition by JOHN VOGEL, JR., JAMES VOGEL and WILLIAM VOGEL, Albany, N. Y., of control of the operating rights and property through the purchase. Applicants' attorney: John J. Brady, Jr., 75 State St., Albany, N. Y. Operating rights sought to be transferred: *General commodities,* with certain exceptions, including household goods, as a *common carrier,* over regular routes, between Gloversville, N. Y., and Albany, N. Y., and between Gloversville, N. Y., and Speculator, N. Y., serving all intermediate points; also, Proviso operation, as a *common carrier* in New York. Vendee is authorized to operate in New York, New Jersey, Massachusetts, Connecticut, and Pennsylvania. Application has been filed for temporary authority under section 210a (b). Application No. MC–107011 Sub–2, published in this issue of the FEDERAL REGISTER, is directly related matter.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–4994; Filed, June 21, 1955; 8:51 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 29—DPAV–47(a)]

NOTICE OF WITHDRAWAL OF REQUEST TO PARTICIPATE IN ACTIVITIES OF SIGNAL CORPS INTEGRATION COMMITTEE ON HYDROGEN THYRATRON TUBES

The Signal Corps Integration Committee on Hydrogen Thyratron Tubes formed pursuant to section 708 of the Defense Production Act of 1950, as amended, has been dissolved and accordingly the request published in 18 F. R. 5337 on September 2, 1953, to participate in the formation and activities of that Committee in accordance with the Voluntary Plan entitled "Plan and Regulations of Signal Corps Governing the Integration Committee on Hydrogen Thyratron Tubes" transmitted to and accepted by those companies listed in the above cited FEDERAL REGISTER, has been withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies has been likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to that withdrawal.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: June 13, 1955.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 55–5045; Filed, June 20, 1955; 2:42 p. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 30]

TRANSFER OF PROPERTY KNOWN AS PEQUEST FISH CULTURAL STATION, PEQUEST, NEW JERSEY

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated May 31, 1955, that property known as Pequest Fish Cultural Station, Pequest, New Jersey, and more particularly described in said deed, has been transferred from the United States to the State of New Jersey.

2. The above described property is transferred to the State of New Jersey for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

J. E. STRAWSER, *Acting Commissioner of Public Buildings Service.*

JUNE 15, 1955.

[F. R. Doc. 55–5047; Filed, June 21, 1955; 8:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

AMERICAN INVESTMENT & DEVELOPMENT CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June 1955.

In the matter of American Investment & Development Company, 150 Broadway, New York 38, New York.

I. The Commission's public official files disclose that American Investment & Development Company, a Delaware corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 21st day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 7, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–4983; Filed, June 21, 1955; 8:48 a. m.]

[1] Filed as part of the original document.

FRANK W. BENNETT & CO., INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June 1955.

In the matter of Frank W. Bennett & Co., Inc., 30 Broad Street, New York 4, New York.

I. The Commission's public official files disclose that Frank W. Bennett & Co., Inc., a Delaware corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 21st day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 7, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–4984; Filed, June 21, 1955; 8:48 a. m.]

[1] Filed as part of the original document.

R. W. BROUSE & CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Richard W. Brouse, doing business as R. W. Brouse & Co., Stolle Road, Elma, New York.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June 1955.

I. The Commission's public official files disclose that Richard W. Brouse, doing business as R. W. Brouse & Co., a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc., a national securities association registered pursuant to section 15A of said act.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange

Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant;

(e) Whether, pursuant to section 15A (l) (2) of the Securities Exchange Act of 1934, it is necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of said section; to suspend the registrant for a period not exceeding twelve (12) months or to expel registrant from membership in the National Association of Securities Dealers, Inc.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 21st day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street, NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 7, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4985; Filed, June 21, 1955; 8:49 a. m.]

JOHN BRIEN BROWN

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June 1955.

In the matter of John Brien Brown, Port Murray, R. D., New Jersey.

I. The Commission's public official files disclose that John Brien Brown, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 21st day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 7, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4986; Filed, June 21, 1955; 8:49 a. m.]

GUARDIAN TRUST CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Security and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of June 1955.

In the matter of Willard J. Hacht, doing business as Guardian Trust Company, 830 Security Building, Phoenix, Arizona.

I. The Commission's public official files disclose that Willard J. Hacht, doing business as Guardian Trust Company, a sole proprietorship, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

[1] Filed as part of the original document.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 21st day of July 1955 at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 14, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4987; Filed, June 21, 1955; 8:49 a. m.]

CHARLES LEONARD KEYES

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June 1955.

In the matter of Charles Leonard Keyes, 151 West 44th Street, New York 18, New York.

I. The Commission's public official files disclose that Charles Leonard Keyes, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 21st day of July 1955 at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 7, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules and practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4988; Filed, June 21, 1955; 8:49 a. m.]

MAX KRUMHOLZ

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June 1955.

In the matter of Max Krumholz, 625 Main Avenue, Passaic, New Jersey.

I. The Commission's public official files disclose that Max Krumholz, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange

[1] Filed as part of the original document.

Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 21st day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 7, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. D. Doc. 55-4989; Filed, June 21, 1955; 8:50 a. m.]

LAWYERS MORTGAGE AND TITLE CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June 1955.

In the matter of Lawyers Mortgage and Title Company, 115 Broadway, New York 6, New York.

I. The Commission's public official files disclose that Lawyers Mortgage and Title Company, a New York corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 21st day of July 1955 at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 7, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer, of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4990; Filed, June 21, 1955; 8:50 a. m.]

[1] Filed as part of the original document.

THRALLS & CO., INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June 1955.

In the matter of Thralls & Co., Incorporated, 37 Wall Street, New York 5, New York.

I. The Commission's public official files disclose that Thralls & Co., Incorporated, a New York corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 21st day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 7, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4991; Filed, June 21, 1955; 8:50 a. m.]

[1] Filed as part of the original document.

POMEROY ENTERPRISES, INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June 1955.

In the matter of Pomeroy Enterprises, Inc., 547 North Arizona Avenue, Chandler, Arizona.

I. The Commission's public official files disclose that Pomeroy Enterprises, Inc., an Arizona corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 21st day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 14, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4992; Filed, June 21, 1955; 8:51 a. m.]

[1] Filed as part of the original document.

[File No. 70-3386]

WEST PENN ELECTRIC CO.

ORDER REGARDING SALE BY REGISTERED HOLDING COMPANY OF CAPITAL STOCK OF NON-UTILITY SUBSIDIARY COMPANY

JUNE 16, 1955.

The West Penn Electric Company ("West Penn"), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the provisions of section 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder with respect to the following described transaction:

West Penn and The Greyhound Corporation ("Greyhound"), which are not affiliates of one another, are affiliates of Penn Bus Company ("Penn Bus"), a non-utility company, by reason of their respective holdings of 10,000 shares (50 percent) each of the outstanding common stock of Penn Bus. Pursuant to a contract dated October 1, 1953, West Penn will sell, on or before November 30, 1955, its holdings of Penn Bus stock to Greyhound for a cash consideration equivalent to one-half of the amount, on the last day of the month preceding the date of the sale, of the total assets less the total liabilities (other than capital stock and unappropriated surplus) of Penn Bus, which consideration as of March 31, 1955, amounted to $146,263. The consideration for the 10,000 shares of Penn Bus stock was determined at arm's-length between West Penn and Greyhound.

The contract for the sale by West Penn of its holdings of Penn Bus stock was executed simultaneously with, and is related to, a contract entered into jointly by The Blue Ridge Transportation Company ("Blue Ridge"), and White Star Lines, Inc. ("White Star"), both of which are direct or indirect subsidiaries of

Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 21st day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 7, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. D. Doc. 55-4989; Filed, June 21, 1955; 8:50 a. m.]

LAWYERS MORTGAGE AND TITLE CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June 1955.

In the matter of Lawyers Mortgage and Title Company, 115 Broadway, New York 6, New York.

I. The Commission's public official files disclose that Lawyers Mortgage and Title Company, a New York corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 21st day of July 1955 at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 7, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer, of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4990; Filed, June 21, 1955; 8:50 a. m.]

[1] Filed as part of the original document.

THRALLS & CO., INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June 1955.

In the matter of Thralls & Co., Incorporated, 37 Wall Street, New York 5, New York.

I. The Commission's public official files disclose that Thralls & Co., Incorporated, a New York corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 21st day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 7, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4991; Filed, June 21, 1955; 8:50 a. m.]

POMEROY ENTERPRISES, INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of June 1955.

In the matter of Pomeroy Enterprises, Inc., 547 North Arizona Avenue, Chandler, Arizona.

I. The Commission's public official files disclose that Pomeroy Enterprises, Inc., an Arizona corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 21st day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 14, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 21, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-4992; Filed, June 21, 1955; 8:51 a. m.]

[1] Filed as part of the original document.

[File No. 70-3386]

WEST PENN ELECTRIC CO.

ORDER REGARDING SALE BY REGISTERED HOLDING COMPANY OF CAPITAL STOCK OF NON-UTILITY SUBSIDIARY COMPANY

JUNE 16, 1955.

The West Penn Electric Company ("West Penn"), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the provisions of section 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder with respect to the following described transaction:

West Penn and The Greyhound Corporation ("Greyhound"), which are not affiliates of one another, are affiliates of Penn Bus Company ("Penn Bus"), a non-utility company, by reason of their respective holdings of 10,000 shares (50 percent) each of the outstanding common stock of Penn Bus. Pursuant to a contract dated October 1, 1953, West Penn will sell, on or before November 30, 1955, its holdings of Penn Bus stock to Greyhound for a cash consideration equivalent to one-half of the amount, on the last day of the month preceding the date of the sale, of the total assets less the total liabilities (other than capital stock and unappropriated surplus) of Penn Bus, which consideration as of March 31, 1955, amounted to $146,263. The consideration for the 10,000 shares of Penn Bus stock was determined at arm's-length between West Penn and Greyhound.

The contract for the sale by West Penn of its holdings of Penn Bus stock was executed simultaneously with, and is related to, a contract entered into jointly by The Blue Ridge Transportation Company ("Blue Ridge"), and White Star Lines, Inc. ("White Star"), both of which are direct or indirect subsidiaries of

West Penn, for the sale of all of their assets and businesses to Greyhound. The contracts between West Penn and its subsidiaries, on the one hand, and Greyhound, on the other hand, are subject to rescission unless all of the transactions are approved by the regulatory authorities having jurisdiction with respect thereto.

No State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the sale by West Penn of the Penn Bus stock; the acquisition of the Penn Bus stock by Greyhound has been approved by order of the Interstate Commerce Commission and no other State commission or Federal regulatory agency has jurisdiction over the acquisition; and the sale by Blue Ridge and White Star of their assets to Greyhound, having been approved by the Interstate Commerce Commission, is exempt from the provisions of the act pursuant to Rule U-8 promulgated thereunder.

The fees and expenses to be paid in connection with the sale by West Penn of its holdings of the Penn Bus stock are estimated as follows:

Payee:	
Legal fees:	
Sullivan & Cromwell	$500
McNees, Wallace & Nurick (Pennsylvania counsel)	350
Miscellaneous	150
Total	1,000

West Penn has requested that the Commission take action on this matter as soon as practicable and that there be no waiting period between the issuance of the Commission's order and the date of its effectiveness.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing thereon having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied, that the fees and expenses to be paid in connection with said transaction, if they do not exceed the amounts estimated, are not unreasonable, that said declaration, as amended, should be permitted to become effective, and that the Commission's order should become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said amended declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-4982; Filed, June 21, 1955; 8:48 a. m.]

[File No. 812-927]

WEALDEN CO.

NOTICE OF FILING REQUESTING ORDER EXEMPTING TRANSACTION BETWEEN AFFILIATED PERSONS

JUNE 16, 1955.

Notice is hereby given that The Wealden Company ("Applicant"), a registered closed-end, non-diversified investment company, has filed an application pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 (the "act") for exemption from the provisions of section 17 (a) (2) thereof in respect of the transactions described below.

Applicant's assets consist solely of cash, United States Government securities and 243,450.9 shares of Common Stock of The Glenn L. Martin Company ("Martin"). Applicant's liabilities consist solely of current liabilities (none of which is represented by notes or other securities). Applicant's securities outstanding consist solely of Common Stock, par value $5 per share, of which 120,000 shares are authorized and 116,484 shares are outstanding.

Applicant proposes to offer to redeem its stock by distributing to each stockholder who wishes to accept the offer 2.07 shares of Common Stock of Martin (owned by the applicant) in redemption of each share of applicant's stock, the stock of applicant owned by stockholders accepting the offer to be surrendered to the applicant and cancelled. Since fractional shares of Martin Common Stock are not issuable, an appropriate adjustment in cash (in lieu of a fractional share of Martin Common Stock) will be made by the applicant to its tendering stockholders, such adjustment to be based upon the closing price of Martin Common Stock on the New York Stock Exchange on a date prior, but as close as practicable, to the date when the offer is first made.

Such offer will be subject to acceptance or rejection by each stockholder of applicant at the option of the stockholder, and each stockholder may tender all or any part of his Wealden stock. It is contemplated that such offer would remain open for acceptance or rejection by each stockholder for approximately thirty days after the mailing thereof. The consummation of the proposed transaction will result, to the extent the offer is accepted, in a liquidation of the applicant, giving those stockholders of applicant who desire to accept the offer an opportunity to acquire directly Common Stock of Martin and to surrender their interest in applicant.

A. C. Allyn and Company, Incorporated and Bear, Stearns & Co. are each affiliated persons of applicant, since each is the beneficial owner of more than 5 percent of the outstanding Common Stock of the applicant. Applicant is informed that each of said persons intends to accept such offer when made and to tender all of their Wealden stock. Mr. Henry G. Lambert (a director and President of applicant) is an affiliated person (an employee) of A. C. Allyn and Company, Incorporated, and Mr. Harris T. Shea (Secretary and Treasurer of applicant) is an affiliated person (a partner) of Bear, Stearns & Co.

Section 17 (a) (2) of the act prohibits, among other things, an affiliated person of a registered investment company or an affiliated person of such a person, from purchasing any security from such registered company, subject to certain exceptions not here material, unless the Commission, upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a). Under the terms of section 17 (b) an exemption shall be granted by the Commission if evidence establishes: That the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act; and that the proposed transaction is consistent with the general purposes of the act. Applicant has requested that the Commission issue an order exempting the transaction from the provisions of section 17 (a) (2) to the extent applicable, pursuant to an order under section 17 (b) of the act.

Notice is further given that any interested person may not later than June 30, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55-4981; Filed, June 21, 1955; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 20 NUMBER 122

Washington, Thursday, June 23, 1955

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 962—FRESH PEACHES GROWN IN GEORGIA

ORDER SUSPENDING CERTAIN PROVISIONS OF MARKETING AGREEMENT, AS AMENDED, AND ORDER, AS AMENDED

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 19 F. R. 2127; 20 F. R. 1635), regulating the handling of fresh peaches grown in the State of Georgia, hereinafter referred to as the "order," and upon the basis of the recommendation of the Industry Committee, established under the order, and upon other available information, it is hereby found and determined:

a. That during the period of this suspension order the provisions of §§ 962.41, 962.54, 962.55, 962.56, and 962.75 of the order will not tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia; and

b. That it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this suspension order until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this order is based became available and the time when this order must become effective is insufficient; and this suspension order relieves restrictions on the handling of fresh peaches grown in the State of Georgia.

It is, therefore, ordered, That during the period beginning at 12:01 a. m., e. s. t., June 24, 1955, and ending at 12:01 a. m., e. s. t., March 1, 1956, the following provisions of the order and regulations thereunder be, and hereby are, suspended:

a. With regard to assessments: § 962.41 *Assessments;*

b. With regard to maturity regulations: § 962.54 *Establishment,* § 962.55 *Modification,* § 962.56 *Suspension,* and § 962.400 *Maturity regulations;* and

c. With regard to reports: § 962.75 *Reports,* § 962.130 *Peaches shipped to adjacent markets,* and § 962.131 *Peaches not subject to regulation.*

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 17th day of June 1955. However, this suspension shall not: Affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise, in connection with any provision of said order, or regulation issued thereunder; release or extinguish any violation of said order, or regulation issued thereunder; or affect or impair any rights or remedies of the United States, the Secretary of Agriculture, or of any other person, with respect to any such violation.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55-5043; Filed, June 22, 1955; 8:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 505—SPECIFIC PROHIBITIONS

AUTHORIZATION OF CERTAIN TRANSACTIONS WITH RESPECT TO COUPONS APPERTAINING TO VESTED NEGOTIABLE BEARER BONDS

There are vested in or transferred to the Attorney General the underlying debts or other obligations evidenced by various negotiable coupons appertaining to negotiable bearer bonds in instances where the coupons have not been reduced to possession by the Attorney General but as to which he has the right to demand and receive payment from the obligor or issuer without presentation of the coupon. Coupons appurtenant to negotiable bearer bonds made payable at the coupon paying department of a large bank are handled in tremendous volume through "clearings" and for practical purposes are treated like currency. Under the normal practice prevailing with respect to payment of bearer coupons, it is impracticable for issuers or their paying agents to check such coupons, in advance of payment, against lists of those coupons where the underlying debts or other

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 17 ($0.55)

Title 32A, Revised Dec. 31, 1954 ($1.50)

Title 38 ($2.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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CODIFICATION GUIDE

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obligations have been so vested or transferred. Double payments may therefore result if the coupons are presented for payment by a person having possession thereof, other than the Attorney General. Section 505.2 is intended to relieve persons delivering and receiving coupons for collection from the necessity of so checking in advance of payment and to provide a means for issuers or paying agents to seek reimbursement for payments erroneously made on such coupons presented by persons other than the Attorney General. Inasmuch as § 505.2 relates to public property, it is hereby found that notice, hearing and suspension of applicability are not required. Accordingly, Part 505 is hereby amended by adding a new § 505.2, reading as follows:

§ 505.2 *Authorization of certain transactions with respect to coupons appertaining to vested negotiable bearer bonds.* (a) The following transactions with respect to any vested coupon as defined in paragraph (b) of this section are authorized subject to subparagraph (5) (i) and (ii) of this paragraph if effected within the United States:

(1) Delivery by any person in the United States of any vested coupon for collection to any person who in the ordinary course of his business forwards for payment coupons appertaining to securities;

(2) Receipt from any person in the United States for collection and forwarding for collection of any vested coupon by any person who in the ordinary course of his business forwards for payment coupons appertaining to securities;

(3) Presentation of any vested coupon to the issuer or its paying agent for payment thereof;

(4) Payment of any vested coupon by the issuer or its paying agent upon condition that within 30 days after presentation for payment, the issuer or its paying agent shall cancel the coupon and give written notice to the person who presented the coupon for payment advising him that the coupon is a vested coupon, specifying the number of the vesting order by which said coupon (or the negotiable bearer bond to which it appertains) was vested pursuant to the Trading With the Enemy Act, as amended (50 U. S. C. App. 1–40), and shall forward a copy of the aforesaid notice to the Office of Alien Property, Washington 25, D. C.; and

(5) Transfer of cash or credit for a vested coupon to any party to any transaction authorized by this section; *Provided*, That:

(i) No transaction referred to in subparagraph (1), (2), (3), (4) or (5) of this paragraph is authorized except upon the condition that the party delivering, forwarding, or presenting any such vested coupon, upon receipt of the notice specified in subparagraph (4) of this paragraph, reimburse the person giving such notice in the amount paid or credited to him by that person.

(ii) No transaction authorized by this section shall operate to transfer title to or to discharge the obligation evidenced by any vested coupon.

(b) *Definition.* As used in this section, the term "vested coupon" means any negotiable coupon evidencing a debt or other obligation vested in or transferred to the Attorney General or appertaining to a negotiable bearer bond evidencing a debt or other obligation vested in or transferred to the Attorney General pursuant to the Trading With the Enemy Act, as amended.

(Sec. 301, 55 Stat. 839; 50 U. S. C. App. 5. E. O. 9193, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp. Interprets or applies E. O. 9788, 11 F. R. 11981; 3 CFR, 1946 Supp.)

Executed at Washington, D. C., on June 17, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 55–5046; Filed, June 22, 1955; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 55]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (20 F. R. 2881, 2973, 3499, 3931), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

Subparagraphs (8) and (10) of paragraph (a), relating to California, are amended to read:

(8) SE. ¼ of SW. ¼ Sec. 32, T. 1 N., R. 5 W., SBBM; E. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM; and W. ½ of NE. ¼ Sec. 25, T. 3 N., R. 6 W., SBBM, in San Bernardino County.

• • • • •

(10) Secs. 20 and 29, T. 2 S., R. 6 E., MDBM, in San Joaquin County.

• • • • •

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in San Bernardino and San Joaquin Counties in California from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 17th day of June 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 55–5050; Filed, June 22, 1955; 8:54 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 621—GLOVES AND MITTENS INDUSTRY, HOMEWORKER REGULATIONS

REGULATIONS OF HOMEWORK IN PARTICULAR INDUSTRIES IN CONTINENTAL UNITED STATES

Correction

In F. R. Document 55–4893, appearing in the issue for Friday, June 17, 1955, at page 4243, make the following change: The heading for Part 621 in column 2, page 4248, should read "Part 621—Gloves and Mittens Industry, Homeworker Regulations".

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

LAKE ST. CLAIR, MICHIGAN

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.185 establishing and governing the use and navigation of a rifle range, extending into Anchor Bay, Lake St. Clair, Michigan, is hereby revoked, as follows:

§ 204.185 *Lake St. Clair; United States Army Rifle Range, Selfridge Field, Mich.* [Revoked.]

[Regs., May 27, 1955, 800.2121 (St. Clair Lake, Mich.)–ENGWO] (Sec. 7, 40 Stat. 266; 44 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, Acting The Adjutant General.

[F. R. Doc. 55–5012; Filed, June 22, 1955; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 146]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DAYTONA BEACH, FLA. Daytona Beach, 34'. SBMLZ-DTV DAB. Procedure No. 1. Amendment 6. Effective: July 9, 1955. Supersedes Amendment 5, dated January 14, 1954. Major changes: Raises procedure turn altitude. Lowers straight-in day minima for +75 and more than 2-engine aircraft.	Daytona Beach VOR	042—4.5	1,100	S side of W course: 281° outbound. 101° inbound. 1,300' within 10 miles.	600	101—2.1	2 engines or less T-dn C-dn S-dn 10 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 2.1 miles climb to 1,400' on E course within 15 miles.
							More than 2 engines T-dn C-dn S-dn 10 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 400-1 800-2	
EL PASO, TEX. International, 3,936'. SBRAZ-VDT ELP. Procedure No. 1. Amendment No. 9. Effective: July 9, 1955. Supersedes Amendment 8, dated May, 5, 1954. Major changes: New format.	Hueco Mt. Fan Marker (final)*	257—18.0	5,000	S side of course: 007° outbound. 257° inbound. 6,500' within 10 miles. Beyond 10 miles not authorized.	5,000	257—4.6	2 engines or less T-dn C-dn S-dn 26 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 4.6 miles make left turn to 125° climb to 5,000' on S course within 25 miles. Procedure turn nonstandard due to terrain N. *Maintain 7,000' until 5 miles W of Hueco Mt. FM. If Hueco Mt. FM not identified maintain 8,000' until over El Paso LFR.
	El Paso VOR	258—0.7	5,000				More than 2 engines T-dn C-dn S-dn 26 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 400-1 800-2	
	Clint Radiobeacon	327—16.0	5,000							
	Newman MHW	177—11.0	5,000							
	Intersection ILS NE course and W course LFR.	077—6.0	5,000							
INDIANAPOLIS, IND. Weir Cook Municipal 796'. SBRAZ-VDT-IND. Procedure No. 1. Effective date: July 9, 1955. Amendment No. 6. Supersedes No. 5, dated April 20, 1954. Major changes: 1. Changes item 11, missed approach altitude to 2,900'. 2. Item 5 revised to conform with policy.	Clayton FM (final)	069—11.0	1,500	S side of W course: 249° outbound. 069° inbound. 2,000' within 10 miles.	1,500	074—3.2	2 engines or less T-dn C-dn S-dn 9 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 3.2 miles climb to 2,900' on E course IND-LFR and proceed to Greenfield Intersection, or as directed by ATC as follows: 1. Climb to 2,200' on S course of IND-LFR within 25 miles. 2. Climb on SW course ILS to 1,900'. Proceed to LOM.
	Indianapolis VOR	170—7.0	2,000				More than 2 engines T-dn C-dn S-dn 9 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 400-1 800-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
YUMA, ARIZ. Yuma County, 213'. SBMRAZ-DTV YUM. Procedure No. 1. Effective: July 9, 1955. Amendment No. 5. Supersedes Amendment No. 4, dated July 6, 1954. Major changes: New format. Change procedure turn direction and distances for standardization; eliminate procedure turn note.	----------	----------	----------	W side N course: 345° outbound. 165° inbound. 3,000' within 10 miles.	2,500	165—5.8	2 engines or less T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	Within 5.8 miles, climb to 3,500' on S course within 20 miles of LFR.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	300-1 600-1½ 800-2	

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
HYANNIS, MASS. Barnstable, 56'. MHW—HYA. Procedure No. 1. Amendment No. 5. Effective date: July 9, 1955. Supersedes Amendment 4, dated May 29, 1954. Major changes: All items revised facility relocated.	----------	----------	----------	E side of course: 063° outbound. 243° inbound. 1,300' within 10 miles. Not authorized beyond 10 miles.	800	243—3.2	2 engines or less T-dn C-dn S-dn 24 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	Within 3.2 miles, make an immediate left climbing turn, return to Hyannis MHW at 1,300'. Facility must be monitored aurally during this procedure. Nonstandard procedure turn to the E to avoid Otis AFB traffic.
KANSAS CITY, KANS. Fairfax, 746'. LOM-MK. Procedure No. 1. April 5, 1954.	SUPERSEDED BY COMBINATION ILS/ADF PROCEDURE NO. 1, AMENDMENT ORIGINAL, EFFECTIVE MAY 28, 1955.									
MORGANTOWN, W. VA. Morgantown, 1,256'. SBMRLZ-MGW. Procedure No. 1. Amendment No. 1. Effective date: July 9, 1955. Supersedes Amendment Original, dated April 15, 1951. Major changes: Procedure published under Part 609.	----------	----------	----------	W side of course: 352° outbound. 172° inbound. 2,600' within 10 miles.	2,100	172—5.6	2 engines or less T-dn C-d C-n	300-1 600-1 600-2	---------- ---------- ----------	Within 5.6 miles, climb to 4,000' on course of 216° within 25 miles of Morgantown LFR. CAUTION: High terrain 4 miles SE of airport.
							S-17 d n	600-1 600-2	---------- ----------	
							A-dn	800-2	----------	

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
NEWPORT, VT. Municipal, 930'. MHW-EFK. Procedure No. 1. Amendment Original. Effective date: July 9, 1955. Facility owned and operated by State of Vermont.	Barton Intersection (NE course Montpelier LFR and 017° course to Newport MHW).	017—22	5,000	W side of course: 049° outbound. 229° inbound. 3,500' within 10 miles. Not authorized beyond 10 miles.	2,500	229—4.3	2 engines or less T-d T-n C-d C-n S-d 23 S-n A-dn	500-1 NA 1,000-1½ NA 700-1 NA NA	500-1 NA 1,000-1½ NA 700-1 NA NA	Within 4.3 miles make a left (E) climbing turn. Return to Newport MHW. Climb to 5,000' on course 049° outbound, 229° inbound within 10 miles of facility, all turns W. IFR climbout procedure: Climb most direct route to MHW. Continue to climb to 3,500' on outbound course, 049° inbound course 229° within 10 miles of facility. Minimum facility departure altitude, 3,500'. Facility must be monitored aurally during this procedure. AIR CARRIER NOTES: Sliding scale and local visibility provisions for landing or takeoff minimums not applicable below 1 mile visibility.

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
EL PASO, TEX. International, 3,936'. BVOR-ELP. Procedure No. 1. Amendment 4. Effective: July 9, 1955. Supersedes Amendment 3, dated May 5, 1954. Major changes: New format.	El Paso LFR	078—0.7	5,000	S side of course: 078° outbound. 258° inbound. 6,500' within 10 miles. Beyond 10 miles not authorized.	5,000	258—5.4	2 engines or less T-dn C-dn S-dn 26 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 5.4 miles turn left to 125° magnetic, climb to 5,000' intercept and proceed on radial 151° within 25 miles. Procedure nonstandard due to terrain N. *Maintain 7,000' until 5 miles W of Hueco Mt. FM. If Hueco Mt. FM not identified maintain 8,000' until over ELP VOR.
	Hueco Mt. Fan Marker (final).*	259—17.0	5,000				More than 2 engines T-dn C-dn S-dn 26 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 400-1 800-2	
INDIANAPOLIS, IND. Weir Cook Municipal, 796'. BVOR-IND. Procedure No. 1. Effective: July 9, 1955. Amendment No. 3. Supersedes Amendment 2, dated April 20, 1954. Major changes: (1) Changed item 11, missed approach altitude to 2,900' and distance to 6.9. (2) Deleted transition 3 and 4 in accordance with policy. (3) Item 5 revised to 10 miles. (4) Item 7 revised to agree with C and G.	Indianapolis LFR	350—7.0	2,000	W side of course: 320° outbound. 140° inbound. 2,100' within 10 miles.	1,600	140—6.9	2 engines or less T-dn C-dn S-dn 13 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 6.9 miles climb to 2,100' on outbound course of 136° from VOR within 25 miles, or as directed by ATC as follows: (1) Climb to 2,900' on E course IND-LFR and proceed to Greenfield Intersection. (2) climb to 2,200' on S course of IND-LFR within 25 miles. (3) climb on SW course ILS to 1,900' proceed to LOM.
	Intersection NW course IND-LFR and 320° course from IND VOR (final).	140—16.0	1,600				More than 2 engines T-dn C-dn S-dn 13 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 400-1 800-2	

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LAFAYETTE, IND. Purdue University, 605'. BVOR-LAF. Procedure No. 1. Effective date: July 9, 1955. Amendment No. 2. Supersedes No. 1, dated January 1, 1955. Major changes: (1) Lower ceiling minimum, day and night. (2) Lower visibility minimum, day only. (3) Lafayette MHW deleted.	----------	----------	----------	E side of course: 128° outbound. 308° inbound. 2,100' within 10 miles.	1,600	308—3.2	2 engines or less T-dn C-d C-n A-dn	300-1 600-1 600-1½ 800-2	300-1 600-1 600-1½ 800-2	Within 3.2 miles, climb to 2,200' on outbound course of 308° within 25 miles of LAF-VOR. CAUTION: Lighted stack 881' mean sea level located approximately 1.5 miles NE of airport. AIR CARRIER NOTES: Paragraphs 26, 27, and 28 of preface pages not applicable for night operations. Day operations using paragraphs 26, 27, and 28 of preface pages not authorized when visibility minimum less than ¾ mile.
ROCKY MOUNT, N. C. Rocky Mount, 97'. VOR-RMT. Procedure No. 1. Amendment—Original. Effective: June 9, 1955.	----------	----------	----------	N side of course: 268° inbound. 88° outbound. 1,400' in 10 miles.	900	268—5.0	2 engines or less T-dn C-d C-n	300-1 500-1½ 500-2	300-1 500-2 500-2	Within 5 miles, climb to 1,600' on radial 268° within 25 miles. AIR CARRIER NOTE: Sliding scale for takeoff or landing not authorized.
							More than 2 engines T-dn C-dn	---------- ----------	300-1 500-2	
							All aircraft A-dn	800-2		
ST. PETERSBURG, FLA. Pinellas County, 10'. BVOR-TPA. Procedure No. 1. Amendment No. 4. Effective: July 15, 1954.	PROCEDURE CANCELED MAY 9, 1955, DUE TO DECOMMISSIONING OF FACILITY.									
YUMA, ARIZ. Yuma County, 213'. BVOR-YUM. Procedure No. 1. Effective: July 9, 1955. Amendment No. 3. Supersedes Amendment 2, dated July 6, 1954. Major changes: New format; change procedure turn direction and distance for standardization; eliminate procedure turn note.	----------	----------	----------	W side of course: 346° outbound. 166° inbound. 3,000' within 10 miles.	2,500	166—7.1	2 engines or less T-dn C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	Within 7.1 miles, climb to 3,500' on outbound course of 166° within 20 miles of VOR.
							More than 2 engines T-dn C-dn A-dn	---------- ---------- ----------	300-1 600-1½ 800-2	

4. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ST. PETERSBURG, FLA. Pinellas County, 10'. TVOR-TPA. TVOR-17. Amendment—Original. Effective: Commissioning of facility about June 16, 1955.	Tampa LFR	274—12.0	1,500	W side of course: 338° outbound. 158° inbound. 1,300' within 10 miles.	700	170—0.5	2 engines or less			Within 0 mile turn right, climb to 1,500' on radial 270° within 25 miles.
							T-dn	300-1	300-1	
							C-dn	700-1	700-1	
							S-dn 17	700-1	700-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	700-1½	
							S-dn 17	----------	700-1	
							A-dn	----------	800-2	

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
DETROIT, MICH. Detroit-Wayne Major, 639'. ILS back course. Procedure No. 2. Effective date: July 9, 1955. Amendment No. 1. Supersedes No. Original, dated: May 7, 1955. Major changes: (1) Deletes reference to ADF MIN item 11 and 12; (2) revise Item 13, last line from 270° to 265°; (3) revise line 4, item 4 to 085°.	Detroit LFR	* or **	046—7.5	2,700	W side NE course: 032° outbound. 212° inbound. 2,700' within 10 miles.	No glide slope	No outer marker	No middle marker	2 engines or less			Within 6 miles, climb to 2,000' on SW course ILS to LOM, or when directed by ATC: (1) Make right turn, climb to 2,000' proceed to FRD radiobeacon; (2) make left turn, climb to 2,300', proceed to Flat Rock Intersection. *Intersection NE course ILS and SVM VOR 118-R. **Intersection NE course ILS and 265° bearing to FRD radiobeacon. Procedure not authorized unless aircraft equipped to receive ILS and VOR or ILS and ADF bearings simultaneously; unless radar positions are obtainable at the above fixes.
	RML LOM	* or **	032—12.0	2,700			2,300 over (*) or (**) 6.0		T-dn	300-1	300-1	
	SVM VOR	* or **	118—17.0	2,700					C-dn	500-1	500-1	
	FRD Radiobeacon	* or **	085—8.5	2,700					S-dn 21-R	500-1	500-1	
	Intersection NE course ILS and NW course QG LFR.	* or **	212—18.0	2,700					A-dn	800-2	800-2	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	500-1½	
									S-dn 21-R	----------	500-1	
									A-dn	----------	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
EL PASO, TEX. International, 3,936'. ILS-IELP. LOM-EL. Combination ILS and ADF. Procedure No. 1. Amendment No. 8. Effective: July 9, 1955. Supersedes Amendment 7, dated February 19, 1955. Major changes: Delete note. New format.	ELP-VOR	OM	318—4.5	5,000	N side of NE course: 038° outbound. 218° inbound. 5,000' within 10 miles. Beyond 10 miles not authorized.	ILS 5,000	5,000—4.3	4,120—0.3	2 engines or less			4.6 miles after passing L/OM turn left to 125° M and climb to 5,000', intercept and proceed S on S course LFR or, when directed by ATC intercept and proceed S on radial 151° within 25 miles. Straight-in ILS minima are 400-¾ when glide slope not utilized. Glide slope touchdown 2,744' from runway end.
	ELP-LFR	LOM	327—4.0	5,000		ADF 4,500 over LOM			T-dn	300-1	300-1	
	Huece Mt. FM	LOM	269—20.0	7,000					C-dn	400-1	500-1	
	Newman MHW	LOM	193—7.5	5,000					S-dn 22 ILS	200-½	200-½	
	Intersection W course ELP LFR and NE course ILS.	LOM	038—6.0	5,000					ADF	400-1	400-1	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	500-1½	
									S-dn 22 ILS	----------	200-½	
									ADF	----------	400-1	
									All aircraft			
									A-dn ILS	600-2	600-2	
									ADF	800-2	800-2	
GREENSBORO, N. C. Greensboro-High Point, 913'. ILS-IGSO. Back course approach. Procedure No. 2. Amendment—Original. Effective: July 9, 1955.	Greensboro LFR	Rebel fix*	166—4.0	2,300	NE side SE course: 138° outbound. 318° inbound. 2,300' within 10 miles. Beyond 10 miles not authorized.	No glide slope			2 engines or less			Climb to 2,300' on NW course of ILS within 20 miles. When directed by ATC turn right, climb to 2,300' on NE course of GSO LFR within 20 miles. *Rebel fix SE course ILS and GSO radial 090°. This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.
	Greensboro BVOR	Rebel fix*	090—4.5	2,100		1,800 over Rebel fix 3.8 miles 318° to runway 32.			T-dn	300-1	300-1	
	Winston Salem LFR	Rebel fix*	096—15.0	2,100					C-dn	400-1	500-1	
									S-dn 32	400-1	400-1	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	500-1½	
									S-dn 32	----------	400-1	
									All aircraft			
									A-dn	800-2		

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.b. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
INDIANAPOLIS, IND. Weir Cook Municipal, 796'. ILS-IND, LOM-IN. Procedure No. 1. Combination ILS and ADF. Effective: July 9, 1955. Amendment No. 7. Supercedes Amendment 6, dated May 10, 1954. Major changes: (1) Changes missed approach altitude, Item 13, to 2,900'; (2) Item 6 revised to 10 miles; (3) radar transitions revised.	IND-VOR	LOM	172—10.0	1,900	S side of SW course: 224° outbound. 044° inbound. 1,900' within 10 miles of LOM.	ILS 1,900 ADF 1,400	1,903—4.3	1,049—0.9	2 engines or less			Within 4.3 miles (ADF) after passing LOM, climb to 2,900' on E course of IND-LFR to Greenfield Intersection or as directed by ATC as follows: (1) climb to 2,200' on S course of IND-LFR within 25 miles; (2) make left turn, climb to 1,900' and proceed to LOM. #Except 2,800' within 3 N. miles of 1,849' TV tower and 2,900' within 3 N. miles of 1,855' TV tower.
	Clayton FM	SW course ILS.	105—8.0	1,900					T-dn	300-1	300-1	
									C-dn	400-1	500-1	
	Clayton FM (ADF)	LOM	085—11.0	1,900					S-dn 4 ILS	200-½	200-½	
	Indianapolis LFR	SW course ILS.	193—4.0	1,900					ADF	400-1	400-1	
	Indianapolis LFR-ADF	LOM	177—3.0	1,900					A-dn ILS	600-2	600-2	
	Intersection E course IND LFR and SW ILS course, or 224° bearing to LOM.	LOM	224—5.0	1,900					ADF	800-2	800-2	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	500-1½	
	Intersection S course IND LFR and SW course ILS or bearing 224° to LOM.	LOM	224—0.4	1,900					S-dn 4 ILS	----------	200-½	
									ADF	----------	400-1	
	Intersection 025° radial IND VOR, SW course ILS (final).	LOM	044—16.0	1,900					A-dn ILS	----------	600-2	
									ADF	----------	800-2	
	Radar terminal area transition altitude; bearings are from radar azimuths rotating clockwise.	280° to 120°	Within 20 N. miles	#2,500								
	Radar terminal area transition altitude; bearings are from radar azimuths rotating clockwise.	120° to 280°	Within 20 N. miles	2,000								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
INDIANAPOLIS, IND. Weir Cook Municipal, 796'. Procedure No. 2. Combination ILS, VOR, and radar using back-course ILS. Effective date: July 9, 1955. Amendment No. 2. Supersedes Proc. No. 2 and 3, Amendment No. 1, dated May 10, 1954. Major changes: (1) Combines Proc. 2 and 3 on one form; (2) revises radar terminal area transitions.	Radar terminal area transition altitudes, bearings are from radar azimuths rotating clockwise from the radar site.**	280° to 120°	Within 20 N. miles	#2,500	N side NE course ILS: 044° outbound. 224° inbound. 2,500' within 10 miles.	No glide slope Minimum altitude over River Intersection* or radar fix inbound on final 1,800'.	No outer marker River Intersection* or radar fix 224—5.0.	No middle marker	2 engines or less			Within 5 miles after passing River* Intersection or radar fix make right turn, climb to 2,000' on W course IND-LFR within 15 miles or, when directed by ARTC, as follows: (1) Climb to 2,100' on NW course IND-LFR within 25 miles; (2) climb on SW course ILS to 1,900' and proceed to LOM. *River Intersection is 283° course to IND-VOR and NE course ILS. **Radar transitions must intercept NE course ILS at least 3 miles NE of River Intersection. When radar is inoperative procedure authorized only for those aircraft equipped to receive VOR and ILS simultaneously, when using radar fix at River Intersection do not descend below 1,800' mean sea level until radar controller has advised passing 5 miles radar fix. #Except 2,800' within 3 N. miles of 1,849' tower and 2,900' within 3 N. miles of 1,855' tower.
	Radar terminal area transition altitudes, bearings are from radar azimuths rotating clockwise from the radar site.**	120° to 280°	Within 20 N. miles	2,000					T-dn	300-1	300-1	
									C-dn	400-1	500-1	
									S-dn 22	400-1	400-1	
									A-dn	800-2	800-2	
	Radar terminal area transition altitude at radar fix indicated.	Approach end Runway 22	224—10.0	VOR fix 1,800 ASR fix 2,300					More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	500-1½	
									S-dn 22	----------	400-1	
									A-dn	----------	800-2	
	Radar terminal area transition altitude at radar fix indicated.	Approach end Runway 22	224—5.0	1,800								
	Indianapolis LFR	SW course ILS	074—4.0	2,300								
	Intersection ILS course and E course IND-LFR.	River Intersection*	044—5.0	2,300								
	Intersection 083° radial IND-VOR and NE course ILS (final).	River Intersection*	224—5.0	1,800								
	Intersection 068° radial IND-VOR and NE course ILS.	River Intersection*	224—12.0	1,800								
	Intersection 060° radial IND-VOR and NE course ILS.	River Intersection*	224—22.0	2,300								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
LUBBOCK, TEX. Municipal, 3,256'. ILS-ILBB. LOM-LB. Combination ILS and ADF. Procedure No. 1. Amendment 3. Effective: July 9, 1955. Supersedes Amendment 2, dated August 2, 1954. Major changes: New format. Raised transition altitudes column 4.	Lubbock VOR	OM	052—5.5	4,500	E side N course: 348° outbound. 168° inbound. 4,500' within 10 miles. Beyond 10 miles not authorized.	ILS 4,500 ADF over LOM 4,000	4,500—4.8	3,400—0.7	2 engines or less T-dn	300-1	300-1	Climb to 5,100' on S course ILS or 4.8 miles after passing LOM (ADF) climb to 5,100' on course of 168° or when directed by ATC turn left, climb to 4,500' on E course of LFR or climb to 4,500' on 110° radial within 25 miles. NOTE: No approach lights. *200-½ authorized in accordance with CAM 40.406-2 (c) (6) (i), note 7. CAUTION: 4,060' mean sea level tower 8.6 miles S of airport on ILS missed approach.
	Lubbock LFR	LOM	051—13.0	4,500					C-dn	400-1	500-1	
	Roundup FM	LOM	088—11.0	4,500					S-dn 17 ILS	*300-¾	*300-¾	
	Intersection 018° radial and N course ILS.	OM	168—6.0	4,500					ADF	400-1	400-1	
	Intersection E course LFR and N course ILS.	LOM	348—6.0	4,500					More than 2 engines T-dn	----------	200-½	
	Intersection 114° radial and N course ILS.	OM	348—6.0	4,500					C-dn	----------	500-1½	
									S-dn 17 ILS	----------	*300-¾	
									ADF	----------	400-1	
									All aircraft A-dn ILS	----------	600-2	
									ADF	----------	800-2	
LUBBOCK, TEX. Municipal, 3,256'. ILS-ILBB. Procedure No. 2 (back course ILS localizer). Amendment 1. Effective: July 9, 1955. Supersedes Amendment—Original, dated July 8, 1954. Major changes: New format.	Lubbock VOR	Broadway Intersection.	138—10.0	5,100	E side S course: 168° outbound. 348° inbound. 5,100' within 10 miles. Beyond 10 miles not authorized.	No glide slope Broadway Intersection 4,600'—4.6 miles.			2 engines or less T-dn	300-1	300-1	Within 4.6 miles, climb to 4,500' on N course ILS or when directed by ATC climb to 4,500' on E course LFR or 110° radial of VOR within 25 miles.
	Lubbock LFR	Broadway Intersection.	100—13.0	5,100					C-dn	400-1	500-1	
									S-35 dn	400-1	400-1	
									A-dn	800-2	800-2	
									More than 2 engines T-dn	----------	200-½	
									C-dn	----------	500-1½	
									S-35 dn	----------	400-1	
									A-dn	----------	800-2	
SHREVEPORT, LA. Greater Shreveport, 251'. ILS-ISHV. Back Course ILS. Procedure No. 2. Amendment—Original. Effective: July 9, 1955.	Shreveport LFR	Forbing Intersection.	172—14.0	1,500	S side SE course: 135° outbound. 315° inbound. 1,400' within 10 miles of Forbing Intersection.	No glide slope 900' at Forbing Intersection 5.9 miles from approach end of Runway 31.			2 engines or less T-dn	300-1	300-1	Within 5.9 miles of Forbing Intersection, climb to 1,400' on NW course of ILS within 25 miles. Back course not approved for automatic approaches. Procedure turn nonstandard due ATC.
	Shreveport VOR	Forbing Intersection.	165—28.0	1,700					C-dn	400-1	500-1	
	Barksdale LFR	Forbing Intersection.	233—9.0	1,400					S-31 dn	400-1	400-1	
	Blanchard Intersection	Forbing Intersection.	135—19.0	1,400					More than 2 engines T-dn	----------	200-½	
	Minden Intersection	Forbing Intersection.	233—24.0	1,700					C-dn	----------	500-1½	
	Caddo Lake Intersection	Forbing Intersection.	135—36.0	1,400					S-31 dn	----------	400-1	
									All aircraft A-dn	800-2	800-2	

6. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

City and State; airport name, elevation; effective date	Radar terminal area; maneuvering altitudes by sectors and limiting distances	Ceiling and visibility minimums: Runway No.	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Precision approach (PAR): 75 m. p. h. or less	Ceiling and visibility minimums: Precision approach (PAR): More than 75 m. p. h.	Ceiling and visibility minimums: Surveillance approach (ASR): 75 m. p. h. or less	Ceiling and visibility minimums: Surveillance approach (ASR): More than 75 m. p. h.	Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished
1	2	3	4	5	6	7	8	9
INDIANAPOLIS, IND. Weir Cook Municipal, 796'. Procedure No. 1. Effective date: July 9, 1955. Amendment No. 3. Supersedes No. 2, dated May 10, 1954. Major changes: (1) Item 2 revised due to 1,855' mean sea level TV tower; (2) item 9 missed approach to Greenfield Intersection raised to 2,900'; (3) procedure changed to new format; (4) distances revised to nautical miles.	Bearings are from radar; azimuths rotate clockwise from radar site: 280° to 120°, 2,500' (except 2,800' within 3 N. miles of 1,849' tower and 2,900' within 3 N. miles of 1,855' tower). 120° to 280°, 2,000' within 20 N. miles.	All runways	2 engines or less T-dn	----------	----------	300-1	300-1	Runways 4, 9, 13, 18, climb to 2,900' on E course IND LFR and proceed to Greenfield Intersection or as directed by ATC as follows: (1) Climb to 2,200' on S course of IND LFR within 25 miles; (2) climb on SW course ILS to 1,900'; proceed to LOM. Runways 22, 27, 31, 36, climb to 2,000' on W course of IND LFR within 15 miles of station or as directed by ATC as follows: (1) Climb on SW course ILS to 1,900', proceed to LOM; (2) climb to 2,100' on NW course of IND LFR within 25 miles of station. *ASR straightin approach minimums higher on Runway 22 because of ground clutter.
			A-dn	----------	----------	800-2	800-2	
		4, 9, 13, 18, 27, 31, 36.	S-dn	----------	----------	400-1	400-1	
			C-dn	----------	----------	500-1	500-1½	
		22	*S-dn	----------	----------	500-1½	500-1½	
			C-dn	----------	----------	500-1½	500-1½	
		All runways	More than 2 engines T-dn	----------	----------	----------	200-½	
			A-dn	----------	----------	----------	800-2	
		4, 9, 13, 18, 27, 31, 36.	S-dn	----------	----------	----------	400-1	
			C-dn	----------	----------	----------	500-1½	
		22	*S-dn	----------	----------	----------	500-1½	
			C-dn	----------	----------	----------	500-1½	

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-4532; Filed, June 22, 1955; 8:45 a. m.]

[Amdt. 147]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
MIDLAND, TEX. Air Terminal, 2,867'. BMRLZ-DVT MAF. Procedure No. 1. Amendment 7. Effective: July 16, 1955. Supersedes Amendment 6, dated March 24, 1954. Major changes: New format. Raises procedure turn and transition altitudes; increases missed approach limiting distance.	Midland VOR	200—9.0	4,200	S side of SW course: 229° outbound. 049° inbound. 4,300' within 10 miles. Beyond 10 miles not authorized.	3,800	049—3.8	2 engines or less			Within 3.8 miles, climb to 4,000' on SE course of LFR within 25 miles. This procedure not approved for ADF approach. *AIR CARRIER NOTE: 300-1 required on Runways 16 L and 34 R.
							T-dn	300-1	300-1	
							C-dn	400-1	500-1	
							S-dn 4	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	(*)	200-½	
							C-dn	----------	500-1½	
							S-dn 4	----------	400-1	
							A-dn	800-2	800-2	
POUGHKEEPSIE, N. Y. Dutchess County, 166'. SBRAZ-DTV POU. Procedure No. 1. Amendment No. 6. Effective date: July 16, 1955. Supersedes Amendment 5, dated April 29, 1954. Major changes: Adds night minimums for non-air carrier operations.	West Point Intersection (final).	028—8	2,100	E side of S course:* 208° outbound. 028° inbound. 2,600' within 10 miles. Not authorized beyond 10 miles.	2,100	002—5.4	2 engines or less			Within 5.4 miles, climb to 3,000' on N course within 20 miles. *Shuttle to 3,000' on N course within 20 miles. AIR CARRIER NOTE: This procedure authorized for day only.
							T-dn	300-1	NA	
							C-dn	600-1½	NA	
							A-dn	800-2	NA	

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
WILMINGTON, N. C. New Hanover County, 31'. BMH-1MN. Procedure No. 2. Amendment 4. Effective: July 16, 1955. Supersedes Amendment 3, dated May 21, 1954. Major changes: Add initial approach from VOR.	Wilmington VOR	203—6.0	1,300	W side of NW course: 341° outbound. 161° inbound. 1,200' within 10 miles.	500	On airport	2 engines or less			Within 0 mile climb to 1,600' on course of 161° within 25 miles.
							T-dn	300-1	300-1	
							C-dn	500-1	500-1	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							All aircraft			
							A-dn	800-2		

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
HOULTON, MAINE. Municipal, 493'. BVOR-HUL. Procedure No. 1. Amendment, Original. Effective date: July 16, 1955.	----------	----------	----------	E side of course: 219° outbound. 039° inbound. 2,000' within 10 miles.	1,500	039—5.5	2 engines or less			Within 5.5 miles climb to 2,000' on 039° course of the Houlton VOR, then make a left turn and return to the Houlton VOR at 2,500'.
							T-dn	500-1	500-1	
							C-d	700-1	700-1	
							C-n	700-1½	700-1½	
							S-dn 5	700-1	700-1	
							A-dn	1,000-2	1,000-2	
							More than 2 engines			
							T-dn	----------	500-1	
							C-d	----------	700-1½	
							C-n	----------	800-2	
							S-dn 5	----------	700-1	
							A-dn	----------	1,000-2	
MIDLAND, TEX. Air Terminal, 2,867'. BVOR-DTV MFR. Procedure No. 1. Amendment 3. Effective: July 16, 1955. Supersedes Amendment 2, dated Mar. 24, 1954. Major changes: Raises procedure turn and transition altitudes; changes missed approach course.	Midland LFR	020—9.0	4,200	W side of course: 360° outbound. 180° inbound. 4,100' within 10 miles. Beyond 10 miles not authorized.	3,500	180—4.2	2 engines or less			Within 4.2 miles climb to 4,000' on radial 150° within 25 miles. *AIR CARRIER NOTE: 300-1 required on Runways 16 L and 34 R.
							T-dn	300-1	300-1	
							C-dn	400-1	500-1	
							S-dn 16R	400-1	400-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	(*)	200-½	
							C-dn	----------	500-1½	
							S-dn 16R	----------	400-1	
							A-dn	----------	800-2	

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
LITTLE ROCK, ARK. Adams Field, 257'. ILS-LLIT. LOM-LI. Combination ILS and ADF. Procedure No. 1. Amendment—Original. Effective: Commissioning of facility, about July 16, 1955.	Little Rock LFR	LOM	253—7.0	1,800	S side SW course: 220° outbound. 040° inbound. 1,800' within 10 miles.	ILS 1,800 / ADF 1,300 over LOM 900 over MM%	1,784—5.3	496—0.7	2 engines or less			Climb to 1,800' on NE course of ILS or within 5.3 miles of LOM (ADF) climb to 1,800' on course of 040° within 25 miles. No approach lights. 300-1 required for takeoff Runways 18, 36, 32. % Descent below 900' not authorized unless MM or LMM received. 500-1 required when G/S not utilized.
	Little Rock VOR	OM	257—7.0	1,800					T-dn	300-1	300-1	
	Lakeside Intersection	LOM	353—6.0	1,800					C-dn	500-1	600-1	
	Mabelvale Intersection	OM	040—4.0	1,800					S-dn 4 ILS	300-¾	300-¾	
	City Intersection	LOM	160—6.0	1,800					ADF	500-1	500-1	
	N. Little Rock Intersection.	OM	220—29.0	1,800					More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	600-1½	
									S-dn 4 ILS	----------	300-¾	
									ADF	----------	500-1	
									All aircraft			
									A-dn ILS ADF	600-2 / 800-2		
MIDLAND, TEX. Air Terminal, 2,867'. ILS-IMAF. LMM-AF. Combination ILS and ADF. Procedure No. 1. Amendment 6. Effective: July 16, 1955. Supersedes Amendment 5, dated April 22, 1954. Major changes: New format. Transition and procedure turn altitudes increased.	Midland VOR	LMM	184—6.0	4,200	S side of SW course: 223° outbound. 043° inbound. 4,300' within 10 miles. Beyond 10 miles not authorized.	ILS 4,010 / ADF 3,800 over OM 3,300 over LMM	4,010—4.7	3,070—0.7	2 engines or less			Climb to 4,400' on NE course ILS, 0.7 mile after passing LMM (ADF) climb to 4,400' on course of 043° within 25 miles. When directed by ATC turn right, climb to 4,000' on SE course LFR or radial 150° within 25 miles. If OM not received altitude over LMM is 3,800' and straight-in minima not authorized. 400-¾ required when glide slope not utilized. *300-1 required Runways 16 L and 34 R.
		OM	199—10.0	4,200					T-dn	300-1	300-1	
	Midland LFR	OM	189—0.9	4,000					C-dn	400-1	500-1	
		LMM	052—3.0	4,000					S-dn 4 ILS	200-½	200-½	
									ADF	400-1	400-1	
									More than 2 engines			
									T-dn	(*)	200-½	
									C-dn	----------	500-1½	
									S-dn 4 ILS	----------	200-½	
									ADF	----------	400-1	
									All aircraft			
									A-dn ILS	600-2	600-2	
									ADF	800-2	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less	Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h.	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12	13
WILMINGTON, N. C. New Hanover County, 31'. ILS-IIMN. LOM-IM. Combination ILS and ADF. Procedure No. 1. Amendment 1. Effective: July 16, 1955. Supersedes amendment original, dated November 3, 1954. Major changes: Adds Wilmington VOR transition.	Wilmington Radiobeacon	LOM	162—6.0	1,300	E side of S course: 163° outbound. 343° inbound. 1,400' within 10 miles.	ILS 1,400 / ADF over LOM 800	1,385—5.4	230—0.6	2 engines or less			Climb to 1,300' on N course of ILS or 5.4 miles after passing LOM (ADF) climb to 1,300' on course of 343° within 25 miles. No approach lights. *400-¾ required when glide slope not utilized. ‘200-½ authorized in accordance with CAM 40.406.2 (c) (6) (i), note 7.
	Wilmington VOR	LOM	182—11.0	1,300					T-dn	300-1	300-1	
									C-dn	500-1	500-1	
									S-dn 34 ADF	400-1	400-1	
									*ILS	300-¾	300-¾	
									More than 2 engines			
									T-dn	----------	200-½	
									C-dn	----------	500-1½	
									S-dn 34 ADF	----------	400-1	
									*ILS	----------	300-¾	
									All aircraft			
									A-dn	800-2		

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-4739; Filed, June 22, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6269]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RONALD LEVINE ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition: Wool Products Labeling Act;* § 13.1325 *Source or orgin:* Maker or seller, etc.: *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1900 *Source or orgin:* Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of girls' coats or other "wool products", as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding such products by: 1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein; 2. failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product, of any non-fibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; and 3. failing to separately set forth on the required stamp, tag, label, or other means of identification, the character and amount of the constituent fibers of the interlinings of any such wool product; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68e) [Cease and desist order, Ronald Levine, etc., et al., d. b. a. Stanley Girl Coat Co. and Princess Nell Girl Coat, New York, N. Y., Docket 6269, May 7, 1955.]

In the Matter of Ronald Levine, Also Known as Ronald Loring, Stanley Levine, Also Known as Stanley Loring, Each Individually and as Copartners Trading and Doing Business as Stanley Girl Coat Co., and Princess Nell Girl Coat

This proceeding was heard by Loren H. Laughlin, hearing examiner, upon the complaint of the Commission which charged respondents with having violated the Federal Trade Commission Act and the Wool Products Labeling Act of 1939 and the rules and regulations promulgated under the latter, and upon a

written stipulation, which was entered into by respondents with counsel supporting the complaint, waived the filing of an answer and agreed that a consent order against the respondents be entered in the matter in terms identical with those contained in the Notice issued and served on respondents as a part of the complaint, and was approved in writing by the Director and Assistant Director of the Commission's Bureau of Litigation.

By the terms of said stipulation, it was provided, among other things, that respondents admitted all the jurisdictional allegations of the complaint and agreed that the record might be taken as if the Commission had made findings of jurisdictional facts in accordance therewith; that the parties expressly waived a hearing before the hearing examiner or the Commission and all further and other procedure to which the respondents might be entitled under the Federal Trade Commission Act or the rules of practice of the Commission; that the order to cease and desist issued in accordance with said stipulation should have the same force and effect as if made after a full hearing, the parties having waived specifically therein any and all right, power, or privilege to challenge or contest the validity of said order; that the complaint in the matter might be used in construing the terms of the order provided for; and that the signing of the stipulation was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Thereafter, said Stipulation for Consent Order, as thus approved, having been submitted to said hearing examiner for his consideration in accordance with Rule V of the Commissioner's rules of practice, said examiner made his initial decision in which he set forth the aforesaid matters; upon due consideration of the complaint and the Stipulation for Consent Order, which he accepted and ordered filed as part of the record in the matter—it having been stipulated that they should be the entire record on which such order might be entered—found that the Commission had jurisdiction of the subject matter of the proceeding and of each and both of the parties respondent, both individually and as copartners under the trade names stated; that the complaint stated a legal cause for complaint under the aforesaid acts and rules and regulations, against said respondents, both as an entity and in each of the particular violations alleged therein; that the proceeding was in the interest of the public; that the order to be issued, as proposed in said stipulation, was appropriate for the disposition of the proceeding, the same to become final when it became the order of the Commission; and that said order should therefore be entered; and in which, accordingly, he entered the same.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated May 6, 1955, became, on May 7, 1955, pursuant to Rule XXII of the Commission's rules of practice, the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That the respondents Ronald Levine, also known as Ronald Loring, and Stanley Levine, also known as Stanley Loring, individually and trading and doing business under the several firm names of Stanley Girl Coat Company and Princess Nell Girl Coat, or under any other name or names, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of girls' coats or other "wool products," as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product, of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to separately set forth on the required stamp, tag, label, or other means of identification, the character and amount of the constituent fibers of the interlinings of any such wool product.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act of the rules and regulations promulgated thereunder.

By said "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 6, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-5039; Filed, June 22, 1955; 8:52 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

EVERGLADES NATIONAL PARK

Subparagraph (5) *Surface use restrictions*, of paragraph (j), *Mining*, of § 20.45 *Everglades National Park*, is amended by adding the following language reading as follows: "The right to explore for or extract gas, oil, or other minerals from lands upon which there are mineral reservations shall be exercised in such manner that surface operations therefor will at no time come within 500 feet of any structure, road, or facility used for park purposes."

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 8th day of June 1955.

[SEAL] CONRAD L. WIRTH, *Director, National Park Service.*

[F. R. Doc. 55-5031; Filed, June 22, 1955; 8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

APPLICABILITY OF RESTRICTIONS; STATE CERTIFICATION

Part 13 is hereby amended by adding at the end thereof the following new sections:

§ 13.7 *Applicability of restrictions.* The provisions of § 13.5 (b), insofar as the applications referred to therein may contain terms and conditions inconsistent with the provisions of section 203 (j) (4) of the act, and the provisions of paragraphs (c) through (i) of § 13.6, shall not apply with respect to any single item of property donated in accordance with this part which has an acquisition cost of less than $2,500.

§ 13.8 *State certification.* No property shall be allocated to a state or transferred to an eligible applicant unless the Department has received from an appropriate State agency or official a certification that such property is usable and needed for educational or public health purposes in the state.

(Sec. 203, 63 Stat. 385, as amended; 40 U. S. C. 484)

Dated: June 17, 1955.

[SEAL] ROSWELL B. PERKINS, *Acting Secretary.*

[F. R. Doc. 55-5014; Filed, June 22, 1955; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket 3666; Order 19]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of June 1955.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831–835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in Notice No. 19 and appendix entered on April 1, 1955, in this proceeding certain amendments to the said rules were proposed with an opportunity being given to interested parties for the submission of objections, if any, to such proposed amendments.

And it further appearing, that objections having been filed to some of the said proposed amendments such amendments have been withdrawn from the notice of April 1, 1955, and are the subject of an informal conference as set forth in Notice No. 19 dated May 16, 1955, whereas consideration being given herein only to the remaining amendments contained in said notice of April 1, 1955, to which no objections have been filed;

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles to which no objections have been filed in this proceeding be, and they are hereby, amended as follows:

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5, commodity list (15 F. R. 8264, 8266, 8267, 8271, 8272, Dec. 2, 1950) (19 F. R. 6267, Sept. 29, 1954) (49 CFR 1950 Rev., 1954 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Automobiles, motorcycles, tractors or other self-propelled vehicles, engines or other mechanical apparatus, with charged electric storage batteries, wet.	See § 73.250			
Batteries, electric storage, wet, with automobiles, auto parts, engines or other mechanical apparatus.	Cor. L	73.250, 73.260	White	No limit.
Detonating fuzes, class A	Expl. A	No exemption, 73.69		Not accepted.
Detonating fuzes, class A, radioactive	Expl. A	No exemption, 73.69		Do.
Fuzes, detonating, class A	Expl. A	No exemption, 73.69		Do.
Fuzes, detonating, class A, radioactive	Expl. A	No exemption, 73.69		Do.
Thorium metal, powdered	F. S	73.226	Yellow	25 pounds.
(Add)				
Detonating fuzes, class C	Expl. C	No exemption, 73.113		150 pounds.
Fuzes, detonating, class C	Expl. C	No exemption, 73.113		Do.
*Resin solution	F. L	73.118, 73.119	Red	55 gallons.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Add paragraph (f) to § 73.22 (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.22, 1950 Rev.) to read as follows:

§ 73.22 *Specification containers prescribed.* * * *

(f) Where the regulations require spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) metal drums, spec. 37D, 37E, 37F, 37G, and 37H metal drums manufactured prior to effective date of change may be continued in use for commodities and gross weights for which they were previously authorized until further order of the Commission.

2. Amend § 73.31 (g), Notes 1 and 2 (20 F. R. 949, Feb. 15, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.31) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* * * *

(g) * * *

NOTE 1: Periodic retests of metal tanks, safety valves, and heater systems of tank cars, except as provided in Note 2, except those in chlorine service, and except tanks made to specification 106A500, 106A500X, 106A800, 106A800X, or 107A (§§ 78.275, 78.276, or § 78.277 of this chapter) now required to be made as prescribed in paragraph (g) of this section, may be waived because of the present emergency and until September 30, 1955, or until further order of the Commission.

NOTE 2: Periodic retest of metal tanks, safety valves, and heater systems of specification 103A, 103A-W, 103C, 103C-W, and 103C-AL (§§ 78.266, 78.281, 78.268, or § 78.283 of this chapter) tank cars, now required to be made as prescribed in paragraph (g) of this section, may be made at 5-year intervals up to 10 years of service, thereafter at 3-year intervals up to 22 years of service, and annually after 22 years of service until September 30, 1955, or until further order of the Commission.

* * * * * *

3. In § 73.34 amend the introductory text of paragraph (k) (19 F. R. 1276, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.34) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* * * *

(k) The tests prescribed by paragraph (j) of this section must be in accordance with the following table and exceptions thereto.

* * * * * *

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Add paragraph (r) to § 73.51 (15 F. R. 8285, Dec. 2, 1950) (49 CFR 73.51, 1950 Rev.) to read as follows:

§ 73.51 *Forbidden explosives.* * * *

(r) Loaded firearms.

2. Amend § 73.53 (g) (2) (19 F. R. 6267, Sept. 29, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.53) to read as follows:

§ 73.53 *Definition of class A explosives.* * * *

(g) * * *

(2) Detonating fuzes, class A, are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. They may also contain a small amount of radioactive component. Those that are so made and packed that they will not cause functioning of other fuzes, explosives, or explosive devices in the same or adjacent containers are classed as class C explosives.

* * * * * *

3. Amend § 73.59 (a) (15 F. R. 8287, Dec. 2, 1950) (49 CFR 73.59, 1950 Rev.) to read as follows:

§ 73.59 *Chemical ammunition, explosive.* (a) When chemical elements of chemical ammunition are shipped assembled with their ignition elements, bursting charges, detonating fuzes, or explosive components, they must be shipped in conformity with the regulations prescribed for explosive articles, class A, see § 73.56, or explosive articles, class B, see § 73.88. For shipment of these articles not containing ignition elements, bursting charges, detonating fuzes, or other explosive components, see §§ 73.330, 73.350, and 73.383.

* * * * * *

4. Amend entire § 73.69 (17 F. R. 9836, Nov. 1, 1952) (19 F. R. 6267, Sept. 29, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.69) to read as follows:

§ 73.69 *Detonating fuzes, class A, with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supple-*

mentary charges. (a) Detonating fuzes, class A with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges, when shipped not assembled in projectiles, bombs, etc., must be packed and well secured in strong, tight wooden or metal boxes.

NOTE 1: Radiation on the surface of any detonating fuze, class A, having a radioactive component shall not exceed 100 milliroentgens per hour and the radiation at the surface of the outside shipping container shall not exceed 200 milliroentgens per hour.

(b) The gross weight of one outside package containing detonating fuzes, class A, must not exceed 190 pounds. Boosters, bursters and supplementary charges, without detonators, when shipped separately, must not exceed a gross weight of 300 pounds.

(c) Each outside package must be plainly marked "Detonating Fuzes Class A—Handle Carefully—Do Not Store or Load With Any High Explosives", or "Detonating Fuzes Class A, Radioactive—Handle Carefully—Do Not Store or Load With Any High Explosives", or "Boosters (Explosive)—Handle Carefully", or "Bursters (Explosive)—Handle Carefully", or "Supplementary Charges (Explosive)—Handle Carefully", as the case may be.

(d) Detonating fuzes, class A, boosters, bursters, or supplementary charges must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

5. Amend § 73.91 (a) (3) and (g) (1) (18 F. R. 5271, Sept. 1, 1953) (19 F. R. 8525, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.91) to read as follows:

§ 73.91 *Special fireworks.* (a) • • •

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes. Gross weight not to exceed 65 pounds except as provided in subparagraph (5) of this paragraph. Not permitted for illuminating projectiles, toy torpedoes, aeroplane flares, and fireworks shells.

• • • • •

(g) • • •

(1) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or § 78.190 of this chapter) wooden boxes, or spec. 12B (§ 78.205 of this chapter) fiberboard boxes which must be constructed to comply with § 78.205–30 of this chapter. Not more than 20 one-quarter gross cartons totalling not more than 5 gross of toy torpedoes are authorized per fiberboard box. Gross weight of fiberboard box must not exceed 35 pounds. Gross weight of wooden box must not exceed 65 pounds.

• • • • •

6. Add paragraph (a) (3) to § 73.109 (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.109, 1950 Rev.) to read as follows:

§ 73.109 *Toy caps.* (a) • • •

(3) Toy caps, in addition to containers specified in subparagraphs (1) and (2) of this paragraph, may be transported in the package in which they are imported, provided the package consists of a wooden box, metal-lined, in good condition, and weighing not over 100 pounds gross. Inside packages must be as defined in § 73.100 (p).

• • • • •

7. Add § 73.113 (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.113, 1950 Rev.) to read as follows:

§ 73.113 *Detonating fuzes, class C.* (a) Detonating fuzes, class C, are used in the military service to detonate high explosive bursting charges of projectiles, mines, bombs, torpedoes and grenades. They contain a detonator and a quantity of a high explosive. Detonating fuzes, class C, must be made and packed so that they will not cause functioning of other fuzes, explosives or explosive devices if one of the fuzes detonates in a shipping container or in adjacent containers.

(b) Detonating fuzes, class C, must be packed and well secured in strong tight outside wooden or metal boxes. The gross weight of the outside wooden or metal box containing detonating fuzes, class C, must not exceed 190 pounds.

(c) Each outside package must be plainly marked "Detonating Fuzes, Class C—Handle Carefully".

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.119 amend paragraph (k) (3) and add paragraph (k) (4) to § 73.119 (15 F. R. 8300, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* • • •

(k) • • •

(3) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons with welded side seams.

(4) Spec. 42F (§ 78.110 of this chapter). Aluminum barrels or drums.

• • • • •

2. Amend § 73.127 (a) (2) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.127, 1950 Rev.) to read as follows:

§ 73.127 *Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, wet.* (a) • • •

(2) Spec. 6A, 6B, or 6C; or 37A or 37B (single-trip containers not over 5 gallons capacity) (§§ 78.97, 78.98, 78.99, 78.131, or § 78.132 of this chapter). Metal barrels or drums.

• • • • •

3. In § 73.128 amend paragraph (a) (2); cancel paragraph (a) (3) (15 F. R. 8301, 8302, Dec. 2, 1950) (49 CFR 73.128, 1950 Rev.) to read as follows:

§ 73.128 *Paints and related materials.* (a) • • •

(2) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity with welded side seams, irrespective of flash point or viscosity. Because of the present emergency and until further order of the Commission, spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) metal drums of 8½ gallons capacity, with welded side seams and made of 24 gauge metal, are authorized provided flash point of material shipped is above 20° F.

(3) [Canceled.]

• • • • •

4. Amend § 73.129 (a) (2) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.129, 1950 Rev.) to read as follows:

§ 73.129 *Polishes, metal, stove, furniture and wood, liquid.* (a) • • •

(2) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity with welded side seams, irrespective of flash point or viscosity.

• • • • •

5. Amend § 73.135 (a) (2) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.135, 1950 Rev.) to read as follows:

§ 73.135 *Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.* (a) • • •

(2) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal drums (single-trip) with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

• • • • •

6. Amend § 73.136 (a) (2) (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.136, 1950 Rev.) to read as follows:

§ 73.136 *Trichlorosilane.* (a) • • •

(2) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal drums (single-trip) with glass inside containers not over 1 quart capacity each securely closed and cushioned with incombustible absorbent material.

• • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend § 73.154 (a) (2) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.154, 1950 Rev.) to read as follows:

§ 73.154 *Flammable solids and oxidizing materials not specifically provided for.* (a) • • •

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

• • • • •

2. Amend § 73.156 (a) (4) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.156, 1950 Rev.) to read as follows:

§ 73.156 *Barium peroxide and calcium peroxide.* (a) • • •

(4) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

• • • • •

3. Amend § 73.160 (a) (3) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.160, 1950 Rev.) to read as follows:

§ 73.160 *Calcium chlorite and sodium chlorite.* (a) • • •

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

4. Amend § 73.163 (a) (2) and (7) (15 F. R. 8305, Dec. 2, 1950) (19 F. R. 1277, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.163) to read as follows:

§ 73.163 *Chlorate of soda, chlorate of potash, and other chlorates.* (a) • • •

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

NOTE 1: Spec. 37A and 37B. Metal drums for export service, marked for an authorized gross weight of 160 pounds, must be at least 24 gauge metal throughout.

• • • • •

(7) Chlorate of soda is authorized for shipment in steel tank cars, or in tight sift-proof covered hopper cars. Cars must be thoroughly cleaned before loading.

5. Amend § 73.164 (a) (2) (15 F. R. 8305, Dec. 2, 1950) (49 CFR 73.164, 1950 Rev.) to read as follows:

§ 73.164 *Chromic acid.* (a) • • •

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

• • • • •

6. Amend § 73.166 (a) (2) (15 F. R. 8305, Dec. 2, 1950) (49 CFR 73.166, 1950 Rev.) to read as follows:

§ 73.166 *Cobalt resinate, precipitated, calcium resinate, and calcium resinate fused.* (a) • • •

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

• • • • •

7. Amend § 73.175 (a) (3) (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.175, 1950 Rev.) to read as follows:

§ 73.175 *Lacquer base, or lacquer chips, dry.* (a) • • •

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

• • • • •

8. Amend § 73.178 (a) (5) (15 F. R. 8307, Dec. 2, 1950) (49 CFR 73.178, 1950 Rev.) to read as follows:

§ 73.178 *Motion-picture film, old and worn out (not scrap).* (a) • • •

(5) Spec. 6A, 6B, 6C, or 6J; also 37A or 37B (single-trip containers) (§§ 78.97, 78.98, 78.99, 78.100, 78.131, or § 78.132 of this chapter). Metal barrels or drums.

• • • • •

9. In § 73.182 amend the introductory text of paragraph (b) and (b) (4) (19 F. R. 8526, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.182) to read as follows:

§ 73.182 *Nitrates.*

• • • • •

(b) Aluminum nitrate, ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate-carbonate mixture, ammonium nitrate-phosphate, ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating, ammonium nitrate mixed fertilizer,[1] barium nitrate, calcium nitrate, guanidine nitrate, nitrate of soda and potash, potassium nitrate, sodium nitrate, and strontium nitrate, when offered for transportation by rail freight, rail express, highway, or carriers by water, in addition to containers prescribed in paragraph (a) of this section, may be packed as follows:

• • • • •

(4) In bags not exceeding 200 pounds net weight, moisture-proof, made tight against sifting, and of strength not less than bags made of 8-ounce burlap. Ammonium nitrate-carbonate mixtures, calcium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 77.823 of this chapter. Rail shipments must be in clean closed cars which shall be free of loose boards, cracks, holes, or exposed decayed spots; interior of cars must be swept clean and be free of any projections capable of injuring bags; doors of cars must have tight closures; journals and boxes must be in good condition; and ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating, or guanidine nitrate must not be shipped in all-metal cars (see also § 74.541 (a) (1) of this chapter). Highway shipments must be in closed or open type motor vehicles which must be swept clean and be free of any projections capable of injuring bags; and when shipped in open type motor vehicles the lading shall be suitably covered (see also § 77.823 (a) (4) and (5) of this chapter). Water shipments are also subject to Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant, United States Coast Guard (46 CFR Part 146).

10. Amend § 73.184 (a) (4) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.184, 1950 Rev.) to read as follows:

§ 73.184 *Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.* (a) • • •

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity. Welded side seams required.

• • • • •

11. Amend § 73.187 (a) (3) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.187, 1950 Rev.) to read as follows:

§ 73.187 *Peroxide of sodium.* (a) • • •

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

12. Amend § 73.188 (a) (3) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.188, 1950 Rev.) to read as follows:

§ 73.188 *Phosphoric anhydride.* (a) • • •

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

13. Amend § 73.189 (a) (2) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.189, 1950 Rev.) to read as follows:

§ 73.189 *Phosphorus, amorphous, red.* (a) • • •

(2) Spec. 6A or 6B; also 37A or 37B (single-trip containers) (§§ 78.97, 78.98, 78.131, or § 78.132 of this chapter), for gross weight not over 160 pounds. Metal barrels or drums.

14. Amend § 73.191 (a) (2) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.191, 1950 Rev.) to read as follows:

§ 73.191 *Phosphorus pentachloride.* (a) • • •

(2) Spec. 6A, 6B, or 6C; also 37A or 37B (single-trip containers) (§§ 78.97, 78.98, 78.99, 78.131, or § 78.132 of this chapter). "Black iron" metal barrels or drums.

• • • • •

15. Amend § 73.194 (a) (2) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.194, 1950 Rev.) to read as follows:

§ 73.194 *Potassium permanganate.* (a) • • •

(2) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal barrels or drums (single-trip).

16. Amend § 73.195 (a) (2) (20 F. R. 950, Feb. 15, 1955) (49 CFR 73.195, 1950 Rev.) to read as follows:

§ 73.195 *Pyroxylin plastic scrap, photographic film scrap, X-ray film scrap, motion-picture film scrap, or pieces of exposed or unexposed film.* (a) • • •

(2) Spec. 6A, 6B, 6C, or 6J; also 17H, 37A, or 37B (single-trip containers) (§§ 78.97, 78.98, 78.99, 78.100, 78.118, 78.131, or § 78.132 of this chapter). Metal barrels or drums.

• • • • •

17. Amend § 73.198 (a) (3) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.198, 1950 Rev.) to read as follows:

§ 73.198 *Sodium hydride.* (a) • • •

(3) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) with welded side seams and hermetically sealed closure or closure made fast by positive pressure of the lid against a rubber gasket with edge of the lid crimped over the lip of the drum and a protective metal ring fastened around the crimped edge, packed in strong outside wooden boxes.

18. Amend § 73.204 (a) (4) (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.204, 1950 Rev.) to read as follows:

§ 73.204 *Sodium hydrosulfite.* (a) • • •

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip). These containers are not authorized for transportation by carriers by water.

• • • • •

19. Amend § 73.206 (a) (3) and (4), (b) (1), and (c) (2) (15 F. R. 8310, Dec. 2, 1950) (19 F. R. 6268, Sept. 29, 1954) (17 F. R. 1561, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.206) to read as follows:

[1] Applies only to materials classed as dangerous under definition in § 73.150.

§ 73.206 *Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.* (a) • • •

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Authorized only for sodium which must be fused solid in the container.

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip) not exceeding 6 gallons capacity each, with welded side seams and hermetically sealed closure or closure made fast by positive pressure of the lid against a rubber gasket with edge of the lid crimped over the lip of the drum and a protective metal ring fastened around the crimped edge, cushioned on all sides with incombustible packing material, packed in strong outside wooden boxes (see § 73.25). Not more than four inside metal drums shall be packed in one outside wooden box.

• • • • •

(b) • • •

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter). Wooden boxes with inside metal drums, spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) single-trip, having welded side seams, net weight not over 30 pounds, or with inside glass containers, each enclosed in a tin container.

• • • • •

(c) • • •

(2) Spec. 17C, 17H, 37A, or 37B (§§ 78.115, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip) authorized for cylindrical blocks at least 2 inches in diameter and not less than 6 inches in length, or rectangular blocks not less than 6 inches in length and not less than 2 inches in any other dimension. Net weight not over 300 pounds for spec. 17C (§ 78.115 of this chapter) drums; not over 30 pounds for spec. 17H, 37A, or 37B (§§ 78.118, 78.131, or § 78.132 of this chapter) drums.

• • • • •

20. Amend § 73.207 (b) (3). (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.207, 1950 Rev.) to read as follows:

§ 73.207 *Sulfide of sodium or sulfide of potassium, fused or concentrated, when ground.* • • •

(b) • • •

(3) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

• • • • •

21. Amend § 73.208 (b) (2) (16 F. R. 9375, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.208) to read as follows:

§ 73.208 *Titanium metal powder, wet or dry.* • • •

(b) • • •

(2) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal barrels or drums (single-trip) with inside metal drum of not less than 20-gauge metal and with closure secured by positive means. The inside container shall be completely surrounded by not less than 1 inch of incombustible cushioning material.

22. Amend § 73.215 (a) (4) (18 F. R. 6778, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.215) to read as follows:

§ 73.215 *Zirconium or hafnium metal powder or sponge, dry.* (a) • • •

(4) Spec. 17H, 37A, or 37B (§ 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip) not exceeding 30 gallons capacity. Authorized only for zirconium or hafnium metal sponge (not powder).

• • • • •

23. Amend § 73.217 (a) (2) (15 F. R. 8311, Dec. 2, 1950 (49 CFR 73.217, 1950 Rev.) to read as follows:

§ 73.217 *Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.* (a) • • •

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

• • • • •

24. Add paragraph (a) (3) to § 73.224 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.224, 1950 Rev.) to read as follows:

§ 73.224 *Cumene hydroperoxide, dicumyl peroxide, and tertiary butylisopropyl benzene hydroperoxide.* (a) • • •

(3) Spec. 103A or 103A–W (§ 78.266 or § 78.281 of this chapter). Tank cars. Authorized for 75 percent or less cumene hydroperoxide in nonvolatile solution.

25. Amend § 73.225 (a) (3) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.225, 1950 Rev.) to read as follows:

§ 73.225 *Phosphorus sesquisulfide.* (a) • • •

(3) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip). Gross weight not over 425 pounds.

26. Amend § 73.228 (a) (2) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.228, 1950 Rev.) to read as follows:

§ 73.228 *Zinc ammonium nitrite.* (a) • • •

(2) Spec. 17E, 17H, 37A, or 37B (§§ 78.116, 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Gross weight not over 300 pounds.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.242 (b) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.242, 1950 Rev.) to read as follows:

§ 73.242 *Bottles containing acid or other corrosive liquids.* • • •

(b) When bottles containing acid or other corrosive liquids are cushioned by incombustible absorbent material and securely packed in tightly closed metal containers, except hydrofluoric acid which must be packed in a container other than a metal container, they may be packed with other articles. This exception does not apply to nitric acid exceeding 40 percent concentration, perchloric acid, hydrogen peroxide exceeding 52 percent strength by weight, nitrohydrochloric acid, or nitrohydrochloric acid diluted, which must not be packed in the same outside container with any other article under any circumstances.

2. Amend § 73.245 (a) (12) (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.245) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(12) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading, and having threaded closures or other equally efficient type closure, not over 1 gallon capacity each, suitably cushioned to prevent movement within the box. Gross weight of complete package must not exceed 65 pounds.

• • • • •

3. Cancel paragraph (a) (14) to § 73.247 (19 F. R. 3260, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.247)

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) • • •

(14) [Canceled.]

4. Add paragraph (b) to § 73.250 (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.250, 1950 Rev.) to read as follows:

§ 73.250 *Automobiles and other self-propelled vehicles, engines or other mechanical apparatus.* • • •

(b) Engines or mechanical apparatus of such size or weight as to require securement to skids to facilitate handling may have electric storage batteries, wet, necessary for the operation thereof, either securely fastened in the holder provided on the equipment and protected, including battery terminals, in such manner as to prevent damage thereto or short circuits, or completely boxed in containers of sound lumber and with filling holes upright, securely fastened to the skids upon which the engine or mechanical apparatus is mounted to prevent accidental tipping or looseness in transportation. Electric storage batteries, wet, as described herein are exempt from specification packaging.

5. Amend § 73.257 (a) (6) (19 F. R. 6268, Sept. 29, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.257) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) • • •

(6) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant plastic having threaded closures or an inside sealed bag placed in a closed fiber carton inside of a sealed bag or in closed fiber tubes, minimum thickness of polyethylene or other plastic material shall be not less than 0.003 inch for any film sheet; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401 (c) shall not be required. Inside containers of any type shall not exceed 2 quarts capacity each. Inside containers shall be packed to prevent movement within the box. Dry storage batteries or battery charger devices may be packed in the same outside box when adequately separated from inside containers of electrolyte acid, but not more than 4 inside containers of electrolyte acid may be so packed under this provision; gross weight of completed package shall not exceed 65 pounds.

• • • • •

6. In § 73.260 amend the introductory text of paragraph (a) (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.260, 1950 Rev.) to read as follows:

§ 73.260 *Electric storage batteries, wet.* (a) Electric storage batteries, containing electrolyte acid or alkaline corrosive battery fluid, must be completely protected so that short circuits will be prevented; they must not be packed with other articles except as provided in §§ 73.250 and 73.258, portable searchlights properly cushioned, battery parts, or hydrometers, securely packed in a separate container.

• • • • •

7. Amend § 73.263 (a) (14) (18 F. R. 6779, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.263) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, and sodium chlorite solution.* (a) • • •

(14) Spec. 17H, 37A, or 37B (§§ 78.118, 78.131, or § 78.132 of this chapter). Metal drums (single-trip) not over 5 gallons capacity each. Authorized only for hydrochloric (muriatic) acid solution, inhibited, containing not to exceed 15 percent hydrochloric (muriatic) acid. Drums must be lined throughout with a pliable plastic material impervious to the solution. Spec. 37A and 37B (§ 78.131 or § 78.132 of this chapter) metal drums must be at least 24 gauge steel.

• • • • •

8. Amend § 73.264 (a) (8) (17 F. R. 1562, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73,264) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) • • •

(8) Spec. 103A, 103A–W, 104A, 104A–W, 105A300, 105A400, 105A500, 105A600, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or ARA–IV–A1 (§§ 78.266, 78.281, 78.270, 78.285, 78.271, 78.272, 78.273, 78.274, 78.286, 78.287, 78.288, 78.289). Unlined metal tank cars which have been subjected to adequate passivity or neutralization process. (See Note 1 to subparagraph (7) of this paragraph.) Authorized only for acid of 60 to 80 percent strength. If tanks are washed out with water they must be resubjected to passivity before reshipment.

• • • • •

9. Amend § 73.268 (a) (15 F. R. 8319, Dec. 2, 1950) (49 CFR 73.268, 1950 Rev.) to read as follows:

§ 73.268 *Nitric acid.* (a) Nitric acid exceeding 40 percent concentration in any quantity must not be packed with any other article.

• • • • •

10. Amend § 73.280 (a) (2) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.280, 1950 Rev.) to read as follows:

§ 73.280 *Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane.* (a) • • •

(2) Spec. 17H or 37A (§ 78.118 or § 78.131 of this chapter). Metal drums (single-trip), with glass inside containers not over 1 gallon capacity each securely closed and cushioned with incombustible absorbent material.

• • • • •

11. Cancel paragraph (a) (10) to § 73.289 (19 F. R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.289).

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(10) [Canceled.]

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.301 redesignate paragraph (b) (1) as Note 1, and add Note 2 to paragraph (b); amend paragraph (c) (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.301, 1950 Rev.) to read as follows:

§ 73.301 *General requirements.*

• • •

(b) • • •

NOTE 1: The lower limits of combustibility of the more commonly used liquefied petroleum gases are: Propane, 2.15 percent: Butane, 1.55 percent. These figures represent volumetric percentages of gas-air mixtures in each case.

NOTE 2: The use of 1.0 pound of ethyl mercaptan, 1.0 pound of thiophene, or 1.4 pounds of amyl mercaptan per 10,000 gallons of liquefied petroleum gas shall be considered sufficient to meet the requirements of § 73.301 (b). (This note does not exclude the use of any other odorant in sufficient quantity to meet the requirements of § 73.301 (b).)

(c) *Foreign cylinders.* Except as authorized by § 73.9, a charged container of foreign manufacture must not be offered for transportation in domestic traffic unless it has been made in accordance with the applicable ICC specification and unless the tests required by such specification were made in this country and proper report rendered.

• • • • •

2. In § 73.314 (a), table, amend the entry "Methyl mercaptan" (19 F. R. 8528, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
Methyl mercaptan.	*Percent* 80	ICC–106A500, 106A500X, Note 13.
	82	ICC–105A300, 105A300W.

• • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.346 (a) (3) and (4) (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.346, 1950 Rev.) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) • • •

(3) Spec. 37B (§ 78.132 of this chapter). Metal drums (single-trip containers), welded side seams, openings not over 2.3 inches in diameter, capacity not over 10 gallons.

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip containers), with welded side seams, not over 5 gallons; authorized for pastes only.

• • • • •

2. Amend § 73.352 (a) (2) (15 F. R. 8335, Dec. 2, 1950) (49 CFR 73.352, 1950 Rev.) to read as follows:

§ 73.352 *Liquid sodium or potassium cyanide.* (a) • • •

(2) Spec. 17E or 37B (§ 78.116 or § 78.132 of this chapter). Metal drums (single-trip), with welded side seams, with openings not exceeding 2.3 inches in diameter.

• • • • •

3. Amend § 73.354 (a) (5) (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73. 354, 1950 Rev.) to read as follows:

§ 73.354 *Motor fuel antiknock compound or tetraethyl lead.* (a) • • •

(5) MC 300, MC 301, MC 302, MC 303, or MC 330 (§§ 78.321, 78.322, 78.323, 78.324, or § 78.336 of this chapter). Tank motor vehicles.

• • • • •

4. Amend § 73.358 (a) (6) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.358) to read as follows:

§ 73.358 *Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.* (a) • • •

(6) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

• • • • •

5. Amend § 73.359 (a) (7) and (b) (6) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp, 73.359) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) • • •

(7) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

• • • • •

(b) • • •

(6) Spec. 37A (§ 78.131 of this chapter). Metal drums (single-trip), with inside glass containers not over 1 gallon capacity each.

• • • • •

6. Add paragraph (a) (4) to § 73.360 (17 F. R. 7283, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.360) to read as follows:

§ 73.360 *Perchloro-methyl-mercaptan.* (a) • • •

(4) Spec. 5K or 5M (§ 78.88 or § 78.90 of this chapter). Nickel or monel barrels or drums.

7. In § 73.365 amend paragraph (a) (2); cancel Note 1 to paragraph (a) (2), and cancel paragraph (a) (3) (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.365, 1950 Rev.) to read as follows:

§ 73.365 *Poisonous solids not specifically provided for.* (a) • • •

(2) Spec. 17H, 37A, or 37B (§§ 78.116, 78.131, or § 78.132 of this chapter). Metal drums (single-trip). Gross weight not over 375 pounds, except for materials fused solid in the drum a gross weight of 880 pounds is authorized in drums constructed of at least 18 gauge steel regardless of gross weight marking embossed in the container.

NOTE 1: [Canceled.]

(3) [Canceled.]

• • • • •

8. Cancel paragraph (a) (3) to § 73.366 (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.366, 1950 Rev.) to read as follows:

§ 73.366 *Arsenic (arsenic trioxide) or arsenic acid (solid).* (a) • • •

(3) [Canceled.]

• • • • •

9. In § 73.369 amend paragraph (a) (9) and (11); cancel paragraph (a) (10) (15 F. R. 8337, Dec. 2, 1950) (49 CFR 73.369, 1950 Rev.) to read as follows:

§ 73.369 *Carbolic acid (phenol), not liquid.* (a) • • •

(9) Spec. 17E or 17H (§ 78.116 or § 78.118 of this chapter). Metal drums (single-trip).

(10) [Canceled.]

(11) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip).

• • • • •

10. In § 73.370 amend paragraphs (a) (5) and (c) (1); cancel paragraph (a) (7) (15 F. R. 8337, Dec. 2, 1950) (18 F. R. 804, Feb. 7, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.370) to read as follows:

§ 73.370 *Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.* (a) • • •

(5) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter). Metal drums (single-trip containers) with welded side seams; all seams and closures to be watertight and must be hermetically sealed when used for calcium cyanide.

• • • • •

(7) [Canceled.]

• • • • •

(c) • • •

(1) As prescribed in subparagraphs (2), (3), (4), (5), (6), (8), (9), (10), or (11) of this paragraph.

• • • • •

11. Amend § 73.377 (a) (4) (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.377) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* (a) • • •

(4) Spec. 17C, 17H, or 37A (§ 78.115, § 78.118, or § 78.131 of this chapter). Metal drums (single-trip). Spec. 37A metal drums authorized for not over 100 pounds net weight.

• • • • •

12. Amend § 73.378 (a) (2) (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.378) to read as follows:

§ 73.378 *Beryllium metal powder.* (a) • • •

(2) Spec. 17H, 37A, or 37B (§ 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

• • • • •

13. Amend § 73.385 (a) (2) (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.385, 1950 Rev.) to read as follows:

§ 73.385 *Tear gas grenades, tear gas candles, or similar devices.* (a) • • •

(2) Spec. 37A (§ 78.131 of this chapter). Metal drum (single-trip). Functioning elements must be packed in separate compartment. Not more than 24 grenades and 24 functioning devices shall be packed in one outside container and the gross weight of the container must not exceed 75 pounds.

• • • • •

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. In § 74.526 amend paragraph (n) (1); add paragraph (n) (3); amend entire paragraph (o) (20 F. R. 953, Feb. 15, 1955) (49 CFR 74.526, 1950 Rev.) to read as follows:

§ 74.526 *Loading packages of explosives in cars, selection, preparation, inspection, and certification.* • • •

(n) • • •

(1) Portable metal containers must be of such design and so braced that there will be no evidence of failure of the container or the bracing when subjected to impact of at least 8 miles per hour. Efficiency shall be determined by actual test, using dummy loads equal in weight and general character to material to be shipped.

• • • • •

(3) Lading shall be so loaded, blocked, and braced within the container that it will not change position under impact of at least 8 miles per hour.

(o) Explosives, class A, may be loaded and transported in tight, closed truck bodies or trailers on flat cars provided all of the following requirements are fulfilled:

(1) Truck body or trailer must meet the requirements of Part 77 of this chapter, applicable to shipments of explosives by motor vehicle.

(2) Truck body or trailer shall be so loaded and braced on the car that it will not change position or show evidence of failure or impending failure of the bracing or blocking under impact of at least 8 miles per hour. Efficiency shall be determined by actual test, using dummy loads equal in weight and general character to material to be shipped.

(3) Lading shall be so loaded, blocked, and braced within the truck body or trailer that it will not change position under impact of at least 8 miles per hour.

(4) Cars or truck bodies or trailers on cars must be placarded with the "Explosives" placards as prescribed in § 74.550 and properly executed car certificates as required by § 74.525.

2. Cancel paragraph (c) in § 74.527 (18 F. R. 3137, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 74.527):

§ 74.527 *Forbidden mixed loading and storage.* • • •

(c) [Canceled.]

3. Amend § 74.528 (a) (15 F. R. 8347, Dec. 2, 1950) (49 CFR 74.528, 1950 Rev.) to read as follows:

§ 74.528 *Protect explosives from injury.* (a) In a car containing explosives, the explosives and all other freight must be so loaded, and if necessary so braced and stayed, as to prevent injury to packages of explosives during transit. When practicable, explosives should be loaded so as to avoid transfer at stations.

4. Amend § 74.532 (h) (3) (15 F. R. 8348, Dec. 2, 1950) (49 CFR 74.532, 1950 Rev.) to read as follows:

§ 74.532 *Loading other dangerous articles.* • • •

(h) • • •

(3) Electric storage batteries (wet) for shipment must be completely protected so that short circuits will be prevented and must not be loaded or stored with explosives.

• • • • •

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 74.538 amend item "g" and item "7" vertical and horizontal columns in paragraph (a) chart (19 F. R. 6269, Sept. 29, 1954) (15 F. R. 8350, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 74.538) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

"g" Detonating fuzes, class A, with or without radioactive components.

• • • • •

"7" Time, combination or detonating fuzes, class C.

• • • • •

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 77.848 amend item "g" and item "7" vertical and horizontal columns in paragraph (a) chart (19 F. R. 6270, Sept. 29, 1954) (15 F. R. 8368, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 77.848) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

"g" Detonating fuzes, class A, with or without radioactive components.

• • • • •

"7" Time, combination or detonating fuzes, class C.

• • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Amend § 78.115–7 (a) (15 F. R. 8448, Dec. 2, 1950) (49 CFR 78.115–7, 1950 Rev.) to read as follows:

§ 78.115 *Specification 17C; steel drums.*

§ 78.115–7 *Convex heads.* (a) Convex (crowned) heads, not extending beyond level of chime, required for drums of 25 gallons capacity or over; minimum convexity of 3/8 inch required.

2. Cancel entire § 78.125 (15 F. R. 8451, Dec. 2, 1950) (18 F. R. 806, Feb. 7, 1953) (17 F. R. 7287, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.125)

3. Cancel entire § 78.126 (15 F. R. 8451, 8452, Dec. 2, 1950) (17 F. R. 4297, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.126)

4. Cancel entire § 78.127 (15 F. R. 8452, Dec. 2, 1950) (18 F. R. 806, Feb. 7, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.127)

5. Cancel entire § 78.128 (15 F. R. 8452, 8453, Dec. 2, 1950) (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.128)

6. Cancel entire § 78.129 (15 F. R. 8453, 8454, Dec. 2, 1950) (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.129)

7. Add § 78.131 (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.131, 1950 Rev.) to read as follows:

§ 78.131 *Specification 37A; steel drums.* Single-trip container. Removable head required.

§ 78.131–1 *Compliance.* (a) Required in all details.

§ 78.131–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.131–9 (a) (2). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 3 percent or rated (marked) capacity plus 2 percent plus 1 quart whichever is the greater.

§ 78.131–3 *Composition.* (a) Sheets for body and heads to be hot-rolled or cold-rolled, low carbon, open-hearth or electric steel of standard commercial quality.

§ 78.131–4 *Weight of sheets.* (a) Average draft weight for any gauge not less than as follows:

Gauge, U. S. standard (No.)	Standard weight per square foot	Authorized tolerances
	Pounds	*Percent*
12	4.375	5
13	3.750	5
14	3.125	5
15	2.8125	5
16	2.500	5
18	2.000	3½
19	1.750	3½
20	1.500	3½
22	1.250	3½
24	1.000	2½
26	.750	2½

§ 78.131–5 *Seams.* (a) Side seams must be welded.

§ 78.131–6 *Capacities, weights, type, and gauges.* (a) Capacities, weights, type, and gauges must be as follows:

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Minimum thickness in the black (gauge, U. S. standard) [1]		Minimum ring gauge bolted type [2]
			Body sheet [3]	Head sheet	
5	60	Straight side	26	26	Lug or plain ring seal.
5	80	do	24	24	
10	160	do	24	24	
55	150	do	26	26	18, plain.
55	275	do	24	24	18, plain.
55	350	do	24	24	16, 2" overlap.
55	450	do	22	22	16, 2" overlap.

[1] All gauges specified are minimum. Heavier (but not lighter) gauges may be specified if shipper so desires.
[2] Equally efficient closing devices may be authorized by the Bureau of Explosives upon demonstration of their ability to withstand tests prescribed in § 78.131–11.
[3] Containers of 16 gallons capacity and over must have 2 swedged or corrugated rolling hoops of sufficient height to clear the closing device when the drum is rolled.

§ 78.131–7 *Closures.* (a) Closures of the type specified in the above table adequate to prevent leakage; gaskets required, discs required when necessary, all closures to be of the full-removable head type. Curl at top of shell for all drums 30 gallons capacity and larger must have a minimum diameter of 7/16 inch, and so made as to form a circular section with the under portion substantially in contact with the vertical shell. The removable head must have a minimum depth of 3/4 inch and the cover bib must be large enough to extend to the horizontal center line of the top curl when the drum is sealed with the gasket in place. Drums of less than 30 gallons capacity may be made with an outside curl diameter of 3/8 inch minimum and a head depth of 3/4 inch minimum; except that for drums less than 16 gallons capacity the outside curl diameter may be 9/32 inch and the cover depth may be 3/8 inch minimum.

(b) The closing ring must be so constructed that the bottom leg will extend well inside the vertical center line of the shell curl but must not touch the shell (recommended clearance is 1/16 inch minimum, 3/32 inch maximum) when sealed for usage. The top leg of the locking ring must have sufficient length to extend well inside the vertical center line of the curl on the shell. Closing rings must have a 2 inch overlap at joint when gross weight of drum exceeds 275 pounds. Overlap is not required for drums of 275 pounds or less gross weight. The clearance between ends of rings without overlap should be a minimum of 1/8 inch and a maximum of 1/2 inch.

§ 78.131–8 *Defective containers.* (a) Defective containers to be repaired by method used in constructing container. Soldering not authorized.

§ 78.131–9 *Marking.* (a) Marking on each container by embossing on bottom head with raised marks as follows:

(1) ICC–37A***. Stars to be replaced by the authorized gross weight, or less, at which the container was type tested (for example, ICC–37A150). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Gauge of metal in thinnest part, rated capacity in gallons, and year of manufacture (for example, 24–55–54). When gauge of metal in body differs from that in either head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 22/24–55–54 for a container having 22 gauge body, 22 gauge bottom head and 24 gauge top head).

(3) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(4) The letters STC; located just above or below the ICC mark to indicate "single trip container".

§ 78.131–10 *Size of markings.* (a) Size of markings, not less than 1/2 inch high for all containers.

§ 78.131–11 *Type test.* (a) Samples, taken at random and closed as for use, shall withstand prescribed test without leakage. Tests to be made of each type and size by each company starting production and to be repeated every four months. Samples last tested to be retained until further tests are made. The type test is as follows:

(b) Test by dropping on top chime, filled with dry finely powdered material to the gross weight at which container is marked, from height of 4 feet onto solid concrete so as to strike diagonally on the chime and so positioned when equipped with bolted ring type closure that crush pattern will terminate at closure joint. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test. A disc constructed of crepe paper or other suitable material may be used in addition to regular gasket over top of container before applying head for test purposes.

8. Add § 78.132 (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.132, 1950 Rev.) to read as follows:

§ 78.132 *Specification 37B; steel drums.* Single-trip container. Removable head not authorized.

§ 78.132–1 *Compliance.* (a) Required in all details.

§ 78.132–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.132–9 (a) (2). Minimum actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent. Maximum actual capacity shall not be greater than rated (marked) capacity plus 3 percent or rated (marked) capacity plus 2

percent plus 1 quart whichever is the greater.

§ 78.132–3 *Composition.* (a) Sheets for body and heads to be hot-rolled or cold-rolled, low carbon, open hearth, or electric steel of standard commercial quality.

§ 78.132–4 *Weight of sheets.* (a) Average draft weight for any gauge not less than as follows:

Gauge, U. S. standard (No.)	Standard weight per square foot	Authorized tolerances
	Pounds	*Percent*
12	4.375	5
13	3.750	5
14	3.125	5
15	2.8125	5
16	2.500	5
18	2.000	3½
19	1.750	3½
20	1.500	3½
22	1.250	3½
24	1.000	2½
26	.750	2½
28	.625	2½

§ 78.132–5 *Seams.* (a) Side seams may be welded, Gordon lock, or other equally efficient construction.

§ 78.132–6 *Capacities, weights, type and gauges.* (a) Capacities, weights, type and gauges must be as follows:

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Minimum thickness in the black (gauge, U. S. standard)	
			Body sheet [1]	Head sheet
5	60	Straight side	28	28
55	275	do	26	26
55	450	do	24	24
55	650	do	22	[2] 22

[1] Containers of 10 gallons capacity and over must have small or series corrugations rolled into the shell or 2 swedged or corrugated rolling hoops.
[2] Twenty-four (24) gauge top head and cover authorized.

§ 78.132–7 *Closures.* (a) Closures shall be of any type that will withstand prescribed drop tests without leakage, see § 78.132–11. Openings shall not exceed 9 inches in diameter in containers of 16-gallon capacity and larger nor 6½ inches in diameter in containers less than 16-gallon capacity. Larger openings may be authorized upon demonstration and proof of satisfactory closure test to the Bureau of Explosives. Gaskets required when necessary.

§ 78.132–8 *Defective containers.* (a) To be repaired by method used in constructing container except that Gordon lock, or other similarly constructed seam must be welded. Soldering not authorized.

§ 78.132–9 *Marking.* (a) Marking on each container by embossing with raised characters on head as follows:

(1) ICC–37B * * *. Stars to be replaced by the authorized gross weight, or less at which container was type tested (for example, ICC–37B450, etc.). This marking shall be understood to certify that the container complies with all specification requirements.

(2) Gauge of metal in thinnest part (except closure cover), rated capacity in gallons, and year of manufacture (for example, 24–55–54). When gauge of metal in body differs from that in either head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 22/24–55–54 for a container having 22-gauge body, 22-gauge bottom head and 24-gauge top head).

(3) Name or symbol (letters) of makers: This must be recorded with the Bureau of Explosives.

(4) The letters STC; located just above or below the ICC mark to indicate "single trip container".

§ 78.132–10 *Size of markings.* (a) Size of markings (minimum), not less than ½ inch high for all containers.

§ 78.132–11 *Type test.* (a) Samples, taken at random and closed as for use, shall withstand prescribed test without leakage. Test to be made of each type and size by each company starting production and to be repeated every four months. Sample last tested to be retained until further tests are made. The type test is as follows:

(b) Test by dropping on top chime, filled with dry finely powdered material to the gross weight at which container is marked, from a height of 4 feet onto solid concrete so as to strike diagonally on the chime and so positioned as to strike, in the case of offset openings, at the point on the chime nearest the opening. Closing devices and other parts projecting beyond chimes must also be capable of withstanding this test.

SUBPART I—SPECIFICATIONS FOR TANK CARS

In § 78.275 paragraph ICC–15 (b) cancel only the complete table titled "Record of Tensile Tests of Material in Tanks" (15 F. R. 8500, Dec. 2, 1950) (49 CFR 78.275, 1950 Rev.)

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

Amend the heading of § 78.323; amend § 78.323–11 (a) (20 F. R. 958, Feb. 15, 1955) (49 CFR 1950 Rev., 1953 Supp., 78.323) to read as follows:

§ 78.323 *Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B178–54T).* To be mounted on and to form part of tank motor vehicles for transportation of flammable liquids, and poisonous liquids, class B.

§ 78.323–11 *Material.* (a) All sheets for such cargo tanks shall be of aluminum alloy, known as ASTM B178–54T and have the following minimum requirements:

Yield strength..... 26,000 lb. per sq. in.
Ultimate strength.... 34,000 lb. per sq. in.
Elongation, 2-inch sample..... 12 percent.

NOTE: Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gauge length (ASTM E8–36).

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on August 30, 1955, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–4961; Filed, June 22, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 201]

JOINT RULES AND REGULATIONS OF SECRETARY OF AGRICULTURE AND SECRETARY OF THE TREASURY UNDER FEDERAL SEED ACT

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

Pursuant to the provisions of section 402 of the Federal Seed Act approved August 9, 1939 (53 Stat. 1275), notice is hereby given of intention to promulgate amendments to the joint rules and regulations of the Secretary of the Treasury and the Secretary of Agriculture. Public hearing with reference thereto will be held in the Auditorium in the South Building of the United States Department of Agriculture, Independence Avenue between Twelfth and Fourteenth Streets, SW., Washington, D. C., on the 8th day of July 1955, at 9:30 o'clock.

All interested persons are invited to attend the hearing and to offer comments or suggestions with reference to said proposals. Such comments or suggestions bearing on the proposals may be presented orally or in writing. Any relevant comments which cannot be made or presented in person at the hearing may be transmitted by mail addressed to the Seed Branch, Grain Division, Agricultural Marketing Service, Washington 25, D. C., and will be considered if received on or before the 15th day of July 1955.

Mr. W. A. Davidson, Seed Branch, Grain Division, Agricultural Marketing Service, is hereby designated as the presiding officer who shall conduct the aforesaid hearing in the place and stead of the Secretary of Agriculture, with power to do all things necessary and appropriate to the proper conduct of such hearing.

The proposed amendments are as follows:

1. In § 201.208, insert the following in proper alphabetical order:

Castorbean.
Safflower.
Sesame.

2. In § 201.212, add the following paragraph (c):

(c) When sampling seed in small containers which it is not practical to sample as required in paragraph (a) or (b) of the section, entire unopened containers may be taken in sufficient number to supply a minimum size sample as required in § 201.213. The sample may consist of the contents of one container, or two or more containers when combined.

3. In § 201.222, insert in proper alphabetical order:

a. In paragraph (a):

Lettuce.
Rape, winter.

In paragraph (b):

Castorbean.
Safflower.
Sesame.

4. In § 201.230, amend paragraph (a) to read as follows:

§ 201.230 *Exportation or destruction.* (a) Seed or screenings refused admission into the commerce of the United States shall be exported under customs supervision by the owner or consignee within 12 months of the date of notice of such refusal or at the expiration of such 12-month period the rejected seed or screenings shall be destroyed under the supervision of an employee or authorized agent of the United States Department of Agriculture in such manner as may be determined by the United States Department of Agriculture.

Dated: June 16, 1955.

[SEAL] H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*
EARL L. BUTZ, *Assistant Secretary of Agriculture.*

[F. R. Doc. 55–5049; Filed, June 22, 1955; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 609]

STANDARD INSTRUMENT APPROACH PROCEDURES

VOR/DME PROCEDURES DETERMINATION

Notice is hereby given that the Administrator contemplates the adoption of the following amendment to provide criteria when establishing a VOR/DME procedure. All interested persons who desire to submit comments and suggestions for consideration in connection with these proposed rules should send them to Director, Office of Aviation Safety, Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. In § 609.5, paragraph (h) is added to read as follows:

§ 609.5 *Low and medium frequency range, ADF and VOR procedures.* * * *

(h) *VOR/DME procedures determination*—(1) *General*—(i) *VOR/DME establishment.* VOR/DME procedures are established to facilitate an instrument approach along an orbit and/or radial established by a VOR/DME facility. The criteria outlined in this paragraph will be adhered to when using VOR/DME for an instrument approach.

(ii) *VOR/DME use.* Distance measuring equipment (DME) provides the distance from the DME facility to the aircraft. VOR provides course guidance. VOR and DME may be used independently or jointly.

(iii) *VOR/DME equipment.* Procedures utilizing DME are predicated upon air-borne interrogators accurate within 3 per cent of the distance or ±½ mile, whichever is greater. Use of less accurate equipment will not provide the required margin of safety in the use of these procedures.

(iv) *Numbering of procedures.* (*a*) The No. 1 procedure will be a VOR/DME approach procedure established from the facility direct to the airport, or to a runway if a straight-in approach is possible.

(*b*) The No. 2 procedure will be an approach from a DME fix along the radial which passes over the airport or runway, and the flight is conducted toward the facility (back course approach).

(*c*) Other orbiting procedures (DME used for course guidance) may be established in addition to the No. 1 and No. 2 procedures if operationally feasible and if such orbiting procedures will provide straight-in approaches to desired runways.

(2) *Initial approach to DME orbit.* When an initial approach to a facility intersects a DME orbit within the limiting angles and distances shown in figure "A", an approach may be executed upon this orbit. When an initial approach lies outside these limits, a procedure will be established so that the aircraft will overhead the facility before proceeding to an orbit.

(i) *Determination.* The initial approach radial provides an intersection with a DME arc and determines the straight-in distance to the runway along the final approach orbit. The maximum length of the final approach orbit in degrees, in relation to such runway distance, is as follows:

(*a*) Not more than 135 degrees for distances of 5 nautical miles or less,

(*b*) Not more than 120 degrees between 5 and 10 nautical miles,

(*c*) Not more than 105 degrees between 10 and 15 nautical miles, and

(*d*) Not more than 90 degrees over 15 nautical miles.

(*e*) Approaches to facilities along routes outside these angles and limiting distances will be made to the VOR facility in accordance with other approved criteria. For example, transition "B" and "D", in figure "A" are established for both orbiting and standard procedure transition. "A" would be established to the facility and "B" could be used for a back course and/or an approach to the facility.

(ii) *Altitudes on initial approach*—(*a*) More than twelve nautical miles. A clearance of at least 1,000 feet above all obstructions will be provided until within twelve nautical miles of the VOR/DME facility for a distance of five statute miles (4.34 N.) on each side of course.

(*b*) Twelve nautical miles and less. A clearance of at least 500 feet above all obstructions will be provided from a point twelve nautical miles and less from the VOR/DME facility to the intersection of the DME orbit, for a distance of five statute miles (4.34 N.) each side of course.

(3) *DME final approach orbit*—(i) *Determination.* A final orbiting approach is conducted upon an arc terminated by the reference line (the radial passing over the approach end of the desired runway) on one end, and the DME final approach radial at the other end.

(ii) *Limiting factors in DME orbit.* (*a*) Orbiting procedures will not normally be established with less than an arc of four nautical miles radius. This is necessary in order to minimize the rate of turn and amount of bank required on final approach.

(*b*) Distance to runway from point of intersection: Normally the fix at the start of the DME approach orbit will be at least four nautical miles from the approach end of the runway used.

(*c*) Longitudinal buffer distance: When a DME fix is used to afford a reduction in altitude and/or to provide information as having passed an obstruction, the DME fix will be established at least 1½ miles beyond the obstruction or 10 percent of the distance to the facility, whichever is greater.

(iii) *Use of fixes.* Since radials intersecting the DME orbit form continuous VOR/DME fixes, reductions in altitude as distance to the approach end of the runway decrease will be established in accordance with subdivision (iv) of this subparagraph.

(iv) *Altitudes.* For that portion of the final approach of the DME orbit lying between the DME fix and the approach end of the desired runway, a minimum lateral obstruction clearance of two nautical miles on each side of the final approach orbit will be provided, as follows:

(*a*) Seven nautical miles and less, a clearance of 300 feet,

(*b*) Over seven nautical miles to ten nautical miles, a clearance of 400 feet,

(*c*) Over ten to twelve nautical miles a clearance of 500 feet, and

(*d*) More than twelve nautical miles, a clearance of 1,000 feet.

(4) *Missed approach procedures.* One or more missed approach procedures will be formulated for each direction of approach, and will correspond with the L/MF, ADF, or VOR criteria or procedures insofar as possible.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

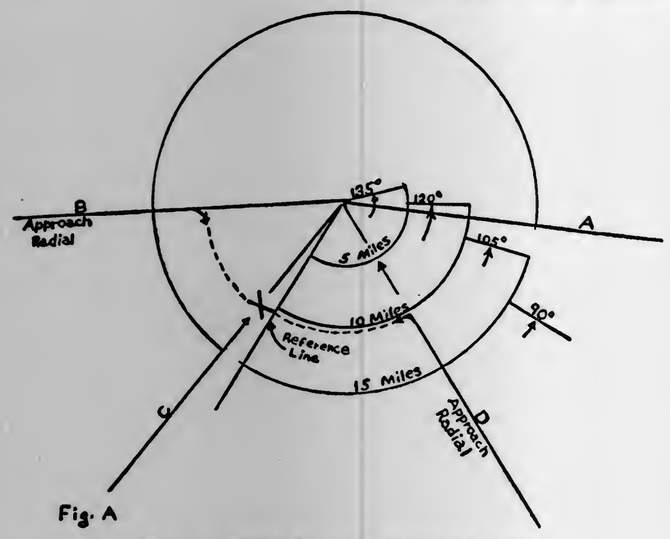


Fig. A

[F. R. Doc. 55-4937; Filed, June 22, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 16, 1955.

An application, serial number Anchorage 026736, for the withdrawal from all forms of appropriation under the public land laws, including the mining laws of the lands described below was filed on May 20, 1954, by Bureau of Land Management.

The purposes of the proposed withdrawal: Forest Management Purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SEWARD MERIDIAN

T. 22 N., R. 2 W., unsurveyed,
Secs. 5 to 8, inclusive;
Sec. 17 and 18.
T. 23 N., R. 2 W., unsurveyed,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 24 N., R. 2 W., unsurveyed,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32 inclusive.
T. 25 N., R. 2 W., unsurveyed,
Secs. 29 to 32, inclusive.
T. 22 N., R. 3 W., unsurveyed,
Secs. 1 and 2;
Secs. 11 to 13, inclusive;
Secs. 21 to 24, inclusive;
Sec. 28.
T. 23 N., R. 3 W., unsurveyed,
Secs. 1 to 26, inclusive;
Secs. 35 and 36.
T. 24 N., R. 3 W., unsurveyed,
Secs. 1 to 36, inclusive.
T. 25 N., R. 3 W., unsurveyed,
Secs. 6, 7, 18, and 19;
Secs. 25 to 36, inclusive.
T. 26 N., R. 3 W., unsurveyed,
Secs. 19, 30 and 31.
T. 26 N., R. 4 W., unsurveyed,
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 23 N., R. 4 W., surveyed,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Sec. 19, E½NE¼, NW¼NE¼, SE¼;
Secs. 20 to 24, inclusive.
T. 24 N., R. 4 W.,
Secs. 1 and 2; unsurveyed,
Sec. 3, surveyed;
Sec. 10, surveyed;
Secs. 11 to 14, inclusive, unsurveyed;
Sec. 15, surveyed;
Secs. 22 and 23, surveyed;
Secs. 24 and 25, unsurveyed;
Sec. 35, surveyed;
Sec. 36, unsurveyed;
Sec. 26, surveyed.
T. 25 N., R. 4 W.,
Secs. 1 to 4, inclusive, unsurveyed;
Secs. 5 and 6, surveyed;
Secs. 9 to 16, inclusive, unsurveyed;
Secs. 22 to 27, inclusive, unsurveyed;
Secs. 34 to 36, inclusive, unsurveyed.

Containing 120,920 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-5020; Filed, June 22, 1955; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 16, 1955.

An application, serial number Anchorage 029474, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on March 25, 1955, by Bureau of Land Management.

The purposes of the proposed withdrawal: Public recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

LAKE LOUISE RECREATION AREA NO. 1

Beginning at U. S. E. D. Station "Louise" located at Latitude 62°18'01" North and Longitude 146°36'00" West; thence S. 63° E. 3,090 feet; thence S. 29° E. 3,900 feet; thence E. 2,160 feet to the true point of beginning; thence S. approximately 1,426 feet to the mean high water mark of an unnamed lake; thence meandering on said high water mark southeasterly approximately 4,858 feet; thence E. 5,914 feet; thence N. approximately 1,320 feet to the mean high water mark of Lake Louise; thence meandering on said high water mark westerly and then northeasterly approximately 5,914 feet to a point which is the SW corner of a withdrawal by the Department of the Army (Anchorage 025198); thence N. 2,117 feet to the mean high water mark of Lake Louise; thence meandering on said high water mark northwesterly approximately 6,811 feet to a point which is on the east boundary of a tract leased by the Territorial Department of Aviation (Anchorage 027584); thence S. 750 feet to the point of beginning, containing approximately 520 acres.

LAKE LOUISE RECREATION AREA NO. 2

Two parcels of land lying between Lake Louise and Lake Susitna, one on either side of a stream connecting Lake Louise and Lake Susitna more particularly described as follows:

PARCEL A

Beginning at approximate Latitude 62°21' 31" North, and Longitude 146°37'30" West at which point is the outlet of Lake Louise; thence southwesterly by meander along the mean high water line of Lake Louise 680 feet to a point which is the NE corner of a Trade and Manufacturing Site location (Anchorage 027167); thence W. 400 feet to the mean high water line of Lake Susitna; thence northeasterly by meander of said high water line approximately 686 feet to the western end of a stream extending from Lake Louise to Lake Susitna; thence easterly by meander of the south limit of said stream approximately 2,218 feet to the point of beginning, containing approximately 11 acres.

PARCEL B

Beginning at approximate Latitude 62°21' 31" North and Longitude 146°37'30" West at which point is the outlet of Lake Louise; thence northerly and westerly by meander of the north limit of a stream extending from Lake Louise to Lake Susitna approximately 2,218 feet to the mean high water line of Lake Susitna; thence northerly and easterly by meander of said high water line approximately 3,810 feet to the east limit of a cove of Lake Susitna and the mouth of a stream; thence easterly by meander of the south limit of said stream approximately 370 feet to the mean high water line of an unnamed lake; thence easterly by meander of said high water line 1,056 feet; thence S. 45° E. approximately 1,426 feet to the mean high water line of Lake Louise; thence southwesterly and then northerly by meander of said high water line approximately 2,957 feet to the point of beginning; containing approximately 125 acres.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-5021; Filed, June 22, 1955; 8:48 a. m.]

[Document 51]

ARIZONA

SMALL TRACT CLASSIFICATION 37

1. Pursuant to authority delegated by Document No. 43, Arizona effective May 19, 1955 (20 F. R. 3514-15), the following described lands totaling 480 acres located in Pinal County are hereby classified for lease and sale for residence and for business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended.

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 14: SE¼;
Sec. 23: E½.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to lease under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to lease, with a preference right to veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to June 15, 1955, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

E. R. TRAGITT,
State Lands and Minerals, Staff Officer.

JUNE 15, 1955.

[F. R. Doc. 55-5026; Filed, June 22, 1955; 8:49 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 15, 1955.

The Department of the Navy has filed an application, Serial No. Los Angeles 0104432 for the withdrawal of the lands described below from all forms of appropriation, subject to valid existing rights.

The applicant desires the land for the purpose of providing essential target drone training facilities for the Naval Air Technical Training Unit.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, at room 801 California Fruit Building, 4th and J Streets, Sacramento, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 14 S., R. 11 E.,
Sec. 13, E½SE¼, SW¼SE¼, S½SW¼;
Sec. 22, S½SE¼;
Sec. 23, E½, SE¼NW¼, SW¼;
Secs. 24 to 27, inclusive;
Sec. 28, SE¼SE¼;
Sec. 33, E½, SW¼;
Secs. 34 to 36, inclusive.
T. 15 S., R. 11 E.
Secs. 1 to 4, inclusive;
Sec. 5, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 8, E½;
Secs. 9 to 16, inclusive;
Sec. 17, E½;
Sec. 20, E½;
Secs. 21 to 24, inclusive;
Sec. 25, N½, SW¼, W½SE¼, NE¼SE¼;
Secs. 26 to 28, and 33 to 35, inclusive;
Sec. 36, NW¼.
T. 16 S., R. 11 E.
Sec. 2, Lots 5, 6, S½NW¼;
Sec. 3, All;
Sec. 4, Lots 3, 4, S½NE¼, NE¼SE¼.
T. 14 S., R. 12 E.
Sec. 17, All;
Sec. 18, Lots 5, 6, S½NE¼, E½SW¼, SE¼;
Secs. 19 and 20;
Secs. 29 to 32, inclusive.
T. 15 S., R. 12 E.
Sec. 5, N½, SW¼;
Secs. 6 to 8, and 17 to 19, inclusive;
Sec. 20, Lots 2, 3, 4, 5, and 6;
Sec. 30, Lots 1, 2, E½NW¼.

The areas described contain approximately 30,701.50 acres of public land.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 55-5027; Filed, June 22, 1955; 8:49 a. m.]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, the following-described land has been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 8 S., R. 15 E.,
Sec. 21, NW¼NW¼.

The area described totals 40 acres.

The land described is located in Idaho Grazing District No. 5, and is an isolated tract. There is not sufficient arable land within the subdivision to permit economic development by use of ground water, and most of the land lies above the elevation of existing canals. The land is not suitable for development under either the desert-land or the homestead laws, and has been classified for disposal under the public-sale law.

No application for this land will be allowed under the homestead, desert-land, small tract or any other nonmineral public-land law, unless the land has already been classified as valuable or suitable for such type of classification, or shall be so classified upon consideration of an application.

Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m. on the 35th day after the date of this order. At that time, the said land shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing with-

drawals, the requirements of applicable laws and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. of the 35th day after the date of this order shall be treated as though simultaneously filed at that time. All other applications under the public-land laws filed on or before 10:00 a. m. of the 126th day after the date of this order shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

JUNE 16, 1955.

[F. R. Doc. 55–5017; Filed, June 22, 1955; 8:46 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 15, 1955.

The United States Department of Agriculture has filed an application, Serial No. Idaho 05384, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims.

The applicant desires the land for administrative sites and recreation areas within the Challis National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

BOULDER LAKES ADMINISTRATIVE SITE

Unsurveyed, but when surveyed what will probably be:

T. 9 N., R. 16 E.,
Sec. 14, NE¼NW¼, N½SE¼NW¼.

CAPE HORN AIRPORT ADMINISTRATIVE SITE

Unsurveyed, but what will probably be when surveyed:
T. 12 N., R. 12 E.,
Sec. 19, SW¼SW¼, W½SE¼SW¼, SE¼SE¼SW¼, SW¼SW¼SE¼, E½SW¼SE¼, SE¼SE¼, S½NE¼SE¼;
Sec. 30, NE¼NW¼NW¼, NE¼NW¼, NW¼NE¼, SW¼NE¼NE¼, NE¼SE¼NW¼, N½SW¼NE¼, NW¼SE¼NE¼.

INDIAN SPRINGS ADMINISTRATIVE SITE

Unsurveyed, but what will probably be when surveyed:
T. 15 N., R. 13 E.,
Sec. 1, NW¼NW¼;
Sec. 2, N½NE¼.

MILL CREEK ADMINISTRATIVE SITE

Unsurveyed, but what will probably be when surveyed:
T. 13, N., R. 17 E.,
Sec. 2, N½NW¼.

NORTH FORK ADMINISTRATIVE SITE

Unsurveyed, but what will probably be when surveyed:
T. 7 N., R. 18 E.,
Sec. 23, SE¼NW¼.

SEAFOAM ADMINISTRATIVE SITE

Unsurveyed, but what will probably be when surveyed:
T. 14 N., R. 11 E.,
Sec. 13, SW¼;
Sec. 14, SE¼, E½SW¼;
Sec. 23, NE¼NE¼;
Sec. 24, N½NW¼.

VALLEY CREEK ADMINISTRATIVE SITE

T. 10 N., R. 13 E.,
Sec. 3, Lot 6, SW¼NW¼;
Sec. 4, SE¼SE¼NE¼, SE¼NE¼SE¼NE¼, SE¼SW¼SE¼NE¼.

WARM SPRINGS ADMINISTRATIVE SITE

Unsurveyed, but what will probably be when surveyed:
T. 15 N., R. 16 E.,
Sec. 16, W½W½;
Sec. 17, E½E½.

WARM SPRINGS MEADOWS ADMINISTRATIVE SITE

Unsurveyed, but what will probably be when surveyed:
T. 9 N., R. 15 E.,
Sec. 5, SE¼NW¼, E½SW¼NW¼, E½SW¼, E½NW¼SW¼, E½SW¼SW¼;
Sec. 8, NE¼NW¼, E½NW¼NW¼.

BEAVER CREEK RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 13 N., R. 11 E.,
Sec. 35, S½.

BLIND CREEK RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 11 N., R. 15 E.,
Sec. 17, SW¼.

CUSTER RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 12 N., R. 15 E.,
Sec. 3, SE¼.

FLAT ROCK RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 11 N., R. 15 E.,
Sec. 9, SW¼.

JOSEPHUS LAKES RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 14 N., R. 11 E.,
Sec. 16, SW¼SW¼NW¼, N½NW¼NW¼SW¼;
Sec. 17, S½SE¼NE¼, N½N½NE¼SE¼.

LOON CREEK RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 14 N., R. 13 E.,
Sec. 22, SE¼;
Sec. 23, SW¼;
Sec. 26, NW¼;
Sec. 27, NE¼.

MILL CREEK RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 13 N., R. 17 E.,
Sec. 10, NE¼NE¼.

MORSE CREEK RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 15 N., R. 22 E.,
Sec. 13, E½SE¼NE¼.
Unsurveyed, but what will probably be when surveyed:
T. 15 N., R. 23 E.,
Sec. 18, W½W½SW¼NW¼.

NORTH FORK RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 7 N., R. 19 E.,
Sec. 36, SE¼NW¼SW¼.

O'BRIEN RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 11 N., R. 15 E.,
Sec. 27, W½NW¼, SE¼NW¼.

PARK CREEK RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 6 N., R. 19 E.,
Sec. 19, S½NW¼NE¼, N½SW¼NE¼, SE¼NE¼NW¼, NE¼SE¼NW¼.

PHILLIPS CREEK RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 15 N., R. 14 E.,
Sec. 30, SW¼SE¼SW¼, SE¼SW¼SW¼;
Sec. 31, NW¼NE¼NW¼, NE¼NW¼NW¼.

SLATE CREEK HOT SPRINGS RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 10 N., R. 16 E.,
Sec. 30, SE¼NW¼.

SUNBEAM BATH HOUSE RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 11 N., R. 15 E.,
Sec. 19, S¼S¼SW¼NW¼, N½N½NW¼SW¼.

SUNBEAM RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 11 N., R. 15 E.,
Sec. 19, SE¼SE¼NE¼, NE¼NE¼SE¼;
Sec. 20, W½SW¼NW¼, NW¼NW¼SW¼.

WILDHORSE RECREATION AREA

Unsurveyed, but what will probably be when surveyed:
T. 6 N., R. 20 E.,
Sec. 21, NE¼NE¼SE¼, E½SE¼NE¼;
Sec. 22, SW¼NW¼, NW¼NW¼SW¼.

Total area: 3,730.36 acres, more or less.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-5018; Filed, June 22, 1955; 8:47 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 16, 1955.

The Department of the Interior, Fish and Wildlife Service, has filed an application, Serial No. Idaho 05977, for the withdrawal of the lands described below, from all forms of appropriation, including the mining laws, but not the mineral leasing laws.

The applicant desires the land for Mirror Lake Public Fishing Area, within Kaniksu National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the applications will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 56 N., R. 1 W.,
Sec. 31, Lots 2 and 3.

Total area: 45.85 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55–5019; Filed, June 22, 1955; 8:47 a. m.]

NEVADA

NOTICE OF FILING OF PLATS OF SURVEY

JUNE 17, 1955.

Notice is given that the plats of survey accepted April 14, 1955 will be officially filed in the Bureau of Land Management Land Office, Reno, Nevada, effective at 10:00 a. m., on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 4 S., R. 35 E.;
T. 3 S., R. 36 E.;
Sec. 18, 19, 20, 29, 30, 31, 32, 33;
T. 4 S., R. 36 E.

The areas, exclusive of segregations, aggregate 20,238.77 acres.

Available data indicates the lands are generally level to undulating and arid in nature.

No application for the above-described lands may be allowed under the homestead, small tract, desert-land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JAMES E. KEOGH, Jr.,
Manager,
Land Office.

[F. R. Doc. 55-5028; Filed, June 22, 1955; 8:50 a. m.]

UTAH (A–2)

SMALL TRACT CLASSIFICATION ORDER NO. 2

JUNE 14, 1955.

1. Pursuant to authority delegated to the State Supervisors by section 2.5 of Redelegation Order No. 541, issued April 21, 1954 by the Director, Bureau of Land Management, the following described lands are hereby classified for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609); 43 U. S. C. 682a as amended by the act of June 8, 1954 (68 Stat. 239), for home sites; and under section 7 of the Taylor Grazing Act of June 28, 1934, as amended (43 U. S. C. sec. 315f) for administrative sites.

SALT LAKE MERIDIAN

T. 14 S., R. 10 E.,
Sec. 9: SE¼SE¼.

The lands described comprise 40 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located adjacent to the city limit in northeast Price, Utah, and 6th East Street adjoins the land. The topography is level to rolling and the lands have an elevation of approximately 5,500 feet. The annual precipitation average is 10.09 inches per annum.

4. The lands will be leased and sold in lots of not less than 100 foot frontage with a limitation of one lot to each successful applicant. Access to public highways from the lots will be afforded by a reservation of rights-of-way along the boundary of each lot for road or public utility facilities which will not exceed 33 feet in width and as will be shown on the layout plats of the area.

5. A supplemental plat of survey will be prepared. This survey when completed will subdivide the area into lots. No applications will be allowed until this supplemental plat of survey is filed with the Manager, Land Office, room 312, Post Office Building, Salt Lake City, Utah.

(a) *91-day period for preference-right filings.* For a period of 91 days, commencing at 10:00 a. m. on the 35th day after the supplemental plat of survey is filed, the lands affected by this order shall be subject to application by qualified veterans of World War II and the Korean Conflict. All applications filed under this paragraph, either on or before 10:00 a. m. on the 35th day after the date of filing of the supplemental plat of survey, shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the 35th day shall be considered in the order of filing.

(b) Commencing at 10:00 a. m. on the 126th day after the date of the filing of the supplemental plat of survey any lands remaining shall become subject to application under the Small Tract Act by the public generally. All such applications filed, either on or before 10:00 a. m. on the 126th day, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostat, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitute evidence of any facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference right through settlement or otherwise and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. Applicants must file, in duplicate, with the Manager, Land Office, 312 Federal Building, Salt Lake City, Utah, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

Applications must be accompanied by a filing fee of $10 plus the annual rental of $20 to $70, payable in advance for the entire lease period of three years. Failure to transmit these payments with the application will render the application invalid.

Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

7. Leases will provide option to purchase at the appraised values ranging from $200 to $700. Before purchases may be made, the leases must have been in effect for a minimum period of one year, and the tract must have actually been used and improved for the purpose for which the lease is issued. Lessees will be required to comply with city and county zoning and building ordinances, including proportionate cost of street development and other facilities as required by Carbon County Board of Commissioners. Houses must be constructed of materials and according to general plans commonly used for houses in area located to the south within the city limits of Price, and contain not less than 1,200 square feet of floor space, exclusive of porches and attached garages.

In the event the right to purchase has been exercised prior to the expiration of the three-year leasable period, the unearned rentals paid will be applied to the purchase price. The United States reserves the right to reject any application to purchase and to cancel any lease if the property under application has been used or developed in such a manner as to detract from the value of the remaining tracts for the purchase for which they are classified.

8. Inquiries relative to these lands should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box No. 777, Salt Lake City 10, Utah.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55–5015; Filed, June 22, 1955; 8:46 a. m.]

UTAH (A–2)

SMALL TRACT CLASSIFICATION ORDER NO. 3

JUNE 14, 1955.

1. Pursuant to authority delegated to the State Supervisors by section 2.5 of Redelegation Order No. 541, issued April 21, 1954 by the Director, Bureau of Land Management, the following described lands are hereby classified for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609); 43 U. S. C. 682a as amended by the act of June 8, 1954 (68 Stat. 239), for home sites.

SALT LAKE MERIDIAN

T. 14 S., R. 10 E.,
Sec. 19: NE¼NE¼.

The lands described comprise 40 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located one mile southwest of Price, Utah, near the old Price municipal airport. The topography is gently rolling, and the soil is shallow and rocky. Elevation is 5600 feet with an average rainfall of 10.09 inches.

4. The individual tracts are five acres in size, divided by aliquot parts of the legal subdivision, subject to an easement for right-of-way and public utilities for a distance of 33 feet on all sides of each tract. The appraised value of the tracts is $100 each.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the price stated provided that during the period of their leases they either (a) construct the improvements specified in paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards. The home must be suitable for year-round use, on a permanent foundation and with a minimum of 700 square feet of floor space. The homes must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Applicants must file, in duplicate, with the Manager, Land Office, 312 Federal Building, Salt Lake City, Utah, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The applications must be accompanied by a filing fee of $10.00 plus three years advance rental of $45.00. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States. As provided in 43 CFR 257.13, in the event the right to purchase has been exercised prior to the expiration of the three year leasable period the unearned rentals paid will be applied to the purchase price.

8. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to June 14, 1955, will be granted the preference right provided by 43 CFR 257.5 (a). All valid applications from persons entitled to veterans' preference filed after June 14, 1955, and prior to 10:00 a. m. October 19, 1955, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans' preference filed after that time will be considered in the order of filing. All valid applications filed after 10:00 a. m. October 19, 1955, by other persons will be considered in the order of filing.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, Post Office Box No. 777, Salt Lake City 10, Utah.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55–5016; Filed, June 22, 1955; 8:46 a. m.]

[No. 9 (A–2)]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LAND

JUNE 16, 1955.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the lands described hereafter have been reconveyed to the United States. The area reconveyed and the serial number identifying the exchange are as indicated.

SALT LAKE MERIDIAN

Salt Lake 063223 T. 15 N., R. 9 W., Sec. 36: All.

640 acres.

Salt Lake 063783 T. 15 N., R. 9 W., Sec. 32: All.

640 acres.

Denver 055205 T. 4 S., R. 25 E., Sec. 21: All.

640 acres.

The minerals in the above described lands were wholly or partly reserved by the grantor or by prior grantors, and any person acquiring any of these lands must accept title subject to such reservations. Information as to any mineral rights reconveyed to the United States is of record in the Land Office, 312 Federal Building, Salt Lake City, Utah.

This order is subject to any withdrawals, reservations, rights-of-way or easements which may now affect the land, and to any withdrawals, reservations, rights-of-way or easements which may hereafter be effected.

The lands described are primarily valuable for grazing and it is unlikely that any of the tracts will be classified as suitable for entry under the homestead, desert land, or small tract laws.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, 312 Post Office Building, Salt Lake City, Utah.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55–5025; Filed, June 22, 1955; 8:49 a. m.]

[No. 12 (A–2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 16, 1955.

An application, Serial No. Utah 012532, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed May 21, 1954, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: Administrative sites, public service sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description within the Uinta National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Box 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

UINTA SPECIAL MERIDIAN

UINTA NATIONAL FOREST

West Fork Administrative Site

T. 1 N., R. 11 W.,
Sec. 29: SW¼SW¼SE¼, SE¼SE¼SW¼;
Sec. 32: NW¼NW¼NE¼, NE¼NE¼NW¼, W½NE¼NW¼, E½NW¼NW¼.

80 acres.

Currant Creek Administrative Site

T. 1 S., R. 11 W.,
Sec. 23: SW¼SW¼SE¼, SE¼SE¼SW¼;
Sec. 26: W½NW¼NE¼, E½NE¼NW¼.

60 acres.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55–5022; Filed, June 22, 1955; 8:48 a. m.]

[No. 13 (A–2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 16, 1955.

An application, Serial No. Utah 014955, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed March 28, 1955, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: Recreation areas within the Uinta National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Box 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

UINTA NATIONAL FOREST

Timpanogos Cave Recreation Area

T. 4 S., R. 2 E.,
Sec. 24: S½S½SW¼;
Sec. 25: N½NW¼;
Sec. 26: N½SE¼NW¼, N½SW¼NW¼, N½NE¼, S½N½NW¼;
Sec. 27: S½NE¼.

360 acres.

Timpooneke Recreation Area

T. 4 S., R. 3 E.,
Sec. 29: SE¼SW¼;
Sec. 31: S½NE¼NE¼, S½NW¼NE¼, S½NE¼, NE¼SE¼NW¼;
Sec. 32: SW¼NE¼, NE¼NW¼NW¼, E½NW¼, SW¼NW¼.

340 acres.

Mutual Dell Recreation Area

T. 4 S., R. 3 E.,
Sec. 29: SW¼NW¼, S½NW¼NW¼;
Sec. 30: N½NE¼, N½SE¼NE¼.

160 acres.

South Fork to Tibble Fork Recreation Areas

T. 4 S., R. 2 E.,
Sec. 24: SE¼NE¼, SE¼NE¼NE¼;
T. 4 S., R. 3 E.,
Sec. 7: S½SE¼;
Sec. 8: W½SW¼;
Sec. 18: Lot 4, E½SW¼, E½SE¼NW¼, W½NE¼, NE¼NE¼;
Sec. 19: Lots 1, 2, W½NE¼NW¼;
Sec. 17: N½NW¼, N½SW¼NW¼.

602.43 acres.

Big Tree Forest Camp No. 1 Recreation Area

T. 4 S., R. 3 E.,
Sec. 33: S½SW¼NE¼, N½SE¼SE¼, N½SE¼;
Sec. 34: W½NW¼SW¼.

140 acres.

Aspen Grove Recreation Area

T. 5 S., R. 3 E.,
Sec. 4: S½SW¼SE¼, S½ Lot 7, SE¼SE¼SW¼;
Sec. 9: Lot 1, NE¼NW¼, NW¼NE¼.

154.90 acres.

Granite Flat Recreation Area

T. 4 S., R. 3 E.,
Sec. 7: N½SE¼, NE¼SW¼, N½SE¼SW¼, Lots 1, 2, 3, E½NW¼, SW¼SW¼NE¼.
T. 4 S., R. 2 E.,
Sec. 1: SE¼SE¼;
Sec. 12: E½E½NE¼.

360.23 acres.

Silver Lake Flat Recreation Area

T. 4 S., R. 3 E.,
Sec. 6: Lots 4, 5, 6, 9, NE¼SW¼, SE¼NW¼, SW¼SE¼, SE¼SW¼.
T. 4 S., R. 2 E.,
Sec. 1: Lots 1 and 8.
T. 3 S., R. 2 E.,
Unsurveyed Sec. 36: E½SE¼, SE¼NE¼.
T. 3 S., R. 3 E.,
Unsurveyed Sec. 31: W½SW¼, SW¼NW¼.

583.59 acres.

Holman Flat Forest Camp Recreation Area

T. 4 S., R. 3 E.,
Sec. 5: Lots 5, 6, 7, 9, W½SE¼NW¼.

134.38 acres.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-5023; Filed, June 22, 1955; 8:48 a. m.]

[No. 14 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 16, 1955.

An application, Serial No. Utah 015233, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed April 19, 1955, by the United States Department of Agriculture.

The purpose of the proposed withdrawal: Administrative sites, public service sites, recreation areas, or for other public purposes as set forth specifically with regard to each area or description within the Wasatch National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Box 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

WASATCH NATIONAL FOREST

Boxelder Recreation Area

T. 1 S., R. 2 E.,
Sec. 28: S½SW¼;
Sec. 29: S½SE¼.

160 acres.

Rattlesnake Recreation Area

T. 1 S., R. 2 E.,
Sec. 31: S½ Lot 2, Lot 5.

49.95 acres.

Maple Grove Recreation Area

T. 1 S., R. 2 E.,
Sec. 34: Lot 1, NE¼NW¼, W½NW¼NE¼, SE¼NW¼, E½NE¼SW¼, W½NW¼SE¼, SE¼NW¼SE¼, SW¼SE¼, W½SW¼NE¼;
Sec 27: SE¼SW¼, S½NE¼SW¼, S½SE¼, S½NW¼SE¼, S½NE¼SE¼.

418.10 acres.

Elbow Fork Recreation Area

T. 1 S., R. 2 E.,
Sec. 23: S½SW¼SE¼;
Sec. 25: S½SW¼, SW¼SE¼;
Sec. 26: SW¼, SE¼NW¼, W½NE¼, E½SE¼, NW¼SE¼.

540 acres.

Big Water Recreation Area

T. 1 S., R. 2 E.,
Sec. 36: NE¼NW¼, S½NE¼, NW¼NE¼, S½NE¼NE¼, N½NE¼SE¼.
T. 1 S., R. 3 E.,
Sec. 31: S½ Lot 1, Lot 2, SE¼NW¼, S½NE¼NW¼, W½SW¼NE¼, Lot 3, NE¼SW¼, N½SE¼SW¼, NW¼SE¼, S½SE¼, S½NE¼SE¼.
T. 2 S., R. 3 E.,
Sec. 6: N½ Lot 1.

547.5 acres.

Storm Mountain Recreation Area

T. 2 S., R. 2 E.,
Sec. 19: S½NW¼SE¼, S½SE¼, SE¼SW¼;
Sec. 20: S½SW¼, W½SE¼, W½SE¼SE¼;
Sec. 29: Unsurveyed N½NW¼NE¼;
Sec. 30: Lot 1, NE¼NW¼.

419.26 acres.

Mill B Recreation Area

T. 2 S., R. 2 E.,
Sec. 21: NE¼NE¼, N½SE¼NE¼;
Sec. 22: N½NE¼, NW¼, unsurveyed N½SW¼;
Sec. 23: N½NW¼NW¼.

400 acres.

Mineral Fork Recreation Area

T. 2 S., R. 2 E.,
Sec. 14: The unpatented portion of SE¼SW¼, S½SW¼SW¼, N½SW¼SE¼, S½NE¼SW¼.

174.5 acres.

Spruces Recreation Area

T. 2 S., R. 3 E.,
Sec. 8: S½SW¼SE¼;
Sec. 17: S½NW¼NW¼, Lots 1, 2, 3, 4, 5, N½NE¼, NW¼SW¼, Lot 7, NW¼SE¼, S½NE¼SE¼, N½SW¼SE¼, SE¼SE¼.

514.34 acres.

Silver Fork Recreation Area

T. 2 S., R. 3 E.,
Sec. 21: E½NW¼.

80 acres.

Upper Silver Fork Recreation Area

T. 2 S., R. 3 E.,
Sec. 21: NW¼SE¼, Lot 1, Lot 2;
Sec. 28: Lot 10.

116.36 acres.

Redman Recreation Area

T. 2 S., R. 3 E.,
Sec. 22: Lots 12, 13;
Sec. 23: Lot 17;
Sec. 26: Lots 5, 10, 11, 13;
Sec. 27: Lots 5, 6, 7, 8, 9, 10, 11.

305.95 acres.

Alpine Recreation Area

T. 2 S., R. 3 E.,
Sec. 26: Lots 12, 14, and 15.

16.73 acres.

Mill F. Recreation Area

T. 2 S., R. 3 E.,
Sec. 23: Lot 18;
Sec. 26: Lots 2, 3, 6, 7, 8.

91.65 acres.

Brighton Recreation Area

T. 2 S., R. 3 E.,
Sec. 34: Lots 18, 19, 30, 31;
Sec. 35: Lots 4, 5, 13.
T. 3 S., R. 3 E.,
Unsurveyed Sec. 2: N½NW¼NW¼;
Unsurveyed Sec. 3: N½NE¼NW¼, N½N½NE¼.

307.73 acres.

Dog Lake Recreation Area

T. 2 S., R. 3 E.,
Sec. 5: SW¼.

160 acres.

Desolation Recreation Area

T. 2 S., R. 3 E.,
Sec. 9: S½NE¼NE¼, SE¼NE¼;
Sec. 10: W½NW¼, W½SE¼NW¼.

160 acres.

Hogum Flat Recreation Area

T. 3 S., R. 2 E.,
Sec. 9: The unpatented portion of SW¼NE¼, S½SE¼NE¼, NE¼NE¼SE¼. The unsurveyed N½SE¼NE¼, the unpatented portion of NW¼SE¼, NW¼NE¼SE¼, S½NE¼SE¼, N½SE¼SE¼;
Sec. 10: The unpatented portion of unsurveyed W½SW¼, NE¼SW¼, S½SW¼NW¼, S½SE¼NW¼, NW¼SE¼, N½SW¼SE¼, SW¼NE¼, SE¼NE¼.

475 acres.

Tanners Flat Recreation Area

T. 3 S., R. 2 E.,
Sec. 10: Unsurveyed NE¼SE¼;
Sec. 11: Unsurveyed NW¼SW¼, S½NW¼, N½NE¼SW¼.

180 acres.

White Pine Recreation Area

T. 3 S., R. 2 E.,
Unsurveyed Sec. 1: SE¼SE¼SW¼, SW¼SW¼SE¼;
Sec. 11: Unsurveyed W½SE¼, W½SE¼SE¼, W½NE¼SE¼, SW¼NE¼, E½NE¼;
Unsurveyed Sec. 12: The unpatented portion of W½NW¼, NE¼NW¼, N½SE¼NW¼, W½NW¼NE¼, NW¼SW¼NE¼;
Unsurveyed Sec. 14: The unpatented portion of N½NW¼NE¼, N½NE¼NE¼.

434.5 acres.

Jordan Pines Recreation Area

T. 2 S., R. 3 E.,
Sec. 7: S½SE¼SW¼, S½SW¼SE¼, SW¼SE¼SE¼;
Sec. 18: N½NE¼, SE¼NE¼, SE¼, N½NE¼SW¼, SE¼NE¼SW¼, E½SE¼SW¼;
Sec. 19: Lots 10, 11.

449.56 acres.

Little Valley Recreation Area

T. 10 S., R. 5 W.,
Sec. 14: NW¼NW¼;
Sec. 15: NE¼NE¼.

80 acres.

Upper South Willow Recreation Area

Unsurveyed T. 4 S., R 7 W.,
Sec. 1: S½SE¼, S½SW¼;
Sec. 2: S½SE¼SE¼;
Sec. 11: N½NE¼, S½NW¼, SW¼NE¼.

380 acres.

Christmas Meadows Recreation Area

T. 1 N., R. 10 E.,
Sec. 9: E½E½SE¼;
Sec. 10: NW¼SW¼, S½SW¼;
Sec. 15: W½NW¼, W½SW¼, W½SE¼NW¼.

340 acres.

Packers Camp Recreation Area

Unsurveyed T. 1 S., R. 10 E.,
Sec. 19: NE¼NW¼.

40 acres.

Sulphur Camp Recreation Area

T. 1 N., R. 9 E.,
Sec. 24: S½SW¼NE¼, W½SW¼SE¼, NW¼SE¼.

80 acres.

Haydens Camp No. 3 Recreation Area

T. 1 N., R. 9 E.,
Sec. 36: S½NW¼NW¼, SW¼NW¼.

60 acres.

Haydens Camp No. 2 Recreation Area

T. 1 N., R. 10 E.,
Sec. 8: W½NW¼.

80 acres.

Stillwater Camp No. 2 Recreation Area

T. 1 N., R. 10 E.,
Sec. 9: NE¼NW¼.

40 acres.

Blacks Fork Camp No. 1 Recreation Area

T. 2 N., R. 11 E.,
Sec. 24: SW¼NW¼.

40 acres.

Blacks Fork Camp No. 2 Recreation Area

T. 2 N., R. 11 E.,
Sec. 26: SE¼SE¼SW¼, SW¼SW¼SE¼, N½SW¼SE¼, S½NW¼SE¼, SE¼NW¼, E½SW¼NW¼, SE¼NE¼SW¼, N½NE¼SW¼, NE¼NW¼SW¼.

160 acres.

Blacks Fork Camp No. 3 Recreation Area

T. 2 N., R. 11 E.,
Sec. 35: NE¼NE¼NW¼, NW¼NW¼NE¼.

20 acres.

Brush Creek Recreation Area

T. 2 N., R. 12 E.,
Sec. 8: NE¼NE¼.

40 acres.

Lodge Pole Camp Recreation Area

T. 2 N., R. 10 E.,
Sec. 26: W½NE¼SW¼, E½NW¼SW¼.

40 acres.

Yellow Pine Camp Recreation Area

T. 2 S., R. 7 E.,
Sec. 20: E½SW¼.

80 acres.

Shingle Creek Camp Recreation Area

T. 2 S., R. 7 E.,
Sec. 27: Lot 6, E½SE¼, NE¼NW¼SE¼;
Secs. 27 & 28: H. E. S. 100;
Sec. 34: NE¼NE¼NE¼;
Sec. 35: NW¼NW¼NW¼.

261.18 acres.

Pine Creek Camp Recreation Area

T. 3 S., R. 7 E.,
Sec. 2: Lot 1, Lot 2, Lot 3, SE¼NW¼.

181.04 acres.

Rock Creek Camp Recreation Area

T. 3 S., R. 8 E.,
Sec. 4: SW¼SW¼.

40 acres.

Soapstone Creek Recreation Area

T. 3 S., R. 8 E.,
Sec. 5: S½SW¼, SW¼SE¼;
Sec. 8: NE¼, N½SE¼, N½NW¼;
Sec. 9: S½NE¼SW¼, SW¼NW¼, S½NW¼NW¼, NW¼SW¼.

560 acres.

Soapstone Recreation Area

T. 3 S., R. 8 E.,
Sec. 9: SE¼NE¼;
Sec. 10: SW¼NW¼, N½SE¼NW¼, S½NE¼NW¼.

120 acres.

Buckeye Lake Recreation Area

T. 2 S., R. 8 E.,
Sec. 13: SE¼SE¼SE¼;
Sec. 24: E½NE¼NE¼.
T. 2 S., R. 9 E.,
Sec. 19: NW¼NW¼.

70 acres.

Hourglass Lake Recreation Area

T. 2 S., R. 8 E.,
Sec. 24: S½NW¼SW¼, N½SW¼SW¼.

40 acres.

Alexander Lake Recreation Area

T. 2 S., R. 8 E.,
Sec. 25: S½SE¼SE¼;
Sec. 36: NE¼NE¼, E½NW¼NE¼.
T. 2 S., R. 9 E.,
Sec. 30: SW¼SW¼;
Sec. 31: NW¼NW¼.

160 acres.

Cobblestone Camp Recreation Area

T. 3 S., R. 8 E.,
Sec. 1: Lot 1.
T. 2 S., R. 9 E.,
Sec. 31: S½SW¼SW¼.
T. 3 S., R. 9 E.,
Sec. 6: NW¼NW¼.

109.75 acres.

Trial Lake Recreation Area

T. 1 S., R. 9 E.,
Sec. 31: SE¼SE¼SE¼;
Sec. 30: SW¼SW¼.
T. 2 S., R. 9 E.,
Sec. 5: Lots 1, 2, 3, 4, N½SW¼NW¼;
Sec. 6: Lots 1, 2, 3, SE¼NW¼, N½SW¼, SW¼NE¼, SE¼NE¼.

580.58 acres.

Lost Creek Camp Recreation Area

T. 2 S., R. 9 E.,
Sec. 4: Lots 3, 4.

87.94 acres.

Camp Steiner Recreation Area

T. 1 S., R. 9 E.,
Sec. 23: Lots 1, 2, 3, 4.

84.33 acres.

Smith & Morehouse Camp Recreation Area

T. 1 S., R. 7 E.,
Sec. 1: Lot 2, SW¼NE¼, W½SE¼;
Sec. 12: W½NE¼, N½SE¼, N½SE¼SE¼;
Sec. 13: NE¼NE¼.
T. 1 S., R. 8 E.,
Sec. 7: Lots 10, 11;
Sec. 18: Lots 2, 3, 4, 5.

592.97 acres.

Mill Creek Administrative Site

T. 1 S., R. 2 E.,
Sec. 27: Lot 4, S½ Lot 3.

42.075 acres.

Spruces Administrative Site

T. 2 S., R. 3 E.,
Sec. 17: Lot 6.

43.41 acres.

Brighton Administrative Site

T. 2 S., R. 3 E.,
Sec. 35: Lots 10, 11, 12, and 14.

42.90 acres.

South Fork Administrative Site

T. 4 S., R. 2 E.,
Sec. 24: S½SE¼, NE¼SE¼, E½NW¼SE¼.
T. 4 S., R. 3 E.,
Sec. 19: Lot 4.

157.89 acres.

Timpooneke Administrative Site

T. 4 S., R. 3 E.,
Sec. 32: S½NW¼NW¼.

20 acres.

South Willow Administrative Site

T. 4 S., R. 6 W.,
Sec. 6: Lot 5, N½ Lot 6.
Unsurveyed T. 4 S., R. 7 W.,
Sec. 1: E½NE¼SE¼, SE¼SE¼NE¼.

83.165 acres.

Little Valley Administrative Site

T. 10 S., R. 5 W.,
Sec. 14: NE¼NW¼.

40 acres.

Ledgefork Administrative Site

T. 1 S., R. 7 E.,
Sec. 12: S½SE¼SE¼.

20 acres.

Beaver Creek Administrative Site

T. 2 S., R. 7 E.,
Sec. 20: S½SE¼;
Sec. 21: SW¼SW¼;
Sec. 28: N½NW¼.

200 acres.

Soapstone Administrative Site

T. 3 S., R. 8 E.,
Sec. 9: SE¼NW¼, SW¼NE¼, N½NE¼SW¼, N½NW¼SE¼.

120 acres.

Mill Creek Administrative Site

T. 2 N., R. 11 E.,
Sec. 8: SW¼NW¼, NW¼NW¼, W½SW¼.

160 acres.

Bridger Lake Administrative Site

T. 3 N., R. 14 E.,
Sec. 29: SW¼SW¼, W½SE¼SW¼;
Sec. 32: NW¼NW¼.

100 acres.

Whitney Administrative Site

T. 1 N., R. 9 E.,
Sec. 3: Lots 4, 5;
Sec. 4: Lots 1, 8.

102.28 acres.

Blacksfork Administrative Site

T. 2 N., R. 12 E.,
Sec. 25: S½NW¼NW¼, N½SW¼NW¼.

40 acres.

West Fork Blacksfork Administrative Site

T. 1 N., R. 11 E.,
Sec. 2: E½SW¼NE¼, E½NW¼SE¼, E½SW¼SE¼, W½SE¼SE¼.

80 acres.

Hewinta Ranger Station Administrative Site

T. 3 N., R. 13 E.,
Sec. 33: NW¼SW¼.

40 acres.

UINTA SPECIAL MERIDIAN, UTAH

WASATCH NATIONAL FOREST

Fehr Lake Recreation Area

T. 3 N., R. 9 W.,
Sec. 3: SE¼NE¼.

40 acres.

Camp Steiner Recreation Area

T. 4 N., R. 9 W.,
Sec. 22: Lots 3, 4;
Sec. 23: Lot 4, SE¼SW¼;
Sec. 26: NW¼NW¼, NE¼NW¼;
Sec. 27: Lots 1, 2.

277.14 acres.

Mirror Lake Camp Recreation Area

T. 4 N., R. 9 W.,
Sec. 27: Lots 3, 6, 7;
Sec. 34: Lots 1, 2, 5;
Sec. 35: NW¼NW¼, SW¼NW¼.

285.96 acres.

Hoover & Marshall Recreation Area

T. 3 N., R. 9 W.,
Sec. 2: SE¼SW¼, SW¼SE¼;
Sec. 11: NE¼NW¼, NW¼NE¼.

160 acres.

Mirror Lake Administrative Site

T. 4 N., R. 9 W.,
Sec. 34: Lot 4.

28.80 acres.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-5024; Filed, June 22, 1955; 8:48 a. m.]

National Park Service

[Order 16]

CHIEF, DIVISION OF COOPERATIVE ACTIVITIES

DELEGATION OF AUTHORITY TO DETERMINE WHETHER SURPLUS LAND IS SUITABLE FOR CERTAIN USES

JUNE 8, 1955.

The Chief, Division of Cooperative Activities, is authorized to determine, in accordance with subsection (h) of section 13 of the Surplus Property Act of 1944, as amended by the act of June 10, 1948 (62 Stat. 350; 50 U. S. C., App., 1952 ed., sec. 1622 (h)), whether surplus land is suitable and desirable for use as a public park, public recreational area, or historic monument, for the benefit of the public, and to inform disposal agencies of such determinations.

(Secretary's Order No. 2640, as amended; 16 F. R. 5846, 19 F. R. 1327, 1937)

[SEAL] CONRAD L. WIRTH,
Director.

[F. R. Doc. 55-5029; Filed, June 22, 1955; 8:50 a. m.]

[Order 18]

FINANCE OFFICER AND PROCUREMENT AND PROPERTY MANAGEMENT OFFICER

DELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS FOR SUPPLIES, EQUIPMENT, AND SERVICES

JUNE 8, 1955.

The Finance Officer may enter into contracts each in an amount in excess of $25,000 but not in an amount in excess of $50,000 for supplies, equipment, and services; and the Procurement and Property Management Officer may enter into contracts each in an amount not in excess of $25,000 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(Secretary's Order No. 2509, as amended; 17 F. R. 6793)

[SEAL] CONRAD L. WIRTH,
Director.

[F. R. Doc. 55-5030; Filed, June 22, 1955; 8:50 a. m.]

Office of the Secretary

ALABAMA AND COUSHATTA TRIBES OF INDIANS OF TEXAS, AND INDIVIDUAL MEMBERS THEREOF

PROCLAMATION REGARDING TERMINATION OF FEDERAL SUPERVISION OVER PROPERTY

Pursuant to the authority vested in me by the Act of August 23, 1954 (68 Stat. 768), I, Douglas McKay, Secretary of the Interior, do hereby proclaim that:

1. I am this day executing a quitclaim deed, effective July 1, 1955, which conveys to the State of Texas the lands held in trust by the United States for the tribe of Indians organized and known as the Alabama and Coushatta Tribes of Texas, located in Polk County, Texas. Such lands shall be held by the State of Texas in trust for the benefit of the Indians of the Alabama and Coushatta Tribes of Texas, subject to such conditions regarding management and use as the State of Texas may prescribe, and the disposition of such lands shall be subject to approval of a majority of the adult members of the Alabama and Coushatta Tribes of Texas.

2. On and after July 1, 1955, the tribe and its members shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, except that such Indians shall be eligible for admission, on the same terms that apply to other Indians, to hospitals and schools maintained by the United States.

3. Effective on July 1, 1955, all powers of the Secretary of the Interior or any other officer of the United States to take, review, or approve any action under the constitution and by-laws of the Alabama and Coushatta Tribes of Texas approved on August 19, 1938, pursuant to the Act of June 18, 1934 (48 Stat. 984), are terminated. Any powers conferred upon the tribe by its constitution and by-laws that are inconsistent with the provisions of the Act of August 23, 1954, supra, are terminated. Such termination shall not affect the power of the tribe to take any action under its constitution and by-laws that is consistent with that Act without the participation of the Secretary or other officer of the United Sates in such action.

4. Effective on July 1, 1955, the indebtedness of the Alabama and Coushatta Tribes of Texas to the United States incurred under the provisions of the Act of May 29, 1928 (45 Stat. 883, 900) is cancelled.

5. Effective on July 1, 1955, the corporate charter of the Alabama and Coushatta Tribes of Texas issued pursuant to the Act of June 18, 1934 (48 Stat. 984), and ratified on October 17, 1939, is revoked.

6. After July 1, 1955, the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 387), shall not apply to the tribe and its members.

7. On and after July 1, 1955, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the Alabama and Coushatta Tribes of Texas or the members thereof, except as provided in provision 2 of this proclamation, and the laws of the several states shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

8. Nothing in this proclamation, issued pursuant to Public Law 627, 83d Congress, shall affect the status of the members of the tribe as citizens of the United States.

In witness whereof, I have hereunder subscribed my name and caused the seal of the Department of the Interior to be affixed this 25th day of May 1955.

[SEAL] DOUGLAS MCKAY,
Secretary of the Interior.

[F. R. Doc. 55-5032; Filed, June 22, 1955; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7190]

TRANS-TEXAS AIRWAYS PERMANENT CERTIFICATE CASE

NOTICE OF HEARING

In the matter of the application of Trans-Texas Airways, under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration and for permanent certification of all points served.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, that a hearing in the above-entitled proceeding is assigned to be held on July 12, 1955, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., June 20, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-5048; Filed, June 22, 1955; 8:53 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[Welfare Order 16-2, Amdt.]

AGENCY FIELD ORGANIZATION; OFFICE OF FIELD ADMINISTRATION

MISCELLANEOUS AMENDMENTS

Department of Health, Education, and Welfare (FSA) Order 16-2 (Amendment 1) is hereby amended in the following respects:

1. Section 1a is amended to read as follows:

a. Carrying out the functions, duties, and responsibilities vested in the Department of Health, Education, and Welfare and the Secretary of Health, Education, and Welfare by sections 203 (j), 203 (k) and 203 (m) of the Federal Property and Administrative Services Act of 1949, as amended, and by the rules, regulations, and circulars issued by the Administrator of General Services to the extent that they affect such functions (hereinafter called Program) of the Secretary of Health, Education, and Welfare and the Department of Health, Education, and Welfare.

2. Section 2 is amended by adding at the end thereof the following subsection:

e. Prepare for submission by the Secretary to the Senate and to the House of Representatives the reports required to be made by subsection 203 (n) of the act.

Dated: June 17, 1955.

[SEAL] ROSWELL B. PERKINS,
Acting Secretary.

[F. R. Doc. 55-5013; Filed, June 22, 1955; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 20, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30767: Di-calcium phosphate—To western points. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on phosphate di-calcium, U. S. P., or feed grade, carloads, from Carteret, N. J., Zylonite, Mass., and Trenton, Mich., to specified points in Iowa, Minnesota, Missouri, Nebraska, and Wisconsin.

Grounds for relief: Short-line distance formula and circuity.

FSA No. 30768: Magnesium metals—Velasco, Tex., to Newport, Del. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on magnesium metal or metal alloys, carloads, from Velasco, Tex., to Newport, Del.

Grounds for relief: Water-truck competition and circuity.

Tariff: Supplement 52 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 30769: Sulphuric acid—Louisiana to St. Louis, Mo. and group. Filed by R. C. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads, also spent sulphuric acid, from Baton Rouge and North Baton Rouge, La., to St. Louis, Mo., East St. Louis, Wood River, and Roxana, Ill., (and in reverse direction as to rates on spent sulphuric acid).

Grounds for relief: Barge-truck competition and circuity.

Tariffs: Supplement 82 to Agent Spaninger's I. C. C. 1357; Supplement 56 to Agent Raasch's I. C. C. 776.

FSA No. 30770: Woodpulp and woodpulp screenings to Rochester, N. Y. Filed by C. W. Boin, Agent, for interested rail carriers. Rates on woodpulp and woodpulp screenings, carloads, from La Tuque, Quebec, Can., to Rochester, N. Y.

Grounds for relief: Circuitous routes.

FSA No. 30771: Coke—St. Louis, Mo., area to Keokuk, Iowa. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on coke, coke breeze, dust or screenings, carloads, from St. Louis, Mo., and East St. Louis, Ill., to Keokuk, Iowa.

Grounds for relief: Competition with water carriers by barge and circuity.

Tariff: Supplement 32 to Agent Raasch's I. C. C. 767.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 55-5044; Filed, June 22, 1955; 8:53 a. m.]

FEDERAL POWER COMMISSION

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ACCOUNT 107

JUNE 16, 1955.

Notice is hereby given that on May 27, 1955, the Federal Power Commission issued its order adopted May 25, 1955, approving and directing disposition of amounts classified in account 107, gas plant adjustments in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5036; Filed, June 22, 1955; 8:51 a. m.]

[Docket No. E-6390]

CALIFORNIA OREGON POWER CO.

NOTICE OF ORDER EXTENDING TIME FOR FILING APPLICATIONS FOR LICENSES FOR MAJOR PROJECTS

JUNE 16, 1955.

Notice is hereby given that on May 27, 1955, the Federal Power Commission issued its order adopted May 25, 1955, further extending time for filing of application or applications for licenses for major projects to and including May 30, 1956, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5033; Filed, June 22, 1955; 8:51 a. m.]

[Docket Nos. G-7327—G-7341, G-7368—G-7389, G-7394—G-7396, G-7347]

GEORGE A. BUTLER ET AL.

NOTICE OF ORDER SEVERING PROCEEDINGS

JUNE 16, 1955.

Notice is hereby given that on June 7, 1955, the Federal Power Commission

issued its order adopted May 25, 1955, in the above-entitled matters severing proceedings in the matters of Natural Gas Distributing Corporation, Docket Nos. G–7394, G–7395, and G–7396; and the matter of Gulf Refining Company, Docket No. G–7368.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–5038; Filed, June 22, 1955; 8:52 a. m.]

[Docket Nos. G–8516, G–8549, G–8624, G–8626, G–8627, G–8629, G–8632, G–8635]

GULF REFINING CO. ET AL.

NOTICE OF ORDERS MAKING PROPOSED RATE CHANGES EFFECTIVE

JUNE 16, 1955.

In the matters of Gulf Refining Company, Docket No. G–8516; Stanolind Oil and Gas Company, Docket No. G–8549; Sohio Petroleum Company, Docket No. G–8624; Skelly Oil Company, Docket No. G–8626; The British-American Oil Producing Company, Docket No. G–8627; Gulf Oil Corporation, Docket No. G–8629; Anderson-Prichard Oil Corp., Docket No. G–8632; West Edmond Oil Company, Docket No. G–8635.

Notice is hereby given that on June 2, 1955, the Federal Power Commission issued its orders adopted May 31, 1955, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–5037; Filed, June 22, 1955; 8:52 a. m.]

[Project No. 135]

PORTLAND GENERAL ELECTRIC CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

JUNE 16, 1955.

Notice is hereby given that on May 31, 1955, the Federal Power Commission issued its order adopted May 25, 1955, further amending license (major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–5034; Filed, June 22, 1955; 8:51 a. m.]

[Projects Nos. 2111, 2112]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER EXTENDING PERIOD OF PRELIMINARY PERMITS

JUNE 16, 1955.

Notice is hereby given that on May 31, 1955, the Federal Power Commission issued its order adopted May 25, 1955, extending period of preliminary permits to and including November 30, 1956, in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–5035; Filed, June 22, 1955; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–164, 59–14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER GRANTING PETITION OF INTERIM BOARD OF DIRECTORS FOR APPROVAL OF MAXIMUM AMOUNTS OF INTERIM FEES AND EXPENSES

JUNE 17, 1955.

The Interim Board of Directors of International Hydro-Electric System ("IHES"), a registered holding company now in process of reorganization pursuant to sections 11 (d) and 11 (f) of the Public Utility Holding Company Act of 1935 ("act"), having filed with this Commission a petition and an amendment thereto for the issuance of an order pursuant to Rule U-63 promulgated under the act, approving the transfer by the Trustee of IHES, heretofore appointed by the United States District Court for the District of Massachusetts, of the sum of $50,000 to a special account to defray the reasonable and necessary expenses of the Interim Board of Directors in performing the duties entrusted to it, as therein particularly specified; and

Due notice of the filing of said petition having been issued, no hearing having been requested, or ordered by the Commission; objections to the granting of said petition, in so far as it requests approval of the payment of interim compensation to Messrs. Purcell & Nelson, counsel to the Interim Board, having been filed by Central-Illinois Securities Corporation and C. A. Johnson, shareholders of IHES; and the Commission having this day filed its Memorandum Opinion herein concluding that the objections are without merit and should be overruled and that the request of the Interim Board for an order approving the transfer by the Trustee of IHES from its treasury to a special account of the sum of $50,000 to be expended as aforesaid is reasonable as the maximum amount for which application may be made to the said Court as interim fees, charges and expenses of the Interim Board and its counsel, all as more fully set forth in said petition:

It is ordered, That the objections filed by Central-Illinois Securities Corporation and C. A. Johnson as aforesaid be, and the same hereby are, overruled.

It is further ordered, That the aforesaid petition, as amended, be, and the same hereby is, granted, effective forthwith, subject to the condition that nothing herein contained shall be deemed to limit the authority of the Commission or the United States District Court for the District of Massachusetts with regard to the final determination of all fee and expense allowances (including those covered by the aforesaid petition) to any and all persons in connection with the reorganization of IHES pursuant to the provisions of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–5040; Filed, June 22, 1955; 8:52 a. m.]

[File No. 70–3369]

COLUMBIA GAS SYSTEM ET AL.

ORDER AUTHORIZING SALE OF INSTALLMENT NOTES AND COMMON STOCK BY TWO SUBSIDIARIES, AND ACQUISITION THEREOF BY PARENT

JUNE 17, 1955.

In the matter of The Columbia Gas System, The Ohio Fuel Gas Company, Atlantic Seaboard Corporation, et al.; File No. 70–3369.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and certain of its wholly-owned subsidiaries, including The Ohio Fuel Gas Company ("Ohio Fuel") and Atlantic Seaboard Corporation ("Seaboard"), have filed a joint application-declaration and amendments thereto pursuant to sections 6 (b), 9, 10, 12 (b), and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-45 thereunder, including therein, inter alia, the following proposed transactions:

Ohio Fuel will issue and sell and Columbia will purchase at the principal amount thereof, from time to time as required but prior to March 31, 1956, not to exceed $11,300,000 principal amount of Installment Promissory Notes, maturing in equal annual installments on February 15th of the years 1957 through 1981. The new notes will carry an initial interest rate of 3 percent per annum subject to adjustment as of the date of Columbia's next issue of debentures under the Indenture dated June 1, 1950 between Columbia and Guaranty Trust Company of New York, as Trustee, to an interest rate equal to the coupon rate which will be borne by said issue of debentures.

Seaboard will issue and sell and Columbia will purchase, at par, from time to time as required but prior to March 31, 1956, not to exceed 56,000 shares of Seaboard's common stock, $25 par value. Thereafter, Seaboard will issue and sell and Columbia will purchase, at the principal amount thereof, from time to time as required but prior to March 31, 1956, not to exceed $5,500,000 principal amount of Seaboard's installment notes. As in the case of Ohio Fuel, the Seaboard notes will mature in equal annual installments on February 15th of the years 1957 through 1981 and will carry an initial interest rate of 3 percent per annum subject to adjustment to conform with the coupon rate which will be borne by Columbia's next debenture issue.

The issue and sale by Ohio Fuel of its installment notes have been authorized by The Public Utilities Commission of Ohio. It is stated that no State regulatory commission has jurisdiction over the transactions proposed by Seaboard.

Certain transactions proposed in said joint application-declaration involving open-account advances by Columbia to four of its subsidiaries, Central Kentucky Natural Gas Company, Ohio Fuel, The Manufacturers Light and Heat Company and Home Gas Company, were authorized by the Commission's order dated May 12, 1955. Other transactions proposed in said joint application-declaration involving certain additional open-account advances and the issuance and sale of securities by various Columbia subsidiaries require approvals of State commissions, which have not yet been secured.

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the transactions specifically described herein, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the joint application-declaration, as amended, be granted and permitted to become effective, forthwith, to the extent of such proposed transactions.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, with respect to the transactions specifically described above be, and hereby is, granted and permitted to become effective forthwith, subject to the conditions of Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, continued with respect to the remaining transactions proposed in said joint application-declaration, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–5041; Filed, June 22, 1955; 8:52 a. m.]

[File No. 812–930]

ASTOR FINANCIAL CORP. AND NORTH RIVER SECURITIES CO., INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING CERTAIN TRANSACTIONS BETWEEN AFFILIATES INCIDENT TO A MERGER

JUNE 17, 1955.

Notice is hereby given that Astor Financial Corporation ("Astor"), and North River Securities Co., Inc. ("North River"), registered closed-end non-diversified investment companies, have filed a joint application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (b) of the act certain transactions described below from the provisions of section 17 (a) of the act.

The application represents that the respective boards of directors of the applicants have approved an Agreement and Plan of Reorganization ("Agreement and Plan") which provides, among other things, for (1) the transfer by Astor of its property and assets to North River in exchange for shares of common stock of North River and assumption by the latter of all the liabilities and obligations of Astor and (b) the dissolution of Astor and the pro rata distribution of the shares of North River received by it among its shareholders. The number of shares of common stock to be issued by North River to Astor will be determined by dividing the aggregate value of the net assets of Astor by the net asset value per share of North River. The assets of each of the applicants will be valued not more than 48 hours prior to closing date of the transaction.

In determining the respective net asset values of each of the applicants, it is stated that the real estate owned by the two corporations will be valued in accordance with recent appraisals made by Charles F. Noyes Company, Inc., of New York City, adjusted to the valuation date; marketable securities will be valued at the market value thereof as of the valuation date and the value of all other assets and liabilities will be determined in good faith by the respective boards of directors.

North River has presently outstanding 489,598 shares of common stock $1 par value the net asset value of which amounted to $1,958,350 as of March 31, 1955, based on the valuation procedure described above, equivalent to approximately $4 per share. Its two principal assets consist of 287,200 shares of common stock of Baldwin Securities Corporation, a registered closed-end, non-diversified, investment company, with a market value of $1,148,800 as of March 31, 1955, and an office building located at 176 Broadway and 5/7 Maiden Lane, in New York City in which North River has an indicated equity of $625,644 based on the Noyes appraisal. As of March 31, 1955, North River had an earned surplus deficit of $86,975.

Astor has an aggregate of 74,636 shares of $10.00 par value common stock outstanding, classified into 62,740 shares of Common Class A and 11,896 shares of Common Class B. The two classes of common stock are equal in all respects except that the Class B stock is entitled to elect a majority of the directors and to the exclusive right to vote on all other matters. Total net asset value of Astor, which is comprised principally of marketable securities, amounted to $1,206,809 as of March 31, 1955, equivalent to $16.17 per share.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to, or purchasing from such registered investment company or any company controlled by such registered investment company, any securities or property subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act.

The application recites that Ira Guilden is the beneficial owner of 19.46 percent and 45.3 percent, respectively, of the Class A and Class B common stock of Astor. He is also a director and beneficial owner of 19.52 percent of the common stock of North River. Astor and North River are, therefore, each affiliated persons of Guilden, and he is an affiliated person of Astor and North River by definition under the act. Each of the companies is an affiliate of an affiliated person of a registered investment company and therefore certain of the proposed transactions are subject to the prohibitions of section 17 (a) referred to above.

Effectiveness of the Agreement and Plan is conditioned upon, among other things, approval of the proposed transactions by at least two-thirds of the outstanding shares of each class of stock of Astor, and the granting by this Commission of such exemption order or orders under the act as may be necessary to permit the carrying out of the proposed transactions. The Agreement and Plan also provides that in the event holders of more than 10 percent of the outstanding stock of Astor object to the sale of assets and demand payment for their shares, either party at its option may terminate the Agreement.

Applicants declare that the terms of the proposed transactions are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transactions are consistent with the policies of Astor and North River and with the purposes of the act.

It is represented that promptly after the consummation of the proposed transfer of its assets Astor will file an application pursuant to section 8 (f) of the act for an order by the Commission declaring that Astor has ceased to be an investment company under the act.

Notice is further given that any interested person may, not later than July 6, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

It is ordered, That North River Security Co., Inc., mail to each of its stockholders (insofar as the identity of such security holders is known or available to it) a copy of this notice to his last known address at least 10 days prior to July 6, 1955.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 55–5042; Filed, June 22, 1955; 8:53 a. m.]

UNIVERSITY OF MICHIGAN
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THE NATIONAL ARCHIVES

FEDERAL REGISTER

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Washington, Friday, June 24, 1955

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10616

SUSPENSION OF CERTAIN PROVISIONS OF THE OFFICER PERSONNEL ACT OF 1947, AS AMENDED, WHICH RELATE TO OFFICERS OF THE MARINE CORPS OF THE GRADE OF BRIGADIER GENERAL

By virtue of the authority vested in me by section 426 (c) of the Officer Personnel Act of 1947, as amended by section 1 (h) of the act of June 30, 1951, 65 Stat. 109, it is ordered as follows:

1. The operation of those provisions of Title III of the Officer Personnel Act of 1947, as amended, which relate to the service-in-grade requirements of officers of the Marine Corps of the grade of brigadier general for eligibility for consideration by a selection board for temporary promotion to the grade of major general is hereby suspended until June 30 of the fiscal year following that in which the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950, shall end.

2. This order shall become effective on July 1, 1955.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
June 21, 1955.

[F. R. Doc. 55-5084; Filed, June 22, 1955; 1:23 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 87]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

1. Section 610.15 *Green Civil Airway No. 5* is amended by adding:

From—	To—	Minimum altitude
Hilltop, Ariz. (FM)	Columbus, N. Mex. (LFR) (eastbound only).	10,000

2. Section 610.107 *Amber Civil Airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Melbourne, Fla. (LFR)	Daytona Beach, Fla. (LFR).	1,300

3. Section 610.226 *Red Civil Airway No. 26* is amended by adding:

From—	To—	Minimum altitude
Matoca (INT), Va	Waverly, Va. (LFR)	1,500
Waverly, Va. (LFR)	Corapeake (INT), Va.	1,400

4. Section 610.230 *Red Civil Airway No. 30* is amended to read in part:

From—	To—	Minimum altitude
Tallahassee, Fla. (LFR).	Drifton (INT), Fla.	1,400
Drifton (INT), Fla.	Lee (INT), Fla.	1,300
Lee (INT), Fla.	Suwannee (INT), Fla.	1,200
Suwannee (INT), Fla.	Jacksonville, Fla. (LFR).	1,300

5. Section 610.247 *Red Civil Airway No. 47* is amended to read in part:

From—	To—	Minimum altitude
Orlando, Fla. (LFR)	Daytona Beach, Fla. (LFR).	1,300

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1955)

The following Supplements are now available:

Title 17 ($0.55)

Title 32A, Revised Dec. 31, 1954 ($1.50)

Title 38 ($2.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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6. Section 610.267 *Red Civil Airway No. 67* is amended to read in part:

From—	To—	Minimum altitude
Crestview, Fla. (LFR)	Dothan, Ala. (LFR)	1,400

7. Section 610.308 *Red Civil Airway No. 108* is added to read:

From—	To—	Minimum altitude
Promontory Point, Utah (LF/RBN).	Corinne, Utah (LF/RBN).	11,000
Corinne, Utah (LF/RBN).	Fort Bridger, Utah (LFR).	12,000

8. Section 610.616 *Blue Civil Airway No. 16* is amended by adding:

From—	To—	Minimum altitude
Waverly, Va. (LFR)	Tappahannock, Va. (LFR).	1,400

9. Section 610.619 *Blue Civil Airway No. 19* is amended to read in part:

From—	To—	Minimum altitude
Melbourne, Fla. (LFR)	Orlando, Fla. (LFR)	1,200

10. Section 610.645 *Blue Civil Airway No. 45* is amended by adding:

From—	To—	Minimum altitude
Montpelier, Vt. (LFR)	Newport, Vt. (LF/RBN).	5,000

11. Section 610.677 *Blue Civil Airway No. 77* is amended to delete:

From—	To—	Minimum altitude
Promontory Point, Utah (LF/RBN).	Corinne, Utah (LF/RBN).	11,000

12. Section 610.1001 *Direct Routes—United States* is amended to delete:

From—	To—	Minimum altitude
Alexandria, La. (LFR)	Int. direct line Alexandria, La. (LFR)—Gregg County, Tex. (LF/RBN) and S crs. Shreveport, La. (LFR).	1,500
Int. direct line Alexandria, La. (LFR)—Gregg County, Tex. (LF/RBN) and S crs. Shreveport, La. (LFR).	Gregg County, Tex. (LF/RBN).	1,600
Houston, Tex. (LFR)	Longview, Tex. (Gregg Co.) (LF/RBN).	2,000
Joplin, Mo. (LFR)	Tulsa, Okla. (LFR)	2,500
Little Rock, Ark. (LFR).	Int. N crs. Stuttgart, Ark. (LFR) and direct crs. between Little Rock, Ark. (LFR) and Walnut Ridge, Ark. (LFR).	1,600
Int. N crs. Stuttgart, Ark. (LFR) and direct crs. between Little Rock, Ark. (LFR) and Walnut Ridge, Ark. (LFR).	Walnut Ridge, Ark. (LFR).	1,700
Walnut Ridge, Ark. (LFR).	Kenneth (INT), Ark.	2,500
Walnut Ridge, Ark. (LFR).	Greenville (INT), Mo.	1,500
Mobile, Ala. (LFR)	Pensacola, Fla. (LFR).	1,600
Tri-City, Tenn. (LFR)	Asheville, N. C. (VAR).	9,000
Asheville, N. C. (VAR).	Int. SW crs. Asheville, N. C. (VAR) and W crs. Greenville, S. C. (LFR)	8,000
Asheville, N. C. (VAR).	Blacksburg (INT), N. C.	6,500
Int. SW crs. Asheville, N. C. (VAR) and W crs. Greenville, S. C. (LFR).	Anderson, S. C. (LF/RBN) (Southbound).	4,000
Int. S crs. Asheville, N. C. (VAR) and W crs. Greenville, S. C. (LFR).	Murphy, Tenn. (LF/RBN).	7,500
Anderson, S. C. (LF/RBN).	Int. SW crs. Asheville, N. C. (VAR) and W crs. Greenville, N. C. (LFR) (Northbound).	6,000
Goodland, Kans. (LF/RBN).	Garden City, Kans. (LFR).	5,000
Cedarville (INT), W. Va., via N alter.	Elkins, W. Va. (VOR) via N alter.	5,000
Herndon, Va. (VOR)	Kensington (INT), Md.	1,800

13. Section 610.6002 *VOR Civil Airway No. 2* is amended by adding:

From—	To—	Minimum altitude
Syracuse, N. Y. (VOR), via S alter.	Albany, N. Y. (VOR), via S alter.	4,500

14. Section 610.6003 *VOR Civil Airway No. 3* is amended to delete:

From—	To—	Minimum altitude
Key West, Fla. (VOR), via E alter.	Miami, Fla. (VOR), via E alter.	1,900
Kensington (INT), Md.	Lisbon (INT), Md.	[1] 3,000

[1] 2,000'—Minimum terrain clearance altitude.

15. Section 610.6004 *VOR Civil Airway No. 4* is amended to delete:

From—	To—	Minimum altitude
Charleston, W. Va. (VOR), via N alter.	Cedarville (INT), W. Va., via N alter.	[1] 5,000

[1] 3,000'—Minimum terrain clearance altitude.

16. Section 610.6005 *VOR Civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Alma, Ga. (VOR)	Red Dog [1] (INT), Ga.	1,800
Red Dog [1] (INT), Ga.	Macon, Ga. (VOR)	1,800
Columbus, Ohio (VOR).	Fredricktown [2] (INT), Ohio.	2,500
Fredricktown [2] (INT), Ohio.	Mansfield, Ohio (VOR).	2,500

[1] 3,100'—Minimum reception altitude.
[2] 4,500'—Minimum reception altitude.

17. Section 610.6006 *VOR Civil Airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
South Bend, Ind. (VOR).	Elmira (INT), Ohio	[1] 3,000
Elmira (INT), Ohio	Waterville, Ohio (VOR).	2,000

[1] 2,300'—Minimum terrain clearance altitude.

18. Section 610.6007 *VOR Civil Airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Cross City, Fla. (VOR)	Tallahassee, Fla. (VOR).	1,500
Via W alter	Via W alter	[1] 2,000

[1] 1,500'—Minimum terrain clearance altitude.

19. Section 610.6008 *VOR Civil Airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Chicago Heights, Ill. (VOR).	Wheeler (INT), Ind.	2,000
Wheeler (INT), Ind.	Goshen, Ind. (VOR)	2,100

20. Section 610.6011 *VOR Civil Airway No. 11* is amended to read in part:

From—	To—	Minimum altitude
Fort Wayne, Ind. (VOR).	Edgerton (INT), Ind.	2,700

21. Section 610.6016 *VOR Civil Airway No. 16* is amended by adding:

From—	To—	Minimum altitude
Hilltop, Ariz. (FM)	Animas (INT), N. Mex. (eastbound only).	10,000

22. Section 610.6020 *VOR Civil Airway No. 20* is amended to read in part:

From—	To—	Minimum altitude
Atlanta, Ga. (VOR)	Anderson, S. C. (VOR).	2,700

23. Section 610.6022 *VOR Civil Airway No. 22* is amended to read in part:

From—	To—	Minimum altitude
Tallahassee, Fla. (VOR).	Greenville (INT), Fla.	1,500

24. Section 610.6026 *VOR Civil Airway No. 26* is amended to delete:

From—	To—	Minimum altitude
Green Bay, Wis. (VOR).	Muskegon, Mich. (VOR).	[1] 3,200
Muskegon, Mich. (VOR).	Lansing, Mich. (VOR).	2,500

[1] 2,700'—Minimum terrain clearance altitude.

25. Section 610.6026 *VOR Civil Airway No. 26* is amended by adding:

From—	To—	Minimum altitude
Green Bay, Wis. (VOR).	Pentwater (INT), Mich.	2,700
Pentwater (INT), Mich.	White Cloud, Mich. (VOR).	2,000
White Cloud, Mich. (VOR).	Lansing, Mich. (VOR).	2,000

26. Section 610.6029 *VOR Civil Airway No. 29* is amended by adding:

From—	To—	Minimum altitude
Chincoteague, Md. (LFR).	Salisbury, Md. (VOR).	1,500

27. Section 610.6030 *VOR Civil Airway No. 30* is amended to read in part:

From—	To—	Minimum altitude
Mastic (INT), N. Y.	White Cap [1] (INT), N. Y.	[2] 11,000

[1] 6,000'—Minimum reception altitude.
[2] 1,500'—Minimum terrain clearance altitude.

28. Section 610.6038 *VOR Civil Airway No. 38* is amended to read in part:

From—	To—	Minimum altitude
Peotone, Ill. (VOR)	Thayer (INT), Ind.	2,000
Thayer (INT), Ind.	Fort Wayne, Ind. (VOR).	[1] 4,000
Fort Wayne, Ind. (VOR).	Findlay, Ohio (VOR).	2,600

[1] 2,200'—Minimum terrain clearance altitude.

29. Section 610.6046 *VOR Civil Airway No. 46* is amended to read in part:

From—	To—	Minimum altitude
Riverhead, N. Y. (VOR).	Newport (INT), R. I.	[1] 3,000
Newport (INT), R. I.	Nantucket, Mass. (VOR).	[1] 2,000

[1] 1,500′—Minimum terrain clearance altitude.

30. Section 610.6051 *VOR Civil Airway No. 51* is amended to read in part:

From—	To—	Minimum altitude
Alma, Ga. (VOR)	Red Dog (INT), Ga [1]	1,800
Red Dog (INT), Ga [1]	Macon, Ga. (VOR)	1,800

[1] 3,100′—Minimum reception altitude.

31. Section 610.6054 *VOR Civil Airway No. 54* is amended by adding:

From—	To—	Minimum altitude
Chattanooga, Tenn. (VOR).	Murphy (INT), N. C.	6,000
Murphy (INT), N. C.	Cleveland (INT), S. C.	7,000
Cleveland (INT), S. C.	Spartanburg, S. C. (VOR).	4,000

32. Section 610.6054 *VOR Civil Airway No. 54* is amended to read in part:

From—	To—	Minimum altitude
Little Rock, Ark. (VOR).	Memphis, Tenn. (VOR).	[1] 2,500
Via N alter	Via N alter	[1] 2,500

[1] 1,700′—Minimum terrain clear ance altitude.

33. Section 610.6055 *VOR Civil Airway No. 55* is amended by adding:

From—	To—	Minimum altitude
Muskegon, Mich. (VOR).	Pentwater (INT), Mich.	2,000
Pentwater (INT), Mich.	Green Bay, Mich. (VOR).	2,700

34. Section 610.6056 *VOR Civil Airway No. 56* is amended to delete:

From—	To—	Minimum altitude
Meridian, Miss. (VOR).	Montgomery, Ala. (VOR).	[1] 2,000

[1] 1,600′—Minimum terrain clearance altitude.

35. Section 610.6068 *VOR Civil Airway No. 68* is amended to read in part:

From—	To—	Minimum altitude
Corpus Christi, Tex. (VOR).	Elmendorf [1] (INT), Tex.	2,200
Elmendorf [1] (INT), Tex.	San Antonio, Tex. (VOR).	2,200

[1] 4,000′—Minimum reception altitude.

36. Section 610.6076 *VOR Civil Airway No. 76* is amended to read in part:

From—	To—	Minimum altitude
San Angelo, Tex. (VOR).	Brady (INT), Tex.	[1] 5,000
Brady (INT), Tex.	Lake Travis (INT), Tex.	[2] 7,500
Lake Travis (INT), Tex.	Austin, Tex. (VOR)	3,000

[1] 3,500′—Minimum terrain clearance altitude.
[2] 3,100′—Minimum terrain clearance altitude.

37. Section 610.6092 *VOR Civil Airway No. 92* is amended to read in part:

From—	To—	Minimum altitude
Chicago Heights, Ill. (VOR).	Wheeler (INT), Ind.	2,000
Wheeler (INT), Ind.	Goshen, Ind. (VOR)	2,100

38. Section 610.6093 *VOR Civil Airway No. 93* is amended by adding:

From—	To—	Minimum altitude
Lancaster (INT), Pa.	Allentown, Pa. (VOR).	2,500
Baltimore, Md. (VOR)	Riverdale, Md. (LF/RBN).	1,600

39. Section 610.6098 *VOR Civil Airway No. 98* is amended to delete:

From—	To—	Minimum altitude
Erie, Pa. (VOR)	Elmira, N. Y. (VOR)	[1] 6,000

[1] 4,500′—Minimum terrain clearance altitude.

40. Section 610.6098 *VOR Civil Airway No. 98* is amended to read in part:

From—	To—	Minimum altitude
Fort Wayne, Ind. (VOR).	Pulaski (INT), Ohio	2,600
Pulaski (INT), Ohio	Ogden (INT), Mich.	[1] 2,600
Ogden (INT), Mich.	Carleton, Mich. (VOR).	2,000

[1] 2,300′—Minimum terrain clearance altitude.

41. Section 610.6119 *VOR Civil Airway No. 119* is amended to delete:

From—	To—	Minimum altitude
Bradford, Pa. (VOR)	Olean [1] (INT), Pa.	4,500
Olean [1] (INT), Pa.	Buffalo, N. Y. (VOR)	4,500

[1] 6,000′—Minimum reception altitude.

42. Section 610.6126 *VOR Civil Airway No. 126* is amended to read in part:

From—	To—	Minimum altitude
Chicago Heights, Ill. (VOR).	Wheeler (INT), Ind.	2,000
Wheeler (INT), Ind.	Goshen, Ind. (VOR)	2,100

43. Section 610.6128 *VOR Civil Airway No. 128* is amended by adding:

From—	To—	Minimum altitude
La Grange (INT), N. C.	New Bern, N. C. (VOR).	1,400

44. Section 610.6144 *VOR Civil Airway No. 144* is amended to read in part:

From—	To—	Minimum altitude
Peotone, Ill. (VOR)	Thayer (INT), Ind.	2,000
Thayer (INT), Ind.	Fort Wayne, Ind. (VOR).	[1] 4,000
Fort Wayne, Ind. (VOR).	Findlay, Ohio (VOR)	2,600

[1] 2,200′—Minimum terrain clearance altitude.

45. Section 610.6145 *VOR Civil Airway No. 145* is amended by adding:

From—	To—	Minimum altitude
Watertown, N. Y. (VOR).	U. S. Canadian Border	3,500

46. Section 610.6155 *VOR Civil Airway No. 155* is added to read:

From—	To—	Minimum altitude
Gordonsville, Va. (VOR).	Casanova (INT), Va.	3,000
Casanova (INT), Va.	Orlean (INT), Va.	3,000
Orlean (INT), Va.	Front Royal, Va. (VOR).	4,000

47. Section 610.6157 *VOR Civil Airway No. 157* is amended by adding:

From—	To—	Minimum altitude
Wilmington, N. C. (VOR).	La Grange (INT), N. C.	[1] 2,300

[1] 1,400′—Minimum terrain clearance altitude.

From—	To—	Minimum altitude
La Grange (INT), N. C.	Rocky Mount, N. C. (VOR).	1,400
Rocky Mount, N. C. (VOR).	Lawrenceville, Va. (VOR).	1,300

48. Section 610.6159 *VOR Civil Airway No. 159* is amended to delete:

From—	To—	Minimum altitude
Orlando, Fla. (VOR)	Daytona Beach, Fla. (VOR).	1,500

49. Section 610.6159 *VOR Civil Airway No. 159* is amended by adding:

From—	To—	Minimum altitude
Orlando, Fla. (VOR)	Cross City, Fla. (VOR).	[1] 3,500
Cross City, Fla. (VOR).	Albany, Ga. (VOR)	[2] 3,500

[1] 1,700′—Minimum terrain clearance altitude.
[2] 1,500′—Minimum terrain clearance altitude.

50. Section 610.6162 *VOR Civil Airway No. 162* is amended to read:

From—	To—	Minimum altitude
Harrisburg, Pa. (VOR).	Allentown, Pa. (VOR).	3,000
Harrisburg, Pa. (VOR), via S alter.	Reinholds (INT), Pa., via S alter.	[1] 4,500
Reinholds (INT), Pa., via S alter.	Allentown, Pa. (VOR), via S alter.	2,500

[1] 2,500′—Minimum terrain clearance altitude.

51. Section 610.6171 *VOR Civil Airway No. 171* is amended to read in part:

From—	To—	Minimum altitude
Joliet, Ill. (VOR)	Janesville, Wis. (VOR).	2,000

52. Section 610.6172 *VOR Civil Airway No. 172* is amended to read in part:

From—	To—	Minimum altitude
Polo, Ill. (VOR)	Sycamore (INT), Ill.	2,000
Sycamore (INT), Ill.	Glen Ellyn (INT), Ill.	[1] 3,000
Glen Ellyn (INT), Ill.	Chicago, Ill. Midway Apt. (TVOR).	2,500

[1] 2,500′—Minimum terrain clearance altitude.

53. Section 610.6180 *VOR Civil Airway No. 180* is added to read:

From—	To—	Minimum altitude
Lansing, Mich. (VOR).	Selfridge, Mich. (VOR).	2,900

54. Section 610.6191 *VOR Civil Airway No. 191* is added to read:

From—	To—	Minimum altitude
Walnut Ridge, Ark. (VOR).	Farmington, Mo. (VOR).	[1] 2,700
Farmington, Mo. (VOR).	Troy, Ill. (VOR)	2,500
Troy, Ill. (VOR)	Roberts, Ill. (VOR)	[1] 4,300
Roberts, Ill. (VOR)	Mateno (INT), Ill.	[2] 2,800
Mateno (INT), Ill.	Chicago, Ill. Midway Apt. (TVOR).	2,300

[1] 2,500′—Minimum terrain clearance altitude.
[2] 2,300′—Minimum terrain clearance altitude.
[3] 2,000′—Minimum terrain clearance altitude.

55. Section 610.6193 *VOR Civil Airway No. 193* is added to read:

From—	To—	Minimum altitude
Grand Rapids, Mich. (ILS/LOM).	White Cloud, Mich. (VOR).	2,200
White Cloud, Mich. (VOR).	Traverse City, Mich. (LFR).	2,500

56. Section 610.6194 *VOR Civil Airway No. 194* is added to read:

From—	To—	Minimum altitude
Charlotte, N. C. (VOR).	Raleigh, N. C. (VOR).	[1] 6,000

[1] 1,800′—Minimum terrain clearance altitude.

57. Section 610.6197 *VOR Civil Airway No. 197* is added to read:

From—	To—	Minimum altitude
Waterville, Ohio (VOR).	Carleton, Mich. (VOR).	2,100

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective July 14, 1955.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-4971; Filed, June 23, 1955; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 470]

PART 19—GUMMED PAPER AND SEALING TAPE INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 24, 1955.

Statement by the Commission. Trade practice rules for the Gummed Paper and Sealing Tape Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established is engaged in the manufacture, sale, offering for sale, or distribution in commerce of water-activated gummed paper sealing tapes, gummed stay papers, gummed cloth tapes, gummed reinforced tapes (plain or printed), gummed flat papers, gummed hollands, gummed veneer tapes, and such other gummed paper specialties, gummed reinforced paper specialties, and gummed cloth specialties as are natural affiliates.

The rules are directed to the prevention and elimination of various practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings under which the rules have been established were instituted upon application from members of the industry. A general industry conference was held under Commission auspices at White Sulphur Springs, West Virginia, on October 21, 1954, at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington on April 15, 1955, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth. No Group II rules have been included for the reason that the Group II rules recommended by the industry are of a type presently the subject of general study by the Commission. If, after completion of such study, it is determined that provisions of this type may be included as Group II rules for industries, an opportunity will then be afforded to the members of this industry to have such rules included.

The rules as approved become operative thirty (30) days after date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the ex-

clusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

General statement. The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
19.0 Definition.
19.1 Misrepresentation of products.
19.2 Misrepresentation as to character of business.
19.3 Prohibited sales below cost.
19.4 False invoicing.
19.5 False and misleading price quotations, etc.
19.6 Prohibited discrimination.
19.7 Substitution of products.
19.8 Deceptive use of trade or corporate name, trademarks, etc.
19.9 Inducing breach of contract.
19.10 Defamation of competitors or false disparagement of their products.
19.11 Commercial bribery.
19.12 Procurement of competitors' confidential information.
19.13 Prohibited forms of trade restraints (unlawful price fixing, etc.)
19.14 Enticing away employees of competitors.
19.15 Misrepresenting products as conforming to standard.
19.16 Push money.
19.17 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 19.0 to 19.17 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 19.0 *Definition.* As used in §§ 19.0 to 19.17, the term "industry products" or "products of the industry" includes the following: Water-activated gummed paper sealing tapes, gummed stay papers, gummed cloth tapes, gummed reinforced tapes, both plain and/or printed, gummed flat papers, gummed hollands, gummed veneer tapes, and such other gummed paper specialties, gummed reinforced paper specialties, and gummed cloth specialties as are natural affiliates.

GROUP I

§ 19.1 *Misrepresentation of products.* It is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, mark, brand, label, designation, or other representation, however disseminated or published, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the grade, quality, quantity, price, value, origin, weight, strength, width, composition or packing, count, finish, manufacture, or distribution of any product of the industry, or in any other material respect. [Rule 1]

§ 19.2 *Misrepresentation as to character of business.* It is an unfair trade practice for any industry member, in the course of or in connection with the distribution of industry products, to represent, directly or indirectly, that he is a manufacturer of industry products, or that he owns or controls a factory making such products, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 2]

§ 19.3 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of seasonal goods near the conclusion of the season; (2) of perishable goods in respect to which deterioration is imminent; (3) of obsolescent goods; (4) made under judicial process; or (5) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 3]

§ 19.4 *False invoicing.* Withholding from or inserting in invoices or sales slips any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 4]

§ 19.5 *False and misleading price quotations, etc.* It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale, sale, or distribution of industry products, to publish or circulate to or among purchasers or prospective purchasers false price quotations, price lists, or terms or conditions of sale; or to publish, or circulate among purchasers or prospective purchasers, any price quotations, price lists, or terms or conditions of sale which have the capacity and tendency or effect of thereby misleading or deceiving members of the industry or purchasers or prospective purchasers in any material respect. [Rule 5]

§ 19.6 *Prohibited discrimination*[1]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

[1] As used in this section, the world "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor (see paragraphs (d) and (e) of this section).

NOTE: In complaint proceedings, justification of price differentials under subparagraphs (2), (4) and (5) of this paragraph is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

(b) *Price differential practices.* The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

Example No. I. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant such discount to other customers under like conditions.

Example No. II. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

Example No. III. An industry member makes a sale of industry products to a purchaser under an arrangement whereby the products are shipped by the industry member's supplier directly to such purchaser and charges a lower price than that charged other purchasers under similar circumstances, or a price which, when compared with the price charged purchasers on sales made out of the stock of the industry member, constitutes a discount greater than can be justified by the difference in costs resulting from the differing quantities or method of sale or delivery.

Example No. IV. An industry member sells to some customers industry products at prices of drop shipments when in fact such transactions are out-of-stock sales which are made to other customers at higher prices, even though the quantities involved are large enough to be delivered on a direct shipment basis. (As here used an "out-of-stock" sale is one from the industry member's stock on hand and a "drop shipment" sale is one in which the industry member arranges to have the goods shipped by the industry member's supplier directly to the industry member's customer.)

Example No. V. Terms of 2 percent 10 days are granted by an industry member to some customers on goods purchased by them from the industry member. Another customer or customers are, nevertheless, allowed to take a 5 percent instead of a 2 percent discount when making payment to the industry member within the time prescribed.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances of any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(f) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: The foregoing paragraph (f) of this section is a restatement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under paragraph (a) (2), (4) or (5) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller, were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

[Rule 6]

§ 19.7 *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchasers as to said substitution and obtaining their consent thereto at or before the time of shipment or delivery, is an unfair trade practice.

NOTE: Nothing in this section shall be construed as preventing the application of such tolerances as are agreed upon between buyer and seller or are otherwise deemed reasonable and proper and where no misrepresentation or deception of the purchasing public is practiced or promoted in rela-

tion to the product or its deviation from samples or specifications.

[Rule 7]

§ 19.8 *Deceptive use of trade or corporate name, trademarks, etc.* The use of any trade name, corporate name, trademark, or other trade designation which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any other respect, is an unfair trade practice. [Rule 8]

§ 19.9 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or service, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for any industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in any wise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 9]

§ 19.10 *Defamation of competitors or false disparagement of their products.* It is an unfair trade practice—

(a) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations; or

(b) To falsely disparage a competitor's products, business methods, selling prices, values, credit terms, policies, or services. [Rule 10]

§ 19.11 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 11]

§ 19.12 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 12]

§ 19.13 *Prohibited forms of trade restraints (unlawful price fixing, etc.)*[1] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 13]

§ 19.14 *Enticing away employees of competitors.* Knowingly enticing away employees or sales representatives of competitors under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition is an unfair trade practice: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 14]

§ 19.15 *Misrepresenting products as conforming to standard.* Representing, through advertising, personal solicitation, or otherwise, that any product of the industry conforms to a standard recognized in or applicable to the industry when such is not the fact, is an unfair trade practice. [Rule 15]

§ 19.16 *Push money.* It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member, as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer:

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery or chance; or

(c) When any provision of the agreement or understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the understanding or agreement, including its duration, or the attendant circumstances, the effect may be to substantially lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2 (a) of the Clayton Act.

[Rule 16]

§ 19.17 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the rules in this part. [Rule 17]

Issued: June 21, 1955.

Promulgated by the Federal Trade Commission June 24, 1955.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-5066; Filed, June 23, 1955; 8:49 a. m.]

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 701—METAL, PLASTICS, MACHINERY, INSTRUMENT, TRANSPORTATION EQUIPMENT, AND ALLIED INDUSTRIES IN PUERTO RICO

PART 705—DECORATIONS AND PARTY FAVORS INDUSTRY IN PUERTO RICO

PART 713—PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the provisions of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on May 21, 1955 (20 F. R. 3571), of the Administrator's proposed decision to approve the recommendations of Special Industry Committee No. 16–C for the plastic products industry in Puerto Rico, together with the wage order which he proposed to issue to carry such decision into effect.

As indicated in the notice, the Administrator's findings and conclusions in this matter were set forth in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 16–C for Puerto Rico for Minimum Wage Rates in the Plastic Products Industry in Puerto Rico."

Interested parties were given an opportunity to file exceptions to the proposed decision within fifteen days of the date of publication. Exceptions have been received on behalf of the Marmac Company, Inc., and the Pan American Plastics Corporation. The Marmac Company's exceptions are directed to the establishment of the sprayer and vaporizer division and the Pan American Plastics Corporation's exceptions are directed to the establishment of the wall tile, dinnerware, and phonograph records division of the industry.

The Marmac Company excepts to the division of the industry on the grounds that they are presently manufacturing dispensers and custom molded products, both of which fall within the definition of the general division, that both products are a normal complement to sprayer and vaporizer manufacturing, and that segregation is not feasible.

As was stated in the "Findings and Opinion of the Administrator," the division of the industry into various branches, based upon end products, is a sound and recognized method of industrial classification. I have fully considered this exception of the Marmac Company and find that the fact that the Marmac Company is making products that fall into the general division as well as products that fall into the sprayer and vaporizer division is not a sufficient basis for modification of the industry divisions as proposed.

All other exceptions to the establishment of such branches of the industry were fully considered in the findings and opinion of the Administrator and further comment appears unnecessary at this time.

Accordingly pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), General Order No. 45–A (15 F. R. 3290), and, the position of the Administrator being presently vacant, General Order No. 85 (20 F. R. 2066), the said decision is affirmed and made final; the recommendations of Special Industry Committee No. 16–C for minimum wage rates in the plastic products industry in Puerto Rico are hereby approved and the wage orders contained in 29 CFR Parts 701 and 705 are hereby amended, to the extent that they apply to the plastic products industry in Puerto Rico, as hereinafter defined.

Part 713—Plastic Products Industry in Puerto Rico is set forth below:

Sec.
713.1 Approval of recommendations of industry committee.
713.2 Wage rates.
713.3 Notice of order.
713.4 Definitions of the plastic products industry in Puerto Rico and divisions thereof.

AUTHORITY: §§ 713.1 to 713.4 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208.

§ 713.1 *Approval of recommendations of industry committee.* The Committee's recommendations are hereby approved.

§ 713.2 *Wage rates.* (a) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the sprayer and vaporizer division of the plastic products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 60 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the wall tile, dinnerware, and phonograph records division of the plastic products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 53 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the plastic products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 713.3 *Notice of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the plastic products industry in Puerto Rico shall post in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notices as the Division may prescribe.

§ 713.4 *Definition of the plastic products industry in Puerto Rico, and divisions thereof.* (a) (1) The plastic products industry in Puerto Rico to which this part shall apply is hereby defined as follows: The manufacture of molded or other fabricated plastic products: *Provided, however,* That the definition shall not include (i) the manufacture of primary materials such as sheets, rods, tubes, granules, powders, or liquids; (ii) the sawing, cutting, grinding, polishing, and other processing of synthetic jewels for industrial use; (iii) the manufacture of buttons, buckles, and jewelry (including rosaries), and jewelry findings (including beads); (iv) the manufacture from pliable plastics in sheet form of ornaments and decorations for Christmas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in character; (v) or any activity included in the leather, leather goods, and related products industry; the paper, paper products, printing, publishing and related industries; the shoe manufacturing and allied industries; the textile and textile products industry; the needlework and fabricated textile products industry; the men's and boys' clothing and related products industry; or the corsets, brassieres, and allied garments industry, as defined in the wage orders for these industries in Puerto Rico. This definition supersedes the definition for the decorations and party favors industry with respect to the manufacture of plastic articles other than those made from pliable sheet or film.

(2) The definition contained in subparagraph (1) of this paragraph supersedes the definitions contained in any and all wage orders issued heretofore for other industries in Puerto Rico to the extent that such definitions include products or operations covered by the definition of this industry.

(b) The separable divisions of the industry defined in paragraph (a) (1) of the section, to which this part shall apply are hereby defined as follows:

(1) *Sprayer and vaporizer division.* This division consists of the manufacture of plastic sprayers, vaporizers, and atomizers.

(2) *Wall tile, dinnerware, and phonograph records division.* This division consists of the manufacture of plastic wall tiles, dinnerware, and phonograph records.

(3) *General division.* This division consists of all products and activities included in the plastic products industry, except products and activities included in the sprayer and vaporizer division, and the wall tile, dinnerware, and phonograph records division as defined herein.

The wage order above shall become effective July 25, 1955.

Signed at Washington, D. C., this 21st day of June 1955.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 55-5062; Filed, June 23, 1955; 8:48 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUNDS REGULATIONS

GULF OF MEXICO OFF TEXAS COAST

Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 U. S. C. 1147; 33 U. S. C. 419), § 205.35 prescribing dumping grounds

in the Gulf of Mexico off the Texas Coast is hereby amended decreasing the length of the dumping ground southeast of Galveston to clear the fairway leading to Galveston Harbor entrance, as follows:

§ 205.35 *Gulf of Mexico off Texas coast*—(a) *The dumping grounds.* * * *

(2) *Southeast of Galveston.* (i) The waters of the Gulf of Mexico within a rectangular area described as follows: Beginning at latitude 28°58'45", longitude 94°35'00"; thence to latitude 29°02'30", longitude 94°39'30"; thence to latitude 29°10'20", longitude 94°30'44"; thence to latitude 29°06'23", longitude 94°26'16"; and thence to the point of beginning.

(ii) This dumping ground shall be used only for the dumping of treated industrial wastes composed mainly of concentrated sewage sludge.

* * * * *

[Regs., 2 June 1955, 827.41–ENGWO] (Sec. 4, 33 Stat. 1147; 33 U. S. C. 419)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55-5055; Filed, June 23, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953

REGULATED INVESTMENT COMPANIES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 851, 852, 853, 855, and 7805 of the Internal Revenue Code of 1954 (68A Stat. 268, 271, 272, 274, and 917; 26 U. S. C. 851, 852, 853, 855, and 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

The following regulations, relating to regulated investment companies, are hereby promulgated under subchapter M of chapter 1 of the Internal Revenue Code of 1954 for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

§ 1.851 *Statutory provisions; definition of regulated investment company.*

SEC. 851. *Definition of regulated investment company*—(a) *General rule.* For purposes of this subtitle, the term "regulated investment company" means any domestic corporation (other than a personal holding company as defined in section 542)—

(1) Which, at all times during the taxable year, is registered under the Investment Company Act of 1940, as amended (54 Stat. 789; 15 U. S. C. 80 a–1 to 80 b–2), either as a management company or as a unit investment trust, or

(2) Which is a common trust fund or similar fund excluded by section 3 (c) (3) of such act (15 U. S. C. 80 a–3 (c)) from the definition of "investment company" and is not included in the definition of "common trust fund" by section 584 (a).

(b) *Limitations.* A corporation shall not be considered a regulated investment company for any taxable year unless—

(1) It files with its return for the taxable year an election to be a regulated investment company or has made such election for a previous taxable year which began after December 31, 1941;

(2) At least 90 percent of its gross income is derived from dividends, interest, and gains from the sale or other disposition of stock or securities;

(3) Less than 30 percent of its gross income is derived from the sale or other disposition of stock or securities held for less than 3 months; and

(4) At the close of each quarter of the taxable year—

(A) At least 50 percent of the value of its total assets is represented by—

(i) Cash and cash items (including receivables), Government securities and securities of other regulated investment companies, and

(ii) Other securities for purposes of this calculation limited, except and to the extent provided in subsection (e), in respect of any one issuer to an amount not greater in value than 5 percent of the value of the total assets of the taxpayer and to not more than 10 percent of the outstanding voting securities of such issuer, and

(B) Not more than 25 percent of the value of its total assets is invested in the securities (other than Government securities or the securities of other regulated investment companies) of any one issuer, or of two or more issuers which the taxpayer controls and which are determined, under regulations prescribed by the Secretary or his delegate, to be engaged in the same or similar trades or businesses or related trades or businesses.

(c) *Rules applicable to subsection* (b) (4). For purposes of subsection (b) (4) and this subsection—

(1) In ascertaining the value of the taxpayer's investment in the securities of an issuer, for the purposes of subparagraph (B), there shall be included its proper proportion of the investment of any other corporation, a member of a controlled group, in the securities of such issuer, as determined under regulations prescribed by the Secretary or his delegate.

(2) The term "controls" means the ownership in a corporation of 20 percent or more of the total combined voting power of all classes of stock entitled to vote.

(3) The term "controlled group" means one or more chains of corporations connected through stock ownership with the taxpayer if—

(A) 20 percent or more of the total combined voting power of all classes of stock entitled to vote of each of the corporations (except the taxpayer) is owned directly by one or more of the other corporations, and

(B) The taxpayer owns directly 20 percent or more of the total combined voting power of all classes of stock entitled to vote, of at least one of the other corporations.

(4) The term "value" means, with respect to securities (other than those of majority-owned subsidiaries) for which market quotations are readily available, the market value of such securities; and with respect to other securities and assets, fair value as determined in good faith by the board of directors, except that in the case of securities of majority-owned subsidiaries which are investment companies such fair value shall not exceed market value or asset value, whichever is higher.

(5) All other terms shall have the same meaning as when used in the Investment Company Act of 1940, as amended.

(d) *Determination of status.* A corporation which meets the requirements of subsections (b) (4) and (c) at the close of any quarter shall not lose its status as a regulated investment company because of a discrepancy during a subsequent quarter between the value of its various investments and such requirements unless such discrepancy exists immediately after the acquisition of any security or other property and is wholly or partly the result of such acquisition. A corporation which does not meet such requirements at the close of any quarter by reason of a discrepancy existing immediately after the acquisition of any security or other property which is wholly or partly the result of such acquisition during such quarter shall not lose its status for such quarter as a regulated investment company if such discrepancy is eliminated within 30 days after the close of such quarter and in such cases it shall be considered to have met such requirements at the close of such quarter for purposes of applying the preceding sentence.

(e) *Investment companies furnishing capital to development corporations*—(1) *General rule.* If the Securities and Exchange Commission determines, in accordance with regulations issued by it, and certifies to the Secretary or his delegate not less than 60 days prior to the close of the taxable year of a registered management company, that such investment company is principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available, such investment company may, in the computation of 50 percent of the value of its assets under subparagraph (A) of subsection (b) (4) for any quarter of such taxable year, include the value of any securities of an issuer, whether or not the investment company owns more than 10 percent of the outstanding voting securities of such issuer, the basis of which, when added to the basis of the investment company for securities of such issuer previously acquired, did not exceed 5 percent of the value of the total assets of the investment company at the time of the subsequent acquisition of securities. The preceding sentence shall not apply to the securities of an issuer if the investment company has continuously held any security of such issuer (or of any predecessor company of such issuer as determined under

regulations prescribed by the Secretary or his delegate) for 10 or more years preceding such quarter of such taxable year.

(2) *Limitation.* The provisions of this subsection shall not apply at the close of any quarter of a taxable year to an investment company if at the close of such quarter more than 25 percent of the value of its total assets is represented by securities of issuers with respect to each of which the investment company holds more than 10 percent of the outstanding voting securities of such issues and in respect of each of which or any predecessor thereof the investment company has continuously held any security for 10 or more years preceding such quarter unless the value of its total assets so represented is reduced to 25 percent or less within 30 days after the close of such quarter.

(3) *Determination of status.* For purposes of this subsection, unless the Securities and Exchange Commission determines otherwise, a corporation shall be considered to be principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available, for at least 10 years after the date of the first acquisition of any security in such corporation or any predecessor thereof by such investment company if at the date of such acquisition the corporation or its predecessor was principally so engaged, and an investment company shall be considered at any date to be furnishing capital to any company whose securities it holds if within 10 years prior to such date it has acquired any of such securities, or any securities surrendered in exchange therefor, from such other company or predecessor thereof. For purposes of the certification under this subsection, the Securities and Exchange Commission shall have authority to issue such rules, regulations and orders, and to conduct such investigations and hearings, either public or private, as it may deem appropriate.

(4) *Definitions.* The terms used in this subsection shall have the same meaning as in subsections (b) (4) and (c) of this section.

§ 1.851–1 *Definition of a regulated investment company*—(a) *In general.* The term "regulated investment company" is defined to mean any domestic corporation (other than a personal holding company as defined in section 542) which meets the requirement and limitations set forth in paragraphs (b) and (c), respectively, of this section.

(b) *Requirement.* To qualify as a regulated investment company, a corporation must be:

(1) Registered at all times during the taxable year, under the Investment Company Act of 1940, as amended (54 Stat. 789; 15 U. S. C. 80 a–1 to 80 b–2), either as a management company or a unit investment trust, or

(2) A common trust fund or similar fund excluded by section 3 (c) (3) of the Investment Company Act of 1940 (15 U. S. C. 80 a–3 (c)) from the definition of "investment company" and not included in the definition of "common trust fund" by section 584 (a).

(c) *Limitations*—(1) *Election to be a regulated investment company.* Under the provisions of section 851 (b) (1), an investment company, even though it satisfies the other requirements of subchapter M for the taxable year, will not be considered a regulated investment company for such year, within the meaning of subchapter M, unless it elects to be a regulated investment company for such taxable year, or has made such an election for a previous taxable year which began after December 31, 1941. The election shall be made by the taxpayer by computing income as a regulated investment company in its return for the first taxable year to which it desires the election to be applicable. No other method of making such election is permitted. An election once made is irrevocable for the current taxable year and all succeeding taxable years.

(2) *Source of income.* Section 851 (b) (2) and (3) provides that at least 90 percent of the corporation's gross income for the taxable year must be derived from dividends, interest, and gains from the sale or other disposition of stocks or securities, and less than 30 percent of its gross income must have been derived from the sale or other disposition of stock or securities held for less than three months. As to the definition of the term "corporation", see section 7701 (a) (3). In determining the percentage of the corporation's gross income which has been derived from such sources, a loss from the sale or other disposition of stock or securities does not enter into the computation. A determination of the period for which stock or securities have been held shall be governed by the provisions of section 1223 insofar as applicable.

(3) *Diversification of investments.* (i) Section 851 (b) (4) with respect to diversification of investments, requires, in clause (A), that at the close of each quarter of the taxable year at least 50 percent of the value of the total assets of the corporation be represented by cash and cash items (including receivables), Government securities, securities of other regulated investment companies, and other securities. For the purpose of this calculation, investments in securities (other than Government securities or securities of other regulated investment companies) shall be limited, except and to the extent provided in section 851 (e) in the case of certain venture capital registered management investment companies qualifying thereunder, in respect of any one issuer to an amount not greater than 5 percent of the value of the total assets of the taxpayer corporation and to not more than 10 percent of the outstanding voting securities of such issuer. Assuming that at least 50 percent of the value of the total assets of the corporation satisfies these requirements, and that the limiting provisions of clause (B) of section 851 (b) (4) are not violated, the corporation will satisfy the requirements of section 851 (b) (4), notwithstanding that the remaining assets do not satisfy the diversification requirements of clause (A). For example, a corporation may own all the stock of another corporation, provided it otherwise meets the requirements of clauses (A) and (B).

(ii) Clause (B) of section 851 (b) (4) prohibits the investment at the close of each quarter of the taxable year of more than 25 percent of the value of the total assets of the corporation (including the 50 percent or more mentioned in clause (A)) in the securities (other than Government securities or the securities of other regulated investment companies) of any one issuer, or of two or more issuers which the taxpayer company controls and which are engaged in the same or similar trades or businesses or related trades or businesses, including such issuers that are merely a part of a unit contributing to the completion and sale of a product or the rendering of a particular service. Two or more issuers are not considered as being in the same or similar trades or businesses merely because they are engaged in the broad field of manufacturing or of any other general classification of industry, but issuers shall be construed to be engaged in the same or similar trades or businesses if they are engaged in a distinct branch of business, trade, or manufacture in which they render the same kind of service or produce or deal in the same kind of product, and such service or products fulfill the same economic need. If two or more issuers produce more than one product or render more than one type of service, then the chief product or service of each shall be the basis for determining whether they are in the same trade or business.

(d) *Rules applicable to section 851* (b) (4). In determining the value of the taxpayer's investment in the securities of any one issuer, there shall be included its proper proportion of the investment of any other corporation, a member of a controlled group, in the securities of such issuer. See example (3) in paragraph (f) of this section. For the purposes of this section and § 1.851–2, the terms "controls", "controlled group", and "value" are defined in section 851 (c). All other terms used in such sections have the same meaning as when used in the Investment Company Act of 1940 (15 U. S. C., c: 2D) or that act as amended.

(e) *Determination of status.* With respect to the effect which certain discrepancies between the value of its various investments and the requirements of section 851 (b) (4), or the effect that the elimination of such discrepancies will have on the status of a company as a regulated investment company for the purposes of subchapter M, see section 851 (d). A company claiming to be a regulated investment company shall keep sufficient records as to investments so as to be able to show that it has complied with the provisions of section 851 during the taxable year. Such records shall be kept at all times available for inspection by any authorized officer or employee of the Internal Revenue Service and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law.

(f) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Investment Company W at the close of its first quarter of the taxable year has its assets invested as follows:

	Percent
Cash	5
Government securities	10
Securities of regulated investment companies	20
Securities of Corporation A	10
Securities of Corporation B	15
Securities of Corporation C	20
Securities of various corporations (not exceeding 5 percent of its assets in any one company)	20
Total	100

Investment Company W owns 15 percent of the voting stock of Corporation C and less than 10 percent of the voting stock of the other corporations, except that it owns all of the voting stock of Corporations A and B. None of the corporations is a member of a controlled group. Investment Company W meets the requirements at the end of its first quarter under section 851 (b) (4). It complies with clause (A) since it has 55 percent of its assets invested as provided in clause (A). It complies with clause (B) since it does not have more than 25 percent of its assets invested in the securities of any one issuer, or of two or more issuers which it controls.

Example (2). Investment Company V at the close of a particular quarter of the taxable year has its assets invested as follows:

	Percent
Cash	10
Government securities	35
Securities of Corporation A	7
Securities of Corporation B	12
Securities of Corporation C	15
Securities of Corporation D	21
Total	100

Investment Company V fails to meet the requirements of clause (A) of section 851 (b) (4) since its assets invested in Corporations A, B, C, and D exceed in each case 5 percent of the value of the total assets of the company at the close of the particular quarter.

Example (3). Investment Company X at the close of the particular quarter of the taxable year has its assets invested as follows:

	Percent
Cash and Government securities	20
Securities of Corporation A	5
Securities of Corporation B	10
Securities of Corporation C	25
Securities of various corporations (not exceeding 5 percent of its assets in any one company)	40
Total	100

Investment Company X owns less than 10 percent of the voting power of all of the corporations, except it owns more than 20 percent of the voting power of Corporations B and C. Corporation B manufactures radios and Corporation C acts as its distributor and also distributes radios for other companies. Investment Company X fails to meet the requirements of clause (B) of section 851 (b) (4) since it has 35 percent of its assets invested in the securities of two issuers which it controls and which are engaged in related trades or businesses.

Example (4). Investment Company Y at the close of a particular quarter of the taxable year has its assets invested as follows:

	Percent
Cash and Government securities	15
Securities of Corporation K (a regulated investment company)	30
Securities of Corporation A	10
Securities of Corporation B	20
Securities of various corporations (not exceeding 5 percent of its assets in any one company)	25
Total	100

Corporation K has 20 percent of its assets invested in Corporation L and Corporation L has 40 percent of its assets invested in Corporation B. Corporation A also has 30 percent of its assets invested in Corporation B, and owns more than 20 percent of the voting power in Corporation B. Investment Company Y owns more than 20 percent of the voting power of Corporations A and K. Corporation K owns more than 20 percent of the voting power of Corporation L, and Corporation L owns more than 20 percent of the voting power of Corporation B. Investment Company Y is disqualified under clause (B) since more than 25 percent of its assets is considered invested in Corporation B as shown by the following calculation:

Percentage of assets invested directly in Corporation B	20.0
Percentage invested through the controlled group, Y-K-L-B (40 percent of 20 percent of 30 percent)	2.4
Percentage invested in the controlled group, Y-A-B (30 percent of 10 percent)	3.0
Total percentage of assets of Investment Company Y invested in Corporation B	25.4

Example (5). Investment Company Z, which keeps its books and makes its returns on the basis of the calendar year, at the close of the first quarter of 1955, meets the requirements of section 851 (b) (4) and has 20 percent of its assets invested in Corporation A. Later during the taxable year it makes distributions to its shareholders and because of such distributions it finds at the close of the taxable year that it has more than 25 percent of its remaining assets invested in Corporation A. Investment Company Z does not lose its status as a regulated investment company for the taxable year 1955 because of such distributions.

§ 1.851–2 *Investment companies furnishing capital to development corporations*—(a) *Qualifying requirements.* (1) In the case of a regulated investment company which furnishes capital to development corporations, section 851 (e) provides an exception to the rule relating to the diversification of investments, made applicable to regulated investment companies by section 851 (b) (4) (A). This exception (as provided in paragraph (b) of this section) is available only to registered management investment Companies which the Securities and Exchange Commission determines, in accordance with regulations issued by it, and certifies to the Secretary, not less than sixty days before the close of the taxable year of such investment company, to be principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available.

(2) For the purpose of the aforementioned determination and certification, unless the Securities and Exchange Commission determines otherwise, a corporation shall be considered to be principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available, for at least 10 years after the date of the first acquisition of any security in such corporation or any predecessor thereof by such investment company if at the date of such acquisition the corporation or its predecessor was principally so engaged, and an investment company shall be considered at any date to be furnishing capital to any company whose securities it holds if within 10 years before such date it has acquired any of such securities, or any securities surrendered in exchange therefor, from such other company or its predecessor.

(b) *Exception to general rule.* (1) The registered management investment company, which for the taxable year meets the requirements of paragraph (a) of this section, may (subject to the limitations of paragraph (c) of this section) in the computation of 50 percent of the value of its assets under section 851 (b) (4) (A) for any quarter of such taxable year, include the value of any securities of an issuer (whether or not the investment company owns more than 10 percent of the outstanding voting securities of such issuer) if at the time of the latest acquisition of any securities of such issuer the basis of all such securities in the hands of the investment company does not exceed 5 percent of the value of the total assets of the investment company at that time. The exceptions set forth above are not applicable to the securities of an issuer if the investment company has continuously held any security of such issuer or of any predecessor company (as defined in paragraph (d) of this section) for 10 or more years preceding such quarter of the taxable year. The rule of section 851 (e) with respect to the relationship of the basis of the securities of an issuer to the value of the total assets of the investment company is, in substance, a qualification of the 5 percent limitation in section 851 (b) (4) (A) (ii). All other provisions and requirements of section 851 and the regulations thereunder are applicable in determining whether such registered management investment company qualifies as a regulated investment company within the meaning of such section.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). (i) The XYZ Corporation, a regulated investment company, qualifies under section 851 (e) as an investment company furnishing capital to development corporations. On June 30, 1954, the XYZ Corporation purchases 1,000 shares of the stock of the A Corporation at a cost of $30,000. The A Corporation qualifies under the provisions of section 851 (e) (3) as a development corporation. On June 30, 1954, the value of the total assets of the XYZ Corporation is $1,000,000. Its investment in the stock of the A Corporation ($30,000) comprises 3 percent of the value of its total assets, and it therefore meets the requirements prescribed by section 851 (b) (4) (A) (ii) as modified by section 851 (e) (1).

(ii) On June 30, 1955, the value of the total assets of the XYZ Corporation is $1,500,000 and the 1,000 shares of stock of the A Corporation which the XYZ Corporation owns have appreciated in value so that they now are worth $60,000. On that date, the XYZ Investment Company increases its investment in the stock of the A Corporation by purchasing an additional 500 shares of that stock at a total cost of $30,000. The securities of the A Corporation owned by the XYZ Corporation have a value of $90,000 (6 percent of the value of the total assets of the XYZ Corporation) which exceeds the limit provided by section 851 (b) (4) (A) (ii). However, the investment of the XYZ Corporation in the A Corporation on June 30, 1955, qualifies under section 851 (b) (4) (A) as modified by section 851 (e) (1), since the basis of those securities to the investment company does not exceed 5 percent of the value of its total assets as of June 30, 1955, illustrated as follows:

Basis to the XYZ Corporation of the A Corporation's stock acquired on June 30, 1954	$30,000
Basis of the 500 shares of the A Corporation's stock acquired by the XYZ Corporation on June 30, 1955	30,000
Basis of all stock of A Corporation	60,000

$$\frac{\text{Basis of stock of A Corporation}}{\text{Value of XYZ Corporation's total assets at the end of a quarter of the current taxable year}} = \frac{\$60,000}{\$1,500,000} = 4 \text{ percent}$$

Example (2). The same facts exist as in example (1), except that on June 30, 1955, the XYZ Corporation increases its investment in the stock of the A Corporation by purchasing an additional 1,000 shares of that stock (instead of 500 shares) at a total cost of $60,000. No part of the investment of the XYZ Corporation in the A Corporation qualifies under the 5 percent limitation provided by section 851 (b) (4) (A) as modified by section 851 (e) (1), illustrated as follows:

Basis to the XYZ Corporation of the 1,000 shares of the A Corporation's stock acquired on June 30, 1954	$30,000
Basis of the 1,000 shares of the A Corporation's stock acquired on June 30, 1955	60,000
Total	90,000

$$\frac{\text{Basis of stock of A Corporation}}{\text{Value of XYZ Corporation's total assets at the end of a quarter of the current taxable year}} = \frac{\$90,000}{\$1,500,000} = 6 \text{ percent}$$

(c) *Limitation.* Section 851 (e) does not apply in the quarterly computation of 50 percent of the value of the assets of an investment company under clause (A) of section 851 (b) (4) for any taxable year if at the close of any quarter of such taxable year more than 25 percent of the value of its total assets (including the 50 percent or more mentioned in such clause (A)) is represented by securities (other than Government securities or the securities of other regulated investment companies) of issuers as to each of which (1) such investment company holds more than 10 percent of the outstanding voting securities of such issuer, and (2) such investment company has continuously held any security of such issuer (or any security of a predecessor of such issuer) for 10 or more years preceding such quarter, unless the value of its total assets so represented is reduced to 25 percent or less within 30 days after the close of such quarter.

(d) *Definition of predecessor company.* As used in section 851 (e) and this section, the term "predecessor company" means any corporation the basis of whose securities in the hands of the investment company was, under the provisions of section 358, the same in whole or in part as the basis of any of the securities of the issuer and any corporation with respect to whose securities any of the securities of the issuer were received directly or indirectly by the investment company in a transaction or series of transactions involving nonrecognition of gain or loss in whole or in part. The other terms used in this section have the same meaning as when used in section 851 (b) (4). See § 1.851–1 (c) (3).

§ 1.852 *Statutory provisions; taxation of regulated investment companies and their shareholders.*

SEC. 852. *Taxation of regulated investment companies and their shareholders*—(a) *Requirements applicable to regulated investment companies.* The provisions of this subchapter shall not be applicable to a regulated investment company for a taxable year unless—

(1) The deduction for dividends paid during the taxable year (as defined in section 561, but without regard to capital gains dividends) equals or exceeds 90 percent of its investment company taxable income for the taxable year (determined without regard to subsection (b) (2) (D)), and

(2) The investment company complies for such year with regulations prescribed by the Secretary or his delegate for the purpose of ascertaining the actual ownership of its outstanding stock.

(b) *Method of taxation of companies and shareholders*—(1) *Imposition of normal tax and surtax on regulated investment companies.* There is hereby imposed for each taxable year upon the investment company taxable income of every regulated investment company a normal tax and surtax computed as provided in section 11, as though the investment company taxable income were the taxable income referred to in section 11. For purposes of computing the normal tax under section 11, the taxable income and the dividends paid deduction of such investment company for the taxable year (computed without regard to capital gains dividends) shall be reduced by the deduction provided by section 242 (relating to partially tax-exempt interest).

(2) *Investment company taxable income.* The investment company taxable income shall be the taxable income of the regulated investment company adjusted as follows:

(A) There shall be excluded the excess, if any, of the net long-term capital gain over the net short-term capital loss.

(B) The net operating loss deduction provided in section 172 shall not be allowed.

(C) The deductions for corporations provided in part VIII (except section 248) in subchapter B (section 241 and following, relating to the deduction for dividends received, etc.) shall not be allowed.

(D) The deduction for dividends paid (as defined in section 561) shall be allowed, but shall be computed without regard to capital gains dividends.

(E) The taxable income shall be computed without regard to section 443 (b) (relating to computation of tax on change of annual accounting period).

(3) *Capital gains*—(A) *Imposition of tax.* There is hereby imposed for each taxable year in the case of every regulated investment company a tax of 25 percent of the excess, if any, of the net long-term capital gain over the sum of—

(i) The net short-term capital loss, and

(ii) The deduction for dividends paid (as defined in section 561) determined with reference to capital gains dividends only.

(B) *Treatment of capital gain dividends by shareholders.* A capital gain dividend shall be treated by the shareholders as a gain from the sale or exchange of a capital asset held for more than 6 months.

(C) *Definition of capital gain dividend.* A capital gain dividend means any dividend, or part thereof, which is designated by the company as a capital gain dividend in a written notice mailed to its shareholders not later than 30 days after the close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company (including capital gains dividends paid after the close of the taxable year described in section 855) is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated.

(c) *Earnings and profits.* The earnings and profits of a regulated investment company for any taxable year (but not its accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction in computing its taxable income for such taxable year.

§ 1.852–1 *Taxation of regulated investment companies*—(a) *Requirements applicable thereto.* Section 852 (a) denies the application of the provisions of subchapter M to a regulated investment company for the taxable year unless:

(1) The company's deduction for dividends paid, during the taxable year, as defined in section 561 (computed without regard to the capital gains dividends) is equal to at least 90 percent of its investment company taxable income for such taxable year (determined without regard to the provisions of section 852 (b) (2) (D)); and

(2) The company complies for such year with the provisions of § 1.852–4 (relating to records required to be kept for the purpose of ascertaining the actual ownership of its outstanding stock).

(b) *Method of taxation of companies*—(1) *Imposition of normal tax and surtax.* Section 852 (b) (1) imposes a normal tax and surtax, computed as provided in section 11, on the investment company taxable income, as defined in paragraph (c) of this section, for each taxable year of a regulated investment company. The tax is imposed as if the investment company taxable income were the taxable income referred to in section 11. In computing the normal tax under section 11, the regulated investment company's taxable income and the dividends paid deduction (computed without regard to the capital gains dividends) shall both be reduced by the deduction for partially tax-exempt interest provided by section 242. By application of the provisions of section 11 (b) a normal tax is imposed on the investment company taxable income:

(i) At the rate of 30 percent for taxable years beginning before April 1, 1956, and

(ii) At the rate of 25 percent for taxable years beginning after March 31, 1956.

By application of the provisions of section 11 (c) a surtax is imposed at the

rate of 22 percent of that portion of the investment company taxable income (computed without regard to the deduction for partially tax-exempt interest provided in section 242) which exceeds $25,000.

(2) *Taxation of capital gains.* Section 852 (b) (3) imposes a tax of 25 percent for each taxable year on the excess, if any, of the net long-term capital gain of a regulated investment company over the sum of its net short-term capital loss and its deduction for dividends paid (as defined in section 561) determined with reference to capital gains dividends only. For the definition of capital gains dividends paid by a regulated investment company, see § 1.852–2 (b).

(3) *Failure to qualify.* If a regulated investment company does not, in a particular year, have a deduction for dividends paid, as defined in section 561 (excluding the capital gains dividend) equal to at least 90 percent of its investment company taxable income for such taxable year (determined without regard to the deduction for dividends paid provided by section 852 (b) (2) (D)), it will, even though it may otherwise be classified as a regulated investment company, be taxed in that year as an ordinary corporation.

(4) *Effect on earnings and profits.* Due to the provisions in section 852 (c) with respect to the concept of earnings and profits of a regulated investment company, even though such a company has no accumulated earnings and profits, if it makes distributions during the taxable year of an amount equal to its investment company taxable income for that year, regardless of the amount of losses which are not deductible against such income, it will not be liable for any income tax for the taxable year provided it otherwise satisfies the requirements of subchapter M.

(c) *Investment company taxable income.* Section 852 (b) (2) requires certain adjustments to be made to convert taxable income of the investment company to invest company taxable income, as follows:

(1) The excess, if any, of the net long-term capital gain over the net short-term capital loss shall be excluded;

(2) The net operating loss deduction provided in section 172 shall not be allowed;

(3) The special deductions provided in part VIII of subchapter B (except the deduction under section 248) shall not be allowed. Those not allowed are the deduction for partially tax-exempt interest provided by section 242, the deductions for dividends received provided by sections 243, 244, and 245, and the deduction for certain dividends paid provided by section 247. However, the deduction provided by section 248 (relating to organizational expenditures), otherwise allowable in computing taxable income, shall likewise be allowed in computing the investment company taxable income. See section 852 (b) (1) and paragraph (b) (1) of this section for treatment of the deduction for partially tax-exempt interest (provided by section 242) for purposes of computing the normal tax under section 11;

(4) The deduction for dividends paid (as defined in section 561) shall be allowed, but shall be computed without regard to capital gains dividends (as defined in section 852 (b) (3) (C); and

(5) The taxable income shall be computed without regard to section 443 (b). Thus, the taxable income for a period of less than twelve months shall not be placed on an annual basis even though such short taxable year results from a change of accounting period.

§ 1.852–2 *Method of taxation of shareholders of regulated investment companies*—(a) *In general.* Shareholders who receive capital gain dividends from a regulated investment company, distributed during a taxable year of the regulated investment company for which it is taxable under section 852 (b), shall treat such dividends as gains from the sale or exchange of capital assets held for more than six months.

(b) *Definition of capital gain dividend.* A capital gain dividend, as defined in section 852 (b) (3) (C), is any dividend or part thereof which is designated by a regulated investment company as a capital gain dividend in a written notice mailed to its shareholders not later than 30 days after the close of its taxable year. If the aggregate amount so designated with respect to the taxable year is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated. For example, a regulated investment company making its return on the calendar year basis advised its shareholders by written notice mailed December 30, 1955, that of a distribution of $500,000 made December 15, 1955, $200,000 constituted a capital gain dividend, amounting to $2 per share. It was later discovered that an error had been made in determining the excess of the net long-term capital gain over the net short-term capital loss of the taxable year and that such excess was $100,000 instead of $200,000. In such case each shareholder would have received a capital gain dividend of $1 per share instead of $2 per share. For additional rules applicable to certain distributions made after the close of the taxable year which may be designated as capital gain dividends, see § 1.855–1 (e).

§ 1.852–3 *Earnings and profits of a regulated investment company.* In the determination of the earnings and profits of a regulated investment company, such earnings and profits shall not be reduced by any amount which is not allowable as a deduction in computing its taxable income for the taxable year. See section 852 (c). Thus, if a corporation would have had earnings and profits of $500,000 for the taxable year except for the fact that it had a net capital loss of $100,000, which amount was not deductible in determining its net income, its earnings and profits for that year if it is a regulated investment company would be $500,000. However, in determining its accumulated earnings and profits as of the beginning of the following taxable year, the earnings and profits for the previous year to be considered in such computation would amount to $400,000 assuming that there had been no distribution from such earnings and profits. For the purpose of the earnings-and-profits concept, it is immaterial whether during the taxable year a regulated investment company is taxable under subchapter M.

§ 1.852–4 *Records to be kept for purpose of determining whether a corporation claiming to be a regulated investment company is a personal holding company.* Every regulated investment company shall maintain in the internal revenue district in which it is required to file its income tax return permanent records showing the information relative to the actual owners of its stock contained in the written statements required by this section to be demanded from the shareholders. The actual owner of stock includes the person who is required to include in gross income in his return the dividends received on the stock. Such records shall be kept at all times available for inspection by any authorized officer or employee of the Internal Revenue Service, and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law. For the purpose of determining whether a domestic corporation claiming to be a regulated investment company is a personal holding company as defined in section 542, the permanent records of the company shall show the maximum number of shares of the corporation (including the number and face value of securities convertible into stock of the corporation) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the corporation's taxable year, as provided in section 544. Statements giving such information shall be demanded not later than 30 days after the close of the corporation's taxable year as follows:

(a) In the case of a corporation having 2,000 or more record owners of its stock on any dividend record date, from each record holder of 5 percent or more of its stock; or

(b) In the case of a corporation having less than 2,000 and more than 200 record owners of its stock, on any dividend record date, from each record holder of 1 percent or more of its stock; or

(c) In the case of a corporation having 200 or less record owners of its stock, on any dividend record date, from each record holder of one-half of 1 percent or more of its stock.

§ 1.852–5 *Additional information required in returns of shareholders.* (a) Any person who fails or refuses to comply with the demand of a regulated investment company for the written statements which § 1.852–4 requires the company to demand from its shareholders shall submit as a part of his income tax return a statement showing, to the best of his knowledge and belief:

(1) The number of shares actually owned by him at any and all times during the period for which the return is filed in any company claiming to be a regulated investment company;

(2) The dates of acquisition of any such stock during such period and the names and addresses of persons from whom it was acquired;

(3) The dates of disposition of any such stock during such period and the names and addresses of the transferees thereof;

(4) The names and addresses of the members of his family (as defined in section 544 (a) (2)); the names and addresses of his partners, if any, in any partnership; and the maximum number of shares, if any, actually owned by each in any corporation claiming to be a regulated investment company, at any time during the last half of the taxable year of such company;

(5) The names and addresses of any corporation, partnership, association, or trust in which he had a beneficial interest to the extent of at least 10 percent at any time during the period for which such return is made, and the number of shares of any corporation claiming to be a regulated investment company actually owned by each;

(6) The maximum number of shares (including the number and face value of securities convertible into stock of the corporation) in any domestic corporation claiming to be a regulated investment company to be considered as constructively owned by such individual at any time during the last half of the corporation's taxable year, as provided in section 544 and the regulations thereunder; and

(7) The amount and date of receipt of each dividend received during such period from every corporation claiming to be a regulated investment company.

(b) When making demand for the written statements required of each shareholder by § 1.852–4, the company shall inform each of the shareholders of his duty to submit as a part of his income tax return the statements which are required by this section if he fails or refuses to comply with such demand. A list of the persons failing or refusing to comply in whole or in part with a company's demand shall be maintained as a part of its record required by § 1.852–4. A company which fails to keep such records to show the actual ownership of its outstanding stock as are required by § 1.852–4 shall not be taxable as a regulated investment company.

(c) Nothing in this section or § 1.852–4 shall be construed to relieve regulated investment companies or their shareholders from the duty of filing information returns required by regulations prescribed under the provisions of subchapter A of chapter 61.

§ 1.853 *Statutory provisions; foreign tax credit allowed to shareholders.*

SEC. 853. *Foreign tax credit allowed to shareholders*—(a) *General rule.* A regulated investment company—

(1) More than 50 percent of the value (as defined in section 851 (c) (4)) of whose total assets at the close of the taxable year consists of stock or securities in foreign corporations, and

(2) Which meets the requirements of section 852 (a) for the taxable year,

may, for such taxable year, elect the application of this section with respect to income, war profits, and excess profits taxes described in section 901 (b) (1), which are paid by the investment company during such taxable year to foreign countries and possessions of the United States.

(b) *Effect of election.* If the election provided in subsection (a) is effective for a taxable year—

(1) The regulated investment company—

(A) Shall not, with respect to such taxable year, be allowed a deduction under section 164 (a) or a credit under section 901 for taxes to which subsection (a) is applicable, and

(B) Shall be allowed as an addition to the dividends paid deduction for such taxable year the amount of such taxes;

(2) Each shareholder of such investment company shall—

(A) Include in gross income and treat as paid by him his proportionate share of such taxes, and

(B) Treat as gross income from sources within the respective foreign countries and possessions of the United States, for purposes of applying subpart A of part III of subchapter N, the sum of his proportionate share of such taxes and the portion of any dividend paid by such investment company which represents income derived from sources within foreign countries or possessions of the United States.

(c) *Notice to shareholders.* The amounts to be treated by the shareholder, for purposes of subsection (b) (2), as his proportionate share of—

(1) Taxes paid to any foreign country or possession of the United States, and

(2) Gross income derived from sources within any foreign country or possession of the United States,

shall not exceed the amounts so designated by the company in a written notice mailed to its shareholders not later than 30 days after the close of its taxable year.

(d) *Manner of making election and notifying shareholders.* The election provided in subsection (a) and the notice to shareholders required by subsection (c) shall be made in such manner as the Secretary or his delegate may prescribe by regulations.

(e) *Cross references.* (1) For treatment by shareholders of taxes paid to foreign countries and possessions of the United States, see section 164 (a) and section 901.

(2) For definition of foreign corporation, see section 7701 (a) (5).

§ 1.853–1 *Foreign tax credit allowed to shareholders*—(a) *In general.* Under section 853, a regulated investment company, meeting the requirements set forth in paragraph (b) of this section, may make an election with respect to the income, war-profits, and excess profits taxes which it pays to foreign countries or possessions of the United States during the taxable year, including taxes which are deemed paid by it under the provisions of any income tax convention to which the United States is a party. If an election is made, the shareholders of the regulated investment company shall apply their proportionate share of such foreign taxes paid, or deemed to have been paid by it pursuant to any income tax convention, as either a credit (under section 901) or as a deduction (under section 164 (a)) as provided by section 853 (b) (2). The election is not applicable with respect to taxes deemed to have been paid under section 902 (relating to the credit allowed to corporate stockholders of a foreign corporation for taxes paid by such foreign corporation).

(b) *Requirements.* To qualify for the election provided in section 853 (a), a regulated investment company (1) must have more than 50 percent of the value of its total assets, at the close of the taxable year for which the election is made, invested in stocks and securities of foreign corporations, and (2) must also for that year, comply with the dividend distribution requirement prescribed in section 852 (a). The term "value", for purposes of the first requirement, is defined in section 851 (c) (4). For the definition of foreign corporation, see section 7701 (a).

§ 1.853–2 *Effect of election*—(a) *The regulated investment company.* A regulated investment company making a valid election with respect to a taxable year, under the provisions of section 853 (a) is, for such year, denied both the deduction for foreign taxes provided by section 164 (a) and the credit for foreign taxes provided by section 901 with respect to all income, war-profits, and excess profits taxes which it has paid to any foreign country or possession of the United States. The investment company, however, is permitted to add the amount of such foreign taxes paid to its dividends-paid deduction for that taxable year.

(b) *Shareholder.* A shareholder of an investment company, which has made the election under section 853, is, in effect, placed in the same position as a person directly owning stock in foreign corporations, in that he must include in his gross income (in addition to taxable dividends actually received) his proportionate share of such foreign taxes paid and must treat such amount as foreign taxes paid by him for the purposes of the deduction under section 164 (a) and the credit under section 901. For such purposes he must treat as gross income from a foreign country or possession of the United States (1) his proportionate share of the taxes paid by the regulated investment company to such foreign country or possession and (2) the portion of any dividend paid by the investment company which represents income derived from such sources.

(c) *Dividends paid after the close of the taxable year.* For additional rules applicable to certain distributions made after the close of the taxable year which may be designated as income received from sources within and taxes paid to foreign countries or possessions of the United States, see § 1.855–1.

(d) *Example.* This section may be illustrated as follows:

(1) The X Corporation, a regulated investment company, has total assets, at the close of the taxable year, of $10 million invested as follows:

Domestic corporations		$4,000,000
Foreign corporations in—		
Country A	$3,500,000	
Country B	2,500,000	
		6,000,000
Total assets		10,000,000

(2) The dividend income of X Corporation is received from the following sources:

Domestic corporations		$300,000
Foreign corporations—		
Country A	$250,000	
Country B	250,000	
		500,000
Total dividend income		800,000
Taxes withheld by Country A on dividends of $250,000 at a rate of 10 percent	$25,000	
Taxes withheld by Country B on dividends of $250,000 at a rate of 20 percent	50,000	
Total foreign taxes withheld		75,000
Dividend income after foreign taxes withheld		725,000
Operation and management expenses		80,000
Income available for distribution		645,000

(3) X Corporation has 250,000 shares of common stock outstanding and distributes the entire $645,000 as a dividend of $2.58 per share of stock.

(4) The X Corporation meets the 50 percent requirement of section 851 (b) (4) and the distribution requirements of section 852 (a) (1). It notifies each shareholder by mail, within the time prescribed by section 853 (c), that by reason of the election they are to treat as foreign taxes paid $0.30 per share of stock ($75,000 of foreign taxes paid, divided by the 250,000 shares of stock outstanding), of which $0.20 represents taxes paid to Country B and $0.10 taxes paid to Country A. The shareholders must report as income $2.88 per share ($2.58 of dividends actually received plus the $0.30 representing foreign taxes paid). Of the $2.88, $1.80 (which represents such part of the total dividend paid as the foreign dividend income bears to the total dividend income, i. e., 500,000/800,000 x 645,000) is to be considered as received from foreign sources. Ninety cents is to be considered as received from Country A, and ninety cents from Country B.

§ 1.853–3 *Notice to shareholders.* For the purposes of section 853, the amount that a shareholder may treat as his proportionate share of foreign taxes paid and the amount to be included as gross income derived from any foreign country or possession of the United States shall not exceed the amounts so designated by the company in a written notice to the shareholder mailed not later than 30 days after the close of the company's taxable year. If the company receives income from any foreign country or possession of the United States, the notice must designate the shareholder's portion of foreign taxes paid to each such country or possession and the portion of the dividend which represents income derived from sources within each such country or possession. The shareholder may not claim an amount greater than that designated by the company as his share of foreign taxes paid to any foreign country and possession. If, however, the amount designated by the company in the notice exceeds the shareholder's proper share of foreign taxes on gross income with respect to any foreign country or possession, the shareholder is limited to the amount correctly ascertained.

§ 1.853–4 *Manner of making election*—(a) *General rule.* A regulated investment company, to make a valid election under section 853, must—

(1) File with Form 1099 and Form 1096 a statement as part of its return which sets forth the following information:

(i) The total amount of income received from sources within foreign countries and possessions of the United States;

(ii) The total amount of income, war-profits, or excess-profits taxes paid (or deemed to have been paid under the provisions of any treaty to which the United States is a party) to such foreign countries or possessions;

(iii) The date, form, and contents of the notice to its shareholders;

(iv) The proportionate share of such taxes paid during the taxable year and foreign income received during such year attributable to one share of stock of the regulated investment company; and

(2) File as part of its return for the taxable year a Form 1118 modified so that it becomes a statement in support of the election made by a regulated investment company for taxes paid to a foreign country or a possession of the United States.

(b) *Irrevocability of the election.* The election is applicable only with respect to taxable years subject to the Internal Revenue Code of 1954, shall be made with respect to all such foreign taxes, and must be made not later than the time prescribed for filing the return (including extensions thereof). Such election, if made, shall be irrevocable with respect to the dividend, or portion thereof, to which it applies.

§ 1.854 *Statutory provisions; limitations applicable to dividends received from regulated investment company.*

SEC. 854. *Limitations applicable to dividends received from regulated investment company*—(a) *Capital gain dividend.* For purposes of section 34 (a) (relating to credit for dividends received by individuals), section 116 (relating to an exclusion for dividends received by individuals), and section 243 (relating to deductions for dividends received by corporations), a capital gain dividend (as defined in section 852 (b) (3)) received from a regulated investment company shall not be considered as a dividend.

(b) *Other dividends*—(1) *General rule.* In the case of a dividend received from a regulated investment company (other than a dividend to which subsection (a) applies)—

(A) If such investment company meets the requirements of section 852 (a) for the taxable year during which it paid such dividend; and

(B) The aggregate dividends received by such company during such taxable year are less than 75 percent of its gross income,

then, in computing the credit under section 34 (a), the exclusion under section 116, and the deduction under section 243, there shall be taken into account only that portion of the dividend which bears the same ratio to the amount of such dividend as the aggregate dividends received by such company during such taxable year bear to its gross income for such taxable year.

(2) *Notice to shareholders.* The amount of any distribution by a regulated investment company which may be taken into account as a dividend for purposes of the credit under section 34, the exclusion under section 116, and the deduction under section 243 shall not exceed the amount so designated by the company in a written notice to its shareholders mailed not later than 30 days after the close of its taxable year.

(3) *Definitions.* For purposes of this subsection—

(A) The term "gross income" does not include gain from the sale or other disposition of stock or securities.

(B) The term "aggregate dividends received" includes only dividends received from domestic corporations other than dividends described in section 116 (b) (relating to dividends excluded from gross income). In determining the amount of any dividend for purposes of this subparagraph, the rules provided in section 116 (c) (relating to certain distributions) shall apply.

§ 1.854–1 *Limitations applicable to dividends received from regulated investment company.* Section 854 provides special limitations applicable to the credit under section 34 and the exclusion under section 116 for dividends received by individuals, and the deduction under section 243 for dividends received by corporations.

(a) *Capital gain dividend.* Under the provisions of section 854 (a) the credit provided by section 34 for dividends received by individuals, the exclusion provided by section 116 for dividends received by individuals, and deduction provided by section 243 for dividends received by corporations, are not applicable with respect to a capital gain dividend (as defined in section 852 (b) (3)) received from a regulated investment company.

(b) *Rule for dividends other than capital gain dividends.* (1) Section 854 (b) (1) limits the amount that may be treated as a dividend by the shareholder of a regulated investment company, for the purposes of the credit, exclusion, and deduction specified in paragraph (a) of this section, where the investment company receives substantial amounts of income from sources other than dividends from domestic corporations, which dividends qualify for the exclusion under section 116 (such as interest, etc.).

(2) Where the "aggregate dividends received" (as defined in section 854 (b) (3)) during the taxable year by a regulated investment company (which meets the requirements of section 852 (a) for the taxable year during which it pays such dividend) are less than 75 percent of its gross income, only that portion of the dividend paid by the regulated investment company which bears the same ratio to the amount of such dividend paid as the aggregate dividends received by the regulated investment company, during such taxable year, bears to its gross income (computed without regard to gains from the sale or other disposition of stocks or securities) may be treated as a dividend for purposes of such credit, exclusion, and deduction.

(3) Subparagraph (2) of this paragraph is illustrated by the following example:

Example. The XYZ regulated investment company meets the requirements of section 852 (a) for the taxable year and has received income from the following sources:

Capital gains (from the sale of stock or securities)	$100,000
Dividends (from domestic sources other than dividends described in section 116 (b))	70,000
Dividend (from foreign corporations)	5,000
Interest	25,000
Total	200,000
Expenses	20,000
Taxable income	180,000

The regulated investment company decides to distribute the entire $180,000. It distributes a capital gain dividend of $100,000 and a dividend of ordinary income of $80,000. The aggregate dividends received by the regulated investment company from domestic corporations ($70,000) is less than 75 percent of its gross income ($100,000) computed without regard to capital gains from sales of securities. Therefore, an apportionment is required. The amount of the total distribution available for the credit, exclusion, or deduction would be determined in the following manner:

$$\frac{\$70,000}{\$100,000} \times \$80,000 = \$56,000$$

Therefore, out of every $1 dividend of ordinary income paid by the regulated investment company only 70 cents would be available for the credit, exclusion, or deduction referred to in section 854 (b). The capital gains dividend is excluded from the computation.

(c) *Taxable years of a regulated investment company ending after July 31, 1954, and subject to the Internal Revenue Code of 1939.* For the application of this section to taxable years of a regulated investment company ending after July 31, 1954, and subject to the Internal Revenue Code of 1939, see §§ 1.34–5 and 1.116–2.

§ 1.854–2 *Notice to shareholders.* Section 854 (b) (2) provides that the amount that a shareholder may treat as a dividend for purposes of the credit for dividends received by individuals provided by section 34 (a), the exclusion for dividends received by individuals provided by section 116, and the deduction for dividends received by corporations provided by section 243, shall not exceed the amount so designated by the company in a written notice to its shareholders mailed not later than 30 days after the close of the company's taxable year. The shareholder may not treat as a dividend an amount greater than that designated by the company as his dividend for the purpose of such credit, exclusion, or deduction. If, however, the amount so designated by the company in the notice exceeds the amount which may be treated by the shareholder as a dividend for such purposes, the shareholder is limited to the amount as correctly ascertained under section 854 (b) (2).

§ 1.854–3 *Definitions.* (a) For the purpose of computing the limitation prescribed by section 854 (b) (1) (B), the term "gross income" does not include gain from the sale or other disposition of stock or securities. However, capital gains arising from the sale or other disposition of capital assets, other than stock or securities, shall not be excluded from gross income for this purpose.

(b) The term "aggregate dividends received" includes only dividends received from domestic corporations other than dividends described in section 116 (b) (relating to dividends excluded from gross income). Accordingly, dividends received from foreign corporations will not be included in the computation of "aggregate dividends received". In determining the amount of any dividend for purposes of this section, the rules provided in section 116 (c) (relating to certain distributions) shall apply.

§ 1.855 *Statutory provisions; dividends paid by regulated investment company after close of taxable year.*

SEC. 855. *Dividends paid by regulated investment company after close of taxable year*—(a) *General rule.* For purposes of this chapter, if a regulated investment company—

(1) Declares a dividend prior to the time prescribed by law for the filing of its return for a taxable year (including the period of any extension of time granted for filing such return), and

(2) Distributes the amount of such dividend to shareholders in the 12-month period following the close of such taxable year and not later than the date of the first regular dividend payment made after such declaration,

the amount so declared and distributed shall, to the extent the company elects in such return in accordance with regulations prescribed by the Secretary or his delegate, be considered as having been paid during such taxable year, except as provided in subsections (b), (c) and (d).

(b) *Receipt by shareholder.* Amounts to which subsection (a) is applicable shall be treated as received by the shareholder in the taxable year in which the distribution is made.

(c) *Notice to shareholders.* In the case of amounts to which subsection (a) is applicable, any notice to shareholders required under this subchapter with respect to such amounts shall be made not later than 30 days after the close of the taxable year in which the distribution is made.

(d) *Foreign tax election.* If an investment company to which section 853 is applicable for the taxable year makes a distribution as provided in subsection (a) of this section, the share holders shall consider the amounts described in section 853 (b) (2) allocable to such distribution as paid or received, as the case may be, in the taxable year in which the distribution is made.

§ 1.855–1 *Dividends paid by regulated investment company after close of taxable year*—(a) *General rule.* In—

(1) Determining under section 852 (a) whether the deduction for dividends paid during the taxable year (without regard to capital gain dividends) by a regulated investment company equals or exceeds 90 percent of its investment company taxable income,

(2) Computing its investment company taxable income, and

(3) Determining the amount of capital gain dividends paid during the taxable year,

any dividend (or portion thereof) declared by the investment company before the time prescribed by law for the filing of its return for the taxable year (including the period of any extension of time granted for filing such return) shall, to the extent the company so elects in such return, be treated as having been paid during such taxable year. This rule is applicable only if distribution of the entire amount of such dividend is actually made to the shareholders in the 12-month period following the close of such taxable year and not later than the date of the first regular dividend payment made (with respect to income of the next taxable year) after such declaration.

(b) (1) *Method of making election.* The election must be made in the return filed by the company for the taxable year. The election shall be made by the taxpayer (the regulated investment company) by treating the dividend (or portion thereof) to which such election applies as a dividend paid during the taxable year in computing its investment company taxable income, or if the dividend (or portion thereof) to which such election applies is to be designated by the company as a capital gain dividend, in computing the amount of capital gain dividends paid during such taxable year. The election provided in section 855 (a) may be made only to the extent that the earnings and profits of the taxable year (computed with the application of section 852 (c)) exceed the total amount of distributions out of such earnings and profits actually made during the taxable year (not including distributions with respect to which a prior election has been made under section 855 (a)). The dividend or portion thereof, with respect to which the regulated investment company has made a valid election under section 855 (a), shall be considered as paid out of the earnings and profits of the taxable year for which such election is made, and not out of the earnings and profits of the taxable year in which the distribution is actually made.

(2) *Irrevocability of the election.* After the expiration of the time for filing the return for the taxable year for which an election is made under section 855 (a), such election shall be irrevocable with respect to the dividend or portion thereof to which it applies.

(c) *Receipt by shareholders.* Under section 855 (b), the dividend or portion thereof, with respect to which a valid election has been made, will be includible in the gross income of the shareholders of the regulated investment company for the taxable year in which the dividend is received by them.

(d) *Examples.* The application of paragraphs (a), (b) and (c) of this section may be illustrated by the following examples:

Example (1). The X Company, a regulated investment company, had taxable income (and earnings or profits) for the calendar year 1954 of $100,000. During that year the company distributed to shareholders taxable dividends aggregating $88,000. On March 10, 1955, the company declares a dividend of $37,000 payable to shareholders on March 20, 1955. Such dividend consists of the first regular quarterly dividend for 1955 of $25,000 plus an additional $12,000 representing that part of the taxable income for 1954 which was not distributed in 1954. On March 15, 1955, the X Company files its Federal income tax return and elects therein to treat $12,000 of the total dividend of $37,000 to be paid to shareholders on March 20, 1955, as having been paid during the taxable year 1954. Assuming that the X Company actually distributes the entire amount of the dividend of $37,000 on March 20, 1955, an amount equal to $12,000 thereof will be treated for the purposes of section 852 (a) as having been paid during the taxable year 1954. Such amount ($12,000) will be considered a distribution out of the earnings and profits of the company for the taxable year 1954, and will be treated as a taxable dividend to the shareholders for the taxable year in which such distribution is received by them.

Example (2). The Y Company, a regulated investment company, had taxable income (and earnings or profits) for the calendar year 1954 of $100,000, and for 1955 taxable income (and earnings or profits) of $125,000. On January 1, 1954, the company had a deficit in its earnings and profits accumulated since February 28, 1913, of $115,000. During the year 1954 the company distributed to shareholders taxable dividends aggregating $85,000. On March 5, 1955, the company declares a dividend of $65,000 payable to shareholders on March 31, 1955. On March 15, 1955, the Y Company files its Federal income tax return in which it includes $40,000 of the total dividend of $65,000 to be paid to shareholders on March 31, 1955, as a dividend paid by it during the taxable year 1954. On March 31, 1955, the Y Company distributes the entire amount of the dividend of $65,000 declared on March 5, 1955. The election under section 855 (a) is valid only to the extent of $15,000, the amount of the undistributed earnings and profits for 1954. The remainder ($50,000) of the dividend paid on March 31, 1955, may not be the subject of an election, but such amount will be regarded as a distribution by the Y Company for the taxable year 1955. Assuming that the only other distribution by the Y Company during 1955 is a distribution of $75,000 paid as a dividend on October 31, 1955, the total amount of the distribution of $65,000 paid to shareholders on March 31, 1955, is to be treated as taxable dividends to the shareholders. Of this amount, $15,000 is to be treated by the company as distributed out of the earnings or profits of the company for the taxable year 1954, and the remaining $50,000 as the distribution out of the earnings or profits for the year 1955. The distribution of $75,000 on October 31, 1955, is, of course, a taxable dividend out of the earnings and profits for the year 1955.

(e) *Notice to shareholders.* Section 855 (c) provides that in the case of dividends, with respect to which a regulated investment company has made an election under section 855 (a), any notice to shareholders required under subchapter M, with respect to such amounts, shall be made not later than 30 days after the close of the taxable year in which the distribution is made. Thus, the notice requirements in § 1.852–2 (b) with respect to capital gain dividends, § 1.853–3 with respect to allowance to shareholder of foreign tax credit, and § 1.854–2 with respect to allowance of credit for dividends received, may be satisfied if the notice is mailed to the shareholders not later than 30 days after the close of the taxable year in which the distribution is made. If the notice under section 855 (c) relates to an election with respect to any capital gain dividends, such capital gain dividends shall be aggregated by the investment company with the designated capital gain dividends actually paid during such taxable year (not including such dividends with respect to which a prior election has been made under section 855) for the purpose of determining whether the aggregate of the designated capital gain dividends with respect to such taxable year of the company is greater than the excess of the net long-term capital gain over the net short-term capital loss of the company.

(f) *Foreign tax election.* Section 855 (d) provides that in the case of an election made under section 853 (relating to foreign taxes), the shareholder of the investment company shall consider the foreign income received, and the foreign tax paid, as received and paid, respectively, in the shareholder's taxable year in which distribution is made.

[F. R. Doc. 55–5064; Filed, June 23, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

Agreement With American Sheep Producers Council, Inc.

Notice of Referendum Among Producers and Procedure for Conduct of Such Referendum

Unless otherwise prescribed by the Secretary of Agriculture, the following procedure will be applicable to the producer's referendum held for the purpose of determining whether an agreement entered into by the Secretary of Agriculture with the American Sheep Producers Council, Inc., as of March 17, 1955, for an advertising and sales promotion program is approved by producers pursuant to section 708 of the National Wool Act of 1954 (68 Stat. 912, 7 U. S. C. 1787).

1. *Definitions.* For the purpose of this notice, the following terms shall have the following meaning.

(a) *ASC County Committee.* The group of persons elected within a county as the County Committee pursuant to the regulations governing the election and functioning of the County Agricultural Stabilization and Conservation Committees.

(b) *ASC State Committee.* The group of persons designated within any State to act as the State Agricultural Stabilization and Conservation Committee.

(c) *Cooperative association.* An incorporated group of producers which (1) is operated for the mutual benefit of its members as producers; (2) markets the members' sheep or wool; (3) does not deal in sheep and wool for non-members to an amount greater in value than the amount representing the value of sheep and wool handled by the association for members, and (4) permits every member to have only one vote irrespective of the amount of stock or membership capital he may own in the association.

(d) *Deputy Administrator.* The Deputy or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(e) *Eligible voter.* A producer who had an interest, as owner or part owner, in one or more sheep at least six months old, continuously for any one period of 30 consecutive days between the beginning of the current calendar year and the day on which his ballot was cast. Such a voter is also referred to hereinafter as an "individual voter." A cooperative association may cast one vote for the eligible producers who are members of, stockholders in, or have a contract with the association to market their sheep or wool during the current marketing year (April 1 to March 31).

(f) *Individual voter.* See paragraph (e).

(g) *Producer.* An individual, partnership, corporation, association, business trust, or any organized unincorporated group of persons, or a state or any subdivision thereof, having an interest as owner or part owner of sheep.

(h) *Secretary of Agriculture.* The Secretary or Acting Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

2. *Agreement considered in this referendum.* The agreement considered in this referendum was entered into by the Secretary of Agriculture with the American Sheep Producers Council, Inc., a non-profit membership corporation organized under the laws of the State of Illinois, as of March 17, 1955, for the purpose of developing and conducting an advertising and sales promotion program for wool, sheep, and products thereof, subject to the determination by the Secretary that the agreement has the approval of the producers as provided in section 708 of the National Wool Act of 1954 (68 Stat. 912, 7 U. S. C. 1787). The agreement reads as follows:

Agreement

Made as of the 17th day of March 1955, between the United States Secretary of Agriculture, Department of Agriculture, Washington 25, D. C. (hereinafter referred to as Secretary), and the American Sheep Producers Council, Inc. (hereinafter referred to as Council), a non-profit, membership corporation organized under the laws of the State of Illinois.

Witnesseth:

Whereas, the Secretary, pursuant to the National Wool Act of 1954 (Title VII of the Agricultural Act of 1954, 68 Stat. 897), hereinafter referred to as the "Act," has announced a price support program for wool marketed during the marketing year April 1, 1955, to March 31, 1956, by means of payments to be made by the Commodity Credit Corporation to the producers of such wool as soon as practicable after the close of such marketing year:

Whereas, it is anticipated that similar programs will be instituted for subsequent marketing years under the Act;

Whereas, Section 708 of the Act authorizes the Secretary to enter into agreements with marketing cooperatives, trade associations or other organizations engaged or whose members are engaged in the handling of wool, sheep and the products thereof for the purpose of developing and conducting on a National, State, or a regional basis advertising and sales promotion program for wool, sheep, and the products thereof;

Whereas, it is desirable that there be instituted an advertising and sales promotion program or programs beneficial on a National basis, for wool, sheep, and products thereof to be financed by pro rata deductions from such price support payment to wool producers; and

Whereas, the Council is qualified to conduct such a program, being so organized, having the necessary powers under its charter and by-laws, having for its members marketing cooperatives and other associations who are engaged in or whose members are engaged in handling wool, sheep and products thereof, and who are represented at meetings of the Council's membership by wool and sheep producers selected on a basis affording nationwide representation, and having a Board of Directors who also are producers of wool and sheep selected to afford nationwide representation;

Now, therefore, the parties hereto agree as follows:

1. This agreement shall become effective only upon determination by the Secretary that this agreement has approval of the producers as provided in Section 708 of the Act. The Secretary will notify the Council in writing as to whether the producers have approved this agreement and as of what day the agreement shall become effective, such effective date to be not later than the 20th day after the date of the notification.

2. The Council shall, from time to time, develop and submit to the Secretary for approval advertising and sales promotion programs and supporting budgets for wool and lambs and the products thereof and such amendments thereto as may be needed. Each such submission shall describe, among other things, the plan of operation and the benefits to be derived on a National basis by producers, commodities to be promoted, the proposed media and methods which the Council intends to use in advertising and otherwise promoting (including related educational and developmental activities) the sale of wool and lambs and the products thereof. After such program and budget have been approved by the Secretary, and in accordance therewith, the Council will enter into such agreements with advertising and promotional agencies, radio and television stations and others, will employ such personnel and will take such other action as the Council deems appropriate or necessary to effectuate such program.

3. When price support payments are made to producers pursuant to the Act, the Secretary will make a pro rata deduction from such payments and pay the amount so deducted to the Council in order to provide the funds necessary to defray the expenses of the Council incurred pursuant to this agreement: *Provided, however,* That deductions will only be made from payments, if any, which are made to producers for marketings during the marketing years beginning April 1, 1955, and ending March 31, 1959. The deductions from payments for marketings during the marketing year April 1, 1955–March 31, 1956, shall be at the rate of one cent per pound of shorn wool marketed, and shall be made at a comparable rate as determined by the Secretary on lambs and yearlings (pulled wool) marketed; thereafter the deductions shall be at such rates as the Secretary and Council may agree upon, but in no event shall be in excess of a rate of one cent per pound in the case of shorn wool marketed and a comparable rate in the case of lambs and yearlings marketed, as determined by the Secretary.

4. The charter and by-laws of the Council having been approved by the Secretary, any amendments or additions to the charter or by-laws shall be subject to his approval.

5. The Council shall submit annually for the approval of the Secretary proposed budgets for the administration of the advertising and sales promotion programs and, from time to time, any amendments thereto that it may determine to be necessary.

6. The Council shall furnish the Secretary with a report of its activities semi-annually beginning with the period in which the Council either receives any funds from the Secretary under this agreement or undertakes obligations as part of its advertising and sales promotion program, whichever event is the earlier. Such reports shall be furnished within 15 days following the close of each such period. On or before September 15, 1956, and each September 15th thereafter during the life of this agreement, the Council shall furnish a statement of assets and liabilities to the Secretary as of the preceding June 30th. The Council shall also furnish the Secretary with such other reports and with such information as he may from time to time request. The Council shall keep accurate records of all its transactions, and these records shall be subject to inspection and audit by representatives of the Secretary at all times during regular business hours after the date of this agreement and for three years after the Council has completed performance of all contracts made and obligations incurred.

7. This agreement shall terminate June 30, 1962, unless extended by agreement of the parties hereto. Prior to such date, either party may terminate this agreement by delivering, or mailing by registered mail, a written notice of such termination effective on the date to be specified therein, but not earlier than 30 days after giving of such notice. If the Secretary, on or after April 1, 1956, upon petition or referendum of the wool producers, or otherwise, determines that this Agreement is no longer favored by the requisite number of producers, he shall so declare and no deductions from payments to producers shall thereafter be made to defray expenses of the Council, under this agreement, except deductions from such payments as are being made in connection with marketings of a prior marketing year.

8. Upon termination of this agreement, if all the funds of the Council were derived from the payments pursuant to this agreement, all such funds remaining unobligated in the hands of the Council shall be returned to the Secretary of Agriculture, together with a statement explaining the various items which entered into the amount returned to the Secretary; if the Council received funds for advertising and promotion purposes, and general administrative purposes from other sources than the Secretary acting pursuant to this agreement, the Council shall return to the Secretary the same proportion of the unobligated funds as the funds contributed by the Secretary bore to all funds received by the Council for these advertising and sales promotion programs and general administrative purposes. A statement of the assets and liabilities of the Council shall be furnished to the Secretary within 60 days after such termination becomes effective. The provision with respect to the return of unobligated funds shall also apply in case of dissolution or liquidation of the affairs of the Council.

9. The authority reserved to the Secretary under the provisions of this agreement may be exercised by an official or officials of the Department of Agriculture designated by him for such purpose.

March 17, 1955
(Date)

[S] E. T. Benson,
Secretary of Agriculture.

American Sheep Producers Council, Inc.

By: [S] G. N. Winder, *President.*
(Name and title)

2–21–55
(Date)

3. *Agencies conducting referendum.* The Deputy Administrator shall be in charge of conducting this referendum. Each ASC State Committee shall be in charge of conducting the referendum in its state and each ASC County Committee shall be in charge of conducting the referendum in its county. The referendum shall be conducted in a fair and impartial manner.

4. *Period of referendum.* The period of this referendum will be from June 27, 1955, to August 19, 1955, both dates inclusive.

5. *Notice of referendum.* The ASC State and County Committees will give public notice of the time and place of balloting in the referendum by mailing ballots, as stated hereinafter under "6", and by other available means (without incurring advertising expense) including but not limited to such media of public information as newspapers, radio, etc.

6. *Voting*—(a) *Mailing of ballots to eligible voters.* Each ASC County Office will mail ballots to all producers, of whom the committee has knowledge, having ranch or farm headquarters located in its county. Similarly, each ASC State Office will mail ballots to all cooperative associations, of whom the committee has knowledge, having headquarters located in its state. Such ballots will be mailed as promptly as possible but not later than August 1, 1955. The mailing of a ballot is not a determination of eligibility to vote and if a producer or cooperative association has not received a ballot, one can be obtained in the ASC State and County Office upon request of a producer or association.

(b) *Place of voting.* The ASC County Office serving the county in which a producer's farm or ranch headquarters is located will be his polling place. For a cooperative association, the polling place will be the ASC State Office serving the state in which the headquarters of the association is located. A ballot may be cast by personal delivery or mailing of the ballot to the polling place on or before August 19, 1955. The date of the postmark will be considered the date of mailing.

(c) *Manner of voting*—(1) *Individual voter.* An eligible producer may cast only one vote irrespective of the number of sheep which he may own in the county wherein he votes or elsewhere. The ballot shall be on CCC Wool Form 52 and shall be delivered or mailed to the appropriate polling place not later than August 19, 1955.

(2) *Cooperative association.* A cooperative association may cast only one vote. This vote shall be cast for all eligible producers who are members of, stockholders in, or under contract with the association to market their sheep or wool during the marketing year April 1, 1955, through March 31, 1956, and this vote shall cover all sheep, six months of age or older, owned by such producers continuously for any one period of 30 consecutive days since January 1, 1955. A ballot cast by a cooperative association must be accompanied by a certified copy of the association's charter and bylaws, a certified copy of the resolution adopted by the Board of Directors of the association authorizing such ballot, and a certified list, in duplicate, of all producers, otherwise eligible to vote, who are members of, stockholders in, or have contracts with the association to market their sheep or wool during the marketing year April 1, 1955, through March 31, 1956. This list shall be broken down by counties and shall enumerate such producers in each county in alphabetical order, showing the name and address of each producer; the number of sheep, six months of age or older, totally and continuously owned by each for any one period of 30 consecutive days since January 1, 1955; and the number and percentage of ownership in sheep, six months of age or older; partially and continuously owned by each for any one period of 30 consecutive days since January 1, 1955. After an ASC State Office receives the ballot and determines that the association is qualified and has been authorized by its Board of Directors to vote in this referendum, the ASC State Office will transmit to the ASC County Offices in its state the lists of producers with farm or ranch headquarters located in the respective counties, received from the association, together with a statement showing whether the association votes in favor or not in favor of the agreement. The ASC State Office will also transmit, to the respective State ASC Offices, the lists of producers with farm or ranch headquarters located in other states, received from the association, together with a statement that such association is qualified to vote for such producers and whether such association votes in favor of or not in favor of the agreement.

7. *Challenge of ballots.* A ballot may be challenged on the basis of the knowledge of any ASC State, County, or Community Committeeman; employee of an ASC State or County Office; or on the basis of a challenge made by any other person. A determination shall be made by the ASC County Committee in connection with each challenged ballot, and that determination shall cover all questions as to the eligibility of an individual voter and the accuracy of the number of sheep represented by a voter before a challenged ballot is either counted or declared invalid. If two or more cooperative associations cast ballots for the same producer, and the ballots take the same position with reference to the agreement which is the subject of the referendum, the producer's vote will be counted only once. If they take different positions his vote will not be counted.

8. *Canvass of ballots.* The ASC County Committees will make a count of the eligible voting producers, determining (a) the number of eligible voting producers favoring the agreement and number of sheep represented by them, (b) the number of eligible producers disapproving of the agreement and the number of sheep represented by them, and (c) the number of voting producers found to be ineligible. All ballots shall be treated as confidential and the contents of the ballots shall not be divulged, except as provided herein or as the Secretary may direct.

9. *Reporting results of referendum.* Each ASC County Office will transmit a written summary of the results of the referendum in its county to its ASC State Office. Each ASC State Office will transmit a written summary of the referendum results received from the ASC County Offices within its state to the Director of the Livestock and Dairy Division, CSS, Washington, D. C., and maintain one copy of the summary in the ASC State Office where it shall be available for public inspection for a period of 5 years following the end of the referendum period. The Director of the Livestock and Dairy Division, Commodity Stabilization Service, shall prepare and submit to the Secretary a report as to the results of the referendum.

10. *Additional instructions and forms.* The Deputy Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions hereof to govern the procedure to be followed in the conduct of this referendum.

(Sec. 708, 68 Stat. 912; 7 U. S. C. 1787)

Done at Washington, D. C., this 22d day of June 1955.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 55-5082; Filed, June 23, 1955; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 15, 1955.

The Fish and Wildlife Service, United States Department of the Interior, has filed an application, Serial No. Sacramento 048777, for the withdrawal of the lands described below from all forms of appropriation except the mineral leasing laws.

The applicant desires the land for the the purpose of managing it as a public hunting ground for deer hunters, as the Yolla Bolly Wildlife Management Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, at room 801, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate copy will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 23 N., R. 7 W.,
Sec. 2, W½, SE¼.
T. 24 N., R. 7 W.,
Sec. 4, All;
Sec. 10, All;
Sec. 22, All;
Sec. 26, W½NW¼, SW¼, W½SE¼;
Sec. 34, All.
T. 25 N., R. 7 W.,
Sec. 22, W½;
Sec. 28, All (except 18.21 acres patented Mineral Survey 4686);
Sec. 34, W½W½, W½E½.

The area described includes approximately 4,620 acres of Public Land.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 55-5056; Filed, June 23, 1955; 8:46 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 16, 1955.

The Forest Service, Department of Agriculture has filed an application Serial No. Oregon 03588, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws.

The applicant desires the land for the purpose of protecting road rights-of-way, roadside and waterfront zones.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 3861, Portland 8, Oregon.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

OCHOCO NATIONAL FOREST

Ochoco Highway Zone

A strip of land 500 feet wide on both sides of the centerline of the U. S. Highway No. 28, through the following subdivisions:

T. 12 S., R. 19 E.,
Sec. 25: SE¼NE¼, SW¼SE¼, E½SE¼;
Sec. 35: SE¼SE¼;
Sec. 36: N½NE¼, SW¼NE¼, SE¼NW¼, SW¼, NW¼SE¼.
T. 13 S., R. 19 E.,
Sec. 1: Lot 4;
Sec. 2: Lot 1, S½NW¼;
Sec. 3: SE¼NE¼, N½SE¼, SW¼;
Sec. 4: SE¼SE¼;
Sec. 9: W½SW¼, SE¼SW¼, E½NE¼, NW¼NE¼, SE¼NW¼;
Sec. 10: NW¼NW¼;
Sec. 16: NW¼NW¼;
Sec. 17: E½NE¼, SW¼NE¼, SE¼SW¼, W½SE¼, NE¼SE¼;
Sec. 19: N½SE¼, SE¼NE¼, SE¼SW¼;
Sec. 20: NW¼NE¼, NW¼, NW¼SW¼;
Sec. 30: NE¼NW¼;
Sec. 31: W½NW¼, NW¼SW¼.
T. 12 S., R. 20 E.,
Sec. 17: NW¼, NW¼SW¼;
Sec. 18: SE¼, SE¼NE¼, SE¼SW¼;
Sec. 19: W½E½, E½W½;
Sec. 30: NE¼NW¼, Lots 1, 2, NW¼NE¼.

1154.40 acres.

ROGUE RIVER NATIONAL FOREST

Crater Lake National Park Highway Zone

T. 28 S., R. 4 E.,
Sec. 34: SE¼SE¼SE¼;
Sec. 35: S½S½NE¼, SE¼SE¼NW¼, S½;
Sec. 36: S½S½N½, S½.
T. 29 S., R. 4 E.,
Sec. 1: Lots 1, 2, 3, and 4;
Sec. 2: N½, SW¼, NW¼NW¼SE¼;
Sec. 3: Lots 1 and 2, S½NE¼, SE¼SE¼NW¼, SW¼, NW¼SE¼, E½SE¼SE¼;
Sec. 9: SE¼NE¼NE¼, SE¼NE¼, SE¼;
Sec. 10: E½E½NE¼, NW¼NW¼, W½SW¼NW¼, S½SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 11: W½W½;
Sec. 15: E½, N½NW¼, S½SE¼SW¼;
Sec. 16: NE¼, E½W½, SW¼SW¼, W½SE¼, NW¼NE¼SE¼;
Sec. 20: E½, SE¼SE¼SW¼;
Sec. 21: E½NE¼, N½NW¼NE¼, E½SW¼NE¼, N½NE¼NW¼, SW¼NE¼NW¼, W½NW¼, NW¼NW¼SW¼, SE¼SW¼, W½SE¼, W½NE¼SE¼;
Sec. 22: NW¼NW¼NE¼, N½NW¼, N½SW¼NW¼;
Sec. 28: NW¼NW¼NE¼, NW¼, W½SW¼, NW¼NE¼SW¼;
Sec. 29: All;
Sec. 31: E½E½NE¼, E½SE¼, SW¼SE¼;
Sec. 32: All.
T. 30 S., R. 4 E.,
Sec. 5: W½ of Lot 2, E½SE¼NW¼;
Sec. 6: S½SE¼SE¼;
Sec. 7: NE¼NE¼.
T. 28 S., R. 5 E.,
Sec. 26: S½NE¼SW¼, S½SW¼SW¼, NE¼SW¼SW¼, SE¼SW¼, NW¼SE¼, NW¼SW¼SE¼;
Sec. 31: S½S½N½, S½;
Sec. 32: S½S½N½, S½;
Sec. 33: S½S½N½, S½;
Sec. 34: NE¼NE¼, SE¼NW¼NE¼, SW¼NE¼, N½SE¼NE¼, SW¼SE¼NE¼, S½NW¼, N½SW¼, S½SE¼SW¼, S½SW¼SE¼, SE¼SE¼;
Sec. 35: NE¼, NW¼NE¼NW¼, NW¼NW¼, S½SE¼NW¼, N½SW¼, SW¼SW¼, NW¼NW¼SE¼.
T. 29 S., R. 5 E.,
Sec. 3: N½N½NE¼, N½NW¼;
Sec. 4: N½N½, N½S½NW¼;
Sec. 5: N½N½, N½S½NE¼;
Sec. 6: NE¼NE¼, N½NW¼NE¼, NW¼NW¼NW¼.
T. 28 S., R. 6 E.,
Sec. 35: S½NE¼, N½SE¼;
Sec. 36: S½N½, N½S½.
T. 32 S., R. 6 E. (Unsurveyed).
Secs. 14, 23, 25: Those portions of these sections lying outside the boundary of Crater Lake National Park;
Sec. 36: N½NE¼, SW¼NE¼.
T. 28 S., R. 6½ E., (unsurveyed),
Sec. 31: S½N½, N½S½;
Sec. 32: S½N½, N½S½;
Sec. 33: S½N½, N½S½;
Sec. 34: S½N½, N½S½;
Sec. 35: S½N½, N½S½;
Sec. 36: S½N½, N½S½.
T. 29 S., R. 7 E.,
Sec. 4: NE¼SW¼, S½SW¼, SE¼;
Sec. 5: S½S½;
Sec. 6: SE¼SW¼, S½SE¼.
T. 32 S., R. 7 E.,
Sec. 6: NW¼SW¼, NE¼SW¼SW¼, SW¼NE¼SW¼, SE¼SW¼, W½SE¼, SW¼NE¼, W½SE¼, SW¼NE¼;
Sec. 7: N½NW¼, SW¼NW¼, NW¼SE¼NW¼, NW¼NW¼SW¼.
T. 31 S., R. 7½ E.,
Sec. 33: Lot 1;
Sec. 34: N½NW¼, S½N½NE¼, N½S½NE¼;
Sec. 35: SW¼SW¼NE¼, S½NW¼, NE¼SW¼, N½SE¼SE¼, N½SE¼;
Sec. 36: SW¼NW¼SW¼, SW¼SW¼, SW¼SE¼SW¼.
T. 32 S., R. 7½ E.,
Sec. 1: Lots 2, 3, and 4, S½NE¼, NE¼SE¼NW¼, NE¼NE¼SE¼;
Sec. 12: SE¼SE¼SW¼, S½SE¼, SE¼NW¼SE¼, NE¼SE¼;
Sec. 13: NW¼NW¼NE¼, N½NW¼, SW¼NW¼, NW¼SE¼NW¼;
Sec. 14: S½SE¼NE¼, S½SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 22: SE¼NE¼, SE¼SW¼NE¼, SE¼NE¼NE¼, SE¼SW¼, SE¼SW¼SW¼, W½SW¼SE¼, NW¼SE¼;
Sec. 23: N½NW¼, NW¼SW¼NW¼.

14,787.00 acres.

UMPQUA NATIONAL FOREST

Steamboat Creek Road Right-of-Way

T. 25 S., R. 1 E.,
Sec. 13: S½;
Sec. 23: S½;
Sec. 24: S½;
Sec. 25: N½;
Sec. 26: N½;
Sec. 27: All;
Sec. 28: S½;
Sec. 31: S½;
Sec. 32: All;
Sec. 33: N½.
T. 24 S., R. 2 E.,
Sec. 8: W½;
Sec. 20: All;
Sec. 29: All;
Sec. 32: All.
T. 25 S., R. 2 E.,
Sec. 5: All;
Sec. 6: S½;
Sec. 7: All;
Sec. 8: E½;
Sec. 18: All;
Sec. 19: All.

8,838.74 acres.

WALLOWA NATIONAL FOREST

Lostine River Roadside and River-front Zone

T. 2 S., R. 43 E.,
Sec. 15: All;
Sec. 22: All;
Sec. 26: SW¼;
Sec. 27: E½;
Sec. 34: E½;
Sec. 35: W½.
T. 3 S., R. 43 E.,
Sec. 2: All;
Sec. 11: All;
Sec. 13: W½;
Sec. 14: E½;
Sec. 23: E½;
Sec. 24: W½ except patented mining claims in Oreg. Mineral Survey No. 774;
Sec. 25: W½;
Sec. 36: All.
T. 4 S., R. 43 E. (unsurveyed),
Sec. 1: E½.
T. 4 S., R 44 E. (unsurveyed),
Sec. 6: All.

6,880.00 acres.

WALLOWA AND WHITMAN NATIONAL FORESTS

Imnah River Roadside and River-front Zone

T. 5 S., R. 46 E. (unsurveyed),
Sec. 23: SE¼;
Sec. 24: S½;
Sec. 25: NW¼;
Sec. 26: All.
T. 5 S., R. 48 E. (unsurveyed),
Sec. 13: SE¼;
Sec. 19: All;
Sec. 20: All;
Sec. 21: All;
Sec. 22: All;
Sec. 23: S½;
Sec. 24: All.
T. 5 S., R. 48 E. (unsurveyed),
Sec. 5: W½;
Sec. 6: E½;
Sec. 7: E½;
Sec. 8: W½;
Sec. 17: NW¼;
Sec. 18: All;
Sec. 19: NW¼.

7,040.00 acres.

Total acreage in withdrawal request, 38,700.14.

Dated: JUNE 16, 1955.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 55-5057; Filed, June 23, 1955; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 444]

NOTICE OF RESIGNATION FROM AND APPOINTMENT TO SPECIAL INDUSTRY COMMITTEE NO. 17–B FOR PUERTO RICO

Miguel Garriga of San Juan, Puerto Rico, having resigned as member of Special Industry Committee No. 17–B, the Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. and Sup. 201 et seq.), hereby appoints Nicolas Nogueras Rivera of San Juan, Puerto Rico to serve as representative of employees in the industry for which said Committee was appointed.

Signed at Washington, D. C., this 20th day of June, 1955.

ARTHUR LARSON,
Acting Secretary of Labor.

[F. R. Doc. 55-5063; Filed, June 23, 1955; 8:48 a. m.]

CIVIL SERVICE COMMISSION

CERTAIN VETERINARIAN POSITIONS THROUGHOUT THE CONTINENTAL UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND IN FOREIGN COUNTRIES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for all professional veterinarian positions at grade GS–7 in the

entire Veterinary Science Group, GS–700–0. The new rate has been set at the sixth step of the grade ($4,830). This increase will be effective on the first day of the first pay period which begins after June 18, 1955, and applies to these positions throughout the continental United States, its territories and possessions, and in foreign countries.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–5065; Filed, June 23, 1955; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11392, 11393; FCC 55M–542]

BARTLETT AND REED MANAGEMENT AND BLACKHILLS VIDEO CO.

ORDER CONTINUING HEARING

In re applications of Bartlett and Reed Management, Rapid City, South Dakota, Docket No. 11392, File Nos. 557/558/559/560/561/562/563–C1–P–55; Blackhills Video Company, Rapid City, South Dakota, Docket No. 11393, File Nos. 1096/1097/1098/1099/1100/1101/1102/1103/1104/1105–C1–P–55; for construction permits for radio relay facilities.

It is ordered, This 16th day of June 1955, (1) that the hearing herein now scheduled to be held July 5, 1955, is rescheduled to commence at 10:00 a. m., Monday, July 25, 1955, at Washington, D. C.; and (2) that all parties to the proceeding shall exchange among themselves on Monday, July 18, 1955, all exhibits and documents on which they intend to rely as part of their direct case. This action is taken pursuant to agreement stated on the record at a prehearing conference held June 16, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–5051; Filed, June 23, 1955; 8:45 a. m.]

[Docket Nos. 11408—11410]

SOUTHWESTERN BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11408, File No. P–C–3585; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Dr. Leslie L. Carter, d/b as the Leroy Telephone Company, Leroy, Texas.

In matter of the application of Southwestern Bell Telephone Company, Docket No. 11409, File No. P–C–3595; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Otis Mayfield, d/b as the Mustang Telephone Company, Mustang, Oklahoma.

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11410, File No. P–C–3592; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of The Mijo Cooperative Telephone Company, Stilwell, Kansas.

The Commission having under consideration applications filed by Southwestern Bell Telephone Company for certificates under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Southwestern Bell Telephone Company of certain telephone plant and properties of Dr. Leslie L. Carter, d/b as the Leroy Telephone Company, at Leroy, Texas, Otis Mayfield, d/b as the Mustang Telephone Company, at Mustang, Oklahoma, and The Mijo Cooperative Telephone Company, at Stilwell, Kansas, will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is ordered, This 16th day of June 1955, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above applications are assigned for public hearing in a consolidated proceeding for the purpose of determining whether the proposed acquisitions will be of advantage to the persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon said applications be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 19th day of September 1955, and that a copy of this order shall be served upon the Governor of Texas, the Postmaster of Leroy, Texas, the Governor of Oklahoma, the Corporation Commission of Oklahoma, the Postmaster of Mustang, Oklahoma, the Governor of Kansas, the State Corporation Commission of the State of Kansas, and the Postmaster of Stilwell, Kansas;

It is further ordered, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in the above-mentioned communities and the counties in which the properties are located and shall furnish proof of such publication at the hearing herein.

Released: June 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–5052; Filed, June 23, 1955; 8:45 a. m.]

[Change List 94]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

JUNE 6, 1955.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214–3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of commencement of operation
		560 kilocycles				
New	Corner Brook, Newfoundland	1 kw	DA–N	U	III	June 1, 1956.
		800 kilocycles				
CFOB	Fort Frances, Ontario (change call letters CKFI).	1 kw D/5 kw N	ND	U	II	
		1070 kilocycles				
New	Smiths Falls, Ontario	0.25 kw	ND	D	II	EIO April 1, 1956. Reduce power from 1 kw.
		1290 kilocycles				
New	London, Ontario	5 kw	DA–1	U	III	EIO June 1, 1956.
		1400 kilocycles				
New	Swift Current, Saskatchewan	0.25	ND	U	IV	Do.
		1440 kilocycles				
CKRD	Red Deer, Alberta (PO: 850 kc 1 kw DA–1).	1 kw	DA–1	U	III	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–5053; Filed, June 23, 1955; 8:45 a. m.]

CANADIAN TELEVISION STATION LIST

MISCELLANEOUS AMENDMENTS

Additions, amendments and deletions to Recapitulative List of March 15, 1955.

CANADIAN TELEVISION ASSIGNMENTS

(Listed by channel Supp. 1; June 1, 1955)

Call sign	Licensee	Location	Effective radiated power	Directivity	Antenna: Height above ground	Antenna: Height above mean sea level	Antenna: Height above average terrain
		ADDITIONS			*Feet*	*Feet*	*Feet*
		Channel 2					
CJIC-TV	Radio Station CJIC	Saulte Ste. Marie, Ontario, 46°30'32" N., 84°19'36" W.	5.16 V 2.58 A.	Om	225	835	−19
		Channel 5					
CKX-TV	Western Manitoba Broadcasters, Ltd.	Brandon, Manitoba, 49°-50'26" N., 99°58'26" W.	19.3 V 9.65A.	Om	277	1,557	259
		Channel 12					
CHEX-TV	Kawartha Broadcasting Company, Ltd.	Peterborough, Ontario, 44°19'45" N., 78°18'03" W.	102.0 V 61.2 A.	D. A	378	1,178	396
CKRS-TV	Radio Saguenay Limitee.	Jonquiere, Quebec,[1] 48°-24'29" N. 71°14'52" W.	20.0 V 10.0 A.	D. A	228	748	311.5
		AMENDMENTS					
		(Amendment Italicized)					
		Channel 2					
CJON-TV	Newfoundland Broadcasting Co., Ltd.	St. John's, Newfoundland, 47°33'39" N. 52°43'24" W.	1.06 V 0.63 A.	Om	176	451	*559*
CKCW-TV	Moncton Broadcasting, Ltd.	Moncton, New Brunswick, 45°50'56" N., 64°48'44" W.	5.0 V 3.0 A.	Om	326	1,656	1,014
CKCK-TV	Transcanada Communications, Ltd.	Regina, Saskatchewan, 50°28'46" N., 104°34'-16" W.	*18.9 V* *10.0 A.*	Om	*634*	*2,534*	*588*
		Channel 3					
CKVR-TV	Ralph Snelgrove Television, Ltd.	Barrie, Ontario, 44°21'-05" N., 79°41'55" W.	14.0 V 7.0 A.	Om	200	1,200	369
		Channel 4					
CHSJ-TV	New Broadcasting Broadcasting Co., Ltd.	St. John, New Brunswick, 45°25'40" N., 66°13'55" W.	27.8 V 13.9 A.	Om	*81*	*1,542*	1,200
		Channel 7					
CHLT-TV	La Tribune *Limitee*	Sherbrooke, Quebec, 45°-15'43" N., 72°14'32" W.	17.3 V *8.8 A.*	D. A	71	2,796	1,848
		Channel 11					
CHCH-TV	Niagara TV Ltd	Hamilton, Ontario, 43°-12'27" N., 79°46'05" W.	16.9 V *10.05 A.*	D. A	536	1,146	622
		DELETIONS—None					

[1] Chicoutimi, Quebec, channel.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–5054; Filed, June 23, 1955; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–8527]

LONE STAR GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 20, 1955.

Take notice that Lone Star Gas Company (Applicant), a Texas corporation with a principal office in Dallas, Texas, filed on February 28, 1955, an application for a certificate of public convenience and necessity and supplementary data thereto on April 4, 1955, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate facilities and service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate facilities described in items 1 thru 6 and 10 and operate facilities described in items 7, 8 and 9, as follows:

1. Approximately 2,115 feet of 2-inch Line E–5–1 and a measuring and regulating station extending from a point on Line E–5 to the City of Achille, Bryan County, Oklahoma.

2. Approximately 7 feet of 6-inch Line E–5–2 and a measuring and regulating station at the City of Durant, Bryan County, Oklahoma.

3. Approximately 11,493 feet of 2-inch Line E–5–3 extending from a point on Line E–5 to Lone Star's General Distribution Division's measuring and regulating station for the Excell Body Works near Durant, Bryan County, Oklahoma.

4. Approximately 15,587 feet of 3-inch Line E–5–4 and a measuring and regulating station extending from Line E–5 to the City of Calera, Bryan County, Oklahoma.

5. Approximately 196 feet of 3-inch Line EA–1 and a measuring and regulating station at the City of Colbert, Bryan County, Oklahoma.

6. Approximately 59,383 feet of 4-inch Line E–5, and a measuring and regulating station, extending from the Durant tap (Paragraph 2 above) to the City of Caddo, Bryan County, Oklahoma.

7. Approximately 45.45 miles of 14-inch Line S–2, and a dehydration plant, extending from the Carthage Cycling Plant, Panola County, Texas to the junction with Line S2–B in Smith County, Texas.

8. Approximately 19.93 miles of 12-inch Line S2–B from the junction in (7) above to the junction with Line 0 in Smith County, Texas.

9. Approximately 42.7 miles of 12-inch Line 0 from the junction in (8) above to Crush Junction, Hopkins County, Texas.

10. A permanent connection between Line 0–33–10" and Line 0–12 at Crush Junction, Texas consisting of approximately 37 feet of 10-inch pipeline and 10 feet of 6-inch pipeline and related facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 14, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of §§ 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of

the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5059; Filed, June 23, 1955; 8:47 a. m.]

[Docket No. G-8850]

MISSOURI UTILITIES CO.

NOTICE OF APPLICATION

JUNE 20, 1955.

Take notice that Missouri Utilities Company (Applicant), a Missouri Corporation, filed an application on May 3, 1955, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Panhandle Eastern Pipe Line Company (Panhandle) to establish a physical connection of its Jefferson City lateral with the facilities proposed to be constructed by Applicant and to sell natural gas to Applicant for local distribution to the public in the City of California, Missouri and its environs.

The point of interconnection with Panhandle's facilities is proposed to be located 4.2 miles northeast of the City of California.

Applicant is an existing customer of Panhandle and states that the volume of gas it seeks for service to the City of California may be presently included in the amount of gas allocated to it for use in the City of Columbia, Missouri. The peak day volume required is estimated to be 260 Mcf per day for the first year of operation and 900 Mcf per day for the fifth year.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of July 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5060; Filed, June 23, 1955; 8:47 a. m.]

[Docket Nos. G-8888, G-8939, G-8962, G-8963]

CITY OF LA CENTER, KY., ET AL.

NOTICES OF APPLICATIONS

JUNE 20, 1955.

In the matters of City of La Center, Kentucky, Docket No. G-8888, City of Bardwell, Kentucky, Docket No. G-8939, City of Wickliffe, Kentucky, Docket No. G-8962, Lake County Utility District, Docket No. G-8963.

Take notice that applications have been filed by the City of La Center, Kentucky, at Docket No. G-8888, the City of Bardwell, Kentucky, at Docket No. G-8939, the City of Wickliffe, Kentucky, at Docket No. G-8962, and Lake County Utility District, at Docket No. G-8963 for orders directing Trunkline Gas Company (Trunkline) to establish and maintain physical connection of its transportation facilities with natural gas systems proposed to be constructed by the respective applicants and to sell natural gas to said applicants for local distribution to the public.

The application of the City of La Center, Kentucky (La Center), a municipal corporation, was filed on May 11, 1955. The main line of Trunkline is stated to be located 2.8 miles from La Center's corporate limits and La Center proposes to interconnect its facilities with those of Trunkline at said point through the construction of a 3-inch transmission line. Its annual natural gas requirements are estimated to be 35,246 Mcf for the first year of operation and 43,554 Mcf for the third year. Its first year peak day requirements are estimated to be 317.8 Mcf, while its third year peak day requirements are estimated to be 436.3 Mcf.

The application of the City of Bardwell, Kentucky (Bardwell), a municipal corporation, was filed on May 23, 1955. Bardwell proposes to interconnect its facilities with those of Trunkline through the construction of approximately 3.9 miles of 3-inch transmission line. Its annual natural gas requirements are estimated to be 42,083 Mcf for the first year of operation and 51,176 Mcf for the third year. Its first year peak day requirements are estimated to be 375.8 Mcf, while its third year peak day requirements are estimated to be 459.2 Mcf.

The application of the City of Wickliffe, Kentucky (Wickliffe), a municipal corporation, was filed on May 25, 1955. Wickliffe proposes to interconnect its facilities with those of Trunkline through the construction of approximately 9.3 miles of 3-inch transmission line. Its annual natural gas requirements are estimated to be 42,051 Mcf for the first year of operation and 70,004 Mcf for the third year. Its first year peak day requirements are estimated to be 372.6 Mcf, while its third year peak day requirements are estimated to be 549.2 Mcf.

The application of Lake County Utility District (Lake County), a public entity organized and existing under the laws of Tennessee, was filed on May 25, 1955. It is composed of a number of municipalities in Western Tennessee including Tiptonville, Ridgely, Wynnburg, Hornbeak, and Samburg. Lake County proposes to interconnect these communities and to attach its facilities to those of Trunkline through the construction of approximately 33 miles of 6-inch, 4-inch and 2½-inch transmission line. Its annual natural gas requirements are estimated to be 195,116 Mcf for the first year of operation and 330,826 Mcf for the third year. Its first year peak day requirements are estimated to be 1,318.2 Mcf, while its third year peak day requirements are estimated to be 2,226 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 6th day of July, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5061; Filed, June 23, 1955; 8:47 a. m.]

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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 20 NUMBER 124

Washington, Saturday, June 25, 1955

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

[Valencia Orange Reg. 41]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.341 *Valencia Orange Regulation 41*—(a) *Findings.* (1) Pursuant to Order No. 22 (19 F. R. 1741), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on June 23, 1955, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 26, 1955, and ending at 12:01 a. m., P. s. t., July 3, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 415,800 boxes;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "boxes," "District 1," "District 2," and "District 3," shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 24, 1955.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 55-5165; Filed, June 24, 1955; 11:34 a. m.]

[Lemon Reg. 595]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.702 *Lemon Regulation 595*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953;

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 17 ($0.55)

Title 32A, Revised Dec. 31, 1954 ($1.50)

Title 38 ($2.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as

hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 22, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 26, 1955, and ending at 12:01 a. m., P. s. t., July 3, 1955, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-5144; Filed, June 24, 1955; 8:55 a. m.]

Subchapter B—Prohibitions of Imported Commodities

[Amdt. 1]

PART 1067—AVOCADOS

AVOCADO REGULATION 2

Pursuant to the provisions of Section 8e of the Agricultural Marketing Agreement Act, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraph (a) of § 1067.2 *Avocado Regulation No. 2* (20 F. R. 4149) is hereby amended to read as follows:

§ 1067.2 *Avocado Regulation No. 2.* (a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless:

(1) The individual fruit in each lot of such avocados weigh at least 12 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance;

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, any person may import any lot of avocados if (i) the exterior seed coat of the individual fruit is of a brown color characteristic of a mature avocado, or (ii) such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature; and

(3) Each such importation is made in conformance with the general regulations (Part 1060 of this subchapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section.

Findings and determinations. (a) It is hereby determined, on the basis of the further information which is now available, that the requirements set forth in this amendment are comparable to the maturity regulation presently in effect for avocados grown in South Florida, which regulation was published in the FEDERAL REGISTER, issue of May 17, 1955 (§ 969.306; 20 F. R. 3427).

(b) It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this amendment beyond that hereinafter specified (5 U. S. C. 1001 et seq.) because (1) this amendment of the existing import regulations is necessary to effectuate the purposes of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq; 68 Stat. 906, 1047); (2) compliance with this amendment to the avocado import restrictions will not require any special preparation which cannot be completed by the effective time; and (3) this amendment relieves restrictions on the importation of avocados into the United States.

(Sec. 401, 68 Stat. 907; 7 U. S. C. 608e)

Done at Washington, D. C., this 22d day of June, 1955, to become effective at 12:01 a. m., e. s. t., June 26, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-5103; Filed, June 24, 1955; 8:53 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 55-28]

OPERATIONS; TANK, PASSENGER, CARGO AND MISCELLANEOUS VESSELS

CHARTS ON FERRYBOATS AND OTHER RIVER VESSELS

These amendments to 46 CFR 35.20–1, 78.05–5 (a), and 97.05–5 (a), regarding the exemption of ferryboats and other river vessels from the requirement concerning the carrying of navigational charts and to require such charts on motorboats operating on the high seas reinstate former wording of the regulations which was inadvertently omitted editorially when the regulations were rewritten in 1952. The intent of these amendments is to restore to ferryboats and other river vessels their normal exemption from the requirement of carrying charts at all times and to restate the principle that all vessels operating on the high seas be required to carry such charts.

It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003), is not necessary because these amendments constitute a relaxation in the requirements.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order No. 167–14, dated November 26, 1954 (19 F. R. 8026), to promulgate regulations in accordance with the statutes cited with the regulations affected, the following amendments to the regulations are prescribed which shall become effective on the date of publication of this document in the FEDERAL REGISTER:

Subchapter D—Tank Vessels

PART 35—OPERATIONS

SUBPART 35.20—NAVIGATION

The headnote for § 35.20–1 is amended to read as follows:

§ 35.20–1 *Notice to mariners; aids to navigation—T/OCLB.* * * *

Subchapter H—Passenger Vessels

PART 78—OPERATIONS

SUBPART 78.05—NOTICE TO MARINERS AND AID TO NAVIGATION

Section 78.05–5 (a) is amended to read as follows:

§ 78.05–5 *Charts.* (a) All vessels, except barges, ferryboats, vessels operating exclusively on rivers, and motorboats other than those certificated for ocean or coastwise routes, shall have charts of the waters upon which they operate available for convenient reference at all times.

Subchapter I—Cargo and Miscellaneous Vessels

PART 97—OPERATIONS

SUBPART 97.05—NOTICE TO MARINERS AND AIDS TO NAVIGATION

Section 97.05–5 (a) is amended to read as follows:

§ 97.05–5 *Charts.* (a) All vessels, except barges, vessels operating exclusively on rivers, and motorboats other than those certificated for ocean and coastwise routes, shall have charts of the waters upon which they operate available for convenient reference at all times.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Dated: June 21, 1955.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 55-5098; Filed, June 24, 1955; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 4 since it was last recapitulated in the FEDERAL REGISTER (February 7, 1951, at page 1132), Part 4 is recapitulated as of June 1, 1955 to read as set forth below:

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

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AUTHORITY: §§ 4.1 to 4.682 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154.

IN GENERAL

§ 4.1 *Broadcast services covered by this part.* The following broadcast services are covered by this part:

(a) Experimental and developmental broadcast:

(1) Experimental television broadcast (Subpart A).

(2) Experimental facsimile broadcast (Subpart B).

(3) Developmental broadcast (Subpart C).

(b) Auxiliary broadcast:

(1) Remote pickup broadcast (Subpart D).

(2) Broadcast STL and FM intercity relay (Subpart E).

(3) Television pickup (Subpart F).

(4) Television STL (Subpart F).

(5) Television inter-city relay (Subpart F).

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.11 *Applications.* (a) If application is for a construction permit or a license for a new remote pickup broadcast, broadcast STL, FM inter-city relay, television pickup, television STL or television inter-city relay station, or to make changes in facilities, or modification of license, or renewal of license of any such existing station, an FCC Form 313 should be filed.

(b) If application is for a construction permit for an experimental television, experimental facsimile or developmental broadcast station, or to make changes in facilities, or modification of license of any such existing station, FCC Form 309 should be filed; for a station license, FCC Form 310 should be filed; for renewal of station license, FCC Form 311 should be filed.

§ 4.12 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 4.13 *Installation of apparatus.* Applications for construction permits or modification thereof involving the installation of new transmitting apparatus should be filed at least 60 days prior to the contemplated installation.

§ 4.14 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of 6 months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 4.15 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (Form FCC No. 701) for extension of time within which to construct a station shall be filed at least thirty days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than thirty days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 4.16 *Equipment tests.* (a) During the process of construction of any class of radio station listed in this part, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority will continue valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) The authorization for tests embodied in this section shall not be construed as approval by the Commission of the application for station license.

§ 4.17 *Service or program tests.* (a) Upon completion of construction of a radio station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee of any class of station listed in this part may, without further authority of the Commission, conduct service or program tests: *Provided,* That the Engineer in Charge of the district in which the station is located and the Commission are notified at least two (2) days (not including Sundays and Saturdays and legal holidays when the offices of the Commission are not open) in advance of the beginning of such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked program test authority will continue valid during Commission consideration of the application for license and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) The authorization for tests embodied in this section shall not be construed as approval by the Commission of the application for station license.

§ 4.18 *License period; renewal.* (a) Licenses for the following classes of broadcast stations normally will be issued for a period of one year expiring as follows:

Class of Station and Date of Expiration

Experimental television broadcast station: Apr. 1.

Experimental facsimile broadcast station: Mar. 1.

Developmental broadcast station: May 1.

(b) Licenses for stations in the Auxiliary Broadcast Services will be issued for a period running concurrently with the licenses of the broadcast station with which such auxiliary stations are used. A remote pickup broadcast station licensed for use with more than one broadcast station will be licensed for a period running concurrently with the license of the broadcast station having the longer license period.

§ 4.19 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license will be issued to conform to the combined action of the Commission.

§ 4.20 *Renewal of license.* (a) Unless otherwise directed by the Commission each application for renewal of license of an Auxiliary Broadcast Station shall be filed at least 90 days prior to the expiration date of the license sought to be renewed; and each application for re-

newal of license of an Experimental and Developmental Broadcast Station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

(b) Whenever the Commission regards an application for renewal of a station license for any class of broadcast station listed in § 4.1 as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a certain date, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(c) A supplemental report shall be submitted with each application for renewal of license of a station licensed experimentally[1] in accordance with the regulations governing each class of station.

§ 4.21 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing auxiliary or experimental broadcast station license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 4.22 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new auxiliary or experimental broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor as assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 4.23 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of an auxiliary or experimental broadcast station construction permit or license or for consent to voluntary transfer of control of a corporation holding such a construction permit or license shall be filed with the Commission on Form FCC No. 314 (assignment of license) or Form FCC No. 315 (transfer of control) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within thirty days after the occurrence of such death or legal disability, application on Form FCC No. 314 or 315 shall be filed for consent to involuntary assignment of such station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

[1] The phrases "station licensed experimentally" and "experimental station" are used interchangeably.

SUBPART A—RULES GOVERNING EXPERIMENTAL TELEVISION BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.101 *Definitions.* (a) The term "experimental television broadcast station" means a station licensed for experimental transmission of transient visual images of moving or fixed objects for simultaneous reception and reproduction by the general public.[2]

§ 4.102 *Purpose.* A license for an experimental television broadcast station will be issued for the purpose of carrying on research and experimentation for the advancement of television broadcasting which may include tests of equipment, training of personnel, and experimental programs as are necessary for the experimentation.

§ 4.103 *Frequency assignment.* (a) The following groups of channels are available for assignment to television broadcast stations licensed experimentally:

GROUP A

Channel No.	*Megacycles*	Channel No.	*Megacycles*
1	44–50	8	180–186
2	54–60	9	186–192
3	60–66	10	192–198
4	66–72	11	198–204
5	76–82	12	204–210
6	82–88	13	210–216
7	174–180		

[2] The transmission of synchronized sound (aural broadcast) is considered an essential phase of television broadcast and one license will authorize both visual and aural broadcast.

GROUP B

Megacycles [1 2]	*Megacycles* [1 2]	*Megacycles* [1 2]
480–500	620–640	760–780
500–520	640–660	780–800
520–540	660–680	800–820
540–560	680–700	820–840
560–580	700–720	840–860
580–600	720–740	860–890
600–620	740–760	

[1] The channel divisions of this band are tentative and subject to change.

[2] Higher frequency channels for experimental television will be announced in the near future. In the meantime persons desiring to employ higher frequency channels should correspond with the Commission prior to the filing of an application.

(b) No experimental television broadcast station will be authorized to use more than one channel in group A except for good cause shown. Both aural and visual carrier waves with side bands for modulation are authorized but no emission shall result outside the authorized channel.

(c) Channels in group B may be assigned to experimental television stations to serve auxiliary purposes such as television relay or pickup stations. No mobile or portable station will be licensed for the purpose of transmitting television programs to the public directly.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.111 *Administrative procedure.* See §§ 4.11 to 4.23, inclusive.

§ 4.112 *Supplementary statements to be filed with application for construction permit.* A supplementary statement shall be filed with and made a part of each application for construction permit for any experimental television broadcast station confirming the applicant's understanding:

(a) That all operation upon the frequency requested is for experimental purposes only.

(b) That the frequency requested may not be the best suited to the particular experimental work to be carried on, and

(c) That the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation,

(d) That any frequency which may be assigned is subject to change without advance notice or hearing,

(e) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.113 *Supplementary reports to be filed with application for renewal of license.* (a) A report shall be filed with each application for renewal of experimental television broadcast station license which shall include a statement of each of the following:

(1) Number of hours operated.

(2) Full data on research and experimentation conducted including the type of transmitting and studio equipment used and their mode of operation.

(3) Data on expense of research and operation during the period covered.

(4) Power employed, field intensity measurements and visual and aural observations and the types of instruments and receivers utilized to determine the station service area and the efficiency of the respective types of transmissions.

(5) Estimated degree of public participation in reception and the results of observations as to the effectiveness of types of transmission.

(6) Conclusions, tentative and final.

(7) Program for further developments in television broadcasting.

(8) All developments and major changes in equipment.

(9) Any other pertinent developments.

(b) Special or progress reports shall be submitted from time to time as the Commission shall direct.

RULES RELATING TO LICENSING POLICIES

§ 4.131 *Licensing requirements, necessary showing.* (a) An applicant for a new experimental television broadcast station, change in facilities of any existing station, or modification of license is required to make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended, as well as the following:

(1) That the applicant has a definite program of research and experimentation in the technical phases of television broadcasting, which indicates reasonable promise of substantial contribution to the developments of the television art.

(2) That upon the authorization of the proposed station the applicant can and will proceed immediately with its program of research and experimentation.

(3) That the transmission of signals by radio is essential to the proposed program of research and experimentation.

(4) That the program of research and experimentation will be conducted by qualified personnel.

(b) A license for an experimental television broadcast station will not authorize exclusive use of any frequency. In case interference would be caused by simultaneous operation of stations licensed experimentally, such licensees shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine and specify the time division.

(c) A license for an experimental television broadcast station will be issued only on the condition that no objectionable interference will result from the transmissions of the station to the regular program transmissions of television broadcast stations. It shall at all times be the duty of the licensee of an experimental television broadcast station to ascertain that no interference will result from the transmissions of its station. With regard to interference with the transmissions of an experimental television broadcast station or the experimental or test transmissions of a television broadcast station, the licensees shall make arrangements for operations to avoid interference.

§ 4.132 *Power limitations.* Experimental television broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.133 *Emission authorized.* In case emission of a different type than that specified in the license is necessary or desirable in carrying on any phases of experimentation, application setting out fully the needs shall be made by informal application.

§ 4.134 *Multiple ownership.* No persons (including all persons under common control) shall control directly or indirectly, two or more experimental television broadcast stations (other than television relay broadcast stations) unless a showing is made that the character of the programs of research require a licensing of two or more separate stations.

RULES RELATING TO EQUIPMENT

§ 4.151 *Equipment changes.* The licensee of an experimental television broadcast station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

RULES RELATING TO TECHNICAL OPERATION

§ 4.161 *Frequency tolerance.* The licensee of an experimental television broadcast station operating below 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.01 percent of the assigned frequency. The licensee of an experimental television broadcast station operating above 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.05 percent of the assigned frequency. However, where a lesser tolerance is necessary in order to prevent interference, the Commission will specify the tolerance.

§ 4.162 *Frequency monitors and measurements.* The licensee of an experimental television broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.163 *Time of operation.* (a) A licensee of an experimental television broadcast station is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation.

(b) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license for an experimental television broadcast station shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(c) The Commission may from time to time require that a station licensed experimentally conduct such experiments as are deemed desirable and reasonable for the development of the service.

§ 4.164 *Station inspection.* The licensee of each experimental television broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.165 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located. However, if the station is licensed for portable-mobile[3] operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized Government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, or if the station operated is licensed for portable-mobile[3] operation, a verification card[4] is acceptable in lieu of the posting of such license.

§ 4.166 *Operator requirements.* One or more radio operators holding radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the place where the transmitting apparatus of any experimental television broadcast station is located and in actual charge of its operation. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

[3] The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[4] Form 758–P.

§ 4.167 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40, *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 4.168 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.181 *Station records.* (a) The licensee of each experimental television broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.
(2) Program transmitted.
(3) Frequency check.
(4) Pertinent remarks concerning transmission.
(5) In case of relay or pickup station, an entry giving points of program origination and receiver location shall be included.
(6) Research and experimentation conducted.

(b) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record,* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

(c) Station records shall be retained for a period of two years.

§ 4.182 *Charges.* No charges, either direct or indirect, shall be made by the licensee of an experimental television broadcast station for the production or transmission of either aural or visual programs transmitted by such station except that this section shall not apply to the transmission of commercial programs by an experimental television relay or pickup broadcast station for retransmission by a television broadcast station.

§ 4.183 *Station identification.* Each experimental television broadcast station shall make aural and visual announcements of its call letters and location at the beginning and end of each period of operation, and during operation, at least once every hour.

§ 4.184 *Rebroadcasts.* (a) The term "rebroadcast" means reception by radio of the program [5] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[6]

[5] As used in this section the word "program" includes any complete program or part thereof.

[6] In case a program is transmitted from its point of origin to a broadcast station primarily by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast. The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

(b) No licensee of any experimental television broadcast station shall rebroadcast the program of any radio station without written authority having first been obtained from the Commission upon application.[7]

(c) An application for authority to rebroadcast the program of any radio station shall be accompanied by written consent or certification of consent of the licensee of the station originating the program.

SUBPART B—RULES GOVERNING EXPERIMENTAL FACSIMILE BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.201 *Definition.* The term "facsimile broadcast station" means a station licensed to transmit images of still objects for record reception by the general public.

§ 4.202 *Frequency assignment.* (a) The band of frequencies between 470 and 480 megacycles is allocated for assignment to fascimile broadcast stations which will be licensed experimentally only.

(b) Other broadcast experimental frequencies may be assigned for the operation of an experimental facsimile broadcast station provided a sufficient need therefor is shown and no interference will be caused to established radio stations.

(c) One frequency only will be assigned to an experimental facsimile station from the band listed in paragraph (a) of this section. More than one frequency may be assigned under the provisions of paragraph (b) of this section if a need therefor is shown.

(d) Each applicant shall specify the maximum modulating frequencies proposed to be employed.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.211 *Administrative procedure.* See §§ 4.11 to 4.23, inclusive.

§ 4.212 *Supplementary statements to be filed with application for construction permit.* A supplementary statement shall be filed with and made a part of each application for construction permit for any experimental facsimile broadcast station confirming the applicant's understanding:

(a) That all operation upon the frequency requested is for experimental purposes only,

(b) That the frequency requested may not be the best suited to the particular experimental work to be carried on,

(c) That the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation,

(d) That any frequency which may be assigned is subject to change without advance notice or hearing,

(e) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.213 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) Number of hours operated for transmission of facsimile programs.
(b) Conprehensive report of research and experimentation conducted.
(c) Conclusions and program for further developments of the facsimile broadcast service.
(d) All developments and major changes in equipment.
(e) Any other pertinent developments.

RULES RELATING TO LICENSING POLICIES

§ 4.231 *Licensing requirements, necessary showing.* (a) An applicant for a construction permit for a new experimental facsimile broadcast station, change in facilities of any existing station, or modification of license is required to make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended, as well as with regard to the following:

(1) That the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of the facsimile broadcast service.
(2) That sufficient facsimile recorders will be distributed to accomplish the experimental program proposed.
(3) That the program of research and experimentation will be conducted by qualified personnel.

(b) A license for an experimental facsimile broacast station will not authorize exclusive use of any frequency. In case interference would be caused by simultaneous operation of stations licensed experimentally, such licensees shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine and specify the time division.

§ 4.232 *Power limitations.* Experimental facsimile broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.233 *Emission authorized.* In case emission of a different type than that specified in the license is necessary or desirable in carrying on any phases of experimentation, application setting out fully the needs shall be made by informal application.

§ 4.234 *Multiple ownership.* No persons (including all persons under common control) shall control directly or indirectly, two or more experimental facsimile broadcast stations unless a showing is made that the character of the programs of research require a licensing of two or more separate stations.

[7] Informal application may be employed.

RULES RELATING TO EQUIPMENT

§ 4.251 *Equipment changes.* The licensee of an experimental facsimile broadcast station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;
(b) That the emissions are not permitted outside the authorized band;
(c) That the power output complies with the license and the regulations governing the same; and
(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

RULES RELATING TO TECHNICAL OPERATION

§ 4.261 *Frequency tolerance.* The licensee of an experimental facsimile broadcast station shall maintain the operating frequency of its station within plus or minus 0.01 percent of the assigned frequency.[1] However, where a lesser tolerance is necessary in order to prevent interference, the Commission will specify the tolerance.

§ 4.262 *Frequency monitors and measurements.* The licensee of an experimental facsimile broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.263 *Time of operation.* (a) A licensee of an experimental facsimile broadcast station is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation.

(b) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license for an experimental facsimile broadcast station shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(c) The Commission may from time to time require that a station licensed experimentally conduct such experiments as are deemed desirable and reasonable for the development of the service.

§ 4.264 *Station inspection.* The licensee of each experimental facsimile broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

[1] Tolerance may be plus or minus 0.05 percent on equipment installed prior to October 1, 1946, and until October 1, 1947, when all experimental facsimile broadcast stations shall maintain frequency within the prescribed tolerance.

§ 4.265 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, a verification card [2] is acceptable in lieu of the posting of such license.

§ 4.266 *Operator requirements.* One or more radio operators holding radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the place where the transmitting apparatus of any experimental facsimile broadcast station is located and in actual charge of its operation. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.267 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40, *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 4.268 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.281 *Station records.* (a) The licensee of each experimental facsimile broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.
(2) Program transmitted.
(3) Frequency check.
(4) Pertinent remarks concerning transmission.
(5) Research and experimentation conducted.

(b) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record,* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

(c) Station records shall be retained for a period of two years.

[2] Form 758-F.

§ 4.282 *Charges.* (a) A licensee of an experimental facsimile broadcast station shall not make any charge, directly or indirectly, for the transmission of programs.

(b) No licensee of any standard or FM broadcast station shall make any additional charge, directly or indirectly, for the transmission of some phase of its programs by an associated experimental facsimile broadcast station.

§ 4.283 *Station identification.* Each experimental facsimile broadcast station shall transmit visual information which will permit it to be identified at the beginning and end of each period of operation, and during operation, at least once every hour.

§ 4.284 *Rebroadcasts.* (a) The term "rebroadcast" means reception by radio of the program [3] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[4]

(b) No licensee of any experimental facsimile broadcast station shall rebroadcast the program of any radio station without written authority having first been obtained from the Commission upon application.[5]

(c) An application for authority to rebroadcast the program of any radio station shall be accompanied by written consent or certification of consent of the licensee of the station originating the program.

SUBPART C—RULES GOVERNING DEVELOPMENTAL BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.301 *Definition.* The term "developmental broadcast station" means a station licensed experimentally to carry on development and research primarily in radiotelephony for the advancement of the broadcast services.

§ 4.302 *Frequency assignment* (a) The following frequencies are allocated for assignment to developmental broadcast stations.[1] [2]

Kilocycles	*Megacycles*	*Megacycles*	*Megacycles*
1614	30.66	35.46	72.18
2398	31.02	37.06	72.22
3492.5	31.14	37.14	156.525
4797.5	31.18	37.54	156.975
6425	31.54	39.14	157.425
9135	33.34	39.46	157.725
12862.5	33.46	39.54	158.175
17310	33.62	40.98	920 to 940
23100	35.06	42.98 [3]	Above 30,000

[3] Subject to interference from radiations emitted by scientific, medical, and industrial stations.

[1] Subject to change in accordance with Docket No. 6651.

[2] Also available for assignment to other stations in the experimental services except for the band 920–940 megacycles.

[3] As used in this section the word "program" includes any complete program or part thereof.

[4] In case a program is transmitted from its point of origin to a broadcast station primarily by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast. The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

[5] Informal application may be employed.

(b) A license will be issued for more than one of these frequencies upon a satisfactory showing that there is need therefor.

(c) The frequencies suited to the purpose and in which there appears to be the minimum degree or absence of interference to established stations shall be selected.

(d) In cases of important experimentation which cannot be conducted successfully on the frequencies allocated in paragraph (a) of this section, the Commission may authorize developmental broacast stations to operate on any frequency allocated for broadcast stations or any frequencies allocated for other services under the jurisdiction of the Commission upon satisfactory showing that such frequencies can be used without causing interference to established services.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.311 *Administrative procedure.* See §§ 4.11 to 4.23, inclusive.

§ 4.312 *Supplementary statements to be filed with application for construction permit.* A supplementary statement shall be filed with and made a part of each application for construction permit for any developmental broadcast station confirming the applicant's understanding:

(a) That all operation upon the frequency requested is for experimental purposes only,

(b) That the frequency requested may not be the best suited to the particular experimental work to be carried on, and

(c) That the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation,

(d) That any frequency which may be assigned is subject to change without advance notice or hearing,

(e) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.313 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following, among others:

(a) The number of hours operated.

(b) Comprehensive report on research and experiments conducted.

(c) Conclusions and program for further development of the broadcast service.

(d) All developments and major changes in equipment.

(e) Any other pertinent developments.

RULES RELATING TO LICENSING POLICIES

§ 4.331 *Licensing requirements; necessary showing.* (a) An applicant for a construction permit for a new developmental broadcast station, change of facilities or modification of an existing license is required to make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended, as well as with regard to the following:

(1) That the applicant has a program of research and experimentation which can best be carried on under the license requested.

(2) That the program of research has reasonable promise of substantial contribution to the development of broadcasting.

(3) That the program of research and experimentation will be conducted by qualified personnel.

(b) A license for a developmental broadcast station will not authorize exclusive use of any frequency. In case interference would be caused by simultaneous operation of stations licensed experimentally, such licensees shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine and specify the time division.

§ 4.332 *Power limitations.* Developmental broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.333 *Emission authorized.* In case emission of a different type than that specified in the license is necessary or desirable in carrying on any phases of experimentation, application setting out fully the needs shall be made by informal application.

RULES RELATING TO EQUIPMENT

§ 4.351 *Equipment changes.* The licensee of a developmental broadcast station may make any changes in the equipment that are deemed desirable or necessary: *Provided,*

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed. This limitation shall not apply to developmental broadcast stations licensed to operate in connection with the development and testing of commercial broadcast equipment.

RULES RELATING TO TECHNICAL OPERATION

§ 4.361 *Frequency tolerance.* The licensee of a developmental broadcast station operating below 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.01 percent of the assigned frequency.[3] The licensee of a developmental broadcast station operating above 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.05 percent of the assigned frequency. However, where a lesser tolerance is necessary in order to prevent interference, the Commission will specify the tolerance.

§ 4.362 *Frequency monitors and measurements.* The licensee of a developmental broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.363 *Time of operation.* (a) A licensee of a developmental broadcast station is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation. However, licensees of developmental broadcast stations which are licensed to conduct special intermittent experiments, such as the development and testing of commercial broadcast equipment, are authorized to operate only when there is a need therefor.

(b) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license for a developmental broadcast station shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(c) The Commission may from time to time require that a station licensed experimentally conduct such experiments as are deemed desirable and reasonable for the development of the service.

§ 4.364 *Station inspection.* The licensee of each developmental broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.365 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located. However, if the station is licensed for portable-mobile[4] operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized Government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, or if the station operated is licensed for portable-mobile[4] operation, a verification card[5] is acceptable in lieu of the posting of such license.

§ 4.366 *Operator requirements.* One or more radio operators holding radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the place where the transmitting apparatus of any developmental broadcast station is located and in actual charge of its operation. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.367 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40, *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 4.368 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.381 *Station records.* (a) The licensee of each developmental broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.

(2) Program transmitted.

(3) Frequency check.

(4) Pertinent remarks concerning transmission.

(5) In case of relay or remote pickup station, an entry giving points of program origination and receiver location shall be included.

(6) Research and experimentation conducted.

(b) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record,* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

(c) Station records shall be retained for a period of two years.

§ 4.382 *Program service; charges prohibited; announcements.* (a) A licensee of a developmental broadcast station shall broadcast programs only when they are necessary to the experiments being conducted. No regular program service shall be broadcast unless specifically authorized. If the license authorizes the carrying of programs, the developmental broadcast station may transmit the programs of a standard, or FM broadcast station or networks, provided, that during the broadcast a statement is made identifying the station or network originating the program (by giving the call letters of the station or name of the network) and announcing that the program is being broadcast in connection with the experimental operation of a developmental broadcast station.

(b) No licensee of any standard, or FM broadcast station shall make any additional charge, directly or indirectly, for the transmission of programs by a developmental broadcast station.

(c) The provisions of paragraphs (a) and (b) of this section shall be applicable to rebroadcasts of the programs of a standard, or FM broadcast station or network by a developmental broadcast station.

§ 4.383 *Station identification.* Each developmental broadcast station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour.

§ 4.384 *Rebroadcasts.* (a) The term "rebroadcast" means reception by radio of the program[6] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[7]

(b) No licensee of any developmental broadcast station shall rebroadcast the program of any radio station without written authority having first been obtained from the Commission upon application.[8]

(c) An application for authority to rebroadcast the program of any radio station shall be accompanied by written consent or certification of consent of the licensee of the station originating the program.

SUBPART D—RULES GOVERNING REMOTE PICKUP BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.401 *Definitions.*—(a) *Remote pickup broadcast mobile station.* A land mobile station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

(b) *Remote pickup broadcast base station.* A base station licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

(c) *Remote pickup broadcast station.* The term "remote pickup broadcast station" as used in this subpart includes the definitions in paragraphs (a) and (b) of this section.

§ 4.402 *Frequency assignment.* (a) The following frequencies are allocated for assignment to remote pickup broadcast base and mobile stations:

(1)

Group A (kc)
[1] 1606
1622
1646

(2)

Group D (Mc)	Group E (Mc)	Group F (Mc)	Group G (Mc)	Group H (Mc)
[2] 25.87	[2] 25.91	[2] 25.95	[2] 25.99	[2] 26.03
26.15	26.17	26.19	26.21	26.23
26.25	26.27	26.29	26.31	26.33
26.35	26.37	26.39	26.41	26.43

(3)

Group I (Mc)	Group J (Mc)
[2] 26.07	[2] 26.09
26.11	26.13
26.45	26.47

(4)

Group K[3] (Mc)		
152.87	153.05	153.23
152.93	153.11	153.29
152.99	153.17	153.35

(5)

Group L (Mc)	Group M (Mc)
[4] 166.25	[4] 170.15

(6)

Group N (Mc)			
450.05	450.55	455.05	455.55
450.15	450.65	455.15	455.65
450.25	450.75	455.25	455.75
450.35	450.85	455.35	455.85
450.45	450.95	455.45	455.95

(b) A licensee is not limited with respect to the number of remote pickup broadcast stations which may be licensed for operation in a single area and each such station may be assigned one or more frequencies: *Provided, however,* That such frequency assignments shall be limited to those within a single frequency Group in any subparagraph of paragraph (a) of this section. This limitation does not preclude the assignment of frequencies listed in different subparagraphs to the same licensee. Applicants shall request the assignment of only those frequencies on which operation is contemplated and the transmitter shall be suitably equipped to operate on all assigned frequencies.

(c) Remote pickup broadcast stations will not be granted exclusive frequency

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[3] Tolerance may be 0.05 on equipment installed prior to October 1, 1946, and until October 1, 1947, when all developmental broadcast stations shall maintain frequency within the prescribed tolerances.

[4] The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[5] Form 758–F.

[6] As used in this section the word "program" includes any complete program or part thereof.

[7] In case a program is transmitted from its point of origin to a broadcast station primarily by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast. The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

[8] Informal application may be employed.

[1] Subject to the condition that no harmful interference is caused to the reception of standard broadcast stations.

[2] Subject to the condition that no harmful interference is caused to the reception of broadcasting stations.

[3] Subject to the condition that no harmful interference is caused to the Industrial Radio Services.

[4] Operation on the frequencies 166.25 Mc and 170.15 Mc is not authorized (i) within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37° 30' N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Alabama, subtended between the foregoing west and north boundaries; (ii) within 150 miles of New York City, and; (iii) outside the continental United States; and is subject to the condition that no harmful interference is caused to government radio stations in the band 162–174 Mc.

assignments, and the same frequency or frequencies may be assigned to other licensees in the same area.

§ 4.403 *Frequency selection to avoid interference.* (a) Where two or more remote pickup broadcast stations are licensed for the same frequency or group of frequencies in the same area and when simultaneous operation is contemplated, the licensees shall endeavor to select frequencies or schedule operation in such manner as to avoid mutual interference. If a mutual agreement to this effect cannot be reached the Commission shall be notified and it will specify the frequency or frequencies on which each station is to be operated.

(b) The following order of priority of transmissions shall be observed on all frequencies except those listed in § 4.402 (a) (3): (1) The transmission of program material for broadcast, (2) the transmission of orders immediately necessary thereto, and (3) other transmissions permitted under § 4.431 (a). On frequencies listed in § 4.402 (a) (3), transmissions permitted under § 4.431 shall have priority over transmissions permitted under § 4.432 (e).

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.411 *Administrative procedure.* See §§ 4.11 to 4.23, inclusive.

RULES RELATING TO LICENSING POLICIES

§ 4.431 *Purpose of remote pickup broadcast stations.* (a) The license of a remote pickup broadcast station authorizes the transmission of program material, orders concerning such program material, and related communications necessary to the accomplishment of such transmissions, to an associated broadcast station,[5] to such other stations as are also broadcasting the same program material, or to the network with which the broadcast station is regularly affiliated. A license issued within the provisions of § 4.432 (e) authorizes the additional communications therein provided. Remote pickup broadcast stations may be operated in conjunction with other broadcast stations not aforementioned: *Provided,* That the transmissions by the remote pickup broadcast station shall be under the control of the remote pickup broadcast station licensee, and that such operation shall not exceed a total of 10 days in any 30-day period.

(b) In the event of damage or impairment of the regular circuits of a broadcast station due to storms or other emergencies, remote pickup broadcast stations may be used to provide temporary emergency circuits for program transmission and cue purposes pending completion of repairs. However, remote pickup broadcast stations may not be used for such circuits on a regular basis.

(c) The license of a remote pickup broadcast station authorizes operation on only one of the assigned frequencies at any one time. A licensee may operate two or more remote pickup broadcast stations simultaneously. Remote pickup broadcast stations may be used to transmit orders and related communications from the program control point to the remote pickup point.

(d) Remote pickup broadcast stations licensed in Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States may be used for any auxiliary broadcast purpose including inter-city relay circuits which may be operated by the licensee for the purpose of maintaining studios at locations other than that of the main studio: *Provided, however,* That such stations shall not be used for transmissions intended to be received by the public directly.

§ 4.432 *Licensing requirements.* (a) A license for a remote pickup broadcast station will be issued only to the licensee of a broadcast station. Remote pickup broadcast stations will be licensed to television broadcast stations upon an interim basis pending development of equipment capable of transmitting the aural and the visual portions of television programs within the bands of frequencies allocated for television pickup stations. A separate license is required for each remote pickup broadcast station. Each application for construction permit for a new remote pickup broadcast station or for a change in the facilities of an existing station shall be specific with regard to the frequency or frequencies requested.

(b) In case a licensee has two or more broadcast stations of different services (standard, FM, television, etc.) located in the same city, it shall, in applying for a new remote pickup broadcast station or for renewal of license of an existing station, designate each of the stations with which the remote pickup broadcast station is to be operated.

(c) In case a licensee has two or more broadcast stations located in different cities, it shall, in applying for a new remote pickup station or for renewal of license of an existing station, designate the broadcast station, or stations under the provisions of paragraph (b) of this section, in conjunction with which the remote pickup station is to be operated.

(d) A remote pickup broadcast station may be licensed for portable or mobile operation in accordance with § 4.401 (a), or for operation at a fixed location in accordance with § 4.401 (b). An application for a new remote pickup broadcast station or for modification of license of an existing station requesting portable or mobile operation shall specify the area in which the proposed station is intended to be employed.

(e) Remote pickup broadcast base stations will be licensed for the purpose of providing communication between the studio and the transmitter of broadcast stations which utilize a broadcast STL station for program transmission, provided that such operation shall not be conducted on frequencies other than those listed in § 4.402 (a) (3). The term "broadcast STL station" as used in this section includes "FM broadcast STL", "standard broadcast STL", and "television STL" stations.

§ 4.433 *Temporary authorizations.* (a) Special temporary authority may be granted for operation, as a remote pickup broadcast station, of equipment already licensed to another class of station or equipment in use by a class of station which under the Communications Act of 1934 does not require a construction permit.

(b) An application for special temporary authority for the operation of a remote pickup broadcast station[6] shall be filed with the Commission at least 10 days previous to the date of operation. Any application received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request. The application shall set forth full particulars of the purpose for which the request is made and shall show the licensee, call letters, and type of equipment of the station proposed to be used and specify the frequency or frequencies, time and and date, location, transmitter power, and type emission proposed and the purpose of the operation requested.

(c) An application for special temporary authority to operate another class of station as a remote pickup broadcast station[6] shall specify a frequency or frequencies allocated in § 4.402: *Provided, however,* In case of events of national interest and importance which cannot be transmitted successfully on these frequencies, other frequencies under the jurisdiction of the Commission may be requested, if it is shown that the operation thereon will not cause interference to established stations: *And provided further,* That no remote pickup operation will be authorized on frequencies employed in the emergency service or otherwise employed for the safety of life and property.

(d) An application for special temporary authority to operate equipment as a remote pickup broadcast station[6] filed by a person other than the licensee of such equipment shall contain a statement to show that temporary control of the transmissions therefrom has been secured for the duration of the special operation proposed. An application for special temporary authority to operate another class of station as a remote pickup broadcast station filed by a person other than the licensee of a standard or FM broadcast station shall contain a statement to show which broadcast station or stations contemplate broadcast of the program proposed to be transmitted.

§ 4.434 *Remote control operation.* Remote-control operation of remote pickup stations will be permitted subject to the following conditions.

(a) A percentage modulation indicator or calibrated program level meter shall be provided at the operating position.

(b) The operator shall have off-and-on control of the power to the last radio stage.

(c) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

§ 4.435 *Power limitations.* Remote pickup broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

[5] The term "associated broadcast station" as used herein means a broadcast station with which the remote pickup station is licensed as an auxiliary facility.

[6] Informal application may be employed.

§ 4.436 *Emission authorized.* (a) The license for a remote pickup broadcast station operating on frequencies below 25 Mc. will normally authorize A3 emission and may in addition authorize A1 and A2 emission where a need therefor is shown. A license for a remote pickup broadcast station operating on frequencies above 25 Mc. will authorize A3 or F3 emission, depending upon the equipment employed. Stations licensed to employ F3 emission shall limit the frequency swing[7] so that the bandwidth of emission will conform to the requirements of the channel widths authorized as follows:

(1) For stations operating on the frequencies 26.11 to 26.47 Mc., 20 kilocycles.

(2) For stations operating on the frequencies 152.87 to 153.35, 166.25 and 170.15 Mc., 60 kilocycles.

(3) For stations operating on the frequencies 450.05 to 451.95 Mc., 100 kilocycles.

(b) Any emissions outside the authorized channel shall be limited to such an extent as not to constitute a source of potential interference to other stations and in no event shall such emissions be in excess of minus 40 decibels as compared to the emissions within the authorized channel.

RULES RELATING TO EQUIPMENT

§ 4.451 *Equipment changes.* The licensee of a remote pickup broadcast station may make any changes in the equipment that are deemed desirable or necessary: *Provided,*

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

RULES RELATING TO TECHNICAL OPERATION

§ 4.461 *Frequency tolerance.* The licensee of a remote pickup broadcast station shall maintain the operating frequency of its station in accordance with the following:[8]

Frequency range	Tolerance (percent)	
	Base station	Mobile station
1606 to 2830 kc.:		
200 watts or less	0.01	0.02
Over 200 watts [1]	.005	.02
26.11 to 26.47 Mc.:		
5 watts or less	.005	.02
Over 5 watts	.005	.005
152.87 to 153.35, 166.25, and 170.15 Mc.:		
5 watts or less	.005	.01
Over 5 watts	.005	.005
450.05 to 451.95 Mc.: All powers	.01	.01

[1] The listing of tolerance for power over 200 watts is in accordance with treaty values and shall not be construed as a finding that such power will be authorized.

§ 4.462 *Frequency monitors and measurements.* (a) The licensee of a remote pickup broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

(b) Each frequency for which the remote pickup broadcast station is licensed shall be measured at least once during each calendar year.[9]

§ 4.463 *Station inspection.* The licensee of each remote pickup broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.464 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located: *Provided:*

(1) If the transmitter operator is located at a distance from the transmitter pursuant to § 4.434 the station license shall be posted in the above-described manner at the operating position.

(2) If the station is licensed for portable-mobile[10] operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized Government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, or if the station operated is licensed for portable-mobile[10] operation, a verification card[11] is acceptable in lieu of the posting of such license: *Provided further, however,* That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession.

§ 4.465 *Operator requirements.* One or more radio operators holding any class of commercial radio operator license or permit shall be on duty at the place where the transmitting apparatus of any remote pickup broadcast station is located, except as provided in § 4.434, and in actual charge of its operation. Further provisions and restrictions concerning the operator's authority are contained in Part 13 of this chapter. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.466 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40, *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 4.467 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders, in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.481 *Station records.* (a) The licensee of each remote pickup broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.

(2) Program transmitted.

(3) Frequency check.

(4) Pertinent remarks concerning transmission.

(5) An entry giving points of program origination and receiver location.

(b) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record,* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

(c) Station records shall be retained for a period of two years.

§ 4.482 *Station identification.* Each remote pickup broadcast station shall announce its call letters at the beginning

[7] The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

[8] Remote pickup broadcast stations now operating in the frequency range 30–40 Mc. and on frequencies above 154 Mc. will, during the period such operation continues pending frequency re-assignment of these stations pursuant to the proceedings in Docket No. 6651, retain the frequency tolerance requirements of their present licenses.

[9] Remote pickup broadcast stations licensed for frequencies that are subject to change in accordance with the proceedings in Docket No. 6651 are required to measure only those frequencies on which they are equipped to operate.

[10] The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[11] Form 758–F.

and end of each period of operation, and during operation, at least once every hour it shall either announce its call letters or make an announcement [12] which will permit it to be identified.

SUBPART E—BROADCAST STL AND FM INTERCITY RELAY STATIONS

DEFINITION AND ALLOCATION OF FREQUENCIES

§ 4.501 *Definitions.* (a) FM Broadcast STL Station: A fixed station utilizing telephony to transmit from a studio of an FM broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

(b) Standard broadcast STL station: A fixed station utilizing telephony to transmit from a studio of a standard broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

(c) FM intercity relay station: A fixed station used for the transmission of FM broadcasting programs from one FM broadcasting station to other FM broadcasting stations to provide simultaneous network FM broadcasting and operated only by FM broadcast licensees.

(d) The term "FM broadcasting station" as used in this part of the rules includes non-commercial educational FM broadcasting stations.

(e) The abbreviation "STL" is derived from "studio-transmitter link."

§ 4.502 *Frequency assignment.* (a) An FM broadcast STL station may be licensed on one of the following frequencies:

940.5 Mc	943.5 Mc	946.5 Mc	949.5 Mc
941.0 Mc	944.0 Mc	947.0 Mc	950.0 Mc
941.5 Mc	944.5 Mc	947.5 Mc	950.5 Mc
942.0 Mc	945.0 Mc	948.0 Mc	951.0 Mc
942.5 Mc	945.5 Mc	948.5 Mc	951.5 Mc
943.0 Mc	946.0 Mc	949.0 Mc	

(b) A standard broadcast STL station may be licensed on one of the following frequencies: [1]

925.5 Mc	929.5 Mc	933.0 Mc	936.5 Mc
926.0 Mc	930.0 Mc	933.5 Mc	937.0 Mc
926.5 Mc	930.5 Mc	934.0 Mc	937.5 Mc
927.0 Mc	931.0 Mc	934.5 Mc	938.0 Mc
927.5 Mc	931.5 Mc	935.0 Mc	938.5 Mc
928.0 Mc	932.0 Mc	935.5 Mc	939.0 Mc
928.5 Mc	932.5 Mc	936.0 Mc	939.5 Mc
929.0 Mc			

Stations operating in the band 925–940 Mc must accept any interference that may be experienced from the operation of industrial, scientific and medical equipment.

(c) The frequencies listed in paragraph (b) of this section may be assigned to FM broadcast STL stations in any area where insufficient space in that area is available in the band 940–952 Mc.

(d) FM intercity relay stations may be licensed on any of the frequencies listed in paragraphs (a) and (b) of this section, subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations contained in § 2.104 (a) of this chapter.

[1] Shared with other services. See § 2.104 (a) of this chapter.

[12] Such an announcement during program operation of the call letters of the broadcast station with which the remote pickup broadcast station is regularly affiliated.

§ 4.503 *Frequency selection.* (a) Each application for a new station or change in an existing station shall be specific with regard to frequency. In general, the lowest suitable frequency will be assigned which, on an engineering basis, will not cause harmful interference to other stations operating in accordance with existing frequency allocations.

(b) Where it appears that interference may result from the operation of a new station or a change in the facilities of an existing station, the Commission may require a showing that harmful interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the loss of service due to the interference.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.511 *Administrative procedure.* See §§ 4.11 to 4.33, inclusive.

RULES RELATING TO LICENSING POLICIES

§ 4.531 *Licensing requirements.* (a) An FM broadcast STL station will be licensed only to the licensee of an FM broadcasting station as an auxiliary to a particular FM broadcasting station of that licensee.

(b) A standard broadcast STL station will be licensed only to the licensee of a standard broadcast station as an auxiliary to a particular standard broadcast station of that licensee.

(c) An FM intercity relay station will be licensed only to the licensee of an FM broadcast station and only upon a satisfactory showing that suitable common carrier facilities are not available. An application for construction permit for a new FM intercity relay station or for renewal of license of an existing station shall be accompanied by a verified statement containing the following:

(1) A full statement as to why the applicant requires the requested facilities including reasons why common carrier facilities cannot be utilized; and,

(2) A showing that the applicant has, at the earliest time reasonably practicable, requested the appropriate common carrier or common carriers serving the general area involved to furnish the intercity FM transmission service required by the applicant, including in such showing a copy of the request or requests and of the reply or replies received from such common carriers.

(d) More than one broadcast STL station or FM intercity relay stations will be licensed for use with single broadcast station only upon a showing that, (1) more than one transmitter is required for the effective operation of a single STL or intercity relay circuit due to distance of transmission, terrain anomalies, or similar circumstances; or, (2) more than one STL circuit is needed to connect additional studios or more than one FM intercity relay circuit is needed to connect additional FM broadcast stations in the network; and it is shown that the nature and extent of use of such additional circuits is such as to justify their authorization.

(e) Each station shall be licensed at a fixed location and the direction of radiation of the antenna shall be fixed.

§ 4.532 *Service.* (a) The license of an FM broadcast STL station or a standard broadcast STL station authorizes the relaying of programs from a studio to the transmitter of the broadcast station with which it is licensed, for simultaneous or delayed broadcast: *Provided, however,* That where the licensee of an FM broadcast STL station or a standard broadcast STL station is the licensee of an FM broadcast station and a standard broadcast station in the same city or metropolitan district, the license of each such STL station authorizes the relaying to be made to either or both such broadcast stations.

(b) The license of an FM intercity relay station authorizes the relaying of FM broadcast programs and communications relating thereto between FM broadcasting stations located in different cities in order to provide network FM broadcasting. The operation of FM intercity relay stations is subject to the condition that no harmful interference is caused to other radio stations, present or future, operating in accordance with the Table of Frequency Allocations set forth in § 2.104 (a) of this chapter.

(c) Each FM broadcast STL station, standard broadcast STL station, or FM intercity relay station will be licensed for unlimited time operation.

(d) During periods in which it is not a part of the broadcast circuit, the transmitting equipment may be used for the transmission of communications which pertain to the broadcast operations.[2] Superfluous transmissions are not permitted.

§ 4.533 *Remote control and unattended operation.* (a) Broadcast STL or FM intercity relay stations may be operated by remote control: *Provided,* That such operation is conducted in accordance with the conditions listed in this section: *And provided further,* That the Commission is notified at least 10 days prior to such operation and that such notification is accompanied by a detailed description of the proposed remote control installation showing the manner of compliance with the following conditions:

(1) The operating position shall be under the control and supervision of the licensee and shall be the place at which a licensed operator meeting the requirements of § 4.565 and responsible for the operation of the transmitter is stationed;

(2) A carrier operated device shall be provided at the operating position which shall give a continuous visual indication when the transmitter is radiating; or, in lieu thereof, a device shall be provided which will give a continuous visual indication when any transmitter control circuits have been placed in a condition to produce radiation;

(3) Facilities shall be provided at the operating position which will permit the operator to turn the transmitter carrier on and off at will; and

(4) The transmitter and all of its operating controls shall be so installed and protected that they are not accessible to other than authorized personnel.

(b) FM intercity relay stations, and broadcast STL stations where the circuit requires the use of more than one STL transmitter, may be operated unattended: *Provided,* That such operation is conducted in accordance with the conditions listed below: *And provided further,* That the Commission is notified at least 10 days prior to the beginning of such operation and that such notification is accompanied by a detailed description of the proposed installation showing the manner of compliance with the following conditions:

(1) The transmitter is capable of retransmitting by self-actuating means a radio signal received from another radio station or stations;

(2) The transmitter shall be provided with adequate safeguards to prevent improper operation of the equipment;

(3) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons;

(4) Appropriate observations shall be made, at intervals not exceeding one hour during the period of its operations, at the receiving end of the circuit by a person holding a valid first or second class radiotelephone operator license who shall immediately institute measures sufficient to assure prompt correction of any condition of improper operation that is observed; and

(5) The station licensee shall remain responsible for the proper operation of the station, and all adjustments or tests during or coincident with the installation, servicing, or maintenance of the station which may affect its proper operation, shall be performed by or under the immediate supervision and responsibility of a person holding a valid first or second class radiotelephone operator license.

(c) The Commission may notify the licensee not to commence remote control or unattended operation, or to cancel, suspend, or change the date of the beginning of such operation as and when such action may appear to be in the public interest, convenience and necessity.

§ 4.534 *Power limitations.* Broadcast STL and FM intercity relay stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.535 *Emission authorized.* (a) Broadcast STL and FM intercity relay stations normally will be authorized to employ frequency modulation only.

(b) The maximum frequency swing [3] employed shall not be in excess of 200 kilocycles.

§ 4.536 *Directional antenna required.* Each broadcast STL or FM intercity relay station is required to employ a directional antenna. Considering one kilowatt of radiated power as a standard for comparative purposes, such antenna shall provide a free space field intensity at one mile of not less than 435 mv/m in the main lobe of radiation toward the receiver and not more than 20 percent of the maximum value in any azimuth 30 degrees or more off the line to the receiver. Where more than one antenna is authorized for use with a single station, the radiation pattern of each shall be in accordance with the foregoing requirement.

RULES RELATING TO EQUIPMENT

§ 4.551 *Equipment changes.* The licensee of a broadcast STL or FM intercity relay station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

RULES RELATING TO TECHNICAL OPERATION

§ 4.561 *Frequency tolerance.* The licensee of each broadcast STL or FM intercity relay station shall maintain the operating frequency of the station within plus or minus 0.005 percent of the assigned frequency.

§ 4.562 *Frequency monitors and measurements.* The licensee of a broadcast STL or FM intercity relay station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.563 *Station inspection.* The licensee of each broadcast STL or FM intercity relay station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.564 *Station and operator license; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible, in a conspicuous place in the room in which the transmitter is located: *Provided,* That if the transmitter operator is located at a distance from the transmitter pursuant to § 4.533 the station license shall be posted in the above-described manner at the operating position.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, a verification card (Form 758–F) is acceptable in lieu of the posting of such license: *Provided further, however,* That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession.

§ 4.565 *Operator requirements.* One or more radio operators holding any class of commercial radio operator license or permit shall be on duty at the place where the transmitting apparatus is located, except as provided in § 4.533, and in actual charge of its operation. Further provisions and restrictions concerning the operator's authority are contained in Part 13 of this chapter. The licensed operator on duty and in charge of a broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.566 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40, *Time when lights shall be exhibited;* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 4.567 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.581 *Station records.* (a) The licensee of each broadcast STL or FM intercity relay station shall maintain adequate records of the operation, including:

(1) Hours of operation.

(2) Program transmitted.

[2] If the transmitter and receiver are equipped with a multiplex circuit, communications during broadcast periods may be authorized upon application therefor. Such a circuit, if used, shall be designed and operated in a manner which will not cause spurious emissions or derogation of the program transmission. Studio to transmitter and transmitter to studio communication may also be provided by equipment operated under the remote pickup broadcast station rules.

[3] The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

(3) Frequency check.
(4) Pertinent remarks concerning transmission.

(b) Where an antenna structure(s) is required to be illuminated see § 17.38 of this chapter.

(c) Station records shall be retained for a period of two years.

§ 4.582 *Station identification.* Each broadcast STL or FM intercity relay station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour, it shall either announce its call letters or make an announcement [4] which will permit it to be identified.

SUBPART F—RULES GOVERNING TELEVISION AUXILIARY BROADCAST STATIONS

NOTE: The rules in this subpart govern television auxiliary broadcast stations operated by a television broadcast station licensee. The services performed by these stations may be performed for the television broadcast station licensee by a communications common carrier under the rules governing that service.

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.601 *Definitions.* (a) Television pickup station: A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

(b) Television STL station (studio-transmitter link): A fixed station used for the transmission of television program material and related communications from the studio to the transmitter of a television broadcast station.

(c) Television inter-city relay station: A fixed station used for inter-city transmission of television program material and related communications for use by television broadcast stations.

(d) Wherever used in this subpart the term "television broadcast station licensee" includes a television broadcast station permittee.

§ 4.602 *Frequency assignment.* (a) The following frequencies are allocated for assignment to television pickup, television STL, and television inter-city relay stations:

Band A (Mc)	Band B (Mc)	Band C (Mc)	Band D (Mc)	
1990–2008	6875–6900	10500–10525	12700–12725	12950–12975
2008–2025	6900–6925	10525–10550	12725–12750	12975–13000
2025–2042	6925–6950	10550–10575	12750–12775	13000–13025
2042–2059	6950–6975	10575–10600	12775–12800	13025–13050
2059–2076	6975–7000	10600–10625	12800–12825	13050–13075
2076–2093	7000–7025	10625–10650	12825–12850	13075–13100
2093–2110	7025–7050	10650–10675	12850–12875	13100–13125
2450–2467	[1] 7050–7075	10675–10700	12875–12900	13125–13150
2467–2484	[1] 7075–7100	----------	12900–12925	13150–13175
2484–2500	[1] 7100–7125	----------	12925–12950	13175–13200

[1] Pending further order by the Commission, frequencies between 7050 Mc and 7125 Mc will be reserved for use by communications common carriers to provide television pickup and television STL service to television broadcast stations.

[4] Such as announcement during program operation of the call letters of the broadcast station with which the broadcast STL station is operated.

Frequencies shown above between 2450 and 2500 Mc in Band A and between 10,500 and 10,700 Mc in Band C are allocated to accommodate the incidental radiations of industrial, scientific, and medical (ISM) equipment, and stations operating therein must accept any interference that may be caused by the operation of such equipment. ISM frequencies are also shared with other communication services and exclusive channel assignments will not be made, nor is the channeling shown above necessarily that which will be employed by such other services.

(b) Except as provided above each television broadcast station licensee in an area may request the assignment of one channel in Band A or Band B and one channel in Band D on an exclusive basis. In making such exclusive assignments, priority will be based on the filing date of an appropriate application (FCC Form 313) completed in accordance with the instructions thereon. Frequency assignments will normally be made as requested if the requested frequency is not assigned to another licensee on an exclusive basis. However, the Commission reserves the right to assign frequencies other than those requested if, in its opinion, such action is warranted.

(c) Where the relative locations of the studio and transmitter are such as to permit co-channel operation of television STL stations by two or more licensees in the same area such licensees may, by mutual agreement, request the assignment of a common channel for STL use on an exclusive basis. In the event that such a shared assignment is made each participating licensee may request the assignment of an individual exclusive channel in Band A, Band B, or Band D in addition to the shared STL channel.

(d) A television broadcast station licensee will normally be limited to the assignment of not more than three channels in Bands A and B combined, only one of which will be assigned on an exclusive basis: *Provided, however,* That additional channels in Bands A and B may be assigned on a non-exclusive basis upon a satisfactory showing that additional channels are necessary and that such additional channels, if assigned, will not be needed to provide an exclusive channel to some other licensee in the same area within the foreseeable future. The number of channels in Bands C and D that may be assigned to a licensee in a single area is not restricted.

(e) Non-exclusive channel assignments are subject to withdrawal without advance notice to provide an exclusive channel assignment to a licensee pursuant to the provisions of paragraph (b) of this section. The Commission reserves the right to select the non-exclusive channel assignment to be withdrawn; however, withdrawals will normally be made in the following order:

(1) The most recent channel assignment to the licensee having the greatest number of assignments in Band A, B, or D. Determination as to whether the withdrawal shall be made in Band A, Band B, or Band D, will be based on the design of the equipment proposed to be used by the applicant for whom the exclusive channel is required.

(2) Where two or more licensees are assigned individually an equal number of non-exclusive channels in the same band and a greater number of channels in that band than any one of the other licensees, the assignment of most recent date.

(3) In all other cases the assignment of most recent date of a non-exclusive channel.

(f) The use of frequencies in the bands 1990–2110 Mc, 6875–7125 Mc, and 12,700–13,200 Mc, by television inter-city relay stations shall be on a secondary basis and is subject to the condition that no harmful interference is caused to stations operating in accordance with the table of frequency allocations in § 2.104 (a) of this subchapter.

(g) In the event that a television broadcast station licensee engages a communications common carrier to provide television pickup or television STL service, the frequencies available to that licensee may be assigned to the communications common carrier for the purpose of providing such service to that licensee. For the purpose of applying the provisions with respect to exclusive channel assignments and the withdrawal of channels, channels assigned to communications common carriers to provide television pickup or television STL service to an individual television broadcast station licensee will be considered to be assigned to that television broadcast licensee.

§ 4.603 *Sound channels.* (a) The frequencies listed in § 4.602 (a) may be used for the simultaneous transmission of the picture and sound portions of television broadcast programs and for cue and order circuits, either by means of multiplexing or by the use of a separate transmitter within the same channel. When multiplexing of a television STL station is contemplated consideration should be given to the requirements of § 3.687 of the rules governing television broadcast stations regarding the overall system performance requirements. Applications for new television pickup, television STL, and television inter-city relay stations shall clearly indicate the nature of any multiplexing proposed. Multiplexing equipment may be installed on licensed equipment without further authority of the Commission: *Provided,* That the Commission in Washington, D. C., and the Commission's engineer-in-charge of the radio district in which the station is located shall be promptly notified of the installation of such apparatus: *And provided further,* That the installation of such apparatus on a television STL station shall not result in degradation of the overall system performance of the television broadcast station below that permitted by § 3.687 of this subchapter.

(b) The following additional frequencies are allocated for assignment to television STL stations and television inter-city relay stations for the transmission of the sound portion only of television program material or communications relating thereto: [1]

Mc	Mc	Mc	Mc	Mc
890.5	895.0	899.0	903.0	907.0
891.0	895.5	899.5	903.5	907.5
891.5	896.0	900.0	904.0	908.0
892.0	896.5	900.5	904.5	908.5
892.5	897.0	901.0	905.0	909.0
893.0	897.5	901.5	905.5	909.5
893.5	898.0	902.0	906.0	910.0
894.0	898.5	902.5	906.5	910.5
894.5				

Stations operating on these frequencies must accept any interference that may be experienced from the operation of industrial, scientific, and medical equipment in the 890–940 Mc band.

(c) Remote pickup broadcast stations may be used in conjunction with television pickup stations for the transmission of the aural portion of television programs or events that occur outside a television studio and for the transmission of cues, orders, and other related communications necessary thereto. The rules governing remote pickup broadcast stations are contained in Subpart D of this part.

§ 4.604 *Frequency selection to avoid interference.* (a) Applicants for new television pickup, television STL, and television inter-city relay stations shall endeavor to select frequency assignments which will be least likely to result in mutual interference with other licensees in the same area. Consideration should be given to the relative locations of receiving points, normal transmission path, and nature of the contemplated operation.

(b) Because of the more or less continuous nature of the operation of television STL stations, frequency assignments to such stations will normally be designated as the exclusive channel of the licensee pursuant to § 4.602 (b).

(c) Where two or more licensees are assigned a common channel for television pickup, television STL, or television inter-city relay purposes in the same area and simultaneous operation is contemplated, they shall take such steps as may be necessary to avoid mutual interference. If a mutual agreement to this effect cannot be reached, the Commission shall be notified and it will take such action as may be necessary, including time-sharing arrangements, to assure an equitable distribution of available facilities.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.621 *Cross reference.* See §§ 4.11 through 4.23.

§ 4.631 *Purpose of television auxiliary stations.* (a) The license of a television pickup station authorizes the transmission of program material, orders concerning such program material, and related communications necessary to the accomplishment of such transmissions, to its associated television broadcast station,[2] to such other stations as are also broadcasting the same program material, or to the network or networks with which the television broadcast station is affiliated. Television pickup stations may be operated in conjunction with other television broadcast stations not aforementioned: *Provided,* That the transmissions by the television pickup station shall be under the control of the television pickup station licensee and that such operation shall not exceed a total of 10 days in any 30-day period. Television pickup stations may be used to provide temporary studio-transmitter links without further authority of the Commission provided that the installation of the antenna will not increase the height of any existing structure by more than 20 feet. Television pickup stations may not be used in lieu of common carier fixed inter-city video transmission facilities for network operation of two or more television broadcast stations where adequate common carrier fixed inter-city video transmission facilities are available.

(b) The license of a television STL station authorizes the transmission of program material, orders concerning such program material, and related communications necessary to the accomplishment of such transmissions, from the studio or studios of the associated television broadcast station to the transmitter of that station. A television STL station may be authorized to operate in the direction from the transmitter to the studio upon a showing that such operation is necessary and that it may be effected without the assignment of frequencies in addition to those available for assignment to the applicant under the rules in this part.

(c) Television inter-city relay stations provide a means on an interim basis whereby television broadcast licensees may provide their own inter-city television transmission services in connection with the operation of their television broadcast stations. The provision for this service is a purely temporary measure designed to assist the television industry until such time as adequate common carrier facilities are available, and broadcasters who venture into the business of relaying television programs by means of television inter-city relay stations should plan to amortize their investments at the earliest possible date.

§ 4.632 *Licensing requirements.* (a) A license for a television pickup, television STL, or television inter-city relay station will be issued only to the licensee of a television broadcast station.[3] A separate application is required for each transmitter and the application shall be specific with regard to the frequency requested. Except as provided in § 4.604 (b), the first channel assigned in Band A or Band B to a licensee will be considered to be the exclusive assignment provided in § 4.602 (b). Exclusive channel assignments in Band D will be designated only upon request. A licensee may request a change in its exclusive channel assignment only where there are unassigned channels available. In making such changes, the priority set forth in § 4.602 (b) will be observed.

(b) An application for construction permit for a new television inter-city relay station or for renewal of license of an existing station shall be accompanied by a verified statement containing the following:

(1) A full statement as to why the applicant requires the requested facilities including reasons why common carrier facilities cannot be utilized; and,

(2) A showing that the applicant has, at the earliest time reasonably practicable, requested the appropriate common carrier or common carriers serving the general area involved to furnish the inter-city television transmission service required by the applicant, including in such showing a copy of the request or requests and of the reply or replies received from such common carriers.

(c) An application for construction permit for a new television pickup station or for renewal of license of an existing station shall designate the television broadcast station with which it is to be operated and specify the area in which the proposed operation is intended.

(d) In case a licensee has two or more television broadcast stations located in different cities, it shall, in applying for a new television pickup station or for renewal of license of an existing station, designate the television broadcasting station in conjunction with which it is to be operated principally, and it shall not thereafter operate the television pickup station in conjunction with another of its television broadcast stations located in a different city for a total of more than 10 days in any 30-day period.

§ 4.633 *Temporary authorizations.* (a) Special temporary authority may be granted for the operation, as a television auxiliary broadcast station, of equipment licensed to another television broadcast station, or other class of station, or equipment of suitable design not heretofore licensed. Such authority will normally be granted only for special operation of a temporary nature.

(b) A request for special temporary authority for the operation of a television auxiliary broadcast station may be made by informal application, which shall be filed with the Commission at least 10 days prior to the date of the proposed operation: *Provided,* That an application filed within less than 10 days of the proposed operation may be accepted upon a satisfactory showing of the reasons for the delay in submitting the request.

(c) An application for special temporary authority shall set forth full particulars of the purpose for which the request is made, and shall show the type of equipment, power output, emission, and frequency or frequencies proposed to be used, as well as the time, date and location of the proposed operation. In

[1] Shared with other services. See § 2.104 (a) of this chapter.

[2] As used in this subpart, "associated television broadcast station" means a television broadcast station licensed to the licensee of the television auxiliary broadcast station and with which the television auxiliary station is licensed as an auxiliary facility.

[3] The services performed by these stations may be performed for the television broadcast station licensee by a communications common carrier under the rules governing that service.

the event that the proposed antenna installation will increase the height of any natural formation, or existing manmade structure, by more than 20 feet, a vertical plan sketch showing the height of the structure proposed to be erected, the height above ground of any existing structure, the elevation of the site above mean sea level, and the geographic coordinates of the proposed site, shall be submitted with the application.

(d) A request for special temporary authority shall specify a channel or channels consistent with the provisions of § 4.602: *Provided,* That in the case of events of wide-spread interest and importance which cannot be transmitted successfully on these frequencies, frequencies assigned to other services may be requested upon a showing that operation thereon will not cause interference to established stations: *And provided further,* That in no case will a television auxiliary broadcast operation be authorized on frequencies employed for the safety of life and property.

§ 4.634 *Remote control operation.* (a) A television auxiliary station may be operated by remote control provided that such operation is conducted in accordance with the conditions listed below, and provided further that the Commission is notified at least 10 days prior to such operation and that such notification is accompanied by a detailed description of the proposed remote control installation showing the manner of compliance with the following conditions:

(1) The operating position shall be under the control and supervision of the licensee and shall be the place at which a licensed operator, meeting the requirements of § 4.665 and responsible for the operation of the transmitter, is stationed.

(2) A carrier operated device shall be provided at the operating position which shall give a continuous visual indication when the transmitter is radiating; or, in lieu thereof, a device shall be provided which will give a continuous visual indication when any transmitter control circuits have been placed in a condition to produce radiation;

(3) Facilities shall be provided at the operating position which will permit the operator to turn the transmitter carrier on and off at will; and

(4) The transmitter and all of its operating controls shall be so installed and protected that they are not accessible to other than duly authorized personnel.

(b) The Commission may notify the licensee not to commence remote control operation, or to cancel, suspend, or change the date of beginning for such operation as and when such action may appear to be in the public interest, convenience, and necessity.

§ 4.635 *Unattended operation.* (a) Television inter-city relay stations and television STL stations, where the circuit requires the use of more than one STL transmitter, may be operated unattended: *Provided,* That such operation is conducted in accordance with the conditions listed below: *And provided further,* That the Commission is notified at least 10 days prior to the beginning of such operation and that such notification is accompanied by a detailed description of the proposed installation showing the manner of compliance with the following conditions:

(1) The transmitter is capable of retransmitting by self-actuating means a radio signal received from another radio station or stations;

(2) The transmitter shall be provided with adequate safeguards to prevent improper operation of the equipment;

(3) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons;

(4) Appropriate observations shall be made, at intervals not exceeding one hour during the period of its operation, at the receiving end of the circuit by a person holding a valid first or second class radiotelephone operator license who shall immediately institute measures sufficient to assure prompt correction of any condition of improper operation that is observed; and

(5) The station licensee shall remain responsible for the proper operation of the station, and all adjustments or tests during or coincident with the installation, servicing, or maintenance of the station which may affect its proper operation, shall be performed by or under the immediate supervision and responsibility of a licensed operator as provided in § 4.665.

(b) The Commission may notify the licensee not to commence unattended operation, or to cancel, suspend, or change the date of the beginning of such operation as and when such action may appear to be in the public interest, convenience, and necessity.

§ 4.636 *Power limitations.* Television auxiliary broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 10 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.637 *Emission and bandwidth.* (a) Television auxiliary broadcast stations operating on frequencies above 1500 Mc may be authorized to employ any type of emission suitable for the transmission of the visual and accompanying aural signals. The emission of such stations shall be confined to the assigned channel.

(b) Television auxiliary broadcast stations operating on frequencies below 1500 Mc may be authorized to employ either frequency modulation or amplitude modulation, or both, depending upon the equipment employed. The emissions of such stations shall be confined to the assigned channel.

RULES RELATING TO EQUIPMENT

§ 4.651 *Equipment changes.* (a) Commission authority upon appropriate formal application (FCC Form 313) therefor is required for any of the following equipment changes:

(1) A change of the transmitter as a whole (except replacement with an identical transmitter), or a change in the power output.

(2) A change of frequency assignment.

(3) A change in the location of a television STL or television intercity relay station (except relocation of the equipment within the same building) or a change in the area of operation of a television pickup station.

(4) Any change in the antenna system of a television STL or television intercity relay station which will result in a change of more than 20 feet in the height above ground of the antenna and supporting structure, or that will result in a change of the direction of the main radiation lobe.

(b) Other equipment changes not specifically referred to above may be made at the discretion of the licensee provided that the engineer-in-charge of the radio district in which the station is located, and the Commission at its Washington office, are notified in writing upon the completion of such changes, and provided that the changes are appropriately reflected in the next application for renewal of license of the television auxiliary broadcast station filed by the licensee.

RULES RELATING TO TECHNICAL OPERATION

§ 4.661 *Frequency tolerance.* (a) The licensee of a television auxiliary broadcast station shall maintain the operating frequency of its station so that the normal sideband energy shall fall within the assigned channel. If transmission is by asymmetrical sideband operation, suitable filters or other devices shall be employed to insure a minimum of radiated energy outside the assigned channel.

(b) Television STL stations operating on frequencies shown in Section 4.603 (b) shall maintain their operating frequency within 0.005 percent of the assigned frequency.

§ 4.662 *Frequency monitors and measurements.* The licensee of a television auxiliary broadcast station shall provide means for measuring the operating frequency in order to insure that the emissions are confined to the authorized channel. The date and time of each frequency check, the frequency as measured and a description or identification of the method employed shall be entered in the station log.

§ 4.663 *Station inspection.* The licensee of each television auxiliary broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.664 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located: *Provided:*

(1) If the transmitter operator is located at a distance from the transmitter pursuant to § 4.634 the station license shall be posted in the above-described manner at the operating position.

(2) If the station is licensed for mobile operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operators on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* That if the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, a duly issued verified statement [4] may be posted at the television auxiliary broadcast station in lieu of such original license: *And provided further,* That if the television auxiliary broadcast station is licensed for mobile [5] operation, a duly issued verification card [6] attesting to the existence of such original license may be carried on the person of the operator in lieu of the posting of such license or verified statement.

§ 4.665 *Operator requirements.* (a) One or more radio operators holding valid radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the place where the transmitting apparatus of any television auxiliary broadcast station is located and in actual charge of its operation: *Provided, however,* That if a station is operated by remote control as provided in § 4.634, such operator or operators must be on duty at the control point in lieu of the transmitting location: *And provided further,* That, in case a station is operated unattended as provided in § 4.635 such an operator shall be on duty at the receiving end of the circuit and shall be responsible for the required observations and the proper operation of the station within the terms of its license.

(b) The licensed operator on duty and in charge of a television auxiliary broadcast station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operators license which he holds and the regulations governing such stations; however, such duties shall in nowise interfere with the operation of the television auxiliary broadcast station.

§ 4.666 *Antenna structure, marking and lighting.* Where an antenna structure(s) is required to be painted or lighted see § 17.37, *Inspection of tower lights and associated control equipment;* § 17.39, *Cleaning and repainting;* § 17.40, *Time when lights shall be exhibited.* § 17.41, *Spare lamps;* and § 17.42, *Lighting equipment;* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

§ 4.667 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

§ 4.681 *Station logs.* (a) The licensee of each television auxiliary broadcast station shall maintain adequate records of the operation including:

(1) Hours of operation.

(2) Call letters of broadcast station to which program transmitted.

(3) Frequency check.

(4) Pertinent remarks concerning transmission.

(b) Where an antenna structure(s) is required to be illuminated see § 17.38, *Recording of tower light inspections in the station record,* of Part 17 of this chapter (Construction, Marking and Lighting of Antenna Structures).

(c) Station records shall be retained for a period of two years.

§ 4.682 *Station identification.* (a) Each television auxiliary broadcast station shall identify itself by transmitting its call sign at the beginning and end of each period of operation; and during operation, shall identify itself on the hour by transmitting its own call sign or the call sign of the television broadcast station with which it is associated.

(b) Identification transmissions during operation need not be made when to make such transmission would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases, the identification transmission shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

(c) Where more than one television auxiliary broadcast station is employed in an integrated relay system, the station at the point of origination may originate the transmission of the call signs of all the stations in the relay system.

(d) The transmission of the call sign shall normally employ the type of emission for which the station is authorized, i. e., a visual transmitter shall employ visual identification and an aural transmitter shall employ aural identification: *Provided, however,* When the transmitter is used for visual transmission only, the identifying call sign may be transmitted in international Morse code by keying the radio frequency carrier or a modulating signal impressed on the carrier. The Commission may, at its discretion, specify other methods of identification.

[F. R. Doc. 55-5092; Filed, June 24, 1955; 8:49 a. m.]

[4] Form 759.

[5] The term mobile as here used is intended to include any type of mobile operation.

[6] Form 758-F.

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

In the matter of revision of Part 2 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 2 of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i) and (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 20th day of June 1955, that, effective July 1, 1955, Part 2 of the Commission's rules and regulations is revised to include the editorial changes herein and all outstanding amendments adopted as of this date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Basis and purpose. These rules are issued pursuant to Final Acts of the International Telecommunication and Radio Conferences, Atlantic City, 1947, ratified by the United States on June 18, 1948, and Title III of the Communications Act of 1934, as amended. In order

to effectuate the purposes of that act and in particular to make available a rapid, efficient, nationwide, and worldwide wire and radio communication service the rules provide for allocations and terms of assignment and use of frequencies and call letters, and distress, disaster, and emergency radio communication common to all radio stations.

Subpart A—Definitions

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2.1 Definitions.

Subpart B—Allocation Assignment and Use of Radio Frequencies

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2.401 Distress messages.
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2.501 Program defined.
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2.542 Limitation on availability of equipment files for public reference.
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Subpart G—Laws and International Treaties and Other Agreements

2.601 Appendix A—Laws, Treaties Agreements and Arrangements Relating to Radio.
2.602 Appendix B—Date and method of entry into force of ITU Radio Regulations (Atlantic City, 1947) listed in Article 47 thereof as not entering into force on 1 January 1949, based on provisions of the Geneva Agreement (Agreement of the Extraordinary Administrative Radio Conference, Geneva, 1951).

AUTHORITY: §§ 2.1 to 2.602 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART A—DEFINITIONS

§ 2.1 *Definitions.* The following definitions are issued:

Aeronautical advisory station (FAA). An aeronautical station used for advisory and civil defense communications with private aircraft stations.

Aeronautical fixed service. A fixed service intended for the transmission of information relating to air navigation preparation for, and safety of flight.

Aeronautical fixed station (FXA). A station in the aeronautical fixed service.

Aeronautical marker beacon station (RLA). A radionavigation land station in the aeronautical radionavigation service which provides a signal to designate a small area above the station.

Aeronautical mobile service. A mobile service between aircraft stations and aeronautical stations, or between aircraft stations.

Aeronautical radionavigation service. A radionavigation service intended for the benefit of aircraft.

Aeronautical station (FA). A land station in the aeronautical mobile service, carrying on a service with aircraft stations. In certain instances an aeronautical station may be placed on board a ship.

Aeronautical utility land station (FLU). A land station located at airdrome control towers and used for control of ground vehicles and aircraft on the ground at airdromes.

Aeronautical utility mobile station (MOU). A mobile station used for communication, at airdromes, with the aeronautical utility land station, ground vehicles, and aircraft on the ground.

Aircarrier aircraft station (MAA). An aircraft station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire.

Aircraft station (MA). A mobile station installed on board any type of aircraft and continuously subject to human control.

Airdrome control station (FAC). An aeronautical station providing communication between an airdrome control tower and aircraft.

Altimeter station (ROA). A radio navigation mobile station, in the aeronautical radionavigation service, the emissions of which are intended to determine the altitude of the aircraft, aboard which the altimeter station is located, above the earth's surface.

Amateur service. A service of self training, intercommunication and technical investigations carried on by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

Amateur station (AR). A station in the amateur service.

Authorized frequency. The frequency assigned to a station by the Commission and specified in the instrument of authorization.

Authorized power. The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the Bureau of the International Telecommunications Union.

Aviation services. Aviation services are primarily for the safe, expeditious and economical operation of aircraft. They include the aeronautical fixed service, aeronautical mobile service, aeronautical radionavigation service, and secondarily, the handling of public correspondence to and from aircraft.

Base station (FB). A land station in the land mobile service carrying on a service with land mobile stations.

Broadcasting service. A radiocommunication service of transmissions to be received directly by the general public.

This service may include transmissions of sounds or transmissions by television, facsimile or other means.

Broadcasting station (BC). A station in the broadcasting service.

Carrier. In a frequency stabilized system, the sinusoidal component of a modulated wave whose frequency is independent of the modulating wave; or

The output of a transmitter when the modulating wave is made zero; or

A wave generated at a point in the transmitting system and subsequently modulated by the signal; or

A wave generated locally at the receiving terminal which when combined with the side bands in a suitable detector produces the modulating wave.

Carrier frequency. The frequency of the carrier.

Citizens radio service. A radiocommunication service of fixed, land, or mobile stations, or combinations thereof, intended for use by citizens of the United States for private or personal radiocommunication (including radio signaling, control of objects by radio, and other purposes).

Civil Air Patrol Land Station (FLV). A land station used exclusively for communications of the Civil Air Patrol.

Civil Air Patrol Mobile Station (MOV). A mobile station used exclusively for communications of the Civil Air Patrol.

Coast station (FC). A land station in the maritime mobile service carrying on a service with ship stations.

Common carrier fixed station (FXC). A fixed station open to public correspondence.

Contract developmental station (EXG). An Experimental Station operated by a manufacturer of radiocommunication equipment for the sole and express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States.

Developmental fixed station (FXJ). A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency of the developmental fixed station.

Developmental land station (FLA). A land station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency of the developmental land station.

Developmental mobile station (MOA). A mobile station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency of the developmental mobile station.

Disaster Communications Service. A service of fixed, land, and mobile stations licensed or authorized to provide essential communications incident to or in connection with disaster or other incidents which involve loss of communications facilities normally available or which require the temporary establishment of communications facilities beyond those normally available.

Distance measuring equipment. A radionavigation aid in the aeronautical radionavigation service that determines the distance of an interrogator from a transponder by measuring the time of transmission to and from the transponder.

Domestic fixed service. A fixed service intended for the transmission of information between points, all of which lie within the 48 states and the District of Columbia, except for the domestic haul of international traffic.

Domestic fixed public service. A fixed service, the stations of which are open to public correspondence, for radiocommunication between points all of which lie within: (a) the 48 states and the District of Columbia, or (b) within a single territory or possession of the United States.

Domestic public radiocommunication services. The land mobile and domestic fixed public services the stations of which are open to public correspondence.

Experimental station (EX). A station utilizing Hertzian waves in experiments with a view to the development of science or technique. This definition does not include amateur stations.

Export developmental station (EXE). An experimental station operated by a manufacturer of radiocommunication equipment for the sole and express purpose of developing equipment or a technique to be employed by stations under the jurisdiction of a foreign government.

Facsimile. A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

Facsimile broadcasting station (BCM). A broadcasting station utilizing facsimile primarily.

Fixed public control service. A fixed service carried on for the purpose of transmitting intelligence between transmitting or receiving stations in the Public Radiocommunication Services and the message centers or control points associated therewith.

Fixed service. A service of radiocommunication between specified fixed points.

Fixed station (FX). A station in the fixed service.

Flight test station (FAT). An aeronautical station used for the transmission of essential communication in connection with the testing of aircraft or major components of aircraft.

Flying school station (FAS). An aeronautical station used for radiocommunication pertaining to instructions to students or pilots while actually operating aircraft.

FM broadcast STL station (FXF). A fixed station utilizing telephony to transmit from a studio of an FM broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

FM broadcasting station (BCF). A broadcasting station utilizing telephony by means of frequency modulation, and when authorized under a Subsidiary Communications Authorization (SCA), utilizing F9 emissions.

FM inter-city relay station (FXM). A fixed station used for the transmission of FM broacasting programs from one FM broadcasting station to other FM broadcasting stations to provide simultaneous network FM broadcasting and operated only by FM broadcast licensees.

Glide path station (RLG). (This term will be defined at a later date.)

Harmful interference. Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in this part.

Hertzian waves. Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

Industrial radio services. Any service of radio communication essential to, operated by, and for the sole use of, those enterprises which for purposes of safety or other necessity require radiocommunication in order to function efficiently, the radio transmitting facilities of which are defined as fixed, land or mobile stations.

Industrial, scientific, and medical equipment. Devices which use Hertzian waves for industrial, scientific, medical, or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

Instrument landing system. A system of radionavigation, intended to facilitate aircraft in landing, which provides lateral and vertical guidance, including indications of distance from the optimum point of landing.

International broadcasting station (BCI). A broadcasting station employing frequencies allocated to the broadcasting service between 5950 kc and 26100 kc, whose transmissions are intended to be received directly by the general public in foreign countries.

International control station (FXI). A fixed station in the fixed public control service associated directly with the international fixed public radiocommunication service.

International fixed public radiocommunication service. A fixed service, the stations of which are open to public correspondence and which is intended to provide radiocommunication between the United States and its territories and foreign or overseas points.

Interzone station (FXY). A fixed station in the public safety (police) radio service using radiotelegraphy (A1 emission) for communication with zone stations within the zone and with interzone stations in other zones.

Kc (kilocycle). A kilocycle (kc) means one kilocycle per second and is equal to one thousand cycles per second.

Land mobile service. A mobile service between base stations and land mobile stations, or between land mobile stations.

Land mobile station (ML). A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

Land Radiopositioning station (PL). A station in the radiolocation service, other than a radionavigation station, not intended for operation while in motion.

Land station (FL). A station in the mobile service not intended for operation while in motion.

Land transportation radio services. Any service of radio communication operated by, and for the sole use of certain land transportation carriers, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

Localizer station (RLL). A radionavigation land station in the aeronautical radionavigation service which provides signals for the lateral guidance of aircraft with respect to a runway center line.

Loran station (RLN). A long distance radionavigation land station transmitting synchronized pulses. Hyperbolic lines of position are determined by the measurement of the difference in the time of arrival of these pulses.

Marine radio beacon station (RLM). A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radio beacon station.

Maritime mobile service. A mobile service between ship stations and coast stations, or between ship stations.

Maritime radionavigation service. A radionavigation service intended for the benefit of ships.

Mc (megacycle). A megacycle (Mc) means one thousand kilocycles.

Meteorological aids service. A service of emissions of special radio signals intended solely for meteorological, including hydrological, observations and exploration.

Meteorological radar station (WXD). A station in the meteorological aids service, employing radar, not intended for operation while in motion.

Mobile, except television pickup, station (MOZ). Any mobile station other than a television pickup station.

Mobile radiopositioning station (PO). A station in the radiolocation service, other than a radionavigation station, intended to be used while in motion or during halts at unspecified points.

Mobile service. A service of radiocommunication between mobile and land stations, or between mobile stations.

Mobile station (MO). A station in a mobile service intended to be used while in motion or during halts at unspecified points.

Modulation. The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

Omni directional range station (RLO). A radionavigation land station in the aeronautical radionavigation service providing direct indication of the bearing (omni bearing) of that station from an aircraft.

Operational fixed station (FXO). A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Service.

Primary standard of frequency. The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D. C. The operating frequency of all radio stations will be determined by comparison with this standard or the standard signals of station WWV of the National Bureau of Standards.

Private aircraft station (MAP). An aircraft station on board an aircraft not operated as an air carrier.

Public correspondence. Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

Public radiocommunication services. The land mobile and fixed services the stations of which are open to public correspondence.

Public safety radio service. Any service of radiocommunication essential to either the discharge of non-federal governmental functions relating to public safety responsibilities or the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

Racon. A radionavigation system transmitting, automatically or in response to a predetermined received signal, a pulsed radio signal with specific characteristics.

Racon station (RLC). A radionavigation land station which employs a racon.

Radar. Radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or retransmitting properties of objects in order to determine their positions.

Radio. A general term applied to the use of Hertzian waves.

Radiobeacon station. A radionavigation station the emissions of which are intended to enable a mobile station to determine its bearing or its direction in relation to the radiobeacon station.

Radiocommunication. Any telecommunication by means of Hertzian waves.

Radio direction finding. Radiolocation in which only the direction of a station is determined by means of its emissions.

Radio direction finding station (RG). A radiolocation station intended to determine only the direction of other stations by means of transmissions from the latter.

Radiolocation. Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

Radiolocation service. A service involving the use of radiolocation.

Radiolocation station. A station in the radiolocation service.

Radionavigation. Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

Radionavigation land station (RL). A station in the radionavigation service not intended for operation while in motion.

Radionavigation mobile station (RO). A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

Radionavigation service. A radiolocation service involving the use of radionavigation.

Radionavigation station. A station in the radionavigation service.

Radio range station (RLR). A radionavigation land station in the aeronautical radionavigation service providing radial equisignal zones.

Radiosonde. An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, free balloon, kite or parachute, which transmits meteorological data.

Radiosonde station (WXR). A station in the meteorological aids service employing a radiosonde.

Remote pickup broadcast base station (FBR). A base station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

Remote pickup broadcast mobile station (MLR). A land mobile station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

Ship station (MS). A mobile station in the maritime mobile service located on board a vessel which is not permanently moored.

Standard broadcast station (BCS). A broadcasting station operated on a frequency in the band 535–1605 kilocycles.

Standard frequency service. A radiocommunication service for the transmission of standard and specified frequencies of known high accuracy, intended for general reception.

Standard frequency station (SS). A station in the standard frequency service.

Surveillance radar station (RLS). A radionavigation land station in the aeronautical radionavigation service employing radar to display the presence of aircraft within its range.

Telecommunication. Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

Telegraphy. A system of telecommunication for the transmission of written matter by the use of a signal code.

Telemetering. Automatic radiocommunication, in a fixed or mobile service intended to indicate or record a measurable variable quantity at a distance.

Telemetering fixed station (FXE). A fixed station, the emissions of which are used for telemetering.

Telemetering land station (FLE). A land station, the emissions of which are used for telemetering.

Telemetering mobile station (MOE). A mobile station, the emissions of which are used for telemetering.

Telephony. A system of telecommunication set up for the transmission of speech, or in some cases, other sounds.

Television. A system of telecommunication for transmission of transient images of fixed or moving objects.

Television broadcasting station (BCT). A broadcasting station utilizing both television and telephony to provide combination and simultaneous visual and aural programs intended to be received directly by the general public.

Television inter-city relay station (FXN). A fixed station used for inter-city transmission of television program material and related communications for use by television broadcast stations.

Television pickup station (MLT). A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

Television STL station (studio-transmitter link) (FXT). A fixed station used for the transmission of television program material and related communications from a studio to the transmitter of a television broadcast station.

Zone station (FXZ). A fixed station in the public safety (police) radio service using radiotelegraph (A1 emission) for communication with other similar stations in the same zone and with an interzone station.

SUBPART B—ALLOCATION ASSIGNMENT AND USE OF RADIO FREQUENCIES

§ 2.101 *Station symbols.* The following symbols shall be used to designate the several classes of stations:

Symbol	Class of station
AR	Amateur station.
BC	Broadcasting station.
BCF	FM broadcasting station.
BCI	International broadcasting station.
BCM	Facsimile broadcasting station.
BCS	Standard broadcast station.
BCT	Television broadcasting station.
EX	Experimental station.
EXE	Export developmental station.
EXG	Contract developmental station.
FA	Aeronautical station.
FAA	Aeronautical advisory station.
FAC	Airdrome control station.
FAS	Flying school station.
FAT	Flight test station.

Symbol	Class of station
FB	Base station.
FBR	Remote pickup broadcast base station.
FC	Coast station.
FL	Land station.
FLA	Developmental land station.
FLE	Telemetering land station.
FLU	Aeronautical utility land station.
FLV	Civil air patrol land station.
FX	Fixed station.
FXA	Aeronautical fixed station.
FXC	Common carrier fixed station.
FXE	Telemetering fixed station.
FXF	FM broadcast STL station.
FXI	International control station.
FXJ	Developmental fixed station.
FXM	FM inter-city relay station.
FXN	Television inter-city relay station.
FXO	Operational fixed station.
FXY	Interzone station.
FXZ	Zone station.
FXT	Television STL station.
MA	Aircraft station.
MAA	Air carrier aircraft station.
MAP	Private aircraft station.
ML	Land mobile station.
MLR	Remote pickup broadcast mobile station.
MLT	Teletelevision pickup station.
MO	Mobile station.
MOA	Developmental mobile station.
MOE	Telemetering mobile station.
MOU	Aeronautical utility mobile station.
MOV	Civil air patrol mobile station.
MOZ	Mobile (except television pickup) station.
MS	Ship station.
PL	Land radiopositioning station.
PO	Mobile radiopositioning station.
RG	Radio direction-finding station.
RL	Radionavigation land station.
RLA	Aeronautical marker beacon station.
RLC	Racon station.
RLG	Glide Path (slope) station.
RLL	Localizer station.
RLM	Marine radio beacon station.
RLN	Loran station.
RLO	Omnidirectional range station.
RLR	Radio range station.
RLS	Surveillance radar station.
RO	Radionavigation mobile station.
ROA	Altimeter station.
SS	Standard frequency station.
WXD	Meteorological radar station.
WXR	Radiosonde station.

§ 2.102 *Nomenclature of frequencies.* Frequencies shall be expressed in kilocycles per second (kc) at and below 30,000 kilocycles per second and in megacycles per second (Mc) above this frequency.

Frequency subdivision	Frequency range
VLF (very low frequency)	Below 30 kc.
LF (low frequency)	30 to 300 kc.
MF (medium frequency)	300 to 3,000 kc.
HF (high frequency)	3,000 to 30,000 kc.
VHF (very high frequency)	30,000 kc. to 300 Mc.
UHF (ultra high frequency)	300 Mc. to 3,000 Mc.
SHF (super high frequency)	3,000 Mc. to 30,000 Mc.
EHF (extremely high frequency)	30,000 Mc. to 300,000 Mc.

§ 2.103 *Assignment of frequencies.* (a) Except as otherwise provided in this section the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kc. and 30,000 Mc., and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the table of frequency allocations herein, except that in individual cases the Commission may, without rule-making proceedings, authorize, on a temporary basis only, the use of a frequency or frequencies not in accordance with the table below for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization: *Provided,* That no such authorization will be granted where harmful interference would be caused thereby to any service operating in accordance with the table of frequency allocations: *And provided further,* That such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service in the table of frequency allocations.[1]

[1] From time to time when the Commission moves a service from one band to another it provides that existing stations may continue on the old band for a certain length of time, usually in order to provide for the amortization of equipment. Nothing in this section shall be construed as inconsistent with such authorizations.

(b) Experimental stations, for the development of techniques or equipment to be employed by services or classes of stations set forth in columns 8 and 9 of the table of frequency allocations in § 2.104 (a), may be authorized to use frequencies allocated to those services or classes of stations: *Provided,* That no harmful interference will be caused to the services or stations to which these frequencies are regularly assigned.

(c) The use of frequencies in the bands above 25 Mc allocated exclusively to Government stations and the use of frequencies below 25 Mc which may not be in accordance with § 2.104 (a) may be authorized to non-Government stations in those instances where the Commission finds, after consultations with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

(d) Aircraft stations may use those frequencies below 30 Mc allocated to the maritime mobile service as shown in column 8 of § 2.104 (a) (5) in accordance with paragraphs 570 and 571 of the Atlantic City 1947 Radio Regulations which are quoted herewith:

570 (1) Aircraft stations may communicate with stations of the maritime mobile service.

571 (2) For this purpose only, they may utilize frequencies allocated to the maritime mobile service and must then conform to the provisions of these Regulations relating to the maritime mobile service.

§ 2.104 *Frequency allocations.*—(a) *Table of frequency allocations.* (1) In the table of frequency allocations below 25 Mc, the authority extended to stations in the fixed service, unless otherwise specified, extends only to those stations in the following categories of service:

(i) Aeronautical fixed;

(ii) Fixed (in Territories);

(iii) International fixed public;

(iv) Fixed service which, as of January 1, 1952, had station assignments on the frequencies 2848, 4245, 5365, 7625, and 7690 kc.

(2) In the table of frequency allocations between 5000 and 25,000 kc, the authority extended to stations in the mobile service, unless otherwise specified, extends only to those stations in the following categories of service:

(i) Aeronautical mobile;

(ii) Maritime mobile.

(3) In the table of frequency allocations below 25,000 kc (25 Mc):

(i) Stations assigned, as of January 1, 1955, on frequencies in the bands shown below, operating in a service other than indicated in column 8 for the frequency concerned, but operating in accordance with the Cairo table of frequency allocations, may continue to be authorized to use these frequencies only until the Atlantic City table of frequency allocations comes into force.

(kc)	(kc)
2495–2850	5550–5680
3025–3400	7300–8195
4238–4700	8476–8745
4750–5450	11400–11700
5480–5500	

(ii) Stations in services shown in column 8, in bands for which the Atlantic City table of frequency allocations is not yet in force, shall observe the provisions with respect to non-interference contained in paragraph 79 of the Cairo, 1938, Radio Regulations.

(iii) The Commission may authorize on a temporary basis only, the use of a frequency contained in the bands indicated in subdivision (i) of this subparagraph for the special purpose of assisting the implementation of the Atlantic City, 1947, Radio Regulations. Stations which may be so authorized shall observe the non-interference conditions of paragraph 79 of the Cairo, 1938, Radio Regulations or paragraph 88 of the Atlantic City, 1947, Radio Regulations, depending upon which international allocation is in effect for the frequency so authorized.

(4) The effective dates of the Atlantic City table of frequency allocations are as follows:

Frequency band (kc):	Effective date
14–55	Aug. 15, 1952
55–150	Aug. 15, 1952
150–200	Dec. 1, 1952
200–535	Nov. 1, 1952
535–1605	Dec. 1, 1952
1605–2000	Jan. 1, 1952
2000–25,000	[1]

[1] Date to be determined.

(5) The following is the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequency (kc)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
10–14	Radionavigation.					10–14	Radionavigation.	a. Radionavigation land. b. Radionavigation mobile.		RADIONAVIGATION.
14–70	a. Fixed. b. Maritime mobile-(110)					14–70 (NG1)	Fixed.	Fixed.		INTERNATIONAL FIXED PUBLIC
70–90		70–90	a. Fixed. b. Maritime mobile. (110)			70–90 (NG1)	Fixed.	Fixed.		INTERNATIONAL FIXED PUBLIC.
90–110	a. Fixed. b. Maritime mobile. (110) c. Radionavigation. (112)					90–110	a. Fixed. b. Maritime mobile. c. Radionavigation.	a. Coast. b. Fixed. c. Radionavigation land. d. Radionavigation mobile.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy). d. RADIONAVIGATION
110–130		110–130	a. Fixed. b. Maritime mobile.			110–130 (NG1)	a. Fixed. b. Maritime mobile.	a. Coast b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
130–150		130–150	a. Fixed. (116) b. Maritime mobile.			130–150 (NG1)	a. Fixed. b. Maritime mobile.	a. Coast. b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
150–160		150–160	a. Fixed. b. Maritime mobile.			150–160 (NG1)	a. Fixed. b. Maritime mobile.	a. Coast. b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
160–200		160–200	Fixed. (124)			160–200 (NG1)	Fixed.	Fixed.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC.
200–285		200–285	a. Aeronautical mobile. b. Aeronautical radionavigation. (125)			200–285 (NG1)	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31) (NG 36)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
285–290		285–290	Maritime radionavigation (Radiobeacons). (127)			285–290	Maritime radionavigation. (US31)	Radionavigation land.		MARITIME RADIONAVIGATION.
290–325		290–325	Maritime radionavigation (Radiobeacons). (127)			290–325	Maritime radionavigation. (US31) (US28)	Radionavigation land.		MARITIME RADIONAVIGATION.
325–380	a. Aeronautical mobile. b. Aeronautical radionavigation. (129)					325–380 (NG1)	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
380–405	a. Aeronautical mobile. b. Aeronautical radionavigation. (129)					380–405	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
405–415		405–415	a. Aeronautical. b. Aeronautical radionavigation. c. Maritime radionavigation (radio direction finding). (133) (137)			405–415	a. Aeronautical mobile. b. Aeronautical radionavigation (US31) c. Maritime radionavigation (radio direction finding). (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land. d. Radionavigation mobile.	410	Radio direction finding.
415–490	Maritime mobile. (139)					415–490 (NG1)	Maritime mobile.	a. Coast. b. Ship.		MARITIME MOBILE (telegraphy).
490–510	Mobile (distress and calling). (140)					490–510	Mobile.	a. Coast. b. Mobile.	500	Distress and Calling.
510–535		510–535	Mobile.			510–535 (US26)				
535–1605	Broadcasting.					535–1605 (US27) (NG24) (NG1)	Broadcasting.	Broadcasting.		Standard Broadcast.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequency (kc)	Nature of services / of stations
1	2	3	4	5	6	7	8	9	10	11
1605–1715		1605–1715	a. Aeronautical radionavigation. b. Fixed. c. Mobile.			1605–1715 (NG1)	a. Aeronautical radionavigation. (NG25) b. Fixed. c. Land mobile. d. Maritime mobile.	a. Base. b. Mobile. c. Fixed. d. Land mobile. e. Radionavigation land.	1638 1708	a. AERONAUTICAL FIXED. b. AERONAUTICAL RADIONAVIGATION. Radionavigation land. Do. c. FIXED (in Alaska). d. INDUSTRIAL. e. INTERNATIONAL FIXED PUBLIC. f. MARITIME MOBILE. g. PUBLIC SAFETY. h. Remote pickup broadcast base. i. Remote pickup broadcast mobile.
1715–1750		1715–1750	a. Aeronautical radionavigation. b. Fixed. c. Mobile.			1715–1750 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Mobile. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
1750–1800		1750–1800	a. Aeronautical radionavigation. b. Fixed. c. Mobile.			1750–1800 (NG1) (NG21)	a. Fixed. b. Mobile. c. Radiolocation.	a. Fixed. b. Land. c. Mobile.		a. DISASTER. b. RADIOLOCATION
1800–2000		1800–2000	a. Amateur. b. Fixed. c. Mobile except aeronautical mobile. d. Radionavigation. (147)			1800–2000 (NG23)	a. Amateur. b. Radionavigation.	a. Amateur. b. Loran.		a. AMATEUR. b. Loran.
2000–2035		2000–2035	a. Fixed. b. Mobile.			2000–2035 (NG1)	Maritime mobile. (NG 26)	a. Coast. b. Ship.		MARITIME MOBILE.
2035–2065		2035–2065	a. Fixed. b. Mobile.			2035–2065 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
2065–2105		2065–2105	Maritime mobile. (115, 269)			2065–2105 (NG1) (NG30)	Maritime mobile.	Ship.		Ship (telegraphy).
2105–2107		2105–2107	a. Fixed. b. Mobile. (151)			2105–2107 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
2107–2170		2107–2170	a. Fixed. b. Mobile. (151)			2107–2170 (NG1)	a. Fixed. (NG26) b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
2170–2194		2170–2194	a. Fixed. b. Mobile. (148, 151)			2170–2194 (NG1)	Maritime mobile. (NG29)	a. Coast. b. Ship.	2182	MARITIME MOBILE (telephony) Distress and Calling frequency.
2194–2300		2194–2300	a. Fixed. b. Mobile. (151)			2194–2300 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile. (NG26)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
2300–2495		2300–2495	a. Broadcasting (150) b. Fixed. c. Mobile. (151)			2300–2495 (NG1)	a. Fixed (NG26) b. Land mobile. c. Maritime mobile.	a. Base b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
2495–2505		2495–2505	Standard frequency. (152)			2495–2505 (NG1)	Standard frequency.	Standard frequency.	2500	Standard frequency.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequency (kc)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
2505–2850		2505–2850	a. Fixed. b. Mobile.			2505–2850 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile. (NG27)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.	2638 2738 2804 2808 2812	a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. Intership (telephony). Do. f. PUBLIC SAFETY Zone and interzone police. Do. Do.
2850–3025	Aeronautical mobile (R) (149)					2850–3025 (NG1)	Aeronautical mobile (R)	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
3025–3155	Aeronautical mobile (OR) (149)					3025–3155 (NG1)	Aeronautical mobile (OR)	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
3155–3200	a. Fixed. b. Mobile except aeronautical mobile (R) (149)					3155–3200 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska and Puerto Rico). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
3200–3230	a. Broadcasting (150) b. Fixed. c. Mobile except aeronautical mobile (R) (149)					3200–3230 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile. (NG27)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
3230–3240	a. Broadcasting (150) b. Fixed. c. Mobile except aeronautical mobile					3230–3240 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
3240–3400	a. Broadcasting (150) b. Fixed. c. Mobile except aeronautical mobile.					3240–3400 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile. (NG33)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY.
3400–3500	Aeronautical mobile. (R) (149)					3400–3500 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
3500–4000		3500–4000	a. Amateur. b. Fixed. c. Mobile except aeronautical mobile. (R) (149)			3500–4000	Amateur.	Amateur.		AMATEUR.
4000–4063	Fixed.					4000–4063 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4063–4438	Maritime mobile. (155) (239)					4063–4133 (NG1) (NG41)	Maritime mobile.	Ship.		Ship (telephony).
						4133–4177 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						4177–4187 (NG1)	Maritime mobile.	Ship.		Ship Calling (telegraphy).
						4187–4238 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						4238–4368 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						4368–4438 (NG1) (NG41)	Maritime mobile.	Coast.		Coast (telephony).
4438–4650		4438–4650	a. Fixed. b. Mobile except aeronautical mobile. (R) (149)			4438–4650 (NG1)	a. Fixed. b. Mobile.	a. Base. b. Fixed. c. Mobile.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequency (kc)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
4650–4700	Aeronautical mobile. (R) (149)					4650–4700 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
4700–4750	Aeronautical mobile. (OR) (149)					4700–4750 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
4750–4770		4750–4770	a. Broadcasting. (150) b. Fixed.			4750–4770 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4770–4850		4770–4850	a. Broadcasting. (150) b. Fixed.			4770–4850 (NG1)	Fixed. (NG33)	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4850–4965		4850–4965	a. Broadcasting. (150) b. Fixed. c. Land mobile.			4850–4965 (NG1)	Fixed. (NG33)	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4965–4995		4965–4995	a. Broadcasting. (150) b. Fixed. c. Land mobile.			4965–4995 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4995–5005	Standard frequency. (156)					4995–5005	Standard frequency.	Standard frequency.	5000	Standard frequency.
5005–5060	a. Broadcasting. (150) b. Fixed.					5005–5060 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
5060–5250	Fixed.					5060–5250 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC. d. Zone and interzone police.
5250–5450		5250–5450	a. Fixed. b. Land mobile.			5250–5450 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
5450–5480		5450–5480	Aeronautical mobile. (R) (149)			5450–5480 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5480–5680	Aeronautical mobile. (R) (149)					5480–5680	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5680–5730	Aeronautical mobile (OR) (149)					5680–5730 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5730–5950	Fixed.					5730–5950 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
5950–6200	Broadcasting.					5950–6200 (NG1)	Broadcasting.	International broadcasting.		International Broadcasting.
6200–6525	Maritime mobile. (157, 239).					6200.0–6265.5 (NG1) (NG34)	Maritime mobile.	Ship.		Ship (telegraphy).
						6265.5–6280.5 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						6280.5–6357.0 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						6357–6525 (NG1) (NG38)	Maritime mobile.	Coast.		Coast (telegraphy).
6525–6685	Aeronautical mobile (R) (149)					6525–6685 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
6685–6765	Aeronautical mobile (OR) (149)					6685–6765	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
6765–7000	Fixed.					6765–7000 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequency (kc)	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
7000–7100	Amateur.					7000–7100	Amateur.	Amateur.		AMATEUR.
7100–7300		7100–7300	Amateur.			7100–7300	Amateur.	Amateur.		AMATEUR.
7300–8195	Fixed.					7300–8195 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC. d. Zone and interzone police.
8195–8815	Maritime mobile. (239, 277).					8195–8265 (NG1) (NG41)	Maritime mobile.	Ship.		Ship (telephony).
						8265–8354 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						8354–8374 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						8374–8476 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						8476–8745 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						8745–8815 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
8815–8965	Aeronautical mobile (R). (149)					8815–8965 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
8965–9040	Aeronautical mobile (OR). (149)					8965–9040 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
9040–9500	Fixed.					9040–9500 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
9500–9775	Broadcasting.					9500–9775 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
9775–9995	Fixed.					9775–9995 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
9995–10005	Standard frequency. (161)					9995–10005	Standard frequency.	Standard frequency.	10000	Standard frequency.
10005–10100	Aeronautical mobile (R). (149)					10005–10100 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
10100–11175	Fixed.					10100–11175 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
11175–11275	Aeronautical mobile. (OR). (149)					11175–11275 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
11275–11400	Aeronautical mobile (R). (149)					11275–11400 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
11400–11700	Fixed.					11400–11700 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC
11700–11975	Broadcasting.					11700–11975 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
11975–12330	Fixed.					11975–12330 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
12330–13200	Maritime mobile. (163) (239)					12330–12400 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						12400–12531 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						12531–12561 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						12561–12714 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						12714–13130 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						13130–13200 (NG1)	Maritime mobile.	Coast.		Coast (telephony).

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequency (kc)	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
13200–13260	Aeronautical mobile. (OR). (149).					13200–13260 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
13260–13360	Aeronautical mobile (R). (149)					13260–13360 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
13360–14000	Fixed. (164)					13360–14000 (NG1)	Fixed.	Fixed.	13560	a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC. c. Industrial, scientific and medical equipment.
14000–14350	Amateur.					14000–14350	Amateur.	Amateur.		AMATEUR.
14350–14990	Fixed.					14350–14990 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
14990–15010	Standard frequency. (166)					14990–15010	Standard frequency.	Standard frequency.	15000	Standard frequency.
15010–15100	Aeronautical mobile (OR). (149)					15010–15100 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
15100–15450	Broadcasting.					15100–15450 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
15450–16460	Fixed.					15450–16460 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC
16460–17360	Maritime mobile. (167, 239)					16460–16530 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						16530–16708 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						16708–16748 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						16748–16952 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						16952–17290 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						17290–17360 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
17360–17700	Fixed.					17360–17700 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
17700–17900	Broadcasting.					17700–17900 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
17900–17970	Aeronautical mobile (R) (149)					17900–17970 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
17970–18030	Aeronautical mobile. (OR) (149)					17970–18030 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
18030–19990	Fixed.					18030–19990 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
19990–20010	Standard frequency. (168)					19990–20010	Standard frequency.	Standard frequency.		Standard frequency.
20010–21000	Fixed.					20010–21000 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
21000–21450	Amateur.					21000–21450	Amateur.	Amateur.		AMATEUR.
21450–21750	Broadcasting.					21450–21750 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
21750–21850	Fixed.					21750–21850 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
21850–22000	a. Aeronautical fixed. b. Aeronautical mobile.					21850–22000 (NG1)	a. Aeronautical fixed. b. Aeronautical mobile.	a. Aeronautical. b. Aeronautical fixed. c. Aircraft.		a. AERONAUTICAL FIXED. b. AERONAUTICAL MOBILE.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band (kc)	Service	Band (kc)	Service	Band (kc)	Allocation	Band (kc)	Service	Class of station	Frequency (kc)	Nature {OF SERVICES / of stations
1	2	3	4	5	6	7	8	9	10	11
22000–22720	Maritime mobile. (239)					22000–22070 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						22070–22220 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						22220–22270 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						22270–22400 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						22400–22650 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						22650–22720 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
22720–23200	Fixed.					22720–23200 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
23200–23350	a. Aeronautical fixed. b. Aeronautical mobile. (OR) (149)					23200–23350 (NG1)	a. Aeronautical fixed. b. Aeronautical mobile.	a. Aeronautical. b. Aeronautical fixed. c. Aircraft.		a. AERONAUTICAL FIXED. b. AERONAUTICAL MOBILE.
23350–24990	a. Fixed. b. Land mobile. (169)					23350–24990 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature {OF SERVICES / of stations
1	2	3	4	5	6	7	8	9	10	11
24.99–25.01 (170)	Standard frequency.			24.99–25.01 (US17)	G.					
25.01–25.60	a. Fixed. b. Mobile except aeronautical mobile.			25.01–25.33	NG.	25.01–25.33 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	25.02–25.32 (NG45)	INDUSTRIAL.
25.6–26.1	Broadcasting.			25.33–25.85 (US17)	G.					
				25.85–26.48	NG.	25.85–26.10 (NG1, 22, 32)	Broadcasting.	International broadcasting.		International broadcasting.
26.1–27.5 (172)	a. Fixed. b. Mobile except aeronautical mobile.					26.10–26.48 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	26.11–26.47 (NG45)	Remote pickup broadcast base; remote pickup broadcast mobile.
				26.48–26.95 (US17)	G.					
(171)				26.95–27.54	NG.	26.95–26.96 (NG1)	Fixed.	Fixed.	26.955	INTERNATIONAL FIXED PUBLIC.
		27.5–28.0	a. Fixed. b. Mobile.			26.96–27.23 (NG2)	Amateur. (US1)		27.12	Industrial, scientific, and medical equipment.
						27.23–27.28 (NG1, 2)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		
						27.28–27.54 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	27.29–27.53 (NG45)	INDUSTRIAL.
27.5–28.0				27.54–28.00 (US17)	G.					

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature {OF SERVICES / of stations
1	2	3	4	5	6	7	8	9	10	11
28.0–29.7	Amateur.			28.0–29.7	Amateur (US1)	28.0–29.7	Amateur.	Amateur.		AMATEUR.
29.7–88.0		29.7–44.0	a. Fixed. b. Mobile.	29.70–29.89	NG.	29.70–29.80 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	29.71–29.79 (NG45)	INDUSTRIAL.
						29.80–29.89 (NG1)	Fixed.	Fixed.	29.81–29.88 (NG44)	AERONAUTICAL FIXED; INTERNATIONAL FIXED PUBLIC.
				29.89–29.91 (US17)	G.					
				29.91–30.00	NG.	29.91–30.00 (NG1)	Fixed.	Fixed.	29.92–29.99 (NG44)	AERONAUTICAL FIXED; INTERNATIONAL FIXED PUBLIC.
				30.00–30.56 (US17)	G.					
				30.56–32.00	NG.	30.56–32.00 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	30.58 30.62	INDUSTRIAL.
									30.66–30.82 (NG46)	INDUSTRIAL; LAND TRANSPORTATION.
									30.86–31.14 (NG46)	LAND TRANSPORTATION; PUBLIC SAFETY.
									31.18–31.98 (NG46)	PUBLIC SAFETY.
				32–33 (US17)	G.					
				33–34	NG.	33–34 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	33.02 33.06 33.10	PUBLIC SAFETY. Do. Do.
									33.14–33.38 (NG46)	INDUSTRIAL.
									33.42–33.98 (NG46)	PUBLIC SAFETY.
				34–35 (US17)	G.					
				35–36	NG.	35.00–35.04 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	35.02	INDUSTRIAL.
						35.04–35.20 (NG1, 22)	a. Maritime mobile. b. Land mobile.	a. Coast. b. Ship. c. Base. d. Land mobile.	35.06 35.10 35.14 35.18	INDUSTRIAL; MARITIME MOBILE. Do. Do. Do.
						35.2–36.0 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	35.22–35.66 (NG46)	DOMESTIC PUBLIC.
									35.70–35.98 (NG46)	LAND TRANSPORTATION.
				36–37 (US17)	G.					
				37–38	NG.	37–38 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	37.02–37.42 (NG46)	PUBLIC SAFETY.
									37.46–37.86 (NG46)	INDUSTRIAL.
									37.90 37.94 37.98	PUBLIC SAFETY. Do. Do.
				38–39 (US17)	G.					
				39–40	NG.	39–40 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	39.02–39.98 (NG46)	PUBLIC SAFETY.
(176)				40–42 (US2) (US17) (US29)	G.				40.68	Industrial, scientific and medical equipment.
				42–44	NG.	42–43 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	42.02–42.94 (NG46)	PUBLIC SAFETY.
									42.98	INDUSTRIAL.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
						43.0–43.2 (NG1, 22)	a. Maritime mobile. b. Land mobile.	a. Coast. b. Ship. c. Base. d. Land mobile.	43.02–43.18 (NG46)	INDUSTRIAL; MARITIME MOBILE.
						43.2–44.0	Land mobile.	a. Base. b. Land mobile.	43.22–43.66 (NG46)	DOMESTIC PUBLIC.
									43.70–43.98 (NG46)	LAND TRANSPORTATION.
		44–50	a. Broadcasting. b. Fixed. c. Mobile.	44–50	NG.	44.0–50.0 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	44.02–44.58 (NG46)	LAND TRANSPORTATION.
									44.62–47.66 (NG46)	PUBLIC SAFETY
									47.70–49.98 (NG46)	INDUSTRIAL.
		50–54	Amateur.	50–54	Amateur. (US1)	50–54	Amateur.	Amateur.		AMATEUR.
		54–72	a. Broadcasting. b. Fixed. c. Mobile.	54–72	NG.	54–72 (NG1)	Broadcasting.	Television broadcasting.	55.25 Video 59.75 Sound } Channel 2.	
									61.25 Video 65.75 Sound } Channel 3.	
									67.25 Video 71.75 Sound } Channel 4.	
		72–76	a. Fixed. b. Mobile.	72–76	NG	72.0–76.0 (NG1)	Fixed. (NG3) (NG5)	Operational fixed.	72.02–74.58 (NG46)	Operational fixed.
(184)				(US4)						
									75.42–75.98 (NG46)	Operational fixed.
		76–88	a. Broadcasting. b. Fixed. c. Mobile.	76–88	NG.	76–88 (NG1, 28)	Broadcasting.	Television broadcasting.	77.25 Video 81.75 Sound } Channel 5.	
									83.25 Video 87.75 Sound } Channel 6.	
88–100	Broadcasting.			88–108	NG.	88–108 (NG1, 28)	Broadcasting.	FM broadcasting. (NG4)	88.1–107.9 (NG50)	FM channel 201–FM channel 300.
100–108		100–108	Broadcasting.							
108–118	Aeronautical radionavigation.			108–132 (US5)	G. NG.	108–118	Aeronautical radionavigation.	Radionavigation land.	108.1	Localizer.
									108.2	Omni-directional radio range.
									108.3	Localizer.
									108.4	Omni-directional radio range.
									108.5	Localizer.
									108.6	Omni-directional radio range.
									108.7	Localizer.
									108.8	Omni-directional radio range.
									108.9	Localizer.
									109.0	Omni-directional radio range.
									109.1	Localizer.
									109.2	Omni-directional radio range.
									109.3	Localizer.
									109.4	Omni-directional radio range.
									109.5	Localizer.
									109.6	Omni-directional radio range.
									109.7	Localizer.
									109.8	Omni-directional radio range.
									109.9	Localizer.
									110.0	Omni-directional radio range.
									110.1	Localizer.
									110.2	Omni-directional radio range.
									110.3	Localizer.
									110.4	Omni-directional radio range.
									110.5	Localizer.
									110.6	Omni-directional radio range.
									110.7	Localizer.
									110.8	Omni-directional radio range.
									110.9	Localizer.
									111.0	Omni-directional radio range.
									111.1	Localizer.
									111.2	Omni-directional radio range.
									111.3	Localizer.
									111.4	Omni-directional radio range.
									111.5	Localizer.
									111.6	Omni-directional radio range.
									111.7	Localizer.
									111.8	Omni-directional radio range.
									111.9	Localizer.
									112.0	Omni-directional radio range.
									112.1–117.9 (NG49)	Omni-directional range; radio range.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
118–132	Aeronautical mobile (R). (149) (256)			108–132 (US5)	G, NG.	118–132 (US6)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.	118.1–121.3 (NG49)	Airdrome control.
									121.5	AERONAUTICAL MOBILE.
(193)									121.7	Aeronautical utility land; Aeronautical utility mobile.
									121.9	Do.
									122.1	Private aircraft.
									122.3	Do.
									122.5	Do.
									122.7	Do.
									122.8	Aeronautical Advisory Station.
									122.9	Private aircraft.
									123.1	Flight test; Flying school.
									123.3	Do.
									123.5	Do.
									123.7–131.9 (NG50)	AERONAUTICAL MOBILE.
132–144		132–144	a. Fixed. b. Mobile.	132–144 (US17)	G.					
144–146	Amateur.			144–148	Amateur. (US1)	144–148	Amateur.	Amateur.		AMATEUR.
146–235		146–148	Amateur.							
		148–174	a. Fixed. b. Mobile.	148–152 (US17, 21)	G.				148.14	Civil Air Patrol land. Civil Air Patrol mobile.
				152–162	NG.	152.00–156.25 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	152.03	DOMESTIC PUBLIC.
									152.09	Do.
									152.15	Do.
									152.21	Do.
									152.27	LAND TRANSPORTATION.
									152.33	Do.
									152.39	Do.
									152.45	Do.
									152.51–152.81 (NG48)	DOMESTIC PUBLIC.
									152.87–153.71 (NG48)	INDUSTRIAL. (NG6)
									153.77–154.43 (NG48)	PUBLIC SAFETY.
									154.49	INDUSTRIAL.
									154.57	Do.
									154.65–156.21 (NG48)	PUBLIC SAFETY.
						156.25–157.45 (NG1)	Maritime mobile.	a. Coast. b. Ship.	156.3	MARITIME MOBILE. (NG7, 8)
									156.4	Do. (NG7, 31)
									156.5	Do (NG7, 31)
									156.6	Do. (NG7, 9)
									156.7	Do. (NG7)
									156.8	Do. (NG10)
									156.9	Do. (NG7)
									157.0	Do. (NG7, 31)
(198)									157.1	GOVERNMENT.
				(US20)					157.2	Do.
									157.3	MARITIME MOBILE. (NG7)
									157.4	Do. (NG7)
						157.45–161.85 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	157.53	LAND TRANSPORTATION.
									157.59	Do.
									157.65	Do.
									157.71	Do.
									157.77–158.07 (NG48)	DOMESTIC PUBLIC.
									158.13–158.43 (NG48)	INDUSTRIAL.
									158.49	DOMESTIC PUBLIC.
									158.55	Do.
									158.61	Do.
									158.67	Do.
									158.73–159.45 (NG48)	PUBLIC SAFETY.
									159.51–161.79 (NG48)	LAND TRANSPORTATION. (NG11)

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
				(US24)		161.85–162.00 (NG1)	Maritime mobile.	Coast.	161.90 162.00	Coast. (NG7, 19, 37) Do. (NG7)
				162–174 (US17) (US19) (US22) (US25)	G.				166.25 170.15	PUBLIC SAFETY; Remote pickup. Do.
									170.425 170.475 170.575 171.425 171.475 171.575 172.225 172.275 172.375	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do.
				(US20)		173.2–173.4 (NG1)	a. Fixed. b. Land mobile.	a. Base. b. Fixed. c. Land mobile.	173.225 173.275 173.325 173.375	INDUSTRIAL. Do. Do. Do.
		174–216	a. Broadcasting. b. Fixed. c. Mobile.	174–216	NG.	174–216 (NG1)	Broadcasting.	Television broadcasting.	175.25 179.75 181.25 185.75 187.25 191.75 193.25 197.75 199.25 203.75 205.25 209.75 211.25 215.75	Video, Sound } Channel 7. Video, Sound } Channel 8. Video, Sound } Channel 9. Video, Sound } Channel 10. Video, Sound } Channel 11. Video, Sound } Channel 12. Video, Sound } Channel 13.
		216–220	a. Fixed. b. Mobile.	216–220 (US8, 17)	G.				217.425 217.475 217.525 217.550 217.575 217.625 217.675	Telemetering land; Telemetering mobile. Do. Do. Do. Do. Do. Do.
									219.325 219.375 219.425 219.450 219.475 219.525 219.575	Telemetering land; Telemetering mobile. Do. Do. Do. Do. Do. Do.
		220–225	Amateur.	220–225	Amateur. (US1)	220–225 (NG20)	Amateur.	Amateur.		AMATEUR.
		225–235	a. Fixed. b. Mobile.	225.0–328.6 (US10, 17)	G.					
235.0–328.6	a. Fixed. b. Mobile.									
328.6–335.4 (259)	Aeronautical radionavigation.			328.6–335.4	G, NG.	328.6–335.4	Aeronautical radionavigation.	Radionavigation land.		Glide path.
335.4–420.0	a. Fixed. b. Mobile. (208)			335.4–400.0 (US10, 17)	G.					
				400–406	G, NG.	400–406	Meteorological aids.	Radiosonde.		
				406–420 (US17, 25)	G.					
420–450	a. Aeronautical radionavigation. b. Amateur. (210) (211)			420–450 (US11)	Amateur. (US1) (US18)	420–450	Amateur.	Amateur.		AMATEUR.

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
450–460		450–460	a. Aeronautical radionavigation. b. Fixed. c. Mobile. (210) (211)	450–960 (US11)	NG.	450–460 (NG1, 22)	Land mobile	a. Base. b. Land mobile.	450.05–450.95 (NG49)	Remote pickup broadcast base. Remote pickup broadcast mobile.
									451.05–451.95 (NG49)	INDUSTRIAL.
									452.05–452.95 (NG49)	LAND TRANSPORTATION
									453.05–453.95 (NG49)	PUBLIC SAFETY.
									454.05–454.95 (NG49)	DOMESTIC PUBLIC.
									455.05–455.95 (NG49)	Remote pickup broadcast base. Remote pickup broadcast mobile.
									456.05–456.95 (NG49)	INDUSTRIAL.
									457.05–457.95 (NG49)	LAND TRANSPORTATION
									458.05–458.95 (NG49)	PUBLIC SAFETY.
									459.05–459.95 (NG49)	DOMESTIC PUBLIC.
460–470	a. Fixed. b. Mobile.					460–470 (NG1)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		CITIZENS RADIO.
470–585	Broadcasting.					470–500 (NG1)	Broadcasting.	Television. Broadcasting.		
585–610		585–610	Broadcasting.			500–890 (NG1) (NG42)	Broadcasting.	Television broadcasting.		
610–940 (212)	Broadcasting. (214)									
						890–940 (NG1)	a. Broadcasting. b. Fixed.		915	Industrial, scientific and medical equipment.
940–960		940–960	Fixed.			940–952 (NG1, 13)	Fixed.	FM broadcast STL. (NG14)		
						952–960 (NG1, 15)	Fixed.	a. International control. b. Operational fixed.		
960–1215	Aeronautical radionavigation.			960–1215 (US12)	G, NG.	960–1215	Aeronautical radionavigation.			
1215–1300	Amateur.			1215–1300	Amateur. (US1)	1215–1300	Amateur.	Amateur.		AMATEUR.
1300–1700	(216)	1300–1660	Aeronautical radionavigation. (218)	1300–1700 (US14)	G, NG.	1300–1365	Aeronautical radionavigation.	Surveillance radar. (Pulsed emission only.)		
						1365–1660	Aeronautical radionavigation.	Radionavigation (including altimeter).		
		1660–1700	Meteorological aids (radiosonde).			1660–1700	Meteorological aids (radiosonde).		1680	Radiosonde.
1700–2300	a. Fixed. b. Mobile.			1700–1850 (US17)	G.					
				1850–2200	NG.	1850–1990 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
						1990–2110 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG16)		
						2110–2200 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
				2200–2300 (US17)	G.					

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
2300–2450 (220)	Amateur.			2300–2450	Amateur.	2300–2450	Amateur.	Amateur.	2450	Industrial, scientific and medical equipment.
2450–2700 (220)	a. Fixed. b. Mobile.			2450–2700	NG.	2450–2500 (NG1)	a. Fixed. b. Mobile. (NG17)			
						2500–2700 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
2700–2900	Aeronautical radionavigation. (222)			2700–3300	G, NG.	2700–2900	a. Aeronautical radionavigation. b. Meteorological aids.			
2900–3300	Radionavigation. (223, 224)					2900–3246 (NG18) (NG39)	Radionavigation.			
						3246–3266	Radionavigation.	Racon.	3256	Racon.
						3266–3300 (NG18)	Radionavigation.			
3300–3900		3300–3500	Amateur.	3300–3500	Amateur.	3300–3500	Amateur.	Amateur.		AMATEUR.
		3500–3900	a. Fixed. b. Mobile.	3500–4200	NG.	3500–3700 (NG1)	Mobile.	a. Land. (NG12) b. Mobile (except television pickup).		
3900–4200	a. Fixed. b. Mobile.					3700–4200 (NG1)	Fixed.	Common carrier fixed.		
4200–4400 (260)	Aeronautical radionavigation.			4200–4400	G, NG.	4200–4400	Aeronautical radionavigation.	Altimeter.		
4400–5000	a. Fixed. b. Mobile.			4400–5000 (US17)	G.					
5000–5250 (261)	Aeronautical radionavigation.			5000–5650	G, NG.	5000–5250	Aeronautical radionavigation.			
5250–5650	Radionavigation. (226, 227)					5250–5440 (NG18)	Radionavigation.			
						5440–5460	Radionavigation.	Racon.	5450	Racon.
						5460–5650 (NG18)	Radionavigation.			
5650–5850 (228)	Amateur.			5650–5925	Amateur.	5650–5925	Amateur.	Amateur.	5850	Industrial, scientific, and medical equipment.
5850–5925 (228)		5850–5925	Amateur.							
5925–8500	a. Fixed. b. Mobile.			5925–7125	NG.	5925–6425 (NG1)	Fixed.	Common carrier fixed.		
						6425–6575 (NG1)	Mobile	a. Land. (NG12) b. Mobile (except television pickup).		
						6575–6875 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
						6875–7125 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG16)		
				7125–8500 (US17)	G.					
8500–9800	Radionavigation. (230, 231)			8500–9800	G, NG.	8500–9000	Radionavigation.			
						9000–9300 (NG18)	Radionavigation.			
						9300–9320	Radionavigation.	Racon.	9310	Racon.
						9320–9500 (NG18)	Radionavigation.			
						9500–9800	Radionavigation.			

See footnotes at end of table.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature {OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
9800–10000	a. Fixed. b. Radionavigation.			9800–9900	NG.	9800–9900 (NG1)	Fixed.	Fixed.		
				9900–10000 (US17)	G.					
10000–10500	Amateur.			10000–10500	Amateur.	10000–10500	Amateur.	Amateur.		AMATEUR.
Above 10500 not allocated.				10500–10700 (US15)	G, NG.				10600	Industrial, scientific and medical equipment.
				10700–13200	NG.	10700–11700 (NG1)	Fixed.	Common carrier fixed.		
						11700–12200 (NG1)	Mobile.	a. Land (NG12) b. Mobile (except television pickup).		
						12200–12700 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
						12700–13200 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG16)		
				13200–16000 (US17)	G.					
				16000–18000 (US16)	NG.	16000–18000 (NG1)	a. Fixed. b. Mobile.		18000	Industrial, scientific and medical equipment.
				18000–21000 (US16) (US17)	G.					
				21000–22000	Amateur.	21000–22000	Amateur.	Amateur.		AMATEUR.
				22000–26000 (US17)	G.					
				26000–30000	NG.	26000–30000 (NG1)	a. Fixed. b. Mobile.			
				Above 30000	G, NG.			a. Amateur. b. Experimental.		

FOOTNOTES

ATLANTIC CITY FOOTNOTES

(110) Limited to coastal telegraph stations using unmodulated emission (A1 only).

(112) The development of long distance radionavigation systems is authorized in this band which will become exclusively allocated wholly or in part for the use of any one such system as soon as it is internationally adopted. Other considerations being equal, preference should be given to the system requiring the minimum bandwidth for world-wide service and causing the least harmful interference to other services. If a pulse radionavigation system is employed, the pulse emissions nevertheless must be confined within the band, and must not cause harmful interference outside the band to stations operating in accordance with the Regulations.

During the experimental period prior to the international adoption of any long distance radionavigation system in this band, the rights of existing stations operating in this band will continue to be recognized.

(115) Limited to ship stations (telegraphy exclusively).

(116) The fixed service is authorized, provided no harmful interference is caused to ship telegraphy in the North Atlantic and the Mediterranean areas.

(124) Priority is given to the aeronautical fixed service in northern areas which are subject to auroral disturbances.

(125) Priority is given to the aeronautical radionavigation service in Region 2, China, India and Pakistan.

(127) In Region 2, the aeronautical radionavigation service is permitted in the band 285–325 kc provided that no harmful interference is caused to the maritime radionavigation service.

(129) The aeronautical radionavigation service has priority except in New Zealand.

(133) The frequency 410 kc is designated for the maritime radionavigation service (radio direction-finding). Other services shall not cause harmful interference to radio direction finding.

(137) In Region 2, in addition to the provisions of Note 133, the aeronautical radionavigation service has priority over the aeronautical mobile service.

(139) Limited to telegraphy.

(140) The frequency 500 kc is the international distress and calling frequency. The conditions for its use are prescribed in article 33 of the Radio Regulations (Atlantic City, 1947).

(147) In any particular area the Loran system of radionavigation operates either on 1850 or 1950 kc, the band occupied being 1800–1900 kc or 1900–2000 kc. Any of the authorized services may employ whichever of these two bands is not required for Loran on the condition that they do not cause harmful interference to Loran.

(148) The frequency 2182 kc is the distress and calling frequency for the maritime mobile service (telephony). The interested administrations will insure by special arrangement where necessary, that an adequate guard-band is provided. The conditions for the use of this frequency are prescribed in article 34 of the Radio Regulations (Atlantic City, 1947).

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(150) For the conditions of use of this band by the broadcasting service see 243, 244 and 250–254 (in article 5 of the Radio Regulations, Atlantic City, 1947).

(151) In Region 2, provision will be made for coastal telegraphy in the maritime mobile service by special arrangement.

(152) The standard frequency is 2500 kc.

(155) The band 4063–4438 kc may be used, exceptionally and on the essential condition that harmful interference is not caused to the maritime mobile service, by fixed stations of mean power not exceeding 50 watts communicating only within the national boundaries of the countries concerned. At the time of notification of these cases the attention of the International Frequency

Registration Board is drawn to the above condition.

(156) The standard frequency is 5000 kc.

(157) The band 6200–6525 kc may be used, exceptionally and on the essential condition that harmful interference is not caused to the maritime mobile service by fixed stations of mean power not exceeding 50 watts communicating only within the national boundaries of the countries concerned. At the time of notification of these cases the attention of the International Frequency Registration Board is drawn to the above condition.

(161) The standard frequency is 10,000 kc.

(163) Between 12,925 and 13,200 kc the U. S. S. R. will meet their special requirements for the fixed service with due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference with the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.), with a view to minimizing the possibility of harmful interference with the fixed service in the U. S. S. R. The International Frequency Registration Board will be consulted regarding these arrangements.

(164) The frequency 13,560 kc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05% of this frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(166) The standard frequency is 15,000 kc.

(167) Between 17,160 and 17,360 kc, the U. S. S. R. will meet their special requirements for the fixed service with due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference with the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference with the fixed service in the U. S. S. R. The International Frequency Registration Board will be consulted regarding these arrangements.

(168) The standard frequency is 20,000 kc.

(169) Inter-ship telegraphy in the maritime mobile service is permitted in the band 23,350–24,000 kc.

(170) The standard frequency is 25 Mc.

(171) The frequency 27.12 Mc is designated for industrial, scientific, and medical purposes. Emissions must be confined within the limits of ±0.6 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(172) In Region 2, Australia, New Zealand, the Union of South Africa, and the territory under mandate of Southwest Africa, the amateur service will operate within the band 26.96–27.23 Mc.

(176) The frequency 40.68 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05% of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(184) The frequency 75 Mc is designated for aeronautical marker beacons. In Region 1, the guard band is ±0.2 Mc; in Regions 2 and 3, ±0.4 Mc.

(195) The frequency 121.5 Mc is the aeronautical emergency frequency in this band.

(198) The frequency 156.80 Mc is designated for world-wide use for safety, calling and intership and harbor control communications in the maritime mobile service (simplex telephony). Any other use of this frequency should be avoided in areas where such other use is liable to cause harmful interference to the maritime mobile service. The interested administrations will ensure, by special arrangements where necessary, that an adequate guard band is provided. In Region 2, its use for this purpose will be restricted to the frequency modulated type of transmission (F3) and it is strongly recommended that the same type of transmission be adopted for this purpose in Regions 1 and 3.

(208) The meteorological aids service (radiosonde) may be operated in the band 400–420 Mc.

(210) In the band 420–460 Mc the aeronautical radionavigation service has priority. The other services are admitted to this band only on condition that harmful interference is not caused to the aeronautical radionavigation service.

(211) In Region 2, the allocation for the aeronautical radionavigation service in the band 420–460 Mc is temporary and is exclusively for altimeters.

(212) In Region 2, the frequency 915 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±25 Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(214) In Region 2, the fixed service may operate in the band 890–940 Mc.

(216) In Region 2, the band 1300–1660 Mc is intended for an integrated system of electronic aids to air navigation and traffic control. Administrations of the other Regions should envisage the possibility of the future application of such a system on a world-wide basis.

(218) In Region 2 and the United Kingdom, the use of the band 1300–1365 Mc is restricted to surveillance radar.

(220) In Region 2, Australia, New Zealand, Northern Rhodesia, Southern Rhodesia, the Union of South Africa, the territory under mandate of Southwest Africa, and the United Kingdom, the frequency 2450 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±50 Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(222) The meteorological aids service may be operated in the band 2700–2900 Mc.

(223) The band 3246–3266 Mc is designated for racons.

(224) In the band 2900–3300 Mc shipborne radar in merchant ships is confined within the band 3000–3246 Mc.

(226) The band 5440–5460 Mc is designated for racons.

(227) In the band 5250–5650 Mc shipborne radar in merchant ships is confined within the band 5460–5650 Mc.

(228) In Region 2, Australia, New Zealand, Northern Rhodesia, Southern Rhodesia, the Union of South Africa, the territory under mandate of Southwest Africa, and the United Kingdom the frequency 5850 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±75 Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(230) The band 9300–9320 Mc is designated for racons.

(231) In the band 8500–9800 Mc shipborne radar in merchant ships is confined within the band 9320–9500 Mc.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City, 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(256) Frequencies in any band allocated to the aeronautical mobile (R) service are reserved for communications between any aircraft and those aeronautical stations primarily concerned with the safety and regularity of flight along national or international civil air routes.

(259) The band 328.6–335.4 Mc is for the use of the Instrument Landing System (glide path).

(260) The band 4200–4400 Mc is for the use of radio altimeters.

(261) The band 5000–5250 Mc is for the use of instrument landing systems.

(269) In Region 2, the frequency band 2088.5–2093.5 kc is reserved exclusively for calling (telegraphy only).

(277) The frequency 8364 kc is designated for the use of survival craft equipped to transmit on frequencies between 4000 and 23,000 kc and wishing to establish, with stations of the maritime mobile service, communications relating to search and rescue.

NG FOOTNOTES

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG2 Emissions from industrial, scientific, and medical equipment using the frequency 27.12 Mc must be confined to the band 26.96–27.28 Mc.

NG3 Operational fixed stations may be authorized to use frequencies in this band in accordance with columns 10 and 11 of the table of frequency allocations, on the condition that harmful interference will not be caused to the reception of television stations on channels 4 or 5. In any area in the continental United States, the Aviation service and Marine service may each be authorized to use four of the frequencies in the band 72–76 Mc listed in column 10 for operational fixed stations in these services.

NG4 Facsimile broadcasting stations may be authorized in the band 88–108 Mc.

NG5 Fixed stations in the Domestic Fixed Public service may be authorized to use any of the frequencies in the band 72–76 Mc indicated in column 10, on the conditions that (a) harmful interference will not be caused to the reception of television stations on channels 4 or 5 and (b) that harmful interference will not be caused to operational fixed stations.

NG6 The use of the frequencies in the block 152.87–153.35 Mc may be authorized, in any area, to Remote Pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the Industrial Radio services.

NG7 The use of the frequencies 156.27, 156.33, 156.39, 156.45, 156.51, 156.57, 156.63, 156.69, 156.75, 156.87, 156.93, 156.99, 157.05, 157.11, 157.29, 157.35, 157.41, 157.47, 161.85, 161.91, and 161.97 Mc may be authorized to base and land mobile stations in the Public Safety Radio Services on the condition that no harmful interference will be caused to the Maritime Mobile Service except that on the frequencies 157.05 and 157.11 Mc this authority may be extended only to those stations authorized prior to April 28, 1952, Public Safety Service operations at points within 150 statute miles of coastal areas and navigable gulfs, bays, rivers, and lakes may be authorized only after factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

NG8 The international intership service has priority on this frequency.

NG9 The international port operational service, on a simplex basis, has priority on this frequency.

NG10 The frequency 156.80 Mc has been designated for world-wide use for safety, calling and intership and harbor control communications in the maritime mobile service.

NG11 The use of the frequencies in the block 159.51–161.79 Mc may be authorized to base and land mobile stations in the Public Safety Radio Services, in any area, on the condition that harmful interference will not be caused to stations in the Railroad Radio Service.

NG12 Only those land stations which communicate with mobile (except television pickup) stations, are authorized to use frequencies in this band.

NG13 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG14 Interim FM relay stations may be authorized to use the band 940–952 Mc on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG15 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the highest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG16 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG17 Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

NG18 Land radiopositioning stations and mobile radiopositioning stations, excluding speed measuring devices, may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to the radionavigation service.

NG19 In the Chicago area only, the frequency 161.85 Mc may be authorized to base and land mobile stations only for train communications in the Railroad Radio Service.

NG20 In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53' N., on the east by longitude 105°40' W., on the north by parallel 33°24'N., and on the west by longitude 106°40' W., the frequency band 220–225 Mc is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday inclusive of each week. However, the entire frequency band 220–225 Mc shall be available in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

NG21 For radiolocation activities of the petroleum industry only, land radiopositioning stations and mobile radiopositioning stations may be authorized to use frequencies in this band, provided that such use (a) shall be limited to locations within 150 miles of the shoreline of the Gulf of Mexico, (b) shall be subject, internationally, to the provisions of paragraph 88 of the Atlantic City, 1947, Radio Regulations and to the use-in-derogation provisions of Article 7 of the Cairo General Radio Regulations, (c) shall not cause harmful interference to stations in the Disaster Communications Service between the times at New Orleans of sunset and sunrise or at any time during an actual or imminent disaster in any area. Stations in the Disaster Communications Service shall not cause harmful interference to radiopositioning stations between the times at New Orleans of sunrise and sunset except during an actual or imminent disaster in any area.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG23 (a) The amateur service may use, in any area, whichever bands, 1800–1825, 1875–1900, 1900–1925 or 1975–2000 kc, are not required for Loran in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service;

(2) The amateur service shall not cause harmful interference to the radionavigation (Loran) service;

(3) Only types A1 and A3 emission shall be employed;

(4) Amateur operation shall be limited to:

Area	Bands (kilocycles)	Direct current plate input power in watts	
		Day	Night
Minnesota, Iowa, Missouri, Arkansas, Louisiana, and States to the east of these States, including District of Columbia.	1800–1825, 1875–1900	500	200
North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States, except State of Washington	1900–1925, 1975–2000	500	200
State of Washington	1900–1925, 1975–2000	200	50
Texas, Oklahoma, and Kansas	1800–1825, 1875–1900	200	75
Hawaiian Islands	1900–1925, 1975–2000	500	200
Puerto Rico and Virgin Islands	1800–1825, 1875–1900	500	200
Alaska, Guam, and other Territories and possessions of the United States not listed above	None	No operation	No operation

(b) The provisions of (a) above shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

NG24 For conditions which apply to the use of this band, refer to the North American Regional Broadcasting Agreement.

NG25 The aeronautical radionavigation service may be authorized the use of the frequencies 1638 kc and 1708 kc only.

NG26 Fixed stations associated with the maritime mobile service may be authorized, for purposes of communication with coast stations, to use frequencies assignable to ship stations in this band on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG27 Fixed stations in the Public Safety Radio Service may be authorized the use of frequencies in this band which are authorized to base and mobile stations of this service on the condition that harmful interference will not be caused to services operating in accordance with the Table of Frequency Allocations.

NG28 In the Territory of Hawaii, the frequency bands 76–88 Mc and 98–108 Mc are allocated exclusively to the fixed service for use by common carrier fixed stations for inter-island communications only.

NG29 The frequency 2182 kc may be authorized to fixed stations associated with the maritime mobile service for the sole purpose of transmitting distress calls and distress traffic, and urgency and safety signals and messages.

NG31 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, land stations authorized and used primarily as coast stations (not open to public correspondence) and associated land mobile stations may be authorized to use, on a secondary basis, the frequencies 156.4, 156.5, and 157.0 Mc: *Provided*, That, in each case, the frequency assignment will be common to the maritime mobile and land mobile services and that the maritime mobile service shall, at all times, have priority.

NG32 The use of frequencies in the band 25.85–26.1 Mc may be authorized in any area to remote pickup broadcast base and mobile stations on the condition that harmful interference is not caused to stations in the broadcast service.

NG33 As a special condition placed upon the use of frequencies in this band, the authority contained in 2.104 (a) (3) does not extend to stations in the broadcasting service.

NG34 The frequency, 6240 kc, may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG36 Stations in the fixed service in Alaska may continue to be authorized the use of frequencies in this band on the condition that the provisions of Paragraph 88 of the Atlantic City, 1947, Radio Regulations are observed.

NG37 Transmission on the frequency 161.9 Mc by coast stations at Chicago, Illinois, may be authorized on condition that harmful interference is not caused to the Land Transportation Radio Services on 161.85 Mc.

NG38 The frequency 6455 kc may be authorized to ship telephone stations and coast telephone stations operating in the Mississippi River maritime mobile service system on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG39 Experimental stations used by educational institutions for purposes of technical instruction in, and demonstration of, microwave techniques using pulsed emis-

sions only may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations in the Radiolocation Service.

NG41 The frequencies 4067, 4372.4 and 8205.5 kc may be authorized for use by either ship or coast radiotelephone stations operating in the Mississippi River system.

NG42 Stations in the International Fixed Public Radiocommunication Service in Florida, South of 25°30' North Latitude, may be authorized to use frequencies in the band 716–890 Mc on the condition that harmful interference will not be caused to the broadcasting service of any country. This is an interim allocation the termination of which will later be specified by the Commission when it is determined that equipments are generally available for use in bands allocated internationally to the fixed service.

NG44 The spacing between frequency assignments in this band shall be 10 kc. The first and last assignable frequencies are those indicated in column 10.

NG45 The spacing between frequency assignments in this band shall be 20 kc. The first and last assignable frequencies are those indicated in column 10.

NG46 The spacing between frequency assignments in this band shall be 40 kc. The first and last assignable frequencies are those indicated in column 10.

NG47 The spacing between frequency assignments in this band shall be 50 kc. The first and last assignable frequencies are those indicated in column 10.

NG48 The spacing between frequency assignments in this band shall be 60 kc. The first and last assignable frequencies are those indicated in column 10.

NG49 The spacing between frequency assignments in this band shall be 100 kc. The first and last assignable frequencies are those indicated in column 10.

NG50 The spacing between frequency assignments in this band shall be 200 kc. The first and last assignable frequencies are those indicated in column 10.

US FOOTNOTES

US1 Pulsed emissions prohibited.

US2 Emissions from industrial, scientific and medical equipment using the frequency 40.68 Mc must be confined to the band 40.66–40.70 Mc.

US4 The use of the frequency 75 Mc by aeronautical marker beacons is temporary and may be authorized until they are moved to a frequency band allocated for the aeronautical radionavigation service, or until they are no longer required. (See notes 216 and US12).

US5 The frequency assignment plan in effect for both governmental and nongovernmental stations in the band 108–132 Mc is indicated in columns 10 and 11.

US6 Public correspondence in the frequency bands allocated exclusively to the aeronautical mobile service is not permitted.

US8 In the government band 216–220 Mc, the frequencies 217.425 through 217.675 Mc and 219.325 through 219.575 Mc, inclusive, may be authorized for use by non-government telemetering mobile stations aboard aircraft and telemetering land stations, for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

US10 This band is designated for government stations, with adequate channels to be reserved for civil aviation.

US11 The aeronautical radionavigation service will not be permitted to use the band 420–460 Mc after Feb. 15, 1958.

US12 The band 960–1215 Mc is for distance measuring and other functions related to those performed in the band 1365–1660 Mc.

US14 In non-military aviation, it is not anticipated that the altimeter function will be performed in the band 1365–1660 Mc except in coordination with other functions required for an aeronautical radionavigation system.

US15 Emissions from industrial, scientific and medical equipment using the frequency 10600 Mc must be confined to the band 10500–10700 Mc. Sharing by radiocommunication services is to be determined at a later date.

US16 Emissions from industrial, scientific and medical equipment using the frequency 18000 Mc must be confined to the band 17850–18150 Mc. Radiocommunication services operating within the band 17850–18150 Mc must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

US18 Amateur power to be limited to 50 watts until Feb. 15, 1958.

US19 The use of the frequencies 170.475, 171.425, 171.575 and 172.275 Mc east of the Mississippi River and 170.425, 170.575, 171.475, 172.225 and 172.375 Mc west of the Mississippi River may be authorized to fixed, land and mobile stations operated by non-Federal forest fire fighting agencies. In addition, land stations operated by non-Federal conservation agencies for mobile relay operation only, may be authorized to use the frequency 172.275 Mc east of the Mississippi River and the frequency 171.475 Mc west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government Stations.

US20 In order to provide for inter-communication for safety purposes between government and non-government stations in the maritime mobile service, the frequencies 157.1 and 157.2 Mc are allocated exclusively in all areas, to government stations in the fixed and mobile services, and the frequencies 173.225, 173.275, 173.325, 173.375 Mc are allocated exclusively in all areas, to non-government stations in the fixed and land mobile services.

US21 The use of the frequency 148.14 Mc may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to government stations in the band 148–152 Mc.

US22 The use of the frequencies 166.250 and 170.150 Mc may be authorized to non-government Remote Pickup broadcast base and land mobile stations and to non-government base, fixed, and land mobile stations in the Public Safety Radio services (the sum of the band width of emission and tolerance not to exceed 60 kc) in Continental U. S. only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30' N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Ala., subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to government stations present or future in the government band 162–174 Mc. The use of these frequencies by Remote Pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and the use of these frequencies by the Public Safety radio services will not be authorized except for locations within 150 miles of New York City.

US24 The use of the frequency 162.0 Mc may be authorized to non-government coast stations only.

US25 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the federal government, the following frequencies may be authorized to non-government fixed stations on the condition that harmful interference will not be caused to government stations:

Mc.	*Mc.*	*Mc.*	*Mc.*
169.425	170.325	171.825	406.250
169.475	170.375	171.875	406.350
169.525	171.025	171.925	412.450
169.575	171.075	171.975	412.550
170.225	171.125	406.050	412.650
170.275	171.175	406.150	412.750

US26 This frequency band is not available to non-government stations.

US27 The use of the frequency 540 kc is subject to the conditions that no harmful interference is caused to the services operating on 500 kc, and in the band 510–535 kc.

US28 Airdrome control stations may continue to be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

US29 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the federal government, the frequency 40.68 Mc may be authorized to non-government fixed stations in the states of Pennsylvania and West Virginia on the condition that harmful interference will not be caused to Government stations.

US31 Navigation aids in U. S. and possessions between 200 and 415 kc are normally operated by the U. S. Government. However, authorizations may be made by the Commission for non-government operation in this band subject to the conclusion of appropriate arrangements between the Commission and the government agencies concerned and upon special showing of need for service which the government is not yet prepared to render.

(b) *Stipulation regarding frequencies below 27.5 Mc.* The international table of frequency allocations below 27.5 Mc in force is stipulated by the provisions of paragraphs 1076 and 1077 of the Atlantic City, 1947 Radio Regulations.

(c) *Explanation and instructions regarding use of table.* (1) Columns 1, 2, 3 and 4 of the table of frequency allocations are those stipulated in the Atlantic City Radio Regulations.

(2) In column 6 (above 25 Mc) the letter G means Federal Government radio stations, i. e., those belonging to and operated by the United States. The symbol NG means other than Federal Government radio stations, i. e., those whose frequencies are assigned by the Commission.

(3) Column 10 lists frequencies available for assignment to stations which conform to the nature of service or station listed in column 11 opposite the assignable frequency. The assignment and use of the frequencies listed in column 10 is limited to those stations which, by definition, are included in the services and classes of stations (columns 8 or 9) to which the frequency band (column 7) is allocated.

(4) In column 11 "Services" are in large block print and "Stations" in small print.

(5) The following symbols are used to designate footnotes in the table of frequency allocations.

(i) Any footnote consisting only of digits, e. g., (170), denotes a paragraph in the Atlantic City (1947) Radio Regulations.

(ii) Any footnote consisting of the letters US followed by one or more digits, e. g., US1, denotes a stipulation the application of which is not limited to non-government stations.

(iii) Any footnote consisting of the letters NG followed by one or more digits, e. g., NG1, is a stipulation applicable to the use of a band by non-Government stations.

SUBPART C—EMISSIONS

§ 2.201 *Emission, modulation and transmission characteristics.* The following system of designating emission, modulation and transmission characteristics shall be employed.

(a) The emission characters used in connection with frequency assignments express:

(1) Necessary bandwidth.

(2) Type of modulation or emission.

(3) Type of transmission.

(4) Supplementary characteristics authorized.

(b) Types of modulation and emission are symbolized according to the following letters:

(1) Amplitude modulation	A
(2) Frequency (or phase) modulation	F
(3) Pulsed emission	P

(c) Types of transmission are symbolized according to the following numbers:

(1) Absence of any modulation intended to carry information	0
(2) Telegraphy without the use of modulating audio frequency	1
(3) Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission)	2
(4) Telephony	3
(5) Facsimile	4
(6) Television	5
(7) Composite transmissions and cases not covered by the above	9

(d) Supplementary characteristics are symbolized in accordance with the following letters:

(1) Double sideband, full carrier	(None)
(2) Single sideband, reduced carrier	a
(3) Two independent sidebands, reduced carrier	b
(4) Other emissions, reduced carrier	c
(5) Pulse, amplitude modulated	d
(6) Pulse, width modulated	e
(7) Pulse, phase (or position) modulated	f

(e) The classification of emissions is tabulated below:

Type of modulation or emission	Type of transmission	Supplementary characteristics	Symbol
1. Amplitude.	Absence of any modulation		A0
	Telegraphy without the use of modulating audio frequency (on-off keying).		A1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission).		A2
	Telephony	Double sideband, full carrier	A3
		Single sideband, reduced carrier.	A3a
		Two independent sidebands, reduced carrier.	A3b
	Facsimile		A4
	Television		A5
	Composite transmissions and cases not covered by the above.		A9
	Composite transmissions	Reduced carrier	A9c
2. Frequency (or phase) modulated.	Absence of any modulation		F0
	Telegraphy without the use of modulating audio frequency (frequency shift keying).		F1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency).		F2
	Telephony		F3
	Facsimile		F4
	Television		F5
	Composite transmissions and cases not covered by the above.		F9
3. Pulsed emissions.	Absence of any modulation intended to carry information.		P0
	Telegraphy without the use of modulating audio frequency.		P1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies, or by the keying of the modulated pulse (special case: an unkeyed modulated pulse).	Audio frequency or audio frequencies modulating their pulse in amplitude.	P2d
		Audio frequency or audio frequencies modulating the width of the pulse.	P2e
		Audio frequency or audio frequencies modulating the phase (or position) of the pulse.	P2f
	Telephony	Amplitude modulated pulse	P3d
		Width modulated pulse	P3e
		Phase (or position) modulated pulse.	P3f
	Composite transmissions and cases not covered by the above.		P9

(f) Type B emission. As an exception to the above principles, damped waves are symbolized in the Commission's rules and regulations as type B emission.

§ 2.202 *Bandwidths*—(a) *Necessary bandwidths.* The necessary bandwidth is the width of the frequency band which is necessary in the over-all system, including both transmitter and receiver, for the proper reproduction at the receiver of the desired information, and does not necessarily indicate the interfering characteristics of an emission. For the determination of this necessary bandwidth, the following table may be considered as a guide. In the formulation of the table, the following working terms have been employed:

B = Telegraph speed in bauds.

N = Maximum possible number of black plus white elements to be transmitted per second, in facsimile television.

M = Maximum modulation frequency expressed in cycles per second.

D = Half the difference between the maximum and minimum values of the instantaneous frequencies; D being greater than $2M$, greater than $\frac{N}{T}$ or greater than B, as the case may be. Instantaneous frequency is the rate of change of phase.

t = Pulse length expressed in seconds.

K = An over-all numerical factor which differs according to the emission and depends upon the allowable signal distortion, and, in television, the time lost from the inclusion of a synchronizing signal.

(b) *Table of necessary bandwidths.*

I. AMPLITUDE MODULATION

Description and class of emission	Necessary bandwidth in cycles per second	Examples: Details	Examples: Designation of emission
Continuous wave telegraphy: A1.	BK $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Morse code at 25 words per minute, $B=20$, bandwidth: 100 c/s.	0.1A1
		Four channel multiplex, 7 unit code, 60 words per minute per channel, $B=170$, $K=5$. bandwidth: 850 c/s.	0.85A1
Telegraphy modulated at audio frequency: A2.	$BK+2M$ $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Morse code at 25 words per minute with 1,000-cycle tone, $B=20$. bandwidth: 2,100 c/s.	2.1A2
Commercial telephony: A3.	M, for single sideband	For ordinary single sideband telephony, $M=3,000$.	3A3a
	$2M$, for double sideband	For high-quality single sideband telephony, $M=4,000$.	4A3a
Broadcasting: A3.	$2M$	M may vary between 4,000 and 10,000 depending upon the quality desired.	8A3 to 20A3
Facsimile. Carrier modulated by tone and by keying: A4.	$\frac{KN}{T}+2M$ $K=1.5$	The total number of picture elements (black and white) transmitted per second = the circumference of the cylinder (height of picture) × number of lines per unit length × speed of rotation of cylinder in revolutions per second. Diameter of cylinder = 70 mm. Number of lines per mm = 3.77. Speed of rotation 1 turn per second. Frequency of modulation = 1,800 c/s. Bandwidth: 3,600 + 1,242 = 4,842 c/s.	4.84A4
Television: A5.	$\frac{KN}{T}$ $K=1.5$ (this allows for synchronization and filter shaping). NOTE: This band can be appropriately reduced when asymmetrical transmission is employed.	The total number of picture elements (black and white) transmitted per second = the number of lines forming each image × number of elements per line × number of pictures transmitted per second. Number of lines = 500. Number of elements per line = 500. Number of pictures per second = 25. Bandwidth: approximately 9 Mc/s.	9000A5

II. FREQUENCY MODULATION

Frequency-shift telegraphy: F1.	$BK+2D$ $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Four-channel multiplex with 7-unit code, 60 words per minute per channel: $B=170$. $K=5$. $D=425$. Bandwidth: 1,700 c/s.	1.7F1
Commercial telephony and broadcasting: F3.	$2M+2DK$ For commercial telephony, $K=1$. For high-fidelity transmission higher values of K may be necessary.	For an average case of commercial telephony with: $D=15.000$. $M=3.000$. Bandwidth: 36,000 c/s.	36F3
Facsimile: F4.	$\frac{KN}{T}+2M+2D$ $K=1.5$	(See facsimile, amplitude modulation). Cylinder diameter = 70 mm. Lines per mm = 3.77. Cylinder speed = 1 r. p. s. Modulation tone = 1,800 c/s. $D=10,000$ c/s. Bandwidth: 25,000 c/s (approximately).	25F4

III. PULSED EMISSIONS

Unmodulated pulse: P0.	$2\frac{K}{t}$ K varies from 1 to 10 according to the permissible deviation in each particular case from a rectangular pulse shape. In many cases the value of K does not need to exceed 6.	$t=3\times10^{-4}$ $K=6$ Bandwidth: 4×10^{4} c/s.	4000P0
Modulated pulse: P2 or P3.	The bandwidth depends upon the particular types of modulation used, many of these being still in the development stage.	----------	----------

SUBPART D—IDENTIFICATION OF RADIO COMMUNICATION, AND ALLOCATION AND USE OF CALL SIGNS

§ 2.301 *Identification of transmissions.* For the purpose of identifications, with a view to the elimination of harmful interference and the general enforcement of applicable radio treaties, conventions, regulations, arrangements and agreements in force, and the enforcement of the Communications Act of 1934, as amended, and the Commission's rules, each station using radio frequencies shall identify its transmissions as prescribed by the rules governing the class of station to which it belongs.

§ 2.302 *Table of allocation of call signs.* The table which follows indicates the composition and blocks of international call signs available for assignment when such call signs are required to be transmitted for station identification by the rules pertaining to particular classes of stations. Assignments will be made in each block beginning with the lowest alphabetic and numerical combination available in each call sign district and increasing until requirements are met. When stations operating in two or more classes are authorized to the same licensee, for the same location, the Commission will assign a separate call sign to each station in a different class, according to the following table:

Col. 1 Class of station	Col. 2 Composition of call sign	Col. 3 Call sign blocks available
Coast[1]	3 letters	KAA thru KZZ. WAA thru WZZ.
Aeronautical[2]	3 letters, 1 digit	KAA2 thru KZZ9. WAA2 thru WZZ9.
Fixed,[2] coastal telephone in Alaska	3 letters, 2 digits	KAA20 thru KZZ99. WAA20 thru WZZ99.
Land (other than aeronautical and coast)[2]	3 letters, 3 digits	KAA200 thru KZZ999. WAA200 thru WZZ999.
Mobile telegraph (other than ship and aircraft).	4 letters, 1 digit	KAAA2 thru KZZZ9. WAAA2 thru WZZZ9.
Mobile telephone (other than ship and aircraft).	2 letters, 4 digits	KA2000 thru KZ9999.
Ship telegraph	4 letters	KAAA thru KZZZ. WAAA thru WZZZ.
Ship telephone[3]	2 letters, 4 digits	WA2000 thru WZ9999.
Ship telegraph and telephone	Same as for ship telegraph	
Ship radar[3]	Same as ship telephone	
Ship radar and telegraph	Same as for ship telegraph	
Ship radar and telephone	Same as for ship telephone	
Aircraft telegraph	5 letters	KAAAA thru KYZZZ. WAAAA thru WZZZZ.
Aircraft telephone	Registration Number	
Aircraft telegraph and telephone	Same as for Aircraft telegraph	
Lifeboats, liferafts and other survival craft	Call sign of parent ship or Aircraft plus 2 digits from 20 to 99 inclusive. The parent call sign must in such cases be a 5 letter call, if aircraft, or a 4 letter call, if a ship. See Parts 8 and 9 of this chapter.	
Broadcasting[4] (standard)	4 letters	KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (FM)		KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (FM) (where the last 2 letters are FM).	5 letters[5]	KAA-FM thru KZZ-FM. WAA-FM thru WZZ-FM.
Do	6 letters	KAAA-FM thru KZZZ-FM. WAAA-FM thru WZZZ-FM.
Broadcasting (television)	4 letters	KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (television) (where the last 2 letters are TV).	5 letters[5]	KAA-TV thru KZZ-TV. WAA-TV thru WZZ-TV.
Do	6 letters	KAAA-TV thru KZZZ-TV. WAAA-TV thru WZZZ-TV.
Experimental (where the letter "X" follows the digit).	(2 letters, 1 digit, 3 letters)	KA2XAA thru KZ9XZZ. WA2XAA thru WZ9XZZ.
Amateur (letter X may not follow digit)	(1 letter, 1 digit, 2 letters)	K1AA thru K0ZZ. W1AA thru W0ZZ.
Do	(1 letter, 1 digit, 3 letters)	K1AAA thru K0ZZZ. W1AAA thru W0ZZZ.
Do	(2 letters, 1 digit, 2 letters)	KA1AA thru KZ0ZZ. WA1AA thru WZ0ZZ.
Do	(2 letters, 1 digit, 3 letters)	KA1AAA thru KZ0ZZZ. WA1AAA thru WZ0ZZZ.
Standard frequency		WWV and WWVH.

[1] Except for coastal telephone stations in the Territory of Alaska.
[2] Assignment shall be made according to the call sign district in which the station is located.
[3] See Part 8 of this chapter for assignment of call signs to ships documented by the Customs Bureau of the Treasury Department and provided with distinguishing signals for visual and aural signaling.
[4] Any three-letter call sign now authorized for use by a licensee of a standard broadcast station may continue to be available to such licensee for use by the station to which it now is authorized.
[5] Available only to licensees of Standard broadcast stations already assigned a three-letter call sign.

§ 2.303 *Table of geographic assignment of call signs.* The following geographic allocation of call signs will be used for all fixed, land, and radionavigation land stations except coast stations (other than coastal telephone stations in Alaska).

Call sign area	*Call sequence*[1][2]
Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.	KAA–KBZ WAA–WBZ
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	KCA–KDZ WCA–WDZ
New Jersey, New York	KEA–KFZ WEA–WFZ
Delaware, District of Columbia, Maryland, Pennsylvania	KGA–KHZ WGA–WHZ
Alabama, Georgia, Florida, Kentucky, North Carolina, South Carolina, Tennessee, Virginia.	KIA–KJZ WIA–WJZ
Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas	KKA–KLZ WKA–WLZ
California	KMA–KNZ WMA–WNZ
Arizona, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming	KOA–KPZ WOA–WPZ
Michigan, Ohio, West Virginia	KQA–KRZ WQA–WRZ
Illinois, Indiana, Wisconsin	KSA–KTZ WSA–WTZ
Pacific areas	KUA–KVZ
Alaska	KWA–KZZ
Atlantic-Caribbean areas	WWA–WWZ

[1] Broadcasting station calls do not follow the sequence of this table.
[2] The first two letters of Experimental Station calls will follow the sequence of this table.

SUBPART E—DISTRESS, DISASTER AND EMERGENCY COMMUNICATIONS

§ 2.401 *Distress messages.* Each station licensee shall give absolute priority to radiocommunications or signals relating to ships or aircraft in distress; shall cease all sending on frequencies which will interfere with hearing a radiocommunication or signal of distress and except when engaged in answering or aiding the ship or aircraft in distress, shall refrain from sending any radiocommunications or signals until there is assurance that no interference will be caused with the radiocommunications or signals relating thereto; and shall assist the ship or aircraft in distress, so far as possible, by complying with its instructions.

§ 2.402 *Control of distress traffic.* The control of distress traffic is the responsibility of the mobile station in distress or of the mobile station which, by the application of the provisions of § 2.403, has sent the distress call. These stations may, however, delegate the control of the distress traffic to another station.

§ 2.403 *Retransmission of distress message.* Any station which becomes aware that a mobile station is in distress may transmit the distress message in the following cases:

(a) When the station in distress is not itself in a position to transmit the message.

(b) In the case of mobile stations, when the master or the person in charge of the ship, aircraft, or other vehicles carrying the station which intervenes believes that further help is necessary.

(c) In the case of other stations, when directed to do so by the station in control of distress traffic or when it has reason to believe that a distress call which it has intercepted has not been received by any station in a position to render aid.

§ 2.404 *Resumption of operation after distress.* No station having been notified to cease operation shall resume operation on frequency or frequencies which may cause interference until notified by the station issuing the original notice that the station involved will not interfere with distress traffic as it is then being routed or until the receipt of a general notice that the need for handling distress traffic no longer exists.

§ 2.405 *Operation during emergency.* The licensee of any station, except amateur, may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization: *Provided:* (a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D. C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b)

That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and (c) That the Commission at Washington, D. C., and the Engineer in Charge shall be notified immediately when such special use of the station is terminated: *Provided further*, (d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law: *And provided further*, (e) That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

§ 2.406 *National defense; free service.* Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this rule, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 2.407 *National defense; emergency authorization.* The Federal Communications Commission may authorize the licensee of any radio station during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

SUBPART F—EQUIPMENT TYPE APPROVAL AND TYPE ACCEPTANCE

§ 2.501 *Program defined.* In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, it is necessary for the Commission to ascertain that the equipment involved is capable of meeting the technical operating standards set forth in said statutes, treaties and the Commission's rules and regulations. To facilitate such determinations in those services where equipment is generally standardized, to promote the improvement of equipment and to promote the efficient use of the radio spectrum the Commission has designed two specific procedures for securing advance approval of equipment. These procedures are designated as type approval and type acceptance. Ordinarily, type approval contemplates tests conducted by Commission personnel, while type acceptance is based on data concerning the equipment submitted by the manufacturer or the individual prospective licensee. The procedures described in the sections that follow are intended to apply to equipment in those services which specifically require either type approval or type acceptance. These procedures may also be applied to equipment components, such as radio frequency power amplifiers, etc., to the extent specified in the rules of the particular service in which such components will be used.

§ 2.510 *Type approval.* (a) Type approval is normally based on tests performed at the Commission's laboratory at Laurel, Maryland. In certain cases, type approval may be based on tests performed at other locations provided the tests are conducted in accordance with procedures specified by the Commission and by or under the direction and supervision of Commission personnel.

(b) Application for type approval may be in the form of a letter addressed to the Secretary of the Commission. The letter shall specify the part of the rules under which type approval is desired and shall include any information specifically required to be submitted under such part of the rules. In addition the request shall describe the equipment to be tested and include the size and weight of each component. In most cases, the Commission will advise the applicant to ship the equipment prepaid to Chief, Laboratory Division, P. O. Box 31, Laurel, Md., complete with operating instructions and circuit diagrams. Upon completion of the tests, the equipment will be returned to the applicant, shipping charges collect.

(c) In the event of failure of the equipment to meet the Commission's technical requirements, notice may be given directly by the Chief, Laboratory Division, and arrangements made for modification or adjustment as required.

§ 2.511 *Limitations on type approval.* (a) Type approval is limited to a determination that, if the equipment is properly maintained and operated and no unauthorized change whatsoever is made in its construction, it is capable of complying with the technical requirements of the applicable part of the rules. Type approval shall not be construed as a determination with respect to features not covered by the rules of the service under which the equipment is approved.

(b) Type approval shall not be construed to mean that the equipment will continue to be satisfactory as the Commission's technical standards may be changed to conform with progress in the state of the art.

§ 2.512 *Withdrawal or refusal of type approval.* (a) Type approval may be withdrawn, if upon subsequent inspection or operation it is determined that the manufacturer has made unauthorized changes in the equipment or that the equipment does not comply with the technical requirements of the applicable part of the rules. The procedure for withdrawal of type approval in such cases shall be the same as that prescribed by the Commission for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(b) In the event changes in the Commission's technical standards necessitate the withdrawal of type approval, the procedure to be followed will be set forth in the order finalizing the revised technical standards after appropriate rule making proceedings.

(c) When type approval has been withdrawn, the manufacturer shall make no further sale of equipment which in any manner indicates that such equipment meets the type approval requirements of the Commission.

(d) When type approval has been withdrawn for unauthorized changes by the manufacturer, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new type approval.

(e) Any person affected by a refusal to grant type approval may file a petition for reconsideration within 30 days after written notice of such refusal has been issued, as provided in section 0.202 of the Commission's rules.

§ 2.520 *Type acceptance.* (a) Type acceptance of equipment is based on representations and test data submitted to the Commission by the manufacturer or prospective licensee. This information may be subject to check by Commission measurements.

(b) A separate request for type acceptance shall be submitted for each different type of equipment. Each request shall be in triplicate, signed by the applicant or by a duly authorized representative who shall certify that the application was prepared by him or at his direction and that to the best of his knowledge and belief the facts set forth in the application and accompanying technical data are true and correct. The technical test data required to be submitted shall be certified by the engineer who performed or supervised the tests who shall attach a brief statement of his qualifications.

(c) In the event there is no Commission action on an application for type acceptance within thirty (30) days after the application is filed, or within 30 days after the applicant has submitted additional data at the request of the Commission, the equipment will be deemed approved in accordance with the Commission's type acceptance procedure. The term Commission action as used in this section means either issuance of a public notice, a listing of the accepted equipment on the equipment list or sending a letter or post card to the applicant.

(d) Notice to applicant of type acceptance will be by post card and public notice will be given by listing the accepted equipment on the Commission's equipment list. Notice that an application has been found unacceptable for type acceptance will be by letter to the applicant.

§ 2.521 *Limitation on type acceptance.* (a) Type acceptance is limited to a finding that, insofar as can be determined from the data submitted, and if the equipment is properly maintained and operated and no change is made in its construction, except as provided for in § 2.540 (c), the equipment complies with current technical standards of the service in which the equipment will be operated. The fact that a particular equipment has been type accepted for licensing purposes shall not be construed as a determination with respect to mechanical features, nor of reliability under service conditions, except as provided for in the rules of the service under which the equipment is accepted.

(b) Type acceptance shall not be construed to mean that the equipment will continue to be satisfactory as the Commission's technical standards may be changed to conform with progress in the state of the art.

§ 2.522 *Withdrawal or refusal of type acceptance.* (a) Type acceptance may be withdrawn, if upon subsequent inspection or operation it is determined that the manufacturer has made changes in the equipment other than as provided for in § 2.540 (c), or that the equipment does not comply with the technical requirements of the applicable part of the rules. The procedure for withdrawal of type acceptance shall be the same as that prescribed by the Commission for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(b) In the event changes in the Commission's technical standards necessitate the withdrawal of type acceptance, the procedure to be followed will be set forth in the order finalizing the revised technical standards after appropriate rule making proceedings.

(c) When type acceptance has been withdrawn, the manufacturer shall make no further sale of equipment which in any manner indicates that such equipment meets the type acceptance requirements of the Commission.

(d) When type acceptance has been withdrawn for changes made by the manufacturer where such changes are not in accordance with the provisions of § 2.540 (c), the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new type acceptance.

(e) Any person affected by a refusal to grant type acceptance may file a petition for reconsideration within 30 days after written notice of such refusal has been issued, as provided in section 0.202 of the Commission's rules.

§ 2.523 *General information required for type acceptance.* (a) Each request for type acceptance of equipment shall include the information listed in paragraph (b) of this section and in §§ 2.524 and 2.525. This information is general and is the minimum required for all equipments. In many cases, additional information specific to a particular service is also required. The applicant should carefully read the rules of the service in which the proposed equipment is intended to be operated to make sure that such additional specific information is furnished. If deemed necessary, the Commission may require additional information, test data, or testing in its own Laboratory at Laurel, Maryland, before determining the acceptibility of any specific equipment.

(b) The request shall include the following information insofar as it is applicable to the equipment:

(1) The type number of the equipment in accordance with § 2.540.

(2) The service and rule part under which the equipment is intended to be operated.

(3) Description of equipment: The description of equipment should include the type of emission, frequency range, power rating as defined in the applicable part of the rules, voltages applied to and currents into the several elements of the final amplifier tube or tubes for normal operation, function of each tube, circuit diagrams, instruction books when available, tune-up procedure, a description of the oscillator circuit and any devices installed for the purpose of frequency stabilization. When circuits or devices are employed for limiting modulation or suppression of spurious radiation a description of these should be included. The description should be sufficiently complete to develop all factors that may affect a determination as to whether the equipment will comply with the technical standards of the applicable rule parts.

§ 2.524 *Measurement data required for type acceptance.* Measurements shall be made to establish the following:

(a) Radio frequency power output at the RF output terminals when the transmitter is adjusted in accordance with the tune-up procedure to give the values of current and voltage on the circuit elements specified in § 2.523 (b) (3). Give details of the radio frequency load attached to the output terminals when this test is made.

(b) Modulation characteristics: (1) Voice modulated communications equipment: A curve or equivalent data showing the frequency response of the audio modulating circuit over a frequency range of 100 to 5000 cycles shall be submitted.

(2) Other types of equipment: A curve or equivalent data will be submitted which shows that the equipment will meet the modulation requirements of the rules under which the equipment is to be licensed.

(3) Equipment which employs modulation limiting: If a modulation limiting device or circuit is incorporated in the equipment a curve showng the percentage of modulation versus the modulation input voltage shall be supplied.

(c) Bandwidth occupied: The band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 percent of the total radiated power; measured under the following conditions as applicable:

(1) Telegraph transmitters for manual operation—when keyed at 16 dots per second.

(2) Other keyed transmitters—when keyed at the maximum machine speed.

(3) Voice modulated transmitters equipped with a device to prevent overmodulation when modulated by an input signal 16 db greater than that required to produce 50 percent modulation: Test at 2500 cycles.

(4) Voice modulated transmitter without a device to prevent overmodulation when modulated by an input signal large enough to produce at least 85 percent modulation: Test at 2500 cycles.

(5) Standard broadcast transmitters—when modulated with a frequency of 7500 cycles at 85 percent modulation. FM broadcast transmitters, including TV aural transmitters, when modulated with a frequency of 15 kc at 85 percent modulation.

(6) Transmitters designed for other types of modulation—when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal used should be supplied.

(d) Spurious emissions from the transmitting equipment for the following conditions:

(1) *Radio frequency voltage measurements at the antenna terminals.* The radio frequency voltages generated within the equipment and appearing on a spurious frequency shall be checked at the equipment output terminals when properly loaded with a suitable artificial antenna. Curves or equivalent data shall show the magnitude of each harmonic and other supurious emission that can be detected when the equipment is operated with a carrier modulated under the conditions specified in paragraph (c) of this section for determining the band width occupied. The amplitude of spurious emissions which are more than 20 db below the permissible value need not be shown.

(2) *Field intensity measurements of spurious radiations.* On and after November 15, 1955, a report of field intensity measurements made to detect spurious emissions that may be radiated shall be made for the following equipments:

(i) Those in which the spurious emissions are required to be 60 db or more below the carrier level.

(ii) All equipment operating on frequencies higher than 25 Mc.

(iii) Hand carried transmitters, or others, where the antenna is an integral part of and attached directly to the transmitter.

(iv) Other types of equipment as required, when in the opinion of the Commission, there is need for such measurement.

(e) In all of the measurements set forth in paragraphs (a) to (d) of this section, the spectrum should be investigated from the lowest radio frequency generated in the equipment up to at least the tenth harmonic of the carrier frequency or to the highest frequency possible in the present state of the art of measuring techniques. Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those freqencies removed from the carrier by multiples of the oscillator frequency. Radiation at the frequencies of multiplier stages should also be checked. The amplitude of spurious emissions which are more than 20 db below the permissible value need not be reported.

(f) Frequency stability: The frequency stability of transmitting equipment shall be checked with variations in:

(1) *Temperature.* Vary the ambient temperature from −30° to +50° Centigrade for non-broadcast equipment. Use suitable limits for broadcast equipment. Only the oscillator need be subjected to this test.

(2) *Primary supply voltage.* Vary the primary supply voltage from 85 percent to 115 percent of the normal supply voltage at the input to the cable normally provided with the equipment, or at the power supply terminals if cables are not normally provided.

§ 2.525 *Measurement procedure for type acceptance.*

(a) The Commission will accept data in full accordance with established standards and measurement procedures as published by engineering societies and associations such as the Institute of Radio Engineers, American Institute of Electrical Engineers, the Radio-Electronics-Television Manufacturers Association and the American Standards Association. Specific reference should be made to the standards used. In lieu of such standards, the applicant will submit a description of each measurement procedure together with a listing of the actual test equipment used. The Commission will accept measurements made by a qualified engineer where the procedures employed are based upon sound engineering principles.

(b) For radio frequency equipment other than transmitters, appropriate tests and performance requirements may be specified in other parts of the rules.

§ 2.530 *Submission of technical information for application reference.* (a) Applications for station authorizations in some services require a detailed technical description of the equipment proposed to be used. In order to simplify the preparation and processing of applications by eliminating the need for submission of equipment specifications with each application, the Commission will accept for application reference purposes detailed technical specifications of equipment designed for use in these services. Manufacturers desiring to avail themselves of this procedure should submit in triplicate all information required by the application forms and the rules for the services in which the equipment is to be used. Applications for station authorizations submitted subsequent to such filing may refer to the technical information so filed.

(b) Receipt by the Commission of data for application reference purposes does not imply that the Commission has made or intends to make any finding regarding the acceptability of the equipment for licensing and such equipment will not be included on the list of equipment acceptable for licensing. Each applicant is expected to exercise appropriate care in the selection of equipment to insure that the unit selected will comply with the rules governing the service in which it is proposed to operate.

§ 2.540 *Identification and changes in equipment.* (a) Equipment of the same type is defined for the purposes of type acceptance as being equipment which is electrically and mechanically interchangeable. In addition, transmitters of the same type will have the same basic tube line up, frequency multiplication, basic oscillator circuit, basic modulator circuit, and maximum rated power input.

(b) Each type of equipment for which type approval, type acceptance, or filing for application reference purposes is requested shall be identified by a type number assigned by the manufacturer of the equipment. The type number shall consist of a series of not more than a total of seventeen digits, letters, punctuation marks and spaces. The type number shall be shown on a name plate affixed in a conspicuous place to such equipment. All equipment used pursuant to type approval or type acceptance shall have affixed to it such indication of type approval or type acceptance as may be required in the service rules governing such equipment.

(c) No change whatsoever may be made in the design of type approved equipment without prior authorization from the Commission. When a change is requested, the Commission may authorize the change or require that the modified equipment be identified with a new number and be resubmitted for type approval tests.

(d) Permissive changes may be made in type accepted equipment without prior Commission approval. There are two classifications of permissive changes, neither of which may involve change of type as defined in paragraph (a) of this section. The first classification includes those modifications in type accepted equipment which do not change the equipment characteristics beyond the rated limits established by the manufacturer and accepted by the Commission when obtaining type acceptance. There is no requirement that the Commission be notified of such changes. The second classification of permissive changes includes those which bring the performance of the equipment outside the manufacturers' rated limits as originally filed but not below the minimum requirements of the applicable rules. The Commission shall be supplied with complete information and results of tests regarding this class of permissive changes, in accordance with § 2.520 (b), prior to the operation of the modified equipment under an authorization of the Commission.

(e) Changes in type accepted equipment, except permissive changes as set forth in paragraph (d) of this section, shall not be made except under prior authorization of the Commission. When such a change is requested the Commission may authorize the change or require that the modified equipment be identified with a new type number and that additional information be submitted for further consideration as to type acceptance.

(f) If the assignment of a different type number is required as a result of equipment modification, a new name plate bearing the new type number shall be affixed to the modified equipment.

(g) Users shall not modify their own equipment except as provided in paragraph (c) or (d) of this section, as applicable.

§ 2.541 *Radio equipment lists.* Lists of type approved and type accepted equipment are expected to be published monthly by the Commission when there are changes to be entered. Public notice of type acceptance and type approval will be by publication in the equipment list, a copy of which will be furnished each manufacturer of listed equipment. Equipment which was listed prior to May 16, 1955, will be continued on the list unless it is removed by Commission action in accordance with the provisions of § 2.522. Copies of the Radio Equipment Lists are available for inspection at the Commission's offices in Washington, D. C., and at each of its field offices. The Radio Equipment List is published in three parts:

Part A, Television Broadcast Equipment.
Part B, Aural Broadcast Equipment.
Part C, Other than Broadcast Equipment.

§ 2.542 *Limitation on availability of equipment files for public reference.* (a) Files containing information about equipment submitted by manufacturers and other persons pursuant to the rules in this part will not be open to the public.

(b) The Commission will cooperate with a manufacturer's desire to withhold the addition of new equipment to the radio equipment list until a date no earlier than that specified by the manufacturer.

§ 2.543 *Making available type approved or type accepted equipment for testing or inspection.* Upon request by the Commission any manufacturer of equipment which has been type approved or type accepted by the Commission shall cooperate in making available to the Commission models of said type approved or type accepted equipment in order that the equipment may be tested or inspected either at the place of manufacture or at the Commission's laboratory at Laurel, Maryland.

SUBPART G—LAWS AND INTERNATIONAL TREATIES AND OTHER AGREEMENTS

§ 2.601 *Appendix A—Laws, Treaties, Agreements and Arrangements Relating to Radio.* (Corrected to June 1, 1955. Unless otherwise indicated, copies of these documents listed below may be obtained from the Government Printing Office, Washington 25, D. C.)

(a) The applicable Federal Laws, International Treaties, Agreements, and Arrangements in force relating to radio and to which the United States of America is a party, are listed below:

Date	Series [1]	Subject
1947	TIAS 1670	Interim Arrangement between the United States and Canada with respect to Mobile Radio Transmitting Stations. Effected by exchange of notes signed at Washington, D. C., June 25 and Aug. 20, 1947. Entered into force Aug. 20, 1947. (Not available at the Government Printing Office.)
1947	TIAS 1676	Agreement between the United States and the United Nations relative to headquarters. Signed at Lake Success, June 26, 1947. Entered into force Aug. 4, 1947. (The provisions of the agreement were also made Public Law 357 of the 80th Congress, approved Aug. 4, 1947.) (Not available at the Government Printing Office.)
1947	TIAS 1728	Agreement between the United States and Canada providing for Frequency Modulation Broadcasting in Channels in the 1, 1 and 6 Bands. Effected by exchange of notes signed at Washington, D. C., Oct. 15, 1947. Entered into force Oct. 15, 1947. (Not available at the Government Printing Office.)
1947	TIAS 1901	International Telecommunication Convention, Final Protocol and Radio Regulations. Signed at Atlantic City, Oct. 2, 1947, superseding the International Telecommunications Convention, Madrid, 1932. Entered into force Jan. 1, 1949, except for Radio Regulations enumerated in Article 47. However, the provisions of the Agreement signed at the Extraordinary Administrative Radio Conference, Geneva, 1951, which include the Additional Radio Regulations, are available only from the International Telecommunication Union, Geneva, Switzerland.) (Not available at the Government Printing Office.)
1948	TIAS 1902	Arrangement between the United States and Canada concerning Standard Broadcasting. Engineering Standards Applicable to the Allotment of notes signed at Washington, D. C., Nov. 15, 1947, and Apr. 11, 1948. Entered into force Apr. 1, 1948. (Not available at the Government Printing Office.)
1948	TIAS 2405	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London, June 10, 1948. Entered into force Nov. 19, 1952.
1949	TIAS 2175	Telegraph Regulations (Paris Revision, 1949), annexed to the International Telecommunication Convention (Atlantic City, 1947) and Final Protocol to the Telegraph Regulations. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 1, 1950.
1949	TIAS 2435	Agreement between the United States and Certain British Commonwealth Governments regarding Telecommunications. Signed at London, Aug. 12, 1949. Entered into force, Feb. 24, 1950. This Agreement was amended by TIAS 2705 which was signed Oct. 1, 1952.
1949	TIAS 2489	Inter-American Radio Agreement between the United States and Canada and Other American Republics. (Fourth Inter-American Radio Conference.) Signed at Washington, D. C., July 9, 1949. Entered into force Apr. 13, 1952, subject to the provisions of Article 31.
1950	TIAS 2433	Agreement between the United States and Ecuador concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Quito, Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1951	TIAS 2223	Agreement between the United States and Liberia regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Monrovia Nov. 9, 1950, and Jan. 9, 9 and 10, 1951. Entered into force Jan. 11, 1951.
1951	TIAS 2508	Treaty with Canada relating to Mutual Recognition by the United States and Canada of Certificates of Competency and Operator Licenses issued in either country. Signed at Ottawa Feb. 8, 1951. Entered into force May 15, 1952.
1951	TIAS 2259	Agreement between the United States and Ceylon concerning the Use of Facilities of Radio Ceylon. Effected by exchange of notes signed at Colombo May 12 and 14, 1951. Entered into force May 14, 1951.
1951	TIAS 2306	Agreement between the United States and Mexico which assigns Television Frequency Channels in the 76-216 Mc Band to Cities of the United States-Mexico Border. Effected by exchange of notes signed at Mexico Aug. 10 and Sept. 26, 1951. Entered into force Sept. 26, 1951. (TIAS 2306 is amended by TIAS 2654 which was signed at Mexico City June 4 and 25, 1952.)
1951	TIAS 2459	Agreement between the United States and Cuba concerning the Control of Electromagnetic Radiation. Effected by exchange of notes signed at Habana Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1951	TIAS 2753	Administrative Radio Conference to bring Agreement signed at the Extraordinary Administrative Radio Conference to bring into force the Atlantic City Allocations and other provisions of the Radio Regulations (Atlantic City, 1947) not brought into force Jan. 1, 1949. Signed at Geneva, Dec. 3, 1951. Entered into force Mar. 1, 1952.
1952	TIAS 2320	Agreement between the United States and Cuba regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Habana, Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952.
1952	TIAS 2548	Agreement between the United States and Denmark regarding the Registration of Frequencies for Fixed Stations in Greenland by United States Authorities. Effected by exchange of notes signed at Washington, D. C., Mar. 28 and Apr. 4, 1952. Entered into force Apr. 4, 1952.

Date	Series [1]	Subject
1925	T. S. 724–A	Arrangements between the United States, Great Britain, Canada, and Newfoundland. Effected by exchange of notes signed September and October 1925, providing for the prevention of interference by ships of the coast of the United States with radio broadcasting. Entered into force Oct. 1, 1925. (Not available at the Government Printing Office.)
1928 and 1929	T. S. 767–A	Arrangement between the United States and the Dominion of Canada governing radio communication between private experimental stations. Effected by exchange of notes signed Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This Arrangement is continued by the Arrangement contained in E. A. S. 62. (Not available at the Government Printing Office.)
1929	T. S. 777–A	Arrangement between the United States, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American Continent. Effected by exchange of notes signed at Washington, D. C., Feb. 26 and 28, 1929. Entered into force Mar. 1 of Oct. 5, 1933.) Arrangement still in force with respect to the United States and Canada (including Newfoundland). (Not available at the Government Printing Office.)
1934		Communications Act of 1934, as amended.
1934	E. A. S. 62	Arrangement between the United States and the Dominion of Canada relative to radio communications between private commercial stations and between amateur stations. Effected by exchange of notes Apr. 23 and May 2 and 4, 1934. Entered into force on May 4, 1934. (Not available at the Government Printing Office.)
1934	E. A. S. 66	Arrangement between the United States and Peru concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Feb. 16 and May 23, 1934. Entered into force May 23, 1934. (Not available at the Government Printing Office.)
1934	E. A. S. 72	Arrangement between the United States and Chile relative to radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed at Santiago Feb. 2 and 17, 1934. Entered into force Aug. 17, 1934. (Not available at the Government Printing Office.)
1937	E. A. S. 109	Agreement between the United States and Canada relating to the exchange of Information concerning Issuance of radio licenses. Effected by exchange of notes signed Mar. 2 and 10, Aug. 17, Sept. 8 and 20, Oct. 9, 1937. Effective Jan. 1, 1938. (This Agreement was largely superseded by TIAS 2027 and TIAS 1553) and under the Inter-American Radio Regulations (TIAS 1892) and the Telecommunications Convention (T. S. 938). (Not available at the Government Printing Office.)
1937	T. S. 938	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Habana, Dec. 13, 1937 (First Inter-American Conference). Entered into force Apr. 17, 1939. (Not available at the Government Printing Office.)
1937	T. S. 962	North American Regional Broadcasting Agreement (NARBA) between the United States, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Habana, Dec. 13, 1937. Entered into force Mar. 29, 1941. E. A. S. 227 and TIAS 1553 supplement this agreement. (Not available at the Government Printing Office.)
1938	T. S. 949	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City, Dec. 8, 1938. Entered into force Oct. 8, 1939 (Not available at the Government Printing Office.)
1938	E. A. S. 136	Arrangement between the United States and Canada relating to Radio Broadcasting. Effected by exchange of notes signed Oct. 28, 1938, and Mar. 29, 1940. Entered into force Mar. 29, 1940. (Not available at the Government Printing Office.)
1938	E. A. S. 142	Agreement between the United States and Canada concerning Radio Communications. Effected by exchange of notes signed in June, July, August, September, October, November and December 1938. Entered into force Aug. 1, 1938. (Not available at the Government Printing Office.)
1939	E. A. S. 143	Arrangement between the United States and Canada concerning the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes signed Feb. 20, 1939. Entered into force Feb. 20, 1939. (Not available at the Government Printing Office.)
1940	E. A. S. 190	Agreement between the United States and Mexico with regard to Broadcasting. Effected by exchange of notes signed Aug. 24 and 28, 1940. Entered into force Mar. 28, 1941. (Not available at the Government Printing Office.)
1941	E. A. S. 227	Supplementary North American Regional Broadcasting Agreement signed at Washington, D. C., Jan. 30, 1941. Entered into force Mar. 29, 1941. (See T. S. 962 and TIAS 1553). (Not available at the Government Printing Office.)
1944	E. A. S. 400	Agreement between the United States and Canada concerning Construction and Operation of Radio Broadcasting Stations in Northwestern Canada. Effected by exchange of notes signed at Ottawa Nov. 5, and 25, 1943, and Jan. 17, 1944. Entered into force Jan. 17, 1944. (Not available at the Government Printing Office.)
1946	TIAS 1527	Agreement between the United States and the Union of Soviet Socialist Republics at Moscow, May 24, 1946. Entered into force May 24, 1946. (Not available at the Government Printing Office.)
1946	TIAS 1553	North American Regional Broadcasting (NARBA) Interim Agreement between the United States and Other Governments (Mexico City, March 29, 1946. (See T. S. 962 and E. A. S. 227.) Supplemented by an Arrangement between the United States and Canada concerning Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540–1600 kc) (TIAS 1892 which entered into force, Apr. 1, 1948). (Not available at the Government Printing Office.)
1947	TIAS 1652	Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland concerning Telecommunication Standardization of Distance Measuring Equipment. Signed at Washington, D. C., Oct. 13, 1947. Entered into force Oct. 13, 1947. (Not available at the Government Printing Office.)

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Acts Series.

[2] In addition, certain resolutions and recommendations were adopted by a number of countries, members of the International Telecommunication Union Region 2 at Washington, D. C., on July 9, 1949. (Not available at the Government Printing Office. Available from the International Telecommunication Union, Geneva, Switzerland.)

Date	Series [1]	Subject
1952	TIAS 2594	Agreement between the United States and Canada which assigns Television Frequency Channels to Cities within 250 Miles of the United States-Canadian Border. Effected by exchange of notes signed at Ottawa Apr. 23, 1952, and June 23, 1952. Entered into force June 23, 1952. (Not available at the Government Printing Office.)
1952	TIAS 2654	Amendment to TIAS 2366. Amends the Agreement between the United States and Mexico on the Allocation of Television Channels Along the United States-Mexican Border. Signed at Mexico June 4 and 25, 1952. Entered into force June 25, 1952.
1952	TIAS 2666	Agreement between the United States and Canada for the Purpose of Promoting Safety on the Great Lakes by Means of Radio. The Agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa, Feb. 21, 1952. Ratifications exchanged at Washington, D. C., Nov. 13, 1952. Entered into force Nov. 13, 1954. (Not available at the Government Printing Office.)
1952	TIAS 2701	Agreement between the United States and Haiti regarding Short Range Aid to Navigation. Effected by exchange of notes signed at Port-au-Prince Aug. 22 and 29, 1952. Entered into force Aug. 29, 1952.
1952	TIAS 2705	London Revision (1952) of the London Telecommunication Agreement (1949) between the United States and Canada and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed at London Aug. 12, 1949.

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Acts Series.

(b) In addition, the United States of America is bound by certain treaties and agreements which are generally considered as superseded because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound to the original document with respect to our relations with these particular countries. These include the following:

Date	Series [1]	Subject
1912	T. S. 581	International Radiotelegraph Convention, Final Protocol and Service Regulations. Signed at London, July 5, 1912. Entered into force July 1, 1913. (Not available at the Government Printing Office.)
1927	T. S. 767	International Radiotelegraph Convention and General Regulations. Signed at Washington, D. C., Nov. 25, 1927. Entered into force Jan. 1, 1929. (Not available at the Government Printing Office.)
1932	T. S. 867	International Telecommunication Convention, General Radio Regulations annexed to the International Telecommunication Convention. Signed at Madrid Dec. 9, 1932. Entered into force Jan. 1, 1934. (Not available at the Government Printing Office.)
1937	E. A. S. 200	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Habana Dec. 13, 1937. Entered into force July 1, 1938. This Arrangement was replaced by the Inter-American Agreement concerning Radiocommunications signed at Santiago Jan. 26, 1940 (E. A. S. 231). Countries which approved the 1937 Arrangement but which have not approved the 1940 Arrangement are: Haiti, Mexico, Panama, and Peru. (Not available at the Government Printing Office.)
1938	T. S. 948	General Radio Regulations (Cairo Revision, 1938) and Final Radio Protocol (Cairo Revision, 1938) annexed to the International Telecommunication Convention of Madrid, 1932. Superseded by the Radio Regulations annexed to the International Telecommunication Convention (Atlantic City, 1947). Entered into force Sept. 1, 1939. (Not available at the Government Printing Office.)
1940	E. A. S. 231	Inter-American Radio Communications Agreement between the United States, Canada, and Other American Republics. (Second Inter-American Radio Conference). Signed at Santiago Jan. 26, 1940. (Not available at the Government Printing Office.)

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series.

(c) The following treaties, agreements, and arrangements have been signed by the United States of America and are included for informational purposes because of their importance, or for the imminence of their effective dates:

Date	Series [1]	Subject
1950		North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, United Kingdom of Great Britain and Northern Ireland for the Territories in the North American Region (Bahama Islands and Jamaica). Signed at Washington, D. C., Nov. 15, 1950. Agreement will enter into force subsequent to ratification or adherence of at least three of the following four countries, in accordance with Part III, Paragraph 1, of the Agreement: Canada, Cuba, Mexico and the United States. Subject to ratification procedure in the United States. (Not available at the Government Printing Office. Available from the Department of State Telecommunications Policy Staff, Washington 25, D. C.)
1952		Buenos Aires International Telecommunication Convention. A revision of the Atlantic City Convention of 1947. Subject to completion of ratification procedure in the United States. (Not available at the Government Printing Office. Available from the International Telecommunication Union, Geneva, Switzerland.)

[1] TIAS—Treaties and Other International Acts Series.

(d) There are, in addition to the foregoing, certain treaties, agreements, or arrangements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission, insofar as they involve communications. Among the most important of these are the following:

Date	Series [1]	Subject
1944	TIAS 1591	International Civil Aviation Convention.[2] Signed at Chicago, Dec. 7, 1944. Entered into force Apr. 4, 1947.
1946 to present		ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.[2]
1946		ICAO Communication Division, Second Session, Montreal.[2]
1949		ICAO Communication Division, Third Session, Montreal.[2]
1951		ICAO Communication Division, Fourth Session, Montreal.[2]
1954		ICAO Communication Division, Fifth Session, Montreal.[2]

[1] TIAS—Treaties and Other International Acts Series.
[2] Not Available at the Government Printing Office. Available from the Secretary General of ICAO, International Aviation Building, 1080 University St., Montreal, Canada.

§ 2.602 *Appendix B—Date and method of entry into force of the ITU Radio Regulations (Atlantic City, 1947) listed in Article 47 thereof as not entering into force on 1 January 1949, based on provisions of the Geneva Agreement (Agreement of the Extraordinary Administrative Radio Conference, Geneva, 1951).*

EXPLANATION

Admin.—Administrative.
Aero. Mol.—Aeronautical Mobile.
As. Cty. Band—frequency band in Table of Frequency Allocations in Radio Regulations (Atlantic City, 1947).
Eff.—Effective.
exc.—except.
G. A.—Agreement signed at the ITU Extraordinary Administrative Radio Conference, Geneva, 1951.
Geneva Agreement—Agreement signed at the ITU Extraordinary Administrative Radio Conference, Geneva, 1951.
ITU—International Telecommunication Union.
KC or kc—Kilocycles per second.
MC or Mc—Megacycles per second.
MM—maritime mobile.
Region—one of the three Regions of the world designated by the ITU for purposes of frequency allocation (see 100.1 RR); Region 2 includes the Western Hemisphere.
RR—ITU Radio Regulations of Atlantic City, 1947.

NOTE: Below, items in lower case letters refer only to ITU Regions 1 or 3.

Description of the provisions of the Radio Regulations, Atlantic City, 1947		Date (day, month, year) and method of entry into force and remarks	Reference, G. A.
Number	Subject		
ARTICLE 2	DESIGNATION OF EMISSIONS	1 MARCH 52	294
109	TABLE OF FREQUENCY ALLOCATIONS:		
	10-14 KC	ARTICLE 47 RR APPLIES	
	14—55 KC WORLD-WIDE	15 AUG. 52	171
	55—150 KC WORLD-WIDE	15 AUG. 53	173, 174
	150—285 kc Region 1 African area	1 July 52	177
	150—255 kc Region 1 (exc. Afr. area).	15 Mar. 50, in accordance Copenhagen Plans, 1948.	178.1
	150—200 KC REGION 2	1 DEC. 52	183
	150—200 kc Region 3	1 Feb. 53	189
	200—535 KC REGION 2	1 NOV. 52	183
	200—415 kc Region 3	4 Jan. 53	189
	255—285 kc Region 1 (exc. Afr. area).	1 July 52	178
	285—315 kc Region 1 African area	1 Jan. 53	177
	285—320 kc Region 1 (exc. Afr. area).	1 Aug. 53	178
	315—405 kc Region 1 African area	1 July 52	177
	320—415 kc Region 1 (exc. Afr. area).	1 July 52	178
	405—525 kc Region 1 African area	1 May 52	177
	415—1605 kc Region 1 (exc. Afr. area).	15 Mar. 50, in accordance Copenhagen Plans, 1948.	178.1
	415—1605 kc Region 3	1 Feb. 53	189
	525—1605 kc Region 1 African area	1 Aug 52	177
	535—1605 KC REGION 2	1 DEC. 52	183
	1605—2850 kc (exc. ship freqs. other than 2182 kc) Region 1.	1 May 53	179
	1605—2850 kc ship frequencies (exc. 2182 kc) Region 1.	1 Nov. 53	179
	1605—2000 KC REGION 2	1 JAN. 52	183
	1605—2850 kc (exc. ship stns.) Region 3.	1 Feb. 53	189
	1605—2805 kc ship stations (exc. 2182 kc) Region 3.	30 Apr. 53	189
	2000—2850 KC REGION 2	EFF. DATE TO BE DETERMINED PER 1076.1 RR.	185
	2182 KC WORLD-WIDE	PER 148 RR, SHALL BE BROUGHT INTO EFFECT 0200 GMT 1 May 53.	192
	2850—3950 kc Region 1	Eff. date to be determined by Admin. Radio Conference.	180
	2850—4000 KC REGION 2	EFF. DATE TO BE DETERMINED BY ADMIN. RADIO CONFERENCE.	186
	2850—3950 kc Region 3	Eff. date to be determined by Admin. Radio Conference.	190
	3950—27500 kc Region 1	Eff. date to be fixed by Admin. Radio Conference.	170
	3950—27500 kc Region 3	Eff. date to be fixed by Admin. Radio Conference.	170
	4000—27500 KC REGION 2	EFF. DATE TO BE FIXED BY ADMIN. RADIO CONFERENCE.	170

Description of the provisions of the Radio Regulations, Atlantic City, 1947		Date (day, month, year) and method of entry into force and remarks	Reference, G. A.
Number	Subject		
	NEW INTERNATIONAL FREQUENCY LIST:		
	10—14 KC	ARTICLE 47 RR APPLIES	
	14—55 KC WORLD-WIDE	15 AUG. 52	171
	55-150 kc Region 1	15 Aug. 53; navigation aid assignments per 111 & 113 RR may be prior, by special arrangements.	173
	55—150 KC REGION 2	15 AUG. 52; see 175 G. A. relating to interference to Region 1 between 15 Aug. 52 and 15 Aug. 53.	174, 175
	55—150 kc Region 3	15 Aug. 52; see 175 G. A. relating to interference to Region 1 between 15 Aug. 52 and 15 Aug. 53.	174, 175
	150—255 kc Region 1 African area	1 July 52; start movement to assignments 1 May 52.	177
	150—255 kc Region 1 (exc. Afr. area).	15 Mar. 50, in accordance Copenhagen Plans, 1948.	178.1
	150—200 KC REGION 2	1 DEC. 52	183
	150—200 kc Region 3	1 Feb. 53; start movement to assignments 1 Dec. 52.	189
	200—535 KC REGION 2	1 NOV. 52	183
	200—415 kc Region 3	4 Jan. 53; move to assignments 1400 GMT 4 Jan. 53.	189
	255—285 kc Region 1 African Area	1 July 52	177
	255—285 kc Region 1 (exc. Afr. area).	1 July 52; some assignments eff. 15 Mar. 50 (Copenhagen Plans, 1948).	178, 178.1
	285—315 kc Region 1 African area	1 Jan. 53	177
	285—320 kc Region 1 (exc. Afr. area).	1 Aug. 53; move to assignments 1 Aug. 53; some assignments eff. 15 Mar. 50 (Copenhagen Plans, 1948).	178, 178.1
	315—405 kc Region 1 African area	1 July 52	177
	320—415 kc Region 1 (exc. Afr. area).	1 July 52; some assignments effective 15 March 50 (Co en Plans, 1948).	178, 178.1
	405—525 kc Region 1 African area	1 May 52; mov. assignments at 0200 GMT May 1, 1952.	177
	415—1605 kc Region 1 (exc. Afr. area).	15 Mar. 50, in accordance Copenhagen Plans, 1948.	178, 178.1
	415—535 kc Region 3	1 Feb. 53; move to assignments 1400 GMT 1 Feb. 53.	189
	525—1605 kc Region 1 African area.	1 Aug. 52; start movement to assignment 1 May 52.	177
	535—1605 KC REGION 2	1 DEC. 52	183
	535—1605 kc Region 3	1 Feb. 53; start move to assignments 1 Dec. 52.	189
	1605—2850 kc (exc. ship freqs. other than 2182 kc) Region 1.	1 May 53; move to assignments 0200 GMT 1 May 53; 2182 kc effective per Article 24 G. A.	179, 192
	1605—2850 kc ship frequencies (exc. 2182 kc) Region 1.	1 Nov. 53; start movement to assignments 1 May 53.	179
	1605—2000 KC REGION 2	1 JAN. 52	183
	1605—2850 kc (exc. ship stations) Region 3.	1 Feb. 53; coast stations move to assignments 1400 GMT 1 Feb. 53; others start move 1 Dec. 52.	189
	1605—2850 kc ship stations (exc. 2182 kc) Region 3.	30 Apr. 53; start movement to assignments (exc. 2182 kc) 1 Dec. 52.	189
	2000—2850 KC REGION 2	EFF. DATE TO BE DETERMINED PER 1076.1 RR; MOVE TO ASSIGNMENTS PER COORDINATED PROGRAM, G. A.	184, 185
	2182 kc Region 3	Brought into use in accordance Art. 24 G. A. at 0200 GMT 1 May 53.	189
	2850—3950 kc Region 1	Eff. date to be determined by Admin. Radio Conference; start move to assignments 1 May 52.	180, 181
	2850—4000 KC REGION 2	EFF. DATE TO BE DETERMINED BY ADMIN. RADIO CONFERENCE: MOVE TO ASSIGNMENTS PER PROGRAM, G. A.	186, 187
	2850—3950 kc Region 3	Eff. date to be determined by Admin. Radio Conference; start movement to assignments 1 Feb. 53.	190, 191
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	3950—27500 kc Region 3	Eff. date to be fixed by Admin. Radio Conference.	170
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Description of the provisions of the Radio Regulations, Atlantic City, 1947		Date (day, month, year) and method of entry into force and remarks	Reference G. A.
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600 (1st sentence)	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—SURVIVAL CRAFT.	1 MARCH 52	294
600 (2d sentence)	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—SURVIVAL CRAFT.	SAME DATES AS CALLING BANDS APP. 10; DATES TO BE AGREED PER PROCEDURE 130, 134 & 138 GEN. AGR.	294, 301,
601	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—SURVIVAL CRAFT.	1 MARCH 52	294
621	OPERATION OF RADIOTELEGRAPH PROCEDURE IN MM & AERO MBL SERVICES.	AS FROM DATE WHEN EACH STATION COMMENCES OPERATION IN APPROPRIATE AT. CTY. BAND.	294
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725 (1st sentence)	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	1 MARCH 52	294
725 (2d sentence)	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	DATES SPECIFIED IN 176–191 G. A. FOR ENTRY INTO FORCE OF APPROPRIATE BAND (SEE 109 RR ABOVE).	294
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733–754	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	1 MARCH 52	294
755–763	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	SAME DATE AS APPROPRIATE BAND APP. 10; DATE TO BE AGREED PER PROCEDURE 130, 134 & 138 G. A.	294, 301
764–767	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	1 MARCH 52	294
768	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	SAME DATE AS APPROPRIATE BAND APP. 10; DATE TO BE AGREED PER PROCEDURE 130, 134 & 138 G. A.	294, 301
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771, 772	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	SAME DATE AS APPROPRIATE BAND APP. 10; DATE TO BE AGREED PER PROCEDURE 130, 134 & 138 G. A.	294, 301
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774	USE OF FREQUENCIES FOR RADIOTELEGRAPHY IN MM & AERO MBL SERVICES.	AS FROM DATE WHEN EACH COAST STATION COMMENCES OPERATIONS IN APPROPRIATE AT. CTY. BANDS.	294
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309–351	PROCEDURE IN CONNECTION WITH IFRB—NOTIFICATION & REGISTRATION: 10—14 KC	THIS BAND NOT MENTIONED IN GENEVA AGREEMENT.	
	14—55 KC WORLD-WIDE	15 AUG. 52	206
	55—150 KC WORLD-WIDE	15 AUG. 52	206
	150—285 kc Region 1 African area	1 July 52	206
	150—255 kc Region 1 (exc. Afr. area).	No date in Geneva Agreement; see 207	206, 207
	150—200 KC REGION 2	G. A. re Interim procedures. 1 DEC. 52	206
	200—285 kc Region 3	1 Feb. 53	206
	200—415 KC REGION 2	1 Feb. 53	206
	200—416 kc Region 3	4 Jan. 53	206
	255—285 kc Region 1 (exc. Afr. area).	1 July 52	206
	285—315 kc Region 1 African area	1 Jan. 53	206
	285—320 kc (exc. Afr. area)	1 Aug. 53	206
	315—405 kc Region 1 African area	1 July 52	206
	320—416 kc Region 1 (exc. Afr. area).	1 July 52	206
	405—525 kc Region 1 African area	1 May 52	206
	415—1605 kc Region 1 (exc. Afr. area).	No date in Geneva Agreement; see 207 G. A. re Interim Procedures.	206, 207
	415—1605 kc Region 3	1 Feb 53	206
	525—1605 kc Region 1 African area	1 Aug. 52	206
	605—1605 KC REGION 2	NO DATE IN GENEVA AGREEMENT; INTERIM PROCEDURES 210–279 G.A. APPLY.	206, 207
	1605—2850 kc Region 1	1 Nov 53	207
	1605—2000 KC REGION 2	1 JAN 52	207
	1605—2850 kc Region 3	30 Apr 53	207
	2000—27500 KC REGION 2	NO DATE IN GENEVA AGREEMENT; INTERIM PROCEDURES No date in Geneva Agreement; Interim Procedures 210–279 G.A. apply.	207, 210–279
	2850–27500 kc Region 1	No date in Geneva Agreement; Interim Procedures 210–279 G.A. apply.	207, 210–279
	2850–27500 kc Region 3	INTERIM PROCEDURES FOR THIS BAND CONTAINED IN 210–279 G.A.	207, 210–279
	27500 KC AND UP, WORLD-WIDE	1 MARCH 52	207
352–361	PROCEDURE IN CONNECTION WITH THE IFRB—STUDIES & RECORDS.	1 MARCH 52	207
ARTICLE 12	INTERNAL REGULATIONS OF THE IFRB.	1 MARCH 52	207
ARTICLE 17	QUALITY OF EMISSIONS	1 MARCH 52 (WITH MODIFICATIONS TO APPENDIX 3 DESCRIBED BELOW).	207
ART. 20 (exec. 447, 448, 470).	SERVICE DOCUMENTS	1 MARCH 52	207
447, 448, 470	SERVICE DOCUMENTS	SUPERSEDED BY 280–285 G.A.	280–285
573	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—GENERAL.	AS FROM DATE WHEN EACH STATION COMMENCES OPERATION IN THE APPROPRIATE AT. CTY. BANDS.	207
574–580	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—GENERAL	1 MARCH 52	207
581	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—SHIPS.	AS FROM DATE WHEN EACH STATION COMMENCES OPERATIONS IN THE APPROPRIATE AT. CTY. BAND, except for ship stations between 1605 & 4000 kc in Region 1, for which 381 shall not come into force.	207, 381
582	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—SHIPS.	AS FROM DATE OF ENTRY INTO FORCE OF APPROPRIATE AT. CTY. BANDS.	207
583–588	CONDITIONS TO BE OBSERVED	1 MARCH 52	207
589	CONDITIONS TO BE OBSERVED BY MOBILE STATIONS—SHIPS.	1 MAY 53	207

[F. R. Doc. 55–5093; Filed, June 24, 1955; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 2—PROCEDURES FOR HANDLING AND SETTLEMENT OF CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

EDITORIAL NOTE: Federal Register Document 55–4708, appearing at page 4164 of the issue for Tuesday, June 14, 1955, constitutes a revision of 15 CFR Part 2 (12 F. R. 3080, as redesignated at 13 F. R. 6621), and should have been published under the headnotes above.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5984]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ARTISTIC CARD PUBLISHING CORP. ET AL.

Subpart—*Combining or conspiring:* § 13.430 *To enhance, maintain or unify prices.* In or in connection with the offering for sale, sale, or distribution of greeting cards in interstate commerce, and on the part of respondent Artistic Card Publishing Corp., and on the part of the four other corporate respondents, and their officers, etc., directly or indirectly, jointly or severally, or through any corporate or other device, engaging in, entering into, participating in or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between any two or more of said respondents, or between any one or more of said respondents and another, or others not parties, to: Fix or establish prices at which said greeting cards are to be sold or offered for sale, fix or establish quantity brackets, fix or establish any common method or formula for calculating prices or using any such method or formula so established or fixed, and holding meetings at which prices, terms, conditions of sale, or trade practices or policies designed to eliminate competition in price or otherwise are discussed or acted upon; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Artistic Card Publishing Corp. (Elmira, N. Y.) et al., Docket 5984, May 12, 1955]

In the Matter of Artistic Card Publishing Corp., Chilton Greetings Company, Doehla Greeting Cards, Inc., White Plains Greeting Card Corp., Card Mart, Inc., Colonial Greetings, Inc., Elmira Greeting Card Co., Inc., Phillips Card Company, United Craftsmen, Inc., Hedenkamp & Company, Clyde L. Evans, and Lawrence E. Evans, Individually and as Copartners, Trading and Doing Business as New England Art Publishers; and Charles E. Schwer and John L. Schwer, Individuals and Copartners Trading and Doing Business as Charles E. Schwer Co. and Artistic Card Company, Inc.

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint and amended complaint of the Commission, which charged respondents joined in the latter with agreeing to fix prices, quantity brackets, discounts, terms, and conditions of sale, and with separating orders and thereby avoiding consolidation of quantities to avoid lower prices for the larger quantities in a single order, in violation of section 5 of the Federal Trade Commission Act; respondents' answers; various hearings at which testimony and other evidence were introduced; and upon a stipulation entered into between counsel whereby it was agreed, following the dismissal for failure to establish a prima facie case against certain of the respondents named in the original complaint, that the remaining respondents named in the amended complaint, along with a new respondent, the alter ego of one of said remaining respondents, with the same stockholders and directors, would stand upon answers filed in the original complaint, and that the record made under said original complaint should be considered the record under the otherwise identical amended complaint, and as the basis for disposition by the hearing examiner of the proceeding.

Thereafter, following the filing of proposed findings of facts and conclusions by all counsel except on behalf of respondent Card Mart, Inc., and Elmira Greeting Card Co., Inc., and the closing of the case, said hearing examiner made his initial decision in which he set forth the aforesaid matters, and, based upon consideration of the entire record and his observation of the witnesses, his finding that the proceeding was in the interest of the public, and his findings as to the facts,[1] and his order, including order to cease and desist, as to the four manufacturing respondents, and said affiliated respondent, order denying all motions to dismiss the proceeding as to said respondents, and order dismissing the proceeding as to the distributor respondents.

Thereafter, following appeals from said hearing examiner's initial decision by counsel in support of the complaint and on behalf of respondents, and the decision of the Commission denying said appeals for the reasons therein set forth, the matter was disposed of by the Commission's "Final Order", dated May 12, 1955, as follows:

This matter having come before the Commission on appeals from the hearing examiner's initial decision filed by counsel in support of the complaint and on behalf of respondents Artistic Card Publishing Corp., Chilton Greetings Company, Doehla Greeting Cards, Inc., White Plains Greeting Card Corp., and Artistic Card Company, Inc.; and the matter having been heard on briefs and oral argument; and the Commission having rendered its decision denying the appeals and affirming the initial decison:

It is ordered, That the aforesaid respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have com-

[1] Filed as part of the original document.

plied with the order contained in said initial decision.

The order in said initial decision, thus adopted as the decision of the Commission, is as follows:

It is ordered, That respondents, Artistic Card Publishing Corp., a corporation, Chilton Greetings Company, a corporation, Doehla Greeting Cards, Inc., a corporation, White Plains Greeting Card Corp., a corporation, doing business in its own corporate name or in the name of its division, Thomas Doran Co., or any other name, Artistic Card Company, Inc.,[1] a corporation, and the officers, agents, employees and representatives of each of them, directly or indirectly, jointly or severally or through any corporate or other device, in or in connection with the offering for sale, sale, or distribution of greeting cards in interstate commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from engaging in, entering into, participating in or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between any two or more of said respondents, or between any one or more of said respondents and another, or others not parties hereto, to do or perform any of the following acts or things: Fixing or establishing prices at which said greeting cards are to be sold or offered for sale, fixing or establishing quantity brackets, fixing or establishing any common method or formula for calculating prices or using any such method or formula so established or fixed and from holding meetings at which prices, terms, conditions of sale, or trade practices or policies designed to eliminate competition in price or otherwise are discussed or acted upon.

It is further ordered, That all motions to dismiss this proceeding as to them, filed by the above-named respondents, be, and the same are, hereby denied.

It is further ordered, That this proceeding be, and the same hereby is, dismissed as to respondents Card Mart, Inc., Colonial Greetings, Inc., Elmira Greeting Card Co., Inc., Phillips Card Company, United Craftsmen, Inc., Hedenkamp & Co., Inc., all corporations, and as to respondents Clyde L. Evans and Lawrence E. Evans, copartners doing business under the partnership name of New England Art Publishers, and as to respondents Charles E. Schwer and John L. Schwer, copartners doing business under the partnership name of Charles E. Schwer Co., and motions to that end, filed by these respondents, are accordingly granted.

Issued: May 12, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-5094; Filed, June 24, 1955; 8:50 a. m.]

[1] Since Artistic Card Publishing Corp. and Artistic Card Company, Inc., have common ownership, direction and control, any order against one alone could be easily ignored by the other, therefore both are included. The one is the alter ego of the other.

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 270—CIGARS AND CIGARETTES: MANUFACTURERS, IMPORTERS, AND DEALERS

On May 10, 1955, a notice of proposed rulemaking with respect to regulations designated as Part 270 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (20 F. R. 3154). The purposes of the proposal were to implement the Internal Revenue Code of 1954, which necessitated the issuance of new regulations, and to supersede 26 CFR (1939) Part 140, as last amended by Treasury Decision 6052, approved November 10, 1953, and 26 CFR (1939) Part 457, as added by Treasury Decision 4744, approved June 24, 1937, insofar as they relate to cigars and cigarettes. No data, views, or arguments pertaining thereto having been received during the period of 15 days from the date of publication of said notice, the regulations so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. The preamble is amended by adding a new paragraph 3.

PAR. 2. Section 270.151 is amended by striking from the second sentence, which begins, "Such manufacturers", the words "his bond," and inserting in lieu thereof the words "their bonds,".

PAR. 3. Section 270.159 is amended by inserting a comma after the word "used" and by striking the word "and" in the phrase "and experimenting" and inserting in lieu thereof the word "or".

PAR. 4. Section 270.161 is amended by striking the words "in order that" in the phrase "in order that credit therefor in the records" and inserting in lieu thereof the word "before".

PAR. 5. Section 270.163 is amended by striking from the last sentence, which begins, "Such claim shall", the phase "why the claim shall be allowed," and inserting in lieu thereof the following: "relied upon for the allowance of the claim".

PAR. 6. Section 270.166 is amended by striking therefrom the second, third, and fourth sentences, which begin, "Before such tobacco", "the manufacturer shall", and "All copies of the applicable form", respectively, and adding in lieu thereof the following new sentences: "Before such tobacco materials, cigars, and cigarettes are released to him, the manufacturer shall prepare and furnish to the collector of customs having custody of the tobacco materials, cigars, and cigarettes, a notice of release of tobacco materials, Form 2146, or a notice of release of cigars and cigarettes, Form 2145, as the case may be. With respect to Form 2145, it will be necessary for the manufacturer to present such notice to the assistant regional commissioner for his endorsement to show that the applicant is a properly qualified manufacturer in his region before it is furnished to the collector of customs. The collector of customs shall insert the date of release of the tobacco materials or cigars and cigarettes described thereon, return one copy to the manufacturer, retain one copy for his records, and transmit one copy to the assistant regional commissioner shown thereon."

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: June 21, 1955.

M. B. FOLSOM,
Acting Secretary of the Treasury.

Preamble. 1. These regulations, 26 CFR Part 270, "Cigars and Cigarettes—Manufacturers, Importers, and Dealers," are promulgated to implement the Internal Revenue Code of 1954 and supersede 26 CFR (1939) Part 140, as last amended by Treasury Decision 6052, approved November 10, 1953, and Part 457, as added by Treasury Decision 4744, approved June 24, 1937, insofar as they relate to cigars and cigarettes.

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. The regulations in this part shall be effective on the date of publication in the FEDERAL REGISTER. These regulations are necessary for the enforcement of the applicable provisions of the Internal Revenue Code of 1954, effective January 1, 1955. It is hereby found that it is contrary to the public interest to issue the regulations subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003 (c)).

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270.2 Forms prescribed.

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270.11 Assistant regional commissioner.
270.12 Black Fat.
270.13 Cigar.
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270.15 Clippings.
270.16 Commissioner.
270.17 Cuttings.
270.18 Dealer in tobacco materials.
270.19 Director, Alcohol and Tobacco Tax Division.
270.20 District director.
270.21 Factory.
270.22 Importer.
270.23 Inclusive language.
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270.61 Classification of large cigars.
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270.64 Liability for tax and method of payment.
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270.70 Authority of revenue officers to enter premises.
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270.72 Disposal of forfeited, condemned, and abandoned cigars, cigarettes, and tobacco materials.
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Subpart K—Operations by Dealers

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270.212 Vending machines.
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AUTHORITY: §§ 270.1 to 270.213 issued under 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 270.1 *Cigars and cigarettes—manufacturers, importers, and dealers.* This part contains the regulations governing the manufacture, importation, and sale of cigars and cigarettes; the qualification of, and maintenence of records by, manufacturers of cigars and cigarettes; and the operations of manufacturers and importers of, and dealers in, cigars and cigarettes.

§ 270.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, permits, records, returns, and reports. Information called for thereon shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

SUBPART B—DEFINITIONS

§ 270.10 *Meaning of terms.* The terms used in this part shall have the meanings ascribed in this subpart, unless the context otherwise indicates.

§ 270.11 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the Regional Commissioner.

§ 270.12 *Black Fat.* "Black Fat" shall mean tobacco which is normally treated with oil under pressure and results in black tobacco, and shall include all tobacco similarly treated and referred to by such other terms as Black Horse, etc.

§ 270.13 *Cigar.* "Cigar" shall mean any roll of tobacco wrapped in tobacco.

§ 270.14 *Cigarette.* "Cigarette" shall mean any roll of tobacco, wrapped in paper or any substance other than tobacco.

§ 270.15 *Clippings.* "Clippings" shall mean the tobacco which is clipped or cut off the ends of cigars in the manufacture thereof.

§ 270.16 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 270.17 *Cuttings.* "Cuttings" shall mean the tobacco remaining after the binders and wrappers for cigars are cut out of the leaf.

§ 270.18 *Dealer in tobacco materials.* "Dealer in tobacco materials" shall mean every person who handles tobacco materials for sale, shipment, or delivery solely to another qualified dealer in such materials, to a qualified manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States. Dealer in tobacco materials shall include every person who produces Perique or Black Fate for sale, shipment, or delivery, in accordance with Part 280 of this chapter. Dealer in tobacco materials shall not include (a) an operator of a warehouse who stores tobacco materials solely for a dealer in tobacco materials, for a manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; or (b) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm.

§ 270.19 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 270.20 *District director.* "District director" shall mean the District Director of Internal Revenue.

§ 270.21 *Factory.* "Factory" shall mean the premises of a manufacturer of cigars and cigarettes in which he carries on such business.

§ 270.22 *Importer.* "Importer" shall mean any person in the United States to whom nontaxpaid cigars or cigarettes manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned, and any person who smuggles or otherwise unlawfully brings such nontaxpaid products into the United States.

§ 270.23 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, partnerships, associations, companies, corporations, estates, and trusts.

§ 270.24 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 270.25 *Large cigarettes.* "Large cigarettes" shall mean cigarettes weighing more than three pounds per thousand.

§ 270.26 *Large cigars.* "Large cigars" shall mean cigars weighing more than three pounds per thousand.

§ 270.27 *Leaf tobacco.* "Leaf tobacco" shall mean:

(a) *Unstemmed.* Tobacco from which the stem or mid-rib has not been removed, and

(b) *Stemmed.* Tobacco from which the stem or mid-rib has been removed, also known as "strips."

§ 270.28 *Manufacturer of cigars and cigarettes.* "Manufacturer of cigars and cigarettes" shall mean every person who produces cigars or cigarettes, except for his own personal consumption.

§ 270.29 *Manufacturer of tobacco.* "Manufacturer of tobacco" shall mean every person who manufactures tobacco by any method of preparing, processing, or manipulating, except for his own personal consumption or use; or who packages any tobacco for consumption by smoking or for use in the mouth or nose; or who sells or delivers any tobacco, not exempt from tax under Chapter 52, I. R. C., to any person, contrary to the provisions of such chapter and regulations thereunder. The term "manufacturer of tobacco" shall not include (a) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm; or (b) a dealer in tobacco materials who handles tobacco solely for sale, shipment, or delivery, in bulk, to another dealer in such materials or to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States.

§ 270.30 *Package.* "Package" shall mean the container in which cigars or cigarettes are put up bearing the stamps, class designation, and mark, as required by this part.

§ 270.31 *Parcel.* "Parcel" shall mean a subdivision of a package of cigars or cigarettes.

§ 270.32 *Perique.* "Perique" shall mean tobacco, such as that produced in Louisiana, cured in its own juices and given other treatment peculiar to this type of tobacco.

§ 270.33 *Person.* "Person" shall mean and include an individual, partnership, association, company, corporation, estate, or trust.

§ 270.34 *Region.* "Region" shall mean the area, designated by the Secretary or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

§ 270.35 *Regional commissioner.* "Regional commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 270.36 *Removal or remove.* "Removal" or "remove" shall mean the removal of cigars or cigarettes or tobacco materials from the factory, or from customs custody, and shall also include the smuggling or other unlawful importation of such nontaxpaid products into the United States.

§ 270.37 *Revenue officer.* "Revenue officer" shall mean any officer or employee of the United States acting in connection with any internal revenue law of the United States.

§ 270.38 *Scraps.* "Scraps" shall mean portions of leaf tobacco.

§ 270.39 *Siftings.* "Siftings" shall mean the particles of tobacco salvaged in the process of sifting or screening the residue of tobacco.

§ 270.40 *Small cigarettes.* "Small cigarettes" shall mean cigarettes weighing not more than three pounds per thousand.

§ 270.41 *Small cigars.* "Small cigars" shall mean cigars weighing not more than three pounds per thousand.

§ 270.42 *Stems.* "Stems" shall mean the stems or mid-ribs of tobacco.

§ 270.43 *Tobacco in process.* "Tobacco in process" shall mean tobacco which has been, or is being, manipulated or processed, but is to undergo further manipulation, processing, or handling, prior to removal for consumption by smoking or for use in the mouth or nose.

§ 270.44 *Tobacco materials.* "Tobacco materials" shall mean tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, dust, stems, and waste.

§ 270.45 *Tobacco products.* "Tobacco products" shall mean manufactured tobacco, cigars, and cigarettes.

§ 270.46 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 270.47 *Waste.* "Waste" shall mean tobacco, including dust, and foreign substances resulting from the handling, manipulation, or processing of tobacco, and which are worthless for use in the manufacture of tobacco products and have no market value for that purpose.

SUBPART C—TAXES

§ 270.60 *Cigar tax rates.* On cigars, manufactured in or imported into the United States, the following taxes are imposed by law:

(a) *Small cigars.* 75 cents per thousand.

(b) *Large cigars.* (1) If removed to retail at not more than 2½ cents each, $2.50 per thousand;

(2) If removed to retail at more than 2½ cents each and not more than 4 cents each, $3 per thousand;

(3) If removed to retail at more than 4 cents each and not more than 6 cents each, $4 per thousand;

(4) If removed to retail at more than 6 cents each and not more than 8 cents each, $7 per thousand;

(5) If removed to retail at more than 8 cents each and not more than 15 cents each, $10 per thousand;

(6) If removed to retail at more than 15 cents each and not more than 20 cents each, $15 per thousand; and

(7) If removed to retail at more than 20 cents each, $20 per thousand.

(68A Stat. 705; 26 U. S. C. 5701)

§ 270.61 *Classification of large cigars.* Large cigars are divided into seven classes, for tax purposes, corresponding with the rates of tax imposed by section 5701 (b) (2), I. R. C., and determined by the retail price intended by the manufacturer or importer for such cigars. The classes are designated, from the lowest to the highest rate of tax, as class A, class B, class C, class D, class E, class F, and class G, respectively. In determining the retail price, for tax purposes, regard shall be had to the ordinary retail price of a single cigar in its principal market. Where there is more than one price for the same cigar in its principal market, the tax to be paid shall be determined, at the time of removal, according to the price at which the majority are sold therein. Subsequent retail sale at a price in excess of the maximum for the class at which taxpaid will not, in itself, cause the manufacturer or importer to incur any additional tax liability.

(68A Stat. 705; 26 U. S. C. 5701)

§ 270.62 *Cigarette tax rates.* On cigarettes, manufactured in or imported into the United States, the following taxes are imposed by law:

(a) *Small cigarettes.* $4 per thousand.

(b) *Large cigarettes.* $8.40 per thousand. Where such cigarettes are more than 6½ inches in length, the rate of tax imposed is $4 per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(68A Stat. 705; 26 U. S. C. 5701)

§ 270.63 *Classification of cigarettes.* Small cigarettes are designated class A, for tax purposes. Large cigarettes are designated class B, for such purposes.

(68A Stat. 705; 26 U. S. C. 5701)

§ 270.64 *Liability for tax and method of payment.* The taxes imposed on cigars and cigarettes shall be determined at the time of removal of such products and shall be paid by the manufacturer or importer by the affixture of internal revenue tax stamps to each package of such products before removal.

(68A Stat. 707; 26 U. S. C. 5703)

§ 270.65 *Assessment.* Whenever any person required by law to pay tax on cigars and cigarettes fails to pay such tax in accordance with the provisions of this part, the tax shall be determined and assessed, subject to the limitations prescribed in section 6501, I. R. C., against such person. The tax so assessed shall be in addition to any penalties prescribed by law for failure to pay such tax: *Provided,* That, except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded such person to show cause against assessment. The person will be allowed 30 days from the date of such notice to show cause, in writing, against such assessment.

(68A Stat. 707, 836; 26 U. S. C. 5703, 6862)

SUBPART D—GENERAL

§ 270.70 *Authority of revenue officers to enter premises.* Any revenue officer may enter in the daytime any premises where cigars or cigarettes are produced or kept, so far as it may be necessary for the purpose of examining such products. When such premises are open at night, any revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any revenue officer or permit him to examine such products shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7606)

§ 270.71 *Interference with administration.* Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation or intended violation of this part, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U. S. C. 7212)

§ 270.72 *Disposal of forfeited, condemned, and abandoned cigars, cigarettes, and tobacco materials.* When in the opinion of any officer having custody of forfeited, condemned, or abandoned cigars, cigarettes, or tobacco materials, upon which the Federal tax has not been paid, the sale thereof will not bring a price equal to such tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such products or materials for consumption in the United States. Where the products or materials are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for human consumption) or cause their destruction in the manner provided in §§ 270.155 and 270.160. Where such products or materials are sold, they shall not be released by the officer having custody thereof until they are properly packaged and internal revenue stamps (the cost of which stamps shall be considered as a portion of the sales price) are affixed to each package to denote the payment of tax. In the case of such products or materials held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the Regulations of the General Services Administration, Title 1, Personal Property Management.

(68A Stat. 716, 831; 26 U. S. C. 5753, 6807)

§ 270.73 *Restamping packages from which the stamps have been lost or destroyed.* Where the stamps originally affixed to packages of cigars or cigarettes have been lost or destroyed, after removal of such products, the manufacturer, importer, or dealer possessing such products shall make application, in duplicate, to the assistant regional commissioner for the region in which the products are held, for new stamps, without cost, to be used for restamping such packages. Such person shall state in detail the location and quantity of the packages, description of the contents, the kind, denomination, and class of the stamps lost or destroyed, and the nature of the applicant's interest in the products. The application shall be accompanied by affidavits of persons with knowledge of the facts, sufficient to establish the original affixture of stamps and the manner and extent of the loss or destruction of such stamps. Where the packages are in such condition as to require repacking before new stamps can be affixed, such repacking may be authorized by the assistant regional commissioner. The assistant regional commissioner may assign a revenue officer to supervise such repacking and restamping, or he may authorize the applicant to perform such functions.

§ 270.74 *Variations from requirements*—(a) *Construction and separation of premises.* The Director, Alcohol and Tobacco Tax Division, may approve a manner of construction and separation of factory premises in lieu of that specified in this part, where it is shown that it is impracticable to conform to the requirements, and the proposed construction and separation will afford as much or more security and protection to the revenue as is intended by the requirements in this part, and where such variation is not contrary to any provision of law. Where it is proposed to employ a manner of construction and separation of premises other than that provided for by this part, prior approval shall be obtained in accordance with the provisions of paragraph (c) of this section.

(b) *Methods of operation.* The Director, Alcohol and Tobacco Tax Division, may in case of emergency approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operation other than those provided for by this part, prior approval shall be obtained in accordance with the provisions of paragraph (c) of this section.

(c) *Application.* Any person, subject to the provisions of this part, who proposes to employ methods of operation, or of construction and separation of factory premises, other than as provided in this part, shall submit an application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the necessity therefor. With respect to variations in construction and separation of factory premises, where they cannot be adequately described in the application, drawings or photographs thereof shall also be submitted. The assistant regional comissioner shall make such inquiry as is necessary to ascertain the necessity for the variations and whether approval thereof will hinder the effective administration of this part or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

§ 270.75 *Penalties and forfeitures.* Anyone who fails to comply with the provisions of this part becomes liable to the civil and criminal penalties, and forfeitures, provided by law.

(68A Stat. 717, 718; 26 U. S. C. 5761, 5762, 5763)

SUBPART E—QUALIFICATION REQUIREMENTS FOR MANUFACTURERS

§ 270.80 *Persons required to qualify.* Every person who produces cigars and cigarettes, except for his own personal consumption, shall qualify as a manufacturer of cigars and cigarettes in accordance with the provisions of this part.

(68A Stat. 706; 26 U. S. C. 5702)

§ 270.81 *Application for permit*—(a) *Persons entering business.* Every person, before commencing business as a manufacturer of cigars and cigarettes, shall make application, on Form 2093, to the assistant regional commissioner for, and obtain, the permit provided for in § 270.90. All documents required under this part to be furnished with such application shall be made a part thereof.

(b) *Manufacturers operating on effective date.* Manufacturers of cigars and cigarettes operating on the effective date of this part shall also make application for permit in the manner required by paragraph (a) of this section within 30 days after such date. Such persons may continue their operations pending final action by the assistant regional commissioner with respect to such application.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.82 *Corporate documents.* Every corporation, before commencing business as a manufacturer of cigars and cigarettes, shall furnish with its application for permit required by § 270.81, a true copy of the corporate charter or a certifi-

cate of corporate existence or incorporation, executed by the appropriate officer of the State in which incorporated. The corporation shall also furnish, in duplicate, evidence which will establish the authority of the officer or other person who executes the application for permit to execute the same; the authority of persons to sign other documents, required by this part, for the corporation; and the identity of the officers and directors, and each person who holds more than ten percent of the stock of such corporation. Where a corporation has previously filed such documents or evidence with the same assistant regional commissioner, a written statement by the corporation, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.83 *Articles of partnership or association.* Every partnership or association, before commencing business as a manufacturer of cigars and cigarettes, shall furnish with its application for permit, required by § 270.81, a true copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality. Where a partnership or association has previously filed such documents with the same assistant regional commissioner, a written statement by the partnership or association, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.84 *Trade name certificate.* Every person, before commencing business under a trade name as a manufacturer of cigars and cigarettes, shall furnish with his application for permit, required by § 270.81, true copies, in duplicate, of the certificate or other document, if any, issued by a State, county, or municipal authority in connection with the transaction of business under such trade name. If no such certificate or other document is so issued, a written statement by such person, in duplicate, to that effect will be sufficient for the purpose of this section.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.85 *Bond.* Every person, before commencing business as a manufacturer of cigars and cigarettes, shall file, in connection with his application for permit, a bond, Form 2100, in accordance with the applicable provisions of Subpart G of this part, conditioned upon compliance with the provisions of Chapter 52, I. R. C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection therewith for which he may become liable to the United States.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.86 *Power of attorney.* If the application for permit or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, company, or corporation, or by one of the partners for a partnership, or by an officer of an association or company, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 270.82, power of attorney conferring authority upon the person signing the documents shall be manifested on Form 1534 and furnished to the assistant regional commissioner.

§ 270.87 *Factory premises*—(a) *Description and diagram.* The premises to be used by a manufacturer of cigars and cigarettes as his factory or plant shall be described, in the application for permit required by § 270.81, by number, street, and city, town, or village, and State. Such premises may consist of more than one building, which need not be contiguous, but shall be located in the same city, town, or village. Where such premises consist of less than an entire building, a diagram, in duplicate, shall also be furnished showing the particular floor or floors, or room or rooms, comprising the factory, and also showing any adjoining retail store, operated by such manufacturer, where tobacco products are sold.

(b) *Separation.* Where the factory premises consist of less than an entire building, the premises shall be completely separated from adjoining portions of the building, which separation shall be constructed of materials generally used in the construction of buildings and may include any necessary doors or other openings. The premises shall be accessible directly from the street, yard, or common passageway or means of entrance.

(c) *Factories established prior to effective date.* Factories established prior to the effective date of this part shall not be subject to the provisions of paragraph (b) of this section if, in the opinion of the assistant regional commissioner, the existing premises afford adequate protection to the revenue.

(d) *Restrictions.* Factory premises shall be used exclusively for the purposes of manufacturing and storing cigars and cigarettes; storing materials, equipment, and supplies related thereto or used or useful in the conduct of the business; and carrying on activities in connection with the business of the manufacturer.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.88 *Additional information.* The assistant regional commissioner may require such additional information as he may deem necessary in connection with the qualification of persons under this subpart.

§ 270.89 *Investigation of applicant.* The assistant regional commissioner shall promptly cause such inquiry or investigation to be made, as he deems necessary, to verify the information furnished in connection with an application for permit and to ascertain whether the applicant is, by reason of his business experience, financial standing, and trade connections, likely to maintain operations in compliance with Chapter 52, I. R. C., and regulations thereunder; whether such person has disclosed all material information required or made any material false statement in the application for such permit; and whether the premises on which it is proposed to establish the factory are adequate to protect the revenue. If the assistant regional commissioner has reason to believe that the applicant is not entitled to a permit, he shall promptly give the applicant notice of the contemplated disapproval of his application and opportunity for hearing thereon in accordance with 26 CFR (1939) Part 200, which part (including the provisions relating to the recommended decision and to appeals) is made applicable to such proceedings. If, after such notice and opportunity for hearing, the assistant regional commissioner finds that the applicant is not entitled to a permit, he shall, by order stating the findings on which his decision is based, deny the permit.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.90 *Issuance of permit.* If the application for permit, bond, and supporting documents, required under this part, are approved by him, the assistant regional commissioner shall issue a permit, Form 2095, to the manufacturer of cigars and cigarettes who shall keep it posted conspicuously at all times within his factory. Where the factory consists of more than one building, the permit shall be posted in the building in which the record, required by § 270.142, is kept. The permit shall bear a number and shall fully set forth where the business of the manufacturer is to be conducted.

(68A Stat. 712; 26 U. S. C. 5713)

SUBPART F—CHANGES SUBSEQUENT TO ORIGINAL QUALIFICATION OF MANUFACTURERS

CHANGES IN NAME

§ 270.100 *Change in individual name.* Where there is merely a change in the name of an individual operating as a manufacturer of cigars and cigarettes, he shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of his bond, in accordance with the provisions of § 270.125.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 270.101 *Change in trade name.* Where there is merely a change in the trade name of a manufacturer of cigars and cigarettes, he shall, within 30 days of the adoption of the new trade name, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of bond, in accordance with the provisions of § 270.125. The manufacturer shall also furnish true copies, in duplicate, of any new trade name certificate or document issued to him, or statement in lieu thereof, required by § 270.84.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 270.102 *Change in corporate name.* Where there is merely a change in the name of a corporate manufacturer of cigars and cigarettes, the manufacturer shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of the coverage of bond, in accordance with the provisions of § 270.125. The manufacturer shall also furnish such documents as may be reasonably necessary to establish that the corporate name has been changed.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

CHANGES IN OWNERSHIP AND CONTROL

§ 270.103 *Fiduciary successor.* If an administrator, executor, receiver, trustee, assignee, or other fiduciary, is to take over the business of a manufacturer of cigars and cigarettes, as a continuing operation, such fiduciary shall, before commencing operations, make application for permit and file bond as required by Subpart E of this part, furnish certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualification as such fiduciary, and make an opening inventory, in accordance with the provisions of § 270.141: *Provided,* That where a diagram has been furnished by the predecessor, in accordance with the provisions of § 270.87, the successor may adopt such diagram. However, where a fiduciary intends merely to liquidate the business, qualification as a manufacturer of cigars and cigarettes will not be required if he promptly files with the assistant regional commissioner a statement to that effect, together with an extension of coverage of the precedessor's bond, executed by the fiduciary, also by the surety on such bond, in accordance with the provisions of section 270.125.

(68A Stat. 711, 713; 26 U. S. C. 5711, 5712, 5721)

§ 270.104 *Transfer of ownership.* If a transfer is to be made in ownership of the business of a manufacturer of cigars and cigarettes (including a change in the identity of the members of a partnership or association), such manufacturer shall give notice, in writing, to the assistant regional commissioner, naming the proposed successor and the desired effective date of such transfer. The proposed successor shall, before commencing operations, qualify as a manufacturer of cigars and cigarettes, in accordance with the applicable provisions of Subpart E of this part: *Provided,* That where a diagram has been furnished by the manufacturer in accordance with the provisions of § 270.87, the proposed successor may adopt such diagram. The manufacturer shall give such notice of transfer, and the proposed successor shall make application for permit and file bond, as required, in ample time for examination and approval thereof before the desired date of such change. The predecessor shall make a closing inventory and closing report, in accordance with the provisions of §§ 270.141 and 270.143, respectively, and surrender, with such inventory and report, his permit, and the successor shall make an opening inventory, in accordance with the provisions of § 270.141.

(68A Stat. 711, 712, 713; 26 U. S. C. 5711, 5712, 5713, 5721, 5722)

§ 270.105 *Change in officers or directors of a corporation.* Where there is any change in the officers or directors of a corporation operating the business of a manufacturer of cigars and cigarettes, the manufacturer shall furnish to the assistant regional commissioner notice, in writing, of the election of the new officers or directors within 30 days after such election.

(68A Stat. 711; 26 U. S. C. 5712)

§ 270.106 *Change in stockholders of a corporation.* Where the issuance, sale, or transfer of the capital stock of a corporation, operating as a manufacturer of cigars and cigarettes, results in a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation, the corporate manufacturer shall, within 30 days after the change occurs, make application for a new permit; otherwise, the present permit shall be automatically terminated at the expiration of such 30 day period, and the manufacturer shall dispose of all tobacco materials, cigars, cigarettes, and stamps on hand, in accordance with this part, make a closing inventory and closing report, in accordance with the provisions of §§ 270.141 and 270.143, respectively, and surrender his permit with such inventory and report. If the application for a new permit is timely made, the present permit shall continue in effect pending final action by the assistant regional commissioner with respect to such application.

(68A Stat. 711, 712, 713; 26 U. S. C. 5712, 5713, 5721, 5722)

CHANGES IN LOCATION AND PREMISES

§ 270.107 *Change in location within same region*—(a) *Transfer to a new location.* Whenever a manufacturer of cigars and cigarettes contemplates changing the location of his factory within the same region, the manufacturer shall, before commencing operations at the new location, make application, on Form 2098, for an amended permit. The application shall be supported by an extension of coverage of the bond filed under this part, in accordance with the provisions of § 270.125.

(b) *Mere change in address.* Whenever any change occurs in the address, but not the location, of the factory of a manufacturer of cigars and cigarettes, as a result of action of local authorities, the manufacturer shall, within 30 days of such change, make application, on Form 2098, for an amended permit, which shall be supported by an extension of coverage of the bond filed under this part, in accordance with the provisions of § 270.125.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 270.108 *Change in location to another region.* Whenever a manufacturer of cigars and cigarettes contemplates changing the location of his factory to another region, the manufacturer shall, before commencing operations at the new location, qualify as such a manufacturer in the new region, in accordance with the applicable provisions of Subpart E of this part. The manufacturer shall notify the assistant regional commissioner of the region from which he is removing of his qualification in the new region, giving the address of the new location of his factory and the number of the permit issued to him in the new region, make a closing inventory and closing report, in accordance with the provisions of §§ 270.141 and 270.143, respectively, and surrender, with such inventory and report, the permit for his old location.

(68A Stat. 711, 712, 713; 26 U. S. C. 5711, 5712, 5713, 5721, 5722)

§ 270.109 *Change in factory premises.* Where the premises of a cigar and cigarette factory are to be changed to an extent which will make inaccurate the description of such premises as set forth in the last application by the manufacturer for permit, or the diagram, if any, furnished with such application, the manufacturer shall first make an application, Form 2098, for an amended permit, to the assistant regional commissioner, describing the proposed change in such premises, and furnish a diagram thereof, if required under the provisions of § 270.87. The application shall be supported by an extension of coverage of bond in accordance with the provisions of § 270.125.

(68A Stat. 711; 26 U. S. C. 5711, 5712)

§ 270.110 *Emergency premises.* In cases of emergency, the assistant regional commissioner may authorize, for a stated period, the temporary use of a place for the temporary storage of tobacco materials, cigars, and cigarettes, without making the application or furnishing the extension of coverage required under §§ 270.109 and 270.156, or the temporary separation of factory premises by means other than those specified in paragraph (b) of § 270.87, where such action will not hinder the effective administration of this part, is not contrary to law, and will not jeopardize the revenue.

SUBPART G—BONDS AND EXTENSIONS OF COVERAGE OF BONDS

§ 270.120 *Corporate surety.* Surety bonds, required under the provisions of this part, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Power of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of such corporate sureties shall be filed with, and passed upon by, the Surety Bonds Branch, Division of Deposits and Investments, Bureau of Accounts, Treasury Department. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Form 356, revised. The surety shall have no interest whatever in the business covered by the bond.

(68A Stat. 711, 61 Stat. 646; 26 U S. C. 5711, 6 U. S. C. 6)

§ 270.121 *Deposit of bonds, notes, or obligations in lieu of corporate surety.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by the manufacturer of cigars and cigarettes as security in connection with bond to cover his operations, in lieu of the corporate surety, in accordance with the provisions of Treasury Department Circular No.

154, revised (31 CFR Part 225). Such bonds or notes which are nontransferable, or the pledging of which will not be recognized by the Treasury Department, are not acceptable as security in lieu of corporate surety.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 15)

§ 270.122 *Amount of bond.* The amount of a manufacturer's bond to cover the manufacture of cigars and cigarettes shall be equal to the amount of the tax liability on such products manufactured in his factory during the twelve months preceding the month in which the bond is to be filed, divided by twelve. In the case of a manufacturer commencing business, his production shall be estimated for the purpose of this section. The amount of any such bond (or the total amount where original and strengthening bonds are filed) shall not exceed $200,000 nor be less than $1,000.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.123 *Strengthening bond.* Where the assistant regional commissioner determines that the amount of the bond, under which a manufacturer of cigars and cigarettes is currently carrying on such business, no longer adequately protects the revenue, the assistant regional commissioner may require the manufacturer to file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, in lieu of a superseding bond to cover the full liability on the basis of § 270.122. The assistant regional commissioner shall refuse to approve any strengthening bond where any notation is made thereon which is intended or which may be construed as a release of any former bond, or as limiting the amount of either bond to less than its full amount. Such strengthening bonds shall have placed thereon, by the obligors at the time of execution, the notation "Strengthening Bond."

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.124 *Superseding bond.* A manufacturer of cigars and cigarettes shall file a new bond to supersede his current bond, immediately when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, or (d) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.125 *Extension of coverage of bond.* An extension of the coverage of any bond filed under this part shall be manifested on Form 2105 by the manufacturer of cigars and cigarettes and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.126 *Approval of bond and extension of coverage of bond.* No person shall commence operations under any bond, nor extend his operations, until he receives from the assistant regional commissioner notice of his approval of the bond or of an appropriate extension of coverage of the bond required under this part.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.127 *Termination of liability of surety under bond.* The liability of a surety on any bond required by this part shall be terminated only as to operations on and after the date of approval of a superseding bond, or the date of approval of the discontinuance of operations by the manufacturer of cigars and cigarettes, or otherwise in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the manufacturer while the bond is in force.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.128 *Release of bonds, notes, and obligations.* Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this part, shall be released only in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). When the assistant regional commissioner who has accepted such security is satisfied that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released. At any time prior to the release of such security, the assistant regional commissioner may, for proper cause, extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

(68A Stat. 711, 61 Stat. 646; 26 U. S. C. 5711, 6 U. S. C. 15)

SUBPART H—OPERATIONS BY MANUFACTURERS

§ 270.140 *Sign.* Every manufacturer of cigars and cigarettes shall place and keep, on the outside of the building in which his factory is located, or at the entrance of his factory, where it can be plainly seen, a sign, in plain and legible letters, exhibiting the name under which he operates, and (a) the type of business ("Manufacturer of Cigars and Cigarettes," "Manufacturer of Cigars," or "Manufacturer of Cigarettes," as the case may be) or (b) the number of the permit issued to the manufacturer under this part. Such sign shall be in the English language.

§ 270.141 *Inventories*—(a) *General.* Every manufacturer of cigars and cigarettes shall make a true and accurate inventory, on Form 2131, to the assistant regional commissioner, of the quantity of tobacco materials, cigars, cigarettes, and stamps held by him at the times specified in this section, which inventory shall be subject to verification by a revenue officer.

(b) *Opening.* An opening inventory shall be made by the manufacturer at the time of commencing business. The date of commencing business under this part shall be the effective date indicated on the permit issued under § 270.90. A similar inventory shall be made by the manufacturer when he files a superseding bond. The date of such inventory shall be the effective date of such superseding bond as indicated thereon by the assistant regional commissioner.

(c) *Special.* A special inventory shall be made by the manufacturer whenever required by any revenue officer.

(d) *Closing.* A closing inventory shall be made by the manufacturer when he transfers ownership, or changes his location to another region, or concludes business. Such inventory at the time of transfer of ownership shall be made as of the day preceding the date of the opening inventory of the successor.

(68A Stat. 713; 26 U. S. C. 5721)

§ 270.142 *Record.* Every manufacturer of cigars and cigarettes shall keep a record and enter therein daily all (a) tobacco materials received (except with respect to samples as provided by § 270.159), shipped, and lost or destroyed, (b) cigars and cigarettes manufactured, received, removed, furnished for personal consumption by employees, used for experimental purposes, reduced to material, and lost or destroyed, and (c) stamps received, used, and lost or destroyed. Such record, with respect to large cigars, shall be kept on Form 2142 and, with respect to large and small cigarettes and small cigars, on Form 2143. The entries in the record for each day will be considered timely if made by the close of the business day following that on which occur the operations or transactions required to be recorded. Such record shall be retained for two years following the close of the year covered in the record, and made available for inspection by any revenue officer upon his request.

(68A Stat. 715; 26 U. S. C. 5741)

§ 270.143 *Reports*—(a) *General.* Every manufacturer of cigars and cigarettes shall make a monthly report, on Form 2136, to the assistant regional commissioner, of all (1) tobacco materials received (except with respect to samples as provided by § 270.159), shipped, used, and lost or destroyed, (2) cigars and cigarettes manufactured, rereceived, removed, furnished for personal consumption by employees, used for experimental purposes, reduced to material, and lost or destroyed, and (3) stamps received, used, and lost or destroyed. The report shall be made on or before the 20th day following the end of the month covered in the report. A copy of each such report shall be retained by the manufacturer for two years following the close of the year covered in such reports, and made available for inspection by any revenue officer upon his request.

(b) *Opening.* An opening report, covering the period from the date of the opening inventory, or inventory made in connection with a superseding bond, to the end of the month, shall be made on or before the 20th day following the end of the month in which the business was commenced.

(c) *Special.* A special report, covering the unreported period to the day preceding the date of any special inventory required by a revenue officer, shall be made with such inventory. Another report, covering the period from the date of such inventory to the end of the month, shall be made on or before the 20th day following the end of the month in which the inventory was made.

(d) *Closing.* A closing report, covering the period from the first of the month to the date of the closing inventory, or the day preceding the date of an inventory made in connection with a superseding bond, shall be made with such inventory.

(68A Stat. 713; 26 U. S. C. 5722)

§ 270.144 *Packages*—(a) *General.* All cigars and cigarettes shall, before removal, be put up by the manufacturer in packages which shall bear the stamps and mark, also the class designation in the case of large cigars, required by this subpart. Such packages shall be of such construction as will securely contain the cigars and cigarettes therein and maintain the stamps, class designation, and mark thereon: *Provided*, That cigars and cigarettes transferred to another manufacturer of such products, removed for export, furnished for consumption by employees, or used for experimental purposes, shall be exempt from the provisions of this paragraph.

(b) *Subdivision into parcels.* Packages may be subdivided into parcels which shall not bear the stamps, class designation, or mark.

(c) *Lottery features.* No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of cigars or cigarettes removed for domestic consumption.

(d) *Indecent or immoral material.* No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of cigars or cigarettes.

(68A Stat. 713; 26 U. S. C. 5723)

§ 270.145 *Class designation for large cigars.* Every package of large cigars subject to tax shall, before removal, have legibly imprinted thereon, or on a label securely affixed thereto, a class designation, for tax purposes, corresponding with the rate of tax imposed by section 5701 (b) (2), I. R. C., on the cigars contained therein. The class designation shall consist of the appropriate statement:

Class A. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be not more than 2½ cents each;

Class B. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 2½ cents each and not more than 4 cents each;

Class C. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 4 cents each and not more than 6 cents each;

Class D. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 6 cents each and not more than 8 cents each;

Class E. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 8 cents each and not more than 15 cents each;

Class F. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 15 cents each and not more than 20 cents each; or

Class G. The ordinary retail price of the cigars herein contained is intended by the manufacturer to be more than 20 cents each.

(68A Stat. 713; 26 U. S. C. 5723)

§ 270.146 *Mark.* Every package of cigars and cigarettes subject to tax shall, before removal, have legibly imprinted thereon, or on a label securely affixed thereto, the name and location of the manufacturer, or his permit number, and a warning reading "Law forbids the reuse of the Federal stamps hereon and requires the person who empties this package to destroy such stamps when the package is emptied."

§ 270.147 *Dummy packages for display purposes.* So-called "dummy" packages to be used for display purposes in advertising cigars and cigarettes, which do not contain such products, shall not bear the stamps required by this part.

(68A Stat. 716, 865; 26 U. S. C. 5752, 7271)

§ 270.148 *Stamps*—(a) *Classes and denominations provided.* Stamps for the payment of taxes on cigars and cigarettes are provided, for sale to manufacturers of such products, in the following classes and denominations:

(1) *For small cigars.* In denominations of 5, 8, 10, 12, 15, 16, 20, 24, 40, 50, 80, and 100.

(2) *For large cigars.* Classes A through G, in denominations of 3, 5, 7, 10, 12, 13, 20, 25, 50, 100, 200, 250, and 500.

(3) *For small and large cigarettes.* Classes A and B, in denominations of 5, 8, 10, 12, 15, 16, 20, 24, 40, 50, 80, and 100.

(b) *Method of purchase.* Manufacturers of cigars and cigarettes shall purchase stamps, for the payment of tax on such products, from the district director. Manufacturers shall use Form 485 in ordering stamps for small cigars and small and large cigarettes, and Form 168 in ordering stamps for large cigars. Each order form shall be accompanied by remittance in the proper amount. A copy of each such order form which has been marked paid by the district director shall be retained by the manufacturer for two years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request.

(68A Stat. 707; 26 U. S. C. 5703)

§ 270.149 *Affixture of stamps.* Every manufacturer of cigars and cigarettes shall, before removal subject to tax, securely affix to each package of such products one or more stamps of such proper class and denominations as will fully taxpay the contents of such package.

(68A Stat. 713; 26 U. S. C. 5723)

§ 270.150 *Cigars and cigarettes furnished to employees for personal consumption.* Manufacturers of cigars and cigarettes may furnish such products, without payment of tax, for personal consumption by employees in the factory, in such quantities as desired. Each employee may also be furnished, for off-factory personal consumption, not more than 5 large cigars or cigarettes, or 20 small cigars or cigarettes, by the manufacturer, without payment of tax, for each day the employee is at work. For the purpose of this section the term "employee" shall include all persons who work for and receive compensation from the manufacturer, or a parent, subsidiary, or auxiliary company or corporation of the manufacturer, in the city, town, or village, where the cigars or cigarettes so furnished to employees are produced. Such cigars or cigarettes furnished for off-factory consumption shall be taken from the factory by the employee on the day furnished. Employees shall not sell, offer for sale, or give away cigars and cigarettes so furnished to them.

(68A Stat. 708; 26 U. S. C. 5704)

§ 270.151 *Use of cigars and cigarettes for experimental purposes.* Manufacturers of cigars and cigarettes may use such products, without payment of tax, for experimental purposes in their factories, in such quantities as desired. Such manufacturers may also remove such products, under their bonds, without payment of tax for experimental purposes outside their factories, when authorized by the assistant regional commissioner.

(68A Stat. 708; 26 U. S. C. 5704)

§ 270.152 *Transfer of cigars and cigarettes.* A manufacturer of cigars and cigarettes may transfer such products, under his bond, without the payment of tax, to any qualified manufacturer of such products.

(68A Stat. 708; 26 U. S. C. 5704)

§ 270.153 *Return of cigars and cigarettes to factory.* Cigars and cigarettes which have been removed from the factory may be returned thereto without internal revenue supervision when so authorized by the assistant regional commissioner. If the cigars or cigarettes are contained in packages to which stamps denoting the tax are affixed and the manufacturer desires to file claim for refund of the value of such stamps, the procedure in § 270.165 shall be followed.

§ 270.154 *Reduction of cigars and cigarettes to tobacco materials.* Manufacturers may reduce cigars and cigarettes to tobacco materials without internal revenue supervision. If the products have been entered in the factory record as manufactured, an entry shall be made in such record of the number of cigars or cigarettes to be reduced to material and an entry shall also be made of the quantity of tobacco resulting from

the reduction to material. If the products to be reduced to material are contained in packages bearing stamps denoting the tax and the manufacturer desires to file claim for refund of the value of such stamps, the applicable procedure in § 270.165 shall be followed.

(68A Stat. 715; 26 U. S. C. 5741)

§ 270.155 *Destruction of cigars and cigarettes.* When a manufacturer desires to destroy cigars or cigarettes which have been entered in the factory record as manufactured, without salvaging the tobacco material, such destruction shall be accomplished under the supervision of a revenue officer. The cigars and cigarettes may be burned completely or they may be broken up and the resulting material destroyed in accordance with the provisions of § 270.160. If the products to be destroyed are contained in packages bearing stamps denoting the tax and the manufacturer desires to file claim for refund of the value of such stamps, the applicable procedure in § 270.165 shall be followed.

(68A Stat. 715; 26 U. S. C. 5741)

§ 270.156 *Storage of tobacco materials*—(a) *Within the factory.* Tobacco materials may be stored, under the provisions of this part, only within the premises of a cigar and cigarette factory, except as provided in paragraph (b) of this section.

(b) *Outside the factory.* Tobacco materials may be stored outside the premises of a cigar or cigarette factory, in the same region in which the factory is situated, if an extension of coverage of the bond for such purpose has been approved by the assistant regional commissioner.

(68A Stat. 711; 26 U. S. C. 5711)

§ 270.157 *Shipment or delivery of tobacco materials.* A manufacturer of cigars and cigarettes may ship or deliver tobacco materials, under his bond, without payment of tax, to (a) a qualified dealer in tobacco materials; (b) a qualified manufacturer of tobacco products; (c) a State institution; (d) a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States; or (e) any person for experimental or display purposes when authorized by the assistant regional commissioner. A manufacturer of cigars and cigarettes may similarly ship stems and waste to any person for use by him as fertilizer or insecticide or in the production of fertilizer, insecticide, or nicotine.

(68A Stat. 708; 26 U. S. C. 5704)

§ 270.158 *Fumigation of tobacco materials.* Tobacco materials held by, or released or in transit to, a manufacturer of cigars and cigarettes may be delivered, without payment of tax, to a person, who is not qualified as a dealer in tobacco materials or manufacturer of tobacco products, solely for purposes of fumigation by such person and return or delivery to the manufacturer. Such tobacco materials shall be covered by the bond of the manufacturer and shall not be regarded as shipped by the manufacturer for purposes of §§ 270.142 and 270.143. Therefore, no entries shall be made in the revenue record of the manufacturer showing delivery of the tobacco materials to the fumigator.

§ 270.159 *Samples of tobacco materials.* Samples of tobacco materials, received by a manufacturer of cigars and cigarettes, which are to be consumed, used, or destroyed for purposes of sampling, testing, or experimenting, shall be exempt from the provisions of §§ 270.142 and 270.143.

(68A Stat. 715; 26 U. S. C. 5741)

§ 270.160 *Destruction of tobacco materials*—(a) *Stems and waste.* Where a manufacturer of cigars and cigarettes desires to destroy stems and waste, he shall do so by burning or by mixing thoroughly with lime, sulphur, bone dust, ashes, or other such substance.

(b) *Other materials.* Where a manufacturer of cigars and cigarettes desires to destroy tobacco in process, Perique, Black Fat, leaf tobacco, scraps, cuttings, clippings, and siftings, and obtain credit therefor in the record kept by him under § 270.142, he shall notify the assistant regional commissioner of the kind and quantity of such tobacco materials and the date on which he desires to destroy such tobacco materials. The assistant regional commissioner may assign a revenue officer to supervise the destruction of the tobacco materials, or he may authorize the manufacturer to destroy the tobacco materials in the manner provided in paragraph (a) of this section.

(68A Stat. 715; 26 U. S. C. 5741)

§ 270.161 *Credit for loss of tobacco materials by theft or destruction.* Every loss of tobacco materials by theft, or destruction by fire, casualty, or act of God, while in the possession or ownership of a manufacturer of cigars and cigarettes, shall be reported to the assistant regional commissioner and the facts of such loss shall be established to his satisfaction, before credit therefor in the records of such manufacturer may be authorized.

(68A Stat. 715; 26 U. S. C. 5741)

§ 270.162 *Claim for remission of tax on cigars and cigarettes.* Every loss (otherwise than by theft) or destruction, by fire, casualty, or act of God, of cigars or cigarettes upon which the tax has not been paid and which are in the possession or ownership of the manufacturer of such cigars and cigarettes, shall be reported by the manufacturer to the assistant regional commissioner and the facts of such loss or destruction shall be established to his satisfaction. Claim for remission of such tax may be filed with the assistant regional commissioner. Such claim shall be in letter form, in duplicate, setting forth the reasons why such tax should be remitted, and shall be accompanied by evidence necessary to support the claim.

(68A Stat. 709; 26 U. S. C. 5705)

§ 270.163 *Claim for abatement of assessment.* Claim for abatement of the unpaid portion of the assessment of any tax on cigars and cigarettes, or any liability in respect of such tax, alleged to be excessive in amount, assessed after the expiration of the period of limitation applicable thereto, or erroneously or illegally assessed, shall be filed on Form 843, in duplicate, with the assistant regional commissioner. Such claim shall set forth the reasons relied upon for the allowance of the claim, and shall be accompanied by evidence necessary to support the claim.

(68A Stat. 792; 26 U. S. C. 6404)

§ 270.164 *Claim for refund of tax.* The tax paid on cigars or cigarettes (otherwise than by stamp) may be refunded where the tax has been paid in error. Any person who paid the tax (except an importer of such products who may file claim for refund of the tax under § 270.197) may file claim for refund thereof under this section. The claim for refund, Form 843, shall be filed in duplicate within three years from the date of payment of the tax, with the assistant regional commissioner for the region in which the tax was paid, and the claim shall be supported by evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(68A Stat. 709; 26 U. S. C. 5705)

§ 270.165 *Claim for redemption, or refund of the value, of stamps.* Stamps to denote the tax on cigars and cigarettes may be redeemed, or the value thereof may be refunded, subject to the following provisions:

(a) *Redemption of stamps.* Stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the manufacturer of such products may have no use, or which through mistake may have been improperly or unnecessarily used, or where the taxes represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected, may be redeemed by such manufacturer. Claim for redemption of such stamps shall be filed on Form 843, in duplicate, with the assistant regional commissioner, within three years after the stamps were purchased from the Government. Stamps may be destroyed under internal revenue supervision, or they may be presented with the claim, or satisfactory evidence submitted showing the reason why they cannot be so destroyed or presented. Where the stamps are to be destroyed under internal revenue supervision, a schedule on Form 178 shall be prepared by the manufacturer with respect to the stamps covered by the claim. When the schedule has been prepared, the manufacturer shall notify the assistant regional commissioner in order that he may detail a revenue officer to verify the schedule and supervise the destruction of the stamps. A copy of the verified schedule, returned to the manufacturer, shall be attached to his claim when filed. If required, the manufacturer shall satsifactorily trace the history of the stamps from their issuance to the filing of his claim.

(b) *Refund of the value of stamps.* The value of stamps affixed to packages of cigars or cigarettes may be refunded to the manufacturer thereof, where such products are withdrawn from the market by such manufacturer, or the products are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the manufacturer. Claim for refund of the value of such stamps shall be filed on Form 843, in duplicate, within three years from the date of payment of the tax.

(1) *Stamps affixed to packages of cigars or cigarettes completely lost or destroyed.* Where the packages of cigars or cigarettes to which stamps were affixed have been completely lost or destroyed beyond recognition by fire, casualty, or act of God, the claim for refund shall be filed with the assistant regional commissioner, for the region in which the stamps were affixed, and the claim shall be supported by such evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(2) *Stamps affixed to packages of cigars or cigarettes damaged or withdrawn from the market.* Where the packages of cigars or cigarettes to which stamps were affixed have been merely damaged by fire, casualty, or act of God, so that the identity of the products and the manufacturer thereof, and the rate of tax paid, can be established, or where the cigars or cigarettes are merely withdrawn from the market by the manufacturer, which would permit a similar identification and a determination of the tax paid, such cigars or cigarettes shall be assembled by the manufacturer in a suitable place in his factory or where such products are held or withdrawn from the market. The manufacturer shall group the cigars or cigarettes according to the kind of product, the rate of tax paid, and the sizes of packages, and shall prepare a schedule on Form 177, listing the cigars or cigarettes in each such group. Such cigars or cigarettes which are not taken back into the factory of the manufacturer shall be destroyed under internal revenue supervision, in which event the manufacturer shall so notify the assistant regional commissioner, for the region in which such products are assembled, and request the detail of a revenue officer to inspect the products, verify the schedule thereof, and supervise destruction of the stamps and products, and disposition of the packages as desired by the manufacturer. Upon completion of his detail, the revenue officer shall execute the certificate on both copies of the schedule of the cigars or cigarettes, to show the disposition of such stamps, and the packages involved, and return one copy to the manufacturer, which shall be attached to, and made a part of, his claim, which claim shall be filed with the assistant regional commissioner for the region in which the cigars or cigarettes were so destroyed. Where the cigars or cigarettes are returned to the factory of the manufacturer in accordance with the provisions of § 270.153, the manufacturer shall then notify the assistant regional commissioner, for the region in which the factory is situated, and request the detail of a revenue officer to inspect the products, verify the schedule thereof, and supervise the destruction of the stamps affixed to the packages of such products, and the proper disposition of the products and packages as desired by the manufacturer. Upon completion of his detail, the revenue officer shall properly execute his certificate on both copies of the schedule of such cigars or cigarettes. The revenue officer shall return one copy of the completed schedule to the manufacturer which shall be attached to, and make a part of, the manufacturer's claim, which shall be filed with the appropriate assistant regional commissioner.

(68A Stat. 709, 830; 26 U. S. C. 5705, 6805)

§ 270.166 *Tobacco materials, cigars, and cigarettes released from customs custody.* Tobacco materials, cigars, and cigarettes imported into the United States from a foreign country, or brought in from Puerto Rico, the Virgin Islands, or a possession of the United States, may be released from customs custody, without the payment of tax, for delivery to a qualified manufacturer of cigars and cigarettes under his bond, solely for receipt into premises covered by the manufacturer's bond. Before such tobacco materials, cigars, and cigarettes are released to him, the manufacturer shall prepare and furnish to the collector of customs having custody of the tobacco materials, cigars, and cigarettes, a notice of release of tobacco materials, Form 2146, or a notice of release of cigars and cigarettes, Form 2145, as the case may be. With respect to Form 2145, it will be necessary for the manufacturer to present such notice to the assistant regional commissioner for his endorsement to show that the applicant is a properly qualified manufacturer in his region before it is furnished to the collector of customs. The collector of customs shall insert the date of release of the tobacco materials or cigars and cigarettes described thereon, return one copy to the manufacturer, retain one copy for his records, and transmit one copy to the assistant regional commissioner shown thereon. The copy returned to the manufacturer shall be retained by him for two years after the close of the year of such release, and shall be made available for inspection by any revenue officer upon his request.

(68A Stat. 708; 26 U. S. C. 5704)

§ 270.167 *Use of the United States.* A manufacturer of cigars and cigarettes may remove such cigars and cigarettes, under his bond, without payment of tax, for use of the United States. Such removal shall be made in accordance with the provisions of Part 295 of this chapter.

(68A Stat. 708; 26 U. S. C. 5704)

§ 270.168 *Exportation.* A manufacturer of cigars and cigarettes may remove such cigars and cigarettes and tobacco materials, under his bond without payment of tax, for shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States, in accordance with the applicable provisions of Part 290 of this chapter.

(68A Stat. 708; 26 U. S. C. 5704)

SUBPART I—SUSPENSION AND DISCONTINUANCE OF OPERATIONS BY MANUFACTURERS

§ 270.180 *Discontinuance of operations.* Every manufacturer of cigars and cigarettes who desires to discontinue operations and close out his factory shall dispose of all tobacco materials, cigars, cigarettes, and stamps on hand, in accordance with this part, make a closing inventory and closing report, in accordance with the provisions of §§ 270.141 and 270.143, respectively, and surrender, with such inventory and report, his permit to the assistant regional commission as notice of such discontinuance and to permit the assistant regional commissioner to terminate the liability of the surety on the bond of the manufacturer.

(68A Stat. 713; 26 U. S. C. 5721, 5722)

§ 270.181 *Suspension and revocation of permit.* Where the assistant regional commissioner has reason to believe that a manufacturer of cigars and cigarettes has not in good faith complied with the provisions of Chapter 52, I. R. C., and regulations thereunder, or with any other provision of the I. R. C. with intent to defraud, or has violated any condition of his permit, or has failed to disclose any material information required or made any material false statement in the application for the permit, or has failed to maintain his premises in such manner as to protect the revenue, the assistant regional commissioner shall issue an order, stating the facts charged, citing such manufacturer to show cause why his permit should not be suspended or revoked after hearing thereon in accordance with 26 CFR (1939) Part 200, which part (including the provisions relating to appeals) is made applicable to such proceedings. If the hearing examiner, or the Director, Alcohol and Tobacco Tax Division, on appeal, decides the permit should be revoked or suspended for such time as to him seems proper, the assistant regional commissioner shall by order give effect to such decision.

(68A Stat. 712; 26 U. S. C. 5713)

SUBPART J—OPERATIONS BY IMPORTERS

§ 270.190 *Packages*—(a) *General.* All cigars and cigarettes shall, before removal, be put up by the importer in packages which shall bear the stamps and, in the case of large cigars, the class designation thereof, required by this subpart. The packages shall be of such construction as will securely contain the cigars and cigarettes therein and maintain the stamps and necessary class designation thereon.

(b) *Subdivision into parcels.* Packages may be subdivided into parcels which shall not bear the stamps or class designation.

(c) *Lottery features.* No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of cigars or cigarettes removed for domestic consumption.

(d) *Indecent or immoral material.* No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of cigars or cigarettes.

(68A Stat. 713; 26 U. S. C. 5723)

§ 270.191 *Class designation for large cigars.* Every package of large cigars subject to tax shall, before removal, have legibly imprinted thereon, or on a label securely affixed thereto, a class designation, for tax purposes, corresponding with the rate of tax imposed by section 5701 (b) (2), I. R. C., on the cigars contained therein. The class designation shall consist of the appropriate statement:

Class A. The ordinary retail price of the cigars herein contained is intended by the importer to be not more than 2½ cents each;

Class B. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 2½ cents each and not more than 4 cents each;

Class C. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 4 cents each and not more than 6 cents each;

Class D. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 6 cents each and not more than 8 cents each;

Class E. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 8 cents each and not more than 15 cents each;

Class F. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 15 cents each and not more than 20 cents each; or

Class G. The ordinary retail price of the cigars herein contained is intended by the importer to be more than 20 cents each.

(68A Stat. 713; 26 U. S. C. 5723)

§ 270.192 *Stamps*—(a) *Classes and denominations provided.* Stamps for the payment of taxes on cigars and cigarettes are provided, for sale to importers of cigars and cigarettes, in the following classes and denominations:

(1) *For small cigars.* In denominations of 5, 8, 10, 12, 15, 16, 20, 24, 40, 50, 80, and 100.

(2) *For large cigars.* Classes A through G, in denominations of 3, 5, 7, 10, 12, 13, 20, 25, 50, 100, 200, 250, and 500.

(3) *For small and large cigarettes.* Classes A and B, in denominations of 5, 8, 10, 12, 15, 16, 20, 24, 40, 50, 80, and 100.

(b) *Method of purchase.* Importers of cigars and cigarettes shall purchase stamps, for the payment of tax on such products, from the district director. Importers shall use Form 923, certified by the customs officer having custody of such products, in ordering such stamps, except as provided in §§ 270.194 and 270.195 with respect to the purchase of stamps for affixture to packages in foreign countries, Puerto Rico, and the Virgin Islands. Each order form shall be accompanied by remittance in the proper amount. A copy of each such order form which has been marked paid by the district director shall be retained by the importer for two years following the close of the year in which the stamps were purchased, and made available for inspection by any revenue officer upon his request.

(68A Stat. 707; 26 U. S. C. 5703)

§ 270.193 *Affixture of stamps.* Every importer of cigars and cigarettes shall, before removal subject to tax, securely affix to each package of such products one or more stamps of such proper class and denominations as will fully taxpay the contents of such package.

(68A Stat. 713; 26 U. S. C. 5723)

§ 270.194 *Stamps for affixture in foreign countries.* Stamps in payment of the tax on imported cigars and cigarettes may be affixed to such products in the foreign country in which manufactured, provided the laws of such foreign country grant a like privilege in respect of similar products manufactured in the United States and exported to such foreign country. An importer desiring to have the stamps in payment of the tax on imported cigars and cigarettes affixed to these products in such foreign country shall file with any district director an order for the necessary stamps. No particular form for such order is prescribed, but the order shall show (a) the name and address of the person by whom such products are to be imported, (b) the name of the foreign country, (c) the quantity of each such product to be imported, and (d) the number, class, and value of the stamps of each denomination, and the total value of all the stamps. Each order shall be accompanied by remittance in the proper amount.

§ 270.195 *Stamps for affixture in Puerto Rico and the Virgin Islands.* Stamps denoting the tax on cigars and cigarettes, manufactured in Puerto Rico and the Virgin Islands for shipment to the United States, may be affixed to packages of such products in Puerto Rico and the Virgin Islands. Such stamps may be purchased by the manufacturers from the Internal Revenue Service office in Puerto Rico.

(68A Stat. 829; 26 U. S. C. 6801)

§ 270.196 *Exemption of consular officers and employees of foreign states*—(a) *Rule of exemption.* No internal revenue tax shall be due with respect to cigars and cigarettes imported by a consular officer of a foreign state, or by an employee of a consulate of a foreign state, whether such products accompany the officer or employee to his post in the United States, its insular possessions, or the Panama Canal Zone, or are imported by him at any time during the exercise of his functions therein, if:

(1) Such officer or employee is a national of the state appointing him and is not engaged in any profession, business, or trade within the territory specified in this section;

(2) The cigars and cigarettes are imported by the officer or employee for his personal or official use; and

(3) The foreign state grants an equivalent exemption to corresponding officers or employees of the Government of the United States stationed in such foreign state.

(b) *Certificate by Secretary of State.* The Secretary of State shall certify to the Secretary of the Treasury the names of the foreign states which grant an equivalent exemption to the consular officers or employees of the Government of the United States stationed in such foreign states.

(68A Stat. 900; 26 U. S. C. 7511)

§ 270.197 *Claim for refund of tax.* The tax paid on cigars or cigarettes by the importer thereof (otherwise than by stamp) may be refunded where the tax has been paid in error. Only the importer who paid the tax may file claim for refund thereof under this section. The claim for refund, Form 843, shall be filed in duplicate within three years from the date of payment of the tax, with the assistant regional commissioner for the region in which the tax was paid, and the claim shall be supported by evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(68A Stat. 709; 26 U. S. C. 5705)

§ 270.198 *Claim for redemption, or refund of the value, of stamps.* Stamps to denote the tax on cigars and cigarettes may be redeemed, or the value thereof may be refunded, subject to the following provisions:

(a) *Redemption of stamps.* Stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the importer of such products may have no use, or which through mistake may have been improperly or unnecessarily used, or where the taxes represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected, may be redeemed by such importer. Claim for redemption of such stamps shall be filed on Form 843, in duplicate, with the assistant regional commissioner, within three years after the stamps were purchased from the Government. Stamps may be destroyed under internal revenue supervision, or they may be presented with the claim, or satisfactory evidence submitted showing the reason why they cannot be so destroyed or presented. Where the stamps are to be destroyed under internal revenue supervision, a schedule on Form 178 shall be prepared by the importer with respect to the stamps covered by the claim. When the schedule has been prepared, the importer shall notify the assistant regional commissioner in order that he may detail a revenue officer to verify the schedule and supervise the destruction of the stamps. A copy of the verified schedule, returned to the importer, shall be attached to his claim when filed. If required, the importer shall satisfactorily trace the history of the stamps from their issuance to the filing of his claim.

(b) *Refund of the value of stamps.* The value of stamps affixed to packages of cigars or cigarettes may be refunded to the importer thereof, where such products are withdrawn from the market by such importer, or the products are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the importer. Claim for refund of the value of such stamps shall be filed on Form 843, in duplicate, within three years from the date of payment of the tax.

(1) *Stamps affixed to packages of cigars or cigarettes completely lost or destroyed.* Where the packages of cigars or cigarettes to which stamps were affixed have been completely lost or destroyed beyond recognition by fire, casualty, or act of God, the claim for refund shall be filed with the assistant regional commissioner, for the region in which the stamps were affixed, and the claim shall be supported by such evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(2) *Stamps affixed to packages of cigars or cigarettes damaged or withdrawn from the market.* Where the packages of cigars or cigarettes to which stamps were affixed have been merely damaged by fire, casualty, or act of God, so that the identity of the products and the importer thereof, and the rate of tax paid, can be established, or where the cigars or cigarettes are merely withdrawn from the market by the importer, which would permit a similar identification and determination of the tax paid, such cigars or cigarettes shall be assembled by the importer in a suitable place in the city where such products are held or withdrawn from the market. The importer shall group the cigars or cigarettes according to the kind of product, the rate of tax paid, and the sizes of packages, and shall prepare a schedule on Form 177, listing the cigars or cigarettes in each such group. Such cigars or cigarettes, if not taken into a domestic factory, or repacked and restamped by the importer, or exported with drawback of tax, shall be destroyed under internal revenue supervision. The importer shall notify the assistant regional commissioner, for the region in which such products are assembled, and request the detail of a revenue officer to inspect the products, verify the schedule thereof, and supervise destruction of the stamps and the proper disposition of the products and packages as desired by the importer. Upon completion of his detail, the revenue officer shall properly execute his certificate on both copies of the schedule of such cigars or cigarettes. The revenue officer shall return one copy of the completed schedule to the importer, which shall be attached to, and made a part of, the importer's claim, which claim shall be filed with the appropriate assistant regional commissioner.

(68A Stat. 709, 830; 26 U. S. C. 5705, 6805)

SUBPART K—OPERATIONS BY DEALERS

§ 270.210 *Purchase, receipt, possession, or sale of cigars and cigarettes*—(a) *Restriction.* No person shall purchase, receive, possess, sell, or offer for sale cigars or cigarettes not exempt from tax, after removal, which are not put up in packages bearing stamps to denote the tax, and the class designation, and mark, required under this part: *Provided, however,* That this section is not intended to prevent the sale of cigars and cigarettes at retail directly from proper packages nor to apply to such cigars and cigarettes when so sold.

(b) *Liability to tax.* Any person who possesses cigars or cigarettes not exempt from tax after removal, which are not put up in packages bearing the stamps to denote the tax, is liable for the tax thereon, in addition to any other penalties prescribed by law for the offense.

(68A Stat. 716; 26 U. S. C. 5751)

§ 270.211 *Sales at retail from packages.* Cigars and cigarettes may be sold, or offered for sale, from proper packages, bearing the stamps, class designation, and mark, as required under this part, only by retail dealers. The cigars and cigarettes must remain in such packages until removed therefrom by the customer or in the presence of the customer.

(68A Stat. 716; 26 U. S. C. 5751)

§ 270.212 *Vending machines.* Vending machines may be used for vending only cigars and cigarettes which have been packed and stamped by the manufacturers of such products. The cigars and cigarettes may be vended either in such packages or directly from such packages. Such machines shall have panels through which the packages are plainly visible. Machines for vending cigars or cigarettes directly from a package shall have the panel so placed that the stamps, class designation, and mark, required under this part, are plainly visible. The mechanism for delivery shall provide for practically a direct feed of such product from the package.

(68A Stat. 716; 26 U. S. C. 5751)

§ 270.213 *Restrictions relating to used stamps and packages.* No person shall (a) empty any package of cigars or cigarettes without destroying the stamp affixed thereto to denote the tax; or (b) remove, or cause to be removed, any such stamp, or purchase, receive, possess, sell, or dispose of, by gift or otherwise, any such stamp which has been so removed; or (c) purchase, receive, possess, sell, or dispose of, by gift or otherwise, any such package which has been emptied, upon which such a stamp has not been destroyed.

(68A Stat. 716; 26 U. S. C. 5752)

[F. R. Doc. 55–5099; Filed, June 24, 1955; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

PART 123—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

MISCELLANEOUS AMENDMENTS

Basis and purpose: On the basis of field investigations of Fish and Wildlife Service personnel, it has been determined that the following amendments to the Alaska commercial fishery regulations are in the public interest.

Therefore, effective immediately upon publication in the FEDERAL REGISTER:

1. Paragraph (e) of Section 104.5 is deleted.

2. Effective through December 31, 1955, paragraph (m) of Section 123.6 is amended by changing the comma after "Kaigani Village" to a period and deleting the remainder of the paragraph.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Dated: June 23, 1955.

JOHN L. FARLEY,
Director.

[F. R. Doc. 55–5162; Filed, June 24, 1955; 10:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 992.207 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal year ending May 31, 1956, will amount to $20,775.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 113 and Order No. 92, shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 21st day of June 1955.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-5081; Filed, June 24, 1955; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket Nos. 11238, 11333, 11334, 11335, 11336; FCC 55-677]

TELEVISION BROADCAST STATION; TABLE OF ASSIGNMENTS

NOTICE OF ORAL ARGUMENT

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations.

1. On June 9, 1955, the Commission released its Order scheduling oral argument in the above-entitled proceedings. The Commission advised that oral argument would be heard before the Commission en banc on June 27 and 28, 1955, in Room 6121, New Post Office Building, Washington, D. C. All parties eligible to participate in the oral argument were requested to notify the Commission in writing by June 15, 1955, of their intention to participate.

2. Upon examination of the Notices of intention to participate, we do not believe that a conference of the parties will be necessary to arrange the allocation of time and to schedule the order of argument. The order of argument is set forth below. Parties will be afforded a maximum of 20 minutes for argument. However, in light of the many participants, the Commission hopes that parties with similar views will make suitable arrangements for sharing the allotted time and will avoid duplication of arguments. The time for the commencement of the argument is being moved up from 10:00 a. m. to 9:30 a. m. on June 27, 1955.

3. Any party eligible to participate in the oral argument who is not listed below setting forth the order of argument, should notify the Chief, Rules and Standards Division of the Commission's Broadcast Bureau by June 24, 1955.

Adopted: June 20, 1955.

Released: June 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

ORDER OF ARGUMENT

A. Peoria, Illinois (Docket No. 11333).
1. West Central Broadcasting Co. (WEEK-TV), Peoria, Ill.
2. Hilltop Broadcasting Co. (WTVH-TV), Peoria, Ill.
3. Plains Television Corp. (WICS), Springfield, Ill.
4. WMBD, Inc. (WMBD), Peoria, Ill.
5. WIRL Television Co. (WIRL), Peoria, Ill.

B. Evansville, Indiana (Docket No. 11334).
1. Premier Television, Inc. (WFIE), Evansville, Ind.; and Ohio Valley Television Co. (WEHT), Henderson, Ky.
2. Mid-America Broadcasting Corp., (WKLO), Louisville, Ky.
3. Evansville Television, Inc., Evansville, Ind.
4. On The Air, Inc., Evansville, Ind.
5. Owensboro Publishing Co., Owensboro, Ky.
6. Owensboro On The Air, Inc., Owensboro, Ky.

C. Madison, Wisconsin (Docket No. 11335).
1. Monona Broadcasting Co. (WKOW-TV), Madison, Wis.
2. Bartell Television Corp. (WMTV), Madison, Wis.
3. Winnebago Television Corp. (WTVO), Rockford, Ill.
4. Badger Television Co., Inc. (WIBA), Madison, Wis.
5. Radio Wisconsin, Inc., Madison, Wis.
6. Greater Rockford Television, Inc. (WREX-TV), Rockford, Ill.

D. Hartford, Connecticut (Docket No. 11336).
1. General-Times, Corp. (WGTH-TV), Hartford, Conn.; New Britain Broadcasting Co. (WKNB-TV), New Britain, Conn.; Hampden-Hampshire Corp. (WHYN-TV), Springfield, Mass.; and Springfield Television Broadcasting Corp. (WWLP), Springfield, Mass.
2. Channel 16 of Rhode Island, Inc. (WNET), Providence, R. I.
3. The Eastern Connecticut Broadcasting Co. (WICH), Norwich, Conn.
4. Connecticut Radio Foundation, Inc. (WELI), New Haven, Conn.
5. The Thames Broadcasting Corp. (WNLC), New London, Conn.
6. The Travellers Broadcasting Service Corp., Hartford, Conn.
7. Hartford Telecasting Co., Inc., Hartford, Conn.

E. Albany-Schenectady-Troy (Docket No. 11238).
1. Van Curler Broadcasting Co. (WTRI), Albany, N. Y.
2. Greylock Broadcasting Co. (WMGT), Adams, Mass.
3. General Electric Co. (WRGB), Schenectady, N. Y.
4. Hudson Valley Broadcasting Co., Inc. (WROW-TV), Albany, N. Y.
5. Walter C. Neals, Albany, N. Y.

[F. R. Doc. 55-5067; Filed, June 24, 1955; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2795]

DIRECTOR, FISH AND WILDLIFE SERVICE

DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACTS IN CONNECTION WITH ACTIVITIES OF THE FISH AND WILDLIFE SERVICE

JUNE 20, 1955.

SECTION 1. *Delegation of authority.* (a) The Director, Fish and Wildlife Service, is authorized to exercise, subject to the provisions of paragraph (b) of this section, the authority delegated to the Secretary of the Interior, for a period of one year from May 17, 1955, by the Administrator of General Services (20 F. R. 3574), to negotiate without advertising, under section 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., sec. 252 et seq.), contracts for surveyors, appraisers and architect-engineering services required in connection with the administration of the programs of the Fish and Wildlife Service.

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with the applicable limitations and requirements in the act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

SEC. 2. *Redelegation.* The Director, Fish and Wildlife Service, may, in writing, redelegate or authorize written redelegation of the authority delegated in section 1 of this order. Each such redelegation shall be published in the FEDERAL REGISTER.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C., sec. 133z-15, note)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

[F. R. Doc. 55-5076; Filed, June 24, 1955; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-39]

COUNTIES OF INYO AND MONO, CALIF.

TRANSFER FROM INTERNAL REVENUE DISTRICT, SAN FRANCISCO, TO INTERNAL REVENUE DISTRICT, LOS ANGELES

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950, Reorganization Plan No. 1 of 1952, section 7621 of the Internal Revenue Code of 1954, and Executive Order 10289, dated September 17, 1951, made applicable by Executive Order 10574, dated November 5, 1954, it is ordered that, effective as of 12:01 a. m., August 1, 1955, the Counties of Inyo and Mono, California, now comprising a part of the Internal Revenue District, San Francisco, shall be, and they are hereby, transferred to and made a part of the Internal Revenue District, Los Angeles, for all purposes authorized by the internal revenue laws of the United States.

Dated: June 22, 1955.

[SEAL] M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 55-5100; Filed, June 24, 1955; 8:52 a. m.]

U. S. Savings Bonds Division

[Delegation Order 1]

ASSISTANT NATIONAL DIRECTOR ET AL.

DELEGATION OF AUTHORITY TO ACT AS NATIONAL DIRECTOR

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, during the absence or disability of the National Director, or when that office is vacant, the officials in the positions listed below and in a classified document filed at the U. S. Savings Bond Division emergency relocation sites, are hereby authorized to assume the position of Acting National Director in the order listed and are authorized to perform the functions of National Director to insure the continuity of activities of that position:

Assistant National Director.
National Sales Manager.
Director of Advertising and Promotion.
Director of Planning.

If none of these officials is available, a Regional Sales Director, in the order listed in a classified document on file at the emergency relocation sites, will become Acting National Director. If none of the Regional Sales Directors listed is available, a State Sales Director, in the order listed in that same document, will become Acting National Director until relieved by proper authority.

Immediately in the event of an attack on the continental United States, or other national disaster, each Regional Sales Director shall communicate as quickly as possible with the U. S. Savings Bonds headquarters emergency relocation site in the order also listed in that same document and previously made known to him, and advise the official in charge of his availability to assume the position of Acting National Director. After the lapse of a reasonable time for receipt of communications from the Regional Sales Directors, the official in charge of the headquarters office emergency relocation site, after assuring that his is the first site on the list to which officials can relocate, being in an area which has not been subject to attack or disaster, and that none of the above-named headquarters officials has succeeded in relocating, will advise the available Regional Sales Director highest in order of succession to report to that headquarters relocation site to become Acting National Director.

In the event that none of the above headquarters or regional officials communicates with the official in charge of the headquarters relocation site within a reasonable time, he will contact successive State Sales Directors in the order of succession listed until one is found who can come and act as National Director.

All authority vested in the National Director by law, delegation or transfer from the Secretary of the Treasury, is hereby delegated to Regional and State Sales Directors, or the officials acting for them, upon the event of an enemy attack on the continental United States, or other national disaster, to the extent necessary for those officials to insure continuous performance of Savings Bonds essential functions and any other emergency functions which may be assigned within their respective areas of jurisdiction. These officials are further authorized to seek the assistance of the nearest Treasury or other Federal installation to obtain such advice and assistance in administrative services and facilities as may be found necessary to carry out these responsibilities. They should also cooperate with other field offices in supplying assistance necessary in carrying on essential wartime functions.

This delegation of authority will remain in effect until notice is received that it has been terminated.

[SEAL] EARL O. SHREVE,
National Director.

MAY 31, 1955.

[F. R. Doc. 55-5101; Filed, June 24, 1955; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7198]

SOUTHWEST AIRWAYS CO. CERTIFICATE CASE

NOTICE OF HEARING

In the matter of the application of Southwest Airways Company for a certificate of public convenience and necessity of unlimited duration.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001, that a hearing in the above-indicated proceeding will be held on June 30, 1955, at 10:00 a. m., e. d. t., in Room E-210, Temporary Building T-5, Seventeenth Street and Constitution Avenue, Washington, D. C., before Examiner Herbert K. Bryan.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Was Southwest Airways Company, from January 1, 1953, to June 6, 1955, a local service air carrier operating under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board?

2. Has Southwest during the period January 1, 1953, to June 6, 1955, continuously operated as such (except as to interruptions of service over which Southwest had no control) and has the service provided by Southwest during the period since its last certification been inadequate and inefficient?

3. Between what terminal and intermediate points has Southwest continuously operated between May 19, 1955, and June 6, 1955?

4. Which of the intermediate points to which Southwest has continuously operated between May 19, 1955, and June 6, 1955, should be named as temporary intermediate points in any certificate to be issued to Southwest as a result of this proceeding?

For further details of the issues involved in this proceeding, interested persons are referred to the application, pertinent orders of the Civil Aeronautics Board, and the Prehearing Conference Report which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before June 30, 1955, a statement setting forth the issues of fact or law upon which he desires to be heard.

Dated at Washington, D. C., June 22, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55-5102; Filed, June 24, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10722, 11395; FCC 55M-554]

ALVARADO BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Alvarado Broadcasting Company, Inc. (KOAT), Albuquerque, New Mexico, Docket No. 10722, File No. BP-8782, for construction permit; Alvarado Broadcasting Company, Inc. (KOAT), Albuquerque, New Mexico, Docket No. 11395, File No. BL-5399, for license to cover construction permit.

The Hearing Examiner having under consideration an oral request by counsel for the parties to continue the hearing now scheduled for June 23, 1955, until July 25, 1955, pending consideration by the Commission of an application by KOAT for modification of construction permit to operate on 920 kc, a grant of which would obviate the necessity for hearing in the present matter;

It appearing that there is no objection by counsel for the Broadcast Bureau to the proposed continuance:

It is ordered, This 20th day of June 1955, that the request is granted, and that (1) the hearing is continued from June 23 to Monday, July 25, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C., and (2) the

time for exchange of exhibits is postponed from June 22 to July 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5068; Filed, June 24, 1955; 8:45 a. m.]

[Docket No. 11146; FCC 55M-551]

BLACKHAWK BROADCASTING CO., INC. (WSDR)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Blackhawk Broadcasting Company, Inc. (WSDR), Sterling, Illinois, Docket No. 11146, BP-9258; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing, That counsel have agreed on the date referred to below for a further prehearing conference:

It is ordered, This 17th day of June 1955, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.841 of the Commission's rules, at the Commission's offices in Washington, D. C., at 9:00 a. m., June 22, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5069; Filed, June 24, 1955; 8:45 a. m.]

[Docket No. 11267; FCC 55M-550]

DAVID J. LEWIS

ORDER SCHEDULING HEARING

In the matter of David J. Lewis, 1011 Davis Street, Elmira, New York; suspension of restricted radiotelephone operator permit.

The Hearing Examiner having under consideration the motion of its Field Engineering and Monitoring Bureau, filed June 16, 1955, that a date in the near future be specified for hearing the above-entitled proceeding;

It appearing, that by order entered March 18, 1955, the hearing in this matter, originally scheduled to commence March 21, 1955, was continued without date to enable the respondent to complete preparation of the documents essential to his case; and

It appearing further, that respondent's preparation aforementioned has been completed and that it is appropriate to commence and complete the hearing herein without further delay; and

It appearing further, that a waiver of the provisions of § 1.745 of the Commission's rules is appropriate with regard to this pleading:

Accordingly it is ordered, This 17th day of June 1955, that the instant motion is granted and that hearing in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Wednesday, June 22, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5070; Filed, June 24, 1955; 8:45 a. m.]

[Docket Nos. 11385, 11386; FCC 55M-549]

AMERICAN TELEVISION CO., INC., AND SOUTHWESTERN PUBLISHING CO.

ORDER GOVERNING HEARING CONTINUING HEARING

In re application of American Television Company, Inc. (Assignor) and Southwestern Publishing Company (Assignee), Docket No. 11385, File No. BAPCT-136; for assignment of construction permit for Station KNAC-TV, Fort Smith, Arkansas.

In re application of American Television Company, Inc., Docket No. 11386, File No. BMPCT-2757; for extension of time to complete construction of Station KNAC-TV, Fort Smith, Arkansas.

1. A prehearing conference called pursuant to the provisions of § 1.813 of the Commission's rules was held June 17, 1955, attended by counsel for all parties to this proceeding. As a result of that conference, is was agreed that (1) the assignor and assignee will prepare exhibits giving in detail a breakdown of the basis for the sums to be paid pursuant to the contract for the assignment of construction permit; and (2) that the breakdown of out-of-pocket expenditures previously furnished the Commission is in sufficient detail and accurate.

2. The exhibits will be exchanged on or before June 27, 1955. The hearing for the introduction of the exhibits will begin June 30, 1955. Exhibits may be introduced without the presence of a witness. On June 30, Commission counsel may request the presence of one or more witnesses for cross-examination. If the request is made, a date for cross-examination will be specified.

Pursuant to the above: *It is ordered*, This the 17th day of June 1955, that the hearing in the above-entitled proceeding now scheduled to begin on June 21, 1955, is continued to June 30, 1955, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5071; Filed, June 24, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

CITY OF ANNA, ILL., ET AL.

NOTICE OF FINAL DECISIONS

JUNE 17, 1955.

In the matters of City of Anna, Illinois, Docket No. G-2501, City of Jonesboro, Illinois, Docket No. G-2502, Texas Eastern Transmission Corp., Docket No. G-2573, Mississippi Valley Gas Company, Docket No. G-4716, Hartsville Gas Company, Docket No. G-6876.

Notice is hereby given that the Presiding Examiner's Decision issuing certificates of public convenience and necessity in the above-designated matters were issued and served upon all parties on May 17, 1955. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure, said Decisions became effective on June 17, 1955, as the final decisions and orders of the Commission.

Notice is also given that said Presiding Examiner's Decision issued May 17, 1955, reserved decision on the request of United Gas Improvement Company for 712 Mcf. of maximum day gas service in the matter of Texas Eastern Transmission Corporation, Docket No. G-2573, and retained jurisdiction as to that part of said proceeding.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5091; Filed, June 24, 1955; 8:49 a. m.]

[Docket No. G-4334]

MORRIS RAUCH ET AL.

NOTICE OF POSTPONEMENT OF HEARING

JUNE 20, 1955.

Upon consideration of the telegraphic request of Counsel upon behalf of Applicant, filed June 13, 1955, for postponement of the hearing now scheduled for June 27, 1955, in the above-designated matter;

The hearing now scheduled for June 27, 1955, is hereby postponed to July 19, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5085; Filed, June 24, 1955; 8:48 a. m.]

[Docket No. G-4335]

E. J. HUDSON ET AL.

NOTICE OF CONTINUANCE OF HEARING

JUNE 20, 1955.

In the matter of E. J. Hudson, John B. Baird, Donald H. Loomis, Isidor Sack, and Alfred J. Williams.

Upon consideration of the motion of E. J. Hudson, et al., filed June 15, 1955, for continuance of the hearing now scheduled for June 28, 1955, in the above-designated matter;

The hearing now scheduled for June 28, 1955, is hereby postponed to July 21, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5086; Filed, June 24, 1955; 8:48 a. m.]

[Docket No. G-8518]

ORANGE GROVE OIL & GAS CO. AND H. J. MOSSER

NOTICE OF CONTINUANCE OF HEARING

JUNE 20, 1955.

Upon consideration of the motion of Orange Grove Oil & Gas Co. and H. J. Mosser, filed June 10, 1955, for continuance of the hearing now scheduled for June 27, 1955, in the above-designated matter;

The hearing now scheduled for June 27, 1955, is hereby postponed to July 13, 1955, at 10:00 a. m., e. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5087; Filed, June 24, 1955; 8:48 a. m.]

[Docket No. G-8519]

ASSOCIATED OIL & GAS CO.

NOTICE OF CONTINUANCE OF HEARING

JUNE 20, 1955.

Upon consideration of the motion of Associated Oil and Gas Co., filed on June 10, 1955, for continuance of the hearing now scheduled for June 28, 1955, in the above-designated matter;

The hearing now scheduled for June 28, 1955, is hereby postponed to July 11, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5088; Filed, June 24, 1955; 8:48 a. m.]

[Docket No. G-8550]

DAVIDOR & DAVIDOR

NOTICE OF POSTPONEMENT OF HEARING

JUNE 20, 1955.

Upon consideration of the motion of Davidor & Davidor, filed June 13, 1955, for continuance of the hearing now scheduled for June 23, 1955, in the above-designated matter;

The hearing now scheduled for June 23, 1955, is hereby postponed to July 14, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5089; Filed, June 24, 1955; 8:49 a. m.]

[Docket No. G-8715]

HARPER-TURNER OIL CO. ET AL

NOTICE OF CONTINUANCE OF HEARING

JUNE 20, 1955.

Upon consideration of the motion of Harper-Turner Oil Company, et al., filed on June 14, 1955, for continuance of the hearing now scheduled for June 27, 1955, in the above-designated matter;

The hearing now scheduled for June 27, 1955, is hereby postponed to July 12, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5090; Filed, June 24, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 52]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the St. Louis-San Francisco Railway Company, due to high water between Quanah, Texas, and Snyder, Oklahoma, is unable to transport traffic routed over its line between these points:

It is ordered, That:

(a) Rerouting traffic: The St. Louis-San Francisco Railway Company is hereby authorized to reroute or divert traffic moving over its line between Quanah, Texas, and Snyder, Oklahoma, due to high water, over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 8:00 a. m., June 19, 1955.

(g) Expiration date: This order shall expire at 11:59 p. m., June 30, 1955, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 20, 1955.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 55-5083; Filed, June 24, 1955; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 21, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30772: Malt liquors—Western points to the South. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on malt liquors, carloads, from specified origins in Minnesota, Missouri, Nebraska, and Wisconsin to specified destinations in Alabama, Arkansas (Helena), Florida, Georgia, Kentucky, Louisiana (on and east of the Mississippi River), Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 3 to Agent Prueter's I. C. C. No. A-4097.

FSA No. 30773: Cinders—Ohio to Michigan, Pennsylvania and West Virginia. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cinders, clay or shale, carloads, from Cleveland, South Park, and New Lexington, Ohio to Capac, Mich., and specified destinations in New York and Pennsylvania, and Wheeling, W. Va., as to rates from Cleveland and South Park, and Capac, and New Castle and Wampum, Pa., as to rates from New Lexington.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 5 to B & O RR tariff I. C. C. 24267 and four other tariffs.

FSA No. 30774: Petroleum coke—Toledo, Ohio to Norton, Ala. Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on petroleum coke, carloads, from Toledo, Ohio to Norton, Ala.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 72 to Agent Hinsch's I. C. C. 4510.

FSA No. 30075: Benzol—Minnequa, Colo., to Ponca City, Okla. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on benzol (benzene), tank-carloads, from Minnequa, Colo., to Ponca City, Okla.

Grounds for relief: Maintenance of rate relations with competing destinations in Kansas, and circuity.

Tariff: Supplement 67 to Agent Kratzmeir's I. C. C. 3715.

FSA No. 30776: Chimney parts—Buda, Ill., to southern points. Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on chimney parts, of tile, concrete and cement asbestos, carloads, from Buda, Ill., to Charleston, S. C., Collins, Miss., Fayetteville and Wilmington, N. C.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 11 to Agent Raasch's I. C. C. 784.

FSA No. 30777: Alcohol—New Orleans, La., to Tuscola, Ill. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on alcohol (other than denatured), in bond, free of internal revenue tax, tank-car loads, from New Orleans, La., to Tuscola, Ill.

Grounds for relief: Rail-barge competition and circuity.

Tariff: Supplement 122 to Agent Emerson's I. C. C. 400.

FSA No. 30778: Ammonium sulphate—to the Twin Cities group. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ammonium sulphate, carloads, from Avondale, La., and Houston, Tex., to Minneapolis, Minnesota Transfer and St. Paul, Minn.

Grounds for relief: Barge competition and circuity.

Tariffs: Supplement 53 to Agent Kratzmeir's I. C. C. 4139 Supplement 124 to Agent Emerson, Jr.'s, I. C. C. 417.

FSA No. 30779: Woodpulp—Western points to official territory. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on woodpulp, carloads, from specified points in Michigan, Minnesota, and Wisconsin to specified points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Virginia.

Grounds for relief: Short-line distance formula and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-5058; Filed, June 23, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3387]

NEW ENGLAND ELECTRIC SYSTEM AND ATTLEBORO ELECTRIC CO.

ORDER REGARDING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT

JUNE 20, 1955.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary, Attleboro Electric Company ("Attleboro"), having filed a joint application with this Commission pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-42 (b) (2) promulgated thereunder with respect to the following proposed transactions:

Attleboro proposes to issue and sell 27,000 additional shares of common stock of the par value of $25 per share and NEES, the owner of all of the presently outstanding common stock of Attleboro, proposes to acquire said additional shares for a cash consideration of $1,215,000. Attleboro proposes to apply the proceeds derived from said sale to the payment of a like amount of 3 percent note indebtedness payable to NEES.

The joint application states that incidental services in connection with the proposed transactions will be performed by New England Power Service Company, an affiliated service company, at the actual cost thereof, estimated not to exceed $1,500 with respect to Attleboro and $300 with respect to NEES. The total expenses to be borne by Attleboro are estimated at $2,800. The joint application further states that the Massachusetts Department of Public Utilities has approved the proposed sale of common stock by Attleboro and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and Attleboro request that the Commission's order herein become effective forthwith upon issuance thereof.

Due notice of the filing of said application having been given in the manner prescribed by Rule U-23 under the act, and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are necessary, that the fees and expenses set forth above are not unreasonable, and deeming it appropriate in the public interest and the interest of investors and consumers that said application should be granted forthwith, subject to the terms and conditions prescribed in Rule U-24 promulgated under the act:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5077; Filed, June 24, 1955; 8:46 a. m.]

[File No. 811-382]

UNITED FIXED SHARES

NOTICE OF APPLICATION FOR ORDER DECLARING THAT TRUST HAS CEASED TO BE AN INVESTMENT COMPANY

JUNE 20, 1955.

Notice is hereby given that The Continental Bank & Trust Company ("Continental"), as Successor Trustee has filed an application under section 8 (f) of the Investment Company Act of 1940 for an order declaring that United Fixed Shares ("United," formerly United Fixed Shares, Series Y), a unit investment trust registered under the Act has ceased to be an investment company.

The following representations are made:

United was organized under the laws of the State of New York, pursuant to an Agreement and Declaration of Trust, dated March 1, 1930, between United States Shares Corporation, and Empire Trust Company of New York. The agreement provided for the issuance of registered certificates of trust shares and bearer coupon certificates for trust shares, all of said certificates being designated as "United Fixed Shares, Series Y."

Subsequently the name of the trust shares was changed to "United Fixed Shares," and Continental Bank and Trust Company of New York was appointed successor trustee.

The trust terminated by its terms on June 15, 1950, and in accordance with the trust agreement the trustee has reduced the trust assets to cash and has made cash distributions to the holders of trust shares upon their surrender. Notice of termination of the trust was given by newspaper publication and notice was also mailed to each registered certificate holder. As of September 30, 1954, a total of $29,152.20 had been paid on 13,882 trust shares, leaving a balance of $8,124.68 to be distributed to the holders of 2,318 shares which had not been presented for final liquidating distribution.

The Continental Bank and Trust Company, successor trustee, is in voluntary liquidation and under an agreement dated December 1, 1953, as supplemented by an agreement dated May 11, 1954, the Chemical Bank and Trust Company, 30 Broad Street, New York, New York, is acting as distribution agent. Any funds remaining unclaimed will eventually be disposed of pursuant to the law governing abandoned property in the State of New York.

Notice is further given that any interested person may, not later than July 5, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, and reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5078; Filed, June 24, 1955; 8:47 a. m.]

[24 NY-3955]

VANDERSEE CORP.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 21, 1955.

I. Vandersee Corporation, 1416 Chestnut Avenue, Hillside, New Jersey, having filed with the Commission on March 10, 1955, a Notification on Form 1-A and an offering circular, and subsequently filed amendments thereto on March 28, April 9, and May 20, 1955, relating to a proposed public offering of 200,000 shares of its $1 par Class A stock at $1.25 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in respect of such Notification, in that:

1. The sale of approximately 116,755 unregistered shares of the issuer's stock, which were sold within one year prior to the date of filing said Notification, has not been disclosed in either Item 3 thereof or in the offering circular; and

2. The aggregate offering price of the securities proposed to be offered thereunder and the securities of the issuer sold in violation of section 5 (a) of the act within one year prior to the commencement of the proposed offering exceeds the $300,000 limitation prescribed by Rule 217 of Regulation A.

B. The offering circular omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in that the contingent liability resulting from the sale of approximately 183,665 shares of the issuer's stock in violation of section 5 of the act has not been disclosed.

C. A device, scheme or artifice to defraud is being employed in connection with the sale of the securities and the offering would be made in such manner as to operate as a fraud or deceit upon the purchaser in that newspaper and radio advertisements concerning an offering of the issuer's securities to residents of New Jersey and containing false and misleading statements with respect to the issuer's present stage of production and the acceptance of its products by industry, are being employed concurrently with the proposed Regulation A offering.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Vandersee Corporation; Louis R. Dreyling, 181 Gatzmer Avenue, Jamesburg, New Jersey; United States Corporation Company, 15 Exchange Place, Jersey City, New Jersey; and Registrar and Transfer Company, 15 Exchange Place, Jersey City, New Jersey, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5080; Filed, June 24, 1955; 8:47 a. m.]

[File No. 24D-1245]

FRONT RANGE URANIUM MINES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 21, 1955.

I. Front Range Uranium Mines, Inc., Suite 403, Interstate Building, Denver, Colorado, having filed with the Commission on April 1, 1954, a Notification on Form 1-A, and amendments thereto, relating to a proposed public offering of 1,495,000 shares of 1¢ par value common stock at 20¢ per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having been advised that a consent order was entered on May 20, 1955, in the United States District Court for the District of Columbia, permanently enjoining Kelleher Securities Corporation, the principal underwriter of the securities proposed to be offered hereunder, from further violations of the registration requirements and the antifraud provisions of the Securities Act of 1933, as amended, and the antifraud provisions of the Securities Exchange Act of 1934 in connection with the offering and sale of securities of Front Range Uranium Mines, Inc., Southwest Oil Corporation and Crown Uranium Company; and

It appearing necessary and appropriate in the public interest and for the protection of investors to suspend the exemption under Regulation A under the Securities Act of 1933;

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

It is further ordered, That this Order and Notice shall be served upon Front Range Uranium Company, Kelleher Securities Corporation, 412 Albee Building, Washington, D. C., and Registrar & Transfer Company, 15 Exchange Place, Jersey City, New Jersey, personally or by registered mail or by confirmed telegraphic notice and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5079; Filed, June 24, 1955; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 51]

COLORADO

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about June 18, 1955, because of the disastrous effects of tornadoes, damage resulted to residences and business property located in certain areas in the State of Colorado; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the Office below indicated from persons or firms whose property situated in Phillips County (including any areas adjacent to Phillips County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, New Customhouse, Room 235, 19th and Stout Streets, Denver 2, Colo.

2. Special Field Offices to receive such applications will not be established at this time.

3. Applications for distaster loans under the authority of this order will

not be accepted subsequent to December 31, 1955.

Dated: June 21, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-5075; Filed, June 24, 1955; 8:46 a. m.]

[Declaration of Disaster Area 48]

MISSISSIPPI

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about April 10, 1955, because of the disastrous effects of floods, damage resulted to residence and business property located in certain areas in the State of Mississippi; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the Offices below indicated from persons or firms whose property situated in Harrison County (including any areas adjacent to Harrison County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Tex.
Small Business Administration Branch Office, Masonic Temple Building, Room 718, 333 St. Charles Street, New Orleans 12, La.

2. Special field offices to receive such applications will not be established at this time.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to December 31, 1955.

Dated: June 17, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-5072; Filed, June 24, 1955; 8:45 a. m.]

[Declaration of Disaster Area 50]

NEVADA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about June 13, 1955, because of the disastrous effects of floods, damage resulted to residences and business property located in certain areas in the State of Nevada; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the Offices below indicated from persons or firms whose property situated in the State of Nevada suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Western Pacific Building, Room 412, 1031 South Broadway, Los Angeles 15, Calif.

2. A Special field office will be established in the City Hall, Los Vegas, Nevada, to receive and process such applications.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to December 31, 1955.

Dated: June 21, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-5074; Filed, June 24, 1955; 8:46 a. m.]

[Declaration of Disaster Area 49]

NORTH CAROLINA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that during the month of March, 1955, because of the disastrous effects of unseasonable freeze, damage resulted to plant and shrub growers located in certain areas in the State of North Carolina; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the Office below indicated from persons or firms whose property situated in Clark County (including any areas adjacent to Clark County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Western Pacific Building, Room 412, 1031 South Broadway, Los Angeles 15, Calif.

2. A Special field office will be established in the City Hall, Los Vegas, Nevada, to receive and process such applications.

3. Applications for disaster loans under the authority of this order will not be accepted subsequent to December 31, 1955.

Dated: June 21, 1955.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 55-5073; Filed, June 24, 1955; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Angelica Uniform Co., Winfield, Mo., effective 6-5-55 to 6-4-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (washable service apparel).

Angelica Uniform Co., Marquand, Mo., effective 6-18-55 to 6-17-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (washable service apparel).

Angelica Uniform Co., Summersville, Mo., effective 6-12-55 to 6-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (washable service apparel).

Angelica Uniform Co., Eminence, Mo., effective 6-9-55 to 6-8-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (washable service apparel).

Cowden Manufacturing Co., 120 South Bank Street, Mt. Sterling, Ky., effective 6-6-55 to 12-5-55; 25 learners for plant expansion purposes (dungarees, slacks, etc.).

Elder Manufacturing Co., Ste. Genevieve, Mo., effective 6-14-55 to 6-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' shirts and pajamas).

Elder Manufacturing Co., Dexter, Mo., effective 6-16-55 to 6-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' apparel).

Hagale Garment Manufacturing Co., Reede Spring, Mo., effective 6-3-55 to 6-2-56; 5 learners for normal labor turnover purposes (work pants).

Hartwell Manufacturing Co., Inc., Depot Street, Hartwell, Ga., effective 6-17-55 to 6-16-56; 10 learners for normal labor turnover purposes (work pants).

Hickman Garment Co., Hickman, Ky., effective 6-6-55 to 12-5-55; 25 learners for plant expansion purposes (jackets).

Hortex Manufacturing Co., Inc., 222 South Santa Fe, El Paso, Tex.; effective 6-1-55 to 5-31-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (juvenile sportswear).

Isaacson-Carrico Manufacturing Co., 210 East First Street, El Campo, Tex.; effective 6-18-55 to 6-17-56; 5 learners for normal labor turnover purposes (girls' cotton and nylon underwear).

Movie Star of Poplarville, Inc., Poplarville, Miss., effective 6-3-55 to 12-2-55; 25 learners for plant expansion purposes (women's slips).

Pelion Manufacturing Co., Pelion, S. C., effective 6-3-55 to 6-2-56, 8 learners for normal labor turnover purposes (ladies' blouses).

Phillips-Jones Corp., Patton, Pa., effective 6-2-55 to 6-1-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress shirts).

Rowker Manufacturing Co., West Tioga Street, Tunkhannock, Pa., effective 6-3-55 to 6-2-56; 5 learners for normal labor turnover purposes (dresses).

Saxon Trouser Manufacturing Co., 710 South Chestnut Street, Aberdeen, Miss., effective 6-6-55 to 6-5-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Levi Strauss & Co., 501 Travis Street, Wichita Falls, Tex., effective 6-6-55 to 5-19-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (denim waistband overalls) (replacement certificate).

I. Taitel & Son, 111 W. Cherry Street, Scottsburg, Ind., effective 6-20-55 to 6-19-56; 10 learners for normal labor turnover purposes (men's and boys' cotton and part wool jackets).

Wood Garment Manufacturing Co., Inc., Crane, Mo., effective 6-3-55 to 6-2-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress trousers and dungarees).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

Brookeville Glove Manufacturing Co., Indiana, Pa., effective 6-11-55 to 6-10-56; 5 learners for normal labor turnover purposes (work gloves).

Ideal Glove Co., Inc., Maben, Miss., effective 6-15-55 to 6-14-56; 5 learners for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35 as amended April 19, 1955, 20 F. R. 2304).

Van Raalte Co., Inc., Main Street, Bristol, Vt., effective 6-15-55 to 6-14-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's nylon underwear).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended April 19, 1955, 20 F. R. 2304).

Vincent Horwitz Co., Inc., 2121 Beale Avenue, Altoona, Pa., effective 6-6-55 to 6-5-56, 10 percent of the number of productive factory workers in the plant (ladies' casual shoes and slippers).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 6th day of June 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-5095; Filed, June 24, 1955; 8:51 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304).

Marion Culver, Inc., 336 Hibiscus Boulevard, Melbourne, Fla., effective 6-13-55 to 6-12-56, 5 learners for normal labor turnover purposes (misses sportswear).

B. F. Davis Garment Co., Inc., 3000 Royal Street, New Orleans, La., effective 6-9-55 to 6-8-56, 10 learners for normal labor turnover purposes (work pants, dungarees).

Decatur Shirt Corp., Decatur, Miss., effective 6-9-55 to 11-15-55, 25 additional learners for plant expansion purposes (supplemental certificate) (sport shirts).

The Giffin Manufacturing Co., Inc., Carlisle, Ky., effective 6-15-55 to 6-14-56, 5 learners engaged in the manufacture of apparel products only for normal labor turnover purposes (children's outergarments).

Humberland Dress Co., 31 North Spruce Street, Mt. Carmel, Pa., effective 6-10-55 to 6-9-56, 10 learners for normal labor turnover purposes (children's dresses).

Joy Togs, Inc., 950 Highland Avenue, Greensburg, Pa., effective 6-6-55 to 6-5-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (children's outerwear).

Model Sportswear, Inc., 305 Holland Street, Shelbyville, Tenn., effective 6-30-55 to 6-29-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' jackets).

Phillips-Jones Corp., 16th and Mount Hope Avenue, Pottsville, Pa., effective 6-9-55 to 6-8-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Valley Modes, 210 North Valley Avenue, Olyphant, Pa., effective 7-1-55 to 6-30-56, 10 learners for normal labor turnover purposes (dresses).

Wear Well Garment Co., Inc., New Ulm, Minn., effective 6-18-55 to 6-17-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (women's slacks, men's trousers).

Wood Garment Manufacturing Co., Inc., Republic, Mo., effective 6-6-55 to 6-5-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (dress trousers).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43 as amended April 19, 1955, 20 F. R. 2304).

Griffin Hosiery Mills, Griffin, Ga., effective 6-20-55 to 6-19-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended April 19, 1955, 20 F. R. 2304).

Monroeville Telephone Co., Monroeville, Ala., effective 6-15-55 to 6-14-56, learners for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

The Giffin Manufacturing Co., Inc., Carlisle, Ky., effective 6-15-55 to 6-14-56, 5 percent of the total number of factory production workers engaged in the manufacture of knitted wear products only (men's woven shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Fabriko Inc., Green Lake, Wis., effective 6-13-55 to 12-12-55, 7 learners for normal labor turnover purposes, in the occupation of sewing machine operators, 240 hours at 65 cents per hour (advertising caps, etc.).

The following special learner certificates were issued in Puerto Rico and in the Virgin Islands to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Alto Manufacturing Corp., Aguas Buenas, P. R., effective 6-6-55 to 12-5-55, 30 learners in any 1 workday as loopers, seamers, hand sewing, latching, mending, collar sewing, each 160 hours at 30 cents an hour, 160 hours at 37½ cents an hour and 160 hours at 45 cents an hour (sweater manufacturing).

San Juan Glove Corp., Carolina Street, Hato Rey, P. R., effective 6-6-55 to 12-5-55, 27 learners in any 1 workday as sewing machine operators at 160 hours at 35 cents an hour, 160 hours at 43 cents an hour and 160 hours at 52 cents an hour (fabric and leather gloves).

V. I. Jewelry Manufacturing Corp., St. Thomas, V. I., effective 6-3-55 to 11-2-55, 40 learners in any 1 workday in the occupation of linking, 160 hours at 30 cents an hour (costume jewelry).

V. I. Jewelry Manufacturing Corp., St. Thomas, V. I., effective 5-8-55 to 11-2-55, 15 persons as learners in any 1 workday in the

following occupations, stone setting, layout, soldering, each 160 hours at 30 cents an hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 13th day of June 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-5096; Filed, June 24, 1955; 8:51 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24 as amended April 19, 1955, 20 F. R. 2304).

Carbon Sportswear Co., Oak and Walnut Streets, Tresckow, Pa., effective 5-27-55 to 5-26-56, 5 learners for normal labor turnover purposes (blouses).

Duro Apparel Corp., Pottsville Street, Wisconisco, Pa., effective 5-26-55 to 5-25-56, 5 learners for normal labor turnover purposes in the production of belts for dresses only (belts for dresses).

Excelsior Frocks, Inc., 396 Academy Street, Archbald, Pa., effective 5-30-55 to 5-29-56, 10 learners for normal labor turnover purposes (ladies' dresses).

Gunnin Manufacturing Co., Corner Main and Church Streets, Dawson, Ga., effective 5-27-55 to 5-26-56, 10 learners for normal labor turnover purposes (sport shirts).

Charles W. Henson Garment Manufacturing Co., Monroe, Ga., effective 5-27-55 to 5-26-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (work clothing).

Kennebec Manufacturing Co., Inc., Northern Avenue, Gardiner, Maine, effective 5-26-55 to 5-25-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (children's outerwear).

The Moyer Manufacturing Co., 18-24 North Walnut Street, Youngstown, Ohio, effective 5-29-55 to 5-28-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's slacks).

Oberman Manufacturing Co., Valdosta, Ga., effective 5-27-55 to 5-26-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' dungarees).

The Puritan Sportswear Corp., 813 Twenty-fifth Street, Altoona, Pa., effective 5-26-55 to 5-25-56, 10 percent of the total number of factory production workers, for normal labor turnover purposes, engaged in the production of sportswear (sportshirts, etc.).

Spruce Manufacturing Corp., Second and Spruce Streets, Sunbury, Pa., effective 6-12-55 to 6-11-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Trimble Manufacturing Corp., Trimble, Tenn., effective 6-1-55 to 5-31-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (lightweight jackets).

Wilgree Manufacturing Co., Broad Street, Camilla, Ga., effective 5-25-55 to 5-24-56, 10 learners for normal labor turnover purposes (sport and dress shirts).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended April 19, 1955, 20 F. R. 2304).

General Cigar Co., Inc., Robert Burns Drive, Phillipsburg, Pa., effective 5-23-55 to 12-16-55, 10 percent of the total number of factory production workers in the occupations of cigar machine operating, 320 hours at 65 cents; cigar packing (cigars retailing for 6 cents or less) 160 hours, 65 cents; machine stripping, 160 hours at 65 cents (replacement certificate).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

Wells Lamont Corp., Brownsville, Tenn., effective 5-25-55 to 5-24-56, 10 percent of the total number of machine stitchers in the production of jersey and knit fabric gloves only (jersey gloves and mittens).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304).

The Puritan Sportswear Corp., 813 Twenty-fifth Street, Altoona, Pa., effective 5-26-55 to 5-26-56, 5 percent of the total number of factory production workers engaged in the production of knitted outerwear (knitted outerwear).

The Puritan Sportswear Corp., 813 Twenty-fifth St., Altoona, Pa., effective 5-26-55 to 11-25-55, 10 learners for plant expansion purposes in the production of knitted outerwear (knitted outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Freeman and Freeman, 403 Luck Avenue, Roanoke, Va., effective 5-20-55 to 5-19-56, 5 learners for normal labor turnover purposes in the occupation of sewing machine operator, 250 hours at 70 cents per hour (ladies' belts, buckles, and buttons).

The Nolde & Horst Co., Pittsboro, N. C., effective 5-31-55 to 11-30-55, 10 learners for plant expansion purposes in the occupation of knitting (except transfer top), 240 hours at 67½ cents per hour (ladies' seamless hosiery).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods, and the learner wage rates are indicated, respectively.

Hilmar Corp., 357 Virtud Street, Arecibo, P. R., effective 5-24-55 to 11-23-55, 10 learners in any 1 workday in the occupations of machine sewing, 240 hours at 45 cents an hour and 240 hours at 50 cents an hour; pressing, hand sewing and finishing operations involving hand sewing, 240 hours at 45 cents an hour and 240 hours at 50 cents an hour (brassieres).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 1st day of June 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55-5097; Filed, June 24, 1955; 8:51 a. m.]

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Washington, Tuesday, June 28, 1955

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

EXPENSES AND RATES OF ASSESSMENT FOR 1955-56 SEASON

On May 26, 1955, notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 3686) regarding the expenses and the fixing of the rates of assessment for the 1955-56 season pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 936.209 *Expenses and rates of assessment for the 1955-56 season*—(a) *Expenses.* The expenses likely to be incurred by the Control Committee during the 1955-56 season beginning March 1, 1955, and ending February 29, 1956, both dates inclusive, for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $25,861.04;

(2) Early varieties of plums, $17,132.71;

(3) Late varieties of plums, $18,359.75, and

(4) Elberta peaches, $20,631.50.

(b) *Rates of assessment.* The following rates of assessment, which each handler shall pay in accordance with the applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses:

(1) 8½ mills ($0.0085) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 9 mills ($0.009) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 9 mills ($0.009) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk, and

(4) 4 mills ($0.004) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches shipped during the 1955-56 season; (2) shipments of plums have already commenced and shipments of Elberta peaches are expected to begin on or about June 25, 1955, with shipments of Bartlett pears following on or about July 10, 1955; (3) the provisions hereof do not impose any obligation on a handler until such handler ships plums, Elberta peaches or Bartlett pears; and (4) it is essential that the specification of the assessment rates be issued immediately so that the aforesaid assessment may be collected and thereby enable the said Control Committee and commodity committees to perform their duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 55-5145; Filed, June 27, 1955; 8:53 a. m.]

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1955)

The following Supplements are now available:

Title 17 ($0.55)

Title 32A, Revised Dec. 31, 1954 ($1.50)

Title 38 ($2.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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[Lemon Reg. 594, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.701 (Lemon Regulation 594; 20 F. R. 4280) are hereby amended to read as follows:

(ii) District 2: 700 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 23, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55–5143; Filed, June 27, 1955; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21–431]

PART 142—RADIO AND TELEVISION INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 28, 1955.

Statement by the Commission. Revised and extended trade practice rules for the Radio and Television Industry, formerly known as the Radio Receiving Set Manufacturing Industry, are promulgated by the Federal Trade Commission as hereinafter set forth.

The industry is composed of persons, firms, corporations, and organizations engaged in the manufacture, sale, or distribution in commerce of radio receiving sets, television receiving sets, or combinations thereof, or parts or accessories therefor. According to available information, retail sales of industry products aggregate nearly two and one-half billion dollars per annum.

The rules constitute a revision and extension of those promulgated for the Radio Receiving Set Manufacturing Industry on July 22, 1939. Numerous changes embodying clarification of the applicable requirements of laws administered by the Commission have been made.

Primary objectives of the rules are the maintenance of free and fair competition in the industry and the elimination and prevention of unfair methods of competition, unfair acts or practices, and other trade abuses. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings to revise the trade practice rules as previously promulgated for the industry were instituted pursuant to industry applications. Drafts of suggested rules prepared by several industry trade associations were discussed in a trade practice conference in Washington, D. C., on June 21, 1951. A second session of the conference was held in Washington on September 26, 27, and 28 in 1951, and a draft of suggested rules prepared by the Commission's staff was used as a basis for discussion. Additional problems raised by new technical developments in the industry were presented, and in accordance with the expressed wishes of industry members a third session of the conference was held in Washington on June 18, 1952, where an all-industry committee's draft of twenty-nine suggested rules was discussed. Thereafter, proposed rules were published by the Commission and made available to all industry members and to all other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desired to offer, and to be heard in the premises. Pursuant to such notice, public hearings were held in Washington on October 8 and December 7, 1953, and all matters there presented, or otherwise received in the proceeding, were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the Group I rules as hereinafter set forth.

Rules 6, 9, and 12 become operative six (6) months from the date of promulgation. All of the other rules become operative thirty (30) days from date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
142.0 Definitions.

GROUP I

142.1 Misbranding, misrepresentation, and deceptive selling methods.
142.2 "All-wave," "world-wave," "world-wide wave," "standard broadcast," etc.
142.3 Specific types of advertisements or representations among those prohibited.
142.4 Sponsorship.
142.5 Alteration of identifying names or marks.
142.6 Misrepresentation of cabinet composition.
142.7 Deceptive use or change of cabinets.
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142.9 Deception as to size of picture.
142.10 Deception as to the convertibility of a television receiving set to services other than those for which it was originally manufactured.
142.11 Misuse of terms "discontinued model," "floor sample," "demonstrator," etc.
142.12 Deception as to being "new."
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142.14 Misuse of terms "factory rebuilt" and "rebuilt."
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142.17 Guaranties, warranties, etc.
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142.21 Tie-in sales—coercing purchase of one product as a prerequisite to the purchase of other products.
142.22 Unfair threats of infringement suits.
142.23 Prohibited forms of trade restraints (unlawful price fixing, etc.)
142.24 Consignment distribution.
142.25 Use of lottery.
142.26 Defamation of competitors or false disparagement of their products.
142.27 Enticing away employees of competitors.
142.28 Procurement of competitors' confidential information.
142.29 Commercial bribery.
142.30 Exclusive deals.
142.31 Push money.
142.32 Prohibited discrimination.

AUTHORITY: §§ 142.0 to 142.32, issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 142.0 *Definitions.* As used in the rules in this part, the terms "industry member" and "industry products" shall have the following meanings, respectively:

Industry member: Any person, firm, corporation, or organization engaged in the manufacture, sale, or distribution of industry products as hereinafter defined.

Industry products: Radio receiving sets, television receiving sets, combination radio and television receiving sets, or parts or accessories therefor.

GROUP I

General statement. The unfair trade practices embraced in the Group I rules in this part are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Com-

mission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 142.1 *Misbranding, misrepresentation, and deceptive selling methods.* It is an unfair trade practice for any member of the industry, in the course of the marketing or distribution of products of the industry, (a) to use, or promote the use of, any marks, brands, labels, depictions, layouts, advertisements, prices, trade promotional descriptions, or representations of any kind, which, directly or by implication, are false, misleading, or deceptive to the purchasing or consuming public; or (b) to offer for sale, sell, or distribute, or promote the sale or distribution of, products of the industry under any other conditions or selling practices which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any material respect. [Rule 1]

§ 142.2 *"All-wave," "World-wave," "World-wide wave," "standard broadcast," etc.* In the application of the rules in this part, and for the purpose of avoiding confusion, misunderstanding, and deception:

(a) Except as provided in paragraph (b) of this section, the terms "all-wave," "world-wave," "world-wide wave," or words, phrases, or representations denoting world-wide reception, shall not be used as descriptive of a radio receiving set advertised, offered for sale, sold, or distributed in the American market when such set is not constructed to receive and capable of receiving, with reasonable or adequate consistency, the entire respective spectrum of radio frequencies in recognized use in the art, namely, all long-wave broadcasts and transmissions, all medium-wave and short-wave broadcasts and transmissions, and all other waves transmitted or broadcast, including both foreign and domestic; excepting, however, that such set so described or represented need not include within its capacity of reception such point-to-point transmissions as are confidential and illegal for general reception and divulgence to members of the public, or such unchanging signals as emanate from radio beacons or radio lighthouses, when such set is not otherwise falsely or deceptively described or represented, directly or indirectly, as being constructed to receive, or as being capable of receiving, such point-to-point or beacon or lighthouse transmissions.

(b) Nothing contained in this section shall prohibit the use of the term "limited all-wave," "limited world-wave," "limited world-wide wave," or terms or words of similar import, as descriptive of a radio receiving set advertised, offered for sale, sold, or distributed in the American market, when such set is constructed for and capable of consistently receiving at least a continuous spectrum of frequencies from 540 kilocycles to 18,000 kilocycles, provided such terms or words are immediately accompanied by words, phrases, or terms set forth conspicuously and clearly, unequivocally and truthfully stating the exact wave bands or frequencies which such set is capable of consistently receiving; for example:

Limited All-Wave—From 540 to 18,000 kilocycles.
Limited All-Wave—From 530 to 21,000 kilocycles.
Limited World-Wave—From 540 to 18,000 kilocycles.
Limited World-Wide Wave—From 540 to 18,000 kilocycles.
Limited All-Wave—From 140 to 410 kilocycles, and from 540 to 18,000 kilocycles.
Limited World-Wave—From 540 to 18,000 kilocycles, and from 19,000 to 23,500 kilocycles.
Limited World-Wide Wave—From 150 to 400 kilocycles, and from 540 to 35,000 kilocycles.

(c) Nothing contained in this section shall prohibit the use, as descriptive of a radio receiving set, of the term "all-wave" as an integral part of a clause, sentence, or statement which truthfully and unequivocally sets forth the bands or radio frequencies such set does not cover, and wherein the words "all-wave" are not given greater prominence or conspicuousness than the other parts of such clause, sentence, or statement, provided such set is constructed for, and capable of receiving with reasonable or adequate consistency, all the waves or bands of frequencies from 540 to 18,000 kilocycles and such other bands or frequencies as are represented to be within its receptive capacity. The following are illustrative of such permissible phrases here provided for:

All waves except for frequencies above 21,000 kilocycles and below 540 kilocycles.
All waves except Asiatic stations.
All waves except foreign and domestic frequencies above 18,000 kilocycles and below 540 kilocycles.

(d) The terms "standard-broadcast receiver," "frequency-modulation receiver" and "television receiver," as descriptive of an amplitude-modulation or a frequency-modulation radio or a television receiving set, shall not be used in such manner as to lead the public to believe that such set is constructed for, and capable of receiving with reasonable or adequate consistency, a greater number of radio or television frequency signals or channels than is in fact true of such set. [Rule 2]

§ 142.3 *Specific types of advertisements or representations among those prohibited.* It is an unfair trade practice for any member of the industry to use, or cause to be used, any of the following-described types of advertisements or representations:

(a) Advertisements or representations stating, purporting, or implying that any radio receiving set so advertised or represented will receive distant stations or any or all foreign broadcasts or transmissions easily or satisfactorily or as easily or satisfactorily as local or domestic reception, when such is not the fact.

(b) Advertisements or representations stating, purporting, or implying that any radio or television receiving set so advertised or represented, or the reception thereof, is not subject to interference or to being interfered with or interrupted by fading, noise, electrical interference, atmospheric conditions, static, or any other phenomena or conditions, when such is not the fact.

(c) Advertisements or representations with respect to the receiving capacity or performance of any radio or television receiving set which make deceptively exaggerated or misleading claims, or claims which are not justified and supported by the fact or performance of such radio or television receiving set.

(d) Advertisements or representations which directly or by implication lead purchasers to believe that the radio or television receiving set so advertised or represented is capable of greater or more consistent or satisfactory performance or reception than is in fact true.

(e) Advertisements or representations stating, purporting, or implying that a radio receiving set so advertised or represented will give world-wide continuous reception or other continuous reception, when such is not the fact; or that the radio receiving set will give such reception or other reception with loud-speaker volume, when such is not the fact; or that the radio receiving set will give world-wide reception or other reception regularly or dependably, when such is not the fact.

(f) Advertisements or representations of any radio receiving set stating, purporting, or implying that each station or any station, whether nearby or foreign or domestic, can be brought in, or brought in with sharp, clear, or distinct reception, or with ease, simplicity, or regularity, by any amplitude-modulation radio receiving set so advertised or represented, when such is not the fact.

(g) Advertisements or representations stating, purporting, or implying that any radio receiving set so advertised or represented will bring in or receive broadcasts from Europe, Africa, South America, Australia, or Asia, or from any other designated locality, or that it will bring in such broadcasts, or any of them, consistently or satisfactorily, when such is not the fact.

(h) Advertisements or representations stating, purporting, or implying that any radio or television receiving set so advertised or represented sifts out noise or is free from noise, or brings in far distant stations sharp or clear, or brings in signals to weak signal areas sharp or clear, or brings in signals to fringe areas sharp or clear, when such is not the fact.

(i) Advertisements or representations stating, purporting, or implying that any radio receiving set so advertised or represented will bring in or receive satisfactorily or consistently foreign stations, police calls, aviation calls, radio transmissions from or to ships at sea, amateur stations, or other types of radio transmissions, when such is not the fact, or when only a small part of any such class of radio frequencies transmitted or broadcast is so receivable and such fact, or the fact that others of the same class are not so receivable, is deceptively concealed.

(j) Advertisements or representations stating, purporting, or implying that a radio or television receiving set so advertised or represented contains a certain number of tubes or their equivalents or is of a certain tube capacity or equivalent tube capacity when one or more of such tubes or their equivalents in the set are dummies or fakes or contribute no useful function toward enhancing the normal and intended operation of the amplitude-modulation or frequency-modulation radio or television receiving set.

NOTE: In order to avoid and prevent misleading tendencies or results, so-called "ballast tubes," dial or other lamps used for illumination, so-called "plug-in resistors," and other like accessories or devices not providing the recognized and customary functions of tubes used to enhance the operation of a radio or a television receiving set, are not to be included as tubes or their equivalents in advertisements or representations of a radio or a television receiving set which describe or refer to the set as having a certain number of tubes or their equivalents or as being of a specified tube capacity or equivalent tube capacity. Rectifier tubes, used to supply power to the set, shall not be included in the computation of tube count of such set.

(k) Advertisements or representations stating, purporting, or implying that radio or television receiving sets so advertised or represented are of a current model, as specified by the manufacturer, when such is not the fact; or advertisements or representations which, directly or indirectly, have the capacity and tendency or effect of leading the purchasing public to believe that the set is of the current year's model or has not been supplanted, superseded, or succeeded by a newer or later model, when such is not true in fact; or advertisements or representations which are otherwise deceptive or misleading respecting the model of the set.

NOTE: The term "current," in reference to a model means that the said model appears in the prevailing literature published by the advertiser.

(l) Advertisements or representations concerning a radio or a television receiving set which, by reference to the name of the manufacturer, or one or more component parts of the set, or to a patent license pursuant to which the set was manufactured, or otherwise, have the capacity and tendency or effect of misleading purchasers or the consuming public into the belief that such set is manufactured or sponsored by said component part manufacturer or patent licensor, when such is not the fact.

(m) Advertisements or representations stating, purporting, or implying that a television receiving set is a color television receiving set unless such receiving set is capable, as so constituted, of reproducing color television signals in color as transmitted from a television station transmitting in color; or advertisements or representations which, directly or indirectly, have the capacity and tendency or effect of leading the purchasing public to believe that the television receiving set is capable of reproducing color television transmission signals in color as transmitted from a color television transmitting station, when such is not the fact.

(n) Advertisiements or representations stating, purporting, or implying that a device for color television is capable of producing television pictures in color as broadcast, when such is not the fact. [Rule 3]

§ 142.4 *Sponsorship.* It is an unfair trade practice to use, or cause to be used, advertisements or representations relating to any radio or television sets, parts or accessories therefor, or to other products of the industry, which have the capacity and tendency or effect of misleading purchasers or the consuming public into the belief that such radio or television receiving sets, parts, accessories, or products are sponsored by, or are otherwise associated with, any person, concern, or organization, when such is not the fact. [Rule 4]

§ 142.5 *Alteration of identifying names or marks.* It is an unfair trade practice for any industry member to remove or deface the name, trade name, or trademark of any manufacturer appearing on any industry product when such removal or defacement has the capacity and tendency or effect of deceiving purchasers or prospective purchasers of the product in any material respect. [Rule 5]

§ 142.6 *Misrepresentation of cabinet composition.*[1] (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to misrepresent in any material respect the composition of the cabinet, or any part of the cabinet, of any such product.

(b) Among practices inhibited by this section are the following:

(1) Representing that a cabinet, or part thereof, is "mahogany," "solid mahogany," or "in mahogany," unless such cabinet or part is of solid mahogany wood.

(2) Representing that any cabinet, or part thereof, is "mahogany veneer" or "mahogany veneered" unless such cabinet or part consists of a base of wood or plies of wood on the exterior surface of which there has been glued or bonded a ply or veneer of mahogany wood; *Provided, however,* That the terms may also be used as descriptive of cabinets, or parts thereof, which consist of other than a base wood or plies of wood on the exterior surface of which there has been glued or bonded a ply or veneer of mahogany wood when in close conjunction with the term used there is adequate disclosure as to the nature of the composition to which the ply or veneer of mahogany wood has been applied.

(3) Representing that any cabinet, or part thereof, is composed of wood, or of any named wood, when such is not the fact.

[1] Section 142.5 applies to affirmative representations relating to the composition of cabinets and parts thereof. However, in the absence of any affirmative representation, the failure to disclose the true composition of a cabinet, or part thereof, which has the appearance of being of a different composition, may result in deception of purchasers and prospective purchasers and be violative of laws administered by the Commission. It is to be understood that the authority of the Commission is not limited to the affirmative representation practices inhibited by this section.

NOTE: Hardboard shall not be unqualifiedly represented as "wood." It may properly be represented as being "hardboard," "synthetic wood," "fiber board," "made from wood fiber (when such is the case)," and may be designated by such other descriptive terms as adequately and nondeceptively make known the general nature of its composition.

(4) Representing that any cabinet, or part thereof, is composed of wood (or any named wood), or is veneered with wood (or any named wood), when, though of such composition, an exposed surface or surfaces thereof have had applied thereto (by means of decalcomania, printing, or otherwise) a simulation of a wood grain, pattern, or figure different than the natural wood grain, pattern, or figure possessed by such wood or veneer, unless adequate disclosure is made of such fact in close conjunction with the said representation.

NOTE (a): Requirements for the designations specified in subparagraphs (1) and (2) of this paragraph, shall be considered as applicable to other named wood designations (such as "walnut," "solid walnut," and "walnut veneer").

NOTE (b): In the absence of an express statement to that effect, representations relating to the composition of cabinets shall not be considered as applying to the interior shelves or bracings thereof.

NOTE (c): When a representation regarding the composition of a cabinet is properly applicable to but a part or parts thereof, such fact shall be clearly indicated in close conjunction with the representation (as, for example,—"top, front, and doors are solid mahogany—sides are mahogany veneer".

[Rule 6]

§ 142.7 *Deceptive use or change of cabinets.* The placing of a radio or television receiving set or chassis in a cabinet designed or made for a set or chassis of a different manufacturer or for a set or chassis of a different size, type, model, or any other combination, without clear disclosure of the fact, having the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public as to the origin, size, capacity, make, manufacture, brand, or type of such set or cabinet, or when done to mislead or deceive purchasers in any other respect, is an unfair trade practice. [Rule 7]

§ 142.8 *Alteration or removal of serial numbers.* (a) To remove, obliterate, deface, alter, or obscure the serial number of any industry product and thereby create a condition having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the identity or age or warranty of such product, or of otherwise aiding, abetting, or causing confusion or deception in the marketing of any such product, is an unfair trade practice.

(b) Nothing in this section shall be construed as preventing the replacement of that part of the product on which the serial number appears when necessary to the rebuilding or repair of such product and when the original serial number is re-marked on the substitute part; nor shall anything in this section be construed as preventing the marking of an additional serial number on a "remanufactured" or "rebuilt" product when in

immediate conjunction therewith there appears the word "rebuilt," "remanufactured," or an abbreviation of a distinguishing symbol indicative thereof. [Rule 8]

§ 142.9 *Deception as to size of picture.* (a) In the sale or offering for sale of television receiving sets, it is an unfair trade practice to misrepresent the size of the picture of any such set or the size of the picture tube with which the set is equipped or to make any representation, direct or indirect, as to the size of such picture or picture tube when such representation has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the actual viewable picture displayed by the set or as to the actual size of such tube.

(b) Any direct or indirect representation as to the size of a picture shown by a television set or as to the size of the picture tube with which the set is equipped shall be with respect to the actual viewable area of the picture displayed by the set or of such tube on a single plane basis. When any such area is of rectangular shape, the size may be indicated by disclosure of but the horizontal distance between the vertical extremities (sides) of the area on a single plane basis, and when the area is of a circular shape, by disclosure of but the diameter of the area on a single plane basis: *Provided, however,* That nothing in this section shall be construed as inhibiting:

(1) A representation or disclosure as to the size of the area of a rectangular-shaped picture shown by a set or picture tube by specification of but a diagonal measurement of the distance between the vertical extremities of the width of the area on a single plane basis when a conspicuous disclosure is made, in immediate conjunction with the stated dimension, of the fact that same is a diagonal measurement; or

(2) A specification of the area in square inches with accompanying disclosure as to the shape of the area;

And provided, further, That in the case of sets equipped for the magnification or projection of picture images, any direct or indirect representation as to the size of the magnified or projected picture shall be accompanied by a conspicuous and nondeceptive disclosure of the fact that the represented size is that after magnification or projection, as the case may be.

(c) Nothing in this section is intended to inhibit a representation that a television receiving set is equipped with a picture tube showing a larger picture than the actual viewable area of the picture shown by the set on a single plane basis when in close conjunction with any such representation a conspicuous and nondeceptive explanation is made of the fact that the viewable picture area of the set is less than of its picture tube.

NOTE: A tolerance not in exsess of $\pm\frac{1}{8}$ inch in representations with respect to the size given in a single dimension of a picture screen or picture tube is permitted.

[Rule 9]

§ 142.10 *Deception as to the convertibility of a television receiving set to services other than those for which it was originally manufactured.* (a) In the offering for sale or distribution of television receiving sets, it is an unfair trade practice to make or publish, directly or indirectly, any false, misleading, or deceptive statement or representation concerning the convertibility of such sets to receive color pictures, higher frequency transmissions, or services other than those for which the set was originally manufactured, or concerning the uniqueness of convertibility of any receiving set or as to the cost of effecting such conversion; or to make any other representation concerning the convertibility of such sets which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(b) Among practices inhibited by this section are: (1) Representing that any set can be converted so as to permit the reception of a color signal in color, or of Ultra-High Frequencies, when such is not the fact; or (2) representing that any set can be converted to color, or can be converted to receive higher frequencies, without also stating conspicuously that such conversion will require the attachment or installation of a new part or parts, or antenna, or some other substantial modification of the set, if such is the case.

NOTE: For the purpose of this section, the term "converter," when used with reference to color, is a device or apparatus which, when added to or used with an existing television receiver, enables the receiver to receive color television broadcasts and reproduce them in color as broadcasted. The term "converter," when used with reference to frequencies, means a device or apparatus which, when added to or used with an existing television receiver, enables the receiver to receive transmissions on different frequencies or channels than those which the receiver was capable of receiving when initially sold.

[Rule 10]

§ 142.11 *Misuse of terms "discontinued model," "floor sample," "demonstrator," etc.* (a) (1) In connection with the sale or offering for sale of radio or television receiving sets or other industry products by use of the terms "discontinued model," "floor sample," "demonstrator," or other word or term of similar import, it is an unfair trade practice to misrepresent any such receiving set or product or to use any such words or terms under conditions having the capacity and tendency or effect of misleading or deceiving customers or prospective customers.

(2) Inhibited by this section is representing or implying that a radio or television receiving set or other industry product is a "demonstrator" or "floor sample" when in fact such receiving set or product is a "trade-in" or has been repossessed or has been sold or rented or subjected to any use except by prospective customers for the purpose of determining their preference and its suitability for their use.

(b) Representing or implying that any radio or television receiving set is a "discontinued" model unless the manufacturer has in fact discontinued its manufacture entirely or has replaced it on the market with a new set or new model embodying specific material changes in appearance, mechanical design, function, or the addition of new features to perform new functions. [Rule 11]

§ 142.12 *Deception as to being "new."* In the sale, offering for sale, or distribution of radio receiving sets, television receiving sets, radio-television combination receiving sets, cathode-ray tubes, or other industry products, it is an unfair trade practice to represent any of such products as being new or unused, or as containing all new or unused parts, when such is not the fact, or deceptively to conceal the fact that any of such products have been used or contain a used part or parts.

NOTE: Whenever a cathode-ray tube which has never been subjected to consumer, demonstrator, or floor-sample use, is discovered to have a defect or imperfection which can be and is completely remedied by the original manufacturer of such tube, such tube may be sold as a new tube. Cathode-ray tubes which have never been subjected to any consumer, demonstrator, or floor-sample use, and which, though giving satisfactory performance, do not meet the standards of quality and workmanship maintained by the manufacturer with respect to the general run of tubes of the same type, need not be designated as "used," but shall be designated as a "reject" or a "second."

[Rule 12]

§ 142.13 *Deception as to identity of manufacturer when products are repaired, reconditioned, or rebuilt by other than the original manufacturer.* Whenever an industry member obtains used or defective products or parts manufactured by another member and identified as such, and has repaired, reconditioned, or rebuilt such products or parts, whether through the installation of a new part or parts, or otherwise, it is an unfair trade practice to sell or offer for sale such products or parts without clear disclosure, in advertising and sales promotional literature relating thereto, and on labels or marks prominently affixed in a conspicuous place on the products or parts and containers thereof, of the fact that such products or parts have been repaired, reconditioned, or rebuilt, as the case may be, together with the name of the person or firm performing such repairing, reconditioning, or rebuilding: *Provided, however,* That with respect to an industry member who obtains cathode-ray tubes manufactured by another member and identified as such, and who rebuilds such tube reusing the envelope but utilizing all other new parts, it is an unfair trade practice to fail to remove or completely obliterate the name of the original manufacturer of the tube. [Rule 13]

§ 142.14 *Misuse of terms "factory rebuilt" and "rebuilt".* It is an unfair trade practice to use the term "rebuilt," "factory rebuilt," or any other word or term of similar import, as descriptive of a radio or television receiving set or other industry product which has not been dismantled and reconstructed and all badly worn, impaired, defective, or missing parts repaired or replaced with new parts; *Provided,* That the product shall not be described, as "factory rebuilt" unless said dismantling, reconstruction, repair, or replacement of parts is performed at a factory, or under factory supervision or control. [Rule 14]

§ 142.15 *Deceptive pricing.* (a) It is an unfair trade practice for any member of the industry to represent or imply that an industry product may be purchased for a specified price when such is not the fact; or to represent or imply that in industry product is being offered for sale at a reduced price when such is not the fact; or otherwise to represent prices or terms of sale for industry products in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(b) Among the practices inhibited by this section are:

(1) Representing or implying, in advertising or otherwise, that a stated price is for a complete functional radio or television receiving set when in fact the product so priced is without cabinet or batteries or any other part necessary to its normal functioning with proper antenna.

(2) Representing or implying, in advertising or otherwise, that the price of a radio or television receiving set or other product of the industry includes the cost of installation service, antenna, adjustment, accessories, etc., when such is not the fact.

(3) Representing or implying, in advertising or otherwise, as the price of a radio or television receiving set or other industry product, any amount which is less than the total price of such product which the purchaser is required to pay, excepting only State or local taxes the amount of which the purchasing public is presumed to have notice.

(4) Representing that a radio or television receiving set or other industry product is being sold at a reduced price when the alleged reduction is from a fictitious price; or is being offered at a reduced or special price when in fact the same model or product has never customarily been offered or sold by the claimant at a higher price than the alleged reduced or special price; or when over a substantial period of time the alleged "reduced" or "special" price has been the price at which the product customarily has been sold.

(5) Making or publishing any false, misleading, or deceptive representation, through advertising or otherwise, concerning installment sales contracts to be used in the sale of industry products, the terms or conditions of such contracts, the down payment to be required, the rate of interest or the financing cost to be charged, or respecting any other matters relative to such contracts. [Rule 15]

§ 142.16 *Misrepresentation as to the effectiveness of television antennas.* (a) In the offering for sale or distribution of television receiving sets equipped with antennas, or in the offering for sale or distribution of antennas designed for television sets, it is an unfair trade practice to make or publish any false, misleading, or deceptive statement or representation, by way of advertisement, label, mark, brand, or otherwise, concerning their uniqueness, performance, ability to "bring in" distant transmission, or utility for Very High Frequency or Ultra-High Frequency reception, or to make any other representation concerning the antenna which is false or misleading in any other material respect.

(b) Under this section it is an unfair trade practice to make the unqualified general representation that television receiving sets equipped with "built-in" or "indoor" antennas will perform as satisfactorily as if they were equipped with "outdoor" antennas, when such is not the fact. When such representation is true only in a limited number of locations or within a limited radius of television transmitting stations, or only under specially favorable conditions, or under other performance limitations, it is an unfair trade practice under this section to fail to make a clear and plain disclosure of such limitations. [Rule 16]

§ 142.17 *Guaranties, warranties, etc.* (a) It is an unfair trade practice to use any guaranty respecting a radio or a television receiver, accessory, attachment, or part thereof, or any television service contract, or any advertisement or representation in relation thereto, which does not make conspicuous and nondeceptive disclosure of the conditions or limitations of the guaranty.

(b) Without in any any way limiting the foregoing provisions of this section guaranties of the following type or character shall not be used:

(1) Guaranties containing statements, representations, or assertions which have the capacity and tendency or effect of misleading and deceiving in any respect; or

(2) Guaranties which are so used, or are of such form, text, or character, as to import, imply, or represent that the guaranty is broader than is in fact true; or

(3) Guaranties in which the conditions or limitations are stated in such manner or form as to be minimized, obscured, or concealed, wholly or in part.

(c) This section shall be applicable also to warranties and any other writing purporting to be or having the effect of either a warranty or a guaranty. [Rule 17]

§ 142.18 *Use of the word "free."* In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosures:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by subsection (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 18]

§ 142.19 *False invoicing.* Withholding from or inserting in invoices or sales slips any statements or information by reason or which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales slips, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 19]

§ 142.20 *Imitation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 20]

§ 142.21 *Tie-in sales—coercing purchase of one product as a prerequisite to the purchase of other products.* (a) The practice or coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice.

(b) This section should not be construed as inhibiting a requirement of purchases of a representative line of radio, television, or radio-television receiving sets, or of parts or accessories therefor, when such required purchases are not resorted to and pursued as a monopolistic practice and do not have the tendency or effect of unreasonably restraining trade, creating a monopoly, or substantially lessening competition. [Rule 21]

§ 142.22 *Unfair threats of infringement suits.* The circulation of threats of suits for infringement of patents or trademarks among customer or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers or of unduly hampering, injuring, or prejudicing competitors in their business, is an unfair trade practice. [Rule 22]

§ 142.23 *Prohibited forms of trade restraints (unlawful price fixing, etc.)* [2] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods, or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 23]

§ 142.24 *Consignment distribution.* It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition, or tending to create a monopoly or unreasonably to restrain trade. Nothing in this section shall be construed as restricting or preventing consignment shipping or marketing of industry products in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected; nor shall anything in this section be construed to authorize any agreement, understanding, or planned common course of action by and between industry members mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 24]

[2] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trademark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

§ 142.25 *Use of lottery.* The offering or giving of prizes, premiums, or gifts in connection with the sale or distribution of industry products by means of a lottery, gift enterprise, or similar scheme, is an unfair trade practice.

NOTE: This section should not be construed as inhibiting the giving of prizes, premiums, or "give-aways," which giving is not contingent upon the requirement of a purchase of industry products or upon any other consideration.

[Rule 25]

§ 142.26 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the quality, grade, origin, use, construction, design, performance, properties, manufacture, or distribution of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 26]

§ 142.27 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not solely for the purpose of inflicting injury on a competitor. [Rule 27]

§ 142.28 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 28]

§ 142.29 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, sales clerks, employees, or representatives of customers or prospective customers of the industry member, without the knowledge of the employers or principals of such agents, sales clerks, employees, or representatives, as an inducement:

(a) To influence such employers or principals to purchase or contract to purchase products manufactured or sold by the industry member; or

(b) To influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors; or

(c) For the purpose of causing said employees, agents, sales clerks, or representatives to push and promote the resale of the industry member's products over competing products being offered for resale by the employers or principals of said agents, employees, sales clerks, or representatives. [Rule 29]

§ 142.30 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 30]

§ 142.31 *Push money.* It is an unfair trade practice for any industry member to pay or contract to pay anything of value to a salesperson employed by a customer of the industry member as compensation for, or as an inducement to obtain, special or greater effort or service on the part of the salesperson in promoting the resale of products supplied by the industry member to the customer—

(a) When the agreement or understanding under which the payment or payments are made or are to be made is without the knowledge and consent of the salesperson's employer; or

(b) When the terms and conditions of the agreement or understanding are such that any benefit to the salesperson or customer is dependent on lottery or chance; or

(c) When any provision of the agreement of understanding requires or contemplates practices or a course of conduct unduly and intentionally hampering sales of products of competitors of an industry member; or

(d) When, because of the terms and conditions of the agreement or understanding, including its duration, or the attendant circumstances, the effect may be substantially to lessen competition or tend to create a monopoly; or

(e) When similar payments are not accorded to salespersons of competing customers on proportionally equal terms in compliance with sections 2 (d) and (e) of the Clayton Act.

NOTE: Payments made by an industry member to a salesperson of a customer under any agreement or understanding that all or any part of such payments is to be transferred by the salesperson to the customer, or is to result in a corresponding decrease in the salesperson's salary, are not to be considered within the purview of this section, but are to be considered as subject to the requirements and provisions of section 2 (a) of the Clayton Act.

[Rule 31]

§ 142.32 *Prohibited discrimination.* [3]—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in paragraph (a) of this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: *"Spindling" of orders.* This proviso shall not be construed as permitting the practice of allowing a price differential, whether in the form of a discount, rebate, or other form, through billing as a single order an aggregate of the amounts of two or more orders separately delivered, when such price differential is not justified by savings to the seller which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such products are to such purchasers sold or delivered.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in paragraph (a) of this section shall prevent price changes from time to time where in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing contained in this section shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. See section 2–b, Clayton Act.

[Rule 32]

Issued: June 23, 1955.

Promulgated by the Federal Trade Commission June 28, 1955.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55–5149; Filed, June 27, 1955; 8:54 a. m.]

[3] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VIII—Defense Transport Administration

CROSS REFERENCE: For termination of Defense Transport Administration and transfer of functions to Interstate Commerce Commission, see F. R. Doc. 55–5198, Defense Transport Administration, in the Notices section, *infra.*

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.28, paragraph (b) is amended to read as follows:

§ 3.28 *Abandoned claims.* * * *

(b) Where payments of disability or death compensation or pension have been suspended on or after July 1, 1933, because a veteran's or payee's whereabouts is unknown for a period of 1 year or more, payments will be resumed effective the date the evidence showing the payee's present whereabouts is received in the Veterans Administration, if otherwise in order.

2. In § 3.166, paragraph (e) is amended to read as follows:

§ 3.166 *Total disability ratings under Public Law 2, 73d Congress, and the 1945 Schedule.* * * *

(e) A permanent total rating under Part III, Veterans Regulation 1 (a), will be authorized for congenital, hereditary or familial conditions characterized by increase in disabling manifestations as distinguished from those purely static, providing the other requirements for entitlement are met.

3. In § 3.228, paragraphs (b) and (c) (10) are amended to read as follows:

§ 3.228 *Computation of annual income for the purposes of Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12A), or section 1 (c) of Public Law 198, 76th Congress (act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress, and Public Law 357, 82d Congress.* * * *

(b) *Benefits excluded from computation.* In determining annual income, benefits received from the following sources will not be considered:

(1) Any payments by the United States Government because of disability or death under laws administered by the Veterans Administration.

(2) Mustering-out pay.

(3) The 6-months' death gratuity.

(4) For the purposes of paragraph II (a), Part III, of Veterans Regulation 1 (a), as amended, amounts payable to Government employees under Public Laws 106 and 390, 79th Congress, other than increases in basic rates of compensation, which the law expressly provides, shall be considered a part of basic compensation. For the purposes of section 11, Public Law 144, 78th Congress, this compensation is not excluded from computation of annual income.

(5) Where the claimant is being maintained in a rest home (including a convalescent or nursing home, a home for the aged, or other establishment of similar character), money paid to the home or to the claimant to cover the cost of maintenance, which is not in remuneration for services, is not to be considered income, regardless of whether it is furnished by a charitable organization (civic or governmental) or by a friend or relative. This rule is not applicable when the expenses are being paid out of the income of the claimant.

(6) The value of maintenance furnished by a charitable organization (civic or governmental) or by a friend or relative.

(7) Annuities received under the Uniformed Services Contingency Option Act of 1953 (Public Law 239, 83d Cong.) will not be considered income.

(8) Proceeds of a fire-insurance policy.

(9) The rental value of property owned by and resided in by the claimant.

(10) The separate income of the wife of a disabled veteran.

(11) The value of an increase in stock inventory of a business at the end of a year.

(c) • • •

(10) Charitable donations from any source (except see paragraph (b) (5) and (6) of this section.

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective June 28, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-5132; Filed, June 27, 1955; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 55-683]

[Rules Amdt. 7-18]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

POSTING OF OPERATOR LICENSE

In the matter of amendment of Part 7 of the Commission's rules to dispense with posting of restricted radiotelephone operator permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 22d day of June 1955;

The Commission having under consideration the above-captioned matter; and

It appearing that it would be in the public interest to amend the rules as herein ordered to allow a radio operator engaged in operating a station on land under the provisions of Part 7 of the Commission's rules to dispense with the posting of his operator license where he holds a restricted radiotelephone operator permit and keeps the permit in his personal possession; and

It further appearing that insofar as restricted radiotelephone operator permits are concerned, the amendment herein ordered will bring about uniformity between land stations and ship stations in the maritime services under Parts 7 and 8 of the Commission's rules and the aeronautical and land mobile services, with respect to operator license posting requirements; and

It further appearing that because the amendment herein ordered is of a noncontroversial nature and will have minor public effect, compliance with the public notice and rule making procedure prescribed by sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendment herein ordered relieves an existing restriction, and may, therefore, be made effective immediately;

It is ordered, That, pursuant to sections 303 (r) and 318 of the Communications Act of 1934, as amended, § 7.155 of the Commission's rules is amended, effective immediately, to read:

§ 7.155 *Posting of operator license.* When a licensed operator is required for the operation of a station subject to this part, the original license of each such operator while he is employed or designated as radio operator of the station shall be posted in a conspicuous place at the authorized control point at which the operator is stationed in accordance with the provisions of § 7.152: *Provided,* That in the case of marine-utility stations on shore and shipyard mobile stations or in the case where the operator holds a restricted radiotelephone operator permit, the operator may in lieu of posting have on his person either his required operator license or a duly issued verification card (FCC Form 758-F) attesting to the existence of that license.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 318, 48 Stat. 1082, 1089; 47 U. S. C. 303, 318)

Released: June 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5137; Filed, June 27, 1955; 8:52 a. m.]

[Docket No. 11365; FCC 55-682]

[Rules Amdt. 8-24]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 8 of the Commission's rules for the purpose of reflecting changes in law and treaty, principally with respect to compulsorily installed ship radiotelegraph stations; Docket No. 11365.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955;

The Commission having under consideration its proposal in the above-captioned matter;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for submission of written comments by interested parties was duly published in the FEDERAL REGISTER on April 20, 1955 (20 F. R. 2624), and the period for filing comments has now expired; and

It further appearing that the only comment filed was that of the American Merchant Marine Institute, Inc. which suggested a revision of proposed § 8.515 dealing with station clocks under the impression that the rule related to radiotelephone equipped ships, whereas the rule as proposed applies only to ships compulsorily equipped with radiotelegraph stations; and

It further appearing that in addition to the amendments heretofore proposed certain editorial and procedural amendments to § 8.49 are desirable in order to reflect existing procedures used in applying for and acting upon applications for exemption; and

It further appearing that since such amendments to § 8.49 are editorial and procedural in nature prior notice of rule making with respect to them is not necessary; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (n) and (r) and Title III, Part II of the Communications Act of 1934, as amended;

It is ordered, That, effective July 29, 1955, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: June 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 8.2 is amended as follows:

a. Delete § 8.2 (b) (2) defining Ship Act and substitute therefor:

(2) [Reserved.]

b. Delete § 8.2 (p) (3) and substitute the following therefor:

(3) *Safety Radiotelegraphy Certificate.* A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the Safety Convention radio requirements applicable to cargo ships carrying radiotelegraph installations for the purpose of meeting such requirements.

c. Add a new § 8.2 (p) (4) as follows:

(4) *Safety radiotelephony certificate.* A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the Safety Convention radio requirements applicable to cargo ships carrying radiotelephone installations for the purpose of meeting such requirements.

2. Section 8.47 is amended to read as follows:

§ 8.47 *Application for certificate of compliance with Safety Convention.* Whenever a Safety Certificate, Safety Radiotelegraphy Certificate or Safety Radiotelephony Certificate or a modification or renewal thereof, is required by reason of the applicability to a ship of the radio provisions of the Safety Convention, an application, FCC Form 801, "Application for Ship Radio Inspection", for a required inspection of the radio installation on board and issuance of a Safety Radiotelegraphy or Safety Radiotelephony Certificate, or, in the case of a Safety Certificate, certification of the results of such inspection to the United States Coast Guard for issuance of such certificate, shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise antennas and to launch any required radio-equipped lifeboats shall be available at the ship at the time inspection is to be conducted. In the case of radiotelegraph installations, the service representative shall hold at least a radiotelegraph 2d class operator license. In the case of radiotelephone installations, the service representative shall hold a 2d or higher class of operator license, either radiotelephone or radiotelegraph. Such application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster; and, when appropriate, may be combined with the application for annual inspection prescribed by § 8.46.

3. a. That part of § 8.48 preceding paragraph (a) thereof is amended to read as follows:

§ 8.48 *Extra compensation for overtime services by engineers in charge and radio engineers.* Pursuant to section 4 (f) (3) of the Communications Act, engineers in charge and radio engineers of the Field Engineering and Monitoring Bureau of the Federal Communications Commission, who may be required to remain on duty to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of Part II of Title III of the act or the Great Lakes Agreement at night or on Sundays and holidays, shall receive extra compensation, to be paid by the master, owner, or agent of the vessel, under the following regulations:

b. Paragraphs (a), (b), (c), (f), and (j) of § 8.48 are amended by striking out the word "inspector" or "inspectors" wherever it appears therein and inserting in lieu thereof the word "engineer" or "engineers", as appropriate.

4. Section 8.49 is amended to read as follows:

§ 8.49 *Application for exemption.* (a) In accordance with the provisions of section 352 (b) and (c) of the Communications Act and/or the appropriate provisions of the Safety Convention (Regulations 5 and 6 of Chapter IV of the Regulations annexed to the Safety Convention of 1948) application for exemption from the radio equipment and operator requirements of Part II of Title III of the said Communications Act and/or the said Safety Convention, or application for modification or renewal of exemption previously granted, thereunder, may be made by submitting FCC Form 820, "Application for Exemption", to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may, at its discretion, consider an informal application which should include the full information normally furnished on FCC Form 820.

(b) Whenever exemption from the radio equipment and operator requirements of the Safety Convention is granted in behalf of a cargo ship, the Commission issues an Exemption Certificate. Whenever exemption from such requirements is granted in behalf of a passenger ship, the Commission certifies the necessary particulars to the United States Coast Guard in order that an Exemption Certificate in behalf of that ship may be duly issued.

NOTE: A list of general exemptions is contained in § 8.804.

5. Section 8.152 is amended as follows: Amend paragraphs (b) and (c) to read as follows:

(b) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, which is not fitted with an auto-alarm, and each passenger ship required by that statutory provision to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least two qualified operators.

(c) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, which is fitted with an auto-alarm in accordance with that statutory provision, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

6. Section 8.153 (a) is amended to read as follows and the note immediately following the section is deleted:

§ 8.153 *Operator required by Safety Convention.* (a) Each ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention to be fitted with a radiotelegraph installation, which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least the number of qualified operators specified in subparagraphs (1) and (2) of this paragraph. A qualified operator for this purpose is a person holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

(1) If fitted with an auto-alarm in proper operating condition at least one qualified operator shall be carried, except that at least two qualified operators shall be carried in the case of a passenger ship carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports.

(2) If not fitted with an auto-alarm at least two qualified operators shall be carried.

7. Section 8.203 is amended to read:

§ 8.203 *Watch required by Safety Convention.* This section is applicable to ships of the United States subject to the radio provisions of the Safety Convention but not at the same time subject to the provisions of Part II of Title III of the Communications Act (for example, certain ships engaged on an international voyage, no part of which is in the open sea).

(a) Each passenger ship of the United States required by the Safety Convention to be fitted with a radiotelegraph installation shall, while at sea, keep continuously an efficient watch on the international distress frequency 500 kc by means of qualified operators, if not fitted with an auto-alarm. If fitted with an auto-alarm, such watch shall be kept while at sea as follows:

(1) If carrying or certificated to carry 250 passengers or less, at least 8 hours watch a day in the aggregate.

(2) If carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, at least 16 hours watch a day in the aggregate.

(3) If carrying or certificated to carry more than 250 passengers and engaged on a voyage of less than 16 hours duration between two consecutive ports, at least 8 hours watch a day in the aggregate.

(b) Each cargo ship of the United States of 500 gross tons or more fitted with a radiotelegraph installation for the purpose of complying with the Safety Convention and not exempt therefrom by the Commission shall, while at sea, keep continuously an efficient watch on the international calling and distress frequency 500 kc by means of a qualified radiotelegraph operator, if not fitted

(1) Any payments by the United States Government because of disability or death under laws administered by the Veterans Administration.

(2) Mustering-out pay.

(3) The 6-months' death gratuity.

(4) For the purposes of paragraph II (a), Part III, of Veterans Regulation 1 (a), as amended, amounts payable to Government employees under Public Laws 106 and 390, 79th Congress, other than increases in basic rates of compensation, which the law expressly provides, shall be considered a part of basic compensation. For the purposes of section 11, Public Law 144, 78th Congress, this compensation is not excluded from computation of annual income.

(5) Where the claimant is being maintained in a rest home (including a convalescent or nursing home, a home for the aged, or other establishment of similar character), money paid to the home or to the claimant to cover the cost of maintenance, which is not in remuneration for services, is not to be considered income, regardless of whether it is furnished by a charitable organization (civic or governmental) or by a friend or relative. This rule is not applicable when the expenses are being paid out of the income of the claimant.

(6) The value of maintenance furnished by a charitable organization (civic or governmental) or by a friend or relative.

(7) Annuities received under the Uniformed Services Contingency Option Act of 1953 (Public Law 239, 83d Cong.) will not be considered income.

(8) Proceeds of a fire-insurance policy.

(9) The rental value of property owned by and resided in by the claimant.

(10) The separate income of the wife of a disabled veteran.

(11) The value of an increase in stock inventory of a business at the end of a year.

(c) * * *

(10) Charitable donations from any source (except see paragraph (b) (5) and (6) of this section.

* * * * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective June 28, 1955.

[SEAL] J. C. PALMER,
Assistant Deputy Administrator.

[F. R. Doc. 55-5132; Filed, June 27, 1955; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 55-683]

[Rules Amdt. 7-18]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

POSTING OF OPERATOR LICENSE

In the matter of amendment of Part 7 of the Commission's rules to dispense with posting of restricted radiotelephone operator permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 22d day of June 1955;

The Commission having under consideration the above-captioned matter; and

It appearing that it would be in the public interest to amend the rules as herein ordered to allow a radio operator engaged in operating a station on land under the provisions of Part 7 of the Commission's rules to dispense with the posting of his operator license where he holds a restricted radiotelephone operator permit and keeps the permit in his personal possession; and

It further appearing that insofar as restricted radiotelephone operator permits are concerned, the amendment herein ordered will bring about uniformity between land stations and ship stations in the maritime services under Parts 7 and 8 of the Commission's rules and the aeronautical and land mobile services, with respect to operator license posting requirements; and

It further appearing that because the amendment herein ordered is of a noncontroversial nature and will have minor public effect, compliance with the public notice and rule making procedure prescribed by sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendment herein ordered relieves an existing restriction, and may, therefore, be made effective immediately;

It is ordered, That, pursuant to sections 303 (r) and 318 of the Communications Act of 1934, as amended, § 7.155 of the Commission's rules is amended, effective immediately, to read:

§ 7.155 *Posting of operator license.* When a licensed operator is required for the operation of a station subject to this part, the original license of each such operator while he is employed or designated as radio operator of the station shall be posted in a conspicuous place at the authorized control point at which the operator is stationed in accordance with the provisions of § 7.152: *Provided,* That in the case of marine-utility stations on shore and shipyard mobile stations or in the case where the operator holds a restricted radiotelephone operator permit, the operator may in lieu of posting have on his person either his required operator license or a duly issued verification card (FCC Form 758-F) attesting to the existence of that license.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 318, 48 Stat. 1082, 1089; 47 U. S. C. 303, 318)

Released: June 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5137; Filed, June 27, 1955; 8:52 a. m.]

[Docket No. 11365; FCC 55-682]

[Rules Amdt. 8-24]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 8 of the Commission's rules for the purpose of reflecting changes in law and treaty, principally with respect to compulsorily installed ship radiotelegraph stations; Docket No. 11365.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955;

The Commission having under consideration its proposal in the above-captioned matter;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for submission of written comments by interested parties was duly published in the FEDERAL REGISTER on April 20, 1955 (20 F. R. 2624), and the period for filing comments has now expired; and

It further appearing that the only comment filed was that of the American Merchant Marine Institute, Inc. which suggested a revision of proposed § 8.515 dealing with station clocks under the impression that the rule related to radiotelephone equipped ships, whereas the rule as proposed applies only to ships compulsorily equipped with radiotelegraph stations; and

It further appearing that in addition to the amendments heretofore proposed certain editorial and procedural amendments to § 8.49 are desirable in order to reflect existing procedures used in applying for and acting upon applications for exemption; and

It further appearing that since such amendments to § 8.49 are editorial and procedural in nature prior notice of rule making with respect to them is not necessary; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (n) and (r) and Title III, Part II of the Communications Act of 1934, as amended;

It is ordered, That, effective July 29, 1955, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: June 23, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Section 8.2 is amended as follows:

a. Delete § 8.2 (b) (2) defining Ship Act and substitute therefor:

(2) [Reserved.]

b. Delete § 8.2 (p) (3) and substitute the following therefor:

(3) *Safety Radiotelegraphy Certificate.* A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the Safety Convention radio requirements applicable to cargo ships carrying radiotelegraph installations for the purpose of meeting such requirements.

c. Add a new § 8.2 (p) (4) as follows:

(4) *Safety radiotelephony certificate.* A certificate issued upon application, after inspection by proper authorities, to a cargo ship which complies in an efficient manner with the Safety Convention radio requirements applicable to cargo ships carrying radiotelephone installations for the purpose of meeting such requirements.

2. Section 8.47 is amended to read as follows:

§ 8.47 *Application for certificate of compliance with Safety Convention.* Whenever a Safety Certificate, Safety Radiotelegraphy Certificate or Safety Radiotelephony Certificate or a modification or renewal thereof, is required by reason of the applicability to a ship of the radio provisions of the Safety Convention, an application, FCC Form 801, "Application for Ship Radio Inspection", for a required inspection of the radio installation on board and issuance of a Safety Radiotelegraphy or Safety Radiotelephony Certificate, or, in the case of a Safety Certificate, certification of the results of such inspection to the United States Coast Guard for issuance of such certificate, shall be filed with the Commission's engineer in charge at the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. A service representative of the ship station licensee and (unless otherwise notified by the Commission's representative) sufficient personnel to lower and raise antennas and to launch any required radio-equipped lifeboats shall be available at the ship at the time inspection is to be conducted. In the case of radiotelegraph installations, the service representative shall hold at least a radiotelegraph 2d class operator license. In the case of radiotelephone installations, the service representative shall hold a 2d or higher class of operator license, either radiotelephone or radiotelegraph. Such application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster; and, when appropriate, may be combined with the application for annual inspection prescribed by § 8.46.

3. a. That part of § 8.48 preceding paragraph (a) thereof is amended to read as follows:

§ 8.48 *Extra compensation for overtime services by engineers in charge and radio engineers.* Pursuant to section 4 (f) (3) of the Communications Act, engineers in charge and radio engineers of the Field Engineering and Monitoring Bureau of the Federal Communications Commission, who may be required to remain on duty to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of Part II of Title III of the act or the Great Lakes Agreement at night or on Sundays and holidays, shall receive extra compensation, to be paid by the master, owner, or agent of the vessel, under the following regulations:

b. Paragraphs (a), (b), (c), (f), and (j) of § 8.48 are amended by striking out the word "inspector" or "inspectors" wherever it appears therein and inserting in lieu thereof the word "engineer" or "engineers", as appropriate.

4. Section 8.49 is amended to read as follows:

§ 8.49 *Application for exemption.* (a) In accordance with the provisions of section 352 (b) and (c) of the Communications Act and/or the appropriate provisions of the Safety Convention (Regulations 5 and 6 of Chapter IV of the Regulations annexed to the Safety Convention of 1948) application for exemption from the radio equipment and operator requirements of Part II of Title III of the said Communications Act and/or the said Safety Convention, or application for modification or renewal of exemption previously granted, thereunder, may be made by submitting FCC Form 820, "Application for Exemption", to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may, at its discretion, consider an informal application which should include the full information normally furnished on FCC Form 820.

(b) Whenever exemption from the radio equipment and operator requirements of the Safety Convention is granted in behalf of a cargo ship, the Commission issues an Exemption Certificate. Whenever exemption from such requirements is granted in behalf of a passenger ship, the Commission certifies the necessary particulars to the United States Coast Guard in order that an Exemption Certificate in behalf of that ship may be duly issued.

NOTE: A list of general exemptions is contained in § 8.804.

5. Section 8.152 is amended as follows: Amend paragraphs (b) and (c) to read as follows:

(b) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, which is not fitted with an auto-alarm, and each passenger ship required by that statutory provision to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least two qualified operators.

(c) Each cargo ship of the United States required by Part II of Title III of the Communications Act to be fitted with a radiotelegraph installation and not exempted therefrom by the Commission, which is fitted with an auto-alarm in accordance with that statutory provision, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

6. Section 8.153 (a) is amended to read as follows and the note immediately following the section is deleted:

§ 8.153 *Operator required by Safety Convention.* (a) Each ship of the United States which is not subject to Part II of Title III of the Communications Act but which is required by the radio provisions of the Safety Convention to be fitted with a radiotelegraph installation, which has not been exempted therefrom by the Commission, shall, for safety purposes, carry at least the number of qualified operators specified in subparagraphs (1) and (2) of this paragraph. A qualified operator for this purpose is a person holding an operator's license issued by the Commission which is appropriate for the purpose under the provisions of Part 13 of this chapter.

(1) If fitted with an auto-alarm in proper operating condition at least one qualified operator shall be carried, except that at least two qualified operators shall be carried in the case of a passenger ship carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports.

(2) If not fitted with an auto-alarm at least two qualified operators shall be carried.

7. Section 8.203 is amended to read:

§ 8.203 *Watch required by Safety Convention.* This section is applicable to ships of the United States subject to the radio provisions of the Safety Convention but not at the same time subject to the provisions of Part II of Title III of the Communications Act (for example, certain ships engaged on an international voyage, no part of which is in the open sea).

(a) Each passenger ship of the United States required by the Safety Convention to be fitted with a radiotelegraph installation shall, while at sea, keep continuously an efficient watch on the international distress frequency 500 kc by means of qualified operators, if not fitted with an auto-alarm. If fitted with an auto-alarm, such watch shall be kept while at sea as follows:

(1) If carrying or certificated to carry 250 passengers or less, at least 8 hours watch a day in the aggregate.

(2) If carrying or certificated to carry more than 250 passengers and engaged on a voyage exceeding 16 hours duration between two consecutive ports, at least 16 hours watch a day in the aggregate.

(3) If carrying or certificated to carry more than 250 passengers and engaged on a voyage of less than 16 hours duration between two consecutive ports, at least 8 hours watch a day in the aggregate.

(b) Each cargo ship of the United States of 500 gross tons or more fitted with a radiotelegraph installation for the purpose of complying with the Safety Convention and not exempt therefrom by the Commission shall, while at sea, keep continuously an efficient watch on the international calling and distress frequency 500 kc by means of a qualified radiotelegraph operator, if not fitted

with an auto-alarm. If fitted with an auto-alarm, such watch shall be kept by such ships for at least eight hours per day, in the aggregate.

(c) In keeping the watch prescribed in paragraphs (a) and (b) of this section, operators shall be subject to the conditions and limitations prescribed in § 8.204.

(d) Each cargo ship of the United States required by the Safety Convention to be fitted with a radiotelephone installation and not exempt therefrom by the Commission, shall, for safety purposes, while at sea, keep a continuous watch on the radiotelephone calling and distress frequency in the manner prescribed by § 8.202 (c).

8. Section 8.204 (a) is amended to read:

§ 8.204 *Provisions governing safety watch.* (a) For the purpose of maintaining the radiotelegraph watches prescribed in §§ 8.202 and 8.203, the operator shall use an effectively operating main or emergency radio receiver complying with the applicable requirements of § 8.503 or § 8.504, respectively, and either a head receiver or a loudspeaker complying with the applicable requirements of § 8.503 or § 8.504, respectively, on condition that use of the loudspeaker is not less effective than use of the head receiver.

9. Section 8.262 is amended as follows:

a. Amend paragraph (a) (1) to read as follows:

(1) A cargo ship of less than 500 gross tons;

b. Amend paragraph (a) (3) to read as follows:

(3) A foreign ship belonging to a country which is a party to any Safety Convention in force between the United States and that country which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect, or which ship is not subject to the radio provisions of any such Convention.

10. Section 8.330 is amended as follows: Add new subparagraphs (7), (8) and (9) to paragraph (b) as follows:

(7) A daily entry shall be made while the ship is at sea showing whether the storage batteries forming part of the main installation or the emergency installation were brought up to the normal full charged condition that day.

(8) Entries shall be made stating when each storage battery used as the power supply for the main and emergency installations is placed on charge or off charge.

(9) Entries shall be made stating details of maintenance of lifeboat radio equipment, including a record of charging of any storage batteries supplying power to such equipment. The record of charging shall show when such storage battery is placed on charge and when it is taken off charge.

11. Immediately following the title of Subpart R of Part 8 delete the subtitle reading "Radio Installations on Ships Subject to Part II of Title II of the Communications Act".

12. Section 8.501 is amended to read as follows:

§ 8.501 *Inspection of installation.* (a) In accordance with § 8.101 (a) and pursuant to section 362 of the Communications Act, every ship of the United States, subject to Part II of Title III of the Communications Act, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. The issuance of an appropriate certificate (see section 361 of the Communications Act) in behalf of any vessel of the United States concerning the radio particulars provided for in the Safety Convention is subject to a finding by the Commission that such vessel complies in an efficient manner with the applicable radio and communication provisions of that Convention or that, pursuant to the provisions of the Safety Convention, such vessel is exempt from those provisions of that Convention. The issuance date of Safety Radiotelegraphy and Safety Radio telephony certificates issued by the Commission shall be the date the installation is found to be in compliance or not later than one business day following such in-compliance date.

(b) In accordance with the Safety Convention, every ship of the United States holding a Safety Certificate, Safety Radiotelegraphy Certificate, Safety Radiotelephony Certificate or Exemption Certificate is subject when in a port of a foreign country which is a party to the Safety Convention, to control by officers duly authorized by the government of that country, insofar as that control is directed towards verifying that there is on board a valid Convention certificate and, if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate.

(c) The privileges of the Convention may not be claimed in favor of any ship unless it holds appropriate valid certificates. In the event of control giving rise to intervention of any kind in a foreign port, the officer carrying out the control is required to notify the United States Consul in writing forthwith of all the circumstances in which intervention was deemed to be necessary.

(d) In accordance with the Safety Convention, Safety Certificates, Safety Radiotelegraphy Certificates and Safety Radiotelephony Certificates are required to be posted in a permanent and accessible place in the ship.

13. Immediately following § 8.501 insert the following centerhead: "Radiotelegraph Installations on Ships Subject to Part II of Title III of the Communications Act or on U. S. Ships Subject to the Safety Convention."

14. Section 8.502 is amended as follows:

a. Delete subparagraph (5) of paragraph (a) and substitute the following:

(5) A main antenna and a separate emergency antenna shall be installed: *Provided, however,* That a cargo ship the keel of which was laid prior to June 1, 1954, may be equipped with either an emergency antenna meeting the requirements of § 8.504 (a) (2) or with a spare antenna, consisting of a single wire transmitting antenna (including suitable insulators) of the same linear dimensions as the main transmitting antenna, completely assembled for immediate replacement.

b. Delete paragraph (b) of § 8.502 and the Note immediately following it and substitute the following:

(b) Whenever a main installation only is provided on board a cargo vessel in accordance with the terms of paragraph (a) of section 355 of the Communications Act, this installation shall comply in full with all rules and regulations of the Commission that apply to an emergency or reserve installation on board a vessel subject to Title III, Part II of the Communications Act.

NOTE: Section 355 (a) of the Communications Act (Title III, Part II) provides that "The radio installation shall comprise a main and an emergency or reserve radiotelegraph installation: *Provided,* That, in the case of an existing installation on a cargo ship and a new installation on a cargo ship of five hundred gross tons and upwards but less than one thousand six hundred gross tons, if the main installation complies with all requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted, except that a separate emergency receiver must, in all cases, be provided".

15. Section 8.503 is amended as follows:

a. Amend paragraph (a) (3) of § 8.503 to read as follows:

(3) The main receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the bands 100 to 200 kilocycles, and 405 to 535 kilocycles, and in addition class B emission within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. The main receiver shall have sufficient sensitivity to effectively operate a head receiver or a loudspeaker when the receiver input is as low as 100 microvolts.

b. Amend paragraph (a) (4) of § 8.503 to read as follows:

(4) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, a main power supply for the main radio installation capable of supplying electrical power sufficient to energize simultaneously and efficiently the main transmitter at its required antenna power (the antenna power specified in § 8.552) and the main receiver; and at the same time to charge, at any required rate, all storage batteries used as the emergency power supply, and any other storage batteries which are charged by connection to this radio room main power supply. Under this load condition and at all times herein specified, any potential of the main power supply at the radio room terminals shall not deviate from its rated electrical potential by more than 10 percent on vessels completed on or after July 1, 1941, nor by more than 15 percent on vessels completed before that date. While at sea, storage batteries forming part of the main installation shall be brought up to the normal fully charged condition daily.

c. Add new subparagraphs (6) and (7) to § 8.503 (a) as follows:

(6) The main installation shall be provided with a device permitting change-over from transmission to reception and vice versa without manual switching.

(7) The main installation shall be capable of being quickly connected with either the main antenna or the emergency antenna if installed.

16. Section 8.504 is amended as follows:

a. Paragraph (a) (4) of § 8.504 is amended to read as follows:

(4) The emergency receiver shall be capable of efficiently receiving radiotelegraph signals, classes A1 and A2 emission, on all frequencies within the band 405 to 535 kilocycles, and class B emission on all frequencies within the band 485 to 515 kilocycles. In addition, it shall be fitted with a head receiver capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. Where a loudspeaker is additionally provided for use in accordance with the provisions of § 8.204, such device also shall be capable of effective operation at every audio frequency from 200 to 3000 cycles per second, inclusive. The emergency receiver shall have sufficient sensitivity to effectively operate a head receiver or a loudspeaker when the receiver input is as low as 100 microvolts.

b. Paragraph (a) (5) of § 8.504 is amended to read as follows:

(5) There shall be readily available for use at all times under normal load conditions, when the vessel is leaving or attempting to leave a harbor or port for a voyage in the open sea, while being navigated in the open sea outside a harbor or port, and when required during inspection of the ship radio station by an authorized representative of the Commission, an emergency power supply for the emergency installation (independent of the propelling power of the ship, and any other electrical system; and independent of the main power supply where a separate main and emergency or reserve installation is provided for the purpose of compliance with paragraph (a) of section 355 of the Communications Act) capable of supplying electrical power sufficient to energize simultaneously and efficiently the emergency transmitter at its required antenna power (the antenna power specified in § 8.553) and the emergency receiver. Such emergency power supply shall be maintained in readiness to operate effectively and shall have a reserve capacity of at least 6 continuous hours at all times while the vessel is navigated outside a harbor or port and whenever the vessel leaves or attempts to leave a harbor or port of the United States for a voyage in the open sea. While at sea, storage batteries forming part of the emergency installation shall be brought up to normal full charged condition daily.

c. Add new paragraph (a) (11) to § 8.504 as follows:

(11) The emergency installation shall be capable of being quickly connected with either the main antenna or the emergency antenna if installed.

17. Section 8.513 is amended to read as follows:

§ 8.513 *Interior communication system.* (a) Pursuant to paragraph (g) of section 355 of the Communications Act, an efficient interior communication system shall be provided between the bridge of a ship and the radio room, in all cases where the radio room does not adjoin or open onto the navigating bridge structure; further, an efficient interior communication system shall be provided between the bridge and the location of the direction finding apparatus whenever the latter is not located on the bridge or within any compartment adjoining or opening onto the navigating bridge structure. When the operating position of the emergency radio installation is not located in the radio room normally used for operating the main radio installation, an efficient interior communication system shall be separately provided between the bridge and each of these radio operating positions.

(b) If a vessel is provided with more than one location from which it is normally controlled and steered, the interior communication system between the radio room and bridge shall include in the system a point of communication to each such location. The existence at a location of all of the following factors will be considered to be evidence that a point of communication should there be established: (1) Provision of a steering wheel; (2) provision of a compass; (3) provision of an engine order telegraph; (4) provision of apparatus to control the whistle; and (5) enclosure of the location to form a wheelhouse.

(c) The requirement of paragraph (b) of this section shall not apply to locations established solely for emergency use in event of failure of the normal steering facilities or locations used solely while docking or maneuvering a ship while in port or occasionally for brief periods while navigating the ship in close quarters on inland waters.

18. Section 8.515 is amended to read as follows:

§ 8.515 *Radio station clock.* The radio station clock required by § 8.114, when installed on board a vessel subject to Title III, Part II of the Communications Act, shall, in addition to the requirements of § 8.114, have a sweep second hand and a dial not less than 5 inches in diameter. If a ship is provided with a separate emergency radio operating room, such a clock shall also be installed in the emergency operating room.

19. Section 8.516 is amended to read as follows:

§ 8.516 *Direction-finder.* Each ship of 1600 gross tons or over which is subject to the requirement set forth in subparagraph (a) (2) of section 351 of the Communications Act or which is subject to Regulation 12 of Chapter V of the Safety Convention shall be equipped with an efficient direction-finder (radio compass) properly adjusted in operating condition and approved by the Commission.

20. Delete Subpart U including title and §§ 8.701 through 8.713. Substitute therefor: Subpart U [Reserved].

[F. R. Doc. 55-5138; Filed, June 27, 1955; 8:52 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter K—Marine Investigations and Suspension and Revocation Proceedings

[CGFR 55-24]

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

SUBPART 137.04—PROCEEDINGS UNDER PUBLIC LAW 500

EFFECT OF COURT CONVICTIONS

Section 137.04-15 is amended to read as follows:

§ 137.04-15 *Effect of court convictions.* (a) After proof of a court conviction in accordance with section 2 (b) (1) of the act, but pending the determination of an appeal, the Coast Guard is not precluded from taking action based upon this conviction, and the examiner may enter an order revoking the seaman's document. A conviction becomes final when no issue of law or fact determinative of the seaman's guilt remains to be decided by the courts.

(b) Such an order of revocation will be rescinded by the Commandant if the seaman submits satisfactory evidence that the court conviction on which the revocation is based has been set aside for all purposes. An order of revocation will not be rescinded as the result of the operation of any law providing for the subsequent conditional setting aside or modification of the court conviction, in the nature of the granting of clemency or other relief, after the court conviction has become final.

(c) After the conviction has become final within the meaning of paragraph (a) of this section, the conditional setting aside or modification of the conviction will not act as a bar to the subsequent revocation of a seaman's document under section 2 (b) (1) of the act.

(R. S. 4405, as amended, secs. 1, 2, 49 Stat. 1544, sec. 5, 55 Stat. 244, as amended; 46 U. S. C. 375, 367, 50 U. S. C. 1275)

Dated: June 21, 1955.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 55-5135; Filed, June 27, 1955; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 655]

[Administrative Order 445]

SILK, RAYON, AND NYLON UNDERWEAR DIVISION

CERTAIN SPECIAL INDUSTRY COMMITTEES FOR PUERTO RICO

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, 29 U. S. C. and Sup. 201 et seq.), the Silk, Rayon, and Nylon Underwear Division of the Needlework and Fabricated Textile Products Industry as defined in subparagraph 3 (a) of Administrative Order No. 443, published in the June 10, 1955, issue of the FEDERAL REGISTER (20 F. R. 4091), is hereby redefined as follows:

(a) *Silk, rayon, and nylon underwear division.* The manufacture, from any fabric except cotton, or from any fabric containing a mixture of cotton and other fibers, of women's, misses' and girls' underwear and nightwear, including, but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles.

Signed at Washington, D. C., this 22d day of June 1955.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 55-5124; Filed, June 27, 1955; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

PROCESSED RAISINS

UNITED STATES STANDARDS FOR GRADES [1]

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.), the Department is considering requirements for Layer (or Cluster) Muscat Raisins as a supplement to the United States Standards for Grades of Processed Raisins (7 CFR 52.1841 to 52.1851) on which a notice of proposed rule making was published in the FEDERAL REGISTER, April 26, 1955 (20 F. R. 2769) and as corrected by publication in the FEDERAL REGISTER, May 12, 1955 (20 F. R. 3234). The proposal as hereinafter set forth, if made effective, will become a part of the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposal is as follows:

§ 52.1841a *Product description of Layer (or Cluster) Muscat Raisins.* Muscat raisins of the variety Muscat of Alexandria when referred to as "Layer (or Cluster) Muscat raisins" means that the raisins have not been detached from the main bunch stem.

§ 52.1846a *Sizes of Layer (or Cluster) Muscat Raisins.* The size of Layer (or Cluster) Muscat raisins is incorporated in the grades of the finished product. The size designation and measurement as applicable to Layer (or Cluster) Muscat Raisins are:

(1) *"3-Crown size or larger".* "3-Crown size or larger" in Layer (or Cluster) Muscat raisins means that the raisins, exclusive of stems and branches, are of such a size that they will not pass through round perforations 31/64 inch in diameter.

§ 52.1847a *Grades of Layer (or Cluster) Muscat Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Layer (or Cluster) Muscat raisins that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that are uniformly cured and show development characteristic of raisins prepared from well-matured grapes; that contain not more than 19½ percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are 3-Crown size or larger; and that meet the following additional requirements as also outlined in Table IIa of this subpart:

(1) The raisins are practically free from shattered (or loose) berries;

(2) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(3) Not more than 3 percent, by weight, of raisins may be damaged;

(4) Not more than 5 percent, by weight, of raisins may be sugared;

(5) Not more than 2 percent, by count, of raisins may be moldy;

(6) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Layer (or Cluster) Muscat raisins that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that are uniformly cured and show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 19½ percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are 3-Crown size or larger; and that meet the following additional requirements as also outlined in Table IIa of this subpart:

(1) The raisins are reasonably free from shattered (or loose) berries;

(2) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(3) Not more than 4 percent, by weight, of raisins may be damaged;

(4) Not more than 10 percent, by weight of raisins may be sugared;

(5) Not more than 3 percent, by count, of raisins may be moldy;

(6) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "Substandard" is the quality of Layer (or Cluster) Muscat raisins that fail to meet the requirements of "U. S. Grade B" or "U. S. Choice."

TABLE IIA—ALLOWANCES FOR DEFECTS IN LAYER (OR CLUSTER) MUSCAT RAISINS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice
	Maximum (by weight) (percent)	
Poorly developed, blowovers	1	2
Damaged	3	4
Sugared	5	10
	Maximum (by count) (percent)	
Moldy raisins	2	3
Shattered (or loose) berries	Practically free.	Reasonably free.
Damaged by fermentation	Appearance or edibility of product may not be affected.	Appearance or edibility of product may not be more than slightly affected.
Grit, sand, or silt	None of any consequence may be present that effects the appearance or edibility of the product.	

Dated: June 23, 1955.

[SEAL]

ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 55-5147; Filed, June 27, 1955; 8:45 a. m.]

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[7 CFR Part 52]

DRIED CURRANTS

UNITED STATES STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Dried Currants (7 CFR 52.981 to 52.985) under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, TYPES, AND GRADES

Sec.
52.981 Product description.
52.982 Types (varieties) of dried currants.
52.983 Grades of dried currants.

EXPLANATIONS AND METHODS OF ANALYSES

52.984 Definitions of terms.

WORK SHEET

52.985 Work sheet for dried currants.

AUTHORITY: §§ 52.981 to 52.985 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.981 *Product description.* Dried currants are dried grapes of such Vinifera varieties as Black Corinth or White Corinth that have been properly processed by stemming, capstemming, and cleaning to assure a wholesome product.

§ 52.982 *Types (varieties) of dried currants*—(a) *Type I.* Zante Type (Domestic).

(b) *Type II.* Other than Zante Type (Domestic), such as Amalias, Patras, Vostizza, and Zante varieties.

§ 52.983 *Grades of dried currants.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of dried currants that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in table I of this subpart:

(1) Not more than 1 piece of stem per 24 ounces of dried currants may be present;

(2) Not more than 1½ percent, by weight, of dried currants may possess capstems;

(3) Not more than 1 percent, by weight, of dried currants may be poorly developed, blowovers;

(4) Not more than 2 percent, by weight, of dried currants may be damaged;

(5) Not more than 5 percent, by weight, of dried currants may be sugared;

(6) Not more than ½ percent, by count, of dried currants may be moldy;

(7) The appearance or edibility of the product may not be affected by dried currants damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the dried currants.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of dried currants that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in table I of this subpart:

(1) Not more than 1 piece of stem per 16 ounces of dried currants may be present;

(2) Not more than 2 percent, by weight, of dried currants may possess capstems;

(3) Not more than 2 percent, by weight, of dried currants may be poorly developed, blowovers;

(4) Not more than 3 percent, by weight, of dried currants may be damaged;

(5) Not more than 10 percent, by weight, of dried currants may be sugared;

(6) Not more than 1 percent, by count, of dried currants may be moldy;

(7) The appearance or edibility of the product may not be more than slightly affected by dried currants damaged by fermentation; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the dried currants.

(c) "Substandard" is the quality of dried currants that fail to meet the requirements of U. S. Grade B or U. S. Choice.

TABLE I—ALLOWANCES FOR DEFECTS IN DRIED CURRANTS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice
	Maximum count (ounces)	
Pieces of stem	1 per 24	1 per 16.
	Maximum (by weight) (percent)	
Currants with capstems	1½	2
Poorly developed, blowovers	1	2
Damaged	2	3
Sugared	5	10
	Maximum (by count) (percent)	
Moldy currants	½	1
Damaged by fermentation	Appearance or edibility may not be affected.	Appearance or edibility may not be more than slightly affected.
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.	

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.984 *Definitions of terms.* (a) A "piece of stem" means a portion of the branch or main stem.

(b) "Capstems" means small woody stems exceeding ⅛ inch in length which attach the grapes to the branches of the bunch. A currant for each capstem which is not attached to a currant is included and weighed with "currants with capstems" in ascertaining compliance with the allowance permitted.

(c) "Poorly developed, blowovers" refers to currants that are immature or hard, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(d) "Damaged" currants means currants affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the appearance, edibility, keeping quality, or shipping quality of the currants.

(e) "Sugared" means either external or internal sugar crystals are present and the accumulation of such crystallized fruit sugars in the flesh of the dried currant or on the surface are readily apparent.

(f) "Moldy" currants are those that show mold on more than one-fourth of the surface when ascertained in accordance with the following method:

(1) *Currants showing catalase activity.* (For use on currants where catalase activity has not been destroyed by treatment with lye, oil, or heat). Count out 100 currants from a well-mixed sample and place 10 or 15 at a time in a crystallizing dish. Cover each lot with a fresh solution made up to contain 5 percent hydrogen peroxide and 1 percent NH_4OH. The moldy areas are detected by the presence of copious oxygen bubbles. Place the crystallizing dish over black glazed paper to give greater contrast. Confirm the presence of mold filaments microscopically. Do not class as "moldy" currants, those in which yeasts also give a reaction with hydrogen peroxide.

(g) "Grit, sand, or silt" means any particle of earthy material.

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

WORK SHEET

§ 52.985 *Work sheet for dried currants.*

Size of case or package		
Markings		
Label or brand		
Net weight		
Type		
Moisture content		
	A	B
Similar varietal characteristics		
Color		
Flavor		
Development		
DEFECTS	A	B
	Maximum	
Pieces of stem	1/24 ozs.	1/16 ozs.
	Maximum (by weight) (percent)	
Currants with capstems	1½	2
Poorly developed, blowovers	1	2
Damaged	2	3
Sugared	5	10
	Maximum (by count) (percent)	
Moldy currants	½ Not affected.	1 No more than slightly affected.
Damaged by fermentation: Affecting appearance or edibility	None of any consequence.	None of any consequence.
Grit, sand, or silt: Affecting appearance or edibility		
Grade		

Dated: June 23, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-5148; Filed, June 27, 1955; 8:54 a. m.]

[7 CFR Part 52]

CONCENTRATED TANGERINE JUICE FOR MANUFACTURING

UNITED STATES STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Concentrated Tangerine Juice for Manufacturing pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq.; 7 U. S. C. 1621 et seq.). This issuance, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed standards are as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.2931 Product description.
52.2932 Grades of concentrated tangerine juice for manufacturing.

FILL OF CONTAINER

52.2933 Recommended fill of container.

FACTORS OF QUALITY

52.2934 Ascertaining the grade.
52.2935 Ascertaining the rating for the factors which are scored.
52.2936 Color.
52.2937 Defects.
52.2938 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.2939 Explanation of terms and analyses.

LOT CERTIFICATION TOLERANCES

52.2940 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2941 Score sheet for concentrated tangerine juice for manufacturing.

AUTHORITY: §§ 52.2931 to 52.2941 issued under Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.2931 *Product description.* Concentrated tangerine juice for manufacturing is the concentrated product obtained from sound, mature fruit of the Mandarin group (Citrus reticulata). The fruit is prepared by sorting and by washing prior to extraction of the juice and the extracted juice is concentrated. The concentrated tangerine juice is processed in accordance with good commercial practice; and may or may not require processing by heat or subsequent refrigeration to assure preservation of the product. The finished product does not contain any additives except that cold-pressed oil to standardize flavor and chemical preservatives permissible under provisions of the Federal Food, Drug, and Cosmetic Act may have been added.

(a) The Brix value of the finished concentrate shall be not less nor more than the following for the respective dilution factor of canned concentrated tangerine juice for manufacturing:

Dilution factor	Brix value of the finished concentrate	
	Minimum Brix value	Maximum Brix value
	Degrees	*Degrees*
1 plus 3	38.0	41.0
1 plus 4	46.0	49.0
1 plus 5	53.3	56.3
1 plus 6	60.3	63.3

(b) Concentrated tangerine juice for manufacturing of other dilution factors between "1 plus 3" to "1 plus 6" or more than "1 plus 6" shall result in a Brix (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 10.6 degrees.

§ 52.2932 *Grades of concentrated tangerine juice for manufacturing.* (a) "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of concentrated tangerine juice which shows no material gelation, reconstitutes properly, and of which the reconstituted juice possesses a good color; is practically free from defects; possesses a reasonably good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C for Manufacturing" or "U. S. Standard for Manufacturing" is the quality of concentrated tangerine juice which shows no material gelation, reconstitutes properly, and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard for Manufacturing" is the quality of concentrated tangerine juice that fails to meet the requirements of U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing.

FILL OF CONTAINER

§ 52.2933 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with concentrated tangerine juice as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.2934 *Ascertaining the grade.* The grade of concentrated tangerine juice for manufacturing is ascertained by examining the concentrate and the reconstituted juice and considering all requirements of the standards as follows:

(a) *Factors not rated by score points.* (1) Degree of gelation.

(2) Faculty of reconstituting properly.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
Color	20
Defects	40
Flavor	40
Total score	100

§ 52.2935 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.2936 *Color*—(a) (*A-Mfg*) *classification.* Concentrated tangerine juice of which the reconstituted juice possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color is a reasonably bright yellow to yellow-orange color typical of properly processed and properly concentrated tangerine juice and is practically free from browning due to scorching, oxidation, caramelization, or other causes.

(b) (*C-Mfg*) *classification.* If the reconstituted juice possesses a fairly good color, a score of 14 to 16 points may be given. Concentrated tangerine juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the tangerine juice may possess a typical fairly bright yellow to yellow-orange color that is reasonably free from browning due to scorching, oxidation, caramelization, or other causes.

(c) (*SStd-Mfg*) *classification.* Concentrated tangerine juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

§ 52.2937 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, and from other defects.

(1) "Pulp" means particles of membrane, core, and peel.

(b) (*A-Mfg*) *classification.* Concentrated tangerine juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding 1/8 inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or edibility of the product.

(2) Juice cells and pulp that do not materially affect the appearance or edibility of the product; and

(3) Other defects that are not more than slightly objectionable.

(c) (*C-Mfg*) *classification.* If the reconstituted juice is fairly free from defects, a score of 28 to 33 points may be given. Concentrated tangerine juice that falls into this classification shall not be graded above U. S. Grade C for manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present:

(1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding 1/8 inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or edibility of the product;

(2) Juice cells and pulp that do not seriously affect the appearance or edibility of the product; and

(3) Other defects that are not materially objectionable.

(d) (*SStd-Mfg*) *classification.* Concentrated tangerine juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

§ 52.2938 *Flavor*—(a) (*A-Mfg*) *classification.* Concentrated tangerine juice of which the reconstituted juice possesses a reasonably good flavor may be given a score of 34 to 40 points. "Reasonably good flavor" means that the flavor is typical of reconstituted concentrated tangerine juice from properly processed and concentrated tangerine juice; that the flavor may range from high acidity to low acidity; is practically free from traces of scorching, caramelization, oxidation, or terpene; and is free from off-flavors of any kind. To score not less than 34 points the concentrated tangerine juice shall meet the following requirement: The ratio of the Brix value to acid is not less than 9 to 1 nor more than 18 to 1.

(b) (*C-Mfg*) *classification.* If the reconstituted juice possesses a fairly good flavor, a score of 28 to 33 points may be given. Concentrated tangerine juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a normal flavor for reconstituted concentrated tangerine juice; and that the flavor may range from high acidity to low acidity, may have a slightly caramelized or slightly oxidized flavor or may possess traces of terpene but is free from off-flavors of any kind. To score not less than 28 points concentrated tangerine juice shall meet the following requirement: The ratio of the Brix value to acid is not less than 9 to 1 nor more than 21 to 1.

(c) (*SStd-Mfg*) *classification.* If the concentrated tangerine juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Concentrated tangerine juice that falls into this classification shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2939 *Explanation of terms and analyses.* (a) "Reconstituted juice" means the product obtained by mixing thoroughly one part by volume of the concentrated tangerine juice with a stated volume of water. For example, a dilution factor of "1 plus 6" means that to one part by volume of concentrated tangerine juice 6 parts by volume of water are added to produce a reconstituted juice. In the absence of any declared dilution factor the product is diluted with water to a Brix of between 10.6 and 11.6 degrees. Distilled water is used in reconstituting the product for testing flavor.

(b) "Reconstitutes properly" means that the concentrate mixes readily into a tangerine juice which shows no more than a slight graininess and that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder of approximately 250 ml. capacity.

(c) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in concentrated tangerine juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(d) "Brix value" of the concentrate is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See table I for corrections.)

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value	Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39	3.6	0.70
2.2	.43	3.8	.74
2.4	.47	4.0	.78
2.6	.51	4.2	.81
2.8	.54	4.4	.85
3.0	.58	4.6	.89
3.2	.62	4.8	.93
3.4	.66	5.0	.97

(e) The "Brix" of reconstituted juice means the degree Brix as determined by a Brix hydrometer calibrated at 20 degrees C. (68° F.), and to which any applicable temperature correction has been applied.

LOT CERTIFICATION TOLERANCES

§ 52.2940 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a spe-

cific lot of concentrated tangerine juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if,

(1) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and

(2) With respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2941 *Score sheet for concentrated tangerine juice for manufacturing.*

Size and kind of container	----
Container mark or identification	----
Label (including reconstitution factor)	----
Liquid measure (fluid ounces)	----
Net weight	----
Brix value of concentrate (corrected for acid)	----
Anhydrous citric acid in concentrate (percent by weight)	----
Brix value to acid ratio	----
Recoverable oil (ml./100 grams)	----
Reconstitutes properly: (Yes) (No)	

Factors		Score points	
Color	20	(A-Mfg) 17-20 (C-Mfg) [1] 14-16 (SStd-Mfg) [1] 0-13	
Defects	40	(A-Mfg) 34-40 (C-Mfg) [1] 28-33 (SStd-Mfg) [1] 0-27	
Flavor	40	(A-Mfg) 34-40 (C-Mfg) [1] 28-33 (SStd-Mfg) [1] 0-27	
Total score	100		
Grade for manufacturing			----

[1] Indicates limiting rule.

Dated: June 23, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55–5146; Filed, June 27, 1955; 8:54 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 157]

[Docket No. R–145]

RATE SCHEDULES AND TARIFFS; APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING

JUNE 15, 1955.

1. Notice of proposed rulemaking was given the above-entitled matter on June 1, 1955. Said notice was published in the FEDERAL REGISTER on June 22, 1955 (20 F. R. 4368).

2. In addition to the amendments to Part 154 of its regulations listed in paragraph 2 of that notice, the Commission proposes to amend § 154.63 (b) (3) (i) (*e*) (*1*) relating to the test period to be used in submitting material in connection with rate increase applications. The present rule provides that a company may adjust the figures based upon its most recent 12 months' actual experience to reflect known and measurable revenues and costs which will occur within seven months thereafter. It seems entirely reasonable to increase to eight months the seven-month limit on estimates in the present rule.

3. Pursuant to the authority vested in it by sections 4 and 16 of the Natural Gas Act (15 U. S. C. 717c, 717o) the Commission proposes to amend the first sentence of § 154.63 (b) (3) (i) (*e*) (*1*), captioned "Test period," by changing the words "effective within seven months" to read "effective within eight months."

4. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., on or before July 5, 1955, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before acting upon the proposed amendments. An original and 9 copies should be filed of any such submittals.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–5108; Filed, June 27, 1955; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 20, 1955.

An application, serial number Fairbanks 012347, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws of the lands described below was filed on April 8, 1955, by Alaska Road Commission.

The purposes of the proposed withdrawal: Administrative Site.

For a period of 60 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Area Administrator, Area 4, Bureau of Land Management, Department of the Interior, at Box 480, Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

A tract of land adjoining the present Alaska Road Commission administrative site contained in U. S. Survey 2778, located on the Richardson Highway at Big Delta, more particularly described as follows:

Starting at U. S. Location Mon. No. 2727 which bears S. 76° 41' E., 347.22 feet (BLM tie) from P. I. Station 2065+84.8 on Richardson Highway, identical with P. I. Station 8+74.2 on Alaska Highway; thence S. 15° 07' E., 113.86 feet to Corner No. 1, identical with Corner No. 1 of U. S. Survey No. 2778, and the point of beginning of this survey; thence N. 74° 53' E. for a distance of 150.02 feet to corner No. 2; thence on a curve to the right, having a radius of 5579.58 feet to a point which is 150 feet left and at a right angle from P. C. Station 2064+15.6, Richardson Highway; thence S. 10° 02' E. for a distance of 468.97 feet to Corner No. 3; thence S. 79° 58' W. for a distance of 153.18 feet to Corner No. 4, identical with Corner No. 2 of U. S. Survey No. 2778; thence N. 10° 02' W. for a distance of 660.00 feet to Corner No. 1 and the point of beginning, said tract containing 2.34 acres, more or less.

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55–5136; Filed, June 27, 1955; 8:52 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 15, 1955.

The Fish and Wildlife Service, U. S. Department of the Interior, has filed an application, Serial No. Sacramento 048400, for the withdrawal of the lands described below from all forms of appropriation except the Mineral Leasing Laws.

The applicant desires the land for the purpose of protecting public access to Topaz Lake, in Mono County.

For a period of 30 days from the date of the publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, at room 801, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate copy will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 9 N., R. 22 E.
Sec. 2, W½NW¼, NW¼SW¼.
T. 10 N., R. 22 E.
Sec. 34, SW¼NE¼, NW¼SE¼.

The areas described contain approximately 200.40 acres of public land.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 55–5105; Filed, June 27, 1955; 8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 16, 1955.

The Fish and Wildlife Service, Department of the Interior, has filed an application, Serial No. Sacramento 048776, for the withdrawal of the lands described below from all forms of appropriation except the mineral leasing laws.

The applicant desires the land for the purpose of managing it for the public hunting of Band-Tailed Pigeons.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, at room 801, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 7 W.,
Sec. 34, N½, N½SW¼, N½SE¼SW¼, W½SW¼SW¼, W½E½SW¼SW¼, NW¼SE¼, NE¼NE¼SE¼, W½E½SE¼, N½SW¼SE¼, N½S½SW¼SE¼.

The area described contains 570 acres of public land.

L. T. HOFFMAN,
State Supervisor.

[F. R. Doc. 55–5106; Filed, June 27, 1955; 8:45 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 20, 1955.

An application, serial number W–02114, for the withdrawal from all forms of appropriation under the public land laws, including mining and mineral leasing laws, and leasing for grazing purposes of the lands described below was filed on March 21, 1955, by Corps of Engineers, U. S. Army Walla Walla District, Walla Walla, Washington. The purposes of the proposed withdrawal: For use by the Atomic Energy Commission, Hanford Operations.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor Area I, Bureau of Land Management, Department of the Interior, at room 209, Federal Building, Spokane, Washington. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON

WILLAMETTE MERIDIAN

T. 10 N., R. 27 E.,
Sec. 14, NE¼NE¼.
T. 10 N., R. 28 E.,
Sec. 4, E½NE¼, W½;
Sec. 18, Lots 1 to 4, inclusive, E½W½, SE¼, S½NE¼;
Sec. 20, N½, SE¼;
Sec. 28, all.
T. 13 N., R. 24 E.,
Sec. 18, N½NE¼, SE¼NE¼, NE¼SE¼.
T. 12 N., R. 25 E.,
Sec. 2, all;
Sec. 4, N½, SE¼;
Sec. 10, all;
Sec. 12, all;
Sec. 14, all;
Sec. 22, all;
Sec. 24, all;
Sec. 26, N½N½, SE¼SW¼, SW¼SE¼.
T. 13 N., R. 25 E.,
Sec. 24, all.
T. 11 N., R. 26 E.,
Sec. 2, all;
Sec. 4, all;
Sec. 10, all.
T. 12 N., R. 26 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34, all.
T. 13 N., R. 26 E.,
Sec. 14 NW¼NE¼, E½NW¼, S½S½;
Sec. 28, S½N½, S½.
T. 13 N., R. 26 E.,
Sec. 32, all;
Sec. 34, all.
T. 14 N., R. 26 E.,
Sec. 12, Lots 3 and 4;
Sec. 28, SW¼SE¼.
T. 12 N., R. 27 E.,
Sec. 4, S½SE¼;
Sec. 6, Lots 6 and 7, SE¼SW¼;
Sec. 18, all;
Sec. 20, all;
Sec. 30, all.
T. 13 N., R. 27 E.,
Sec. 18, Lots 1 to 4, inclusive.
T. 14 N., R. 27 E.,
Sec. 20, Lot 3;
Sec. 34, Lots 6 and 9.

The area described aggregates approximately 24,010.62 acres.

In the event the proposed withdrawal is approved, it will take precedence over, and supersede, Land Orders No. 202 and No. 204, published in the FEDERAL REGISTER of January 21, 1944, page 797, and of February 8, 1944, page 1536, respectively, which withdrew some 22,940.64 acres of the lands described above, until six months after the expiration of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647).

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 55–5104; Filed, June 27, 1955; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to Section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 FR 2304).

Angus Manufacturing Co., 364 North Thomas Street, Athens, Ga., effective 6–17–55 to 6–16–56, 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, etc.).

Edmonton Manufacturing Co., Edmonton, Ky., effective 6–20–55 to 12–19–55, 20 learners for plant expansion purposes (work clothing).

Exmore Shirt Co., Inc., Exmore, Va., effective 6–23–55 to 6–22–56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shirts).

Fairmont Manufacturing Co., Inc., P. O. Box 413, Fairmont, N. C., effective 6–21–55 to 12–20–55, 10 learners for plant expansion purposes (ladies' nightgowns, pajamas, etc.).

Fairmont Manufacturing Co., Inc., P. O. Box 413, Fairmont, N. C., effective 6–21–55 to 6–20–56, 10 learners for normal labor turnover purposes (ladies' nightgowns, pajamas, etc.).

Hagale Garment Co., Ozark, Mo., effective 7–1–55 to 6–30–56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work pants, slacks, etc.)

Industrial Garment Manufacturing Co., 201 East Oak Street, Palestine, Tex., effective 7–2–55 to 7–1–56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work clothing).

Lehigh Garment Co., Inc., 201 Bridge Street, Jessup, Pa., effective 7–5–55 to 7–4–56, 6 learners for normal labor turnover purposes (children's outerwear).

P & M Dress Co., Main Street, Shenandoah, Pa., effective 6–21–55 to 6–20–56, 3 learners for normal labor turnover purposes (dresses).

Tex Manufacturing Co., Inc., 1706 Texas Street, El Paso, Tex., effective 6–17–55 to 6–16–56, 10 learners for normal labor turnover purposes (work pants, etc.).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F. R. 2304).

Boss Manufacturing Co., Kewanee, Ill., effective 6–16–55 to 9–18–55, 10 percent of the total number of machine stitchers or ten learners, whichever is greater, for normal labor turnover purposes (work gloves) (replacement certificate).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F. R. 2304).

The Alden Mills, Independence, La., effective 6–17–55 to 12–16–55, 20 learners for plant expansion purposes (seamless).

Batesville Co., Batesville, Miss., effective 6–18–55 to 6–17–56, 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Batesville Co., Batesville, Miss., effective 6–18–55 to 12–17–55, 25 learners for plant expansion purposes (seamless).

Humboldt Full-fashioned Hosiery Mills, Inc., Humboldt, Tenn., effective 6–29–55 to 6–28–56, 5 percent of the total number of factory production workers for normal labor turnover purposes.

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended April 19, 1955, 20 F. R. 2304).

Alco of Texas, Inc., 113 East Concho, San Angelo, Tex., effective 6–20–55 to 6–19–56, 10 percent of the number of productive factory workers for normal labor turnover purposes (synthetic rubber moccasins, etc.).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Lambert Manufacturing Co., Plant No. 4, Headwear Div., Gallatin, Mo., effective 6–20–55 to 6–19–56; 5 learners for normal labor turnover purposes in the occupation of sewing machine operating; 240 hours at 65 cents an hour (work and sport caps).

Palm Beach Co., Blackville, S. C., effective 6–20–55 to 6–19–56; 7 percent of the total number of factory production workers, for normal labor turnover purposes in the occupations of machine operating (except cutting), pressing and handsewing; each 480 hours at 65 cents an hour for the first 240 hours and 70 cents an hour for the remaining 240 hours (men's pants).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Knitco (P. R.), Inc., Toa Alta, P. R., effective 6–6–55 to 6–5–56; 44 learners in any one work day in the occupations of looping, Merrow operating, Singer operating, buttonhole operating, button sewing, machine pressing, and seaming. Learning periods in each occupation: 160 hours at 30 cents an hour; 160 hours at 37½ cents an hour, and 160 hours at 45 cents an hour (sweaters).

Superior Knitting Corp., Aguas Buenas, P. R., effective 6–6–55 to 12–5–55; 15 learners in any one work day in the occupations of topping and knitting; learning periods in each occupation, 160 hours at 30 cents an hour; 160 hours at 37½ cents an hour, and 160 hours at 45 cents an hour (knitted sweaters).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 21st day of June 1955.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 55–5107; Filed, June 27, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5132]

LARGE IRREGULAR AIR CARRIER INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 7, 1955, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 23, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–5141; Filed, June 27, 1955; 8:53 a. m.]

[Docket No. 7175]

COMPANIA NACIONAL DE TURISMO AEREO "CINTA LIMITADA"

NOTICE OF HEARING

In the matter of the application of Compania Nacional de Turismo Aereo "Cinta Limitada" for a foreign air carrier permit pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, between the terminal points Santiago, Chile, and Miami, Florida, via the intermediate points Antofagasta, Chile, Arica, Chile, Lima, Peru, Talara, Peru (operational stop only), Panama, Panama, and Havana, Cuba.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said Act, that a hearing in the above-entitled proceeding will be held on July 11, 1955, at 10:00 a. m., e. d. s. t., in room E–206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington 25, D. C., before Curtis C. Henderson, Hearing Examiner.

Without limiting the scope of the issues presented by the applicant, particular attention will be directed to the following questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing, and able to perform the proposed air transportation and conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether authorization of the proposed air transportation will be consistent with the obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the Republic of Chile.

For further details as to the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before July 11, 1955, a statement setting forth the pertinent issues of fact or law which he desires to controvert.

Dated at Washington, D. C., June 22, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 55–5142; Filed, June 27, 1955; 8:53 a. m.]

DEFENSE TRANSPORT ADMINISTRATION

[Organization Order DTA 1, as Amended June 27, 1955]

TERMINATION OF DEFENSE TRANSPORT ADMINISTRATION AND TRANSFER OF FUNCTIONS TO INTERSTATE COMMERCE COMMISSION

Pursuant to section 703 of the Defense Production Act of 1950, as amended, section 602 of Executive Order 10480, as amended, and paragraph 4 of Defense Mobilization Order I–7, as amended, and as the Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the bureau which administers the car service functions of the Commission as set forth in paragraphs 10 to 17, inclusive, of section 1 of the Interstate Commerce Act, as amended: *It is hereby ordered*, That Organization Order DTA 1, as amended, is further amended to read as follows:

1. The Defense Transport Administration, established by Organization Order DTA 1, October 4, 1950 (15 F. R. 6728), is hereby abolished, and the functions, powers, responsibilities, and duties of the Administration and said Commissioner are hereby transferred and delegated to the Interstate Commerce Commission for administration and performance by the Commissioner who is responsible for the supervision of the Bureau of Safety and Service of the Commission.

2. All orders, rules, regulations, certificates, directives, instructions, delegations, and other official actions relating to any function affected by this order, and all agreements and memoranda of understanding entered into by the Defense Transport Administration, or the Administrator of the Defense Transport Administration, which are in force at the close of business June 30, 1955, shall continue in full force and effect until superseded, amended, or revoked by proper authority.

3. Committees established by the Defense Transport Administration, or established under the chairmanship of the Administrator of the Defense Transport Administration with the approval of the other government agencies having representation thereon, and arrangements for representation of the Defense Transport Administration on interagency committees, panels, or working groups, which are in force at the close of business June 30, 1955, shall continue in effect until superseded or terminated by proper authority.

4. Any reference to the Defense Transport Administration or to the Administrator of the Defense Transport Administration in any order, rule, regulation, certificate, directive, instruction, delegation, or other official action, which is in force at the close of business June 30, 1955, shall, where required, be deemed to refer and apply respectively to the Interstate Commerce Commission and to the above-mentioned Commissioner.

5. There is hereby transferred with the functions transferred and delegated to the Interstate Commerce Commission so much of the personnel, including consultants, property, and records of the Defense Transport Administration as the above-mentioned Commissioner shall determine to be required for the performance by the Commission of the transferred and delegated functions.

This order shall become effective July 1, 1955.

Issued at Washington, D. C., this 27th day of June 1955.

(Secs. 703, 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2153, 2154; sec. 602, E. O. 10480, Aug. 14, 1953; 18 F. R. 4939, 19 F. R. 3807; paragraph 4, DMO I–7, Aug. 14, 1953, 18 F. R. 5366, 6737)

OWEN CLARKE,
Commissioner of the Interstate Commerce Commission and Ex Officio Administrator of the Defense Transport Administration.

[F. R. Doc. 55–5198; Filed, June 27, 1955; 9:36 a. m.]

[Organization Order DTA 3, as Amended; Revocation]

ORGANIZATION AND FUNCTIONS; SUBMITTALS AND REQUESTS

REVOCATION

Organization Order DTA 3, as amended October 23, 1952 (17 F. R. 9706), is hereby revoked.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154)

This revocation shall be effective June 30, 1955.

Issued at Washington, D. C., this 27th day of June 1955.

OWEN CLARKE,
Administrator,
Defense Transport Administration.

[F. R. Doc. 55–5199; Filed, June 27, 1955; 9:36 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 23, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30780: Cast iron pipe from Ironton and Provo, Utah. Filed by The Union Pacific Railroad Company for interested rail carriers. Rates on cast iron pipe and fittings, carloads, from Ironton and Provo, Utah to specified points in Montana.

Grounds for relief: Short-line distance formula and circuity. Maintenance of prescribed rates.

Tariff: Supplement 6 to Union Pacific Railroad tariff I. C. C. 5415.

FSA No. 30781: Fertilizer solutions—Southwest to Central Territory. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on nitrogen fertilizer and fertilizer ammoniating solutions, tankcar loads, from specified points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas to specified points in Indiana, Michigan, and Ohio.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 70 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 30782: Lime—Virginia points to West Monroe, La. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on common lime, hydrated, quick or slacked, straight or mixed carloads, from Kimballton and Ripplemead, Va., to West Monroe, La.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 19 to Agent Kratzmeir's I. C. C. 4021.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55–5131; Filed, June 27, 1955; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11272, 11273; FCC 55M–561]

TENNESSEE VALLEY BROADCASTING CO. (WAGC) AND E. WEAKS McKINNEY-SMITH

ORDER POSTPONING CONFERENCE

In re applications of Gordon W. Gambill, Hubert M. Martin, Humphrey B. Heywood & R. T. Russell, d/b as Tennessee Valley Broadcasting Co. (WAGC), Fort Oglethorpe, Georgia, Docket No. 11272, File No. BP–9106; E. Weaks McKinney-Smith, Paducah, Kentucky, Docket No. 11273, File No. BP–9268; for construction permits.

On the oral request of counsel for the Broadcast Bureau because of other commitments, and without objection by other counsel: *It is ordered*, This 22d day of June 1955, that the further conference now scheduled for June 30, 1955, is postponed to Friday, July 1, 1955, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–5139; Filed, June 27, 1955; 8:52 a. m.]

[Docket No. 11407; FCC 55M–557]

LOUIS C. BENNETT

ORDER CONTINUING HEARING

In the matter of Louis C. Bennett, New Smyrna Beach, Florida; suspension of restricted radiotelephone operator permit.

The Hearing Examiner having under consideration a motion filed June 20, 1955 by the Chief, Field Engineering and Monitoring Bureau, requesting that the hearing herein now scheduled for June 28, 1955, at Fort Myers, Florida be postponed until further order of the Hearing Examiner; and

It appearing, That it has been tentatively agreed between respondent and Commission counsel that evidence in this proceeding may be submitted by way of written stipulation and affidavit, and that respondent has agreed that the hearing may be postponed as requested:

It is ordered, This 21st day of June 1955, that the motion is granted and that the hearing herein is postponed to a date to be scheduled by the Hearing Examiner in a later order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55–5140; Filed, June 27, 1955; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SOYBEANS

SALES OF CERTAIN COMMODITIES; SUPPLEMENT TO JUNE 1955 DOMESTIC SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the following commodity is available for sale in the quantities stated and on the the price basis set forth:

SUPPLEMENT—JUNE 1955 DOMESTIC SALES LIST

(Effective June 15, 1955)

Commodity and approximate quantity available (subject to prior sale)	Domestic sales list
Soybeans (as available)----------	Market price, basis in store, but not less than the applicable 1954 support rate. The minimum price applicable to soybeans which have been moved from point of production will reflect the cost of transportation and handling charges. Available Chicago and Minneapolis CSS Commodity Offices.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: June 22, 1955.

[SEAL]

EARL M. HUGHES,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-5123; Filed, June 27, 1955; 8: 49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4442, G-4506, G-4508, G-4515—G-4525]

OSTAS BILLER ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 21, 1955.

In the matters of Osias Biller, Docket No. G-4442; Fairman Drilling Company, Docket No. G-4506; Stevenson Development, Docket No. G-4508; Bennett's Valley Development Co., Docket No. G-4515; Charles T. Sinnamond, Docket No. G-4516; Congor Gas & Oil Company, Docket No. G-4517; Acme Drilling Company, et al., Docket No. G-4518; Acme Drilling Company, Docket No. G-4519; Lewis Sandri & Lewis Sandri, Agent for Center Units, Docket No. G-4520; Paul E. Kahle, et al., Docket No. G-4521; Charles H. Updegraff, Docket No. G-4522; Pipe Line Construction & Drilling Company, Docket No. G-4523, J. F. Flanigan, Docket No. G-4524, Clearfield Development Corporation, Docket No. G-4525.

Take notice that the above-designated Applicants hereinafter referred to singly and collectively as Applicant, Independent Producers producing natural gas in Pennsylvania filed on October 18 and 21, 1954, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant produces natural gas in the State of Pennsylvania and sells in interstate commerce to New York State Natural Gas Company for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 9, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5125; Filed, June 27, 1955; 8:49 a. m.]

[Docket Nos. G-4958, G-4971, G-4972, G-4976—G-4983]

BIG RUN OIL AND GAS CO. ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

In the matters of Big Run Oil and Gas Company, Docket No. G-4958; Frederick Oil and Gas Company, Docket No. G-4971; W. H. Mossor, Docket No. G-4972; Middle Run Oil and Gas Company, Docket No. G-4975; Wade Farm Oil and Gas Company, Docket No. G-4976; Road Run Oil and Gas Company, Docket No. G-4977; Prunty Oil and Gas Company, Docket No. G-4978; Wright Oil and Gas Company, Docket No. G-4979; W. H. Mossor, Docket No. G-4980; McCune Oil and Gas Company, Docket No. G-4981; Ola O. White Farm Oil and Gas Company, Docket No. G-4982; Kidd Oil and Gas Company, Docket No. G-4983.

Take notice that the above-designated Applicants hereinafter referred to singly and collectively as Applicant, through W. H. Mossor, Agent, and with a principal office in Harrisville, West Virginia, filed on November 18, 1954, applications for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants produce natural gas in Calhoun, Ritchie and Gilmer Counties, West Virginia, and sell it in interstate commerce to Godfrey L. Cabot, Inc., for resale.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 12, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5109; Filed, June 27, 1955; 8:46 a. m.]

[Docket No. G-5136]

M & D OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

In the matter of A. S. Megert and A. C. Donell d/b/a M & D Oil Company; Docket No. G-5136.

Take notice that A. S. Megert and A. C. Donell d/b/a M & D Oil Company (Applicant), with a principal place of business in Borger, Texas, filed on November 19, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas in the Panhandle Field, Hutchinson County, Texas, and sells it in interstate commerce to Shamrock Oil & Gas Corporation for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 12, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5127; Filed, June 27, 1955; 8:50 a. m.]

[Docket No. G-7106]

DOUGLAS E. PROCTER, JR., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Douglas E. Procter, Jr., John E. Prothro, Frank Massad, Joy Massad, Glen Massad, A. E. Dennis, W. E. Curtis, D. C. Norcross, John C. Robbins, Dan Spivey, Earnest Level Bartlett, Sr., B. D. Rhodes, Henderson Drilling Company, Roy Gammill, Dorothy R. Sage, and R. G. Ford (Applicant) whose principal place of business is Tyler, Texas, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Waskom Gas Field Area, Harrison County, Texas, and sell it in interstate commerce to Arkansas Louisiana Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 11, 1955, at 9:40 a. m. e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5128; Filed, June 27, 1955; 8:50 a. m.]

[Docket No. G-8560]

CLARK C. NYE AND ALPHA PETROLEUM CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Clark C. Nye and Alpha Petroleum Corporation (Applicant), with a principal office in Oklahoma City, Oklahoma, filed on March 9, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Northwest Agra Field, Lincoln County, Oklahoma, and sell it in interstate commerce to Cities Service Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 9, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or be-

fore July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5129; Filed, June 27, 1955; 8:50 a. m.]

[Docket No. G-8562]

KANSAS-NEBRASKA NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Kansas-Nebraska Natural Gas Company (Applicant), a Kansas corporation, whose address is Hastings, Nebraska, filed an application on March 9, 1955, as supplemented on May 20, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate the following facilities:

(1) A town border station to serve Foster, Nebraska;

(2) Approximately 3.6 miles of 2-inch gas pipeline and a town border station to serve Cairo, Nebraska;

(3) Approximately 11.5 miles of 2-inch gas pipeline and a town border station to serve Upland, Nebraska;

(4) Approximately 5.5 miles of 2-inch gas pipeline and a town border station to serve Henderson, Nebraska;

(5) Measuring equipment to serve four alfalfa dehydration plants which are to be located near Wisner, Orleans, Riverdale, and Kearney, Nebraska;

(6) A measuring station to serve a new electric generating station at Ogallala, Nebraska;

(7) Install a 550 H. P. compressor together with auxiliary equipment in a new compressor station to be located near Albion, Nebraska; and,

(8) Approximately 9.9 miles of 12-inch gas pipeline to replace approximately 5 miles of existing 12-inch and 8-inch pipeline in Rooks County, Kansas.

The total additional firm peak day demand to be added is 620 Mcf by the third year.

The estimated cost of construction of the proposed facilities is $191,230, including $51,350 for the compressor station previously authorized in Docket No. G-1532. This total cost does not include the cost of item (8)—replacement of pipeline in Rooks County, Kansas. Replacement is made necessary by construction of the Webster Dam by the United States Department of the Interior, Bureau of Reclamation. Cost of replacement of the pipeline will be paid for by the United States.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 18, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 13, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5130; Filed, June 27, 1955; 8:50 a. m.]

[Docket No. G-8684]

FLORA A. MAZE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Flora A. Maze Gas Company, through C. W. Beecher and L. W. Beecher (Apollo, Pennsylvania), Agents, (Applicant), whose principal place of business is Sheridan District, Calhoun County, West Virginia, filed on March 29, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Sheridan District, Calhoun County, West Virginia, and to sell said gas in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 8, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5110; Filed, June 27, 1955; 8:46 a. m.]

[Docket No. G-8694]

B. E. TALKINGTON

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that B. E. Talkington (Applicant), an individual whose principal office is Clarksburg, West Virginia filed on March 30, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Murphy District, Ritchie County, West Virginia, and to sell it in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 8, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5111; Filed, June 27, 1955; 8:46 a. m.]

[Docket No. G-8721]

WALTER E. ANDERSON

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Walter E. Anderson (Applicant), an individual whose principal office is at Muskegon, Michigan, filed on April 4, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in Garvin County, Oklahoma, and to sell it in interstate commerce to Warren Petroleum Corporation, Cities Service Oil Company, Kerr-McGee Oil Industries, Inc., Oklahoma Natural Gas Company, and The Texas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 8, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5112; Filed, June 27, 1955; 8:46 a. m.]

[Docket No. G-8738]

PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Phillips Petroleum Company (Applicant), a Delaware corporation with a principal office in Bartlesville, Oklahoma, filed on April 8, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Golden Trend Area, Garvin County, Oklahoma, and sell it in interstate commerce to Warren Petroleum Corporation, Cities Service Oil Company, Kerr-McGee Oil Industries, Inc., Oklahoma Natural Gas Company and The Texas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 11, 1955, at 9: 30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5113; Filed, June 27, 1955; 8:47 a. m.]

[Docket No. G-8747]

HUDSON & HUDSON, INC., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Hudson & Hudson, Inc., and The First National Bank of Galveston, Trustee (Applicant), whose principal offices are in Fort Worth and Galveston, Texas, respectively, filed on April 11, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas from the Eumont Field, Lea County, New Mexico, and to sell it in interstate commerce to Permian Basin Pipeline Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 10, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5114; Filed, June 27, 1955; 8:47 a. m.]

[Docket No. G-8777]

CANON OIL PRODUCTION

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Canon Oil Production (Applicant), whose principal office is in Highland Park, Michigan, filed on April 20, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the McKim District, Pleasants County, West Virginia, and sell it in interstate commerce to Hope Natural Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 10, 1955, at 9:40 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5115; Filed, June 27, 1955; 8:47 a. m.]

[Docket Nos. G-8826, G-8907]

SUNRAY OIL CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 22, 1955.

Take notice that Sunray Oil Corporation (Applicant), a Delaware corporation with its principal place of business in Tulsa, Oklahoma, filed on April 28, 1955, in Docket No. G-8826 and on May 16, 1955, in Docket No. G-8907, applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to sell natural gas to United Gas Pipe Line Company as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas and proposes to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.	Field	Purchaser	Contract date	Price per Mcf
G-8826	McFaddin Field, Refugio and Victoria Counties, Tex.	United Gas Pipe Line Co.	Apr. 22, 1955	*Cents* 6.00
G-8907	North Charco Field, Goliad County, Tex.	United Gas Pipe Line Co.	Dec. 10, 1953	6.7132

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 11, 1955, at 12:00 noon, e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of July 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5116; Filed, June 27, 1955; 8:47 a. m.]

[Docket No. G-8868]

CHAMPLIN REFINING CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Champlin Refining Company (Applicant), with a principal place of business in Enid, Oklahoma, filed on May 6, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Nurse Field, Barber County, Kansas, and to sell it in interstate commerce to Cities Service Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 11, 1955, at 9:50 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5117; Filed, June 27, 1955; 8:47 a. m.]

[Docket No. G-8976]

PERRY GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1955.

Take notice that Perry Gas Company (Applicant), whose principal office is in Triadelphia District, Logan County, West Virginia, filed on May 31, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to produce natural gas in the Triadelphia District, Logan County, West Virginia, and sell in interstate commerce to Hope Natural Gas Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 10, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commisison may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 29, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5118; Filed, June 27, 1955; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1357]

STAR URANIUM CO.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 22, 1955.

I. Star Uranium Company, 404 Boston Building, Salt Lake City, Utah, having filed with the Commission on August 2, 1954, a Notification on Form 1-A, relating to a proposed public offering of 6,000,000 shares of 1-cent par common stock at 5 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having been advised that a consent order was entered on April 18, 1955, in the United States District Court for the District of Utah, permanently enjoining Ned J. Bowman Company, the principal underwriter of the securities proposed to be offered hereunder, from further violations of the registration provisions of section 5 of the Securities Act of 1933, as amended, in connection with the purchase and sale of the securities of Lavender Uranium Corporation; and

It appearing necessary and appropriate in the public interest and for the protection of investors to deny the exemption under Regulation A under said act;

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Star Uranium Company; Metos & Co., 404 Boston Building, Salt Lake City, Utah, and Ned J. Bowman Company, 10 West Second South Street, Salt Lake City, Utah, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secertary.*

[F. R. Doc. 55-5122; Filed, June 27, 1955; 8:49 a. m.]

[File No. 24D-1404]

AMALGAMATED URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 22, 1955.

I. Amalgamated Uranium Corporation, 218 Atlas Building, Salt Lake City, Utah, having filed with the Commission on September 1, 1954, a Notification on Form 1-A, relating to a proposed public offering of 2,500,000 shares of 3 cents par common stock at 10 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having been advised that a consent order was entered on April 18, 1955, in the United States District Court for the District of Utah, permanently enjoining Ned J. Bowman Company, the principal underwriter of the securities proposed to be offered hereunder, from further violations of the registration provisions of section 5 of the Securities Act of 1933, as amended, in connection with the purchase and sale of the securities of Lavender Uranium Corporation; and

It appearing necessary and appropriate in the public interest and for the protection of investors to suspend the exemption under Regulation A under said act;

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

It is further ordered, That this order and notice shall be served upon Amalgamated Uranium Corporation and Ned J. Bowman Company, 10 West Second South Street, Salt Lake City, Utah, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5121; Filed, June 27, 1955; 8:48 a. m.]

[File No. 70-3376]

CONSOLIDATED NATURAL GAS CO. ET AL.

ORDER AUTHORIZING BORROWING BY PARENT FROM BANKS; REFUNDING OF SUBSIDIARIES' SHORT-TERM NOTES OWING PARENT BY ISSUANCE AND SALE OF COMMON STOCK AND LONG-TERM NOTES; AND ISSUANCE AND SALE OF SHORT-TERM NOTES BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

JUNE 22, 1955.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural Gas Company, the Peoples Natural Gas Company, New York State Natural Gas Corporation, the River Gas Company.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly owned subsidiaries, the East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), the Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State") and the River Gas Company ("River"), have filed a joint application-declaration and amendments thereto with this Commission pursuant to sections 6 (b), 7, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-45 thereunder as applicable to various proposed transactions including those summarized as follows:

Consolidated and its subsidiaries propose to replace $22,500,000 of short-term notes of the subsidiaries, owing the parent, and to carry out additional long-term financing by the subsidiaries for construction purposes, by the issuance to Consolidated of long-term notes and shares of capital stock of the subsidiaries in the amounts as indicated in the following tabulation:

Company	Common stock	Notes
East Ohio		$3,500,000
Hope		4,500,000
New York State	$10,000,000	
Peoples	4,000,000	3,500,000
River		100,000
Total	14,000,000	11,600,000

The shares of capital stock will be issued for cash equal to the par value thereof. The long-term notes will be non-negotiable promissory notes bearing an interest rate of 3 percent per annum payable semi-annually, which rate is the same as that borne by the debentures last issued by Consolidated.

The maturity dates of the proposed long-term notes are as follows:

East Ohio's notes will mature at the rate of $500,000 on July 31, in each of the years 1964 through 1970; Hope's notes will mature at the rate of $250,000 on July 31 in each of the years 1961 through 1974, and at the rate of $500,000 on July 31 in the years 1975 and 1976; Peoples' notes will mature at the rate of $250,000 on July 31 in each of the years 1960 through 1973, River's notes will mature at the rate of $5,000 on July 31 in each of the years 1959 through 1971, and $15,000 on July 31, 1972 and $20,000 on July 31, 1973.

Consolidated also proposes to borrow from banks a total of up to $20,000,000 during 1955, in order to finance the temporary cash requirements of subsidiaries in connection with the purchase of gas for underground storage. Consolidated's borrowings will be made, without collateral and without a commitment fee, at a 3 percent interest rate upon a promissory note or notes having a maturity of not more than 12 months from the date of the first borrowing with the right of prepayment at any time without penalty. In turn, Consolidated will loan the $20,000,000 to the subsidiaries and in amounts as follows: East Ohio, $4,000,000; Hope, $4,000,000; New York State, $11,500,000 and Peoples, $500,000. These loans to subsidiaries will be on short-term promissory notes having a maturity date on or before the time of maturity of Consolidated's first borrowing and will bear a 3 percent interest rate.

It is represented that no State Commission or Federal Commission other than this Commission has jurisdiction over the issuance and sale of notes by Consolidated, the $4,000,000 principal amount of short-term notes by East Ohio, the $10,000,000 of common stock and $11,500,000 of short-term notes by New York State and the $500,000 of short-term notes by Peoples. The issuance and sale of $3,500,000 of long-term notes by East Ohio and $100,000 of long-term notes by River have been authorized by the Public Utilities Commission of Ohio; the issuance and sale of $4,500,000 of long-term notes and $4,000,000 of short-term notes by Hope have been authorized by the Public Service Commission of West Virginia; and the issuance and sale of $4,000,000 of common stock and $3,500,000 of long-term notes by Peoples have been authorized by the Pennsylvania Public Utility Commission.

The fees and expenses to be incurred in connection with the above transactions and also the sale by Consolidated of additional shares of its capital stock with respect to which the Commission by order dated May 24, 1955, permitted the declaration herein to become effective, except for the reservation of jurisdiction over fees and expenses, are estimated to aggregate $225,463, including counsel fees of $3,500 and accountants fees of $4,500, all of which will be paid by Consolidated except for $20,400 of taxes to be paid by the subsidiaries.

Applicants-declarants request that the Commission's order to be entered herein become effective upon issuance.

Due notice having been given of the filing of the joint application-declaration and a hearing not having been requested of or ordered by the Commission; and the Commission having examined the filing and finding that the applicable provisions of the act and the rules thereunder are satisfied, that the estimated fees and expenses are not unreasonable, and that no adverse findings are necessary in respect of the proposed issuance, sale and acquisition of securities described above; and the Commission deeming it in the public interest and in the interest of investors and consumers that said joint application-declaration, insofar as it relates to the issuance, sale and acquisition of said securities should be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said joint application-declaration, as amended, to the extent not heretofore permitted to become effective by the Commission's order of May 24, 1955, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to fees and expenses in the aforesaid order of May 24, 1955 be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5120; Filed, June 27, 1955; 8:48 a. m.]

[File No. 70-3389]

AMERICAN NATURAL GAS CO. AND AMERICAN LOUISIANA PIPE LINE CO.

NOTICE OF FILING OF APPLICATIONS AND DECLARATION REGARDING ISSUE AND SALE BY PARENT OF COMMON STOCK AND ISSUE AND SALE BY SUBSIDIARY OF COMMON STOCK AND BONDS AND ORDER FOR HEARING

JUNE 22, 1955.

Notice is hereby given that American Natural Gas Company ("American Natural"), a registered holding company, and its interstate natural gas pipeline subsidiary, American Louisiana Pipe Line Company ("American Louisiana"), have filed with this Commission applications and a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants-declarants have designated sections 6 (a), 6 (b), 7, 9, 10, and 12 (f) of the act and Rules U-43 and U-50 as applicable to the proposed transactions.

All interested persons are referred to the applications and declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

(1) American Natural proposes to issue and sell 736,856 additional shares of its authorized but unissued shares of $25 par value common stock, pursuant to a rights offering to its common stockholders, on the basis of one share of such additional stock for each five shares held. The date of the offering and expiration thereof are to be determined by American Natural prior to the offering. The subscription price is also to be determined by American Natural prior to the offering and will be lower than the market price then prevailing for outstanding shares of American Natural's common stock on the New York Stock Exchange.

To effectuate the issue and sale of such additional shares, transferable subscription warrants will be issued to holders of outstanding common stock evidencing a number of rights equal to the number of outstanding shares of common stock held, and five rights will be required for the purchase of each share of additional common stock. American Natural will make arrangements with its New York transfer agent, The First National City Bank of New York, under which the transfer agent will, without service charge to stockholders, attempt to execute purchase or sale orders of stockholders designed to (a) round out the stockholders' interest to multiples of the number of rights required for the purchase of one additional share of common stock or (b) dispose of rights when they are insufficient to permit purchase of one such share.

Each holder of outstanding shares of American Natural common stock will also be given the privilege of subscribing, at the subscription price, for any number of shares of the additional common stock not purchased through the exercise of rights, subject to allotment.

For purposes of facilitating the offering, American Natural may stabilize the price of its common stock. Stabilization transactions, if any, will be effected by the purchase of shares of such stock on the stock exchanges where listed or traded, in the open market, or otherwise. Stabilization transactions, if commenced, may be terminated at any time, and in any case not later than the expiration of the warrants. American Natural will at no time acquire a long position in shares of its common stock in excess of ten per cent of the number of additional shares of common stock being offered to the stockholders. Shares acquired through stabilization transactions will be sold in ordinary brokerage transactions on the New York Stock Exchange.

Of the proceeds received from the sale of the additional common stock, the sum of $20,000,000 is to be invested in common stock of American Louisiana, and the remainder is to be invested in other subsidiaries pursuant to further and future applications.

(2) American Louisiana proposes to issue and sell, and American Natural proposes to acquire, 200,000 shares of authorized but unissued $100 par value common stock for $20,000,000 cash.

American Natural has been previously authorized to acquire 5,000 shares of $100 par value common stock of American Louisiana, 4,000 shares of which have been issued and are held by American Natural, and the remaining 1,000 shares of which are soon to be issued pursuant to such authorization.

(3) American Louisiana also proposes to issue and sell, pursuant to bond purchase agreements entered into in February and March 1954, as amended in March 1955, $97,500,000 principal amount of First Mortgage Pipe Line Bonds, 4¼ percent Series, due not later than January 1, 1977, of which $87,750,000 will be sold to Metropolitan Life Insurance Company ("Metropolitan") and $9,750,000 will be sold to the Mutual Life Insurance Company of New York ("Mutual"). The bonds are to be issued under and secured by a Mortgage and Deed of Trust between the company and City Bank Farmers Trust Company and Marc A. Rieffel, as trustees. The bonds are to be issued and sold from time to time as funds are required, in not more than nine lots of which no lot shall be less than $10,000,000. A commitment fee at the rate of ½ of 1% per annum on the principal amount of bonds sold from time to time, computed in each instance from a specified date in February 1954 to the dates of sale of the bonds, is to be paid. In addition, a like commitment fee is to be paid on any amount of bonds unsold on July 1, 1957 or on the final closing date, whichever is the earlier. The company has the right, on or prior to July 1, 1957, to reduce, pro rata, the total commitment upon 30 days' written notice. The bonds will be subject to a sinking fund designed to retire the entire issue by the maturity date, or by the "date of exhaustion of firm gas supply", determined from time to time as provided in the mortgage, whichever date is the earlier.

The net proceeds received by American Louisiana from the sale of its common stock ($20,500,000, including $500,000 previously authorized by this Commission) and bonds ($97,500,000) are to be used to provide the major portion of the $130,000,000 estimated to be required for the construction of a natural gas pipe line system which will extend from southern Louisiana to Detroit, Michigan for purposes of supplementing the gas supply of Michigan Consolidated Gas Company and Michigan-Wisconsin Pipe Line Company, subsidiaries of American Natural. The balance of $12,000,000 will be obtained from the issue and sale of $12,000,000 principal amount of interim notes convertible, at the option of the company, into preferred stock. The issue and sale of the interim notes will be the subject of a further application to this Commission.

The Federal Power Commission has issued a certificate of public convenience and necessity for the construction of the pipeline system; and, in connection therewith, has found the proposed plan of financing thereof to be satisfactory for purposes of its issuance of such certificate.

American Louisiana requests that the proposed issue and sale of common stock and bonds by it be exempted from the requirements of sections 6 (a) and 7 of the act, pursuant to the provisions of the last clause of the third sentence of section 6 (b) thereof. It requests an exception from the competitive bidding requirements of Rule U-50, pursuant to the provisions of subparagraph (a) (5) thereof, with respect to the issue and sale of its bonds.

The applications and declaration state that in the opinion of counsel no further approval of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to the applications and declaration, and that the applications and declaration should not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That, pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, a hearing with respect to the applications and declaration be held on July 11, 1955, at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington, D. C. On said date the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary, Securities and Exchange Commission, Washington 25, D. C., on or before July 8, 1955, a request relative thereto as provided by Rule XVII of the Commission's rules of practice and shall state the reasons for wishing to participate, the nature and extent of his interest in the proceeding, and the issues of fact or law raised by the applications and declaration which he desires to controvert.

It is further ordered, That James G. Ewell, or any other officer of the Commission designated by it for that purpose, shall preside at such hearing, and that the officer so designated to preside at such hearing is hereby authorized to exercise all of the powers granted to this Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the applications and declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to the designation of additional matters and questions upon further examination:

1. Whether the issue and sale by American Natural of its common stock satisfy the standards of section 7 of the act.

2. Whether the issue and sale by American Louisiana of its common stock and of its bonds are solely for the purpose of financing its business.

3. What terms and conditions, if any, should be imposed in the public interest, or for the protection of investors or consumers, in respect of the proposed issue and sale by American Louisiana of its stock and of its bonds.

4. Whether, in connection with the proposed issue and sale by American Louisiana of its bonds, compliance with the competitive bidding requirements of Rule U-50 is unnecessary to aid the Commission to determine such terms and conditions as may be appropriate in the public interest or the interest of investors or consumers.

5. Whether the proposed acquisition of the common stock of American Louisiana by American Natural is in accord with applicable standards of the act, particularly section 10 thereof.

6. Whether the fees, commissions, or other remuneration to be incurred in connection with the proposed issuances and sales of securities are for necessary services and are reasonable in amounts.

7. Whether the accounting entries to record the proposed transactions are proper, conform with sound accounting principles, and meet the requirements of the act.

It is further ordered, That particular attention be directed at the hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order, by registered mail, on American Natural, American Louisiana, and the Federal Power Commission; that this notice and order be published in the FEDERAL REGISTER; and that a general release of the Commission in respect of this notice and order shall be distributed to the press and mailed to the persons appearing upon the Commission's mailing list for releases under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5119; Filed, June 27, 1955; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MATILDA KRSTINA MATULIC-MARKOV

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Matilda Krstina Matulic-Markov, Dragove, Croatia, Yugoslavia, Claim No. 58360; $354.36 in the Treasury of the United States.

Executed at Washington, D. C., on June 17, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55-5133; Filed, June 27, 1955; 8:51 a. m.]

KIMIYO SASADA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

(Miss) Kimiyo Sasada, 416 Hattori, Toyonaka City, Osaka, Japan, Claim No. 59573, Vesting Order No. 16552; $179.07 in the Treasury of the United States.

Executed at Washington, D. C., on June 17, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 55-5134; Filed, June 27, 1955; 8:51 a. m.]

UNIVERSITY OF MICHIGAN
JUL 1 1955
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 20 NUMBER 126

Washington, Wednesday, June 29, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3099

CARRYING OUT THE SUPPLEMENTARY AGREEMENT WITH SWITZERLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended, on January 9, 1936, he entered into a trade agreement with the Swiss Federal Council, including two schedules and a declaration annexed thereto (49 Stat. (pt. 2) 3918), and by a proclamation of January 9, 1936 (49 Stat. (pt. 2) 3917), he proclaimed the said trade agreement, which proclamation has been supplemented by a proclamation of May 7, 1936 (49 Stat. (pt. 2) 3959), and a proclamation of November 28, 1940 (54 Stat. (pt. 2) 2461);

2. WHEREAS the said trade agreement specified in the first recital was supplemented on October 13, 1950, by certain provisions set forth in the 13th recital of the President's proclamation of November 26, 1951 (Proclamation No. 2954, 66 Stat. C6);

3. WHEREAS, by Proclamation No. 3062 of July 27, 1954 (3 CFR, 1954 Supp., p. 29), acting under and by virtue of the authority vested in the President by section 350 of the Tariff Act of 1930, as amended, and by section 7 (c) of the Trade Agreements Extension Act of 1951, and in accordance with the said trade agreement specified in the first recital as supplemented on October 13, 1950, the President proclaimed modifications of duty concessions granted by the United States with respect to certain products described in item 367 (a) of Schedule II of the said trade agreement, effective at the close of business July 27, 1954;

4. WHEREAS the said trade agreement specified in the first recital, as supplemented on October 13, 1950, provides for compensatory modifications thereof, whenever action is taken pursuant to Paragraph 1 of the supplemental provisions referred to in the second recital of this proclamation, in order to maintain, to the extent practicable, the general level of reciprocal and mutually advantageous concessions in the said trade agreement;

5. WHEREAS I have found as a fact that under the circumstances recited above existing duties or other import restrictions of the United States of America or of Switzerland are unduly burdening and restricting the foreign trade of the United States of America;

6. WHEREAS, pursuant to section 3 (a) of the Trade Agreements Extension Act of 1951 (65 Stat. 72), I transmitted to the United States Tariff Commission for investigation and report a list of all articles imported into the United States of America to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in trade-agreement negotiations with Switzerland looking towards possible restoration of the general level of reciprocal and mutually advantageous concessions in the said trade agreement, and the said Tariff Commission has made an investigation in accordance with section 3 of said Trade Agreements Extension Act and thereafter reported to the President its findings based thereon;

7. WHEREAS reasonable public notice of the intention to negotiate a supplementary trade agreement with Switzerland was given and the views presented by persons interested in the negotiation of such supplementary agreement were received and considered;

8. WHEREAS, after seeking and obtaining information and advice with respect thereto from the Departments of State, Agriculture, Commerce, and Defense, and from other sources, I entered into a trade agreement on June 8, 1955, with the Swiss Federal Council, further supplementing the said trade agreement specified in the first recital, a copy of which supplementary agreement of June 8, 1955, including the supplemental schedule annexed thereto, authentic in both the English and French languages, is annexed to this proclamation;

9. WHEREAS I find that the compensatory modifications provided for in the said supplementary trade agreement specified in the eighth recital constitute appropriate action toward maintaining the general level of reciprocal and mutually advantageous concessions in the said trade agreement specified in the first recital, and that the purpose set

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FEDERAL REGISTER

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(For use during 1955)

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Title 32A, Revised Dec. 31, 1954 ($1.50)

Title 38 ($2.00)

Previously announced: Title 3, 1954 Supp. ($1.75); Title 7: Parts 1–209 ($0.60); Part 900 to end ($2.25); Title 8 ($0.45); Title 9 ($0.65); Titles 10–13 ($0.50); Title 14: Parts 1–399 ($2.25); Part 400 to end ($0.65); Title 16 ($1.25); Title 18 ($0.50); Title 19 ($0.40); Title 20 ($0.75); Titles 22–23 ($0.75); Title 24 ($0.75); Title 25 ($0.50); Titles 28–29 ($1.25); Titles 30–31 ($1.25); Titles 35–37 ($0.75); Titles 40–42 ($0.50); Titles 44–45 ($0.75); Title 49: Parts 1–70 ($0.60); Parts 71–90 ($0.75); Parts 91–164 ($0.50); Part 165 to end ($0.60)

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forth in section 350 (a) of the Tariff Act of 1930, as amended, will be promoted by such compensatory modifications of existing duties and other import restrictions and continuance of existing customs and excise treatment as are set forth and provided for in the said supplementary trade agreement;

10. WHEREAS it is provided in paragraph numbered 4 of the said supplementary agreement specified in the eighth recital that it shall enter into force on July 11, 1955;

11. WHEREAS I find that such modifications of existing duties and other import restrictions and such continuance of existing customs and excise treatment of articles as are hereinafter proclaimed in Part I of this proclamation will be required or appropriate, on and after July 11, 1955, to carry out the said supplementary trade agreement specified in the eighth recital;

12. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended, on October 30, 1947, he entered into an exclusive trade agreement with the Government of the Republic of Cuba (61 Stat. (pt. 4) 3699), and by Proclamation No. 2764 of January 1, 1948 (62 Stat. (pt. 2) 1465), he proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out the said exclusive agreement, which proclamation has been supplemented by Proclamation 2929 of June 2, 1951, (65 Stat. C12) and by the proclamations referred to in the twelfth recital thereof; and

13. WHEREAS I determine that, in view of the finding set forth in the eleventh recital of this proclamation, the deletion of the second item 28 (a) (as amended by the said proclamation of June 2, 1951) from the list set forth in the ninth recital of the said proclamation of January 1, 1948, as amended and rectified, will be required or appropriate to carry out the said exclusive trade agreement specified in the twelfth recital of this proclamation on and after July 11, 1955:

NOW, THEREFORE, I, Dwight D. Eisenhower, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended, do proclaim as follows:

PART I

To the end that the said supplementary trade agreement specified in the eighth recital may be carried out, such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as are provided for in the said supplementary agreement of June 8, 1955, shall be effective on and after July 11, 1955.

PART II

To the end that the said exclusive trade agreement specified in the twelfth recital may be carried out, the list set forth in the ninth recital of the said proclamation of January 1, 1948, as amended and rectified, shall be further amended by deleting therefrom the second item 28 (a), as amended by the said proclamation of June 2, 1951, effective on and after July 11, 1955.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of June, in the year of our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and seventy-ninth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-5264; Filed, June 28, 1955; 10:08 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Amdt. 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1955-CROP PRICE SUPPORT PROGRAMS FOR GRAINS AND RELATED COMMODITIES

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 20 F. R. 3017 and containing regulations of a general nature with respect to price support programs for certain grains and other commodities produced in 1955 are amended as follows:

1. Section 421.1001 is amended to provide for approval of price support documents by the county office manager so that the amended section reads as follows:

§ 421.1001 *Administration.* The programs to which this subpart applies will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and in the field, will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and County Committees) and CSS commodity offices. Producers interested in participating in the program should contact their county office through which the price support documents will be distributed. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all price support documents shall be retained in the county office. County office managers, State and county committees, and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

2. Section 421.1018 (a) (1) is changed by deleting the fourth, fifth and sixth

sentences and inserting three new sentences in lieu thereof to clarify the conditions under which a grade and quality determination will be made when the commodity is going out of condition, or is in danger of going out of condition, so that the amended subparagraph reads as follows:

§ 421.1018 *Liquidation of loans and delivery under purchase agreements—(a) Farm-storage loans.* (1) The producer is required to pay off his loan on or before maturity or to deliver the commodity in accordance with instructions issued by the county committee. If the producer desires to deliver the commodity, he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. If, either before or after maturity, the commodity is going out of condition or is in danger of going out of condition, the producer shall so notify the county committee, and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and that the commodity cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher. In the event the farm is sold, there is a change of tenancy, or the producer dies, the commodity may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made at the applicable support rate, subject to the provisions of the Producer's Note and Supplemental Loan Agreement and applicable commodity supplement according to grade and quality. Delivery of commodities in bulk will be accepted only from the bin(s) in which the commodity under loan is stored. In case a loan is made on part of the commodity in the bin, the maximum quantity eligible for delivery shall be the quantity on which the loan was made plus any normal overrun established by the State Committee. In the case of commodities stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered. Settlement will be made on the quantity delivered by the producer as determined by the county committee in accordance with the applicable commodity supplement.

3. Section 421.1018 (d) (3) is changed to set forth certain conditions under which CCC will assume losses due to quality deterioration so that the amended subparagraph reads as follows:

§ 421.1018 *Liquidation of loans and delivery under purchase agreements.* • • •

(d) *Purchase agreements.* • • •

(3) The producer may be required to retain a commodity stored in other than approved warehouse storage for a period of 60 days after the applicable loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of a commodity covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions and CCC cannot accept delivery within the 60 day period following the applicable loan maturity date, the producer may notify the county committee at any time after such 60 day period that the commodity is going out of condition or is in danger of going out of condition. Such notice must be confirmed in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and that the commodity cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 66 Stat. 758, 15 U. S. C. 714c; 7 U. S. C. 1441, 1447, 1421)

Issued this 23d day of June 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-5166; Filed, June 28, 1955; 8:48 a. m.]

Subchapter C—International Wheat Agreement

PART 481—COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

SUBPART—TERMS AND CONDITIONS OF 1954–55 PROGRAM

NOTICE OF TERMINATION

The offer contained in the "Terms and Conditions of 1954–55 Wheat and Wheat-Flour Export Program", as amended, June 21, 1954 (§§ 481.525 to 481.589), is terminated as of June 27, 1955, 3:30 p. m., e. s. t., with respect to sales made after such date. Payment on sales made prior to the termination date of such offer shall be at the rate in effect at the time of such sales, or the rate in effect at the time of giving Notice of Sale, whichever rate is the lower.

(Sec. 2, 63 Stat. 945, 946, Sec. 104, 64 Stat. 198, 67 Stat. 358; 7 U. S. C. 1641, 1642)

Dated this 24th day of June 1955.

WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55-5196; Filed, June 27, 1955; 3:25 p. m.]

PART 481—COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PAYMENT PROGRAM (IWA)

SUBPART—TERMS AND CONDITIONS OF 1955–56 PROGRAM

GENERAL

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481.631 Program period.
481.632 Date of exportation.
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Sec.
481.688 United States.
481.689 3:31 e. s. t.

AUTHORITY: §§ 481.625 to 481.689 issued under sec. 2, 63 Stat. 945, 946, sec. 104, 64 Stat. 198, 67 Stat. 358; 7 U. S. C. 1641, 1642.

GENERAL

§ 481.625 *General statement.* In order to encourage the sale and exportation by commercial exporters of wheat produced in the United States and flour processed in the United States from such wheat and in order to exercise the rights, obtain the benefits and fulfill the obligations of the United States under the Wheat Agreement, the Commodity Credit Corporation (referred to in this subpart as CCC), pursuant to the authority conferred by section 2 of the International Wheat Agreement Act of 1949, as amended, offers to make payments to exporters under the terms and conditions stated in this subpart. Information pertaining to the operation of this program and forms prescribed for use thereunder can be obtained upon request directed to the address shown in § 481.675, or from the Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, located in the cities listed in § 481.663.

ELIGIBILITY FOR PAYMENT BY THE COMMODITY CREDIT CORPORATION

§ 481.630 *General conditions of eligibility.* (a) Payment under this subpart will be made to an exporter in connection with the net quantity of wheat or flour exported to a designated country from the United States and the net quantity of wheat or flour in customs bond in Canada exported to a designated country from Canadian ports, excluding West Coast Canadian ports, pursuant to a sale to a foreign buyer for which he receives a confirmation by the CCC in accordance with § 481.648, subject to the additional conditions set forth in this subpart. Payment also will be made to an exporter for wheat or flour exported prior to sale and for which the exporter has received a confirmation by the CCC subject to the conditions contained in § 481.638.

(b) A sale which involves wheat produced outside the United States, or flour processed from any such wheat, or a mixture which is partly derived from wheat produced outside the United States is not eligible for confirmation by the CCC for export payment. However, in the event that CCC determines that such a mixture is exported unintentionally, payment may be made but only on that portion, which is established to the satisfaction of CCC as having been, produced in the United States.

(c) In any case where the Wheat Council, subsequent to confirmation by the CCC, determines that a sale, or any part thereof, is ineligible to be, or to remain, recorded because of non-compliance with the applicable regulations of the importing country governing purchase and importation under the Wheat Agreement, payment may be withheld or required to be refunded if already made.

(d) Wheat or flour exported pursuant to any other CCC program wherein the price reflects an export allowance shall not be eligible for payment under this subpart.

§ 481.631 *Program period.* Sales entered into after the effective date of this offer and not later than June 30, 1956, for recording against the 1954–55 or 1955–56 Wheat Agreement year quotas, are eligible for payment under this offer. Sales must be entered into during periods in which an announced rate is in effect, and in reliance thereon, in order to be eligible for payment.

§ 481.632 *Date of exportation.* (a) Wheat or flour sold for recording against the 1954–55 Wheat Agreement guaranteed quantities must be exported on or before August 14, 1955, unless approval is obtained from the Director, Grain Division, Commodity Stabilization Service (referred to in this subpart as the Director), to export subsequent thereto. Wheat or flour sold for recording against the 1955–56 Wheat Agreement guaranteed quantities must be exported during the period August 1, 1955 to July 31, 1956, inclusive, unless exportation prior or subsequent to that period is authorized (1) by announcement issued in connection with the daily export payment rate announcement (see § 481.640), or (2) in specific cases by prior approval of the Director.

(b) Wheat or flour sold for export in a specified export rate period must be exported before the end of that period in order for that exporter to obtain the export payment rate applicable to that sale, unless an extension is obtained changing the export date to a later period. In the event that export takes place after the specified rate period and the exporter has not obtained an extension to change the export date to a later period, the export payment rate will be that which was in effect at time of sale, or time of giving Notice of Sale, whichever is lower, for the period in which actual export takes place. It will be the policy to grant an extension if it can be shown that exportation under the contract has been delayed by circumstances beyond the exporter's or importer's control and is not due to intentional violation of the contract.

§ 481.633 *Exports to designated countries.* Exports of wheat or flour under this program shall be made only to the country named in the Notice of Sale and the Declaration of Sale unless the exporter obtains, prior to export, authority from the Director to export to designated country other than the purchasing country named in the Notice of Sale and Declaration of Sale.

§ 481.634 *Excess quantities exported.* Payment will not be made on quantities loaded on vessels or exported by rail or truck which exceed by more than 1 percent the quantity shown on the Declaration of Sale, or, in the case of bulk wheat, a loading tolerance as specified in the contract but which shall not exceed 5 percent of the contract quantity on parcel shipments or 10 percent of the contract quantity on full cargo shipments, unless clearance is obtained from the Director, in which case a new Declaration of Sale and a new Confirmation of Sale for the additional quantity is required. Payment will be made without additional clearance where, in the case of flour or bagged wheat, the loaded quantity does not exceed the contract quantity by more than 1 percent, and in the case of bulk wheat the loaded quantity does not exceed the contract quantity by more than 1 percent, or a loading tolerance as specified in the contract, whichever is greater, but such loading tolerance shall not exceed 5 percent of the contract quantity on parcel shipments and 10 percent of the contract quantity on full cargo shipments.

§ 481.635 *Reports.* The exporter shall submit the reports and documents specified in §§ 481.655 to 481.658, inclusive.

§ 481.636 *Evidence of export.* Proof of Export, and specified supporting documents, must be submitted in accordance with § 481.662.

§ 481.637 *Reentry or diversion.* If any quantity of wheat or flour exported under this subpart is unloaded in the United States or Canada prior to being imported into some country other than the United States or Canada, or because of the exporter's action or with his consent is at any time unloaded in the United States or Canada or diverted to another country while en route, payment may be withheld, or if payment has already been made, the exporter may be required to make such refund or other adjustment as deemed appropriate by the Vice President: *Provided*, That if the wheat or flour with respect to which payment may be withheld or refund required under this section is lost, destroyed or damaged, the amount of the payment withheld or refund required shall not exceed the amount realized or which might reasonably be realized by the exporter over the price at which it was sold to the designated country. The exporter shall notify the Director immediately upon becoming cognizant of any unloading or diversion of wheat or flour with respect to which payment may be withheld or refund required under this section and furnish information as to the condition of such wheat or flour and any claim he may have in connection with any damage or loss thereto or destruction thereof.

§ 481.638 *Wheat and flour exported prior to sale.* (a) In connection with the quantity of wheat and flour exported prior to sale, payments will be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the actual exporter of such wheat or flour, and not to any other party who buys such wheat or flour and re-sells it to a designated country.

(b) In order to receive export payment the exporter must have reported the exportation of such wheat or flour to the Director within one week after the date of such exportation as defined in § 481.686, unless additional time for reporting is granted by the Director. This report, which will be considered as a certification by the exporter, must include the following information:

(1) Date of exportation.

(2) Port of exportation.
(3) Country and port of original destination of wheat and flour.
(4) Name of ocean vessel upon which loaded.
(5) Quantity:
(i) Wheat in bushels.
(ii) Flour in net hundredweight.
(6) Class and grade of wheat; or type and extraction of flour.
(7) The report shall also contain a statement that the vessel contains wheat or flour sold to a designated country under the terms of the Wheat Agreement by the exporter filing the report, as provided in paragraph (c) of this section.

(c) Only wheat or flour which is loaded on a vessel which also carries wheat or flour which has been sold by the same exporter to a designated country as provided in this subpart shall be reported under paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons.

(d) At such time as the wheat or flour is sold to a designated country, the exporter shall report the sale to the Director as provided in § 481.655, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the wheat or flour sold was reported to the Director, as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad."

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower, for the current export rate period which applies (1) to the port from which the wheat or flour was exported, and (2) to the designated country shown in the Notice of Sale and the Declaration of Sale, or the country of final destination, whichever is lower.

(f) In addition to the documents required under § 481.662, the exporter will be required in the case of flour to submit with Public Voucher Form CSS 21 a document which carries a description of such flour. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of wheat or flour exported.

(g) All other conditions of this subpart, except as modified by paragraphs (a), (b), (c), (d), and (e) of this section are applicable to sales described by this section.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

§ 481.640 *Announcement of rates.* Export payment rates will be announced from Washington, D. C., daily or at intervals of up to 7 days. Announcement of rates will be released at approximately 3:31 p. m., e. s. t. (see § 481.689), and will remain in effect through 3:30 p. m., e. s. t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective at 3:31 p. m., e. s. t., on Friday will be considered as in effect through 3:30 p. m., e. s. t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcement will be available through a press release, ticker service, and through Commodity Stabilization Service Offices at Portland (Oregon), Minneapolis, Kansas City (Missouri), Dallas, Chicago, and New Orleans. Different rates of payment based upon export ports or areas, destinations, period of exportation, or other factors may be announced for the same period.

§ 481.641 *Determination of rates.* The rate in effect at the time of sale to the foreign buyer in the country of destination or the time of giving Notice of Sale as required by § 481.655 (a), whichever rate is the lower, shall be the rate applicable to the sale. In the case of resales of wheat or flour, the export rate for such sales will be that applicable to the original purchasing country or to the country of final destination, whichever is lower. The supporting evidence as proof of sale submitted by the exporter in form prescribed in § 481.656 (d), will be the basis for determining the time of sale. The following are factors which may be determinative of the time of sale.

(a) Time of filing by the exporter of a cablegram or time of mailing of a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation of the booking of a shipment or shipments to be made pursuant to an open offer of the exporter to sell or a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter is empowered by the terms of the open offer or standing order to confirm the contract by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) Sales may be made through a third principal party, but in such cases, in determining the time of sale, no substantially greater lapse of time for receipt of buyer's confirmation will be recognized than would have elapsed had the exporter been dealing directly with the ultimate foreign buyer. In such a transaction, the evidence of sale required by § 481.656 (d) shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party.

(e) A sale shall not be considered as entered into until the purchase price has been established, and time of sale shall be the earliest date on which a firm contract exists between buyer and seller and on which a firm price has been established. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 481.655 (a) and present documentary evidence that the sale was consummated at such time.

(f) If export is wholly by truck or rail and the time of sale cannot be determined on the basis of the factors set forth in paragraph (a), (b), or (c) of this section, or by any other means, the sale will be deemed to have been made at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States customs. If export is by ocean carrier and time of sale cannot be determined as outlined above, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat or flour is loaded on board ocean carrier.

(g) If the time of day at which the sale was consummated is not established and two payment rates are in effect on the day the sale was consummated, the time of consummation of sale will be deemed to be at the time the lower of the two rates was in effect.

§ 481.642 *Conversion factors.* The following conversion factors shall be applied to the announced rate to determine the rate applicable to a particular type of flour:

	Factor
Wheat flour (including clears), derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction operation	1.000
Semolina and farina	1.000
Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing an 80 percent extraction operation	.919
Whole Wheat Flour	.717

§ 481.643 *Statement of status of purchases and sales.* There will be issued not less often than weekly, a statement as to the progress of purchases and sales by individual importing and exporting countries against their guaranteed quantities. Any exporter upon request, addressed to the office indicated in § 481.675, will be furnished with such information as is available as to the status of the fulfillment of guaranteed quantities under the Wheat Agreement.

§ 481.644 *Maximum and minimum prices.* Maximum and/or minimum prices at which wheat may be sold under the Wheat Agreement will be announced from time to time by CCC. The Wheat Agreement provides that to such maximum prices may be added such marketing costs and carrying charges as may be agreed between buyer and seller, and that such carrying charges may accrue for the buyer's account only after an agreed date specified in the contract under which the wheat is sold. (See § 481.655 (b) (3) (i).)

CONFIRMATION OF ELIGIBILITY

§ 481.648 (a) *Confirmation of eligibility.* Upon receipt of the Notice of Sale required by § 481.655, CCC will confirm the eligibility of the sale or any part thereof, by telegram, for payment upon proof that the conditions set forth in this subpart have been met, unless CCC determines that the transaction is ineligible for entry in the records of the Wheat Council under the provisions of the Wheat Agreement or unless CCC determines that the transaction would not obtain for the U. S. the maximum benefits under the Wheat Agreement. Accordingly, it may be to the exporter's advantage in some instances to ascertain from the office indicated in § 481.675, prior to making a sale, whether the sale may be confirmed as eligible. It shall be the responsibility of the exporter to protect himself (for example, by inserting an appropriate provision into his sales contract) against the possibility that the transaction will not be confirmed. It shall not be the duty or responsibility of CCC to guarantee that a transaction which appears to the exporter prior to sale to be eligible for recording in the Wheat Council's records will be confirmed as eligible.

(b) In the telegram of confirmation, CCC may utilize the code letters "CEP", to indicate "Confirmed as Eligible for Payment."

(c) *Assigning of numbers.* Each confirmation will be assigned a number which shall be called the Wheat Agreement Sale Number. This number will be included in the Confirmation of eligibility, and thereafter shall be shown on the Declaration of Sale (see § 481.656), the Notice of Export (see § 481.657), and Voucher Form CSS–21, and in all correspondence with reference to the transaction.

§ 481.649 *Eligibility for entry in the Wheat Council's records.* The Wheat Agreement provides that:

(a) *Wheat.* A transaction or part of a transaction in wheat-grain between participating exporting and importing countries is eligible for entry in the Wheat Council's records against guaranteed quantities of those countries for a crop year:

(1) Provided (i) it is at a price not higher than the maximum nor lower than the minimum (i. e., the equivalents of the basic maximum and minimum prices) in effect during the crop year in which the loading periods specified in the transaction falls and (ii) the exporting and importing countries have not agreed that it shall not be entered against their guaranteed quantities, and

(2) To the extent that (i) both the importing and exporting countries concerned have unfilled quantities for the crop year, and (ii) the loading period specified in the transaction falls within that crop year.

(b) *Flour.* If a commercial contract or governmental agreement on the sale and purchase of flour contains a statement, or if the exporting country and the importing country concerned inform the Wheat Council that they are agreed, that the price of such flour is consistent with the maximum and minimum price in effect during the crop year in which the loading period specified in the transaction falls, the wheat-grain equivalent of such flour shall, subject to the conditions prescribed in paragraph (a) (1) and (2) of this section, be entered in the Wheat Council's records against the guaranteed quantities of those countries. If there is no such statement or agreement as specified in this paragraph, either country involved in the transaction may request the Wheat Council to decide whether the quantity sold should be entered in its records and the Wheat Council shall decide whether the price at which the flour was sold justified the entry of the transaction in the records.

DESIGNATED COUNTRIES

§ 481.653 *Designated countries.* A designated country shall be any one of the following countries, including territories, which has been designated by announcement issued in connection with export payment rates provided for in § 481.640.

Austria.	Italy.
Belgium.	Japan.
Bolivia.	Jordan.
Brazil.	Korea.
Ceylon.	Lebanon.
Costa Rica.	Liberia.
Cuba.	Mexico.
Denmark.	Netherlands.
Dominican Republic.	New Zealand.
Ecuador.	Nicaragua.
Egypt.	Norway.
El Salvador.	Panama.
Germany.	Peru.
Greece.	Philippines.
Guatemala.	Portugal.
Haiti.	Saudi Arabia.
Honduras.	Spain.
Iceland.	Switzerland.
India.	Union of South Africa.
Indonesia.	Vatican City State.
Ireland.	Venezuela.
Israel.	Yugoslavia.

The foregoing list may be amended from time to time. Nothing in this subpart shall be deemed to authorize the exportation of wheat or flour in violation of any statute, order or regulation now in existence or hereafter established.

REPORTS

§ 481.655 *Notice of Sale*—(a) *Time.* (1) The exporter shall file a Notice of Sale, normally as soon as possible after consummation of the sale. (See § 481.675.) (In order to comply with the terms of the Wheat Agreement, CCC's report of transactions must reach the Wheat Council in London not later than 10 days after date of consummation.)

(2) The order in which transactions are reported (time of filing telegraphic notice) or time of giving telephonic notice assumes importance when guaranteed quantities are near to being filled. Notices of Sale should normally be filled by telegraph or by telephone. Telephone notices should be confirmed immediately by telegraph.

(3) If notice is not given by telephone, and the exporter desires to take advantage of the current rate of payment, the telegram reporting sale must be filed by 3:30 p. m., e. s. t., on the expiration date for such rate as shown in the rate announcement.

(4) A Notice of Sale may include all sales made to any one designated country during any 24-hour period ending at 3:30 p. m., e. s. t. It shall be normal practice when such multiple sales are submitted in one telegraphic Notice of Sale to assign one Wheat Agreement Sale Number to apply to all sales to a particular country shown in that telegram. Every sale reported in a separate telegram will be assigned an individual Sale Number.

(b) *Information required.* In giving Notice of Sale the exporter must report the following information:

(1) Date of sale.
(2) Contract quantity:
(i) Wheat in bushels.
(ii) For bulk wheat the contract loading tolerance, if any, in percentage, but not in excess of five percent on parcel shipments or ten percent on full cargo shipments.
(iii) Flour in net hundredweight.
(3) Sale price:
(i) In the case of wheat, the sale price must be shown on an f. o. b. vessel bulk basis, except that on exports from West Coast ports price may be given on an in-store basis. In addition, the coast of export must be shown. If, because of marketing costs and carrying charges as provided for in § 481.644, the sales price exceeds the maximum price, the Notice of Sale must show the total price and the amount thereof included for marketing costs and carrying charges, each shown separately. The f. o. b. or the in-store price shown shall include all charges and commissions necessary to the sale and moving of the wheat to the f. o. b. or the instore position. For example, a selling agent's commission shall be included, whereas guaranteed outturn insurance shall not be included.

(ii) In case of flour, the sales price need not be shown, but the notice must contain a certification that buyer and seller agree that the price of the flour is consistent with the prices specified in the Wheat Agreement. This may be reported by the code word "Akord."

(4) Purchasing country.

(5) Name of purchaser. (Where the sale involves more than one purchaser, the Notice of Sale should contain the name of one purchaser and the word "others.")

(6) The number of the import license, buying permit, or similar authorization applicable to the sale, for those countries where such is required for IWA transactions, unless otherwise authorized by the Director. (Where the sale involves more than one purchaser, the Notice of Sale should contain one license number and the word "others".)

(7) Delivery period specified in contract.

(8) Class and grade of wheat.

(9) The word "Abroad" for wheat or flour exported prior to sale. (See § 481.638 (d).)

(10) Such additional information in individual cases as may be requested by the Director.

§ 481.656 *Declaration of Sale and evidence of sale*—(a) *Time of submission and required copies.* (1) The exporter shall prepare a Declaration of Sale (Wheat Agreement Form No. 1) and mail or deliver it normally within two

days after receipt of the Confirmation of Eligibility. (See § 481.675.)

(2) The Declaration of Sale must be submitted in triplicate where there is only one buyer, and in quadruplicate where there is more than one buyer. The original and all copies shall be signed in an original signature by the exporter or his authorized representative. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) One Declaration of Sale normally should be submitted by the exporter for each sale identified by a Sale Number assigned in the Confirmation of Eligibility (see § 481.648 (b)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to the Wheat Agreement Sale Number on the respective declaration.

(b) *Information required.* The information to be entered on the Wheat Agreement Form No. 1, Declaration of Sale, is as follows:

(1) The Wheat Agreement Sale Number as assigned in the Confirmation of Eligibility.

(2) Date and time of sale.

(3) Name of purchaser, or purchasers.

(4) The number of each import license, buying permit, or similar authorization applicable to the sale, for those countries where such are required for IWA transactions. The applicable number(s) shall be entered following each buyer's name. All applicable numbers shall be so entered even though such numbers were reported in the Notice of Sale.

(5) Quantity sold:

(i) Wheat in bushels. If, in the case of bulk wheat, the sales contract provides for a loading tolerance, the amount of such tolerance, but not to exceed five percent on parcel shipment or ten percent on full cargo shipments, given in percentage figures shall be entered directly following the quantity sold.

(ii) Flour in net hundredweight.

(6) Purchasing country. (If the country of final destination is other than the purchasing country, the country of final destination shall be shown as a parenthetical entry following the name of the purchasing country.)

(7) Delivery period specified in the contract.

(8) Class and grade of wheat or type and extraction of flour. In the case of flour, the class of wheat from which the flour was milled and the approximate ash content must be shown. For example: "Hard Spring 0.48 Ash". For blended flours, the most predominant class of wheat contained in the blend should be shown. For example: "Blended (predominantly) Hard Winter 0.70 ash".

(9) Price and the basis upon which price is determined:

(i) The sales price in the case of wheat must be given on an f. o. b. vessel, bulk, basis, on exports from gulf and East Coast ports and on an in-store or f. o. b. vessel, bulk, basis, on exports from the West Coast ports. If, because of marketing costs and carrying charges as provided for in § 481.644, the sale price of wheat exceeds the maximum price, the declaration shall show the total price and the amount thereof included for marketing costs and carrying charges, each shown separately. The f. o. b. or the in-store price shown shall include all charges and commissions necesary to the sale and the moving of the wheat to the f. o. b. or the in-store position. For example, a selling agent's commission shall be included, whereas guaranteed out-turn insurance shall not be included.

(10) Export rate per bushel of wheat or per hundredweight of flour in effect as determined by § 481.641.

(11) Coastal area from which it is anticipated exportation will be made.

(12) Such additional information in individual cases as may be requested by the Director.

(c) *Name in which filed.* The Declaration of Sale must be filed in the name of the exporter who has sold the wheat or flour to a foreign buyer. Persons or firms selling wheat or flour to others who resell such wheat or flour to foreign buyers are not exporters. If a sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all related documents, such as:

AMERICAN MILLING CO.,
(Trade Name)
U. S. MILLING CO.,
(s) JOHN SMITH,
Secretary.

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving a third principal party (see § 481.641 (d)) the evidence shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party. In the case of flour the exporter must also furnish a signed statement or other acceptable evidence, such as an exchange of cables, to the effect that buyer and seller agree that the price of the flour is consistent with prices specified in the Wheat Agreement.

§ 481.657 *Notice of Export*—(a) *Time of submission and required copies.* Only one Notice of Export, Wheat Agreement Form No. 2, is required in connection with any one Declaration of Sale. Such Notice of Export must be mailed or delivered by the exporter normally within three days after date of export of the last shipment against the quantity shown as sold on the applicable Declaration of Sale, unless such time of filing is extended by the Director. (See § 481.675.)

(b) *Information required.* The Notice of Export shall contain the following information:

(1) Wheat Agreement Sale Number.

(2) Date of export of final shipment.

(3) Country of destination.

(4) Total quantity actually loaded on all shipments made in connection with applicable Declaration of Sale.

(i) Wheat in bushels, excluding dockage.

(ii) Flour in net hundredweight.

(5) The U. S. coastal area or areas from which the wheat or flour was exported. If more than one coastal area is involved, the quantity exported from each should be shown.

§ 481.658 *Additional reports.* The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

APPLICATION FOR PAYMENT

§ 481.660 *Application for payment.* The exporter shall make an application for payment under this program in the manner set forth in §§ 481.661 and 481.663.

§ 481.661 *Public Voucher Form CSS–21.* An original and two (2) copies of Form CSS–21 must be prepared and submitted together with the evidence of exportation set forth in § 481.662. Supplies of Form CSS–21 and detailed instructions regarding the preparation and submission of Form CSS–21 and supporting documents may be obtained from the CSS Commodity Offices listed in § 481.663 or from the office indicated in § 481.675.

§ 481.662 *Documents required to evidence exportation by exporters*—(a) *Bills of lading or Shipper's Export Declaration.* Each voucher must be supported by one copy of the applicable on-board ocean carrier bill of lading signed by an agent of the ocean carrier which shows that the wheat or flour is destined for the buyer identified with the Declaration of Sale and supporting evidence, unless otherwise approved by the Director. Where loss, destruction or damage occurs subsequent to loading on-board ocean carrier but prior to issuance of on-board bill of lading, one copy of a Loading Tally Sheet or similar document may be submitted in lieu of such bill of lading; or if exported wholly by rail or truck, one copy of the Shipper's Export Declaration authenticated by the appropriate United States Customs official which identifies the shipment(s) and shows date of clearance into the foreign country. If the final destination of the shipment is a designated country not shown on the ocean bill of lading, the exporter also shall furnish an authenticated copy of Shipper's Export Declaration showing country of final destination. In the case of wheat, the voucher must also be supported by one copy of an Export Grain Inspection Certificate issued by an inspector holding a license under the United States Grain Standards Act. Where shipment is exported from a Canadian port, the voucher also must be supported by one copy each of the following documents:

(1) For wheat:

(i) A signed or certified true copy of the bill of lading or other document covering the movement of the wheat from the United States to Canada; and

(ii) A signed or certified true copy of document evidencing the holding of the wheat in customs bond in Canada.

(2) For flour:

(i) A signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to Canada; and

(ii) A statement by the exporter, certified as being a true and correct statement, that the flour for which export payment is claimed is the same flour covered by the bill of lading or other document as required by subdivision (i) of this subparagraph.

(b) *Shipper or consignor other than exporter.* If the shipper or consignor named in the on-board ocean bill(s) of lading or the Shipper's Export Declaration(s), covering wheat or flour exported is other than the exporter named in the Notice of Sale and Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the on-board ocean bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Notice of Sale and Declaration of Sale, nor the consignee identified with the Declaration of Sale and supporting evidence of sale, the exporter must submit, in addition to the waiver a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as buyer and seller of the wheat or flour shown on the documents submitted to evidence exportation.

(c) *Statements evidencing resale.* In connection with the sale of wheat or flour under the Wheat Agreement to a designated country which is resold for export to another designated country, there must be included with the voucher a statement from the buyer directing shipment to the second designated country if the contract or supporting evidence of sale does not provide for such shipment.

(d) *Export prior to sale.* In the event of export prior to sale such additional documents as required by § 481.638 (f) must also accompany the voucher.

§ 481.663 *Submission of voucher for payment.* Vouchers and required supporting documents should be submitted to the office listed below which services the State in which the exporter's invoicing office is located.

OFFICE

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 623 South Wabash Avenue, Chicago 5, Ill.: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 3306 Main Street, Dallas 26, Tex.: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, Fidelity Building, 911 Walnut Street, Kansas City 6, Mo.: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1006 West Lake Street, Minneapolis 8, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 515 Southwest Tenth Avenue, Portland 5, Oreg.: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

OBLIGATION AND DEFAULT

§ 481.665 *Exporter's agreement with CCC.* The Notice of Sale by the exporter and CCC's Confirmation of Eligibility shall constitute an agreement by the exporter to export the quantity of wheat or flour within the prescribed period stated in the Notice of Sale and in accordance with this subpart in consideration of the undertaking of CCC to make an export payment.

§ 481.666 *Cancellation of sale or failure to export.* (a) The exporter shall notify the Director promptly in every case where, after giving Notice of Sale as required in § 481.655, a sale is canceled by the exporter or by the importer, and he must state the reason for such cancellation. The exporter also shall notify the Director promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under this subpart by making shipment within the prescribed period.

(b) If the Vice President, after affording an exporter the opportunity to present evidence, determines that such exporter due to the cancellation of a sale or failure to export or for other reasons has failed to discharge fully any obligation assumed by him under this subpart such exporter may be denied the right to continue participating in this or any subsequent program for such period as the Vice President may determine or until the exporter has complied with such terms as the Vice President may prescribe. Such terms, among other things, may:

(1) Require the refund of payments previously made to the exporter in an amount equivalent to twenty (20) percent of the payment applicable to the quantity of wheat or flour with respect to which the exporter has failed to fulfill his obligation, or

(2) Require the making of future shipments not in excess of such quantity at a payment rate which is reduced by an amount equivalent to twenty (20) percent of the payment rate applicable to such quantity, or

(3) Require a combination of subparagraphs (1) and (2) of this paragraph.

MISCELLANEOUS PROVISIONS

§ 481.670 *Records and accounts.* Each exporter shall maintain accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 481.671 *Assignments.* No exporter shall, without the written consent of the Director, assign any right of the exporter under this subpart. The exporter may, however, name a joint payee on Voucher Form CSS–21.

§ 481.672 *Good faith.* If the Vice President after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart such exporter may be denied the right to continue participating in this program or the right to receive payment under this subpart in connection with any sales previously made under this program, or both. Such exporter may also be required to refund any payment received by him in connection with the transaction in which he is determined not to have acted in good faith. Any such action shall not affect any other right of the Commodity Credit Corporation or the government by way of the premises.

§ 481.673 *Amendment and termination.* This offer may be amended or terminated at any time by public announcement of such amendment or termination. Any such amendment or termination shall not be applicable to sales for export (which otherwise comply with the terms of this offer) made before the effective time and date of such amendment or termination.

§ 481.674 *Persons not eligible.* No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 481.675 *Submission of reports.* The Notice of Sale, Declaration of Sale, Notice of Export, and related reports required under this subpart to be submitted to the Director should be addressed as follows:

Chief, Wheat Agreement Branch, Grain Division, Commodity Stabilization Service (in telegrams: "CSS"), U. S. Department of Agriculture, Washington, D. C.

DEFINITIONS

§ 481.680 *Vice President.* "Vice President" means the Vice President of the Commodity Credit Corporation who is Deputy Administrator for Price Support, Commodity Stabilization Service.

§ 481.681 *Director.* "Director" means the Director of the Grain Division, Commodity Stabilization Service.

§ 481.682 *Wheat Agreement.* "Wheat Agreement" means the Agreement Revising and Renewing the International Wheat Agreement, ratified by the President of the United States on July 14, 1953.

§ 481.683 *Wheat Council.* "Wheat Council" means the International Wheat Council established by Article XIII of the Wheat Agreement.

§ 481.684 *Wheat.* "Wheat" means wheat grown in the United States and as defined in the Official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment shall be determined by

deducting from the total weight of the shipment, the weight of any dockage indicated on the inspection certificate issued at the time of loading for export.

§ 481.685 *Flour.* "Flour" means flour processed in the United States from wheat as defined in § 481.684, including semolina and farina, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour or flour mixes which are composed principally of wheat-flour. The quantity of flour exported which is eligible for export payment shall be determined by deducting from the net weight of the shipment, the weight of any enrichment, or other additive (including Creta Proaeperata), in excess of one-half of one percent of the combined net weight of the flour and additive.

§ 481.686 *Export.* Wheat or flour shall be deemed to have been "exported" when loaded on board an ocean carrier, or, if shipment to the designated country is wholly by truck or rail, when the shipment clears United States Customs.

§ 481.687 *Ocean carrier.* "Ocean carrier" means the vessel on which final shipment from the United States or Canada, other than shipments between such countries, is intended to be made pursuant to a sale confirmed under this program.

§ 481.688 *United States.* "United States" means the continental United States except that as used in § 481.637, Reentry or Diversion, the term "United States", includes the Territories and possessions of the United States.

§ 481.689 *3:31 e. s. t.* "3:31 e. s. t.", as used in this subpart means 3:31 eastern standard time, except that when Washington, D. C., is on daylight saving time 3:31 e. s. t. means 3:31 eastern daylight saving time (2:31 eastern standard time).

Effective time and date. This offer shall be effective on June 27, 1955 at 3:31 p. m., e. s. t.; however, sales may not be made for recording against the 1955–56 Wheat Agreement guaranteed quantity of any importing country until authorized in the daily export payment rate announcement. (See § 481.640).

Right to waive any requirement. The Executive Vice President, CCC, if he deems such action desirable in order to prevent undue hardship, may with respect to any transaction or transactions hereunder waive any requirement of this subpart, if such action will not impair the program. Any such waiver shall be in writing and shall contain a full statement of the reasons therefor.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of June 1955.

[SEAL] WALTER C. BERGER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 55–5197; Filed, June 27, 1955; 3:25 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, paragraph (h) of § 6.101 is amended as set forth below.

§ 6.101 *Entire executive civil service.* * * *

(h) Any position in a foreign country, or beyond the continental limits of the United States, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in paragraphs (i) and (j) of this section and except: Positions in Hawaii, Puerto Rico and the Virgin Islands; in the Immigration and Naturalization Service, all positions in Canada and Mexico, and continuing positions at GS–7 and above in Cuba; positions in the Bureau of Customs, Treasury Department, in foreign countries; General Accounting Office positions in foreign countries; positions in the International Field Offices of the Civil Aeronautics Administration, Department of Commerce.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–5169; Filed, June 28, 1955; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE; DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (1) of § 6.304 is revoked, and paragraph (b) (1) of § 6.111 is amended as set out below.

§ 6.111 *Department of Agriculture.* * * *

(b) *Office of the Secretary.* (1) Special Livestock Loans Committeemen employed for not more than 180 working days a year, to approve and direct the servicing of emergency livestock loans.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–5170; Filed, June 28, 1955; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (i) (1) of § 6.123 and paragraph (a) (7) of § 6.323 are amended as set out below.

§ 6.123 *Department of Health, Education and Welfare.* * * *

(i) *Office of Education.* (1) Fifteen professional positions in the field of education required in connection with the 1955 White House Conference on Education. Employment under this authority shall not extend beyond June 30, 1956.

§ 6.323 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* * * *

(7) One Executive Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–5171; Filed, June 28, 1955; 8:49 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT; DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (9) of § 6.303 and (g) (2), (k) (3), and (l) (9) of § 6.310 are revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–5172; Filed, June 28, 1955; 8:50 a. m.]

PART 37—GROUP LIFE INSURANCE

EFFECTIVE DATES OF COVERAGE

Effective July 1, 1955, paragraph (e) (1) and (2) is added to § 37.3 as set out below.

§ 37.3 *Effective dates of insurance coverage.* * * *

(e) (1) Notwithstanding the provisions of § 37.6 an employee who filed a Waiver of Life Insurance Coverage before January 1, 1955, may revoke such waiver by filing with his employing office prior to September 1, 1955, a written notice of revocation.

(2) Such revocation shall become effective and the employee shall be insured on his first day in a pay status in a position wherein he is not excluded from insurance by law or regulation, following the day of receipt of his notice of revocation by his employing office.

(Sec. 11, Pub. Law 598, 83d Cong., 68 Stat. 742)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55–5174; Filed, June 28, 1955; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1023—Allotment—(Burley and Flue–56)–1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1956–57 MARKETING YEAR

GENERAL

Sec.
725.711 Basis and purpose.
725.712 Definitions.
725.713 Extent of calculations and rule of fractions.
725.714 Instructions and forms.
725.715 Applicability of §§ 725.711 to 725.728.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

725.716 Determination of 1956 preliminary acreage allotments for old farms.
725.717 1956 old farm tobacco acreage allotment.
725.718 Adjustment of acreage allotments for old farms.
725.719 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.
725.720 Reallocation of allotments released from farms removed from agricultural production.
725.721 Farms divided or combined.
725.722 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

725.723 Determination of acreage allotments for new farms.
725.724 Time for filing application.
725.725 Determination of normal yields.

MISCELLANEOUS

725.726 Determination of acreage allotments and normal yields for farms returned to agricultural production.
725.727 Approval of determinations made under §§ 725.711 to 725.726.
725.728 Application for review.

AUTHORITY: §§ 725.711 to 725.728 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 315, 363, 52 Stat. 38, 47, 63, as amended, 66 Stat. 597, 69 Stat. 24; 7 U. S. C. 1301, 1313, 1315, 1363.

GENERAL

§ 725.711 *Basis and purpose.* (a) The regulations contained in §§ 725.711 to 725.728 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1956 farm acreage allotments and normal yields for Burley and flue-cured tobacco. The purpose of the regulations in §§ 725.711 to 725.728 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for Burley and flue-cured tobacco for the 1956–57 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.711 to 725.728, public notice (20 F. R. 3800) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 725.711 to 725.728, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that State and county committees may prepare and mail notices of farm acreage allotments as early as possible prior to the referendum for flue-cured tobacco which shall be held July 23, 1955, it is essential that the regulations in §§ 725.711 to 725.728 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the FEDERAL REGISTER.

§ 725.712 *Definitions.* As used in §§ 725.711 to 725.728, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stablilization and Conservation county and community committees.

(3) "State committee" means the group of persons within any State designated by the Secretary of Agriculture to act as the Agricultural Stabilization and Conservation State committee.

(b) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(c) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(d) "New farm" means a farm on which tobacco will be produced in 1956 for the first time since 1950.

(e) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1951 through 1955.

(f) "Cropland" means farm land which in 1955 was tilled or was in regular crop-rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(g) "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1955 into the total of the 1955 tobacco acreage allotment for such old farms: *Provided,* That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(h) "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(i) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(j) "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Producer" means a person who, as owner, landlord, tenant, share-cropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(l) "State administrative officer" means the person employed by the State committee to exeeute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(m) "Tobacco" means:

(1) Burley tobacco type 31, or flue-cured tobacco types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either Burley or flue-cured tobacco shall be considered respectively either Burley or flue-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 725.713 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one hundredth acre. The rule of fractions will be to round upward fractions of more

than five-thousands and to round downward fractions of five-thousands or less (i. e., 0.0050 would be 0.00, and 0.0051 would be 0.01).

§ 725.714 *Instructions and forms.* The Director, Tobacco Division, Commodity Stabilization Service, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment of the Commodity Stabilization Service.

§ 725.715 *Applicability of §§ 725.711 to 725.728.* Sections 725.711 to 725.728 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1956, in the case of Burley tobacco, and July 1, 1956, in the case of flue-cured tobacco. The applicability of §§ 725.711 to 725.728 is contingent upon the proclamation of national marketing quotas for tobacco by the Secretary of Agriculture and approval thereof by growers voting in referenda pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.716 *Determination of 1956 preliminary acreage allotments for old farms.* The 1956 preliminary acreage allotment for an old farm shall be the 1955 farm acreage allotment with the following exceptions:

(a) If the acreage of tobacco harvested on the farm in each of the three years 1953–55 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1951–55: *Provided,* That any such preliminary allotment shall not exceed the 1955 allotment for such farm or be less than 0.01 acre.

(b) If no 1955 allotment was established for the farm on which tobacco was grown in 1955 for the first time since 1950, the 1956 preliminary allotment shall be that acreage which the county committee determines (with the approval of the State committee) is fair and reasonable for the farm taking into consideration the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That such preliminary allotment shall not exceed 20 percent of the acreage indicated by cropland, or be less than one-hundredth (.01) of an acre.

§ 725.717 *1956 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 725.716 shall be adjusted uniformly so that the total of such allotments for old farms plus the acreage available for adjusting acreage allotments for old farms pursuant to § 725.718 shall not exceed the State acreage allotment: *Provided,* That in the case of Burley tobacco, the farm acreage allotment shall not be less than the smallest of (a) the 1955 allotment, (b) fifty-hundredths of an acre, or (c) 10 percent of the cropland in the farm: *Provided,* That no 1955 allotment of seventy-hundredths of an acre or less shall be reduced more than one-tenth of an acre.

§ 725.718 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 725.716, the farm acreage allotment for an old farm may be increased if the community and county committees (with the approval of the State committee) find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed one-tenth of one percent of the total acreage allotted to all tobacco farms in the State for the 1955–56 marketing year.

§ 725.719 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1956 shall be reduced, as provided in this section, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) If any producer files, or aids or acquiesces in the filing of, any false report with respect to the acreage of tobacco grown on the farm in 1955, the acreage allotment for the farm shall be reduced, as provided in this section, except that if each producer on the farm establishes to the satisfaction of the county and State committees that the filing of, or aiding or acquiescing in the filing of, the false report was unintentional on his part and that he could not reasonably have been expected to know that the report was false, reduction of the allotment will not be required if the report is corrected and payment of all additional penalty is made.

(d) Any such reduction shall be made with respect to the 1956 farm acreage allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee. If the reduction cannot be so made effective with respect to the 1956 allotment such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made within the appropriate 30-day period. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(e) The amount of reduction in the 1956 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified, or for which satisfactory proof of disposition has not been furnished, or with respect to which a false acreage report was filed, shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided,* That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purpose of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown or with respect to which a false acreage report was filed in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(f) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a), (b), or (c) of this section.

(g) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraph (a), (b), or (c) of this section.

§ 725.720 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided,* That such allotment shall not exceed 20 percent of the acreage of cropland on the farm in the case of Burley tobacco and 50 percent of the acreage of cropland on the farm in the case of flue-cured tobacco.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm or due to a false acreage report.

§ 725.721 *Farms divided or combined.* (a) If land operated as a single farm in 1955 will be operated in 1956 as two or more farms, the 1956 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that the tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall, if the farm to be divided for 1956 consists of two or more tracts which were separate and distinct farms before being combined within the past five years (1951–55), be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment: *Provided,* That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-hundredth of an acre or 10 percent of the 1956 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1955 are combined and operated in 1956 as a single farm, the 1956 allotment shall be the sum of the 1956 allotments determined for each of the farms comprising the combination or, in the case of Burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1956.

(c) If a farm is to be divided in 1956 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments.

§ 725.722 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1950–54, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.723 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 725.720, for a new farm shall be that acreage which the county committee (with the approval of the State committee) determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided,* That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall live on and obtain 50 percent or more of his livelihood from the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the farm operator for which a Burley or flue-cured tobacco allotment is established for the 1956–57 marketing year.

(c) The farm shall be operated by the owner thereof.

(d) The farm or any portion thereof shall not have been a part of another farm during the years 1951–55 for which an old farm tobacco acreage allotment was determined.

(e) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-fourth of one percent of the 1956 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

§ 725.724 *Time for filing application.* An application for a new farm allotment shall be filed with the ASC county office prior to February 1, 1956, unless the farm operator was discharged from the armed services subsequent to December 31, 1955, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.725 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 725.726 *Determination of acreage allotments and normal yield for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 725.711 to 725.725, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain, for any purpose and which is returned to agricultural production in 1956, or which was returned to agricultural production in 1955 too late for the 1955 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1956 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 725.727 *Approval of determinations made under §§ 725.711 to 725.726.* All allotments and yields shall be reviewed by or on behalf of the State committee, and the State committee may revise or require revision of any determinations made under §§ 725.711 to 725.726. All acreage allotments and yields shall be approved by or on behalf of the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by or on behalf of the State committee.

§ 725.728 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the ASC county office to have such allotment reviewed by a review committee. This procedure governing the review of farm acreage allotments and marketing quotas is contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the ASC county office.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 23d day of June 1955. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-5194; Filed, June 28, 1955; 8:55 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter C—Determination of Proportionate Shares

[Sugar Determination 856.2]

PART 856—HAWAII

1955 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (herein referred to as "act"), the following determination is hereby issued:

§ 856.2 *Proportionate shares for sugarcane farms in Hawaii for the 1955 and subsequent crops*—(a) *Definitions.* For the purpose of this section the terms:

(1) "Processor-producer" means a producer who is a processor as defined in the determination of processor-producer (7 CFR Part 821) to whom the provisions of section 301 (c) (2) of the act are applicable.

(2) "Small producer" means any producer who qualifies as an independent grower for Sugar Act payment purposes and whose farm is located in the mill area of a specific processor-producer.

(3) "Area Director" means the Director of the Agricultural Stabilization and Conservation Hawaiian Area Office.

(b) *Proportionate share for any farm except the farm of a processor-producer.* The proportionate share for the 1955 and each subsequent crop for any farm except the farm of a processor-producer, shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown thereon and marketed (or processed by the producer) for the extraction of sugar or liquid sugar during the applicable calendar year.

(c) *Proportionate share for the farm of a processor-producer.* The proportionate share for the 1955 and each subsequent crop for the farm of a processor-producer, shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown thereon and marketed (or processed by the processor-producer) for the extraction of sugar or liquid sugar during the applicable calendar year, subject to conditions for protecting the interests of small producers as follows:

(1) The total acres used for the production of sugarcane on the farm of the processor-producer at the end of the applicable calendar year shall not bear a higher percentage relationship to the total acres used by small producers for the production of sugarcane at the end of such year than that which existed at the beginning of such year, and with respect to the total acreage pertaining to small producers in such relationship, the processor-producer will receive, or be prepared to receive, sugarcane in accordance with those provisions of his sugarcane purchase contract for the 1955 crop which relate to the timing of the physical delivery of sugarcane grown by such small producers;

(2) The total number of farms of small producers at the end of the applicable calendar year shall not be less than the number of such farms at the beginning of such year;

Provided, That with respect to the above conditions relating to the percentage relationship of acreage and the number of small farms in subparagraphs (1) and (2) of this paragraph, adjustment in such percentage relationship and number of farms shall be made to take into account; (i) the changed status of adherent planters who become small producers after December 31, 1954; (ii) any minor and non-recurring acreage variation approved by the Area Director although such variation shall not be recognized with respect to the acreage bases for subsequent years; and (iii) any reduction in the acreage of small producers, or any deficiency in total acreage of small producers resulting from the failure of small producers to expand acreage, any case in which the small producer fails to cultivate his land in accordance with the minimum standards as set forth in the independent grower agreements for the 1955 crop, and any reduction in the number of farms of small producers, any or all of which are beyond the control of the processor-producer as determined by the Area Director and in making such determination the Area Director shall give consideration to whether a replacement grower is available. Each case will be considered by the Area Director and a decision issued at the earliest practicable date. The processor-producer shall within 30 days after notice thereof is mailed to him comply with any decision of the Area Director issued pursuant to this paragraph unless an appeal is taken pursuant to paragraph (e) of this section.

(d) *Share tenant, share cropper and adherent planter protection.* To protect the interests of share tenants, share croppers and adherent planters, and notwithstanding the establishment of a proportionate share for any farm under paragraphs (b) and (c) of this section, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) The total number of adherent planters on such sugarcane farm for the applicable calendar year shall not be reduced below the number on such farm at the end of the previous calendar year unless such reduction is approved by the Area Director. In making such determination, the Area Director shall be guided by whether the reduction was the result of a voluntary action of the adherent planter, or whether the reduction was beyond the control of the producer, and whether a replacement planter is available. Each case will be considered by the Area Director and a decision issued at the earliest practicable date. Compliance with any decision of the Area Director issued pursuant to this paragraph shall be effected within 30 days after notice of such decision is mailed unless an appeal is taken pursuant to paragraph (e) of this section; and

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or other producer any payment to which share tenants, share croppers, or adherent planters would be entitled if their leasing or cropping agreements for the previous crop year were in effect.

(e) *Appeals.* Any producer who is affected by a decision of the Area Director made in accordance with this section and who believes such decision is inequitable may, within 30 days after notice of such decision is mailed to him, submit an appeal in writing to the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C., and his decision shall be final. Such producer shall within 30 days from the date notice thereof is mailed to him comply with the decision of the Director issued pursuant to this paragraph.

(f) *Effective period.* The provisions of this section shall supersede § 856.1, the "Determination of Proportionate Shares for Sugarcane Farms in Hawaii for the 1954 and Subsequent Crops" (19 F. R. 4399), shall be effective for the 1955 crop and subsequent crops, and shall remain in effect until amended, superseded or terminated.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *Requirements of act.* As a condition for payment, section 301 (b) of the act requires that there shall not have been marketed (or processed) for the production of sugar, sugarcane in excess of the proportionate share established for the farm. Such proportionate share shall be the farm's share of the quantity of sugarcane required to be processed to enable the area to meet its sugar quota (and provide a normal carryover inventory) as estimated by the Secretary for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar, raw value, commercially recoverable from the sugarcane grown on a farm and marketed (or processed) for sugar or liquid sugar not in excess of the proportionate share established for the farm. Section 302 (b) provides that in determining the proportionate share for a farm the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, adherent planters, or share croppers.

(b) *General situation.* Although the above requirements have been in effect since the enactment of the Sugar Act of 1937, restrictive proportionate shares have not been imposed on any crop in Hawaii. For the 1952, 1953 and 1954 crops, the production of sugar was 93.0, 100.2 and 100 percent, respectively, of the sum of the mainland and local quotas. The carryover of sugar on January 1, 1955, was less than 5,000 tons. Production has been kept in line with marketing quotas and carryover requirements by the industry. Approximately 90 percent of the total production of sugar in Hawaii is extracted from sugarcane grown by 28 companies and is processed into sugar by mills operated by the companies while the remainder comes from sugarcane grown by approximately 1,700 small independent growers and adherent planters and sold to processing companies. Although it may not be necessary to impose definitive restrictive proportionate shares in Hawaii to prevent the accumulation of excessive inventories, it may become necessary for individual companies to limit production within their mill areas.

During the course of adjustment in sugarcane production by the companies in those mill areas where only a portion of the sugarcane is produced by the company and the balance is purchased under contracts with small producers who are independent growers, there is need to protect the interests of such small producers insofar as is practicable. Because of transportation costs and other economic limitations, a small producer is restricted for all practical purposes to contracting for the sale of his cane to one mill. Inability of a small producer to obtain a contract would mean not only the loss of a marketing outlet for his sugarcane, but also inability to qualify for payment under the Sugar Act.

Under the foregoing circumstances, where an adjustment in production is undertaken by a processor-producer, the small producer's interests must be protected in order that he will not bear a disproportionate reduction in sugarcane acreage. To protect the interests of such producers, this determination establishes proportionate shares subject to practicable conditions for maintaining an equitable production relationship between the farm of the processor-producer and the farms of small producers in the mill area.

(c) *Determination for 1955 and subsequent crops.* This determination establishes a proportionate share for any farm at the actual level of production, except that the establishment of the proportionate share for the farm of a processor-producer is subject to conditions designed to maintain the pro rata relationship in the acreage used for the production of sugarcane (in Hawaii commonly referred to as acreage under cultivation to sugarcane) between the processor-producer and the small producers in the event of an adjustment in production. In the event a reduction of acreage is necessary in a mill area, the processor-producer is required to reduce the area used for the production of sugarcane on his farm in ratio to the total of reductions on the farms of small producers with whom he contracts, and in maintaining this ratio to accept or be prepared to accept physical delivery of sugarcane from the farms of such producers in accordance with present practice. Currently, processor-producers accept the cane of producers at the time it is matured and ready for harvest, giving due consideration, however, to the maturity of the cane of other producers and of the processor-producer and, provided that access to the producers' fields is available and that the processor-producer's mill is not closed down because of strike, acts of God, and other causes or casualties beyond the processor-producer's control. The harvesting schedule clause, milling responsibility clause, right-of-way clause, and any other clause of the processor-producer's 1955 Sugarcane Purchase Contract pertaining to the timing of sugarcane delivery shall be regarded as indicative of current practice. In addition, the processor-producer is required to maintain the number of farms of small producers at the present level.

With respect to the conditions set forth in the determination, cases may arise which are beyond the control of the processor-producer. In such cases, the Area Director is authorized to modify the proportional and numerical limitations. Each case will be considered on the basis of the circumstances involved. Since one of the purposes of this determination is to protect the interests of small producers, it is contemplated that the operations of the processor-producer will be conducted in a manner to maintain the production relationship between the farm of the processor-producer and the farms of small producers. It is recognized that changing methods of production may make the continued operation of certain land uneconomic. It is not the intent of the determination to require discontinuance of suitable acreage operated by the processor-producer whenever marginal land is abandoned by a small producer, nor when a small producer fails to cultivate his land in accordance with minimum standards set forth in the 1955-crop independent grower agreements. Similarly, such reduction is not anticipated in cases where a small producer loses control of the land he operates for reasons which are unrelated to the processor-producer. However, it is contemplated that the rights of small producers will be recognized in cases where they are able to obtain suitable land in lieu of land previously operated. If a small producer is in the position of losing control of land subleased from a processor-producer because such lands are no longer leased to such processor-producer, it is expected that the processor-producer will not act to prejudice the interests of such sub-lessee in acquiring a direct lease. In all cases, it is expected that the processor-producer will accept replacement producers with suitable land, if available, so as to minimize changes in proportional and numerical relationships. In the event an adverse decision with respect to any case is rendered, provision has been made that the processor-producer shall have 30 days to conform to any such decision.

The provisions relating to the protection of share tenants, share croppers and adherent planters are essentially the same the those which have been effective for recent crops.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the purposes of section 302 of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Issued this 23d day of June 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-5195; Filed, June 28, 1955; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 148]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
CHARLOTTE, N. C. Douglas, 748'. SBMRLZ-DTV CLT. Procedure No. 1. Amendment 8. Effective: July 23, 1955. Supersedes Amendment 7, Apr. 19, 1954. Major changes: New format.	Catawba Intersection	358—25	2,100	E side of S course: 178° outbound. 358° inbound. 2,100' within 10 miles.	1,600	359—1.7	2 engines or less			Within 1.7 mile climb climb to 2,500' on N course within 25 miles or when directed by ATC, turn right, climb to 2,200' on E course within 25 miles. 1,116' mean sea level tower located 4 miles SE of LFR; station and 213 miles E of S course.
	Fort Mill FM (final)	358—9.0	1,600				T-dn	300-1	300-1	
	Charlotte VOR	007—13.0	2,100				C-dn	400-1	500-1	
							More than 2 engines			
							T-dn		200-½	
							C-dn		500-1½	
							All aircraft			
							A-dn	800-2		
DALLAS, TEX. Love, 485'. SBMRAZ-DTV DAL. Procedure No. 1. Amendment 13. Effective: July 23, 1955. Supersedes Amendment 12, dated June 4, 1954. Major changes: Raise procedure turn altitude.	Dallas VOR	230—12	2,000	E side of S course: 176° outbound. 356° inbound. 2,600' within 10 miles.	#1,100	356—2.3	2 engines or less			Within 2.3 miles climb to 2,000' on N course within 25 miles. #If DAL FM not received descent below 1,400' and straight-in minima not authorized. CAUTION: 695' mean sea level tank 1.7 miles SE Runway 31. AIR CARRIER NOTE: Takeoff Runway 13 not authorized with ceilings less than 200'. Radar terminal area transition altitude: 2,000' within 5 to 20 N. miles. Radar control must provide 3 N. miles or 1,000' vertical separation or 3 to 5 N. miles and 500' vertical separation from radio towers 1,108' mean sea level—20 N. miles N.—2,349' mean sea level 16 N. miles SSW—1,230' mean sea level 10 N. miles WNW—of airport.
	Duncanville FM or MHW (final)	356—10	1,400				T-dn	300-1	300-1	
	Dallas FM (final)	356—3.0	1,100				C-dn	400-1	500-1	
							#S-dn 36	400-1	400-1	
							More than 2 engines			
							T-dn		200-½	
							C-dn		500-1½	
							#S-dn 36		400-1	
							All aircraft			
							A-dn	800-2		
FRESNO, CALIF. Fresno-Chandler 277'. SBRAZ-DTV FNO. Procedure No. 1. Effective: July 23, 1955. Amendment No. 4. Supersedes Amendment 3, dated June 14, 1954. Major changes: New format.	Bowles Intersection (Intersection of 012° bearing to FNO LOM and SE course FNO LFR) (final).	316—11.0	800	W side of SE course:* 136° outbound. 316° inbound. 1,500' within 10 miles.	800	035—1.0	2 engines or less			Within 0 mile, climb to 2,000' on W course within 20 miles. *Procedure turn W side for more favorable terrain.
							T-dn	300-1		
							C-dn	500-2		
							A-dn	800-2		

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
LAKE CHARLES, LA. Lake Charles AFB, 19'. SBRAZ-VDT LCH. Restricted. Procedure No. 1. Amendment No. M-6, dated May 5, 1954. Major changes: superseded by Special Procedure (not published)	PROCEDURE CANCELED JULY 5, 1955. (THIS CANCELLATION DOES NOT AFFECT MILITARY PROCEDURES IN PILOT'S HANDBOOK.)									
LUBBOCK, TEX. Municipal, 3,256'. BMRLZ-DTV LBB. Procedure No. 1. Amendment 9. Effective: July 23, 1955. Supersedes Amendment 8, dated July 10, 1954. Major changes: Raise initial approach altitudes. Reduce landing visibilities.	Lubbock VOR	230—8.0	4,500	S side of W course: 258° outbound. 078° inbound. 4,500' within 10 miles. Beyond 10 miles not authorized.	4,000	078—11.7	2 engines or less			Within 11.7 miles climb to 4,500' on E course (078°) within 25 miles. This procedure not approved for ADF approach.
	Roundup FM	173—8.0	4,500				T-dn	300-1	300-1	
							C-d	700-1	700-1	
							C-n	700-1½	700-1½	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn		200-1½	
							C-d		700-1½	
							C-n		700-2	
							A-dn		800-2	
PORTLAND, OREG. Portland International Airport 23'. SBRAZ-VDT PDX. Procedure No. 1. Amendment No. 7. Effective: July 23, 1955. Supersedes Amendment 6, dated Dec. 31, 1953. Major changes: New format. Add Portland VOR; add Sauvies Radiobeacon; add Camas Intersection; add radar note; remove unnecessary alternate runway note; modify missed approach; minor course and distance corrections; add Hillsboro Intersection.	Woodland FM	152—23.0	3,000	W side of N course: 332° outbound. 152° inbound. 2,000' within 10 miles. Not authorized beyond 10 miles.	1,500	160—3.3	2 engines or less			Within 3.3 miles, climb to 3,000' on S course, climbing to 2,300' within 10 miles of PDX-LFR. **300-1 required on Runways 7-25, 11, 2-20. All fixes within 25 nautical miles of GCA station may be determined by surveillance radar.
	LaCenter FM (final)	152—12.0	1,500				T-dn	300-1	300-1	
	Stevenson FM	244—32.0	6,000				C-d	600-1	600-1	
	Washougal FM	244—17.0	4,000				C-n	600-1	700-1	
	Camas Intersection	244—8.0	2,000				A-dn	800-1	800-2	
	Portland VOR	162—7.0	2,000				More than 2 engines			
	Sauvies Radiobeacon	079—10.0	2,000				T-dn	(**)	200-½	
	Hillsboro Intersection	061—10.0	2,000				C-d		600-1½	
							C-n		700-1½	
							A-dn		800-2	
SANTA ANA, CALIF. Orange County, 53'. SMRLZ-NZJ. Procedure No. 1. Effective: June 24, 1955. Amendment No. 4. Supersedes Amendment 3, dated June 18, 1955. Major changes: Range courses realined.	Intersection SE course LGB LFR and SW course NZJ LFR.	015—7.5	On top not below 2,500	N side of NW course: 285° outbound. 105° inbound. 2,500' within 10 miles.	1,500	215—3.7	2 engines or less			Within 3.7 miles, climb to on top on outbound track of 215° from NZJ. This procedure not authorized with tops above 2,500'. CAUTION: 207' water tank 1 mile WSW of airport and high terrain 4 miles SE of airport.
	Intersection NE course LGB LFR and NW course NZJ LFR.	105—15.5	On top not below 2,500				T-dn	300-1	300-1	
							C-dn	600-1	600-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn		300-1	
							C-dn		600-1½	
							A-dn		800-2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SANTA BARBARA, CALIF. Municipal, 14'. SBMRLZ-DTV SBA. Procedure No. 1 Effective: July 23, 1955 Amendment No. 4. Supersedes Amendment 3 dated August 1, 1952. Major changes: altitude lowered Item 4; distance changed Item 7; shuttle added; new format.	El Capitan FM (only when on top and alined on the W course of SBA LFR)	074—10	4,000	S side of W course: * 254° outbound. 074° inbound. 2,000' within 10 miles. Beyond 10 miles not authorized.	700	076—2.0	2 engines or less T-dn C-dn S-dn Runway 7 A-dn	300-1 700-2 500-1 800-2	300-1 700-2 700-2 800-2	Within 2 miles, climb straight ahead to 800', make climbing right turn and climb to 4,000' on S course within 20 miles. Shuttle to 5,000' on W course within 20 miles. All turns S. CAUTION: Terrain above flight altitude paralleling final approach course on N. *1,500' terrain within 4 miles N of W course. all maneuvering to S side, Procedure does not meet obstruction clearance requirements for procedure turn or final approach. 334' radio masts 1 mile SE of airport. NOTE. This procedure not authorized with tops above 3,500' mean sea level. ADF procedure not authorized. Under local stratus conditions covering the aiport only, landings are authorized down to 500-1 provided that (1) the weather in any quadrant is unlimited as established by pilot report; (2) the airport is visible to the pilot from the unlimited quadrant; and (3) wind conditions are such that the approach and landing may be made from the unlimited quadrant.
							More than 2 engines T-dn C-dn S-dn Runway 7 A-dn	---------- ---------- ---------- ----------	300-1 700-2 700-2 800-2	
THE DALLES, OREG. The Dalles; 243'. SBRAZ-DTV DLS. Procedure No. 1. Effective: July 23, 1955. Amendment No. 9. Supersedes Amendment 8, dated November 13, 1953. Major changes: New format; add DLS-VOR; add initial approach from 328° radial of DLS-VOR and N course DLS-LFR; add initial approach from 208° radial of DLS-VOR and S course of DLS-LFR.	Intersection 165° radial DLS-VOR and E course DLS-LFR (final).	255—11.0	2,700	S side E course: 075° outbound. 255° inbound. 4,000' within 10 miles.	2,700	246—3.1	2 engines or less T-d T-n C-d C-n A-d A-n	1, 500-1 1, 500-2 2, 500-3 2, 500-3 2, 500-3 2, 500-3	1, 500-1 NA 2, 500-3 NA 2, 500-3 NA	Within 3.1 miles, execute immediate left turn, climb to 4,000' on E course within 15 miles of DLS-LFR. All turns on S side. Procedure turn S for more favorable terrain. Sliding scale not authorized for takeoff or landing.
	DLS-VOR	249—11.0	2,700							
	Intersection N course DLS-LFR and 328° radial DLS-VOR.	185—17.0	5,000							
	Intersection S course DLS-LFR and 208° radial of DLS-VOR.	343—10.0	5,000				More than 2 engines T-d T-n C-d C-n A-d A-n	---------- ---------- ---------- ---------- ----------	1, 500-1 NA 2, 500-3 NA 2, 500-3 NA	
TUCSON, ARIZ. Tucson municipal, 2,630'. SBRAZ-DTV TUS. Procedure No. 1. Effective: July 23, 1955. Amendment No. 1. Supersedes original, dated June 11, 1955. Major changes: Change all reference to "Mission" FM to "San Xavier" FM; change shuttle turn direction to N side of course.	TUS VOR	259—20	6,000	N side of W course: 6,000' within 10 miles. Beyond 10 miles not authorized.	TUS-LFR 5,000 San Xavier FM* 4,200	TUS-LFR 081—11.8 San Xavier FM 081—4.0	All aircraft T-dn C-dn A-dn	300-1 700-2 800-2	300-1 700-2 800-2	Within 11.8 miles (TUS-LFR) or 4 miles (San Xavier FM) turn right, climb on a heading or 200° to 4,700', then home on LFR, continuing climb to minimum of 6,000'. Alternate missed approach when directed by ATC, turn left, climb on a heading of 330° to intercept TUS radial of 302° outbound, continuing climb to 7,000' outbound on radial 302°. *If San Xavier FM not received 4,200' mean sea level must be maintained and minimums are 1,600-2. Shuttle to 6,000' on W course within 10 miles all turns N side of course. Terrain 6,536' and 6,875' 4 miles S of W course at 23 and 28 miles from LFR. Procedure turn N for more favorable terrain.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
FT. WORTH, TEX. Amon Carter Field, 568'. MHW-GPR. Procedure No. 2. Amendment 3. Effective: July 23, 1955. Supersedes amendment 2, dated July 24, 1954. Major changes: Delete transitions. Realine procedure turn and final approach courses. Raise minimum altitude over facility on final approach. Delete deviation note.	Carter ILS-LOM	150—12	1,900	W wide of course: 196° outbound. 016° inbound. 2,500' within 10 miles.	1,400	349—5.7	2 engines or less T-dn C-dn S-dn 35 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	Within 5.7 miles turn left climb to 1,900' on course of 309° within 15 miles of Carter ILS-LOM, or when directed by ATC, climb to 2,200' on course of 349° within 25 miles of Grand Prairie MHW. Procedure turn nonstandard due ATC.
	Farmers Br. Intersection	204—17	1,900				More than 2 engines T-dn C-dn S-dn 35 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 400-1 800-2	
	Dallas LFR	238—12	1,900							

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
COLUMBIA, S. C. Columbia, 244'. BVOR-CAE. Procedure No. 1. Amendment—Original. Effective: Commissioning of facility, approximately June 22, 1955.	Columbia LFR	215—8.0	1,500	E side of course: 146° outbound. 326° inbound. 1,400' within 10 miles.	900	326—6.4	2 engines or less T-dn C-dn A-dn	300-1 500-1 800-2	300-1 500-1 800-2	Within 6.4 miles climb to 1,600' on radial 326° within 25 miles.
							More than 2 engines T-dn C-dn S-d 34 A-dn	---------- ---------- ---------- ----------	200-½ 500-1½ 500-1 800-2	

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
THE DALLES, OREG. The Dalles, 243'. BVOR-DTV DLS. Procedure No. 1. Amendment No. 1. Effective: July 23, 1955. Supersedes original, dated June 27, 1952. Major changes: New format; delete unnecessary note; add sliding scale note; add initial approach from S course of DLS-LFR.	DLS-LFR	069—11.0	4,000	S side of course: 069° outbound. 249° inbound. 4,000' within 10 miles.	2,700	249—13.6	2 engines or less			Within 0 mile turn left, climb to 4,000' on course of 075° within 25 miles of DLS-VOR. Procedure turn S for more favorable terrain. Sliding scale not authorized for takeoff or landing.
	Intersection N course DLS-LFR and 328° radial of DLS-VOR.	148—16.0	5,000				T-d	1,500-1	1,500-1	
							T-n	1,500-2	NA	
							C-d	2,500-3	2,500-3	
							C-n	2,500-3	NA	
	Intersection S course DLS-LFR and 208° radial of DLS-VOR.	028—15.0	5,000				A-d	2,500-3	2,500-3	
							A-n	2,500-3	NA	
							More than 2 engines			
							T-d	----------	1,500-1	
							T-n	----------	NA	
							C-d	----------	2,500-3	
							C-n	----------	NA	
							A-d	----------	2,500-3	
							A-n	----------	NA	

4. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DETROIT, MICH. Willow Run, 716'. YIP-TVOR. TVOR-4R. Effective date: July 23, 1955. Amendment No.—Original. Supersedes: None. Major changes: None. Newly commissioned facility.	CRL-VOR	348—14.0	2,000	S side of course: 240° outbound. 60° inbound. 2,000' within 10 miles.	Track Intersection* or radar fix 1,500	049—0.5	2 engines or less			Climb to 2,000', proceed to Beacon Intersection# or when directed by ATC:(1) Make left turn, climb to 2,500' on the 170° R of SVM VOR to the SVM VOR. (2) make right turn, climb to 2,300' proceed via W course Detroit LFR to the Detroit LFR.
	SVM-VOR	168—12.0	2,000			From Track Intersection* to YIP TVOR 60—5.0	T-dn	300-1	300-1	*Track Intersection—Intersection 240° R YIP TVOR and 325° R Carleton VOR.
	RML-LFR	280—7.0	2,000				C-dn	500-1	500-1	#Beacon Intersection—Intersection 143° R Salem VOR and 40° R YIP TVOR. Dual omni receivers required unless radar fix obtained.
	FRD-RBN	228—5.0	2,000				S-dn 4R	500-1	500-1	Radar transition: All sectors 1,900' within 8.7 N. miles. At 1,900', 3 N. miles lateral separation required from radio tower 3.3 N. miles W. of airport. Radar vectoring to all TVOR final approach fixes authorized.
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 4R	----------	500-1	
							A-dn	----------	800-2	

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DETROIT, MICH. Willow Run, 716'. YIP-TVOR. TVOR-9L Effective date: July 23, 1955. Amendment No.—Original. Supersedes: None. Major changes: None. Newly commissioned facility.	CRL-VOR	348—14.0	2,000	S side of course: 285° outbound. 105° inbound. 2,000' within 10 miles.	Ypsilanti* Intersection or radar fix 1,700	092—0.8	2 engines or less			Climb to 2,000', proceed to railroad intersection# or when directed by ATC: (1) make left turn, climb to 2,500' on the 170° radial of SVM VOR to the SVM VOR. (2) climb to 2,300', proceed via W course Detroit LFR to the Detroit LFR.
	SVM-VOR	168—12.0	2,000			From Ypsilanti Intersection to YIP TVOR 105—5.0	T-dn	300-1	300-1	*Ypsilanti Intersection—Intersection 285° radial YIP TVOR and 195° R SVM VOR.
	RML-LFR	280—7.0	2,000				C-dn	500-1	500-1	#Railroad Intersection—Intersection 72° R YIP TVOR and 005° R—Carleton VOR. Dual OMNI receivers required unless radar fix obtained.
	FRD-RBN	228—5.0	2,000				S-dn 9L	500-1	500-1	Radar transition: All sectors 1,900' within 8.7 N. miles at 1,900', 3 N. miles lateral separation required from radio tower 3.3 N. miles W of airport. Radar vectoring to all TVOR final approach fixes authorized.
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 9L	----------	500-1	
							A-dn	----------	800-2	
DETROIT, MICH. Willow Run, 716'. YIP-TVOR. TVOR-9R. Effective date: July 23, 1955. Amendment No.—Original. Supersedes: None. Major changes: None. Newly commissioned facility.	CRL-VOR	348—14.0	2,000	S side of course: 255° outbound. 75° inbound. 2,000' within 10 miles.	Tower Intersection* or radar fix 1,500	092—0.7	2 engines or less			Climb to 2,000', proceed to Railroad Intersection# or when directed by ATC: (1) Make right turn, climb to 2,300', proceed via W course Detroit LFR to the Detroit LFR; (2) make right turn, proceed direct to the Carleton VOR, climbing to 2,000'; (3) make left turn, climb to 2,500' on the 170° R of the Salem VOR to the SVM VOR.
	SVM-VOR	168—12.0	2,000			From Tower Intersection* to YIP TVOR 075—5.5	T-dn	300-1	300-1	*Tower Intersection—Intersection 255° R YIP TVOR and 190° R Salem VOR.
	RML-LFR	280—7.0	2,000				C-dn	500-1	500-1	#Railroad Intersection—Intersection 72° R YIP TVOR and 005° R Carleton VOR. Dual OMNI receivers required unless radar fix obtainable.
	FRD-RBN	228—6.0	2,000				S-dn 9R	500-1	500-1	Radar transition: All sectors 1,900' within 8.7 N. miles at 1,900', 3 N. miles lateral. Separation required from radio tower 3.3 N. miles W of airport. Radar vectoring to all TVOR final approach fixes authorized.
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 9R	----------	500-1	
							A-dn	----------	800-2	
DETROIT, MICH. Willow Run, 716'. YIP-TVOR. TVOR-14. Effective date: July 23, 1955. Amendment No. — Original Supersedes: None. Major changes: None. Newly commissioned facility.	CRL-VOR	348—14.0	2,000	W side of course: 310° outbound. 130° inbound. 2,000' within 15 miles.	Ann Intersection or radar fix 1,700	139—0.5	2 engines or less			Climb to 2,000', proceed to Belleville Intersection# or when directed by ATC: (1) Proceed direct to the Carleton VOR, climbing to 2,000'. (2) Make right turn, proceed direct to the YIP ILS LOM, climbing to 2,300'. (3) Make left turn, climb to 2,300' proceed via W course Detroit LFR to the Detroit LFR.
	SVM-VOR	168—12.0	2,000			From Ann Intersection to YIP TVOR 130—5.0	T-dn	300-1	300-1	*Ann Intersection—Intersection 310° R YIP TVOR and 190° R of SVM-VOR.
	RML-LFR	280—7.0	2,000				C-dn	500-1	500-1	#Belleville Intersection—Intersection 130° R YIP TVOR and 380° R of CRL VOR. Dual OMNI receivers required unless radar fix obtainable.
	FRD-RBN	228—5.0	2,000				S-dn 14	500-1	500-1	Radar transition: All sectors 1,900' within 8.7 N. miles at 1,900', 3 N. miles lateral separation required from radio tower. 3.3 N. miles W. of airport. Radar vectoring to all TVOR final approach fixes authorized.
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 14	----------	500-1	
							A-dn	----------	800-2	

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DETROIT, MICH. Willow Run, 716'. YIP-TVOR. TVOR-18. Effective date: July 23, 1955. Amendment No.—Original. Supersedes: None. Major changes: None. Newly commissioned facility.	CRL-VOR	348—14.0	2,000	W side of course: 345° outbound. 165° inbound. 2,000' within 10 miles.	Denton* Intersection or radar fix 1,500	182—0.8 From Denton Intersection* to YIP-TVOR 165—3.5	2 engines or less T-dn	300-1	300-1	Climb to 2,000', proceed to Willis Intersection# or when directed by ATC: (1) Proceed direct to Willow Run ILS LOM, climbing to 2,300'; (2) Proceed direct to Wayne Major LOM, climbing to 2,300'; (3) proceed direct to Carleton VOR, climbing to 2,000'. *Denton Intersection—345° R of YIP TVOR and 90° bearing on FRD run. #Willis Intersection—Intersection 195° R YIP TVOR and 330° R CRL VOR. Omni-VOR and ADF receiver required unless radar fix obtainable. Radar transition: All sectors 1,900' within 8.7 N. miles at 1,900', 3 N. miles lateral separation required from radio tower 3.3 N. miles W of airport. Radar vectoring to all TVOR final approach fixes authorized.
	SVM-VOR	168—12.0	2,000				C-dn	500-1	500-1	
	RML-LFR	280— 7.0	2,000				S-dn 18	400-1	400-1	
	FRD-RBN	228— 5.0	2,000				A-dn	800-2	800-2	
							More than 2 engines T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 18	----------	400-1	
							A-dn	----------	800-2	
DETROIT, MICH. Willow Run, 716'. YIP-TVOR. TVOR-22L. Effective date: July 23, 1955. Amendment No.—Original. Supersedes: None. Major changes: None. Newly commissioned facility.	CRL-VOR	348—14.0	2,000	N side of course: 40° outbound. 220° inbound. 2,000' within 15 miles	Beacon Intersection* or radar fix 1,500	229—0.6 From Beacon Intersection* to YIP TVOR 220—5.0	2 engines or less T-dn	300-1	300-1	Climb to 2,000' proceed to Track Intersection# or when directed by ATC: (1) Proceed direct to Willow Run ILS LOM, climbing to 2,300'; (2) make right turn, climb to 2,500' on the 170° R of the SVM VOR to the SVM VOR; (3) make left turn, proceed direct to Carleton VOR, climbing to 2,000'. *Beacon Intersection—Intersection 143° R Salem VOR and 40° R YIP TVOR. #Track Intersection—Intersection 237° R YIP TVOR and 325° R Carleton VOR. Dual OMNI receivers required unless radar fix obtainable. Radar vectoring to all TVOR final approach fixes authorized. Radar transition: All sectors 1,900' within 8.7 N. miles. (At 1,900', 3 N. miles lateral separation required from radio tower 3.3 N. miles west of airport.)
	SVM-VOR	168—12.0	2,000				C-dn	500-1	500-1	
	RML-LFR	280—7.0	2,000				S-dn 22L	400-1	400-1	
	FRD-RBN	228—5.0	2,000				A-dn	800-2	800-2	
							More than 2 engines T-dn	----------	200-½	
							C-dn	----------	500-½	
							S-dn 22L	----------	400-1	
							A-dn	----------	800-2	
DETROIT, MICH. Willow Run, 716'. YIP-TVOR. TVOR-27R. Effective date: July 23, 1955. Amendment No.—Original. Supersedes: None. Major changes: None. Newly commissioned facility.	CRL-VOR	348—14.0	2,000	N side of course: 72° outbound. 252° inbound. 2,000' within 10 miles.	Railroad Intersection* or radar fix 1,500	272—0.9 From Railroad Intersection* to YIP TVOR 252°—4.0	2 engines or less T-dn	300-1	300-1	Climb to 2,000', proceed to Ypsilanti Intersection# or when directed by ATC: (1) Make right turn, climb to 2,500' on the 170° R of SVM VOR to the Salem VOR; (2) make left turn, proceed direct to YIP ILS LOM, climbing to 2,300'. *Railroad Intersection—Intersection 72° R YIP TVOR and 005° R Carleton VOR. #Ypsilanti Intersection—Intersection 285° R YIP TVOR and 195° R SVM VOR. Dual omni receivers required unless radar fix obtainable. Radar transition: All sectors 1,900' within 8.7 N. miles. At 1,900', 3 N. miles lateral separation required from radio tower 3.3 N. miles west of airport. Radar vectoring to all TVOR final approach fixes authorized.
	SVM-VOR	168—12.0	2,000				C-dn	500-1	500-1	
	RML-LFR	280—7.0	2,000				S-dn 27R	400-1	400-1	
	FRD-RBN	228—5.0	2,000				A-dn	800-2	800-2	
							More than 2 engines T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 27R	----------	400-1	
							A-dn	----------	800-2	

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h. or less	Type aircraft: More than 75 m. p. h.	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DETROIT, MICH. Willow Run, 716'. YIP-TVOR. TVOR-32. Effective date: July 23, 1955. Amendment No.—Original. Supersedes: None. Major changes: None. Newly commissioned facility.	CRL-VOR	348—14.0	2,000	E side of course: 150° outbound. 330° inbound. 2,000' within 10 miles.	Belleville Intersection* or radar fix 1,500	319—0.8 From Belleville Intersection* to YIP TVOR 330—5.5	2 engines or less T-dn	300-1	300-1	Climb to 2,200', proceed to Ann Intersection# or when directed by ATC: (1) Make right turn, climb to 2,500' on the 170° R of SVM VOR to the SVM VOR; (2) make left turn, climb to 2,300' proceed direct to the YIP ILS LOM. *Belleville Intersection—Intersection of 150° R YIP TVOR and 360° R of Carleton VOR. #Ann Intersection—Intersection 310° R YIP TVOR and 190° R of Salem VOR. Dual omni receivers required unless radar fix obtainable. Radar transition: All sectors 1,900' within 8.7 N. miles at 1,900', 3 N. miles lateral separation required from radio tower 3.3 N. miles west of airport. Radar vectoring to all TVOR final approach fixes authorized.
	SVM-VOR	168—12.0	2,000				C-dn	500-1	500-1	
	RML-LFR	280—7.0	2,000				S-dn 32	400-1	400-1	
	FRD-RBN	228—5.0	2,000				A-dn	800-2	800-2	
							More than 2 engines T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 32	----------	400-1	
							A-dn	----------	800-2	
DETROIT, MICH. Willow Run, 716'. YIP-TVOR. TVOR-36. Effective date: July 23, 1955. Amendment No.—Original. Supersedes: None. Major changes: None. Newly commissioned facility.	CRL-VOR	348—14.0	2,000	E side of course: 195° outbound. 015° inbound. 2,000' within 10 miles.	Willis Intersection* or radar fix 1,500	002—0.8 From Willis Intersection* to YIP-TVOR 015—5.8	2 engines or less T-dn	300-1	300-1	Climb to 2,000', proceed to Denton Intersection# or when directed by ATC: (1) Make left turn, climb to 2,500' on 170° radial of SVM to the SVM VOR; (2) climb to 2,700' via back course of YIP ILS localizer to Midcraft Intersection; (3) make right turn, climb to 2,300', proceed direct to RML LFR. *Willis Intersection—Intersection 195° radial YIP-TVOR and 330° radial CRL VOR. #Denton Intersection—Intersection 345° radial YIP-TVOR and 90° bearing on FRD Radiobeacon. Dual omni receivers required unless radar fix obtainable. Radar vectoring to all TVOR final approach fixes authorized. Radar transition: All sectors 1,900', within 8.7 N. miles. At 1,900', 3 N. miles lateral separation required from radio tower 3.3 N. miles west of airport.
	SVM-VOR	168—12.0	2,000				C-dn	500-1	500-1	
	RML-LFR	280—7.0	2,000				S-dn 36	400-1	400-1	
	FRD-RBN	228—5.0	2,000				A-dn	800-2	800-2	
							More than 2 engines T-dn	----------	200-½	
							C-dn	----------	500-1½	
							S-dn 36	----------	400-1	
							A-dn	----------	800-2	
PORTLAND, OREG. Portland International Airport, 23'. BVOR-DTV PDX Procedure No. 1. Original. Effective: July 23, 1955. Supersedes procedure No. 1, Amendment No. 1, effective June 1, 1953 and procedure No. 2, Amendment No. 1 effective October 30, 1953. Major changes: Combines procedures 1 and 2; Minor course and distance corrections; modified missed approach procedure; modified caution note; add radar note; remove unnecessary runway note; add Washougal Intersection; Add Stevenson FM delete "final" with Woodland FM; add La Center Intersection.	Sauvies Radiobeacon	041—12.0	3,000	W side of course: 332° outbound. 152° inbound. 3,000' within 10 miles. Not authorized beyond 10 miles due to obstructions.	2,500	161—*10.5	2 engines or less T-dn	300-1	300-1	Within 10.5 miles, turn right, climbing to 3,000' on 175° radial within 15 miles of PDX-VOR. *Descent below 1,000' mean sea level not authorized until past PDX-LFR inbound. If PDX-LFR not received, maintain 1,000' mean sea level. CAUTION: VOR reception not available over the airport below 450' mean sea level. **300-1 required on runways 7-25, 11, 2-20. All fixes within 25 nautical miles of GCA station may be determined by surveillance radar.
	PDX LFR	342—7.0	3,000				C-d	600-1	600-1	
	Stevenson FM	254—32.0	6,000				C-n	600-1	700-1	
	Washougal Intersection	254—14.0	3,000				A-dn	800-2	800-2	
	Woodland FM	152—16.0	3,000				More than 2 engines T-dn	(**)	200-½	
	La Center "FM" (final)	152—5.0	2,500				C-d	----------	600-1½	
	La Center Intersection	152—5.0	2,500				C-n	----------	700-1½	
							A-dn	----------	800-2	

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11	12	13
FORT WORTH, TEX. Amon Carter, 568'. ILS-IACF. Procedure No. 2. Amendment 2. Effective: July 23, 1955. Supersedes Amendment 1, dated April 22, 1954. Major changes: Delete transitions. Raise procedure turn altitude. Lower minimum altitude over Hensley Intersection on final.	Duncanville FM	Hensley Intersection (final.)	309—11	1,300	S side SE course: 129° outbound. 309° inbound. 2,600' within 10 miles. Beyond 10 miles not authorized.	No glide slope 1,300' at Hensley Intersection. 4 miles from approach end of runway 31.			2 engines or less			Within 4.0 miles of Hensley Intersection, climb to 1,900' on NW course of ILS, within 25 miles. CAUTION: Radio tower 1,230' mean sea level located 5 miles ENE of outer marker.
	Grand Prairie MHW	Hensley Intersection.	035—4.5	1,900					T-dn	300-1	300-1	
									C-dn	400-1	500-1	
									S-dn 31	400-1	400-1	
									A-dn	800-2	800-2	
									More than 2 engines			
									T-dn	----------	200-¾	
									C-dn	----------	500-1½	
									S-dn 31	----------	400-1	
									A-dn	----------	800-2	
NEWPORT NEWS, VA. Patrick Henry 41'. ILS-PHF. LOM-PH. Combination ILS-ADF. Procedure No. 1. Amendment No. 1. Effective date: July 23, 1955. Supersedes Amendment Original, dated December 23, 1954. Major changes: Procedure turn altitude lowered. Radar transition altitudes added.	Langley LFR	LOM	284—7	1,100	W side SW course:* 244° outbound. 064° inbound. 1,100' within 5 miles.	ILS 1,100 ADF 800	965—3.1	No middle marker or LMM	2 engines or less			Within 3.1 miles after passing LOM (ADF) make a left climbing turn and proceed to Dendron MHW at 1,500'. *Procedure turn W to avoid aircraft holding on Eclipse FM. AIR CARRIER NOTE: 400-1 required when operating under the provisions of inoperative ILS components. Radar transition altitudes (using Norfolk radar): 1,500' in the NW quadrant of the Langley LFR within 10 miles; 1,500' in all other quadrants within 15 miles. Radar fixes may be substituted for all fixes shown.
	Norfolk LFR	LOM	321—25	1,500					T-dn	300-1	300-1	
									C-dn	400-1	500-1	
	Bacons Castle Intersection.	LOM	097—6	1,100					S-dn 6 ILS	400-¾	400-¾	
									ADF	400-1	400-1	
									A-dn	800-2	800-2	
									More than 2 engines			
									T-dn	----------	200-¾	
									C-dn	----------	500-1½	
									S-dn 6 ILS	----------	400-¾	
									ADF	----------	400-1	
									A-dn	----------	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft: 75 m.p.h. or less	Type aircraft: More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11	12	13
PORTLAND, OREG. Portland International Airport 23'. ILS-IPDX RBN SVY. Combination ILS-ADF. Procedure No. 1. Amendment No. 5. Effective: July 23, 1955. Supersedes ILS Amendment No. 4, Apr. 28, 1953 and ADF original of Dec. 17, 1951. New format. Add radar note; remove unnecessary runway note; delete unnecessary caution note; minor course and distance corrections; revise missed approach procedure.	Woodland FM	SVY	178—22.0	3,000	S side of course: 278° outbound. 098° inbound. 3,000' within 10 miles of SVY-RBN. Not authorized beyond 10 miles.	3,000	1,370—4.5	280—0.6	2 engines or less			Within 0 mile after passing LMM (ADF) climb to 1,500' on course of 098° within 10 miles of LMM; thence make climbing right turn to a heading of 230° proceeding to S course of PDX-LFR at 3,000', or proceed to 175° radial of PDX-VOR at 3,000' within 15 miles of VOR; or, when directed by ARTC climb to 1,500' on back course of ILS localizer within 10 miles of LMM, make climbing left turn, proceed direct to PDX-LFR or to PDX-VOR at 3,000' if OM not received visually and aurally, maintain 1,600' to LMM, then climb to 3,000' on S course of PDX-range within 10 miles of LFR. *300-1 required on Runways 7-25, 11, 2-20. All fixes within 25 nautical miles of GCA station may be determined by surveillance radar.
	La Center FM	SVY	197—13.0	3,000					T-dn	300-1	300-1	
									C-d	600-1	600-1	
									C-n	600-1	700-1	
	PDX-VOR	SVY	221—12.0	3,000					S-dn Rnwy 10 ILS	200-½	200-½	
	PDX-LFR	SVY	259—10.0	3,000					ADF	600-1	600-1	
	Willamette FM	SVY	330—22.0	3,000					A-d	600-2	600-2	
	UBG-VOR	SVY	360—23.0	3,000					A-n	600-2	700-2	
									ADF A-dn	800-2	800-2	
									More than 2 engines			
									T-dn	----------	*200-½	
									C-d	----------	600-1½	
									C-n	----------	700-1½	
									S-dn Rnwy 10 ILS	----------	200-½	
									ADF	----------	600-1	
									A-d	----------	600-2	
									A-n	----------	700-2	
									ADF A-dn	----------	800-2	
SANTA BARBARA, CALIF. Municipal, 14'. ILS-SBA. Procedure No. 1. Effective: July 23, 1955. Amendment No. 2. Supersedes Amendment 1, dated October 6, 1953. Major changes: Distance in Item 8 changed; new format.	SBA LFR	ILS W course	253—0	4,000	S side W course: 253° outbound. 073° inbound. 2,000' within 5 miles of SBA LFR.**	2,000	No outer marker	195—0.63	2 engines or less			Climb straight ahead to 800', make climbing right turn and climb to 4,000' on magnetic track of 165° from SBA LMM within 20 miles or on S course of SBA LFR within 20 miles. *Straight-in approach from El Capitan FM authorized provided aircraft is on top, with tops not above 3,500' mean sea level, and is alined on localizer course eastbound. **1,500' terrain within 4 miles N of localizer course. All maneuvering must be done on S side of course. #300-1 required on runways 3 L/R and 33 L/R. CAUTION: Terrain above flight altitude paralleling final approach course on N. Procedure does not meet obstruction clearance requirements for procedure turn or final approach. 344' radio masts 1 mile S of airport.
	SBA VOR	LMM	205—8.0	5,000			El Capitan FM 2674—11.5		T-dn	300-1	300-1	
	El Capitan FM	ILS W course	073—0	*5,000					C-dn	700-2	700-2	
									S-dn Runway 7	300-¾	300-¾	
									A-dn	800-2	800-2	
							Santa Barbara LFR 500—2.0		More than 2 engines			
									T-dn	----------	300-¾	
									C-dn	----------	700-2	
									S-dn Runway 7	----------	300-¾	
									A-dn	----------	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS			Ceiling and visibility minimums					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Altitude of glide slope and distance to approach end of runway at—		Type aircraft	
						Outer marker	Middle marker	Condition	75 m.p.h. or less / More than 75 m. p. h.
1	2	3	4	5	6	7	8	9	10 / 11 / 12 / 13
TOLEDO, OHIO Toledo Express, 684'. ILS-TOL. LMM-OL. VOR-VWV. Combination: ILS (back course) and ADF (using Holland Intersection). Procedure No. 2. Combination: ILS-ADF. Amendment No. 1. Effective date: July 23, 1955. Supersedes Amendment original, dated Jan. 15, 1955. Major changes: ILS and LMM Ident.	Harbor View Intersection.	Holland Intersection.	240–S	2,100 (final)	N side of course: 060° outbound, 240° inbound, 2,100' within 10 miles of Holland Intersection.	No glide slope or markers. Descend to landing minimums after passing Holland Intersection. Minimum altitude over Holland Intersection 2,100'. Distance and bearing from Holland Intersection to Runway 25: 6.3 miles, 249°.		T-dn 2 engines or less / C-dn 2 engines or less S-dn 25 ILS ADF A-dn More than 2 engines T-dn C-dn S-dn 25 ILS ADF A-dn	300–1 / 500–1 400–1 500–1 800–2 200–1½ / 500–1½ 400–1 500–1 800–2	6.3 miles after passing Holland Intersection climb straight ahead to 2,000' on 249° course to Toledo LOM. Caution: Building 985' 134 S of middle marker. ILS procedure not authorized unless ILS and VOR can be received simultaneously. ADF procedure not authorized unless ADF and VOR can be received simultaneously.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 55-4970; Filed, June 28, 1955; 8:45 a. m.]

[Amdt. 118]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.18, the Miami, Florida, area (R-169 formerly D-169), amended on March 29, 1951, in 16 F. R. 2720, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 26°15'00", longitude 80°16'30"; south southwest to latitude 26°00'00", longitude 80°18'05"; west to latitude 26°00'00", longitude 80°21'35"; north northwest to latitude 26°08'30", longitude 80°25'25"; north northwest to latitude 26°14'00", longitude 80°27'05"; northeast to latitude 26°15'00", longitude 80°26'10"; east to 26°15'00", longitude 80°16'30"; point of beginning."

2. In § 608.30, the Little Sable Point, Michigan, area (R-437 formerly D-437), amended on June 18, 1954, in 19 F. R. 3611, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of use	Controlling agency
LITTLE SABLE POINT, MICH. (R-437) (Milwaukee).	Beginning at latitude 43°45'00", longitude 86°31'00"; thence to latitude 43°23'30", longitude 86°22'00"; thence to latitude 43°15'00", longitude 86°30'00"; thence to latitude 43°15'00", longitude 86°44'00"; thence to latitude 43°45'00", longitude 86°44'00"; thence to point of beginning.	Surface to 60,000 feet mean sea level.	Daylight hours only.	Commanding Officer, Camp Claybanks, New Era, Mich.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 14, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-5150; Filed, June 28, 1955; 8:45 a. m.]

[Amdt. 119]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.62, the Kahuku Point, Island of Oahu, Territory of Hawaii, area (R-323 formerly D-323), amended on February 11, 1953, in 18 F. R. 844, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of use	Controlling agency
KAHUKU POINT, OAHU, T. H. (R-323) (Hawaiian Islands).	Area within a radius of 1.5 nautical miles centered at 21°43' N., and 157°56'30" W.	3,000 feet mean sea level.	As published in Notices to Airmen, hours of daylight and darkness.	COM Fleet Air, NAS Barber's Point, Hawaii.

2. In § 608.62, the Humuula, Island of Hawaii, Territory of Hawaii, area (R-328 formerly D-328), amended on October 6, 1951, in 16 F. R. 10204, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of use	Controlling agency
HUMUULA, T. H. (R-328) (Hawaiian Islands).	Beginning at latitude 19°48'45", longitude 155°38'00"; thence to latitude 19°45'15", longitude 155°32'00"; thence to latitude 19°39'00", longitude 155° 26'30"; thence to latitude 19°32'00", longitude 155°42'00"; thence to latitude 19°38'00", longitude 155° 45'10"; thence to latitude 19°41'00", longitude 155°44'00"; thence to latitude 19°47'00", longitude 155° 38'00"; thence to point of beginning.	27,000 feet mean sea level.	As published in Notices to Airmen (Firing Notices) hours of daylight and darkness.	USAR PAC.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 7, 1955.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-5151; Filed, June 28, 1955; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance and Serviceмen's Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT

CONDITION OF PROPERTY WHEN TRANSFERRED; DELIVERY OF DEBENTURES AND CERTIFICATE OF CLAIM

Section 222.13 (a) (1) is amended to read as follows:

§ 222.13 *Condition of property when transferred; delivery of debentures and certificate of claim.* (a) • • •

(1) Debentures of the Mutual Mortgage Insurance Fund as set forth in section 204 of the act, which debentures shall:

(i) Be issued as of the date mortgage foreclosure proceedings were instituted, or as of the date the property was otherwise acquired by the mortgagee after default, or as of the date the property was acquired by the Commissioner if directly conveyed to the Commissioner from the mortgagor;

(ii) Have a face value to be determined by adding to original principal of the mortgage, as increased by the amount of advances made by the mortgagee and approved by the Commissioner for the improvement or repair of the property pursuant to an "open-end" provision in the mortgage, which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments which have been made by the mortgagee for taxes, ground rent and water rates, which are liens prior to the mortgage, special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage, hazard insurance on the mortgaged property, any mortgage insurance premium or insurance charges paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default, any taxes imposed by the United States upon deeds or other instruments by which said property was acquired by the mortgagee and transferred or conveyed to the Commissioner and foreclosure costs actually paid by the mortgagee and approved by the Commissioner in an amount not in excess of two-thirds of such cost or $75, whichever is the greater, and by deducting from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: *Provided, however,* That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter;

(iii) Be registered as to principal and interest;

(iv) At the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment day on three months' notice of redemption given in such manner as the Commissioner shall prescribe;

(v) Mature 20 years from the date thereof;

(vi) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—	Prior to—
Percent		
2¾	Aug. 9, 1954	Sept. 1, 1954
2½	Sept. 1, 1954	Jan. 1, 1955
2¾	Jan. 1, 1955	July 1, 1955
2¾	July 1, 1955	

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Subchapter D—Multifamily and Group Housing Insurance

PART 233—RENTAL HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

INSURANCE BENEFITS

Section 233.9 (a) (1) is amended to read as follows:

§ 233.9 *Insurance benefits.* (a) • • •

(1) Debentures of the Housing Insurance Fund as set forth in section 207 of the National Housing Act which debentures shall:

(i) Be issued as of the date the mortgage became in default;

(ii) Have a total face value equal to the value of the mortgage as defined in section 207 (g) of the National Housing Act, which value shall be determined by adding to the original principal of the mortgage which was unpaid on the date of default the amount and mortgagee may have paid for taxes, special assessments, and water rates which are liens prior to the mortgage; insurance on the property; and reasonable expenses for the completion and preservation of the property, and any mortgage insurance premiums paid after default; less the sum of an amount equivalent to one percent of the amount of the mortgage advanced to the mortgagor and not repaid; any amount received on account of the mortgage after such date; and any net income received by the mortgagee from the property after such date;

(iii) Be registered as to principal and interest;

(iv) At the option of the Commissioner and with the approval of the Secretary of the Treasury, be redeemed at par and accrued interest on any interest payment date on 3 months notice of redemption given in such manner as the Commissioner shall prescribe;

(v) Mature 20 years from the date thereof;

(vi) Be issued in multiples of $50.00 and any difference not in excess of $50.00 between the amount of debentures to which the mortgagee is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the mortgagee;

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate	On or after—	Prior to—
Percent		
2½	Aug. 13, 1954	Jan. 1, 1955
2⅝	Jan. 1, 1955	July 1, 1955
2¾	July 1, 1955	

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., June 24, 1955.

[SEAL] CHARLES E. SIGETY,
Acting Commissioner.

[F. R. Doc. 55-5177; Filed, June 28, 1955; 8:51 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11249; FCC 55-686]

[Rules Amdts. 2-1, 11-12]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 11—INDUSTRIAL RADIO SERVICES

REPORT AND ORDER

ALLOCATION OF FREQUENCIES AND PERMISSION TO USE CERTAIN RADIOLOCATION EQUIPMENTS FOR PETROLEUM EXPLORATION OFF COAST OF CALIFORNIA

In the matter of Amendment of parts 2 and 11 of the Commission's rules to allocate frequencies and permit the use of certain radiolocation equipments in connection with petroleum exploration off the coast of California; Docket No. 11249.

1. On January 12, 1955, the Commission issued a notice of proposed rule making in this proceeding in response to petitions by Offshore Navigation, Inc., Overseas Navigation, Inc., and the Central Committee on Radio Facilities of the American Petroleum Institute to amend the Commission's rules so as to permit, under certain conditions, the use of three specific frequencies in the Government band 225–328.6 Mc in connection with the use of SHORAN radiolocation equipment for petroleum exploration operations off the coast of California.

2. The abovementioned notice of proposed rule making was published in the FEDERAL REGISTER on January 20, 1955 (20 F. R. 465), in accordance with the requirements of section 4 (a) of the Administrative Procedure Act. Provisions were made for the submission of written comments by interested parties on or before February 23, 1955, and rebuttal comments within ten days thereafter.

3. Comments in support of the proposed rule making were filed by each of the three parties shown in paragraph 1 above and, in addition, comments were received from Interstate Petroleum Communications, Inc., which not only supported the proposed rule making but also requested that it be extended to include the State of Louisiana and waters adjacent thereto. The latter party stated that the use of SHORAN for the past several years in conjunction with phase comparison systems had been invaluable in the absence of suitable lane identification for the phase comparison systems. It was further stated that SHORAN was very useful for surveying in-shore bays and inlets where phase comparison systems, in their present form, are not practical. In addition, Interstate indicated that SHORAN was also needed in conjunction with tests to evaluate a possible error of considerable magnitude which may have been discovered in the phase comparison system being used.

4. In recognition of the need for the establishment of a reliable, nationally available radiopositioning system, the Commission has encouraged the development of this type of equipment in frequency bands below 500 kc, which appear to offer a more suitable permanent home for such operations than the 1750–1800 kc band now generally used or bands in the high frequency region of the radio spectrum. Toward that end the Commission has authorized experimental radiopositioning operations in the band 90–110 kc and has proposed to amend its Table of Frequency Allocations so as to provide for such development on a general basis (Docket No. 10988). The Commission believes that the use of bands below 500 kc will assist in overcoming some of the more serious frequency problems inherent in the use of the above-mentioned bands higher in the radio frequency spectrum. In this connection, at least one serious international interference problem has occurred due to radiopositioning operations in the Gulf of Mexico in the band 1750–1800 kc.

5. Because of the current availability of SHORAN equipment and the showing of need for its use made in this proceeding, the Commission believes that some provision should be made in the Commission's rules so as to make available the frequencies 230 Mc, 250 Mc and 310 Mc for further SHORAN operations on a limited basis in the radiolocation activities of the Petroleum industry. It appears that there may be instances where SHORAN can provide an immediate solution to certain radiopositioning problems of a special nature where the use of larger presently available phase comparison systems would be economically or otherwise impractical. This should assist in the general economic growth of the Industrial Radiolocation Service and help make possible its orderly development on a long-range basis in other frequency bands where a practical and reliable nationwide service can be realized. The further use of SHORAN should not be permitted to retard such development in any way.

6. The Commission wishes to emphasize that the three frequencies involved are in the Government band 225–328.6 Mc and that any non-Government use of these frequencies for SHORAN operations is on a non-interference basis to Government operations in this band. Experience has indicated that it is becoming increasingly difficult in many areas of the country to avoid conflicts with Government operations in the band in question. For that reason, in planning civil radiolocation operations, primary reliance should not be placed on the use of SHORAN. For the same reason, users are also warned that SHORAN should not be permanently integrated with radiolocation equipment operating in other frequency bands. The Commission believes that, on the basis of available information, any two-band radiolocation system which utilizes one band for lane identification only would be wasteful of spectrum space, in addition to creating frequency requirements which probably could not be met on a nationwide basis.

7. Inasmuch as the Commission believes that the petition filed by Interstate Petroleum Communications, Inc., cites good and sufficient cause for modifying the Commission's original proposal in this proceeding, and in view of the absence of any comments in opposition to the modification requested, the rule amendments herein adopted provide for limited SHORAN operation in both the California coastal area and the Gulf of Mexico coastal area. It should be noted that the geographical area in which SHORAN operations are to be permitted in the Gulf of Mexico area is the same as the area in which phase comparison systems in the band 1750–1800 kc are now permitted. Therefore, all companies now using the latter type of equipment are equally eligible to make use of SHORAN equipment in that area.

8. Pursuant to the authority contained in section 303 (c), (d), (f) and (r) of the Communications Act of 1934, as amended, it is therefore ordered that, effective July 5, 1955, Parts 2 and 11 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Adopted: June 22, 1955.

Released: June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 2 of the Commission's rules is amended in the following respects:

Section 2.104 (a) (5) is amended by inserting the following footnote in column 7 of the band 225–328.6 Mc:

(US43) For the radiolocation activities of the petroleum industry only, land radiopositioning stations and mobile radiopositioning stations making use of SHORAN equipment may be authorized the use of the frequencies 230 Mc, 250 Mc and 310 Mc at locations within 150 miles of the shoreline of the Gulf of Mexico and the shoreline of the State of California, provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in this band in the same area.

B. Part 11, Industrial Radio Services, is amended by adding a new paragraph (e) to § 11.607 of Subpart M, Industrial Radiolocation Service, to read as follows:

(e) Land Radiopositioning Stations (SHORAN) and Mobile Radiopositioning Stations (SHORAN) in this service may be authorized the use of the frequencies 230 Mc, 250 Mc and 310 Mc at locations within 150 miles of the shoreline of the Gulf of Mexico and the shoreline of the State of California for radiolocation operations of the petroleum industry only, provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations contained in Part 2 ("Rules Governing Frequency Allocations and Radio Treaty Matters") and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in the band 225–328.6 Mc in the same area.

[F. R. Doc. 55-5178; Filed, June 28, 1955; 8:51 a. m.]

[Rules Amdt. 3-49; FCC 55-703]

PART 3—RADIO BROADCAST SERVICES

DATA REQUIRED WITH APPLICATIONS FOR DIRECTIONAL ANTENNA SYSTEMS

In the matter of amendment of § 3.150 of the Commission's rules and regulations; Rules Amdt. 3-49.

1. The Commission has under consideration Section 3.150 of its rules and regulations as adopted in its report and order in Docket No. 11020 issued on May 23, 1955 (FCC 55-591).

2. Section 3.150 sets forth the data that must be filed with all applications involving standard broadcast directional antenna systems. The rule as presently drafted requires vertical plane radiation patterns for both daytime and nighttime operation. The Commission has not generally required the submission of calculated vertical field intensity patterns for daytime directional operation in the past, and it was not the Commission's intention in adopting § 3.150 of the rules to require that applicants submit field intensity vs. azimuth patterns in all cases. The Commission is of the view that the submission of vertical patterns for daytime directional operation is unnecessary in certain cases. We believe that data involving daytime vertical field intensity patterns should be supplied only when such data would constitute a pertinent factor in station allocation.

3. In view of the foregoing, the Commission is amending § 3.150 by adding the following language to the first sentence of paragraph (a) (3) of the rule: "In those instances where radiation at angles above the horizontal plane is a pertinent factor in station allocation."

4. Authority for the adoption of the amendment herein is contained in sections 4 (i) and (j) and 303 (s) of the Communications Act of 1934, as amended.

5. The amendment adopted herein constitutes a relaxation of the present requirement in § 3.150 of the rules. Prior publication of notice of proposed rule making is not necessary.

6. *It is ordered,* That effective June 30, 1955, § 3.150 of the Commission's rules and regulations is amended as follows:

Section 3.150 (a) (3) is amended to read as follows:

(3) Calculated field intensity vs. azimuth patterns for every 5 degrees of elevation through 60 degrees in those instances where radiation at angles above the horizontal plane is a pertinent factor in station allocation. These may be plotted in slotted rectangular coordinates but shall be submitted one to a page. Minor lobe and null detail occurring between the 5-degree intervals need not be submitted.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Adopted: June 22, 1955.

Released: June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5179; Filed, June 28, 1955; 8:52 a. m.]

[Docket No. 11237; FCC 55-704]

[Rules Amdt. 3-50]

PART 3—RADIO BROADCAST SERVICES

OPERATION OF LOW-POWER TELEVISION STATIONS

In the matter of amendment of Part 3 of the Commission's rules and regulations concerning television broadcast service to authorize the operation of low-power television broadcast stations; Docket No. 11237.

1. The Commission has before it for consideration its notice of proposed rule making issued in the above-entitled matter on December 17, 1954, and the comments filed in the proceeding. The notice was issued in response to a petition filed by Sylvania Electric Products, Inc., urging that the Commission's rules be revised to permit television broadcast stations to operate with lower power.

2. The Commission's rules presently prescribe the minimum effective radiated power for television broadcast stations, with the power specified varying in accordance with the size of the city. Stations located in cities under 50,000 population are required to operate with a minimum of 1 kw (0 dbk) effective radiated power at antenna heights of 300 feet above average terrain; for antenna heights below 300 feet, power must be increased to provide approximately equivalent coverage as computed in accordance with Figure 1, Appendix III, of the rules. In its notice of proposed rule making, the Commission proposed to amend § 3.614 of the rules to provide that stations located in cities with 50,000 persons or less could employ minimum power of −10 dbk (100 watts) at any antenna height.

3. In proposing to lower the minimum power requirements for television broadcast stations, the Commission expressed its desire to obtain the maximum utilization of the television broadcast frequencies and noted its concern for stimulating the growth of television in the smaller communities situated at remote areas presently beyond the service areas of operating stations. The Commission pointed out that a step in this direction was the policy announced in its Public Notice of August 5, 1954 (FCC 54-991) that it would consider applications for stations which do not propose to originate any local programs where it appears that this type of operation would permit the flexibility and the necessary economy to make the operation of a station feasible in a community where one might not otherwise be constructed. The Commission cautioned at that time, however, that such stations would be required to meet the technical provisions of the rules, including those relating to minimum height and power. The Commission expressed its view that a reduction in the minimum power requirement for stations in small communities would offer a further inducement to prospective television operators to construct stations in towns where operation might not otherwise be economically feasible; and its belief that a reduction in the minimum power requirements for cities with populations under 50,000 can be undertaken while still affording such communities adequate coverage.

4. In light of the Commission's policy with respect to the authorization of stations which do not propose to originate local programs, the Commission, in its notice of rule making, requested interested parties to direct their comments to a number of specific matters. The notice sought information with respect to such factors as the cost of construction and operation of stations without locally originated programs and information relating to the feasibility of such operation. Inquiry was directed, also, to other changes in the technical requirements in the rules that might be necessary or desirable in order to accommodate such low-power operation, and the Commission directed interested parties to questions relating to the eligibility of stations for engaging in such operations.

5. Comments have been filed in this proceeding by a number of parties.[1] The comments almost unanimously favor the proposed revision to permit low-power operation. Several parties have proposed additional detailed technical rule changes. The comments with respect to eligibility for low-power operation in connection with stations without locally originated programs, however, present a number of varying viewpoints.

6. In its notice the Commission proposed only to permit low-power operation in cities with populations under 50,000 persons. A number of the parties commenting in the proceeding urged that low-power operation should not be confined to small communities; other parties urge that, on the other hand, low power should be permitted only in cities with populations of 25,000 persons or less; and still other parties submit that low power is warranted only when economic factors in particular areas may justify this type of operation. Upon our consideration of the comments directed to this phase of the proceeding, we have concluded that low-power operation should not be dependent upon the size of the city concerned, and that the public interest would be served by reducing the minimum power requirements for all television broadcast stations. We do not believe that it would be practicable to evaluate requests for low power on a case-by-case basis in order to attempt to determine when economic or other conditions might warrant such operation. Most of the remaining unassigned channels are located in cities with populations of less than 50,000 persons. For those cities of greater than 50,000 persons where channels are still available, we believe the public interest would be served by reducing the present minimum power restrictions in order to encourage the establishment of additional local television service. Accordingly, we have decided to reduce the minimum power requirements for all stations regardless of the size of the city to —10 dbk (100 kw) with no minimum antenna height specified.

7. The Commission's notice of rule making also raised the question whether low-power stations should be authorized only in those cities without authorized or operating stations, and without applications on file, and whether low-power authorizations should only be made for stations in cities at least 50 miles distant from operating stations. Upon our consideration of the comments submitted in the proceeding, we have concluded that restrictions on the basis of proximity to other television stations should not be applied to low-power stations. In order to effectuate the maximum utilization of our assignment plan and to make possible the affording of a diversity of television services to the public, we do not believe that low-power stations should be barred because they may be close to existing stations. Many of the authorizations for both VHF and UHF stations which have been returned to the Commission for cancellation were located in cities with populations of greater than 50,000 persons and were situated within 50 miles of other operating stations. Substantial numbers of receivers, it is apparent, are located in these areas and are equipped to receive both VHF and UHF transmissions. The amendment we are here adopting may offer an inducement to the re-establishment of additional television stations in these areas.

8. In our notice of rule making we also requested the parties to direct their comments to the subject of multiple ownership and its relation to low-power stations. The majority of the comments urge that the multiple ownership rules should not be made applicable to low-power stations. However, these comments misconstrue the basic purpose of this proposal. Lowering the minimum power for television stations is intended primarily to provide an incentive for broadcasters to commence the construction of stations that might not otherwise be economically feasible, with the anticipation that many of the stations so authorized will eventually increase power and become full-fledged television stations in all respects. We do not believe, therefore, that we should relax our multiple ownership rules with respect to low-power stations. On the other hand, we do not believe that any special precautionary measures in addition to the existing multiple ownership rules are necessary in order to prevent an undue concentration of control of television facilities contrary to the public interest.

9. A number of comments submitted urge that in order for our action herein to be fully effective, other technical rules and standards should also be revised. For example, the comments suggest the use of directional antennas, remote control operation, etc. Without considering the merits of these suggestions, we believe that they require further extensive rule making in order to be treated adequately. We do not believe that we should withhold our action in this proceeding relating to low-power operation in order to consider these other matters. They will be given further consideration in future proceedings.

10. Authority for the adoption of the amendments herein is contained in sections 4 (i), 303 (a), (b), (c), (d), (e), (f), (g), and (r), and 307 (b) of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That, effective August 1, 1955, § 3.614 of the Commission's rules and regulations, and Figure 1, Appendix III, are amended as set out below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 307, 48 Stat. 1082, 1084; 47 U. S. C. 303, 307)

Adopted: June 22, 1955.

Released: June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

I. Section 3.614 is amended as follows:

a. Delete paragraph (a) and substitute the following:

§ 3.614 *Power and antenna height requirements*—(a) *Minimum requirements.* Applications will not be accepted for filing if they specify less than —10 dbk (100 watts) visual effective radiated power in any horizontal direction. No minimum antenna height above average terrain is specified.

b. The following sentence is added after the title of paragraph (b): "Applications will not be accepted for filing if they specify a power in excess of that provided for in this paragraph."

II. Figure 1, entitled "Minimum Effective Radiated Power v. Antenna Height Above Average Terrain", of Appendix III of Subpart E is deleted.

[F. R. Doc. 55-5180; Filed, June 28, 1955; 8:52 a. m.]

[Docket No. 10989; FCC 55-706]

[Rules Amdt. 3-51]

PART 3—RADIO BROADCAST SERVICES

AFFILIATION AGREEMENTS; TERRITORIAL EXCLUSIVITY

In the matter of amendment of § 3.658 (b) of the Commission's rules and regulations; Docket No. 10989.

1. The commission has under consideration its notice of proposed rule making (FCC 54-437) issued in this proceeding on April 1, 1954, and published in the FEDERAL REGISTER on April 7, 1954 (19 F. R. 1961), proposing to amend § 3.658 (b) of the Chain Broadcasting Rules so as to limit the geographic bounds wherein a television broadcast station may contract for territorial exclusivity with network organizations to the extent permitted by this section of the rules.[1]

[1] Comments have been filed by the following parties: Miami University, Oxford, Ohio; Clair L. Taylor, Supt. of Public Instruction, Lansing, Michigan; Southern Idaho Broadcasting and Television Company, Twin Falls, Idaho; E. B. Craney, Butte, Montana; Dage Television Division, Thompson Products, Inc., Michigan City, Indiana; Louis Wasmer, Spokane, Washington; Archer S. Taylor, Montana State University; General Electric Company, Schenectady, New York; Joint Committee on Educational Television, Washington, D. C.; Chanticleer Broadcasting Co., New Brunswick, New Jersey; Indian River Broadcasting Co., Fort Pierce, Florida; Orange County Broadcasters, Inc., Winter Park, Florida; Western Slope Broadcasting Co., Inc., Grand Junction, Colorado; Wyoming Valley Broadcasting Co., Wilkes-Barre, Pennsylvania; Crosley Broadcasting Corp., Cincinnati, Ohio; University of Arizona, Tucson, Arizona; Seward Community TV, Inc., Seward, Alaska; Chemical City Broadcasting Co., Charleston, West Virginia; Adler Communications Laboratories, New Rochelle, New York; Philco Corporation, Philadelphia, Pennsylvania; Sylvania Products, Inc., Emporium, Pennsylvania; National Association of Educational Broadcasters, Washington, D. C.; WSM, Inc., Nashville, Tennessee; Frontier Broadcasting Co., Cheyenne, Wyoming; Radio-Electronics-Television Manufacturers Association, Washington, D. C.; Columbia Broadcasting System, Inc., New York, New York. Numerous letters relating to this matter were also received.

[1] In response to a request filed by the UHF Industry Coordinating Committee on May 14, 1954, the time for filing comments in this proceeding was extended from May 3, 1954, to June 15, 1954, and for Replies from May 13, 1954, to June 25, 1954.

2. Comments supporting the proposed amendment were filed by Valley Telecasting Company, Green Bay, Wisconsin (WFRV-TV, Channel 5); KNUZ Television Company, Houston, Texas (KNUZ-TV, Channel 39); Lebanon Television Corporation, Lebanon, Pennsylvania (WLBR-TV, Channel 15); Summit Radio Corporation, Akron, Ohio (WAKR-TV, Channel 49); Standard Radio and Television Company, San Jose, California (KQXI, Channel 11); and Bridgeport Broadcasting Company, Bridgeport, Connecticut (WICC-TV, Channel 43). Comments opposing the proposed amendment were filed by National Broadcasting Company, Inc.; Columbia Broadcasting System, Inc.; Allen B. DuMont Laboratories, Inc.; Havens & Martin, Inc., Richmond, Virginia (WTVR, Channel 6); and The Elm City Broadcasting Corporation, New Haven, Connecticut (WNHC-TV, Channel 6). Joint comments were also filed by Meredith Engineering Company, Kansas City, Missouri (KCMO-TV, Channel 5); Meredith Syracuse Television Corp., Syracuse, New York (WHEN-TV, Channel 8); and Meredith WOW, Inc., Omaha, Nebraska (WOW-TV, Channel 6). The latter parties are of the view that the Commission's proposal is not entirely clear in several respects, and they request that a hearing be held to determine its impact upon both television broadcasters and networks. Replies to comments were filed by Gulf Television Company, Galveston, Texas (KGUL-TV, Channel 11); Lebanon Television Corporation, Havens & Martin, Inc., and Summit Radio Corporation.

3. Section 3.658 (b) of the Commission's rules presently permits a television station which renders coverage to a substantial portion of the service area of a station located in another community to contract with a network to prevent the station in the other community from carrying particular network programs, even though the sponsor of the program or the network may desire that the latter station also broadcast the programs. The proposed amendment would revise the above section so as to preclude a station in one community from depriving stations in other communities of the opportunity of securing and carrying the same network programs. Under the Commission's proposal, a station would be permitted to enter into agreements with networks whereby it would be granted the first call upon network programs only in the community in which it is located.[2]

4. The parties supporting the proposed amendment urge that even though the amendment does not assure that a station located outside of a community from which another station broadcasts network programs will obtain an affiliation contract, it will permit the networks to exercise more freedom in their selection of affiliates and will give some stations a greater opportunity to obtain network programs and compete more successfully with other stations. It is argued that television stations should not be entitled to the protection of exclusive arrangements for network programs beyond the principal community they are licensed to serve and that the only sound basis for applying the "territorial exclusivity" provisions of § 3.658 (b) to television stations is by "community" rather than the "area" a station serves. It is contended that the "principal community" approach was used in the establishment of the nationwide allocation plan in contrast to that utilized in the standard broadcast service where area and populations to be served are the dominant factors; that television channels were assigned on the basis of the needs of each community without considering that a station of another city might render service to the community in question; that the present territorial exclusivity rule does not define the "area" which a station serves; that the Commission has recognized that television coverage cannot be measured accurately and has refused to permit competing applicants to claim advantage on the basis of greater coverage; and that the proposed amendment incorporating the geographic standard is necessary to give § 3.658 (b) meaning and to make it capable of application. It is urged that the proposed amendment will promote the orderly development of television service by precluding stations which carry network programs from inordinate claims of coverage—particularly when the areas are distant from the station and no community of interest exists with the other city, and the station's signal is technically inferior and does not provide a consistent and satisfactory service to such other city. It is contended that the existing rule has made it possible for network affiliated stations unreasonably and unfairly to preclude stations in other communities from obtaining network programs and affiliations; that the economic handicap of some stations has been aggravated by the restraints which have been imposed under the present rule; that the existing rule has prevented stations in communities nearby to those with affiliated stations from competing effectively for programs, for audience and for advertising revenue; and that impairment of competition among television stations in other communities by nearby network stations is contrary to the design and intent of the Commission's Sixth Report and Order and in derogation of the Commission's obligation, under the Communications Act, to promote competition in the broadcast field.

5. These parties also urge that there is no merit to the arguments advanced by the networks and the other opponents to the proposed amendment that it would lead to duplication of network programming by stations in nearby communities; that advertisers will not buy such stations; and that all stations will be deprived of a fair financial return. It is maintained that there is no evidence that duplicate programming will be encouraged by the proposal and that there is every evidence that competition among stations will be increased; that the over-riding purpose of the chain broadcasting rules is to preserve competition among stations and not to prevent duplication of service; and that special circumstances may warrant some duplicate programming, and if it should exceed desirable limits, the Commission can remedy the situation. Furthermore, it is noted that duplicate network programming would occur only if the networks agree to provide such service and that some duplicate network service is provided at the present time by affiliated stations serving substantially the same area, e. g., Providence, Rhode Island, and Boston, Massachusetts; Toledo, Ohio, and Detroit, Michigan. It is similarly asserted that there is no proof that advertisers will not buy more than one station if two or more stations in nearby communities carry the same network programs. While it is conceded that an advertiser would not pay more for two stations than he pays for one station if no greater coverage or audience is expected, the parties submit that in almost all cases greater coverage and audience would result from broadcasts by two or more stations in nearby communities and that the advertiser would pay for such greater coverage and audience. It is urged that the charge that the proposed amendment may keep stations from realizing their "full economic potential" springs from the fear that some stations may be kept from benefiting from their monopolistic economic position derived through the exclusion of other stations from the opportunity of obtaining network programs, and thus, to compete for audience and revenues.[3]

6. The parties opposing the instant proposal contend that although it represents a substantial departure from the present rule, no valid reasons have been advanced nor any need demonstrated indicating that further extension of the Commission's control over network-station relationships and their freedom to contract with each other is warranted. It is argued that the best interests of the public would not be served if identical network programs are broadcast by stations in different communities serving substantially the same area and that the proposed rule would result in inefficient use of television channels. It is main-

[2] Several of the comments filed indicate that some parties have misconstrued the application of the proposed amendment. They incorrectly interpret it as permitting a station to enter into contractual arrangements with a network covering not only the community in which it is located but also all communities within a 15-mile radius. In view of the misconstruction placed on the amendment in some of the comments, we are revising the footnote to the amendment to clarify the definition of "community".

[3] While KNUZ Television supports the proposed amendment, it maintains that no real benefit will be derived from its adoption unless § 3.658 (a) of the rules is also amended to increase the minimum signal strength required over the principal community to be served. KNUZ is of the view that such an amendment would effectively limit television stations to one principal community and would relieve the unfair competitive situations which result from permitting stations to serve more than one community. It was also suggested by Summit Radio Corporation that the proposed amendment be clarified to leave no doubt that it applies to network-owned and operated or controlled stations as well as to network-affiliated stations.

tained that the Commission's policy has been to prevent duplication of programs by stations serving substantially the same area in order to achieve maximum utilization of radio frequencies and that the instant proposal is in direct conflict with that policy; that the instant proposal ignores the fact that a station's signal does not stop at the city limits of the community in which the station is located, and that the present rule, extending protection for a station's signal to the area which can receive a serviceable signal, constitutes a commonsense standard which should not be changed by the substitution of the artificial political boundary. It is stated that the proposed amendment goes far beyond the scope of the AM rule (§ 3.102) which permits an affiliate to have first call in its primary service area, and it is argued that there is no more justification for duplication of network programming in television than in standard broadcasting nor for the circumscribing the right of first refusal of an affiliate in the one broadcast medium more than the other.

7. In addition, it is charged that the proposed amendment would cause stations to suffer economic loss, since if two stations in different communities with overlapping coverage carry the same network programs, neither station will realize its full economic potential. It is asserted that advertisers will either not buy duplicate coverage or will insist on rate adjustments to reflect the overlap in circulation, and that national spot and local business would also be adversely affected because the audience for the most salable network programs for station break announcements would be so divided that neither station would obtain a fair return. It is further claimed that the bargaining power of stations to negotiate with the networks would be weakened, and that it would be impossible for weaker stations to build themselves up through the broadcast of network programs of national prestige throughout their service areas. In this connection, it is argued that the proposed amendment might work a particular hardship on those UHF stations which have been able to secure a network affiliation, since the incentive for their potential audience to buy or convert their receivers for UHF reception may be lessened if the same network programs can be received from a VHF station in a different community but with overlapping coverage. It is also contended that duplication of network programming by stations in different communities serving substantially the same areas is not likely to result in materially increased revenue. It is likewise urged that duplicate affiliation of stations in different communities covering the same service area will lessen the ability of the smaller networks to compete, and might possibly result in their demise, thereby depriving the public of that source of network programming.

8. Those opposing the instant proposal also maintain that adoption of the proposed rule may result in no change in the network affiliation situation since the network organizations could still contract with whom they wish and undoubtedly their contractual inclinations will continue to be influenced by the economics of the situation. In instances of practically identical coverage, it is submitted that there will be no network desire or substantial sponsor demand for the presentation of the same network programs on both stations, and that the network will make a choice between the two stations so situated. One network in its comments asserts that it would be its general practice, if the proposed amendment is adopted, to continue to provide its network advertisers with unduplicated service, since it believes that such a practice best serves the public, advertisers, affiliated stations and the network itself. It is argued, however, that adoption of the proposed rule might give rise to unjustifiable claims of its violation by stations unable to secure affiliation contracts, thus imposing unnecessary burdens upon the Commission, its staff, affiliates, and the networks. Another argument advanced in opposition to the proposed amendment is that duplicate network programming under affiliation agreements with option hour provisions might lead to a circumvention of the rules. One of the parties suggests that if the proposed rule is adopted, a truly competitive situation should be made by modifying the option time rule. Another opponent of the instant proposal suggests that, rather than reducing the opportunity of stations to contract for "first call" rights to the community in which the station concerned is located, all programming exclusivity should be eliminated so that competition for the individual programs of the several networks among stations would be unfettered. It was also suggested that any change in § 3.658 (b) of the rules be limited to a more exact definition of what constitutes an area of service for applying the existing rule.

9. We have carefully reviewed the comments filed in this proceeding, and we are of the view that the relatively minor changes herein proposed to the Chain Broadcasting Rules should be adopted at this time. At this stage in the development of the television industry, network programming is essential to the profitable operation of most stations; and, in many instances, its availability may be determinative of a station's ability to survive and furnish a needed television service to the public. The obtaining of network programs is such a vital and valuable asset to stations that we believe maximum opportunity should be given to all stations to compete for network programming, and that any of our Rules which might operate to restrain competition among stations for network programming should be kept to the minimum required to protect the public interest and to insure good program service to the public. We are of the view that the present restriction in our Rules which operates to preclude stations in other communities from contracting with networks for particular network programs when a station with overlapping coverage in another community has contracted for "first call" on the same network programs is unduly restrictive on competition for network programming and is not conducive to the rapid and effective development of television service to the public.

10. In reaching this determination, we realize that the proposed amendment is no cure-all for the economic and other problems which confront many television stations today. The proposed revision makes no basic or substantial change in our rules governing stations in their relationships with the networks. It does not assure any station of network programming. All that the amendment does is to give stations greater freedom on an over-all basis in negotiating and contracting with networks and advertisers for their programs. We are hopeful that the amendment may enable some stations which have heretofore been precluded from obtaining network programming because of the "first call" rights of stations in other communities to obtain such programs. But we do not believe that the fears expressed by the parties in their oppositions that adoption of the amendment would lead to excessive duplication of programming in the same area, the demise of the smaller networks and financial hardship to all stations are substantial. For the important part that economics plays in network-station contractual relationships will continue to function. And such duplication of network programming as may occur by reason of restricting the "first call" rights of stations to the communities in which they are located, will result because additional factors present in the particular cases will convince those responsible for such duplication that it is desirable. We believe this to be consistent with the public interest considerations of enlarging competition in the television field and promoting the orderly development of television service to the public.

11. Certain parties in this proceeding have suggested that several more substantial changes in the Chain Broadcasting and other rules, i. e., the rules relating to option time, minimum signal strength, elimination of all program exclusivity, should be adopted. We believe that rule-making proposals such as these which would involve major changes in our rules governing stations in their relationships with the networks and each other can be considered more adequately after we have completed the study of station-network practices and policies which we hope to undertake in the near future. We further believe that the parties requesting a full public hearing on the proposed amendment have made no showing that such a hearing would serve any useful purpose or would be of any help to us in reaching a decision on the matter. While it is alleged that the proposed amendment is not clear in several respects, the only allegation made in support thereof is that the rule does not define "first call" or indicate the duration of "first call" rights of stations on network programs. We see no need in holding a hearing to clarify this matter. The proposed amendment makes no change from the present rule in this respect. Since the existing rule does not define or limit the duration of the "first call" rights of stations on network programs, the duration of such rights is determined by the contractual arrangements made by stations with the networks. We are also of the view that there is no necessity to clarify the proposed amendment to indicate specifically that it applies to network owned and operated or controlled stations, as suggested by Summit Radio Corporation, since the amendment clearly applies to all television broadcast stations.

12. In view of the foregoing considerations and determinations and pursuant to the authority contained in sections 1 and 303 (i) and (r) of the Communications Act of 1934, as amended: *It is ordered*, That, effective August 1, 1955, § 3.658 (b) of the Commission's rules is amended, to read as follows:

(b) *Territorial exclusivity.* No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station located in the same community from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station located in a different community from broadcasting any program of the network organization. This section shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its community upon the programs of the network organization. As employed in this paragraph, the term "community" is defined as the community specified in the instrument of authorization as the location of the station.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Adopted: June 22, 1955.

Released: June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5181; Filed, June 28, 1955; 8:52 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 713—PLASTICS PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Correction

In Federal Register Document 55-5062, appearing at page 4442 of the issue for Friday, June 24, 1955, subdivision (iv) of § 713.4 (a) (1) should read: "(iv) the manufacture from pliable plastics in sheet or film form of ornaments and decorations for Christmas and other holidays, party favors and souvenirs, and similar items primarily ornamental or decorative in character;".

No. 126——5

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF WITHDRAWAL OF PETITION AND FILING OF AMENDED PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF 2-(*p*-TERT-BUTYLPHENOXY)-ISOPROPYL-2-CHLOROETHYL SULFITE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 348 (d) (1)), the following notice is issued:

In accordance with the regulations concerning tolerances and exemptions from tolerances for pesticide chemicals on raw agricultural commodities (21 CFR 120.8), the United States Rubber Company, 1230 Avenue of the Americas, New York 20, New York, withdrew its petition for establishing tolerances for residues of 2-(*p*-*tert*-butylphenoxy)-isopropyl-2-chloroethyl sulfite, a miticide commonly called Aramite, at 5 parts per million for certain designated crops and at 2 parts per million for other designated crops (20 F. R. 1177). In lieu of the withdrawn petition, the United States Rubber Company has filed an amended petition proposing that tolerances for residues of 2-(*p*-*tert*-butylphenoxy)-isopropyl-2-chloroethyl sulfite be established at 1 part per million on the following raw agricultural commodities: Alfalfa, apples, blueberries, cantaloup, celery, cucumbers, grapes, grapefruit, lemons, muskmelon, oranges, peaches, pears, plums, soybeans, sweet corn, tomatoes, watermelons, green beans, raspberries, strawberries.

Dated: June 23, 1955.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-5173; Filed, June 28, 1955; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42]

[Draft Release 55-16]

APPLICABILITY OF CONTROL OF ENGINE ROTATION AND INSTRUMENTATION REQUIREMENTS TO TURBINE-POWERED AIRPLANES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration before taking further action on the proposed rules, communications must be received by July 13, 1955. Copies of such communications will be available after July 15, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The current engine rotation requirements and the engine instrument and equipment requirements prescribed in Parts 40, 41, and 42 of the Civil Air Regulations are not entirely appropriate for turbine-powered airplanes for the reason that these requirements are generally applicable only to reciprocating engines, which until the present time have been the only engines installed in the airplanes being operated under these parts. Since it is anticipated that airplanes with turbine engines will be introduced into air transportation in the immediate future, it is proposed to revise the aforementioned engine rotation and engine instrument and equipment requirements so as to render them compatible with the characteristics of turbine-powered airplanes.

Currently effective §§ 40.150, 41.20 (d), and 42.13 of Parts 40, 41, and 42, respectively, require that airplanes be provided with means for stopping engine rotation in flight. However, on the basis of current information, it does not appear that the extremely slow rotation of feathered propellers of some turbopropeller airplanes will jeopardize safety. On the contrary, to stop the propeller completely will, in some instances, either involve additional hazards or require unduly burdensome modifications. Similarly, the rotation of a turbo-jet engine, following engine failure, may not be as hazardous as would be stopping the engine completely in flight. This proposed amendment would, therefore, require means for stopping rotation on turbine engine installations only if such rotation could jeopardize the safety of the airplane.

Currently effective §§ 40.172, 41.25, and 42.21 of Parts 40, 41, and 42, respectively, require the installation of specified engine instruments and equipment. Although required instruments and equipment can be installed on reciprocating engine airplanes, it is clear that some are not appropriate for turbine-powered airplanes. It is recognized, however, that turbine engines may require instrumentation or equipment different from that for which provision is made in §§ 40.172, 41.25, and 42.21. In view of the limited experience in air carrier operations with such engines, it is believed desirable that a determination as to what different instrumentation or equipment may be required

should, for the present, be made by the Administrator. Therefore, this proposed amendment would permit the Administrator to establish instrument and equipment requirements for turbine-powered airplanes different from those currently specified in the Civil Air Regulations for reciprocating engine airplanes.

In view of the foregoing, notice is hereby given that it is proposed to amend Parts 40, 41 and 42 of the Civil Air Regulations as follows:

1. By amending §40.150 to read as follows:

§ 40.150 *Control of engine rotation.* All airplanes shall be provided with means for individually stopping and restarting the rotation of any engine in flight, except that for turbine engine installations means for stopping the rotation need be provided only if the Administrator finds that such rotation could jeopardize the safety of the airplane.

2. By amending the introductory sentence of § 40.172 to read as follows:

§ 40.172 *Engine instruments for all operations.* The following engine instruments are required for all operations, except that the Administrator may permit or require different instrumentation for turbine-powered aircraft to provide equivalent safety:

3. By amending § 41.20 (d) to read as follows:

§ 41.20 *General.* • • •

(d) Multiengine airplanes shall be so equipped that engine rotation may be promptly stopped during flight, except that for turbine engine installations means for stopping the rotation need be provided only if the Administrator finds that such rotation could jeopardize the safety of the airplane.

4. By amending § 41.25 by amending the sentence immediately preceding the itemized list to read as follows:

§ 41.25 *Instruments and equipment required for continuance of flight.* • • •

The items listed in this section are required for all types of operation unless otherwise specified, except that the Administrator may permit or require different instrumentation or equipment for turbine-powered aircraft to provide equivalent safety:

5. By amending § 42.13 to read as follows:

§ 42.13 *Engine rotation.* Multiengine aircraft having any engine rated at more than 480 h. p. for maximum continuous operation shall be so equipped that the rotation of each such engine can be stopped promptly in flight, except that for turbine engine installations means for stopping the rotation need be provided only if the Administrator finds that such rotation could jeopardize the safety of the aircraft.

6. By amending the introductory sentence of § 42.21 of Part 42 to read as follows:

§ 42.21 *Basic required instruments and equipment for aircraft.* The following instruments and equipment acceptable to the Administrator for the type of operations specified shall be installed and in serviceable condition in all aircraft, except that the Administrator may permit or require different instrumentation or equipment for turbine-powered aircraft to provide equivalent safety:

These amendments are proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., June 23, 1955.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 55–5176; Filed, June 28, 1955; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11433; FCC 55–705]

TELEVISION BROADCAST STATIONS

INCREASE OF MAXIMUM EFFECTIVE RADIATED POWER

In the matter of amendment of Part 3 of the Commission's rules and regulations to increase the maximum effective radiated power for television stations on Channels 14–83; Docket No. 11433.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission is concerned with the maximum utilization of its television broadcast frequencies and with methods for achieving this goal. In this connection, the Commission has been considering its rules relating to the maximum power for UHF television stations.

3. In its Third Notice of Rule Making issued in the last allocation proceeding (Docket No. 8736 et al.), the Commission proposed a maximum power of 200 kw (23 dbk) for Channels 7–13 and Channels 14–83. However, comments were submitted in that proceeding indicating that an amplifier with 25 kw was feasible and practicable on the UHF. And it was contended that such an amplifier would provide a radiated power of 400 kw (26 dbk). In the Sixth Report and Order finalizing that proceeding, the Commission stated that in order to attempt to equalize the service areas of stations operating on the UHF and VHF bands, it would be necessary to increase the maximum power for the upper-band VHF Channels 7–13 and for the UHF Channels 14–83. Consequently, the Commission provided for a maximum power of 100 kw (20 dbk) for Channels 2–6, 316 kw (25 dbk) for Channels 7–13, and 1000 kw (30 dbk) for Channels 14–83. In establishing 1 megawatt as a maximum for the UHF, the Commission stated that while it recognized such power might not be immediately available, it believed that it should provide for such power since it felt confident that developments in the art would eventually achieve this goal.

4. The Commission believes that the public interest would be served by increasing the maximum permissible power for UHF stations in order that the viewing public may receive the best possible service that the state of the art permits. In this connection, the industry has now developed amplifiers which make it possible to attain 1000 kw effective radiated power on the UHF band. Indeed, stations employing such high power are now in operation. Other amplifiers are presently being developed which will be capable of operating at still higher outputs, and the development of such amplifiers will permit the transmission of signals of greater strength, with still stronger signals received by the viewing public.

5. In view of the further developments in the state of the art, and as an additional step in bringing to the viewers the best possible television service, the Commission is proposing to amend its rules to increase the maximum permissible effective radiated power for UHF stations from 1000 kw (30 dbk) to 5000 kw (37 dbk).

6. Although the Commission is proposing to increase the maximum radiated power for UHF stations, such action does not contemplate that UHF receivers should be less satisfactory than at present. Rather, the Commission is desirous that every effort be made to produce and market still better sets in order that the viewing public may enjoy better reception. In this connection, we believe that information concerning the sensitivity of UHF sets and the tuning mechanisms of such sets would be pertinent to this proceeding. The Sixth Report and Order established 74 db and 64 db as a required median field strength in db above 1 uv/m for UHF Grade A and Grade B service, respectively. These UHF field strengths were based on various assumptions: The receiver noise figure was assumed at 15 db, the transmission line loss at 5 db, and the antenna gain at 13 db compared with a half-wave dipole.

7. In order that the Commission may have the benefit of current information relating to the present status of UHF sets, it desires that interested parties submit comments in this proceeding relating to this matter. Comments on this phase of the proceeding should direct their attention to UHF receivers in three categories: (1) UHF receivers manufactured prior to 1955, (2) UHF receivers manufactured during 1955, and (3) UHF receivers to be manufactured next year.

8. In addition to the foregoing, the Commission desires that the comments submitted in this proceeding present information and data as to the present state of the art with respect to the following matters:

(a) Receiver noise figures.

(b) Transmission line losses.

(c) Data relating to gain of receiving antennas.

(d) Information as to improvements in UHF sets, such as ease of tuning.

(e) The expected increase in cost to the consumer that would result from improving set preformance.

(f) Measurement data with respect to the propagation of UHF signals.

9. In view of the above, the Commission is proposing to amend its rules as follows:

I. It is proposed to delete the expression "30 dbk (1000 kw)" appearing in § 3.614 (b) and to substitute the following: "37 dbk (5000 kw)".

II. It is proposed to delete in Appendix III, Figures 2 (a) and 2 (b) and substitute new Figures 2 (a) and 2 (b) with the Channel 14–83 curves displaced +7 dbk.

10. Authority for the issuance of the proposed amendments is vested in the Commission under sections 303 (a), (b), (c), (e), (f), (g), (h), and (r) and 4 (i) of the Communications Act of 1934, as amended.

11. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before September 1, 1955, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last date for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments before taking final action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

12. In accordance with the provisions of Section 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 22, 1955.

Released: June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55–5182; Filed, June 28, 1955; 8:52 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

FIELD SERVICE

Effective July 1, 1955, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F. R. 8071, December 8, 1954; 20 F. R. 466, January 20, 1955) are prescribed:

1. Paragraph (c) of section 1.51 is amended to read as follows:

(c) *Suboffices.* Suboffices are located at the following places; each has the responsibility of handling cases in the area assigned in paragraph (d):

Albany, N. Y.
Albuquerque, N. Mex.
Anchorage, Alaska.
Atlanta, Ga.
Baltimore, Md.
Cincinnati, Ohio.
Cleveland, Ohio.
Dallas, Tex.
Denver, Colo.
Hammond, Ind.
Hartford, Conn.
Helena, Mont.
Honolulu, T. H.
Houston, Tex.
Kansas City, Mo.
Los Angeles, Calif.
Memphis, Tenn.
Milwaukee, Wis.
Newark, N. J.
New Orleans, La.
Omaha, Nebr.
Pittsburgh, Pa.
Portland, Oreg.
Portland, Maine.
Providence, R. I.
Reno, Nev.
St. Albans, Vt.
St. Louis, Mo.
St. Paul, Minn.
Salt Lake City, Utah.
San Diego, Calif.
San Juan, P. R.
Spokane, Wash.
Tucson, Ariz.
Washington, D. C.

2. Paragraph (d) of section 1.51 is added to read as follows:

(d) *Area.* In the administration and enforcement of the immigration, naturalization, and nationality laws, district offices and suboffices have the responsibility of handling cases arising in the areas which are assigned to the respective offices as follows:

Alabama:
  Atlanta, Ga.
Alaska:
  Anchorage, Alaska.
Arizona:
  Tucson, Ariz.
Arkansas:
  Memphis, Tenn.
California:
  Los Angeles, Calif. (Counties of Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura.)
  San Diego, Calif. (Counties of Imperial and San Diego.)
  San Francisco, Calif. (Counties of Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.)
Colorado:
  Denver, Colo.
Connecticut:
  Hartford, Conn.
Delaware:
  Philadelphia, Pa.
District of Columbia:
  Washington, D. C.
Florida:
  Miami, Fla.
Georgia:
  Atlanta, Ga.
Guam:
  Honolulu, T. H.
Hawaii:
  Honolulu, T. H.
Idaho:
  Portland, Oreg.
Illinois:
  Chicago, Ill.
Indiana:
  Hammond, Ind.
Iowa:
  Omaha, Nebr.
Kansas:
  Kansas City, Mo.
Kentucky:
  Cincinnati, Ohio.
Louisiana:
  New Orleans, La.
Maine:
  Portland, Maine.
Maryland:
  Baltimore, Md.
Massachusetts:
  Boston, Mass.
Michigan:
  Detroit, Mich.
Minnesota:
  St. Paul, Minn.
Mississippi:
  New Orleans, La.
Missouri:
  Kansas City, Mo. (Counties of Andrew, Atchinson, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Davies, De Kalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson Laclede, Lafayette, Lawrence, Livingston, McDonald, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Oregon, Osage, Ozark, Pettis Platte, Polk, Pulaski, Putnam, Ray, Saint Clair, Saline, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright.)
  St. Louis, Mo. (Counties of Adair, Audrain, Bollinger, Butler, Cape Girardeau, Carter, Charitan, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Pemiscot, Perry, Phelps, Pike, Ralls, Randolph, Reynolds, Ripley, Saint Charles, Sainte Genevieve, Saint Francois, Saint Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, and Wayne; and St. Louis City.)
Montana:
  Helena, Mont.
Nebraska:
  Omaha, Nebr.
Nevada:
  Reno, Nev.
New Hampshire:
  Boston, Mass.
New Jersey:
  Newark, N. J.
New Mexico:
  Albuquerque, N. Mex.
New York:
  Albany, N. Y. (Counties of Albany, Broome, Chenango, Delaware, Fulton, Hamilton, Herkimer, Madison, Montgomery, Oneida, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Tioga, Warren, and Washington.)

Buffalo, N. Y. (Counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Clinton, Cortland, Erie, Essex, Franklin, Genessee, Jefferson, Lewis, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Oswego, St. Lawrence, Schuyler, Seneca, Steuben, Tompkins, Wayne, Wyoming, and Yates.)
New York City, N. Y. (Counties of Bronx, Columbia, Dutchess, Greene, New York, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester, Kings, Nassau, Queens, Richmond, and Suffolk.)
North Carolina:
Washington, D. C.
North Dakota:
St. Paul, Minn.
Ohio:
Cincinnati, Ohio. (Counties of Adams, Athens, Auglaize, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Darke, Delaware, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Hamilton, Hardin, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Tuscarawas, Union, Vinton, Warren, and Washington.)
Cleveland, Ohio. (Counties of Allen, Ashland, Ashtabula, Crawford, Cuyahoga, Defiance, Erie, Fulton, Geauga, Hancock, Henry, Huron, Lake, Lorain, Lucas, Mahoning, Medina, Ottawa, Paulding, Portage, Putnam, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Van Wert, Wayne, Williams, Wood, and Wyandot.)
Oklahoma:
Dallas, Tex.
Oregon:
Portland, Oreg.
Pennsylvania:
Philadelphia, Pa. (Counties of Adams, Bradford, Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York.)
Pittsburgh, Pa. (Counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Venango, Warren, Washington, and Westmoreland.)
Puerto Rico:
San Juan, P. R.
Rhode Island:
Providence, R. I.
South Carolina:
Atlanta, Ga.
South Dakota:
St. Paul, Minn.
Tennessee:
Memphis, Tenn.
Texas:
Dallas, Tex. (Counties of Anderson, Andrews, Archer, Armstrong, Bailey, Baylor, Borden, Bosque, Bowie, Briscoe, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Collin, Collingsworth, Comanche, Cooke, Cottle, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Jack, Johnson, Kaufman, Kent, King, Knox, Lamar, Lamb, Leon, Limestone, Lipscomb, Lubbock, Lynn, Marion, Martin, Mitchell, Montague, Moore, Morris, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Red River, Roberts, Rockwell, Rusk, Scurry, Shackelford, Sherman, Smith, Somervall, Stephens, Stonewall, Swisher, Tarrant, Terry, Throckmorton, Titus, Upshur, Van Zandt, Wheeler, Wichita, Wilbarger, Wise, Wood, Yoakum, and Young.)
El Paso, Tex. (Counties of Brewster, Crane, Culberson, Ector, El Paso, Hudspeth, Jeff Davis, Loving, Midland, Pecos, Presidio, Reeves, Terrell, Upton, Ward, and Winkler.)
Houston, Tex. (Counties of Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Grimes, Hardin, Harris, Jasper, Jefferson, Liberty, Madison, Matagorda, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Washington, and Wharton.)
San Antonio, Tex. (Counties of Aransas, Atascosa, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazos, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Coke, Coleman, Comal, Concho, Coryell, Crockett, De Witt, Dimmit, Duval, Edwards, Falls, Fayette, Frio, Gillespie, Glasscock, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Iron, Jackson, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Live Oak, Llano, McCulloch, McLennan, McMullen, Mason, Maverick, Medina, Menard, Milam, Mills, Nueces, Reagan, Real, Refugio, Robertson, Runnels, San Patricio, San Saba, Schleicher, Starr, Sterling, Sutton, Taylor, Tom Green, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata, and Zavala.)
Utah:
Salt Lake City, Utah.
Vermont:
St. Albans, Vt.
Virginia:
Washington, D. C.
Virgin Islands:
San Juan, P. R.
Washington:
Seattle, Wash. (Counties of Chelan, Clallum, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Klickitat, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom, and Yakima.)
Spokane, Wash. (Counties of Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pond Oreille, Spokane, Stevens, Walla Walla, and Whitman.)
West Virginia:
Pittsburgh, Pa.
Wisconsin:
Milwaukee, Wis.
Wyoming:
Helena, Mont.

Dated: June 23, 1955.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 55-5163; Filed, June 28, 1955; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Agriculture, Forest Service, has filed an application, Serial No. BLM 033459 (SD), for the withdrawal of the lands described below, from location and entry under the General Mining Laws.

The applicant desires the land for use of the Harney National Forest in South Dakota as The Pilger Mountain Lookout.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN

PILGER MOUNTAIN LOOKOUT

T. 7 S., R. 2 E.,
Sec. 4: Lots 3 and 4.

The area contains 20.87 acres.

R. D. NIELSON,
State Supervisor.

JUNE 21, 1955.

[F. R. Doc. 55-5153; Filed, June 28, 1955; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 109]

N. V. NEDERLANDS TRANSPORT BUREAU AND LEOPOLD KOLISCH

ORDER CONDITIONALLY RESTORING EXPORT PRIVILEGES AND GRANTING OTHER RELIEF

In the matter of N. V. Van Uden's Transport Bureau, now known as N. V. Nederlands Transport Bureau and Leopold Kolisch, Willemskade 17, Rotterdam, Holland; Case No. 109.

N. V. Nederlands Transport Bureau, formerly known as N. V. Van Uden's Transport Bureau, and Leopold Kolisch, its Director, having duly applied for a termination of the Order of the Office of International Trade, dated September 24, 1951, published in 16 F. R. 10088, on October 3, 1951, affirmed by the Appeals Board, 18 F. R. 1897, and said application having been referred to a Compliance Commissioner of the Bureau of Foreign Commerce, and the Compliance Commissioner having duly considered the same and filed his report and recommendation, together with the record constituting said application, with the undersigned Director, Office of Export Supply,

Now, after reading said application, the report and recommendation, and all papers submitted in connection therewith and being of the opinion that the proposals and undertakings given by the respondents will aid in the effective enforcement of the Export Control Act provided that the respondents comply therewith in good faith and being also of the opinion that respondents are now well aware of the substance of the Export Control Act and the regulations promulgated thereunder, as well as of their obligations as forwarding agents engaged in business in The Netherlands:

It is hereby ordered, That (a) Decretal Paragraph 5 of the order dated September 24, 1951, providing for the disassociation of respondent Kolisch from respondent N. V. Nederlands Transport Bureau as a condition for relief from said order, be and the same hereby is vacated;

And it is further ordered, That (b) the export privileges denied to the respondents herein, by Decretal Paragraphs 2 and 3 of said order dated September 24, 1951, be and the same hereby are restored to them subject to the provision set forth in Paragraph (d) hereof;

And it is further ordered, That (c) to the extent that reference is made to the respondents in Decretal Paragraphs 4 and 6 of said order dated September 24, 1951, such references shall henceforth have no force or effect unless this order be vacated as hereinafter provided;

And it is further ordered, That (d) if the Bureau of Foreign Commerce shall decide, from evidence presented to it, without prior notice or hearing, that the respondents or either of them, or their officers or employees, at any time prior to 12 o'clock midnight, U. S. Eastern Standard Time, March 31, 1956, have knowingly violated, within the principle of their application herein, any United States Export Control Regulation, then and in that event it may summarily vacate Paragraphs (a), (b), and (c) hereof, and said order of September 24, 1951, shall be and continue to be in full force and effect as though this order had not been made;

And it is further ordered, That (e) said order of September 24, 1951, except as hereby modified and except as, by the Order of January 31, 1955, 20 F. R. 775, it was modified with respect to Italian Nova Works, be and continue in full force and effect.

Dated: March 31, 1955.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 55-5167; Filed, June 28, 1955; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11163; FCC 55-697]

VILLAGE BROADCASTING CO. (WOPA)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Richard Goodman, Mason Loundy and Egmond Sonderling, a partnership d/b as Village Broadcasting Company (WOPA), Oak Park, Illinois, Docket No. 11163, File No. BP-9271; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955;

The Commission having under consideration the above-entitled application for a construction permit to change the transmitter location of Station WOPA, Oak Park, Illinois, from on roof of Oak Park Hotel, Oak Park Avenue and Washington Boulevard, Oak Park, Illinois, to 4723 West Madison Street, Chicago, Illinois; and specify remote control point as 408 S. Oak Park Avenue, Oak Park, Illinois; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified, except as set forth below, to operate Station WOPA as proposed, but that the application would not comply with the Commission's Standards of Good Engineering Practice in that it would not provide a minimum field intensity of 25 mv/m over the business area of the City of Oak Park and would only provide interference-free nighttime service to approximately 37.5 percent of the city of Oak Park; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant was advised by letter dated April 28, 1955 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that in a timely reply filed by the applicant it was contended that in spite of the above deficiencies a grant of the application would serve the public interest; and

It further appearing, that the Commission, after consideration of the reply, is of the opinion that a hearing is necessary:

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designed for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WOPA, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WOPA would provide a minimum field intensity of 25 mv/m over the business area of the city of Oak Park, Illinois, in accordance with section 4 of the Standards of Good Engineering Practice.

3. To determine whether the installation and operation of Station WOPA as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to providing adequate nighttime coverage of the city of Oak Park, Illinois.

4. To determine whether, in the light of evidence adduced under the foregoing issues, a grant of the application would be in the public interest.

Released: June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5183; Filed, June 28, 1955; 8:53 a. m.]

[Docket No. 11290; FCC 55M-567]

IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS (WOI)

ORDER CONTINUING HEARING

In re application of Iowa State College of Agriculture and Mechanic Arts (WOI), Ames, Iowa, Docket No. 11290, File No. BSSA-276; for special service authorization to operate additional hours from 6:00 a. m. to local sunrise, c. s. t., with 1 kw.

The Hearing Examiner having under consideration a motion to amend procedural schedule and to postpone hearing date filed on June 22, 1955, by counsel for Earle C. Anthony, Inc., licensee of Station KFI, party to this proceeding;

It appearing that good cause has been shown for the requested postponement and that counsel for the Broadcast Bureau and counsel for Iowa State College of Agriculture and Mechanic Arts (WOI) have consented to the suggested continuance and to waiver of the four-day rule;

It is ordered, This 23d day of June 1955, that the motion of Station KFI is granted and that the date for commencement of hearing is continued from July 6, 1955, to September 7, 1955; and

It is further ordered, That the exchange of written direct cases is continued from June 27, 1955, to August 29, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5184; Filed, June 28, 1955; 8:53 a. m.]

[Docket No. 11371; FCC 55M-566]

DEEP SOUTH BROADCASTING CO. (WSLA)

ORDER CONTINUING HEARING

In re application of Deep South Broadcasting Company (WSLA), Selma, Alabama, Docket No. 11371, File No. BMPCT-2100; for modification of construction permit.

The Hearing Examiner having under consideration the question of continuing the date for commencement of hearing;

It appearing that this proceeding was continued to June 28, 1955, by order of the Hearing Examiner on June 13, 1955, because of the pendency of a number of petitions to intervene and that sound reasons make it imperative that the hearing not be commenced until it is known definitely whether such petitions and a further petition to enlarge the issues will be granted or denied; and

It further appearing that at this date no action has been taken upon the above-mentioned petitions:

It is ordered, This 23d day of June 1955, on the motion of the Hearing Examiner, that the date for commencing the hearing is continued from June 28, 1955, to July 18, 1955, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5185; Filed, June 28, 1955; 8:53 a. m.]

[Docket No. 11415; FCC 55-688]

KOSSUTH COUNTY BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Kossuth County Broadcasting Company, Inc., Algona, Iowa, Docket No. 11415, File No. BP-9645; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 970 kilocycles with a power of 500 watts, directional antenna daytime only, at Algona, Iowa;

It appearing, that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, and that the amendment to the application of May 11, 1955, eliminates the interference to Station WHA, Madison, Wisconsin but that the proposed operation may still involve interference with stations KAYL, Storm Lake, Iowa; and KMA, Shenandoah, Iowa; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated April 12, 1955 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant filed a timely reply; and

It further appearing, that Stations KMA and KAYL, on February 14, and February 25, 1955, respectively, requested that the subject application be designated for hearing on grounds of the above-described interference; and

It further appearing, that the Commission, after consideration of the above-referenced reply by the applicant, is of the opinion that a hearing is necessary:

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed station would involve objectionable interference with Stations KAYL, Storm Lake, Iowa; and KMA, Shenandoah, Iowa; or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to such areas and populations.

3. To determine whether, in light of the evidence adduced under the foregoing issues, a grant of the application would be in the public interest.

It is further ordered, That the May Broadcasting Company, licensee of Station KMA, Shenandoah, Iowa; and The Cornbelt Broadcasting Company, licensee of Station KAYL, Storm Lake, Iowa are made parties to the proceeding.

Released: June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5186; Filed, June 28, 1955; 8:53 a. m.]

[Docket Nos. 11419, 11420; FCC 55-692]

WALTER N. NELSKOG AND SKAGIT BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Walter N. Nelskog, Everett, Washington, Docket No. 11419; File No. BP-9282; C. H. Fisher and Edna E. Fisher, a partnership d/b as Skagit Broadcasting Company, Anacortes, Washington, Docket No. 11420, File No. BP-9706; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955;

The Commission having under consideration the above-entitled applications for construction permits for new standard broadcast stations to operate on 1340 kilocycles with a power of 250 watts, unlimited time, by Walter N. Nelskog and the Skagit Broadcasting Company at Everett, Washington, and Anacortes, Washington, respectively;

It appearing, that the Skagit Broadcasting Company is legally, technically, financially and otherwise qualified; and that Walter N. Nelskog is legally, technically and otherwise qualified, except as may appear from the issues specified below, to operate the stations as proposed; but that operation of both stations as proposed would result in mutually prohibitive interference and that Walter N. Nelskog is not financially qualified to construct and operate the proposed station; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated March 10, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that timely replies to the Commission's letter were received from both applicants; and

It further appearing, that the Commission, after consideration of the replies is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the operations proposed by Walter N. Nelskog and the Skagit Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine whether Walter N. Nelskog is financially qualified to construct and operate his subject proposed station.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the applications, if granted, would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in light of the evidence adduced under the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issues with respect to the subject application of the Skagit Broadcasting Company: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

Released: June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5189; Filed, June 28, 1955; 8:54 a. m.]

[Mexican Change List 180]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES AND CORRECTIONS IN ASSIGNMENTS

JUNE 6, 1955.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Probable date of operation
		710 kilocycles				
XEON	Tuxtla Gutierrez, Chiapas (increase power).	2 kw D/1 kw N	ND	U	II	Sept. 6, 1955
		910 kilocycles				
XEMW	Monclova, Coahuila (change to 970 kc).	500 w		D	III	June 6, 1955
		940 kilocycles				
XEWV	Mexicali, Baja California (commenced operation).	1 kw	ND	D	II	Mar. 7, 1955
		970 kilocycles				
XEMW	Monclova, Coahuila (decrease power, previously 910 kc).	150 w		U	IV	June 6, 1955
		1200 kilocycles				
XELC	La Piedad, Michoacan (change time of operation, previously 1600 kc).	5 kw	ND	D	II	July 6, 1955
		1250 kilocycles				
XESJ	Saltillo, Coahuila (increase power)	1 kw D/500 w N	ND	U	III-B	September 9, 1955.
		1260 kilocycles				
XEII	Ciudad Valles, San Luis Potosi (change in location and increase power, previously in Ciudad del Maiz, S. L. P.).	1 kw	ND	D	III	December 6, 1955.
		1340 kilocycles				
XESL	San Luis Potosi, San Luis Potosi (increase power).	500 w D/250 w N	ND	U	IV	September 6, 1955.
		1380 kilocycles				
XERK	Tepic, Nayarit (increase power)	1 kw D/500 w N	ND	U	III-B	Do.
		1400 kilocycles				
XEYJ	Nueva Rosita, Coahuila (commenced operation).	500 w D/150 w N		U	IV	May 1, 1955.
		1600 kilocycles				
XELC	La Piedad, Michoacan (changed to 1200 kilocycles).	5 kw D/1 kw N		U	III-A	July 6, 1955.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Document 55-5192; Filed, June 28, 1955; 8:54 a. m.]

[Change List 16]

DOMINICAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS AND CHANGES IN EXISTING STATIONS

NOVEMBER 13, 1954.

Notification of new Dominican Broadcasting Stations, and of changes in or deletions of existing stations, made in conformity with Part III, Section II of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Date of FCC action	Probable date to commence operation
		1220 kilocycles					
HIN	*Santiago*	0.750	ND	U	III	Aug. 11, 1953	Change in location.
		1310 kilocycles					
HI2K	*Santiago*	0.5	ND	U	III	June 12, 1954	New in operation.
		1360 kilocycles					
HI5S	*La Romana*	1D/0.1N	ND	U	III/IV	Feb. 5, 1955	Change in call letters and location.
		1440 kilocycles					
HIT	*Ciudad Trujillo*	0.25	ND	U	IV		Previously 1240 kc.
HI1L	*La Vega*	0.25	ND	U	IV		Previously 1230 kc.
HI5K	*Ciudad Trujillo*	0.25	ND	U	IV	Apr. 8, 1953	New in operation.
		1490 kilocycles					
HI1A	*Moca*	0.25	ND	U	IV	June 25, 1953	New in operation.
HI2A	*Pimentel*	0.40	ND	U	IV	Mar. 5, 1954	New in operation.
		1230 kilocycles					
HI3A	Barahona	0.25	ND	U	IV	May 1, 1953	Previously 1400 kc, no change in location.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5193; Filed, June 28, 1955; 8:55 a. m.]

[Docket Nos. 11417, 11418; FCC 55-691]

TAYLOR BROADCASTING CO. AND GARDEN OF THE GODS BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Taylor Broadcasting Company, Colorado Springs, Colorado, Docket No. 11417, File No. BP-9439; Garden of the Gods Broadcasting Company, Manitou Springs, Colorado, Docket No. 11418, File No. BP-9462; for applications for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955;

The Commission having under consideration the above-entitled applications of the Taylor Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1460 kilocycles with a power of 5 kilowatts, daytime only, at Colorado Springs, Colorado; and the Garden of the Gods Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1490 kilocycles with a power of 250 watts, unlimited time, at Manitou Springs, Colorado;

It appearing, that each applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station but that the operation of both stations as proposed would result in mutually prohibitive interference and that the application of the Garden of the Gods Broadcasting Company may involve interference with Stations KRTN, Raton, New Mexico; and KBOL, Boulder, Colorado and because of the interference received from KRTN and KBOL would not comply with § 3.28 (c) of the Commission's rules; and may not otherwise comply with the Standards of Good Engineering Practice with particular reference to the efficiency and location of the antenna system and whether it would constitute a hazard to air navigation; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated November 23, 1954, and March 2, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing, that timely replies were received from both applicants; and

It further appearing, that the Garden of the Gods Broadcasting Company amended its application on March 28, 1955 to include field intensity measurements purporting to show that its proposed operation would cause no interference to Stations KRTN and KBOL, but that the measurements are insufficient under the Commission's Standards of Good Engineering Practice to prove the absence of the said interference; and

It further appearing, that in a petition filed on February 8, 1955, the Garden of the Gods Broadcasting Company requested that any hearing on the subject applications be held in the vicinity of Manitou Springs, Colorado, rather than at the Commission's offices in

Washington, D. C., on the grounds that a hearing in Washington, D. C. would work a severe hardship on the petitioner; that no comments on this request have been filed by the Taylor Broadcasting Company; and

It further appearing, that the Commission, after consideration of the above replies, is of the opinion that a hearing is necessary:

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications all designated for hearing in a consolidated proceeding in Manitou Springs, Colorado, at a time to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the operations proposed by the Taylor Broadcasting Company and the Garden of the Gods Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by the Garden of the Gods Broadcasting Company would involve interference with Stations KRTN, Raton, New Mexico and KBOL, Boulder, Colorado, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in light of Issue 2, whether, because of the interference received from Stations KRTN and KBOL, if any, the proposal of the Garden of the Gods Broadcasting Company would comply with the provisions of § 3.28 (c) of the Commission's rules.

4. To determine whether the operation proposed by the Garden of the Gods Broadcasting Company would be in compliance with the Commission's rules and Standards of Good Engineering Practice with particular reference to minimum efficiency and satisfactory location of the proposed antenna system, and whether the proposed antenna system would constitute a hazard to air navigation.

5. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the applications, if granted would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in light of the evidence adduced under the foregoing issues, which if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That Boulder Radio Station KBOL, Inc., and Southwest Broadcasters, Inc., licensees of Stations KBOL, Boulder, Colorado; and KRTN, Raton, New Mexico, respectively, are made parties to the proceeding.

Released: June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5188; Filed, June 28, 1955; 8:53 a. m.]

[Docket No. 11416; FCC 55-690]

R. E. HUGHES

ORDER FOR DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of R. E. Hughes, Arcadia, Florida, Docket No. 11416, File No. BP-9663; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1320 kilocycles with a power of 500 watts, daytime only, at Arcadia, Florida; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the application may involve interference with Station WGMA, Hollywood, Florida (1320 kc, 500 w, Day); and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated April 22, 1955 of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant filed a timely reply to the Commission's letter; and

It further appearing, that in a letter dated May 23, 1955 WGMA requested that the subject application be designated for hearing and that WGMA be made a party to the proceeding; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary:

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would be served by the subject proposal, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the subject proposal would involve objectionable interference with Station WGMA, Hollywood, Florida, or any other existing broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, in light of the evidence adduced under the foregoing issues, a grant of the application would be in the public interest.

It is further ordered, That the South Jersey Broadcasting Company, licensee of Station WGMA, Hollywood, Florida, is made a party to the proceeding.

Released: June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5187; Filed, June 28, 1955; 8:53 a. m.]

[Dockets No. 11421, 11422; FCC 55-693]

HENRYETTA RADIO CO. AND HENRYETTA BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of J. Leland Gourley, Lloyd W. Simpson and Charles E. Engleman, d/b as Henryetta Radio Company, Henryetta, Oklahoma, Docket No. 11421, File No. BP-9308; W. D. Miller, Glyndal D. Roberts and Donaghey G. Sammons, d/b as Henryetta Broadcasting Company, Henryetta, Oklahoma, Docket No. 11422, File No. BP-9627; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955;

The Commission having under consideration the above-entitled applications, each for a construction permit for a new standard broadcast station to operate on 1590 kilocycles with a power of 500 watts, daytime only, at Henryetta, Oklahoma;

It appearing, that the applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the operation of both stations would result in mutually destructive interference; that the operation of both stations may involve mutual interference with Station KWHP, Cushing, Oklahoma; and that the application of Henryetta Broadcasting Company may not comply with the Commission's Standards of Good Engineering Practice, particularly with reference to minimum efficiency of the proposed antenna system and adequate coverage of the business district of the city sought to be served; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated February 18, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that timely replies were received from the subject applicants and KWHP and that the above-described deficiencies still obtain; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of either of the proposed stations would cause interference to Station KWHP, Cushing, Oklahoma, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to the said interference area.

3. To determine whether the installation and operation of the station proposed by the Henryetta Broadcasting Company would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to minimum efficiency of the proposed antenna system.

4. To determine, which of the operations proposed in the above-entitled applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

5. To determine in light of the evidence adduced under the above issues which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That Cimarron Broadcasters, licensee of Station KWHP, Cushing, Oklahoma, is made a party to the proceeding.

Released: June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5190; Filed, June 28, 1955; 8:54 a. m.]

[Docket No. 11432; FCC 55-702]

GRANDE BROADCASTING CO.

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Wade R. King and D. W. Schieber, d/b as Grande Broadcasting Company, Albuquerque, New Mexico, Docket No. 11432, File No. BP-9514; order to show cause why an order to revoke construction permit should not be issued.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955;

The Commission having under consideration the above-entitled construction permit granted on March 2, 1955, to Wade R. King and D. W. Schieber, d/b as Grande Broadcasting Company, for a new standard broadcast station to operate on 1430 kilocycles with a power of 500 watts, daytime only, at Albuquerque, New Mexico;

It appearing, that the Commission subsequently obtained information tending to indicate that Wade R. King is, in fact, Robert Lex Easley, whose application for renewal of Radiotelephone First-Class Operator License P-2-4503 was dismissed with prejudice by the Commission on May 13, 1954 (FCC 54-629); and

It further appearing, that, pursuant to section 308 (b) of the Communications Act of 1934, as amended, the grantee was requested by letter dated May 11, 1955, to submit a statement under oath by both partners as to whether Wade R. King or John L. Porter have ever been known as Robert Lex Easley; if not, the relationship, business or otherwise, of said parties; information regarding the consulting firm of "King and Porter"; and the present location of Wade R. King and John L. Porter; and

It further appearing, that it was requested in the said letter that the information be submitted to the Commission on or before May 23, 1955, and that failure to comply would result in the issuance of an order looking toward revocation of the above-described construction permit; and

It further appearing, that copies of the said letter were sent by registered mail, return receipt requested, to the grantee at the address listed in its above-entitled application; to two other forwarding addresses used by Wade R. King and to a Goshen, Indiana address listed in said application for D. W. Schieber; that two of these letters were returned to the Commission marked "Unclaimed"; that a return receipt dated May 13, 1955, postmarked "Goshen, Indiana" and signed by D. W. Schieber, and a return receipt, dated May 13, postmarked "Spring Lake, North Carolina", and signed by an Alton P. Hayes, have been received by the Commission; and

It further appearing, that a reply as requested by the Commission's above-referenced letter of May 11, 1955, has not been received:

It is ordered, That, pursuant to section 312 (c) of the Communications Act of 1934, as amended, Wade R. King and D. W. Schieber, d/b as Grande Broadcasting Company, show cause why an order should not be issued revoking the above-entitled construction permit for a new standard broadcast station at Albuquerque, New Mexico and appear and give evidence with respect to the matters described herein at a hearing[1] to be held at Washington, D. C., at 10:00 a. m. on September 15, 1955 before an Examiner to be specified by the Chief Hearing Examiner; and

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to Wade R. King and D. W. Schieber, d/b as Grande Broadcasting Company, Box 1172, Yuma, Arizona.

Released: June 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5191; Filed, June 28, 1955; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2260, G-2576]

COLORADO INTERSTATE GAS CO.

NOTICE OF RESUMPTION OF HEARING

JUNE 21, 1955.

The hearings in the above-designated matters were recessed on December 1, 1954, subject to further order of the Commission.

Notice is hereby given that said hearings are hereby scheduled to resume at 10:00 a. m., e. d. s. t., July 26, 1955, in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5154; Filed, June 28, 1955; 8:46 a. m.]

[Docket No. G-8760]

CINCINNATI GAS & ELECTRIC CO.

NOTICE OF APPLICATION

JUNE 23, 1955.

Take notice that The Cincinnati Gas & Electric Company (Applicant), an Ohio corporation with its principal place

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

of business in Cincinnati, Ohio, filed on April 13, 1955, an application, as amended May 3 and June 13, 1955, pursuant to section 7 (a) of the Natural Gas Act for an order directing Texas Gas Transmission Company (Texas Gas) to establish physical connection of its transportation facilities with the facilities of Applicant's proposed natural gas distribution system, and to sell natural gas to Applicant for local distribution to the public in the Village of Harrison, Ohio, and in the area adjacent thereto.

Applicant proposes to interconnect its facilities with those of Texas Gas at a point 1.6 miles from the corporate limits of Harrison, Ohio. Applicant purposes to construct a natural gas distribuiton system in Harrison and a 4-inch transmission line connecting this distribution system with the facilities of Texas Gas.

Applicant's annual gas requirements are stated to be 15,600 Mcf for the first year and 49,900 Mcf for the third year. Its first year peak day requirements are stated to be 312 Mcf while its third year requirements are 442 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of July 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5155; Filed, June 28, 1955; 8:46 a. m.]

[Docket Nos. G-8767, G-8843]

MONTANA-DAKOTA UTILITIES CO. AND SIGNAL OIL AND GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 22, 1955.

In the matters of Montana-Dakota Utilities Co., Docket No. G-8767; Signal Oil and Gas Company, Docket No. G-8843.

Take notice that Montana-Dakota Utilities Co. (Montana-Dakota) a Delaware corporation with principal office at Minneapolis, Minnesota, filed application on April 18, 1955, which was supplemented May 13 and June 6, 1955, for authorization pursuant to section 7 of the Natural Gas Act for Montana-Dakota to abandon, remove, and replace certain existing facilities with new facilities and for the construction and operation of additional facilities hereinafter described, all as more fully represented in the application.

Montana-Dakota does not propose to abandon any service. It proposes to remove 30.45 miles of its Black Hills 12¾-inch transmission pipeline in Harding and Butte Counties, South Dakota, and replace it with 16-inch pipeline. It also proposes to remove two 160 horsepower compressor units from its Baker compressor station on its Black Hills line in Fallon County, Montana and install in lieu thereof one 540 horsepower compressor unit.

Montana-Dakota proposes to construct and operate the following additional facilities: (1) 8.5 miles of 10¾-inch and 0.41 miles of 12¾-inch lateral transmission line extending from the Black Hills line to the Ellsworth Air Force Base near Rapid City, South Dakota, together with metering and regulating facilities, all in Pennington and Meade Counties, South Dakota; (2) 4.47 miles of 4½-inch lateral transmission line extending from Montana-Dakota's 14-inch main line to the proposed Signal desulphurizing plant, together with metering facilities, all in Washakie County, Wyoming; and (3) a 550 horsepower compressor unit in Montana-Dakota's Little Buffalo Basin Compressor Station on its 12-inch line in Hot Springs County, Wyoming, Montana-Dakota also proposes to lease and operate an additional 880 horsepower compressor unit to be installed by Montana-Wyoming Gas Pipe Line Co. (Montana-Wyoming) in its Worland Compressor Station in Washakie County, Wyoming.

The estimated cost of the facilities to be constructed by Montana-Dakota is $1,414,218 and those to be constructed by Montana-Wyoming is $522,697. The proposed construction by Montana-Dakota will be financed from funds on hand and bank loans. The construction of the facilities which Montana-Dakota proposes to lease from Montana-Wyoming will be financed by means of an advance of funds from the lessee to the lessor.

Take further notice that Signal Oil and Gas Company (Signal), a Delaware corporation with principal office at Los Angeles, California, filed application on May 2, 1955, for authorization pursuant to section 7 of the Natural Gas Act for the proposed sale of natural gas to Montana-Dakota as hereinafter described, all as more fully represented in the application.

Signal proposes to sell natural gas to Montana-Dakota at an initial price of 10 cents per Mcf, which gas will be produced from the Embar formation in Washakie County, Wyoming, and processed in Signal's proposed desulphurization plant. The gas will be commingled with other gas and sold at markets in other States served by Montana-Dakota's transmission pipeline system.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 15, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 11, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5156; Filed, June 28, 1955; 8:46 a. m.]

[Docket No. G-9065]

HUNT OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Hunt Oil Company (Applicant), on May 31, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change, dated May 25, 1955.	United Gas Pipe Line Co.	Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 5.	July 1, 1955

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general Rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until December 1, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: June 22, 1955.

Issued: June 23, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5164; Filed, June 28, 1955; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DEFENSE HOUSING PROGRAMS IN CRITICAL DEFENSE HOUSING AREAS

MISCELLANEOUS AMENDMENTS

Appearing below are additional defense housing programs published herein as amendments to Part II (Defense Housing Programs) initially published in the FEDERAL REGISTER, October 27, 1951 (16 F. R. 10963).

Applications relating to the construction of such defense housing may be filed with the local FHA office serving the particular critical defense housing area in which the proposed defense housing is located under appropriate regulations of the FHA; and in connection with such housing, the more liberal form of Federal Housing Administration mortgage insurance under title IX of the National Housing Act, as amended, authorized by the Defense Housing and Community Facilities Act of 1951 (Pub. Law 139, 82d Congress), is available. To be eligible for such mortgage insurance all applicable requirements, conditions and restrictions imposed by or pursuant to said title IX of the National Housing Act, as amended, must be complied with. Information concerning such requirements, conditions and restrictions may be obtained from the local FHA offices.

The critical defense housing areas listed in Part II hereof indicate the areas in connection with which defense housing has been programmed. In order to be eligible for the special aid authorized, the housing must be located within the designated critical defense housing area.

PART II—DEFENSE HOUSING PROGRAMS

Amendments to Defense Housing Programs Previously Published Adding Supplemental Defense Housing Programs

114 (A). Fort Huachuca, Ariz.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total—rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	40	$75.00			40
3 or more bedrooms	60	85.00			60
Totals	100				[1] 100

[1] This quota is in addition to the 75 rental units and 75 sales units authorized in Program No. 114.

LIST OF DEFENSE ACTIVITIES

Fort Huachuca.
(Army Electronics Proving Ground).

CRITICAL DEFENSE HOUSING AREA

District 1, including the cities of Bisbee and Tombstone in Cochise County, Arizona.

143 (B). Altus, Okla.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total—rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	120	[1] $62.50			120
3 or more bedrooms	80	[2] 85.00			80
Totals	200				[3] 200

[1] 80 units at rents not to exceed $47.50 and 20 units at rents not to exceed $55.00.
[2] 50 units at rents not to exceed $60.00 and 20 units at rents not to exceed $75.00.
[3] This quota is in addition to the 270 units in Programs No. 143 and 20 units in Program No. 143 (A).

LIST OF DEFENSE ACTIVITIES

Altus Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Jackson County, Oklahoma.
143 (c). Altus, Okla.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total—rent and sale
	Number of units	Rental not to exceed	Number of units	Price not to exceed	
1 bedroom					
2 bedrooms	60	[4] $67.50			60
3 or more bedrooms	140	[5] 90.00			140
Totals	200				[6] 200

[4] 30 of these units at rents not to exceed $62.50.
[5] 30 of these units at rents not to exceed $70.00; 50 at not to exceed $75.00; 25 at not to exceed $85.00 and 10 containing at least 4 bedrooms at rents not to exceed $90.00.
[6] This quota is in addition to the 490 units in programs Nos. 143, 143 (A) and 143 (B).

LIST OF DEFENSE ACTIVITIES

Altus Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Jackson County, Okla.

LEWIS E. WILLIAMS,
Acting Housing and Home Finance Administrator.

JUNE 29, 1955.

[F. R. Doc. 55-5175; Filed, June 28, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 66]

MOTOR CARRIER APPLICATIONS

JUNE 24, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in

[1] Commissioner Digby dissenting.

the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things, relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (a) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 504 Sub 18, filed May 27, 1955, LOUIS PATZ, doing business as HARPER MOTOR LINES, 220 N. McIntosh St., Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Atlanta, Ga., and Elberton, Ga., over U. S. Highway 78 from Atlanta to Athens, Ga., thence over U. S. Highway 29 to junction Georgia Highway 72, thence over Georgia Highway 72 to Elberton, and return over the same route, serving all intermediate points, (2) between Commerce, Ga., and Comer, Ga., over Georgia Highway 98, serving all intermediate points, restricted against transportation of shipments destined to and from Commerce, Ga., on the one hand, and Atlanta, Ga., and points beyond, on the other hand, and (3) between Jefferson, Ga., and Athens, Ga., over U. S. Highway 129 (Georgia Highway 15), serving all intermediate points, restricted against transportation of shipments destined to and from Jefferson, Ga., on the one hand, and, Atlanta, Ga., and points beyond, on the other hand. Applicant is authorized to conduct regular route operations in Georgia, and irregular route operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: This application and the pending application in Docket No. MC-F-5964, published on page 3072 of issue of May 4, 1955, are directly related to each other.

No. MC 531 Sub 58, filed June 17, 1955, YOUNGER BROTHERS, INC., P. O. Box 14287, Houston, Texas. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, between points in Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia and Florida.

No. MC 531 Sub 59, filed June 17, 1955, YOUNGER BROTHERS, INC., P. O. Box 14287, Houston, Texas. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid wax*, in bulk, in tank vehicles, between points in New Mexico, Colorado, Kansas, Oklahoma, Texas, Arkansas, Missouri, Louisiana, Mississippi, Tennessee, Alabama, Georgia and Florida.

No. MC 3009 Sub 17, filed June 10, 1955, (Amended), (published June 22, 1955, page 4383), WEST BROTHERS, INC., 706 East Pine, Hattiesburg, Miss. Applicant's attorney: Dudley W. Conner, Conner Bldg., Hattiesburg, Miss. For authority to operate as a common carrier, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Birmingham, Ala., and Gadsden, Ala., over U. S. Highway 11, and (2) between Gadsden, Ala., and Guntersville, Ala., over U. S. Highway 241, and return over the above routes, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Louisiana, and Mississippi.

NOTE: This case is directly related to MC-F-5996.

No. MC 4676 Sub 2, filed June 13, 1955, ARNOLD A. HAHN, Enterprise, Oreg. Applicant's representative: J. L. Soule, P. O. Box 606, Baker, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods* as defined by the Commission, *emigrant movables, livestock, agricultural commodities*, including *agricultural products*, processed and unprocessed, *agricultural supplies, agricultural equipment and agricultural implements, fertilizer* and *seeds, building materials; products of mines and quarries*, processed and unprocessed; *ores*, and *concentrates*, (1) between points in Wallowa County, Oreg., and (2) between points in Wallowa County, Oreg., and points in Washington, Idaho, California, and Nevada. Applicant is authorized to conduct operations in Idaho, Oregon, and Washington.

No. MC 10397 Sub 2, filed June 15, 1955, FRED STOCK, INC., 327 Boyden Avenue, Maplewood, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses* as defined by the Commission in Ex Parte No. MC-38 from Newark, N. J. to points in Monmouth County, N. J., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movement. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 15661 Sub 4, filed June 10, 1955, JOSEPH G. LENO, doing business as KENT TRANSPORT COMPANY, 4941-43 Lancaster Avenue, Philadelphia, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Prefabricated homes* from Pemberton, N. J., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Pennsylvania, and the District of Columbia.

No. MC 22974 Sub 1, filed June 15, 1955, PHILLIP T. WOODFIN, doing business as PAINE-WOODFIN EXPRESS CO., 32 Atlantic Avenue, Marblehead, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats*, between points in Massachusetts and points in Maine, New Hampshire, Connecticut, Rhode Island and New York.

No. MC 28675 Sub 5, filed June 10, 1955, W. FORD JOHNSON CARTAGE, INC., 117½ W. Grand River Ave., Howell, Mich. For authority to operate as a common carrier, transporting: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Sterling Plant of the Ford Motor Company (Chassis Parts Division) located at or near the northeast intersection of Mound Road and Seventeen Mile Road, one mile beyond the northern limits of the commercial zone of Detroit, as defined by the Commission, as an off-route point in connection with regular route operations to and from Detroit, Mich. over Michigan Highway 53. Applicant is authorized to conduct operations in Michigan.

No. MC 29079 Sub 5, filed June 3, 1955, BRADA CARTAGE COMPANY, 4001 Central Ave., Detroit 10, Mich. Applicant's attorney: Wm. R. Hefferan, 1419-25 Majestic Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron articles* and *steel articles*, as defined by the Commission in Ex Parte No. MC-45, from Ashland, Ky. and Newport, Ky. and points in Ohio (except Toledo), to the site of the Ford Motor Company, Chassis Parts Manufacturing Plant, located at or near the intersection of Seventeen Mile and Mound Roads, Sterling Township, Macomb County, Mich. Applicant is authorized to conduct operations in Michigan, Ohio, Indiana, and Kentucky.

No. MC 33641 Sub 23, filed June 11, 1955 (amended June 14, 1955), INTERSTATE MOTOR LINES, INC., 235 West 3rd South, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and Class B explosives*, but excluding those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between junction of U. S. Highway 30 and U. S. Highway 30N near Granger, Wyo., and Boise, Idaho, from the junction of U. S. Highway 30 and U. S. Highway 30N, over U. S. Highway 30N to its junction with U. S. Highway 30 near Burley, Idaho, thence over U. S. Highway 30 to Boise, and return over the same route, serving all intermediate points, and the off-route points of Westvaco Chemical Co. plant and mine near Little America, Wyo., the plants and mines of the San Francisco Chemical Co. at or near Leaf, Wyo., Montpelier, Idaho, and Randolph, Utah, and all points within ten miles on either side of U. S. Highway 30N between the junction of U. S. Highway 30 and 30N, near Granger, Wyo., and Montpelier, Idaho; (2) between Pocatello, Idaho, and Bliss, Idaho, from Pocatello over U. S. Highway 91-191 to Idaho Falls, Idaho, thence over U. S. Highway 20 to Arco, Idaho, thence over U. S. Alternate Highway 93 to Shoshone, Idaho, thence over U. S. Highway Temp. 20 to Bliss, Idaho, and return over the same route, serving all intermediate points, and the off-route point of the United States Atomic Energy Reactor Station and Reservation near Arco, Idaho; (3) between junction of U. S. Highway 30N and Idaho Highway 25 at Rupert, Idaho, and Bliss, Idaho, from the junction of U. S. Highway 30N with Idaho Highway 25 over Idaho Highway 25 to Bliss, serving all intermediate points; (4) between Blackfoot, Idaho, and junction U. S. Highway 20 and U. S. Highway 26 near Scoville, Idaho, from Blackfoot, Idaho, over U. S. Highway 26 to its junction with U. S. Highway 20 near Scoville, Idaho, serving all intermediate points. Applicant is authorized to conduct operations in California, Nevada, Colorado, Utah, Wyoming, Illinois, and Iowa.

No. MC 35334 Sub 37, filed May 26, 1955, COOPER-JARRETT, INC., 1223 West 73rd St., Chicago 36, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value and except Class A and B explosives, and household goods, as defined by the Commission, and commodities in bulk, commodities requiring special equipment (not including those requiring refrigeration), between (1) Kansas City, Mo., and Hannibal, Mo., from Kansas City over U. S. Highway 24 to junction U. S. Highway 36, thence over U. S. Highway 36 to Hannibal, and return over the same routes, serving no intermediate points, as an alternate route in connection with applicant's regular-route operations between Kansas City, Mo., and Chicago, Ill., and (2) between Huntington, Ind., and Tiffin, Ohio, from Huntington over U. S. Highway 224 to Tiffin, and return over the same route, serving no intermediate points, as an alternate route in connection with applicant's regular-route operation between Kansas City, Mo., and New York, N. Y. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Iowa, Kansas, Massachusetts, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, and Tennessee.

No. MC 46054 Sub 71, filed May 16, 1955, BROWN EXPRESS, a corporation, 434 South Main Avenue, San Antonio, Tex. Applicant's attorney: Herbert L. Smith, Perry Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Ennis, Tex., and Fort Worth, Tex., over U. S. Highway 287, serving no intermediate points but serving Ennis, Tex., for joinder purposes only, as an alternate or connecting route for operating convenience only, in connection with carrier's regular route operations between Fort Worth, Tex., and Houston, Tex. Applicant is authorized to conduct operations in Texas.

No. MC 52704 Sub 32, Filed June 6, 1955, GLENN McCLENDON, Lafayette, Ala. Applicant's attorney: D. H. Markstein, Jr., 818-821 Massey Building, Birmingham 3, Ala. For authority to operate as a common carrier, over irregular routes, transporting: *Glass bottles* and *glass food containers*, between Laurens, S. C., on the one hand, and, on the other, points in Mississippi. Applicant is authorized to conduct operations in South Carolina, Alabama and Florida.

No. MC 55811 Sub 24, filed May 23, 1955, and amended June 15, 1955, CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Foodstuffs and food preparations*, from Collinsville, Ill., to points in Indiana and Louisville, Ky., and (2) *Such materials, supplies, and equipment as are used or useful in the manufacture, packing, shipping and sale of foodstuffs and food preparations*, (a) from Collinsville and Chicago, Ill., to points in Boone, Delaware, Hancock, Henry and Howard Counties, Ind., and (b) from points in Boone, Hancock, Henry, Howard, and Marion Counties, Ind., to Collinsville, Ill. *Empty containers or other such incidental facilities* used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Kentucky, Ohio, Missouri, Illinois, Michigan, Pennsylvania, Iowa, and West Virginia.

No. MC 66562 Sub 1230, Filed April 6, 1955, (Amended), RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: J. H. Mooers, 219 East 42nd Street, New York 17, New York. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between junction of unnumbered road (Miles Road) and Ohio Highway 43 and Brecksville, Ohio, from junction of unnumbered road (Miles Road) and Ohio Highway 43 over unnumbered road (Miles Road) to junction with unnumbered road (Warrensville Center Road), thence over unnumbered road (Warrensville Center Road) to Bedford, thence over Ohio Highway 14 to junction with Ohio Highway 17, thence over Ohio Highway 17 to junction U. S. Highway 21, thence over U. S. Highway 21 to Brecksville, Ohio, and return over the same route, serving the intermediate points of Bedford and South Park, Ohio. Applicant is authorized to conduct operations in all 48 States and the District of Columbia.

No. MC 66562 Sub 1239, filed June 17, 1955, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd St., New York 17, N. Y. Applicant's attorney: J. H. Mooers (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, moving in express service between Toledo, Ohio, and Dayton, Ohio, from Toledo over U. S. Highway 25 to junction Ohio Highway 65, thence over Ohio Highway 65 to junction Ohio Highway 64, thence over Ohio Highway 64 to junction Ohio Highway 110, thence over Ohio Highway 110 to junction Ohio Highway 69, thence over Ohio Highway 69 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction Ohio Highway 65, near Deshler, thence over Ohio Highway 65 to junction Ohio Highway 67, thence over Ohio Highway 67 to junction U. S. Highway 25 at Wapakoneta, and thence over U. S. Highway 25 to Dayton, and return over the same route, serving the intermediate and/or off-route points of Tontogany, Weston, Deshler, Leipsic, Ottawa, Columbus Grove, Cairo, Lima, Wapakoneta, Botkins, Sidney, Piqua, Troy and Tipp City, Ohio. Applicant is authorized to conduct operations throughout the United States.

No. MC 67818 Sub 54, filed June 13, 1955, MICHIGAN EXPRESS, INC., 505 Monroe Ave., N. W., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Bldg., Grand Rapids 2, Mich. For authority to operate as a common carrier, transporting: *General commodities*, except those of unusual value, Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk (not including metal products and scrap metals in bulk), and commodities requiring special equipment, serving the site of the Ford Motor Company, Chassis Parts Division, Sterling Plant, at or near the northeast intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich. and the commercial zone thereof over U. S. Highway 16, and Michigan Highway 17. Applicant is authorized to conduct operations in Michigan, Indiana, Ohio, Pennsylvania, New York, New Jersey, and Maryland.

No. MC 68078 Sub 13, filed May 26, 1955, CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, P. O. Box 1968, Chattanooga, Tenn. Applicant's attorney: Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Chattanooga, Tenn., and Kingston, Tenn., over Tennessee Highway 58, serving all intermediate points, and all off-route points within two (2) miles of Tennessee Highway 58; (2) Between Decatur, Tenn., and Athens, Tenn., over Tennessee Highway 30, serving all intermediate points; (3) between junction Tennessee Highway 68 and U. S. Highway 27, south of and near Spring City, Tenn., and junction Tennessee Highways 58 and 68, over Tennessee Highway 68, serving all intermediate points; and (4) between Chattanooga, Tenn., and junction Tennessee Highway 2–A and U. S. Highway 11, at or near Silverdale, Tenn., over Tennessee Highway 2–A, via Tyner, Tenn., serving all intermediate points and the off-route point of the site of the Chickamauga Dam, near Tyner, Tenn. Applicant is authorized to conduct operations in Alabama and Tennessee.

No. MC 70151 Sub 22, filed June 13, 1955, UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, P. O. Box 474, Roosevelt Park Station, Detroit, Mich. Applicant's attorney: Jack B. Josselson, Atlas Bank Bldg., Cincinnati 2, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving Forest, Ohio, as an off-route point, over Ohio Highway 53 between Kenton, Ohio and Upper Sandusky, Ohio, and over Ohio Highway 37 between Forest and the junction of U. S. Highway 30N, serving no intermediate points, in connection with carrier's regular route operations between Indianapolis, Ind., and Upper Sandusky, Ohio, over U. S. Highway 30N. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

No. MC 78705 Sub 10, filed June 13, 1955, McLAIN TRUCKING, INC., 1242 N. Jefferson St., Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Bldg., Muncie, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Rough castings (auto parts, rough), iron and steel rough castings and stampings, nuts and bolts,* and *transmissions and transmission parts*, from Muncie, Ind. to the site of the Ford Motor Company, Chassis Parts Division, Sterling Plant, at or near the intersection of Mound Road and Seventeen Mile Road in Sterling Township, Macomb County, Mich.; *transmissions and control parts*, between Muncie, Ind. and the above-indicated site of the Ford Motor Company; *rough forgings*, from Portland, Ind. to the above-indicated site of the Ford Motor Company; *sterling wheels*, between Portland, Ind. and the above-indicated site of the Ford Motor Company; *rejected and damaged transmissions and transmission parts, iron bars and steel bars*, and *miscellaneous auto parts*, from the above-indicated site of the Ford Motor Company in Sterling Township, Macomb County, Mich. to Muncie, Ind.; *skids and pallets, and parts thereof and accessories therefor*, from the above-indicated site of the Ford Motor Company to Muncie, Ind. and Portland, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio, and New York.

No. MC 80430 Sub 76, filed May 31, 1955, GATEWAY TRANSPORTATION CO., a corporation, 2130 South Avenue, La Crosse, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between junction U. S. Highway 67 and U. S. Highway Alternate 67 south of Jacksonville, Ill., and junction U. S. Highway 67 and U. S. Highway Alternate 67 north of Alton, Ill., over U. S. Highway 67, serving no intermediate points, and serving the termini as points of joinder only, in connection with carrier's regular route operations between St. Louis, Mo., and Waukon, Iowa, (see route (2) under the next commodity description), (3) between junction U. S. Highway 36 and Illinois Highway 57 near Kinderhook, Ill., and junction U. S. Highways 24 and 61 west of Quincy, Ill., from junction U. S. Highway 36 and Illinois Highway 57 near Kinderhook over Illinois Highway 57 to junction U. S. Highway 24 at Quincy, Ill., thence over U. S. Highway 24 to junction U. S. Highway 61 west of Quincy, and return over the same route, serving no intermediate points, and serving the termini as points of joinder only, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between St. Louis, Mo., and Waukon and Keokuk, Iowa, (4) between junction U. S. Highway 20 and Ohio Highway 58 south of Elyria, Ohio, and Ashland, Ohio, over Ohio Highway 58, serving no intermediate points, and serving the termini as points of joinder only, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between Mansfield, Ohio, and Cleveland, Ohio, and between carrier's alternate route operations between junction U. S. Highway 20 and Indiana Highway 2 east of Rolling Prairie, Ind., and South Bend, Ind. (5) between junction U. S. Highway 20 and Ohio Highway 18 near Norwalk, Ohio, and Youngstown, Ohio, over Ohio Highway 18, serving no intermediate points, and serving the termini as points of joinder only, as an alternate or connecting route, for operating convenience only, in connection with carrier's regular route operations between (a) Cleveland, Ohio, and Youngstown, Ohio, (b) Chicago, Ill., and Youngstown, Ohio, (c) Bryan, Ohio, and Youngstown, Ohio, and (d) junction U. S. Highway 20 and Ohio Highway 120 west of Toledo, Ohio, and Cleveland, Ohio. *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (in the application the following route is numbered (2)), between junction U. S. Highway 66 and Illinois Highway 159 at Edwardsville, Ill., and St. Louis, Mo., over U. S. Highway 66 via the Chain of Rocks Bridge, serving no intermediate points, and serving the termini as points of joinder only, for operating convenience only, in connection with carrier's regular route operations between (a) St. Louis, Mo., and Waukon and Keokuk, Mo., and (b) Chicago, Ill., and St. Louis, Mo. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania and Wisconsin.

No. MC 83539 Sub 20, C & H TRANSPORTATION CO., INC., 2135 W. Commerce, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Machinery, equipment, materials,* and *supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, except the stringing and picking up of pipe in connection with main or trunk pipe lines, (2) *heavy machinery*, (3) *heavy machinery parts*, (4) *commodities*, which because of their size or weight require the use of special equipment, handling or rigging, except the stringing and picking up of pipe in connection with main or trunk pipe lines, and (5) *parts of commodities* described in (4) above, between points in Ohio, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. Applicant is authorized to conduct operations in Kansas, New Mexico, Texas, Oklahoma, Louisiana, Illinois, Indiana, Kentucky, Mississippi, Arkansas, Wisconsin, North Dakota, South Dakota, Missouri, Nebraska, and Colorado.

No. MC 86247 Sub 1, filed June 13, 1955, INTERNATIONAL CARTAGE LIMITED, a corporation, 712 Huron Line, Windsor, Ontario, Canada. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the United States and Canada International Boundary at Detroit, Mich., on the one hand, and, on the other, Gibraltar, Mich. Applicant is authorized to conduct operations in Michigan.

No. MC 88390 Sub 1, filed June 16, 1955, FRANK A. PFAFF, Worthington, Pa. Applicant's attorney: Jerome Solomon, 1325–27 Grant Building, Pittsburgh, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick, tile, sewer pipe*, and *clay products*, from points in Armstrong County, Pa., to points in Pennsylvania, Virginia, West Virginia, Maryland, New Jersey, Connecticut, Massachusetts, New York, Delaware, Rhode Island, and the District of Columbia, and *empty containers or other such facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Pennsylvania and New York.

No. MC 92899 Sub 6, filed June 7, 1955, CLAIR S. ZIMMERMAN, 313 Merrill Street, Clearfield, Pa. Applicant's attorney: W. Albert Ramey, Clearfield, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including household goods* as defined by the Commission, but excluding commodities of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, between points in Gibson, Grove and Lumber Townships, Cameron County, Pa., Covington, Girard, Goshen and Karthaus Townships, Clearfield County, Pa., and Benezette Township, Elk County, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania.

No. MC 104819 Sub 90, filed June 16, 1955, C. E. McBRIDE, doing business as COLONIAL FAST FREIGHT LINES, 1201 1st Ave., N., Birmingham, Ala. Applicant's attorney: Bennett T. Waites, Jr., 531–34 Frank Nelson Bldg., Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as defined by the Commission in Ex Parte MC–45, *dairy products* and *frozen foods*, from Knoxville, Tenn., to points in Alabama, Mississippi, Louisiana, Georgia, Florida, North Carolina, South Carolina, Virginia, West Virginia, Delaware, Maryland, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 105556 Sub 23, filed June 9, 1955, HOUCK TRANSPORT COMPANY, a corporation, 1024 2d Avenue North, Billings, Mont. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, from points in Pennington County, S. Dak., to all points in Montana and North Dakota. Applicant is authorized to conduct operations in Montana, North Dakota, South Dakota and Wyoming.

No. MC 106398 Sub 36, filed June 16, 1955, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Tampa, Fla., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 106398 Sub 37, filed June 16, 1955, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Kingston, N. Y., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 107496 Sub 61, filed June 13, 1955 (amended), RUAN TRANSPORT CORPORATION, a corporation, 408 SE. 30th St., Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *fertilizer compounds*, dry, not otherwise identified by name, *urea feed mixture*, and *urea*, in bulk, in hopper vehicles, from La Platte, Nebr., to points in Kansas, Missouri, Iowa, Minnesota, and Wisconsin, and (2) *fertilizer*, and *fertilizer ingredients*, in bulk, and in bags, (a) from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin, and (b) from Eagle Grove, Iowa, and St. Joseph, Mo., to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant does not presently hold any authority to transport the commodities specified in this application but report and order has been served in Docket No. MC 107496 Sub 55 recommending grant of authority to transport fertilizer, in bulk, in hopper vehicles, over irregular routes, in the states of Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 107826 Sub 4, filed June 10, 1955, WILLIAM R. FOWLER, Delsea Drive, Eldora, N. J. Applicant's attorney: William J. Augello, Jr., 99 Hudson St., New York 13, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fish solubles*, in bulk, in tank vehicles, *fish meal*, and *fish scrap*, from Wildwood, N. J., to points in Adams, Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Snyder, Union, and York Counties, Pa.; Kent, New Castle, and Sussex Counties, Del.; and Anne Arundel, Baltimore, Carroll, Cecil, Frederick, Harford, Howard, and Montgomery Counties, Md.; *muriatic (hydrochloric) acid*, in carboys, from Philadelphia, Pa., to Wildwood, N. J.

NOTE: Applicant states that all duplicating authority is to be excluded. Applicant is authorized to conduct operations in New Jersey, Delaware, Maryland, and Pennsylvania.

No. MC 108380 Sub 39, filed May 13, 1955, and published on page 3860, issue of June 2, 1955, and amended June 20, 1955, JOHNSTON'S FUEL LINERS, INC., P. O. Box 328, Newcastle, Wyo. Applicant's attorney: Truman A. Stockton, Jr., 1650 Grant St. Bldg., Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum* products, in bulk, in tank vehicles, from points in Pennington and Meade Counties, S. Dak., to points in North Dakota on and west of U. S. Highway 83, points in Montana on and east of a line extending along U. S. Highway 87 from the Montana-Wyoming State line, to Billings, Mont., thence along U. S. Highway 10 through Livingston, Mont., to junction U. S. Highway 10N, thence along U. S. Highway 10N through Townsend, Mont., to Helena, Mont., thence along U. S. Highway 91 through Cascade, Mont., to Great Falls, Mont., and thence along U. S. Highway 89 through Browning, Mont., to the International Boundary line between the United States and Canada, and that part of Wyoming on and east of U. S. Highway 87, and return. Applicant is authorized to conduct operations in Wyoming, North Dakota, South Dakota, Nebraska, Idaho, Colorado, and Montana.

No. MC 109584 Sub 25, filed June 17, 1955, ARIZONA-PACIFIC TANK LINES, a corporation, 717 North 21st Ave., Phoenix, Ariz. Applicant's attorney: R. Y. Schureman, 639 South Spring St., Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from points in Maricopa County, Ariz., to points in Colorado, New Mexico, and Utah. Applicant is authorized to conduct operations in Arizona, California, and Utah.

No. MC 113459 Sub 11, filed June 15, 1955, H. J. JEFFRIES TRUCK LINE, INC., 4720 S. Shields St., P. O. Box 4877, Capitol Hill Station, Oklahoma City 9, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Bldg., Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their porducts and by-products, except the stringing and picking up of pipe in connection with main or trunk pipe lines, (2) *heavy machinery*, (3) *heavy machinery parts*, (4) *commodities*, which because of their size or weight require the use of special equipment, handling or rigging, except the stringing and picking up of pipe in connection with main or trunk pipe lines, and (5) *parts* of commodities, described in (4) above, between points in Ohio, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Kansas, Louisiana, Missouri, Montana, Nebraska,

New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. Applicant is authorized to conduct operations in Iowa, Illinois, Indiana, Texas, Oklahoma, Kansas, Arkansas, New Mexico, Kentucky, Louisiana, Montana, Nebraska, North Dakota, South Dakota, and Utah.

No. MC 113514 Sub 12, filed June 16, 1955, CHEMICAL TRANSPORTS, INC., 305 Simons Bldg., Dallas, Texas. Applicant's attorney: W. D. White, 17th Floor Mercantile Bank Bldg., Dallas 1, Texas. For authority to operate as a *common carrier*, over irregular routes, transporting: *Muriatic acid* (hydrochloric) in bulk, in rubber lined tank vehicles, from Fort Worth, Tex., to Healdton, Miami and Lillard Park, Okla.

No. MC 115342 Sub 1, filed June 10, 1955, H. L. REYNOLDS, doing business as Reynolds Trucking Co., 303 Fifth Ave., Attalla, Ala. For authority to operate as a contract carrier, over irregular routes, transporting: *Surplus property* owned by the United States Government and allocated to the Alabama State Agency for Surplus Property for use in Alabama public health and educational institutions, from military installations and Federal agencies located in States east of the Mississippi River, including Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Indiana, Illinois, Michigan, Wisconsin, and the District of Columbia, to Camp Sibert, Attalla, Ala.

No. MC 115373, Filed May 24, 1955, JOHN RAFFEL, doing business as FRANK RAFFEL HAULING CO., 2521 North Broadway, St. Louis 6, Mo. For authority to operate as *contract carrier*, over regular routes, transporting: *Bakery goods*, between St. Louis, Mo. and Belleville, Ill., from St. Louis, Mo. across the Mississippi River, over the MacArthur Bridge to East St. Louis, Ill., thence over U. S. Highway 460 to Belleville, Ill.

No. MC 115395, filed June 10, 1955, INTERSTATE TRUCK BROKERS, INC., Wabash Avenue and U. S. 92, Lakeland, Fla. Applicant's attorney: D. B. Kibler, III, Deen-Bryant Building, P. O. Box 1241, Lakeland, Fla. For authority to operate as a *contract carrier*, over regular routes, transporting: *Salt* (sodium chloride), in blocks, and in sacks, from the Plant of Gulf Salt Co., in Houston, Tex., to Jacksonville, Lakeland, Tampa and Miami, Fla., (1) from Houston over U. S. Highway 90 to Tallahassee, Fla. (also from Houston over U. S. Highway 90 to junction U. S. Highway 165, thence over U. S. Highway 165 to Kinder, La., thence over U. S. Highway 190 to junction U. S. Highway 90 east of Slidell, La., thence over U. S. Highway 90 to Tallahassee, Fla.), thence over U. S. Highway 90 to Jacksonville, (2) from Houston to Tallahassee, Fla., as specified in (1) above, thence over U. S. Highway 27 to Perry, Fla., thence over U. S. Highway 19 to Chiefland, Fla., thence over Alternate U. S. Highway 27 to junction U. S. Highway 41, thence over U. S. Highway 41 through Dunnellon, Fla., to Brooksville, Fla., thence over U. S. Highway 98 to Lakeland, (3) from Houston to Brooksville, Fla., as specified in (2) above, thence over U. S. Highway 41 to Tampa, and (4) from Houston to Brooksville, Fla., as specified in (2) above, thence over U. S. Highway 41 through Tampa, Fla., to Miami, Fla. *Exempt agricultural commodities* on return. Serving no intermediate points on the above-specified routes.

No. MC 115403, filed June 13, 1955, SOUTHWIND TRUCKING COMPANY, A CORPORATION, 4501 East 10th Avenue, Hialeah, Fla. Applicant's attorney: William P. Simmons, Jr., First National Bank Bldg., Miami 32, Fla. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from points in Georgia to points in Dade, Broward, Monroe and Collier Counties, Fla. Applicant is not authorized to transport the commodity specified.

No. MC 115406, Filed June 14, 1955, CHARLES A. WALLS, Route 300, Sudlersville, Md. For authority to operate as a contract carrier, over irregular routes, transporting: *Fertilizer materials*, in bulk, in dump motor vehicles, from Philadelphia and Bristol, Pa. to Chestertown, Md.

No. MC 115409, Filed June 15, 1955, J. A. DALTON AND ROY L. STROUD, doing business as STROUD MILL COMPANY, Waldron, Ark. Applicant's attorney: Hugh M. Bland, 505 Merchants National Bank Bldg., Fort Smith, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* from points in Scott County, Ark. to points in Tennessee, Oklahoma and Kansas, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return movement.

No. MC 114485 Sub 1, filed May 27, 1955, CHESTER K. WRENN, doing business as ACME MOVING SERVICE, 315 East High Street, Lexington, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts, dairy products*, and *articles distributed by meat-packing houses* as defined by the Commission, from Lexington, Ky., to points in Fayette, Bourbon, Nicholas, Robertson, Fleming, Mason, Lewis, Bath, Rowan, Elliott, Morgan, Menifee, Wolfe, Breathitt, Owsley, Lee, Powell, Estill, Jackson, Clay, Laurel, Rockcastle, Madison, Clark, Harrison, Bracken, Pendleton, Campbell, Kenton, Boone, Grant, Gallatin, Carroll, Owen, Scott, Franklin, Woodford, Jessamine, Garrard, Lincoln, Pulaski, Casey, Boyle, Mercer, Anderson, Shelby, Jefferson, Oldham, Henry, Washington, Spencer, Bullitt, Hardin, Larue, Marion, Taylor, Adair, Nelson, and Montgomery Counties, Ky. If and when the operations applied for in this application are granted, the applicant is agreeable to the revocation of Permit No. MC 114485. Applicant is authorized to conduct operations in Kentucky.

No. MC 115352 Sub 1, filed May 24, 1955, REGINALD H. REDIKER, doing business as R. H. REDIKER, Beebe, Quebec, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Granite*, rough and finished, and *machinery, equipment*, and *supplies*, used or useful in the quarrying and manufacturing of granite. (1) from Stonington, Maine, to ports of entry at the International Boundary line between the United States and Canada where the State of Vermont borders the Province of Quebec, Canada, and (2) from points in Washington County, Vt., to ports of entry at the International Boundary line between the United States and Canada where the State of Vermont borders the Province of Quebec, Canada; *machinery, equipment*, and *supplies*, used or useful in the quarrying of granite, from Rutland City, Vt., to ports of entry at the International Boundary line between the United States and Canada where the State of Vermont borders the Province of Quebec, Canada; and *steel shot*, from Manchester, N. H., to ports of entry at the International Boundary line between the United States and Canada where the State of Vermont borders the Province of Quebec, Canada; and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

No. MC 115397, filed June 10, 1955, WILLIAM GEORGE MORRISON, Route 2, Box 48, Troutdale, Oreg. Applicant's representative: H. E. Franklin, Jr., 1900 Alsakan Way, Seattle, Wash. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural seeds, fertilizers, insecticides, lawn and garden tools, agricultural implements and supplies, livestock and poultry equipment and supplies, pet food and pet supplies, calf meal*, and *related advertising material*, between points in Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Hood River, Jackson, Jefferson, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Wasco, Washington and Yamhill Counties, Ore., points in Adams, Asotin, Benton, Chelan, Clark, Columbia, Cowlitz, Franklin, Garfield, Grant, Grays Harbor, King Kittitas, Klickitat, Lewis, Lincoln, Pacific, Pierce, Skagit, Skamania, Snohomish, Spokane, Thurston, Wahkiakum, Walla Walla, Whitman and Yakima Counties, Wash., and those in Benewah, Bonner, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties, Idaho.

No. MC 115399, filed June 13, 1955, J. J. GENTRY, 927 S. E. 7th, Grants Pass, Oreg. Applicant's attorney: Sherman S. Smith, 222 SW. Sixth Street, Grants Pass, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber products*, between points in Josephine and Jackson Counties, Oreg., on the one hand, and, on the other, points in California.

No. MC 115411, filed June 16, 1955, BLAIR CLAYPOOL, Worthington, Pa. Applicant's attorney: Jerome Solomon, 1325–27 Grant Building, Pittsburgh, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick, tile, sewer pipe*, and *clay products*, from points in Armstrong County, Pa., to points in Pennsylvania, Virginia, West Virginia, Maryland, New Jersey, Connecticut, Massachusetts, New York, Delaware, Rhode Island, and the District of Columbia, and *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 2414 Sub 4, filed June 6, 1955, SOUTHERN PENNSYLVANIA BUS COMPANY, 920 King St., Wilmington, Del. Applicant's attorney: Frank M. Hunter, 11 S. Olive Street, Media, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in special operations during the season extending from August 1 to October 31, inclusive, of each year, between Chester, Pa., and Brandywine Raceway, New Castle County, Del., near Brandywine, Del., from Chester, Pa., over U. S. Highway 13 to junction unnumbered highway in New Castle County, Del., known as Naaman's Road, thence over said unnumbered highway through Carpenter, Del., to the Brandywine Raceway, and return over the same route, serving the intermediate point of Marcus Hook, Pa., and points between Marcus Hook and the said Brandywine Raceway.

NOTE: Applicant is authorized to conduct the above-described operations during the season from August 14 to September 30, inclusive, of each year.

No. MC 2835 Sub 28, filed June 17, 1955, ADIRONDACK TRANSIT LINES, INC., 495 Brodway, Kingston, N. Y. Applicant's attorney: Martin J. Kelly, Jr., 70 Pine St., New York 5, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between the junction of New York Highways 32 and 32A in the town of Saugerties, Ulster County, N. Y., and the junction of New York Highways 23 and 32 in the town of Cairo, Greene County, N. Y., over New York Highway 32, serving all intermediate points, and between the junction of New York Highways 23A and 32A in the town of Catskill at or near the hamlet of Palenville, Greene County, N. Y., and the junction of New York Highways 23A and 32 in the town of Catskill at or near the hamlet of Kiskatom, Greene County, N. Y., over New York Highway 23A, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 3647 Sub 187, filed June 14, 1955, PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 80 Park Place, Newark, N. J. Applicant's attorney: Winslow B. Ingham, Law Department, Public Service Coordinated Transport, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between junction Empire Street and Meeker Avenue, Newark, N. J., and junction Haynes Avenue and U. S. Highway 1, Newark, N. J., from junction Empire Street and Meeker Avenue over Meeker Avenue to junction Haynes Avenue, thence over Haynes Avenue to junction U. S. Highway 1, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Delaware, New Jersey, New York and Pennsylvania.

No. MC 59155 Sub 20, filed May 25, 1955, REYNOLDS TRANSPORTATION COMPANY, a West Virginia corporation, 30 N. Kanawha Street, P. O. Box 127, Buckhannon, W. Va. Applicant's attorney: Chester E. King, 1507 N Street NW., Washington 5, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Clarksburg, W. Va., and Wheeling, W. Va., from Clarksburg over West Virginia Highway 73 to junction U. S. Highway 250, thence over U. S. Highway 250 to Wheeling, and return over the same route, serving all intermediate points. RESTRICTION: No service is to be rendered between Clarksburg and Bridgeport, W. Va., over West Virginia Highway 73, or between Moundsville and Wheeling, W. Va., over U. S. Highway 250; and (2) between junction U. S. Highway 219 and West Virginia Highway 24 and Aurora, W. Va. (Mill Stone Lodge), from junction U. S. Highway 219 and West Virginia Highway 24, over West Virginia Highway 24 to junction U. S. Highway 50, thence over U. S. Highway 50 to Aurora (Mill Stone Lodge), and return over the same route, serving all intermediate points. RESTRICTION: No service is to be rendered between junction U. S. Highway 50 and West Virginia Highway 24 and Aurora, W. Va. (Mill Stone Lodge) over U. S. Highway 50. Applicant is authorized to conduct operations in Maryland, Virginia, and West Virginia.

No. MC 109780 Sub 43, filed June 9, 1955, TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Ave., P. O. Box 6067, Dallas, Tex. Applicant's attorney: R. Y. Schureman, 639 S. Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *newspapers, express*, and *mail*, in the same vehicle with passengers, between Los Angeles, Calif. and junction of U. S. Highway 101 and U. S. Highway 101 Alternate near the Pacific Ocean, from Los Angeles Depot over city streets to U. S. Highway 101, thence over U. S. Highway 101 to its junction with U. S. Highway 101 Alternate near the Pacific Ocean, and return over the same route, serving no intermediate points.

NOTE: Applicant proposes to utilize U. S. Highway 101 between Los Angeles and its junction with U. S. Highway 101 Alternate as it now or may hereafter exist in lieu of the following presently authorized route: "Between Los Angeles Depot and Doheny Park, Calif. (near Serra, Calif.), from Los Angeles Depot over City streets to the junction of California Highways 166 and 173, thence over California Highway 166 to Santa Fe Springs, Calif., thence over California Highway 170 to Norwalk, Calif., thence over California Highway 10 to its junction with California Highway 2, thence over California Highway 2 to Santa Ana, Calif., thence over 17th Street to junction California Highway 55, thence over California Highway 55 to Tustin, Calif., and thence over U. S. Highway 101 to Doheny Park. Service is not authorized to or from intermediate points." Applicant is authorized to conduct operations in Arkansas, Arizona, California, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Utah.

CORRECTION

No. MC 106223 Sub 32, filed May 9, 1955, and amended May 16, 1955, BRUCE F. JARVIS, doing business as GREENLEAF MOTOR EXPRESS, 4606 State Ave., Ashtabula, Ohio, published on page 3859, issue of June 2, 1955, No. MC 106623 Sub 32 was used instead of MC 106223 Sub 32.

APPLICATIONS UNDER SECTION 5 AND 210a (b); AMENDMENT

No. MC–F–5595, filed November 3, 1953. Authority sought for purchase by R. C. MOTOR LINES, INC., 2500 Laura St., Jacksonville, Fla., of a portion of the operating rights of R. D. NILSON, doing business as NILSON MOTOR EXPRESS, P. O. Box 38 Myers P. O., Charleston, S. C., and for acquisition by B. S. REID and G. D. JOYNER, Jacksonville, Fla., of control of said operating rights through the purchase. Applicants' attorney: Jos. M. Glickstein, Barnett Bldg., Jacksonville, Fla. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, between Wilmington, N. C., and points within 15 miles of Wilmington, on the one hand, and, on the other, points in Georgia (except Savannah, Ga., and points in Georgia within 15 miles thereof), North Carolina, and South Carolina (except Charleston, and points in South Carolina within 15 miles thereof). Vendee is authorized to operate in Florida, Maryland, North Carolina, South Carolina, Virginia, Georgia, Pennsylvania, New York, New Jersey, Delaware and the District of Columbia. Application has not been filed for temporary authority under Section 210a (b). A proposed report was issued on February 11, 1955. Amendment to application filed June 21, 1955, seeking authority to transfer the following additional operations: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, between Wilmington, N. C., and points within 15 miles of Wilmington, on the one hand, and, on the other, Savannah, Ga., and points in Georgia within 15 miles thereof, and Charleston, S. C., and points in South Carolina within 15 miles thereof.

No. MC–F–6003. Authority sought for purchase by REMY MOVING & STORAGE CORP., 310 Third St., Fall River, Mass., of the operating rights and property of EDWARD F. SIMARD, doing business as REMY MOVING COMPANY, 310 Third St., Fall River, Mass., and for acquisition by EDWARD F. SIMARD, Fall River, Mass., of control of the operating rights and property through the purchase. Person to whom correspondence is to be addressed: Ed-

ward F. Simard, 310 Third St., Fall River, Mass. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over irregular routes, between Fall River, Mass., and points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Virginia, and between Cambridge, Mass., and points in Massachusetts within 20 miles of Cambridge, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New Hampshire, Maine, and New York. Vendee is not a motor carrier, but is affiliated with North American Van Lines, Inc., which is authorized to operate in all states in the United States and the District of Columbia Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6004. Authority sought for purchase by C. M. LANG and C. R. GIVENS, a partnership, doing business as LANG TRANSIT COMPANY, 38th and Quirt Ave., Lubbock, Tex., of a portion of the operating rights and certain property of L. S. JACKSON, doing business as HUB MOTOR LINES, 1109 Grant St., Amarillo, Tex. Applicants' attorney: W. D. Benson, Jr., 817 N. Lubbock National Building, Lubbock, Tex. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, including routes between Amarillo, Tex., and junction U. S. Highway 87 and unnumbered highway 5 miles south of Canyon, Tex., between junction Texas Highway 86 and unnumbered highway one mile south of Nazareth, and Earth, Tex.; between Earth, Tex., and Muleshoe, Tex., between Springlake, Tex., and Littlefield, Tex.; and between Loveland, Tex., and Littlefield, Tex., serving certain intermediate points. Vendor is retaining certain authority to operate in Texas under the Second Proviso of section 206 (a) (1) of the Act. Vendee is authorized to operate in Texas and New Mexico. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6005. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby St., Portland, Oreg., of the operating rights and property of MODEL TRUCK & STORAGE CO., 1328 State St., Bellingham, Wash., and for acquisition by E. W. A. PEAKE, WANDA PEAKE, 501 Santa Rosa Dr., Palm Springs, Calif., LELAND JAMES, ERIC RENDAHL, and P E E R L E S S, INCORPORATED, 2029 N. W. Quimby St., Portland, Oreg., of control of the operating rights and property through the transaction. Applicants' attorney: Donald A. Schafer, 803 Public Service Bldg., Portland, Oreg. Operating rights sought to be controlled and merged: *Machinery*, and *household goods* as defined by the Commission, as a *common carrier*, over regular and irregular routes, between points in Whatcom and Skagit Counties, Wash., on the one hand, and, on the other, Portland, Oreg., serving no intermediate points on the regular route, from points in Whatcom and Skagit Counties over irregular routes to junction U. S. Highway 99, and thence over U. S. Highway 99 to Portland; and return over the same route to junction irregular routes, thence over irregular routes to the above-specified origin points; *general commodities*, with certain exceptions, not including household goods, between points in Whatcom and Skagit Counties, Wash., on the one hand, and, on the other, Seattle, Wash., serving no intermediate points on the regular route; *general commodities*, with certain exceptions, not including household goods, over irregular routes, between Bellingham, Wash., on the one hand, and, on the other, points in Whatcom and Skagit Counties, Wash.; *general commodities*, with certain exceptions, including household goods, between Ferndale, Wash., on the one hand, and, on the other, Neptune Beach, Wash., and points within three miles of Neptune Beach; *tetraethyl lead*, in bulk, in tank vehicles, from Ferndale, Wash., to points within three miles of Neptune, Wash., including Neptune Beach. Consolidated Freightways, Inc., is authorized to operate in Oregon, Washington, Idaho, Nevada, Minnesota, North Dakota, Montana, Utah, California, Wisconsin, Illinois and Iowa. Application has been filed for temporary authority under section 210a(b).

No. MC–F–6006. Authority sought for purchase by ROY B. MOORE, Wilcox Drive, Kingsport, Tenn., of a portion of the operating rights and certain property of ROBINSON TRANSFER MOTOR LINES, INC., Greenville Highway, Kingsport, Tenn. Applicants' attorney: Clifford E. Sanders, 212 Broad St., Kingsport, Tenn. Operating rights sought to be transferred: *Oil, machinery, and supplies*, incidental to and used in the operation of a silk mill, *cotton textiles, acetate yarns, and acetate staple fiber, empty spools, paper cones, tubes, bobbins, spool heads, acids, empty acid containers, industrial alcohol, empty alcohol containers, silk, paper products* and *pulpboard products*, as a *common carrier*, over irregular routes, from, to and between certain points in New Jersey, Virginia, South Carolina, North Carolina, Tennessee, and New York. Vendee is authorized to operate in New York, Tennessee, Virginia, Pennsylvania, New Jersey, Maryland, West Virginia, Georgia and Kentucky. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6007. Authority sought for purchase by D. C. HALL COMPANY, 1401 Foch St., Ft. Worth, Tex. of the operating rights of DAVID C. HALL, doing business as D. C. HALL MOTOR TRANSPORTATION, 1301 Foch St., Ft. Worth, Tex., and D. C. HALL TRANSPORT, INC., 1401 Foch St., Ft. Worth, Tex., and for acquisition by DAVID C. HALL of control of the operating rights through the purchase. Applicant's attorney: Reagan Sayers, Century Life Bldg., Ft. Worth, Tex. Operating rights sought to be transferred: (David C. Hall) *General commodities*, with certain exceptions, including household goods, as a common carrier, over regular routes, including routes between Fort Worth, Tex., and New Orleans, La., between Memphis, Tenn., and Monroe, La., between Shrèveport, La., and Oklahoma City, Okla., between Jackson, Miss., and Memphis, Tenn., between Jackson, Miss., and New Orleans, La., between Shreveport, La., and Jackson, Miss., between Dallas, Tex., and Shreveport, La., between Leland, Miss., and Memphis, Tenn., between Jackson, Miss., and Monroe, La., serving certain intermediate points; *such commodities as require refrigeration and packing-house food products which do not require refrigeration*, from Alexandria, La., to Camp Livingston, serving no intermediate points; *packing-house products, poultry, butter, eggs*, and *cheese*, between Shreveport, La., and Camp Polk, La., and between Camp Polk, La., and Alexandria, La., serving no intermediate points; *dangerous explosives*, including routes between Fort Worth, Tex., and New Orleans, La., between Jackson, Miss., and Memphis, Tenn., between Baton Rouge, La., and McComb, Miss., and between Shreveport, La., and Oklahoma City, Okla., serving certain intermediate points; *general commodities*, with certain exceptions, including household goods, over alternate regular routes for operating convenience only, between Jackson, Miss., and New Orleans, La., and between Oklahoma City, Okla., and Tulsa, Okla.; *general commodities*, with certain exceptions, including household goods, over irregular routes, between Fort Worth, Tex., on the one hand, and, on the other, the Consolidated Bomber Assembly Plant and Anchorage and Dock Space, near Fort Worth; (D. C. Hall Transport, Inc.). *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Oklahoma City, Okla., and Fort Worth and Dallas, Tex., and between Oklahoma City, Okla., and the Midwest Air Depot, located approximately four miles from Oklahoma City, serving certain intermediate points. D. C. Hall Company is not a motor carrier. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6009. Authority sought for control and merger by B. C. TRUCK LINES, INC., P. O. Box 678, LaGrange, Ga., of the operating rights and property of LAGRANGE TRUCK LINES, INC., 245 University Ave., Southwest, Atlanta, Ga., and for acquisition by MARY K. COLLINS, LaGrange, Ga., of control of the operating rights and property through the transaction. Applicants' attorneys: D. H. Markstein, Jr., and John W. Cooper, 821 Massey Bldg., Birmingham, Ala.; A. Alvis Layne, Jr., Pennsylvania Ave., Washington, D. C., and R. J. Reynolds, Jr., 1403 C. & S. National Bank Bldg., Atlanta 3, Ga. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over irregular routes, between LaGrange, Ga., on the one hand, and, on the other, points in Georgia. B. C. Truck Lines, Inc., is authorized to operate in Alabama and Georgia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55–5168; Filed, June 28, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

W. P. ACKERMAN AGENCY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of William P. Ackerman doing business as W. P. Ackerman Agency, 1010 Jackson Street, Sidney, Nebraska.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of June 1955.

I. The Commission's public official files disclose that William P. Ackerman, doing business as W. P. Ackerman Agency, a sole proprietorship, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc., a national securities association registered pursuant to section 15A of said act.

II. The Records Officer of the Commission has filed with the Commission a statement,[1] a copy of which is attached hereto and made a part hereof, stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

(e) Whether, pursuant to section 15A (*1*) (2) of the Securities Exchange Act of 1934, it is necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of said section; to suspend the registrant for a period not exceeding twelve (12) months or to expel registrant from membership in the National Association of Securities Dealers, Inc.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 28th day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 14, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 28, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–5157; Filed, June 28, 1955; 8:46 a. m.]

[1] Filed as part of original document.

W. R. BELL & CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of W. R. Bell & Co., 329 Millburn Avenue, Millburn, New Jersey.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of June 1955.

I. The Commission's public official files disclose that W. R. Bell & Co., a partnership, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc., a national securities association registered pursuant to section 15A of said act.

II. The Records Officer of the Commission has filed with the Commission a statement,[1] a copy of which is attached hereto and made a part hereof, stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule-X17A–5 adopted under said section;

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X–17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule-X17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

(e) Whether, pursuant to section 15A (*1*) (2) of the Securities Exchange Act of 1934, it is necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of said section; to suspend the registrant for a period not exceeding twelve (12) months or to expel registrant from membership in the National Association of Securities Dealers, Inc.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 28th day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 14, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX

of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 28, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–5158; Filed, June 28, 1955; 8:47 a. m.]

RAYMOND O. SALYER SECURITIES AND BOND BROKER

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Raymond O. Salyer, doing business as Raymond O. Salyer Securities and Bond Broker, P. O. Box 553, Cheyenne, Wyoming.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of June 1955.

I. The Commission's public official files disclose that Raymond O. Salyer, doing business as Raymond O. Salyer Securities and Bond Broker, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

[1] Filed as part of the original document.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 28th day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 14, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 28, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–5159; Filed, June 28, 1955; 8:47 a. m.]

W. G. SIMMERING AND ASSOCIATES

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Wilfred G. Simmering doing business as W. G. Simmering and Associates, R. F. D. Exeter, New Hampshire.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of June 1955.

I. The Commission's public official files disclose that Wilfred G. Simmering, doing business as W. G. Simmering and Associates, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1953 and 1954, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 28th day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 14, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 28, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–5160; Filed, June 28, 1955; 8:47 a. m.]

WILLARD B. SMITH

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

In the matter of Willard B. Smith, North Sioux City, South Dakota.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of June 1955.

I. The Commission's public official files disclose that Willard B. Smith, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1953 and 1954 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A–5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant;

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 28th day of July 1955, at the main office of the Securities and Exchange Commission, located at 425 2d Street, NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 21, 1955. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 28, 1955.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55–5161; Filed, June 28, 1955; 8:48 a. m.]

[1] Filed as part of original document.

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VOLUME 20 NUMBER 127

Washington, Thursday, June 30, 1955

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON STANDARDS

SUBPART C—STANDARDS

OFFICIAL COTTON LINTERS STANDARDS OF THE UNITED STATES

On May 13, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 3259) regarding the proposed revision of the Official Standards for Grade and Color of American Cotton Linters (7 CFR 28.201 to 28.211, 28.251 to 28.257) pursuant to authority contained in the United States Cotton Standards Act (42 Stat. 1518, as amended; 7 U. S. C. 51 et seq.). Pursuant to this notice, public meetings were held in major cotton linters centers to allow interested persons to inspect the proposed revised standards and to submit data, views, or arguments concerning the proposed revision. A working group of representatives of major segments of the cotton linters industry also considered and approved the proposed revised standards during a meeting held in Washington, D. C. on May 9, 1955.

Provision also was made in said notice for amendment of the regulations to conform the provisions thereof with the revised standards. Such amendment will be published prior to the effective date of the revised standards.

After consideration of all relevant matters presented pursuant to the aforesaid notice and meetings, the following Official Cotton Linters Standards of the United States are hereby promulgated to supersede, effective July 1, 1956, §§ 28.201 through 28.211 and 28.251 through 28.257.

Sec.
28.201 Grade 1.
28.202 Grade 2.
28.203 Grade 3.
28.204 Grade 4.
28.205 Grade 5.
28.206 Grade 6.
28.207 Grade 7.
28.208 Chemical Grade.
28.209 Staple.

AUTHORITY: §§ 28.201 to 28.209 issued under sec. 10, 42 Stat. 1519; 7 U. S. C. 61. Interpret or apply sec. 6, 42 Stat. 1518; 7 U. S. C. 56.

§ 28.201 *Grade 1.* Grade 1 shall be be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 1, effective July 1, 1956."

§ 28.202 *Grade 2.* Grade 2 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 2, effective July 1, 1956."

§ 28.203 *Grade 3.* Grade 3 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 3, effective July 1, 1956."

§ 28.204 *Grade 4.* Grade 4 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 4, effective July 1, 1956."

§ 28.205 *Grade 5.* Grade 5 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 5, effective July 1, 1956."

§ 28.206 *Grade 6.* Grade 6 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in a container marked "Original Official Cotton Linters Standard of the United States, Grade 6, effective July 1, 1956."

§ 28.207 *Grade 7.* Grade 7 shall be United States cotton linters which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture

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FEDERAL REGISTER

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(For use during 1955)

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Title 7: Parts 210–899 ($2.50)

Title 15 ($1.25)

Title 26: Parts 80–169 ($0.50)

Title 26: Part 300 to end and Title 27 ($1.25)

Title 50 ($0.55)

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PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR BEETS [1]

On May 17, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 3440) regarding a proposed revision of United States Standards for Beets.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Beets are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

STYLES
Sec.
51.375 Bunched beets.
51.376 Beets with short-trimmed tops.
51.377 Topped beets.

GRADES
51.378 U. S. No. 1.
51.379 U. S. No. 2.

UNCLASSIFIED
51.380 Unclassified.

TOLERANCES
51.381 Tolerances.

APPLICATION OF TOLERANCES
51.382 Application of tolerances.

STANDARD BUNCHING
51.383 Standard bunching.

DEFINITIONS
51.384 Well trimmed.
51.385 Firm.
51.386 Fairly smooth.
51.387 Fairly well shaped.
51.388 Fairly clean.
51.389 Damage.
51.390 Fresh.
51.391 Diameter.
51.392 Excessively rough.
51.393 Seriously misshapen.
51.394 Serious damage.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-5259; Filed, June 29, 1955; 8:55 a. m.]

in a container marked "Original Official Cotton Linters Standard of the United States, Grade 7, effective July 1, 1956."

§ 28.208 *Chemical Grade.* United States cotton linters which in grade are below Grade 7 shall be designated as "Chemical Grade."

§ 28.209 *Staple.* (a) The staple normal for each grade as illustrated in grades 1 through 7, §§ 28.201 to 28.207, shall be designated as staples 1, 2, 3, 4, 5, 6, and 7 respectively. In linters classification, the grade and staple shall be determined and designated separately.

(b) Cotton linters which in staple is below that illustrated in Grade 7, § 28.207, shall be designated as "Below 7" staple.

The standards in physical form standardize color and trash for the respective grades. Although as in the past each of the grade boxes illustrate staple normal for the grade, the Department plans to propose separate physical staple standards for linters at a later date.

Done at Washington, D. C., this 27th day of June 1955.

AUTHORITY: §§ 51.375 to 51.394 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

STYLES

§ 51.375 *Bunched beets.* "Bunched beets" means beets which are tied in bunches. The tops shall be full length or removed to not less than 6 inches.

§ 51.376 *Beets with short-trimmed tops.* "Beets with short-trimmed tops" means, unless otherwise specified, beets showing leafstems ranging to not more than 4 inches in length.

§ 51.377 *Topped beets.* "Topped beets" means beets with tops removed to not more than one-half inch in length.

GRADES

§ 51.378 *U. S. No. 1.* "U. S. No. 1" consists of beets of similar varietal characteristics the roots of which are well trimmed, firm, fairly smooth, fairly well shaped, fairly clean and free from soft rot and free from damage caused by cuts, freezing, growth cracks, disease, rodents or insects, or mechanical or other means. Bunched beets or beets with short-trimmed tops shall have tops which are fresh and free from decay and free from damage caused by discoloration, freezing, disease, insects, or mechanical or other means.

(a) Unless otherwise specified, the diameter of each beet shall be not less than 1½ inches. (See § 51.381.)

§ 51.379 *U. S. No. 2.* "U. S. No. 2" consists of beets of similar varietal characteristics the roots of which are well trimmed, firm, not excessively rough, not seriously misshapen and which are free from soft rot and free from serious damage caused by cuts, dirt, freezing, growth cracks, disease, rodents or insects, or mechanical or other means. Bunched beets or beets with short-trimmed tops shall have tops which are fresh and free from decay and free from damage caused by discoloration, freezing, disease, insects, or mechanical or other means.

(a) Unless otherwise specified, the diameter of each beet shall be not less than 1½ inches. (See § 51.381.)

UNCLASSIFIED

§ 51.380 *Unclassified.* "Unclassified" consists of beets which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.381 *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(a) *For bunched beets*—(1) *For defects of roots.* 10 percent, by count, for roots in any lot which fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for soft rot;

(2) *For defects of tops.* 10 percent, by count, for bunches with tops in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay;

(3) *For off-size roots.* 5 percent, by count, for roots in any lot which are smaller than the specified minimum diameter, and 10 percent, by count, for roots which are larger than any specified maximum diameter; and

(4) *For off-length tops.* 5 percent, by count, for bunches with tops in any lot which fail to meet the requirements of the style.

(b) *For beets with short-trimmed tops or topped beets*—(1) *For defects of roots.* 10 percent, by weight, for roots in any lot which fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for soft rot;

(2) *For defects of tops.* 10 percent, by weight for roots with tops in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay;

(3) *For off-size roots.* 5 percent, by weight, for roots in any lot which are smaller than the specified minimum diameter, and 10 percent, by weight, for roots which are larger than any specified maximum diameter; and,

(4) *For off-length tops.* 10 percent, by weight, for beets with tops in any lot which fail to meet the requirements of the style specified.

APPLICATION OF TOLERANCES

§ 51.382 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified except that at least one defective and one off-size specimen shall be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects and off-size: *Provided,* That not more than one beet which is frozen or affected by soft rot may be permitted in any package.

STANDARD BUNCHING

§ 51.383 *Standard bunching.* (a) Standard bunches of beets shall be fairly uniform in size and each bunch of beets shall weigh not less than 1 pound and contain at least 3 beets.

(b) Not more than 10 percent of the bunches in any lot may fail to meet the requirements for "Standard Bunching".

DEFINITIONS

§ 51.384 *Well trimmed.* "Well trimmed" means that unattractive secondary rootlets have been removed and that any objectionably long or coarse tail-like part of the root has been cut off.

§ 51.385 *Firm.* "Firm" means that the beet root is not soft, flabby or shriveled.

§ 51.386 *Fairly smooth.* "Fairly smooth" means that the root is not rough or ridged to the extent that the appearance is materially affected. Very slight roughness over the crown or very slight pitting caused by the shedding of dead leaves shall not be considered as materially affecting the appearance.

§ 51.387 *Fairly well shaped.* "Fairly well shaped" means that the root is not misshapen to the extent that the appearance is materially affected.

§ 51.388 *Fairly clean.* "Fairly clean" means that the individual root is reasonably free from dirt, stain or other foreign matter, and that the general appearance of the roots in the container is not more than slightly affected.

§ 51.389 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual beet root, or the general appearance of the beet roots in the container, or causes a loss of more than 5 percent, by weight, in the ordinary preparation for use, or which materially affects the appearance or shipping quality of the tops. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Growth cracks when not shallow and not smooth or when the appearance is materially affected; and,

(b) Discoloration when yellowing or other discoloration of the tops materially affect the appearance of the bunch. The appearance of bunches with tops having slight discoloration such as yellowing, browning, or other abnormal color affecting a few leaves shall not be considered materially affected.

§ 51.390 *Fresh.* "Fresh" means that the tops are not badly wilted.

§ 51.391 *Diameter.* "Diameter" means the greatest dimension of the root measured at right angles to a line running from the crown to the base of the root.

§ 51.392 *Excessively rough.* "Excessively rough" means that the root is rough or ridged to the extent that the appearance is seriously affected.

§ 51.393 *Seriously misshapen.* "Seriously misshapen" means that the root is misshapen to the extent that the appearance is seriously affected.

§ 51.394 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual beet, or the general appearance of the beets in the container, or causes a loss of more than 20 percent, by weight, in the ordinary preparation for use.

The United States Standards for Beets contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Beets which have been in effect since November 4, 1950 (18 F. R. 7082), the United States Standards for Topped Beets which have been in effect since May 1, 1934, and the United States Standards for Beets with Short-trimmed Tops which have been in effect since May 13, 1942.

Dated: June 27, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-5255; Filed, June 29, 1955; 8:54 a. m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR TURNIPS OR RUTABAGAS [1]

On May 17, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 3441) regarding a proposed revision of United States Standards for Turnips or Rutabagas.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Turnips or Rutabagas are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

STYLES

Sec.
51.2610 Bunched turnips.
51.2611 Turnips with short-trimmed tops.
51.2612 Topped turnips or rutabagas.

GRADES

51.2613 U. S. No. 1.
51.2614 U. S. No. 2.

UNCLASSIFIED

51.2615 Unclassified.

TOLERANCES

51.2616 Tolerances.

APPLICATION OF TOLERANCES

51.2617 Application of tolerances.

STANDARD BUNCHING

51.2618 Standard bunching.

DEFINITIONS

51.2619 Similar varietal characteristics.
51.2620 Well trimmed.
51.2621 Firm.
51.2622 Fairly smooth.
51.2623 Fairly well shaped.
51.2624 Fairly clean.
51.2625 Damage.
51.2626 Fresh.
51.2627 Diameter.
51.2628 Excessively rough.
51.2629 Seriously misshapen.
51.2630 Serious damage.

AUTHORITY: §§ 51.2610 to 51.2630 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

STYLES

§ 51.2610 *Bunched turnips.* "Bunched turnips" means turnips which are tied in bunches. The tops shall be full length or removed to not less than 6 inches.

§ 51.2611 *Turnips with short-trimmed tops.* "Turnips with short-trimmed tops" means, unless otherwise specified, turnips showing leafstems ranging to not more than 4 inches in length.

§ 51.2612 *Topped turnips or rutabagas.* "Topped turnips or rutabagas" means turnips or rutabagas with tops removed to not more than three-fourths inch in length.

GRADES

§ 51.2613 *U. S. No. 1.* "U. S. No. 1" consists of turnips or rutabagas of similar varietal characteristics the roots of which are well trimmed, firm, fairly smooth, fairly well shaped, fairly clean, and free from soft rot and free from damage caused by cuts, discoloration, freezing, growth cracks, pithiness, woodiness, watercore, dry rot, other disease, insects or rodents, or mechanical or other means. Bunched turnips, or turnips with short-trimmed tops shall have tops which are fresh and free from decay and free from damage caused by discoloration, freezing, disease, insects, or mechanical or other means.

(a) Unless otherwise specified, the diameter of each turnip or rutabaga shall be not less than 1¾ inches. (See § 51.2616.)

§ 51.2614 *U. S. No. 2.* "U. S. No. 2" consists of turnips or rutabagas of similar varietal characteristics the roots of which are well trimmed, firm, not excessively rough, not seriously misshapen and which are free from soft rot and free from serious damage caused by cuts, dirt, discoloration, freezing, growth cracks, pithiness, woodiness, watercore, dry rot, disease, insects or rodents, or mechanical or other means. Bunched turnips or turnips with short-trimmed tops shall have tops which are fresh and free from decay and free from damage caused by discoloration, freezing, disease, insects, or mechanical or other means.

(a) Unless otherwise specified, the diameter of each turnip or rutabaga shall be not less than 1¾ inches. (See § 51.2616.)

UNCLASSIFIED

§ 51.2615 *Unclassified.* "Unclassified" consists of turnips or rutabagas which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.2616 *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permited:

(a) *For bunched turnips*—(1) *For defects of roots.* 10 percent, by count, for roots in any lot which fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for soft rot;

(2) *For defects of tops.* 10 percent, by count, for bunches with tops in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay;

(3) *For off-size roots.* 5 percent, by count, for roots in any lot which are smaller than the specified minimum diameter, and 10 percent, by count, for roots which are larger than any specified maximum diameter; and,

(4) *For off-length tops.* 5 percent, by count, for bunches with tops in any lot which fail to meet the requirements of the style.

(b) *For turnips with short-trimmed tops or topped turnips or rutabagas*—(1) *For defects of roots.* 10 percent, by weight, for roots in any lot which fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for soft rot;

(2) *For defects of tops.* 10 percent, by weight, for roots with tops in any lot which fail to meet the requirements of the grade, including therein not more than 5 percent for decay;

(3) *For off-size roots.* 5 percent, by weight, for roots in any lot which are smaller than the specified minimum diameter, and 10 percent, by weight, for roots which are larger than any specified maximum diameter; and,

(4) *For off-length tops.* 10 percent, by weight, for turnips or rutabagas with tops in any lot which fail to meet the requirements of the style.

APPLICATION OF TOLERANCES

§ 51.2617 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 5 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 5 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified except that at least one defective and one off-size specimen shall be permitted in any package; and,

(2) For packages which contain 5 pounds or less, individual packages in any lot are not restricted as to the percentage of defects and off-size: *Provided,* That not more than one turnip or rutabaga which is frozen or affected by soft rot may be permitted in any package.

STANDARD BUNCHING

§ 51.2618 *Standard bunching.* (a) Standard bunches of turnips shall be

fairly uniform in size and each bunch of turnips shall weigh not less than 1 pound and contain at least 3 turnips.

(b) Not more than 10 percent of the bunches in any lot may fail to meet the requirements for "Standard Bunching".

DEFINITIONS

§ 51.2619 *Similar varietal characteristics.* "Similar varietal characteristics" means that the turnips or rutabagas in any package shall be of similar color and shape. For example, yellow fleshed varieties shall not be mixed with white fleshed varieties, and flat, globe, or long varieties shall not be mixed in the same package.

§ 51.2620 *Well trimmed.* "Well trimmed" means that unattractive secondary rootlets have been removed, and that any objectionably long or coarse tail-like part of the root has been cut off.

§ 51.2621 *Firm.* "Firm" means that the root is not soft, flabby or shriveled.

§ 51.2622 *Fairly smooth.* "Fairly smooth" means that the root is not rough or ridged to the extent that the appearance is materially affected.

§ 51.2623 *Fairly well shaped.* "Fairly well shaped" means that the root is not misshapen to the extent that the appearance is materially affected.

§ 51.2624 *Fairly clean.* "Fairly clean" means that the individual root is reasonably free from dirt or other foreign matter, and that the general appearance of the roots in the container is not more than slightly affected.

§ 51.2625 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual turnip or rutabaga root or the general appearance of the turnips or rutabagas in the container, or causes a loss of more than 5 percent, by weight, in the ordinary preparation for use, or which materially affects the appearance or shipping quality of the tops. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cuts when discolored, rough or deep, or when materially affecting the appearance of the turnip or rutabaga;

(b) Growth cracks or air cracks when discolored or deep, or when the appearance is materially affected;

(c) Pithiness when the edible quality is materially affected by pith;

(d) Insects or rodents when the injury to the root materially affects the appearance of the turnip or rutabaga or causes a loss of more than 5 percent, by weight, or the edible quality of the root is materially affected; or when the tops are injured to the extent that the appearance of the bunch is materially affected; and

(e) Discoloration when yellowing or other discoloration of the tops materially affect the appearance of the bunch. The appearance of bunches of tops having slight discoloration such as yellowing, browning, or other abnormal color affecting a few leaves shall not be considered materially affected.

§ 51.2626 *Fresh.* "Fresh" means that the tops are of normal green color and are not badly wilted.

§ 51.2627 *Diameter.* "Diameter" means the greatest dimension of the root measured at right angles to a line running from the crown to the base of the root.

§ 51.2628 *Excessively rough.* "Excessively rough" means that the root is rough or ridged to the extent that the appearance is seriously affected.

§ 51.2629 *Seriously misshapen.* "Seriously misshapen" means that the root is forked or misshapen to the extent that the appearance is seriously affected.

§ 51.2630 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual turnip or rutabaga or the general appearance of the turnips or rutabagas in the container, or causes a loss of more than 20 percent, by weight, in the ordinary preparation for use.

The united States Standards for Turnips or Rutagabas contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Bunched Turnips issued August 9, 1927, and reissued January 18, 1943, and United States Standards for Topped Turnips or Rutabagas, issued March 21, 1935, and reissued September 27, 1949.

Dated: June 27, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-5256; Filed, June 29, 1955; 8:55 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (2) is added to § 6.102, subparagraph (9) is added to § 6.302 (o), the headnote of paragraph (q) of § 6.302 is amended to read "Office of the Controller", subparagraphs (2), (4), (5), and (6) of paragraph (q) are amended, and paragraph (r) (1) is added as set out below.

§ 6.102 *Department of State.* * * *

(c) *Office of the Special Assistant, Intelligence.* * * *

(2) Two professional positions in the Division of Intelligence Acquisition and Distribution.

§ 6.302 *Department of State.* * * *

(o) *Policy Planning Staff.* * * *

(9) One Alternate Department Representative on the National Security Council Planning Board.

(q) *Office of the Controller.* * * *

(2) One Private Secretary to the Controller.

(4) The Assistant Controller for Personnel.

(5) One Private Secretary to the Assistant Controller for Personnel.

(6) One Confidential Assistant to the Controller.

(r) *Office of the Deputy Under Secretary for Administration.* (1) One Confidential Assistant to the Deputy Under Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-5241; Filed, June 29, 1955; 8:52 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) is added to § 6.310 (c) as set out below.

§ 6.310 *Department of the Interior.* * * *

(c) *Fish and Wildlife Service.* * * *

(5) One Associate Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 10440, 18 F. R. 1823, 3 CFR, 1953 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 55-5240; Filed, June 29, 1955; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-128]

PART 40—ROLL AND MACHINE TICKET INDUSTRY

ORDER RESCINDING RULES

Whereas, on August 24, 1931, the Commission, promulgated trade practice rules for the Roll and Machine Ticket Industry, which were codified in the Code of Federal Regulations (16 CFR Part 40); and

Whereas, it appears that said rules for this industry do not in some respects accurately reflect existing requirements of law, and members of this industry generally are not interested in having such rules revised; and

Whereas, under the circumstances proceedings for revision of the rules for this industry do not appear to be warranted;

It is ordered, That the said rules be and the same are hereby rescinded.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

Issued: June 27, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-5262; Filed, June 29, 1955; 8:56 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter H—Internal Revenue Practice

PART 601—STATEMENT OF PROCEDURAL RULES

Subpart A—General Procedural Rules

Sec.
601.101 Introduction.
601.102 Classification of taxes collected by the Internal Revenue Service.
601.103 Summary of general tax procedure.
601.104 Collection functions.
601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.
601.106 Appellate functions.
601.107 Excess Profits Tax Council; appellate functions and procedures under section 722 of the Internal Revenue Code of 1939.
601.108 Review of overassessments exceeding $100,000.
601.109 Bankruptcy and receivership cases.

Subpart B—Rulings and Other Specific Matters

601.201 Rulings and determination letters.
601.202 Closing agreements.
601.203 Offers in compromise.
601.204 Changes in accounting periods and in methods of accounting.
601.205 Tort claims.

Subpart C—Provisions Relating to Alcohol, Tobacco, and Certain Firearms [Reserved]

Subpart D—Provisions Special to Certain Employment and Excise Taxes

601.401 Employment taxes.
601.402 Sales taxes collected by return.
601.403 Miscellaneous excise taxes collected by return.
601.404 Miscellaneous excise taxes collected by sale of revenue stamps.

Subpart E—Conference and Practice Requirements

601.501 Scope of requirements.
601.502 Qualifications for conferences.
601.503 Filing power of attorney and statement relative to fees.
601.504 Provisions respecting powers of attorney.
601.505 Instructions for execution of power of attorney in special cases.
601.506 Refusal to recognize attorney or agent.
601.507 Power of attorney not required in cases docketed in the Tax Court of the United States.
601.508 Recognition by correspondence.
601.509 Evidence required to substantiate facts alleged in conferences.
601.510 Delivery of checks in payment of refunds.
601.511 Contest between attorneys or agents representing taxpayers.

Subpart F—Rules, Regulations, and Forms

601.601 Rules and regulations.
601.602 Forms and instructions.

Subpart G—Records

601.701 Classification.
601.702 Publication and public inspection.

AUTHORITY: §§ 601.101 to 601.702 issued under R. S. 161; 5 U. S. C. 22.

SUBPART A—GENERAL PROCEDURAL RULES

§ 601.101 *Introduction*—(a) *General.* The Internal Revenue Service is a branch of the Treasury Department under the immediate direction of the Commissioner of Internal Revenue. The Commissioner has general superintendence of the assessment and collection of all taxes imposed by any law providing internal revenue and also of other functions relating to the administration and enforcement of laws applicable to alcohol and certain firearms which are in addition to those related to taxes. The Internal Revenue Service is the agency by which these functions are performed. Generally, the procedural rules of the Service are based on the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954, and the procedural rules in this part apply to the taxes imposed by both Codes except to the extent specifically stated or where the procedure under one Code is incompatible with the procedure under the other Code. References to sections of the Code are references to the Internal Revenue Code of 1954, unless otherwise expressly indicated.

(b) *Scope.* This part sets forth the procedural rules of the Internal Revenue Service respecting all taxes, except alcohol, tobacco, and certain firearms taxes, administered by the Service, and supersedes the previously published statement (26 CFR (1939) Parts 600 and 601) with respect to such procedural rules, excepting that part of such statement dealing with alcohol, tobacco, and certain firearms taxes. The procedural rules of the Service with respect to alcohol, tobacco, and certain firearms taxes will be published at a later date as Subpart C to reflect regulatory changes effective January 1, 1955. Subpart A provides a descriptive statement of the general course and method by which the Service's functions are channeled and determined, insofar as such functions relate generally to the assessment and collection of internal revenue taxes. Certain provisions special to particular taxes are separately described in Subpart D. Conference and practice requirements of the Internal Revenue Service are contained in Subpart E. Specific matters not generally involved in the assessment and collection functions are separately described in Subpart B. A description of the rule-making functions of the Treasury Department with respect to internal revenue tax matters is contained in Subpart F. Subpart G relates to matters of official record in the Internal Revenue Service and the extent to which records and documents are subject to publication or open to public inspection. This part does not contain a detailed discussion of the substantive provisions pertaining to any particular tax or the procedures relating thereto, and for such information it is necessary that reference be made to the applicable provisions of law and the regulations promulgated thereunder. The regulations relating to the taxes administered by the Service are contained in Titles 26 and 27 of the Code of Federal Regulations.

§ 601.102 *Classification of taxes collected by the Internal Revenue Service*—(a) *Principal divisions.* Internal revenue taxes fall generally into the following principal divisions:

(1) Taxes collected by assessment.

(2) Taxes collected by means of revenue stamps.

(b) *Assessed taxes.* Taxes collected principally by assessment fall into the following two main classes:

(1) Taxes within the jurisdiction of the Tax Court of the United States. These include:

(i) Income and profits taxes imposed by chapters 1 and 2 of the 1939 Code and taxes imposed by subtitle A of the 1954 Code, relating to income taxes.

(ii) Estate taxes imposed by chapter 3 of the 1939 Code and chapter 11 of the 1954 Code.

(iii) Gift tax imposed by chapter 4 of the 1939 Code and chapter 12 of the 1954 Code.

(2) Taxes not within the jurisdiction of the Tax Court of the United States. Taxes not imposed by chapter 1, 2, 3, or 4 of the 1939 Code or subtitle A or chapter 11 or 12 of the 1954 Code are within this class, such as:

(i) Employment taxes,

(ii) Various sales taxes collected by return,

(iii) Miscellaneous excise taxes collected by return, and

(iv) Miscellaneous excise taxes collected by sale of revenue stamps.

(3) The difference between these two main classes is that only taxes described in subparagraph (1) of this paragraph, i. e., those within the jurisdiction of the Tax Court, may be contested before an independent tribunal prior to payment. Taxes of both classes may be contested by first making payment, filing claim for refund, and then bringing suit to recover if the claim is disallowed or no decision is rendered thereon within six months.

(c) *Stamp taxes.* Taxes collected by means of revenue stamps may in special circumstances be collected by assessment, but references hereinafter to the assessment process do not contemplate taxes ordinarily collectible by means of stamps, except as specially stated. For provisions special to taxes collected by means of revenue stamps, see § 601.404. Taxes collectible by assessment may be collected by suit without assessment, but this is seldom done.

§ 601.103 *Summary of general tax procedure*—(a) *Collection procedure.* The Federal tax system is basically one of self-assessment. Each taxpayer (or person required to collect and pay over the tax) is required to file a prescribed form of return which shows the facts upon which tax liability may be determined and assessed. Generally, the taxpayer must compute the tax due on the return and make payment thereof on or before the due date for filing the return. If the taxpayer fails to pay the tax when due, the district director of internal revenue issues a notice and demands payment within 10 days from the date of the notice. In the case of wage earners and nonresident aliens, the income tax is collected in large part through withholding at the source. Another means of collecting the income tax is through payments on declarations of estimated tax which are required by law to be filed by certain taxpayers whose gross income for the taxable year may be expected to exceed a specified amount. For taxable years ending on or after December 31, 1955, the law requires a declaration of

estimated tax by certain corporations. See section 6016 of the Code. Neither withholding nor a declaration of estimated tax relieves a taxpayer from the duty of filing a return otherwise required. Certain excise taxes are collected by the sale of internal revenue stamps.

(b) *Examination and determination of tax liability.* After the returns are filed in the office of the district director of internal revenue, they are sorted, classified, and processed. Many of these returns are selected for examination. If adjustments are proposed with which the taxpayer does not agree, he is ordinarily accorded an opportunity to discuss the proposed adjustments (except with respect to mathematical errors) in an informal conference in the district director's office. If this informal conference results in agreement on the proposed adjustments, the taxpayer is requested to execute an agreement form. If the tax involved is an income, profits, estate, or gift tax, and if the taxpayer waives restrictions on the assessment and collection of the tax (see § 601.105 (b)), the deficiency will be immediately assessed.

(c) *Disputed liability*—(1) *General.* If the informal conference does not result in agreement on the adjustments proposed to be made, the taxpayer is given an opportunity to submit a protest in writing, stating under oath the facts on which he relies and the grounds for his contention that the adjustments are not proper. Following review of the protest, the case will be referred to the Appellate Division of the region and the taxpayer may also be accorded a conference in the Appellate Division. The determination of tax liability by the Appellate Division is final insofar as the taxpayer's appellate rights within the Service are concerned.

(2) *Petition to the Tax Court of the United States.* In the case of income, profits, estate and gift taxes, before a deficiency may be assessed a statutory notice of deficiency (commonly called a "90-day letter") must be sent to the taxpayer by registered mail unless the taxpayer waives this restriction on assessment. The taxpayer may then file a petition for a redetermination of the proposed deficiency with the Tax Court of the United States within 90 days from the date of the mailing of the statutory notice. If the notice is addressed to a person outside the States of the Union and the District of Columbia, the period within which a petition may be filed in the Tax Court is 150 days in lieu of 90 days. In other words, the taxpayer has the right in respect of these taxes to contest any proposed deficiency before an independent tribunal prior to assessment or payment of the deficiency. Unless the taxpayer waives the restrictions on assessment and collection after the date of the mailing of the statutory notice, no assessment or collection of a deficiency (not including the correction of a mathematical error) may be made in respect of these taxes until the expiration of the applicable period or, if a petition is filed with the Tax Court, until the decision of the Court has become final. If, however, the taxpayer makes a payment with respect to a deficiency, the amount of such payment may be assessed. See, however, § 601.105 (h). If the taxpayer fails to file a petition with the Tax Court within the applicable period, the deficiency will be assessed upon the expiration of such period and notice and demand for payment of the amount thereof will be mailed to the taxpayer by the district director of internal revenue. If the taxpayer files a petition with the Tax Court, the entire amount redetermined as the deficiency by a final decision of the Tax Court will be assessed and is payable upon notice and demand from the district director. There are no restrictions on the assessment and collection of the amount of any deficiency determined by the Tax Court, and a petition for review of the Court's decision will not stay the assessment and collection of the deficiency so determined, unless on or before the time the petition for review is filed the taxpayer files with the Tax Court a bond in a sum fixed by the Court not exceeding twice the portion of the deficiency in respect of which the petition for review is filed. No part of an amount determined as a deficiency but disallowed as such by a decision of the Tax Court which has become final may be assessed or collected by levy or by proceeding in court with or without assessment.

(3) *Claims for refund.* After payment of the tax a taxpayer may, within the applicable period of limitations, contest the assessment by filing with the district director a claim for refund of all or any part of the amount paid, except with respect to certain taxes determined by the Tax Court, the decision of which has become final. If the claim is allowed, the overpayment of tax and allowable interest thereon will be credited against other liabilities of the taxpayer, or will be refunded to the taxpayer. Generally, if the claim for refund is rejected in whole or in part, the taxpayer is notified of the rejection by registered mail. He may then bring suit in the United States District Court or in the United States Court of Claims for recovery of the tax. Suit may not be commenced before the expiration of six months from the date of filing of the claim for refund, unless a decision is rendered thereon within that time, nor after the expiration of two years from the date of mailing by registered mail to the taxpayer of a notice of the disallowance of the part of the claim to which the suit relates. Under the 1954 Code, the 2-year period of limitation for bringing suit may be extended for such period as may be agreed upon in a properly executed Form 907. Also, under the 1954 Code, if the taxpayer files a written waiver of the requirement that he be sent a notice of disallowance, the 2-year period for bringing suit begins to run on the date such waiver is filed. See section 6532 (a) of the Code.

§ 601.104 *Collection functions*—(a) *Collection methods*—(1) *Returns.* Generally, an internal revenue tax assessment is based upon a return required by law or regulations to be filed by the taxpayer upon which he himself computes the tax in the manner indicated by the return. If a taxpayer fails to make a return it may be made for him by a district director, revenue agent, or other duly authorized officer or employee. See section 6020 of the Code and the regulations thereunder. Returns must be made on the forms prescribed by the Internal Revenue Service. Forms are obtainable at the principal and branch offices of district directors of internal revenue. District directors commonly mail forms to persons who they have reason to believe may be required to file returns, but failure to receive a form does not excuse failure to comply with the law or regulations requiring a return. Returns, supplementary returns, statements or schedules and the time for filing them may sometimes be prescribed by regulations issued under authority of law by the Commissioner with the approval of the Secretary of the Treasury. In the case of certain individual income taxpayers having gross income not exceeding an amount prescribed by law and consisting of income from specified sources, a special form (Form 1040A) is prescribed upon which the taxpayer may set forth the information necessary to a determination of his tax liability, and the district director will compute the tax due and mail to the taxpayer a notice and demand for payment. A husband and wife may make a single income tax return jointly. Certain affiliated groups of corporations may file consolidated income tax returns. See section 1501 of the Code and the regulations thereunder.

(2) *Withholding of tax at source.* Withholding at the source of income payments is an important method used in collecting taxes. For example, in the case of wage earners, the income tax is collected in large part through the withholding by employers of taxes on wages paid to their employees. The tax withheld at the source on wages is applied as a credit in payment of the individual's income tax liability for the taxable year. In no case does withholding of the tax relieve an individual from the duty of filing a return otherwise required by law. The chief means of collecting the income tax due from nonresident alien individuals and foreign corporations not engaged in trade or business within the United States is the withholding of the tax by persons paying or remitting the income to the recipients. The tax withheld is allowed as a credit in payment of the tax imposed on such nonresident alien individuals and foreign corporations.

(3) *Declarations of estimated tax.* Any individual who may reasonably expect to receive gross income for the taxable year from wages or from sources other than wages, in excess of amounts specified by law, is required to file a declaration of estimated income tax. Payments of estimated tax are applied in payment of the tax for the taxable year. A husband and wife may make a single declaration jointly, and the amount of the estimated tax paid on the declaration may be applied in payment of the income tax liability of either spouse in any proportion they may specify. For taxable years ending on or after December 31, 1955, the law requires a declaration of estimated tax by certain corporations. See section 6016 of the Code.

(4) *Collection by sale of revenue stamps.* Certain taxes are collected by sale of revenue stamps. These taxes fall into three general classes: Documentary stamp taxes, commodity stamp taxes, and occupational stamp taxes. The documentary and commodity stamp taxes are paid by having affixed to the document, memorandum of sale, policy, package, container, etc., in respect to which the tax is imposed, internal revenue stamps in the amount equal to the tax due and by cancelling such stamps in the manner prescribed. Payment of occupational taxes is evidenced by posting or displaying a special occupational tax stamp on the premises where the business is operated. In certain situations where it is not practicable to collect the tax by stamp, for example, where the instrument or commodity subject to stamp tax is no longer in existence or for other reasons cannot be stamped or where it is discovered that an occupational stamp tax was due for a prior taxable year, the tax may be collected by assessment. For special provisions applicable to stamp taxes, see § 601.404.

(5) *Collection of tax by another person.* Certain miscellaneous excise taxes are imposed on the person making the payment for admission, telephone service, transportation, and other facilities or services. Such taxes are required to be collected by the theater, telephone company, railroad, or other person receiving the payment. All taxes collected in this manner are held by the collecting agent in trust for the United States until paid over to the district director of internal revenue. If the person from whom the tax is required to be collected refuses to pay it or if for any reason it is impossible for the collecting agency to collect the tax from such person, the collecting agency is required to report the facts to the district director of internal revenue and the tax will then be collected by direct assessment against the person failing or refusing to pay the tax to the collecting agent. For special provisions applicable to excise taxes collected by another person, see § 601.403.

(b) *Extension of time for filing returns.* Under certain circumstances the Commissioner is authorized to grant a reasonable extension of time for filing a return or declaration. This authority has been delegated to the several district directors of internal revenue. The maximum period for extensions cannot be in excess of six months, except in the case of taxpayers who are abroad. With an exception in the case of estate tax returns, written application for extension must be received by the district director on or before the date prescribed by law for filing the return or declaration. On or before the last date prescribed by law for filing its income tax return, a corporation may obtain an automatic three-month extension of time for filing the income tax return by filing Form 7004 and paying an estimated amount not less than would be required as the first installment of tax due should the corporation elect to pay the tax in installments. An extension of time for filing a declaration of estimated tax (generally limited to a period of not more than 15 days) automatically extends the time for paying the estimated tax (without interest) for the same period.

(c) *Enforcement procedure*—(1) *General.* Taxes shown to be due on returns, deficiencies in taxes, and additional or delinquent taxes to be assessed, and penalties, interest and additions to taxes are recorded by the district director of internal revenue as "assessments". Under the law an assessment is prima facie correct for all purposes, the burden to disprove its correctness being upon the taxpayer. Upon assessment, the district director is required to effect collection of any amounts which remain due and unpaid after the expiration of 10 days from the date of notice and demand for their payment.

(2) *Levy.* If a taxpayer neglects or refuses to pay any tax within 10 days after notice and demand for its payment, it is lawful for the district director to make collection by levy on the taxpayer's property. See section 6331 of the Code. No suit for the purpose of restraining the assessment or collection of an internal revenue tax may be maintained in any court, except to restrain the assessment or collection of income, estate, or gift taxes during the period within which the assessment or collection of deficiencies in such taxes is prohibited. See section 7421 of the Code. Property taken under authority of any revenue law of the United States is irrepleviable. United States Revised Statutes, section 934; 28 U. S. C. 747.

(3) *Liens.* The United States' claim for taxes is a lien on the taxpayer's property. Such lien is not valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice has been filed by the district director. Despite such filing, the lien is not valid with respect to certain securities as against any mortgagee, pledgee or purchaser of such securities, for an adequate and full consideration in money or money's worth, who is without notice or knowledge of the existence of such lien. A valid lien generally continues until the liability is satisfied or becomes unenforceable by reason of lapse of time. A certificate of release of lien may be issued upon the taxpayer furnishing proper bond in lieu of the lien, or when the liability is satisfied or becomes unenforceable by reason of lapse of time. The Code also contains additional provisions with respect to liens in the case of estate and gift taxes. For the specific rules with respect to liens, see subchapter C of chapter 64 of the Code and the regulations thereunder.

(4) *Penalties.* In the case of failure to file a return within the prescribed time, a certain percentage of the amount of tax is, pursuant to statute, added to the tax unless the failure to file the return within the prescribed time is shown to the satisfaction of the district director to be due to reasonable cause and not to willful neglect. Civil penalties are also imposed for fraudulent returns; in the case of income and gift taxes, for intentional disregard of rules and regulations or negligence; and additions to the tax are imposed for the failure to comply with the requirements of law with respect to the estimated income tax. See chapter 68 of the Code. Criminal penalties are imposed for willful failure to pay, collect, or truthfully account for and pay over tax, willfully attempting to evade or defeat tax or the payment thereof, or willful failure to make returns, keep records, supply information, etc. See chapter 75 of the Code.

(5) *Informants' rewards.* Payments to informers are authorized for detecting and bringing to trial and punishment persons guilty of violating the internal revenue laws. See section 7623 of the Code and the regulations thereunder. Claims for rewards should be made on Form 211. Relevant facts should be stated on the form, which after execution should be forwarded to the district director of internal revenue for the district in which the informer resides, or to the Commissioner of Internal Revenue, Washington 25, D. C.

§ 601.105 *Examination of returns and claims for refund, credit or abatement; determination of correct tax liability*—(a) *Processing of returns.* When the returns are filed in the office of the district director of internal revenue, they are received by the Collection Division of the office and are checked first for form, execution, and mathematical accuracy. Mathematical errors are corrected and a correction notice of any such error is sent to the taxpayer. Notice and demand is made for the payment of any deficiency so resulting, or refund is made of any overpayment. All returns are then sorted by the Collection Division according to such classifications and subclassifications as are prescribed by the uniform management directives of the Commissioner. The purpose of these classifications is to facilitate prompt processing of returns showing refunds due and returns received with insufficient or no remittance, the selection of returns for audit, and the compilation of income and other statistics.

(b) *Examination of returns*—(1) *General.* The original examination of income, profits, estate, gift, excise, and employment tax returns is a primary function of internal revenue agents in the Audit Division of the office of each district director of internal revenue. Such internal revenue agents are organized in groups, each of which is under the immediate supervision of a group supervisor designated by the district director. Revenue agents and collection officers (and such other officers or employees of the Internal Revenue Service as may be designated for this purpose by the Commissioner) are authorized to examine any books, papers, records, or memoranda bearing upon matters required to be included in Federal tax returns and to take testimony relative thereto and to administer oaths. See section 7602 of the Code and the regulations thereunder. There are two general types of audit. These are commonly called "office audit" and "field audit".

(2) *Office audit.* Certain returns are examined by office audit. Ordinarily these are returns which do not disclose activities involving the conduct of a business. An office audit involves an analysis

of the return in the light of the law and the regulations using such evidence as may be available based on returns for previous years, information returns and other records, and the returns of other taxpayers. The original classification of the return usually will have disclosed the need for explanation or supporting evidence. Generally, any questions arising in the office audit are brought to the taxpayer's attention through correspondence with him, and he is asked to supply explanations or copies of supporting evidence by mail. Frequently, however, the examining agent will request the taxpayer to come to the district director's office for a personal conference and interview. The taxpayer has a right, of course, to bring to the attention of the examining agent any amounts included in his return which are not subject to tax or any deductions which he failed to claim on the return.

(3) *Field audit.* Certain returns are examined by field audit which involves an examination by an internal revenue agent of the taxpayer's books and records on the taxpayer's premises. The revenue agent will check the entire return filed by the taxpayer and will examine all books, papers, records, and memoranda dealing with matters required to be included in the return. If the return presents an engineering or appraisal problem (e. g., depreciation or depletion deductions, gains or losses upon the sale or exchange of property, or losses on account of abandonment, exhaustion, or obsolescence), it may, at the discretion of the officer responsible for making the final determination with respect to the tax liability, be investigated by an engineer agent who makes a separate report.

(4) *Conclusion of audit.* At the conclusion of an office or field audit, the taxpayer is afforded an opportunity to agree with the findings of the examining agent. In the event that the taxpayer does not agree, the examining agent will inform the taxpayer of his right to an informal conference. The examining agent will furnish the taxpayer a brief statement identifying the proposed adjustments as a basis for requesting an informal conference, if desired. Such informal conference will afford the taxpayer an opportunity to discuss orally the proposed adjustments prior to the preparation of the examining agent's report. See paragraph (c) of this section for informal conference procedure. On the other hand, if the taxpayer agrees with the proposed changes, he should then execute Form 870, or other appropriate agreement form, which will be tendered to him by the examining agent. If the case involves income, profits, estate or gift taxes, this agreement is evidenced in the form of a waiver by the taxpayer of restrictions on assessment and collection of the deficiency, or an acceptance of a proposed overassessment. If the case involves excise or employment taxes, the agreement is evidenced by the taxpayer's signing a waiver of his right to file a claim for abatement after the assessment of the additional tax, or by an acceptance of a proposed overassessment. Even though the taxpayer signs an acceptance of a proposed overassessment, the district director remains free to assess a deficiency. On the other hand, the taxpayer who has given a waiver may still claim a refund of any part of the deficiency assessed against him and paid by him, or any part of the tax originally assessed and paid by him. The taxpayer's acceptance of an agreed overassessment does not prevent his filing a claim and bringing a suit for an additional sum, nor does it preclude the Government from maintaining suit to recover an erroneous refund. As a matter of practice, however, waivers or acceptances ordinarily result in the closing of a case insofar as the Government is concerned.

(c) *Informal conference procedure*—(1) *General.* If the taxpayer does not agree with the findings of the examining agent, the taxpayer is advised in writing that he may present his objections to such findings at an informal conference in the Audit Division of the district director's office. The taxpayer is usually granted 10 days from the date of the written notice in which to request an informal conference on the proposed changes. Such request may be made by telephoning or writing to the number or address set forth in such written notice. If the taxpayer fails to request an informal conference within such time or to obtain an extension of time for requesting a conference, the examining agent will proceed with the completion of his report, a copy of which will be mailed to the taxpayer by the district director under cover of a "30-day letter" stating the action proposed to be taken. For further procedure in such a case, see paragraph (d) of this section. If the case involves an additional or delinquent excise or employment tax and the taxpayer fails to request an informal conference, in lieu of a "30-day letter", the taxpayer will be sent a letter advising that the additional or delinquent tax will be assessed by the district director and further advising the taxpayer of the alternative courses of action available to him after the assessment. See paragraph (d) (2) of this section. In certain excise and employment tax cases, in lieu of enclosing a copy of the examining agent's report, such letter will contain an explanation of the proposed adjustments.

(2) *Scope of informal conference procedure.* The informal conference procedure described in this paragraph is applicable in the determination of any liability in respect of income, profits, estate, gift, excise, or employment taxes. This procedure, however, is not applicable in the determination of liability for any excise tax imposed by the following provisions of the Code (and the corresponding provisions of the 1939 Code): chapter 35 (relating to wagering); subchapter A of chapter 39 (relating to narcotic drugs and marihuana); subtitle E (relating to alcohol, tobacco, machine guns and certain other firearms); and subchapter D of chapter 78 (relating to certain import taxes) insofar as it relates to alcohol and tobacco. The procedure described in this paragraph does not apply in any case where criminal prosecution is under consideration, or in any case in which, in the discretion of the district director of internal revenue, the Government's interest would be prejudiced thereby. Nor does this procedure preclude the taking of appropriate action where the assessment or collection of the tax is in jeopardy. See paragraph (h) of this section.

(3) *Rules governing informal conferences.* The objective of the informal conference procedure is to give taxpayers greater opportunity to reach an early agreement with respect to disputed items arising from examinations made by internal revenue agents. This procedure affords a means by which such issues may be resolved prior to the preparation of the agent's report and without the necessity of the taxpayer filing a formal protest. The examining agent will be present at the conference. If the taxpayer is represented by an attorney or agent, the rules with respect to their recognition, the filing of powers of attorney, and the filing of fee statements are applicable. For conference and practice requirements, see Subpart E. In the conduct of informal conferences, it is the duty of the group supervisor or other officer who may be acting as conferee to conduct the conference in accordance with the objectives of the informal conference procedure and to provide the taxpayer a fair and courteous hearing at which the taxpayer may present his statement of facts and his view of the issues; to make certain that all pertinent facts are included in the record and are considered in arriving at the proposed recommendation; to make certain that the pertinent provisions of the Internal Revenue Code are applied in arriving at the proposed recommendation and that the proposed recommendation is in accord with the interpretations of the Internal Revenue Service as expressed in regulations and rulings; and to explain fully to the taxpayer the conclusions reached and the reasons therefor. It is the responsibility of the group supervisor or other designated officer to prepare a conference report with respect to each case on which an informal conference is held. This report, which will set forth briefly and concisely the facts and conclusions reached with respect to each issue, will be made available to the examining officer. In preparing his report the examining officer will give effect to the conference decisions. The examination report and the conference report are subject to review in the Audit Division of the district director's office. The purpose of this review is to insure uniformity in the application of the provisions of the Code, the regulations and rulings, as well as the general policy of the Service. In the event that an agreement with the taxpayer is reached at the informal conference, the taxpayer will be requested to execute Form 870 or other appropriate agreement form. Any deficiency in tax or additional tax proposed will then be assessed, or any overpayment will be credited or refunded.

(d) *Thirty-day letters; protests; claims for abatement*—(1) *General.* The report of the examining agent, as approved after review, recommends one of four determinations:

(i) Acceptance of the return as filed and closing of the case;

(ii) Assertion of a given deficiency or additional tax;

(iii) Allowance of a given overassessment, with or without a claim for refund, credit, or abatement;

(iv) If a claim for refund, credit, or abatement has been filed and has been found wholly lacking in merit, denial of the claim.

If any one of the last three determinations is made (except a full allowance of a claim in respect of any tax or a proposed additional excise or employment tax), unless the taxpayer has previously agreed with the finding by signing an agreement form as above described in this section, the district director sends to the taxpayer a preliminary or "30-day letter". This is a form letter which states the determination proposed to be made. Except in certain excise and employment tax cases, it is accompanied by a copy of the examining agent's report explaining the basis of the proposed determination. It suggests to the taxpayer that if he concurs in the recommendation, he indicate his agreement by executing and returning the enclosed form of waiver or acceptance. The preliminary letter also advises the taxpayer that if he disagrees with the proposed determination, he may file a written protest under oath within 30 days (from the date of the letter) stating the grounds for his disagreement and may have a hearing in the Appellate Division of the region if requested. Failure by the taxpayer to make any response within 30 days will result in the issuance of a statutory notice of deficiency in income, profits, estate and gift tax cases, or other appropriate action, such as the issuance of a certificate of overassessment or the denial of a claim.

(2) *Excise and employment tax cases.* If the case involves excise or employment taxes and the examination report proposes an additional or delinquent tax, in lieu of a "30-day letter", the taxpayer will be sent a letter advising that the additional or delinquent tax will be assessed by the district director and that upon receipt of notice and demand for payment of such additional or delinquent tax from the district director, the taxpayer may pay the assessment and file a claim for refund or credit, or may defer paying the assessment and instead file a claim for abatement of the assessment. Form 843 is the form prescribed for use in filing such claims. The taxpayer will also be advised that if he wishes the case to be transferred to the Appellate Division of the region, he should file with the claim a request in writing for such transfer. If the taxpayer requests consideration by the Appellate Division, he may file with his claim a written protest under oath setting forth the facts upon which he relies and his contentions with respect to the issues involved. If the taxpayer files a claim for abatement of the assessment and a request in writing for transfer of the case to the Appellate Division of the region, but does not file a protest, the Appellate Division may thereafter request the taxpayer to file a protest if the conferee to whom the case is assigned decides that a protest would facilitate disposition of the case. If the taxpayer fails to file a claim for abatement within 10 days from the date of the notice and demand for payment of the assessment, the tax becomes collectible immediately upon expiration of such period.

(3) *Protests.* If the taxpayer chooses to file a protest against the proposed determination set forth in the "30-day letter", his protest should be filed in the district director's office and, following review of the protest, the case will be referred to the Appellate Division of the region. The taxpayer will also be accorded a conference in the Appellate Division if he requests it. Protests should be filed in triplicate. No particular form of protest has been prescribed. However, instructions for the preparation of protests are sent with the "30-day letter". For a description of the procedure in the Appellate Division, see § 601.106.

(e) *Claims for refund or credit.* (1) After payment of the tax a taxpayer may contest the assessment by filing a claim for refund or credit for all or any part of the amount paid, except as provided in section 6512 of the Code with respect to certain taxes determined by the Tax Court, the decision of which has become final. A claim for refund or credit is made on Form 843, which is obtainable from the district director. Generally, the claim, together with appropriate supporting evidence, must be filed in the office of the district director for the district in which the tax was paid. A claim for refund or credit must be filed within the applicable statutory period of limitation. In the case of individuals a properly executed income tax return may, if the taxpayer elects, operate as a claim for refund or credit of the amount of the overpayment disclosed by such return. If an individual income taxpayer elects to file Form 1040A as a return, such return operates automatically as a claim for refund for the amount of the overpayment shown by the district director's computation of the tax on the basis of the return.

(2) Claims for refund or credit are investigated and considered by the Audit Division of the district director's office. The procedure applicable to the determination of correct tax liability upon the basis of a claim for refund or credit filed by the taxpayer is substantially the same as the procedure applicable to the original determination of tax liability upon the basis of a return filed by a taxpayer. The procedure applicable to the review of determinations of overassessments exceeding $100,000 is substantially the same as that applicable to such determinations by the Appellate Division. See § 601.108.

(3) As to suits for refund, see § 601.103 (c).

(4) A special procedure is applicable to claims for excess profits tax relief (including credit or refund) under section 722 of the Internal Revenue Code of 1939. See § 601.107 for a description of the applicable procedure.

(5) There is also a special procedure applicable to applications for tentative carryback adjustments under section 6411 of the Code (consult Forms 1045 and 1139).

(f) *Interruption of audit and conference procedure.* The process of field audits and the course of the administrative procedure described in this section and in the following section may be interrupted in some cases by the imminent expiration of the statutory period of limitations for assessment of the tax. In this event the district director of internal revenue or other appropriate officer concerned must dispatch a statutory notice of deficiency (income, profits, estate or gift tax cases) or take other appropriate action with a view to assessment, even though the audit or conferences may then be going forward. In order to avoid interruption of the established procedure (except in estate tax cases), it is suggested to the taxpayer that he execute an agreement on Form 872 (or such other form as may be prescribed for this purpose). To be effective this agreement must be entered into by the taxpayer and the district director or other appropriate officer concerned prior to the expiration of the time otherwise provided for assessment. Such a consent extends the period for assessment of any deficiency, or any additional or delinquent tax, and extends the period during which the taxpayer may claim a refund or credit to a date 6 months after the agreed time of extension of the assessment period.

(g) *Fraud.* The procedure described in this section does not apply in any case in which criminal prosecution is under consideration. Such procedure does obtain, however, in cases involving the assertion of the civil fraud penalty after the criminal aspects of the case have been closed.

(h) *Jeopardy assessments.* If the district director believes that the assessment or collection of a tax will be jeopardized by delay, he is authorized and required to assess the tax immediately, together with interest and other additional amounts provided by law, notwithstanding the restrictions on assessment or collection of income, estate and gift taxes contained in section 6213 (a) of the Code. A jeopardy assessment does not deprive the taxpayer of his right to file a petition with the Tax Court. Collection of a tax in jeopardy may be immediately enforced by the district director upon notice and demand. To stay collection the taxpayer may file with the district director a bond equal to the amount for which the stay is desired.

§ 601.106 *Appellate functions*—(a) *General.* (1) There is provided in each region an Appellate Division, with office facilities within the region. Subject to the limitations set forth in subparagraphs (2) and (3) of this paragraph, there is vested in certain officers of the Appellate Division of each region, by delegation of authority from the regional commissioner, the exclusive and final authority to represent the Commissioner in the determination of Federal income, profits, estate or gift tax liability (whether before or after the issuance of a statutory notice of deficiency) and in the determination of employment or certain Federal excise tax liability in any

case originating in the office of any district director of internal revenue situated in the region, in which the taxpayer has protested the determination of liability made by that officer and no agreement has been reached. The Appellate Division has complete jurisdiction of every income, profits, estate or gift tax case after the issuance of the statutory notice of deficiency, subject to the limitations provided in subparagraph (2) of this paragraph. After the filing of a petition in the Tax Court the Appellate Division continues to have exclusive jurisdiction of the case, subject to the provisions of subparagraph (2) of this paragraph, and to have custody of all administrative files, papers and documents relating to the case, which, however, are at all times available to the regional counsel for the preparation of appropriate pleadings to the petition and for the defense before the Tax Court of the Commissioner's determination. Subject to the exceptions and limitations set forth in subparagraph (2) of this paragraph, there is also vested in the Appellate Division of the region exclusive authority to settle (i) all cases docketed in the Tax Court of the United States and placed on a calendar for hearing at any place within the territory comprising the region and (ii) all cases originating in the office of any district director situated within the region which are placed on the Washington, D. C., calendar of the Tax Court, unless the petitioner is then domiciled in the region which includes Washington, D. C. Furthermore, the Appellate Division of the region may retain exclusive authority to settle all cases docketed in the Tax Court which originated in the office of any district director situated within the territorial jurisdiction of such region which may be placed upon a calendar of the Tax Court for hearing at a place within the territorial jurisdiction of the Appellate Division of an adjoining region.

(2) The authority described in subparagraph (1) of this paragraph does not include the authority to:

(i) Make or approve a settlement in any case docketed in the Tax Court, except with the concurrence of regional counsel;

(ii) Eliminate the ad valorem fraud or negligence penalty in any case not docketed in the Tax Court, except with the concurrence of regional counsel;

(iii) Act in any case in which criminal prosecution has been recommended, unless and until final disposition has been made of the criminal aspects thereof; or

(iv) Modify any decision of the Excess Profits Tax Council with respect to any issue arising under the provisions of section 722 of the Internal Revenue Code of 1939, except with the concurrence of the Council.

(3) The authority vested in the Appellate Division does not extend to the determination of liability for any excise tax imposed by the following chapters of the Internal Revenue Code (and the corresponding provisions of the 1939 Code): chapter 35 (relating to wagering); subchapter A of chapter 39 (relating to narcotic drugs and marihuana); subtitle E (relating to alcohol, tobacco, machine guns and certain other firearms); and subchapter D of chapter 78 (relating to certain import taxes) insofar as it relates to alcohol and tobacco.

(b) *Initiation of proceedings before the Appellate Division.* In any case in which the district director of internal revenue has issued a preliminary or "30-day letter" and the taxpayer files a written protest under oath against the proposed determination of tax liability made by the district director, and in any case in which the taxpayer files a claim for abatement or refund of any excise or employment tax, the taxpayer has the right (and will be so advised by the district director) of administrative appeal to the Appellate Division of the region. Following review of the protest, the case and its administrative record are referred to the Appellate Division. No taxpayer is required to submit his case to the Appellate Division for consideration. Appeal is at the option of the taxpayer. A request for administrative appeal to the Appellate Division will not be denied because no informal conference was held in the district director's office. The Appellate Division will not consider before the issuance of a statutory notice of deficiency any case involving a determination of income, profits, estate or gift tax liability in which no protest has been filed with the district director. After the issuance by the district director of a statutory notice of deficiency in such a case, upon the taxpayer's request, the Appellate Division may take up the case for settlement and may grant the taxpayer a hearing thereon. Except in unusual circumstances, however, no hearing in such a case will be granted prior to the filing of a petition in the Tax Court for a redetermination of the deficiency proposed in the statutory notice.

(c) *Nature of proceedings before the Appellate Division.* Proceedings before the Appellate Division are informal. Testimony under oath is not taken, although matters alleged as fact may be required to be submitted in the form of affidavits. Taxpayers may appear in person or by or with a representative duly enrolled to practice before the Treasury Department and whose appearance must be under a proper power of attorney authorizing him to act for the taxpayer. See Subpart E. Any material matter of fact not presented to the district director of internal revenue will be subject to reference to the district director for investigation and report. At any hearing granted by the Appellate Division the district director will be represented if he so desires, or if the Chief of the Appellate Division of the region, or his authorized representative, deems it advisable; and at any such hearing on a case involving the ad valorem fraud or negligence penalty, the regional counsel will be represented if he so desires.

(d) *Disposition and settlement of cases before the Appellate Division*—(1) *Cases not docketed in the Tax Court.* (i) If after consideration of the case by the Appellate Division of the region a satisfactory settlement of the issues is reached with the taxpayer, he will be requested to sign Form 870–AD or other appropriate agreement form waiving restrictions on the assessment and collection of any deficiency, or to sign an acceptance of any overassessment resulting under the agreed settlement. As an incident to such settlement the taxpayer may also be required to execute an agreement to make prompt payment of the agreed deficiency or additional tax, together with interest due thereon; not to file an offer in compromise in respect of the agreed tax liability; and upon request to execute at any time a final closing agreement (see § 601.202) under the provisions of section 7121 of the Code in respect of the tax liabilities determined upon the basis of the agreed settlement.

(ii) If after consideration of the case by the Appellate Division of the region it is determined that there is a deficiency in income, profits, estate or gift tax, to which the taxpayer does not agree, a statutory notice of deficiency will be prepared and issued by the Appellate Division after consideration by the regional counsel. The case will be retained by the Appellate Division and, in the event a petition is filed with the Tax Court, the case will be referred to the regional counsel for preparation of the answer or other appropriate pleading. In the event that no petition is filed, the case will be transferred to the district director for appropriate action. In any other unagreed case, the case and its administrative record will be returned to the district director with directions to take such action with respect to the tax liability determined in the Appellate Division as may be appropriate, such as the issuance of a statutory notice of disallowance of a claim for refund or credit in whole or in part, the preparation of a certificate of overassessment or other appropriate action, or the collection of any additional tax (excise and employment tax cases).

(2) *Cases docketed in the Tax Court.* (i) If the case under consideration in the Appellate Division is docketed in the Tax Court and agreement is reached with the taxpayer with respect to the issues involved, the disposition of the case is effected by a stipulation of agreed deficiency or overpayment to be filed with the Tax Court and in conformity with which the Court will enter its order.

(ii) If the case under consideration in the Appellate Division is docketed in the Tax Court and the issues remain unsettled after consideration and conference in the Appellate Division, the case will be referred to the regional counsel for the region for defense of the tax liability determined.

(e) *Transfer and centralization of cases.* (1) If a case is docketed in the Tax Court of the United States and is placed on a calendar for hearing at any place within one region, and such case originated in the office of a district director situated within another region, the Commissioner has the authority to confer all or any part of the jurisdiction, authority, and duties vested in the Appellate Division of the region in which the case originated upon the Appellate Division of the region within which the place of hearing is located. However, jurisdiction will not be transferred to the Appellate Division of the region which includes Washington, D. C., in any docketed case set for hearing at Washington, D. C., which did not originate within such region, unless the taxpayer's domicile is then situated within such region. Likewise, the Chief Counsel has corresponding authority to transfer the jurisdiction, authority, and duties of the regional counsel for any region to the regional counsel of another region within which the case has been set for hearing before the Tax Court.

(2) Should a regional commissioner determine that it would better serve the interests of the Government, he may, by order in writing, withdraw any case not docketed before the Tax Court from the jurisdiction of the Appellate Division of the region, and provide for its disposition under his personal direction. Similarly, should the regional commissioner and the regional counsel jointly determine that it would better serve the interests of the Government, they may, by order in writing, withdraw any case docketed before the Tax Court from the jurisdiction of the Appellate Division of the region, and provide for its disposition under their joint direction.

(f) *Conference and practice requirements.* Practice and conference procedure before the Appellate Division is governed by Treasury Department Circular 230 as amended (31 CFR, Parts 10, 12, 13, and 14), and the requirements of Subpart E. In addition to such rules but not in modification of them, the following rules are also applicable to practice before the Appellate Division:

(1) *Rule I.* The Appellate Division conferee shall bear in mind that an exaction by the United States Government, which is not based upon law, statutory or otherwise, is a taking of property without due process of law, in violation of the Fifth Amendment to the United States Constitution. The conferee, in his conclusions of fact or application of the law, shall hew to the law and the recognized standards of legal construction. It shall be the duty of the conferee to determine the correct amount of the tax, with strict impartiality as between the taxpayer and the Government, and without favoritism or discrimination as between taxpayers.

(2) *Rule II.* In recognition of the difference between abstract theory and practical administration, where substantial uncertainties exist either in law or in fact, or both, as to the correct application of the law to the whole record of a controversy, the Appellate Division will give serious consideration to an offer of settlement of the dispute on a basis which fairly reflects the strength or weakness of the opposing views. However, no settlement will be countenanced based upon nuisance value of the case to either party.

(3) *Rule III.* Where the Appellate Division conferee recommends acceptance of the taxpayer's proposal of settlement, or, in the absence of a proposal, recommends action favorable to the taxpayer, and said recommendation is disapproved in whole or in part by a reviewing officer in the Appellate Division, the taxpayer shall be so advised by such reviewing officer and upon written request shall be accorded a rehearing before such reviewing officer. The Appellate Division disregards this rule where the interests of the Government would be injured by delay, as for example, a case involving the imminent expiration of the statute of limitations, dissipation of assets, etc.

(4) *Rule IV.* Where the Chief of the Appellate Division, the Associate Chief, Assistant Chief, or Special Assistant to the Chief, as the case may be, deems it advisable, whether or not upon request of the taxpayer, the district director of internal revenue will be requested to be represented at any Appellate Division conference on the case, in which event such representative (or representatives) will be invited and expected to enter into the discussion and oral argument at the conference on an equal footing with the taxpayer.

(5) *Rule V.* In order to bring an income, profits, estate or gift tax case before the Appellate Division in prestatutory notice status, the taxpayer must first file with the district director of internal revenue a written protest setting forth specifically the reasons for his refusal to accept the director's findings. The Appellate Division will not assume jurisdiction in an employment or excise tax case prior to the filing of a claim for refund or a claim for abatement.

(6) *Rule VI.* A taxpayer cannot withhold evidence from the district director of internal revenue and expect to introduce it for the first time before the Appellate Division, at a conference in nondocketed status, without being subject to having the case returned to the district director for reconsideration. Where newly discovered evidence is submitted for the first time to the Appellate Division, in a case pending in nondocketed status, that office, in the reasonable exercise of its discretion, may transmit same to the district director for his consideration and comment.

(7) *Rule VII.* Where the taxpayer has had the benefit of a conference either before the office of the district director of internal revenue or before the Appellate Division, as the case may be, in the prestatutory notice status, or where the opportunity for such a conference was accorded but not availed of, there will be no conference granted before the Appellate Division in the 90-day status after the mailing of the statutory notice of deficiency, in the absence of unusual circumstances.

(8) *Rule VIII.* In any case docketed in the Tax Court of the United States on which a conference is being conducted before an Appellate Division conferee, the Regional Counsel is privileged to be represented and to participate in the discussion. In cases not docketed in the Tax Court of the United States on which a conference is being conducted before an Appellate Division conferee, the Regional Counsel or his representative may be requested to attend and to give legal advice in the more difficult cases, or on matters of legal or litigating policy.

(9) *Rule IX.* A taxpayer may request the reopening or resumption of settlement conferences in a docketed case, before the Associate Chief or the Assistant Chief, as the case may be, in charge of an Appellate Division office, and whenever such request is granted, the conferee who originally heard the case shall ordinarily be present and participate in any conference.

(g) *Limitations on the jurisdiction and functions of the Appellate Division*—(1) *Overassessments of more than $100,000.* If the Appellate Division of the region determines in any case that there is an overassessment (of taxes, penalties, or interest) exceeding $100,000, such determination is subject to review by the Office of the Chief Counsel. See § 601.108.

(2) *Offers in compromise.* For jurisdiction of the Appellate Division with respect to offers in compromise of tax liabilities, see § 601.203.

(3) *Closing agreements.* For jurisdiction of the Appellate Division with respect to closing agreements under section 7121 of the Code relating to any internal revenue tax liability, see § 601.202.

(4) *Bankruptcy and receivership.* For limitations on the authority and functions of the Appellate Division in bankruptcy and receivership cases, see § 601.109.

§ 601.107 *Excess Profits Tax Council; appellate functions and procedures under section 722 of the Internal Revenue Code of 1939*—(a) *General.* (1) Subchapter E of chapter 2 of the Internal Revenue Code of 1939 imposed on corporations an excess profits tax based on their "adjusted excess profits net income" as defined in section 711 of such Code. This tax was effective as to taxable years beginning after December 31, 1939, and was repealed by the Revenue Act of 1945, with respect to taxable years beginning after December 31, 1945. Section 722 of the 1939 Code provides that, if the taxpayer, pursuant to certain rules and standards in such section, establishes that the tax computed under subchapter E is excessive and discriminatory, relief under limitations contained in section 722 will be granted. The appellate functions of the Excess Profits Tax Council relate to the consideration and the determination of issues arising under section 722.

(2) The rules bearing upon the procedure applicable with respect to section 722 of the 1939 Code are found in Regulations 109 and Regulations 112 (26 CFR, 1938 Ed. and Supps., Part 35). There has also been published "Bulletin on Section 722 of the Internal Revenue Code", copies of which may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Practice and conference procedure before the Council is also governed by Treasury Department Circular 230 (31 CFR, Parts 10–14), and the requirements of Subpart E.

(b) *Procedure.* (1) To secure excess profits tax relief under section 722 of the 1939 Code an application therefor must be filed within the applicable period of time prescribed by section 322 of such Code. The application is required to be filed in duplicate on Form 991, copies of which are obtainable at district directors' offices. The regulations promulgated under section 722 (see paragraph

(a) (2) of this section) provide that an application must be filed for each year for which the benefits of section 722 are claimed and that only one section 722 application for any year may be filed. Such applications are required to be so framed as to adequately disclose the essential facts and issues involved.

(2) Applications for relief under section 722 are referred for investigation and consideration to section 722 field committees established at the offices of district directors of internal revenue. After completion of investigation and consideration of an application for relief by a section 722 field committee, the taxpayer is afforded opportunity for a conference for the consideration of the committee's findings. After field committee consideration and conference with the taxpayer, the recommendations of the field committee are certified to the Excess Profits Tax Council for review. In the event that the taxpayer and the field committee cannot reach an agreement on the application or where an agreement between the taxpayer and the field committee is not approved by the Council, the taxpayer will be afforded an adequate opportunity to have its case heard before the Council.

(3) Determinations of the Council are subject to appeal to the Tax Court of the United States under the provisions of section 732 of the 1939 Code.

§ 601.108 *Review of overassessments exceeding $100,000*—(a) *By Office of Chief Counsel.* Determinations of overassessments (other than overassessments of alcohol, tobacco, and certain firearms taxes) with respect to any internal revenue tax exceeding $100,000 are subject to review by the Office of the Chief Counsel. If upon review of such a determination by the Office of the Chief Counsel that office questions the proposed overassessments, the taxpayer or his representative will ordinarily, if a legal question is involved, be advised by letter regarding such issue. Such letter will also advise the taxpayer or his representative that upon request a conference will be granted by the Office of the Chief Counsel at which time the taxpayer or his representative may appear and present his views regarding the issue.

(b) *Other applicable procedures.* If agreement is reached with the taxpayer on the issues involved (including agreement with the Office of the Chief Counsel on any issues raised by that office), the taxpayer will be requested to file a letter stating his agreement with any proposed revision of the overassessment and the basis thereof, and also to agree in such letter to execute Form 870 or other appropriate agreement form accepting the revised proposed overassessment and not to file any further claims for refund, credit, or abatement with respect to any tax, penalty, or interest to which such proposed overassessment relates. In addition, the taxpayer may also be requested to execute at any time upon request a final closing agreement under section 7121 of the Code respecting the tax liability to which the proposed overassessment relates.

(c) *Certification or rejection of claimed overpayment.* Section 6405 of the Code provides that no refund or credit of income, profits, estate or gift taxes in excess of $100,000 shall be made until after the expiration of 30 days from the date upon which a report of the matter is made to the Joint Committee on Internal Revenue Taxation of Congress. After compliance with section 6405, the case will be processed for issuance of a certificate of overassessment, and payment or credit of any overpayment. If the final determination involves a rejection of a claimed overpayment, in whole or in part, a statutory notice of rejection will be sent by registered mail to the taxpayer. See section 6532 (a) (1) of the Code.

§ 601.109 *Bankruptcy and receivership cases*—(a) *General.* (1) Upon the adjudication of bankruptcy of any taxpayer in any liquidating proceeding or the approval of a petition of, or against, any taxpayer in any other proceeding under the Bankruptcy Act or the appointment of a receiver for any taxpayer in any receivership proceeding before a court of the United States or of any State or Territory or of the District of Columbia, the assessment of any deficiency in income, profits, estate or gift taxes (together with all interest, additional amounts, or additions to the tax provided for by law) shall be made immediately. See section 6871 of the Code. In such cases the restrictions imposed by section 6213 (a) of the Code upon assessments are not applicable. (In the case of an assignment for the benefit of creditors, the assessment will be made under section 6861, relating to jeopardy assessments. See § 601.105 (h).) Cases in which immediate assessment will be made include those of taxpayers in receivership or in bankruptcy, agricultural composition, reorganization, arrangement, or wage earner proceedings under chapters I to VII, sections 75, 77, chapters X, XI, XII, and XIII of the Bankruptcy Act. The term "approval of a petition in any other proceeding under the Bankruptcy Act" includes the filing of a petition under section 75 or chapters XI to XIII of the Bankruptcy Act with a court of competent jurisdiction. A fiduciary in any proceeding under the Bankruptcy Act (including a trustee, receiver, debtor in possession, or other person designated by the court as in control of the assets or affairs of a debtor) or a receiver in any receivership proceeding may be required, as provided in regulations prescribed under section 6036 of the Code, to give notice in writing to the district director of his qualification as such. Failure on the part of such fiduciary in a receivership proceeding or a proceeding under the Bankruptcy Act to give such notice, when required, results in the suspension of the running of the period of limitations on the making of assessments from the date of the institution of the proceeding to the date upon which such notice is received by the district director, and for an additional 30 days thereafter. However, in no case where the required notice is not given shall the suspension of the running of the period of limitations on assessment exceed 2 years. See section 6872 of the Code.

(2) It is the duty of the district director, promptly after ascertaining the existence of any outstanding Federal tax liability against a taxpayer in any proceeding under the Bankruptcy Act or receivership proceeding, and in any event within the time limited by appropriate provisions of law or the appropriate orders of the court in which such proceeding is pending, to file a proof of claim covering such liability in the court in which the proceeding is pending. Such a claim is filed whether the unpaid taxes involved have been assessed or not except in cases where departmental instructions direct otherwise. At the same time claim is filed with the bankruptcy or receivership court, the district director will send to the taxpayer notice and demand for payment together with a copy of such claim.

(3) After the institution of a railroad reorganization, corporate reorganization or real property arrangement proceeding under section 77 and chapters X and XII of the Bankruptcy Act, copies of the proof of claim and all other information essential to the protection of the interests of the Government are transmitted to the Chief Counsel in the National Office where the Chief Counsel's legal functions in these proceedings are performed. In connection with strict bankruptcy liquidation proceedings, agricultural composition and extension proceedings, arrangement proceedings and wage earner plan proceedings, under chapters I to VII, section 75 and chapters XI and XIII of the Bankruptcy Act and with respect to receivership proceedings, decedent's estates, assignments for the benefit of creditors and other miscellaneous insolvency proceedings, the district director retains all of such information until he concludes that legal action or advice of regional counsel is desirable, or necessary, in which event he refers the legal case to regional counsel.

(b) *Procedure in office of district director of internal revenue.* (1) While the district director is required by section 6871 of the Code to make immediate assessment of any deficiency in income, estate or gift taxes, such assessment is not made as a jeopardy assessment (see § 601.105 (h)), and the provisions of section 6861 do not apply to any assessment made under section 6871. Therefore, the notice of deficiency provided for in section 6861 (b) will not be mailed to the taxpayer. Nevertheless, a letter (Form 7900) will be prepared and addressed in the name of the taxpayer, immediately followed by the name of the trustee, receiver, debtor in possession or other person designated by the court in which the bankruptcy or receivership proceeding is pending as in control of the assets or affairs of the debtor. Such letter will state how the deficiency was computed and advise that within 30 days a written protest under oath may be filed with the district director showing wherein the deficiency is claimed to be incorrect, and that upon request an informal conference will be granted with respect to such deficiency. If, after protest is filed and any informal conference is held, adjustment appears necessary in the deficiency, appropriate action will be taken. Except where the interests of the Government require otherwise, Form 7900 letters are issued by the office of the district director of internal revenue. If at the time of the adjudication of bankruptcy in a liquidating proceeding or the approval of a petition in any other proceeding under the Bankruptcy Act or appointment of a receiver a case was pending before the Tax Court of the United States, the prescribed Form 7900 letter will not advise the addressee of any right to file a protest or to request a conference in the office of the district director. Protests must be filed in triplicate. In general, the procedure concerning informal conferences described in § 601.105 (c) is also applicable to an informal conference held after the issuance of a Form 7900 letter, except that the examining agent's report may be prepared prior to such conference.

(2) The immediate assessment required by section 6871 of the Code represents an exception to the usual restrictions on the assessment of Federal income, estate, and gift taxes. Since there are no restrictions on the assessment of Federal excise or employment taxes, immediate assessment of such taxes will be made in any case where section 6871 of the Code would require immediate assessment of income, estate, or gift taxes.

(3) If after such assessment a claim for abatement is filed and such claim is accompanied by a request in writing for a hearing, an informal conference in the office of the district director of internal revenue will be granted. Ordinarily, only one conference will be held unless it develops that additional information can be furnished which has a material bearing upon the tax liability, in which event the conference will be continued to a later date.

(c) *Procedure before Appellate Division not applicable.* A case involving immediate assessment under section 6871 of the Code or an assessment of excise or employment taxes after an adjudication of bankruptcy in a liquidating proceeding or the approval of a petition in any other proceeding under the Bankruptcy Act or the appointment of a receiver will not be referred by the district director to a field office of the Appellate Division. Therefore, the taxpayer, or the trustee, receiver, or debtor in possession or other person designated by the court as in control of the assets or affairs of the debtor, may not request consideration of the case by the Appellate Division. If at the time of the adjudication of bankruptcy or the approval of a petition or the appointment of a receiver an income, estate, or gift tax case is under consideration by a field office of the Appellate Division, whether before or after issuance of a statutory notice of deficiency, the case will be returned to the district director for issuance of the Form 7900 letter and filing proof of claim in any proceeding under the Bankruptcy Act or in a receivership proceeding. Excise and employment tax cases pending in the Appellate Division at such time will likewise be returned to the district director for filing proof of claim in any proceeding under the Bankruptcy Act or in a receivership proceeding. Thereafter, the case will not be transferred by the district director to the Appellate Division unless a petition for redetermination of the deficiency had been filed in the Tax Court prior to the adjudication of bankruptcy in a liquidating proceeding or the approval of a petition in any other proceeding under the Bankruptcy Act or the appointment of a receiver, and the taxpayer or the trustee, receiver, debtor in possession or other person designated by the bankruptcy or receivership court as in control of the debtor's assets or affairs elects to prosecute the proceeding in the Tax Court. A petition for redetermination of a deficiency may not be filed in the Tax Court after the adjudication of bankruptcy or the approval of a petition or the appointment of a receiver. See section 6871 (b). However, the Tax Court is not deprived of jurisdiction where the adjudication of bankruptcy or the approval of a petition or the appointment of a receiver occurred subsequent to the filing of the petition. In such a case the jurisdiction of the bankruptcy or receivership court and the Tax Court is concurrent.

(d) *Priority of claims.* Under section 3466 of the Revised Statutes and section 3467 of the Revised Statutes, as amended, and section 64 of the Bankruptcy Act, taxes are entitled to the priority over other claims therein stated and the trustee, receiver, debtor in possession or other person designated as in control of the assets or affairs of the debtor by the court in which the bankruptcy or receivership proceeding is pending may be held personally liable for failure on his part to protect the priority of the Government respecting taxes of which he has notice. Sections 75 (1), 77 (e), 199, 337 (2), 455 and 659 (6) of the Bankruptcy Act also contain provisions with respect to the rights of the United States relative to priority of payment. Bankruptcy courts have jurisdiction under the Bankruptcy Act to determine all disputes regarding the amount and the validity of tax claims against a bankrupt or a debtor in a proceeding under the Bankruptcy Act. A bankruptcy or receivership proceeding or an assignment for the benefit of creditors does not discharge any portion of a claim of the United States for taxes except in the case of a proceeding under section 77 or chapter X of the Bankruptcy Act; and any portion of a claim of the United States for taxes which has been allowed by the court in which the bankruptcy or receivership is pending and which remains unsatisfied after the termination of the proceeding shall be collected with interest in accordance with law.

SUBPART B—RULINGS AND OTHER SPECIFIC MATTERS

§ 601.201 *Rulings and determination letters*—(a) *General policy and definitions.* (1) It is the policy of the Internal Revenue Service to answer inquiries of individuals and organizations, whenever appropriate in the interest of sound tax administration, as to their status for tax purposes and as to the tax effects of their acts or transactions, prior to their filing of returns or reports as required by the internal revenue laws. One of the functions of the National Office of the Internal Revenue Service is the issuance of rulings on such matters. District directors of internal revenue are authorized, as hereinafter provided, to issue determination letters within the scope of their functions in answer to taxpayers' inquiries or requests.

(2) The term "ruling" is used to describe a written statement issued by the National Office of the Internal Revenue Service which is an expression of the official interpretation or policy of the Office of the Commissioner of Internal Revenue. Rulings are issued by the Commissioner, or under his authority, and are intended to serve the purpose of establishing principles and policies of the Service in the interpretation and application of substantive tax law. Rulings are issued only by the National Office of the Internal Revenue Service. The Office of the Chief Counsel provides legal services and advice to the Commissioner and his staff in connection with rulings and closing agreements.

(3) The term "determination letter" is used to describe a written statement issued by a district director of internal revenue in response to an inquiry by an individual or an organization, and solely by way of application to the facts involved in a particular inquiry or request of the principles and policies previously established by the National Office. Determination letters are issued only where a determination can be made on the basis of clearly established rules as set forth in the statute, Treasury decisions or regulations, or rulings, opinions or court decisions published in the Internal Revenue Bulletin. Where such a determination cannot be made (such as where the question presented involves a novel issue) or the matter is excluded from the jurisdiction of a district director of internal revenue by the provisions of this section, a determination letter will not be issued by the district director.

(b) *Rulings issued by the National Office in Washington, D. C.* (1) In income, profits, estate, and gift tax matters the National Office will exercise jurisdiction with respect to prospective transactions and with respect to completed transactions affecting returns to be filed, except that it will not ordinarily issue rulings to taxpayers or their representatives in connection with returns to be filed if the identical issue is also involved in a return or returns of the taxpayer already filed for a taxable period or periods with respect to which the statutory period of limitation on assessment or refund of tax has not expired.

(2) In employment and excise tax matters the National Office will exercise jurisdiction over requests for rulings received in the National Office whether such requests are received direct from the taxpayers or whether they are received through the office of a district director of internal revenue, except that the National Office will not ordinarily issue a ruling to a taxpayer or his representative if it knows or has reason to believe that the issue is before the district director in an active examination or audit of the liability of the taxpayer. Likewise, the National Office will not ordinarily take jurisdiction of an issue with respect to future action if it knows or has reason

to believe that the identical issue is before the district director in an active examination or audit of the liability of the taxpayer for a prior period.

(c) *Determination letters issued by district directors of internal revenue.* (1) In income, profits, estate, and gift tax matters district directors of internal revenue are authorized to issue determination letters in response to taxpayers' requests submitted to their offices involving completed transactions only, which affect returns required to be filed in their districts, but only if the question presented is covered specifically by statute, Treasury decision or regulations, or specifically by a ruling, opinion, or court decision published in the Internal Revenue Bulletin. Determination letters will not usually be issued with respect to a question which involves an income, profits, estate, or gift tax return or returns to be filed by the taxpayer if the identical question is involved in a return or returns already filed by the taxpayer. District directors of internal revenue are not authorized to issue determination letters as to the income, profits, estate, or gift tax consequence of prospective or proposed transactions, except as provided in subparagraph (4) of this paragraph.

(2) In employment and excise tax matters district directors of internal revenue are authorized to issue determination letters in response to requests from taxpayers who have filed or who are required to file returns in the district over which they have jurisdiction, but only if the question presented is covered specifically by statute, Treasury decision or regulations, or specifically by a ruling, opinion, or court decision published in the Internal Revenue Bulletin.

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, a district director of internal revenue is not authorized to issue a determination letter in response to an inquiry, although presenting a question covered specifically by statute, regulations, or a ruling, etc., published in the Internal Revenue Bulletin, where (i) it appears that a similar inquiry from the taxpayer has been directed to the National Office, (ii) the determination letter is requested by an industry, trade association, or similar group, or (iii) the request involves an industry-wide problem. A district director of internal revenue is not authorized to issue a determination letter unless it is clearly indicated that the inquiry is with regard to a taxpayer or taxpayers in the district under the supervision of the district director who receives the request. Notwithstanding the provisions of subparagraph (2) of this paragraph, the district director of internal revenue is not authorized to issue a determination letter on an employment tax question when the specific question involved has been or is being considered by the National Office of the Social Security Administration, nor on an excise tax question if the request is for a determination of fair market price under sections 4216 (b) and 4218 of the Code or for a determination of fair charges under sections 4281 and 4282 of the Code.

(4) District directors of internal revenue are authorized to issue determination letters involving the status of plans and trusts under section 401 of the Code but are restricted to (i) the initial qualification of the plan under section 401 of the Code, and if trusteed, the status for exemption of the trust forming a part of the plan; (ii) amendments to the plan or trust; (iii) curtailment or termination of plan; and (iv) the effect of an investment of trust funds in stock or securities of the employer on the qualification of the plan. Such authority does not include determinations or opinions under section 402, 403, or 404 of the Code. See also paragraph (l) of this section.

(5) District directors of internal revenue are authorized to issue determination letters involving the exempt status of an organization described in sections 501 and 521 of the Code with respect to the filing of returns and the payment of income tax. Such determination letters are restricted to routine determinations in which the application of the law to the facts shown on the exemption application is clear and which do not present an involved or questionable issue. Applications presenting involved or questionable issues will be forwarded by the district directors of internal revenue to the National Office in Washington, D. C., for the issuance of a ruling. See also paragraph (k) of this section.

(6) A request received by a district director of internal revenue with respect to a question involved in an income, profits, estate, or gift tax return or returns already filed will, in general, be considered in connection with the examination of the return or returns. However, if response to such inquiry is made prior to an examination or audit, it will not be considered a determination letter but will be considered a tentative finding in any subsequent examination or audit of the return.

(d) *Discretionary authority to issue rulings and determination letters.* (1) Except as provided in subparagraph (2) of this paragraph, the Internal Revenue Service has discretionary authority to issue rulings or determination letters. This discretion will be exercised in the light of all relevant circumstances, including the business or other reasons motivating the transaction, and with a view to issuing rulings or determination letters only to the extent consistent with the proper administration of the internal revenue laws.

(2) Rulings will be made in the National Office on prospective transactions where the law or regulations provide for a determination of the effect of a proposed transaction for tax purposes, as in the case of a transfer coming under the provisions of chapter 5 of the Code, or an exchange coming under the provisions of section 367 of the Code.

(e) *Questions on which no ruling or determination letter will be issued.* In addition to the other situations described in this section, rulings or determination letters ordinarily will not be issued in connection with income, profits, estate, and gift tax matters where the determination requested is primarily one of fact, e. g., (1) market value of property, (2) whether compensation is reasonable in amount, (3) whether a transfer is one in contemplation of death, (4) whether retention of earnings and profits by a corporation is for the purpose of avoiding surtax on its shareholders, or (5) whether a transfer or acquisition is within section 1551 or section 269 of the Code.

(f) *Instructions with respect to submission of requests for rulings or determination letters.* (1) Requests for determination letters and rulings should be submitted in duplicate if more than one issue is presented in the request. Requests relating to prospective transactions should not contain alternative plans. Each request for a determination letter or a ruling on either a prospective transaction or a completed transaction must include the following:

(i) A complete statement of the facts regarding the transaction, including the names and addresses of all interested parties, together with a copy of each contract or other document necessary to present such facts. (Inasmuch as exhibits and documents will be retained in the Service files, original documents should not be furnished.) If the subject matter is a corporate reorganization, distribution, or similar related transaction, there should also be submitted the corporate balance sheet nearest the date of the transaction (the most recent balance sheet if the transaction is prospective).

(ii) A full and precise statement of the business reasons, if any, for the transaction.

(iii) If the taxpayer is contending for a particular determination, an explanation of the ground for such contention, together with a memorandum of relevant authorities.

(2) If the request is with respect to the qualification of an organization described in section 501 or 521 of the Code for exemption from Federal income tax, see paragraph (k) of this section. If the request is with respect to the qualification of a plan under section 401 of the Code, see paragraph (l) of this section.

(3) A request by or on behalf of a taxpayer must be signed by the taxpayer or his duly authorized representative. (For provisions relating to powers of attorney and enrollment, see Subpart E.) Requests with respect to matters on which a ruling is desired from the National Office should be addressed to the Commissioner of Internal Revenue, Washington 25, D. C. Requests with respect to matters on which a determination letter from a district director of internal revenue is desired should be addressed to the office of the district director in which the tax return of the taxpayer has been filed or is required to be filed. In this connection see paragraphs (k) and (l) of this section.

(4) It is the practice of the Service to process requests for rulings or determination letters in regular order and as expeditiously as possible. Compliance with a request for consideration of a particular matter ahead of its regular order tends to delay the disposition of other matters. However, requests for processing ahead of the regular order, made in writing and showing clear need for such treatment, will be given consideration as the particular circumstances warrant.

(g) *Withdrawal of requests.* Requests for a ruling or a determination letter may be withdrawn at any time prior to the signing of the letter of reply. The withdrawal of the request, however, will not prevent the National Office from furnishing its views to the district director in whose office the return has been or will be filed. Neither shall such withdrawal prevent a district director of internal revenue from considering the information submitted in a subsequent audit or examination of the taxpayer's return. Even though a request is withdrawn all correspondence and exhibits shall be retained in the files of the Internal Revenue Service and may not be returned to the taxpayer.

(h) *Oral advice to taxpayers.* It is the policy of the Service not to issue rulings or determination letters upon oral request. For reasons of sound administration, oral opinions or advice given to taxpayers by employees or officers of the Internal Revenue Service are considered as aids to taxpayers only.

(i) *Effect of rulings.* (1) Generally no statement by any official of the Internal Revenue Service, other than a closing agreement under section 7121 of the Code (see § 601.202), is final and conclusive upon the Internal Revenue Service. However, see subparagraphs (2), (3), and (4) of this paragraph.

(2) As part of the determination of a taxpayer's liability, district directors will ascertain whether any ruling previously issued to the taxpayer has been properly applied. Thus, it will be determined whether the representations upon which the ruling was based reflected an accurate statement of the material facts and whether the transaction actually was carried out substantially as proposed.

(3) If, in the course of the determination of the tax liability, it is the view of the district director that a ruling previously issued to the taxpayer should be modified or revoked, the findings and recommendations of the district director will be forwarded to the National Office for consideration of the matter prior to further action.

(4) A ruling found to be in error or no longer in accord with the position of the Internal Revenue Service may be modified or revoked. However, it is the general policy of the Internal Revenue Service to limit the revocation or modification of a ruling issued to, or with respect to, a particular taxpayer to a prospective application only, if (i) there has been no misstatement or omission of material facts, (ii) the facts subsequently developed are not materially different from the facts on which the ruling was based, (iii) there has been no change in the applicable law, and (iv) such taxpayer acted in good faith in reliance upon such ruling and a retroactive revocation would be to his detriment.

(5) With respect to rulings published in the Internal Revenue Bulletin, it is the general policy of the Service that taxpayers may rely upon such rulings in determining the rule applicable to their own transactions and need not request a specific ruling applying the principles of the published ruling to the facts of the taxpayer's particular case where otherwise applicable. See, however, subparagraph (7) of this paragraph. In the event of revocation or modification of a ruling published in the Internal Revenue Bulletin, it is the general practice of the Service to make such revocation or modification prospective only.

(6) Under the provisions of section 1108 (b) of the Revenue Act of 1926, a ruling holding that the sale or lease of a particular article is subject to the manufacturers' excise or the retailers' excise tax must be limited in its retroactive application in any case, where (i) such ruling reverses a prior ruling holding the particular article to be nontaxable, and (ii) the taxpayer in reliance upon such ruling parted with possession or ownership of such article without passing the tax on to his customer.

(7) Since each ruling represents the conclusion of the Service as to the application of the law to the entire state of facts involved, taxpayers and others concerned are cautioned against reaching the same conclusion in other cases unless the facts and circumstances are substantially the same. Furthermore, taxpayers and others concerned should, in this connection, consider the effect of subsequent legislation, regulations, court decisions, and rulings.

(j) *Effect of determination letters.* A determination letter issued by a district director, in accordance with this section, will be given the same effect upon examination of the return of the taxpayer to whom the determination letter was issued as is described in paragraph (i) of this section, except that reference to the National Office is not necessary where, upon the examination of the return, it is the opinion of the district director that a conclusion contrary to that expressed in the determination letter is indicated. A district director of internal revenue, however, is not authorized to limit the revocation of a determination letter to a prospective application only, but may refer the matter to the National Office for exercise by the Commissioner, or his delegate, of the authority so to limit the revocation.

(k) *Organizations claiming exemption under section 501 or 521 of the Code.* (1) Any organization claiming exemption under section 501 or 521 of the Code, unless already in receipt of a determination letter or ruling letter from the Internal Revenue Service establishing exemption, is required by Treasury Department regulations to file an application for exemption with the district director of internal revenue for its district. If such application is filed with any office of the Internal Revenue Service other than that prescribed by the regulations, it will, without any action thereon, be forwarded immediately to the appropriate district director's office.

(2) In view of the statutory requirements for exemption and the administrative responsibilities of the Service in the field of exempt organizations, a determination or ruling on an application for exemption will generally not be made with respect to a newly formed organization until it has actually operated for such a period and to such an extent as to clearly demonstrate a bona fide operation for the purposes specified in the exemption statute. Exceptions to this general rule are stated in subparagraphs (4), (5), and (6) of this paragraph.

(3) Except as otherwise provided in subparagraphs (4), (5), and (6) of this paragraph, an application should not be filed by an organization until it has had at least 12 months of active operation (not mere existence) for the purposes for which it was created in order to clearly demonstrate by actual operation for such a period that in fact the organization is conducted for purposes within the exemption provisions of the Code.

(4) A tentative determination letter may be issued by a district director to a newly formed organization with less than 12 months of active operation in a case in which an affirmative showing is made (in or in connection with the exemption application) that the organization is of the community or public type. Tentative rulings will be issued by the National Office upon the same standards. Factors which characterize a community or public organization include responsible public representation on its board of directors or trustees, financial support provided by public contributions, or required reporting to a governmental or public body assuring the organization's adherence to the purposes for which it was formed. Where the facts clearly establish that the organization is of the community or public type, the district director may issue a tentative determination letter with the requirement that the organization at the termination of its first full year of operation submit a new application, together with complete supporting data as specified in the application form or in the applicable regulations.

(5) The provisions of subparagraph (4) shall not be deemed to limit the authority of a district director, in cases where the liability of an organization for certain other Federal taxes is dependent on a determination under, or similar to that under, section 501 (such as in the case of certain exemptions under the admissions tax), to make a tentative determination of the status of the organization for purposes of such other taxes, pending and subject to a determination or ruling on the organization's application for exemption under section 501. However, for income tax purposes, unless the exemption application filed under such circumstances by an organization with less than 12 months of active operation makes an affirmative showing that the organization is of the community or public type, it will be returned as incomplete and a determination or ruling as to the status of the organization under section 501 for purposes of income tax will not be made until the organization has had at least 12 months active operation.

(6) Determination letters allowing exemption under section 501 (a) of the Code will be issued to State chartered credit unions described in section 501 (c)

(14) of the Code at any time after their formation if they operate under uniform bylaws approved by the State.

(7) A list of organizations, contributions to which are deductible under section 23 (o) and (q) of the 1939 Code (section 170 of the 1954 Code), is available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

(l) *Employees' trusts or plans.* (1) Determination letters as to the qualification of pension, annuity, profit-sharing, and stock bonus plans under section 401 of the Code are issued if requested by taxpayers. Such determination letters are issued with respect to consummated or proposed transactions relating to the initial qualification of a plan and, if trusteed, the status for exemption of the trust forming a part thereof; amendments to plans and trusts; curtailments and terminations of plans; and the effect on qualification of the plan of an investment of trust funds in the stock or securities of the employer. Rulings and determination letters under sections 402 and 403 of the Code are issued with respect to the taxability of a beneficiary, the treatment of the beneficiary of a nonexempt trust and the treatment of certain employees' annuities. Rulings and determination letters under section 404 of the Code are issued with respect to the application of pertinent principles of such section.

(2) Requests for determination letters under section 401 of the Code should be filed with the district director of internal revenue having jurisdiction, determined as follows:

(i) In the case of a plan of a single employer, where the principal place of business of such employer is located;

(ii) In the case of a plan of a parent and subsidiary companies, where the principal place of business of the parent company is situated regardless of whether consolidated returns are filed;

(iii) In the case of an industry-wide plan (a plan established in a particular industry by all subscribing employers, some of whom are located within the jurisdiction of more than one district director's office), where the trustee's principal place of business is located or, if more than one trustee, where the usual place of meeting of the trustees is held;

(iv) In the case of a plan of multiple employers not provided for in the categories set forth in clauses (ii) and (iii) above, where the trustee's principal place of business is located or, if more than one trustee, or if non-trusteed, where the usual place of meeting of the trustees or principal supervisors is held. Such district director is authorized, subject to review by the National Office, to issue determination letters as to the status of the plans and trusts under section 401 of the Code. All requests for determination letters as to the status of the plan or trust should be accompanied by duplicate statements of all pertinent information. Requests for rulings under sections 402, 403, and 404 of the Code should be submitted to the Commissioner of Internal Revenue, Washington 25, D. C. However, in this connection see paragraph (c) of this section with respect to determination letters on these issues.

(3) Treasury Department regulations relating to income taxes set forth the information required to be submitted in connection with certain types of inquiries relating to pension, annuity, profit-sharing, and stock bonus plans.

(m) *Conferences.* A conference requested by a taxpayer in writing at the time his request for a ruling or a determination letter is filed or shortly thereafter will be granted at that stage in the consideration of the case when it will be most helpful. The taxpayer or his representative should not request that the conference be deferred until Internal Revenue Service action (whether or not in accord with the taxpayer's contention) is imminent. More than one conference should not be sought unless the taxpayer has important new matter to present, or unless the problems involved require the consideration of the case by different divisions or offices of the Internal Revenue Service. This conference rule shall apply with respect to any request for a determination letter which is referred to the National Office for a ruling, including paragraph (k) (4) of this section. Taxpayers and their representatives are required to fulfill the conference and practice requirements of the Internal Revenue Service (see Subpart E).

§ 601.202 *Closing agreements*—(a) *General.* (1) Under section 7121 of the Code and the regulations thereunder the Commissioner, or any officer or employee of the Internal Revenue Service authorized in writing by the Commissioner, may enter into and approve a written agreement with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal revenue tax for any taxable period. Such agreement, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact, shall be final and conclusive.

(2) Closing agreements under section 7121 of the Code may relate to any taxable period ending prior or subsequent to the date of the agreement. With respect to taxable periods ended prior to the date of the agreement, the matter agreed upon may relate to the total tax liability of the taxpayer or it may relate to one or more separate items affecting the tax liability of the taxpayer. A closing agreement may also be entered into in order to provide a "determination", as defined in section 1313 of the Code, and for the purpose of allowing a deficiency dividend deduction under section 547 of the Code. With respect to taxable periods ending subsequent to the date of the agreement, the matter agreed upon may relate to one or more separate items affecting the tax liability of the taxpayer. A closing agreement with respect to any taxable period ending subsequent to the date of the agreement is subject to any change in or modification of the law enacted subsequent to the date of the agreement and applicable to such taxable period, and each closing agreement shall so recite. Closing agreements may be entered into even though under the agreement the taxpayer is not liable for any tax for the period to which the agreement relates. There may be a series of agreements relating to the tax liability for a single period. A closing agreement may be entered into in any case in which there appears to be an advantage in having the case permanently and conclusively closed, or where good and sufficient reasons are shown by the taxpayer for desiring a closing agreement and it is determined by the Commissioner or his representatives that the Government will sustain no disadvantage through consummation of such an agreement.

(b) *Use of prescribed forms.* In cases in which it is proposed to close conclusively the total tax liability for a taxable period ended prior to the date of the agreement, Form 866, Agreement as to Final Determination of Tax Liability, will be used. In cases in which agreement has been reached as to the disposition of one or more issues and a closing agreement is considered necessary to insure consistent treatment of such issues in any other taxable period, Form 906, Closing Agreement as to Final Determination Covering Specific Matters, generally will be used. A request for a closing agreement which relates to a past period (Form 866 or Form 906) may be submitted at any time before the case is docketed in the Tax Court of the United States. The request should be submitted to the district director of internal revenue with whom the return for the period involved was filed, or if the matter to which the request relates is pending before an office of the Appellate Division, the request should be submitted to such office. A request for a closing agreement which relates to a subsequent period should be submitted to the Commissioner of Internal Revenue, Washington 25, D. C.

(c) *Review and approval.* All closing agreements initiated in the field offices are reviewed in the Appellate Division in Washington. After review in the Appellate Division proposed closing agreements are referred to the Office of the Commissioner for consideration. Proposed closing agreements which are acceptable to the Service are finally approved by the Commissioner or other officer to whom such authority has been delegated. After approval of a closing agreement affecting or relating to tax liability for a period ending subsequent to the date of the agreement, the appropriate regional commissioner or district director is fully advised as to the basis of the agreement in order that, through maintenance of proper controls, the Government may be insured against loss through failure to give effect to all the terms thereof in the determination of taxes for periods ending subsequent to the date of the agreement.

(d) *Applicability of ruling requirements.* The requirements relating to rulings (see § 601.201) shall be applicable with respect to requests for closing agreements, whether for closing agreements with respect to total tax liability (Form 866) or for closing agreements with respect to a determination as to one or more separate issues affecting the tax liability of a taxpayer (Form 906).

§ 601.203 *Offers in compromise*—(a) *General.* (1) Under section 7122 of the Code the Commissioner may compromise any civil or criminal case arising under the internal revenue laws prior to reference to the Department of Justice for prosecution or defense. Certain functions of the Commissioner with respect to compromises of civil cases involving liability under $500 have been delegated to district directors of internal revenue. See paragraph (c) of this section. In civil cases involving liability of $500 or over and in criminal cases the functions of the General Counsel are performed by the Chief Counsel for the Internal Revenue Service.

(2) An offer in compromise of taxes, interest, ad valorem penalties, or specific penalties may be based on either inability to pay or doubt as to liability. Offers in compromise arise usually when payments of assessed liabilities are demanded, ad valorem penalties for delinquency in filing returns are asserted, or specific civil or criminal penalties are incurred by taxpayers. A criminal liability will not be compromised unless it involves only the regulatory provisions of the Internal Revenue Code and related statutes. However, if the violations involving the regulatory provisions are deliberate and with intent to defraud, the criminal liabilities will not be compromised.

(b) *Use of prescribed forms.* Offers in compromise are required to be submitted on Form 656 or Form 656–C, properly executed, accompanied by a financial statement on Form 433. Form 656 is used in all cases where the amount of the offer is tendered in full at the time the offer is filed, and Form 656–C is used where the amount of the offer is to be paid by deferred payment or payments. Copies of these forms may be obtained from district directors of internal revenue. An offer in compromise should be filed with the district director charged with the duty of collecting the tax sought to be compromised.

(c) *Consideration of offer.* (1) An offer in compromise is first considered by the district director with whom the offer is filed. An internal revenue agent, after investigation of the financial condition of the taxpayer, makes a written recommendation for acceptance or rejection of the offer. If the district director has jurisdiction over the processing of the offer he will—

(i) Reject the offer, or

(ii) Accept the offer if it involves a civil liability under $500, or

(iii) Recommend to the National Office the acceptance of the offer if it involves a liability of $500 or over.

If the district director does not have jurisdiction over the entire processing of the offer, the offer is transmitted to the appropriate Regional Counsel if the case is one in which:

(a) Recommendations for prosecution are pending in the Office of the Chief Counsel, the Department of Justice, or in an office of a United States attorney, including cases in which criminal proceedings have been instituted but not disposed of and related cases in which offers in compromise have been submitted or are pending;

(b) The taxpayer is in receivership or is involved in a proceeding under any provision of the Bankruptcy Act;

(c) The taxpayer is deceased (without regard to the class of tax involved);

(d) A proposal is made to discharge property from the effect of a tax lien or liens;

(e) An insolvent bank is involved;

(f) An assignment for the benefit of creditors is involved;

(g) A liquidation proceeding is involved; or

(h) Court proceedings are pending, except Tax Court cases.

(i) The Regional Counsel considers and processes offers submitted in cases described in subdivisions (a) through (h) of this subparagraph with the exception of offers submitted in those cases being handled in the Office of the Chief Counsel in Washington. Where a case described in subdivisions (a) through (h) of this subparagraph is being handled in the Office of the Chief Counsel in Washington, consideration and processing of the offer is accomplished in Washington, D. C.

(2) In those cases described in subdivision (a) of this subparagraph no investigation will be made unless specifically requested by the office having jurisdiction of the criminal case.

(3) In those cases described in subdivisions (b) through (h) of this subparagraph the district director retains the duplicate copy of the offer and the financial statement for investigation. After investigation, the district director transmits to the appropriate Regional Counsel for consideration and processing his recommendation for acceptance or rejection of the offer together with the internal revenue agent's report of his investigation.

(4) An offer under the processing jurisdiction of the Regional Counsel which is considered acceptable is either referred to the district director or to the Office of the Chief Counsel in Washington for approval, depending upon whether the amount of civil liability involved is under $500 or $500 or more.

(2) The district directors and the Director of the Audit Division of the National Office are authorized to reject any offer in compromise referred for their consideration. Offers considered in the Office of the Chief Counsel in Washington which are not acceptable are rejected by the Commissioner. Offers considered by Regional Counsel which are not acceptable are rejected by district directors. If an offer is not acceptable, the taxpayer is promptly notified of the rejection of the offer. If an offer is rejected, the sum submitted with the offer is returned by the district director to the proponent. An offer rejected by a district director is surveyed in the Audit Division in the National Office.

(3) If an offer other than one accepted by the district director is considered acceptable by the office having jurisdiction over the offer, a recommendation for acceptance is forwarded to the Audit Division in the National Office for review. If the Audit Division approves the recommendation for acceptance, the offer is forwarded to the Office of the Chief Counsel for approval. After approval by the Office of the Chief Counsel, it is forwarded to the Commissioner for acceptance. The taxpayer is notified of the acceptance of the offer in accordance with its terms. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

(d) *Conferences.* Before filing a formal offer in compromise, a taxpayer may request a conference in the office which would have jurisdiction of the offer filed by him for the purpose of exploring the possibilities of compromising the unpaid Federal tax liability. A conference may also be requested by the taxpayer in the office which has jurisdiction of the offer filed by him after all investigations have been made for the purpose of determining the amount which may be accepted as a compromise. Where the offer is one with respect to which the district director has processing jurisdiction and the proponent does not agree with the rejection or proposed rejection, and neither the internal revenue agent nor the conferee of the district director's office has been able to convince the proponent of the correctness of the conclusion reached, the proponent will be apprised of his privilege of submitting a request in writing for a hearing before the Chief of the Appellate Division of the region. Taxpayers and their representatives are required to fulfill and comply with the conference and practice requirements of the Internal Revenue Service (see §§ 601.501–601.512).

§ 601.204 *Changes in accounting periods and in methods of accounting*—(a) *Accounting periods.* A taxpayer who changes his accounting period shall, before using the new period for income tax purposes, comply with the provisions of the income tax regulations relating to changes in accounting periods. In cases where the regulations require the taxpayer to secure the consent of the Commissioner to the change, the application for permission to change the accounting period shall be made on Form 1128 and shall be submitted to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of time prescribed in such regulations. See section 442 and the regulations thereunder (under the 1939 Code, § 39.46–1 of Regulations 118). If the change is approved by the Commissioner, the taxpayer shall thereafter make his returns and compute his net income upon the basis of the new accounting period. A request for permission to change the accounting period will be considered by the Tax Rulings Division of the National Office.

(b) *Methods of accounting.* A taxpayer who changes the method of accounting employed in keeping his books shall, before computing his income upon such method for purposes of income taxation, comply with the provisions of the income tax regulations relating to changes in accounting methods. The regulations require that, in the ordinary case, the taxpayer secure the consent of the Commissioner to the change. See section 446 and the regulations thereunder (under the 1939 Code, § 39.41–2 of Regulations 118). Application for permission to change the method of accounting employed and the basis upon which the return is made shall be filed

with the Commissioner of Internal Revenue, Washington 25, D. C., within the period of time prescribed in the regulations. The application shall be accompanied by a statement specifying the classes of items differently treated under the two methods and specifying all amounts which would be duplicated or entirely omitted as a result of the proposed change. Permission to change the method of accounting will not be granted unless the taxpayer and the Commissioner agree to the terms and conditions under which the change will be effected. The request will be considered by the Tax Rulings Division, except that if the proposed change relates to depletion, depreciation or obsolescence the request will be considered by the Special Technical Services Division.

§ 601.205 *Tort claims.* Claims for property loss or damage, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the Service, acting within the scope of his office or employment, filed under the Federal Tort Claims Act, as amended, must be prepared and filed in accordance with Treasury Department regulations entitled "Central Office Procedures" and "Claims Regulations" (31 CFR, Parts 1 and 3). Such regulations contain the procedural and substantive requirements relative to such claims, and set forth the manner in which they are handled. The claims should be filed with the Commissioner of Internal Revenue, Washington 25, D. C., and must be filed within two years after the accident or incident occurred.

SUBPART C—PROVISIONS RELATING TO ALCOHOL, TOBACCO, AND CERTAIN FIREARMS [RESERVED]

[Reserved for revised statement of procedures of the Service with respect to alcohol, tobacco, and certain firearms taxes to be published at a later date.]

SUBPART D—PROVISIONS SPECIAL TO CERTAIN EMPLOYMENT AND EXCISE TAXES

§ 601.401 *Employment taxes*—(a) *General*—(1) *Description of taxes.* Federal employment taxes are imposed by Subtitle C of the Internal Revenue Code. Chapter 21 (Federal Insurance Contributions Act) imposes a tax on employers of one or more individuals and also a tax on employees, with respect to "wages" paid and received. Chapter 22 (Railroad Retirement Tax Act) imposes a tax on employers and their employees with respect to "compensation" paid and received. It also imposes a tax on employee representatives with respect to "compensation" received. Chapter 23 (Federal Unemployment Tax Act) imposes a tax on employers of eight or more individuals (four or more individuals beginning with the calendar year 1956) with respect to "wages" paid. Chapter 24 (collection of income tax at source on wages) requires every employer making payment of "wages" to deduct and withhold upon such wages the tax computed or determined as provided therein. The tax so deducted and withheld is allowed as a credit against the income tax liability of the employee receiving such wages.

(2) *Applicable regulations.* The descriptive terms used in this section to designate the various classes of taxes are intended only to indicate their general character. Specific information relative to the scope of each tax, the forms used, and the functioning of the Service with respect thereto is contained in the applicable regulations. Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from the district director of internal revenue.

(3) *Collection methods.* Employment taxes are collected by means of returns and by withholding by employers. Employment tax returns are not required to be filed by employees, but taxes imposed upon them must be deducted and withheld by employers from their wages. Employee representatives (as defined in the Railroad Retirement Tax Act) are required to file returns. All employers who are liable for or who must withhold employment taxes are required to file returns with the district director of internal revenue. The return of the Federal unemployment tax is required to be filed annually on Form 940 with respect to wages paid during the calendar year. All other returns of Federal employment taxes are required to be filed for each calendar quarter. The employer and employee taxes imposed by chapter 21 and the tax required to be deducted and withheld upon wages by chapter 24 are combined in a single return on Form 941. In the case of wages paid by employers for domestic service performed in a private home not on a farm operated for profit, the return of both the employee tax and the employer tax imposed by chapter 21 is on Form 942. However, if the employer is required to file a return for the same quarter on Form 941, he may at his election include the taxes with respect to such domestic service on Form 941. For information relating to the employee tax and the employer tax with respect to wages paid for agricultural labor, see the applicable regulations under chapter 21. Under the Railroad Retirement Tax Act, the return required of the employer is on Form CT–1, and the return required of each employee representative is on Form CT–2.

(4) *Receipts for employees.* Employers are required to furnish each employee a receipt or statement, in duplicate, showing the total wages subject to income tax withholding, the amount of income tax withheld, the amount of wages subject to tax under the Federal Insurance Contributions Act, and the amount of employee tax withheld. See section 6051 of the Code.

(5) *Use of Federal Reserve banks and authorized commercial banks in connection with payment of Federal employment taxes.* If during any calendar month the aggregate amount of

(i) The employer tax and the employee tax imposed by chapter 21, and

(ii) The income tax withheld at source on wages under chapter 24,

exclusive of taxes reportable on Form 942, exceeds $100, it is the duty of the employer to deposit such amount within 15 days after the close of such calendar month with a Federal Reserve bank or a commercial bank authorized in accordance with Treasury Department Circular No. 848 to accept remittance of these taxes for transmission to a Federal Reserve bank. The remittance of such amount must be accompanied by a Federal Depositary Receipt (Form 450). After the Federal Reserve bank has validated the depositary receipt, it will be returned to the employer. The validated receipts must be attached to the return on Form 941 for the calendar quarter with respect to which such deposits are made, and the employer shall pay to the district director the balance, if any, of the taxes due for the quarter. In the case of the last month of any calendar quarter the employer may either include with his return direct remittance to the district director for the amount of such taxes or attach to the return a depositary receipt validated by a Federal Reserve bank. If a deposit is made for the last month of the quarter, it must be made in ample time to enable the Federal Reserve bank to return the validated receipt to the employer so that it can be attached to and filed with the employer's return at the time prescribed for filing such return. A similar procedure is prescribed with respect to the tax on employers and employees imposed by chapter 22, except that the depositary receipt prescribed in such cases is Form 515 (Railroad Retirement Depositary Receipt).

(b) *Provisions special to the Federal Insurance Contributions Act*—(1) *Employers' identification numbers.* For purposes of the Federal Insurance Contributions Act each employer who files Form 941 must have an identification number. Any such employer who does not have an identification number must secure a Form SS–4 from the district director of internal revenue or from a district office of the Social Security Administration and, after executing the form in accordance with the instructions contained thereon, file it with the district director or the district office of the Social Security Administration. At a subsequent date the district director will assign the employer a number which must appear in the appropriate space on each tax return, Form 941, filed thereafter. The requirement to secure an identification number does not apply to an employer who has in his employ only employees who are engaged exclusively in the performance of domestic service in his private home not on a farm operated for profit.

(2) *Employees' account numbers.* Each employee (or individual making a return of net earnings from self-employment) who does not have an account number must file an application on Form SS–5, a copy of which may be obtained from any district office of the Social Security Administration or from a district director of internal revenue. The form, after execution in accordance with the instructions thereon, must be filed with the district office of the Social Security Administration, and at a later date the employee will be furnished an account number. The employee must furnish such number to each employer for whom the employee works, in order that such number may be entered on each tax return filed thereafter by the employer.

(3) *Reporting of wages.* Form 941 requires as a part of the return that the wages of each employee paid during the quarter be reported thereon. It is necessary at times that employers correct wage information previously reported. A special form, Form 941c, has been adopted for use in correcting erroneous wage information or omissions of such wage information on Schedule A of Form 941. Instructions on Form 941 and on Form 941c explain the manner of preparing and filing the forms. Any further instructions should be obtained from the district director for the district in which the returns are filed.

(c) *Quarterly adjustments by employers*—(1) *Adjustments with respect to income tax withheld at source upon wages.* If an employer for any quarter of a calendar year deducts and withholds more or less than the correct amount of tax upon wages, or pays more or less than the correct amount of tax to the district director, such employer may make proper adjustment without interest in any subsequent quarter in the same calendar year. No adjustment may be made in respect of an underpayment for any quarter after the district director sends notice and demand for payment of the additional tax. In such case the additional tax must be paid in accordance with the notice and demand. Nor may any adjustment be made in respect of an overpayment for any quarter after the employer files a claim for refund of such overpayment. If an employer makes an adjustment on any return in respect of errors in a preceding quarter there must be attached to the return a detailed explanation of the adjustment and a designation of the quarterly return period in which the errors occurred. If an adjustment relates to an excess withholding of tax from an employee, the explanation attached to the return must include the fact that such tax has been repaid to the employee. Errors occurring in any quarterly return period may be corrected in making the return for such period, if such errors are ascertained prior to the filing of the return. For information as to the manner of correcting errors in withholding which cannot be adjusted in a return for a subsequent quarter of the same calendar year, employers should consult the local district director of internal revenue. Refunds or credits with respect to an overpayment of income tax withheld may be made to an employer only to the extent that the amount of the overpayment was not deducted and withheld by the employer.

(2) *Adjustments with respect to employee tax or employer tax under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act.* Errors in withholding during any quarterly period under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act should be corrected in the return for such quarter, if such errors are ascertained prior to the time the return is required to be filed with the district director. In the case of errors in withholding of employee tax or in payments of employer tax under either the Federal Insurance Contributions Act or the Railroad Retirement Tax Act, where such errors are ascertained subsequent to the time prescribed for filing the return for the quarterly period in which they occurred, the regulations relating to such taxes prescribe the conditions under which such errors may be adjusted. If adjustments cannot be made in accordance with the provisions of such regulations, underpayments of both the employer and employee tax will be assessed and collected in the usual manner, and refunds of overpayments must be claimed on Form 843.

(d) *Special refunds of employee social security tax.* (1) In the case of an employee receiving wages from more than one employer during the calendar year, amounts may be deducted and withheld as employee social security tax (that is, employee tax under the Federal Insurance Contributions Act) with respect to wages in excess of $4,200 ($3,600 for certain calendar years prior to 1955). Under certain conditions, the employee may receive a so-called "special refund" of the amount of employee social security tax deducted and withheld from wages in excess of such amount. An employee who is entitled to a special refund of employee tax with respect to wages received during a calendar year commencing after December 31, 1950, and who is required to file an income tax return for such calendar year (or for his last taxable year beginning in such calendar year) may obtain the benefits of such special refund only by claiming credit for such special refund on such income tax return in the same manner as if such special refund were an amount deducted and withheld as income tax at source on wages.

(2) The amount of the special refund allowed as a credit shall be considered as an amount deducted and withheld as income tax at source on wages. If the amount of such special refund when added to amounts deducted and withheld as income tax under chapter 24 exceeds the income tax imposed by chapter 1, the amount of the excess constitutes an overpayment of income tax, and interest on such overpayment is allowed to the extent provided under section 6611 of the Code upon an overpayment of income tax resulting from a credit for income tax withheld at source on wages.

(3) If an employee entitled to a special refund of employee social security tax is not required to file an income tax return for the year in which such special refund may be claimed as a credit, he may file a claim for refund of the excess social security tax on Form 843. The employee shall submit with the claim as a part thereof a statement executed by him on Form SS–9a. Claims must be filed with the district director of internal revenue for the district in which the employee resides.

§ 601.402 *Sales taxes collected by return*—(a) *General.* Sales taxes collected by return include the following:

(1) The retailers excise taxes, imposed by chapter 31 of the Code, with respect to the following articles:

Jewelry and related items.
Furs.
Toilet preparations.
Luggage, handbags, etc.
Special fuels.

(2) The manufacturers excise taxes, imposed by chapter 32 of the Code, with respect to the following items:

(i) Automotive and related items:

Motor vehicles.
Tires and tubes.
Petroleum products.

(ii) Household type equipment, etc.:

Refrigeration equipment.
Electric, gas, and oil appliances.
Electric light bulbs.

(iii) Entertainment equipment:

Radio and television sets, phonographs, and records.
Musical instruments.

(iv) Recreational equipment:

Sporting goods.
Photographic equipment.
Firearms.

(v) Other items:

Business machines.
Pens and mechanical pencils and lighters.
Matches.

(b) *Applicable regulations.* The descriptive terms used in this section to designate the various articles and commodities subject to tax are intended only to indicate their general classes. Specific information relative to the scope of each tax, the forms used, and the functioning of the Service with respect thereto is contained in the applicable regulations. Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from any district director of internal revenue.

(c) *Returns, refunds, and credits*—(1) *Returns.* The sales taxes referred to in paragraph (a) of this section are collected by means of returns. Any person liable for tax is required to file returns with the district director of internal revenue for the district in which the principal place of business of such person is located. A procedure similar to the Depositary Receipt procedure with respect to the payment of certain Federal employment taxes, described in § 601.401 (a) (5), is prescribed with respect to the sales taxes referred to in paragraph (a) of this section. For information relating to the use of depositary receipts for the payment of such taxes, see the applicable regulations and the instructions on Form 720, Quarterly Federal Excise Tax Return.

(2) *Refunds and credits.* After the assessment and collection of a sales tax which the taxpayer claims is not due, the taxpayer may either file a claim for refund of such tax on Form 843 or claim a credit for such amount on a return filed by him for a period subsequent to that in respect of which the alleged erroneous payment has been made. However, no claim for refund may be filed or credit taken on a return after the expiration of the applicable period of limitations on the allowance of refunds and credits. In the case of a credit claimed for an amount of tax alleged to have been erroneously paid, no particular forms for the claiming of such a credit are prescribed. The procedure to be followed in such a case is for the taxpayer to enter on the line provided for credits on the return form the amount claimed to have been erroneously paid and to file

with the return a supporting statement which should set out clearly and fully the basis on which the credit is claimed. Notice as to the disallowance of any credit is forwarded to the taxpayer and the amount of the credit is then entered on an assessment list for collection in the usual manner.

(d) *Registration and bonding requirements.* (1) Every producer or importer of gasoline and every producer of lubricating oils must make application for registry to the district director of internal revenue for the district in which his principal place of business is located. In addition, the regulations relating to manufacturers excise taxes under chapter 32 of the Code provide, with respect to the sale or purchase of a taxable article (other than a tire, inner tube, or automobile radio or television receiving set) for further manufacture of other taxable articles or for resale for such purpose, that persons desiring to sell or purchase an article tax-free must make application for registry in the same manner. The form provided is Form 637–A, Application for Registry, copies of which may be obtained from the district director. The form should be prepared in accordance with the instructions shown thereon and the provisions of the applicable regulations. In the case of producers and importers of gasoline and producers of lubricating oil, the application must also be accompanied by a bond on Form 928 in a sum equivalent to the approximate amount of tax which might be incurred by the taxpayer during an average 3-month period at the rates of the tax then in effect, but in no case shall the bond be for less than $2,000.

(2) Upon receipt by the district director of the application for registry and, in the case of gasoline and lubricating oil, upon acceptance of the bond required, the district director will furnish to the applicant Form 637, Certificate of Registry, which will bear the applicant's registration number. Detailed instructions as to the use of this number and as to the requirements to be complied with in connection with the filing of applications for registry and the submission of bonds are set forth in the applicable regulations.

§ 601.403 *Miscellaneous excise taxes collected by return*—(a) *General.* Miscellaneous excise taxes collected by return include the following:

(1) *Admissions, cabaret, dues and initiation fees.* Subchapter A of chapter 33 of the Internal Revenue Code imposes a tax on admissions (including a tax on amounts charged by ticket brokers, box office employees, and others in excess of the established price), and on charges made by cabarets, roof gardens and other similar places. Subchapter A of chapter 33 also imposes certain taxes on amounts paid as dues or initiation fees to any social, athletic, or sporting club or organization.

(2) *Communications.* Subchapter B of chapter 33 of the Code imposes a tax on amounts paid for local telephone service; long distance telephone and radio telephone messages or conversations; telegraph, cable or radio dispatches or messages; leased wire or teletypewriter services; and wire and equipment services.

(3) *Transportation.* Subchapter C of chapter 33 of the Code imposes a tax with respect to various kinds of transportation services as follows:

(i) Transportation of persons, including seating or sleeping accommodations furnished in connection with such transportation.

(ii) Transportation of property.

(iii) Transportation of oil by pipe line.

(4) *Wagers.* Subchapter A of chapter 35 of the Code imposes a tax on wagers as defined therein.

(5) *Safe deposit boxes.* Subchapter D of chapter 33 of the Code imposes a tax on the amount collected for the use of a safe deposit box.

(6) *Coconut and other vegetable oils.* Chapter 37 of the Code imposes a tax upon the first domestic processing of coconut oil, palm oil, palm-kernel oil, fatty acids derived from any of the foregoing oils, salts from any of the foregoing or any combination or mixture containing a substantial quantity of any one or more of such oils, fatty acids or salts.

(7) *Sugar.* Chapter 37 of the Code also imposes a tax upon manufactured sugar manufactured in the United States.

(8) *Circulation other than of national banks.* Subchapter E of chapter 39 of the Code imposes a tax with respect to (i) the average circulation outstanding of any bank, association, corporation, company or person, and (ii) the circulation paid out by every person, firm, association other than national bank associations, and every corporation, State bank, or State banking association.

(9) *Hydraulic mining.* The act entitled "An Act to create the California Debris Commission and regulate hydraulic mining in the State of California", approved March 1, 1893, as amended (33 U. S. C. 661–687), imposes a tax with respect to certain hydraulic gold mining in the State of California.

(b) *Applicable regulations.* The descriptive terms used in this section to designate the various classes of taxes are intended only to indicate their general character. Specific information relative to the scope of each tax, the forms used, and the functioning of the Service with respect thereto is contained in the applicable regulations. Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from the district director of internal revenue.

(c) *Collection of tax*—(1) *Imposed taxes.* The tax on charges made by cabarets, roof gardens and other similar places, the taxes on admission charges in excess of the established price, the tax on the transportation of oil by pipeline, the tax on the first domestic processing of certain vegetable oils, and the tax on the manufacture of sugar, are collected in the same manner as manufacturers' and retailers' sales taxes. See § 601.402. The tax on wagers, the tax on hydraulic mining, and the tax on circulation other than of national banks are also collected by means of returns. The returns of the tax on wagers are required to be filed monthly; returns of tax on hydraulic mining are required to be filed annually; and the returns of the tax on circulation are required to be filed on June 1 and December 1 of each calendar year.

(2) *Collected taxes.* The other miscellaneous excise taxes referred to in this section are imposed on the person making the payment for the admission, telephone, transportation or other service involved. These taxes are required to be collected by the theater, telephone company, railroad, or other person receiving the payment. All taxes collected in this manner are held by the collecting agent in trust for the United States until deposited in accordance with the Depositary Receipt procedure or paid over to the district director of internal revenue. The collecting agencies are required to file returns and the tax is payable, without notice from the district director, at the time fixed for filing the returns. If the person from whom the tax is required to be collected refuses to pay it or, if for any reason it is impossible for the collecting agency to collect the tax from such person, the collecting agency is required to report to the district director of internal revenue for the district in which its returns are required to be filed the name and address of such person, the nature of the service or facility rendered, the amount paid therefor, and the date on which paid. Upon receipt of this information the amount of the tax due will be assessed against the person to whom the facilities were provided or the services rendered.

(3) *Depositary receipts.* A procedure similar to the Depositary Receipt procedure with respect to the payment of certain Federal employment taxes, described in § 601.401 (a) (5), is prescribed with respect to the miscellaneous excise taxes (except the taxes on wagers, hydraulic mining, and circulation other than of national banks) referred to in paragraph (a) of this section. For information relating to the use of depositary receipts for the payment of such taxes, see the applicable regulations and the instructions on Form 720, Quarterly Federal Excise Tax Return.

(d) *Licensing and registration*—(1) *Admissions.* Every person (i) required by any provision of law to collect any tax on admissions, or (ii) being the owner or lessee of any place which he ordinarily or at times leases or subleases to other persons who impose charges for admissions to it, or (iii) required to pay any tax on charges in excess of established prices, or (iv) required to pay tax on charges for admission, refreshment, service and merchandise at any roof garden, cabaret, or other similar place furnishing a public performance for profit, is required to make application for registry. The form provided for this purpose is Form 752, Application for Registry, which may be obtained from district directors of internal revenue. The form should be prepared in accordance with the instructions shown thereon and the provisions of the applicable regulations. The district director, if satisfied that all statements made in the application for registry are correct, will issue a certificate of registry on Form 753 to the person who made the application. This certificate of registry must be kept conspicuously posted in the principal place of business of the registrant, or be carried about with him if he has no fixed place of business. This certificate is not transferable from one person or firm to another.

(2) *Hydraulic mining.* Every person who desires to engage in hydraulic mining operations in the State of California within the scope of the Act (see paragraph (a) (9) of this section) must procure a license to operate the mine from the California Debris Commission before beginning operations, in accordance with the rules and regulations promulgated by that Commission.

(3) *Transportation of property.* Every person engaged in the business of transporting property for hire shall, within 60 days after first engaging in such business, register his name and place of business with the district director of internal revenue for the district in which is located his principal place of business. The form provided for this purpose is Form 800, Application for Registry, which may be obtained from the district director. The form should be prepared in accordance with the instructions shown thereon and the provisions of the applicable regulations. The district director receiving the application for registry will issue Certificate of Registry, Form 800A, which must be posted in the registered place of business.

(4) *Wagering.* For the occupational tax upon any person liable for the tax on wagers or engaged in receiving wagers for or on behalf of any person so liable, see § 601.404 (d) (1).

§ 601.404 *Miscellaneous excise taxes collected by sale of revenue stamps*—(a) *General.* Miscellaneous excise taxes collected by sale of revenue stamps may be grouped into 3 general classes. A brief description of each class is set forth in the 3 paragraphs immediately following.

(b) *Documentary stamp taxes*—(1) *Capital stock, certificates of indebtedness, deeds of conveyance, and foreign insurance policies.* Chapter 34 of the Internal Revenue Code imposes a tax on the issuance of corporate certificates of indebtedness, capital stock, or similar instruments, and foreign insurance policies. Chapter 34 of the Code also imposes a tax on all sales or transfers of corporate certificates of indebtedness, capital stock, or similar instruments, and on deeds of conveyance of realty sold.

(2) *Cotton futures.* Subchapter D of chapter 39 of the Code imposes a tax on each contract of sale of any cotton for future delivery unless the contract complies with certain specified conditions.

(3) *Silver bullion.* Subchapter F of chapter 39 of the Code imposes a tax on the net profit realized on the transfer of any interest in silver bullion, subject to certain exemptions and abatements to registered dealers and producers.

(c) *Commodity stamp taxes*—(1) *Oleomargine.* Subchapter F of chapter 38 of the Code imposes a tax with respect to all oleomargarine imported from foreign countries.

(2) *Adulterated and process or renovated butter.* Part I of subchapter C of chapter 39 of the Code imposes taxes with respect to adulterated and process or renovated butter and also imposes an occupational tax on manufacturers of adulterated and process or renovated butter and on wholesale and retail dealers in adulterated butter.

(3) *Filled cheese.* Part II of subchapter C of chapter 39 imposes a tax with respect to filled cheese and also imposes an occupational tax on manufacturers of, and wholesale and retail dealers in, filled cheese.

(4) *Opium, isonipecaine, opiates, and coca leaves.* Part I of subchapter A of chapter 39 of the Code imposes a tax upon narcotic drugs produced in or imported into the United States, and sold, or removed for consumption or sale and also imposes an occupational tax on (i) importers, manufacturers, producers or compounders of such drugs; (ii) wholesale or retail dealers in such drugs; (iii) physicians, dentists, veterinary surgeons or other practitioners dispensing such drugs; (iv) persons engaged in research, instruction or analysis using such drugs; and (v) persons not otherwise taxed dispensing preparations containing such drugs. The responsibility for the administration and enforcement of these taxes is jointly shared by the Internal Revenue Service and the Bureau of Narcotics.

(5) *Opium for smoking purposes.* Subpart B of part I of subchapter A of chapter 39 of the Code imposes a tax upon all opium manufactured in the United States for smoking purposes. The responsibility for the administration and enforcement of this tax is jointly shared by the Internal Revenue Service and the Bureau of Narcotics.

(6) *Marihuana.* Part II of subchapter A of chapter 39 of the Code imposes a tax upon all transfers of marihuana and also imposes an occupational tax with respect to marihuana on similar classes of persons as those enumerated in subparagraph (4) of this paragraph and in addition imposes a tax on millers of marihuana. The responsibility for the administration and enforcement of this tax is jointly shared by the Internal Revenue Service and the Bureau of Narcotics.

(7) *Playing cards.* Subchapter A of chapter 36 of the Code imposes a tax on playing cards manufactured or imported, and sold, or removed for consumption or sale.

(8) *White phosphorous matches.* Subchapter B of chapter 39 of the Code imposes a tax upon white phosphorous matches.

(d) *Occupational stamp taxes*—(1) *Wagers.* Subchapter A of chapter 35 of the Code imposes a tax on wagers. Subchapter B of chapter 35 of the Code imposes an occupational tax upon each person who is liable for the tax on wagers or who is engaged in receiving wagers for or on behalf of any person so liable.

(2) *Coin-operated amusement or gaming devices.* Subchapter B of chapter 36 of the Code imposes an occupational tax with respect to coin-operated amusement or gaming devices.

(3) *Bowling alleys, billiard and pool tables.* Subchapter C of chapter 36 of the Code imposes an occupational tax with respect to bowling alleys, billiard tables, and pool tables.

(e) *Applicable regulations.* The descriptive terms used in this section to designate the various classes of taxes are intended only to indicate their general character. Specific information relative to the scope of each tax, the forms used, and the functioning of the Service with respect thereto is contained in the applicable regulations. Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from the district director of internal revenue.

(f) *General procedure.* (1) The documentary and commodity stamp taxes are paid by having affixed to the document, memorandum of sale, policy, package, container, etc., an internal revenue adhesive stamp or stamps in an amount equal to the tax due and by thereafter canceling such stamps in the manner prescribed. Payment of occupational taxes is evidenced by the posting or displaying of a special occupational tax stamp on the premises where the business is operated. If the taxpayer required to display the special occupational tax stamp has no fixed place of business, the stamp must be kept on his person. The stamps used for such purposes are prepared by the Internal Revenue Service and distributed through district directors of internal revenue.

(2) Documentary stamp taxes are payable with respect to every transaction, i. e., each issue, sale, transfer, etc., of the instrument subject to tax. Commodity stamp taxes are payable with respect to the manufacture, importation, or transfer, as the case may be, of the contents of each package or container. Occupational taxes are payable annually for the privilege of doing business beginning with July 1 of each year, when the taxpayer is in business on that date, or from the beginning of the month in which the business is commenced on a pro rata basis.

(3) Documentary stamps may be purchased from (i) district directors of internal revenue and duly authorized internal revenue employees; (ii) postmasters in all post offices of the first and second classes and such post offices of the third and fourth classes as are located in county seats; (iii) designated depositaries of the United States; and (iv) designated agents of any State. Commodity and occupational tax stamps may be purchased only from district directors and duly authorized internal revenue agents. Such purchases may be made only upon the filing of the prescribed requisition, application, or other form and from an official authorized by law to sell such stamps.

(4) Prior to January 1, 1955, payment for such stamps must be made by means of cash, post office money order or certified check. On and after January 1, 1955, payment for such stamps may be made by personal checks to the extent provided by regulations. In situations (i) where the instruments, documents, commodities, etc., subject to stamp tax are no longer in existence or (ii) where,

for other reasons, such instruments, documents, etc., cannot be stamped, or (iii) where it is discovered that occupational tax stamps are due for prior taxable years, or (iv) where a taxpayer, after being advised of his liability, refuses to affix stamps, the tax is collected by assessment.

(5) Detailed information as to the person liable for tax, the forms of stamps, the prescribed applications or requisitions, and all other forms required in connection with miscellaneous excise taxes payable by revenue stamps is contained in the applicable regulations. Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from the district director of internal revenue.

(g) *Liability for additional or delinquent tax.* When liability for additional or delinquent tax is disclosed by the taxpayer or is discovered as a result of an examination of the taxpayer's books and records, payment thereof is evidenced by means of the prescribed stamp if the document, commodity, etc., is still in existence or, in the case of an occupational tax, if the liability is for the current period. Where the documents, commodities, etc., are no longer in existence, or where the taxpayer refuses to affix or purchase the stamps or where, in the case of an occupational tax, the liability is for a prior taxable period, the additional or delinquent tax is collected by assessment.

(h) *Administrative remedies available to taxpayers after purchase of documentary, commodity, or occupational tax stamps or after assessment or payment of tax*—(1) *Redemption of stamps.* Where stamps have been rendered useless by gumming or sticking together in transit or otherwise without fault of the purchaser, they may be exchanged by a district director of internal revenue for other stamps of the same quantity and denomination. Stamps which have been spoiled, destroyed, or rendered useless, or unfit for the purpose intended, or for which the owner may have no use, or which through mistake have been improperly or unnecessarily used, or have been used in excess of the amount of tax actually due, may be redeemed upon proper claim filed with the district director. All such claims must be prepared on Form 843 and must be filed with the district director for the district in which is located the principal office of the claimant, or if he has no such office, with the district director for the district in which he resides. The claim must be filed within 3 years after the date of purchase of the stamps from the Government. The stamps either must be submitted with the claim, or if it is impracticable to remove them from the instruments, documents, etc., to which they are attached they must be presented to an internal revenue agent or other internal revenue representative who will write on the face of the stamps the words "Claim for refund filed", and attach to the claim a statement showing that such endorsement has been made. In any case where the actual date of purchase of the stamps from the Government cannot be given, it must be definitely shown in the claim whether they were so purchased within 3 years prior to the date of filing of the claim. Once filed, a claim for redemption follows generally the same channels as do all other claims for refund. See §§ 601.103–601.106.

(2) *Claims for abatement or refund.* Where a stamp tax is not paid by stamp but the amount thereof is assessed, the person against whom the assessment is made may file a claim for abatement of the tax or a claim for refund for any part of the assessment which has been paid. In either case the procedure to be followed by the claimant generally is the same as set forth in the case of claims for abatement or refund of other taxes. See §§ 601.103–601.106. All claims for refund of stamp tax paid pursuant to an assessment must be filed within 3 years next after payment of the tax.

(3) *Instructions.* Detailed instructions as to the manner in which claims for redemption of stamps and for abatement and refund of stamp taxes should be prepared and filed are contained in the applicable regulations.

(i) *Provisions special to documentary stamp taxes.* (1) Every person engaged in any of the following businesses or activities is required to register with the district director of internal revenue for each district in which such business or activity is conducted: (i) negotiating, making, or recording sales or transfers of stock, certificates of indebtedness, etc.; (ii) conducting or transacting a stock or bond brokerage business; (iii) accepting or procuring the transmission of orders for the purchase or sale or transfer of stocks, etc., to be executed at a stock or bond brokerage office or an exchange or similar place; (iv) transferring stock, certificates of indebtedness, etc., other than his own; and (v) conducting an exchange or clearing house, or clearing association, for the clearing, adjusting and settling of transactions made on exchanges or similar places.

(2) A statement for such registration is required to be made on Form 741 procurable from district directors of internal revenue. The statement must set forth specifically the character of the business, the name under which it is operated, and the exact location. A concern having branches or agencies must file a statement in the district in which its principal office is located, showing the address of each branch office or agency and the name of the manager or agent thereof. A separate statement must also be filed in each of the other districts in which branches or agencies are maintained. The data shown in a statement covering a branch or agency must relate to such branch or agency rather than the principal office. For further information as to the proper execution of Form 741, see the applicable regulations.

(3) Any person conducting a stock brokerage business who has registered with the district director as provided above may appoint some person to act as nominee in holding stock on his behalf. Also, any person acting in the capacity of a custodian may appoint some person to act as nominee in holding stocks or certificates of indebtedness on his behalf. Any corporation may appoint some person to act as nominee to hold stock on its behalf. The name of the person appointed as nominee of a broker, custodian, or a corporation shall be registered with the district director for the district in which the principal place of business of the broker, custodian, or corporation is located. Substitution of a nominee may be effected by likewise registering the name of the successor nominee. No special form is prescribed for use in registering a nominee.

(4) Where proper registration statements have been filed, the district director will issue to such person a certificate of registration signed by the district director and setting forth the date of issue, the name of the person conducting the business and the nature of the business for which the certificate is issued. Such certificate must be kept at the place of business located within the district of the district director by whom the certificate is issued.

(j) *Provisions special to commodity stamp taxes.* (1) Provision is made for the withdrawal of filled cheese and playing cards from factories, free of tax, for the use of the United States. The procedure to be followed, the forms to be used, etc., in the case of such withdrawals are contained in the applicable regulations. Provision is also made for the exportation without payment of tax on adulterated butter and playing cards. The procedure to be followed, and the forms to be used, etc., in the case of such exportation are contained in the applicable regulations.

(2) Every manufacturer of opium manufactured in the United States for smoking purposes must, before commencing business, furnish to the district director of the district in which his place of manufacture is located a notice on Form 268 and a bond on Form 269 with sureties satisfactory to the district director and in a penal sum of not less than $100,000. There shall be not less than 3 personal sureties, each of whom shall qualify in the full amount of the bond. The district director on approving the bond will issue to the manufacturer a certificate on Form 270 which will specify the penal sum of the bond furnished. This certificate shall contain a transcript from the manufacturer's notice, Form 268, giving an accurate description of the factory premises. This certificate must be posted by the manufacturer in a conspicuous place within his manufactory.

(3) Every manufacturer of adulterated and process or renovated butter, filled cheese, or white phosphorous matches must also give notice and register with the district director on Form 213 before engaging in the business, and also furnish a satisfactory bond on Form 214. Every manufacturer of playing cards is required to register with the district director on Form 277. Persons regularly engaged in the business of furnishing silver bullion for industrial, professional, or artistic use are required to register with the district director on Form 1 (Silver). Persons required to register with the district director or furnish bond should consult the applicable regulations and the appropriate forms.

(k) *Provisions applicable to special or occupational stamp taxes.* Every person liable to pay any occupational tax imposed under subtitle D of the Code is required to register with the district director of internal revenue his name or style, place of residence, trade or business, and the place where such trade or business is carried on. In the case of a partnership the names of the partners and their place of residence must be so registered. See section 7011 of the Code. The following forms are prescribed for registration: Form 678 (relating to occupational taxes with respect to opium, etc.), Form 678–A (relating to occupational taxes with respect to opium, etc., in the case of a person who has not previously registered in any of the classes or occupations specified in section 4721 of the Code), Form 678–C (relating to occupational taxes with respect to marihuana), Form 11 (relating to adulterated and process or renovated butter and filled cheese), Form 11–B (relating to occupational taxes with respect to coin-operated amusement and gaming devices, bowling alleys, and billiard and pool tables), Form 11–C (relating to occupational tax with respect to wagering).

SUBPART E—CONFERENCE AND PRACTICE REQUIREMENTS

§ 601.501 *Scope of requirements.* The conference and practice requirements prescribed in this subpart apply to all offices of the Internal Revenue Service, including the Office of the Chief Counsel. Such requirements are applicable with respect to any matter involving any internal revenue tax.

§ 601.502 *Qualifications for conferences*—(a) *General.* It is the policy of the Internal Revenue Service to encourage the discussion of disputed tax liability or any matter in connection with an internal revenue tax which affects the taxpayer's interest. Conferences, of course, may be accorded only to taxpayers or their duly authorized representatives. Conferences with taxpayers or their representatives will not ordinarily be held without previous arrangement. However, upon a proper showing a request for an immediate conference without previous arrangement will be given consideration, and Service officials responsible for the arrangement of conferences may, in their discretion, make an exception to the rule. Every protest, brief, or other statement in writing which the taxpayer or his representative desires to be considered at any conference should be submitted or filed at least five days prior to the date of the conference. If the taxpayer or his representative is unable to file such protest, brief, or other statement in writing at least five days prior to the date of the scheduled conference, the taxpayer or his representative should arrange with the appropriate Service representative for a postponement of the conference to a date mutually agreeable to the parties. The taxpayer or his representative remains free of course to submit additional or supporting facts or evidence within a reasonable time after the conference.

(b) *Requirement of enrollment.* (1) Except as provided in this paragraph, or as authorized by Treasury Department Circular No. 230 as amended (31 CFR, Parts 10, 12, 13, and 14), which circular contains rules governing the recognition of attorneys and agents representing clients before the Treasury Department, no person appearing as an attorney or agent on behalf of any taxpayer, or of a transferee or fiduciary will be recognized by representatives of the Internal Revenue Service, unless such attorney or agent is duly enrolled and in good standing to practice before the Treasury Department in accordance with Department Circular No. 230. The appearance of such attorney or agent, and his representation of taxpayers in every respect, must be in strict compliance with the requirements of Department Circular No. 230 and all pertinent statutes, and also with the requirements of this subpart. Evidence of enrollment must be submitted upon request when the attorney or agent presents himself for conference.

(2) Certain individuals are authorized by Department Circular No. 230 to appear without enrollment under the circumstances and conditions described therein. However, such individuals must present satisfactory identification, and the requirement of a power of attorney will not be waived in the case of any individual appearing on behalf of another person. See paragraph (c) of this section. The formal requirements concerning identification and authority of a person to act in a fiduciary capacity are the same as those related to the execution of powers of attorney by such fiduciary. See § 601.505. Individuals who without enrollment appear on behalf of any person with respect to the tax liability of such person may also without enrollment appear with respect to the liability of such person as a transferee of property of a taxpayer and with respect to the liability of a fiduciary under section 3467 of the Revised Statutes, 31 U. S. C. 192.

(3) Unenrolled employees of enrolled attorneys or agents will not be recognized by offices of the Service, except for the purpose of filing papers or securing information as to the status of tax cases. Recognition of such employees for the purpose of securing information as to the status of tax cases will be given only when the employee presents with reference to a particular case written authority from his employer to request such information, and a power of attorney authorizing his employer to act in such matter has previously been filed and not revoked.

(4) If a proper power of attorney is filed authorizing only one of the following acts by the attorney or agent, enrollment will not be required:

(i) Authority to sign, but not to prosecute, any claim of the taxpayer; and

(ii) Authority to inspect or receive copies of returns filed by the taxpayer where an Executive order or regulations permit such action by agent.

The Commissioner reserves the right to withhold making the above exceptions in any specific cases. If the power of attorney authorizes the attorney or agent to do both of the above acts or one of the above acts and some other act or acts, enrollment will be required, notwithstanding that the attorney or agent does not expect to exercise the additional power conferred upon him.

(5) If at the time an attorney or agent appears for conference, he is not familiar with the requirement for enrollment or for a power of attorney, or can show that he has not had a reasonable opportunity to obtain a power of attorney from the person on whose behalf he appears, but is able to produce such evidence as will reasonably convince the Service's representative that he has authority to represent the taxpayer, such attorney or agent may be heard with the understanding that a power of attorney in proper form and evidence of enrollment will be promptly submitted. Pending the filing of a power of attorney and of evidence of enrollment, information concerning the Service's attitude with respect to the matter will not be disclosed to the attorney or agent.

(c) *Requirement of power of attorney.* (1) No attorney or agent shall appear on behalf of any person before any office of the Internal Revenue Service or be recognized in any matter connected with the presentation of such person's interests, including the preparation and filing of necessary written documents and correspondence with the Service relative to such interests, unless such attorney or agent presents and files a power of attorney in proper form, or a certified copy thereof, from such person authorizing the attorney or agent to represent him in the matter in question. Only one power of attorney to represent the taxpayer shall be in effect in any one case, and there shall be included in such power of attorney the names and addresses of all attorneys or agents to whom the taxpayer has delegated authority to represent him in the case. A power of attorney is not required in the case of an attorney appointed by a court having jurisdiction over a debtor to represent a trustee in bankruptcy, debtor in possession, or receiver. For evidence of authority to be submitted in such cases, see § 601.505 (c).

(2) The Commissioner may, with respect to the performance of a specific act, substitute a requirement for appropriate evidence of authorization in lieu of the requirement in this section of a power of attorney. The requirement of a power of attorney to authorize prosecution of a claim for refund by an attorney or agent of the claimant shall not be waived.

(3) See paragraph (b) (5) of this section with respect to recognition of an attorney or agent in certain cases pending the filing of a power of attorney.

(4) A power of attorney filed after final determination of a tax liability will not be accepted, unless the power of attorney recites that the taxpayer is informed of such settlement and of the amount of the deficiency or overassessment determined.

§ 601.503 *Filing power of attorney and statement relative to fees.* A power of attorney shall be filed in duplicate in

the office of the district director of internal revenue in which the case is under consideration, with one additional conformed copy for each taxable year in excess of one. If at the time the power of attorney is furnished the case is pending in the office of an assistant regional commissioner, the power of attorney may be filed in such office. In the case of a power of attorney authorizing representation in connection with a request for a ruling or a similar matter of a specific nature which will be originally considered by the National Office, the power of attorney shall be filed in the Office of the Director of Practice, Internal Revenue Service, Washington 25, D. C. A fee statement respecting contingent or partially contingent fees required to be filed by attorneys and agents under Department Circular No. 230 shall be signed only by the attorney or agent and filed with the power of attorney to which it relates.

§ 601.504 *Provisions respecting powers of attorney*—(a) *Formal requirements.* The use of technical language in the preparation of a power of attorney is not necessary, but the instrument should clearly express the taxpayer's intention as to the scope of the authority granted to the attorney or agent, and the tax matters and the taxable years or periods to which the power relates. If it is desired that a copy of any correspondence addressed to the taxpayer should be sent to the attorney or agent in connection with any matter in respect of which he is authorized to act under the terms of the power of attorney, the power of attorney should contain a request to that effect and designate the mailing address of such attorney or agent.

(1) *Extent of authority delegated.* The authority delegated to an attorney or agent in a power of attorney enumerating specific acts which the attorney or agent is authorized to perform will be considered to be limited to those acts. Express authority to perform the following acts must be granted in the power of attorney or such acts will be considered to be beyond the scope of the authority of the attorney or agent:

(i) To receive, but not to endorse and collect, checks in payment of any refund of internal revenue taxes, penalties, or interest. (See section 3477 of the Revised Statutes (31 U. S. C. 203), which prohibits assignments of claims or portions thereof, and § 601.510.)

(ii) To delegate authority or to substitute another agent or attorney.

(iii) To execute waivers or consents agreeing to a later assessment and collection of taxes than is provided by applicable statutes of limitations.

(iv) To execute a closing agreement in respect of a tax liability or a specific matter.

(2) *Signature of principal.* A power of attorney shall be signed as follows:

(i) In the case of an individual taxpayer, by such individual.

(ii) In the case of any taxable year for which a joint return was made by husband and wife, by both husband and wife except that either spouse may sign for the other if such signature is duly authorized in writing.

(iii) In the case of a partnership, either by all members or in the name of the partnership by one of the partners duly authorized to act.

(iv) In the case of a corporation, by an officer of the corporation having authority to bind the corporation. The instrument shall also be attested by the secretary of the corporation and the corporate seal affixed. If the officer who signs the power of attorney is also secretary, another officer of the corporation, preferably the president, vice president, or treasurer, must also sign the authorization so that two different individuals' signatures will appear thereon. If the corporation has no seal, a certified copy of a resolution duly passed by the board of directors of the corporation authorizing the execution of the power of attorney should be attached.

(v) In the case of an association, the same requirements shall be applied as in the case of a corporation.

(vi) In case the taxpayer is dissolved, insolvent, or deceased, and in the case of a trustee, guardian, or other fiduciary, see § 601.505 for instructions for execution of powers of attorney in special cases.

(3) *Acknowledgment.* The power of attorney must be acknowledged before a notary public, or, in lieu thereof, witnessed by two disinterested individuals. The notarial seal must be affixed unless such seal is not required under the laws of the State wherein the power of attorney is executed.

(4) *Certification of powers of attorney.* The certification of copies of powers of attorney or papers or documents filed in connection therewith must be made by a notary public or other proper official, who shall state that he has personally compared the copy with the original and finds it to be a true and correct copy.

(b) *Substitution of attorneys or agents.* Substitution of attorneys or agents or delegations of authority can be recognized only if the power of attorney expressly confers the power of substitution or delegation. An attorney or agent who is enrolled and in good standing before the Department may, in pursuance of such express authority, substitute another or others in his stead or delegate authority to another or others. The Service reserves the right to refuse recognition to a substituted attorney or agent in any case where such substitution would only delay the closing of the case. Furthermore, a substitute power of attorney granted by an attorney or agent who is himself acting under a substitute power of attorney will not be accepted unless specific authority is granted in the principal's power of attorney to pass on to his substitute the right of substitution.

(c) *Designation of new attorneys or agents.* In any case in which a power of attorney has been filed and thereafter the taxpayer desires to authorize an additional attorney or agent to represent him before the Service with respect to the same matter, a new power of attorney must be filed which shall include the names of all attorneys or agents authorized to act for the taxpayer. Such new power of attorney shall contain a clause specifically revoking any and all powers of attorney previously filed with respect to the same matter. If the taxpayer desires to revoke the authority granted to an attorney or agent in a power of attorney previously filed and to authorize a new attorney or agent to act with respect to the same matter, the revocation of the authority of the former attorney or agent shall in no case be effective so far as the Service is concerned prior to the giving of written notice to the Service that the authority of such attorney or agent has been revoked and that the former attorney or agent has been notified in writing by the taxpayer of such revocation.

(d) *Special authority required in Vinson Act cases.* A power of attorney authorizing an attorney or agent to represent a taxpayer in connection with income and excess profits tax matters will not be recognized as adequate to authorize an attorney or agent to act as representative of the taxpayer in connection with its excess profit liability under section 3 of the Vinson Act (48 Stat. 503), as amended. A separate power of attorney must be furnished specifically authorizing the attorney or agent to appear on behalf of the taxpayer in such cases.

§ 601.505 *Instructions for execution of power of attorney in special cases*—(a) *Dissolved partnership.* A power of attorney to act with respect to matters involving the affairs of a dissolved partnership must be signed by each of the former partners. In case some of the partners are dead, their legal representatives must sign in their stead. (See paragraph (d) of this section.) If, however, under the laws of the particular State, the surviving partners at the time of the execution of the power of attorney have exclusive right to the control and possession of the firm's assets for the purpose of winding up its affairs, their signatures alone will be sufficient. If only the surviving partners sign the power of attorney, a copy of the pertinent provisions of the State law under which they claim authority, exclusive of the legal representatives of the deceased partners, should be noted and citation given thereto.

(b) *Dissolved corporation.* If a liquidating trustee or trustee under dissolution has been appointed, or if a trustee derives authority under a statute of the State in which the corporation was organized, the power of attorney should be executed by such trustee. If there is more than one trustee, all must join unless it is established that less than all have authority to act in the premises. The power of attorney must be accompanied by a copy of the instrument under which the trustee derives his authority, properly authenticated, or if the authority is derived under a State statute, the statute should be cited and quoted, and an affidavit by a third party, setting forth the facts required by the statute as a condition precedent to the vesting of the authority in said trustee, must be furnished. It must also appear in the case of any trustee that his authority has not been terminated. If there is no trustee, then a power of attorney signed by a sufficient number of individuals to make up a representation of a majority of the voting stock of the corporation at the date of dissolution will be accepted for purposes of conference and correspondence relating to the tax liability in the particular case. Such instrument must show the total number of outstanding shares of voting stock at the date of dissolution and the number held by each signatory to the power of attorney. The instrument must also contain positive averments as to the nonexistence of any trustee, and the date of dissolution must appear.

(c) *Insolvent taxpayer.* A certificate from the court having jurisdiction over the insolvent should be furnished showing the appointment and qualification of the trustee or receiver and that the authority has not been terminated. In cases pending before a district court of the United States an authenticated copy of the order approving the bond of the trustee or receiver will meet this requirement. If an attorney has been appointed under authority of court for the trustee or receiver, a copy of the court order appointing such attorney (where he is to represent the trustee or receiver) should be furnished. If no attorney has been appointed, the trustee or receiver should execute the power of attorney and the above-described evidence showing the appointment of the trustee or receiver should be furnished therewith. If the trustee or receiver does not wish to appoint an attorney, he will be recognized upon establishing his authority in the manner above described.

(d) *Deceased taxpayer.* The executor or administrator should execute the power of attorney, which must be accompanied by a short-form certificate (or authenticated copies of letters testamentary or letters of administration) showing that his authority is in full force and effect at the time such power of attorney is submitted. In the event that the executor has been discharged and a trustee under the will is acting, the power of attorney must come from the trustee, and evidence of the discharge of the executor and of the appointment of the trustee must be submitted with the power of attorney. Where the executor is discharged and the estate is distributed to the residuary legatees, the power of attorney must come from the residuary legatee or legatees, and be accompanied by a statement from the court certifying to the discharge of the executor and naming the residuary legatees and indicating the proper share to which each is entitled. In the event that the decedent died intestate and the administrator has been discharged or none was ever appointed, the power of attorney must be executed by the distributees and accompanied by evidence of the discharge of the administrator, if one had been appointed, and affidavits and such other evidence as can be adduced tending to show the relationship to the deceased of the signatories to the power of attorney and the right of each of them to the respective shares claimed under the law of the domicile of the deceased.

(e) *Guardians and other fiduciaries appointed by a court of record.* The power of attorney should be executed by the fiduciary and must be accompanied by a court certificate or court order showing that such fiduciary has been appointed and that his appointment has not been terminated.

(f) *Trustee under agreement or declaration.* Powers of attorney must be executed by the trustee and be accompanied by documentary evidence of the authority of the trustee to act. Such evidence may be either a copy of the trust instrument, properly certified, or a certified copy of extracts from the trust instrument, showing:

(1) Date of instrument.

(2) That it is or is not of record in any court.

(3) The beneficiaries.

(4) The appointment of the trustee, the authority granted, and such other information as may be necessary to show that such authority extends to Federal tax matters.

(5) That the trust has not been terminated, and that the trustee appointed therein is still acting.

Self-serving affidavits by the trustee in this connection are not acceptable. In the event that the trustee appointed in the original trust instrument is no longer acting and has been replaced by another trustee, documentary evidence of the appointment of the new trustee must be submitted. In cases where there are more than one trustee appointed, all must join unless it is shown that less than all have authority to act.

(g) *Cross reference.* For additional requirement of execution and acknowledgment of power of attorney before a notary public, see § 601.504 (a) (3).

§ 601.506 *Refusal to recognize attorney or agent.* Where consideration of a matter has been held in abeyance pending the furnishing of evidence which the Service has requested an attorney or agent to submit, failure to comply with such request within three months from the date it is made may be deemed by the administrative officer before whom the matter is pending cause for refusal further to recognize the authority of such attorney or agent. The administrative officer shall, however, give written notice of such refusal to the taxpayer represented by such attorney or agent, and shall briefly state the reason such action has been taken.

§ 601.507 *Power of attorney not required in cases docketed in the Tax Court of the United States.* In a case docketed in the Tax Court of the United States the petitioner and the Commissioner stand in the position of parties litigant before a judicial body. The Tax Court has its own rules of practice and procedure and its own rules respecting admission to practice before it. Ordinarily, the Appellate Division of a region will not recognize counsel not of record in a proceeding before the Tax Court. Therefore, correspondence in connection with cases docketed in the Tax Court will be addressed to counsel of record before the Court. In all cases pending in the Appellate Division, other than cases docketed in the Tax Court, the customary power of attorney is required.

§ 601.508 *Recognition by correspondence.* If an attorney or agent of a taxpayer desires recognition through correspondence with the Service, enrollment and power of attorney requirements must be met even though no actual appearance is made. The attorney or agent should state in his first letter or other written communication with the Service whether he is enrolled to practice before the Department, and should enclose in duplicate the power of attorney authorizing him to act in the matter. In any matter in which a power of attorney has previously been filed copies of all correspondence relating to the same matter and addressed by the Service to the taxpayer shall be sent to the attorney or agent designated in such power of attorney, provided the power of attorney contains a request that copies of such correspondence be sent to such attorney or agent.

§ 601.509 *Evidence required to substantiate facts alleged in conferences.* All evidence except that of a supplementary or incidental character may be required to be submitted over the sworn signature of the taxpayer. In the case of any matter pending before the Service in respect of which the taxpayer submits a protest or other similar statement, such protest or statement should contain a sworn statement of facts on which the taxpayer relies, and should meet all the issues raised by the Service which the taxpayer desires to contest. Every claim, affidavit, written argument, brief, or statement of fact prepared or filed by an attorney or agent in any matter pending before the Service shall have endorsed thereon a statement signed by such attorney or agent stating whether or not he prepared such document and whether or not he knows of his own knowledge that the statements of fact contained therein are true and correct.

§ 601.510 *Delivery of checks in payment of refunds.* The Service is not bound to deliver any check in payment of refund of internal revenue taxes, penalties, or interest to a representative of any taxpayer acting under authority evidenced by a power of attorney. However, it will be the general policy of the Service to mail such checks in care of an enrolled attorney or agent who has filed a power of attorney from the principal, specifically authorizing him to receive but not to indorse such check, provided that such power of attorney shall have been filed in sufficient time for the section or division preparing the certificate of overassessment or other appropriate notice to show thereon the mailing address as "care of" the attorney or agent. When an attorney or agent has more than one address, request to mail the check to an address other than that shown in the power of attorney will not be granted unless the address shown in the power of attorney is no longer that of the attorney or agent. In the event that a power of attorney is filed specifically authorizing more than one attorney or agent to receive checks on the taxpayer's behalf, and such attorneys or agents have different addresses, the Service will mail the check direct to the taxpayer, unless a statement is furnished,

signed by all of the attorneys or agents named in the power of attorney, requesting that the check be mailed in care of one of their number. Furthermore, it will be the policy of the Service not to mail checks in payment of refunds to an attorney or agent who holds authority to receive such checks by reason of a substitute power of attorney obtained from the attorney or agent designated by the taxpayer.

§ 601.511 *Contest between attorneys or agents representing taxpayers.* Where there is a contest between members of a dissolved firm or between two or more attorneys or agents acting under the same power of attorney as to which one is entitled to represent a client in a matter pending before the Service or to receive a check, thereafter the taxpayer only shall be recognized, unless the members or survivors of the dissolved firm, or the contesting attorneys or agents, file an agreement signed by all designating which of them shall be entitled to represent the taxpayer in such matter or to receive any check. In no case shall the delivery of a check to the taxpayer be delayed more than 60 days by reason of failure to file such agreement.

SUBPART F—RULES, REGULATIONS, AND FORMS

§ 601.601 *Rules and regulations*—(a) *Formulation.* (1) Internal revenue rules take various forms. The most important rules are issued as regulations and Treasury decisions, prescribed by the Commissioner and approved by the Secretary. Other rules may be issued over the signature of the Commissioner or the signature of any other official to whom authority has been delegated. The channeling of rules varies with the circumstances. Regulations and Treasury decisions, except those relating to alcohol, tobacco, and certain firearms, are prepared either in the office of the Assistant Commissioner (Technical) or in the office of the Chief Counsel. All such regulations and Treasury decisions are reviewed in the office of the Assistant Commissioner (Technical) and in the office of the Chief Counsel. Alcohol, tobacco, and certain firearms regulations and Treasury decisions are prepared in the office of the Assistant Commissioner (Operations) and reviewed in the office of the Chief Counsel. After approval by the Commissioner, regulations and Treasury decisions are forwarded to the Secretary of the Treasury for further consideration and final approval.

(2) Where required by section 4 of the Administrative Procedure Act (60 Stat. 237) and in such other instances as may be desirable, the Commissioner publishes in the FEDERAL REGISTER general notice of proposed rules (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law). This notice includes (i) a statement of the time, place, and nature of public rule-making proceedings; (ii) reference to the authority under which the rule is proposed; and (iii) either the terms or substance of the proposed rule or a description of the subjects and issues involved. Also, pursuant to section 5 of the Federal Alcohol Administration Act (27 U. S. C. 205 (f)) public notice and opportunity for hearing is given prior to the adoption of regulations under that section.

(b) *Petition to change rules.* Interested persons are privileged to petition for the issuance, amendment, or repeal of a rule, and such petitions will be given careful consideration. Petitions should be addressed to the Commissioner of Internal Revenue, Washington 25, D. C.

(c) *Publication of rules and regulations.* All internal revenue regulations and Treasury decisions (whether interpretative or substantive) are published in the FEDERAL REGISTER and in the Code of Federal Regulations. The Treasury decisions are also published in the weekly Internal Revenue Bulletin and the semiannual Cumulative Bulletin. The Internal Revenue Bulletin is the authoritative instrument of the Commissioner for the announcement of official rulings, and for the publication of Treasury decisions, Executive orders, legislation and court decisions pertaining to internal revenue matters. It is the policy of the Service to publish in the bulletin all substantive and procedural rulings of importance or general interest, the publication of which is considered necessary to promote a uniform application of the laws administered by the Service. It is also the policy to publish all rulings which revoke, modify, amend or affect any published ruling. Rulings relating solely to matters of internal management are not published. The rulings are prepared in the various offices of the Service.

§ 601.602 *Forms and instructions*—(a) *Tax return forms and instructions.* Forms and instructions are developed by the Internal Revenue Service to explain the requirements of the internal revenue laws and regulations and are issued for the assistance of taxpayers in exercising their rights and discharging their duties under the internal revenue laws. All internal revenue taxes which are not collected by stamps are assessed and collected through the self-determination and self-application of the law and the regulations by taxpayers. The tax return forms are the instruments through which this is accomplished.

(b) *Other forms and instructions.* In addition to the forms and instructions for the return of internal revenue taxes, the Internal Revenue Service provides other necessary or appropriate forms for assisting the public in complying with the technical requirements of the internal revenue laws and regulations. The material contained in the forms and instructions, and the arrangement thereof, is carefully considered in the Internal Revenue Service and is designed to lead the taxpayer step-by-step through an orderly accumulation of data to an accurate report of the information required.

(c) *Procurement of forms and instructions.* Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from district directors of internal revenue.

SUBPART G—RECORDS

§ 601.701 *Classification.* Matters of official record in the Internal Revenue Service include:

(a) Documents submitted by members of the public pursuant to the internal revenue laws or regulations, such as tax returns, information returns, statements required by statute or regulation, claims for credit, refund, or abatement, offers in compromise, bonds, applications for registration, and waivers of statutes of limitation.

(b) Final opinions and orders under the internal revenue laws and regulations in tax matters, such as records of assessment, certificates of overassessment, and statutory deficiency letters, and documents evidencing determinations of such matters as claims for abatement, credit, or refund, offers in compromise, applications for excess profits tax relief, registration applications, closing agreements, and levies.

§ 601.702 *Publication and public inspection*—(a) *General.* Sections 6103, 7213, and 7237 (b) of the Code and the corresponding provisions of prior internal revenue laws contain broad prohibitive and penal provisions against the disclosure of certain information described therein obtained by the Internal Revenue Service from members of the public in the performance of its functions. See also 18 U. S. C. 1905. Publication and public inspection of the official records of the Service, including final opinions or orders in particular cases, are effected in the light of these provisions. The extent to which public disclosure is made of matters of official record to persons properly and directly concerned is set forth in this section.

(1) *Inspection of tax returns.* The inspection of returns is governed by the provisions of the internal revenue laws and rules promulgated by the President or by the Secretary of the Treasury pursuant to such provisions. See Treasury Decision 4873, approved by the President November 12, 1938, as amended; Treasury Decision 4878, approved by the Secretary January 4, 1939; Treasury Decision 4929, approved by the President August 28, 1939, as amended; Treasury Decision 5138, approved by the President April 20, 1942 (26 CFR (1939) Part 458, Subpart A); Treasury Decision 4945, approved by the Secretary September 20, 1939 (26 CFR (1939), Part 458, Subpart B), as amended.

(2) *Public lists of persons making income tax returns.* Lists of persons making income tax returns in each year are available to public inspection in the offices of district directors of internal revenue. See section 6103 (f) of the Code.

(3) *Public lists of persons paying occupational taxes.* Lists of persons paying occupational taxes under subtitle D or E of the Code are available for public inspection in the offices of district directors of internal revenue pursuant to the provisions and limitations of section 6107 of the Code.

(4) *Record of seizure and sale of real estate.* Record 21, "Record of seizure and sale of real estate", is open for public inspection in offices of district directors of internal revenue and copies are furnished on application. See Treasury Decision 5428, approved January 11, 1945, 10 F. R. 622.

(5) *State liquor cases.* If the interests of the United States will not be jeopardized thereby, and if information will not be divulged contrary to section 7213 (b) of the Code, assistant regional commissioners (alcohol and tobacco tax) may upon receipt of subpoenas or requests of State authorities, and at the expense of the State, authorize investigators and other employees under their supervision to attend trials and administrative hearings in liquor cases in which the State is a party, produce records and testify as to facts coming to their knowledge in their official capacities.

(6) *Public lists of employers making returns under the Federal Unemployment Tax Act.* Lists of employers making annual returns on Form 940 under the Federal Unemployment Tax Act (chapter 23 of the Code) are available for public inspection in the offices of district directors of internal revenue. See sections 6103 (f) and 6106 of the Code.

(7) *Information returns of certain tax-exempt organizations and certain trusts.* Information returns filed pursuant to sections 6033 (b) and 6034 of the Code by certain tax-exempt organizations and by trusts claiming charitable or other deductions under section 642 (c) are available for public inspection in the offices of district directors of internal revenue in which they are filed. The information returns so available are pages 3 and 4 of Form 990–A (tax-exempt organizations) and Form 1041–A (trusts). See section 6104 of the Code.

(b) *Final opinions and orders.* In conformity with the policy of the provisions of law referred to in paragraph (a) of this section, final opinions and orders in the adjudication of cases arising under the internal revenue laws are, with limited exceptions, treated by the Service as confidential and are neither published nor made available for public inspection. The exceptions are:

(1) *Accepted offers in compromise.* In the case of offers in compromise in respect of income, profits, capital stock (repealed), estate or gift tax liability accepted on or after August 20, 1952, a copy of the summary sheet (abstract) of each such offer is available for public inspection in the office of the information officer of the National Office. Such summary sheet includes a brief description of the reasons for acceptance of the offer. If information in addition to that shown on the summary sheet is requested, such information, subject to the provisions set forth in Internal Revenue Cumulative Bulletin 1952–2, pages 299–300, will also be made available for inspection. In the case of offers in compromise of such tax liabilities accepted before August 20, 1952, a copy of the summary sheet will be made available for inspection upon request identifying the taxpayer. See Treasury Decision 5927, approved August 20, 1952, and Executive Order 10386, dated August 20, 1952.

(2) *Information regarding basic permits.* Information with respect to the handling of applications for basic permits under the Federal Alcohol Administration Act and under section 5304 of the Code is maintained for public inspection in the offices of assistant regional commissioners (alcohol and tobacco tax) until the expiration of one year following final action on such applications. See Treasury Decision 5930, approved by the Acting Secretary September 2, 1952 (27 CFR, Part 1).

(3) *Alcohol permits issued under section 5304 of the Code.* A current card index record of all persons to whom basic permits have been issued, or who have filed application therefor, is available in the offices of assistant regional commissioners (alcohol and tobacco tax) for inspection by any permittee with respect to other permittees to whom he is authorized to sell, or from whom he is authorized to purchase, alcohol or specially denatured alcohol. (26 CFR 182.962)

(4) *Excess profits tax relief; publication of allowances.* Pursuant to the provisions of section 6105 of the Code, there is published from time to time in the FEDERAL REGISTER the information specified in such section relative to excess profits tax relief allowed particular taxpayers.

(5) *Publication of decisions.* Rulings and decisions on matters arising under the internal revenue laws which because they announce a ruling or decision upon a novel question or upon a question in regard to which there exists no previously published ruling or decision, or for other reasons, are of such importance as to be of general interest, or which revoke, amend or affect in any manner a published ruling or decision are, after rephrasing to eliminate any confidential information relating to a particular case, including identity of persons, regularly published in the Internal Revenue Bulletin. See also § 601.601 (c).

(c) *Rules.* All rules relating to the functions of the Internal Revenue Service other than those dealing solely with internal management will, to the extent consistent with the limitations contained in the provisions of law referred to in paragraph (a) of this section, be made available to public inspection. As to rules generally and their publication, see § 601.601 et seq.

(d) *Requests.* (1) Requests for information in connection with matters of official record in which the procedure for inspection is not set out in rules referred to in the preceding paragraphs of this section should be submitted to the Commissioner of Internal Revenue, Washington 25, D. C. The request should clearly state the information desired and must set forth the interest of the applicant in the subject matter and purpose for which the information is desired. If the applicant is an agent or attorney acting for another he will attach to the application evidence of his authority to act for his principal. If such evidence is satisfactory, such agent or attorney will be given access to any record to which his principal would be given access. The determination as to whether the information requested is available for disclosure in any particular case will be made by the Commissioner of Internal Revenue or such other officer authorized under the provisions of law referred to in paragraph (a) of this section.

(2) Whenever it is determined that a matter of official record is available for disclosure in a particular case, a copy of said official record will be furnished the party requesting the same or the officer passing upon the request may in his discretion allow a personal inspection of the official record in question at the place where the document is normally kept. A reasonable fee may in the discretion of the determining officer be charged for furnishing copies of official records.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

[F. R. Doc. 55–5283; Filed, June 29, 1955; 8:57 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter B—Federal Open Market Committee

PART 270—OPEN MARKET OPERATIONS OF FEDERAL RESERVE BANKS

Effective June 22, 1955, Part 270 is added to read as follows:

Sec.
270.1 Scope of part.
270.2 Definitions.
270.3 Governing principles.
270.4 Federal Open Market Committee.
270.5 Conduct of open market operations.
270.6 Purchases and sales of Government securities.
270.7 Other open market operations.

AUTHORITY: §§ 270.1 to 270.7 issued under sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 263.

§ 270.1 *Scope of part.* (a) Pursuant to the authority conferred upon it by section 12A of the Federal Reserve Act, as amended, the Federal Open Market Committee prescribes the following regulations relating to the open market transactions of the Federal Reserve Banks.

(b) The Federal Open Market Committee expressly reserves the right to alter, amend, or repeal this part in whole or in part at any time.

§ 270.2 *Definitions*—(a) *Government securities.* The term "Government securities" shall include bonds, notes, certificates of indebtedness, Treasury bills, and other obligations of the United States, including obligations fully guaranteed as to principal and interest by the United States.

(b) *Obligations.* The term "obligations" shall include all bankers' acceptances, bills of exchange, cable transfers, bonds, notes, warrants, debentures, and other obligations, including Government securities, which Federal Reserve Banks are authorized by law to purchase in the open market.

(c) *System Open Market Account.* The term "System Open Market Account" applies to Government securities and other obligations heretofore or hereafter purchased in accordance with open market policies adopted by the Committee and held for the account of the Federal Reserve Banks.

(d) *Committee.* The term "Committee" shall mean the Federal Open Market Committee.

§ 270.3 *Governing principles.* By the terms of section 12A of the Federal Reserve Act, as amended, the time, character, and volume of all purchases and sales in the open market by Federal Reserve Banks shall be governed with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country.

§ 270.4 *Federal Open Market Committee*—(a) *Functions.* The Committee shall consider the needs of commerce, industry and agriculture, the general credit situation of the country, and other matters having a bearing thereon and consider, adopt, and transmit to the several Federal Reserve Banks, regulations and directions with respect to the open market operations of such Banks under section 14 of the Federal Reserve Act.

(b) *Participation in System Open Market Account.* The Committee from time to time shall determine the principles which shall govern the allocation among the several Federal Reserve Banks of Government securities and other obligations held in the System Open Market Account, with a view to meeting the changing needs of the Federal Reserve Banks.

§ 270.5 *Conduct of open market operations.* (a) Each Federal Reserve Bank shall engage in open market operations under section 14 of the Federal Reserve Act only in accordance with this part and the directions issued by the Committee from time to time, and no Federal Reserve Bank shall decline to engage in open market operations as directed by the Committee.

(b) Transactions for the System Open Market Account shall be executed by a Federal Reserve Bank selected by the Committee. Each Federal Reserve Bank shall make available to the Federal Reserve Bank selected by the Committee such funds as may be necessary to conduct and effectuate such transactions.

§ 270.6 *Purchases and sales of Government securities.* (a) No Federal Reserve Bank shall purchase or sell Government securities, for its own account or for the account of any other Federal Reserve Bank, except pursuant to authority granted by the Committee or in accordance with an open market policy adopted by the Committee and in effect at the time.

(b) The Committee reserves the right, in its discretion, to require the sale of any Government securities now held or hereafter purchased by an individual Federal Reserve Bank or to require that such securities be transferred into the System Open Market Account in accordance with such directions as the Committee may make.

§ 270.7 *Other open market operations.* Subject to directions of the Committee and the following conditions, each Federal Reserve Bank may engage in open market operations other than the purchase or sale of Government securities:

(a) Each Federal Reserve Bank, as may be required from time to time by the Committee, shall report all such transactions to the Secretary of the Committee.

(b) Only acceptances and bills of exchange which are of the kinds made eligible for purchase under the provisions of Part 202 of this chapter may be purchased: *Provided,* That no obligations payable in foreign currency shall be purchased or sold for the account of the Federal Reserve Bank except in accordance with directions of the Committee.

(c) Only bills, notes, revenue bonds, and warrants of States, counties, districts, political subdivisions, or municipalities which are of the kinds made eligible for purchase under the provisions of Part 205 of this chapter may be purchased.

(d) No Federal Reserve Bank shall engage in the purchase or sale of cable transfers for its own account except in accordance with the directions of the Committee.

This regulation is amended effective June 22, 1955, for the purpose of simplifying structural organization by discontinuing the Executive Committee of the Federal Open Market Committee. The amended regulation, omitting references to the discontinued Executive Committee, is published in full for convenient reference.

The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found that such procedures are unnecessary as this part relates only to agency organization and they would serve no useful purpose.

(Sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 263)

FEDERAL OPEN MARKET COMMITTEE,
WINFIELD W. RIEFLER,
Secretary.

[F. R. Doc. 55-5225; Filed, June 29, 1955; 8:49 a. m.]

PART 271—INFORMATION, SUBMITTALS OR REQUESTS

UNPUBLISHED INFORMATION

Effective June 22, 1955, paragraph (c) of § 271.2 is amended to read as follows:

(c) *Unpublished information.* Except as may be specifically authorized by the Committee, or as may be required in the performance of duties for, or pursuant to the direction of, the Committee, no person shall disclose, or permit the disclosure of, any unpublished information of the Committee to anyone, whether by giving out or furnishing such information or copy thereof, by allowing any person to inspect, examine or copy such information or copy thereof, or by any other means. Unpublished information of the Committee shall include all information concerning the proceedings, deliberations, discussions, and actions of the Committee and all information or advice coming to the Committee or to any member of the Committee or any officer, employee or agent of the Committee, the Board of Governors of the Federal Reserve System, or any Federal Reserve Bank, in the performance of duties for, or pursuant to the direction of, the Committee, whether contained in files, memoranda, documents, reports, books, accounts, records, or papers or otherwise acquired and whether located at the offices of the Board of Governors of the Federal Reserve System, the Federal Reserve Banks, or elsewhere: *Provided,* That it shall not include information which has been published in accordance with paragraphs (a) and (b) of this section or information which is available to the public through other sources.

The purpose of this amendment is to eliminate reference to the Executive Committee of the Federal Open Market Committee which was discontinued effective June 22, 1955.

The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found that such procedures are unnecessary as this part relates only to agency organization and they would serve no useful purpose.

(Sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 263)

FEDERAL OPEN MARKET COMMITTEE,
WINFIELD W. RIEFLER,
Secretary.

[F. R. Doc. 55-5222; Filed, June 29, 1955; 8:49 a. m.]

PART 272—RULES ON PROCEDURE

COMMITTEE ACTION; SUBMITTALS, PETITIONS AND REQUESTS

Effective June 22, 1955, Part 272 is amended in the following respects:

1. Section 272.2 is amended to read as follows:

§ 272.2 *Committee action.* The function of the Committee is the direction and regulation of open market operations which are conducted by the Federal Reserve Banks. This involves the determination of the policies which are to be pursued with respect to the purchase and sale of securities by the Federal Reserve Banks with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country, together with consideration and action upon incidental matters relating to the manner in which such operations are to be conducted. The discharge of the Committee's responsibilities requires the continuous gathering of information and study of changing financial, economic, and credit conditions and other pertinent considerations by the members of the Committee and its personnel. These activities are closely interrelated with other activities of the Board of Governors of the Federal Reserve System and the Federal Reserve Banks and all relevant information and views developed by these organizations are available to the Committee. With this background, action is taken by the Committee upon its own initiative at periodic meetings held at least four times each year and oftener if deemed necessary. Attendance at Committee meetings is restricted to members of the Committee and its official staff, the Manager of the System Open Market Account, the Presidents of Federal Reserve Banks who are not at the time members of the Committee, and such other advisers as the Committee may invite from time to time. The Committee acts through the adoption and transmittal of directives and regulations to the Federal Reserve Banks. Operations in the System Open Market Account are conducted pursuant to directives issued by the Committee.

2. Section 272.5 is amended to read as follows:

§ 272.5 *Submittals, petitions, and requests.* Submittals, petitions, and requests may be made to the Committee at any time in the manner stated in § 271.1 of this subchapter. They will be considered by members of the Committee's official staff and, where appropriate, will be brought to the attention of the members of the Committee for consideration and any necessary action.

The purpose of these amendments is to eliminate reference to the Executive Committee of the Federal Open Market Committee which was discontinued effective June 22, 1955.

The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found that such procedures are unnecessary as this part relates only to agency organization and they would serve no useful purpose.

(Sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 263)

FEDERAL OPEN MARKET COMMITTEE,
WINFIELD W. RIEFLER,
Secretary.

[F. R. Doc. 55-5224; Filed, June 29, 1955; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.259]

PART 40—DIPLOMATIC VISAS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

MISCELLANEOUS AMENDMENTS

Parts 40, 41, and 42, Chapter I, Title 22 of the Code of Federal Regulations, are hereby amended in the following respects:

1. Paragraph (e) of § 40.1 *Definitions,* is amended to read as follows:

(e) "Equivalent of a diplomatic passport," as referred to in section 221 (b) of the act, means (1) a national passport not described as a diplomatic passport but which is issued by competent authority of the foreign government to which the bearer owes allegiance, and which indicates the career diplomatic or consular status of the bearer, the issuing government being one which does not issue diplomatic passports to its career diplomatic or consular officers, or (2) such other passport as may be acceptable to the Secretary of State in individual cases.

2. Paragraph (b) of § 40.5 *Classes of aliens ineligible to receive diplomatic visas,* is amended to read as follows:

(b) Aliens not in possession of a diplomatic passport or the equivalent of a diplomatic passport, unless such requirement has been waived.

3. Paragraph (e) *Place of application* of § 41.9 *Application for nonimmigrant visas,* is amended to read as follows:

(e) *Place of application.* With the exception of certain aliens who are in the United States and who may be issued nonimmagrant visas under the provisions of § 41.11, every alien applying for a nonimmigrant visa shall make application at a United States consular office in the consular district in which he has his residence: *Provided,* That a consular officer shall at the direction of the Secretary of State, or may in his discretion, accept an application for a nonimmigrant visa from an alien having no residence in the consular district if such alien is physically present therein.

4. Paragraph (b) of § 41.15 *Validity of nonimmigrant visa,* is amended to read as follows:

(b) Except as is provided in paragraphs (c) and (d) of this section, every nonimmigrant visa shall be valid for a period of twelve months, or for a period not exceeding forty-eight months in the case of an alien who is a national of a foreign country whose government issues visas to United States nationals of a similar class valid for an equivalent period or whose government does not require visas of United States nationals of a similar class visiting such country.

5. Paragraph (a) of § 41.16 *Revalidation of nonimmigrant visa,* is amended to read as follows:

(a) A nonimmigrant visa issued to an alien as a nonimmigrant under the provisions of section 101 (a) (15) of the act may, upon the basis of reciprocity accorded nationals of the United States of a similar class, be revalidated in the same classification at the original visa-issuing office or other consular office: *Provided,* That (1) such visa has been used by the alien to gain admission into the United States, or if not used, the alien has in his possession Forms 257a, b, and d, which were issued to him; (2) such visa was originally issued for less than the maximum period of forty-eight months; (3) such visa is about to expire or expired less than twelve months prior to the application for revalidation; and (4) the consular officer is satisfied that the alien is a bona fide nonimmigrant and is otherwise eligible to receive such a nonimmigrant visa, including the possession of a valid passport, if required.

6. Paragraph (b) of §41.16 *Revalidation of nonimmigrant visa,* is amended to read as follows:

(b) A formal application for the revalidation of a nonimmigrant visa need not be required. The consular officer may, in his discretion, waive the personal appearance of the alien concerned if satisfied that the alien is physically present in the consular district. A nonimmigrant visa may be revalidated any number of times but not to exceed a total of forty-eight months from the date of its original issuance.

7. Section 42.22 *Aliens not to be registered on a waiting list,* is amended to read as follows:

§ 42.22 *Aliens not to be registered or to retain registration on a quota or subquota waiting list.* (a) The following classes of aliens shall not have their names entered or retained on a quota or subquota waiting list:

(1) Aliens who qualify as exchange visitors under the provisions of section 201 of the United States Information and Educational Exchange Act of 1948, as amended, (62 Stat. 6, 66 Stat. 276).

(2) Aliens who the consular officer has reason to believe willfully violated their nonimmigrant status while in the United States.

(3) Aliens who are within one of the classes of excludable aliens described in section 212 (a) (17) of the act, unless the Attorney General has consented to their reapplication for admission into the United States.

(b) Notwithstanding the provisions of paragraph (a) of this section, and the provisions of § 42.25, aliens whose cases fall under paragraph (a) of this section and who qualify under the preference specified in section 203 (a) (1) of the act, may have their names entered or retained on the appropriate quota or subquota waiting list, and shall be accorded a registration priority as of the date the approved petition was filed with the Attorney General.

(c) Notwithstanding the provisions of paragraph (a) of this section, and the provisions of § 42.25, aliens whose cases fall under paragraph (a) (2) or (3) of this section and who qualify under the preference specified in section 203 (a) (2), (3), or (4) of the act may have their names entered or retained on the appropriate quota or subquota waiting list, and shall be accorded a registration priority as of the date the approved petition was filed with the Attorney General, except that the registration priority accorded such aliens shall not antedate their departure from the United States.

8. Paragraph (g) of § 42.23 *Removal of names of registrants from quota waiting list,* is amended to read as follows:

(g) The registrant is not eligible to retain his name on the waiting list by reason of the provisions of § 42.22.

9. Paragraph (h) of § 42.23 *Removal of names of registrants from quota waiting list,* is revoked.

10. Section 42.24 *Reinstatement of name on waiting list,* is revoked.

11. Paragraph (e) *Place of application* of § 42.30 *Application for immigrant visa*, is amended to read as follows:

(e) *Place of application.* Every alien applying for an immigrant visa shall make application at a United States consular office in the consular district in which he has his residence: *Provided*, That a consular officer shall at the direction of the Secretary of State, or may in his discretion, accept an application for an immigrant visa from an alien having no residence in a consular district if such alien is physically present therein.

(Sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 222, 458)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: June 23, 1955.

SCOTT MCLEOD,
Administrator, Bureau of Security and Consular Affairs.

[F. R. Doc. 55-5260; Filed, June 29, 1955; 8:56 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter K—Hospital and Medical Care of Indians

PART 84—HEALTH FACILITIES AND DUTIES OF HEALTH PERSONNEL

PART 85—ADMISSION OF PATIENTS INTO INDIAN HOSPITALS AND SANATORIA

REVOCATION OF PARTS

Parts 84 and 85 are revoked effective July 1, 1955.[1]

(R. S. 463, 465, 2058, 42 Stat. 208; 25 U. S. C. 2, 9, 13, 31)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

JUNE 24, 1955.

[F. R. Doc. 55-5204; Filed, June 29, 1955; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIV—General Services Administration

[Revision 1, Amdt. 5]

REG. 2—TUNGSTEN REGULATION: DOMESTIC TUNGSTEN PROGRAM

PARTICIPATION IN PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as revised and amended, is further amended as follows:

In section 3 (a), delete the date "June 30, 1955" and in lieu thereof substitute the following: "June 30, 1956".

(Sec. 704, 64 Stat. 816, as amended, Pub. Laws 95, 206, 83d Cong.; 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: June 23, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-5309; Filed, June 29, 1955; 8:57 a. m.]

[Revision 2, Amdt. 4]

REG. 4—MANGANESE REGULATION: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT BUTTE AND PHILIPSBURG, MONT.

PARTICIPATION IN PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as revised and amended, is further amended as follows:

In section 3, delete the date "June 30, 1955" and in lieu thereof substitute the following: "June 30, 1956".

(Sec. 704, 64 Stat. 816, as amended, Pub. Laws 95, 206, 83d Cong.; 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: June 23, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-5310; Filed, June 29, 1955; 8:58 a. m.]

[Revision 1, Amdt. 5]

REG. 6—MANGANESE REGULATION: DOMESTIC MANGANESE PURCHASE PROGRAM

PARTICIPATION IN PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as revised and amended, is further amended as follows:

In section 4, delete the date "June 30, 1955" and in lieu thereof substitute the following: "June 30, 1956".

(Sec. 704, 64 Stat. 816, as amended, Pub. Laws 95, 206, 83d Cong.; 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: June 23, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-5308; Filed, June 29, 1955; 8:57 a. m.]

[Revision 3, Amdt. 3]

REG. 7—MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

PARTICIPATION IN PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as revised and amended, is further amended as follows:

In sections 4 (a) and 5 (a), delete the date "June 30, 1955" and in lieu thereof substitute the following: "June 30, 1956".

(Sec. 704, 64 Stat. 816, as amended, Pub. Laws 95, 206, 83d Cong.; 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: June 23, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-5313; Filed, June 29, 1955; 8:58 a. m.]

[Amdt. 5]

REG. 8—BERYL REGULATION: PURCHASE PROGRAM FOR DOMESTICALLY PRODUCED BERYL ORE

PARTICIPATION IN PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as amended, is further amended as follows:

In section 2, delete the date "June 30, 1955" and in lieu thereof substitute the following: "June 30, 1956".

(Sec. 704, 64 Stat. 816, as amended, Pub. Laws 95, 206, 83d Cong.; 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: June 23, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-5307; Filed, June 29, 1955; 8:57 a. m.]

[Amdt. 5]

REG. 9—ASBESTOS REGULATION: PURCHASE PROGRAM FOR NONFERROUS CHRYSOTILE ASBESTOS PRODUCED IN ARIZONA

PARTICIPATION IN PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as amended, is further amended as follows:

In section 6, delete the date "June 30, 1955" and in lieu thereof substitute the following: "June 30, 1956".

(Sec. 704, 64 Stat. 816, as amended, Pub. Laws 95, 206, 83d Cong.; 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: June 23, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-5306; Filed, June 29, 1955; 8:57 a. m.]

[Amdt. 2]

REG. 11—MERCURY REGULATION: PURCHASE PROGRAM FOR MERCURY MINED IN THE CONTINENTAL UNITED STATES (INCLUDING TERRITORY OF ALASKA)

PARTICIPATION IN PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as amended, is further amended as follows:

In section 6, delete the date "June 30, 1955" and in lieu thereof substitute the following: "June 30, 1956".

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 95, 83d Cong.; 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: June 23, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-5312; Filed, June 29, 1955; 8:58 a. m.]

[Amdt. 1]

REG. 12—MERCURY REGULATION: PURCHASE PROGRAM FOR MERCURY MINED IN MEXICO

PARTICIPATION IN PROGRAM

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, is amended as follows:

In section 6, delete the date "June 30, 1955" and in lieu thereof substitute the following: "June 30, 1956".

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 95, 83d Cong.; 50 U. S. C. App. 2154)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: June 23, 1955.

EDMUND F. MANSURE,
Administrator.

[F. R. Doc. 55-5311; Filed, June 29, 1955; 8:58 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter C—Medical Care and Examinations

PART 36—INDIAN HEALTH

Notice of proposed rule making and public rule making procedures have been omitted as unnecessary in the issuance of this part which relates to the provision of health and medical services for Indians.

Effective July 1, 1955, pursuant to Public Law 568, 83d Congress (68 Stat. 674), all functions, responsibilities, authorities and duties of the Department of the Interior, the Bureau of Indian Affairs, Secretary of the Interior and the Commissioner of Indian Affairs relating to the maintenance and operation of hospital and health facilities for Indians and conservation of the health of Indians are transferred to and are to be administered by the Surgeon General of the Public Health Service under the supervision and direction of the Secretary of Health, Education, and Welfare. Regulations relating to the exercise of the authorities, responsibilities and duties so transferred which were heretofore issued and codified under Subchapter K—Hospital and Medical Care of Indians, Title 25, Code of Federal Regulations, will, accordingly, no longer be applicable after June 30, 1955.[1] Regulations pertaining to matters of Indian health effective after such date will hereafter be issued and amended, and will be codified, under this subchapter and under other appropriate subchapters of this title.

Indian health services, to be administered by the Surgeon General of the Public Health Service after June 30, 1955, are to be viewed in the context of the continuing Bureau of Indian Affairs program for Indians, and in the light of the general objective of improving the standard of living of the Indian population and encouraging local responsibility.

1. Subchapter C of this title is amended by adding the following new part:

Subpart A—Scope and Definitions

Sec.
36.1 Purpose and effect.
36.2 Meaning of terms.

[1] See Title 25, Parts 84 and 85, *supra*.

Subpart B—Availability of Services to Individuals in Programs (Including Facilities Constructed or Supported With Tribal Funds) Operated for Indian Beneficiaries By the Public Health Service

Sec.
36.11 Services available.
36.12 Persons to whom services will be provided.
36.13 Charges to Indian beneficiaries for services provided in Public Health Service facilities or by Public Health Service personnel.

Subpart C—Contract Services

36.21 Availability of contract services.

AUTHORITY: §§ 36.1 to 36.21 issued under sec. 3, 68 Stat. 674; 42 U. S. C. 2003. Interpret or apply 42 Stat. 208; sec. 1, 68 Stat. 674; 25 U. S. C. 13, 42 U. S. C. 2001.

SUBPART A—SCOPE AND DEFINITIONS

§ 36.1 *Purpose and effect.* (a) The regulations in this part establish the general principles to be followed in the discharge of this Department's responsibilities for continuation and improvement of the Indian health services. Officers and employees of the Department will be guided by these policies in exercising discretionary authority with respect to the matters covered.

(b) The Surgeon General of the Public Health Service is authorized to adopt, and from time to time revise or add, administrative instructions relating to methods or procedures appropriate to implementing these principles, or for their supplementation as to matters not covered, including instructions providing for the continuation or appropriate modification of practices and procedures previously observed in the provision of Indian health services in particular jurisdictions.

§ 36.2 *Meaning of terms.* When used in this part, the term:

(a) "Indian health program" includes the Alaska Native Health Services.

(b) "Indian" includes Indians in the continental United States, and Indians, Aleuts and Eskimos in Alaska.

(c) "Jurisdiction" shall have the same geographical meaning as in Bureau of Indian Affairs usage.

(d) "Bureau of Indian Affairs" means the Bureau of Indian Affairs, Department of the Interior.

SUBPART B—AVAILABILITY OF SERVICES TO INDIVIDUALS IN PROGRAMS (INCLUDING FACILITIES CONSTRUCTED OR SUPPORTED WITH TRIBAL FUNDS) OPERATED FOR INDIAN BENEFICIARIES BY THE PUBLIC HEALTH SERVICE

§ 36.11 *Services available.* Within the limits of available funds, facilities, and personnel, the Public Health Service will make available, within the area served by the local facility, hospital and medical and dental care, including outpatient services, services of mobile clinics and public health nurses, and preventive care including immunizations and health examinations of special groups, such as school children.

§ 36.12 *Persons to whom services will be provided*—(a) *In general.* (1) Services will be made available, as medically indicated, to persons of Indian descent belonging to the Indian community

served by the local facilities and program, and non-Indian wives of such persons.

(2) Generally, an individual may be regarded as within the scope of the Indian health and medical service program if he is regarded as an Indian by the community in which he lives as evidenced by such factors as tribal membership, enrollment, residence on tax-exempt land, ownership of restricted property, active participation in tribal affairs, or other relevant factors in keeping with general Bureau of Indian Affairs practices in the jurisdiction.

(b) *Doubtful cases.* (1) In case of doubt as to whether an individual applying for care is within the scope of the program, the Medical Officer in Charge shall obtain from the appropriate Bureau of Indian Affairs officials in the jurisdiction information pertinent to his determination of the individual's continuing relationship to the Indian population group served by the local program.

(2) If the applicant's condition is such that immediate care and treatment are necessary, services shall be provided pending identification as an Indian beneficiary.

(c) *Priorities when funds, facilities, or personnel are insufficient to provide the indicated volume of services.* Priorities for care and treatment, as among individuals who are within the scope of the program, will be determined on the basis of relative medical need and access to other arrangements for obtaining the necessary care.

§ 36.13 *Charges to Indian beneficiaries for services provided in Public Health Service facilities or by Public Health Service personnel*—(a) *In general.* In order to make the most effective use of funds and facilities available for needed health and medical services, individual Indians who are clearly able to pay the costs of hospital care (and of other major items of service specified in instructions of the Surgeon General) will be encouraged to do so, and services may be condi-tioned upon payment in appropriate cases. No charge may be made for immunizations, health examination of school children or similar preventive services.

(b) *Amount of charges.* Payment may be requested in accordance with a schedule of charges established for the jurisdiction by the Area Medical Officer, but such charges may in no case exceed the cost of providing the service, as determined by the Surgeon General or in accordance with instructions issued by him.

(c) *Circumstances under which payment may be requested; Authority of the Medical Officer in Charge.* Whenever it is established to the satisfaction of the Medical Officer in Charge, from information available from the local Bureau of Indian Affairs officers or from other sources, that an Indian applying for care for himself or his family is able to meet the scheduled charge for the needed care without impairing his prospects for economic independence, he may be asked to pay the scheduled charge. Charges may be reduced in individual cases, or payment may be waived and needed services may nevertheless be provided if, in the judgment of the Medical Officer in Charge, the health objectives in the area served will be advanced thereby.

SUBPART C—CONTRACT SERVICES

§ 36.21 *Availability of contract services.* Availability of contract services to individual Indian beneficiaries will be governed by the terms of the contract.

2. The foregoing amendment shall become effective on July 1, 1955.

Dated: June 24, 1955.

[SEAL] ROSWELL B. PERKINS,
Acting Secretary.

[F. R. Doc. 55-5203; Filed, June 29, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circ. 1911]

PART 257—SALE OR LEASE OF SMALL TRACTS, NOT EXCEEDING FIVE ACRES, FOR RESIDENCE, RECREATION, BUSINESS, OR COMMUNITY SITES

APPLICATION; GENERAL PROCEDURE

Effective July 5, 1955, Part 257 is amended by adding a new paragraph (d) to § 257.6, to read as follows:

§ 257.6 *Application; general procedure.* * * *

(d) No application on Form 4-776 for small tracts will be accepted under the regulations in this part unless the applicant certifies that he has personally inspected the small tract described in his application or lands within one mile of that tract.

(52 Stat. 609, as amended; 43 U. S. C. 682a. Interprets or applies R. S. 2478; 43 U. S. C. 1201)

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

JUNE 28, 1955.

[F. R. Doc. 55-5217; Filed, June 29, 1955; 10:04 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1170]

[Misc. 62332]

ARIZONA

PARTIAL REVOCATION OF PUBLIC LAND ORDER NO. 848 OF JULY 1, 1952, WHICH WITHDREW PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH YUMA TEST STATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 848 of July 1, 1952, withdrawing public lands in Arizona for use of the Department of the Army in connection with the Yuma Test Station, is hereby revoked so far as it effects the following-described lands:

GILA AND SALT RIVER MERIDIAN

T. 6 S., R. 14 W.,
Secs. 1 and 12.

The areas described aggregate 1,283.62 acres.

The lands are generally flat with a slope to the south. The soil is a clay loam and supports a sparse growth of creosote, paloverde, cacti, and seasonal weeds and grasses when precipitation, which averages 3½ inches annually, is sufficient. The grazing capacity is low. No rock in place is exposed on either section and the surface alluvium is not indicative of any valuable mineralization. The climate is too arid for dry farming and there is no known source of irrigation water.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the restored lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans' preference-right applications under the said act of September 27, 1944, may be received on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, including the mineral-leasing laws, received on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

ORME LEWIS,
Assistant Secretary of the Interior.

JUNE 23, 1955.

[F. R. Doc. 55-5206; Filed, June 29, 1955; 8:45 a. m.]

[Public Land Order 1171]

[Colorado 010439]

COLORADO

REVOKING EXECUTIVE ORDER OF DECEMBER 23, 1873, WHICH RESERVED LANDS ON PIKES PEAK FOR USE OF WAR DEPARTMENT; WITHDRAWING PORTION OF RELEASED LANDS FOR USE OF FOREST SERVICE AS PIKES PEAK SUMMIT RECREATION AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of December 23, 1873, reserving upon request of the Secretary of War certain lands on Pikes Peak, Colorado, as shown on a plat accompanying the order, to accommodate the United States Signal Station on Pikes Peak and to afford a supply of timber, firewood, water, and grass, is hereby revoked.

The area reserved, aggregating approximately 12.8 square miles, was transferred to the jurisdiction of the Secretary of the Interior by the Executive order of January 2, 1889, for disposition under the act of July 5, 1884 (23 Stat. 103; 43 U. S. C. 1071-1074).

Part of the lands was patented to the City of Colorado Springs, Colorado, on May 22, 1896, under the authority contained in the act of April 24, 1896 (29 Stat. 97). The remaining lands are a part of the Pike National Forest and, exclusive of those rewithdrawn by paragraph 2 of this order, shall become subject to the public-land laws relating to national forest lands at 10:00 a. m. on the 35th day after the date of this order.

2. Subject to valid existing rights, the following-described public lands, which are a portion of the lands described in paragraph 1 of this order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as the Pikes Peak Summit Recreation Area:

A tract of land located in the unsurveyed S½SW¼ sec. 7, T. 14 S., R. 68 W., 6th P. M. described as follows:

Beginning at the southwest corner of the 5-acre easement granted to Manitou and Pikes Peak Railway for station ground purposes, map for which was accepted by the Department of the Interior March 10, 1890, thence Westerly, 500 feet on a projection of the alignment of the south boundary of said easement; Northwesterly, 510.5 feet along a line parallel to the west boundary line of said easement; Easterly, 500 feet parallel to the south boundary line of said easement; Southeasterly, 510.5 feet along the west boundary line of said easement to point of beginning.

The tract described contains 5.859 acres.

3. The withdrawal made by this order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FRED G. AANDAHL,
Acting Secretary of the Interior.

JUNE 24, 1955.

[F. R. Doc. 55-5208; Filed, June 29, 1955; 8:46 a. m.]

[Public Land Order 1172]

UTAH AND WYOMING

PARTIAL REVOCATION OF EXECUTIVE ORDER OF APRIL 17, 1926, CREATING PUBLIC WATER RESERVE NO. 107

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Department of the Interior Interpretations No. 160 of April 8, 1932 and No. 177 of February 15, 1933, is hereby revoked so far as it affects the following-described lands in Utah and Wyoming:

[Misc. 669102]

WYOMING—INTERPRETATION No. 160

SIXTH PRINCIPAL MERIDIAN

T. 40 N., R. 80 W.,
Sec. 2, lots 2, 3, SE¼NW¼, E½SW¼;
Sec. 15, SW¼NE¼, SE¼NW¼, E½SW¼;
Sec. 22, SW¼NE¼, E½NW¼.

The areas described aggregate 197.50 acres.

[Salt Lake 064931]

UTAH—INTERPRETATION No. 177

SALT LAKE MERIDIAN

T. 40 S., R. 16 W.,
Sec. 35, NE¼NE¼.

The area described contains 40 acres.

The lands in T. 40 N., R. 80 W., 6th P. M., are located in Natrona County, Wyoming. The only water on these lands is in the northerly portion of the lands in Section 15, consisting of a few seeps in Dug Out Creek, but they are so located as not to be suitable for public watering purposes and have not been used as such for many years in the past. The lands in T. 40 S., R. 16 W., S. L. M., are located in a rocky canyon in Washington County, Utah. The tract is in Utah Grazing District No. 4.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the restored lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Veterans' preference-right applications under the said act of September 27, 1944, may be received on or before 10:00 a. m. on the 35th day after the date of this order, and those covering the same lands shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order of filing. Applications by the general public under the public-land laws, including the mineral-leasing laws, received on or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing shall govern.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming, or Salt Lake City, Utah, depending upon the State where the lands are located.

FRED G. AANDAHL,
Acting Secretary of the Interior.

JUNE 24, 1955.

[F. R. Doc. 55-5207; Filed, June 29, 1955; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404—79th Congress, 60 Stat. 238) and authority contained in the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 142; and 45 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5454-7), notice is hereby given of the intention to modify §§ 130.24, 130.26, and 130.28 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts, as follows:

Charges applicable to all irrigable lands of the Flathead Indian Irrigation Project that are included in the Irriga-

tion District Organization and are subject to the jurisdiction of the three irrigation districts.

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936 and April 5, 1950, there is hereby fixed for the season of 1956, an assessment of $221,500 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 68,840.2 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936 and May 16, 1951, there is hereby fixed, for the season of 1956, an assessment of $45,000 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 13,704.3 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed, for the season of 1956, an assessment of $15,000 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 5,665.1 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views, data or arguments in writing to Area Director, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

J. M. COOPER,
Area Director.

[F. R. Doc. 55-5205; Filed, June 29, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR FLORIDA TANGERINES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Florida Tangerines (7 CFR Part 51; 18 F. R. 7140) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.1810 U. S. Fancy.
51.1811 U. S. No. 1.
51.1812 U. S. No. 1 Bronze.
51.1813 U. S. No. 1 Russet.
51.1814 U. S. No. 2.
51.1815 U. S. No. 2 Russet.
51.1816 U. S. No. 3.

UNCLASSIFIED

51.1817 Unclassified.

TOLERANCES

51.1818 Tolerances.
51.1819 U. S. Fancy, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Russet, U. S. No. 2 and U. S. No. 2 Russet Grades.
51.1820 U. S. No. 3 grade.

APPLICATION OF TOLERANCES

51.1821 Application of tolerances.

STANDARD PACK

51.1822 Standard pack.

DEFINITIONS

51.1823 Mature.
51.1824 Firm.
51.1825 Well formed.
51.1826 Damage.
51.1827 Highly colored.
51.1828 Discoloration.
51.1829 Fairly well colored.
51.1830 Bronzed russeting.
51.1831 Fairly firm.
51.1832 Fairly well formed.
51.1833 Serious damage.
51.1834 Reasonably well colored.
51.1835 Very serious damage.
51.1836 Diameter.

AUTHORITY: §§ 51.1810 to 51.1836 issued under sec. 205, 60 Stat. 1090, 7 U. S. C. 1624.

GRADES

§ 51.1810 *U. S. Fancy.* "U. S. Fancy" consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be highly colored.

(b) In this grade not more than one-tenth of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See § 51.1819.)

§ 51.1811 *U. S. No. 1.* "U. S. No. 1" consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be fairly well colored.

(b) In this grade not more than one-third of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See § 51.1819.)

§ 51.1812 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with bronzed russeting: *Provided,* That no discoloration that exceeds the amount allowed in the U. S. No. 1 grade shall be permitted unless such discoloration is caused by thrip, wind scars, or rust mite. (See § 51.1819.)

§ 51.1813 *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with discoloration. (See § 51.1819.)

§ 51.1814 *U. S. No. 2.* "U. S. No. 2" consists of tangerines which are mature, fairly firm, and fairly well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from serious damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(a) Each fruit in this grade shall be reasonably well colored.

(b) In this grade not more than two-thirds of the fruit surface, in the aggregate, may be affected with light brown discoloration, or may have the equivalent of this amount in appearance when the fruit has lighter or darker shades of discoloration. (See § 51.1819.)

§ 51.1815 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 20 percent, by count, of the fruits shall have in excess of two-thirds of their surface, in the aggregate, affected with light brown discoloration. (See § 51.1819.)

§ 51.1816 *U. S. No. 3.* "U. S. No. 3" consists of tangerines which are mature, not flabby and not seriously lumpy, and which are free from unhealed bird pecks, unhealed skin-breaks, and decay, and free from very serious damage caused by bruises, ammoniation, creasing, dryness or mushy condition, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means. (See § 51.1820.)

UNCLASSIFIED

§ 51.1817 *Unclassified.* "Unclassified" consists of tangerines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.1818 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1819 and 51.1820 are provided as specified.

§ 51.1819 *U. S. Fancy, U. S. No. 1, U. S. No. 1 Bronze, U. S No. 1 Russet, U. S. No. 2 and U. S. No 2 Russet Grades.* Not more than a total of 10 percent, by count, of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than a total of 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration but not more than 2 percent shall be allowed for serious damage by unsightly discoloration.

§ 51.1820 *U. S. No. 3 Grade.* Not more than a total of 15 percent, by count, of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifteenth of the tolerance, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

APPLICATION OF TOLERANCES

§ 51.1821 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(1) For packages which contain more than 10 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects, except that not more than one fruit which is decayed or very seriously damaged shall be allowed in any package.

STANDARD PACK

§ 51.1822 *Standard pack.* (a) The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size", as, for example, "210's", or "210 size". Containers which are not so marked shall not be regarded as meeting requirements of "standard pack".

(1) Fruit in each container shall be of a size not less than the minimum diameters specified in Table I for the various packs. Packs other than those listed shall have a minimum diameter not less than that specified for the nearest count.

TABLE I

Pack:	*Diameter in inches (minimum)*
100	2 15/16
120	2 11/16
150	2 7/16
176	2 9/16
210	2 1/16
246	2 1/16
294	2

(2) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the fruits in any lot may be below the minimum size for the count as specified in Table I.

DEFINITIONS

§ 51.1823 *Mature.* "Mature" means the same as that term is then currently prescribed for tangerines in sections 601.21 and 601.22, Chapter 26492, Florida Statutes, known as the Florida Citrus Code of 1949, or as it may be amended hereafter.

§ 51.1824 *Firm.* "Firm" means that the flesh is not soft and the fruit is not badly puffy and that the skin has not become materially separated from the flesh of the tangerine.

§ 51.1825 *Well formed.* "Well formed" means that the fruit has the characteristic tangerine shape and is not deformed.

§ 51.1826 *Damage.* "Damage" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Ammoniation, when it is not speck-type similar to melanose, provided that no ammoniation shall be permitted that detracts from the appearance of the individual fruit to a greater extent than the amount of discoloration allowed for the grade;

(b) Creasing, when it materially affects the appearance or shipping quality of the fruit;

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-eighth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Green spots or oil spots, when the appearance is affected to a greater extent than 10 green spots caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(e) Pitting, when materially affecting the appearance or shipping quality of the individual fruit;

(f) Scale, when occurring as a blotch and the aggregate area exceeds the area of a circle three-eighths inch in diameter, or any scale that detracts from the appearance of the individual fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discolored area caused by scale;

(g) Sprayburn, when causing the skin to become hard or when it materially affects the appearance of the fruit;

(h) Sunburn, when causing the skin to become hard or when it materially affects the appearance of the fruit;

(i) Unsightly discoloration, when the color or the pattern, or a combination of color and pattern, causes the fruit to have an unattractive appearance;

(j) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(k) Melanose, when not small smooth speck-type, or any speck-type that detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade. Melanose that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade;

(l) Scars, when not smooth, or when causing any noticeable depression, or when detracting from the appearance

of the fruit to a greater extent than the amount of discoloration allowed for the grade; and,

(m) Scab, when not smooth, or when it affects shape, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade. Scab injury that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

§ 51.1827 *Highly colored.* "Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

§ 51.1828 *Discoloration.* "Discoloration" includes discoloration caused by rust mite, melanose, scars, scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration, and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area: *Provided*, That no discoloration may affect the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, wind scars, or by rust mite shall not be permitted in the U. S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U. S. No. 1 grade. (See § 51.1830.)

§ 51.1829 *Fairly well colored.* "Fairly well colored" means that the surface of the fruit may have green color which does not exceed the aggregate area of a circle one inch in diameter and that the remainder of the surface, which is not discolored, shows at least a good yellow color: *Provided*, That some portion of the surface shows a reddish tangerine blush.

§ 51.1830 *Bronzed russeting.* "Bronzed russeting" means russeting caused by thrip, wind scars, or by rust mite, or similar russeting which is not readily distinguishable from that caused by rust mite. Discoloration caused by melanose, scab, etc., are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U. S. No. 1 grade and are not permitted in the U. S. No. 1 Bronze grade.

§ 51.1831 *Fairly firm.* "Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

§ 51.1832 *Fairly well formed.* "Fairly well formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

§ 51.1833 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Ammoniation, when scars are cracked, or when dark and the aggregate area exceeds the area of a circle one-half inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1 inch in diameter;

(b) Creasing, when it causes the skin to be seriously weakened;

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Green spots or oil spots, when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(e) Pitting, when seriously affecting the appearance or shipping quality of the fruit;

(f) Scale, when occurring as a blotch and the aggregate area exceeds the area of a circle one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discoloration caused by scale;

(g) Sprayburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit;

(h) Sunburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit;

(i) Unsightly discoloration, when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance;

(j) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(k) Melanose, when badly caked and the aggregate area exceeds the area of a circle one-half inch in diameter, or when lightly caked and the aggregate area exceeds the area of a circle 1 inch in diameter, or when unsightly, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(l) Scars, when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U. S. No. 2 or U. S. No. 2 Russet grades; and,

(m) Scab, when not fairly smooth or when it materially affects the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

§ 51.1834 *Reasonably well colored.* "Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

§ 51.1835 *Very serious damage.* "Very serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Ammoniation, when scars are badly cracked, or when dark and the aggregate area exceeds the area of a circle 1 inch in diameter, or when light colored and it detracts from the appearance of the fruit to a greater extent than the area permitted for dark ammoniation;

(b) Creasing, when causing the skin to be seriously weakened;

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Pitting, when it very seriously affects the appearance or the shipping quality of the fruit;

(e) Scale, when it very seriously affects the appearance of the fruit;

(f) Sprayburn, when it very seriously affects the appearance of the fruit;

(g) Sunburn, when it very seriously affects the appearance of the fruit;

(h) Unsightly discoloration, when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance;

(i) Melanose, when caked to the extent that the appearance of the fruit is very seriously affected;

(j) Scars, when so deep, rough, or unsightly that the appearance of the fruit is very seriously injured; and,

(k) Scab, when it causes the fruit to be very seriously injured.

§ 51.1836 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

Dated: June 27, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55-5258; Filed, June 29, 1955; 8:55 a. m.]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF DATES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Dates (7 CFR 52.1001 to 52.1009) under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the third issue by the Department of grade standards for this product.

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1001 Product description.
52.1002 Styles of dates.
52.1003 Grades of dates.

FACTORS OF QUALITY

52.1004 Ascertaining the grade.
52.1005 Ascertaining the rating for the factors which are scored.
52.1006 Color.
52.1007 Uniformity of size.
52.1008 Absence of defects.
52.1009 Character.

LOT CERTIFICATION TOLERANCES

52.1010 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1011 Score sheet for dates.

AUTHORITY: §§ 52.1001 to 52.1011 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1001 *Product description.* Dates are the properly cured fresh fruit of the date tree (Phoenix dactylifera) which may or may not be softened by hydration. For the purposes of the standards in this subpart, dates, when referred to as "dry dates for processing", means that the dates have not previously been softened by hydration or similar preparation and dates, when referred to as "processed dates", means that the dates have been previously softened by hydration or similar preparation.

§ 52.1002 *Styles of dates.* (a) "Whole" or "whole dates" means whole unpitted dates from which the pits have not been removed and which may be slit longitudinally.

(b) "Pitted" or "pitted dates" means whole dates from which the pits have been removed.

(c) "Pieces" or "date pieces" means dates that have been ground or chopped or that have been cut or sliced into small pieces and that can be handled as individual units.

(d) "Macerated" or "macerated dates" means dates that have been ground, chopped, mashed, or broken or that have been cut or sliced into small pieces and that cannot be handled as individual units.

§ 52.1003 *Grades of dates.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of whole or pitted processed dates that are of one variety, that possess a good color, that are practically uniform in size, that are practically free from defects, that possess a good character, and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of whole or pitted processed dates that are of one variety, that possess a reasonably good color, that are reasonably uniform in size, that are reasonably free from defects, that possess a reasonably good character, and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade B (Dry)" or "U. S. Choice (Dry)" is the quality of whole dry dates for processing that are of one variety, that possess a reasonably good color, that are reasonably uniform in size, that are reasonably free from defects, that possess a reasonably good character, and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(d) "U. S. Grade C" or "U. S. Standard" is the quality of whole or pitted processed dates that are of one variety and of date pieces or macerated dates that possess a fairly good color, that are fairly uniform in size except for date pieces or macerated dates, that are fairly free from defects, that possess a fairly good character, and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(e) "U. S. Grade C (Dry)" or "U. S. Standard (Dry)" is the quality of whole dry dates for processing that are of one variety, that possess a fairly good color, that are fairly uniform in size, that are fairly free from defects, that possess a fairly good character, and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(f) "Substandard" is the quality of dates that fail to meet the requirements of U. S. Grade C or U. S. Standard or U. S. Grade C (Dry) or U. S. Standard (Dry), whichever is applicable.

FACTORS OF QUALITY

§ 52.1004 *Ascertaining the grade.* The grade of dates is ascertained by considering all of the grade requirements of the standards as follows:

(a) *Factor not rated by score points.* (1) Varietal requirement.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(1) Color	30
(2) Uniformity of size	10
(3) Absence of defects	30
(4) Character	30
Total score	100

§ 52.1005 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1006 *Color*—(a) *(A) classification.* Whole or pitted processed dates that possess a good color may be given a score of 27 to 30 points. "Good color" means that the color of the processed dates is practically uniform; and, with respect to dates that are predominantly light amber in color, there may be not more than 5 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, there may be not more than 5 percent by count of dates that are light amber in color.

(b) *(B) classification.* If the whole or pitted processed dates or whole dry dates for processing possess a reasonably good color, a score of 24 to 26 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice or U. S. Grade B (Dry) or U. S. Choice (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the processed dates or dry dates for processing is reasonably uniform for the type; and, with respect to dates that are predominantly light amber in color, there may be not more than 10 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, there may be not more than 10 percent by count of dates that are light amber in color.

(c) *(C) classification.* If the whole or pitted processed dates, whole dry dates for processing, date pieces, or macerated dates possess a fairly good color, a score of 21 to 23 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard or U. S. Grade C (Dry) or U. S. Standard (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" has the following meanings with respect to the following styles:

(1) *Whole; pitted.* The color of the processed dates or dry dates for processing is fairly uniform for the type; and, with respect to dates that are predominantly light amber in color, there may be not more than 20 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, there may be not more than 20 percent by count of dates that are light amber in color.

(2) *Pieces; macerated.* The color may be variable throughout the units or mass, may be slightly dull but not off-color, and is typical of properly prepared dates of these styles.

(d) *(SStd) classification.* Dates that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1007 *Uniformity of size*—(a) *General.* The factor of uniformity of size applies only to whole and pitted styles. The factor of uniformity of size in the styles of date pieces and macerated dates is not based on any detailed

requirements and is not scored; the other three factors (color, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 90, dropping any fractions to determine the total score.

(b) (*A*) *classification.* Whole or pitted processed dates that are practically uniform in size may be given a score of 9 or 10 points. "Practically uniform in size" means that not more than a total of 10 percent, by weight, of the whole or pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(c) (*B*) *classification.* If the whole or pitted processed dates or whole dry dates for processing are reasonably uniform in size, a score of 8 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice or U. S. Grade B (Dry) or U. S. Choice (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size" means that not more than a total of 15 percent, by weight, of the whole or pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(d) (*C*) *classification.* If the whole or pitted processed dates or whole dry dates for processing are fairly uniform in size, a score of 7 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard or U. S. Grade C (Dry) or U. S. Standard (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" means that not more than a total of 20 percent, by weight, of the whole or pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(e) (*SStd*) *classification.* Whole or pitted processed dates or whole dry dates for processing that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1008 *Absence of defects*—(a) *Definitions of defects.* Unless otherwise stated specifically, the following definitions of defects or defective units apply only to whole or pitted processed dates or whole dry dates for processing, as applicable for the type.

(1) "Damaged by discoloration" is the presence of a dark area in the flesh of the date, which dark area is visible through the skin and is more than one-fourth (¼) inch in width and extends more than the equivalent of half the length of the date, such darkening being of natural origin and not caused by mold or other organism.

(2) "Damaged by broken skin" is any rupture of the skin in a manner to expose the flesh of the date, the shortest dimension of such exposed area being not less than three-sixteenths (3/16) inch.

(3) "Damaged by checking" is the presence of fine lines, resulting from water injury, affecting the surface of the skin over an area not less than one-fourth of the total surface of the date.

(4) "Seriously damaged by checking" is the presence of heavy lines, resulting from water injury, seriously affecting the surface of the skin over an area not less than one-fourth of the total surface of the date.

(5) "Damaged by deformity" is any abnormal shape sufficient to produce an appearance discernibly at variance with the normal shape that is typical of the variety.

(6) "Damaged by puffiness" is the condition of a date of which the skin is soft and pliable and from which the skin is separated from the flesh in a balloon-like fashion, over an area not less than one-half of the total surface of the date. Soft skins which have returned and adhere to the flesh of the date are not considered "damaged by puffiness."

(7) "Seriously damaged by puffiness" is the condition of a date of which the skin is dry, hard, and brittle and from which the skin is separated from the flesh over an area not less than one-half of the total surface of the date.

(8) "Damaged by scars" are any blemishes that affect the exterior of the date and which are not less than three-sixteenths (3/16) inch in the shortest dimension.

(9) "Damaged by sunburn" is an area, usually light in color, scarred by the heat of the sun, such area being not less than three-sixteenths (3/16) inch in the shortest dimension.

(10) "Damaged by insect injury" is any blemish, resulting from the activity of insects or mites, distributed over an area of not less than one-fourth of the total surface of the date or any similar blemish that materially affects the appearance or edibility of the unit, regardless of the area affected.

(11) "Damaged by improper hydrating" means that the date has been injured by excessive heat or that the hydrating process is incomplete.

(12) "Damaged by mashing" means any physical injury to the flesh and skin of the date leaving the date partially mangled but otherwise whole.

(13) "Damaged by mechanical injury" means excessive trimming or similar injury that damages the appearance or that damages or affects the eating quality of the whole date or the whole unpitted date.

(14) "Damaged by lack of pollination" means, with respect to whole unpitted dates, that pollination of the date was not accomplished, such condition being manifested by the absence of a pit in the whole unpitted dates or by thin, immature appearance of the date.

(15) "Damaged by blacknose" is severe checking in which the flesh becomes dark, crusty, and dry and which severe checking affects an area greater than one-eighth of the total surface of the date.

(16) "Damaged by side spot" means a very dark area, which generally is circular in appearance, extending into the flesh of the date, and, when decayed tissue or mold is not present, affecting in the aggregate an area not less than the area of a circle three-sixteenths (3/16) inch in diameter.

(17) "Damaged by black scald" means the collapse, death, and blackening of the flesh along the side of the date, usually accompanied by a bitter taste in the affected area.

(18) "Damage by improper ripening" means pronounced evidence of "green shrivel" of the date or that the date possesses a puffy flesh or a decidedly rubbery texture resulting from failure of the tissue of the date to reach a desirable state of maturity due to climatic or cultural injury, or both.

(19) "Damaged by other defects" means any injury or defect or group of defects not defined in this section (such as, but not limited to, heavy sugaring, and excessive scars not described in the definition "damaged by scars,") which materially affect the appearance, edibility, or keeping quality of the dates.

(20) "Affected by souring" is evidenced by the breakdown of the sugars into alcohol and acetic acid by yeasts and bacteria.

(21) "Affected by mold" is the presence of visible mold.

(22) "Affected by dirt" is the presence of any quantity of such substance.

(23) "Affected by insect infestation" is the presence of dead insects, insect parts, or excreta. (No live insects are permitted).

(24) "Affected by foreign material" is the presence of any quantity of such substances.

(25) "Affected by decay" is a state of decomposition.

(b) (*A*) *classification.* Whole or pitted processed dates that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that in pitted dates there may be present not more than one whole pit or 2 pit fragments for each 25 ounces of pitted dates; and that the processed dates do not exceed the total allowances and limitations shown in Chart I of this subpart.

(c) (*B*) *classification.* If the whole or pitted processed dates or whole dry dates for processing are reasonably free from defects, a score of 24 to 26 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice or U. S. Grade B (Dry) or U. S. Choice (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that in pitted dates there may be present not more than one whole pit or 2 pit fragments for each 25 ounces of pitted dates; and that the processed dates or dry dates for processing do not exceed the total allowances and limitations shown in Chart II of this subpart.

(d) (*C*) *classification.* If the whole or pitted processed dates, whole dry dates for processing, date pieces, or macerated dates are fairly free from defects, a score of 21 to 23 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard or U. S. Grade C (Dry) or U. S. Standard (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles:

(1) *Whole.* The defects or defective units in whole processed dates or whole dry dates for processing do not exceed the total allowances and limitations shown in Chart III of this subpart.

(2) *Pitted.* Not more than one whole pit or 2 pit fragments for each 25 ounces of pitted dates may be present; and the defects or defective units in pitted dates do not exceed the total allowances and limitations shown in Chart III of this subpart.

(3) *Pieces; macerated.* Not more than one whole pit or 2 pit fragments for each 25 ounces of pitted dates may be present; and the units or mass consists of clean and sound date material, fairly free from defects that seriously affect the appearance, edibility, or keeping quality of the product.

(e) (*SStd*) *classification.* Dates that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

CHART NO. I—ALLOWANCES AND LIMITATIONS FOR DEFECTS IN WHOLE AND PITTED PROCESSED DATES; U. S. GRADE A OR U. S. FANCY

TOTAL ALLOWANCE

Not more than a total of 10 percent[1] for the following defects:

Damaged by:
- Discoloration.
- Broken skin.
- Checking.
- Deformity.
- Puffiness.
- Scars.
- Sunburn.
- Insect injury.
- Improper hydrating.
- Mashing.
- Mechanical injury.
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Seriously damaged by checking.
Seriously damaged by puffiness.
Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

LIMITATIONS

Not more than ⅗ of the total allowance, or 6 percent,[1] may be the following:

Damaged by:
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than ⅖ of the total allowance, or 4 percent,[1] may be the following:

Damaged by:
- Improper ripening.
- Other defects.

[1] Percentages are by weight.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 1/10 of the total allowance, or 1 percent,[1] may be the defect shown below:

Affected by decay.

CHART NO. II—ALLOWANCES AND LIMITATIONS FOR DEFECTS IN WHOLE AND PITTED PROCESSED DATES OR IN WHOLE DRY DATES FOR PROCESSING; U. S. GRADE B OR U. S. CHOICE AND U. S. GRADE B (DRY) OR U. S. CHOICE (DRY)

ADDITIONAL ALLOWANCE

Not more than 15 percent[1] may be the following defect:

Seriously damaged by checking.

Not more than 20 percent[1] may be the following defect:

Damaged by broken skin.

Not more than a total of 15 percent[1] for the following defects:

Damaged by:
- Deformity.
- Puffiness.
- Scars.
- Sunburn.
- Insect injury.
- Improper hydrating.
- Mashing.
- Mechanical injury.
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Seriously damaged by checking.
Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

LIMITATIONS

Not more than ⅔ of the additional allowance, or 10 percent,[1] may be the following:

Damaged by:
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than ⅓ of the additional allowance, or 5 percent,[1] may be the following:

Damaged by:
- Improper ripening.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 1/15 of the additional allowance, or 1 percent,[1] may be the defect shown below:

Affected by decay.

CHART NO. III—ALLOWANCES AND LIMITATIONS FOR DEFECTS IN WHOLE AND PITTED PROCESSED DATES OR IN WHOLE DRY DATES FOR PROCESSING; U. S. GRADE C OR U. S. STANDARD AND U. S. GRADE C (DRY) OR U. S. STANDARD (DRY)

TOTAL ALLOWANCES

Not more than a total of 20 percent[1] for the following defects:

Damaged by:
- Deformity.
- Scars.
- Sunburn.
- Insect injury.
- Improper hydrating.
- Mashing.
- Mechanical injury.
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Seriously damaged by puffiness.
Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

LIMITATIONS

Not more than ½ of the total allowance, or 10 percent,[1] may be the following:

Damaged by:
- Lack of pollination.
- Blacknose.
- Side spot.
- Black scald.
- Improper ripening.
- Other defects.

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than ¼ of the total allowance, or 5 percent,[1] may be the following:

Affected by:
- Souring.
- Mold.
- Dirt.
- Insect infestation.
- Foreign material.
- Decay.

Not more than 1/10 of the total allowance, or 2 percent,[1] may be the defect shown below:

Affected by decay.

§ 52.1009 *Character*—(a) (*A*) *classification.* Whole or pitted processed dates that possess a good character may be given a score of 27 to 30 points. "Good character" means that not less than 75 percent, by weight, of the dates are well developed, well fleshed, soft, or are in a state of ripeness that will develop into such character; and the remainder may possess a reasonably good character including not more than a total of 2 percent, by weight, of the dates that may possess semi-dry calyx ends and none may possess dry calyx ends.

(b) (*B*) *classification.* If the whole or pitted processed dates or whole dry dates for processing possess a reasonably good character, a score of 24 to 26 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice or U. S. Grade B (Dry) or U. S. Choice (Dry), which-

ever is applicable, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that not less than 75 percent, by weight, of the dates are reasonably well developed, reasonably well fleshed, or are in a state of ripeness that will develop into such character; that whole and pitted processed dates are pliable; and the remainder may possess a fairly good character including not more than 10 percent, by weight, of the dates that may possess semi-dry calyx ends and dry calyx ends: *Provided*, That not more than 2 percent, by weight, of the dates may possess dry calyx ends.

(c) (C) *classification.* If the whole or pitted processed dates or whole dry dates for processing, date pieces, or macerated dates possess a fairly good character, a score of 21 to 23 points may be given. Dates that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard or U. S. Grade C (Dry) or U. S. Standard (Dry), whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles:

(1) *Whole; pitted.* Not less than 80 percent, by weight, of the dates are fairly well developed, fairly well fleshed, and may possess semi-dry calyx ends, or are in a state of ripeness that will develop into such character; that whole and pitted processed dates may be firm but are pliable; and the remainder may fail to possess such fairly good character or may possess dry calyx ends.

(2) *Pieces; macerated.* The character may be variable throughout the units or mass but not seriously affected by dry calyx end material or inedible portions of dates.

(d) (*SStd*) *classification.* Dates that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1010 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of dates the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1011 *Score sheet for dates.*

Size and kind of container	----
Container mark or identification	----
Label or brand	----
Net weight	----
Style	----
Count (per lb.)	----
Moisture content (if determined)	----
One variety (□) Yes (□) No	----

Factors		Score points	
Color	30	(A)	27–30
		(B) (B-Dry)	[1] 24–26
		(C) (C-Dry)	[1] 21–23
		(SStd)	[1] 0–20
Uniformity of size	10	(A)	9–10
		(B) (B-Dry)	[1] 8
		(C) (C-Dry)	[1] 7
		(SStd)	[1] 0– 6
Absence of defects	30	(A)	27–30
		(B) (B-Dry)	[1] 24–26
		(C) (C-Dry)	[1] 21–23
		(SStd)	[1] 0–20
Character	30	(A)	27–30
		(B) (B-Dry)	[1] 24–26
		(C) (C-Dry)	[1] 21–23
		(SStd)	[1] 0–20
Total score	100		
Grade			

[1] Limiting rule.

Dated: June 27, 1955.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 55–5261; Filed, June 29, 1955; 8:56 a. m.]

[7 CFR Part 914]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat., as amended, 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the growers who, during the period November 1, 1954, through June 30, 1955 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of Arizona and that part of the State of California, south of the 37th Parallel, in the production of navel oranges for market to determine whether such growers favor continuation of the said marketing agreement and order. Warren C. Noland and Edward H. Bixby of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly, or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity for each of the aforesaid growers to cast his ballot, in the manner herein authorized, relative to the aforesaid continuance of the amended marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such growers, bona fide engaged in marketing navel oranges grown in the aforesaid production area or in rendering services for or advancing the interests of the growers of such navel oranges, may vote for the growers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such growers.

(2) By determining the time of commencement and termination of the period of the referendum and by giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California, and the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Arizona and designated part of California; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each grower whose name and address are known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of growers and arranging for balloting at the meeting places, if said referendum agents or any of them determine that voting shall be at meetings. At each such meeting balloting shall continue until all of the growers who are present, and who desire to do so, have had an opportunity to vote. Any grower may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to growers at the meetings, and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By appointing such person or persons as are deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed shall serve without compensation and may be authorized, by said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of sub-agents, shall be performed by said referendum agents) in accordance with the requirements set forth; and shall forward to Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each grower to whom a ballot form was given;

(ii) A register containing the name and address of each grower from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of the referendum posted by said agent was posted and, if the notice was mailed to growers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing, and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(b) Upon receipt by Waren C. Noland of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and shall forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the text of the aforesaid amended marketing agreement and order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the Western Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Ballots to be cast in the referendum may be obtained from any referendum agent, and any appointee hereunder.

Dated: June 27, 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 55–5257; Filed, June 29, 1955; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 521]

APPRENTICES

ISSUANCE OF SPECIAL CERTIFICATES; RECONSIDERATION AND REVIEW

Pursuant to sections 11 and 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1066, 1068, as amended; 29 U. S. C. 211, 214), the Administrator has heretofore issued regulations governing the Employment of Apprentices, contained in 29 CFR Part 521, §§ 521.1 to 521.12.

It is now considered necessary to amend these regulations to make them consistent with other regulations issued pursuant to section 14 of the act by adding a new paragraph (c) to § 521.6, and by making certain editorial changes in § 521.11.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act, as amended (52 Stat. 1068, as amended; 29 U. S. C. 214) (NOTE: § 521.12 of the regulations (29 CFR Part 521)), Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), General Order No. 45–A (15 F. R. 3290), and, the position of the Administrator being presently vacant, General Order No. 85 (20 F. R. 2066), notice is hereby given that I propose to amend §§ 521.6 and 521.11 of Part 521 to read as follows:

§ 521.6 *Issuance of special certificates.* (a) If the apprenticeship agreement and other available information indicate that the requirements of § 521.3 and the other requirements of this part are satisfied, the Administrator or his authorized representative shall issue a special certificate in accordance with § 521.1. Otherwise, he shall deny the special certificates.

(b) The special certificate, if issued, shall be mailed to the employer or the joint apprenticeship committee and a copy shall be mailed to the apprentice. If a special certificate is denied, the employer or the joint apprenticeship committee, the apprentice and the recognized apprenticeship agency shall be given written notice of the denial. The employer shall pay the apprentice the minimum wage applicable under section 6 of the act from the date of receipt of notice of such denial.

(c) A special certificate will not be issued where there are serious outstanding violations involving the employee for whom an apprentice certificate is being requested, or where there are any serious outstanding violations of a certificate previously issued, or where there have been any serious violations of the act which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

§ 521.11 *Reconsideration and review.* (a) Any person aggrieved by the action of an authorized representative of the Administrator in denying, granting, or cancelling a special certificate may, within 15 days after such action, (1) file a written request for reconsideration thereof by the authorized representative of the Administrator who made the decision in the first instance, or (2) file a written request for review of the decision by the Administrator or an authorized representative who has taken no part in the action which is the subject of review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision together with a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsidered determination of an authorized representative of the Administrator may within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, all interested persons shall be afforded an opportunity to present their views.

Within twenty days from the date of publication of this notice in the FEDERAL REGISTER interested persons may submit written data, views or arguments to the proposed actions herein described. All data, views or arguments should be submitted in quadruplicate to the Office of the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., and should include supporting reasons therefor.

Signed at Washington, D. C., this 24th day of June 1955.

STUART ROTHMAN,
Solicitor of Labor.

[F. R. Doc. 55–5218; Filed, June 29, 1955; 8:48 a. m.]

[29 CFR Parts 655, 657, 671, 673, 696, 698, 706]

VARIOUS INDUSTRIES IN PUERTO RICO

MINIMUM WAGE RATES; HEARING

In conformity with sections 5 and 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C., and Supp. 201 et seq.), and in accordance with § 511.11 of the regulations issued pursuant thereto (Title 29, Chapter V, Code of Federal Regulations, Part 511), notice is hereby given

to all interested persons that a public hearing will be held beginning on July 11, 1955, at 10:00 a. m., or as soon thereafter as feasible, in Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico, for the purpose of receiving evidence to be considered by Special Industry Committees Nos. 17–A, 17–B, 17–C, 17–D, and 17–E for Puerto Rico in recommending minimum wage rates for employees in the industries in Puerto Rico hereinafter enumerated.

Special Industry Committees Nos. 17–A, 17–B, 17–C, 17–D and 17–E for Puerto Rico were created by Administrative Order No. 443, published in the FEDERAL REGISTER on June 10, 1955. The committees are charged, in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended, and regulations promulgated thereunder, with the duty of investigating conditions in the following industries in Puerto Rico, as defined in said Administrative Order: The silk, rayon and nylon underwear division, and the miscellaneous division, of the needlework and fabricated textile products industry; alcoholic beverage and industrial alcohol industry; food and related products industries; Tobacco industry; and the telephone division, the radio and television broadcasting division and the gas utility division of the communications, utilities, and miscellaneous transportation industries.

The Committee is further charged with the duty of recommending to the Office of the Administrator the highest minimum wage rates (not in excess of 75 cents per hour), for all employees in Puerto Rico in the industries mentioned above who within the meaning of said act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14, which, having due regard to the economic and competitive conditions, will not substantially curtail employment in such industries and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Before any minimum wage rates recommended by the Committee are made effective, a public hearing will be held pursuant to section 8 of the act, at a time and place to be announced by the Office of the Administrator and at which all interested persons will have an opportunity to be heard.

At the discretion of the committee any person who, in the opinion of the committee or its duly authorized subcommittee, has a substantial interest in the proceeding and is prepared to present material pertinent to the question under consideration either on his own behalf or on behalf of any other person, may be afforded an opportunity to be heard orally. In this connection, attention is invited to the notice of investigation published in the FEDERAL REGISTER on June 4, 1955. The notice requests all persons who desire to participate in these proceedings to file not later than July 1, 1955, notices of appearance together with written statements or briefs for the consideration of the committees. In addition, the notice contains illustrations of the types of information which the committees are interested in receiving. Eight copies of such statement or briefs should be filed with Dr. James G. Johnson, Territorial Director of Wage and Hour Division, Post Office Box 9061, Santurce 29, Puerto Rico. Supplemental written statements and briefs may be filed with Dr. Johnson at any time prior to the date that the committee for the particular industry convenes. Written statements or briefs containing factual data submitted by persons who cannot appear personally will be considered by the committees provided that such statements or briefs are sworn.

All testimony will be taken under oath and subject to reasonable cross examination by any interested person present. The testimony adduced at the hearing, including the written statements and briefs referred to above, will be offered as evidence at the public hearing to be held on such minimum wage recommendations as the above-mentioned committees for Puerto Rico may make.

Signed at Rio Piedras, Puerto Rico, this 24th day of June 1955.

JAIME BENITEZ,
Chairman, Special Industry Committees Nos. 17–A, 17–B, 17–C, 17–D, and 17–E for Puerto Rico.

[F. R. Doc. 55–5245; Filed, June 29, 1955; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 55]

OPERATORS' LICENSES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules is contemplated. All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed rules should send them to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Director, Division of Licensing, within 30 days after publication of this Notice in the FEDERAL REGISTER.

GENERAL PROVISIONS

Sec.
55.1 Purpose.
55.2 Scope.
55.3 Definitions.
55.4 Communications.
55.5 Interpretations.

APPLICATIONS

55.10 Contents of applications.
55.11 Requirements for the approval of application.

OPERATING TEST AND WRITTEN EXAMINATION

55.20 Scope.
55.21 Waiver.

LICENSES

55.30 Issuance of licenses.
55.31 Conditions of the licenses.
55.32 Expiration.
55.33 Renewal of licenses.

MODIFICATION AND REVOCATION OF LICENSES

55.40 Modification and revocation of licenses.

ENFORCEMENT

55.50 Violations.

CERTIFICATE OF MEDICAL EXAMINATION FOR OPERATOR'S LICENSE

55.60 Examination form.

GENERAL PROVISIONS

§ 55.1 *Purpose.* (a) The regulations in this part establish procedures and minimum criteria for the issuance of licenses to operators of production and utilization facilities licensed pursuant to the Atomic Energy Act of 1954 (68 Stat. 919); and establish and provide for the terms and conditions upon which the Commission will issue such licenses.

(b) The regulations contained in this part are issued pursuant to the Atomic Energy Act of 1954.

§ 55.2 *Scope.* (a) The regulations contained in this part apply to any individual who manipulates the controls of any facility licensed pursuant to section 103 or 104 of the act.

(b) No individual shall manipulate the controls of any facility licensed pursuant to section 103 or 104 of the act without a valid license issued pursuant to the regulations in this part.

§ 55.3 *Definitions.* As used in this part,

(a) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto;

(b) "Controls" means those controls of a production or utilization facility which by manipulation or failure to manipulate singly or in combination, could result in the release of atomic energy or radioactive material in amounts determined by the Commission to be sufficient to cause danger to the health and safety of the public.

(c) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(d) "Facility" means any "production facility" or "utilization facility" as defined in Part 50 of this chapter.

(e) "Class of facility" means facilities determined by the Commission to be sufficiently similar in design and operating characteristics to warrant licensing an individual to operate any of the facilities within the class;

(f) "Operator" means any individual who manipulates the controls of any facility. An individual is deemed to manipulate a control if he (1) decides when or how to manipulate the control and (2) either manipulates the control himself or directs another individual to manipulate such control in his presence.

(g) "United States", when used in a geographical sense, includes all Territories and possessions of the United States, and the Canal Zone.

§ 55.4 *Communications.* All communications concerning the regulations in this part, including applications for initial licenses and renewals thereof, should be addressed to the United States Atomic Energy Commission, at 1901 Constitution Avenue NW., Washington 25, D. C.

§ 55.5 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Manager, the General Counsel, or the Director of the Division of Licensing will be recognized to be binding upon the Commission.

APPLICATIONS

§ 55.10 *Contents of applications.* (a) Each application shall contain the following information:

(1) The full name, citizenship, age, address, and present employment of the applicant;

(2) The education and experience of the applicant;

(3) Serial numbers of any licenses previously held by the applicant, and whether such licenses are still in effect, have expired, or have been revoked, modified or suspended.

(4) The specific control or controls of the facility or class of facility for the manipulation of which the applicant seeks the license;

(5) The facility at which the applicant proposes to be tested for operating proficiency, and the written consent of the facilities licensee to the use of that facility for such test.

(6) Evidence that the applicant has learned to operate the control or controls in a competent and safe manner. Ordinarily the Commission will accept as proof of this a certification of a qualified instructor or supervisor responsible for the safe operation of the facility in which applicant will be employed.

(b) The applicant shall also cause to be furnished a report of a medical examination by a licensed medical practitioner in the form prescribed in § 55.60.

(c) The Commission may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Commission to determine whether the application should be granted or denied or whether a license should be revoked, modified, or suspended.

(d) Each application and statement shall contain complete and accurate disclosure as to all matters and things required to be disclosed. All applications and statements shall be signed by the applicant or licensee under oath or affirmation.

§ 55.11 *Requirements for the approval of application.* An application for a license pursuant to the regulations in this part will be approved upon a showing that:

(a) The physical condition and the general health of the applicant are not such as to be expected to cause operational errors which might endanger public health and safety;

(b) The applicant has passed an operating test and written examinations as prescribed by the Commission;

(c) The applicant has learned to operate the control or controls in a competent and safe manner.

OPERATING TEST AND WRITTEN EXAMINATION

§ 55.20 *Scope.* To the extent applicable, the operating test and written examination shall test:

(a) The applicant's understanding of and familiarity with the following aspects of the facility:

(1) The general design and operating characteristics;

(2) The control and safety mechanisms;

(3) All control-station instrumentation;

(4) Standard operating procedures;

(5) Emergency shutdown system;

(6) Such other aspects as may be important to the safe operation of the facility.

(b) The applicant's ability to read and interpret the control instrumentation of the facility and to manipulate the control equipment of the facility in a safe manner, and the applicant's knowledge of how to operate the facility, including operation under emergency conditions.

§ 55.21 *Waiver.* (a) Upon written request, the Commission may waive the requirement of any or all of the oral, written, or operating test upon a showing that:

(1) The applicant has operated similar controls of a substantially similar facility, and

(2) Has discharged his responsibilities in a competent and safe manner and is capable of continuing in this manner. Ordinarily the Commission will accept as proof of this a certification of a supervisor responsible for the safe operation of the facility where the individual was previously employed.

(b) Where a waiver of the examination is requested by an applicant, the information to support such request should accompany the application for an operator license.

LICENSES

§ 55.30 *Issuance of licenses.* Upon a determination that an application meets the requirements of the act and of the regulations of the Commission, the Commission will issue a license in such form and containing such conditions and limitations as it deems appropriate and necessary.

§ 55.31 *Conditions of the licenses.* Each license shall contain and be subject to the following conditions whether stated in the license or not:

(a) Neither the license nor any right under the license shall be assigned or otherwise transferred;

(b) The license is limited to the facility or class of facility for which it is issued.

(c) The license is limited to those controls of the facility or class of facility specified in the license;

(d) The license shall be subject to, and the licensee shall observe all applicable rules, regulations and orders of the Commission.

(e) Such other conditions as the Commission may impose to protect health or to minimize danger to life or property.

§ 55.32 *Expiration.* Each operator license shall expire two years after the date of its issuance.

§ 55.33 *Renewal of licenses.* (a) Application for renewal of a license shall be signed by the applicant under oath or affirmation and shall contain the following information:

(1) The full name, citizenship, address, and present employment of the applicant;

(2) The serial number of the license for which renewal is sought;

(3) The work experience of the applicant since the previous application;

(4) Evidence that the licensee has discharged his license responsibilities in a competent and safe manner. Ordinarily the Commission will accept as proof of this certification of a supervisor responsible for the safe operation of the facility where the licensee has been employed.

(b) The applicant shall cause to be furnished a report of a medical examination by a licensed medical practitioner in form prescribed in § 55.60.

(c) In any case in which a licensee has filed an application in proper form for renewal more than thirty (30) days prior to the expiration of his existing license such existing license shall not expire until the application for a renewal has been finally acted upon by the Commission.

(d) The license will be renewed upon a showing that:

(1) The physical condition and the general health of the licensee continues to be such that it is not expected to cause operational errors which might endanger public health and safety.

(2) The licensee has discharged his license responsibilities in a competent and safe manner and is capable of continuing in this manner. If the licensee has not been actively engaged as an operator under his license during the previous license period the Commission may require him to take an oral, written, and operating test.

MODIFICATION AND REVOCATION OF LICENSES

§ 55.40 *Modification and revocation of licenses.* (a) The terms and conditions of all licenses shall be subject to amendment, revision, or modification by reason of amendments to the act, or by reason of rules, regulations or orders issued in accordance with the act or any amendments thereto.

(b) Any license may be revoked, modified, or suspended for any material false statement in the application or any statement of fact required under section 182 of the act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for violations of, or failure to observe any of the terms and conditions of the act, or of any rule or regulation of the Commission.

(c) The Commission may revoke or suspend any license for violation of any applicable rule or regulation or any condition of the license or any personal behavior on the job deemed by the Commission to be a hazard to the safe operation of the facility.

ENFORCEMENT

§ 55.50 *Violations.* An injunction or other court order may be obtained pro-

hibiting any violation of any provision of the act or any regulation or order issued by the commission under the act. Any person who wilfully violates any provision of the act or of the regulations in this part may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both.

CERTIFICATE OF MEDICAL EXAMINATION FOR OPERATOR'S LICENSE

§ 55.60 *Examination form.*

1. Mr. Mrs. Miss (First Name) (Middle Initial) (Last)	2. Date of Birth	3. Sex Male Female
4. Address		

Medical History
(To be completed by applicant)

Have you ever had or do you now have any of the following? If so, please write the listed number of the condition in the space below, including approximately year or age you had condition.

1. Rheumatic fever.
2. Frequent severe headaches.
3. Dizziness or fainting spells.
4. Severe eye trouble or injury.
5. Pain or pressure in chest.
6. High blood pressure.
7. Bone or joint deformity.
8. Painful or "trick" shoulder.
9. Painful or "trick" elbow.
10. Paralysis.
11. Fits or epilepsy.
12. Loss of memory.
13. Depression.
14. Severe emotional disturbance.
15. Ulcer of stomach.

Number																
Year or age																

16. If you have not had or do not have any of the above conditions please state "none" here. ----------

Please answer the following questions "yes" or "no"	Answer
17. Have you ever been rejected or rated up for insurance, rejected for employment, or by the armed forces because of your physical condition or are you partially disabled in any way?	
18. Has your work ever had to be limited or restricted on account of your health?	

19. Please state details if answers to "17" or "18" are "yes".

Physical Examination Record
(To be completed by examining physician)

1. Eyes:
(A) Distant vision (snellen): without glasses: Right $\frac{20}{\square}$ Left $\frac{20}{\square}$ with glasses, if worn: Right $\frac{20}{\square}$ Left $\frac{20}{\square}$.

(B) Evidence of disease or injury:
Right---------- Left----------

(C) Color vision: Is color vision normal when Ishihara or equivalent color test is used? ------- Yes ------- No

2. Ears: (Consider denominators indicated here as normal. Record as numerators the greatest distance heard.)
Ordinary conversation: Right ear ------ / 20 Ft.
Left ear ------ / 20 Ft. Evidence of disease or injury: Right ear ------ Left ear------

3. Gastro-Intestinal	(A) History of Peptic Ulcer: ------Yes ------No If "Yes" is Ulcer: ---------- Active ----------Quiescent ---------- Healed How long ---------- Date of last X-ray----------
4. Heart and blood vessels	(A) Blood pressure: Systolic---------- MM. HG. Diastolic----------
(B) Is organic heart disease present? --------Yes --------No.	(C) If organic heart disease is present, is it fully compensated? ---------Yes ----------No.

(D) Pulse rate:
Sitting ---------- Immediately after exercise----------
Two minutes after exercise---------- Cardiac reserve----------
(Good, fair, or poor)

5. Lungs: Have X-ray made and give report
Right---------- Left----------
History of tuberculosis? ----------Yes ----------No. If "Yes", how long has the disease been arrested.

6. Deformities, atrophies, and other abnormalities, diseases not included above?

7. Nervous system: (A) Includes symptoms and full history of any mental, nervous, or emotional abnormality (use additional sheets if necessary);
(B) Has applicant ever been hospitalized or treated for a mental illness? ---- Yes ---- No.
(C) Where (name and location of hospital):
(D) Date or dates of hospitalization:
(E) Any history of epilepsy or fainting spells or drug addiction (including alcoholism)? ---- Yes ---- No.
If so, give details under "Remarks".
(F) Are there any signs of nervous disease ---- Yes ---- No. If so, give details under "Remarks".

8. Remarks:

The foregoing examination does not reveal any mental or physical disability or drug habit (including alcoholism) which might cause impaired judgment or motor coordination.

Date: ----------
Signature of Examining Physician: ----------, M. D.
Address of Examining Physician: ----------

Dated at Washington, D. C., this 15th day of June 1955.

K. E. FIELDS,
General Manager.

[F. R. Doc. 55-5201; Filed, June 29, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 154, 157]

[Docket No. R-145]

RATE SCHEDULES AND TARIFFS; APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOTICE OF EXTENSION OF TIME TO SUBMIT DATA, VIEWS AND COMMENTS

JUNE 22, 1955.

Upon consideration of the request of the Federal Power Bar Association, filed June 21, 1955, for an extension of time for filing data, views and comments with respect to proposed rules in the above-entitled matter;

An extension is hereby granted to and including August 1, 1955, within which to submit data, views and comments on the proposed rules pursuant to the notice dated June 1, 1955 (20 F. R. 4368) and the supplemental notice dated June 15, 1955 (20 F. R. 4548).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5220; Filed, June 29, 1955; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53827]

CIGAR LIGHTERS

REVOCATION OF ORDER PROHIBITING ENTRY INTO U. S.

JUNE 28, 1955.

There is published below a memorandum from the President to the Secretary of the Treasury dated June 21, 1955, containing an order issued pursuant to the authority contained in section 337, Tariff Act of 1930, as amended, revoking the Order of the President dated March 17, 1934, as amended (T. D. 47001, T. D. 51238), excluding certain cigar lighters from entry into the United States.

[SEAL] RALPH KELLY,
Commissioner of Customs.

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

Certain cigar lighters are now being refused entry into the United States under paragraph (a) of the President's Order of March 17, 1934, issued pursuant to the provisions of section 337 of the Tariff Act of 1930 (T. D. 47001). I now find that the conditions which led to such refusal of entry no longer exist, and the said order of March 17, 1934, as amended, is hereby revoked. You will please be guided accordingly.

/signed/ DWIGHT D. EISENHOWER

[F. R. Doc. 55-5316; Filed, June 29, 1955; 8:58 a. m.]

Internal Revenue Service

[Commissioner Delegation Order 6]

ASSISTANT COMMISSIONER (TECHNICAL)

DELEGATION OF AUTHORITY TO GRANT AUTHORIZATIONS OF AGENTS

Delegation of authority to grant authorizations of agents under section 3504 of the Internal Revenue Code of 1954.

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is directed that:

(1) The authority to grant authorizations of agents to perform all acts required of employers under chapters 21, 24 and 25, subtitle C of the Internal Revenue Code of 1954, is delegated to the Assistant Commissioner (Technical) to be exercised in accordance with applicable regulations and procedures.

(2) The Assistant Commissioner (Technical) is authorized to redelegate the authority to such subordinates within his jurisdiction as, in his judgment, may be desirable.

This order is effective June 1, 1955.

[SEAL] T. COLEMAN ANDREWS,
Commissioner.

[F. R. Doc. 55-5246; Filed, June 29, 1955; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 526

JUNE 22, 1955.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to delegation of authority contained in section 1.5 (c) Part 1 of Order No. 541 of April 21, 1954, it is ordered as follows:

Beginning at 10:00 a. m. on the 21st day after the date of this order the 80-rod shorespace reserves created under the act of May 14, 1890 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), as they exist now or as they may hereafter be created by the initiation of claims under the public land laws are hereby revoked insofar as applicable to the following described lands. Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 91-day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), the following lands are hereby restored to entry under the public land laws:

ANCHORAGE LAND DISTRICT

A tract of land located on Cook Inlet approximately 1½ miles north of Three Mile Creek at approximate latitude 61°10' N., longitude 151°02'30" W., more particularly described as follows:

Beginning at Earl F. Robert's Corner No. 4 (U. S. Survey No. 3072) as Corner No. 1; thence west 330 feet to Corner No. 2; thence north 660 feet to Corner No. 3; thence east 330 feet to Corner No. 4; thence south 660 feet to Corner No. 1, the point of beginning, containing approximately 5 acres. (Application under the Headquarters Site Act by Emil A. Giese, Anchorage 026926.)

A tract of land located on the north side of China Poot Bay and east of U. S. Survey No. 1539, more particularly described as follows:

An area ¼ mile deep from mean high tide described as follows: Commencing at Corner No. 1 of U. S. Survey No. 1539; thence in a southerly and easterly direction following the northeasterly side of China Poot Bay for an approximate distance of 2 miles and to Corner No. 5 of U. S. Survey No. 2893, containing approximately 320 acres. (Headquarters site application of James E. Allen, Anchorage 024475 is included in above described land.)

A tract of land located approximately 2 miles upstream from the mouth of Alexander Creek and about 2 miles below Granite Creek at longitude 150°37' W. and latitude 61°25' N., more particularly described as follows:

20 acres of land running southerly along the west bank of Alexander Creek for 80 rods and westerly 40 rods, northerly 80 rods and easterly 40 rods, back to the point of beginning, which is also the southeast corner of the homesite of James F. St. Claire, Anchorage 018721. (Homestead location notice of Clinton Ducker, Anchorage 022173.)

A tract of land situated on Fritz Cove, Alaska, more particularly described as follows:

Lot 3, U. S. Survey 3281, containing 1.78 acres. (Homesite application of Daniel F. Hudson, Anchorage 021795.)

A tract of land situated on Fritz Cove, Alaska, more particularly described as follows:

Lot 1, U. S. Survey 3281, containing 2.02 acres. (Homesite application of Mrs. Edward Maki, Anchorage 021807.)

A tract of land situated on Valdez Bay, more particularly described as follows:

Starting at the SE corner of U. S. Survey No. 3329, thence 100' along the Mineral Creek Road in a westerly direction; thence 100' across Mineral Creek in a southerly direction to Corner No. 1; thence 300' along Mineral Creek Road in a westerly direction to Corner No. 2; thence approximately 600' in a southerly direction to Port Valdez to Corner No. 3; thence approximately 330' in an easterly direction to Corner No. 4; thence approximately 600' in a northerly direction to Corner No. 1, the point of beginning, containing approximately 4 acres.

A tract of land situated near Naknek within ¼ mile of Naknek River at approximate latitude 58°44'00" N., longitude 157°03'00" W., more particularly described as follows:

Beginning at Corner No. 2 of U. S. Survey No. 880 "R. G. M. Reserve" thence north 73° 15' E. approximately 900 feet to a point; thence south 16° 45' E. approximately 430 feet to Corner No. 3 of U. S. Survey No. 544; thence south 73° 15' W. 726 feet to corner No. 2 of U. S. Survey No. 544; thence south 49° 10' W. 182.16 feet to Corner No. 1 of U. S. Survey No. 2325; thence north 16° 50' W. 496.32 feet to Corner No. 2 of U. S. Survey No. 880 and the point of beginning containing approximately 9 acres. (Headquarters site application of Allen Nelson, Anchorage 028946 is included in above described land.)

A tract of land abutting Seventeen Mile Lake (as per U. S. G. S. Topographic map) which lies in the valley immediately south of Wishbone Hill in the Eska area, more particularly described as follows:

SEWARD MERIDIAN

Township 19 North, Range 3 East,
Section 30: Lot 4.
Containing 51.14 acres.

SEWARD MERIDIAN

Township 3 North, Range 12 West,
Section 27: Lots 5, 6, 7, 8 and N½SE¼.
Containing 135.07 acres.

Four tracts of land located on the left bank of Kenai River and south side of Kenai Lake about ¾ mile easterly from Cooper Landing, Alaska, more particularly described as follows:

Lots 10, 12, 13, and 14 of U. S. Survey No. 2525 Containing 16.87 acres. (Lot 10 is embraced in the homesite application of Sherman Clayton Smith, Jr., Anchorage 028960.)

LOWELL M. PUCKETT,
Area Administrator.

[F. R. Doc. 55-5209; Filed, June 29, 1955; 8:46 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 23, 1955.

An application, serial number W-0911, for the withdrawal from all forms of appropriation under the public land laws, including mining and mineral leasing laws, of the lands described below was filed on March 24, 1953, by Corps of Engineers, U. S. Army, Seattle District, Seattle, Washington. The purposes of the proposed withdrawal: For use in connection with reservoir site of the Chief Joseph Dam Project.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor Area I, Bureau of Land Management, Department of the Interior, at Room 209, Federal Building, Spokane, Washington. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

WASHINGTON—WILLAMETTE MERIDIAN

T. 30 N., R. 28 E.,
Sec. 9, Lot 2, SE¼SE¼;
Sec. 13, Lot 2;
Sec. 17, Lots 1 and 2;
Sec. 14, Lots 1, 2, 3, NW¼SE¼, SW¼NW¼;
Sec. 20, Lots 1, 2, 3 and 4;
Sec. 29, Lots 1, 2, 3 and 4;
Sec. 31, Lots 7, 8 and 9;
Sec. 32, Lots 1, 2 and 3.
T. 30 N., R. 29 E.,
Sec. 7, Lots 7 and 9.
T. 31 N., R. 30 E.,
Sec. 31, Lot 7.
T. 29 N., R. 26 E.,
Sec. 3, Lots 3, 4, and 5, NE¼SW¼.
T. 30 N., R. 26 E.,
Sec. 24, Lot 6;
Sec. 25, Lots 3 and 4;
Sec. 34, Lot 4;
Sec. 35, Lots 4, 5, 6 and 7.

T. 30 N., R. 27 E.,
Sec. 19, Lot 7;
Sec. 20, Lot 5;
Sec. 27, Lot 4;
Sec. 28, Lots 2, 3, 4, 5 and 6, SE¼NW¼, NW¼ SE¼, SE¼SE¼;
Sec. 29, Lots 1 and 2, NE¼NW¼;
Sec. 34, Lots 3, 4, 5 and 6, SW¼NW¼, NE¼SW¼, SW¼SE¼;
Sec. 35, Lot 5.

The total area aggregates approximately 2,176.54 acres.

The proposed withdrawal of the above-described lands will be made subject to powersite withdrawals, Classification Nos. 129, 349, and 382.

J. M. HONEYWELL,
State Supervisor.

[F. R. Doc. 55-5215; Filed, June 29, 1955; 8:48 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Agriculture, Forest Service, has filed an application, Serial No. Montana 018514 (SD), for the withdrawal of the lands described below, from all forms of appropriation. The applicant desires the land for the purpose of protecting important prehistoric carvings in furtherance of the Antiquities Act of June 8, 1906 (34 Stat. 225; 16 U. S. C. 431).

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN

T. 7 S., R. 3 E.,
Sec. 30: W½.
T. 7 S., R. 2 E.,
Sec. 25: E½.

The area contains 640 acres.

FRANCIS A. RIORDAN,
Acting State Supervisor.

JUNE 24, 1955.

[F. R. Doc. 55-5211; Filed, June 29, 1955; 8:47 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 20, 1955.

The Fish and Wildlife Service, Department of the Interior, has filed an application Serial No. Oregon 03888, for the withdrawal of the lands described below, from appropriation under the public land laws, including the general mining laws but excepting the mineral leasing laws.

The applicant desires the land for permanent public access to the Ochoco Reservoir for fishing and, as well, an area for parking and camping purposes.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 14 S., R. 17 E.,
Sec. 32: SE¼SE¼.

Total area, 40 acres.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 55-5214; Filed, June 29, 1955; 8:47 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

JUNE 23, 1955.

Notice of proposed withdrawal and reservation of lands in connection with the application of the Bureau of Land Management, Department of the Interior, Serial No. Oregon 03791, published in the FEDERAL REGISTER of May 12, 1955 (F. R. Doc. 55-3834; 20 F. R. 3237), as corrected by publication in the FEDERAL REGISTER of June 10, 1955 (F. R. Doc. 55-4623; 20 F. R. 4094), is corrected by omitting therefrom, T. 33 S., R. 9 W., and inserting in lieu thereof, T. 34 S., R. 9 W.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 55-5210; Filed, June 29, 1955; 8:46 a. m.]

MICHIGAN

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 24, 1955.

United States Department of the Army has filed an application, Serial No. BLM 040204, for the withdrawal of the lands described below, from all forms of appropriation under the public-land laws. The applicant desires the land for expansion of the K. I. Sawyer Air Force Base.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Eastern States Office, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MICHIGAN MERIDIAN

T. 46 N., R. 25 W.,
Sec. 36, NE¼.

C. R. DREXILIUS,
Supervisor,
Eastern States Office.

[F. R. Doc. 55-5212; Filed, June 29, 1955; 8:47 a. m.]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 21, 1955.

The United States Department of Agriculture has filed an application, Serial No. Idaho 05295, for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, subject to existing valid claims. The applicant desires the land for forest development roads and/or highways, within the Cache National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

FRANKLIN BASIN, FOREST DEVELOPMENT ROAD, ROADSIDE ZONE

A strip of land 100 feet on each side of of the center line of Franklin Basin Idaho Road through the following legal subdivisions:

Unsurveyed, but when surveyed will probably be—

T. 15 S., R. 41 E.,
Sec. 2, N½SW¼, SE¼SW¼;
Sec. 3, N½S½;
Sec. 4, S½SW¼;
Sec. 5, S½S½;
Sec. 8, W½NW¼;
Sec. 11, NE¼NW¼, W½NE¼, NW¼SE¼, E½SW¼;
Sec. 14, NE¼NW¼, SW¼NE¼, W½SE¼;
Sec. 23, W½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 24, W½SW¼, SE¼SW¼, SE¼SE¼;
Sec. 25, E½NW¼, SW¼NW¼, W½SW¼;
Sec. 35, E½NE¼;
Sec. 36, SW¼NW¼, N½SW¼, SE¼SW¼.
T. 16 S., R. 41 E.,
Sec. 1, NE¼NW¼, W½NE¼, NW¼SW¼ SE¼, S½SW¼SE¼;
Sec. 12, W½NE¼, N½SE¼, SE¼SE¼.
T. 16 S., R 42 E.,
Sec. 18, W½NW¼, N½SW¼, SE¼SW¼;
Sec. 19, W½W½;
Sec. 30, W½W½.

SAINT CHARLES CANYON, FOREST DEVELOPMENT ROAD, ROADSIDE ZONE

A strip of land 200 feet on each side of the center line of Saint Charles Canyon Road through the following legal subdivisions:

T. 15 S., R. 42 E.,
Sec. 23, SE¼SW¼, S½SE¼, NE¼SE¼;
Sec. 24, N½SW¼, SE¼NW¼, S½NE¼;
Sec. 27, NE¼SE¼.

T. 15 S., R. 43 E.,
Sec. 17, SE¼SW¼, Lots 1, 2, NE¼SE¼;
Sec. 19, Lots 1, 2, 3, 4, NE¼NW¼, N½NE¼;
Sec. 20, N½NW¼.

ST. CHARLES—GREEN CANYON, FOREST DEVELOPMENT ROAD, ROADSIDE ZONE

A strip of land 100 feet on each side of the center line of St. Charles—Green Canyon Road through the following legal subdivisions:

T. 15 S., R. 42 E.,
Sec. 25, N½SE¼, N½SW¼, SW¼SW¼;
Sec. 26, SE¼SE¼;
Sec. 34, SE¼NE¼;
Sec. 35, N½NE¼, NE¼NW¼, S½NW¼.
T. 15 S., R. 43 E.,
Sec. 29, NW¼NE¼, N½NW¼;
Sec. 30, N½NE¼, NE¼NW¼, S½NW¼, Lots 5, 6.
T. 16 S., R. 42 E.,
Sec. 2, W½W½;
Sec. 11, W½W½;
Sec. 14, W½W½;
Sec. 22, S½NE¼, NW¼SE¼, E½SE¼;
Sec. 23, W½NW¼, SW¼SW¼;
Sec. 26, N½NW¼, SE¼NW¼, E½SW¼.

MEADOW VIEW, FOREST DEVELOPMENT ROAD, ROADSIDE ROAD

A strip of land 200 feet on each side of the center line of Meadow View Road through the following legal subdivisions:

Unsurveyed, but what will probably be when surveyed—

T. 10 S., R. 42 E.,
Sec. 29, S½NE¼SW¼, SE¼SW¼;
Sec. 32, E½NW¼, W½SW¼.
T. 11 S., R. 41 E.,
Sec. 27, W½NW¼, SE¼NW¼, E½SW¼;
Sec. 34, NE¼NW¼, N½NE¼, SE¼NW¼;
Sec. 35, S½N½;
Sec. 36, SW¼NW¼, N½SW¼, W½SE¼, SE¼SE¼.

Unsurveyed, but what will probably be when surveyed—

T. 11 S., R. 42 E.,
Sec. 5, W½NW¼, SW¼;
Sec. 7, E½SE¼;
Sec. 8, W½W½;
Sec. 17, W½W½;
Sec. 20, N½NW¼, SE¼NE¼, NE¼SW¼, W½SE¼;
Sec. 29, W½NE¼, SE¼NE¼, E½SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, W½NW¼, SE¼NW¼, NE¼SW¼, W½SE¼.
T. 12 S., R. 41 E.,
Sec. 1 (unsurveyed, but what will probably be when surveyed) NE¼NE¼.
T. 12 S., R. 42 E.,
Sec. 4, Lot 2, SW¼NE¼, W½SE¼;
Sec. 6, Lot 4, SE¼NW¼, SW¼NE¼, N½SE¼, SE¼SE¼;
Sec. 8, NW¼NW¼, SE¼NW¼, S½NE¼;
Sec. 9, S½NW¼, NE¼NW¼, W½NE¼, SE¼NE¼;
Sec. 10, S½N½;
Sec. 11, SW¼NW¼, N½SW¼, N½SE¼;
Sec. 12, W½NW¼SW¼, E½W½SE¼.

STRAWBERRY-SHARON, FOREST HIGHWAY, ROADSIDE ZONE

A strip of land 200 feet on each side of the center line of Strewberry-Sharon Forest Highway through the following legal subdivisions:

Unsurveyed, but what will probably be when surveyed—

T. 12 S., R. 41 E.,
Sec. 36, E½SW¼, S½NE¼, NE¼NE¼.
T. 12 S., R. 42 E.,
Sec. 20, S½SW¼, W½SE¼, NE¼SE¼;
Sec. 21, N½NE¼, NW¼SW¼;
Sec. 22, N½N½;
Sec. 23, N½N½;
Sec. 29, NW¼NW¼;
Sec. 30, Lots 3, 4, SE¼NW¼, S½NE¼, NE¼NE¼;
Sec. 31, Lot 1.

Unsurveyed, but what will probably be when surveyed—

T. 13 S., R. 41 E.,
Sec. 1, NW¼SW¼, W½NW¼, NE¼NW¼;
Sec. 2, E½SE¼;
Sec. 3, SE¼SW¼, SW¼SE¼;
Sec. 9, W½SE¼, S½NE¼;
Sec. 10, N½N½;
Sec. 11, W½NW¼, SE¼NW¼, NW¼NE¼, N½SW¼NE¼.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 55-5213; Filed, June 29, 1955; 8:47 a. m.]

Office of the Secretary

APPLICATIONS FROM OCCUPANTS ON CERTAIN PUBLIC LANDS

1. Notice is hereby given that the Manager, Land Office, Bureau of Land Management, 335 Federal Building, Post Office Box 777, Salt Lake City, Utah, will accept applications under the act of August 31, 1954 (68 Stat. A270) from occupants on the public lands in Sections 9, 10, 15, 16, 21, 22, 27, and 28, Township 8 North, Range 2 West, Salt Lake Meridian, Utah.

2. Applications must be submitted, in duplicate, to the above-mentioned official prior to August 31, 1955. No particular form of application is required but applications must be typewritten or in legible handwriting and must contain the following information:[1]

(A) The name and post office address of the applicant.

(B) The legal description or metes and bounds description and the acreage of the public lands claimed.

(C) A showing that the applicant or his predecessors in interest were bona fide occupants of the lands claimed and had adverse possession for seven years prior to the approval of the plat of survey of the lands. Upon review of the showing, further documentary or duly corroborated evidence may be required by the Manager, which evidence will be returned to the applicant.

(D) The names and post office addresses of any adverse claimants, settlers, or occupants of the public lands claimed.

(E) The names and post office addresses of at least two disinterested persons having knowledge of the facts relating to the applicant's claim.

(F) A citation of the act of August 31, 1954 (68 Stat. A270), under which the application is made.

3. Each applicant will be required to publish once a week for five consecutive weeks, at his expense, in a designated newspaper and in a designated form, a notice allowing all persons claiming the land adversely to the claimant to file with the Manager their objections to issuance of patent under the application. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service. The applicant must file a statement of the publisher, accompanied by a copy of the published notice, showing that publication has been had for the required time.

4. Occupants entitled to patents under the act will be required, within 30 days after the request therefor, to pay the appraised price of the lands as of the date of appraisal. The appraisal will exclude any increased value resulting from the development or improvement of the lands by the occupant or his predecessors in interest and will take into consideration and give full effect to the equities of the occupant.

5. Patents issued to occupants will contain a reservation granting to the United States the right to repurchase the lands under the conditions specified in section 4 of the act.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

JUNE 24, 1955.

[F. R. Doc. 55-5216; Filed, June 29, 1955; 8:48 a. m.]

[1] 18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 7]

ORGANIZATION AND FUNCTIONS

CHANGE IN ADDRESS OF AIRPORT DISTRICT OFFICE

In accordance with the public information requirements of the Administrative Procedure Act, section 21 (b) of the description of Organization and Functions of the Civil Aeronautics Administration (19 F. R. 2100), is hereby amended to include the following change in the address of an Airport District Office:

1. Region 1, is amended by substituting "Columbus, Ohio, Administration Building, Port Columbus Airport—" for "Columbus, Ohio, 409 Trautman Building—"

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-5202; Filed, June 29, 1955; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MICHIGAN

DESIGNATION OF ADDITIONAL AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1848a-2 (a)), as amended, it is determined that in the following named additional counties in the State of Michigan a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

STATE OF MICHIGAN

Allegan.	Manistee.
Benzie.	Mason.
Cass.	Muskegon.
Ionia.	Newaygo.
Kalamazoo.	Oceana.
Kent.	Ottawa.

Pursuant to the authority as set forth above, such loans will not be made in the above-named counties in the State of Michigan after June 30, 1956, except to borrowers who previously received such assistance.

Done at Washington, D. C., this 24th day of June 1955.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 55-5229; Filed, June 29, 1955; 8:50 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

CALIFORNIA

NOTICE OF OPPORTUNITY FOR HEARING TO CALIFORNIA DEPARTMENT OF EMPLOYMENT; AMENDMENT

Amended Notice of Opportunity for Hearing to the California Department of Employment pursuant to section 3304 (c) of the Internal Revenue Code.

The Notice of Opportunity for Hearing to the California Department of Employment published in the FEDERAL REGISTER on June 15, 1955 (20 F. R. 4193), is amended,

(1) By changing the date of the hearing to the 1st day of August 1955; and

(2) By changing the place of the hearing to California Public Utilities Commission Hearing Room No. 367 in the State Building at 350 McCallister Street, San Francisco, California; and

(3) By striking out paragraph numbered 13 and inserting in lieu thereof the following:

Any brief on the issues herein shall be filed no later than ten (10) days after the transcript of the hearing is available. All briefs shall be filed in the Office of the Chief Hearing Examiner.

In all other respects the aforementioned notice remains unchanged.

JAMES P. MITCHELL,
Secretary of Labor.

JUNE 24, 1955.

[F. R. Doc. 55-5244; Filed, June 29, 1955; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

URANIUM 233

SPECIAL NUCLEAR MATERIAL; NOTICE OF DETERMINATION

Pursuant to section 11 t. and section 51 of the Atomic Energy Act of 1954 (68 Stat. 924, 929), notice is hereby given that the Atomic Energy Commission has determined that uranium 233 is special nuclear material.

The Commission's determination that uranium 233 is special nuclear material, together with the assent of the President to said determination, was submitted to the Joint Committee on Atomic Energy on April 12, 1955.

This notice shall be effective immediately upon publication in the FEDERAL REGISTER.

Dated at Washington, D. C., this 15th day of June 1955.

K. E. FIELDS,
General Manager.

[F. R. Doc. 55-5200; Filed, June 29, 1955; 8:45 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

SECRETARY OF AGRICULTURE OR HIS DESIGNEE

FURTHER AMENDING DELEGATION OF AUTHORITY

1. Pursuant to the authority vested in me by Public Law 875, 81st Congress, 2d Session, as amended, and section 5 of Executive Order 10427, dated January 16, 1953, the delegation of authority of July 31, 1953, to the Secretary of Agriculture, as amended (18 F. R. 4609; 19 F. R. 2148; 19 F. R. 5364) is further amended as follows:

At the end of paragraph 1, strike the period, insert a comma, and add "or for the purpose of rendering assistance pursuant to the allocation of funds of April 7, 1955."

2. This amendment shall become effective as of April 7, 1955.

VAL PETERSON,
Federal Administrator,
Civil Defense Administration.

Consented to:

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 55-5219; Filed, June 29, 1955; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11169-11173; FCC 55M-572]

TRIAD TELEVISION CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of Triad Television Corporation, Parma, Michigan, Docket No. 11169, File No. BPCT-1846; Booth Radio & Television Stations, Inc., Parma, Michigan, Docket No. 11170, File No. BPCT-1866; Television Corporation of Michigan, Inc., Onondaga, Michigan, Docket No. 11171, File No. BPCT-1870; Jackson Broadcasting & Television Corporation, Parma, Michigan, Docket No. 11172, File No. BPCT-1871; Michigan State Board of Agriculture, Onondaga, Michigan, Docket No. 11173, File No. BPCT-1885; for construction permits for new television stations (Channel 10).

The Hearing Examiner having under consideration agreement of counsel regarding hearing date for the above-entitled proceeding:

It is ordered, This 24th day of June 1955, that the hearing now scheduled for July 18, 1955, is continued until July 19, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 55-5247; Filed, June 29, 1955; 8:53 a. m.]

[Docket No. 11267; FCC 55-709]

DAVID JOSEPH LEWIS

ORDER AMENDING ISSUES

In the matter of David Joseph Lewis, 1011 Davis Street, Elmira, New York, Docket No. 11267; suspension of restricted radiotelephone operator permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of June 1955;

The Commission having under consideration a joint motion filed April 12, 1955, by Chief, Field Engineering and Monitoring Bureau and Respondent David Joseph Lewis to modify the issues in the above-entitled proceeding;

It appearing, that on February 8, 1955, the above-entitled matter was designated for hearing to determine (1) whether David J. Lewis has obtained by fraudulent means an operator's license, and (2) if the licensee did obtain a license by fraudulent means, to determine whether the facts or circumstances in connection therewith would warrant any change in the Commission's order of suspension;

It further appearing, that Mr. Lewis has informed the Commission by affidavit that he did not intentionally misrepresent information in his application to the Commission; and that in view of the information contained in such affidavit, it is agreed between the respondent, David Joseph Lewis, and the Chief, Field Engineering and Monitoring Bureau, that the issues should be modified to eliminate the question of fraudulent concealment and in place thereof, to focus attention on whether respondent violated a regulation of the Commission by improperly completing his application form, and if he did, the circumstances surrounding such violation;

It further appearing, that in view of the foregoing the issues set forth in the Commission's Order of February 8, 1955, should be deleted and the new issues substituted therefor;

Accordingly, it is ordered, That the joint motion by Chief, Field Engineering and Monitoring Bureau, and respondent David Joseph Lewis to modify issues filed April 12, 1955 is granted; the issues designated in the Commission's order of February 8, 1955 are deleted, and the following issues substituted:

(1) To determine whether David Joseph Lewis failed to comply with a lawful regulation of the Commission by failing to report on his application for a restricted radiotelephone operator permit his conviction for a crime, the penalty for which was imprisonment for more than one year;

(2) To determine the circumstances under which David Joseph Lewis failed to comply with a lawful regulation of the Commission; and

(3) To determine whether in the light of the facts and circumstances adduced under the preceding issues whether any change in the Commission's Order of Suspension is warranted.

Released: June 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5248; Filed, June 29, 1955; 8:53 a. m.]

[Docket No. 11300; FCC 55M-573]

ALLEGHENY-KISKI BROADCASTING CO. (WKPA)

FIRST STATEMENT CONCERNING PRE-HEARING CONFERENCES AND ORDER CONTINUING HEARING

In re application of Allegheny-Kiski Broadcasting Co. (WKPA), New Kensington, Pennsylvania, Docket No. 11300, File No. BP-9546; for construction permit.

1. The first pre-hearing conference was held herein on June 24, 1955. All parties were represented by counsel.

2. Agreements were reached among the parties and stated on the record, as reflected in the transcript which is incorporated herein by reference. Such agreements are found to be acceptable and approved by the Hearing Examiner.

It is ordered, This 24th day of June 1955, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Examiner for cause or by the Commission upon review of the Examiner's ruling, and the hearing herein now scheduled for July 11, 1955, is continued until July 18, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5249; Filed, June 29, 1955; 8:53 a. m.]

[Docket No. 11360; FCC 55M-571]

MOUNTAIN STATE BROADCASTING CO., INC.

ORDER CONTINUING PREHEARING CONFERENCE

In re application of Mountain State Broadcasting Co., Inc., Morgantown, West Virginia, Docket No. 11360, File No. BP-9471; for construction permit.

The Hearing Examiner having under consideration a motion filed June 23, 1955, by respondent herein, requesting that the prehearing conference now scheduled for June 28, 1955, be continued until 2:00 p. m., June 30, 1955, and

It appearing that good cause has been shown for the motion and that the other parties have agreed to a grant of the motion;

It is ordered, This 24th day of June 1955, that the motion is granted and that the prehearing conference is rescheduled for 2:00 p. m., June 30, 1955, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5250; Filed, June 29, 1955; 8:53 a. m.]

[Docket No. 11411; FCC 55-719]

SOUTHEASTERN ENTERPRISES (WCLE)

ORDER RESCHEDULING ORAL ARGUMENT

In re application of R. B. Helms, Carl J. Hoskins and Jack T. Helms, d/b as Southeastern Enterprises (WCLE) Cleveland, Tennessee, Docket No. 11411, File No. BP-9629; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of June 1955;

The Commission having under consideration its Memorandum Opinion and Order released on June 10, 1955, designating the above-entitled matter for hearing by oral argument before the Commission en banc on July 7, 1955, to commence at 10:00 a. m.;

It appearing, that the Commission will not be able to convene on the said date of July 7, 1955, until 10:30 a. m. and therefore the said hearing cannot commence at the time originally specified;

It is ordered, That the hearing by oral argument before the Commission en banc in the above-entitled proceeding shall commence at 10:30 a. m. on the date and at the place previously specified.

Released: June 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5251; Filed, June 29, 1955; 8:53 a. m.]

[Docket Nos. 11423—11426; FCC 55-694]

SAMUEL ELMAN ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Samuel Elman, Hartford, Connecticut, Docket No. 11423, File No. BP-9170; John Deme d/b as, Manchester Broadcasting Co., Manchester, Connecticut, Docket No. 11424, File No. BP-9176. Regional Broadcasting Company, East Hartford, Connecticut, Docket No. 11425, File No. BP-9399; Brothers Broadcasting Corporation, Hartford, Connecticut, Docket No. 11426, File No. BP-9631; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955;

The Commission having under consideration the above-entitled applications of Samuel Elman (File No. BP-9170); Regional Broadcasting Company (File No. BP-9399); and Brothers Broadcasting Corporation (File No. BP-9631), each for a construction permit for a new standard broadcast station to operate on 1230 kilocycles with a power of 250 watts, unlimited time, at Hartford, East Hartford and Hartford, Connecticut, respectively, and of John Deme, doing business as Manchester Broadcasting Company (File No. BP-9176), for a construction permit for a new standard broadcast station to operate on 1230 kilocycles with a power of 100 watts, unlimited time, at Manchester, Connecticut;

It appearing, that the applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations but that the subject proposals would result in mutually destructive interference; and

It further appearing, that the applications of Samuel Elman, Regional Broadcasting Co. and Brothers Broadcasting Corporation would involve interference with Station WHUC, Hudson, New York; and

It further appearing, that none of the subject proposals would provide adequate coverage of the city sought to be served; and

It further appearing, that the proposal of Samuel Elman would not be in compliance with the Commission's Standards of Good Engineering with respect to transmitter site, antenna system and population residing within the 1000 mv/m contour; and

It further appearing, that the proposal of Brothers Broadcasting Corporation would not be in compliance with the Commission's Standards of Good Engineering with respect to transmitter site and that a determination has not been made yet whether the proposed antenna system would constitute a hazard to air navigation; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated August 23, December 2, 1954, and February 9, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing, that timely replies have been received from all the subject applicants; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and population which would receive primary service from each of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operations of Samuel Elman, the Regional Broadcasting Company and

Brothers Broadcasting Corporation will involve interference with Station WHUC, Hudson, New York, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to the WHUC interference areas.

3. To determine, in addition to the interference questions raised in Issue 2, whether any of the subject proposed operations would involve interference with any other existing station, and, if so, the nature and extent of such interference.

4. To determine whether the antenna system proposed by Brothers Broadcasting Corporation would constitute a hazard to air navigation.

5. To determine whether the antenna system proposed by Samuel Elman would produce the minimum radiation efficiency required by § 3.45 of the Commission's rules and the Standards of Good Engineering Practice.

6. To determine whether the operation proposed by Samuel Elman would be in compliance with § 3.24 (g) of the Commission's rules with regard to population within the 1 mv/m contour.

7. To determine whether the proposed operations of Samuel Elman, Manchester Broadcasting Company, Regional Broadcasting Company and Brothers Broadcasting Corporation will comply with the Commission's Standards of Good Engineering Practice with particular reference to coverage of the various cities sought to be served.

8. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the applications, if granted, would best provide a fair, efficient and equitable distribution of radio service.

9. To determine which of the operations proposed in the above-entitled applications would best serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

10. To determine in light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the Colgren Broadcasting Company, licensee of Station WHUC, Hudson, New York, is made a party to the proceeding.

It is further ordered, That in the event the application of John Deme, d/b as Manchester Broadcasting Company, is granted in the above-described hearing the construction permit shall contain the following condition: Submission by the permittee of measurements made in accordance with § 3.47 of the rules to prove compliance with the requirements of section 12 of the Standards.

Released: June 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 55-5252; Filed, June 29, 1955; 8:54 a. m.]

[Docket No. 11427; FCC 55-695]

BI-STONE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING OF STATED ISSUES

In re application of J. B. McNutt, Jr., tr/as Bi-Stone Broadcasting Company, Mexia, Texas, Docket No. 11427, File No. BP-9644; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955;

The Commission having under consideration the above-entitled application for a construction permit for a new standard broadcast station to operate on 1590 kilocycles with a power of 500 watts, daytime only, at Mexia, Texas; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the application may involve interference with Station KERC, Eastland, Texas (1590 kc, 500 w, Day); and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated April 13, 1955, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that a timely reply was received from the applicant indicating that it would appear at a hearing on its subject application; and

It further appearing, that in a letter filed on April 28, 1955, KERC requested that the subject application be designated for hearing and that KERC be made a party to the hearing; and

It further appearing, that the Commission, after consideration of these replies is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the operation of the subject proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station KERC, Eastland, Texas, or any other existing station, and, if so, the nature and extent thereof, the areas and population affected thereby, the availability of other primary service to such areas and populations.

3. To determine whether, in light of the evidence adduced under the foregoing issues, a grant of the application would be in the public interest.

It is further ordered, That Tri-Cities Broadcasting Company of Eastland County, Texas, licensee of Station KERC, Eastland, Texas, is made a party to the proceeding.

Released: June 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5253; Filed, June 29, 1955; 8:54 a. m.]

[Docket Nos. 11428-11430; FCC 55-696]

DELSEA BROADCASTERS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mortimer Hendrickson, Vivian Eliza Hendrickson and John Thomas Jones, Jr., a partnership, d/b as The Delsea Broadcasters, Pitman-Glassboro, New Jersey, Docket No. 11428, File No. BP-9431; James R. Reese, Jr., Chambersburg, Pennsylvania, Docket No. 11429, File No. BP-9612; Richard Field Lewis, Jr., Fisher, West Virginia, Docket No. 11430, Filed No. BP-9699; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 22d day of June 1955;

The Commission having under consideration the above-entitled applications of The Delsea Broadcasters, James R. Reese, Jr., and Richard Field Lewis, Jr., each for a construction permit for a new standard broadcast station to operate on 690 kilocycles, daytime only, at Pitman-Glassboro, New Jersey, with a power of 250 watts and directional antenna; at Chambersburg, Pennsylvania, with a power of 250 watts, and at Fisher, West Virginia, with a power of 500 watts, respectively; and

It appearing, that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that operation of both stations as proposed by James R. Reese, Jr., and Richard Field Lewis, Jr., would result in mutually prohibitive interference; that the application of The Delsea Broadcasters would involve interference with the proposed operation of James R. Reese, Jr., and Stations WOR, New York City, New York; WCBM, Baltimore, Maryland; and

WNNT, Warsaw, Virginia, and specifies a transmitter site which is not satisfactory and does not make the showing required under Section 3.30 for dual city operation; that the application of James R. Reese, Jr., would involve interference with Station WCBM; and that the application of Richard Field Lewis, Jr., would involve interference with Station WNNT, Warsaw, Virginia; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 22, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing, that each of the subject applicants filed a timely reply to the Commission's above-referenced letter; and

It further appearing, that in a reply dated May 21, 1955, The Delsea Broadcasters requested that its application be considered for Glassboro instead of Pitman-Glassboro, New Jersey, but the request was not in proper form to so amend the application; and

It further appearing, that Stations WOR, WCBM, and WNNT, in timely filed letters opposed a grant of the applications which would cause interference to their respective stations; and

It further appearing, that the Commission, after consideration of the above replies and oppositions, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the subject proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by The Delsea Broadcasters would involve objectionable interference with Stations WOR, New York City, New York; WCBM, Baltimore, Maryland; and WNNT, Warsaw, Virginia; or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operation proposed by James R. Reese, Jr. would involve objectionable interference with Station WCBM, Baltimore, Maryland, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the operation proposed by Richard Field Lewis, Jr. would involve objectionable interference with Station WNNT, Warsaw, Virginia, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the installation and operation of the station proposed by The Delsea Broadcasters would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to whether the transmitter location is satisfactory.

6. To determine whether the dual city operation proposed by The Delsea Broadcasters would be in compliance with the provisions of § 3.30 of the Commission's rules.

7. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of the applications, if granted, would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced with respect to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That General Teleradio, Inc.; the Baltimore Broadcasting Corporation; and The Northern Neck and Tidewater Broadcasting Company; licensees of Stations WOR, WCBM, and WNNT, respectively, are made parties to the proceeding.

Released: June 27, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-5254; Filed, June 29, 1955; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6238]

BURKE-DIVIDE ELECTRIC CO-OPERATIVE, INC.

NOTICE OF ORDER TERMINATING AUTHORIZATION TO TRANSMIT ELECTRIC ENERGY FROM UNITED STATES TO CANADA

JUNE 24, 1955.

Notice is hereby given that on June 2, 1955, the Federal Power Commission issued its order adopted May 31, 1955, terminating authorization to transmit electric energy from the United States to Canada, and the Presidential Permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5231; Filed, June 29, 1955; 8:50 a. m.]

[Docket No. E-6623]

GULF STATES UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 24, 1955.

Notice is hereby given that on June 3, 1955, the Federal Power Commission issued its order adopted June 2, 1955, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5232; Filed, June 29, 1955; 8:50 a. m.]

[Docket No. G-2460]

NORTHERN NATURAL GAS CO.

NOTICE OF DATE OF HEARING

JUNE 23, 1955.

On May 2, 1955, Northern Natural Gas Company filed an application for amendment of the order issued August 27, 1955, issuing a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act pertaining to a proposed storage reservoir near Redfield, Iowa. Notice of said application was given to interested parties and published in the FEDERAL REGISTER on May 21, 1955 (20 F. R. 3572).

Take notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 13, 1955, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the aforesaid application of Northern Natural Gas Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5235; Filed, June 29, 1955; 8:51 a. m.]

[Docket No. G-4505]

BEL OIL CORP.

NOTICE OF CONTINUANCE OF HEARING

JUNE 23, 1955.

Upon consideration of the motion of Bel Oil Corporation, filed June 10, 1955, for continuance of the hearing now scheduled for July 6, 1955, in the above-designated matter;

The hearing now scheduled for July 6, 1955, is hereby postponed to July 25, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-5236; Filed, June 29, 1955; 8:51 a. m.]

[Docket No. G-5510]

FOREST OIL CORP.

NOTICE OF CONTINUANCE OF HEARING

JUNE 23, 1955.

Upon consideration of the motion of Forest Oil Corporation, filed June 14, 1955, for continuance of the hearing now scheduled for July 7, 1955, in the above-designated matter;

The hearing now scheduled for July 7, 1955, is hereby postponed to July 27, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5237; Filed, June 29, 1955; 8:51 a. m.]

[Docket No. G-6279]

MARACAIBO OIL EXPLORATION CORP.

NOTICE OF CONTINUANCE OF HEARING

JUNE 23, 1955.

Upon consideration of the motion of Maracaibo Oil Exploration Corporation, filed June 15, 1955, for continuance of the hearing now scheduled for July 12, 1955, in the above-designated matter;

The hearing now scheduled for July 12, 1955, is hereby postponed to July 29, 1955, at 10:00 a. m., e. d. s. t., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5238; Filed, June 29, 1955; 8:51 a. m.]

[Docket No. G-8765]

JULES G. FRANKS AND JOHN K. KELSAY

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 24, 1955.

Take notice that Jules G. Franks and John K. Kelsay, Agents (Applicants), whose address is 123 South Broad Street, Philadelphia, Pennsylvania, filed an application on April 15, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from Bull and Moyers lease in Salt Lick District, Braxton County, West Virginia, to The Equitable Gas Company at 20 cents per Mcf, for transportation in interstate commerce for resale. The rate of delivery will be 500 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 15, 1955, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 11, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5239; Filed, June 29, 1955; 8:51 a. m.]

[Docket Nos. G-8772, G-8773, G-8774]

CITY OF CLARENDON, ARKANSAS, ET AL.

NOTICE OF APPLICATIONS

JUNE 23, 1955.

In the matters of City of Clarendon, Arkansas, Docket No. G-8772; Town of Holly Grove, Arkansas, Docket No. G-8773; City of Marvell, Arkansas, Docket No. G-8774.

Take notice that the City of Clarendon, Arkansas, the Town of Holly Grove, Arkansas, and the City of Marvell, Arkansas (Applicants), municipalities organized under the laws of Arkansas, each filed on April 19, 1955, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Texas Gas Transmission Company (Texas Gas) to establish physical connection of its transportation facilities with the facilities of the City of Marvell, and to sell natural gas to Applicants for local distribution to the public in the municipalities of Clarendon, Holly Grove, and Marvell, respectively, and in the areas adjacent thereto.

The City of Marvell proposes to interconnect its facilities with those of Texas Gas at a point just south of Helena, Arkansas. Delivery of gas is to be made to the above-named communities through 52.8 miles of 6-inch, 5-inch and 4-inch pipelines which the Cities of Marvell and Clarendon propose to construct extending to Marvell and then on to Clarendon. The three natural gas distribution systems proposed to be constructed by each of the Applicants herein will be connected to these lines to receive the gas transported from Texas Gas system.

The estimated annual and peak day requirements of the Applicants for the first and third years of operation are stated to be as follows:

City	Year	Annual Mcf	Peak day demand Mcf
Clarendon	1	57,460	585-3
	3	69,811	684-1
Holly Grove	1	18,875	177-0
	3	26,241	229-5
Marvell	1	49,436	503-6
	3	69,553	640-9

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of July 1955. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5221; Filed, June 29, 1955; 8:49 a. m.]

[Project No. 201]

TOWN OF PETERSBURG, ALASKA

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

JUNE 24, 1955.

Notice is hereby given that on June 3, 1955, the Federal Power Commission issued its order adopted May 31, 1955, further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5233; Filed, June 29, 1955; 8:50 a. m.]

[Project No. 2178]

TOWN OF CORDOVA, ALASKA

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

JUNE 24, 1955.

Notice is hereby given that on June 3, 1955, the Federal Power Commission issued its order adopted May 31, 1955, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-5234; Filed, June 29, 1955; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

DEPARTMENT OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF REAL PROPERTY AT CARVER HEIGHTS HOUSING PROJECT, LEXINGTON PARK, MD.

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (hereinafter referred to as the act) authority is hereby delegated to the Secretary of Defense to determine that 5.06 acres of land being a portion of Carver Heights Housing Project, Lexington Park, Maryland, is not required for the needs and responsibilities of Federal agencies, and thereafter to dispose of the property by exchange or otherwise as the interest of the Government may require.

2. The authority conferred herein shall be exercised in accordance with the act and regulations issued pursuant thereto and in particular section 203 (e) of the act requiring that an explanatory statement be submitted to the appropriate Committees of Congress and a copy preserved in the file where negotiated disposal occurs. Such statement shall be submitted to the Committees at least thirty (30) days prior to consummation of any negotiated disposal, and a copy of each such statement shall be furnished this Administration.

3. Negotiated disposals shall not be made after June 30, 1955 unless Congress extends the authority contained in section 203 (e) beyond that date.

4. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

5. This delegation of authority shall be effective as of the date hereof.

Dated: June 23, 1955.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 55-5305; Filed, June 29, 1955; 8:57 a. m.]

FEDERAL RESERVE SYSTEM

Federal Open Market Committee

RULES ON ORGANIZATION

EXECUTIVE COMMITTEE DISCONTINUED

The Rules on Organization (formerly contained in 12 CFR Part 271) have been amended by the elimination of the section pertaining to the Executive Committee which was discontinued effective June 22, 1955, as indicated in Part 270.[1]

(Sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 263)

FEDERAL OPEN MARKET COMMITTEE, WINFIELD W. RIEFLER, *Secretary.*

[F. R. Doc. 55-5223; Filed, June 29, 1955; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-164, 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER DENYING REQUEST FOR RECONSIDERATION OF COMMISSION'S ORDER WITH RESPECT TO INTERIM ALLOWANCES

JUNE 24, 1955.

On June 17, 1955, the Commission entered its Memorandum Opinion and Order herein granting the petition of the Interim Board of Directors of International Hydro-Electric System ("IHES") filed pursuant to Rule U-63 under the Public Utility Holding Company Act of 1935 for approval of certain interim allowances to the Board and its counsel. Objections to the petition had been filed by Central Illinois Securities Corporation and Christian A. Johnson ("objectors"), shareholders of IHES, which objections we found to be without merit.

The objectors have filed an informal request for reconsideration, reiterating their objections heretofore filed. We still find no merit in them.

It is therefore ordered, That the request for reconsideration be, and hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5228; Filed, June 29, 1955; 8:50 a. m.]

[File No. 70-3369]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING SALE OF INSTALLMENT NOTES AND COMMON STOCK BY TWO SUBSIDIARIES, AND ACQUISITION THEREOF BY PARENT

JUNE 24, 1955.

In the matter of The Columbia Gas System, Inc., The Manufacturers Light and Heat Company, Cumberland and Allegheny Gas Company et al.; File No. 70-3369.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and certain of its wholly-owned subsidiaries, including Cumberland and Allegheny Gas Company ("Cumberland"), and The Manufacturers Light and Heat Company ("Manufacturers"), have filed a joint application-declaration and amendments thereto pursuant to sections 6 (b), 9, 10, 12 (b), and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-45 thereunder, including therein, inter alia, the following proposed transactions:

Cumberland will issue and sell, and Columbia will purchase at the principal amount thereof, from time to time as required prior to March 31, 1956, not to exceed $1,900,000 principal amount of Installment Promissory Notes; and

Manufacturers will issue and sell, and Columbia will purchase at par, from time to time as required prior to March 31, 1956, not to exceed 90,000 shares of Manufacturers' common stock, $50 par value; and thereafter Manufacturers will issue and sell, and Columbia will purchase at the principal amount thereof, from time to time as required prior to March 31, 1956, not to exceed $5,500,000 principal amount of Installment Promissory Notes.

The aforesaid notes will mature in equal annual installments on February 15 of the years 1957 through 1981; and they will bear interest at the rate of 3 percent per annum, payable semi-annually, subject to adjustment, as of the date of Columbia's next issue of debentures under the Indenture dated as of June 1, 1950, between Columbia and Guaranty Trust Company of New York, Trustee, to an interest rate equal to the coupon rate which will be borne by said issue.

The issue and sale by Cumberland of its installment notes have been authorized by the Public Service Commission of West Virginia, in which state Cumberland is organized and doing business; and the issue and sale by Manufacturers of its common stock and installment notes have been authorized by The Public Utility Commission of Pennsylvania, in which state Manufacturers is organized and doing business.

Various transactions proposed in said joint application-declaration have heretofore been authorized by this Commission's orders entered herein on May 12 and June 17, 1955. Other transactions proposed therein await authorization from state commissions, which have not yet issued the requisite orders.

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the transactions specifically described herein, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the joint application-declaration, as amended, be granted and permitted to become effective, forthwith, to the extent of such proposed transactions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, with respect to the transactions specifically described above be, and hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, continued with respect to the remaining transactions proposed in said joint application-declaration, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5227; Filed, June 29, 1955; 8:50 a. m.]

[File No. 811-194]

SUPER-CORPORATIONS OF AMERICA TRUST SHARES, SERIES D AND SUPER-CORPORATIONS OF AMERICA DEPOSITORS, INC.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT TRUST HAS CEASED TO BE AN INVESTMENT COMPANY

JUNE 24, 1955.

Notice is hereby given that Super-Corporations of America Depositors, Inc. ("Depositor"), has filed an application, pursuant to section 8 (f) of the act for an order declaring that Super-Corporations of America Trust Shares, Series D ("Trust") has ceased to be an investment company within the meaning of the act.

The application makes the following representations:

The Trust was created by a Trust Indenture, dated January 1, 1931, by and

[1] See F. R. Doc. 55-5525, Title 12, Chapter II, Part 270, in the Rules and Regulations section, *supra.*

between the Depositor and The Hanover Bank, New York, N. Y., ("Trustee") as Trustee. The Trust is registered under the act as a unit investment trust.

The Trust terminated by its terms on December 31, 1948, at which time there were outstanding Certificates representing 6,500 trust shares. Liquidation of the underlying securities of the Trust was completed by the Trustee on November 30, 1949, and distributions of the proceeds of the liquidation amounting to $8.048 per share were made to the shareholders upon surrendering their certificates.

As of May 9, 1955, 6,135 shares had been surrendered; and a balance of $2,941.80 remained to pay the 365 unsurrendered shares. The funds available to pay the holders of unsurrendered shares are being held in trust for the sole benefit of such holders but are subject to applicable escheat laws.

Notice is further given that any interested person may, not later than July 11, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 55-5226; Filed, June 29, 1955; 8:50 a. m.]

UNITED STATES TARIFF COMMISSION

[List 213]

WOLLENSAK OPTICAL CO. AND PHOTOGRAPH & PRECISION OPTICAL WORKERS' UNION

RECEIPT OF APPLICATION

JUNE 27, 1955.

Application as listed below has been filed with the United States Tariff Commission for investigation under the provisions of section 336 of Tariff Act of 1930.

Name of article	Action sought	Date received	Name and address of applicants
Camera shutters and parts thereof (par. 1551, Tariff Act of 1930).	Increase in duty.	June 20, 1955	Wollensak Optical Co., 850 Hudson Ave., Rochester 21, N. Y. and Photograph & Precision Optical Workers' Union Local No. 24659 818 Hudson Ave., Rochester 5, N. Y.

The application listed above is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., and also in the New York office of the Tariff Commission located in Room 437 of the Custom House, where it may be read and copied by persons interested.

The Tariff Commission is conducting a preliminary investigation for the purpose of determining whether a formal investigation under the provisions of section 336, Tariff Act of 1930, is waranted. All interested persons having pertinent information to furnish either in favor or in opposition to the institution of a formal investigation may submit such information, in writing, to the Secretary of the Commission, furnishing 15 copies.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 55-5263; Filed, June 29, 1955; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 27, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 30783: Imported zircon ore—Mobile, Ala., to Norton, Ala. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on zircon ore (crude zirconium silicate), carloads, from Mobile, Ala., to Norton, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 92 to Agent Spaninger's I. C. C. 1369.

FSA No. 30784: Fertilizer—Montgomery, Ala., to Alabama points. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, from Montgomery, Ala., to Dothan, Light, Malvern, Slocomb, Taylor, and Hartford, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 93 to Agent Spaninger's I. C. C. 1221.

FSA No. 30785: Petroleum products from Roseport, Minn. Filed by the Chicago Great Western Railway Company, for itself and other interested rail carriers. Rates on gasoline, fuel oil, naphtha, and other petroleum products, carloads, from Roseport, Minn., to specified points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Motor-truck and market competition and circuity.

Tariff: Chicago Great Northern Railway Company tariff I. C. C. 5625.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55-5230; Filed, June 29, 1955; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CATERINA MARIA PIA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Caterina Maria Pia, Clotilde Leonilda Pia Tonoli, and Giustina Maddalena Pia. All of the above claimants reside in Omegna per Forno, Province of Novara, Italy, Claim No. 43910, Vesting Order No. 1859; all right, title, interest and claim of any kind or character whatsoever of Caterina M. Pia, Clotilde Pia Tonoli and Giustina M. Pia, and each of them, in and to a trust created under the will of Ernest Pia, deceased. Such property was in the process of administration by John Purcella, of New York, New York, Executor and Trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York, and is presently in the process of administration by his successor, the Public Administrator of the County of New York, Administrator c. t. a. of the Estate of Ernest Pia, deceased, acting under the judicial supervision of the Surrogate's Court of New York County, New York.

Executed at Washington, D. C., on June 23, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55-5242; Filed, June 29, 1955; 8:52 a. m.]

DAVID F. REUCHLIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

David F. Reuchlin, Velperweg 62, Arnhem, The Netherlands, Claim No. 41849, Vesting Order No. 248; the amount of $497.38 in the Treasury of the United States.

Executed at Washington, D. C., on June 23, 1955.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 55-5243; Filed, June 29, 1955; 8:52 a. m.]